



City of North Miami Beach, Florida

Community Development Department

17050 NE 19TH AVENUE
1ST FLOOR
NORTH MIAMI BEACH, FLORIDA 33162
PLANNING & ZONING DIVISION: (305) 354-4456

PLANNING & ZONING BOARD

Meeting: 07/11/22

File No: 21-18

Application Name: Trulieve MMD

General Data:

Applicant: Trulieve, Inc.

Location: 2250 NE 163rd Street Suite 1.

PCN: 07-2216-010-0010

Property Size: 1.44 acres

FLUM: Mixed-Use Employment Center (MU/EC)

Zoning: Mixed-Use Employment Center (MU/EC)

Adjacent Zoning:

- North: MU/TC
- East: B-2
- South: MU/EC
- West: MU/EC

Existing Land Use: Commercial/Retail

Proposed Land Use: Medical Marijuana Dispensary

Proposed Gross Floor Area: 3,700 sf



Item before the Board:

The item before the Planning & Zoning Board (the Board) is for granting conditional use approval for the operation of a Medical Marijuana Dispensary located at 2250 NE 163rd Street, Suite 1 (folio: 07-2216-010-0010).

Optional Board Motions for Action Items:

1. Move to continue with direction.
2. **Move approval** of the Conditional Use (File# 22-18) for the Trulieve Medical Marijuana Dispensary development located at 2250 NE 163rd Street Suite 1., by finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in the Zoning and Land Development Regulations.
3. **Move denial** of the Conditional Use (File# 22-18) for the Trulieve Medical Marijuana Dispensary development located at 2250 NE 163rd Street Suite 1., by finding that the request is inconsistent with the Comprehensive Plan and does not meet the criteria set forth in the Zoning and Land Development Regulations.

Technical Notes:

1. Prior to site plan certification, provide Hold Harmless Agreement for the existing Dumpster enclosure that is located within the 100' FEC Right of Way Easement.

Summary:

The Property is approximately 62,562 square feet in size and is zoned "MU-EC Mixed-Use Employment Center District," which is one of the few zoning districts in North Miami Beach that permits medical marijuana dispensaries. The Property is currently improved with a one-story, approximately 20,144 square foot retail shopping center building with an attendant surface parking lot, commonly known as "Railway Plaza." The Property abuts the FEC railway tracks to the east, an 8+ lane portion of NE 163 ST to the north, a

Project Planner:

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Planner I
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Review Dates:

Planning & Zoning Board:
July 11, 2022

City Commission (TBD)

Attachments

1. Draft Resolution
2. Application & Letter of Intent
3. Site, Civil and Landscape Plans
4. Traffic Study

Boston Market to the west, and an intake and quarantine pavilion, parking lot, and Humane Society building across NE 162 ST to the south.

Background:

The subject site is situated at the southwest corner of NE 163rd Street and the FEC railway tracks. The following is a list of events relating to the property:

- According to the Miami-Dade County Property Appraiser records the existing 21,1440 sf single-story building was originally built in 1941 with subsequent additions.

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 body taking final action on the site and development application/request.

Pursuant to Ord. Section 24-58.2 (A), **Purpose and Intent**, *“The purpose of these regulations is to implement policies that guide the design of development within the Mixed-Use Employment Center District (MU/EC). The intent is to enable economic development supportive of high technology and service-based activities that are compatible with residential uses. Limited auto-oriented uses are considered acceptable in this district but are required to be designed in a manner that encourages pedestrian and transit use. Mixed-use may be vertically or horizontally integrated based on compatibility and other factors. Stand-alone office park-style development as well as live-work buildings are equally appropriate in this district as are stand-alone residential buildings.”*

- The proposed application is for a conditional use of the operation of a medical marijuana facility in the MU/EC zoning district which allows for the use pending the conditional use process as indicated in ZLDC section 24-175.
- Section 24-175(9) Medical marijuana dispensary/medical marijuana treatment centers.
No medical marijuana dispensaries/medical marijuana treatment centers shall be located within five hundred (500') feet of the real property that compromise a public or private elementary school, middle school, or secondary school.

