

**LYNCHBURG CITY COUNCIL
PHYSICAL DEVELOPMENT COMMITTEE**

**Tuesday, January 13, 2015
9:00 a.m.**

Information Items

Recent/Pending Contract Awards: –

<u>Project/Phase</u>	<u>Contractor/Consultant</u>	<u>Estimated Amount</u>	<u>Bid Amount</u>	<u>Contract Award</u>
Kemper Street Bridge/Interchange	English Construction	\$6,050,000.00	\$6,738,826.55	\$6,272,855.85
Memorial/Park/Lakeside Intersection Water Line Improvements	Counts & Dobyns	\$500,000.00	\$872,747.73	\$746,888.00

Update on priority projects – see attached report.

General Business

- | | | |
|----|--|-------------|
| 1. | Vacate a portion of Waterton Drive | Kevin Henry |
| 2. | Midtown Connector Phase I – Change Order No. 5 | J.P. Morris |
| 3. | Region 2000 Long Range Transportation Plan (LRTP) Update | Don DeBerry |
| 4. | Community Market Parking Deck Update | Lee Newland |
| 5. | Odd Fellows Road Update | Lee Newland |
| 6. | Roll Call | |

Pc: Kimball Payne, City Manager
Bonnie Svrcek, Deputy City Manager
Council Members
Gaynelle Hart, Director of Public Works
News & Advance

Next Meeting: February 10, 2015

Lynchburg Capital Projects (General Fund)

January 13, 2015

Projects of Interest		Status		Notes
Timberlake / Logan's Lane Intersection		Right of Way	November 2015	Reviewing Right of Way Needs - Appraisals
Wards Road Pedestrian X-ing 2B		Construction	March 2015	Trail Phase 2B - Winter Slowdown.
Midtown Connector		Construction	August 2015	Under Construction - Working on Langhorne 75% complete & Kemper 40% Complete -
Greenview Drive Phase 2	*	Advertising	November 2014	VDOT Taking to January CTB Meeting for Approvals
Kemper Street Bridge / Interchange	*	Construction	August 2016	Awarded in December - Pre-Construction in January - Start in March
One Way Pairs @ 501/221		Preliminary	August 2014	Preliminary Design being Completed to Determine Available R/W for Development
Lower Bluffwalk Phase 2		Construction	October 2014	Winding Down
Memorial - Park - Lakeside Intersection		Utilities Const.	May 2015	Project Underway to Install City Utilites separate from Project then ReBid
Miller Center Renovations	*	Construction	August 2014	Open to Public January.
Odd Fellows Road - P3	*	Advertising	May 2014	VDOT Taking to January CTB Meeting for Approvals
Lakeside Drive Improvements @ L.C.		Design	September 2014	30% Design - On Hold.
Harvard Road Improvements at Tunnel	*	Construction	November 2014	Complete.

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: January 13, 2015- PDC		AGENDA ITEM NO.:	
CONSENT:	REGULAR: X	WORK SESSION:	CLOSED SESSION:
		(Confidential)	
ACTION: X		INFORMATION:	
<u>ITEM TITLE:</u> Vacate a portion of Waterton Drive			

RECOMMENDATION: Vacate the right-of-way.

SUMMARY: Irvington Properties, LLC, the owner of 111 Waterton Drive, is petitioning to vacate a portion of right-of-way adjoining the frontage of 109 and 111 Waterton Drive. The total area of the proposed vacation is approximately sixty-nine thousandths (0.069) of an acre.

The owners of 109 Waterton Drive, Mr. & Mrs. Christian, have agreed to the proposed vacation. The Christians' driveway currently crosses this portion of the right-of-way. If vacated, each property owner will gain land up to the centerline of the right-of-way.

A subdivision plat is pending approval that is associated with these properties. If the vacation is approved, the subdivision plat approval will be required as a condition of the ordinance.

PRIOR ACTION(S):

December 12, 2014: The Technical Review Committee [TRC] reviewed the petition. The TRC comments have been incorporated into the proposed ordinance.

FISCAL IMPACT: None

CONTACT(S): Kevin Henry, Planner II – 455-3900
Tom Martin, City Planner - 455-3900
Kent White, Director of Community Development – 455-3900

ATTACHMENT(S):

- Application
- Maps

REVIEWED BY:

APPLICATION FOR THE VACATION OF A
PORTION OF WATERTON DRIVE
LOCATED AT ITS INTERSECTION
WITH WHITLEY WAY

The undersigned applicant, Irvington Properties, LLC, 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 parcel described as follows:

ALL THAT CERTAIN PARCEL OF LAND, BEING A PORTION OF THE RIGHT-OF-WAY OF WATERTON DRIVE LOCATED AT ITS INTERSECTION WITH WHITLEY WAY IN THE CITY OF LYNCHBURG, VIRGINIA AND FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT, WHICH POINT IS LOCATED ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID WATERTON DRIVE, AND WHICH POINT IS A COMMON CORNER WITH LOT 5, WATERTON SUBDIVISION;

THENCE, WITH SAID LOT 5, ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 50.00 FEET AND AN ARC LENGTH OF 70.30 FEET, BEING SUBTENDED BY A CHORD OF NORTH 87 DEGREES 35 MINUTES 49 SECONDS EAST FOR A DISTANCE OF 64.65 FEET TO A POINT, WHICH POINT IS A COMMON CORNER WITH IRVINGTON PROPERTIES, LLC;

THENCE, WITH SAID IRVINGTON PROPERTIES, SOUTH 42 DEGREES 40 MINUTES 45 SECONDS EAST FOR A DISTANCE OF 50.00 FEET TO A POINT;

THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 50.00 FEET AND AN ARC LENGTH OF 70.30 FEET, BEING SUBTENDED BY A CHORD OF SOUTH 07 DEGREES 02 MINUTES 41 SECONDS WEST FOR A DISTANCE OF 64.65 FEET TO A POINT, WHICH POINT IS A COMMON CORNER WITH SAID IRVINGTON PROPERTIES AND WITH LOT 6, WATERTON SUBDIVISION, AND WHICH POINT IS LOCATED ON SAID EASTERLY LINE OF WATERTON DRIVE;

THENCE, WITH SAID LINE OF WATERTON DRIVE, ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 406.90 FEET AND AN ARC LENGTH OF 134.19 FEET, BEING SUBTENDED BY A CHORD OF NORTH 42 DEGREES 40 MINUTES 45 SECONDS WEST FOR A DISTANCE OF 133.59 FEET TO THE POINT OF BEGINNING;

TOGETHER WITH AND SUBJECT TO COVENANTS, EASEMENTS, AND RESTRICTIONS OF RECORD.

SAID PROPERTY CONTAINS 0.069 ACRES MORE OR LESS.

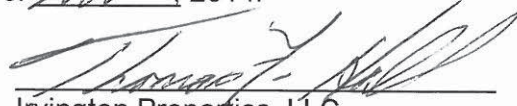
RECEIVED

NOV 16 2014

COMMUNITY
DEVELOPMENT

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 Chambers, City Hall, 900 Church Street, Lynchburg, Virginia, on January 15, 2015, 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 parcel.

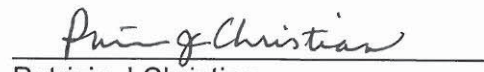
Given under my hand this 18 day of Nov., 2014.


Irvington Properties, LLC
Applicant

PO Box 1256
Amherst, Va 24521
Telephone Number: 1-434-946-5455

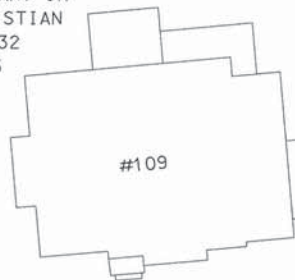
WE, THE ADJOINING PROPERTY OWNERS, ARE IN AGREEMENT WITH THE VACATION OF THE ABOVE DESCRIBED PROPERTY; AND, FURTHER, ARE IN AGREEMENT WITH THE APPORTIONMENT OF THE VACATED PARCEL BETWEEN THE TWO AFFECTED PROPERTY OWNERS.


William T Christian, Jr
Adjoining Owner


Patricia J Christian
Adjoining Owner

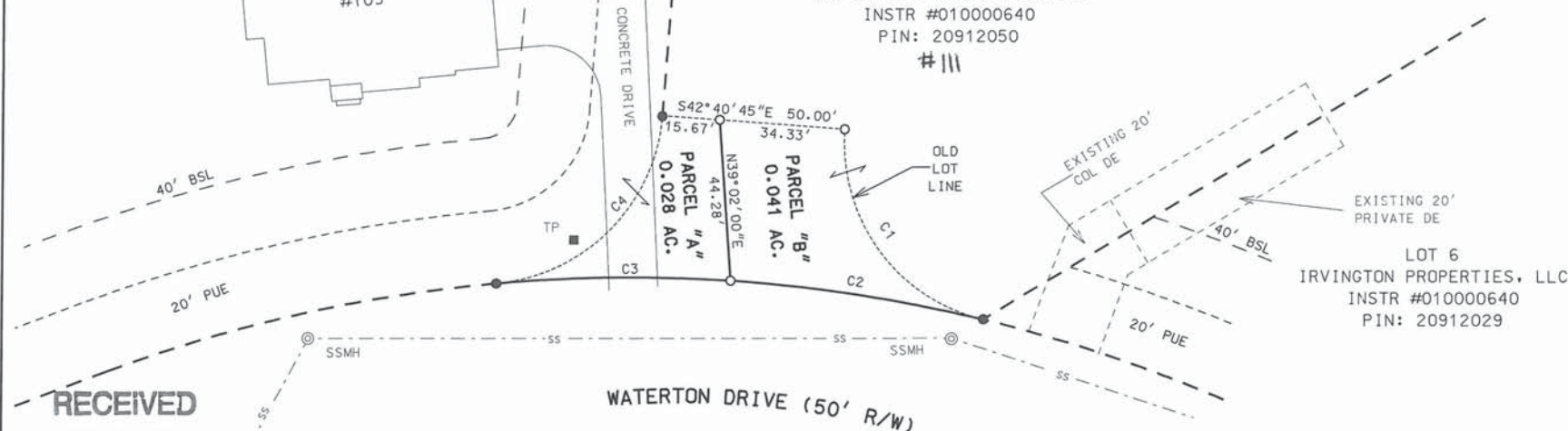
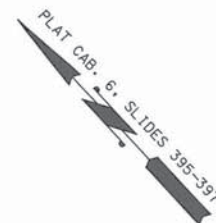
109 Waterton Drive
Lynchburg, VA 24503
Telephone Number: 434-384-2949

LOT 5
WILLIAM T. CHRISTIAN, JR
& PATRICIA J. CHRISTIAN
INSTR #050013232
PIN: 20912005



CURVE	DELTA	RADIUS	LENGTH	CHORD	CHD BEARING
C1	080°33'08"	50.00'	70.30'	64.65'	S07°02'41"W
C2	009°51'44"	406.90'	70.04'	69.95'	N38°09'45"W
C3	009°01'59"	406.90'	64.15'	64.09'	N47°36'37"W
C4	080°33'08"	50.00'	70.30'	64.65'	N87°35'49"E

IRVINGTON PROPERTIES, LLC
INSTR #010000640
PIN: 20912050
#III



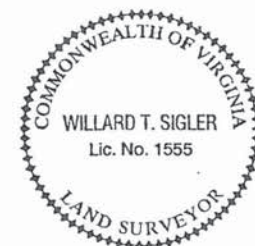
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NOV 18 2014
COMMUNITY
DEVELOPMENT

WATERTON DRIVE (50' R/W)

WHITLEY
WAY



LEGEND	
○	IRON PIN SET
●	IRON PIN FOUND
R/W	RIGHT-OF-WAY
PUE	PUBLIC UTILITY EASEMENT
BSL	BUILDING SETBACK LINE
COL	CITY OF LYNCHBURG
DE	DRAINAGE EASEMENT
TP	TELEPHONE PEDESTAL
SSMH	SANITARY SEWER MANHOLE
SS	SANITARY SEWER



NOTES:

1. THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT NECESSARILY INDICATE ALL ENCUMBRANCES UPON THE TITLE.
2. BY GRAPHIC SCALING ONLY, THIS PROPERTY IS LOCATED IN ZONE "X" (NOT IN A DESIGNATED FLOOD HAZARD AREA) ACCORDING TO THE F.E.M.A. FLOOD INSURANCE RATE MAPS FOR THE CITY OF LYNCHBURG, VIRGINIA (#5100930028D & #5100930036D). NO FIELD SURVEYING WAS PERFORMED TO MAKE THIS DETERMINATION.
3. THIS PLAT DOES NOT PURPORT TO ADDRESS THE EXISTENCE, DETECTION OR DELINEATION OF ANY ENVIRONMENTALLY SENSITIVE AREAS OR ANY ENVIRONMENTAL PROBLEMS LOCATED WITHIN THE PERIMETER OF THE PROPERTY SHOWN.
4. THIS PLAT HAS BEEN PREPARED FROM AN ACTUAL FIELD SURVEY DONE AS PER DATE OF THIS PLAT ONLY OF PARCELS "A" & "B".
5. TOTAL ACREAGE TO BE VACATED - 0.069 ACRES.

BERKLEY-HOWELL & ASSOC., P.C.
ENGINEERS - SURVEYORS - PLANNERS
306 ENTERPRISE DRIVE, SUITE C
FOREST, VIRGINIA 24551
PHONE: (434)385-7548 FAX: (434)385-6178

**PLAT OF PORTION OF R/W OF
WATERTON DRIVE
PROPOSED TO BE VACATED**
CITY OF LYNCHBURG, VIRGINIA

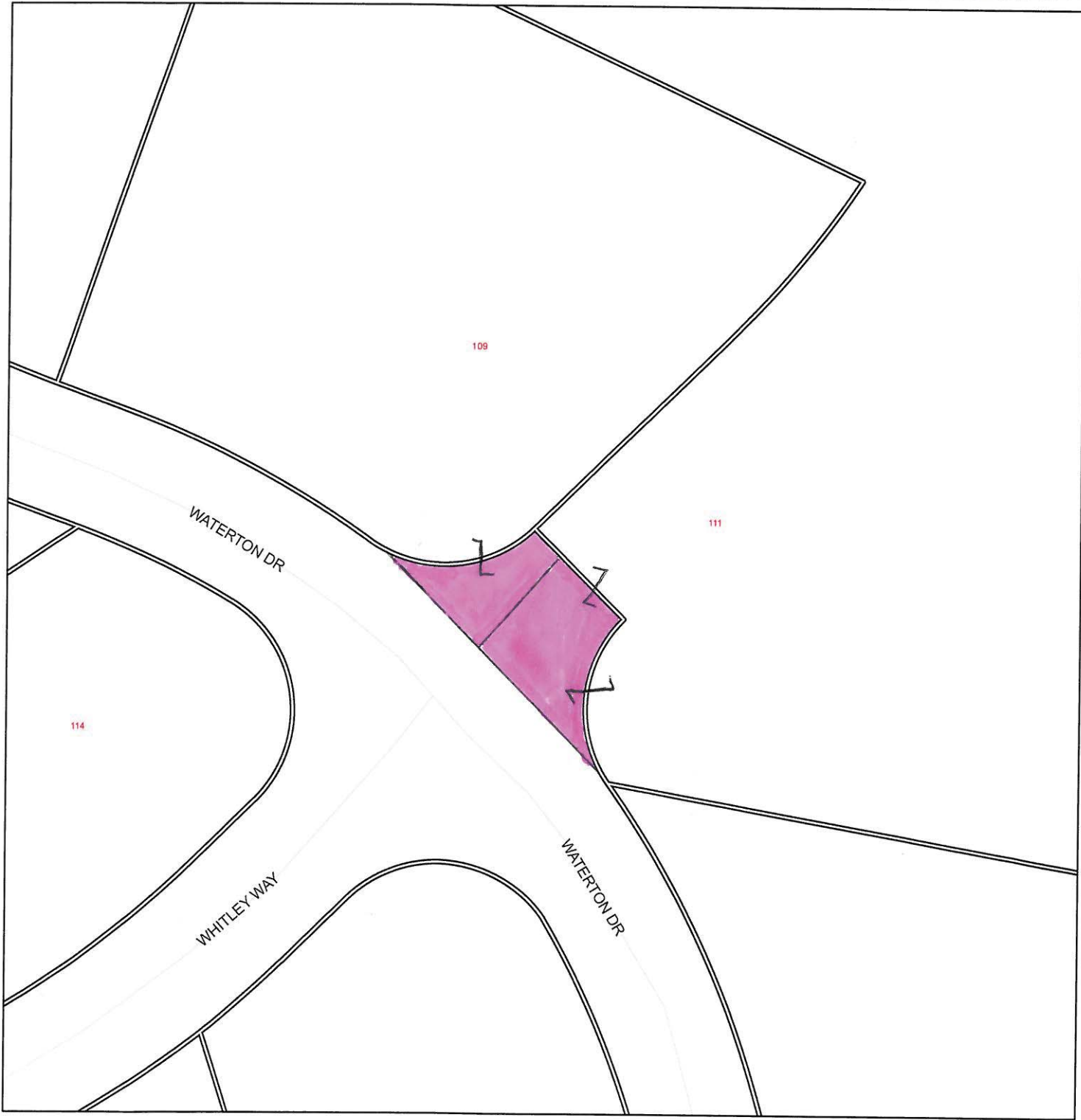
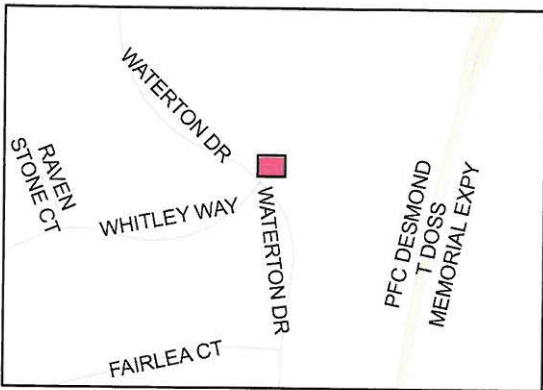
SCALE: 1" = 30'	DATE: NOVEMBER 12, 2014	COMM. NO. 010015	F.B. REF.
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109-111 Waterton Drive

Right-of-Way Vacation



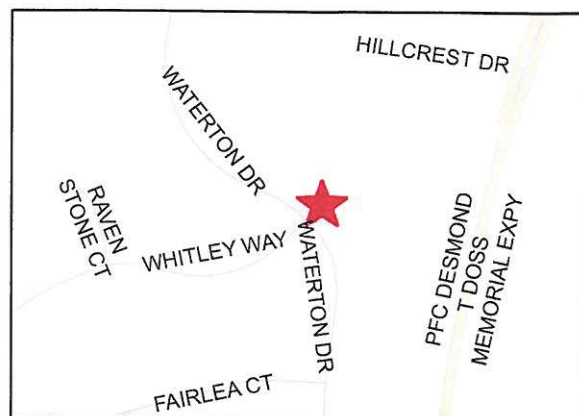
Area to be vacated



109-111 Waterton Drive

Right-of-Way Vacation

★ Location



LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **13 January 2015 (PDC)**

AGENDA ITEM NO.:

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Midtown Connector Phase I – Change Order No. 5**

RECOMMENDATION: Authorize execution of Change Order No. 5.

SUMMARY: The purpose of this agenda item is to present to Council the subject Change Order for review and approval for execution. The Construction Administration, Quality Assurance, Quality Control Inspection and Project Controls services for the Midtown Connector project were originally contracted for a 30-month time period pursuant to the construction bid documents. Conditions unforeseen by the City and its consultant have caused the project duration to run beyond the original 30-month duration, thus requiring additional services to complete the work in compliance with the requirements of State and Federal funding. Complete details of the breadth and depth of services provided are included in the attached fee proposal. The value of this change order exceeds 25% of the original contract value and, therefore, requires Council's authorization to execute.

PRIOR ACTION(S):

None

FISCAL IMPACT:

Authorizes expenditure of funds currently appropriated to the project.

CONTACT(S):

J. P. Morris, P.E., Engineering Project Manager – Midtown Connector Project – 455-3918

Dee Dee Conner, P.E., Principal Engineer – 455-3928

ATTACHMENT(S):

Change Order No. 5.

Fee Proposal for Supplemental CA and Inspection Services

REVIEWED BY:

CHANGE ORDER No. 5

DATE OF ISSUANCE: 13 January 2014 EXECUTION DATE _____

Distribution to:

OWNER: City of Lynchburg
CONTRACTOR: AECOM
PROJECT: Midtown Connector – Phase II Construction Administration, Quality Assurance/Quality Control Inspection and Project Controls Services
Federal Project No. 5118(204), VDOT UPC # 8759,
VDOT Project No. U000-118-V09, PE101, RW201, RW202, C501
CITY PROJECT NO. 89114-R
ENGINEER: J. P. Morris, P.E.

Description: Supplement for Additional Construction Services

Additional services are required for the Construction Administration (CA), Quality Assurance / Quality Control Inspection and Project Controls Services due to inefficiencies and delays experienced throughout the duration of the project. In addition, based on the latest schedule update (26), the project completion date has extended the project until October 6, 2015 with the expectation that this date will slide to December 31, 2015. AECOM will continue to provide construction administration services assisted by HDLA, MBP, and NXL. MBP will provide the on-site Quality Assurance Manager. NXL will provide the Inspection Team and Schedule Analyst. The work will be performed within the guidelines of the Virginia Department of Transportation (VDOT) Local Assistance Program Guidelines. A schedule of minimum required test and frequencies was previously documented in the original scope of services.

Details of the proposed services with additional detailed scopes are outlined in the attached supporting documents.

Reason for the Change: Additional construction phase services beyond original scope and fee.

The contract time has been extended through the calendar year 2014 construction season as contract funding allows.

Original Contract	\$2,949,467.00
Change Order No. 1	\$7,875.00
Change Order No. 2	\$16,883.00
Change Order No. 3	\$2,000.00
Change Order No. 4	\$710,608.00
Adjustment (this request)	\$1,472,233.00
Adjusted Contract Total	\$5,159,066.00

Not valid until signed by the Owner/Engineer, and Contractor.

Signature of the Contractor indicates his agreement herewith including any adjustment in the Contract time.

Approved:

Accepted:

L. Kimball Payne
City Manager
City of Lynchburg

J. Scott Hodge, P.E.
Senior Project Manager
AECOM

DATE _____

DATE _____

FEE PROPOSAL

FOR

**MIDTOWN CONNECTOR, PHASE II PROJECT
UPC 8759, PROJECT NO. U000-118-V09, PE101,
RW201, RW202 & C501
Supplemental CA and Inspection Services**

LYNCHBURG, VIRGINIA

PREPARED FOR

**CITY OF LYNCHBURG, VIRGINIA
December 5, 2014**

PREPARED BY:

**AECOM TECHNICAL SERVICES, INC.
10 SOUTH JEFFERSON ST., SUITE 1600
ROANOKE, VIRGINIA 24011**

**Midtown Connector, Phase II
UPC 8759, Project No. U000-118-V09, PE101, RW201, RW202, C501
City of Lynchburg/Virginia Department of Transportation
AECOM Project No. 60179112 (30264)
Phase II Construction Administration,
Quality Assurance/Quality Control Inspection and Project Controls Services
Supplemental Construction Administration and Inspection Services Agreement**

December 5, 2014

TABLE OF CONTENTS

FEE PROPOSAL

- Narrative of Work
- Project Cost Summary
- Sub-consultant Proposals

Midtown Connector, Phase II
UPC 8759, Project No. U000-118-V09, PE101, RW201, RW202, C501
City of Lynchburg/Virginia Department of Transportation
AECOM Project No. 60179112 (30264)
Phase II Construction Administration,
Quality Assurance/Quality Control Inspection and Project Controls Services

Supplemental Construction Administration and Inspection Services Agreement

December 5, 2014

Scope of Services

Description

Additional services have been required for the Phase II Construction Administration (CA), Quality Assurance/Quality Control Inspection and Project Controls Services due to inefficiencies and delays by the contractor during the first 24 months of the project. In addition, based on the latest schedule update (26), the project completion date has extended the project until October 6, 2015 with the expectation that this date will slide to December 31, 2015. AECOM will continue to provide construction administration services assisted by HDLA, MBP, and NXL. MBP will provide the on-site Quality Assurance Manager. NXL will provide the Inspection Team and Schedule Analyst. The work will be performed within the guidelines of the Virginia Department of Transportation (VDOT) Local Assistance Program Guidelines. A schedule of minimum required test and frequencies was previously provided with the original CA scope of services.

This proposal will not provide services beyond the stated allowable funding amount. Based on historical data this may get the project to the end of the 2015 calendar year. Additional funding will be required to complete the Construction Administration (CA), Quality Assurance/Quality Control Inspection and Project Controls Services for the project if the project extends into 2016.

Details of the proposed services with additional detailed scopes are outlined below.

Construction Administration

As the Designer of Record, AECOM and HDLA will provide certain Construction Administration (CA) services throughout the additional time necessary to complete the project. This is based on the stated allowable funding amount. As a minimum, these Construction Administration services include:

- Conducting monthly progress meetings.
- Making monthly site visits as required by the construction progress.
- Responding to contractor questions through a Request for Information (RFI) system.
- Prepare plan revisions as required.
- General coordination with the City and VDOT.
- Review and approval of shop drawings.
- Review and approval of the contractor's monthly pay requests.

- Coordinating adjustments due to existing sanitary sewer laterals

Construction Administration Services are predicated on these conditions:

- The actual duration of CA services will correspond to the actual final project duration.
- The estimated man-hours are based on two attendees for each monthly meeting, and a minimum of two individuals per site visit dependent on the issue at hand.
- Contractor pay request reviews will be based on prior agreement of the Inspection Team and the Contractor of pay quantities at the designated monthly payment cutoff date. Once approved, the requests will be provided to the City for timely payment processing to the Contractor.
- The contractor is responsible for all safety related issues on the project and the project team is excluded from safety on the project.

Quality Assurance (QA) and Quality Control (QC)

MBP will provide the on-site Quality Assurance and NXL Construction Company Inc. will provide the on-site Quality Control (QC) Inspection Services and Project Controls (PC) services for the stated allowable funding amount. Inspection Services include but are not limited to inspection of all construction activities in accordance with VDOT and FHWA standards and specifications, including the performance of onsite project QC and QA testing of soils, soils compaction, hydraulic cement concrete, aggregate subbase/base depth and density, and hot mix asphalt concrete depth and density. In addition, the preparation, maintenance and submission of corresponding project documentation including Project Diaries and Materials Notebook, Quality Control and Quality Assurance laboratory tests for soils (3-Point Proctor and Atterberg Limits), reinforcing steel (tensile strength), hydraulic cement concrete (compressive strength) and hot mix asphalt concrete (density by cores).

The anticipated staffing and field support for the project is as follows:

Quality Assurance Manager (MBP) and Inspectors(NXL) -

- 1- Part Time Quality Assurance Manager (QAM)
- 1 – Full Time Senior Construction Manager (Project Inspector)
2 – Full Time Senior Inspectors
1 – Full Time Inspector during peak construction activities
1 – Full Time Office Engineer/Inspector

The forgoing includes vehicles, cell phones; laptop computers preloaded with Microsoft Office Software Suite, and all necessary testing equipment to perform project QA/QC inspection activities in accordance with VDOT, FHWA, City of Lynchburg, Virginia Department of Health and AWWA standards specifications and regulatory requirements.

- QC/QA sampling and laboratory testing (AMRL/AASHTO Certified)

All Inspectors will have the following certifications, VDOT and others, applicable to the work to be performed:

- Asphalt Concrete, Field
- Hydraulic Cement Concrete, Field (ACI & VDOT)
- Soils and Aggregate
- Surface Treatment
- Slurry Treatment
- Guardrail Installation
- Pavement Marking
- Nuclear Safety
- OSHA 10-Hour
- E&S Inspector (as administered by the Department of Conservation and Recreation)
- Work Area Protection
- Intermediate Work Zone Safety

General Comments:

- The actual duration of inspection services will correspond to the work schedule provided by the Contractor.
- NXL will work out of an office trailer/facility provided by the Contractor to include, among other things, furnished electric, water, and sanitary sewer services, and land line telephone and high speed internet connectivity services. The office trailer will be secured with a peripheral 6' high chain link fence and the trailer will have secured windows and doors with an integrated alarm system. The office trailer shall meet the requirements of a VDOT Type 1 Field Office as described in the 2007 Road and Bridge Specifications.
- Estimated man-hours are based upon the previous man-hours over the past construction season and increase in contractor staffing.

