

**STAFF REPORT FOR THE PLANNING COMMISSION MEETING OF FEBRUARY 25, 2015**

**FILE NO.: SUP-15-002**

**AGENDA ITEM: F-2**

**STAFF AUTHOR:** Susan Dorr Pansky, AICP  
Planning Manager

**REQUEST:** To consider a request for a Special Use Permit from Nevada Organix, LLC (property owner: DBB Holdings, Inc.) to allow a Medical Marijuana Dispensary on property zoned General Commercial (GC), located at 135 Clearview Drive, Unit 119, APN 009-161-60.

**APPLICANT:** Nevada Organix, LLC

**OWNER:** DBB Holdings, Inc.

**LOCATION:** 135 Clearview Drive, Unit 119

**APN:** 009-161-60

**RECOMMENDED MOTION:** “I move to approve SUP-15-002, a Special Use Permit request from Nevada Organix, LLC (property owner: DBB Holdings, Inc.) to allow a Medical Marijuana Dispensary on property zoned General Commercial, located at 135 Clearview Drive, Unit 119, APN 009-161-60, based on the findings and subject to the conditions of approval contained in the staff report.”



**RECOMMENDED CONDITIONS OF APPROVAL:**

**The following shall be completed prior to commencement of the use:**

1. The applicant must sign and return the Notice of Decision for conditions for approval within 10 days of receipt of notification. If the Notice of Decision is not signed and returned within 10 days, then the item may be rescheduled for the next Planning Commission meeting for further consideration.
2. All development shall be substantially in accordance with the development plans approved with this application, except as otherwise modified by these conditions of approval.
3. All on- and off-site improvements shall conform to City standards and requirements.
4. All on- and off-site improvements shall conform to NRS and NAC 453A and the Adopted Regulations of the Division of Public and Behavioral Health of the Department of Health and Human Services, LCB File No. R004-14, as applicable at the time of development.
5. The use for which this permit is approved shall commence within 12 months of the date of final approval. A single, one year extension of time may be requested in writing to the Planning Division thirty days prior to the one year expiration date. Should this permit not be initiated (obtain a Building Permit) within one year and no extension granted, the permit shall become null and void.
6. The applicant shall maintain a State certificate to operate a Medical Marijuana Establishment, specifically a dispensary, at the subject location. Failure to maintain a State certificate will render this Special Use Permit null and void.
7. The applicant shall obtain and maintain a valid Carson City Business License for the operation of a Medical Marijuana dispensary.
8. The project requires application for a Building Permit, issued through the Carson City Building Division. This will necessitate a complete review of the project to verify compliance with all adopted construction codes and municipal ordinances applicable to the scope of the project.
9. The applicant shall submit proposed signage to the Planning Division for review and approval prior to installation. A Sign Permit may be required depending on the nature of the proposed signage. All signage shall conform to Division 1.20 and Division 4 of the Carson City Development Standards, as applicable.

**The following conditions shall be completed with any Building Permit application:**

10. The applicant shall submit a copy of the Notice of Decision and conditions of approval, signed by the applicant and owner, with any Building Permit application.
11. All projects and improvements must be performed in accordance with Nevada Revised Statutes (NRS) 624 and Carson City Municipal Code (CCMC) 15.05.020.
12. Repairs, replacements and alterations must comply with 2012 International Building Codes, 2012 Uniform Plumbing Code or 2012 International Plumbing Code, Uniform

Mechanical Code or 2012 International Mechanical Code, 2012 Fuel Gas Code, 2011 Electrical Code, and 2012 Northern Nevada Amendments.

13. All contractors are required to carry State and local licenses.
14. Based upon the documents provided, the Occupant Load for this 1,374 square foot space will be 14.
15. The project must conform with Carson City's adopted fire code (2012 IFC) and Northern Nevada amendments.
16. The project will require a Knox key box with the final location to be approved by the Carson City Fire Department.
17. The applicant shall submit information on any new exterior lighting that is proposed for installation with this facility. Exterior lighting shall comply with Carson City Development Standards, Division 1.3.

**The following conditions shall be applicable throughout the life of the use:**

18. The Special Use Permit for this Medical Marijuana dispensary is only valid at the location specified in this application for the operator who obtains the Nevada State certificate for this facility. The Special Use Permit approval shall expire and become null and void if the operator loses or otherwise forfeits his or her State certificate to operate this facility. Special Use Permits for Medical Marijuana Establishments are non-transferable between operators and locations within Carson City.
19. All dispensary operations shall conform to NRS and NAC 453A and the Adopted Regulations of the Division of Public and Behavioral Health of the Department of Health and Human Services, LCB File No. R004-14, as may be modified from time to time.
20. Medical marijuana or medical marijuana-infused products intended for disposal shall be rendered unusable and disposed of off-site at the Carson City Landfill as medical material for immediate burial. Temporary exterior on-site storage of product for disposal shall be prohibited. This method of disposal is subject to change and may be modified by Carson City at any time.
21. No consumption of medical marijuana or medical marijuana-infused products shall occur on the premises of this dispensary, including the parking lot and surrounding area.
22. Outdoor display and sales of medical marijuana merchandise is prohibited.
23. Medical marijuana products shall not be visible from outside the dispensary at any time.
24. Hours of operation shall be limited to 7:00am to 8:00pm, seven days a week.
25. The applicant shall ensure that offensive medical marijuana product odors are not discharged from the building at any time. The detection of medical marijuana odors in the vicinity may result in citation and possible revocation of this Special Use Permit.

**LEGAL REQUIREMENTS:** CCMC 18.02.080 (Special Use Permits), CCMC 18.04.135 General

Commercial (GC), CCMC DS 1.20 Development Standards for Medical Marijuana Establishments.

**MASTER PLAN DESIGNATION:** Community/Regional Commercial

**PRESENT ZONING:** General Commercial (GC)

**KEY ISSUES:** Will the proposed Medical Marijuana Dispensary be compatible with the surrounding neighborhood and be in keeping with the standards of the Carson City Municipal Code?

**SURROUNDING ZONING AND LAND USE INFORMATION:**

- EAST: General Commercial/Retail Commercial Uses
- WEST: General Commercial/Retail Commercial Uses
- NORTH: General Commercial/Retail Commercial Uses
- SOUTH: General Commercial/Vacant Parcel and Retail Commercial Uses

**ENVIRONMENTAL INFORMATION:**

- FLOOD ZONE: X Zone (areas of minimal flooding)
- EARTHQUAKE FAULT: Zone III (moderate earthquake potential)
- SLOPE/DRAINAGE: Site has been previously developed and is primarily flat

**SITE DEVELOPMENT INFORMATION:**

- LOT SIZE: .9 acres
- EXISTING STRUCTURE SIZE: 12,466 square feet, 1,374 square feet for tenant space
- EXISTING PARKING: 44 spaces on existing parcel, 97 for entire existing shopping center
- SETBACKS: N/A – Existing Building
- VARIANCES REQUESTED: None

**PREVIOUS REVIEWS:**

- None

**HISTORY:**

Senate Bill (SB) 374, commonly referred to as the “Medical Marijuana Act,” was adopted by the Nevada Legislature and signed into law in 2013, authorizing Medical Marijuana Establishments in Nevada. In July 2014, the Carson City Board of Supervisors adopted zoning regulations to allow Medical Marijuana Establishments in the General Commercial and General Industrial zoning districts in certain locations in Carson City with the approval of a Special Use Permit and subject to specific development standards.

In addition to the Special Use Permit requirements set forth by Carson City, any Medical Marijuana Establishment applicants are also required to apply to the State of Nevada for a certificate to operate a Medical Marijuana Establishment. All applications for Medical Marijuana Establishments for 2014 were submitted and provisional certificates were issued by the State on November 3, 2014. A provisional certificate is a preliminary certificate issued by the State that is

contingent on applicants receiving all local zoning and business license approvals. Once those approvals have been verified, the State will issue an official certificate to successful Medical Marijuana Establishment operators.

The applicant for this Special Use Permit to operate a Medical Marijuana Establishment, in this case a dispensary, is one of two dispensary operators in Carson City to receive a provisional certificate from the State. A condition of approval has been recommended as a part of this staff report that the applicant must maintain their certificate to operate a Medical Marijuana Establishment in Carson City in order for this Special Use Permit to remain valid. The failure to maintain a certificate to operate from the State would result in the Special Use Permit becoming null and void.

## **DISCUSSION:**

The applicant is proposing to operate a medical marijuana dispensary in a 1,374 square foot tenant space within an existing shopping center on Clearview Drive, just east of South Carson Street. The dispensary will sell medical marijuana, medical-marijuana-infused products and medical marijuana paraphernalia. The proposed dispensary will consist of a front waiting room with check-in office, an internal retail display area, an internal check-out/sales area, office space and a restroom. Because the proposed tenant space is within an existing building on an existing developed site, modifications to the site and exterior of the building are not necessary nor are they proposed by the applicant. The hours of operation for the dispensary will be 10:00am to 7:00pm seven days per week, which is consistent with the hours of operation limitation of 7:00am to 8:00pm seven days per week as set by Carson City.

