

01/21/26 BCC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**ET-25-400122 (UC-23-0376)-4380 BOULDER, LLC:**

**USE PERMIT FIRST EXTENSION OF TIME** for a cannabis establishment (consumption lounge) in conjunction with an existing cannabis establishment (retail store and 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 4.75 acres in an IP (Industrial Park) Zone.

Generally located west of Boulder Highway and north of Twain Avenue within Paradise. TS/rr/kh (For possible action)

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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: 4.75
- Project Type: Cannabis 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

History & Site Plan

The original request was to add a cannabis consumption lounge, to be operated in conjunction with an existing cannabis dispensary, retail store, and cultivation and production facilities that are located within an existing building. The waivers of development standards were to reduce

the 1,500 foot separation requirement for cannabis consumption to an existing school, Mater Academy Nevada, at 3445 S. Mountain Vista Street located within 1,124 feet, and a nonrestricted gaming property, Arizona Charlie's Hotel Casino, at 4575 Boulder Highway located within 705 feet of the proposed consumption lounge.

The approved 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 within 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 strip 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 was proposed with the original request.

#### 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 existing roll-up doors on the south side of the building. No changes to the exterior of the building were proposed with the original request.

#### 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 was not a part of the original request.

#### Previous Conditions of Approval

Listed below are the approved conditions for UC-23-0376:

#### 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.

**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.

**Applicant's Justification**

Per the applicant's representative, an unforeseen circumstance occurred since approval of the use permit. In addition, the applicant has been a part of ongoing litigation. There have been no substantial changes to the property or the surrounding area and the cannabis establishment on site is still operating. This is the applicant's first request for an extension of time. Therefore, a consumption lounge in conjunction with the existing dispensary is still compatible. The applicant requests a 2 year extension of time from the original expiration date.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
UC-23-0376	Use permit, waiver of development standards for a cannabis consumption lounge in conjunction with an existing cannabis establishment	Approved by BCC	September 2023
UC-0376-17 (AR-400133-17)	First application for review for a cannabis establishment (retail cannabis store)	Approved by BCC	November 2017
ADR-900775-17	Cannabis establishment (retail cannabis production)	Approved by ZA	July 2017
ADR-900774-17	Cannabis establishment (retail cannabis production)	Approved by ZA	July 2017
UC-0376-17	Cannabis establishment (retail cannabis store)	Approved by BCC	June 2017
WS-0534-16	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

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
UC-0284-14	Medical cannabis establishment (cultivation)	Approved by BCC	June 2014

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
North	Corridor Mixed-Use	H-2	Extended stay motel
South	Corridor Mixed-Use	CG	RV & marine sales & service business
East	Entertainment Mixed-Use	CG	Recreational vehicle park
West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RS5.2	Single-family detached residential

**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**

Title 30 standards of approval for an extension of time state an application may be denied if it is found that circumstances have substantially changed. A substantial change may include, without limitation, a change to the subject property, a change in the areas surrounding the subject property, or a change in the laws, regulations, or policies affecting the subject property. Additionally, the applicant must demonstrate the project is progressing through the applicable development permit or licensing process.

Staff finds that while the applicant has not progressed towards permitting or licensing, there are extenuating circumstances as stated within the justification letter which helps to explain the delays. The other approved cannabis uses remain in operation at the site. Since this is the first extension of time, staff can support this 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**

- Until September 6, 2027 to obtain a valid Clark County business license for this cannabis consumption lounge establishment, or the application will expire unless extended with approval of an extension of time.
- 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; 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**

- No comment.

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

- No comment.

**TAB/CAC:**

**APPROVALS:**

**PROTEST:**

**APPLICANT:** 4380 BOULDER, LLC

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