Albemarle County Planning Commission
March 20, 2001

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, March 20, 2001 at 4:30 p.m. at the County Office Building, 401 McIntire Road, Charlottesville, Virginia. Members attending were: Dennis Rooker, Chairman; William Rieley, Vice-Chairman, Tracey Hopper, Rodney Thomas; William Finley, Jared Loewenstein; and Pete Craddock. Other officials present were: Greg Kamptner, Assistant County Attorney and Elaine Echols, Principal Planner; Joan McDowell, Senior Planner; Jack Kelsey, Civil Engineer, and Wayne Cilimberg, Director of Planning and Community Developers. Also attending a portion of the meeting were members of the Albemarle County School Board: Chuck Ward; Diantha McKeel; Mary Rodriguez; Madison Cummings; Ken Boyd and Steve Koleszar.

4:30 p.m. – 5:45 p.m. - Meeting Room #235 - Joint Planning Commission and School Board Meeting.

A quorum was established and the meeting called to order.

Discussion Agenda:

1. *What is DISC? What is the Community Facilities Plan? How do these two documents impact planning for schools? - Wayne Cilimberg (Attachments)*

Mr. Cilimberg presented an overview of the Community Facilities Plan and DISC.

Ms. Echols presented a report on the Neighborhood Model. She encouraged all of the members to visit the County's website to review the slide presentation.

The Neighborhood Model states that it is not mandatory to purchase acreage for the parks sections of schools. It defines recreational playing fields that can go with schools or not with schools. New projects would have to have a pedestrian orientation and be respective of the terrain. Neighborhood centers is another principal of the neighborhood model, which schools can act as. The requirement that buildings and spaces be of human scale may play into the architectural design of new schools.

Mr. Kevin Kastner asked if the land requirement for a high school site of 45 acres includes just the necessities for the school or does it include the recreational areas.

Mr. Cilimberg answered that the community facilities plan has those kinds of specifications that were to include recreational facilities. The Neighborhood Model does not specify that acreage.

Mr. Rooker stated that part of the concept of the Neighborhood Model was to scatter green space around the development area rather than locate it in one spot to make parks more accessible within communities.

Ms. Echols said that the idea is in the future there may be times when separation is warranted.

Ms. McKeel pointed out that there is still certain acreage needed for an elementary school, a playground is necessary.

Ms. Echols stated that a school's needs should be accommodated on the school site.

Mr. Cilimberg said that there are possibilities for playing fields for the general public on land that is not as valuable for commercial, residential or school development needs.

2. *What is the process that is followed to present a plan for a school to the Planning Commission? – Wayne Cilimberg*

Mr. Cilimberg discussed the process followed to present a plan for a school to the Planning Commission. Following approval of the Neighborhood Model by the Board of Supervisors, there would need to be an

amendment of the Community Facilities Plan to reflect the new requirements. At this time we are at that transition point from past policy to future policy.

Mr. Rooker stated that the document was more specific on the subject of school facilities when it was originally received. He said that the Planning Commission did not feel that it was equipped to make specific requirements for school building so the language was removed from the document.

Mr. Kastner stated that he has not been asked about the Neighborhood Model's impact on the school board and schools. He asked how the staff would go about addressing concerns to the Planning Commission.

Mr. Cilimberg said that it was beyond the commission at this time, it is now with the Board of Supervisors. Any additional comments should be provided for the Board.

Mr. Kastner would like to know what the appropriate process would be if the School Board had questions.

Mr. Rooker pointed out that the neighborhood model contains very general requirements. Once the facilities plan is amended, that would be the point for the School Board to get involved.

Mr. Ward said that he is quite curious, that the consultant had some recommendations for the schools.

Mr. Cilimberg stated that the County could provide those materials.

Ms. Echols said that one on the things that was evident in the consultant's study was that if the County is planning for more urban development, it will need to plan more urban types of schools. The County needs to make better use of the land and plan neighborhoods in areas where people can walk to school.

Mr. Koleszar pointed out that if schools are to be more walkable they will need to be smaller.

Ms. McKeel said that if you are looking at smaller schools they are generally more expensive.

Mr. Rooker stated that the Neighborhood Model did not specifically recommend any particular size of school.

Mr. Koleszar said that DISC does not require it, but it will come up in the changes to the facilities plan.

Ms. Echols stated that the neighborhood model does not specify the number of kids in a school.

Mr. Rieley stated the Mr. Koleszar is correct in that there is a correlation between walkability and the size of a school. He asked Mr. Cilimberg to talk about the process of moving from DISC to the changes in the community facilities plan.

Mr. Cilimberg stated that it would be a major action item for the County at a staff level. The County relies on facility providers for the information necessary to modify the plan. The County has not identified if there will be a team or some other kind of structure. The community facilities plan will need to updated whether or not DISC is passed.

Mr. Boyd brought up the oversight committee from the community facilities plan. He asked if it was an active group, and if so, who was part of it.

Mr. Cilimberg stated that was a committee that did exist at one time, but is no longer active.

Mr. Kastner asked to hear the group's thoughts on diversity. He asked if each neighborhood should incorporate housing for all income levels.

Mr. Cilimberg does not believe it is realistic to think that the neighborhoods would take on that type of diversity. The idea was that the Neighborhood Model would provide more opportunities for different housing types and

costs within a neighborhood area. The plan is more about an integration of types and prices of housing that would provide opportunities for different income levels to reside in the neighborhood.

Mr. Kastner asked if Section 8 housing would be required.

Mr. Cilimberg stated that it was illegal to make that requirement according to Virginia law.

Ms. Rodriguez stated that in the future it would be good if we could avoid the use of the word “urban” in the discussions. People in the County believe that they live in a rural area. The word “urban” brings up images of downtown Washington, DC, etc.

Mr. Cilimberg said the purpose of the Neighborhood Model is to redefine perceptions of the word “urban”.

Mr. Ward said he felt a little sad when he looked at this, we got rid of the Hamlet ideas to quickly.

Mr. Rooker stated that public perception is important. We need to be careful about the terms we use.

