Albemarle County Planning Commission
April 18, 2000

The Albemarle County Planning Commission held a meeting and public hearing on Tuesday, April 18, 2000 in the County Office Building. Members attending were: Mr. William Finley, Chairman; Mr. Dennis Rooker, Vice-Chairman; Mr. Rodney Thomas; Mr. Jared Loewenstein; Mr. William Rieley; Mr. Pete Craddock. Other officials present were: Mr.Wayne Cilimberg, Director of Planning & Community Development; Ms. Yadira Amante, Planner; Mr. Ted Glass, Planner; Mr. Jeff Thomas, County Engineering. Absent: Ms. Tracy Hopper.

Approval of Minutes – March 28, 2000
The Commission moved, seconded and unanimously approved the minutes as amended.

Review of Board of Supervisors Meetings – April 5 and April 12, 2000
Mr. Cilimberg presented a review of the April 5th Board of Supervisors meeting, noting that the Board had received the DISC report and will be working on how to implement the recommendations set forth, including a plan of action that will include Planning Staff and the Planning Commission. The Board will further discuss this at their May day meeting, so that staff and the Commission can begin using the document and its recommendations as the Board and Planning Commissions deem appropriate.

Mr. Cilimberg reported that at the April 12th Board meeting, there was a public hearing for the Glenmore development, but the Board deferred action on the item until April 19th because the signed proffers were delayed in UPS delivery. Mr. Cilimberg noted that the ZTA for transmission line definition was also deferred to April 19th. He added that the Entrance Corridor overlay additions were approved at the April 12th meeting also.

Mr. Rooker mentioned that a third volume of the DISC report was available at the DISC presentation meeting; Mr. Cilimberg offered to get a copy of the third volume for anyone who did not get one.

Other Matters not Listed on the Agenda from the Public
None were offered, and the meeting proceeded.

Items Requesting Deferral:

SP 00-01 Clifford Fox – Request for special use permit to allow a residential use in a commercial zoning district in accordance with Section 18.22.2.2.6 of the Zoning Ordinance which allows for residential uses in a commercial zone. The property, described as Tax Map 56A2 Parcel 1-31, contains 1.37 acres, and is located in the White Hall Magisterial District on Three Notch'd Road [Route 240] approximately 1.2 miles from the intersection of Route 240 and Route 250. The property is zoned C-1 Commercial. The Comprehensive Plan designates this property as Rural Area. *Applicant requests deferral to May 30, 2000.*

Public comment was invited. None was offered, and the matter was placed before the Commission.

Mr. Loewenstein moved, Mr. Rieley seconded deferral of SP 00-01 to May 30, 2000. The motion passed unanimously.

SP 99-77 Evergreen Baptist Church– Request for a special use permit to allow for the conversion of an existing farm building to a church on 10.65 acres zoned RA, Rural Areas. The property, described as Tax Map 46, Parcel 38C is located off the eastern side of Proffit Road (Route 649, approximately 1,200 feet north of the railroad crossing. This property is located in the Rivanna Magisterial District and is not located within a designated Growth Area as outlined in the Comprehensive Plan. *Applicant requests deferral to April 25, 2000.*

SDP 00-16 Evergreen Baptist Church – The property, described as Tax Map 46, Parcel 38C is located off the eastern side of Proffit Road (Route 649, approximately 1,200 feet north of the railroad crossing. This property is located in the Rivanna Magisterial District and is not located within a designated Growth Area as outlined in the Comprehensive Plan. *Applicant requests deferral to April 25, 2000.*

Public comment was invited. None was offered, and the matter was placed before the Commission.

Mr. Loewenstein announced that he has a personal interest in the property in proximity to this parcel, and would not be participating in the discussion and vote.

MOTION: Mr. Rooker moved, Mr. Rieley seconded approval of the applicant's request for deferral to April 25, 2000. The motion passed unanimously, with Mr. Loewenstein abstaining.

Public Hearing Items:

SP 00-003 Charlottesville Broadcasting – Request for a special use permit to allow attachment of eight foot panel antennas to an existing tower on 9 acres zoned C-1, Commercial. The property, described as Tax Map 61, Parcel 192, is located off the northern corner of the Melbourne Road/Rio Road intersection, abutting Meadow Creek. This property is located in the Rivanna Magisterial District and is designated for Neighborhood Service in Urban Neighborhood 2 of the Comprehensive Plan.

