

01/07/26 BCC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**ET-25-400126 (UC-21-0495)-5335 LAS VEGAS, LLC:**

**USE PERMIT SECOND EXTENSION OF TIME** for a cannabis establishment (cannabis retail store).

**WAIVER OF DEVELOPMENT STANDARDS** to reduce landscaping.

**DESIGN REVIEWS** for the following: **1)** commercial building; and **2)** finished grade on 0.37 acres in a CG (Commercial General) Zone.

Generally located west of Fort Apache Road and south of Hacienda Avenue within Spring Valley. JJ/tpd/kh (For possible action)

---

RELATED INFORMATION:

**APN:**

163-30-718-007

**WAIVER OF DEVELOPMENT STANDARDS:**

1. a. Reduce street landscaping width along Fort Apache Road to 12 feet where 15 feet is required behind an existing attached sidewalk per Section 30.64.030 (a 20% reduction).
- b. Reduce parking lot landscaping where parking lot landscaping is required per Figure 30.64-14.

**DESIGN REVIEWS:**

1. Commercial building.
2. Increase finished grade to 24 inches where a maximum of 18 inches is the standard per Section 30.32.040 (a 33% increase).

**LAND USE PLAN:**

SPRING VALLEY - CORRIDOR MIXED-USE

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 5335 S. Fort Apache Road
- Site Acreage: 0.37
- Project Type: Cannabis retail store
- Number of Stories: 1
- Building Height (feet): 20
- Square Feet: 2,810

- Parking Required/Provided: 159/183 (entire shopping center)

### Site Plans

The originally approved plans with UC-21-0495 depict a new commercial building with drive-thru located in the parking lot of an existing shopping center. Approximate building separations and setbacks for the commercial building include 72 feet to the gasoline fueling canopy to the north, 25 feet to the east property line along Fort Apache Road, 84 feet to another pad site building to the south, and 60 feet to an in-line commercial building to the west. Access to the overall shopping center includes a driveway from Hacienda Avenue to the north, 2 driveways from Fort Apache Road to the east, and a driveway from Mesa Vista Avenue to the south. Parking spaces are located on certain sides of each building in the shopping center and along portions of the perimeter. Also, the originally approved plans showed that 7 parking spaces will be removed, and 8 parking spaces will be added for the commercial building, which results in a net gain of 1 parking space. Overall, 184 parking spaces will be available where 159 parking spaces are required for the entire shopping center.

A drive-thru entrance will be located on the west side of the building, and a menu board is located on the west side of the building. The drive-thru lane continues along the south side of the building and provides access to the pick-up window. Then the drive-thru lane exits on the east side of the building, adjacent to Fort Apache Road. A trash enclosure, smog building, and parking spaces will remain on the south side of the pad site.

Since the original approval, revised plans have been submitted in February of 2023 for the project resulting in minor changes to the plans. Curbs on the eastern portion of the site were to be altered to accommodate for the drive-thru exit, but with the revised plans this alteration has been withdrawn; instead, the exiting curbs on-site will remain. Additionally, the building square footage was reduced from 3,120 square feet to 2,810 square feet, the parking for the site was reduced by 1 space, and a landscaping strip was added between the northern face of the building and the parking area.

### Landscaping

A row of 8 parking spaces was proposed on the north side of the commercial building where a maximum of 6 parking spaces were allowed between landscape fingers. Also, the landscape finger at the west end of the row of parking spaces is 4 feet wide where a minimum of 6 feet was required within the curbing of a landscape finger. These alternatives to parking lot landscaping required a waiver of development standards. Landscaping will also be provided along the parking spaces on the south side of the pad site.

Along Fort Apache Road, the existing landscaping behind the attached sidewalk is proposed at 12 feet wide where 15 feet was required. This reduction in street landscaping was necessary to allow the drive-thru lane on the east side of the commercial building; however, the reduction in street landscaping required a waiver of development standards. WC-21-400147 (ZC-1208-00) was previously approved in conjunction with UC-21-0495, which included waivers of conditions relating to street landscaping along Fort Apache Road.

The revised landscaping plan submitted in February of 2023 depicts a landscape strip with trees and various groundcover between the parking area and the proposed building. Additionally, the landscape finger on the northwest portion of the parking area has been removed, and the landscape area on the northern side of the parking area has been reduced to accommodate for the reconfigured drive-thru.

