07/21/26 PC AGENDA SHEET **UPDATE**

PUBLIC HEARING
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
WS-26-0331-HARMON SQUARE SPE, LLC:

HOLDOVER WAIVER OF DEVELOPMENT STANDARDS for parking area design standards.
DESIGN REVIEW for site and building modifications to accommodate a drive-thru feature for an existing cannabis establishment on 3.29 acres in a CG (Commercial General) Zone within the Airport Environs (AE-65) Overlay.

Generally located south of Harmon Avenue and west of Paradise Road within Paradise. JG/dd/cv (For possible action)

RELATED INFORMATION:

APN:
162-22-312-002; 162-22-312-003

WAIVER OF DEVELOPMENT STANDARDS:
Allow a parking lot circulation design that causes vehicular conflicts at points of a drive-thru entry and stacking lane where not allowed per Section 30.04.04H.

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

BACKGROUND:
Project Description
General Summary
- Site Address: 4501 Paradise Road
- Site Acreage: 3.29
- Project Type: Drive-thru (cannabis dispensary)
- Parking Required/Provided: 89/153

Site Plan & Request
The site plan depicts a cannabis dispensary located within an existing shopping center. The shopping center consists of 4 buildings, 3 of which are in an in-line design and form an "L" shape along the west and south sides of the site. The fourth building is a pad site located in the northeast corner of the site. Access to the site is provided via one commercial driveway near the northwest corner of the property on Harmon Avenue and two other commercial driveways located along Paradise Road. The cannabis dispensary is located along the southern property line within the middle building, with the main entrance facing north into the parking area. The applicant is now requesting to install a drive-thru window along the south face of the building. Vehicles enter near the driveway on Harmon Avenue, travel south, then east, along the perimeter

of the site to get to the drive-thru. Once near the entrance to the drive-thru, vehicles must drive northeast across the opposing drive aisle to enter into the stacking lane. Vehicles then exit the drive-thru heading southeast, crossing the opposing drive aisle once more, and head west toward the commercial driveway along Paradise Road to exit the site. The proposed drive-thru entrance and exit create points of vehicular conflict with the vehicles traveling east to west in the drive aisle along the southern property line, thus necessitating a waiver of development standards. Additionally, the applicant is depicting the removal of 24 parking spaces located along the south property line to accommodate the drive-thru.

Landscaping

No changes to the landscaping are proposed or required with this application.

Elevations

The elevations for the existing building depict it as being 27.5 feet high at its tallest point. The north building face features a painted stucco exterior with storefront glass doors and windows, and a variable roofline. The drive-thru window will be located on the south side of the building, which also features painted stucco.

Floor Plans

The floor plans depict an existing sales floor area, along with accessory storage and product packaging areas, offices, and other related facilities. The drive-thru window is depicted as being located on the southern portion of the building within the back of house area.

Applicant's Justification

The applicant states that the point of vehicular conflict created by the addition of the drive-thru window is unavoidable, and that the existing site layout creates physical constraints that prevent full compliance with Title 30. Additionally, the applicant states that the proposed design minimizes potential conflicts to the greatest extent possible while also maintaining safe internal circulation.

Prior Land Use Requests

Application Number	Request	Action	Date
UC-23-0126	Use permit for a monorail (Tesla loop)	Approved by BCC	May 2023
WS-19-0623	Waiver of development standards for signage	Approved by PC	October 2019
WS-18-1021	Waiver of development standards for signage	Approved by BCC	March 2019
WS-18-0531	Waiver of development standards for signage	Approved by BCC	September 2018
UC-18-0336	Marijuana dispensary within an existing shopping center	Approved by BCC	June 2018
ZC-18-0335	Zone change from H-1 to C-2 with a use permit for a marijuana dispensary	Approved by BCC	June 2018

