

DATA CENTER WITH ELECTRIC SUBSTATION
(TITLE 30)

JONES BLVD/MAULE AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ZC-23-0151-NV LAS DEC, LLC:

ZONE CHANGE to reclassify 1.3 acres from an R-E (Rural Estates Residential) Zone and an R-E (Rural Estates Residential) (AE-60) Zone to an M-D (Designed Manufacturing) Zone and an M-D (Designed Manufacturing) (AE-60) Zone.

USE PERMITS for the following: **1)** eliminate trash enclosure; and **2)** electric substation.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** allow a non-subdued exterior accent color; **2)** allow horizontal rooflines 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)** signage; and **8)** allow modified driveway design standards.

DESIGN REVIEWS for the following: **1)** modifications to a previously approved data center that included a communications tower; **2)** electric substation; **3)** signage; and **4)** finished grade on 30.0 acres in the CMA Design Overlay District.

Generally located on the west side of Jones Boulevard and the north side of Maule Avenue within Enterprise (description on file). MN/md/syp (For possible action)

RELATED INFORMATION:

APN:

176-02-601-004 through 176-02-601-007; 176-02-601-010; 176-02-601-011; 176-02-601-014 through 176-02-601-016

WAIVERS OF DEVELOPMENT STANDARDS:

1. 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.
2. Allow a continuous horizontal roofline without architectural articulation where 100 feet is the maximum per Section 30.48.650.
3. Increase perimeter wall height up to 28 feet (including retaining wall portion and a 2 foot to 3 foot high decorative wrought iron picket structure on top of the wall) where a maximum height of 13 feet is permitted (3 feet of retaining wall and 10 feet of screen wall) per Section 30.64.020 (a 115.4% 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 the CC 215 where landscaping per Figure 30.64-4 is required.
 - b. Allow alternative street landscaping (no trees) along Jones Boulevard where landscaping per Table 30.64-2 and Figure 30.64-17 are required.
7.
 - a. Increase the area of a project identification sign to 162 square feet where 70 square feet is the maximum allowed per Table 30.72-1 (a 131.5% increase).
 - b. Increase the area of a project identification sign to 208 square feet where 70 square feet is the maximum allowed per Table 30.72-1 (a 197.2% increase).
 - c. Allow project identification signs not located on the corner of a project where required per Table 30.72-1.
 - d. 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).
8.
 - a. Reduce throat depth to 1 foot for a driveway along Roy Horn Way where a minimum depth of 150 feet is required per Uniform Standard Drawing 222.1 (a 99.9% reduction).
 - b. Reduce throat depth to 5 feet for a driveway along Maule Avenue where a minimum depth of 150 feet is required per Uniform Standard Drawing 222.1 (a 96.7% reduction).
 - c. Increase the width of a commercial driveway along Roy Horn Way to 65 feet where a maximum driveway width of 45 feet with a 5 foot median is permitted per Uniform Standard Drawing 222.1 (a 44.4% increase).

DESIGN REVIEWS:

1. Modifications to a previously approved data center that include a communications tower.
2. Electric substation.
3. Signage.
4. Increase finished grade to 96 inches where a maximum of 36 inches is the standard per Section 30.32.040 (a 166.7% increase).

LAND USE PLAN:

ENTERPRISE - BUSINESS EMPLOYMENT

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 30.0
- Project Type: Data center with electrical substation
- Number of Stories: 1
- Building Height (feet): 45.5 (Buildings 17 and 18)/46.5 (shade structure)/13 (pump house)/17.5 (control house)
- Square Feet: 199,236 (Building 17)/228,470 (Building 18)/693 (pump house)/2,316 (control house)

- Parking Required/Provided: 214/281

History and Request

The Board of County Commissioners approved ZC-19-0877 in January 2020 reclassifying a 27.4 acre portion of the project site for a data center with an 80 foot high communications tower. The applicant is now amending the previously approved application which includes the addition of 2 additional parcels, APNs 176-02-601-006 and 176-02-601-007, that will be reclassified to an M-D zoning district for an electric substation. A use permit is requested for the electric substation and to waive the requirement for the trash enclosure. The remaining portion of the request modifies the previously approved site design which includes reorientating the location of the 2 data center warehouses (Buildings 17 and 18) and communications tower. The total area of the data center warehouses will also be reduced with this application. Furthermore, the waivers of development standards requested with this application, with the exception to allow modified driveway design standards, were previously approved with the prior land use request. The requested waivers are necessary to modify the previously approved requests to the changes proposed to the data center site. The modifications to the site will be described within the corresponding Site Plan, Landscaping, Elevations, Floor Plans, and Signage sections below.

