



City of North Miami Beach, Florida

Community Development Department

PLANNING AND ZONING BOARD STAFF REPORT

TO: Planning and Zoning Board Members
VIA: Kent Walia, AICP, Community Development Director
FROM: Mario Duron, AICP, Associate Planner
DATE: July 12, 2021

RE: Cookies Medical Marijuana Dispensary – 17150 Biscayne Blvd

P&Z ITEM # 21-8	Conditional Use Request for MMD
APPLICANT/AGENT	Cookies Florida, Inc.
ADDRESS OF PROPERTY	17150 Biscayne Boulevard
FOLIO NUMBER	07-2209-009-0042
EXISTING ZONING	B-2, General Business District
EXISTING LAND USE	Vacant
FUTURE LAND USE DESIGNATION	Business

BACKGROUND:

The Applicant, Cookies Florida, Inc. is requesting conditional use approval to operate a medical marijuana dispensary at the Property located at 17150 Biscayne Boulevard. The Property is currently vacant, but in January 2021 was granted Site Plan Approval for the construction of a commercial development consisting of 2 stand-alone buildings and associated parking. The Applicant is requesting conditional use approval to operate a medical marijuana dispensary at development's northern building, as presented in the Reference Site Plan.

THE SITE:

The site is currently vacant land bordered by the Florida East Coast Railway to the West, undevelopable property owned by Miami- Dade County to the South, Biscayne Boulevard to the East and NE 172nd Street to the North. In January 2021, Resolution No. R2021-12 was passed granting site plan approval for an approximately 8,500 square foot commercial development consisting of two (2) stand-alone buildings and 48 parking spaces. The site is within the B-2, General Business District.

The total site area is ±28,367 square feet or approximately 0.61 acres.

SURROUNDING LAND USES

Location	Zoning Designations	Existing Land Uses	Future Land Use Designations
North	General Business District, B-2	Business	Business
South	General Business District, B-2	Undeveloped Land	Business
East	Biscayne Boulevard beyond that PUD	Right of Way beyond that Residential	Mixed-Use
West	Florida East Coast (FEC) Railway	Railroad Right of Way	Railroad Right of Way

CODE COMPLIANCE CHECKLIST:

Staff has reviewed the application for consideration by the Planning and Zoning Board; in this report, Staff presents the applicable Zoning and Land Development Code regulations with recommendations.

Sec. 24-52(B) – General Business District (B-2), Uses Permitted

Use Permitted	Proposed	Recommendation/Comments
Medical Marijuana Dispensary (Conditional Use)	Medical Marijuana Dispensary	Complies. See conditional use Planning & Zoning Department Analysis below.

Sec. 24-52(D) - General Business District (B-2), Site Development Standards

Required	Proposed	Comments
Lot Area: Min: 3 acres	±.61 acres	Variance Approved R2021-12
Lot width: Min: 100'	102.46 feet	Complies
Minimum setbacks: <ul style="list-style-type: none"> ▪ Side Setback (interior): 0 FT. ▪ Side Setback (corner): 20 FT. ▪ Rear setback: 20 FT. ▪ Front setback: 25 FT. 	<ul style="list-style-type: none"> ▪ Side setback (interior): <ul style="list-style-type: none"> ○ Building I: 0 FT. ▪ Side setback (corner) ** <ul style="list-style-type: none"> ○ Building II: 5 FT. ▪ Rear setback: 0 <ul style="list-style-type: none"> ○ Building I & II: 0 FT ▪ Front Setback** <ul style="list-style-type: none"> ○ Building I: 3 FT. 10 IN. ○ Building II: 13 FT. 4 IN. 	Complies **Variances Approved R2021-12
Maximum building height: 15 stories/150 feet	Building I & II: 1 story with max height of 27 ft.	Complies