Mr. Finley pointed out that the school board would have to be there in the very beginning of a new development.

Mr. Cilimberg stated that they can offer and the County can even coax.

Mr. Finley said that consideration would involve the school board.

Mr. Rooker said it would be helpful for Wayne or Elaine to talk about the Master Planning process.

Mr. Koleszar asked if the School Board is locked into the Community Facilities Plan until the Board of Supervisors acts.

Ms. McKeel asked where we stand in looking at building at prototype schools or are we fitting them to the land.

Mr. Cilimberg it is intended that each of the identified neighborhoods will go through a master planning process. It will be anticipating more than any plan in the past where facilities will be located, including laying out a system of roads. Right now, a plan for a school starts with a search process. The larger the site the better, but sites are less and less available due to price and topography. Once a site has been selected, our involvement from the planning side is a bit removed. Ultimately it is reviewed on staff level and then on the site plan with the Commission. There might be better way to get those plans accomplished in a more integrated way rather than just at the site plan stage.

Mr. Rieley said it seems it is even more important during this transitional period.

Mr. Cilimberg stated at this point, we get to some of the issues raised here.

Mr. Boyd asked if the Neighborhood Model was established as a methodology for deciding where neighborhoods should be placed or how it should be built once the site has been determined.

Mr. Cilimberg said that it is both. There has been no change in the areas identified for development.

Mr. Boyd verified that the Neighborhood Model would not change that.

Ms. Hopper asked if there would be new requirements for the size of school sites; is that size mandated?

Mr. Cilimberg said that the recommendation is guidance, and is not mandated.

Mr. Cilimberg said it might be good for us to ask the Board of Supervisors early on if we should be trying to achieve the requirements of the community facilities plan or if we are in a stage where that can be considered separately.

3. How can communication and coordination between the School Board and the Planning Commission on school projects be improved in the future?

Mr. Rooker stated that it would have been helpful to have a work session on the Northern Elementary School before looking at the finalized site plan. We requested that staff schedule a work session the next time a school is brought forward.

Mr. Thomas stated that the last plan was very rushed, more time would be helpful. His understanding is that the school board should be going past the five-year plan, toward the tenth year.

Mr. Cilimberg said that is happening now.

Ms. McKeel said they have had a very difficult time finding land, they were in a rush because we were over a year behind.

Ms. Rieley said he thought everyone understood.

Mr. Ward asked when the commission wanted to schedule the work sessions.

Mr. Rooker stated they should be scheduled at a time when meaningful comments can be made back to staff allowing time for changes.

Mr. Rieley said it would be helpful to have a session at the conceptual stage.

Mr. Kastner something that came up with two points of view. For economical reasons we were doing a prototype school, but it did not fit very well on the land. How do you get into that discussion early enough.

Mr. Rieley said absolutely, just so those types of issues can get on the table.

Mr. Thomas stated that our topography is not flat, that will have a lot to do with it.

Mr. Finley asked at what point does staff get involved.

Mr. Cilimberg said that there is the level of the capital project design which is managed through engineering and public works with the department of education. The site review staff are not officially reviewing until the application is presented to us.

Mr. Rieley stated that to get all of those issues on the table early on is in everybody's interest.

Mr. Finley said that a site review is a normal procedure.

Mr. Cilimberg stated that was the point in time when there is some money invested.

Mr. Rieley said he would like to have the meeting early on.

Mr. Cummings discussed the problems with the new high school, part of it was growth of 250 kids per year, part was acquisition. We are getting lucky as far as numbers of kids in that we will have more time for planning. He is baffled that this has not happened previously. We have the time for the Southern Elementary because of the numbers projections if we start now. Would appreciate the collaborative effort.

4. What should the role of the Planning Commission be in the future in terms of developing school facility plans?

- *Should a member of the Planning Commission participate in school design teams?*
- *Should a member of the Planning Commission participate in the site selection process?*

Mr. Rooker asked for thoughts on that issue.

Mr. Koleszar said that currently staff participates in the site selection process. Staff should represent the commission appropriately.

Ms. Hopper said that site selection is more similar to planning.

Mr. Koleszar stated that there is no school board member on that committee, so there should be no need for a planning commission member to participate.

Mr. Rieley asked if there should be a board member and a commissioner on the committee.

Ms. McKeel stated that perhaps we should have someone from both groups participate in the process.

Mr. Kastner stated that staff should be able to meet the intent of this. The distinction is meant for equal protection on both sides.

Mr. Rooker asked who was on the site selection committee.

Mr. Cilimberg stated that it was he and members of his staff,

Mr. Ward said that we get updates if we want them.

Mr. Rooker said that he does not know, but better communication with staff as the process is going forward would be helpful.

Mr. Kastner said that the groups could receive a report from staff at any time in the process.

Ms. McKeel stated she would like to see a better reporting mechanism.

Mr. Cilimberg said that some of what we do literally happens on a moment's notice. We can keep the planning commission informed during the process.

Mr. Boyd asked if there was a site selection committee already established. If so, what are the guidelines it operates under.

Mr. Reaser replied that the Department of Planning & Community Development works with the site selection committee.

Mr. Boyd agrees it should be a staff function. The site selection committee should review that information with the Board.

Mr. Cilimberg said the community facilities plan has been the guideline. The Neighborhood Model introduces a wild card. We will need to get verification from the Board of Supervisors as to how to proceed.

Mr. Finley asked what could be accomplished in an executive session.

Mr. Cilimberg said that we had to be careful to not drive the price up.

Mr. Kastner said he would like know where the County was looking for a southern site.

Mr. Rooker asked for additional comments regarding participation. Basically, what we have decided is that we would like more active communication from staff.

Ms. Hopper stated that if there was Planning Commission and School Board participation, that a commissioner and a school board member could attend as an observer to bring reports back.

Mr. Rooker stated that if we get active reports from staff then we would know where they are in the process. Then if we would like to sit on a meeting, that should be OK. Perhaps each body could appoint someone as the liaison with staff.

