

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-25-0687-BD-WESTWIND 2, LLC:**

**HOLDOVER USE PERMIT** for a gasoline station.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** increase maximum parking; **2)** alternative driveway geometrics; **3)** allow non-standard improvements in the right-of-way; and **4)** waive full off-site improvements.

**DESIGN REVIEW** for a proposed gasoline station and convenience store on a 0.90 acre portion of a 3.36 acre site in a CR (Commercial Resort) Zone.

Generally located east of Las Vegas Boulevard South and north of Pebble Road within Enterprise. MN/dd/cv (For possible action)

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RELATED INFORMATION:

**APN:**

177-16-401-006; 177-16-401-007

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Allow 11 parking spaces where 8 parking spaces are required and a maximum of 9 parking spaces are allowed per Section 30.04.04D (a 22% increase).
2.
  - a. Reduce the driveway departure distance along Las Vegas Boulevard South to 96 feet where 190 feet is required per Uniform Standard Drawing 222.1 (a 49% reduction).
  - b. Reduce the driveway approach distance along Pebble Road to 147 feet where 190 feet is required per Uniform Standard Drawing 222.1 (a 23% reduction).
  - c. Reduce the driveway throat depth along Las Vegas Boulevard South South to 3 feet where 25 feet is required per Uniform Standard Drawing 222.1 (an 88% reduction).
3. Allow non-standard improvements (landscaping) within the future right-of-way of Las Vegas Boulevard South where not permitted per Section 30.04.08C.
4.
  - a. Waive full off-site improvements (curb, gutter, sidewalks, streetlights, and partial paving) along Pebble Road where required per Section 30.04.08C.
  - b. Waive full off-site improvements (curb, gutter, sidewalks, streetlights, and partial paving) along Giles Street where required per Section 30.04.08C.

**LAND USE PLAN:**

ENTERPRISE - ENTERTAINMENT MIXED-USE

## **BACKGROUND:**

### **Project Description**

#### **General Summary**

- Site Address: 8858 S. Las Vegas Boulevard South
- Site Acreage: 0.90 (subject site area - A)/2.46 (future development site area - B)/3.36 (total acreage)
- Project Type: Gas station & convenience store
- Number of Stories: 1
- Building Height (feet): 20 (proposed convenience store)/19 (proposed fuel canopy)
- Square Feet: 2,825 (proposed convenience store)/3,736 (proposed fuel canopy)
- Parking Required/Allowed/Provided: 8/9/11
- Sustainability Required/Provided: 7/7

#### Background & Site Plan

MSM-25-600053 is currently in process to separate the site into 2 separate parcels. The first (south western) parcel is shown as being 0.90 acres and is slated to be developed as the gasoline station and convenience store as described below. The development of a gasoline station in a CR zone requires a use permit. The second (eastern) parcel is shown as being 2.45 acres and will be developed with other commercial uses at a later date. Additionally, a portion of the right-of-way along Las Vegas Boulevard South to the west is being developed with non-standard improvements (landscaping) in the right-of-way to improve the site and will be developed as part of the expansion of Las Vegas Boulevard South.

The site plans depict a proposed gasoline station canopy and convenience store with access from 2 proposed driveways; one in the northwest corner of the property along Las Vegas Boulevard South, and one along the south property line adjacent to Pebble Road. The proposed convenience store is centrally located in the southwest corner of the site, 23 feet from the south property line, and 80 feet from the west property line. The proposed fuel canopy is 63 feet north of the convenience store, 18 feet from the north property line, 55 feet from the west property line. A total of 11 parking spaces are provided on the north side of the convenience store building where 8 are required and 9 would be the maximum allowed, thus necessitating the need for a waiver of development standards to increase maximum parking. Pedestrian access is provided from Pebble Road, and there is a trash enclosure located to the west of the convenience store, 22 feet from the west property line.

#### Landscaping

The applicant provided 2 landscape plans. The first plan depicts the installation of street landscaping and detached sidewalks along Pebble Road and within the right-of-way of Las Vegas Boulevard South. The landscaping strip on Pebble Road consists of 7 feet of landscaping along the right-of-way, a 5 foot wide detached sidewalk, and another 5.5 feet of landscaping behind the sidewalk. The landscaping on Las Vegas Boulevard South consists of a 5 foot wide landscape strip within the right-of-way, a 5 foot detached sidewalk, an additional 39 feet of landscaping within the right-of-way, and a final 22.5 foot wide landscape strip behind the detached sidewalk behind the west property line. Since there are non-standard improvements within the right-of-way, a waiver of development standards is required.

