



# Winchester Town Advisory Board

Winchester Dondero Cultural Center

3130 S. McLeod Dr.

Las Vegas, NV 89121

September 12, 2023

6:00pm

## AGENDA

**Note:**

- Items on the agenda may be taken out of order.
- The Board/Council may combine two (2) or more agenda items for consideration.
- The Board/Council may remove an item from the agenda or delay discussion relating to an item at any time.
- No action may be taken on any matter not listed on the posted agenda.
- All planning and zoning matters heard at this meeting are forwarded to the Board of County Commissioners' Zoning Commission (BCC) or the Clark County Planning Commission (PC) for final action.
- Please turn off or mute all cell phones and other electronic devices.
- Please take all private conversations outside the room.
- With a forty-eight (48) hour advance request, a sign language interpreter or other reasonable efforts to assist and accommodate persons with physical disabilities, may be made available by calling (702) 455-3530, TDD at (702) 385-7486, or Relay Nevada toll-free at (800) 326-6868, TD/TDD.
- Supporting material provided to Board/Council members for this meeting may be requested from Valerie Leiva at (702) 468-9839.
  - Supporting material is/will also available at the Clark County Department of Administrative Services, 500 S. Grand Central Parkway, 6th Floor, Las Vegas, Nevada 89155.
  - If there are additional locations where supporting materials are available, insert them here. If not, delete this bullet.
  - Supporting material is/will be available on the County's website at specific Board/Council website.

Board/Council Members: Dorothy Gold, Vice Chairperson  
 Judith Siegel  
 Robert Mikes  
 April Mench

Secretary: Valerie Leiva, (702) 468-9839, and valerieleivaccnv@outlook.com  
 Business Address: Clark County Department of Administrative Services, 500 S. Grand Central Parkway, 6th Floor, Las Vegas, Nevada 89155

County Liaison(s): County Liaison Beatriz Martinez: Beatriz.Martinez@clarkcountynv.gov  
 Business Address: Clark County Department of Administrative Services, 500 S. Grand Central Parkway, 6th Floor, Las Vegas, Nevada 89155

### I. Call to Order, Invocation, Pledge of Allegiance, and Roll Call

II. Public Comment- This is a period devoted to comments by the general public about items on this agenda. No discussion, action, or vote may be taken on this agenda item. You will be afforded the opportunity to speak on individual Public Hearing Items at the time they are presented. If you wish to speak to the Board/Council about items within its jurisdiction but not appearing on this agenda, you must wait until the "Comments by the General Public" period listed at the end of this agenda. Comments will be limited to three (3) minutes. Please step up to the speaker's podium, if applicable, clearly state your name and

BOARD OF COUNTY COMMISSIONERS  
 JAMES B. GIBSON, Chair – JUSTIN C. JONES, Vice-Chair  
 MARILYN KIRKPATRICK – WILLIAM MCCURDY II – ROSS MILLER – MICHAEL NAFT – TICK SEGERBLOM  
 KEVIN SCHILLER, County Manager

address and please **spell** your last name for the record. If any member of the Board/Council wishes to extend the length of a presentation, this will be done by the Chairperson or the Board/Council by majority vote.

- III. Approval of Minutes for August 29, 2023. (For possible action)
- IV. Approval of the Agenda for September 12, 2023 and Hold, Combine, or Delete any Items. (For possible action)
- V. Informational Items
- VI. Planning and Zoning

- 1. **UC-23-0438-SAIA, GABRIEL GOMES JR. REV LIV TR & SAIA, GABRIEL GOMES JR. TRS:**  
**USE PERMIT** for a cannabis establishment (consumption lounge) in conjunction with an existing cannabis establishment within an existing office/warehouse complex.  
**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** reduce separation from a non-restricted gaming property; and **2)** reduce parking on 14.0 acres in an M-1 (Light Manufacturing) Zone. Generally located on the north side of Desert Inn Road and the east side of Highland Drive within Winchester. TS/rr/syp (For possible action)

**09/20/23 BCC**

- 2. **ZC-23-0531-BOULDER CAPITAL MANAGEMENT, LLC:**  
**ZONE CHANGE** to reclassify 0.5 acres from an H-2 (General Highway Frontage) to a C-2 (General Commercial) Zone.  
**WAIVER OF DEVELOPMENT STANDARDS** for reduced landscaping.  
**DESIGN REVIEWS** for the following: **1)** restaurant; and **2)** outside dining and drinking. Generally located on the northwest corner of Boulder Highway and Glen Avenue within Winchester and Sunrise Manor (description on file). TS/bb/syp (For possible action)

**10/04/23 BCC**

- VII. General Business  
**Finalize the previous fiscal year budget request(s) and take public input regarding suggestion for the next budget request(s). (For possible action)**

- VIII. Comments by the General Public- A period devoted to comments by the general public about matters relevant to the Board/Council's jurisdiction will be held. No vote may be taken on a matter not listed on the posted agenda. Comments will be limited to three (3) minutes. Please step up to the speaker's podium, if applicable, clearly state your name and address and please **spell** your last name for the record. If any member of the Board/Council wishes to extend the length of a presentation, this will be done by the Chairperson or the Board/Council by majority vote.

- IX. Next Meeting Date: September 26, 2023.

- X. Adjournment.