Mr. Cilimberg said that it is a dynamic process, which does not easily lend itself to general. Meetings have to happen quickly some times.

Ms. Hopper said that's even a better argument for choosing an observer.

Mr. Rooker asked if a person appointed from the commission could receive notices of the meetings, they would not be required to attend and would not vote. Their purpose would be to observe and report back.

Mr. Ward thinks that the Board should stay above that. He thinks that the board could just get updates as needed.

Mr. Koleszar said that they could send regular updates, which is really a staff function.

Mr. Rieley said that the distinction between policy and implementation is not the same.

Mr. Ward said that the commission has a much more vested interest in some of the details.

Mr. Kastner said that we are not trying to exclude, but to include in the process.

Ms. Hopper asked how he felt about having a designee for that process.

Mr. Kastner stated that he thought that was an unnecessary encumbrance.

Ms. Hopper asked if he would give information to all of us.

Mr. Kastner said that he would.

Mr. Ward said that perhaps we could plan into this process another joint meeting for staff to talk with the board and the commission.

Mr. Rooker said he thought that was a good suggestion.

Mr. Reaser said he thought that would help solve the problem.

Ms. McKeel said it is better to have some concrete way of communication established.

Mr. Ward said it would be good to outline a specific time for this meeting.

Mr. Rooker perhaps staff can come up with a specific recommendation for a schedule.

Mr. Finley asked if they would be executive sessions.

Mr. Reaser said they would be.

Mr. Thomas asked if the prototype school would have to be put on the back-burner.

Mr. Finley said he thought that depended on the site.

Mr. Reaser said that was correct.

Mr. Rooker pointed out the time constraints.

Mr. Cilimberg stated that there could be a planning commissioner involved in the design team if desired.

Mr. Rooker asked if the school board had a representative on the design team.

Mr. Ward said they had two on the architect selection team, but not on the design team.

Mr. Rooker asked if the school board would have any objections to that.

Mr. Ward said they would not.

5. Possible topics for future discussion.

6. Next steps.

Mr. Craddock asked Mr. Cilimberg how many developers have set aside school sites.

Mr. Cilimberg said that they have had one before he came to the County and one after at Glenmore.

Mr. Craddock asked if that was the only one still out there.

Mr. Cilimberg said yes.

Mr. Rooker adjourned the meeting.

6:00 p.m. – Meeting Room #241 –

Mr. Rooker established a quorum and called the meeting to order

Other Matters Not Listed on the Agenda from the Public:

Mr. Rooker asked for additional matters, there being none, he proceeded.

Consent Agenda:

Mr. Rooker asked if any of the commissioners wished to pull the item off the agenda for discussion.

1. **Approval of Minutes** – February 13, 2001.

Mr. Thomas moved for approval of the consent agenda.

Mr. Loewenstein seconded the motion, which passed unanimously.

4. Deferred Item:

   a. **SP-2000-33 Keswick (Sign #62, 67, 68, 69) -** Request for special use permit approval to allow an expansion of a resort hotel in accordance with Section 10.2.2 (27) of the Zoning Ordinance which allows for expansion of existing restaurants and inns. This expansion request includes 75 additional guestrooms, additional parking, an outside pool, and the relocation of the gatehouse. This proposal includes a reconfiguration of the residential lots approved with SP 95-12 that will result in a decrease of ten single family residential lots. In conjunction with a preliminary site plan application, SDP 00-63, the following zoning ordinance waivers have been requested: Section 4.12.6.1 related to one-way ingress and egress; Section 4.12.6.2 related to one-way internal circulation aisles; Section 4.2.3.2 related to developing on slopes of 25% or greater; Section 4.12.6.5.c. related to curvilinear and parallel parking; and Section 5.1.16(a) related to a required 75' setback for a swimming pool. The

property is described as Tax Map 80, Parcel 9 - Keswick Hall; Parcel 8Z - Keswick Club, the portion on the west side of Club Drive, approx.17.5 acres and the small portions being added to Parcel 9 for the pool and wing expansion; Parcels 8, 61, 62, 62A, 62B, 62C, 62D, 70A, 90, 95, 96, 97, 98, 100, 106 and 109A. The property is located in the Rivanna Magisterial District at 701 Club Drive on the south side of State Route 731 (Keswick Road) and west of State Route 616 (Black Cat Road) and on the north side of I-64. The property is zoned RA Rural Area District. The Comprehensive Plan designates this property as Rural Area. (Joan McDowell)
DEFERRED FROM THE MARCH 13, 2001 PLANNING COMMISSION MEETING.

Ms. McDowell presented the staff report.

Ms. Hopper asked if the water system would handle all of the platted and unplatted lots.

Ms. McDowell referred to the chart on page 12. According to the water study there was enough water for 74 lots in expansion.

Ms. Hopper asked which 74 lots were being discussed.

Ms. McDowell stated they were looking at lots owned by Keswick and then owned by others.

Ms. Hopper said it is 55 plus 23 for the platted lots, which totals 78. She wondered if that was right or if she was looking at it incorrectly.

Ms. McDowell said that Ms. Hopper would need to ask one of the Keswick representatives, from whom she got the numbers.

Mr. Rooker said that there are lots out there today are not on this system, that use wells.

Ms. McDowell said that was correct, there were 14 of them.

Mr. Loewenstein asked what the effect on the aquifer would be.

Mr. Rooker asked if there was additional staff report.

Ms. McDowell continued.

Mr. Loewenstein asked Ms. McDowell to talk a little more about item #4 on the unfavorable factors.

Ms. McDowell stated that they believe that the water capacity is there in a 4th well. The concern is that they not take away water from the existing residential area and from the surrounding area. It is difficult to determine where the water comes from, the acquifer is unique. We have not had a sufficient demonstration that there is plenty of water for Keswick and outside of Keswick.

Ms. McDowell said that prompted page after page of discussion in the staff report and the condition.

Mr. Thomas asked if she had stated that there was not enough water if Keswick was totally built out.

Mr. McDowell said that there may be enough water, but the system needed to be expanded to pump it out of the ground.

