

// A regular meeting of the Council of the City of Lynchburg was held on the 24th day of February, 2009, at 1:00 P.M., Council Chamber, City Hall, Joan F. Foster, President, presiding. The purpose of the meeting was to conduct a work session regarding several items. The following Members were present:

Present: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7

Absent: 0

// Prior to the meeting, City Manager Kimball Payne provided Council Members with a copy of a potential list of City projects for the federal stimulus package.

// City Planner Tom Martin provided a brief overview regarding an ordinance to regulate large scale retail establishments. City Manager Kimball Payne explained that in order to facilitate Council's continuing discussion of the Zoning Ordinance amendment regarding "Large Scale Retail Establishments", also known as "The Big Box Ordinance", staff has prepared a draft ordinance that compiles individual comments received on the various provisions and provides a staff response. Council Member Helgeson stated that this is not the time to be adding more restrictions on developers, and that he is concerned that the ordinance will be adding barriers to new development. Council Member Helgeson went on to say that he also could not support an ordinance that would require developers to go through a process to build on property that they currently can build on by right, which to him would be taking away private property rights. Council Member Helgeson made a motion, seconded by Council Member Perrow, to table this matter indefinitely. Council Members Perrow and Garrett felt that the proposed ordinance is too broken to fix, that the City should instead consider developing guidelines for developers to follow, and questioned the need for such an ordinance especially since there are only five tracts of land in the City that could accommodate large scale retail establishments. Other Council Members felt that the ordinance would provide developers with clearly defined standards and thereby make the process more user-friendly and that it is important for the City to ensure good planning for the few tracts of land left in the City for large scale retail development. They argued that large scale developments do put a stress on the City's infrastructure, and that the City needs to have controls in place to address traffic, environmental impact, aesthetics, and compatibility with adjoining neighborhoods. The vote was called on the motion to table the matter indefinitely, and Council by the following recorded vote defeated the motion:

Ayes: Garrett, Helgeson, Perrow 3

Noes: Dodson, Gillette, Johnson, Foster 4

Council Members discussed changes to various sections of the proposed ordinance and following discussion the majority of Council Members agreed to the following changes: (1) that the definition of large scale retail establishment should be a cumulative gross floor area of seventy-five thousand (75,000) square feet or greater instead of fifty thousand (50,000) square feet; (2) that (b) and (c) under Section 35.1-43.24 should be deleted from the proposed ordinance; and (3) that the voluntary provisions should be stricken from the ordinance. Council Member also agreed that further discussion was needed regarding the mandatory provisions. Council Member Johnson made a motion, seconded by Council Member

Gillette, to schedule this item for further discussion at the April work session, and Council by the following recorded vote approved the motion:

Ayes: Dodson, Gillette, Johnson, Foster 4

Noes: Garrett, Helgeson, Perrow 3

// Director of Community Development Charlene Montford explained that at the September 23 work session, City Council discussed the appropriateness of considering a fundamental restructuring of the City's utilization of Community Development Block Grant (CDBG) and HOME program funds, and agreed that such a restructuring should be considered. Ms. Montford stated that City Council adopted a revised Citizen Participation Plan on November 11 and that a proposed program restructuring has been developed for Council consideration. Ms. Montford provided an overview regarding the proposed CDBG and HOME programs restructuring, as outlined in a Concept Paper previously furnished to Council Members. Ms. Montford informed that starting in Fiscal Year 2010 the annual CDBG/HOME allocation process should coincide with the City's annual budget process, and that the opportunity for public comment on the proposed allocation of CDBG and HOME funds should be provided at the same time as the annual City Budget public hearing. Ms. Montford went on to say that City Council should provide broad programmatic policy guidance regarding the use of CDBG and HOME funds, and that it is suggested that the funds should be focused on infrastructure and targeted capital investments toward improving inner city neighborhoods. Ms. Montford explained that if Council approved such a policy, the Community Development Advisory Committee (CDAC) would be tasked with developing a revised Five Year Consolidated Plan of implementation and that the plan would identify eligible neighborhoods and desirable improvements or projects (e.g. sidewalk repair, replacement or installation, curb and gutter, street lights, infill housing, rehabilitation, etc.) to be carried out during the five-year planning period. Ms. Montford explained that in future years, early in the annual budget process, the CDAC should convene a series of public meetings in eligible neighborhoods to seek input on the use of CDBG and HOME funds for specific projects, consistent with the Consolidated Plan, to improve conditions in those neighborhoods, and that CDAC would then make recommendations to Council of the projects to be selected for inclusion in the Annual Action Plan. Ms. Montford stated that as with CDBG funds, HOME funds should be utilized to advance goals and address priorities identified through the public participation process convened by CDAC and adopted by Council in the Consolidated Plan and Annual Action Plans, and that activities could include new construction, home ownership programs, and substantial rehabilitation of vacant structures in identified neighborhoods. Ms. Montford went on to say that the City and LRHA would work together on eligible projects, as approved by City Council, to oversee those projects in partnership with other agencies, including Community Housing Development Organizations (CHDO's). Ms. Montford stated that the City and LRHA will have to develop agreed upon procedures and responsibilities to accomplish effective oversight, but that at least fifteen percent (15%) of the annual HOME allocation must be allocated to CHDO's for eligible activities, and ten percent (10%) will be allocated for program administration. In response to questioning, City Manager Kimball Payne stated that the annual priority for the use of CDBG funds contained in the Concept Paper is the correct priority listing, i.e.:

1. City administrative costs (20% maximum, shared with LRHA).
2. LRHA spot blight and rental rehabilitation programs.
3. Payments on the Section 108 HUD loan, if necessary.
4. Other programs as determined by City Council after input from the CDAC and the public to include: capital projects in eligible areas, physical improvements in neighborhoods, property acquisition, weatherization, etc.

Programs identified under item #4 above would be managed through the Lynchburg Redevelopment and Housing Authority (LRHA) in partnership with the City, and that other agencies could be engaged by LRHA to fulfill program objectives and that the responsibilities for oversight, documentation and regulatory compliance will remain with the City. For Fiscal Year 2010 it is proposed that CDBG funds described under item #4 above should be allocated to the Fifth Street improvements in that this will allow the necessary time for the development of a revised Consolidated Plan focusing on neighborhood improvement programs. The majority of Council Members agreed that the process needed to be restructured and many of them liked the idea of focusing the funds on infrastructure needs and targeted neighborhood improvement programs. Council Member Johnson explained that Council still needed to be mindful of those non-profit organizations that have relied on CDBG and HOME funds in the past when communicating the proposed change in the process. Following discussion, the majority of Council Member showed support regarding the proposed restructuring of the CDBG and HOME programs.

// Jenni Knight, Brian Jones and Gabrielle Simmons, members of the Mayor's Youth Council, provided an overview regarding their attendance at the 2008 National League of Cities conference in Orlando, Florida. Following the presentation, the students distributed to Council Members a Policy Agenda tailored for the City's youth population. In response to questioning, the students stated that they raised the funds for the trip through bake sales, etcetera, and that their parents also contributed in order for them to attend the conference.

// Due to time constraints, City Council agreed to move Agenda Item #4, Water/Sewer Rate Study and Financial Projections, to the 5:00 p.m. meeting.

// The meeting was adjourned at 4:46 p.m.

Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 24th day of February, 2009, at 5:00 P.M. in the Council Chamber, City Hall, Joan F. Foster, President, presiding. Council Member Johnson gave the Invocation, followed by the Pledge of Allegiance. The following Members were present:

Present: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7

Absent: 0

// Copies of the minutes of the February 10, 2009 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Perrow, seconded by Council Member Garrett, Council by the following recorded vote approved the minutes as presented:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7

Noes: 0

// In the matter of Economic Development - General, Director of Communications and Marketing JoAnn Martin along with Angela Hamilton, Lynch's Landing, provided an update regarding the efforts of the Marketing Partnership and the outcomes related to the branding process. Ms. Martin introduced the members of the Marketing Partnership, and explained that the expected outcome of the project included increased awareness of all marketing efforts currently underway, identification and continuation of successful marketing efforts, and the creation of an effective, fiscally-responsible marketing plan for the City based on sound marketing concepts, achievable goals, and realistic expectations. Ms. Hamilton then outlined the process followed by the Marketing Partnership, which included a branding effort to assist in marketing the City of Lynchburg. Ms. Hamilton went on to say that following a review and analysis of existing research studies and experts along with strategy sessions and interviews with City leadership, it was determined that there are already tens of thousands of visitors coming to Lynchburg each year, that most visitors are unaware of all that the City has to offer, and that Lynchburg residents share a lack of awareness, and that the primary target should be current visitors and not just tourists and that the secondary target should be City residents and college students. Ms. Hamilton explained that the objective would be to convince current visitors to stay longer and do more, to expand awareness of Lynchburg area colleges, and to create Lynchburg "Ambassadors". Ms. Martin then demonstrated a new user-friendly micro-site to serve as portal to Lynchburg. Ms. Martin concluded by saying that the creation of the Marketing Partnership has resulted in greater collaboration among its members and the dissolution of silos, it has also provided a deeper understanding of the work being done by the members and external entities and therefore, has enhanced productivity and effectiveness, and that in the ensuing months, members of the Marketing Partnership will be meeting with various community stakeholders to present the website and other materials. Ms. Martin also noted that the branding messages will also be included in existing communication efforts.

// Utilities Director Tim Mitchell presented an overview regarding the FY2010 Water and Sewer Rate Study, explaining that the proposed rate adjustments would result in a 4% increase in the water volume rate to \$2.13 per h.c.f., a 3% increase in the sewer volume rate to \$5.54 per h.c.f., and a 2.7% increase to sewer only rates to \$42.47 per month. Mr. Mitchell stated that the increases are needed to meet existing operating and capital needs, meet financial targets, and maintain compliance with the Combined Sewer

Overflow (CSO) Special Order. In response to questioning, Mr. Mitchell stated that over the next several years the annual investment in the water distribution system is planned to increase up to \$4.5 million annually by FY2013, and that in order to adequately address the approaching wave of infrastructure needs, over \$7.5 million needs to be invested annually just in water line replacements. Mr. Mitchell went on to say that the current proposed rate increases only fund \$3.5 million annually, less than half of what is needed. Mr. Mitchell stated that the next step would be for City Council to authorize staff to schedule a public hearing regarding the proposed water and sewer rate increases. Council Member Perrow made a motion, seconded by Council Member Garrett, to authorize staff to schedule a public hearing regarding the proposed water and sewer rate increases. Council Member Perrow commented that the City's water rates are lower than state average, that he is concerned regarding City liability due to the increasing number of water line breaks, and that the City may need to spend more on the water side to catch up with the water line replacement projects. Other Council Members also expressed concern regarding the need to spend more on the City's infrastructure needs, but noted that due to the current economy that this was not the time to further increase the water rates. Council Member Perrow stated that he still believes that it is important for the City to try to meet the needs of its aging infrastructure and made a substitute motion to authorize staff to schedule a public hearing with a proposed 5% increase in the water rate. Mayor Foster stated that she would second the motion to allow for discussion. Council Member Gillette stated that this was not a good time to increase the water rate more than what is being proposed by staff, but acknowledged that City Council may want to revisit this discussion next year. The vote was called on the substitute motion, and Council by the following recorded vote defeated the substitute motion:

Ayes: Perrow 1

Noes: Dodson, Garrett, Gillette, Helgeson, Johnson, Foster 6

The vote was called on the original motion, and Council by the following recorded vote authorized staff to schedule a public hearing regarding the proposed water and sewer rate increases as recommended by staff:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7

Noes: 0

// City Manager Kimball Payne explained that as the continuing recession has deepened, City revenues are showing significant declines and at this point it is anticipated that total revenues could come in as much as \$3.5 to \$4.0 million less than budgeted for the current year. Mr. Payne stated that actions proposed and implemented by the various departments may result in savings of as much as \$2.0 million, however, that in the short term the City cannot reduce spending quickly enough to balance revenues and expenditures in the current fiscal year. Mr. Payne noted that at the present time, and without further action, an end of year imbalance of \$1.5 to \$2.0 million is anticipated and that this will affect the City's fund balance and put the City that much further behind as we attempt to produce a balanced budget proposal for Fiscal Year 2010. Mr. Payne went on to say that it is clear that significant action is necessary to further reduce the anticipated imbalance and that unfortunately, the only way to do that is to reduce personnel

costs. Mr. Payne stated that he would like for City Council to approve 2.5 days of furlough for all City employees which is expected to result in savings of \$415,000 in the General Fund through the remainder of the fiscal year. Mr. Payne explained that if approved, the furloughs will be implemented for most of the workforce as two and one-half days without pay on Friday, April 10 (half-day), Monday, April 13, and Friday, May 22, and that City offices will be closed on those days. In response to questioning, Mr. Payne stated that in order to spread out the impact of the time off without pay, all employees will see a three percent (3%) reduction in gross pay, taken as a pre-tax deduction, in each of the last eight pay checks of the fiscal year, March 26 through July 2, and that by reducing pay through a deduction there will be no reduction in the salary reported to the Virginia Retirement System (VRS). Council Member Garrett suggested that the funds be taken from the General Fund Reserve for Contingencies rather than furlough employees, noting that the fund currently stands at \$1.1 million. Mr. Payne explained that revenues are falling faster than costs can be stopped, making a deficit a strong likelihood and should the City end the year in the red, plans are to close the gap by using the Reserve for Contingencies. Mr. Payne also noted that all indications are that FY 2010 and FY 2011 will be even more challenging than this year and that further personnel actions, similar to or more severe than those being taken now, may be necessary in the next two years. Mr. Payne stated that more information regarding FY 2010 will be available in the proposed budget to be presented to City Council on March 10. Some Council Members commented that using the Reserve funds would only leave the City in a weaker position, especially since the City Manager has stated that all indications are that FY 2010 and FY 2011 will be even more challenging than this year and that further personnel actions, similar to or more severe than those being taken now, may be necessary in the next two years. Some Council Members also suggested that City Council reduce its salary by 3% to show solidarity with city employees. Council Members also discussed reducing their salaries to the amount prior to the July 1 increase. Council Member Gillette requested the City Manager to include in the upcoming budget meetings a discussion regarding reducing City Council salaries. Council Member Johnson made a motion, seconded by Vice Mayor Dodson, to approve the City Manager's recommendation regarding 2.5 days of furlough for all City employees. Council Member Helgeson stated that in December he suggested that due to the economic slowdown that Council may want to reexamine some capital projects to see if they could be postponed. Council Member Helgeson suggested that one project in particular, the Fifth Street Roundabout, would have been one of the projects to postpone and that instead of postponing the project, it was decided to move forward with construction of the Fifth Street Roundabout. Council Member Helgeson went on to say that he believes the furlough could have been avoided if that spending was cut and made a substitute motion to call the furlough motion: "Thank you, Lynchburg City employees, for the Fifth Street roundabout." The motion died for lack of a second. In response to questioning, City Manager Payne explained why capital funds could not be used for salaries. Council Member Garrett stated that he could not support the motion in that he believes the responsible thing to do would be to take funds from the General Fund Reserve for Contingencies rather than to furlough employees. The vote was called on the original motion, and Council by the following vote approved the City Manager's recommendation regarding 2.5 days of furlough for all City employees:

Ayes: Dodson, Gillette, Johnson, Perrow, Foster

5

Noes: Garrett, Helgeson

2

On motion of Council Member Perrow, seconded by Vice Mayor Dodson, Council by the following recorded vote agreed to reduce its salary by 3% to show solidarity with city employees:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7

Noes: 0

// The meeting was adjourned at 7:32 P.M.

Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **March 10, 2009**

AGENDA ITEM NO.: 2

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Conditional Use Permit: Mt. Carmel Baptist Church, 807 and 811 Norwood Street**

RECOMMENDATION: Approval of the Conditional Use Permit

SUMMARY: Mt. Carmel Baptist Church is petitioning to allow the construction of a twenty-five (25)-space parking lot addition at 807 and 811 Norwood Street. The subject properties are zoned R-3, Medium Density, Two-Family Residential District.

The Planning Commission recommended approval of the Conditional Use Permit because:

- The *Comprehensive Plan 2002-2020* recommends Traditional Neighborhood and Institutional land uses in this area.
- The petition provides for setbacks, a vegetative buffer, parking area screening and street trees between the parking lot and the closest residences to ensure its compatibility with the neighborhood.
- The proposed parking area would provide a significant improvement to the surrounding area, through the reduction of on-street parking and congestion during church functions.

PRIOR ACTION(S): February 11, 2009: Planning Commission recommended approval of the Conditional Use Permit (6-0, with one member absent, Oglesby) with the following condition:

1. The property shall be developed in substantial compliance with the concept plan revised January 28, 2009 per comments from the TRC meeting on January 20, 2009, and received by the Department of Community Development on January 30, 2009.

BUDGET IMPACT: None

CONTACT(S):

Charlene Montford 455-3902

Tom Martin 455-3990

ATTACHMENT(S):

- Resolution
- Planning Commission Report
- Planning Commission Minutes
- Vicinity Map
- Site Plans
- Speaker Sign Up Sheet

REVIEWED BY: LKP

RESOLUTION:

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO MT. CARMEL BAPTIST CHURCH TO ALLOW THE CONSTRUCTION OF A TWENTY-FIVE (25) SPACE PARKING LOT ADDITION AT 807 AND 811 NORWOOD STREET.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of Mt. Carmel Baptist Church to allow the construction of a twenty-five (25) space parking lot addition at 807 and 811 Norwood Street be, and the same is hereby, approved subject to the following condition:

1. The property shall be developed in substantial compliance with the concept plan revised January 28, 2009 per comments from the TRC meeting on January 20, 2009, and received by the Department of Community Development on January 30, 2009.

Adopted:

Certified:

Clerk of Council

015L

The Department of Community Development
City Hall, Lynchburg, VA 24504 434-455-3900

To: Planning Commission
From: Planning Division
Date: February 11, 2009
Re: **CONDITIONAL USE PERMIT (CUP): Mt. Carmel Baptist Church Parking Lot Addition, 807 and 811 Norwood Street**

I. PETITIONER

Mt. Carmel Baptist Church, 800 Cabell Street, Lynchburg, VA 24504

Representative: Ed Ewers, James C. May and Associates, P.C., P.O. Box 718, Lynchburg, VA 24501

II. LOCATION

The subject property includes two (2) tracts totaling forty-one hundredths (0.41) of an acre at 807 and 811 Norwood Street.

Property Owner: Mt. Carmel Baptist Church, 800 Cabell Street, Lynchburg, VA 24504

III. PURPOSE

The purpose of this petition is to allow the construction of a twenty-five (25)-space parking lot addition for Mt. Carmel Baptist Church.

IV. SUMMARY

- The *Comprehensive Plan* recommends a Traditional Residential use in this area. Adjacent land uses designated by the *Future Land Use Map (FLUM)* also include an Institutional use.
- Petition agrees with the *Zoning Ordinance* in that church uses are permitted in an R-3, Medium Density Two-Family Residential District with approval of a conditional use permit (CUP) by City Council.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends a Traditional Residential use for this area. A Traditional Residential use applies to the City's older neighborhoods built before World War II and before the City was zoned. Most of these neighborhoods are identified as Neighborhood Conservation Areas on the Plan Framework Map, and a future study is planned for incorporating appropriate zoning changes, public investment and community building efforts. Large, new or expanded, public and institutional uses are not appropriate for these areas unless they can be designed to blend into the existing urban fabric through landscaping or architectural treatments.

The *Future Land Use Map* also provides for an Institutional use in the surrounding area. In addition to the setbacks provided for the parking area, the church would provide a vegetative buffer, parking area screening and street trees between the parking lot and the closest residences to ensure its compatibility with the neighborhood and the standards set forth for medium density residential areas established within the *Comprehensive Plan*.

2. **Zoning.** The existing R-3, Medium Density Two-Family Residential District was established in 1978 with the adoption of the current *Zoning Ordinance*.

3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the development of the property as proposed.
4. **Surrounding Area.** There have been several projects requiring City Council approval in the immediate area:
 - On May 14, 2002, City Council approved Rivermont Avenue Baptist Church's petition for a CUP to allow the construction of a parking lot at 1301 Rivermont Avenue.
 - On November 9, 1999, City Council approved Rebecca Carwile's petition for a CUP to operate a bed and breakfast in an existing residence at 404 Cabell Street.
 - On March 10, 1998, City Council approved Rivermont Avenue Baptist Church's petition for a CUP to allow the construction of a twenty-two (22)-space parking lot at 501 and 505 McDonald Street.
 - On April 8, 1997, City Council approved Stepping Stones Academy's petition for a CUP to allow a day care center for forty-nine (49) children in an existing building at 434 Rivermont Avenue.
 - On March 11, 1997, City Council approved Susan Boyett's petition for a CUP to operate a bed and breakfast in an existing residence at 404 Cabell Street.
 - On May 14, 1996, City Council approved Christ College's petition for a CUP to operate an undergraduate and graduate college and dormitories at 404-434 Rivermont Avenue, 501-503 Library Street and 511-513 Victoria Avenue.
 - On May 10, 1994, City Council approved Mt. Carmel Baptist Church's petition for a CUP to allow the construction of a multi-purpose building adjacent to an existing church building at 806 Cabell Street.
 - On July 13, 1993, City Council approved Daniel's Hill Recreation Center's petition for a CUP to allow the construction of a playground for an existing recreation center at Cabell and D Streets.
 - On August 13, 1991, City Council approved Rivermont Avenue Baptist Church's petition for a CUP to allow the construction of a parking lot at 405-407 Botetourt Street.
 - On April 12, 1988, City Council approved Rivermont Avenue Baptist Church's petition for a CUP to allow a child care center at 1301-1321 Rivermont Avenue.
 - On October 8, 1985, City Council approved Mt. Carmel Baptist Church's petition for a CUP to allow the construction of a parking lot at 806 Cabell Street.
 - On August 13, 1985, City Council approved Peggy Esthimer's petition for a CUP to allow the use of an existing residence as an adult care facility at 404 Cabell Street.
 - On October 26, 1982, City Council denied G&G Video, Inc.'s petition for a CUP to allow a video arcade at 1212 Rivermont Avenue.
 - On June 23, 1981, City Council approved Berry/Haley's petition for a CUP to allow the use of an existing building at 405 Cabell Street as a counseling center.
5. **Site Description.** The subject properties are both vacant. The properties are bound to the north by single-family homes, undeveloped forestall land and the James River, to the south by single-family homes, to the east by single-family homes, undeveloped forestall land and the James River and to the west by single-family homes.
6. **Proposed Use of Property.** The purpose of this petition is to allow the construction of a twenty-five (25)-space parking area. Landscaping for the parking lot will comply with the requirements of the City's *Zoning Ordinance*. Landscape requirements include street trees, parking area landscaping, parking area screening and vegetative buffer plantings; in addition, an existing thirty-six (36)-inch diameter tree will be preserved at the southern corner of the lot. Although City water and sewer are available to the site, no utility connections are proposed for this project.
7. **Traffic, Parking and Public Transit.** At the January 20, 2009 Technical Review Committee meeting, the City's Transportation Engineering representative recommended that sidewalk ramps be incorporated into the

design of the proposed commercial entrance as a transition for the existing rock walk along Norwood Street. The ramps are shown on the revised concept plan.

Parking requirements for the church are set at one (1) space for every three (3) seats by the *Zoning Ordinance*. Mt. Carmel Baptist Church has seating for approximately two hundred (200) persons and would require sixty-seven (67) parking spaces. The existing church parking lot has twenty-eight (28) spaces, which often results in a significant amount of on-street parking during services. The project would provide for an additional twenty-five (25)-space parking lot to accommodate much of the current overflow parking and provide the church with a total of fifty-three (53) off-street parking spaces. The parking lot would not provide sufficient parking to satisfy the parking requirements of the *Zoning Ordinance*; a deficit of fourteen (14) parking spaces would remain based on the current seating capacity of the church. However, since no building additions or expansion of church operations are proposed, the parking lot will improve an existing non-conforming use.

Public transit is currently available in this area. Greater Lynchburg Transit Company Route 3C is available directly adjacent to the church, on the corner of Cabell and H Streets.

8. **Storm Water Management.** The proposed eleven thousand, two hundred and twenty-eight (11,228) square foot parking lot will exceed the City's one thousand (1,000) square foot threshold for stormwater management; as such, a stormwater management plan will be required for the construction. The increase in post-development runoff conditions due to the new impervious area would be managed through the use of an underground stormwater detention facility located at the northern corner of the property. The facility would discharge into a paved gutter, new curb and gutter along Norwood Street and follow existing drainage patterns along Norwood Street from the site to its intersection with I Street. A preliminary review of the proposed strategy confirmed that the proposed measures would provide for an adequate downstream receiving channel. Stormwater quality requirements would be addressed by a FilterraTM manufactured best management practice that would be designed to meet the performance or technology based standard requirements based on percentage of impervious area for the site. The proposed management strategy is acceptable to the City's Environmental Reviewer.
9. **Emergency Services.** The City's Fire Marshal had no concerns regarding the conditional use permit for the parking area.

The City Police Department commented that the parking area should be well lit and include directional traffic signage for the church members, as well as "No Trespassing" signage to prevent unauthorized use of the facility. The revised plan notes that any new lighting will be glare shielded and non-directional; the final lighting layout will be determined during site plan review. In addition, the plan includes concept signage to direct traffic and to warn against trespassing.
10. **Impact.** The proposed parking area would provide a significant improvement to the surrounding area, through the reduction of on-street parking and congestion during church functions. Currently, many of the Mt. Carmel Baptist Church's services require that members park on Cabell, H and Norwood Streets when the church's existing parking lot reaches capacity. The concept plan also includes significant landscaping, adequate setbacks and water quality measures to help address planning, traffic, stormwater management and public safety concerns. The result is a project that would fit into the fabric of the existing neighborhood.
11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary concept plan on January 20, 2009. Comments related to the proposed use were minor in nature and have or will be addressed by the developer prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of Mt. Carmel Baptist Church's petition for a conditional use permit (CUP) to allow a parking addition at 807 and 811 Norwood Street subject to the following conditions:

- 2. The property shall be developed in substantial compliance with the concept plan revised January 28, 2009 per comments from the TRC meeting on January 20, 2009, and received by the Department of Community Development on January 30, 2009.**

This matter is respectfully offered for your consideration.

William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Charlene B. Montford, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia L. Kozerow, Lynchburg Police Department
Battalion Chief Greg Wormser, Fire Marshal
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Mr. Keith Wright, Zoning Official
Mr. Robert S. Fowler, Zoning Administrator
Mr. Kent L. White, Senior Planner
Mrs. Erin B. Hawkins, Environmental Reviewer
Mr. Bernard Johnson, Representative, Mt. Carmel Baptist Church
Mr. Ed Ewers, Representative, James C. May & Associates

VII. ATTACHMENTS

- 1. Vicinity Zoning Pattern**
- 2. Vicinity Proposed Land Use**
- 3. Watershed Location Map**
- 4. Concept Plan**

MINUTES FROM THE FEBRUARY 11, 2009 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

a. Petition of Mt. Carmel Baptist Church for a conditional use permit to allow the construction of a twenty-five space parking lot addition within an R-3, Medium Density, Two-Family Residential District at 807 and 811 Norwood Street.

Mr. Martin addressed the commissioners with the following comments. The proposed parking area would bring the total number of off-street parking spaces for the church to 53 spaces. This would bring it closer to conformity with the existing *Zoning Ordinance* requirements. The *Future Land Use Map* in the area indicates a Traditional Residential use for the property; however, it is directly adjacent to a property that is currently used by the church that is designated for Institutional use. The property is not located within the Daniels Hill historic district; however, it is in close proximity to it.

Landscaping and buffering will be installed per the *Landscaping Ordinance*. Stormwater management will be addressed through the use of an underground detention system at the northern end of the property and a Filtera best management practice device will be used for water quality. Both of these methods are acceptable to the Environmental Reviewer. The Planning Division does recommend approval of the conditional use permit.

Mr. James May came forward to speak in favor of the petition. He is the surveyor and engineer of record and agent for Mt. Carmel Baptist Church. He mentioned that they have revised the site plan per the comments of the Technical Review Committee (TRC). This is a needed facility that is being proposed, and he is available today to answer any questions that the commissioners may have.

Chair Hamilton asked if there was anyone else to speak in favor of the petition. No one came forward, but three people raised their hands that they were in support of the petition. Chair Hamilton asked for anyone present who wished to speak in opposition to the petition. No one came forward, and she closed the public hearing portion of the petition.

Commissioner Worthington asked about a building that is on the aerial photo of the property. He asked what their plans were for that building. Mr. May indicated that the photo is out of date and the building is no longer there. The site plan does not show that building.

Commissioner Worthington asked Mr. May if they had talked to the neighbors about this project. Mr. May indicated they he has not personally talked with the neighbors, but the members of the congregation have made a very good attempt to talk with them. Ms. Cynthia Coles, one of the trustees of the church came forward to talk about the efforts of the church. The pastor and two other members of the congregation canvassed the neighborhood and talked with a lot of the owners. So far, they have found no one who is in opposition to this proposal. In fact, everyone was very enthusiastic about the project and complimentary about what the church has done in past for the neighborhood. The neighbors want the additional parking because often cars have to park on the street. The neighbors feel the project will enhance the neighborhood.

Commissioner Sale indicated that he has spoken to some people who are very happy about this project. When the church has a big event, it creates a problem with the cars parking on the street.

Chair Hamilton asked Mr. Martin what some of the TRC comments were that had to be addressed. Mr. Martin stated that most of them related to landscaping. Another comment was about providing handicap ramps and the police department had some suggestions. They were all very minor things. If the conditional use permit was approved by Council, the site plan would be very close to being finalized.

Commissioner Barnes wondered about the narrowness of both Norwood and I streets and if the Traffic Engineer had any concerns about traffic. Mr. Martin commented that cars are parking on the street now because of the parking problem. The more cars you can get off the street, the better conditions will become. This project is definitely improving conditions in the neighborhood. Commissioner Barnes commented that because this site is at the crest of a hill and is not steep, it would be a perfect location to use permeable pavement.

Commissioner Swienton made the following motion, which was seconded by Commissioner Hannon, and it passed by the following vote:

“That the Planning Commission recommends to City Council approval of Mt. Carmel Baptist Church’s petition for a conditional use permit (CUP) to allow a parking addition at 807 and 811 Norwood Street subject to the following conditions:

- 1. The property shall be developed in substantial compliance with the concept plan revised January 28, 2009 per comments from the TRC meeting on January 20, 2009, and received by the Department of Community Development on January 30, 2009.”**

AYES:	Barnes, Hamilton, Hannon, Sale, Swienton and Worthington	6
NOES:		0
ABSTENTIONS:		0
ABSENT:	Oglesby	1

MT. CARMEL BAPTIST CHURCH

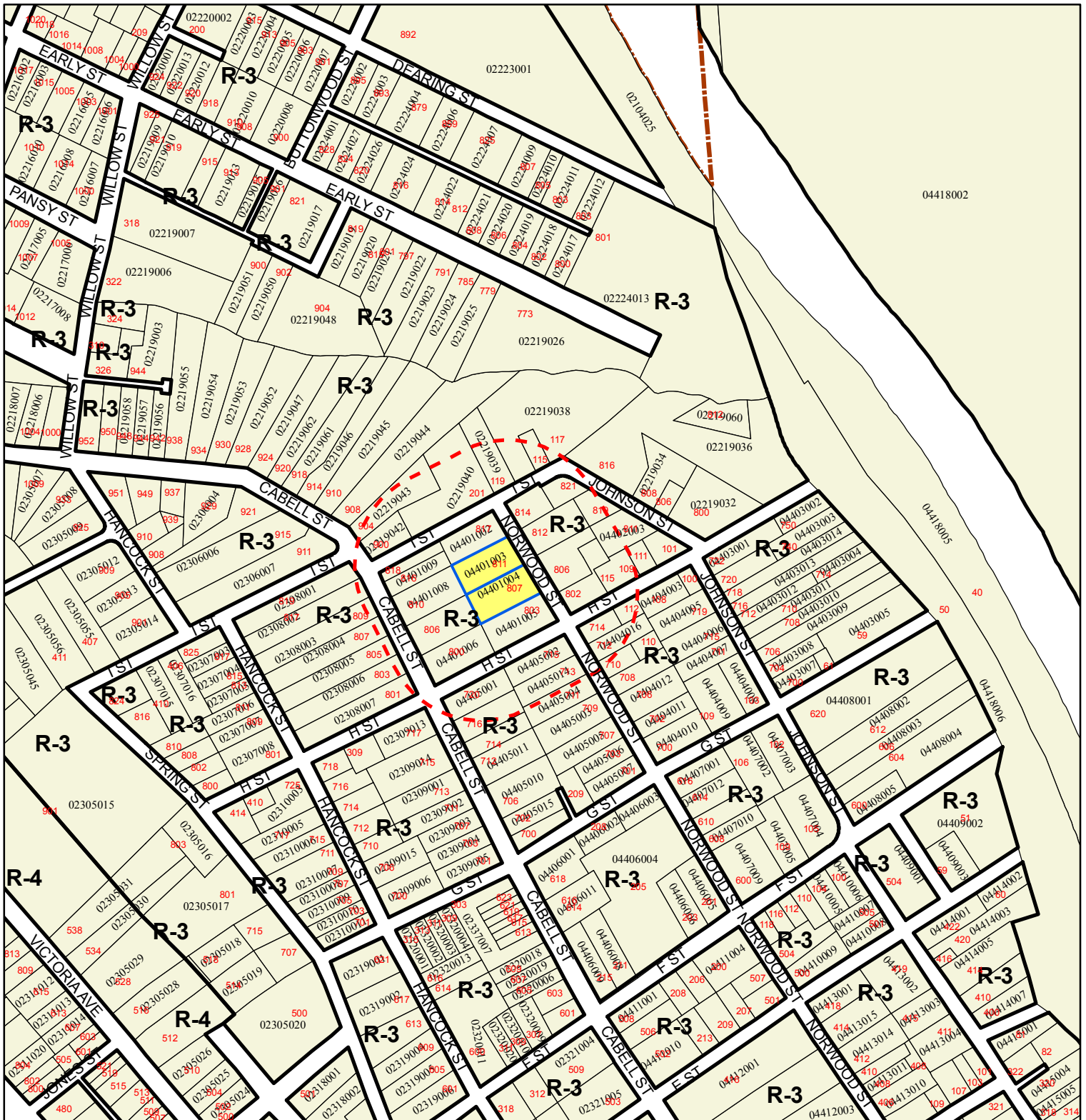
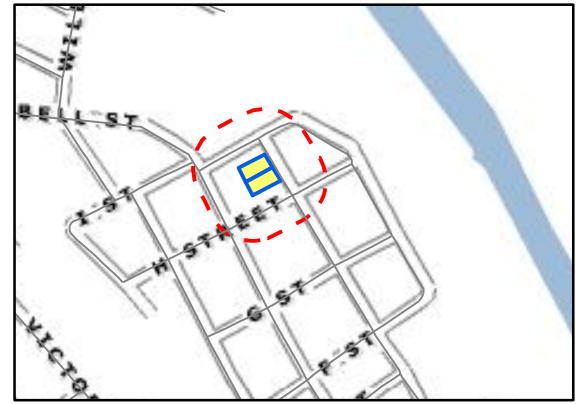
807, 811 Norwood Street