The applicant proposes a security plan for the dispensary that includes the following security measures:

- On-site security guards. A security guard will be present at all times during operating hours. All security guards will be registered agents of the dispensary.
- Alarm system. A third-party alarm system will be monitored by the contracted alarm company 24 hours a day and will include motion detectors and key-pad deactivation.
- Panic buttons.
- Video surveillance. Cameras will be capable of identifying faces of those present in the facility. Building exteriors will also be outfitted with video surveillance and sufficient lighting will be maintained to ensure functionality of surveillance. The system includes 30-day digital video storage, video printer and battery back-up and failure notification systems.
- Restricted employee access to security systems.
- Steel door frames.
- Solid core doors (90 minute fire rated).
- Buzz-in locking mechanism to allow entry to verify cardholders.
- Self-closing and self-locking door mechanisms.
- Commercial grade dead-bolt locks.
- Commercial grade fingerprint entry lock.
- Commercial grade keyless key-pad entry mechanism.
- Security walls.
- Bulletproof glass.
- Single, secure patient entrance.
- Bank-style safe system with locking system meeting the standards of Underwriters

- Laboratories.
- Enclosed, locked display cases.

The applicant anticipates a maximum of 130 patients per day, which can be accommodated by the 44 parking spaces on site which is a part of the 97 total parking spaces that exist in the overall shopping center. Because the proposed dispensary is located in a relatively busy retail area, the addition of 130 patients to the existing traffic patterns would not be significant.

Although this is a dispensary and product odor would generally be of less concern than with a cultivation or production facility, the applicant has stated that they will explore the mitigation of potential odor through the use of HEPA filters, receiving products that are already packaged and by using odor-proof packaging. Per State regulations, marijuana odor that is detectable outside of the facility is forbidden and staff has recommended a condition of approval in this Special Use Permit as well.

A Special Use Permit is required for the proposed project for the following reason:

- Pursuant to Carson City Municipal Code, Section 18.04.135, General Commercial Conditional Uses, a Medical Marijuana Establishment requires the approval of a Special Use Permit subject to Carson City Development Standards, Section 1.20, Medical Marijuana Establishments.

As stated above, Medical Marijuana Establishments are subject to specific criteria outlined in the Carson City Development Standards, Section 1.20 – Medical Marijuana Establishments. These development standards and how the proposed dispensary meets them are addressed below:

### **1.20 Medical Marijuana Establishments.**

The following standards are intended to establish minimum requirements and Special Use Permit review criteria for Medical Marijuana Establishments, including Cultivation Facilities, Dispensaries, Production Facilities, and Testing Laboratories, as defined in Title 18 and NRS, in addition to other standards for commercial and industrial development.

1. The following standards apply to all Medical Marijuana Establishments.
  - a. All Medical Marijuana Establishments (MMEs) require approval of a Special Use Permit. Special Use Permits for MMEs are only valid at a given location for the operator who obtains the Nevada State certificate for that facility. The Special Use Permit approval shall expire and become null and void if the MME operator loses or otherwise forfeits his or her State certificate to operate that facility. Special Use Permits are non-transferable between operators and locations within Carson City.

*Staff has recommended a condition of approval outlining these requirements.*

- b. No consumption of Medical Marijuana products shall occur on the premises of any MME.

*Consumption on the premises of the dispensary is not proposed. Staff has recommended a condition of approval to address this requirement.*

- c. All business activities related to MMEs, including cultivation, shall be conducted

indoors, within a permanent building. The use of office trailers or other temporary structures is prohibited. All MMEs shall have an appearance, both as to the interior and exterior, which is professional, orderly, dignified, and consistent with the traditional style of pharmacies and medical offices.

*The business activities for the dispensary are proposed to be conducted inside an existing permanent tenant space, within an existing shopping center. The existing exterior of the tenant space is professional and consistent with the general look of pharmacies and medical offices.*

- d. Outside display or sales of MME merchandise shall be prohibited.

*Outside display and sales is not proposed with the dispensary. Staff has recommended a condition of approval to address this requirement.*

- e. Accessory outside storage for MMEs shall comply with Title 18.16 Development Standards, Division 1.12 Outside Storage.

*Outside storage is not proposed with this dispensary.*

- f. Access to the MME shall be restricted in compliance with State regulations.

*A condition of approval has been recommended that the dispensary maintain compliance with all State regulations.*

- g. No MME-related products shall be visible from outside the building.

*Based on the location of the retail space within the dispensary, MME-related products should not be visible from outside the building. Staff has recommended a condition of approval to address this requirement.*

- h. Sign Requirements. All MME signage shall be discreet, professional, and consistent with the traditional style of signage for pharmacies and medical offices. All MMEs shall follow the sign regulations for Office Uses in the Development Standards, Division 4, except that freestanding sign height for Cultivation Facilities, Production Facilities, and Testing Laboratories shall be limited to 10 feet consistent with sign height requirements for industrial uses.

*The applicant is not proposing signage with this application as it has not yet been developed for the dispensary. Staff has recommended a condition of approval that will require that signage be reviewed and approved by the Planning Division prior to installation.*

- i. Parking Requirements. Parking shall be provided for MMEs as follows:

- (1) Dispensaries. One space per 300 square feet of gross floor area.

*Five spaces are required for the proposed dispensary based on 1,374 square feet of gross floor area. The dispensary will be located within a shopping center with 44 existing spaces on the subject parcel and 97 total parking spaces for the entire center. Per the Carson City Development Standards, Division 2, Parking*

*and Loading, a shopping center is required to have one space per 250 square feet of gross floor area. Based on the gross floor area of the overall shopping center buildings at 22,770 square feet, a total of 92 parking spaces are required. The shopping center exceeds this requirement with 97 total parking spaces. Because the proposed dispensary is located in an existing shopping center that shares parking, the overall parking count meets the minimum requirement for the dispensary.*

- j. No more than two Dispensaries shall be permitted in Carson City.

*The proposed dispensary is one of two that has obtained a provisional certificate from the State.*

- k. A MME shall not be located within 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12 or within 300 feet of a facility that provides day care to children, a public park, a playground, a public swimming pool, a center or facility, the primary purpose of which is to provide recreational opportunities or services to children or adolescents, that existed on the date on which the application for the proposed MME was submitted to the State Health Division, measured on a straight line from the nearest school or community facility property line to the front door or primary entrance of the MME.

*Staff has verified that the proposed dispensary meets the minimum distance requirements outlined in this standard. This is further substantiated with the zoning letter provided by staff to the applicant on August 6, 2014 for submission with their State application. The zoning letter is provided in the application for reference.*

2. The following standards apply to all Medical Marijuana Dispensaries.

- a. A single point of secure public entry shall be provided and identified.

*A single point of secure public entry has been identified on the included floor plan. This entry is the only exterior door on the north side of the dispensary. This entrance will lead into an interior waiting room area where patrons will wait until admitted into the medical marijuana retail area.*

- b. Hours of operation shall be limited to 7:00 a.m. to 8:00 p.m., seven days per week.

*The applicant proposes hours of operation from 10:00am to 7:00pm seven days per week, which is consistent with this standard.*

- c. Drive-through service is prohibited.

*Drive-through service is not proposed for this dispensary.*

- d. A Dispensary shall not be located on property or within a shopping center with frontage on the same street on which a residentially-zoned property is located unless the Dispensary is located more than 300 feet from the residential property, measured on a straight line from the nearest residential property line abutting the street right-of-way to the front door of the Dispensary.



*While the proposed dispensary is located within a shopping center with frontage on the same street as residentially-zoned property, staff has verified that the residentially-zoned property is more than 300 feet from the front door of the dispensary, as required by this standard. This is further substantiated with the zoning letter provided by staff to the applicant on August 6, 2014 for submission with their State application. The zoning letter is provided in the application for reference.*

3. Special Use Permit review standards. The following shall be considered in the review of any Dispensary located within the General Industrial zoning district in addition to the required Special Use Permit findings:

- a. That the proposed Dispensary is located where sufficient, convenient and safe access is provided to the public.

*The proposed dispensary is located in an existing shopping center on Clearview Drive just east of South Carson Street. The site has sufficient, convenient and safe access for the public through the existing roadway and sidewalk networks. This site is also near a Jump Around Carson bus route with an existing bus stop at the Clearview/South Carson Street intersection.*

- b. That the proposed location has adequate lighting and street improvements for a use providing public access.

*The proposed location has adequate lighting and street improvements for public access. The shopping center where the dispensary is proposed is relatively new, having been constructed in 1999, and has lighting, sidewalks and surface improvements that provide public access and security.*

Staff finds that the proposed dispensary meets the applicable development standards required. With the recommended conditions of approval and findings provided by the applicant, staff is in support of this Special Use Permit application. Staff recommends that the Planning Commission approve SUP-15-002 based on the required findings as noted on the following pages.

**PUBLIC COMMENTS:** Public notices were mailed to 39 adjacent property owners within 300 feet of the subject site on February 6, 2015. As of the writing of this report, no comments have been received in favor or opposition to the proposed project. Any comments that are received after this report is completed will be submitted to the Planning Commission prior to or at the meeting on February 25, 2015, depending on the date of submission of the comments to the Planning Division.

