



September 16, 2024

SENT BY FIRST CLASS & CERTIFIED MAIL

Jessica Pfeiffer
Walsh, Colucci, Lubeley & Walsh, P.C.
4310 Prince William Parkway, Suite 300
Woodbridge, VA 22192

SI NVA02F LLC
1700 Broadway, Suite 1750
Denver, CO 80290

Re: Zoning and Proffer Determination Case # ZNR2025-00017

Determination of Proffer Amendment and Rezoning #REZ2019-00028 and #REZ2019-00032

Property Address: 9640 Hornbaker Road, Manassas, VA 20109 (the "Property")

Acreage: 22.5717; **GPIN:** 7595-75-2306; **Zoning District:** PBD, Planned Business District

To Whom It May Concern:

This is in response to the zoning and proffer determination application that you filed August 5, 2024, requesting a zoning verification and use determination for the above referenced property on behalf of the property owner, SI NVA02F LLC. More specifically, you have requested confirmation that data center uses would be permitted by-right on the Property.

Zoning Verification for the Property:

1. The Property is zoned PBD, Planned Business District, and is subject to the proffers approved by the Prince William County Board of Supervisors on July 16, 2019, as part of proffer amendment and rezoning case #REZ2019-00028 and Proffer Amendment and Release of Declaration #REZ2019-00032, Hornbaker Road, which was also approved by the Board on July 16, 2019. The Property is regulated by part 404 and part 500 of the Prince William County Zoning Ordinance:
https://www.municode.com/library/va/prince_william_county/codes/code_of_ordinances?nodeId=CH32ZO.
2. The Property is located within and subject to the Data Center Opportunity Overlay District, the Airport Safety Overlay District, the Technology Overlay District (Higher Education Office/R&D (HO) and Employment Center Office/R&D (EO) and is partially located within the Environmental Resource Protection Overlay. The Property is also located within the Innovation Park Technology Center Special Planning Area.
3. The Property is not subject to any special use permits, variances or nonconforming uses.

4. Based on our records, which are complaint based, there are no zoning enforcement actions pending on the Property. However, no inspections of the Property have been conducted to determine if any violations exist.

Background

The Property is zoned PBD, Planned Business District, and is subject to the proffers approved by the Prince William County Board of Supervisors on July 16, 2019, as part of proffer amendment case #REZ2019-00028 and Proffer Amendment and Release of Declaration #REZ2019-00032, Hornbaker Road, which was also approved by the Board on July 16, 2019. The development and use of the Property are regulated by the proffers approved with the referenced proffer amendment case, as well as the applicable zoning regulations, including Part 404 and part 500 of the Prince William County Zoning Ordinance.

Definitions & Applicable Sections of Zoning Ordinance

Part 100 of the Prince William County Zoning Ordinance contains defined terms. The Zoning Administrator shall strictly construe the terms and definitions. In the event a term is not defined in this section, the Administrator shall refer to other chapters of the Prince William County Code and to the building code for guidance. If ambiguity remains, the Zoning Administrator shall then rely upon the conventional, recognized meaning of the word or phrase (e.g., current edition, Merriam-Webster's Dictionary).

Data Center shall mean a use involving a building/premise in which the majority of the use is occupied by computers and/or telecommunications and related equipment, including supporting equipment, where information is processed, transferred and/or stored.

Part 402 – Office Districts

Part 403 – Industrial Districts

Part 404 – Planned Business District

Part 500 – Special Public Interest Overlay Districts, Generally

Proposed Uses

You have stated in your application that the property owner, for whom you are requesting this determination on behalf of, is seeking confirmation that data center uses are permitted by-right.

Proffer Analysis

Proffer Amendment and Rezoning #REZ2019-00028: Based on the submitted Proposed Use narrative, the Proposed Use are not prohibited by the approved proffered documents of proffer amendment and Release Declaration#REZ2019-00032. However, please be advised that development of the Property must adhere to all applicable conditions as set forth in proffers related to #REZ2019-00028

and #REZ2019-00032, including but not limited to Community Design proffers.

Use Determination

Based on the above referenced background information and analysis of the relevant sections of the Zoning Ordinance and proffers related to #REZ2019-00028 and #REZ2019-00032, the Proposed Use of data center would be permitted by-right on the subject property, pursuant to the determination that:


1. The Property is zoned PBD, Planned Business District, with Landbays which permits all by-right uses, secondary uses, accessory uses, and those uses requiring a special use permit in the Planned Business District PBD, Office/Flex O(F), Office High O(H), and Light Industrial M-2 zoning districts; and
2. The Office/Flex O(F), Office High O(H), and Light Industrial M-2 zoning districts permit data center development by-right when located in the Data Center Opportunity Overlay District; and
3. The Property is subject to proffer amendment #REZ2019-00028 and #REZ2019-00032 and must adhere to all applicable conditions as set forth in the proffer statement of the proffer amendment case.

This determination is based on regulations that are in effect on the date of this letter, which are subject to change. Should you have any questions, please feel free to contact this office. State law mandates the following paragraph to be included in all determinations rendered by the Zoning Administrator.

The Zoning Ordinance allows that anyone aggrieved by a proffer or special use permit determination of the Zoning Administrator may appeal the decision to the Board of County Supervisors (BOCS). An appeal must be filed within 30 days of receipt of this letter with the clerk to the board and the zoning administrator. The BOCS will schedule and advertise a public hearing to consider an appeal within 30 days unless there is no regular meeting scheduled, in which case the BOCS shall act at its next regular meeting. The determination contained within this letter shall be final if an appeal is not filed within 30 days of receipt of this letter. The application fee and the appeal application form is available on our web page at the following link:

<https://www.pwcva.gov/assets/2021-06/Application%20for%20an%20Appeal.pdf>

Sincerely,



Alexander Stanley, CZO
Principal Planner Zoning Administration

cc: Joyce Fadeley, Department of Development Services, Land Development Division Chief