

09/20/23 BCC AGENDA SHEET

CANNABIS
CONSUMPTION LOUNGE
(TITLE 30)

SAMMY DAVIS JR. DR/RESORTS WORLD DR

PUBLIC HEARING
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
UC-23-0487-2975 SAMMY DAVIS JR. DRIVE, LLC:

USE PERMIT for a cannabis establishment (consumption lounge).

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce the separation from a non-restricted gaming property; and **2)** driveway geometrics.

DESIGN REVIEW for a proposed cannabis establishment (consumption lounge) in conjunction with an existing retail cannabis store on 0.9 acres in a C-2 (General Commercial) Zone.

Generally located on the west side of Sammy Davis Jr. Drive, 130 feet south of Resorts World Drive within Winchester. TS/jor/ja (For possible action)

RELATED INFORMATION:

APN:
162-09-302-007

USE PERMIT:
Allow a cannabis consumption lounge in conjunction with an existing retail cannabis store.

WAIVERS OF DEVELOPMENT STANDARDS:

1. Reduce the separation of a proposed cannabis consumption lounge to an existing non-restricted gaming property to 205 feet where 1,500 feet is required per Table 30.44-1 (an 86% reduction).
2.
 - a. Reduce the driveway width to 28 feet 7 inches where a minimum of 32 feet is required per Uniform Standard Drawing 222.1 (a 9% reduction).
 - b. Reduce the driveway throat depth to 3 feet 5 inches where a minimum of 25 feet is required per Uniform Standard Drawing 222.1 (an 86% reduction).

DESIGN REVIEW:
Proposed cannabis consumption lounge with an outside consumption lounge patio.

LAND USE PLAN:
WINCHESTER/PARADISE - CORRIDOR MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: 2975 Sammy Davis Jr. Drive
- Site Acreage: 0.9
- Project Type: Proposed cannabis consumption lounge
- Number of Stories: 1
- Building Height: 27 feet, 8 inches
- Square Feet: 9,454 (approved with ADR-21-900548)
- Parking Required/Provided: 49 (based on the shared parking schedule)/49

History, Site Plan, & Request

The previously approved plans, 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-21-900458 was approved to expand the store to occupy the entire 9,454 square foot building. Access to the site is from Sammy Davis Jr. Drive to the east.

Today, the applicant is proposing to add a cannabis consumption lounge to the site. The existing building will remain; however, an outdoor consumption patio will be added to the southwest corner of the building. The main entrance will remain on the south facing elevation. Access to the consumption lounge is provided via an interior door only. Forty-nine parking spaces are provided on the east, west, and south sides of the building where 49 parking spaces are required based on the shared parking schedule. The existing driveway on the northeast corner of the site adjacent to Sammy Davis Jr. Drive will be closed with a landscape planter, and the driveway to the south will remain.

The applicant is requesting to reduce the separation of a proposed cannabis consumption lounge to existing non-restricted gaming properties (Resorts World and Circus Circus) to a minimum of 205 feet where 1,500 feet is required. Lastly, the applicant is requesting to waive the required driveway geometrics (for driveway width and throat depth) for the southern driveway.

Landscaping

There is an existing landscape area with an attached sidewalk adjacent to Sammy Davis Jr. Drive. Since the northern driveway will be closed, the applicant is proposing to install a landscape planter with shrubs and 1 tree.

Elevations

The existing building has an overall height of 22 feet 6 inches 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.

The consumption lounge area is located on the southwest corner of the building. The plans show a 6 foot high decorative screen fence will be installed around the perimeter of the outdoor patio and Bamboo trees will be planted on both sides of the fence.

Floor Plans

Currently, the building includes areas such as a lobby, check-in area, retail area, vault, offices, storage, breakroom, and restrooms. These areas are located on the east and northern half of the building. On the southwest corner of the building, the additional retail area will be remodeled to now include a new office, preparation area, a lounge area, and indoor consumption area which leads to the outdoor consumption lounge patio. The entire building has an overall area of 10,510 square feet. The retail portion of the establishment has an overall area of 7,314 square feet, the lounge is 2,140 square feet, and the outdoor consumption patio area is 1,056 square feet.

Signage

Signage is not a part of this request.

Applicant's Justification

The proposed location is a freestanding building with 49 parking spaces. The character of the neighborhood which houses the cannabis establishment will not be affected as this establishment will be co-located with an existing retail cannabis establishment and it is in the middle of an industrial area. Adjacent properties will not be impacted as the facility has stringent security and will comply with State regulations. The applicant does not believe the traffic demand from this additional use will have an impact at the property. Furthermore, the applicant also developed an Impaired Driver Prevention Plan and has submitted the plan to Clark County's Office of Traffic Safety. The proposed use shall not result in a substantial or undo adverse effect on the public health, safety, or general welfare.

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

*Additional land use applications have been approved on this site and are not related to this application.

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Corridor Mixed-Use	M-1	General commercial uses
South	Corridor Mixed-Use	M-1	Adult use (Sapphire)
East	Entertainment Mixed-Use	H-1	Resorts World
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

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.

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.

Use Permit, Waiver of Development Standards #1, & Design Review

The applicant submitted a State of Nevada Cannabis Compliance Board approval for a prospective license for a cannabis consumption lounge. A certified separation survey was submitted which indicated that the existing establishment exceeds the separation requirement of 1,500 feet from a school or community facility. The survey also indicates a non-restricted gaming properties (Resorts World and Circus Circus), are located within 1,500 feet of the proposed establishment. The separations for the existing cannabis establishment were based on conditions of the surrounding area prior to the establishment of Resorts World. Therefore, the consumption lounge would be considered exempt from this separation requirement under state law, and approval of the waiver would be in conformance with state law.

The crime report indicates that within a 1 mile radius of the site, 1,078 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. Submitted elevation plans depict that the outdoor consumption lounge will be screened from the right-of-way and adjacent businesses accordingly. In consideration of this information, staff can support these requests.

Public Works - Development Review

Waiver of Development Standards #2

Staff has no objection to the reduced driveway width and reduced throat depth since there is not enough room on the site to comply with the minimum standards.

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 cannabis consumption lounge 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;
- 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; any additional landscaping to comply with the Southern Nevada Water Authority Regional Plant List; approval of this application does not constitute or imply approval of any other County issued permit, license or approval; the installation and use of cooling systems that consumptively use water will be prohibited; 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

- Reconstruct the southern 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 (ADA);
- Reconstruct the northern driveway with full off-site improvements;
- 30 days to coordinate with Public Works - Construction Management Division and to dedicate any necessary right-of-way and easements for the Sammy Davis Jr. improvement project.
- Applicant is advised that off-site improvement permits may be required.

Fire Prevention Bureau

- No comment.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that the property is already connected to the CCWRD 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.

TAB/CAC: Winchester - approval.

APPROVALS:

PROTESTS:

APPLICANT: CHEYENNE MEDICAL SAMMY DAVIS RD263, LLC

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