

Ian G. Bacheikov

Akerman LLP  
Three Brickell City Centre  
98 Southeast Seventh Street  
Suite 1100  
Miami, FL 33131

D: 305 982 5669  
T: 305 374 5600  
F: 305 374 5095  
DirF: 305 349 4609

ian.bacheikov@akerman.com

October 7, 2021

**VIA HAND DELIVERY**

Mr. Kent Walia, AICP  
Community Development Director  
City of North Miami Beach  
17011 NE 19th Avenue  
North Miami Beach, FL 33162

**Re: Letter of Intent – Application by Trulieve for Medical Marijuana Dispensary  
[Conditional Use and Site Plan Approval - 2250 NE 163 ST, Suite 1 (07-2216-010-0010)]**

Dear Mr. Walia

On behalf of Trulieve, Inc. d/b/a Trulieve ("Applicant"), lessee at 2250 NE 163 ST (07-2216-010-0010) ("Property"),<sup>1</sup> we submit this application for Conditional Use and Site Plan approval for a medical marijuana dispensary at the Property ("Application").

**I. PROPERTY OVERVIEW / EXISTING CONDITIONS**

The Property is owned by Gator Railway, Inc. ("Owner"), and is located at the southwest corner of NE 163 ST and Biscayne Boulevard. 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 ("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 Boston Market to the west, and an intake and quarantine pavilion, parking lot, and Humane Society building across NE 162 ST to the south. Given the foregoing locational characteristics, the Property is well separated and buffered from other nearby uses.

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<sup>1</sup> Trulieve is lessee of Suite 1 at the Property (the "Retail Suite"), which is approximately 3,945 square feet.

## II. PROPOSED USE

Applicant proposes to build out a state-of-the-art medical marijuana dispensary (the "Dispensary") within the Retail Suite at the Property, consistent with state and local law. The Dispensary will provide a safe, patient-centric customer experience, all in a discreet physical package. The Dispensary will be designed to minimize noise, maximize lighting and ventilation, and be visually appealing, all while facilitating a seamless patient experience. The exterior of the Dispensary will remain consistent with the existing approved uniform condition of the Premises, but will contain additional security features as described below.

## III. SECURITY AND OPERATIONS

All medical marijuana dispensaries in Florida must implement certain specific security and operational measures, as provided by state law. Security is a primary concern for Applicant. Applicant has developed a security and operational protocol that meets and exceeds the statutory requirements. Attached hereto as "Exhibit A" is Applicant's full security plan for the Dispensary. A quick summary of key security plan elements is as follows:

- i. ***Comprehensive Surveillance & Alarm Systems.*** Applicant will install and maintain a comprehensive camera surveillance system, covering both the interior and exterior of the Dispensary, which is monitored 24/7, along with a silent alarm system with motion detectors, glass break switches, and panic alarms.
- ii. ***Customer Flow Protocol.*** Upon entering the Dispensary through the Building's main entrance, patients and caregivers will be greeted by a reception associate and security guard, who will check Florida Department of Health records to verify the individual's status as a qualified patient or caregiver and confirm a prescription has been uploaded to the patient's record by a qualified doctor. Only individuals certified under Florida law with a qualifying recommendation will be able to enter Dispensary to make a purchase.
- iii. ***Point of Sale & Inventory Management.*** The facility will maintain an industry standard bolted, locked inventory room for all medical marijuana inventory. No medical marijuana is present within sales cases on the display floor (the product boxes displayed within the cases are empty). The Dispensary will also maintain a statutorily required secure inventory management and point of sale system, which allows Applicant to track all medical marijuana products from seed to sale. Upon dispensing medication to a patient, Applicant records sales data (including which specific product was dispensed) in a secure, electronic patient file within the sales system.

- iv. **Professional Staff.** All Dispensary staff wear photo identification badges and are trained to immediately notify local law enforcement if they observe suspicious activity and/or emergencies. All staff are also trained on how to assist patients and handle emergency events, such as active shooter, robbery, and medical emergencies.

