

06/21/23 BCC AGENDA SHEET

CANNABIS CULTIVATION FACILITY
(TITLE 30)

WYNN RD/TOMPKINS AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ET-23-400038 (UC-21-0011)-3950, LLC:

USE PERMIT FIRST EXTENSION OF TIME for a proposed cannabis establishment (cultivation facility) on a portion of 4.9 acres in an M-1 (Light Manufacturing) Zone.

Generally located on the north side of Tompkins Avenue, 300 feet east of Wynn Road within Paradise. MN/tpd/syp (For possible action)

RELATED INFORMATION:

APN:

162-19-702-015 ptn

LAND USE PLAN:

WINCHESTER/PARADISE - BUSINESS EMPLOYMENT

WINCHESTER/PARADISE - ENTERTAINMENT MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: 3950 W. Tompkins Avenue
- Site Acreage: 4.9 (portion)
- Project Type: Cannabis cultivation facility
- Number of Stories: 1
- Building Height: 14 feet, 8 inches
- Square Feet: 20,340
- Parking Required/Provided: 36/175

History & Site Plan

The approved site plan depicts a developed industrial parcel which consists of an existing transportation service establishment. The existing transportation service establishment was approved via ZC-1614-05, when the parcel was reclassified to M-1 zoning. There are 2 existing buildings on-site, the first being an office located on the southwest corner of the parcel and the second building located immediately to the east (large modular building with bay doors which face north). Today, the provided parking is located along the east, south, and north property lines, a portion of the northwest corner, and centrally located parking spaces (north of the existing buildings). Access to the site is via an existing driveway at the northern end of the cul-

de-sac bulb of Tompkins Avenue. Lastly, there is an existing propane fill-up structure on the east half of the site adjacent to centrally located parking spaces.

The applicant requested a cannabis cultivation/production facility on the site. Per the submitted site plan, a proposed building will be constructed on the northwest corner of the site, set back 10 feet from the north property line, 64 feet from the west property line, 165 from the south property line, and 280 feet from the east property line. The site plan shows a loading zone on the northwest corner of the proposed facility, a sliding security gate and the main entrance located on the west side of the building, a proposed 10 foot wide walkway is to be constructed around the entire facility, with a 10 foot high security fence along the east, south, and west sides of the building.

Parking will remain along the west property line and extend to the northwestern most corner of the parcel. Twenty-one parking spaces along the north property line and parking spaces north of the existing office building will be eliminated to accommodate the proposed facility. Twenty-two parking spaces will remain along the north property line and additional parking will be added to the southeast corner of the proposed facility. The required parking for the entire site is 36 parking spaces where 175 parking spaces are provided.

Landscaping

The site landscaping consists of an existing landscape planter on the northern portion of the cul-de-sac bulb (Tompkins Avenue). There is also existing landscaping south of the existing office building located on the southwest corner of the parcel. A waiver of development standards to waive parking lot landscaping where the proposed facility is located is a companion item to this application ET-23-400040 (WS-21-0013). There is no existing landscaping along the north, east, and west property lines, and portions of the south property line since the surrounding parcels consist of industrial uses and the subject parcel is not adjacent to any less intensive uses.

Elevations

The approved elevation depicts a single-story building with an overall height of 14 feet, 8 inches. The exterior finishes include white colored stucco walls, and doors to be affixed on the south, east, and west facing elevations.

Floor Plan

The approved floor plan for the proposed building includes a cultivation area of the facility with an overall area of 10,980 square feet, a production portion of the facility with an overall area of 6,480 square feet, and an administrative area, breakroom, and other miscellaneous areas with a total overall area of 2,880 square feet. The proposed building has a total overall area of 20,340 square feet.

Signage

Signage is not a part of this request.

Previous Conditions of Approval

Listed below are the approved conditions for UC-21-0011:

Current 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 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 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

- Drainage study and compliance;
- Traffic study and compliance;
- Reconstruct driveway as a commercial pan driveway per Uniform Standard Drawings 222.1 and 224 or provide a 5 foot wide concrete sidewalk behind the existing driveway for compliance with the Americans with Disabilities Act.
- Applicant is advised that off-site improvement permits may be required.

Building Department - Fire Prevention

- Provide a Fire Apparatus Access Road in accordance with Section 503 of the International Fire Code and Clark County Code Title 13, 13.04.090 Fire Service Features.
- Applicant is advised that fire/emergency access must comply with the Fire Code as amended; to show on-site fire lane, turning radius, and turnarounds; and to submit plans for review and approval prior to installing any gates, speed humps (speed bumps not allowed), and any other fire apparatus access roadway obstructions.

Southern Nevada Health District (SNHD) - Septic

- Applicant is advised to schedule an appointment with the SNHD Environmental Health Division at (702) 759-0660 to obtain written approval for a Tenant Improvement so that SNHD may review the impact of the proposed use on the existing Individual Sewage Disposal (Septic) System.

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 #0014-2021 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

Applicant's Justification

The applicant is seeking an extension of time for UC-21-0011. Due to the issues between the owner and the previous engineer, the applicant has hired a new engineer to improve the site plans and have them submitted for their permits. There have been issues with the adjacent property owner. A drainage study is being prepared with the new engineer; an extension of time is needed for this process to occur.

Prior Land Use Requests

Application Number	Request	Action	Date
UC-21-0011	Cannabis cultivation facility	Approved by BCC	March 2021
UC-21-0012	Cannabis production facility	Approved by BCC	March 2021
WS-21-0013	Waiver and design review for a cannabis facility	Approved by BCC	March 2021
ZC-1614-05	Reclassified the site from M-1 and M-2 to M-1 zoning for a transportation service business, waiver for alternative design standards for the office building, and design review for a modular office building for the transportation service business	Approved by BCC	November 2005

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Business Employment	M-1	Industrial & office warehouse
South	Business Employment & Entertainment Mixed-Use	M-1	Outside storage
East	Entertainment Mixed-Use	M-1	Union Pacific Railroad & office warehouse
West	Business Employment	M-1	Vehicle repair

Related Applications

Application Number	Request
ET-23-400040 (WS-21-0013)	A first extension of time for waiver of development standards and design review for cannabis facility is a companion item on this agenda.
ET-23-400039 (UC-21-0012)	A first extension of time for a use permit for a cannabis production facility is a companion item on this agenda.

STANDARDS FOR APPROVAL:

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

Analysis

Comprehensive Planning

Title 30 standards of approval on an extension of time application state that such an application may be denied or have additional conditions imposed 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 or policies affecting the subject property. Using the criteria set forth in Title 30, no substantial changes have occurred at the subject site since the original approval.

Staff believes the applicant has taken steps towards commencing the use permit. The applicant is currently working with multiple departments to move forward with the development process. Along with an approved traffic study, the applicant has a demolition permit that is ready to be issued. For these reasons staff can support the 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 March 3, 2025 to obtain a valid Clark County Business License for a cannabis cultivation facility.
- 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 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.

Fire Prevention Bureau

- No comment.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC: Paradise - approval.

APPROVALS:

PROTEST:

APPLICANT: JDW NEVADA ,LLC

CONTACT: LUCY STEWART, LAS CONSULTING, 1930 VILLAGE CENTER CIRCLE,
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