



**AGENDA MEMO - COMMUNITY DEVELOPMENT**

**CITY COUNCIL MEETING DATE: DECEMBER 6, 2023**

**DEPARTMENT: COMMUNITY DEVELOPMENT**

**ITEM DESCRIPTION: APPLICANT/OWNER: ALPINE BUILDING, LLC**

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

<b>CASE NUMBER</b>	<b>RECOMMENDATION</b>	<b>REQUIRED FOR APPROVAL</b>
<b>23-0518-EOT1</b>	Staff recommends APPROVAL, subject to conditions:	

**\*\* NOTIFICATION \*\***

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

**NOTICES MAILED**

**PROTESTS**                      0

**APPROVALS**                      0

**\*\* CONDITIONS \*\***

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**23-0518-EOT1 CONDITIONS**

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**Planning**

1. This approval shall expire on October 16, 2025 unless another Extension of Time is approved by the City of Las Vegas.
2. Conformance to the Conditions of Approval for Special Use Permit (SUP-76230) and all other related actions as required by the Department of Community Development and the Department of Public Works.
3. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

The applicant requests an Extension of Time of a previously approved Special Use Permit (SUP-76230) for a proposed 3,720 square-foot Marijuana Dispensary use at 1317 and 1319 South Main Street.

**ISSUES**

- This is the second Extension of Time request for the approved Special Use Permit (SUP-76230) at this location. Ownership of the property has changed since the last Extension was granted.
- A Minor Amendment (21-0236-SUP1) of the approved Special Use Permit was approved 05/13/21 for a 1,526 square-foot expansion of the Cannabis Dispensary and relocation from 1317 and 1319 South Main Street into the tenant spaces at 1311, 1315 and 1317 South Main Street. The Minor Amendment approval is tied to and would be extended with the parent approval (SUP-76230).
- The Cannabis Dispensary use is nonconforming at this location with respect to distance separation from two existing cannabis dispensaries. The Cannabis Dispensary use at this location was approved 10/16/19, prior to adoption of Ordinance 6718 on 12/18/19, which placed a 1,000-foot distance separation requirement between cannabis dispensaries regardless of jurisdiction.
- The use was approved as a “Marijuana Dispensary.” In September 2020 the term was amended to “Cannabis Dispensary” in Title 19 to align with state law, but the meaning is the same as originally approved.

**ANALYSIS**

This is the second Extension of Time request for the approved Special Use Permit. Since the time of original approval, the name of the use has been amended from Marijuana Dispensary to Cannabis Dispensary to conform to recent changes to Nevada Revised Statutes.

The subject site is zoned C-M (Commercial/Industrial) and located in the Gateway District in the Downtown Las Vegas Overlay District. This site contains an existing 7,146 square-foot multitenant building with roll up shuttered storefronts facing Main Street. There are currently no uses operating in the building.

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A minor amendment of the Special Use Permit (21-0236-SUP1) was approved May 13, 2021 removing the use from the space at 1319 South Main Street and expanding the use into 1311 South Main Street, where a restaurant with drive through was also entitled. The amendment remains active as long as the entitlement for SUP-76230 remains active.

No permits or business licenses have been issued for either a cannabis dispensary or a drive-through at this location. The applicant/owner states that the prospective tenant fell into economic hardship and breached its lease contract. The owner is now working with a new prospective tenant to occupy the space as a cannabis dispensary operator; however, additional time is needed to make building improvements and obtain a business license.

An ordinance was adopted in 2019 that placed a 1,000-foot distance separation requirement between Cannabis Dispensary uses. There are two such uses within 1,000 feet of the subject site (located at 1324 South 3rd Street and 1112 South Commerce Street), making this use nonconforming at this location. Nonconformity does not have an effect on this request for an Extension of Time, as the site is entitled for the Cannabis Dispensary use through the prior approval. There are no other protected uses within the required separation radii.