Mr. Cilimberg presented the staff report in Mr. Benish's absence, stating that the request would establish an array of panel antennas that exceed the dimensions set forth by the conditions of approval for the SP of the WQMZ tower. This proposal would install panel antennas that are 8 feet in height and length; the condition limiting the length of the antennas to 5 feet originated from an agreement through staff and the original applicant for the Special Use Permit on WQMZ. In late 1999, the applicant attached panel antennas to the tower that were 8 feet in length; Zoning issued a violation letter on February 18, 2000 because the antennas exceeded the 5 feet length specified in the SP.

The applicant has noted that the smaller antenna are for digital service, whereas the larger 8-foot antennas will provide digital and cellular service. Although visibly larger than the other existing panel antennas on the tower, the 8-foot panels still appear to have minimal visual impact compared to the significantly tall tower and other panel antenna on the tower. The applicant has mentioned that using only the smaller panel antenna size may necessitate an additional facility elsewhere in the county.

Staff has recommended approval of request with conditions, one of which is the only applicable change to the original conditions: Condition # 3b, which would specify "directional or panel antenna shall not exceed 8 feet in height or 2 feet in width, shall be a color which matches the tower, and shall be below 345 feet in height.

Mr. Rooker asked what company's antenna this is.

Mr. Cilimberg responded that the antenna is Alltell's, although the owner of the tower is Charlottesville Broadcasting Corp.

Mr. Rooker asked if Alltell presently has any antennae on the tower.

Mr. Cilimberg replied that he is not sure if Alltell put the panels up or not.

Mr. Finley asked if Alltell originally installed 5-foot panels, and then replaced them with 8-foot panels.

Mr. Cilimberg responded that he understood that Alltell put up 8-foot panels originally, and did not know if they also had 5-foot panels replaced with 8's.

Mr. Finley asked why a 5-foot condition was placed.

Mr. Cilimberg replied that through discussions at staff level and the preparation of the report and set of conditions in 1998, it was felt that 5 feet would be adequate. He added that now technology has changed, some panels have gotten bigger, but they are now flush mounted.

Mr. Thomas mentioned that there was some discussion about allowing collocation.

Mr. Cilimberg added that he did not think the limitation to 5 feet came specifically from the Commission or the Board, but just arose out of discussions with the applicant regarding what panel size they would need.

Mr. Thomas asked what the Telecommunications Policy Manual says about the panels.

Mr. Cilimberg replied that the manual does not specifically address the size.

Mr. Rieley said that in reading the previous and proposed conditions, assuming there is no limitation, they could be butted against each other on the ground, 8 feet or 5 feet, want to restrict it further, we should, distinction between 8 feet and 5 feet is meaningless.

Mr. Rooker said that normally, with cellular applications, the Commission has dealt with the number of panel antennas and the size. He added that when the item initially came before the Commission, it was for a radio tower expansion, and the focus was not on the antenna array for cellular transmission.

Public comment was invited.

Ms. Hedi Parker, an attorney for Alltell, addressed the Commission. She explained that the application is in the name of Charlottesville Broadcasting Corp. because they own the property and the tower. Ms. Parker said that Alltell submitted the application because it is their antenna. She explained that at the public hearing with the Board of Supervisors, Board member Sally Thomas had wanted to impose a condition requiring flush-mounting of all antennas. Ms. Parker said that if a flush-mounted antenna is used, it needs to be 8-feet long, and explained that the contractor put up antennas that were not flush mounted. Several weeks later, they were switched, and Ms. Parker was given the impression that the conditions of the SP were met "close enough that the Zoning Officials should sign off on it." Ms. Parker added that she spoke with Bill Fritz, who indicated that the Zoning Inspector would not have

discretion to sign off on a site that obviously did not meet the SP conditions. She emphasized that they did attempt to reconcile the situation prior to getting cited by Zoning.

Ms. Parker explained that their request now is just to ask for an increase in panel height limit to 8 feet.

Mr. Rooker asked how many panel antenna are on the tower now.

Ms. Parker said that another antenna array has just been put up, and the tower may be collocating as many as three providers, adding that wireless providers have considered this an excellent site to collocate on.

