

STAFF REPORT FOR THE PLANNING COMMISSION MEETING OF OCTOBER 29, 2014

FILE NO.: SUP-14-082

AGENDA ITEM: F-4

STAFF AUTHOR: Susan Dorr Pansky, AICP
Planning Manager

REQUEST: To consider a request for a Special Use Permit from NNV Services II, LLC (property owner: Auburn Ravine Investors, LLC) to allow a Medical Marijuana Dispensary on property zoned General Commercial (GC), located at 3359 Highway 50 East, APN 008-303-02.

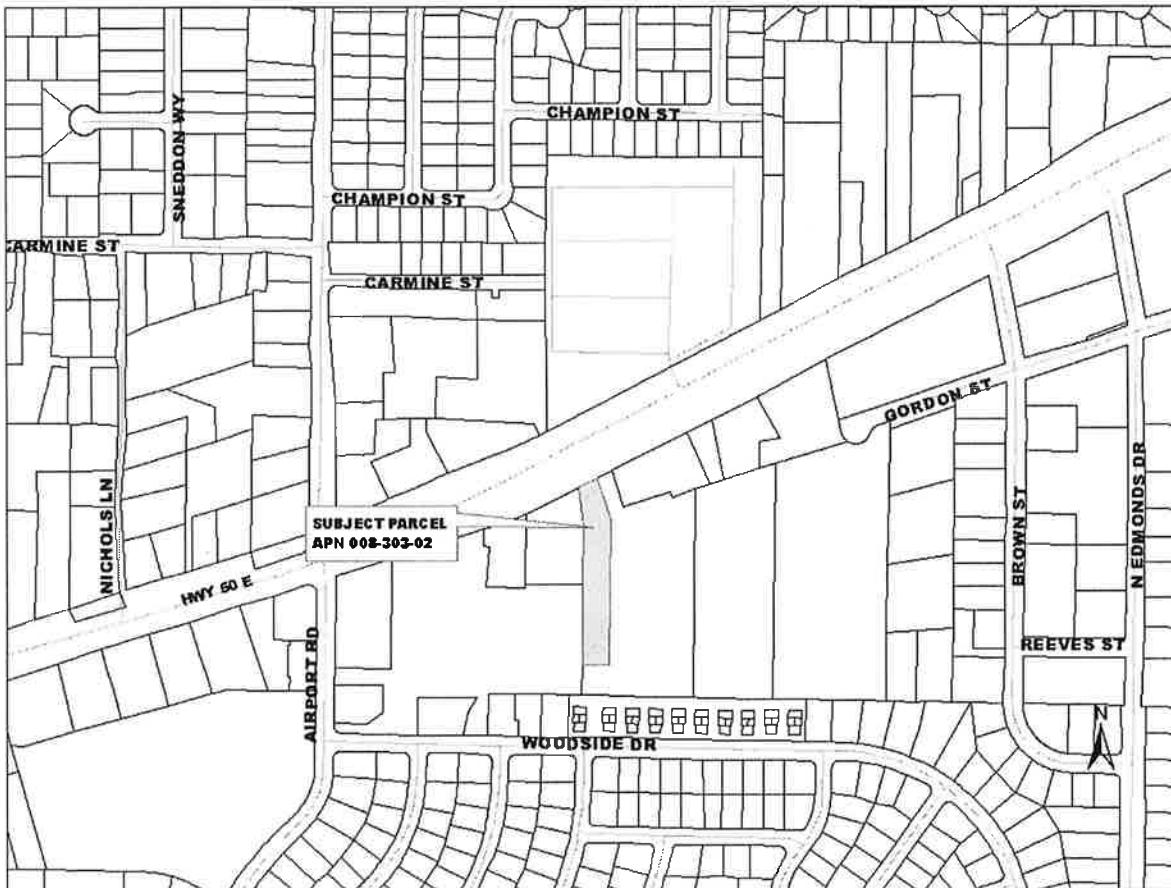
APPLICANT: NNV Services II, LLC

OWNER: Auburn Ravine Investors, LLC

LOCATION: 3359 Highway 50 East

APN: 008-303-02

RECOMMENDED MOTION: "I move to approve SUP-14-082, a Special Use Permit request from NNV Services II, LLC (property owner: Auburn Ravine Investors, LLC) to allow a Medical Marijuana Dispensary on property zoned General Commercial, located at 3359 Highway 50 East, APN 008-302-02, 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 must obtain a State provisional certificate to operate a Medical Marijuana Establishment, specifically a dispensary, at the subject location prior to commencement of operation. Failure to obtain a State provisional certificate within the timeframe established in these conditions of approval (12 months) 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.
10. The applicant shall replace all dead landscaping with new landscaping and said landscaping shall be in compliance with Carson City Development Standards, Division 3, Landscaping.
11. The applicant shall re-stripe any existing parking spaces and striping that has faded.

