

**LYNCHBURG CITY COUNCIL
PHYSICAL DEVELOPMENT COMMITTEE**

**Tuesday, January 12, 2016
9:00 a.m.**

Information Items

Recent/Pending Contract Awards: -See attached project awards.

Update on priority projects: -See attached report.

General Business

- | | |
|---|---------------|
| 1. Downtown Waterline/Streetscape | Cheree Taylor |
| 2. Acquisition of Property: 7001 Timberlake | Lee Newland |
| 3. Lease of Property: 7001 Timberlake | Lee Newland |
| 4. 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 9, 2016

Project:	Contractor:	Estimate	Award	Budget
LU Intramural Road	Counts & Dobyys	2,400,000	2,572,474	2,710,500
Lynchpin Sidewalk	Counts & Dobyys	447,330	341,274.15	348,950
Lakeside / Memorial	Counts & Dobyys	1,389,435	1,769,660.38	2,053,500
Community Market Design	Wendell	-	\$233,145	\$250,000

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

January 12, 2016

Projects of Interest		Status		Notes
Timberlake / Logan's Lane Intersection	*	Right of Way	November 2015	Right of Way at Council Today
Midtown Connector	*	Construction	December 2015	Under Construction - Paving Complete Langhorne and Kemper from 12th to 16th - Asphalt plants closed for winter
Greenview Drive Phase 2	*	Construction	July 2017	Right of Way Plans being Reviewed. Construction Proposed to Start March 2016.
Kemper Street Bridge / Interchange	*	Construction	September 2016	Deck poured in December. Working on Utilities and Parapet.
One Way Pairs @ 501/221		Preliminary	August 2014	Preliminary Design Completed to Determine Available R/W for Development - On Hold- HB2 Submittal
Lower Bluffwalk Phase 2		Construction	July 2015	Closeout in Progress
Memorial - Park - Lakeside Intersection		Construction	September 2017	Bids are being reviewed by VDOT and Federal Highways
Odd Fellows Road - P3	*	Construction	August 2018	Plans Released for Construction Segment A. Pardon our Dust Meeting Today 4-6pm Ramey Auditorium.
Juvenile Services Group Home		Construction	April 2016	On-going
Downtown Streetscapes	*	Design	January 2016	90% Plans
LU Intramural Field Road - Phase 1	*	Construction	September 2016	Underway
LU Intramural Field Road - Phase 2	*	Design	November 2016	Reviewing for Approval

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **January 12, 2016 PDC**

AGENDA ITEM NO.:

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Acquisition of 7001 Timberlake Road**

RECOMMENDATION:

Forward to full Council with recommendation to adopt a resolution to acquire the real property at 7001 Timberlake Road for right of way for the Logans Lane/Timberlake Road Intersection Improvements Project.

SUMMARY:

The Logans Lane/Timberlake Road Project started in concept in 2008 and the City first applied for Revenue Sharing funds in 2012. Originally the project was going to affect 4 parcels of property but after the preliminary engineering was finished and the Interchange Modification Report was submitted and reviewed by VDOT in 2014, it was determined that in order to make the off ramp from 501 work according to VDOT requirements the property at 7001 Timberlake would need to be acquired entirely. Negotiations with the property owner ensued and were approaching agreement near the then current assessed value. After the new assessed value of the property went out in July 2015, the value increased by over \$280,000. At this point, the owner would not sell for under the assessed value of \$1,574,900.

PRIOR ACTION(S):

None

FISCAL IMPACT:

Acquisition Funds of \$1,574,900 from the Project Budget

CONTACT(S):

Lee Newland, City Engineer, 455-3947

Gaynelle Hart, Director of Public Works, 455-4406

ATTACHMENT(S):

Resolution

Concept Plan

REVIEWED BY:

RESOLUTION:

BE IT RESOLVED That the City Manager enter an agreement to purchase the property at 7001 Timberlake Road to be used as right of way for the Logans Lane/Timberlake Road Intersection Improvement Project for the assessed value.

Introduced:

Adopted:

Certified: _____
Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **January 12, 2016 PDC**

AGENDA ITEM NO.:

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Lease of Newly Acquired Property at 7001 Timberlake Road**

RECOMMENDATION:

Forward to full Council with recommendation to hold a public hearing and approve the attached resolution to lease the real property at 7001 Timberlake Road for one year until needed for right of way for the Logans Lane/Timberlake Road Intersection Improvements Project.

SUMMARY:

The Logans Lane/Timberlake Road Project started in concept in 2008 and the City has acquired the property at 7001 Timberlake to be used as right of way. Currently there is a lease on the property for Hill City House. As a condition of breaking the lease with the current owner, Hill City House (HCH) has asked permission to stay in the building for one year, rent free, as the construction plans are finalized and bid. In return, the building will be rented "as is" and the City will not provide any maintenance on the building or grounds as the structure will be demolished for the road project.

PRIOR ACTION(S):

None

FISCAL IMPACT:

None

CONTACT(S):

Lee Newland, City Engineer, 455-3947

Gaynelle Hart, Director of Public Works, 455-4406

ATTACHMENT(S):

Resolution

Lease

REVIEWED BY:

RESOLUTION:

BE IT RESOLVED That the Lynchburg City Council hereby approves a lease agreement between the City of Lynchburg and Hill City House, LLC for the property at 7001 Timberlake Road; and,

BE IT FURTHER RESOLVED that the City Manager is authorized to execute the lease agreement on behalf of the City.

Introduced:

Adopted:

Certified: _____
Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **January 12, 2016**

AGENDA ITEM NO.: 1

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

CLOSED SESSION:
(Confidential)

ACTION: INFORMATION: **X**

ITEM TITLE: **Zoning Ordinance Rewrite**

RECOMMENDATION: Review proposed changes to the Zoning Ordinance.

SUMMARY: City Council conducted a work session and public hearing concerning the proposed Zoning Ordinance Revisions on November 10, 2015. After the public hearing, Council directed staff to place the item on the November 24, 2015 work session agenda. Council discussed provisions for farm animals and bicycle parking on November 24 and will continue to discuss the remaining items at the January 12, 2016 work session. The attached memorandum lists Council's revisions to the section on farm animals, outstanding issues, staff recommendations and/or options for consideration by Council.

PRIOR ACTION(S):

November 24, 2015: City Council work session.

November 10, 2015: City Council public hearing.

November 10, 2015: City Council work session.

October 27, 2015: City Council work session.

October 13, 2015: City Council work session.

September 23, 2015: The Planning Division recommended approval of the revised Zoning Ordinance.

The Planning Commission recommended approval of the Zoning Ordinance (5-0 with one vacancy and one absence, Mays).

FISCAL IMPACT: N/A

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

ATTACHMENT(S):

- Memorandum – Zoning Ordinance Workshop – December 8, 2015

REVIEWED: lkp

005K

TO: Mayor Gillette and City Council
FROM: Michael Lauer, AICP – Principal (**updated by staff**)
DATE: ~~November 24, 2015~~ December 8, 2015
RE: Zoning Ordinance Workshop

8900 State Line Road, Suite 406
 Leawood, Kansas 66206
 Tel: 913.341.8800
 Fax: 913.341.8810

2105 South River Road
 Melbourne Beach, Florida 32951

603 Farnham Circle
 Richmond, Virginia 23236

This memo responds to unresolved concerns raised by the Council during the October and November work sessions in addition to responding to comments from the November 10 public hearing. The suggested language is provided to resolve these and is subject to revision based on the Council's decisions during the work session or following the public hearing.

Farm Animals

At the November 24 work session, Council reached consensus on the following provisions for Farm Animals:

Farm Animals	Zoning Provisions	
Poultry	Definition	Any free-ranging, domesticated fowl, with an adult weight no greater than 30 lbs.
	Distance of enclosure from nearest residence and/or property lines	• 20 feet from property line for 4 or fewer hens • 20 feet from property line and 100 feet from nearest residence if more than 4 hens are kept • Located behind front building line
	Maximum number of fowl	• 4 fowl on lots of 15,000 sq.ft or smaller plus • 1 fowl for every additional 5,000 sq.ft. of lot area • Maximum of 20 fowl
Small farm animals	Definition	Any domesticated farm animal used for the production of food and food products, with an adult weight no greater than 150 lbs.
	Maximum number of small farm animals & distance from property line.	• 2 small animals on lots less than 10 ac. • Minimum lot size of 15,000 sf. • 1 additional small farm animal per additional acre of lot area • Located behind front building line • 20 feet from property line.
	Keeping of swine	Prohibited
Large farm animals	Definition	Any animal with an adult weight of 151 lbs. or greater
	Maximum number of animals	• 2 acres minimum for keeping of up to 2 large animals. Keeping of 3 or more large farm animals shall require 10 acres of land.
	Accommodations	Enclosures required and must be located at least 200 feet from any property line • Located behind front building line

**Commercial production – Any production of eggs, milk or meat for sale is prohibited on lots smaller than 10 acres.

Bicycle Parking

Based on Council's November 24th discussion, staff recommends the following:

- A. Quantity. Adopt standards based on the Association of Pedestrian and Bicycle Professionals (APBP) recommendations, which base ratios on square feet of buildings. To address scenarios that would require large amounts of bicycle parking, adopt a low cap of five (5) racks, which can be adjusted as needed in the future. This treats Lynchburg's bicycle parking standards similar to how Lynchburg applies vehicular parking standards. Currently a low number of car parking spaces are required, and the private market adds more as needed.
- B. Exemptions. Council discussed exempting certain uses from bicycle parking requirements. Staff maintains that all uses have the potential for bicycle use, however, if Council sees the need to exempt specific uses, automobile oriented uses (excluding retail portions) is one reasonable option. Day cares, schools, colleges, and universities were already exempted from bike parking requirements, but encouraged to provide bicycle racks according to their need. Use of these facilities varies significantly and unless new information would be provided at site plan review, no fair ratio seemed reasonable. Schools have their own vested interest in providing bicycle racks and will likely do it on their own accord.
- C. Sharing Bicycle Parking. Provide an option for consolidating bicycle parking on site in multi-tenant developments. Require that parking be no more than two hundred (200) feet from building entrances and require that location be indicated on a sign if not visible from entrance.

