

11/19/24 PC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-24-0516-UNION PACIFIC RAILROAD:**

**USE PERMITS** for the following: **1)** fuel storage; and **2)** hazardous materials or waste storage.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** eliminate parking lot landscaping; **2)** eliminate street landscaping; and **3)** eliminate screening and buffering requirements.

**DESIGN REVIEW** for a fuel storage and hazardous material facility on a 15.47 acre portion of a 19.99 acres in an IH (Industrial Heavy) Zone.

Generally located on the north and south sides of Prison Road, 1,950 feet east of Las Vegas Boulevard South within the South County Planning Area. MN/rg/kh (For possible action)

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RELATED INFORMATION:

**APN:**

217-13-201-002

**USE PERMITS:**

1. Fuel storage.
2. Allow the following hazardous materials and quantities:
  - a. Butane - 2,520,000 gallons.
  - b. Hydrochloric Acid - 7,098,000 gallons.
  - c. Isopentane - 627,060 gallons.
  - d. Propane - 67,400 gallons.

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Eliminate parking lot landscaping where required per Section 30.04.01D (a 100% reduction).
2. Eliminate street landscaping where required per Section 30.04.01D (a 100% reduction).
3. Eliminate buffering and screening where a 15 foot wide landscape buffer with an 8 foot decorative screen wall is required along portions of west property line per Section 30.04.02.

**PROPOSED LAND USE PLAN:**

SOUTH COUNTY (JEAN) - INDUSTRIAL EMPLOYMENT

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: N/A
- Site Acreage: 15.47 portion of 19.99

- Project Type: Fuel storage/hazardous material/storage facility
- Building Height (feet): 15 (office building)/22 (E-house structure)/31 (truck loading station)/up to 48 (storage tanks)
- Square Feet: 2,501 (office building)/880 (E-house structure)
- Parking Required/Provided: 0/6
- Sustainability Required/Provided: 7/5.5

### Site Plan

The subject site is an undeveloped lot that is adjacent to the Jean Airport located to the west and Union Pacific Railroad to the east. Prison Road crosses the property and the primary access to this site is from Prison Road to Las Vegas Boulevard located to the west of the site. The plan depicts that the proposed fuel storage facility will occupy the 15.47 acre portion of the property, located south of Prison Road, from the entire 19.99 acre parcel. The proposed E-house structure, office building, scrubber and HCL storage tank area, vapor combustion unit system area, fuel truck loading area, interconnected pipe rack area, fuel rail unloading area, HCL rail unloading area, HCL truck loading area, air compressor system/secondary containment, and pipe rack area will be constructed as part of Phase 1. The tank farm area located along the west property line will be constructed as part of Phase 2. The last phase will be the expansion of the rail terminal. An 8 foot high chain link fence with barbed wire is being proposed as a security fencing around the perimeter of the development area.

### Landscaping

No landscaping is proposed for the street and parking lot. Crushed gravel will be installed throughout the project site.

### Elevations

The submitted plans depict a proposed single story office building with an overall height of 15 feet. The proposed E-house building is measured with an overall height of 21 feet, 7 inches; where the first 7 feet of the structure has supporting piers. Both buildings' exterior material includes aluminum siding. The storage tanks will vary in height from 13 feet to 48 feet.

### Floor Plans

The proposed office building is 2,501 square and features offices, reception area, conference room/break room, and restroom with changing rooms. The E-house building is 2,381 square feet and will house the electronic equipment to be used as part of the operation of the fuel terminal.

### Applicant's Justification

The applicant is a leading provider of transportation, materials handling, and other industrial services, and owns or operates facilities across the United States, Canada, Mexico, and Saudi Arabia. The applicant proposes to develop a rail-to-truck transload terminal and fuel blending facility. The property is specifically located in the South County planning area, which in part, encourages development patterns and standards compatible with the continuing operation of Jean Airport. Located near Jean Airport, the proposed project will assist with Jean Airport's operation and its jet fuel needs.