Mr. Thomas asked if there was enough water for the additional 74 homes.

Mr. McDowell stated that they would have to prove that they have enough water before they could add a well.

Mr. Cilimberg said that that was the purpose of conditions 3 and 4.

Mr. Rooker stated that there was adequate water for the planned facilities, but if additional houses are built on lots that are currently undeveloped, it would be necessary to expand the system.

Mr. McDowell said that was correct.

Mr. Cilimberg stated that a central water system would go through an approval process with the Board of Supervisors and also would go to through a compliance with the comprehensive plan review, an expansion would require those things to happen.

Mr. Rooker stated that the request to expand would be coming before the commission and the Board of Supervisors.

Mr. Cilimberg said yes, for central system approval.

Ms. Hopper agreed that in such a case the applicant should come before the Planning Commission and Board of Supervisors for public comment.

Mr. Cilimberg stated that they would have to request for an expansion of the central water system. There is already the mechanism for additional review.

Ms. Hopper asked if the platting of the unplatted lots would bring the item back before the commission.

Mr. Cilimberg said that it could if the commission pulled the item.

Mr. Loewenstein asked if there was any way to evade that requirement, to go through anything other than a central water system.

Mr. Cilimberg said they could use individual wells.

Mr. Loewenstein asked for verification of that.

Mr. Rieley thought that condition 3 prevented that.

Mr. Rooker pointed out that the language required that the water system be available to serve all said lots.

Ms. McDowell said that the language would not prevent someone from drilling their own well.

Mr. Loewenstein stated that the impact on the aquifer still needs to be taken into account.

Mr. Cilimberg said that when they come to plat those additional lots, they have to present verification that the central water system is available for the additional lots. The lot owners do not have to use central water.

Mr. Rooker pointed out that item #4 spoke to that issue of the adequacy of the system.

Ms. Hopper asked if there would there be any benefit to the applicant returning and asking for an amended special use permit if the applicant wished to develop the unplatted property.

Mr. Kamptner asked if there was any benefit beyond simply calling the plat up.

Mr. Cilimberg said that the commission could condition that the plat will be reviewed.

Mr. Rieley said that the special use permit could carry conditions with it.

Ms. Hopper said “versus a plat review which would be an administrative process.”

Mr. Cilimberg said that they were talking about removing approval of some of the lots.

Mr. Rooker pointed out that we had a report that talks about the adequacy of the system to handle a certain number of lots. Is there some mechanism that requires them to expand the system when they go beyond a certain number of lots.

Mr. Cilimberg there is nothing regulatory that requires them to submit a request to expand the system.

Mr. Rooker asked if the commission could add a condition that if any lots are sold beyond the numbers the report indicates could be adequately served by the existing system, the applicant would have to return for the commission to review the adequacy of the water supply.

Ms. Hopper stated that was what she was getting at.

Mr. Kamptner said that he thought you could do that, at that point we would need to know what the current status of the water system is. The system may still be producing and adequate supply after the 74 lots.

Mr. Rooker said this would provide a point at which there will be a review of the system.

Ms. Hopper said it would not require that the system be expanded, but would be a formal review.

Mr. Rooker stated that the County has not done its own study, it is relying on the information the applicant has provided. Can we establish a procedure through the conditions that when they exceed the usage numbers in their own report, can we have a review mechanism. He is not comfortable leaving with the applicant the determination of indefinite of expansion.

Mr. Kamptner asked if the language “to the satisfaction of the planning commission” was added to the second line of condition 3, if that would meet the needs of the commission.

Mr. Loewenstein said that it still doesn’t eliminate the possibility of building independent wells.

Mr. Rooker asked if there was a mechanism whereby we can require new lots to hook onto the existing water system.

Mr. Rieley said he did not think there was.

Mr. Loewenstein said he was sure what the net effect would be to the aquifer.

Ms. Hopper said that we could make an addition to condition three to address the overall issue of water supply.

Mr. Rooker stated that if the system was not adequate, the applicant would have to go to condition 4 where they have to make the showings.

Mr. Loewenstein asked about the difference between “available” and “adequate”.

Mr. Rooker stated that based upon the report it appears that the system is adequate to handle a certain number of lots. When you get to the point in item #4 where the condition kicks in then you have that kind of review. When they cede that number of lots, then they are going to have to demonstrate that the existing central service is available.

Ms. Hopper said that she would also like them to demonstrate that the water service is not only available, but also adequate to meet the proposed expansion.

Mr. Rooker asked when that kicks in. Does that kick in every time that they record a new plat, would they be required to make that showing.

Ms. Hopper stated that the issue of the system vs. the adequacy of the aquifer are different issues. Each time the unplatted property is subdivided or platted it should be set up to come back to us for review.

Mr. Rooker asked how she would propose the condition at this point.

Ms. Hopper deferred to Mr. Kamptner, but would like to add the word "adequate" and the rest of the sentence to condition 3.

Mr. Cilimberg stated it would not be necessary to add a requirement for review by the Board of Supervisors.

Mr. Rooker suggested opening the public hearing at this time.

Mr. Richard Carter, the applicant, stated that they agreed with the staff report and the discussion that has been presented. Keswick is an existing resort and is a feature in the County's rural area. We think that Keswick is unique. We are considering the Hall, the Club, and Keswick Estates in this SP. The SP is primarily about the Hall, but all three are interwoven. Phase I is a new wing with 28 suites and a conference room, and a pool next to the hotel. Phase II are villas which have 48 rooms, for a total increase of 75 rooms.

Mr. Carter stated that they agree with VDOT on the traffic, and what they say we agree to and we'll do.
He stated that they will not plat anymore lots until we can demonstrate to the County that we have adequate water to serve those lots. We will not plat anymore lots until we can show that we are not draining water from surrounding wells. We will make sure we are not drawing down the water in surrounding lots using testing methods. It is very likely that if there was not enough water we would have to amend the plat. Whatever the mechanism determined by the commission that will be our basis. We do not want to plat lots that do not have water. According to the studies, we have enough water to do this expansion and 74 lots. Only 39 are platted now, we will have to come back to plat the remainder. He noted that they have cut back 10 lots of the 85 platted and unplatted by expanding some lots and increasing green space. We have added 10 more acres of open space. The only thing that would change that plan would be water issues.