**POSTING LOCATIONS:** This meeting was legally noticed and posted at the following locations:  
3130 S McLeod Dr. Las Vegas, NV 89121  
<https://notice.nv.gov>



# Winchester Town Advisory Board

August 29, 2023

## MINUTES

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Board Members:	Dorothy Gold – Member – PRESENT Judith Siegel – Member – PRESENT	Robert Mikes – Member – ABSENT April Mench – Member – PRESENT
Secretary:	Valerie Leiva (702)468-9839	valerieleivaccnv@outlook.com
County Liaison:	Beatriz Martinez (702)455-0560	beatriz.martinez@clarkcountynv.gov

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I. Call to Order, Pledge of Allegiance, Roll Call, County Staff Introductions: Beatriz Martinez – County Liason & Valerie Leiva – Secretary. The meeting was called to order at 6:01pm.

II. Public Comment: None

III. Approval of the **August 8, 2023** Minutes

**Moved by: Mench**

**Action: Approved**

**Vote: 3-0**

IV. Approval of Agenda for **August 29, 2023**

**Moved by: Mench**

**Action: Approved**

**Vote: 3-0**

V. Informational Items:

VI. Planning & Zoning

1. **UC-23-0487-2975 SAMMY DAVIS JR DRIVE, LLC:**

**USE PERMIT** for a cannabis establishment (consumption lounge).

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** reduce separation from a non-restricted gaming property; and **2)** driveway geometrics.

**DESIGN REVIEW** for a proposed cannabis establishment (consumption lounge) in conjunction with an existing retail cannabis store on 0.9 acres in a C-2 (General Commercial) Zone. Generally located on the west side of Sammy Davis Jr. Drive, 130 feet south of Resorts World Drive within Winchester. TS/jor/ja (For possible action)

**BOARD OF COUNTY COMMISSIONERS**

JAMES B. GIBSON, Chair – JUSTIN C. JONES, Vice-Chair

MARILYN KIRKPATRICK – WILLIAM MCCURDY II – ROSS MILLER – MICHAEL NAFT – TICK SEGERBLOM

KEVIN SCHILLER, County Manager

**BCC: 09/20/23**

**Moved by: Siegel  
Action: Approved  
Vote: 3-0**

2. **ZC-23-0478-S4A003, LLC:**  
**ZONE CHANGE** to reclassify 1.4 acres from an M-1 (Light Manufacturing) Zone to a C-2 (General Commercial) Zone. Generally located on the west side of Sammy Davis Jr Drive, 750 feet south of Circus Circus Drive within Winchester (description on file). TS/sd/syp (For possible action)

**BCC: 09/20/23**

**Moved by: Mench  
Action: Approved  
Vote: 3-0**

**VII. General Business**

**Review the previous fiscal year budget request(s) and take public input regarding suggestion for the next budget request(s). (For possible action)**

**VIII. Public Comment: None**

**IX. Next Meeting Date**

**The next regular meeting will be September 12, 2023**

**X. Adjournment**

**The meeting was adjourned at 6:36pm.**

CANNABIS ESTABLISHMENT  
(CONSUMPTION LOUNGE)  
(TITLE 30)

DESERT INN RD/HIGHLAND DR

**PUBLIC HEARING**

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-23-0438-SAIA, GABRIEL GOMES JR. REV LIV TR & SAIA, GABRIEL GOMES JR. TRS:**

**USE PERMIT** for a cannabis establishment (consumption lounge) in conjunction with an existing cannabis establishment within an existing office/warehouse complex.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** reduce separation from a non-restricted gaming property; and **2)** reduce parking on 14.0 acres in an M-1 (Light Manufacturing) Zone.

Generally located on the north side of Desert Inn Road and the east side of Highland Drive within Winchester. TS/rr/syp (For possible action)

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**RELATED INFORMATION:**

**APN:**

162-08-805-009; 162-17-502-002; 162-08-899-034; 162-08-899-036; 162-08-899-038

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Reduce the separation from a proposed cannabis consumption lounge to an existing non-restricted gaming property (Resorts World) to 1,283 feet where 1,500 feet is required per Table 30.44-1 (a 14.5% reduction).
2. Reduce parking to 253 spaces where 485 spaces are required per Table 30.60-1 (a 48% reduction).

**LAND USE PLAN:**

WINCHESTER/PARADISE - BUSINESS EMPLOYMENT

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 2548 W. Desert Inn Road
- Site Acreage: 14
- Project Type: Consumption lounge
- Number of Stories: 1
- Building Height (feet): 30
- Square Feet: 1,360 (consumption lounge)/1,000 (storage/wash area)

- Parking Required/Provided: 485/253

### Site Plan

The plan indicates that the proposed consumption lounge and storage/wash area will be located within the interior of the warehouse/office building on the north side. There are 2 other buildings on the site, 1 at the southwest corner and 1 at the northeast corner which are not a part of the business. The plan also indicates various existing uses within the warehouse/office building in addition to the proposed lounge and storage wash area. These areas include a 12,000 square foot museum, a 17,000 square foot warehouse, a 13,200 square foot retail cannabis store and dispensary, 10,256 square feet for production, and a 5,087 square foot restaurant. An additional 64,025 square feet of the building are miscellaneous areas. The plans show the existing parking areas on the north, south, and east sides of the APN 162-08-805-009 totaling 253 parking spaces. Future parking areas with 384 parking spaces are also depicted under the Wilbur Clark DI Road overpass on 3 leased Nevada Department of Transportation parcels which was previously approved under WS-20-0082. This parking lot has not yet been developed.

### Landscaping

The previously approved plans depict a parking lot landscaping reduction for the existing parking areas which was approved by UC-19-0381. The proposed parking areas under the Wilbur Clark DI Road overpass to the north also received a waiver for reduced landscaping by ET-22-400092 (WS-20-0082). No additional landscaping is proposed with this use permit application.

