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August 8, 2025

Andrew Condlin
Roth Jackson
1519 Summit Avenue, Suite 102
Richmond, VA 23230

RE: ZCL2025-00046 Zoning Compliance Letter
GPIN: 7880-70-4924
77.56 acres, MX, Mixed Use District

Dear Mr. Condlin:

At your request, this letter serves as a written zoning determination for GPIN 7880-70-4924 ("the property"), which is currently zoned MX, Mixed Use District and governed by the conditions of the following case:

- Rezoning case C-7-09(c), AM 1-13

The Master Plan for the property that was approved with the zoning case indicated that this property was a portion of a mixed-use development partly within the Town of Ashland and partly in Hanover County. Each component (the part within the Town and the part within the County) were dependent on each other, providing necessary access, distributing traffic, and allowing for compatible uses to be located in proximity to each other. The Town portion of the project (which has usually been referred to as East Ashland) was the subject of a rezoning in the Town in 2024. In October 2024, Town Council rezoned the portion of the project within the Town from a mix of commercial and residential uses to new highway commercial and industrial uses. The primary use of the property after that rezoning, along with two conditional use permits related to the heights of buildings and the installation of an electric substation, will be as a data center.

As a result of the action by the Town to rezone the property and change the permitted uses of the property, access points, and height and other regulations for the Town property, the Master Plan that was approved with case C-7-09(c), AM 1-13, along with all the proffers accepted by the Board of Supervisors, can no longer rely on the Town portion of the project for needed access and other zoning requirements. For example, the traffic analysis assumed dispersion of traffic throughout the larger mixed-use site, and now project circulation is unknown. The rezoning of the Town portion of the project has resulted in fundamental and comprehensive changes to this project, transforming what was a single, unified project consisting of commercial and residential uses into two separate, disjointed, and, at times, inconsistent projects placing residential and commercial uses next to industrial uses in a way that is not contemplated by the MX district regulations or that was considered by the Board when they approved this project in 2010 or when they approved amendments to the project in 2013. Therefore, the Master Plan for this property, which was originally reviewed and approved as part of the larger project, must now be reviewed as a stand-alone project.

Based upon my review of the Master Plan and the MX district requirements, it is my determination that the currently approved plan must be amended in order for the project to be developed and that no site plans or construction plans can be approved until the Board of Supervisors has amended the zoning regulations for the property.

In order for the property to be developed as contemplated by the Master Plan, the following changes are needed:

1. Changes to the required Master Plan:

- Section 26-91.3 of the Hanover County Zoning Ordinance states that no less than 35% of the net developable area shall be used for commercial or industrial development.
 - The Master Plan provides 18.89 acres of commercial development with a net developable area of 63.75 acres or 29.6 % of the net developable acreage, which does not meet the commercial/industrial threshold. To add additional commercial areas, a modification to the Master Plan would be required.
- Section 26-96.10 of the Zoning Ordinance states that no residential use shall be located closer than fifty (50) feet to the boundary of the district or to any adjoining existing or proposed road except as part of a combined use. It further provides that no use other than residential uses shall be located closer than one hundred (100) feet to the boundary of the district or to any adjoining existing or proposed road except as part of a combined use.
 - The Master Plan shows office and retail uses that are closer than 100' to the new boundary of the project. A modification to the Master Plan would be required.
 - The Master Plan shows residential uses immediately adjacent to the new boundary of the district, where Section 26-96.10 states that no residential use may be located closer than 50' to the boundary of the district.
- Section 26-94 of the Zoning Ordinance requires all plats or site plans to be in substantial accord with the Master Plan. With the changes made with the 2024 rezoning by the Town of Ashland, the project can no longer be found to be in substantial conformity with the Master Plan and meet Zoning Ordinance requirements.

2. Proffer amendments are needed, including Proffer 1 (Transportation Improvements) and Proffer 12 (Entrance Opposite Woodside Lane):
 - Phase 1 improvements would require the widening of eastbound Route 54 from I-95 northbound to the intersection of Mount Hermon Road, a traffic signal bonding or installation, and turn lanes.
 - Your analysis stated this would be negated by Smart Scale FY2026 results. A proffer amendment would be required to remove this proffer.
 - This portion of the property would only have one access point, as other access points to this area are within the Town of Ashland, which has been approved for a data center development. Hanover County now owns a parcel between the project and the Route 54/Woodside Lane intersection. Per Zoning Ordinance requirements, at least two access points are required based on the number of lots. It is not realistic that the County would sell right-of-way for road access, particularly because the location of Woodside Lane has been relocated and for traffic safety reasons. A proffer amendment would be required.
 - Proffered transportation improvements relate to entrances in Ashland (site entrances 2 and 3). Improvements required for those intersections are not planned with the revised zoning in the Town. A proffer amendment would be required.
 - Transportation improvements for the project were based on the entirety of the development. Accordingly, the phasing plan that was proffered must be amended as some of the phases would no longer be included with this standalone development.

Based on (1) the inability of the project to meet MX District Standards due to the Town rezoning, (2) necessary changes to the Master Plan that are required for it to conform to Zoning Ordinance requirements, and (3) revisions or eliminations necessary to a number of the proffered conditions accepted by the Board that have been made impossible or incompatible by the Town rezoning, it is my determination that the property is not able to be developed by right under the current Plan and proffers. Any development of the property will require a proffer amendment or rezoning to another zoning district that is compatible with the County's Comprehensive Plan.

In terms of height, the maximum height of all structures can be 60'. A special exception would be required for an 80' structure.

This determination as the applicability and effect of the proffered conditions and the Master Plan is being made pursuant to authority granted to me as the zoning administrator of Hanover County by Va. Code § 15.2-2299. Pursuant to Va. Code § 15.2-2301, any person who is aggrieved by a decision made by the zoning administrator for Hanover County may petition the Board of Supervisors for review of that decision. A petition for review must be filed with the zoning administrator and with the clerk of the governing body within 30 days from the date of this decision and must specify the grounds upon which the petitioner is aggrieved.

Andrew Condlin
August 8, 2025
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Should you have any additional questions or need further assistance, please contact me at (804) 365-6171.

Sincerely,



Jo Ann Hunter, AICP
Senior Director of Community Development