



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: JUNE 13, 2017

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: M.W., LLC

**** STAFF RECOMMENDATION(S) ****

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
SUP-70160	Staff recommends DENIAL, if approved subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 28

NOTICES MAILED 278

PROTESTS 1

APPROVALS 3

**** CONDITIONS ****

SUP-70160 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Medical Marijuana Dispensary use, except herein.
2. Conformance to the approved conditions for Special Use Permit (SUP-55272), except as amended herein.
3. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. A Waiver from Title 19.12 is hereby approved, to allow one proposed freestanding sign that exceeds the 30 square-foot maximum allowed.
5. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.
6. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit, as well as submitted as part of any business license application.
7. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is proposing to install one 173 square-foot freestanding sign on the east perimeter of an existing Medical Marijuana Dispensary at 1112 South Commerce Street.

ISSUES

- Special Use Permit requirement #8 limits signage for this use to a single wall sign of 30 square feet.
- The applicant has proposed a Major Amendment (SUP-70160) to an approved Special Use Permit (SUP-55272) with a Waiver to utilize both an existing 30 square-foot wall sign and a proposed 173 square-foot freestanding sign located on the east perimeter of the lot adjacent to Commerce Street. Staff recommends denial of this request.
- On June 20th, 2017 the Downtown Design Review Committee (DDRC) will review the proposed signage elevation design and appropriateness per Architectural Design Review (ARC-70159).

ANALYSIS

The Medical Marijuana Dispensary use is defined as “An establishment which acquires, possesses, delivers, transfers, transports, supplies, sells or dispenses marijuana or related supplies and educational materials to the holder of a valid registry identification card. This use includes a medical marijuana dispensary, as defined in NRS 453A.115.

The Minimum Special Use Permit Requirements for this use were reviewed for compliance and approved as Special Use Permit (SUP-55272). This request would amend Requirements 8 and 11 in the following manner:

8. Signage for the establishment shall be limited to one wall sign per street frontage, the face of the sign not to exceed thirty square feet in area and not to exceed two feet in height. Such a sign shall be internally illuminated, with the use of neon prohibited.

The Medical Marijuana Dispensary has an existing 30 square-foot wall sign on the east elevation of the building facing Commerce Street. The applicant has requested a Waiver of this condition to utilize an additional 173 square-foot

Staff Report Page Two
June 13, 2017 - Planning Commission Meeting

freestanding sign on located on the east perimeter of the site in conjunction with an existing Medical Marijuana Dispensary. Staff does not support this request, as the proposed signs do not conform to Title 19.12 signage standards associated with a Medical Marijuana Dispensary use and have a larger sign area and height, which is not compatible with the adjacent land uses.

*11. Elevations and signage must first be reviewed by the Downtown Design Review Committee established pursuant to LVMC 19.10.100(D)(1) prior to any public hearing for a Special Use Permit. The review will be performed in accordance with the procedures set forth in LVMC 19.10.100(D), as in the case of reviews normally performed by that Committee, but measuring compliance instead with the substantive standards for elevations and signage pertaining to dispensaries that are set forth in this Title or that have been established administratively by the Director.

The previously approved building elevations and signage were reviewed and approved subject to conditions by the Downtown Design Review Committee (DDRC) on August 27th, 2014. The newly proposed sign elevations will be reviewed on June 20th, 2017 by the Downtown Design Review Committee (DDRC) per Architectural Design Review (ARC-70159).

The subject site provides the required parking for the proposed use. Other than the Minimum Special Use Permit Requirements found within Title 19.12, there are no special development requirements pertaining to the site. However, staff does not support the requested Waiver to allow one proposed freestanding sign, which exceeds the 30 square-foot maximum allowed located on the east perimeter of the lot adjacent to Commerce Street, as the proposed freestanding sign does not conform to Title 19.12 signage standards associated with a Medical Marijuana Dispensary use. Staff has determined use of the proposed larger sign area and height is not compatible with the adjacent land uses. Additionally, this will also set a negative precedent for other Medical Marijuana establishments which will also seek waivers to amend their previously approved signage; therefore, staff recommends denial with conditions.

FINDINGS (SUP-70160)

In order to approve a Special Use Permit application, per Title 19.16.110(L) the Planning Commission and City Council must affirm the following:

- 1. The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.**

Staff Report Page Three
June 13, 2017 - Planning Commission Meeting

The subject site complies with all minimum distance requirements as set forth by Title 19.12 and therefore the Medical Marijuana Dispensary use can be conducted in a compatible and harmonious manner with the existing surrounding land uses and future land uses as projected by the General Plan.

2.The subject site is physically suitable for the type and intensity of land use proposed.

The site contains a 9,750 square-foot commercial building and adequate parking for all uses. The proposed use does not generate the need for any additional parking spaces beyond what has been provided onsite.

3.Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.

The proposed Medical Marijuana Dispensary can be accessed from Commerce Street, a 75-foot Local Street which has adequate capacity to serve the proposed development.

4.Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.

The proposed Medical Marijuana Dispensary use will be subject to regular City and County inspections for licensing and therefore will not compromise the public health, safety, and general welfare or any objective of the General Plan.

5.The use meets all of the applicable conditions per Title 19.12.

The proposed Medical Marijuana Dispensary use meets all distance separation requirements per Title 19.12. However, the use does not comply with requirement #8, which states that "Signage for the establishment shall be limited to one wall sign per street frontage, the face of the sign not to exceed thirty square feet in area and not to exceed two feet in height. Such a sign shall be internally illuminated, with the use of neon prohibited." The applicant has requested a Waiver of this condition to utilize an existing 30 square-foot wall sign and one proposed 173 square-foot freestanding sign located on the east perimeter of the lot adjacent to Commerce Street, in conjunction with an existing Medical Marijuana Dispensary.

