

11/15/22 PC AGENDA SHEET

ELECTRIC GENERATING STATION  
(TITLE 30)

BADURA AVE/JONES BLVD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-22-0549-BELTWAY BUSINESS PARK LLC & BELTWAY BUSINESS PARK  
WAREHOUSE NO 8 LLC (LEASE):**

**USE PERMITS** for the following: **1)** a 230kV electric substation; and **2)** increased height.  
**DESIGN REVIEWS** for the following: **1)** a proposed 230kV substation with associated equipment; and **2)** proposed utility structures (200kV to 230kV transmission lines) on an 8.6 acre portion of 38.0 acres in an M-D (Designed Manufacturing) Zone in the CMA Design Overlay District.

Generally located on the north side of Badura Avenue and the east side of Jones Boulevard within Enterprise. MN/sd/syp (For possible action)

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RELATED INFORMATION:

**APN:**

176-01-201-020 ptn

**USE PERMITS:**

1. A 230kV substation with associated equipment in an M-D Zone per Table 30.44-1.
2. Increase the height for public utility structures (utility pole) to 115 feet where 50 feet is permitted per Table 30.40-5 (a 130% increase).

**LAND USE PLAN:**

ENTERPRISE - BUSINESS EMPLOYMENT

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 5660 W. Badura Avenue
- Site Acreage: 8.6 (portion)
- Project Type: Electric substation
- Height (feet): 115 (utility pole)/47 (shade structure)/18 (control house)
- Square footage: Substation (62,480)/control house (2,316)/shade structure (7,768)

**Site Plans**

The plans depict an electrical substation site with associated equipment located on the north side of Maule Avenue and Badura Avenue, south of CC-215 and on the east side of Jones Boulevard, within the Switch Data Center complex. Access to the substation is via the Switch Complex.

Three driveways will provide access to the complex, which include driveways from Badura Avenue, Lindell Road, and a redesigned driveway for emergency access from Maule Avenue. The scope of work is construction of a new electric substation (Switch Station #3) which will include accessory structures (shade structure and control house) and to connect to the grid by way of a 230kV transmission line to a utility pole on the north portion of the site.

#### Landscaping

The street landscaping consists of a 27 foot wide landscape area with a detached sidewalk along Badura Avenue, a 9.5 foot wide landscape area along the northern parcel line, and an attached sidewalk with 24 feet of landscaping along Maule Avenue. The entire property will be enclosed by a 12 foot high, decorative CMU wall.

#### Elevations

The plans depict a proposed shade structure that will provide cover to the substation and will be up to 47 feet in height with metal fascia, steel columns, metal roofing and is open on all sides. The proposed control house will be up to 18 feet with standing seam metal roofing, metal doorframes, exterior metal siding with dark grey colors. The proposed gated emergency access driveway from Maule Avenue will have 21 foot wide and 12 foot high metal rolling gates. The utility pole is 115 feet high.

#### Floor Plans

The plans depict the control room with battery rooms, power room, and control room.

#### Signage

Signage is not a part of this request.

#### Applicant's Justification

The applicant states that the proposed project construction of a new Electric Substation (Switch Substation #3) will include connection to the grid by way of 230kV transmission line. The substation will include ancillary facilities. Regarding the elimination of the required trash enclosure the applicant has stated that there will be no permanent staff assigned to this location and will be screened by a block wall. The proposed increase in pole height to 115 feet where 50 feet is the maximum are a result from NV Energy requesting this height for service to and from the site.

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

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
UC-22-0459	Electric substation west of Redwood Street with transmission line to this site	Approved by BCC	October 2022
WS-20-0318	Waivers for increased signage, reduced landscaping, reduced approach distance, reduced throat depth, and design review for signage and landscaping	Approved by BCC	September 2020
ZC-19-0571	Reclassified 50 acres from R-E and C-2 zoning to M-D zoning for a data center with waivers and a communication tower	Approved by BCC	September 2019

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
VS-19-0572	Vacated and abandoned easements and rights-of-way	Approved by BCC	September 2019
WS-0906-07	Signage for a business park on 263.3 acres; expunged design review portion of ZC-0089-06 - expired	Approved by BCC	September 2007
ZC-0089-06	Reclassified 71.06 acres to M-D zoning and a design review for signs on 263.3 acres	Approved by BCC	May 2006
ZC-0851-04	Reclassified 32.7 acres to M-D zoning for an industrial/retail center	Approved by BCC	August 2004
UC-0639-02	Off-premises sign	Approved by PC	June 2002
UC-0638-02	Off-premises sign	Approved by PC	June 2002
ZC-0193-02	Reclassified 2.5 acres to C-2 zoning for an office building	Approved by BCC	March 2002
ZC-1661-01	Reclassified 2.5 acres to C-2 zoning for an office building	Approved by BCC	February 2002
ZC-1214-01	Reclassified 53.4 acres to M-D zoning for a distribution center	Approved by BCC	November 2001
ZC-0514-99	Reclassified 2.5 acres to C-2 zoning for a retail store	Approved by BCC	May 1999

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North	Business Employment	M-D & C-2	Roy Horn Way & CC 215, office/warehouse, & undeveloped
South & East	Business Employment	M-D	Office/warehouse & undeveloped
West	Business Employment	M-D & C-2	Undeveloped

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

**STANDARDS FOR APPROVAL:**

The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

**Analysis****Current Planning**Use Permits

A use permit is a discretionary land use application that is considered on a case-by-case basis in consideration of Title 30 and the Master Plan. One of several criteria the applicant must establish is that the use is appropriate at the proposed location and demonstrate the use shall not result in a substantial or undue adverse effect on adjacent properties.

Due to the growing energy demands of Clark County and the need to expand or add additional facilities, staff finds the proposed joint project with NV Energy and Switch Data Center operation is compatible with adjacent uses in terms of scale and operating characteristics. The existing and planned land use adjacent to the site (north, east, and west) is comprised of existing and planned office/warehouse and commercial uses. No employees will be permanently stationed at this location with the occasional employees that visit periodically for maintenance and scheduled inspections. Additionally, no impacts to existing public safety or utility services are perceived because of this project; therefore, staff can support the use permits waiving required regulations.

#### Design Reviews

The proposed accessory structures (shade structure and control house) meet the requirements for height, setbacks, and design. These structures will be partially screened from the right-of-way by a 12 foot high decorative block wall. The proposed pole and increased height of the proposed overhead lines and transmission poles will not generate traffic, noise, or odor impacts. Staff can support these requests.

#### **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 30.48.120 of the Clark County Unified Development Code, the Federal Aviation Administration (FAA) must be notified of the proposed construction or alteration.

#### **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:**

##### **Current Planning**

- Applicant is advised that this approval does not include signage; 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**

- Comply with approved drainage study PW20-14034.

**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; 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; 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**

- No comment.

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

- No comment.

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

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** STEPHAN ATKIN

**CONTACT:** STEPHAN ATKIN, SWITCH, 7135 S. DECATUR BLVD., LAS VEGAS, NV 89118