

11/03/21 BCC AGENDA SHEET

CANNABIS RETAIL STORE  
(TITLE 30)

HACIENDA AVE/FORT APACHE RD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-21-0495-5335 SFA PROPCO, LLC:**

**USE PERMIT** for a cannabis establishment (cannabis retail store).

**WAIVER OF DEVELOPMENT STANDARDS** to reduce landscaping.

**DESIGN REVIEWS** for the following: **1)** commercial building; and **2)** finished grade on 0.4 acres in a C-2 (General Commercial) Zone.

Generally located on the west side of Fort Apache Road, 175 feet south of Hacienda Avenue within Spring Valley. JJ/jt/jo (For possible action)

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RELATED INFORMATION:

**APN:**

163-30-718-007

**WAIVER OF DEVELOPMENT STANDARDS:**

1. a. Reduce street landscaping width along Fort Apache Road to 12 feet where 15 feet is required behind an existing attached sidewalk per Section 30.64.030 (a 20% reduction).
- b. Reduce parking lot landscaping where parking lot landscaping is required per Figure 30.64-14.

**DESIGN REVIEWS:**

1. Commercial building.
2. Increase finished grade to 24 inches where a maximum of 18 inches is the standard per Section 30.32.040 (a 33% increase).

**LAND USE PLAN:**

SPRING VALLEY - COMMERCIAL GENERAL

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 5335 S. Fort Apache Road
- Site Acreage: 0.4
- Project Type: Cannabis retail store
- Number of Stories: 1
- Building Height (feet): 20

- Square Feet: 3,120
- Parking Required/Provided: 159/184 (entire shopping center)

### Site Plans

The plans depict a new commercial building with drive-thru located in the parking lot of an existing shopping center. Approximate building separations and setbacks for the commercial building include 72 feet to the gasoline fueling canopy to the north, 25 feet to the east property line along Fort Apache Road, 84 feet to another pad site building to the south, and 60 feet to an in-line commercial building to the west. Access to the overall shopping center includes a driveway from Hacienda Avenue to the north, 2 driveways from Fort Apache Road to the east, and a driveway from Mesa Vista Avenue to the south. Parking spaces are located on certain sides of each building in the shopping center and along portions of the perimeter. Seven parking spaces will be removed, and 8 parking spaces will be added for the commercial building, which results in a net gain of 1 parking space. Overall, 184 parking spaces will be available where 159 parking spaces are required for the entire shopping center.

A drive-thru entrance will be located on the west side of the building, and a menu board is located on the west side of the building. The drive-thru lane continues along the south side of the building and provides access to the pick-up window. Then the drive-thru lane exits on the east side of the building, adjacent to Fort Apache Road. A trash enclosure, smog building, and parking spaces will remain on the south side of the pad site.

### Landscaping

A row of 8 parking spaces is proposed on the north side of the commercial building where a maximum of 6 parking spaces are allowed between landscape fingers. Also, the landscape finger at the west end of the row of parking spaces is 4 feet wide where a minimum of 6 feet is required within the curbing of a landscape finger. These alternatives to parking lot landscaping require a waiver of development standards. Landscaping will also be provided along the parking spaces on the south side of the pad site.

Along Fort Apache Road, the existing landscaping behind the attached sidewalk will be reduced to 12 feet wide where 15 feet is required. This reduction in street landscaping is necessary to allow the drive-thru lane on the east side of the commercial building; however, the reduction in street landscaping requires a waiver of development standards. The companion application, WC-21-400147 (ZC-1208-00), also includes waivers of conditions relating to street landscaping along Fort Apache Road.

### Elevations

The exterior of the building includes dark gray vertical steel paneling with a flat parapet wall along the roofline. A parapet wall above the front entrance extends up to almost 20 feet in height; however, most of the building is 17 feet 4 inches in height. A storefront window system is located on the front of the building. Although the proposed building is not architecturally compatible with the painted stucco buildings within the existing shopping center, which include stone veneer and pitched tile roof elements, a companion application (WC-21-400147 (ZC-1208-00)) is on this agenda includes a request to allow building materials different from the shopping center.

### Floor Plans

The 3,120 square foot commercial building includes components for a cannabis retail store with drive-thru. The east side of the building includes a reception area, restroom, and janitor's closet. West of the reception area, the building includes a 990 square foot sales floor and point-of-sales counter. The remainder of the building includes an area to provide product to drive-thru customers, a vault, office space, breakroom, and receiving room.

### Signage

Signage is not a part of this request.

### Applicant's Justification

The applicant indicates that a cannabis establishment (cannabis retail store) exceeds all the minimum separation requirements at this location. In addition, access to the shopping center and proposed cannabis establishment is provided by Fort Apache Road, an arterial street, and Hacienda Avenue, a collector street. Furthermore, existing buildings in the shopping center provide a buffer from the proposed cannabis establishment to the single family residential subdivision to the west.