PIN# 044-01-003/004

Conditional Use Permit Request
Petitioner-Mt. Carmel Baptist Church

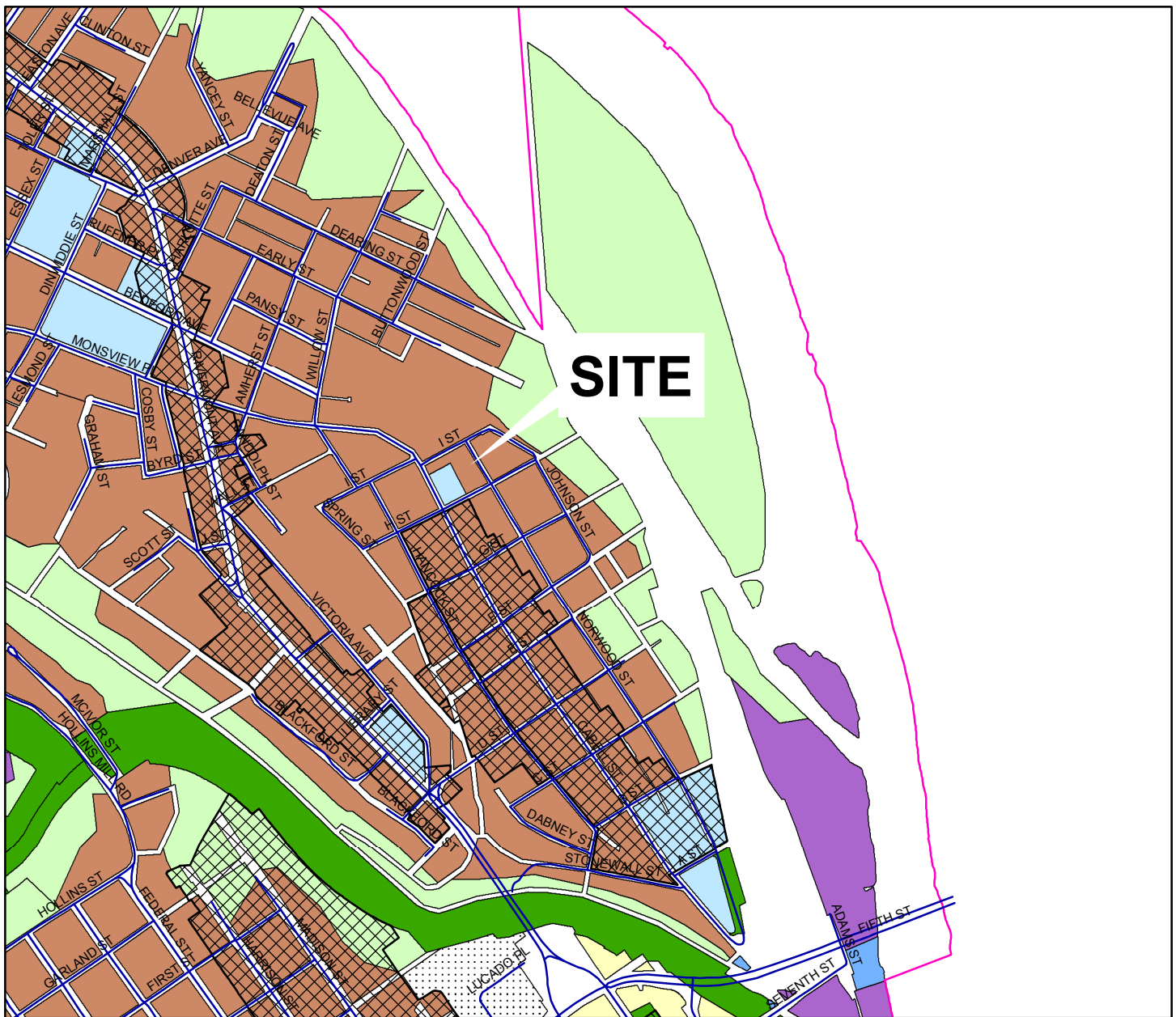
 Subject Property

 200 FT Buffer

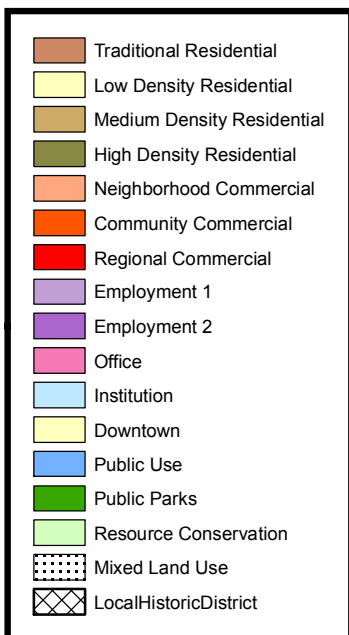


MT. CARMEL BAPTIST CHURCH ADJOINING OWNERS

PIN	Owner	LocAddr
02219037	DAVIS GEORGIA W	115 I ST
02219038	JACKSON SAVANNAH & LAMONIA E	117 I ST
02219039	LYNCHBURG REDEVELOPMENT & HOUSING AUTHORITY	119 I ST
02219040	OESTERLING RAYMOND L	201 I ST
02219042	MARSHALL H GLENN & PATRICIA C	900 CABELL ST
02219043	LYNCHBURG GROWS	904 CABELL ST
02308001	HATFIELD ANN A & JORDAN BERTHA A	819 CABELL ST
02308002	HATFIELD ANN A & JORDAN BERTHA A	817 CABELL ST
02308003	HATFIELD ANN A & JORDAN BERTHA A	809 CABELL ST
02308004	WHITE ANGELA S & JEAN D WHITE	807 CABELL ST
02308005	JOHNSON MCKINLEY & FLORENCE W	805 CABELL ST
02308006	DUNN VICTOR S	803 CABELL ST
02308007	MT CARMEL BAPTIST CHURCH TRUSTEES	801 CABELL ST
04401001	GOWEN FRANK L JR & JANET L	818 CABELL ST
04401002	YOUNGER BREECE D & HARRIS LINDA Y C/O LINDA Y HARRIS	817 NORWOOD ST
04401003	MT CARMEL BAPTIST CHURCH TRUSTEES	811 NORWOOD ST
04401004	MT CARMEL BAPTIST CHURCH TRUSTEES	807 NORWOOD ST
04401005	MARSHALL MARY L C/O INEZ FORD	803 NORWOOD ST
04401006	MT CARMEL BAPTIST CHURCH TRS	800 CABELL ST
04401007	MT CARMEL BAPTIST CHURCH TRS	806 CABELL ST
04401008	MOUNT CARMEL BAPTIST CHURCHTR	810 CABELL ST
04401009	GOWEN FRANK L JR & JANET L	816 CABELL ST
04402001	HERNDON TONYA L	814 NORWOOD ST
04402002	ROSE EMMETT & ALEASE W	819 JOHNSON ST
04402003	ROSE EMMETT	811 JOHNSON ST
04402006	TURPIN CYNTHIA L	802 NORWOOD ST
04402007	VENABLE SHIRLEY M	806 NORWOOD ST
04402009	NOWLIN DEBRA A	812 NORWOOD ST
04402010	CUNNINGHAM JOHNNY M&LEONARD ALLEN JR	821 JOHNSON ST
04402011	CALLOWAY PATRICIA	111 H ST
04402012	JOHNSON P'TRICE D	109 H ST
04404001	JOHNSON SHARON D	714 NORWOOD ST
04404002	CREWS DALLAS C	112 H ST
04404003	APPLEGATE HOUSE INC	108 H ST
04404014	HARRIS JERMAIEL M	710 NORWOOD ST
04404016	SMILEY CARLA W	712 NORWOOD ST
04405001	WHITE ANGELA S	720 CABELL ST
04405002	POLLARD ROSA B	715 NORWOOD ST
04405004	GARCIA STEPHEN & DONNA	711 NORWOOD ST
04405013	HOBBS YVETTE N	716 CABELL ST
04405014	GARCIA STEPHEN & DONNA L	713 NORWOOD ST
Owner	MT CARMEL BAPTIST CHURCH TRUSTEES	
Petitioner	MT CARMEL BAPTIST CHURCH TRUSTEES	
Representative	ED EWERS/JAMES C. MAY & ASSOCIATES	



SITE



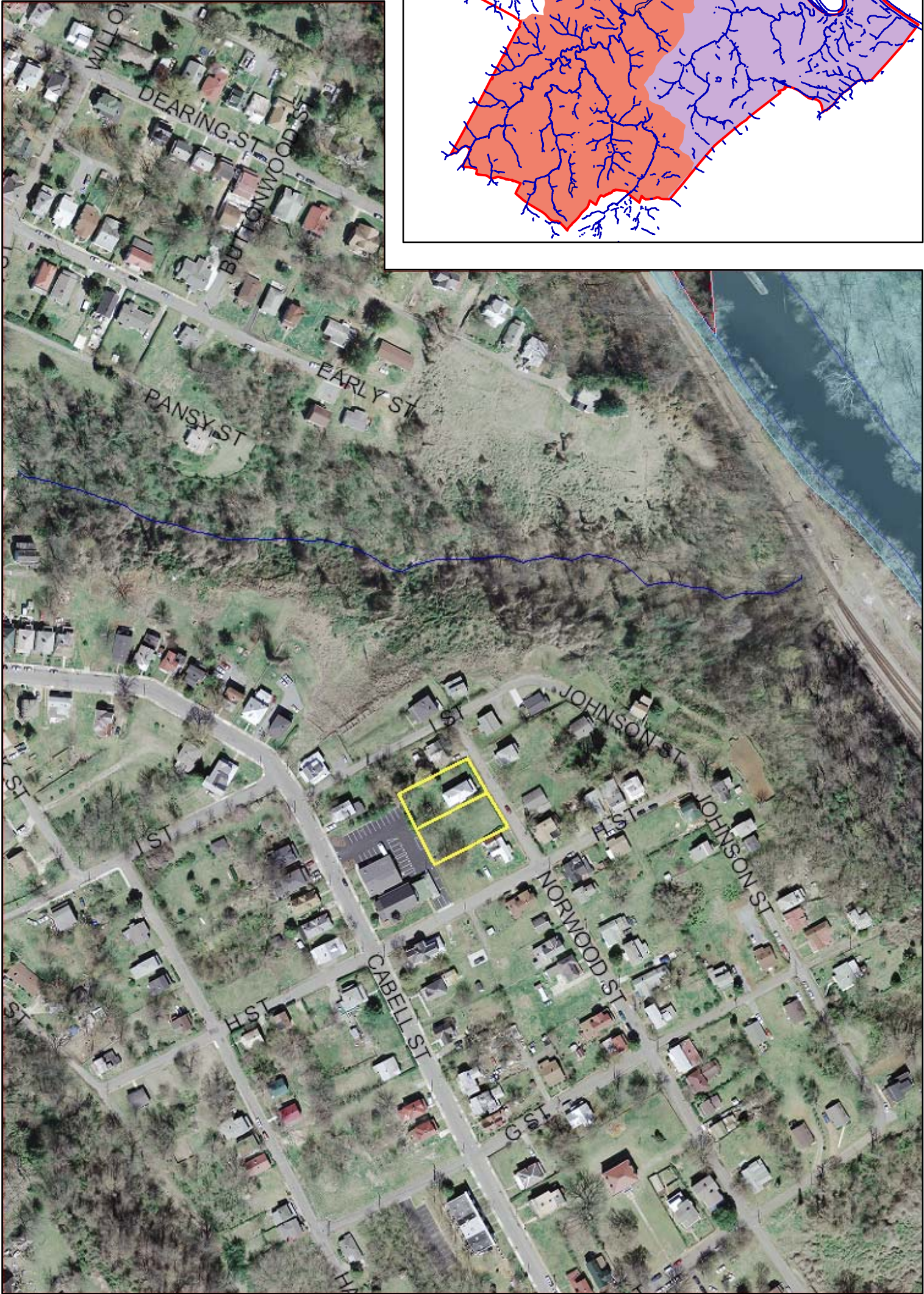
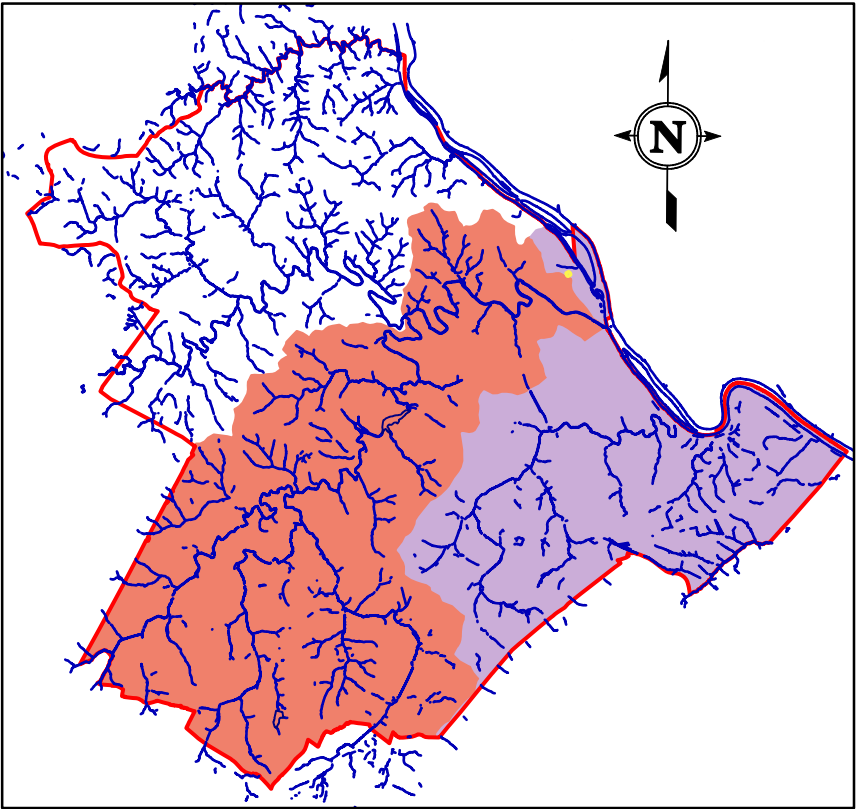
MT. CARMEL BAPTIST CHURCH **807, 811 NORWOOD STREET** **LAND USE PLAN**

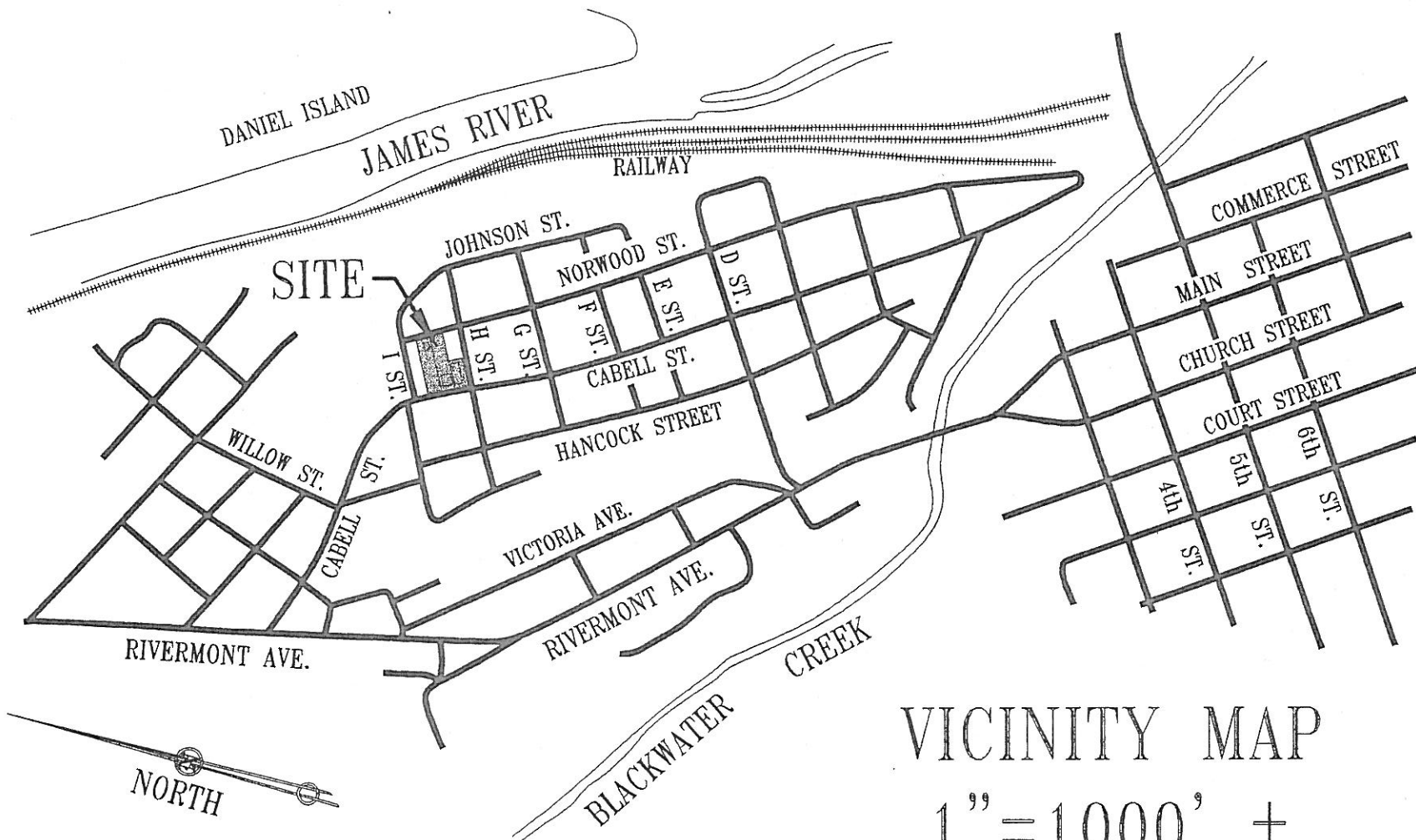


**Mt. Carmel Baptist Church
Parking Lot Addition
Watershed Location Map**

Legend

-  Project Site
-  Corporate Limit
-  100-Year Floodplain
-  Fishing Creek Watershed
-  Blackwater Creek Watershed





OWNER/DEVELOPER

MT. CARMEL BAPTIST CHURCH
800 CABELL STREET
LYNCHBURG, VIRGINIA
PHONE : (434) 845-6335
CONTACT : BERNARD JOHNSON
PHONE : (434) 941-3294

PROJECT LOCATION

PROPOSED PARKING LOT EXPANSION
807 and 811 NORWOOD STREET
LYNCHBURG, VIRGINIA

PROPOSED : 25 SPACES

EXISTING PARKING AT CHURCH

22 SPACES (9' x 18')
6 HANDICAPPED SPACES
28 SPACES TOTAL (ON-SITE)
ADDITIONAL ON-STREET PARKING ALONG
CABELL STREET AND "H" STREET
REQUIRED PARKING : 1 SPACE PER 3 SEATS
(200 SEATS+/- IN SANCTUARY) = 67 SPACES
REQUIRED

RECEIVED
JAN 30 2009
COMMUNITY
DEVELOPMENT

NOTES:

1. THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE REPORT AND DOES NOT, THEREFORE, NECESSARILY INDICATE ALL ENCUMBRANCES UPON THE PROPERTY.
2. THIS PROPERTY IS IN FLOOD ZONE "X" AS SHOWN ON F.E.M.A. FLOOD INSURANCE RATE MAP NUMBER 5100930042D REVISED ON JUNE 3, 2008. (PANEL 42 OF 131)
3. THIS PLAT HAS BEEN PREPARED FROM AN ACTUAL FIELD SURVEY DONE PER DATE OF THIS PLAT AND THERE ARE NO VISIBLE EASEMENTS OR ENCROACHMENTS EXCEPT AS SHOWN HEREON.
4. THIS PROPERTY IS SERVED BY THE CITY OF LYNCHBURG PUBLIC WATER AND SEWER SYSTEMS.
5. EXISTING ELECTRIC AND TELEPHONE SERVICE IS OVERHEAD.
6. THIS PROPERTY IS ZONED : "R-3"
7. ADDITIONAL SITE DEVELOPMENT PLANS AND EROSION CONTROL PLAN WILL BE SUBMITTED UPON APPROVAL OF CONDITIONAL USE PERMIT.

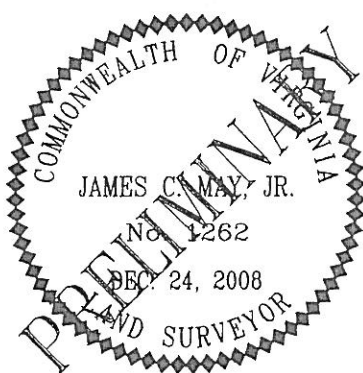
STORMWATER MANAGEMENT :

STORMWATER RUN-OFF FROM THE PROPOSED PARKING LOT WILL BE CHanneled INTO THE "FILTERRA UNIT" (A MANUFACTURED BMP DEVICE THAT EXCEEDS POLLUTANT REMOVAL EFFICIENCY REQUIRED) SHOWN ON SHEET 2 of 2 TO MANAGE THE QUALITY OF THE RUN-OFF. STORMWATER WILL THEN LEAVE THE "FILTERRA UNIT" AND ENTER A 2,000 GALLON UNDERGROUND STORMWATER DETENTION TANK AND LEAVE THIS TANK IN AN OUTLET PIPE AT A RATE NO GREATER THAN THE PRE-DEVELOPMENT RUN-OFF RATE. RUN-OFF LEAVING THE OUTLET PIPE WILL FLOW ALONG A PROPOSED PAVED GUTTER (ST'D. PG-2A) TO NORWOOD STREET. AN ADEQUATE DOWNSTREAM CHANNEL WILL BE ESTABLISHED BY INSTALLING A CONCRETE CURB & GUTTER ALONG NORWOOD STREET FROM THE SITE TO THE INTERSECTION OF "I" STREET.

SOURCES OF TITLE :

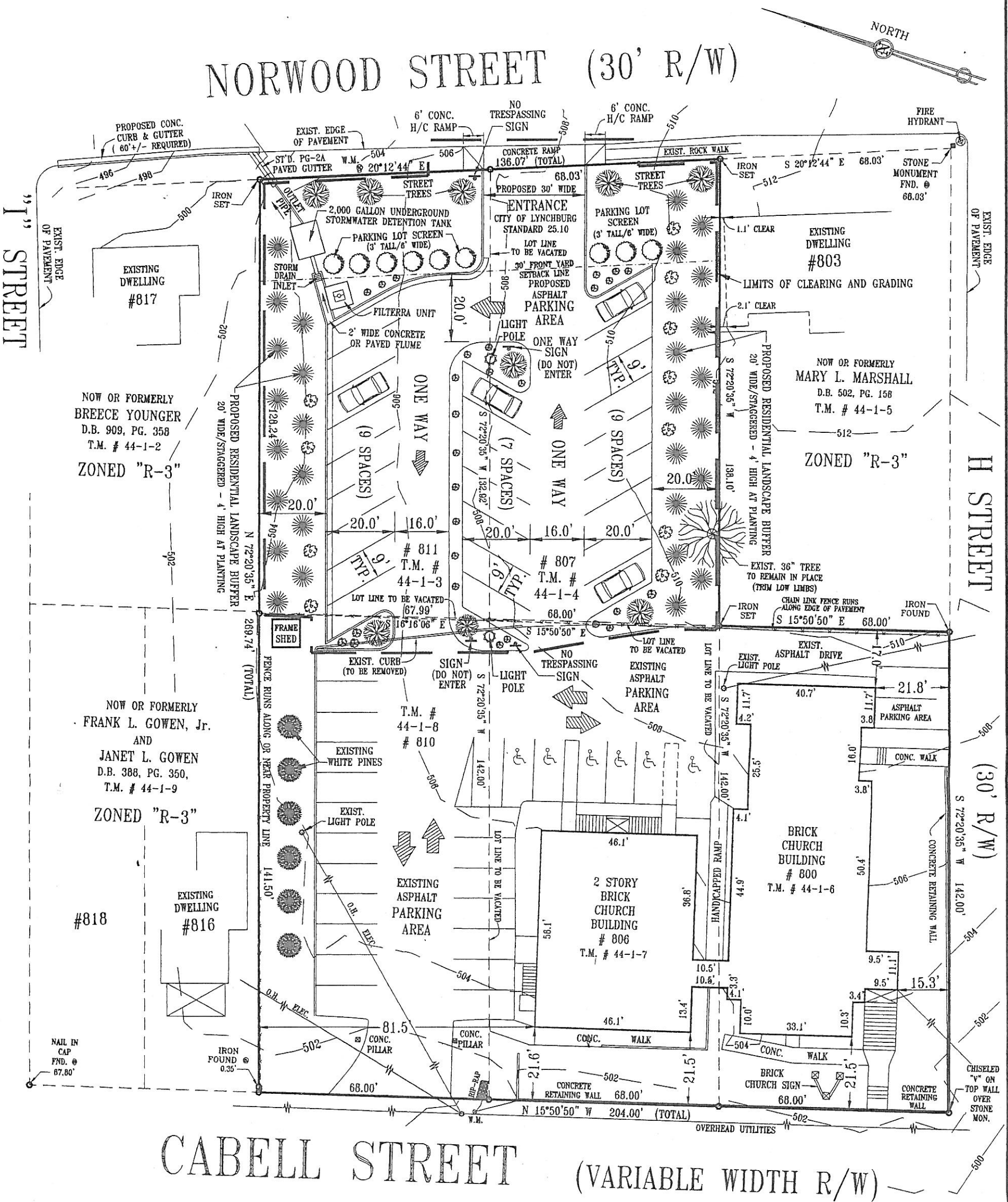
TAX MAP #44-1-3 : DEED TO TRUSTEES OF MT. CARMEL BAPTIST CHURCH / INST. #060008670
TAX MAP #44-1-4 : DEED TO TRUSTEES OF MT. CARMEL BAPTIST CHURCH / INST. #060008670
RECORDED IN THE CLERKS OFFICE OF THE CIRCUIT COURT OF THE CITY OF LYNCHBURG.

REVISED JAN. 28, 2009 PER COMMENTS FROM T.R.C. MEETING ON JAN. 20, 2009.



SHEET 1 of 2

JAMES C. MAY AND ASSOCIATES, P.C. ENGINEERS-SURVEYORS-PLANNERS P.O. BOX 718, LYNCHBURG, VA., 24501 434-528-1005 (FAX 434-846-5412)		CONCEPTUAL PLAN SHOWING PROPOSED PARKING LOT ADDITION MT. CARMEL BAPTIST CHURCH LOCATED AT 807 AND 811 NORWOOD STREET CITY OF LYNCHBURG, VIRGINIA	
SOURCE OF TITLE:		SEE ABOVE	
SCALE: AS NOTED	DATE: DEC. 24, 2008	COMM. NO.: 08150	F.B. REF.: LE 189
FOR: MT. CARMEL BAPTIST CHURCH		TAX ID.: 44-1-3 AND 44-1-4	



PROPOSED LIGHTING :

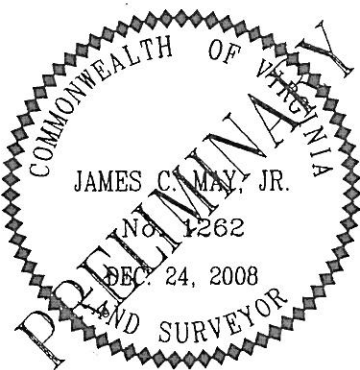
PROPOSED LIGHTING FOR THE NEW PARKING LOT TO BE DIRECTIONAL AND GLARE-SHIELDED TO PREVENT ILLUMINATION BEYOND THE PROPERTY LINE.

(APPROX. LOCATION) BENCH MARK :

BOLT ON FIRE HYDRANT
ASSUMED ELEVATION = 500.2+/-

508 ——— DENOTES EXISTING CONTOUR LINES (CONTOUR INTERVAL = 2 FEET)
ELEVATIONS BASED ON BENCH MARK SHOWN ON THIS PLAN. (ASSUMED ELEVATION = 500.2+/-)
CONTOURS ARE ACCURATE TO WITHIN ONE-HALF OF THE CONTOUR INTERVAL (I.E. 1.0 FOOT)

REVISED JAN. 28, 2009 PER COMMENTS FROM T.R.C. MEETING ON JAN. 20, 2009.



SHEET 2 of 2

JAMES C. MAY AND ASSOCIATES, P.C. ENGINEERS-SURVEYORS-PLANNERS P.O. BOX 718, LYNCHBURG, VA., 24501 434-528-1005 (FAX 434-846-5412)		CONCEPTUAL PLAN SHOWING PROPOSED PARKING LOT ADDITION FOR MT. CARMEL BAPTIST CHURCH LOCATED AT 807 AND 811 NORWOOD STREET CITY OF LYNCHBURG, VIRGINIA	
SOURCE OF TITLE:		TRUSTEES OF MT. CARMEL BAPTIST CHURCH	
SCALE: 1" = 30'	DATE: DEC. 24, 2008	COMM. NO.: 08150	F.B. REF.: LE 189
FOR: MT. CARMEL BAPTIST CHURCH		TAX ID.: 44-1-3 AND 44-1-4	

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **March 10, 2009**

AGENDA ITEM NO.: 3

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Conditional Use Permit: Lynchburg College Master Plan Amendment, 1501 Lakeside Drive and 408 Lakewood Street**

RECOMMENDATION: Approval of the Conditional Use Permit

SUMMARY: Lynchburg College is petitioning to amend the previously approved Master Plan to allow the construction of a softball batting cage for "Moon" filed at 1501 Lakeside Drive and the conversion of an existing single-family dwelling to housing for seven (7) students at 408 Lakewood Street. The subject properties are zoned R-2, Low-Medium Density, Single-Family Residential District.

The Planning Commission recommended approval of the conditional use permit because:

- The *Comprehensive Plan 2002-2020* recommends Institutional and Low Density Residential land uses in this area.
- The single-family dwelling at 408 Lakewood was designated within the "area of interest" on the previously approved Master Plan.
- The City places a high value on its colleges and will continue to support their presence within the City and to work with them in coordinating City planning with campus master planning.

PRIOR ACTION(S): February 11, 2009: Planning Commission recommended approval of the Conditional Use Permit (6-0, with one member absent, Oglesby) with the following condition:

1. The property will be developed in substantial compliance with the "Lynchburg College Revised Master Plan for Conditional Use Permit" received on December 23, 2008 and revised January 29, 2009.

BUDGET IMPACT: None

CONTACT(S): Charlene Montford 455-3902; Tom Martin 455-3990

ATTACHMENT(S):

- Resolution
- Planning Commission Report
- Planning Commission Minutes
- Vicinity Zoning Pattern
- Vicinity Proposed Land Use
- Watershed Location Map
- Master Plan Narrative and Parking Calculations
- Concept Plan
- Speaker Sign Up Sheet

REVIEWED BY: lkp

RESOLUTION:

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO LYNCHBURG COLLEGE TO AMEND THE PREVIOUSLY APPROVED MASTER PLAN TO ALLOW THE CONSTRUCTION OF A BATTING CAGE FOR "MOON" FIELD AT 1501 LAKESIDE DRIVE AND TO ALLOW THE CONVERSION OF AN EXISTING SINGLE-FAMILY DWELLING TO STUDENT HOUSING FOR SEVEN (7) STUDENTS AT 408 LAKEWOOD STREET.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of Lynchburg College to amend the previously approved master plan to allow the construction of a batting cage for "Moon" Field at 1501 Lakeside Drive and to allow the conversion of an existing single-family dwelling to student housing for seven (7) students at 408 Lakewood Street be, and the same is hereby, approved subject to the following conditions:

1. The property will be developed in substantial compliance with the "Lynchburg College Revised Master Plan for Conditional Use Permit" received on December 23, 2008 and revised January 29, 2009.

Adopted:

Certified:

Clerk of Council

014L

The Department of Community Development
City Hall, Lynchburg, VA 24504 434-455-3900

To: Planning Commission
From: Planning Division
Date: February 11, 2008
Re: **CONDITIONAL USE PERMIT: Lynchburg College Master Plan Amendment, 1501 Lakeside Drive and 408 Lakewood Street**

I. PETITIONER

Lynchburg College, 1501 Lakeside Drive, Lynchburg, VA 24501

Representative: John C. Lewis, Lynchburg College, 1501 Lakeside Drive, Lynchburg, VA 24501

II. LOCATION

The subject properties include two (2) tracts. The property located at 1501 Lakeside Drive totals ninety-nine and sixteen hundredths (99.16) acres and the property at 408 Lakewood Street includes twenty-six hundredths (0.26) of an acre.

Property Owner: Lynchburg College, 1501 Lakeside Drive, Lynchburg, VA 24501

III. PURPOSE

The purpose of this petition is to amend the existing Lynchburg College Master Plan within an R-2, Low-Medium Density, Single Family Residential District, to allow the construction of a softball batting cage for Moon Field at 1501 Lakeside Drive and the conversion of an existing single-family dwelling to housing for seven (7) students at 408 Lakewood Street.

IV. SUMMARY

- The *Comprehensive Plan* recommends Institutional and Low Density Residential land uses in this area.
- Petition agrees with the Zoning Ordinance in that schools and colleges are allowed in an R-2, Low-Medium Density Single-Family Residential District, upon approval of a conditional use permit (CUP) from City Council.

The Planning Division recommends approval of the conditional use permit petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends Institutional and Low Density Residential uses for the area. Institutions are religious, educational and other nonprofit entities in the City. Examples include churches, cemeteries, private schools and universities, private nonprofit hospitals, service clubs and organizations and other nonprofit institutions. **(page 5.3)** Low Density Residential areas are dominated by single-family homes at densities of four (4) dwelling units per acre. Institutional uses that are compatible in scale with residential homes are appropriate in these areas. **(page 5.5)**

Throughout the public forums held for the preparation of the *Comprehensive Plan*, citizens emphasized the value they place on education. Quality education opportunities must be provided for youth at the secondary school level and college level and for adults as part of continuing education. The City places a high value on its colleges and will continue to support their presence within the City and to work with them in coordinating City planning with campus master planning. **(page 11.8)**

Neighborhoods & Housing, Objective 1.C states that all institutions should be encouraged to prepare master plans showing the location of existing and proposed facilities. Institutions are also encouraged to work with surrounding neighborhoods to ensure that the master plan will have neighborhood support. **(page 10.11)** The college sent a project notification letter to the surrounding property owners explaining the plans for the new construction. No property owners have contacted the college with any concerns.

2. **Zoning.** The subject properties were annexed into the City in 1926. The existing R-2, Low-Medium Density Single-Family Residential District, zoning was established in 1978 with the adoption of the *Zoning Ordinance*. The petition does not propose to change the existing zoning.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the development of the property as proposed.
4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - On August 12, 2008, City Council approved William and Darlene Brown's petition to rezone one and thirty-eight hundredths (1.38) acres from B-5C, General Business District (Conditional) to B-5C, General Business District (Conditional) at 2022 Lakeside Drive to amend the proffers for the subject property to allow additional retail uses within the existing Aztec Rental building.
 - On February 12, 2008, City Council approved Lynchburg College's petition for a conditional use permit (CUP) to allow the construction of a three thousand (3,000) square foot addition to Thompson Hall and the construction of a four hundred and eighty (480) square foot press box for baseball on Fox Field at 1501 Lakeside Drive.
 - On July 10, 2007, City Council approved Milton & Neal Realty's petition to rezone two and two tenths (2.2) acres from R-2, Low-Medium Density, Single-Family Residential District to B-1C, Limited Business District (Conditional) at 1600, 1604 and 1608 Lakeside Drive to allow the construction of a Veteran's Administration Clinic and a future office building.
 - On February 13, 2007, City Council approved Lynchburg College's petition for a CUP to allow a consolidated sign package for nine (9) way-finding signs at 1501 Lakeside Drive and 503 Brevard Street.
 - On November 14, 2006, City Council approved Milton & Neal Properties' petition to rezone one and fourteen hundredths (1.14) acres from B-5C, General Business District (Conditional) to B-3C, Community Business District (Conditional) at 2108 Lakeside Drive to allow the construction of a U.S. Armed Forces Recruiting Center.
 - On June 13, 2006, City Council approved Lynchburg College's petition for a CUP to allow college-supervised student housing at 217 Bell Street, 209 Amelia Street, 317 College Street, 402, 417, 419 Lakewood Street, 1115 McCausland Street, 518 Brevard Street and 324 Vernon Street.
 - On June 13, 2006, City Council approved DSZ Properties' petition to rezone three and eighty-seven hundredths (3.87) acres at 2009 Lakeside Drive from R-2, Low-Medium Density Single-Family Residential District, to R-4C, Medium-High Density Multi-Family Residential District (Conditional) to allow the construction of a thirty-six (36-) unit townhouse complex with associated parking.
 - On July 12, 2005, City Council approved Lynchburg College's petition for a CUP to allow the conversion of existing residences to student housing at 404, 428 Lakewood Street., 185, 307 Vernon Street and 214 Bell Street.
 - On December 12, 2004, City Council approved Lynchburg College's petition for a CUP to allow the conversion of existing residences to student housing at 201 Bell Street, 224, 350 Vernon Street, 1123 McCausland Street, 121 Thomas Road, 310, 416, 432 Lakewood Street and 333 College Street.
 - On October 12, 2004, City Council approved Lynchburg College's petition for a CUP to allow the construction of student housing and associated parking areas at 1501 Lakeside Drive.
 - On June 8, 2004 City Council approved Lynchburg College's petition for a CUP to allow the conversion

of existing residences to student housing at 191, 225, 235, 246, 302, 310, 311, 331, 348 Vernon Street, 316 and 426 Lakewood Street.

