

09/06/23 BCC AGENDA SHEET

CANNABIS ESTABLISHMENT
(CONSUMPTION LOUNGE)
(TITLE 30)

BOULDER HWY/TWAIN AVE

PUBLIC HEARING
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
UC-23-0376-4380 BOULDER, LLC:

USE PERMIT for a cannabis establishment (consumption lounge) in conjunction with an existing dispensary.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce separation from a school; and **2)** reduce separation from a non-restricted gaming property on 4.8 acres in an M-D (Designed Manufacturing) Zone.

Generally located on the south side of Boulder Highway, 775 feet north of Twain Avenue within Paradise. TS/rr/syp (For possible action)

RELATED INFORMATION:

APN:
161-17-201-003

WAIVERS OF DEVELOPMENT STANDARDS:

1. Reduce the separation from a consumption lounge to an existing school to 1,124 feet where 1,500 feet is required per Table 30.44-1 (a 25% reduction).
2. Reduce the separation from a consumption lounge to an existing non-restricted gaming property to 705 feet where 1,500 feet is required per Table 30.44-1 (a 53% reduction).

LAND USE PLAN:
WINCHESTER/PARADISE - CORRIDOR MIXED-USE

BACKGROUND:
Project Description

General Summary

- Site Address: 4380 Boulder Highway
- Site Acreage: 4.8
- Project Type: Consumption lounge
- Number of Stories: 2
- Building Height (feet): 35
- Square Feet: 5,584 (proposed consumption lounge)/54,429 (existing cannabis establishment)/60,013 (total building)
- Parking Required/Provided: 240/268

Site Plans

The plans depict an existing 54,429 square foot cannabis establishment and a 5,584 square foot remodel area that is proposed for the consumption lounge in an existing 60,013 square foot building. The existing cannabis establishment includes dispensary, retail, and cultivation and production facilities. Existing parking surrounds the entire perimeter of the building with 268 parking spaces where 240 parking spaces are required. The site is accessible to Boulder Highway by way of 2 existing driveways. An existing 6 foot high masonry wall buffers the single family residential neighborhood to the southwest as well as the commercial properties to the northwest and southeast.

Landscaping

Photos of the existing landscape depict an existing attached sidewalk along Boulder Highway with a landscape buffer consisting of rock and various shrubs with 2 large trees near the east and west property lines. Additional landscape areas with shrubs are located along the building frontage. No changes or additional landscaping is proposed.

Elevations

Photos of the existing elevations depict a building constructed with a tilt-up painted concrete system. The north elevation includes storefront windows. The east and west sides of the building include painted corrugated metal parking canopies. There are several roll-up doors on the south side of the building. No changes to the exterior of the building are proposed.

Floor Plans

The consumption lounge will be located on the second floor of the building which is accessible by stairs or by elevator. The lounge will provide a check-in area, designated smoking area, restrooms, and an open event space, as well as back-of-house space including a kitchen and storage area.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant states that the site, owned by Nevada Pure LLC, has been approved for cannabis related uses beginning in 2014 with medical related approvals (UC-0281-14, UC-0283-14), and in 2017 with recreational approval (UC-0376-17). The site continues to operate as a medical and recreational cannabis establishment. The applicant further states that the proposed use is harmonious and compatible with the existing approved uses and the applicant is meeting all conditions for approval, except for the separation requirements which are a subject of a waiver request.

Prior Land Use Requests

Application Number	Request	Action	Date
UC-0376-17 (AR-0133-17)	Application for review for a cannabis establishment (retail cannabis store)	Approved by BCC	November 2017

Prior Land Use Requests

Application Number	Request	Action	Date
ADR-0775-17	Cannabis establishment (retail cannabis production)	Approved by ZA	July 2017
ADR-0774-17	Cannabis establishment (retail cannabis production)	Approved by ZA	July 2017
UC-0376-17	Cannabis establishment (retail cannabis store)	Approved by BCC	June 2017
WS-0234-16	Waivers to increase wall and logo sign area with design reviews for exterior remodel and signs in conjunction with approved medical cannabis establishment	Approved by BCC	September 2016
UC-0281-14	Medical cannabis establishment (dispensary)	Approved by BCC	June 2014
UC-0283-14	Medical cannabis establishment (production)	Approved by BCC	June 2014
UC-0284-14	Medical cannabis establishment (cultivation)	Approved by BCC	June 2014

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Entertainment Mixed-Use	R-V-P	Recreational vehicle park
East	Corridor Mixed-Use	C-2	RV & marine sales & service business
South	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-1	Single family residential
West	Corridor Mixed-Use	H-2	Extended stay motel

STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

Analysis**Comprehensive Planning**Use Permit

A use permit is a discretionary land use application that is considered on a case-by-case basis in consideration of Title 30 and the Master Plan. One of several criteria the applicant must establish is that the use is appropriate at the proposed location and demonstrate the use shall not result in a substantial or undue adverse effect on adjacent properties.

The applicant submitted a State of Nevada Cannabis Compliance Board approval for a prospective license for a cannabis consumption lounge. A certified separation survey was submitted as required which indicates a school, Mater Academy, at 3445 S. Mountain Vista Street, is located within 1,124 feet from the proposed establishment. The survey also indicates nonrestricted gaming property, Arizona Charlie's at 4575 Boulder Highway, is located within

705 feet of the proposed establishment. Both are the subject of a waiver request. There are no community facilities as defined by NRS 453A.322 located within 1,500 feet. The crime report indicates that within a 1 mile radius of the site, 249 crime reports were filed by the Las Vegas Metropolitan Police Department approximately 60 days prior to the application date. An impaired driver prevention plan was submitted which includes employee training, an alternative transportation plan, including a 24-hour no-tow policy, and signage plan with concurrence from the Office of Traffic Safety.

Building elevations indicate that a professional appearance will be maintained. In consideration of this information, staff can support this request.

Waivers of Development Standards

According to Title 30, the applicant shall have the burden of proof to establish that the proposed request is appropriate for its existing location by showing that the uses of the area adjacent to the property included in the waiver of development standards request will not be affected in a substantially adverse manner. The intent and purpose of a waiver of development standards is to modify a development standard where the provision of an alternative standard, or other factors which mitigate the impact of the relaxed standard, may justify an alternative.

The applicant states that under NRS 678B.250 a consumption lounge must be at least 1,000 feet from a school while Title 30 requires a 1,500 foot separation. The applicant is requesting a waiver to reduce the separation to the minimum distance required under state law. Approval of the reduction for the school to 1,124 feet will still exceed the state minimum separation distance of 1,000 feet. Additionally, a waiver is requested to allow 705 feet to a nonrestricted gaming facility where 1,500 feet is normally required under state law and Title 30. The existing cannabis establishment was established prior to 2019 when the 1,500 foot separation requirement went into effect. Therefore, the consumption lounge is considered exempt from this separation requirement under state law, and approval of the waiver would be in conformance with state law. In consideration of this information, staff can support these requests.

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 this cannabis consumption lounge establishment within 2 years of approval, or the application will expire;
- To prevent odor nuisances, an odor control plan must be submitted to the Clark County Department of Air Quality.
- 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; the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; and that 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.

Public Works - Development Review

- No comment.

Fire Prevention Bureau

- No comment.

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: Paradise - approval.

APPROVALS:

PROTESTS:

APPLICANT: NEVADAPURE, LLC

CONTACT: KAEMPFER CROWELL, 1980 FESTIVAL PLAZA DRIVE, SUITE 650, LAS VEGAS, NV 89135