

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**WS-26-0261-NV NAP 6, LLC:**

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** eliminate street landscaping (trees only); **2)** eliminate parking lot landscaping; **3)** increase retaining wall height; **4)** increase wall height; **5)** reduce access gate setback; **6)** allow an attached sidewalk; and **7)** modified driveway geometrics.

**DESIGN REVIEW** for a proposed data center facility on 8.99 acres in an IP (Industrial Park) Zone.

Generally located east of Edmond Street and north of Warm Springs Road within Enterprise. MN/sd/cv (For possible action)

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RELATED INFORMATION:

**APN:**

176-01-801-021; 176-01-801-044

**WAIVERS OF DEVELOPMENT STANDARDS:**

1.
  - a. Eliminate street landscaping (trees only) along Warm Springs Road where street trees consisting of one large tree and 3 shrubs shall be provided every 30 linear feet of street frontage per Section 30.04.01D7.
  - b. Eliminate street landscaping (trees only) along Edmond Street where street trees consisting of 1 large tree and 3 shrubs shall be provided every 30 linear feet of street frontage per Section 30.04.01D7.
  - c. Eliminate street landscaping (trees only) along Capovilla Avenue where street trees consisting of 1 large tree and 3 shrubs shall be provided every 30 linear feet of street frontage per Section 30.04.01D7.
2. Eliminate parking area landscaping where a landscape island shall be provided every 6 parking spaces and at the end of each row of parking per Section 30.04.01D8.
3. Increase the height of a proposed retaining wall along the south property line (Warm Springs Road) to 8 feet where 3 feet is the maximum height permitted per Section 30.04.03C (a 166% increase).
4.
  - a. Increase the decorative screen wall height along the north property line to 12 feet where 3 feet is the maximum allowed within the front setback per Section 30.04.03B (a 300% increase).
  - b. Increase the screen wall height along the south and west property lines to 15 feet where 10 feet is the maximum allowed per Section 30.04.03B (a 50% increase).
  - c. Increase the decorative screen wall height along the east property line to 12 feet where 10 feet is the maximum allowed within the front setback per Section 30.04.03B (a 20% increase).

5. Reduce the setback for an access gate to 7 feet where a minimum of 18 feet is required per Section 30.04.03E (a 62% reduction).
6. Allow an attached sidewalk along Warm Springs Road where a detached sidewalk is required per Section 30.04.08C.
7. Increase the maximum width of a commercial driveway along Capovilla Avenue to 60 feet measured from face of curb to face of curb where 50 feet is the maximum width allowed per Uniform Standard Drawings (a 20% decrease).

## **LAND USE PLAN:**

ENTERPRISE - BUSINESS EMPLOYMENT

## **BACKGROUND:**

### **Project Description**

#### General Summary

- Site Address: 7220 Edmond Street
- Site Acreage: 8.99
- Project Type: Data center facility
- Building Height (feet): 37
- Square Feet: 56,788
- Parking Required/Provided: 57/57
- Sustainability Required/Provided: 6.5/7

#### Site Plans

The plans depict a proposed 56,788 square foot data center warehouse located on the northeast corner of Warm Springs Road and Edmond Street. The proposed facility is located within the center portion of the site with accessory equipment, including generators, electrical equipment buildings and chiller units that are located on the west and east side of the warehouse building. Access to the site is from Capovilla Avenue. Parking spaces are located along the west and north property lines. A drive aisle is shown that wraps around the building back to Capovilla Avenue. The access gate will be located off from Capovilla Avenue and will remain closed during business hours. Pedestrian pathways are shown on the site plan for pedestrian safety with concrete grey color for visibility. An 8 foot high ornamental picket fence will surround both equipment yards on the west and east side of the main building.

#### Landscaping

Street trees and parking lot landscaping are not provided on site. The plan shows that shrubs are proposed along the south, west, and north properties; thus necessitating waivers of development standards.

#### Elevations

The plans depict a proposed data center facility with a pitched roofline and vertical metal paneling and metal gutters at 37 feet in height. The applicant is not providing variations in the roofline, wall plain, with no windows. No horizontal articulation is provided or shown on the elevations. The building will have defined entrance with metal canopy. The electrical equipment building will be 25 feet high with metal siding and the generators will be 11 feet high.

Surrounding the entire property is an existing perimeter wall that includes both gray split-face CMU wall and is 12 feet high.

Floor Plans

The plans for the proposed 56,788 square foot data center warehouses consist of 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, office space, restrooms and utility rooms.

