

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-25-0019-STANLEY INVESTMENT, LLC:**

**USE PERMIT** to allow a cannabis establishment (cultivation facility).

**WAIVER OF DEVELOPMENT STANDARDS** to reduce the separation from a proposed cannabis establishment (cultivation facility) to an area subject to residential adjacency in conjunction with an existing industrial complex on 0.50 acres in an IL (Industrial Light) Zone within the Airport Environs (AE-70 & APZ-2) Overlay.

Generally located on the east side of Abels Lane, 15 feet south of Cartier Avenue (alignment) within Sunrise Manor. TS/nm/kh (For possible action)

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RELATED INFORMATION:

**APN:**

140-17-410-012

**WAIVER OF DEVELOPMENT STANDARDS:**

Reduce the separation from a proposed cannabis establishment (cultivation facility) to an area subject to residential adjacency (to the east) to 212 feet where 660 feet is the minimum separation required per Section 30.03.06C (a 68% reduction).

**LAND USE PLAN:**

SUNRISE MANOR - BUSINESS EMPLOYMENT

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 2582 Abels Lane
- Site Acreage: 0.50
- Project Type: Cannabis establishment (cultivation facility)
- Building Height (feet): 30
- Square Feet: 200 (cultivation facility)/10,000 (total)
- Parking Required/Provided: 10/13

**Site Plan**

The plan depicts an existing 10,000 square foot office/warehouse building centrally located within the parcel. This site is part of a larger industrial complex consisting of 26 buildings. The plan shows 6 parking spaces in the front and 7 parking spaces in the rear of the building. The applicant is proposing to convert the existing office/warehouse to a cannabis establishment consisting of cultivation, production, and distributor. Access to the site is from Abels Lane via an existing driveway to the west of the parcel. Cross access also exists throughout the entire

complex. An existing manufactured home park shares the east property line, 212 feet from the front door of the business.

#### Landscaping

Landscaping exists along the street and within the front parking lot. Twenty four inch box cypress trees will be planted every 5 feet within the existing 3 foot wide landscape strip located along the east property line in compliance with a condition of approval of WS-1564-00. No other changes to the existing landscaping are proposed with this request.

#### Elevations

The photos show an existing 30 foot tall building consisting of clay-colored CMU blocks and concrete panels. The entrance and an existing roll-up door are depicted on the front (west) elevation facing Abels Street. A roll-up door also exists on the east elevation facing the rear parking area.

#### Floor Plan

The plan depicts an existing 10,000 square foot building consisting of areas including, but not limited to, a 650 square foot office/breakroom, 250 square foot production area, 200 square foot cultivation area, and an 8,250 square foot warehouse area to be used for the distributor use.

#### Applicant's Justification

The applicant states the adjacent residential use will not be affected in a substantially adverse manner, the proposal will not materially affect the health and safety of persons residing in, working in, or visiting the immediate vicinity, and the proposed use will not be materially detrimental to the public welfare. They further state that the proposed use will not alter the character of the neighborhood, traffic conditions, parking, rights-of-way, or other matters affecting the public health, safety, and general welfare. The proposed hours of operation for the establishment are 6:00 a.m. to 8:00 p.m., Monday through Friday. Operations at the establishment are primarily conducted indoors, with the exception of loading and unloading of product in sealed containers from vehicles in the fenced yard in the rear of the property. The applicant anticipates the product odor to be negligible, as the primary facility operations are for warehousing and distribution of pre-packaged product. If existing or future operations generate pervasive odor detectable by neighboring residential, the applicant would install appropriate air filtration devices to mitigate such odor.

#### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
TM-0184-03	Tentative map for 1 industrial lot	Approved by PC	June 2003
WS-1564-00	Waiver of development standards to eliminate landscape buffer requirement for a proposed office/warehouse complex	Approved by PC	December 2000
ZC-070-97 (ET-0253-99)	First extension of time for ZC-0702-97	Approved by BCC	August 1999

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ZC-0702-97	Reclassified the site to M-1 zoning for an industrial subdivision with warehouses and open storage yard facilities	Approved by BCC	July 1997

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
North & South	Business Employment	IL (AE-70 & APZ-2)	The remainder of the office/warehouse complex
East	Business Employment	RS5.2 (AE-70 & APZ-2)	Manufactured home park
West	Business Employment	IP (AE-70)	Undeveloped

**Related Applications**

<b>Application Number</b>	<b>Request</b>
UC-25-0020	A use permit and waiver of development standards for a cannabis establishment (production facility) is a companion item on this agenda.
UC-25-0021	A use permit for a cannabis establishment (distributor) is a companion item on this agenda.

