



AGENDA MEMO - COMMUNITY DEVELOPMENT

CITY COUNCIL MEETING DATE: DECEMBER 20, 2023
DEPARTMENT: COMMUNITY DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: SERENITY WELLNESS CENTER, LLC -
OWNER: 1800 INDUSTRIAL, LLC

**** STAFF RECOMMENDATION(S) ****

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0240-SUP1	Staff recommends APPROVAL, subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 27

NOTICES MAILED 339 (By City Clerk)

PROTESTS 15

APPROVALS 2

**** CONDITIONS ****

23-0240-SUP1 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Cannabis Consumption Lounge use.
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. A Waiver from Title 19.12 is hereby approved, to allow outdoor consumption within an existing 300 square-foot outdoor patio area.
4. A Required Review at public hearing before the City Council shall be conducted one year from the date of business license issuance. The Required Review shall focus on the outdoor consumption activity associated with the approved consumption lounge. It is the applicant's responsibility to submit and pay the associated fees for the Required Review. Failure to pay these fees or a denial of the Required Review may result in revocation of the Special Use Permit.
5. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Division.
6. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit, as well as submitted as part of any business license application.
7. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Public Works

8. Queues for the overall commercial center shall not extend into the public right-of-way as a result of the operations on this site.

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Fire

9. As this is a change of occupancy to an A-2 with more than 100 occupants fire sprinklers are required. Civil plans are required to show connection to water supply per the 2021 IFC & IBC. Fire riser room per IFC 901 as amended.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting a Special Use Permit for a proposed 3,700 square-foot Cannabis Consumption Lounge use with a waiver to allow outdoor consumption within an existing 300 square-foot outdoor patio area in conjunction with an existing Cannabis Dispensary use at 1800 Industrial Road, Suites #100 and #102.

ISSUES

- The Cannabis Consumption Lounge use is permitted in the M (Industrial) zoning district with the approval of a Special Use Permit. Staff supports this request.

ANALYSIS

The subject site is zoned M (Industrial), located within the 2050 Master Plan Area of Downtown Las Vegas and is subject to Title 19 Development Standards. The subject parcel contains one building that is multi-use.

The submitted floor plan, date stamped 05/17/23, depicts a 3,700 square-foot Cannabis Consumption Lounge use with a 300 square-foot outdoor patio area that is proposed for outdoor consumption. The submitted floor plan includes an indoor consumption and lounge area, stage area, recreation area and space dedicated to back of house operations. Per the submitted justification letter, date stamped, 07/26/23, the proposed Cannabis Consumption Lounge use area will be used in conjunction with an existing Cannabis Dispensary use, which is located adjacent to the proposed subject suites. The existing Cannabis Dispensary use is located at 1800 South Industrial Road, Suite #180.

The submitted floor plan does not show what the existing 300 square-foot outdoor patio area will consist of. Currently, as of 07/26/23, the existing outdoor patio area covers two parking spaces and is used as a patio cover. The submitted site plan, date stamped 05/19/23, does not show proposed removal of the two spaces below the existing outdoor patio area that is being proposed for outdoor consumption. The applicant did not provide a proposed elevation plan for the outdoor patio area to show any modifications they plan to make to the existing outdoor patio area that is not enclosed.

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The submitted justification letter, date stamped 07/26/23, states that the existing outdoor patio area will be surrounded by a wall, fence or other barrier to prevent transfer of products to outside the outdoor patio area. However, the applicant did not provide an elevation plan to show materials, colors, or height. An existing elevation plan was also not submitted. Future improvements to establish the proposed outdoor patio area for outdoor consumption will need to be reviewed as part of the building permit process.

Title 19 defines the Cannabis Consumption Lounge use as, “A business that sells or otherwise provides single-use cannabis products and/or ready-to consume cannabis products for persons over the age of 21 to use or consume on the premises of the business. This use includes:

1. An independent cannabis lounge that is not attached to a cannabis dispensary; and
2. A retail cannabis consumption lounge that is attached or immediately adjacent to a cannabis dispensary. For the purposes of this description, the following definitions apply: “Attached” means physically attached to the physical premises of the retail cannabis consumption lounge. “Immediately adjacent to a cannabis dispensary” means having a common property line border with that dispensary, including the intersection of property lines at the property corners, with no street, building, or other property between.”
The proposed use meets this definition, as the applicant has specified that the proposed use would operate as a retail cannabis lounge that is immediately adjacent to an existing cannabis dispensary.