Applicant’s Justification

The applicant states the proposed Switch 19 campus and will consist of 1 data center. The applicant is requesting several waivers of development standards to eliminate street trees and parking lot landscaping as installation would impair intense security measures by obstructing views for security cameras and employees. In addition, the request to increase retaining and screen walls will provide a more secure facility. The applicant is also reducing the access gate to 7 feet where 18 feet is required when closed during business hours. Finally, the applicant is also requesting to modify driveway geometrics that will allow for larger trucks to maneuver into the site during large equipment placement.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
DA-23-900545	Development agreement related to ZC-23-0489 (APN 176-01-801-044 only) - recorded	Approved by BCC	January 2024
VS-23-0490	Vacation and abandonment for a portion of right-of-way and easements - recorded	Approved by BCC	September 2023
ZC-23-0489	Zone change from C-2 and M-1 zoning to an M-D zoning with waivers of development standards and a design review for an industrial center	Approved by BCC	September 2023
ET-23-400041 (UC-0341-17)	Second extension of time of a use permit for a temporary construction storage site	Approved by PC	June 2023
ET-20-400027 (UC-0341-17)	First extension of time of a use permit for a temporary construction storage site	Approved by PC	July 2020
UC-0341-17	Use permit for a temporary construction site	Approved by BCC	June 2017
VS-20-0281	Vacation and abandonment for easements - recorded	Approved by PC	August 2008

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
North	Business Employment	IP	Office/warehouse
South	Public Use	IL	NV Energy substation
East	Business Employment	IL	Undeveloped
West	Business Employment	IP	Office/warehouse

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

## Related Applications

Application Number	Request
ZC-26-0260	A zone change from IL zone to IP zone building is a companion item on this agenda.
VS-26-0262	A vacation and abandonment for easements and rights-of-way is a companion item on this agenda.
TM-26-500067	A tentative map for a 1 lot industrial subdivision 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.

##### Waivers of Development Standards #1 & #2

While staff does not typically support reducing the number of trees, the request is consistent with previous requests that were approved for similar data centers in the area. In addition, due to an existing retaining wall is located along Warm Springs Road there is no area for street trees to be installed. Shrubs will be provided along the street; therefore, staff recommends approval.

##### Waivers of Development Standards #3 & #4

The purpose of reviewing increased retaining wall and screen wall height is to assure that there are no negative impacts on the surrounding properties from such an increase. The applicant stated the need for an increase will be to provide a secure perimeter. Since similar requests have been approved for data centers and there has been no reported negative impacts; therefore, staff can support the request.

##### Waiver of Development Standards #5

Staff finds that since this is a new development, the applicant has the opportunity to accommodate the required gate setback of 18 feet. There are existing industrial uses to the north and to the west, and foreseeable development to the east; so vehicular circulation may be impacted if unforeseen queuing occurs along Capovilla Avenue. Staff does not 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.

Data processing centers are an appropriate use in the Business Employment Land Use category and industrial zoning districts. The existing and planned land uses that are adjacent to the applicant's site (north, east, and west) is comprised of existing and planned office/warehouse facilities. Overall, this area is suited for the data center that will not impact commercial or residential uses. While staff supports the project, the gate would need to be redesigned to meet code, impacting the overall site plan. Therefore, staff does not support the design review.

### **Public Works - Development Review**

#### Waiver of Development Standards #6

Staff cannot support the request for the attached sidewalks to remain in place of detached sidewalks along Warm Springs Road. Detached sidewalks along streets provide a safer pathway for pedestrians by increasing the distance from traffic.

#### Waiver of Development Standards #7

Staff cannot support the requested increase in driveway width on Capovilla Avenue. Staff finds that the wider driveway, combined with the irregular configuration and its location within the cul-de-sac, could create confusion for drivers, resulting in potential vehicle conflicts and safety hazards. A standard driveway width combined with the cul-de-sac will provide the turnaround needed for the Fire Department.

### **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.

### **Staff Recommendation**

Approval of waiver of development standards #1 through #4; denial of waivers of development standards #5 through #7 and the design review.

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:

- Enter into a standard development agreement prior to any permits 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;
- 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. The Determination of No Hazard must not be expired;
- 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; and 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.

**Southern Nevada Health District (SNHD) - Engineering**

- Applicant is advised to contact the SNHD Environmental Health Division at [septics@snhd.org](mailto: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](mailto:sewerlocation@cleanwaterteam.com) and reference POC Tracking #0157-2026 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:** Enterprise - approval of waivers of development standards #3, #5, and #7; denial of waivers of development standards #1, #2, #4, and #6 and the design review.

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** NV NAP 6, LLC

**CONTACT:** MICHAEL S. ANDERSEN AIA ARCHITECT, LLC, 2714 TIMBER CROSSING COURT, HENDERSON, NV 89074