The condition use proposed is consistent for the MU/EC zoning district by maintaining architectural compatibility with surrounding aesthetics, providing sufficient landscaping, and ensuring adequate parking. The proposed project demonstrates a use within the district that contributes to the identity and sense of place of the neighborhood.

Pursuant to ZLDC Table MU/EC-1, Medical marijuana dispensaries/medical marijuana treatment centers are listed as **conditional uses** in the MU/EC zoning district.

- Medical marijuana dispensaries use was deemed for conditional use via Ordinance No. 2016-13. The regulation for the uses is subject to ZLDC section 21-5 North Miami Beach Medical Marijuana Code.

Pursuant to ZLDC Section 21-5, **North Miami Beach Medical Marijuana Code. Purpose and Legislative Intent.** *“Although the possession and use of marijuana is unlawful under Federal law, the Florida electorate approved Constitutional Amendment 2 Use of Marijuana for Debilitating Medical Conditions (“Amendment 2”) on the November 8, 2016, ballot. The proposed legislation allows for the broader use, cultivation, purchase, and possession of marijuana to treat medical conditions. The purpose of this article is to license medical marijuana dispensaries and medical marijuana treatment centers in the interest of public health, safety and general welfare. Nothing in this article is intended to promote or condone the sale, distribution, possession or use of marijuana in violation of any applicable law. Compliance with the requirements of this section shall not provide a defense to criminal prosecution under any applicable law.”*

Pursuant to ZLDC Section 21-5.2, *Medical marijuana dispensary means a business that sells or otherwise distributes marijuana to patients for medical use, along with any cultivation of marijuana associated with such sale or distribution. The term “medical marijuana dispensary” shall include medical marijuana dispensing facilities authorized by Florida law.*

- The applicant is to demonstrate compliance with this section upon Condition Use Approval.

Site Development Standards:

The following table compares the project design to the minimum and maximum development standards for the MU/EC zoning district set forth in ZLDC Tables MU-1, MU-2, MU/EC

Zoning MU/EC district	Required/ Allowed	Proposed
Lot Area (Min.)	N/A	62,562 sf
Lot Width	75' (min.), 200' (max)	306.4'
Lot Depth	130' (min.), N/A (max)	256.67'
Proposed Gross Floor Area	N/A	3,700 sf
Pervious Area (Min.)	10% (min.)	15,430.4 sf (23.82%)
Frontage (Min.)	60% (max.)	22.6%
Height (Max.)	20 stories/255 feet	1 story/m *
Building Setbacks (Min.):		
Front (North – NE 163 rd Street)	15' (min.)	20'-2"
Rear (South)	10' (min), 20' (max.)	N/A
Side Interior (West)	10' (min)*, 20' (max.)	31'-6"
Side (East)	10' (min.), 20'	31'-6"

Pursuant to ZLDC Section 24-58(S)(1)(j) j.Fenestration Standards. All building types, except single-family, shall comply with the following fenestration standards:

Section 24-58 (S)(1)(j).(iii.), all glazing shall be of a type that permits view of human activities and spaces within the structure.

- The plans show window signs and window treatments are in compliance with the section.

Pursuant to ZLDC Section 24-58 (L)(1)(a).(i.), A maximum of twenty-five (25%) percent of all required trees shall be of a palm species.

- The landscaping plans provided demonstrate compliance with the code section.

Pursuant to ZLDC Section 24-58 (Q), Light Pole Standards. The following standards shall apply for light poles: (1) Light poles shall not exceed an overall height of 17.5 feet above grade; (2) No cobra head lights are permitted; (3) All lighting shall be LED or light-emitting diode; and (4) All lighting shall be weather and vandal resistant (i.e., resistant to graffiti, shattering etc.). (5) All lighting shall be constructed from steel, cast iron, spun aluminum, colored concrete or granite. (6) All wiring shall be underground. (7) On site lighting poles shall be of a consistent architectural style and shall complement the predominant architectural theme of the project.

