

**LYNCHBURG CITY COUNCIL
PHYSICAL DEVELOPMENT COMMITTEE**

**Tuesday, February 13, 2018
8:00 a.m.**

Information Items

Recent/Pending Contract Awards: -No new contract awards.

Update on priority projects: -See attached report.

General Business

- | | |
|--|---------------|
| 1. Right-of-Way Vacation changes | Walter Erwin |
| 2. Fifth Street Phase III Construction | Scott Parkins |
| 3. Proposed City Code Revisions for Use of and Excavation in the Public Right of Way | Lee Newland |
| 4. Roll Call | |

Pc: Bonnie Svrcek, City Manager
Charles Hartgrove, Deputy City Manager
John Hughes, Assistant City Manager
Council Members
Gaynelle Hart, Director of Public Works
News & Advance

Next Meeting: March 13, 2018

Lynchburg Capital Projects Greater Than \$1 Million(General Fund)

February 13, 2018

Projects of Interest		Phase	Phase Completion		Notes
Timberlake / Logan's Lane Intersection		Construction	October 2018		Construction Underway - Ramp Closure Planned for Mid-March
Wards Ferry Road Improvements @ Heritage		Construction	October 2018		Construction Underway
Main Street Bridge		Construction	November 2018		Construction Underway
College Lake Dam		Preliminary	January 2018		Renewing Operations Permit- Finalizing Report & Reviewing Options
One Way Pairs @ 501/221		Preliminary	June 2019		NEPA Document Underway
Odd Fellows Road - Sections A and B1		Construction	August 2018		Construction Underway - Working at Mayflower Drive Intersection
Odd Fellows Road - Section B2		Construction	May 2019		Awarded to English Construction Starting in Spring
Downtown Watermain Replacement & Streetscape 1		Construction	September 2017		Complete Except for Virginian Work
Downtown Watermain Replacement & Streetscape 2		Design	May 2019		Survey and Design Underway
Liberty Mountain Drive - Phase 3		Design	March 2018		Reviewing Plans for Spring Advertisement
Fifth Street Phase 3		Bid	February 2018		Bids Received 2/8/18
Indian Hill Road Bridge		Design	August 2018		Public Informational Meeting 2/15/18
VDOT Median Barrier Replacement 29 North		Construction	December 2018		Notice to Proceed March
Peaks View Park Bridge		Construction	April 2018		Underway

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **February 13, 2018 Physical Development Committee**

AGENDA ITEM #:

CONSENT:
ACTION:

REGULAR:
INFORMATION: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Right-of-Way Vacation

KEY ELEMENTS:

☐ Economic Development ☐ Excellent Government ☒ Natural and Built Environment ☐ Safe Community ☐ Vibrant Community

RECOMMENDATION: Approval of the right-of-way (ROW) vacation changes.

SUMMARY: Typically, when City Council vacates public ROW it is assumed that it is not only vacating its “interest” in the property but “conveying” half of the ROW to the adjacent property owners. Once the City vacates the ROW, the owner records a subdivision plat to realign the property boundaries. The City does not currently charge for the staff time to process the application, only the pass through cost of the legal notice to advertise the ROW vacation. The review fee for the subdivision plat is \$75.

While this process works in the majority of cases, the City Attorney has raised a concern that the timing of when ROW was conveyed to the City can affect whether the City can actually transfer the property to the adjacent owners or only vacate its “interest” and leave it to the applicant(s) to determine ownership. Staff recommends the following changes to better define the ROW vacation process and subsequent ownership:

- City staff will add a disclaimer to the ROW vacation application and notify local design professionals and attorneys to differentiate that the staff review is only to determine whether the City has an interest in ROW, not to determine ownership;
- As part of the process, staff would require the applicant(s) to determine who owns the land if the City’s interest is vacated. This information would be provided before staff will recommend Council vacate the City’s interest and may be done by a title search along with a property sketch or plat.
- If Council approves the ordinance to vacate the ROW, the City would execute a quit claim deed to convey the property to the new owner(s). The quit claim deed contains no warranties of title and only conveys the City’s interest in the property to the buyer. Any owner(s) that would receive property would be referenced in the ordinance approved by Council as well as the deed.

These actions would be policy changes and do not require an ordinance amendment. Plats, which have historically been required for the vacation, would now be optional to help offset some of the applicant’s costs for title research. Staff does still recommend charging a \$75 review fee for the staff time associated with the ROW vacation in addition to the pass-through cost of the legal notice advertisement.

PRIOR ACTION(S): N/A

FISCAL IMPACT: \$75 review fee for ROW vacations, to help offset staff time. This amount was charged for plat review associated with the ROW vacation. The plat would now be optional.

CONTACT(S): Walter Erwin, City Attorney – 455-3980; Kent White, Community Development Director – 455-3900; Tom Martin, City Planner – 455-3900; Lee Newland, City Engineer – 455-3950

ATTACHMENT(S):

- Example ROW Vacation – Templeman Street Application and Plat
- Draft Application with disclaimer

REVIEWED BY:

APPLICATION FOR THE VACATION OF

Templeman Street

LOCATED

Off Fort Avenue, 0.12 miles northeast of the intersection of Fort Avenue and Memorial Avenue

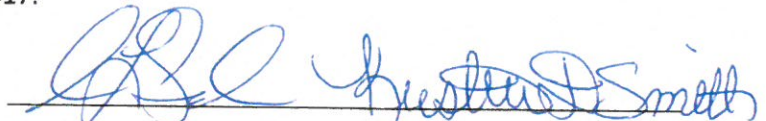
The undersigned applicant, Ashley L. & Kristen D. Smith, pursuant to the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, and Section 35-71 through Section 35-77 of the City Code 1981, as amended, respectfully makes application to the Lynchburg City Council for the vacation of that certain portion of Templeman Street and unnamed right-of-way described as follows:

INFORMATION ONLY

Beginning at a 1" pipe found at the intersection of the southeastern right-of-way of Fort Avenue and the northwestern right-of-way of Templeman Street, thence along the right-of-way of Fort Avenue North 40 degrees 49 minutes 58 seconds East 40.00 feet to a rebar found in the southeastern right-of-way of Templeman Street; thence leaving Fort Avenue and along the southeastern right-of-way of Templeman Street South 50 degrees 00 minutes 28 seconds East 245.30 feet to a rebar found in the northwestern right-of-way of Craighill Street; thence leaving Templeman Street and along the right-of-way of Craighill Street South 39 degrees 09 minutes 26 seconds West 40.00 feet to a stone monument found in the northwestern right-of-way line of Templeman Street; thence leaving Craighill and along the right-of-way of Templeman Street North 50 degrees 00 minutes 28 seconds West 246.47 feet to the point of beginning and containing 0.226 acres.

The applicant further requests the Lynchburg City Council to hold a public hearing on this application at its meeting to be held in the Council Chamber, City Hall, 900 Church Street, Lynchburg, VA on July 25, 2017, at 7:30 p.m., or as soon thereafter as the matter may be heard, and at the conclusion of which hearing to consider whether or not to vacate the above described portion of Templeman Street and unnamed right-of-way.

Given under our hand this 6th day of July, 2017.



Applicant: Ashley L. & Kristen D. Smith

Address: 2365 Whitley Road, Fort Mill, SC 29708

Phone Number: 704-258-7126

WE, THE ADJOINING PROPERTY OWNER(S) ARE IN AGREEMENT TO THE VACATION OF THE ABOVE DESCRIBED PROPERTY:



Adjoining Property Owner: Rodney Duncan

Address: 2009 Lakeside Drive #412, Lynchburg, VA 24501

Phone Number: 434-851-3967

NORTH
VIRGINIA STATE PLANE GRID SOUTH ZONE (NAD 83)

LEGEND

- IRON FOUND
- REBAR SET
- UTILITY POLE
- GUY WIRE
- ⊗ WATER METER
- ☆ LIGHT POLE
- EDGE OF PAVEMENT
- OVERHEAD UTILITY
- STONE PAVERS
- CONCRETE
- W — UG WATER LINE

THE SUBDIVISION OF THE LAND DESCRIBED HEREIN IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS, PROPRIETORS, AND TRUSTEES. THE OWNERS CERTIFY THAT THEY ARE THE FEE SIMPLE OWNERS OF SAID LAND AND ARE LEGALLY ENTITLED TO SUBDIVIDE THE SAME.

REPRESENTATIVE FOR LOKATE, L.L.C.

COMMONWEALTH AT LARGE TO WIT:
STATE OF VIRGINIA
COUNTY/CITY OF _____

I, _____, A NOTARY PUBLIC IN
AND FOR THE STATE AFORESAID, DO HEREBY CERTIFY THAT THE
OWNERS/REPRESENTATIVES WHOSE NAMES ARE SIGNED HEREON HAVE
ACKNOWLEDGED THE SAME BEFORE ME THIS _____ DAY
OF _____, 20____. MY COMMISSION
EXPIRES _____.

NOTARY PUBLIC

THE SUBDIVISION OF THE LAND DESCRIBED HEREIN IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS, PROPRIETORS, AND TRUSTEES. THE OWNERS CERTIFY THAT THEY ARE THE FEE SIMPLE OWNERS OF SAID LAND AND ARE LEGALLY ENTITLED TO SUBDIVIDE THE SAME.

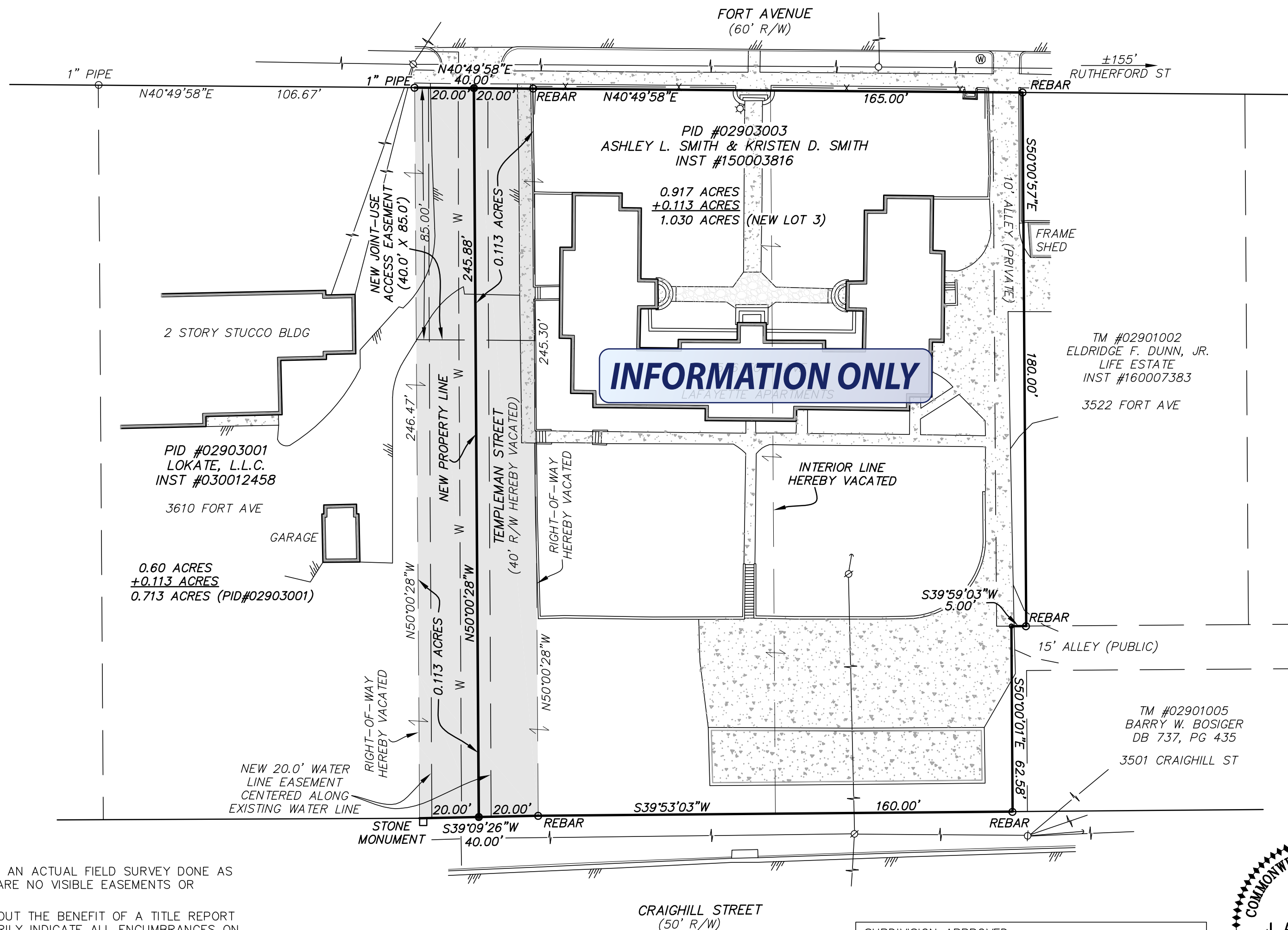
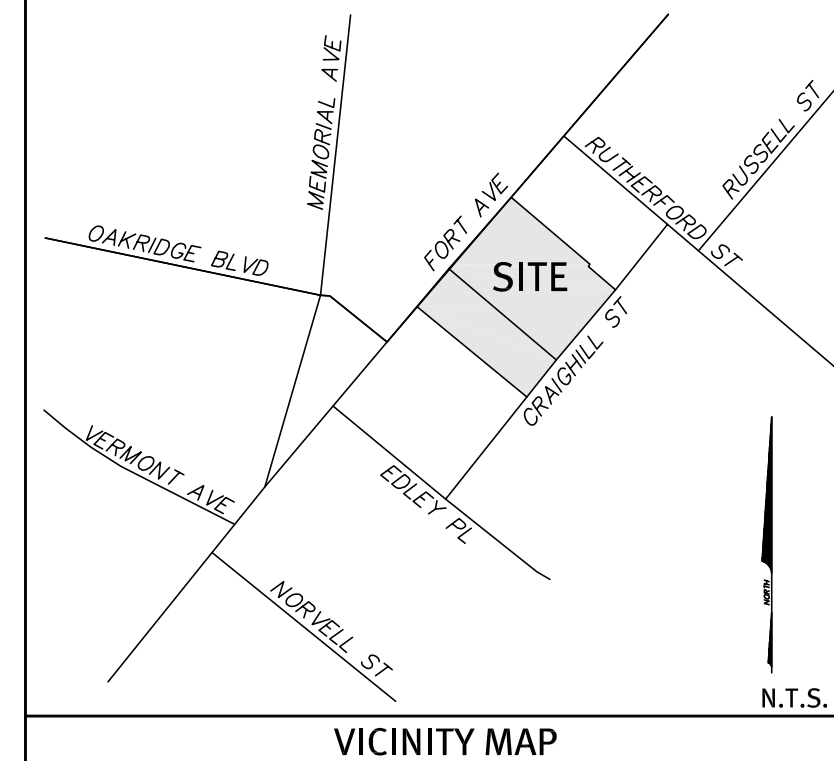
ASHLEY L. SMITH

KRISTEN D. SMITH

COMMONWEALTH AT LARGE TO WIT:
STATE OF VIRGINIA
COUNTY/CITY OF _____

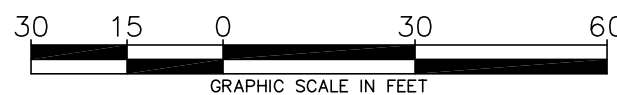
I, _____, A NOTARY PUBLIC IN
AND FOR THE STATE AFORESAID, DO HEREBY CERTIFY THAT THE
OWNERS/REPRESENTATIVES WHOSE NAMES ARE SIGNED HEREON HAVE
ACKNOWLEDGED THE SAME BEFORE ME THIS _____ DAY
OF _____, 20____. MY COMMISSION
EXPIRES _____.

NOTARY PUBLIC



NOTES:

1. THIS PLAT HAS BEEN PREPARED FROM AN ACTUAL FIELD SURVEY DONE AS PER DATE OF THIS PLAT AND THERE ARE NO VISIBLE EASEMENTS OR ENCROACHMENTS EXCEPT AS SHOWN.
2. THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT, THEREFORE, NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.
3. THE AREA SHOWN HEREON IS LOCATED IN FLOOD HAZARD ZONE 'X' AND IS NOT LOCATED WITHIN FLOOD HAZARD ZONE 'A' FOR A 100 YEAR FLOOD AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY AS SHOWN ON COMMUNITY-PANEL MAP #5100930043D DATED REVISED JUNE 3, 2008.
4. THE PARCELS SHOWN HEREON ARE SERVED BY PUBLIC WATER AND SEWER SERVICE.



SUBDIVISION APPROVED:

CITY ENGINEER, LYNCHBURG, VIRGINIA

CITY PLANNER, LYNCHBURG, VIRGINIA



* ENGINEERING >> SURVEYING >> PLANNING

HURT & PROFFITT
INCORPORATED

2524 LANGHORNE ROAD
LYNCHBURG VA 24501
800.242.4906 TOLL FREE
434.847.7796 MAIN
434.847.0047 FAX

**PLAT SHOWING
RIGHT-OF-WAY VACATION
TEMPLEMAN STREET
CITY OF LYNCHBURG, VIRGINIA**

PROJECT NO. 20161129
G.I. NO.
FILE NO. SL-14727
DATE: 6/20/17
DRAWN BY: JAB
CHECKED BY: JAB

HURT & PROFFITT

SHEET NO.
1 OF 1

APPLICATION FOR THE VACATION OF A

Street/Alley/Right-of-way

LOCATED BETWEEN

The undersigned applicant, _____
pursuant to the provisions of Section 51.1-364 of the Code of Virginia, 1950,
as amended, and Sections 35-71 to 35-77, both inclusive, of the Lynchburg
City Code, 1981, as amended, respectfully makes application to the
Lynchburg City Council for the vacation of that certain _____
described as follows:

The applicant further requests the Lynchburg City Council to hold a
public hearing on this application at its meeting to be held in the Council
Chamber, City Hall, 900 Church Street, Lynchburg, Virginia, on
_____, 20____, at 7:30 p.m., or as soon thereafter as
the matter may be heard, and at the conclusion of which hearing to consider
whether or not to vacate the above described _____.

The City does not guarantee that the adjoining property owners get title to any portions of a public street or alley that is vacated. When vacating public right of way the City is only giving up its interest in the public right of way. State law determines who gets title to the vacated right of way. Anyone who wishes to acquire an interest in the vacated right of way should consult with an attorney or title examiner.

Given under my hand this _____ day of _____,
20____.

Applicant

Address

Telephone Number

WE, THE ADJOINING PROPERTY OWNER(S), ARE IN AGREEMENT
TO THE VACATION OF THE ABOVE DESCRIBED PROPERTY.

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **February 13, 2018 Physical Development Committee**

AGENDA ITEM #:

CONSENT:
ACTION:

REGULAR:
INFORMATION: X

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Fifth Street Phase III Construction

KEY ELEMENTS:

☒ Economic Development ☐ Excellent Government ☒ Natural and Built Environment ☐ Safe Community ☒ Vibrant Community

RECOMMENDATION:

Proceed with construction of Fifth Street Phase III, pending bids received on February 8, 2018 are workable with project budgets. This could potentially include closure of Fifth Street between Jackson and Taylor Streets and Park Avenue between Taylor and 5th.

SUMMARY:

From 2009-2015, the City engaged in construction of two projects on Fifth Street. Phase I included the Federal Street Roundabout and was constructed with full closure of Fifth Street. Phase II included infrastructure and streetscape improvements from Harrison Street to Main Street and was constructed with maintenance of one way south bound traffic on Fifth. Both phases included installation of water mains, sanitary and stormwater infrastructure, roadway rebuild, and sidewalk, crosswalk, and streetscape furnishings. Phase III is proposed for 3 blocks between Jackson and Taylor Streets and will complete the water line improvements to the College Hill Water Treatment Plant. These projects are implementing the findings from the Fifth Street Master Plan adopted by City Council in 2006 and significant private investment has been occurring in the area following completion of the first two phases.

Phase III was advertised for bidding in November 2017. Only one contractor (Counts & Dobyns) submitted a bid which was almost \$2 million over the engineer's estimate. City staff met with Counts & Dobyns and heard that maintaining one lane of traffic was a large reason for the high cost, due a less productive work environment. If full road closure was considered, Counts & Dobyns was willing to reduce the bid price but not near enough to bring the project back into budget.

In order to understand the options available to resolve the funding dilemma, staff has proposed to rebid the project with alternative cost saving options. These options are a) allow the contractor to fully close Fifth Street; b) eliminate one block (Monroe to Taylor Streets) of streetscape from the project; or c) both. Bids for both road closed and road open options will be received on February 8, 2018.

A public outreach program is in progress to keep businesses aware of these developments as they are occurring. A public meeting in early to mid-March would be scheduled prior to start of construction.

PRIOR ACTION(S):

July 11, 2017 – PDC Committee recommendation to proceed with public meetings for input on street closure options.
September 26, 2017 – PDC Committee recommendation to bid and construct with one lane (southbound) open.
January 9, 2018 – PDC update prior to rebidding the project with full closure option.

FISCAL IMPACT:

Financing will include local funds, VDOT funds, and if a spend-down requirement by May 1, 2018 can be met, CDBG block grant funds.

CONTACT(S):

Scott Parkins, Project Manager (Water Resources)
Tom Martin, City Planner (Community Development)
Lee Newland, City Engineer (Public Works)

ATTACHMENT(S):

REVIEWED BY:

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **February 13, 2018 Physical Development Committee**

AGENDA ITEM #:

CONSENT:
ACTION: **X**

REGULAR:
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Proposed City Code Revisions for Use of and Excavation in the Public Right of Way

KEY ELEMENTS:

___ Economic Development ___ Excellent Government **X** Natural and Built Environment **X** Safe Community ___ Vibrant Community

RECOMMENDATION: Recommend to City Council adoption of the following City Code updates/revisions:

SUMMARY:

Police Department requested clarification of the penalty for enforcement of City Code sections 25-212 and 35-12 as it relates to unauthorized persons blocking the roadway. Engineering revisited these sections of code and in coordination with the City Attorney we have recommended the attached updates which reflect updating the City Code to match current state statute as well as codifying the right of way permit process which is current City practice as well as adding the specific penalty reflected in state statute, being a class 4 misdemeanor.

As the above Code updates also involved Code Sections 25-271, 35-19 and 35-55, these sections of Code have also been revised to reflect similar housekeeping as the above sections, as well as to reflect current practice. This language was also submitted to the City Attorney for review, and concurrence was received.

The Engineering Department staff has conducted preliminary meetings with the waste management businesses currently operating in the City to review proposed changes. The initial reaction has been positive.

PRIOR ACTION(S):

Code sections 25-212 and 35-12 were last updated in 1981. Code sections 35-19 and 35-55 were last updated 10/23/2006. Code section 25-271 was last updated 1/4/2010.

FISCAL IMPACT:

Provides revenue stream from permit fees to partially offset staff time utilized to issue and inspect permits under these code sections.

CONTACT(S):

Lee Newland, City Engineer – 455-3947

Gaynelle Hart, Director Public Works – 455-4406

Don DeBerry, City Transportation Engineer – 455-3935

ATTACHMENT(S):

Proposed Code revisions to sections 25-212, 25-271, 35-12, 35-19, 35-55

REVIEWED BY:

Suggested deletions in ~~strikeout~~, additions underlined.

Sec. 25-212. - Others than official signs prohibited.

No unauthorized person shall erect or maintain upon any highway any warning or direction sign, marker, signal or light in imitation of any official sign, marker, signal or light erected under the provisions of this chapter, and no person shall erect or maintain upon any highway any traffic or highway sign or signal bearing thereon any commercial advertising. Nothing in this section shall be construed to prohibit the erection or maintenance of signs, markers or signals bearing thereon the name of an organization which has been authorized to erect the same by the ~~state highway commission or by the~~ city manager as provided by law; nor shall this section be construed to prohibit the erection by contractors or public utility companies of temporary signs approved by the ~~state highway department~~ city, as provided by Section 35-12 of the city code, warning motorists that work is in progress ~~upon the highway on or adjacent thereto~~ to the highway.

Any violation of this section shall constitute a class 4 misdemeanor.

Sec. 35-12. - Protective devices.

When any work is being done on any street, alley, sidewalk or other public way or on structures abutting thereon, which may endanger persons passing thereon or thereby, barriers or other protective devices approved by the ~~director of community services~~ transportation engineer or the transportation engineer's designee, by application for and issuance of a right of way permit shall be erected and maintained to protect the public against any danger which may be presented to the public by reason of such work. Such barriers and devices shall be so constructed as to provide a light or other illumination during hours of darkness. Fees for right of way permits shall be set by the city manager. These fees are subject to annual review and revision by the city manager.

Traffic signs and traffic signals and markings placed or erected pursuant to this title shall conform in size, design, and color to those erected for the same purpose by the Department of Transportation.

The city transportation engineer may classify, designate, and mark highways and provide a uniform system of traffic control devices for such highways under the jurisdiction of the city. Such system of traffic control devices shall correlate with and, so far as possible, conform to the system adopted in other states.

All drivers of vehicles shall obey lawfully erected traffic control devices.

No provision of this section relating to the prohibition of disobeying traffic control devices or violating local traffic control devices shall be enforced against an alleged violator if, at the time and place of the alleged violation, any such traffic control device is not in proper position and sufficiently legible to be seen by an ordinarily observant person.

Any violation of this section shall constitute a class 4 misdemeanor.

Sec. 35-19.1. Sale and Display of Merchandise or Placement of Items within Public Right-Of-Way in the Downtown Business District. Sec. 35-19.1.

Sale and display of merchandise or placement of items within public right-of-way in the downtown business district.

(a) In order to help encourage the growth and development of businesses in the downtown business district, a business may apply for an annual permit allowing the business to display goods, wares or merchandise, or to place showcases, menu easels, benches or tables and chairs for customers, signs and similar items within the public right of-way adjacent to the business.

(b) Any business in the downtown business district that desires to place items in the public right-of-way shall make written application to the department of public works.

The application shall contain the following information:

(1) The name, address, and telephone number of the business,

(2) A description of and the proposed location of the items,

(3) The name, address and telephone number of the person that will be responsible for overseeing the placement and removal of the items in and from the public right-of-way, and

(4) Any other information the department of public works decides is necessary to determine if the items can be safely placed in the public right-of-way.

(c) If, in the opinion of the department of public works, the proposed items can be located in the public right-of-way without endangering the public safety an annual permit shall be issued allowing the placement of the items in that portion of the public right-of-way that is adjacent to the business submitting the application. Such items shall be located so as not to cause any inconvenience or danger to persons using the public right-of-way or create unsightly conditions.

All items placed on a public sidewalk shall be located in such a manner as to leave at least four (4) feet of clearance between the item and edge of the curb. Items shall not be placed within three (3) feet of any public area that is improved with flowers, shrubs, trees or other landscaping. A permit shall state whether or not the items can remain in the public right-of-way for a twenty-four (24) hour period or must be removed at the end of the business day. A business that receives a permit to place items in the public right-of-way shall keep the permit on the premises and shall allow city representatives to inspect the permit during regular business hours.

(d) No item placed in the public right-of-way shall be used for the advertisement, display or sale of alcohol or tobacco products or for the consumption of any alcoholic beverage.

(e) A permit shall be revoked upon a finding by the department of public works that the items located in the public right-of-way cause any inconvenience or danger to persons using the public right-of-way or create an unsightly condition. A permit may also be revoked if any of the information supplied on the application is discovered to be false or misleading or if the applicant fails to maintain the insurance required in paragraph "f" of this section. Upon notification that its permit has been revoked the business, at its sole expense, shall immediately remove all items from the public right-of-way and restore the right-of-way to its former condition. If a business fails to remove items that were placed in the public right-of-way after having been notified to do so the city may remove such items at the expense of the business.

(f) Before placing any items in the public right-of-way the business must execute an agreement holding the city harmless against all claims for personal injury or property damage resulting from the use of the public right-of-way and must furnish the city with a certificate of insurance with general liability and property damage coverage in such amount and form as shall be approved by the city's risk management coordinator. The certificate of insurance shall include the City of Lynchburg, its officers and employees as additional insureds.

(g) This section shall not apply to newspaper vending machines ~~and public telephone facilities~~; however, such items must be located in such a manner so as not to cause any inconvenience or danger to persons using the public right-of way.

(h) A violation of this section shall constitute a class ~~3~~ 4 misdemeanor, each day such violation is committed or permitted to continue shall constitute a separate offense.

Sec. 35-55. - Inspection fee; deposit.

Before any permit shall be issued under the provisions of this article, the applicant therefor shall deposit with the city an inspection fee in accordance with the current fee schedule maintained in the city engineering department. ~~the amount of twenty-five dollars (\$25.00) for each permit applicable to an area not exceeding ten (10) square feet plus fifty cents (\$0.50) for each square foot in excess thereof.~~ These fees are subject to annual review and revision by the city manager ~~city council~~. If in the opinion of the city engineer a permit requires more than the usual routine administrative and inspection time, the utility shall be billed for all costs associated with this permit at a cost plus an overhead rate.

To ensure the restoration of the excavated area (for a minimum of one (1) year), the applicant shall also submit a bond, certified check, or other method of surety as approved by the city attorney. The amount of said bond, certified check, or surety shall be determined by the city engineer or such other person or persons as the city may from time to time designate. (Code 1959, § 30-3; Ord. of 8-8-78; Ord. No. O-84-141, § 1, 6-12-84; eff. 7-1-84; Ord. No. O-88-062, § 1, 3-22-88, eff. 7-1-88; Ord. No. O-92-144, 5-12-92)

~~Last updated date: 10/23/2006 4:15:21 PM~~

Sec. 25-271. Construction dumpster permits.

Dumpster permits are required in order to place dumpsters in on-street parking spaces or on the city's right-of-way. Permits are issued by the ~~inspections division of the community development department.~~ (Ord. No. O-09-123, 10-13-09, eff. 1-1-10) engineering department under authority of Code Section 35-12.

~~Last updated date: 1/4/2010 7:54:18 AM~~

COUNCIL MEMBER PERROW WILL GIVE THE INVOCATION

A G E N D A

City Council Meeting of February 13, 2018

4:00 P. M.

Work Session Agenda Items

RECOGNITIONS

- Recognize National Weather Service StormReady Community

- 4:00 – 4:10 p.m. 1. Greater Lynchburg Transit Company (GLTC) Annual Report
- 4:10 – 4:40 p.m. 2. FY 2019-2023 Airport Capital Improvement Program (ACIP) Presentation
- 4:40 – 5:05 p.m. 3. Snow Removal Operations Presentation
- 5:05 – 5:15 p.m. 4. Roll Call
5. Consideration of a closed meeting: (i) for discussion of plans to protect the safety and security of the members of City Council while they are in City Hall, because discussion in an open meeting would jeopardize such safety and security plans, pursuant to Section 2.2-3711(A.)(19.) of the Code of Virginia; and, (ii) for consultation with legal counsel and briefings by staff members concerning the case of *Ruth Anne Phillips v. City of Lynchburg*, pursuant to Section 2.2-3711(A.)(7) of the Code of Virginia, 1950, as amended, because discussion in an open meeting would adversely affect the negotiating or litigating posture of the City.

7:30 P.M.

City Council Agenda Items

Visit our Internet Web Site @ <http://www.lyncburgva.gov>

GENERAL POLICY REGARDING PUBLIC PARTICIPATION AT CITY COUNCIL MEETINGS

Each speaker shall clearly state his or her name and locality of residence.

The City Council agenda is divided into three sections.

CONSENT AGENDA: This section includes routine items. All items may be approved by one vote.

PUBLIC HEARINGS: This section includes all public hearings as required by law or as Council may direct.

Procedure:

- Staff will make a presentation.
- For Zoning petitions, the applicant or his or her representative shall have ten (10) minutes to make a presentation.
- Comments will then be solicited from those in favor.
- Comments will then be solicited from those in opposition.

During the public hearing there shall be a time limit of three (3) minutes for each individual speaker. If the speaker represents a group, there shall be a time limit of five (5) minutes. A speaker representing a group shall identify that group at the beginning of his or her remarks. A group may have only one spokesperson. After public comments have been received, for zoning petitions the applicant or the representative of the applicant, at his or her discretion, may respond with a rebuttal. There shall be a five (5) minute time limit for rebuttal. Upon the conclusion of public comments or the applicant's rebuttal the public hearing will be closed and the matter referred to Council for deliberation.

PUBLIC PRESENTATIONS: Public presentations shall be for the purpose of allowing members of the public to present any matter, which, in their opinion, deserves the attention of the Council. They shall not serve as a forum for debate with the Council. Individuals may speak up to 3 minutes; or group spokesperson up to 5 minutes. Once Council has heard a presentation from a citizen or organization on a particular subject, the citizen or organization may not make another presentation on the same subject within three (3) months of the first presentation, except by a majority vote of the members of Council present and voting.

GENERAL BUSINESS: This section includes items of a general nature to be considered by Council.

City Council may make exceptions to these rules at its discretion. Prior to a meeting, any questions which citizens may have regarding any item on the agenda may be addressed to City Council or the City Administration. The following numbers are provided for the convenience of the citizens:

CITY COUNCIL 455-3995

MAYOR 455-3995

CITY MANAGER 455-3990

A reasonable charge may be made for copying and other activities related to responding to long and involved inquiries.

