

05/21/25 BCC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-25-0251-DECATUR POST, LLC:

WAIVER OF DEVELOPMENT STANDARDS for alternative driveway geometrics.

DESIGN REVIEW for modifications to a previously approved retail complex on 2.83 acres in a CG (Commercial General) Zone within the Airport Environs (AE-65) Overlay.

Generally located on the west side of Decatur Boulevard and the south side of Post Road within Spring Valley. MN/hw/kh (For possible action)

RELATED INFORMATION:

APN:

163-36-801-008; 163-36-801-014

WAIVER OF DEVELOPMENT STANDARDS:

1.
 - a. Reduce throat depth for the driveway along Post Road to 15 feet where 25 feet is required per Uniform Standard Drawing 222.1 and Section 30.04.08 (a 40% reduction).
 - b. Reduce the approach distance of the driveway along Post Road to the intersection of Decatur Boulevard and Post Road to 115 feet, where 145 feet was previously approved, and 150 feet is required per Uniform Standard Drawing 222.1 and Section 30.04.08 (a 23% reduction).

LAND USE PLAN:

SPRING VALLEY - CORRIDOR MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: 6311 Decatur Boulevard
- Site Acreage: 2.83
- Project Type: Retail complex
- Number of Stories: 1
- Building Height (feet): 23
- Square Feet: 10,130
- Parking Required/Provided: 55/59
- Sustainability Required/Provided: 7/5

History & Request

The previously approved retail complex currently under construction on the site was approved under WS-23-0520 in October 2023. The applicant is now requesting to make some revisions to

the plan with certain revisions requiring new waivers of developments. Primarily, the applicant is requesting to move their driveway along Post Road approximately 30 feet to the east of where it was previously approved. This shift has reduced the approach distance and throat depth requiring new waivers. Beyond the shift in the driveway, the applicant has also made the following minor adjustments to the plans:

- Increased the size of the convenience store by 500 square feet along with a 58 square foot increase in the attached quick service restaurant.
- The drive-thru separating island to the east of the convenience store was extended south to match with the parking stalls and finger islands to the south of the building.
- The gasoline canopy moved 6 feet to the east.
- Removed the second lane in the southern drive-thru associated with the pad restaurant building.
- Added 3 parking spaces in the northwest corner of the site and a 12 space parking court for EV chargers in the southwest corner of the site.
- Reduced provided parking by 1 space.
- Willow Acacia trees were swapped for Mulga Acacia.
- Increased the number of parking lot trees from 24 trees to 27 trees.
- Changes in color to vehicle repair and pad restaurant building facades.
- Increased the height of the vehicle repair building from 25 feet to 26 feet and the pad restaurant building from 17 feet to 19 feet.

Site Plan

The previously approved retail complex is located at the southwest corner of Decatur Boulevard and Post Road. There are 3 proposed retail and service buildings and an area for future development. A combined 3,500 square foot convenience store and 1,258 square foot fast food service restaurant is proposed in the northwest portion of the site with a proposed gasoline station canopy located 56 feet to the east of the convenience store building. The convenience store building is set back 44.5 feet from the western property line, 76.5 feet from the northern property line, and 143.5 feet from Decatur Boulevard. This building contains a 1 drive thru lane, the entrance is on the northeast corner of the building and vehicles maneuver in a counter-clockwise direction eventually exiting on the southeast corner of the building. The gasoline canopy is shown to be set back an additional 40 feet from Decatur Boulevard.

To the southeast of the convenience store building and in the east-central portion of the site is a 1,130 square foot restaurant building with an accompanying 800 square foot outside dining area and 2 drive-thru lanes. This restaurant building is set back 39 feet from Decatur Boulevard and the drive-thru lanes can stack 10 cars combined and will be accessed through the central portion of the site. The outside dining area is located to the south of the restaurant building with a protective barrier located along the perimeter of the dining area.

In the southwestern portion of the site is a 5 bay, 4,800 square foot vehicle maintenance facility. The vehicle maintenance bays face Decatur Boulevard and is set back 8 feet from the western property line. A future retail pad area is shown in the southern portion of the site.

Parking is provided interspersed amongst the 3 buildings in separated lots with a total of 59 parking spaces provided where 55 parking spaces are required. Access is provided by 2 commercial driveways. One driveway will access Post Road, a local street, in the northwest corner of the site and another driveway will access Decatur Boulevard in the east-central portion of the site.