- Applicant provided staff with resubmittal photometric report and separate plan sheet prepared by professional engineers which demonstrate compliance with the code section.

Off Street Parking Requirements

The following table demonstrates the project's compliance with the **On-site Parking Standards** listed in ZLDC Sections 24-58.2 (L), Table MU/EC-5, and 24-93.

Category	Formula	Required	Provided
Retail	2 Spaces for each 1,000sf (min) 4 Spaces for each 1,000sf (max)	20,552/1000 x 2 (Min)= 42 spaces 20,552/1000 x 4 (Max)= 82 spaces	90 Spaces
Total			90 spaces

Supplemental regulations:

Pursuant to ZLDC Section 24-79 Paint Colors (A)(1) Base: Must have a light reflectance value (LRV) of 35 or greater. (2) Trim: May be any solid color.

- Applicant has provided both colors and LRV (Color: Sweet Pea/ LRV – 40.66 (accent) | Color: White/ LRV – 85.27 (main color)) to demonstrate compliance with this section.

Pursuant to ZLDC Section 24-93 (B), Traffic Control. Traffic-control signs and pavement markings shall be used as necessary to insure safe and efficient circulation within off-street parking areas. All traffic control measures shall be approved by the Director and be based upon the Manual on Traffic Control Devices.

- Applicant has provided a Marking and Signage Plan on Sheet C 1.0 which includes existing and proposed Traffic Control, Signage, Pavement Markings including stop signs and stop bars and parking space dimensions to demonstrate compliance with the code section.

Pursuant to ZLDC Section 24-93 (C)(2)(a), Size: A parking space designated for handicapped persons shall be a minimum of twelve (12) feet in width and twenty (20) feet in length.

- Applicant has provided measurements on Sheet A100a and provided typical handicap parking space detail with dimensions to demonstrate compliance Also, applicant has provided a handicap space compliant with the minimum dimensions, location, access isle, space identification, etc. on the south side of the property in proximity to the ramp to demonstrate compliance. This location provides access near the building entrance.

Pursuant to ZLDC Section 24-93 (C)(2)(b), Location: All spaces provided for in this section shall be located at the closest point to the entrance of the building for which the parking is required and linked with a sixty (60) inch access aisle. One (1) such aisle may serve two (2) spaces.

- The required access aisle with dimensions on Sheet A100 demonstrates compliance.

Pursuant to ZLDC Section 24-93 (C)(2)(c), Ramp requirement: All spaces provided for in this section shall be accessible by a ramp or curb cut when necessary to allow access to the building served and shall be located such that users will not be compelled to wheel behind parked vehicles. Ramps for wheelchairs shall also be provided at the entrances and exits of all buildings to facilitate movement from the parking areas; the pitch shall not exceed one (1) in twelve (12).

- Sheet A100 include the required ramp with dimensions and pitch which meets compliance with the code section.

Pursuant to ZLDC Section 24-93 (C)(2)(d), Space identification: All parking spaces provided for in this section shall be conspicuously outlined in blue paint and by placing an above-grade sign in front of each space not less than four (4) feet nor more than five (5) feet in height, clearly marked with the international wheelchair symbol or marked "Parking By Disabled Permit Only."

- Space identification details with dimensions are indicated on Sheet A100a demonstrate compliance.

Pursuant to ZLDC Section 24-93 (D), Space Dimensions. Required and permitted off-street parking spaces shall have the following minimum dimensions:

Type of Space	Length (Feet)	Width (Feet)
Standard	18	9
Handicapped	20	12

- Sheet A100a provides typical standard parking space details with dimensions to demonstrate compliance.

Pursuant to ZLDC Section 24-93 (E), Space Markings. All off-street parking spaces shall be marked by solid stripes of at least four (4) inches in width along each side of the space, excepting those sides which permit vehicle entry or abut curbs.

- Sheet A100a show dimensions of the stripping in the typical parking details which demonstrates compliance with the code section.