CITIZENS OFTEN EXPRESS CONFLICTING AND DIVERSE POSITIONS REGARDING SPECIFIC ISSUES UNDER CONSIDERATION. TO ENCOURAGE CITIZEN PARTICIPATION AND TO AVOID INTIMIDATION TO PERSONS WHO MAY EXPRESS SOMETIMES UNPOPULAR OPINIONS, APPLAUSE, CHEERS, OR JEERS FROM THE AUDIENCE ARE NOT PERMITTED. WHEN APPEARING BEFORE CITY COUNCIL CITIZENS MAY NOT ENGAGE IN BEHAVIOR THAT INTIMIDATES OR INSULTS OTHERS, ENGAGE IN DISRUPTIVE BEHAVIOR, USE PROFANITY OR VULGAR LANGUAGE, PROMOTE PRIVATE BUSINESS VENTURES OR CAMPAIGN FOR PUBLIC OFFICE.

CONSENT AGENDA

- #6. Consideration of approving the minutes of the January 9, 2018 meeting.
 - #7. Consideration of approving the minutes of the January 23, 2018 meeting.
-

PUBLIC HEARING

- #8. Public hearing regarding the petition of Danny Tyree for a conditional use permit at 1002 Wood Road and 8129 Timberlake Road to allow the construction of a forty-three (43)-unit townhouse development in an R-3, Medium Density Residential and B-3, Community Business District.
(File: Community Development) #R-18-_____
-

PUBLIC COMMENT

- #9. Presentation by Hayden Swisher (President of Mayor's Youth Council).
-

GENERAL BUSINESS

- #10. Consideration of adopting a Resolution approving the renaming of the 2300 Block of Liberty Mountain Drive.
(File: Community Development) #R-18-_____
- #11. Consideration of introducing a Resolution to amend the FY 2018 General Fund budget and appropriate \$426,317 with resources from unexpended FY 2017 Schools Operating Fund appropriation to increase the Schools Health Insurance Reserve.
(File: Schools) #R-18-_____
- #12. Consideration of adopting the Virginia Department of Transportation (VDOT) Land Use Permit Resolution which will be used by the City to obtain permits to work within VDOT right-of-ways, located within the City limits and adjacent areas.
(File: Water Resources) #R-18-_____
- #13. Consideration of adopting a Resolution to authorize a reallocation of \$597,893 of the General Obligation Public Improvement and Refunding Bonds, Series 2016, from Economic Development Projects to Fleet Services Projects.
(File: Bonds) #R-18-_____

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **February 13, 2018**

AGENDA ITEM #: **1**

CONSENT:
ACTION:

REGULAR:
INFORMATION: **X**

WORK SESSION: **X**

CLOSED SESSION:
(Confidential)

ITEM TITLE: Greater Lynchburg Transit Company (GLTC) Annual Report

KEY ELEMENTS:

☒ Economic Development ☒ Excellent Government ☐ Natural and Built Environment ☐ Safe Community ☒ Vibrant Community

RECOMMENDATION: No action required.

SUMMARY: Brian Booth, General Manager for the Greater Lynchburg Transit Company (GLTC) will provide an Annual Report on operations for Fiscal Year 2017.

PRIOR ACTION(S): N/A

FISCAL IMPACT: N/A

CONTACT(S): Brian Booth, General Manager, Greater Lynchburg Transit Company – 455-5080
Bonnie Svrcek, City Manager - 455-3990

ATTACHMENT(S): GLTC Annual Report – PowerPoint Presentation

REVIEWED BY: bms

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GREATER LYNCHBURG TRANSIT COMPANY

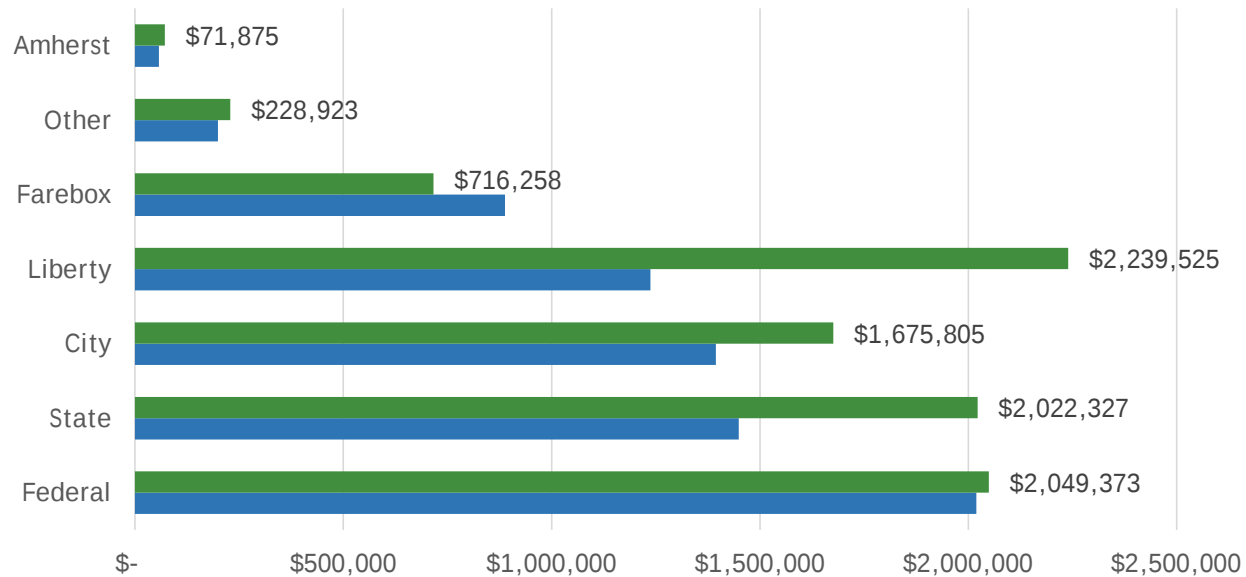
We're here to get you there!

FISCAL YEAR 2017
Annual Report



First  Transit

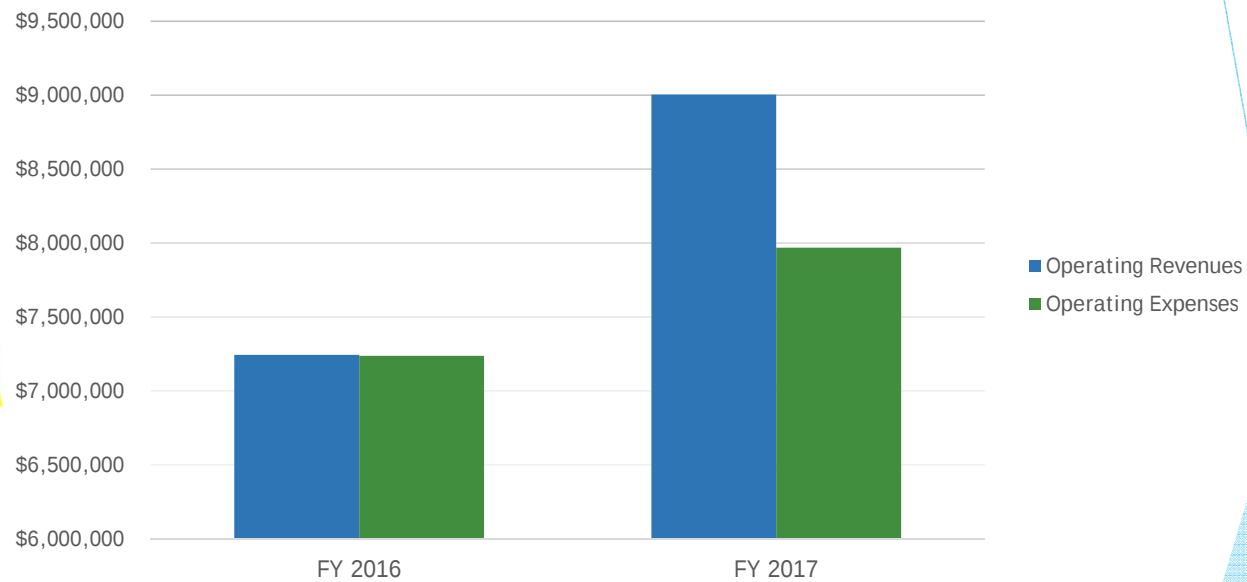
GLTC REVENUE SOURCES



	Federal	State	City	Liberty	Farebox	Other	Amherst
FY 2017	\$2,049,373	\$2,022,327	\$1,675,805	\$2,239,525	\$716,258	\$228,923	\$71,875
FY 2016	\$2,019,195	\$1,449,024	\$1,394,038	\$1,236,898	\$887,889	\$199,195	\$57,500



GLTC OPERATING SUMMARY



GLTC Finished out the year with a surplus, and did not utilize any funds from our Reserve Account.

NET SURPLUS: **\$6,765**

\$1,035,547

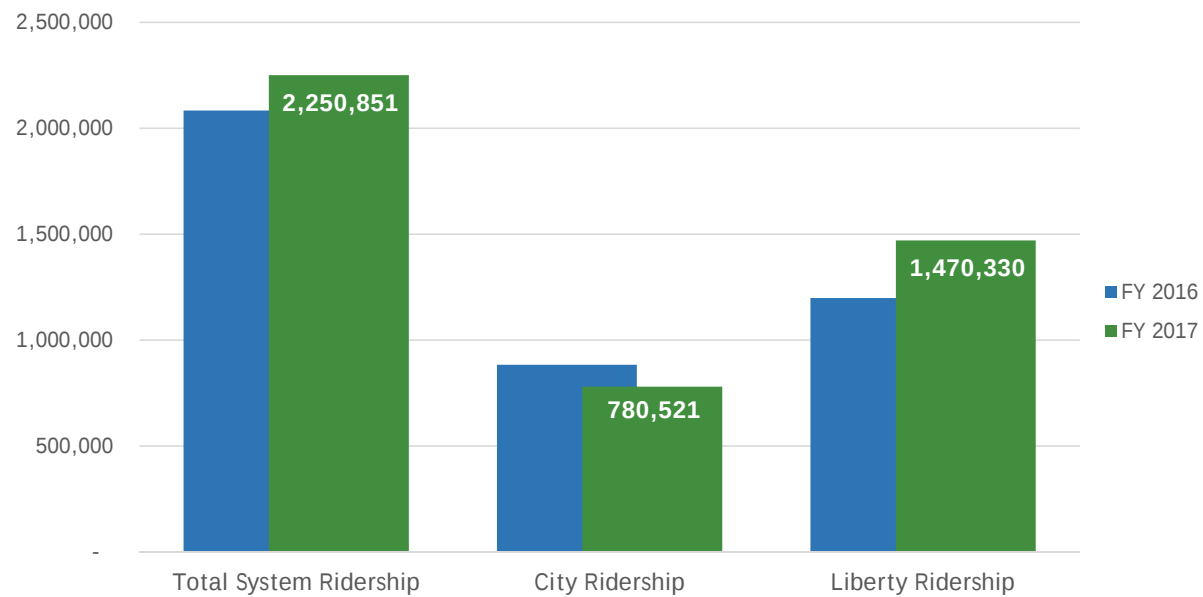


First  **Transit**

GLTC
Remains the
10th Largest
System in
Virginia!

GLTC System-wide
Ridership Increased
(8%) primarily due
to increased LU
Service

GLTC RIDERSHIP



GLTC MAJOR ACCOMPLISHMENTS

- Moved into GLTC's New Operations and Maintenance Facility and hosted a Grand Opening.
- Implemented a new streamlined fare structure
- Participated in two (2) Statewide Bus "Rodeo's", hosting the Paratranist Rodeo in Lynchburg
- Took delivery of bus awarded through Smart Scale to operate the Downtown Circulator which began in August 2017
- Renewed partnerships with Liberty University, Lynchburg College, and Central Virginia Community College



GLTC MAJOR ACCOMPLISHMENTS



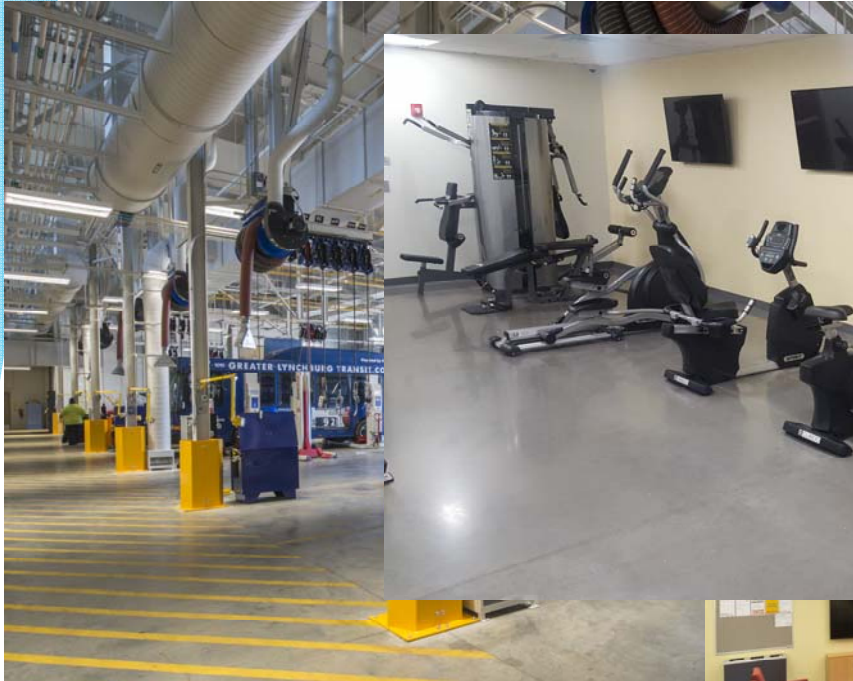
Operations & Maintenance Facility



First  **Transit**



GLTC MAJOR ACCOMPLISHMENTS



First Transit



GLTC MAJOR ACCOMPLISHMENTS



State Bus and Paratransit Roadeo



GLTC MAJOR ACCOMPLISHMENTS



611 Steam Train & The Hopper

First Transit

**Upcoming
Projects in
2017-2018**

GLTC LOOKING AHEAD

- Addition of Low Floor Paratransit Buses
- Implementation new Fare Collection Technology (Smart Cards)
- Planning for our Transit Bus Fleet Replacement to begin in 2019
- System-wide Review and Revamp of our Routes through our Transit Development Plan (TDP)
- Continued Emphasis on Customer Service and Safety
- Further Enhance our relationships with Area Businesses, Schools, Human Service & Community Organizations



First  **Transit**

GREATER LYNCHBURG TRANSIT COMPANY

We're here to get you there!



Thank You!



First  Transit

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: February 13, 2018

AGENDA ITEM #: **2**

CONSENT:
ACTION:

REGULAR:
INFORMATION: **X**

WORK SESSION: **X**

CLOSED SESSION:
(Confidential)

ITEM TITLE: **FY2019 Airport Capital Improvement Program (ACIP) Presentation**

KEY ELEMENTS:

☒ Economic Development ☐ Excellent Government ☐ Natural and Built Environment ☐ Safe Community ☐ Vibrant Community

RECOMMENDATION: Hear a report on the Lynchburg Regional Airport's Capital Improvement Program.

SUMMARY: City Council has asked the Airport Director to give a presentation on the recently submitted FY2019 Airport Capital Improvement Program (ACIP). Along with a background briefing on the airport's capital planning process and source of capital funds, the presentation will include smaller projects not large enough to be included in the ACIP. The presentation will also include a review of various recent and planned passenger terminal upgrades and amenities.

PRIOR ACTION(S): None

FISCAL IMPACT: No impact to the City budget. All proposed projects undertaken by the Airport will be funded with Airport resources.

CONTACT(S): Mark F. Courtney, Airport Director

ATTACHMENT(S): PowerPoint presentation

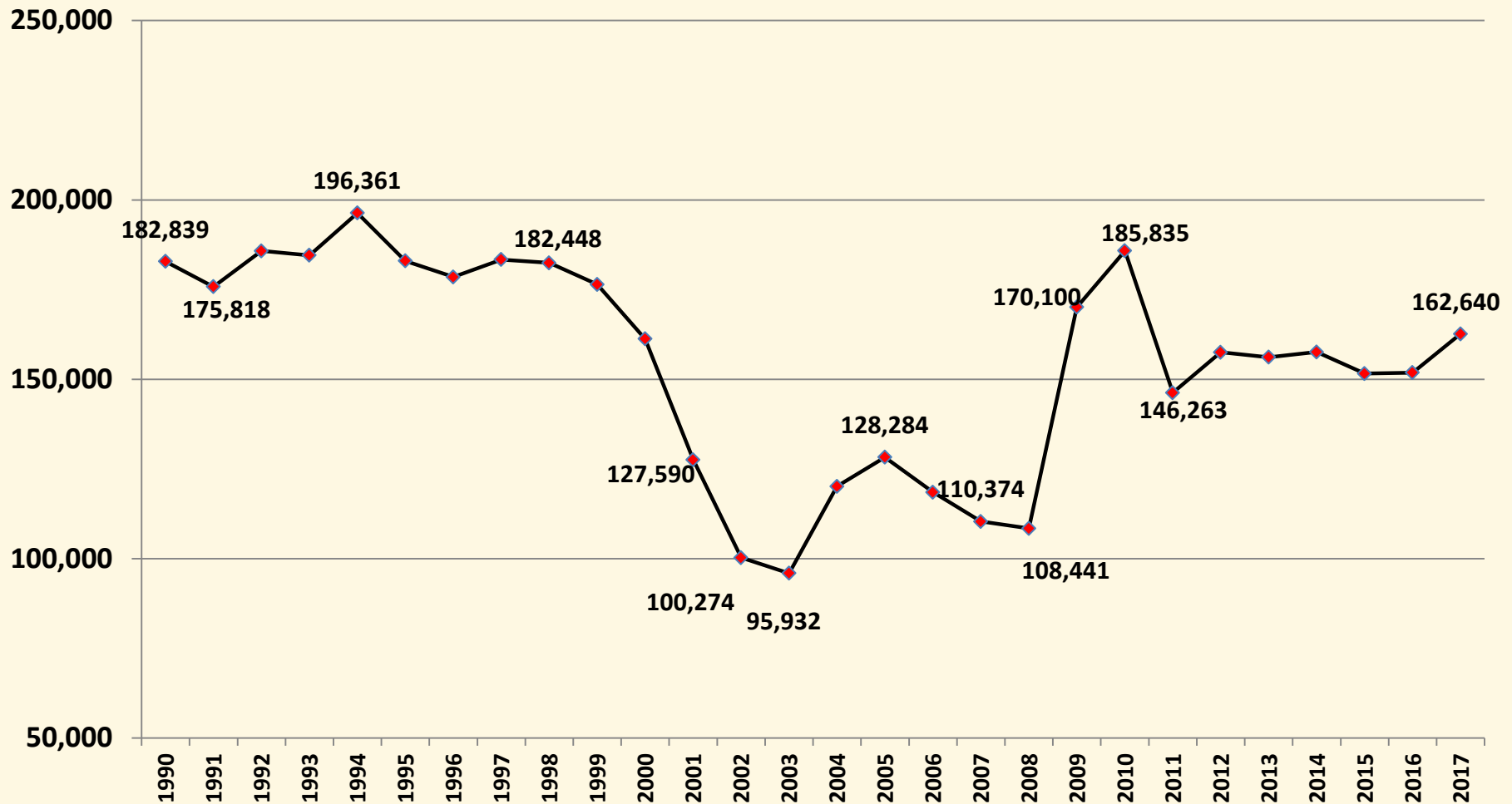
REVIEWED BY: bms

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Lynchburg Regional Airport FY 2019 Capital Improvement Program

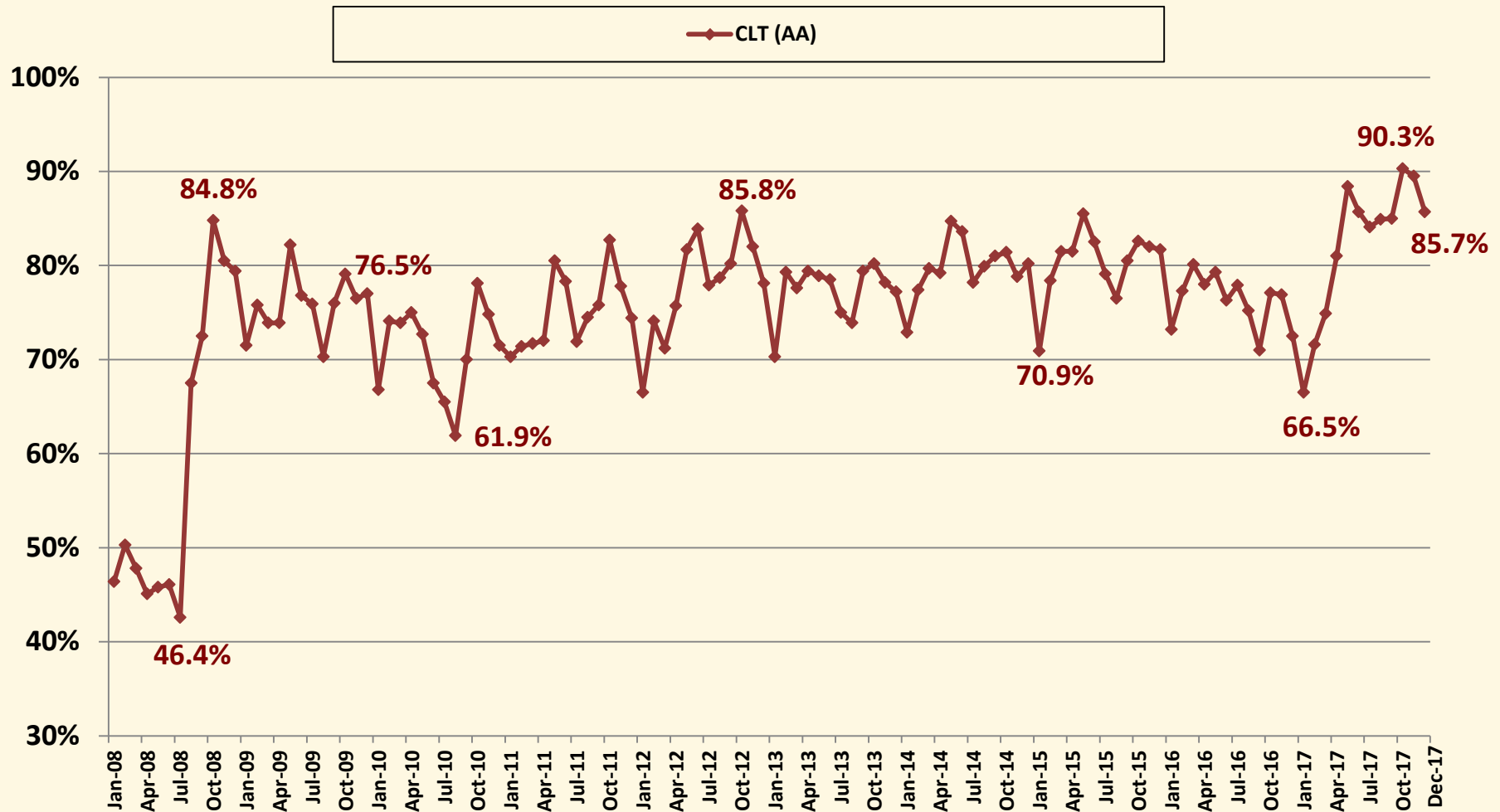
City Council Presentation
February 13, 2018

Lynchburg Regional Airport Total Passenger Traffic



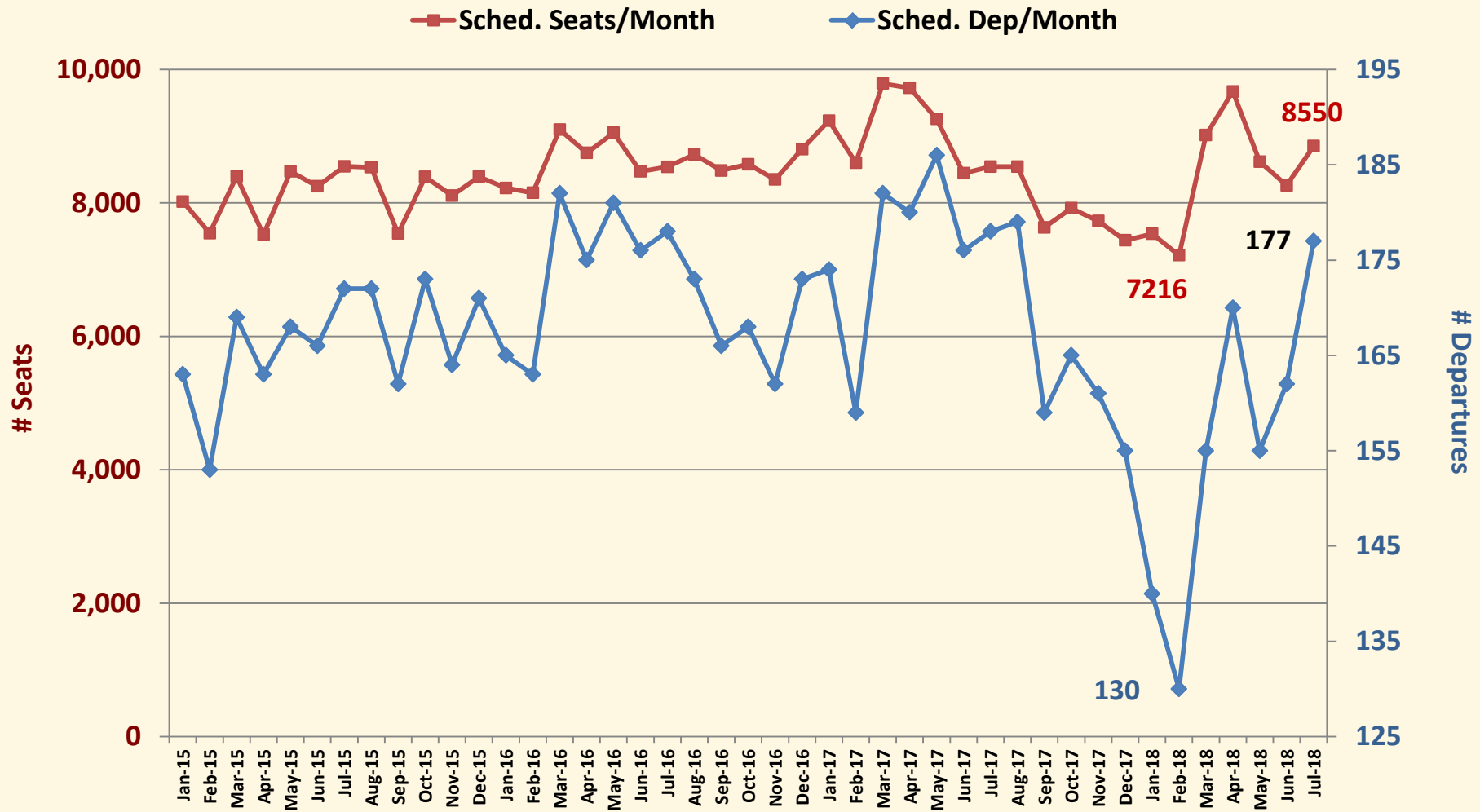
Monthly Load Factors

Jan 2006 – Dec 2017

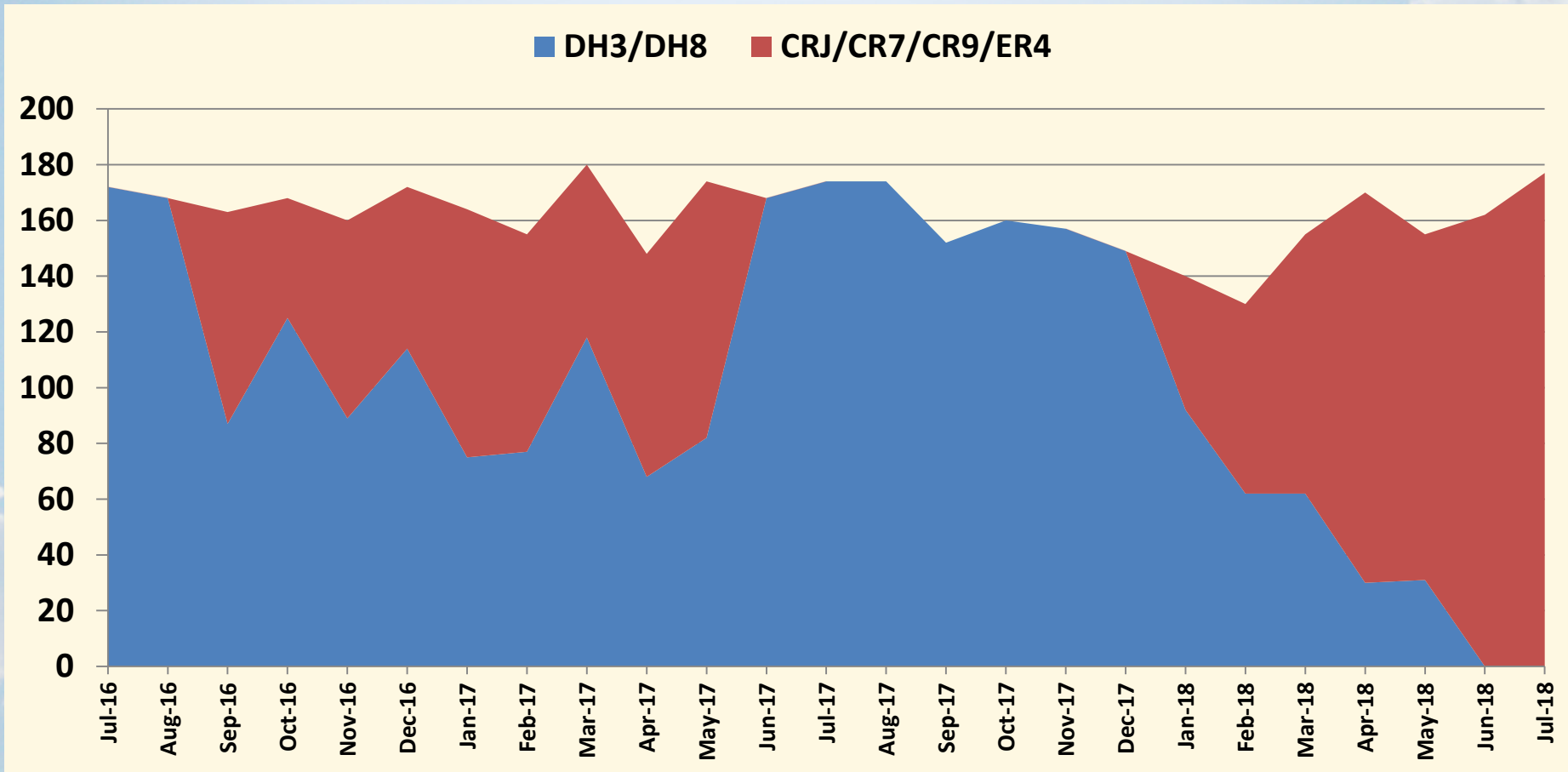


Scheduled Seat / Departure Comparison

Jan 2016 - Apr 2018



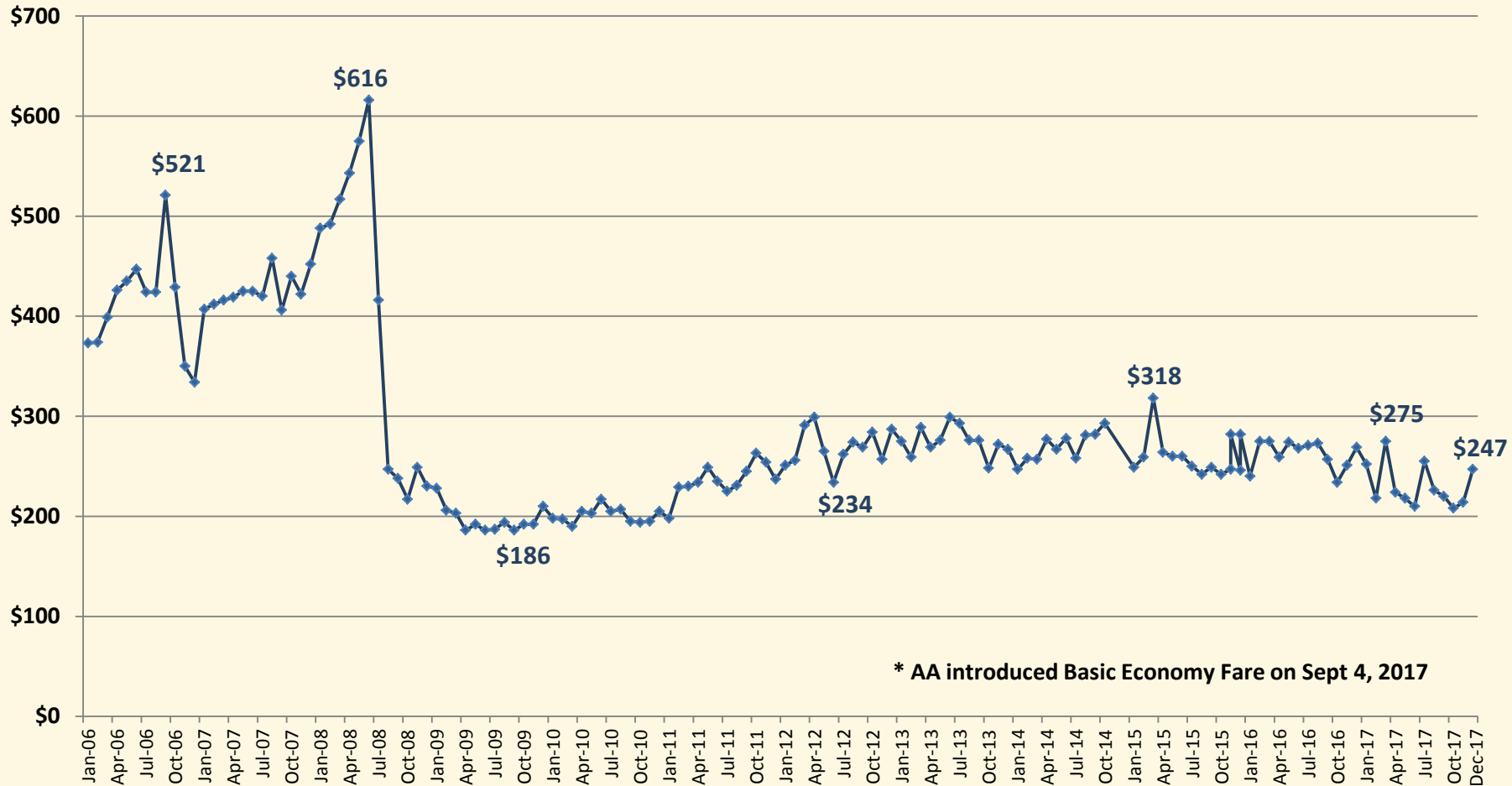
Monthly Departure Comparison



LYH Average Lowest Fares

(Published – Top 39 Destinations)