### Elevations

The exterior of the building includes dark gray vertical steel paneling with a flat parapet wall along the roofline. A parapet wall above the front entrance extends up to almost 20 feet in height; however, most of the building is 17 feet 4 inches in height. A storefront window system is located on the front of the building. Although the proposed building is not architecturally compatible with the painted stucco buildings within the existing shopping center, which include stone veneer and pitched tile roof elements, a previously approved application WC-21-400147 (ZC-1208-00) included a request to allow building materials different from the shopping center.

### Floor Plans

The approved plans for the 3,120 square foot commercial building, was revised to 2,810 square feet with the revised plan submitted in February of 2023, included components for a cannabis retail store with drive-thru. The east side of the building includes a reception area, restroom, and janitor's closet. West of the reception area, the building includes a 990 square feet sales floor and point-of-sales counter. The remainder of the building includes an area to provide products to drive-thru customers, a vault, office space, breakroom, and receiving room.

### Signage

Signage was not a part of the original request.

### Previous Conditions of Approval

Listed below are the approved conditions for ET-23-400163 (UC-21-0495):

#### Comprehensive Planning

- Until November 3, 2025 to obtain a valid Clark County business license for this cannabis retail store establishment or the application will expire unless extended with approval of an extension of time.
- Applicant is advised that 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; 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; and the applicant is solely responsible for ensuring compliance with all conditions and deadlines.

#### Public Works - Development Review

- Compliance with previous conditions.

Listed below are the approved conditions for UC-21-0495:

#### Current Planning

- 2 years to commence;
- A valid Clark County business license must be issued for this 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 Business License Department;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that 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

- Drainage study and compliance;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Traffic study and compliance;
- Traffic study to address queuing to ensure that vehicles will not stack into the right-of-way;
- Coordinate with Public Works - Design Division for the Fort Apache Road improvement project;
- Dedicate any right-of-way and easements necessary for the Fort Apache Road improvement project;
- 30 days to submit a Separate Document to the Map Team for the required right-of-way dedications and any corresponding easements for the Fort Apache Road improvement project;
- 90 days to record required right-of-way dedications and any corresponding easements for the Fort Apache Road improvement project.
- Applicant is advised that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals.

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

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

#### Applicant's Justification

The application states a second extension of time is justified because there have been no substantial changes to the approved application. The applicant has diligently worked to complete the construction of the site. The building shell is almost complete, and the applicant is working with Public Works to complete final inspections. Additionally, the applicant has been involved in legal disputes for this approved project which delayed them in obtaining a business license. The site is the same zoning classification as it was at the time of approval (CG). The adjacent

businesses are the same as when the original application was approved. Additionally, the design of the shopping center has not changed and still has buildings that buffer the approved use from adjacent residential developments.

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

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ET-23-400163 (UC-21-0495)	First extension of time for a cannabis retail store with a drive-thru	Approved by BCC	January 2024
UC-21-0495	Cannabis retail store with a drive-thru	Approved by BCC	November 2021
WC-21-400147 (ZC-1208-00)	Architectural materials and landscaping requirements	Approved by BCC	November 2021
ADR-19-900846	Smog check	Approved by ZA	December 2019
DR-0556-17	Restaurant/retail building with drive-thru - expired	Approved by BCC	August 2017
ADR-0916-08	Drive-thru coffee shop	Approved by ZA	July 2008
UC-0644-01	Reduced separation between a tavern and a residential use	Approved by PC	July 2001
TM-0056-01	1 lot commercial subdivision	Approved by PC	March 2001
ZC-1208-00	Reclassified 3.9 acres from C-1 to C-2 zoning for a shopping center, use permit for a convenience store with gasoline pumps, reduced setback between a convenience store and residential use, and condition of approval included subject to building elevations consistent with plans submitted (concrete, stone, stucco, tiled roofs)	Approved by BCC	October 2000

#### **Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
North, South, & West	Corridor Mixed-Use	CG	Shopping center, restaurant, & gasoline sales
East	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R3.3	Single-family 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 the applicant obtained their certificate of occupancy BD23-04628 from the Building Department on November 25, 2025. Additionally, they have submitted an updated separation survey that shows the approved use still meets the required separation distances per Title 30. It is for these findings that staff can support the request for another 6 months. This should allow the applicant to obtain their business license .

### **Public Works - Development Review**

The applicant has complied with all of Public Works conditions. Therefore, staff has no objection to this extension of time.

### **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 May 3, 2026 to obtain a valid Clark County business license for this cannabis retail store 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:** Spring Valley - approval.

**APPROVALS:**

**PROTEST:**

**APPLICANT:** 5335 LAS VEGAS, LLC

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