Sidewalks

While there was one suggestion to eliminate transit proximity from the list of factors enabling the waiver or reduction of sidewalks and Liberty University suggested that sidewalk design be addressed by proffers to the Zoning Administrator, the consensus of the City Council in the workshop seemed to be to eliminate the provisions for the waiver or reduction of sidewalks based on locational factors but to keep the flexibility to modify the design or eliminate the requirement of sidewalks as necessitated by steep cross-slopes, drainage features or other constraints. The modifying section 35.2-67.1 to state the following achieves these objectives:

Applicability

Sidewalks and walkways that comply with Americans with Disabilities Act requirements shall be provided along all streets for any development subject to site plan review. The Zoning Administrator may lessen or eliminate the requirements of this section when existing slopes in excess of twenty-five (25) percent, stormwater conveyances or other physical constraints render required sidewalk improvements unfeasible.

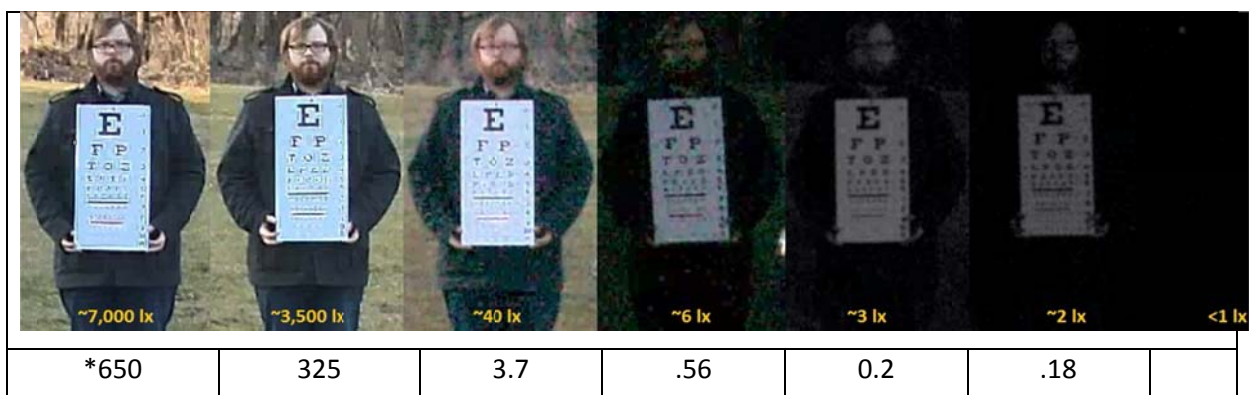
Cluster Commercial Development

The City did not receive any testimony at the public hearing, but received comments prior to the hearing questioning the requirement that parking in cluster commercial development be located behind front building lines. The purpose of this conditional use is to provide greater intensity and design flexibility in order to create more pedestrian-oriented commercial and mixed-use development centers. The applicant is provided increased opportunity for the use of shared parking and is credited with on-street parking. Staff does not recommend allowing for conventional front-loaded parking lots because they are inconsistent with the purposes of this use. Cluster commercial is an optional development pattern and existing districts already allow for conventional commercial development by right. Cluster commercial incentives should not be provided for conventional development that does not satisfy this development patterns purposes.

Outdoor Lighting

Two concerns were raised at the public hearing about outdoor lighting. First, that the introductory paragraph requires shielding for all fixtures except unshielded luminaires. While this sounds like a contradiction in isolation, the draft proceeds to establish more stringent lighting standards for unshielded luminaires. Staff recommends inserting a reference to the following paragraph in this section.

The second request was to reduce light spillover levels at residential property lines. The outdoor lighting levels were increased to 0.5 footcandles pursuant to discussion with AEP and reflect the lighting levels of other communities. While the proposed lighting levels are higher than those used for Dark Skies communities, they are not unreasonable lighting levels. For reference, the following pictures show the relative brightness in footcandles and provide a descriptive chart.



*Footcandles

Locality Comparison	Light Trespass
Lynchburg Proposed	.5 fc
Augusta County	.5 fc
Bedford County	.5 fc
Blacksburg	.5 fc
Clarke County	.2 fc
Loudon County	.25 fc
Rocky Mount	.5 fc
Prince William County	.5 fc
Roanoke County	.5f c
Warrenton County	1 fc

	Condition	Light Level (LUX)	Foot Candles (FC)
Day Time	Sunlight	107,527	10,000
	Daylight	10,752.70	1,000
	Overcast Day	1,075.30	100
	Very Dark Day	107.53	10
	Twilight	10.75	1
Night Time	Deep Twilight	1.08	0.1
	Full Moon	0.108	0.01
	Quarter Moon	0.0108	0.001
	Starlight	0.0011	0.0001
	Overcast Night	0.0001	0.00001

Solar Panels

Solar panels would be allowed in the proposed ordinance provided height limitations within the particular zoning district are met. There are height exceptions listed for certain structures as provided in Section 35.2-61.2 (b):

1. The height limitations shall not apply to the following features projecting above the roof line: flag poles, church spires/steeple, belfries, cupolas and domes not used for human occupancy, chimneys, ventilators, skylights, water tanks, bulkheads or similar features, radio and television antennas for the

use of residents of dwelling units in apartments, and necessary mechanical appurtenances (including, but not limited to plumbing vents, exhaust vents, HVAC equipment, electrical connections, lightning rods and telecommunications connections) usually carried above the roof level provided that:

- a. Such a feature shall be erected only to a height necessary to accomplish the purpose it is intended to serve, but in no case more than fifteen (15) feet above its lowest point of contact with the roof.
- b. The total area covered by such features shall not exceed in horizontal cross-sectional area fifteen (15) percent of the area of the plane of roof upon which they are located.
- c. Such features as water tanks, cooling towers and bulkheads shall be enclosed within walls constructed of the same material as the main walls of the building on which they are located.

Staff believes that solar panels would be included in “necessary mechanical appurtenances”, however; it has been requested that solar panels be listed in the section for clarity.

Responses to Comments from Liberty University

The following responses correspond with the comments included in the November 10 letter from Jerry Falwell, Jr.

Article	Item Number	Topic	Response
I	1	Information Requirements	No change recommended. The zoning ordinance does not list all information that may be required to assess compliance, particularly information required to assess compliance with conditions established by the Council subject to conditional zoning or a conditional use permit
I	2	Vesting against future stormwater requirements	No change recommended. The City cannot vest against compliance with state or federal standards. Additionally, local stormwater requirements are not established in the zoning ordinance
II	1	Defining cause for continuance	No change recommended. The City Council should retain the flexibility to determine whether the reasons for a requested continuance are appropriate.
II	2	Allowing amendments to proffers at the City Council hearing	No change recommended. The City Council should retain the right to consider additional voluntary proffers, deletions and or amendments to proffers offered as part of the conditional zoning request.
II	3	Cash proffers	No change recommended. While the City is eligible to accept cash proffers, these have not been included as a condition of conditional zoning in the draft zoning ordinance. The provision authorizing the hearing body to consider other factors relevant to the application under Commonwealth law is an existing provision that allows the Council to consider all factors authorized by state law when evaluating conditional zoning requests.
IV R-C	1 & 2	Subjective criteria for conditional uses in the R-C district	No change recommended. When evaluating a conditional use permit application, it is reasonable for the Council to consider whether development will minimize negative impacts on the volume and quality of stormwater runoff from land disturbance vegetation removal or parking lots. The finding will depend on the existing and proposed site conditions as well as the solutions proposed by the applicant.
IV R-C & R-1	3	Occupancy and grandfathering	See above discussion for occupancy. Defining occupancy based on bedrooms is problematic because any house may be carved up into far more bedrooms than are consistent with the neighborhood and still comply with building codes. For large houses, there is the option to establish rooming or boarding houses by CUP.
IV B-1	1	Drive-through windows	No change recommended. For reasons discussed at the workshop, side-yard drive-through windows create conflicts with pedestrians. It is not uncommon for drug stores and banks to use rear drive-through windows, though this is typically done on corner lots.
IV B-1	2	Sidewalks	See above discussion. The Zoning Administrator can't accept proffers and the draft regulations do provide some flexibility in the design of sidewalks based on topography, drainage or other constraints.

Article	Item Number	Topic	Response
IV B-1	4	Underground utilities	No change recommended.
IV IN-2	1	Authorized Uses	No additional changes recommended. These comments were previously addressed with Liberty University representatives. Outdoor gun ranges are not allowed in the B-5 or IN-2 districts. Day care has been and continues to be allowed. Corporate campus uses have been added as a conditional use to the B-5 and IN-2 districts
IV IN-2	2	Residential uses	Agree to delete this provision. The existing requirement for a CUP for residences that are not owned and operated by the applicable institution is an existing provision that may be deleted.
IV IN-2	3	Temporary construction and storage yards	No change recommended. Temporary construction yards and storage of materials is routinely allowed as necessary and accessory to any construction activity. No change is needed to authorize this activity.
VI	1	Setbacks from limited access highways	No change recommended. This provision has previously been discussed by the Council
VI	2	Sign regulations	Agree to clarify that the Zoning Administrator should not base sign setbacks on distances from unimproved streets.
VI	3	Lighting	Change previously made. The draft ordinance allows the flexibility for an applicant to submit a lighting plan for a larger area that demonstrates compliance with spillover lighting standards. To ensure compliance with the draft provisions, the City asks the lighting consultant who provides the lighting to certify compliance with the standards. Deletion of this requirement would eliminate the City's ability to effectively enforce the standards.
VI	4	Internal Access	Agree that the proposed language should be modified. While internal roads are encouraged, this is not a mandate. This encouraging language can be deleted without modifying the effect of the code.
VII	1	Manufactured homes in IN-2	No change recommended. The City Council has discussed this matter and directed staff to put this item on a list of future amendments for discussion.
VII	2	Modification of requirements for outdoor recreation facilities	Previously agreed to clarifications, no additional change recommended. In a previous memo discussed at a Council work session, the staff and consultant presented clarifications to these provisions that do not require buffering internal to the district and require bathroom and shower facilities for swimming pools only.
VII	3	Riding Stables in IN-2	No change recommended. The standards for riding stables are reasonable and consistent with those for the B-5 district.
IX	1	Non-conformities	No change recommended. The IN-2 district clearly authorizes all lawful non-conforming uses at the time of the formation of an IN-2 district as uses allowed by right excepting non-conforming signs and billboards. No changes have been made from the prior zoning ordinance.

