



# Planning Commission Agenda Item

Date: May 12, 2021

Item No: 10.

**TO:** Planning Commission

**FROM:** Marc Jordan, Director Land Development & Community Services  
Prepared By: Amy Michaels

**SUBJECT: SUP-22-2021 S. NEVADA GROWERS CULTIVATION (Public Hearing).**  
Applicant: S. Nevada Growers. Request: A special use permit in an M-2 (General Industrial District) to allow a cultivation facility for marijuana.  
Location: 3818 Octagon Road. (Ward 1)

## **RECOMMENDATION: APPROVAL WITH CONDITIONS**

### **PROJECT DESCRIPTION: (APN 139-12-510-014)**

The applicant is requesting Planning Commission approval of a special use permit to allow a cultivation facility for marijuana. The site is located at 3818 Octagon Road and has a zoning designation of M-2, General Industrial District. The Comprehensive Master Plan Land Use designation for the subject site is Heavy Industrial.

### **BACKGROUND INFORMATION:**

Previous Action	
Special Use Permit (UN-10-19) for a Cultivation Facility for Marijuana and a temporary building was approved by Planning Commission on February 13, 2019.	
Special Use Permit (UN-11-19) for a Production of Edible Marijuana Products or Marijuana-Infused Products was approved by Planning Commission on February 13, 2019.	

### **RELATED APPLICATIONS:**

Application #	Application Request
<b>SUP-21-2021</b>	A Special Use Permit to allow a temporary building.
<b>SUP-23-2021</b>	A Special Use Permit to allow a Production of Edible Marijuana Products or Marijuana-Infused Products.

**GENERAL INFORMATION:**

	Land Use	Zoning	Existing Use
<b>Subject Property</b>	Heavy Industrial	M-2, General Industrial District	Industrial Complex
<b>North</b>	Heavy Industrial	M-2, General Industrial District	Industrial Complex
<b>South</b>	Heavy Industrial	M-2, General Industrial District	Warehouse/Distribution (Prologis)
<b>East</b>	Heavy Industrial	M-2, General Industrial District	Industrial Complex
<b>West</b>	Heavy Industrial	M-2, General Industrial District	Industrial Complex

**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 consideration of a special use permit to allow a cultivation facility for marijuana within a developed industrial complex. The site is located at 3818 Octagon Road and has a zoning designation of M-2, General Industrial District. According to the letter of intent, the applicant is proposing to develop the site in three phases. The subject site currently has one building, approximately 3,504 square feet in size. It appears the building was constructed in 2005. According to the site plan at build out, approximately 4,692 will be used for cultivation and 4,918 square feet will be used for production for an overall total of 9,610 square feet once phases 2 and 3 are complete.

The original use permits for the proposed uses were approved on June 14, 2017 with UN-26-17 and UN-27-17 for both production and cultivation, respectively. The use was

originally approved to be placed within the Apex Industrial Area, however as they are moving to a new location, new use permits are required.

The first phase would consist of a temporary building located in the rear parking lot. The temporary building is approximately 624 square feet in size. This area would be utilized for both cultivation and production. The floor plan shows areas for cultivation, production, operations and restrooms.

Phase II contains a 4,692 square foot addition to the building; this phase would consist of two stories at ultimate building out. The floor plan shows areas for flowering rooms, processing, trimming, secured storage, edible production, distillation, extraction, offices, and various other rooms associated with the cultivation and production operations.

Phase III construction would consist of removing the temporary building and remodeling the existing building.

According to the site plan, one driveway exists from Octagon Road. Access to the rear of the site is proposed to be gated. Approximately 20-25 feet of landscaping and a five-foot sidewalk is existing next to Octagon Road. Approximately 15 parking spaces are proposed at the end of Phase III, where approximately 14 parking spaces are required. An industrial development is required one (1) bicycle parking space per 25,000 square feet of gross floor area. The proposed use is required one (1) bicycle parking space. This is a minor adjustment and can be addressed during building permit review.

The existing building is a combination of reddish-brown smooth and split-faced cmu block. The proposed addition is proposed to match the existing building. An eight-foot high masonry block wall is existing on the north, south, and east sides of the property. The wall contains razor-wire fencing around the perimeter and on the gate. Razor-wire fencing is not permitted and should be removed prior to issuance of the business license.

A marijuana cultivation facility is permitted within the M-2, General Industrial District with the approval of a special use permit by the Planning Commission. According to Title 17, the following 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 a school, and 300 feet from a community facility, and developed residential. The survey indicated that these requirements have been met.

**Separate, Stand Alone Building or Facility:** According to the site plan, the applicant is proposing to locate the cultivation facility for marijuana within one stand-alone

building. The applicant is also proposing to operate a production facility for marijuana within a portion of the same building.

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

**Specific Use of the Facility:** The applicant is proposing a marijuana cultivation facility. Other than a production facility proposed in a portion of the building, neither the letter of intent nor site plan indicate other activities.

**A Single Entrance:** According to the floor plan, it appears that one entrance is proposed for the building. The only other entrances appear to be egress doors for life/safety.

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

**Minimum Square Footage:** The proposed marijuana cultivation facility is approximately 4,692 square feet in size. Therefore, the minimum size requirement of 3,500 square feet for cultivation has been met.

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, 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. Furthermore, prior to issuance of any improvements or a business license, the applicant will need to ensure that appropriate facilities and services are in place.

### **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 criteria are satisfied:

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 razor-wire fencing shall be removed prior to approval of the business license.

**ATTACHMENTS:**

Letter of Intent  
Site Plan  
Floor Plan  
Elevation Photo  
Distance Separation Survey  
Clark County Assessor's Map  
Location and Zoning Map