12. The applicant shall paint the exterior of the building neutral, earthtone colors only. Bold colors shall only be used as accent colors per Division 1 of the Carson City Development Standards.
13. The applicant shall repair the existing fence on the south and west sides of the parking lot.

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

14. 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.
15. The applicant shall submit complete tenant improvement plans for the proposed project to allow for review of building and accessibility code requirements.
16. The project must follow the 2012 International Fire Code and adopted Northern Nevada Amendments.

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

17. 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.
18. 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.
19. 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.
20. 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.
21. Outdoor display and sales of medical marijuana merchandise is prohibited.
22. Medical marijuana products shall not be visible from outside the dispensary at any time.
23. Hours of operation shall be 7:00am to 8:00pm, seven days a week.
24. Drive-through service at this dispensary is prohibited.

LEGAL REQUIREMENTS: CCMC 18.02.080 (Special Use Permits), CCMC 18.04.150 General Industrial (GI), CCMC DS 1.20 Development Standards for Medical Marijuana Establishments.

MASTER PLAN DESIGNATION: Mixed-Use Residential (MUR)

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/Commercial and Storage Unit Uses
- WEST: General Commercial/Commercial Uses
- NORTH: General Commercial/Commercial and Mobile Home Park Uses
- SOUTH: Multi-Family Apartment/Multi-Family Residential Uses

ENVIRONMENTAL INFORMATION:

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

SITE DEVELOPMENT INFORMATION:

- LOT SIZE: 1.00 acre
- EXISTING STRUCTURE SIZE: 1,939 square feet
- EXISTING PARKING: 32 spaces
- SETBACKS: N/A – Existing Building
- VARIANCES REQUESTED: None

PREVIOUS REVIEWS:

- SUP-05-065 – Special Use Permit for six storage containers on site

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 in Nevada. All applications for Medical Marijuana Establishments for 2014 have been submitted to the State and are currently under review with an anticipated provisional certificate issuance date on or about 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, has not yet received their provisional certificate from the State. As a result, a condition of approval has been recommended as a part of this staff report that the applicant must obtain their provisional certificate to operate a Medical Marijuana Establishment in Carson City in order for this Special Use Permit to be valid. The failure to obtain a provisional certificate would result in the Special Use Permit becoming null and void.

DISCUSSION:

The applicant is proposing to operate a medical marijuana dispensary in an existing 1,915 square foot freestanding building on Highway 50 East. The proposed dispensary will sell medical marijuana, medical marijuana-infused products and medical marijuana paraphernalia and is anticipated to serve 30-70 patrons per day with peak demand at 150 patrons per day. The proposed dispensary space will consist of an entryway, waiting room, retail space, security office, library, restrooms, counseling rooms, offices and a vault. The applicant intends to improve the exterior appearance of the building and site by replacing landscaping and repainting the building to provide an appearance which is professional, orderly and dignified, in the traditional style of pharmacies and medical offices. Although the building is a former fast food restaurant with drive-through, the applicant has stated that no drive-through service will be allowed, which is consistent with Carson City Development Standards.

The applicant proposes a security plan that includes surveillance by a third party security company, state-of-the-art security system, video cameras at the building exterior and the presence of a security guard during business hours. The applicant has indicated that the proposed dispensary will operate from 8:00am to 8:00pm seven days per week, which is consistent with the hours of operation set by the Carson City Development Standards.

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 standards 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 the existing permanent building. As indicated with the application, the site will be updated with new landscaping and both the interior and exterior of the building will be made to have an appearance which is professional, orderly, and dignified, in the traditional style of pharmacies and medical offices. This will include paint colors, signage, façade, flooring, patient waiting areas, product displays and service counters all being coordinated to provide a professional aesthetic.

- 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 proposed 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.

Seven spaces are required for the proposed dispensary based on 1,915 square feet of gross floor area. The existing parking lot current has 32 parking spaces and the applicant is proposing to add five more spaces for a total of 37 spaces. This is a significantly larger amount of parking than is required and will be more than adequate for the proposed dispensary.