- On June 12, 2001, City Council approved Lynchburg College's petition for a CUP to allow the development of student housing at 511 Brevard Street, 312, 420, 425 Lakewood Street and 504 Westwood Avenue.
- On March 14, 2000, City Council approved Lynchburg College's petition for a CUP to amend its master development plan to allow the construction of student townhomes on campus at 1501 Lakeside Drive.
- On July 13, 1999, City Council approved Lynchburg College's petition for a CUP to allow the development of a college office and student housing at 341 College Street, 504 Brevard Street and 245 Vernon Street.
- On September 8, 1998, City Council approved Otis and Jean Brent's petition to rezone one and two tenths (1.2) acres at 2108 Lakeside Drive from B-5C, General Business District (Conditional), to B-5C, General Business District (Conditional), to amend a previously approved proffer to allow the use of an existing building for office and retail use.
- On August 11, 1998, City Council approved Lynchburg College's petition for a CUP to allow the use of an existing residence for student housing at 215 Vernon Street.
- On June 9, 1998, City Council approved Lynchburg College's petition for a CUP to amend its master plan to allow the construction of a gym and physical plant storage building at 1501 Lakeside Drive.
- On May 12, 1998, City Council approved Lynchburg College's petition for a CUP to allow the development of special interest student housing at 512 Brevard Street.
- On July 8, 1997, City Council approved The Salvation Army's petition to rezone one and one tenth (1.1) acres at 2108 Lakeside Drive from I-2, Light Industrial District, to B-5C, General Business District (Conditional), to allow construction and use of a thrift store.
- On May 14, 1997, City Council approved Robert Kerr's petition to rezone seventy-five hundredths (0.75) of an acre at 2108 Lakeside Drive from I-2, Light Industrial District, to B-5C, General Business District (Conditional), to allow construction of a building for auto parts sales and commercial uses.
- On December 12, 1995, City Council approved Lynchburg College's petition for a CUP to amend its master plan to allow conversion of an existing residence for supervised student housing at 511 Brevard Street.
- On January 12, 1993, City Council approved Lynchburg College's petition for a CUP to amend its master plan to allow the construction of the School of Business within the 300 Block of College Street.
- On June 11, 1991, City Council approved James Mitchel's petition to rezone approximately one and three tenths (1.3) acres at 2022 Lakeside Drive from B-5C, General Business District (Conditional), to B-5C, General Business District (Conditional), to amend a previously approved proffer to allow general equipment rental, sales, service and outside storage.
- On August 1, 1989, City Council approved Lynchburg College's petition for a CUP to allow the development of college offices and student housing on College, McCausland and Brevard streets.
- On February 14, 1989, City Council approved Lynchburg College's petition for a CUP to allow the development of faculty offices at 505 Brevard Street.
- On November 8, 1988, City Council approved Farris and Iseman's petition for a CUP to allow the expansion of a mobile home park at 2134 Lakeside Drive.
- On August 9, 1988, City Council approved Lynchburg College's petition for a CUP to allow the construction of a dormitory and office at 349 College Street.

- On July 12, 1988, City Council approved Lynchburg College's petition for a CUP to allow the construction of office space at 185 Vernon Street and 500 Westwood Avenue.
 - On April 12, 1988, City Council approved Don Gay's petition to rezone approximately two tenths (0.2) of an acre at 2018 Lakeside Drive from B-3, Community Business District, to B-5C, General Business District (Conditional), to allow the operation of an automobile sales and rental business in an existing structure.
 - On October 14, 1986, City Council approved Lynchburg College's petition for a CUP to allow the construction of three (3) athletic practice fields, parking area and a restroom/storage building at the intersection of Lakeside Drive and Faculty Drive.
 - On June 10, 1986: City Council approved Knight Gallery LTD's petition for a CUP to allow the construction of a building and parking lot addition at 2034 Lakeside Drive.
 - On August 13, 1985, City Council approved Lynchburg College's petition for a CUP to allow the conversion of an existing residence hall to offices and construction of new classrooms/parking on College Street.
 - On September 25, 1984, City Council approved Lynchburg College's petition for a CUP to allow the development of an alumni house off Lakeside Drive.
 - On October 28, 1980, City Council approved Lester Heyer's petition for a CUP to allow a Family Amusement Center off Lakeside Drive.
5. **Site Description.** The subject properties are bound to the east and west by single-family homes. Properties to the south of the site are a combination of parking and single-family homes. The northern portion of the property is heavily wooded and bound by College Lake.
 6. **Proposed Use of Property.** The purpose of the conditional use permit petition is to amend the existing master plan to allow the construction of a softball batting cage for Moon Field at 1501 Lakeside Drive and the conversion of an existing single-family dwelling to housing for seven (7) students at 408 Lakewood Street. The respective projects require no new City water or sewer connections. Although no landscaping is required by City's *Zoning Ordinance* for the batting cage or the student residence, the college proposes to plant additional screening vegetation for the batting cage.
 7. **Traffic, Parking and Public Transit.** The City's Traffic Engineer had no comments regarding traffic for the proposed batting cage and student residence.

The current parking provided in the Master Plan greatly exceeds the amount required for these uses. Lynchburg College's projected 2009 student population is two thousand, five hundred (2,500) students, with five hundred and ninety one (591) faculty and staff. This would require one thousand, three hundred and ninety four (1,394) parking spaces. The Lynchburg College Master Plan provides for one thousand, seven hundred and ninety-nine (1,799) parking spaces, three hundred and forty-two (342) more than required.

The Greater Lynchburg Transit Company [GLTC] Bus Route 8 stops directly in front of the entrance to campus at 1501 Lakeside Drive. In addition, a GLTC Route 6 stop is located approximately seven hundred and fifty (750) feet from the proposed student residence.
 8. **Stormwater Management.** The proposed batting cage will generate one thousand two hundred and sixty (1,260) feet of new impervious area which will result in a slight increase in stormwater runoff. The City's *Stormwater Management Ordinance* provides that projects with new impervious cover between one thousand (1,000) and five thousand (5,000) square feet may mitigate stormwater run off with landscaping, as long as run off from the site is discharged into an adequate receiving channel. The college proposes minimal land disturbance for the installation of the batting cage; as such, drainage patterns for the site will not be altered from their present condition. Stormwater drainage will be mitigated through roof drains and landscaping. Lynchburg College has also proposed additional screening vegetation for the batting cage which will result in less runoff and an

improved stormwater quality benefit from the site. The proposed management strategy is acceptable to the City's Environmental Reviewer.

Since no new impervious area is proposed for the conversion of the existing residence to student housing, stormwater management is not required for this portion of the project.

9. **Emergency Services.** The City's Fire Marshal had no concerns regarding the conditional use permit.

The City Police Department had no comments regarding the proposed batting cage. Good lighting, deadbolt locks and "No Trespassing" signs were recommended for the student residence. Lynchburg College noted that good lighting has already been installed at the residence, with exterior lighting and dusk-to-dawn lights to provide adequate illumination around the building, especially at the entrances. In addition, both exterior doors have been replaced and fitted with sturdy lock hardware. Lynchburg College currently uses "No Trespassing" signs throughout the campus and routinely sends warning letters to trespassers that the property owner will prosecute persons on the property without legitimate reasons and permission.

10. **Impact.** The construction of a one thousand two hundred and sixty (1,260) square foot batting cage at Moon Field will enhance Lynchburg College's facilities for its softball teams. The facility will be screened from view of College Drive by vegetation and topography, such that the facility will not impact the adjacent neighborhood.

The college currently has student housing for one thousand seven hundred and fifty (1,750) students. The College currently requires that "traditional" aged students live in college-owned housing until their senior year. During the senior year, a student may live off campus; however, it must be in an area zoned R-4 or R-5. These requirements have eliminated the ability of the students to rent single-family dwellings not under the ownership of the college. This has greatly reduced the potential for students to generate noise or cause other disruptive activities.

The college received approval from City Council on October 12, 2004 to construct an additional apartment building for one hundred and four (104) students with associated parking areas; subsequent permission on December 12, 2004 to convert nine (9) existing dwellings into student housing for forty (40) students; on July 12, 2005 to convert an additional five (5) dwellings into student housing for thirty-five (35) students; and on June 13, 2006 to convert nine (9) dwellings into student housing for fifty-five (55) students.

The submitted concept plan indicates that parking will be provided in a gravel lot behind the residence or in existing parking lots owned and operated by Lynchburg College to prevent an overflow of cars into the adjacent residential neighborhood. Traffic, parking, stormwater management and emergency services concerns have all been addressed to the satisfaction of City staff, and the result is a project that would fit into the fabric of the existing campus.

11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on January 20, 2009. Comments related to the proposed use were minor in nature and have or will be addressed by the developer prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDATION:

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of Lynchburg College's petition for a conditional use permit (CUP) to amend the existing master plan within an R-2, Low-Medium Density, Single Family Residential District, to allow the construction of a softball batting cage for Moon Field at 1501 Lakeside Drive and the conversion of an existing single-family dwelling to housing for seven (7) students at 408 Lakewood Street subject to the following condition:

- 1. The property will be developed in substantial compliance with the "Lynchburg College Revised Master Plan for Conditional Use Permit" received on December 23, 2008 and revised January 29, 2009.**

This matter is respectfully offered for your consideration.

William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Charlene B. Montford, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia L. Kozerow, Lynchburg Police Department
Battalion Chief Greg Wormser, Fire Marshal
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Mr. Keith Wright, Zoning Official
Mr. Robert S. Fowler, Zoning Administrator
Mr. Kent L. White, Senior Planner
Mrs. Erin B. Hawkins, Environmental Reviewer
Mr. John C. Lewis, Lynchburg College

VII. ATTACHMENTS

- 1. Vicinity Zoning Pattern**
- 2. Vicinity Proposed Land Use**
- 3. Watershed Location Map**
- 4. Master Plan Narrative and Parking Calculations**
- 5. Concept Plan**

MINUTES OF THE FEBRUARY 11, 2009 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

c. Petition of Lynchburg College for a conditional use permit to amend the existing master plan within an R-2, Low-Medium Density, Single Family Residential District, to allow the construction of a softball batting cage at 1501 Lakeside Drive and the conversion of an existing single-family dwelling to housing for seven students at 408 Lakewood Street.

Mr. Martin addressed the commissioners with the following comments. This petition does propose to amend the previously approved master plan to allow the construction of a batting cage adjacent to Moon Field and the use of an existing structure at 408 Lakewood Street for student housing for up to seven students. The property at 408 Lakewood Street was indicated as an area of interest on the previously approved master plan. The *Future Land Use Map* indicates an Institutional use for the main campus of the college and a Low-Density Residential use for the rest of the surrounding area.

Parking will be addressed through the use of an existing gravel lot behind the residence. The only stormwater management issues would be with the batting cage, but it falls within the threshold of the *Stormwater Management Ordinance*, which is between 1,000 and 5,000 square feet. They will be able to mitigate stormwater with the use of the landscaping. The college has indicated that they would like to plant this landscaping to further screen the batting cage from the street and surrounding residences. T

The college sent out a project letter to the surrounding residences. Staff understands that at the time of the writing of the report that there has been no contact with the college from any of the property owners. The Planning Division recommends approval of the conditional use permit.

Commissioner Worthington asked Mr. Martin why the batting cage needed to be included in this master plan amendment. Mr. Martin answered that it is a fairly large structure (1,250 square feet) and is in close proximity to the property line. Staff felt it would be best to give the neighborhood an opportunity to speak.

Mr. John Lewis, the Associate Vice President of Business and Finance for Lynchburg College came forward as the representative for the petition. Dave Fisher, the Director of Physical Plant was also present to answer any questions they might have.

Mr. Lewis commented that they would like to add a batting cage at the intersection of Lakeside Drive and College Drive. They will be starting by pouring a concrete pad and will add onto it as funds become available.

408 Lakewood Street became available to them recently. It is between two homes that they already own. They would like to begin using it in the fall of 2009. On behalf of the college, Mr. Lewis asked the Planning Commission for their support.

Chair Hamilton asked for anyone else who wished to speak in favor of the petition. No one came forward. She asked for anyone who wished to speak in opposition to the petition or with concerns. Mr. Josh Farmer of 410 Lakewood Street came forward. The house he lives in is immediately to the left of 408 Lakewood Street. He is not entirely opposed to the idea of having students living there. Obviously, it is a college neighborhood. He would like to see it approved with some additional considerations. The main issue for he and his fiancé is it has been his experience that the college cannot control the number of students they have there now. That is understandable to him. Noise does not bother him. He is concerned about their property in general.

Mr. Farmer approached the screen to point out his house. He said there used to be a fence all the way around 408 Lakewood Street, but the college took it out after acquiring the property. That makes it easier for people from the houses behind these properties to spill over into his property. He is experiencing problems with a lot of beer cans being in his yard the next day after parties. Mr. Farmer would like to see a fence along the driveway again. That would show the college students that this is an area where they should not trespass.

Commissioner Worthington asked Mr. Farmer if he owned the house. He said he did not but he has spoken to his landlord. The owner was in support of Mr. Farmer being at the meeting but was unable to make it himself. He said that he supported what Mr. Farmer was asking for and the college or the commissioners could contact him directly if they needed. His name is Andy Coleman.

Ms. Leigh Forrester who also resides at 410 Lakewood Street came forward to speak in opposition to the petition. She said that they expect the regular college stuff to go on; however, last weekend she was home alone and it was around 11:30 p.m. There was a lot of noise caused by students at 408 Lakewood Street using the back yard for a party. Around a half hour later, a car pulled into the driveway right behind her car. She was worried about them hitting her car and one of the girls was yelling obscenities. In her opinion, this is about respecting their property and where they live. There was debris in the yard again the next morning. She would also like the fence between the two houses as well. She did not go out that night to confront the girls because she does not want to pick a fight with college kids. She does not want any retaliation. She is not trying to be a bad neighbor; she is simply asking them to be good neighbors.

Chair Hamilton asked Mr. Lewis to come back to address these concerns. He apologized to Mr. Farmer and Ms. Forrester for the problems they have been experiencing. He said it is always easier to address issue if you are aware of them beforehand or as they occur. At least now, they can go to work on the issues they have.

Mr. Lewis pointed out the yellow line on the aerial photo which designates the property line. It goes up the middle of the driveway, which means that is a shared driveway. Mr. Lewis is not sure how they would put a fence in the middle of the driveway which would still allow them to use the driveway. It would certainly impede their use of the other half of the driveway. The college already did some landscaping with some rocks to try and keep student vehicles out of the yard and allow the parking space next to the garage to be used by the tenants of 410 Lakewood Street.

Mr. Farmer acknowledged the rocks put there and said they do appreciate them. To him, it is not about cars in the driveway though. He would like something to clearly delineate the two properties when people are wandering around on foot. Mr. Farmer thinks that they could put a fence along the grassy area next to the driveway though. They would forfeit a couple of feet but people can't park there anyway because of the rocks. It seems like a reasonable tradeoff and it would keep people from wandering into his yard and driveway.

Commissioner Hannon asked Mr. Farmer if he thought he was experiencing these problems because the property is unoccupied. He asked Mr. Farmer if he noticed the same type of problems in the occupied houses. Mr. Farmer pointed out the houses on the street that are not Lynchburg College houses. He thinks the problems vary by semester because of the group of students occupying the houses. The houses immediately behind them are generally the hosts of the parties, so he does not know whether the issues will go away when the house is occupied. Maybe because the fence is gone and people know it is unoccupied, they see it as an opportunity to use it for parties. Mr. Farmer said this stuff happens though at all the houses on the block. He said he could not say for sure, but if he had to predict, he would not see a major change happening when the house is occupied. Commissioner Hannon asked Mr. Farmer how long he has lived there, and he said about two years.

Commissioner Hannon asked for clarification about the fence he would like to see installed. Would he like to see it go from the back left corner of the 408 Lakewood Street to the edge of the garage with a gate or something? Mr. Farmer said he would like to see it follow the grass line basically. Commissioner Hannon asked him if the back of his property is fenced, and Mr. Farmer said it is. Commissioner Hannon asked him if he has any problem with people coming across his fence or actually entering his property. Mr. Farmer said it is mainly a problem with people walking behind his property and throwing beer cans in his yard. He often finds his dog chewing on them.

Commissioner Sale commented to Mr. Lewis that on a number of occasions in the past, they have to address of students living in housing and the housing designation for students. It is his understanding that there has been an increased policy of oversight in these situations and circumstances. Commissioner Sale asked Mr. Lewis if it was his opinion that the matter can be addressed through good implementation of student housing policy in these houses or is it something that the college thinks can be better remediated by the proposed fence. Mr. Lewis said they are certainly willing to consider the idea of the fence. Mr. Lewis feels that over the twenty some years that he has been with the school that they have worked hard to address the issue. The commissioners who are new to commission may not know the problems the college suffered for many years with absentee landlords in the area around campus, especially on Vernon Street. The homes were all owned by people and rented to the students, and the college had very little control over what took place. There were parties and the properties were in terrible shape. Since the college was unable to house all the students on campus, they acquired roughly seventy homes and converted them to student housing and added 250 additional spaces on campus. Now that the college owns these homes, they can control them and it can supervise them and deal with problems when they become aware of them.

If someone calls the school and complains about a loud party, they send someone to respond. On Thursday, Friday and Saturday nights, they have a community patrol that the college pays for comprised of an off-duty police officer, a residence life person and a security person. The college has provided them with a car to patrol the neighborhood and

respond to any problems. The college realizes the situation and is being proactive and trying to deal with the problems as they arise. If the fence would make the situation for this individual, then the college is certainly willing to consider it as a solution. Commissioner Sale asked for clarification that if Mr. Farmer and Ms. Forrester have anymore problems, then they should get in touch with the college and the college will address these problems. Mr. Lewis said they will certainly address them as best they can. Anytime the student involved can be identified, they are dealt with directly. If it is a general complaint, they deal with it as best they can. The college wants dialogue with its neighbor and to work to solve problems.

Commissioner Hannon asked Mr. Lewis if he had any statistics or records as to police calls to the homes owned by the college. Mr. Lewis said he did not, and he is not sure if the city keeps such records. With the college having its own community patrol, it often saves a Lynchburg police officer from being called. Commissioner Hannon asked Mr. Lewis the college is notified at any point if the Lynchburg police have to be called to one of these homes. Mr. Lewis said that the college has dialogue on a regular basis with the police to see if there are any issues. Mr. Lewis commented that most of the calls come on the weekends, so they would know first.

Commissioner Hannon asked if the college informs nearby residents of the patrol number that they should call. Mr. Lewis said that he believes that is done by the Dean of Students. Mr. Lewis asked Mr. Farmer if he has ever received anything. He said he did not think so, but maybe it had gone to the owner. Commissioner Worthington commented that in the past he thought there had been a communication problem between the police and the college as to who has the authority to make an arrest. If a call comes in, does that automatically go to the off-duty police officer the college has hired? Mr. Lewis commented that their security officers do not have arrest power. They would be dependent on the Lynchburg police in a case like that. The off-duty officer on the weekends is intended to show the college is being proactive; he does have arrest power. In certain situations, he would probably need to call for backup.

Commissioner Barnes asked for clarification that the students living in 408 Lakewood Street would be behind the house in a gravel lot. Mr. Lewis indicated some changes to the aerial photo that the college made in order to expand the lot shown in the photo. There is enough room there now for seven spaces. They do not want the students to use the shared driveway. Commissioner Barnes commented that there would not necessarily be a problem then putting a fence across the driveway. Mr. Lewis said that is correct. Commissioner Swienton asked if there is a deed restriction that requires this shared driveway access. Mr. Lewis said that is correct. Commissioner Swienton asked Commissioner Hannon how far a potential fence can come down before it violates any covenants of the deed. Commissioner Hannon commented that they property owners can come to any mutual disposition that they want. Mr. Lewis said that a potential fence would not really be on the driveway. Mr. Lewis approached the photo and indicated that the college would consider putting a fence along the grass line next to the driveway in sort of an "L" shape that would include the front of the garage.

Chair Hamilton asked about the plantings and stormwater management at the batting cage. Mr. Fisher commented that the size of the batting cage fell between 1,000 and 5,000 square feet. The way to take care of any stormwater management according to the ordinance was through plantings around the perimeter. Since the batting cage requires access on all four sides, it was satisfactory to the Environmental Planner that they take the total number of required plantings and put them somewhere on the drainage area. At the same time, they wanted to screen the structure from the street, so they chose to put the plantings on the bank going up the batting cage. That would perform double duty of providing screening and achieving the stormwater management. The street is ten to twelve feet above the grade of the concrete pad.

Commissioner Worthington made a motion that they approve the conditional use permit petition with the understanding that a mutually agreed upon fence or some other structure be constructed. Commissioner Worthington asked Commissioner Hannon if he had any suggestions about the possible wording. Commissioner Hannon asked Mr. Martin for his advice. Mr. Martin said that the problem sounds like it is mainly about trash. Mr. Martin was wondering if there are sufficient trash receptacles in the area. There may be a need for a fence and additional trash receptacles.

Commissioner Hannon commented that if they continue to go through and grant conditional use permits for houses that Lynchburg College purchases in this area, aren't they defeating the prohibition of student housing in single-family dwellings? Mr. Martin answered that at the time of the last major master plan revision, the Planning Commission specifically asked the college to show an area of interest for any future student housing in single-family dwellings. This house is within that area of interest.

Commissioner Barnes seconded the motion that Commissioner Worthington made earlier. Commissioner Swienton offered a substitute motion. "A fence of a minimum height of five feet tall shall be installed from the rear of the property

traversing along the border of the joint access continuing to the front of the house. The college shall the option of removing this fence if it owns the 410 Lakewood Street property.” There was some discussion about changing the language to the eastern edge of the property, so that it did not sound like the fence goes right on the driveway and also ending it at the back corner of 408 Lakewood Street. Instead of entertaining either of these motions, Commissioner Hannon suggested that Lynchburg College can be trusted to take appropriate steps to ensure the privacy of the next-door neighbor. It is Commissioner Hannon’s suggestion that the commission has the college commit to do so and not write it in as an amendment. Chair Hamilton commented that she feels they might be regulating something for the future that might not be amendable to a future owner of 410 Lakewood Street.

Commissioner Sale commented that he has heard from Lynchburg College that it intends to be a good neighbor and make adjustments, as well as to make sure the policies of student behavior are well addressed. Mr. Lewis said that is correct. Commissioner Hannon also suggested that the college notify the residents, not just the property owners, of the number to call if they have any problems—something like a refrigerator magnet would be appropriate.

Commissioners Worthington and Swienton withdrew their motions. Commissioner Swienton said he was very comfortable with Lynchburg College doing what they can to protect the surrounding property owners.

Commissioner Worthington made the following motion, which was seconded by Commissioner Hannon:

“That the Planning Commission recommends to City Council approval of Lynchburg College’s petition for a conditional use permit (CUP) to amend the existing master plan within an R-2, Low-Medium Density, Single Family Residential District, to allow the construction of a softball batting cage for Moon Field at 1501 Lakeside Drive and the conversion of an existing single-family dwelling to housing for seven (7) students at 408 Lakewood Street subject to the following condition:

- 1. The property will be developed in substantial compliance with the “Lynchburg College Revised Master Plan for Conditional Use Permit” received on December 23, 2008 and revised January 29, 2009.”**

Commissioner Hannon asked Mr. Lewis to come back up and put it on the record that this is where they are going and this is okay with Lynchburg College. Mr. Lewis said that is correct. He said the college very much appreciates the recommendation and it will work with property owner, as well as the tenants to come up with a solution. He said he appreciates that they are not trying to tie them into the future what has to be placed there and where it needs to be put.

Chair Hamilton asked if the college is also expressing its willingness to make the neighborhood aware of its policies. Mr. Lewis said that is correct and he also liked Mr. Martin’s idea about trash receptacles. They will put at least two in that back parking area. Commissioner Sales asked if he is going to initiate this conversation with the present owner of 410 Lakewood Street, and Mr. Lewis said that is correct.

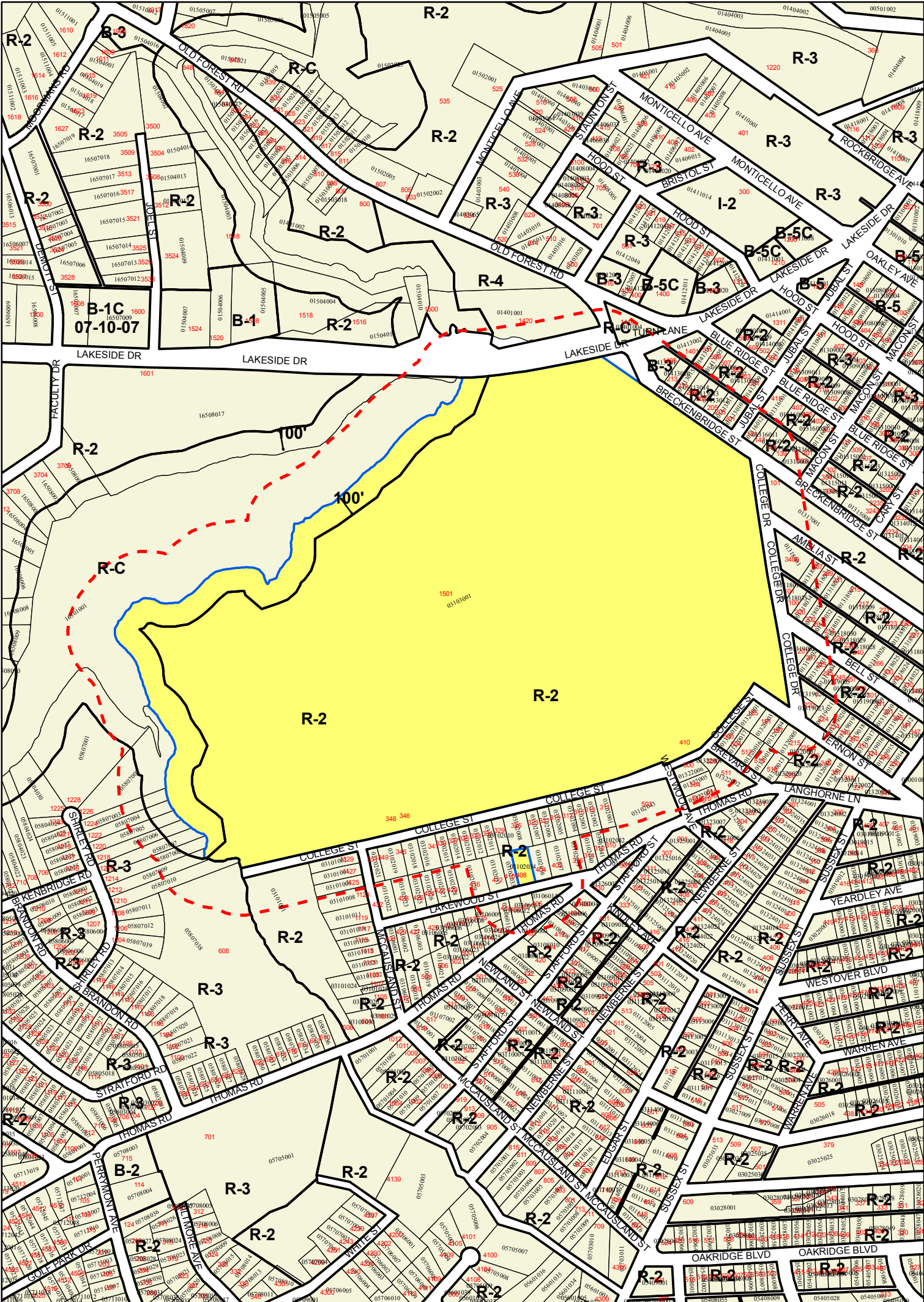
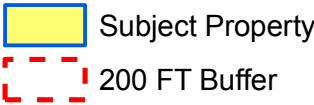
Commissioner Sale addressed Ms. Forrester and told her that they are dealing with this regularly. It is the desire and intent of the Planning Commission to make sure that there are good neighborly relations going on there. Ms. Forrester thanked them.

The motion passed by the following vote:

AYES:	Barnes, Hamilton, Hannon, Sale, Swienton and Worthington	6
NOES:		0
ABSTENTIONS:		0
ABSENT:	Oglesby	1

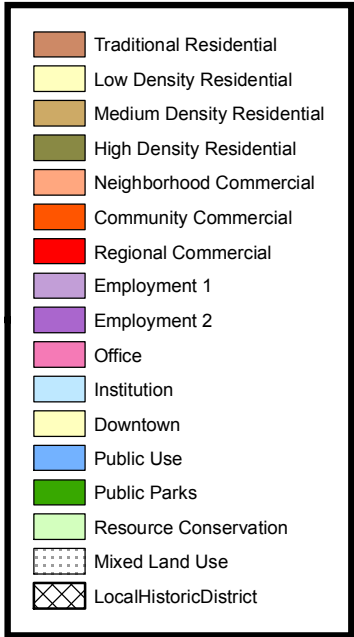
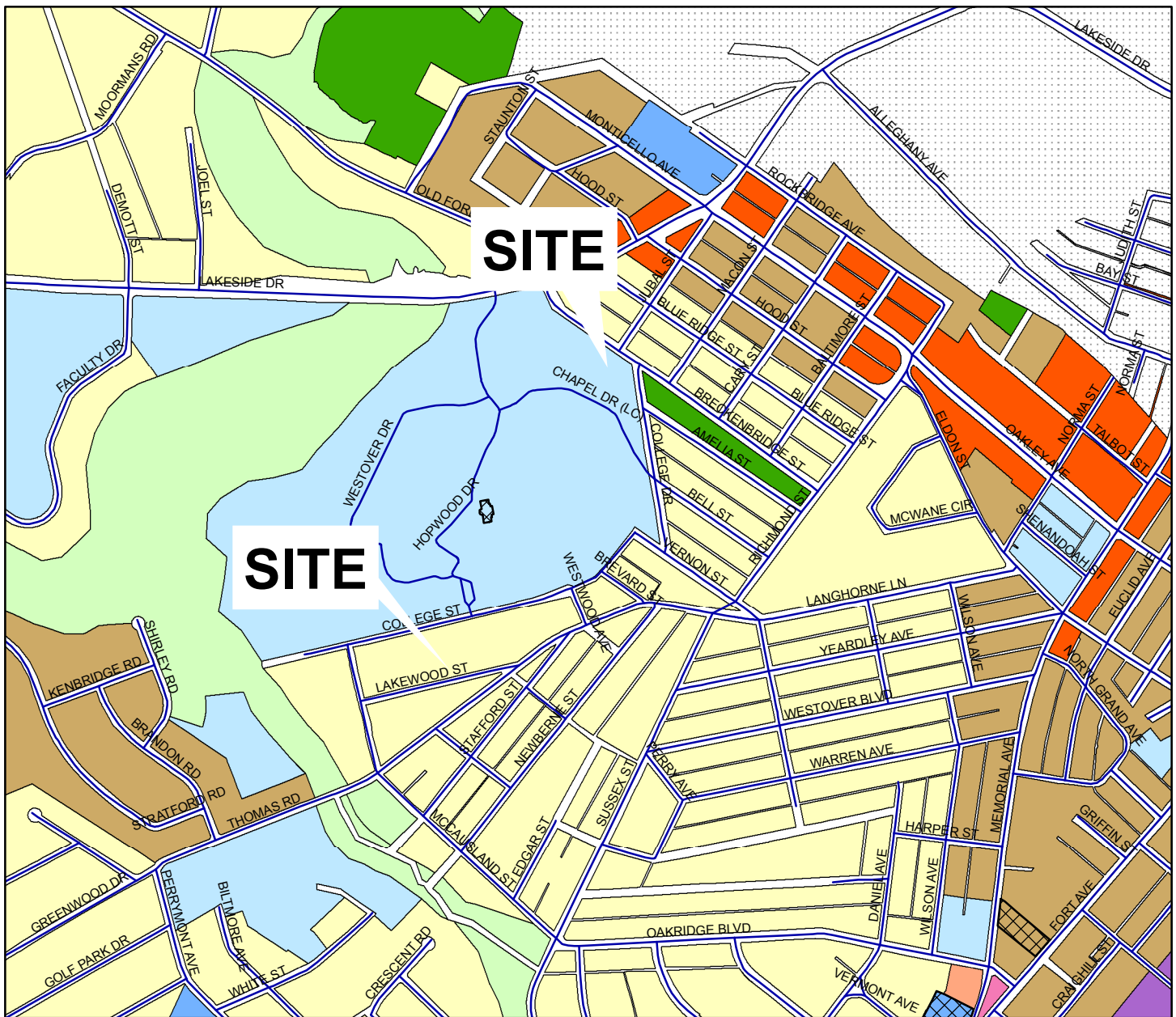
LYNCHBURG COLLEGE

1501 Lakeside Drive, 408 Lakewood Street
PIN# 031-02-034, 031-03-001
Conditional Use Permit Request
Petitioner-Lynchburg College