### Elevations

Photos of the building show an office/warehouse type structure with the existing retail cannabis store and dispensary fronting toward West Desert Inn Road. The building height is 31 feet. The exterior finishes for the portion fronting on Desert Inn Road include metal mesh panel accents, store front windows, a large fountain feature, and signage. No changes are proposed or required to the exterior of the building.

### Floor Plans

The plans show a proposed 1,360 square foot consumption lounge with an adjoining 1,000 square foot storage and wash area in a separate room within the office/warehouse portion of the subject building. The lounge will be located across a hall from the dispensary in the warehouse area. All customers/clients must pass through the check-in area and show their identification. There are no outside doors to enter or exit the lounge. Access can only be gained through the main entrance of the facility.

### Signage

Signage is not a part of this request.

### Applicant's Justification

The applicant states that the proposed cannabis consumption lounge will be in conjunction with an existing dispensary, Planet 13, which has secure entry door with 24-hour monitored security. The applicant states that the proposed use will produce an environment of stable and desirable character consistent with the objectives of Title 30 and the Master Plan. The applicant also states

that there are no outstanding issues associated with the intended use, and that it does not impose an undue burden on the surrounding area or adjacent property owners. There is no anticipated need for any public utility or public services beyond what is existing and available. The proposed use is consistent with the standards of approval for the current zoning.

### Prior Land Use Requests

Application Number	Request	Action	Date
ET-22-400092 (WS-20-0082)	First extension of time to review waivers to eliminate parking lot landscaping, alternative parking lot design standards, reduced throat depth in conjunction with an existing cannabis establishment, and retail and office warehouse complex	Approved by BCC	September 2022
UC-21-0126	Daycare within an existing retail and office warehouse complex - withdrawn without prejudice	Withdrawn by PC	July 2021
UC-20-0346	On-premises consumption of alcohol (supper club) in conjunction with an existing retail and office warehouse complex	Approved by PC	October 2020
WS-20-0083	Increased freestanding sign area and animated sign area for an existing cannabis establishment, and retail and office warehouse complex	Approved by BCC	May 2020
WS-20-0082	Eliminated parking lot landscaping, allowed an alternative parking lot design standard, and reduced throat depth in conjunction with an existing cannabis establishment, and retail and office warehouse complex	Approved by BCC	May 2020
UC-19-0381	Retail sales, restaurants, service bar, and banquet facility with waivers to reduce parking, allowed alternative landscaping, and parking lot design for an existing office/warehouse complex	Approved by BCC	July 2019
UC-19-0380	Cannabis establishment (production) in conjunction with an existing office/warehouse complex consisting of 2 buildings with dispensary and retail cannabis store	Approved by BCC	July 2019
WS-18-0850	Signage for cannabis establishment (dispensary) roof signs and electronic graffiti wall	Approved by BCC	December 2018
UC-18-0703	Increased wall sign area, allowed a cannabis dispensary as the only business advertising on a freestanding sign, roof signs where not permitted, electronic or animated sign where not permitted, and a retail cannabis facility (roof sign and electronic graffiti wall - withdrawn)	Approved by BCC	October 2018
VS-18-0570	Vacated and abandoned right-of-way (portion of Desert Inn Road)	Approved by BCC	September 2018



**Prior Land Use Requests**

Application Number	Request	Action	Date
UC-18-0122	Cannabis establishment (dispensary) in conjunction with an approved retail cannabis store, and design review for modification to an existing office/warehouse complex consisting of 2 buildings	Approved by BCC	April 2018
UC-1076-17	Cannabis establishment (retail store) with a waiver to reduce parking and modified an existing office/warehouse complex	Approved by BCC	February 2018
UC-0722-06	Sales center in conjunction with an approved mixed-use development and waivers for reduced parking and sign requirements - expired	Approved by BCC	July 2006
UC-1899-05	Mixed-use high-rise condominium development with setback waiver and waiver of conditions for noise level reductions - expired	Approved by BCC	February 2006
NZC-1697-04	Reclassified the property from M-1 to H-1 zoning for a mixed-use high-rise development - expired	Approved by BCC	February 2005
UC-0206-03	Secondhand sales retail facility with waivers to reduce parking - expired	Approved by PC	March 2003

**Surrounding Land Use**

	Planned Land Use Category	Zoning District	Existing Land Use
North, South, & West	Business Employment	M-1	Retail, office, & warehouse
East	Business Employment & Corridor Mixed-Use	M-1	Union Pacific Railroad train tracks, office/warehouse, retail, & hotel & gaming

**STANDARDS FOR APPROVAL:**

The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

**Analysis  
Comprehensive Planning  
Use Permit**

A use permit is a discretionary land use application that is considered on a case-by-case basis in consideration of Title 30 and the Master Plan. One of several criteria the applicant must establish is that the use is appropriate at the proposed location and demonstrate the use shall not result in a substantial or undue adverse effect on adjacent properties.

The applicant submitted a State of Nevada Cannabis Compliance Board approval for a conditional license for a cannabis consumption lounge. A certified separation survey was submitted as required which indicates a non-restricted gaming property, Resorts World, is within 1,500 feet of the proposed establishment. This is the subject of a waiver request. There are no

public or private schools, or community facilities as defined by NRS 453A.322 located within 1,500 feet. The crime report indicates that within a 1 mile radius of the site, 853 crime reports were filed by the Las Vegas Metropolitan Police Department in the approximately 60 days prior to the application date. An impaired driver prevention plan was submitted which includes employee training, an alternative transportation plan, including a 24-hour no tow policy, and signage plan with concurrence from the Office of Traffic Safety.

