

03/20/24 BCC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ET-24-400010 (ZC-19-0877)-NV LAS DEC, LLC:

USE PERMIT FIRST EXTENSION OF TIME for a communication tower.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** allow a non-subdued exterior accent color; **2)** allow a horizontal roofline without architectural articulation; **3)** increase wall height; **4)** allow monotonous block walls; **5)** allow ground mounted up-lighting; **6)** allow alternative street landscaping (no trees); **7)** waive parking lot landscaping; **8)** alternative trash enclosures; and **9)** signage.

DESIGN REVIEWS for the following: **1)** data center; **2)** signage; **3)** communication tower; and **4)** increase finished grade on 27.4 acres in an IP (Industrial Park) Zone within the Airport Environs (AE-60) Overlay.

Generally located on the west side of Jones Boulevard and the north side of Maule Avenue within Enterprise. MN/tpd/ng (For possible action)

RELATED INFORMATION:

APN:

176-02-601-004; 176-02-601-005; 176-02-601-010; 176-02-601-011; 176-02-601-014 through 176-02-601-016

WAIVERS OF DEVELOPMENT STANDARDS:

1. 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 non-subdued exterior color (red) where all exterior colors shall consist of subdued tones per Table 30.56-2.
2. Allow a 1,310 foot horizontal roofline without architectural articulation where 100 feet is the maximum per Section 30.48.650 (a 1,210% increase).
3. Increase perimeter wall height to 24 feet (including retaining wall portion and a 3 foot high decorative wrought iron picket structure on top of the wall) where a maximum of 13 feet is permitted (3 feet of retaining wall and 10 feet of screen wall) per Section 30.64.020 (a 54% increase).
4. Allow perimeter walls greater than 50 feet in length that are not designed to visually minimize the stark appearance of a monotonous block wall face where required per Section 30.48.660.
5. Allow ground mounted up-lighting where all lighting shall be hooded and project downward per Section 30.56.135.
6. a. Allow alternative street landscaping (no trees) along Maule Avenue where landscaping per Figure 30.64-13 is required.

- b. Allow alternative street landscaping (no trees) along Jones Boulevard and Roy Horn Way where landscaping per Figure 30.64-17 or Figure 30.64-18 is required.
 - c. Allow alternative street landscaping (no trees) along CC 215 where landscaping per Figure 30.64-4 is required.
- 7. Waive all parking lot landscaping where landscaping per Figure 30.64-14 is required (a 100% reduction).
- 8. Allow a trash enclosure with an 8 foot high wrought iron fence enclosure where trash enclosure walls are required to be 6 feet high and constructed of masonry or concrete block per Section 30.56.120.
- 9.
 - a. Increase the area of project identification signs to 162 square feet each where 70 square feet is the maximum allowed per Table 30.72-1 (a 131% increase).
 - b. Increase the maximum height of project identification signs to 16 feet where 10 feet is the maximum allowed per Table 30.72-1 (a 60% increase).
 - c. Allow a project identification sign not located on the corner of a project where required per Table 30.72-1.

DESIGN REVIEWS:

- 1. Data center.
- 2. Signage.
- 3. Communication tower.
- 4. Increase finished grade to 8 feet where a maximum of 18 inches (1.5 feet) is the standard per Section 30.32.040 (a 433% increase).

LAND USE PLAN:

ENTERPRISE - BUSINESS EMPLOYMENT

BACKGROUND:

Project Description

General Summary

- Site Address: 6330 W. Maule Avenue
- Site Acreage: 27.4
- Project Type: Data center
- Number of Stories: 1
- Building Height (feet): 45.5 (2023 redesign)
- Square Feet: 430,715 (2023 redesign)
- Parking Required/Provided: 214/281 (2023 redesign)

Site Plans

The approved plans depict 2 proposed data center warehouses; one on the northwest portion of the site, the other on the south side of the site. The site was redesigned in 2023 with approval of ZC-23-0151, which added 1.3 acres to the site. The size of the buildings changed slightly, as did the orientation of the buildings.

Landscaping

The approved plans depict a 15 foot wide landscape area with a detached sidewalk is located along Maule Avenue and Roy Horn Way, and a 15 foot wide landscape area is located along the

remainder of the northern and eastern boundaries of the site. Waivers of development standards were approved to allow the perimeter street landscaping without trees (shrubs only), waive all parking lot landscaping, allow perimeter wall height up to 28 feet (2023 redesign) with a wrought iron picket on top, allow monotonous perimeter walls greater than 50 feet in length, and allow ground mounted up-lighting to shine onto the perimeter block walls.

Elevations

The approved plans depict data center warehouse buildings that are constructed with concrete exterior walls, metal wall louvers, metal fascia below the roofline, and a standing seam metal roof. Waivers were approved to allow non-subdued red accent colors and to allow a roofline 1,310 feet long without architectural enhancements. Accessory structures include the pump house, which is 13 feet tall and constructed with gray concrete wall panels with reveals painted red and a standing seam metal roof, and the communication tower, which will be a metal lattice structure constructed to a height of 80 feet.

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

Floor Plans

The buildings will predominately consist of areas for data storage and power rooms. Secondary space will be dedicated to shipping/receiving, staging areas, and office space.

