

06/21/23 BCC AGENDA SHEET

DATA CENTER
(TITLE 30)

JONES BLVD/BADURA AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-23-0193-NV LAS NAP 14-16, LLC:

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** outside storage; **2)** alternative building design standards; **3)** lighting; **4)** alternative trash enclosures; and **5)** eliminate parking lot landscaping.

DESIGN REVIEWS for the following: **1)** signage; and **2)** data center warehouses in conjunction with an existing data center complex on 51.5 acres in an M-D (Designed Manufacturing) Zone and an M-D (Designed Manufacturing) (AE-60) Zone in the CMA Design Overlay District.

Generally located on the north side of Badura Avenue, the east side of Jones Boulevard, the west side of Lindell Road, and the south side of the CC 215 within Enterprise. MN/hw/syp (For possible action)

RELATED INFORMATION:

APN:

176-01-201-004 through 176-01-201-008; 176-01-201-020

WAIVERS OF DEVELOPMENT STANDARDS:

1. Allow an outside storage area adjacent to a public right-of-way where otherwise not permitted per Section 30.48.640.
2.
 - a. Allow a red accent color where the colors of buildings and façade surfaces shall consist of the predominately subdued intensity of tones of the surrounding landscape per Section 30.48.650.
 - b. Allow a 173 foot horizontal roofline without architectural articulation where 100 feet is the maximum per Section 30.48.650 (a 73% increase).
 - c. Allow a 173 foot building façade where 100 feet is the maximum per Section 30.48.650 (a 73% increase).
3. Allow exterior luminaries to be mounted 24 feet above finished grade where the maximum height is 14 feet per Section 30.48.670 (a 71% increase).
4. Allow a trash enclosure with a wrought iron fence enclosure where trash enclosure walls are required to be constructed of masonry or concrete block per Section 30.56.120.
5. Eliminate all parking lot landscaping where landscaping per Figure 30.64-14 is required (a 100% reduction).

DESIGN REVIEWS:

1. Signage.
2. Data center complex with 2 new data center warehouse buildings.

LAND USE PLAN:

ENTERPRISE - BUSINESS EMPLOYMENT

BACKGROUND:

Project Description

General Summary

- Site Address: 5660 W. Badura Avenue
- Site Acreage: 51.5
- Project Type: Data center
- Building Height (feet): 49.3
- Square Feet: 660,781 (214,086/232,609/214,086)
- Parking Required/Provided: 348/593

Site Plans

The plans provided depict an existing 232,609 square foot data center warehouse located in the southwest portion of the site, previously approved through ZC-19-0571. The plans additionally show 2 proposed 214,086 square foot data center warehouses located in the northwestern and northeastern portions of the property along the northern property line with the CC 215. Generator and utility distribution yards are located on both the north and south sides of the existing and proposed warehouses. A communication tower is located on the north side of the southernmost warehouse and a pump house is located on the east side of the southern warehouse. Parking and drive aisles are distributed throughout the site surrounding the data center warehouses in specific clusters along the northern property line, along the property line with Badura Avenue, and between the 2 warehouses located in the western portion of the site. Three commercial driveways provide access to the site, which include driveways from Badura Avenue, Lindell Road, and a driveway for emergency access from Maule Avenue. All 3 driveways contain 21 foot wide and 12 foot high metal rolling gates. The Maule Avenue driveway was previously approved at the intersection of Corporate Plaza Drive and Maule Avenue with ZC-19-0571 but was redesigned with WS-20-0318 to what is shown on the plans.

Landscaping

The plans show that there will be no changes to the existing perimeter landscaping, which includes a 9 foot 5 inch strip adjacent to the CC 215 on-ramp, a 15 foot wide landscape strip with a detached sidewalk adjacent to Roy Horn Way, a 16 foot wide to 19 foot wide landscape strip along Lindell Road with a detached sidewalk, a 20 foot wide landscape strip with a detached sidewalk along Badura Avenue, a 15 foot wide landscape strip behind an attached sidewalk on Corporate Plaza Drive, and 15 foot wide landscape strips behind existing attached sidewalks on Maule Avenue and Jones Boulevard.