Building elevations indicate that a professional appearance will be maintained. In consideration of this information, staff can support this request.

#### Waivers 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 #1

The applicant is requesting a waiver to allow 1,283 feet to a non-restricted gaming facility, Resorts World, where 1,500 feet is normally required under state law and Title 30. The existing cannabis establishment was in operation prior to the establishment of Resorts World. Therefore, the consumption lounge would be considered exempt from this separation requirement under state law, and approval of the waiver would be in conformance with state law. In consideration of this information, staff can support this request.

#### Waiver of Development Standards #2

The applicant is requesting a temporary waiver from the parking standards to allow 253 parking spaces where 485 parking spaces are required for the existing uses and planned cannabis lounge. The applicant was previously approved for 384 additional parking spaces on 3 leased Nevada Department of Transportation parcels to the north under the Wilbur Clark DI Road overpass. The applicant states that this additional parking will not be constructed prior to the time the cannabis lounge is open. Additionally, the applicant states that the existing parking lot is currently never completely utilized, and that most of the customers are tourists from the strip who tend to walk, use ride shares, or taxis to get to the location. The dispensary has room for the ride share drivers to park around the side of the building. Customers purchasing items in the dispensary will also be the same person using the lounge. Customers can only bring products into the lounge purchased at the dispensary and not their own products. In consideration of this information, staff can support this request.

#### **Staff Recommendation**

Approval.

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

**PRELIMINARY STAFF CONDITIONS:**

**Comprehensive Planning**

- A valid Clark County business license must be issued for this establishment within 2 years of approval, or the application will expire;
- To prevent odor nuisances, an odor control plan must be submitted to the Clark County Department of Air Quality.
- Applicant is advised that this application is contingent upon obtaining a license from the State of Nevada and Clark County Business License Department; failure to abide by and faithfully comply with the conditions of approval, Clark County Code, and the provisions of the Nevada Revised Statutes or Nevada Administrative Code may result in revocation of this application; approval of this application does not constitute or imply approval of any other County issued permit, license or approval; the County has adopted a rewrite to Title 30 effective January 1, 2024, and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; 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**

- No comment.

**Fire Prevention Bureau**

- No comment.

**TAB/CAC:  
APPROVALS:  
PROTESTS:**

**APPLICANT:** MM DEVELOPMENT COMPANY  
**CONTACT:** LUCY STEWART, LAS CONSULTING, 1930 VILLAGE CENTER CIRCLE,  
BLDG 3 SUITE 577, LAS VEGAS, NV 89134



# CANNABIS ESTABLISHMENT APPLICATION

## DEPARTMENT OF COMPREHENSIVE PLANNING

APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

<b>APPLICATION TYPE</b>  <input checked="" type="checkbox"/> SPECIAL USE PERMIT (UC)  <input type="checkbox"/> EXTENSION OF TIME (ET)  (ORIGINAL APPLICATION #) <input type="checkbox"/> APPLICATION FOR REVIEW (AR)  (ORIGINAL APPLICATION #)  <b>TYPE OF ESTABLISHMENT:</b> <input checked="" type="checkbox"/> CONSUMPTION LOUNGE <input type="checkbox"/> CULTIVATION FACILITY <input type="checkbox"/> DISPENSARY <input type="checkbox"/> DISTRIBUTOR <input type="checkbox"/> INDEPENDENT TESTING LABORATORY <input type="checkbox"/> PRODUCTION FACILITY <input type="checkbox"/> RETAIL CANNABIS STORE	<b>STAFF</b>  APP. NUMBER: <u>UC-23-0438</u> DATE FILED: <u>7/12/23</u> PLANNER ASSIGNED: <u>NAI/LMN</u> TAB/CAC: <u>WINCHESTER</u> TAB/CAC DATE: <u>8/8/23</u> PC MEETING DATE: _____ BCC MEETING DATE: <u>9/6/2023</u> FEE: <u>\$675</u>
	<b>PROPERTY OWNER</b>  NAME: <u>Gabriel Gomes Saia Jr. Family Trust</u> ADDRESS: <u>2120 E. 6th Street, suite 16</u> CITY: <u>Tempe</u> STATE: <u>AZ</u> ZIP: <u>85288</u> TELEPHONE: <u>480-804-1076x 102</u> CELL: <u>480-220-2030</u> E-MAIL: <u>gabe@eires.com</u>
	<b>APPLICANT</b>  NAME: <u>MM Development</u> ADDRESS: <u>2015 N. Stephanie D-126</u> CITY: <u>Henderson</u> STATE: <u>NV</u> ZIP: <u>89014</u> TELEPHONE: <u>702-815-1313</u> CELL: _____ E-MAIL: <u>lkoehler@planet13.com</u> REF CONTACT ID #: <u>165577</u>

<b>CORRESPONDENT</b>	NAME: <u>LAS Consulting-Lucy Stewart</u> ADDRESS: <u>1930 Village Center Circle Bldg 3-577</u> CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89134</u> TELEPHONE: _____      CELL: <u>702-499-6469</u> E-MAIL: <u>stewplan@gmail.com</u> REF CONTACT ID #: <u>165577</u>
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ASSESSOR'S PARCEL NUMBER(S): 162-08-805-009; 502-002 <sup>162-17-</sup> 162-08-899-034

PROPERTY ADDRESS and/or CROSS STREETS: 2548 West Desert Inn Road

PROJECT DESCRIPTION: Cannabis lounge in conjunction with an existng dispensary

(I, We) the undersigned swear and say that (I am, We are) the owner(s) of record on the Tax Rolls of the property involved in this application, or (am, are) otherwise qualified to initiate this application under Clark County Code; that the information on the attached legal description, all plans, and drawings attached hereto, and all the statements and answers contained herein are in all respects true and correct to the best of my knowledge and belief, and the undersigned understands that this application must be complete and accurate before a hearing can be conducted. (I, We) also authorize the Clark County Comprehensive Planning Department, or its designee, to enter the premises and to install any required signs on said property for the purpose of advising the public of the proposed application.

