

MINUTES OF THE CARTERSVILLE PLANNING COMMISSION

The Cartersville Planning Commission met in a regularly scheduled meeting on Tuesday, October 10, 2023, at 5:30 p.m. in the City Hall Council Chambers.

Present: Travis Popham, Jeffery Ross, Greg Culverhouse, Steven Smith, Anissa Cooley, and Fritz Dent
Absent: Lamar Pendley
Staff Members: Randy Mannino, Ashley Peters, David Hardegree, Zack Arnold

CALL TO ORDER: 5:31 PM

ROLL CALL

Board Member Greg Culverhouse stated to the audience that the Planning Commission is a recommending body only and that for all cases heard, recommendations would be forwarded to the City Council for consideration. Furthermore, the cases would be heard before Council at the October 19, 2023, and November 2, 2023, Council Meeting.

APPROVAL OF MINUTES

1. August 8, 2023, Meeting Minutes

Board Member Popham made a motion to approve the minutes. Board Member Dent seconded the motion. Motion carried unanimously. Vote: 6-0.

TEXT AMENDMENT

2. T23-04. Amendments to the Zoning ordinance

APPLICANT: SWITCH, LTD

SUMMARY: Text Amendment to Chapter 26, of the City's Zoning Ordinance, to create a new zoning district, Technology (T) Zoning District. This district would allow data centers and associated uses.

The purpose of the requested text amendment is to create a new Technology zoning district in the Cartersville Zoning Ordinance. In order to accomplish that goal, the following text changes to the Zoning Ordinance are requested.

1. A new section 3.1.28 of the zoning ordinance will be adopted and state as follows:

- i. 3.1.28. T Technology: The purpose of this district is to provide an area to encourage the siting of new technologies, computer systems, data infrastructure and data hosting.**

2. A new section, 9.7, will be adopted.

Section 9.7 Technology (T) District.

9.75- Noise Ordinance

3. Section 4.29. – Standards for communication towers shall be amended to address the new Technology district.

David Hardegree, Planning and Development Assistant Director came forward to state that the text amendment does not have a staff announcement associated with it. This amendment is being submitted by the applicant Switch.

Continuing, he stated there are two parts of the text amendment, the first being the actual text agreement which creates the (T) Technology District and the uses and what can be on a data center site and a noise/sound ordinance within the Technology District.

Mr. Hardegree also reviewed the public comments which included concerns regarding the amount of noise that would be created around the neighboring residences to which Mr. Hardegree explained the proposal would clearly state operations shall not exceed sound 65 decibels from 8am-6pm during daylight hours and no more than 55 decibels from 6pm-8am.

Frank Jenkins, with Jenkins, Bowen, and Walker Law Firm, representative for Switch in both proposals. Mr. Jenkins stated that it is exciting that the city is being given the opportunity to adopt a technology ordinance. With the projected growth that is expected, an ordinance like this would be fitting. Technology uses are far different from commercial/industrial uses that would bring additional pollution instead we are bring a technology approach that brings in more of a clean industry. The client has built in many features that we think would help protect the city as well as the surrounding property owners.

Board Member Culverhouse opened the public hearing.

Chris Jackson, 111 Bridgepoint Plaza Rome, Lawyer from McCray, Smith, and Peake in Rome, came forward as a representative for the Humphries located on Bates Rd. He stated his client wanted to get more information before passing full judgement on what is being proposed. The ordinance that is being proposed does have some good protection but would like to have more protection that protects more of the homeowners whose properties back up to this site.

Mr. Lovell provided everyone with a copy of the noise ordinance that had been provided.

Greg Blaylock, 426 Washington Blvd Dallas, Paulding County, came forward in opposition of the text amendment due to the noise level that would affect his residence.

Board Member Smith inquired what the standard decibel count was for heavy industrial. Mr. Mannino provided the information about a location off Cook St that has a 70 decibel sound ordinance due to it being near residential.

Board Member Culverhouse inquired if there was any other city that this can be compared to. Keith Lovell, City Attorney, looked up some several other city ordinances but didn't see many other areas that have a technology district in their ordinances.

