



# STAFF REPORT

<b>Planning Commission Meeting Date:</b>	April 15, 2025
<b>Agenda Title:</b>	ZOTA-25-1 – A Text Amendment to Remove Data Centers as a Permissible Use within the Industrial District
<b>Requested Action:</b>	Hold a Work Session
<b>Department / Agency Lead:</b>	Community Development
<b>Staff Lead:</b>	Heather Jenkins, Zoning Administrator

## EXECUTIVE SUMMARY

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.

## BACKGROUND

On August 10, 2021 Town Council adopted an Ordinance to add Data Centers as a Permissible Use within the Industrial District with the approval of a Special Use Permit by Town Council. This text amendment added Data Centers as an allowable use under Section 3-4.12.3 *Permissible Uses*, as defined in Article 12 *Definitions*, and subject to the standards listed in Section 9-26 *Data Centers*. A copy of the adopted text amendment is included with this staff report as Attachment A – Ordinance to Adopt ZNG 2021-0321. A brief timeline of the text amendment process for the Data Center text amendment is as follows:

### Data Center Text Amendment (ZNG 2021-0321) Timeline:

- July 11, 2017 – Town Council initiates a Zoning Ordinance Text Amendment to research industrial areas and the possibility of adding data centers.
- The originally initiated Text Amendment was not pursued with the Planning Commission nor Town Council.
- April 13, 2021 - Town Council initiates a Zoning Ordinance Text Amendment to allow data centers in the I District with the approval of a Special Use Permit.
- April 21, 2021 – John Foote asks about data centers in the Town of Warrenton. Mr. Foote provides standards required in Loudoun County as guidance for Staff. Staff is currently working on the Mixed-Use Text Amendment at the moment.
- May 25, 2021 – Planning Commission hold a work session on the text amendment.
- June 15, 2021 – Planning Commission holds a public hearing on the text amendment.
- July 20, 2021 – Planning Commission holds a public hearing on the text amendment. Recommended approval 5-1.
- August 10, 2021 – Town Council holds a public hearing on the text amendment. Approves text amendment 7-0.

Following approval of this text amendment on August 10, 2021, one Special Use Permit application for a Data Center was submitted for consideration by the Planning Commission and Town Council, application number SUP-22-3, located at 719 Blackwell Road (PIN 6984-69-2419-000). On February 14, 2023, Town Council approved this Special Use Permit application subject to the associated Conditions of Approval. The Special Use Permit SUP-22-3 and the associated Site Development Plan, case number SDP-23-6 approved on April 18, 2024, remains the sole approved Data Center Use within the Town. A copy of the resolution to approve SUP-22-3 is included with this staff report as Attachment B – Resolution to Approve SUP-22-3.

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 Resolution includes the statement that a Data Center is a Use that does not further the health, safety and welfare of the public, nor does a Data Center Use promote public necessity or public convenience within the Town of Warrenton. A copy of this Resolution is included with this staff report as Attachment C – Resolution to Initiate ZOTA-25-1.

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### **STAFF RECOMMENDATION**

Staff requests that the Planning Commission hold a work session to discuss this matter, and then provide guidance to staff. This text amendment can return to the Planning Commission the following month for either a second work session, or as a public hearing, should the Commission be ready to make a recommendation.

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### **Service Level/Collaborative Impact**

There are no known service level or collaborative impacts.

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### **Policy Direction/Warrenton Plan 2040**

The Zoning Ordinance currently allows for Data Centers as a Permissible Use within the Industrial District. Industrial Zoned parcels within the Town are located along the eastern boundary of the Town jurisdictional limits, adjacent to the Eastern Bypass and Route 17 Spur. The Comprehensive Plan, Future Land Use Map shows that Industrial Zoned properties are located within the New Town Mixed Use/New Town Character District, Old Town Mixed Use/Old Town Character District, and Greenway and Wellness Mixed Use/Greenway and Makers District. The desired development for these character districts is described in the Comprehensive Plan, Town Warrenton 2040, in Goals L2, L3, and L5, predominantly as mixed-use and walkable.

While the New Town Character District, Goal L3, calls for the establishment of a major employer, a Data Center was not specifically listed in any of the Future Land Use or Character Districts. This issue was raised during the initial Zoning Ordinance Text Amendment public hearing process for *ZNG 2021-0321*. As such, Town Council has asked staff to prepare a Text Amendment to remove Data Centers as a Permissible Use within the Industrial District.

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### **Fiscal Impact**

A Fiscal Impact assessment has not been completed.

## Legal Impact

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Should a text amendment be approved to remove Data Centers as a Permissible Use within the Industrial District, the Data Center approved as a part of case number SUP-22-3 may become a non-conforming use, subject to the standards found in Zoning Ordinance Section 11-4 *Non-Conforming Uses and Structures*. A determination of non-conformity requires the concurrence of the Zoning Administrator and the Town Attorney; however, staff defers to the Town Attorney for any questions as to how this text amendment may or may not affect any existing Data Center approvals.

There are multiple court cases currently filed within the Circuit Court that may or may not be impacted by this proposed text amendment to remove Data Centers as a Permissible Use. Staff defers to the Town Attorney for all questions related to on-going litigation.

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## ATTACHMENTS

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- Attachment A – *Ordinance to Adopt ZNG 2021-0321*
- Attachment B – *Resolution to Approve SUP-22-3*
- Attachment C – *Resolution to Initiate ZOTA-25-1*