

01/19/22 BCC AGENDA SHEET

CANNABIS RETAIL  
(TITLE 30)

FLAMINGO RD/EL CAPITAN WAY

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-21-0677-HARVEST PLAZA, LLC:**

**USE PERMIT** to allow a cannabis establishment (cannabis retail store) in conjunction with an existing shopping center on 0.8 acres in a C-2 (General Commercial) Zone.

Generally located on the north side of Flamingo Road, 105 feet west of El Capitan Way within Spring Valley. JJ/jor/jo (For possible action)

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RELATED INFORMATION:

**APN:**

163-17-415-002

**LAND USE PLAN:**

SPRING VALLEY - COMMERCIAL GENERAL

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 9030 W. Flamingo Road, Suite 180
- Site Acreage: 0.8
- Project Type: Cannabis retail store
- Number of Stories: 1
- Square Feet: 2,442 (Lease space)/9,986 (Existing retail building)
- Parking Required/Provided: 42/50

History

The site was originally a 5 acre parcel located on the north side of Flamingo Road, west of El Capitan Way, and south of Saddle Avenue. ZC-1863-94 reclassified the entire 5 acre parcel from R-E to C-1 zoning for a proposed mini-warehouse facility. ZC-1798-98 reclassified the southern portion of the 5 acre parcel to C-2 zoning for a proposed shopping center. ZC-1221-00 reclassified an 8 foot wide strip which runs east to west in the middle of the parcel from C-1 to C-2 zoning with a design review for revisions to a previously approved shopping center and mini-warehouse facility. Today, the C-2 zoned (southern) portion of the shopping center includes an existing convenience store, gasoline station canopy and vehicle wash, on the eastern half, and a retail building on the western half. The C-1 zoned (northern) portion now includes commercial buildings for offices and retail uses.

### Site Plan

The site plan depicts an existing retail building on the southwest corner of the subject parcel, APN 163-17-415-002. DR-1622-04 approved the existing retail building on the applicant's site and the proposed cannabis retail store will be located in suite 180. Parking spaces are located on the northern and eastern facing elevations of the building. The proposed cannabis retail establishment will be located on the northwest corner of the retail building. Forty-two parking spaces are required where 50 parking spaces are provided.

### Landscaping

Landscaping is neither required nor a part of this request.

### Elevations

The submitted photos depict a single story commercial building with stucco walls, Spanish style roof tiles, a parapet roof, and decorative exterior columns.

### Floor Plan

The floor plan has an overall area of 2,442 square feet. The areas within the cannabis retail store include display area, check-out stations, storage areas, an office, restrooms, and other staff areas.

### Signage

Signage is not a part of this request.

### Applicant's Justification

The proposed use of a cannabis retail establishment is in compliance with Title 30 standards and does not create detrimental effects to the surrounding neighborhood. Also the existing parking is in compliance with the current uses within the existing building. The proposed cannabis retail establishment will include on-site 24 hour security monitoring.

### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
DR-1622-04	1 story retail building on the southwest corner of the C-2 zoned portion of the site	Approved by PC	October 2004
VS-1196-04	Vacated and abandoned patent easements - recorded	Approved by PC	August 2004
ZC-1221-00	Reclassified 0.1 acres (8 foot wide strip which runs east to west in the middle of the parcel) from C-1 to C-2 zoning	Approved by BCC	November 2000
UC-0702-99 (ADET-0702-02)	1 year administrative extension of time	Approved by ZA	August 2002
UC-0702-99 (WC-0289-00)	Waived conditions that required a block wall to be constructed between the C-1 and C-2 zoned portions of the parcel	Approved by PC	November 2000
TM-0213-99	1 lot commercial subdivision	Approved by PC	September 1999

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
UC-0702-99	Allowed a convenience store with a gasoline canopy and a car wash on the southeast corner of the C-2 zoned portion parcel	Approved by PC	August 1999
ZC-1798-98	Reclassified the southern portion of the 5 acre parcel from C-1 to C-2 zoning for a shopping center	Approved by BCC	January 1999
VC-0934-95	Allowed a construction trailer and waived on-site paving, landscaping, and off-site improvements	Approved by PC	July 1995
ZC-1863-94	Reclassified a 5 acre parcel from R-E to C-1 zoning for a proposed mini-warehouse complex	Approved by BCC	December 1994

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North	Commercial General	C-1	Office & retail buildings
South	Commercial General	C-2	Convenience store with gasoline pumps, tavern, & retail building
East	Public Facility	R-E	Undeveloped
West	Residential High (up to 18 du/ac)	R-3	Condominium development

**STANDARDS FOR APPROVAL:**

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

**Analysis**

**Current Planning**

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.

The separation survey indicates that all required separations are being met. The crime report indicates that there were 64 occurrences within 1 mile of the facility over the 60 days prior to submittal of this application.

Staff finds that the proposed cannabis retail store use will not have an undue adverse effect on adjacent properties and the character of the neighborhood. Furthermore, the request is in harmony with the goals and objectives of the Master Plan, specifically Goal 1 to promote economic viability, employment opportunities with developments that are compatible with adjacent land uses, the natural environment, and are well integrated with appropriate circulation systems, services, and facilities.

## **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:**

### **Current Planning**

- A valid Clark County business license must be issued for this business within 2 years of approval or the application will expire.
- Applicant is advised that 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**

- Traffic study and compliance.

### **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:**

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** THOMAS PENN

**CONTACT:** THOMAS PENN, WINSTON HENDERSON ARCHITECTS, 8689 W. SAHARA AVENUE #100, LAS VEGAS, NV 89117