Stephen Roberts, Vice President of Development for Switch, stated other municipalities that they operate in go by the DBA decibel rating. Furthermore, they have not had any issues, nor any regulations imposed regarding frequencies on the equipment itself.

Mr. Mannino stated that for the first six months there would be a sound study completed to determine whether they are in violation or not. After six months it will be tested again to make sure the items have been fully brought in to make sure the company is still not in violation.

Discussion commenced regarding the noise ordinance and the proposed fines that would ensue if the noise ordinance was violated.

Mr. Mannino stated that he will get with their team and make sure that a rewrite will be completed if the revision is approved by the board.

Natalie Stewart, Senior VP of Government Public Affairs for Switch, stated they would be willing to put the extra wording into the ordinance regarding the concerns for the noise violations and penalties.

Jason Conley, 537 Old Alabama Rd, and stated he believes there needs to be further studies completed by the city of what low frequency noise can affect people as well as a larger buffer zone.

Alton Landrum, 6730 Cartersville Hwy, stated he is concerned about the noise level for those not located within the city limits and outside of the county (Paulding County).

Karl Lutjens, 114 Old Mill Road, trying to put in an ordinance and is open to any change that the city sees fit. He found that the only sound that was heard was located inside the facility and was the air conditioning units. If there are other items that need to be put in to add more “teeth” to the ordinance the applicant is willing to work with the city.

Mr. Mannino stated that if a heavy industrial district is next to a residential area, there is only a 50ft buffer, so this is offering more of a buffer across the board.

Board Member Culverhouse stated his main concern is the 75’ buildings near a residential area. However, Mr. Lutjens responded stating that the buildings proposed would be less than 50’.

Board Member Ross asked what specifically the applicant would be willing to put into the noise ordinance that allows a stiffer punishment for any violations. Ms. Stewart stated that since they were under the understanding of the local ordinance being enforced at \$1000 per day and eventually taking it to the legal system if it did not come into compliance. The applicant is willing to make the adjustment to where it is clearly stated.

Mr. Mannino stated that Mr. Lovell and himself will work to create an ordinance that adds extra verbiage to the ordinances. Mr. Jenkins offered to help them finalize the wording as well.

With no one else to come forward to speak, the public hearing was closed.

Board Member Smith made a motion to approve the text amendment portion and make the changes to the noise ordinance to fit the city standards by adding the fine/penalty clause. In turn this will

create a new Technology Zoning District. Member Fritz seconded the motion. Motion carried unanimously. Vote: 6-0.

Text amendment is accompanied by zoning case Z23-03 that seeks to rezone approx. 1,946 acres remaining to be developed in the Carter Grove Planned Development.

ZONINGS:

3. Z23-03 REZONING APPLICATION

APPLICANT: SWITCH, LTD

SUMMARY- Rezoning of (7) tracts in the Carter Grove Planned Development (P-D) from P-D to T (Technology) District for construction of data center campus.

Amendment also adds the technology district to the appropriate zoning sections of the ordinance that addresses Communication Towers., Sec. 4. 29.

Switch, LTD, is proposing the rezoning of approximately 1,946 acres across eight (8) parcels that are undeveloped and currently are included in the Carter Grove Community residential planned development (zoning is P-D). Carter Grove was master- planned and approved in 2005 for seven phases containing approximately 3,000 lots. Currently, phase one is approaching full build out of its' 428 lots. Three hundred thirty (330) lots are approved through zoning for Phase 2B along Belmont Dr. If this proposed zoning is approved, the maximum number of lots to be developed in Carter Grove would be capped at 758.

The rezoning of the 1.946 acres is a significant shift from the established plan for the properties. Switch is proposing to construct several data storage centers in multiple phases. Full buildout is anticipated to take approx. 20-25 years. Phase 1 is being presented in the zoning application and is located closest to Old Alabama Rd. Future phases would occur west of Phase 1 towards Carter Grove and South to the Paulding County Line.

