08/05/26 BCC AGENDA SHEET

PUBLIC HEARING
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
ET-26-400057 (UC-22-0459)-NV LAS DEC, LLC:

WAIVER OF DEVELOPMENT STANDARDS SECOND EXTENSION OF TIME for full off-site improvements in conjunction with an approved 230kV substation with associated equipment on 8.66 acres in an IP (Industrial Park) Zone.

Generally located south of Maule Avenue and west of Redwood Street within Enterprise. MN/rk/kh (For possible action)

RELATED INFORMATION:

APN:
176-02-314-001

WAIVER OF DEVELOPMENT STANDARDS:
Waive full off-site improvements including (curb, gutter, sidewalk, streetlights, and partial paving) width along Redwood Street where required per Section 30.52.050.

LAND USE PLAN:
ENTERPRISE - BUSINESS EMPLOYMENT

BACKGROUND:
Project Description
General Summary
- Site Address: 6755 Maule Avenue
- Site Acreage: 8.66
- Project Type: Electric substation and public utility transmission lines
- Utility Pole and Tower Height (feet): 110 to 160

History & Request
The original request for use permits, waivers of development standards, and design reviews were approved via UC-22-0459 in January 2023 by the Board of County Commissioners. The condition of approval required the project to commence by January 2027. However, another condition required full off-site improvements to be constructed along Redwood Street by March 2025. In May 2025, ET-25-400033 was approved by the Board of County Commissioners to extend the time limit to complete full off-site improvements for 12 additional months. This is the second request to grant more time to complete off-site improvements to satisfy the conditions of approval for this waiver of development standards.

Site Plans

The approved plans depict an electrical substation site with associated equipment located on the west side of Redwood Street between Maule Avenue and Badura Avenue. The transmission corridor starts at the northeast corner of Warm Springs Road and Rainbow Boulevard heading east to Redwood Street, then turning north along the west side of Redwood Street to the substation's southeast corner, then turning west along the south property line, then eventually terminating in the proposed substation. The other transmission corridor starts on the proposed substation sites north property line, head east along Maule Avenue to the northeast corner of the site, cross Maule Avenue to the north side of the street and continue east to Jones Boulevard, then cross Jones Boulevard heading northeast and terminating in an approved substation location near Roy Horn Way. The equipment associated with the electrical substation is surrounded by a 14 foot high, split-face CMU wall which includes street landscaping outside the wall. Access to the site is limited to a curb cut located along Maule Avenue to the north and Badura Avenue to the south. Both access points are secured by a gate and set back 25 feet from the public rights-of-way.

Landscaping

The approved landscape plan depicts street landscaping consisting of a 27 foot wide landscape area with a detached sidewalk along Badura Avenue. Maule Avenue shows an attached sidewalk with 24 feet of landscaping behind the sidewalk. Redwood Street depicts a 20 foot wide landscape buffer in front of the perimeter wall of the site. The entire property is enclosed by a 14 foot high, split-face CMU wall.

Previous Conditions of Approval

Listed below are the approved conditions for ET-25-400033 (UC-22-0459):

Public Works - Development Review

- 3 months to submit civil plans
- 12 months to complete full off-site improvements;
- Compliance with previous conditions.

Listed below are the approved conditions for UC-22-0459:

Current Planning

- Per revised plans.
- Applicant is advised that the installation and use of cooling systems that consumptively use water are 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; 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 4 years of approval date or they will expire.

Public Works - Development Review

- Construct full off-site improvements on Redwood Street by March of 2025;
- Comply with approved drainage study PW21-16235;
- Full off-site improvements on Badura Avenue and Maule Avenue;

- Right-of-way dedication to include 30 feet for Maule Avenue, 35 feet to the back of curb for Badura Avenue, and associated spandrel;
- Administrative Design Review required to address the location of each pole;
- Execute a Restrictive Covenant Agreement (deed restrictions).
- Applicant is advised that the installation of detached sidewalks will require the vacation of excess right-of-way and the dedication to back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control.

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

- Provide a Fire Apparatus Access Road in accordance with Section 503 of the International Fire Code and Clark County Code Title 13, 13.04.090 Fire Service Features.
- 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; and that fire/emergency access must comply with the Fire Code as amended.

Applicant's Justification

According to the applicant, the reason for the request for a second extension of time is due to having difficulties in getting the adjacent property owners to coordinate with them on the off-site improvement plans (between Switch, their client, and the adjacent landowner to the east).

Prior Land Use Requests

Application Number	Request	Action	Date
ET-25-400033 (UC-22-0459)	First extension of time for a waiver of development standards for electrical substation, utility structures, and transmission lines	Approved by BCC	May 2025
AV-24-900381	Revision to approved plans with UC-22-0459	Approved by ZA	July 2024
WC-23-400187 (ZC-0502-06)	Waiver of conditions for traffic study	Approved by BCC	February 2024
UC-22-0459	Use permit, waiver of development standards, and design review for electrical substation, utility structures, and transmission lines	Approved by BCC	January 2023
VS-22-0460	Vacated easements and right-of-way	Approved by BCC	October 2022
TM-22-500164	Commercial subdivision	Approved by BCC	October 2022
ZC-0502-06	Reclassified the site to M-D zoning for a beverage distribution center including accessory office area	Approved by BCC	May 2006

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Business Employment	CG	Automobile dealership & undeveloped
South	Business Employment	RM32	Multi-family housing
East	Business Employment	CG	Undeveloped
West	Business Employment	CG	Fleet parking lot

The subject site is within 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.

Public Works - Development Review
Staff cannot support this application as the off-site improvements are still not complete from the original 2022 application. The first extension of time request, approved in 2025, required the off-site improvements to be completed within 1 year. That deadline was also missed, resulting in the current second extension of time application. Furthermore, the off-site improvements to the north and south of the site are already complete; Redwood Street is the only area missing. Given how much time has passed, the off-site improvements should have been installed by now.

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:

- 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; and the applicant is solely responsible for ensuring compliance with all conditions and deadlines.

Public Works - Development Review

- 3 months to complete full off-site improvements;
- Compliance with previous conditions.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC:
APPROVALS:
PROTEST:

APPLICANT: KELSEY BARBER
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