Jan 2006 – Dec 2017



* AA introduced Basic Economy Fare on Sept 4, 2017

Source: Amadeus/Focalpoint published fares





Airport Revenue Scenario: Annual Projections (Based on FY 2017 Actual)

With Airline Service

OPERATING

Total Airport-Generated Op. Revenue **\$2,641,878**

CAPITAL

FAA Entitlement (Air Carrier) funds **\$1,050,000**
 State Entitlement (Air Carrier) funds **\$1,203,604***
 Passenger Facility Charges (PFCs) **\$320,942**

Total Annual Capital Revenue **\$2,574,546**

COMBINED OPERATING/CAPITAL REV. **\$5,216,424**

* Avg last 3 yrs

Without Airline Service

OPERATING

Total Airport-Generated Op. Revenue **\$739,726**
(72% Reduction)

CAPITAL

FAA Entitlement (Air Carrier) funds **\$0**
 State Entitlement (Air Carrier) funds **\$0**
 Passenger Facility Charges (PFCs) **\$0**
 FAA Entitlement (GA) Funds **\$150,000**
 Eligible for State Discr. (GA) Funds **?**
Total Annual Capital Revenue **\$150,000**

COMBINED OPERATING/CAPITAL REV. **\$889,726**
(83% Reduction)

Capital Budget

- **Total Average Annual Budget - \$3,145,000 Million**
- **Primarily Infrastructure Related**
- **Programmed in FAA approved ACIP & ALP**

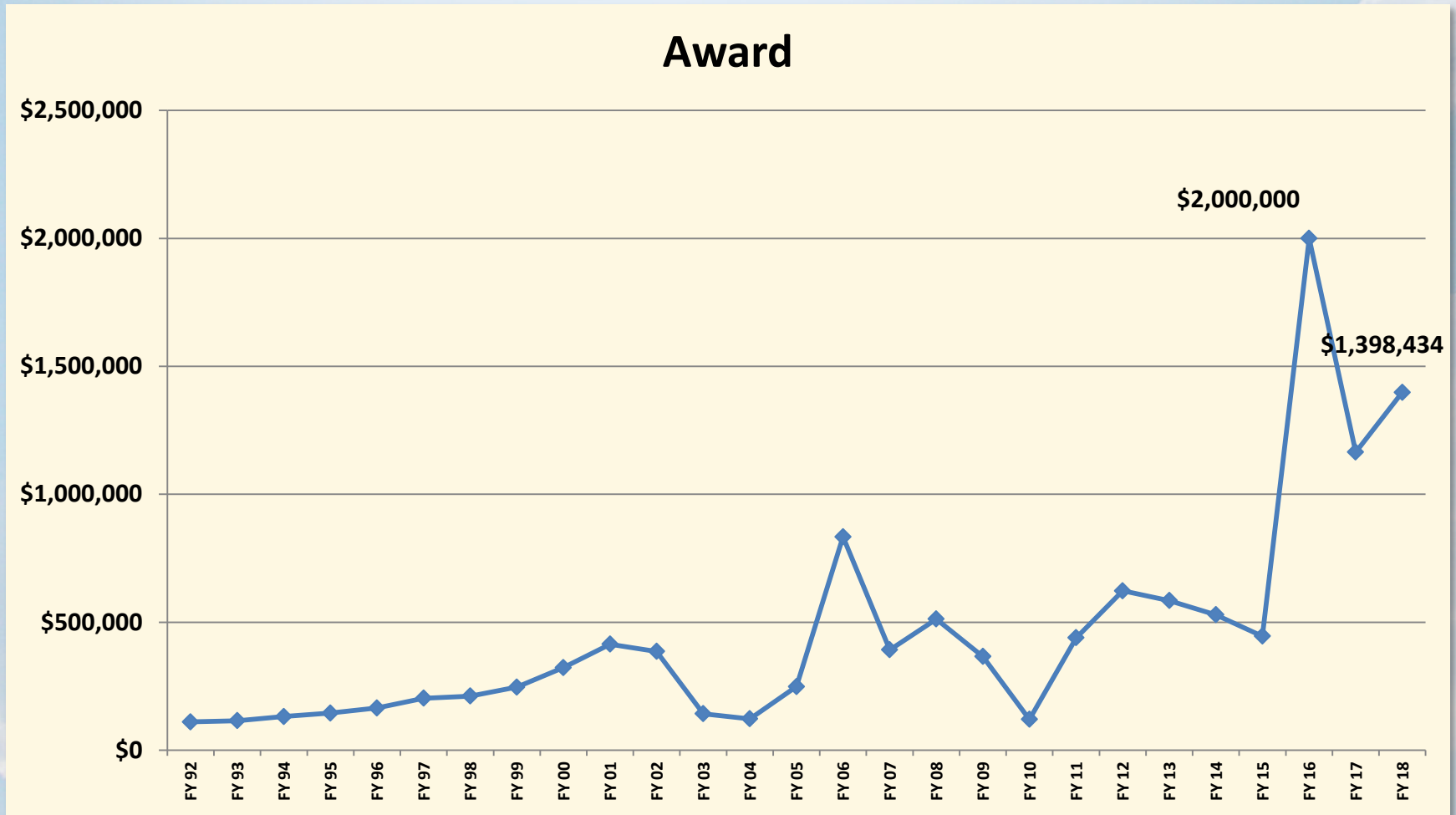
Federal Funding and LYH

- **Federal (FAA) AIP Program**
 - Congressionally authorized and appropriated
- **Entitlement & discretionary**
 - Eligible @ 90/10
- **LYH qualifies for FAA AIP funding based on an entitlement formula**
 - **FY 2018 Entitlement Fund balance \$2 Million**

State of Virginia

- **Commonwealth Aviation Fund**
 - Entitlement and discretionary
 - Eligible @ 100, 80/20 or 90/8/2
- **Special fund (Marketing, Air Service, Maintenance)**
 - Eligible @ 50/50 or 80/20
- **FY 2018**
 - \$1,398,434 entitlement
 - \$45,000 marketing and air service

LYH - State Entitlement Funding History



Passenger Facility Charges (PFCs)

- **Normally used for specific, eligible & FAA-approved capital projects**
- **\$4.50 per enplaned airline passenger (plus air taxi)**
- **Strict FAA approval process**
- **Currently have two PFC**
 - **1st expires September 2022**
 - **2nd expires September 2031**

History of PFC Collections

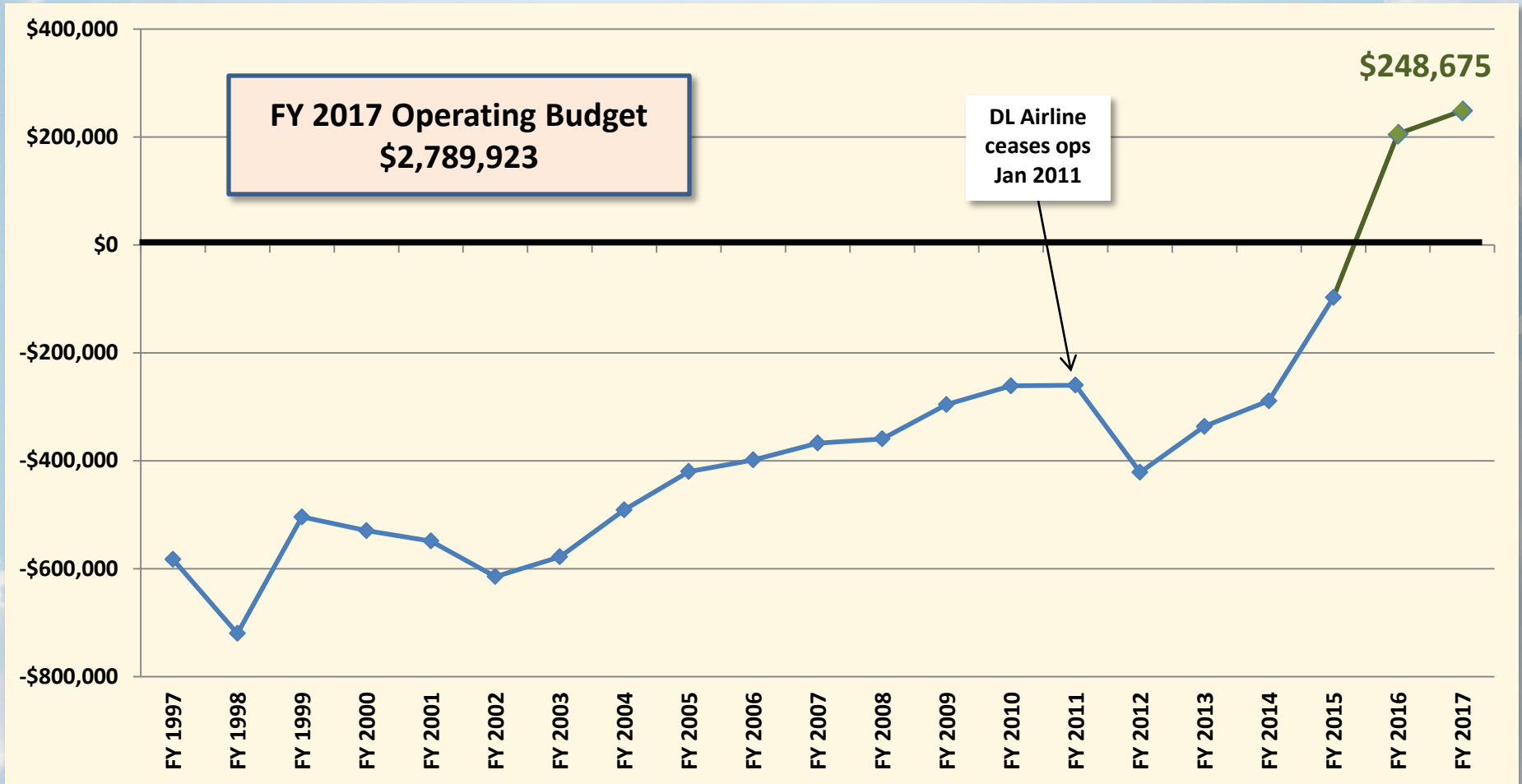
(per Quarterly Reports from
September 1995 through
December 2017)

Quarter	Year	Authorized:	Authorized:	Authorized:	Authorized:	Authorized:	Authorized:	Authorized:	Authorized:	Authorized:	Authorized:	Authorized:	Quarter	Cumulative Total	
		ROD#1 Collections	ROD#1 Interest	ROD#2 Collections	ROD#2 Interest	ROD#3 Collections	ROD#3 Interest	ROD#4/5 Collections	ROD#4/5 Interest	ROD#6 Collections	ROD#6 Interest	ROD#7 Collections	ROD#7 Interest		
July - Sep	1995	28,189.20	23.40											28,212.60	28,212.60
Oct - Dec	1995	47,066.82	558.48											47,625.30	75,837.90
Jan - Mar	1996	59,705.92	713.81											60,419.73	136,257.63
Apr - Jun	1996	47,813.84	1,017.16											48,831.00	185,088.63
July - Sep	1996	70,014.77	1,850.89											71,865.65	256,954.29
Oct - Dec	1996	53,960.46	2,403.25											56,363.71	313,318.00
Jan - Mar	1997	29,576.96	2,949.78											32,526.74	345,844.74
Apr - Jun	1997	53,655.86	3,255.16											56,911.02	402,755.76
July - Sep	1997	55,399.54	3,971.30											59,370.84	462,126.60
Oct - Dec	1997	58,108.87	4,756.77											62,865.64	524,992.24
Jan - Mar	1998	75,863.28	5,314.09											81,177.37	606,169.61
Apr - Jun	1998	65,837.38	6,177.49											72,014.87	678,184.48
July - Sep	1998	58,836.09	7,099.32											65,935.41	744,119.89
Oct - Dec	1998	5,612.41	7,369.12											12,981.53	757,101.42
Jan - Mar	1999	20.44	7,187.28											7,207.72	764,309.14
Apr - Jun	1999	0.00	7,180.12											7,180.12	771,489.26
July - Sep	1999	0.00	7,821.23											7,821.23	779,310.49
Oct - Dec	1999	61.32	8,499.17											8,560.49	787,870.98
Jan - Mar	2000	0.00	8,954.40											8,954.40	796,825.38
sub-total to date		709,723.16	87,102.22												796,825.38
adjustment to RODs 1 & 2		(423,561.98)	(87,102.22)	423,561.98	87,102.22									0.00	796,825.38
Apr - Jun	2000	11.68	9,788.27											9,799.95	806,625.33
July - Sep	2000	0.00	9,071.58											9,071.58	815,696.91
Oct - Dec	2000	36,470.56	8,443.77											44,914.33	860,611.24
Jan - Mar	2001	41,418.12	6,471.04											47,889.16	908,500.40
Apr - Jun	2001	50,763.97	7,005.71											57,769.68	966,270.08
July - Sep	2001	42,876.14	6,058.83											48,934.97	1,015,205.05
Oct - Dec	2001	34,776.60	4,083.56											38,860.16	1,054,065.21
Jan - Mar	2002	28,713.04	886.68											29,599.72	1,083,664.93
Apr - Jun	2002	29,225.24	886.55			16,477.78	0.00							46,589.57	1,130,254.50
July - Sep	2002			27,192.53	873.95	27,192.53	873.95							28,066.48	1,158,320.98
Oct - Dec	2002			52,395.72	792.44	52,395.72	792.44							53,188.16	1,211,509.14
Jan - Mar	2003			40,935.25	677.97	40,935.25	677.97							41,613.22	1,253,122.36
Apr - Jun	2003			46,545.40	411.30	46,545.40	411.30							46,956.70	1,300,079.06
amendment to RODs 1 & 3 (100,221.72)				100,221.72										0.00	1,300,079.06
July - Sep	2003			46,923.64	258.24									47,181.88	1,347,260.94
Oct - Dec	2003			60,140.99	227.87									60,368.86	1,407,629.80
Jan - Mar	2004			49,905.85	301.58									50,207.43	1,457,837.23
Apr - Jun	2004			61,548.38	467.76									62,016.14	1,519,853.37
July - Sep	2004			63,532.55	175.75									63,708.30	1,583,561.67
Oct - Dec	2004			62,832.09	64.22									62,896.31	1,646,457.98
Jan - Mar	2005			57,872.23	178.46									58,050.69	1,704,508.67
Apr - Jun	2005			14,658.98	41.35			58,960.46	114.49					73,775.28	1,778,283.95
July - Sep	2005					55,858.24	621.99							56,480.23	1,834,764.18
amendment to RODs 3 & 4						5,883.74								0.00	1,834,764.18
amendment to RODs 1 & 4 (1,730.47)				1,730.47										0.00	1,834,764.18
Oct - Dec	2005			65,657.18	1,241.02									66,898.20	1,901,662.38
Jan - Mar	2006			59,219.02	2,128.93									61,347.95	1,963,010.33
Apr - Jun	2006			67,597.11	3,111.72									70,708.83	2,033,719.16
July - Sep	2006			55,520.43	4,280.04									59,800.47	2,093,519.63
Oct - Dec	2006			54,759.89	5,000.47									59,760.36	2,153,279.99
Jan - Mar	2007			55,242.49	4,315.15									59,557.64	2,212,837.63
Apr - Jun	2007			59,608.40	1,917.85									61,526.25	2,274,363.88
July - Sep	2007			52,915.28	163.97									53,079.25	2,327,443.13
Oct - Dec	2007			54,119.51	130.59									54,250.10	2,381,693.23
Jan - Mar	2008			44,414.68	6.51									44,421.19	2,426,114.42
Apr - Jun	2008			46,160.21	4.65									46,164.86	2,472,279.28
July - Sep	2008			40,255.51	6.74									40,262.25	2,512,541.53
Oct - Dec	2008			82,792.87	110.14									82,903.01	2,595,444.54
Jan - Mar	2009			69,972.24	25.52									69,997.76	2,665,442.30
Apr - Jun	2009			90,994.87	15.54									91,010.41	2,756,452.71
July - Sep	2009			99,150.04	7.51									99,157.55	2,855,610.26
Oct - Dec	2009			95,599.27	5.29									95,604.56	2,951,214.82
Jan - Mar	2010			79,768.54	2.41									79,770.95	3,030,985.77
Apr - Jun	2010			102,056.64	1.09									102,057.73	3,133,043.50
July - Sep	2010			98,074.34	1.29									98,075.63	3,231,119.13
Oct - Dec	2010			110,069.73	8.60									110,078.33	3,341,197.46
Jan - Mar	2011			74,423.06	8.12									74,431.18	3,415,628.64
Apr - Jun	2011			79,024.92	5.49									79,030.41	3,494,659.05
July - Sep	2011			76,019.70	2.19									76,021.89	3,570,680.94
Oct - Dec	2011			84,393.63	2.69									84,396.32	3,655,077.26
Jan - Mar	2012			41,515.87	1.66					33,047.14	0.67			74,565.34	3,729,642.60
Apr - Jun	2012									83,383.13	5.99			83,389.12	3,813,031.72
amendment to RODs 4/5 & 6						(6,986.86)					0.00			0.00	3,813,031.72
July - Sep	2012			83,381.16	48.61									83,429.77	3,896,461.49
Oct - Dec	2012			91,604.08	50.31									91,654.39	3,988,115.88
Jan - Mar	2013			76,483.54	16.14									76,499.68	4,064,615.56
Apr - Jun	2013			86,344.77	6.22									86,350.99	4,150,966.55
July - Sep	2013			75,886.87	5.49									75,892.36	4,226,858.92
Oct - Dec	2013			88,023.60	5.19									88,028.79	4,314,887.11
Jan - Mar	2014			75,309.71	30.23									75,339.94	4,390,227.05
Apr - Jun	2014			90,736.50	25.96									90,762.46	4,480,989.51
July - Sep	2014			86,076.40	1.06									86,077.46	4,567,066.97
Oct - Dec	2014			84,280.48	22.91									84,303.39	4,651,365.36
Jan - Mar	2015			70,744.44	33.15									70,744.44	4,722,109.80
Apr - Jun	2015			82,894.76	26.28									82,921.04	4,805,030.84
July - Sep	2015			77,372.84	2.38									77,375.22	4,882,406.06
Oct - Dec	2015			79,982.66	57.48									80,040.14	4,962,446.20
Jan - Mar	2016			74,342.29	153.53									74,495.82	5,036,942.02
Apr - Jun	2016			85,805.38	223.94									86,029.32	5,122,971.34
July - Sep	2016			70,738.03	0.90									70,739.03	5,193,710.37
Oct - Dec	2016			80,139.38	0.95									80,140.33	5,273,850.70
Jan - Mar	2017									46,491.60	96.29			75,087.89	5,348,938.59
Apr - Jun	2017											28,500.00	0.00	95,072.99	5,444,263.39
July - Sep	2017											85,617.90	322.90	85,940.80	5,530,204.19
Oct - Dec	2017											88,790.09	614.00	89,404.09	5,619,608.28
		184,208.99	0.00	687,817.33	139,798.21	695,299.37	4,470.89	1,954,771.48	23,241.66	1,630,016.98	813.68	297,980.98	1,188.71	5,619,608.28	
Collections and Interest		184,208.99		827,615.54		699,770.26		1,978,013.14		1,630,830.66		299,169.69		5,619,608.28	
Project expenditures		184,208.99		827,615.54		699,770.26		1,978,013.14		1,622,277.66		23,545.05		5,335,430.64	
Collected Balance		0.00		0.00		0.00		0.00		8,					

City Bond Funds

- **Usually go to the Bond Market**
- **Airport use limited to revenue-producing projects**

Airport Subsidy History



**Capital Projects
Funding Summary as
of 6/30/17**

Description		Federal Entitlements	Federal Discretionary	State Entitlements	State Discretionary	PFC Revenue	Local	Total
Recently Completed Projects: (since FY2000)								
8616/AIP17	Obstruction Removal - Runway 4/22	243,695		24,293			7,504	275,492
8617	Acquire Snow Removal Equipment (2 units)			153,690	300,287		113,584	567,561
8618/AIP18	Construct Snow Equipment Building	854,608		94,287			1,401	950,295
8621/AIP19	Overlay Runways 17/35 & 4/22	1,000,000	2,701,906	283,452	81,172	46,000	699	4,113,229
2722	Rental Car Facility						1,074,649	1,074,649
2723	State Police Hangar			44,881			515,321	560,202
2724	Sanitary Sewer Extension						297,372	297,372
8625	Rehab General Aviation ramp			110,279		276,000		386,279
8605	General Aviation Terminal			929,528	141,352		216,334	1,287,215
2725	TSA Office / vending area						59,700	59,700
8624/AIP20	MUFIDS/Snow Equip./Access Road/Boarding Ramp	935,917		33,659		400,000		1,369,576
8631	Rehab N. General Aviation apron			88,560			22,140	110,701
8630/AIP23	Design - Rehab Taxiway B & RW 4-22 Drainage	187,960		19,641			1,244	208,845
8635/AIP24	Rehabilitate Taxiway B (Construction)	1,331,685		147,965				1,479,650
8639/AIP26	Runway 4-22 Drainage Rehab (Construction)	813,340		42,526			281	856,147
8636/AIP25	Runway 4-22 Extension (Phase I - EA)	335,425		37,271				372,696
8629/AIP22	Capital Security, perimeter fencing, etc.(AIP-22)	328,333						328,333
8640	T-Hangar Construction			289,802			650,374	940,176
8644	Rehab Hangar #8 Ramp			99,624			24,906	124,530
8644	Realign Hangar/Airport Road Intersection			107,288			26,822	134,109
8646/AIP28	Runway 4-22 Extension (Phase II - Land Acquisition)	152,682		8,036				160,718
8646/AIP28	Runway 4-22 Extension (Phase III - Design)	485,402		25,547			1,298	512,247
8651	Airport Wash Rack Project (design)			27,579			6,895	34,474
8652	Security Camera System			27,456			6,864	34,320
8649/AIP29	Runway 4-22 Extension (Phase IV - Construction)	2,494,026	7,076,737	1,392,981		1,875,000	756	12,839,500
8653/AIP30	Runway 4-22 Extension (Phase V - Construction)		1,807,329	95,123				1,902,452
8654/AIP31	ARFF Building (design)	130,349		6,861			87	137,297
8655/AIP31	ARFF Vehicle Acquisition	608,666		32,145			3,131	643,942
8656	Rehab Hangar 7 Ramp			373,457		60,000	33,364	466,821
8650	Small Community Air Service Dev Grant 2006	grant expired unused						0
8648/AIP27	Master Plan Update	388,426		51,393			7,738	447,557
8654/AIP32	ARFF Building (construction)	1,371,889		72,205			14,969	1,459,063
8657	North GA Development Area (EA only)			24,789			6,197	30,986
8657/AIP33&34	Terminal Projects (escalators/HVAC/Security & Alarms)	1,336,664		70,447			137,892	1,545,003
8658	MidField GA Apron (new construction)			1,006,702			251,675	1,258,377
8659/AIP35	Rehab Terminal Apron / Taxiways (Phase I)	2,450,190		272,244			1,879	2,724,313
8659/AIP36	Rehab Terminal Apron / Taxiways (Phase II)	1,867,565	2,586,176	565,062			17,551	5,036,355
Subtotal Recently Completed Projects		17,316,822	14,172,148	6,558,774	522,811	2,657,000	3,502,626	44,730,181
Active Projects:								
8660	Air Traffic Control Tower (new construction)	1,729,426		1,873,926		1,000,000	87,500	4,690,852 (1)
8661	Mid-Field Corporate Hangar			264,000			1,336,000	1,600,000 (1)
8662	Snow Equipment - Multipurpose Unit			400,000		400,000		800,000 (1)
8663	Airfield Lighting Rehab - LED	880,000		120,000		200,000		1,200,000 (1)
Subtotal Active Projects		2,609,426	0	2,657,926	0	1,600,000	1,423,500	8,290,852
GRAND TOTAL		19,926,248	14,172,148	9,216,700	522,811	4,257,000	4,926,126	53,021,033
Average % Participation (all projects)		37.58%	26.73%	17.38%	0.99%	8.03%	9.29%	100.00%

Footnotes:

1) final funding mix has yet to be determined (will include some mix of federal discretionary and entitlements, state entitlements, borrowing and/or PFC funds).

Airport Projects Capital Improvement Program (2018-2023)

	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
RESOURCES						
Federal Aviation Administration	\$1,800,000	\$1,800,000	\$1,265,000	\$4,050,000	\$2,340,000	\$3,150,000
Virginia Department of Aviation	\$200,000	\$200,000	\$1,035,000	\$450,000	\$260,000	\$350,000
Local (Sponsor)						
TOTAL ESTIMATED RESOURCES	\$2,000,000	\$2,000,000	\$2,300,000	\$4,500,000	\$2,600,000	\$3,500,000
PROPOSED PROJECTS						
North GA Development Area, Phase I (Design/Site Work)	\$1,400,000					
Terminal Passenger Boarding Bridge	\$600,000					
Rehabilitate Mid-Field Apron (& portion of TWY "G") - Design/Construction		\$2,000,000				
North GA Development Area, Phase II (Taxiway/Apron Construction)			\$2,300,000			
Runway 4-22 Rehabilitation & Rwy Lighting Rehabilitation - (Design/Construction)				\$4,500,000		
Master Plan Update					\$600,000	
Taxiway "B" Rehabilitation (Design/Construction)					\$2,000,000	
North GA Development Area, Phase III (Apron Construction)						\$3,500,000
	\$2,000,000	\$2,000,000	\$2,300,000	\$4,500,000	\$2,600,000	\$3,500,000

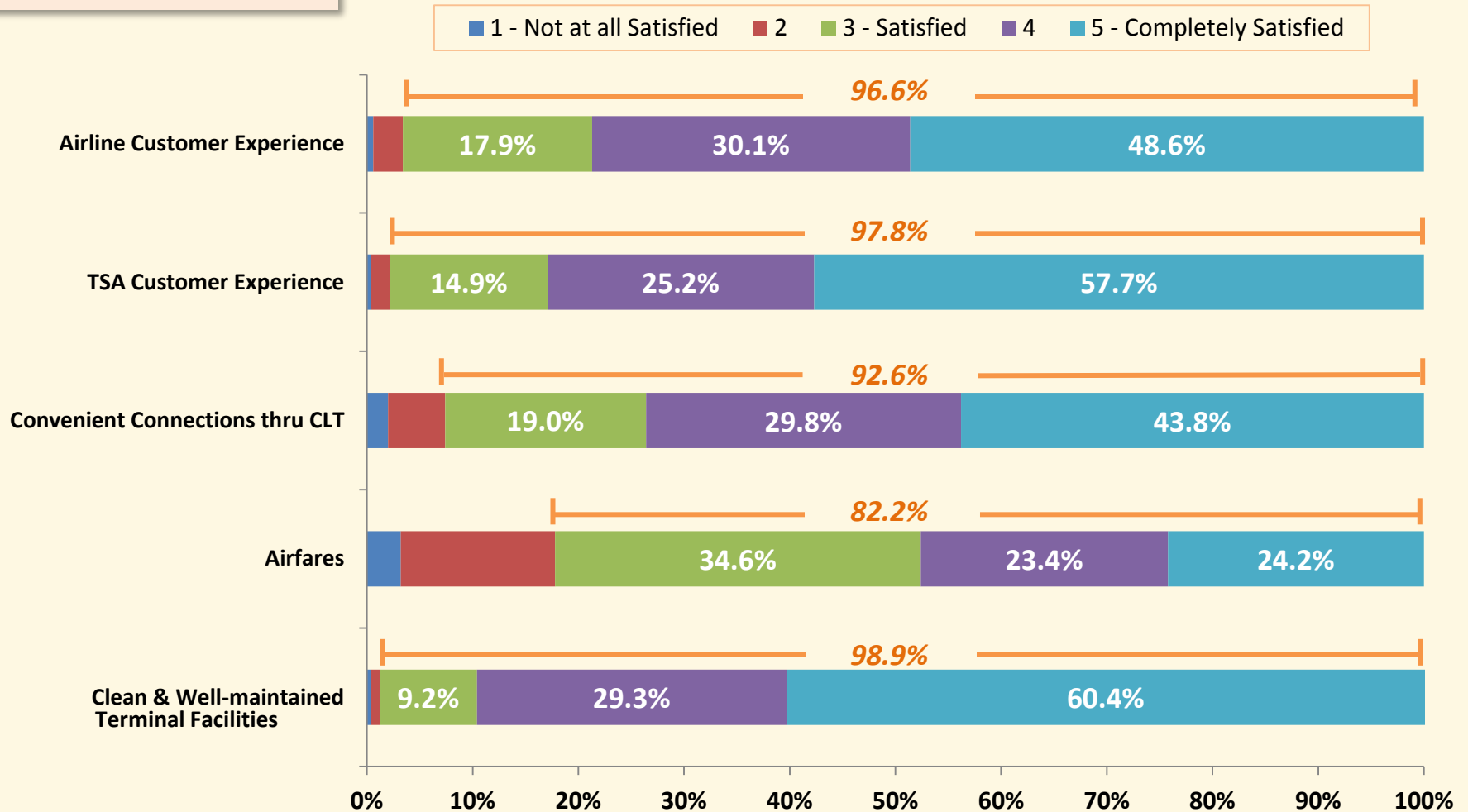
Capital Improvement Projects

2018-2024

Year	Project Name	Status	FAA	State	Local	Total
2018						
	LYH FY 2018 Air Service Dev. Prog. 072417	Granted	0.00	20,000.00	20,000.00	\$40,000.00
	LYH FY2018 Av. Promo. Prog. 062217	Granted	0.00	25,000.00	25,000.00	\$50,000.00
	North GA Development Area, Phase I (Design/Site Work)	CIP	1,260,000.00	140,000.00	0.00	\$1,400,000.00
	Rehabilitate Sections of Service Vehicle Roadway (Airfield)	CIP	0.00	28,000.00	7,000.00	\$35,000.00
	Terminal Passenger Boarding Bridge	CIP	540,000.00	60,000.00	0.00	\$600,000.00
	SubTotal:		\$1,800,000.00	\$273,000.00	\$52,000.00	\$2,125,000.00
2019						
	Mid-Field Apron & TWY "G" Rehab (Design/Constuction)	CIP	1,800,000.00	200,000.00	0.00	\$2,000,000.00
	Rehabilitate Entrance to Employee Parking Lot	CIP	0.00	8,000.00	2,000.00	\$10,000.00
	SubTotal:		\$1,800,000.00	\$208,000.00	\$2,000.00	\$2,010,000.00
2020						
	North GA Development Area, Phase II (TWY/Apron Construction)	CIP	2,070,000.00	230,000.00	0.00	\$2,300,000.00
	SubTotal:		\$2,070,000.00	\$230,000.00	\$0.00	\$2,300,000.00
2021						
	Runway 4-22 Rehab & RWY lighting rehab (Design/Construction)	CIP	4,050,000.00	450,000.00	0.00	\$4,500,000.00
	SubTotal:		\$4,050,000.00	\$450,000.00	\$0.00	\$4,500,000.00
2022						
	Master Plan Update	CIP	540,000.00	60,000.00	0.00	\$600,000.00
	Taxiway "B" Rehabilitation (Design & Construction)	CIP	1,800,000.00	200,000.00	0.00	\$2,000,000.00
	SubTotal:		\$2,340,000.00	\$260,000.00	\$0.00	\$2,600,000.00
2023						
	North GA Development Area, Phase III (Apron Construction)	CIP	3,150,000.00	350,000.00	0.00	\$3,500,000.00
	SubTotal:		\$3,150,000.00	\$350,000.00	\$0.00	\$3,500,000.00
2024						
	Runway 4-22 Parallel Taxiway (Design/Construction)	CIP	2,880,000.00	320,000.00	0.00	\$3,200,000.00
	SubTotal:		\$2,880,000.00	\$320,000.00	\$0.00	\$3,200,000.00
ALL PROJECTS (2018-2024)			\$18,090,000.00	\$2,091,000.00	\$54,000.00	\$20,235,000.00

May 2015 LYH Pax Survey Results

Pax Satisfaction



Source: May 2015 LYH Pax Survey



Economic Impact of Virginia's Commercial Service Airports

- **Ronald Reagan Washington National and Washington Dulles International airports are major contributors of economic benefits, together creating \$16.5 billion in economic activity**
- **Other commercial service airports in Virginia contributed \$5.3 billion of economic activity**
- **Virginia commercial service airports generated \$32,670 of economic activity for every aircraft take-off and landing**
- **In 2016, Virginia's commercial service airports contributed \$21.8 billion in economic activity, which supported 140,540 jobs with an annual payroll of nearly \$7.4 billion.**
- **Lynchburg Regional Airport's economic impact:**
 - **1,770 jobs**
 - **\$60 million in wages**
 - **\$180 million of economic activity**

Source: 2016 Virginia Airport System Economic Impact Study-Executive Summary



LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **February 13, 2018**

AGENDA ITEM #: **3**

CONSENT:
ACTION:

REGULAR:
INFORMATION: **X**

WORK SESSION: **X**

CLOSED SESSION:
(Confidential)

ITEM TITLE: Snow Removal Operations Presentation

KEY ELEMENTS:

☒ Economic Development ☐ Excellent Government ☐ Natural and Built Environment ☒ Safe Community ☐ Vibrant Community

RECOMMENDATION: Staff will make a brief presentation on snow removal priorities and the use of new technology to improve our winter storm response.

