

12/03/25 BCC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**ET-25-400109 (UC-21-0188)-REMINGTON UTE, LLC:**

**USE PERMITS SECOND EXTENSION OF TIME** for the following: **1)** convenience store; **2)** gasoline station; **3)** vehicle wash; **4)** reduce the separation from a proposed convenience store to a residential use; **5)** reduce the separation from a proposed gasoline station to a residential use; **6)** reduce the setback from a convenience store to a section line road; and **7)** reduce the setback from a gasoline station to a section line road.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** alternative driveway geometrics; **2)** reduce driveway approach distances; **3)** reduce driveway departure distances; and **4)** reduce vehicle wash separation from residential.

**DESIGN REVIEWS** for the following: **1)** convenience store; **2)** gasoline station (fuel canopy); **3)** vehicle wash; **4)** restaurant and drive-thru; **5)** retail buildings; **6)** finished grade; and **7)** alternative parking lot landscaping on 2.5 acres in a CG (Commercial General) Zone.

Generally located south of Windmill Lane and west of Decatur Boulevard within Enterprise.  
JJ/bb/kh (For possible action)

---

RELATED INFORMATION:

**APN:**

176-13-501-008

**LAND USE PLAN:**

ENTERPRISE - NEIGHBORHOOD COMMERCIAL

**USE PERMITS:**

1. Allow a convenience store.
2. Allow a gasoline station.
3. Allow a vehicle wash.
4. Reduce the separation from a proposed convenience store to a residential use to 135 feet where 200 feet is required per Table 30.44-1 (a 33% reduction).
5. Reduce the separation for a proposed gasoline station to a residential use to 130 feet where 200 feet is required per Table 30.44-1 (a 35% reduction).
6. Reduce the setback for a convenience store to a section line road to 15 feet 3 inches where 30 feet is required per Table 30.44-1 (a 49% reduction).
7. Reduce the setback for a gasoline station to a section line road to 15 feet 3 inches where 30 feet is required per Table 30.44-1 (a 49% reduction).

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. a. Reduce the throat depth for a driveway at Windmill Lane to 8 feet where a minimum of 25 feet is required per Uniform Standard Drawing 222.1 (a 68% reduction).
1. b. Reduce the throat depth for a driveway at Decatur Boulevard to 4 feet where a minimum of 25 feet is required per Uniform Standard Drawing 222.1 (an 84% reduction).
2. Reduce the approach distance to the intersection of Decatur Boulevard and Windmill Lane to 111 feet where a minimum distance of 150 feet is required per Uniform Standard Drawing 222.1 (a 26% reduction).
3. a. Reduce the departure distance from the intersection of Windmill Lane and Ribbon Falls Street to 56 feet where a minimum distance of 190 feet is required per Uniform Standard Drawing 222.1 (a 71% reduction).
3. b. Reduce the departure distance from the intersection of Windmill Lane and Decatur Boulevard to 154 feet where a minimum distance of 190 feet is required per Uniform Standard Drawing 222.1 (a 19% reduction).
4. Reduce the separation for a vehicle wash to a residential use to 150 feet where 200 feet is required per Table 30.44-1 (a 25% reduction).

**DESIGN REVIEWS:**

1. Convenience store.
2. Gasoline station (fuel canopy).
3. Vehicle wash.
4. Restaurant with drive-thru.
5. Retail buildings.
6. Increase the finished grade to 30 inches where a maximum of 18 inches is the standard per Section 30.32.040 (a 67% increase).
7. Allow 1 landscape island finger per 18 parking spaces where 1 landscape finger island per 6 parking spaces is the standard per Figure 30.64-14.

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

- Site Address: N/A
- Site Acreage: 2.5
- Project Type: Gas station/vehicle wash
- Number of Stories: 1
- Building Height: Up to 27 feet, 9 inches
- Square Feet: 9,500 (retail)/3,060 (convenience store) /1,207 (carwash)
- Parking Required/Provided: 53/53

**History & Site Plan**

This site was approved for a commercial complex including a convenience store with gasoline pumps, vehicle wash, restaurant with a drive-thru and a retail building. Revised plans were submitted after the original Town Board meeting but prior to the Board of County

Commissioners meeting and as a result 5 of the 10 original requested waivers were withdrawn during the public hearing.

