

Updated Staff Analysis and Recommendations: SP201800011 The Regents School – Reservoir Road

September 3, 2019
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The staff report for SP201800011, inclusive of staff recommendations, was completed on August 12 in advance of the public hearing that was originally scheduled for August 20. However, during the week of August 12, it was discovered that staff had previously made a small (but critically important) mistake during the process of preparing and mailing the notification letters to adjoining property owners. That error resulted in the originally-scheduled public hearing having to be postponed until tonight.

During this unexpected period of postponement, staff agreed to continue coordinating with the applicants and continue evaluating the proposal; and staff also met with Mr. Steve Wylie of Musco Lighting to receive detailed information about the latest outdoor athletic lighting equipment and technology. These recent activities have led to additional staff analysis – which in turn has resulted in updated staff recommendations for both the special use permit application as well as the special exception requests.

STAFF ANALYSIS UPDATE – SPECIAL USE PERMIT SP201800011:

Staff previously acknowledged the applicants' request to conditionally increase student enrollment above 280 students up to a maximum of 468 students, and/or to modify the school start time to a time later than 7:45 A.M. (together, "operational changes"), based on the performance of the intersection of the US 29 Bypass and Fontaine Avenue Extended.

Additionally, based on recent communication with the applicants after the postponement of the originally-scheduled public hearing, staff further acknowledges The Regents School's position that (conditional) permission to increase student enrollment above 280 students in the future is critically important to the applicants. During this period of postponement, staff (including Mr. Benish, Ms. Nedostup, and Mr. McDermott) has continued to carefully evaluate the proposal, and has weighed the stated needs of the private school with the significant concerns about the operations and safety of the transportation network. Staff has concluded that the applicants' proposal for future student enrollment increases may be acceptable, provided that it can be demonstrated that any such increase(s) could occur without producing unacceptable impacts to the transportation network.

Therefore, based on recent communication with the applicants, and based on additional evaluation and coordination among Community Development staff, staff recommends approval of SP201800011 inclusive of potential future expansion up to 468 students and/or a shift in school start time later than 7:45 A.M., with a detailed condition of approval that has been crafted to require a review process that will allow County staff to conduct an evaluation of how any such operational changes would impact the transportation network. (This updated recommended condition is provided as condition #2).

Other updates to staff's analysis and recommendations for SP201800011 include the following:

- The technical revisions to the concept plan which were specified in Attachment 9 have been made by the applicants.
- After coordination with Mr. Dan Mahon in the Parks and Recreation Department, the condition regarding the reservation of land along the southern boundaries of the subject properties for future greenway dedication is no longer being recommended.

In summary, after continuing the review of this proposal during the period of postponement between August 12 and September 3, staff have identified the following evaluation factors:

Factors favorable to this request include:

1. Transportation impacts are being addressed through proposed conditions.
2. The proposal provides additional educational opportunities for children in the community.
3. The proposed school is a secondary use recommended in the Southern and Western Urban Neighborhoods Master Plan.
4. The Concept Plan shows a development that is sensitive to environmental features.

Factors unfavorable to this request include:

1. Land disturbance and permanent improvements – including two academic buildings, a gymnasium, a theater, and an administrative office building, as well as proposed outdoor athletic lighting with poles up to seventy (70) feet tall – are expected to be visible from the Interstate 64 Entrance Corridor.

UPDATED RECOMMENDED ACTION – SP201800011:

Based on the findings described in this report and factors identified as favorable, inclusive of additional staff analysis conducted during the unanticipated period of postponement between August 20 and September 3, **staff recommends approval of the special use permit amendment SP201800011 with the following conditions:**

1. Development of the subject property shall be in general accord with the concept plan entitled “Special Use Permit Concept Plan and Engineering Study for Regents School of Charlottesville” prepared by Justin Shimp, P.E. of Shimp Engineering, dated July 16, 2018 and revised July 1, 2019, which includes sheets C1 – C6 (the “Concept Plan”), attached hereto, as determined by the Director of Planning and Zoning Administrator. To be in general accord with the Conceptual Plan, development and use shall reflect the following major elements within the development essential to the design of the development, as shown on the Conceptual Plan:
 - a. containment of the “School Facilities Area,” “School Recreation Area,” and other major school improvements to the 13.12-acre area designated “School Campus Site” on Sheet C3;
 - b. location of the “Lighted Ball Field” within the “School Recreation Area” on Sheet C3;
 - c. location and configuration of 5.99-acre area designated “Undeveloped Residue” on Sheet C3;
 - d. adherence to the land use chart on Sheets C4 and C5 specifying “Prohibited Uses” and “Permitted Uses” for each different “Land Use” area;

Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.