Waivers of development standards have been approved to eliminate trees from the landscaping plan and provide shrubs as the perimeter street landscaping with ZC-19-0571. Another waiver of development standards was approved which further reduced the number of shrubs (1 row of

shrubs instead of 2 rows) from the perimeter landscaping through WS-20-0318. The reduction in shrubs was approved along Lindell Road and along Roy Horn Way.

No parking lot landscaping has been shown and a waiver of development standards is being purposed to waive all parking lot landscaping for the portions of the site now being developed.

Elevations

The proposed new data center warehouses are 49 feet 4 inches tall and constructed with concrete exterior walls painted in an alternating white and grey pattern, metal wall louvers, metal fascia below the roofline, and a standing seam metal roof. Wall mounted light luminaries are shown to be placed across the building at equal intervals and mounted 24 feet high. Waivers are necessary to allow non-subdued red accent colors and to allow a 173 foot long roofline without architectural enhancements. Access to the warehouses is provided via awning covered commercial doorways on the north side of the buildings. Access is also provided through roll-up doors along the southern face of the building.

Surrounding the entire property is an existing perimeter wall that includes both gray split-face CMU walls and cast concrete walls. Both walls have pilasters evenly spaced and include a 3 foot high metal security piking on top. The pilasters will be painted a bright red color that is typical of the color scheme for this development.

Trash enclosures are shown with 8 foot high wrought iron fence enclosures, which requires a waiver of development standards, as trash enclosure walls are required to be 6 feet high and constructed of masonry or concrete block.

Floor Plans

The plans for the proposed 214,086 square foot data center warehouses will predominately consist of 3 large spaces that will house various servers and data centers. The server/data center areas will be supported with 3 power rooms. The secondary spaces will be dedicated to shipping/receiving and staging areas, and a 2 story office space.

Signage

The provided plans show a total of 4 proposed wall signs mounted on the upper central portions of the east and west facades of the proposed data center warehouses. Each building will contain 2 wall signs with 1 wall sign on each indicated façade. The signs provided are red and white combined word mark and logo signs. Each sign is 9 feet high and 18 feet wide for a total of 162 square feet, which is under the allowed square footage of 298 square feet for the east and west façades. The average letter height for these signs is approximately 4.2 feet high. The bottom end of the sign is at a height of 24 feet with a maximum height of 33 feet.

Applicant's Justification

The applicant indicates that this application is necessary to expand the overall data center campus and storage capacity for the company. They also state that many of the waivers being requested have already been approved previously through ZC-19-0571 and also in the surrounding area. They state that any outside storage and trash enclosure will be sufficiently screened from the surrounding area and rights-of-way, and the existing color patterns and

roofline have worked well with the previously approved data center warehouse currently on the property. They also state that any parking lot landscaping would directly hinder the necessary security requirements for this type of facility and that lighting on the site will be directed down and will not glare onto surrounding properties. In addition, the applicant states that the proposed signage is compatible with the existing architecture of the site.

