

July 17, 2020

Development Review Committee
Planning & Zoning Division
City of Oakland Park
5399 N. Dixie Highway, Suite #3
Oakland Park, FL 33334

**Re: 'Trulieve' Medical Marijuana Dispensary – 301 West Oakland Park Boulevard
Conditional Use Application**

On behalf of Trulieve (the “Applicant”), for the proposed Trulieve medical marijuana dispensary located at 301 West Oakland Park Boulevard (the “Property”). Applicant is a licensed Medical Marijuana Treatment Center (“MMTC”) pursuant to Florida Statute Section 381.986. The hours of operation for this proposed dispensary would be Mon-Fri: 9:00am-8:00pm, Sat: 9:00am-8:00pm, Sun: 10:00am-6:00pm. Applicant hereby provides the following responses demonstrating compliance with the Conditional Use criteria provided in Section 24-165 of the City’s Land Development Regulations.

Conditional Use Review Criteria – Section 24-164

Section 24-165 of the City’s Land Development Regulations requires that, prior to approval of a conditional use, the City Commission must find that the application meets the following criteria:

(1) The proposed use is essential to the proper functioning of a utility system or is specifically listed as a permitted conditional use in the district in which it is to be located;

The Property is zoned B-1, Community Business District. MMTC dispensing facilities are listed as a permitted conditional use in B-1 zoning district, subject to the distance separation requirement that “the closest projection of the building or outdoor sales area from public or private elementary, middle or secondary schools, and child daycare to the closet projection of measures a minimum of five hundred (500) feet.” Applicant will include with this application a Distance Survey from a professional surveyor demonstrating compliance with the distance separation requirement.

(2) The use is deemed desirable for the public convenience or welfare, and the use is in harmony with the purpose and intent of this chapter and will not be detrimental or injurious to the surrounding area.

The City of Oakland Park adopted Ordinance No. 0-2017-015 which allows for dispensaries and establishes appropriate land development and licensing regulations. The City Commission found that the use is desirable and in the best interest of the public health, safety, and welfare subject to compliance with regulations of Florida Statute Section 381.986, the State Department of Health, and the conditional use regulations within the ordinance.

- (3) When granting approval for conditional use, the board may attach conditions and safeguards, in addition to those prescribed in the district regulations, as they determine are necessary for the protection of the surrounding area and to preserve the spirit and intent of the ordinance.**

Understood. Applicant recognizes the need for such safeguards and will comply with all conditions and requirements.

- (4) The application must also meet all of the following criteria, where appropriate:**

- (a) Conformance with comprehensive plan.**
- (b) Harmony with adjacent uses (existing or zoned).**
- (c) Facility levels of service maintained.**
- (d) Use not hazardous to nearby housing, particularly traffic; see (B) above.**
- (e) The architectural and site design are compatible with the character of the surrounding area.**

- (a) The MMTC use is not specifically addressed in the City's Comprehensive Plan. However, the addition of the MMTC use to the City's Business zoning districts, while controlling the use through conformance with the conditional use criteria contained herein, supports Objective 1.8, Policy 1.8.3 of the City of Oakland Park Comprehensive Plan, which seeks to ensure compatibility with adjacent and surrounding uses and to establish different intensities of commercial development through the Land Development Code and associated zoning ordinances.
- (b) The proposed MMTC is comparable to a retail use, which is consistent with the character of the existing Oakland Park Boulevard corridor. The Property was previously used as a restaurant. Pursuant to the Service Demand Analysis provided in this application, the proposed MMTC use is expected to have less impact on the surrounding area than the prior use of the Property. Retail and other commercial uses similar to the proposed development have existed in harmony with the surrounding neighborhood for many years, and the proposed use will continue this pattern and not introduce any new impacts.
- (c) The application only proposes a change of use. There will be no new development or increase in building area included in the scope of work. Therefore, public facilities and services are already in place for this Property. Please refer to the Service Demand Analysis and Trip Generation Report provided in this application demonstrating the anticipated levels of service for the proposed use.
- (d) Applicant will operate the medical marijuana dispensary as a licensed MMTC pursuant to Florida Statute Section 381.986. Florida Statute regulations require onsite security both in design and continuing operations, ensuring that the dispensary use will not be hazardous to the community. Trulieve will operate from 9:00am to 8:00pm from Monday to Friday, 9:00am to 5:00pm on Saturday, and 10:00am to 6:00pm on Sunday. Trulieve is required to ensure the safety and security of the premises with a fully operational security alarm system and video surveillance system. The outside of the premises will include 360-degree security surveillance and maintain sufficient lighting from dusk until dawn. The interior of the building where dispensing occurs will include an area with sufficient space and seating to accommodate qualified patients and caregivers and a private consultation area that is isolated from the waiting area and sales floor. Medical marijuana and authorized delivery devices will be stored in a secured, locked inventory room and will not be displayed nor dispensed in the waiting area. The video surveillance recordings will be kept for fifty-five (55) days. An armed security guard will be on site at all

times. As noted in the Trip Generation Report, the proposed use is not expected to significantly alter the existing traffic patterns.

- (e) The building on the Property will be renovated to reflect a more modern aesthetic which remains compatible with the character of the surrounding area. Applicant proposes mostly interior changes to the building. The interior will be a retail space with modern finishes, point-of-sale kiosk displays, with comfortable space to accommodate qualified patients and caregivers while maintaining patient confidentiality.

Thank you,

Daniel Sparks

Trulieve