

01/04/23 BCC AGENDA SHEET

CANNABIS ESTABLISHMENT
(TITLE 30)

UPDATE
GOBI SANDS AVE/ARCTIC SPRING AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-22-0611-LANDALE US HOLDINGS LP & CROWN REAL ESTATE L P:

HOLDOVER USE PERMIT for a cannabis establishment (production facility).

WAIVER OF DEVELOPMENT STANDARDS to reduce the separation between a residential use and a cannabis establishment (production facility) within an existing warehouse building on 1.3 acres in an M-D (Designed Manufacturing) Zone.

Generally located on the south side of Gobi Sands Avenue and the west side of Arctic Spring Avenue within Sunrise Manor. MK/md/syp (For possible action)

RELATED INFORMATION:

APN:

140-05-316-004; 140-05-316-005

WAIVER OF DEVELOPMENT STANDARDS:

Reduce the separation between a residential use and a cannabis establishment (production facility) to 435 feet where a minimum of 660 feet is required per Table 30.44-1 (a 34.1% reduction).

LAND USE PLAN:

SUNRISE MANOR - BUSINESS EMPLOYMENT

BACKGROUND:

Project Description

General Summary

- Site Address: 4235 Arctic Spring Avenue
- Site Acreage: 1.3
- Project Type: Cannabis establishment (production facility)
- Number of Stories: 1
- Building Height (feet): 23
- Square Feet: 7,411
- Parking Required/Provided: 20/45

Site Plans

The plans depict an existing single story warehouse building and a parking lot located on a project site consisting of 1.3 acres. The warehouse building is located on the northern parcel and

the parking lot is located on the southern parcel. Access to the site is granted via 2 existing driveways located along Arctic Spring Avenue. The proposed cannabis establishment (production facility) requires 20 parking spaces where 45 parking spaces are provided. No site or exterior modifications to the building are proposed with this application.

Landscaping

All street and site landscaping exists and no additional landscaping is required or provided.

Elevations

The plans depict an existing 1 story warehouse building measuring 23 feet in height to the top of the parapet wall. The building consists of a brick exterior.

Floor Plans

The plans depict an existing 7,411 square foot building consisting of a lobby, storage area, restrooms, and miscellaneous rooms for production of cannabis.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant states the property is designated Business Employment (BE) in the land use plan and zoned M-D (Designed Manufacturing). The building is located within an overall industrial park and the subject property is an appropriate location for the proposed production facility use.

Prior Land Use Requests

Application Number	Request	Action	Date
AR-18-400123 (UC-0391-17)	First extension of time for a cannabis establishment (retail cannabis store) - expired	Approved by BCC	July 2018
UC-0391-17	Original request for a cannabis establishment (retail cannabis store) in conjunction with an existing dispensary - expired	Approved by BCC	June 2017
UC-0280-14 (ET-0080-15)	First extension of time for a medical cannabis establishment (dispensary) - expired	Approved by BCC	December 2015
UC-0607-15	Medical cannabis establishment (cultivation) within the remaining square footage of the building with a waiver for separation to a residential use - expired	Approved by BCC	October 2015
UC-0280-14	Medical cannabis establishment (dispensary) - expired	Approved by BCC	June 2014
DR-1889-98	Office/warehouse building and parallel parking spaces on a portion of the site	Approved by PC	December 1998

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North, South, East, & West	Business Employment	M-D	Industrial & warehouse development

Related Applications

Application Number	Request
UC-22-0610	A use permit for a cannabis establishment (distributor) 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**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 separation survey shows that all the required separations from community facilities and schools are being met. The crime report indicates that within a 1 mile radius, 212 crime reports were filed by the North Las Vegas Police Department and the Las Vegas Metropolitan Police Department in the 60 days prior to the application submittal. Building elevations indicate that a professional appearance will be maintained. However, since staff is not supporting the waiver of development standards, staff cannot support the use permit request.

Waiver 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.

Although the proposed production facility is buffered by an existing building to the west, staff is concerned the reduced separation may potentially impact the nearby single family residential development. Staff is concerned with the possibility of odor emanating from the production facility and being noticeable by the residents of the neighborhood to the west, across Lamb Boulevard. Therefore, staff cannot support this request.

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 cannabis production facility use within 2 years of approval or this application will expire;
- To prevent odor nuisances, an odor control plan must be submitted to the Clark County Business License Department;
- Work with the Las Vegas Metropolitan Police Department for the installation and use of security cameras and surveillance operation.
- 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

- No comment.

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: Sunrise Manor - approval.

APPROVALS: 1 card

PROTESTS: 4 cards

COUNTY COMMISSION ACTION: December 21, 2022 – HELD – To 01/04/23 – per Commissioner Kirkpatrick.

APPLICANT: DEP OPS NV LLC

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