

11/20/24 BCC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ET-24-400107 (UC-20-0288)-WTML WARM SPRINGS, LLC:

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

DESIGN REVIEW for a retail building for a cannabis establishment on 0.9 acres in a CG (Commercial General) Zone.

Generally located on the south side of Warm Springs Road, 480 feet east of Haven Street within Enterprise. MN/mh/kh (For possible action)

RELATED INFORMATION:

APN:

177-09-115-002

LAND USE PLAN:

ENTERPRISE - NEIGHBORHOOD COMMERCIAL

BACKGROUND:

Project Description

General Summary

- Site Acreage: 0.9
- Project Type: Cannabis establishment (retail cannabis store)
- Number of Stories: 1
- Building Height (feet): 24
- Square Feet: 4,920
- Parking Required/Provided: 17/36

Site Plan

The approved plans show a proposed 4,050 square foot 1 story retail building on the eastern portion of the site. Subsequently, ADR-20-900506 was approved to allow for an expansion to 4,920 square feet with a drive-thru, but that application has since expired. ADR-23-900676 was approved in January 2024 to add a drive-thru in conjunction with the cannabis establishment, and ADR-24-900631 was approved in October 2024 to make façade changes to the building. The building is set back 17 feet 8 inches from the east property line, 33 feet south of Warm Springs Road, and 124 feet from the south property line. Parking is located on the west, south, and southwest sides of the proposed building. Bicycle spaces are located to the south of the building. The loading space is directly south of the building. The required trash enclosure is located south of the building and 62 feet north of the south property line. Access to the site will be from Warm Springs Road to the north via a commercial driveway.

Landscaping

The approved plans depict a 15 foot to 28 foot wide landscape area with an attached sidewalk on the north side of property along Warm Springs Road. The original request included a waiver for an attached sidewalk, but it was later determined it was no longer needed. A landscape area ranging between 6 feet wide, and 22 feet 8 inches wide extends along the eastern property line. Landscaping along the southern property line is 11 foot wide with evergreen trees planted 20 feet apart. The western portion of the parking area has 2 landscape islands and is comprised mainly of parking area and future cross access. Landscaping within the parking area and throughout the site complies with Title 30 requirements.

Elevations

The approved plans show a 1 story building with a light grey stucco exterior with decorative metal panels and steel roof elements.

Floor Plans

The approved plans depict the 4,050 square foot building with a reception/waiting area, product sales area, internal pick-up window, delivery area, restroom, break area, storage and prep room, office, IT room, and janitor closet. An administrative design review approved an expansion to 4,920 square feet with a drive-thru.

Previous Conditions of Approval

Listed below are the approved conditions for ET-22-400108 (UC-20-0288):

Current Planning

- Until August 19, 2024 to obtain a valid business license for a retail cannabis store or the application will expire.
- Applicant is advised that ADR-20-900506 will expire December 02, 2022; the installation and use of cooling systems that consumptively use water will be prohibited; 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

- Compliance with previous conditions.

Listed below are the approved conditions for UC-20-0288:

Current Planning

- Design review as a public hearing for signage;
- Expunge ADR-19-900698;
- 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.
- 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; 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

- Traffic study and compliance.

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 30.48 Part B of the Clark County Unified Development Code;
- 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; that the FAA's airspace determinations include expiration dates; and that separate airspace determinations will be needed for construction cranes or other temporary equipment.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0265-2020 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

Applicant's Justification

The applicant states that a second extension of time is appropriate since there have been no major changes in the area. An administrative design review to add a drive-thru (ADR-23-900676) has been approved and another to make façade changes (ADR-24-900631) has also been approved. There are active building permits (BD21-42690 and BD24-43203). An additional 2 year extension of time is being requested.

Prior Land Use Requests

Application Number	Request	Action	Date
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

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

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 the applicant has made multiple changes to the proposed development since it was originally approved in August 2020. An administrative design review (ADR-20-900506) was approved but has since expired and been replaced by ADR-23-900676. The applicant indicates that another administrative design review is being requested under a separate application. While staff has no objection to this extension of time request, staff is concerned that additional changes to the project will further delay its commencement. Therefore, staff can support this request, but may not be able to support a subsequent extension of time 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 August 19, 2026 to obtain valid business license for retail cannabis store or the application will expire unless extended with approval of an extension of time.
- Applicant is advised 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

- No comment.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC:

APPROVALS:

PROTEST:

APPLICANT: WTML WARM SPRINGS, LLC

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