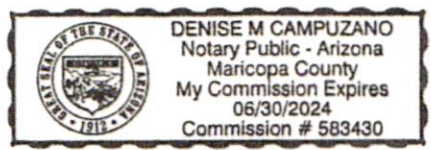
Gabriel Gomes Saia Jr.      Gabriel Gomes Saia Jr.  
 Property Owner (Signature)\*      Property Owner (Print)

STATE OF ARIZONA

COUNTY OF MARICOPA

SUBSCRIBED AND SWORN BEFORE ME ON 06/02/2023 (DATE)

By Gabriel Gomes Saia Jr.



NOTARY PUBLIC: Denise M Campuzano

\*NOTE: Corporate declaration of authority (or equivalent), power of attorney, or signature documentation is required if the applicant and/or property owner is a corporation, partnership, trust, or provides signature in a representative capacity.

*LAS Consulting*  
1930 Village Center Circle 3 #577  
Las Vegas, NV. 89134  
(702) 499-6469-cell  
(702) 946-0857

UC-23-0438

June 28, 2023

Ms. Nairee Agulian, Planner  
Department of Comprehensive Planning  
500 South Grand Central Parkway  
Las Vegas, NV 89115

Re: Justification Letter – Cannabis Consumption Lounge  
APN: 162-08-805-009/ APR-23-100712  
2548 W. Desert Inn Road, Suite 140, Las Vegas, Nevada (“Location”)  
MM Development Company Inc., a Nevada corporation

Dear Ms. Agulian:

MM Development Company Inc., a Nevada corporation (“Applicant”) hereby submits the enclosed Land Use Application for a Special Use Permit in connection with a Cannabis Consumption Lounge at the Location. The Location is currently zoned M-1 Light Manufacturing and is eligible for the referenced use without any waiver requests.

The purpose of the Applicant is to contribute to the general prosperity, health, safety, and welfare of the greater Clark County community, including the millions of tourists who frequent our communities annually, by providing a private cannabis consumption lounge for adult-use customers who are 21 years of age to gather for the purpose of education and promotion of cannabis for responsible recreational use in the greater Las Vegas area.

The proposed use will produce an environment of stable and desirable character consistent with the objectives of Title 30 and the Comprehensive Master Plan. There are no outstanding issues associated with the intended use, and it does not impose an undue burden on the surrounding area or adjacent property owners. There is no anticipated need for any public utility or public services beyond existing available services. There are no detrimental impacts of the proposed use, and the proposed use is consistent with the standards of approval listed for the Location’s current zoning.

The exterior and interior design of the Applicant is based on the premise of creating a professional environment and appearance as evidenced in the elevations provided for your consideration.

The Applicant is centrally located at 2548 W. Desert Inn Road, Suite 140 in M-1 zoning and has both parking, and secure entry doors with 24-hour monitored security. Planet 13 is an existing dispensary that creates an entertaining atmosphere while the customers shop. The entrance to the dispensary is located off the grand hallway. After identification is checked and a card is given to the customers to enter, customers may enter the dispensary using the card. There is a restaurant, banquet facility, CBD shop, and production facility have all been approved at this location. There is additional, empty warehouse space to the north of the approved uses. The lounge will be located across the hall from the dispensary in the warehouse area and is 1360 square feet. The dispensary is 24 hours a day, seven days a week and the applicant would like the lounge to be open the same-24 hours/7 days a week.

We believe this to be an asset to the area and provide a safe, secure place for guests to consume their purchases.

If you have any questions or need any additional information, please do not hesitate to call.

Yours truly,

*Lucy Stewart*

Lucy Stewart

RESTAURANT  
(TITLE 30)

BOULDER HWY/GLEN AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**ZC-23-0531-BOULDER CAPITAL MANAGEMENT, LLC:**

**ZONE CHANGE** to reclassify 0.5 acres from an H-2 (General Highway Frontage) to a C-2 (General Commercial) Zone.

**WAIVER OF DEVELOPMENT STANDARDS** for reduced landscaping.

**DESIGN REVIEWS** for the following: **1)** restaurant; and **2)** outside dining and drinking.

Generally located on the northwest corner of Boulder Highway and Glen Avenue within Winchester and Sunrise Manor (description on file). TS/bb/syp (For possible action)

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RELATED INFORMATION:

**APN:**

161-06-403-001; 162-01-804-006; 162-01-804-007

**WAIVER OF DEVELOPMENT STANDARDS:**

1. a. Reduce landscaping to 10 feet along Boulder Highway where 15 feet is required adjacent to an existing attached sidewalk per Section 30.64.030 (a 33% reduction).
- b. Reduce landscaping to 10 feet along Glen Avenue where 15 feet is required adjacent to an existing attached sidewalk per Section 30.64.030 (a 33% reduction).