SUMMARY: City Council has not been formally updated on snow removal operations in several years. The current snow removal priorities utilized by staff are as follows:

Priority 1: Staff clears all primary streets and heaviest traveled routes. Examples of priority 1 streets are the Expressway, Wards Road, Timberlake Road, and Boonsboro Road.

Priority 2: Staff clears all collector streets and GLTC bus routes. Examples of priority 2 streets are Hollins Mill Road, Florida Avenue, Wards Ferry Road as well as roads into industrial parks.

Priority 3: Staff plows residential streets if there is more than two inches of snow.

The new technology that Public Works is implementing to improve winter weather response includes automatic vehicle locators (AVL), pre-treatment of roads with salt brine, and anti-icing pavement overlay.

PRIOR ACTION(S): City Council has not received a presentation on this matter for at least five years.

FISCAL IMPACT: If City Council desires to explore upgrading lower priority streets to Priority 1 status, staff would recommend hiring a consultant to review the City's snow route optimization.

CONTACT(S): Gaynelle Hart, Director of Public Works 455-4406
Charles Hartgrove, Deputy City Manager 455-3990

ATTACHMENT(S): PowerPoint Presentation

REVIEWED BY: bms

019K



Public Works Snow Removal



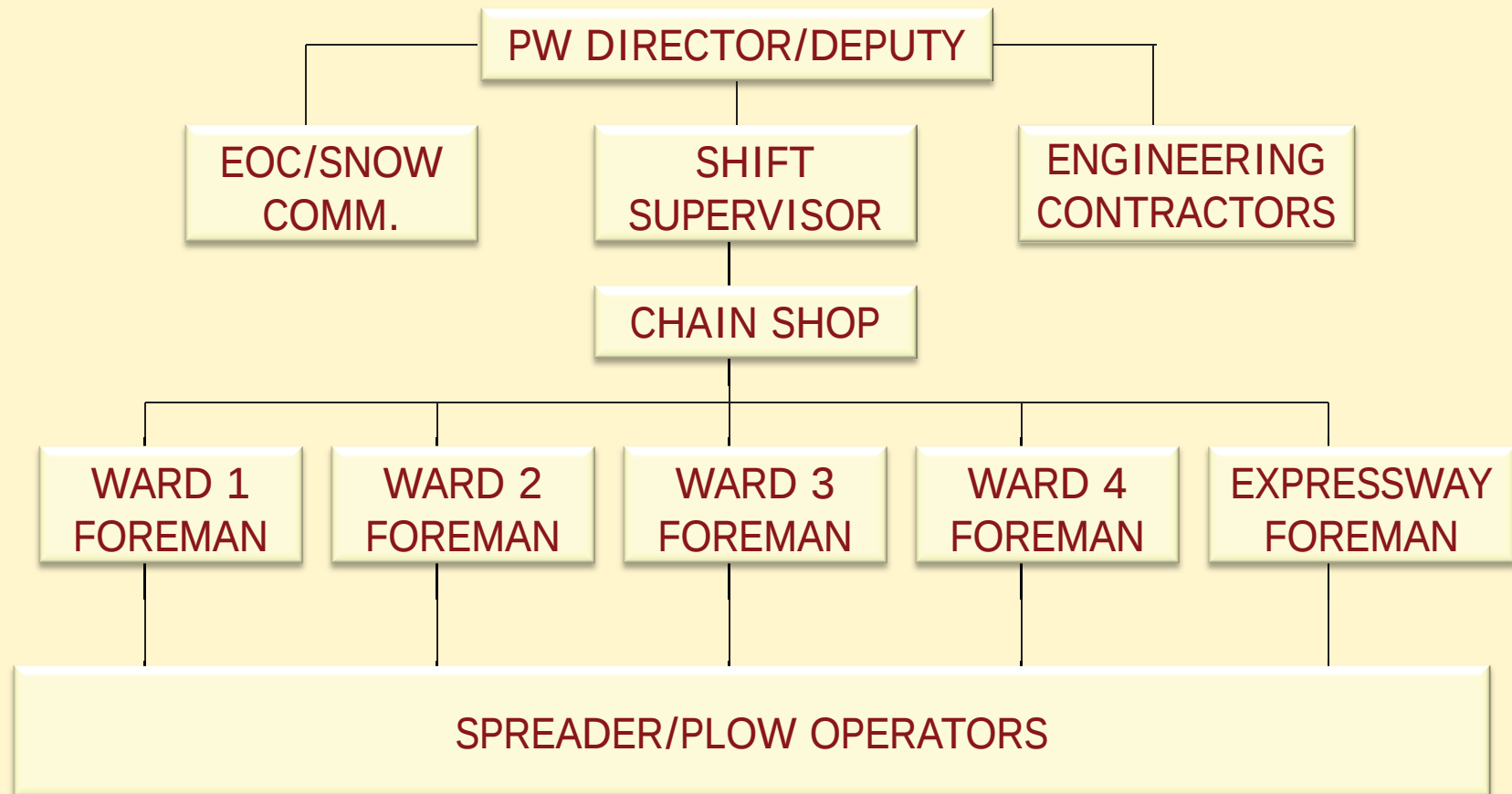


Planning

- Update Route Maps
- Order Salt & Materials
- Employee Training
 - Equipment Rodeo Event
 - Employee Expectations
- Equipment Preparation
- Renew Contracts



Staff Roles



24 Hour Operation (12 Hour Shifts)



Equipment

- 23 Spreaders
- 24 Plows
- Contractors are utilized for removal & hauling if more than 6" of snow





Materials

- Salt – Primary & Secondary
- Slag – Residential
- Salt/slag mix
- Brine
- Liquid Calcium



Snow Removal Priorities

- Primary Roads - 381 miles
- Secondary Roads - 130 miles
- Residential Areas (plowed if more than 2") - 494 miles
- Bridges & Overpasses
- Identified Trouble Areas



Primary & Secondary Roads

Primary Roads

- Expressway
- Wards Road
- Rivermont Avenue
- Timberlake Road
- Memorial Avenue

Secondary Roads

- Bus Routes
- Mayflower Drive
- McConville Road
- Wards Ferry Road
- Leesville Road



 RESIDENTIAL

 MUNICIPAL OR PUBLIC BUILDING

 RAILROAD

 RIVER OR STREAM

2683-527



Improvements

- Automated Vehicle Locators (AVL)
- WinterPAVE
- Salt Brining (Pre-treating)
- Pre-wetting Salt with Brine
- Public Relations



Automatic Vehicle Locators (AVL)

- AVLs are currently being tested on select vehicles
- Devices will help with:
 - Communication with public
 - Optimize routes
 - Avoid missed streets





WinterPAVE

- WinterPAVE is an anti-icing solution added directly to the asphalt mix during paving operations.
- WinterPAVE asphalt should not need pre-treatment or salt to keep snow & ice from freezing to the pavement.



WinterPAVE Cont'd

Langhorne Rd
(near The Farm Basket)



Augusta Street
(off of Florida Ave)





Pre-Treatment

Salt Brine

- This year we have the ability to make our own Salt Brine.
- As we can, we will pre-treat (brine) Primary & Secondary Roads/Bridges before the storm.
- Brining is done using the saddle tanks & spray bars on the existing trucks.





Pre-Wetting Salt

Brine

- In addition to pre-treating roads, we also use Salt Brine to pre-wet our salt as it is spread.
- Pre-wetting salt makes it stick to the road better with less salt bouncing off of the road.



Enhanced Public Relations

- Partnership with Communications & Marketing
- Facebook
- Press Releases
- Informational Programming



Challenges

- Forecasting
- Conversion of Equipment
- Event starting during rush hours
- Low temperatures
- More than 6" of snow
- Hard Packed Snow
- Ice
- Back to back events
- Parked Vehicles
- Vehicle Breakdowns
- Abandoned Vehicles
- Private contractors



Resource Cost

Full Time Employee	\$41,000
1 Ton Dump Truck	\$90,000
2 Ton Dump Truck	\$190,000
Tandem Dump Truck	\$205,000
Brine Applicator	\$25,000
Contractor Hourly Rate	\$200



Staff Recommendations

- \$50,000 - Two high-capacity brining applicator units
- \$130,000 - Consultant to review snow route optimization
- TBD - AVL in Public Works & Water Resources snow removal vehicles



QUESTIONS?

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// A regular meeting of the Council of the City of Lynchburg was held on the 9th day of January, 2018 at 4:00 P.M. in the Council Chamber, City Hall, Joan Foster, President, presiding. The following Members were present:

Present: Mary Jane Dolan, Jeff S. Helgeson, J. Randy Nelson, Treney Tweedy,
Sterling A. Wilder, Joan F. Foster

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Absent: E. J. Turner Perrow

1

// Mayor Foster mentioned that the City of Lynchburg has received the Government Finance Officers Association (GFOA) Distinguished Budget Presentation Award for the Budget for the Fiscal Year Beginning July 1, 2017 which was presented to Donna Witt, Director of Financial Services and her Staff.

// Council Member Perrow arrived at 4:17 p.m. during this item.

// Director of Community Development Kent White provided an overview of short-term rental known as Airbnb. Mr. White presented the City's authority to manage short-term rentals (Airbnb) and determine any further action on our local authority to regulate the Airbnb.

Short-Term Rentals – Defined

- “Short-term rental” means the provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy. Since 2016 Virginia has seen a 172% growth in listings for Airbnb.

Short-Term Rentals - Fairness

- Short-term rentals that operate as a business (i.e. bed and breakfast; hotels) are required to obtain a business license, remit the City's lodging tax, receive a building permit for improvements and are permitted by the Virginia Department of Health (lodging; food; or both) and subject to inspection.

Short-Term Rentals – State Code Regulations

- Local government may regulate the short-term rental of property through general land use and zoning authority.
- May establish a short-term rental registry.
- May charge a reasonable fee related to the actual cost of establishing/maintaining a registry.

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- May include \$500 per violation civil penalty for an operator who is required to register that is not registered.
- Operator may be prohibited from offering rental upon multiple violations of state and local ordinances on more than 3 occasions.

Short - Term Rentals – Current Policy

- Short-term rentals are permitted in business zoned districts “by right.”
- Occupancy standards apply for short-term rental uses in all residentially zoned districts; which stated no more than 3 unrelated people per dwelling unit; when two or more related people reside in a dwelling unit, only one additional unrelated person is permitted.
- Provided the occupancy standards are met, owner-occupied housing may be used as short-term rentals, provided the owner is present during the guests’ stay.
- Owners that wish to operate short-term rentals when they are not present must have a conditional use permit issued by Council.
- Community Development staff investigates “unpermitted” short-term rentals on a complaint basis.
- During the 2017 calendar year the City received 6 complaints, all but one of which came in late Spring.
- Zoning occupancy cases are often difficult to prove.
- If sufficient evidence exists that a short-term rental is operating illegally, staff pursues resolution through the zoning process.

Short-Term Rentals – Staff Resources

- Dependent upon whether Council wants staff to manage short-term rental as a tax issue, land use issue or both.
- How proactive local government is at collection, monitoring and enforcement impacts staffing needs.

Short-Term Rentals – Revenue Impact

- Based on the City's current 6.5% lodging tax, a conservative estimate of 200 short-term rental operators each renting for 60 days per year at a \$50 average rate per night would generate about \$65,000 in lodging tax revenue.

Mr. White went on to say, City property owners in residentially zoned areas are allowed to rent out their homes on a short-term basis without any additional permitting as long as occupancy standards are met and owners are present. These standards restrict short-term renters from renting a space to no more than three unrelated people, or if guests are related, only one additional unrelated person is allowed. If the renter will not be present on the site, a conditional use permit is required. Property owners in business-zoned district can rent their properties "by right" with no regulations. He further stated that violations of the zoning ordinance governing short-term rentals are investigated only when they are reported to the city. Proactive enforcement would take significant staff resources due to the difficulty of proving violations of the occupancy requirement. The General Assembly may revisit the short-term rental issue during their 2018 legislative session. He went on to say this presentation is to provide information on our current authority and staff's recommendation is to hold any action until after the 2018 General Assembly session. Mr. White mentioned the following alternatives for Council to consider:

- 1) Direct staff to prepare amendments to City Code to require the registration and remittance of lodging tax for short-term rentals.
- 2) Direct staff and Planning Commission to prepare Zoning amendments for short-term rentals.
- 3) Direct staff to prepare amendments to City Code to require the registration, remittance of lodging tax and zoning requirements for short-term rentals.

Council had the following concerns and questions regarding the City's authority to manage short-term rentals (Airbnb). Council Member Dolan mentioned what type of push back the City would receive from hotels that have to pay these taxes? Council Member Wilder mentioned his concern regarding the cost to monitor this. Council Member Helgeson commented that he believed the small number of residents doing short-term rentals and the low amount of complaints did not warrant increased regulation. He went on to say that of the roughly 25,000 residences in the City, currently less than 1 percent are offering a short term rental. There were only six complaints which is only 3 percent of the 1 percent so it's a tiny amount and the cost is going to far outweigh the standpoint of doing anything, especially since it's going to be so hard to prove. Council Member Perrow stated he agreed with Council Member Helgeson. He does not want to take any action on trying to regulate these rentals unless revenues from lodging taxes are decreasing or there are substantial complaints from neighbors. Council Member Nelson mentioned the

different modular and profits with the options that were presented and asked would it be possible to implement without hiring any additional staff members? Mr. White responded, after conversation with staff he does not believe the City could take any action toward further regulations of Airbnb's without additional employees. Vice Mayor Tweedy mentioned if regulating Airbnb is a signal to grow, what is the cost for and how fair is it to the business that is doing the proper regulations. Mayor Foster commented that she is still uncertain whether the City should change its policy, but wanted to make sure Staff gathered input from area hotels before making a decision. She also stated would like to have an update after the General Assembly session. After Council questions and concerns, Council reached a consensus to not take any action until after the conclusion of the 2018 General Assembly session in March in case State Code changes regarding local governments' authority to regulate short-term rentals.

// Deputy City Manager Charles Hartgrove addressed follow-up steps regarding the 2017 National Citizens Survey. In November 2017 Dr. Tim Miller, President of the National Research Council of the National Citizens Survey provided Council with the results of the survey. For the first time Council also heard from the Leadership Team (LT) regarding the work plan. The Leadership Team participated in a workshop with Dr. Miller to utilize the data from the 2017 National Citizens Survey. The Leadership Team was asked what words best describe the City of Lynchburg and answers included Affordable, Safe, Historic, Diverse, Close-Minded, Family-Oriented, Conservative, Evolving, River and Religious. Answers to what was unique about our City compared to other regional communities included College/Universities, History, River, Giving Community, Green Space/Trails and Isolated. Lastly, in the exercise they were also asked what survey results were expected and which ones surprised them based on their experience in managing each of their department's operations since the last survey in 2015.

Expected

Safety

Transportation

Poverty

Parks and Recreation

Recycling

Special Events

Parking

Surprised

Economic Development

Customer Service

Bicycle Mobility

Traffic Signal

Snow Removal

Fire Prevention

Infrastructure

Customer Service

Schools

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The 2017 Benchmarked Service Ratings compared to 2015 Benchmarked Service Ratings consisted of the following:

- Quality of services rated higher in 2017 compared to 2015
- Community Characteristics rated higher in 2017 compared to 2015
- Resident Participation rated higher in 2017 compared to 2015

After the discussion the Leadership Team narrowed the focus to the following two areas.

Community Building

- Connect neighborhood teams across neighborhood boundaries
- Bridge competing data points
- Strategize ways to improve two-way communications
- Identify the City's partners and work with them to address issues (i.e. poverty, etc.)

Customer Service

- Define meaning and expectations depending on the service
- Develop City-wide customer service standards
- Establish focus groups to better understand citizen expectations
- Streamline processes for service delivery (LEAN Teams, Special Events and Trash/Recycling Teams)
- Utilize technology to improve customer experience and service delivery (Digital Cities Award and New City App)

The action plan for every department is to review the survey data, determine areas for improvement/enhancement and establish Action Plans to address those areas and connect them to the City Work Plan and Annual Budget. Moving forward the Leadership Team's next steps in the process are to highlight some preliminary plans from a couple of City departments (Parks and Recreation Department and Police Department).

Council Member Perrow left the meeting at 5:05 p.m.

// City Planner Tom Martin provided information to dissolve the Design Review Board (DRB) by not appointing members. Mr. Martin stated prior to the adoption of the new *Zoning Ordinance* on February 23, 2016, the Design Review Board (DRB) reviewed submittals for Planned Unit Developments (PUDs), Cluster Commercial Developments (CCDs), Traditional Neighborhood Developments (TNDs), and building modifications within the Downtown area. Reviews by the DRB were advisory only. The DRB

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members consisted of the Planning Commission Chair, Historic Preservation Commission Chair, and two (2) other design professionals appointed by City Council. Mr. Martin went on to say upon rewrite of the *Zoning Ordinance*, all references to the DRB were removed. This was done in an effort to streamline the development review process by incorporating development standards. Since the DRB is no longer referenced in the *Zoning Ordinance*, there is no longer a need to appoint or reappoint members as the board was effectively dissolved on February 23, 2016. A motion was made by Council Member Nelson and seconded by Council Member Wilder to dissolve the Design Review Board. Council by the following recorded vote agreed to dissolve the Design Review Board and send letters of appreciation to members serving on that Board and thank them for their service:

Ayes: Dolan, Helgeson, Nelson, Tweedy, Wilder, Foster	6
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Noes:	0
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Absent: Perrow	1
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// During roll call Council Member Wilder mentioned the service of the CAT team and the Employees Christmas Event along with the Riverside Park lights. He stated these were three great events.

// Council Member Helgeson asked why the Lynchburg Schools were closed that day (January 9, 2018)?

// Mayor Foster mentioned the wonderful lights that were at Riverside Park with the following announcements:

- Joint meeting with City Council and Economic Development Authority, Thursday, January 23, 2018
- Second Floor Training Room – 10:00 a.m. to 11:30 a.m.
- City Council Budget Retreat – Thursday, February 1, 2018 – Second Floor Training Room – 9:00 a.m. to 1:30 p.m.

// Council Member Perrow returned to the meeting at end of roll call.

// On motion of Council Member Perrow, seconded by Council Member Wilder, Council by the following recorded vote elected to hold a closed meeting for discussion and consideration of the City Manager's performance evaluation pursuant to Section 2.2-3711(A.)(1) of the Virginia Code:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster	7
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Noes:	0
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// The meeting was re-opened to the public.

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// Council Member Helgeson made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The Motion was seconded by Council Member Wilder, and Council by the following recorded vote adopted the motion:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster	7
Noes:	0

// City Council recessed the meeting at 5:30 p.m.

// City Council reconvened the meeting at 7:30 p.m.

The following Members were present:

Present: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster	7
Absent:	0

Vice Mayor Tweedy gave the Invocation, followed by the Pledge of Allegiance.

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// Copies of the minutes of the November 28, 2017 meeting, having been previously furnished Council, reading was dispensed with. Council Member Dolan asked that the November 28, 2017 minutes be voted on separately because she was not present at this meeting. On motion of Council Member Perrow, seconded by Council Member Wilder, Council by the following recorded vote approved the minutes as presented:

Ayes: Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster	6
Noes:	0
Abstain: Dolan	1

// Copies of the minutes of the December 12, 2017 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote approved the minutes as presented:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster	7
Noes:	0

// In the matter of Community Development, a public hearing was held regarding City Council Report #8 on the Community Development Block Grant (CDBG) and HOME Program goals for the Fiscal Year 2019 (Program Year 2018) Annual Plan. Grants Manager Melva Walker provided a summary of the request. The U. S. Department of Housing and Urban Development (HUD) requires state and local governments, which receive federal community development funds, to prepare a Consolidated Plan. The Consolidated Plan for Lynchburg was approved in July 2015 and covers the period from July 1, 2015 through June 30, 2020. This plan outlines the City's needs, goals, and objectives for community development (both housing and non-housing areas). HUD requires Community Development Block Grant (CDBG) and HOME Program entitlement communities to review these goals on an annual basis. City Council is seeking the input of citizens and other interested parties regarding the approved goals. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Perrow, seconded by Council Member Helgeson, Council by the following recorded vote

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adopted Resolution #R-18-001, as presented, approving the Community Development Block Grant (CDBG) and HOME Program goals for the Fiscal Year 2019 (Program Year 2018) Annual Action Plan:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

// In the matter of Community Development - Zoning, a public hearing was held regarding City Council Report #9 outlining the petition of Royal Oak Farm LLC, for a conditional use permit in an I-3, Heavy Industrial District, to allow the construction and operation of a recycling facility at 4220 Murray Place. City Planner Tom Martin provided an outline of the petition stating the petition is consistent with the *Zoning Ordinance* which permits various types of recycling facilities upon approval of a CUP in I-3, Heavy Industrial Districts. The petition is consistent with the *Comprehensive Plan 2013-2030's Future Land Use Map (FLUM)* which recommends an Employment 2 use for the area. Mr. Martin went on to say that the Planning Commission recommended approval. Mr. Ken Nowakowski with Hurt and Proffitt representing the petitioner asked Council to approve the petition. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote adopted Resolution #R-18-002, as presented, granting the Conditional Use Permit for Royal Oak Farm LLC, to allow the construction and operation of a recycling facility at 4220 Murray Place:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

// In the matter of Community Development - Zoning Amendments, a public hearing was held regarding City Council Report #10 outlining the petition of Sandpiper Hospitality V LLC, to rezone two (2) tracts of approximately one and nine hundred fifty-eight thousandths (1.958) acres located at 310 and 312 Border Street from B-3C, Community Business District (Conditional) to B-3, Community Business District. City Planner Tom Martin provided an outline of the petition for Sandpiper Hospitality V LLC, stating the rezoning would remove existing proffers and facilitate the construction of a one hundred twenty-two (122) room hotel. The petition is consistent with

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the *Zoning Ordinance* which permits a hotel use in a B-3, Community Business District and the *Comprehensive Plan 2013 -2030's Future Land Use Map (FLUM)*, which recommends an Employment 2 use for the area. Mr. Martin went on to say that the Planning Commission recommended approval of the rezoning petition. Mr. Ned Sinnott of Sandpiper Hospitality spoke asking Council to approve the rezoning. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote adopted Ordinance #0-18-003, as presented, granting the petition of Sandpiper Hospitality V LLC, to rezone approximately one and nine hundred fifty-eight thousandths (1.958) acres located at 310 and 312 Border Street from B-3C, Community Business District (Conditional) to B-3, Community Business District to allow the construction of a hotel and associated parking:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster

7

Noes:

0

// In the matter of City Council, George Kolar spoke before Council regarding City Council Report #11, concerning a request regarding Tangible Personal Property Tax. No action was taken by Council.

// In the matter of Commissioner of the Revenue, City Council Report #12 was considered.

Commissioner of the Revenue Mitchell Nuckles provided a summary of the request to amend Section 36-126.6 and Section 36-126.39 which is outlined below:

Amend Section 36-126.6 to adhere to City Council directive pertaining to the minimum Business License fee of \$30. City Council eliminated the Business License requirement for businesses with gross receipts of less than \$10,001. This amendment will eliminate the credit on the next year Business License for any business with gross receipts less than \$10,001.

Amend Section 36-126.39 to allow local ABC Licenses to be issued on a calendar year basis. Currently, the local ABC License is issued on a Fiscal Year basis. System changes now allow for the assessment on a Calendar Year basis just as the Business License tax is assessed.

On motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote adopted Ordinance #0-17-004, as presented, to amend and reenact Sections 36-126.6 and 36-129.39 of the City Code relating to the filing requirements for Business Licenses:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster

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Noes:

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// In the matter of City Code, City Council Report #13 was considered. City Assessor Jeff Bandy provided a summary of the request, to adopt Code amendments to provide tax incentives for in-fill development of residential, commercial, multi-family (5 + units), or industrial buildings in the City's Rehabilitation and Conservation Districts, Redevelopment Areas, Arts & Cultural Districts. The Code of Virginia 58.1-3219.4 and 15.2-1129.1 allows real estate tax exemptions up to 50% of new construction costs for in-fill development in the oldest areas of the City. This tool would provide incentives for in-fill development to encourage additional housing, business services, employment opportunities and revitalization in older areas of the City. Staff proposes using a format identical to the recently adopted Rehabilitation Code for the time periods of exemption and also include the (3) year phase-out provision. This provides another tool to revitalize neighborhoods by helping owners to build equity in a new home and change the course of neighborhoods in a positive direction. The program may also entice businesses to relocate to these select areas, enhancing the quality of life of the residents through better services and potential employment opportunities within the neighborhood. On motion of Council Member Perrow, seconded by Council Member Wilder, Council by the following recorded vote adopted Ordinance #0-18-005, as presented, amending and reenact the City Code by adding a new section numbered Section 36-177.2, the new section provides for a partial real estate tax exemption for new structures in Redevelopment Areas, Conservation Areas, Rehabilitation Districts, and Arts and Cultural Districts:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster

7

Noes:

0

// The meeting was adjourned at 8:15 P.M.

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// A regular meeting of the Council of the City of Lynchburg was held on the 23rd day of January, 2018 at 4:00 P.M. in the Council Chamber, City Hall, Joan Foster, President, presiding. The following Members were present:

Present: Mary Jane Dolan, Jeff S. Helgeson, J. Randy Nelson, E. J. Turner Perrow, Treney

Tweedy, Sterling A. Wilder, Joan F. Foster 7

Absent: 0

// C-Span Representative Ashley Hill provided a presentation to Council explaining that Lynchburg will be in the national spotlight. In conjunction with its Comcast cable partner, C-Span producers will reveal the stories and segments that will be explored by the national network. During their time in Lynchburg, C-Span producers will visit various literary and historic sites, interview local historians, non-fiction authors and conduct educational and community outreach in the area. Local segments recorded during the week of January 20-25 will air on Book TV and American History TV throughout C-Span's special Lynchburg weekend, February 17-18, 2018.

// Kevin Camm, Extension Agent with Virginia Cooperative Extension provided the annual report on the Virginia Cooperative Extension. He also stated that the City of Lynchburg contributed around \$38,000 for their office to exist in the City. Mr. Camm stated that the office reached around 30,000 with their program in Lynchburg, which is very good. Mr. Camm's presentation covered the following topics:

- Hill City Master Gardeners (62 Master Gardeners around the State and 140 in the Lynchburg area)
 - o School Programs
 - o Center Program
 - o D. I. G. Site (Don Davis Constructional Garden)
- Recent Programs (4-H Programs)
 - o Summer 2017 – “We Got the Beet” at Lynchburg Farmers Market
 - o Summer 2017 – “Veggie Van”
 - o Two Programs “Choose Health” and “Organ Wise Guys” at various elementary schools for 2017 and 2018
 - o Shop Smart Eat Smart Statewide Program
- Lynchburg Projects and Involvement
 - o Poverty to Progress/Thriving Cities
 - o Co-facilitated My 4th Food Disparities
 - o Reported programs and provided input for overall initiative
- Bridges out of Poverty (Food Access Updates)

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- The Oasis Project
- Lynchburg Area Food Council
- Region 2000 Agriculture & Forestry Committee
- Participated in a national study by conducting food retail store audits in Lynchburg food deserts

Several comments were made by Council which included the excellent service that is provided to the students, the work that is done in the community center and teaching students how to prepare food and to eat healthy. Mr. Camm thanked City Council for their continued support of the Virginia Cooperative Extension Office.

// City Manager Bonnie Svrcek stated that late last year during the annual retreat Council heard information related to the From Poverty to Progress Initiative. Council Member Nelson asked for updates on quarterly bases on the poverty initiative. Ms. Svrcek introduced Dr. John Abell, Professor of Economics at Randolph College, who provided a report on Poverty Data. The report includes data on Poverty in the United States, Virginia Cities/Towns and Lynchburg. Dr. Abell stated the data information is from a five year estimate from 2012 to 2016.

Poverty

- Poverty thresholds (2016)
 - o One person: \$12,228/year
 - o Family of four: \$24,563/year
- Low income is defined to be 200% of the official poverty threshold, for 2016
 - o One person: \$24,456/year
 - o Family of four: \$49,126/year
- Lynchburg medium household income: \$40,728

Dr. Abell referred back to Lynchburg's poverty rate which has shown a small decline from 24.8% to 24.3%.

Urban Core –

Lynchburg's urban core consists of the following census tracts:

- Census Tract 4: Daniel's Hill and Rivermont Avenue
- Census Tract 5: Downtown (business district)
- Census Tract 6: College Hill, Tinbridge Hill, Garland Hill
- Census Tract 7: Dearington, Fort Avenue
- Census Tract 8.01 Westend
- Census Tract 11: Diamond Hill
- Census Tract 19: White Rock, James Crossing Apartments and Winston Ridge Road

Child poverty rate in Lynchburg with children under the age of 5 is 34.8%. The urban core has defined the rate at 49.40%. There is a racial dimension to the overall poverty. The black poverty rate is 35.8%;

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white poverty rate is 18.6%; and the urban core census tract is 32.5%. Census tract 2.03 located around the Lynchburg College area is a concern. The overall poverty rate of 24.3% vs. the poverty rate without college students is 20.6%. He further stated students that live in dorms are not part of the poverty universe. Deep poverty is defined as those who are at 50% of the poverty rate.

Poverty and Employment Status:

- Worked full-time in past 12 months - poverty rate is 3.9%
- Worked part-time in past 12 months - poverty rate is 35.0%
- Unemployed – poverty rate is 45.7% (over half of Lynchburg's households are below the poverty rate)

Poverty and Educational Attainment (for population 25 years and older)

- Less than high school graduate poverty rate is 33.1%
- High school graduate (includes equivalency) poverty rate is 20.0%
- Some college or associate's degree poverty rate is 14.2%
- Bachelor's degree or higher poverty rate is 7.7%

Lynchburg median household income has increased over the years but there is still work to be done.

- Real vs. Nominal – (1997- (\$30,000) 2016 – (\$42,000)

Lynchburg median household income (2012 – 2016)

- Lynchburg - \$40,000
- White - \$48,654
- Black - \$26,513
- Urban Core - \$28,434
- Female head of household, no husband present - \$29,987

Income inequality (Gini Index) (2012 – 2016)

- Lynchburg ranked #10 out of 38 Virginia cities

Lynchburg Unemployment (2001-2017) has been decreasing year after year.

After Dr. Abell's presentation on the poverty data, Council made observations on the data which was presented.

- Has there been a trend in the five year averages which seems to be relatively flat?
- Urban core relating to areas of Tyreeanna Road and Winston Ridge Road
- In the area of education it is very important that children get a good education
- Jobs and income was another interesting trend on the chart for real vs. nominal income - how it stacks up against the State.
- Not showing a lot of growth in our real estate taxes
- Do we have any stats on the number of children in a medium household?
- Urban core census tract is mostly located in Ward 2, which has a lot of challenges
- Deep Poverty

// Assistant City Manager John Hughes provided an update on “From Poverty to Progress” and asked Council to adopt a Resolution concerning the use of “Thriving City” as an overarching brand for major City initiatives. Mr. Hughes stated Council discussed the poverty initiative as a portion of their annual retreat. Council heard information related to the From Poverty to Progress initiative, debated a more community-based narrative, examined the appropriate measures for evaluation, and considered recommendations for entities requesting funding from the \$50,000 poverty reduction allocation. Mr. Hughes stated at the meeting Council provided guidance to staff as follows:

1. Continue advising on progress of the poverty initiative in Lynchburg though Council Work Session updates.
2. Move away from the “50 households” mantra and focus on raising the median household income and lowering the poverty rate as realistic economic measures based on U.S. Census data.
3. Rebrand the “From Poverty to Progress” label to “Thriving City”.
4. Council approved the carve-out of \$25,000 to be available for projects directly resulting from the action plans of “From Poverty to Progress” workgroups and directed staff to determine the appropriate application and review method for requests of the \$25,000 carve-out through the Community Development Advisory Committee (CDAC).

Mr. Hughes explained the report to Council today includes data compiled and presented by Dr. John Abell and a summary of ongoing From Poverty to Progress efforts.

