

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-26-0105-I I5 MOUNTAIN, LLC:

USE PERMIT for public utility structures (utility poles, public utility buildings and structures, including an electric substation, and aboveground utility lines located outside the existing aboveground utility corridor).

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** increase structure height; **2)** eliminate and reduce street landscaping; **3)** eliminate parking area landscaping; **4)** reduce buffering and screening; **5)** increase retaining wall height; **6)** reduce gate setback; **7)** increase the parking aisle length; **8)** allow modified driveway standards; and **9)** waive full off-site improvements.

DESIGN REVIEW for public utility structures, including a data center with electric substation and other ancillary structures, rerouted aboveground utility lines, and new utility poles on 55.10 acres in an IP (Industrial Park) Zone within the Airport Environs (AE-60) Overlay.

Generally located south of Serene Avenue and east of Decatur Boulevard within Enterprise. JJ/rr/kh (For possible action)

RELATED INFORMATION:

APN:

177-19-301-005; 177-19-302-005; 177-19-302-007; 177-19-302-013; 177-19-305-002; 177-19-306-002; 177-19-306-003; 177-19-402-002; 177-19-402-003; 177-19-402-006

WAIVERS OF DEVELOPMENT STANDARDS:

1. Increase the height of public utility structures (utility poles) to 165 feet where 50 feet is the maximum height permitted per Section 30.02.18B (a 230% increase).
2.
 - a. Eliminate street landscaping along a portion of Serene Avenue (adjacent to APN 177-19-302-007) where a 6 foot wide landscape strip is required per Section 30.04.01D.7.
 - b. Eliminate street landscaping along a portion of Gary Avenue (adjacent to APN 177-19-402-006) where a 6 foot wide landscape strip is required per Section 30.04.01D.7.
 - c. Reduce the street landscaping strip width along a portion of Gary Avenue (adjacent to hammerhead) to 5 feet where a 10-foot-wide landscape strip is required behind an attached sidewalk per Section 30.04.01D.7 (a 50% reduction).
 - d. Eliminate street trees along Serene Avenue where one large tree planted every 30 feet on center is required per Section 30.04.01D.7.
 - e. Eliminate street trees along Gary Avenue where one large tree planted every 30 feet on center is required per Section 30.04.01D.7.
 - f. Eliminate street trees along Decatur Boulevard where one large tree planted every 30 feet on center is required per Section 30.04.01D.7.

LAND USE PLAN:
ENTERPRISE - BUSINESS EMPLOYMENT

BACKGROUND:
Project Description

General Summary

- Site Address: 9380 Decatur Boulevard (portion), 4620 W. Richmar Avenue (portion), 4740 W. Meranto Avenue (portion)
- Site Acreage: 55.10
- Project Type: Data center with public utility structures
- Number of Stories: 1
- Building Height (feet): Up to 37
- Square Feet: 217,080 (data center buildings)/3,009 (accessory buildings)/220,089 (total)
- Parking Required/Provided: 124/135
- Sustainability Required/Provided: 7/6.5

History & Site Plan

In November 2023, ZC-23-0571 was approved to reclassify most of the site from R-E to M-D (currently IP) for warehouses and distribution centers. The approved plans under ZC-23-0571 depicted 10 buildings on the subject site with a total of 748,288 square feet of warehouses, distribution centers, and accessory office spaces. A new development plan for the Switch Armory Campus, a data center with public utility structures, is now being proposed on the subject site.

The plan depicts 3 data center warehouse buildings configured in a north-south orientation in the center of the property south of Serene Avenue, north of Richmar Avenue, and east of Decatur Boulevard. Each warehouse is 72,360 square feet for a total of 217,080 square feet. On the east and west sides of each building is an equipment yard with chiller units, a trash enclosure, electrical equipment buildings, and generators surrounded by an 8 foot ornamental iron picket fence. The equipment yards are set back a minimum of 100 feet from the front property line along Decatur Boulevard, and 126 feet 6 inches from the north property line which abuts a developed RS20 single family residential area. The buildings are set back a minimum of 156 feet 6 inches from the front property line along Decatur Boulevard, and a minimum of 90 feet from the north property line. Two roll-up doors are located on the east side of each building facing away from any streets and residential areas. Parking areas and wide drive aisles are provided along the west sides of all 3 data center buildings. Parking includes accessible spaces as well as electric vehicle parking spaces. Access to the site is provided at a main entry gate which is set back more than 100 feet from the property line along Decatur Boulevard. A secondary gated entrance, which is set back more than 200 feet from the property line, is provided along Serene Avenue. A gated access is also provided to the substation from Richmar Avenue which is less than 50 feet from the street and is subject of a waiver request.

