

CANNABIS ESTABLISHMENT
(TITLE 30)

REDWOOD ST/GOMER RD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-23-0540-GOMER ROAD 6670, LLC:

USE PERMIT to allow a cannabis establishment (cultivation) in conjunction with an existing office/warehouse building.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** eliminate street landscaping and detached sidewalk; **2)** security fence setback; **3)** full off-site improvements; **4)** unscreened mechanical equipment; and **5)** access gate setback.

DESIGN REVIEW for cannabis establishment (cultivation) on 2.7 acres in an M-1 (Light Manufacturing) Zone.

Generally located on the north side of Gomer Road, 775 feet east of Redwood Street within Enterprise. JJ/bb/syp (For possible action)

RELATED INFORMATION:

APN:

176-23-401-016

WAIVERS OF DEVELOPMENT STANDARDS:

1. Eliminate street landscaping and detached sidewalk requirement along Gomer Road where landscaping and a detached sidewalk is required per Figure 30.64-17 (a 100% reduction).
2. Allow an 8 foot high security wall/fence on the south property line where it is required to be setback behind the landscaping per Section 30.64.020.
3. Waive full off-site improvements (curb, gutter, sidewalk, streetlights, and partial paving) where required per Chapter 30.52.
4. Allow ground mounted mechanical equipment around the perimeter of the building without screening where required per Table 30.56-2.
5. Reduce an access gate setback from the northwest property line at a private street to 18 feet where 50 feet is required for a gate closed during business hours per Section 30.64.020 (a 10% reduction).

LAND USE PLAN:

ENTERPRISE - BUSINESS EMPLOYMENT

BACKGROUND:

Project Description

General Summary

- Site Address: 6670 Gomer Road
- Site Acreage: 2.7
- Project Type: Cannabis cultivation
- Number of Stories: 1
- Building Height (feet): 27
- Square Feet: 11,952 (existing)/15,969 (newly enclosed material shelters)/12,919 (new addition)/40,840 (total)
- Parking Required/Provided: 75/77

Site Plan

The plan depicts an existing office/warehouse building in an industrial area west of the railroad spur and east of Rainbow Boulevard, between Gomer Road and Richmar Avenue in Enterprise. The subject site (176-23-401-016) has current access from Gomer Road to the south, and Arden Road, a private access drive at the northwest corner of the property. The plans depict a single access driveway from the private access easement at the northwest corner from Arden Road. The existing building is set back 50 feet from the south property line at Gomer Road, 75 feet from the west property line, 30 feet from the north property line, and 78 feet from the east property line, and is situated in the middle of the site. The site provides 77 parking spaces where 75 parking spaces are required per the proposed office and cannabis cultivation uses. Current access to the site is provided by 2 commercial driveways, 1 in the northwest portion of the site from a private access called Arden Road, and 1 in the southwest portion of the site along Gomer Road. The Gomer Road access is proposed to be closed with a 8 foot high security wall/fence built on the property line that is the subject of a waiver. The majority of parking spaces are located along the west property line and south property line, with some located on the east and north sides of the parcel. The remaining access will continue to be from the northwest corner of the property and includes a gated entrance that will be closed during business hours and located 18 feet from the property line, and is included as a waiver with this request. A loading zone is located at the northwest corner of the building and along the east side of the building. The main entrance to the building is located at the east side of the building. A fire access road circles the building with water tanks, septic system and emergency power generator located on the east side of the property.

Landscaping

Landscaping is located within the parking lot, and includes required finger islands and a large landscape area over the septic system leachfield on the east side of the property. The existing septic system is being relocated to the east to accommodate the building addition. These planters contain a variety of large and medium trees with shrubs interspersed. There are 23 trees (24 inch box) located around the perimeter of the property and the parking lot. No landscaping or sidewalk is being proposed along Gomer Road and is the subject of a waiver request in this application.

Elevations

The existing warehouse and office is located in a 30 foot high metal building with 2 large covered storage areas attached to the main building. The applicant is proposing to renovate and enclose the covered storage areas as additions to the existing building that will accommodate the proposed use. The building renovations and new addition will include metal siding, metal roof panels, 4 inch insulated walls, and pedestrian access doors on the north, east, and west sides of the building. The east side of the building has accessibility ramps for pedestrian access and is the main access point.

Floor Plans

The plans depict an existing 27,921 square foot building, with 11,952 square feet of enclosed building area, and 15,969 square feet used as attached material shelters that are open at each end. After renovations, the material shelters will be enclosed as part of the cultivation facility, with a new 12,919 square foot addition built on the south side of the existing building resulting in a total of 40,840 square feet of enclosed building space. There will be 33,223 square feet used for cannabis cultivation, with the remainder used for office, restrooms, loading, packing, trimming, and mechanical rooms. The offices, packaging, trimming, and harvest storage, will be located on the north side of the building where a material shelter is currently located. The remainder of the building will be flower rooms and grow tables, and dry storage areas.

Signage

Signage is not a part of this request.

Applicant's Justification

The justification letter states the applicant, The Cure Company NV, LLC, currently holds a State of Nevada medical cultivation license (C123) and an adult use cultivation license (RC123). The applicant is proposing to relocate and operate the facility at 6670 Gomer Road. Operating hours will be Monday through Friday from 7:00 a.m. to 7:00 p.m. with some possible operating hours on the weekends. The company is committed to the security of its employees, clients, and the general public. The facility will use state of the art alarm systems, video surveillance, and other measures to ensure the security of the employees as well as the building and its contents. The existing building is 11,952 square feet with 2 attached material shelters that will be finished as interior space. A 12,919 square foot addition will be built on to the south side of the existing building, for a total 40,840 square foot building area. The site meets all of the required separations, the site is not within 300 feet of a community facility, 660 feet from a residential use, 1,000 feet from a school, or 1,500 feet from non-restricted gaming property. The use is harmonious to the site and should pose a minimal impact to the surrounding existing industrial and commercial buildings. Finally, the applicant states they have conducted an air and odors survey to help reduce any odors that may result because of the cultivation activities on the site.