LYNCHBURG COLLEGE ADJOINING OWNERS

PIN	Owner	LocAddr
01316001	GETHSEMANE BAPTIST CHURCH TRS	411 BLUE RIDGE ST
01316003	GETHSEMANE BAPTIST CHURCH TRS C/O CYNTHIA DUCK	407 BLUE RIDGE ST
01316007	HOWARD JAMES R & LILA F	301 MACON ST
01316008	HOWARD JAMES R & LILA F	303 MACON ST
01316009	ADAMS INVESTMENT PROPERTIES LLC	139 BRECKENBRIDGE ST
01316010	COBB ERNEST R & LORRAINE T C/O LORRAINE T COBB	143 BRECKENBRIDGE ST
01316011	CRANNEY ERIK A	147 BRECKENBRIDGE ST
01316012	DUDLEY BRUCE D	151 BRECKENBRIDGE ST
01317001	CITY OF LYNCHBURG C/O STEVE LAWSON	101 BRECKENBRIDGE ST
01318001	LYNCHBURG COLLEGE	3400 COLLEGE DR
01318004	TAYLOR POLLY W	207 AMELIA ST
01318005	LYNCHBURG COLLEGE	209 AMELIA ST
01318011	LYNCHBURG COLLEGE	101 COLLEGE DR
01318031	LYNCHBURG COLLEGE	214 BELL ST
01318032	WHITE ROBERT H	204 BELL ST
01318033	MCCRAY DARNELL M & TRACY D	202 BELL ST
01318034	RUSSELL TERRY H & KAREN S & RUSSELL SCOTT P	200 BELL ST
01318035	JONES JACK M & ANN F	100 BELL ST
01319001	LYNCHBURG COLLEGE	201 BELL ST
01319002	LYNCHBURG COLLEGE	217 BELL ST
01319003	EVANS PHUC THI C/O LISA ANN EVANS	225 BELL ST
01319004	JONES JACK M & ANN F; JONES JACK M JR	235 BELL ST
01319005	JONES JACK M & ANN F	245 BELL ST
01319006	POWELL DANIEL W JR	257 BELL ST
01319020	LYNCHBURG COLLEGE	234 VERNON ST
01319021	LYNCHBURG COLLEGE	224 VERNON ST
01319023	INVESTACORP LLC	220 VERNON ST
01319024	LYNCHBURG COLLEGE	1 COLLEGE DR
01320001	LYNCHBURG COLLEGE	185 VERNON ST
01320003	LYNCHBURG COLLEGE	191 VERNON ST
01320004	CAVALIERE GREGORY W	197 VERNON ST
01320005	LYNCHBURG COLLEGE	215 VERNON ST
01320007	LYNCHBURG COLLEGE	225 VERNON ST
01320008	LYNCHBURG COLLEGE	235 VERNON ST
01320013	LYNCHBURG COLLEGE	518 BREVARD ST
01320014	LYNCHBURG COLLEGE	516 BREVARD ST
01320016	LYNCHBURG COLLEGE	512 BREVARD ST
01320017	LYNCHBURG COLLEGE	504 BREVARD ST
01320018	LYNCHBURG COLLEGE	500 BREVARD ST
01322001	LYNCHBURG COLLEGE	505 BREVARD ST
01322002	LYNCHBURG COLLEGE	511 BREVARD ST
01322004	LP APARTMENTS LLC	510 WESTWOOD AVE
01322005	LYNCHBURG COLLEGE	504 WESTWOOD AVE
01322006	LYNCHBURG COLLEGE	500 WESTWOOD AVE
01401001	LYNCHBURG COLLEGE	1420 LAKESIDE DR
01401004	CITY OF LYNCHBURG C/O STEVE LAWSON	1410 LAKESIDE DR
01413001	HAWK DOROTHY P	1405 LAKESIDE DR
01413002	OGLESBY R SCHAEFER	1401 LAKESIDE DR
01413004	OGLESBY R SCHAEFER	511 BLUE RIDGE ST
01413005	SPRADLEY JOSHUA JR & GOODE HELEN A	509 BLUE RIDGE ST
01413006	DAVIS NEALY C & DAVIS MILDRED F	507 BLUE RIDGE ST
01413007	RAMSEY M DOUGLAS & LINDA H	505 BLUE RIDGE ST
01413008	PRICE MAEBELL	503 BLUE RIDGE ST
01413009	HAPPY OURS LLC	501 BLUE RIDGE ST
01413010	COBB E R & LORRAINE T C/O LORRAINE T COBB	201 COLLEGE DR
01413011	HARRIS PETER V	203 COLLEGE DR
01413012	LYNCHBURG COLLEGE	205 COLLEGE DR
01413013	LYNCHBURG COLLEGE	207 COLLEGE DR
01413014	JONES REGINA W	209 COLLEGE DR
01413015	LYNCHBURG COLLEGE	211 COLLEGE DR
01413016	LYNCHBURG COLLEGE	213 COLLEGE DR
03101001	THOMAS ROAD BAPTIST CHURCH	606 THOMAS RD
03101002	LYNCHBURG COLLEGE	1129 MCCAUSLAND ST
03101004	LYNCHBURG COLLEGE	1127 MCCAUSLAND ST
03101006	LYNCHBURG COLLEGE	1125 MCCAUSLAND ST
03101008	LYNCHBURG COLLEGE	1123 MCCAUSLAND ST
03102001	SIMOPOULOS KANELLA K IRREVOCABLE TR	311 COLLEGE ST
03102002	SIMOPOULOS KANELLA K IRREVOCABLE TR	313 COLLEGE ST
03102003	CARPENTER WILLIAM A JR & HAZEL A	315 COLLEGE ST
03102004	LYNCHBURG COLLEGE	317 COLLEGE ST
03102005	LYNCHBURG COLLEGE	319 COLLEGE ST
03102006	LYNCHBURG COLLEGE	321 COLLEGE ST
03102007	MAY DANIEL S & ROSE W	323 COLLEGE ST
03102008	LYNCHBURG COLLEGE	325 COLLEGE ST
03102010	LYNCHBURG COLLEGE	329 COLLEGE ST
03102011	LYNCHBURG COLLEGE	331 COLLEGE ST
03102012	LYNCHBURG COLLEGE	333 COLLEGE ST
03102013	LYNCHBURG COLLEGE	335 COLLEGE ST
03102014	LYNCHBURG COLLEGE	337 COLLEGE ST
03102015	LYNCHBURG COLLEGE	339 COLLEGE ST
03102016	LYNCHBURG COLLEGE	341 COLLEGE ST
03102018	LYNCHBURG COLLEGE	345 COLLEGE ST
03102019	LYNCHBURG COLLEGE	349 COLLEGE ST
03102021	LYNCHBURG COLLEGE	351 COLLEGE ST
03102022	LYNCHBURG COLLEGE	432 LAKEWOOD ST
03102023	LYNCHBURG COLLEGE	428 LAKEWOOD ST
03102025	LYNCHBURG COLLEGE	426 LAKEWOOD ST
03102026	LYNCHBURG COLLEGE	424 LAKEWOOD ST
03102027	HARPER ELEANOR K & TERRY G	422 LAKEWOOD ST
03102028	LYNCHBURG COLLEGE	420 LAKEWOOD ST
03102029	LYNCHBURG COLLEGE	416 LAKEWOOD ST
03102031	SCHOMAKER ROBERT J & MARGARET S	412 LAKEWOOD ST
03102033	HATCH PATRICIA L	410 LAKEWOOD ST
03102034	DREWRY EVERETT D & JEAN S	408 LAKEWOOD ST
03102036	LYNCHBURG COLLEGE	404 LAKEWOOD ST
03102037	LYNCHBURG COLLEGE	402 LAKEWOOD ST
03102039	LYNCHBURG COLLEGE	316 LAKEWOOD ST
03102040	SCHOMAKER ROBERT J & MARGARET	314 LAKEWOOD ST
03102041	LYNCHBURG COLLEGE	312 LAKEWOOD ST
03102042	LYNCHBURG COLLEGE	310 LAKEWOOD ST
03102043	LYNCHBURG COLLEGE	503 WESTWOOD AVE
03103001	LYNCHBURG COLLEGE	1501 LAKESIDE DR
03106009	WELLS JONATHAN M	415 LAKEWOOD ST
03106011	SCHOMAKER ROBERT J & MARGARET	411 LAKEWOOD ST
03106012	SIMOPOULOS PETER T & SIMOPOULOS ELIAS T	409 LAKEWOOD ST
03106013	SIMOPOULOS KANELLA K IRREVOCABLE TR	407 LAKEWOOD ST
03106014	BRADSHAW ELIZABETH D & BRAGG PATRICIA	405 LAKEWOOD ST
03106026	SCHOMAKER ROBERT J & MARGARET	412 THOMAS RD
03108003	AYERS WAYNE A & WATSON JANE AYERS	431 THOMAS RD
03108004	ANDERSON DOROTHY E	400 STAFFORD ST
03108006	REICHARD DANIEL H JR & SHELLEY R	404 STAFFORD ST
03108007	CHRISTIAN ANNE C	406 STAFFORD ST
03108008	BARRETT CHRISTOPHER & ANNE A	412 STAFFORD ST
03108010	PERKINS JARVIS N	414 STAFFORD ST
05807001	LYNCHBURG COLLEGE	1228 SHIRLEY RD
05807002	LYNCHBURG COLLEGE	1226 SHIRLEY RD
05807003	DALTON MARK A	1224 SHIRLEY RD
05807004	WADE BOBBY C & JUDY ANN	1222 SHIRLEY RD
05807005	YOUNG WAYNE L & DOLLIE A	1220 SHIRLEY RD
05807006	BAILEY RICHARD L	1218 SHIRLEY RD
05807007	TYREE PROPERTIES LLC	1216 SHIRLEY RD
05807008	BRAUD LURLINE W	1214 SHIRLEY RD
05807009	TYREE PROPERTIES LLC	1212 SHIRLEY RD
05807010	PHELPS CHARLES A & NANCY L	1210 SHIRLEY RD
05807038	THOMAS ROAD BAPTIST CHURCH	608 THOMAS RD
16501001	LYNCHBURG COLLEGE	1701 LAKESIDE DR
16508017	LYNCHBURG COLLEGE	1601 LAKESIDE DR
Owner	LYNCHBURG COLLEGE	
Petitioner	LYNCHBURG COLLEGE	
Representative	JOHN LEWIS/LYNCHBURG COLLEGE	

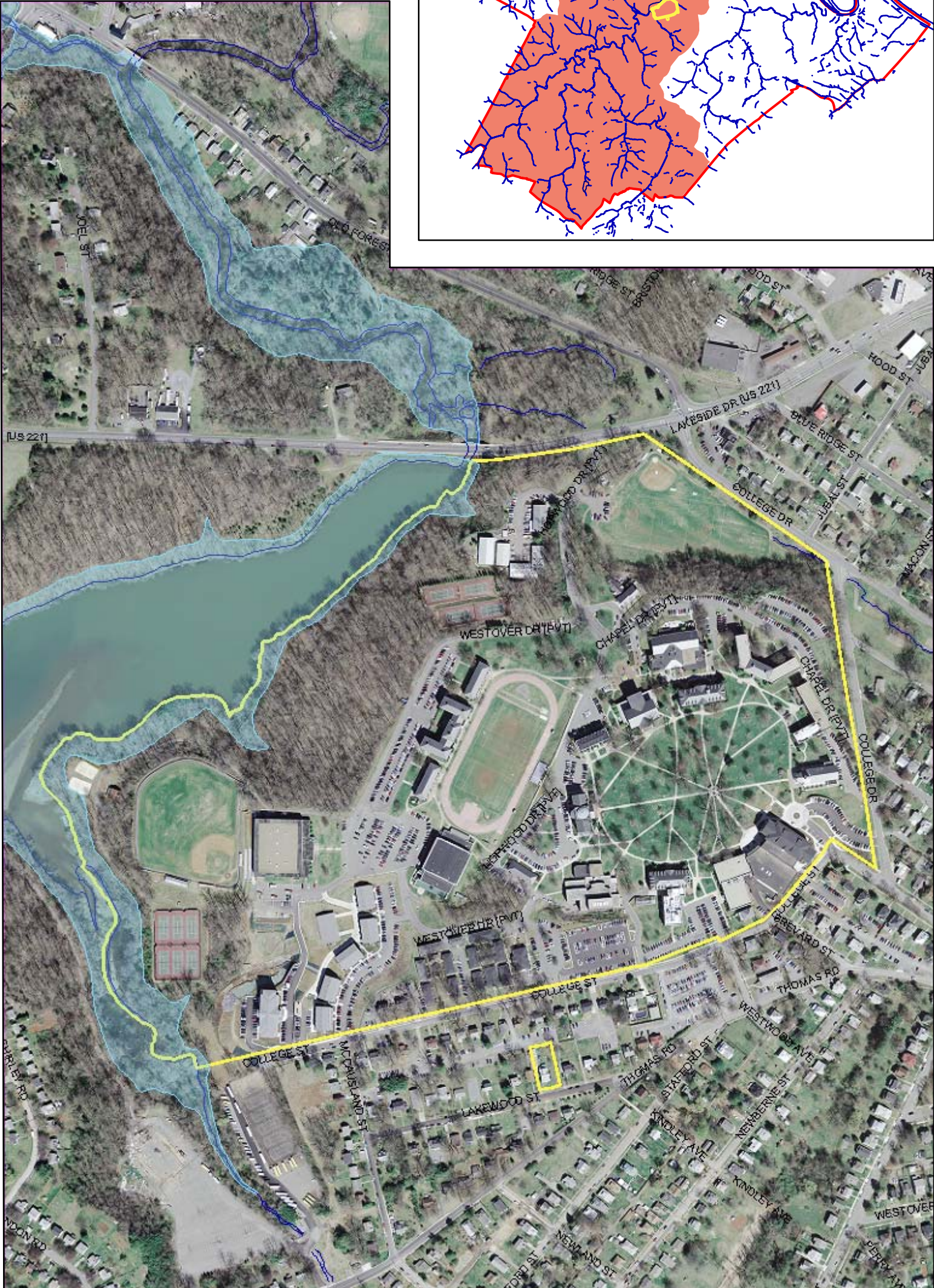
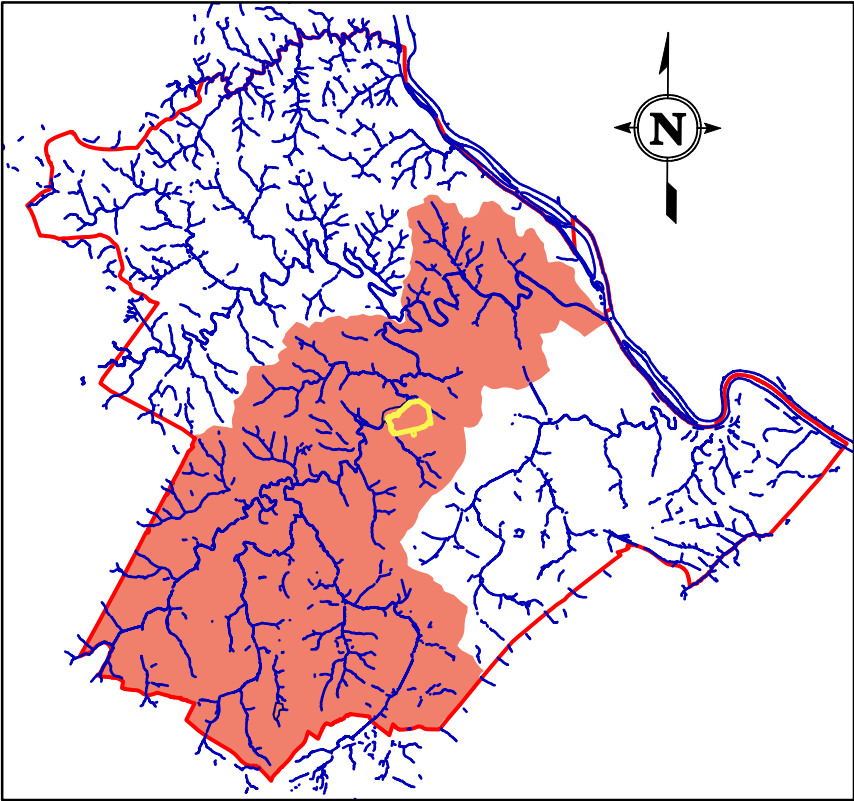


LYNCHBURG COLLEGE **1501 LAKESIDE DRIVE** **408 LAKEWOOD STREET** **LAND USE PLAN**

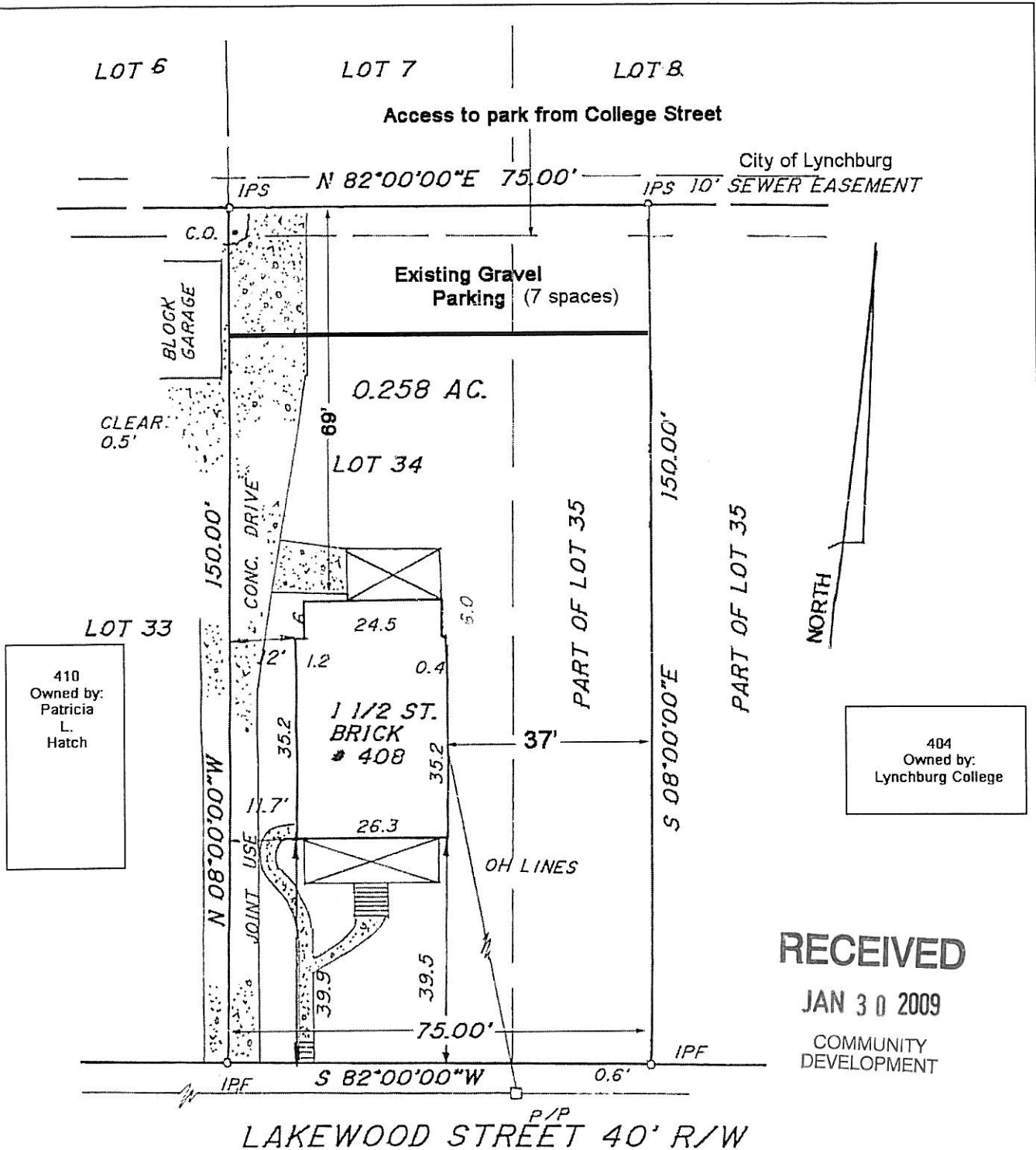


Lynchburg College Master Plan Amendment
Watershed Location Map

- Legend
- Project Site
 - Corporate Limit
 - 100-Year Floodplain
 - Blackwater Creek Watershed



Pctitioner and Owner: Lynchburg College, 1501 Lakeside Drive; Lynchburg, VA 24501
Location: 408 Lakewood Street **Existing Zoning:** R-2
Proposed Use: Student Residence in Existing Structure (for 7 students)

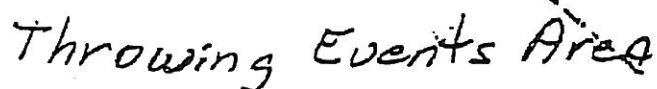


PARKING CALCULATION:

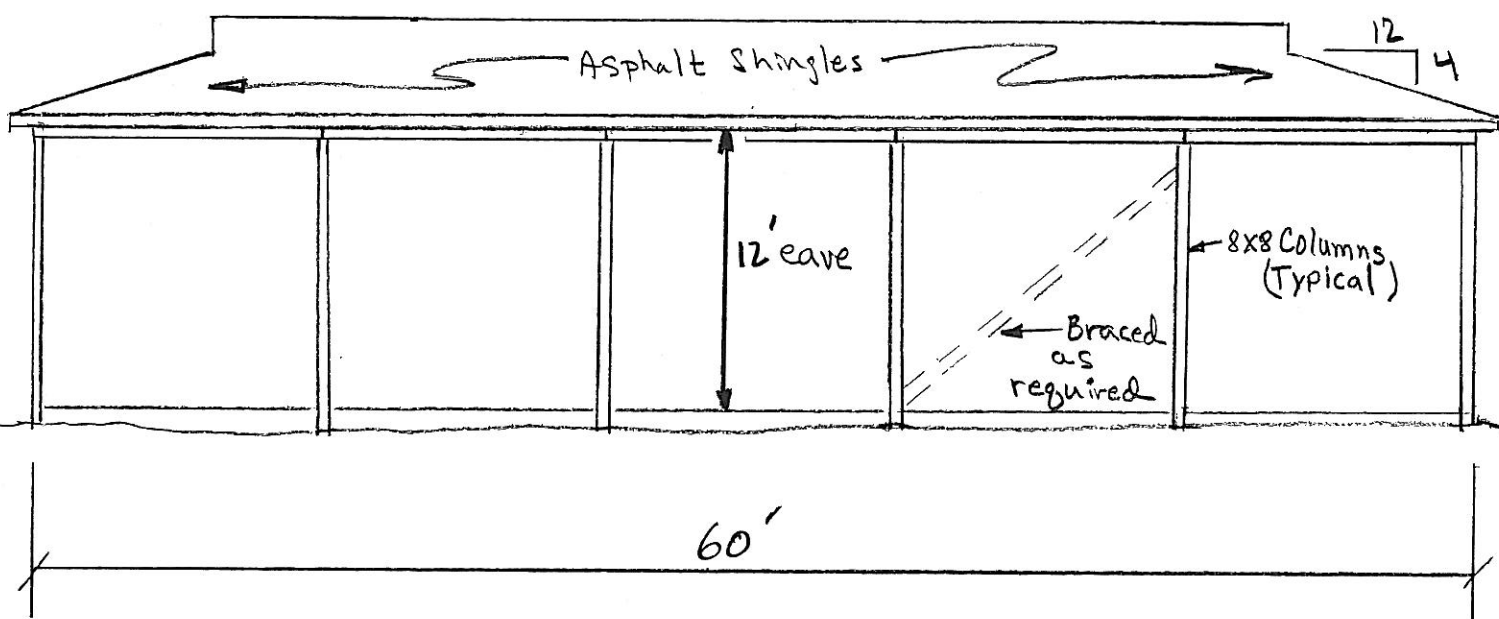
Width of parking area = 75'
 Width of each parking space = 10'
 Total number of new spaces = 7

BLOCK A
 WESTWOOD ADDITION
 CITY OF LYNCHBURG, VA.
 SCALE 1" = 25' OCT. 6, 2008

12/22/08

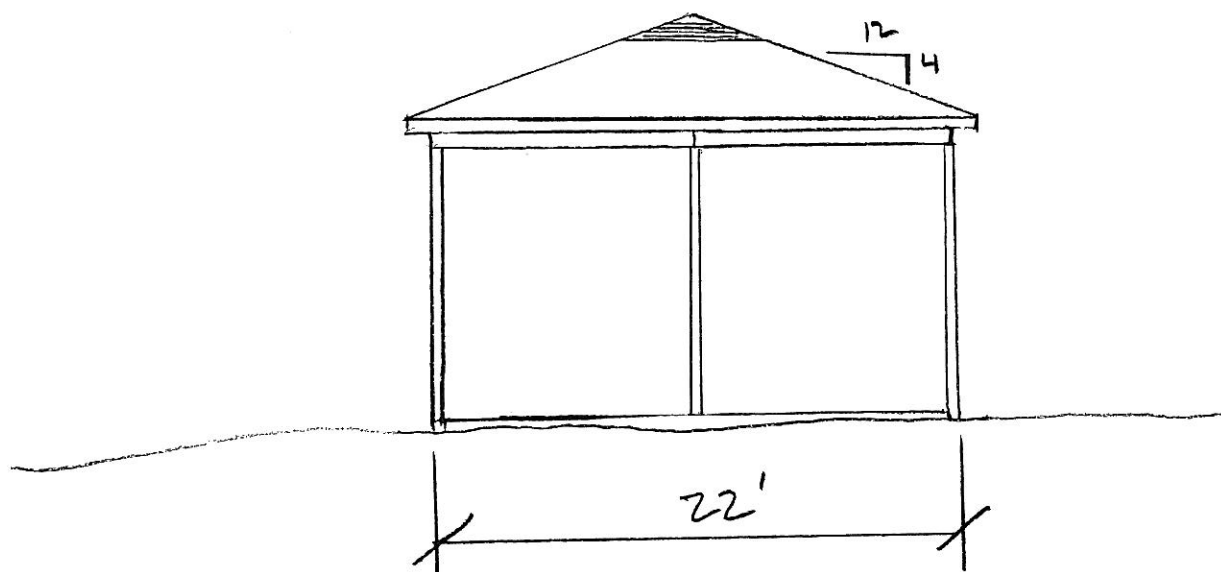


FUTURE
PRE-ENGINEERED
WOODEN STRUCTURE
(EVENTUALLY ENCLOSED)



MOON FIELD BATTING CAGE

1/8" scale
DEF 12/18/08



1/8" scale
DEF 12/18/08

Construction Traffic,
Erosion Control, and
Construction Limit Plan
(Part B)

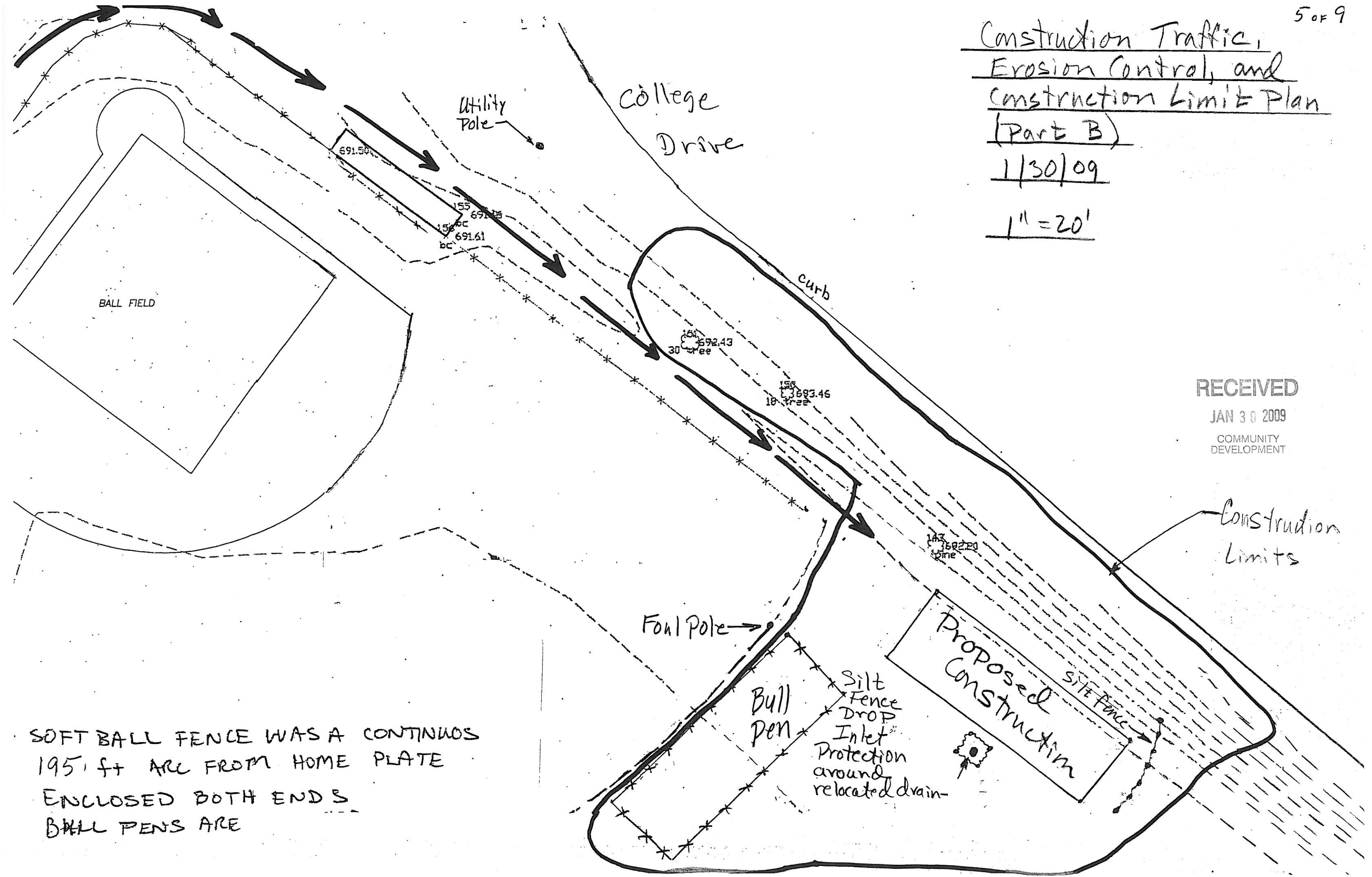
1/30/09

1" = 20'

RECEIVED

JAN 30 2009

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SOFT BALL FENCE WAS A CONTINUOUS
195' ft ARC FROM HOME PLATE
ENCLOSED BOTH ENDS
BALL PENS ARE

Construction Traffic,
Erosion Control, and
Construction Limit Plan

(part A)

1/30/09

1" = 20'

Hopwood Drive

Proposed Routing for
Construction
Traffic

BALL FIELD

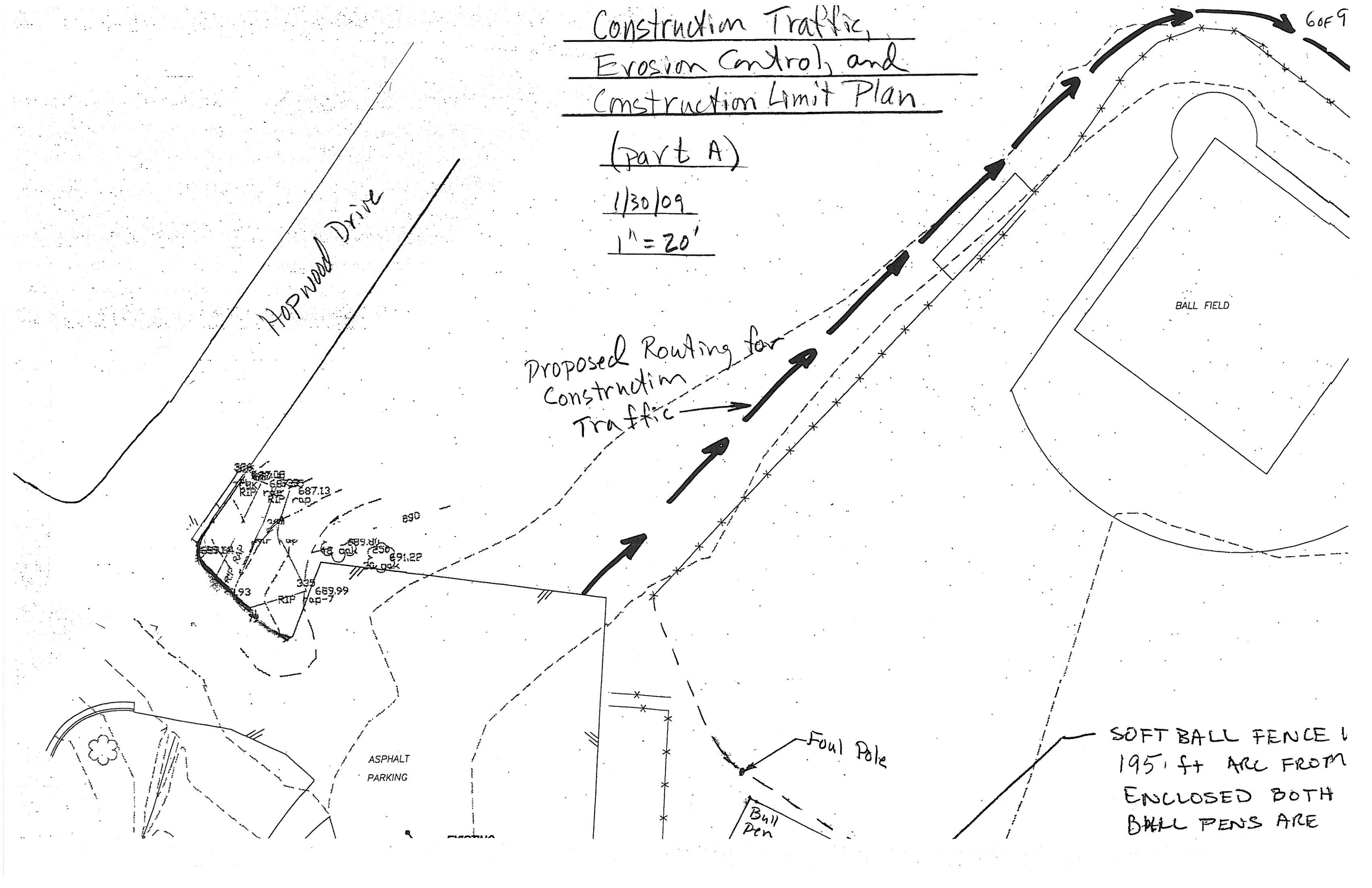
60F9

ASPHALT
PARKING

Foul Pole

Bull
Pen

SOFT BALL FENCE 1
195' ft ARC FROM
ENCLOSED BOTH
BALL PENS ARE

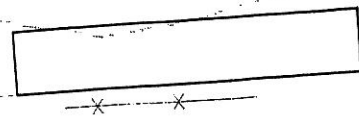


Existing Storm Water Plan

1" = 20'
1/30/09

EXISTING
Area Drain
Rim: 691.50
Inv: 688

7 of 9 Drop Inlet
TOP: 691.57
Inv: 687.12



Bull
Pen

AREA = 0.802 ACRES
Tc = 16.5 MIN
C = 0.31

0.411 ACRES
Tc = 14 MIN
C = 0.31

Swale and
French Drain

72 L

SWALE

ST

ST

692.0

692.0

694.1

693.0

694.0

694.2

694.3

694.3

Proposed Storm Water Plan

This project will result in essentially no changes to the drainage quantities.

1"=20'

1/30/09

Relocated Area Drain
Rim: 691.80
Inv: 688

Relocated 8" HDPE from here to relocated drain

Batting Cage
692.5' elevation
ST

Note: 4" perforated pipe in stone bed around pad perimeter connected to 8" storm line.