Mr. Thomas asked what the difference would be in the size of antennas of the other providers.

Ms. Parker answered that the other providers she has spoken with indicate they can meet the requirement, because they are primarily digital.

Mr. Thomas asked where the antenna would have to be located if they could not get permission to use 8-foot panels.

Ms. Parker replied that their RF engineer has indicated that because of the flush-mounting, they would need the longer panel antenna to get the coverage and would probably need another site if the SP were not approved.

Mr. Rooker asked Mr. Cilimberg if the condition E, which states that no portion of the antenna shall be located more than 2 feet from the tower structure, is the equivalent to a requirement for flush-mounting.

Mr. Cilimberg said that it is.

Mr. Thomas asked if there is an additional 20 feet of whip antenna on top of the tower.

Mr. Cilimberg responded that he is not sure.

Mr. Craddock said that there was a lightning rod on top.

Ms. Parker mentioned that a rendering they had done of the tower shows the location of the antennas, which shows the overall height is 529 feet, 10 inches, including a lightning rod on top.

There being no further public comment, the matter was placed before the Commission.

Mr. Rooker asked if the city receives a copy of the Planning Commission Agenda.

Mr. Cilimberg replied that they get notified of the meetings, and as an adjacent property owner in this case.

Mr. Rooker mentioned that when this item was presented before, the Commission deferred it in order to make sure the city had an opportunity to comment. He stated that the neighborhoods closest to the tower are all in the city, and the city did not oppose the proposal, nor was there a single complaint from the public.

Mr. Rooker suggested limiting the number of panel antennae on this facility, noting that typically, when the Commission has reviewed a cellular or digital tower, they've limited the number of panel antennas, which hasn't been done in this case. He added that he is in favor of approving the application, but would like a condition to limit the number of panel antenna to the number that are on there now, including what's involved in this application.

Fellow commissioners agreed.

Mr. Rieley said that otherwise the distinction between 8 feet and 5 feet is meaningless. He added that the way the conditions were written previously did not address this.

Mr. Thomas stated that he feels that the correct place to put the wireless antennas is on towers, commenting that the tower itself is high.

Mr. Rooker commented that the radio antenna is not extremely obtrusive, and the radio station's initial concern was that they could not be competitive without increasing the tower height. At the time of the original application, there were no objections from people in the community. However, when panel antenna are loaded onto the tower, the appearance is altered enough to warrant review.

Mr. Craddock asked if each provider would have to come and ask for permission to collocate on the tower if they are below the 345 feet.

Mr. Rooker replied that if the condition were imposed restricting the addition of panel antenna, the Commission would have the opportunity to review applications for additional antenna.

Ms. Parker mentioned that the agreement was for Alltell to construct a tower that could hold up to four wireless telecommunication providers, noting her concerns about the proposed limitation.

Mr. Rooker said that this item will go to the Board of Supervisors, and if there is a specific number of antenna that they feel they would like as a maximum that is different from Commission conditions, they can impose that.

Mr. Cilimberg clarified that the Commission wants to establish a limit based on what's on their now, and if the Board wants to change it, they can.

Mr. Rieley agreed, adding that he does not object to putting more antenna on the tower, as long as there is a "homogenous system" that doesn't look like "a collection of…spare parts." He added that the appearance of the antenna is important.

Mr. Cilimberg noted that with collocation, there is a separation between providers, which plays a part in how they look.

Mr. Finley asked if Mr. Rooker wanted to add the condition limiting the number of antenna.

Mr. Rooker indicated that he wanted there to be an added condition limiting the number.

Mr. Kamptner suggested adding a clause to Condition #3 so that it states "Additional antennas, up to the number existing on the tower on April 18, 2000, may be attached to the tower as follows":….with

the understanding that between now and the Board's consideration of the item, the exact number of antennas that the tower can structurally handle will be determined.

MOTION: Mr. Rooker moved, Mr. Loewenstein seconded approval of SP 00-03 with conditions as amended. The motion passed unanimously.