2. Except as otherwise provided herein, initial student enrollment shall be limited to 280 students, and the start time of the school shall be no later than 7:45 A.M. Notwithstanding the foregoing, student enrollment may exceed 280 students up to a maximum of 468 students and/or the start time may be shifted to a time later than 7:45 A.M. (together, “operational changes”), if the Applicant demonstrates the following to the satisfaction of the Director of Community Development and his/her designees:
 - a. For the purposes of this condition of approval, the Traffic Impact Assessment (TIA) dated October 12, 2018 and associated supplemental TIA’s submitted with SP201800011 may be used for baseline traffic data until August 2021. If any request for any such proposed

operational change(s) is made anytime after August 2021, a new TIA and traffic counts will be required to establish a new baseline.

- b. For the purposes of this condition of approval, the scope of future traffic assessments for any such proposed operational change(s) must include the following intersections:
 - i. Southbound exit ramp of US 29 Bypass at the Fontaine Avenue Extended interchange;
 - ii. Northbound exit ramp of US 29 Bypass at the Fontaine Avenue Extended interchange;
 - iii. Intersection of Fontaine Avenue Extended and Reservoir Road.
- c. Compared to the future no-build conditions for the proposed start and end times of school (30 minutes before school start time; 15 minutes before and 30 minutes after school end time), the build conditions must show:
 - i. No movements with a delay greater than 50 seconds; and
 - ii. No movements with a delay greater than 35 seconds, unless it will have a delay greater than 35 seconds in the future no-build, provided that if the future no-build shows a delay greater than 35 seconds the future build cannot increase by more than 10 seconds; and
 - iii. No movements increasing by more than 15 seconds between the future build and no build conditions.
- d. Operations at the US 29 Bypass interchange at Fontaine Avenue Extended may not result in it being placed on the VDOT Top 100 Highway Safety Improvement Project (HSIP) locations for intersections or segments.
- e. Proposed operational changes which do not conform to the conditions listed above would require the submittal of an application for a special use permit amendment and approval by the Board of Supervisors.

3. The applicants must plan, fund, and implement the transportation improvements to Reservoir Road shown on the special use permit application materials titled "Reservoir Road Survey for Regents School," prepared by Justin M. Shimp, P.E. of Shimp Engineering, dated July 1, 2019, prior to the issuance of a Certificate of Occupancy. The proposed improvements are subject to review and approval by VDOT, the County Engineer, and other applicable Site Review Committee members, and are subject to required County approvals of Road Plans, a Water Protection Ordinance Plan, and all other applicable permitting requirements.

4. If the use, structure or activity authorized by this special use permit does not commence within a period of five years after the date of approval, the special use permit shall be deemed abandoned and the authority granted hereunder shall terminate. For the purposes of this condition, the term "commence" means starting the lawful physical construction of any structure shown on the Conceptual Plan referenced in Condition 1 above, and this construction shall commence by September 18, 2024.

POSSIBLE PLANNING COMMISSION MOTIONS – SP201800011:

- A. Should the Planning Commission **choose to recommend approval** of this special use permit:
I move to recommend approval of SP201800011 for "The Regents School of Charlottesville – Reservoir Road" with the conditions outlined in the staff report update dated September 3, 2019.
- B. Should the Planning Commission **choose to recommend denial** of this special use permit:
I move to recommend denial of SP201800011 for "The Regents School of Charlottesville – Reservoir Road" for (state reasons for denial).

STAFF ANALYSIS UPDATE – SPECIAL EXCEPTION REQUESTS / OUTDOOR ATHLETIC LIGHTING:

The applicant has requested two Special Exceptions (SE) pursuant to Zoning Ordinance Section 4.17.5(a) and Section 33.43 related to outdoor athletic lighting for a proposed “lighted ball field.” Specifically, the applicant requests the maximum allowable height of the high mast light poles for athletic use to be modified (increased) from thirty-five (35) feet to seventy (70) feet; and the applicant requests that the requirement to use a full-cutoff luminaire be waived.

