Approved	Failed
Public Hearing	Oct 13, 2016
Date Action Taken	Oct. 13, 2016
Attest:	City Clerk

CITY OF HOUSTON
ACTION MEMORANDUM No. 16-17

Title: City Council Statement of non-protest with conditions to the application for a standard marijuana cultivation facility #10799 held by Calm N Collective LLC.

Agenda of: October 13, 2016

Originator: Deputy Mayor Wilson

Approved for presentation by:

City Clerk _____
Public Works Director _____
Treasurer _____
Fire Chief _____
Police Chief/Mayor _____

Reviewed by Mayor: _____

Attachment(s):

- Application Notice
- Marijuana License 10799 Application
- Staff referrals under HMC 5.10.050
- 9.30.16 Public Works non-conformity letter
- 10.6.16 Applicant response regarding buffer zone requirements
- 10.7.16 Notice of Public Hearing

Summary statement:

Calm N Collective, LLC. has applied for a standard cultivation facility license #10799. State law requires local governing bodies to review requests pertaining to marijuana licenses within their municipalities. The City may waive the right to protest or may file a protest to a request.

Mayor Thompson has delegated Deputy Mayor Wilson to refer recommendations to the Council.

Before taking action on a marijuana license application, the Mayor shall provide for a public hearing before the City Council. Within 15 business days after the referrals under HMC 5.10.050, the Mayor shall schedule each marijuana license application for consideration by the City Council at its next City Council meeting and send written notice to the applicant.

A review of the referrals relating to marijuana license application has been completed. Based on that review, The Deputy Mayor recommends the following action:

X	**WAIVE THE RIGHT TO PROTEST**
	PROTEST the issuance of the license for the following factors(s). *(HMC 5.10.050).*
	➢ Staff referrals.
	➢ Concentration of other licenses of the same and other types in the area.
	➢ Other factors.
X	**CONDITIONS** recommends the **issuance** of the license with the following conditions(s). (HMC 5.10.060).
	➢ **See Below**
	SUSPENSION OR REVOCATION request a suspension or revocation of the license pursuant to 3 AAC 306.060;

If the City Council protests an application or recommends conditions on which the application shall be granted, the City Council shall state on record the reasons for its decisions, and the Mayor shall notify the Board and the applicant in writing of the decision.

If the City Council finds that the basis for its decision to protest an application, or to recommend conditions on which the application should be granted, no longer exists, the City Council may rescind its decision and direct the Mayor to notify the Board and the applicant of the decision.

Administration recommendation: Approve Action Memorandum 16-17 with conditions.

With one exception, recommend the City accept the applicant's 6 October 2016 response to the Public Works Notice of Non-conformity. The applicant proposes remedial actions to compensate for the building setback being slightly less than 25 feet. The one exception is that the proposed privacy fence be constructed no closer than 10 feet from the building to facilitate access by Houston Fire Department personnel and equipment.

Specific conditions on issuance of the applicant's license:

1. To compensate for the building setback being less than the minimum 25 feet from an adjacent property, the applicant shall erect and maintain a 6-foot-tall privacy fence, constructed of wood, a minimum of 100 feet in length as noted on the applicant's diagrams, except that the fence shall be located a minimum of 10 feet from the building's outer wall. This fence will serve to screen and buffer onsite activity from the adjoining property. Construction of the fence should commence as soon as possible after issuance of the license, weather and soil conditions permitting, but shall be completed not later than 15 May 2017.

2. The applicant shall plant and/or maintain grass and native trees around the exterior of the building (all four sides), commencing not later than 15 May 2017. Where naturally occurring topsoil may have been removed during site construction, the applicant shall cause topsoil to be placed so that the natural vegetative buffer required by HMC 10.03.110.F. 7b can be maintained.

Compliance with the Parks Highway frontage buffer requirements of HMC 10.03.110.F.6b is not

at issue. While the applicant's property is listed as having a Parks Highway address, it is physically located on the far side of Dodge Drive away from the Parks Highway. A thick stand of native trees effectively screens the view of the building from the Parks Highway.

Office of the City Clerk Use Only

Applicant noticed of Public Hearing: ✓ Applicant noticed of decision: ✓ AMCO noticed of decision: ✓
MSB Noticed (Relocation only) € Houston Planning Commission noticed of decision ✓