

City of Las Vegas

AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: DECEMBER 16, 2020

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: CLEAR RIVER, LLC - OWNER: BUFFALO & CHARLESTON NMM, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
20-0206-SUP1	Staff recommends APPROVAL, subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 31

NOTICES MAILED 761 (By City Clerk)

PROTESTS 14

APPROVALS 83

**** CONDITIONS ****

20-0206-SUP1 CONDITIONS

Planning

1. The applicant shall submit an application to the City of Las Vegas for a Required Review of this Special Use Permit two (2) years from the date of issuance of the Business License, at which time the City Council may require termination of the use. The applicant shall be responsible any fees associated with the review. Failure to pay the City for these costs may result in removal of the use and possible revocation of the Special Use Permit.
2. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Cannabis Dispensary use.
3. Conformance to all regulations pertaining to a Cannabis establishment found within Nevada Revised Statutes (NRS) 678A, 678B, 678C, 678D and Nevada Administrative Code (NAC) 453A and 453D.
4. 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.
5. All development shall be in conformance with the site plan and floor plan date stamped 09/16/20, except as amended by conditions herein. Any modification of the premises of a cannabis establishment shall be filed 60 days in advance of any proposed construction. A full and complete copy of all architectural and building plans shall be filed with the Director for a review of compliance with Title 6.95 and Title 19. The Director shall review the plans and approve any modifications in compliance with this chapter prior to the commencing of any construction of modifications.
6. 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.
7. 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.

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8. The presence of minors on the premises of a cannabis establishment is prohibited unless the minor is a qualified patient on the premises of a dispensary and is accompanied by his or her parent or legal guardian.
9. No temporary signs such as banners, pennants, inflatable objects, streamers, flags, or other similar attention gaining item or devices shall be displayed upon the subject property or a vehicle displaying advertisement in the parking lot of the subject property without the appropriate permits.
10. Approval of this Special Use Permit does not constitute approval of a Marijuana Dispensary license.
11. A Cannabis Dispensary shall obtain all required approvals from the State of Nevada to operate such a facility prior to the Special Use Permit being exercised pursuant to LVMC 19.16.110.
12. This business shall operate in conformance to Chapter 6.95 of the City of Las Vegas Municipal Code.
13. There shall be no on-premise consumption (the use, smoking, ingestion or consumption of any marijuana, edible marijuana or marijuana infused product) on the licensed premises.
14. 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

This is a Special Use Permit request to allow a Cannabis Dispensary use at 7650 West Charleston Boulevard.

ISSUES

- The Cannabis Dispensary use is permitted in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit.
- There are no confirmed protected land uses located within the required distance separation area.

ANALYSIS

The subject site is zoned C-1 (Limited Commercial) and subject to Title 19 development standards. The applicant proposes to operate within an existing 3,180 square-foot commercial building. No new structural development is proposed.

The Cannabis Dispensary use is defined by Title 19.12 as “An establishment which acquires, possesses, delivers, transfers, transports, supplies, sells or dispenses cannabis or related supplies and educational materials to holders of a valid registry identification card, consumers or other cannabis dispensaries. This use includes an adult-use cannabis retail store and a medical cannabis dispensary, as defined in NRS Chapter 678A.”

The Minimum Special Use Permit Requirements for this use include:

Requirement 1: Pursuant to its general authority to regulate the cultivation, production, dispensing, and sale of marijuana, 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 separation between a marijuana dispensary and certain other uses that should be protected from the impacts associated with a marijuana dispensary. Therefore, except as otherwise provided below, no marijuana dispensary may be located within 1000 feet of any school, or within 300 feet of any of the following uses:

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- 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 opportunities to minors. Such uses include without limitation commercial recreation/amusement (indoor or outdoor); library, art gallery or museum (public); teen dance center; and martial arts studio that provides instruction to minors.

The proposed use meets this requirement as there are no confirmed protected land uses located within the required distance separation area.

Requirement 2: Independent of the minimum distance separation requirements in Requirement 1, no cannabis dispensary may be located within 1000 feet of any other cannabis dispensary, whether or not that other dispensary is located within the jurisdictional limits of the City.

The proposed use meets this requirement as there are no other cannabis dispensaries located within 1,000 feet of the subject site.

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.

The proposed use meets this requirement via condition of approval.

Requirement 4: No outside storage shall be permitted, including the use of shipping containers for on-site storage.

The proposed use meets this requirement, as no outside storage including shipping containers has been denoted within the submitted site plan.

Requirement 5: Subject to the requirements of applicable building and fire codes, public access to the building shall be from one point of entry and exit, with no other access to the interior of the building permitted.