Regarding the reductions to parking lot landscaping, the applicant indicates that the proposed design is consistent with the existing parking lot landscaping within the shopping center. Although the landscaping width will be reduced along Fort Apache Road for the proposed drive-thru lane, additional landscaping will be provided on the south side of the drive-thru lane and adjacent to a row of parking spaces.

Lastly, the increase in finished grade is necessary to match the grade of the existing shopping center. A low area (approximately 350 square feet) of the pad site will need to be raised for the proposed building.

### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ADR-19-900846	Smog check	Approved by ZA	December 2019
DR-0556-17	Restaurant/retail building with drive-thru - expired	Approved by BCC	August 2017
ADR-0916-08	Drive-thru coffee shop	Approved by ZA	July 2008
UC-0644-01	Reduced separation between a tavern and a residential use	Approved by PC	July 2001
TM-0056-01	1 lot commercial subdivision	Approved by PC	March 2001

### Prior Land Use Requests

Application Number	Request	Action	Date
ZC-1208-00	Reclassified 3.9 acres from C-1 to C-2 zoning for a shopping center, use permit for a convenience store with gasoline pumps, reduced setback between a convenience store & residential use, and condition of approval included subject to building elevations consistent with plans submitted (concrete, stone, stucco, tiled roofs, etc)	Approved by BCC	October 2000

### Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North, South, & West	Commercial General	C-2	Shopping center, including a tavern & gasoline sales
East	Residential Suburban (up to 8 du/ac)	R-2	Single family residential

### Related Applications

Application Number	Request
WC-21-400147 (ZC-1208-00)	A waiver of conditions of a zone change for building materials and landscaping 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 Comprehensive 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.

Certified evidence of separation indicates that the proposed location exceeds the minimum separation requirements for a cannabis retail store. No community facilities are located within 300 feet of the location, and no schools or other cannabis establishments are located within 1,000 feet of the location. Although a Jiu Jitsu facility is located within the shopping center, a letter from the State of Nevada Cannabis Compliance Board indicates that the Jiu Jitsu facility does not meet the definition of a “community facility.”

Regarding separations from other cannabis establishments, the nearest cannabis establishments are located 0.6 miles north, 1.6 miles south, and 2.4 miles southeast. This indicates that there is not a concentration of cannabis establishments in the area.

Lastly, the crime summary indicates that 114 incidents were reported within 1 mile of the location during a 2 month period from April through June of 2021. The number of crime incidents could be considered typical for the area, and the cannabis retail store would not add to the crime in the area. As a result, staff can support the 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 drive-thru lane on the east side of the building would result in a 12 foot wide landscape buffer along Fort Apache Road, the length of this reduction is approximately 20 feet. The remainder of the existing street landscaping meets or exceeds the 15 foot width. Also, additional landscaping will be provided within an existing parking lot landscape area along the south side of the drive-thru lane. As a result, staff does not anticipate any negative visual or environment impacts from the reduced landscaping along Fort Apache Road.

#### Design Review #1

A commercial building with a similar location and layout was previously approved for this pad site with the original entitlements. As a result, a commercial building was anticipated for this location. The proposed commercial building meets the setback and minimum parking requirements. Additionally, the contemporary design of the building with vertical steel panels will create a unique appearance, albeit not architecturally compatible with the existing buildings in the shopping center. Lastly, the building design is consistent with Urban Specific Policy 67 in the Comprehensive Master Plan, which in part encourages appropriate setbacks, building height, and materials. Therefore, staff can support the request.

#### **Public Works - Development Review**

##### Design Review #2

This design review represents the maximum grade difference within the boundary of this application. This information is based on preliminary data to set the worst case scenario. Staff will continue to evaluate the site through the technical studies required for this application. Approval of this application will not prevent staff from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approval.

#### **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 Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

## **PRELIMINARY STAFF CONDITIONS:**

### **Current Planning**

- 2 years to commence;
- A valid Clark County business license must be issued for this establishment 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;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- 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**

- Drainage study and compliance;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Traffic study and compliance;
- Traffic study to address queuing to ensure that vehicles will not stack into the right-of-way;
- Coordinate with Public Works - Design Division for the Fort Apache Road improvement project;
- Dedicate any right-of-way and easements necessary for the Fort Apache Road improvement project;
- 30 days to submit a Separate Document to the Map Team for the required right-of-way dedications and any corresponding easements for the Fort Apache Road improvement project;
- 90 days to record required right-of-way dedications and any corresponding easements for the Fort Apache Road improvement project.
- Applicant is advised that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals.

### **Clark County Water Reclamation District (CCWRD)**

- Applicant is advised that the property is already connected to the CCWRD sewer system; and if any existing plumbing fixtures are modified in the future, then additional capacity and connection fees will need to be addressed.

**TAB/CAC:** Spring Valley - approval.

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** NATUREX, LLC

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