



**AGENDA SUMMARY PAGE - PLANNING  
PLANNING COMMISSION MEETING OF: FEBRUARY 12, 2019**

DEPARTMENT: PLANNING  
DIRECTOR: ROBERT SUMMERFIELD

Consent  Discussion

**SUBJECT:** UP-7531 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: HAVE A HEART LAS VEGAS, LLC - OWNER: TWIN BROTHERS WILLOW INVESTMENTS, LLC - For possible action on an application for a Special Use Permit FOR A PROPOSED 20,225 SQUARE-FOOT MARIJUANA CULTIVATION CENTER (SARV) US# 2401 West Bonanza Road, Suite B to Q (APN 139-29-813-005) C-2 (General Commercial) Zone, Ward 5 (Crest) [PRJ-75151]. Staff recommends APPROVAL.

C.C.: 3/6/2019

**PROTESTS RECEIVED BEFORE:**

**APPROVALS RECEIVED BEFORE:**

Planning Commission Mtg.   
City Council Meeting

Planning Commission Mtg.   
City Council Meeting

**RECOMMENDATION:**

Staff recommends APPROVAL, subject to conditions:

**BACKUP DOCUMENTATION:**

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photo(s)
5. Justification Letter
6. Protest Postcards
7. Submitted after Final Agenda - Special Map, Protest/Support Postcards and Protest Documentation Not Vetted - Email (1)

Motion made by CHRISTINA ROUSH to Deny

Passed For: 3; Against: 2; Abstain: 1; Did Not Vote: 0; Excused: 1  
CHRISTINA ROUSH, LOUIS DE SALVIO, VICKI QUINN; (Against-DONNA TOUSSAINT, TRINITY HAVEN SCHLOTTMAN); (Abstain-SAM CHERRY); (Did Not Vote-None); (Excused-BRENDA J. WILLIAMS)

NOTE: Chair Cherry disclosed that his family is involved in the Cannabis business, and they sell to all different dispensaries around the Las Vegas valley; therefore, he abstained from voting on this item. Commissioner Schlottman disclosed that he has constructed multiple dispensaries and testing, cultivation and production facilities in the cities of Las Vegas, North Las Vegas and in Clark County. Additionally, he thought his company worked on this project on a pre-

## PLANNING COMMISSION MEETING OF: FEBRUARY 12, 2019

construction contract through the owner. It was not a medical marijuana dispensary at that point, and that contract has been complete for years. Assistant City Attorney Bryan Scott advised Commissioner Schlottman that he could vote on this item.

An initial motion for Approval by Commissioner Schlottman failed with Commissioners Quinn, De Salvio and Roush voting No and Commissioner Williams Excused.

Minutes:

VICE CHAIR DE SALVIO declared the Public Hearing open.

JONATHAN BOYLES, Sr. Planner, reported that the subject site is an existing commercial development which can accommodate the intensity of the proposed use. The subject site complies with all minimum distance separation requirements as set forth by Title 19.12, and therefore can be conducted in a compatible and harmonious manner with the surrounding existing land uses located in the shopping center and future uses as projected by the General Plan. As such, staff recommended approval of the proposed use subject to conditions. Additional protest and support letters were received after publication.

NATHAN BOUVET, PB Development, appeared on behalf of the applicant and owner and described the location and amenities. The site includes existing and proposed exterior improvements including parking, curbs, gutter, sidewalks and existing utilities and lighting. Interior proposed improvements include a display area, restrooms, storage and utility rooms, employee break rooms, office, product sales receiving areas, security and surveillance stations and a waiting room lounge. He noted that Herbst and Popeye's are located adjacent to the site.

MR. BOUVET stated that this project meets the definition of a marijuana dispensary and a marijuana store. The project will be a one-story building and fire codes including public access being from one point of entry and one point for exit purposes. It meets all parking requirements, and five spaces are allocated for handicapped purposes.