SP 00-006 University of Virginia Community Credit Union – Request for a special use permit in accord with the provisions of Section 22.2.2.10 of the Zoning Ordinance, to operate a bank with a three-lane, drive-up teller facility on approximately 1.289 acres of land situated at the southeast corner of Route 250 East and State Farm Boulevard. The property, described as Tax Map 78, Parcel 20C is located in the Rivanna Magisterial District. The property is zoned PD-MC (Planned Development-Mixed Commercial) and EC (Entrance Corridor Overlay District), and is designated as Office Regional Service in Neighborhood 3 of the Comprehensive Plan.

SDP 00-018 University of Virginia Community Credit Union – Request for preliminary site plan approval for a bank with a three-lane, drive-up teller facility on a 1.289 acre site zoned PD-MC (Planned Development-Mixed Commercial) and EC (Entrance Corridor Overlay District). Applicant is also requesting a waiver of Section 4.12.6.2 of the Zoning Ordinance to allow for one-way circulation.

Mr. Rooker announced that he would not participate in the discussion of these items as he has a client with an interest in the application.

Ms. Amante presented the staff report. She explained that the applicant is proposing to construct a bank of approximately 4,430 square feet with four drive-through windows, one of which is an ATM. Ms. Amante said that the applicant is petitioning the Board to issue a permit for drive-through windows. Ms. said that the bank property is located in Peter Jefferson Place in the southeast corner of the intersection of State Farm Boulevard and Route 250. She explained that the applicant is also requesting a one-way circulation waiver, which was necessitated on the site plan because of the drive-through windows. She added that the applicant is also requesting a waiver for angled parking, which is necessitated because of the one-way circulation. Ms. Amante said that staff recommends approval of the special use permit subject to conditions, and also recommends approval of the site plan waiver with the conditions as presented.

Mr. Craddock asked if there was just one entrance to the bank on a new road, so that there is no entrance onto State Farm Boulevard or Route 250.

Ms. Amante said that there are two existing entrances currently into Peter Jefferson Place off of 250, and this application would necessitate one entrance onto State Farm Boulevard onto Hickman Drive, where the Kroger is located.

Mr. Rieley asked if it was fair to say that the waivers such as angled parking and one-way circulation are pro-forma for a drive-through bank, and the main issues were those four raised by VDOT, which were each addressed satisfactorily by the applicant.

Ms. Amante said that she spoke with a VDOT representative several days ago, who was able to say that all their recommendations had been addressed by the applicant, and that they were happy with the plan.

Mr. Finley asked if the screening of the bank from Route 250 is for headlights, rather than the residences on the other side.

Ms. Amante said that the screening is intended to address the affect of the headlights onto passing traffic, especially from cars using the bank's ATM at night.

Public comment was invited.

Ms. Alison DeTonc, President and CEO for the credit union, addressed the Commission. She explained that the proposed branch facility is important, as the credit union currently serves 35,000 citizens of Charlottesville and Albemarle. Ms. DeTonc said that their research and surveys show a strong demand for services in the Pantops area, as they have outgrown their East High facility. She added that the new bank will complement the commercial development already approved, and will be a nice addition to Peter Jefferson Place. She introduced Mr. Don Pickens of HPE Corporation, who designed and built the credit union's Berkmar Drive facility.

Mr. Thomas asked where the water would be hooked on to.

Mr. Andrew Circcoli stated that there is already water on the east side of State Farm, which comes under State Farm onto Hickman Drive. He added that the road built will connect the bank site to Hickman, and the water line will be put in as part of that.

Mr. Finley asked if the credit union belongs to the University.

Ms. DeTonc said that it does not belong to UVA, but was originally founded to serve UVA employees, and has now expanded to include other major employee groups, and has now expanded to include people who work or reside in Charlottesville or Albemarle. Ms. De Tonc noted that the Credit Union is owned by its members.

There being no further public comment, the matter was placed before the Commission.

Mr. Loewenstein said it seems to be a reasonable request, and he is pleased that VDOT is satisfied. He also commented that staff did a good job with the application.

MOTION: Mr. Loewenstein moved, Mr. Rieley seconded approval of SP 00-006 with conditions as presented by staff. The motion passed unanimously, with Mr. Rooker abstaining.

MOTION: Mr. Rieley moved, Mr. Thomas seconded approval of SDP 00-018 with conditions as presented by staff. The motion passed unanimously, with Mr. Rooker abstaining.

