

09/06/23 BCC AGENDA SHEET

CANNABIS PRODUCTION/CULTIVATION FACILITY  
(TITLE 30)

WYNN RD/TOMPKINS AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**WC-23-400108 (WS-21-0013)-3950, LLC:**

**WAIVER OF CONDITIONS** of a waiver of development standards requiring a drainage study and compliance in conjunction with an approved cannabis establishment (cultivation & production 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/dd/syp (For possible action)

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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 & production facility
- Number of Stories: 1
- Building Height: 14 feet, 8 inches
- Square Feet: 20,340
- Parking Required/Provided: 36/175

**History & Request**

The following 3 applications were originally approved in conjunction with the cannabis production and cultivation facility: UC-21-0011, UC-21-0012, and WS-21-0013, and all were approved by the Board in March 2021. UC-21-0011 was for cannabis cultivation, UC-21-0012 was for cannabis production, and WS-21-0013 was for parking lot landscaping, mechanical equipment screening, throat depth, and several other waivers. Additionally, WS-21-0013 included a design review for the building that was to house the cannabis establishment. All 3 applications were granted extensions of time (ET-23-400038 (UC-21-0011), ET-23-400039 (UC-

21-0012), and ET-23-400040 (WS-21-0013)) in June 2023 by the Board. With this application (and related applications WC-23-400109 (UC-21-0011) and WC-23-400110 (UC-21-0012)), the applicant is requesting to waive the Public Works condition of a required drainage study.

#### Site Plan

The previously 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 previously approved site plan shows a building to 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 feet from the south property line, and 280 feet from the east property line. The site plan also displays 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.

The applicant originally requested to waive parking lot landscaping, a pedestrian walkway, mechanical equipment screening for freezer condensing units, and for the existing driveway geometrics to remain the same.

#### Landscaping

There were no proposed changes to the existing landscaping with the previously approved application. The applicant originally requested to waive any required parking lot landscaping to meet today's standards.

#### Elevations

The previously approved elevation plan 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 previously approved floor plan for the 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 ET-23-400040 (WS-21-0013):

#### Comprehensive Planning

- Until March 3, 2025 to commence.
- 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 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 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 WS-21-0013:

#### Current Planning

- 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; 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; 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; and that this application must commence within 2 years of approval date or it will expire.

#### 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.

#### 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 states that changes in engineers have slowed the drainage study process, and that waivers of conditions for the drainage study have been previously requested but were never completed. Additionally, the applicant stated that adjacent property owners did not want to work with them on any alternatives to the required drainage study.

#### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ET-23-400040 (WS-21-0013)	First extension of time for a waiver for the parking lot landscaping, pedestrian walkway, mechanical equipment screening, reduced throat depth, and driveway geometrics, and design review for a proposed cannabis establishment building on a portion	Approved by BCC	June 2023
ET-23-400039 (UC-21-0012)	First extension of time for a use permit for a proposed cannabis establishment (production facility)	Approved by BCC	June 2023

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ET-23-400038 (UC-21-0011)	First extension of time for a use permit for a proposed cannabis establishment (cultivation facility)	Approved by BCC	June 2023
WS-21-0013	Waiver for parking lot landscaping, mechanical equipment screening, throat depth, and a design review for a proposed cannabis establishment building	Approved by BCC	March 2021
UC-21-0012	Cannabis establishment (production facility)	Approved by BCC	March 2021
UC-21-0011	Cannabis establishment (cultivation 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, a waiver for alternative design standards for the office building, and a design review for a modular office building for the transportation service business	Approved by BCC	November 2005

**Surrounding Land Use**

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

**Related Applications**

<b>Application Number</b>	<b>Request</b>
WC-23-400110 (UC-21-0012)	Waiver of conditions for drainage study and compliance is a companion item on this agenda.
WC-23-400109 (UC-21-0011)	Waiver of conditions for drainage study and compliance 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****Public Works - Development Review**

Staff has no objection to the request to not perform a drainage study. The site is already graded and the proposed improvements do not impact the current drainage.

**Staff Recommendation**

Approval.

Approval of the waiver of conditions request constitutes a finding by the Commission/Board that the condition will no longer fulfill its intended purpose.

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:****Public Works - Development Review**

- Drainage study shall be required with future development as determined by Public Works - Development Review.

**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:** Paradise - approval.

**APPROVALS:**

**PROTEST:**

**APPLICANT:** JDW NEVADA, INC.

**CONTACT:** LUCY STEWART, LAS CONSULTING, 520 S. FOURTH STREET, LAS VEGAS, NV 89101