Currently, only one access point is proposed, and it is located on Old Alabama Road approximately 700 ft. west of Bates Road. Carter Grove Blvd could be an access point to the development.

Areas of concern that are reflected in the public comments to date include:

- Environmental impacts to soil, water, air, historic, and archaeological resources.
- Transportation (Traffic)
- Noise and Light pollution
- School Impacts.
- Buffers, screening, setbacks from adjacent residential properties; and,
- Building and communication tower height

Many of these concerns are addressed through zoning regulations, development regulations that incorporate local and state requirements, and local ordinances.

Staff does not oppose the rezoning if the following minimum conditions are included with an approval:

1. All minimum zoning development standards for the “T” zoning district are followed per Text Amendment, T23-04
2. A minimum 100ft natural landscape buffer for the purposes of visual screening remains in place along all adjacent residential use or zoned properties. The 100ft buffer may include the building setbacks.
3. If the minimum 100ft natural landscape buffer is disturbed, then the buffer is to be planted with landscape material appropriate to re-establish the buffer and visual screen.
4. Access is limited to Old Alabama Rd and/or Carter Grove Blvd.
5. No Access from Bates Rd.
6. Modification to the Carter Grove Development Agreement reflecting a change in use the future phases as result of zoning approval.
7. Access to landlocked properties is to be negotiated between Switch LTD and affected property owners, as requested by the property owner.
8. Access to the NRCS or their representative, as required.
9. All site plans for future development phases after Phase 1 are to be shared with the Paulding County Community Development office.

Mr. Hardegree added that a traffic study has been added for review. There wasn't time to go through this prior to the meeting. An email has also been added regarding additional setbacks for the location near the residential properties. As far as Carter Grove, the neighborhood or Carter Grove Blvd will not be extended. The fire department is requesting a second entrance off Bates Road during construction to have secondary fire access during that time. There is only one access point off Old Alabama. Have sent this through all the city departments and the only department that added anything is Fibercom. They stated that any new infrastructure associated with the Switch development would benefit Fibercom. They currently have equipment in downtown Atlanta that they would be able to relocate back to Cartersville and would have a positive impact on their speed of service. A lot of public comments have been received. The primary concerns were noise and buffers, which will be additionally addressed.

Board Member Culverhouse opened the public hearing.

Mr. Jenkins stated that the total rezoning would be 1,946 acres, which otherwise would have added over 2,000 homes. At this time, it is believed that it will significantly cut the traffic. It will also cut the possibility of new students coming into the overpopulated schools. There will be one access point on Old Alabama Rd. and a possible at Bates Rd. where the fire department is asking for an additional access point.

Ms. Stewart came forward to give an overview of Switch, Ltd. And explain their business model.

Mr. Lutjens stated Phase 1 is 126 acres. Further phases have not been created due to the terrain of the property. Security is extremely important at these locations. Storm Water will have several ponds and the client wants to double the amount of detention ponds on the premises to help protect the natural land at this site. The generators are encased and only run one hour once a month to test the system. The traffic will be minimal since it does not employ a lot and the roads will be maintained by the company which will save the city resources and money.

Ms. Stewart was called to discuss more of the business model. At full build out, the full-time employee number will be 40-75 people and they will be mainly security. The buildings and gear that go into them are a large financial investment and worth millions of dollars which refreshes every three to four

years. Project is projecting less density and less strain on infrastructure. Spoke with the Cartersville School Superintendent and stated that they really like the idea of only having one high school. The new elementary school built in the community tops out at 1900 students and has already hit over 1400 students. If adding more homes, there would be a need for more schools to help carry the burden of the additional 2,000 homes that are currently projected in that area. At full build out Switch is projected to be a 50-billion-dollar investment into the community.

Board Member Dent asked if there would be any tax abatement deals provided to the company for coming here. Ms. Stewart stated there would be no tax abatement deals and would not seek any other economic development agreements for this facility.

Mr. Lovell asked about electric usage and if they would need to add additional sub stations to the area. Ms. Stewart stated there would need to be an additional substation and would not need to be added in the first few months.

