

Study Review Committee
Regular Meeting
June 24, 2025

The meeting was called to order at 9:00am

Attendance:

Voting Members: Katie Nasser, Sam Finney, Bob Klingenfus, Greg King, Tom Elder, Tom Marsh

Staff: Planning Director Ryan Fischer, Planner 1 John Hine

Others present: Magistrate Theiss

Approval of Minutes: Motion was made by Member Elder and seconded by Member Nasser to approve the May 22, 2025, Meeting Summary.

Motion carried by voice vote.

Data Center Regulations

- Director Fischer presented the new draft of ordinances 250-340 that will pertain specifically to 'data centers'. Will go section by section and then discuss at the end of each section.
- **Purpose and Intent:**
 - Director Fischer read updated section.
 - Director Fischer expressed some reservations about number 3.
 - Commissioner Marsh asked about using less restrictive wording in number 1.
 - Mayor John Black, can we display what is under discussion?
 - Director Fischer noted that what is being displayed is a draft only.
 - Commissioner Nasser proposed eliminating number 2.
- **Definition:**
 - Director Fischer noted the need to include some other definitions besides 'data center', including: hyperscale data center, decommissioning, and cessation of operations.
 - Director Fischer read updated definitions.
 - Commissioner Marsh asked why hyperscale isn't listed anywhere else in the document?
 - Should it be incorporated elsewhere in the document.
 - Commissioner Nasser, should hyperscale be on the chart instead of large?
 - Commissioner Nasser questioned who monitors the decommissioning?

- Commissioner Marsh, if decommissioning is only for cell towers and data centers are the unique characteristics of these uses addressed sufficiently in the document?
- Director Fischer explained how those unique characteristics are addressed.
- Chairman King noted that we are only putting a draft forward, and that this may or may not make it to the final product.
- Mayor Black asked people to refrain from photos as it's just a draft.
- Director Fischer and Chairman King also reiterated that it was just a draft.
- **Zoning District/Location**
 - Director Fischer noted that we have added C-4 from the last meeting to accommodate smaller ancillary data centers for hospitals, etc.
 - Director Fischer noted that within the proposed zoning districts it would be a permitted use, but would require a development plan to go before the Planning Commission.
 - Did not automatically include legislative body review.
 - Director Fischer presented a chart with small, medium, and large delineations for data centers based on square footage and power consumption and the corresponding zoning districts.
 - Commissioner Marsh asked about the word 'appropriate.'
 - Commissioner King asked about gross energy demand vs. power capacity
 - Stewart Robinson, 2200 E. 42, La Grange, power and energy are not the same thing. Power is a rate of energy generation/consumption. Stated they should be regulated as heavy industry.
 - Mr. King asked if we needed to figure out how to align that language.
- **Building Requirements and Setbacks**
 - Director Fischer noted that all measurements had been taken from existing zoning ordinances except for when they abut residential use, then 1000 ft setbacks are required.
 - Director Fischer read updated ordinance language.
 - Commissioner Marsh asked about changing wording to include residential zoning class or use.
 - Commissioner Klingenfus asked if data centers under 5000 sq. ft. were regulated at all?
 - Director Fischer noted that variances could be requested for setbacks.
 - Commissioner Nasser questioned how setbacks were defined.
 - Director Fischer clarified that setback's in this instance are from building to adjoining lot line as in Solid Waste Disposal ordinances.

- Commissioner Nasser asked why we need to do something different for this specific use?
- Commissioner Marsh questioned whether we were pushing it to agricultural land.
- Chairman King, noted there could be legal issues that arise from making ordinances that are impossible to comply with.
- Commissioner Nasser asked about instances where residential use is occurring on land zoned industrial.
- Commissioner Marsh asked about agricultural structures exempt wording.
- Director Fischer stated we would take that out.
- Amy Welborn, 3404 Shady Dell Blvd., La Grange, stated that she felt like regulations have been watered down.
- Commissioner Nasser asked about the height differences between I-2 and IPD.

- **Building Aesthetics and Appearances**

- Director Fischer stated that generally in the County's ordinances, there are not building aesthetic requirements. However, he would prefer data center buildings to appear more like an office building rather than a warehouse.
- Commissioner Nasser questioned who determines these aesthetics regulations?
- Director Fischer stated that he wanted regulations in place.
- Commissioner Klingenfus stated that typically aesthetics are regulated through deed restrictions or HOA's.
- Commissioner Marsh asked if this would be enforced through Code Enforcement?
- Director Fischer stated that this would be a regulatory issue through pre app meetings, Planning Commission, and staff level applicant screening.
- Commissioner Marsh asked if they would be counting windows on plans?
- Chairman King stated that there was a staff level applicant screening that would be applied.
- Director Fischer also emphasized the possible use of binding elements regarding landscaping, lighting, etc, plans.
- Commissioner Nasser asked about defining principal façade.
- Also questioned about individual façade, vs principal façade on 4 c.
- Garret Ackles, 4008 Oakridge Dr., Crestwood, asked if 5000 sq ft or less would be regulated, and would that be cumulative?
- Commissioner Finney made the point that there may be need to regulate spaces less than 4000 sq ft as technology changes.