Applicant will also, to the extent technically feasible, (1) place doors and windows on inside hinges; (2) affix a robust security laminate to exterior windows to make them more impact and shatter resistant; (3) participate in the North Miami Beach Police Department's Trespass After Warning Program; (4) participate in the City of North Miami Beach's Rapid Response Training Program; (5) link its alarm systems directly to the North Miami Beach Police Department (as opposed to, or in addition to, the general 911 dispatch line); (6) keep former employee information on file after termination of employment; and (7) continue to work with the Police Department to implement policies and procedures that will ensure the continued safety and security of both the Dispensary and the community at large.

#### **IV. CONSISTENCY WITH CONDITIONAL USE CRITERIA**

The Application is consistent with City Code Section 24-175(B) Conditional Use Review Standards, for reasons including but not limited to the following:

- 1. The proposed use will be compatible with the existing natural environment and other properties within the neighborhood.**

The Property is improved with a one-story "shopping center" structure. The Property is surrounded almost entirely by thoroughfares - NE 163 ST to the north, Biscayne Boulevard to the east and NE 22 AVE to the west. The Property also well exceeds distance separation requirements from schools and other potentially conflicting uses (see included radius survey). The Property is currently zoned "MU-EC Mixed-Use Employment Center District," which permits medical marijuana dispensaries. Further, the unit is easily converted to a dispensary use, is appropriately buffered from the public view, and is readily securable.

- 2. The proposed use will create no substantial detrimental effects on neighborhood property values;**

Under Florida law, and in practice, the proposed use is akin to a pharmacy use. The proposed use is consistent with surrounding uses in the immediate neighborhood, which are almost entirely commercial/retail.

- 3. The proposed use can be accommodated by adequate community facilities such as schools, streets, parks, and utilities;**

There are no concurrency concerns associated with the proposed use.

- 4. The proposed use will have adequate provisions for vehicular and pedestrian traffic movement, both internal to the use and in the area which will serve the use;**

The Application does not seek to alter existing vehicular traffic movement conditions seeing that the existing use is retail and the proposed use will be the same with regards to parking.

- 5. The proposed use will have adequate drainage systems to service the use with particular attention to the necessity for on- site retention systems to alleviate runoff and pollution problems;**

The proposed use will not alter the amount of impervious surface at the Property. The existing on-site grading and drainage systems will remain unaltered, or with Public Works Department requirements.

- 6. The proposed use will have adequate setbacks, buffering, and general amenities in order to control any adverse effects of noise, light, dust, and other nuisances;**

No nuisances are anticipated to be created by the proposed use. Building setbacks are to remain the same and are sufficient to buffer any potential noise that may be created by deliveries to the Property. All medical marijuana products dispensed at this location are in sealed packages and cannot be consumed on premises, which makes the risk of odors de minimis.

- 7. The proposed use will be located on property, which is sufficient, appropriate and adequate for any reasonably anticipated expansion thereof;**

The Property and Building will not be expanded under the proposed use, nor is it anticipated that the proposed use would require any such expansion in the future.

- 8. Any other conditions as may be stipulated and made a requirement in granting any conditional uses, when it is considered necessary to further the intent and general welfare, including, but not limited to: (a) Limitations on the hours of commercial or industrial operations; (b) Limitations on the number of occupants of any building at any one time.**

The proposed use is regulated by Florida statute 381.986, which limits the hours of operations and requires compliance with Florida building code, which will dictate the limitations on the number of occupants in the Property at any one time.

- 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.**

As per the distance separation survey conducted by Nova Surveyors, dated April 20, 2021, included with this Application, the Property is not within 500' feet of any public or private elementary, middle, or secondary school.

**V. CONCLUSION**

The Property and Building are ideal for a medical marijuana dispensary, consistent with the explicit requirements, as well as the intent, of the City of North Miami Beach's Code of Ordinances. Specifically, the Property is a shopping center, which is zoned for a medical marijuana dispensary use, is surrounded almost entirely by thoroughfares, and well exceeds all distance separation requirements from schools and other potentially sensitive uses. Furthermore, the Building is appropriately buffered from the public view, and is readily securable. Lastly, the Dispensary would provide convenient access to the residents of the City of North Miami Beach.

For the foregoing reasons, Applicant requests the favorable review of its application. Please contact us should you have any questions. Thank you for your consideration.

Sincerely,



Ian G. Bacheikov, Esq.

Enclosures

cc: Ana Parada, CFM, *Associate Planner*  
Wesley Hevia, Esq.

