

CONVENIENCE STORE/GASOLINE STATION  
(TITLE 30)

**UPDATE**  
DURANGO DR/RUSSELL RD

**PUBLIC HEARING**

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-22-0319-MAVERIK, INC.:**

**HOLDOVER USE PERMIT** to reduce separations to a residential use.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** alternative landscaping; and **2)** allow modified driveways.

**DESIGN REVIEWS** for the following: **1)** convenience store with gasoline station and restaurant; and **2)** finished grade on 1.7 acres in a C-2 (General Commercial) Zone in the CMA Design Overlay District.

Generally located on the northwest corner of Durango Drive and Russell Road within Spring Valley. JJ/lm/jo (For possible action)

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**RELATED INFORMATION:**

**APN:**

163-29-813-003

**USE PERMIT:**

1. a. Reduce the separation for a convenience store from a residential use to 77 feet where 200 feet is required per Table 30.44-1 (a 61% decrease).
- b. Reduce the separation for a gasoline station from a residential use to 109 feet where 200 feet is required per Table 30.44-1 (a 45.5% decrease).

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. a. Allow alternative landscaping (attached sidewalk) along an arterial street (Russell Road) where Figure 30.64-17 is required.
- b. Allow alternative landscaping adjacent to a less intensive use where Figure 30.64-11 is required.
2. a. Reduce driveway approach distances from the intersection to 39.5 feet where 150 feet is required per Uniform Standard Drawing 222.1 (a 73.6% decrease).
- b. Reduce driveway departure distance from the intersection to 178.2 feet where 190 feet is required per Uniform Standard Drawing 222.1 (a 6.2% decrease).
- c. Reduce throat depth to 6 feet where 25 feet is required per Uniform Standard Drawing 222.1 (a 76% decrease).

**DESIGN REVIEWS:**

1. Proposed convenience store with gasoline station.

2. Increase finished grade to 9.5 feet where a maximum of 3 feet is the standard per Section 30.32.040 (a 216% increase).

## **LAND USE PLAN:**

SPRING VALLEY - CORRIDOR MIXED-USE

## **BACKGROUND:**

### **Project Description**

#### General Summary

- Site Address: N/A
- Site Acreage: 1.7
- Project Type: Convenience store with gasoline station
- Number of Stories: 1
- Building Height (feet): 30 (convenience store)/20 (fuel canopy)
- Square Feet: 4,425 (convenience store)/2,756 (fuel canopy)
- Signage Height (feet): 20 (freestanding signs)
- Parking Required/Provided: 18/33

#### History

The site was previously approved for a convenience store and gasoline station; however, that application and the subsequent signage approval expired. Since the latest convenience store approval in 2017, the property to the west was approved for a multiple family development. This proposed use and site design provides for design changes addressing the previous conditions of approval to add cultured stone to the base of all columns of the fuel canopy and for the location of the loading area, housekeeping area, and landscaping considerations.

#### Site Plans

The plans depict a proposed convenience store, gasoline station, and fuel canopy with access from existing driveways along Durango Drive and Russell Road. The convenience store is located 77 feet from the west property line, 112 feet from the east property line, and 170 feet from the south property line. The fuel canopy is set back over 68 feet from the east property line, 79 feet from the south property line, and 109 feet from the west property line. Parking is provided to the south and east of the convenience store building and along the east property line between the existing 2 driveways along Durango Drive. Pedestrian access is provided from Russell Road to the convenience store. The loading space with trash enclosure and housekeeping area is located at the northeast corner of the building. The fuel canopy includes 4 fuel dispensers serving a total of 8 bays.

#### Landscaping

The plans depict a 25 foot wide landscape area including a 5 foot wide detached sidewalk along Durango Drive and a 20 foot wide landscape area (small trees) located behind an attached sidewalk along Russell Road (under existing NV Energy power transmission lines). A 15 foot wide intense landscape area is located along the west property line with a 6 foot high block wall with 3 small trees located within the NV Energy power transmission line area and the remainder of the area has a mix of large and medium trees. As designed, the landscaping necessitates the

waiver; however, if large trees were placed within the intense landscape buffer, the waiver would not be needed. The landscape island fingers are located along the southerly (front) entrance of the building. A variety of small to large trees are located on the west and north elevations of the building. Landscaping materials (trees) include Shoestring Acacia, Desert Museum Palo Verde and Texas Mountain Laurel, with a variety of shrubbery, and groundcover.