Site Plans

The plans depict 2 proposed data center warehouse buildings; Building 17 located on the west portion of the site, and Building 18 located on the southeast portion of the site. Building 17 is oriented in a north/south direction where Building 18 is configured in an east/west direction. Building 17 features the following setbacks: 1) 77 feet from the north property line adjacent to Roy Horn Way; 2) 150 feet from the west property line; 3) 65 feet from the south property line; and 4) 1,490 feet from the east property line adjacent to Jones Boulevard. Building 18 features the following setbacks: 1) 150 feet from the north property line adjacent to Roy Horn Way; 2) 99.5 feet from the east property line along Jones Boulevard; 3) 179 feet from the south property line; and 4) 628 feet from the west property line. Equipment yards are located on the east/west and north/south sides of Buildings 17 and 18, respectively. The proposed development requires 214 parking spaces where 281 parking spaces are provided. The required parking spaces and drive aisles are located along the west, east, and south perimeters of the site. The approved 80 foot high communications tower was previously located within the center of the site and will be relocated to the northwest of Building 18. An electric substation is proposed with this application, and will be located to the north of Building 18. The electric substation is enclosed within an interior equipment yard which includes a shade structure to cover equipment and an unmanned control enclosure. The shade structure and the unmanned control enclosure are set back 25 feet and 43 feet from Roy Horn Way, respectively. A use permit is necessary to eliminate the trash enclosure requirement within the electric substation. A pump house is located at the northwest corner of the site with a setback of 20 feet. Access to the site is granted via a driveway located adjacent to Roy Horn Way and a driveway located along Maule Avenue. A waiver of development standards is required to increase the permissible width of the driveway along Roy Horn Way. A second waiver is requested to reduce the required throat depth for both driveways servicing the development. The maximum increase to finished grade will occur within the central portion of the site.

Landscaping

The plans depict a 15 foot wide landscape area, with a 5 foot wide detached sidewalk, along Roy Horn Way and Maule Avenue. A 15 foot wide landscape area is adjacent to an existing, attached 5 foot wide sidewalk located along Jones Boulevard. The street landscape areas consist of shrubs and groundcover. A waiver was previously approved to permit only shrubs and groundcover along CC 215, Roy Horn Way, Jones Boulevard, and Maule Avenue. The current request is to include additional portions of CC 215 and Jones Boulevard within the request for alternative street landscaping. A request to allow ground mounted up-lighting was previously approved along the north and east portions of the site where this request also includes lighting along the west portion of the site. A waiver was previously approved to increase the perimeter wall height up to 24 feet. The applicant is now requesting to increase perimeter wall height up to a maximum of 28 feet, with a wrought iron picket on top of the wall. A waiver of development standards to allow a continuous, monotonous block wall was also previously approved around the perimeter of the site. However, with the addition of APNs 176-02-601-006 and 176-02-601-007 to the data center, the modification to the previously approved block wall waiver is necessary. A waiver of development standards to eliminate parking lot landscaping was previously approved with ZC-19-0877.

Elevations

The data center warehouse buildings measure up to 45.5 feet in height, where the previously approved buildings measured 49.5 feet to the peak of the roof. The buildings will be constructed with concrete exterior walls, metal wall louvers, metal fascia below the roofline, and a standing seam metal roof. Waivers of development standards are necessary to allow red accent colors and to allow a continuous horizontal roofline without architectural articulation and enhancements. The linear length of the buildings was reduced to 866 feet where a length of 1,400 feet was previously approved. The plans also depict a proposed pump house measuring 13 feet in height with a standing seam metal roof. The pump house will be constructed with gray, concrete wall panels with reveals painted red. The previously approved communication tower will be constructed with metal lattice and measures 80 feet in height. The proposed shade structure covering the equipment associated with the electric substation measures 46.5 feet in height. The shade structure is supported by steel columns, painted in red, and consists of a metal fascia and a standing seam metal roof painted with varying shades of gray. The control house associated with the electric substation measures 17.5 feet to the top of the standing seam metal roof. The control house features an exterior consisting of EIFS painted with varying shades of gray and a red accent.

