



Office of the Town Manager
Christopher E. Martino

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STAFF REPORT

Council Meeting Date:	February 14, 2023
Agenda Title:	SUP 2022-03 Amazon Data Services
Requested Action:	Continue January 110, 2023, Public Hearing
Department / Agency Lead:	Community Development
Staff Lead:	Denise Harris, Planning Manager

EXECUTIVE SUMMARY

The February 14, 2023, work session and public hearing is a continuation of the public hearing for SUP 2022-03 Amazon Data Center held on January 10, 2023. The application package for consideration of approval includes:

- SUP Plans dated January 10, 2023;
- Draft Conditions of Approval dated February 14, 2023; and
- Updated elevations dated February 14, 2023

BACKGROUND

On January 10, 2023, the Town Council held a work session and public hearing on this application. During the work session, the Applicant presented an updated Noise Study dated January 9, 2023; SUP Plan dated January 10, 2023, with additional landscaping; and elevations. The Applicant's experts answered Town Council questions on a multitude of concerns. Town Council then directed staff to draft updated Conditions of Approval to address:

- Update Noise Condition to address phasing, Certificate of Occupancy, ongoing sound studies to be paid for by the applicant, and process for violations.
- Mitigation measures, for example sound walls.
- Decommissioning of the site.
- Clarifying the ability to use public water in the event of a fire.

This resulted in the draft Conditions of Approval dated January 10, 2023, for consideration during the public hearing. The February 14, 2023, draft conditions have been modified to ensure the removal of any ambiguity and further clarify the discussion of the Town Council work session, specifically on conditions:

- #2 Site Plan: Clarifying language on the phasing and Certificate of Occupancy process.
- #17 Noise: Clarifying language on the definition of the "qualified" sound test personnel, as well as how and when it is paid for by the Applicant.
- #22 Termination of Use: Clarify Department of Environmental Quality certification the Applicant has removed environmentally sensitive materials.

The Applicant requested deferral to the next Town Council meeting and updated the elevation materials in response to the comments related to the character of the Town. The elevations dated February 14, 2023, provide for a brick veneer on the building façade. The draft Condition of Approval 6.a is updated to indicate substantial conformance with the new elevation date.

The SUP Plan dated January 10, 2023, takes into account the comments from Town Council to provide additional landscaping along the building frontage facing Lee Highway, additional groupings of trees on Blackwell and, where able due to topography, along Lee Highway.

The Applicant also submitted a Noise Study on January 10, 2023 (dated January 9, 2023) to provide reasonable assurances that the Applicant can meet the Zoning Ordinance requirements and the draft Conditions of Approval as they relate to noise. It is incumbent on the Applicant to demonstrate the use can meet the requirements.

The Applicant also submitted on January 10, 2023, answers to a series of questions received over the course of this application.

The January 10, 2023, submissions were posted online after the work session and prior to the public hearing.

Previous information regarding this application may be found in materials uploaded for the January 10, 2023, work session and public hearing.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommended denial (3-1-1 Ainsworth against, Zarabi abstain) to the Town Council based on the following reasons:

- Lack of information regarding noise
- Lack of information regarding power
- Tax justification
- Impacts to the Town scenic gateway
- Lack of compliance to the Comprehensive Plan
- Impacts on viewsheds
- Lack of plan regarding if the building is decommissioned

Service Level / Policy Impact

The proposed use is located within the New Town Character District of Plan Warrenton 2040.

Fiscal Impact

Currently, the Town of Warrenton Real Estate Tax is \$0.0401 per \$100 and Business Property Tax is \$1.00 per \$100. Contractors are assessed at a rate of \$0.085 per \$100 per gross receipts during construction. Governing bodies set the tax rate on an annual basis. There are no similar businesses in the Town and State Code §58.1-3 prohibits local tax officials from divulging any information with respect to “the transactions, property, including personal property, income or business of any person, firm or corporation.” The parcel is currently vacant. Any industrial development on it will result in an additional valuation of the property.

Legal Impact

Conditions of Approval run with the land so as to bind future property owners. Any party or officer identified by title shall mean and include any successor to that person or entity's powers or responsibilities.

ATTACHMENTS

1. January 10, 2023 Staff Analysis
2. January 10, 2023 Draft Conditions of Approval
3. Applicants Supporting Materials
 - Statement of Justification
 - SUP Plan
 - Illustrative Elevations
 - Existing Conditions Plan
 - Tree Study
 - January 9, 2023 Noise Study
 - Geotechnical Report
 - Preliminary Grading
 - Comment Response Letter
 - January 10, 2023 SUP Plan
 - February 14, 2023 Elevations
4. February 14, 2023 Draft Conditions of Approval
5. Zoning Determination Letter
6. Previous Town Council Meeting Presentations