Minimum open space area/pervious area: 20% of total lot	<ul style="list-style-type: none"> ▪ 14.3% 	Complies **Variance Approved R2021-12
Minimum space requirements: <ul style="list-style-type: none"> ▪ Shopping Center 400,000 sq. ft. or less require 4 spaces per 1,000 sw. ft. of floor area= 34 spaces ▪ Total ADA spaces required (1 for every 25 spaces): 2 spaces ▪ Loading spaces: 1 spaces 	48 Total Parking Spaces <ul style="list-style-type: none"> ▪ 34 Spaces on Property ▪ Additional 14 spaces in FEC Railroad Right-of-Way ▪ 2 ADA spaces ▪ 1 Loading spaces 	Complies

Sec. 24-52– General Business District (B-2), Supplemental Regulations

Required	Proposed	Recommendation/Comments
Paint: Base color LRV 35 or greater	Smooth stucco finish proposed. Paint color will be identified by owner and will be reviewed in the building permitting phase of development to ensure compliance with a minimum LRV of 35 or greater for base paint colors.	Complies
Vision Clearance: Triangle with 15' equal sides	Unobstructed views from access way to public street provided. Shown on L-1 and SP-1.	Complies

**Article IX Off-Street Parking and Loading
Sec. 24-93 Parking Lot Design Standards**

Required	Proposed	Recommendation
Paving and Drainage:		Complies

<ul style="list-style-type: none"> ▪ Surfaced w/6 inch rolled rock and 1 inch weatherproof pavement ▪ Proper drainage 	Asphalt parking lot. Refer to Plan Sheets C100- C600 in SP Approved by R2021-12.	
Minimum parking space sizes <ul style="list-style-type: none"> ▪ Standard 9' x 18' ▪ Handicapped 12' x 20' plus 5' access ramp 	<ul style="list-style-type: none"> ▪ 9' x 18' ▪ 12' x 20' with 5' access ramp 	Complies

Traffic & Concurrency

The applicant’s traffic engineer, Simmons & White, prepared a Traffic Impact Statement based on the updated proposed uses at the Property. The study analyzed the vested trips in the approved site plan (R2021-12) for 8500 SF of retail versus the proposed uses: 4,402 Sf of retail and 3,878 SF for the medical marijuana dispensary. The vested development will generate a maximum of 742 net daily trips, five (5) net AM peak hour trips and fifty-eight (58) net PM peak hour trips. While the updated traffic generation by the proposed development is: 491 net daily trips, eight (8) net AM peak hour trips and forty-one (41) net PM peak hour trips. The study also included an updated intersection analysis, which concluded that all roadway segments studied were shown to be insignificantly impacted by the proposed use. An updated driveway analysis also determined that a dedicated right turn lane to the project is not warranted. Simmons & White concluded the intersection of Biscayne Boulevard at NE 172nd Street will continue to operate an acceptable Level of Service inclusive of the proposed development.

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

Staff reviewed the vested concurrency requirements for potable water, sanitary sewer, solid waste, parks and recreation, and public schools and determined that they will be adequately maintained and serve the project.

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 most consistent with and furthers the following policies of the North Miami Beach Comprehensive Plan:

- **Policy 1.8.2** - *The following land use densities, intensities and approaches shall be incorporated in the Land Development Code. Business: A range of zoning districts*

from a) the residential-office district with nonresidential uses limited to offices, institutions and community facilities to b) arterial highway districts with automotive and entertainment uses at an intensity whereby the maximum Impervious Surface Area is eighty percent (80%) and the maximum Building Height is fifteen (15) stories and maximum building height of one hundred fifty (150) feet.

- **Policy 1.1.3** - No development shall be approved if the projected impacts of the development (including redevelopment) would reduce service levels of any roadway on the traffic circulation system below the standards in Policy 1.1.2, unless the development qualifies for a transportation concurrency exception.

Article XV. Other Development Review Procedures, Sec. 24-175 Conditional uses.

When reviewing against the Conditional Use Review Standards in Section 24-175(B) of the Zoning and Land Development Code, the applicant provided a point by point response to each criterion below, in the attached Letter of Intent.