The perimeter walls surrounding the entire property consist of both gray and split face CMU walls and cast concrete walls. Perimeter walls were previously approved for a height up to 24 feet; however, a waiver of development standards is requested to increase the maximum height up to 28 feet. Both walls will have pilasters evenly spaced and include a 2 foot high metal security picket structure on top. The pilasters will be painted bright red that is typical of the color scheme for this development.

Floor Plans

The plans for Buildings 17 and 18 consist of floor areas measuring 199,236 square feet and 228,470 square feet, respectively. The warehouses predominantly consist of areas for data

storage and power rooms. The combined footprint for Buildings 17 and 18 was reduced by approximately 3,537 square feet from the previous approval. Accessory space will be dedicated to shipping/receiving, staging areas, and office space. The control house measures 2,316 square feet in area and includes battery rooms and a power and control room.

Signage

The plans depict wall signs affixed to the north and south elevations of Building 17. Building 18 includes wall signs positioned on the east and west sides of the structure. The shade structure features wall signs affixed to the metal fascia on the north and west sides of the building. The wall signs are predominantly white with a red accent arrow. Two project identification signs will be located on the exterior perimeter walls where 5 project identification signs were previously approved. A project identification sign is proposed on the wall at the northwest corner of the site, oriented towards CC 215. A waiver of development standards is required to increase the area of the sign up to 162 square feet. A second project identification sign will be located on the wall located at the southeast corner of the site, adjacent to the Jones Boulevard and Maule Avenue intersection. A waiver is required to increase the area of this sign up to 208 square feet. A waiver to increase the sign height up to a maximum of 16 feet is requested, where the same waiver was previously approved for 5 project identification signs. A waiver of development standards is also required to allow the project identification sign at the northwest portion of the site since this located is not a corner of the project. The project identification signs consist of black lettering with a red accent arrow.

Applicant's Justification

The applicant indicates the zone change, use permits, waivers of development standards, and design reviews are typical of other similar projects that have been approved in the area. The applicant states the electric substation is compatible with the adjacent uses in terms of scale, site design, operating characteristics, and hours of operation. The proposed use will be in operation 24 hours a day, 365 days a year and requires no employees at the site. There will be no traffic generation, lighting, noise, odor, dust, or other adverse impacts from the project excepting the temporary construction of the project which are anticipated to be minimal. No public services are required resulting in no adverse impacts on public service levels. Scheduled inspections are required by regulation and performed on a regular basis (typically once a month), maintenance is performed when required to maintain safe and efficient operation. No significant adverse impacts on the natural environment are anticipated. Major grading must occur to meet site drainage requirements and compliance with on-site development standards. The applicant states the access gate along Roy Horn Way will be used only for large trailered equipment deliveries that require a large turning radius for the mandatory "one-way" easterly direction traffic onto the site. The applicant indicates the reduction to the throat depth is justified due to the operational nature of the facility being a data center, the daily occupant load will be far less than the required parking. Gate access will be controlled by a 24 hour manned Security Office within the main building to reduce any delay of site access to prevent a backup on to the public roadway. To allow for the site grading to balance and have the building at a uniform finish floor elevation, up to 8 feet of fill must be placed. This application is necessary to expand the overall data center campus and storage capacity for the company.

Prior Land Use Requests

Application Number	Request	Action	Date
UC-22-0459	Electric substation, transmission lines, increase the height of utility structures, and eliminate trash enclosure; waivers for off-site improvements, modified driveway design standards; and a design review to increase finished grade	Approved by BCC	January 2023
ZC-19-0877	Reclassified the site to M-D zoning for a data center with a use permit for a communication tower; waivers for exterior accent color, horizontal rooflines, increase wall height; monotonous block walls; ground mounted lighting; alternative street landscaping, parking lot landscaping, alternative trash enclosures, signage; and a design review to increase finished grade	Approved by BCC	January 2020
VS-19-0878	Vacated and abandoned easements and right-of-way - expired	Approved by BCC	January 2020
TM-19-500232	1 lot commercial subdivision	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
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	Existing Land Use
North	Business Employment	C-2 & M-D	CC 215, office/warehouse development, & undeveloped
South	Business Employment	R-E, M-D, & M-1	Vehicle repair facility, vehicle sales facility, & office/warehouse developments
East	Business Employment	M-D	Data center

