



*City of Las Vegas*

Agenda Item No.: 8.

**AGENDA SUMMARY PAGE - PLANNING  
SPECIAL PLANNING COMMISSION MEETING OF: SEPTEMBER 30, 2014**

DEPARTMENT: PLANNING  
DIRECTOR: FLINN RAGG

Consent  Discussion

**SUBJECT:**  
SUP-5518 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: ACRES  
MEDICAL, LLC - OWNER: 2320 WEST WALK, LLC - For possible action on a request for a  
Special Use Permit FOR A PROPOSED 3,432 SQUARE-FOOT MEDICAL MARIJUANA  
DISPENSARY located on Western Avenue (APN 162-04-404-003), M (Industrial) Zone, Ward 3  
(Coffin). Staff recommends APPROVAL.

C.C.: 10/29/2014

**PROTESTS RECEIVED BEFORE:**

**APPROVALS RECEIVED BEFORE:**

Planning Commission Mtg.	8	Planning Commission Mtg.	0
City Council Meeting	0	City Council Meeting	0

**RECOMMENDATION:**

Staff recommends APPROVAL, subject to conditions:

**BACKUP DOCUMENTATION:**

1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Submitted after Final Agenda - Protest Postcards for SUP-55187, SUP-55189 and SUP-55190

Motion made by RICHARD TRUESDELL to Deny

Passed For: 4; Against: 3; Abstain: 0; Did Not Vote: 0; Excused: 0  
GUS FLANGAS, TODD L. MOODY, RICHARD TRUESDELL, RICHARD P. BONAR;  
(Against-VICKI QUINN, BYRON GOYNES, TRINITY HAVEN SCHLOTTMAN); (Abstain-None); (Did Not Vote-None); (Excused-None)

**Minutes:**

CHAIR FLANGAS declared the Public Hearing open for Items 8-10 but pointed out that each item would be considered and voted upon separately.

PETER LOWENSTEIN, Planning, gave staffs report and noted that the proposed use can be conducted in a harmonious manner. Staffs recommendation was for denial, and if denied, the use would not be permitted at this site.

JOHN LELU appeared on behalf of the applicant, who appreciated staffs recommendation for approval.

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HERBERT ARNOLD commented that some components to this application failed to meet State law. The cultivation area is divided by a glass wall so this is not considered to be separate facilities. There is also an issue with handicap accessibility between the cultivation areas.

JOHN COURTNEY agreed with COMMISSIONER SCHLOTTMANS assessment that clustering is not necessarily bad. He supported Items 8-9 as they are in conformance with the subject area(s). He also cited new opinion from the Nevada Supreme Court, which protects the City's interest relative to surrounding land owners.

COMMISSIONER SCHLOTTMAN discussed with staff and MR. COURTNEY the difference with a dispensary and cultivation facility and how it applies to this application. The Commissioner acknowledged the fact that this item will be heard at City Council prior to any permits being granted.

Using the diagram on the overhead, MR. JOHN described for CHAIR FLANGAS the facility's set-up, in that there is a floor ceiling glass track wall between the dispensary and the cultivation areas. Between the manufacturing area and the dispensary itself there is a glass wall. There is a glass wall in the hallway, as the intent is to bring in patients to meet with the actual growing and manufacturing of the product.

COMMISSIONER TRUESDELL was unsure if this Commission had the authority to approve this request, which appeared to have the dispensary be part of the cultivation facility. Given the glass wall, individuals would need to be directed through another area (per Fire code) should a fire occur. He noted that those applications that previously came before the Downtown Design Review Committee and received a site plan for approval had an agreed upon condition that the freestanding signage would be removed.

COMMISSIONER BONAR preferred the glass wall to be a fixed wall but was still concerned about the glass hallway, which is a long exit and potential problem should a fire occur.

MR. LELU informed COMMISSIONER QUINN that he did not believe any issues existed with ADA compliance but was willing to address any to ensure the applicant was in compliance.

Upon CHAIR FLANGAS request, ASSISTANT CITY ATTORNEY BRYAN SCOTT explained what counsel considered being a fully stand-alone building.

CHAIR FLANGAS confirmed there were no additional public comments for Items 8 and 9.

MR. LELU confirmed for the Commission that the applicant intends to manufacture their own product at the facility. COMMISSIONER SCHLOTTMAN liked the facility and recognized the sites size, which is not huge, but can accommodate the products.

COMMISSIONER TRUESDELL was willing to support the applicant and their intentions for the site.

CHAIR FLANGAS declared the Public Hearing closed for Items 8-10.