Mr. Carter said that this is a project that needs to succeed.

Mr. Thomas asked how many acres are in open space.

Mr. Carter stated that the area in open space is 99.6 acres out of 700, not counting the golf course.

Mr. Rooker asked for additional public comment.

Mr. Walt Johnson, resident, strongly supports the application.

Mr. Jeffrey Werner, Piedmont Environmental Council, endorsed the application, but encouraged the applicant to place the open space under easement and reassess their future development intentions. His comments are attached.

Mr. Thomas Shearer, resident, said that his concern was security. We need security. Keswick Estate has a history of violent crimes. By the fall of 1994 there was a gatehouse in place manned 24 hours per day. By May of 1999 Orient Express has come in, they want no impediments to the usage of the land. On February 26th and 27th the gatehouse was torn down. The Homeowner's Association paid for that gatehouse. He requests there be a requirement to restore the gatehouse.

Mr. Carter stated that this is one the commission is familiar with. A lot of this has been reviewed at the ZTA level. We appreciate the staff's assistance on this item.

Mr. Thomas asked if he meant deed restrictions.

Mr. Carter stated that a number of lots, 46, are already approved. We have not submitted a plat to have that put on record. At that time, it should be required of us to demonstrate that there is adequate water and that it does not adversely affect other wells.

Mr. Rooker said he thought that was what the commission was trying to accomplish in condition 3.

Mr. Loewenstein said it does not deal with the issue of wells that might be sunk independently.

Mr. Carter said as to the lots that are already platted, they all must hook on to the central system. It is our intent that any remaining lots would be subject to the master declaration. If there is a legal way to prevent people from drilling wells, we are willing to talk about that.

Mr. Kamptner said they could impose that requirement as part of a special use permit.

Mr. Rooker said he is not certain they would get anywhere by doing that.

Mr. Cilimberg said the water would come from the same aquifer.

Mr. Rieley raised the issue of dedicating the open space to easement. Asked Mr. Carter if he would object to a condition that all of the open space would be placed under easement.

Mr. Carter stated they would do it. We have no use for it, it does not matter that it's under easement.

Ms. Hopper asked about a future second phase; she pointed out that there are other uses discussed. Some seem to be accessory uses and others seem to be commercial uses.

Mr. Carter said that the Day Spa is an extension of the pool area. It is just for members and guests at the Hall only, or perhaps the guest of a member. As to the banquet hall, it is really seen as an extension of the Hall. The area is open, it has parking, and is really an adjunct to the Hall.

Ms. Hopper asked if he would object to the restriction of limiting its use to members and guests only.

Mr. Rieley reminded that the commission has discussed the issue of weddings in the rural area before.

Mr. Rooker recalled before a request for a zoning text amendment to allow as a matter of right, weddings in the rural area.

Ms. Hopper said it was a ZTA to create a new special use category.

Mr. Rieley said he thought this property should be treated the same way.

Mr. Carter stated that he has no objection, the only people who would use it would be club members and people who were staying at the Hall.

Ms. Hopper said it couldn't be the club member's best friend, but a direct relative.

Mr. Carter said that the club member is responsible.

Mr. Loewenstein asked how that would be enforced.

Mr. Cilimberg said that will have to be self-enforced.

Ms. Hopper feels it needs to be clear that we are not blessing a commercial activity with the special use permit. She asked Mr. Carter if he had any proposals about the gatehouse.

Mr. Carter said that the gatehouse was constructed in the wrong location. We have determined to move the gatehouse and will use a mechanical gate. The gatehouse was moved with the County's permission. This has not been a popular decision in the neighborhood. We were originally going to put the mechanical gate into service about two weeks ago, but have delayed that to work with the residents through the Keswick Estates Board of Directors.

Ms. Hopper asked about the composition of the Board of Directors .

Mr. Carter said that the Keswick Corporation has a majority on the Board, there are three resident directors chosen by the homeowners. This will remain until all the lots are sold.

Ms. Hopper said it affected the bargaining power of the residents with the corporation having the majority.

Mr. Carter pointed out that in every board there are majorities that can make decisions.

Mr. Rooker pointed out that in most every development scheme, the developer retains control until a certain percentage of the lots are sold.

Ms. Hopper stated that she wanted to make sure that the residents' voices were heard.

Mr. Carter said that discussions have already occurred and the corporation is currently trying to work through their concerns.

Mr. Rooker asked if there was a gate currently in place.

Mr. Carter said that there was. We have determined to keep at least one of the gates manned until the problem is resolved. It is not in our best interest to make people angry.

Mr. Rooker asked if there was any document that requires the club to maintain a security gate.

Mr. Carter said not a manned security gate, but security itself is a requirement.

Ms. Hopper asked if he would be against a system of manned security.

Mr. Carter stated that economically we do not want to do that.

Ms. Hopper asked he objected to manned security at both gates.

Mr. Carter said it did.

Mr. Rooker asked if this was a card security system.

Mr. Carter said these cards do not have to be inserted into a reader. There is a mechanism to press the button and somebody within the Hall can open the gate. They are bringing in people with similar systems to discuss how to approach these problems.

Mr. Craddock said that the old gatehouse was fairly attractive, the new system is not. When he visited recently, the arm was up and the person was sitting in a truck at the gate. It would have been easy for him to just drive in.

Ms. Hopper stated that there was an issue among neighbors about the change.

Mr. Thomas said that he thought that was a matter for the residents and property owners.

Mr. Rooker agreed that it should be a private matter between the applicant and the homeowners.

Mr. Jim Hogan, resident and member of the Board of Directors, said that there is a good relationship between the residents and the corporation. Movement of the gate occurred with the approval of the 3 residents on the Board. We view this as an internal matter that we need to resolve.