**OTHER CITY DEPARTMENTS OR OUTSIDE AGENCY COMMENTS:** The following comments were received by various city departments. Recommendations have been incorporated into the recommended conditions of approval, where applicable.

**Building Division:**

1. All projects and improvements must be performed in accordance with Nevada Revised Statutes (NRS) 624 and Carson City Municipal Code (CCMC) 15.05.020.
2. Repairs, replacements and alterations must comply with 2012 International Building

Codes, 2012 Uniform Plumbing Code or 2012 International Plumbing Code, Uniform Mechanical Code or 2012 International Mechanical Code, 2012 Fuel Gas Code, 2011 Electrical Code, and 2012 Northern Nevada Amendments.

3. All contractors are required to carry State and local licenses.
4. Based upon the documents provided, the Occupant Load for this 1,374 square foot space will be 14.

**Fire Department:**

1. The project must conform with Carson City's adopted fire code (2012 IFC) and Northern Nevada amendments.
2. The project will require a Knox key box with the final location to be approved by the Carson City Fire Department.

**Engineering Division:**

The Engineering Division has no preference or objection to the special use request.

**Health and Human Services:**

Carson City Health and Human Services has no concerns with the application as submitted.

**Environmental Control Authority:**

Environmental Control has no comments concerning this request. All comments will be provided during the Building Permit phase.

**FINDINGS:** Staff's recommendation is based upon the findings as required by CCMC Section 18.02.080 (Special Use Permits) enumerated below and substantiated in the public record for the project.

1. **Will be consistent with the master plan elements.**

**Chapter 5: Economic Vitality, Goal 5.2 – Promote Expansion of Retail Service Base**

*The addition of a medical marijuana dispensary provides for expansion of the retail medical offerings in Carson City beyond what has existed in the past. By providing safe, convenient and legal means to obtain medical marijuana, Carson City is providing a retail medical service that will serve the needs of patients in Carson City that may benefit from the use of medical marijuana.*

2. **Will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties or the general neighborhood; and will cause no objectionable noise, vibrations, fumes, odors, dust, glare or physical activity.**

*The proposed dispensary will be located in an existing tenant space within an existing*

*shopping center. The nature of the business is in line with a retail or pharmacy use and is not expected to cause objectionable noise, vibrations, fumes, odors, dust, glare or physical activity.*

**3. Will have little or no detrimental effect on vehicular or pedestrian traffic.**

*The proposed dispensary is anticipated to generate both vehicular and pedestrian traffic to the site, but no more than what would be expected of a retail commercial operation common for the proposed shopping center. Therefore, it is not expected to have a detrimental impact on vehicular or pedestrian traffic.*

**4. Will not overburden existing public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public improvements.**

*The proposed dispensary is located in an existing building and should not have impact on public services such as water, sanitary sewer, storm drainage or other public improvements. All of these existing improvements are adequate for the proposed use. There is no anticipated impact on schools and the impacts on police and fire protection are unknown at this time as this is a new use in Nevada. The applicant has proposed extensive security measures that are intended to supplement police services so that impacts to such services would be minimal.*

**5. Meets the definition and specific standards set forth elsewhere in this title for such particular use and meets the purpose statement of that district.**

*Medical Marijuana Establishments are a conditional use in accordance with Title 18.04.135 General Commercial Conditional Uses and require a Special Use Permit. With the approval of this Special Use Permit and recommended conditions of approval, the project will meet the definition and specific standards required to support this use in the General Commercial zoning district.*

**6. Will not be detrimental to the public health, safety, convenience and welfare.**

*The proposed dispensary will be located in an inconspicuous, secure space with daytime business hours and limited access by only those with medical marijuana registration cards. It is not anticipated to be detrimental to the public health, safety, convenience and welfare.*

**7. Will not result in material damage or prejudice to other property in the vicinity.**

*The dispensary is proposed in an existing commercial shopping center within a large General Commercial zoning district and is proposed to provide similar retail commercial services to members of the public, but that would be limited by the possession of a medical marijuana registration card. It is not anticipated to result in material damage or prejudice to other property in the vicinity.*

**Attachments:**

- Site Photos
- Building Division Comments
- Fire Department Comments

Engineering Division Comments  
Health and Human Services Comments  
Environmental Control Division Comments  
Application (SUP-15-002)



**DREAM DINNERS**

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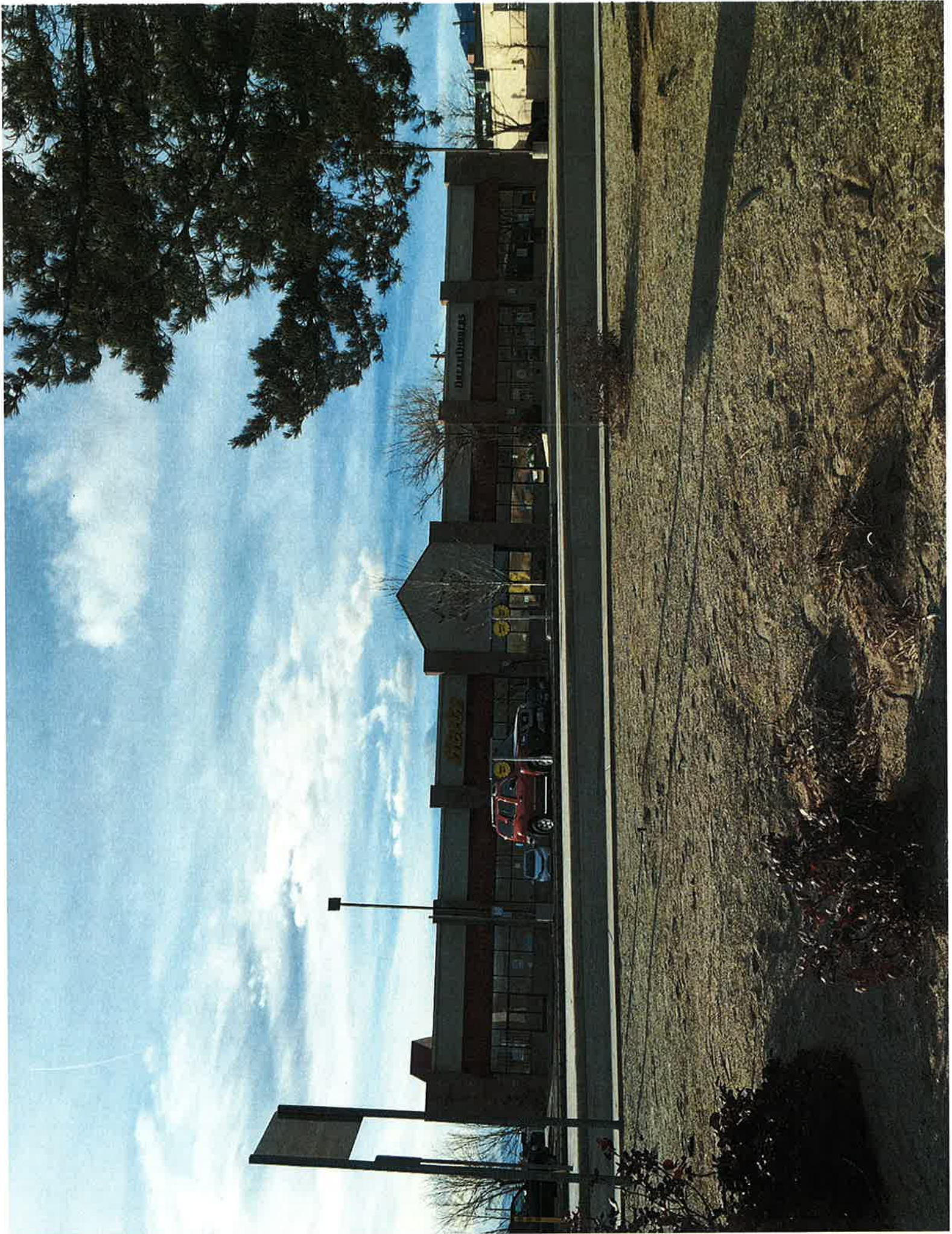
123













## Susan Dorr Pansky

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**From:** Shawn Keating  
**Sent:** Tuesday, January 20, 2015 9:25 AM  
**To:** Susan Dorr Pansky  
**Cc:** Dave Ruben  
**Subject:** SUP-15-002 (APN 09-161-20)

Susan, see below for comments on #SUP-002:

1. All projects and improvements must be performed in accordance with Nevada State Revised Statutes (NRS) 624 and Carson City Municipal Ordinance (CCMC) 15.05.020.
2. Repairs, Replacement, and Alterations must comply with 2012 International Building Codes, 2012 Uniform Plumbing Code or 2012 International Plumbing Code, Uniform Mechanical Code or 2012 International Mechanical code, 2012 Fuel gas Code, 2011 Electrical Code, and 2012 Northern Nevada Amendments.
3. All Contractors are required to carry State and local license.
4. Based upon the documents provided, the Occupant Load for this 1374 foot space will be 14.

Thanks.

