



City of Las Vegas

Agenda Item No.: 37.

AGENDA SUMMARY PAGE - PLANNING
PLANNING COMMISSION MEETING OF: SEPTEMBER 11, 2018

DEPARTMENT: PLANNING

DIRECTOR: ROBERT SUMMERFIELD

☐ Consent ☒ Discussion

SUBJECT:

ABEYANATHA - SUP-77811 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: CHALICE FARMS - OWNER: PARKINSON PROPERTIES I, LTD - For possible action on a request for a special Use Permit (FSK# 4500) 8000 SQUARE FOOT MARIJUANA DISPENSARY UNIT at 9140 Sunset Avenue (Ph: 763-05-410-000), C-1 (Limited Commercial) Zone, Ward 2 (Seroka) [P# 1512]. Staff recommends APPROVAL.

C.C.: 10/17/2018

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

20

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

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. Photo(s)
5. Justification Letter
6. Protest Postcards and Protest Documentation Not Vetted - Comment Forms/Telephone Log (7) and Altered Postcards (2)

Motion made by CHRISTINA ROUSH to Deny

Passed For: 5; Against: 0; Abstain: 1; Did Not Vote: 0; Excused: 1

CHRISTINA ROUSH, DONNA TOUSSAINT, TRINITY HAVEN SCHLOTTMAN, LOUIS DE SALVIO, BRENDA J. WILLIAMS; (Against-None); (Abstain-SAM CHERRY); (Did Not Vote-None); (Excused-VICKI QUINN)

NOTE: CHAIR CHERRY abstained from voting as his family is involved in the cannabis business. COMMISSIONER SCHLOTTMAN disclosed that he built a couple of cultivation facilities, a couple of dispensaries and a testing laboratory; however, his independence of judgement would not be affected.

PLANNING COMMISSION MEETING OF: SEPTEMBER 11, 2018

Minutes:

This item was pulled forward and heard subsequent to Item 20.

ACTING CHAIR SCHLOTTMAN declared the Public Hearing open.

STEVE GEBEKE, Planning Supervisor, reported that the applicant is requesting approval of a Special Use Permit (SUP) for a Marijuana Dispensary that meets all Title 19 requirements. The dispensary would be located within a larger shopping center containing a variety of other similar retail uses. The use is compatible with the surrounding adjacent uses; therefore, staff recommended approval.

BEN ALLMAN appeared on behalf of Chalice Farms. He indicated that they submitted the updated floor plan and have held a community meeting. He noted that several of the people who attended that meeting were at this Planning Commission meeting as well.

ANTHONY RUGGIERO stated that only four people attended the neighborhood meeting. He said that there is a significant concern regarding notification of this SUP; he understood the City complied with the radius requirement, but the majority of buildings within that radius are commercial or apartments. He noted that he and his next-door neighbor were the only two on his block to receive notification. MR. RUGGIERO stated that he would not be opposing this item if the radius had been increased and more of the homes were involved.

MR. RUGGIERO stated that the area was supposed to be made into a walkable community, and having a marijuana dispensary in the area was not a harmonious use. He thought that concerns about odor and security were valid. ACTING CHAIR SCHLOTTMAN stated that that would be addressed by the Business Licensing and Building and Safety Departments.

MR. RUGGIERO reiterated that odor was going to be a significant issue and not harmonious if he was to walk around the area with his family. ACTING CHAIR SCHLOTTMAN stated that if there was odor, the applicant would not be in compliance.

MR. RUGGIERO expressed additional concerns about traffic, graffiti, increased vagrancy, panhandling and homelessness problems and their quality of life being diminished. He stated that when COUNCILMAN SEROKA campaigned to become the Ward 2 Councilman, he said he would maintain and care about the health, safety and welfare of the community. MR. RUGGIERO felt that this is one of those issues that need to be addressed. He mentioned that he bought his house at the height of the real estate market, and he was certain that a marijuana facility in his neighborhood would have a detrimental effect on the value of his home. ACTING CHAIR SCHLOTTMAN stated that from a planning perspective, they could not look at the monetary value of a business or home.

SEAN DOAK was opposed to this project as he was concerned about how close this project would be to too many of the businesses he frequents with his family. He was also concerned about the people it would draw to the area.

PLANNING COMMISSION MEETING OF: SEPTEMBER 11, 2018

ERDINE SKOLNICK stated that she was opposed to granting a variance for this dispensary and noted that out of 206 homes at Fairway Pointe, she was the only one who received notification of the neighborhood meeting that was held on September 10, 2018. She felt that her lifestyle would be compromised as she frequents several of the businesses in the area and does not want to look at the marijuana dispensary while she is at them. She did not think there was any advantage to the health, education or welfare of the families or residents of the area by granting this, and felt it is a lucrative business venture by a corporation based in Canada. She stated that it was ironic that money was spent to tell people that smoking is hazardous to your health, but smoking marijuana is being promoted.

MR. ALLMAND pointed out that the applicant did not control the notification radius. He also stated that he did not think traffic would be impacted as Fort Apache Road and Sahara Avenue both already accommodate over 60,000 cars.

COMMISSIONER ROUSH stated that she received a number of calls from neighbors who are not in favor of this application and were concerned about the notification area as it is primarily commercial in nature. She disagreed with staff's assessment that this was harmonious and compatible; the building is in a vast parking lot with several other businesses, but she was concerned about the numerous family and child-based uses in the area including a movie theater and a video arcade. Very close by but outside of the notification area, there is a house of worship with a daycare, and that deeply concerned her. The Commissioner was also concerned about the area restaurants and businesses that are attractive to young families and children and thought this would greatly impact the neighborhood. She stated that she and COUNCILMAN SEROKA care deeply about the neighborhood, and she could not support this application.

See Item 6 for related discussion.

ACTING CHAIR SCHLOTTMAN declared the Public Hearing closed.