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
North	Business Employment	IH	Warehouse & materials recovery facility
South	Public Use	PF & RS80	Jean Airport & water detention basins
East	Public Use; Business Employment	RS80	UPRR & Prison - State of Nevada
West	Business Employment; Public Use	IH, IL, PF, & RS80	Warehouse & materials recovery facility, telecommunications facility, & Jean Airport

**Related Applications**

<b>Application Number</b>	<b>Request</b>
PA-24-700023	A plan amendment to change the land category from Business Employment (BE) to Industrial Employment (IE) is a companion item on this agenda.
ZC-24-0515	A zone change to reclassify the site from RS80 to IH zoning is a companion 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**

Use Permits, Waivers of Development Standards & Design Review

A special use permit is considered on a case by case basis in consideration of the standards for approval. Additionally, the use shall not result in a substantial or undue adverse effect on adjacent properties, character of the neighborhood, traffic conditions, parking, public improvements, public sites or right-of-way, or other matters affecting the public health, safety, and general welfare; and will be adequately served by public improvements, facilities, and services, and will not impose an undue burden.

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 uses 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.

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.

The hazardous materials stored at the site will be Butane consisting of 2,520,000, Hydrochloric Acid consisting of 7,098,000 gallons, Isopentane consisting of 627,060 gallons, and Propane consisting of 67,400 gallons. Isopentane is an already added substance to the gasoline. Propane will be transferred directly from rail tanks to the fuel trucks. The storage tanks in which the fuel and hazardous materials will be stored and processed will be constructed to ensure that various aspects of safety, environment and health. Staff finds the request is consistent with health, safety, and general welfare goals of the Master Plan and the standards of approval for a use permit.

The facility does not meet the condition of the use table requiring minimum of 1,000 feet from a fuel storage facility to nonindustrial use, as well as buffering and screening requirements. The adjacent properties to the south are zoned PF (as part of Jean Airport) and RS80 (with 4 detention basins). Located on the east of the property are the Union Pacific Railroad and property zoned as RS80, which houses a government facility (prison). The RS80 and IH to the west is a portion of the industrial zoned property which houses a wireless communication and warehouse facilities. The IH property to the north is the same site as the west with a warehouse facility. Staff is not anticipating a negative impact to those properties, the adjacent uses are compatible with the proposed development.

The facility also does not meet the condition of the use table requiring minimum of 200 feet from any other industrial use. The adjacent property to the north and west is an industrial use, and the property to the west is zoned IL and is currently vacant. Staff is not anticipating a negative impact to those properties which may be developed as an industrial.

The proposed development is appropriate for the site since the property is located next to the Union Pacific Railroad where industrial uses with low density of people is encouraged. The subject property will have a rail spur access via the Union Pacific Railroad. Therefore, the request complies with Policy 6.2.1 of the Master Plan which promotes ensuring the design and intensity of new development is compatible with established uses. Furthermore, the Master Plan states that industrial uses should be concentrated near airports, major transportation corridors, and railroads. For these reasons, staff finds the request is appropriate for this location.

The parking spaces provided will allow the maintenance staff to park on-site and the site will not have regular customers, except for tanker trucks to pick up the fuel only. In addition, no parking lot landscaping is being proposed for this development.

The proposed development is compatible with surrounding properties, where currently the adjacent property to the west and north with RS80 and IH zoned properties is developed without required street landscaping.

Overall, staff finds the proposed facility is compatible with the surrounding area and therefore supports the project.

### **Department of Aviation**

The development will 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. This item will be forwarded to the Board of County Commissioners' meeting for final action on December 18, 2024 at 9:00 a.m., unless otherwise announced.

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.

#### **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.

- 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.

**Southern Nevada Health District (SNHD) - Engineering**

- Applicant is advised to contact the SNHD Environmental Health Division at [septics@snhd.org](mailto:septics@snhd.org) or (702) 759-0660 to obtain written approval for a Tenant Improvement, so that SNHD may review the impact of the proposed use on the existing Individual Sewage Disposal (Septic) System.

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

- Applicant is advised that there are no public sanitary sewer facilities available within the proposed development and none are planned within the next 5 years.

**TAB/CAC:**

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** SAVAGE TRANSLOAD NETWORK, LLC

**CONTACT:** MAREN PARRY, BALLARD SPAHR, 1980 FESTIVAL PLAZA DRIVE, SUITE 900, LAS VEGAS, NV 89135