Mr. Johnson said that as a member of the commission, the gate was pursuant to a request to establish a private road, currently known as Club Road. The provision was included in the special use permit to have controlled gates in order to get permission for a private road. Security was never a consideration, it was purely to control access on that road.

Mr. Rieley asked Mr. Hershman to talk about water supply. He is troubled by the County's capacity to verify that, the water study was based on the assumption that the property was surrounded by large estates. He is concerned about our capacity to accurately gauge the affect on the aquifer.

Mr. Hershman stated that he agrees with Mr. Rieley. Some tests have been developed, tests that are designed to verify an initial capacity, not to test a regional draw-down on impact on the aquifer. Their aquifer is atypical for the Piedmont, but it has higher yields than other formations.

Mr. Rieley stated that it is in no one's interest to have the draw-down be a problem. Having heard the debate about how to word the conditions, can you offer any suggestions to increase that assurance for everybody.

Mr. Hershman stated he believed it would be a self-correcting thing. They will be the first to come forward. He was confused with the earlier discussion. He had been asked to come up with condition #4.

Mr. Rieley assumed that the stipulation would mean that the commission would have some say in what kind of testing would be done in order to satisfy the commission.

Mr. Hershman said that when we talk about expansion with regards to a water system, you can use of the system without increasing the source. Usually the way we define expansion is adding source, or drilling new wells. If they drill a new well, they have to come to the County and to the health department.

Mr. Thomas said they would have to go by an occupancy rate, do you know what that is.

Mr. Hershman said that's the type of analysis that the Health Department would generally do.

Mr. Rooker said the intention was to apply your suggestion to condition 4 to the situations set forth in condition 3, applicant will be required to submit to the same requirements set forth in condition #3.

Mr. Hershman said if you look at condition 4 it has two parts, the first which says the applicant shall verify and the second which says if expansion to central system occurs.

Mr. Rooker said the commission had added that same round of testing before any additional platting is made. The applicant would be required to submit the same type of showing.

Mr. Finley pointed out that this has happened before.

Mr. Hershman said it was fairly routine, the expertise to administer these tests resides with the Health Department.

Mr. Finley asked if a major site plan amendment would be required if the system proved inadequate.

Mr. Rooker stated that the commission would not approve without showing.

Mr. Kamptner said that in condition #4 the word expansion is used twice, the 1st time is expanding the usage of the water system, the 2nd time is expanding the water system.

Mr. Cilimberg said that the intention was to address the adequacy of the water available for any new unplatted lot and any expansion of the water system.

Mr. Rooker said it seemed to him that they were dealing with three different issues. We were talking about the platting of additional lots which is really a third issue.

Mr. Hirschman recommended modifying the word expansion.

Mr. Rooker said that one concern that allows these facilities to be built, there would be pressure to expand the jurisdictional area, which would have a tendency to open up the area for additional development. He asked if we could draft a condition that would deal with that issue.

Mr. Kamptner said that in the past we have discouraged conditions that require things to be placed in deeds.

Mr. Rooker said that one of the reasons for that from a practical standpoint, you might have property owners that the lack of public water would be stated clearly in the title to the property.

Ms. Hopper mentioned Peacock Hill and other places that had a private central water system fail that then had to be replaced by public water.

Mr. Rooker said he would defer to legal.

Mr. Craddock asked if that would have to come through the Board.

Mr. Cilimberg said any jurisdictional area expansion goes to the Board of Supervisors.

Mr. Rieley stated that it is basically for the benefit of those buying lots, that they understand that this is not an area that will be served by public water.

Mr. Cilimberg suggested making the condition more direct.

Mr. Rooker suggested leaving out the phrase “applicant acknowledges”.

Mr. Finley said not necessarily on the plat.

Mr. Rooker stated that some reference to this condition should be placed on the plat.

Ms. Hopper asked if it should also be included in the master declarations.

Mr. Thomas agrees that it is a good idea.

Mr. Finley disagreed with the wording.

Mr. Rooker stated that it expressed the intent of the commission at this time, but it could be amended at any time by future commissions or boards.

Mr. Thomas asked if there should be something at the end of it to specify that.

Mr. Cilimberg said that was not necessary.

Mr. Loewenstein suggested language for the open space easement.

Mr. Kamptner clarified the language.

Ms. Hopper asked if there had been any discussion of the condition to limit use of the facility.

Mr. Rieley said he thought that was the requirement of the club and would not be enforceable under zoning.

Ms. Hopper said that the banquet hall would only be used by a club member or a guest of the Hall.

Mr. Kamptner said he was focusing on the land use impact.

Mr. Cilimberg said there would be increased traffic.

Ms. Hopper said it would be a commercial use in a rural area.

Mr. Rooker said increased water usage.

Mr. Loewenstein said the problem was in inviting others who are not members of the club.

Ms. Hopper said that use would be fine, she would just like to limit the commercial rental of the facilities.

Mr. Rooker stated that you would need to be a member in order to reserve the space.

Mr. Loewenstein said if that was the only restriction, that would be fine.

Ms. Hopper said you could host the party and invite who you wanted to, but Keswick Hall could not advertise the use.

Mr. Loewenstein said it would still be difficult from an enforcement perspective.

Mr. Rooker stated that the difference would be in the membership requirement.

Mr. Loewenstein said that he is not sure any language will effectively prohibit that.

Mr. Thomas said that the earlier statement would address that.

Mr.Rieley stated that we need to remember that this ownership might change next week.

Mr. Rooker said we would need to consider potential future applications.

Ms. Hopper said that was not what the special use permit category allows.

Mr. Rooker stated that he was not even certain that the changed language allows this banquet hall.

Mr. Thomas said that he agreed that the intent be captured by the legal department.

Mr. Kamptner reviewed the language of the condition.

Ms. Hopper said that the banquet hall and other amenities should be included.

Mr. Rooker said they were not suggesting that the general public could not use the restaurant. Those who engage the facilities should be members of the club or guests of the hotel, not that the guests themselves should fall into those two categories.

Mr. Craddock asked if we could do the same thing for banquet halls at firehouses.

