

CONVENIENCE STORE  
(TITLE 30)

DURANGO DR/PEBBLE RD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-20-0456-DURANGO PLAZA HOLDINGS, LLC & DURANGO PLAZA HOLDINGS II, LLC:**

**HOLDOVER APPEAL AMENDED USE PERMITS** for the following: **1)** convenience store; **2)** gasoline station; **3)** packaged liquor sales; **4)** reduce the separation for a proposed convenience store to a residential use; and **5)** reduce separation for a proposed gasoline station to a residential use.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** reduce parking lot landscaping (no longer needed); **2)** reduce building height setbacks (no longer needed); **3)** buffer wall (no longer needed); **4)** reduce departure distance; and **5)** alternative driveway geometrics.

**DESIGN REVIEWS** for the following: **1)** convenience store with gasoline station; and **2)** retail/restaurant with drive-thru on 2.5 acres in a C-1 (Local Business) Zone.

Generally located on the northeast corner of Durango Drive and Pebble Road within Enterprise.  
JJ/nr/jd (For possible action)

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RELATED INFORMATION:

**APN:**

176-16-401-025

**USE PERMITS:**

1. Convenience store.
2. Gasoline station.
3. Permit packaged liquor sales in conjunction with a convenience store where allowed in conjunction with a grocery store per Table 30.44-1.
4.
  - a. Reduce the separation from a convenience store to a residential use (to the north) to 153 feet where 200 feet is required per Table 30.44-1 (a 23.5% decrease).
  - b. Reduce the separation from a convenience store to a residential use (to the east) to 42 feet where 200 feet is required per Table 30.44-1 (a 79% decrease).
  - c. Reduce the separation from a convenience store to a residential use (to the south) to 107 feet where 200 feet is required per Table 30.44-1 (a 47% decrease).
5.
  - a. Reduce the separation from a gasoline station to a residential use (to the north) to 145 feet where 200 feet is required per Table 30.44-1 (a 19 % decrease).
  - b. Reduce the separation from a gasoline station to a residential use (to the east) to 163 feet where 200 feet is required per Table 30.44-1 (an 18.5% decrease).
  - c. Reduce the separation from a convenience store to a residential use (to the south) to 155 feet where 200 feet is required per Table 30.44-1 (a 23% decrease).

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Reduce parking lot landscaping where landscaping per Figure 30.64-14 is required (no longer needed).
2.
  - a. Reduce building height/setback for a retail/restaurant building to 19 feet where 48 feet is required per Figure 30.56-10 (a 60.21% reduction) (no longer needed).
  - b. Reduce building height/setback for a convenience store building to 42 feet where 60 feet is required per Figure 30.56-10 (a 30% reduction) (no longer needed).
3. Eliminate 6 foot high decorative buffer wall along the east side of the property where required per Figure 30.64-11 (a 100% reduction) (no longer needed).
4. Reduce departure distance from a driveway on Durango Drive to 115 feet where 190 feet is required per Uniform Standard Drawing 222.1 (a 39.5% reduction).
5.
  - a. Reduce throat depth on Durango Drive to 11 feet where 25 feet is required per Uniform Standard Drawing 222.1 (a 24% reduction).
  - b. Reduce throat depth on Pebble Road to 4 feet where 25 feet is required per Uniform Standard Drawing 222.1 (an 84% reduction).

**DESIGN REVIEWS:**

1. Convenience store with gasoline station.
2. Retail & restaurant building with drive-thru.

**LAND USE PLAN:**

ENTERPRISE - RESIDENTIAL SUBURBAN (UP TO 8 DU/AC)

**BACKGROUND:****Project Description****General Summary**

- Site Address: N/A
- Site Acreage: 2.5
- Project Type: Convenience store with gasoline station, retail & restaurant
- Number of Stories: 1
- Building Height (feet): 28 (restaurant/retail), 26 feet, 4 inches (convenience store), 17 feet, 6 inches (gas canopy)
- Square Feet: 1,330 (restaurant)/3,280 (retail)/4,088 (convenience store)
- Parking Required/Provided: 45/47