The property is bordered by developed residential on the west and east and undeveloped planned and zoned residential on the south. The property is accessed from Windmill Lane on the north and Decatur Boulevard from the east. A bus lane is being developed as part of the right turn lane along Decatur Boulevard, south of Windmill Lane and adjacent to the east property line. The approved retail building is oriented from north to south near the western property line. The convenience store and associated gas station with canopy are located on the east side of the retail building. The vehicle wash is located on the north side of the convenience store, adjacent to Windmill Lane. Vehicle wash access proceeds from east to west on the north side of the convenience store. The vehicle wash service bay doors face east and west, with landscaping between a detached sidewalk on the north.

The site was approved with a total of 60 parking spaces where 60 parking spaces are required. The revised plans dated June 2021 decreased the area of the building and vehicle wash with a total of 56 parking spaces shown. Later, in November 2023, the revised plan showed 53 required and provided parking spaces. Also, the original trash enclosure setback waiver from the west property line is no longer needed as a result of those revised plans as it is now shown 50 feet from the west property line.

The revised plans dated November 2023 show setbacks for the convenience store, fuel canopy, and vehicle wash are as follows:

- The convenience store is set back 146 feet from the western property line (residential development) and 53 feet from the northern property line (section line).
- The fuel canopy is located approximately 59 feet south of the convenience store and covers 4 fuel islands. The fuel canopy is 143 feet from the west property line (residential), 69 feet from the east property line (residential development is across the street), and 72 feet to the south property line (residential).
- The vehicle wash is set back 154 feet from the west property line (residential development).

The approved retail building is set back 23 feet 6 inches from the west property line and will include up to 9 possible lease spaces. A previously approved drive through on the west and south sides of the retail building was removed as part of the 2021 revised plans. The 2023 revised plan relocated the loading zone to the east side of the property and south of the convenience store. The required pedestrian walkway around the retail building is 5 feet along the west and 6 feet along the north, south, and east of the building. The pedestrian walkway adjacent to the east wall of the convenience store is 5 feet 6 inches. The applicant will provide lighting that meets Title 30 requirements, with 20 foot high down shielded lighting poles and wall lights. Bike racks are provided for both buildings and pedestrian pathways are provided in parking areas.

#### Landscaping

The approved landscape plan depicts a landscape strip with trees every 20 feet on center along the south property line. An 18 foot 6 inch wide landscape strip with 2 rows of trees is shown

along the west property line, per the conditions of approval. Those areas of the landscaping that require detached sidewalks adjacent to Windmill Lane and Decatur Boulevard are landscaped with two, 5 foot strips on either side of the sidewalk, and include associated trees and shrubs. The approved plans depict 1 landscape finger island per 6 parking spaces as required by the code. The revised plans show intense landscaping adjacent to the retail building per conditions of approval for the original application.

### Elevations

The approved retail store elevations depict an in-line retail building with 2 parapet elevations ranging between 23 feet and 28 feet. The approved building consists of stucco exteriors and includes fabric canopy covers over the pedestrian walkways and above dark bronze glazed aluminum storefront systems. The approved parapet walls shield the mechanical equipment from view by the public and adjacent residential. The revised convenience store elevations depict the same type of construction, with stone veneer, decorative wainscot, aluminum storefront windows and entrance. The revised convenience store height is 28 feet at the highest point on the south side of the building. The revised plans for the vehicle wash show it to be 18 feet in height at the north side of the building. The portion of building surrounding the vehicle wash is single color stucco siding with decorative wainscot wall enhancements and architectural treatments similar to the rest of the building. The revised plans depict the north side elevation (vehicle wash) stucco siding, decorative wainscot, and architectural treatments.

### Floor Plans

The revised plans depict a 9,500 square foot retail building, 3,067 square foot convenience store with an attached 1,207 square foot vehicle wash, and an approximately 2,500 square foot fuel canopy.

### Previous Conditions of Approval

Listed below are the approved conditions for ET-23-400097 (UC-21-0188):

#### Comprehensive Planning

- Until August 3, 2025 to commence.
- 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; 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

- 30 days to coordinate with Public Works - Design Division and to dedicate any necessary right-of-way and easements for the Decatur Boulevard improvement project;
- Compliance with previous conditions.