Council Retreat

- Focus is the reduction of Lynchburg’s poverty rate and an increase in median household income
- Eliminated “50 households” mantra
- Carved out \$25,000 of the \$50,000 poverty reduction allocation for associated From Poverty to Progress workgroup action plans

Conceptual Approach to Address Poverty in Lynchburg

- Intervention
- Prevention
- Community Engagement

Community Engagement

- Community Conversation on Poverty
- Project to assist renters with housekeeping, cooking and laundry
- Discussion with United Way on 2-1-1 support
- Updating City web pages
- Dialogue with stakeholders
- Faith-based organization focus

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Funding Allocation

- \$25,000 of the \$50,000 allocated by Council for the From Poverty to Progress initiative
- Application handled through the Community Development Advisory Committee (CDAC)
- Available online
- Associated with the Action Items of the City's poverty initiative

Additional Information

- Community Access Network open
- Getting Ahead in a Just-Getting - By World classes – scheduled for February 1, 2018
- Greater awareness in the community about poverty and willingness to help
- Workforce Navigators hired through TANF Grant

Poverty to Progress Workgroup Action Items

- Childcare
- Education
- Food Disparity
- Health and Mental Health
- Housing
- Legal System
- Poverty 101
- Transportation
- Workforce Development

City Manager Bonnie Svrcek stated glancing back at the November 2017 retreat items, were discussed to clarify Council decisions:

- Change “From Poverty to Progress” to “Thriving City”
- Change success measure from “Facilitate moving 50 households out of poverty” to “decrease in poverty rate and increase in the median household income” based on U. S. Census and American Community Survey
- Provided information on the Hybrid Solution to Branding “From Poverty to Progress” under the umbrella of “Thriving City” which includes Downtown 2040, Economic Development Work Plan, Poverty to Progress and Reimagining Community Centers

Ms. Svrcek asked Council to adopt the Resolution which states the use of “Thriving City” as an overarching brand to initially include major initiatives such as From Poverty to Progress, Reimagining Community Centers, Downtown 2040 Master Plan, and 2018 Economic Development Work Plan. Council Member Nelson made the motion, seconded by Council Member Wilder.

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Council Member Nelson stated he was pleased with the work that has been done in creating this quarterly report and he can look back and see the progress, achievements and challenges that have been made. He thanked the committee chairs, Mr. Hughes and Dr. Abell for their work and asked what the next steps are and how to get there. He went on to say we have to inventory our resources, skills, programs, facilities and training opportunities to bring them all together and to develop a model that is workable. Past models have not worked; we need to develop a community based model.

Council Member Helgeson stated he would be voting against this resolution dealing with changing the rebranding (Poverty to Progress) because he felt the original branding was created deliberately by the City, and it should not be changed abruptly. He stated the terms that were created for Poverty to Progress are exactly what you want to do. He further stated you want people out of poverty and progressing economically.

Before the motion was voted upon Mayor Foster offered a substitute motion to take Poverty to Progress out of the Thriving City initiative and Poverty to Progress would remain a stand-alone. Council Member Helgeson seconded the motion, stating it is a good idea and a workable solution.

Vice Mayor Tweedy expressed support for the Thriving City label because it would reinforce the idea fighting poverty is connected with the City's plan for economic development and downtown development. She went on to say that keeping Poverty to Progress under that umbrella will show this issue is tied to economic development and jobs. By keeping it in the framework, everybody has the responsibility of saying how we address these problems to become a thriving city.

Council Member Perrow stated he would be voting against the substitute motion. He went on to say he wanted to live in a thriving city and needs to look at different aspects of poverty to progress initiatives.

Mayor Foster called for a vote on the substitute motion, seconded by Council Member Helgeson, to take From Poverty to Progress out of Thriving City. The substitute motion failed with the following recorded vote:

Ayes: Helgeson, Foster	2
Noes: Dolan, Nelson, Perrow, Tweedy, Wilder	5

After the substitute motion failed, Mayor Foster called for a vote on the original motion made by Council Member Nelson and seconded by Council Member Wilder to adopt the use of "Thriving City" as an overarching brand to initially include major initiatives such as From Poverty to Progress, Reimagining Community Centers, Downtown 2040 Master Plan, and 2018 Economic Development Work Plan. Council by the following recorded vote passed the motion:

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Ayes: Dolan, Nelson, Perrow, Tweedy, Wilder, Foster

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Noes: Helgeson

1

Ms. Svrcek provided the next steps, which included:

- Timeline for Action Item Implementation
- Strengthening the existing 211 Information System rather than creating a new structure and backbone
- Another meeting at E. C. Glass High School

Council Member Perrow mentioned his support for the initiative to focus heavily on the education of the youngest children of Lynchburg and assisting them so they can break the cycle of intergenerational poverty and stay out of criminal activity. He went on to say to focus on the children of this generation because he thinks they have the best chance to break the cycle by making sure they receive a high school diploma. He also mentioned that we should work on the urban core to help children get a diploma and help them find some sort of purpose so they don't move to other alternatives.

// During roll call Council Member Perrow commended on the Public Works Department for doing such a fine job during the recent snow.

// Council Member Helgeson commented on the Fire Department staff that attended a fire near his street and there were 7 fire trucks there to take care of the fire.

// Council Member Wilder mentioned several events that happened during the last week such as the opening of the new Community Service Center Health Building and the Martin Luther King Breakfast celebration which was a great success with guest speaker Dr. Khalilah Brown-Dean, daughter of JoAnn Martin, Director of Communications and Marketing. He mentioned the passing of several prominent leaders in the community this week; Mr. Edgar Garrette, Mr. Robert (Bob) Davenport, former Council Member and Vice Mayor, and Mr. Don Giles. He commended the CAT (Community Action Team) and One Community coming together when a young person lost his life this week to gun violence and thanked the Police Department for trying to get this issue resolved.

Vice Mayor Tweedy thanked employers working to change policies to work with local programs to hire people.

Mayor Foster thanked JoAnn Martin and her staff for the video on the City's facebook page regarding the Main Street construction and snow removal.

Mayor Foster made the following announcements:

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- Joint Meeting – City Council and Economic Development Authority – Thursday, January 25, 2018 – Second Floor Training Room – 10:00 A.M. to 11:30 A.M.

- Council Budget Retreat – February 1, 2018 – Second Floor Training Room – 9:00 A.M. 1:30 P.M.

// On motion of Council Member Nelson, seconded by Council Member Wilder, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions, i.e., the Community Development Advisory Committee, the Historic Preservation Commission and the Lynchburg Regional Airport Commission, and for discussion and consideration of City-owned property located at 405 Cabell Street, pursuant to Section 2.2-3711(A)(1)(3), of the Code of Virginia (1950) as amended.

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster

7

Noes:

0

// The meeting was re-opened to the public.

// Council Member Nelson made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The Motion was seconded by Council Member Wilder, and Council by the following recorded vote adopted the motion:

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Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

// In the matter of Appointments, and on nomination of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote appointed Valerie B. Harris to serve on the Community Development Advisory Committee for a term to expire December 31, 2018:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

// On nomination of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote appointed Jones H. Stanley to serve on the Lynchburg Regional Airport Commission for a term to expire December 31, 2020:

Ayes: Dolan, Nelson, Perrow, Tweedy, Wilder, Foster 6

Noes: Helgeson 1

// The meeting was adjourned at 7:25 P.M.

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **February 13, 2018**

AGENDA ITEM #: **8**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Conditional Use Permit: Wood Road Townhomes, 1002 Wood Road and 8129 Timberlake Road

KEY ELEMENTS:

X Economic Development Excellent Government **X** Natural and Built Environment **X** Safe Community **X** Vibrant Community

RECOMMENDATION: Denial of the conditional use permit (CUP) petition to allow the construction of a forty-three (43)-unit townhouse development at 1002 Wood Road and 8129 Timberlake Road.

SUMMARY: Danny Tyree is petitioning for a Conditional Use Permit (CUP) to allow the construction of a forty-three unit townhouse development at 1002 Wood Road and 8129 Timberlake Road. The property is four and forty-six hundredths (4.46) acres and is zoned R-3, Medium Density Residential and B-3, Community Business District. The petition is consistent with the Zoning Ordinance which permits townhome developments in these districts upon approval of a CUP by City Council.

The *Comprehensive Plan 2013-2030's Future Land Use Map (FLUM)* recommends Medium Density Residential and Community Commercial uses for the area. While the petition is consistent with the *FLUM*, Planning Commission recommended denial of the CUP due to concerns about the increased traffic on Wood Road, which does not currently meet City standards, as well as the development's impact on the character of the existing neighborhood.

PRIOR ACTION(S):

January 10, 2018: The Planning Division recommended approval of the CUP petition.
The Planning Commission conducted a public hearing and continued the public hearing until January 24, 2018.

January 24, 2018: The Planning Commission recommended denial of the CUP petition (5-1, one absent; Bowden).

FISCAL IMPACT: N/A

CONTACT(S): Tom Martin, City Planner – 434-455-3900
Kent White, Community Development Director – 434-455-3900

ATTACHMENT(S):

- Resolutions A and B
- Planning Commission Minutes and Memorandum – January 24, 2018
 - o Citizen e-mails
 - o Letter from Campbell County Administrator
- Planning Commission Minutes – January 10, 2018
- Planning Commission Packet – January 10, 2018
 - o Planning Commission Report
 - o Zoning Map with Adjoining Owners
 - o Future Land Use Map
 - o Watershed Map
 - o Planimetric and Topographic Map
 - o Concept Plan
 - o Narrative
 - o Property Photograph
 - o Speaker Signup Sheets – January 10, 2018 and January 24, 2018

REVIEWED BY: bms

RESOLUTION "A":

A RESOLUTION DENYING A CONDITIONAL USE PERMIT TO DANNY TYREE IN AN R-3, MEDIUM DENSITY RESIDENTIAL DISTRICT AND B-3, COMMUNITY BUSINESS DISTRICT AT 1002 WOOD ROAD AND 8129 TIMBERLAKE ROAD TO ALLOW THE CONSTRUCTION OF A FORTY-THREE (43)-UNIT TOWNHOME DEVELOPMENT.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the conditional use permit petition of Danny Tyree in an R-3, Medium Density Residential District and B-3, Community Business District at 1002 Wood Road and 8129 Timberlake Road to allow the construction of a forty-three (43)-unit townhome development is hereby denied.

Adopted:

Certified: _____
Clerk of Council

015K

RESOLUTION "B":

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO DANNY TYREE IN AN R-3, MEDIUM DENSITY RESIDENTIAL DISTRICT AND B-3, COMMUNITY BUSINESS DISTRICT AT 1002 WOOD ROAD AND 8129 TIMBERLAKE ROAD TO ALLOW THE CONSTRUCTION OF A FORTY-THREE (43)-UNIT TOWNHOME DEVELOPMENT.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the conditional use permit petition of Danny Tyree in an R-3, Medium Density Residential District and B-3, Community Business District at 1002 Wood Road and 8129 Timberlake Road to allow the construction of a forty-three (43) unit townhome development is hereby approved subject to the following condition:

1. The property will be developed in substantial compliance with the concept plan entitled "Wood Road Townhomes Conditional Use Plan" as prepared by Perkins & Orrison dated October 17, 2017 and revised December 28, 2017.

Adopted:

Certified: _____
Clerk of Council

015K

MINUTES OF THE JANUARY 24, 2018 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

Mr. Tom Martin explained that this public hearing today is a continuation of one started on January 10, 2018. It was necessary to keep the public hearing open due to an error in notification to Campbell County. Campbell County has been since been notified and a legal notice was placed in the News and Advance giving the necessary details for today's public hearing continuation.

Campbell County responded to City staff by letter. Essentially, Campbell County indicated that traffic concerns are very important to them yet the County trusts that the City will continue to weigh these concerns in a manner that best reflects the needs and priorities of the jurisdiction.

This petition proposes 43 townhomes. The properties are currently zoned R-3, Medium Density Residential and B-3, Community Business District. Townhome developments are permitted by conditional use permit in both of those districts. The density as proposed is at 9.64 units per acre, which is below the 10.9 units per acre that is permitted in the R-3 district and below the 12 units per acre recommended in the Medium Density Residential, as proposed on the City's *Future Land Use Map (FLUM)*.

A traffic study was not required by the City's Transportation Engineer, as the development would generate less than the 50 peak hour trips and 500 daily trips that would require a traffic study. Obviously, traffic impact is a big concern. The Virginia Department of Transportation (VDOT) is conducting a traffic study of the Timberlake Road corridor. An email from Mr. Rick Youngblood at VDOT indicated that a draft study has been done; it has not been released to the City yet. Mr. Youngblood's review of that draft study indicated that the median at Wood Road would not be closed.

This information is different than what was relayed to the commission at the last meeting because City staff had been under the impression that VDOT's recommendation would be to close that median. Also since the last meeting, the City's Transportation Engineer has weighed in a little bit more. Although it is not required, the Transportation Engineer is recommending that Wood Road be widened to 30 feet from the entrance of the proposed development to Timberlake Road.

The site is recommended for higher density on the City's *FLUM* and staff feels this development's density is reasonable due to its close proximity to commercial areas. While goods and services are in the immediate area, it is going to be very difficult to access those services and goods without an automobile. The Planning Division recommended approval at the last meeting and that recommendation does still stand.

Mr. Norm Walton of Perkins and Orrison came forward to present the petition again for the benefit of the commissioners and members of the public not present at the last meeting. Mr. Walton reiterated that they are requesting 43 townhomes on this site, which is less than the allowable density per the Zoning Ordinance as well as the *FLUM*. The decrease in density is due to the petitioner's desire for a better and more spacious product. The end units are 24 feet in width; the middle units are 20 feet in width. He believes the Zoning Ordinance would allow a minimum of 18 feet.

The architectural façade on these units will be a mixture of different architectural elements with a Craftsman style look to them. Units in Braxton Park in Cornerstone have a similar look. It is anticipated they will be marketed at just under \$200,000. This is not intended to be a student housing project. They will be townhomes for sale.

As Mr. Martin mentioned, the project was not large enough to generate a traffic study. Mr. Walton indicated that the recommendation of the Transportation Engineer was a new development for them that they just learned about today. They have not had a chance to evaluate that in terms of the economic impact to this project. It is approximately 450 feet that would have to be widened and that could be in

excess of \$100,000. They would like to have more discussion with City staff regarding this recommendation.

They understand this is a very nice and quiet neighborhood. They do not want to be a bother or a burden to this neighborhood. This is a very passionate and close knit community and they understand that. They believe this development provides a transition from commercial to single-family residential. A neighborhood information meeting was conducted. Several items were brought up at the neighborhood meeting that the developer is considering. One is additional screening; another is security during construction, containment of trash during construction, traffic during construction and at build out. There was also the question of another townhouse development in this area. To address some of these issues, Mr. Tyree, the developer of this project, will also be the contractor.

Therefore, Mr. Tyree will be able to address many of the construction issues personally. Mr. Tyree grew up in this area and knows many of the people in this community. Mr. Walton feels Mr. Tyree will be at the forefront trying to take care of his neighbors. They believe this is the right product at the right time. There was a townhouse development recently proposed in Campbell County that was denied by the Board of Supervisors. They are unaware of any other townhouse projects along the Timberlake Road corridor. The projects that have been completed in the recent past have developed and sold out relatively quickly. They believe that townhouses are really the starter home for a lot of young professionals. They are an inexpensive means to own a house and they are low maintenance.

Mr. Walton presented two layouts to the commission to help them understand the possible impacts to the community. One was a 50-unit townhouse development; Mr. Walton acknowledged this proposal would still require the approval of a conditional use permit. The other proposal is a by-right development with duplexes in the R-3 portion and two buildings in the B-3 portion of the property with commercial on the first floor and apartments on the second floor. The Transportation Engineer might make the same recommendation to widen Wood Road but it would likely be a recommendation and not a requirement. They feel the project before them is less intrusive and more neighborhood friendly by providing a continuation of the community. They feel the by-right development could be more of an intrusion.

Ms. Jane Kiger of 739 Chinook Place, the owner of the properties, came forward to speak in favor of the petition. She explained that she grew up on the properties and has definitely seen a lot of change in the area. Her parents owned the properties until her mother's death in 2012. She and her brother inherited the property and she bought out his interest and is now the sole owner of the properties. She has tried to be a good neighbor by keeping the property mowed and allowing the neighbors to use the property for their enjoyment.

She has tried to sell the properties but there has not been a great deal of interest. She has had a couple of interested parties but neither materialized into a sale for different reasons. The neighbors should be aware that the property is for sale and know that it is not likely to be vacant forever. She has no use for the property and has been paying for its upkeep, liability insurance and higher taxes due to its zoning. She respectfully asks that they approve this project, which meets all the City's requirements for zoning and development and it will provide the type of housing that is needed in the City. She appreciates that the proposal is lower than the density level could be.

Chair Perault asked for persons who wished to speak in opposition of the petition. Mr. Tim Brown of 1225 Wood Road came forward to speak. He commented that widening just a portion of Wood Road will have no impact on the traffic that cuts through from Laxton Road to Mountain View Drive. As he mentioned at the last meeting, there is a day care being built for 110 students at the corner of Bee Drive and Laxton Road, which is going to create even more cut through traffic. Mr. Brown pointed out the City will have to relocate water and sewer lines and drainage ditches.

Mr. Brown wanted to know what they are doing about stormwater runoff. He understands there is a pond shown on the plan but this project is at the top of a hill. He has a French drain and a sump pump on his property and he gets a lot of standing water. With all this additional paving and the drainage ditches being relocated, he is wondering how those on the back side of the hill will be affected.

Mr. Brown also commented that there will be more children located in this area with the addition of the day care. There are already a lot of young drivers leaving Brookville High School. He thinks there will be more accidents on Laxton Road. There are also pedestrian concerns because Brookville Athletics uses their neighborhood as a location for athletes to run. He reminded them of the many disabled persons in the neighborhood.

Mr. Brown commented that these units will be for sale. He had a townhouse put up on the property next to him and was told they would not be rentals. When it was sold, it was immediately turned into rental property and he has had some of the most horrible neighbors. He mentioned that the commission might be looking at this as a financial issue and how the City will get more taxes and the developer will make money. This is not about money to them; it is about their quality of life. He would like to see their neighborhood maintain its current quality of life. He is not saying there should be nothing built on these properties. He just does not think this project is in the best interest of the neighborhood. Is it worth the extra money if someone gets hurt because of all the additional traffic?

Ms. Ann Farish of 1000 Wood Road came forward to speak. She is opposed to the townhome development because they will be out of character with the rest of the homes in the neighborhood. Ten years ago, they were at the Planning Commission opposing 35 townhomes to be built one block down Wood Road on six acres of land. City Council agreed with them and only single-family homes and duplexes are allowed on that property. What has changed to cause them to consider 43 townhouses on only four acres in the same neighborhood?

She is also concerned with the detention pond not catching all the runoff and water ends up in their yards and basements. It could also contain pollutants that could get into the creek.

She does not understand how the density requirements are being met when the plan shows them using only about three acres of the land and putting 43 units on three acres. The land was surveyed in 2011 by Perkins & Orrison and they are the same company representing the developer on this project. When she questioned City staff about this, she was told there is nothing unusual about the same company doing the survey and then later a concept plan for a proposed development.

She mentioned that the property line between townhomes and single-family homes must be clearly defined. Section 35.1-56 of the *Zoning Ordinance* states that where a multi-family district is adjacent to a single-family district that there shall be a landscape setback between the two and a vegetative buffer must be provided on all sides. The actual property line is in the center of the shared driveway that is half on her property.

She has a petition with over 150 signatures opposing this project that she will be presenting to City Council on February 13. She mentioned that earlier this week, Campbell County's planning committee unanimously voted to deny a rezoning for 77 townhomes further down Timberlake Road. They are hopeful that this planning commission will follow their lead and allow them to remain in their quiet, safe neighborhood they call home.

Mr. Clinton Hunter of 1715 Danbury Drive came forward to speak. Mr. Danbury said he lives off Laxton Road and uses the intersection every day. They cannot afford any increase in traffic at this intersection. It is one of the worst intersections in Lynchburg, in his opinion. He works for Campbell County Schools and feels he can speak for staff and parents of the three schools in the immediate area. There is traffic there all the time and he does not think it can take any more traffic.

Mr. Andy Smith of 113 Parkview Drive came forward to speak. His question is about the traffic study. He understands this development did not generate enough trips to warrant a traffic study. He wonders if the Planning Commission has looked at all the traffic in that general area. You can't just look at one particular small project at a time. He is wondering if the Planning Commission has looked at the whole picture or just this one conditional use permit project.

Ms. Nichole Thomas of 1405 Lockewood Drive came forward to speak. No one is questioning the property owner's right to sell her property but let's be clear, this is not for the benefit of the neighborhood. Those that will profit will profit. The rest of them do not. The owner had the pleasure of living in this neighborhood for a long while and enjoying the same things they are enjoying. But now the owner is living somewhere else and those left behind are not going to be afforded that same privilege.

Another concern she has is the school district where they send their children. Heritage Elementary, Sandusky Middle and Heritage High Schools have not met accreditation standards in years. Her concern is that each of these townhomes represents a minimum of 43 children that could potentially be fed into a school system that is already not able to meet its objectives. She read statistics for all three schools that are available from each of the schools' websites. She frankly does not want her children going to these schools if we are going to continue to inundate them.

She also asked them to be clear about the language that these are not intended to be student housing. Once they are sold, there is nothing protecting them from being turned into rentals or housing for students.

Mr. Harvey Daugherty of 1200 Lockewood Drive came forward to speak. His property is adjacent to these properties. He is in opposition to this project and he thinks it is inappropriate for the neighborhood. The Transportation Engineer's recommendation to widen the road for just a portion of it is inadequate. Children that board busses on these streets have to walk on the roadway. Their problem with traffic is with people cutting through. There are many hours in the day that he cannot get across Lockewood Drive. He cannot get out on Mountain View Drive. He has to turn right and go to Enterprise Drive or circle around the Brookville schools to come back to Timberlake Road. He is concerned with the amount traffic in terms of inconvenience as well as safety.

He has concerns with the security and privacy of his back yard which backs up to this proposed development. He thinks a vegetative buffer is totally inadequate. He is also worried about the degradation of his property value. He also does not like the fact that the vegetative buffer does not cover the two properties on Wood Road that will be directly affected by this project. He does not relish the idea of having five or six units' occupants being able to see into his back yard and he being able to see into their units.

Ms. Jodi Miklas of 1011 Wood Drive came forward to speak. Her property is directly across from the entrance to the proposed development. She pointed out that Wood Road and Mountain View Drive are the only access points for several other streets in the surrounding area. Their front yard is being gouged already by busses that try to pass each other. It has been stated already that the road is too narrow. Widening just a portion of Wood Road is not going to help. She also reiterated that there are no sidewalks. She mentioned that very few people stop at the stop sign at the corner of Wood Road and Mountain View Drive.

She reiterated that there are handicapped people that use the roadway to get to services on Timberlake Road. She also pointed that there are two bus stops in the immediate area. With increased traffic and during construction, it is going to be very dangerous for pedestrians that use the street. Her son is visually impaired and uses the road to walk. There is also a lady that uses a scooter that uses the road regularly to get to services on Timberlake Road. She also commented that there is no way the

construction equipment is going to be able to turn on to Wood Road without ending up in her yard or her neighbor's yard.

Mr. Robert Simonton of 1005 Wood Road came forward to speak. He has lived there since 1962. He would challenge them to go there at peak hours of the day and see if they can get in or out of Wood Road. There is a sign there that says not to block the driveway. You might as well not have that sign there. If you get across there, then you have two more lanes making the left turn to Timberlake Road to go to town. You might as well forget that. The light controls that line of traffic. If you think you can get out on Laxton Road, don't do that because traffic is backed all the way back to his driveway. You have all that traffic coming out of Wyndhurst and people that live in subdivisions over there. His mailbox has been knocked down several times and someone has driven into his yard. Stuff like that happens all the time in the neighborhood. He is also concerned with the lady on the scooter and others that use the road to walk, many of them children.

He does not know why there was never a traffic study done on the road when it was being annexed. He knows the people on Wood Road are suffering because of it. He also inquired as to whether or not someone got the original plat from Campbell County. He has heard that they gained more land than what was on that original plat.

Mr. Rory Patterson of 105 Seven Oaks Drive came forward to speak. He provided the commissioners with pictures of the road conditions on Wood Road near Taco Bell. They show how degraded it is due to the current traffic conditions. There is only about fourteen feet of the road that is in good condition. The rest of it has sunken in. This road is not only too narrow; there is also only fourteen feet of stable surface on a portion of it.

Ms. Kelly O'Neill of 120 Seven Oaks Drive came forward to speak. She said this is an emotionally charged issue because these are their lives that this project could affect. They have tough decisions to make and she thanked them for what they do. She pointed out that a four o'clock meeting is very difficult for people to attend that work. There might be even more people here if the meeting were held in the evening. She also commented that she does not think they can make a good decision unless they go to the neighborhood at different times and see the situation for themselves. She suggested that if they would not put this development in their back yards, then please do not vote to put it in theirs.

Mr. Walton came to address some of the concerns. He acknowledged that several of the streets in the neighborhood are inadequate. The traffic issues and pavement issues are beyond the ability of this project to fix. There was a recommendation from the Transportation Engineer but there was also an email that the City is working toward a grant to apply for sidewalks in this area. It shows that the City is putting forth a good faith effort in trying to fix some, if not all, of the issues in this area. He does not think they can do anything about the Brookville High School students walking or the athletes running through the streets. These are public streets and they cannot prohibit them from using them. The grant application shows the City is trying to do its best to mitigate these issues.

The character of the neighborhood seems to be a recurring theme. These will not be vinyl boxes. These are going to be well made, very appealing units. The intent is to have a better tenant, a tenant that is intent on owning it and not renting it. There are concerns about the stormwater management. They are providing a stormwater detention pond that will address water quality and quantity based on City and State standards. The screening proposed along the R-1 properties is in accordance with the City's *Zoning Ordinance*. Between R-3 developments and R-1 developments, there is a pretty substantial screening required and that was intended to be shown on the upper side of the property.

Perkins & Orrison did do the initial survey on this property a number of years ago and it was not for this client. There was a question about whether or not they did research in Campbell County. Knowing the reputation of his firm and the work they do, he feels someone would have gone to Campbell County to

pull those plats. More than likely, that is the source plat for a lot of the boundary work that is shown. He can verify that with Mr. Martin at a later date.

Everything mentioned here today are existing issues that this project may not make better but he does not think it will make them tremendously worse. Sidewalk will be provided along the frontage of the property. There is a taper shown going into the project. The intent is not to diminish property values or be a detriment to the community. On the contrary, they feel that this style of unit and the product they will put in will fit in with the community and provide a transition from the commercial to the single-family detached homes.

Chair Perault closed the public hearing portion of the petition. Chair Perault suggested to the commissioners that they talk about traffic first and then the character and fit of the project.

Commissioner Light asked Mr. Martin to clarify that the commission cannot require the petitioner to make the Transportation Engineer's recommendation a proffer. If they do it voluntarily, they can accept it but they cannot require it. Mr. Martin clarified that this is not a rezoning. It is a conditional use permit petition, so there are no proffers. If Planning Commission or City Council chooses to approve it, they can impose conditions. So, if the commission feels it is appropriate that the road needs to be widened in order for this development to occur, they can list that as a condition.

Mr. Martin's conversations with the Transportation Engineer were that the widening of Wood Road had been mentioned to the petitioner but it was not listed as a requirement. The point was made that just widening it up to the entrance to this development would not help with traffic conditions. That may or may not be true. But as stated in the report, you cannot expect one developer to come in and fix every problem that currently exists in the neighborhood. You have an area that already has traffic problems but you have a development that does not meet the threshold for a traffic study. They need to consider the amount of traffic that is being generated by this development and if that will exacerbate the conditions beyond what could be permitted by right. They should consider the number of units that are permitted by right, the number that are recommended in the *FLUM* and what is being proposed. This development is actually in the middle.

Commissioner Light asked if the traffic study that VDOT is doing will get to any of the side road issues in terms of widening roads. Mr. Martin said he has not seen the study but he does not believe it will go beyond Timberlake Road and Waterlick Road.

Mr. Martin clarified that the Transportation Engineer does plan to apply for a grant for sidewalks primarily from Laxton Road down Mountain View Drive to assist the students getting to and from the Taco Bell. Again, we all know how grant funding goes. It could or could not happen but it is one of the goals. Mr. Martin would assume the grant would be through VDOT.

Commissioner Marion asked about the number of bedrooms. Mr. Walton said they will be three-bedroom units. Commissioner Marion thinks that a single person will not buy a three-bedroom unit. There will likely be another person living with them and possibly a child. Commissioner Marion does not understand how 43 three-bedroom units do not generate more than 50 peak hour trips. Mr. Martin said it is based on a manual that the City's Transportation Engineer reviews; it is based on the type of housing and the number of units. That is how they come up with their trip generations. Commissioner Marion finds that kind of squirrely. She understands there is a formula but the formula seems a little skewed.

Commissioner Marion does not think the developer should have to widen Wood Road. The whole street is pathetically narrow. She thinks the City should fix the road before any more development is done. Commissioner Marion wondered what happened to connectivity. Settlement Drive and Lockewood Drive both go right up to Wyndhurst and do not connect. Parkview Drive does not connect to Beverly Hills Circle. There is a variety of ways to get people out of Wood Road and diffuse the traffic snarls. She

imagines that people on both sides of the Wyndhurst development must have argued not to let anybody make these connections.

Mr. Martin said that when Wyndhurst was proposed, City staff and the petitioner had recommended those connections be made and the communities opposed it. City staff has been talking about recommending connectivity in the City street network for some time. You see what happens when you do not have the connectivity. You end up having one way in and one way out, which creates traffic problems. Traffic is like water. It is going to find the path of least resistance. We have created islands and now there is really no way to go back and fix it. The condition was placed on Wyndhurst not to allow the connectivity and homes were built where the connectivity would take place. It was by design—not good design—but it was by design.

Commissioner Marion is all for connectivity. She sees no way to solve this neighborhood's traffic problem. Even a wider Wood Road is not going to help except to make it safer.

Commissioner Rogers asked about the second proposal that was presented to them. If they chose that one, they would not be here today. How many units would there be in that case? Mr. Walton indicated there would be 8,600 square feet of commercial space, 16 duplex units and 14 apartment units. Commissioner Rogers said it is a similar number of housing units and more commercial traffic as well.

Chair Perault remarked that it is important for the audience to understand that what was done in terms of not requiring a traffic study is normal. They focus on the immediate area of impact and those immediate intersections. Even if this had triggered a traffic study, it would not have addressed the broader areas. Mr. Martin said it would have looked at the amount of traffic on Wood Road and right and left turns on to Mountain View Drive. He is not sure how far beyond that it would have gone. It would have definitely looked at the number of trips per day. Even if a traffic study had been done, what would it have recommended? Chair Perault noted they will concede there is a traffic issue with or without any traffic study.

Chair Perault would agree this is one of the worst bottlenecks in the City. He has seen traffic backed up to the new U-Haul site, which is 1.3 miles away. It is terrible but they certainly cannot put the burden on this developer. It is bad and we keep adding more to it.

Commissioner Lowe acknowledged there is a traffic problem. He spent a good part of lunch time yesterday there and that was not his first time either. He observed traffic coming off Laxton Road. One of the things he noticed on Wood Road is that it is a two-lane road, but he noticed a lot of people driving down the middle of the road.

Commissioner Lowe thought that Lockwood Drive has ten more potential duplexes being built. Mr. Martin said they are single-family homes. He does not have a solution but does think the road needs to be widened. He observed a lot of the cut through traffic the citizens have mentioned. The issue of how to fix this road and help with the traffic issues is one that needs to be addressed by City Council. Commissioner Lowe acknowledged there will be a sidewalk in front of this development but it will be a sidewalk to and from nowhere.

Chair Perault asked the commissioners how they feel about how the project fits into the neighborhood in terms of character and fit. Commissioner Johnson asked Mr. Walton for the price range of the townhomes. Mr. Walton indicated they will be between \$150,000 and \$200,000, but it will depend on the final design, layout and architecture.

Commissioner Lowe commented that he was trying to envision the townhomes in this neighborhood and he just did not see them fitting in there. He saw some duplexes in the neighborhood and noted they all have three cars in front of them. There are probably three unrelated people living in these duplexes and

there is nothing preventing someone from buying one of these townhomes and renting it to three unrelated persons. There is the potential for 120 cars to be put on the roads from this development. Without seeing a rendering of the project, he is unable to determine whether or not he thinks it will fit in the neighborhood. He actually liked the proposal for the by-right development because the duplexes will blend in better, in his opinion.

Chair Perault mentioned that one of their charges is to follow the *Comprehensive Plan* and the *FLUM*. He thinks they generally do a good job following them. In looking at this region and the character of this neighborhood, there is nothing like this proposal there. After leaving the area, he looked at Google Map and still did not find anything in the area that matched this project. In his opinion, this is an example where the fit is not right. He agrees with people that have stated that homeowners have a right to expect what they bought into and changing it after the fact is not good stewardship.

Commissioner Light indicated he is going to vote against the petition. He feels Mr. Walton always does a professional job. He thinks Mr. Walton is an honest broker of information. His head tells him that because he is sort of a pro development type of person to vote in favor of the proposal. His head tells him he is very sympathetic to the lady who owns the property because she has come forth with a good faith project. His vote might potentially change if the road problems were addressed and he thinks that is the responsibility of the City and not the responsibility of the developer. If the road, traffic and sidewalk issues were addressed in a broader fashion and a manner that is appropriate for the community, he might be inclined to make a recommendation for approval in the future.