The second landscape plan depicts the landscaping once Las Vegas Boulevard South is widened. Landscaping along Pebble Road will not change, but the width of the landscaping within the Las Vegas Boulevard South right-of-way will be reduced to 5 feet. The detached sidewalk will be moved to the east behind the property line, and the 22.5 feet of landscaping behind the sidewalk will be reduced to 17.5 feet.

Additionally, there are three parking lot landscape islands provided in the parking area north of the convenience store and an approximately 33 foot wide landscape area separating the convenience store from the driveway to the east. All landscaping on site and within the right-of-way on Las Vegas Boulevard South consists of large trees, shrubs, and groundcover. Off-site improvements are not being provided on the other 2.46 portion of the property along Pebble Road and Giles Street, thus necessitating a waiver of development standards for those sections of the property.

#### Elevations

The elevations depict a single-story convenience store building, up to 20 feet high, with a flat roof and a decorative parapet wall above the main entrance. The elevations consist of brick veneer, aluminum composite panels, sheet metal trim, and an aluminum storefront window and door system.

The fuel canopy is up to 19 feet tall with decorative steel columns to match the storefront. Gray brick veneer and red, white, and blue painted and colored materials will be used on both structures to match brand specifications.

#### Floor Plans

The plan for the convenience store depicts a 2,825 square foot convenience store building. The main entrance is on the north side of the building, with employee and emergency exits on the west and south sides of the building. The fuel canopy is depicted as being 3,736 square feet and includes 6 fuel islands for a total of 12 dispensers.

#### Applicant's Justification

The applicant states that the request for the use permit and design review for the gasoline station and convenience store is consistent with the intent of the CR (Commercial Resort) zoning district and the Entertainment Mixed-Use planned land use category. The site would serve tourists and residents while providing employment and financial development in the area. Finally, the applicant states that their site has been designed to be functional and aesthetically integrated with other developments and uses in the immediate area.

#### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ET-400026-08 (UC-1782-05)	First extension of time for a use permit and design review for resort condominiums and a waiver of development standards for landscaping within the right-of-way - expired	Approved by BCC	March 2008

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
UC-1782-05	Use permit and design review for resort condominiums and a waiver of development standards for landscaping within the right-of-way - expired	Approved by BCC	February 2006
UC-0947-02	Use permit for an off-premises sign and a waiver of development standards to reduce separations from an RNP-I overlay	Denied by BCC	November 2002

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
North	Entertainment Mixed-Use	CR	Undeveloped
South	Entertainment Mixed-Use	CR	Condominium complex
East	Compact Neighborhood (up to 18 du/ac)	RM18	Undeveloped
West	Entertainment Mixed-Use	CG	Vehicle rental facility

**Related Applications**

<b>Application Number</b>	<b>Request</b>
VS-25-0688	A vacation and abandonment of patent easements is a companion item on this agenda.

**STANDARDS FOR APPROVAL:**

The applicant shall demonstrate that the proposed request is consistent with the Master Plan and is in compliance with Title 30.

**Analysis****Comprehensive Planning**Use Permit

A special use permit is considered on a case by case basis in consideration of the standards for approval. Additionally, the use shall not result in a substantial or undue adverse effect on adjacent properties, character of the neighborhood, traffic conditions, parking, public improvements, public sites or right-of-way, or other matters affecting the public health, safety, and general welfare; and will be adequately served by public improvements, facilities, and services, and will not impose an undue burden.

A special use permit is required to allow a gasoline station in a CR (Commercial Resort) zone to ensure that the location of the gasoline station is compatible with other uses in the surrounding area. Staff finds that the gasoline station should be harmonious with the surrounding properties, since there is a vehicle rental business located across Las Vegas Boulevard South to the west and an existing gasoline station to the southwest. Additionally, the residential development to the south is separated by Pebble Road. For these reasons, staff can support this request.

### Waivers of Development Standards

The applicant shall have the burden of proof to establish that the proposed request is appropriate for its proposed location by showing the following: 1) the use(s) of the area adjacent to the subject property will not be affected in a substantially adverse manner; 2) the proposal will not materially affect the health and safety of persons residing in, working in, or visiting the immediate vicinity, and will not be materially detrimental to the public welfare; and 3) the proposal will be adequately served by, and will not create an undue burden on, any public improvements, facilities, or services.

### Waiver of Development Standards #1

Staff does not typically support waivers to increase parking, but in this case, staff finds that doing so would not have an adverse effect to the site or the surrounding properties, and the applicant stated the additional parking is based on business needs. With the remainder of the site to be developed for commercial uses in the future, the increase in parking may improve the flow of traffic throughout the site. For these reasons, staff can support this request.

