



MINUTES

Local Planning Agency Meeting

5:45 PM – Thursday, April 02, 2026 – City Hall

Call to Order: 5:45 p.m.

Acknowledgement of Quorum and Proper Notice

PRESENT: Mr. Willie L. Hawkins, Mr. Michael Holland, Mr. George Asbate, Vice Chair Gary Ashcraft, and Chair Emily A. Lee

1. Approval of Minutes

1.1 Approval of Minutes for February 19, 2026, Local Planning Agency Meeting

Motion made by Mr. Holland, Seconded by Mr. Hawkins to approve the minutes. Motion passed on the following vote:

Voting Yea: Mr. Hawkins, Mr. Holland, Mr. Asbate, Vice Chair Ashcraft, and Chair Lee

2. Consideration with Discussion, Public Hearings and Recommendation

2.1 Ordinance Number 2026-20: Amendment to the Land Development Regulations – Prohibition of Medical Marijuana Treatment Center Dispensing Facilities

City Attorney Sasha Garcia explained Ordinance Number 2026-20 for Amendment to Land Development Regulations for Prohibition on Medical Marijuana Treatment Center Dispensing Facilities (“MMTCs”) within City Limits and supporting legislative record. She noted first reading scheduled for April 2, 2026, City Commission and second reading on April 16, 2026, in accordance with applicable law.

City Attorney Garcia outlined the procedural compliance and noted applicable statutory framework under F.S. Chapter 381.986 for the City’s limited land use authority and the planning analysis supporting the proposed amendment to the Land Development Regulations to facilitate a recommendation by the Local Planning Agency and subsequent consideration by the City Commission. She commented that a Business Impact Estimate has been prepared in accordance with Section 166.041, F.S.

City Attorney Garcia reviewed background and policy history. She noted that the ordinance proposes a citywide prohibition on new medical marijuana treatment centers (MMTCs) by amending the land development regulations, following a multi-year policy evolution in which the city initially banned MMTCs in 2017, allowed them in 2020 by classifying them as pharmacies, and revisited the issue in 2025. City Attorney Garcia explained that under Florida law, municipalities must either treat MMTCs the same as pharmacies or prohibit them altogether, limiting the city’s regulatory flexibility. Based on local observation and planning analysis, she determined MMTCs are not functionally equivalent to pharmacies due to controlled access, enhanced security, restricted entry (including limits on minors), and distinct traffic and parking patterns, which create different land use impacts and compatibility concerns. City Attorney Garcia commented that the ordinance would establish a uniform ban on future facilities while allowing the two existing MMTCs in the city to continue operating as legal non-conforming uses,

meaning they may remain in place but cannot expand, relocate, or intensify, though they may rebuild if damaged under certain conditions.

City Attorney Garcia highlighted that the City has previously addressed the regulation of MMTCs through multiple legislative actions. In 2017, Ordinance Number 17-11 prohibited such facilities. In 2020, the City revised its regulatory approach and enacted Ordinance Number 20-46 reversing the ban and allowing MMTCs to be classified as pharmacies in the LDRs. Following further evaluation of statutory requirements and local land use considerations, in April 2025, the Local Planning Agency reviewed the available regulatory options and recommended reconsideration of the current framework reaching consensus to re-instate the MMTC ban. She stated that this ordinance reflects the continuation and direction of that policy evaluation process.

City Attorney Garcia reviewed the State of Florida authorization of the medical use of marijuana and establishment of a comprehensive regulatory framework governing MMTCs. She noted that local governments retain limited authority with respect to land use, Pursuant to Section 381.986(11)(b), Florida Statutes, a municipality may either: allow dispensing facilities, in which case they must be treated consistently with pharmacies; or prohibit dispensing facilities within its jurisdiction. She noted that this ordinance reflects the City's exercise of this express statutory authority and continuation of its land use and policy evaluation and included the scope of local authority the City's authority in this context is limited to land use regulation. She stated the ordinance does not regulate, and is not intended to regulate patient eligibility, physician certification, medical treatment or the availability of medical marijuana under state law with those matters preempted to the State of Florida. She commented that this ordinance addresses only the classification and location of uses within the City's Land Development Regulations.

City Attorney Garcia commented on current regulatory condition under the current LDRs, MMTCs are classified as "pharmacies." She noted that such facilities are permitted or conditionally allowed in multiple land use districts where pharmacies are permitted, and this classification requires the City to treat such facilities as equivalent to pharmacies and limits the City's ability to evaluate them independently as a distinct land use.

Agency members asked about non-conforming use as opposed to conditional use. Discussion was held focused on the legal and practical implications of assigning non-conforming status rather than conditional use, with concerns raised about long-term property rights, potential legal challenges, and impacts on existing investments.

City Attorney Garcia clarified that conditional use designation would require applying the same standards to pharmacies, which is not permissible under state law unless MMTCs remain classified as such. She indicated additional concerns included how non-conforming status could affect rebuilding timelines, business continuity, and future ownership changes and indicated the City would work with existing operators within standard non-conformity provisions. She noted a potential conflict of interest was identified for one member who owns property leased to an MMTC, and that member ultimately recused himself from the vote.

Development Services Director, Mike Lane, commented on the classification of non-conforming use opposed to conditional use and highlighted the vesting process.

City Attorney Garcia opened the public hearing at 6:11 p.m.

Public comments sought clarification on relocation restrictions, availability of regional facilities, and regulatory distinctions.

Daniel DiVenanzo commented on conditional use.

There being no further public comments, the City Attorney closed the public hearing at 6:13 p.m.

Chairperson Emily A. Lee asked for a motion for Ordinance Number 2026-20.

Motion made by Mr. Holland, Seconded by Mr. Hawkins to be transmitted to the City Commission for consideration citing consistency with the comprehensive plan, protection of neighborhood character, administrative clarity, and the presence of sufficient MMTC access in surrounding jurisdictions, with first and second readings scheduled for further consideration. Motion passed on the following vote:

Voting Yea: Mr. Hawkins, Mr. Holland, Vice Chair Ashcraft and Chair Lee

Voting to Recuse: Mr. Asbate

3. Adjournment: 6:14 p.m.

**These minutes reflect the actions taken and portions of the discussion during the meeting. To review the entire discussion concerning any agenda item, go to www.eustis.org and click on the video for the meeting. If available, the video recording may be accessible at <https://www.youtube.com/@EustisComRel/streams> or an audio recording may be requested from the office of the City Clerk.*

CHRISTINE HALLORAN
City Clerk

EMILY A. LEE
Chair