

CANNABIS CONSUMPTION LOUNGE  
(TITLE 30)

DESERT INN RD/MARYLAND PKWY

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-23-0648-SKY HI, LLC:**

**USE PERMITS** for the following: **1)** cannabis establishment (consumption lounge); and **2)** modify design and development standards for the Midtown Maryland Parkway Design Overlay District.

**WAIVER OF DEVELOPMENT STANDARDS** to reduce the separation for outside cannabis consumption to a residential use.

**DESIGN REVIEWS** for the following: **1)** a cannabis consumption lounge; **2)** additions to an existing commercial building; and **3)** site modifications to include but not limited to façade changes, parking, and landscaping on 1.6 acres in a C-1 (Local Business) (AE-60) Zone in the Midtown Maryland Parkway Design Overlay District.

Generally located on the north side of Desert Inn Road, 500 feet west of Maryland Parkway within Winchester. TS/al/syp (For possible action)

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RELATED INFORMATION:

**APN:**

162-10-803-015

**USE PERMITS:**

1. Cannabis establishment (consumption lounge).
2.
  - a. Waive the requirements for a pedestrian realm as required by Section 30.48.1870.
  - b. Reduce required open space to 3,180 square feet where a minimum of 3,484.8 square feet is required by Section 30.48.1870 (an 8.7% reduction).
  - c. Waive the requirement for a minimum of one side of the open space to front a street or pedestrian way where required by Section 30.48.1870.

**WAIVER OF DEVELOPMENT STANDARDS:**

Reduce the separation between outside cannabis consumption to a residential use to 67 feet where a minimum of 1,500 square feet is required per Table 30.44-1 (a 95.5% reduction).

**LAND USE PLAN:**

WINCHESTER/PARADISE - NEIGHBORHOOD COMMERCIAL

## **BACKGROUND:**

### **Project Description**

#### **General Summary**

- Site Address: 1140 E. Desert Inn Road
- Site Acreage: 1.6
- Project Type: Cannabis consumption lounge
- Number of Stories: 1
- Building Height (feet): 35
- Square Feet: 11,060
- Parking Required/Provided: 59/59

#### Site Plan

The request is to redevelop the site as a cannabis consumption lounge, which will be operated in conjunction with an existing cannabis dispensary and retail store (Jade Cannabis Company) that is located on the adjacent property to the west. The site was originally developed in 1975 as a bank and the existing building is located in the central portion of the property with parking located to the north, east, and south of the building. An existing canopy for the former drive-thru teller is located on the northwest corner of the building with a driveway located along the west property line. Access to the site is provided by 2 existing driveways located on the southeast and southwest corners of the property and there is shared access with the adjacent property to the west. Posts and a chain currently prevent shared access with the property to the east. The plan depicts additions along the north and east sides of the building with a reconfiguration of the parking areas. The plan also depicts public art (sculptures) located near the southeast and southwest corners of the building. On the north side of the building the plan depicts covered patios for events. The applicant is requesting a waiver of development standards to allow consumption of cannabis products in these patio areas, which are approximately 67 feet from an existing single family residential development to the north, where a separation of 1,500 feet is required. These patios have an area of 3,180 square feet and is below the minimum open space requirement for the Midtown Maryland Parkway Design Overlay District. Additionally, the patio area is not open to front a street or pedestrian way as required by the Midtown Maryland Parkway Design Overlay District. Therefore, the applicant is requesting a use permit to deviate from these standards.

#### Landscaping

There is an existing attached sidewalk along Desert Inn Road which will remain. There is an existing approximately 27 foot wide landscape area along Desert Inn Road consisting of Palm trees, shrubs, and groundcover. Per development standards of the Midtown Maryland Parkway Design Overlay District this area should be redeveloped as a pedestrian realm. The applicant is requesting a use permit to deviate from this standard since this is a developed property. The landscape area along Desert Inn Road will be slightly modified to allow for a reconfiguration of the parking area in front of the building and to allow for curb returns at the driveways. The width of the landscape area will be reduced to a minimum of 24 feet. The Palm trees will be removed, and the landscape materials will consist of additional trees, more shrubs, and groundcover. A minimum 12 foot wide landscape area consisting of 2 off-set rows of large Evergreen trees is being added along the northern boundary of the site adjacent to and existing

single family residential development. Additional landscape areas consisting of trees, shrubs, and groundcover are depicted along the east and west property lines, within the parking areas and adjacent to the buildings.

#### Elevations

The existing building is 1 story with a height of approximately 19 feet with a flat roof behind parapet walls. The addition along the north and sides of the building are 1 story with a maximum height of 24 feet. The additions have flat roofs behind parapet walls to match the existing building. There are architectural elements located on the central portion of the east side of the building and on the southwest corner of the building that will increase the height of the building to 35 feet.