Staff conducted a field check of the site and found a shuttered, unoccupied building. Streetscape along Main Street is fully improved. Some graffiti was observed on the west side of the building as well as on a freestanding sign. The rear patio area was largely free of trash. There have been several recent complaints filed with Code Enforcement regarding homeless encampments on the property, but these cases have all been resolved and closed.

**FINDINGS (23-0518-EOT1)**

Conditions in the Downtown area have not changed such that the approval of the Cannabis Dispensary use on this site would be incompatible with the area or adjacent land uses. The applicant is now working with a new tenant to obtain the permits and licensees necessary to open at this location. Staff therefore recommends approval of the requested Extension of Time for an additional two years, subject to conditions. If the Extension of Time request is denied, the Special Use Permit (SUP-76230 and its amendment 21-0236-SUP1) will be deemed expired as of October 16, 2023.

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**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i></b>	
12/21/16	The City Council approved a request for a Special Use Permit (SUP-66544) for a Drive-Through use at 1311 South Main Street. The Planning Commission and staff recommended approval.
12/21/16	The City Council approved a request for a Site Development Plan Review (SDR-66545) for a proposed 2,148 square-foot restaurant with drive-through and outdoor seating with a waiver of the Downtown Centennial Plan parking lot screening requirements on 0.46 acres at 1311 South Main Street. The Planning Commission and staff recommended approval.
07/16/18	Department of Planning staff approved a Conditional Use Verification (CUV-73893) for a Beer/Wine/Cooler On-Sale Establishment (Beer and Wine Room) at 1311 South Main Street.
03/20/19	The City Council approved a request for a first Extension of Time (EOT-75518) of an approved Special Use Permit (SUP-66544) for a Drive-Through use at 1311 South Main Street. Staff recommended approval. The approval expires 12/21/21 if not exercised.
	The City Council approved a request for a first Extension of Time (EOT-75519) of an approved Site Development Plan Review (SDR-66545) for a proposed 2,148 square-foot restaurant and drive through at 1311 South Main Street. The proposal includes a 170 square-foot patio along Main Street and a 1,560 square-foot patio in the rear along the alley. Staff recommended approval. The approval expires 12/21/21 if not exercised.
10/16/19	The City Council approved a request for a Special Use Permit (SUP-76230) for a 3,720 square-foot Marijuana Dispensary use at 1319 South Main Street. The Planning Commission and staff recommended approval.
12/18/19	The City Council adopted Ordinance 6718, which required a 1,000-foot minimum separation distance between marijuana dispensaries, and a 1,500-foot minimum separation distance between marijuana dispensaries and nonrestricted gaming establishments as found in state law, as well as other related matters.
09/16/20	The City Council adopted the First Amendment of Ordinance 6750, which amended various provisions of LVMC Titles 6 and 19 regarding marijuana related businesses, including the elimination of provisions regarding compliance permits and the changing of terminology and license categories to those now recognized and used under state law.

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<b><i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i></b>	
05/13/21	Department of Planning staff administratively approved a request for a Minor Amendment (21-0236-SUP1) of an approved Special Use Permit (SUP-76230) for the 1,526 square-foot expansion of an approved 3,720 square-foot nonconforming Cannabis Dispensary use and relocation on the same parcel at 1311, 1315, 1317 and 1319 South Main Street.
02/02/22	The City Council approved a request for the first Extension of Time (21-0669-EOT1) for a proposed 3,720 square-foot Cannabis Dispensary use at 1319 South Main Street. Staff recommended approval. The Extension expires 10/16/23 unless exercised or another Extension of Time is approved.
04/11/22	Code Enforcement opened a Case (CE22-01752) regarding squatters at 1311 South Main Street. The case was resolved by Code Enforcement on 05/28/22.
07/13/23	Code Enforcement opened a Case (CE23-04764) regarding a homeless encampment at 1315, 1317 and 1319 South Main Street. The case was resolved by Code Enforcement on 10/26/23.
09/21/23	Code Enforcement opened a Case (CE23-06622) regarding a homeless encampment, drug paraphernalia and vandalism at 1315, 1317 and 1319 South Main Street. The case was resolved by Code Enforcement on 10/18/23.