Project Controls (PC)

As per the original contract the following project controls will be provided for the stated allowable funding amount.

Schedule Updates:

- Represent the City at monthly progress meetings.
- Analyze Contractor's monthly schedule updates and prepare a written report for the City. Evaluate and report progress from Activity - Production Viewpoint as well as an Earnings Viewpoint.
- Develop draft correspondence responding to Contractor's monthly schedule submission.
- Included in the above Project Control tasks are the following:
 - Maintain electronic copies & hard copies of all scheduling submittals / correspondence.
 - Collect & maintain photo documentation of project on monthly basis.
 - Provide Owners and the AECOM Team copies of all scheduling reports.
 - Be available to Owners & Construction Managers to answer schedule / progress related questions.

Excluded from Project Controls Services:

- Review and develop reports of any schedule impact analysis that may be generated.

Should any of the following occur, MBP and NXL Construction Services, Inc. shall receive additional compensation for QA/QC/PC services:

- The Contractor elects to work multiple daily shifts or routinely on Saturdays, thus increasing the need for daily inspection staffing.
- The Contractor alters and/or extends the construction schedule effectively exceeding the current stated allowable funding amount, thus increasing the duration of required services.

The following items are not included in this overall scope of services:

- Environmental Permitting
- Claims Analysis and Negotiations
- Cost Analysis of Claims
- Dispute Resolution
- Construction Surveying
- Construction/Project Management Computer Software required by the City of Lynchburg
- Monitoring of Overall Total Project Costs (Contractor, City, VDOT, and Design Team)
- Evaluation or resolution of any Hazardous Environmental Condition
- Provide Construction Phase Services beyond the contract times set forth in the above scope of services
- Preparing to serve or serving as a consultant or witness for the City in any litigation, arbitration, or other dispute resolution process related to the project
- Provide a Resident Project Representative (RPR) as defined in the VDOT Locally Administered Projects (LAP) Manual

Midtown Connector, Phase II Project
UPC 8759, Project No. U000-118-V09, PE101, RW201, RW202 & C501
City of Lynchburg, Virginia

City of Lynchburg/Virginia Department of Transportation
AECOM Project No. 60179112
Supplemental Construction Administration and Inspection Services
December 5, 2014

SUMMARY COST FOR FIXED BILLABLE RATE CONTRACT SUPPLEMENT

	Rate	
A. Direct Labor, Estimated		\$79,114
Est. Man-hrs X Current Hourly Rates		
B. Escalation (See Computation of Escalation Factor)	\$	3,624
C. Total Direct Labor (A + B)	\$	82,738
D. Overhead (Payroll Burden + Overhead, G&A)	\$	122,088
Audited Overhead Rate (R) X C	147.56%	
E. Total Direct Labor Plus Overhead (C + D)	\$	204,826
F. Direct Labor Plus Overhead Contingency (Contingency Rate X E)	5% \$	-
G. Negotiated Net Fee (10%)	\$	20,483
Based on (E + F) with Overhead Limit of 156%		
H. Cost of Facilities Capital (Audited Rate X C)	0.00% \$	-
I. Nonsalary Direct Cost, Estimated		\$1,733
J. Nonsalary Contingency (5%)	\$	-
Contingency Rate X (H + I)		
K. Sub-consultant Cost, Estimated		\$1,245,191
HDLA	\$11,757	
MBP	\$29,367	
NXL	\$1,204,067	
L. Maximum Total Compensation Payable (E + F + G + H + I + J + K)	\$	1,472,233
M. Amount Not To Exceed Without Written City Approval (L-F-J)	\$	1,472,233

Midtown Connector, Phase II Project
UPC 8759, Project No. U000-118-V09, PE101, RW201, RW202 & C501
City of Lynchburg, Virginia

City of Lynchburg/Virginia Department of Transportation
AECOM Project No. 60179112
Supplemental Construction Administration and Inspection Services
December 5, 2014

Computation of Direct Cost Technical Salaries

CATEGORY	HOURS	RATE	AMOUNT
PROJECT MANAGER	480	\$65.38	\$31,382
SENIOR ENGINEER	248	\$54.83	\$13,598
ENGINEER	724	\$42.91	\$31,067
TECHNICIAN	88	\$28.43	\$2,502
CLERICAL	28	\$20.19	\$565
TOTALS	1568		\$79,114

Midtown Connector, Phase II Project
UPC 8759, Project No. U000-118-V09, PE101, RW201, RW202 & C501
City of Lynchburg, Virginia

City of Lynchburg/Virginia Department of Transportation
AECOM Project No. 60179112
Supplemental Construction Administration and Inspection Services
December 5, 2014

Distribution of Manhours

TASK	SUB- ACTIVITY	Project Manager	Senior Engineer	Engineer	Tech.	Clerical	Total
		HOURS	HOURS	HOURS	HOURS	HOURS	HOURS
Construction Administration	CA	480	248	724	88	28	1568
Percent		31%	16%	46%	6%	2%	100%
Total		480	248	724	88	28	1568

Midtown Connector, Phase II Project
UPC 8759, Project No. U000-118-V09, PE101, RW201, RW202 & C501
City of Lynchburg, Virginia

City of Lynchburg/Virginia Department of Transportation
AECOM Project No. 60179112
Supplemental Construction Administration and Inspection Services
December 5, 2014

Distribution of Manhours and Technical Salaries

TASK	SUB- ACTIVITY	PROJ. MANAGER		SENIOR ENGINEER		ENGINEER		TECHNICIAN		CLERICAL		TOTALS	
		HOURS	DOLLAR	HOURS	DOLLAR	HOURS	DOLLAR	HOURS	DOLLAR	HOURS	DOLLAR	HOURS	DOLLAR
			\$65.38		\$54.83		\$42.91		\$28.43		\$20.19		
Construction Administration	CA	480	\$31,382	248	\$13,598	724	\$31,067	88	\$2,502	28	\$565	1568	\$79,114
Percent		31%		16%		46%		6%		2%		100%	
Total		480	\$31,382	248	\$13,598	724	\$31,067	88	\$2,502	28	\$565	1568	\$79,114

City of Lynchburg/Virginia Department of Transportation
AECOM Project No. 60179112
Supplemental Construction Administration and Inspection Services
December 5, 2014

CONSTRUCTION ADMINISTRATION		Project Manager	Senior Engineer	Engineer	Tech.	Clerical	Total
CA	Element of Work	Hours	Hours	Hours	Hours	Hours	Hours
	Sheet 1 of 1						
	Attend Monthly Progress Meetings (12@6hrsx2 people)	72		72			144
	Prepare Monthly Meeting Minutes (12 months)	16		32		16	64
	Make Monthly Site Visits (8@7hrsx2 people)	56	56				112
	Respond to Contractors Questions (RFI) (39wks@10hrs)	80	72	216	24		392
	Prepare Plan Revisions	64	80	144	64		352
	General Coordination with the City/Inspection Team (52 wks @ 8hrs)	128	32	256			416
	Review Shop Drawings	4	8	4			16
	Review and Approve Subconsultant Pay Requests (12@2hrs)	12				12	24
	Review and Approve Contractor's Pay Requests (12@4hrs)	48					48
	Subtotal	480	248	724	88	28	1568
	Total Section CA	480	248	724	88	28	1568
	Percent	31%	16%	46%	6%	2%	100%

Midtown Connector, Phase II Project
UPC 8759, Project No. U000-118-V09, PE101, RW201, RW202 & C501
City of Lynchburg, Virginia

City of Lynchburg/Virginia Department of Transportation
AECOM Project No. 60179112

December 5, 2014

Consruction Administration & Inspection Direct Expense Schedule

ITEM	UNITS	UNIT COST	TOTAL COST
TRAVEL			\$1,344
TOTAL PRINTING & REPRODUCTION COSTS			\$389
			TOTAL DIRECT COSTS
			\$1,733

Midtown Connector, Phase II Project
UPC 8759, Project No. U000-118-V09, PE101, RW201, RW202 & C501
City of Lynchburg, Virginia

City of Lynchburg/Virginia Department of Transportation
AECOM Project No. 60179112

Supplemental Construction Administration and Inspection Services
December 5, 2014

Schedule of Trips

<u>Purpose</u>		Number of Trips <u>Lynchburg</u>
<u>MEETINGS</u>		
<i>CONSTRUCTION</i>	Pre-Construction Conference	
	Monthly Coordination Meetings	12
<u>FIELD VISITS</u>		
<i>CONSTRUCTION</i>	Monthly Field Visits	8
	Substantial Completion	
	Final Completion	
<u>SUMMARY</u>		
	Meetings in Lynchburg	12
	Field Visits in Lynchburg	8

Midtown Connector, Phase II Project
UPC 8759, Project No. U000-118-V09, PE101, RW201, RW202 & C501
City of Lynchburg, Virginia

City of Lynchburg/Virginia Department of Transportation
AECOM Project No. 60179112

December 5, 2014

CONSTRUCTION ADMINISTRATION & INSPECTION SERVICES
ESTIMATED PRINTING AND REPRODUCTION COSTS (SHEET 1 OF 2)

UNIT COSTS

CADD PLOTS:

BOND SCROLLS, 36" x 84" (21 Sq.Ft.)	\$7.00 /PLOT
BOND PLAN SHEETS, 24" x 36" (6 Sq.Ft.)	\$2.00 /PLOT

BOND PRINTS:

PLAN SHEETS AT 24"X36"	24" X 36" = 6 SQ.FT.	X	\$0.09 /SQ.FT.	=	\$0.54 /PRINT
SCROLLS AT 36"X84"	36" X 84" = 24 SQ.FT.	X	\$0.09 /SQ.FT.	=	\$1.89 /PRINT

OFFICE COPIER:

8 1/2"X11" BOND	\$0.07 /COPY
11"X17" BOND	\$0.15 /COPY
8 1/2"X11" COLOR	\$0.80 /COPY
11"X17" COLOR	\$1.60 /COPY

BROCHURES: EACH (EST.)	\$5.00 EACH
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MOUNTING & LAMINATION	\$15.00 /SF
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COLOR PLOTTING, MOUNTING, & LAMINATION	\$16.17 /SF
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Midtown Connector, Phase II Project
UPC 8759, Project No. U000-118-V09, PE101, RW201, RW202 & C501
City of Lynchburg, Virginia

City of Lynchburg/Virginia Department of Transportation
AECOM Project No. 60179112

December 5, 2014

**CONSTRUCTION ADMINISTRATION & INSPECTION SERVICES
ESTIMATED PRINTING AND REPRODUCTION COSTS (SHEET 2 OF 2)**

CONTRACTOR RFI'S

CADD							
PLOTS	16 SHEETS	X	1 SET	X	\$2.00 =	\$32	
	X-SECTIONS	X	SETS	X	\$2.00 =	\$0	
	MOT X-SECTIC	X	SETS	X	\$2.00 =	\$0	
PRINTS	16 SHEETS	X	2 SETS	X	\$0.54 =	\$17	
	X-SECTIONS	X	SETS	X	\$0.54 =	\$0	
	MOT X-SECTIC	X	SETS	X	\$0.54 =	\$0	
TOTAL - 100% SUBMISSION							\$49

AS-BUILT

CADD							
SUBMITTAL PLOTS	0 SHEETS	X	1 SET	X	\$2.00 =	\$0	
	X-SECTIONS	X	SET	X	\$2.00 =	\$0	
	MOT X-SECTIC	X	SET	X	\$2.00 =	\$0	
PRINTS	0 SHEETS	X	6 SETS	X	\$0.54 =	\$0	
	X-SECTIONS	X	SETS	X	\$0.54 =	\$0	
	MOT X-SECTIC	X	SETS	X	\$0.54 =	\$0	
TOTAL - FINAL SUBMISSION							\$0

MISCELLANEOUS PLOTS & PRINTS

Allowance for Additional Sets of Prints	42 SHEETS	X	15 SETS	X	\$0.54 =	\$340	
TOTAL - MISCELLANEOUS PLOTS							\$340

TOTAL PRINTING AND REPRODUCTION \$389

Midtown Connector, Phase II Project
UPC 8759, Project No. U000-118-V09, PE101, RW201, RW202 & C501
City of Lynchburg, Virginia

City of Lynchburg/Virginia Department of Transportation
AECOM Project No. 60179112
Supplemental Construction Administration and Inspection Services
December 5, 2014

Computation of Escalation Factor

<u>Period</u>	<u>Direct Labor</u>	<u>Escalation Factor</u> (year 1, 0.5%; remaining years, 1%)	<u>Direct Labor + Escalation</u>
2011	\$0	1.005	\$0
2012	\$0	1.0151	\$0
2013	\$0	1.0252	\$0
2014	\$0	1.0355	\$0
2015	\$79,114	1.0458	\$82,738
Totals:	\$79,114		\$82,738
		Total Escalation:	\$3,624
Total AECOM Roadway Escalation			\$3,624

FEE PROPOSAL

FOR

**MIDTOWN CONNECTOR, PHASE II PROJECT
UPC 8759, PROJECT NO. U000-118-V09, PE101,
RW201, RW202 & C501
Supplemental CA and Inspection Services
LYNCHBURG, VIRGINIA**

PREPARED FOR:

AECOM TECHNICAL SERVICES, INC.

PREPARED BY:

**HDLA, INC.
901 Jefferson Street, Suite 208
LYNCHBURG, VIRGINIA 24504**



December 4, 2014

Mr. Scott Hodge, PE
Senior Project Manager
AECOM
1315 Franklin Road
Roanoke VA 24016

RE: Midtown Connector - Lynchburg, Virginia
Construction Administration Services - Supplement #2

Dear Mr. Hodge,

Thank you for the opportunity to continue working with AECOM and the City of Lynchburg on the Midtown Connector.

HDLA is currently working under Contract Supplement #1, which was approved in June 2014 and not to exceed \$5,471.00.

Due to additional project delays, we understand the construction period has been extended by approximately twelve (12) months. We will exceed Contract Supplement #1 within six (6) months and will require an additional supplement to extend our services to the new anticipated project completion date at the end of 2015.

We, herewith, offer the following Scope of Services and Fees for additional construction administration services, to get us through the end of the 2015 construction season:

SCOPE: Harvey Design Land Architects (HDLA) will work closely with AECOM and the City of Lynchburg to conduct inspections, attend monthly progress meetings and be available for any questions/clarifications through the new project construction period. We anticipate our Construction Administration Services to be utilized in the later stages of each Phase. Our Scope of Services and Fees are described below:

INCLUDED SERVICES

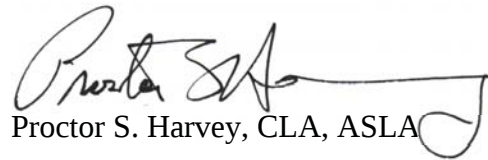
- Answer RFI's
- Progress Meetings
- Reviews Submittals / Approvals
- Plan Clarifications
- Plan Revisions
- Site Inspections
- Documentation and follow up for all of the above items
- Punch List and follow up
- Project closeout

FEES: For the additional work specified above, we would charge on an hourly basis and bill monthly. Our fee for this work has been calculated on the included "man hours and cost plus net fee summary", reduced to the maximum amount allowed as shown below. This proposal requires an additional supplement to complete the project and HDLA will stop work once we have reached the Contract Supplement #2 amount of \$11,757.36.

- ORIGINAL CONTRACT - \$28,951.77 (depleted 2014)
- CONTRACT SUPPLEMENT #1 - \$5,471.00 (active, approved June 2014)
- **CONTRACT SUPPLEMENT #2 - \$11,757.36 (this proposal)**

I hope I have covered all of the elements needed. If you have any questions, please let me know.

Thank you,



Proctor S. Harvey, CLA, ASLA

**COST PLUS NET FEE CONTRACT
COMPUTATION OF FEE - HDLA (SUB-CONSULTANT)
CONTRACT SUPPLEMENT #2**

Distribution of Manhours - Lynchburg Midtown Connector Enhancement Project

A. Direct Labor, Estimated Est. Man-hrs x Current Hourly Rates		\$	3,454.00
B. Escalation Approved Escalation Rate (4.50%) x A	4.50%	\$	155.43
C. Total Direct Labor (A + B)		\$	3,609.43
D. Overhead (Payroll Burden + Overhead, G&A) Audited Overhead Rate (200%) x C		\$	7,218.86
E. Total Direct Labor Plus Overhead (C + D)		\$	10,828.29
F. Direct Labor Plus Overhead Contingency Contingency Rate (5%) x E	0%	\$	-
G. Negotiated Net Fee (10%) Based on (E + F) with Overhead Limit of 156%		\$	924.01
H. Cost of Facilities Capital Audited Rate (0.14%) x C		\$	5.05
I. Nonsalary Direct Cost, Estimated		\$	-
J. Nonsalary Contingency Contingency Rate (5%) x (H + I)			
K. Sub-consultant Cost, Estimated		\$	-
L. Maximum Total Compensation Payable (E + F + G + H + I + J + K)		\$	11,757.36
M. Amount Not To Exceed Without Written VDOT Approval (L - F - J)		\$	11,757.36

SUB-Consultant - HDLA
Distribution of Manhours - Lynchburg Midtown Connector Enhancement Project
Contract Supplement #2

COMPUTATION OF DIRECT TECHNICAL SALARIES

	HOURS	RATE	AMOUNT
SENIOR LA	22	\$ 40.00	\$ 880.00
PRINCIPAL LA	38	\$ 34.00	\$ 1,292.00
SR. DRAFTSMAN	54	\$ 22.00	\$ 1,188.00
CADD TECHNICIAN	0	\$ 16.00	\$ -
ADMINISTRATIVE	4	\$ 14.00	\$ 56.00
			TOTAL = \$ 3,416.00

COMPUTATION OF REIMBURSABLE COSTS

	UNIT	UNIT COST	TOTAL COST
PRINTING - 8.5X11 PAGES	0	\$ 0.10	\$ -
PRINTING - PUBLIC MEETING INFORMATION	0	\$ 2.00	\$ -
DRAFT REVIEW SHEETS	0	\$ 3.00	\$ -
LARGE DISPLAYS - PUBLIC MEETING	0	\$ 100.00	\$ -
DRAFT / REVIEW PLAN SETS	0	\$ 100.00	\$ -
FINAL PLAN SETS FOR BIDDING	0	\$ 100.00	\$ -
FINAL PLAN SETS FOR CONSTRUCTION	0	\$ 100.00	\$ -
TRAVEL MILES	0	\$ 0.55	\$ -
MAIL	0	\$ 12.00	\$ -
			TOTAL REIMBURSABLE COST = \$ -

Sub-Consultant HDLA
Distribution of Manhours - Lynchburg Midtown Connector Enhancement Project
Contract Supplement #2

Distribution of Manhours and Total

This form is required for the Prime and each Sub-Consultant

TASK	SUB- ACTIVITY	SENIOR LA PROCTOR HARVEY		PRINCIPAL LA CLARA ALEMAN		SR. DRAFTSMAN NATHAN HARBIN		CADD TECHNICIAN NATHAN HARBIN		ADMINISTRATIVE SAMMIE DANCE		TOTAL	
		HOURS	DOLLARS	HOURS	DOLLARS	HOURS	DOLLARS	HOURS	DOLLARS	HOURS	DOLLARS	HOURS	DOLLARS
PE LOC. CORR. STUDIES	190												
SCOPE PROJ./PFR	220												
DEV. AERIAL PHOTO/ MAPPING	223												
PREP/HOLD LOCATION HEARING	260												
ADOPT LOCATION CORRIDOR	270												
CONDUCT SURVEY	313												
PLAN DESIGN/INSPECTION	360	22	\$ 40.00	38	\$ 35.00	54	\$ 22.00	0	\$ 16.00	4	\$ 14.00	118	\$ 3,454.00
HYDRAULIC PLAN DES./FI	362												
RIVER MECHAN. PROJ. STUDIES	372												
MAJOR STRUCT./BRIDGE SURV.	373												
MINOR STRUCT. DATA	400												
HYDRAULIC PLAN DES./RW	432												
HYDRO/HYDRA. ANALY.	462												
APPROVE WILLINGNESS	470												
CONDUCT L&D PUBLIC HEARING	480												
HYDRAULIC CONSTR. REVIEW	512												
COMPLETE ROADWAY PLANS	650												
	Per Cent												
TOTALS		22		38		54		0		4		118	\$ 3,454.00

Contract Supplement #2

Element 360 Sheet 1 of 1

Project: Kiosk / Bus Shelter Structure Design

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FEE PROPOSAL

FOR

**MIDTOWN CONNECTOR, PHASE II PROJECT
UPC 8759, PROJECT NO. U000-118-V09, PE101,
RW201, RW202 & C501
Supplemental CA and Inspection Services
LYNCHBURG, VIRGINIA**

PREPARED FOR:

AECOM TECHNICAL SERVICES, INC.

PREPARED BY:

**MBP, P.C.
711 D Fifth Street, NE
ROANOKE, VIRGINIA 24016**



December 3, 2014

AECOM

1315 Franklin Road
Roanoke, Virginia 24016

Attention: Mr. J. Scott Hodge, PE, Roanoke Operations Manager

Reference: **Professional Services for Construction Quality Assurance
Project: Lynchburg Midtown Connector
MBP Proposal #P11183.022**

In recognition of the increased duration of subject project, as well as the requested increase in the level of involvement from MBP in addressing both daily project issues and contract compliance issues potentially impacting the project's overall budget and schedule, MBP is submitting the following request to extend the budget of our original proposal dated May 4, 2011, and one subsequent amendment dated June 25, 2014. This proposed addendum (Proposal) is for MBP to continue to provide construction quality assurance management (QAM) services for the Lynchburg Midtown Connector project (Project) throughout the course of the construction of the project, and through final contract closeout if requested.

SCOPE OF PROJECT -

**LYNCHBURG MIDTOWN CONNECTOR, PHASE II (Construction Phase)
VDOT PROJECT NO. U000-118-V09, PE101, RW201, RW202 & C501; UPC 8759
CITY OF LYNCHBURG, VIRGINIA**

The Lynchburg Midtown Connector is a First Cities Initiative locally administered project by the City of Lynchburg (City) with Virginia Department of Transportation (VDOT) and Federal Highway Administration (FHWA) oversight. The work is being performed pursuant to VDOT's Local Assistance Program Guidelines.

ORIGINAL SCOPE OF SERVICES

As Senior Project Manager, provide Quality Assurance Management (QAM) services for this Project, for an estimated 32 calendar months, including one month prior to the anticipated notice to proceed construction date and a month after completion of the City's final acceptance inspection:

- Attend initial Project Showing for advertisement (1 meeting)
- Attend Project Preconstruction Meeting (1 meeting)
- Attend monthly Progress Meetings and report on previous month's construction activities noting any quality issues, their status and means of resolution as appropriate (estimated 30 monthly meetings).
- Provide via email a written monthly status report of Quality Control (QC) inspection activities including both on and off site test results detailing any outstanding issues that could impact final quality and/or payment to the contractor.
- Serve as a resource to the City of Lynchburg and AECOM to assist in addressing inquiries from the Contractor, Utility Owners, VDOT and/or FHWA.
- Conduct a weekly site visit to monitor QC inspection and testing activities performed by NXL Construction Services, Inc. and review corresponding project documentation. Provide AECOM (Scott Hodge, PE) a weekly status report via phone and/or email as required.

In addition to the forgoing, and based upon conversations between Dale Grigg, PE and Scott Hodge, PE, MBP proposes the following extension to our original scope of services and budget:

ADDITIONAL SCOPE OF SERVICES

Extension of QAM Services

Extend the period of performance for Senior Project Manager (QAM) services, averaging 20 hours per month, commencing on or about April 1, 2015, and extending through December 31, 2015. This extension is in addition to and supersedes the City of Lynchburg's previous instructions to limit the overall project CEI budget extension to a maximum of 25% of its original contract value, with MBP's extension being limited to \$18,839.00 as submitted in our June 25, 2014 amendment.

Estimated Budget

MBP proposes to perform the services described herein on a time and materials basis with a **not to exceed (NTE) value** derived as follows:

**ORIGINAL BUDGET ESTIMATE
Quality Assurance Manager (QAM)**

PERSONNEL/SERVICE	Avg. Hours Per Month	Months	Billable Rate	Budgeted Cost
Senior Project Manager	20	32	\$163.15/hr.	\$104,416.00
DIRECT EXPENSES	Avg. Miles Per Month	Months	Billable Rate	Budgeted Cost
Project Mileage	230	32	\$0.51/mi.	\$3753.60

Previously Authorized Budget \$108,169.60

**ADDITIONAL BUDGET ESTIMATE DATED JUNE 25, 2014
Quality Assurance Manager (QAM) and
Partial Audit of the Project Records**

PERSONNEL/SERVICE	Avg. Hours Per Month	Months	Billable Rate	Budgeted Cost
Senior Project Manager	20	3.16	\$163.15/hr.	\$10,325.40
PERSONNEL/SERVICE	Hours Per Task	Number of Task	Billable Rate	Budgeted Cost
Records Reviewer	80	1	\$106.42/hr.	\$8,513.60

NTE TOTAL \$127,008.60
Less Previously Authorized Budget \$108,169.60
Estimated Budget Increase \$ 18,839.00

**PROPOSED ADDITIONAL BUDGET ESTIMATE
Quality Assurance Manager (QAM)**

PERSONNEL/SERVICE	Avg. Hours Per Month	Months	Billable Rate	Budgeted Cost
Senior Project Manager	20	9	\$163.15/hr.	\$29,367.00

NTE TOTAL	\$156,375.60
Less Previously Authorized Extended Budget	<u>\$127,008.60</u>
Estimated Additional Budget Increase	\$ 29,367.00

TERMS and CONDITIONS

The Terms and Conditions for this assignment will be in accordance with the executed Subcontract Agreement dated February 2, 2012 between AECOM Technical Services, Inc. (AECOM) and McDonough Boyard Peck, Inc. (MBP).

We look forward to the opportunity to continue our working relationship with AECOM and the City of Lynchburg. If you have any questions on any of the above items or wish to change the scope in any way, please contact me at our Roanoke Office (540-985-9453).

Sincerely,



Dale H. Grigg, PE
Branch Manager

cc: Christopher Payne, PE, CCM, Regional Manager
Proposal File

FEE PROPOSAL

FOR

**MIDTOWN CONNECTOR, PHASE II PROJECT
UPC 8759, PROJECT NO. U000-118-V09, PE101,
RW201, RW202 & C501
Supplemental CA and Inspection Services**

LYNCHBURG, VIRGINIA

PREPARED FOR:

AECOM TECHNICAL SERVICES, INC.

PREPARED BY:

**NXL, INC.
114 EAST CARY STREET, SUITE 200
RICHMOND, VIRGINIA 23219-3735**



www.nxl.com

nxl | Engineers, Surveyors
Construction Managers

December 1, 2014

Mr. Scott Hodge
AECOM Transportation
1315 Franklin Road
Roanoke, VA 24016

Re: Lynchburg Midtown Connector
NXL Construction Services Quote for Inspection Services

Dear Mr. Hodge:

We are providing herein our proposal for Inspection Services on the subject project. This proposal is to cover the additional cost needed on the project. Our proposal and assumptions are as follows:

- This proposal covers services from January through December 2015.
- Inspection will continue to follow the VDOT LAP Manual.
- Staffing was based on the current anticipated schedule. It does not take into consideration acceleration of schedule beyond what is shown in the latest update.
- Staffing hours were based on the following:
 - CM – 5 day work week at 45 hours per week
 - Inspectors – 5 day work week at 50 hours per week
 - Scheduler – 8-12 hours per month
- Our Proposal for Inspection Services is \$1,204,067.

Again this proposal is based on information known at this time. If events occur on the project in which NXL deems outside of the scope of work included in this proposal, we will notify you immediately. It is NXL's intentions to monitor the staffing on the project and as work operations decrease as the project approaches completion, we will decrease the staff accordingly.

I have included a breakdown of costs as an attachment for your information.

We appreciate the opportunity to continue to work with you on this project. Feel free to contact me if you have any questions or comments.

Michael W. Saunders, PE
Director of Construction Management Division
NXL Construction Services, Inc.



