



## Legislation Details (With Text)

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**Title:** Management of the Right of Way  
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Date	Ver.	Action By	Action	Result
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### Subject:

Management of the Right of Way

### BACKGROUND SUMMARY :

This item is a follow-up discussion to Town Manager's 'After Action Report' regarding 1) Wawa tree-cutting incident, 2) Chick-fil-A placement of transformers on public sidewalks, and 3) 380 Maple rezoning application staff proposal to narrow street (Wade Hampton).

### OVERVIEW :

Staff will have a conversation with Council regarding various concerns raised regarding site developments in Town.

### SUMMARY/STAFF IMPRESSIONS :

#### 1. Tree Removal in Vacant Alley behind Wawa:

- Alex Shy, Town's Urban Arborist, advised Wawa at the preconstruction meeting for the property located at 465 Maple Avenue West, that the Silver Maples located on the Town property adjacent to the Wawa property should come down now or later because of damage that would occur to their root system during construction activities.
- On November 21, Wawa was in the process of preparing its site. 10 trees on the Wawa property were removed, as approved by the site plan. In addition, three Silver Maples located on Town property were removed based on the Town's recommendation. Wawa representatives acknowledged that their action was not in compliance with the approved site plan. To rectify the error, Wawa agreed to plant trees on the Lusic's property and the Town's property.
- On November 29, The Urban Arborist, Director of Parks & Recreation along with Tom Boyer, Regional Real Estate Manager from Wawa and Brett Ponchione, Director of Operations from Mid Atlantic Construction Group, LLC met with the Lusic's to determine the number and species of trees that would best accomplish a screening along the rear of their property. Wawa will coordinate with the Lusic's to have the trees planted in the spring. Wawa prefers the Lusic's hire a landscape company to install the trees and Wawa will reimburse the Lusic's for the cost. The Lusic's were agreeable to that arrangement

and also agreed to maintain the trees since they are on their property. The Lusis' were pleased with this direction. Wawa will also plant trees in the Town's alley. Alex is coordinating this with Wawa to maintain access through the alley. The Lusis' inquired about the effectiveness of the approved fencing based on sound and noise deflection. The Town recommended and Wawa agreed to plant bushes along the fence-line on the Wawa side of the fence to accomplish this. This information was shared with Mr. Lusis' and he was satisfied.

- Wawa has complied with the Town's requests. Wawa has not yet submitted the revisions to the approved site plan to the Town.
- Lesson Learned - The Urban Arborist needs to remind a contractor that if there are changes to the approved site plan, the contractor needs to submit a revised site plan to the Town and have it approved before any work can be done. Also, an internal policy needs to be developed to determine whether communication with the public is necessary for work done on Town property and the most appropriate way to communicate.

## **2. Location of electrical transformer at the Chick fil a / Carwash site:**

The location of the electrical transformer is located outside of the right of way and on private property. The Town (Public Works) has limited control over the placement of dry utilities on private property. However the Chick-fil-a transformer issue has raised concern for DPW and DPZ staff that prompted us to review our Site Plan approval process to help address this issue. When staff first realized the close proximity of the transformer to the sidewalk it was actually placed one foot closer, physically abutting the sidewalk, so staff approached the developer and Dominion to move the transformer. Due to the tight site the best they were able to do was to move it one foot back.

Our major lesson learned here is that we realized there was no Town process the review and approve dry utility plans (phone, cable, gas, electric). We immediately amended our approval process for Site Plans to include dry utility plans (that are approved by the utility companies) prior to the Town approving a Site Plan. This process was in place for the Vienna Market Site Plan and for all subsequent Site Plan submissions for all other development allowing staff to catch in advance infrastructure conflicts to avoid a situation like the one Chick fil a.

## **3. Width of Wade Hampton Drive SW:**

When determining the appropriate public street frontage improvements on any redevelopment project, we consult various documents including our Comprehensive Plan, the Town's Public Infrastructure Manual as well as VDOT standards and specifications. We also take into consideration the connecting streets. When the applicant started working on this project at 380 Maple, he asked DPW what the street frontage along the perimeter of the site should be. We concluded through our professional judgment and based on the Comp Plan Street Typology and Local Street Design Guidelines that Wade Hampton Drive falls into the Neighborhood Minor Street (pavement width ranges from 28-32 feet). Given the known concern for traffic calming along Wade Hampton, DPW took the approach that a narrower street would promote slower speeds. The proposed lane widths, while narrow, were adequate; and also promote slower traffic. The narrower width is also more consistent with the adjacent section of Wade Hampton Drive to the south entering the residential area. Additionally, the narrow street width will allow for increased area for pedestrian movements and buffer space along Wade Hampton Drive.