

REZ2019-00037, AIR PARK ASSOCIATES, L.P.

Industrial Rezoning Amendment Report
Ashland Magisterial District
Board Meeting Date: May 6, 2020



Overview

Amendment Request	Amend the proffers approved with rezoning request C-13-94(c)
Current Zoning	M-2(c), Light Industrial District with conditions
Acreage	217.34 acres
Location	On the west line of Sliding Hill Road (State Route 656) approximately 1000 feet south of its intersection with Ashcake Road (State Route 657) and on the south line of Ashcake Road (State Route 657) approximately 800 feet west of its intersection with Sliding Hill Road (State Route 656)
GPINs	7798-44-0937, 7798-44-0663, 7798-44-2350, 7798-33-3765, 7798-34-2121, 7798-24-8382, 7798-24-6569, 7798-24-4811, 7798-25-1001, 7798-35-3160, 7798-35-4750, 7798-35-0225, 7798-25-6471, 7798-45-3554, 7798-54-5903, 7798-33-9427, 7798-43-4904, 7798-43-4481, 7798-43-8505, 7798-53-1614, 7798-35-1840
General Land Use Plan	Limited Industrial
Major Thoroughfare Plan	Sliding Hill Road –Minor Arterial (100’ right-of-way) Ashcake Road – Minor Collector (60’ right-of-way)
Suburban Service Area	Inside
Case Planner	Gretchen W. Biernot

Executive Summary

The subject property was rezoned to M-2(c), Light Industrial District with conditions, in 1995 with rezoning case, C-13-94(c), Air Park Associates. The proposed use of the subject property is a grocery distribution facility, a use permitted by-right within the M-1, Limited Industrial District (Section 26-163.20, Warehousing, storage, wholesaling and distribution) and therefore, also permitted in the M-2 district. However, the applicant is requesting to amend the previously approved proffers to bring the requirements more in line with today’s site development standards and to address transportation improvements, landscape buffers, light pole height, fencing requirements, and cemeteries. The revised proffers provide more protection and benefits to the community and are more restrictive, with the exception of the original fence proffer and parking lot light pole height proffer. A companion Special Exception application (SE2020-00005) for an exception to building height requirements has also been submitted for consideration.

Recommendations

Staff

APPROVAL subject to the submitted proffers, dated April 1, 2020.

Planning Commission

APPROVAL subject to modifications to the submitted proffers, dated April 1, 2020, that include a 150’ buffer along the western property line and a bicycle and pedestrian trail along both Ashcake and Sliding Hill Roads.

Planning Analysis

Comprehensive Plan/ Compatibility with Surrounding Area

Beginning with the 1988 adoption of the Comprehensive Plan, Hanover County has planned the site for industrial use. The Land Use designation was changed from “Industrial” to “Limited Industrial” in the 1997 Comprehensive Plan. The Comprehensive Plan describes Limited Industrial land use as follows:

“The Limited Industrial designated land use category is for business and industry that includes general light industry, transportation terminals, warehousing, and similar low-intensity uses and relatively free from offensive uses. Locations typically provide access to major thoroughfares. Higher standards are expected to mitigate impacts or complement the character of development in specified areas of the County. Certain commercial uses would be permitted, primarily for the service of employees in the district”.

The proposed use and zoning is compatible with the industrial land use classification for the area to the west of Sliding Hill Road, including the Hanover County Industrial Air Park. The site has frontage on Sliding Hill Road, which will provide convenient access to the Atlee-Elmont I-95 interchange. It should be noted that Sliding Hill Road is currently undergoing an expansion to widen the road to four travel lanes extending from New Ashcake Road to Atlee Station/Leadbetter Roads.

The subject property has been located within the Sliding Hill Road Economic Development Zone (EDZ) since the adoption of the 2002 Comprehensive Plan, and the Air Park Associates property was specifically identified as an economic opportunity site in the 2002 Plan and subsequent updates (see 2002 Comprehensive Plan map attached to this packet.) EDZ’s are areas targeted for economic development for the purposes of expanding the County’s tax base. The County invests in infrastructure in these areas to help attract private business and create employment opportunities. The proposed distribution facility will generate significant revenue each year for the County, and the applicant has indicated that the facility will bring 700 jobs to the area.