NXL Construction Services, Inc
Lynchburg Midtown Connector
Inspection Breakdown for Services
Prepared for: AECOM
By: M Saunders, P.E.
Date: December 2014

Labor Detail

Staff				
	Total Hours	Total Labor	Total Hours	Total Labor
CM	0	\$ -	2,313	\$ 267,450
Senior Inspectors	0	\$ -	5,140	\$ 605,774
Regular Inspectors	0	\$ -	3,154	\$ 207,098
Scheduler	0	\$ -	132	\$ 13,168
Yearly Totals		\$ -		\$ 1,093,490

Grand Total Labor **\$ 1,093,490**

Expense Detail

	2015
Vehicle Expenses	\$ 68,120
Phones, Computers, Printers, Misc	\$ 37,207
QA Lab Test	\$ 5,250
Totals	\$ 110,577

Grand Total Expenses **\$ 110,577**

Grand Total Labor, Expense, Lab **\$ 1,204,067**

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **January 13, 2015 (PDC)**

AGENDA ITEM NO.:

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Region 2000 Long Range Transportation Plan (LRTP) Update**

RECOMMENDATION:

Approve ranking of transportation projects as recommended by staff for consideration for inclusion in the constrained portion of the LRTP and eventually in the Virginia Department of Transportation (VDOT) Six Year Plan.

SUMMARY:

Proposed ranking of projects is attached for discussion. Staff is present to discuss the topic. As this is the first year of House Bill 2 (HB2) implementation the process is not as clear as in the past. Region 2000 is preparing the update for the LRTP and requested input from the Cities and Counties regarding their priorities. The projects recommended will likely be subjected to a ranking process (not yet defined) as required by HB2 prior to inclusion in the VDOT Six Year Plan.

Region 2000 has not yet been given a revenue projection which they will need to construct the constrained plan. We expect the constrained plan to consist of projects totaling approximately \$90,000,000.00 over the life of the projection (20 years). If that is the case, it would allow for inclusion of at most the top four priorities on the proposed list into the constrained plan.

PRIOR ACTION(S):

Concurrence with existing VDOT six year plan.

FISCAL IMPACT:

None – these projects would be candidates for VDOT funding.

CONTACT(S):

Don DeBerry – City Traffic Engineer – 455-3935

Lee Newland – City Engineer – 455-3947

Gaynelle Hart – Public Works Director – 455-4406

ATTACHMENT(S):

REVIEWED BY:

	City of Lynchburg proposed projects by document
--	---

City proposed constrained plan								
Map ID	Jurisdiction	Project Location and Description	Description/Notes	Project Length (mi.)	Est. Cost 2014 \$			
under construction	Lynchburg	MidTown Connector - Rte 29 Bus. to Int. Memorial/5th.	Reconstruct 2 lane curb and gutter with flush medium		\$ 15,000,000.00			
VDOT Design Build #1	Lynchburg	Greenview Drive - Hermitage Road to .22 MS Leesville Road	Widen to 4 lanes		\$ 15,000,000.00			
VDOT Design Build #2	Lynchburg	New interchange extending Odd Fellows Rd over Rt 29/460	Construct Interchange, plus road to Mayflower and design balance of connector		\$ 35,000,000.00			
1	Lynchburg	Rt 501- Lynchburg Expressway	Existing Rt 501 S of 221 to Northwest Expressway (One Way Pair)		\$ 30,000,000.00			
2	Lynchburg	Odd Fellows Rd project balance	Construct roundabouts, bridge replacement and balance of connector		\$ 15,000,000.00			
3	Lynchburg	50+ blocks of waterline replacement and streetscape improvements downtown	Downtown		\$ 50,000,000.00			
4	Lynchburg	Rt 501- Candler's Mountain Rd	Rt 460W to Lynchburg Expressway		\$ 35,000,000.00			
5	Lynchburg	Rt 460 / 29 (Richmond Highway) -- From Rt 501 (Campbell Avenue) to Rt 29 (Monacan Parkway)	Safety / Traffic Operations / TSM (Primary)		\$ 15,000,000.00			
6	Lynchburg	Lynchburg Expressway	Candler's Mountain Rd Interchange	STARS Concept C	\$ 16,220,000.00			
7	Lynchburg	Lynchburg Expressway	James St/Stadium Rd Interchange	STARS Concept G + H	\$ 12,200,000.00			
8	Lynchburg	Lynchburg Expressway	Odd Fellow Rd Interchange	STARS Concept E + F	\$ 7,320,000.00			
9	Lynchburg	Lynchburg Expressway	Miller St/Robins Rd Interchange	STARS Concept K	\$ 200,000.00			
10	Lynchburg	Lynchburg Expressway	Main St/Church St Interchange	STARS Concept L	\$ 2,700,000.00			
11	Lynchburg	Lynchburg Expressway	Kemper St/Campbell Ave Interchange	STARS Concept I + J	\$ 14,900,000.00			
VDOT project	MPO-Wide	Lynchburg District Design Build Culvert Rehabilitation	ARRA Funding for Bridge Culvert Rehabilitation					

VDOT project	MPO-Wide	Safety/ Traffic Operations/Transportation System Management (CN)						
VDOT project	MPO-Wide	Rail Crossing Safety (CN)						
VDOT project	MPO-Wide	Bridge Rehabilitation/Replacement/Reconstruction (CN)	Projects such as: bridge or drainage structure rehabilitation, reconstruction or replacement on/adjacent to alignment					
VDOT project	MPO-Wide	Transportation Enhancements/Byway/Bike & Pedestrian/Other Non-traditional Transportation Projects (CN)						
VDOT project	MPO-Wide	Federal Lands Highway (CN)	Projects funded and/or administrated by Federal Lands Highway Division					
VDOT project	MPO-Wide	Recreational Trails (DCR)	Projects funded/advanced through VA Dpt of Conservation and Recreation recreational trails program					
VDOT project	MPO-Wide	General System Maintenance - Preventative Maintenance and System Preservation, Traffic & Safety Operations, and Preventative Maintenance for Bridges	Preventative Maintenance, System Preservation, Traffic & Safety Ops, Preventative Maintenance for Bridges					
City proposed Vision plan								
Map ID	Jurisdiction	Project Location and Description	Description/Notes	Project Length (mi.)	Est. Cost 2014 \$			
revenue share current proposed project	Lynchburg	Wards Ferry Rd from Timberlake to past Adams	Widen and add turn lanes transition past Adams		\$ 2,000,000.00			
cdbg & revenue share proposed project	Lynchburg	5th St from Jackson to Taylor St.	Waterline and streetscape improvments		\$ 2,000,000.00			
vision list	Lynchburg	Route 221/Lakeside Dr	East of Lynchburg Expressway widen to four lanes					
vision list	Lynchburg	5th St - Taylor to RR Bridge	reconstruct road and ped, add streetscape					
vision list	Lynchburg	Campbell Ave from Edmunds to Florida	Implement Corridor Plan					
vision list	Lynchburg	Wards Ferry Rd at Harvard St.	Construct roundabout		\$ 2,000,000.00			
vision list	Lynchburg	Wards Rd	Bike Ped Improvements Phase III		\$ 800,000.00			
vision list	Lynchburg	Wards Ferry Rd	Bike Ped Improvements		\$ 1,900,000.00			
vision list	Lynchburg	Wards Ferry Rd at Atlanta	Add Turn Lanes		\$ 500,000.00			

vision list	Lynchburg	Wards Ferry Rd at Simons Run	Pedestrian Accomodations		\$ 100,000.00			
vision list	Lynchburg	Rt 670 (Old Candler's Mountain Road) - Mayflower Drive to Rt 460	Widen to 4 lanes					
vision list	Lynchburg	US 501 - Lynchburg Expressway (US 221 - Lakeside Dr to Wiggington Rd Rt 620)	Widen to 4 lanes					
vision list	Lynchburg	Old Forest Rd (US-501 to Link Rd)	Access management improvements					
vision list	Lynchburg	Graves Mill Rd Rt 1425 (US 221 - Forest Rd to Lynchburg Expressway)	Revise interchange to DDI - Access management improvements					
vision list	Lynchburg	Old Graves Mill Rd (US 460 - Timberlake Rd to Graves Mill Rd Rt 1425)	Access management and safety improvements					
vision list	Lynchburg	US 460 - Timberlake Dr (Old Graves Mill Rd to Lynchburg Expressway)	TSM, access management improvements, and potential widening					
vision list	Lynchburg	Leesville Rd Rt 682 (Greenview Dr Rt 678 to US 460 - Timberlake Rd)	Widen to 3 lanes					
vision list	Lynchburg	Rt 460/29 (Richmond Hwy) -- From Rt 501 (Campbell Ave) to Rt 29 (Monacan Pkwy)	Improve to 6 lane limited access rdway					
vision list	Lynchburg	Odd Fellows Rd connection to Campbell Ave.	Construct New Roadway		\$ 10,000,000.00			
vision list	Lynchburg	John Capron Rd	Construct new roadway to Oddfellows		\$ 1,000,000.00			
vision list	Lynchburg	Tyreanna	Roadway Improvement per Comp Plan		\$ 15,000,000.00			
vision list	Lynchburg	Buchanan St	Extend Road per Comp Plan		\$ 1,000,000.00			
vision list	Lynchburg	McConville Rd	Realign Road per Comp Plan		\$ 1,500,000.00			
vision list	Lynchburg	Atherholt Rd	Extend Road per Comp Plan		\$ 1,500,000.00			
vision list	Lynchburg	Stonemill Dr	Extend Road per Comp Plan		\$ 8,000,000.00			
vision list	Lynchburg	Candler's Mountain Rd	Sidewalks to Snowflex		\$ 500,000.00			

vision list	Lynchburg	Memorial Ave - RR Bridge to Langhorne	reconstruct road and ped, add streetscape					
vision list	Lynchburg	Rt 501 (Lynchburg Expressway)- Rt 221 (Lakeside Drive) to Old Graves Mill Road	English SPUI					

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **January 13, 2015 (PDC)**

AGENDA ITEM NO.:

CONSENT: REGULAR: **X** WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X** INFORMATION:

ITEM TITLE: **Community Market Parking Deck Update**

RECOMMENDATION:

Review report with staff.

SUMMARY:

The Community Market Parking Deck was constructed over 80 years ago in 1933 for much lighter trucks and cars of that time period. The deck is only 3-1/2" thick and has a weight limit of 3 tons. A suburban weighs approximately 5800 pounds or just 200 from the weight limit and a pick-up truck with a diesel engine weighs in at 6600 pounds. With the corroding reinforcing steel and spawling concrete, the deck has reached the end of its useful life.

The report states that repairing the deck is not economically feasible and gives two options of removing the deck and filling in the area to pave over it or replacing it with another elevated deck. Both options are in the \$2,000,000 range to include engineering, construction inspection and contingencies.

The deck is vitally important to the functioning of the Community Market so a temporary solution has been proposed while the ultimate solution is being designed.

PRIOR ACTION(S):

Minor repairs 2002, 2010.

FISCAL IMPACT:

Immediate modifications and temporary repairs \$50,000.
Future CIP Project \$2,000,000.

CONTACT(S):

Lee Newland – City Engineer – 455-3947
Kay Frazier – Parks & Recreation Director – 455-5868
Gaynelle Hart – Public Works Director – 455-4406

ATTACHMENT(S):

Community Market Parking Deck Engineering Report

REVIEWED BY:

Schwartz & Associates, Inc. Consulting Engineers

Heritage Business Center
7331 Timberlake Road, Suite 305
Lynchburg, Virginia 24502
(434) 237-6584

MEMBER OF:
ACEC
ACI
AISC
APWA
AREA
ASCE
NSPE

November 19, 2014

Mr. Joe Smith
City of Lynchburg
1700 Memorial Avenue
Lynchburg, VA 24501

Re: Parking Deck Condition Reports
City of Lynchburg, VA
Our Commission No.: 14039

Dear Joe:

As requested, we are attaching a CD of the condition report for the Community Market Parking Deck

If you have any questions, please contact us. Thank you.

Yours truly,

SCHWARTZ & ASSOCIATES, INC.



R. Wayne Schwartz, P.E.

RWS:res

Attachment

Community Market Parking Deck



Schwartz & Associates, Inc.
Consulting Engineers

**Parking Deck Evaluation Report for
Community Market Parking Deck
1201 Main Street**

Lynchburg, VA

November 17, 2014



Prepared for



Submitted by
Schwartz & Associates, Inc.
Consulting Engineers

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2.0 Structure Evaluation

2.1. Structure Investigation

On September 7th, 2014, Schwartz & Associates, Inc., Consulting Engineers conducted a Parking Deck Evaluation on Community Market Parking Deck at the 1201 Main Street located in the City of Lynchburg, Virginia. The structure is owned and maintained by the City of Lynchburg. The study area of the parking deck has one level and it is 64'-4 ½" by approximately 159'-10". The study area covers Bays A₁, B, C, D and E and Panels 1-10 as shown on attached sketch in section 2.2. Included in the study area are the deck, supporting beams, and supporting columns which are constructed within the limits of the above described area. The parking deck has a maximum vehicle weight limit of 3 tons and it is posted at the entrance, see photograph #35.

The entire structure was visually inspected and sounded with a hammer and chain drag and the following deficiencies were identified:

Deck:

Generally, the deck was in poor condition. Our greatest concern for this structure is the concrete deck is only 3½" thick with insufficient reinforcing steel and it is severely deteriorated.

The entire top side of the deck was checked for delaminations using a chain drag and approximately 1,370 SF of spalled or delaminated concrete were identified. In conjunction with checking for delaminations, a close visual inspection of the deck was performed in an effort to locate any discrepancies that may lead to future complications. There were approximately 1,170 LF of cracks that were discovered. On the top side of the deck, about 13% of the surface area was found to be spalled or delaminated.

The bottom of the deck was visually inspected for defects and there were approximately 2,270 SF of spalled or delaminated concrete identified. In many of these areas, the deck reinforcing steel was exposed exhibiting section loss due to corrosion. In addition, large areas of the deck underside showed evidence of extensive moisture seepage and there were a number of areas where water was found to be dripping off the bottom side of the deck. Approximately 80% of the entire underside of the deck shows signs of heavy moisture seepage. On the bottom side of the deck, about 22% of the surface area was found to be spalled or delaminated. Due to the overall poor conditions; including heavy moisture seepage on the underside of the deck and large areas of spalled or delaminated concrete on the top and bottom sides of the deck, corrosion of the reinforcing steel extends well beyond the spalled or delaminated areas. This condition likely exists in over 50% of the surface area.

Beams and Stringers:

Generally the beams and stringers were in fair to poor condition. Panels 1-9 were constructed with concrete beams and panel 10 was constructed with steel stringers. There were a number of the concrete beams that were showing evidence of moisture seepage and we estimate 945 SF of the beam surfaces were found to be spalled or delaminated. In some of these areas, the reinforcing steel was corroded and exhibiting section loss.

There was one beam in Bay D between Columns 9 and 10 that was severely deteriorated. The deteriorated concrete was removed in this area and the beam was encased in new concrete in 2011, see photograph #27.

There were some areas where the steel beams were severely deteriorated and weakened as a result of section loss. Floor beams 11a and 11b had as much as 80% section loss in bottom flange and lower web. A temporary timber bent was installed for additional support under stringers 1 – 3 in panel 10 in 2011, see photograph #16. The timber seat blocks do not have bearing on top of the timber cap and are split, see photographs #17 - #20.

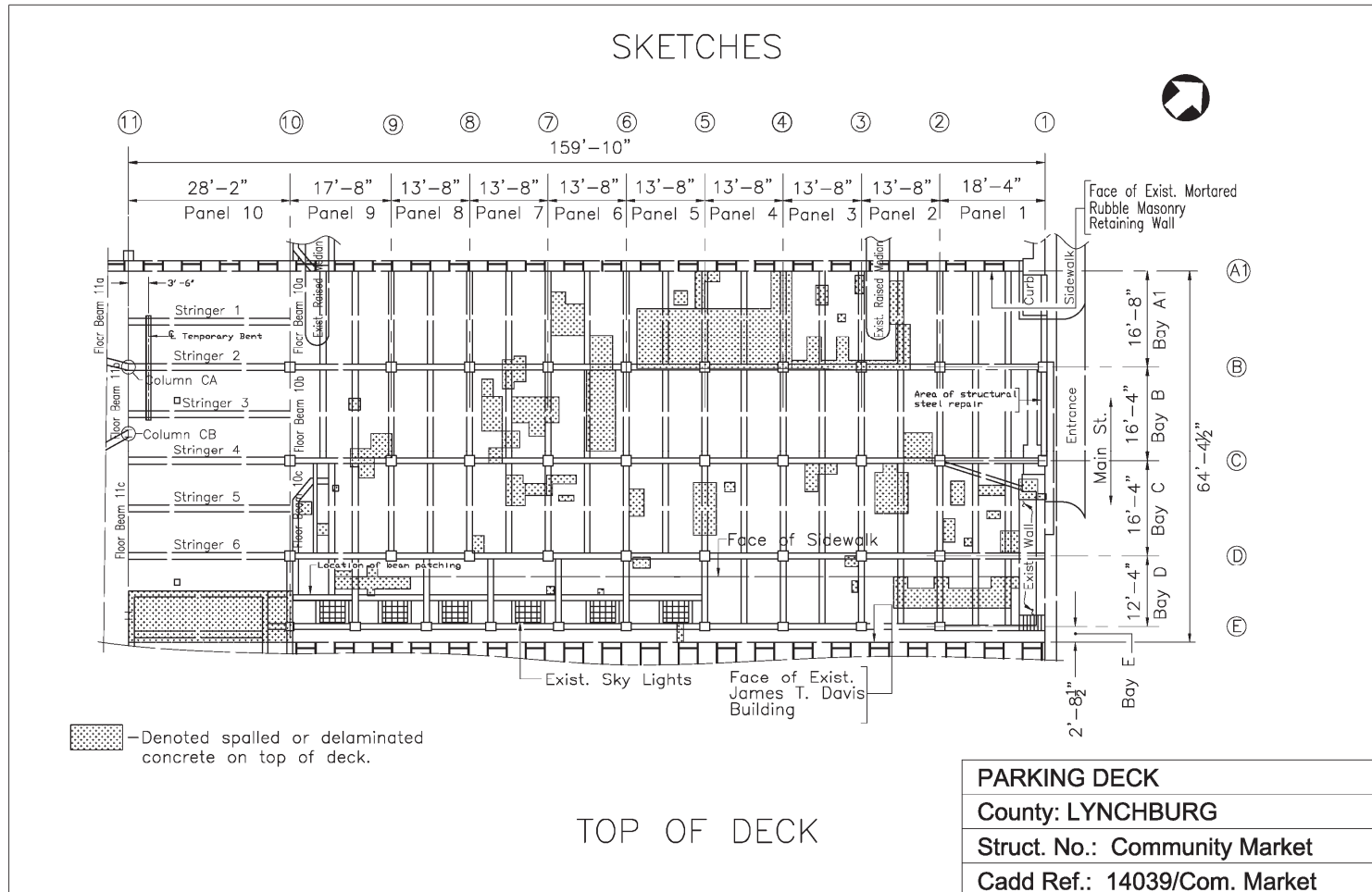
The beam under the Main Street entrance, Bay B was also severely deteriorated. The existing temporary bent was replaced in 2011 to provide additional support in this area, see photograph #22.

Columns:

Generally, the condition of the columns was good. Approximately 66 square feet of spalled or delaminated concrete of the sides of the columns was found.

Community Market Parking Deck
Structure Sketches

2.2. Structure Sketches



3.0 Recommendations

3.1. Recommendations

After reviewing the information obtained in the Structure Evaluation, we have developed two (2) alternatives for the Community Market Parking Deck. Schwartz & Associates, Inc. does not recommend repair of this structure as an option. The concrete deck and its supporting elements are so severely deteriorated, making repairs are not economically feasible. In addition to its condition, the parking deck does not have the ability to support the loads of delivery vehicles to the adjacent businesses because of the original geometric and structural design.

There are numerous businesses adjacent to the study area of the Community Market Parking Deck that rely heavily on that area for customer parking. These businesses may suffer the economic impact of construction on the parking deck. The Preliminary Cost of Repairs does not include the economic damages that these businesses may incur during construction.

Immediate Repair to Temporary Timber Bent is for the furnish and installing metal straps across timber sill, removal of existing lag screws, replacing three (3) existing seat blocks with new ones and reinstalling oak wedges and driving tight. This work should be done within the next four (4) months, see Timber Bent Sketch 2.3 for details.

The details of the two (2) recommended alternatives are listed below.

Alternative A is for the removal of the structure, placing fill material, and placing asphalt concrete paving. The details are as follows:

1. Dismantle and remove existing structure.
2. Install retaining wall.
3. Renovate electrical items
4. Place fill material in void area.
5. Install drainage items.
6. Place Aggregate base material.
7. Place asphalt concrete paving.

Alternative B is for the removal and replacement of the structure with a cast in place concrete parking structure and the details are as follows:

1. Dismantle and remove existing structure.

Estimated Cost of Temporary Timber Bent Repair

2. Renovate electrical items.
3. Install drainage items.
4. Form and place concrete deck and beams.

Alternative C is to perform Type C patching of the concrete deck.

3.2. Estimated Cost of Temporary Timber Bent Repair

Temporary Timber Bent Repair				
DESCRIPTION	QUANTITY	UNITS	UNIT PRICE	TOTAL COST
Mobilization	1	LS	\$ 1,000	\$ 1,000
Timber Bent Repair	1	LS	\$ 6,000	\$ 6,000
Total				\$ 7,000

Community Market Parking Deck
Preliminary Estimated Cost of Repairs

3.3. Preliminary Estimated Cost of Repairs

Alternative A Remove Structure and Backfill				
DESCRIPTION	QUANTITY	UNITS	UNIT PRICE	TOTAL COST
Mobilization	1	LS	\$ 115,000	\$ 115,000
Dismantle & Remove Exist. Str.	1	LS	\$ 131,250	\$ 131,250
Borrow Excavation	7,605	CY	\$ 42	\$ 319,410
Aggr. Base Material Type I No. 21A or 21B	252	TON	\$ 63	\$ 15,876
Asphalt Concrete Type BM-25.0	503	TON	\$ 105	\$ 52,815
Asphalt Concrete Type SM-9.5A	128	TON	\$ 168	\$ 21,504
Concrete Class A3	524	CY	\$ 860	\$ 450,640
Reinforcing Steel	47,200	LB	\$ 2.10	\$ 99,120
Structure Excavation	380	CY	\$ 80	\$ 30,400
Drainage	1	LS	\$ 46,200	\$ 46,200
Electrical	1	LS	\$ 26,250	\$ 26,250
Subtotal				\$ 1,308,465

ALTERNATIVE A TOTAL= \$ 1,308,465
ENGINEERING & CONTINGENCY @ 30%= \$ 392,540
ALTERNATE A GRAND TOTAL= \$ 1,701,005

Community Market Parking Deck
Preliminary Estimated Cost of Repairs

Alternative B and Replace Structure				Remove
DESCRIPTION	QUANTITY	UNITS	UNIT PRICE	TOTAL COST
Mobilization	1	LS	\$ 136,500	\$ 136,500
Dismantle & Remove Exist. Str.	1	LS	\$ 131,250	\$ 131,250
Concrete Class A4	528.6	CY	\$ 1,470	\$ 777,042
Corrosion Resistant Reinforcing Steel	97,791	LB	\$ 2.10	\$ 205,361.10
Structural Steel	39,440	LB	\$ 2.10	\$ 82,824
Structure Excavation	280	CY	\$ 80	\$ 22,400
Drainage	1	LS	\$ 29,757	\$ 29,757
Electrical	1	LS	\$ 25,200	\$ 25,200
Subtotal				\$ 1,410,334.10

ALTERNATIVE B TOTAL= \$1,410,334.10
ENGINEERING & CONTINGENCY @ 30%= \$423,100.90
ALTERNATE B GRAND TOTAL= \$1,833,435.00

Community Market Parking Deck
Preliminary Estimated Cost of Repairs

Alternative C Deck Patching				
DESCRIPTION	QUANTITY	UNITS	UNIT PRICE	TOTAL COST
Mobilization	1	LS	\$ 3,465	\$ 3,465
Type C Patching	153	SY	\$ 400	\$ 61,200
Subtotal				\$ 64,665

ALTERNATIVE C TOTAL=	\$64,665
ENGINEERING & CONTINGENCY @ 30%=	\$19,400
ALTERNATE C GRAND TOTAL=	\$84,065

3.4. Summary of Recommendations

Temporary Timber Bent Repair is for the Immediate Repair of the existing Timber Bent that was installed in 2011. This work should be done within the next four (4) months. The estimated cost is \$7,000.

Three (3) alternatives for Preliminary Estimated Cost of Repairs are presented and they are described as follows:

1. Alternative A is for removal of parking deck and placing backfill. The estimated cost is \$1,701,005.
2. Alternative B is for removal and replacement of parking deck. The estimated cost is \$1,833,435.
3. Alternative C is to perform Type C patching of the concrete deck. The estimated cost is \$84,065.

It is our recommendation that the structure be demolished, the area filled in, and paved over. Included in this recommendation is the construction of a reinforced concrete retaining wall to contain the fill in the area adjacent to the boiler room and along the front of the existing Armory building facing Main Street and along the south side adjacent to the old James T. Davis building. We are assuming in this recommendation that the existing mortar rubble masonry retaining wall which is perpendicular to Main Street and is on the North side of our study area (shown as line A1 on our study area sketch on 2.2, structure Sketches) has fill behind the walls which supports the existing asphalt pavement.

