



# Planning Commission Agenda Item

Date: December 09, 2020

Item No: 25.

**TO:** Planning Commission

**FROM:** Marc Jordan, Director Land Development & Community Services  
Prepared By: Robert Eastman

**SUBJECT: SUP-43-2020 THE SOURCE DISPENSARY (Public Hearing).** Applicant: Nevada Organic Remedies, LLC. Request: A special use permit in a C-2 (General Commercial District) to allow a marijuana dispensary or retail marijuana store. Location: 420 East Deer Springs Way, Suite 100.

## **RECOMMENDATION: APPROVAL WITH CONDITIONS**

### **PROJECT DESCRIPTION:** (APN 124-22-613-006).

The applicant is requesting consideration to allow a retail marijuana store in a C-2, General Commercial District. The proposed facility would be located in a 2,575 square foot suite in an existing commercial center located at 420 East Deer Springs Way, Suite 100. The hours of operation are Monday through Sunday from 8:00 a.m. to 11:00 p.m.

### **BACKGROUND INFORMATION:**

Previous Action
N/A

### **RELATED APPLICATIONS:**

Application #	Application Request
N/A	

**GENERAL INFORMATION:**

	Land Use		Existing Use
<b>Subject Property</b>	Mixed-Use Commercial	C-2, General Commercial District	Commercial
<b>North</b>	Mixed-Use Commercial	C-2, General Commercial District	Commercial
<b>South</b>	Mixed-Use Commercial	C-2, General Commercial District	Undeveloped
<b>East</b>	Mixed-Use Neighborhood	C-2, General Commercial District	Commercial Center
<b>West</b>	Mixed-Use Commercial	C-2, General Commercial District	Undeveloped

**DEPARTMENT COMMENTS:**

Department	Comments
Public Works:	No Comment.
Police:	No Comment.
Fire Prevention:	No Comment.
Building Safety Division:	Please see attached memorandum.

**ANALYSIS:**

The applicant is requesting Planning Commission consideration of a special use permit to allow a retail marijuana store. According to the site plan, the applicant is proposing to occupy one (1) suite that is approximately 2,575 square feet in size. According to the floor plan, a single entrance is proposed that connects to a customer waiting/reception area. The floor plan also shows a 794 square foot sales area; a 207 square foot teller area; a 69 square foot secured cash room vault area; and a 67 square foot restroom area.

The building was constructed in approximately 2019 and it does not appear the applicant is proposing any exterior modifications to the front of the building. A retail marijuana store is permitted within the C-2, General Commercial District with the approval of a special use permit by the Planning Commission.

According to Title 17, the following requirements must be demonstrated:

**Distance Separation Requirements:** The applicant must submit a survey from a Nevada licensed surveyor that demonstrates the proposed establishment meets the separation requirements of 1,000 feet from schools and marijuana dispensary/retail stores; 300 feet from a community facility; and 1,500 feet from any licensed unrestricted gaming establishments. The submitted survey indicates that these requirements have been met.

**Separate, Stand Alone Building or Facility:** According to the site plan, the applicant is proposing to locate the proposed establishment within one (1) suite of an existing building.

**Appropriately Zoned:** The subject site has the appropriate zoning of C-2, General Commercial District.

**Specific Use of the Facility:** The applicant is proposing a retail marijuana store. The letter of intent or site plan do not indicate other activities, other than a retail marijuana store.

**A Single Entrance:** According to the floor plan, it appears that one entrance is proposed. The only other entrance appears to be for staff of the retail facility and not open to the public.

**No Outside Storage:** The site plan does not indicate that outside storage is proposed as part of this use.

**Minimum Square Footage:** The proposed dispensary/retail store will be approximately 2,575 square feet in size. Therefore, the minimum size criteria of 1,500 square feet for a dispensary/retail store has been met.

**Appearance:** The facility must have an appearance to the interior and exterior that is professional, orderly, dignified and consistent with pharmacies or medical offices. The applicant is proposing to occupy one (1) suite within an existing commercial building. The exterior of the building appears to be consistent with requirements.

In addition to the above requirements, 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, not obstructing windows, complying with life safety requirements, and ensuring there is no emission of dust, fumes, vapors, or odors.

Staff has no objections to the proposed use. The proposed use is consistent with the zoning designation, and also appears to be consistent with the criteria set for a marijuana establishment. In regards to compatibility with the surrounding properties, the applicant will need to ensure on an on-going basis that noise, odor, dust, or other external impacts do not negatively impact 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. Unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. The special use permit shall expire and deemed null and void if the applicant fails to fulfill any and all conditions, stipulations, and limitations within one (1) year from the public meeting date (December 9, 2020) which the special use permit was approved.

**ATTACHMENTS:**

Letter of Intent

Site Plan

Floor Plan & Elevation

Distance Survey

Clark County Assessor's Map

Location and Zoning Map