To the south of the warehouses are the proposed pump house, electrical substation with a control building, and a switchyard. Access to the substation is provided from a gated drive aisle at a proposed cul-de-sac on Richmar Avenue. Access to the switchyard is provided from gated drive aisles from Richmar Avenue and from Gary Avenue. The southeast portion of the property is

currently traversed by an NV Energy easement for an existing power line. The existing diagonal transmission line located on the southeast corner of the site is proposed to be rerouted to align along north side of Gary Avenue and a portion of the east property line of APN 17719302013. Three new 165 foot high utility poles are proposed within the rerouted transmission line. The entire site, including the data center warehouses, electrical substation, and switchyard, is proposed to be surrounded by a 12 foot high CMU wall with ornamental pickets on top. This wall will not be located within any required setback areas.

Landscaping

The plan depicts required landscape buffers with 2 rows of large evergreen trees planted 10 feet on center where the property abuts developed residential areas, except for along the east side of APNs 177-19-301-001 and 177-19-301-002, and the west side of APN 177-19-301-004 where no development is being proposed. The landscaping is also provided along the north boundary per a condition of ZC-23-0571. Eight foot screen walls are not provided in conjunction with the landscape buffers. Street landscaping includes only shrubs within the two 5 foot wide landscape strips on each side of the detached sidewalks along all streets except for certain portions of Serene Avenue and Gary Avenue where no landscaping is provided where no development and no street improvements are proposed. Parking lot landscaping is not provided.

Elevations

The plans depict the warehouse buildings up to 37 feet with metal panels, no windows, multiple doors, including 2 roll-up doors, and a standing seam metal roof. There are metal canopies depicted above the main building entrances. The building colors include white, gray, black and accent red colors.

Floor Plans

The plans depict each warehouse building as having a 58,608 square foot data room, a 9,338 square foot staging warehouse, and a 4,414 square foot office area. Fenced equipment yards are indicated on the east and west sides of the buildings.

Applicant's Justification

The applicant requests waivers to eliminate street and parking lot trees as the trees would obstruct view lines of security cameras and personnel for the facility. An estimated 116 trees will not be provided. The applicant will work with the northern property owners to meet the tree buffering requirements, however, an 8 foot retaining wall with a 12 foot security wall and a 3 foot high decorative wrought iron picket on top is proposed. An 8 foot decorative buffer wall in addition to the security/retaining wall will create an undesired area between the walls. The gate on Richmar Avenue needs to remain closed to secure the substation from public access. The parking aisle length is a result of the building layout. The driveway widths will assist in large truck maneuvering during times of large equipment placement and for a double leaf gate to reduce opening and closing times for vehicular access and egress. Portions of Serene Avenue and Gary Avenue are requested to have off-site improvements waived as they are adjacent to areas that will not be a part of the overall campus and will remain undeveloped.

The use permit for the public utility structure, relocation of lines, additional utility poles, substation and switching yard is compatible with adjacent uses in terms of scale, site design, and

operating characteristics. A reduction of required architectural features and horizontal articulation is requested as many of the building elevations will be screened by public view by the proposed perimeter site security wall and the entrances will have canopies.

