

SUMMARY OF PROFFER CHANGES

Architectural Treatments	DELETED	Wegmans cannot build per the site plan if this provision is not removed.
Protective Covenants	No objection	
Signs	Changes restrictions from ALL signs to only monument type; adds down lighting as an acceptable illumination	This could contribute to light pollution.
Outside Storage	DELETED	Wegmans cannot build per the site plan if this provision is not removed.
Loading Spaces	DELETED	Wegmans cannot build per the site plan if this provision is not removed.
Parking		
Buffers	The additional language is concerning.	SHR buffer not required until the realignment occurs. This may never happen.
Parking Lot Lighting	DELETED	Hard to maneuver trucks if not allowed 45 ft poles.
Utilities Underground	No objection	
Use Restrictions	No objection	
Traffic	DELETED	If Wegmans does not plan to create this much traffic, there is no reason to eliminate the proffer.
Access	PARTIALLY DELETED	This removes a large number of protective conditions with no demonstrable community benefit to removal.
Phasing	DELETED	Wegmans claims they will not make this much traffic, so they have no legitimate reason to eliminate it.
Right of Way	See ADDITIONS See 50% reduction in proposed ROW on SHR.	Nothing stops Wegmans from not agreeing with SHR realignment. Performance may not be enforceable, especially because severance proffer removed.
Burial Grounds	DELETED/REPLACED	Site not properly evaluated for burial sites. Ancestors live close to property yet not consulted re: disruption of final resting place.
Severance	DELETED	There is no obvious reason to omit this proffer.

Architectural Treatment:

What's Changed:

Wegmans proposes to **delete** EVERY architectural protection, including:

1. All front facades of main buildings on property and wall surfaces fronting AR, SHR, NAR (extended) be constructed of brick, granite, marble, decorative block glass wall, glass curtain wall, architectural precast, architectural concrete, metal and glass curtain wall, or metal curtain wall construction systems or similar quality materials.
 - a. Internal structural system can be pre-engineered prefabricated metal building design. May incorporate metal/aluminum for window or decorative purposes.
 - b. NO butler type buildings.
2. Requirement to screen all rooftop heating/cooling equipment from public view at ground level from all public thoroughfares.

→ Instead, Wegmans asks that they instead be approved based on their prepared site plan.

What's the law:

Sec. 26-162. - Special conditions. - All main plant buildings shall be of permanent and durable construction and limited to thirty-five (35) feet in height, unless otherwise approved by the Board.

Section 26-179. - Height restrictions. All structures not specifically exempted in section **26-248** shall not exceed a height of three (3) stories or forty-five (45) feet, whichever is less.

- Section 26-248 provides that no structure may exceed the height limit except (assuming property not within APO airport protection overlay or Hanover Airspace Map), these may be up to 125 feet:
 - Belfries, Chimneys, Church spires, Water towers and stand pipes, Conveyors, Cooling towers, Elevator bulkheads, Fire towers, Public monuments, Ornamental towers/spires, Radio/TV towers, TV antennas, amateur radio equipment, Silos and grain driers, Smoke stacks, Stage towers or scenery lofts, Tanks

What's the point?

- They are asking to delete the entire proffer. They cannot build what they want if this proffer is left intact.
- It does not appear that the ordinances allow a height exception. "Shall" is mandatory language. It is not discretionary. There is no exception for heating and cooling units to allow additional height.

Protective Covenants

What's Changed? Nothing. This is boilerplate language and should be considered neutral. It neither helps nor harms the community.

Signs

What's Changed? Wegmans propose to ADD the language in **green**.

All **freestanding** signs **shall be monument type and**, if lighted, shall be internally illuminated (original says "lighted") **and/or externally lit with down lighting**

What's the Point?

This change means that the restrictions are ONLY to monument signs. This means that Wegmans would not be bound by these lighting restrictions for any other type of sign. There does not appear to be any relevant zoning ordinance that addresses the illumination.

Outside Storage

What's Changed? Wegmans proposes **deleting** the ENTIRE proffer.

