



Planning Commission Agenda Item

Date: August 11, 2021

Item No: 13.

TO: Planning Commission

FROM: Marc Jordan, Director Land Development & Community Services
Prepared By: Sharianne Dotson

SUBJECT: UN-17-17 (PZ68651) VVGN TEMP FACILITY (Public Hearing).
Applicant: Vegas Valley Growers North. Request: An extension of time for a special use permit in an M-2 (General Industrial District) to allow a temporary building. Location: 5785 North Hollywood Boulevard. (Ward 1)

RECOMMENDATION: APPROVAL WITH CONDITIONS

PROJECT DESCRIPTION: (APN 123-27-813-003)

The applicant is requesting approval for an extension of time for a special use permit for a temporary building located at 5785 North Hollywood Boulevard in an M-2, General Industrial District. The applicant is proposing to use the temporary building for cultivation and production of medical and recreational marijuana while waiting for the approval of a permanent building.

BACKGROUND INFORMATION:

Previous Action
City Council approved UN-27-14 on September 17, 2014 to allow the production of edible marijuana products or marijuana infused products.
City Council approved UN-28-14 on September 17, 2014 to allow a cultivation facility for medical marijuana.
Planning Commission approved a special use permit (UN-17-17) to allow a temporary building on April 2, 2017.
Planning Commission approved an extension of time for a special use permit (UN-17-17) to allow a temporary building on April 11, 2018.
Planning Commission approved an extension of time for a special use permit (UN-17-17) to allow a temporary building on May 8, 2019.
Planning Commission approved an extension of time for a special use permit (UN-17-17) to allow a temporary building on June 10, 2020.

RELATED APPLICATIONS:

Application #	Application Request
SUP-41-2021	To allow a cultivation facility for marijuana.
SUP-42-2021	To allow the production of edible marijuana products or marijuana – infused products.

GENERAL INFORMATION:

	Land Use	Zoning	Existing Use
Subject Property	Heavy Industrial	M-2, General Industrial District	Undeveloped
North	Heavy Industrial	M-2, General Industrial District	Office/Warehouse
South	Heavy Industrial	M-2, General Industrial District	Office/Warehouse
East	Clark County	C-2, General Commercial District	Solar Farm and Raceway Business Park
West	Heavy Industrial	M-2, General Industrial District	Office/Warehouse

DEPARTMENT COMMENTS:

Department	Comments
Public Works:	No Comment.
Police:	No Comment.
Fire:	No Comment.
Clark County School District:	No Comment.
Clark County Department of Aviation:	No Comment.

ANALYSIS

The applicant is requesting Planning Commission approval for an extension of time for a special use permit to allow a temporary building for the cultivation and production of edible marijuana products or marijuana-infused products located at 5785 North Hollywood Boulevard. The proposed temporary building is approximately 1,440 square feet in size, and is located on the northwest portion of the parcel. The proposed temporary building is a pre-fabricated building with a metal exterior painted dark gray with a light gray accent at the top portion of the building. The proposed temporary building meets the minimum setbacks for the M-2 zoning district. The floor plan submitted shows a storage area, an area for cultivation and production operations,

restrooms and an office. The parcel is located in the AE-75 Overlay District and the proposed use is permitted with the AE-75 Overlay District.

The proposed uses for cultivation and production of edible marijuana products or marijuana-infused products, were previously approved by the City via two special use permits (UN-27-14 and UN-28-14) on September 24, 2014. The original parcel containing the special use permits has since been subdivided into two (2) new parcels. The applicant received a building permit (#138278) in April of 2016 for a permanent building located on the northern parcel for the approved uses. This building was constructed and sold to a pharmaceutical business. The applicant is in the process of permitting a new building (#11202-2021) at the proposed location which will replace the temporary building. The applicant continues to use a temporary building and annually request extension of time's on the special use permit for the temporary building. The applicant has used a temporary building for over four (4) years. Since the original approval in 2014 the applicant has been operating out of a temporary building as if it is a permanent facility.

The applicant submitted a photo showing 6 parking spaces in front of the temporary building that are paved and have proper striping. The site complies with the required parking of 1 parking space per 500 square feet for a total of three (3) required parking spaces. Access to the site is from an existing paved and landscaped entrance from Hollywood Boulevard. The original site plans depicted landscaping around the temporary building and at the end of the parking rows. The applicant submitted elevations that do not show the required landscaping was ever installed. This is minor and can be addressed at the building permit review process.

The applicant has submitted a survey that demonstrates the proposed temporary building meets the separation requirements for a medical marijuana establishment. Specifically, the applicant must show they are more than 1,000 feet from a school, 300 feet from a community facility or developed residential and 1,500 feet from an establishment holding a non-restricted gaming license. It appears the subject site complies with all separation requirements.

Furthermore, there are several other requirements the applicant would need to comply with that cannot be determined with the submittal of a land use request. Those requirements include, but are not limited to maintaining discreet and professional signage, complying with life safety requirements, and ensuring there is no emission of dust, fumes, vapors, or odors.

A special use permit for a temporary building is only valid for one year and must comply with the following requirements.

- a. The use of a temporary building shall be limited to principally permitted uses and special uses allowed in the district within which it is located.
- b. A special use for a temporary building may be approved only if construction or remodeling of a permanent facility to replace it is imminent.
- c. A temporary building shall comply with the building setbacks required in the district in which it is located.
- d. The required number of parking spaces shall be provided for the use contained within the temporary building.
- e. Barricades, if determined to be necessary for health and safety purposes, shall be provided.
- f. A temporary building shall conform to all other titles of the North Las Vegas Municipal Code.

Staff has no objections to the extension of time for the temporary building. The proposed use is consistent with the proposed zoning, and the Comprehensive Plan. Staff does not anticipate any negative impacts on the surrounding properties.

Requirements for Approval of a Special Use Permit

In accordance with the Zoning Ordinance, the Planning Commission may, by motion, grant a special use permit if the Planning Commission finds, from the evidence presented, that all of the following facts exist:

1. The proposed use is consistent with the Comprehensive Master Plan and all applicable provisions of this Code and applicable State and Federal regulations;
2. The proposed use is consistent with the purpose and intent of the zoning district in which it is located and any applicable use-specific standards and criteria in Chapter 17.20 of this Code;
3. The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (such as, but not limited to, hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts);

4. Any significant adverse impacts anticipated to result from the use will be mitigated or offset to the maximum extent practicable; and
5. Facilities and services (including sewage and waste disposal, water, gas, electricity, police and fire protection, and roads and transportation, as applicable) will be available to serve the subject property while maintaining adequate levels of service for existing development.

CONDITIONS:

Planning and Zoning:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. The building and uses proposed within the temporary building shall comply with all State and Municipal Code requirements for medical marijuana establishments.
3. The special use permit shall comply with the approved conditions associated with items (SUP-41-2021 and SUP-42-2021).
4. Landscaping shall be added around the building and parking area.
5. The special use permit shall expire on August 11, 2022, unless an extension of time is granted. After expiration, the temporary building must be removed from the site.

ATTACHMENTS:

Letter of Intent
Site Plan
Floor Plan
Elevations
Photos
Survey
Clark County Assessor's Map
Location and Zoning Map