EXHIBIT "A"  
[Detailed Security Plan]

## SECURITY PLAN

**Trulieve North Miami Beach  
2250 NE 163rd Street  
North Miami Beach, FL 33160**

The Trulieve North Miami Beach Site has the following security and operational plan in place as required by 381.986, Florida Statutes, for the Medical use of Marijuana. The security plan adopted by the company surpasses the requirements as outlined in the statute.

- I.** To ensure the safety and security of the premises where storing and dispensing of medical marijuana occurs, and to maintain adequate controls against the diversion, theft, and loss of medical marijuana or medical marijuana delivery devices, the medical marijuana treatment center:
  - A.** Maintains a fully operational silent security alarm system that secures all entry points and perimeter windows and is also equipped with motion detectors, glass break sensors, pressure switches, duress and panic alarms. The alarms are reasonably designed to ensure the safety of persons and to protect the premises from theft and or criminal acts in the premises and in the surrounding rights-of-way. The alarm system, when activated, will notify law enforcement that a crime is taking place. The alarm system is monitored by an off-site 3rd party vendor.
  - B.** Maintains a video surveillance system that records continuously 24 hours a day and meets the following criteria:

Cameras are fixed in a place that allows for the clear identification of persons and activities in controlled areas of the premises. Controlled areas include exterior entries, check in counters, consultation rooms, sales floor, point of sale counter, vault, offices, break rooms, and any other areas within the dispensary except for restrooms.

    1. Cameras are placed to record all areas of ingress and egress
    2. Recorded images will clearly and accurately display the date and time
    3. Recorded images will be kept for a minimum of 45 days or longer if requested by the local law enforcement agency.
- II.** The facility has installed, a secured vault and/or cash drop box which is industry standard, bolted to the floor and is maintained in a secured, locked room. This room has alarm monitoring and is under video surveillance 24 hours a day, 7 days per week. This monitoring is recorded.
- III.** The indoor premises where dispensing occurs includes a waiting area with sufficient space and seating to accommodate qualified patients and caregivers and has at least one private consultation area that is isolated from the waiting area and area where dispensing occurs.

A medical marijuana treatment center cannot display products or dispense medical marijuana or medical marijuana delivery devices in the waiting area.

- IV. No dispensing takes place from the premises of medical marijuana or a medical marijuana delivery device between the hours of 9 p.m. and 7 a.m.
- V. All medical marijuana is stored in a secured, locked room or a vault.
- VI. Require each employee to wear a photo identification badge always while on the premises.
- VII. The company has Implemented an alcohol and drug-free workplace policy.
- VIII. In the case of theft, diversion or loss of medical marijuana a report to the department and local law enforcement will be made immediately.
- IX. If suspicious activity is observed by staff, local law enforcement will be notified immediately. All staff are trained on how to handle emergency events such as active shooter, robbery, medical emergency and other events.
- X. As identified by state statute, all persons entering the facility and conducting business with the dispensary MUST have on their person for presentation the correct state issued Medical Marijuana Card.
- XI. CAREGIVERS -The department must register an individual as a caregiver on the medical marijuana use registry and issue a caregiver identification card if an individual designated by a qualified patient meets all the requirements of this subsection and department rule. A CAREGIVER MUST:
  - A. Not be a qualified physician and not be employed by or have an economic interest in a medical marijuana treatment center or a marijuana testing laboratory.
  - B. Be 21 years of age or older and a resident of this state.
  - C. Agree in writing to assist with the qualified patient's medical use of marijuana.
  - D. Be registered in the medical marijuana use registry as a caregiver for no more than one qualified patient, except as provided in this paragraph.
  - E. Successfully complete a caregiver certification course developed and administered by the department or its designee, which must be renewed biennially.
  - F. Pass a background screening unless the patient is a close relative of the caregiver.
- XII. Qualified patients may designate no more than one caregiver to assist with the qualified patient's medical use of marijuana, unless:
  - A. The qualified patient is a minor and the designated caregivers are parents or legal guardians of the qualified patient.