1. *The proposed use is compatible with the exiting natural environmental and other properties within the neighborhood;*
2. *The proposed use will create no substantial detrimental effects on neighborhood property values;*
3. *The proposed use can be accommodated by adequate community facilities;*
4. *The proposed use will have adequate provisions for vehicular and pedestrian traffic movement;*
5. *The proposed use will have adequate drainage systems;*
6. *The proposed use will have adequate setbacks and amenities, to control adverse effects;*
7. *The proposed use will be located on property which is sufficient, appropriate and adequate for any reasonable expansion; and*
8. *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.*

In addition to satisfying the above criteria, staff recommends the following Conditions of Approval:

- The Applicant, its successors and assignees are permitted to operate as a medical marijuana dispensary only. In the event recreational marijuana is legalized, no sales of recreational marijuana will be permitted at this location.
- The Applicant must join the NMBPD **Trespass After Warning** Program, provide the NMBPD with access to the property at all times, and a safety plan; participate in the NMBPD Rapid Response Training Program; link the alarm systems directly

to the NMBPD; and keep former employee information on file after termination of employment.

- The Applicant shall either, place doors and windows on inside hinges and affix a robust security laminate to exterior windows to improve their impact and shatter resistance; or install new impact resistant windows and doors.

COMMUNITY DEVELOPMENT DEPARTMENT ANALYSIS:

The intent of the B-2, General Business District is to provide suitable sites for development of retail and service commercial uses of general nature to serve the diverse consumer needs of the entire community.

Reviewing the conditional use criteria in context with the applicant's request, staff determined that the use was compatible and adequate. Under local and state laws, MMDs are analogous to pharmacy uses. Staff determined that the proposed MMD use is compatible with the other retail uses in the B-2 district and along Biscayne Boulevard corridor. The unique location of the Property will ensure that the use will not create a detrimental effect on the surrounding property values. There are no changes proposed by the applicant to the original site plan approved under Resolution No. R2021-12. The traffic analysis found that existing traffic generation will not be impacted, in fact a reduction in trips was determined.

There are no modifications proposed to the building, beyond the internal remodeling within the tenant space and proposed signage. No impacts to the approved drainage systems are anticipated. Moreover, no nuisance is anticipated to be created by the proposed MMD as it is a typical commercial use. Finally, the applicant and staff confirmed that the location for the proposed MMD complies with the minimum buffer requirement between MMDs and all real properties developed with an elementary school, middle school, or secondary school.

In addition to reviewing the application material against the Zoning and Land Development Code, staff reviewed the proposed medical marijuana dispensary against the criteria included in the City's Health Code, particularly section 21-5 North Miami Beach Medical Marijuana Code. This analysis was completed to confirm the Applicant's compliance with State of Florida licensing requirements. Included in the applicant's submission is a state license from the Florida Department of Health, Office of Medical Marijuana Use indicating that the applicant, Cookies Florida, Inc., is authorized to cultivate and dispense marijuana for medical use. Per Florida Statutes, if an operator has a license to cultivate they are also permitted to operate a retail medical marijuana dispensary.

COMMUNITY DEVELOPMENT DEPARTMENT RECOMMENDATION:

The Community Development Department recommends **APPROVAL** of the conditional use requested subject to the conditions contained in the attached draft Resolution.

SUBMITTAL HISTORY:

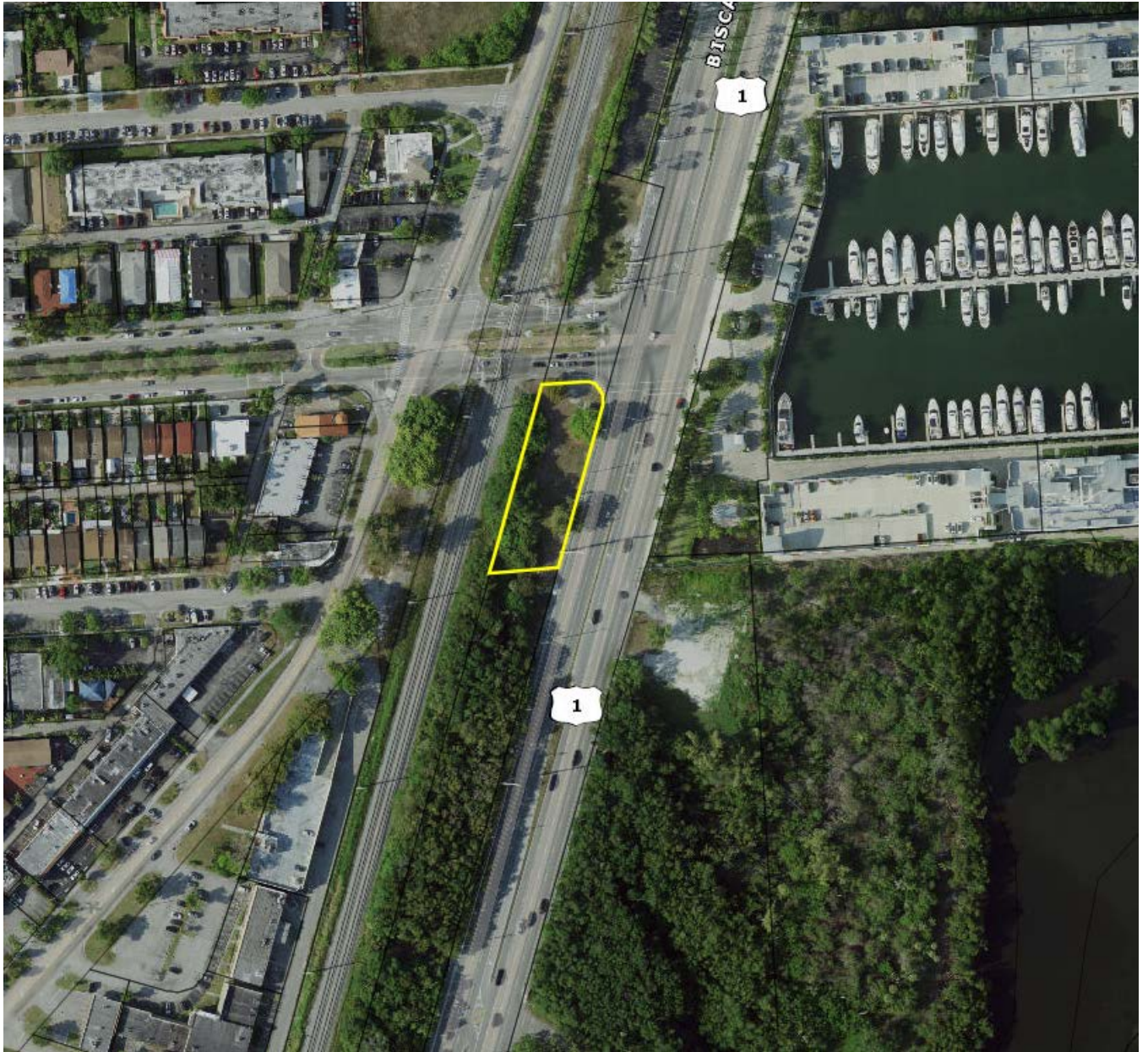
TRAD (May 27, 2021)

TRAD SIGN-OFF (June 2021)
PLANNING & ZONING BOARD (July 12, 2021)
CITY COMMISSION (TBD)