Article	Item Number	Topic	Response
Use Changes	1	Mobile Home parks, trailer parks, campgrounds, active recreation facilities, schools and colleges in R-C	No additional changes recommended. Campgrounds have been added as a conditional use in the R-C district, but the other uses were specifically removed due to their inherent incompatibility with the purposes of the district. Any property owner has the right to request a rezoning of property that is currently zoned R-C and the Council may approve such change if it finds that the property can be developed for other purposes without compromising the purposes of the zoning ordinance and comprehensive plan.

Occupancy Standards

35.2-60.2 Buildings, Uses and Lots

(e) Occupancy.

On February 13, 1990, Council amended the definition of family to reduce the number of unrelated individuals from 5 to 3. *The concern throughout the zoning process has been the number of unrelated individuals residing in a structure within single-family districts and certain instances where more than three unrelated individuals have been legally allowed to occupy a structure.*

Proposed: Except as allowed by conditional use permit or for non-conforming duplex and multi-household dwellings, no single lot in an R-C, R-1 or R-2 district and no dwelling unit or boarding unit in any other district may be occupied by more than three (3) unrelated people. In other zoning districts, no dwelling unit or boarding unit may be occupied by more than three (3) unrelated people.

Option: Maintain current Zoning Ordinance standards for occupancy as no more than 3 unrelated individuals and define ownership as majority (51%) to allow an accessory unit.

It is important to note that there is no permit required to rent a single-family structure and enforcement of occupancy standards is limited to a complaint basis.

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November 24, 2015

// A regular meeting of the Council of the City of Lynchburg was held on the 24th day of November, 2015, at 1:30 P.M. in the Council Chamber, City Hall, Michael Gillette, President, presiding. The following Members were present:

Present: Foster, Helgeson, Johnson, Nelson, Tweedy, Gillette

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Absent: Perrow

1

//Mayor Gillette introduced Police Chief Raul Diaz who was sworn in on November 18, 2015, and asked him to say a few words. City Council members welcomed Chief Diaz. City Manager Kimball Payne thanked Major Jerry Stokes for his role as Acting Police Chief in the interim.

// Director of Human Resources Margaret Schmitt provided a follow-up presentation on the proposed 2016 Medical Benefits Plan Structure. Ms. Schmitt gave an update on the current issues causing a need for an additional \$1.2 million in resources and mentioned that there are two options to fund the increase: 1) City funds the increase, or 2) Shift costs to employees. Ms. Schmitt reiterated the goals expressed by City Council at the November 10 meeting:

- Maintain an affordable plan
- Retain Grandfather status under the Affordable Care Act if possible (although the cost of doing so is not as much as before)
- Move toward a more standardized structure over time
- Share cost increase with employees (City has absorbed cost increases through the years)
- Human Resources to provide additional options

Ms. Schmitt presented Proposed Plan Changes that would result in \$302,949 savings to the City and not trigger loss of Grandfather status:

- Deductible: \$500 to \$650
- Out of Pocket Maximum: \$2,000 to \$2,600
- Primary Care Physician copay: \$20 to \$25
- Specialist copay: \$30 to \$37.50
- Emergency Room copay: \$50 to \$65
- Allergy copay: \$5 to \$6.50

City Manager Kimball Payne added that all options being presented would include the Proposed Plan Changes as long as Council was in agreement. Council members indicated agreement.

- Option 1 - Full increase funded by City
- Option 2 – Full increase funded by Employees
- Option 3 – Increase shared by City and Employees

Options 1 and 2 maintain the status quo, using the current structure as the base. In both options, the City's costs would increase by 6%. Option 3 takes a step toward the true industry standard with more standard distribution using the City's claims experience, but moderating the increases. Ms. Schmitt reviewed employee monthly contribution changes by Option and by employee tier. After Council discussion, several Council Members had concerns regarding the Family/2 Employee tier and the phasing in of cost increases. Vice Mayor Johnson made a motion to adopt Option 3, grandfathering the Family/2

Employee tier for those currently enrolled, but not offering new enrollment as of January 1, 2016. Council Member Foster seconded the motion. Following discussion, Mayor Gillette proposed a friendly amendment stating that this would be Step 1 toward an industry standard with more uniform distribution of percentages covered by the City: 95% for employees and 68% for dependents based on actuarial cost calculations, and preserving the status of those currently enrolled in the Family/2 Employee tier, with any changes toward the industry standard to be applied evenly through all tiers. Vice Mayor Johnson accepted the friendly amendment, seconded by Council Member Foster. Council by the following recorded vote adopted Option 3 of the Proposed Plan changes, as amended:

Ayes: Foster, Johnson, Nelson, Gillette	4
Noes: Helgeson, Tweedy	2
Absent: Perrow	1

// Council recessed the meeting at 3:20 p.m.

// Council reconvened the meeting at 3:25 p.m.

The following members were present:

Present: Foster, Helgeson, Nelson, Tweedy, Gillette	5
Absent: Johnson, Perrow	2

// City Planner Tom Martin along with staff continued with an overview of the Zoning Ordinance Rewrite. City Council conducted a work session and public hearing concerning the proposed Zoning Ordinance Revisions on November 10, 2015. After the public hearing, Council directed staff to place the item on the November 24, 2015 work session agenda. Mr. Martin presented a memorandum listing outstanding issues, and recommendations by staff or options for consideration by Council.

Council discussed farm animals including poultry, goats and large farm animals and made some recommendations. The bicycle parking requirements were discussed regarding Options 1 and 2 which are listed:

- Option 1: maintain the 5% of vehicular spaces (1 per 20) and adopt a cap
- Option 2: requirements based on land use and adopt a cap

Council offered feedback on items to consider going forward with bike rack requirements. Council agreed that more time is needed for the Zoning Ordinance Rewrite and it will be placed on the December 8 work session.

// The meeting was adjourned at 4:30 P.M.

Clerk of Council

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December 8, 2015

// A regular meeting of the Council of the City of Lynchburg was held on the 8th day of December, 2015, at 4:00 P.M. in the Council Chamber, City Hall, Michael Gillette, President, presiding. The following Members were present:

Present: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette

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Absent:

0

// Director of Financial Services Donna Witt introduced Ms. Julie Moore with Brown Edwards, LLC, who provided the audit presentation. Ms. Moore presented an overview of the City's Comprehensive Annual Financial Report (CAFR) and related reports for fiscal year ending June 30, 2015. Ms. Moore stated that no new accounting policies were adopted and the application of existing policies was not changed during the year. Ms. Moore further reported that the City's Audit Report again this year was a clean audit. In reporting the Lynchburg City Schools section of the audit for year ending June 30, 2015, the audit did not detect any matters that warranted issuance of an internal control or management letter. The Schools also had a clean audit.

// Deputy City Manager Bonnie Svrcek presented City Council with a brief introduction chronicling actions taken that led to the poverty presentation from the University of Virginia Demographics Research Group. Ms. Svrcek stated that the research had been conducted per City Council's wishes to gain a better understanding of the U. S. Census data regarding poverty within the City of Lynchburg. Ms. Svrcek introduced Annie Rorem and Luke Juday with the University of Virginia Demographics Research Group who made a presentation regarding the analysis of the poverty data. Ms. Rorem stated that even after removing data concerning the City's large student population, the City still had a poverty rate of 22.6%. Ms. Rorem and Mr. Juday also discussed the rates of poverty among subgroups (race, educational attainment, employment, etc). Following the presentation and a question and answer period, the members of City Council raised the following points of discussion and concerns:

- What is government's role in reducing poverty?
- There is a need to include the business community in further discussions.
- What policies will help to grow the tax base?
- What budgetary impacts will result in efforts to address poverty?
- What legal, institutional, social, or cultural barriers contribute to keeping people in poverty?

Mayor Gillette asked City Manager Payne if the City Leadership Team could discuss the poverty data and possible ways to address the problem. Mr. Payne stated that the Leadership Team would discuss the issue and he would report back to City Council in February 2016. Four action areas were identified for continued discussion: job readiness, job opportunities, job matching, and providing necessary support to remove or lessen barriers like transportation and childcare needs.

// Due to time constraints the Zoning Ordinance Rewrite was rescheduled. Council agreed to start the work sessions at 2:00 p.m. on January 12 and 26 to complete the Zoning Ordinance Rewrite.

// Mayor Gillette asked Council to set a date for the Council Budget Retreat. After discussion on this item, the date for the retreat was set for Tuesday, January 19, 2016, 12:30 p.m. until 4:00 p.m. in the Second Floor Training Room.

// During roll call Council Member Perrow stated that the sidewalk at Robin Alexander Restaurant located on Main Street is in need of repair.

// Mayor Gillette read a letter from City Manager Kimball Payne in which the City Manager stated his intention to retire effective June 30, 2016. Mayor Gillette thanked the City Manager for his service and for providing exemplary service to the City.

// City Council recessed the meeting at 6:23 p.m.

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

The following Members were present:

Present: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Absent: 0

Council Member Perrow gave the Invocation, followed by the Pledge of Allegiance.

// Mayor Gillette presented a Certificate of Recognition to Tarsha Joyner – Winner of the Food Network 'Christmas Cookie Challenge'.

// Mayor Gillette recognized the Department of Finance, Budget Division, for receiving both the Government Finance Officers Association Certificate of Achievement in Financial Reporting for FY 2014 and the Distinguished Budget Presentation Award for FY 2015.