Prior Land Use Requests (except for APN-177-19-306-003)

Application Number	Request	Action	Date
ZC-23-0571	Zone change from R-E to M-D, waivers, and design review for office/warehouses and distribution center	Approved by BCC	November 2023
VS-23-0572	Vacation and abandonment of easements and right-of-way	Approved by BCC	November 2023
TM-23-500121	Tentative map approved for a 1 industrial lot	Approved by BCC	November 2023
WS-0263-10	Waiver of development standards of deed restrictions	Approved by PC	August 2010
WS-0455-09	Waiver of development standards for overlength cul-de-sacs for Richmar Avenue and Gary Avenue	Approved by PC	September 2009
VS-0342-09	Vacation and abandonment for a portion of right-of-way being Cameron Street	Approved by PC	July 2009

Prior Land Use Requests (APN 177-19-306-003 only)

Application Number	Request	Action	Date
UC-1879-05 (ET-0030-08)	First extension of time of a use permit to commence an accessory structure	Approved by BCC	March 2008
UC-1879-05	Use permit for an accessory structure	Approved by BCC	February 2006

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Business Employment, Neighborhood Commercial & Ranch Estate Neighborhood (up to 2 du/ac)	RS20 (NPO-RNP & AE-60)	Single-family residential & undeveloped
South	Business Employment	RS20 & IP (AE-60)	Single-family residential, warehouse, & undeveloped
East	Business Employment & Public Use	IP, PF & RS20 (AE-60)	Nevada National Guard Readiness Center & undeveloped
West	Neighborhood Commercial	RS2, CG & RS20	Single-family residential & undeveloped

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

Related Applications

Application Number	Request
ZC-26-0103	A zone change from R2S0 to IP for APNs 177-19-306-003 & 177-19-402-003 is a companion item on this agenda.
VS-26-0104	A vacation and abandonment of easements and rights-of-way is a companion item on this agenda.
TM-26-500027	A tentative map for a 1 lot industrial subdivision is a companion item on this agenda.
WC-26-400012 (ZC-23-0571)	Waiver of conditions of a zone change 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.

The public utility structures consisting of an electric substation with a control building and a switchyard are all proposed to support the power needs of the proposed data center which is consistent with the Master Plan and the Enterprise Planned Land Use Map for the area between Serene Avenue and Silverado Ranch Road, east of Decatur Boulevard. Additionally, the rerouted transmission line and new utility poles are proposed to accommodate the layout and design of the site. The request complies with Policy EN-6.3 which encourages concentrating commercial and industrial uses adjacent to the National Guard Readiness Center to ensure proposed uses are compatible with ongoing operations. The data center promotes a designated employment area in compliance with Master Plan Policy EN-5.3. Therefore, staff can support this request.

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.

Waiver of Development Standards #1

Staff finds that the new poles are being proposed due to the rerouted transmission corridor to accommodate a new switchyard and substation that will provide power to the data center. This results in the need for 3 additional utility poles that will be 165 feet in height which will match the height of existing utility poles in the area. The pole heights should not increase any visual burden in the area or impact any existing residential uses. For these reasons, staff can support this request.

Waivers of Development Standards #2 & #3

Street landscaping consisting of several species of shrubs will be provided along all street frontages, except for portions of Serene Avenue and Gary Avenue where no development and no street improvements are proposed, or where there is a hammerhead. The request to waive street trees and parking area trees due to security reasons is consistent with previous requests that were approved for similar data centers in the area. An estimated 116 trees that will not be provided along the streets and parking areas will be subject to the tree fee-in-lieu.

Waiver of Development Standards #4

Large evergreen trees planted in 2 rows staggered 10 feet on center will be provided in all required buffers adjacent to single family residences, except where no development will occur for a portion of the property along Serene Avenue. The buffering proposed is consistent with a condition of approval in the NOFA for ZC-23-0571, requiring the applicant to work with property owners on Serene Avenue to buffer the residential areas to the north.

Additionally, the developed residential properties abutting the subject site have existing CMU walls of varying heights, albeit less than 8 feet. The placement of an 8 foot CMU screen wall adjacent to the existing walls along the property boundaries in addition to the proposed retaining wall and 12 foot security walls located a minimum of 20 feet from the property boundaries would create an undesired area between the walls. Therefore, staff can support these requests.

