



City of Las Vegas

Agenda Item No.: **40.**

**AGENDA SUMMARY PAGE - PLANNING
PLANNING COMMISSION MEETING OF: AUGUST 8, 2017**

DEPARTMENT: PLANNING

DIRECTOR: ROBERT SUMMERFIELD, ACTING

☐ Consent ☒ Discussion

SUBJECT:

SUP-71037 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: BOULEVARD MEDICAL LLC - OWNER: GEORGE 744 DAVE for possible action on a request for a Special Use Permit FOR PROPOSED 4,553 SQ. FT. FOOT MARIJUANA CULTIVATION FACILITY USE at 714 South Main Street (APN 725134-310-015), C/M (Commercial/Industrial) Zone, Ward 3 (Coffin) [PRJ-70877] Staff recommends APPROVAL.

C.C.: 9/28/2017

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

City Council Meeting

RECOMMENDATION:

Staff recommends APPROVAL, subject to conditions:

BACKUP DOCUMENTATION:

1. Location and Aerial Maps - SUP-71037 and SUP-71038 [PRJ-70877]
2. Special Map
3. Conditions and Staff Report - SUP-71037 and SUP-71038 [PRJ-70877]
4. Supporting Documentation - SUP-71037 and SUP-71038 [PRJ-70877]
5. Photo(s) - SUP-71037 and SUP-71038 [PRJ-70877]
6. Justification Letter - SUP-71037 and SUP-71038 [PRJ-70877]
7. Submitted after Final Agenda Protest/Support Postcards for SUP-71037 and SUP-71038 [PRJ-70877]

Motion made by CHRISTINA ROUSH to Deny

Passed For: 5; Against: 0; Abstain: 2; Did Not Vote: 0; Excused: 0

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

NOTE: Even though he did not believe it would affect him any greater or lesser, CHAIR SCHLOTTMAN abstained from voting on Items 40 and 41 out of an abundance of caution as he has several clients and a bar within the notification area.

COMMISSIONER CHERRY also abstained from voting on Items 40 and 41 as his family's cannabis company's president does business with the applicant in another location.

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COMMISSIONER ROUSH disclosed that she owns properties within the notification area. She did not believe this would affect her properties any greater or lesser than any other property within the area; therefore, she would vote on Items 40 and 41.

Minutes:

ACTING CHAIR QUINN declared the Public Hearing open for Items 40 and 41.

STEVE SWANTON, Sr. Planner, reported that the applicant was proposing to operate both a marijuana cultivation facility and marijuana production facility in an existing structure that will be renovated for such purposes but not expanded. Both uses are permitted in the C-M (Commercial Industrial) District with approval of a Special Use Permit (SUP). Both uses met the minimum use requirements of Title 10. Staff found the subject site to be suitable for the proposed uses, and in turn found the uses to be harmonious and compatible with surrounding uses; therefore staff recommended approval of both SUPs.

He noted that at the present moment, the Business Licensing Division has not opened up an application period for marijuana production or cultivation licenses, nor does the applicant have an active compliance permit for the proposed uses. Also, all approval and protest documents were received after publication.

RICHARD GALLEGOS appeared on behalf of the applicant and concurred with staff's recommendations.

ROBIN CAMACHO stated that there are two properties to the north of the subject property. When she invested in downtown, she moved because she bought into the vision 2045 Downtown Master Plan. Additionally, she is planning to build an open air restaurant with a dining patio that would abut against the proposed site.

GREG ESPOSITO appeared on behalf of MS. CAMACHO and showed a rendering of MS. CAMACHO'S proposed restaurant near the subject property. He stated that he and MS. CAMACHO'S objection to the proposed project was not due to NIMBY (Not in My Back Yard) or Reefer Madness but felt that there were strong problems where this building fails to meet the five standards of what an SUP requires.

MR. ESPOSITO discussed the five standards and how they applied to the requested SUPs. He showed a rendering of the proposed dining patio of MS. CAMACHO'S restaurant located near the parcel. MS. CAMACHO purchased the property in August 2016, and it was approved for a gastropub in January 2017. Her vision is to develop it into a neighborhood eatery with the potential to host live entertainment.

He acknowledged the odor that may be emitted from the subject property site and stated that the odor from marijuana grow houses is a strong and musky scent. He expressed concern over customers enjoying a meal potentially smelling the odor and permanently damaging MS. CAMACHO'S business. He referenced five different articles from various sources documenting

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where marijuana odor has been a prime concern for neighbors. MR. ESPOSITO also mentioned a recent robbery at a local marijuana dispensary.

He paraphrased the Las Vegas Municipal Code regarding surveillance cameras and pointed out several images of the subject site and the zero foot setback of the building. He directed the Commission's attention to a small gap on the side of the building that he believed would be virtually impossible to monitor by video. Since there is no setback on either the north or south side, he wondered how the applicant was going to monitor someone else's property as they have not received permission from MS. CAMACHO or the property owner to the south. He showed several images of the alley behind the property which is majority owned by NV Energy.

In reference to the third standard of what an SUP requires, MR. ESPOSITO reiterated that NV Energy owns over half of the alley behind the subject building, all of the easement and access to it is across private property. The applicant has not received permission from that private property owner to cross into that alleyway which means the only way for product to leave the subject building is through the front.

He noted that the business located across the street is a fitness center that provides physical training to at-risk youth and expressed that the biggest complaint against the application is that the proposed project goes against the Vision 2043 Downtown Master Plan.

MR. GALLEGOS respected the neighbors and their concerns. He was aware that odor is a sensitive subject and that the applicant would adhere to all requirements. With respect to security, they must comply with all local and City standards. With respect to the easement in the back of the subject property, MR. GALLEGOS was not sure if the applicant had access to it but asserted that there was no fence between the end of the subject property and the easement.

ACTING CHAIR QUINN asked about the distance to the fitness center. MR. ESPOSITO was not sure but believed it to be approximately 100 feet from property line to property line.

ACTING CHAIR QUINN encouraged MR. ESPOSITO to find this information out for his own applicant if she is to serve liquor.

COMMISSIONER CREAR asked MR. GALLEGOS if the applicant had a license to operate the facility. MR. GALLEGOS was not sure and understood that the applicant must comply with all of the current rules; however, the present decision was based upon land use. He believed MR. JAMES was working with his Councilperson's office.

COMMISSIONER CREAR asserted that he could not support the application as he already supported MS. CAMACHO'S.

COMMISSIONER ROUSH was at the property and tried to access the back area of the alley which was not possible. She expressed concern regarding the trucks being loaded in the front. She also believed the City has spent a lot of money in the downtown area and this use would

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inhibit the area.

COMMISSIONER TOUSSAINT believed this area was not appropriate.

ACTING CHAIR QUINN declared the Public Hearing closed for Items 40 and 41.

