

CANNABIS CULTIVATION  
(TITLE 30)

**UPDATE**  
PEPPER LN/PECOS RD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-22-0040-ATHARI REZA & FATANEH FAMILY TR & ATHARI G. REZA & FATANEH TRS:**

**HOLDOVER USE PERMIT** to allow a cannabis establishment (cultivation).

**DESIGN REVIEW** for an addition to an existing office/warehouse building on 0.7 acres in an M-D (Designed Manufacturing) (AE-60) Zone.

Generally located on the south side of Pepper Lane, 461 feet west of Pecos Road within Paradise. JG/sd/jo (For possible action)

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RELATED INFORMATION:

**APN:**

162-36-703-012

**LAND USE PLAN:**

WINCHESTER/PARADISE - BUSINESS EMPLOYMENT

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 3365 Pepper Lane
- Site Acreage: 0.7
- Project Type: Cannabis establishment (cultivation)
- Number of Stories: 2
- Building Height (feet): 31 (existing)/13 (addition)
- Square Feet: 23,318
- Parking Required/Provided: 15/23

Site Plans

The submitted plans depict a 23,318 square foot, 2 story structure centrally located on the subject parcel. This structure is part of a larger office/warehouse development that shares parking and ingress/egress. The subject site is shaped as a flag lot with access from the northernmost property line adjacent to Pepper Lane. The applicant has submitted plans that include a planned addition of approximately 314 square feet onto the east façade. The first floor is planned for a cultivation area of 11,502 square feet and the second floor for cultivation and offices. Access to the site is provided by driveways from both Pepper Lane and Pecos Road.

### Landscaping

Existing landscaping is located within a landscape planter along the north and west property lines of the overall complex, and within the parking lot landscape finger islands. No new landscaping is required or a part of this request. Landscaping is shown along the west exterior of the building adjacent to parking spaces and will include 5 gallon Red Yucca and Purple Texas Sage and Lantana species.

### Elevations

The exterior walls include white stucco and in-fill windows on all 4 elevations. The height of the existing warehouse/office building is approximately 31 feet. The plans also depict a 314 addition on the southeast façade and will be enclosed around the existing roll-up door and includes a ramp for ease of egress/ingress. The applicant is proposing several in-fill windows along the exterior and will match the materials of the building. The total height of the proposed addition is approximately 13 feet and will include stucco finish to match the existing building. The addition is not visible from the right-of-way.

### Floor Plans

The plans depict a 2 story warehouse floor plan for cannabis cultivation. The first floor consists of grow rooms, trim room, vegetation room, restroom, utility room, and an exit to internal stairwell to the upper floor. The second floor consists of grow rooms, clone room, office, and restrooms.

### Signage

Signage is not a part of this request.

### Applicant's Justification

The applicant states that the proposed cultivation use will be a partner to the existing cannabis cultivation development directly to the east (Nevada Medical Group located at 3375 Pepper Lane). The applicant states that a cultivation facility at this location will not create an adverse impact on the immediate neighborhood. The request is compatible with the existing use permits for cannabis cultivation and with the M-D zoning district.

### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
WS-1501-02	Reduced parking	Approved by PC	November 2002
DR-2070-93	5,600 square foot office/warehouse in M-D zoning	Approved by PC	January 1994

\*Additional land use applications have been approved within this office/warehouse complex for cannabis establishment (cultivation).

### **Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North, South, East, & West	Business Employment	M-D	Office/warehouse

## **STANDARDS FOR APPROVAL:**

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

### **Analysis**

#### **Current 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.

The site meets all the required separations, as the use is not within 300 feet of a community facility, 660 feet from a residential use, 1,000 feet from a school, or 1,500 feet from non-restricted gaming property. However, staff is aware of known odor issues in the area due to a concentration of cannabis cultivation facilities and these odor issues are impacting schools and other public facility and residential uses in the area. Therefore, staff cannot support this request.

##### Design Review

Staff finds the proposed use is compatible with the existing and adjacent properties as there is existing cannabis cultivation within the immediate area. The proposed 315 square foot addition along the southeast façade will include a ramp, will meet all setbacks, will be flush with the existing exterior wall along the south exterior, and does not encroach into the setback. Staff finds the proposed addition and modifications to the existing building will have minimal to no impact on the surrounding neighborhood; however, since staff cannot support the use permit, staff cannot support the design review.

#### **Department of Aviation**

The property lies within the AE-65 (65-70 DNL) noise contour for Harry Reid International Airport and is subject to continuing aircraft noise and over-flights. Future demand for air travel and airport operations is expected to increase significantly. Clark County intends to continue to upgrade Harry Reid International Airport facilities to meet future air traffic demand.

#### **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:**

#### **Current Planning**

If approved:

- A valid Clark County business license must be issued for this business 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.
- Applicant is advised that 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**

- No comment.

**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 Federal Aviation Administration 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.

**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 - denial.**

**APPROVALS:**

**PROTESTS: 2 cards**

**COUNTY COMMISSION ACTION:** March 16, 2022 – HELD – To 05/18/22 – per the applicant.

**COUNTY COMMISSION ACTION:** May 18, 2022 – HELD – To 06/22/22 – per the applicant.

**APPLICANT:** NEVADA MEDICAL GROUP

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