



**CITY OF SPARKS, NV  
COMMUNITY  
SERVICES  
DEPARTMENT**

**To:** Mayor and City Council  
**From:** Janet Stout, Administrative Assistant  
**Subject:** Report of Planning Commission Action  
CA-4-14  
**Date:** May 8, 2014

**RE: CA-4-14 CITY OF SPARKS,** Consideration of and possible action on an ordinance amending Title 20 of the Sparks Municipal Code to provide zoning authorization (Section 20.41.080) for the establishment of medical marijuana dispensaries and other matters properly related thereto.

An agenda item from Senior Planner Karen Melby recommending approval of CA-4-14 to amend Chapter 20 of the Sparks Municipal Code to establish zoning authority for the establishment of medical Marijuana dispensaries and other matters related thereto.

In the year 2000, voters in Nevada passed Question 9, amending the state constitution to sanction medical cannabis (i.e. marijuana) and, specifically to allow physicians to authorize qualified patients to consume and grow cannabis for personal use. In 2013, the Nevada Legislature passed and Governor Sandoval signed into law SB 374, which directs the Nevada Department of Health and Human Services to develop regulations for, and to oversee the creation of licensed establishments to produce, test and dispense of cannabis and cannabis-infused products to authorize patients for medical use.

The Division of Public and Behavioral Health of the Nevada Department of Health and Human Services have adopted regulations for the operation of medical marijuana establishments which became effective on April 1, 2014. It is anticipated that the State will begin a process to accept applications for the "registration certifications" for medical marijuana establishments sometime in the summer of 2014. The State will accept applications for all medical marijuana establishments for a 10 day period. The State law designates there will be 10 dispensaries located in Washoe County of which 2 will be located in the City of Sparks. As part of the application review for these medical marijuana establishments, the location must be identified. If a local government has not enacted zoning restrictions the medical marijuana dispensaries are not required to secure approval from the local government. By enacting regulations for Sparks, this gives the City input on the locations and operations of the medical marijuana dispensaries. Staff is proposing the medical marijuana dispensaries will be reviewed by a major special use permit process. Depending on the timing on the State's application of a 10-day period, the City may review and approve the special use permits prior to the application process or if that does not happen, Staff will issue a zoning verification letter informing the State that the proposed location will be suitable for a medical marijuana dispensary; however, it will still require a special use permit.

By State law there are four types of medical marijuana establishments. They are cultivation facilities, independent testing labs, production or infusing into edible products and dispensing, and also the dispensaries. This code amendment is to establish regulations for the medical marijuana dispensaries. This code amendment adds a new section to Chapter 20.41 "Permits Required for Certain Uses". This new section 20.41.080 will be titled "Medical Marijuana Dispensary. The City's proposed regulations require this use to comply with the Nevada regulations including separation criteria. There are also standards governing operation which include loading and unloading; refuse disposal, public safety plan; property access and emissions controls. The State separation for medical marijuana establishments apply to all four types. They are 1,000 feet from any public or private schools, 300 feet from community facilities such as a daycare, public park, playground, public swimming pools and centers or facilities with the primary purpose of providing recreational opportunities and services for children and adolescents.

In this code amendment, Staff is proposing an additional separation which would be a 1,000 feet from any substance abuse treatment centers. Ms. Melby noted she handed out to the Commission changes to the proposed draft originally submitted with the staff report. They are as follows:

- Item D: To clarify the distance from a licensed substance abuse facility would be a minimum 1,000 feet. The distant must be greater than 1,000 feet.
- Item F: Medical marijuana dispensaries. Added was "dispensaries may not apply for major deviations to reduce the minimum setback distances".
- Also added was a definition for "patient access area" which states: "Patient access area is defined as a portion of the dispensary building accessible to persons with a medical marijuana card. That area cannot be larger than 1,500 square feet".
- Item I: Removed was the term "standalone".