Waiver of Development Standards #5

The retaining walls with increased heights to 8 feet are internally located within the property and not along any property lines. 8 foot tall retaining walls are located 109 feet from the property line along Gary Avenue, 35 feet from the property lines along Serene Avenue and Decatur Boulevard, 73 feet from the east property line, 90 feet from the south property line and 30 feet from the north property line. There are also internal 4 foot high retaining walls around the switchyard and electric substations. The 8 foot retaining walls are also in combination with a 12 foot security wall with an additional 3 foot decorative wrought iron picket structure that will provide a secure perimeter for the site. The security wall will also incorporate 24 inch square split face CMU pilasters at the corners and end of the walls at vehicles entrance gates. All retaining and security walls will not be located within any required setback areas. Since this wall design is similar to other data centers in the area, staff can support this request.

Waiver of Development Standards #6

An entry gate on Richmar Avenue that provides access to the switchyard is less than 50 feet from the property line and will remain closed during business hours for security reasons. Staff finds that the concern for a vehicular gate located less than 50 feet from a street is to avoid a situation

where vehicles become queued up into a street waiting to enter through a closed gate. In this case, however, Richmar Avenue will be a dead-end street and will not likely see much traffic. The switchyard should also not generate any significant vehicular traffic. As a result, staff can support this request.

Waiver of Development Standards #7

Staff finds the purpose of reviewing drive aisle length is to ensure that there will not be long stretches of drive aisle with no escape or exit which could create dangerous cross traffic or stall cars in traffic jams. In this case, the extended parking aisle length is along the front of each of the data center warehouses which is a result of the building layout. Therefore, traffic crossing through parking spaces creating cross traffic would not be possible. The location of the parking area adjacent to the equipment yard fencing also allows direct access to the main building entrances and eliminates the need for pedestrians to cross a drive aisle. As a result, staff can 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.

Staff finds that the design of the site to be similar to other approved data centers with electric substations and utility poles in the area. The substation and poles are located away from the developed residential areas along Serene Avenue to the north. The retaining wall/security wall heights will effectively screen the interior of the site from surrounding streets and residential areas, obstructing visibility of the flat roofline and lack of horizontal articulation including no windows, change in wall panel textures, columns, or parapets. Access will be provided on multiple sides of the development, and required parking will be provided. Policy 5.5.2 of the Master Plan encourages working with State and regional partners on the expansion of infrastructure, broadband access, and other technological enhancements throughout Clark County. As a result, staff can support this request.

Public Works - Development Review

Waiver of Development Standards #8

Although the driveway widths for the commercial driveways on Serene Avenue and Decatur Boulevard do not comply with the minimum standard, the applicant worked with staff to redesign both driveways, allowing vehicles to safely enter and exit the site without the potential for conflicts. Therefore, staff has no objection to this request.

Waiver of Development Standards #9

Staff has no objection to not install full off-site improvements along portions of Serene Avenue and Gary Avenue. Full off-site improvements will be installed with future development of the site.

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

- Expunge the waivers of development standards and design review portions of ZC-23-0571;
- 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, and payment of the tree fee-in-lieu is required for any required trees waived.
- Applicant is advised within 4 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;
- Full off-site improvements for Serene Avenue and Gary Avenue shall be required with future development as determined by Public Works - Development Review Division;
- Right-of-way dedication to include 25 feet to the back of curb for Richmar Avenue;
- Execute a Restrictive Covenant Agreement (deed restrictions) for Serene Avenue and Gary Avenue;
- 30 days to coordinate with Public Works - Construction Management Division and submit separate document if required, for dedication of any necessary right-of-way and easements for the Decatur Boulevard improvement project;
- Said dedication must occur prior to issuance of building permits, concurrent with the recording of a subdivision map, OR within 30 calendar days from a request for dedication by the County;
- 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;
- Applicant shall dedicate and construct a combination right-turn lane and bus turn-out on northbound Decatur Boulevard per CCUSD No. 234.2 and 234.4, with a 5 foot x 25 foot

concrete shelter pad behind sidewalk, approximately 50 feet to 300 feet north of Richmar Avenue.

Southern Nevada Health District (SNHD) - Engineering

- Applicant is advised to contact the SNHD Environmental Health Division at 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 a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0156-2026 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Enterprise - denial.

APPROVALS:

PROTESTS:

APPLICANT: DECATUR-SILVERADO INDUSTRIAL, LLC

CONTACT: WESTWOOD PROFESSIONAL SERVICES, 5725 W. BADURA AVENUE, SUITE 100, LAS VEGAS, NV 89118