### Design Review

Development of the subject property is reviewed to determine if 1) it is compatible with adjacent development and is harmonious and compatible with development in the area; 2) the elevations, design characteristics and others architectural and aesthetic features are not unsightly or undesirable in appearance; and 3) site access and circulation do not negatively impact adjacent roadways or neighborhood traffic.

In general, any development poses the opportunity to provide visually appealing architecture and needed services for surrounding communities. In this case, staff finds that the design of the convenience store provides multiple architectural features and meets the intent of Code. Additionally, landscaping has been provided to meet code, and cross access will be provided for future development throughout the rest of the site. For these reasons, staff can support this request.

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

#### Waiver of Development Standards #2a and #2b

Staff cannot support the request to reduce the approach and departure distance, this is a self-imposed hardship that could be addressed with a site redesign. Staff has concerns with the traffic along Las Vegas Boulevard, as well as the residential traffic from the south and east of the site. The increased traffic in the area will create conflicts with the movements from both driveways, causing vehicles to stack in the right-of-way. It is important that traffic in this area can flow without the impediment of vehicles attempting to access the parking lot. Therefore, staff cannot support this request.

#### Waiver of Development Standards #2c

Staff believes the reduction in throat depth, combined with Waiver of Development Standards #2a and #2b will result in more vehicles stopping in the right-of-way while drivers attempt to negotiate the right turn that will be required for the driveway on Las Vegas Boulevard. Therefore, staff cannot support this request.

### Waiver of Development Standards #3

The applicant is responsible for maintenance and up-keep of any non-standard improvement; the County will not maintain any landscaping placed in the right-of-way. Staff can support waiver of development standards #3 but the applicant must execute and sign a License and Maintenance Agreement for any non-standard improvements within the right-of-way. However, since Staff cannot support the application in its entirety, staff cannot support this request.

### Waiver of Development Standards #4a and #4b

Historical events have demonstrated how important off-site improvements are for drainage control. Additionally, full width paving allows for better traffic flow and sidewalks on public streets provide safer pathways for pedestrians and for children to walk to school. Therefore, staff cannot support the waiver of development standards for full off-site improvements.

### **Staff Recommendation**

Approval of the use permit, waiver of development standards #1, and design review; denial of waivers of development standards #2, #3, and #4.

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**

If approved:

- Certificate of Occupancy and/or business license shall not be issued without approval of a Certificate of Compliance.
- Applicant is advised within 2 years from the approval date the application must commence or the application will expire unless extended with approval of an extension of time; 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; changes to the approved project will require a new land use application; and the applicant is solely responsible for ensuring compliance with all conditions and deadlines.

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

- **Applicant to construct detached sidewalk with future development along Pebble Road;**
- **Applicant to construct or pay a cost contribution for the Giles Street improvements with future development;**
- **Applicant to coordinate with Public Works - Development Review to move the commercial driveway on Las Vegas Boulevard as far north as the parcel allows;**
- Drainage study and compliance;
- Traffic study and compliance;
- Right-of-way dedication for Las Vegas Boulevard South per RS-20-500028;

- Right-of-way dedication to include 30 feet for Giles Street and associated spandrel;
- 30 days to submit a Separate Document to the Map Team for the required right-of-way dedications and any corresponding easements for any collector street or larger;
- 90 days to record required right-of-way dedications and any corresponding easements for any collector street or larger;
- Applicant to construct a detached 5-foot asphalt path along Giles Street;
- Execute a Restrictive Covenant Agreement (deed restrictions);
- Execute a License and Maintenance Agreement for any non-standard improvements within the right-of-way.

#### **Fire Prevention Bureau**

- Applicant is advised that fire/emergency access must comply with the Fire Code as amended; permits may be required for this facility and to contact Fire Prevention for further information at (702) 455-7316.

#### **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 and reference POC Tracking #0190-2026 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:** Enterprise - approval of the use permit and waivers of development standards #1, #2b, #2c, #3 and #4; denial of waiver of development standards #2a and the design review (create a shared driveway with APN 177-16-401-004 if compatible uses are developed).

**APPROVALS: 10 cards, 1 letter**

**PROTESTS: 11 cards, 1 letter**

**COUNTY COMMISSION ACTION:** November 19, 2025 – HELD – To 12/03/25 – per the applicant.

**APPLICANT:** B D-WESTWIND 2, LLC

**CONTACT:** DIONICIO GORDILLO, 204 BELLE ISLE COURT, HENDERSON, NV 89012