

11/17/21 BCC AGENDA SHEET

CANNABIS ESTABLISHMENT
(TITLE 30)

SAMMY DAVIS JR. DR/CIRCUS CIRCUS DR

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ET-21-400152 (UC-0909-17)-2975 SAMMY DAVIS JR. DRIVE, LLC:

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

DESIGN REVIEW exterior/interior modifications to an existing retail building on 0.9 acres in a C-2 (General Commercial) Zone.

Generally located on the west side of Sammy Davis Jr. Drive, 1,000 feet south of Circus Circus Drive within Winchester. TS/jvm/jo (For possible action)

RELATED INFORMATION:

APN:

162-09-302-007

LAND USE PLAN:

WINCHESTER/PARADISE - COMMERCIAL GENERAL

BACKGROUND:

Project Description

General Summary

- Site Address: 2975 Sammy Davis Jr. Drive
- Site Acreage: 0.9
- Project Type: Cannabis retail store
- Number of Stories: 1
- Building Height: Up to 27 feet, 8 inches
- Square Feet: 9,454 (previously approved for 8,357)
- Parking Required/Provided: 39/42

Site Plan, Floor Plan, & History

The originally approved plans via UC-0909-17 depict a 6,940 square foot retail cannabis store within an existing 9,454 square foot building. Original plans for the store showed only 6,940 square feet of retail space with the remaining area of the building not a part of the use. Revised plans were subsequently accepted to increase the area to 8,357 square feet. ADR-21-900548 was recently approved to expand the area of the internal store to occupy the entire 9,454 square foot building. The store consists of a lobby, check-in area, retail area, vault, offices, storage, breakroom, restrooms, and with this expansion, product storage and an area for curbside pick-up.

Access to the site is from Sammy Davis Jr. Drive and unlike the original request, the site will have shared access with the adjacent parcel to the south. A trash enclosure is located on the western portion of the site and now faces north.

Landscaping

There is an existing landscape area with an attached sidewalk adjacent to Sammy Davis Jr. Drive. No additional landscaping was proposed or required as a part of this request.

Elevations

The plans have been revised to depict a 22 foot 6 inch building with 2 decorative elements at the front entrance on the south elevation, which are 27 feet 8 inches tall. The proposed exterior finishes for the south and east elevations include a black decorative metal facade. The decorative columns have wood paneling, as well as a wood trim along the top of the building and a geometric pattern overlay on a smooth finish stucco wall. No changes are proposed to the north and west elevations.

Previous Conditions of Approval

Listed below are the approved conditions for ET-19-400113 (UC-0909-17):

Current Planning

- A valid Clark County business license must be issued for this establishment no later than December 6, 2021 or the application will expire.
- 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.

Listed below are the approved conditions for UC-0909-17:

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;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- 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.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that the property is already connected to the CCWRD sewer system; that upon approval of use permit, CCWRD requires submittal of a summary of the body work and paint process for engineering review and pretreatment evaluation for any disposal other than domestic waste to the public sewer system; to follow current CCWRD Pretreatment Resolutions and any applicable portions of 40 CFR for any waters that may enter the sanitary sewer system; and that if any existing plumbing fixtures are modified in the future, then additional capacity and connection fees will need to be addressed.

Signage

Signage is not a part of this request.

Applicant’s Justification

The applicant states that they believe that this is still an excellent location for this use and that the recently approved revisions improve the appearance of the building.

Prior Land Use Requests

Application Number	Request	Action	Date
ADR-21-900548	Exterior and interior modifications to a previously approved retail cannabis store	Approved by ZA	September 2021
ET-19-400113 (UC-0909-17)	First extension of time for a retail cannabis store	Approved by BCC	November 2019
UC-0909-17	Cannabis establishment (retail cannabis store)	Approved by BCC	September 2017
UC-1084-08	Transitional living facility for released offenders within an existing building - expired	Approved by BCC	December 2008
ZC-0436-07	Reclassified the subject site from U-V to C-2 zoning for a 512 room hotel	Approved by BCC	June 2007

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Commercial General	M-1	General commercial uses
South	Commercial General	M-1	Adult use (Sapphire)
East	Commercial Tourist	H-1	Resort hotel
West	City of Las Vegas	M	Industrial uses

STANDARDS FOR APPROVAL:

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

Analysis

Current 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, the applicant has made little progress since approval of the original application. The applicant had applied for building permits in 2019 which are now expired and again in April 2021 which are still under review. Additionally, a Clark County Business License has not been issued for the establishment which cannot be done until the construction of the facility and any associated improvements as shown on the approved plan are completed and all other state and local regulations are met. Lastly, since approval of the last extension of time in 2019, the Nevada Revised Statutes (NRS) and Title 30 have changed and now include a restriction on locating establishments which states an establishment “Shall not be located within the Las Vegas Boulevard Gaming Corridor or within 1,500 feet of a nonrestricted gaming property as measured from the front door of the establishment to the nearest property line.” This provision of Title 30 cannot be waived or varied. Staff finds the establishment no longer meets the required separations and therefore recommends denial of the extension of time.

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 Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:

Current Planning

If approved:

- Until September 28, 2023 to obtain a valid Clark County business license for this establishment or this application will expire.
- Applicant is advised that that 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

- No comment.

Building Department - Fire Prevention

- No comment.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC:

APPROVALS:

PROTEST:

APPLICANT: CPCM HOLDINGS, LLC

CONTACT: LUCY STEWART, LAS CONSULTING, 1930 VILLAGE CENTER CIRCLE,
BLDG 3 STE 577, LAS VEGAS, NV 89134