

P.O. Box 1390 • 10 North Public Square • Cartersville, Georgia 30120 Telephone: 770-387-5600 • Fax: 770-387-5605 • www.cityofcartersville.org

MEMO

To: BZA

From: Randy Mannino/David Hardegree/ Zack Arnold

CC: Keith Lovell
Date: March 25, 2025
Re: File # V25-08

Summary: To omit sidewalk requirements, and to omit landscaping requirements around the buildings and parking lots.

Section 1: Project Summary

Variance application by SWITCH, LTD, for property located at 40 Bates Road, zoned T (Technology). Said property contains approximately 1,947.65 +/- acres. Tax ID C106-0001-002. The site will be home to a large data center complex upon completion of construction.

The applicant is requesting to eliminate the sidewalk requirement along their border with Old Alabama Road as well as their section of property along Bates Road. The applicant does not feel that these sidewalks would offer any value to the community. It should also be noted that GDOT's plan for widening of Old Alabama Road did not include sidewalks along this section of roadway.

The applicant is also requesting to omit the landscape requirements around the buildings and within the parking lots. Due to the vast number of underground utilities proposed, the applicant does not feel that they have space to install and maintain the required landscaping without interfering with underground utilities.

A site plan has been included showing the proposed landscaping outside of the building and parking areas.

These requests are for all current and future phases of the project.

The variance requests are for the following:

- 1. To omit sidewalk requirements for a new development. (Sec. 7.5-65.)
- 2. To omit landscaping requirements around the buildings and in the parking areas. (Sec. 17-65. & 17-66.)

<u>Section 2. Department Comments – </u>

Electric Department: No comments received.

Fibercom: Takes no exception.

Fire Department: Takes no exception.

Gas Department: Takes no exception.

Public Works Department: Public Works cannot support the variance as written since the only reasoning mentioned in the variance request is that "There are no existing sidewalks on Old Alabama Highway or Bates Road." There is no other hardship or reasoning offered that otherwise would make Public Works be supportive of this variance request. Article III, Section 7.5-65 of our local code was written so that sidewalks would be installed where currently there are no sidewalks.

Water Department: Not in Service Area.

Section 3. Public Comments Received by Staff

None as of 3/25/2025

Section 4. Variance Justification:

Please review the following findings, as stated in the Zoning Ordinance, that are to be utilized in determining justification for approval or denial of variance request(s).

Sec. 7.5-65. Street design criteria.

- (1) AASHTO standards: Road design shall conform to AASHTO (American Association of State Highway and Transportation Official(s)) requirements as published in "A Policy on Geometric Design of Highways and Streets" 1994 edition as amended, unless otherwise noted herein.
- (2) *Minimum design speed and maximum grade:* Minimum design speeds and maximum grades for proposed streets in the City of Cartersville by street classification shall be as follows:

Street Type	Maximum	Minimum
	Allowable	Required
	Grade	Design
		Speed
Arterial	7%	55 MPH

Major Collector	10%	45 MPH
Minor Collection	12%	35 MPH
Local	12%	30 MPH
Alleys	12%	N/A
Cul-de-sac	4%	N/A

- (3) *Minimum street grade:* Minimum grade on culs-de-sac shall be one and one-half (1.5) percent to maintain one (1) percent in curb line. Minimum street grade outside of culs-de-sac shall be one (1) percent.
- (4) Site distance at entrances:
 - (a) Sight distance requirements along existing city roads shall be determined using the posted speed limit and the corresponding stopping sight distance as shown in section 7.5-70, standard details, detail 3.8.06.
 - (b) The sight distance for crest and sag vertical curves is the distance measured along the roadway from a driver's eye three and one-half (3.5) feet above the pavement to an object six (6) inches high at the intersection as shown in section 7.5-70, standard details, detail 3.8.06.
 - (c) The sight distance for horizontal curves is determined by the line of sight available two (2.0) feet above the road surface. The sight distance is measured along the existing edge of pavement beginning at the centerline of the proposed entrance and ending where the line of sight intersects it. The line of sight is the projected line of visibility beginning at the entrance centerline and tangent to an obstruction two (2.0) feet above the road surface. Examples of obstructions are vegetation, ground cover, signs, existing topography, etc. (See section 7.5-70, standard details, detail 3.8.07.)

(5) Curves:

- (a) *Vertical:* The length of vertical cures, both crest and sag, shall be based upon current AASHTO standards.
- (b) *Horizontal:* Streets shall be designed to have a centerline radius of curvature of no less than one hundred (100) feet. Proposed minor collector streets shall have a minimum three hundred (300) centerline radius of curvature. All other streets horizontal curvature shall be designed according to AASHTO standards.