The Minimum Special Use Permit Requirements for this use include:

1. Pursuant to its general authority to regulate the use of cannabis within business establishments, the City Council declares that the public health, safety and general welfare of the City are best promoted and protected by generally requiring a minimum distance separation between a cannabis consumption lounge and certain other uses that should be protected from the impacts associated with a cannabis consumption lounge. Therefore, except as otherwise provided in these Requirements, no cannabis consumption lounge may be located within 1000 feet of any school, or within 300 feet of any of the following uses:

- a. City Park;
- b. Church/house of worship;
- c. Individual care – family home, individual care – group home, or individual care center (In each case licensed for the care of children);
- d. Community recreational facility (public); or
- e. Any use whose primary function is to provide recreational

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The proposed use is not within 1000 feet of any school, or within 300 feet of any of the specified protected uses and therefore meets this requirement.

2. The use shall not be located on the property of an airport.

The proposed use is not located on the property of an airport and therefore meets this requirement.

3. The use shall conform to, and is subject to, the provisions of LVMC Title 6, as they presently exist and may be hereafter amended.

If approved, the proposed use will require approval of a business license and continual inspections and therefore meets this requirement.

4. The Special Use Permit shall be voided without further action if the use ceases for a period exceeding 90 days.

If approved, the Special Use Permit shall be voided without further action if the use ceases for a period exceeding 90 days.

5. Independent of the minimum distance separation requirements in Requirement 1, no independent cannabis consumption lounge may be located within 1000 feet of any other independent or retail consumption lounge, whether or not that other cannabis consumption lounge is located within the jurisdictional limits of the City. This separation requirement may be waived by the City Council in connection with special use permit approval in appropriate cases, including in areas in which the City Council might desire to encourage such establishments to locate. However, no such waiver is available for any proposed location within the Symphony Park District, the Las Vegas Medical District, or The Resort and Casino District, in each case as described in Appendix F of this Title.

The proposed use is not within 1000 feet of any other independent or retail consumption lounge and therefore meets this requirement.

*6. A waiver for outdoor consumption that is granted by the City Council to a cannabis consumption lounge pursuant to LVMC 6.95.160(J)(1) shall be deemed to have been conditioned upon a one-year required review by the Council. The determination of when the one-year period commences shall be described by the Council at the time the waiver is granted, with the review to be conducted in accordance with the standards and procedures for required reviews as set forth in LVMC 19.16.250.

A waiver is requested to allow a 300 square-foot outdoor patio area for consumption use.

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*7. No Special Use Permit for this use is available for any parcel that is located within 1,500 feet of a parcel on which non-restricted gaming is conducted. The prohibitions in Requirement 1 and in the preceding sentence do not apply to any parcel regarding which a Special Use Permit for a cannabis dispensary has been approved, and which was in compliance with the requirements at the time of approval.

The proposed use is located within 1500 feet of a parcel where non-restricted gaming is conducted. However, the proposed use is proposed to be conducted with an existing Cannabis Dispensary use, which obtained a Special Use Permit (SUP-55300).

The subject site is located within Redevelopment Area 1 of the City of Las Vegas Redevelopment Area 1 of the City of Las Vegas Redevelopment Plan. In general, the

goals and objectives of the redevelopment program in redevelopment area 1 are as follows:

1. To eliminate and prevent the spread of blight and deterioration and the conservation, rehabilitation, and redevelopment of Redevelopment Area 1 in accordance with the Master Plan, the Redevelopment Plan, local codes, and ordinances.
2. To achieve an environment reflecting a high level of concern for architectural, landscape, and urban design and land use principles appropriate for attainment of the objectives of the Redevelopment Plan.
3. To minimize unplanned growth by guiding revitalization activities and new development in such fashion as to meet the needs of Redevelopment Area 1, the City and its citizens.
4. To retain existing businesses by means of redevelopment and rehabilitation activities and by encouraging cooperation and participation of owners, businesses and public agencies in the revitalization of Redevelopment Area 1.
5. To encourage investment by the private sector in the development and redevelopment of Redevelopment Area 1 by eliminating impediments to such development and redevelopment.
6. To encourage maximum participation of residents, businesspersons, property owners, and community organizations in the redevelopment of Redevelopment Area.
7. To replan, redesign, and develop areas which are stagnant or improperly used.
8. To ensure adequate utility capacity to accommodate redevelopment and new development.

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Staff finds that the proposed Cannabis Consumption Lounge use would promote the sound redevelopment of a stagnant area and therefore, fulfills the goals, policies, and objectives outlined in the City of Las Vegas Redevelopment Plan – Redevelopment Plan Area 1.

In addition, the proposed Cannabis Consumption Lounge use is compatible with the surrounding area and other commercial uses. As the proposed use meets all minimum Special Use Permit requirements, staff finds that the proposed use can be conducted in a harmonious and compatible manner with the surrounding area and therefore recommends approval of the Special Use Permit, subject to conditions.

