WS-18-0700-3400 WESTERN AVENUE, LLC:

WAIVER OF DEVELOPMENT STANDARDS to waive landscaping requirements.

DESIGN REVIEW for a parking lot in conjunction with an existing marijuana establishment (dispensary, retail, production, and cultivation) on 5.4 acres in an M-1 (Light Manufacturing) Zone in the MUD-1 Overlay District.

Generally located on the southeast corner of Highland Drive and Western Avenue within Paradise. CG/al/ja (For possible action)

RELATED INFORMATION:

APN:
162-17-503-009

WAIVER OF DEVELOPMENT STANDARDS:
Waive parking lot landscaping where required per Figure 30.64-14.

LAND USE PLAN:
WINCHESTER/PARADISE - INDUSTRIAL

BACKGROUND:

Project Description
General Summary
- Site Address: 3400 Western Avenue
- Site Acreage: 5.4
- Project Type: Parking lot
- Number of Stories: 2
- Building Height: 43.5 feet
- Square Feet: 161,325
- Parking Required/Provided: 83/256

Site Plans
The site plans show an existing 161,325 square foot industrial building which is currently operating as a marijuana establishment (cultivation, production, dispensary, and retail facility) located on the northern portion of the site. The southern portion of the site consists of a parking area and an unimproved area for future development. Access to the site is provided from Western Avenue. A 7,750 square foot building was approved (DR-0892-17) for the dispensary
and retail store on the unimproved area; however, no building permits or off-site improvement plans have been submitted for this building. The plans indicate the existing parking lot will be removed. This existing parking area and the unimproved portion of the lot will then be graded, paved, and striped for a new parking lot.

**Landscaping**
The plans depict existing landscape areas along the perimeter of the site and adjacent to public streets. Existing trees located within the parking lot will be removed and there are no plans to replace these trees at this time. Landscape materials include trees, shrubs, and groundcover.

**Elevations**
The existing building is 2 stories, 43.5 feet in height, and constructed of concrete tilt-up panels, CMU block, ribbed metal panels, and canopies. No changes are proposed to the exterior of the building with this request.

**Floor Plans**
The existing building has an area of 161,325 square feet and is a marijuana establishment consisting of cultivation, production, dispensary, and retail facilities. No changes are proposed to the interior of the building with this request.

**Signage**
Signage is not a part of this request.

**Applicant’s Justification**
The applicant indicates that the intent of this request is to have the unimproved portion of the site paved to mitigate air quality concerns. The landscape areas within the existing parking lot will be removed to allow the southern portion of the property to be graded for drainage. Existing landscaping around the perimeter of the parcel will be maintained. There are approved plans for an additional building (DR-0892-17) for the expansion of the facility within the southern portion of this property. Any landscaping material provided in conjunction with the parking lot may have to be removed to allow for future development.

**Prior Land Use Requests**

<table>
<thead>
<tr>
<th>Application Number</th>
<th>Request</th>
<th>Action</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>DR-0892-17</td>
<td>Proposed building for the expansion to an existing marijuana establishment (retail marijuana store, dispensary, cultivation facility, and production facility)</td>
<td>Approved by BCC</td>
<td>December 2017</td>
</tr>
<tr>
<td>ADR-0734-17</td>
<td>Re-designated a Medical Marijuana Production facility to no longer differentiate between medical and retail uses</td>
<td>Approved administratively</td>
<td>July 2017</td>
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<td>ADR-0733-17</td>
<td>Re-designated a Medical Marijuana Cultivation facility to no longer differentiate between medical and retail uses</td>
<td>Approved administratively</td>
<td>July 2017</td>
</tr>
<tr>
<td>UC-0384-17</td>
<td>A retail marijuana store in conjunction with an existing medical marijuana dispensary</td>
<td>Approved by BCC</td>
<td>June 2017</td>
</tr>
<tr>
<td>WS-0798-15</td>
<td>Allow increased wall sign area and painted wall signs</td>
<td>Approved by BCC</td>
<td>January 2016</td>
</tr>
<tr>
<td>WS-0670-15</td>
<td>Waiver of development standards for landscaping and non-standard improvements in the right-of-way</td>
<td>Approved by BCC</td>
<td>November 2015</td>
</tr>
<tr>
<td>UC-0513-15</td>
<td>Subsequent request for a medical marijuana establishment (dispensary) and a waiver of development standards to reduce parking</td>
<td>Approved by BCC</td>
<td>September 2015</td>
</tr>
<tr>
<td>WS-0193-15</td>
<td>Reduced setbacks and increased wall height for a central plant building and associated mechanical equipment for an approved cultivation and production facility</td>
<td>Approved by BCC</td>
<td>May 2015</td>
</tr>
<tr>
<td>UC-0332-14</td>
<td>Initial request for a medical marijuana establishment (dispensary)</td>
<td>Denied by BCC</td>
<td>December 2014</td>
</tr>
<tr>
<td>UC-0333-14</td>
<td>Medical marijuana establishment (cultivation) and reduced parking</td>
<td>Approved by BCC</td>
<td>June 2014</td>
</tr>
<tr>
<td>UC-0331-14</td>
<td>Medical marijuana establishment (production) and reduced parking</td>
<td>Approved by BCC</td>
<td>June 2014</td>
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</tbody>
</table>