This is the type of situation that makes people cynical about government quite candidly. There is a room full of people that are indicating this is their life and their home is the single most valuable asset. All they are asking is that government does not start a process that will detrimentally affect them. When government does things that hurt people, people tend to get cynical. He thinks the safety issues and character issues have been persuasive enough to lead him to vote for denial. Commissioner Light did caution the neighbors that they might not like a by-right development any better and possibly even less.

Commissioner Johnson said she is very conflicted. She thinks the highest and best use of the property is what they are proposing. She thinks there will be some devaluation of the properties on Lockewood Drive that back up to this development. There is obviously an existing traffic issue. This project certainly would not help that situation and has the potential to make it worse. She acknowledges they need to follow the plan for the City but they also need to take the neighbor's concerns into consideration.

Commissioner Rogers asked Mr. Walton if all the runoff from the site will go into the detention pond. Mr. Walton explained that Wood Road is the high side of the property and it falls from left to right. The detention pond is at the back of a five-unit building. All the water from the parking lot and rooftops will go to that detention pond.

Commissioner Marion indicated she intends to vote against the proposal. She prefers this proposal to the by-right development because it would be odd to go through a housing development to get to the commercial use. Until the City solves the traffic problem, she does not want to see at least 100 peak hour trips coming out of this development. She does not believe it would be less than 50 peak hour trips. The traffic problem might not be able to be solved, in which case four or five big houses are developed and that's what you get. A developer does not get as much money out of the land, but it is better than nothing.

Mr. Walton agrees with Commissioner Johnson in that this is the highest and best use for the property. No one will want to build the road infrastructure to get four or five houses on the properties. With the narrow road frontage on Wood Road, it is going to be difficult to develop. He thinks Ms. Kiger did an excellent job expressing her sentiments and frustrations as a property owner. Mr. Walton believes the

only way this property is going to get sold in this area and in this market is for it to be developed similar to this proposal.

Mr. Walton also pointed out that the improvements and infrastructure get driven by development or does development drive the improvement and infrastructure. It is the “chicken and egg” theory. He does acknowledge the roads are inadequate in this area and have been so for some time. If this gets approved and built, does it force the hand for something to get done quicker and better?

Commissioner Rogers indicated he is also conflicted because he sees this kind of development on the other side of the road. He does think this project is the best use of the property. He does not think the by-right development is realistic because he does not think the commercial sites would be developed. He also gets frustrated with the connectivity issue. He has been there five times. He drove it three times and sat and watched traffic two times. The only way to solve the issue is to only allow right turns in and out on both roads and then you can never get into Lynchburg. They might like being landlocked but it can come back and bite the homeowners either way. He would lean more toward recommending approval if it were not for the infrastructure issues. He did have to go into the right-of-way in order to pass a cement truck. He did point out that what most people are saying is their yard that people are driving into is actually City right-of-way.

Commissioner Rogers does not think they should be voting on proposals based on inconveniences during the construction phase. They need to vote on proposals based on the build out and he noted it would have been nice to see renderings. Some townhomes he would not want in his neighborhood; others he thinks would be nice in his neighborhood. There is a lot of R-3 zoning in this neighborhood and others will want to sell down the road and be able to sell to a developer that will build projects like this one.

Chair Perault reminded the public that they are making a recommendation to Council and the public should plan on attending that public hearing.

Commissioner Marion made the following motion, which was seconded by Commissioner Light and passed by the following vote:

“That the Planning Commission recommends to City Council denial of the petition of Danny Tyree for a conditional use permit at 1002 Wood Road and 8129 Timberlake Road to allow the construction of a forty-three (43)-unit townhouse development subject to the following conditions:

- 1. The property will be developed in substantial compliance with the concept plan entitled “Wood Road Townhomes Conditional Use Plan” as prepared by Perkins & Orrison dated October 17, 2017 and revised December 28, 2017.”**

AYES:	Bowden, Johnson, Light, Lowe, Marion and Perault	5
NOES:	Rogers	1
ABSTENTIONS:		0
ABSENT:	Bowden	1



Memorandum

Planning Division • Community Development

900 Church Street
Lynchburg, Virginia 24504
P 434-455-3900

To: Planning Commission

From: Tom Martin, AICP, City Planner

CC: File

Date: January 24, 2018

Re: Wood Road Townhomes – 1002 Wood Road and 8129 Timberlake Road

On January 10, 2018, the Planning Commission conducted a public hearing concerning the Conditional Use Permit (CUP) request of Mr. Danny Tyree. The CUP petition proposes the construction of forty-three (43) townhomes on approximately four and forty-six hundredths (4.46) acres located at 1002 Wood Road and 8129 Timberlake Road.

Due to an error in providing notice to Campbell County as required by §15.2-2204 of the Code of Virginia, the Planning Commission did not close the public hearing on January 10. Proper notification has been provided. The Commission may still hear comments from citizens on January 24, 2018, prior to closing the public hearing and providing a recommendation to City Council.

At the January 10, 2018 meeting, e-mails sent to the Planning Commission concerning the project were also discussed. City Staff has compiled these e-mails and attached them to this memorandum for inclusion in the public record.

If you have questions, please contact me at (434) 455-3909 or tom.martin@lynchburgva.gov.

Attachments:

Citizen Emails

On Saturday, January 6, 2018, 2:00:57 PM EST, Sam Bowers <sgbowers@gmail.com> wrote:

Hello David and Robert,

With the upcoming public hearing on January 10, I would like to voice my concerns about the planned development at 1002 Wood Road and 8129 Timberlake Road. I would prefer to attend the meeting in person, however, work obligations prevent my wife and I from doing so. Our home is located on Settlement Drive, which can only be reached via Wood Rd. I have lived at this address for 3 years, and during that time it has become apparent that Wood road is not wide enough to support the existing traffic. These are some of the concerns that I have:

Increased Vehicle Traffic

Our primary concern is with the additional vehicles this 44 unit development would bring to Wood Road. With the average household owning 2 cars, this could be an additional 88 vehicles.

Wood Road is Too Narrow

When two vehicles traveling in opposite directions intersect, both have to ride on the shoulder. Or if there is a large truck, one vehicle must pull off the road entirely. With the additional vehicles this development would bring, the road would be overloaded and bottle necked.

The Intersection of Wood Road and Timberlake Road is Dangerous

Traffic is extremely heavy on Timberlake Road, particularly during peak times in the morning and the 4:00pm - 6:00pm post work rush hour. Turning left from Wood Rd onto Timberlake can be nearly impossible, and the traffic light for the intersection of Timberlake Road and Laxton Road frequently blocks the intersection.

Lack of Sidewalks

Wood Road does not have sidewalks, and without a shoulder, pedestrians must walk in the road. This is already hazardous with the number of individuals who walk to work, and take pets and small children out for walks. When traffic comes from both directions it is especially dangerous as one vehicle must stop and pull over to allow the other to go around the pedestrians.

Danger to Children on Wood Road

Many of the houses along Wood Road have small children. These homes have small yards and it is not uncommon to have children playing right next to or in street. Increased vehicle traffic would put these children at greater risk.

As a homeowner in the neighborhood, I believe this development would negatively impact all residents and put their safety at risk. I am strongly opposed to this proposal and respectfully request that the commission reject the plan. Instead of building a high density town house development, single family homes would be a better fit for the road and ultimately a benefit to the community.

Thank you for your consideration.

Sam Bowers, Lynchburg City Resident, sgbowers@gmail.com, 434.907.7379

On Wednesday, January 10, 2018, 11:15:16 AM EST, Charlotte Farley <cafarley.writes@gmail.com> wrote:

Good morning,

I am a resident of the City of Lynchburg who is concerned about the proposed development on Wood Road Drive. I cannot attend this afternoon's planning meeting, but I am submitting the following letter for your review and to be added to any discussion of the topic.

Many thanks for your consideration,

January 10, 2018

To the members of the City Planning Committee:

Thank you for the opportunity to comment on the project proposed for the apartment development on Wood Road. I cannot be at this afternoon's planning meeting, so please accept this letter in absentia.

The greater Lockewood-Seven Oaks neighborhood enjoys the distinction of being an affordable and secluded neighborhood within the City of Lynchburg. What a hidden gem it is—my husband is a born-and-bred Lynchburg native and even he didn't know about this neighborhood until we went house hunting in Lynchburg nearly two years ago. We now own a home on Parkview Drive and enjoy our location and our relatively quiet and secluded residential neighborhood.

I strongly oppose the building of multiple rental units on the lot on Wood Road. The proposed development is inconsistent with the character of development in the surrounding area. While Wood Road is home to a couple of duplexes, the majority of the street features single-family homes. Lockewood, Seven Oaks, and Parkview Drive also contain mostly single-family homes, with Seven Oaks featuring single-family homes built fairly recently. As the daughter of a Long Island real estate developer, I am not "anti-development"—quite the contrary! I am, however, against projects that are inconsistent with the character and land use of the surrounding area, and the proposed project is indeed out of line: a higher density development in the exact center of a community filled with single-family homes. If my husband and I wanted to live near an apartment complex, we could have easily purchased a home in the Cornerstone area (and I find it notable that the single-family homes in Cornerstone are in a different section than the apartment complexes.) As consumers who desired to live in the City of Lynchburg, we specifically chose NOT to live near an onslaught of apartments.

This project will negatively affect more than the pre-existing adjacent properties. By cramming 43 units and upwards of 120 potential residents into that lot, not only must we then consider concerns about the project's negative impact on existing properties' market values, but we also must consider the increase in traffic congestion at the exit and entry points of our no-outlet neighborhood. In order to exit Lockewood Drive (and Seven Oaks and Parkview), one has the option of turning onto Wood Road to get to the chaos of Timberlake Road, or turning onto Mountain View to access busy Laxton Road. It's already difficult and problematic to make turns on these roads when there's another car (or two) coming along. Wood and Mountain View are incredibly narrow (we don't even have double-yellow lines on these streets) and Mountain View is particularly short. Mountain View is so short that it only takes three cars lined up and waiting to turn on to Laxton to feel like a traffic jam. Wood Road isn't better—we wait forever to turn onto Timberlake Road. I cannot imagine the disaster that will happen when over a hundred other cars need to access these very same two roads multiple times a day, especially during

the rush hour. The proposed development project will add even more traffic and exacerbate this pre-existing traffic condition, create even more stress, pose safety issues, and will ultimately lessen the quality of life for those of us who live in the neighborhood, especially the taxpayers who live in our own (owner-occupied) homes.

I understand that the City's comprehensive housing plan seeks to protect the fabric of the City's neighborhoods and that the primary goal of the Plan is to improve the livability of the City's neighborhoods. A development project that increases traffic, creates congestion in a no-outlet neighborhood, and lowers property market values does little to protect the fabric of our neighborhood. "The Citizens of Lynchburg are proud of their neighborhoods and feel their homes are a good value and well built." This comes directly from the city's website on the comprehensive housing plan. I would like to continue being proud of my neighborhood and feeling that my home is a good value; however, I will not feel as proud when I have to pass by the new development every single time I come and go—it will serve as a constant reminder that my home's market value will likely decrease.

This kind of new construction is not in the best interest of the neighborhood. I strongly recommend that the city planning committee oppose the apartment project proposed for the lot on Wood Road. I look forward to hearing about a substantially different project that (protects) the (resources) of the area in the future.

Respectfully,
Charlotte Farley
105 Parkview Drive
Lynchburg, VA 24502
(540) 819-3015
cafarley.writes@gmail.com

On Wednesday, January 10, 2018, 2:17:37 PM EST, John Radick <HJR1214@msn.com> wrote:

Mr. Light,

My name is John Radick and I have lived with my wife for the past 27 years at 1214 Wood Rd. With regard to the petition from Mr. Tyree to build multi home properities on Wood Rd, please know that I oppose this development. I believe that allowing this devlopment will irrevocably impact our neighborhood in a negative way. I hope you will take this into consideration when you vote on this request today.

Sincerely

From: Matt Farley <mfarley@campbell.k12.va.us>
Date: Jan 10, 2018 12:46
Subject: proposed building near 7 oaks subdivision
To:

david.perault@lynchburgva.gov, robert.bowden@lynchburgva.gov, mark.lowe@lynchburgva.gov, tom.rogers@lynchburgva.gov, robert.light@lynchburgva.gov, kensie.johnson@lynchburgva.gov, nancy.marion@lynchburgva.gov

To whom it may concern,

I am writing today prior to the 4 o'clock meeting concerning the building of what appear to be townhomes/apartments near 7 oaks subdivision. I am against this construction and permit.

I would urge you to consider what additional traffic will do to the neighborhood. The roads are unmarked, turns onto Timber Lake and Laxton Road are narrow (only one true outlet from the entire neighborhood).

Adding 50-70 more cars going out and in during the commute will be a nightmare in narrow roads, unmarked pavement, and turns that are tight (mailboxes nearly on the road).

The neighborhood would be better served with another form of housing that did not overburden the outlets and roads currently in assistance.

Sincerely,

Matthew Farley, 105 Parkview Drive

----- Original message -----

From: Pili & Jessie Del Cid <dcfamily003@gmail.com>

Date: 1/12/18 23:52 (GMT-05:00)

To: david.perault@lynchburgva.gov, robert.bowden@lynchburgva.gov, mark.lowe@lynchburgva.gov, tom.rogers@lynchburgva.gov, robert.light@lynchburgva.gov, kensie.johnson@lynchburgva.gov, nancy.marion@lynchburgva.gov

Subject: Our home

Dear Planning Committee,

My name is Jessie Del Cid and I live at 16 Parkview Drive with my husband and (almost) 3 year old little boy. We were unable to attend the City Planning Meeting this past Wednesday at 4pm, so we were hoping to share our thoughts even if just by email.

We love our safe neighborhood where our son can play outside and ride his tricycle on the quiet street. Even when we go on walks down every street in our neighborhood, including out to Wood Road and beyond, we know the people we see and enjoy greeting the familiar faces. We moved here to our

first home just before our son was born, and the main reason we moved to our home was that we LOVED the neighborhood. It is a rare gem to be so close to work and yet have a quiet, mature, established, safe neighborhood where we trust our neighbors and call them friends. I don't have to worry for my son's safety and he can enjoy playing outside without fear of traffic or danger.

We love our quiet, tight-knit community to raise our family. Please don't allow building projects to take over our neighborhood! In 2016 a house was built across the street from us and in 2017 the same builder used the lot adjacent to our home to build another home. We will already have a new next door neighbor this year. Please don't allow us to have 120+ more!

My husband, Dilver Del Cid, has his own drywall & finish business and could potentially make money off of these developments, but he would much prefer our neighborhood the way it is now, than get business that turns a safe, quiet neighborhood into a hub of traffic and safety concerns for our family. Anything you can do to help us oppose this project is greatly appreciated.

Thank you for your time.

Jessie Del Cid
(434) 444-0896



Office of the County Administrator

Frank J. Rogers

P.O. Box 100, Rustburg, VA 24588

administration@campbellcountyva.gov

Phone: 434-332-9525; 592-9525; 283-9525

Fax: 434-332-9617

January 19, 2018

Mr. Tom Martin
City Planner
900 Church Street
Lynchburg, Virginia 24504

Dear Mr. Martin:

Thank you for your letter referencing a request from Danny Tyree for property located at 1002 Wood Road and 8129 Timberlake Road. I understand that the request proposes to allow a forty-three (43) unit townhome development. Rather than attend the public hearings and take valuable time from the constituency most immediately affected by this request, I have been asked by the Board of Supervisors to respond in writing.

As you know, the Timberlake corridor is a significant artery for the safe and efficient transit of our citizens as well as a vital commercial corridor for our communities. Campbell County respects the difficult balance that must routinely be struck between working to meet the residential needs of a growing community and providing for commercial and entrepreneurial opportunities and success; all while remaining diligent in our efforts to address issues surrounding traffic safety and congestion.

In recognition of the traffic concerns in the Timberlake area, Lynchburg and Campbell County have recently worked with the Virginia Department of Transportation on a corridor study for Timberlake Road from Waterlick Road to Leesville Road. We are also awaiting improvements to the intersection of Waterlick and Timberlake Roads. The County has very closely scrutinized recent requests in the Timberlake corridor with a careful eye to the possible impact such development may have on existing traffic and safety concerns. This continues to be a matter of great interest to the Board of Supervisors.

The County trusts that the City will continue to weigh these concerns in a manner that best reflects the needs and priorities of your jurisdiction. We too will continue to reflect on impacts that may be experienced along the entirety of the Timberlake corridor as we consider future requests in that area of the County. Thank you for your outreach and invitation to participate. We wish you well as you move forward in your consideration of this project.

Sincerely,

Frank J. Rogers
County Administrator

Copy to: Members, Board of Supervisors

Governing with Vision

to be the most collaborative, professional, value-driven locality in Virginia

www.campbellcountyva.gov

MINUTES OF THE JANUARY 10, 2018 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

Petition of Danny Tyree for a conditional use permit at 1002 Wood Road and 8129 Timberlake Road to allow the construction of a forty-three (43)-unit townhouse development in an R-3, Medium Density Residential and B-3, Community Business District.

Mr. Tom Martin summarized the Planning Commission report. The subject properties are zoned R-3, Medium Density Residential, and B-3, Community Business District. Uses permitted by right in the R-3 district include single-family homes and duplexes, with densities up to 10.89 units per acre. B-3 districts allow a variety of commercial uses and single-family homes by right. Townhome developments require approval of a conditional use permit in both of these districts.

The petition proposes the construction of a 43-unit townhome development with associated parking at a density of 9.64 units per acre, which is below the density allowed by right in the R-3 district. The properties are recommended for Medium Density Residential and Community Commercial uses on the City's *Future Land Use Map (FLUM)*. Medium Density Residential recommends single-family homes, duplexes and townhomes with densities up to 12 units per acre. Community Commercial areas are recommended for varying retail and mixed use developments serving several neighborhoods and up to the entire City.

A traffic study was not required for the development by the City's Transportation Engineer because the project would generate less than the threshold of 50 peak hour trips and 500 daily trips. Wood Road and Mountain View Drive are currently approximately 18 feet in width, which is below the City standard of 24 feet. A traffic signal exists at the intersection of Laxton Road and Timberlake Road, which is accessible to the development from Mountain View Drive. A study of Timberlake Road Corridor is currently being conducted by the Virginia Department of Transportation (VDOT).

Stormwater management is being proposed to be addressed through the use of a detention pond in the southeast corner of the property. Stormwater quality would be addressed by the purchase of offsite nutrient credits.

The City's police and fire departments had no comments of concern. While the site is recommended for higher densities on the *FLUM* and it is reasonable due to its close proximity to commercial areas, access to goods and services without an automobile will be difficult. These issues do currently exist for the entire area and cannot be solved by this developer. Based upon the fact that the development is below the R-3 by-right density and below the *FLUM* density recommendation of 12 units per acre, the Planning Division recommends approval of the conditional use permit.

Section 15.2.2204(c) of the state code requires notification to adjacent localities when an application for a special exception is within a half mile of another locality. This notification was not done to Campbell County within the ten-day notification requirement. While planning staff has spoken with Campbell County and they are aware of the petition, due to this notification error, staff is recommending that the Planning Commission hold the public hearing today and keep it open until January 24, 2018. On that date, the Planning Commission would close the public hearing, have their deliberations and make a recommendation to City Council.

Mr. Norm Walton of Perkins & Orrison was present to represent the petitioner. Mr. Walton reminded them the petitioner is asking for a density less than what is allowed by the Zoning Ordinance (9.64 units per acre as opposed to the 10.9 allowed). There is no business proposed for the B-3 zoned portion. The petitioner feels they are essentially downzoning the B-3 portion because they are going with a residential use as opposed to a commercial use. This allows for less traffic and a less intense use than what could be done by right.

The lower density is due to a more spacious unit. They are not at the minimum width for townhouses. The units will have an architectural façade with a mix of materials and a Craftsman style look. They will have a similar style to units in the Braxton Park area of Cornerstone. The units will be marketed at just under \$200,000. This is not intended to be a student housing project. They intend for the units to be sold as opposed to leased.

The project is small enough that it does not require a traffic study. They know there are traffic issues at the intersection of Laxton Road and Timberlake Road. As Mr. Martin mentioned VDOT is doing a study of the Timberlake Road corridor. Hopefully, some of the traffic issues will be resolved with that traffic study.

They understand this is a very quiet neighborhood. Mr. Tyree grew up in this area. They understand the concerns with what is perceived as an intrusion into this neighborhood. There is a property owner and her heirs that have owned this property for a number of years and would like the opportunity to sell the property. In order to sell it, it will likely have to be developed. The tract does not lend itself to a single-family house.

Mr. Tyree held a neighborhood meeting. Additional screening around the property was brought up and Mr. Tyree is considering it. They showed the screening ending where the property adjoins R-1 property. Several of the residents asked that it be extended to Wood Road and that is being taken under consideration.

Security during construction was discussed at the neighborhood meeting. Containment of trash during construction was also discussed. Traffic during construction, as well as at build out, was discussed. The necessity of townhouses was also discussed at the neighborhood meeting. Mr. Tyree is the developer as well as the contractor, so several of the items discussed can be handled by him personally.

They believe this is the right product and the right project at the right time. Cornerstone is pretty much built out and the townhomes there are pretty much sold out. Wyndhurst is the same. They were fortunate enough to work with the Braxton Park portion of Cornerstone and that has been sold out. They are not aware of any other new townhouse projects coming up on this side of town in the immediate future. Mr. Walton remarked that townhouses are becoming the new starter home. With new regulations on banking and lending, it seems that the price point of these townhouses will give young people starting out the opportunity to own a house in which they can build some equity. Mr. Walton thanked them for listening and indicated he was available to answer any questions.

Vice-Chair Light indicated that since the public hearing is going to remain open until January 24, they will hold their questions until that time. Vice-Chair Light indicated they may ask him to redo his presentation at that time.

Vice-Chair Light asked if there was anyone who wished to speak on behalf of the petition. No one came forward. He asked if there was anyone who wished to speak in opposition of the petition.

Mr. Timothy Brown of 1225 Wood Road came forward to speak. Mr. Brown pointed out that a lot of people use Wood Road and Mountain View Drive as a cut through to bypass Laxton Road. There is a 100 plus student day care center being built in his back yard right across from Bee Drive. The amount of traffic that comes through between Wood Road and Mountain View Drive is going to increase because no one is going to want to go to the light to pick up their children. He has lived there about eight years. Since purchasing his home, he has had a townhouse built next to him, a house built across the street from him and a homeless shelter put in catty corner from him. He has watched the value of his property go down. Despite being taxed a higher appraised rate, he has recently had his home appraised and its value has gone down approximately \$7,000.

Mr. Brown does not think this project is a smart idea because of the issue with people using Wood Road and Mountain View Drive as cut throughs. Their road is one of the last roads cleared during snow events. You hit your brakes on Wood Road and slide right out on to Timberlake Road. He thinks they will see an increase in accidents with increased traffic from this townhouse development and the new day care center.

In response to a question from the public, Vice-Chair Light indicated that the speakers' comments from today will be part of the record and the commissioners that are not present will have a chance to read them. He will leave it up to them to decide if their comments will be more effective today or at the meeting two weeks from now.

A member of the public asked if they could have a show of hands of those opposed. Commissioner Marion indicated she would like to see a show of hands from those opposed. Vice-Chair Light asked for a show of hands from people in agreement with Mr. Brown's comments. Twenty-one people raised their hands.

Mr. George Miklas of 1011 Wood Road came forward to speak. Mr. Miklas indicated that both Wood Road and Mountain View Drive are very narrow. Two delivery trucks cannot pass each other without one of them going into the grass. There are no sidewalks and there are handicapped people that live on this street and use Wood Road regularly to access businesses on Timberlake Road. His son is visually impaired and uses a cane and uses Wood Road. There is a handicapped lady that uses a scooter that uses Wood Road regularly.

There is no traffic enforcement to stop people from shortcutting this corner. If it were not for a utility pole and a fire hydrant in his front yard, tractor trailers would go through his front yard trying to make the turn because they use GPS or Lowes tells them how to bypass the red light. Mr. Miklas remarked that people speed up Wood Road and make the left turn on to Mountain View Drive with little to no care for pedestrians. He is not necessarily opposed to planning and expansion but he has to ask the commission if the facilities of the street manage the traffic from these units?

Mr. Andrew Glover of 1504 Lockwood Drive came forward to speak. He recently bought his home and loves the neighborhood. It is quiet and you get away from the townhouse developments and business districts. There are large yards with very developed trees. He feels like it is safe for his children to play in the yard and ride bikes in the street. They live far enough away from this development that his family will be safe but he has major concerns with the road infrastructure there. Wood Road has already been acknowledged as being less than the desired width by City staff. He echoes the fact that it is used as a major cut through. The plans do not really allow for the increased traffic on Wood Road. There are major concerns with getting in and out of that neighborhood already before you add 43 more housing units. It is going to increase traffic and there is no good way around it.

Mr. Glover has come down Mountain View Drive trying to make a left on to Wood Road and been nearly hit on a number of occasions. This development is going to compound an issue they know already exists at Laxton Road and Timberlake Road and create a further issue at Wood Road and Mountain View Drive. He would suggest a passing lane or some sort of local only access. A traffic light probably would not work but even that would be better. There needs to be consideration to allow traffic, especially when you have construction vehicles. Construction vehicles take up a huge amount of space. He would challenge them to see a tractor trailer and a compact car pass each other on Wood Road. You can't do it.

Ms. Ann Farish of 1000 Wood Road came forward to speak. She wanted to add that Mountain View Drive comes out on to Laxton Road right in front of Brookville High School. There are a lot of inexperienced teenage drivers and it is a high traffic area. There are no other outlets from that neighborhood. This

new development only has one outlet, which could be a safety hazard. She also questions only one dumpster for 43 townhouses.

Ms. Farish also pointed out that she has a shared driveway. She does not see why they need to cut over and make her move her driveway. The builder said he is not required to put a fence or vegetation between his property and her property. She thought that code section 35.1-56, Clustered dwellings, says that it is required and a fence would be her preference. Nine of the townhouses will back right up to her property.

Mr. Byron Woods of 128 Seven Oaks Drive came forward to speak. To him, it seems apparent that the requirements for what can be built on this lot—there is nothing that prevents it. It seems to meet the guidelines for how many units are allowed per acre. In many ways, it seems it would meet the requirements. To him, the biggest problem is that it is apparent to anyone that is trying to go through this intersection or trying to access this neighborhood that traffic is really a problem. If this project is approved, there are going to have to be some changes to the egress to the streets in the area. Part of Mountain View Drive is in Campbell County and part in the City, which will require some coordination between the localities and some tax dollars spent.

There was some discussion about the emails that have been received by the commissioners. Mr. Martin clarified for the commissioners that any emails are considered public and fall under the Freedom of Information Act. They can and should be made part of the public record. The commissioners will send any emails they have received to Ms. Craig and she will compile them for the public record. Mr. Walton asked for copies of the emails as well, so the developer may have a chance to work with the citizens before the next public hearing. Ms. Craig will forward those emails to Mr. Walton and Mr. Tyree.

Mr. Keith Ballingee of 1509 Lockewood Drive came forward to speak. He agrees with the comments that have been made so far and feels their concerns are mainly with traffic. He has lived there for four years. Mr. Ballingee pointed out that there is another development going in on the corner of Wood Road and Lockewood Drive, which will add even more traffic to the area.

Mr. Ballingee mentioned that he contacted the City about a year ago and requested that a dead end street sign be put up at the entrance to Lockewood Drive. He is glad the City put up the sign because there were tractor trailers and construction vehicles that would get to the cul-de-sac and not be able to turn around. Mr. Ballingee said it is a hazard trying to get from Mountain View Drive turning either left or right on to Laxton Road when the high school traffic is high. Mr. Ballingee noted that no one else had mentioned that school busses use Wood Road and Mountain View Drive as well.

There was no one else who wished to speak in opposition to the petition at this time. Vice-Chair Light commented that they welcome their comments and take them very seriously. Their home is probably the most important asset in their life and he understands why they are concerned with how this project will affect them. The public hearing will be continued on January 24, 2018 at 4:00 p.m.

The Department of Community Development

City Hall, Lynchburg, VA 24504 434-455-3900

To: Planning Commission
From: Planning Division
Date: January 10, 2018
Re: **Conditional Use Permit (CUP) – Wood Road Townhomes – 1002 Wood Road and 8129 Timberlake Road**

I. PETITIONER

Danny Tyree, 1542 Fox Ridge Road, Forest, VA 24551

Representative: Mr. Norman B. Walton, Jr., P.E., Perkins & Orrison, 27 Green Hill Drive, Forest, VA 24551

II. LOCATION

The subject property is a tract of approximately four and forty-six hundredths (4.46) acres located at 1002 Wood Road and 8129 Timberlake Road.

Property Owner(s): Jane T. Kiger, 739 Chinook Place, Lynchburg, VA 24502

III. PURPOSE

The purpose of the petition is to allow the construction of a forty-three (43)-unit townhouse development at 1002 Wood Road and 8129 Timberlake Road.

IV. SUMMARY

- The *Comprehensive Plan 2013-2030's Future Land Use Map (FLUM)* recommends a Medium Density Residential and a Community Commercial use for the property.
- Townhouse Developments are a use permitted in R-3, Medium Density Residential District, and B-3, Community Business District, upon approval of a conditional use permit by Council.
- The proposed unit density is nine and sixty-four hundredths (9.64) units per acre.
- The development will increase traffic and is not located where *Comprehensive Plan 2013-2030's* goals for a high quality of life can be provided, yet is in an area recommended for higher density. Considerable improvements, such as sidewalks, transit and road improvements are needed in this area. The need for these improvements already exists and is beyond what could be directly attributable to any single development.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Comprehensive Plan 2013-2030* recommends a Medium Density Residential use for front portion of the property and a Community Commercial use for the rear portion on 8129 Timberlake Road.

Medium Density Residential areas are characterized by “small-lot single-family detached housing, duplexes and townhouses at densities up to 12 units per acre. Where neighborhoods already exist, infill development should be at a compatible density and housing type. In addition to residential uses, they may include public and institutional uses compatible in scale with single family residential homes.” (pg. 72)

Community Commercial areas “contain retail, personal service, entertainment, and restaurant uses that draw customers from at least several neighborhoods, the entire City or the region. Community Commercial areas contain clusters of businesses, often at major intersections, and shopping centers. Most community shopping centers range from 100,000 to 200,000 square feet and serve 40,000 to 70,000 people. Regional shopping centers would be at least as large as Community Commercial ones, 100,000 to 200,000 square feet, possibly larger, if parcels of sufficient size can be found or assembled. They are intended to serve 70,000 to 100,000 people. Office, research and development, and technology development uses may be permitted in Community Commercial areas as long as traffic and other impacts to the community are mitigated. In particular, conversion of existing vacant retail space to these uses may be appropriate in areas where there is sufficient retail to serve the community and space for employment uses is needed. Residential uses may be established on the upper floors of commercial structures or as transitional structures between residential and commercial buildings.” (pgs. 75-76)

The density of the proposed development is under the recommended threshold for Medium Density Residential. It remains under the threshold with the inclusion of the Community Commercial area being used for residential uses. The development would serve as a transition from the more intense uses along Timberlake Road to the residential neighborhood behind.

2. **Zoning.** The subject property was annexed into the City in 1976. The existing zoning was established in 1979. The front portion of the property is zoned R-3, Medium Density Residential District, and the rear portion of the property is zoned B-3, Community Business District.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances are needed for the development of the property as proposed.
4. **Surrounding Area.** There have been several items requiring Council approval in the immediate area:
 - On May 22, 1979, City Council approved the Timberlake Road Land Use Study rezoning a number of properties in the area. One of the subject properties, 8129 Timberlake Road, was rezoned to B-3, Community Business District along with adjacent property: 8123 Timberlake Road to the City limits.
 - On April 13, 1982, City Council approved the CUP petition of Ronnie D. Vaughan to operate a commercial recreation center at 8131 Timberlake Road.
 - On September 11, 1984, City Council approved the petition of D.W.B. Associates to rezone four (4) acres 8117 Timberlake Road from R-1, Low Density, Single-Family Residential District and B-3, Community Business District to B-5C, General Business District (Conditional) to allow the use of the property as a mini-storage facility.
 - On November 13, 2007, City Council denied the petition of S.W. Neal Development Group for a planned unit development consisting of single-household detached homes and townhouses at 1200 and 1202 Wood Road.
5. **Site Description.** The subject property is two (2) tracts containing approximately four and forty-six (4.46) acres. Each property contains one (1) residential structure. The structures will be demolished during the construction of the proposed townhome development.

With the exception of the existing residential structures, the property is undeveloped and covered in woods and meadows. The highest elevation of the property is located on the southern property line and the property slopes from this area in a northeast direction.

The property is bound to the west by existing single-household residences, to the south by Wood Road and single-household residences, to the east by single-household residences and commercial development fronting Timberlake Road, and the north by vacant land extending behind Timberlake Road businesses.

6. **Proposed Use of Property.** The site will be used for a forty-three (43)-unit townhouse development and associated parking as illustrated on the concept plan.
7. **Transportation & Parking.** No traffic study was required as the project is under the threshold of 50 peak hour or 500 daily trips. Both Wood Road and Mountain View Drive are approximately eighteen (18) feet wide, narrower than the City's standard twenty-four (24) foot minimum pavement width. There is an identified crash problem on Timberlake Road, currently under study by the Virginia Department of Transportation (VDOT). Funding will need to be identified based on the recommendations.

