



Legislation Text

File #: LN-536, Version: 1

Zoning Board of Appeals
Meeting Date: November 16, 2023

SPECIAL EXCEPTION - WHISPER LAKES II PARTNERSHIP

Request: Special Exception
P&Z# 23-17000009
Owner: Whispering Lakes II Partnership
Project Location: 3260 NW 22 Terrace
Folio Number: 484221090170
Land Use Designation: I-Industrial
Zoning District: Office Industrial Park (OIP)
Agent: Matthew Scott
Project Planner: Scott Reale

Summary:

The Applicant Landowner is requesting SPECIAL EXCEPTION approval as required by Section 155.4703(B) (1) [Districts Where Permitted] of the Pompano Beach Zoning Code in order to utilize the subject property (Zoning District: OIP) for a Medical Marijuana Treatment Center (MMTC) Related Industrial Establishment.

The property is located in the Whispering Lakes Commerce Center - an office-industrial park located off of NW 33rd Street, approximately 550 ft west of of N Powerline Road.

ZONING REGULATIONS

§155.4703. MEDICAL MARIJUANA ESTABLISHMENTS

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B. Medical Marijuana Treatment Center (MMTC) Related Industrial Establishment

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4

M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-1
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2. Definition

A medical marijuana treatment center related industrial establishment must be licensed by the state as an MMTC and is an establishment engaged in indoor industrial uses involving medical marijuana including: the indoor planting, growing, harvesting, drying, cleaning, curing, packaging and extraction of active ingredients to create cannabis related products and concentrate within a fully enclosed structure; the use may include analytical and testing services for medical marijuana dispensing organizations, including laboratory functions to ensure the products are safe for use/consumption and the labeled potency is accurate; or the storage and/or wholesale distribution of medical marijuana products.

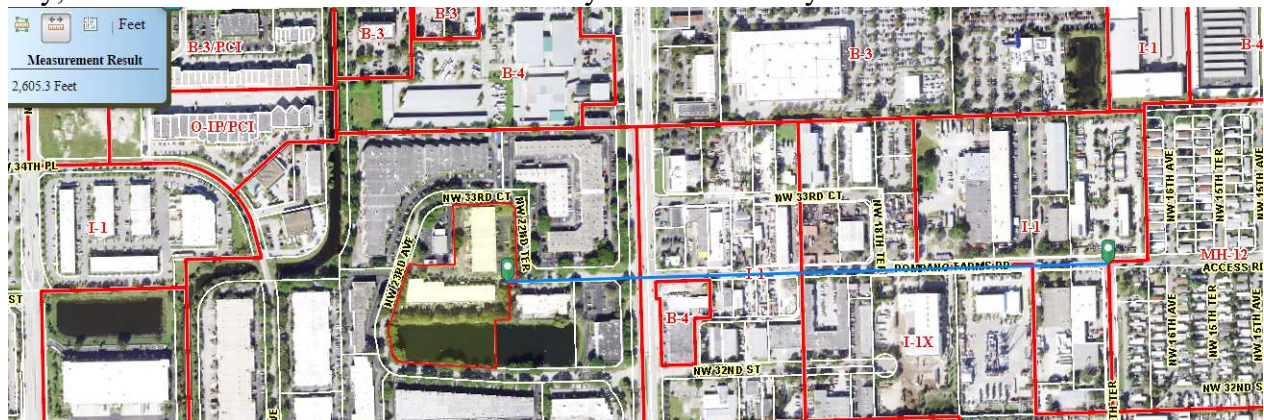
3. Standards

A medical marijuana treatment center related industrial establishment shall comply with the following standards:

- No retail sales (dispensing) shall be permitted.
- Separation. In accordance with state law (F.S. Ch. 381.986), a medical marijuana treatment center related industrial establishment shall be separated by 500 feet from a public or private elementary school, middle school or secondary school.
- No outdoor uses, including but not limited to outdoor growing or outdoor storage, shall be permitted.