This proffer currently requires the following:

- 1) **Outside storage of equipment, materials or supplies ONLY in side or rear yards**
- 2) Screening required where outside storage within line of site from any public thoroughfare
 - a) Waste receptacles must be screened with more than plantings and architecturally compatible with on site buildings.
- 3) Vehicles may be stored in designated parking areas. Parking areas must be landscaped according to zoning ordinance.
- 4) **Owner agrees that NO outside storage of materials or vehicles shall be permitted in any front yard.**

What's the Point? This language is in the Ashland Overlay and Route 1 Corridor Overlay zoning ordinances. Mr. Maloney states that this property is not in either of these overlays. However, it is noteworthy that the original proffer language is mirrored, often verbatim, with these ordinances that are still current Hanover County law. It follows, then, that those regulations are still appropriate, modern property conditions. They should not be amended without clear documented proof that the change benefits the community. The community has forcefully and frequently advised the Board and county that this will not benefit us.

The additional language prohibiting front yard storage of materials or vehicles is not in the ordinances other than the 1995 proffers, which became an ordinance as to this parcel by operation of law once accepted. If this condition is not removed, it is not possible for Wegmans to build their current site plan.

Loading Spaces

What's Changed?

Wegmans requests the entire proffer be eliminated. The current proffer states "Loading spaces shall be located only within side or rear yards."

What's the Point? Wegmans cannot build per the site plan if this provision is removed. While it is not clear whether the parcel is (or was in 1995) in an overlay zoning district, this language exists today in the Ashland and Route 1 corridor zoning overlays.

Parking - This section has some language changes, but they are substantially similar.

Buffer Strip

What's Changed?

There is an increase in the required buffer fronting Ashcake Road from 25 to 50 feet.

The following language is proposed as additions to the proffer:

The remaining portion of the buffer shall be planted in accordance with the standards of 26-264 of the Hanover County Zoning Ordinance.

The installation of the buffer along Sliding Hill Road shall be phased with the approvals of the final plans for the ultimate right-of-way determination for the realignment of Sliding Hill along the Property.

b.A variable width natural area shall be provided along Sliding Hill Road as shown on the Concept Plan as "APPROXIMATE LIMITS OF VARIABLE WIDTH NATURAL AREA", such that all trees five inches (5") or more in diameter shall not be removed, with the exception of dead or diseased trees and the removal of trees as necessary for the construction of improvements shown on the Concept Plan (such as for grading or roads) and for other engineering reasons, as approved at the time of site plan review."

What's the Law? Sec. 26-162. - Special conditions.

What's the Point?

The added language (in green) is the concern. This says that the Sliding Hill buffer does not have to be implemented until the Sliding Hill realignment occurs. It is not guaranteed that the realignment will occur.

Parking Lot Lighting

What's Changed? Wegmans proposes deleting this entire proffer.

It currently provides:

- Parking lot lighting fixtures shall not exceed 25 ft.
- Directional lighting shall be used at intensity no greater than 0.5 foot candles above background at property line.
- Lighting must be shielded from direct view from any adjoining residential district or public right-of-way

- All exterior lighting shall be reduced to the minimum level needed for security during close of business.

What's the Point? Wegmans needs 45 foot light poles. If they have to keep with the original proffers, the site will not work for them. It will make maneuvering the trucks very difficult.

Utility Lines Underground

What's Changed? Nothing. This is identical to the original proffers.

Traffic

What's Deleted? Wegmans proposes deletion of the entire proffer.

"The maximum density of this property shall be that which does not generate in excess of 2710 a.m. and 2420 p.m. peak hour trips based on the trip generation rates as set forth in the Institute of Transportation Engineers Trip General Manual, 5th Edition, which density is, by way of example, equivalent to 2,258,718 square feet of general office space, unless such higher densities are approved by the Planning Director in conjunction with site plan reviews based on additional traffic studies"

What's the Point? Wegmans has repeatedly promised that they will "make much less traffic than they could." If this is true, why should this proffer be deleted?

At the Planning Commission meeting, Wegmans represented that they do not plan to expand, and if they do, it will be Wegmans use, not leased to someone else. However, other discussions and/or documents conflict with this. If we can't know for certain what they will build, or who will occupy it, we certainly can't know how much traffic they will produce. There's no legitimate reason to remove this proffer.

