



Planning Commission Agenda Item

Date: December 13, 2017
Item No: 16.

TO: Planning Commission

FROM: Alfredo Melesio, Jr., AICP, Director Land Development & Community Services
Prepared By: Marc Jordan

SUBJECT: UN-60-17 (60752) FOREVER GREEN MME (Public Hearing). Applicant: Forever Green, LLC. Request: A special use permit in an M-2 (General Industrial District) to allow a Cultivation Facility for Medical Marijuana. Location: 3108 N. Losee Road. (APN's 139-14-102-003 and 139-14-102-004). (For possible action)

RECOMMENDATION:

The Land Development and Community Services Department recommends that UN-60-17 be approved subject to conditions listed.

GENERAL INFORMATION:

Comprehensive Plan:	Mixed-Use Employment
Existing land use and zoning:	Warehouse; M-2, General Industrial District
Surrounding land use and zoning:	<u>North:</u> Industrial; M-2, General Industrial District <u>West:</u> Kenworth; M-2, General Industrial District <u>East:</u> Interstate 15 right-of-way <u>South:</u> Auto Auction; M-2, General Industrial District

BACKGROUND INFORMATION:

The applicant is requesting Planning Commission consideration of a special use permit to allow a cultivation facility for medical marijuana. According to the site plan, the applicant is proposing to locate the cultivation facility within the existing building. The building is located within an industrial area. The site plan indicates the existing building is approximately 58,000 square feet in size, and has approximately 63 parking spaces. The applicant has also indicated in the letter of intent the proposed use will be developed in three phases. Phase one will consist of the flowering rooms, trim room,

vegetation room, dry room, and office space. Phase one is proposing to utilize the existing office areas on two floors. Phase two is proposed to expand into the remaining areas of the existing warehouse. Phase three is proposed within a new structure, approximately 10,000 square feet in size, east of the existing building.

The existing building is a concrete tilt-up structure and was constructed in 1984. According to the floor plan, one main entrance is proposed, with additional entrances/exits that will be utilized as life safety exits. In addition, it appears there are three (3) roll up doors. The letter of intent states the roll up doors will be secured and that only one door will be used for the delivery of supplies, equipment, and product.

The proposed request is a change of location. The applicant has received a provisional license (C100) from the State within the Apex area at 13830 Grand Valley Parkway. According to the information obtained from the State, the applicant has received a provisional license from the State for cultivation only.

DEPARTMENT COMMENTS:

Public Works:	No comment.
Police:	No comment.
Building:	Please see the attached memorandum.
Fire:	Please see the attached memorandum.

ANALYSIS

A cultivation facility for medical marijuana is permitted within the M-2, General Industrial District with the approval of a special use permit by the Planning Commission. According to Title 17, the following must be demonstrated.

Distance Separation Requirements: The applicant must submit a survey from a Nevada licensed surveyor that demonstrates the proposed establishment meets the separation requirements of 1,000 feet from a school, and 300 feet from a community facility, and developed residential. The submitted survey indicates that these requirements have been met.

Separate, Stand Alone Building or Facility: According to the site plan, the applicant is proposing to locate the cultivation facility within an existing, stand-alone building.

Appropriately Zoned: The subject site has the appropriate zoning of M-2, General Industrial District.

Specific Use of the Facility: The applicant is proposing a cultivation facility for medical marijuana. The letter of intent or site plan do not indicate other activities not associated with the proposed use.

A Single Entrance: The site plan shows that three entrances exist. However, two of the entrances will be utilized for life safety exits. The only other entrances appear to be three (3) roll up doors and additional life safety exits.

No Outside Storage: The site plan does not indicate that outside storage is proposed as part of this use.

Minimum Square Footage: The proposed cultivation facility will be approximately 58,000 square feet in size, with a possible expansion of approximately 10,000 square feet. Therefore, the minimum size requirement of 3,500 square feet for cultivation has been met.

In addition to the above requirements, there are several other requirements the applicant would need to comply with that cannot be determined with the submittal of a land use request. Those requirements include, but are not limited to maintaining discreet and professional signage, complying with life safety requirements, and ensuring there is no emission of dust, fumes, vapors, or odors.

Requirements for Approval of a Special Use Permit

In accordance with the Zoning Ordinance, the Planning Commission may, by motion, grant a special use permit if the Planning Commission finds, from the evidence presented, that all of the following facts exist:

1. The proposed use is consistent with the Comprehensive Master Plan and all applicable provisions of this Code and applicable State and Federal regulations;
2. The proposed use is consistent with the purpose and intent of the zoning district in which it is located and any applicable use-specific standards and criteria in Chapter 17.20 of this Code;
3. The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (such as, but not limited to, hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts);
4. Any significant adverse impacts anticipated to result from the use will be mitigated or offset to the maximum extent practicable; and
5. Facilities and services (including sewage and waste disposal, water, gas, electricity, police and fire protection, and roads and transportation, as applicable) will be available to serve the subject property while maintaining adequate levels of service for existing development.

Staff has no objections to the proposed use. The proposed use is consistent with the zoning designation, and also appears to be consistent with the criteria set for a medical marijuana establishment. In regards to compatibility with the surrounding properties, the applicant will need to ensure on an on-going basis that noise, odor, dust, or other external impacts do not negatively impact the surrounding properties. Furthermore, prior to issuance of any tenant improvements or business license, the applicant will need to ensure that appropriate facilities and services are in place.

CONDITIONS:

Planning and Zoning:

1. Unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.

ATTACHMENTS:

Fire Prevention Division Memorandum
Building Division Memorandum
Letter of Intent
Site Plan
Floor Plans
Building Elevations
Clark County Assessor's Map
Location and Zoning Map