The site is not well connected to public transportation. GLTC Route 7 runs once an hour at a stop five hundred (500) feet away on Timberlake Road. The stop is not connected by pedestrian facilities.

The *Zoning Ordinance* requires one (1) parking space per unit; forty-three (43) parking spaces for the development are required. The concept plan indicates a total of one hundred two (102) parking spaces.

8. **Stormwater Management.** A stormwater management plan will be required prior to final site plan approval. The submitted narrative proposes to treat stormwater quality with off-site nutrient credits and stormwater quantity with a detention facility. The onsite facility is located on the northeastern property boundary. The site generally drains north and east as sheet flow onto an adjacent property and is eventually channelized into a tributary of Tomahawk Creek. No channel adequacy is required if the development meets the energy balance equation.
9. **Emergency Services:** The City Fire Marshal provided comments on the original plan pertaining to Site Design Requirements that will be addressed at final site plan review. The City's Police Department had no comments of concern with the petition.
10. **Impact.** Townhouses are permitted by conditional use permit (CUP) in the R-3, Medium Density Residential, and B-3, Community Business, districts. The purpose of this process is to determine whether specific R-3 zoned properties are well suited for such development. The proposed development meets the Future Land Use Map recommendation and abuts commercial development that fronts on Timberlake Road, working as a transition into a neighborhood comprised primarily of single-household residences. While the development is in close proximity to retail areas, Timberlake Road has been designed and built primarily for automobile travel and does not provide the environment for the high quality of life called for in the *Comprehensive Plan*. The lack of pedestrian facilities and limited transit service will make access to goods and services difficult without a car.

The main impact of this development will be an increase in traffic. The development was not large enough to trigger a traffic study and the increase will be minor relative to the volume of traffic currently on Timberlake Road. Wood Road is narrower than the City's

standard, but this condition extends far beyond the development's frontage. Access to a traffic signal on Timberlake Road is available via Mountain View Road to Laxton Road. The concept plan does show sidewalks per the *Zoning Ordinance*, improving safety for pedestrians. The nearby intersection with Timberlake Road is currently under study by Virginia Department of Transportation (VDOT), but funding will need to be identified based on what the study recommends.

While the Planning Division does have concerns about traffic and meeting quality of life goals of the *Comprehensive Plan*, these issues need to be addressed outside of this site. Timberlake and Wood Road need considerable improvements to mitigate these, more than any one development should be held responsible. The development is within density levels allowed by the *Zoning Ordinance* and recommended by the *Comprehensive Plan* and provides a transition from Timberlake Road to the adjacent neighborhood.

11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the conditional use permit on October 31, 2017. Comments have or will be addressed by the petitioner 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 the petition of Danny Tyree for a conditional use permit at 1002 Wood Road and 8129 Timberlake Road to allow the construction of a forty-three (43) unit townhouse development subject to the following conditions:

1. **The property will be developed in substantial compliance with the concept plan entitled “Wood Road Townhomes Conditional Use Plan” as prepared by Perkins & Orrison dated October 17, 2017 and revised December 28, 2017.**

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Ms. Bonnie M. Svrcek, City Manager
Mr. Charles Hartgrove, Deputy City Manager
Mr. Walter C. Erwin, City Attorney
Mr. Kent L. White, Director of Community Development
Mr. J. Lee Newland, City Engineer
Mr. Don DeBerry, Transportation Engineer
Ms. Cynthia Kozerow, Lynchburg Police Department
Captain Thomas Goode, Fire Marshal
Mr. Doug Saunders, Building Official
Mr. Kevin Henry, Zoning Administrator
Mr. Danny Tyree, Petitioner
Mr. Norman Walton, Representative

VII. ATTACHMENTS

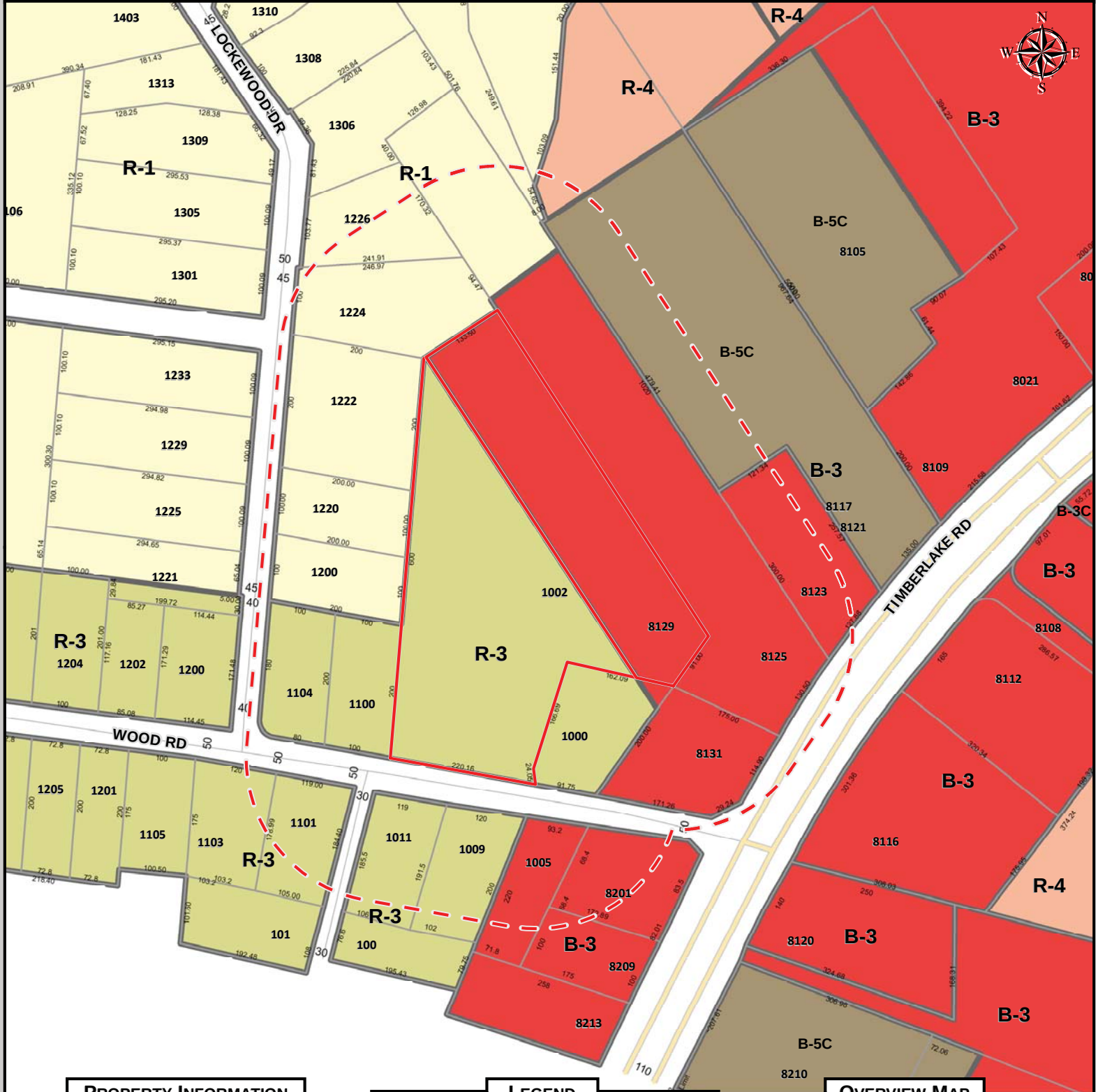
- 1. Zoning Map with Adjoining Property Owners**
- 2. Future Land Use Map**
- 3. Watershed Map**
- 4. Planimetric and Topographic Map**
- 5. Concept Plan**
- 6. Narrative**
- 7. Property Photograph**

Zoning Map

WOOD ROAD TOWNHOMES

Conditional Use Permit Request

Danny Tyree



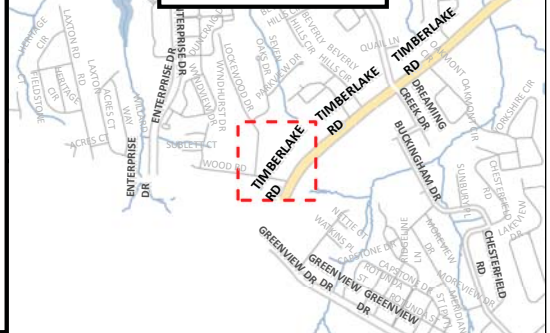
PROPERTY INFORMATION

PARCEL ID	ADDRESS
25303001	1002 WOOD RD
25303003	8129 TIMBERLAKE RD

LEGEND

 	Subject Property
 	215' Buffer
	B-1
	B-2
	B-3
	B-4
	B-5
	B-6
	I-1
	I-2
	I-3
	R-1
	R-2
	R-3
	R-4
	R-5
	R-C
	IN-1
	IN-2

OVERVIEW MAP



MAP SCALE: 1" = 200' DATE PRINTED: 1/3/2018

DISCLAIMER: THIS MAP IS NEITHER A LEGALLY RECORDED MAP NOR A SURVEY AND IS NOT INTENDED TO BE USED AS SUCH. THE INFORMATION DISPLAYED IS A COMPILATION OF RECORDS, INFORMATION, AND DATA OBTAINED FROM VARIOUS SOURCES. THE CITY OF LYNCHBURG IS NOT RESPONSIBLE FOR ITS ACCURACY OR HOW CURRENT IT MAY BE.

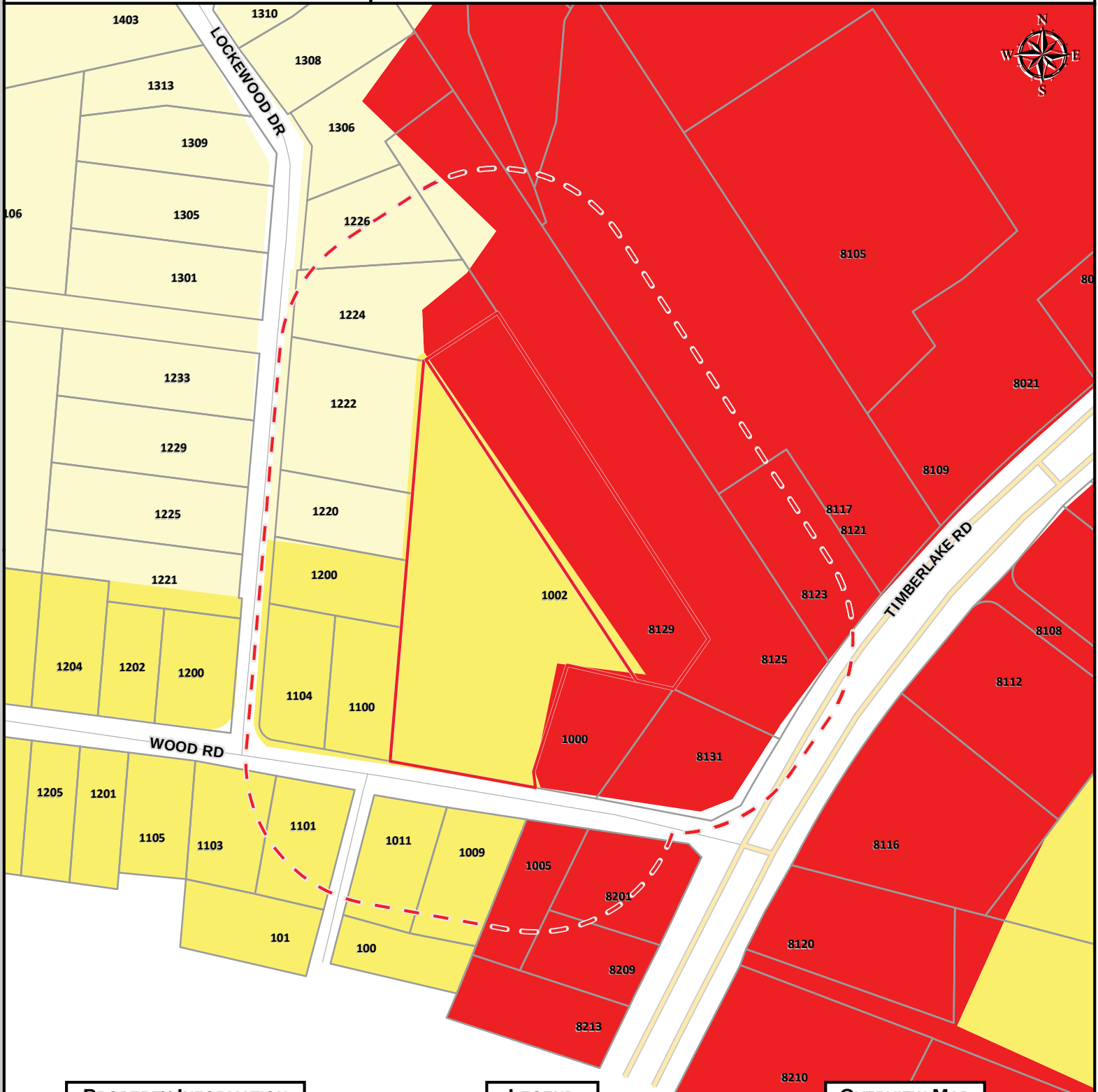
Parcel ID	Address	Owner
25303005	8125 TIMBERLAKE RD	ARTHURS FLOWER CART INC
25304006	1220 LOCKEWOOD DR	BASS, NATHAN D & BASS, ELISABETH A
25302003	8123 TIMBERLAKE RD	BV 151 LLC
25304003	1226 LOCKEWOOD DR	CASADIDIO, DOLLY L
25304009	1100 WOOD RD	COLLINS, LINDA W & TRAVIS G
25304007	1200 LOCKEWOOD DR	DAUGHERTY, HARVEY L JR & JUANITA R
25311003	1103 WOOD RD	GOUGH, DAVID G & LEIGH C
25310002	8209 TIMBERLAKE RD	HARTLESS, KAYE M
25304005	1222 LOCKEWOOD DR	HARTMAN, RUSSELL B JR & PAULA M
25302005	103 SEVEN OAKS DR	HUTCHERSON, HUGH P & KARYN B
25303003	8129 TIMBERLAKE RD	KIGER, JANE T
25303001	1002 WOOD RD	KIGER, JANE T
25311002	1101 WOOD RD	LACY, DAVID M
25310005	1009 WOOD RD	LLOYD, CHRISTOPHER L SR
25304004	1224 LOCKEWOOD DR	LOCKEWOOD INVESTMENT TRUST
25310006	1011 WOOD RD	MIKLAS, GEORGE W & JODI L
25310001	8201 TIMBERLAKE RD	SPIRIT SPE PORTFOLIO CA C-STORES LLC
25302002	8117 TIMBERLAKE RD	SS 8117 TIMBERLAKE ROAD LLC
25303004	8131 TIMBERLAKE RD	TACOMA INC
25310004	1005 WOOD RD	VEST, DIANE S
25303002	1000 WOOD RD	VIA, ANN W
25302004	101 SEVEN OAKS DR	WEST, FELICIA D
25304008	1104 WOOD RD	WRIGHT, DANA V

FLUM Map

WOOD ROAD TOWNHOMES

Conditional Use Permit Request

Danny Tyree



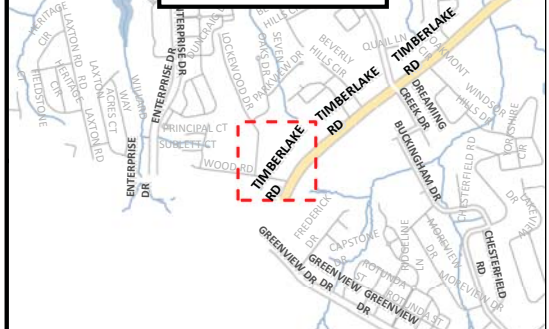
PROPERTY INFORMATION

PARCEL ID	ADDRESS
25303001	1002 WOOD RD
25303003	8129 TIMBERLAKE RD

LEGEND

- | | |
|----------------------------|-----------------------|
| Local Historic District | Employment 1 |
| Traditional Residential | Employment 2 |
| Low Density Residential | Downtown |
| Medium Density Residential | Institution |
| High Density Residential | Public Use |
| Neighborhood Commercial | Public Parks |
| Community Commercial | Resource Conservation |
| | Mixed Use |

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 1/3/2018

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Watershed Map

WOOD ROAD TOWNHOMES

Conditional Use Permit Request

Danny Tyree



Pictometry/EagleView - City of Lynchburg - GIS Office - 434.455.3961 - [cityoflynchburgva.gov](http://www.cityoflynchburgva.gov)

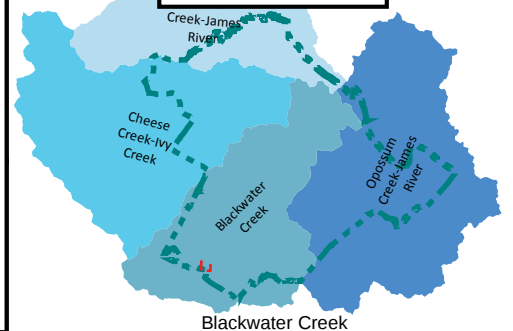
PROPERTY INFORMATION

PARCEL ID	ADDRESS
25303001	1002 WOOD RD
25303003	8129 TIMBERLAKE RD

LEGEND

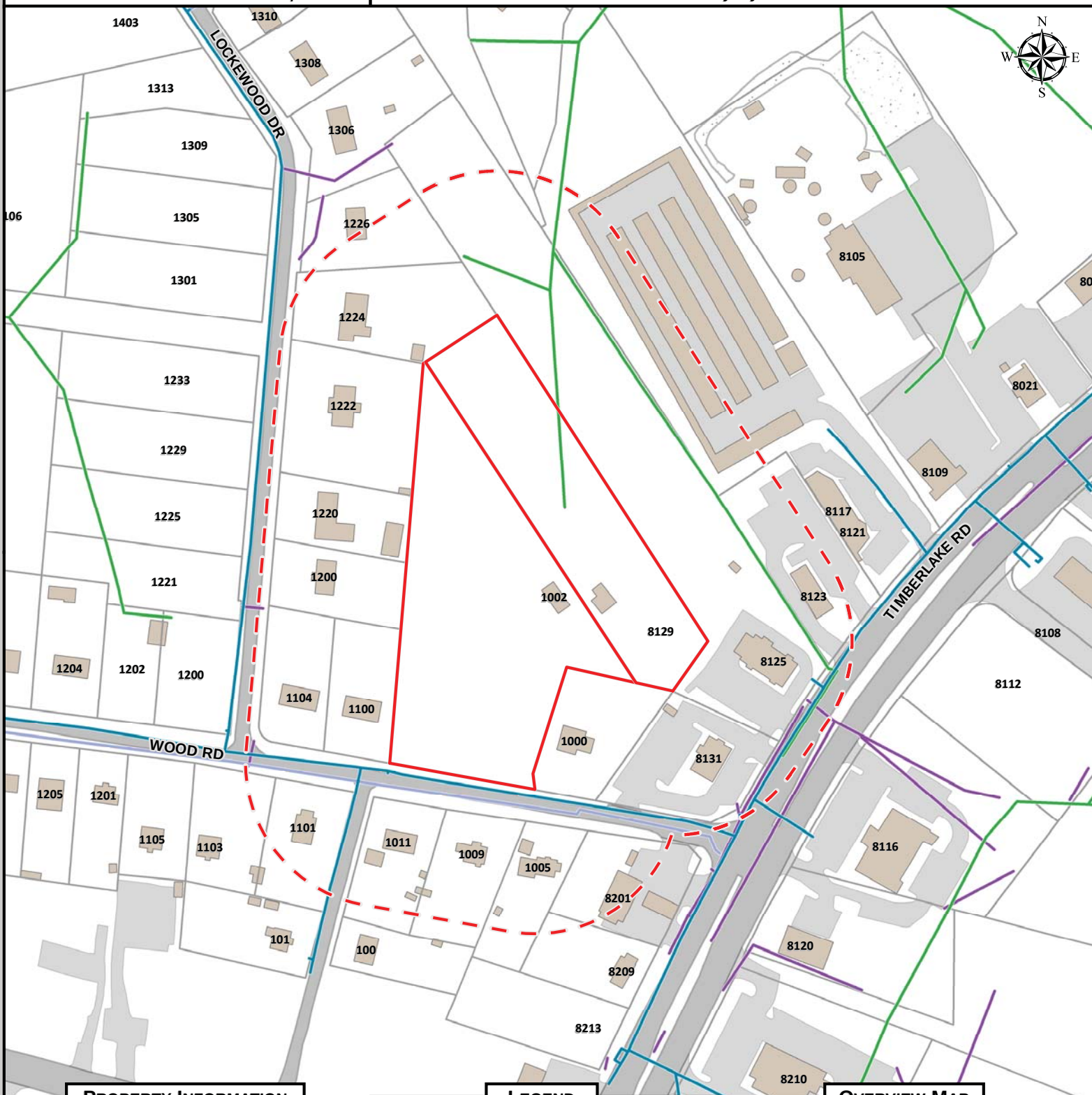
- Subject Property
- Base Flood Elevation
- Floodway
- Floodzone
- River / Lake / Stream

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 1/3/2018

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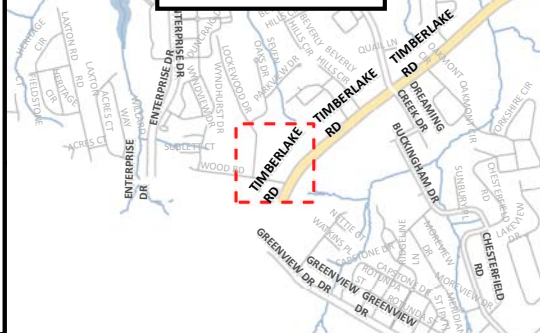
PROPERTY INFORMATION

PARCEL ID	ADDRESS
25303001	1002 WOOD RD
25303003	8129 TIMBERLAKE RD

LEGEND

	Active	Proposed	Abandoned
Utilities			
Water			
Sanitary			
Storm			
Planimetrics			
Structure			
Roadway			
Parking			
Sidewalk			
Driveway			
Topography			
Contour			

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 1/3/2018

DEVELOPER
DANNY TYREE
1542 FOX RIDGE ROAD
FOREST VA, 24551
434-665-7050

TM# 253-03-001 & 253-03-003
1002 WOOD ROAD & 6129 TIMBERLAKE ROAD
ZONING: R-3 & B-3

NOTES:

1. THE PURPOSE OF THIS PLAN IS TO SHOW A PRELIMINARY LAYOUT FOR A CONDITIONAL USE PERMIT. THIS CONDITIONAL USE PERMIT IS TO ALLOW TOWNHOMES ON PARCELS ZONED R-3 & B-3. NO REVISION TO THE PLUM IS REQUESTED. THE ACTUAL LAYOUT MAY CHANGE WHEN ACTUAL CONSTRUCTION PLANS ARE SUBMITTED TO THE CITY FOR REVIEW, BUT SHALL REMAIN IN GENERAL CONFORMANCE TO THIS PLAN.
2. ANY INCREASE IN IMPERVIOUS AREA WILL BE ATTENUATED VIA THE STORMWATER MANAGEMENT FOND PROPOSED ON THIS SITE. QUALITY REQUIREMENTS WILL BE MET BY THE PURCHASE OF CREDITS, AND QUANTITY WILL BE MET BY THE USE OF A DETENTION POND. QUALITY AND QUANTITY WILL BE ANALYZED BY PART IIB CRITERIA.
3. THE PROPERTY SHOWN HEREON IS NOT WITHIN A FEMA 100 YEAR FLOOD PLAIN, SEE PANEL# 5100930101D, UNSHADED ZONE "X", DATED JUNE 3, 2006.
4. LANDSCAPING WILL BE PROPOSED PER THE CITY OF LYNCHBURG'S LANDSCAPE ORDINANCE. LANDSCAPING SHOWN HEREIN IS SHOWN TO BE IN CONFORMANCE WITH THE LANDSCAPING ORDINANCE.
5. EROSION AND SEDIMENT CONTROL MEASURES WILL BE USED IN ACCORDANCE WITH THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK. E&S ARE NOT SHOWN ON THIS PLAN, BUT WILL BE INCLUDED WITH THE ACTUAL SITE PLAN WHEN SUBMITTED.
6. THE DEVELOPER IS RESPONSIBLE FOR OBTAINING ALL NECESSARY STATE, FEDERAL, AND LOCAL PERMITS REQUIRED FOR THE DEVELOPMENT OF THIS SITE.
7. THIS SITE WILL BE SERVED BY PUBLIC WATER & SANITARY SEWER.
8. ACREAGE IS 4.46± AC.
9. SITE DENSITY IS CALCULATED TO BE 9.64 UNITS PER AC (43 UNITS / 4.46 AC)
10. BEARINGS AND DISTANCES PER PLAT ENTITLED "PLAT SHOWING RE-SURVEY FOR AVERILLE B. TEMPLES CITY OF LYNCHBURG, VIRGINIA" DATED 01/10/2011 BY PERKINS & ORRISON.
11. TOWNHOUSES SHALL BE SERVED BY PUBLIC WATER AND SEWER AND SHALL HAVE INDIVIDUAL CONNECTIONS TO EACH PARCEL.
12. APPROXIMATELY 3.3 AC SHALL BE DISTURBED. A V&M IS REQUIRED.
13. BUILDINGS ARE TO BE 2 STORY WITH A MAXIMUM HEIGHT OF 27'.
14. EXISTING BUILDINGS ARE TO BE DEMOLISHED.

LINE TABLE		
LINE	LENGTH	BEARING
L1	13.85'	N55°04'57"E
L2	24.10'	S08°23'47"E

SITE NOTES:

1. SETBACKS:
R-3 SEMI-DETACHED DWELLINGS
FRONT: 30'
SIDE: 8'
REAR: 30'
MIN LOT SIZE: 4,000 SF
MIN STREET FRONTAGE: 30'
MIN LOT WIDTH AT BUILDING LINE: 30'

PARKING CALCS:

REQ'D:
1 SPACE PER UNIT

REQUIRED:
42 SPACES

PROVIDED:
102 SPACES INCLUDING 5 HC

SHEET INDEX:

SHEET	SHEET NO.	SHEET TITLE
C-100	1 OF 5	COVER SHEET
C-101	2 OF 5	SITE LAYOUT
C-102	3 OF 5	GRADING PLAN
C-103	4 OF 5	LANDSCAPE PLAN

WOOD ROAD TOWNHOMES

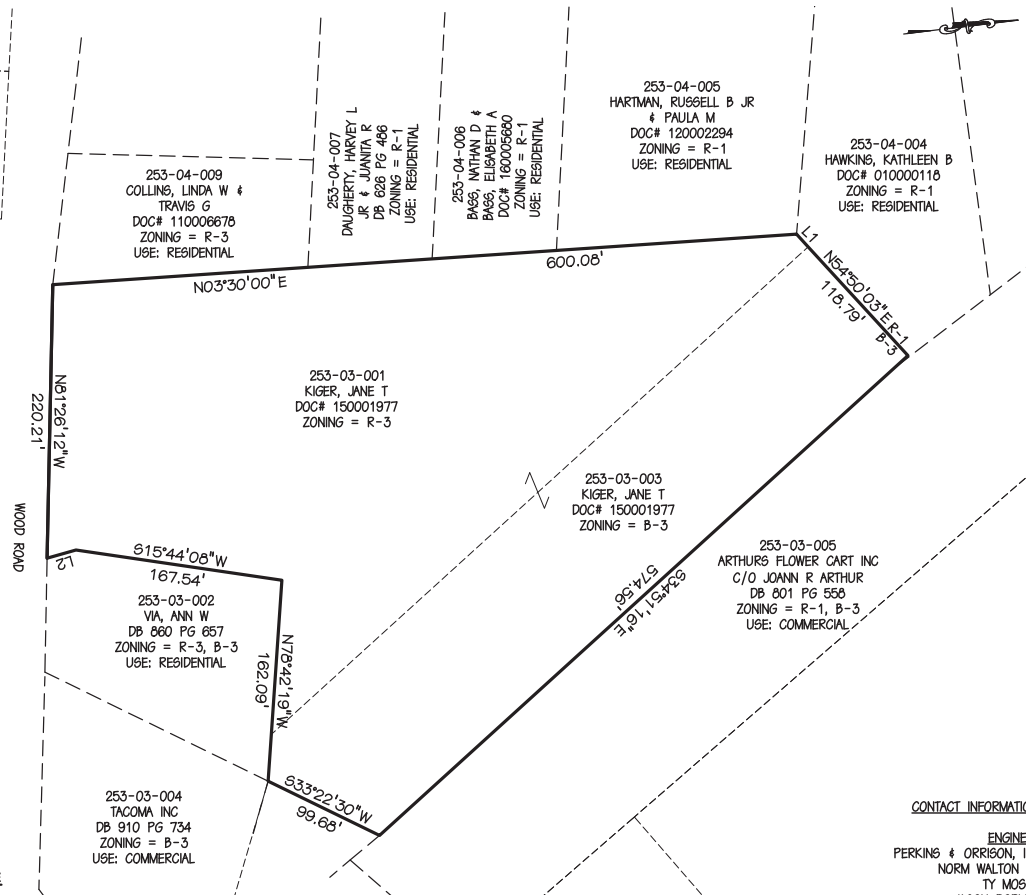
CONDITIONAL USE PLAN

CITY OF LYNCHBURG, VIRGINIA

43 UNITS



VICINITY MAP
1" = 1000'



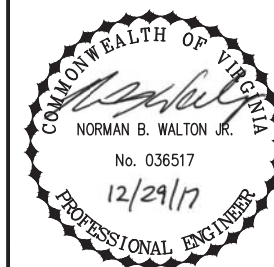
CONTACT INFORMATION:

ENGINEER
PERKINS & ORRISON, INC
NORM WALTON PE
TY MOSBY
JASON DORMAN
434-525-5965
N.WALTON@PERKINS-ORRISON.COM
T.MOSBY@PERKINS-ORRISON.COM
J.DORMAN@PERKINS-ORRISON.COM



PO BOX 1567 17 W. NELSON STREET
LEXINGTON, VIRGINIA 24450
PHONE: 540-464-9001 FAX: 540-464-5009
EMAIL: PNO@PERKINS-ORRISON.COM

27 GREEN HILL DRIVE
FOREST, VIRGINIA 24551
PHONE: 434-525-5985 FAX: 434-525-5986



JOB:

WOOD ROAD TOWNHOMES
CONDITIONAL USE PLAN

LYNCHBURG, VA

CLIENT:

DANNY TYREE

MARK	DATE	DESCRIPTION
2	12/28/17	PER CITY COMMENTS
1	12/05/17	PER CITY COMMENTS

MARK DATE DESCRIPTION

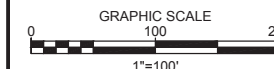
ISSUE: 10/17/17

CONTOUR INTERVAL: 2'

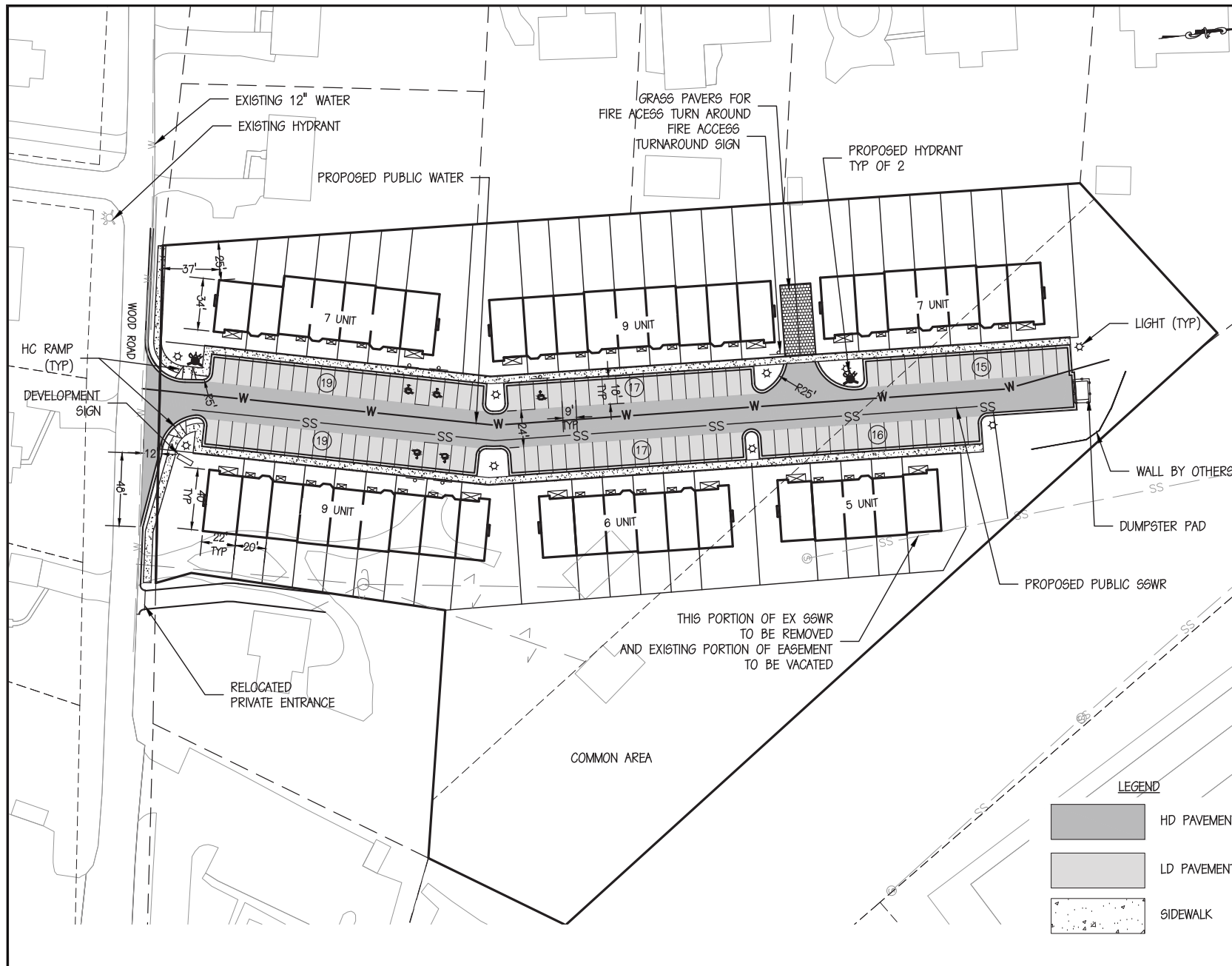
DRAWN BY: RTM/MJD

CHECKED BY: RTM/NBW

COVER SHEET

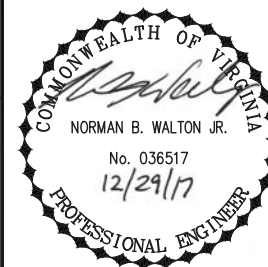


JOB NO 17224 SHEET NO 1 OF 4



PO BOX 1567 17 W. NELSON STREET
LEXINGTON, VIRGINIA 24450
PHONE: 540-464-9001 FAX: 540-464-5009
EMAIL: PNO@PERKINS-ORRISON.COM