4.0 Photographs



(1) Top of deck – Spalled and delaminated concrete



(2) Top of deck – Spalled and delaminated concrete



(3) Top of deck – Spalled and delaminated concrete



(4) Top of sidewalk – Spalled and delaminated concrete



(5) Entrance – Spalled concrete and broken handrail



(6) Entrance – Clogged trench drain



(7) Bay A1 from panel 10



(8) Bay B from panel 10



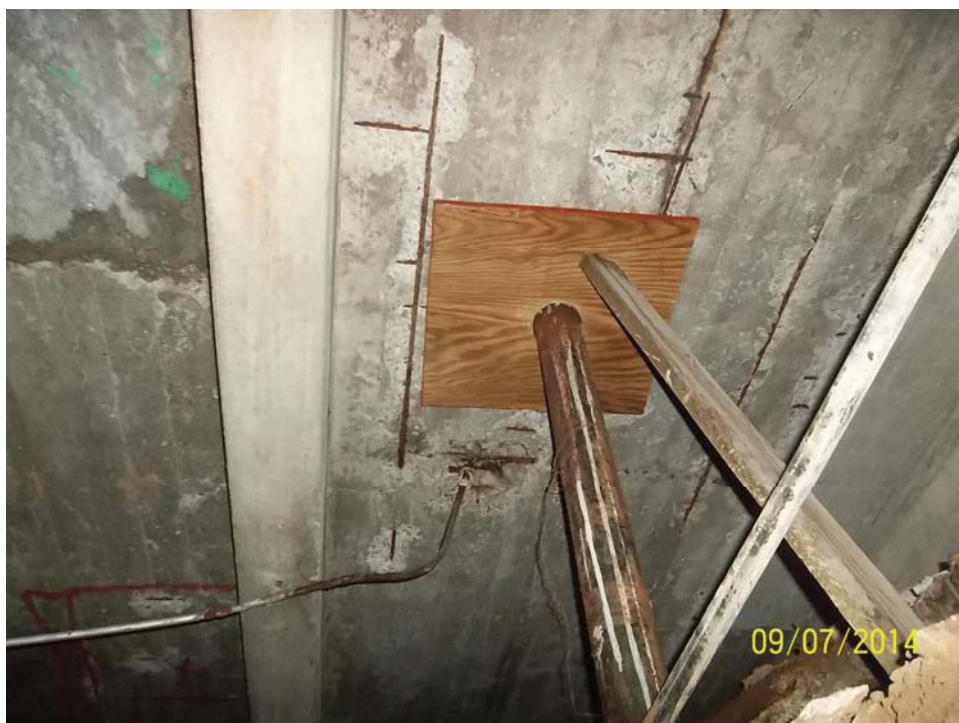
(9) Bay C from panel 10



(10) Bay D from panel 9



(11) Bay E from panel 9



(12) Bay A1, Panel 2 – Spalled and delaminated concrete with exposed reinforcing steel



(13) Bay A1 panel 4 – Spalled and delaminated concrete with exposed reinforcing steel



(14) Bay A1 panel 6 – Spalled and delaminated concrete with exposed reinforcing steel



(15) Bay A1 panel 8 – Spalled and delaminated concrete with exposed reinforcing steel



(16) Bay A1 & Bay B panel 10 – Timber bent



(17) Temporary seat block under stringer 1 – timber block not bearing on cap



(18) Temporary seat block under stringer 2 – timber block not bearing on cap



(19) Temporary seat block under stringer 2 – block is split



(20) Temporary seat block under stringer 3 – block is split



(21) Bay B panel 1 – Metal decking and delaminated beam



(22) Bay B panel 1 – Temporary bent at entrance



(23) Bay B, panel 8 - Spalled and delaminated concrete with exposed reinforcing steel



(24) Bay C, panel 2 – Spalled and delaminated concrete with exposed reinforcing steel



(25) Bay C panel 9 – Spalled and delaminated concrete with exposed reinforcing steel



(26) Bay D, panel 6 – Spalled and delaminated concrete with exposed reinforcing steel



(27) Bay D panel 9 – Concrete beam repair



(28) Sky light – Spalled and delaminated concrete with exposed reinforcing steel



(29) Floorbeam 11B – web between column CB &CA has a corrosion hole 4" high full length along bottom



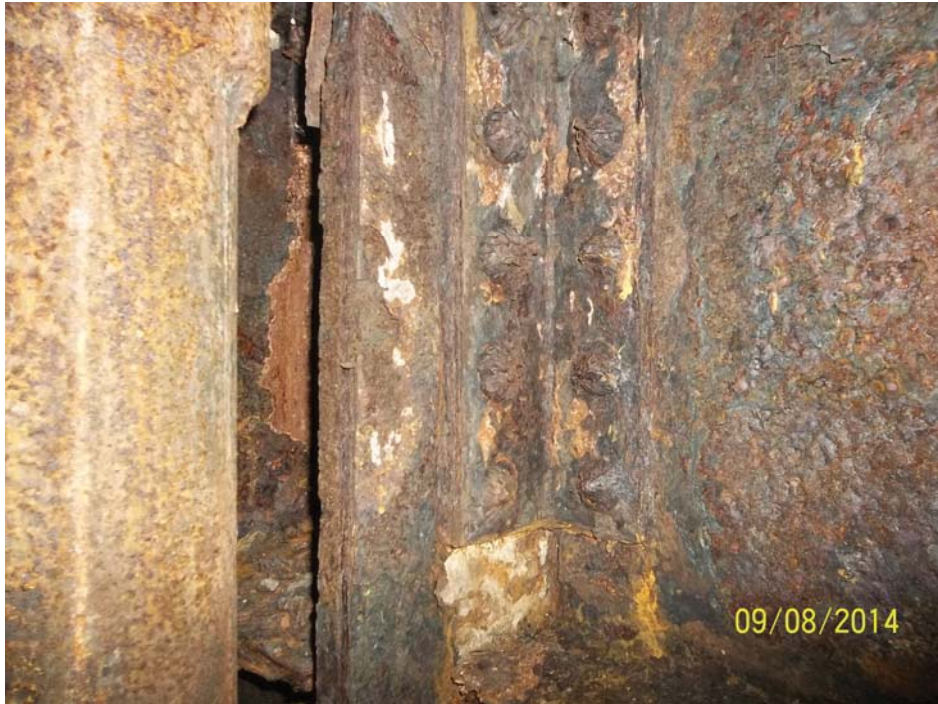
(30) Floorbeam 11A – connected to column CA has $\frac{3}{16}$ " remaining in bottom flange for 4' and web has 75% section loss full height between stringer 1 and stringer 2



(31) Floorbeam 11A – clip angle under bottom flange has 90% section loss in top leg



(32) Panel 10 stringer 2 – bolt flange has 50% section loss end 2' at column CA and web has 80% section loss in bottom 3" with 1" dia. Corrosion hole, 1' long for 2' at column CA



(33) Vertical clip angles in Floorbeam 11A at column CA – 50% section loss and rivet heads have 50% to 80% section loss



(34) Floor beam 11C – Has 1/8" section loss on bottom flange, 10' out from column CB, panel 10



(35) Three (3) ton weight limit sign at Community Market entrance.

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **January 13, 2015 (PDC)**

AGENDA ITEM NO.:

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Odd Fellows Road Update**

RECOMMENDATION:

None.

SUMMARY:

The Odd Fellows Road Design-Build project proposals were opened publically by VDOT on Monday, December 22, 2014 from two bidders. VDOT has determined that the lowest responsive bidder was Wagman, Inc., with a bid of \$29,846,350 for the base bid and alternates 1 & 2. The maximum bid amount given by VDOT was \$31,300,000.

The base bid was Segment A (the interchange), Segment B1 (all improvements except for Landscaping, Sidewalk and Shared use path) and Segment B1 R/W and Utilities (for ultimate build out).

Alternate # 1 includes Landscaping, Sidewalk and Shared use path for Segment B1 and Alternate # 2 includes complete design and final construction plans for Segment B2 including the bridge over N&S Railroad.

This project and Greenview Drive are scheduled for the Commonwealth Transportation Board (CTB) on January 14, 2015.

PRIOR ACTION(S):

None.

FISCAL IMPACT:

Future CIP Project for the Bridge over N&S - \$1,190,000.

CONTACT(S):

Lee Newland – City Engineer – 455-3947

Gaynelle Hart – Public Works Director – 455-4406

ATTACHMENT(S):

None.

REVIEWED BY:

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **January 13, 2015**

AGENDA ITEM NO.: 3

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION:

INFORMATION: **X**

ITEM TITLE: **Meeting with the Lynchburg Regional Transportation Advisory Group (LRTAG)**

RECOMMENDATION: No action required.

SUMMARY: For a several years, a group of local business representatives, under the auspices of the Lynchburg Regional Chamber of Commerce and in coordination with Region 2000 and the City of Lynchburg, have discussed and advocated for significant transportation projects in this region. LRTAG representatives have met with the Secretary of Transportation and senior Virginia Department of Transportation (VDOT) staff and have spoken at public hearings. The goal of LRTAG has been to put forth a clear, consistent and coordinated message about the need for this region to get its fair share of transportation funding to improve safety, enhance transportation efficiency, and support economic development. Feedback from VDOT has been positive.

LRTAG Chair, Ed Craighill, has asked to appear before City Council, along with other members, to bring Council up to speed on the activities of LRTAG and to seek Council's input. Due to scheduling constraints, they have asked to appear first on Council's agenda at 7:30 p.m.

PRIOR ACTION(S): None

FISCAL IMPACT: N/A

CONTACT(S): Kimball Payne, 455-3990

ATTACHMENT(S): None

REVIEWED BY: lkp

006K

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **January 13, 2015**

AGENDA ITEM NO.: 4

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Appalachian Power request for an easement on city-owned property at 3020 Wards Ferry Road**

RECOMMENDATION: After a public hearing, adopt a resolution approving the request to grant Appalachian Power Company an easement.

SUMMARY: Appalachian Power Company is requesting easement approval to install underground power lines and an electrical cabinet on city-owned property at 3020 Wards Ferry Road. The easement is required for the construction of the new Heritage High School project. The power line would be located on school property as indicated on attached easement map.

PRIOR ACTION(S): Physical Development Committee (PDC) – December 2014; Technical Review Committee (TRC) – October 2014

FISCAL IMPACT: None

CONTACT(S): Lee Newland, City Engineer – 455-3947; Gaynelle Hart, Director of Public Works – 455-4406

ATTACHMENT(S): Resolution; Deed and Easement Map

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED by the Lynchburg City Council that the City Manager is authorized to execute a utility easement/right of way agreement with Appalachian Power Company allowing the installation, maintenance, and operation of underground power lines and an electrical cabinet on City owned property (Heritage High School) at 3020 Wards Ferry Road for the construction of the new Heritage High School.

Adopted:

Certified:

Clerk of Council

001K

TAX ID or PARCEL NO. 24807001

GRW 256-UNDGRD - VA CORP

The City of Lynchburg Eas. No. _____ R/W Map No. 3779 152 B1
W.O. No. W002512801 Job No. 14 310090 Prop No. 1
Line Heritage Elementary

THIS AGREEMENT, made this 27th day of August, 2014,
by and between **THE CITY OF LYNCHBURG**, a Municipal Corporation of the Commonwealth of Virginia, herein
called "Grantor", and APPALACHIAN POWER COMPANY, a Virginia corporation, herein called "Appalachian",

WITNESSETH:

That for and in consideration of the sum of One Dollar (\$1.00), cash in hand paid to Grantor by
Appalachian, the receipt whereof is hereby acknowledged, Grantor hereby grants, conveys, and warrants to
Appalachian, its successors, assigns, lessees and tenants, a right of way and easement for an electric power line
or lines, and communication lines, in, on, along, through, over, across or under the following described lands of the
Grantor situated in **The City of Lynchburg**, State of Virginia.

Being a right of way and easement on the property of the Grantors identified as The City of Lynchburg Tax Parcel
No. 24807001.

The location of said right of way and easement shown on Appalachian's Drawing No. V-2343, dated
7/22/2014, attached hereto and made a part hereof. Said right of way and easement to be 15 feet in width,
7.5 feet on either side of centerline, as installed.

TOGETHER with the right, privilege and authority to Appalachian, its successors, assigns, lessees and
tenants, to construct, erect, install, place, operate, maintain, inspect, repair, renew, remove, add to the number of,
and relocate at will underground conduits, ducts, vaults, cables, wires, transformers, pedestals, risers, pads,
fixtures, and appurtenances (hereinafter called "Appalachian's Facilities"), in, on, along, through, across and
under the above referred to premises; the right to disturb the surface of said premises and to excavate thereon,
and to cut down, trim, clear, and/or otherwise control, and at Appalachian's option, remove from said premises,
brush, undergrowth, trees, tree roots, shrubs, buildings or other obstructions which may endanger the safety of, or
interfere with the use of, Appalachian's Facilities; and the right of ingress and egress to and over said above
referred to premises, and any of the adjoining lands of the Grantors at any and all times, for the purpose of
exercising and enjoying the rights herein granted, and doing anything necessary or useful or convenient in
connection therewith.

It is understood and agreed between the parties hereto, that the Grantors reserve the right to use said
lands in any way not inconsistent with the rights herein granted.

It is further understood and agreed between the parties hereto that this right of way and easement is for a
period of Forty (40) years, commencing on the _____ day of _____, 2014 and ending on the _____ day
of _____, 2054.

TO HAVE AND TO HOLD the same unto Appalachian Power Company, its successors, assigns, lessees
and tenants.

THIS INSTRUMENT PREPARED BY AND UPON RECORDATION RETURN TO
APPALACHIAN POWER COMPANY, PO BOX 2021, ROANOKE, VIRGINIA 24022

It is agreed that the foregoing is the entire contract between the parties hereto, and that this written agreement is complete in all its terms and provisions.

NOTICE TO LANDOWNER: You are conveying rights to a public service corporation. A public service corporation may have the right to obtain some or all of these rights through exercise of eminent domain. To the extent that any of the rights being conveyed are not subject to eminent domain, you have the right to choose not to convey those rights and you could not be compelled to do so. You have the right to negotiate compensation for any rights that you are voluntarily conveying.

IN WITNESS WHEREOF, Grantor has caused its corporate name and seal to be hereto affixed the day and year first above written.

Accepted pursuant to the Code of Virginia (15.2 – 1803) on behalf of The City of Lynchburg by authority granted by City Council, approved as to form:

THE CITY OF LYNCHBURG

By: _____
Walter C. Erwin, III
City Attorney

STATE OF VIRGINIA)
) To-wit:
CITY OF LYNCHBURG)

The foregoing instrument was acknowledged before me this _____ day of _____,
2014, by Walter C. Irwin, III, City Attorney, as to form.

Notary Public/Commissioner

My Commission expires:

ID - _____
(For Va. Only)

THE CITY OF LYNCHBURG

By: _____
L. Kimball Payne, III
City Manager

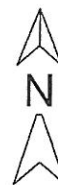
STATE OF VIRGINIA)
) To-wit:
CITY OF LYNCHBURG)

The foregoing instrument was acknowledged before me this _____ day of _____,
2014, by L. Kimball Payne, III, City Manager on behalf of The City of Lynchburg, a Municipal Corporation of the
Commonwealth of Virginia.

Notary Public/Commissioner

My Commission expires:

ID No. _____



Existing Pad Mount
Transformer
37790152B11614

HERITAGE ELEMENTARY SCHOOL

PARKING AREA

Proposed Underground
Facilities

Proposed
Cabinet

Proposed Underground
Facilities

SHED

Proposed Pole

Existing Pole
37790152B10356

Lynchburg, Virginia
T.D. 670010
Map Section 37790152B1

APPALACHIAN POWER COMPANY

CHARLESTON REGION- ROANOKE DISTRICT- LYNCHBURG, VIRGINIA

PROPOSED RIGHT OF WAY
ON THE PROPERTY OF
CITY OF LYNCHBURG

DRAWN BY: KJW

DATE: 7/22/2014

APP. BY: CPH

SCALE: NONE

SHEET 1 OF 1

DRAWING NO.

V-2343

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **January 13, 2015**

AGENDA ITEM NO.: 5

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Columbia Gas of Virginia, Inc. request for an easement on city-owned property at 3020 Wards Ferry Road**

RECOMMENDATION: After a public hearing, adopt a resolution approving the request to grant Columbia Gas of Virginia, Inc. an easement.

SUMMARY: Columbia Gas of Virginia, Inc. is requesting easement approval to install underground gas pipe line on city-owned property at 3020 Wards Ferry Road. The easement is required for the construction of the new Heritage High School project. The pipe line would be located on school property as indicated on attached easement map.

PRIOR ACTION(S): Physical Development Committee (PDC) – December 2014; Technical Review Committee (TRC) – November 2014

FISCAL IMPACT: None

CONTACT(S): Lee Newland, City Engineer – 455-3947
Gaynelle Hart, Director of Public Works – 455-4406

ATTACHMENT(S): Resolution; Deed and Easement Map

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED by the Lynchburg City Council that the City Manager is authorized to execute a utility easement/right of way agreement with Columbia Gas of Virginia, allowing the installation, maintenance, and operation of an underground gas pipe line on City owned property (Heritage High School) at 3020 Wards Ferry Road for the construction of the new Heritage High School.

Adopted:

Certified:

Clerk of Council

003K

RIGHT OF WAY

FOR AND IN CONSIDERATION of One Dollar (\$1.00) paid by COLUMBIA GAS OF VIRGINIA, INC., a Virginia corporation, with a mailing address at 1809 Coyote Drive, Chester, Virginia 23836, hereinafter called the Grantee, to **CITY OF LYNCHBURG**, hereinafter, whether singular or plural, called the Grantor, the receipt whereof is hereby acknowledged, and to pay Grantor for any damages to crops, trees, lawns, driveways and fences caused by the operation, maintenance, replacement or removal of said pipes, the Grantor does hereby grant and convey to the Grantee an easement or right of way to construct pipelines and appurtenant equipment, together with valves and service connections, for the transportation of gas, oil, petroleum products or any other materials or substances which may be transported singly or in combination through a pipeline; and to operate, maintain, repair, change the size of pipes, replace and finally remove said pipelines, over and through all that certain tract of land situate in City of Lynchburg, Commonwealth of Virginia, and described as follows:

The location of the easement area pursuant to the terms and conditions of this right of way agreement is shown on Drawing Number V680-206-14, attached hereto, made a part hereof, and recorded herewith.

With the right of ingress and egress to and from the same, reserving to the Grantor the full use and enjoyment of said premises, except for the rights herein granted to said Grantee.

Grantor shall not construct or permit to be constructed any house, structure, or obstruction on or over said easement area that will interfere with the construction, maintenance, operation, replacement or repair of the pipelines or appurtenances constructed hereunder.

The Grantee shall replace and restore the area disturbed by the laying, construction, operation and maintenance of said pipelines to as near as practical to its original condition.

The Grantor and the Grantee have agreed as a part of the consideration hereof that any damages caused by Grantee to crops, lawn, trees or fences on said premises, the amount of which cannot be mutually agreed upon, shall be determined by a panel of arbitrators composed of three disinterested persons, of whom the Grantor and the Grantee shall appoint one each and the two arbitrators so appointed shall appoint the third, the award of any two of whom shall be final and a

condition precedent to the institution of any legal proceedings hereunder.

With regard to the lands encompassed by this easement, ("Easement Area"), Grantor represents that, to the best of its knowledge:

1. No pollutants, contaminants, petroleum or hazardous substances have been disposed or released on or under the Easement Area which would cause or threaten to cause an endangerment to human health or the environment or require clean up,
2. Neither the Easement Area, nor any portion thereof, is legally or contractually restricted as to its use or is subject to special environmental protections that would affect the use of the Easement Area for Grantee's intended use, and

Grantor further represents that it has informed Grantee, prior to the execution of this Agreement, of any and all pollutants, contaminants, petroleum, hazardous substances and endangerments which the Grantor knows or has reason to know exist or may exist on or under the Easement Area.

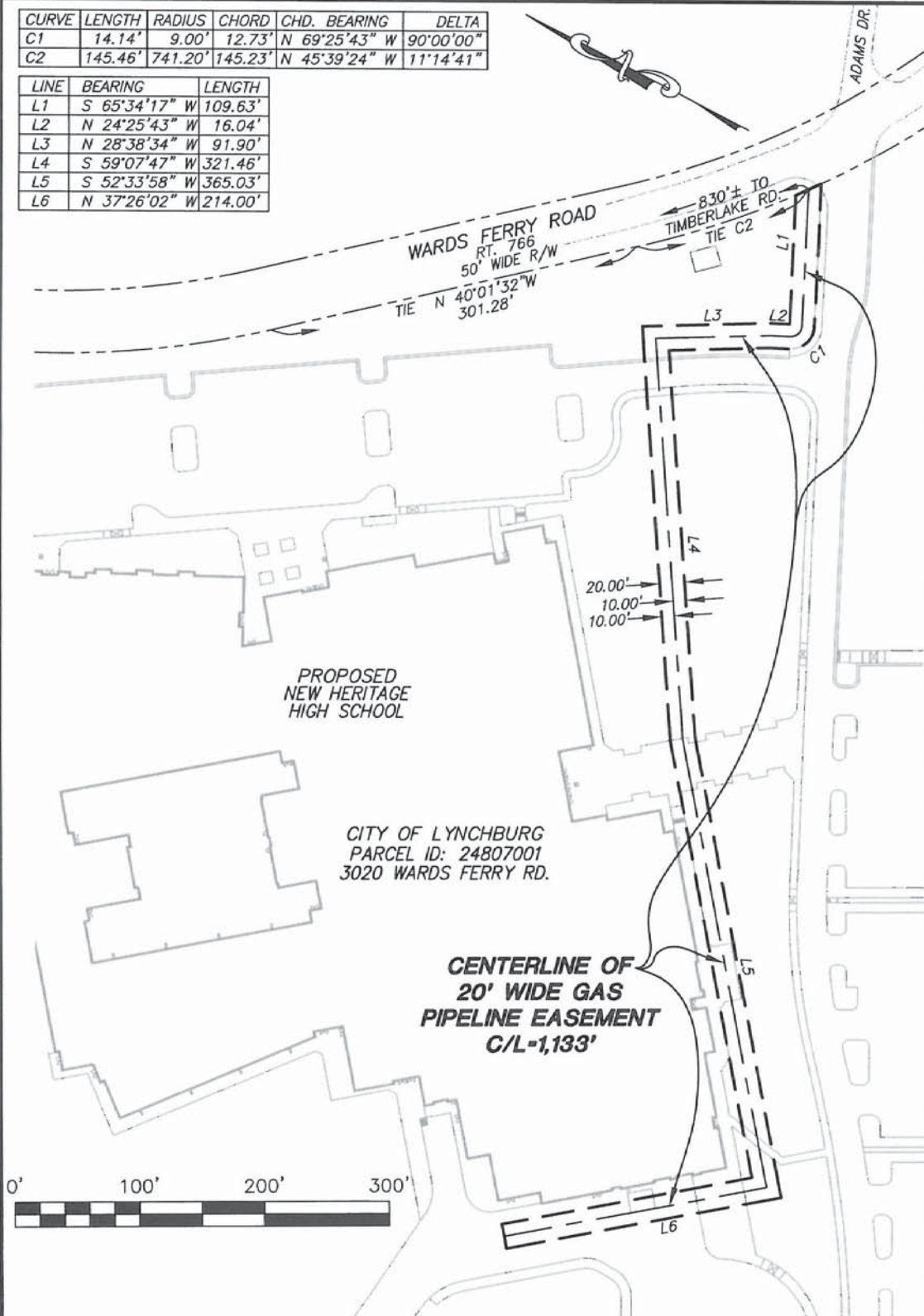
Grantor and Grantee agree that, except to the extent caused by the acts or omissions of the Grantee or its representatives and contractors, the Grantee shall not be liable for, and is hereby released from, any and all claims, damages, losses, judgments, suits, actions and liabilities, whether arising during, prior to or subsequent to the term of this Agreement, related to the presence of pollutants, contaminants, petroleum, hazardous substances or endangerments in, beneath or along the Easement Area.

The rights, privileges and terms hereby shall extend to and be binding upon Grantor and the Grantee and their respective representatives, heirs, successors, and assigns.

Z:\2014\14-0377586-00 New Heritage High School, Lynchburg\14-0377586-00.dwg\PLAT 10/09/2014 2:55 PM

CURVE	LENGTH	RADIUS	CHORD	CHD. BEARING	DELTA
C1	14.14'	9.00'	12.73'	N 69°25'43" W	90°00'00"
C2	145.46'	741.20'	145.23'	N 45°39'24" W	11°14'41"

LINE	BEARING	LENGTH
L1	S 65°34'17" W	109.63'
L2	N 24°25'43" W	16.04'
L3	N 28°38'34" W	91.90'
L4	S 59°07'47" W	321.46'
L5	S 52°33'58" W	365.03'
L6	N 37°26'02" W	214.00'



COMPANY COLUMBIA GAS OF VIRGINIA, INC.				WORK ORDER(S) 183-2000-WP7586-3760 14-0377586-00	
PROJECT 20' WIDE GAS PIPELINE EASEMENT ACROSS THE PROPERTY OF CITY OF LYNCHBURG				TAX DISTRICT(S)	
DATE 10/09/2014	ENGINEER COASTAL CONSULTANTS P.C.	DRAWN BY LAM	SCALE 1" = 100'	COUNTY/CITY LYNCHBURG	
SYSTEM NO. 38061007		MAP(S) 7-656-136-P	REVISIONS	STATE VIRGINIA	
REFERENCES				DRAWING NO. V680-206-14	

**LYNCHBURG CITY COUNCIL
Agenda Item Summary**

MEETING DATE: **January 13, 2015**

AGENDA ITEM NO.: 6

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Conveyance of the lot at 915 2nd Street in Tinbridge Hill to the LRHA**

RECOMMENDATION: After a public hearing, adopt a resolution authorizing the City Manager to execute a deed to convey the lot at 915 2nd Street in Tinbridge Hill to the Lynchburg Redevelopment and Housing Authority (LRHA).

SUMMARY: The Code of Virginia contains a procedure that allows a locality to acquire a low value property (a property with an assessed value of \$50,000 or less) on which the real estate taxes and other liens have not been paid for the amount of the delinquent taxes and liens. This procedure works well in situations where the value of a tax delinquent property is so low that it is not financially feasible to sell the property at public auction because the proceeds from the sale will not generate enough funds to cover the costs of the sale. This procedure is useful in helping the City deal with blighted and neglected properties.

The lot at 915 2nd Street in Tinbridge Hill is vacant, is assessed at \$1,000, and the real estate taxes on the lot have not been paid since 1996. The unpaid real estate taxes and the costs incurred by the City in demolishing an unsafe structure that was located on lot total \$6,589.01. The LRHA owns the lot located at 913 2nd Street, and in a letter dated March 4, 2014, the LRHA asked the City to acquire the lot at 915 2nd Street and subsequently convey the lot to the LRHA so it could package both lots for the construction of new housing.

Since the acquisition of the lot at 915 2nd Street and its conveyance to the LRHA would be consistent with the goals of the Tinbridge Hill Neighborhood Plan by fostering neighborhood revitalization, on March 25, 2014, City Council adopted a resolution authorizing the City Attorney's Office to proceed with the acquisition of the lot. On December 19, 2014, the circuit court approved the conveyance of the lot to the City, and the City can now proceed with the conveyance of the lot to the LRHA for redevelopment.

PRIOR ACTION(S): City Council adopted the Tinbridge Hill Neighborhood Plan on March 11, 2014, and on March 25, 2014, adopted a resolution authorizing the City Attorney's Office to proceed with the acquisition of the property at 915 2nd Street for the purpose of acquiring and transferring the lot to the LRHA. The conveyance of the lot to the LRHA would be consistent with the goals of the Tinbridge Hill Neighborhood Plan to foster neighborhood revitalization.

FISCAL IMPACT: Negligible

CONTACT(S): City Attorney Walter Erwin, 455-3973

ATTACHMENT(S): A resolution authorizing the conveyance of the lot at 915 2nd Street to the LRHA; Property information.

REVIEWED BY: lkp

RESOLUTION

BE IT HEREBY RESOLVED THAT the City Manager is authorized to sign a deed and any other documents that may be necessary to convey the lot at 915 2nd Street in Tinbridge Hill to the Lynchburg Redevelopment and Housing Authority.