SDP 99-164 Still Meadows Swim & Tennis Club Site Plan Waiver – Request for a site plan waiver for pool, tennis courts, "common house" building and related parking on the designated recreation lot, zoned PRD Planned Residential Development. The property, described as Tax Map 46 Parcel 21A is located in the Rio Magisterial District on River Inn Lane at the intersection of Pleasant Crossing and River Inn Lane in the Still Meadow Development. The Comprehensive Plan designates this property as Neighborhood Density in Neighborhood 2.

Mr. Glass presented the staff report, noting that he tried to include more material than the Walnut Hills application to give broader information. Mr. Glass explained that this application is for a private clubhouse facility for the residents of Still Meadows, which includes some tennis courts, swimming pools, a small pool for tots, a small clubhouse, and parking. He said that this proposal was originally part of the rezoning application plan which was approved in 1997. Mr. Glass explained that that plan is a little different, with the parking along the road, and the tennis courts in a different spot. He said that in the language of the rezoning application, the applicant reserved the right to move some elements around on the site.

Mr. Glass said that the applicant originally proposed to access the site from Pheasant Crossing and not River Inn Lane. He said that VDOT and County Engineering felt the access originally proposed was too close to the intersection, as VDOT minimum standard is 50 feet, and the best the applicant could come up with was 35 feet. Staff also felt that the entrance came too close to the house on Lot 35. After conveying those concerns the applicant, they came back with the current plan, with the entrance onto River Inn Lane. Mr. Glass said that the original plan had good landscaping and screening, and staff is satisfied with the modified plan, with recommended conditions. He added that staff recommends approval of site plan waiver with the conditions as explained in the staff report.

Mr. Thomas asked for clarification on the letter in "Attachment E."

Mr. Glass said that the letter was submitted as part of the 1997 rezoning application.

Mr. Thomas asked if there was adequate water flow on the property.

Mr. Cilimberg said that there needs to be adequate water flow in order to reduce side-yard residential setback to 10 feet.

Mr. Loewenstein commented that by waiving the site plan, there is missing information such right-of-way width, building footprint dimensions, typical parking space width.
Mr. Glass said that they are not dimensioned on the plan, but engineering has reviewed the plan and feels that the travelways and parking spaces are of adequate width.

Mr. Rieley asked Mr. Jeff Thomas of County Engineering what he feels is an acceptable minimum radius for a 2-way 20-foot wide roadway that serves almost 30 parking spaces.

Mr. Jeff Thomas responded that the county requires a 100-foot minimum site distance, and this is considered an access to a parking area, and the code stipulates 100 feet minimum.

Mr. Rieley clarified that what he is asking is a minimum horizontal radius.

Mr. Jeff Thomas replied that there are not requirements for that.

Mr. Rieley stated that he has never seen a roadway with a 35-foot radius on center line that serves a public facility, and he is worried that engineering has not looked at this carefully enough to ascertain whether it is a safe access into the facility. Mr. Rieley added that he would be surprised if 2 full-size automobiles can pass each other on a 35-foot radius with two 10-foot lanes. "If this is a facility in which people are going to be gathering, we need to have some certainty that somebody's looked at this

carefully enough to be able to tell us that it meets a reasonable standard, and I don't think a 35-foot radius on center line is a reasonable standard…I've never seen a radius even approaching that tight."

Mr. Jeff Thomas responded that Engineering has reviewed the traffic flow quite extensively, and that is what has delayed the site plan waiver from coming before the Commission. He added that the entrance was originally adjacent to lot #35, and he was the one who raised concern about the proximity the intersection in terms of traffic flow.

Mr. Rieley said that center-line radius is a different issue than general traffic flow. He emphasized that these curves would not give an outside radius as great as the normal cul-de-sac that VDOT requires just to for a truck to turn around. He added that if the point is to have two-way automobile access, he would like to see why it was deemed acceptable.

Mr. Rooker asked if Pheasant Crossing is planned to be part of the public road system.

Mr. Glass responded that the access intended to access the facility is considered a driveway.

Mr. Craddock expressed concern about access for fire and emergency equipment.

Mr. Loewenstein commented that there is no written opinion from those officials either, adding that if this is a swim and tennis club, fire & rescue officials would almost have had to have looked at this. He added that waiving a site plan allows omission of details that, if overlooked, may cause results that will not be in the best interest of the applicant or the surrounding community.

