



City of Las Vegas

Agenda Item No.: 51.

AGENDA SUMMARY PAGE - PLANNING
SPECIAL CITY COUNCIL MEETING OF: OCTOBER 29, 2014

DEPARTMENT: PLANNING
DIRECTOR: TOM PERRIGO, ACTING

☐ Consent ☒ Discussion

SUBJECT: SUP-55187 - SPECIAL USE PERMIT PUBLIC HEARING - APPLICANT: ACRES MEDICAL, LLC - OWNER: 2320 WESTERN, LLC - For possible action on a request for a Special Use Permit FOR A PROPOSED 3,182 SQUARE-FOOT MEDICAL MARIJUANA DISPENSARY located on Western Avenue (APN 162-04-404-003), M (Industrial) Zone, Ward 3 (Coffin). The Planning Commission (4-3 vote) recommends DENIAL. Staff recommends APPROVAL.

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

City Council Meeting

RECOMMENDATION:

The Planning Commission (4-3 vote) recommends DENIAL. 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/Support Postcards for SUP-55187, SUP-55189 and SUP-55190
7. Backup Referenced from the September 30, 2014 Planning Commission Meeting

Motion made by BOB COFFIN to Approve subject to conditions

Passed For: 6; Against: 0; Abstain: 1; Did Not Vote: 0; Excused: 0

BOB COFFIN, RICKI Y. BARLOW, LOIS TARKANIAN, STAVROS S. ANTHONY, STEVEN D. ROSS, BOB BEERS; (Against-None); (Abstain-CAROLYN G. GOODMAN); (Did Not Vote-None); (Excused-None)

Minutes:

MAYOR PRO TEM ANTHONY declared the Public Hearing open for Items 51, 53 and 55.

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TOM PERRIGO, Acting Planning Director, stated the site was in compliance with requirements of Title 19; therefore, the use could be conducted in a compatible manner with the surrounding land uses. Staff recommended approval of SUP-55187. The Planning Commission found that the dispensary was attached and recommended denial. However, a dispensary was not required to be located in a stand-alone detached structure, so staff recommended approval. Regarding the cultivation site, all requirements were met and staff recommended approval because the use could be conducted in a harmonious manner with the existing land uses. The Planning Commission also recommended approval. However, the subject site was not in compliance with a requirement found in Title 19 regarding the description of a medical marijuana cultivation facility as a stand-alone structure; therefore, staff recommended SUP-55189 be tabled until Title 19 could be updated to reflect clarification of separate buildings and consistency with Title 6. Regarding SUP-55190, the subject site complied with all minimum distance requirements of Title 19 and could be conducted harmoniously with existing surrounding land uses and staff and the Planning Commission recommended approval. However, the subject site was not in compliance with the requirement of Title 19 describing a medical marijuana production facility as a stand-alone, detached enclosed structure. Staff, therefore, recommended this matter be tabled until Title 19 could be updated and consistent with Title 6.

KAREN DUDDLESTEN, Business Licensing Manager, stated the Compliance Permit applications met minimum compliance with Las Vegas Municipal Code. Based on the information presented, deficiencies were found in the applicants' knowledge in compassionate use of marijuana to treat medical conditions and the needed education to manage such a facility, in accordance with the Las Vegas Municipal Code (LVMC). The plans did not have adequate detail to address specific requirements of sections of LVMC Chapter 6, and the dispensary, cultivation and production facility did not meet certain provisions of the LVMC.

ATTORNEY JOHN LELEU, representing Items 51-56, indicated that the Downtown Design Review Committee recommended approval and the Planning Commission denied the dispensary based on the issues cited by MR. PERRIGO; therefore, Items 53-56 should be tabled, pending a text amendment.

JENNA MORTON, Acres Medical, LLC, stated that she was very excited about this venture and noted the group's extensive experience in operating privileged business with alcohol and gaming licenses and managing people in order to run successful businesses. She went over the plan for this business, which would include improvements to the building, solar power, an educational component, transparency and working with the City of Las Vegas to ensure that Las Vegas becomes the standard for medical marijuana facilities. Lastly, she introduced the other team members, JOHN MUELLER, PARIS BALAOURAS, MATTHEW KAVANAUGH and MICHAEL MORTON.

ADONAI SHOLMI, representing Jewelers of Las Vegas, was not opposed, but expressed concern about the odor the cultivation facility would emit. ERIC NEWSON was opposed to the cultivation facility because he felt there was no way to control marijuana odor. ATTORNEY LELEU introduced MR. MUEHLER, who indicated that a company was contracted to address



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odor control, noting that the odor was not the biggest issue associated with medical marijuana cultivation.

COUNCILMAN COFFIN discussed with MR. MUEHLER that the facilities visited in Colorado had odors inside, not outside.

MAYOR PRO TEM ANTHONY declared the Public Hearing closed for Item 51, 53 and 55.