### Elevations

The plans depict a single story, up to 30 foot high, convenience store building with a flat roof and parapet walls at varying heights. The elevations consist of cultured stone base, steel frame, aluminum composite metal and vertical fiber cement siding panels and trim, and an aluminum storefront window and door system. A canopy with a standing seam metal roof is flanked on both sides with entrance canopies also consisting of a standing seam metal roof. The fuel canopy is up to 20 feet tall with decorative steel columns and cultured stone attached to the base of all columns of the fuel canopy to match the storefront. Color elevation plans submitted with the application depict neutral, earth tone colors with red accents on both structures.

### Floor Plans

The plans depict a proposed 4,425 square foot convenience store building consisting of a retail area, beverage and beer coolers, deli and coffee areas with kitchen, coolers, freezers, restrooms, and an office. There is a housekeeping area screened by an 8 foot tall block wall with gate at the northeast corner of the building.

### Lighting

Parking lot lighting is depicted with 14 foot high light poles along the west property line (within 50 feet of the residential property to the west) and the remainder of the site with 25 foot high light poles distributed along the street frontages and the parking areas. Additional lighting is provided under the fuel canopy and on the building elevations. The light distribution and photometric plan shows that no light will spill onto the adjacent properties.

### Signage

The plans depict a 20 foot high freestanding sign located adjacent to the northerly driveway entrance along Russell Road and another at the intersection of Durango Drive and Russell Road. The signs include 104.9 square feet of sign area which includes the company branding, fuel price areas, and static changeable copy area. The other signs are illuminated wall signs on the south and east sides of the building. Canopy signage is located on the south, west, and east elevations and will include the company name and logo. Both signs include colors and materials (decorative stonework at the base of the sign) to match the convenience store and fuel island canopy.

### Applicant's Justification

The applicant indicates that the proposed submittal is to re-establish a previously approved convenience store with gasoline station and fuel canopy. The proposed project has reduced in size from the original building along with the number of fuel dispensers. The store will be open 24 hours per day 7 days per week and will provide public access to restrooms during the hours of operation. The existing driveway entrance locations were installed by Clark County as part of a public improvement project which provide right-in/right-out access to Russell Road and Durango

Drive. The applicant also indicates that additional landscape area has been provided adjacent to the west property line and around the building for buffering the use adjacent to the previously approved multiple family residential. Additionally, the applicant indicates that the proposed throat depth will allow better ingress/egress for vehicles and fuel delivery trucks which aides in better site circulation. Lastly, the applicant believes that the proposed development is consistent with other commercial uses in the area and is designed in a manner to blend in with the surrounding community.

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

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
DR-18-0376	Signage and lighting for a convenience store - expired	Approved by BCC	July 2018
VS-18-0150	Vacated and abandoned a drainage easement and flood control right-of-way	Approved by PC	April 2018
WS-0983-17	Convenience store and gasoline station - expired	Approved by BCC	December 2017
VS-0585-15	Vacated and abandoned a 5 foot wide portion of right-of-way being Durango Drive	Approved by PC	October 2015
TM-0012-15	Commercial subdivision	Approved by PC	March 2015
DR-1091-06	Convenience store with gasoline pumps and car wash - expired	Approved by BCC	November 2006
ZC-0784-05	Reclassified the project site to C-2 zoning	Approved by BCC	June 2005

#### **Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North	Corridor Mixed-use	C-2	Undeveloped
South	Corridor Mixed-use	C-2	Convenience store
East	Public Use	P-F	Drainage detention basin
West	Corridor Mixed-use	R-3	Undeveloped multiple family

The subject site is within the Public Facilities Needs Assessment (PFNA) area.