### ***Shawn Keating***

Chief Building Official  
Carson City Community Development  
108 E. Proctor Street  
Carson City, NV 89701

Main 775-887-2310  
FAX 775-887-2202

### ***Shawn Keating CBO***

Building Official  
Carson City Community Development Department  
Office 775-887-2310  
Fax 775-887-2202  
Cell 775-230-6623  
[skeating@carson.org](mailto:skeating@carson.org)

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February 6, 2015



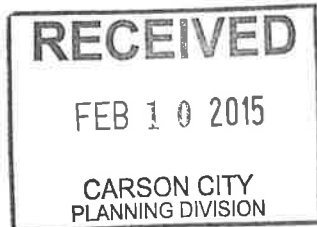
SUP 15-002 comments:

1. Project must conform with Carson City adopted fire code (2012 IFC) and Northern Nevada amendments.
2. Project will require a Knox key box with the final location to be approved by Carson City FD.

***Dave Ruben***

Captain – Fire Prevention  
Carson City Fire Department  
777 S. Stewart Street  
Carson City, NV 89701

Direct 775-283-7153  
Main 775-887-2210  
FAX 775-887-2209



**Engineering Division  
Planning Commission Report  
File Number SUP 15-002**

**TO:** Planning Commission

**FROM** Rory Hogen, E.I.

**DATE:** February 10, 2015

**MEETING DATE:** February 25, 2015

**SUBJECT TITLE:**

Action to consider an application for a Special Use Permit from Nevada Organix, LLC to establish a Medical Marijuana Dispensary Site at 135 Clearview Dr., suite 119, apn 09-161-20.

**RECOMMENDATION:**

The Engineering Division has no preference or objection to the special use request.

**DISCUSSION:**

The Engineering Division has reviewed the conditions of approval within our areas of purview relative to adopted standards and practices and to the provisions of CCMC 18.02.080, Conditional Uses. All construction and improvements must meet the requirements of Carson City and State of Nevada Codes and Development Standards.

**CCMC 18.02.080 (2a) - Adequate Plans**

The information submitted by the applicant is adequate for this analysis.

**CCMC 18.02.080 (5a) - Master Plan**

The request is not in conflict with any Engineering Master Plans for streets or storm drainage.

**CCMC 18.02.080 (5c) - Traffic/Pedestrians**

The proposal will not affect traffic or pedestrian facilities.

**CCMC 18.02.080 (5d) - Public Services**

Existing facilities appear to be adequate for this project.

## Susan Dorr Pansky

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**From:** Dustin Boothe  
**Sent:** Monday, February 09, 2015 6:52 AM  
**To:** Susan Dorr Pansky  
**Subject:** Planning Commission

Susan:

**SUP-15-002**

Carson City Health and Human Services has no concerns with the application as submitted.

**SUP-15-003**

Carson City Health and Human Services has no concerns with the application as submitted.

Dustin Boothe, MPH, REHS  
Carson City Health and Human Services  
900 E. Long St.  
Carson City, NV 89706  
(775) 887-2190 ext. 7220

[dboothe@carson.org](mailto:dboothe@carson.org)

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February 10, 2015

Major Project Review Committee

Re: # SUP – 15 - 002

Dear Kathe,

After initial plan review the Carson City Environmental Control Authority (ECA), a Division of Carson City Public Works Department (CCPW), has the following requirements per the Carson City Municipal Code (CCMC) and the Uniform Plumbing Code (UPC) for the SUP 15-002 @ 135 Clearview Suite #119 request:

1. Facility will need to meet all applicable codes found in Title 12.06, 12.12.065 and Appendix 18 Division 15.5 of the Carson City Municipal Code (CCMC) and all applicable codes found in Chapters 7 and 10 of the 2012 Uniform Plumbing Code (UPC).

Please notify Mark Irwin if you have any questions regarding these comments, I can be reached at 775-283-7380.

Sincerely;

Mark Irwin  
Environmental Control Officer 3

c: Kelly Hale, Environmental Control Supervisor

Carson City Planning Division  
108 E. Proctor Street • Carson City NV 89701  
Phone: (775) 887-2180 • E-mail: planning@carson.org

FOR OFFICE USE ONLY:

CCMC 18.02

### SPECIAL USE PERMIT

FEE: \$2,450.00 MAJOR  
\$2,200.00 MINOR (Residential zoning districts)  
+ noticing fee

#### SUBMITTAL PACKET

- 8 Completed Application Packets (1 Original + 7 Copies) including:
- Application Form
- Written Project Description
- Site Plan
- Building Elevation Drawings and Floor Plans
- Proposal Questionnaire With Both Questions and Answers Given
- Applicant's Acknowledgment Statement
- Documentation of Taxes Paid-to-Date (1 copy)
- Project Impact Reports (Engineering) (4 copies)
- CD containing application digital data (to be submitted once the application is deemed complete by staff)

Application Reviewed and Received By:

Submittal Deadline: See attached PC application submittal schedule.

Note: Submittals must be of sufficient clarity and detail such that all departments are able to determine if they can support the request. Additional Information may be required.

FILE # SUP - 15 - 002

APPLICANT PHONE #  
Nevada Organix, LLC (Bill Myer) 602-828-1576

MAILING ADDRESS, CITY, STATE, ZIP  
20 East Bethany Home Rd. Phoenix, AZ 85012

EMAIL ADDRESS  
arizonaorganix@gmail.com

PROPERTY OWNER PHONE #  
DBB Holdings, Inc. (RE Mgr: Jack Brower)

MAILING ADDRESS, CITY, STATE, ZIP  
If necessary, please contact through applicant

EMAIL ADDRESS  
or applicant agent / representative.

APPLICANT AGENT/REPRESENTATIVE PHONE #  
Pistil and Stigma Inc. 775-815-4813

MAILING ADDRESS, CITY STATE, ZIP  
250 Bell St. Reno, NV 89502

EMAIL ADDRESS  
info@pistilandstigma.com

Project's Assessor Parcel Number(s): 009-161-20  
Street Address ZIP Code  
135 Clearview Drive Unit 119, 89701

Project's Master Plan Designation Project's Current Zoning Nearest Major Cross Street(s)  
Community / Regional Commercial General Commercial S. Carson and Oak St.

Briefly describe your proposed project: (Use additional sheets or attachments if necessary). In addition to the brief description of your project and proposed use, provide additional page(s) to show a more detailed summary of your project and proposal. In accordance with Carson City Municipal Code (CCMC) Section: \_\_\_\_\_, or Development Standards, Division \_\_\_\_\_, Section \_\_\_\_\_, a request to allow as a conditional use is as follows:

See attached Written Description.

#### PROPERTY OWNER'S AFFIDAVIT

I, \_\_\_\_\_, ORIGINAL AFFIDAVIT DELIVERED SEPARATELY, being duly deposed, do hereby affirm that I am the record owner of the subject property, and that I have knowledge of, and I agree to, the filing of this application.

Signature Address Date

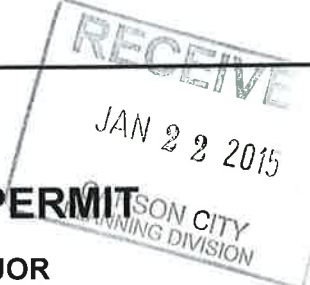
Use additional page(s) if necessary for other names.

STATE OF NEVADA )  
COUNTY )

On \_\_\_\_\_, 20\_\_\_\_, \_\_\_\_\_, personally appeared before me, a notary public, personally known (or proved) to me to be the person whose name is subscribed to the foregoing document and who acknowledged to me that he/she executed the foregoing document.

Notary Public

NOTE: If your project is located within the historic district, airport area, or downtown area, it may need to be scheduled before the Historic Resources Commission, the Airport Authority, and/or the Redevelopment Authority Citizens Committee prior to being scheduled for review by the Planning Commission. Planning personnel can help you make the above determination.



This application is for a Special Use Permit (SUP) for a medical marijuana dispensary located at 135 Clearview Drive in Carson City (APN 009-161-20). The applicant, Nevada Organix, LLC, has received provisional certificates from the Division of Public and Behavioral Health in their response to applications to operate a medical marijuana dispensary, cultivation facility and production facility in Carson City and a medical marijuana dispensary in unincorporated Washoe County. As all medical marijuana establishments in Carson City must apply separately for a Special Use Permit (SUP), applications for the medical marijuana cultivation and production facilities in Carson City have been submitted separately from this application.

The Nevada Organix team currently runs a successful and well-respected medical marijuana dispensary and cultivation facility in Arizona. This experience translated into the top state application scores in each jurisdiction applied in. Now that the building-out process is approaching, the owners and operators will rely on their backgrounds in the construction industry. This includes management of LEED-certified projects using recycled and environmentally safe building materials. The owners have personally designed and will oversee the remodeling of the existing space using characteristics of pharmacies, banks and even art galleries in order to add a level of professionalism to the industry.