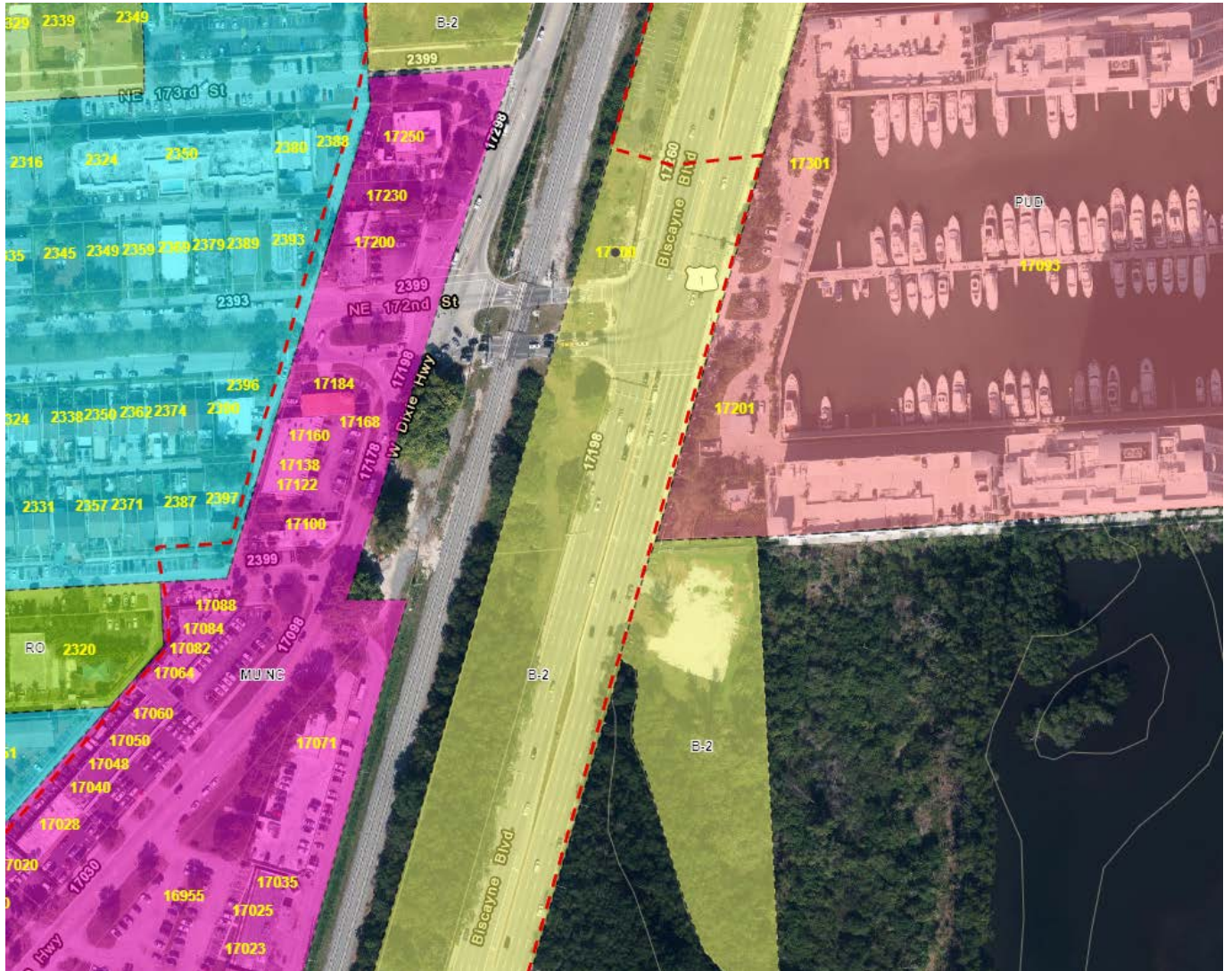
Attachment(s):

- Draft Resolution
- Application & Letter of Intent
- Traffic Study
- Distance Survey & Reference Plans
- Resolution R. 2021-12

LOCATION AND AERIAL MAP



ZONING MAP



ADVERTISEMENT HISTORY

7/2/2021



CITY OF NORTH MIAMI BEACH VIRTUAL PUBLIC HEARING NOTICE

The City of North Miami Beach will hold a virtual public hearing on:
Monday, July 12th, 2021 at 6:00 P.M.