Conceptual Plan/ Elevations

The conceptual plan shows a 1,075,514 square foot office and warehouse building with a 205,650 square foot planned expansion. There are no specific plans for the future development area where up to 400,000 square feet of additional building space would be permitted. Truck parking and loading areas are shown on the conceptual plan. The most recent plan has eliminated the truck parking adjacent to Ashcake Road. Trucks will enter the site at the main entrance on Sliding Hill Road and pass through a security gate before entering the parking and loading area. A gated emergency site access is also located on Sliding Hill Road. The employee parking area, proposed on the northern portion of the site, contains a gated access for emergencies only. The employee vehicle entrance, located on the northwest corner of the site, leads to a driveway that connects to the employee parking area, more than 2,000’ from the entrance. This long driveway was designed to prevent cars entering the site from backing up on Ashcake Road. A turnaround area has also been provided along this driveway. The security fence that surrounds the parking areas along Ashcake Road and Sliding Hill will consist of an opaque fence (board on board fence or chain link with sound attenuation panels). The Planning Commission had recommended the fence include sound attenuating materials. Other security fencing around the site will be chain link with barb wire.

Buffers are provided around the perimeter of the site. The plan shows a 75' thoroughfare buffer along Ashcake Road (recently increased from 50' to 75' as a result of the elimination of truck parking) and a 25' buffer along Sliding Hill Road. These buffers must meet both the thoroughfare buffer and vegetated screening requirements of the Zoning Ordinance. It should be noted that the proffers accepted with rezoning case, C-13-94(c), only require a 25' buffer along a majority of the Ashcake Road frontage. The screen plantings will be installed on the inside of the buffer. In addition to the buffer along Sliding Hill Road, the applicant has proffered to maintain a variable width natural area, creating an additional buffer area of existing mature trees that ranges in width from approximately 50' to more than 800' along Sliding Hill Road. The conceptual plan also shows a 100' natural buffer along the western property line with the exterior 20' to be landscaped. The remaining buffers around the property consist of 25' natural buffers adjacent to A-1 zoned vacant land and where adjoining residential properties, 20' to 40' buffers as required by the Zoning Ordinance.

Elevations have been submitted for consideration. The warehouse building is shown to be approximately 45' tall with "penthouse" areas containing refrigerated units that are 57' tall. A Special Exception has been submitted to allow an exception to the 45' height requirement of the M-2 district. The current architectural proffers permit use of brick and metal curtain wall systems. The elevations appear to meet those architectural requirements. The existing proffers prohibit the use of "butler-type" buildings, but do permit the use of metal curtain wall construction and the use of pre-engineered prefabricated metal building design systems. Merriam Webster defines a curtain wall as "*a nonbearing exterior wall between columns or piers*". Likewise, Webster's Dictionary defines a curtain wall as "*an independently supported outer wall that carries its own weight and is freely removable.*"

Based on the definitions provided and the specialized nature of the proposed distribution building, it is Staff's interpretation that the proposed building conforms to both the existing and proposed architectural proffers.

Transportation

A traffic impact analysis (TIA) was submitted with the application to evaluate the project's impact to the existing road network and to identify needed transportation improvements. The TIA has been evaluated by both VDOT and the County's traffic consultant. The TIA indicates that the project will generate a total 2,486 vehicle trips per day (3,164 vehicle trips with the maximum development of the site), which include employee passenger vehicles and trucks. (For clarification, two trips are generated by vehicles traveling in and out of the site.) The morning peak hour will generate 202 vehicle trips (275 trips with future development). The evening peak hour will generate 207 trips (283 trips with future development), which is approximately 85% fewer vehicles than permitted under the current zoning. With the four lane improvements to Sliding Hill Road from New Ashcake Road to its intersection with Atlee Station Road/Leadbetter Road, the existing zoning permits 1,815 trips in the PM Peak Hour.

Wegmans' own studies show significantly lower traffic generation based on their similar Pennsylvania distribution center. The Pennsylvania site generates 151 vehicle trips in the morning peak hour and 227 trips in the evening peak hour. The site generates approximately 430 truck trips per day. Truck traffic is spread throughout the day with 39 truck trips in the morning peak hour, 87 of the truck trips in the evening peak hour, and an average of 18 truck trips per hour.