The total square footage of the proposed facility is 1,374 square feet. All of this space is available to the applicant under the current lease agreement. With cardholder access areas of approximately 800 square feet, the dispensary will accommodate a maximum of 130 patients per day. Though this demand is not anticipated in the near future, the existing space will be adapted to include the following rooms and areas:

- **Waiting Room.** Cardholders, including registered patients, designated primary caregivers and nonresident patients, and visitors will enter through the single secure entrance into this space, where they will wait until they are allowed access to the rest of the dispensary.
- **Check-In Office.** Cardholders and visitors will provide their identification and/or patient registry identification card to a dispensary agent stationed behind a window leading to the Check-In Office. This window will be made of bullet-proof glass.
- **Display Area.** After their identification and/or cardholder status has been confirmed, the door leading to the Display Area will be unlocked using a buzzer to allow cardholders and visitors to enter the Display Area. All sales of medical marijuana products will be conducted in this area.
- **Patient Check-Out Area.** This is the point of sale for all purchases.
- **Check-Out Sales Area.** Separated from the Display Area by a wall and service counter, only dispensary agents will have access to this area.

- Manager's Office. Only authorized dispensary agents will have access to this room.
- Unisex Bathroom. All faucets within the facility will be equipped with products that have the EPA's "WasteSense" approval. To conserve water, toilets will be 1.6 gallon flushes and a quarterly check will be performed to ensure all sources of water within the facility are not leaking.

Adjustments including demolition, layout, framing, painting and installation of safes, large equipment, mechanical, electrical and plumbing devices, flooring and drywall will be made over a period of two to three months with an expected opening date of Summer 2015. Floor plans with some security measures redacted have been provided with this application. Security measures to be implemented include, without limitation:

- On-site security guards. A security guard will be present at all times during operating hours. All security guards will be registered agents of the dispensary.
- Alarm system. A third-party alarm system will be monitored by the contracted alarm company 24 hours a day and will include motion detectors and key-pad deactivation.
- Panic Buttons.
- Video surveillance. Cameras will be capable of identifying faces of those present in the facility. Building exteriors will also be outfitted with video surveillance and sufficient lighting will be maintained to ensure functionality of surveillance. System includes 30-day digital video storage, video printer and battery back-up and failure notification systems.
- Restricted employee access to security systems.
- Steel door frames.
- Solid core doors (90 min. fire rated).
- Buzz-in locking mechanism to allow entry to verified cardholders.
- Self-closing and self-locking door mechanisms.
- Commercial grade dead-bolt locks.
- Commercial grade fingerprint entry lock.
- Commercial grade keyless key-pad entry mechanism.
- Security walls.
- Bulletproof glass.
- Single, secure patient entrance.
- Bank-style safe system with locking system meeting the standards of Underwriters Laboratories.
- Enclosed, locked display cases.

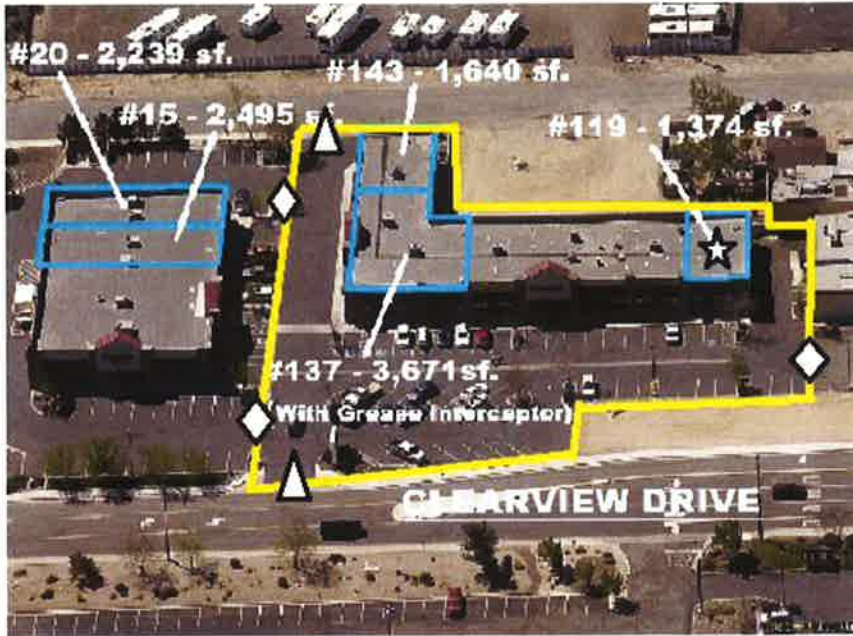


With regard to potential signage for the project, required postings that are to be displayed at the dispensary include, but are not limited to: operating hours, city certificate of occupancy, State of Nevada Medical Marijuana Establishment registration certificate (to be displayed prominently), “No Loitering” sign on the front door, “Surveillance Cameras In Use” sign, “Restricted Access” signs, and any other postings required by law, such as “Exit” and “Fire Extinguisher” signs.

At this time, no company or brand-specific signage is being proposed. In order to meet state regulations and to ensure building and product security, the applicant must embrace a design style that is “discreet.” If the applicant wishes to install signage in the future, it must first be approved by the Division of Public and Behavioral Health per state regulations, in addition to any approvals that must be secured with the City. At no time will the applicant utilize any signs or postings that are not approved by the Division and City.

There is currently an existing sign on Clearview Drive for the plaza in which the applicant parcel is located. Nevada Organix may employ the use of this sign, shown below, upon approval from both the Division and City.





★ **Proposed Medical Marijuana Dispensary (1,374 square ft)**

△ **Street Access Point**

◇ **Neighboring Property Access Point**

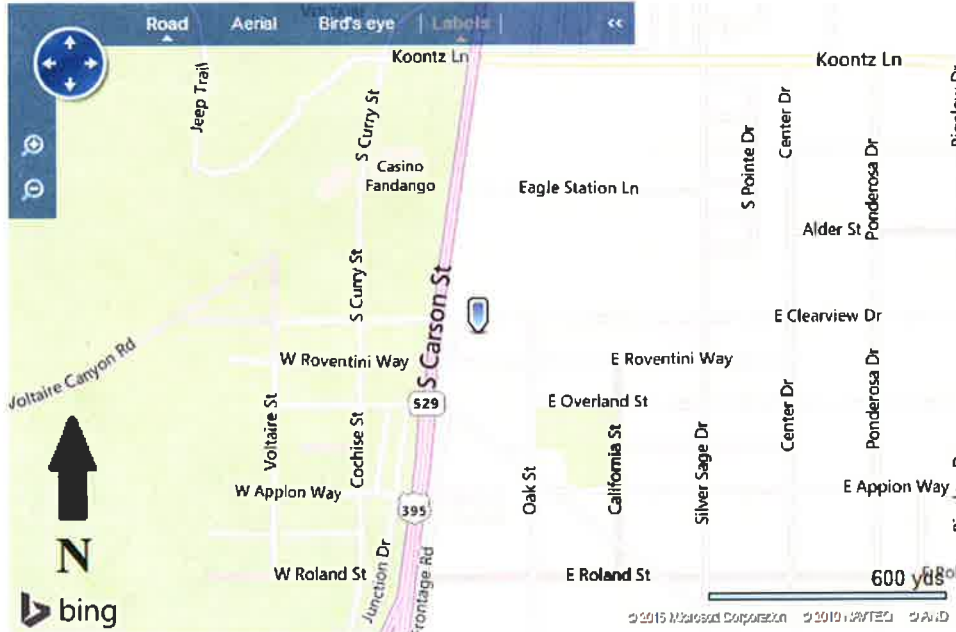


N

≈50ft

— Rough Property Line  
 — Unit Within Existing Building

Map of 135 Clearview Dr, Carson City, NV 89701 (Carson City County)



APPLICANT:  
 Nevada Organix, LLC  
 (Contact: Bill Myer)  
 20 East Bethany Home Rd.  
 Phoenix, AZ 85012  
 602-828-1576

PREPARER:  
 Pistil and Stigma  
 250 Bell Street Reno, NV 89502  
 775-815-4813

PROPERTY OWNER:  
 DBB Holdings  
 (RE Manager: Jack Brower)

APN: 009-161-20  
 ADDRESS: 135 Clearview Drive  
 Unit 119

REQUEST: Special Use Permit for  
 a Medical Marijuana Dispensary







## Carson City Planning Division

108 E. Proctor Street  
Carson City, Nevada 89701  
(775) 887-2180 – Hearing Impaired: 711  
planning@carson.org  
www.carson.org/planning

August 6, 2014

Mr. William Myer  
Nevada Organix, LLC  
4050 Pacific Harbors Drive, #116  
Las Vegas, NV 89121

### ZONING CERTIFICATE

**RE: Medical Marijuana Establishment – Dispensary  
135 Clearview Drive, Unit 119  
APN 009-161-20**

Dear Mr. Myer:

In response to your request concerning the proposed placement of a Medical Marijuana Dispensary on property located at 135 Clearview Drive, Unit 119 in Carson City, please be advised of the following:

1. Pursuant to Carson City Municipal Code, Sections 18.04.135 and 18.04.150, a Medical Marijuana Dispensary may be located in those areas zoned General Commercial (GC) within Sections 29 through 32 of Township 15 N., Range 20 E., south of Moses Street (South Carson Street vicinity) and within Sections 1, 2, 9, 10, 11 and 12 of Township 15 N., Range 20 E., and Section 36 of Township 16 N., Range 20 E., east of the I-580 freeway (Highway 50 East vicinity), and in those areas zoned General Industrial (GI) within Sections 1, 2, 11 and 12 of Township 15 N., Range 20 E., and Section 36 of Township 16 N., Range 20 E (Highway 50 East vicinity). All Medical Marijuana Dispensaries are subject to the approval of a Special Use Permit.