Prior Land Use Requests

Application Number	Request	Action	Date
UC-22-0459	230 kV electrical substation with transmission lines and increased height with waivers for trash enclosures, off-site improvement, and driveway geometrics for the area west of Redwood Street	Approved by BCC	January 2023
UC-22-0549	230 kV electric substation with associated equipment and utility structures with increased height	Approved by PC	November 2022
WS-20-0318	Increased area for a project identification sign, reduced landscaping, and reduced throat depth and approach distance	Approved by BCC	September 2020
VS-19-0572	Vacated and abandoned 33 foot patent easements and 5 feet of Lindell Road and Badura Avenue for detached sidewalks - recorded	Approved by BCC	September 2019
ZC-19-0571	Reclassified the site from R-E, R-E (AE-60), C-2, and C-2 (AE-60) to M-D and M-D (AE-60) zoning for a communication tower, data center, and signage with waivers	Approved by BCC	September 2019
WS-0906-07	Signage in conjunction with an industrial office and retail development - expired	Approved by BCC	September 2007
ZC-0089-06	Reclassified the site from R-E, M-D, and M-1 zoning to M-D zoning for an industrial, office, and retail development with waivers - design review expunged	Approved by BCC	May 2006
ZC-0851-04	Reclassified 32.7 acres to M-D zoning for an industrial/retail center - expired	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 - expired	Approved by BCC	March 2002
ZC-1661-01	Reclassified 2.5 acres to C-2 zoning for an office building - expired	Approved by BCC	February 2002
ZC-1214-01	Reclassified 53.4 acres to M-D zoning for a distribution center - expired	Approved by BCC	November 2001
ZC-0514-99	Reclassified the site from R-E to C-2 zoning for a proposed retail store - expired	Approved by BCC	May 1999
ZC-2110-96	Reclassified the site from R-E to C-1 (AE-65) zoning for a proposed mini-warehouse complex - expired	Approved by BCC	March 1997

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North*	Business Employment	M-D & C-2	Distribution center, office/warehouse, & undeveloped
East	Business Employment	M-D & C-2	Office/warehouse & distribution center
South	Business Employment	M-D	Office warehouse complex & distribution center
West	Business Employment	M-D	Distribution center & undeveloped

The subject site is in the Public Facilities Needs Assessment (PFNA) area. *Directly north is the CC 215 Beltway and Roy Horn Way.

Related Applications

Application Number	Request
TM-23-500055	A 1 lot industrial subdivision is a companion item on this agenda.

STANDARDS FOR APPROVAL:

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

Analysis

Comprehensive Planning

Waivers of Development Standards

According to Title 30, the applicant shall have the burden of proof to establish that the proposed request is appropriate for its existing location by showing that the uses of the area adjacent to the property included in the waiver of development standards request will not be affected in a substantially adverse manner. The intent and purpose of a waiver of development standards is to modify a development standard where the provision of an alternative standard, or other factors which mitigate the impact of the relaxed standard, may justify an alternative.

Staff finds that all of the requested waivers of development standards are consistent with previous requests that were approved for similar data centers in the area and at the subject site. As a result, the proposed project is consistent with Policy 1.3.1 in the Master Plan, which in part, encourages site designs to be compatible with adjacent land uses and encourages architectural styles and signage which create a unique neighborhood identity. The height of the existing perimeter wall should effectively screen the interior of the site, obstructing visibility of the extended flat roofline longer than 100 feet in length, the lack of interior landscaping, any outside storage, and will help screen any effects caused by the increased height of the lighting and signs. The non-subdued accent color (red) is consistent with the other data center warehouse built on the subject site and other data centers in the area. In conclusion, the project is similar to other approved and existing development projects in the area and on the subject site, and staff does not anticipate any negative impacts and can support these requests.

Design Reviews

Policy 5.1.3, in part, promotes employment opportunities/development, and per the Enterprise Land Use Plan, data processing centers are an appropriate use in the Business Employment Land Use category. The design of the new data center warehouses is consistent with approved and developed data centers in the area and on the subject site. Access will be provided on multiple sides of the development, and adequate parking is provided on-site. Finally, the size and design of the proposed wall signage is compatible in scale and theme to the existing data center warehouse on the site and similar to other signage in the area and along the CC 215. As a result, the development will provide a critical service to the community, and the design is consistent with policies in the Master Plan. For these reasons, 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:

Comprehensive Planning

- 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.
- Applicant is advised that the installation and use of cooling systems that consumptively use water will be 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 it will expire.

Public Works - Development Review

- 30 days to coordinate with Public Works - Design Division and to dedicate any necessary right-of-way and easements for the Beltway, Frontage Road improvement project.

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

- 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.

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 #0084-2020 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Enterprise - approval.

APPROVALS:

PROTESTS:

APPLICANT: STEPHAN ATKIN

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