Adopted:

Certified:

Clerk of Council

002K



Property Information Report

City of Lynchburg Assessor's Office
900 Church Street
Lynchburg, VA 24504
Telephone: (434) 455-3830
8:30a.m. - 5:00 p.m. Mon - Fri

Parcel ID:	00914007	Owner:	MEDLEY, ALMETTA & WINTHROP H C/O LUCILLE ABBITT
Property Address:	915 2ND ST LYNCHBURG, VA 24504	Mailing Address:	96 POLK ST LYNCHBURG, VA 24504-4927

Property Descriptions

Legal Description:	TINBRIDGE HILL, BLK 916
Neighborhood:	637 : TINBRIDGE HILL
Property Class:	100 : VACANT - RESIDENTIAL

Land Information

Area:	Legal Acreage: 0.000 GIS Acreage: 0.070
Frontage:	35.00ft
Depth:	88ft

Special Assessments

Participant in Land Use:	NO
Land Use Deferral Amount:	--
Participant in Rehab Program:	NO
Exempt Amount:	--
Participant Until:	--

School Zones

Elementary School:	BEDFORD HILLS ELEMENTARY
Middle School:	LINKHORNE MIDDLE
High School:	E C GLASS HIGH
Zoning:	Zoning Description:
R-3	Medium Density Two-Family Residential

Ownership History

Sale Date	Sale Amount	Seller's Name	Buyer's Name	Document No	Deed Bk / Pg	Conveyance
2/21/1952	\$2,100	REYNOLDS, O H	MEDLEY, ALMETTA & WINTHROP H		279 188	
1/1/1870	\$0	CAMPBELL COUNTY ANNEXATION 1870				

Assessment

Year	Land Value	Improvement Value	Total Value
2014	\$1,000	\$0	\$1,000
2013	\$1,000	\$0	\$1,000
2012	\$1,000	\$0	\$1,000
2011	\$1,000	\$0	\$1,000
2010	\$1,000	\$0	\$1,000
2009	\$1,000	\$0	\$1,000
2008	\$1,000	\$0	\$1,000
2007	\$1,000	\$0	\$1,000
2006	\$1,000	\$0	\$1,000
2005	\$1,000	\$0	\$1,000
2004	\$600	\$0	\$600
2003	\$600	\$0	\$600

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Real Estate Property Tax Information

Total Due:
\$7,170.94

Current Year	Type	Date Due	Tax Billed	Penalty Billed	Interest Billed	Tax Paid	Penalty Paid	Interest Paid	Date Paid	Balance Due
Installment #:1	Tax	11/17/14	\$2.77	\$0.28	\$0.03	\$0.00	\$0.00	\$0.00		\$3.08
Installment #:2	Tax	01/15/15	\$2.77	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00		\$2.77
Installment #:3	Tax	03/16/15	\$2.77	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00		\$2.77
Installment #:4	Tax	05/15/15	\$2.79	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00		\$2.79

History	Type	Tax Billed	Penalty Billed	Interest Billed	Tax Paid	Penalty Paid	Interest Paid	Date Paid	Balance Due
2013	Tax	\$11.10	\$1.12	\$1.20	\$0.00	\$0.00	\$0.00		\$13.42
2012	Weed	\$250.00	\$25.00	\$46.96	\$0.00	\$0.00	\$0.00		\$321.96
2012	Tax	\$11.10	\$1.12	\$2.64	\$0.00	\$0.00	\$0.00		\$14.86
2011	Tax	\$10.50	\$1.04	\$3.81	\$0.00	\$0.00	\$0.00		\$15.35
2010	Tax	\$10.50	\$1.04	\$5.26	\$0.00	\$0.00	\$0.00		\$16.80
2009	Tax	\$10.50	\$1.04	\$6.86	\$0.00	\$0.00	\$0.00		\$18.40
2008	Tax	\$10.50	\$1.04	\$8.61	\$0.00	\$0.00	\$0.00		\$20.15
2007	Tax	\$10.50	\$1.04	\$10.21	\$0.00	\$0.00	\$0.00		\$21.75
2006	Tax	\$11.10	\$1.12	\$12.39	\$0.00	\$0.00	\$0.00		\$24.61
2005	Tax	\$11.10	\$1.12	\$13.97	\$0.00	\$0.00	\$0.00		\$26.19
2004	Tax	\$6.66	\$0.68	\$9.41	\$0.00	\$0.00	\$0.00		\$16.75
2003	Tax	\$6.66	\$0.68	\$10.34	\$0.00	\$0.00	\$0.00		\$17.68
2002	WEED	\$100.00	\$10.00	\$162.50	\$0.00	\$0.00	\$0.00		\$272.50
2002	Tax	\$6.11	\$0.00	\$8.86	\$0.00	\$0.00	\$0.00		\$14.97
2001	Tax	\$6.11	\$0.60	\$11.86	\$0.00	\$0.00	\$0.00		\$18.57
2000	Tax	\$6.11	\$0.60	\$12.81	\$0.00	\$0.00	\$0.00		\$19.52
1999	Tax	\$6.11	\$0.60	\$13.79	\$0.00	\$0.00	\$0.00		\$20.50
1998	Tax	\$6.11	\$0.60	\$14.75	\$0.00	\$0.00	\$0.00		\$21.46
1998	DEMO	\$1,729.40	\$172.94	\$4,031.20	\$0.00	\$0.00	\$0.00		\$5,933.54
1997	Tax	\$94.35	\$9.44	\$226.76	\$0.00	\$0.00	\$0.00		\$330.55
1996	Tax	\$94.35	\$0.00	\$0.00	\$94.35	\$0.00	\$0.00	12/17/1996	\$0.00
1995	Tax	\$96.05	\$9.60	\$0.22	\$96.05	\$9.60	\$0.22	5/31/1996	\$0.00
1994	Tax	\$98.60	\$4.94	\$0.03	\$98.60	\$4.94	\$0.03	5/24/1995	\$0.00

Recent Sales Information by Neighborhood

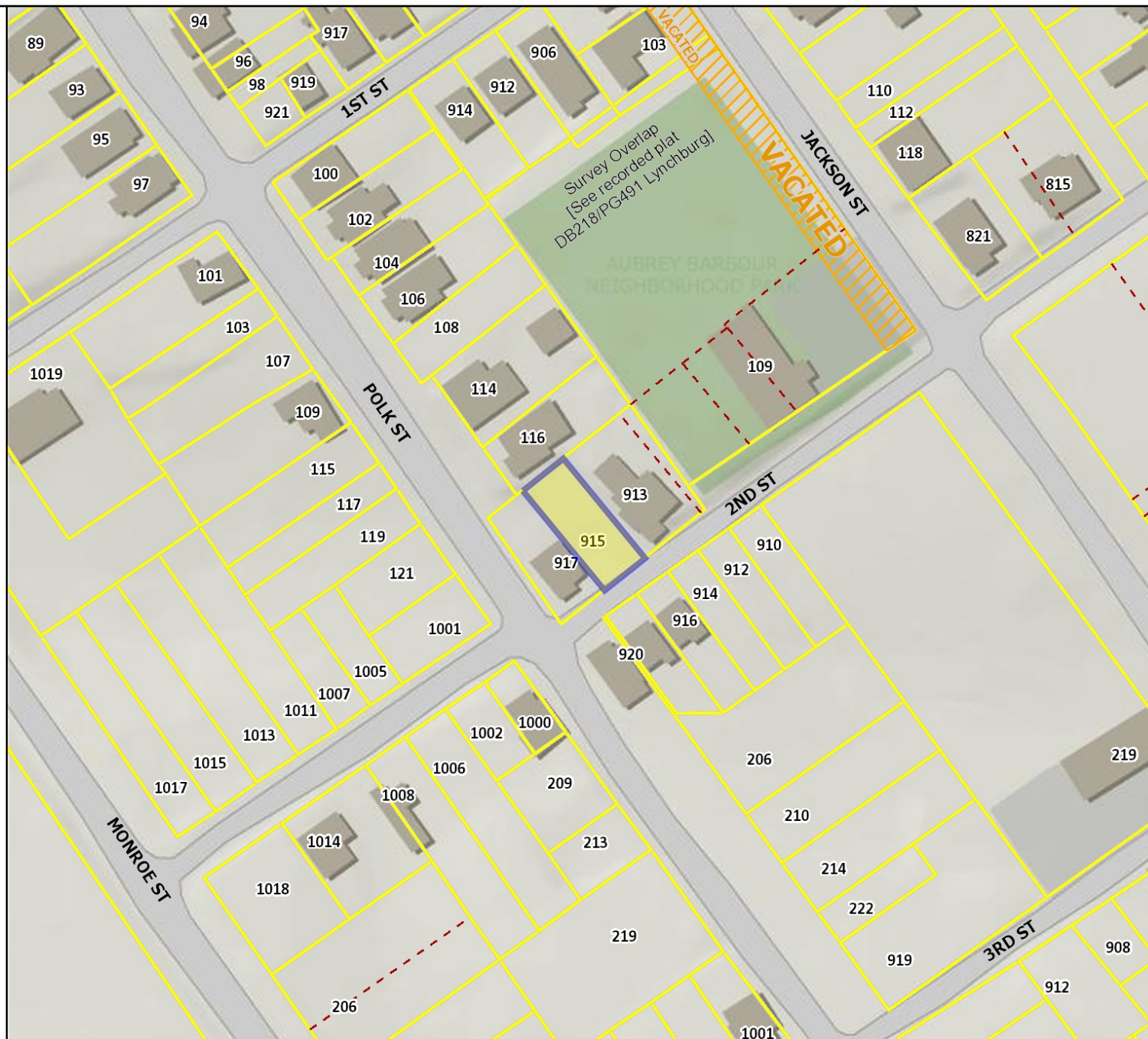
Parcel ID	Property Address	Recorded Sale Date	Sale Amount	Seller's Name	Buyer's Name	Document Num
00819026	251 MCIVOR ST	12/23/2014	\$24,000	WEYMOUTH, NATHANIEL D	MINNIS, KEVIN	140007338
00819026	251 MCIVOR ST	11/7/2014	\$0	WARD, ANSELM L III ESTATE	WEYMOUTH, NATHANIEL D	14000267A
00819026	251 MCIVOR ST	9/16/2014	\$0	WARD, ANSELM L III	WARD, ANSELM L III ESTATE	140000267
00925015	414 FILLMORE ST	9/11/2014	\$0	GREATER LYNCHBURG HABITAT FOR	TANGEN, TIMOTHY N	140005165
02331025	70 FEDERAL ST	6/23/2014	\$17,000	WAYNE, LILLIAN S	LYNCHBURG REDEVELOPMENT & HOUSING	140003434
00924007	407 WISE ST	6/2/2014	\$95,000	GREATER LYNCHBURG HABITAT FOR	CRAWFORD, SHIRLEY F	140002960
00911010	915 1ST ST	4/23/2014	\$0	SMITH, JAMES E & ESSIE C	SMITH, ESSIE C	140000128
00911011	917 1ST ST	4/23/2014	\$0	SMITH, JAMES E & ESSIE C	SMITH, ESSIE C	140000128
00911012	919 1ST ST	4/23/2014	\$0	SMITH, JAMES E & ESSIE C	SMITH, ESSIE C	140000128
00911018	84 POLK ST	4/23/2014	\$0	SMITH, JAMES E	SMITH, JAMES E ESTATE	140000128
00912014	82 JACKSON ST	4/23/2014	\$0	SMITH, JAMES E & ESSIE C	SMITH, ESSIE C	140000128
00916002	1014 2ND ST	4/23/2014	\$0	SMITH, JAMES E & CHRISTINE B	SMITH, CHRISTINE B	140000128
00917001	920 2ND ST	4/23/2014	\$0	SMITH, JAMES E & ESSIE C	SMITH, ESSIE C	140000128
00912015	78 JACKSON ST	4/4/2014	\$0	PEERMAN, GEORGE W JR	WILKES, ALESTIA	140001702
00925016	401 FLOYD ST	3/28/2014	\$0	WAUGH, EDDIE M	MUHAMAD, MARTHA A	140001556
02331052	22 HOLLINS MILL RD	3/17/2014	\$600	DANIELS, CALVIN H & ELLA C	MCCHESNEY, MARY ELLEN	140001335
00819006	100 MCIVOR ST	3/17/2014	\$600	DANIELS, CALVIN H & ELLA	MCCHESNEY, MARY ELLEN	140001335
00916006	1000 2ND ST	3/7/2014	\$0	ROSE, ANTONIO	ROSE T PROPERTIES LLC	140001166
00819025	225 MCIVOR ST	2/24/2014	\$0	BANKS, RAYMOND	COOPER, REGINA B	140000055
00911006	89 JACKSON ST	2/6/2014	\$25,000	REYNOLDS, WILHELMINIA J	MASSIE, STEPHANIE D	140000659
00918009	323 JACKSON ST	1/15/2014	\$0	STEVENS, MARVIN L	STEVENS, MARVIN L ESTATE	140000017
00918010	909 4TH ST	1/15/2014	\$0	STEVENS, MARVIN L	STEVENS, MARVIN L ESTATE	140000017
00915014	1015 2ND ST	1/9/2014	\$2,001	LYNCHBURG REDEVELOPMENT & HOUSING	JACKSON, TERESA	140000132
00915015	1017 2ND ST	1/9/2014	\$2,001	LYNCHBURG REDEVELOPMENT & HOUSING	JACKSON, TERESA	140000132
00916001	1018 2ND ST	1/9/2014	\$2,001	LYNCHBURG REDEVELOPMENT & HOUSING	JACKSON, TERESA	140000132
02332007	40 HOLLINS MILL RD	11/19/2013	\$2,500	GREATER LYNCHBURG HABITAT FOR	HAMILTON, WILLIAM LEE JR	130008379
02332006	42 HOLLINS MILL RD	11/18/2013	\$1,100	LYNCHBURG REDEVELOPMENT & HOUSING	HAMILTON, WILLIAM JR	130008336
00924007	407 WISE ST	11/12/2013	\$62,000	SPRADLEY, VALVETTA D ESTATE	GREATER LYNCHBURG HABITAT FOR	130008140
00913016	810 1ST ST	10/31/2013	\$47,000	KOLB, SHEPARD M	KIRK, DAVID B	130007922
02331023	713 A GARLAND ST	10/21/2013	\$1,000	ABBITT, GLORIA F & REGINALD B	JONAS, RACHEL	130007628

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The City of Lynchburg, VA

Legend

- Addresses
- Street Labels
- Legal Lot Lines
- ▨ Vacated Right of Way
- ▨ Parcels
- ▨ Owner Unknown
- ▨ Survey Gap



Feet

0 20 40 60 80
1:1,200 / 1"=100 Feet

1/5/2015

DISCLAIMER: This drawing 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, and the City of Lynchburg is not responsible for its accuracy or how current it may be.



LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **January 13, 2015**

AGENDA ITEM NO.: 7

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: Amend existing rezoning to increase parking and seating at Acorn Hill – 2134 Old Forest Road

RECOMMENDATION: Approve the rezoning petition that would increase restaurant seating and parking while limiting the overall number of restaurant and banquet facility patrons at Acorn Hill.

SUMMARY: Mr. Robert Crocker is re-petitioning City Council to amend existing proffers that were offered as part of a prior rezoning. The proposed amendments would increase the restaurant seating from twenty-five (25) seats to fifty (50) seats and add nineteen (19) parking spaces to the Acorn Hill complex. The petition would also cap the total number of patrons between the restaurant and the event center at one hundred and one (101) per the owner's request. Acorn Hill is located on approximately three and twenty-four hundredths (3.24) acres at 2134 Old Forest Road and the *Future Land Use Map (FLUM)* recommends Community Commercial uses for the area.

On October 14, 2014, Council denied the request of the petitioner to vacate a portion of Range Street. The vacation request would have allowed a portion of a parking area constructed without permits and out of compliance with the current proffers to remain. At the time of the writing of this report, the petitioner was working with Hurt & Proffitt, Inc., to survey the area and flag sections of the parking area that needed to be removed from the City's right-of-way and the required forty (40)-foot setback.

Also on October 14, 2014, Council postponed action on rezoning the property to amend previously approved proffers. The postponement was given to allow the petitioner to revise the proffers and site plan to better reflect existing and proposed use of the property. Hurt & Proffitt, Inc. has prepared a preliminary site plan indicating all existing and proposed parking spaces. A total of nineteen (19) new parking spaces are proposed which would create a total of fifty-four (54) parking spaces on site. This would exceed the parking space requirements of the Zoning Ordinance by four (4) spaces. Proffers have been revised to address previous concerns of City Council.

PRIOR ACTION(S):

- August 13, 1996: City Council approved the CUP petition of Robert Crocker to allow the operation of a bed and breakfast for up to four (4) guests.
- March 8, 1998: City Council approved the rezoning petition of Wanda E. Brooks-Crocker from R-2, Low-Medium Density Single-Family Residential District to B-1C, Limited Business District (Conditional) to allow the construction of a building addition for use as a massage clinic.
- March 9, 2004: City Council approved the rezoning petition of Robert D. Crocker & Wanda E. Brooks-Crocker from B-1C, Limited Business District (Conditional) to B-1C, Limited Business District (Conditional) to amend the existing proffers and allow the use of the property as an eight (8)-room lodging house in addition to the spa and salon uses.
- February 8, 2011: City Council approved the rezoning petition of Robert D. Crocker from B-1C, Limited Business District (Conditional) to B-3C, Community Business District (Conditional) to allow for expansion of the existing spa, restaurant, banquet hall, and lodging uses.
- May 14, 2014: Robert Crocker petitioned to rezone approximately three and twenty-four hundredths (3.24) acres at 2134 Old Forest Road from B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional) to amend existing proffers, specifically to increase the restaurant seating from twenty-five (25) seats to one

hundred twenty-two and to add ten (10) parking spaces. The Planning Division recommended approval of the rezoning petition.

The Planning Commission recommended approval (4-0; 2 members absent: Coleman and Light; one vacancy) of the rezoning with proffers voluntarily submitted by the petitioner.

June 10, 2014: City Council denied the petition (7-0) but waived the twelve (12)-month waiting period for reapplying.

August 27, 2014: Robert Crocker refiled his rezoning petition to amend existing proffers to increase the restaurant seating from twenty-five (25) seats to fifty (50) seats as well as add ten (10) parking spaces to the Acorn Hill complex. The requested parking area was partially constructed without permits or compliance with the proffered site plan and the completion and use of this parking area was contingent upon vacation of a portion of Range Street. The Planning Division recommended approval of this rezoning petition.

The Planning Commission recommended approval (7-0) of the rezoning with revised proffers voluntarily submitted by the petitioner.

October 14, 2014: City Council denied the petition of Robert Crocker to vacate a portion of Range Street.

October 14, 2014: City Council postponed action on the rezoning petition to allow the petitioner to consider amending the voluntarily submitted proffers.

FISCAL IMPACT: N/A

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

ATTACHMENT(S):

- Ordinance
- Rezoning Plan – January 2, 2015
- Revised Proffers
- Council Agenda Summary – October 14, 2014
- Planning Commission Report and Minutes – August 27, 2014
- Planning Commission Report and Minutes – May 14, 2014
- Approved Proffers – February 8, 2011
- Vicinity Zoning Pattern Map
- Vicinity Future Land Use Map
- Watershed Location Map
- Planimetric and Topographic Map
- Property Photographs
- Signup Sheet

REVIEWED BY: lkp

UNCODIFIED ORDINANCE:

AN ORDINANCE CHANGING A CERTAIN AREA LOCATED AT 2134 OLD FOREST ROAD FROM B-3C, COMMUNITY BUSINESS DISTRICT (CONDITIONAL) TO B-3C, COMMUNITY BUSINESS DISTRICT (CONDITIONAL) TO AMEND PREVIOUSLY APPROVED PROFFERS.

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

Section 35.1-76__. Change of a certain area located at 2134 Old Forest Road from B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional).

The area embraced within the following boundaries:

Beginning at a point on the Northeasterly right of way line of Old Forest Road at its intersection with Range Street, thence with Range Street along its southerly line the following calls, a curve with a central angel of 99 degrees 21 minutes 49 seconds, a radius of fifteen (15) feet, a length of twenty-six and one hundredth (26.01) feet with a chord bearing of North 18 degrees 48 minutes 03 seconds East and a chord distance of twenty-two and eighty-seven hundredths (22.87) feet, thence along a curve with a central angle of 4 degrees 03 minutes 35 seconds, a radius of five hundred forty-two and thirty-six hundredths (542.36) feet, a length of thirty-eight and forty-three hundredths (38.43) feet with a chord bearing of North 70 degrees 30 minutes 46 seconds East and a chord distance of thirty-eight and forty-two hundredths (38.42) feet, thence South 17 degrees 27 minutes 27 seconds East and a distance of fifteen (15) feet, thence North 73 degrees 20 minutes 21 seconds East and a distance of fourteen and sixty-six hundredths (14.66) feet, thence North 15 degrees 51 minutes 51 seconds West and a distance of fifteen (15) feet, thence a curve with a central angle of 20 degrees 37 minutes 03 seconds, a radius of five hundred forty-two and thirty-six hundredths (542.36) feet a length of one hundred ninety-five and seventeen hundredths (195.17) feet with a chord bearing of North 84 degrees 26 minutes 41 seconds East and a chord distance of one hundred ninety-four and eleven hundredths (194.11) feet, thence North 31 degrees 34 minutes 14 seconds East and a distance of forty-one and eight tenths (41.80) feet, thence leaving the right of way of Range Street South 72 degrees 06 minutes 46 seconds East and a distance of two hundred thirty-six and eighty-four hundredths (236.84) feet to a point on the right of way of Maher Street, thence with the right of way of Maher Street along a curve with a central angle of 14 degrees 39 minutes 33 seconds, a radius of six hundred and fifty-five hundredths (600.55) feet, a length of one hundred fifty-three and sixty-five hundredths (153.65) feet with a chord bearing of South 50 degrees 08 minutes 32 seconds East and a chord distance of one hundred fifty-three and twenty-three hundredths (153.23) feet, thence leaving said right of way South 41 degrees 23 minutes 59 seconds West and a distance of two hundred sixty-six and fifteen hundredths (266.15) feet, thence North 51 degrees 27 minutes 01 second West and a distance of two hundred thirty-two and twenty-one hundredths (232.21) feet, thence South 31 degrees 35 minutes 59 seconds West and a distance of two hundred thirty-seven and eighty-eight hundredths (237.88) feet to a point on the right of way of Old Forest Road, thence with Old Forest Road the following calls along the easterly right of way line North 17 degrees 44 minutes 32 seconds West and a distance of ninety-two and forty-two hundredths (92.42) feet, thence North 20 degrees 14 minutes 22 seconds West and a distance of one hundred twenty-one and ninety-six hundredths (121.96) feet, thence along a curve with a central angle of 10 degrees 38 minutes 29 seconds, a radius of seven hundred ninety-three and ninety-four hundredths (793.94) feet, a length of one hundred forty-seven and forty-six (147.46) feet with a chord bearing of North 25 degrees 33 minutes 37 seconds West and a chord distance of one hundred forty-seven and twenty-five hundredths (147.25) feet back to the point of beginning, containing approximately 3.24 acres.

...is hereby changed from B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional) with revised conditions set out herein below which have been voluntarily proffered in writing by the petitioner, Mr. Robert Crocker, to wit:

1. Property will be developed in substantial compliance with the conceptual concept plan for Acorn Hill Lodge dated 1/2/15.
2. All lighting shall be glare shielded and non-directional as to prevent illumination beyond the property line.
3. The business property sign along Old Forest Road shall not exceed 40 sq. ft.
4. Restaurant shall close by 9:00 p.m. daily.
5. The restaurant will be open to the general public.
6. The event center shall close by 10:00 p.m. daily.
7. The total number of seats shall not exceed 50 in the dining room and 101 in the event center, with no more than 101 total combined patrons using the restaurant and the event center at any one time.
8. The total number of guest rooms is 17.
9. The event center will be used separately from the restaurant.
10. The hours for the spa and salon shall be 10:30 a.m. – 4:00 p.m. Tuesday through Friday and 10:30 a.m. – 3:00 p.m. on Saturday.
11. Any use not listed on plan or in proffers is prohibited.
12. No removal of trees or shrubbery without Urban Forester approval.
13. No signs will be placed on Range or Maher Streets.

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

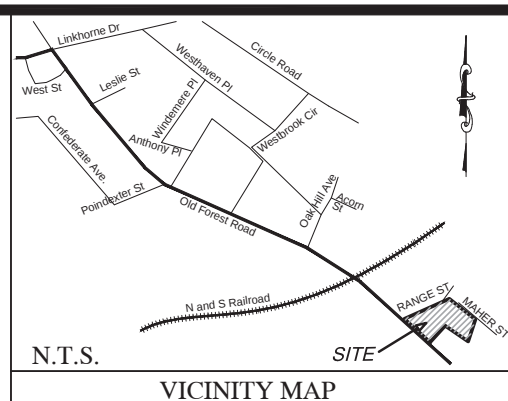
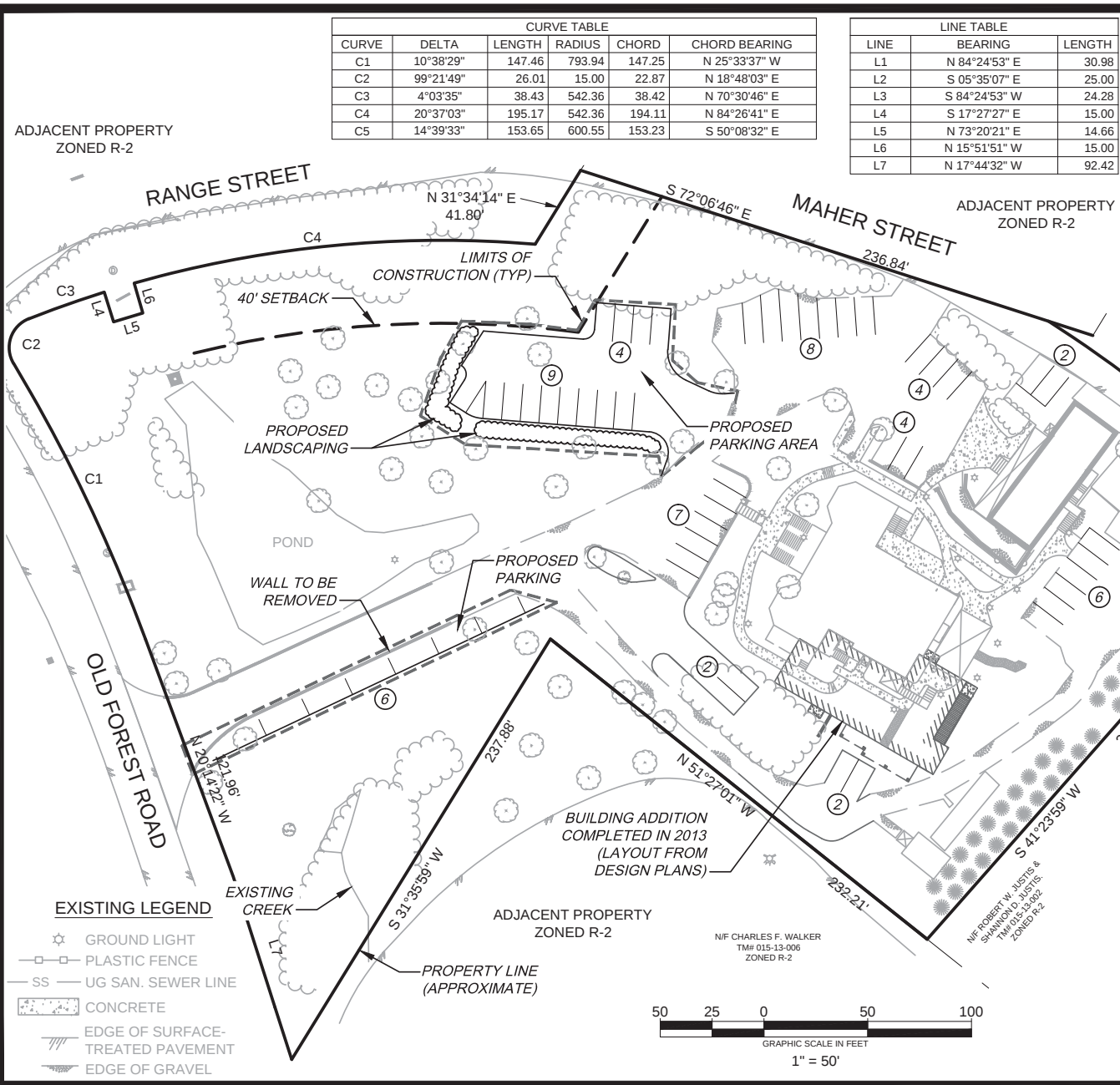
Adopted:

Certified:

Clerk of Council

004K

Jan. 02, 2015 - 10:49am C:\Users\ask\AppData\Local\Temp\AcPublish_4616\REZONING CONCEPT PLAN.dwg



PARKING NOTES:
REQUIRED PARKING FOR LODGE:
1 SPACE PER LODGING ROOM X 17 ROOMS =
17 SPACES REQUIRED

REQUIRED PARKING FOR SPA AND SALON:
1 SPACE PER EMPLOYEE X 3 EMPLOYEES =
3 SPACES REQUIRED
1 SPACE PER 300 SF X 450 SF =
2 SPACES REQUIRED

REQUIRED PARKING FOR BANQUET FACILITY/RESTAURANT:
1 SPACE PER 4 PERSONS X 101 PERSONS =
26 SPACES REQUIRED
1 SPACE PER 3 EMPLOYEES X 6 EMPLOYEES =
2 SPACES REQUIRED

TOTAL SPACES REQUIRED = 50 SPACES
TOTAL SPACES PROVIDED = 54 SPACES
(19 SPACES ARE NEW SPACES)

- NOTES:**
1. SITE TM#: 015-13-001
SITE OWNER: CROCKER, ROBERT D & WANDA E B
ADDRESS: 2134 OLD FOREST ROAD
LYNCHBURG, VA 24501
 2. PRESENT ZONING: B-3C
 3. PROPOSED ZONING: B-3C
 4. PARKING AREA LANDSCAPING AND SCREENING WILL BE PROVIDED IN ACCORDANCE WITH THE CITY'S LANDSCAPING ORDINANCE.
 5. ANY EXTERIOR LIGHTING SHALL BE GLARE-SHIELDED AND CONTROLLED SO THAT NO DIRECT ILLUMINATION WILL OCCUR BEYOND ANY PROPERTY LINE SHARED WITH A RESIDENTIAL DISTRICT.
 6. THE AREA SHOWN HEREON IS LOCATED IN FLOOD 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 PANEL ID 5100930037D.
 7. THE TOTAL NUMBER OF SEATS FOR THE RESTAURANT SHALL NOT EXCEED FIFTY (50).
 8. THE SITE WILL BE DESIGNED TO MEET THE CURRENT STATE AND CITY STORMWATER MANAGEMENT REQUIREMENTS. POTENTIAL BMP'S INCLUDE BIOTRETENTION, UNDERGROUND STORAGE, AND MECHANICAL DEVICES.
 9. POND OUTLET SHALL DISCHARGE TO AN ADEQUATE CHANNEL. IF THE CHANNEL IS ANALYZED AND FOUND TO BE INADEQUATE, MEASURES SHALL BE PROPOSED TO MEET THE REQUIREMENTS OF MS-19.