***The subject property is located in a General Commercial (GC) zoning district (South Carson Street vicinity) approved for Medical Marijuana Dispensaries. Approval of a Special Use Permit is required.***

2. Pursuant to Carson City Development Standards, Division 1.20, a Medical Marijuana Establishment shall not be located within 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12 or within 300 feet of a facility that provides day care to children, a public park, a playground, a public swimming pool, a center or facility, the primary purpose of which is to provide recreational opportunities or services to children or adolescents, that existed on the date on which the application for the proposed Medical Marijuana Establishment was submitted to the State Health Division, measured on a straight line from the nearest school or community facility property line to the front door or primary entrance of the Medical Marijuana Establishment.

***The Planning Division has verified by physical inspection that, as of the date of this letter, the subject property meets the minimum setback requirements set forth in the Carson City Development Standards.***

3. Pursuant to NRS 453A.322, the location of a Medical Marijuana Establishment may not be within 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12 and that existed on the date on which the application for the proposed medical marijuana establishment was submitted to the Division, or within 300 feet of a community facility that existed on the date on which the application for the proposed medical marijuana establishment was submitted to the Division.

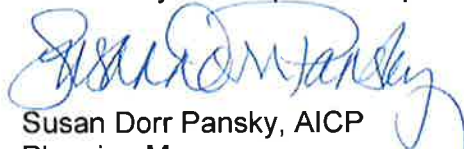
***The Planning Division has verified by physical inspection that, as of the date of this letter, the subject property meets the minimum setback requirements set forth in NRS 453.322.***

The Carson City Planning Division finds that the proposed Dispensary location meets all general state and local zoning and setback requirements, and the site will be considered acceptable for a Dispensary upon approval of a Special Use Permit by the Planning Commission.

A Business License will also be required prior to the commencement of operation for any Medical Marijuana Establishment in Carson City. The Business Licensing process will include review of any proposed Medical Marijuana Establishment building(s) for compliance with applicable code requirements including, but not limited to, building, engineering, fire, health, and environmental control.

If you have any questions, please feel free to contact me at (775) 283-7076 or via email at [spansky@carson.org](mailto:spansky@carson.org). Thank you.

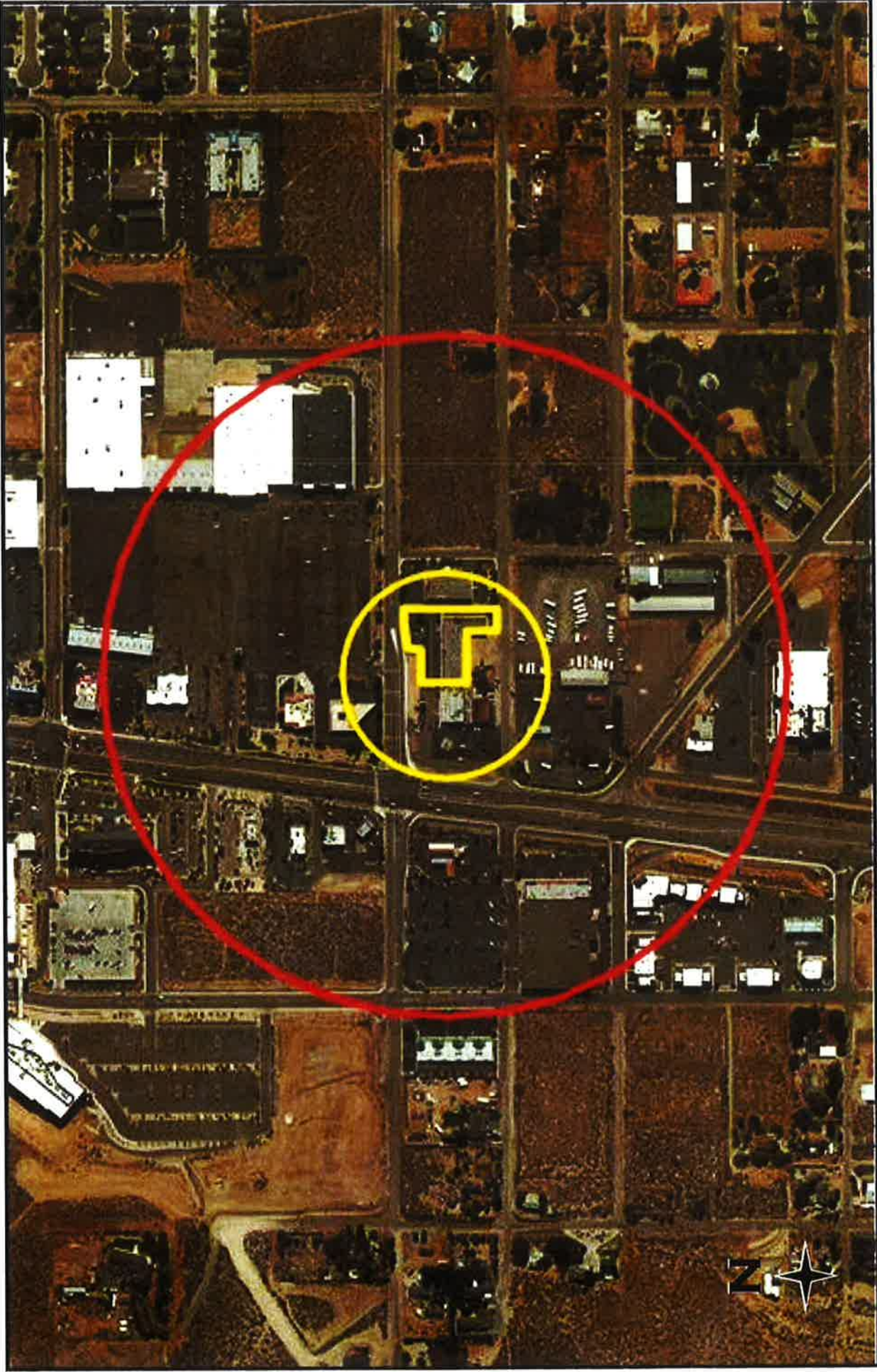
Sincerely,  
Community Development Department, Planning Division



Susan Dorr Pansky, AICP  
Planning Manager

Attachment - Setback Map





**135 Clearview Dr. #1119, APN 009-161-20**

**Red Circle = 1,000 foot Setback from Schools**

**Yellow Circle = 300 foot Setback from Community Facilities**



6363' FROM  
M.M.E. FRONT DOOR  
TO AL SEELIGER  
ELEMENTARY SCHOOL

668' FROM M.M.E.  
FRONT DOOR TO  
ROSS GOLD PARK

1000'

300'