Staff has observed that some of the parking spaces are not clearly visible due to general wear over time and has recommended a condition of approval as a part of this Special Use Permit that those parking spaces be re-striped for better visibility.

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

Should the proposed dispensary obtain a provisional certificate from the State, it would become one of the two dispensaries permitted in Carson City.

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 5, 2014 for submission with their State application. The zoning letter is attached 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 east side of the dispensary. This entrance will have a secure, controlled entryway, also known as a sally port.

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 8:00am to 8:00pm seven days per week, which is consistent with this standard.

- c. Drive-through service is prohibited.

A drive-through window does currently exist at this property but will be removed according to the floor plan provided. 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.

Staff has verified that the proposed dispensary is not located on property or within a shopping center with frontage on the same street as residentially-zoned property. This is further substantiated with the zoning letter provided by staff to the applicant on August 5, 2014 for submission with their State application. The zoning letter is attached 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 will be located in an existing building on Highway 50 East. The site has sufficient, convenient and safe access for the public through the existing roadway and pathway networks. This site is also near a Jump Around Carson bus route with an existing bus stop at Highway 50 East and Airport Road.

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

The proposed location has adequate street improvements and lighting for public access. The site's pavement is in relatively good condition and there is extensive lighting throughout the existing parking lot.

Staff finds that the proposed dispensary meets the applicable development standards required. With the recommended conditions of approval, the applicant has made the findings to grant approval. The Planning Division staff is in support of this Special Use Permit application. Therefore, staff recommends, that the Planning Commission approve SUP-14-082 based on the required findings as noted on the following pages.

PUBLIC COMMENTS: Public notices were mailed to 130 adjacent property owners within 300 feet of the subject site on October 10, 2014. As of the writing of this report, one comment in opposition of the proposed project has been received from Robert and Virginia Lewis. This comment states the following:

"We are in receipt of your notice of Official Public Hearing regarding the proposed Medical Marijuana Dispensary at 3359 Hwy 50 East in Carson City on Wednesday, October 29, 2014. We are very much against it. We don't believe in the legalizing of medical marijuana, let alone the sale directly across from our home. WE DO NOT WANT A MEDICAL MARIJUANA DISPENSARY IN OUR NEIGHBORHOOD."

This comment is also attached to the staff report. Any comments that are received after this report is completed will be submitted to the Planning Commission prior to or at the meeting on October 29 2014, 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:

The project requires application for a Building Permit, issued through the Carson City Building Division. Submit complete tenant improvement plans for the proposed project to allow for review of building and accessibility code requirements.

Fire Department:

The project must follow the 2012 International Fire Code and adopted Northern Nevada Amendments.

Engineering Division:

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

Health and Human Services:

An application for this type of use needs to be submitted and approved by the State of Nevada, Division of Public and Behavioral Health, Medical Marijuana Program. Plans must be submitted to the Carson City Building Division and State of Nevada, Division of Public and Behavioral Health, Medical Marijuana Program, and approved, prior to doing tenant improvements in this facility.

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 to 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 building on Highway 50 East. 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 in the General Commercial zoning district. 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 existing 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 building 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
Comments from Robert and Virginia Lewis
Zoning Letter
Application (SUP-14-082)







October 10, 2014

RE: SUP-14-080, SUP-14-081, SUP-14-082 and SUP-14-083

Susan,

All four projects appear feasible. My only comment, which is applicable to all four, is:

1. Submit complete tenant improvement plans for the proposed project, to allow for review of building and accessibility code requirements.

It's pretty simple, but I think that will suffice.

Thanks,

Ray Proffitt, CBO

Chief Building Official
Building Division
Carson City, NV
775-887-2310 – Main
775-283-7502 - Direct

Susan Dorr Pansky

From: Dave Ruben
Sent: Friday, September 26, 2014 1:14 PM
To: Susan Dorr Pansky
Subject: SUP 14-082

SUP 14-082 comments:

1. Project must follow the 2012 International Fire Code and adopted Northern Nevada Amendments.

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 14-082**

TO: Planning Commission

FROM: Rory Hogen, E.I.

DATE: October 7, 2014

MEETING DATE: October 29, 2014

SUBJECT TITLE:

Action to consider an application for a Special Use Permit from NNV Services II, LLC to establish a Medical Marijuana Dispensary Site at 3359 Hwy 50 E, apn 08-303-02.

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.

