



# Planning Commission Agenda Item

Date: December 13, 2017  
Item No: 17.

**TO:** Planning Commission

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

**SUBJECT: UN-64-17 (60777) CANA NEVADA CULTIVATION (Public Hearing).**  
Applicant: Cana Nevada Corp. Request: A special use permit in an M-2 (General Industrial District) to allow a Cultivation Facility for Medical Marijuana. Location: 3950 N. Bruce Street. (APN 139-11-501-004). (For possible action)

**RECOMMENDATION:**

The Land Development and Community Services Department recommends that UN-64-17 be approved subject to conditions listed.

**GENERAL INFORMATION:**

Comprehensive Plan:	Heavy Industrial
Existing land use and zoning:	Greenhouse; M-2, General Industrial District
Surrounding land use and zoning:	<p><u>North:</u> NV Energy Co-Generation Facility; M-2, General Industrial District</p> <p><u>West:</u> Undeveloped and Warehousing; M-2, General Industrial District</p> <p><u>East:</u> Drainage Channel and Industrial Uses; M-2, General Industrial</p> <p><u>South:</u> Industrial Uses; M-2, General Industrial District</p>

**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 greenhouse

building that is currently occupied by Windset Greenhouses and is used to grow cucumbers. The building is located within an industrial area and was constructed in 1994.

The subject site (greenhouse) was originally developed in conjunction with the co-generation facility currently owned by NV Energy to the north. On September 19, 2014, a parcel map (PM 119-86) was recorded that divided the two sites, thus creating two individual uses. The site plan review (SPR-03-93) for the greenhouse and co-generation facility was originally approved by the Planning Commission on March 10, 1993. In addition, the Planning Commission approved a special use permit (UN-10-91) that allowed the storage of approximately 100,000 gallons of diesel fuel for the co-generation facility. However, the co-generation facility only installed two diesel tanks containing less than 130 gallons. Furthermore, on August 23, 2000, the Planning Commission approved a new site plan review (SPR-26-00) which expanded the co-generation facility. The site plan review was later amended by the Planning Commission on May 9, 2001, regarding dedication of the adjacent flood channel.

According to the site plan, the existing building is approximately 434,645 square feet in size, and has approximately 71 parking spaces that are provided in front and back of the building. The letter of intent states that approximately 408,000 square feet will be allocated to cultivation, and that approximately 5,000 square feet will be dedicated to production. In addition, another 16,000 square feet is proposed within a packing shed, and the remaining areas will be used as offices, and irrigation and maintenance rooms.

The site plan shows the greenhouse being divided into large flowering rooms, vegetation rooms, and a mother and clone room. The front of the building is used for the production activities that will contain drying, trim, extraction, and packing rooms. Additional areas are also shown that would be utilized for office space, vaults, maintenance shop, irrigation room, and various other rooms associated for the proposed uses.

The existing building is constructed using two methods. The front of the building is constructed with corrugated metal on all sides. The greenhouse portion of the building utilizes a greenhouse design on the sides and roof that allows light into the building, and contains vents on the roof. It appears one main entrance is proposed, with additional entrances/exits that will be utilized as life safety exits. In addition, it appears there are four (4) roll up doors.

The proposed request is a change of location. According to the applicant provisional licenses have been obtained from the State for both cultivation and production. A separate special use permit (UN-63-17) to allow the Production of Edible Marijuana

Products or Marijuana-Infused Products has also been filed. That applicant is also on this agenda for Planning Commission consideration.

**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. The majority of the building is proposed for cultivation, and a smaller portion of the building is proposed for the production of edible marijuana products or marijuana-infused products.

**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. Other than a production facility proposed in a portion of the building, the letter of intent or site plan do not indicate other activities not associated with the proposed use.

**A Single Entrance:** It appears one main entrance is proposed, with additional entrances/exits that will be utilized as life safety exits. In addition, it appears there are four (4) roll up doors.

**No Outside Storage:** The site plan does not propose any outside storage as part of this use.

**Minimum Square Footage:** The proposed cultivation facility will be approximately 408,000 square feet in size. 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, and complying with life safety requirements. Furthermore, the subject site and building also pose some additional unique challenges to ensure there is no emission of dust, fumes, vapors, or odors; meeting security standards; ensuring the cultivation activities are not visible; and meeting the City's adopted energy standards.

The existing building is a greenhouse design with walls and a roof system that allows light into the building. While the existing walls appear to be opaque, it also appears to be covered in mineral deposits or has a moisture buildup that prevents visibility into the building as portions of the building that do not contain this buildup, the existing activities are visible from the outside. In addition, the roof contains vents that allow fresh air into the building.

NAC 453A.472 states that cultivation activities cannot be observed from the outside. In addition, this same section of NAC and Title 17 does not allow any odor to be detectable from the outside of the cultivation facility. Therefore, modifications may be necessary to ensure these requirements are met.

Furthermore, because the building is made of glass or another similar material, security will also be a concern to prevent the unauthorized entry into the building. Lastly, the applicant will need to ensure compliance with the City's energy standards.

For reasons unknown to staff, the landscaped area next to Bruce Street contains a few trees and a very large berm. However, the perimeter landscaping does not meet the City's minimum tree requirements nor does it contain any ground cover. Therefore, additional landscaped materials, such as trees and shrubs should be provided to bring this perimeter landscaping next to Bruce Street into compliance with Title 17 standards.

### **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.
2. A landscape plan, demonstrating compliance with the City's landscaping requirements for the area along Bruce Street shall be submitted to the City, subject to review and approval by staff.

**ATTACHMENTS:**

Fire Prevention Division Memorandum

Building Division Memorandum

Letter of Intent

Site Plan

Floor Plan

Building Elevations

Parcel Map

Survey

Clark County Assessor's Map

Location and Zoning Map