Prior Land Use Requests

Application Number	Request	Action	Date
VS-18-0072	Vacated right-of-way	Approved by PC	March 2018

Prior Land Use Requests

Application Number	Request	Action	Date
WS-0775-13	Alternative landscaping and full off-site improvements (curb, gutter, sidewalk, streetlights, and paving) with a design review for an accessory office building and covered storage in conjunction with an existing warehouse	Approved by BCC	January 2014
VC-2142-98 (ET-0043-01)	First extension of time on a variance to allow a temporary trailer - expired	Approved by PC	January 2001
VC-2142-98	Temporary office trailer - expired	Approved by PC	February 1999

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Business Employment	M-1	Developed & undeveloped industrial parcels
East & West	Business Employment	M-1	Undeveloped
South	Business Employment	M-1	Warehouse & undeveloped

The subject site is within the Public Facilities Needs Assessment (PFNA) area.

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 separation survey shows that all required separations from community facilities and schools are being met. The crime report indicates that within a 1 mile radius, 13 crime reports were filed with the Las Vegas Metropolitan Police Department in the 60 days prior to the application submittal. Additionally, there are 2 existing cannabis cultivation facilities within the office/warehouse complex. The Department of Environment and Sustainability, Air Quality Division, has not received any odor complaints in the area. The existing operating location has current or previous complaints about odor. The applicant has explained the unlikely potential for Nuisance Odors at this location, considering the nearest residential use is approximately 2,900 feet east of this building. Staff recommends approval of the use permit.

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.

Waiver of Development Standards #1

The elimination of street landscaping along Gomer Road will not provide a proper buffer from the public-right-of way for this cannabis cultivation facility. Even after considering that this area of Gomer Road leads to a dead-end industrial area, proper landscaping is required for many other reasons outlined in the Master Plan, including Policy 3.6.1 addressing urban heat island effects, and Policy 3.2.5 supporting sustainable development. For these reasons, staff cannot support this request.

Waiver of Development Standards #2

The proposed 8 foot high security wall and fence is proposed to be located on the property line without required landscaping or a landscape buffer for the property. While security of the site is important and required, it should not be unbuffered from the view of a public right-of-way. Since staff is unsupportive of waiving landscaping as identified in waiver of development standards #1, staff cannot support this request.

Waiver of Development Standards #4

The mechanical equipment shown on the west and south sides of the building are required to be screened from view within 500 feet of the building and property. While the perimeter of the property is screened by a wall and located at the end of a private drive on the north and public street on the south, the mechanical equipment is not screened from view on the property as required by Title 30. Staff cannot support waiver this request.

Waiver of Development Standards #5

The gated access located at the northwest corner of the property is 18 feet from the property line where 50 feet is required for gated access that is closed during business hours. The security of the property is required for this type of use and the gate does not meet the requirements for access. Only 1 vehicle will be able to stack while waiting for entry with additional vehicles interfering with traffic flow in the private access. Staff cannot support this request.

Design Review

The site plan, parking plan, security plan, separation from sensitive uses, and low risk of odor impacts make this site attractive for the proposed cannabis cultivation facility, the applicant is proposing to remove all access from/to Gomer Road where the existing property is currently addressed for emergency services. The applicant needs to address emergency services access and addressing prior to staff recommending approval for this use at this location. Since staff cannot support the waivers of development standards, staff cannot support the design review at this time.

Public Works - Development Review

Waiver of Development Standards #3

Historical events have demonstrated how important off-site improvements are for drainage control. Additionally, full width paving allows for better traffic flow and sidewalks on public streets provide safer pathways for pedestrians and for children to walk to school. Therefore, staff cannot support the waiver of development standards for full off-site improvements.

Staff Recommendation

Approval of the use permit; denial of waivers of development standards and design review.

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

If approved:

- A valid Clark County business license must be issued for this cannabis establishment (cultivation facility) within 2 years of approval or the application will expire;
- Security wire located on the property line must be slanted inward or above the security fence, and not project into the right-of-way;
- To prevent odor nuisances, an odor control plan must be submitted to the Clark County Business License Department;
- Provide an emergency access at Gomer Road with a gate to remain closed during business hours, and only used for emergency access;
- If no access is provided from Gomer Road, the owner shall obtain a change of address prior to the issuance of a certificate of occupancy;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that address will be reassigned, 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; the installation and use of cooling systems that consumptively use water will be prohibited; the County has adopted a rewrite to Title 30 effective January 1, 2024, 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

- Drainage study and compliance;
- Execute a Restrictive Covenant Agreement (deed restrictions);

- Applicant to pay a contribution for local roadway, drainage, or trail related improvements in District F in lieu of constructing full off-site improvements, as determined by Public Works.
- Applicant is advised that off-site improvement permits may be required.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that the property appears to have an existing septic system; and to contact the Southern Nevada Health District when modifying existing plumbing fixtures.

TAB/CAC:

APPROVALS:

PROTESTS:

APPLICANT: THE CURE COMPANY NV, LLC

CONTACT: ADAM FULTON, ESQ., 2580 SORREL STREET, LAS VEGAS, NV 89146