#### **STANDARDS FOR APPROVAL:**

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

#### **Analysis**

##### **Current 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.

#### Use Permit #1a

The proposed convenience store is screened from the residential use by a 15 foot wide landscape strip along the western property line, as well as by the landscaping on the west side of the convenience store. Staff finds that the proposed use is adequately screened; therefore, compatible with the surrounding area and consistent with the community and recommends approval.

#### Use Permit #1b

Although there is a 15 foot wide landscape buffer to the residential use to the west, there is potential for negative impacts to the neighboring property. A minimum separation of 200 feet between convenience stores and gasoline stations and residential uses is necessary to help mitigate negative impacts from noise, odor, traffic, and air quality. Staff does not 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 #1a & #1b

Staff finds the proposed location of the attached sidewalk will allow for greater access to the bus turn-out and the proposed 20 foot wide landscaping strip (trees and shrubbery) which provides an appropriate visual buffer along Russell Road without potentially impacting the overhead power lines. The additional landscape buffer and mix of trees along the west property line and the additional trees and landscaping along the west and north elevations of the building should provide additional buffering of the proposed use to the approved multiple family residential development to the west. Therefore, staff can support this request.

#### Design Review #1

The proposed convenience store and gasoline station with fuel canopy include decorative materials and are similar to the previously approved development (Maverick) for the site. The proposed development includes decorative materials and architectural treatments on all building sides to eliminate blank elevations along the public rights-of-way and areas visible to the general public. Additionally, the applicant has included design details to meet the previously approved conditions of approval.

The proposed site lighting and signage meet design standards per Code. The signage includes design details to integrate exterior materials of the convenience store and fuel canopy.

Although staff can support the building design, lighting, and signage, staff does not support the use permit for the reduced separation to the gasoline stations. In addition, Public Works is unable to support the proposed waivers; therefore, staff recommends denial of the design review.

## **Public Works - Development Review**

### Waiver of Development Standards #2a

Staff cannot support the reduction of the approach distance along Durango Drive. Staff has concerns with the traffic volume on Durango Drive being in conflict with movements from the southern commercial driveway. The danger of crossing multiple lanes of a major arterial to reach a turn lane is compounded by having the driveway so close to the intersection. Removing the southern driveway on Durango Drive would create a safer site.

### Waiver of Development Standards #2b

Staff has no objection to the reduction in the departure distance for the Russell Road driveway. The driveway is placed as far west as the site will allow.

### Waiver of Development Standards #2c

The reduction in throat depth combined with waiver #2a further reduces the safety of vehicles entering and exiting the site. The reduced throat depth will result in more vehicles slowing or stopping in the right-of-way while drivers attempt to access the site, creating a dangerous situation for the public. A site redesign would allow for the commercial driveways to meet the minimum throat depth standards; therefore, staff cannot support this request.

### Design Review #2

This design review represents the maximum grade difference within the boundary of this application. This information is based on preliminary data to set the worst case scenario. Staff will continue to evaluate the site through the technical studies required for this application. Approval of this application will not prevent staff from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approval.

## **Staff Recommendation**

Approval of use permit #1a, waivers of development standards #1a, #1b, and #2b, and design review #2; denial of use permit #1b, waiver of development standards #2a and #2c, and design review #1.

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:**

### **Current Planning**

If approved:

- Enter into a standard development agreement prior to any permits in order to provide fair-share contribution toward public infrastructure necessary to provide service because of the lack of necessary public services in the area;
- 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 is currently rewriting Title 30 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 this application must commence within 2 years of approval date or it will expire.

**Public Works - Development Review**

- Comply with previous approved drainage study PW18-16942;
- Full off-site improvements.

**Fire Prevention Bureau**

- No comment.

**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 #0085-2020 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC: Spring Valley approval of the use permit, waivers of development standards #1, #2b and #2c, and the design reviews; denial of waiver of development standards #2a.**

**APPROVALS:**

**PROTESTS:**

**COUNTY COMMISSION ACTION:** July 20, 2022 – HELD – To 08/03/22 – per the Board of County Commissioners.

**APPLICANT:** MAVERIK

**CONTACT:** MAVERIK, 185 S. STATE STREET, SUITE 800, SALT LAKE CITY, UT 84111