Based on the TIA, the applicant has proffered road improvements and right-of-way dedication to accommodate the anticipated traffic of the proposed distribution facility. The proffers include the construction of a left-turn and right-turn lane at the main site entrance on Sliding Hill Road,

conducting a signal justification study at the intersection of Sliding Hill and New Ashcake Roads, the installation of a traffic signal or other road improvements at the intersection as approved by VDOT, and the construction of the interim Sliding Hill Road realignment if the County undertakes the responsibility for the intersection improvements. If the applicant makes the improvements at the Sliding Hill and New Ashcake Roads intersection as recommended by the Signal Justification Study, the applicant will only be dedicating the right-of-way for the future ultimate realignment of Sliding Hill Road.

Historical Commission

At the time of the original rezoning, the historic site, Merry Oaks Tavern, was suspected of being located on the subject property. Prior to submittal of this application, two archaeological studies, were conducted to determine whether Merry Oaks Tavern was located on the property. The first study (DHR file number HN-108) was conducted in 1996 and funded by the Hanover Branch of the Association for Preservation of Virginia Antiquities. The second study (DHR file number HN-109) was conducted in 2002 and funded by Hanover County. Both studies found no evidence of the historic site on the property. In addition, the applicant funded a study in 2019 that also found no evidence of Merry Oaks or grave markers or depressions on the subject property.

The Historical Commission reviewed this application at their January 21, 2020, meeting. The Commission determined that the proposed development should not have significant impacts to nearby historic resources.

Community Meeting

The applicant held a community meeting on February 6, 2020. Issues raised at the meeting included the following:

- *Traffic, especially truck traffic*

The applicant has proffered to address traffic by installing turn lanes, installing a traffic signal at New Ashcake and Sliding Hill Roads, and dedicating right-of-way to allow for the realignment of Sliding Hill Road. The applicant also indicated that their truck drivers are screened to ensure safety, and trucks are monitored by GPS. Truck traffic is restricted to Sliding Hill Road, per the proffered conditions.

- *Availability of access through a proposed Ashcake Road connector road to Lewistown Road*

The Major Thoroughfare Plan within the Comprehensive Plan shows a proposed road that connects New Ashcake Road to Lewistown Road. Neither the applicant nor the County has control over properties that are within the proposed alignment of this proposed connector road, and therefore this road will not be an option at this time for vehicles traveling to and from the subject property.

- *Prohibit through trucks on New Ashcake Road*

A locality may apply for the Through-Truck Restriction Program through VDOT to prohibit through trucks on primary or secondary roads.

- *Diesel truck environmental impacts*

The applicant indicated that most of the trucks at the proposed facility will have particulate filters installed, as required by the federal government for new trucks.

- *Noise from a 24-hour facility*

Refrigeration units will be enclosed and therefore are not expected to generate excessive noise. No trucks will be permitted to idle upon entering the property. The back-up warning signal from trucks is a OSHA requirement. All noise generated from the site must meet County noise ordinance requirements.

- *Removal of graves if found*

A Phase I cultural resource study was conducted on the property, which found no evidence of graves. If graves are found as the property is developed, the applicant has proffered to remove the graves in accordance with the Department of Historic Resources requirements.

- *Insufficient buffer along Ashcake Road*

At the time of the community meeting, a 50' buffer was proposed along Ashcake Road, and the most recent plan shows the buffer increased in width to 75'. This buffer must meet both the thoroughfare buffer and screening requirements of the Zoning Ordinance. The screen will consist of evergreen plantings that provide a continuous visual screen of the property. A majority of the buffer is three times as wide as required by the current proffers.

- *Impacts to the historic Brown Grove community*

In addition to the buffers and screening to be provided along Ashcake Road and adjoining properties, the truck entrance was located on Sliding Hill Road to limit the truck traffic along Ashcake Road. Only employees will be permitted to use the entrance on Ashcake Road.

In addition to these aforementioned concerns, residents attending the community meeting expressed concerns about impacts to property values and questioned the applicant on the site selection process and why other sites were not considered that are not adjacent to residential neighborhoods. Staff will rely on the applicant to address additional questions regarding the site selection process should they arise during the public hearing.

Agency Analysis

There were no substantive comments from any of the reviewing agencies other than standard site plan technical comments.