The staff report completed for the originally-scheduled public hearing noted that the evaluation of these special exception requests was incomplete, and no staff recommendations were made. At that time, the proposed lighting equipment had not been specified, no lighting plan had been prepared, and staff remained concerned about the proposed lighting’s potential impacts to the Reservoir Road area and also to the I-64 Entrance Corridor (particularly as viewed while travelling eastbound on I-64 at mile markers 116 and 117, which is the long, straight descent approaching the interchange at 118).

During this period of postponement, staff has continued to carefully evaluate these requests. After receiving more information from the applicants, and after meeting with a lighting industry representative to discuss technical details of outdoor athletic lighting, staff believe the proposed outdoor athletic lighting can potentially comply with full cutoff requirements – if the proposed luminaires are installed and operated using the following technical specifications:

- Installation of the lights on the light poles using a “vertical aiming angle” between seventeen degrees below the horizontal plane and approximately thirty-five degrees below the horizontal plane; and
- The use of the adjustable “glare blocking slider;” and
- The absence of any “ball tracking fixtures,” which are upward-facing lights installed partway up the light poles, and which are used to illuminate the underside of balls (as is required for certain sports, including football and baseball, but which are not required for other types of athletic fields including the one being proposed by The Regents School).

Regarding these installation and operation details, the applicants and staff have reached a point of agreement that these technical specifications can be reviewed and confirmed during the review of the lighting plan and site plan.

Additionally, during this brief period of postponement, the applicants conducted a balloon test to help staff better understand the potential visibility of the proposed outdoor athletic lighting as viewed from the I-64 corridor. On the morning of August 28, the applicants flew two balloons from the approximate location of the proposed “lighted ball field.” A red balloon was flown to the height of the proposed light poles (70 feet), and a blue balloon was flown in the same location to a height of 120 feet for the sole purpose of being used as a visual reference point to help locate the red balloon.

During the balloon test, staff drove the interstate in the areas of concern and were not able to locate or see either balloon from the longer-range areas of concern (on I-64 near mile markers 116 and 117). Staff did briefly see the blue reference balloon while driving closer to the subject property in the immediate vicinity of the interchange at mile marker 118, but did not see the red balloon being flown at seventy (70) feet. Based on this balloon test, staff concerns about potential impacts to the I-64 Entrance Corridor have been substantially reduced.

RECOMMENDED ACTION:

In consideration of the updated analysis and comments provided above, staff provides the following updated recommendations:

- Staff has no recommendation for the special exception request regarding the use of full cutoff requirements, because the proposed outdoor lighting can potentially comply with the full cutoff requirements, and both the applicants and staff agree that these technical details can be reviewed and confirmed during the site plan review process.
- Staff recommends approval of the special exception request to allow the maximum height of the proposed light poles to be modified (increased) to seventy (70) feet, with the following conditions:
 1. The maximum permissible height of the poles supporting outdoor athletic lighting at The Regents School's athletic field is seventy (70) feet.
 2. Outdoor lighting of The Regents School's athletic field shall not continue past 10:00 P.M.

This recommendation for approval (with conditions) of the special exception request to modify the maximum height of the light poles is based on the evaluation criteria contained in Zoning Ordinance Section 4.17.5. Specifically, the proposed height of the outdoor athletic light poles is necessary in order to sufficiently illuminate the field for safe use during low-light and nighttime conditions while also enabling the proposed luminaires to be installed and operated in ways that can comply with the full cutoff requirements contained in Zoning Ordinance Section 4.17.4.(a).

POSSIBLE PLANNING COMMISSION MOTIONS – SPECIAL EXCEPTION REQUESTS:

In accordance with Zoning Ordinance Sections 33.47.B and 33.48.B, the Commission includes in its recommendations for ZMAs and SPs with special exceptions a recommendation on the special exceptions and any conditions.

- A. Should the Planning Commission choose to recommend approval of the requested special exception: I move to recommend approval of the special exception request to allow the maximum height of the proposed light poles to be modified (increased) to seventy (70) feet, for the reasons stated in the staff report.
- B. Should the Planning Commission choose to recommend denial of the special exception request(s): I move to recommend denial of the requested special exception(s) related to proposed outdoor athletic lighting for (insert reasons for denial).