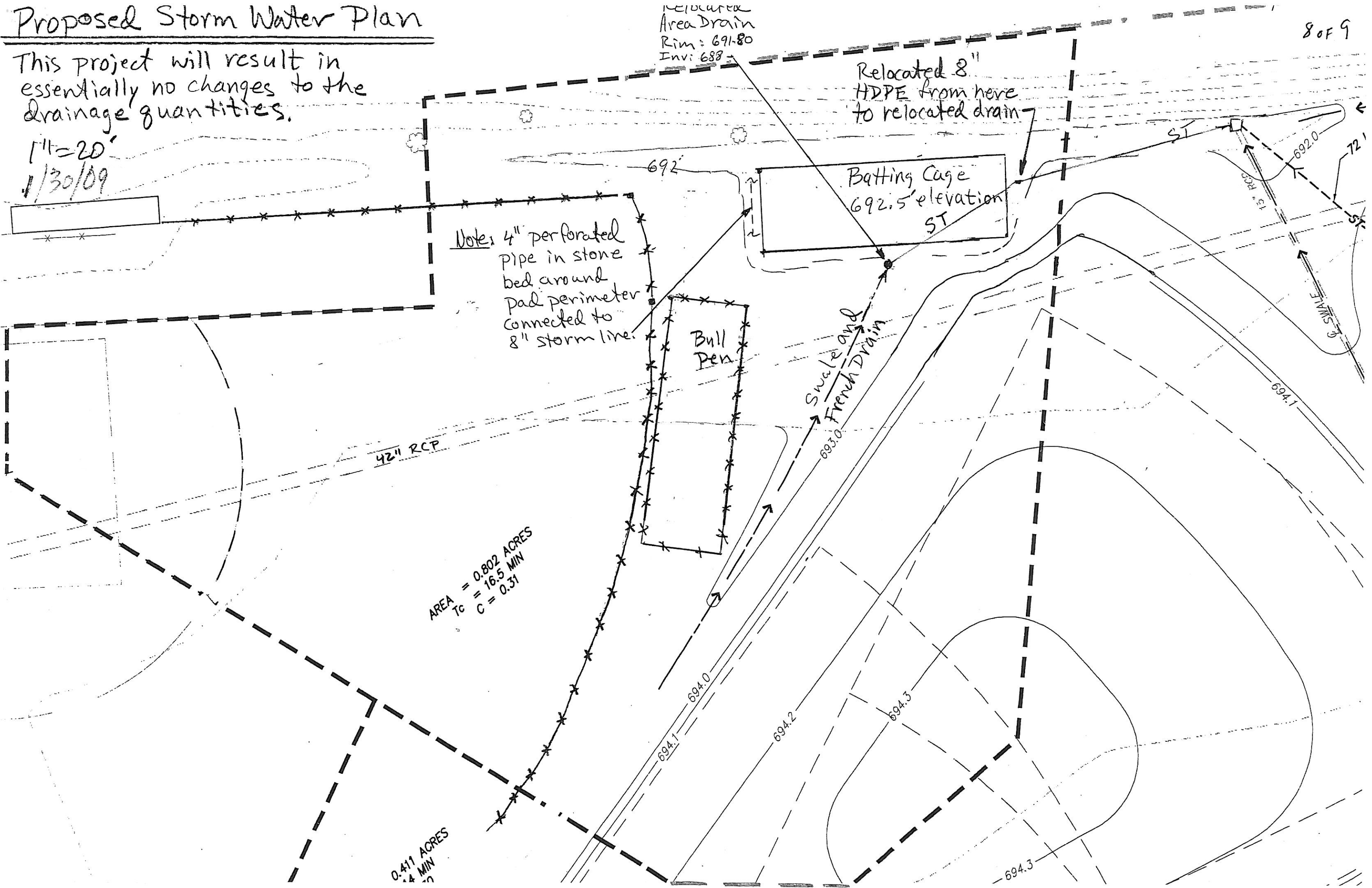
Bull Pen

Swale and French Drain
693.0

42" RCP

AREA = 0.802 ACRES
Tc = 16.5 MIN
C = 0.31

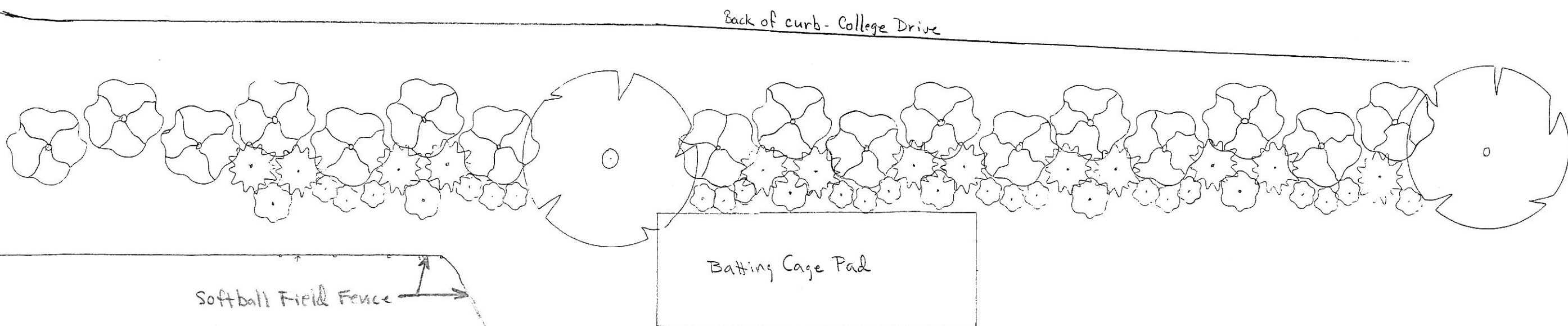
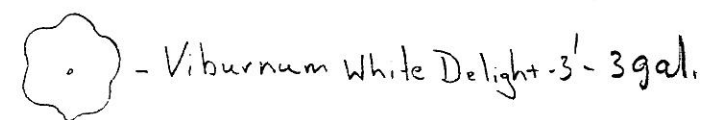
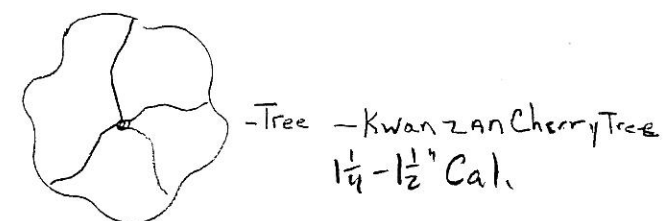
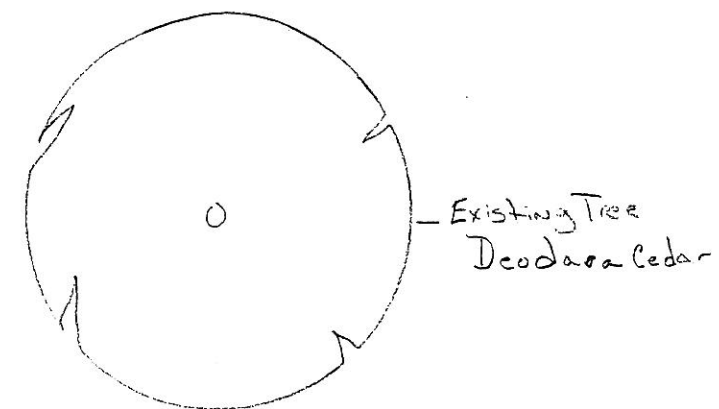
0.411 ACRES
14 MIN



Landscape Plan

1/30/09

1" = 20'



LYNCHBURG COLLEGE UPDATE TO MASTER PLAN

Conditional Use Permit Application

Lynchburg College is applying for a Conditional Use Permit to update its Master Plan to request permission for two projects on Campus. The first project is the construction of a softball batting cage at Moon Field. The second project is to convert the single family dwelling at 408 Lakewood Street to student housing.

Lynchburg College, founded in 1903, is one of the oldest coeducational colleges in Virginia. Since its founding, the College has maintained strong commitments to the liberal arts as the basis for education, to a church relationship, to coeducation, and to being a residential community. We have completed a new strategic plan and a new campus facilities master plan. Our plans include a modest growth in our enrollment from a total headcount of 2,489 in the fall of 2007 to a total headcount of 2,500. It is projected that 2,000 of these students would be full-time traditional age undergraduates with the remaining 500 consisting of older adult (over 25) students, part-time students and Graduate students. All traditional age students are required to live in College-owned housing until their senior year unless they are living at home with their parents. Seniors must apply to live off-campus and they can only live in areas zoned R4 or R5, areas designated as multi-family dwellings, i.e., apartment complexes. Our students are no longer allowed to rent single-family dwellings throughout the neighborhood surrounding the campus. We project that approximately 1,800 of our students will live in College-owned housing. Since our current capacity for housing students is limited to 1,750, we will need to increase our capacity to house more students. In recent years, we have completed new construction on campus to house 246 students. In addition to this new construction, we have utilized College-owned and supervised residential properties to house students.

In order to have more resident space we need to convert the dwelling that we recently purchased at 408 Lakewood Street to student housing for seven students.

The construction of a batting cage at Moon Field will enhance our facilities for the College's softball team.

The College has been and wants to continue to be a responsible entity within the City of Lynchburg. We currently employ over 600 individuals and have a regional economic impact of over \$80 million on an annual basis.

In the near future, we will send a letter to all individuals that own property and/or live near the College so that we can share with them our plans and respond to their concerns, if any.

Prepared by:

John C. Lewis
Associate Vice President for
Business and Finance

Update to Master Plan/JCL_jo
12/18/08

LYNCHBURG COLLEGE

Master Plan Parking Space Analysis Fall 2008

			<u>Current Fall 2008</u>
Fall 2008: 642 Faculty and Staff	X	<u>2 Spaces</u> 3 Faculty & Staff =	428
Fall 2008: 2,572 Students	X	<u>1 Space</u> 2.5 Students =	<u>1029</u>
Total required parking spaces			1,457
Total existing parking spaces			<u>1,799</u>
Spaces currently in excess of parking requirements			<u>342</u>

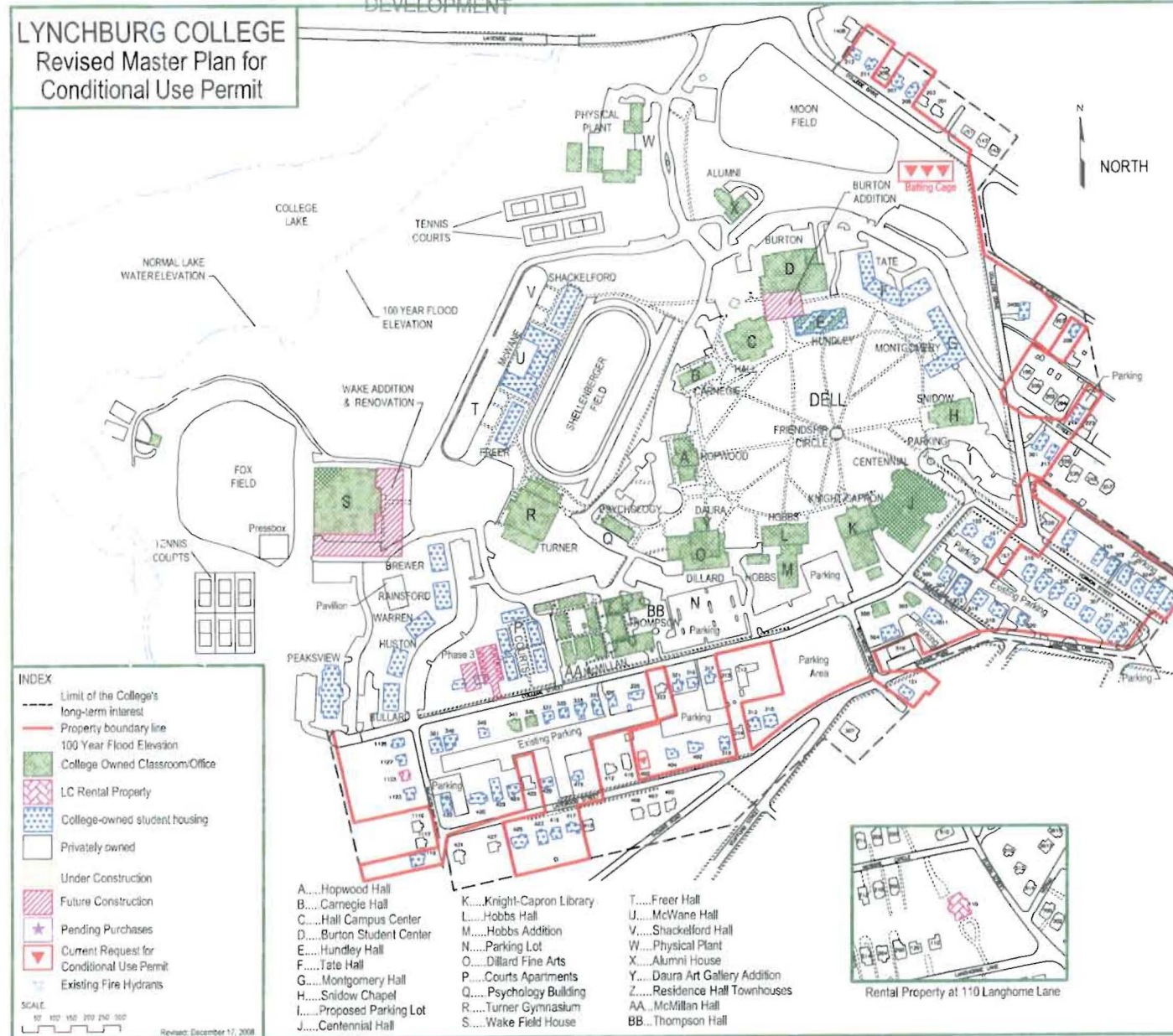
JCL/jo
12/17/08

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LYNCHBURG COLLEGE Revised Master Plan for Conditional Use Permit



APPROVED 1989-2008:

- Dell Renovations
- Entrance Road & Physical Plant Parking
- Science Building Addition
- Daura Art Gallery Addition
- Residential Properties - Student Housing
- Hobbs Hall Renovation
- 512 Brevard - Student Housing
- 511 Brevard - Student Housing
- 215 Vernon - Student Housing
- Turner Gym Additional and Shelter
- Physical Plant Storage Building
- 504 Brevard - Student Housing
- 245 Vernon - Student Housing
- 341 College - Temporary Offices; Then Student Housing
- Hall Center - Classrooms/Offices
- 207 College - Student Housing
- 516 Brevard - Student Housing
- 319 College - Student Housing
- 321 College - Student Housing
- 325 College - Student Housing
- 339 College - Student Housing
- Residence Hall Townhouses - Phase 1
- 424 Lakewood - Student Housing
- 312 Lakewood - Student Housing
- 420 Lakewood - Student Housing
- 425 Lakewood - Student Housing
- 504 Westwood - Student Housing
- Centennial Hall (Educational Building)
- 316 Lakewood - Student Housing
- 426 Lakewood - Student Housing
- 191 Vernon - Student Housing
- 225 Vernon - Student Housing
- 235 Vernon - Student Housing
- 246 Vernon - Student Housing
- 302 Vernon - Student Housing
- 310 Vernon - Student Housing
- 311 Vernon - Student Housing
- 331 Vernon - Student Housing
- 348 Vernon - Student Housing
- Residence Hall Apartments (Phase 2)
- 201 Bell - Student Housing
- 224 Vernon - Student Housing
- 350 Vernon - Student Housing
- 1123 McCausland - Student Housing
- 121 Thomas - Student Housing
- 310 Lakewood - Student Housing
- 416 Lakewood - Student Housing
- 432 Lakewood - Student Housing
- 214 Bell - Student Housing
- 404 Lakewood - Student Housing
- 428 Lakewood - Student Housing
- 185 Vernon - Student Housing
- 307 Vernon - Student Housing
- 209 Amelia - Student Housing
- 324 Vernon - Student Housing
- 518 Brevard - Student Housing
- 317 College - Student Housing
- 217 Bell - Student Housing
- 402 Lakewood - Student Housing
- 417 Lakewood - Student Housing
- 419 Lakewood - Student Housing
- 1115 McCausland - Student Housing
- Thompson Addition
- Fox Baseball Field Press Box
- CURRENT REQUEST**
- 408 Lakewood - Student Housing
- Moon Field - Softball Batting Cage
- FUTURE CONSTRUCTION:**
- Burton Student Center Addition/Renovation
- Wake Field House Addition/Renovation
- Residence Hall Townhouses - Phase 3
- (Demolish 346 & 348 College St.)

INDEX

- Limit of the College's long-term interest
- Property boundary line
- 100 Year Flood Elevation
- College Owned Classroom/Office
- LC Rental Property
- College-owned student housing
- Privately owned
- Under Construction
- Future Construction
- Pending Purchases
- Current Request for Conditional Use Permit
- Existing Fire Hydrants

SCALE
0 100 200 300 400

Revised: December 17, 2008

Petitioner: Lynchburg College
1501 Lakeside Drive

Location of Development:
Moon Field, Same address

Existing Zoning: (R-2) Low-Medium Density
Residential District

Proposed Use: This is a Collegiate Athletic Facility. There will be a concrete pad for support of a batting cage net. There will be a future wooden structure and it may eventually be enclosed.

100 Flood Plain:
Project Site is in Flood Zone X according to FIRM Community Panel Number 5100930043D.
June 3, 2008.

The project is not located within a commercial, scenic, or historic district.

No parking or retaining walls are involved in this project.

Trees shall be planted along the street as a buffer according to the attached landscape plan.

Plantings will be used at the rate required by storm water management ordinance 16.2-20(a)(ii).

No foundation plantings are proposed. This is an open air structure and access to the building is necessary from all sides. The normally required storm water management plantings will be used for the buffer mentioned above as well as elsewhere within the drainage area.

This project is exempt from tree canopy requirements per zoning ordinance section 35.1-25.1.12(g)(2).

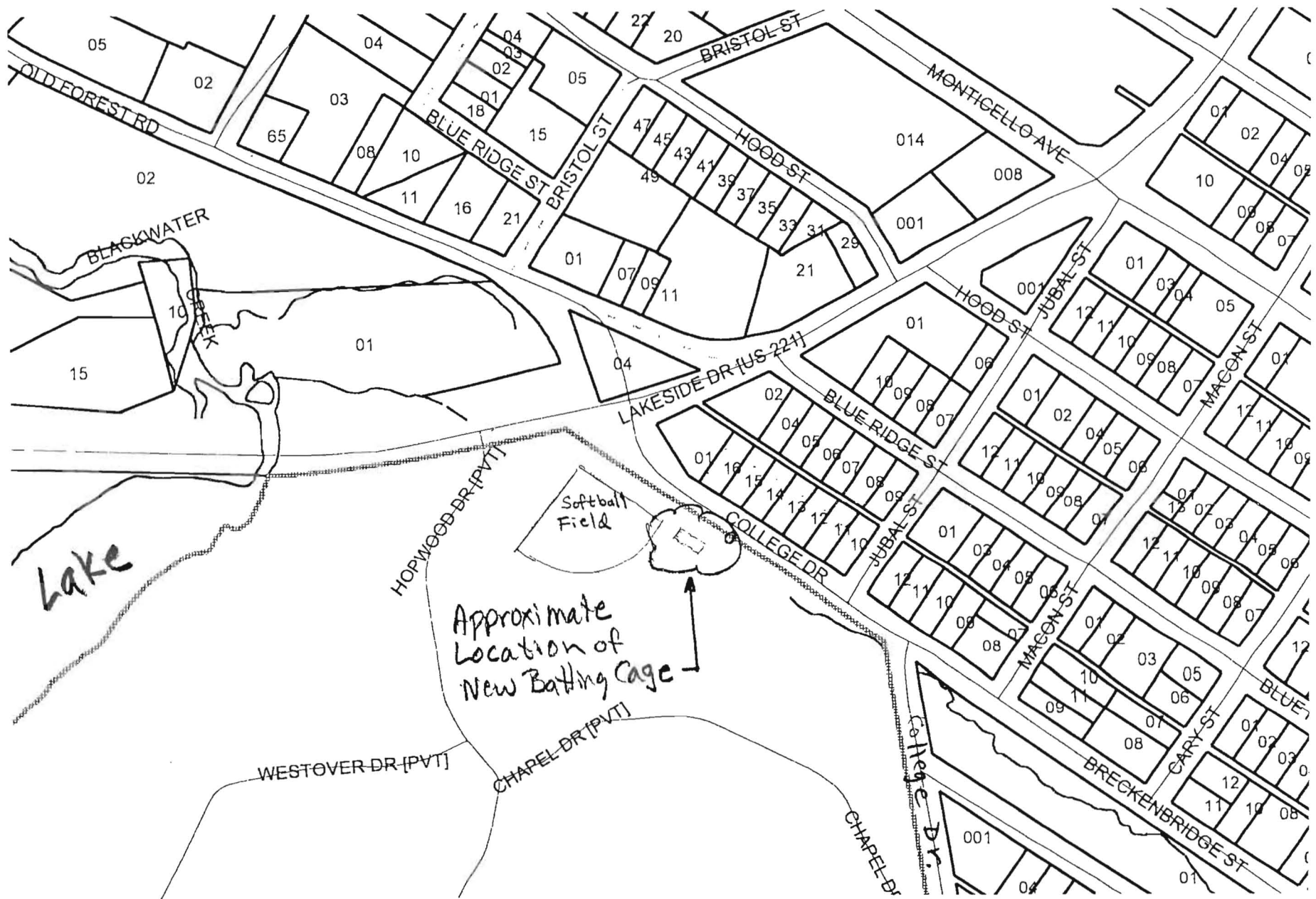
There are no proposed sewer or water connections to the facility.

Erosion and sediment control will be attained by installing silt fencing per the drawing.

Storm Water Maintenance Agreement: Surface drain grate will be cleaned monthly and inspected yearly.

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DEVELOPMENT

Vicinity Map



100'
|
Scale

Vicinity Map 1/30/09

February 11, 2009

PLEASE PRINT

[illegible]

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **March 10, 2009**

AGENDA ITEM NO.: 4

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Historic District Overlay Zone: Virginia University of Lynchburg, 2044, 2057, 2164, 2168, 2202, 2204 and 2251 Garfield Avenue**

RECOMMENDATION: Approval of the Historic District Overlay Zoning

SUMMARY: Ralph Reavis, Ph.D., President of Virginia University of Lynchburg is petitioning to designate certain properties on Garfield Avenue between the Norfolk Southern Railway and Price Street, known as 2044, 2057, 2164, 2168, 2202, 2204 and 2251 Garfield Avenue as a local historic district overlay zone (Section 35.1-44.1 Historic Districts of the *Zoning Ordinance*) to be known as the Virginia University of Lynchburg Historic District.

The Planning Commission and the Historic Preservation Commission recommended approval of the historic district overlay zoning petition because:

1. Petition agrees with the *Comprehensive Plan's* Goals for History, Culture, Education and the Arts:
 - To 'preserve significant historic and cultural resources through the collaborative efforts of the City, historic and cultural groups...and other local, state and federal preservation groups and organizations.' It provides for the expansion of efforts to survey, document, and preserve historic sites and structures in the City. **(Chapter 11, Goal 1 and Objective 1.A)**
 - To 'increase access to information concerning local history and culture, as well as the value and benefits of preserving sensitive historic resources.' **(Chapter 11, Goal 2)**
 - To 'ensure that future development, redevelopment, and public improvements complement the scale and character, and respect the integrity of designated historic districts and areas potentially eligible for designation.' **(Chapter 11, Goal 3)**
2. Petition agrees with the *National Register's Criteria for Evaluation*:
 - Criterion A: 'Properties that are associated with events that have made significant contributions to the broad patterns of our history;'
 - Criterion B: 'Properties that are associated with the lives of persons significant in our past;'
 - Criterion C: 'Properties that embody the distinctive characteristics of a type, period or method of construction or that represent a significant and distinguishable entity whose components may lack individual distinction.'

PRIOR ACTION(S):

February 11, 2009: Planning Commission recommended approval of the historic district overlay zoning petition (6-0, with one member absent, Oglesby).

January 26, 2009: Historic Preservation Commission recommended approval of the historic district overlay zoning petition (7-0).

January 26, 2009: Planning Division recommended approval of the historic district overlay zoning petition.

BUDGET IMPACT: None

CONTACT(S):

Charlene Montford 455-3902

Tom Martin 455-3990

Annette Chenault 455-3894

ATTACHMENT(S):

- Ordinance
- Planning Commission Report and Minutes
- Parcels Information
- Properties Description
- Letter from Ralph Reavis, dated 11/21/08
- HPC Minutes excerpt
- Photographs
- Vicinity Map
- Speaker Signup Sheet

REVIEWED BY: lkp

ORDINANCE

AN ORDINANCE DESIGNATING CERTAIN PROPERTIES FOR LOCAL HISTORIC DISTRICT (HD) OVERLAY ZONING TO BE KNOWN AS THE VIRGINIA UNIVERSITY OF LYNCHBURG (VUL) HISTORIC DISTRICT.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG that in order to promote the public necessity, convenience, general welfare, and good zoning practice that Chapter 35.1 of the Code of the City of Lynchburg, 1981, as amended, be and the same is hereby further amended by adding thereto Section 35.1-76._____, which section shall read as follows:

Section 35.1-76._____. Designation of certain properties on Garfield Avenue between Norfolk Southern Railway and Price Street for Historic District (HD) overly zoning to be known as the Virginia University of Lynchburg (VUL) Historic District.

The areas embraced within the following boundaries . . .

1. 2044 Garfield Avenue Tax Map No. 050-10-015
2. 2057 Garfield Avenue Tax Map No. 050-17-001
3. 2164 Garfield Avenue Tax Map No. 050-10-009
4. 2168 Garfield Avenue Tax Map No. 050-10-008
5. 2202 Garfield Avenue Tax Map No. 050-11-014
6. 2204 Garfield Avenue Tax Map No. 050-11-013
7. 2251 Garfield Avenue Tax Map No. 050-16-001

. . . are hereby designated as a local Historic District (HD) Overlay Zone to be known as the Virginia University of Lynchburg (VUL) Historic District.

And the Director of the Department of Community Development shall forthwith cause the "Official Zoning Map of Lynchburg, Virginia," referred to in Section 35.1-4 of this chapter to be amended in accordance therewith.

Adopted:

Certified:

Clerk of Council

016L

The Department of Community Development
City Hall, Lynchburg, VA 24504 434-455-3900

To: Planning Commission

From: Historic Preservation Commission

Date: February 11, 2009

Re: PETITION OF RALPH REAVIS, PH.D., PRESIDENT, VIRGINIA UNIVERSITY OF LYNCHBURG, TO DESIGNATE CERTAIN PROPERTIES ON GARFIELD AVENUE BETWEEN THE NORFOLK SOUTHERN RAILWAY AND PRICE STREET, KNOWN AS 2044, 2057, 2164, 2168, 2202, 2204 AND 2251 GARFIELD AVENUE AS A LOCAL HISTORIC DISTRICT OVERLAY ZONE (SECTION 35.1-44.1 HISTORIC DISTRICTS OF THE ZONING ORDINANCE) TO BE KNOWN AS THE VIRGINIA UNIVERSITY OF LYNCHBURG (VUL) HISTORIC DISTRICT

I. PETITIONER

Ralph Reavis, Ph.D., President, Virginia University of Lynchburg, 2164 Garfield Avenue, Lynchburg, VA 24501

Representative: Ralph Reavis, Ph.D., President, Virginia University of Lynchburg, 2164 Garfield Avenue, Lynchburg, VA 24501

II. LOCATION

The subject properties consist of seven (7) lots located on both sides of Garfield Avenue between the Norfolk Southern Railway to the north and west and Price Street to the south.

Property Owner: The property owners are listed as the Virginia Seminary and the Virginia Seminary & College, both entities now known as the Virginia University of Lynchburg. See Attachment 1 for a list of the properties and their parcel identification numbers.

III. PURPOSE

The purpose of the petition is to designate as a local historic district overlay zone (Section 35.1-44.1 Historic Districts of the *Zoning Ordinance*) the properties located between the Norfolk Southern Railway and Price Street, known as 2044, 2057, 2164, 2168, 2202, 2204 and 2251 Garfield Avenue.

IV. SUMMARY

1. Petition agrees with the *Comprehensive Plan's* Goals for History, Culture, Education and the Arts:
 - To “preserve significant historic and cultural resources through the collaborative efforts of the City, historic and cultural groups...and other local, state and federal preservation groups and organizations.” It provides for the expansion of efforts to survey, document, and preserve historic sites and structures in the City. **(Chapter 11, Goal 1, and Objective 1.A)**
 - To “increase access to information concerning local history and culture, as well as the value and benefits of preserving sensitive historic resources.” **(Chapter 11, Goal 2)**
 - To “ensure that future development, redevelopment, and public improvements complement the scale and character, and respect the integrity of designated historic districts and areas potentially eligible for designation.” **(Chapter 11.11, Goal 3)**
2. Petition agrees with the *National Register's Criteria for Evaluation*,
 - Criterion A: ‘Properties that are associated with events that have made significant contributions to the broad patterns of our history;’
 - Criterion B: ‘Properties that are associated with the lives of persons significant in our past;’

- Criterion C: ‘Properties that embody the distinctive characteristics of a type, period or method of construction or that represent a significant and distinguishable entity whose components may lack individual distinction.’

The Historic Preservation Commission and the Planning Division recommend approval of the petition.

V. FINDINGS OF FACT

1. Comprehensive Plan.

The City of Lynchburg *Comprehensive Plan* Goal 1 provides that significant historic and cultural resources be preserved through the collaborative efforts of the City, historic and cultural groups and other local, state and federal preservation groups and organizations. Objective 1.A is to “expand efforts to survey, document, and preserve historic sites and structures in the City.” (**Chapter 11, Goal 1 and Objective 1.A**). The Virginia University of Lynchburg (VUL) meets National Register criteria as a significant historic and cultural resource, and VUL representatives support local historic district designation.

The Plan supports efforts to ‘increase access to information concerning local history and culture, as well as the value and benefits of preserving sensitive historic resources.’ (**Chapter 11, Goal 2**). Local historic district designation for VUL would bring this valuable resource to the public’s attention and create new interest in the property and its history.

The Plan guides the City to ‘ensure that future development, redevelopment, and public improvements complement the scale and character, and respect the integrity of, designated historic districts and areas potentially eligible for designation.’ (**Chapter 11.11, Goal 3**). Local historic district designation would protect the property from inappropriate alterations or new construction that would detract from the value of the existing buildings.

2. National Register Criteria for Evaluation.

The subject petition meets three (3) of the four (4) *National Register’s Criteria for Evaluation*. The petition qualifies under Criterion A: ‘Properties that are associated with events that have made significant contributions to the broad patterns of our history’ (Civil War, reconstruction and education of emancipated blacks). The petition also qualifies under Criterion B: ‘Properties that are associated with the lives of persons significant in our past’ (Renaissance Poet Anne Spencer, missionary and political leader John Chilembwe, and civil rights leader Vernon Johns). It also qualifies under Criterion C: ‘Properties that embody the distinctive characteristics of a type, period or method of construction or that represent a significant and distinguishable entity whose components may lack individual distinction’ (Humbles Hall Administrative Building, Graham Hall Dining Room Building and the Mary Jane Cachelin Memorial Science & Library Building). It has not been determined whether the petition meets Criterion D: ‘Properties that have yielded, or may be likely to yield, information important in prehistory or history’ (archeology).

- 3. Zoning.** The subject properties are zoned R-3, Medium Density Single-Family Residential District. The petition does not propose to change the existing zoning but proposes a historic district overlay zone for the properties.
- 4. Board of Zoning Appeals (BZA).** No variances will be needed for the proposed historic district overlay zone.

5. **Surrounding Area.** The area is historically referred to as “Seminary Hill,” occupying a significant promontory among the hills of the City. Single-family residential areas extend along Garfield Avenue to the south and east to Campbell Avenue. Two (2) institutions are included in the adjoining neighborhood—a day care facility (Bethune Nursery) at the corner of Halifax Avenue and Price Street and a church (New Life Church of Jesus) at the corner of Price Street and Campbell Avenue.
6. **Site Description.** The property has a pronounced slope down from east to west with the Humbles Hall Administrative Building clearly visible at the top of the hill at the intersection of Dewitt Street and Garfield Avenue. The land is basically open with vistas to the north and west. Landscaping includes a few trees, sidewalks, entrance signs and low shrubs. Six (6) buildings currently occupy the campus, three of which are considered ‘contributing.’ A contributing building is one that meets one (1) or more of the *National Register’s Criteria for Evaluation* (see 2. above). Three (3) of the lots are currently vacant. A simple monument with a bust of Gregory Willis Hayes, VUL’s second President, is situated in the middle of the campus. See Attachment 2 for a detailed description of the properties.
7. **Proposed Use of Property.** The current use of the property is Institutional or collage. The historic district overlay zone petition will provide protection, professional assistance and guidance when alterations are made to existing buildings and for new construction for the subject properties.
8. **Development and History.** After the Civil War, there was a great deal of discussion about how to educate approximately four (4) million emancipated blacks in the south. In 1886, a group of black Baptist leaders founded Lynchburg Baptist Seminary, a school that welcomed both male and female students to an education previously closed to blacks. It opened with a black president, Phillip F. Morris, who founded the school. The school flourished under the leadership of its second President Gregory W. Hayes who served from 1891-1906. Its catalog for the 1899-1900 school year included a four-year college program concentrating on liberal arts. The school later became the Virginia Theological Seminary and College in 1900 and has had several different names. Today it is known as the Virginia University of Lynchburg (VUL) and is the oldest college in Lynchburg, founded several years before what is now Randolph College (1891).

The college produced an impressive number of graduates. Harlem Renaissance poet Anne Spencer (Pierce Street Historic District) gave the valedictory speech at her graduation in 1899. John Chilembwe graduated from the school in 1901. He returned to his native Nyasaland—now Malawi—in southern Africa as a missionary and political leader. In 1915, he led an uprising considered the precursor of later nationalist movements in Africa. Civil rights leader Vernon Johns attended the school from 1912 to 1914 and was later president of the Seminary.

Of the six (6) buildings located on the campus, three (3) are considered to be ‘contributing.’ Several significant buildings, including Hayes Memorial Hall, which was listed in the National Register of Historic Places, have been demolished. See “Virginia University of Lynchburg Properties Description,” Attachment 2.

The Virginia Department of Historic Resources’ sign (Q 6-15) located on the campus states...

“In 1886 the Virginia Baptist State Convention founded the Lynchburg Baptist Seminary as an institution of ‘self-reliance,’ ‘racial pride,’ and ‘faith.’ It first offered classes in 1890 as the renamed Virginia Seminary. Under the direction of Gregory Willis Hayes, the second president of the college who served from 1891 to 1906, the school became a pioneer in the field of African American education. In 1900 the school was reincorporated as the Virginia Theological Seminary and College and in 1962 became the Virginia Seminary and College. The college was renamed and incorporated as Virginia University of Lynchburg in 1996. Among its graduates was the poet Anne Spencer.”

Members of the Historic Preservation Commission and staff toured the VUL campus on November 12, 2008, upon invitation by Dr. Ralph Reavis. By letter dated November 21, 2008, Dr. Reavis petitioned the City of Lynchburg for local historic district designation (see Attachment 3).

9. **Traffic and Parking.** N/A

10. **Storm Water Management.** N/A

11. **Emergency Services.** N/A

12. **Technical Review Committee.** N/A

13. **Impact.** The petition proposes to establish a historic district overlay zone on the Virginia University of Lynchburg campus. As indicated in the City's *Comprehensive Plan*, a goal is to preserve significant historic and cultural resources through the collaborative efforts of the City; historic and cultural groups and other local, state and federal preservation groups and organizations.

Local Historic District designation would protect the remaining, contributing buildings that have historic and architectural significance from demolition and inappropriate alterations by insuring that any alterations, new construction or demolition would be done in accordance with the Historic Districts Ordinance (Section 35.1-44.1 of the City Code) and the Historic Districts Design Review Guidelines.

VI. HISTORIC PRESERVATION COMMISSION PUBLIC HEARING— JANUARY 26, 2009

The Historic Preservation Commission held a public hearing on January 26, 2009. An excerpt from the meeting minutes is attached (Attachment 4). The following motion was unanimously approved (7-0):

“Based on the preceding Findings of Fact, the Historic Preservation Commission recommends to the Planning Commission and City Council approval of the petition of Ralph Reavis, Ph.D., President, Virginia University of Lynchburg, to designate certain properties on Garfield Avenue between the Norfolk Southern Railway and Price Street, known as 2044, 2057, 2164, 2168, 2202, 2204, and 2251 Garfield Avenue as a local Historic District overlay zone (Section 35.1-44.1 Historic Districts of the *Zoning Ordinance*) to be known as the Virginia University of Lynchburg (VUL) Historic District.”

VII. PLANNING COMMISSION RECOMMENDED MOTION:

“Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Ralph Reavis, Ph.D., President, Virginia University of Lynchburg, to designate certain properties on Garfield Avenue between the Norfolk Southern Railway and Price Street, known as 2044, 2057, 2164, 2168, 2202, 2204, and 2251 Garfield Avenue as a local Historic District overlay zone (Section 35.1-44.1 Historic Districts of the Zoning Ordinance) to be known as the Virginia University of Lynchburg Historic District.”

This matter is respectfully offered for your consideration.

William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Ms. Charlene T. Montford, Director of Community Development
Mr. Walter C. Erwin, City Attorney
Historic Preservation Commission
Ms. Annette M. Chenault, Planner II
Mr. J. Lee Newland, Director of Engineering
Battalion Chief Gregory Wormser, Fire Marshal
Ms. Cindy Kozerow, Lynchburg Police Department Crime Prevention Bureau
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Mr. Keith Wright, Zoning Official
Mr. Robert S. Fowler, Zoning Official
Ms. Erin B. Hawkins, Environmental Reviewer
Dr. Ralph Reavis, Petitioner

VII. ATTACHMENTS

- 1. Parcels Information**
- 2. Properties Description**
- 3. Letter from Ralph Reavis, dated 11/21/08**
- 4. HPC Meeting Minutes Excerpt**
- 5. Photographs**
- 6. Vicinity Map**

MINUTES FROM THE FEBRUARY 11, 2009 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

a. Petition of Ralph Reavis, Ph.D., President, Virginia University of Lynchburg, to designate certain properties on Garfield Avenue between the Norfolk Southern Railway and Price Street, known as 2044, 2057, 2164, 2168, 2202, 2204, and 2251 Garfield Avenue as a local Historic District overlay zone (Section 35.1-44.1 Historic Districts of the Zoning Ordinance) to be known as the Virginia University of Lynchburg (VUL) Historic District.