Tangent distance between reverse curves shall be as follows:

Major collectors:	300 feet
Minor collectors:	200 feet

(6) Street cross-section:

- (a) Street cross-sections shall be as shown in section 7.5-70, standard details, detail 3.8.01.
- (b) Curb and gutter shall be as shown in section 7.5-70, standard details, detail 3.8.09.

- (c) Cul-de-sac radius shall be as shown in section 7.5-70, standard details, detail 3.8.02 for residential applications and 3.8.03 for commercial applications.
- (7) *Street paving:* Pavement thickness for streets shall be as specified in section 7.570, standard details, detail 3.8.01
 - (a) "GAB" refers to graded aggregate base as specified in the Georgia DOT in Standard Specifications Section 815.
 - (b) "Type B" refers to Type B Asphalt concrete as specified in the Georgia DOT in Standard Specifications Section 828.
 - (c) "Type E" refers to Type E Asphalt concrete as specified in the Georgia DOT in Standard Specifications Section 828.
 - (d) "Type F" refers to Type F Asphalt concrete as specified in the Georgia DOT in Standard Specifications Section 828.
 - (e) All local commercial/industrial and minor collector commercial/industrial streets shall have the same paving section as the major collector street type.
- (8) *Dam supporting road:* No city street shall be designed to cross an existing or proposed dam that is regulated by the Safe Dams Act.
- (9) *Curb and gutter:* Curb and gutter shall be required on all paved streets. (See section 7.5-70, standard details, detail 3.8.09.)

(10) Sidewalks:

- (a) Sidewalks shall be required on at least one (1) side of all new streets in residential developments and are required along property frontage of all new developments on existing streets.
- (b) Sidewalks shall be a minimum of five (5) feet in width and shall be constructed in accordance with section 7.5-70, standard details, detail 3.8.15 and located as shown in detail 3.8.14.
- (c) Sidewalks shall be backfilled and landscaped.
- (d) Sidewalks shall include handicap ramps at all street intersections to meet the Americans with Disabilities Act (ADA) requirements. See section 7.5-70, standard details, detail 3.8.16a, 3.8.16b, 3.8.16c and 3.8.16d.
- (11) *Traffic signs:* The design professional shall show the location of all required traffic signs. The developer shall furnish and install all street signage in the project. Unless otherwise noted, design of traffic signs shall conform to the Manual on Uniform Traffic Control Devices (MUTCD), Latest Edition, published by the United States Government Printing Office.
- (12) *Utility locations:* All utility locations shall correspond to the typical layout shown in section 7.5-30, standard details, details 3.8.12 and 3.8.13.

(Ord. No. 25-07, § 1, 6-7-07)

Sec. 17-65. Landscaped area general requirements.

The minimum total lot area to be landscaped shall be based on the total impervious surface area of the lot. Impervious surface areas shall not be allowed to cover more than eighty-five (85) percent of the lot. The non-impervious area may include but is not limited to grass, shrubs, vines, trees, mulch, and above-ground detention. Underground detention shall not be used to add to the non-impervious surface area.

Required trees. Trees planted for the purpose of this regulation must meet the following criteria:

- (1) All trees shall be from the approved list in sections 17-71 and 17-72 of this article, unless an alternate tree is deemed appropriate by the department director;
- (2) Shall be a minimum height of eight (8) feet when planted;
- (3) Shall have a height at maturing of at least fifteen (15) feet;
- (4) Shall be pollution- and heat-tolerant;
- (5) Shall require little maintenance, be mechanically strong, and disease resistant; and
- (6) No more than thirty-five (35) percent of one (1) species of tree shall be used for a new development.

Use of landscaped areas. The parking of vehicles or other equipment and the display or storage of merchandise or goods in landscape strips, borders, islands, or buffers is prohibited.

Landscaped area grass. A heat and drought tolerant sod grass is required in all grassed areas of a required landscaped strip, border, and planter island.

Ground cover outside landscaped areas. All disturbed areas outside of the required landscaped areas including rights-of-way must be seeded and stabilized as soon as practicable.

Water-conserving landscape materials (xeriscape). Creative site development concepts shall be used in order to promote water conservation.

(Ord. No. 43-09, § 1, 10-1-09)

Sec. 17-66. Landscaping requirements for parking lots and vehicular use areas.