Access

What's Deleted? Wegmans requests deletion of the majority of this proffer.

Wegmans proposes removing the following requirements:

- Owner must construct left and right turn lanes at each public road at each private site access from SH and Ashcake roads if required by VDOT.
- No more than 2 access points along SHR, and no more than 2 along Ashcake Rd
- No access center line located w/in 800 feet of SH/Ashcake intersection
- No entrance located w/in 200 ft of Countryside measured from center line to center line
- No entrance directly across from Brown Grove Church
 - But note - Planning Commission in its sole discretion may allow additional access points subject to submission of Master Plan .

→ Wegmans proposes that this proffer only requires that they Install left and right turn lanes (only if warranted by VDOT) at the Main Entrance as depicted on the Concept Plan with the first phase of development. **This is a change.**

What's the Point? The site plan needs to be carefully reviewed. Assuming that the site plan complies with the original proffers, there is no reason to remove them. The community does not benefit and will be harmed if this deletion is approved.

Road Improvements

What's Changed? This is not in the original proffers.

- Owner will prepare a signal justification study for intersection of SHR and NAR, and submit to VDOT for review and approval prior to approval of site plan.
- Install traffic signal (or other traffic control improvements), provided costs do not exceed \$500k. If it exceeds this amount, Wegmans will make a one time payment towards improvements.
- No installation unless/until VDOT says it is warranted.
- If and only if County pays for intersection, then Wegmans will use that same \$500K towards SHR realignment
- Install L and R turn lanes at main entrance ONLY if warranted by VDOT.

What's the Point? Original proffers require addition of L/R turn lanes regardless of VDOT warrant and requires them at additional private site access points.

Phasing

What's Changed?

Wegmans proposes eliminating the following:

- Max 610 peak hour trips in PM prior to 4 laning of SHR to NAR (**Note this does NOT say PM peak hour, just PM**)
- After 4 laning, **total** trip development limited to 1815 max peak PM hrs until 2 lanes of NAR are extended connecting SHR and Lewistown
- In **NO** event, more than 2420 PM peak hour trips

What's the Point? Wegmans claims they will not make this much traffic, so they have no legitimate reason to not include it. Also, documents show that the project was supposed to be developed in phases, but that Wegmans has no intention of stopping construction until all phases have been built. There is reason to be concerned because Wegmans lack of consistency regarding future on-site development and traffic is concerning.

Right of Way Dedication

What's Changed?

- Wegmans proposes to **reduce the right of way dedication** at SHR from 100 feet to 50 feet.

- Wegmans ADDS right of way for SHR realignment as shown on concept plan
- Wegmans ADDS “final Sliding Hill Realignment shall be subject to mutual agreement of the Owner, the County and VDOT.”

What’s the Point? Wegmans could simply decide that they don’t agree with SHR realignment and therefore performance may not be enforceable, especially because severance proffer removed.

Burial Grounds (retitled by Wegmans as “Cemetery Removal or Relocation.”)

What’s Deleted?

- Owner shall not disinter or displace any dead human body, or any part of a dead human body, which has been deposited in any vault, grave or other burial place.
- Any grave, object or structure marking a place of burial shall be identified on any subdivision or site plan.
- Owner must allow access to local historical commissions or people with identifiable ancestors to enter upon the land for official business or visiting ancestral graves.
- Owner must provide and maintain suitable decorative fencing around graves for security/protection.

What’s Changed? Wegmans deletes all of the protections from this proffer, and replaces it as follows:

Should a grave or cemetery be discovered, and should the location of the grave or cemetery be in conflict with the Concept Plan and necessary infrastructure such as roads, drainage, and utilities, the grave or cemetery shall be relocated in accordance with the procedure administered by the Virginia Department of Historic Resources. The Owner shall be responsible for all costs and expenses associated with the cemetery removal or relocation.

What’s the Point? Professionals report that methodology of prior testing was insufficient for purposes of identifying potential graves. Ancestors live mere feet away and have not been consulted as to their preferences.

Severance

What’s Deleted? This proffer is entirely omitted. There is no obvious reason to remove it.

“The unenforceability, elimination, revision, or amendment of any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of other proffers or the unaffected part of any such proffer.”