

09/20/23 BCC AGENDA SHEET

CANNABIS ESTABLISHMENT  
(TITLE 30)

**UPDATE**  
PEPPER LN/PECOS RD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-23-0313-PEPPER LANE HOLDINGS, LLC:**

**HOLDOVER USE PERMIT** to allow a cannabis establishment (cultivation) in conjunction with an existing office/warehouse building on a portion of 4.3 acres in an M-D (Designed Manufacturing) (AE-60) Zone.

Generally located on the south side of Pepper Lane, 461 feet west of Pecos Road within Paradise. JG/hw/syp (For possible action)

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RELATED INFORMATION:

**APN:**

162-36-703-002; 162-36-703-005; 162-36-703-007; 162-36-703-008; 162-36-703-011 through 162-36-703-012 ptn

**LAND USE PLAN:**

WINCHESTER/PARADISE - BUSINESS EMPLOYMENT

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 3345 Pepper Lane
- Site Acreage: 0.5 (portion)/4.3 (overall)
- Project Type: Cannabis establishment (cultivation)
- Number of Stories: 3
- Building Height (feet): 43
- Square Feet: 18,330
- Parking Required/Provided: 20/22

Site Plan

The plan depicts an existing office/warehouse building in the southwest corner of an office/warehouse complex that includes 5 other buildings. The subject site (162-36-703-008) is shaped as a flag lot with access from the northernmost property line adjacent to Pepper Lane. The existing building is set back 50 feet from the north property line, 12 feet from the south property line, 20 feet from the east property line, and 12 feet from the west property line, and is situated in the southwestern portion of the site. The site provides 22 parking spaces where 20 parking spaces are required per the proposed use. Access to the site is provided by 3 commercial

driveways, 2 along Pepper Lane (1 in the northwest portion of the site and 1 in the northeast portion of the site) and 1 along Pecos Road.

### Landscaping

Landscaping is located within 15 foot landscape planters along the north and west property lines of the overall complex, and within the parking lot landscape finger islands. These planters contain a variety of medium trees with shrubs interspersed. No new landscaping is required or a part of this request.

### Elevations

The building is comprised of 3 stories with an overall building height of 43 feet. The first floor is an existing parking garage area, and the second and third floors include open floor plans. The applicant is proposing to make exterior renovations to the first floor such as adding in-fill stucco walls to match the existing exterior walls so that the first floor parking garage can be converted into useable floor space for cannabis cultivation. The exterior walls include white painted stucco and typical commercial windows on all 4 elevations. No other exterior changes are proposed.

### Floor Plans

The plans depict a 3 floor structure with all 3 floors of the building having at least 80 percent of the floor space dedicated to cultivation areas. Besides areas for cultivation, each floor contains a small lobby and lounge area with the first floor providing processing space with holding, packaging, drying, and trimming rooms. Since the first floor garage will be converted into useable floor space for the cannabis cultivation establishment, 17 parking spaces will be removed.

### Signage

Signage is not a part of this request.

### Applicant's Justification

The justification letter states that the applicant previously received a Clark County special use permit (UC-18-0273), and State and County licenses, for a medical cultivation facility at 1100 Papago Street in Sandy Valley. The applicant is proposing to relocate the facility to 3345 Pepper Lane. Operating hours will be Monday through Friday from 7:00 a.m. to 7:00 p.m. 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 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 as a consequence of the cultivation activities on the site.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
UC-21-0527	Cannabis cultivation facility	Denied by BCC	March 2022
UC-0632-01	Allowed an office building within an office/warehouse complex	Approved by PC	July 2001
UC-0612-98	Allowed a 3 story office building (35 feet high) within 600 feet of a residential use - expired	Approved by PC	May 1998
VC-1234-96	2 story office/warehouse building with trash enclosure variance	Approved by PC	September 1996
DR-2070-93	Office/warehouse buildings	Approved by PC	February 1994
ZC-0126-70	Reclassified various parcels from R-E to M-D zoning for riding and boarding stables	Approved by PC	January 1971

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North	Business Employment	M-D	Commercial complex
South	Business Employment	M-D	Office/warehouse building & industrial buildings
East & West	Business Employment	M-D	Office/warehouse complex

**STANDARDS FOR APPROVAL:**

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

**Analysis**

**Comprehensive Planning**

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, 76 crime reports were filed with the Las Vegas Metropolitan Police Department in the 60 days prior to the application submittal. Additionally, there are two 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 since April 2023; odor complaints in January and April 2023 were closed after investigation due to no detection of nuisance odors. With submittal of the application, the applicant provided a Draft Technical Memorandum for the Evaluation of Odor Control System and Potential for Nuisance Odors at 3345 Pepper Lane.

At the time of application, a copy of the State license for the medical cultivation facility was submitted. This license was valid until June 30, 2023 and upon investigation of 1100 Papago Street, it has been found the applicant never proceeded with the special use permit until completion and the property has since been rezoned R-U thus rendering the special use permit expired. **The Cannabis Compliance Board issued a letter on July 11, 2023 stating the license has been reverted to conditional since status 1100 Papago Street does not meet zoning requirements and the facility has been non-operational for over a year.** Since the applicant has a valid conditional license, staff **can support** the special use permit.

### **Department of Aviation**

The property lies within the AE-65 (65 - 70 DNL) noise contour for Harry Reid International Airport and is subject to continuing aircraft noise and over-flights. Future demand for air travel and airport operations is expected to increase significantly. Clark County intends to continue to upgrade Harry Reid International Airport facilities to meet future air traffic demand.

### **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 business 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.
- 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 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.

**Department of Aviation**

- Incorporate exterior to interior noise level reduction into the building construction as required by Code for use.
- Applicant is advised that the Federal Aviation Administration will no longer approve remedial noise mitigation measures for incompatible development impacted by aircraft operations, which was constructed after October 1, 1998; and that funds will not be available in the future should the owners wish to have their buildings purchased or soundproofed.

**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 - denial.

**APPROVALS:**

**PROTESTS:** 1 letter

**COUNTY COMMISSION ACTION:** July 19, 2023 – HELD – To 08/16/23 – per the applicant.

**COUNTY COMMISSION ACTION:** August 16, 2023 – HELD – To 09/20/23 – per the applicant.

**APPLICANT:** ABCNV, LLC

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