

## Air Park Associates (Wegmans)

### Timeline

- **August 8, 2018** – Hanover site submission for Project Wild Tiger was due to Virginia Economic Development Partnership (VEDP). Hanover initial submission was for the Holland-Axselle (Axselle) property in Ashland. VDEP requested a single site
- **August 15, 2018** - Site visit by the prospect's site selection consulting firm held at Holland Axselle. The consultant indicated the site was suitable
- **January 11, 2019** - Incentive proposal from Hanover due to VEDP based on taxable investment provided by consultant
- **February 1, 2019** – Hanover signed a confidentiality agreement, commonly referred to as a nondisclosure agreement (NDA) with consulting firm representing Project Wild Tiger.
- **February 5, 2019** – Town of Ashland signed a confidentiality agreement with consulting firm representing Project Wild Tiger
- **February 15, 2019** - Project Wild Tiger's site consulting firm met with Town of Ashland and Hanover County officials to discuss Axselle site. Challenges with the site proffers raised
- **February 18 and 19, 2019** – Additional site options and information provided to site selection consulting firm by Hanover staff
- **March 13, 2019** - Closed session to brief Board of Supervisors in more detail regarding scope of Project Tiger and that additional sites submitted
- **April 22, 2019** – After agreement was not reached on Axselle site in town, the prospect determined that the Air Park Associates site best met its criteria
- **June 20, 2019** – Typical all-hands staff meeting with prospect's team to discuss the project, proffers, zoning, infrastructure and Planning details
- **July 2019** – Hanover County Attorney asked to assist with preparing the Performance Agreement
- **July 10, 2019** – Prospect reengaged Ashland and requested it reconsider conditions related to the Axselle site
- **August 28, 2019** - Project Tiger update with Board of Supervisors in closed session that Air Park Associates site was one of the sites still being considered. Staff discussed performance agreement with Board
- **September 21, 2019** - Prospect abandoned Axselle site once again due to unsuccessful negotiations with property owner over asking price and the Town requirements

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- **November 8, 2019** - Timmons, prospect, and County staff met to discuss project; discussions centered on potential announcement discussed for December 11, 2019 if the Board of Supervisors were to approve the Performance Agreement. Discussions on zoning amendment process for proffers, utilities, etc. Air Park Associates and Graymont sites under consideration.
- **November 27, 2019** - Hanover County Board Chairman and Economic Development Director discussed with State a potential press release to be ready to go on December 11, 2019 contingent on Board of Supervisors approval of performance agreement; finalized agreement should be back to County a week after announcement
- **December 9, 2019** – Performance Agreement finalized and made available for review by the Board and EDA
- **December 11, 2019** - Board of Supervisor's approval of Performance Agreement with State and prospect (approved on 5-1 vote, with one BOS member absent)
  - Board of Supervisors approved the budget amendment for the infrastructure funding
  - Project Tiger was formally announced as Wegmans by Governor's office.
- **December 12, 2019** – Hanover Economic Development Authority approved the Performance Agreement (approved 7-0)
- December 30, 2019 - Fast Track Agreement executed which establishes time periods for submissions by the applicant and review and comment by County staff – administrative functions. There is no effect on the legislative and public input time periods
- **January 15, 2020** - Community meeting held by Faye Prichard and Angela Kelly-Wiecek at Pearsons Corner Elementary School to solicit input on community thoughts
- **February 6, 2020** – Developer's community meeting held at Oak Knoll Middle School to discuss project and gather feedback from citizens
- **February 20, 2020** – Hanover County Planning Commission public hearing on Wegmans' proffer amendment. Planning Commission recommended approval with conditions 6-0. One Planning Commission member was absent

**Additional Facts**

There are no active confidentiality/nondisclosure agreements at this time

Five nondisclosure agreements have been signed in the last three years

Nondisclosure agreements are in place for confidential business negotiations and to protect the name of the company and it's represented. All legislative functions are conducted in the public forum

Draft Proffers – Conditional zoning is a recognition that zoning regulations which are ordinance of general application may not adequately address concerns and impacts arising from land use decisions during the zoning process. State code enable localities such as Hanover to negotiate additional conditions of zoning to provide community protections beyond those anticipated by the zoning ordinance. These supplemental negotiated conditions are generally referred to as “proffers”. Proffers must be voluntarily submitted by the property owner/applicant to the locality during the zoning process.

In practice, as the first step in proffer negotiations, applicants frequently rely on staff to prepare an initial proffer document for their consideration. It is local planning staff that are generally more in-tune with issues affecting communities and neighborhoods within their jurisdiction. Although refusal by an applicant in itself to agree to proffered conditions is not a basis in which to deny a request for a zoning change, the failure on the part of an applicant to appropriately address community concerns and impacts which are expected to arise as a result of the development may be a justification.

Role of EDA - The Industrial Development Authority (now Economic Development Authority) was established by ordinance of the Hanover County Board of Supervisors pursuant to the Industrial Development and Revenue Bond Act (Chapter 33, Title 15.1, Code of Virginia of 1950, as amended) so that such authorities may acquire, own, lease and dispose of properties to the end that such authorities may be able to promote industry and develop trade by inducing manufacturing, industrial, governmental and commercial enterprises to locate in or remain in the commonwealth.

Closed session confidentiality requirement – The Board of Supervisors can only transact business in an open meeting. However, the open meeting requirements of the Freedom of Information Act provides for a number of instances where the Board can go into closed session. Section 2.2-3711(a)(5) of the Code of Virginia provides that a closed meeting can be held for the Board to have a “Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business’ or industry’s interest in locating or expanding its facilities in the community.” Closed session items are primarily for discussion purposes only; any vote on an issue must take place in an open meeting. The intent of the closed session provisions and other provisions of FOIA is that these items remain confidential until an announcement has been made.

Land Use versus Zoning - The comprehensive plan establishes a long range vision for the County, and includes an assessment of future land use needs, transportation infrastructure, needed community facilities and so forth. It is not a regulating document, but rather establishes guidelines, policy goals and objectives. The zoning ordinance is the document that governs how land use used. The zoning ordinance, unlike the comprehensive plan, is a regulating document.

Simply stated, the land use designation included in the Comprehensive Plan is established through a public process and is intended to serve as the basis for future zoning action decisions. A Comprehensive Plan designation as Industrial is envisioned to ultimately be zoned industrial. Likewise a Comprehensive Plan designation as Residential is envisioned to ultimately be zoned residential.