PROPERTY INFORMATION AND STAFF ANALYSIS

- A Medical Marijuana Treatment Center (MMTC) Related Industrial Establishment is an establishment engaged in indoor industrial uses involving medical marijuana including: the indoor planting, growing, harvesting, drying, cleaning, curing, packaging and extraction of active ingredients to create cannabis related products and concentrate within a fully enclosed structure; the use may include analytical and testing services for medical marijuana dispensing organizations, including laboratory functions to ensure the products are safe for use/consumption and the labeled potency is accurate; or the storage and/or wholesale distribution of medical marijuana products.
- Retail sales (dispensing) is strictly prohibited, and the establishment must be licensed by the State. The applicant, Gold Leaf, has provided proof of licensure by the Florida Department of Health, and has affirmed that no dispensing will occur on site. The facility will be used only as a distribution facility. No outdoor uses, including but not limited to outdoor growing or outdoor storage, are permitted.
- In accordance with state statutes, MMTC related industrial establishment must be separated by 500 feet from a public or private elementary school, middle school or secondary school. Staff has verified compliance. Additionally, the proposed location of the facility is tucked away in an industrial part of the city, with the nearest residential district nearly half a mile away.



- The applicant's narrative states no growing or production of marijuana products will take place, and there will be no signage that could otherwise attract customers looking for a dispensary. Again, the

proposed use is strictly limited to distribution.

5. Special Exception approval is required for a MMTC related industrial establishment to be located in the Office Industrial Park (OIP) district. The OIP district is intended to accommodate large-scale office and industrial park complexes under unified ownership and control that contribute to the local economy, improve the city's tax base, and provide new jobs, while minimizing adverse traffic impacts on nearby streets and other impacts on nearby areas. Staff finds the location to be appropriate and the proposed use compatible with the general character of the neighborhood, which is comprised of industrial, office, and warehouse uses.

LAND USE PATTERNS

Subject property (Zoning District | Existing Use):

- OIP | various distribution/storage/warehouse/office uses

Surrounding Properties (Zoning District | Existing Use):

- North: OIP | various distribution/storage/warehouse/office uses
- South: OIP | various distribution/storage/warehouse/office uses
- West: OIP | various distribution/storage/warehouse/office uses
- East: OIP | various distribution/storage/warehouse/office uses

SPECIAL EXCEPTION REVIEW STANDARDS

A Special Exception shall be approved only on a finding that there is competent substantial evidence in the record that the Special Exception, as proposed:

1. Is consistent with the comprehensive plan;
2. Complies with all applicable zoning district standards;
3. Complies with all applicable use-specific standards in Article 4: Use Standards;
4. Avoids overburdening the available capacity of existing public facilities and services, including, but not limited to, streets and other transportation facilities, schools, potable water facilities, sewage disposal, stormwater management, and police and fire protection;
5. Is appropriate for its location and is compatible with the general character of neighboring lands and the uses permitted in the zoning district(s) of neighboring lands. Evidence for this standard shall include, but not be limited to, population density, intensity, character of activity, traffic and parking conditions and the number of similar uses or special exception uses in the neighborhood;
6. Avoids significant adverse odor, noise, glare, and vibration impacts on surrounding lands regarding refuse collection, service delivery, parking and loading, signs, lighting, and other site elements;
7. Adequately screens, buffers, or otherwise minimizes adverse visual impacts on neighboring lands;
8. Avoids significant deterioration of water and air resources, scenic resources, and other natural resources;
9. Maintains safe and convenient ingress and egress and traffic flow onto and through the site by vehicles and pedestrians, and safe road conditions around the site and neighborhood;
10. Allows for the protection of property values and the ability of neighboring lands to develop uses permitted in the zoning district;
11. Fulfills a demonstrated need for the public convenience and service of the population of the neighborhood for the special exception use with consideration given to the present availability of such uses;
12. Complies with all other relevant city, state and federal laws and regulations; and
13. For purposes of determining impacts on neighboring properties and/or the neighborhood, the terms neighboring properties and neighborhood shall include the area affected by the requested special exception, which is typically an area of 500 feet to a one-half mile radius from the subject site.

Staff Conditions:

Should the Board determine the applicant has provided competent substantial evidence sufficient to satisfy the thirteen Special Exception review standards, staff requests the Board include the following conditions as part of the Order:

1. Obtain all necessary governmental permits and approvals, including Zoning Use Certificate and Business Tax Receipt for the use.
2. Approval shall be limited to storage and wholesale distribution of medical marijuana products. No growing/cultivation or dispensing is permitted.