HURT & PROFFITT

2524 LANGHORNE ROAD
LYNCHBURG VA 24501
800.242.9906 TOLL FREE
434.841.7796 MAIN
434.841.0047 FAX

ENGINEERING • SURVEYING • LAND DEVELOPMENT • ENVIRONMENTAL
GEOLOGICAL • CONSTRUCTION TESTING & INSPECTION • CULTURAL RESOURCES

**REZONING SITE PLAN
FOR
ACORN HILL LODGE
CITY OF LYNCHBURG, VIRGINIA**

PROJECT NO. 20120087
G.L. NO. 229-13-D3.6
FILE NO.
DATE: 1/2/2015
DRAWN BY: ASK
CHECKED BY: ASK

SHEET NO.
1 OF 1



2134 Old Forest Road, Lynchburg, VA 24501

info@acornhilllodge.com

434-528-0983

www.acornhilllodge.net

December 12, 2014

To the City of Lynchburg, VA

RECEIVED

DEC 19 2014

COMMUNITY
DEVELOPMENT

Proffers for Acorn Hill Lodge
Robert D. Crocker, Inc
2134 Old Forest Road
Lynchburg, VA 24501
434-528-0983

Property will be developed in substantial compliance with the conceptual concept plan for Acorn Hill Lodge dated 1/2/15

All lighting shall be glare-shielded and non-directional as to prevent illumination beyond the property line.

The business property sign along Old Forest Road shall not exceed 40 sq. ft.

Restaurant shall close by 9pm daily.

The restaurant will be open to the general public.

The event center shall close by 10pm daily.

The total number of seats shall not exceed (50) in the dining room and (101) in the event center, with no more than one hundred and one (101) total combined patrons using the restaurant and the event center at any one time.

The total number of guest rooms is 17.

The event center will be used separately from the restaurant.

The hours for the Spa and Salon shall be 10:30am-4pm Tuesday through Friday and 10:30am-3pm on Saturday.

Any use not listed on plan or in proffers is prohibited.

No removal of trees or shrubbery without Urban Forester Approval.

No signs will be placed on Range or Maher Street.

Signed Robert D. Crocker
Robert D. Crocker

Dated 12/12/2014

Signed Wanda E. Brooks-Crocker
Wanda E. Brooks-Crocker

Dated 12/12/2014

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **October 14, 2014**

AGENDA ITEM NO.: 14

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: Amend Existing Rezoning Proffers to Increase Parking and Seating at Acorn Hill – 2134 Old Forest Road

RECOMMENDATION: Approve the rezoning petition that would increase restaurant seating and parking while limiting the overall number of restaurant and banquet facility patrons at Acorn Hill.

SUMMARY: Mr. Robert Crocker is re-petitioning to amend existing proffers defined as part of a prior rezoning that would increase the restaurant seating from twenty-five (25) seats to fifty (50) seats and add ten (10) parking spaces to the Acorn Hill complex. The petition would also cap the total number of patrons between the restaurant and the event center at one hundred and one (101), per the owner's request. Acorn Hill is located on approximately three and twenty-four hundredths (3.24) acres at 2134 Old Forest Road and the *Future Land Use Map (FLUM)* recommends Community Commercial uses for the area.

The requested parking area was partially constructed without permits or compliance with the proffered site plan. A stop-work order was issued in February 2014 due to noncompliance with the previously approved rezoning. The Department of Community Development also received a complaint in August 2014 that the total seating of the restaurant was not in compliance with the approved proffers. City staff inspected and confirmed the restaurant was in violation of the current maximum of twenty-five (25) seats. The seats have since been removed and, as of the writing of this report, the property is in compliance with its approved proffers with the exception of the partially-constructed parking area. The proposed rezoning and corresponding right-of-way vacation of Range Street would allow for the completion and use of this parking area, as well as the proposed increase in restaurant seating and cap on the total number of patrons. If either the rezoning or right-of-way vacation is denied, the parking area would need to be removed.

PRIOR ACTION(S):

- August 13, 1996: City Council approved the CUP petition of Robert Crocker to allow the operation of a bed and breakfast for up to four (4) guests.
- March 8, 1998: City Council approved the rezoning petition of Wanda E. Brooks-Crocker from R-2, Low-Medium Density Single-Family Residential District to B-1C, Limited Business District (Conditional) to allow the construction of a building addition for use as a massage clinic.
- March 9, 2004: City Council approved the rezoning petition of Robert D. Crocker & Wanda E. Brooks-Crocker from B-1C, Limited Business District (Conditional) to B-1C, Limited Business District (Conditional) to amend the existing proffers and allow the use of the property as an eight (8)-room lodging house in addition to the spa and salon uses.
- February 8, 2011: City Council approved the rezoning petition of Robert D. Crocker from B-1C, Limited Business District (Conditional) to B-3C, Community Business District (Conditional) to allow for expansion of the existing spa, restaurant, banquet hall, and lodging uses.
- May 14, 2014: The Planning Division recommended approval of the rezoning petition.
The Planning Commission recommended approval (4-0; 2 members absent: Coleman and Light; one vacancy) of the rezoning with proffers voluntarily submitted by the petitioner.
- June 10, 2014: City Council denied the petition (7-0) but waived the twelve (12)-month waiting period for reapplying.
- August 27, 2014: The Planning Division recommended approval of the rezoning petition.

The Planning Commission recommended approval (7-0) of the rezoning with revised proffers voluntarily submitted by the petitioner.

FISCAL IMPACT: N/A

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

ATTACHMENT(S):

- Ordinance
- Planning Commission Report and Minutes – August 27, 2014
- Planning Commission Report and Minutes – May 14, 2014
- Vicinity Zoning Pattern Map
- Vicinity Future Land Use Map
- Watershed Location Map
- Planimetric and Topographic Map
- Rezoning Plan
- Property Photographs
- Signup Sheet

REVIEWED BY: lkp

The Department of Community Development

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

To: Planning Commission

From: Planning Division

Date: August 27, 2014

Re: Rezoning: B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional) – 2134 Old Forest Road

I. PETITIONER

Robert D. Crocker, Acorn Hill, 2134 Old Forest Road, Lynchburg, VA 24501

Representative: Mr. Robert D. Crocker, Acorn Hill, 2134 Old Forest Road, Lynchburg, VA 24501

II. LOCATION

The subject property includes one (1) tract totaling approximately three and twenty-four hundredths (3.24) acres located at 2134 Old Forest Road.

Property Owners:

Robert D. Crocker & Wanda E. Brooks-Crocker, 2134 Old Forest Road, Lynchburg, VA 24501

III. PURPOSE

The purpose of the rezoning petition is to amend existing proffers, specifically to increase the restaurant seating from twenty-five (25) seats to fifty (50) seats, capping the banquet facility operation at no more than one hundred one (101) seats and to add ten (10) parking spaces. The petitioner has voluntarily submitted proffers which provide restrictions upon the restaurant use and assurances related to the location of the new parking areas.

IV. SUMMARY

- The *Future Land Use Map (FLUM)* recommends a Community Commercial use for this property.
- The existing February 8, 2011 proffers would be replaced by the proposed proffers if the petition is approved.
- Petition agrees with the *Zoning Ordinance* which permits hotels, banquet halls and restaurants in a B-3, Community Business District.
- The requested parking area was constructed without permits or compliance with the previously proffered site plan. A stop-work order was issued in February 2014.
- A similar petition was denied by Council in June 2014. City Council resolved that the petitioner could reapply to Council for this particular rezoning prior to the normally required twelve (12) months period.
- The Neighborhood Services Division received a complaint on this business regarding the total seating not meeting compliance with the current proffers on the property. Upon inspection the petitioner was in violation of the current seating requirements (25) for the restaurant, but did correct the violation as of this afternoon (8/27/14).

The Planning Division recommends approval of the rezoning petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Future Land Use Map (FLUM)* of the *Comprehensive Plan 2013-2030* recommends a Community Commercial use for the area. “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 (*pg. 75*).

Adjacent land uses are designated for Low Density Residential and Medium Density Residential by the *FLUM*. Those areas represent residential uses that include single family detached dwellings, duplexes, and townhouses up to a density of twelve (12) units per acre (*pg. 72*). When addressing compatibility between adjacent land uses, building orientation, building location, parking locations, parking design, lighting, walkways and other building and site design factors should be considered (*pg. 16, Policy LU-3.7*).

2. **Zoning.** The subject property was annexed into the City in 1958. The existing B-3C, Community Business District (Conditional) zoning was established in 2011 with the approval of a rezoning petition to allow the expanded use of the spa, restaurant, banquet facility and hotel.
3. **Proffers.** The petitioner has voluntarily submitted the following proffers:
 - a. Property will be developed in substantial compliance with the conceptual concept plan for Acorn Hill Lodge dated 08/19/14.
 - b. All lighting shall be glare shielded and non-directional as to prevent illumination beyond the property line.
 - c. Restaurant shall close by 9:00 p.m. daily.
 - d. The event center shall close by 10:00 p.m. daily.
 - e. The total number of seats shall not exceed 50 in the dining room and 101 in the event center, with no more than 101 total combined patrons using the restaurant and the event center at any one time.
 - f. The total number of guest rooms is 10.
 - g. The event center will be used separately from the restaurant.
 - h. The hours for the spa and salon shall be 10:30 a.m. – 4:00 p.m. Tuesday through Friday and 10:30 a.m. – 3:00 p.m. on Saturday.
4. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances would be needed for the development of the property as proposed.
5. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - On July 8, 1986, City Council approved the conditional use permit (CUP) petition of East Ridge Associates to allow the construction and operation of a nursing home and adult care facility at 2513 Old Forest Road and 100 Poindexter Street.
 - On August 13, 1996, City Council approved the CUP petition of Robert Crocker to allow the operation of a bed and breakfast for up to four (4) guests at 2121 Maher Street.
 - On March 8, 1998, City Council approved the petition of Wanda E. Brooks-Crocker to rezone approximately three (3) acres from R-2, Low-Medium Density Single-Family Residential District to B-1C, Limited Business District (Conditional) to allow the

construction of a building addition for use as a massage clinic at 2134 Old Forest Road and 2121 Maher Street.

- On June 9, 1998, City Council approved the CUP petition of Prayer Faith Temple to allow the construction of a church and parking area at 3100 Hill Street.
 - On February 13, 2001, City Council approved the CUP petition of Lynchburg Retirement Corporation to allow the construction of a Planned Unit Development for eighty-seven (87) single-family detached homes at 2713 Old Forest Road.
 - On March 9, 2004, City Council approved the petition of Robert D. Crocker & Wanda E. Brooks-Crocker to rezone two and nine tenths (2.9) acres from B-1C, Limited Business District (Conditional) to B-1C, Limited Business District (Conditional) to amend the existing proffers and allow the use of the property as an eight (8)-room lodging house in addition to the spa and salon uses at 2134 Old Forest Road.
 - On February 8, 2011, City Council approved the petition of Robert D. Crocker to rezone three and twenty-four hundredths (3.24) acres from B-1C, Limited Business District (Conditional) to B-3C, Community Business District (Conditional) to allow for expansion of the existing spa, restaurant, banquet hall, and lodging uses at 2134 Old Forest Road.
 - On June 10, 2014, City Council denied the petition of Robert D. Crocker to rezone three and twenty-four hundredths (3.24) acres from B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional) to allow for expansion of the restaurant, banquet hall, and parking lot at 2134 Old Forest Road.
6. **Site Description.** The subject property includes an existing ten (10)-room lodging house, spa, salon facilities, restaurant and associated parking; the balance of the property includes a pond and a few wooded areas. The property is bound on all sides by existing single-family dwellings.
7. **Proposed Use of Property.** The purpose of this petition is to allow for the increase of the restaurant seating from twenty-five (25) seats to fifty (50) seats, cap the number of banquet facility seating at one hundred and one (101) and to add ten (10) parking spaces. The petitioner is planning to grow the restaurant use within the existing building using some of the existing banquet facility (basement) area for seating. The new parking spaces to be added are to be located near Range Street and Maher Street, as shown on the concept plan.
8. **Traffic, Parking and Public Transit.** The proposed development did not warrant a Traffic Impact Study (TIS). Due to the nature of the restaurant use, it is considered a “quality restaurant” and not a “high turn-over, sit-down restaurant” resulting in fewer trips in and out of the site. The existing entrance would be used for access to the site as well as a secondary entrance from Maher Street. The applicant plans to surface-treat the driveway and parking areas. This modified petition proposes less vehicle trips to the site as it reduces the total number of restaurant seating from one hundred twenty-two (122) to fifty (50) seats.
- The petitioner has also submitted a right-of-way vacation in order to allow for more space in the parking area. The right-of-way vacation proposes to vacate a portion of Range Street as shown on the plan.

The property is served by Greater Lynchburg Transit Company’s Route 8, which runs along Old Forest Road with a bus stop in front of the property at the intersection of Range Street.

9. **Stormwater Management.** The proposed project is required to treat stormwater runoff for quantity and quality. A site plan will be required which addresses, quality, quantity and adequacy of channel. The proposed parking area will make use of the existing pond on site to capture stormwater.
10. **Emergency Services.** The City Fire Marshal provided comments regarding site design requirements of the City of Lynchburg and the Virginia Statewide Fire Prevention Code. The City's Police Department provided general comments related to site safety and security. These comments have or will be addressed by the petitioner prior to final site plan approval.
11. **Impact.** This property calls for Community Commercial uses on the *FLUM*. The proposed use is consistent with the future land use designation, but careful consideration should be given to the impact upon the surrounding neighborhood. The future land use designation for the surrounding properties is residential. The rezoning petition that was approved in 2011 to obtain the current B-3C, Community Business District (Conditional) was met with conflict from some of the neighboring property owners. The Planning Commission and City Council both expressed concerns over the growth of the business within a primarily residential area.

Just as recent as June 10, 2014 City Council denied a similar rezoning petition for this property. Council cited that the scale of growth proposed was inappropriate. Therefore, the petitioner has reduced the proposed restaurant seating from one hundred twenty-two (122) seats in the previous application to fifty (50) seats. Although, the petitioner is proffering one hundred one (101) seats for the event center, this area currently is not capped and the frequency of events should not be the same as that of the restaurant.

Acorn Hill has operated as a commercial establishment since 1996. Since that time, the business has grown and surpassed the limitations of underlying zoning or CUPs issued for the property. The existing building will not be increased in size and the new parking will be screened from the adjacent residential properties due to topography and existing vegetation. There will be a slight increase in traffic to the site that does not require improvements to the right-of-way or internal circulation within the property. There is another means of ingress/egress from the site besides the driveway entrance. The rear area of the parking lot has access to Maher Street, which eventually changes to Range Street and intersects with Old Forest Road north of the site, providing a secondary means of ingress/egress to the site. The secondary access will allow for better disbursement of the traffic flow around the site.

12. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary rezoning plan on August 5, 2014. Comments related to the proposed use 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 Robert D. Crocker to:

Waive the twenty-one (21)-day submittal requirement for proffers.

Rezone approximately three and twenty-four hundredths (3.24) acres located at 2134 Old Forest Road from B-3C, Community Business

**District (Conditional) to B-3C, Community Business District
(Conditional) subject to the following voluntarily submitted proffers:**

- a. Property will be developed in substantial compliance with the conceptual concept plan for Acorn Hill Lodge dated 08/19/14.
- b. All lighting shall be glare shielded and non-directional as to prevent illumination beyond the property line.
- c. Restaurant shall close by 9:00 p.m. daily.
- d. The event center shall close by 10:00 p.m. daily.
- e. The total number of seats shall not exceed 50 in the dining room and 101 in the event center, with no more than 101 total combined patrons using the restaurant and the event center at any one time.
- f. The total number of guest rooms is 10.
- g. The event center will be used separately from the restaurant.
- h. The hours for the spa and salon shall be 10:30 a.m. – 4:00 p.m. Tuesday through Friday and 10:30 a.m. – 3:00 p.m. on Saturday.

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Ms. Bonnie M. Svrcek, Deputy City Manager
Mr. Walter C. Erwin, City Attorney
Mr. Kent L. White, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozerow, Lynchburg Police Department
Battalion Chief Greg Wormser, Fire Marshal
Mr. Don DeBerry, Transportation Engineer
Mr. Doug Saunders, Building Commissioner
Mr. Robert Fowler, Zoning Administrator
Mr. Robert Crocker, Acorn Hill

VII. ATTACHMENTS

1. Vicinity Zoning Pattern Map
2. Vicinity Proposed Land Use Map
3. Watershed Location Map
4. Planimetric and Topographic Map
5. Rezoning Plan
6. Property Photographs

**MINUTES FROM THE AUGUST 27, 2014 PLANNING COMMISSION MEETING
(MINUTES HAVE BEEN APPROVED):**

Petition of Robert D. Crocker (Acorn Hill) to rezone approximately three and twenty-four hundredths (3.24) acres from B-3C, Community Business District (Conditional) to B-3C, Community Business District Conditional to amend previously approved proffers to allow the construction of a parking area, an increase in the number of seats in the existing restaurant to fifty (50) and to increase the number of seats in the banquet facility to one hundred and one (101) at 2134 Old Forest Road.

Mr. Henry explained that this petition had come before them a few months ago in a slightly different form. Planning Commission recommended approval but it was denied by City Council. City Council wanted the petitioner to scale down the request (in particular, the number of seats in the restaurant and banquet facilities), which the petitioner has done. Mr. Henry explained that part of the reason this is before them is because the petitioner had put in a parking lot without City approval that was also not on the rezoning concept plan approved in 2011. A stop work order was issued. Staff was also recently informed of another violation of the number of seats allowed in the restaurant. The rezoning approved in 2011 allowed for 25 seats. A complaint was filed with the Zoning Administrator and he found the number of seats to be in the range of 45 to 50 seats upon inspection. The petitioner did remove seating to bring the number into compliance as of this afternoon's meeting.

Mr. Henry noted that the *Future Land Use Map* calls for a Community Commercial use for the property. That use includes retail, personal service, entertainment and restaurants that draw customers from at least several neighborhoods to the entire City or region. The adjacent FLUM designations are Low to Medium Density Residential. When addressing compatibility between these two uses, such things as building orientation and location, parking location and design, lighting, walkways and other building and site design factors should be considered in the overall layout of the plan.

The amount of traffic anticipated to be generated by this proposal did not warrant a traffic study. The restaurant is considered to be a quality restaurant and not a high turnover restaurant. This will result in fewer trips in and out of the site. The existing entrance would serve as the main egress and ingress to the property. There is an additional access point on Maher Street, which goes to Range Street and on to Old Forest Road. Mr. Henry remarked that the previous request had been for 122 seats in the restaurant. The petitioner has reduced that request to 50 seats.

Mr. Henry explained that the petitioner is proposing to do a right-of-way vacation of a portion of Range Street. If granted, that right-of-way vacation would allow him to keep a little bit of the parking lot that he would like to finish constructing. Stormwater runoff to address both quantity and quality will have to be addressed at the time of site plan approval.

Mr. Henry noted that careful consideration should be given to this proposal due to the surrounding residential uses. Both the Planning Commission and City Council expressed concerns over the growth of this business both during the most recent review, as well as during the 2011 rezoning. Acorn Hill Lodge has operated as a commercial establishment since 1996. Since then, the business has expanded to surpass the limits of the underlying zoning or conditional use permits issued for the property. The existing building will not be increased in size and the new parking lot will be screened from adjacent properties due to topography and existing vegetation. The dual access points to the property help reduce the impact somewhat. Staff does recommend approval of the modified rezoning petition.

Ms. Edith Barley came forward to speak in favor of the petition. Ms. Barley lives at 2011 Roxbury Street. Ms. Barley said she is in favor of Acorn Hill Lodge expanding. It is a beautiful place and they run a nice business. It is a very quiet establishment and she also pointed out the two means of egress and ingress as being a positive feature.

Ms. Wanda Brooks-Crocker, one of the owners of the property, was present to represent the petition. Ms. Crocker noted that there are other neighbors they have spoken with that have indicated their support of the project but were unable to make it to the meeting.

Mr. Robert Crocker came up to represent the petition. He stated that he is here to present the proffers and to answer any questions from the commissioners and to address any concerns expressed by neighbors. Mr. Crocker stated that he has talked to Mr. Charles Walker, the neighbor probably most affected by his business and he does not have any concerns with the expansion. It would be difficult for Mr. Walker to get out to a meeting. He spoke to other neighbors and did not find any of them to have any concerns. Mr. Crocker explained that it has been a learning experience. He did put down gravel to try and control water flow. He had tried dirt on two previous occasions and it washed away. Mr. Crocker remarked that if the rezoning is granted, he will put up the necessary landscaping and finish the parking lot. They are really trying to make the property a showcase piece of property.

Mr. Crocker remarked that he tries to have a low profile business. The last time he was here he asked for 122 seats in the restaurant because that is what he was told his occupancy limit could be by his architect. However, 50 seats is adequate. Mr. Crocker said that it is easy for chairs to stray into the restaurant from the banquet facility but he will be making sure that there are only 25 seats in the restaurant. He apologized for the violation. Mr. Crocker said he tries to and wants to have a really nice business in Lynchburg. He mentioned that he caters to Lynchburg College. Most visitors stay by the week so there is not a lot of traffic generally. The restaurant is doing well and they enjoy serving them. There are two chefs from Lynchburg College and they currently serve breakfast and lunch mostly. Occasionally, they serve dinner and Sunday brunch has proven to be a very special occasion.

Mr. Crocker said that he has no plans of expanding the building and he thinks this will be the last time they will need to come through the rezoning process.

Chair Swienton asked if there was anyone else who wished to speak in favor of the petition. No one came forward. He asked if there was anyone who wished to speak in opposition of the petition. Ms. Rebecca Poe of 2117 Broadway Street came forward. The address of her back yard property is 2124 Maher Street, which backs right up to Acorn Hill Lodge. Ms. Poe mentioned that one of Mr. Crocker's previous proffers made years ago was to close the entrance to Maher Street. Mr. Crocker put a few cones out there but then the cones sort of disappeared.

Ms. Poe said Mr. Crocker is famous for not keeping his proffers and doing projects without getting the proper permits or consulting the proper authorities. She believes he is famous for asking for forgiveness rather than getting permission. Ms. Poe also remarked that Mr. Crocker had previously proffered not to cut down any more trees on his property. However, he has continued to do so, as recently as this past weekend. Ms. Poe said that this summer Mr. Crocker decided to cut out the bank along Range Street, which took 16 feet of the City's property from Range Street, which is extremely steep. He did this in order to make the parking lot. Ms. Poe said that Range Street is a very narrow street. When Mr. Crocker dug out the bank, he took out all the trees in there too. There is now nothing to stop people from going over that bank. Ms. Poe mentioned that Range Street is also a cut through for people going to Hill Street. Ms. Poe would like to see the City extend the guardrail along Range Street to alleviate her safety concerns about people going over the side of Range Street. She does not think that the City needs to vacate the portion of Range Street that Mr. Crocker is requesting. It is dangerous to the general public that cuts through there all the time. She said Mr. Crocker has caused Maher Street to sink and the City has had to repair Maher Street twice. He closed the drain that was on his lot that went under Maher Street. Ms. Poe's final thought was to ask if there are any plans by the City to extend the guardrail on Range Street or to construct a retaining wall.

Mr. Steven Driskill of 2135 Old Forest Road came forward to speak in opposition of the petition. He lives directly across from the entrance to Acorn Hill Lodge. Mr. Driskill noted that there is a long history of rezoning and changes of use on Mr. Crocker's from when it was just a house. He originally liked the

idea of a bed and breakfast in 1996 but has seen it go from intensification to intensification to intensification of use over the years. He feels there is a great deal of traffic in and out of the site as it is now. Mr. Driskill said he is opposed to the number of seats being increased in the restaurant. He is also opposed to the parking lot because the view from where he lives is right into the proposed parking lot. Mr. Driskill noted that in 2011, Mr. Crocker had said that this would complete the project. Now he is saying that this one is the last rezoning request.

Mr. Rudolph Poe of 2117 Broadway Street came forward to speak in opposition of the petition. Mr. Poe said his concern is that once all the dirt is removed from Range Street and the water backs up on to the White's property (1 Range Street), it will undermine that street and the whole thing will be down in to Mr. Crocker's parking lot. It seems to him that all the material that was removed from the bank should be replaced along with vegetation to keep the soil in place.

Mr. and Mrs. Crocker came back to address the concerns of the neighbors. Ms. Crocker thinks that it is good to have a second means of egress and ingress for emergency access. Ms. Crocker also recalls that with respect to the sinking of Maher Street, it was already sunken in when they started to address issues there. She believes they actually helped to resolve that issue because they also own the two little lots in the area Ms. Poe is referencing.

Mr. Crocker stated that with regard to trees being cut, the City came through and cut the trees down this past weekend. He had nothing to do with that being done. Mr. Crocker assured the commission that if the rezoning is approved and the stop work order is lifted, the issues with erosion will be addressed through whatever means Hurt and Proffitt and the City recommend.

Ms. Poe came back to say that the small lots on Maher Street were purchased by the Crockers as a buffer between the commercial use and the residential properties. Whenever there is a heavy downpour, the water stands in that lot. Ms. Poe also reiterated her concerns about the safety of Range Street and repeated her belief that Mr. Crocker never keeps his proffers or gets permits for projects. She repeated that she thinks he should be made to put the dirt back on the bank and to keep it from eroding by planting vegetation or putting down large rocks.

Chair Swienton closed the public hearing portion of the petition.

Commissioner Johnston asked Mr. Henry to talk about the proffer that was made previously to close the entrance to Maher Street. Mr. Henry said he believed it was a proffer from 2004. Mr. Crocker last rezoned the property in 2011 and that rezoning did not mention closing the entrance to Maher Street.

Commissioner Johnston asked if the removing of the bank and the cutting down of trees is allowed during a stop work order. Mr. Henry said he could cut down trees but he believes the stop work order was related to grading on the site. As far as cutting out the bank, that is a grey area in terms of the stop work order. It depends on where it is and how much area he disturbed.

Commissioner Johnston asked if there could be some kind of traffic study or accident data for Range Street. Mr. Henry said the Traffic Engineer was not available for the meeting, however, he did review the proposal and did not have any concerns or require a traffic study. In terms of the right-of-way vacation, Mr. DeBerry has indicated that it is an appropriate area to be vacated. Commissioner Light asked for clarification that Range Street is not fully developed in terms of the right-of-way that is there. The City would be giving up some of the area where the street could be widened. Mr. Henry said that is correct. Mr. Henry showed them on the map that the edge of Mr. Crocker's property is the edge of the City's right-of-way. Staff did not see any issue with vacating some of the right-of-way and it would relieve some maintenance for the City.

Commissioner Johnston asked how many seats were present in the restaurant at today's inspection. Mr. Henry said it was between 45 and 50. Commissioner Johnston noted that is more than just a few extra chairs accidentally ending up there.

Commissioner Light asked if the concept plan anticipates what will be submitted in terms of the site plan. Mr. Henry said that is correct. Commissioner Light noted that Ms. Poe raised several concerns that concern him as well. He asked if those issues will be addressed at the time of site plan approval. Mr. Henry said that the environmental concerns she raised will be addressed. He does not know how much of the traffic concerns would be changed to her liking because the Traffic Engineer has already stated that there really is not an issue there. Things like stabilization of the slope, how the stormwater will be managed and whether or not a retaining wall is necessary will be addressed at the site plan phase. He clarified for Commissioner Light and the public that these issues will have to be addressed in a manner that is satisfactory to City staff.

Commissioner Perault asked if this list of proffers is similar to the list from 2011, since this rezoning will be replacing those proffers. Mr. Henry said the guest rooms have gone down from 17 to 10 from 2011. The restaurant seating is at 25 and he is asking for 50. He had asked for 122 a few months ago and that was denied by City Council. In 2011, there was no cap on seating in the banquet facility. Mr. Crocker is proffering to cap it at 101 between the banquet facility and the restaurant. Mr. Henry believes his capacity load in the building is 180. His rezoning request a few months ago was 122. Also, the proffer about not removing trees from the property was a proffer in 2011 and is not being offered in the current sets of proffers.

Commissioner Johnston asked if, since Mr. Crocker removed trees from the property this past weekend, he is in violation of his 2011 proffer. Ms. Robin Craig explained that she had verified that the trees this past weekend were removed by the City. Ms. Craig stated that she could not speak for what Mr. Crocker had done since 2011 to this past weekend but he was not the one who requested that Asplundh come and remove the trees from Maher Street this past weekend. Commissioner Perault asked for clarification that the one about the trees is the only substantial proffer that will go away with this rezoning. Mr. Henry said that was correct.

Commissioner Mays asked if the right-of-way vacation is approved will there really be any recourse to come back and address that street, if the City gives it up. Mr. Henry explained the process of the vacation, which will have to go to City staff for review and then the Physical Development Committee. It will then go to a public hearing before City Council and the public may make comment at that time.

Commissioner Light commented to Commissioner Mays that this is a process. If they make a recommendation that the process moves forward, they have to trust that the rest of the people involved in the process will carry out what needs to be done. Commissioner Light has found that often he has to step out on faith that City staff and City Council will see that the process works properly.