#### Floor Plan

The existing building has an area of 4,835 square feet. The additions have an area of 6,225 square feet which will make the total area of the project 11,060 square feet. The cannabis consumption lounge will have an area of 6,600 square feet and will consist of a vault, 8 private rooms, a check-in area, storage areas, and an open lounge area. The addition along the east side of the building will consist of an entry area, 2 large open areas for future lease spaces, and restrooms that are shared with the cannabis consumption lounge.

#### Signage

Signage is not a part of this request.

#### Applicant's Justification

The applicant indicates the proposed facility will be operated in conjunction with an existing cannabis dispensary and retail store (Jade Cannabis Company) that is located on the adjacent property to the west. Additionally, there are other commercial and medical uses in the area; therefore, the proposed facility is consistent and compatible with surrounding businesses. The site was developed prior to the establishment of the Midtown Maryland Parkway Overlay District and to bring the site into compliance with all the Overlay District standards would require the demolition of the existing building and a complete redevelopment of the site. The request for the outside consumption of cannabis products is for patio areas that are located approximately 67 feet from an existing single family residential development to the north. Between the patio areas and the closest residences are a 35 foot wide private street within the residential development, an existing landscape area within the residential development adjacent to the subject site and a new landscape area that is being added to the subject site, adjacent to the residential development. The private street and landscaping will mitigate the impact of the patios on the residences. The additions and modifications to the building will revitalize the property and help improve the appearance of the area.

#### **Surrounding Land Use**

	<b>Planned land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North	Mid-intensity Suburban Neighborhood (up to 8 du/ac)	R-2	Single family residential
South	Urban Neighborhood (greater than 18 du/ac)	H-1	Multiple family residential

### **Surrounding Land Use**

	<b>Planned land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
East	Corridor Mixed-Use	C-2	Psychiatric hospital
West	Neighborhood Commercial	C-1	Cannabis dispensary & retail sales facility

### **STANDARDS FOR APPROVAL:**

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

### **Analysis**

#### **Comprehensive Planning**

##### Use Permits

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.

##### Use Permit #1

The proposed facility will be operated in conjunction with an existing cannabis dispensary and retail store (Jade Cannabis Company) that is located on the adjacent property to the west. 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 which indicated that the existing establishment exceeds the separation requirement of 1,500 feet from a school or community facility.

The crime report indicates that within a 1 mile radius of the site, 1,046 crime reports were filed by the Las Vegas Metropolitan Police Department in the 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. Submitted elevation plans depict that the outdoor consumption lounge will be screened from the right-of-way and adjacent businesses accordingly. In consideration of this information, staff can support this request.

##### Use Permit #2a

The site is located within the Midtown Maryland Parkway Overlay District; however, the site was originally developed in 1975, well before the establishment of the Overlay District. The parcels adjacent to this site were also developed prior to the establishment of the Overlay District. To remove the existing sidewalk and provide a pedestrian realm for this 1 parcel would be out of harmony with the other developments in this area. The landscape for the area adjacent to Desert Inn Road exceeds the 15 foot of landscaping required for property outside the Overlay District and is consistent with the abutting development and will provide a more uniform streetscape. Therefore, staff can support this request.

### Use Permit #2b & #2c

The purpose of the Midtown Maryland Parkway Overlay District is to implement and encourage design standards, and incentives for transit-oriented, walkable, and sustainable development and revitalization of properties within the district. The applicant is attempting to revitalize the property with a use that is constant and compatible with the adjacent business. The plan submitted by the applicant is making use of an existing building that is located on the property creating design constraints for the proposed additions. The project is providing open space that is 8.7% less than required by the Overlay District in a location on-site that allows the continued use of the existing building. Staff finds that the design of the project meets the intent of the Overlay District sustainable development and revitalization of properties. Since the design of the project is allowing for the continued use of the existing building staff can support this request.

### Waiver 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 is requesting a 95.5% reduction in the required separation of an outside cannabis consumption area to a single family residential development which staff finds to be extreme. Staff is concerned about this reduction due to certain types of cannabis consumption producing an offensive order. Staff finds that the applicant has not provided a sufficient justification to warrant the reduction to the required separation or provide sufficient mitigation to limit the impacts of the use on the residential development to the north. Therefore, staff does not support this request and recommends a time period to review the waiver, if approved.

### Design Reviews

Staff finds the proposed modification and additions to the building and site will allow for a development that meets the intent of the Midtown Maryland Parkway Overlay District and be consistent and compatible with the existing commercial developments abutting the site. The landscaping along the street will provide a uniform streetscape. Therefore, staff recommends approval of these requests.

### **Staff Recommendation**

Approval of the use permits and design reviews; denial of waiver of development standards.

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:

- 2 years to review as a public hearing;
- A valid Clark County business license must be issued for this cannabis consumption lounge 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;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- 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 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 application for review; 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**

- Traffic study and compliance.

### **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:** Winchester - no recommendation.

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** TBL, LLC

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