**STANDARDS FOR APPROVAL:**

The applicant shall demonstrate that the proposed request is consistent with the Master Plan and is in compliance with Title 30.

**Analysis****Comprehensive Planning**Use Permit

A special use permit is considered on a case by case basis in consideration of the standards for approval. Additionally, the use shall not result in a substantial or undue adverse effect on adjacent properties, character of the neighborhood, traffic conditions, parking, public improvements, public sites or right-of-way, or other matters affecting the public health, safety, and general welfare; and will be adequately served by public improvements, facilities, and services, and will not impose an undue burden.

Waiver of Development Standards

The applicant shall have the burden of proof to establish that the proposed request is appropriate for its proposed location by showing the following: 1) the use(s) of the area adjacent to the subject property will not be affected in a substantially adverse manner; 2) the proposal will not materially affect the health and safety of persons residing in, working in, or visiting the immediate vicinity, and will not be materially detrimental to the public welfare; and 3) the proposal will be adequately served by, and will not create an undue burden on, any public improvements, facilities, or services.

### Use Permit & Waiver of Development Standards

Staff finds that the site has ample parking spaces for the use. Per the original land use application (WS-1564-00), parking was shared for the entire complex. The proposed use requires less parking (10 spaces) compared to what the original office/warehouse building was parked at (21 spaces per BD04-26451), and requires the same number of parking spaces as the current requirements for an office/warehouse use (10 spaces). Therefore, the proposed use will not add any parking demand for the proposed site or the complex. Also, according to the provided survey, the proposed facility meets the required separation to schools, community facilities, and non-restricted gaming properties. The facility does not meet the required 660 foot separation from areas subject to residential adjacency as the property immediately to the east is an existing manufactured home park. However, the provided floor plan depicts only 2 small areas for “cultivation” and “production” uses. According to the applicant’s justification letter and the floor plan, the primary operation of the facility is “warehousing and distribution,” which is similar to and consistent with the existing warehouse uses within the complex. Staff does not anticipate any adverse impacts to the surrounding area; therefore, supports the request.

### **Staff Recommendation**

Approval.

If this request is approved, the Board and/or Commission finds that the application is consistent with the standards and purpose enumerated in the Master Plan, Title 30, and/or the Nevada Revised Statutes.

### **PRELIMINARY STAFF CONDITIONS:**

#### **Comprehensive Planning**

- A valid Clark County business license must be issued for the cannabis cultivation facility within 2 years of approval or the application will expire unless extended with approval of an extension of time;
- To prevent odor nuisances, an indoor odor control plan must be submitted to the Clark County Department of Environment and Sustainability;
- No gathering of individuals in an area that would result in an average density of greater than 25 persons per acre per hour during a 24-hour period, not to exceed 50 persons per acre at any time;
- Certificate of Occupancy and/or business license shall not be issued without approval of a Certificate of Compliance to ensure compliance with condition of approval of WS-1564-00.
- Applicant is advised that this application is contingent upon obtaining a license from the State of Nevada and Clark County Business License Department; failure to abide by and faithfully comply with the conditions of approval, Clark County Code, and the provisions of the Nevada Revised Statutes or Nevada Administrative Code may result in revocation of this application; approval of this application does not constitute or imply approval of any other County issued permit, license or approval; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; changes to the

approved project will require a new land use application; and the applicant is solely responsible for ensuring compliance with all conditions and deadlines.

**Public Works - Development Review**

- No comment.

**Fire Prevention Bureau**

- Provide a Fire Apparatus Access Road in accordance with Section 503 of the International Fire Code and Clark County Code Title 13, 13.04.090 Fire Service Features;
- Applicant to show fire hydrant locations on-site and within 750 feet.
- Applicant is advised that fire/emergency access must comply with the Fire Code as amended.

**Clark County Water Reclamation District (CCWRD)**

- Applicant is advised that the property is already connected to the CCWRD sewer system; and that if any existing plumbing fixtures are modified in the future, then additional capacity and connection fees will need to be addressed.

**TAB/CAC:** Sunrise Manor - approval.

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** NABISIX, LLC

**CONTACT:** ALICIA ASHCRAFT, ASHCRAFT & BARR LLP, 9205 W. RUSSELL ROAD, SUITE 240, LAS VEGAS, NV 89148