Mr. Rooker said we have generally granted those special use permits with significant restrictions.

Mr. Rooker stated that those facilities are generally limited to certain number of days per year. He believes this condition is consistent with that use, you achieve the same kind of restriction on total usage.

Ms. Hopper had a comment regarding the gatehouse issue. She noted that relocation of the two gate houses was an issue as well as whether they were manned or not. In the past, special use permits required that security issues be addressed. Since the electronic gatehouses provide security, the Commission then has no recourse on this issue.

Mr. Thomas moved to approve SP 2000-33 with additions and conditions as modified.

1. The Keswick Estate shall be developed in general accordance with the plan titled Keswick Estate Conceptual Long Range Master Plan, prepared by Roudabush, Gale and Associates, dated December 18, 2000 and included as Attachment A.

2. No building permits shall be issued for Phase II improvements beyond those improvements authorized by SP 00-33, as shown on the plan titled Keswick Estate Conceptual Long Range Master Plan prepared by Roudabush, Gale and Associates dated December 18, 2000, until all road improvements described in the Virginia Department of Transportation letter from R.P. Ball dated February 21, 2001, and included as Attachment B, have been completed (not bonded) to the satisfaction of the County Department of Engineering and Public Works and the Virginia Department of Transportation.

3. Prior to final site plan approval of the improvements authorized by SP-00-33, the applicant shall demonstrate to the satisfaction of the Planning Commission that the existing central water system, approved under Permit Number 200192 issued by the Virginia Department of Health, Division of Water Supply Engineering, dated March 12, 1992, is available and adequate to serve all of the improvements and associated uses authorized by SP-00-33, as well as all existing improvements and associated uses and all platted lots, without compromising on-site and adjacent off-site well water supplies. In making this demonstration, the applicant shall use test procedures approved by the Virginia Department of Health and the County Department of Engineering and Public Works.

4. No unplatted property shall be subdivided and no approved subdivision plat shall be recorded unless the applicant demonstrates to the satisfaction of the Planning Commission that the existing central water system, approved under Permit Number 200192 issued by the Virginia Department of Health, Division of Water Supply Engineering, dated March 12, 1992, is available and adequate to serve all of said lots, as well as all existing improvements, associated uses, and platted lots, without compromising on-site and adjacent off-site well water supplies. In making this demonstration, the applicant shall use test procedures approved by the Virginia Department of Health and the County Department of Engineering and Public Works.

5. If the central water system must be expanded to meet existing or future demand, the applicant shall seek and obtain all necessary approvals for expanding the system from the Virginia Department of Health and the County Board of Supervisors.

6. All areas identified as open space on the plan titled Keswick Estate Conceptual Long Range Master Plan prepared by Roudabush, Gale and Associates dated December 18, 2000, shall be subjected by the applicant to one or more easements preserving those areas as open space in perpetuity. Each easement holder shall be an organization authorized to hold such easements by the Commonwealth of Virginia. Prior to final site plan approval of the improvements authorized by SP-00-33, the applicant shall present written evidence to the Planning Commission demonstrating that this condition has been satisfied.

7. Except for any restaurant on the property open to the general public, Keswick Hall and its associated facilities shall be used only by the guests of the inn and their invitees, and members of the Keswick Country Club and their invitees.

8. Each plat of division of any lands shown on the plan titled Keswick Estate Conceptual Long Range Master Plan, prepared by Roudabush, Gale and Associates, dated December 18, 2000 shall include the following statement if those lands are not within a jurisdictional area and will not be served by a public water or sewer system: “On the date of approval of this plat by the agent, the lands being divided are not within a jurisdictional area and public water and sewer service are not available.”

Ms. Hopper seconded the motion, which passed unanimously.

Mr. Finley moved for approval of the waivers with conditions as presented.

1. **Waiver of Section 4.12.6.1,** as to one-way ingress:
   The Commission may approve one-way ingress and egress in such case where the same is necessitated by the peculiar character of the proposed use or site. The one-way circulation would allow safe ingress and egress to the inn, as the reconfigured parking and drive aisles would be constructed around existing conditions related to the inn and parking area.

2. **Waiver of Section 4.12.6.2,** as to one-way circulation aisles within a parking lot:
   The Commission may approve one-way circulation in such case where the same in necessitated by the peculiar character of the site.
   The one-way circulation would enable safe and accessible use of the site, as the revised parking area and drive aisles would be constructed around existing conditions related to the inn and parking area.

3. **Waiver of Section 4.2.3.2,** as to developing in existing steep slopes:
   The following comments has been received from the Engineering Department:

   Critical Slopes Waiver Recommendation: Based on the review above, the Engineering Department recommends approval of the waiver for Keswick Hall Phase I, subject to the following conditions:

   1. Proper slope construction, control of drainage, and vegetative stabilization to prevent any movement of soil shall be required.
   2. A stormwater management plan shall be submitted with the final plans for approval.
   3. Inspection and bonding by the Engineering Department will to ensure siltation control during construction meets state erosion control standards shall be required.
   4. Re-vegetation of proposed slopes shall be required.

4. Waiver of Section 4.12.6.5(c), as to curvilinear parking
   Where practical considerations warrant, the Commission may authorize other angled, curvilinear and/or parallel parking. Due to existing conditions, topography and conditions related to safety, the applicant has requested a curvilinear parking waiver.

5. Waiver of Section 4.12.6.5(c), as to curvilinear parallel parking
   Where practical considerations warrant, the Commission may authorize other angled, curvilinear and/or parallel parking. Due to existing conditions, topography and conditions related to safety, the applicant has requested a curvilinear parking waiver.

6. Waiver of Section 5.1.16(a), as to a 75' setback requirement for a swimming pool has been addressed earlier in this report.

   Setback Waiver Recommendation. Staff recommends approval of a waiver from Section 5.1.16(a), subject to the following condition of approval:

- The property line shall be moved to the location as shown on sheet three of the plan titled Keswick Hall Site Plan Phase I last revised February 5, 2001 and prepared by Roudabush, Gale & Associates.