FINDINGS (23-0240-SUP1)

In order to approve a Special Use Permit application, per Title 19.16.110(L) the Planning Commission and City Council must affirm the following:

- 1. The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.**

The subject site complies with all minimum distance separation requirements as set forth by Title 19.12 and can be conducted in a compatible and harmonious manner with the existing surrounding land uses and future land uses as projected by the

- 2. The subject site is physically suitable for the type and intensity of land use proposed.**

The subject site contains one existing commercial building and meets all distance separation requirements, as required by Title 19.12 for a Cannabis Consumption Lounge use in conjunction with a Cannabis Dispensary use. Therefore, the subject site is physically suitable for the type and intensity of land use proposed.

- 3. Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.**

Site access is provided by Industrial Road, a 100-foot Primary Arterial, as defined by the Master Plan of Streets and Highways, and is adequate in size to meet the requirements of the proposed use.

- 4. **Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.**

If approved, the Special Use Permit will be subject to Business License compliance inspections to ensure that the use will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.

- 5. **The use meets all of the applicable conditions per Title 19.12.**

The proposed Cannabis Consumption Lounge use meets all of the applicable conditions per Title 19.12.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
10/29/14	The City Council approved a Special Use Permit (SUP-55300) to allow a Medical Marijuana Dispensary use located at 1800 Industrial Road, Suites #102, #160 and #180. The Planning Commission and staff recommended approval.
07/25/23	The Planning Commission voted (5-0) to HOLD IN ABEYANCE a request FOR A PROPOSED 3,700 SQUARE-FOOT CANNABIS CONSUMPTION LOUNGE USE IN CONJUNCTION WITH AN EXISTING CANNABIS DISPENSARY USE at 1800 Industrial Road, Suites #100 and #102 (APN 162-04-704-003), M (Industrial) Zone, Ward 3 (Diaz).
08/08/23	The Planning Commission voted (5-0-2) to HOLD IN ABEYANCE a request FOR A PROPOSED 3,700 SQUARE-FOOT CANNABIS CONSUMPTION LOUNGE USE IN CONJUNCTION WITH AN EXISTING CANNABIS DISPENSARY USE at 1800 Industrial Road, Suites #100 and #102 (APN 162-04-704-003), M (Industrial) Zone, Ward 3 (Diaz).
11/15/23	The City Council voted (6-0) to HOLD IN ABEYANCE a request FOR A PROPOSED 3,700 SQUARE-FOOT CANNABIS CONSUMPTION LOUNGE USE IN CONJUNCTION WITH AN EXISTING CANNABIS DISPENSARY USE WITH A WAIVER TO ALLOW OUTDOOR CONSUMPTION WITHIN AN EXISTING 300 SQUARE-FOOT OUTDOOR PATIO AREA at 1800 Industrial Road, Suites #100 and #102 (APN 162-04-704-003), M (Industrial) Zone, Ward 3 (Diaz)

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Most Recent Change of Ownership	
02/28/13	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
11/27/18	A business license (M66-00051) was issued for Recreational and Medical Cannabis Dispensary at 1800 Industrial Road, Suite #180. The license is set to renew on 07/01/23.

Pre-Application Meeting	
05/11/23	A pre-application meeting was held with the applicant to review the submittal process for a Special Use Permit request.

Neighborhood Meeting	
A neighborhood meeting was not required, nor was one held.	

Field Check	
06/07/23	Staff conducted a routine field check and found a clean site with no trash or debris. No issues were noted.

Details of Application Request	
Site Area	
Net Acres	1.26

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Cannabis Dispensary	LI/R (Light Industrial / Research)	M (Industrial)
	Office, Other Than Listed		
General Retail, Other Than Listed			
North			
South	Office, Other Than Listed		
	General Retail, Other Than Listed		
	Truck Rental		
West	Recycling Collection Center		
East	Building Maintenance Service and Sales	C-M (Commercial/Industrial)	

Master and Neighborhood Plan Areas	Compliance
Las Vegas 2050 Master Plan Area: Downtown Las Vegas	Y
Special Area and Overlay Districts	Compliance
LW-O (Live/Work Overlay) District	Y
Other Plans or Special Requirements	Compliance
Trails	N/A
Las Vegas Redevelopment Plan Area – Area 1	Y
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

DEVELOPMENT STANDARDS

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Industrial Road	Primary Arterial	Master Plan of Streets and Highways Map	100	Y

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Parking Requirement - Downtown (Areas 1-3)							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	34,500 SF	1 space per 250 SF	138				
TOTAL SPACES REQUIRED			138		56		N*
Regular and Handicap Spaces Required			133	5	53	3	N*

*Projects located within the Downtown Las Vegas Overlay (Area 1) are not subject to the automatic application of parking requirements. However, the above table should be used to illustrate the requirements of an analogous project in another location in the City.