Listed below are the approved conditions for UC-21-0188:

#### Current Planning

- Intense landscaping to be installed on westernmost property line;
- Enter into a standard development agreement prior to any permits or subdivision mapping 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 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

- Drainage study and compliance;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Traffic study and compliance;
- Full off-site improvements;
- Right-of-way dedication to include 50 feet to the back of curb for Windmill Lane, 60 feet for Decatur Boulevard, and a 54 foot property line radius spandrel at the northeast corner of the site;
- 90 days to record required right-of-way dedications and any corresponding easements;
- If required by the Regional Transportation Commission (RTC), dedicate and construct right-of-way for a combination bus turnout/right turn lane, including passenger loading/shelter areas in accordance with RTC standards;
- Coordinate with Public Works - Design Division for the Decatur Boulevard improvement project;
- Dedicate any right-of-way and easements necessary for the Decatur Boulevard improvement project.
- Applicant is advised that the installation of detached sidewalks will require dedication to back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control; and that that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals.

#### 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 30.48 Part B of the Clark County Unified Development Code;

- 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.
- 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.

**Building Department - Fire Prevention**

- Applicant is advised that operational 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](mailto:sewerlocation@cleanwaterteam.com) and reference POC Tracking #0049-2021 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require a new POC analysis.

**Applicant's Justification**

The applicant is requesting a second extension of time to commence UC-21-0188 for approved commercial development at the southwest corner of Decatur Boulevard and Windmill Lane. A standard development agreement has been approved and recorded, and drainage and traffic studies have been approved. An off-site permit (PW23-19064) was submitted and is in review, the bond estimate is approved, and the right-of-way dedication (SD21-990106) is recorded, and the Geotech soils report (PW-23-19065) has secured preliminary approval. Building permits related to the convenience store, vehicle wash, grading, shell building, trash enclosure, site lighting, and civil underground are currently in review by the Clark County Building Department. No significant changes have occurred to the surrounding area.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ET-23-400097 (UC-21-0188)	First extension of time for a use permit, waiver of development standards, and design reviews for convenience store, gas station, and vehicle wash	Approved by BCC	August 2023
VS-21-0287	Vacated and abandoned easements of interest between Windmill Lane and Mistral Avenue	Approved by PC	August 2021
TM-21-500090	1 lot commercial subdivision on 2.5 acres in a C-1 zone	Approved by PC	August 2021

**Prior Land Use Requests**

Application Number	Request	Action	Date
UC-21-0188	Use permits, waiver, and design reviews for a convenience store, gas station, and vehicle wash	Approved by BCC	June 2021
ZC-0135-07	Reclassified from R-E to C-1 zoning	Approved by BCC	March 2007

**Surrounding Land Use**

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Corridor Mixed-Use	C-G	Trash enclosure & parking lot
South	Low-Intensity Suburban Neighborhood (up to 5 du/ac)	RS20	Vacant
West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R3.3	Single-family residential
East	Compact Neighborhood (up to 18 du/ac)	R3.3	Single-family residential

This site and the surrounding area are located in the Public Facilities Needs Assessment (PFNA) area.

**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**

Title 30 standards of approval for an extension of time state an application may be denied if it is found that circumstances have substantially changed. A substantial change may include, without limitation, a change to the subject property, a change in the areas surrounding the subject property, or a change in the laws, regulations, or policies affecting the subject property. Additionally, the applicant must demonstrate the project is progressing through the applicable development permit or licensing process.

Staff finds the applicant has taken steps towards commencing the approved project. Therefore, staff can support this extension of time request. However, the County has adopted a rewrite to Title 30 effective January 1, 2024, and projects are expected to comply with the new regulations. Therefore, staff may not be able to support future extension of time requests.

**Public Works - Development Review**

There have been no significant changes in this area. Staff has no objection to this extension of time.

**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**

- Until June 16, 2027 to commence or the application will expire unless extended with approval of an extension of time.
- Applicant is advised 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; 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; and the applicant is solely responsible for ensuring compliance with all conditions and deadlines.

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

- 30 days to coordinate with Public Works - Design Division and submit separate document if required, for dedication of any necessary right-of-way and easements for the Decatur Boulevard improvement project;
- Said dedication must occur prior to issuance of building permits, concurrent with the recording of a subdivision map, OR within 30 calendar days from a request for dedication by the County;
- Applicant to pay a cost contribution for the construction of off-site improvements as determined by Public Works for the Decatur Boulevard improvement project;
- Compliance with previous conditions.

### **Fire Prevention Bureau**

- No objection.

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

- No comment.

**TAB/CAC:** Enterprise - approval.

**APPROVALS:**

**PROTEST:**

**APPLICANT:** REMINGTON UTE, LLC

**CONTACT:** DIONICIO GORDILLO, 9500 HILLWOOD DRIVE, SUITE 201, LAS VEGAS, NV 89134