



The following minutes are a summary of items on the agenda. This meeting may be viewed in its entirety by accessing the video of the same date online via the Town's website at www.frontroyalva.com for a limited time.

The Planning Commission meeting of the Town of Front Royal, Virginia was held on September 17, 2025, at 7:00 PM at the Warren County Government Center.

CALL TO ORDER

Chairman Marshner called the September 17, 2025 meeting of the Planning Commission to order at 7:00 p.m.

ROLL CALL

Present: Connie Marshner, Chairman
Allen Neel, Vice Chairman
Megan Marrazzo, Commissioner
Andrew Brooks, Commissioner
Teresa Fedoryka, Commissioner

Staff Present: Lauren Kopishke, Planning Director / Zoning Administrator
John Ware, Deputy Zoning Administrator
Amanda Wisely, Assistant Town Attorney
Connie L. Potter, Executive Assistant / Planning Commission Clerk

ADDITION/DELETION OF ITEMS FROM THE AGENDA

There were no additions or deletions to the agenda.

APPROVAL OF MINUTES

- August 20, 2025 – Regular Meeting

Commissioner Brooks moved, seconded by Commissioner Fedoryka to approve the regular meeting minutes from the August 20, 2025 meeting as written.

VOTE: Yes – Marrazzo, Brooks, Marshner, Neel, Fedoryka
No – N/A
Abstain – N/A
Absent – N/A

ROLL CALL



PUBLIC COMMENTS (NOT RELATED TO PUBLIC HEARINGS)

There were no speakers present.

PUBLIC HEARING

1. **2500320** – For the public necessity, convenience, general welfare, or good zoning practice, Zoning Text Amendment to Town Code §175-3 to define Designated Special Circumstance Housing. Text Amendments to Town Code §175-12.1.A, §175-18.2.B, §175-20.1, §175-30, and §175-37.3.A to add Designated Special Circumstance Housing performance standards by Special Use Permit and establish Town Code §175-117 to add Designated Special Circumstance Housing standards.

Mr. Ware referred to the zoning districts affected by the zoning text amendment as well as to define Designated Special Circumstance Housing in Town Code §175-3 Definitions. This item was brought up in April of this year. An abundant amount of lodging house Special Use Permit applications have come before the Planning Commission and Town Council. Staff and the Planning Commission reviewed the Comprehensive Plan and determined that “lodging houses” did not meet the criteria of what we were looking for with these applications. The Planning Commission held several meetings to determine the needs within the Town of Front Royal related to housing shortages. In July of this year the Planning Commission recommended approval of this text amendment to Town Council who then referred it back to the Planning Commission for some minor changes. Designated Special Circumstance Housing would be for emergency family housing, a shelter for at-risk children, domestic abuse victims, veteran housing, and individuals with developmental disabilities.

Chairman Marshner opened the public hearing. There were no speakers and Chairman Marshner closed the public hearing.

Vice Chairman Neel moved, seconded by Commissioner Fedoryka in order to promote the general welfare of the public and in accordance with Town Code §175-1(B), by providing an avenue to permit alternative housing needs within the community, that the Planning Commission forward a recommendation of approval to the Town Council to approve a text amendment to define Designated Special Circumstance Housing and permit the use by Special Use Permit, subject to performance standards, within the Towns’ residential districts.

VOTE: Yes – Marshner, Brooks, Neel, Marrazzo, Fedoryka
No – N/A
Abstain – N/A
Absent – N/A

ROLL CALL



2. **2500345** – For the public necessity, convenience, general welfare, or good zoning practice, Zoning Text Amendments to Town Code §175-3 – Definitions to define Data Centers and Town Code §175-64 Industrial Employment District (I-2) to add Data Centers with performance standards by Special Use Permit.

Mr. Ware gave a general overview of the proposed text amendment noting that the Planning Commission held two (2) work sessions and staff and the Planning Commission did extensive research on data centers. In addition, there was consultation with other localities. Staff has put together what they believe to be a very solid ordinance.

It was determined that the use would be appropriate in the I-2, Industrial Employment District, and by Special Use Permit.

Mr. Ware clarified that staff has not received an application for data centers. This is only a text amendment to the Town Code Zoning Ordinance. The text amendment is to regulate and restrict the use. Currently if someone were to submit an application for a data center there would be no regulations or restrictions in place to address the application. Mr. Ware gave a virtual presentation showing the location of the I-2 zoning districts on the Town map. These districts are basically located within two (2) areas of the Town being the northeast quadrant of the Town and next to the river and railroad tracks. He noted this is not a new zoning district but the current I-2 zoning district.