Ms. Chenault addressed the commissioners with the following comments. The petition is to designate seven lots on Garfield Avenue as a local historic district zone. The historic district zoning does not change the existing zoning; it is an overlay to the existing zoning. The Historic Preservation Commission and the planning division support the petition because it agrees with the *Comprehensive Plan's* Goals for History, Culture, Education and the Arts. It also meets at least three of the four of the *National Register's Criteria for Evaluation*. Historic district designation would protect the remaining contributing buildings that have historical and architectural significance from demolition and inappropriate alterations.

Dr. Ralph Revis, president of the Virginia University of Lynchburg (VUL) came forward to speak in favor of petition. He attended the school from 1958 to 1962 and came back nine years ago as the president. It is his desire to restore it and perhaps bring it into a new era of development and service to the community. He commented that the university is in the process of restoring three historic buildings (Humbles Hall Administrative Building, Graham Hall Dining Room Building and the Mary Jane Cachelin Memorial Science & Library Building) and two other more modern buildings. Humbles Hall was built around 1919. It is an administration building and an auditorium which is used by many citizens for weddings, concerts and other events. That building is already undergoing restoration to bring the outside back in keeping with historic designation criteria. The oldest building on the campus was built around 1917 and is being used as a dining hall. That building is also presently undergoing restoration; the university has received money from the U.S. Department of the Interior and CDBG funds for that project. The Mary Jane Cachelin building was built around 1940 and serves as a library and classrooms and the registrar's office. That building still needs restoration.

Dr. Revis stated that the university is the oldest school of higher education in Lynchburg (1886) and the school has produced very outstanding graduates. That is the reason they feel it should be designated as a historic district. The school was almost forgotten for many reasons because of its poverty and various conflicts. He believes that they have a chance to save this institution. Hopefully, the university can get the larger community support for that endeavor. He believes the historic designation will add value to the community. The university is in the process of building two new homes and renovating three other homes in the neighborhood. They have a grant from HUD for that. They are also looking at getting a grant from the EPA to clean up debris in areas of the neighborhoods.

Dr. Revis stated that the university feels they can be the leading institution in the Campbell Avenue corridor when the City begins to do more. The City is one of their partners, as well as Lynchburg College, Jubilee Center, Bank of the James and Seminary Hill.

Chair Hamilton asked if there was anyone else present to speak in favor of the petition. No one came forward. She asked if there was anyone to speak in opposition or with questions and no one came forward. She closed the public hearing portion of the petition.

Commissioner Swienton asked if the new houses that Dr. Revis mentioned are being built will also be included in the historic overlay district. Dr. Revis answered that they would not be; the houses are for the benefit of the community.

Chair Hamilton asked about one of the more modern buildings and asked if there were any plans to rehabilitate it. He stated that the building she was asking about was Dorm A and has already been rehabilitated. Dorm B is similar in design and still needs rehabilitation. He mentioned that those buildings were built in the 1970's.

Chair Hamilton asked what their student enrollment is currently. Dr. Revis answered that there are around 100 students on this campus. There are four locations in Virginia (Suffolk with about 25 students, Gloucester with about 66 students, Petersburg with about 18 students and Danville with about 70). The total number of students is around 270. He mentioned that they can house 96 students on campus.

Commissioner Sale asked him to give a summary of the process they have been through up to this point. Ms. Chenault answered that this process started a couple of years ago. Dr. Revis had invited her to come to the campus and at that time Dr. Revis had been looking into State and National Register status. Ms. Chenault mentioned local designation to him at that time. The school has an architect that has been working with them to put it on the National Register, but it has not been formally submitted yet. Several months ago, Charlene Montford had become interested in the project and expressed that she thought it should be on the local register. The members of the Historic Preservation Commission toured the campus. Ms. Chenault sent him an application and the university is now going through the process.

Dr. Revis indicated that their architect has been working with the state in terms of the restoration process and has been following their guidelines. The university qualifies for U.S. Department of the Interior money and it has its own standards for preservation. Those standards are in sync with the City's standards for historic preservation and most probably the state and national standards as well.

Commissioner Worthington asked about one of the pictured buildings, which looks like a little white house and is not much like any of the other buildings or as old. Dr. Revis stated that it was built around the same time as the dormitory buildings. It is being restored as a recreation facility with laundry facilities and an office for the security officer.

Commissioner Hannon asked if there was a precedent for establishing a historic district with only one property owner. Ms. Chenault stated that there was no precedent. The City has sixteen individual historic districts. Commissioner Hannon asked if there was a precedent outside of Lynchburg. The reason he asks if that the property is already the control of the university, he is not sure he understands why they want historic designation. Usually it is done when there are multiple property owners. Ms. Chenault explained that the historic designation will protect the university because any alterations will have to go through the Historic Preservation Commission. Commissioner Hannon said that he understood that; he was wondering why the university wanted historic designation when it already has control over what happens to the buildings. He asked Dr. Revis what advantage he sees in having it designated as a local historic district.

Dr. Revis answered that it would give the university a little more prestige and a little more exposure. It will mean that the future overseers of the university will have to adhere to the historic guidelines. Dr. Revis feels that it is time for the City to take an interest in the university. This institution was the first African American institution in Virginia whose teachers were licensed from four to seven years without renewal. Dr. Revis gave some more history of the school, including the fact that it had aspired to be the state school at one time. Commissioner Hannon acknowledged that it is a very historical institution and is worthy of historic designation. Dr. Revis stated that it will tie it to the City. The City has an interest in it and that is important. Dr. Revis thinks that is important for the school's future.

Commissioner Worthington asked if there were any economic benefits or grants that they can get if they are designated historic. Dr. Revis said that there may be some advantages if they are placed on the National Register. Commissioner Sale asked if that is pending and Dr. Revis stated that they have not applied for that yet. That is their intent and getting the local historic designation will be a help to that process. Ms. Chenault indicated that she does not think that the National Register's boundaries would be the same. They cannot go outside and include vacant lots and parking lots like this one does. Humbles Hall would qualify on its own and the other two significant buildings would probably be included as well. The more modern buildings would probably not be included in the National Register.

Commissioner Swienton asked Ms. Chenault if the property on Linkhorne Road that City Council designated as a local historic district last year was owned by one person. Ms. Chenault said that was correct. Commissioner Swienton said that he has been in the auditorium and looks forward to all the possibilities that exist. He made the following motion:

"The Planning Commission recommends to City Council approval of the petition of Ralph Reavis, Ph.D., President, Virginia University of Lynchburg, to designate certain properties on Garfield Avenue between the Norfolk Southern Railway and Price Street, known as 2044, 2057, 2164, 2168, 2202, 2204, and 2251 Garfield Avenue as a local Historic District overlay zone (Section 35.1-44.1 Historic Districts of the Zoning Ordinance) to be known as the Virginia University of Lynchburg Historic District."

Commissioner Sale wanted to speak positively about this petition. The history there is quite profound and this is recognition of their contribution to Lynchburg's history. A part of the *Comprehensive Plan* talks about the Campbell Avenue corridor and this would be a wonderful anchor for that corridor enhancement. It helps us move in that direction significantly. He is very much in support of this petition.

The motion passed by the following vote:

AYES:	Barnes, Hamilton, Hannon, Sale, Swienton and Worthington	6
NOES:		0
ABSTENTIONS:		0
ABSENT:	Oglesby	1

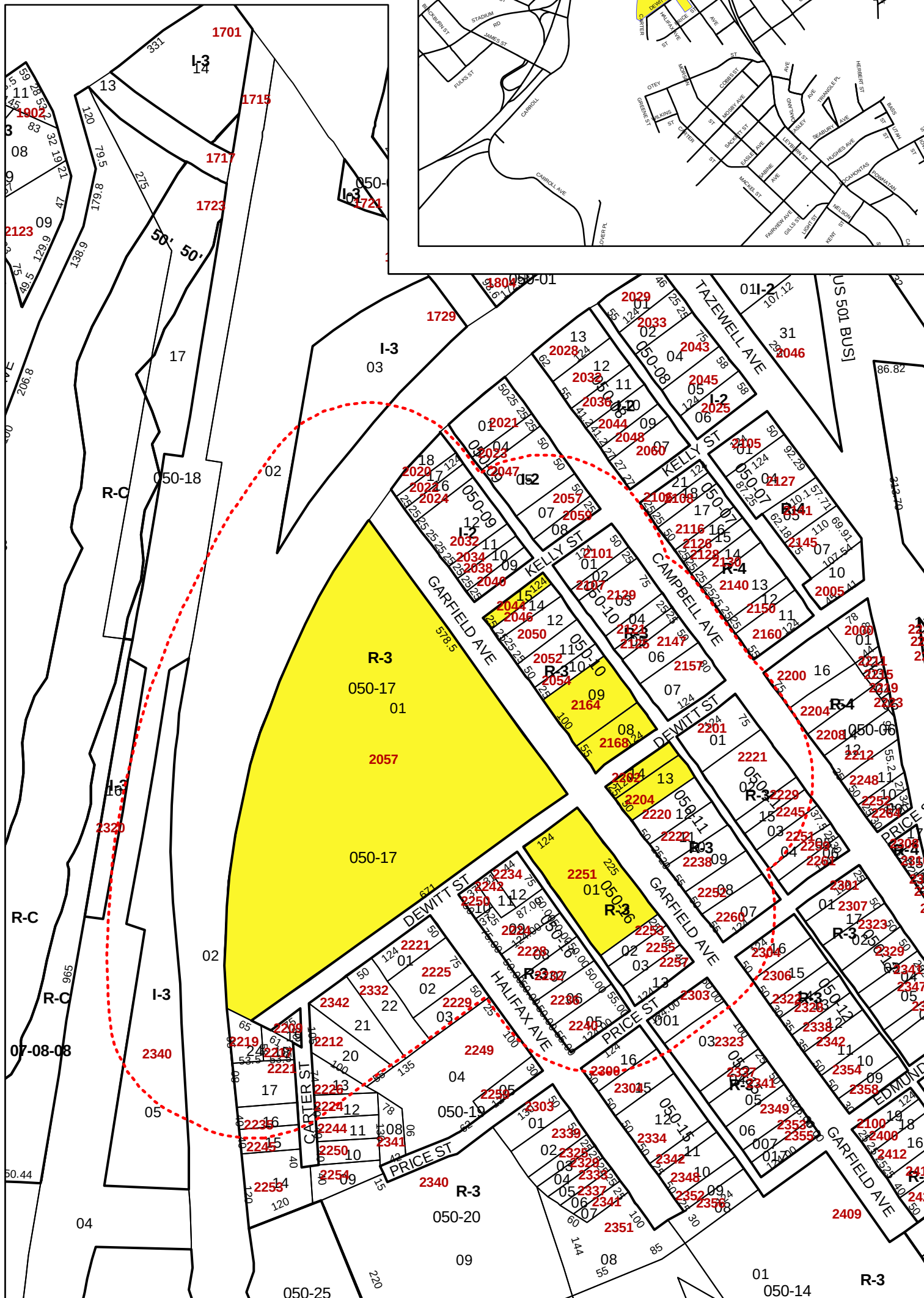
2044, 2057, 2164, 2168, 2202, 2204, 2251 Garfield Avenue
Petitioner: Virginia University of Lynchburg

MAP PREPARED BY
THE DEPARTMENT OF COMMUNITY DEVELOPMENT



 Subject Property

200 ft Radius



VIRGINIA UNIVERSITY OF LYNCHBURG ADJOINING OWNERS

OLDID	OWNER	LOCADDR
5006015	GOODE JAMES & LUDIE	2204 CAMPBELL AVE
5006016	JONES IRVIN & MARION	2200 CAMPBELL AVE
5009005	DAVIS GARRY R	2047 CAMPBELL AVE
5009007	SPRADLIN ORLANDO R	2057 CAMPBELL AVE
5009008	KRAJEWSKI JESSIE V	2059 CAMPBELL AVE
5009009	BAILEY RICHARD L REVOCABLE LIV TR	2040 GARFIELD AVE
5009010	BAILEY RICHARD L REVOCABLE LIV TR	2038 GARFIELD AVE
5009011	LAWHORNE MAGALINE J	2034 GARFIELD AVE
5009012	HARRIS WILLIAM H & KATHERYNE	2032 GARFIELD AVE
5009016	MCCARRON MARY M	2024 GARFIELD AVE
5009017	BORN AGAIN CHRISTIAN CONST CO	2022 GARFIELD AVE
5009018	BORN AGAIN CHRISTIAN CONST CO	2020 GARFIELD AVE
5010001	CARTER EDMONIA C C/O M B FRAZIER	2101 CAMPBELL AVE
5010002	CARTER WM C ESTATE C/O M B FRAZIER	2107 CAMPBELL AVE
5010003	DIXON ANNETTE	2129 CAMPBELL AVE
5010004	DIXON ANNETTE	2121 CAMPBELL AVE
5010005	DRISKILL LEWIS C JR & BRENDA J	2125 CAMPBELL AVE
5010006	PAYNE JAMES A & EVETTA R	2147 CAMPBELL AVE
5010007	ELLIOTT CHARLIE A & VELMA P C/O JACQUELINE EARLY	2157 CAMPBELL AVE
5010008	VIRGINIA SEMINARY	2168 GARFIELD AVE
5010009	VIRGINIA SEMINARY	2164 GARFIELD AVE
5010010	OVERSTREET PROPERTIES LLC	2054 GARFIELD AVE
5010011	LUTHER SHIRLEY M & LEE ROY JR	2052 GARFIELD AVE
5010012	JONES BETTIE L	2050 GARFIELD AVE
5010014	MANGUM CHARLES M L	2046 GARFIELD AVE
5010015	VIRGINIA SEMINARY	2044 GARFIELD AVE
5011001	SAUNDERS MABEL E	2201 CAMPBELL AVE
5011002	ANDERSON RODRICK H	2221 CAMPBELL AVE
5011003	PANNELL LOIS D-LIFE	2245 CAMPBELL AVE
5011004	NEW LIFE GOSPEL ASSEMBLY	2251 CAMPBELL AVE
5011007	NEW LIFE CHURCH OF JESUSTRUST	2260 GARFIELD AVE
5011008	FERGUSON CLARENCE B & DAISIE G	2252 GARFIELD AVE
5011009	VANDEGRAAF ANN	2238 GARFIELD AVE
5011010	PEERMAN MARTHA J	2222 GARFIELD AVE
5011012	BANKS RONALD L & DEIRDRE H	2220 GARFIELD AVE
5011013	VIRGINIA SEMINARY & COLLEGE	2204 GARFIELD AVE
5011014	VIRGINIA SEMINARY	2202 GARFIELD AVE
5011015	BURFORD JOHN A & BETTY A	2229 CAMPBELL AVE
5012015	THOMAS WILLIAM M JR & FRANCINIA L ETALS	2306 GARFIELD AVE
5012016	THOMAS WILLIAM M EST C/O THOMAS WILLIAM M JR	2304 GARFIELD AVE
5015001	POLLARD SANDRA F	2303 GARFIELD AVE
5015003	CASHWELL ELLA J	2323 GARFIELD AVE
5015015	FISHER MICHAEL T	2304 HALIFAX AVE
5015016	WARD SHIRLEY	2300 HALIFAX AVE
5016001	VIRGINIA SEMINARY	2251 GARFIELD AVE
5016002	HIGGINBOTHAM ELIZABETH	2253 GARFIELD AVE
5016003	HIGGINBOTHAM C G & ELIZ H	2255 GARFIELD AVE
5016005	CUNNINGHAM EDGAR LIFE ESTATE DAWSON JOYCE M-REMAINDERMAN	2240 HALIFAX AVE
5016006	JENKINS HELEN	2236 HALIFAX AVE
5016007	BROWN RUTH	2232 HALIFAX AVE
5016008	DAVIS CAROL K	2228 HALIFAX AVE
5016009	COOK EVANETTE	2224 HALIFAX AVE
5016010	GARDNER JEREMIAH	2250 DEWITT ST
5016011	DAVIS JOSEPH ETALS C/O DOROTHY DAVIS	2242 DEWITT ST
5016012	HUDDLESTON SHIRLEY J	2234 DEWITT ST
5016013	HAMILTON JAMES B JR & ERNESTI	2257 GARFIELD AVE
5017001	VIRGINIA SEMINARY	2057 GARFIELD AVE
5018002	NORFOLK/SOUTHERN RAILWAY DIRECTOR OF PROPERTY TAXATION	1725 CAMPBELL AVE
5018003	NORFOLK/SOUTHERN RAILWAY DIRECTOR OF PROPERTY TAXATION	1729 CAMPBELL AVE
5018004	NORFOLK/SOUTHERN RAILWAY DIRECTOR OF PROPERTY TAXATION	1715 CAMPBELL AVE
5018005	NEWCOMB SCOTT	2340 CARROLL AVE
5018016	NEWCOMB SCOTT	2320 CARROLL AVE
5019001	DAVIS RICKY A	2221 HALIFAX AVE
5019002	DAYNE YVETTE P LAWSON CAROLYN A & PRICE VATELL L	2225 HALIFAX AVE
5019003	WATTS RACHEL	2229 HALIFAX AVE
5019004	CITY OF LYNCHBURG C/O STEVE LAWSON	2249 HALIFAX AVE
5019011	RICHE DONALD T & RICHIE ALMETRIUS B	2244 CARTER ST
5019012	HEWITT ALBERT W	2224 CARTER ST
5019013	HEWITT ALBERT W	2226 CARTER ST
5019015	SMILEY HENRY M	2245 CARTER ST
5019016	BURNETTE TIMOTHY L	2235 CARTER ST
5019017	REVELY RICKY	2221 CARTER ST
5019018	HICKS MARK L	2217 CARTER ST
5019019	HICKS MARK L	2209 CARTER ST
5019020	LUTTRELL AUDREY	2212 CARTER ST
5019021	BANKS CHARLENA B	2342 DEWITT ST
5019022	JACKSON JOE L & PHYLLIS A	2332 DEWITT ST
5019024	HICKS MARK L	2219 CARTER ST
Petitioner	VIRGINIA UNIVERSITY OF LYNCHBURG	
Owner	VIRGINIA UNIVERSITY OF LYNCHBURG	
Representative	RALPH REAVIS/VIRGINIA UNIVERSITY OF LYNCHBURG	

PARCEL_ID	OWNER	ADDRESS
1 05010015	VIRGINIA SEMINARY	2044 GARFIELD AVE
2 05017001	VIRGINIA SEMINARY	2057 GARFIELD AVE
3 05010009	VIRGINIA SEMINARY	2164 GARFIELD AVE
4 05011013	VIRGINIA SEMINARY & COLLEGE	2204 GARFIELD AVE
5 05010008	VIRGINIA SEMINARY	2168 GARFIELD AVE
6 05011014	VIRGINIA SEMINARY	2202 GARFIELD AVE
7 05016001	VIRGINIA SEMINARY	2251 GARFIELD AVE

Virginia University of Lynchburg Properties Description*

1. 2044 Garfield Avenue – Vacant
2. 2057 Garfield Avenue – Contains two (2) buildings and a monument:
 - Mary Jane Cachelin Memorial Science & Library Building – two story brick and stone building, built in 1925. Simple Greek Revival on center façade with Colonial Revival elements over main door (added when possible portico was eliminated?). Flanking portions of front façade non-descript other than water table and parapet (contributing)**
 - Graham Hall Dining Room – one-story, brick building with standing seam metal roof, built ca. 1919. Neoclassical with Italianate influence on windows with slight arch. (contributing)
 - Monument bust of Gregory Willis Hayes, second President of VUL

(Also on this property were Hayes Memorial Hall, the former men's dormitory, built in 1904 and listed in the National Register of Historic Places, demolished in 1988; and Fox Hall, the former women's dormitory, built in 1913, demolished in 1994.)
3. 2164 Garfield Avenue – Humbles Hall Administration Building, three-story steel and brick building with standing seam metal roof, built in 1921. Early Colonial Revival, with Italianate influence on parts of the center tower, the quoins, and the windows. Named after Adolphus Humbles, benefactor of Virginia Seminary (contributing)
3. 2204 Garfield Avenue – Vacant
4. 2168 Garfield Avenue – Vacant
5. 2202 Garfield Avenue – Shop Building, concrete block with concrete block foundation, gable shingle roof, built in 1967 (non-contributing)
6. 2251 Garfield Avenue – Dormitories A and B (closed), two stories, wood frame with brick veneer, concrete block foundation, gable shingle roof, built in 1976 (non-contributing)

*Information obtained from:

- Virginia Theological Seminary and College
- Gary Harvey, Architect
- William L. Laslett, AIA, Architect

**A 'contributing' building is one that meets one (1) or more of the National Register's Criteria for Evaluation.

Attachment



Virginia
University
of Lynchburg

Ralph Reavis, Ph.D.
President

November 21, 2008

Historic Preservation Commission
City of Lynchburg
900 Church Street
Lynchburg, VA 24504

Dear Ladies and Gentlemen:

As President of Virginia University of Lynchburg, I hereby request that the City of Lynchburg consider local historic district designation (Section 35.1-44.1 of the City Code) for Virginia University of Lynchburg campus properties, known as 2044, 2057, 2164, 2168, 2202, 2204, and 2251 Garfield Avenue.

I understand this process will involve public hearings before Historic Preservation Commission, the Planning Commission, and the City Council. I also understand there are no fees involved for the required public notices or the public hearings.

Thank you for your consideration of our request.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ralph Reavis".

Ralph Reavis, Ph.D, President
Virginia University of Lynchburg

Historic Preservation Commission
Minutes of January 26, 2009

MEMBERS PRESENT

Neil Bohnert
Frances Calhoun, Vice Chair
Gary Harvey
Travis McDonald
Jim Mundy, Chair
Jeff Schneider
Scott Smith

MEMBERS ABSENT

none

OTHERS PRESENT

Annette M. Chenault, Planner II and Secretary to the HPC, and the public.

ROLL CALL

After a quorum was established, Chair Mundy called the meeting to order at 3:45 p.m.

CONSENT AGENDA

A. Minutes

The minutes of the December 15, 2008 regular meeting were approved as submitted.

B. Administrative COAs

The administrative COAs for the period December 10 – January 20, 2008 were approved as submitted.

(Excerpt from Minutes of January 26, 2009)

ACTION AGENDA

- (1) ACTION: **PUBLIC HEARING:** Petition of Ralph Reavis, Ph.D., President, Virginia University of Lynchburg, to designate certain properties on Garfield Avenue between the Norfolk Southern Railway and Price Street, known as 2044, 2057, 2164, 2168, 2202, 2204 AND 2251 Garfield Avenue as a local historic district overlay zone (Section 35.1-44.1 Historic Districts of the Zoning Ordinance) to be known as the Virginia University of Lynchburg Historic District

Chair Mundy gave a summary of the public hearing procedures and asked for the petition's representative to come forth. Ralph Reavis, Ph.D., President, Virginia University of Lynchburg, spoke to the petition and gave a brief history of the College. He said there are three architecturally significant buildings remaining on the campus—Humbles Hall, the Mary Jane Cachelin Memorial Science & Library Building and Graham Hall. There are also two dormitory buildings and a workshop. Several significant buildings have been lost to neglect, including Hayes Hall which was listed in the National Register. He said several members of the Historic Preservation Commission and staff toured the campus with him in the fall of 2008. He expressed the desire for the University to be recognized for making a significant contribution to history.

Chair Mundy invited those who wished to speak in support of the petition to come forth. Glenn Hudson, 515 13th Street, expressed his support for the petition and said it was important to preserve this site and its contributions to black history and education.

Chair Mundy invited those who wished to speak in opposition to the petition to come forth. There was no one present to speak in opposition.

The public hearing was closed. Commissioner McDonald noted the unusual boundaries and asked whether additional properties VUL might acquire in the future could be brought into the Historic District. Ms. Chenault explained that the proposed boundaries include all of the VUL properties in and around the University. She said additional properties could be added to the Historic District, but a new petition and additional public hearings would be required.

Vice Chair Calhoun said it was most appropriate to have the historic district overlay placed on these properties.

Commissioner Bohnert said he had the opportunity to visit the University and hear in detail the rich history and contributions it has made to the State and the Nation. He said it was appropriate that this property come under the protection of local historic district regulations.

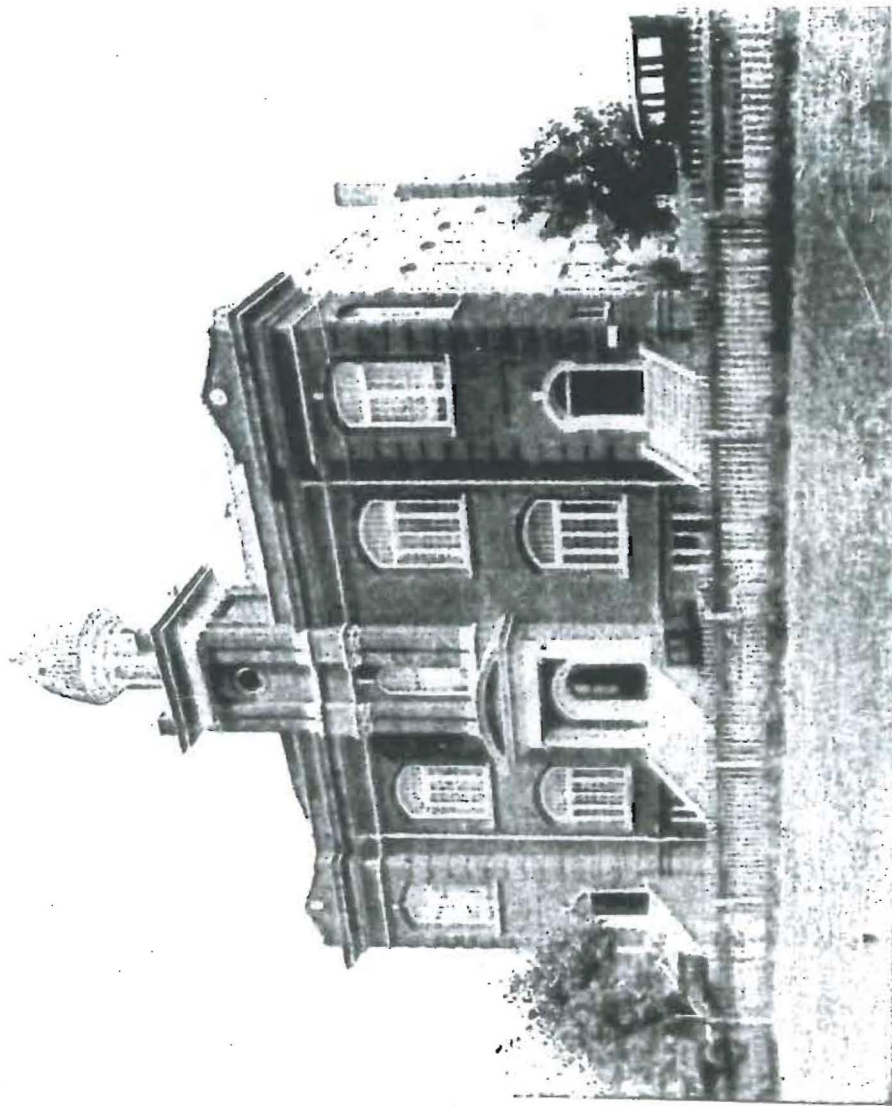
Chair Mundy agreed that preserving these buildings was a good thing to do.

After further discussion, Commissioner Harvey made the following motion which was seconded by Commissioner Bohnert and passed by the following vote:

MOTION: "That the HPC hereby recommends to the Planning Commission and City Council approval of the petition of Ralph Reavis, Ph.D., President, Virginia University of Lynchburg, to designate certain properties on Garfield Avenue between the Norfolk Southern Railway and Price Street, known as 2044, 2057, 2164, 2168, 2202, 2204 AND 2251 Garfield Avenue as a local historic district overlay zone (Section 35.1-44.1 Historic Districts of the Zoning Ordinance) to be known as the Virginia University of Lynchburg Historic District.

AYES: Bohnert, Calhoun, Harvey, McDonald, Mundy, Schneider, Smith	7
NOES:	0
ABSTENTIONS:	0
ABSENT:	0

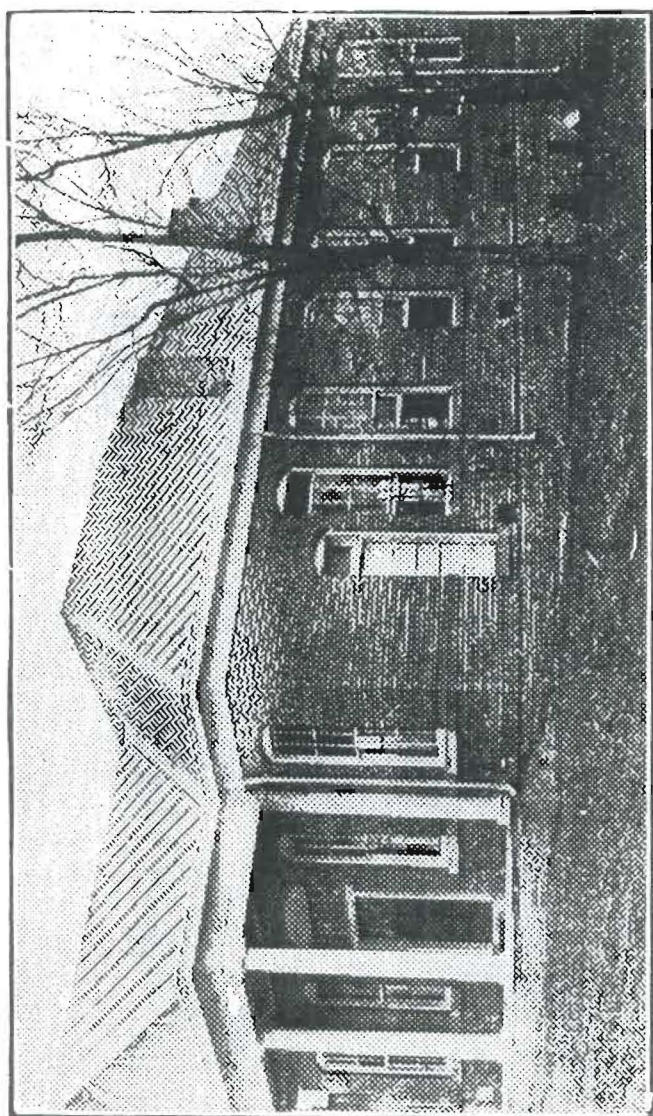




HUMBLES HALL (from 1924 catalog)
(ADMINISTRATION BUILDING)







(1924) catalog

GRAHAM HALL
(DINING ROOM.)





Local Historic Designation
Virginia University of Lynchburg
February 11, 2009

PLEASE PRINT

[illegible]

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **March 10, 2009**

AGENDA ITEM NO.: 5

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Zoning Ordinance Amendment – Section 35.1-31, Medium Density Residential District**

RECOMMENDATION: Approval of Zoning Ordinance Amendment.

SUMMARY:

On December 9, 2008, the Planning Commission initiated an amendment to Section 35.1-31, Medium Density Residential District, R-3, Two (2) Family of the Zoning Ordinance. The Zoning Ordinance currently allows duplexes as a matter of right in an R-3 District, but does not allow the sale of individual units due to setback requirements. The result is a zoning district which promotes rental units. The proposed amendment would allow a duplex to be subdivided into individual units for sale which would promote homeownership opportunities. City staff suggests that the City Council consider including the following graphic in the proposed Ordinance for clarity:



PRIOR ACTION(S):

December 9, 2008: Planning Commission initiated amendment to Section 35.1-31 of the Zoning Ordinance.
January 28, 2009: Planning Division recommended approval of Zoning Ordinance Amendment
January 28, 2009: Planning Commission recommended approval (6-0, with one member absent, Oglesby) of the Zoning Ordinance amendment

BUDGET IMPACT:

None

CONTACT(S):

Charlene Montford – 455-3902, Tom Martin 455-3990

ATTACHMENT(S):

- Ordinance (as recommended by Planning Commission)
- Planning Commission Memorandum
- Planning Commission Minutes
- Speaker Sign Up Sheet

REVIEWED BY: lkp

ORDINANCE

AN ORDINANCE TO AMEND AND REENACT SECTION 35.1-31, MEDIUM DENSITY RESIDENTIAL DISTRICTS (R-3), TWO FAMILY OF THE CODE OF THE CITY OF LYNCHBURG, 1981, AS AMENDED, THE AMENDED SECTION RELATING TO THE ESTABLISHMENT OF TWO FAMILY DWELLING WHICH SHARE A PARTY WALL.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LYNCHBURG THAT:

1. In order to promote the public necessity, convenience, general welfare, and good zoning practice, Section 35.1-31, Medium Density Residential Districts (R-3), Two Family, of the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted as follows:

Sec. 35.1-31. Medium density residential districts (R-3), two (2) family.

(a) Intent. These districts are intended to provide for residential and other compatible uses at medium densities in areas with a high level of road access and other public and commercial services and with topography and soils suitable for such development.

(b) Prohibited uses. Within any medium density residential district (R-3), as indicated on the official zoning map, no lot, building or structure shall be used and no building or structure shall be erected which is intended or designed to be used, in whole or in part, for any industrial, manufacturing, trade or commercial purposes.

(c) Uses permitted by right. The following uses will be permitted by right subject to the regulations of the zoning ordinance, including Section 35.1-14 "Site Plan Review:"

(1) Dwellings of any structure type not prohibited by city or state law, except individual mobile homes.

(2) Single-family dwellings.

(3) Two (2) family dwellings of all types.

(4) Public libraries, public museums and art galleries.

(5) The office of an architect, draftsman, planner, attorney-at-law, physician, osteopath, healer, conveyancer, dentist, surveyor, professional engineer (civil, electrical, mechanical or other), public accountant, minister or teacher residing in the dwelling or dwelling unit in which the office is located.

(6) Agriculture (see Section 35.1-28).

(d) Permitted accessory uses. The following uses will be permitted as accessories to principal permitted uses in medium density residential districts subject to the regulations of Section 35.1-24, "Accessory buildings and uses."

(1) Home occupations [see Section 35.1-28(d)].

(2) Garages for the use of occupants of the property.

(3) Private recreational facilities.

(4) Family day home (As provided in Section 35.1-28d(4)).

(e) Uses permitted by conditional use permit. The following uses shall be permitted in medium density residential districts as conditional use, subject to the regulations of Section 35.1-15 and Article X of the zoning ordinance:

- (1) Uses permitted as conditional use in low and low-medium density residential districts except those uses that are permitted by right in medium density residential districts [see Section 35.1-31(c)].
- (2) Off-street parking lots serving:
- Permitted uses in medium density residential districts located within two hundred (200) feet of the lot to be used for off-street parking.
 - Commercial uses in a business district where the said commercial use is adjacent to the lot to be used for off-street parking.
- (3) Schools for specific educational purposes such as for technical or vocational training; provided, all operations must be conducted within an enclosed building; and provided further, that all such buildings must be at least one hundred (100) feet from any adjoining property line or street.
- (4) Townhouse units for sale (see Section 35.1-56).
- (5) Rooming houses.
- (f) Standards. Buildings and structures in medium density residential districts shall meet the following standards, except as specified for conditional permit uses in Article X of the zoning ordinance:

	<u>R-3</u>
Maximum net density	
(dwellings per acre)	5.45
(dwelling units per acre)	10.89
Minimum front yard (feet)	30
Minimum side yard (feet)	8
Minimum rear yard (feet)	30
Minimum lot size (square feet)	8,000
Minimum street frontage at the street right-of-way line (feet)	60
Minimum lot width at building line (feet)	60
Maximum ground coverage (percent)	30

Maximum height: the maximum within setback lines shall be forty (40) feet except that, where the lot size permits, maximum height shall be one-half (1/2) the distance to the nearest lot line.

