

## 03/04/25 PC AGENDA SHEET

### PUBLIC HEARING

#### APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

#### **WS-25-0066-POST ROAD CAPITAL REAL ESTATE FUND, LP:**

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** eliminate buffering and screening; and **2)** modify residential adjacency standards.

**DESIGN REVIEW** for a proposed warehouse (data center) with accessory offices on a 9.54 acre portion of 12.3 acres in an IL (Industrial Light) Zone within the Airport Environs (AE-65) Overlay.

Generally located on the north and south sides of Post Road (alignment), 700 feet east of Cameron Street within Paradise. MN/mh/kh (For possible action)

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#### RELATED INFORMATION:

##### **APN:**

162-31-313-003

##### **WAIVERS OF DEVELOPMENT STANDARDS:**

1. Eliminate buffering and screening requirements where a 15 foot wide landscape buffer and 8 foot high decorative screen wall are required per Section 30.04.02C.
2. Allow loading areas to not be screened adjacent to a residential district where screening is required per Section 30.04.06N.

##### **LAND USE PLAN:**

WINCHESTER/PARADISE - BUSINESS EMPLOYMENT

##### **BACKGROUND:**

###### **Project Description**

###### General Summary

- Site Address: 4460 W. Post Road
- Site Acreage: 9.54 (project site)/12.3 (overall site)
- Project Type: Warehouse (data center)
- Number of Stories: 1
- Building Height (feet): 39
- Square Feet: 61,554
- Parking Required/Provided: 16/18
- Sustainability Required/Provided: 7/7.5

###### Site Plan

The plans depict a proposed 61,554 square foot warehouse building to be used as a data center accessed via Post Road to the west. A 35 foot wide commercial driveway leads into north portion of the site, where the proposed building is located. A 30 foot wide drive aisle wraps around the

perimeter of the building. The primary building entrance is on the south side of the building, directly adjacent to the parking area, which features a pedestrian walkway. There is 1 loading area on the west side of the building, and 2 loading areas on the north side of the building. The loading areas on the north side of the building will not be screened from the adjacent residential zoning district to the east as required per Title 30. The southern portion of the site will remain largely undeveloped at this time, as the applicant is only proposing a detached sidewalk with street landscaping for this area. The sidewalk runs along Rogers Street (at the knuckle of Rogers Street and Post Road) and continues north toward the parking area. A security gate and pedestrian swing gate are both located to the southwest of the building. The northeast portion of the site is occupied by the Union Pacific Railroad, preventing any development in this area of the site.

### Landscaping

The plans depict an intense landscape buffer consisting of medium and large evergreen trees along the north and west property lines. An 8 foot high decorative CMU screen wall is shown along the north property line, as well as an 8 foot high steel security fence along the east, west, and south sides of the building. Code also requires an 8 foot high decorative screen wall with a 15 foot wide landscape area to also be provided along the east portion of the site due to the adjacent residential zoning district, which is not provided. Parking area landscaping consists of landscape finger islands with large trees provided throughout the parking area. A detached sidewalk with street landscaping is provided along Rogers Street and Post Road in the southwest portion of the site, consisting of large trees and shrubs meeting the requirements of Title 30.

### Elevations

The plans depict a 39 foot high building with a flat, variable roofline. The building is primarily concrete, with metal panel screen wall and pilaster finishes. The primary colors are shades of grey, with painted blue concrete accents. The south side of the building features storefront doors and windows, along with steel awnings. The north and west sides of the building feature loading areas with overhead doors for deliveries, along with individual metal doors for employees. The east side of the building features a concrete wall with louvers and additional metal doors.

### Floor Plans

The plans depict a 61,554 square foot warehouse with 6,321 square feet of office space, which is located in the southern portion of the building and includes other miscellaneous rooms. A 942 square foot loading dock is depicted in the southwest corner of the building, with battery storage and electrical rooms comprising the west side of the building. A data hall is shown for the central portion of the floor plan, with mechanical rooms located along the east side of the building.

### Applicant's Justification

The applicant states that the waivers of development standards for buffering and screening and residential adjacency are due to an RS20 zoned property to the east. The RS20 site is separated and buffered by a railroad and has an industrial planned land use, while not having an existing residential use on the property. The proposed data storage warehouse meets all other Title 30 requirements.