### Surrounding Land Use

<table>
<thead>
<tr>
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<th>Planned Land Use Category</th>
<th>Zoning District</th>
<th>Existing Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Business and Design/Research Park</td>
<td>M-1</td>
<td>Undeveloped</td>
</tr>
<tr>
<td>South</td>
<td>Business and Design/Research Park</td>
<td>M-1</td>
<td>Undeveloped right-of-way &amp; industrial uses</td>
</tr>
<tr>
<td>East &amp; West</td>
<td>Business and Design/Research Park</td>
<td>M-1</td>
<td>Industrial uses</td>
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### STANDARDS FOR APPROVAL:
The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

### Analysis

#### Current Planning

**Waiver of Development Standards**

According to Title 30, the applicant shall have the burden of proof to establish that the proposed request is appropriate for its existing location by showing that the uses of the area adjacent to the property included in the waiver of development standards request will not be affected in a substantially adverse manner. The intent and purpose of a waiver of development standards is to
modify a development standard where the provision of an alternative standard, or other factors which mitigate the impact of the relaxed standard, may justify an alternative.

Waiver of Development Standards & Design Review
Per Section 30.64, the purpose of providing landscaping is to improve air quality and the visual image of the property and community. Landscaping helps with the reduction of dust, noise, glare, and heat. Landscape areas also assist with wind control and minimize water runoff. Based on the approved plans for DR-0892-17, the location of the future retail building could be plotted on the site and sufficient area set aside which would prevent the possibility of having to remove landscape areas for future development. Paving this area and not providing landscape areas within the parking lot will create a large heat island on the property. Staff can support alternative landscaping designs for parking lots; however, staff does not support the total elimination of all on-site landscaping within parking areas. Therefore, staff does not support this request. If approved staff recommends a 1 year review to analyze the status of the future development and need for parking lot landscaping.

Staff Recommendation
Denial.

If this request is approved, the Board and/or Commission finds that the application is consistent with the standards and purpose enumerated in the Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:

Current Planning
If approved:
• 1 year to commence and review as a public hearing.
• Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time and application for review; and that the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified.

Public Works - Development Review
• Reconstruct any unused driveways with full off-site improvements.
• Applicant is advised that the previous application, DR-0892-17, required a drainage study.

Building Department - Fire Prevention
• Applicant is advised that fire/emergency access must comply with the Fire Code as amended; to show fire hydrant locations on-site and within 750 feet; that operational permits may be required for this facility; that fire protection may be required for this facility; and to contact Fire Prevention for further information at (702) 455-7316.

Clark County Water Reclamation District (CCWRD)
• No comment.
TAB/CAC: Paradise - approval.
APPROVALS:
PROTESTS:

APPLICANT: 3400 WESTERN AVENUE, LLC
CONTACT: JOHN HAMILTON, 3945 PEBBLE CREEK AVE, LAS VEGAS, NV 89147