



Las Vegas

Agenda Item No.: 45.

AGENDA SUMMARY PAGE
COUNCIL MEETING OF: NOVEMBER 5, 2014

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC

Consent Discussion

SUBJECT: **RECOMMENDING COMMITTEE: ELIGIBLE FOR ADOPTION AT THIS MEETING**

Bill No. 2014-73 - For Possible Action: Amends the Downtown Centennial Plan to authorize medical marijuana dispensary uses within the Arts District by means of special use permit.
Sponsored by: Councilman Bob Coffin

Fiscal Impact

No Impact Augmentation Required
 Budget Funds Available

Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:

This bill will amend the Downtown Centennial Plan to authorize medical marijuana dispensary uses within the Arts District by means of special use permit.

RECOMMENDATION:

This bill was forwarded to Full Council from the October 29, 2014 Special City Council meeting for adoption at this November 5, 2014 City Council Meeting.

First Publication - 10/23/2014

BACKUP DOCUMENTATION:

Bill No. 2014-73

Motion made by BOB COFFIN to Approve

Passed For: 5; Against: 1; Abstain: 0; Did Not Vote: 0; Excused: 1
BOB COFFIN, RICKI Y. BARLOW, LOIS TARKANIAN, STAVROS S. ANTHONY, BOB BEERS; (Against-CAROLYN G. GOODMAN); (Abstain-None); (Did Not Vote-None); (Excused-STEVEN D. ROSS)

Minutes:

Second reading and bill adopted as Ordinance 6363.

MAYOR GOODMAN asked if the application process would be re-opened to the applicants who had made inquiry regarding having a medical marijuana dispensary in the Arts District. CITY ATTORNEY BRAD JERBIC replied that the ordinance states that once an application is

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submitted, it cannot be amended. The applications that have been submitted are for the areas that have been applied for, not the Arts District.

MAYOR GOODMAN felt it was unfair that later applicants would be able to submit applications for this area and initial applicants were turned away. CITY ATTORNEY JERBIC stated that this area would apply to future applicants at future locations as well as anyone who has a current application who wished to move in the future, if the application process was re-opened. The applications that have already been submitted cannot be amended to apply for the Arts District.

COUNCILWOMAN TARKAMIAN asked if the business owners in the Arts District are in favor of this and COUNCILMAN COFFIN replied that the Board of Directors who represent the 18b Arts District voted in favor of changing the plan. He further explained that a text amendment is necessary to change or add any use in the Arts District. MAYOR GOODMAN asked if they understood that there have been people who were interested in operating in the Arts District but were told it was off limits. COUNCILMAN COFFIN replied that applicants may be able to operate in the Arts District in the future, but he is not contemplating that anyone will suddenly move in there and stated that it will not affect any applicant already been approved by the City. In response to MAYOR GOODMAN'S query TO PERRIGO, Acting Planning Director, stated that there are currently no medical marijuana establishment applications for the Arts District. He explained that while the application process was open, one application was submitted for the area, but the ordinance required denial for non-compliance because the area was not allowed.

In response to MAYOR GOODMAN'S question, KAREN DUDDELESTEN, Business Licensing Manager, reported that the State ranked and issued Environmental Certificates to 12 medical marijuana dispensaries, and 10 were given Compliance Permits and land use by the City Council. She further explained that the current applications cannot be changed with the City. Staff will be requesting clarification from the State regarding how their certificates will work. One of the 12 applicants withdrew their application prior to the City Council hearing it, so it is unsure how the State will handle that situation. MAYOR GOODMAN was concerned about being fair and MR. PERRIGO stated that the only way anyone could apply in the Arts District is if the application process was opened again and new applications were accepted. MS. DUDDELESTEN added that the same thing would have to happen at the State because they have already ranked the list.

COUNCILMAN COFFIN stated that if someone is denied for land use, they could move within five miles of an area that is properly zoned. That is to prevent the deliberate denial of someone as an individual as opposed to their qualifications.