**Prior Land Use Requests**

| <b>Application Number</b>    | <b>Request</b>  | <b>Action</b>   | <b>Date</b>    |
|------------------------------|---|-----------------|----------------|
| ET-21-400163<br>(VS-19-0588) | First extension of time for a vacation and abandonment of patent easements  | Approved by BCC | December 2021  |
| VS-21-0131                   | Vacated and abandoned patent easements  | Approved by PC  | May 2021       |
| ET-20-400083<br>(ZC-18-0666) | First extension of time for a use permit for an office, waivers for parking and commercial driveway geometrics, and design reviews for alternative parking lot landscaping and proposed office warehouse building - expired | Approved by BCC | September 2020 |
| WS-19-0589                   | Reduced parking lot landscaping and modified driveway design standards in conjunction with a proposed office/warehouse complex - expired  | Approved by BCC | October 2019   |
| TM-19-500157                 | 1 lot industrial subdivision  | Approved by BCC | October 2019   |
| VS-19-0588                   | Vacated and abandoned patent easements  | Approved by BCC | October 2019   |
| ZC-18-0350                   | Reclassified 4.8 acres from R-E and M-1 zoning to M-1 zoning for a commercial vehicle and trailer rental facility – waivers and design reviews expired  | Approved by BCC | October 2018   |
| TM-18-500159                 | 1 lot commercial subdivision  | Approved by BCC | October 2018   |
| VS-18-0683                   | Vacated and abandoned government patent easements - expired   | Approved by BCC | October 2018   |
| ZC-18-0666                   | Reclassified a portion of APN 162-31-301-036 east of the Union Pacific Railroad to M-1 zoning for a parking lot – use permit, waivers, and design review expired  | Approved by BCC | October 2018   |
| UC-0396-17                   | Vehicle dismantling yard and waivers to reduce the setback between a vehicle dismantling yard and a non-industrial use  | Withdrawn       | September 2017 |
| UC-0711-14                   | Vehicle dismantling yard and waivers to reduce the setback between a vehicle dismantling yard and a non-industrial use  | Withdrawn       | December 2014  |

**Surrounding Land Use**

|       | <b>Planned Land Use Category</b> | <b>Zoning District (Overlay)</b> | <b>Existing Land Use</b>                 |
|-------|----------------------------------|----------------------------------|--|
| North | Business Employment & Public Use | IL & PF (AE-65)                  | Detention basin                          |
| South | Business Employment              | IL (AE-65)                       | Union Pacific Railroad & outdoor storage |

**Surrounding Land Use**

|      | <b>Planned Land Use Category</b> | <b>Zoning District (Overlay)</b> | <b>Existing Land Use</b>   |
|------|----------------------------------|----------------------------------|--|
| East | Business Employment              | IP, IL & RS20 (AE-65)            | Union Pacific Railroad, office/warehouse building, & outdoor storage |
| West | Business Employment              | IL (AE-65)                       | Undeveloped  |

**Related Applications**

| <b>Application Number</b> | <b>Request</b>  |
|---------------------------|---|
| VS-25-0065                | A vacation and abandonment of an easement and a portion of 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**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.

Staff finds that the waivers of development standards are only applicable due to the residential zoning of the adjacent parcel (APN 162-31-701-018) to the east of the site. The applicant is providing an 8 foot high steel security fence on the east side of the building, rather than the 8 foot high decorative screen wall with a 15 foot wide landscape area with a double row of evergreen trees as required by Title 30. Although the adjacent site is zoned RS20, it has a planned land use of Business Employment and is currently being used for outdoor storage without any residential use. Additionally, the Union Pacific Railroad separates the subject site from the adjacent residential zoning district, creating a significant buffer between the proposed communication utility building and the RS20 property. Staff finds that the waiver requests are reasonable and will not have any adverse effects on the adjacent RS20 zoned property or the surrounding area. Therefore, staff can support these requests.

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.

Staff finds that the proposed data storage center is suitable for this site and compatible with the surrounding area. The proposed buffering and screening along the north property line, which is adjacent to a PF zone, meets the requirements of Title 30. The parking area is located directly in front of the main building entrance, and features a pedestrian walkway and sufficient landscaping. The loading areas on the north and west sides of the building are screened from the corresponding sides of the site, and the Union Pacific Railroad provides a buffer from the properties to the east. Overall, the site is well designed and staff does not anticipate any negative impacts on the surrounding area. Therefore, staff can 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.

The property lies within the AE- 65 (65 - 70 DNL) noise contour for Harry Reid International Airport and is subject to continuing aircraft noise and over-flights. Future demand for air travel and airport operations is expected to increase significantly. Clark County intends to continue to upgrade Harry Reid International Airport facilities to meet future air traffic demand.

### **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:**

#### **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;
- Full off-site improvements;
- The installation of detached sidewalks will require 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;
- Incorporate exterior to interior noise level reduction into the building construction as required by Code for use.
- 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; that the Federal Aviation Administration will no longer approve remedial noise mitigation measures for incompatible development impacted by aircraft operations, which was constructed after October 1, 1998; and that funds will not be available in the future should the owners wish to have their buildings purchased or soundproofed.

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

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** DYLAN RUSK

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