There has been a lot of discussion about data centers. The Virginia Association of Zoning Officials met in September of 2024 with about 250 members attending to discuss data centers. A regional meeting was held in February of 2025. There was also a meeting for land use held at the Virginia Commonwealth University in January and March of 2025 to discuss data centers.

House Bill 1601 was introduced in 2025 “which would mandate new requirements for local governments when reviewing land use applications for high energy use facilities”. The Virginia Governor vetoed this bill commenting that “this bill limits local discretion and creates unnecessary red tape. While well-intentioned, the legislation imposes a one-size-fits-all approach on communities that are best positioned to make their own decisions. Data centers represent an immense opportunity for localities around the Commonwealth, especially those that don’t already have them”.

Zoning is a tool that localities use to govern the physical development of land and the kinds of uses allowed on individual property. Zoning may also regulate the dimensional requirements for lots, buildings, and structures; the density of development; and how development relates to its surroundings, including other buildings, open spaces, and the street. Zoning is regulated under Virginia State Code §15.2, Chapter 22, Article 7.



Zoning can do the following things:

- Divide land into districts for different uses, such as industrial, commercial, and residential.
- Regulate the size and type of building that can be constructed in each district.
- Require development standards, such as screening and setbacks, to minimize impacts on adjacent property.
- Protect sensitive resources from inconsistent or harmful use.
- Enhance community character with signage, parking, and landscaping standards.

Mr. Ware explained that based on the veto of the House Bill, it is in the best interest of the Town of Front Royal citizens to have a long term vision and strategies to address future land use issues which is part of the Comprehensive Plan.

The following are the steps we need to take:

- Define what data centers are and the terminology associated with that. Define the use.
- Determine what district the use would be appropriate. It was determined to be the I-2, Industrial Employment District.

Some uses currently in the I-2 zoning district include light, medium, and heavy manufacturing. Automobile graveyards, scrap metal processing, and hazardous material storage to name a few.

It was then determined that the use would be by Special Use Permit (SUP) and not by-right. The Special Use Permit is another process used to determine if the use is appropriate for a particular parcel or tract of land. An SUP would require a public hearing by the Planning Commission and Town Council. That would be where an application would be reviewed. Conditions can be placed on a Special Use Permit if they are based on zoning principals.

The next step was to create performance standards. Performance standards regulate the development based on quantifiable impacts such as noise, traffic, and water run-off rather than restricting specific land uses. Performance standards have to involve a measurable criteria. Restrictions cannot be arbitrary when determining setbacks, building heights, and building sizes. The setbacks have to be justifiable on how you come up with the numbers and how they relate to the use.

Mr. Ware presented the following table showing proposed setbacks for data centers and existing setbacks for other uses such as hazardous material storage, automobile graveyards, and scrap metal processing.



Minimum Distance from Property Line	Residential	PND	Adjacent to Commercial	Public Streets & other R-O-W	Adjacent to A-1 (Agriculture & Open Space)	Corporate Boundary with Warren County
Data Center Use	200 Feet	150 Feet	Side 25 Feet Rear 25 Feet	40 Feet	Side 100 Feet Rear 100 feet	200 Feet
Other Uses (Hazardous Material Storage, Automobile Graveyard, Scrap Metal Processing, etc.	40 Feet	40 Feet	Side 10 Feet Rear 0 Feet	25 Feet	Side 10 Feet Rear 0 Feet	Side 10 Feet Rear 0 Feet

The proposed ordinance allows for 100,000 square feet for the maximum size allowed for a data center. Mr. Ware provided virtual renderings of existing buildings in the Town and County noting those structures square.

- Rural King – 95,100 +/- sq. ft.
- Jackson Furniture Company – 94,900 +/- sq. ft.
- Lowes at Riverton Commons – 147,300 +/- sq. ft.
- Walmart at Riverton Commons – 219,100 +/- sq. ft.
- Family Dollar Distribution Center – 907,400 +/- sq. ft.

Below are a list of performance standards in the proposed data center ordinance:

1. Minimum setbacks.
2. Perimeter buffers.
3. Open spaces.
4. Noise standards.
5. Outdoor lighting standards.
6. Water cooling standards.
7. Building height standards.
8. Building size standards.
9. Differentiated surface standards.
10. Building façade material.
11. Parking standards.