**Site Plan**

The plan depicts a 2.5 acre parcel with a proposed convenience store with gasoline station, retail space, and restaurant with drive-thru. An existing 6 foot high block wall extends east along the northern property line adjacent to the residential to the north. A 4,610 square foot retail and restaurant building is located on the northern portion of the site. A 12 foot wide drive-thru lane wraps around the east side of the building to the north side of the building. The drive-thru speaker box faces towards the southeast from the east side of the retail/restaurant building. South and east of the retail/restaurant building is a 4,088 square foot convenience store with associated gasoline station and canopy approximately 37 feet to the west of the convenience store. Parking

on the site is located along the eastern boundary, on the north and west of the convenience store building, west of the gasoline canopy and to the south and west of the retail/restaurant building. Two loading spaces are proposed on the site, 1 is on the east side of the retail/restaurant building and the other is directly to the south of the gasoline canopy. The retail/restaurant building is set back from the north property line by 32 feet and 85 feet from the east property lines. The convenience store is set back 153 feet from the north property line, which is adjacent to a developed residential use, 42 feet from the east property line, which is adjacent to land planned for residential uses, and 57 feet from the south property line. There is also a developed residential subdivision to the south across Pebble Road. The gasoline station is set back 145 feet from the north property line (adjacent residential development), 163 feet from the east property line (planned residential use), and 55 feet from the south property line (a residential development is located to the south of Pebble Road). There are 2, 39 foot wide driveways proposed, 1 from Pebble Road and another from Durango Drive, both with reduced throat depth.

### Landscaping

The plans show street landscaping with detached sidewalks, per Figure 30.64-17, along Durango Drive and Pebble Road. A landscape strip along the east property line ranges from 7 feet 5 inches to 10 feet wide with trees 20 feet on center per Figure 30.64-11. The landscape strip on the north side of the site is 18 feet 8 inches wide with trees 20 feet on center per Figure 30.64-11. Internal parking lot landscaping complies with Figure 30.64-14.

### Elevations

The plans depict a 26 foot 4 inch high convenience store building at the top of the parapet walls with stucco and stone veneer exterior and an aluminum storefront system at the entrance. The roofline is broken-up by 3 parapet walls on opposite sides of the structure. The proposed retail/restaurant building is 28 feet high at the top of the parapets with varied rooflines. The exterior of the building consists of stucco and metal awnings over the entrances. An aluminum store front system will be at the entrance of each lease space. The proposed gas canopy will be 17 feet 6 inches high with colors to match the convenience store.

### Floor Plans

The plans show a 4,088 square foot convenience store with an open floor plan with 2 restrooms and an electrical room. The plans also show a 4,610 square foot retail/restaurant building with 3 future open floor plan lease spaces, each with a restroom and 1 restaurant lease space which also includes a future restroom.

### Signage

Signage is not a part of this request.

### Applicant's Justification

The waivers are being requested to make the best use of the site. The proposed development has residential to the north and the south which requires a use permit for separation. The reduced separation helps to provide better traffic flow on the site. To mitigate the reduced separation from residential, the applicant proposed landscaping on the perimeter of the site. The applicant indicates that the proposed convenience store with a gasoline station and restaurant with drive-thru will attract new businesses to the area and create employment opportunities.

### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ZC-0585-12	Reclassified from R-E to C-1 zoning for a shopping center	Approved by PC	December 2012
CP-1154-10	Transportation Element to reduce Pebble Road from 100 feet wide to 60 feet wide	Denied by BCC	April 2011
AG-1035-10	Transportation Element for Pebble Road as a 100 foot wide right-of-way	Approved by BCC	December 2010
UC-0957-06	Power transmission lines	Approved by PC	August 2006
MPC-0466-02	North Blue Diamond Neighborhood Plan	Approved by BCC	August 2002

### **Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North & South	Residential Suburban (up to 8 du/ac)	R-1	Single family residential
East	Residential Suburban (up to 8 du/ac)	R-E	Undeveloped
West	Public Facilities	R-E	Undeveloped

### **STANDARDS FOR APPROVAL:**

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

### **Analysis**

#### **Current Planning**

##### Use Permits

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 Comprehensive 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.