**LAND USE PLAN:**

WINCHESTER/PARADISE - CORRIDOR MIXED-USE

SUNRISE MANOR - CORRIDOR MIXED-USE

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 3448 & 3450 Boulder Highway
- Site Acreage: 0.5
- Project Type: Restaurant with outside dining and drinking
- Number of Stories: 1
- Building Height (feet): 22
- Square Feet: 1,473
- Parking Required/Provided: 16/10 (on-site)/6 (off-site)/93/136 (overall block)

### Site Plan

The plan depicts a 0.5 acre area with a new 1,473 square foot restaurant with a 250 square foot outside dining located at the northwest corner of Boulder Highway and Glen Avenue, south of 250 feet south of Sahara Avenue. The plan shows 10 on-site parking spaces with 6 parking spaces provided as part of a shared parking agreement with the adjacent property being used as a pharmacy. The property is located on a narrow corner with existing access from a shared driveway located 250 feet south of Sahara Avenue and 230 feet north of Glen Avenue at Boulder Highway. A second shared access driveway is located 260 feet west of Boulder Highway on Glen Avenue. The plan shows a trash enclosure facing the shared driveway at the northwest corner of the property, and a loading zone on the south side of the building and north of the drive-thru aisle. The drive-thru aisle has an entrance along the west side of the property, an escape lane on the south-central part of the lot and exit on the north side of the restaurant. Parking is provided in the central area of the lot with the building on the east side of the property. Two accessible parking spaces are located on-site, along with 2 bicycle rack parking spaces.

### Landscaping

The plan depicts parking lot landscaping with islands, and 10 feet of the 15 feet required landscaping along the rights-of-way. This landscaping deficiency is the subject of a waiver request with this application. There are 22 medium and 11 small trees shown on the landscape plan with 20 foot spacing along the rights-of-way.

### Elevations

The plans depict a single building with stucco siding and vertical reveal joints, with decorative wood accents, decorative art panel facing west, matte black storefront, and glazed windows facing west. A decorative brick screen wall with a flat awning is located on the west side of the building for the outside dining space. Decorative metal shades are located on the west, east, and south sides of the building, with a portion of the drive-thru covered on the east side of the building. A brick veneer parapet is on the east side of the roof, with the brick veneer extending to the ground on the north and south sides of the building. The pedestrian level of the building on the west and east sides includes wood cladding with a brown textured surface.

### Floor Plan

The plan depicts a 1,473 square foot building with restroom, 205 square foot team member lounge and office, drive-thru window (east facing), mobile order pick-up window (west facing), and a 705 square foot back of house preparation area. A 205 square foot storage space is also shown on the floor plan.

### Signage

Signage is not a part of this request.

### Applicant's Justification

The applicant is requesting a conforming zone change from H-2 (General Highway Frontage) to C-2 (General Commercial). The proposed restaurant is located 250 feet south of Sahara Avenue and on the west side of Boulder Highway. The building is 22 feet high with a modern contemporary design, with a combination of stucco, wood cladding, brick veneer, and decorative screen wall. The 250 square foot outside dining area has a pedestrian area, decorative screening,



protective barrier, and 4 foot sidewalk between the barrier and parking area. No signs are proposed with this application. The proposed zone change complies with the Master Plan designation of Corridor Mixed-Use and this property is part of a contiguous C-2 zoned area that exceeds 10 acres in area. Only 10 feet of the required 15 feet of landscaping is included within the property adjacent to existing attached sidewalks, resulting in a waiver request. The owner has a shared parking agreement with the adjacent Walgreens and will have access to the addition 6 parking spaces required for a total of 16 parking spaces.

**Prior Land Use Requests**

Application Number	Request	Action	Date
UC-1366-04	Auto maintenance - expired	Approved by PC	September 2004

**Surrounding Land Use**

	Planned Land Use Category	Zoning District	Existing Land Use
North	Corridor Mixed-Use	C-2 & H-2	Commercial retail
South	Corridor Mixed-Use	C-2	Vehicle sales, retail, & warehouse
East	Corridor Mixed-Use	C-2	Undeveloped
West	Corridor Mixed-Use	C-2	Retail

**STANDARDS FOR APPROVAL:**

The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

**Analysis**

**Comprehensive Planning**

Zone Change

This request is conforming to the Master Plan Policy SM-2.4 encouraging compatible business development, and Policy WP-1.7 encouraging targeted revitalization of older neighborhoods. The proposed rezoning from H-2 to C-2 will remove an antiquated zoning district. The subject parcel has been vacant for quite some time which may attract illegal activities in the area. Revitalizing the site by cleaning up the property, repaving the parking lot, and installing new street landscaping will enhance the site and the overall adjacent neighborhood. The proposed C-2 zoning and the addition of this development will provide a compatible use in this area; therefore, staff can support this request.

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.

The applicant is installing over 15 feet of landscaping adjacent to Boulder Highway, with only 10 feet on private property. The applicant is providing more than 30 trees on the property, with all trees being 24 inch box size. A total of 10 feet of landscaping is shown along Glen Avenue, matching the 10 feet of landscaping provided by the vehicle sales use on the south side of Glen Avenue. The resulting overall landscaping will adequately screen the property and provide a significant shade canopy over time, in compliance with Master Plan Policy 3.6.1 and mitigation of urban heat island effects. Therefore, staff supports this request.

