



**TOWN OF LAKE PARK
PLANNING & ZONING BOARD
MEETING MINUTES
FEBRUARY 6, 2017**

CALL TO ORDER

The Planning & Zoning Board Meeting was called to order by Chair Thomas at 7:02 p.m.

ROLL CALL

Judith Thomas, Chair	Present
Martin Schneider, Vice-Chair	Present
Lanae Barnes	Not Present
Joseph Rice	Present

Also in attendance were Town Attorney Thomas J. Baird; Nadia DiTommaso, Community Development Director, Town Planner Scott Schultz and Recording Secretary Kimberly Rowley.

APPROVAL OF AGENDA

Chair Thomas requested a motion for the approval of the Agenda as submitted. Vice-Chair Schneider made a motion for approval, and it was seconded by Board Member Rice. The vote was as follows:

	Aye	Nay
Joseph Rice	X	
Martin Schneider	X	
Judith Thomas	X	

The Motion carried 3-0, and the Agenda was approved as submitted.

APPROVAL OF MINUTES

Chair Thomas asked for a motion for the approval of the Minutes of the January 12, 2017, Special Call Planning & Zoning Board Meeting. Vice-Chair Schneider made a motion for approval, and the motion was seconded by Board Member Rice. The vote was as follows:

	Aye	Nay
Joseph Rice	X	
Martin Schneider	X	
Judith Thomas	X	

The Motion carried 3-0 and the January 12, 2017, Special Call Planning & Zoning Board Meeting Minutes were approved.

PUBLIC COMMENTS

Chair Thomas explained the Public Comment procedure.

ORDER OF BUSINESS

Chair Thomas outlined the Order of Business.

NEW BUSINESS

1. PZ CASE 17-004: MEDICAL MARIJUANA DISPENSARIES – PROPOSED REGULATIONS

STAFF PRESENTATION – PZ CASE 17-004

Nadia DiTommaso, Community Development Director, addressed the Board and explained that on December 7, 2016, a discussion item was brought forward to the Town Commission by Town Staff. Ms. DiTommaso stated the intent of the discussion item was to request direction from the Town Commission on how to move forward in regulating medical marijuana-related uses. Staff explained to the Town Commission that given the recent passing of medical marijuana in the State of Florida, it would be important to either enact regulations of our own, or enact a moratorium until which time the State develops its own regulatory framework. The Town Commission directed Staff to move forward regulations that would identify medical marijuana dispensaries within commercial areas. The Community Development Department, along with the Town Attorney, created regulations for medical marijuana dispensaries, which have also been reviewed by the Town Manager and Lieutenant Gendreau of PBSO. Ms. DiTommaso further explained that “Medical Marijuana Dispensaries” are being proposed as a Special Exception Use in the C-2 Commercial Business Zoning District, and as such, each application received by the Town will be subject to Town Commission approval and Planning & Zoning Board review, pursuant to the Special Exception Criteria per Town Code Section 78-184 (as outlined in the Staff Report/agenda item).

On the Town Zoning Map, Ms. DiTommaso pointed out the C-2 Districts and explained that Staff has created additional provisions for Medical Marijuana Dispensaries, which will be in a newly proposed Code Section 78-83. The provisions in Code Section 78-83 address loitering, drive through service; vending or delivery service; on premises consumption; alcoholic beverages; outside display; hours of operation; other activities and security measures (as included in the Staff Report/agenda item).

STAFF RECOMMENDATION

Ms. DiTommaso stated that Staff recommends approval to the Town Commission of the proposed regulations for Medical Marijuana Dispensaries.

PUBLIC COMMENTS

There were no public comments.

BOARD DISCUSSION

Board Member Rice expressed concern that since medical marijuana dispensaries are considered high risk since they are a cash business, that perhaps there should be a provision for a separation requirement of 1,000 feet from certain other uses such as day care centers, elementary schools and churches. Board Member Rice stated that security and location should be of utmost importance, and requested 24-hour armed security, including cameras and armed security, as a requirement.

Vice-Chair Schneider asked if a distance separation requirement from schools and day care centers was considered by Staff, and stated that he was split as to whether it would be a requirement. He expressed that there should be consideration of a distance separation between medical marijuana dispensaries. Ms. DiTommaso replied that Staff did look into the distance separation between dispensaries, however, since it will be a special exception use subject to criteria which discourages the proliferation of similar type uses, it was determined that it was not necessary. Ms. DiTommaso stated that the distance separation from other types of uses will be explored further.

The Town Attorney asked Board Member Rice the purpose for requiring a distance separation from the other types of uses. Board Member Rice responded that the nature of the medical marijuana business may increase the risk of robbery due to cash being on the premises. The Town Attorney asked why he felt it would be necessary to separate a medical marijuana dispensary from only some types of uses, but not other types of uses. Board Member Rice stated that there might be rebuttal from religious institutions and day care centers, and that other Towns have enacted a 1,000 foot separation requirement due to problems with loitering, etc.