// Copies of the minutes of the November 2, 2015 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Foster, seconded by Council Member Tweedy, Council by the following recorded vote approved the minutes as presented:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Noes: 0

// Copies of the minutes of the November 10, 2015 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Foster, seconded by Council Member Tweedy, Council by the following recorded vote approved the minutes as presented:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Noes: 0

// In the matter of Courts, Resolution #R-15-097 amending the FY 2016 City/Federal/State Aid Fund budget and appropriating \$20,250 with resources from a grant from the Library of Virginia to preserve seven-five (75) Deed books at the Lynchburg Circuit Court Clerk's Office, laid over from the November 10, 2015 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Council Member Tweedy, Council by the following recorded vote adopted the Resolution:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Noes: 0

// In the matter of Schools, Resolution #R-15-098 amending the FY 2016 General Fund budget and appropriating \$3,411,449 with resources from unexpended FY 2015 Schools Operating Fund to fund needs as approved by the School Board, laid over from the November 10, 2015 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Council Member Tweedy,

Council by the following recorded vote adopted the Resolution:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette

7

Noes:

0

// In the matter of Public Works – Street Vacation, a public hearing was held regarding City Council Report #9 regarding the petition of Genworth Life and Annuity Insurance Company to vacate a portion of Main Street, which is approximately two (2) feet wide and extends approximately one hundred fifty-five (155) feet. The portion proposed for vacation is approximately eight thousandths (.008) of an acre and is located along the frontage of the property at 717 Main Street. Planner I Rachel Frischeisen provided a summary of the request stating that the owner is petitioning to vacate a narrow portion of right-of-way along the frontage of the property at 717 Main Street to accommodate the construction of a parking deck associated with the Virginian Hotel. Mr. Russ Nixon with Nixon Land Surveying, representing the petitioner, asked Council for approval of the street vacation. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Perrow, Chair of the Physical Development Committee (PDC), stated that this item came before PDC which recommended approval. This motion does not require a second, and Council by the following recorded vote adopted Ordinance #O-15-104, as presented, to vacate a portion of Main Street, which is approximately two (2) feet wide and extends approximately one hundred fifty-five (155) feet, which is approximately eight thousandths (.008) of an acre and is located along the frontage of the property at 717 Main Street:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette

7

Noes:

0

// In the matter of Community Development - Zoning Amendments, a public hearing was held regarding City Council Report #10 outlining the petition of AMERCO Real Estate Company to rezone approximately twelve and seventy-two hundredths (12.72) acres from I-2C, Light Industrial District (Conditional), to B-5C, General Business District (Conditional), to reuse and redevelop an existing site as a self-service storage facility with accessory uses such as retail, equipment rentals, warehouse and RV storage at 7401 Timberlake Road. City Planner Tom Martin provided a summary of the request and stated the Planning Commission recommended approval of the rezoning petition. Mr. Gary Case with Gary Case and Company, representing the petitioner, asked Council for approval of the rezoning petition. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Foster, seconded by Council Member Tweedy, Council by the following recorded vote adopted Ordinance #O-15-105, as presented, granting AMERCO Real Estate Company to rezone approximately twelve and seventy-two hundredths (12.72) acres from I-2C, Light Industrial District (Conditional), to B-5C, General Business District (Conditional), to reuse and redevelop an existing site as a self-service storage facility with accessory uses such as retail, equipment rentals, warehouse and RV storage at 7401 Timberlake Road:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette

7

Noes:

0

// In the matter of Community Development - Zoning, a public hearing was held regarding City Council Report #11 outlining the petition of Randolph College for a Conditional Use Permit (CUP) at 2711 and 2715 Rivermont Avenue and 227 Westmoreland Street to allow the use of existing buildings at 2715 Rivermont for student housing and existing buildings at 2711 Rivermont and 227 Westmoreland Street as school offices with the construction of an associated parking area in an R-4, Medium-High Density, Multi-Family Residential District.

Council Member Nelson stated that he has represented Randolph College in acquisition of one of these properties which constitutes a conflict of interest under the Virginia Conflict of Interest Act and he will abstain from discussion and voting on this item.

Council Member Foster stated that she is employed with Beacon of Hope as its Director of Development. Mr. Wes Fugate, the representative for Randolph College, is the Chairman of Beacon of Hope's Board of Directors and one member of a twenty-six member board. Council Member Foster further stated "my employment with Beacon of Hope and Mr. Fugate's position as the Chairman of Beacon of Hope does not constitute a conflict of interest under the Virginia Conflict of Interest Act. I am able to participate in the discussion of, and to vote on this request fairly, objectively, and in the public interest." City Planner Tom Martin gave a summary of the request and stated that the Planning Commission recommended approval of the CUP. Mr. Wes Fugate, Vice President and Chief of Staff of Randolph College asked Council for approval of the CUP. One individual spoke in opposition regarding this request stating his concerns were students partying late at night and increased noise. There was no one else present who wished to speak to this item, and the public hearing was closed. After Council's discussion on this item, Council Member Helgeson stated he would not be supporting this request due to land use issues and it is too close to a neighborhood. On motion of Vice Mayor Johnson, seconded by Council Member Tweedy, Council by the following recorded vote adopted Resolution #R-15-106, as presented, granting the Conditional Use Permit at 2711 and 2715 Rivermont Avenue and 227 Westmoreland Street to allow the use of existing buildings at 2715 Rivermont for student housing and existing buildings at 2711 Rivermont and 227 Westmoreland Street as school offices with the construction of an associated parking area in an R-4, Medium-High Density, Multi-Family Residential District.

Ayes: Foster, Johnson, Perrow, Tweedy, Gillette

5

Noes: Helgeson

1

Abstention: Nelson

1

// In the matter of Public Works, a public hearing was held regarding City Council Report #12 regarding granting a franchise agreement to Humble, LLC, for the construction, operation and management of an outdoor café for restaurant use, located in the public right-of-way of the lower Bluffwalk and 13th Street. City Manager Kimball Payne gave a summary of the item, stating Humble, LLC, has requested a franchise agreement from the City. Mr. Mark Borel owner of Humble, LLC, asked Council to grant the franchise agreement. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Perrow, seconded by Council Member Nelson, Council by the

following recorded vote awarded a franchise agreement to Humble, LLC, for the construction, operation and management of an outdoor café for restaurant use, located in the public right-of-way of the lower Bluffwalk and 13th Street:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette

7

Noes:

0

// In the matter of Police – Training Center, a public hearing was held regarding City Council Report #13 regarding granting a franchise agreement to the Central Virginia Criminal Justice Academy to allow the Criminal Justice Academy to continue leasing the second floor of the City Armory building located at 1200 Main Street, for a period of twenty (20) years. City Manager Kimball Payne gave a summary of the item, stating Central Virginia Criminal Justice Academy has requested a franchise agreement to continue leasing the second floor of the City Armory building. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote granted a franchise agreement to the Central Virginia Criminal Justice Academy to allow the Criminal Justice Academy to continue leasing the second floor of the City Armory building located at 1200 Main Street, for a period of twenty (20) years:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette

7

Noes:

0

// In the matter of Parks and Recreation, City Council Report #14 was considered and Council heard a presentation regarding the negotiation of the sale of the Lynchburg Hillcats Baseball Team and Stadium Lease negotiations with Elmore Sports Group. City Manager Kimball Payne stated that the Lynchburg Baseball Corporation is planning to sell the Lynchburg Hillcats to Elmore Sports Group, Ltd. (Elmore Sports). Mr. Payne went on to say that Elmore Sports is a diverse sports and entertainment business that owns several minor league baseball and hockey teams. Elmore Sports has indicated its intention for the Hillcats to remain in Lynchburg. This will necessitate the development of a lease or franchise between the City and Elmore Sports for the use of the baseball facilities at the City Stadium. Mr. Payne introduced Mr. D. G. Elmore with Elmore Companies, Inc. Mr. Elmore stated that his company is buying with the intention of staying in Lynchburg; however, he raised a number of issues regarding the City Stadium:

- Parking resurfacing and additional parking for fans
- The field needs to be completely redone
- Give a face-lift to the inside of the ball park (new netting and new seating areas to enhance fans' experiences)

Mr. Payne stated that he wants Council to completely understand the terms of any lease agreement. This is the first formal lease with a baseball team ownership. The intention is to bring a completed lease document to Council when it's appropriate for advertising the franchise process. No action from Council was required at this time.

// On motion of Council Member Nelson, seconded by Vice Mayor Johnson, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions, i.e., Community Development Advisory Committee, Planning Commission, Horizon

Behavioral Health, Lynchburg Regional Airport Commission, Towing Advisory Board and Design Review Board; pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Noes: 0

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

// Council Member Foster made the following motion:

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

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

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

The Motion was seconded by Vice Mayor Johnson, and Council by the following recorded vote adopted the motion:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Noes: 0

// In the matter of Appointments, and on nomination of Vice Mayor Johnson, seconded by Council Member Tweedy, Council by the following recorded vote reappointed Mark Lowe to serve on the Planning Commission for a term to expire December 31, 2018:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Noes: 0

On nomination of Vice Mayor Johnson, seconded by Council Member Tweedy, Council by the following recorded vote appointed Robert Bowden, III and Leslie Baker Gahagan to serve on the Planning Commission for terms to expire December 31, 2018:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Noes: 0

On nomination of Vice Mayor Johnson, seconded by Council Member Tweedy, Council by the following recorded vote reappointed Clyde Clark, Sr. to serve on the Horizon Behavioral Health for a term to expire December 31, 2018:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Noes: 0

On nomination of Vice Mayor Johnson, seconded by Council Member Tweedy, Council by the following recorded vote reappointed Robert Day to serve on the Lynchburg Regional Airport Authority for a

term to expire December 31, 2018:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette

7

Noes:

0

On nomination of Vice Mayor Johnson, seconded by Council Member Tweedy, Council by the following recorded vote appointed Massie G. Ware, Jr. to serve on the Lynchburg Regional Airport Authority for a term to expire December 31, 2018:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette

7

Noes:

0

On nomination of Vice Mayor Johnson, seconded by Council Member Tweedy, Council by the following recorded vote reappointed Kendall Craft, Melissa Foster, Randy Martin, and Jeff Nicholas to serve on the Towing Advisory Board for terms to expire December 31, 2018:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette

7

Noes:

0

On nomination of Vice Mayor Johnson, seconded by Council Member Tweedy, Council by the following recorded vote reappointed Thomas L. Fitzgerald to serve on the Design Review Board for a term to expire December 31, 2018:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette

7

Noes:

0

// The meeting was adjourned at 9:55 P.M.

Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **January 12, 2016**

AGENDA ITEM NO.: 6

CONSENT: **X**

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION:

INFORMATION:

ITEM TITLE: **Appropriate Insurance Proceeds for Damage to City Property – Garfield Avenue Bridge**

RECOMMENDATION: Adopt a resolution to amend the FY 2016 City Capital Fund budget and appropriate \$36,479 with resources from insurance proceeds to repair damage to the Garfield Avenue Bridge from a vehicle strike.

SUMMARY: In September 2015 a vehicle struck and damaged the Garfield Avenue Bridge. The cost to repair the damage is \$36,479; the insurance company for the responsible party has paid for the damage. In order to properly account for these funds, the proceeds need to be appropriated.

PRIOR ACTION(S):

Finance Committee December 8, 2015

FISCAL IMPACT:

None

CONTACT(S):

Lee Newland, City Engineer, 455-3947

Gaynelle Hart, Director of Public Works, 455-4406

ATTACHMENT(S):

Resolution

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED That the FY 2016 City Capital Fund budget is amended and \$36,479 is appropriated with resources from insurance proceeds to repair damage to the Garfield Avenue Bridge from a vehicle strike.

Introduced:

Adopted:

Certified:

Clerk of Council

002K

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **January 12, 2016**

AGENDA ITEM NO.: 7

CONSENT: **X**

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION:

INFORMATION:

ITEM TITLE: **Liberty University Intramural Field Road Waterline Funding**

RECOMMENDATION: Adopt a resolution to amend the FY 2016 Water Fund budget and appropriate \$341,472 with resources from Liberty University for waterline construction costs associated with the existing Liberty University Intramural Field Road project.

SUMMARY: Liberty University wants to extend a waterline along the new Intramural Fields Road (Liberty Mountain Drive) for better water pressure and ease of connections to their new facilities. This waterline is not an eligible item for the Revenue Sharing Funds; therefore, Liberty University has agreed to pay 100% of the cost. The waterline will be a City waterline after construction.

PRIOR ACTION(S):

Finance Committee December 8, 2015

FY 2016-2020 Water Budget, page 36

FISCAL IMPACT:

None

CONTACT(S):

Lee Newland, City Engineer, 455-3947

Gaynelle Hart, Director of Public Works, 455-4406

ATTACHMENT(S):

Resolution

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED That the FY 2016 Water Fund budget is amended and \$341,472 is appropriated with resources from Liberty University for waterline construction costs associated with the existing Liberty University Intramural Field Road project.

Introduced:

Adopted:

Certified:

Clerk of Council

001K

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **January 12, 2016**

AGENDA ITEM NO.: 8

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Community Development Block Grant (CDBG) and HOME Programs – Public Hearing and Adoption of a Resolution Regarding Housing and Non-Housing Goals for the 2016-2017 Annual Action Plan**

RECOMMENDATION: Conduct a public hearing to receive citizen comments regarding the goals for the development of the 2016-2017 Annual Action Plan and adopt a resolution approving the goals.

SUMMARY: The U. S. Department of Housing and Urban Development (HUD) requires state and local governments, which receive federal community development funds, to prepare a Consolidated Plan. The Consolidated Plan for Lynchburg was approved in July 2015 and covers the period from July 1, 2015 through June 30, 2020. This plan outlines the City's needs, goals, and objectives for community development (both housing and non-housing areas). HUD requires Community Development Block Grant (CDBG) and HOME Program entitlement communities to review these goals on an annual basis. City Council is seeking the input of citizens and other interested parties regarding the approved goals. A 15-day public comment period to receive citizen input regarding these goals was initiated on December 28, 2015 through a legal notice published in *The News and Advance*.

Specifically at this public hearing, the public is invited to comment on the approved goals regarding the City's housing and non-housing community development needs common to low- and moderate-income households and neighborhoods in Lynchburg. The Consolidated Plan goals for 2016-2017 are attached to this report.

PRIOR ACTION(S): February 24, 2015: Goals approved for the 2015-2020 Consolidated Plan

FISCAL IMPACT: None

CONTACT(S): Melva Walker, Grants Manager – 455-3916
Bonnie Svrcek, Deputy City Manager - 455-3987

ATTACHMENT(S): Proposed Consolidated Plan Goals for the 2016-2017 Annual Action Plan
Resolution

REVIEWED BY: lkp

2016-2017 ANNUAL ACTION PLAN CONSOLIDATED PLAN PROPOSED GOALS

The goals listed below are intended to provide broad guidance in the allocation of Community Development Block Grant (CDBG) and HOME Program funds granted to the City by the United States Department of Housing and Urban Development (HUD) for the five years that began on July 1, 2015 and ends on June 30, 2020. HUD requires CDBG and HOME Program entitlement communities to review these goals on an annual basis.

The primary objective of the CDBG and HOME Program is to continue to develop viable urban communities through decent housing, suitable living environments and expanded economic opportunities for low- and moderate-income persons; the City of Lynchburg supports assisting individuals with disabilities, substance abuse or addiction, persons with AIDS, persons that are homeless, and elderly persons.

Housing Goals

- Increase the number of owner-occupied units.
- Rehabilitate substandard housing units. Emphasis is to be placed on programs that require an investment of funds and/or labor on the part of the owner commensurate with the owner's resources.
- Support initiatives to increase permanent affordable rental and housing ownership opportunities.
- Promote programs that assist eligible individuals in retaining their homes.

Non-Housing Goals

- Support efforts for the removal and redevelopment of dilapidated and condemned structures to eliminate neighborhood deterioration, blight and blighting influences.
- Support neighborhood partnerships that facilitate self-sufficiency and enable families and individuals to maintain their housing, remain in their neighborhoods, and age in place.
- Support economic development initiatives that improve the economic base, job skills, and health of the community.
- Promote public service activities which support the healthy development of the City's at-risk youth, adults, and families.
- Support efforts to develop, sustain, and coordinate a comprehensive, seamless system of services for homeless citizens in order to move the homeless population toward obtaining permanent housing.
- Support efforts to remove barriers to escape poverty and strengthen low-income households and families.

Prepared by the Community Development Advisory Committee, February 3, 2015

Adopted by City Council, February 24, 2015

RESOLUTION

BE IT RESOLVED that City Council approves the Community Development Block Grant (CDBG) and HOME Program goals for the 2016-2017 Annual Action Plan.

Adopted:

Certified:

Clerk of Council

004K

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **January 12, 2015**

AGENDA ITEM NO.: 9

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: Future Land Use Map (FLUM) Amendment – Medium Density Residential to Community Commercial

Rezoning, Lynchburg Humane Society – R-2, Low-Medium Density, Single-Family Residential District to B-5C, General Business District (Conditional) – 1125 Old Graves Mill Road

RECOMMENDATION: Approval of the expansion of the Lynchburg Humane Society campus.

SUMMARY: The Lynchburg Humane Society is petitioning to amend the *FLUM* from Medium Density Residential to Community Commercial and to rezone nine and eighty-seven hundredths (9.87) acres located at 1125 Old Graves Mill Road from R-2, Low-Medium Density, Single-Family Residential to B-5C, General Business (Conditional), to allow the expansion of the Lynchburg Humane Society facilities. The proposed use of the additional property would include a medical center, indoor training facility, thrift shop, outdoor rehab pool, and low impact nature park with associated parking areas, auxiliary to the existing animal shelter. New buildings will be of a similar architectural style as the existing building and adequately screened from adjoining properties and Graves Mill Road, creating a campus like setting.

PRIOR ACTION(S):

December 9, 2015:

The Planning Division recommended approval of the rezoning petition.

The Planning Commission waived the twenty-one (21) day requirement for submitting proffers (4-0, with one absence, Perault, and two vacancies)

The Planning Commission recommended approval of the rezoning petition (4-0, with one absence, Perault, and two vacancies)

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 – December 9, 2015
- Zoning Map
- *FLUM* Map
- Watershed Map
- Planimetric and Topographic Map
- Concept Plan
- Humane Society Narrative
- Stormwater Narrative
- Proffers
- Property Photograph
- Speaker Signup Sheet

REVIEWED BY: lkp

UNCODIFIED ORDINANCE:

AN ORDINANCE CHANGING A CERTAIN AREA LOCATED AT 1125 OLD GRAVES MILL ROAD FROM R-2, LOW-MEDIUM DENSITY, SINGLE-FAMILY RESIDENTIAL, TO B-5C, GENERAL BUSINESS DISTRICT (CONDITIONAL).

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 1125 Old Graves Mill Road from R-2, Low-Medium Density, Single-Family Residential, to B-5C, General Business District (Conditional).

The area embraced within the following boundaries:

BEGINNING at a point, said point being the corner of Parcel ID# 24213004 & Parcel ID# 24306063; Thence, N 64° 28' 35" E for a distance of 537.87 feet to a point on a line. Thence, S 25° 31' 25" E for a distance of 291.41 feet to a point on a line; Thence, S 85° 27' 07" E for a distance of 333.95 feet to a point on a line; Thence, S 49° 10' 36" W for a distance of 564.85 feet to a point on a line; Thence, S 71° 53' 20" W for a distance of 527.00 feet to a point on a line.; Thence, N 19° 32' 30" W for a distance of 205.24 feet to a point on a line; Thence, N 07° 37' 00" E for a distance of 95.01 feet to a point on a line; Thence, N 36° 31' 05" E for a distance of 61.10 feet to a point on a line; Thence, N 08° 10' 36" E for a distance of 99.75 feet to a point on a line; thence N 03° 41' 05" W a distance of 155.66 feet to the POINT OF BEGINNING; CONTAINING 9.87 acres, more or less.

