



Community Development
Department

STAFF REPORT

Town Council Meeting Date:	January 10, 2023
Agenda Title:	SUP 2022-03 Amazon Data Services
Requested Action:	Hold a Work Session and Public Hearing
Department / Agency Lead:	Community Development
Staff Lead:	Denise Harris, AICP

EXECUTIVE SUMMARY

The Owner/Applicant, Amazon Data Services, Inc., seeks a Special Use Permit under Article 3-4.12.3 of the Zoning Ordinance for an approximately 220,200 square foot data center on Industrial zoned parcel consisting of approximately 41.793 acre parcel identified as GPIN 6984-69-2419-000. Designated in the New Town Character District on the Future Land Use Map located off Blackwell Road and Lee Highway. The Owner/Applicant is requesting modifications for building height allowance, parking, and fence height allowance as part of the Special Use Permit.

The Planning Commission held a Public Hearing on November 15, 2022. Of the 57 speakers, all were opposed to the application except 1 person. The Public Hearing was continued on December 20, 2022, after being tabled on November 22, 2022, with no speakers. An additional 43 speakers spoke in opposition and one speaker for the application. Of the total 101 speakers, 33 were in-town residents, 4 in town HOAs, 7 organizations, and 57 out of town speakers.

The Planning Commission moved to recommend denial of the application to Town Council due to:

- 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

The Town Council passed a resolution on December 13, 2022 directing staff to advertise for a public hearing on January 10, 2022 for SUP 2022-03 Amazon Data Denter.

BACKGROUND

The proposed Special Use Permit was accepted on May 6, 2022, and proceeded to a Planning Commission Work Session on July 26, 2022 and again on October, 25, 2022 after the Applicant requested a deferral. The Applicant submitted their Public Hearing materials on October 28, 2022, for a November 15, 2022, Planning Commission Public Hearing.

To date the Applicant has submitted a Special Use Permit Plan, draft Conditions of Approval, a tree survey, a Geotechnical Report, a draft Noise Study, Illustrative Elevations, a balloon test, and other supporting documents. Throughout the Planning Commission Work Sessions the topics of noise, elevations, and visibility have been raised most often. The Applicant responded by agreeing to condition illustrative elevations, landscaping and tree buffers, one access point off Blackwell Road, dimming of lights between the hours of 11 PM and dawn, and no sub-station to be located on the site. The Applicant further agreed to condition to offer to pay for the cost of undergrounding electrical lines to a future sub-station.

Based on conversations with the Planning Commission, the Applicant agreed to conditions regarding offering outreach to qualified persons residing in the Town of Warrenton for potential employment. In addition, the Applicant agreed to condition coordinating with Fauquier County Public Schools K-12 and with Laurel Ridge Community College to establish a work force development program.

The remaining issue of noise has been conditioned and agreed to by the Applicant. The Applicant filed for a Zoning Determination to clarify how the Noise Ordinance is to be interpreted. The Zoning Determination was issued on December 16, 2022. The Applicant is required to submit a noise study demonstrating the use meets the Town of Warrenton Zoning Ordinance at time of Site Plan submission. The condition goes further to require the Applicant must conduct a separate noise study one month after commencement of the use to ensure compliance with the Zoning Ordinance. Finally, the condition states if the use exceeds noise limits at any time, the Applicant shall undertake mitigation measures to achieve compliance.

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

Draft 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. Staff Analysis
2. Applicant's Supporting Materials
 - Statement of Justification
 - SUP Plan
 - Illustrative Elevations
 - Existing Conditions Plan
 - Tree Study
 - Draft Noise Study
 - Geotechnical Report