Commissioner Marion asked if they are putting the cart before the horse. She asked if they are approving the parking lot or just the number of seats in the restaurant. Mr. Henry said that by approving the concept plan, they would be approving the parking lot. Commissioner Marion asked if the right-of-way vacation is not approved if he will have to move his parking lot. Mr. Henry said that is correct. Commissioner Marion thinks that their approving the concept plan before the right-of-way vacation is a little premature. Mr. Henry said that City staff had asked Mr. Crocker to request the right-of-way vacation. The Traffic Engineer was comfortable with this area being vacated. It is an area that is not used for Range Street except for a drain pipe that will require an easement. Other than that, City staff feels that this is an area that could be vacated and Range Street could still function properly. He understands Commissioner Marion's point but it was necessary to show the possible right-of-way vacation on the concept plan in order for Mr. Crocker to retain part of the proposed parking lot. Mr. Henry said that City Council will decide about the right-of-way vacation and the idea is to have both items before them at the same time. Chair Swienton asked for clarification that the vacation process is a public process and Mr. Henry said it is a public hearing process before City Council.

Commissioner Marion asked Mr. Crocker how many parking spaces he has now. Mr. Crocker was not sure but they have adequate parking. Mr. Henry said the number will have to be identified on the site

plan. They do not have it at this phase. Mr. Crocker thought there were approximately 50 parking spaces. Mr. Henry noted that on his concept plan for the 2011 rezoning, it was listed as 38 parking spaces. Commissioner Light noted that he has heard nothing but good things about Acorn Hill Lodge and Trip Advisor has excellent reviews. They are thrilled to have a business like his thriving in Lynchburg. However, in just casually driving by and not counting them, it looks like to Commissioner Light that there is parking all over the place and not just 38 spaces.

Commissioner Marion asked for clarification that he is asking for 10 additional spaces but they are not there already. Mr. Crocker said they are there already but there is grass growing there now and a stop work order was placed on the parking lot being officially constructed. Commissioner Swienton clarified it by saying that the ten spaces are there but not approved for use.

Commissioner Johnston asked Mr. Crocker to tell them about his communication with his neighbors. Mr. Crocker said he has always gotten along with the neighbors, although he acknowledged that the Poes have always had their concerns. He has tried to address their concerns. He mentioned that he put up cones to block Maher Street but the Fire Marshall came by and said he would like to have it open. Mr. Crocker said no business traffic goes out that way and he recently put in a wider driveway which encourages them to use the Old Forest Road entrance. He has tried to point the lights in order to address Mr. Driskill's concerns about lighting and tried to position the driveway so that headlights would not shine directly into Mr. Driskill's windows. He is trying to address the complaints realistically. Some of the complaints are a little out of his control. Ms. Crocker said they have held neighborhood meetings over the course of the years.

Commissioner Perault asked Mr. Henry if this proposal addresses City Council's concerns from the request denied a few months ago. Commissioner Perault also noted that Council had allowed Mr. Crocker come back before the required 12-month waiting period for a rezoning request. Mr. Henry is not sure if Council stated a specific number of seats but did ask the petitioner to decrease it, which he has done.

Chair Swienton asked Mr. Henry if Mr. Crocker is in compliance with the proffers from 2011. Mr. Henry said he is not in compliance because the parking lot he started to construct was not shown on his 2011 concept plan. He is also in violation of stormwater and erosion and sediment control regulations. Mr. Henry does not think you can say he is in compliance with his current proffers.

Chair Swienton would like to see the petitioner proffer that Range Street would only be used for emergency access. In terms of the violation about the number of seats in the restaurant, Chair Swienton said they are looking at a land use decision. Enforcing the number of seats is up to a different area, although they certainly like to have people comply with the rules. He agrees that they like to see local businesses thrive and prosper. We also have to make sure they are in compliance with applicable codes and ordinances and so forth. Chair Swienton asked if the petitioner will be in compliance with the proffers if they pass this motion today. Mr. Henry said he will be in compliance with his proffers if this is approved by City Council, but he will still need to submit a site plan to address stormwater and erosion and sediment concerns and have that approved. At that point, the stop work order would be able to be lifted.

Chair Swienton does not want to approve something that does not correct proffers but if it does, that changes his perspective. Mr. Henry said that staff tries to work with petitioners and in this case, this is the way to do it. It may seem cumbersome but this is how they can help Mr. Crocker correct his current situation. Mr. Henry clarified for the commissioners that the issues with a possible retaining wall on Range Street and the erosion measures needed for the bank will all be addressed during the site plan approval process. The guardrail is beyond their purview but Chair Swienton asked if that could be passed on to Mr. DeBerry. Mr. Henry said he has made a note of it and will pass it along to him.

Commissioner Perault asked if the petitioner could be encouraged to add a proffer that Range Street would only be used for emergency access. Ms. Crocker said she would like to know what the traffic

count is through there because she does think it is significant. Mr. Henry said he would caution them because that would leave only one means of ingress and egress and that may change things from the Traffic Engineer's point of view. Mr. DeBerry made comment on the concept plan as shown with the two means of egress and ingress. Commissioner Perault said he is fine with the way it is. Chair Swienton said he learned something today. He did not know that if a new petition does not list all the previous proffers, the previous proffers disappear. Mr. Henry said that is correct and was noted in the report.

Commissioner Marion asked for clarification as to how many can currently be seated in the banquet area. Is it unlimited? Mr. Henry said it would be the building capacity, which he believes is 180. If this petition is denied, he could have 180 people in the building. Chair Swienton said he had thought the same thing but thought the participants would have to be bussed to the site because there would not be enough parking on site. Mr. Henry clarified for the commission that Mr. Crocker is proffering to cap the total number of seats between the restaurant and the banquet hall at 101. The restaurant by itself would be capped at 50. If the petition is denied, it could potentially go as high as 180 people in the banquet facility. Commissioner Marion said it sounds like we need to cap it somehow and need to do something other than just deny the petition.

Commissioner Johnston thinks this has put the commission in an interesting position. If they approve the petition, it caps the number of people but comes with some concerns such as the vacation of the right-of-way and proffers that are not currently in compliance. Commissioner Johnston noted that Mr. Crocker had said it is difficult to monitor the number of seats in a dining room but 20 to 25 additional seats does not seem to happen by accident. She is concerned with his noncompliance with his proffers and also with what the Planning Commission and City Council have allowed in the past. However, when they look at the big picture, they are looking at a land use decision and what is best for the City and the neighbors and the combination for the community. She thinks capping the number at 101 is a good thing. Commissioner Johnston made the following motion, which was seconded by Commissioner Light:

"That the Planning Commission recommends to City Council approval of the petition of Robert D. Crocker to waive the twenty-one (21)-day submittal requirement for proffers and to rezone approximately three and twenty-four hundredths (3.24) acres located at 2134 Old Forest Road from B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional) subject to the following voluntarily submitted proffers:

- a. Property will be developed in substantial compliance with the conceptual concept plan for Acorn Hill Lodge dated 09/5/14.
- b. All lighting shall be glare shielded and non-directional as to prevent illumination beyond the property line.
- c. Restaurant shall close by 9:00 p.m. daily.
- d. The event center shall close by 10:00 p.m. daily.
- e. The total number of seats shall not exceed 50 in the dining room and 101 in the event center, with no more than 101 total combined patrons using the restaurant and the event center at any one time.
- f. The total number of guest rooms is 10.
- g. The event center will be used separately from the restaurant.
- h. The hours for the spa and salon shall be 10:30 a.m. – 4:00 p.m. Tuesday through Friday and 10:30 a.m. – 3:00 p.m. on Saturday.

Commissioner Light stated that he is very troubled by these violations. He told Mr. Crocker he does himself no favor with this group or with his neighbors and City Council. He is very troubled by the

violations and is stepping out on a great deal of faith to second the motion and vote for the petition. He thinks everyone is trying to be as user friendly to see Mr. Crocker's business prosper and by all accounts, it is a wonderful business. He told Mr. Crocker he does his cause no favor by continuing to have issues with his compliance. He says that with all due respect.

Commissioner Mays said he is also troubled by the comments. Commissioner Mays has developed property and mentioned that as of July 1, 2014, the regulations for stormwater are onerous. He understands how expensive they can be to follow. It bothers him and he feels like they are in a "catch 22" here. He does not like complying with regulations either but you have to. Whether it is an innocent mistake or whatever, it does not go across well. He is going to be watching. It really bothers him.

Chair Swienton said he has thought about this many ways. He wants small businesses to prosper and Acorn Hill Lodge has certainly grown. He does not know about the financial numbers and prosper part, but it has certainly grown and he hopes they prosper. Chair Swienton feels they are taking a bad situation to mediocrity. He wants to take it to excellent. Approving this would make it a better situation but beyond that, they have to trust in the process that it gets taken care of. He feels that as it leaves here, they have to trust that through the site plan review process, they will achieve the excellence part.

Commissioner Marion said she would reluctantly be voting for the petition because it is the lesser of two evils. It at least brings down the total number of people allowed in the building. She thinks the best they can do for the neighbors is to cap the number of seats at 101 instead of a possible 180. If the petitioner can already accommodate 100 people in the banquet facility, adding 25 seats to the restaurant is not going to make any difference to the traffic.

Commissioner Lowe agrees with Commissioner Marion's comment and will also be voting for this because it is the lesser of two evils. He does not appreciate people doing things and then expecting forgiveness. He trusts that Council will look at the road issue and the erosion and whether or not there is a need for a retaining wall.

The motion passed by the following vote:

AYES:	Johnston, Light, Lowe, Marion, Mays, Perault and Swienton	7
NOES:		0
ABSTENTIONS:		0
ABSENT:		0

The Department of Community Development

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

To: Planning Commission
From: Planning Division
Date: May 14, 2014
Re: **Rezoning: B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional) – 2134 Old Forest Road**

I. PETITIONER

Robert D. Crocker, Acorn Hill, 2134 Old Forest Road, Lynchburg, VA 24501

Representative: Mr. Robert D. Crocker, Acorn Hill, 2134 Old Forest Road, Lynchburg, VA 24501

II. LOCATION

The subject property includes one (1) tract totaling approximately three and twenty-four hundredths (3.24) acres located at 2134 Old Forest Road.

Property Owners:

Robert D. Crocker & Wanda E. Brooks-Crocker, 2134 Old Forest Road, Lynchburg, VA 24501

III. PURPOSE

The purpose of the rezoning petition is to amend existing proffers, specifically to increase the restaurant seating from twenty-five (25) seats to one hundred twenty-two (122) and to add ten (10) parking spaces. The petitioner has voluntarily submitted proffers which provide restrictions upon the restaurant use and assurances related to the location of the new parking areas.

IV. SUMMARY

- The *Future Land Use Map (FLUM)* recommends a Community Commercial use for this property.
- The existing February 8, 2011 proffers would be replaced by the proposed proffers if the petition is approved.
- Petition agrees with the *Zoning Ordinance* which permits hotels, banquet halls and restaurants in a B-3, Community Business District.

The Planning Division recommends approval of the rezoning petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *FLUM* of the *Comprehensive Plan 2013-2030* recommends a Community Commercial use for the area. “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 (*pg. 75*).”

Adjacent land uses are designated for Low Density Residential and Medium Density Residential by the *FLUM*. Those areas represent residential uses that include single family detached dwellings, duplexes, and townhouses up to a density of twelve (12) units per acre (*pg. 72*). When addressing compatibility between adjacent land uses, building orientation, building location, parking locations, parking design, lighting, walkways and other building and site design factors should be considered (*pg. 16, Policy LU-3.7*).

2. **Zoning.** The subject property was annexed into the City in 1958. The existing B-3C, Community Business District (Conditional) zoning was established in 2011 with the approval of a rezoning petition to allow the expanded use of the spa, restaurant, banquet facility, and hotel.
3. **Proffers.** The petitioner has voluntarily submitted the following proffers:
 - a. Property will be developed in substantial compliance with the conceptual concept plan for Acorn Hill Lodge dated 04/09/14.
 - b. All lighting shall be glare shielded and non-directional as to prevent illumination beyond the property line.
 - c. Restaurant shall close by 9:00 p.m. daily.
 - d. The event center shall close by 10:00 p.m. daily.
 - e. The total number of seats shall not exceed 122 in the dining room and 101 in the event center.
 - f. The total number of guest rooms is 10.
 - g. The event center will be used separately from the restaurant.
 - h. The hours for the spa and salon shall be 10:30 a.m. – 4:00 p.m. Tuesday through Friday and 10:30 a.m. – 3:00 p.m. on Saturday.
4. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances would be needed for the development of the property as proposed.
5. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - On July 8, 1986, City Council approved the conditional use permit (CUP) petition of East Ridge Associates to allow the construction and operation of a nursing home and adult care facility at 2513 Old Forest Road and 100 Poindexter Street.
 - On August 13, 1996, City Council approved the CUP petition of Robert Crocker to allow the operation of a bed and breakfast for up to four (4) guests at 2121 Maher Street.
 - On March 8, 1998, City Council approved the petition Wanda E. Brooks-Crocker to rezone approximately three (3) acres from R-2, Low-Medium Density Single-Family Residential District to B-1C, Limited Business District (Conditional) to allow the construction of a building addition for use as a massage clinic at 2134 Old Forest Road and 2121 Maher Street.
 - On June 9, 1998, City Council approved the CUP petition of Prayer Faith Temple to allow the construction of a church and parking area at 3100 Hill Street.
 - On February 13, 2001, City Council approved the CUP petition of Lynchburg Retirement Corporation to allow the construction of a Planned Unit Development for eighty-seven (87) single-family detached homes at 2713 Old Forest Road.
 - On March 9, 2004, City Council approved the petition of Robert D. Crocker & Wanda E. Brooks-Crocker to rezone two and nine tenths (2.9) acres from B-1C, Limited Business District (Conditional) to B-1C, Limited Business District (Conditional) to amend the existing proffers and allow the use of the property as an eight (8)-room lodging house in addition to the spa and salon uses at 2134 Old Forest Road.

- On February 8, 2011, City Council approved the petition of Robert D. Crocker to rezone three and twenty-four hundredths (3.24) acres from B-1C, Limited Business District (Conditional) to B-3C, Community Business District (Conditional) to allow for expansion of the existing spa, restaurant, banquet hall, and lodging uses at 2134 Old Forest Road.
6. **Site Description.** The subject property includes an existing ten (10) room lodging house, spa, salon facilities, restaurant and associated parking; the balance of the property includes a pond and a few wooded areas. The property is bound on all sides by existing single-family dwellings.
 7. **Proposed Use of Property.** The purpose of this petition is to allow for the increase of the restaurant seating from twenty-five (25) seats to one hundred twenty-two (122) and to add ten (10) parking spaces. The petitioner is planning to grow the restaurant use within the existing building using some of the existing banquet facility (basement) area for seating. The new parking spaces to be added are to be located near Range Street and Maher Street, as shown on the concept plan.
 8. **Traffic, Parking and Public Transit.** The proposed development did not warrant a Traffic Impact Study (TIS). Due to the nature of the restaurant use, it is considered a “quality restaurant” and not a “high turn-over, sit-down restaurant” resulting in fewer trips in and out of the site. The existing entrance would be used for access to the site as well as a secondary entrance from Maher Street. The applicant plans to surface-treat the driveway and parking areas.

The property is served by Greater Lynchburg Transit Company’s Route 8, which runs along Old Forest Road with a bus stop in front of the property at the intersection of Range Street.
 9. **Stormwater Management.** The proposed project is required to treat stormwater runoff for quantity and quality. A site plan will be required which addresses, quality, quantity and adequacy of channel. The proposed parking area will make use of the existing pond on site to capture stormwater.
 10. **Emergency Services.** The City Fire Marshal provided comments regarding site design requirements of the City of Lynchburg and the Virginia Statewide Fire Prevention Code. The City’s Police Department provided general comments related to site safety and security. These comments have or will be addressed by the petitioner prior to final site plan approval.
 11. **Impact.** This property calls for Community Commercial uses on the *FLUM*. The proposed use is consistent with the future land use designation, but careful consideration should be given to the impact upon the surrounding neighborhood. The future land use designation for the surrounding properties is residential. The rezoning petition that was approved in 2011 to obtain the current B-3C, Community Business District (Conditional) was met with conflict from some of the neighboring property owners. The Planning Commission and City Council both expressed concerns over the growth of the business within a primarily residential area. In order to alleviate neighborhood concerns, the petitioner has submitted proffers which restrict items such as hours of operation, seating within the restaurant and lodging rooms.

Acorn Hill has operated as a commercial establishment since 1996. Since that time, the business has grown and surpassed the limitations of underlying zoning or CUPs issued for the property. The existing building will not be increased in size and the new parking will be screened from the adjacent residential properties due to topography and existing vegetation.

There will be a slight increase in traffic to the site that does not require improvements to the right-of-way or internal circulation within the property. There is another means of ingress/egress from the site besides the driveway entrance. The rear area of the parking lot has access to Maher Street, which eventually changes to Range Street and intersects with Old Forest Road north of the site, providing a secondary means of ingress/egress to the site. The secondary access will allow for better disbursement of the traffic flow around the site.

- 12. Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary rezoning plan on March 18, 2014. Comments related to the proposed use have or will be addressed by the petitioner prior to final site plan approval.
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VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Robert D. Crocker to:

Rezone approximately three and twenty-four hundredths (3.24) acres located at 2134 Old Forest Road from B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional) subject to the following voluntarily submitted proffers:

- a. Property will be developed in substantial compliance with the conceptual concept plan for Acorn Hill Lodge dated 04/09/14.
- b. All lighting shall be glare shielded and non-directional as to prevent illumination beyond the property line.
- c. Restaurant shall close by 9:00 p.m. daily.
- d. The event center shall close by 10:00 p.m. daily.
- e. The total number of seats shall not exceed 122 in the dining room and 101 in the event center.
- f. The total number of guest rooms is 10.
- g. The event center will be used separately from the restaurant.
- h. The hours for the spa and salon shall be 10:30 a.m. – 4:00 p.m. Tuesday through Friday and 10:30 a.m. – 3:00 p.m. on Saturday.

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Ms. Bonnie M. Svrcek, Deputy City Manager
Mr. Walter C. Erwin, City Attorney
Mr. Kent L. White, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozerow, Lynchburg Police Department
Battalion Chief Greg Wormser, Fire Marshal
Mr. Don DeBerry, Transportation Engineer
Mr. Doug Saunders, Building Commissioner
Mr. Robert Fowler, Zoning Administrator
Mr. Robert Crocker, Acorn Hill

VII. ATTACHMENTS

- 1. Vicinity Zoning Pattern Map**
- 2. Vicinity Proposed Land Use Map**
- 3. Watershed Location Map**
- 4. Planimetric and Topographic Map**
- 5. Rezoning Plan**
- 6. Property Photograph**

MINUTES FROM THE MAY 14, 2014 PLANNING COMMISSION MEETING (MINUTES HAVE BEEN APPROVED):

a. Petition of Robert Crocker to rezone approximately three and two hundred forty-three thousandths (3.243) acres at 2134 Old Forest Road from B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional) to amend existing proffers, specifically to increase the restaurant seating from twenty-five (25) seats to one hundred twenty-two (122) and to add ten (10) parking spaces.

Mr. Kevin Henry explained that the *Future Land Use Map* indicates a Community Commercial use for this property. Those areas typically contain retail, personal service, restaurant and entertainment uses that draw customers from several neighborhoods to the entire City. The surrounding uses are designated Low Density Residential and Medium Density Residential. The *Comprehensive Plan* suggests that when addressing compatibility between adjacent land uses such things as building orientation, building location, parking location and parking design should be site design characteristics that should be considered carefully.

Mr. Henry explained that the current zoning was established in 2011. At that time, the applicant's request for restaurant seating was for 25 seats. That limitation was probably set too low as there is more space allocated for the restaurant and banquet use and his business has seen growth not anticipated in 2011. Mr. Henry indicated that even with the additional seating requested, the increase did not warrant a traffic study. That is due to the consideration that the restaurant is considered a quality restaurant rather than a high turnover restaurant. This will result in fewer trips in and out of the site. Mr. Henry also pointed out that there are two means of ingress/egress to the site, which helps to disperse the traffic (one to Old Forest Road and one to Maher Street.)

Mr. Henry remarked that the rezoning petition in 2011 was met with some concerns from adjoining property owners. The Planning Commission and City Council both expressed some concerns over the growth of the business, particularly since it is in a residential area. The petitioner's submitted proffers for this requested rezoning are meant to address any potential impacts on the surrounding residential uses. Mr. Henry noted that the Acorn Hill Lodge has operated in this location since 1996. The building will not be increasing in size. The only real modification is the new parking lot and it will be screened by both landscaping and natural topography. The Planning Division does recommend approval of the petition.

Mr. Robert Crocker and Ms. Wanda Brooks-Crocker were available to represent the petition. Ms. Brooks-Crocker indicated that they are very sensitive to the surrounding residential property owners. They intend to meet all the City's requirements and hope to receive the Planning Commission's support. Chair Swienton asked if there was anyone else who wished to speak in favor or in opposition to the petition. No one came forward and Chair Swienton closed the public hearing portion of the petition.

Commissioner Marion commented that it is beautiful property and she has been impressed with its growth and vitality over the years. She wonders how they can request so much of an increase in restaurant seating and only ten additional parking spaces. Mr. Crocker said they will have adequate parking with these additional parking spaces. The parking that he will have to take away that is shown on the concept plan is due to the setback he is required to maintain from Range Street. Mr. Crocker would prefer to keep the additional parking but will comply with the City's requirement. Ms. Brooks-Crocker pointed out that the parking should work because the spa clients are not there during the evening and the bed and breakfast clients are not there during the day.

Commissioner Marion asked them to elaborate more on the day to day operations of the business. Ms. Crocker indicated that they are classified as a small hotel now as opposed to a bed and breakfast because they have 13 rooms. They currently serve breakfast and lunch in the restaurant, which is open to the public, and it will include dinner starting in June.

Commissioner Johnston commented that she likes how the business has grown over time rather than proposing something large from the beginning. She likes that the appearance of their business blends in with the character of a residential neighborhood but still has been able to grow incrementally. She congratulated them on the successful expansion of their business.

Commissioner Perault encouraged them to do some creative things with their stormwater management on the site, especially with the use of the pond. He suggested innovative things such as rain gardens. Mr. Crocker indicated that they are mainly interested in getting the “stop work order” removed from the property so they can finalize the parking lot.

Chair Swienton commented that there are no neighbors here today to oppose this petition. Chair Swienton talked to some of the neighbors during the rezoning in 2011 and everyone had very positive things to say about the Crockers and the way they operate their business. The issue with the positioning of the sign was a concern with the last rezoning and that was resolved. He wishes them luck and hopes they continue to do well.

Commissioner Johnston made the following motion, which was seconded by Commissioner Perault:

“That the Planning Commission recommends to City Council approval of the petition of Robert D. Crocker to rezone approximately three and twenty-four hundredths (3.24) acres located at 2134 Old Forest Road from B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional) subject to the following voluntarily submitted proffers:

- a. Property will be developed in substantial compliance with the conceptual concept plan for Acorn Hill Lodge dated 04/09/14.**
- b. All lighting shall be glare shielded and non-directional as to prevent illumination beyond the property line.**
- c. Restaurant shall close by 9:00 p.m. daily.**
- d. The event center shall close by 10:00 p.m. daily.**
- e. The total number of seats shall not exceed 122 in the dining room and 101 in the event center.**
- f. The total number of guest rooms is 10.**
- g. The event center will be used separately from the restaurant.**
- h. The hours for the spa and salon shall be 10:30 a.m. – 4:00 p.m. Tuesday through Friday and 10:30 a.m. – 3:00 p.m. on Saturday.”**

The motion passed by the following vote:

AYES:	Johnson, Marion, Perault and Swienton	4
NOES:		0
ABSTENTIONS:		0
ABSENT:	Coleman and Light	2
VACANCIES:		1

AN ORDINANCE CHANGING A CERTAIN AREA LOCATED AT 2134 OLD FOREST ROAD FROM B-1C, LIMITED BUIESS DISTRICT (CONDITIONAL) TO B-3C, COMMUNITY BUSINESS DISTRICT (CONDITIONAL). #O-11-015

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

Section 35.1-76.____. Change of a certain area located at 2134 Old Forest Road from B-1C, Limited Business District (Conditional) to B-3C, Community Business District (Conditional).

The area embraced within the following boundaries . . .

Beginning at a point on the Northeasterly right of way line of Old Forest Road at its intersection with Range Street. Thence with Range Street along its southerly line the following calls, a curve with a central angle of 99 degrees 21 minutes 49 seconds, a radius of 15.00 feet, a length of 26.01 feet with a chord bearing of North 18 degrees 48 minutes 03 seconds East and a chord distance of 22.87 feet, thence along a curve with a central angle of 4 degrees 03 minutes 35 seconds, a radius of 542.36 feet, a length of 38.43 feet with a chord bearing of North 70 degrees 30 minutes 46 seconds East and a chord distance of 38.42 feet, thence South 17 degrees 27 minutes 27 seconds East and a distance of 15.00 feet, thence North 73 degrees 20 minutes 21 seconds East and a distance of 14.66 feet, thence North 15 degrees 51 minutes 51 seconds West and a distance of 15.00 feet, thence a curve with a central angle of 20 degrees 37 minutes 03 seconds, a radius of 542.36 feet, a length of 195.17 feet with a chord bearing of North 84 degrees 26 minutes 41 seconds East and a chord distance of 194.11 feet, thence North 31 degrees 34 minutes 14 seconds East and a distance of 41.80 feet, thence leaving the right of way of Range Street South 72 degrees 06 minutes 46 seconds East and a distance of 236.84 feet to a point on the right of way of Maher Street, thence with the right of way of Maher Street along a curve with a central angle of 14 degrees 39 minutes 33 seconds, a radius of 600.55 feet, a length of 153.65 feet with a chord bearing of South 50 degrees 08 minutes 32 seconds East and a chord distance of 153.23 feet, Thence leaving said right of way South 41 degrees 23 minutes 59 seconds West and a distance of 266.15 feet, thence North 51 degrees 27 minutes 01 seconds West and a distance of 232.21 feet, thence South 31 degrees 35 minutes 59 seconds West and a distance of 237.88 feet to a point on the right of way of Old Forest Road, thence with Old Forest Road the following calls along the easterly right of way line North 17 degrees 44 minutes 32 seconds West and a distance of 92.42 feet, thence North 20 degrees 14 minutes 22 seconds West and a distance of 121.96 feet, thence along a curve with a central angle of 10 degrees 38 minutes 29 seconds, a radius of 793.94 feet, a length of 147.46 feet with a chord bearing of North 25 degrees 33 minutes 37 seconds West and a chord distance of 147.25 feet back to the point of beginning, containing approximately 3.243 Acres.

... is hereby changed from B-1C, Limited Business District (Conditional) to B-3C, Community Business District (Conditional) subject to the condition set out herein below which was voluntarily proffered in writing by the owner, namely Robert D. Crocker, to wit:

1. The property will be developed in substantial compliance with the "Rezoning Plan for an Addition to Acorn Hill" dated November 15, 2010.
2. The proposed sign shall not exceed forty (40) square feet and shall be constructed as shown in the rendering by Manley Signs dated January 18, 2011.
3. All lighting, including lighting for the proposed sign shall be glare shielded an non directional as to prevent illumination beyond the property line.
4. The total number of guest rooms including the owner's residence shall not exceed seventeen (17).
5. The total number of seats for the restaurant shall not exceed twenty-five (25).

6. The restaurant shall close by 9 p.m.
7. Any events in the banquet facility will be concluded by 10 p.m.
8. The building footprint for the addition shall not exceed three thousand seven hundred twenty-one (3,721) square feet.
9. The Spa & Salon shall not be expanded and shall maintain hours of operation from 9 a.m. to 5 p.m., Monday – Saturday.
10. Any use not indicated on the site plan, including the number of guest rooms, number of seats in the restaurant or square footage of building addition exceeding that which is indicated in these proffers shall require approval by the City Council.
11. The length of construction, once started, shall not exceed one (1) year.
12. No trees or shrubbery will be removed unless approved by the City's Urban Forester.
13. The restaurant will be open to the general public and to the guests of the lodge.