Staff Report Page Four
June 13, 2017 - Planning Commission Meeting

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
08/26/14	The Downtown Design Review Committee approved a Building and Sign Elevation Review (SUP-55272) in association with a proposed 9,750 square-foot medical marijuana dispensary at 1112 South Commerce Street. Staff recommended approval.
10/29/14	The City Council approved a Special Use Permit (SUP-55272) for a proposed 9,750 square-foot medical marijuana dispensary at 1112 South Commerce Street. The Planning Commission and staff recommended approval.
10/27/15	Department of Planning staff administratively approved a Minor Amendment of an approved Special Use Permit (SUP-55272) for changes to the floor plan of a proposed 9,750 square-foot medical marijuana dispensary at 1112 South Commerce Street.
03/15/16	Department of Planning staff administratively approved a Minor Amendment (ARC-63388) of an approved Building and Sign Elevation Review (SUP-55272) for revised elevations and signage at an approved 9,750 square-foot Medical Marijuana Dispensary at 1112 South Commerce Street.

<i>Most Recent Change of Ownership</i>	
02/26/14	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
10/14/15	A building permit (#301896) was issued for interior demolition of non-load bearing walls or structural at 1112 South Commerce Street. A final inspection has not been completed.
11/23/15	A building permit (#299995) was issued for a 7,387 square-foot tenant improvement for a change of occupancy from factory to medical marijuana dispensary at 1112 South Commerce Street. A final inspection has not been completed.
12/02/15	A building permit (#303663) was issued for a fire sprinkler system at 1112 South Commerce Street. A final inspection has not been completed.
12/23/15	Revisions (#306609) to planning elements of the tenant improvement, including a new canopy and trash enclosure, were reviewed by the Department of Planning.

Staff Report Page Five
 June 13, 2017 - Planning Commission Meeting

Related Building Permits/Business Licenses	
03/02/16	A building permit (#312505) was issued for a wall sign at 1112 South Commerce Street. A final inspection was completed on 05/05/16.
04/27/16	A business license (#M63-00001) was issued for a Medical Marijuana Dispensary (Thrive Cannabis Marketplace) located at 1112 South Commerce Street. The license is still active.
	A business license (#M64-00018) was issued for a Medical Marijuana Dispensary - Gross (Thrive Cannabis Marketplace) located at 1112 South Commerce Street. The license is still active.
07/05/16	A business license (#G64-04893) was issued for a General Retail Sales (Thrive Cannabis Marketplace) located at 1112 South Commerce Street. The license is still active.
03/14/17	A building permit (#337730) was processed for a freestanding sign at 1112 South Commerce Street. The permit was denied pending Special Use Permit and DDRC approval.

Pre-Application Meeting	
03/29/17	A pre-application meeting was conducted with the applicant to go over the application materials and submittal requirements for a Major Amendment to an approved Special Use Permit (SUP-55272) for an existing Medical Marijuana Dispensary with a Waiver to allow a proposed freestanding sign that does not meet Title 19.12 special use permit requirements.

Neighborhood Meeting	
A neighborhood meeting is not required, nor was one held.	

Field Check	
05/04/17	Staff conducted a field check of the subject site and noted a well maintained commercial building.

Details of Application Request	
Site Area	
Net Acres	3.48

Staff Report Page Six
 June 13, 2017 - Planning Commission Meeting

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Medical Marijuana Dispensary	LI/R (Light Industry/Research)	M (Industrial)
North	General Retail	LI/R (Light Industry/Research)	M (Industrial)
South	Office, other than listed	LI/R (Light Industry/Research)	M (Industrial)
East	General Retail	LI/R (Light Industry/Research)	C-M (Commercial/Industrial)
	Auto Repair Garage, Major		
West	Parking Lot	MXU (Mixed Use)	M (Industrial)

Master and Neighborhood Plan Areas	Compliance
Downtown Centennial Plan	Y or N
Special Purpose and Overlay Districts	Compliance
Downtown Centennial Plan Overlay District – Downtown South	Y
A-O (Airport Overlay) District (200 Feet)	Y
Live/Work Overlay District	Y
Other Plans or Special Requirements	Compliance
Trails	N/A
Las Vegas Redevelopment Plan Area	Y
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

DEVELOPMENT STANDARDS

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Commerce Street	Local Street	Title 13	75	Y

Staff Report Page Seven
 June 13, 2017 - Planning Commission Meeting

Parking Requirement - Downtown							
Use	Gross Floor Area or Number of Units	Base Parking Requirement			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Medical Marijuana Dispensary	9,750 SF	1:175 SF	56				
TOTAL SPACES REQUIRED			56		107		Y
Regular and Handicap Spaces Required			53	3	105	2	Y

Projects located within the Las Vegas Downtown Centennial Plan area are not subject to the automatic application of parking requirements. However, the above table should be used to illustrate the requirements of an analogous project in another location in the City.

Pursuant to Title 19.08, the following standards apply:

Freestanding Sign – East Perimeter			
Standards	Allowed	Provided	Compliance
Maximum Number	1 sign per 200 linear feet of street frontage	one sign	Y
Maximum Area	2 SF per linear foot of street frontage	173 SF	Y
Maximum Height	40 feet	15' 11"	Y
Minimum Setback	5 feet from all property lines	5 feet	Y
Illumination	Internal/external	Internal LED	Y

Waivers		
Requirement	Request	Staff Recommendation
Proposed signage at an approved medical marijuana dispensary cannot exceed 30 square feet in area and two feet in height	For a proposed freestanding sign at an approved Medical Marijuana Dispensary that exceeds 30 square feet in area and two feet in height. In addition to the existing 30 square-foot wall sign.	Denial