Proffers

The applicant submitted the following proffers, dated April 1, 2020:

1. Conceptual Plan. Accept. The applicant has proffered to develop the property in substantial conformity with the conceptual plan. The original rezoning case was approved for speculative development, and no conceptual plan was provided.

2. Architectural Treatment. Accept. The applicant has added language to the original 1995 proffer that requires that all buildings constructed on the property be consistent with the elevations provided. The elevations show metal curtain and brick, which comply with the original architectural treatment proffer. The original language remains in the most recently submitted proffers.
3. Protective Covenants. No comment. Protective covenants will be recorded to control the development, architectural compatibility, and maintenance of the property. No changes to this proffer have been made from the original proffers.
4. Signs. Accept. The original proffer stated that all signs will be internally lit. The applicant has kept this language and has added that all freestanding signs will be monument type signs that are either internally lit or lighted with downward directional lighting. The use of a monument sign will further limit visual clutter as seen from the public right of way.
5. Outside Storage. Accept. No outdoor storage of equipment, materials, or supplies will be permitted. This proffer is more restrictive than the 1995 proffer, which allowed some outdoor storage on portions of the site.
6. Loading Spaces. Accept. The proffer permits loading spaces only in site or rear yards, as stated in the original proffer. The amended proffer adds that loading spaces will be provided in accordance with the conceptual plan, which shows no loading spaces located in the front yard as defined and measured per the Hanover County Zoning Ordinance.
7. Parking. Accept. The applicant has proffered to meet all the parking lot landscaping requirements for passenger vehicles, which are otherwise not required in the M-2 district. All vehicle parking and storage areas must be paved. This proffer has been updated from the 1995 proffers to reflect Zoning Ordinance code number changes and has eliminated the opportunity to allow for any modifications to this proffer, which would otherwise have the potential to further relax the development criteria and requirements.
8. Screening, Thoroughfare Buffers, and No Build Areas. Accept. The buffers proposed around the perimeter of the site improve upon the previous proffers approved with the original rezoning application. Buffers along both Sliding Hill and Ashcake Roads must meet both thoroughfare buffer and landscape screening requirements of the Zoning Ordinance. The buffer was increased to 75' or 200% from the previous proffers along a significant portion of Ashcake Road. In addition, a variable width natural area will be maintained along Sliding Hill Road behind the buffer and screen plantings. The preservation of the designated natural area is not a requirement of the existing proffers. In place of the 25' buffer required by the 1995 proffers is a minimum 100' natural and landscaped area provided along the western property line when adjacent to A-1 or residentially zoned land. This buffer will also be landscaped per Hanover County Industrial Buffer landscaping standards.
9. Parking Lot Lighting. Accept. The applicant has proffered to limit the light pole height to 30' along Ashcake Road and the main site entrance and 45' along Sliding Hill Road, as shown on the attached lighting plan exhibit.
10. Utility Lines Underground. Accept. New utility lines will be buried underground or placed along rear property lines. This proffer is unchanged from the 1994 original rezoning case.

11. Use Restrictions. Accept. A list of uses considered inappropriate at this site within the M-2 district will not be permitted. No changes have been made to this proffer from the original rezoning case.
12. Traffic. Accept. The original proffer provided maximum 2,710 AM peak hour trips and 2,420 PM peak hour vehicle trips for any development on the property. These numbers far exceed the trip generation numbers noted in the TIA for the proposed development that indicates that the project will generate 275 vehicle trips in the AM peak hour and 283 trips in the PM peak hour. These maximum peak hour trips are included in the modified proffer as well as a maximum building square footage of 1,700,000, which is less than the original proffered square footage of 2,258,718 square feet. In addition, the modified proffer removes the language that allows the Planning Director to approve additional square footage based on additional traffic studies.
13. Right-of-way Dedication. Accept. Right-of-way will be dedicated along each road in accordance with the Major Thoroughfare Plan. The proffer also states that this area of right-of-way dedication may be used for a pedestrian and bicycle trail. An additional area of right-of-way will be dedicated for the purpose of realigning Sliding Hill Road to improve an existing curve, as shown on the conceptual plan. The final realignment must be determined prior to site plan approval.