If approved, the proposed use will require approval of a business license and continual inspections to verify it is in compliance with Title 6 requirements.

Requirement 6: No drive-through facilities shall be permitted in conjunction with a cannabis dispensary.

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The proposed use meets this requirement, as no drive-through facilities are proposed with this location.

Requirement 7: The Special Use Permit shall be void without further action if the use ceases for a period exceeding 90 days.

The proposed use meets this requirement via condition of approval.

Requirement 8: A cannabis dispensary shall obtain all required approvals from the State of Nevada to operate such a facility prior to the Special Use Permit being exercised pursuant to LVMC 19.16.110.

The proposed use meets this requirement via condition of approval.

Requirement 9: No cannabis dispensary shall be located:

- a. On any property which abuts Fremont Street west of 8th Street; or
- b. Within 1500 feet of an establishment that holds a nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177 and that existed on the date on which the application for the proposed cannabis dispensary was submitted to the City, but only if and to the extent the location of the proposed cannabis dispensary would be prohibited by Chapter 595, Statutes of Nevada 2019 (Assembly Bill 533).

This condition is not applicable, as the subject site is not located on property which abuts Fremont Street west of 8th Street.

Requirement 10: An application for a Special Use Permit for a cannabis dispensary must include or be accompanied by a survey that depicts the minimum distance separation buffers of 300, 1000 and 1500 that are referenced within these Minimum Special Use Permit Requirements, as well as the location of all the uses regarding which the separation distances are established. The survey must be signed and stamped or sealed by a surveyor who holds a current license from the Nevada Board of Engineers and Land Surveyors.

The proposed use meets this requirement as the required survey was submitted with the applicant's application submittal.

The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses. All Title 19.12 minimum Special Use Permit requirements are met by the proposal. Staff therefore recommends approval of this request, subject to conditions.

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FINDINGS (20-0206-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 requirements as set forth by Title 19.12 and therefore the use can be conducted in a compatible and harmonious manner with the existing surrounding land uses and future land uses as projected by the General Plan.

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

The subject site is home to an existing commercial building and is physically suitable to serve the proposed Marijuana Dispensary use.

- 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.**

Access to the property is provided by Charleston Boulevard, a 100-foot Primary Arterial as designated by the Master Plan of Streets and Highways. This roadway is adequate in size to accommodate 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 proposed Cannabis Dispensary use will be subject to business license requirements compliance which will assist with the protection of public health, safety and welfare.

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

The proposed Cannabis Dispensary use meets all distance separation requirements per Title 19.12.

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BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc</i>	
11/10/20	The Planning Commission (4-0-2 vote) recommends APPROVAL on a Land Use Entitlement project (20-0206-SUP1) request for a Special Use Permit FOR A PROPOSED 3,180 SQUARE FOOT MARIJUANA DISPENSARY USE at 7650 West Charleston Boulevard (APN 138-33-803-002), C-1 (Limited Commercial), Ward 1 (Knudsen).

<i>Most Recent Change of Ownership</i>	
08/23/19	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
06/21/16	Business License (#G64-03229) was issued for a Convenience Store/Gas Station use at 7650 West Charleston Boulevard. The license is listed as inactive as of 09/09/18.

<i>Pre-Application Meeting</i>	
09/15/20	Staff conducted a pre-application meeting with the applicant where the submittal requirements and deadlines were reviewed for a proposed Special Use Permit.

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

<i>Field Check</i>	
09/30/20	Planning Staff conducted a routine field check and found an existing vacant commercial building. No issues were noted.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.51

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<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Vacant	SC (Service Commercial)	C-1 (Limited Commercial)
North	General Retail, Other than Listed	SC (Service Commercial)	C-1 (Limited Commercial)
South	Multi-Family Residential	M (Medium Density Residential)	R-3 (Medium Density Residential)
East	Auto Repair Garage, Minor	SC (Service Commercial)	C-1 (Limited Commercial)
West	Las Vegas Valley Water District (LVVWD)	PF (Public Facility)	C-V (Civic)

<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
No Applicable Master Plan Area	N/A
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
No Applicable Special Area or Overlay Districts	N/A
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
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

DEVELOPMENT STANDARDS

<i>Street Name</i>	<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Actual Street Width (Feet)</i>	<i>Compliance with Street Section</i>
Charleston Boulevard	Primary Arterial	Master Plan of Streets and Highways Map	100	Y
Buffalo Drive	Primary Arterial	Master Plan of Streets and Highways Map	100	Y

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Pursuant to Title 19.08 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	
Marijuana Dispensary	3,180 SF	1:175 SF	19				
TOTAL SPACES REQUIRED			19		22		Y
Regular and Handicap Spaces Required			18	1	21	1	Y