Landscaping

A variety of landscaping is provided along the street, the perimeter, and within the parking lot. Along Decatur Boulevard, 21 Desert Museum Palo Verde (*Parkinsonia x Desert Museum*) trees have been provided in 2 rows, where possible, in 5 foot and 10 foot landscaping strips with 1 row on each side of a 5 foot detached sidewalk. In some places, particularly in the southern portion of the landscape strip, trees have been spaced every 10 feet to screen the vehicle maintenance bays and drive-thru lanes, otherwise, trees are spaced every 20 feet on center. Along Post Road, 9 Desert Museum Palo Verde trees are provided where 9 medium trees are required. The trees are mostly provided in a single row 20 feet on center in the 5 foot landscaping strip on the south side of a 5 foot detached sidewalk, due to sight visibility zones.

Within the parking lot, 23 Mulga Acacia (*Acacia Aneura*) trees are provided within the terminal landscape islands or landscaping strips and an additional 4 Mulga Acacia trees are provided in various landscape strips throughout the parking lot. A total of 21 trees are required with a total of 27 parking lot trees provided.

Elevations

The plans depict the convenience store and restaurant building to be 27 feet tall to parapet wall, the gasoline canopy is shown to be 20 feet tall, the restaurant building is 19 feet tall, and the vehicle repair facility is shown to be 26 feet tall. The exterior materials of the convenience store, gasoline canopy, and vehicle maintenance vehicle are all similar in nature with painted stucco throughout.

The vehicle maintenance facility is shown to have a 101 foot long façade with a roof pop-out and is provided on the northern portion of the building. The pop-out portion of the vehicle maintenance facility is shown to be primarily brown stucco, with a window door system on the east and north elevations. On the east elevation, 5 beige painted roll-up doors are shown with the area around the doors shown to be brown colored stucco.

The convenience store building is shown to be mainly beige with grey and sand colored accents. Two commercial window door systems are provided on the northern and southern portions of the east façade and with additional windows provided on the eastern portion of the northern and south facades. Roof articulation and pop-outs are provided surrounding the access points to the building. The gasoline canopy has a metal awning and supports with grey painted stucco bases. The steel columns are painted sand, and the metal awning is beige.

The pad restaurant building is shown to have a black metal awning running the length of the eastern façade. The building has a front pop-out and articulation which contain walk-up windows. The eastern façade contains black and white tile with a red stucco roof wall. The remainder of the building is stucco painted with a mix of white and black.

Floor Plans

General plans have been provided for the convenience store and restaurant building with the convenience store shown to take up the northern portion of the building and the restaurant taking up the southern portion with the drive-thru window shown on the southern portion of the building.

The floor plans for the pad restaurant show a commercial kitchen taking up 75% of the eastern portion of the building with the rear of the building containing restrooms, an office, and a refrigerator/freezer.

The plans for the vehicle maintenance facility show a 16.5 feet wide office and reception spaces in the northern portion of the building which contains a waiting area, bathrooms, and offices. The remainder of the space is dedicated to the vehicle bays and parts storage.

Applicant's Justification

After WS-23-0520 was approved and during the NV Energy equipment location design process, NV Energy determined 1 of the NV Energy vaults needed to be in the location of the previously approved Post Road driveway. The applicant submitted a revision to move the entrance closer to Decatur Boulevard but it could not be approved. Staff indicated it was necessary to go back to the Board of County Commission because the waiver was approved at 145 feet, and anything other than that requires another waiver of development standards. The entrance move reduces the approach distance to 115 feet. Per the applicant, building permits have been issued and the structures are under construction.

Prior Land Use Requests

Application Number	Request	Action	Date
TM-25-500110	1 lot commercial subdivision	Approved by BCC	October 2023
VS-23-0521	Vacated and abandoned patent easements and a portion of Decatur Boulevard - recorded	Approved by BCC	October 2023
WS-23-0520	3 building retail complex with a gas station	Approved by BCC	October 2023
ZC-22-0648	Reclassified the site from C-2 and R-E zoning to C-2 zoning for future commercial uses	Approved by BCC	February 2023
PA-22-700006	Redesignated the land use for the site to Corridor Mixed-Use from Business Employment	Adopted by BCC	February 2023
ZC-0814-05	Reclassified the site from R-E to C-2 zoning for a future commercial development	Approved by BCC	July 2005
ZC-1469-00	Reclassified the site from R-E and M-D zoning to C-2 and M-1 zoning for a convenience store, gas station, shopping center, taxing staging, and maintenance facility	Approved by BCC	November 2000

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Business Employment	CG (AE-65)	Motorcycle sales
South	Corridor Mixed-Use	CG (AE-65)	Undeveloped
East	Business Employment	CG & RS20 (AE-65)	Undeveloped
West	Business Employment	IL (AE-65)	Freight terminal

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

Waiver 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.