CLEARVIEW DRIVE

SOUTH CARSON STREET



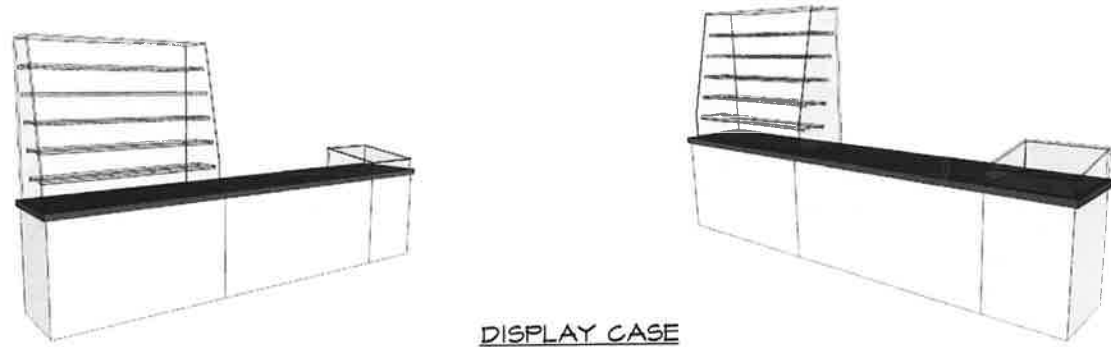
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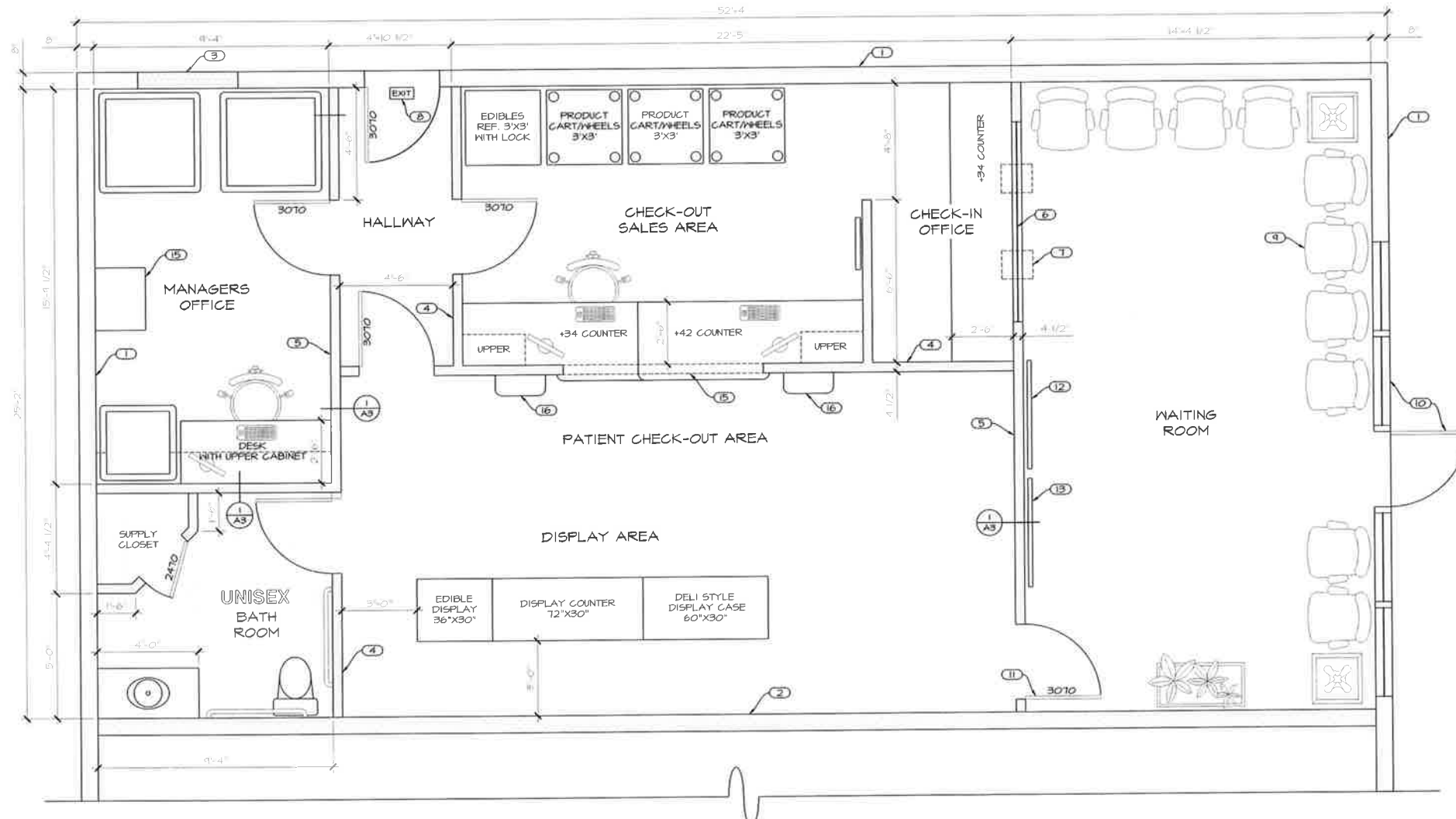
**LUMOS**  
& ASSOCIATES  
800 E. COLLEGE PARKWAY  
CARSON CITY, NEVADA 89706  
PH. (775) 883-7077 FAX (775) 883-7114

NEVADA ORGANIX  
135 CLEARVIEW DR, SUITE 119  
MEDICAL MARIJUANA ESTABLISHMENT (M.M.E.)  
CARSON CITY NEVADA

Date: AUGUST 2014  
Scale: 1" = 500'  
Job No: 8616.000  
EXHIBIT 1



**DISPLAY CASE**  
SCALE: NTS



**KEY NOTES**

1. EXISTING CMU CONSTRUCTION
2. EXISTING DEMISING WALL
3. EXISTING DOOR OPENING TO BE FILLED IN WITH MATCHING EXTERIOR CMU CONSTRUCTION
4. NEW 2X4 METAL FRAMING WITH GYPSUM (TYP)
5. NEW SECURITY GRADE WALL CONSTRUCTION
6. SECURITY GRADE GLAZING 8040
7. SECURITY PASS-THRU
8. EMERGENCY EXIT
9. WAITING ROOM CHAIR 30"X30" (TYP)
10. EXISTING COMMERCIAL DOOR AND GLAZING
11. METAL FRAME SECURITY SOLID CORE DOOR - SELF CLOSING WITH COMMERCIAL GRADE DEAD BOLT
12. 55" WALL MOUNTED TV
13. 55" WALL MOUNTED TV WITH MENU
14. FULL HEIGHT BUILT-IN SECURITY CABINET
15. PASS-THRU HEADER AT 8'
16. +42 SHELF

NEVADA ORGANIX, LLC  
**MEDICAL MARIJUANA DISPENSARY**  
 135 E. CLEARVIEW SUITE 119  
 CARSON CITY, NV 89701

DESIGNS CREATED WITHIN THIS DOCUMENT ARE PROTECTED BY COPYRIGHT LAW. ALL RIGHTS RESERVED.

DATE  
8-11-2014  
 FILE NAME  
NEVADA ORGANIX  
 PROJECT NUMBER  
181

SHEET NUMBER

**A3**



**1. How will the proposed development further and be in keeping with, and not contrary to, the goals of the Master Plan Elements?**

A. Chapter 3: A Balanced Land Use Pattern (from the Master Plan Policy Checklist)

- i. The project is neutral on the provisions of the Growth Management Ordinance as it is not a residential development.
- ii. The project meets Goals 1.1e and 1.1f because building will be done with sustainable building materials and construction techniques to promote water and energy conservation. The owners and operators of the applicant business have backgrounds in the construction industry, including management of LEED – certified projects using recycled and environmentally safe building materials. They have personally designed and will oversee the remodeling of the existing building.
- iii. While not currently in an identified priority area, the location is along a major gateway corridor (South Carson and Clearview Drive) and may be considered a Moderate Priority Area after a future review of the Master Plan. While the location is already developed, it may encourage other development by adding to the size of the immediate business community.
- iv. To the best of the applicant’s knowledge there are no adjacent public lands and no required pathways at the location. Should the City determine that a pathway is required, the applicant shall provide for such an appropriate pathway per Goal 1.4a.
- v. The project will maintain the current façade of the building and has no plans to alter current landscaping unless directed by the City.
- vi. The location is over a mile from the nearest county border and should not cause land use conflicts with adjacent properties.
- vii. The location is not in a designated Mixed-Use area and so is not required to meet the intent of the Mixed-Use Evaluation Criteria.
- viii. The project meets all set-back requirements, as evidenced by the attached zoning letter and supporting documents. The location is in the middle of a neighborhood zoned General Commercial.
- ix. To the best of the applicant’s knowledge, the location is not in an Environmentally Sensitive Area and as such is not required to meet related set-back requirements.
- x. The location is not within the 100-year floodplain or any other hazard areas, including identified earthquake faults.
- xi. The project provides for levels of services consistent with the Land Use designation and adequate for the proposed development. The location meets the criteria for its Land Use designation of Community / Regional Commercial. The location is zoned General Commercial and is immediately surrounded by parcels zoned similarly. The project is a

medical marijuana dispensary located in a shopping center with local and national retailers. The applicant business, including a separately applied for cultivation and a production facility, as well as a secondary dispensary in unincorporated Washoe County, is unique and serves as a regional draw in that it is only one of two state-licensed vertically integrated medical marijuana businesses in Carson City and will also serve patients from neighboring prohibition jurisdictions such as Douglas and Storey Counties.

- xii. The location is not within an identified Specific Plan Area and so the associated policies are not applicable.
  - xiii. Additional Considerations: While not currently in an identified priority area, the proposed use will add to the variety of businesses in the area, which is zoned General Commercial. The applicant is one of two businesses who received a provisional certificate from the Division of Public and Behavioral Health to dispense medical marijuana in Carson City. As such, only one other company may bring this type of “variety” to the city.
- B. Chapter 4: Equitable Distribution of Recreational Opportunities
- i. The proposed use neither provides, nor takes away, opportunities to expand parks and recreation opportunities in accordance with Goal 4.1b. However, the applicant business places a high value on community service, and future volunteer efforts by owners and employees may create such opportunities.
  - ii. The proposed use and location are consistent with the Open Space Master Plan and Carson River Master Plan as described in Goal 4.3a.
- C. Chapter 5: Economic Vitality
- i. The proposed use and location will neither encourage, nor discourage, a citywide housing mix consistent with the labor force and non-labor force population. The location is not located in or near residential or mixed-use areas, and the proposed use does not pertain to housing.
  - ii. The proposed use and location may encourage the development of regional retail centers, as it is located in an existing shopping center and will help to attract more shoppers to the center.
  - iii. The proposed use encourages the reuse or redevelopment of underused retail space because it is located in a retail unit that was unoccupied prior to the applicant’s lease agreement. The most recent tenant, a tanning salon, left about two years ago.
  - iv. The proposed use is unrelated to heritage tourism activities.
  - v. The location is not in the Downtown core and thus does not promote revitalization of that area. However, the location was intentionally chosen

away from areas such as the Downtown core in order to discourage the presence of unauthorized or non-licensed persons on the premises. The chosen location is intended to create a balance between access for patients and discretion among the community.