Pursuant to ZLDC Section 24-93 (G) (2), Intensity of illumination: (a) Open parking facilities shall provide an average illumination intensity of one (1) foot candle equal to one (1) lumen per square foot and shall be well distributed on the pavement areas. (c) The latest edition of the IES Lighting Handbook, published by the Illumination Engineers Society, shall be used as a standard for the design and testing of parking facility lighting.

- Applicant provided separate sheet ES-100 to identify the foot-candle readings extended to all property lines compliance with the code requirements noted in the comment on the photometric plan which demonstrates compliance.

Pursuant to ZLDC Section 24-93 (G)(4) All required illumination shall be controlled by automatic devices. (a) For commercial uses with open or enclosed parking facilities, the required illumination shall be provided at least thirty (30) minutes after the closing time of any establishment served by the parking facility.

- Applicant indicates in the general notes on sheet ES-100 that the lighting is existing and previously permitted by the City of North Miami Beach.

Pursuant to ZLDC Section 24-93 (G)(5), All lighting shall be shaded or screened and positioned in such a manner as to minimize offensiveness to any neighboring property.

- Applicant indicates in the general notes on sheet ES-100 that the lighting is existing and previously permitted by the City of North Miami Beach.

Do not include the parking spaces outside of the property boundaries in the parking calculations.

- Applicant has deleted the six (6) parking spaces on the west side of property as indicated on Sheet A100.

Pursuant to ZLDC Section 24-95, All fractional space requirements shall be rounded off to the next highest number.

- Sheet A100 demonstrate compliance.

Provide loading spaces within the property boundaries. Provide a table with calculations demonstrating compliance with the load bay requirements table on ZLDC Section 24-96 and 97.

- Applicant has provided note on Sheet A100 to restripe for loading bay.

Relocate the dumpster enclosure within the property boundaries. Pursuant to ZLDC Section 24-122 (F), Dumpsters. All dumpsters shall be completely screened from view from the adjacent properties and the public right-of-way by the use of walls or fences and landscaping material, subject to the approval and standards as established by the Director of the Public Works Department.

- Property owner (and to the extent within its control, the applicant) will conform with the instructions provided by the planning department. Staff has also advised that the applicant provides a Hold Harmless agreement as existing dumpster is within the 100' FEC Public right of Way.

Site Plan Review Standards:

Review Standards. The following standards shall be utilized by all applicable individuals and departments involved in the review and evaluation of required plans and exhibits:

Pursuant to Ord. Section 24-172 (G)(3), **Circulation and parking:** All circulation systems and parking facilities shall be designed and located in such a manner as to comply with subsection (a)-(d).

- The plans provided shows clearly defined vehicular circulation from the access points on NE 163rd Street NE 162nd Street to the south and the alleyway to the west, demonstrating compliance with subsection (a). The existing surface parking lot is properly screened with landscaping that will not create any incompatible visual relationships (compliance with subsection c). Lastly, sheet A100 shows adequate vehicular access and circulation of fire trucks throughout the site on the ground level (compliance with subsection d). The plans were also reviewed by the City's independent traffic consultant for compliance.

Pursuant to Ord. Section 24-172 (G)(4), **Community services and utilities:** All proposed developments shall be designed and located in such a manner as to ensure the adequate provision, use and compatibility of necessary community services and utilities.

- Staff reviewed the site plan and concurrency requirements for potable water, sanitary sewer, solid waste, parks and recreation, and public schools and determined that the levels of service will be adequately maintained and serve the project.

Pursuant to Ord. Section 24-172 (G)(5), **Building and structures:** All buildings and structures proposed to be located within a development shall be oriented and designed in such a manner as to enhance, rather than detract, from the overall quality of the environment. The following guidelines shall be followed in the review and evaluation of all buildings and structures:

- f) Proposed buildings and site shall be compliant with the Americans with Disabilities Act (ADA) and Miami-Dade County Code of Ordinances.
 - a. Proposed buildings will be reviewed for Americans with Disabilities Act (ADA) and Miami-Dade County Code of Ordinances during permit review and shall demonstrate compliance.

