



PLANNING COMMISSION REGULAR MEETING

21 Main Street

Tuesday, April 22, 2025, at 7:00 PM

MINUTES

A WEEK SESSION OF THE PLANNING COMMISSION OF THE TOWN OF WARRENTON, VIRGINIA, WAS HELD ON APRIL 22, 2025, at 7:00 PM

Regular Meeting

PRESENT

Mr. Ryan Stewart, Chair; Mr. Terry Lasher, Vice Chair; Ms. Darine Barbour, Secretary; Mr. James Lawrence; Ms. Denise Harris, Planning Manager; Heather Jenkins, Zoning Administrator; Patrick Corish, Associate Town Attorney

ABSENT

Steve Ainsworth

The minutes laid out will be a brief recap of the agenda items. Please see recorded video for more in-depth information.

CALL TO ORDER AND ESTABLISHMENT OF A QUORUM.

The meeting opened at 7:00 PM by Chair Stewart and declared a quorum present.

WORK SESSION ITEMS.

1. Zoning Ordinance Text Amendment - ZOTA-25-1 – A Text Amendment to Remove Data Centers as a Permissible Use within the Industrial District. On March 22, 2025, Town Council adopted a Resolution to initiate a text amendment to Articles 3, 9, and 12 of the Town of Warrenton Zoning Ordinance. This text amendment is for the purpose of removing Data Centers as a Permissible Use within the Industrial District, and therefore make Data Centers an impermissible Use within the Town of Warrenton.

Ms. Heather Jenkins, Zoning Administrator, gave an overview of the Town Council initiated text amendment and then asked the Planning Commission for their thoughts on a draft to be developed.

Chair Stewart opened the floor up to questions.

Commissioner Lawrence inquired about the language in the initiation resolution passed by the Town Council and if this is as simple as undoing the previous 2021 ordinance that added the data center use.

Ms. Jenkins reviewed the pre 2021 Zoning Ordinance language contained in the staff report attachment. Article 3 would remove data center as a use from the Industrial district, Article 12 definition for data center would be removed, and Article 9-26 data center special use regulations would be removed.

Mr. Patrick Corish stated that it would be a simple strike through.

Vice Chair Lasher inquired if there has been a financial analysis of what this could potentially mean.

Mr. Corish stated he doesn't think there would be an impact on already authorized vested use. Council has the ability to add and/or subtract uses from the Zoning Ordinance.

Chair Stewart brought up that a potential use has been granted to property owners and now talking about having it rescinded. Would it be considered a taking? He wants to ensure Council is well informed and look at all alternatives before simply rescinding as it may not be the best choice without looking at options.

Mr. Corish stated the property owners only have the right to the use after vesting. He does not think it is a taking if not yet vested. Only when the permit is approved.

Vice Chair Lasher raised the concern of the Town modifying the Zoning Ordinance on a regular basis and the uncertainty this creates. He asked if once an use has been addressed for it not to come up again under a certain timeframe?

Mr. Corish stated the Town Council has the right to pass ordinances as the political winds go.

Secretary Barbour agreed with Vice Chair Lasher's concerns regarding changing the Zoning Ordinance every two-four years. She indicated the use was previously vetted and asked what is the reasoning now to change it again? She asked if there had been specific guidance provided by Town Council as to why the Planning Commission is reviewing this. Secretary Barbour reviewed the current ordinance has restrictions are in place and the Town has the ability to say yes or no to a land use application. She stated that Town needs to stand by its Zoning Ordinance to provide predicable guidance to the property owners

Chair Stewart agreed with Secretary Barbour. He stated the Town conducted public hearings, vetted it, found the use in the best interests of Town, and met public health, safety, and welfare. He asked what has changed. What is in the underlying data to find the use is no longer in the public health, safety, and welfare? Is there a form that is more appropriate? Maybe a data center needs a different process or criteria for the proposed use. The Amazon site has no construction and no use in place to give us data. It has been a paper exercise to this point.

Vice Chair Lasher's raised a concern about creating a precedence of special rules for special uses.

Chair Stewart stated that perhaps it is not a separate process but distinct criteria like setbacks from residential properties, maximum square footage, etc.

Commissioner Lawrence believes the public comments express very clearly about how the community feels about the use and if the Planning Commission is a recommending body of the Town Council, who has directed us to amend the Zoning Ordinance, it is the job of the Planning Commission to review language and provide it to Town Council. He does not believe it is the Planning Commission's mandate to debate the use.

Secretary Barbour stated there needs to be some data, some reason for this amendment. She wants to understand what is the benefit. She believes the Planning Commission needs to do our due process. There needs to be a basis to make this change. What are the concerns and issues? She stated assumptions being made.

Chair Stewart acknowledged Commissioner Ainsworth's email as he was not present. The email raised concerns over this action, stating it feels arbitrary and recommended the Town Council rescind the direction to remove data centers until new information is provided regarding the impact on the public

health, safety, and welfare. He likened data centers to the old telephone exchange buildings and discussed how data centers are essential to town businesses and citizens.

Ms. Jenkins indicated that the old telephone buildings are considered utilities. At this time, data centers are not.

Commissioner Lawrence stated he would be interested in seeing the clean language for public hearing next month.

Chair Stewart stated that to his knowledge there is no other jurisdiction in Virginia that has made data centers a non-allowable use. He asked the Associate Town Attorney if there are any concerns in setting a precedent for the Commonwealth.

Mr. Corish indicated he will research and provide a more robust answer.

After being asked, Ms. Jenkins stated the 100 day clock for the Planning Commission starts in this meeting.

Vice Chair raised the question of financial impact again, He stated he would like to understand associated costs. He asked if it is possible to consider long term, maybe 20 years, financial considerations with this type of flip flopping. He asked if there is an opportunity cost that impacts the bottom line for the Town. What is the potential tax revenue vs tax loss.

Commissioner Lawrence pointed out that the Planning Commission asked those same questions during the Amazon SUP discussion and never received an answer. It is a hard number to get from the user and puts staff in a difficult position.

Chair Stewart asked if there is any data on the use since 2021 on the negative impacts of data centers on public health, safety, and welfare?

Chair Stewart stated the next steps would be a draft text to review. He asked if the Planning Commission would like another work session or public hearing?

Consensus was to move to a public hearing to allow time for public input.

Ms. Jenkins confirmed the Planning Commission needed to act by July 31st

Commissioner Lawrence stated the Planning Commission may consider holding the public hearing next month and holding it open as well.

Chair Stewart agreed to this approach.

ADMINISTRATIVE ITEMS.

Next Regular Meeting of the Planning Commission will enable them to take action on the update of their bylaws.

COMMENTS FROM THE COMMISSION.

Chair Stewart stated he and Secretary Barbour attended the special meeting of Town Council the previous evening.

COMMENTS FROM THE STAFF.

Ms. Denise Harris stated that on April 22, 2025 the Commission on Local Government's three panel judge is meeting to determine the Voluntary Settlement Agreement for the Arrington property.

ADJOURN.

Vice Chair Lasher moved to adjourn the meeting; Commissioner Lawrence seconded the motion. With no further business, the Chair Stewart adjourned at 7: 47 PM.

I hereby certify that this is a true and exact record of actions taken by the Planning Commission of the Town of Warrenton on April 22, 2025.

Darine Barbour, Secretary
Planning Commission

DRAFT