



*City of Las Vegas*

Agenda Item No.: 24.

**AGENDA SUMMARY PAGE - PLANNING  
PLANNING COMMISSION MEETING OF: OCTOBER 9, 2018**

DEPARTMENT: PLANNING  
DIRECTOR: ROBERT SUMMERFIELD

Consent  Discussion

**SUBJECT:** BEYANET - SUP-73826 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: NEVADA MEDICAL GROUP OWNERSHIP PROPERTIES, LLC - For possible action on a request for a special use permit for PROPOSED 2,746 SQUARE-FOOT MARIJUANA DISPENSARY located at 3911 North Mifano Drive, Suite #130 (APN 138-28-501-009), C-1 (Limited Commercial Zone, Ward 2 (Seroka) [PRJ-73684]. Staff recommends APPROVAL.

C.C.: 11/21/2018

**PROTESTS RECEIVED BEFORE:**

**APPROVALS RECEIVED BEFORE:**

Planning Commission Mtg.	45	Planning Commission Mtg.	4
City Council Meeting	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/Support Postcards and Protest/Support Documentation Not Vetted Protest Altered Postcards (4), Protest Comment Forms (19), Support Comment Form (1) and Protest E-mail (1)

Motion made by CHRISTINA ROUSH to Deny

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

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

NOTE: CHAIR CHERRY abstained because this involves a marijuana dispensary his family is involved in. Also, COMMISSIONER SCHLOTTMAN disclosed that he was involved in the construction of various facilities involving medical marijuana; however, he did not believe his judgement would be affected, so he would vote as he has done many times in the past.

Minutes:

VICE CHAIR QUINN declared the Public Hearing open.

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JONATHAN BOYLES, Sr. Planner, gave the report. On October 29, 2014, the City Council approved Special Use Permit 55284 to operate a proposed Medical Marijuana Dispensary within Suite No. 130 of the subject site. However, the previous entitlement was allowed to expire April 29, 2016 as no business license was issued within 18 months of the previous approval. The applicant has requested to re-establish the previous land use approval for a Marijuana Dispensary at 1591 North Buffalo Drive, Suite No. 130. The subject site complies with all minimum distance requirements as set forth by Title 19.12; therefore, the use can be conducted in a compatible and harmonious manner with the existing surrounding land uses and future land uses. Staff recommended approval.

ROBERT HASMAN, representing the applicant, stated that the proposed retail dispensary was previously at this location, and they have been holding the site for three years, pending the opportunity to be able to reapply for this location.

HEIDI DECRISTOFORO owns a business in the subject business complex and she has no issue with the proposed dispensary, but she is concerned about the lack of parking spaces for this lot. With five existing businesses on the site and the addition of this dispensary, there would only be 14 parking spaces available for customers. If all the employees drive to work, the store front for the subject dispensary has no parking spaces, and there are only two handicap parking spaces located in the corner. The multiple deliveries made to the convenience store and gasoline stations take up to four parking spaces for the trucks, and this makes it harder for traffic circulation and on-site parking. She runs a dog grooming business so her customers are parked for ten minutes at a time, but the hair salon clients stay for up to two hours. She insisted that parking is a big issue for the site and allowing this business would only make it worse. She feels there are other properties that could better accommodate the volume of the type of business will attract.

MIKE McCLARY frequents the businesses on the site and agreed that lack of parking is a problem and said the convenience store is a negative of the parking spaces in front of their store.

MR. HASMAN commented that he intends to receive the appropriate entitlements and manage the property better, including termination of some of the leases if necessary in order to improve parking.

COMMISSIONER ROUSH apologized to MR. HASMAN for not being able to make contact with him. She stated that marijuana dispensaries are very controversial, probably secondary to short-term rentals, and she believes that there are plenty of other locations better suited for a marijuana dispensary. In reviewing the history on the property, she could see how the parking was compromised over the years. The neighborhood and many other individuals are opposed because the dispensary borders on the property line of a church with a private school and daycare. Given the location, it will be very difficult to conduct business. She suggested finding a better location that she could support.

COMMISSIONER SCHLOTTMAN did not feel there was a big issue until he saw the aerial photo and heard some of the concerns, and he has heard that dispensaries require a lot of parking,

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which this site lacks. He could not support the application.

VICE CHAIR QUINN commented that people will go elsewhere if they cannot find adequate parking.

COMMISSIONER ROUSH asked staff why they recommended approval with the site being parking impaired. ROBERT SUMMERFIELD, Planning Director, explained that the City Council approved a variance, which sets a new standard for the site. Therefore, while it may be cramped, any retail operator that does not require a special use permit will get approved by staff. He pointed out that the convenience store on the site cannot restrict parking, which is available for all customers of the shopping center. COMMISSIONER ROUSH disagreed with staff's reasoning and asked that Code Enforcement send someone to address the parking restriction issue with the convenience store.

VICE CHAIR QUINN declared the Public Hearing closed.