Mr. Glass stated that Bruce Crowe, a fire official, has verified that adequate fire flow is available, and indicates that the location of fire hydrants are acceptable.

Mr. Lowenstein noted that there is no comment from Mr. Crowe regarding access.

Mr. Cilimberg explained that if he doesn't comment on a particular factor, it is considered to be adequate.

Mr. Rieley asked if the plan would go to all agencies in a preliminary form as it would if it were a final.

Mr. Cilimberg responded that it is reviewed by the same officials, but only goes through one level of review.

Mr. Finley asked Mr. Rieley if he was worried about the curve or the width.

Mr. Rieley mentioned Route 53 to Monticello, noting that those curbs are 3 times the radius of this. "This is extremely narrow. I've never seen anything even approaching this degree of tightness for anything that was like a public facility. It does seem to me that if this is going to be signed off on, that either engineering or the applicant should be able to reassure us that…it will work. "

Mr. Glass said that the premise that it was reviewed under is that it is a driveway, not a 45-mile-per-hour road. He added that most cars have a turning circle of between 32 and 40 feet. "I personally think that this is a relatively reasonable access."

Mr. Rieley asked if the county would be liable in any way if there were an accident on this roadway, and an emergency vehicle couldn't get in.

Mr. Kamptner responded that the official immunity would apply in this case, and whether or not to approve the site plan waiver is an exercise of some discretion.

Mr. Cilimberg said that the responsibility of staff and the Commission in granting a waiver is to ensure that all information that you would get in a preliminary and final site plan is still provided. "To pass the waiver, you need to be getting the same assurances that you would get through the preliminary and final site plan."

Mr. Thomas said he has confidence in Mr. Crowe's opinion that the access is sufficient for fire protection.

Mr. Glass commented that Mr. Crowe always brings up problems with access.

Mr. Rieley said he wondered if this application might be going through so quickly that it wasn't being scrutinized as carefully as a full site plan.

Mr. Rooker noted that as far as information that the applicant provides, the Commission would probably not be getting any additional information on the access with a site plan.

Mr. Cilimberg emphasized that this application has been through a lot of review, but perhaps the Commission should review it as if it were a preliminary site plan, and add conditions to address concerns.

Mr. Rieley said that he would like to be assured through some reasonable standard that two passenger cars or a fire truck and a vehicle can pass on the road.

Mr. Rooker commented that concerns may be able to be addressed through conditions.

Mr. Loewenstein said that he did not feel the problems were not limited to fire and rescue, but also include vehicles passing each other.

Mr. Thomas mentioned that the neighborhood is fairly close to the clubhouse, and wondered how many people would actually drive to the facility.

Mr. Glass added that it is anticipated that there will be pedestrian traffic.

Mr. Finley asked if the concerns about the road could be addressed by signage.

Mr. Rieley noted that he calculated the safe speed limit for the road, which he determined to be 10 miles per hour. He asked if there was a walking lane intended for River Inn Lane up to the facility.

Mr. Glass said that there was a walkway along the roadway of the original plan.

Mr. Rieley mentioned that there would also be foot traffic along the narrow road then.

Mr. Rooker commented that he doesn't know why the walkway has suddenly disappeared.

Mr. Cilimberg suggested adding it back in as a condition.

Mr. Rooker said that the same issues would arise regardless of whether the application was in site plan format or not, and conditions could be imposed to address concerns.

Mr. Rooker asked if the location of the building is fixed by this site plan.

Mr. Glass replied that it is, adding that there would be no difference in the site plan if the requirement is waived or not.

Mr. Finley asked if Engineering would be the ones to take another look at it.

Mr. Glass said that Engineering and Mr. Crowe would be the ones to re-review it.

Mr. Rieley commented that the issue is not what level the application is at, but whether it should be approved at any level.

Mr. Rooker stated, "We're not going to have any additional information before us if we made him jump through additional hoops and bring this in as a final site plan."

Mr. Rieley asked, "How do you think that we can be sure that – at whatever level – these radii meet reasonable standards. What I'm concerned about are the people who are going to be swimming in this facility….we should not sign off on something that's going to put people at risk, and I really don't think that this has been scrutinized carefully enough yet, and I think that needs to be fixed." He added that he would like to make sure that the road meets a reasonable standard for safety and access.