Pursuant to Ord. Section 24-172 (G)(7), **Crime Prevention Through Environmental Design (CPTED):** All proposed development shall be designed to discourage and reduce the possibility of nuisance and criminal activity.

- The police department has reviewed the plans throughout the TRAD process for location, traffic, visibility, windows and doors, security lighting, parking lot lighting, use of digital security cameras, especially in parking areas and other common areas, including ingress and egress areas, and has determined that project demonstrates acceptable design standards to reduce crime.

Traffic and Concurrency Regulations:

Included in the site plan modification is a Traffic Impacted Study prepared for the applicant dated March 16th, 2021. The study evaluates the traffic impacts resulting from the proposed development. The analysis evaluates the existing traffic condition and future condition with and without project traffic during the adjacent roadway's AM and PM peak hours.

The study included a review of the following:

- Trip Generation Analysis
- Trip Distribution Analysis
- Intersection Level of Service Analysis
- Turning Movement Counts
- Existing and Proposed Conditions
- Comprehensive Plan policy analysis

The Traffic Impact Study concluded:

- The trip generation calculations yielded 736 total net external trips, with 37 net external trips during the AM peak hour and 70 net external trips during the PM peak hour. The studied intersections are currently operating within the acceptable threshold of LOS E or better and will continue to do so with the new traffic generated by the subject project. No off-site improvements are required or recommended at this time.

Proposed Land Use	Size (1000 Sq. Ft. GLA)	Weekday			Weekday, Peak Hour Of Adjacent Street Traffic, One hour between 7 -9 AM			Weekday, Peak Hour Of Adjacent Street Traffic, One hour between 4 -6 PM		
		Entry	Exit	Total	Entry	Exit	Total	Entry	Exit	Total
882 - Marijuana Dispensary	3.95	499	499	898	23	18	41	43	43	86
876 - Apparel Store		131	131	262	3	1	4	8	8	16
Net Trips		368	368	736	20	17	37	35	35	70

- Based on the analyses documented in this report, the subject project will not have a negative traffic impact on the study area. The studied intersections will maintain the same Level of Service of the proposed future condition without project while the adjacent roadways with the additional project trips will meet the City's adopted Level of Service. Therefore, it is fair to conclude that sufficient roadway capacity exists to support the proposed redevelopment.

The City's concurrency and traffic engineering consultant the Corradino Group reviewed the Applicant's Traffic Impact Study. They determined that all traffic-related comments were satisfactorily addressed.

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 1.6.7 The Mixed-Use/Employment Center (MU/EC) land use designation is hereby created to permit economic development supportive of high technology and service-based activities that are compatible with residential uses as specified in the appropriate zoning district in the Land Development Code. Limited auto-oriented uses are considered acceptable in this district but are required to be designed in a manner that encourages pedestrian and transit use. Mixed-use may be vertically or horizontally integrated based on compatibility and other factors. Standalone office park-style development as well as live-work buildings are equally appropriate in this district as are stand-alone residential buildings.

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 1.4.9: The City will cooperate with MDTA in the development of multi-modal transit facilities along the Biscayne Boulevard/ U.S. 1 and/or NMBB corridors by ensuring that the City's Future Land Use Element and land development regulations encourage development of appropriate design, intensity, urban context, and mix of uses which will support usage of, and complement, these facilities. This policy shall be implemented in part through FLUE Policy 1.8.1 and Transportation Policy 1.1.3.

Public Notices:

- ✓ Public Notice was posted at the property on **June 3, 2022**, at least 10 days prior to the meeting.
- ✓ Courtesy notices were mailed to property owners within a 500-foot radius on **June 3, 2022**, at least ten days before the meeting date.
- ✓ The agenda was posted to the City's website on **June 6, 2022**, at least 7 days prior to the meeting date
- ✓ Public Notice was posted in the main lobby at City Hall on **June 3, 2022**, at least 10 days prior to the meeting date.