- B. The qualified patient is an adult who has an intellectual or developmental disability that prevents the patient from being able to protect or care for himself or herself without assistance or supervision and the designated caregivers are the parents or legal guardians of the qualified patient; or
  - C. The qualified patient is admitted to a hospice program.
- XIII.** A caregiver may be registered in the medical marijuana use registry as a designated caregiver for no more than one qualified patient, unless:
- A. The caregiver is a parent or legal guardian of more than one minor who is a qualified patient;
  - B. The caregiver is a parent or legal guardian of more than one adult who is a qualified patient and who has an intellectual or developmental disability that prevents the patient from being able to protect or care for himself or herself without assistance or supervision; or
  - C. All qualified patients the caregiver has agreed to assist are admitted to a hospice program and have requested the assistance of that caregiver with the medical use of marijuana; the caregiver is an employee of the hospice; and the caregiver provides personal care or other services directly to clients of the hospice in the scope of that employment.
- XIV.** A caregiver may not receive compensation, other than actual expenses incurred, for any services provided to the qualified patient.
- XV.** If a qualified patient is younger than 18 years of age, only a caregiver may purchase or administer marijuana for medical use by the qualified patient. The qualified patient may not purchase marijuana.
- XVI.** A caregiver must be in immediate possession of his or her medical marijuana use registry identification card always when in possession of marijuana or a marijuana delivery device and must present his or her medical marijuana use registry identification card upon the request of a law enforcement officer.
- XVII.** Identification cards must contain:
- A. The name, address, and date of birth of the qualified patient or caregiver.
  - B. A full-face, passport-type, color photograph of the qualified patient or caregiver.
  - C. Identification as a qualified patient or a caregiver.
  - D. The unique numeric identifier used for the qualified patient in the medical marijuana use registry.

- E. For a caregiver, the name and unique numeric identifier of the caregiver and the qualified patient or patients that the caregiver is assisting.
- F. The expiration date of the identification card.

**XVIII.** Person(s) observed loitering in the area will be requested to leave by management. Refusal to cooperate will result in law enforcement will being notified, and appropriate action will be documented by the general manager. Per 856.021 Loitering or prowling:

- A. It is unlawful for any person to loiter or prowl in a place, at a time or in a manner not usual for law-abiding individuals, under circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity.
- B. Among the circumstances which may be considered in determining whether such alarm or immediate concern is warranted is the fact that the person takes flight upon appearance of a law enforcement officer, refuses to identify himself or herself, or manifestly endeavors to conceal himself or herself or any object. Unless flight by the person or other circumstance makes it impracticable, a law enforcement officer shall, prior to any arrest for an offense under this section, afford the person an opportunity to dispel any alarm or immediate concern which would otherwise be warranted by requesting the person to identify himself or herself and explain his or her presence and conduct. No person shall be convicted of an offense under this section if the law enforcement officer did not comply with this procedure or if it appears at trial that the explanation given by the person is true and, if believed by the officer at the time, would have dispelled the alarm or immediate concern.
- C. Any person violating the provisions of this section shall be guilty of a misdemeanor of the second degree, punishable as provided ins. 775.082, 775.083.

**XIX.** To ensure the safe transport of medical marijuana and medical marijuana delivery devices to qualified patients the medical marijuana treatment center. The dispensary maintains a medical marijuana transportation manifest in any vehicle transporting medical marijuana. The medical marijuana transportation manifest is generated from dispensary treatment center's seed-to-sale tracking system and includes the:

- A. Departure date and approximate time of departure.
- B. Name, location, address, and license number of the originating medical marijuana treatment center.
- C. Name and address of the recipient of the delivery.
- D. Quantity and form of any marijuana or marijuana delivery device being transported.
- E. Arrival date and estimated time of arrival.
- F. Delivery vehicle make and model and license plate number.

- G. An individual transporting medical marijuana or a medical marijuana delivery device must present a copy of the relevant medical marijuana transportation manifest and his or her employee identification card to a law enforcement officer upon request.
- H. Ensure only vehicles in good working order are used to transport medical marijuana.
- I. Lock medical marijuana and medical marijuana delivery devices in a separate compartment or container within the vehicle.
- J. Require employees to have possession of their employee identification card always when transporting medical marijuana or medical marijuana delivery devices.
- K. Require at least two persons to be in a vehicle transporting medical marijuana or medical marijuana delivery devices and require at least one person to remain in the vehicle while the medical marijuana or medical marijuana delivery device is being delivered.
- L. The dispensary provides specific safety and security training to employees transporting or delivering medical marijuana and medical marijuana delivery devices.