Ms. Hopper seconded the motion, which passed unanimously.

5. Work Session:

   a. **Meadow Creek Parkway** (Jack Kelsey)

Mr. Charles Scott, Jones and Jones, introduced his colleagues.

Mr. Scott started with a brief overview of the information we brought with us during the last work session. We came back with 3 alternatives, the general consensus seemed to be that alternative A seemed to fulfill most of the criteria. We looked at alternative A and some more refined concepts.

The advantage to alternative A was that it did not intersect the urban development area. It seemed to consolidate the bridge impacts to Meadow Creek in this location. This part of the creek has already been impacted by the railroad bridge. It crosses Meadow Creek at a constriction in the floodplain, resulting in a narrower crossing point.

Mr. Rooker asked Mr. Scott to explain how the intersection with Rio Road would be handled as well as the impact on the Dunlora subdivision.

Mr. Scott said that there were two alternative intersection configurations, one being a T intersection, the other being a divergence. From a geometric standpoint, both intersections seem to work.

Mr. Thomas asked how they both worked.

Mr. Scott said that from the standpoint for sight distance, how they fit the terrain, and stacking distance they both work. Beyond that, it required a fair amount of analysis to compare the function of the configurations.

Mr. Thomas asked if he would suggest the design of a continuous right-turn lane onto the Meadow Creek Parkway.

Mr. Scott said that kind of analysis was beyond our scope. He said that they felt safe staying with something that was consistent with the VDOT plan. Further analysis would be required to make the decision between the two.

Mr. Craddock asked about the house located south of CATEC.

Mr. Scott said he thought they would have a driveway access.

Mr. Rooker asked if any part of Rio Road was being moved closer to the Dunlora subdivision. Does this envision shifting Rio Road to the east.

Mr. Scott said all this envisions is tying Rio Road onto the parkway through a curved connector.

Mr. Rooker verified that was an added piece of road and asked about its purpose.

Mr. Scott stated that the purpose is to maintain traffic access onto Rio Road off of the Parkway. It would encourage traffic movement to funnel onto the parkway. With the other spur coming off of Rio that connects with the parkway in a T intersection, all of the traffic would go in that direction. The remainder of roadway would be abandoned for the most part, with the exception of residential access.

Mr. Luis Alvarez asked who would gain control of the abandoned part of Rio Road.

Mr. Scott said that would have to be looked at as part of the existing intersection configuration.

Public said he would like clarification on the way this process works. He would like to maintain as much separation from Dunlora as possible. He also suggested that the ease of ingress and egress from the subdivision be maintained.

Mr. Scott stated that the meeting with VDOT today was their first direct discussion with them.

Mr. Rooker said that the County has hired consultants to try to come with a pleasing design that would meet the requirements set out by VDOT. The County does not ultimately make the decision, VDOT does. He encouraged residents to follow the design process, submit concerns to the county, and participate in any public hearing.

Mr. John Springett, said that he appreciated the work.
Mr. Jack Kelsey said that the whole section is an unknown quantity right now.

Mr. Scott stated their report or document to the County will discuss the options but will not come to any conclusion.

Mr. Springett asked if that would that report be available to the public.

Mr. Rooker said public information could be obtained from the engineering department of Albemarle County.

The presenters showed a computer animation of the plan for the road.

Mr. Thomas asked if VDOT would control the slope.

Mr. Scott said that the slope developed is in compliance with VDOT's plan.

Mr. Alvarez asked if VDOT would be examining this from the standpoint of both alignment and constructibility.

Mr. Scott stated that they had talked with VDOT about that in terms of balancing cut and fill. A preliminary evaluation will be done in that vein to determine the balance of cut and fill.

Mr. Rieley said that VDOT's plan had many thousands of yards of fill and did not balance at all.

Mr. Thomas asked for the slope on the bridge.

Mr. Scott stated it was about 8%, which is within VDOT's design standards. There is some discussion of minimizing the slope to reduce the cut.

Mr. David Sorey pointed out that this bridge is 80' shorter than VDOT's design, meaning it would be cheaper to build.

Mr. Scott said that they were able to achieve that reduction by using a much narrower opening in the channel, it looks like the bridge span would be quite a bit shorter than the VDOT plan.

Mr. Thomas asked how far is came back from the banks of the Creek.

Mr. Scott stated that the plan is on evolving this a little bit more. There would be two abutments flanking the channel. The idea is that eventually they will have a line and grade that could be submitted to VDOT.

Mr. Thomas asked for the time schedule.

Mr. Scott stated that their report to Board of Supervisors would be submitted in early to mid-May.

Mr. Scott briefly discussed the urban development concept.

Mr. Gary Okerlund pointed out that the areas indicated in yellow are the buildable areas.

Mr. Rooker asked what interpretive elements were.

Mr. Scott stated that they would be existing or restored natural elements, perhaps with interpretive signage. Components or elements would be the water system, vegetation system, recreation and education system (paths,

trails and interpretive elements). He stated that they plan on being back in early to mid-May with the information pulled together to review with the Board and the Commissioner. They expect that there will be more feedback at that time which will be incorporated into the final plan.

Mr. Rieley asked if the maps would be made available.

Mr. Scott said that they would leave big copies.

Mr. Rooker stated that if the road were built with the features seen, it would be the finest road in the County. It would be a real credit to the community if we can prevail upon VDOT to build it.

Mr. Kelsey stated that the next meeting is scheduled for May 2nd.

Mr. Rooker said that he had heard some concern from the residents of Dunlora tonight regarding the intersection.

Mr. Scott stated that they don't want to do anything that sets off alarms for these folks. He said that it is a benefit to hear those kinds of concerns.

Mr. Rooker thanked Mr. Scott and his colleagues for their presentation and their time.

Old Business:

Mr. Rooker asked for old business, there being none, he asked for new business.

New Business:

There being none, the meeting was adjourned at 9:30 p.m.

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V. Wayne Cilimberg, Secretary

Recorded and transcribed by Lynda Myers, Recording Secretary