The meeting agenda is available online at:
WWW.CITYNMB.COM

Members of the public may speak, watch, attend, or listen to the virtual public hearing by following these instructions:

Ways to Watch and Speak during the Virtual Public Meeting:
To Watch on Comcast Channel 77
Live stream on WWW.CITYNMB.COM

Zoom Meeting: WWW.ZOOM.US

By Phone: (646) 876-9923, (US Toll)
(301) 715-8592, (US Toll)
Press *9 to Raise Hand to Speak

Meeting: 831 6761 2181/ Password: 304032
Email and address will be requested to register for the meeting
Any person requiring special accommodations to access this hearing is asked to advise the City at least 5 days before the hearing by contacting the City Clerk at 305-787-6001

PUBLIC COMMENTS

Public comments will be accepted by the following means:
By e-mail to:
NMBCOMDEV@CITYNMB.COM

Public comments will be accepted until 4:00 p.m. on the day of the meeting.

Virtual Public Hearing:
The City of North Miami Beach Planning and Zoning Board shall consider the following Quasi-Judicial Items:

CATEGORY	Hearings
	FL
	AD
	NUMBER
	0000538544-
	01

Site Plan Approval - "Canal Park West Tower" - 3227 NE 163rd Street requested by Canal Park Office 2, LLC:
A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING SITE PLAN APPROVAL FOR THE DEVELOPMENT OF A TEN-STORY TOWER, CONSISTING OF 237,483 SQUARE FEET OF OFFICE SPACE, ON PROPERTY LOCATED AT 3227 NE 163 STREET, NORTH MIAMI BEACH, FLORIDA, AS LEGALLY DESCRIBED IN EXHIBIT "A," PROVIDING FOR FINDINGS OF FACT; CONFIRMING EXPIRATION AND LIMITATION OF APPROVAL; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.
Conditional Use Request - "Cookies Medical Marijuana Dispensary" - 17150 Biscayne Boulevard requested by Cookies Florida, Inc:
A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING CONDITIONAL USE APPROVAL IN ACCORDANCE WITH SECTION 24-175 OF THE NORTH MIAMI BEACH ZONING AND LAND DEVELOPMENT CODE FOR THE OPERATION OF A 3,878 SQUARE FOOT MEDICAL MARIJUANA DISPENSARY, AS PROPOSED; ON PROPERTY ZONED B-2 GENERAL BUSINESS DISTRICT, LOCATED AT 17150 BISCAYNE BOULEVARD, NORTH MIAMI BEACH, FLORIDA, AS LEGALLY DESCRIBED IN EXHIBIT "A," PROVIDING FOR FINDINGS OF FACT; CONFIRMING EXPIRATION AND LIMITATION OF APPROVAL; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.
PUBLIC RECORDS

The hearing will be recorded for later viewing and is a public record. The virtual chat, if any, will be saved and is a public record. Minutes of the hearing will be taken and will be made available.
NOTICE PURSUANT TO §286.0105, FLORIDA STATUTES

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD, AGENCY, OR COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE, HE OR SHE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.
AMERICANS WITH DISABILITIES ACT

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the City at least 5 days before the hearing by contacting the City Clerk at 305-787-6001.
LOBBYING ACTIVITIES

In accordance with Section 2-161 of the City Code, adopting Section 2-111(s) of the Miami-Dade County Code, any person engaging in lobbying activities, as defined therein, must register at the City Clerk's Office before addressing the City Council on the agenda items or engaging in lobbying activities.

Have questions or need additional information signing into the Zoom meeting?

Email: NMBCOMDEV@CITYNMB.COM
Call: 305-948-2966

Written or physical evidence will be accepted no later than Monday, July 12, 2021 by 4:00 P.M.

To submit written or physical evidence intended to be offered into evidence during the Communication Media Technology proceedings:
Email: NMBCOMDEV@CITYNMB.COM
Call: 305-948-2966

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PROPERTY NOTIFICATION SIGNS