### Design Reviews

The proposed restaurant and outside dining area are compatible with the surrounding uses, has adequate shared access, and shared parking with the 2 other uses located on the island parcels located between Sahara Avenue, Glen Avenue, and Boulder Highway. A total of at least 136 parking spaces are available in the entire block area, with Dotty's tavern having obtained a waiver reduced parking (WS-0078-14). Over 40 parking spaces are located within the City of Las Vegas and are currently available for the other uses. The shared parking for 6 additional spaces from the Walgreens property will ensure adequate parking. The owner has a shared parking agreement with the adjacent property for 6 additional parking spaces. Therefore, staff can support these requests.

### **Staff Recommendation**

Approval.

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

### **PRELIMINARY STAFF CONDITIONS:**

#### **Comprehensive Planning**

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning.
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the installation and use of cooling systems that consumptively use water will be prohibited; the County has adopted a rewrite to Title 30 effective January 1, 2024, and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; 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; and that the waiver of development standards and design reviews must commence within 2 years of approval date or they will expire.

#### **Public Works - Development Review**

- Drainage study and compliance;
- Traffic study and compliance.

- Applicant is advised that Nevada Department of Transportation (NDOT) permits may be required.

**Clark County Water Reclamation District (CCWRD)**

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email [sewerlocation@cleanwaterteam.com](mailto:sewerlocation@cleanwaterteam.com) and reference POC Tracking #0184-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:**

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** JOSEPH KENNEDY

**CONTACT:** CASSANDRA WORRELL, 520 S. FOURTH STREET, LAS VEGAS, NV  
89101

DRAFT



# LAND USE APPLICATION

## DEPARTMENT OF COMPREHENSIVE PLANNING

APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

<b>APPLICATION TYPE</b>  <input type="checkbox"/> TEXT AMENDMENT (TA) <input checked="" type="checkbox"/> ZONE CHANGE (ZC) <input type="checkbox"/> USE PERMIT (UC) <input type="checkbox"/> VARIANCE (VC) <input checked="" type="checkbox"/> WAIVER OF DEVELOPMENT STANDARDS (WS) <input checked="" type="checkbox"/> DESIGN REVIEW (DR) <input type="checkbox"/> ADMINISTRATIVE DESIGN REVIEW (ADR) <input type="checkbox"/> STREET NAME / NUMBERING CHANGE (SC) <input type="checkbox"/> WAIVER OF CONDITIONS (WC) (ORIGINAL APPLICATION #) <input type="checkbox"/> ANNEXATION REQUEST (ANX) <input type="checkbox"/> EXTENSION OF TIME (ET) (ORIGINAL APPLICATION #) <input type="checkbox"/> APPLICATION REVIEW (AR) (ORIGINAL APPLICATION #)	<b>STAFF</b> APP. NUMBER: <u>ZC/WS/DR-23-0531</u> DATE FILED: <u>8-8-2023</u> PLANNER ASSIGNED: <u>BAB</u> TAB/CAC: <u>Winchester</u> TAB/CAC DATE: <u>9-12-2023</u> PC MEETING DATE: _____ BCC MEETING DATE: <u>10-4-2023</u> FEE: <u>\$2,200</u>
	<b>PROPERTY OWNER</b> NAME: <u>Boulder Capital Management LLC</u> ADDRESS: <u>3755 Breakthrough Way Suite 250</u> CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89135</u> TELEPHONE: <u>N/A</u> CELL: <u>N/A</u> E-MAIL: _____
	<b>APPLICANT</b> NAME: <u>J. A. Kennedy Development Company</u> ADDRESS: <u>3755 Breakthrough Way Suite 250</u> CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89135</u> TELEPHONE: <u>702-405-3102</u> CELL: _____ E-MAIL: <u>jkennedy@jakrec.com</u> REF CONTACT ID #: <u>N/A</u>
<b>CORRESPONDENT</b> NAME: <u>Jay Brown/Lebene Ohene</u> ADDRESS: <u>520 South Fourth Street</u> CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89101</u> TELEPHONE: <u>702-598-1429</u> CELL: <u>702-561-7070</u> E-MAIL: <u>lohene@brownlawlv.com</u> REF CONTACT ID #: <u>173835</u>	

ASSESSOR'S PARCEL NUMBER(S): 162-01-804-006 & 161-06-403-001

PROPERTY ADDRESS and/or CROSS STREETS: Boulder Hwy & Sahara

PROJECT DESCRIPTION: Proposed restaurant with drive through

(I, We) the undersigned swear and say that (I am, We are) the owner(s) of record on the Tax Rolls of the property involved in this application, or (am, are) otherwise qualified to initiate this application under Clark County Code; that the information on the attached legal description, all plans, and drawings attached hereto, and all the statements and answers contained herein are in all respects true and correct to the best of my knowledge and belief, and the undersigned understands that this application must be complete and accurate before a hearing can be conducted. (I, We) also authorize the Clark County Comprehensive Planning Department, or its designee, to enter the premises and to install any required signs on said property for the purpose of advising the public of the proposed application.

  
 Property Owner (Signature)\*

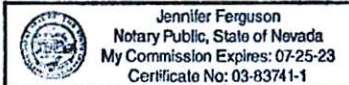
Boulder Capital Management, LLC  
Joseph A Kennedy, Manager  
 Property Owner (Print)

STATE OF Nevada  
COUNTY OF Clark

SUBSCRIBED AND SWORN BEFORE ME ON May 8, 2023 (DATE)

By Joseph A. Kennedy

NOTARY PUBLIC: Jennifer Ferguson



\*NOTE: Corporate declaration of authority (or equivalent), power of attorney, or signature documentation is required if the applicant and/or property owner is a corporation, partnership, trust, or provides signature in a representative capacity.

