



City of Las Vegas

Agenda Item No.: 31.

AGENDA SUMMARY PAGE - PLANNING
SPECIAL CITY COUNCIL MEETING OF: OCTOBER 28, 2014

DEPARTMENT: PLANNING
DIRECTOR: TOM PERRIGO, ACTING

☐ Consent ☒ Discussion

SUBJECT: SUP-55256 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: POSITIVE SPACE, INC. - OWNER: THE MEDICAL CENTER OF NEVADA, LLC - For possible action on a request for a special use permit for a PROPOSED 16,450 SQUARE-FOOT MEDICAL MARIJUANA CULTIVATION FACILITY at 2908 Highland Drive (APN 162-09-202-010), M (Industrial) Zone. (Tarkanian). The Planning Commission (5-0-1 vote) and Staff recommend APPROVAL.

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

2

City Council Meeting

4

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

3

City Council Meeting

0

RECOMMENDATION:

The Planning Commission (5-0-1 vote) and Staff recommend APPROVAL, subject to conditions:

BACKUP DOCUMENTATION:

1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Submitted after Final Agenda - Protest Postcards for SUP-55256 and SUP-55263
7. Backup Referenced from the September 23, 2014 Planning Commission Meeting

Motion made by LOIS TARKANIAN to Table Items 31 and 32

Passed For: 6; Against: 0; Abstain: 1; Did Not Vote: 0; Excused: 0

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

NOTE: CITY CLERK BEVERLY BRIDGES announced that due to a technical difficulty, the Planning Commission members would be showing up on the voting screen, but would not be active voting members at today's meeting.

Minutes:

MAYOR PRO TEM ANTHONY declared the Public Hearing open for Items 31 and 33.

SPECIAL CITY COUNCIL MEETING OF: OCTOBER 28, 2014

ACTING PLANNING DIRECTOR TOM PERRIGO reported staffs recommendation at the Planning Commission meeting related to the Special Use Permits for Items 31 and 33 was approval. He noted the subject site was not in compliance with the requirement found in Title 19 which described a medical marijuana cultivation facility as a fully stand-alone detached enclosed structure and recommended the cultivation facility be Tabled until such time as Title 19 could be updated to reflect the States clarification of separate building and to be consistent with Title 6. KAREN DUDDLESTEN, Business Licensing Manager, stated that as the location was currently not eligible for land use, staff had no recommendation for Item 32. Staff recommended approval of the Compliance Permit for Item 34.

DAVE THOMAS and GEORGE BOCHANIS, applicants; CAPTAIN JAMES GREEN, Henderson Police Department Retiree; DUKE FU, Nuclear Pharmacist; JUDY KLEIN, Advisor; DAWN MCCULLOUGH, New York City law enforcement and CARRIE RICHARDSON, construction company owner, were present.

MR. THOMAS spoke about the diversity of their group, the benefits of the proposed location, and the components of their security system.

ATTORNEY BOCHANIS commented that the States intention was to have a vertically-integrated facility with multiple uses under the same roof. They agreed to staffs recommendation to Table the cultivation use until such time as the local code was amended to conform to what the State was seeking. He pointed out that no one came forward to object to the location.

COUNCILWOMAN TARKANIAN was concerned about the past business practices of one of the individuals associated with this applicant that was contracted to manage a dispensary in California. Because of an oversight by this individual, the dispensary owner was charged, fined and was forced to shut down his business. She additionally noted that according to staff, the operational plans submitted only met minimal compliance to State and local regulations.

ATTORNEY BOCHANIS explained for COUNCILWOMAN TARKANIAN that the incident in question was an isolated incident and not a consistent pattern of behavior. COUNCILWOMAN TARKANIAN indicated she could not support the dispensary application without stronger evidence from staff.

MAYOR PRO TEM ANTHONY declared the Public Hearing closed for Items 31 and 33.