March 24, 2014

Major Project Review Committee

Re: # SUP – 14-082

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 – 14-082 @at 3359 Hwy. 50 East (Medical Marijuana Dispensary) request:

1. ECA has no comments concerning this request.

*Note all comments will be sent during the building permit phase.

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

September 25, 2014

SUP-14-082

Carson City Health and Human Services

Application for this type of use needs to be submitted and approved by the State of Nevada, Division of Public and Behavioral Health, Medical Marijuana Program.

Plans must be submitted to the Carson City Building Department and State of Nevada, Division of Public and Behavioral Health, Medical Marijuana Program, and approved, prior to doing your tenant improvements in this facility.

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

Susan Dorr Pansky

From: Virginia Lewis <choosebyhim@yahoo.com>
Sent: Sunday, October 19, 2014 6:31 PM
To: Planning Department
Cc: choosebyhim@yahoo.com
Subject: Hearing to allow a Medical Marijuana Dispensary

Planning Commission
Susan Dorr Pansky, Planning Manager,

Dear Madam:

We are in receipt of your notice of Official Public Hearing regarding the proposed Medical Marijuana Dispensary at 3359 Hwy 50 East in Carson City on Wednesday, October 29, 2014. We are very much against it. We don't believe in the legalizing of medical marijuana, let alone the sale directly across from our home. WE DO NOT WANT A MARIJUANA DISPENSARY IN OUR NEIGHBORHOOD.

Respectfully,

Robert and Virginia Lewis



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 5, 2014

Mr. Shane Johnson
NNV Services II, LLC
P.O. Box 8880
Incline Village, NV 89450

ZONING CERTIFICATE

**RE: Medical Marijuana Establishment – Dispensary
3359 U.S. Highway 50 East
APN 008-303-02**

Dear Mr. Johnson:

In response to your request concerning the proposed placement of a Medical Marijuana Dispensary on property located at 3359 U.S. Highway 50 East 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 (Highway 50 East 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.

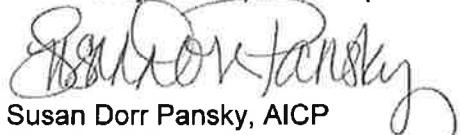
The Planning Division has verified by physical inspection that, as of the date of this letter, the subject property meets the minimum setback requirements set forth in NRS 453.322.

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.

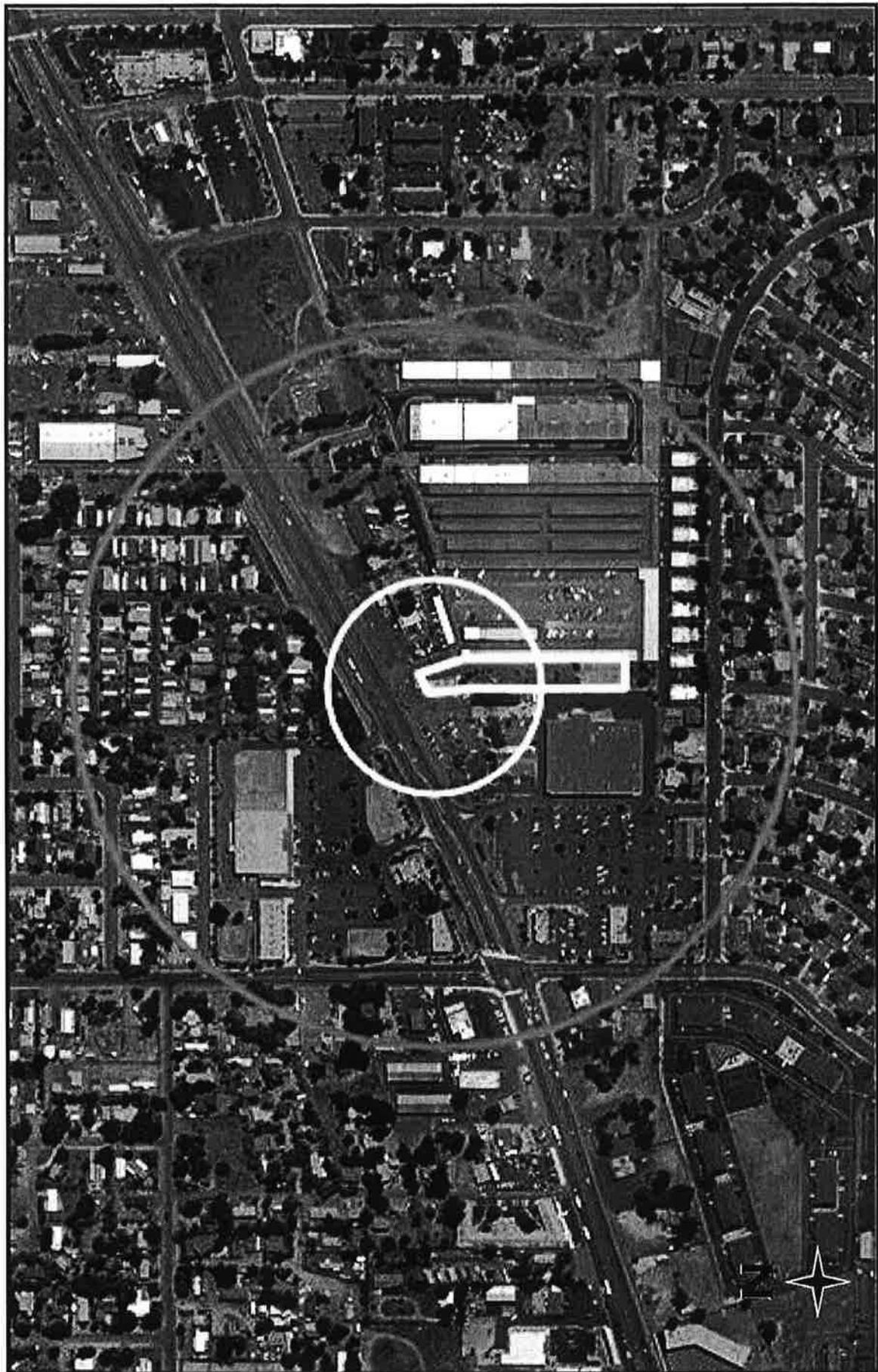
If you have any questions, please feel free to contact me at (775) 283-7076 or via email at spansky@carson.org. Thank you.