APR-23-100 683

JAY H. BROWN  
DAVID T. BROWN  
PUOY K. PREMSRIRUT

AN ASSOCIATION OF PROFESSIONAL CORPORATIONS  
520 SOUTH FOURTH STREET  
LAS VEGAS, NEVADA 89101

TELEPHONE: (702) 384-5563  
FACSMILE: (702) 385-1023  
EMAIL: jbrown@brownlawlv.com

July 17, 2023

Clark County Comprehensive Planning  
Current Planning Division  
500 Grand Central Parkway  
Las Vegas Nevada 89155

**RE: Boulder & Sahara - Justification Letter – Revision 2**

- **Zone Change**
- **Design Review**
- **Waivers to Development Standards**

**Assessors' Parcel Numbers: 162-01-804-006 & 161-06-403-001**

**PLANNER  
COPY**

**To Whom It May Concern:**

On behalf of our Client, J.A. Kennedy Development Company., we respectfully submit this application package for a proposed conforming zone change for a proposed restaurant with drive through from H-2 to C-2. The proposed restaurant (Starbucks) is located 250 feet south of Sahara Avenue and the highway frontage on the east side of Boulder Highway, on a total of 0.51 acres in a General Highway Frontage (H-2) within Sunrise Manor.

**Project Description:**

The proposed restaurant is a total of 1,473 square feet with a drive-thru with outside dining. The building is located 22 feet from the west property line. The restaurant has two access points, one along Boulder Highway and the other from Glen Avenue. Cross access is shown between Walgreens and Starbucks along the northern property line. The drive through queuing lanes is depicted along the southeast side of the building and wrap around to the west side of the building. The call box is located 22 feet from the south property line. A total of sixteen (16) parking spaces are provided as required by the Code including two (2) handicap accessible spaces with two (2) bicycle spaces. A total of 130 parking spaces are available which includes the cross-access parking that is shared. The trash enclosure is located along the north property line. One (1) loading area is provided and is located on the southeast side of the building.

**Elevations:**

The proposed restaurant is up to 22 feet high to the top of the parapet. The architecture of the restaurant is of modern contemporary design with a painted E.I.F.S. finish system with vertical reveals, awnings, brick veneer, wood cladding and decorative screen walls.

**Floor Plans:**

The plans depict a 1,473 square foot restaurant (Starbucks) to include a 250 square foot outside dining area with the required protective barrier and a four (4) foot sidewalk between the barrier and parking lot as required by Code. The building is located on the western portion of the site.

**Landscaping:**

An up to ten (10) foot wide minimum landscaping area is proposed along Boulder Highway and a thirteen (13) foot six (6) inch wide additional area of landscaping is located within the right of way with an attached five (5) foot sidewalk. A ten (10) foot wide landscaping area is proposed along the southeast property line. Six (6) foot wide landscaping area is located along the north property line. Additional parking lot landscaping is provided along the north and south sides of the building.

Signage is not a part of the application.

PLANNER  
COPY

**The following are the required applications:**

**Conforming Zone Change:**

A conforming Zone Change from a Highway Frontage (H-2) to General Commercial (C-2) zone for a proposed restaurant with a drive through.

**Justification:**

The request is for a conforming Zone Change to C-2 zoning which complies with the Master Plan designation for the site as Corridor Mixed-Use (CM) in the Sunrise Manor Planning area. Located immediately north, south, east and west are all zoned C-2 General Commercial. The proposed use is a neighborhood serving use and is compatible and appropriate for the area. The request for a C-2 zoning allows more of a mix of uses within the area to align with the intent of the Master Plan.

**Waivers of Development Standards:**

- 1) **Permit alternative landscaping (required trees) along Boulder Highway.**

**Justification:**

The plans depict ten (10) foot landscaping along the frontage of the parcel however fifteen (15) foot of landscaping is required. An additional thirteen (13) foot six (6) inch wide area of landscaping is located within the right of way with an attached five (5) foot sidewalk. Limited number of trees and shrubs are depicted on the west side of the property line along Boulder Highway to match the design along the north and south in this area for other developed properties. Therefore, this request is justified with the additional landscaping provided.

- 2) **Allow non-standard improvements within the right-of-way.**

**Justification:**

This request is to allow landscaping within the right-of-way along Boulder Highway. This request will enhance the street frontage on Boulder Highway and beautify the area instead of leaving the area as an open desert with no enhancements in front of the site. In addition, this request will not impact the site or right-of-way area.

**Design Reviews:**

Restaurant with drive through.

**Justification:**

The proposed restaurant (Starbucks) is a community serving use with customers drawn from the immediate area. This use is an infill project between developed commercial uses zoned C-2 to the north, east, south and west. The site is the only remaining undeveloped parcel along this segment of the street frontage and the immediate area and fulfills the infill and growth management goals, policies, and requirements for developing on this site and maximizing the capacities of existing infrastructure and services in the area. The proposed project conforms to the goals and policies 3.6.1 and 6.1.6 outlined in the Master Plan such as Policy SM1.1 Countywide policy of the Sunrise Manor Planning area to protect neighborhood integrity with infill developments that are compatible with adjacent uses and this use is a neighborhood serving uses. Development of the site will also mitigate existing dust issues for the adjacent residential uses to the north.

We appreciate the opportunity to submit this proposed project for your review.

Please contact me at 702-598-1409 if you have any questions or need additional information.

Sincerely,

BROWN, BROWN & PREMSRIRUT



Cassandra Worrell

Land Use and Development Coordinator

PLANNER  
COPY