

06/21/23 BCC AGENDA SHEET

CANNABIS ESTABLISHMENT
(TITLE 30)

WARM SPRINGS RD/WINDY ST

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ET-23-400055 (UC-19-0076)-MOTOR HOLDINGS, LLC:

USE PERMIT SECOND EXTENSION OF TIME to review a cannabis establishment (production facility) in conjunction with a proposed office/warehouse building on a 1.0 acre portion of a 2.1 acre parcel in an M-D (Designed Manufacturing) (AE-65) Zone.

Generally located on the north side of Warm Springs Road, 145 feet west of Windy Street within Enterprise. MN/tpd/syp (For possible action)

RELATED INFORMATION:

APN:

177-05-801-030 ptn

LAND USE PLAN:

ENTERPRISE - ENTERTAINMENT MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 2.1 (total)/1 (M-D Zone)/1.1 (C-2 Zone) (portion)
- Number of Lots: 1
- Project Type: Relocate an approved cannabis establishment (production facility)
- Number of Stories: 3
- Building Height (feet): 50
- Square Feet: 16,560 (office/warehouse)/13,800 (cultivation facility - expired)/2,760 (production facility)
- Parking Required/Provided: 66/104

History

UC-19-0076 was approved with a condition requiring a review in 2 years. Additionally, the application was granted 4 years to obtain a valid Clark County business license for the establishment. The applicant was granted another two years to review with the approval of ET-21-400054 (WC-19-0076).

Site Plans

The previously approved plans depict a proposed 16,560 square foot office/warehouse building located on the southern portion of the western 1 acre within the M-D zoned portion of the site and a proposed 7,746 square foot retail building located on the southern portion of the eastern 1.1 acre within the C-2 zoned portion of the site. Parking is located to the north of the buildings. The site will have access to Warm Springs Road and Windy Street via a driveway located on the southwest corner of the site and another driveway located on the northeast corner of the site.

Landscaping

The previously approved plans depict a 15 foot wide landscape area adjacent to an existing attached sidewalk along Warm Springs Road and a 10 foot wide landscape area adjacent to a proposed attached sidewalk along Windy Street. A 10 foot wide landscape area is located along the western property line and a 6 foot wide landscape area is located along the northern property line. Interior parking lot trees are distributed throughout the site in accordance with Figure 30.64-14. Landscape materials include trees, shrubs, and groundcover.

Elevations

The previously approved plans depict an office/warehouse building that is 50 feet high when measured from the top of the parapet walls. The retail building is 37 feet high with a flat roof and parapet wall. Both buildings have a similar facade consisting of plaster finish, sheet metal, cementitious panels, metal panels, and decorative metal railing painted in earth tone colors.

Floor Plans

The previously approved plans depict an office/warehouse building that is 3 stories and 16,560 square feet consisting of the following:

- Production room
- Packaging area
- Office space
- Restrooms

Previous Conditions of Approval

Listed below are the approved conditions for ET-21-400054 (UC-19-0076):

Current Planning

- Until April 3, 2023 to review.
- Applicant is advised that a valid Clark County business license must be issued for this establishment by April 3, 2023 or the application will expire; 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 application for review; 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-19-0076:

Current Planning

- 2 years to review;
- A valid Clark County business license must be issued for this establishment within 4 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 application for review; 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;
- Full off-site improvements;
- Right-of-way dedication to include 30 feet for Windy Street;
- If required by the Regional Transportation Commission (RTC), provide a combination bus turnout/right turn lane on the north side of Warm Springs Road, as close as practical to Windy Street and include provisions for a 5 foot by 25 foot bus shelter pad easement behind the sidewalk;
- Nevada Department of Transportation approval.
- Applicant is advised the driveways must be a minimum of 32 feet wide, measured from the lip of gutter to the lip of gutter.

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;
- Incorporate exterior to interior noise level reduction into the building construction as required by Code for use.

- 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; that separate airspace determinations will be needed for construction cranes or other temporary equipment; that the FAA 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.

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 #0024-2019 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

Signage

Signage is not a part of this request

Applicant's Justification

The applicant has experienced a decline in legal cannabis sales with the occurrence of illegal operations throughout Nevada. Considering this setback, the applicant has had to rethink their business strategies. They are requesting an extension of time to obtain full entitlements to the development.

Prior Land Use Requests

Application Number	Request	Action	Date
ET-21-400032 (UC-19-0061)	First extension of time for a use permit for a cannabis establishment (cultivation) - expired	Approved by BCC	June 2021
ET-21-400053 (VS-19-0063)	First extension of time to vacate and abandon easements between Warm Springs Road and Capovilla Avenue	Approved by BCC	June 2021
ET-21-400054 (UC-19-0076)	First extension of time for a use permit for a cannabis establishment (production)	Approved by BCC	June 2021
UC-20-0047	Cannabis establishment (dispensary) in conjunction with an office/warehouse building - expired	Approved by BCC	October 2020
UC-20-0048	Cannabis establishment (cannabis retail store) in conjunction with an office/warehouse building - expired	Approved by BCC	October 2020
TM-19-500017	1 lot industrial/commercial subdivision map - expired	Approved by BCC	April 2019
UC-19-0076	Cannabis establishment (production facility) in conjunction with an office/warehouse building	Approved by BCC	April 2019

Prior Land Use Requests

Application Number	Request	Action	Date
NZC-19-0060	Reclassified the site from R-E to C-2 and M-D zoning for a warehouse/retail building	Approved by BCC	April 2019
UC-19-0061	Cannabis establishment (cultivation facility) in conjunction with a proposed office/warehouse building - expired	Approved by BCC	April 2019
VS-19-0063	Vacated and abandoned easements between Warm Springs Road and Capovilla Avenue	Approved by BCC	April 2019

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Entertainment Mixed-Use	R-E	Undeveloped
South	Entertainment Mixed-Use	H-1	Undeveloped
East	Entertainment Mixed-Use	C-2	Vehicle sales & offices
West	Entertainment Mixed-Use	M-D	Distribution center & manufacturing facility

Related Applications

Application Number	Request
ET-23-400054 (VS-19-0063)	An extension of time for a vacation of easements 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.

No new steps have been accomplished since the last extension of time request for this parcel. Staff recognizes the complexities of competing with various cannabis establishments. However, this does not negate the fact that no improvements in the development process have been reached for 2 years. In addition to the lack of progressing with any development plans, the previously approved tentative map expired which was necessary to split the parcel to address the proximity of the facility with Las Vegas Boulevard Gaming Corridor. Staff recommends denial.

Staff Recommendation

Denial

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**

If approved:

- Until April 3, 2025 to obtain a valid Clark County business license for a cannabis production facility;
- Until April 3, 2025 to review.
- Applicant is advised that a subdivision map is required to be recorded prior to the issuance of any business license; 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 application for review; 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.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC: Enterprise - approval.

APPROVALS:

PROTEST:

APPLICANT: CATHERINE MIZZI

CONTACT: CATHERINE MIZZI, PISOS, 4110 S. MARYLAND PARKWAY, LAS VEGAS, NV 89119