Interior landscaping. Interior landscaping of parking lots shall contain planter islands located at both ends of each single and double parking row and one (1) planter island every twelve (12) parking spaces in a row. Planter islands shall be a minimum of one hundred sixty (160) square feet in area for single parking rows and three hundred twenty (320) square feet in area for double parking rows. Planter islands in single parking rows shall contain at least one (1) small tree from the list of trees found in section 17-71 of this ordinance. Planter islands in double parking rows shall contain at least two (2) small trees from the list of trees found in section 17-72 of this article.

Non-impervious landscaping strips, a minimum of three (3) feet in width, planted with shrubs, shall be provided for every third interior double parking row in parking lots having one hundred fifty (150) or more parking spaces. As an example, non-impervious landscaping strips would be provided for the first, fourth, and seventh double parking row in a parking lot having eight (8) double parking rows. In such cases, a layout of the parking lot, including the locations,

species, and sizes of the shrubs, shall be submitted for approval to the director of planning and development. Shrubs shall be a minimum of one (1) foot in height at the time of planting.

All trees shall have a minimum height when planted of eight (8) feet. No more than thirty-five (35) percent of one (1) species of tree shall be used for a new development. The remaining area in the planter islands shall be landscaped with appropriate materials. Single parking rows abutting a building perimeter border are excluded from this section.

Building perimeter landscaping. The perimeter of each building on the site shall have a landscape area or sidewalk not less than five (5) feet in width. If the area is planted, it shall be landscaped with appropriate materials. In no case shall asphalt paving be contiguous to the base of a building.

Border landscaping. Each parking lot or vehicular use area must have a planted landscape strip not less than ten (10) feet in width parallel to right-of-way lines, and planted borders not less than five (5) feet in width along any side of a parking lot or vehicular use area that abuts adjoining property that is not a public right-of-way.

Large trees from the list of trees found in section 17-72 of this ordinance shall be planted in any ten (10) feet in width landscape strip parallel to right-of-way lines. No more than thirty-five (35) percent of one (1) species of tree shall be used for the overall site.

Small trees from the list of trees found in section 17-71 of this ordinance shall be planted in any five (5) feet in width landscape strip along any side of a parking lot or vehicular use area that abuts adjoining property that is not a public right-of-way. No more than thirty-five (35) percent of one (1) species of tree shall be used for the overall site.

Planted landscape strips parallel to right-of-ways shall have at least one (1) tree for each thirty (30) lineal feet of right-of-way frontage, with a minimum of two (2) trees required. All trees shall have a minimum height when planted of eight (8) feet. The remaining area of the landscape strip shall be planted with appropriate materials.

Planted borders along any side of a parking lot or vehicular use area that abuts adjoining property that is not a public right-of-way shall have at least one (1) tree having a minimum height when planted of eight (8) feet, for each seventy-five (75) lineal feet or fraction thereof of border area. The remaining area of the border shall be planted with appropriate materials.

Accessways. Landscape border areas and landscape strips may be interrupted to provide vehicular and/or pedestrian ingress and egress.

Encroachment. Landscaped areas shall require protection from vehicular encroachment. Wheel stops or curbing shall be located so as to prevent damage by automobiles to any trees, fences, shrubs or landscaping.

This section may be modified by the board of zoning appeals when strict application will seriously limit the function of an area.

(Ord. No. 43-09, § 1, 10-1-09)

Sec. 21.3. - Powers and duties of the board of zoning appeals.

The board of zoning appeals shall have the following powers and duties:

- 21.3.1. Appeals. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning administrator in the enforcement of this chapter. Appeals to the board of appeals may be taken by any person aggrieved or by any officer, department, board, or agency of the City of Cartersville affected by any decision of the zoning administrator. Such appeal shall be taken within thirty (30) days of said decision by filing with the zoning administrator a written notice of appeal specifying the grounds thereof. Decisions on appeals shall be issued in writing within ten (10) business days of the hearing on the appeal.
- 21.3.2. Continuance of a nonconforming use. The board of zoning appeals may allow a nonconforming use to be reestablished after discontinuance for twelve (12) consecutive months. The procedure for the request shall be the same as if it was a variance. If it is deemed by the board of zoning appeals that one (1) or more of the following apply, the board may grant said request.
 - A. The design, construction, and character of the building is not suitable for uses permitted in the district in which the nonconforming use is situated; and
 - B. Undue hardships to the property owner would result in not allowing the building to be reopened for a nonconforming use; and
 - C. Adjacent property would not be unduly damaged by such use of the building; and
 - D. The use is to be identical or similar to the prior nonconforming use of the building.
- 21.3.3. *Variances*. The board of appeals has the power to hear requests for variances from the provisions of this chapter. Variance may be granted only if the board finds all of the following to exist:
 - A. That one (1) of the following is true, through no action or fault of the property owner or predecessor:
 - 1. The property is exceptionally narrow, shallow or unusually shaped;
 - 2. The property contains exceptional topographic conditions;
 - 3. The property contains other extraordinary or exceptional conditions; or
 - 4. There are existing other extraordinary or exceptional circumstances; and
 - B. That the strict application of the requirements of this chapter would result in practical difficulties to, or undue hardship upon, the owner of this property; and
 - C. That the requested variance relief may be granted without substantially impairing the intent and purpose of this chapter.

