

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**WS-25-0667-SVIC LAND, LLC:**

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** allow off-site temporary construction activities; **2)** waive full off-site improvements; and **3)** waive dedication of right-of-way on 28.78 acres in the RS80 (Residential Single-Family 80) Zone, a CG (Commercial General) Zone, a CR (Commercial Resort) Zone, and a PF (Public Facility) Zone.

Generally located east of Las Vegas Boulevard South and north of Prison Road within the South County planning area. MN/ji/kh (For possible action)

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RELATED INFORMATION:

**APN:**

217-13-101-011

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Allow temporary construction activities to occur off-site where only on-site temporary construction activities are allowed per Section 30.03.01E.
2. Waive full off-site improvements (curb, gutter, sidewalk, streetlights, and paving) where required per Section 30.04.08C
3. Waive dedication of right-of-way for Las Vegas Boulevard South and Prison Road where required per Section 30.04.08D

**LAND USE PLAN:**

SOUTH COUNTY (JEAN) - ENTERTAINMENT MIXED-USE & PUBLIC USE

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: N/A
- Site Acreage: 28.78
- Project Type: Temporary construction activities

History & Request

NZC-21-0678 was approved by the Board of County Commissioners (BCC) in February 2022 to reclassify 143 acres, including the subject parcel, to an M-D zoning district (currently IP) under Resolution of Intent for a proposed distribution center. While that project has recently obtained an extension of time and the construction has not begun, the applicant is requesting to utilize the subject parcel as a laydown yard for a different project which is the construction of the GridLiance private transmission line encompassing over 160 miles, that was approved via UC-

23-0713. Therefore, a waiver of development standards is necessary to allow temporary construction activities to occur off-site.

#### Site Plan

The plan depicts a proposed temporary construction materials laydown yard located at the northeast corner of Las Vegas Boulevard South and Prison Road. The laydown yard is solely for purposes of supporting the construction and/or improvements associated with the southern leg of the GridLiance West Core Upgrades high voltage transmission corridor project. The perimeter of the laydown yard will be secured by a 4 foot high, 3 strand barbed wire fence. Access to the laydown yard will be from an existing driveway along Las Vegas Boulevard South. Access gate to the site is set back a minimum of 20 feet from the west property line and will remain open during business hours.

#### Landscaping

Landscaping is not proposed or required with this request due to the temporary nature of the project, and all undisturbed areas will maintain natural desert landscaping.

#### Applicant's Justification

The project will consist of a temporary construction materials laydown yard. The use will be temporary - for a lease term of 3 years. This project supports a linear electricity transmission project stretching many miles through Clark and Nye Counties by providing staging equipment and material storage. The use is compatible with the existing zoning district and surrounding area. This parcel will be for material laydown only and possible overflow parking of construction employees. The subject of this application will be a yard supplying equipment and material storage typical of a high voltage transmission project (metal transmission poles, cable, resistors, insulators, and related electrical components). Material storage will generally be for short periods of time with shipments arriving and being promptly transferred to a transport vehicle for delivery to the construction site. The subject waivers are temporary in nature and neither require nor dictate additional right-of-way dedication for Las Vegas Boulevard South and Prison Road. The laydown yard will be self-sustaining. No public water or sewer connections will be made. Power for the site will be via portable generators or temporary power connections from existing overhead distribution lines. Trash will be stored in onsite dumpsters and removed from the site weekly or as otherwise necessary to avoid any windblown debris. Water for dust control will be obtained from the public hydrant on Las Vegas Boulevard South.

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

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ET-24-400098 (NVC-21-0678)	First extension of time of a non-conforming zone change of 143 acres from RS80, CR, and CG to IP zoning for a distribution center	Approved by BCC	October 2024
NVC-21-0678	Non-conforming zone change for 143 acres from RS80, CR, and CG to IP zoning for a distribution center	Approved by BCC	February 2022

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
North	Entertainment Mixed-Use & Business Employment	IP & CG	Undeveloped
South	Public Use	PF	Jean Airport
East	Business Employment	RS80	Undeveloped
West	Entertainment Mixed-Use	CR & IP	Nevada Highway Patrol, Convenience store & Vacant

**Related Applications**

<b>Application Number</b>	<b>Request</b>
WS-25-0666	A waiver of development standards to allow on-site temporary construction activities on APN 217-14-501-001 through 217-14-501-003 is a related 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**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

The project site will function as a temporary laydown yard for a previously approved overhead power transmission line corridor project. The applicant is providing some mitigating measures to limit impact on the surrounding uses, which include water for dust mitigation, limited traffic to the site, and on-site refuse dumpsters for the weekly removal of waste and debris. Staff finds there should be limited impact to the surrounding land uses and properties, given the low volume of traffic to the site and the aforementioned mitigating measures. The use of the property will be limited to storage and transport of transmission line and tower materials related to the development of the transmission corridor. Therefore, staff recommends approval of this request.

**Public Works - Development Review**Waiver of Development Standards #2

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.

#### Waiver of Development Standards #3

Staff cannot support the request to waive dedication of additional right-of-way for Las Vegas Boulevard South and Prison Road. The dedication is needed for the future development of Las Vegas Boulevard South and Prison Road.

#### **Department of Aviation**

Temporary power polls are likely to penetrate the 100:1 notification airspace surface for Jean Sport Aviation Center (OL7). 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.

#### **Staff Recommendation**

Approval of waiver of development standards #1; denial of waivers of development standards #2 and #3.

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:

- Temporary on-site construction activities to cease within 3 years of approval date unless extended with approval of an extension of time.
- 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 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; 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**

- 3 year review of off-sites;
- 50 foot setback between the lay-down yard and Special Flood Hazard Area (SFHA) Zone A;
- Any future applications will require full off-site improvements or pay a contribution for local roadway, drainage, or trail related improvements in District A in lieu of constructing full off-site improvements and any right-of-way dedication, as determined by Public Works.

**Department of Aviation**

- If temporary power poles are to be erected onsite, the 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 temporary power poles are to be erected onsite and the 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.;
- If temporary power poles are to be erected onsite 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. The Determination of No Hazard must not be expired.
- 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; and that the FAA's airspace determinations include expiration dates and that separate airspace determinations will be needed for construction cranes or other temporary equipment.

**Fire Prevention Bureau**

- Applicant is advised to submit plans for review and approval prior to installing any gates, speed humps (speed bumps not allowed), and any other fire apparatus access roadway obstructions.

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

- No comment.

**TAB/CAC:****APPROVALS:****PROTESTS:****APPLICANT:** GRIDLIANCE WEST, LLC**CONTACT:** ENERGY PROJECT SOLUTIONS, 4675 W. TECO AVENUE, SUITE 230, LAS VEGAS, NV 89118