The Planning Commission recommended the Ashcake Road and Sliding Hill Road frontages be developed with accommodations for bicycle and pedestrian travel. The applicant has not included the commitment within the signed proffers.
14. Accesses. Accept. This proffer contains language from the original proffer that limits the number of access points to two each on Ashcake Road and Sliding Hill Road and provides a minimum distance for each entrance from the New Ashcake Road/Sliding Hill Road intersection and Countryside Lane. As discussed previously, there will be only one primary entrance on Sliding Hill Road for employees and truck traffic and a second access on Ashcake Road for employees only. The applicant has removed language from the original proffer that would allow the Planning Commission to approve additional access points. In addition, the proffered conceptual plan shows the main entrance located 1,100' west of Countryside Lane, which exceeds the minimum distance of 200'. New language has also been added that requires the installation of signage at the Sliding Hill Road entrance that states left turns out of the entrance are prohibited.
15. Phasing. Accept. This proffer provides the maximum number of vehicle trips for the total development of the site, which allows increases in trips based certain road improvements. No changes to this proffer have been made from the original proffers, except for the removal of the first sentence that refers to the construction of four lanes on Sliding Hill Road to New Ashcake Road. This road project should be completed prior to commencing building construction on the subject property.
16. Road Improvements. Accept. The applicant has proffered to prepare a signal justification study at the intersection of Sliding Hill Road and New Ashcake Road and to construct the necessary traffic improvements at this intersection not to exceed \$500,000 in costs. If the County takes responsibility for completing these intersection improvements, the applicant will then complete the interim Sliding Hill Road realignment shown on the conceptual plan. Right and left turn lanes as well as an acceleration lane heading west on Sliding Hill Road will also be constructed at the main entrance to the site, if warranted by VDOT.

17. Cemetery Removal or Relocation. Accept. The cultural resources study conducted by the applicant found no evidence of graves on site. However, should any graves be discovered during the development of the property, the applicant has proffered to remove the graves in accordance with the Department of Historic Resources requirements.
18. Tandem Trailers. Accept. Tandem trailers or double trailers will be prohibited.
19. Operational Requirements. Accept. The applicant has proffered to require Wegmans' trucks to use Sliding Hill Road to and from I-95 to access the site, unless an alternative route along New Ashcake Road Extended is constructed and available for use. This road is referenced in the Comprehensive Plan as a proposed road that would connect to Lewistown Road.
20. Fencing. Accept. The applicant has proffered to install an opaque fence along Ashcake Road, that is either a board-on-board fence or chain link fence with slats or panels designed to reduce the impacts of noise.

Planning Commission Recommendation

At their meeting of February 20, 2020, the Hanover County Planning Commission, on a motion by Mr. Abbott, seconded by Mr. Hadra, voted to recommend **APPROVAL** of the request to amend the proffers approved with rezoning request C-13-94(c), on the subject GPINs, consisting of approximately 217.34 acres, subject to changes to the submitted proffers and conceptual plan. These recommended changes included the following:

- Include in the operational standards that all trucks will use Sliding Hill Road directly to and from I-95 to access the site
- Require an opaque fence along Ashcake Road that consists of noise reduction materials
- Limit the light pole height in parking areas along Ashcake Road to 30'
- Increase the buffer along the western property line to 150' to protect the Egypt Road residential properties
- Prohibit the use of tandem trailers
- Provide a shared pedestrian and bicycle path along Ashcake and Sliding Hill Roads

The applicant submitted revised proffers on April 1, 2020. These proffers addressed all of the Commission's recommendations with two exceptions: 1) the buffer along the western property line is proffered to be 100' in width instead of 150' and 2) no proffer required the installation of a shared bicycle and pedestrian path. The staff would note that the exterior 20' of the proposed 100' buffer will be landscaped with the remaining buffer to remain natural.

GJWB/

Attachments

- Maps (land use, vicinity, zoning, aerial)
- Historical Commission Recommendation
- Approved Proffers
- Application
- Traffic Study – Exec. Summary
- Summaries of Historic/Archaeological Studies
- Cultural Resource Survey
- Citizen Correspondence
- Proposed Proffers/Elevations/Conceptual Plan
- Ordinance

Available Upon Request

- Agency Review Comments
- Traffic Study – Full Copy