Public comment was invited.

Mr. Scott Williams of Crescent Development Group addressed the Commission. He explained that the plan presented is almost a final site plan. Mr. Williams said that the difference in what is shown on their plan and what is required by a site plan is minimal. He added that the application process has been going on for over four months; there have been several meetings with staff and VDOT to address concerns and develop a plan that suits everyone. Mr. Williams emphasized that he feels confident that his designer would not design a road that did not meet standards.

Mr. Williams explained that when they met with staff in the Fall of 1999, staff advised them to go with the site plan waiver. In discussions with staff, it became evident that the plan the applicant would submit would almost be a site plan, and the items not shown on the plan would be minimal. He stated that the application for a waiver by no means constitutes an attempt to get around the process, adding that this plan has been scrutinized as much as any plan he has worked on. He added that it has been well-reviewed by applicable departments, and has gone through many, many changes. Mr. Williams said that their goal is to provide property owners with the best possible facilities, and to begin construction as soon as possible. Mr. Williams urged the Commission to accept the recommendations of staff and approve the waiver. He emphasized that the site review meeting includes all the agencies and reviewing authorities, who have had many opportunities to comments.

Mr. Finley asked why the entrance was designed with such a curvature.

Mr. Williams replied that there is a drainage structure that currently exits, which has all the fill that it can handle structurally, and straight alignment of the road would require filling overtop of that pipe.

Mr. Rooker asked about the walking path.

Mr. Williams responded that there is a walking trail along the southern side of Pheasant Crossing, and the northern side of River Inn Lane. He added the walking path to the facility itself probably got lost in the shuffle, but their intent is to build it. Mr. Williams added that one of the most important parts of their plan is to encourage people to walk, not drive.

Mr. Rooker asked about the present status of sale of lots and building of homes.

Mr. Williams responded that Phase I is built out, with 44 lots, and they are currently under construction for roads and utilities to serve the 49 lots in Phase II. Mr. Williams noted that all 44 lots in Phase I are either occupied or under construction.

Mr. Rooker asked if this is approved, how quickly the facilities be open.

Mr. Williams replied that they hope to have something up and running this summer, and they have contractors in place for the pool, tennis courts, etc.

Mr. Rooker commented that the residents in the area have an interest in having this moved along.

Mr. Williams mentioned that the first plan submitted had the access coming in parallel to the property line with Lot 35; there was some discussion with VDOT and staff about shifting the entrance. He explained that the access off of Pheasant Crossing – while it did not meet VDOT minimum standards – VDOT said they could live with the 35-foot tangent achievable. Mr. Williams added that there are other issues with moving the entrance that might cause concern, including the property owner on Lot 35. He added that the property owner on Lot 35 has indicated he could live with the access coming in parallel in a straight fashion.

Mr. Cilimberg explained that VDOT suggested that River Inn Lane be maintained as the location for the access, rather than out to Pheasant Crossing.

Mr. Thomas asked how close that would be to the Carrsbrook Drive entrance.

Mr. Cilimberg said that it would be at least several hundred yards from there.

Mr. Rooker asked what issues arose with the planned access from Pheasant Crossing instead of River Inn Lane.

Mr. Glass replied that the VDOT minimum standard is 50 feet of a tangent section between commercial entrances and an intersection, and the most that the applicant could achieve was 35 feet. He added that it would also necessitate the building of a retaining wall on Lot 35 and some utility relocations.

Staff confirmed that Lot 35 has been built on.

Mr. Williams reported that the owner has indicated he could live with the entrance.

Mr. Rieley asked if there were traffic figures available for Pheasant Crossing and River Inn Lane.

Mr. Williams answered that River Inn Lane from Pheasant Crossing north is under 250 vehicle trips per day; on the other side of River Inn Lane, there are between 250-400 vehicle trips per day; Pheasant Crossing is also in the 250-400 vtd range.

Mr. Rooker asked if you widened the driveway at the point of entrance onto River Inn Lane and through the curve, if it would solve some of the problems.

Mr. Rieley said that one way to deal with the problem of tight radii is to widen the pavement on tight curves, to allow vehicles to come around on an angle. He added that if VDOT could live with the 35 foot tangent on the straight-aligned road, the grade is taken up on the other roads, it's a shorter road, it safer. "I think it would be better for everybody."

