



Planning Commission Agenda Item

Date: August 11, 2021

Item No: 11.

TO: Planning Commission

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

SUBJECT: SUP-41-2021 VVGN CULTIVATION (Public Hearing). Applicant: Vegas Valley Growers North. Request: A special use permit in an M-2 (General Industrial District) to allow a cultivation facility for marijuana. Location: 5785 North Hollywood Boulevard. (Ward 1)

RECOMMENDATION: APPROVAL WITH CONDITIONS

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

The applicant is requesting approval for a special use permit to allow a cultivation facility for marijuana. The site is located at 5785 North Hollywood Boulevard in an M-2, General Industrial District. The Comprehensive Master Plan Land Use designation for the subject site is Heavy Industrial.

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
UN-17-17	To allow a temporary building.
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 a special use permit to allow a cultivation facility for marijuana located at 5785 North Hollywood Boulevard. The applicant is proposing to utilize a temporary building that is approximately 1,440 square feet in size for the cultivation and production of edible marijuana products or marijuana–infused products. The applicants letter of intent states the temporary building will be replaced by a proposed 33,505 square foot building (permit #11202-2021) currently being reviewed by the building department. 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 the special use permits were approved on 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 parcel to the north for the approved uses to occupy. 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 that will replace the temporary building. Since the original approval in 2014 the applicant has been operating out of a temporary building as if it is a permanent facility.

According to the site plan the applicant is proposing a one (1) story, 40' high building (42' including the parapet) that is 33,505 square feet and will facilitate both the cultivation and production of edible marijuana products or marijuana-infused products. The proposed building exterior is concrete tilt up walls painted white with light gray and dark gray accent colors on the north, south, west and east elevations. The north elevations also contain four (4) metal roll up doors painted light gray. The elevations appear to be in compliance with the industrial design standards. The submitted floorplan shows; office and reception area; an area for cultivation operations; production operations area; storage; breakroom, conference room; security area and restrooms.

Access to the site is from an existing paved and landscaped entrance from Hollywood Boulevard. The landscape plan submitted indicates existing 30 feet of landscaping including a five (5) foot sidewalk, along Hollywood Boulevard. However, the perimeter landscaping should be brought into compliance by removing of the weeds and adding shrubs to meet with required 50% of ground cover per Title 17 requirements. The applicant is providing six (6) foot wide parking lot landscape islands every ten (10) parking spaces. The landscape plan shows six (6) feet of foundation landscaping at the north entrance of the building. However, the applicant will need to provide the required six (6) feet of foundation landscaping at the east side of the building facing Hollywood Boulevard. This is a minor change and can be addressed during the building permit process.

The required trash enclosure is currently located at the south portion of the parcel facing Hollywood Boulevard. The trash enclosure should be relocated away from the right-of-way. In addition, the trash enclosure should have the required six feet of landscaping adjacent to the trash enclosure and match the architectural design of the primary structure and have a roof. However, this is relatively minor, and can be addressed during the building permit process.

The site plan indicates there are 44 parking spaces proposed for the cultivation facility for marijuana where 35 parking spaces are required for office and warehouse/production. The site appears to be in compliance with the required parking spaces.

A cultivation facility for marijuana 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 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 a school, 300 feet from a community facility, or developed residential, and 1,500 feet from any licensed 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 a separate building. The floor plan for the building shows an overall square footage of 33,505.

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 cultivation facility for marijuana.

A Single Entrance: According to the floor plan, it appears that there is one (1) entrance proposed for the building. The only other entrances appear to be additional ingress/egress doors for equipment room and security, in addition to four (4) roll up doors for truck access.

No Outside Storage: The site plan does not indicate any outside storage of marijuana proposed as part of this use.

Minimum Square Footage: The proposed cultivation facility will be a portion of the proposed 33,505 square feet building. According to the ordinance for marijuana establishments, the minimum size criteria for cultivation establishments is 3,500 square feet.

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 supports the cultivation of marijuana facility. The surrounding uses are industrial office/warehouse. The proposed use is allowed in the M-2 zoning classification with an approved special use permit and should not create a negative impact on the surrounding neighborhood.

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 trash enclosure shall be moved away from the right-of-way and utilize the same materials and colors of the principal structure, will contain a roof and have six feet of foundation landscaping.
3. Existing landscaped areas shall be weeded and shrubs and groundcover added to provide a 50% ground cover within two years.
4. The applicant shall provide the required six (6) feet of foundation landscaping at the east side of the building facing Hollywood Boulevard.

5. The special use permit shall expire on August 11, 2022, 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 which the special use permit was approved.

ATTACHMENTS:

Revised Letter of Intent
Site Plan
Floor Plan
Elevations
Landscape Plan
Survey
Nevada State Licenses
Clark County Assessor's Map
Location and Zoning Map