The site was chosen after research and discussion between Twisted Willows Investments and Have A Heart Las Vegas, LLC. Have A Heart conducted a customer projection model to accommodate the expected customer traffic and to determine existing and proposed use of the site in the future. This included traffic counts, walking scores, parking, accessibility from major roadways and population density within a 10-mile radius. The surrounding uses include C-1 (Limited Commercial) and C-V (Civic) to the north, the US 95 right-of-way to the south, residential planned development to the east and C-1 to the west. Once all entitlements, permits and state licensing are received, it will take 12 weeks to launch the facility. He also noted that operating hours are still being determined, pointing out that there is a laundry facility and Herbst that operate 24 hours per day and a Popeye's that he thought was open until midnight. It is anticipated that 30 to 40 part- and full-time employees will be hired, and the applicant would like to give preference to residents of the District and the city of Las Vegas. Have A Heart Las Vegas, LLC said in a prepared statement that they will incorporate core values, operational

## PLANNING COMMISSION MEETING OF: FEBRUARY 12, 2019

protocols, systems procedures and processes in the areas of compliance, safety and security, product procurement, training, patient and guest engagement and patient support and education. Additionally, there are three pole lights in the existing parking lot, and the existing buildings, including Popeye's and Herbst, have security cameras and exterior lighting on the buildings and underneath the canopies. MR. BOUVET thought that having more of a presence on this site would alleviate concerns about crime.

COMMISSIONER QUINN asked if they planned to be open 24 hours, and MR. BOUVET replied that the applicant preferred to have a 24-hour operation but indicated that they are open to the Planning Commission's recommendations/conditions. COMMISSIONER QUINN expressed that she was not agreeable with 24-hour operation as she felt it was a great safety concern for the entire area. She was in support of the application with sensible hours of operation.

COMMISSIONER ROUSH asked MR. BOUVET if the building was owned or leased and what would happen with Dotty's. MR. BOUVET replied that the proposed square footage is not inclusive of Dotty's; they lease the space, and they will remain at that location. Twisted Willows Investments owns the building. This agreement is a 50/50 partnership between Have A Heart Las Vegas, LLC and Twisted Willow Investments. COMMISSIONER ROUSH stated that approving a dispensary different from a cultivation facility or lounge, and different things are considered. She looks at a dispensary similar to a privilege lounge. She felt the justification letter was contradictory that they are proposing a 4,100 square foot restaurant and lounge adjacent to a 26,030 square foot recreational marijuana dispensary. The letter also says 27,000 square feet and the application says 20,225, regardless of the conflicting numbers, it is a large facility for what is being proposed. She was very concerned, and it struck her as very congruent for the neighborhood, especially with the easy freeway access. The justification letter also discussed scaling the operation up to 12,900 per day. She thought this was an incompatible use and was not appropriate.

MR. BOUVET clarified that when they initially submitted the justification letter, they were including the previous restaurant as part of the application package. They were asked to make it very clear within the justification letter that it would not be used for a consumption lounge. They are also looking to do a restaurant/lounge, and staff indicated that would not be part of the application. The square footage indicated in the justification letter included the square footage for Dotty's, but the staff report did not include that square footage. The space is roughly 20,000 square feet.

COMMISSIONER QUINN asked if there was supposed to be a 300-foot distance separation from alcohol-related business, and MR. BOYLES replied that there is no distance separation from marijuana dispensaries to any alcohol-related SUP (Special Use Permit), and this SUP is only for the dispensary use and does not include any alcohol-related uses associated with any related restaurant or lounge which was proposed to be entitled at a later date.

COMMISSIONER TOUSSAINT stated that this is a 24-hour town, and people are working nights. She thought that limiting the hours to daytime hours was not compatible for any

**PLANNING COMMISSION MEETING OF: FEBRUARY 12, 2019**

business. She believed staff got it right, and she was in support.

COMMISSIONER QUINN asked about the security they would have, and MR. BOUVET replied that they would submit a security plan once the entitlements, permits and state licensing are issued as that is one of the State's requirements. They will have stationed security at the site and will propose a patrol that is on the site and within close proximity of the site.

COMMISSIONER SCHLOTTMAN thought that the building was lighted and needed improvements. He did not think the hours should be restricted because this is a 24-hour town. He thought the market was nearly saturated and did not think they would see 13,000 customers a day. Having a security presence, lighting up the parking lot and fixing up the building would be good for the area, and he was in support of this application.

VICE CHAIR DE SALVIO declared the Public Hearing closed.