Mr. Williams said that the initial sketch they drew with the access from Pheasant Crossing had a 1% grade; the current plan from River Inn Road is 8%. "Our preference has always been Pheasant Crossing….staff was of the opinion that they wanted entrance off of River Inn Lane…and we didn't feel like we wanted to come to the Commission, going against staff….so we've revised our plan to show that entrance…knowing full well that we like the other one better, but our interest is to try to get the facility open."

Mr. Finley asked if the sewer is already in.

Mr. Williams replied that the sewer is an existing line.

Mr. Rieley emphasized that there are so many advantages to having the access from Pheasant Crossing.

Mr. Jeff Thomas re-addressed the Commission. He elaborated on Engineering's reason why they wanted the entrance from River Inn Lane instead. He acknowledged that that is more of a straight shot; however, placement of the entrance on Pheasant Crossing would interfere with the operational area of an intersection that is going to be carrying more traffic than the driveway. "We're concerned about conflicting movements in there, not only with the proposed driveway for this facility, but also with the intersection of Pheasant Crossing and River Inn Lane, and also with driveways in that area." Mr. Thomas emphasized that Engineering has taken a look at safety.

Mr. Rooker asked if there was a problem with increasing the width of the entry road.

Mr. Jeff Thomas replied that that probably could be done.

Mr. Barry Sennewald addressed the Commission, stating that he purchased Lot 33, which is contiguous to the road placement. He explained that the original concept presented to property owners was acceptable to everyone, and expressed concern that it seems to be getting more complicated. "I don't know why all the holdups. The questions are good, but one wonders why they come up so late in the game."

There being no further public comment, the matter was placed before the Commission.

Mr. Finley suggested adding a condition to ensure that this will be an adequate, safe, road.

Mr. Cilimberg reminded the Commission of the condition to put a pedestrian walkway back on the plan.

Mr. Rieley wished to encourage further exploration of access onto Pheasant Lane in which the concerns of introducing traffic to an intersection, and the problems the other approach is posing can be balanced.

He suggested adding a condition stating "Adjust the roadway either through widening or realignment of the existing one to meet recognized standards of safety and access, or to work out the access onto Pheasant Lane in a way that is mutually acceptable to both the applicant and the Department of Engineering."

Mr. Thomas wondered if it was too late to make the change.

Mr. Glass emphasized that there is no way an entrance from Pheasant Lane would meet minimum VDOT standards.

Mr. Rieley recalled that there was mention that VDOT said they could live with a 35-foot tangent.

Mr. Glass stated that he has never received verbal or written indication that they would support that; however, VDOT may have mentioned this to the applicant. He emphasized that Engineering is not comfortable with going directly against VDOT minimum standards.

Mr. Cilimberg mentioned that there is an "or" in Mr. Rieley's suggested condition.

Mr. Rooker emphasized that the property owners are eager to get the facility underway.

MOTION: Mr. Rooker moved, Mr. Thomas seconded approval of SDP 99-164 with conditions recommended by staff and two conditions added as follows:

(1) A paved pedestrian walkway from the roadway to the facility shall be provided as shown on the original plan.
(2) The developer shall either widen or realign the curves and the accessed driveway to provide safe and convenient access to the satisfaction of the Department of Engineering and the Fire & Rescue division, applying accepted standards, or in the alternative, provide access to the Swim & Tennis Club from Pheasant Lane instead of River Inn Lane.

Mr. Rieley requested that when this is resolved, Engineering comes back to the Commission with the resolution and width the applicable standards that were applied.

Old Business

Mr. Kamptner reported that the Fourth Circuit Court denied the 360 Communications request for rehearing.

Mr. Craddock asked how far down Route 250 can the water be connected into.

Mr. Cilimberg said that the water line goes to Glenmore, but the Board of Supervisors must grant approval of access to the line.

Mr. Cilimberg said that the Peter Jefferson Place line is different from Glenmore's.

Mr. Finley mentioned that conflicting dates prevent Commissioners from attending meetings they would like to attend.

There being no further business, the meeting was adjourned at 7:45 p.m.

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V. Wayne Cilimberg
Secretary