Variance decisions shall be issued in writing within ten (10) business days of the hearing.

21.3.4. *Conditions*. In granting a variance, the board of appeals may attach such conditions regarding the location, character and other features of the proposed building, structure, property, development standards or use as it may deem advisable so that the purpose of this chapter will be served, public safety and welfare secured and substantial justice done.

- 21.3.5. Limitations on variances; improper variance requests. Variances cannot be given to totally remove a requirement or to exempt a property or applicant entirely from a requirement. If a variance is being sought that is, in the judgment of the zoning administrator, a request that would constitute a text amendment, then the application shall not be accepted. The applicant shall instead be directed to file for a text amendment. Furthermore, the board of appeals shall not be authorized to grant a density variance or a use variance to permit a use in a district in which the use is prohibited. A variance application shall not be accepted if the variance seeks something that cannot be varied. A variance application shall not be accepted if the variance is contradictory to the ordinance.
- 21.3.6. *Self-inflicted hardship*. The board shall not grant variances when the hardship was created by the property owner or his predecessor, and shall not grant hardship variances based on shape or topography for lots of record not existing prior to November 7, 1996. Configuring a subdivision to create lots that are difficult to build is an example of a hardship created by the property owner or predecessor, that does not justify a variance.

Sections 21.3.7, *Place of worship, and 21.3.8, Group homes, omitted. Not applicable.*

STANDARDS FOR EXERCISE OF ZONING POWERS.

- The existing land uses and zoning of nearby property.
 The surrounding properties are zoned residential and agricultural.
- 2. The suitability of the subject property for the zoned purposes.

 The property is suitable for the zoned purposes.
- 3. The relative gain to the public, as compared to the hardship imposed upon the individual property owner.

 The public gain would be minimal.
- 4. Whether the subject property has a reasonable economic use as currently zoned. The property has a reasonable economic use as currently zoned.
- Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.The proposed variance would have no affect on the use of the subject or adjacent
 - The proposed variance would have no affect on the use of the subject or adjacent properties.
- 6. Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property.
 - The proposed variance will not have an adverse effect on the existing use or usability of adjacent or nearby property.
- 7. Whether the zoning proposal is in conformity with the current future development plan and community agenda of the comprehensive land use plan as currently adopted or amended in the future.

The proposed variance has no impact on the Future Development Plan or Comprehensive Plan.

- 8. Whether the zoning proposal will result in a use which will or could adversely affect the environment, including but not limited to drainage, wetlands, groundwater recharge areas, endangered wildlife habitats, soil erosion and sedimentation, floodplain, air quality, and water quality and quantity.

 No adverse environmental impact is anticipated.
- 9. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

 The proposed variance will not increase the burden to streets, transportation, or utilities.
- 10. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

There are no known conditions.

City of Cartersville Application for Variance

Board of Zoning Appeals

Hearing Date:	4-10-2025	5:30pm	Application Number: V25-08
ricaring bate	· · · · · · · · · · · · · · · · · · ·		Date Received: 2-10-2025
Applicant SWITCH,			Office Phone 702-522-5405
(printed name) Address 7135 S. DE			Mobile/ Other Phone 702-468-5873
City SWITCH, LTD		State NV	Zip 89118 Email sroberts@switch.com
Goodwyn Mills C			Phone (Rep) 205-879-4462
Representative's printe	ed name (if other the	an applicant)	Email (Rep) <u>tim.ramsden@gmcnetwork.com</u>
Representative Signatu	ire 🖺		Applicant Signature
Signed, sealed and delivered in presence IRIS D. JOHNSON commission expires: JUNC 36, 2025 NOTARY PUBLIC STATE OF NEVADA APPT. NO. 21-2622-01 MY APPT. EXPIRES JUNE 26, 2025			
* Titleholder SWITCH, LTD Phone 702-522-5405 (titleholder's printed name)			
Address 7135 S. DECATUR	BLVD, LAS VEGAS, NV 85	9118	Email sroberts@switch.com
Signed, sealed deliver W Notary Public	ed in presence of:		My commission expires: JUNE 26, 2025 IRIS D. JOHNSON NOTARY PUBLIC STATE OF NEVADA APPT. NO. 21-2622-01 PT. EXPIRES JUNE 26, 2025
Present Zoning District	т		Parcel ID No. C106-0001-002
Acreage <u>1,947.65</u>	Land Lot(s) 959, 9	85, ETC	District(s)4TH Section(s) 3RD
Location of Property: 40 Bates Road Cartersville, GA 30120			
(street address, nearest intersections, etc.) Zoning Section(s) for which a variance is being requested: Sec. 7.5-65Street design criteria, Section 17-65, 66			
Summary Description of Variance Request: Request to omit sidewalk construction on Old Alabama Highway and Bates Road. Both roads do not have existing sidewalks. Requesting to omit landscaping requirements			