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
West	Business Employment	C-2	Vehicle sales facilities with accessory uses

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

Related Applications

Application Number	Request
TM-23-500035	A tentative map for a 1 lot industrial subdivision is a companion item on this agenda.
VS-23-0152	A request to vacate and abandon patent easements and right-of-way 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

Zone Change

The primary land uses associated with the Business Employment (BE) land use category are office, distribution centers, warehouse/flex space, technology, and light-industry. The proposed zone change to an M-D district is both consistent and compatible with the land use plan and surrounding land uses within the immediate area; therefore, staff recommends approval.

Use Permits

A use permit is a discretionary land use application that is considered on a case by case basis in consideration of Title 30 and the Master Plan. One of several criteria the applicant must establish is that the use is appropriate at the proposed location and demonstrate the use shall not result in a substantial or undue adverse effect on adjacent properties.

Policy 3.2.2 of the Master Plan supports the expansion of locally produced renewable/alternative energy to serve Southern Nevada by allowing for the construction and expansion of clean power generating and distribution facilities at a variety of scales. The proposed data center is located and surrounded by zoning districts which provide for commercial and industrial uses. The proposed electric generation station should have minimal to no impact on the surrounding land uses. Staff also does not object to eliminating the trash enclosure requirement for the electric substation as multiple trash enclosures will be provided throughout the site. Therefore, staff recommends approval of these requests.

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.

Waivers of Development Standards #1 through #7

Staff finds the requested waivers of development standards are consistent with previous requests that were approved for similar data centers in the area. The increased wall heights will effectively screen the interior of the site, obstructing visibility of the extended flat roofline longer than 100 feet in length, and lack of interior landscaping. A combination of colors, materials, and lighting will help soften the monotonous aspects of the perimeter block wall. In addition, although no trees will be provided due to security reasons, additional shrubs, sufficient to cover 60 percent of the ground at maturity, will be planted along the perimeter streetscapes. Lastly, the red accent color is consistent with other data centers built in the area. The project is similar to other approved data center projects in the area, and staff does not anticipate any negative impacts on the surrounding area; therefore, staff can support these requests.

Design Reviews #1 through #3

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. The design of the data center and electric substation are consistent with approved and developed data centers within the immediate area. Access will be provided on multiple sides of the development, and the required parking is provided on site. The proposed development will provide a critical service to the community and meets the goals and policies of the Master Plan; therefore, staff recommends approval.

Public Works - Development Review

Waiver of Development Standards #8

Staff can support the increased driveway width for the Roy Horn Way driveway and the reduced throat depth for both driveways. The driveway on Roy Horn Way is for deliveries only and should see minimal use. Additionally, the throat depth reduction is only for 2 parking spaces outside of the gated complex.

Design Review #4

This design review represents the maximum grade difference within the boundary of this application. This information is based on preliminary data to set the worst case scenario. Staff will continue to evaluate the site through the technical studies required for this application. Approval of this application will not prevent staff from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approval.

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

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- 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 final zoning inspection.
- 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; an extension of time must be filed for ZC-19-0877 prior to January 22, 2024 to ensure the applicable use permit and waivers of development standards do not expire; and that the use permits, waivers of development standards, and design reviews must commence within 4 years of approval date or they will expire.

Public Works - Development Review

- Comply with approved drainage study PW21-16085;
- 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;
- Right-of-way dedication to include 25 feet to the back of curb for Maule Avenue;
- 30 days to coordinate with Public Works - Design Division and to dedicate any necessary right-of-way and easements for the Beltway Frontage improvement project.
- Applicant is advised that the installation of detached sidewalks will require dedication to back of curb, and the vacation of excess right-of-way 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; 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

- No comment.

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 #0016-2021 to obtain your POC exhibit; that flow contributions exceeding CCWRD estimates may require another POC analysis; that POC is contingent upon completion of CCWRD (#19105); and to see by others note in POC #0016-2021 for CCWRD (#19105) for plans submittal to CCWRD.

TAB/CAC: Enterprise - approval.

APPROVALS:

PROTESTS:

APPLICANT: STEPHAN ATKIN

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