Prior Land Use Requests

Application Number	Request	Action	Date
WS-0814-15	Waivers of development standards for landscaping and signage	Approved by BCC	January 2016
UC-0988-14	Use permit for various commercial uses with waivers for landscaping and a design review for renovations	Approved by PC	February 2015
UC-0712-12	Use permit for a banquet facility and restaurant in conjunction with an existing recreational facility (mini-golf)	Approved by PC	January 2013
WS-0568-11	Waiver of development standards for increased wall sign area	Approved by PC	January 2012
UC-0433-11	Use permit to expand an existing recreational facility (mini-golf) and arcade	Approved by PC	November 2011
UC-0293-11	Use permit for a recreational facility (mini-golf) and arcaden - expunged	Approved by PC	August 2011
ET-400297-08 (UC-1372-06)	First extension of time for a use permit, waivers, and design review for an above-ground monorail	Approved by BCC	December 2008
UC-1372-06	Use permit, waivers, and design review for an above-ground monorail	Approved by BCC	December 2006
UC-0321-02	Use permit for live entertainment for an existing restaurant	Approved by PC	April 2002
DR-1604-00	Design review for off-premise signage	Approved by BCC	November 2000
VC-0962-95	Variance for signage for an existing restaurant	Approved by PC	July 1995
DR-1157-94	Design review for a patio enclosure for an existing restaurant	Approved by BCC	August 1994
UC-1744-93	Use permit for live entertainment for an existing restaurant	Approved by PC	November 1993

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Entertainment Mixed-Use	CR (AE-60 & AE-65)	Resort hotel
South	Entertainment Mixed-Use	CG (AE-65)	Hotel
East	Entertainment Mixed-Use	CG (AE-65)	Hotel & restaurant
West	Entertainment Mixed-Use	CR (AE-65)	Hotel

STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request is consistent with the Master Plan and is in compliance with Title 30.

Analysis

Comprehensive Planning

Waiver of Development Standards

The applicant shall have the burden of proof to establish that the proposed request is appropriate for its proposed location by showing the following: 1) the use(s) of the area adjacent to the subject property will not be affected in a substantially adverse manner; 2) the proposal will not materially affect the health and safety of persons residing in, working in, or visiting the immediate vicinity, and will not be materially detrimental to the public welfare; and 3) the proposal will be adequately served by, and will not create an undue burden on, any public improvements, facilities, or services.

Design Review

Development of the subject property is reviewed to determine if 1) it is compatible with adjacent development and is harmonious and compatible with development in the area; 2) the elevations, design characteristics and others architectural and aesthetic features are not unsightly or undesirable in appearance; and 3) site access and circulation do not negatively impact adjacent roadways or neighborhood traffic.

Waiver of Development Standards & Design Review

While the proposed drive-thru stacking lane only accommodates 3 vehicles, staff finds that the proposed stacking lane meets the intent of Title 30, since it is not anticipated that more space will be necessary due to the nature of the business. Additionally, the applicant is providing dedicated overflow parking for the stacking lane in the event that there is an increase in the number of vehicles using the drive-thru. Staff also does not have a concern with the location of the proposed drive-thru window, as it faces more commercial development to the south. That being said, staff is concerned that the proposed route of the drive-thru queuing lane may negatively affect the shopping center overall. Staff finds that having the drive-thru starting from Paradise Road at the southeast corner of the site and navigating the patron's traffic from east to west instead of current design which navigates the traffic from west to east, or using the existing drive-thru lane to the east of the building as an entry and having the patrons travel west to get to the window may have prevented the vehicular conflicts that the current design will create. For these reasons, 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:

Comprehensive Planning

If approved:

- Applicant is advised within 2 years from the approval date the application must commence or the application will expire unless extended with approval of an extension of

time; 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; changes to the approved project will require a new land use application; and the applicant is solely responsible for ensuring compliance with all conditions and deadlines.

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: Paradise - approval.
APPROVALS:
PROTESTS: 1

APPLICANT: ARC ONE ASSOCIATES, LLC
CONTACT: ARC ONE ASSOCIATES, LLC, PHOENIX, 1427 N. 3RD STREET, SUITE 100, PHOENIX, AZ 85004