- vi. The location is not in the Downtown core and thus does not encourage the incorporation of additional housing in and around that area. However, the location was intentionally chosen away from areas such as the Downtown core in order to discourage the presence of unauthorized or non-licensed persons on the premises. The chosen location is intended to create a balance between access for patients and discretion among the community.

D. Chapter 6: Livable Neighborhoods and Activity Centers

- i. The project consists of remodeling the interior of the existing structure and upgrading security features. The owners and operators of the applicant business have backgrounds in the construction industry, including management of LEED – certified projects using recycled and environmentally safe building materials. They have personally designed and will oversee the remodeling of the existing building. Durable, long-lasting building materials will be used wherever possible.
- ii. Per state regulations the project does not encourage visual interest and variety in accordance with goals 6.1b and 6.1c. State regulations require a nondescript aesthetic that already exists at the location and that the applicant intends to maintain. Further, state medical marijuana regulations require a design that is “discreet,” mandating that any signs to be displayed are first approved by the Division of Public and Behavioral Health. The applicant intends to embrace this discretion.
- iii. The proposed use is compatible with surrounding development. The immediate neighborhood is commercial and consists of other retail businesses. Any changes made to existing structures will be designed to be compatible with existing design considerations per Goal 6.2a. The location does not border any residential areas and should not impact the character of any established or existing neighborhoods per Goals 9.3b and 9.4a.
- iv. The location is not in an identified Mixed-Use Activity Center.
- v. The project is not located downtown.
- vi. The proposed use and location will neither encourage, nor discourage, an appropriate mix of housing models and densities based upon the location, size and surrounding neighborhood context. The location is not located in or near residential or mixed-use areas, and the proposed use does not pertain to housing.

E. Chapter 7: A Connected City

- i. The location is just off a major corridor (South Carson), but the use should have little to no impact on existing transit. South Carson currently sees 45,000 cars per day, and at capacity, the dispensary expects to serve no more than 130 patients per day, some of whom will travel to the location via public transportation. The applicant intends to minimize traffic to and from the facility as an added security measure. Some deliveries to the location are necessary, such as for receiving product from the cultivation facility or labels from a vendor. Deliveries that must occur will be scheduled to necessitate the smallest number of trips possible. Between employees, patients and deliveries, the applicant does not estimate more traffic than a typical retail tenant in this location might cause.
- ii. The location and use are neutral on promoting enhanced roadway connections and networks consistent with the Transportation Master plan as described in Goal 11.2c. The applicant does not expect significant increases in traffic over the location's previous occupant.
- iii. To the best of the applicant's knowledge there are no required pathways at the location. Should the City determine that a pathway is required, the applicant shall provide for such an appropriate pathway per Goals 12.1a and 12.1c.

**2. Will the effect of the proposed development be detrimental to the immediate vicinity? To the general neighborhood?**

- A. The parcel and all immediately neighboring parcels are zoned General Commercial and are located in a North-South strip along South Carson that includes General Commercial zoning on both sides of the road. West of this area, on the other side of South Carson, are parcels zoned Multi-family Apartment, Single Family 1 Acre and Retail Commercial. East of this area are parcels zoned Retail Commercial, Single Family 1 Acre, Public Community, Multi-family Duplex and Multi-Family Apartment. The location complies with all applicable state and local setback and zoning requirements.
- B. The project is similar to existing development in the neighborhood, which is entirely General Commercial. It will not hurt property values, but may increase them by reducing blight via the increased security presence of the applicant's 24-hr video surveillance of parking areas and exteriors. The one potential nuisance neighboring property owners may fear is odor, and any odor that is detectable outside of the facility is expressly prohibited by state regulations (LCB File No R004-14 Sec. 72(3)(b)). As such, in order to remain in good standing with the Division of Public and Behavioral Health, the applicant must prevent such a nuisance from occurring in the first place. Potential odor may be mitigated by the use of HEPA filters, by receiving products that are already packaged and by using odor-proof packaging. Nuisances resulting from the building out process, such as

construction-related dust, will be prevented by keeping all construction projects located inside the existing building. Construction-related dust within the building will be mitigated with the use of dust shrooms that will circulate and capture dust as necessary. The project will not involve any uses that are not contained within a building. The only time a use may come close to taking place outside of a building is during the disposal of marijuana waste, as defined and permitted by state law. The applicant's waste disposal plan requires all waste to be stored within the facility until such time waste may be removed as permitted by law. The project itself will not differ in appearance from any neighbors. Further, state medical marijuana regulations require a design that is "discreet," mandating that any signs to be displayed are first approved by the Division of Public and Behavioral Health. The applicant intends to embrace this discretion.

- C. The project will not be detrimental to the use, peaceful enjoyment or development of surrounding properties and the general neighborhood, as both the surrounding properties and the general neighborhood are similarly zoned General Commercial. Operating hours are 10am – 7pm, seven days a week, and the applicant does not anticipate activity at the location occurring past 7pm. The applicant expects limited noise created by the project, but any noise, such as from the building-out process, will occur during operating hours. The applicant is already required by the State to minimize odor, and intends to minimize other potential nuisances.
- D. The project will not significantly increase automobile or pedestrian traffic at the location. South Carson St. already sees 45,000 cars a day, and when operating at capacity, the applicant expects to serve no more than 130 patients per day. These patients, coupled with the fewer than six employees on site at any given time, should not create a burden on the roads and traffic system already in place, as the area anticipates local retail use with its General Commercial zoning and Community / Regional Commercial Land Use Designation. Further, due to its location, some patients and employees may use public transit to access the location, further limiting any increases to automobile and pedestrian traffic. No additional walkways, traffic lights or other traffic related improvements are needed. Nothing about the project will cause emergency vehicle response times to existing businesses in the immediate area to change.
- E. The applicant expects to benefit the community in the following ways, both in the short- and long-term: economic impact (creation of permanent and temporary jobs, generation of excise tax revenue, and redirection of income from neighboring prohibition jurisdictions into Carson City); patient accessibility impact (access to affordable, high-quality, lab-tested medicine, removal of the burden of home-grow, and access to a variety of proprietary medicines); educational impact (provision of accurate marijuana awareness education for community members, operational transparency with local government and law

enforcement officials, and foundational support for existing prevention and anti-diversion efforts); and charitable impact (in-house donation drives, foundational support for community organizations and staff volunteer service).

**3. Has sufficient consideration been exercised by the applicant in adapting the project to existing improvements in the vicinity?**

- A. The project will likely not affect the school district at all, as the applicant does not cater to minors, nor are minors (with the very rare exception of a licensed patient in the presence of his or her caregiver, as permitted by state law) allowed on the premises. The applicant intends to hire locally, and thus does not plan to cause an influx of new families to the community. The only foreseeable impact on the school is the future foundational support by the applicant of community organizations that provide services to local students. Nor does the applicant foresee any negative impact on the Sheriff's Office. Over several years of operations in the medical marijuana industry in Arizona, the applicant has had zero instances of crime resulting in the need for law enforcement. A multitude of law enforcement officials from around the country have toured the applicant's facilities in Arizona gaining valuable insight and education. This is a tradition the applicant hopes to maintain while doing business in Nevada. Even if there were a negative impact, Carson City has already accounted for additional burdens to the Sheriff's Office with the assessment of a new and substantial business license fee for medical marijuana establishments. There may be a long-term benefit to the Sheriff's Office via the applicant's record of transparency with law enforcement officials.
- B. The project will not result in the covering of land area.
- C. The water supplies serving the project are adequate to meet our needs (one unisex bathroom) without degrading supply and quality to others in the area, including adequate water pressure. No updates to the water system are necessary for this project.
- D. There is adequate capacity in the sewage disposal trunk line that will be connected in order to serve the project. No updates to the sewer system are necessary for this project.
- E. No road improvements are needed to accommodate the project. Increased use to existing roads will be nominal and was likely anticipated by the location's General Commercial zoning.
- F. The source of the information used in this application is the construction expertise of the applicant in consultation with private engineers. The owners and operators of the applicant business have backgrounds in the construction industry, including management of LEED – certified projects using recycled and environmentally safe building materials. They have personally designed and will oversee the remodeling of the existing building.

- G. The applicant expects to use pre-existing exterior lighting. If additional lighting is necessary, similar equipment and techniques will be employed to ensure all outdoor lighting is shielded from adjoining property, as it now is.
- H. The location is currently home to a handful of trees and shrubs that comply with City ordinance requirements. The applicant has no plans to change the landscaping except at the direction of the City. Expansion requirements do not apply as the applicant has no plans to expand the building, but rather remodel the interior.
- I. Dimensions and location of available parking are shown on the Site Plan.

**ACKNOWLEDGMENT OF APPLICANT**

I certify that the forgoing statements are true and correct to the best of my knowledge and belief. I agree to fully comply with all conditions as established by the Planning Commission. I am aware that this permit becomes null and void if the use is not initiated within one-year of the date of the Planning Commission's approval; and I understand that this permit may be revoked for violation of any of the conditions of approval. I further understand that approval of this application does not exempt me from all City code requirements.

*William B. Myers*

Applicant

*12-18-14*

Date