(1) Area regulations. Each dwelling, boardinghouse or lodging house, together with its accessory buildings, shall be located on a lot having an area of not less than four thousand (4,000) square feet for each family unit, boarder, or roomer, except that the minimum area for any such lot shall be eight thousand (8,000) square feet; provided, however, that a lot having less area or less width than herein required, and of record at the time of the effective date of this section on December 12, 1978, may be occupied by a single-family dwelling only. Further, if a lot of record at the effective date of this section has less width than required, a new single-family dwelling or an addition to an existing single-family dwelling could be built and the side yard setback requirement can be reduced by fifty percent (50%) and the rear yard setback can be reduced by twenty-five (25%), provided the lot of record previously had a dwelling situated thereon.

(2) Area regulations for townhouse units for sale. For applicable regulations see Section 35.1-56 of the zoning ordinance.

Townhouse units for sale in an R-3 district shall not exceed the maximum net density permitted in an R-3 district.

(3) A lot may be subdivided into two (2) family dwellings which share a party wall with a zero (0) foot setback and a thirty (30) foot street frontage each provided the fire resistive requirements of the building code and all other setback requirements are met.



Subdivided Duplex

(g) Signs. (As provided in Sections 35.1-26 through 35.1-26.16)

(h) Parking requirements. Off-street parking and loading space shall be provided as required in Section 35.1-25 of the zoning ordinance.

2. That this ordinance shall become effective upon its adoption.

Adopted:

Certified:

Clerk of Council

017L

MINUTES OF THE JANUARY 28, 2009 PLANNING COMMISSION MEETING (MINUTES HAVE BEEN APPROVED):

a. Consideration of amending Section 35.1-31, Medium Density, Two-Family Residential District to allow the division of a duplex into two (2) separate units for sale. Section 35.1-31, Medium Density, Two Family Residential District currently permits duplexes as a matter of right; however, the sale of the individual units is prohibited.

Mr. Martin addressed the commissioners with the following comment. He indicated that this proposed amendment was initiated by the Planning Commission on December 10, 2008. The R-3 district primarily promotes rental units; it does not promote home ownership in a duplex situation. Mr. Martin indicated that the commissioners need to make one change to the ordinance. The sentence which reads **“(3) Two (2) family dwellings may be subdivided and share a party wall with a zero (0) foot setback provided the fire resistive requirements of the building code and all other area and setback requirements are met.”** needs to have the words “with thirty (30) feet of street frontage and” added before “a zero (0) foot setback.” Planning staff does recommend approval of the proposed amendment.

Chair Hamilton asked for anyone else present to speak in favor of the petition. No one came forward. She asked if there was anyone else present to speak in opposition to the petition to the petition. Ms. Frances Calhoun of 400 Madison Street came forward to speak on behalf of the Garland Hill Neighborhood Association.

Ms. Calhoun stated that when she saw the notice of this hearing, she reread the section of the *Zoning Ordinance* dealing with R-3 districts. She could not find any prohibition on the sale of duplex units to different owners. Ms. Calhoun spoke with Mr. Martin and he indicated that the setback requirements found in subsection (f) preclude the sale of a duplex unit separately. Ms. Calhoun pointed out that the opening paragraph of the R-3 section infers that those provisions are for development rather than applicable to existing structures. Ms. Calhoun stated that the vast majority of the existing structures in R-3 districts will fail to meet some or all of the standards that are outlined in subsection (f).

Mr. Martin also indicated to her that this amendment would not affect Garland Hill because of its R-2 zoning. However, at the Garland Hill Association meeting, it was the consensus of the members that they do not just live in Garland Hill, and they are concerned with the city as a whole. Some of Lynchburg's other local designated historic districts are currently zoned R-3. Many of the duplex structures are in areas which have previously been identified as possible future historic districts. New duplex units would probably be located on vacant lots that are scattered about throughout the city.

Ms. Calhoun stated that the Garland Hill members foresee several potential problems with having different ownership of the halves of a duplex such as different exterior materials and color schemes and particularly different levels of maintenance. The supporting material that Ms. Calhoun obtained from the Community Development department showed that the subdivider will be expected to set up an association of the owners. It is a little unclear how this association would work when you have scattered duplexes scattered about the R-3 districts. For example, who would collect the association fees? Who would hold an accounting of the money? Who would determine the needed maintenance? Who would provide for the maintenance? What if the homeowner kept up his mortgage payments but failed to pay his association fees? For various reasons, the initial buyer of such a unit may decide to subsequently sell it or it could be foreclosed on by a lender. Subsequent owners might not be bound by the initial association provisions. Enforcement would be extremely cumbersome or impossible. She pointed out that there could be a resident owner who lives next to a non-resident owner. The non-resident owner might rent the unit without screening the tenants carefully or lets the unit fall into disrepair. The resident owner would suffer a reduction in their property value. If the unit happened to be owned by an out-of-state owner, it has long been demonstrated that the city is powerless to enforce any kind of maintenance. Garland Hill has experienced this, as well as other neighborhoods in the city. It is likely that the covenants of a proposed association would likely be unenforceable if the unit was owned by someone out of state.

Ms. Calhoun found after doing a minimal amount of research that there are eight individual duplex units that are owned by different individuals with no apparent legal problems. She provided a list of these units to the commissioners. She asked them to note that four of the units have out-of-state owner addresses and one is from another city in Virginia. This seems to suggest that offering individual duplex units attracts a non-local buyer which leads to probable rental and difficulty in enforcing maintenance. Even though individual duplex units have been and are being sold separately, the members of Garland Hill believe it is best not to actively promote such sales. With existing structures, the chief beneficiaries would appear to be the initial seller who may want to sell a problem property and the realtor. Ms. Calhoun

stated that since it is apparent that separate ownership already exists, the Garland Hill Association recommends that the Planning Commission either leave this section as is or make it applicable only to new development.

Chair Hamilton asked if there was anyone else present to speak in opposition to the petition. Another person was present and acknowledged his objection by raising his hand, but he did not come forward to speak.

Chair Hamilton asked Mr. Martin if he had any response to Ms. Calhoun's comments. Mr. Martin commented on Ms. Calhoun's concern that there are areas zoned R-3 and duplexes may be built there or existing houses may be converted to duplexes. Mr. Martin feels that the difference is what the appropriate zoning is for a piece of property versus what is permitted in an R-3 district. A few years ago, Garland Hill was rezoned from R-3 to R-2 because the Planning Commission and City Council agreed that it was more appropriate for those historic homes left as single family. Federal Hill is also zoned R-2, as well as a lot of the other historic districts. If there is an area of the city that might be proposed for a historic district, then they should be looked at on a case-by-case basis and consider the appropriate zoning for that area.

Mr. Martin commented on the list that Ms. Calhoun had provided to the commissioners. He did a little research on them. The properties on Pearl Street date back to the 1940's, prior to our existing *Zoning Ordinance*. Mr. Martin commented that we have a *Comprehensive Plan* that promotes home ownership and the City is trying to provide a variety of different housing types. The City has one particular zoning district (R-3) that promotes primarily rental properties.

In terms of maintenance and those types of issues, that is really no different than anywhere else in the city. The city cannot control through a zoning ordinance what color someone wants to paint their property except in historic districts. The commissioners should look at this the same way they look at townhouses. You have the same type of problems that Ms. Calhoun referenced in a townhouse development. We really cannot control if someone buys a property and chooses to rent it. What we can control is whether we are promoting primarily just renting over home ownership. That is what this zoning amendment is trying to address.

In terms of existing structures, there are existing duplexes where this probably would be appropriate if they met lot size requirements and fire ratings. Mr. Martin does not see any reason why we should want to prohibit that. It is a way of promoting a different type of housing stock.

Ms. Calhoun came back to make some more comments. She asked how the homeowner association would work when these duplexes are scattered throughout the R-3 districts. It appears that it would be so unwieldy. In a townhouse development, you have an association of owners who are all contiguous, and they manage to control that somehow. But if you have low income people in scattered situations, they are probably not going to be in a position to manage such an association. Who is going to collect the money and account for it and so forth?

Mr. Martin remarked that the City Manager and City Attorney had made the recommendation that the homeowner's association requirement not be put in the ordinance. They felt that it would be cumbersome. Mr. Martin had left it in because that was the way it was discussed at the last Planning Commission meeting. Mr. Martin commented that the homeowner association requirement is something they need to discuss as a body. However, Mr. Martin pointed out that this provision should not pertain to whether someone is rich or poor. It is a matter of whether they have the ability to own a piece of property. If they do, why should we be preventing someone from being able to own? Typically, when someone owns a unit and lives in it, they are going to take more pride in it. Once a homeowner association is approved, that is purely a civil matter between those two parties. The City is not involved in it anymore.

Chair Hamilton closed the public hearing portion of the petition and asked for questions from the commissioners.

Commissioner Swienton commented that the concept of home ownership and increasing the ability for that is a very worthwhile goal. There are some items that he might need some clarification on before voting on this petition. Commissioner Swienton noticed that in the *Zoning Ordinance* there is no definition for two-family dwellings. He did not know if there was a universally accepted legal definition of that term or if the City should have its own that rigidly defines what we call a two-family dwelling.

Mr. Martin answered that the way they have always defined and interpreted it was that a two-family dwelling is a duplex. The *Zoning Ordinance* also allows in R-1 and R-2 districts that if it is owner occupied, they could rent out a bottom unit, but we still look at that as a single-family dwelling. That was thought out in this amendment because if there are two separate units and someone owned each side, we didn't really think it was appropriate for someone to be able to rent out the bottom unit. That would really be increasing the density beyond what an R-3 district's intent. That is

why the ordinance says "All other area regulations are met." They would have to have a much larger lot size to be able to do that.

Chair Hamilton asked for a clarification because when they had reviewed the Grand Oaks project, she was under the impression that those particular units were not called duplexes because they were single-family attached dwellings. Mr. Martin added that duplexes are also considered to be rental units, whereas the units in Grand Oaks were going to be listed for sale. In the end, the density and the type of structures are the same, but it is a matter of how you look at it.

Commissioner Swienton said that he would be comfortable if they could work in some kind of definition. He would also like to hear Commissioner Hannon's opinion with his real estate background to see whether or not that is worthwhile.

Commissioner Swienton asked about the fire resistive requirements. He is curious to know if the City has duplexes that do not meet fire resistive requirements. Mr. Martin stated that is a building code issue. It would have to happen anyway. They have to have a fire separated wall between the buildings. It is a matter of reiterating those requirements. Commissioner Swienton commented that most likely it has been approved with a certificate of occupancy and Mr. Martin said that was correct.

Commissioner Swienton commented that he is trying to envision how the property is treated with the way this is written. They own the building and once they step out of the building, whose property are they on? Mr. Martin said they would be stepping onto their property. He explained to them that as it is now, the units cannot be sold individually because you have an eight-foot side yard setback. This amendment would allow a line to be drawn right down the property. He drew them a picture as an example. Commissioner Swienton pointed out that maybe they should put something in the wording that says the land may be subdivided as well. Chair Hamilton asked Mr. Martin if someone could put an outbuilding right on that property line behind the house. Mr. Martin said that you can put an outbuilding right on a property line now, so that is really not an issue. Chair Hamilton asked what else would be different, and Mr. Martin said you would be allowing a lot with 30 feet of frontage instead of 60 feet. The densities are not changing.

Commissioner Swienton asked if the City Attorney routinely reviews all homeowner's association documents, and Mr. Martin said he does if they are required by the *Zoning Ordinance*.

Commissioner Swienton asked if there is a way to undo what has been done. Let's say that someone goes through this process. Can they revert back to the way it was before without it being too cumbersome? Would they have the ability to go back to a true duplex and do away with the homeowner's association? Mr. Martin did not think that would be a problem, but he would defer to Commissioner Hannon's expertise on this matter. Commissioner Hannon thought that the question was whether there should be a homeowner's association. He did not think that made sense, but he could wait to comment until after Commissioner Swienton finishes his questions.

Commissioner Swienton commented that he could see the pros and cons of a homeowners association. If the two people do not get along, how will they deal with a one to one tie? Mr. Martin thought that maybe they were going beyond what they needed to in regulating social behavior. What we are trying to do is regulate ownership opportunities and land use patterns. Mr. Martin is not sure how much they need to talk about whether or not neighbors will get along. Commissioner Swienton said that he is looking at someone who buys a piece of property and perhaps does not have the legal resources to fully know all the requirements that come with the place and then find out after closing that they are locked into a homeowners association. By default, this creates the scenario where both owners have to agree in order to get something done. Commissioner Swienton commented that if there were no homeowners association, that would solve a lot of issues in his opinion.

Commissioner Sale remarked that he understood where the people of Garland Hill were coming from; they have experienced battles with big homes being broken down into multiple family units. He asked Mr. Martin if this addition had been looked at with regard to historic district standards that are already on the books with regard to frontage and setbacks. Mr. Martin said that if the structures are in a historic district and the City does not think that those structures should be divided, then it should not be zoned R-3 in the first place. It should be downzoned to R-2 like Garland Hill and Federal Hill were. Commissioner Sale asked if the standards of the historic district are more restrictive or in conflict with what is being proposed. Mr. Martin said that the historic district regulations stand on their own and would be above and beyond this amendment. Historic district regulations mainly deal with outside appearances, not lot lines. Mr. Martin reiterated that if there are historic properties that the City feels should not be divided into multiple units, the City and the neighborhood should take the initiative to go through a rezoning process to change the zoning. All of the duplexes that are existing are grandfathered and they are not going to go away. There is really not a lot we can do about them. This amendment will not pertain to the properties that are zoned R-3. Commissioner Sale stated that it sounds like the

argument is that historic districts should be looking actively at R-2 zoning designation to protect from this kind of activity. Commissioner Sale said there are other historic districts that may not see this kind of effect coming upon them and need to be encouraged to undertake a rezoning. Mr. Martin offered that there is a Historic District Coalition and that this matter should be talked about there.

Commissioner Hannon added that this is a vertical division not a horizontal division. You would not be creating a duplex with an upstairs entrance and a downstairs entrance. Commissioner Hannon also mentioned that he lives on Pearl Street and is familiar with the history of the townhomes on Pearl Street. When they first moved to Diamond Hill, both sides of 605 and 607 Pearl Street were in an unrestored condition. Had someone been required to buy the whole property, it would have been a very daunting task to restore both sides. By recognizing its architectural design, each side is a doable half. The half that was purchased in August 2005 has been restored. Commissioner Hannon does not think that would have been possible had he not been able to divide that property. Commissioner Hannon pointed out that there are several duplexes on Washington Street that are wholly owned. In informal discussions with the Diamond Hill Historic Society, it is hoped that they can be divided so that they can be two doable projects instead of one impossible one.

As far as the homeowner's association is concerned, that is a very unwieldy mechanism to use. Homeowner's associations are typically ordered in order to maintain common areas and there would not be any common area in your typical duplex situation with a zero lot line. There have been many duplexes in Honolulu to maximize development infill. You can always get into a situation where a homeowner does not do his work, but by and large, he has not seen a problem. There are common law legal remedies to address the maintenance issues. Commissioner Hannon commented that he thinks it is a great idea. It is better to have duplexes than these townhome developments, which are kind of impersonal. He thinks that we have a lot of property in the City that could benefit by this type of development. Other than thinking that the homeowner's association is not wise, he definitely supports it.

Commissioner Worthington commented that he understands the desire for home ownership. Unfortunately, in these days and times, it is going to be more difficult for home ownership than what we have experienced in the last five to ten years. There are going to be cases where some of these units are going to be turned into rental. He does not know how you can avoid that and the problems that come with that, but other than that, he supports the proposal.

Commissioner Barnes commented that if the intent of this is to encourage home ownership in R-3 areas, he thinks that can be done without the requirement of the homeowner's association. As Commissioner Hannon pointed out, there are other legal remedies. Commissioner Barnes moved that they remove the sentences that refer to a homeowner's association. Commissioner Sale seconded that motion. Those sentences are found in subsection (f) and are as follows:
The subdivider shall establish a homeowner's association or corporation of all individuals or corporations owning adjoining dwellings to ensure the maintenance of all properties, dwellings and facilities. Homeowner's association or corporation documents shall be reviewed and approved by the City Attorney.

Commissioner Sale remarked that the argument for putting these sentences in there was to address maintenance issues. Mr. Martin said that was the intent, but that Commissioner Hannon had a very valid point that there are common law remedies for the same type of situation. A homeowner's association is probably more cumbersome than necessary to accomplish the same thing.

The motion passed by the following vote:

AYES:	Barnes, Hamilton, Hannon, Sale, Swienton and Worthington	6
NOES:		0
ABSTENTIONS:		0
ABSENT:	Oglesby	1

The following language was then suggested for (3) in subsection (f): **A lot may be subdivided into two (2) family dwelling units which share a party wall with a zero (0) foot setback and a thirty (30) foot street frontage each provided the fire resistive requirements of the building code and all other setback requirements are met as well.**

There was some discussion about whether or not they needed to clarify the vertical division as opposed to a horizontal division. Commissioner Hannon did not think that needed to be written in; Mr. Martin stated that the only way a horizontal division is allowed is in a condominium.

The motion to amend that sentence was made by Commissioner Swienton and seconded by Commissioner Sale. The motion then passed by the following vote:

AYES:	Barnes, Hamilton, Hannon, Sale, Swienton and Worthington	6
NOES:		0
ABSTENTIONS:		0
ABSENT:	Oglesby	1

Commissioner Worthington made a motion to recommend this proposal to City Council, which was seconded by Commissioner Sale. The motion then passed by the following vote:

AYES:	Barnes, Hamilton, Hannon, Sale, Swienton and Worthington	6
NOES:		0
ABSTENTIONS:		0
ABSENT:	Oglesby	1



MEMORANDUM

The Department of Community Development

Planning

455-3900

To: Planning Commission
From: Tom Martin, AICP, City Planner
Subj: Zoning Ordinance Amendment – Section 35.1-31, Medium Density Residential District
Date: January 28, 2009

On December 9, 2008, the Planning Commission initiated a change to Section 35.1-31, Medium Density Residential District, R-3, Two (2) Family of the Zoning Ordinance. The Zoning Ordinance currently allows duplexes as a matter of right in an R-3 zone but does not allow the sale of individual units due to setback requirements.

The *City's Comprehensive Plan 2002-2020* encourages higher rates of homeownership among low and middle income residents (**Objective 2E, pg. 10.14**) and encourages a range of housing types in appropriate locations (**Objective 3B, pg. 10.15**). The proposed amendment would promote homeownership and increase different types of housing opportunities which would work towards implementing the goals and objectives of the Comprehensive Plan.

The proposed amendment Section 35.1-31, f(3) states:

“Two (2) family dwellings may be subdivided and share a party wall with a zero (0) foot setback provided the fire resistive requirements of the building code and all other area and setback requirements are met. The subdivider shall establish a homeowner’s association or corporation of all individuals or corporations owning adjoining dwellings to ensure the maintenance of all properties, dwellings and facilities. Homeowner’s association or corporation documents shall be reviewed and approved by the City Attorney.”

The result of the ordinance would allow homeownership opportunities in the R-3, District which currently promotes rental units almost exclusively. A concern with the ordinance as proposed is that the requirement for a homeowners association may be too cumbersome, however the requirement would provide for the establishment of covenants pertaining to maintenance of the adjoining units.

January 28, 2009

PLEASE PRINT

[illegible]

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **March 10, 2009**

AGENDA ITEM NO.:

6

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **General Obligation School Bonds Authorization of not to exceed \$8,250,000 for the Virginia Public School Authority Interest Subsidy or Non-Subsidy Programs for Sandusky Middle School**

RECOMMENDATION:

City Council is requested to take the following actions:

1. Conduct a public hearing in accordance with Section 15.2-2606 of the Code of Virginia for the issuance of not to exceed \$8,250,000 principal amount of General Obligation School Bonds to be sold to the Virginia Public School Authority
2. Adopt a resolution authorizing the issuance of an amount not to exceed \$8,250,000 in General Obligation School Bonds for the Interest Subsidy or Non-Subsidy Programs.
3. Adopt a resolution to amend the FY 2009 School Capital Projects Fund and appropriate \$16,000 for estimated bond issuance costs reimbursable from bond proceeds.

SUMMARY:

In March 2008, the City applied for a \$7,500,000 State Literary Fund Loan (3% interest) for the new Sandusky Middle School construction project. The Lynchburg City Schools' Board and City Council approved the Literary Loan Fund Program application submission on February 19, 2008 and March 11, 2008, respectively. This application was approved by the Department of Education on July 17, 2008 and this project is currently number ten (10) on their First Priority Waiting List for funding when available.

Concurrently in March 2008 and in order to meet the construction schedule for this project, the City established a \$15,000,000 Line of Credit interim financing facility with a five year General Obligation Public Improvement Bond Anticipation Note. The Line of Credit allocated \$7,500,000 to Schools Capital Improvement Projects. This provided short-term financing in anticipation of receiving the State Literary Loan Fund. Historically, there has been a twelve to eighteen month waiting period before State Literary Loan proceeds are released to the applicant. With the current State budget situation, there are no State Literary Funds available at this time. As an option, the City can substitute the State Literary Loan with a Virginia Public School Authority Interest Subsidy Loan with the same 3% effective interest rate. The City can elect to participate in the Non-Subsidy Program also. In order to provide for long-term financing, Virginia Public School Authority Bonds will be issued to repay the outstanding balance on the Line of Credit. The Virginia Public School Authority has recommended that the City authorize an issue in excess of the \$7,500,000, or \$8,250,000 in the event the bonds are issued at a discount. This will ensure that the City receives \$7,500,000 in net proceeds to retire the amount outstanding on the Line of Credit.

At this date, current State budget conditions have resulted not only in State Literary Loan funding being eliminated, but have resulted in eliminated funding for the Subsidy Program as well. Over the upcoming weeks, final decisions from the State's budget process will determine if funding becomes available. During this same time period, the VPSA Non-Subsidy pooled bond sale schedule is proceeding. Each Spring and Fall the VPSA has a Non-Subsidy pooled bond sale. The bond sales include the VPSA Subsidy Program when funds are available. The Lynchburg City Schools' Board meeting on March 3, 2009 will include a request of the Board to approve submission of the VPSA application. This request for City Council action will allow the City to submit the VPSA Subsidy application and authorize the bond issue in the event that funding is allocated during the upcoming weeks or at a future date. It provides for participation in the Non-Subsidy Program if the City would elect to do so. This action will position the City to obtain permanent financing at an effective 3% interest rate through the Subsidy Program or elect the market interest rate from the Non-Subsidy Program pooled bond sale.

PRIOR ACTION(S):

February 19, 2008 Lynchburg City Schools Board approved Literary Loan Application
March 11, 2008 Resolution #R-08-030 City Council approved the \$15,000,000 Five Year General Obligation Bond Anticipation Note
March 11, 2008 Resolution #R-08-023 City Council approved Literary Loan Application
February 24, 2009 Finance Committee
March 3, 2009 Lynchburg City School Board meeting to approve submission of the VPSA application

FISCAL IMPACT:

Retire interim Line of Credit financing of \$7,500,000 consistent with the long-term financial plan for funding construction of Sandusky Middle School. Provided that State Budget VPSA Subsidy funding is allocated in FY 2009, there would be one interest payment in FY 2010 followed by principal and interest payments in FY 2011 and forward.

CONTACT(S):

Donna S. Witt, Director of Financial Services, 455-3968
Barbara C. Hudson, City Accountant, 455-4221

ATTACHMENT(S):

School Board Resolution authorizing submission of the VPSA Subsidy or Non-Subsidy application.
City Council Resolution authorizing the issuance of not to exceed \$8,250,000 General Obligation School Bonds to be sold to the Virginia Public School Authority.
Resolution to appropriate funding for related legal costs.

REVIEWED BY: lkp

RESOLUTION OF THE SCHOOL BOARD OF THE CITY OF LYNCHBURG, VIRGINIA, REQUESTING THE CITY COUNCIL OF THE CITY OF LYNCHBURG TO AUTHORIZE THE ISSUANCE AND SALE OF NOT TO EXCEED \$8,250,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION SCHOOL BONDS OF THE CITY AND TO SUBMIT AN APPLICATION TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY IN CONNECTION WITH THE ISSUANCE AND SALE OF SUCH BONDS TO THE AUTHORITY AND CONSENTING TO THE ISSUANCE AND SALE OF SUCH BONDS TO THE AUTHORITY

BE IT RESOLVED BY THE SCHOOL BOARD OF THE CITY OF LYNCHBURG, VIRGINIA:

1. The School Board (the "School Board") of the City of Lynchburg, Virginia (the "City"), hereby finds and determines as follows:

(a) On March 27, 2008, the City entered with a Financing Agreement, dated March 27, 2008 (the "Financing Agreement"), by and between the City and SunTrust Bank (the "Bank"), pursuant to which the City issued and sold to the Bank its General Obligation Public Improvement Bond Anticipation Note, Series 2008, dated March 27, 2008, in the principal amount equal to the outstanding principal balances thereunder, but not to exceed \$15,000,000 (the "Note"), to provide for the payment of costs of various public improvement projects of and for the City, including the amount of \$7,500,000 for public school improvement projects.

(b) As of the date of adoption of this resolution, the City has borrowed or expects to have borrowed prior to the issuance of the Bonds (as defined hereinafter) the amount of \$7,500,000 under the Financing Agreement (such borrowing being evidenced by the Note) for public school improvement projects, including the costs of acquisition and construction relating to the Sandusky Middle School (the "Project").

(c) The School Board has determined that the capital school improvement program of the City requires the expenditure of the amount of not to exceed \$8,250,000 to provide funds to refinance the borrowing under the Financing Agreement which is evidenced by the Note and to pay additional costs of the Project.

(d) The School Board has determined that it would be desirable to finance the Project (including refinancing the borrowing under the Financing Agreement which is evidenced by the Note) from the proceeds of not to exceed \$8,250,000 principal amount of general obligation school bonds proposed to be issued and sold by the City to the Virginia Public School Authority (the "Authority").

2. The School Board of the City of Lynchburg hereby (i) requests the City Council of the City to authorize the issuance and sale of general obligation school bonds of the City in an aggregate principal amount not to exceed \$8,250,000 (the "Bonds") for the purpose of financing the Project (including refinancing the borrowing under the Financing Agreement which is evidenced by the Note) and to submit an application to the Authority in connection with issuance and sale of the Bonds to the Authority; and (ii) consents to the issuance of the Bonds.

3. This resolution shall take effect upon its adoption.

ADOPTED: March 3, 2009

* * * * *

The undersigned Clerk of the School Board of the City of Lynchburg, Virginia, hereby certifies that the foregoing constitutes a true and correct extract from the minutes of a regular meeting of the School Board of the City of Lynchburg, Virginia, held on March 3, 2009, and of the whole thereof so far as applicable to the matters referred to in such extract. I hereby further certify that such meeting was a regularly scheduled meeting and that, during the consideration of the foregoing resolution, a quorum was present. Members present at the meeting were: _____. Members absent from the meeting were: _____. Members voting in favor of the foregoing resolution were: _____. Members voting against the foregoing resolution were: _____. Members abstaining from voting on the foregoing resolution were: _____.

WITNESS MY HAND and the seal of the School Board of the City of Lynchburg, Virginia, this ____ day of _____, 2009.

Clerk of the School Board
City of Lynchburg, Virginia

[SEAL]

A RESOLUTION OF THE COUNCIL OF THE CITY OF LYNCHBURG, VIRGINIA, AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$8,250,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION SCHOOL BONDS OF THE CITY OF LYNCHBURG, VIRGINIA, TO BE SOLD TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY AND PROVIDING FOR THE FORM AND DETAILS THEREOF

WHEREAS, on March 27, 2008, the City of Lynchburg, Virginia (the "City"), entered into a Financing Agreement, dated March 27, 2008 (the "Financing Agreement"), by and between the City and SunTrust Bank, pursuant to which the City issued and sold to the Bank its General Obligation Public Improvement Bond Anticipation Note, Series 2008, dated March 27, 2008, in the principal amount equal to the outstanding balances thereunder, but not to exceed \$15,000,000 (the "Note"), to provide for the payment of costs of various public improvement projects of and for the City, including the amount of \$7,500,000 for public school improvement projects;

WHEREAS, as of the date of adoption of this resolution, the City has borrowed or expects to have borrowed prior to the issuance of the Bonds (as defined hereinafter) the amount of \$7,500,000 under the Financing Agreement (such borrowing being evidenced by the Note) for public school improvement projects, including the costs of acquisition and construction relating to the Sandusky Middle School (the "Project");

WHEREAS, under the provisions of the Financing Agreement and the Note, a borrowing under the Financing Agreement which is evidenced by the Note may be prepaid in whole or in part, together with interest accrued thereon to the prepayment date, at any time or from time to time without payment of any premium or penalty, upon ten (10) business days' prior written notice to the Bank;

WHEREAS, the Council (the "Council") of the City deems it advisable and in the best interest of the City to prepay the amount of \$7,500,000 borrowed or to be borrowed by the City under the Financing Agreement (such borrowing being evidenced by the Note) in connection with the Project;

WHEREAS, the Council has determined that it is necessary and expedient to borrow not to exceed not to exceed \$8,250,000 and to issue its general obligation school bonds for the purpose of financing or refinancing the costs of the Project (including the prepayment of the amount of \$7,500,000 heretofore borrowed by the City under the Financing Agreement (such borrowing being evidenced by the Note));

WHEREAS, the Council has held a public hearing, duly noticed, on March 10, 2009, on the issuance of the Bonds (as defined below) in accordance with the requirements of Section 15.2-2606 of the Code of Virginia, 1950 (the "Virginia Code");

WHEREAS, the School Board has, by resolution adopted by the School Board on March 3, 2009, requested the Council to authorize the issuance of the Bonds and has consented to the issuance of the Bonds;

WHEREAS, the Bond Sale Agreement (as defined below) will reflect that the City is requesting to receive proceeds in the amount of not to exceed \$8,250,000 (the "Proceeds Requested") from the Virginia Public School Authority (the "VPSA") in connection with the sale of the Bonds;

WHEREAS, the objective of the VPSA is to pay the City a purchase price for the Bonds which, in the judgment of the VPSA, reflects the market value of the Bonds (the "VPSA Purchase Price Objective"), taking consideration of such factors as the amortization schedule the City has requested for the Bonds, the amortization schedules requested by other localities, the purchase price to be received by VPSA for the VPSA Bonds (as defined below) and other market conditions relating to the sale of the VPSA Bonds; and

WHEREAS, such factors (i) may result in the Bonds having a purchase price other than par and consequently the City may have to issue a principal amount of Bonds that is greater than or less than the Proceeds Requested in order to receive an amount of proceeds that is substantially equal to the Proceeds Requested or (ii) the City may be required to accept a discount, given the VPSA Purchase Price Objective and market conditions, under which circumstance the proceeds from the sale of the Bonds received by the City would be less than the amount set forth in Section 1 below;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG, VIRGINIA:

SECTION 1. Authorization of Bonds and Use of Proceeds. The Council hereby determines that it is advisable to contract a debt and issue and sell its general obligation school bonds in an aggregate principal amount not to exceed \$8,250,000 (the "Bonds") for the purpose of financing or refinancing various capital school improvement projects of and for the City (including the repayment of the amount of \$7,500,000 borrowed or to be borrowed by the City under the Financing Agreement (such borrowing being evidenced by the Note)) in connection with the Project. The Council hereby authorizes the issuance and sale of the Bonds pursuant to Title 15.2, Chapter 26 of the Virginia Code (the same being the Public Finance Act of 1991) and in the form and upon the terms established pursuant to this Resolution.

SECTION 2. Sale of the Bonds. It is determined to be in the best interest of the City to sell the Bonds to the VPSA at a price, determined by the VPSA at the time of sale to be fair and accepted by the City Manager, without further action by the Council, that is substantially equal to the Proceeds Requested, except that the Bonds may be sold for a purchase price not lower than 98% of the Proceeds Requested if issuing the Bonds in the maximum principal amount authorized by Section 1 of this Resolution is insufficient, given the VPSA Purchase Price Objective and market conditions, to generate an amount of proceeds substantially equal to the Proceeds Requested. The City Manager or the Director of Financial Services is hereby authorized and directed to enter into a Bond Sale Agreement with the VPSA providing for the sale of the Bonds to the VPSA in substantially the form entered into by the City with the VPSA in connection with previous sales of general obligation school bonds by the City to the VPSA (the "Bond Sale Agreement").

SECTION 3. Details of the Bonds. The Bonds shall be dated the date of issuance and delivery of the Bonds; shall be designated "City of Lynchburg, Virginia, General

Obligation School Bonds, Series 2009” or shall have such other designation as shall be determined by the City Manager; shall bear interest from the date of delivery thereof payable on such first interest payment date as shall be determined by the City Manager and semiannually each January 15 and July 15 thereafter (each an “Interest Payment Date”), subject to the provisions of Section 4 of this Resolution and at the rates established in accordance with Section 4 of this Resolution; and shall mature on July 15 in each of the years (not exceeding thirty (30) years from the date of the Bonds) (each a “Principal Payment Date”) and in the amounts in each such year (the “Principal Installments”) determined by the City Manager, without further action by the Council, subject to the provisions of Section 4 of this Resolution.

SECTION 4. Interest Rates and Principal Installments. The City Manager is hereby authorized and directed, without further action by the Council, to accept the interest rates on the Bonds established by the VPSA; *provided* that each interest rate shall be ten one-hundredths of one percent (0.10%) over the interest rate to be paid by the VPSA for the corresponding principal payment date of the bonds to be issued by the VPSA (the “VPSA Bonds”), a portion of the proceeds of which will be used to purchase the Bonds, and *provided further* that the true interest cost with respect to the Bonds shall not exceed six percent (6.00%). The Interest Payment Dates and the Principal Installments are subject to change at the request of the VPSA. The City Manager is hereby authorized and directed, without further action by the Council, to accept changes in the Interest Payment Dates and the Principal Installments at the request of the VPSA; *provided* that the aggregate principal amount of the Bonds shall not exceed the amount authorized by this Resolution. The execution and delivery of the Bonds as described in Section 8 hereof shall conclusively evidence such interest rates established by the VPSA and the Interest Payment Dates and the Principal Installments requested by the VPSA as having been so accepted as authorized by this Resolution.

SECTION 5. Form of the Bonds. For as long as the VPSA is the registered owner of the Bonds, the Bonds shall be initially in the form of a single, temporary typewritten bond substantially in the form attached hereto as Exhibit A.

SECTION 6. Payment; Paying Agent and Bond Registrar. The following provisions shall apply to the Bonds:

(a) For as long as the VPSA is the registered owner of the Bonds, all payments of principal of and premium, if any, and interest on the Bonds shall be made in immediately available funds to the VPSA at or before 11:00 A.M. on the applicable Interest Payment Date or Principal Payment Date, or if such date is not a business day for Virginia banks or for the Commonwealth of Virginia, then at or before 11:00 A.M. on the business day next succeeding such Interest Payment Date or Principal Payment Date.

(b) All overdue payments of principal and, to the extent permitted by law, interest shall bear interest at the applicable interest rate or rates on the Bonds.

(c) The City Manager is hereby authorized to designate and appoint a Bond Registrar and Paying Agent for the Bonds.

SECTION 7. Redemption or Prepayment. (a) In the event the City is eligible to participate in and does participate in the VPSA’s interest-rate subsidy program, the Principal

Installments of the Bonds shall not be subject to redemption or prepayment. Furthermore, the Council covenants, on behalf of the City, not to refund or refinance the Bonds without first obtaining the written consent of the VPSA or the registered owner of the Bonds.

(b) In the event the City is unable to participate in the VPSA's interest-rate subsidy program and instead elects to participate in the VPSA's non-subsidized program, the Principal Installments of the Bonds held by VPSA coming due on or before July 15, 2019, and the definitive Bonds for which the Bonds held by VPSA may be exchanged that mature on or before July 15, 2019, are not subject to prepayment or redemption prior to their stated maturities. The Principal Installments of the Bonds held by VPSA coming due after July 15, 2019, and the definitive bonds for which the Bonds held by VPSA may be exchanged that mature after July 15, 2019, are subject to prepayment or redemption at the option of the City prior to their stated maturities in whole or in part, on any date on or after July 15, 2019, upon payment of the prepayment or redemption prices (expressed as percentages of Principal Installments to be prepaid or the principal amount of the Bonds to be redeemed) set forth below plus accrued interest to the date set for prepayment or redemption:

<u>Dates</u>	<u>Prices</u>
July 15, 2019 through July 14, 2020	101 %
July 15, 2020 through July 14, 2021	100 ½
July 15, 2021 and thereafter	100

provided, however, that the Bonds shall not be subject to prepayment or redemption prior to their stated maturities as described above without first obtaining the written consent of VPSA or the registered owner of the Bonds. Notice of any such prepayment or redemption shall be given by the Bond Registrar to the registered owner by registered mail not more than ninety (90) and not less than sixty (60) days before the date fixed for prepayment or redemption.

