



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: OCTOBER 10, 2023

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT: CANALYSIS LABORATORIES - OWNER: ORB, INC.

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0334-DIR1	Staff recommends APPROVAL, subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 35

NOTICES MAILED 1198

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

23-0334-DIR1 CONDITIONS

Planning

1. 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 Department of Building and Safety.
2. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.
3. An Administrative Required Review is required one year from the date of issuance of a business license.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting to relocate an independent medical cannabis testing laboratory from its approved location at 2952 Meade Avenue to 8670 West Cheyenne Avenue, Suite #215.

ISSUES

- NRS 678B.500.2 states, “A cannabis establishment may move to a new location under the jurisdiction of the same local government as its original location and regardless of the distance from its original location if the operation of the cannabis establishment at the new location has been approved by the local government. A local government may approve a new location pursuant to this subsection only in a public hearing for which written notice is given at least 7 working days before the hearing.” This request satisfies the requisite public hearing.
- An independent medical cannabis testing laboratory is considered a medical cannabis establishment by the State of Nevada, but is classified as a Laboratory, Medical or Dental land use by the City of Las Vegas Unified Development Code; such uses are permitted as of right in the C-1 (Limited Commercial) zoning district.

ANALYSIS

Las Vegas Municipal Code (and in particular, Title 19) and the Nevada Revised Statutes differ in categorizing independent testing laboratories for medical cannabis. Title 19 does not define a “medical cannabis establishment” as NRS does, but instead defines specific types of establishments such as “medical cannabis dispensary,” “medical cannabis cultivation facility” and “medical cannabis production facility.” An independent testing laboratory falls under the existing Title 19 definition of “Laboratory, Medical or Dental,” which states:

“A facility, other than a hospital, that:

1. Conducts general medical or scientific research, investigation, testing, or experimentation; or
2. Upon referral by or request of a medical professional, provides radiological or medical testing, or creates prosthesis or artificial dental work.

This use does not include a facility for the manufacture or sale of other products, except as incidental to the main purpose of the laboratory. This use also does not include a “facility to provide testing, treatment, or counseling for drug or alcohol abuse,” as that term is defined in this Title.”

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Per NRS 678A.095, a “Cannabis Establishment” is defined as:

1. An adult-use cannabis establishment, or
2. A medical cannabis establishment

Assembly Bill 533, was approved June 12, 2019, amended NRS 678B.500.2 regarding location, land use and signage; change of location Paragraph 2, which states, “A cannabis establishment may move to a new location under the jurisdiction of the same local government as its original location and regardless of the distance from its original location if the operation of the cannabis establishment at the new location has been approved by the local government. A local government may approve a new location pursuant to this subsection only in a public hearing for which written notice is given at least 7 working days before the hearing.”

On 11/03/14 the State of Nevada approved the original location for the business located at 3131 Meade Avenue for operation of an independent testing laboratory. On 04/12/16 the Planning Commission approved a request for Director’s Business (DIR-63292) for the relocation of a medical cannabis independent testing laboratory from 3131 Meade Avenue pursuant to NRS 453A.350.2 to 2952 Meade Avenue. On 10/04/18 a business license (#G66-05535) was issued for a Laboratory (Canalysis Laboratories) at 2952 Meade Avenue, which currently remains active.

The submitted site plan indicates the proposed relocated independent testing laboratory would be located within a 5,173 square-foot tenant space located on the second floor of the existing commercial building at 8670 West Cheyenne Avenue, Suite #215. The existing commercial building is part of an existing 50,000 square-foot shopping center development that complies with Title 19.12 parking development standards. Therefore, staff recommends approval of the request.

FINDINGS (23-0334-DIR1)

An independent medical cannabis testing laboratory qualifies as a Laboratory, Medical or Dental under the Unified Development Code. Such uses are permitted as of right in the C-1 (Limited Commercial) zoning district. The subject site is located with a 50,000 square-foot shopping center development with land uses that include offices, general retail and health club. Operation of the laboratory will not affect these existing commercial businesses or the single-family residential properties located adjacent to the west property line or across Cheyenne Avenue to the south which are buffered from this use by the right-of-way and drainage channel. The proposed 8670 West Cheyenne Avenue, Suite #215 location is therefore suitable for a medical cannabis testing laboratory.