Mr. Ware reviewed the following required impact analysis' with submission of an application for a data center.

1. Utility Impact Analysis:
 - a) Electrical systems.
 - b) Water and wastewater.
 - c) Telecommunication infrastructure.
 - d) Sustainability and efficiency measures.
2. Physical Impact Analysis:
 - a) Noise.
 - b) Heat and air emissions.
 - c) Traffic and access.
 - d) Visual and aesthetic.
 - e) Vibration.
 - f) Land use compatibility.
3. Environment Impact Analysis:
 - a) Land disturbance and soil impact.
 - b) Stormwater and water quality.
 - c) Air quality and emissions.
 - d) Energy and carbon intensity.
 - e) Ecological and habitat.
 - f) Hazardous materials and spill prevention.
 - g) Facility life cycle plan.

Staff found that most localities only reference “noise” in the general part of their ordinance and not particular for data center use. The Town will address noise in the data center ordinance.

Water pulling standards would prohibit the use of potable water and will require a reuse dry hybrid cooling system. Most localities allow potable water for pulling systems or they have no prohibition on the water.

Building standards would be limited to seventy-five feet (75') in height and one-hundred thousand (100,000) square feet in size unless a special exception is granted. The majority of data centers located in the Commonwealth are allowed to be one-hundred feet (100') in building height and over five-hundred thousand (500,000) square feet in size.

There will also be standards for vibration. Staff did not find any locality that regulates vibration.

Staff believes this is a very solid ordinance and understands there is a lot of debate on data centers. This ordinance is our solution to the issue. Mr. Ware noted that localities not addressing the issue are causing the problem. Staff and the Planning Commission spent an enormous amount of time researching and gathering information to write the proposed ordinance.



Chairman Marshner asked for Planning Commission comments.

Commissioner Brooks asked Mr. Ware to explain the process if the Department of Planning and Zoning were to receive an application for a data center today without a data center ordinance in place.

Mr. Ware explained that the Town Ordinance is what is called an inclusive zoning ordinance. Inclusive means it lists or includes all uses that are permitted by-right or by Special Use Permit. Because a use is not listed or included does not prohibit the use. If an application was submitted for a use that is not listed in the ordinance the burden is put on the property owner to produce enough evidence that the use should be permitted in that zoning district. When that evidence comes forth that the use should be permitted, generally speaking, we have found that the court rules in favor of the property owner. Basically it falls on the 5th and 14th Amendment of the Constitution of the United States. "Nor shall any state deprive any person of life, liberty or property without due process of the law." The property owner cannot be deprived of that as long as they go through the due process. If being asked if an application for a data center can be prohibited, based on the house bill that was introduced and the message from the Governor, he doesn't know how you could prohibit a use that has been permitted elsewhere. If you are going to prohibit a use it would have to have some ramifications on the health, safety, and welfare of the general public. A benchmark has been set for data centers based on the amount we have seen throughout the Commonwealth.

The Assistant Town Attorney, Amanda Wisely agreed with Mr. Ware's answer and that the Town would have a hard time denying the request. The proposed ordinance sets forth a huge number of requirements. These would not be in place if an application came in today. If it was denied today it would go to court. Ms. Wisely noted again there are no standards in place if someone applied today.

Chairman Marshner asked what the process would be if the requirements were currently in place.

Mr. Ware explained that a Special Use Permit application would be reviewed by the Planning Commission and the Town Council. There could be a recommendation of approval, denial or approval with conditions. Each application would be reviewed individually to determine if the use is appropriate on the parcel in question. The determination has to be based on zoning principals, and a ruling cannot be made just because we don't like or want something. If they violate the Special Use Permit (SUP), the SUP can be revoked. That is why this has been geared to a Special Use Permit application and not a by-right use.

Commissioner Marrazzo referred to the I-2 zoning district area along the river. She said the Comprehensive Plan shows that area to be in conservation. With that in mind if a property owner were to purchase enough land to make it so that they could build a data center does the Town have any protections for an area specifically slated for conservation.



Mr. Ware believes there are other limitations on that particular property due to the past businesses that were previously located on that property. If in the Comprehensive Plan that area is desired to remain as a conservation area a rezoning could take place to change it from I-2 to open space/agricultural to place it into a conservation area. An Environmental Impact Analysis would be required on this piece of property and any property involved in a SUP application for a data center. If they did not meet the ecological and habitat requirements as part of the Environmental Impact Analysis it would be a reason to deny the Special Use Permit.

