

CANNABIS ESTABLISHMENT  
(CONSUMPTION LOUNGE)  
(TITLE 30)

DESERT INN RD/HIGHLAND DR

**PUBLIC HEARING**

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-23-0438-SAIA, GABRIEL GOMES JR. REV LIV TR & SAIA, GABRIEL GOMES JR. TRS:**

**USE PERMIT** for a cannabis establishment (consumption lounge) in conjunction with an existing cannabis establishment within an existing office/warehouse complex.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** reduce separation from a non-restricted gaming property; and **2)** reduce parking on 14.0 acres in an M-1 (Light Manufacturing) Zone.

Generally located on the north side of Desert Inn Road and the east side of Highland Drive within Winchester. TS/rr/syp (For possible action)

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**RELATED INFORMATION:**

**APN:**

162-08-805-009; 162-17-502-002; 162-08-899-034; 162-08-899-036; 162-08-899-038

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Reduce the separation from a proposed cannabis consumption lounge to an existing non-restricted gaming property (Resorts World) to 1,283 feet where 1,500 feet is required per Table 30.44-1 (a 14.5% reduction).
2. Reduce parking to 253 spaces where 485 spaces are required per Table 30.60-1 (a 48% reduction).

**LAND USE PLAN:**

WINCHESTER/PARADISE - BUSINESS EMPLOYMENT

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 2548 W. Desert Inn Road
- Site Acreage: 14
- Project Type: Consumption lounge
- Number of Stories: 1
- Building Height (feet): 30
- Square Feet: 1,360 (consumption lounge)/1,000 (storage/wash area)

- Parking Required/Provided: 485/253

### Site Plan

The plan indicates the proposed consumption lounge and storage and wash area will be located within the interior of the warehouse/office building on the north side. There are 2 other buildings on the site, 1 at the southwest corner and 1 at the northeast corner which are not a part of the business. The plan also indicates various existing uses within the warehouse/office building in addition to the proposed lounge and storage and wash area. These areas include a 12,000 square foot museum, a 17,000 square foot warehouse, a 13,200 square foot retail cannabis store and dispensary, 10,256 square feet for production, and a 5,087 square foot restaurant. An additional 64,025 square feet of the building are miscellaneous areas. The plans show the existing parking areas on the north, south, and east sides of the APN 162-08-805-009 totaling 253 parking spaces. Future parking areas with 384 parking spaces are also depicted under the Wilbur Clark DI Road overpass on 3 leased Nevada Department of Transportation parcels which was previously approved under WS-20-0082. This parking lot has not yet been developed.

### Landscaping

The previously approved plans depict a parking lot landscaping reduction for the existing parking areas which was approved by UC-19-0381. The proposed parking areas under the Wilbur Clark DI Road overpass to the north also received a waiver for reduced landscaping by ET-22-400092 (WS-20-0082). No additional landscaping is proposed with this use permit application.

### Elevations

Photos of the building show an office/warehouse type structure with the existing retail cannabis store and dispensary fronting toward West Desert Inn Road. The building height is 31 feet. The exterior finishes for the portion fronting on Desert Inn Road include metal mesh panel accents, store front windows, a large fountain feature, and signage. No changes are proposed or required to the exterior of the building.

### Floor Plans

The plans show a proposed 1,360 square foot consumption lounge with an adjoining 1,000 square foot storage and wash area in a separate room within the office/warehouse portion of the subject building. The lounge will be located across a hall from the dispensary in the warehouse area. All customers/clients must pass through the check-in area and show their identification. There are no outside doors to enter or exit the lounge. Access can only be gained through the main entrance of the facility.

### Signage

Signage is not a part of this request.

### Applicant's Justification

The applicant states the proposed cannabis consumption lounge will be in conjunction with an existing dispensary, Planet 13, which has secure entry door with 24-hour monitored security. The applicant states the proposed use will produce an environment of stable and desirable character

consistent with the objectives of Tile 30 and the Master Plan. The applicant also states there are no outstanding issues associated with the intended use, and that it does not impose an undue burden on the surrounding area or adjacent property owners. There is no anticipated need for any public utility or public services beyond what is existing and available. The proposed use is consistent with the standards of approval for the current zoning.

### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ET-22-400092 (WS-20-0082)	First extension of time to review waivers to eliminate parking lot landscaping, alternative parking lot design standards, reduced throat depth in conjunction with an existing cannabis establishment, and retail and office warehouse complex	Approved by BCC	September 2022
UC-21-0126	Daycare within an existing retail and office warehouse complex - withdrawn without prejudice	Withdrawn by PC	July 2021
UC-20-0346	On-premises consumption of alcohol (supper club) in conjunction with an existing retail and office warehouse complex	Approved by PC	October 2020
WS-20-0083	Increased freestanding sign area and animated sign area for an existing cannabis establishment, and retail and office warehouse complex	Approved by BCC	May 2020
WS-20-0082	Eliminated parking lot landscaping, allowed an alternative parking lot design standard, and reduced throat depth in conjunction with an existing cannabis establishment, and retail and office warehouse complex	Approved by BCC	May 2020
UC-19-0381	Retail sales, restaurants, service bar, and banquet facility with waivers to reduce parking, allowed alternative landscaping, and parking lot design for an existing office/warehouse complex	Approved by BCC	July 2019
UC-19-0380	Cannabis establishment (production) in conjunction with an existing office/warehouse complex consisting of 2 buildings with dispensary and retail cannabis store	Approved by BCC	July 2019
WS-18-0850	Signage for cannabis establishment (dispensary) roof signs and electronic graffiti wall	Approved by BCC	December 2018
UC-18-0703	Increased wall sign area, allowed a cannabis dispensary as the only business advertising on a freestanding sign, roof signs where not permitted, electronic or animated sign where not permitted, and a retail cannabis facility (roof sign and electronic graffiti wall - withdrawn)	Approved by BCC	October 2018
VS-18-0570	Vacated and abandoned right-of-way (portion of Desert Inn Road)	Approved by BCC	September 2018

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
UC-18-0122	Cannabis establishment (dispensary) in conjunction with an approved retail cannabis store, and design review for modification to an existing office/warehouse complex consisting of 2 buildings	Approved by BCC	April 2018
UC-1076-17	Cannabis establishment (retail store) with a waiver to reduce parking and modified an existing office/warehouse complex	Approved by BCC	February 2018
UC-0722-06	Sales center in conjunction with an approved mixed-use development and waivers for reduced parking and sign requirements - expired	Approved by BCC	July 2006
UC-1899-05	Mixed-use high-rise condominium development with setback waiver and waiver of conditions for noise level reductions - expired	Approved by BCC	February 2006
NZC-1697-04	Reclassified the property from M-1 to H-1 zoning for a mixed-use high-rise development - expired	Approved by BCC	February 2005
UC-0206-03	Secondhand sales retail facility with waivers to reduce parking - expired	Approved by PC	March 2003

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North, South, & West	Business Employment	M-1	Retail, office, & warehouse
East	Business Employment & Corridor Mixed-Use	M-1	Union Pacific Railroad train tracks, office/warehouse, retail, & hotel & gaming

**STANDARDS FOR APPROVAL:**

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

**Analysis**

**Comprehensive Planning**

Use Permit

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 applicant submitted a State of Nevada Cannabis Compliance Board approval for a conditional license for a cannabis consumption lounge. A certified separation survey was submitted as required which indicates a non-restricted gaming property, Resorts World, is within 1,500 feet of the proposed establishment. This is the subject of a waiver request. There are no

public or private schools, or community facilities as defined by NRS 453A.322 located within 1,500 feet. The crime report indicates that within a 1 mile radius of the site, 853 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.

Building elevations indicate that a professional appearance will be maintained. In consideration of this information, staff can support this request.

#### Waivers 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.

#### Waiver of Development Standards #1

The applicant is requesting a waiver to allow 1,283 feet to a non-restricted gaming facility, Resorts World, where 1,500 feet is normally required under state law and Title 30. The existing cannabis establishment was in operation prior to the establishment of Resorts World. Therefore, the States separation requirement for the consumption lounge are based on conditions at the time of the conditional license of the retail store, and approval of the waiver would be in conformance with state law. In consideration of this information, staff can support this request.

#### Waiver of Development Standards #2

The applicant is requesting a temporary waiver from the parking standards to allow 253 parking spaces where 485 parking spaces are required for the existing uses and planned cannabis lounge. The applicant was previously approved for 384 additional parking spaces on 3 leased Nevada Department of Transportation parcels to the north under the Wilbur Clark DI Road overpass. The applicant states that this additional parking will not be constructed prior to the time the cannabis lounge is open. Additionally, the applicant states the existing parking lot is currently never completely utilized, and that most of the customers are tourists from the strip who tend to walk, use ride shares, or taxis to get to the location. The establishment has room for the ride share drivers to park around the side of the building. Customers purchasing items in the cannabis retail store/dispensary will also be the same person using the lounge. Customers can only bring products into the lounge purchased on-site. In consideration of this information, staff can support this 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**

- 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 Department of Air Quality.
- 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.

### **Fire Prevention Bureau**

- No comment.

### **TAB/CAC:**

### **APPROVALS:**

### **PROTESTS:**

**APPLICANT:** MM DEVELOPMENT COMPANY

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