...is hereby changed from R-2, Low-Medium Density, Single-Family Residential, to B-5C, General Business District (Conditional), subject to the conditions set out herein below which were voluntarily proffered in writing by the petitioner, Lynchburg Humane Society, to wit:

1. The following uses are the only uses that shall be permitted within the B-5C area for which this rezoning application is being filed (all other uses permitted by right in the B-5 are excluded):
 - Commercial kennels for dogs and other pets and accessory uses
2. The site shall be developed in general compliance with the submitted Rezoning Plan submitted on November 30, 2015.
3. The architecture of the building will be of similar style to existing "Center for Pets."
4. The existing vegetated areas shown on the rezoning plan will remain vegetated. Low impact recreation such as walking trails will be constructed in these areas, however thinning, brush removal, and maintenance activities will be the extent of the impacts to these areas. No additional clearing of primary vegetation will occur other than what is currently shown for buildings and stormwater management.

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

006K

The Department of Community Development

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

To: Planning Commission

From: Planning Division

Date: December 9, 2015

Re: *Future Land Use Map Amendment (FLUM)* – Medium Density Residential to Community Commercial

Rezoning – R-2, Low-Medium Density Single-Family Residential to B-5, General Business District (Conditional)

I. PETITIONER

Ms. Makena Yarbrough, Lynchburg Humane Society, 1211 Old Graves Mill Road, Lynchburg, VA 24501

Representative: Mr. Norm Walton, P.E., Perkins & Orrison, Inc., 27 Green Hill Drive, Forest, VA 24551

II. LOCATION

The subject property is a tract of twenty-two and seventy-seven hundredths (22.77) acres located at 1125 Old Graves Mill Road. Nine and eighty-seven hundredths (9.87) acres are proposed to be rezoned.

Property Owners: Estate of Lillian L Schenkel, P.O. Box 11315, Lynchburg, VA 24506

III. PURPOSE

The purpose of this petition is to allow the construction of a medical center, indoor training facility, thrift shop, outdoor rehab pool and a low-impact nature park and associated parking areas ancillary to the newly constructed animal shelter (Lynchburg Humane Society).

IV. SUMMARY

- Petition proposes to amend the *Comprehensive Plan 2002-2020's Future Land Use Map (FLUM)* from Resource Conservation & Medium Density Residential to Regional Commercial.
- Petition agrees with the *Zoning Ordinance* which permits kennels (animal shelters) by right in a B-5, General Business District.

The Planning Division recommends approval of the *Future Land Use Map* amendment and rezoning petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Comprehensive Plan 2002-2020* recommends a Resource Conservation and Medium Density Residential use for the property. Resource Conservation areas encompass lands with special natural characteristics that make their preservation particularly important to the city's environmental health. **(p 77)** Medium Density Residential areas are characterized by small-lot single-family detached housing, duplexes and townhouses at densities up to twelve (12) units per acre. **(p 72)** The adjacent Humane Society facility is designated Community Commercial, and other future land uses in the area are indicated as Community Commercial, Mixed Use, Medium Density Residential and Resource Conservation.

The development of the property for use by the Lynchburg Humane Society expands a citywide resource. The proposed *FLUM* amendment is only for the portion of the property designated as Medium Density Residential. The remainder of the property will maintain its Resource Conservation status and not be subject to development.

2. **Zoning.** The subject property was annexed into the City in 1976. The existing R-2, Low-Medium Density, Single-Family Residential District was established in 1978. The adjacent Lynchburg Humane Society property was rezoned in 2011.
3. **Proffers.** The petitioner has voluntarily submitted the following proffers:
 1. The following uses are the only uses that shall be permitted within the B-5C area for which this rezoning application is being filed (all other uses permitted by right in the B-5 are excluded):
 - Commercial kennels for dogs and other pets and accessory uses
 2. The site shall be developed in general compliance with the submitted Rezoning Plan submitted on November 30, 2015.
 3. The architecture of the building will be of similar style to existing “Center for Pets.”
 4. The existing vegetated areas shown on the rezoning plan will remain vegetated. Low impact recreation such as walking trails will be constructed in these areas, however thinning, brush removal, and maintenance activities will be the extent of the impacts to these areas. No additional clearing of primary vegetation will occur other than what is currently shown for buildings and stormwater management.
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 February 9, 1982, Council approved the petition of Taylor Brothers, Inc., to rezone eleven (11) acres from I-1, Restricted Industrial District to I-2, Light Industrial District to allow millwork manufacturing and retail sales at 1300 and 1304 Old Graves Mill Road and 905 Graves Mill Road.
 - On December 14, 1982, Council approved the petition of William Burruss and Dreaming Creek Properties to rezone one hundred four (104) acres from I-1, Restricted Industrial District to I-2, Light Industrial District (Conditional) to allow industrial uses on Mill Ridge Road.
 - On September 11, 1984, Council denied the petition of W.P. Neal for a CUP to allow the construction of a sixty-three (63)-unit planned unit development at 1014 Old Graves Mill Road.
 - On August 12, 1986, Council approved the petition of Dreaming Creek Properties to rezone four and one-half (4.5) acres from I-1, Restricted Industrial District to B-5, General Business District (Conditional) and to obtain a CUP for a cluster commercial development to allow the development of office, showroom and warehouse uses at 1301 Old Graves Mill Road.
 - On December 8, 1987, Council approved the petition of Hutter Associates, Inc., to rezone thirty and one-half (30.5) acres from R-1, Single Family Low-Density Residential District to

B-5, General Business District (Conditional) to allow “speculative” development at 1200 Graves Mill Road.

- On December 11, 1990, Council approved the petition of Frank G. Davidson, III, to rezone four and one-half (4.5) acres from B-5, General Business District (Conditional) to B-5, General Business District (Conditional) to amend previously approved proffers at 1301 Old Graves Mill Road.
 - On October 8, 1991, Council approved the petition of Babcock & Wilcox for a CUP to allow the installation of a microwave transmission tower at 155 Mill Ridge Lane.
 - On January 28, 1992, Council approved the petition of Dreaming Creek Properties to rezone sixteen and one-half (16.5) acres from B-5, General Business District (Conditional) to B-5, General Business District (Conditional) to amend previously approved proffers at 1300 and 1304 Old Graves Mill Road and 905 Graves Mill Road.
 - On July 13, 1999, Council approved the petition of Paul Graves to rezone one (1) acre from R-C, Conservation District and R-1, Single Family Low-Density Residential District to B-5, General Business District (Conditional) to allow the reconstruction of the historic Graves Mill for commercial use at 1220 Graves Mill Road.
 - On January 12, 1999, Council approved the petition of Petrie, Dierman and Kughn to rezone sixty-five (65) acres from R-4, Multi-Family Residential District and B-5, General Business District (Conditional) and to obtain a CUP to allow fill in the flood plain for the construction of a shopping center at 1200 Graves Mill Road.
 - On September 12, 2000, Council approved the petition of First Assembly of God for a CUP to allow the construction of a church and parking area at 1208 Graves Mill Road.
 - On October 10, 2000, Council approved the petition of L.E. Litchford, Inc., for a CUP to allow the construction of a truck refueling facility at 156, 166 and 180 Mill Ridge Lane.
 - On January 11, 2005, Council approved the petition of Millside Development, LLC, for a conditional use permit (CUP) to allow the construction of a cluster commercial development at Graves Mill Road and Lillian Lane.
 - On September 13, 2011, Council approved the petition of the Lynchburg Humane Society to rezone nine and six tenths (9.6) acres from R-2, Low-Medium Density, Single-Family Residential District, to B-5C, General Business District (Conditional), to allow the construction of the Center for Pets.
 - On April 8, 2014, Council approved the petitions of Rosedale Farms LLC to rezone forty-two (42) acres from R-1, Low Density, Single-Family Residential District to B-3C, Community Business District (Conditional) and for a CUP to allow the construction of a cluster commercial development at 1220 and 1600 Graves Mill Road.
6. **Site Description.** The subject property is a tract of twenty-two and seventy-seven hundredths (22.77) acres located at 1125 Old Graves Mill Road, of which nine and eighty-seven hundredths (9.87) acres are proposed to be rezoned.

The portion of the property not proposed for rezoning includes a single-family home and outbuildings and is bound to the east by Old Graves Mill Road, to the south by single family homes, to the west by vacant land and the north by the Lynchburg Humane Society Center for Pets and the proposed site. The portion proposed for rezoning adjoins the Lynchburg Humane

Society property and is bound to the north and west by vacant land, to the east and south by the remainder of the parcel. The site generally slopes west towards Tomahawk Creek. The vast majority of the existing tree line around the perimeter of the property would be preserved.

7. **Proposed Use of Property.** The purpose of this petition is to allow the construction of a medical center, indoor training facility, thrift shop, outdoor rehab pool, a low-impact nature park with walking trails and associated parking areas as support facilities to the newly constructed Lynchburg Humane Society animal shelter on the adjacent parcel. The buildings would match the architectural style of the shelter.
8. **Traffic, Parking and Public Transit.** The acting City Traffic Engineer had no comments regarding the rezoning.

Parking requirements are established by the City's *Zoning Ordinance* at one (1) space per one thousand (1,000) square feet of office use of the building. The submitted site plan indicates that a total of thirty-eight (38) parking spaces are required and thirty-eight (38) parking spaces are proposed.

The property is served by Greater Lynchburg Transit Company's Route 7.

9. **Stormwater Management.** A stormwater management plan will be required prior to final site plan approval. The narrative submitted by the petitioner indicates the stormwater management will be handled with onsite Best Management Practices (BMPs) and discharged via sheet flow to Tomahawk Creek. Areas downstream of level spreaders will be analyzed to ensure no erosion, sedimentation, or flooding will occur. Actual design of these facilities will be determined at final site plan review.
10. **Emergency Services.** The City's Fire Marshal and Police Department had no comments of concern regarding the proposal.
11. **Impact.** The rezoning allows the construction of a medical center, indoor training facility, thrift shop, and outdoor pool for pet rehabilitation facilities. These facilities expand the ability of the Lynchburg Humane Society to serve the community by providing new services not readily available in the Lynchburg area. New facilities will match the architectural style of the existing Center for Pets, creating a cohesive campus-like setting, tucked away and screened from adjacent properties and Old Graves Mill Road. The property is surrounded by a mixture of commercial, residential and vacant land. As designed, the facility should blend well in to the area. Most of the wooded areas of the site will be preserved with the exception of a small amount of clearing for the building and the addition of trails through the wooded areas for pet exercise, rehabilitation and education.