Ms. Melby continued with the next section of the draft code which is the parking requirement. Staff proposes to use the suggested parking requirement of 1 per 200 square feet of net leasable area. Next, refers to the Industrial Use Table. Staff added that a facility is allowed in the industrial area but it must be located within the vicinity of three intersections. These intersections are Glendale and McCarran, McCarran and Greg Street, and Glendale and Rock Boulevard. The facility must be within 500 square feet of the center of the intersection and the facility must face onto the arterial. Lastly, Staff proposes to amend Table 2 in the Transit Oriented Development Design Manuals. It is proposed that medical marijuana dispensaries only be allowed in the mixed use commercial designation in the TOD zoning. Ms. Melby also stated other regulations added are:

- The wording "if the medical marijuana dispensary loses its Nevada registration, the special use permit will become revoked by the City".
- Hours of operation.

The added regulations are based on input from a citywide project team Staff has been working with.

Ms. Melby noted, for the record, a three page letter was emailed to Staff and has been distributed to the Commission for their review. Some of the proposed changes were a result of addressing concerns listed in the letter.

At the request of Commissioner Lean, Ms. Melby explained the State's review process of these applications. Assistant City Attorney, Doug Thornley, also noted that in the event the Commission contemplates a special use permit in advance of the State licensing process, one of the conditions of the special use permit would include securing a State license to operate the business. If the State license is not approved then the special use permit would not issue and the business would never establish.

The public hearing was opened.

Michael Stannard of Reno, NV requested that instead of the City accepting the special use permit applications prior to the State opening up their application review process that Sparks wait until the State approves the licenses. Mainly because of timing issues and possible lack of resources the City may encounter with several special use permit applications being submitted in a certain time frame. He also suggests removing that the patient access areas to be 1,500 feet.

Frank Lepori of Sparks, NV requested the City not limit the range to the 500 feet from the center of the proposed intersections. He would also like to see the hours of operation change passed the proposed 6:00 p.m. time and possibly changing the wording "the building is to front McCarran" to "the building is visible from McCarran".

Dorea Shoemaker of Incline Village, NV concurs with the last two comments and would like to reiterate the 1,500 square feet of patient access is not adequate for security and comfort of the patient. She also stated opening up the industrial area for these types of facilities would give more options.

John M. Sutton of Incline Village, NV would like the Commission to consider the extending the 500 feet from the center of the proposed intersections to 1,000 square feet. Mr. Sutton would also like to see the hours of operation extended. He agrees with Ms. Shoemaker to consider extending the square footage to more than 1,500 for patient access.

Todd Vinger of Sparks, NV would like to see the industrial area opened up for these applications. He agrees with the previous comments.

The public hearing was closed.

There was discussion on the terminology proposed regarding fronting the 500 square feet from the proposed intersections.

City Planner Armando Ornelas explained Staff has had several discussions on whether or not the City should have dispensaries in the industrial area. Notably, the industrial area is not close to neighborhoods, therefore not providing convenience to the population in Sparks. Mr. Armando also expressed the Police Department has concerns regarding the hours of operation for these dispensaries and prefer these dispensaries be 500 feet from the arterials to better patrol and have access to these dispensaries.

The Commission recessed at 7:10 p.m.

The Commission reconvened at 7:31 p.m.

Ms. Melby stated Staff would like to propose revised language to the following:

- Item B. Medical marijuana dispensaries shall only be located in the industrial zoning district in buildings which have been identified. The public access point to be used in conjunction with a medical marijuana dispensary that is readily visible from the arterial upon which it is situated and measured from the following intersections. (The names of the intersections will remain the same).
- Item G. Increasing the square footage for the patient access area to 2,500 square feet.
- Ms. Melby noted the hours of operation will not be changed. The hours were implemented by the Police Department. Staff recommends having anyone in the audience who would like to dispute this issue, to appear at the City Council meeting to express your reasons for the change.

MOTION: Planning Commissioner Lean made a motion to forward a recommendation of approval to City Council of CA-4-14 to amend Chapter 20 of the Sparks Municipal Code to establish zoning authority for the establishment of medical marijuana dispensaries with amendment changes to 20.41.080 as outlined by staff.

SECOND: Planning Commissioner Voelz.

**AYES:** Planning Commissioners Sanders, Fewins, Lean, Nowicki, Sperber, Voelz, and Cammarota.

**NAYS:** None.

**ABSTAINERS:**None.

**ABSENT:** None.

Passed.