Sincerely,
Community Development Department, Planning Division



Susan Dorr Pansky, AICP
Planning Manager

Attachment - Setback Map



3359 U.S. Highway 50 East, APN 008-303-02

Red Circle = 1,000 foot Setback from Schools

Yellow Circle = 300 foot Setback from Community Facilities

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

FILE # SUP - 14 - 1 **SUP - 14 - 032**

NNV Services II, LLC; Shane Johnson, Manager 858-354-7853

APPLICANT **PHONE #**

930 Tahoe Blvd., Ste 802-433, Incline Village, NV 89451

MAILING ADDRESS, CITY, STATE, ZIP

shane@paintbrushadvisors.com

EMAIL ADDRESS

Auburn Ravine Investors, LLC; Nicholas Davidson, Manager 916-218-9978

PROPERTY OWNER **PHONE #**

5165 Whitney Blvd., Rockland, CA 95677

MAILING ADDRESS, CITY, STATE, ZIP

ndavidson@cirepartners.com

EMAIL ADDRESS

Dorea Shoemaker, NNV Services II 775-830-0880

APPLICANT AGENT/REPRESENTATIVE **PHONE #**

930 Tahoe Blvd., Ste 802-433, Incline Village, NV 89451

MAILING ADDRESS, CITY, STATE ZIP

dorea@hwwellness.com

EMAIL ADDRESS

Project's Assessor Parcel Number(s):

08-303-02

Street Address

ZIP Code

3359 Hwy 50 East, Carson City, NV 89701

Project's Master Plan Designation

Project's Current Zoning

General Commercial

Nearest Major Cross Street(s)

Airport Road

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:

A Medical Marijuana Dispensary

PROPERTY OWNER'S AFFIDAVIT

I, Nicholas Davidson, Manager, 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.

Nicholas Davidson

5165 Whitney Blvd., Rockland, CA 95677

9-17-14

Signature

Address

Date

Rocklin
ND *D.G.*

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

STATE OF NEVADA
COUNTY Placer

California

On September 17th, 2014, Nicholas Davidson, Manager, 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.