Chris Easterwood, 121 White Spruce Ct, is the owner of the property. He stated it would help the school system and fire station that were both provided. Continuing, he stated if the addition 2,200 homes were built, the traffic plan would be circulating from Cartersville and Paulding and will be heavily populated. The Switch development would take that away and lessen the traffic.

Randy Thompson, 219 Bates Road, has lived there 27 years. Thanks, the board, for what they do for the community. Additionally, he stated he is in favor of the project as Switch will pay a large amount of taxes a year and would leave a lot of undeveloped land.

Paul Wilson, 96 Bates Road, came forward and stated he was in favor of the Switch project over the additional 2,200 homes.

Laura Humphries, 80 Bates Rd, will be affected in a lot of ways with this development or any other development and is opposition of the project.

Mr. Blaylock returned to the podium in opposition and stated Paulding County gets the butt end of the project with no benefit.

Mr. Jackson returned to the podium and stated he is concerned about the variances. Variance requests can be given which could potentially push back buffers or setbacks. Additionally, he would like to see the commission add to the rezoning that there could not be a variance off the ordinance. Next issue would be about the access off Bates Rd. He would like some clarification due to his parents having an easement off Bates Rd that will go into the actual site at Phase 1. Phase 1 will sit on top of the easement. Furthermore, he has spoken with the Switch team, and they are trying to work together to get it fixed but concerned about where the easement will be there. He would like a condition or an agreeable condition for this easement for them to not use it as access.

Board Member Culverhouse laid out that the emergency easement would be the only easement that would come through Bates Rd. Mr. Jackson would like to make sure the private easement will remain.

Mr. Smith asked how many of the 1946 acres are located within the city to which Mr. Hardegree stated that the entire area is within the city limits.

Lori Blaylock, 426 Washington Blvd., had the opportunity to visit the Douglasville Switch Facility. The buildings are massive, and they make a low-grade hum. She is worried about the constant hum

and being able to see the large buildings. She would like to ask two things from Switch: a larger buffer and that they do not paint the air handlers red.

Jonathan Higgins, 68 Point Vista Circle, came forward with concerns on the impact of the springs and the lake.

Board Member Culverhouse inquired about the light pollution.

Ms. Stewart stated the company abides by dark sky ordinances that are in a lot of jurisdictions they are located in. They will operate the same way. The lighting that is used is shield and downcast which is completely opposite of what is present at Lakepoint. Regarding the staff concerns that were listed in the zoning ordinance, they can approve all of them but want to address numbers three (3) and five (5). Number three (3), the applicant has been talking a lot with the neighbors on the easement road on Bates Road and stated the company will not cut off the access road and that it will come into the 100ft buffer line.

Clarification was made that the access road would, indeed, encroach into the 100ft buffer.

Mr. Mannino confirmed that roads inside a buffer would be allowed.

Ms. Stewart continues regarding the second point, which was number five (5) of the staff recommendations: Public access of Bates Road. The only stipulation to number five (5) is that emergency vehicles and construction access will only be on Bates Road.

Mr. Smith asked if there would be no residential access to any areas. It was confirmed.

Anita Sharis, 78 Bates Rd, is concerned about the access from the easement road. She wanted to clarify, regarding the new drawings, that they have taken it from a 20 ft easement to a 12ft easement. She was concerned they would not be able to get contractors or materials delivered.

Chairman Culverhouse states that no one can take the easement and it needed to be negotiated.

Board Member Culverhouse is asking for both parties to work together to make everyone happy.

Board Member Culverhouse has closed the public hearing.

Board Member Smith made a motion to take the new staff recommendations and to approve the rezoning application of the Carter Grove Planned Development (P-D) to Technology District for construction of a data center. Member Popham seconded the motion. Motion carried unanimously. Vote: 6-0

With no other business to discuss, Board Member Culverhouse adjourned the meeting.

The meeting adjourned at 8:29 PM.

Date Approved: November 7, 2023

/s/ _____
Lamar Pendley, Chairman