The City Manager is hereby authorized and directed, without further action by the Council, to accept changes to the provisions of this Section 7(b) at the request of the VPSA.

SECTION 8. Execution of the Bonds. The Mayor or Vice Mayor, the Clerk of Council or any Deputy Clerk of Council and the Director of Financial Services of the City are authorized and directed to execute and deliver the Bonds by their manual or facsimile signatures and to affix the seal of the City thereto or to cause a facsimile thereof to be imprinted thereon.

SECTION 9. Pledge of Full Faith and Credit. For the prompt payment of the principal of and premium, if any, and interest on the Bonds as the same shall become due, the full faith and credit of the City are hereby irrevocably pledged. In each year while any of the Bonds shall be outstanding, the Council is authorized and required to levy and collect annually, at the same time and in the same manner as other taxes of the City are assessed, levied and collected, a tax upon all taxable property within the City, over and above all other taxes, authorized or limited by law and without limitation as to rate or amount, sufficient to pay when due the principal of and premium, if any, and interest on the Bonds to the extent other funds of the City are not lawfully available and appropriated for such purpose.

SECTION 10. Use of Proceeds Certificate and Certificate as to Arbitrage. The Mayor or Vice Mayor, the City Manager, the Director of Financial Services and such officer or officers of the City as any of them may designate are hereby authorized and directed to execute a Certificate as to Arbitrage and a Use of Proceeds Certificate each setting forth the expected use and investment of the proceeds of the Bonds and containing such covenants as may be necessary in order to show compliance with the provisions of the Internal Revenue Code of 1986 (the "Code") and applicable regulations promulgated thereunder relating to the exclusion from gross income of interest on the Bonds and on the VPSA Bonds. The Council covenants on behalf of the City that (i) the proceeds from the issuance and sale of the Bonds will be invested and expended as set forth in such Certificate as to Arbitrage and such Use of Proceeds Certificate and that the City shall comply with the other covenants and representations contained therein and (ii) the City shall comply with the provisions of the Code so that interest on the Bonds and on the VPSA Bonds will remain excludable from gross income for federal income tax purposes.

SECTION 11. State Non-Arbitrage Program; Proceeds Agreement. The Council hereby determines that it is in the best interest of the City to authorize and direct the Director of Financial Services to participate in the State Non-Arbitrage Program in connection with the Bonds. The Mayor or Vice Mayor, the City Manager, the Director of Financial Services and such officer or officers of the City as any of them may designate are hereby authorized and directed to execute and deliver a Proceeds Agreement with respect to the deposit and investment of proceeds of the Bonds by and among the City, the other participants in the sale of the VPSA Bonds, the VPSA, the investment manager and the depository, substantially in the form entered into by the City with the other participants in the sale of the VPSA Bonds, the VPSA, the investment manager and the depository in connection with previous sales of general obligation bonds by the City to the VPSA, which form is hereby approved.

SECTION 12. Continuing Disclosure Agreement. The Mayor or Vice Mayor, the City Manager, the Director of Financial Services and such officer or officers of the City as any of them may designate are hereby authorized and directed to execute a Continuing Disclosure Agreement, as set forth in an appendix to the Bond Sale Agreement, setting forth the reports and notices to be filed by the City and containing such covenants as may be necessary in order to show compliance with the provisions of the Securities and Exchange Commission Rule 15c2-12 and directed to make all filings required by the Bond Sale Agreement should the City be determined by the VPSA to be a MOP (as defined in the Continuing Disclosure Agreement).

SECTION 13. Designation of Note for Prepayment in Part From Bond Proceeds. The Council hereby designates the Note for prepayment in part from the proceeds of the Bonds received by the City from the VPSA on such date as shall be determined by the City Manager, together with the interest accrued thereon to the prepayment date. The City Manager is hereby authorized to cause notice of the prepayment in part of the Note to be given in accordance with the provisions of the Financing Agreement and the Note.

SECTION 14. Filing of Resolution. The Clerk of Council is hereby authorized and directed to file a copy of this Resolution, certified by the Clerk of Council to be a true and correct copy hereof, with the Circuit Court of the City.

SECTION 15. Further Actions. The members of the Council and all officers, employees and agents of the City are hereby authorized to take such action as they or any one of

them may consider necessary or desirable in connection with the issuance and sale of the Bonds and any such action previously taken is hereby ratified and confirmed.

SECTION 16. Effective Date. This Resolution shall take effect upon its adoption.

Adopted:

Certified:

Clerk of Council

020L

* * * * *

The undersigned Clerk of the Council of the City of Lynchburg, Virginia, hereby certifies that the foregoing constitutes a true and correct extract from the minutes of a regular meeting of the Council of the City of Lynchburg, Virginia, held on March 10, 2009, and of the whole thereof so far as applicable to the matters referred to in such extract. I hereby further certify that such meeting was a regularly scheduled meeting and that, during the consideration of the foregoing resolution, a quorum was present. Members present at the meeting were: _____.

Members absent from the meeting were: _____.

Members voting in favor of the foregoing resolution were: _____. Members voting against the foregoing resolution were: _____.

Members abstaining from voting on the foregoing resolution were: _____.

WITNESS MY HAND and the seal of the Council of the City of Lynchburg, Virginia, this ____ day of _____, 2009.

Clerk of Council
City of Lynchburg, Virginia

[SEAL]

EXHIBIT A
(FORM OF TEMPORARY BOND)

NO. TS-1

\$ _____

UNITED STATES OF AMERICA
COMMONWEALTH OF VIRGINIA
CITY OF LYNCHBURG
GENERAL OBLIGATION SCHOOL BOND
SERIES 200_

The **CITY OF LYNCHBURG, VIRGINIA** (the “City”), for value received, hereby acknowledges itself indebted and promises to pay to the **VIRGINIA PUBLIC SCHOOL AUTHORITY** the principal amount of _____ DOLLARS (\$ _____), in annual installments in the amounts set forth on **Schedule I** attached hereto, payable on _____, 20__ and annually on each July 15 thereafter to and including July 15, ____ (each a “Principal Payment Date”), together with interest from the date of this Bond on the unpaid installments, payable on _____, 20__ and semiannually on each January 15 and July 15 thereafter (each an “Interest Payment Date”; together with any Principal Payment Date, a “Payment Date”), at the rates per annum set forth on **Schedule I** attached hereto. Principal of and premium, if any, and interest on this Bond are payable in lawful money of the United States of America.

For as long as the Virginia Public School Authority is the registered owner of this Bond, _____, in the City of Richmond, Virginia, as bond registrar (the “Bond Registrar”), shall make all payments of principal of and premium, if any, interest on this Bond, without the presentation or surrender hereof, to the Virginia Public School Authority, in immediately available funds at or before 11:00 A.M. on the applicable Payment Date. If a Payment Date is not a business day for banks in the Commonwealth of Virginia or for the Commonwealth of Virginia, then the payment of principal of or premium, if any, or interest on this Bond shall be made in immediately available funds at or before 11:00 A.M. on the business day next succeeding the scheduled Payment Date. Upon receipt by the registered owner of this Bond of such payments of principal, premium and interest, written acknowledgment of the receipt thereof shall be given promptly to the Bond Registrar, and the City shall be fully discharged of its obligation on this Bond to the extent of the payment so made. Upon final payment, this Bond shall be surrendered to the Bond Registrar for cancellation.

The full faith and credit of the City are irrevocably pledged for the payment of the principal of and premium, if any, and interest on this Bond. The resolution adopted by the Council of the City authorizing the issuance of this Bond provides, and Section 15.2-2624 of the Code of Virginia, 1950, requires, that, in each year while any of the Bonds shall be outstanding, the Council of the City shall be authorized and required to levy and collect annually, at the same time and in the same manner as other taxes of the City are assessed, levied and collected, a tax upon all taxable property within the City, over and above all other taxes, authorized or limited by

law and without limitation as to rate or amount, sufficient to pay when due the principal of and premium, if any, and interest on this Bond to the extent other funds of the City are not lawfully available and appropriated for such purpose.

This Bond is duly authorized and issued in compliance with and pursuant to the Constitution and statutes of the Commonwealth of Virginia, including Title 15.2, Chapter 26 of the Code of Virginia, 1950 (the same being the Public Finance Act of 1991), and resolutions duly adopted by the Council of the City and the School Board of the City for the purpose of financing or refinancing capital school improvement projects of and for the City.

This Bond may be exchanged without cost, on twenty (20) days written notice from the Virginia Public School Authority, at the office of the Bond Registrar on one or more occasions for two or more temporary bonds or definitive bonds in fully registered form in denominations of \$5,000 and whole multiples thereof, and, in any case, having an equal aggregate principal amount having maturities and bearing interest at rates corresponding to the maturities of and the interest rates on the installments of principal of this Bond then unpaid. This Bond is registered in the name of the Virginia Public School Authority on the books of the City kept by the Bond Registrar, and the transfer of this Bond may be effected by the registered owner of this Bond only upon due execution of an assignment by such registered owner. Upon receipt of such assignment and the surrender of this Bond, the Bond Registrar shall exchange this Bond for definitive Bonds as hereinabove provided, such definitive Bonds to be registered on such registration books in the name of the assignee or assignees named in such assignment.

The principal installments of this Bond are not subject to redemption or prepayment.

All acts, conditions and things required by the Constitution and laws of the Commonwealth of Virginia to happen, exist or be performed precedent to and in the issuance of this Bond have happened, exist and have been performed in due time, form and manner as so required, and this Bond, together with all other indebtedness of the City, is within every debt and other limit prescribed by the Constitution and laws of the Commonwealth of Virginia.

IN WITNESS WHEREOF, the Council of the City of Lynchburg, Virginia has caused this Bond to be issued in the name of the City of Lynchburg, Virginia, to be signed by the manual or facsimile signatures of its Mayor or Vice-Mayor and its Director of Financial Services, its seal to be affixed hereto or a facsimile thereof to be imprinted hereon and attested by the manual or facsimile signature of its Clerk of Council or its Deputy Clerk of Council, and this Bond to be dated _____, 20__.

CITY OF LYNCHBURG, VIRGINIA

(SEAL)

Mayor

Director of Financial Services

ATTEST:

Clerk of Council

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

(Please print or typewrite name and address, including zip code, of Assignee)

PLEASE INSERT SOCIAL SECURITY
OR OTHER TAX IDENTIFYING NUMBER OF ASSIGNEE:

the within Bond and irrevocably constitutes and appoints _____
attorney to exchange such Bond for definitive bonds in lieu of which this Bond is issued and to
register the transfer of such definitive bonds on the books kept for registration thereof, with full
power of substitution in the premises.

Date: _____

Signature Guaranteed:

(NOTICE: Signature(s) must be guaranteed
by an “eligible guarantor institution” meeting
the requirements of the Bond Registrar which
requirements will include Membership or
participation in STAMP or such other
“signature guarantee program” as may be
determined by the Bond Registrar in addition
to, or in substitution for, STAMP, all in
accordance with the Securities Exchange Act
of 1934, as amended.)

Registered Owner

(NOTICE: The signature above must
correspond with the name of the Registered
Owner as it appears on the front of this
Bond in every particular, without alteration
or change.)

RESOLUTION:
BE IT RESOLVED THAT the FY 2009 Schools Capital Projects Fund Budget is amended for \$16,000 for costs associated with the issuance of General Obligation School Bonds to be sold to the Virginia Public School Authority. These costs are financed through the bond proceeds.

Introduced: Adopted:

Certified: _____
Clerk of Council



AGENDA ITEM # 2

New Towne Home Owners Association Inc.

C/O Brown Stone Properties Inc. 3720 Old Forest Road Lynchburg, VA 24502
www.newtownehoa@gmail.com

Board Members:

John Romano President
Ryan Ayres Vice President
Chuck Andrews Treasurer
Captain McCurry Secretary
Brandon Aronson Director
Tracy Wimberly Director

Patricia Kost
Clerk of Council
City of Lynchburg
900 Church Street
Lynchburg, VA 24504

Dear Mrs. Kost,

The purpose of my writing is to respectfully request that I be afforded the opportunity to address the City Council of Lynchburg on Tuesday the 10th of March 2009 during the scheduled session. I will be representing the New Towne Home Owners Association Inc. and speaking on a matter regarding the FY 2009 Operating Budget and its implementation and management by the City Manager Kimball Payne III. Should you have any questions or need to contact me please feel free to do so on my cell phone at 434-426-4563 or by email at jromano116@msn.com.

Sincerely,

John Romano
President Board of Directors
New Towne Home Owners Association

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **March 10, 2009**

AGENDA ITEM NO.: 8

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **2453 L Street – Request for exception to Subdivision Ordinance requirements**

RECOMMENDATION: Denial of the exception request

SUMMARY: Catherine & Van Phillips and Jon & Marika Paris are requesting an exception to the requirements of the Subdivision Ordinance as provided in Section 24.1-45. Section 24.1-45, Exceptions states "Where the subdivider can show that a provision of these standards would cause unnecessary hardship if strictly adhered to, or where, because of topographical or other conditions peculiar to the site, in the opinion of the agent a departure may be made without destroying the intent of such provisions, the agent may authorize an exception. When the agent or subdivider desires, the matter shall be referred to the commission or city council for review".

The petitioners are requesting that an exception be granted to Section 24.1-28 (b) 1 which requires each lot in a subdivision to have frontage on an improved public street or a private street that existed prior to September 12, 1989. The petitioners are requesting to subdivide one (1) existing lot which currently does not have frontage on an improved public street or existing private street into two (2) lots. The exception is being requested due to the cost (approximately \$60,000) that would be incurred in order to extend "L" Street to City standards. Section 35.1-22b of the Zoning Ordinance would allow the construction of one (1) single-family dwelling on the existing lot without the need of any street improvements.

PRIOR ACTION(S): August 19, 2008: Technical Review Committee (TRC) meeting.

BUDGET IMPACT: None

CONTACT(S): Charlene Montford, 455-3902; Tom Martin, 455-3990

ATTACHMENT(S):

- Exception Request Letter
- Subdivision Plat
- Vicinity Map
- TRC Comments

REVIEWED BY: lkp

400 Arlington St
Lynchburg, VA 24503
(434) 845-1775

February 17, 2009

Tom Martin

City Hall
900 Church St.
Lynchburg, VA 24504

Dear Tom Martin,

We (the 4 owners of 2453 L Street) are requesting a hardship exception for the extension of 2453 L Street based on Lynchburg City Code Section 24.1-45 [attached below]. Specifically, we believe that the creation of a road to city standards will cause unnecessary hardship "peculiar to the site" (24.1-45) due to the fact the existing condition of the property already has a sufficient roadway.

We are requesting that we be permitted to subdivide 2453 L Street into two parcels, each approximately 6 acres, without the required asphalt road with curb and gutter. If this was permitted, then we assume that the requirement of road frontage to an improved city street be waived from our building permit. Currently there is a gravel road that runs the length of the property that would be sufficient for a maximum of two families' daily usage. The proposed water and road improvements to the property would cost an estimated \$85,000 with \$60,000 of that total as asphalt and curb and gutter (Based on the bond estimate from city engineers). Our only intention with the property is to put up 2 single-family homes, one now (ours), and at most one more in the future (The Paris's).

We began negotiations to purchase the property in December 2006, finally purchasing the property in June 2007. We understood that to build one single-family dwelling we would not have to improve the street to city standards. In order to subdivide and build the second dwelling, we would have to add a cul-de-sac to city standards to provide the appropriate road frontage for both homes to meet city code. What we did not realize until we tried to close our construction loan in June 2008 was that we would not be able to secure a construction loan for the first dwelling without first subdividing the property since there were two couples on the deed to the land.

The existing conditions of 2453 L Street are sufficient to provide our home with adequate accessibility for any emergency services. It already has a gravel road that runs down the middle of it (along our proposed subdivision line) that is maintained by the city as part of a "forever" easement to maintain access to the drainage pond at the far end of the property (part of the CSO project). While we understand that all city services (mail, trash removal) would terminate

at the end of the paved portion of L St, if it became necessary, the current conditions would easily accommodate any rescue vehicle. The gravel area on the neighboring property is even large enough for a hook and ladder truck to easily turn around.

We understand that city code for subdividing is designed to ensure that the city development occurs appropriately, but what we actually want to do here is keep the land from being developed. We want to keep the land wooded with minimal impact to the site itself—the southern tip of the property borders the Blackwater Creek Bikeway (near the 1 mile mark) and the location of our house will not be visible from the trail or to any other homeowners. To add asphalt and curb and gutter to the end of L Street would not only cause a great deal of environmental disturbance, but the city would have to yearly process hundreds of thousands gallons of additional water collected by storm water run-off. The watershed's natural ability to absorb precipitation would not only be hindered, but the water would be redirected away from the natural watershed. We do not wish to disturb the site any more than absolutely necessary. This road and cul-de-sac are not necessary to meet the city's needs or ours. If there are concerns that we will want to further subdivide in the future, we want to emphasize the fact that subdivision and building permits both require city approval. Thus any further subdivision requests would simply be denied by the city—ultimately protecting the city from any undesired development based on this exception. We only wish to build one house per 6-acre lot, we want to preserve as much of the green-space as possible.

Upon submittal to city council, we will be happy to provide supporting documents and present our arguments. Thank you for taking the time to review this hardship request.

Sincerely,

Catherine & Van Phillips

Jon & Marika Paris

Sec. 24.1-45. Exceptions.

Where the subdivider can show that a provision of these standards would cause unnecessary hardship if strictly adhered to, or where, because of topographical or other conditions peculiar to the site, in the opinion of the agent a departure may be made without destroying the intent of such provisions, the agent may authorize an exception. When the agent or subdivider desires, the matter shall be referred to the commission or city council for review. Any exceptions authorized under the provisions of this section shall be stated in writing on the plat, by the agent, commission or city council with the reasoning set forth on which the departure was justified.

The agent may allow the vacating of lot lines by recordation of a deed providing that no easements or utility rights-of-way located along any lot lines to be vacated shall be extinguished or altered without the express consent of all persons holding any interest therein. The deed shall be approved in writing, on its face, by the agent. The deed shall reference the recorded plat by which the lot line was originally created. (Code 1981; Ord. No. O-05-111, 9-13-05)

Supporting photos:



(Intersection of Norfolk Ave and L Street. Farmhouse on right's address is 600 Norfolk Ave.)



(Just past 600 Norfolk Ave. Building on right is old Norfolk Dairy. Current road has no curb and gutter and is 15 wide. Orange barrel marks end of complete asphalt. Green space to left of graveled area is where the city requested cul-de-sac would be.)



Gravel road is city's access road to the drainage pond easement at the base of the property. The tree trucks parked on this lot go in and out of the road on a daily basis and the gravel road extends almost a mile to the base of the property. The trucks are parked at approximately the edge of our property (not on our property)



View of gravel cul-de-sac and grassy area looking toward Norfolk Ave; the requested asphalt road and cul-de-sac would extend along the forest on the right and terminate in the grassy area.



The city maintains this gravel road all the way to the base of the property as part of the 'forever' easement. They put down gravel and mow along the edges to maintain access to the drainage pond.



(This is the Southern edge of the property. The flat ridge in the distance is the Blackwater Bikeway and the drainage pond is just past the gravel cul-de-sac. The gravel cul-de-sac is sufficient to accommodate large vehicles.

OWNER:
JON P. & MARIKA P. PARIS AND JAMES V. & CATHERINE A. PHILLIPS
10 ADELE ST.
LYNCHBURG, VIRGINIA 24503-4400

TM# 007-06-026
INST# 070007535 RECORDED IN THE CLERK'S
OFFICE OF THE CITY OF LYNCHBURG

NOTES:
1. THIS PLAT HAS BEEN PREPARED FROM A CURRENT FIELD SURVEY AS OF THE
DATE OF THIS PLAT.

2. THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT
AND MAY NOT INDICATE ALL OF THE ENCUMBRANCES UPON THE PROPERTY.

3. IRON PINS ARE TO BE SET AT ALL CORNERS, WHERE POSSIBLE, OR AS
OTHERWISE INDICATED ON THIS PLAT.

4. THIS PROPERTY IS NOT LOCATED IN THE 100 YEAR FLOOD HAZARD ZONE
ACCORDING TO FEMA PANEL NUMBER 5100930041D DATED JUNE 3, 2006.

5. THESE PARCELS ARE CURRENTLY SERVED BY PUBLIC SEWER AND ARE TO BE
SERVED BY PUBLIC WATER BY THE CITY OF LYNCHBURG AT A LATER DATE.

6. ALL UTILITIES ARE UNDERGROUND EXCEPT WHERE SHOWN.

7. THE PROPERTY LINES FROM "A" TO "B" AND "C" TO "D" ARE INTENDED TO
FOLLOW THE CENTERLINE OF THE BRANCH, METES AND BOUNDS ARE FOR
ACREAGE CALCULATIONS ONLY.

8. A PORTION OF L STREET IS UNIMPROVED AT THIS TIME AND MUST BE
IMPROVED BEFORE THE LOTS ARE SUITABLE FOR A DWELLING.

THE SUBDIVISION, AS SHOWN HEREON, IS WITH THE FREE
CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE
UNDERIGNED OWNERS, PROPRIETORS AND TRUSTEES, IF ANY.

JON P. PARIS DATE

COMMONWEALTH AT LARGE TO WIT:

STATE OF VIRGINIA

COUNTY OF

I, AND FOR THE AFORESAID STATE, DO HEREBY CERTIFY THAT
THE OWNERS WHOSE NAMES ARE SIGNED ABOVE HAVE
ACKNOWLEDGED THE SAME BEFORE ME.
MY COMMISSION EXPIRES:

NOTARY PUBLIC DATE NUMBER

MARIKA P. PARIS DATE

COMMONWEALTH AT LARGE TO WIT:

STATE OF VIRGINIA

COUNTY OF

I, AND FOR THE AFORESAID STATE, DO HEREBY CERTIFY THAT
THE OWNERS WHOSE NAMES ARE SIGNED ABOVE HAVE
ACKNOWLEDGED THE SAME BEFORE ME.
MY COMMISSION EXPIRES:

NOTARY PUBLIC DATE NUMBER

JAMES V. PHILLIPS DATE

COMMONWEALTH AT LARGE TO WIT:

STATE OF VIRGINIA

COUNTY OF

I, AND FOR THE AFORESAID STATE, DO HEREBY CERTIFY THAT
THE OWNERS WHOSE NAMES ARE SIGNED ABOVE HAVE
ACKNOWLEDGED THE SAME BEFORE ME.
MY COMMISSION EXPIRES:

NOTARY PUBLIC DATE NUMBER

CATHERINE A. PHILLIPS DATE

COMMONWEALTH AT LARGE TO WIT:

STATE OF VIRGINIA

COUNTY OF

I, AND FOR THE AFORESAID STATE, DO HEREBY CERTIFY THAT
THE OWNERS WHOSE NAMES ARE SIGNED ABOVE HAVE
ACKNOWLEDGED THE SAME BEFORE ME.
MY COMMISSION EXPIRES:

NOTARY PUBLIC DATE NUMBER

TM# 019-15-023
N/F
DANIEL T. & NANCY E. ALLEN
INST# 070006159

PROPERTY LINE
HEREBY VACATED

TM# 019-15-009
N/F
JAMES C. III &
SUE M. REEVES
DB 1127 PG 66

TM# 019-15-011
N/F
JOHN E. &
ANJA L. FALCONE
DB 1125 PG 734

MONUMENT FND.
@ 419.67'

N55°21'39"E
29.65' (TIE)

CUL-DE-SAC TO BE DEDICATED
TO THE CITY OF LYNCHBURG FOR
THE EXTENSION OF "L STREET"

30' DRAINAGE EASEMENT
HEREBY DEDICATED TO
THE CITY OF LYNCHBURG

KENNINGTON AVE. 60' R/W (UNOPEN STREET)

TM# 007-06-015
N/F

IVY-LYNCHBURG PROPERTIES, LLC.
INST# 060000069

TM# 019-15-055
N/F
THOMAS T. CHAFFIN, JR.
DB 936 PG 297

NEW PARCEL A
±6,068 AC.
ADDRESS

NEW PARCEL B
±6,068 AC.
ADDRESS

TM# 007-06-016
N/F
4D TRUST
INST# 020006746

APPROXIMATE LOCATION
CITY OF LYNCHBURG
SANITARY SEWER
EASEMENT
REF: DB 99 PG 96

APPROXIMATE LOCATION
ACCESS ROAD EASEMENT
REF: DB 1126 PG 511

APPROXIMATE LOCATION
GAS LINE EASEMENT
REF: DB 600 PG 660

APPROXIMATE LOCATION
CITY OF LYNCHBURG
SANITARY SEWER
EASEMENT
REF: DB 99 PG 96

TM# 018-01-007
N/F
FRANCES B., JR. & MARGARE TEAGUE
DB 486 PG 50

TM# 018-01-019
N/F
DAVID C. & PATRICIA D. PETERSON
DB 1118 PG 51

TM# 018-01-021
N/F
STEVEN L. &
KAREN S. SINGLETON
DB 1145 PG 44

APPROXIMATE LOCATION
CITY OF LYNCHBURG
SANITARY SEWER
EASEMENT
REF: DB 489 PG 253

TM# 018-01-023
N/F
JAMES M. & BOBBIE H. RODMAN
DB 634 PG 34

TM# 007-06-020
N/F
THELMA L. TWERY
DB 522 PG 228

TM# 007-06-025
N/F
THELMA L. TWERY
DB 553 PG 682

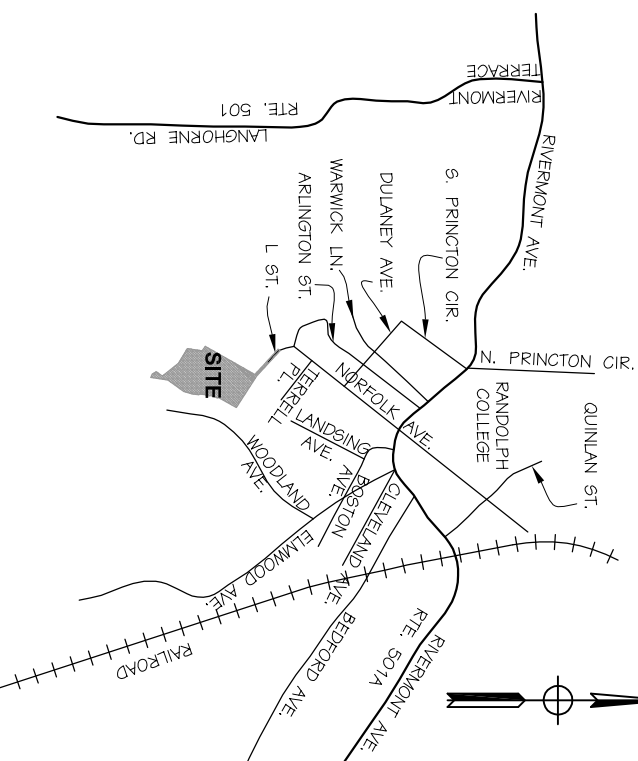
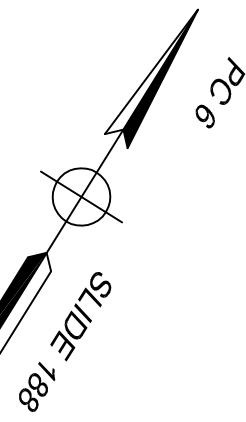
APPROXIMATE LOCATION
CITY OF LYNCHBURG
SANITARY SEWER
EASEMENT
REF: DB 318 PG 78

IPF @ 201.71'

IPF @ 25.00'

IPF @ 25.00'

IPF @ 25.00'



VICINITY MAP
NTS

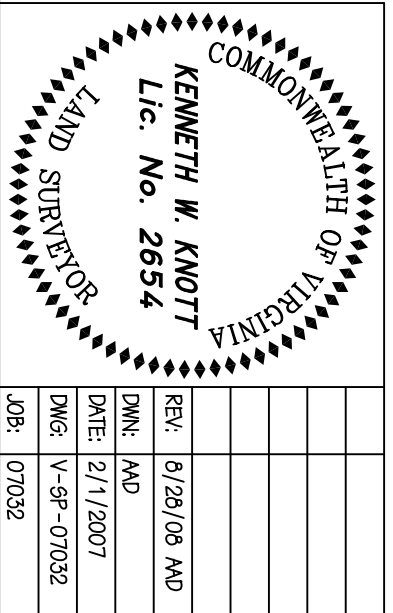
CURVE TABLE				
CURVE	LENGTH	RADIUS	BEARING	CHORD
C1	31.61	25.00	S04°55.01"W	29.70
C2	134.37	60.00	S22°47.27"E	108.00
C3	130.46	60.00	N30°45.41"E	106.24

LINE TABLE		
LINE	LENGTH	BEARING
L1	72.29	N28°17.29"W
L2	10.00	S35°22.35"E
L3	58.39	S21°40.09"W
L4	25.95	S67°10.50"W
L5	70.82	S31°56.51"W
L6	17.65	S11°05.04"E
L7	73.09	S31°57.45"W
L8	45.46	N42°19.10"W
L9	63.70	N03°00.02"W
L10	95.66	N60°36.31"E

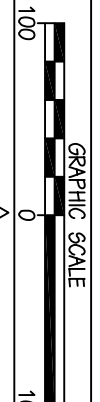
PLAT SHOWING
SUBDIVISION OF THE PROPERTY OF
JON P. & MARIKA P. PARIS AND
JAMES V. & CATHERINE A. PHILLIPS
CITY OF LYNCHBURG, VIRGINIA

LEGEND

● IRON PIN SET
● IRON PIN FOUND



REV.	DATE	BY
1	6/28/08	MD
2	2/1/2007	MD
3	V-97-07032	MD
4	07032	MD



20436 LYNCHBURG HIGHWAY, UNIT 1, LYNCHBURG, VIRGINIA 24502
PHONE: 434-525-5995 FAX: 434-239-8271
E-Mail: pro@perkins-orrison.com



Project Number **SUB0808-0001**
 Project Name **Paris/Phillips Property**
 Site Address 2453 L ST

Review Type	Contact	Notes
AEP	Tom G Woodford	No comments.
Assessor	Steve Boyer	Addressing required.
EngineeringAdm	Lee Newland	No comments.
EngineeringDesign	James Talian	1. Per subdivision code and as so commented on this subdivision on April 6, 2007, right-of-way must be dedicated for the continuation of L Street to connect with the Kensington Avenue right-of-way.
EngineeringMapRoom	Debbie Stinson	1. Need bond for RWS plans. 2. Lots do not currently have access to an improved public street or public water. Design plans for the road and water would need to be submitted to Engineering Division for review and approval before final plat approval. 3. Note on plan that L Street r/w is not open. 4. I'm assuming cul-de-sac is to be dedicated to the City of Lynchburg. If this is the case, note this on the plat.
Fire	Greg Wormser	No comments.
Neighbor Svcs	Rob Fowler	No comments.
Planning	Rebecca McCharen	The Subdivision Ordinance (Section 24.1 of the City Code) requires that every owner or proprietor of any tract of land who subdivides such tract prepare a subdivision plat in accordance with the regulations of this Ordinance. A copy of the plat must be recorded within six (6) months from the date of approval in the office of the Clerk of the Circuit Court where deeds conveying such land are required by law to be recorded. If the approved plat is not recorded within six (6) months, it will be voided. The Subdivision Ordinance requires that the following additional information be included on the plat: 1. The subject preliminary plat proposes dividing one (1) lot into two (2) lots. The plat can be processed through administrative procedures (does not require Planning Commission and City Council review). 2. Include a municipal signature space for the City Manager.

TRC Report Date

3/5/2009

Project Number **SUB0808-0001**
Project Name **Paris/Phillips Property**
Site Address 2453 L ST
Review Type **Contact** **Notes**

3. The lots do not have access to an improved public street. L Street or Kensington Avenue must be improved to City standards. Contact Lee Newland, City Engineer, for further information.

4. It should be noted that a portion of the L Street right-of-way is unimproved at this time and must be improved before the lots are suitable for dwelling.

5. Include a note on the plat delineating the portion of property to be dedicated as city right-of-way for the extension of L street. This dedication will be an administrative approval.

6. Insert property addresses for both lots included in the subdivision. If a property address has not been assigned, you may obtain it from Zoning Official Rob Fowler at 455-3903. Put the address on each lot, rather than in a note.

7. The surveyor must endorse all final copies of the plat with his/her original signature.

8. If there are restrictions associated with the subdivision, add a note as to where they can be found.

9. Add the right-of-way width (60') to Kensington Avenue.

10. Correct the FEMA map number to reflect the updated map numbers from June 2008.

11. Add a note as to whether the lots will be served by private or city water and sewer.

12. Add a note as to whether utilities will be placed overhead or underground.

13. Show the adjoining property lines of tax map #007-06-020 and correct the placement of the label for the Twery property.

14. Correct the tax map number of the adjoining Reeves property. It should read #019-15-009.

15. When the approved plat is recorded in the Clerk's Office (see the first paragraph above), submit a copy of the receipt verifying that the plat was recorded to me.

16. If you make additional changes to the revised plat that TRC did not review on the subject plat, submit a cover letter with the revised plat stating the changes.

17. Insert a property address for each lot. If a property address has not been assigned, you may obtain it from Zoning Official Rob

Project Number **SUB0808-0001**
Project Name **Paris/Phillips Property**
Site Address 2453 L ST

Review Type **Contact** **Notes**

Fowler at 455-3903. Put the address on each lot, rather than in a note.
2. In Note 5, public water and sewer must be available to the lots.

PWStreets Dave Owen No comments.

Traffic Gerry Harter No comments.

Utilities Greg Poff 1. Need final approval of water line extension plan. Contact City Engineering for assistance.
Utilities Eric E Schrader 2. Submit separate plan showing extension of eight-inch (8") water main located in L Street.

Verizon George Almond No comments.

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **March 10, 2009**

AGENDA ITEM NO.: 9

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Comprehensive Services Act (CSA) Fund Budget Amendment and Appropriation**

RECOMMENDATION:

Adopt a resolution to amend the FY 2009 Comprehensive Services Act (CSA) Fund budget and appropriate \$898,500 with resources of \$652,674 from the State, \$200,000 from the General Fund Juvenile Services budget, and \$45,826 from the CSA Fund fund balance.

SUMMARY:

Originally it was anticipated that funds from the General Fund Reserve for Contingencies would be requested to fund a projected deficit in the CSA fund in FY 2009. However, additional State revenue is available but requires a local match of \$245,826. Because fewer juveniles from the City of Lynchburg are being detained, \$200,000 is available in the General Fund Juvenile Services per diem allocation for the Regional Juvenile Detention Home Fund. Also, \$45,826 is available in the CSA Fund fund balance. Combined, the use of these funds avoids the need for a request from the General Fund Reserve for Contingencies. The CSA Fund expenditures are increasing due to: 1) an increased number of residential placements, 2) ongoing use of therapeutic foster care, and 3) rising vendor costs. By working collaboratively with the "Keep Them Home" partners, every effort is being made to avoid a request beyond this reallocation for any additional funds for CSA for FY 2009.

PRIOR ACTION(S):

Finance Committee, February 24, 2009

FISCAL IMPACT:

As stated above

CONTACT(S):

Tamara Rosser, Director of Juvenile Services, 455-5794

ATTACHMENT(S):

Resolution

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED that the FY 2009 Comprehensive Services Act (CSA) Fund budget is amended and \$898,500 is appropriated with resources of \$652,674 from the State, \$200,000 from the General Fund Juvenile Services budget, and \$45,826 from the CSA Fund fund balance to fund a projected deficit in the CSA fund in FY 2009.

Introduced:

Adopted:

Certified:

Clerk of Council

018L