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.

Staff finds the proposed revisions to the site, particularly those affecting the design of the buildings and the internal landscaping and parking, are either relatively minor or enhance the site from the originally approved plans. The added landscaping on-site will be a benefit to the site and its surroundings along with the addition of EV charging stations. The physical changes to the buildings and their exteriors are minor, comply with Code or previous waivers, and should not affect the overall design of the site or have a major impact on the surrounding area. Finally, staff finds the changes to the pad restaurant drive-thru and the extended drive-thru separation median to the east of the convenience store should improve circulation on the site. For these reasons, staff can support this design review.

Public Works - Development Review

Waiver of Development Standards #1a

Staff has no objection to the reduction in throat depth for the Post Road commercial driveway. The applicant worked with staff to extend the drive-thru for the quick service restaurant to provide for safer ingress and egress to the site.

Waiver of Development Standards #1b

Staff has no objection to the reduction in the approach distance for the Post Road commercial driveway. The applicant placed the driveway as far west as the site will allow.

Department of Aviation

The development will penetrate the 100:1 notification airspace surface for Harry Reid International Airport. Therefore, as required by 14 CFR Part 77, and Section 30.02.26B.3(ii) of the Clark County Unified Development Code, the Federal Aviation Administration (FAA) must be notified of the proposed construction or alteration.

The property lies within the AE-65 (65-70 DNL) noise contour for Harry Reid International Airport and is subject to continuing aircraft noise and over-flights. Future demand for air travel and airport operations is expected to increase significantly. Clark County intends to continue to upgrade Harry Reid International Airport facilities to meet future air traffic demand.

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

- 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

- Drainage study and compliance;
- Traffic study and compliance;
- Full off-site improvements;
- The installation of detached sidewalks will require the vacation of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control devices.

Department of Aviation

- Applicant is required to file a valid FAA Form 7460-1, "Notice of Proposed Construction or Alteration" with the FAA, in accordance with 14 CFR Part 77, or submit to the Director of Aviation a "Property Owner's Shielding Determination Statement" and request written concurrence from the Department of Aviation;
- If applicant does not obtain written concurrence to a "Property Owner's Shielding Determination Statement," then applicant must also receive either a Permit from the Director of Aviation or a Variance from the Airport Hazard Areas Board of Adjustment (AHABA) prior to construction as required by Section 30.02.26B of the Clark County Unified Development Code; applicant is advised that many factors may be considered before the issuance of a permit or variance, including, but not limited to, lighting, glare, graphics, etc.;
- No building permits should be issued until applicant provides evidence that a "Determination of No Hazard to Air Navigation" has been issued by the FAA or a "Property Owner's Shielding Determination Statement" has been issued by the Department of Aviation;
- Incorporate exterior to interior noise level reduction into the building construction as required by Code for use.
- Applicant is advised that the FAA's determination is advisory in nature and does not guarantee that a Director's Permit or an AHABA Variance will be approved; that FAA's airspace determinations (the outcome of filing the FAA Form 7460-1) are dependent on petitions by any interested party and the height that will not present a hazard as determined by the FAA may change based on these comments; that the FAA's airspace determinations include expiration dates and that separate airspace determinations will be needed for construction cranes or other temporary equipment; that the Federal Aviation Administration will no longer approve remedial noise mitigation measures for incompatible development impacted by aircraft operations, which was constructed after October 1, 1998; and that funds will not be available in the future should the owners wish to have their buildings purchased or soundproofed.

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; email sewerlocation@cleanwaterteam.com and reference POC Tracking #0381-2023 to obtain your POC exhibit; and flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Spring Valley - approval.

APPROVALS:

PROTESTS:

APPLICANT: DECATUR POST, LLC

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