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BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Code Enforcement, etc.</i>	
12/20/95	The City Council approved a request for Rezoning (Z-0087-95) from N-U (Non-Urban) to C-1 (Limited Commercial) for a proposed 66,400 square-foot two-story office complex on property located on the north side of Cheyenne Avenue, approximately 660 feet east of El Capitan Way. The Planning Commission recommended approval.
01/22/97	The City Council approved a request for an Extension of Time [Z-0087-95(1)] for an approved 66,400 square-foot office complex under Resolution of Intent to C-1 (Limited Commercial) on property located on the north side of Cheyenne Avenue, approximately 660 feet east of El Capitan Way.
06/25/96	The Board of Zoning Adjustment approved (final action) a request for a Special Use Permit (U-0055-96) for a 48,657 square-foot single-story convalescent care facility on the north side of Cheyenne Avenue approximately 1,355 feet west of Durango Drive.
04/28/97	The City Council approved a request to amend (GPA-0013-97) a portion of the Northwest Amendment to the General Plan from SC (Service Commercial) to PF (Public Facilities) on property generally located west of Durango Drive and North of Cheyenne Avenue. The Planning Commission recommended approval.
	The City Council approved a request for a Rezoning (Z-0022-97) from N-U (Non-Urban) and N-U (Non-Urban) under Resolution of Intent to C-V (Civic) to C-V (Civic) on property generally located west of Durango Drive and North of Cheyenne Avenue. The Planning Commission recommended approval.
06/01/05	The City Council approved a request to amend a portion of the Centennial Hills Sector Plan of the General Plan (GPA-6318) from PR-OS (Parks/Recreation/Open Space) to SC (Service Commercial) on 4.22 acres adjacent to the north side of Cheyenne Avenue, approximately 665 feet east of El Capitan Way. The Planning Commission recommended approval of all applications.
	The City Council approved a request for a Rezoning (ZON-6324) from C-V (Civic) to C-1 (Limited Commercial) on 4.22 acres adjacent to the north side of Cheyenne Avenue, approximately 665 feet east of El Capitan Way. The Planning Commission recommended approval of all applications.
	The City Council approved a request for a Site Development Plan Review (SDR-6331) for a proposed 40,000 square-foot two-story office building and two 5,000 square-foot single-story retail buildings on 4.22 acres adjacent to the north side of Cheyenne Avenue, approximately 665 feet east of El Capitan Way. The Planning Commission recommended approval of all applications.

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<i>Related Relevant City Actions by Planning, Fire, Code Enforcement, etc.</i>	
03/22/07	The Planning Commission approved (final action) a Tentative Map (TMP-19684) for a one-lot commercial subdivision on 4.22 acres at 8660 through 8690 West Cheyenne Avenue.
08/01/07	The City Council accepted a request to withdraw without prejudice Special Use Permit (SUP-21008) for an Auto Title Loan Establishment with a Waiver to allow a distance separation of zero feet from a residential use where 200 feet is required and a Waiver to allow an Auto Title Loan Establishment to be 1,250 square feet where 1,500 square feet is required at 8670 West Cheyenne Avenue. The Planning Commission and Staff recommended denial of the request.
02/06/08	The City Council approved a Petition to Vacate (VAC-25329) U.S. Government Patent Easements generally located north of Cheyenne Avenue, approximately 1,315 feet west of Durango Drive. The Planning Commission recommended approval.
02/18/09	The City Council approved a request for a Special Use Permit (SUP-32490) for a proposed 5,000 square-foot Pawn Shop with a Waiver to allow a zero-foot distance separation from residentially zoned property where 200 feet is the minimum distance required at 8680 West Cheyenne Avenue. The Planning Commission recommended approval and Staff recommended denial of the request.

<i>Most Recent Change of Ownership</i>	
04/29/21	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
08/07/23	A building permit (#C23-02092) was issued for tenant improvements including demolition of existing non-load bearing walls, exterior concrete non-structural wing wall and glazing and trenching at 8670 West Cheyenne Avenue, Suite #215. The permit has not been finalized.

<i>Pre-Application Meeting</i>	
06/28/23	A pre-application meeting was held with the applicant to discuss information about the type of application and required submittal materials for a Director's Business application.

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

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Field Check	
08/31/23	During a routine site visit, staff observed a well maintained commercial development.

Details of Application Request	
Site Area	
Gross Acres	4.58

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Las Vegas Valley Water District - Northwest Water Resource Center	PR-OS (Parks/Recreation/Open Space)	C-V (Civic)
South	Single-Family Detached Dwellings	ML (Medium Low Density Residential)	P-C (Planned Community)
East	Mini-Storage Facility	SC (Service Commercial)	C-1 (Limited Commercial)
West	Multi-Family Residential	ML (Medium Low Density Residential)	R-PD9 (Residential Planned Development - 9 Units per Acre)

Master and Neighborhood Plan Areas	Compliance
Las Vegas 2050 Master Plan Area: Lone Mountain	Y
Special Area and Overlay Districts	Compliance
No Applicable Special Area or Overlay Districts	N/A
Other Plans or Special Requirements	Compliance
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

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DEVELOPMENT STANDARDS

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

Pursuant to Site Development Plan Review (SDR-6331) and 19.12, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	50,000 SF	1:250	200				
TOTAL SPACES REQUIRED			200		228		Y
Regular and Handicap Spaces Required			194	6	220	8	Y