<b><i>Most Recent Change of Ownership</i></b>	
12/01/22	A deed was recorded for a change in ownership.

<b><i>Related Building Permits/Business Licenses</i></b>	
1968	A commercial building was constructed at 1311, 1315, 1317 and 1319 South Main Street.
03/09/88	A building permit (#7713) was issued for a tenant improvement remodel of a 1,848 square-foot commercial space at 1315 South Main Street. A final inspection was not completed.
03/21/01	A business license (B50-00374) was issued for a kitchen fixture assembly business at 1317 South Main Street. The license was marked out of business as of 02/01/12.
06/19/03	A building permit (#03012759) was issued for a 2,932 square-foot engineered steel shade structure and fittings at 1317 South Main Street. A final inspection was approved and a Certificate of Completion was issued 09/29/04.

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<b>Related Building Permits/Business Licenses</b>	
11/13/06	A building permit (#06006859) was issued to demolish an auto lift at 1317 South Main Street.
08/28/18	Application was made for business licenses for a Beer/Wine Room (P66-00254), Ancillary Brew Pub (P66-00255) and manufacture and sales of craft beer and related merchandise (G66-06154) at 1311 South Main Street. The applications were withdrawn 09/19/19, as the location of business activity changed to 1327 South Main Street.
03/16/21	Application was made for a privilege business license for a Cannabis Dispensary (M69-00003) at 1311 South Main Street. The application was withdrawn by City of Las Vegas staff on 12/14/22 for inactivity.
05/25/21	An application was made for a business license for a Cannabis Dispensary with general merchandise sales (G69-03719) at 1311 South Main Street. The application was withdrawn by City of Las Vegas staff on 12/14/22 for inactivity.

<b>Pre-Application Meeting</b>
A pre-application meeting was not required, nor was one held.

<b>Neighborhood Meeting</b>
A neighborhood meeting was not required, nor was one held.

<b>Field Check</b>	
10/31/23	The building storefront is shuttered with a "For Lease" banner affixed to the awning along Main Street. There was graffiti on the building and the freestanding on-premise pole sign. Streetscape improvements are complete. Graffiti was noted in the rear patio area, which also contained some minor weeds and debris.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	0.46

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<b><i>Surrounding Property</i></b>	<b><i>Existing Land Use Per Title 19.12</i></b>	<b><i>Planned or Special Land Use Designation</i></b>	<b><i>Existing Zoning District</i></b>
Subject Property	Vacant [Approved Cannabis Dispensary, Restaurant]	C (Commercial)	C-M (Commercial/Industrial)
North	General Retail Store, Other Than Listed	C (Commercial)	C-M (Commercial/Industrial)
South	Restaurant Alcohol, On-Premise Full	C (Commercial)	C-M (Commercial/Industrial)
East	Multi-Family Residential Mixed-Use	MXU (Mixed Use)	R-4 (High Density Residential) C-2 (General Commercial)
West	General Retail Store, Other Than Listed	C (Commercial)	C-M (Commercial/Industrial)

<b><i>Master and Neighborhood Plan Areas</i></b>	<b><i>Compliance</i></b>
Las Vegas 2050 Master Plan Area: Downtown Las Vegas	Y
Vision 2045 Downtown Las Vegas Master Plan: Gateway District	Y
<b><i>Special Area and Overlay Districts</i></b>	<b><i>Compliance</i></b>
DTLV-O (Downtown Las Vegas Overlay) District – Area 1	Y
LW-O (Live/Work Overlay) District	Y
<b><i>Other Plans or Special Requirements</i></b>	<b><i>Compliance</i></b>
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