Signage

The approved plans show wall signs will be placed on the east and west sides of one building and the north and south sides of the other building. The project identification signs are proposed for up to 162 square feet. Five project identification signs will be located on the exterior perimeter walls. The locations are proposed near the intersection of Jones Boulevard and Maule Avenue (southeast portion of the site) and the entrances on Roy Horn Way and Maule Avenue (northwest and southwest portions of the site). A waiver of development standards was required for the 2 additional signs located along Roy Horn Way since this is not a corner of the project.

Previous Conditions of Approval

Listed below are the approved conditions for ZC-19-0877:

Current Planning

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that 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 the use permit, waivers of development standards and design reviews must commence within 4 years of approval date or they will expire.

Public Works - Development Review

- Drainage study and compliance;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Traffic study and compliance;
- Full off-site improvements;
- Provide an alternative public right-of-way to provide access to APNs 176-02-601-006 and 007 unless those parcels are owned by the applicant;
- Right-of-way dedication to include 25 feet to the back of curb for Maule Avenue;
- Applicant to coordinate with Public Works - Traffic Management to determine if additional right-of-way dedication or a vacation is necessary for Roy Horn Way.
- Applicant is advised that the plans do not contain enough detail to determine compliance with the Uniform Standard Drawings and that changes to the plans to comply may require additional land use applications; that the installation of detached sidewalks will require the vacation of excess right-of-way or dedication to back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control or execute a License and Maintenance Agreement for non-standard improvements in the right-of-way; and that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals.

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;
- 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.

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 #0640-2019 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

Applicant's Justification

The applicant is waiting for their final map (NFM-23-500092) and civil off-site (PW23-11617) applications to be approved. This request will allow time for the applicant to have these requests approved by the Department of Public Works.

Prior Land Use Requests

Application Number	Request	Action	Date
UC-23-0547	Accessory structures (walls) before the primary structure.	Approved by PC	October 2023
ZC-23-0151	Reclassified from R-E and R-E (AE-60) to M-D and M-D (AE-60) zoning, with use permits, waivers, & design reviews for a data center with electric substation	Approved by BCC	May 2023
TM-23-500035	1 industrial lot and 30 common lots	Approved by BCC	May 2023
VS-23-0152	Vacated and abandoned easements of interest to Clark County located between Jones Boulevard and Torrey Pines Drive, and between Maule Avenue and Roy Horn Way; a portion of a right-of-way being Bronco Street located between Maule Avenue and Roy Horn Way; a portion of right-of-way being Pama Lane located between Jones Boulevard and Torrey Pines Drive; and a portion of right-of-way being Maule Avenue located between Jones Boulevard and Torrey Pines Drive	Approved by BCC	May 2023
TM-19-500232	Commercial subdivision - expired	Approved by BCC	January 2020
VS-19-0878	Vacated and abandoned easements of interest to Clark County located between Jones Boulevard and Torrey Pines Drive, and between Maule Avenue and Roy Horn Way, and portions of a right-of-way being Maule Avenue and an unnamed street located between Jones Boulevard and Torrey Pines Drive, and a portion of Bronco Street located between Maule Avenue and Roy Horn Way - expired	Approved by BCC	January 2020
ZC-19-0877	Reclassified from C-2 and C-2 (AE-60) to M-D and M-D (AE-60) zoning, with use permit, waivers, & design reviews for a data center	Approved by BCC	January 2020
TM-0069-08	Commercial subdivision - expired	Approved by PC	May 2008
VS-0239-08	Vacated and abandoned portions of Pama Lane, Bronco Street, and Maule Avenue, and patent easements throughout the subject site - expired	Approved by PC	April 2008
TM-0266-05	Commercial subdivision - expired	Approved by PC	June 2005

Prior Land Use Requests

Application Number	Request	Action	Date
DR-0488-04	Vehicle sales facility – expired	Approved by PC	May 2004
ZC-1730-02	Reclassified the site from C-2 to M-D zoning - expired	Approved by BCC	January 2003
ZC-0475-99	Reclassified the site from R-E to C-2 zoning	Approved by BCC	May 1999

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Business Employment	RS20 (AE-60)	CC 215
South	Business Employment	IP, IL, & RS20	Warehouse & undeveloped
East	Business Employment	IP	Other Switch facility
West	Business Employment	CG (AE-60)	Vehicle sales

The subject site is located 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.

Staff finds that the applicant has worked towards commencing the project. There are 2 applications under review with the Department of Public Works (NFM23-500092 and PW23-11617) and the drainage study has been approved.

Public Works - Development Review

There have been no significant changes in this area. Staff has no objection to this extension of time.

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

- Until May 17, 2027 to correspond with ZC-23-0151 to commence or the application will expire unless extended with approval of an extension of time;
- 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 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

- Compliance with previous conditions.

Fire Prevention Bureau

- No comment.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC: Enterprise - approval.

APPROVALS:

PROTEST:

APPLICANT: SWITCH, LTD.

CONTACT: KELLIE HALPIN, 1050 E. FLAMINGO ROAD, SUITE 305, LAS VEGAS, NV 89119