- Commissioner Marsh asked about server building on a smaller size for hospitals under current regulations.
- **Location, Screening, and Sound Attenuation of Mechanical Equipment**
 - Director Fischer read the proposed ordinance section.
 - Commissioner Marsh suggested that we have some wording regarding side and back.
 - Commissioner Nasser questioned if we could summarize number 5.
 - Also asked if we could add 'or whichever is greater' for number 6.
 - Commissioner Nasser asked if the perforated walls would not block sound.
 - Director Fischer stated that there is a way to allow air flow while dampening sound.
 - Commissioner Nasser asked if that screening material for roof mounted utilities would count into the building height.
 - Director Fischer stated that normally parapet walls are considered part of building height.
 - Commissioner March suggested amending the wording around perforated walls to allow for alternative sound control designs like alternating slats.
 - Don Erler 4005 Old Hwy 53, La Grange, wished to see all transmission lines underground and screening for substations.
 - Commissioner Klingenfus asked if they were going to be in a heavy industrial area.
- **Generator Requirements and Testing**
 - Director Fischer read the updated ordinances.
 - Commissioner Marsh asked about tier 4 or newest technology regulations being required normally.
 - Director Fischer stated that was a recommendation from Loudon County.
 - Commissioner Nasser asked about examples of 'commissioning activities'.
 - Also asked if hours could just be 9-5 etc to simplify.
 - Director Fischer stated that this was a common regulation by other counties.
 - Commissioner Marsh stated that there are some EPA recommendations on when to run these generators.
 - Commissioner King asked if this section needed to address noise and emissions.
- **Cooling requirements**
 - Director Fischer read updated ordinance proposal.
 - Commissioner Naser proposed striking extra verbiage from number 1 and end it at 'closed loop system'.
- **Landscape, Lighting, and Fencing Requirements**

- Director Fischer read updated ordinances.
- Commissioner Finney suggested striking wood from fencing types.
- Commissioner Nasser asked what kind of fencing does LGE require?
- Commissioner Finney suggests eliminating vinyl fencing as well.
- Barry Laws, 3411 Fendley Mill Rd., La Grange, requested 500 ft buffer before the fence.
- **Security (order changed from how it appears in document)**
 - Director Fischer read updated ordinances.
 - Robert Houchens, 1400 Yager Ln., La Grange, expressed concern about drones for security and encouraged the 500 ft buffer space to reduce encroachment on adjoining properties.
- **Impact Studies**
 - Director Fischer suggested preconstruction and post-construction noise analysis, Environmental assessments when deemed necessary by Zoning Director, and Health Impact Assessments.
 - Commissioner Nasser asked about acoustical impact study and who would review them.
 - Director Fischer stated there's an individual in Louisville that reviews noise analysis from a safety perspective.
 - Commissioner Nasser questioned what would be permissible noise variance when substantial background noise is already present.
 - Commissioner Klingenfus stated that the analysis would be to the benefit of the builder.
 - Director Fischer talked about getting Matt Rhodes from the health department more involved in the TRC process for Health Impact Assessment.
 - Chairman King asked if a Health Impact Assessment already exists.
 - Commissioner Nasser suggested adding the wording may be required to Health Impact Assessment.
 - Commissioner Nasser asked about the mixing of "Administrator" vs "Director of Planning" verbiage in zoning regs.
- **Notifications**
 - Director Fischer suggested one neighborhood meeting be required and notification of all adjoining property owners within 500 ft of the property line like Zoning Map Amendment regulations.
 - Commissioner Marsh asked if this was an additional process only for data centers?
 - Commissioner Marsh questioned whether that would be legally applicable.

- **Decommissioning and Reclamation of Buildings and Land**

- Director Fischer outlined requirements of a Decommissioning Plan to be submitted to Planning and Development and timelines around the process. He also recommended a provision for data centers over 20,000 sqft to post a means financial assurance through bond, letter of credit, cash or escrow. The proposed ordinance also describes abandonment and subsequent actions.
- Commissioner Nasser asked if we were adding too many guidelines to one specific use as opposed to any other industrial use.
- Commissioner Nasser asked if there are fines related to residential vs commercial use?
- Chairman King felt it was worthy of being included for further discussion.
- Commissioner Marsh expressed an interest in including it in the new Comprehensive Plan for all industrial areas.
- Chairman King noted that Comp Plan provisions are subjective, not qualitative.
- Commissioner Nasser questioned how the ordinance applies when no notice of shut down is given.
- Chairman King note we would have to define shut down.
- Commissioner Marsh suggested we put language defining shutdown on the first page with other definitions.
- Chairman King asked about parking requirements.
- Don Erler, 4005 Old Hwy 53, La Grange, stated that the buildings were full of hazardous materials and that decommissioning may be an ongoing process. Requested adequate review guidelines for Planning Commission. Discouraged allowing data centers by right on industrial land.
- Chairman King asked other Commissioners if they were ready to send it to the Planning Commission.
- Commissioners agreed that one more iteration would be necessary.

Announcement:

Meeting was adjourned at 11:09 am.