Carson City SUP for Medical Marijuana Dispensary located at 3359 East Highway 50

Project Description

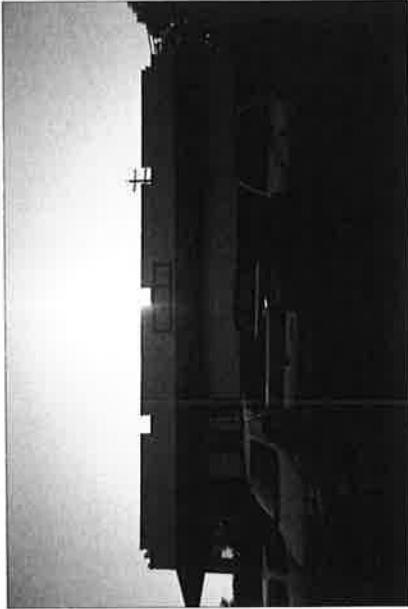
NNV Services II, LLC's location at 3359 Highway 50 East, is located in the General Commercial area on the East side of town. We picked this location because it meets zoning requirements, and for the many benefits it will provide to patients, neighbors and other businesses in the vicinity. We initially plan to operate from 8am – 8pm.

This location is ideally located for patients due to the accessibility off both Highway 580 and Highway 50. This dispensary location is projected to serve 30-70 patients per day with an increase over time, with peak demand estimated at 150 patients per day. This location is easy to reach for those patients who drive, and is also close to public transportation (nearest cross street is Airport Road). For patients in need, this establishment will provide a safe location with easy access, featuring high quality organic standard medicine.

The proposed facility location is currently an eyesore. With completion of this project, neighbors, businesses in the vicinity, and those that pass by will no longer have to look at a neglected, vandalized building that reduces local property values and attracts unwanted visitors. The future building, if the project is approved, will be extensively remodeled on the interior, and the exterior will be thoroughly cleaned up and “refreshed,” including the landscaping, uplifting the beauty of the area and increasing property values in the vicinity. Specifically, both the interior and exterior will be made to have an appearance which is professional, orderly, and dignified, in the traditional style of pharmacies and medical offices, with paint colors, signage, façade, flooring, patient waiting areas, product displays, and service counter all being coordinated to provide a professional aesthetic.

This establishment will be helping the local economy by hiring 4-6 local full-time employees who will have money to spend at other local businesses.

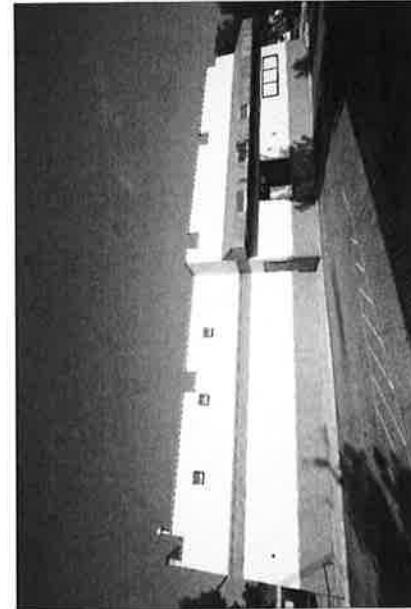
NNV Services II, LLC will have top of the line security in place from Martin-Ross and Associates, which should enhance public safety in the vicinity of the dispensary. The dispensary will be equipped with a state of the art security system, and a security guard will be present during business hours (security guard presence and protocol will be re-evaluated periodically). Video cameras will be installed across the building exterior, and monitored remotely during non-operating hours.