A convenience store and a gasoline station are both special uses in a C-1 zoning district and the two uses must maintain a minimum 200 foot separation from any residential use on a separate parcel, unless buffered by an existing building. The parcel has established residential uses on the north side and the south side across Pebble Road and has residential planned land use to the east. The original zone change was approved for a shopping center, which could be considered a less intensive use than a convenience store with gasoline station and a restaurant with drive-thru adjacent to residential uses. The zoning of the site does allow for the possibility of requested special uses on the site, if the uses are appropriately buffered. Although providing an intense landscape buffer with a 6 foot high wall per Figure 30.64-12 along the north and east sides of the property helps to mitigate some potential negative impacts caused by the proposed project, when considering all the proposed uses, staff believes it is not compatible with the neighborhood and cannot support the 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.

### Design Reviews

Staff reviews design review requests to ensure compatibility with existing and planned development in the surrounding areas. The design of the site and buildings are similar to the design of other convenience stores with gasoline stations and retail developments within the County. The design of the site meets the intent of Goal 78 and Goal 79 of the Comprehensive Master Plan by providing architectural treatments to all sides of the building, along public rights-of-way, and areas visible to the general public to improve visual quality. However, this type of use in proximity to residential development has not been approved within the direct vicinity of this site. The nearest commercial development is at least a 0.3 miles away from the subject property. The increase in the perimeter landscaping area would help to mitigate possible visual incompatibilities in the area. Community Design Policies of the Comprehensive Master Plan state that design quality should be encouraged in all developments. Thoughtful site design for a use that would otherwise not be compatible with the area can provide cohesive link in a neighborhood area. Although the site complies with Goal 78 and Goal 79 of the Comprehensive Master Plan the proposed use is incompatible with the surrounding area and; therefore, staff cannot support these requests.

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

#### Waiver of Development Standards #4

Staff has no objection to the reduction for the departure distance for the Durango Drive commercial driveway. The frontage for the site will not allow the driveway to meet the minimum required distance from the intersection of Durango Drive and Pebble Road while the proposed driveway location will help mitigate conflicts between the ingress traffic to the site and avoid the egress traffic from the drive-thru. However, since Current Planning cannot support the application in its entirety, staff cannot support this request.

#### Waiver of Development Standards #5

Staff finds that the increase in the landscape area adjacent to both commercial driveways will help mitigate the safety concerns with the reduced throat depths, allowing a smooth transition for access to and from the site. However, since Current Planning cannot support the application in its entirety, staff cannot support this request.

### **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.

**PLANNING COMMISSION ACTION:** December 15, 2020 – APPROVED – Vote: Aye: Frasier, Stone, Nguyen, Tagliaferri, Kilarski Nay: Kirk Absent: Morley

**Current Planning**

- 2 year review as a public hearing;
- Drive-thru hours limited to 6:00 a.m. to 9:00 p.m.;
- Provide a partition wall between the call box and the north property line;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- 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; 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**

- Drainage study and compliance;
- Traffic study and compliance;
- Full off-site improvements;
- Right-of-way dedication to include 50 feet for Durango Drive, 50 feet for Pebble Road, and associated spandrel;
- Execute a License and Maintenance Agreement for any non-standard improvements within the right-of-way;
- If required by the Regional Transportation Commission (RTC), dedicate and construct right-of-way for bus turnout including passenger loading/shelter areas in accordance with RTC standards.
- Applicant is advised that the installation of detached sidewalks will require granting necessary easements for utilities, pedestrian access, streetlights, and traffic control.

**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 #0397-2020 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

WAIVERS OF DEVELOPMENT STANDARDS #1, #2, AND #3 WERE WITHDRAWN WITHOUT PREJUDICE.

**TAB/CAC:**

**APPROVALS:** 1 card

**PROTESTS:** 9 cards

**COUNTY COMMISSION ACTION:** January 19, 2021 – HELD – To 02/03/21 – per Commissioner Jones.

**PLANNING COMMISSION ACTION:** December 1, 2020 – HELD – To 12/15/20 – per the applicant.

**APPEAL:** This item had been appealed by multiple neighbors over concerns with this project being located directly behind their property.

**APPLICANT:** HAMID MORADI

**CONTACT:** SERGIO COMPARAN, SCA DESIGN, 2580 ST. ROSE PARKWAY, SUITE 305, HENDERSON, NV 89074