27 GREEN HILL DRIVE
FOREST, VIRGINIA 24551
PHONE: 434-525-5985 FAX: 434-525-5986



JOB:
**WOOD ROAD TOWNHOMES
CONDITIONAL USE PLAN**

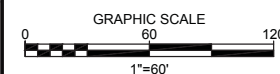
LYNCHBURG, VA

CLIENT:
DANNY TYREE

MARK	DATE	DESCRIPTION
2	12/26/17	PER CITY COMMENTS
1	12/05/17	PER CITY COMMENTS

ISSUE: 10/17/17
CONTOUR INTERVAL: 2'
DRAWN BY: RTM/MJD
CHECKED BY: RTM/NBW

SITE LAYOUT



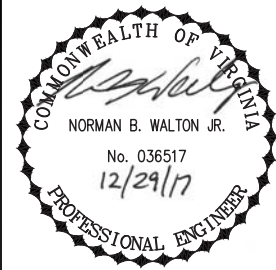
JOB NO 17224 SHEET NO 2 OF 4

P:\2017\17224-WOOD RD TOWNHOMES.dwg C-CUP-17224.dwg 12/29/2017 6:37 AM



PO BOX 1567 17 W. NELSON STREET
 LEXINGTON, VIRGINIA 24450
 PHONE: 540-464-9001 FAX: 540-464-5009
 EMAIL: PNO@PERKINS-ORRISON.COM

27 GREEN HILL DRIVE
 FOREST, VIRGINIA 24551
 PHONE: 434-525-5985 FAX: 434-525-5986

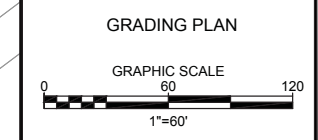


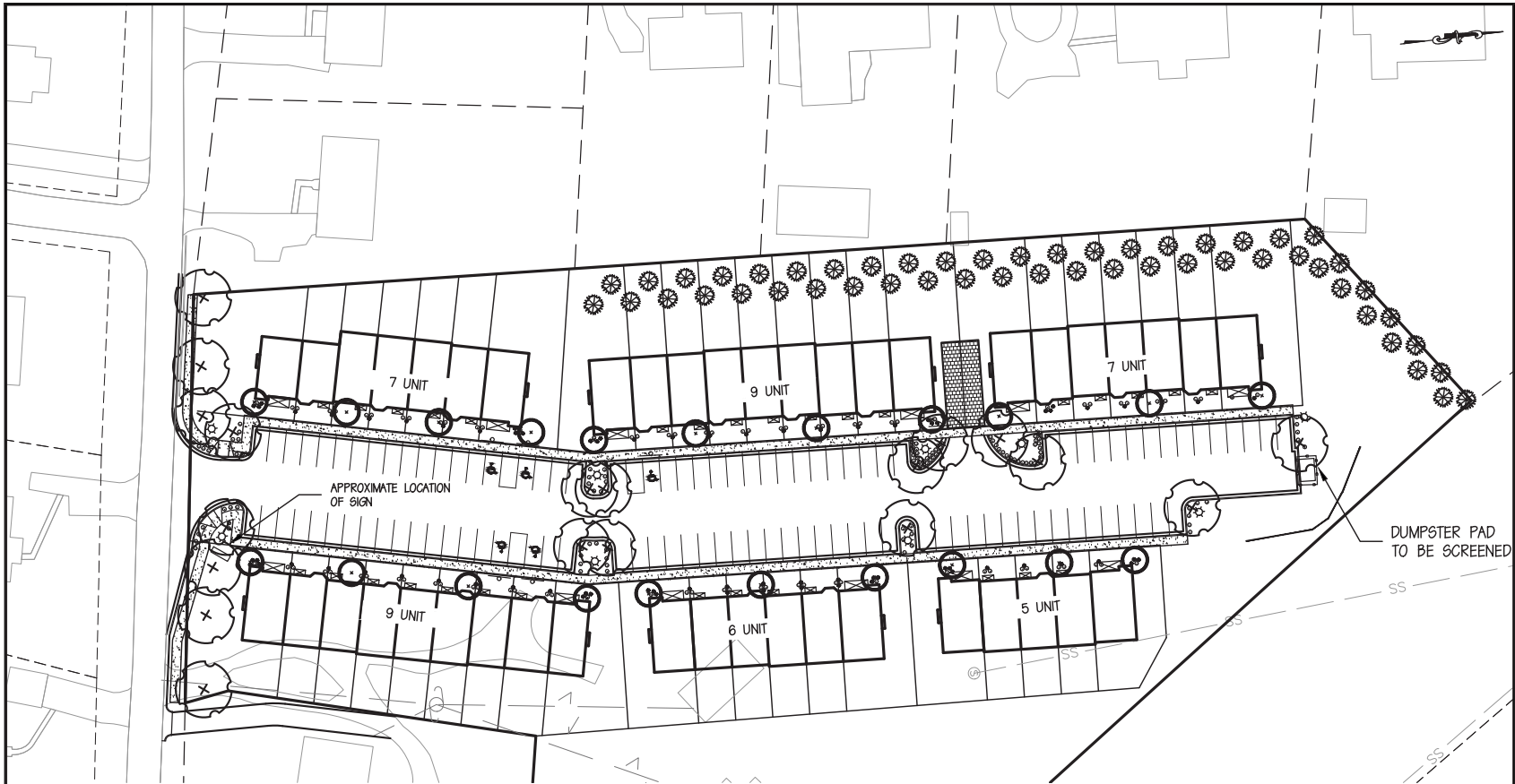
JOB:
WOOD ROAD TOWNHOMES
CONDITIONAL USE PLAN

LYNCHBURG, VA

CLIENT:
DANNY TYREE

2	12/26/17	PER CITY COMMENTS
1	12/05/17	PER CITY COMMENTS
MARK	DATE	DESCRIPTION
ISSUE:		10/17/17
CONTOUR INTERVAL:		2'
DRAWN BY:		RTM/MJD
CHECKED BY:		RTM/NBW



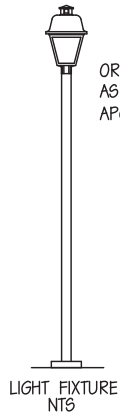


PARKING AREA LANDSCAPING: 103 PROPOSED SPACES
 1 SHADE TREE / 5 SPACES = 13 TREES REQUIRED / 13 TREES PROVIDED
 1 MEDIUM SHRUB / 1 PARKING SPACE = 103 SHRUBS REQUIRED / 106 SHRUBS PROVIDED

STREET TREES:
 WOOD RD - 220 LF FRONTAGE / 40 = 6 TREES REQUIRED
 6 EXISTING TREES PROVIDED

FOUNDATION PLANTINGS:
 740 LF OF FRONTAGE
 1 TREE PER 50 LF = 15 TREES REQUIRED
 21 TREES PROVIDED
 1 MEDIUM SHRUB PER 10 LF = 74 MEDIUM SHRUBS REQUIRED
 83 MEDIUM SHRUBS PROVIDED
 1 SMALL SHRUB PER 10 LF = 74 SMALL SHRUBS REQUIRED
 74 SMALL SHRUBS PROVIDED

UTILITY SCREENING:
 FENCING PROVIDED FOR DUMPSTER PAD



ORNAMENTAL LIGHT FIXTURE
 AS AVAILABLE THROUGH
 APCO/AEP OR EQUAL.

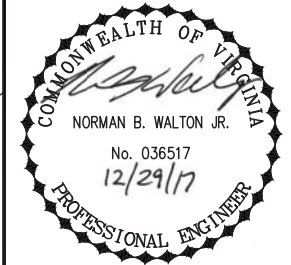
LANDSCAPE LEGEND

	SYM	QUANTITY	BOTANIC NAME	COMMON NAME	PLANTING SIZE	REMARKS
A	☉	19	ACER RUBRUM 'OCTOBER GLORY'	OCTOBER GLORY MAPLE	1 1/2" CAL. MIN	SHADE TREE
B	☉	21	LAGERSTROEMIA INDICA 'TUSCARORA'	TUSCARORA GRAPE MYRTLE	6'-10' HT.	ORNAMENTAL TREE
C	☉	189	ABELIA X GRANDIFLORA 'EDWARD GOUCHER'	EDWARD GOUCHER ABELIA	3 GAL, 2' MIN HT.	MED SHRUB
D	☉	74	AZALEA 'GUMPO WHITE'	GUMPO WHITE AZALEA	3 GAL, 1' MIN HT.	SMALL SHRUB
E	☉	52	CUPRESSUS X LEYLANDII	LEYLAND CYPRESS	4-5' MIN HT.	L. EVERGREEN



PO BOX 1567 17 W. NELSON STREET
 LEXINGTON, VIRGINIA 24450
 PHONE: 540-464-9001 FAX: 540-464-5009
 EMAIL: PNO@PERKINS-ORRISON.COM

27 GREEN HILL DRIVE
 FOREST, VIRGINIA 24551
 PHONE: 434-525-5985 FAX: 434-525-5986



JOB:
**WOOD ROAD TOWNHOMES
 CONDITIONAL USE PLAN**

LYNCHBURG, VA

CLIENT:
DANNY TYREE

MARK	DATE	DESCRIPTION
2	12/28/17	PER CITY COMMENTS
1	12/05/17	PER CITY COMMENTS

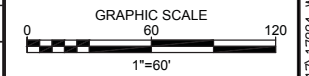
ISSUE: 10/17/17

CONTOUR INTERVAL: 2'

DRAWN BY: RTM/MJD

CHECKED BY: RTM/NBW

LANDSCAPE PLAN



JOB NO 17224 SHEET NO 4 OF 4

Lexington

Wes Perkins, LS
Russ Orrison, PE, LS
Pierson Hotchkiss, LS
Gavin Worley, PE

**Lynchburg**

Kenneth Knott, LS
Norman Walton, PE
Aaron Dooley, LS

October 16, 2017

Tom Martin
City of Lynchburg
900 Church Street
Lynchburg, VA 24502

RE: Conditional Use Permit Request Narrative
Woods Road Townhomes
1002 Wood Road, 8129 Timberlake Road
Lynchburg, Va.

Dear Mr. Martin

On behalf of the owner/developer, I offer this letter as a narrative or description of the project.

The proposed development is a 44 unit Townhome project. The property is zoned R-3 and B-3. Townhomes are allowed in both R-3 and B-3 with a conditional use permit. The CUP is for 4.46 Acres. The Future Land Use Map shows the area as Medium Density Residential and Community Commercial. Townhomes are allowed in Medium Density Residential. Residential uses are allowed as transitions between residential and commercial. No revision to the Future Land Use Map is requested.

Currently the development plan is to develop 4.46 acres, with 44 townhouse units, yielding 9.87 units per acre. The R-3 zoning allows for 10.89 units per acre. The comprehensive plan and the Future Land Use Map show this area to be Medium Density Residential, allowing for 12 units per acre.

An entrance is proposed at Wood Road. Due to the small nature of the project, a traffic study is not required. Per discussion with the City Traffic Engineer, a right turn taper will be provided. This taper is shown on the plans.

The water system for the townhouse development will connect to the existing 12" City of Lynchburg public water line located in Wood Road. A public water line will be extended into the project. Individual meters will be set for each townhome.

PERKINS & ORRISON

17 W. Nelson Street · P.O. Box 1567
Lexington, Virginia 24450

27 Green Hill Drive
Forest, Virginia 24551

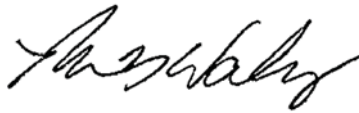
The sanitary sewer system will connect to the existing 8" public City of Lynchburg public sewer main located at the rear of the project. A public sewer line will be extended into the project. Individual clean outs will be set for each townhome.

Water Quantity will be handled by a stormwater detention facility designed per the stormwater regulations releasing the 1 year storm via the energy balance, and releasing the 10 year storm at or below the pre-development rates. With this design, no downstream adequacy study is required. Water quality will be handled by the purchase of nutrient credits.

The owner/developer currently offers no proffers with this request.

Should you have any questions regarding this information, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Norman B. Walton, Jr.", written in a cursive style.

Norman B. Walton, Jr., P.E.
Perkins & Orrison, Inc.

PERKINS & ORRISON

17 W. Nelson Street · P.O. Box 1567
Lexington, Virginia 24450

27 Green Hill Drive
Forest, Virginia 24551

540-464-9001 Fax: 540-464-5009

Email: pno@perkins-orrison.com

434-525-5985 Fax: 434-525-5986



**1002 Wood Road and 8129 Timberlake Road
Rezoning - Public Hearing
January 10, 2018**

PLEASE PRINT[illegible]

**1002 Wood Road and 8129 Timberlake Road
Rezoning - Public Hearing
January 24, 2018**

PLEASE PRINT[illegible]

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **February 13, 2018**

AGENDA ITEM #: **10**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Private street renaming: Liberty Mountain Drive to Regents Parkway

KEY ELEMENTS:

___Economic Development ___Excellent Government **X** Natural and Built Environment **X** Safe Community ___Vibrant Community

RECOMMENDATION: Rename the street as proposed.

SUMMARY: Liberty University has submitted an application to rename a portion of Liberty Mountain Drive to Regents Parkway. This portion of the street is private. The purpose of the renaming is to provide continuity with the future relocation of Regents Parkway.

PRIOR ACTION(S):

December 15, 2017: The Technical Review Committee (TRC) reviewed the petition and had no concerns.

January 10, 2017: Planning Commission reviewed the request and had no concerns.

FISCAL IMPACT: None

CONTACT(S):

Rachel Frischeisen, Planner – 434-455-3900
Kent White, Community Development Director – 434-455-3900

ATTACHMENT(S):

- Resolution
- Planning Commission Minutes – January 10, 2018
- Map showing portion of Liberty Mountain Drive to be renamed to Regents Parkway

REVIEWED BY: bms

RESOLUTION:

A RESOLUTION APPROVING THE RENAMING OF THE 2300 BLOCK OF LIBERTY MOUNTAIN DRIVE.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the 2300 block of Liberty Mountain Drive is hereby changed to Regents Parkway.

Adopted:

Certified:

Clerk of Council

016K

MINUTES OF THE JANUARY 10, 2018 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

Portion of Liberty Mountain Drive to Regents Parkway:

Ms. Rachel Frischeisen summarized the Planning Commission report for the commissioners. She explained that this item is for their comment only and does not require a motion or vote. After hearing the report, the commissioners did not have any comments or concerns with the street renaming and were in consensus that it should be forwarded to City Council for its consideration.

APPLICATION FOR THE RENAMING OF

a portion of Liberty Mountain Drive
(Current Street Name)

LOCATED BETWEEN

Liberty University and Campbell County (See attached map.)

The undersigned applicant, Liberty University, pursuant to the provisions of Section 24.1-6 of the City Code, 1959, as amended, respectfully makes application to the City of Lynchburg for the naming of Regents Parkway, formerly known as Liberty Mountain Drive.

The applicant further requests the Lynchburg Physical Development Committee (PDC) to review and provide comment to the City Council on the proposed street naming request in the City Manager's Conference Room, 3rd floor, 900 Church Street, Lynchburg, Virginia, on December 13, 2017, 8:00 A.M., or as soon thereafter as the matter may be heard.

Given under my hand this 16, day of November 2017.



Applicant Signature

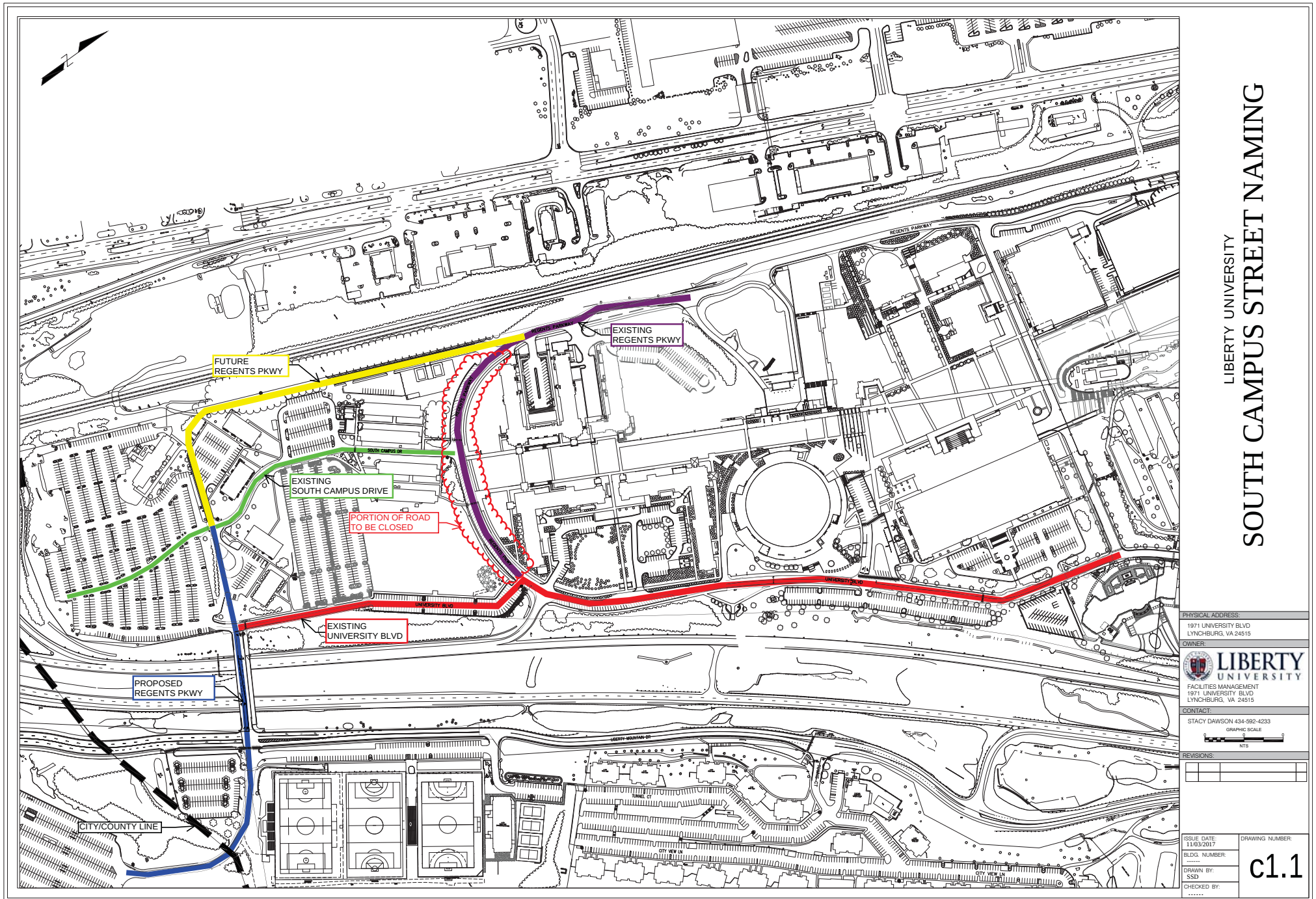
1971 University Blvd.

Lynchburg, VA 24515

Address

434.592.3077

Telephone Number



LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **February 13, 2018**

AGENDA ITEM #: **11**

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

ACTION: **X**

INFORMATION:

(Confidential)

ITEM TITLE: Appropriation of Fund Balance from FY 2017 Unexpended Schools Operating Fund

KEY ELEMENTS:

___Economic Development ___X_Excellent Government ___Natural and Built Environment ___Safe Community ___Vibrant Community

RECOMMENDATION: Adopt a resolution to amend the FY 2018 General Fund budget and authorize \$426,317 with resources from unexpended FY 2017 Schools Operating Fund appropriations to increase the Schools Health Insurance Reserve.

SUMMARY: This action is requested in accordance with an agreement signed by the Lynchburg City Council and the Lynchburg City School Board dated December 14, 1993. This agreement provides for the creation and maintenance of a Schools Operating Fund fund balance for "the purpose of underwriting any occasional shortfalls from the various budgetary categories of direct State funding support as well as other applications, all based upon the required expenditure approval of the School Board."

PRIOR ACTION(S): December 14, 1993 Agreement with Schools regarding the Return of Fund Balance.

FISCAL IMPACT: \$426,317 increase to the General Fund for the Schools Health Insurance Reserve.

CONTACT(S): Donna S. Witt, Director of Financial Services, 455-3968

Dr. Larry A. Massie, Interim Superintendent, Lynchburg City Schools, 515-5070

Anthony Beckles, Chief Financial Officer, Lynchburg City Schools, 515-5010

ATTACHMENT(S): Resolution

Request from Dr. Larry Massie, Interim Superintendent, dated January 26, 2018

Letter of Agreement between Lynchburg City Council and Lynchburg Board of School Trustees, dated December 20, 1993

REVIEWED BY: bms

RESOLUTION:

BE IT RESOLVED that the FY 2018 General Fund budget is amended and \$426,317 is authorized to increase the Schools Health Insurance Reserve.

Introduced:

Adopted:

Certified:

Clerk of Council

017K



LYNCHBURG CITY SCHOOLS

SCHOOL ADMINISTRATION BUILDING

915 Court Street
Post Office Box 2497
Lynchburg, VA 24505-2497
www.lcsedu.net

January 26, 2018

Mrs. Bonnie Svrcek
City Manager
City of Lynchburg
900 Church Street
Lynchburg, Virginia 24504

Dear Mrs. Svrcek:

On January 16, 2018, the school board approved the school administration's request to use the FY2017 fund balance in the amount of \$426,317 to replenish the school division's Health Insurance Reserve. This letter is to request that those funds be placed in the Health Insurance Reserve for future use.

Sincerely,

Larry A. Massie, Ed.D.
Acting Superintendent

LAM/wis

cc: Members, Lynchburg City School Board
Anthony E. Beckles, Sr., Chief Financial Officer

LETTER OF AGREEMENT

BETWEEN LYNCHBURG CITY COUNCIL

AND LYNCHBURG BOARD OF SCHOOL TRUSTEES

In accordance with the attached, duly-adopted Resolution, the Lynchburg City Council and the Lynchburg Board of School Trustees hereby agree that the creation and maintenance of a School Operating Fund Balance is desirable to the long-range financial interests of both entities and, even more importantly, to the citizens and the community which both bodies represent. Accordingly, the City Council supports such approach by indicating its willingness to reappropriate to such Fund Balance any duly-budgeted, non-debt service local funding which the Schools manage to avoid spending by the close of each fiscal year. Similarly, the School Board expresses its intention of continuing to exercise cautiousness in the expenditure of all budgeted, appropriated local funding to the Schools, and further understands that any such unexpended, non-debt service monies would become part of a Schools Operating Fund Balance.

The separate, above-mentioned Fund Balance would be maintained in the accounting records of the Lynchburg City Schools for the purpose of underwriting any occasional shortfalls from any of the various budgetary categories of direct State funding support as well as other applications, all based upon the required expenditure approval of the School Board. For informational purposes, the Lynchburg City School Board would advise City Council annually as to amount of funding in such School Operating Fund Balance as of July 1 of each fiscal year; and such information would be reflected in the overall financial information of the City of Lynchburg along with other customary fiscal data for the Lynchburg City Schools.

Based upon this understanding, the creation of the above-referenced Fund Balance would occur promptly and would include any unexpended, duly-budgeted, non-debt service local funding at the close of the current 1992-1993 fiscal year. It is understood that such practice would remain active in the years thereafter.

Lynchburg City Council

By:

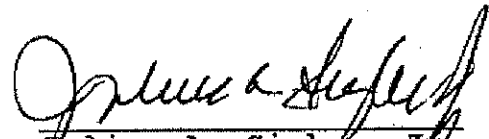

Julian R. Adams
Mayor

Date:

12/14/93

Lynchburg City School Board

By:


Julius A. Sigler, Jr.
Chairman

Date:

December 20, 1993

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **February 13, 2018**

AGENDA ITEM #: **12**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Virginia Department of Transportation Land Use Permit

KEY ELEMENTS:

___Economic Development ___Excellent Government **X** Natural and Built Environment ___Safe Community ___Vibrant Community

RECOMMENDATION: Adopt the Virginia Department of Transportation (VDOT) Land Use Permit Resolution which will be used by the City to obtain permits to work within the VDOT right-of-ways located within the City limits of Lynchburg and adjacent areas.

SUMMARY: VDOT requires localities adopt a resolution as part of their permitting process as assurance that the City will be responsible to repair or replace any damaged VDOT facility in accordance with their standards.

PRIOR ACTION(S): None

FISCAL IMPACT: The City is self-insured and it would be the individual department's responsibility, as part of any project or work completed, to rebuild or replace any VDOT facility. As a result, actual fiscal impact would vary based upon the specific project. In the event of a potential liability issue, the cost would be reviewed and decided in a manner as agreed upon between the City department and Risk Management.

CONTACT(S): Jeff Martin, Assistant Director of Water Resources, 455-4258
Tim Mitchell, Director of Department of Water Resources, 455-4252

ATTACHMENT(S): Resolution

REVIEWED BY: bms

RESOLUTION

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LYNCHBURG, VIRGINIA, ASSURING THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) THAT WHEN WORKING WITHIN THEIR RIGHT-OF-WAYS THE CITY OF LYNCHBURG WILL BE RESPONSIBLE TO REPAIR OR REPLACE ANY DAMAGED VDOT FACILITY IN ACCORDANCE WITH THEIR STANDARDS

WHEREAS, it becomes necessary from time to time for the City of Lynchburg to obtain land use permits from the Virginia Department of Transportation to install, construct, maintain and operate certain public works and public utilities projects along, across over and upon highway systems of the Commonwealth of Virginia; and,

WHEREAS, expense, damage or injury may be sustained by the Commonwealth of Virginia growing out of granting to the City of Lynchburg by the Virginia Department of Transportation of said permits for the work aforesaid;

NOW, THEREFORE, BE IT RESOLVED by the Lynchburg City Council this 13th day of February, 2018:

Section 1: That in accordance with the provisions of Section 24VAC30-151-720 of the Land Use Permit Regulations of the Virginia Department of Transportation, the City of Lynchburg does hereby grant assurances to the Virginia Department of Transportation (VDOT) that it shall in all respects comply with all of the conditions of the permit or permits that have been, or will be, granted to the City of Lynchburg and guarantees the successful completion of the work, or, if appropriate, restoration of the right of way to its original condition.

Section 2: That the Lynchburg City Manager, be, and hereby is authorized to execute on behalf of the City of Lynchburg all land use permits and related documents of the Virginia Department of Transportation.

Section 3: That this resolution shall be a continuing resolution and shall not be revoked unless and until sixty (60) days written notice of any proposed revocation be submitted to the Virginia Department of Transportation.

BE IT FURTHER RESOLVED that the City Manager, be, and hereby is authorized and directed to procure insurance or to maintain a self-insurance program as required by Section 1 herein.

Adopted:

Certified:

Clerk of Council

014K

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **February 13, 2018**

AGENDA ITEM #: **13**

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

ACTION: **X**

INFORMATION:

(Confidential)

ITEM TITLE: Reallocation of \$597,893 of Proceeds from the General Obligation Public Improvement and Refunding Bonds, Series 2016, from Economic Development Projects to Fleet Services Projects.

KEY ELEMENTS:

___ Economic Development **X** Excellent Government ___ Natural and Built Environment ___ Safe Community ___ Vibrant Community

RECOMMENDATION: Adopt a resolution to authorize a reallocation of \$597,893 of the General Obligation Public Improvement and Refunding Bonds, Series 2016, issued for Economic Development Projects to Fleet Services projects.

SUMMARY: On May 19, 2016 the City issued \$47,295,000 principal amount of its General Obligation Public Improvement and Refunding Bonds, Series 2016 (the "Series 2016 Bonds") pursuant to Resolution No. R-16-033 adopted by Council on April 12, 2016. As part of the public hearing notice to issue bonds, the Public Finance Act of 1991 requires a plan for how the bond proceeds will be used. The City provides this plan in categories. The Series 2016 Bonds included \$5,916,600 to be allocated to the Economic Development Projects category. The Downtown Streetscape project was included in the Economic Development Project allocation. City Council has deferred action regarding the potential conversion to two-way traffic downtown pending the completion of the Downtown 2040 Master Plan. The Fiscal Year 2018 Fleet Services Budget includes the purchase of a new fire pumper, which was originally planned to be funded with a future bond issue. The City was provided with an opportunity to pre-pay for the fire pumper and save \$24,000 compared to paying at the time of delivery. In order to take advantage of these savings and help meet spend down requirements on the Series 2016 Bonds, the City intends to use a portion of the money originally allocated to the two-way conversion project to pay for the fire pumper. A reallocation resolution is necessary because the original bond resolution did not include a category for Fleet Services Projects. A public hearing is not required as the reallocation is less than 10% of the par amount of the Series 2016 Bonds.

PRIOR ACTION(S): April 12, 2016 Public Hearing and Resolution Authorizing the May 19, 2016 General Obligation Public Improvement and Refunding Bonds, Series 2016

May 23, 2017 Resolution Adopting the FY 2018 Budget

FISCAL IMPACT: Pre-payment will save \$24,000 on the cost of the fire pumper. Debt service payments related to the \$597,893 reallocation will be moved from the General Fund to the Fleet Services Fund. As a result; debt service expenditures in the General Fund will be reduced by approximately \$41,000 per year and debt service expenditures in the Fleet Services Fund will be increased.

CONTACT(S): Donna Witt, Director of Financial Services, 455-3968

ATTACHMENT(S): Reallocation Resolution Relating to the Series 2016 Bonds

REVIEWED BY: bms

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF LYNCHBURG, VIRGINIA, REALLOCATING \$597,893
OF THE PROCEEDS OF ITS GENERAL OBLIGATION
PUBLIC IMPROVEMENT AND REFUNDING BONDS,
SERIES 2016, FROM ECONOMIC DEVELOPMENT
PROJECTS TO FLEET SERVICES PROJECTS**

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

SECTION 1. Findings and Determinations. The City Council (the “Council”) of
the City of Lynchburg, Virginia (the “City”), hereby finds and determines as follows:

(a) On May 19, 2016, the City issued \$47,295,000 principal amount of its
General Obligation Public Improvement and Refunding Bonds, Series 2016 (the “Series 2016
Bonds”) pursuant to Resolution No. R-16-033 adopted by the Council on April 12, 2016 (the
“Resolution”), the proceeds of which in an amount up to \$5,916,600 (exclusive of amounts, if
any, representing net original issue premium on the Series 2016 Bonds) were to be allocated to
pay the costs of Economic Development Projects.

(b) The City has determined that not all of the proceeds of the Series 2016
Bonds allocated to Economic Development Projects pursuant to the Resolution will be needed by
the City for such projects, and the Council desires to reallocate a portion of such proceeds in an
amount equal to \$597,893 from Economic Development Projects to Fleet Services Projects.

(c) In view of the foregoing, the Council hereby (i) determines that the
amount of \$597,893 of the proceeds of the Series 2016 Bonds is no longer needed for Economic
Development Projects; and (ii) determines to reallocate such amount to pay the costs of Fleet
Services Projects of the City.

SECTION 2. Reallocation of Series 2016 Bond Proceeds from Economic
Development Projects to Fleet Services Projects. The Council hereby reallocates \$597,893 of
proceeds of the Series 2016 Bonds from Economic Development Projects to Fleet Services
Projects. After giving effect to such reallocation, the amount of proceeds of the Series 2016
Bonds available for allocation to Economic Development Projects shall be \$5,318,707 (exclusive
of amounts, if any, representing net original issue premium on the Series 2016 Bonds).

SECTION 3. Effectiveness of Resolution. This resolution shall take effect upon
its adoption.

Adopted:

Certified:

Clerk of Council