(E) WEST ELEVATION

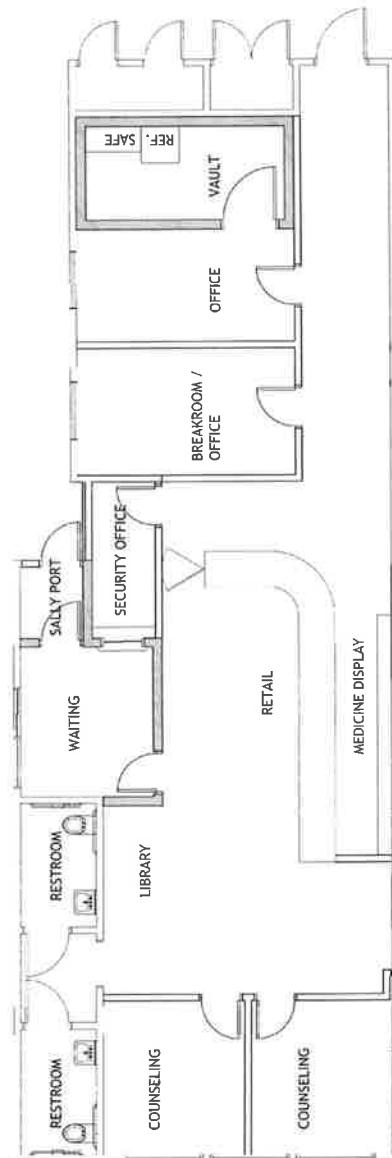


ELEVATION



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united construction NVV SERVICES II, LLC TENANT IMPROVEMENT for 3359 HIGHWAY 50 EAST CARSON CITY, NEVADA 89701		3000 Main Street 775-658-6090 ph 775-656-5375 fax NV Lic #6 001547 CA Lic #6 503339
		DATE: 8/18/14 PROJECT NO: 14-1-02 DRAWN BY: KRB CHECKED BY: KRB SCALE: 1/8" AS NOTED: SHEET NO: A2.1



**Carson City SUP for Medical Marijuana Dispensary located
at 3359 East Highway 50**

Applicant: NNV Services II, LLC

Question 1: The proposed development will be in alignment with the goals of the Master Plan Elements as this proposed retail space is located in the Carson City General Commercial zoning area.

Balanced Land Use Pattern

NNV Services II, LLC will be providing employment opportunities and retail services.

This SUP is proposed for a location that was previously a Wiener'schinitzel, so there will be no further development, only remodeling, refurbishment and repairing the landscaping.

- Meets the provisions of the Growth Management Ordinance (1.1d, Municipal Code 18.12).
- Proposed signage is not yet available, but will be cleared through City Planning prior to being built out.
- The exterior of the building will generally remain "as is." However, the exterior will be "refreshed" to create a more professional appearance with new paint, repaired windows (graffiti removal), and repaired and repainted eves.
- No new or additional landscaping is planned. However, existing landscaping that has been neglected will be cleaned up, and dead plants replaced. Where possible, new plants will be drought resistant, with a preference for native species.
- Both the interior and exterior will be made to have an appearance which is professional, orderly, and dignified, in the traditional style of pharmacies and medical offices, with paint colors, signage, façade, flooring, patient waiting areas, product displays, and service counter all being coordinated to provide a professional aesthetic.
- The main entry to the building will feature a sally port, with patients being visually screened by camera before being admitted to a secure waiting area and patient check-in / registration. Only after being appropriately checked in will a patient be admitted into the interior of the facility.
- United Construction plans to leverage sustainable building materials and construction techniques to promote water and energy conservation. As one example, United Construction intends to incorporate LED lighting into the final build.
- This proposed project is not located in a priority infill development area.
- Providing pathway connections and easements is not applicable for this project.
- There are no existing site features to protect such as mature trees or other

Carson City SUP for Medical Marijuana Dispensary located at 3359 East Highway 50

character-defining features.

- This proposed project is not adjacent to county boundaries or public lands.
- This proposed project is not in a mixed-used area, but General Commercial. We will be providing employment opportunities in the General Commercial area.
- This proposed project complies with state and local adopted standards, as these standards relate to Medical Marijuana Establishments, by not being located within 1,000 feet of a public or private school. Nor is the proposed project 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. These measurements were calibrated immediately prior to the date that 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 of primary entrance of our proposed Medical Marijuana Establishment.
- This project location does not have any environmentally sensitive areas that require proper setbacks.
- The level of utility services provided by this project is consistent with the land use for this proposed development, which is zoned as General Commercial.
- This proposed project is not located within a Specific Plan Area (SPA).

Equitable Distribution of Recreational Opportunities

The proposed development will not be providing park facilities nor take away from the community's open space network.

Economic Vitality

- "Encourage a citywide housing mix consistent with the labor force and non-labor force population" is not applicable.
- Our business will bring a legal and necessary dispensary to Carson City. This will enable Carson City customers to stay and shop locally.
- This proposed project will beautify the property by fully remodeling the building and adding professional landscaping. Currently this neglected building sits vacant, vandalized and in disrepair.
- This proposed project is not part of the downtown corridor or a heritage tourist based activity.

Livable Neighborhoods and Activity Centers

- This project will use durable long lasting building materials that United Construction has used for other LEED certified projects.

Carson City SUP for Medical Marijuana Dispensary located at 3359 East Highway 50

- To promote variety and visual interest our company will create an attractive property through landscaping and an up-to-date building design.
- The proposed area is not in the downtown area, however our company will still be enhancing the property with professional landscaping, a clearly identified entrance and bike racks.
- Appropriate height and setbacks do not apply, as this is an existing building.
- This location is not located in a Mixed-Use Activity Center Area nor in Carson City Downtown.

