

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-24-0655-GOLDSTRIKE GRID, LLC:

HOLDOVER USE PERMIT for a public utility structures (battery energy storage system).

WAIVER OF DEVELOPMENT STANDARDS for increased structure height.

DESIGN REVIEW for a public utility structure on 4.03 acres in an IP (Industrial Park) Zone.

Generally located on the west side of Decatur Boulevard, 300 feet south of Warm Springs Road within Enterprise. MN/rg/kh (For possible action)

RELATED INFORMATION:

APN:

176-12-501-007; 176-12-501-027

WAIVER OF DEVELOPMENT STANDARDS:

Increase proposed utility pole height to 74 feet where 50 feet is the maximum height allowed per Section 30.02.18D (a 48% increase).

LAND USE PLAN:

ENTERPRISE - BUSINESS EMPLOYMENT

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 4.03
- Project Type: Public utility structure
- Pole Height (feet): 74
- Sustainability Required/Provided: 7/3

Site Plan

The plan depicts the public utility structures to be constructed on the site consisting of a battery energy storage system with accessory structures and uses. Access to the site is from Mardon Avenue. A total of 120 battery structures are provided throughout the site. A control enclosure will be housed at the northwest quadrant of the site to monitor the battery systems on the site. A utility pole is proposed at the northwest corner of the site along with an NV Energy equipment area. In the southwest corner of the site, a maintenance area is proposed. A decorative perimeter wall measuring 10 feet in height is proposed around the perimeter, which does meet the height requirement for walls within the front setback of Title 30. Although parking is not required for this type of development, the site depicts 3 loading spaces, an ADA parking space and a standard parking stall as the site will be accessed for maintenance only.

Landscaping

A detached sidewalk with a 5 foot wide landscape strip on each side of the sidewalk will be provided along Decatur Boulevard. A detached sidewalk will also be provided along Mardon Avenue with a 5 foot deep landscape strip on the street side of the sidewalk and a 10 foot deep landscape strip between the perimeter wall and the back of sidewalk. A 15 foot wide buffer and screening consisting of evergreen trees and decorative block wall is provided along the north boundary of the easternmost parcel (APN 176-12-501-007). The landscape materials and spacing complies with Code and the Southern Nevada Regional Plant List.

Elevations

The elevations depict the control enclosure will measure 10 feet in height with a dimension of 14 feet wide and 45 feet in length. A battery energy storage system will group 2 battery structures together for a total width of 12 feet 4 inches. The length of each battery structure will not exceed 30 feet and the height will be 8 feet. A 74 foot tall utility pole will be located on to the site and transmission lines will extend west to an existing utility pole. A request for a waiver has been requested by the applicant to allow the maximum structure height for the utility pole.

Floor Plan

The plan depicts the control enclosure will contain control and relay panels. The plan does not depict any office as the site will be unmanned.

Applicant's Justification

The applicant states they are proposing to construct a Battery Energy Storage System (BESS) facility on the subject site which currently comprises of 2 parcels. Prior to construction and in conjunction with the project permit review, a parcel map will be recorded to combine the 2 parcels into a single parcel. The site will be an unmanned facility which will house no habitable structures and consists primarily with battery storage units and corresponding transformers. The BESS facilities are a rapid growing segment of the electric power renewable industry by providing stable power supply that can compensate for times of intermittent shortages. The land use activities and improvements of the facility closely resemble a typical power substation. The site will house a system that will collect electric energy from the nearby NV Energy substation, located across the railroad tracks to the west under APN 176-12-501-031. A proposed utility pole will be constructed and operated by NV Energy within the substation portion of this development. The pole height is needed to allow for the power lines from the project to adequately traverse the adjacent UPRR tracks to the existing NV Energy substation. The pole height is needed so that power lines are safely above all anticipated railroad traffic.

Prior Land Use Requests

Application Number	Request	Action	Date
UC-0480-99	Overhead power line through a portion of the site	Approved by PC	May 1999

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Business Employment	RS20 & CG	Retail center, convenience store with gasoline sales, & undeveloped
South	Business Employment	RS20 & IP	Food processing facility (bakery) & undeveloped
East	Neighborhood Commercial	RS20	Single-family residential
West	Business Employment	RS20 & IL	Flood control detention basin

The subject site is within the Public Facilities Needs Assessment (PFNA) area.

Related Applications

Application Number	Request
ZC-24-0653	A zone change to reclassify the site from RS20 to IP zone is a companion item on this agenda.
VS-24-0654	A vacation and abandonment of patent easements and right-of-way 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 Permit

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.

Section 30.03.08B.6.iii(a)(1) requires a special use permit for public utility buildings and structures if any specified conditions cannot be met. In this case, the proposed development includes the construction of a 74 foot high utility pole which is visible from streets and residential development. The utility pole is visible from Decatur Boulevard and Mardon Avenue as well as the nearby residential development located east of the subject site. The battery storage comprises of lithium battery for storage of energy. The proposed Public Utility Structure (Battery Energy Storage System or BESS) is not compatible with the surrounding uses and could pose a risk to public health, safety, and general welfare. The facility could also impact railroad operations in the event of an emergency. Therefore, staff cannot support this use permit.

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.

The maximum structure height for the proposed IP (Industrial Park) zone is 50 feet. The proposed maximum height for the utility pole is 74 feet, a 24 feet over the maximum height allowed by Code however, other utility poles in the vicinity are of equal height. Additionally, other public utility sites throughout Clark County are enclosed by an 8 foot to 10 foot block wall to adequately screen and protect such facilities. Thus, the height of the wall with the proposed landscaping is acceptable to staff. However, since staff does not support the special use permit request, staff cannot support this request.

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.

The proposed development is designed similar to other public utility facilities with perimeter walls and landscaping. Additionally, an existing NV Energy facility is located on the southeast corner of Warm Springs Road and Edmond Street, across the Union Pacific Railroad tracks to the west. The proposed 74 foot high utility pole exceeds the requirement of the IP (Industrial Park) zoning district for the maximum structure height of 50 feet but is compatible with other utility poles in the area. The proposed development has a sustainable score of 3 out of 7 for a non-residential development, and this score is common for a development of this type. However, since staff cannot support the use permit, staff cannot support this request.

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.

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 Master Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:

Comprehensive Planning

If approved:

- 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 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;
- Full off-site improvements;
- Right-of-way dedication to include 25 feet to the back of curb for Mardon Avenue and associated spandrel;
- 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 Blvd improvement project;
- 90 days to record said separate document for the Decatur Blvd improvement project;
- The installation of detached sidewalks will require dedication to back of curb, 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.

- 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.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that the CCWRD is unable to verify sewer capacity based on this zoning application; and may find instruction for submitting a Point of Connection (POC) request on the CCWRD's website; and that a CCWRD approved POC must be included when submitting civil improvement plans.

TAB/CAC:

APPROVALS: 3 cards

PROTESTS: 3 cards, 1 letter

COUNTY COMMISSION ACTION: January 8, 2025 – HELD – To 03/05/25 – per the applicant.

APPLICANT: GOLDSTRIKE GRID, LLC

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