The facility will be served by public water and sewer.

12. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on November 17, 2015. 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 the Lynchburg

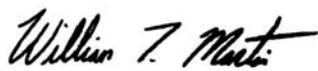
Humane Society to amend the existing Medium Density Residential area of the Future Land Use Map to Regional Commercial.

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

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of the Lynchburg Humane Society to rezone nine and eighty-seven hundredths (9.87) acres from R-2, Low-Medium Density Single-Family Residential to B-5C, General Business District (Conditional) at 1125 Old Graves Mill Road to allow the construction of facilities accessory to the existing animal shelter, subject to the following voluntarily submitted proffers:

- 1. The following uses are the only uses that shall be permitted within the B-5C area for which this rezoning application is being filed (all other uses permitted by right in the B-5 are excluded):**
 - **Commercial kennels for dogs and other pets and accessory uses**
- 2. The site shall be developed in general compliance with the submitted Rezoning Plan submitted on November 30, 2015.**
- 3. The architecture of the building will be of similar style to existing “Center for Pets.”**
- 4. The existing vegetated areas shown on the rezoning plan will remain vegetated. Low impact recreation such as walking trails will be constructed in these areas, however thinning, brush removal, and maintenance activities will be the extend of the impacts to these areas. No additional clearing of primary vegetation will occur other than what is currently shown for buildings and stormwater management.**

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
Captain Thomas Goode, Fire Marshal
Mr. Doug Saunders, Building Official
Mr. Kevin Henry, Zoning Administrator
Mr. Justin Stauder, Environmental Reviewer
Ms. McKenna Yarbrough, Petitioner

Mr. Norm Walton, Representative

VII. ATTACHMENTS

- 1. Zoning Map**
- 2. *FLUM* Map**
- 3. Watershed Location Map**
- 4. Planimetric and Topographic Map**
- 5. Rezoning Plan**
- 6. Narrative**
- 7. Proffers**
- 8. Property Photograph**

MINUTES OF THE DECEMBER 9, 2015 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED. THERE WAS NO SECOND PLANNING COMMISSION MEETING IN DECEMBER):

b. Petition of the Lynchburg Humane Society to amend the *Future Land Use Map (FLUM)* from Medium Density Residential to Community Commercial and to rezone approximately nine and eighty-seven hundredths (9.87) acres at 1125 Old Graves Mill Road from R-2, Medium Density, Two-Family Residential District to B-5C, General Business District (Conditional) to allow the expansion of facilities related to the Humane Society.

Mr. Tom Martin indicated that the proposed property to be rezoned is part of a larger 22.77 acre tract of land. The property is zoned R-2 and R-C but only the R-2 property is proposed for rezoning. The rezoning would allow for the future expansion of the Humane Society. The property is currently recommended for Medium Density Residential and Resource Conservation on the *FLUM*. Medium Density Residential areas are characterized by single-family homes, duplexes or townhomes of densities up to 12 units per acre.

Conservation areas encompass lands with special natural characteristics that make their preservation important to the City's environmental health. On privately owned land within conservation areas, it is the intent of the plan to allow appropriate land uses and infrastructure as long as the environmental value of the areas is conserved or enhanced and public safety is protected through buffers and other best management practices. Actual boundaries of conservation areas should be determined on a site-by-site basis using the best available environmental data.

The petition proposes to amend the *FLUM* for the Medium Density Residential area to Community Commercial and to rezone the R-2 area to B-5 (Conditional) to allow for future expansion of uses related to the Humane Society. A voluntarily submitted proffer indicates that the majority of the 9.87 acre tract will remain undeveloped and in a natural state except for the addition of walking trails.

A stormwater management plan will be required for the development as proposed. The preliminary site plan indicates the construction of bioretention areas on site with stormwater being discharged via sheet flow to a tributary of Tomahawk Creek.

The City fire and police departments and the City's Transportation Engineer had no comments of concern regarding the proposed rezoning.

The petition would facilitate the expansion of the Humane Society and its ability to provide services not readily available in the Lynchburg area. The property is adjacent to a mixture of residential, commercial and vacant land. As designed, it should fit well into the area and have minimal impact. The Planning Division recommends approval of the *FLUM* amendment and rezoning with the voluntarily submitted proffers.

Mr. Norm Walton of Perkins & Orrison and Ms. Makena Yarbrough of the Lynchburg Humane Society were present to represent the petition. Mr. Walton indicated that they are showing a medical center, a thrift store and a rehabilitative facility on the concept plan. They are tying into the parking lot and entrance for the existing Humane Society facility. Sewer will be provided by tying into the existing sewer line at the rear of the property. The wooded area will be maintained as much as possible in order to provide walking trails.

Ms. Yarbrough explained that this is an opportunity that they wanted to take advantage of; the expansion will not happen any time soon. This expansion will allow them to have a spay/neuter clinic on site.

Chair Swienton asked if there was anyone who wished to speak in favor of the petition. Ms. Brenda Grey, the president of the Lynchburg Humane Society came to speak. She thinks it will be a great addition to the facility. They have been there since March and the community is embracing it. The added trails and medical facility will be a great addition and provide much needed services to the animals and the community. Right now, the animals have to be transported to Evington to be spayed or neutered.

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 to the petition. No one came forward. He closed the public hearing portion of the petition.

Commissioner Light asked Ms. Yarbrough what kind of timeline they are looking at in terms of building this portion of the facilities. Ms. Yarbrough indicated that they are not sure. It is likely to be at least two years or even longer. Right now, they will mainly be using the property for walking trails for the animals and will also make the trails available to the public. Ms. Yarbrough also indicated that they put any future amenities on this plan that they ever thought they might do. They are not sure they will actually want to have a thrift store but thought it best to show it on the concept plan in case that is a venture they decide to pursue in the future. If it is shown on the concept plan, they will not need to come back at a later time to amend the proffers.

Commissioner Lowe asked about the hours of the medical center. Ms. Yarbrough indicated that it will not be open 24 hours a day. It will likely have the same hours as the current facility.

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

"That the Planning Commission recommends to City Council approval of the petition of the Lynchburg Humane Society to amend the existing Medium Density Residential area of the *Future Land Use Map to Regional Commercial.*"

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

Commissioner Marion made a motion to waive the 21-day submittal requirement for proffers. The motion was seconded by Commissioner Lowe and passed by the following vote:

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

Commissioner Lowe made the following motion, which was seconded by Commissioner Marion:

"That the Planning Commission recommends to City Council approval of the petition of the Lynchburg Humane Society to rezone nine and eighty-seven hundredths (9.87) acres from R-2, Low-Medium Density Single-Family Residential to B-5C, General Business District (Conditional) at 1125 Old Graves Mill Road to allow the construction of facilities accessory to the existing animal shelter, subject to the following voluntarily submitted proffers:

1. The following uses are the only uses that shall be permitted within the B-5C area for which this rezoning application is being filed (all other uses permitted by right in the B-5 are excluded):
 - Commercial kennels for dogs and other pets and accessory uses
2. The site shall be developed in general compliance with the submitted Rezoning Plan submitted on November 30, 2015.
3. The architecture of the building will be of similar style to existing "Center for Pets."
4. The existing vegetated areas shown on the rezoning plan will remain vegetated. Low impact recreation such as walking trails will be constructed in these areas, however thinning, brush removal, and maintenance activities will be the extend of the impacts to these areas. No additional clearing of primary vegetation will occur other than what is currently shown for buildings and stormwater management."

Chair Swienton indicated that he thought this would be a great addition to the community and to Central Virginia. The motion passed by the following vote:

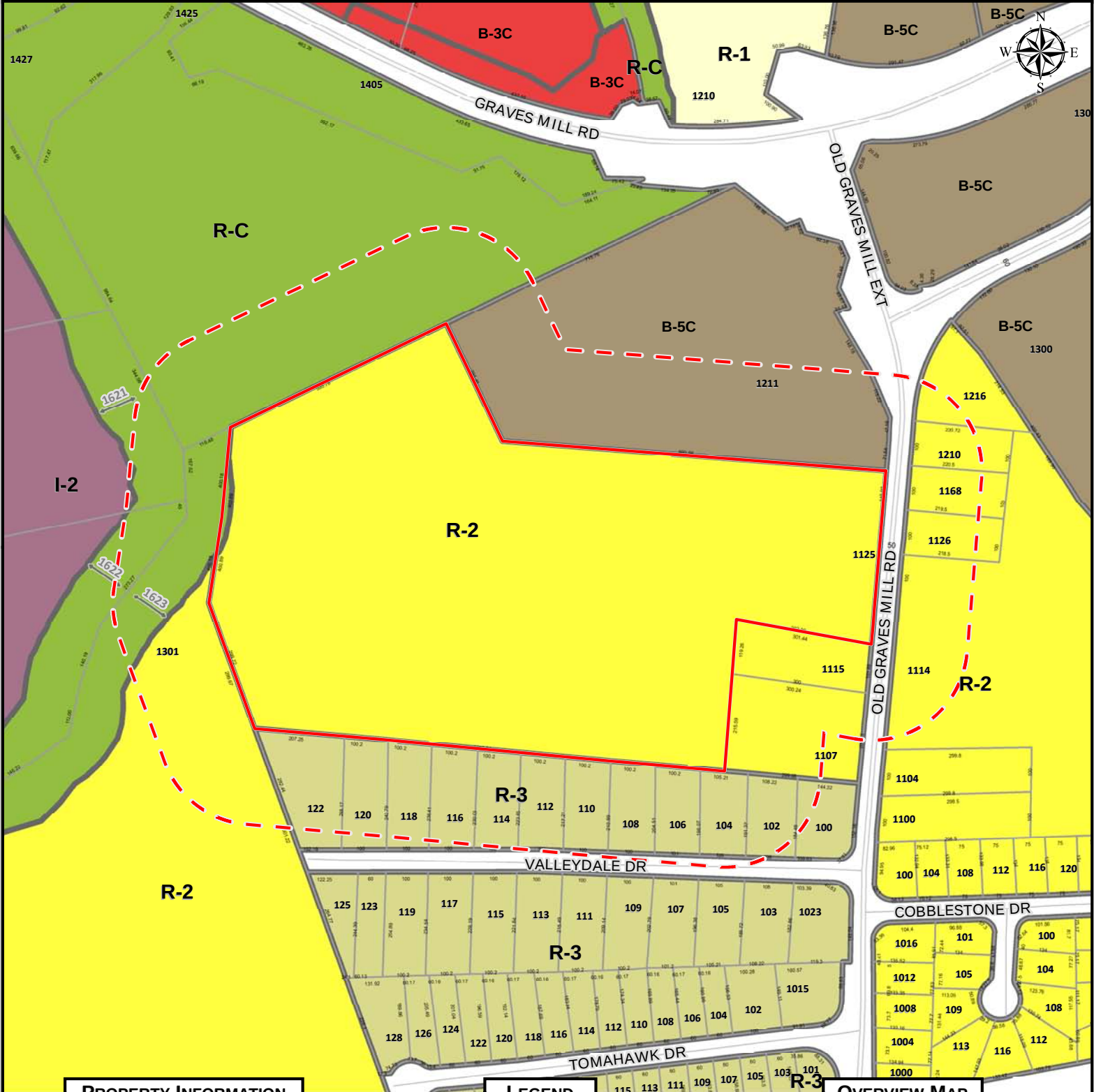
AYES:	Light, Lowe, Marion and Swienton	4
NOES:		0
ABSTENTIONS:		0
ABSENT:	Perault	1
VACANCIES:		2

