



City Hall Commission Chambers  
3650 NE 12 Avenue  
Oakland Park, Florida 33334

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MINUTES  
PLANNING AND ZONING BOARD MEETING  
SEPTEMBER 9, 2019, 6:30 P.M.

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The regular meeting of the Planning and Zoning Board of the City of Oakland Park, Florida was called to order at 6:30 p.m. by Chair Doren.

**ROLL CALL**

**Present:**

Chair Jack Doren  
Vice Chair Caryl Stevens  
Michael O'Byrn  
Robert Waters

**Absent:**

Celia Hall, alternate  
Toby Lawrence

**Also Present:**

Jennifer Frastai, Director of Engineering and  
Community Development  
Peter Schwarz, Assistant Director, Engineering  
and Community Development  
Alex Dambach, Planning Supervisor  
Sean Swartz, City Attorney  
Board Secretary Melissa Alvarado  
Recording Secretary Tatiana Gurrier

**PLEDGE TO THE FLAG**

A moment of silence was followed by the Pledge to the Flag.

**APPROVAL OF MINUTES -**

**1. Approval of Minutes - July 15, 2019**

Board Member O'Byrn moved to approve the minutes of the Board's July 15 meeting. Vice Chair Stevens seconded the motion, which prevailed by the following vote:

**YES:** Chair Doren, Board Member Lawrence, Board Member O'Byrn, Vice Chair Stevens,  
Board Member Waters

**2. Public Comments**

**At this time any person will be allowed to speak on any matter that pertains to City business for a length of time not to exceed four minutes per person.**

None

**ITEMS TO CONSIDER**

- [3. A public hearing before the Oakland Park Planning and Zoning Board to consider an application by Surterra Florida, LLC, requesting Conditional Use Approval for a Medical Marijuana Dispensing Facility to be located at 1190 E. Commercial Boulevard. Case # CD19-03CU "Surterra Wellness"](#)

M. Schwarz provided the staff report and asked the board to consider the application.

Jonathan Hughes, Surterra Wellness, and Richard Coker, attorney for the applicant, provided a Power Point presentation about Surterra Wellness and their proposal for this location. Mr. Coker stressed that the facility had a very low impact on traffic and the neighborhood and would be a significant upgrade of the existing use.

Public Hearing

Dan Hennelly - 1210 E. Commercial Blvd. – He owned a tire store at this location and stated he had put \$500,000 to \$600,000 into his building. He was concerned about this kind of use on a main street and felt it would affect his sales and property value.

Thomas Carney – owner of a parcel on 12 Avenue nearby – He was concerned about the impression this would give.

Lucy G. - 5100 NE 12 Terrace – She thought the building was fabulous and she supported it.

Mr. Coker reminded everyone that this was for medical marijuana products, which were legal in Florida and required a prescription. He described a few of the medical conditions for which medical marijuana was appropriate.

Vice Chair Stevens asked staff to determine if there was a crossing guard for school kids at this corner before they presented it to the City Commission. She said the perception was that this was a place to buy a drug and residents would not be happy with this at the gateway to Oakland Park.

Mr. Hughes confirmed for Member O'Byrn that all 29 Surterra sites were in Florida and that there would be no drive-through. Member O'Byrn felt this was a very nondescript, generic looking business.

Mr. Schwarz reported the notifications and advertisements complied with state statutes.

Mr. Hughes informed Board Member Waters that all products were stored in secured room; there was no product on the sales floor.

Mr. Hughes asked about security at Surterra's facilities and Mr. Hughes described their silent alarms and camera system, which was monitored 24 hours per day.

Chair Doren disclosed that he had attended the neighborhood participation meeting. He thanked staff for helping with the project design and landscaping and thanked the applicant for accommodating the staff's requests.

Mr. Hughes informed Chair Doren that there would be no one on site who could prescribe medical marijuana.

Mr. Hughes described their proposed design for the pole sign. He stated they would meet or exceed all lighting requirements.

Chair Doren recalled being on a medication years ago that cause extreme nausea and how marijuana had helped dramatically. He acknowledged it would take time for the public to become comfortable with the idea. He said his criteria for this were whether this application met the requirements and if it would be a positive addition to the city.

Vice Chair Stevens said her objection was to the location on a main street. Mr. Schwarz reported the Sheriff was aware of this and a deputy had made several security and crime prevention comments at the Development Review Committee meeting. Mr. Hughes stated almost all their other locations were on main streets. He reported there had been no crime at any of their other locations.

Mr. Hughes stated they had discussed installing a fence on the west and south sides of the property and they would enhance all landscaping. Mr. Coker stated the fence was a staff recommendation and they agreed to it.

Board Member Waters moved to recommend approval of the Conditional Use for a Medical Marijuana Dispensing Facility to be located at 1190 E. Commercial Boulevard, subject to staff conditions. Member O'Byrn seconded the motion, which prevailed by the following vote:

**YES:** Chair Doren, Board Member Lawrence, Board Member O'Byrn, Board Member Waters

**NO:** Vice Chair Stevens

**4. A Public Hearing to consider amending the Code of Ordinances by Amending Chapter 24, Article XII. "Site Plan and Other Development Permit Review Procedures" by specifically amending Sec. 24-163. "Types of Applications and Procedures" to provide for a time limit for submitting a development application after a Neighborhood Participation Meeting and specifically amending Sec. 24-164. "Site Development Plan Review" to provide for the expiration of a development application after six (6) months of inactivity and by amending Chapter 24, Article XVII. "Review Boards" by specifically amending Sec. 24-233. "Planning and Zoning Board" to apply the provisions of Sec. 24-164 to applications for hearing before the Planning and Zoning Board and/or City Commission. - Case #18-19T; Text Amendment for expiration of a Development Permit Applications"**

Ms. Frastai and Mr. Dambach described the need for the amendment. Mr. Dambach said they needed to limit the amount of time after which an application would expire for inactivity, or after a neighborhood participation meeting. Staff was recommending six months.

Public Hearing - No speakers

Member O'Byrn understood the reason for the request but noted that some processes could be very lengthy. Ms. Frastai stated there must be "active engagement" with the applicant, not just an email.

Chair Doren wondered why the definition of "inactive" included the very vague, "as otherwise determined by the DRC." He felt the other criteria were adequate. Ms. Frastai said this was a second layer of oversight, on top of the other criteria. She recommended moving forward and the ordinance could be further amended in the future.

Chair Doren recommended the application form make applicants aware of the time limit and Ms. Frastai and Mr. Dambach agreed.

Board Member O'Byrn moved to recommend approval of the ordinance amendment, editing the definition of inactivity to state "as otherwise *reasonably* determined by the DRC" and stating that applicants would be made aware of the six-month time limit on the application form. Vice Chair Stevens seconded the motion, which prevailed by the following vote:

**YES:** Chair Doren, Board Member Lawrence, Board Member O'Byrn, Vice Chair Stevens,  
Board Member Waters

<b>OTHER BUSINESS</b>
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None

**ADJOURN:** The meeting was adjourned at: 7:45 p.m.

CITY OF OAKLAND PARK, FLORIDA

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JACK DOREN, CHAIR

ATTEST:

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MELISSA ALVARADO, BOARD SECRETARY