Commissioner Marrazzo referred to the A-1, agriculture area on the north side of Town that is located next to the I-2 zoning district and noted there could be sections of that area potentially rezoned by a property owner from A-1 to I-2.

Mr. Ware said those parcels may or may not adjoin the I-2 zoning districts. If you are doing a rezoning you want it to touch another parcel with the same zoning you are rezoning it to because typically we do not “spot” zone/rezone. An applicant may or may not be able to rezone and it would have to go through the review process to rezone.

Commissioner Marrazzo spoke about water usage and the proposed ordinance states that after its first fill up a data center is prohibited from using potable water, the Town’s drinking water. We are encouraging them to use resource efficient procedures and really pushing them to use systems that use very little water if any.

Vice Chairman Neel stated there is a potential to work with the sewage treatment plant to use the gray water for some cooling. In doing so they would have to do treatment to go along with that. Ultimately whatever they discharge would have to be able to go back into the stream with the same standards the Town is producing.

Commissioner Marrazzo referred to the Environmental Impact Analysis and the Facility of Life Cycle Plan where it talks about restoration and disposal and under that it states they must submit plans for repurposing, demolition, and rehabilitation of land after end use of facility. Assuming a data center was to come to the end of its life cycle, and the expectation would be to follow the plan that had been submitted. If they elect not to follow the submitted/approved plan, what recourse does the Town have to make them follow through with what was previously approved.

Mr. Ware explained that a Special Use Permit allows a locality to impose fines.

Commissioner Marrazzo said it would be revoking the Special Use Permit that they wouldn’t need to use anymore.

Mr. Ware explained that in such a situation they would not be following the life cycle plan as submitted and approved. The municipality could then post fines on them.

Commissioner Marrazzo asked what recourse the Town would have if the applicant violates noise restrictions.



Mr. Ware stated if the applicant is violating the Special Use Permit (SUP) the Town Council could revoke their SUP. If they chose to post fines Town Council would consult with the Town Attorney for the amount of the fine and the timeframe for them to come into compliance.

Chairman Marshner explained the guidelines for speaking at the public hearing. She clarified this was the Town of Front Royal and not Warren County.

Chairman Marshner opened the public hearing

Ben Ranieri, 13 W. 2nd Street. Mr. Ranieri thanked staff and the Planning Commission for their hard work on the ordinance and for the presentation. He expressed the following concerns:

1. Fail/safe protection for decommissioning the structure so as to not inherit an unusable shell.
2. Contamination risk
3. Encourage continuous noise monitoring especially in the beginning; and 4) quality assurance and quality control.

Jim Coats, 75 Chestnut Trail Road. Mr. Coats expressed his concerns regarding noise.

Jarred Hill, 1109 Panhandle Road. Mr. Hill expressed that this “rushed” process could place Warren County/Front Royal and the Shenandoah River at risk without adequate review or forethought. Disclose water and power grid demand up front. Use air cooling or reclaimed water. Follow property line noise limits. He would like a full community impact study. Local governments have to be responsible and be our own stewards.

John Lundberg, 203 Peach Tree Court. Mr. Lundberg shared the following points:

1. It is necessary that Front Royal learn from the devastating effects/mistakes of the seven (7) counties in Northern Virginia where more than 500 data centers have been built since the first one that was constructed in 1998.
2. You cannot outright ban data centers. You will get sued and lose in court. A better course of action is the one the Town is currently taking which is to add performance standards to the Town Code and enforce those codes.
3. He is very impressed with the proposed performance standards. If these standards are adopted, data centers would not be able to use Front Royal’s drinking water to cool computers. Unlike the situation in Fairfax, Loudon, and Prince William Counties where 80% of those 500 data centers are built and drinking water is used to cool those computers.
4. If these standards are adopted Front Royal will be able to enforce one of the strictest noise standards, light standards, and vibration standards in the state.
5. Cap the height of the building at 75’ and cap the square footage of the building at 100,000 square feet.



Thomas Ranieri, 33 Cedarside Court. Mr. Ranieri expressed that his main concern is water usage because of drought. He would like to do more of a water analysis addressing aquaphor's and cleanliness of water.

Evan Casey, 4103 Remount Road. Mr. Casey is happy the Town is creating stringent restrictions on building data centers. His main concern was noise and would like the Town to be more restrictive regarding noise.