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

Adopted: February 8, 2011

Certified:


Clerk of Council

020L2

c: R. Crocker w/form

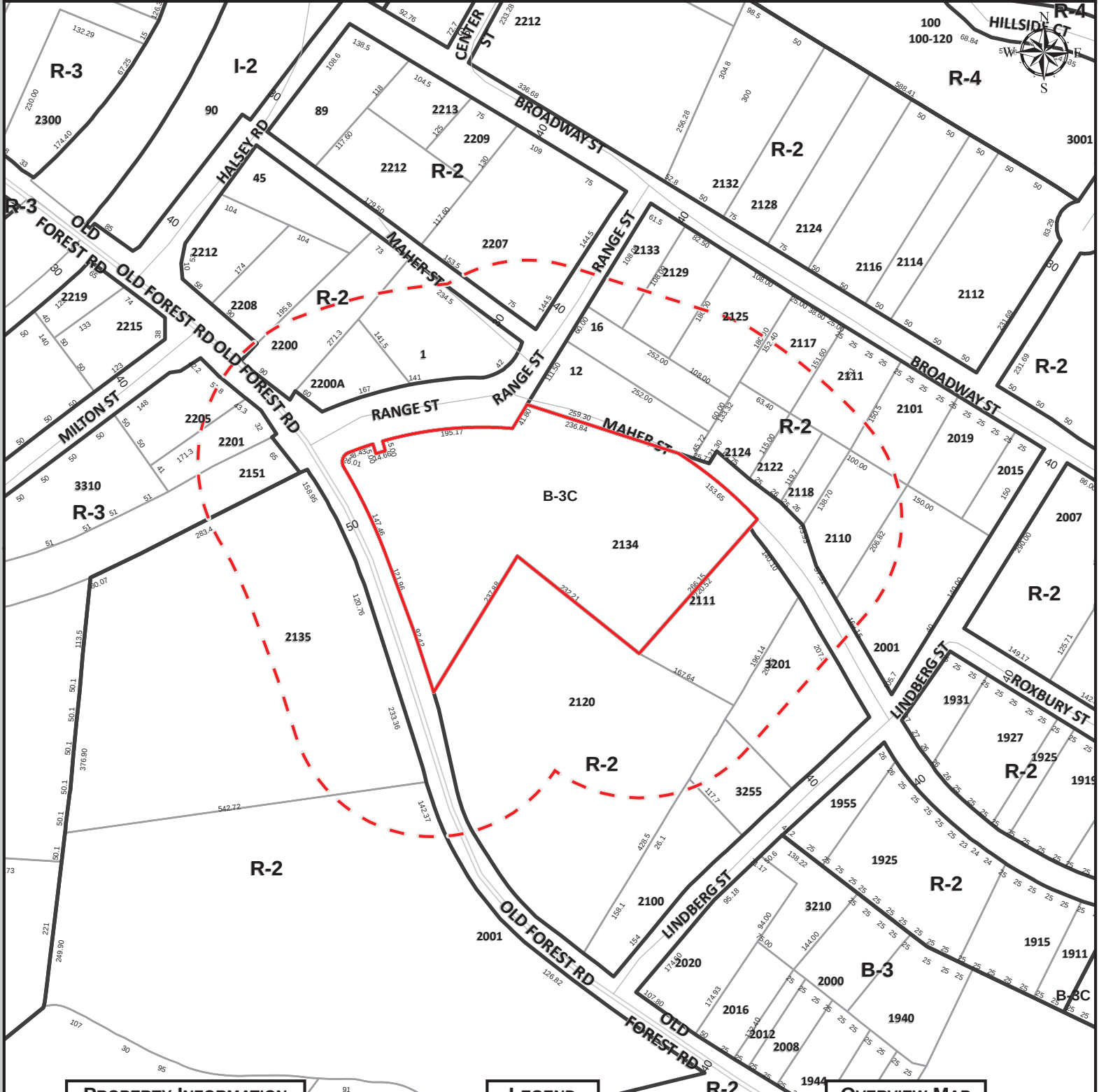
 T. Martin

Zoning Map

REZONING FROM B-3C TO B-3C TO AMEND PROFFERS

Zoning Request

Acorn Hill Lodge



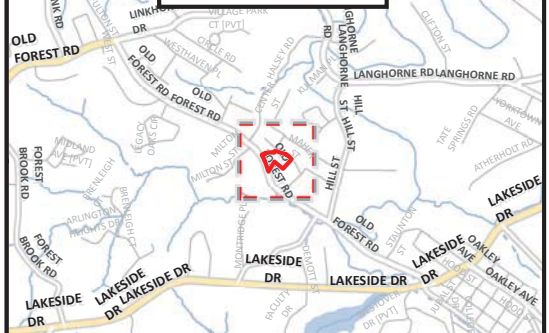
PROPERTY INFORMATION

PARCEL ID	ADDRESS
01513001	2134 OLD FOREST RD

LEGEND

- Subject Property
- 215' Buffer
- Zoning Boundary

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 9/26/2014

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.

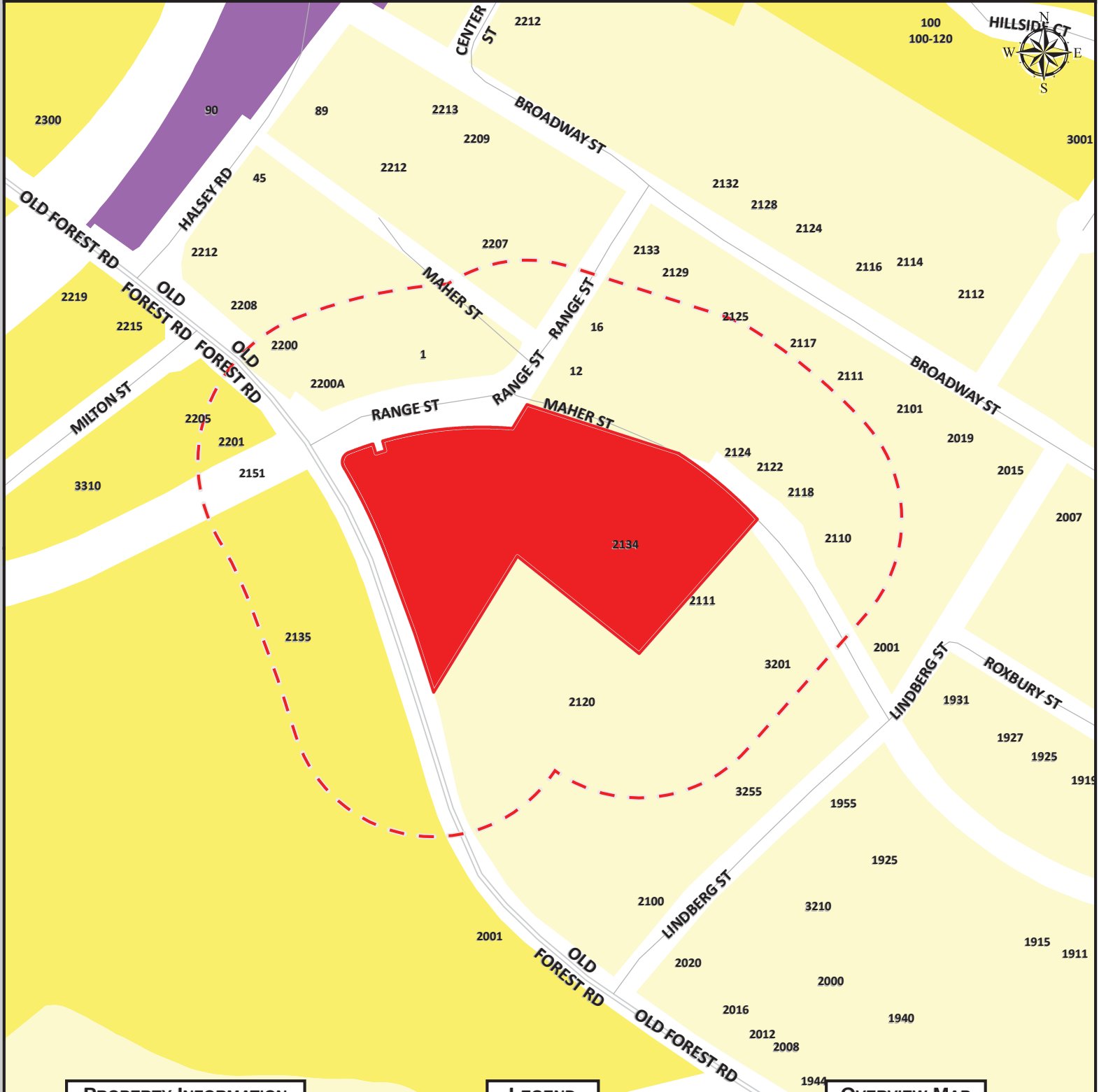
01514006	2001 ROXBURY ST	BARLEY, EDITH H
01514002	2111 BROADWAY ST	BUGG, HUGH H
01514013	2129 BROADWAY ST	CLAGAR PARTNERS
01514014	2133 BROADWAY ST	CLAGAR PARTNERS
01514015	16 RANGE ST	CROCKER, ROBERT D
01514016	12 RANGE ST	CROCKER, ROBERT D
01513001	2134 OLD FOREST RD	CROCKER, ROBERT D & WANDA E B
16624001	2135 OLD FOREST RD	DRISKILL, STEPHEN M & NANCY C
16705005	2207 BROADWAY ST	GIBSON, JOHN R & GIBSON, DAVID A
16618002	2205 OLD FOREST RD	GRANT, CAROLYN & RICK & ROGERS,
16618001	2201 OLD FOREST RD	GRANT, RICKY L
01512001	2001 OLD FOREST RD	HUGHES, HOLCOMBE A J SR
01514008	2110 MAHER ST	JACKSON, NICHOLAS A
01514003	2101 BROADWAY ST	JENKINS, AL JR & RAMONA L
01513003	3201 LINDBERG ST	JUSTIS, ROBERT W & SHANNON D
01513002	2111 MAHER ST	JUSTIS, ROBERT W & SHANNON D
01514012	2125 BROADWAY ST	LIN, RENEE N
16617004	2200 A OLD FOREST RD	MAYBERRY, CATHY T
16617005	2200 OLD FOREST RD	MAYBERRY, CATHY T
16618009	2151 OLD FOREST RD	NORFOLK & WESTERN RAILWAY
01514009	2118 MAHER ST	POE, RUDOLPH N & REBECCA C
01514007	2122 MAHER ST	POE, RUDOLPH N & REBECCA C
01514010	2124 MAHER ST	POE, RUDOLPH N & REBECCA C
01514001	2117 BROADWAY ST	POE, RUDOLPH N & REBECCA C
01513004	3255 LINDBERG ST	WALKER, CHARLES F
01513006	2120 OLD FOREST RD	WALKER, CHARLES F
16617003	1 RANGE ST	WHITE, FRANKLIN L & DOROTHY R

FLUM Map

REZONING FROM B-3C TO B-3C TO AMEND PROFFERS

Zoning Request

Acorn Hill Lodge



PROPERTY INFORMATION

PARCEL ID 01513001 **ADDRESS** 2134 OLD FOREST RD

LEGEND

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

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 9/26/2014

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Watershed Map

REZONING FROM B-3C TO B-3C TO AMEND PROFFERS

Zoning Request

Acorn Hill Lodge



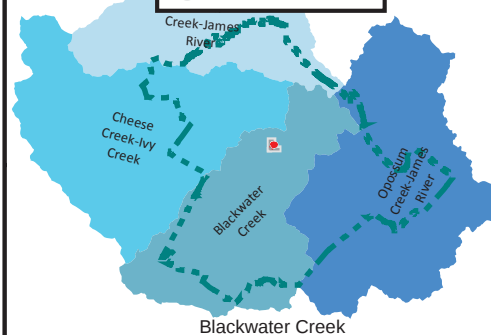
PROPERTY INFORMATION

PARCEL ID	ADDRESS
01513001	2134 OLD FOREST RD

LEGEND

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

OVERVIEW MAP

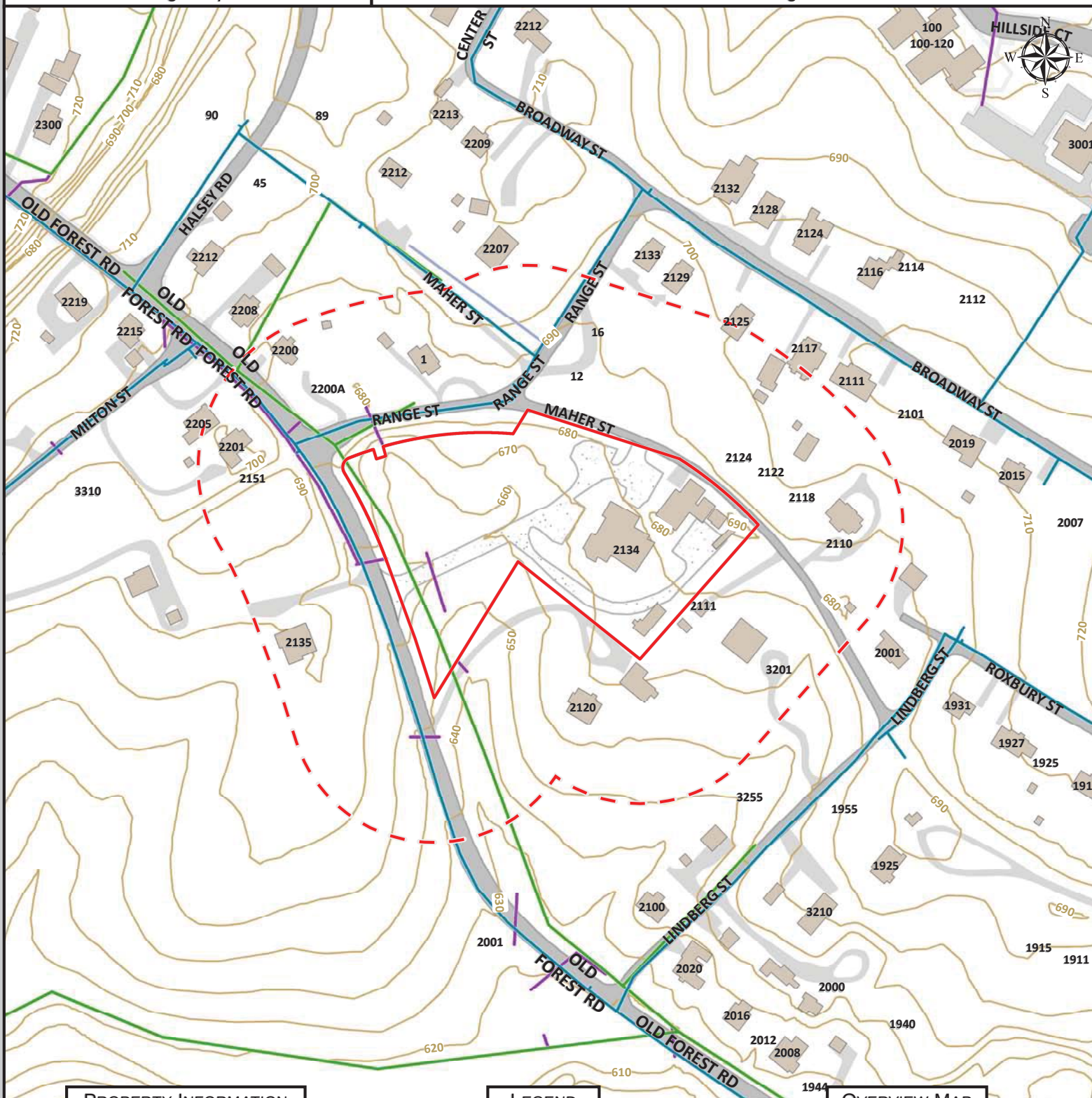


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Zoning Request

Acorn Hill Lodge



PROPERTY INFORMATION

PARCEL ID	ADDRESS
01513001	2134 OLD FOREST RD

LEGEND

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

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 9/26/2014

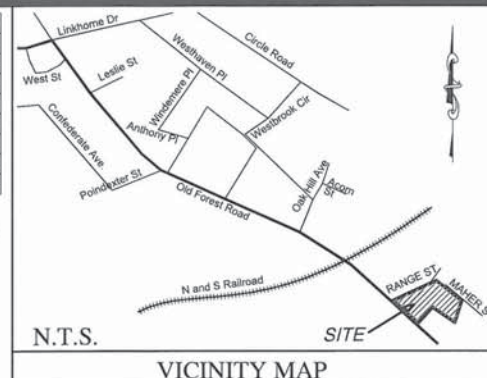
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CURVE TABLE					
CURVE	DELTA	LENGTH	RADIUS	CHORD	CHORD BEARING
C1	10°38'29"	147.46	793.94	147.25	N 25°33'37" W
C2	99°21'49"	26.01	15.00	22.87	N 18°48'03" E
C3	4°03'35"	38.43	542.36	38.42	N 70°30'46" E
C4	20°37'03"	195.17	542.36	194.11	N 84°26'41" E
C5	14°39'33"	153.65	600.55	153.23	S 50°08'32" E

LINE TABLE		
LINE	BEARING	LENGTH
L1	N 84°24'53" E	30.98
L2	S 05°35'07" E	25.00
L3	S 84°24'53" W	24.28
L4	S 17°27'27" E	15.00
L5	N 73°20'21" E	14.66
L6	N 15°51'51" W	15.00
L7	N 17°44'32" W	92.42

ADJACENT PROPERTY
ZONED R-2

ADJACENT PROPERTY
ZONED R-2



VICINITY MAP



NOTES:

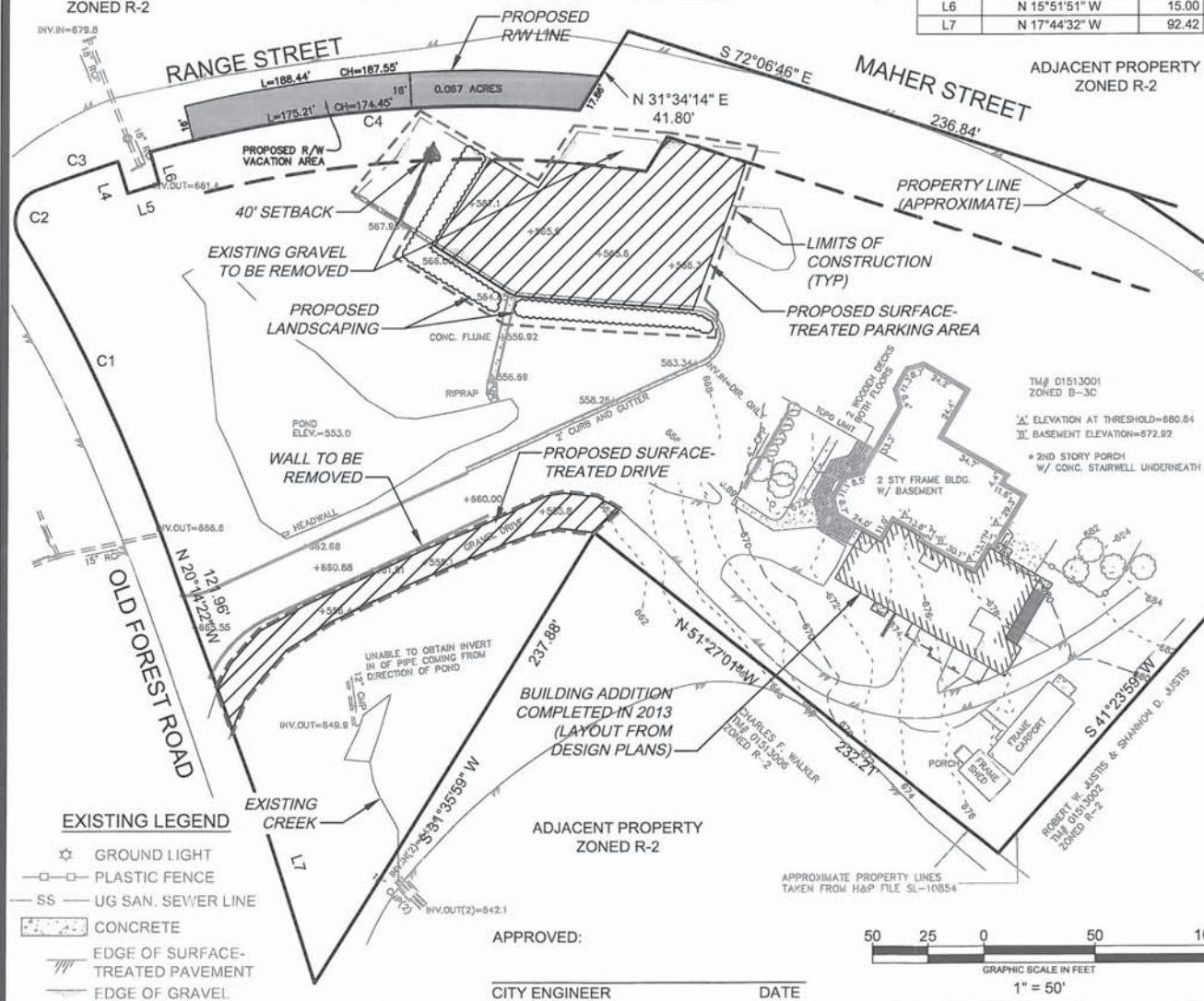
1. SITE TMR: 015-13-001
SITE OWNER: CROCKER, ROBERT D & WANDA E B
ADDRESS: 2134 OLD FOREST ROAD
LYNCHBURG, VA 24501
2. PRESENT ZONING: B-3C
3. PROPOSED ZONING: B-3C
4. PARKING AREA LANDSCAPING AND SCREENING WILL BE PROVIDED IN ACCORDANCE WITH THE CITY'S LANDSCAPING ORDINANCE.
5. ANY EXTERIOR LIGHTING SHALL BE CONTROLLED SO THAT NO DIRECT ILLUMINATION WILL OCCUR BEYOND ANY PROPERTY LINE SHARED WITH A RESIDENTIAL DISTRICT.
6. THE AREA SHOWN HEREON IS LOCATED IN FLOOD 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 PANEL ID 5100930037D.
7. THE TOTAL NUMBER OF SEATS FOR THE RESTAURANT SHALL NOT EXCEED FIFTY (50).
8. THE SITE WILL BE DESIGNED TO MEET THE CURRENT STATE AND CITY STORMWATER MANAGEMENT REQUIREMENTS. POTENTIAL BMP'S INCLUDE BIORETENTION, UNDERGROUND STORAGE, AND MECHANICAL DEVICES.
9. POND OUTLET SHALL DISCHARGE TO AN ADEQUATE CHANNEL. IF THE CHANNEL IS ANALYZED AND FOUND TO BE INADEQUATE, MEASURES SHALL BE PROPOSED TO MEET THE REQUIREMENTS OF MS-19.

PROJECT NO. 20120087
G.L. NO. 229-13-D3.6
FILE NO.
DATE: 9/5/2014
DRAWN BY: ASK
CHECKED BY: JAMN

SHEET NO.
1 OF 1

HURT & PROFFITT
2524 LANGHORNE ROAD
LYNCHBURG, VA 24501
803.242.6990 TOLL FREE
434.947.7799 MAIN
434.947.0047 FAX
ENGINEERING • SURVEYING • LAND DEVELOPMENT • ENVIRONMENTAL
GEOTECHNICAL • CONSTRUCTION TESTING & INSPECTION • CULTURAL RESOURCES

CONCEPTUAL SITE PLAN
AND R/W VACATION DRAWING FOR
ACORN HILL LODGE
CITY OF LYNCHBURG, VIRGINIA



EXISTING LEGEND

- ☆ GROUND LIGHT
- PLASTIC FENCE
- SS UG SAN. SEWER LINE
- CONCRETE
- EDGE OF SURFACE-TREATED PAVEMENT
- EDGE OF GRAVEL

APPROVED:

CITY ENGINEER

DATE



**NOTICE
REQUEST FOR REZONING**

APPLICANT: ROBERT D. & WANDA E.B. CROCKER
PHONE NO.: 434-528-0983
ADDRESS: 2134 OLD FOREST RD.
PRESENT ZONING: B-3C
PROPOSED ZONING: B-3C
PROPOSED USE: REZONING TO AMEND PROFFERS
ADDITIONAL INFORMATION: CALL PLANNING DIV., DEPT. OF
COMMUNITY DEVELOPMENT, 434-455-3809



**NOTICE
REQUEST FOR REZONING**

APPLICANT: ROBERT D. & WANDA E.B. CROCKER
PHONE NO.: 434-528-0983
ADDRESS: 2134 OLD FOREST RD.
PRESENT ZONING: B-3C
PROPOSED ZONING: B-3C
PROPOSED USE: REZONING TO AMEND PROFFERS
ADDITIONAL INFORMATION: CALL PLANNING DIV., DEPT. OF
COMMUNITY DEVELOPMENT, 434-455-3909

August 27, 2014

PLEASE PRINT

[illegible]

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **13 January 2015**

AGENDA ITEM NO.: 8

CONSENT:
(Confidential)

REGULAR: **X**

CLOSED SESSION:

ACTION: **X**

INFORMATION:

ITEM TITLE: **Midtown Connector Phase I – Change Order No. 5**

RECOMMENDATION: Authorize execution of Change Order No. 5.

SUMMARY: The purpose of this agenda item is to present to Council the subject Change Order for review and approval for execution. The Construction Administration, Quality Assurance, Quality Control Inspection and Project Controls services for the Midtown Connector project were originally contracted for a 30-month time period pursuant to the construction bid documents. Conditions unforeseen by the City and its consultant have caused the project duration to run beyond the original 30-month duration, thus requiring additional services to complete the work in compliance with the requirements of State and Federal funding. Complete details of the breadth and depth of services provided are included in the attached fee proposal. The value of this change order exceeds 25% of the original contract value and, therefore, requires Council's authorization to execute.

PRIOR ACTION(S): 13 January 2015 - PDC

FISCAL IMPACT: Authorizes expenditure of funds currently appropriated to the project.

CONTACT(S): J. P. Morris, P.E., Engineering Project Manager – Midtown Connector Project – 455-3918;
Dee Dee Conner, P.E., Principal Engineer – 455-3928

ATTACHMENT(S): Resolution; Change Order No. 5

REVIEWED BY: lkp

RESOLUTION

BE IT RESOLVED THAT The City Manager is hereby authorized to execute Change Order No. 5, with AECOM, in the amount of \$ 1,472,233.00, for Phase II Construction Administration, Quality Assurance/Quality Control Inspection and Project Controls Services for the Midtown Connector Project.

Adopted:

Certified:

Clerk of Council

005K

CHANGE ORDER No. 5

DATE OF ISSUANCE: 13 January 2014 EXECUTION DATE _____

Distribution to:

OWNER: City of Lynchburg
CONTRACTOR: AECOM
PROJECT: Midtown Connector – Phase II Construction Administration, Quality Assurance/Quality Control Inspection and Project Controls Services
Federal Project No. 5118(204), VDOT UPC # 8759,
VDOT Project No. U000-118-V09, PE101, RW201, RW202, C501
CITY PROJECT NO. 89114-R
ENGINEER: J. P. Morris, P.E.

Description: Supplement for Additional Construction Services

Additional services are required for the Construction Administration (CA), Quality Assurance / Quality Control Inspection and Project Controls Services due to inefficiencies and delays experienced throughout the duration of the project. In addition, based on the latest schedule update (26), the project completion date has extended the project until October 6, 2015 with the expectation that this date will slide to December 31, 2015. AECOM will continue to provide construction administration services assisted by HDLA, MBP, and NXL. MBP will provide the on-site Quality Assurance Manager. NXL will provide the Inspection Team and Schedule Analyst. The work will be performed within the guidelines of the Virginia Department of Transportation (VDOT) Local Assistance Program Guidelines. A schedule of minimum required test and frequencies was previously documented in the original scope of services.

Details of the proposed services with additional detailed scopes are outlined in the attached supporting documents.

Reason for the Change: Additional construction phase services beyond original scope and fee.

The contract time has been extended through the calendar year 2014 construction season as contract funding allows.

Original Contract	\$2,949,467.00
Change Order No. 1	\$7,875.00
Change Order No. 2	\$16,883.00
Change Order No. 3	\$2,000.00
Change Order No. 4	\$710,608.00
Adjustment (this request)	\$1,472,233.00
Adjusted Contract Total	\$5,159,066.00

Not valid until signed by the Owner/Engineer, and Contractor.

Signature of the Contractor indicates his agreement herewith including any adjustment in the Contract time.

Approved:

Accepted:

L. Kimball Payne
City Manager
City of Lynchburg

J. Scott Hodge, P.E.
Senior Project Manager
AECOM

DATE _____

DATE _____