

01/21/26 BCC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**WC-25-400127 (SDR-25-0269)-WT ML WARM SPRINGS, LLC:**

**WAIVER OF CONDITIONS** of a sign design review requiring trees to be planted south of freestanding sign to screen chase lighting from residential development to the south in conjunction with a previously approved cannabis establishment (retail store) on 0.9 acres in a CG (Commercial General) Zone.

Generally located south of Warm Springs Road and east of Haven Street within Enterprise. MN/dd/kh (For possible action)

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RELATED INFORMATION:

**APN:**

177-09-115-002

**LAND USE PLAN:**

ENTERPRISE - NEIGHBORHOOD COMMERCIAL

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 95 Warm Springs Road
- Site Acreage: 0.9
- Project Type: Waiver of condition for the approved signage

**History & Request**

The plan depicts an existing cannabis retail store approved in August of 2020 by UC-20-0288 along with an existing double-faced illuminated freestanding sign approved in May 2025 via SDR-25-0269. The freestanding sign is located west of the driveway on Warm Springs Road, in the northwest corner of the site. Furthermore, the faces of the freestanding sign are oriented east and west and the sign is set back 10 feet from the north property line (adjacent to Warm Springs Road), 10 feet from the west property line, and 232 feet from the shared residential property line to the south. The chase lighting on the freestanding sign faces north and south.

The applicant is now requesting to waive the condition of approval for SDR-25-0269 that requires trees to be planted south of freestanding sign to screen chase lighting from residential development to the south. The applicant would like the 2 existing trees to remain and to plant a third tree.

### Signage

The approved freestanding sign is designed has 2 vertically aligned cabinets which contain various designs for the same business. The top cabinet is 93 square feet and mimics the historic 'Welcome to Las Vegas' sign. It also features the company's logo and a chase of 190 chasing lightbulbs have been placed around the outside of the cabinet. The bottom cabinet is 20 square feet, internally illuminated, and advertises a drive-thru for the business.

### Previous Conditions of Approval

Listed below are the approved conditions for SDR-25-0269:

#### Comprehensive Planning

- Trees to be planted south of freestanding sign to screen chase lighting from residential development to the south;
- Certificate of Occupancy and/or business license shall not be issued without approval of a Certificate of Compliance.
- Applicant is advised within 2 years from the approval date the application must commence or the application will expire unless extended with approval of an extension of time; 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; changes to the approved project will require a new land use application; and the applicant is solely responsible for ensuring compliance with all conditions and deadlines.

#### Public Works - Development Review

- Applicant is advised that signs are not permitted within the right-of-way.

#### Department of Aviation

- Applicant is required to file a valid FAA Form 7460-1, "Notice of Proposed Construction or Alteration" with the FAA, in accordance with 14 CFR Part 77, or submit to the Director of Aviation a "Property Owner's Shielding Determination Statement" and request written concurrence from the Department of Aviation;
- If applicant does not obtain written concurrence to a "Property Owner's Shielding Determination Statement," then applicant must also receive either a Permit from the Director of Aviation or a Variance from the Airport Hazard Areas Board of Adjustment (AHABA) prior to construction as required by Section 30.02.26B of the Clark County Unified Development Code; applicant is advised that many factors may be considered before the issuance of a permit or variance, including, but not limited to, lighting, glare, graphics, etc.;
- No building permits should be issued until applicant provides evidence that a "Determination of No Hazard to Air Navigation" has been issued by the FAA or a "Property Owner's Shielding Determination Statement" has been issued by the Department of Aviation.
- Applicant is advised that the FAA's determination is advisory in nature and does not guarantee that a Director's Permit or an AHABA Variance will be approved; that FAA's airspace determinations (the outcome of filing the FAA Form 7460-1) are dependent on petitions by any interested party and the height that will not present a hazard as determined by the FAA may change based on these comments; and that the FAA's

airspace determinations include expiration dates and that separate airspace determinations will be needed for construction cranes or other temporary equipment.

#### Applicant's Justification

The applicant states that they have met the originally imposed condition because 2 trees were planted in the landscape area south of the freestanding sign. The applicant also states that the trees will continue to screen additional lighting as they mature over time, and that they are willing to plant an additional 36-inch box tree in addition to the two trees already in place. Finally, the applicant states that their sign is over 200 feet from the nearest residential development, and that the homes to the south do not have windows facing the sign in question.

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

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
SDR-25-0269	Sign design review for sign height and electronic animation (chase lighting)	Approved by BCC	May 2025
ET-24-400107 (UC-20-0288)	Second extension of time for a cannabis establishment (retail cannabis store)	Approved by BCC	November 2024
ADR-24-900631	Façade changes to modify previously approved elevations	Approved by ZA	October 2024
ADR-23-900676	Drive-thru in conjunction with a cannabis establishment (retail cannabis store)	Approved by ZA	January 2024
ET-22-400108 (UC-20-0288)	First extension of time for a cannabis establishment (retail cannabis store)	Approved by BCC	November 2022
ADR-20-900506	Drive-thru in conjunction with a cannabis establishment (retail cannabis store) - expired	Approved by ZA	December 2020
UC-20-0288	Retail cannabis establishment (retail cannabis store) and design review for new construction	Approved by BCC	August 2020
ADR-19-900698	Retail building on the same portion of the parcel as the subject application - expired	Approved by ZA	October 2019
TM-19-500171	Commercial subdivision	Approved by PC	October 2019
ZC-0176-08	Reclassified from R-E to C-1 zoning for a shopping center	Approved by BCC	March 2008

#### **Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
North	Public Use	PF (AE-60)	Harry Reid Airport rental car center
South	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RS3.3	Single-family residential
East	Neighborhood Commercial	CG	Office & retail development
West	Neighborhood Commercial	CG (AE-60)	Vehicle rental

**Related Applications**

<b>Application Number</b>	<b>Request</b>
SDR-25-0829	A sign design review for an existing freestanding sign is a companion item on this agenda.

**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**

Staff finds that the condition to install trees was added by the Board of County Commissioners to lessen the potential visual impact of the chase lighting on the residences to the south. In this case, the landscaping that was added to the site does not currently screen the residences from the light emitted by the freestanding sign and therefore does not meet the intent of the Board's approval. Additionally, the applicant has not demonstrated one additional tree will effectively screen the sign as intended. For these reasons, staff cannot support this request.

**Staff Recommendation**

Denial.

Approval of the waiver of conditions request constitutes a finding by the Commission/Board that the conditions will no longer fulfill its intended purpose.

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:****Public Works - Development Review**

If approved:

- No comment.

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

- No comment.

**TAB/CAC:** Enterprise - denial.

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** CLEAR RIVER, LLC

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