



City of Las Vegas

Agenda Item No.: 6.

AGENDA SUMMARY PAGE - PLANNING
SPECIAL PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2014

DEPARTMENT: PLANNING
DIRECTOR: TOM PERRIGO, ACTING

☐ Consent ☒ Discussion

SUBJECT: SUP-5496 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: SAMANTHA'S REMEDIES - OWNER: TRINITY HAVEN - For possible action on a request for a Special Use Permit FOR PROPOSED 5,892 SQUARE FOOT MEDICAL MARIJUANA DISPENSARY at 3500 West Bonanza Avenue (APN 402-05-402-007), C-1 (Limited Commercial) Zone, Ward 1 (Tahitian). Staff recommends APPROVAL.

C.C.: This item is anticipated to be heard at the 10/28/2014, 10/29/2014 or 11/10/2014 Special City Council meeting unless otherwise properly noticed.

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

34

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

7

City Council Meeting

0

RECOMMENDATION:

Staff recommends APPROVAL, subject to conditions:

BACKUP DOCUMENTATION:

1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Survey Certification
6. Justification Letter
7. Protest/Support Postcards
8. Submitted after Final Agenda Revised Special Map by Staff, Protest Letter by Katherine Martin and Protest/Support Postcards

Motion made by VICKI QUINN to Approve subject to conditions

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

TRINITY HAVEN SCHLOTTMAN, VICKI QUINN, BYRON GOYNES, GUS FLANGAS, TODD L. MOODY, RICHARD TRUESDELL, RICHARD P. BONAR; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

Prior to hearing this item, CHAIR FLANGAS and COMMISSIONERS MOODY, TRUESDELL and SCHLOTTMANN indicated they would be abstaining on several items on today's agenda, but would make specific disclosures as each item was considered. ASSISTANT DEPUTY CITY

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ATTORNEY BRYAN SCOTT stated he has cleared the Commission to vote on those items where there is not a direct conflict.

CHAIR FLANGAS declared the Public Hearing open.

PETER LOWENSTEIN, Planning Supervisor, presented staffs report which recommended approval subject to standard conditions.

WINSTON HENDERSON, architect, and JIM DiFIORE, DiFiore Consulting, appeared on behalf of the applicant and concurred with staffs report and conditions.

RAY BURKE, SUSAN YOUNG, TOM OVERTURF, and HELEN SIMMONDS, Las Vegas residents, appeared in opposition expressing concern with the close proximity to residential neighborhoods, parking and security due to the cash transactions.

JEAN TEMPLE, Las Vegas resident, appeared in opposition commenting she moved here from California where medical marijuana is legal and many children were able to obtain it.

DAVE MARLIN, President of Solutions Recovery, stated Solutions Recovery is a drug and alcohol facility that has operated in Las Vegas for over nine years. In that time, he has learned a lot about addiction and has seen the effect marijuana and other drugs have had on the community, particularly on the youth. When MR. MARLIN provided statistics as to the number of children in school that admitted to using marijuana, CHAIR FLANGAS reminded him discussion needed to be related to land use, and this was not the appropriate forum for this topic.

KATHRYN MARTIN appeared on behalf of the Richfield Neighborhood Association. They are opposed as the proposed facility is directly across the street from their neighborhood entrance, where there is already a high crime rate in that area.

COMMISSIONER QUINN provided some background on the property. She took an interest in this particular property because they already have security and vaults in place, a drop-off location and adequate parking. While the proposed dispensary may be close to a residential neighborhood, it does not abut any neighborhood. The owner has been in town for many years and has a great reputation. She provided statistics from a crime report, stating there were no crimes on the north side of Sahara Avenue within one mile of the site for the timeframe the report was run.

COMMISSIONER SCHLOTTMAN commented that crime is happening in everyones neighborhood, and the security protocols required for these businesses make it safer than some other uses that might go into this neighborhood. COMMISSIONER SCHLOTTMAN raised concern that parents may leave children unattended in their vehicle, as Condition 10 prohibits the presence of minors in medical marijuana establishments. As far as clustering, the Commission has to approve those that meet the use requirements, and the City Council can discuss clustering once the items are before them for consideration.

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In response to COMMISSIONER BONARS inquiry regarding minimum security requirements, MR. RANKIN indicated the security plan was not submitted as part of the land use application, but rather part of the business licensing application. ACTING PLANNING DIRECTOR TOM PERRIGO stated the security requirements could be found in Title 6.95.120.

COMMISSIONER TRUESDELL commented that he knows this building very well and while it is not adjacent to residents and is professional in nature and appropriate visually for the area, he has concerns that the building owners may be self-policing themselves due to the number of signs on the building that go beyond a typical approval. MR. HENDERSON stated they would comply with all signage requirements.

MR. HENDERSON thought there may be a misunderstanding, as the proposed dispensary sits in the middle of a parking lot surrounded by commercial property. The dispensary adjacent to the entrance to a residential area, that many individual expressed their concern over, is a different applicant located about one-half mile east of this location.

In response to COMMISSIONER QUINN requesting a one-year administrative review, ASSISTANT DEPUTY CITY ATTORNEY SCOTT suggested she follow the ordinance which requires an automatic 18-month review.

CHAIR FLANGAS declared the Public Hearing closed.