Chair Thomas asked if Public Notice was provided for this meeting. Ms. DiTommaso stated that it was not a requirement for this agenda item, since State Statute indicates it is only required to be advertised prior to the second reading of the Ordinance before the Town Commission. Chair Thomas expressed concern that since the Town is small, there could be too many restrictive regulations which might prevent potential businesses from locating within the Town. Chair Thomas stated Staff may want to look at the adverse effects of distancing requirements and that 1,000 feet might be too extensive. She expressed that regardless of personal feelings, we need to be fair as a community and should not place onerous regulations on potential businesses looking to come into the Town. Chair Thomas commended Staff for bringing this item forward, however, to be cautious with placing regulations. Board Member Rice stated that he cited 1,000 feet only as an example, but he feels that there should be a separation requirement from religious institutions, schools and day care centers.

Chair Thomas inquired if the Town will regulate the type, packaging and form of product and stated that safeguards should be in place for consumption on site.

Vice-Chair Schneider expressed that he is not sure that 24-hour armed security is necessary due to the expense. He inquired why the Town Commission decided to move forward with the regulations, rather than waiting to receive direction from the State. Ms. DiTommaso replied that the moratorium was not discussed at the Town Commission level and the desire was to move forward with regulations. The Town Attorney stated the regulations that the State will adopt will not supersede home rule. The State will consider such issues as product type, and whether is it edible or topical. The Town Attorney stated that a moratorium would put the Town further down the road without any regulations. He explained that the Ordinance is based in part on a model Ordinance that has been circulated to municipal attorneys throughout the State of Florida, and the regulations contained within are uniform and based on the experiences of the States of Oregon, California, Washington and Colorado, which have all taken the next step in making marijuana recreational. He stated what is of concern in crafting the regulations now is the need to look forward to the possibility of Florida going to the next step of making marijuana recreational. The Town Attorney stated that another reason the Town is moving forward with regulations now is that there have been inquiries by individuals and companies interested in opening facilities and wanting to know the Town's regulations.

Vice-Chair Schneider questioned if any other zoning districts were considered. Ms. DiTommaso replied that Park Avenue in the C-1 District was considered, but because of its proximity to the residential district, it was limited to the west side of 10th Street within the C-2 District.

Vice-Chair Schneider asked Ms. DiTommaso if the Special Exception Criteria provides for a good definition of what concentration of similar uses is, and whether there should be a distance separation between dispensaries.

Board Member Rice asked the difference between wanting to have a certain distance between a medical marijuana dispensary and the residential district, however, not requiring a distance requirement for schools, churches, etc. and inquired if there is a different zoning area which would be more neutral for the dispensaries. Ms. DiTommaso stated if the P&Z Board decides that they would like to see medical marijuana dispensaries as a special exception use within other zoning districts, such as the C-1 District or the PADD, the P&Z Board can recommend it to the Town Commission. The Town Attorney explained the way he looks at zoning in the PADD as well as other zoning districts is by its particular character based on the uses permitted, and not to its proximity to the residential. He stated this use is both a medical use and a retail use, which was his reasoning for putting it in the C-2 District.

BOARD RECOMMENDATION

Upon conclusion of the discussion, Vice-Chair Schneider made a motion to approve medical marijuana dispensaries as a Special Exception Use within the C-2 District as recommended by Staff, and also directing Staff to look at the possibility of a separation of uses and the concentration of uses as discussed. The motion was seconded by Board Member Rice and the vote was as follows:

	Aye	Nay
Joseph Rice	X	
Martin Schneider	X	
Judith Thomas	X	

The vote was 3-0 in favor of approval to the Town Commission, with Staff looking at the possibility of a separation of uses and the concentration of uses.

COMMUNITY DEVELOPMENT DIRECTOR COMMENTS

There were no comments from the Community Development Director.

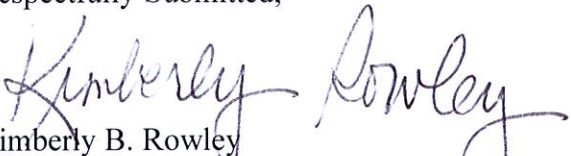
ADJOURNMENT

There being no further business before the Board, Chair Thomas asked for a motion to adjourn. Board Member Rice made the motion and it was seconded by Vice-Chair Schneider. The vote was as follows:

	Aye	Nay
Joseph Rice	X	
Martin Schneider	X	
Judith Thomas	X	

The vote was 3-0 and the Meeting was adjourned at 7:40 p.m.

Respectfully Submitted,


 Kimberly B. Rowley
 Planning & Zoning Board Recording Secretary

PLANNING & ZONING BOARD APPROVAL:


 Judith Thomas, Chair
 Town of Lake Park Planning & Zoning Board

DATE: 4/3/2017