Morgan Spencer, 2245 Buck Mountain Road. Ms. Spencer expressed her main concern was noise. She shared she was a pipe fitter and builds cooling systems for data centers. She also expressed concern for the noise day and night during the construction of data centers. If there is a way to control those concerns she believes Front Royal is heading in the right direction.

Christopher Marberry, 1234 Bowling Green Road. Mr. Marberry believes the proposed ordinance is well put together. He would like limits placed on the total amount of power they can draw. Mr. Marberry expressed concern with water usage. What time restrictions can be placed on them being able to use potable water.

Kevin Cuddeback, 112 Luray Avenue. Mr. Cuddeback believes this to be a "beautiful" plan and urged adoptions as is. He believes data centers are well matched to the I-2 zoning district.

Maria O'Brien, 83 Massanutten Farms Road. Ms. O'Brien suggested there be a setback from the Shenandoah River included in the setback requirements specifically to maintain that beautiful area. She expressed concern for the size of data center generators, noise, and address the removal of the structures once they are no longer in use.

Patrick Pennefather, 158 Catlett Mountain Road. Mr. Pennefather felt the proposed ordinance is a very "robust" plan. He questioned if multiple data centers would be placed next to each other. He does feel 200' setback is too close to residential properties and suggested there be a 2 mile radius from neighborhoods and schools. In addition, Mr. Pennefather expressed concern that electrical usage will max out the Towns substations and more would have to be constructed. If additional infrastructure is required would that cost fall on the data center applicant or citizens. Require data centers to have the cleanest/highest quality generators to minimize effects on residents.

Trevor Woods, 328 Virginia Avenue. Mr. Woods thanked staff for their presentation and mentioned how important local culture is and the need to protect that. He expressed concern for the enormous strain on water and electricity. There needs to be recourse in place regarding penalties of violations. Mr. Woods also expressed concern for the overuse of aquaphor's and flood risks. He encouraged the Town to be prudent and to make sure the environment will not be abused.

Sterling Whitehead, 1058 Northview Avenue. Mr. Whitehead expressed concerns regarding noise. If noise standards are violated more than 3 times in 12 months the Special Use Permit should be revoked. Noise at the data center needs to be studied at least 90 days before operational use. Building a data center next to the soccer plex is not appealing. There needs to be a distance



requirement. A tight definition of what an “emergency event” is and what the time period for that is and suggested that be no more than one (1) day. Data centers are not aesthetically pleasing and asked what potential conversion looks like. Potentially require soundproof windows to be installed into the structure and consider some type of classical architecture. Make the data centers visually appealing. Mr. Whitehead believes there needs to be 3rd party independent standards at least every year to verify compliance.

Mr. Ware noted that many of the questions/concerns expressed at the public hearing are currently covered in the proposed ordinance and encouraged the public to review the entire document.

Chairman Marshner closed the public hearing.

Vice Chairman Neel moved, seconded by Commissioner Fedoryka for the purposes of good zoning practice and in accordance with Town Code §175-1(B), that the Planning Commission forward a recommendation of approval to the Town Council to approve Zoning Text Amendments to Town §175-3 – Definitions to define Data Centers, Town Code §175-64 Industrial Employment District (I-2) to revise the I-2 Statement of Intent and to add Data Centers with performance standards by Special Use Permit, and establish §175-74 Data Center Impact Analysis requirements.

Commission members addressed the various concerns mentioned during the public hearing and ultimately encouraged the public to review the proposed ordinance in detail. After discussion the vote was taken.

VOTE: Yes – Marshner, Fedoryka, Brooks, Neel
No – Marrazzo
Abstain – N/A
Absent – N/A

ROLL CALL

COMMISSION MEMBER REPORTS

Commissioner Fedoryka attended the virtual Planning Commissioners program and appreciated all she learned during the opening session and is looking forward to the closing session.

PLANNING DIRECTOR REPORT

Ms. Kopishke reviewed the August monthly report.

In October we will dive heavily back into reviewing the Zoning Ordinance rewrite.



ADJOURNMENT

Commissioner Marrazzo moved, seconded by Commissioner Brooks to adjourn the meeting.

VOTE: Yes – Fedoryka, Marshner, Neel, Marrazzo, Brooks

No – N/A

Abstain – N/A

Absent – N/A

VOICE VOTE

The meeting was adjourned at 9:10 p.m.

Approved by Planning Commission

Date: 11/19/2025