A Connected City

- The Connected City agenda within the Master Plan does not apply to this project because this is an existing building which had been used as a fast food restaurant.

Question 2: The proposed development will be beneficial to the immediate vicinity and to the general neighborhood because we will be remodeling a vacant and neglected building. We will use Green technology on the inside and use native plants for landscaping and water conservation. This will benefit property values and promote local business in the immediate vicinity.

- A. First and foremost we adhere to the strict requirements of NRS and NAC. General Commercial land uses and zoning adjoin our property in all directions.
 - a. North: General Commercial
 - b. West: General Commercial
 - c. South: General Commercial
 - d. East: General Commercial
- B. Our project is similar to existing development in the neighborhood, and it will not hurt property values or cause problems, such as noise, dust, odors, vibration, fumes, glare or physical activity, etc. with neighboring property owners. The entire business will operate and be contained within the building structure. Because this industry is new, Carson City has not been asked to approve a Special Use Permit for similar proposed project. United Construction will be updating the existing building in appearance and safety codes. This newly remodeled building will provide a facelift to the local commercial area.
- C. The proposed project will be a benefit to the community, surrounding properties and neighborhoods by beautifying this property. Currently, this building is vacant and vandalized. A total remodel and professional landscaping will provide much greater curb appeal. In addition, our company will be meeting or exceeding building and safety codes. We will boost the local economy by creating jobs with benefits. Our company will have top of the line security in place from Martin-Ross and Associates, which should create a safer environment in the

Carson City SUP for Medical Marijuana Dispensary located at 3359 East Highway 50

vicinity of the dispensary. We will be adding to the local General Commercial area, benefiting all businesses with increased traffic and therefore visibility.

- D. Vehicular traffic from the State of Nevada Department of Transportation Annual Average Daily Traffic Count Stations at 0250172 (US 50, .7 miles West of Airport Rd) and 0250203 (US 50, Aultman St, 580 ft West of Graves Ln) in 2013 were 26,000 and 20,000 vehicles per day. This project will have minimal roadway impact. We project that this dispensary location will serve 30-70 patients per day, and perhaps up to 150 patients on peak days.
- E. In the short-range and long-range, this project will provide many benefits to the people of Carson City if our project is approved.

Short-Range Benefits

- Local residents with a Medical Marijuana card will have safe, reliable access to medicine, rather than driving to Reno, Sparks or Washoe County Dispensaries.
- This dispensary location will hire 4-6 full time employees.
- Beautifying the area by completing a full remodel along with professional landscaping on a building that has sat vacant and in disrepair.
- Adding security to the property has proven in other areas to deter loiterers and crime in the nearby vicinity.
- 75% of the excise tax will be deposited into to the State Distributive School Account in the State General Fund.
- Carson City will collect a substantial business license fee.
- This proposed location is easily accessible to private and public transportation.

Long-term Benefits

- Include all the Short-Term Benefits
- Boost Carson City's economy
- Provide Medicine to registered Patients in need, improving quality of life.

Question 3: Sufficient consideration has been exercised in adapting the project to existing improvements in the vicinity.

- A. This proposed project will not affect the school district nor add to the student population nor add a service to the student population. This dispensary will minimally affect the Sheriff's office, as we have a contract with Martin-Ross and Associates to oversee security. This dispensary will be equipped with a state of the art security system and a security guard during business hours (security guard presence and protocol will be re-evaluated periodically). Video cameras will be installed across the building exterior, and monitored remotely during non-operating hours.

**Carson City SUP for Medical Marijuana Dispensary located
at 3359 East Highway 50**

- B. Not applicable due to existence of building.
- C. Water supplies serving our project are adequate to meet our needs without degrading supply and quality to others in the area. Minimal water will be primarily used for drought tolerant landscaping, flushing the toilet and washing hands. Our project is not serviced by a well. Contact Public Works for additional information regarding water lines, etc.
- D. This building is not on a septic system and should have adequate capacity in the sewage disposal trunk line that we will connect to, since the previous business was a fast food chain restaurant.
- E. Road improvements are not applicable for this project. This is an existing building therefore no road improvements are needed.
- F. Sources; Rory Hogen, Carson City Engineer and Susan Dorr Pansky, Carson City Planner, and Kenneth Bartlett and Matt Ronhaar from United Construction.
- G. N/A
- H. Refer to Site Plans
- I. Refer to Site Plans

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.

Applicant



Shene A. Johnson, Manager

Date

9/18/14