



City of Las Vegas

Agenda Item No.: **95.**

**AGENDA SUMMARY PAGE - PLANNING
PLANNING COMMISSION MEETING OF: AUGUST 14, 2018**

DEPARTMENT: PLANNING

DIRECTOR: ROBERT SUMMERFIELD

☐ Consent ☒ Discussion

SUBJECT:

UP-7383 - SPECIAL USE PERMIT PUBLIC HEARING - APPLICANT: NORBERTO MADRIGAL - OWNER: NMD HOLDINGS LP 5, LLC - For possible action on a request for a Special Use Permit For A PROPOSED 4,700 SQUARE-FOOT MEDICAL MARIJUANA CULTIVATION CENTER IN THE CITY USE 4,300 West Mesquite Avenue (APN 139-28-802-001), M (Industrial) Zone. (Create) [PR]-13630]. Staff recommends APPROVAL.

C.C.: 9/5/2018

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

30

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. Suitability Location Survey by Dwyer Engineering Inc.
7. Protest Postcards

Motion made by BRENDA J. WILLIAMS to Approve subject to conditions

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

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

NOTE: CHAIR CHERRY abstained from voting on Items 93-95 as his family is involved in the marijuana industry. COMMISSIONER SCHLOTTMAN disclosed that he has built several cultivation, dispensary and medical marijuana facilities; he met NORBERTO MADRIGAL, applicant, a couple of years ago, but they have no ongoing business. As it would not affect his independence of judgement, he would vote on this item. COMMISSIONER ROUSH disclosed that her family owns Tenaya Creek Brewery, which is located across the interstate from the subject property; however, it would not affect her judgement, and she would vote on this item.

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Minutes:

VICE CHAIR QUINN declared the Public Hearing open. She noted that this application is for a marijuana cultivation facility, not medical.

STEVE SWANTON, Sr. Planner, reported that on October 28, 2014 the City Council denied Special Use Permits to operate a proposed 12,000 square foot Medical Marijuana Cultivation Facility and a 1,360 square foot Medical Marijuana Dispensary on the subject site. The applicant's current proposal is to occupy the existing three standalone structures on the subject site for a proposed 17,040 square foot Marijuana Cultivation Facility.

The subject site complies with all minimum distance separation requirements as set forth by Title 19, and the use can be conducted in a compatible and harmonious manner with the existing surrounding land uses and future land uses as projected by the General Plan; therefore, staff recommended approval.

NORBERTO MADRIGAL stated that his family owns the subject property, and he is the owner of Herbal Choice. They would like to use this for cultivation, and they believe it is harmonious with the area. He said there is only one entrance and exit.

COMMISSIONER DIAZ ALVIO asked what would happen with the existing businesses, Steel Engineers and Rick's Restoration, that are on the site. MR. MADRIGAL explained that the seven-acre property was divided and they purchased four acres and Steel Engineers purchased three. Rick's Restoration is on the subject site, but the facility is too big for that operation, so they are working to find something smaller.

COMMISSIONER SCHLOTTMAN asked MR. MADRIGAL if he was one of the owners of Lunas Construction Clean Up, and MR. MADRIGAL replied in the affirmative.

COMMISSIONER SCHLOTTMAN stated that the site is near the Spaghetti Bowl and not much could be built there that would attract people. He did not think cultivation was obtrusive, and he was in support.

COMMISSIONER WILLIAMS commented that there were no residences or schools nearby, but she was concerned about the safety of the site as there was only one way to access the site. MR. MADRIGAL stated that they plan to have sufficient security personnel on site.

VICE CHAIR QUINN declared the Public Hearing closed.