around buildings and parking lots.

(Additional detail can be provided on Justifation Letter)

^{*} Attach additional notarized signatures as needed on separate application pages.

CONDITIONS VERIFICATION

List the Article(s), Section(s) and Subsection(s) of the Zoning Ordinance for which a variance is requested.

Article ARTICLE III	Section <u>Sec. 7.5-65.</u>	Subsection Street design criteria		
Article ARTICLE IV	Section Sec. 17-65, 66	Subsection landscaping requirements		
Article	Section	Subsection		
any order, requirement, of the zoning ordinance. The	decision, or determination made by e Board has the power to hear requ	ecide appeals where it is alleged there is error in y the zoning administrator in the enforcement of uests for variances from the provisions of the additional information pertaining to conditions.		
	ard of Zoning Appeals in the analys s that apply to your variance red	sis of the variance application, please check all of quest:		
1 The prop	erty is exceptionally narrow, shallo	ow or unusually shaped,		
2 The prop	erty contains exceptional topograp	phic conditions,		
3. X The prop	erty contains other extraordinary o	or exceptional conditions; and		
4. X There are	e other existing extraordinary or ex	ceptional circumstances; and		
	ne strict application of the requirements of this ordinance would result in practical difficulties o, or undue hardship upon, the owner of this property;			
	ested variance relief may be grante of this ordinance	ed without substantially impairing the intent and		
Additional Comments b	y Applicant: _WE RESPECTFULI	LY REQUEST A VARIANCE FROM THE		
ORDINANCE FOR SIDE	WALK REQUIREMENTS. THERE	ARE NO EXISTING SIDEWALKS ON OLD		
ALABAMA HIGHWAY OF	R BATES ROAD. IN ADDITION WE	REQUEST A VARIANCE TO THE REQUIRED		
LANDSCAPING REQUIR	REMENTS AROUND THE BUILDIN	IGS AND PARKING LOTS.		



Goodwyn Mills Cawood

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City of Cartersville 10 N Public Square Cartersville, GA 30120

02/06/2025

RE: Variance Request for Article III, Section 7.5-65: Sidewalk Requirements

To Whom It May Concern,

We are submitting this variance request for Article III, Section 7.5-65 as well as Article IV, Sections 17-65,68. Article III, Section 7.5-65, which mandates the installation of sidewalks along Old Alabama Road and Bates Road as part of the proposed project. Article IV, Sections 17-65,68, which mandate general landscape requirements around the buildings and parking lots. As detailed in the request, we are requesting that a variance be granted from these requirements.

The applicant, SWITCH LTD, has a development project that requires adherence to the municipal regulations for sidewalk installation. However, we are seeking an exemption for the sidewalk construction as there are no existing sidewalks along either Old Alabama Road or Bates Road in the immediate vicinity of the project. The installation of sidewalks in these areas would not create a connected pedestrian network and may result in unnecessary infrastructure that serves limited purpose given the existing conditions.

In addition, we are submitting a variance request regarding the landscaping requirements for the areas surrounding the buildings and parking lots. The mechanical yards in these areas contain underground conduits that are essential to the operation of the site. These conduits prevent the installation of any planting or vegetation in these areas, as doing so could interfere with maintenance access and the structural integrity of the mechanical systems. Attached to this application, you will find the landscaping plan that outlines the specific areas impacted by these constraints.

We kindly ask that you consider this request in light of the current infrastructure and traffic conditions, as well as the project's overall impact on the surrounding area. We appreciate your time and consideration in evaluating these variance request.

Please feel free to contact us should you require additional information.

Sincerely, Goodwyn Mills Cawood, LLC

