Zoning Map

LYNCHBURG HUMANE SOCIETY REZONING FROM R-2 TO B-5C

Zoning Request

Lynchburg Humane Society



PROPERTY INFORMATION

PARCEL ID	ADDRESS
24306063	1125 OLD GRAVES MILL RD

LEGEND

Subject Property

215' Buffer

B-1

B-6

R-2

B-2

I-1

R-3

B-3

I-2

R-4

B-4

I-3

R-5

B-5

R-1

R-C

OVERVIEW MAP



MAP SCALE: 1" to 300' DATE PRINTED: 12/4/2015

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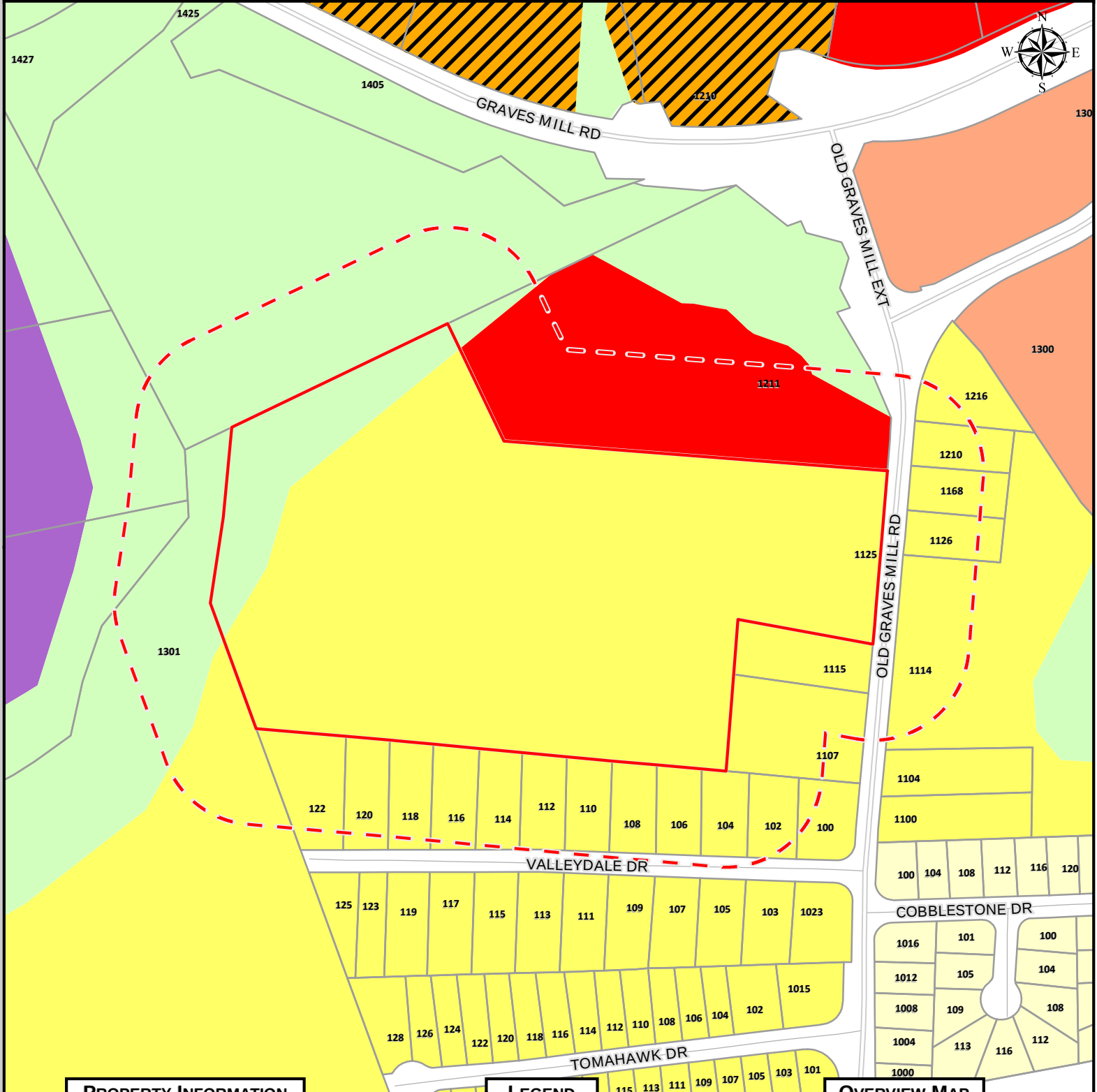
Parcel ID	Address	Owner
24306018	120 VALLEYDALE DR	BAILEY, DARRYL L
24305003	1168 OLD GRAVES MILL RD	COLBERT, MATILDA J P
24305004	1126 OLD GRAVES MILL RD	COLBERT, MATILDA J P
24305005	1114 OLD GRAVES MILL RD	COLBERT, MATILDA J P
24306011	106 VALLEYDALE DR	CRAWFORD, KENNIS R & PHYLLIS J
24306008	100 VALLEYDALE DR	FARISS, MARSHA M
24306010	104 VALLEYDALE DR	HARRIS, HARRY J & JOAN G
24213014	28 MILLRACE DR	HGM INVESTMENTS LLC
24306007	1107 OLD GRAVES MILL RD	KENDALL SQ LLC
24306006	1115 OLD GRAVES MILL RD	KENDALL SQ LLC
24305002	1210 OLD GRAVES MILL RD	KENDALL SQ LLC
24306001	1211 OLD GRAVES MILL RD	LYNCHBURG HUMANE SOCIETY INC
24306015	114 VALLEYDALE DR	MCCANN, JOHN H III & BARBARA A
24306017	118 VALLEYDALE DR	MILLER, JAMIE T & GRAVES, MELANIE N
24306013	110 VALLEYDALE DR	OVERSTREET, CARLTON W
24306012	108 VALLEYDALE DR	RASNAKE, EMORY D & PHYLLIS
24213004	1301 GRAVES MILL RD	ROSEDALE FARM LLC
23904003	1425 GRAVES MILL RD	ROSEDALE FARM LLC
24306009	102 VALLEYDALE DR	ROSSER, DENNIS P & JACQUELINE W
24306063	1125 OLD GRAVES MILL RD	SCHENKEL, HERMAN & SCHOLES, MARIANNE
24306019	122 VALLEYDALE DR	SEEKINS, CELINE C
24306016	116 VALLEYDALE DR	STOKES, CHRISTOPHER
24305001	1216 OLD GRAVES MILL RD	TUCKER, JOSEPH R & CYNTHIA MOORE
24306014	112 VALLEYDALE DR	WADE, THOMAS F & LINDA T
24213013	30 MILLRACE DR	WEGMANN USA INC

FLUM Map

LYNCHBURG HUMANE SOCIETY REZONING FROM R-2 TO B-5C

Zoning Request

Lynchburg Humane Society



PROPERTY INFORMATION

PARCEL ID

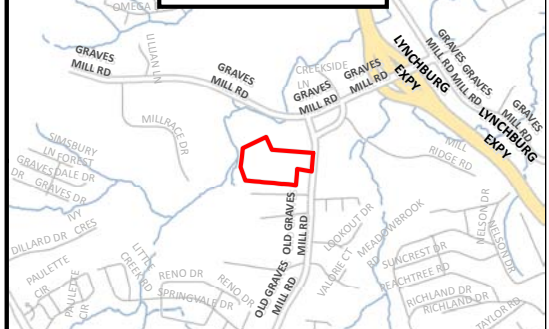
ADDRESS

24306063 1125 OLD GRAVES MILL 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 300' DATE PRINTED: 12/4/2015

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Watershed Map

LYNCHBURG HUMANE SOCIETY REZONING FROM R-2 TO B-5C

Zoning Request

Lynchburg Humane Society



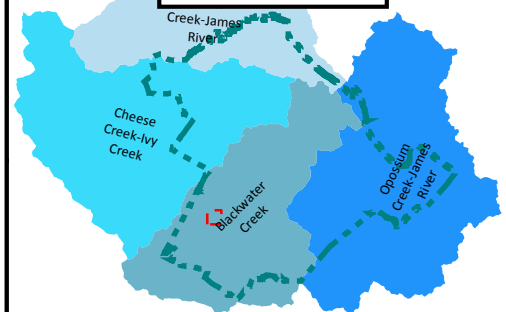
PROPERTY INFORMATION

PARCEL ID	ADDRESS
24306063	1125 OLD GRAVES MILL RD

LEGEND

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

OVERVIEW MAP

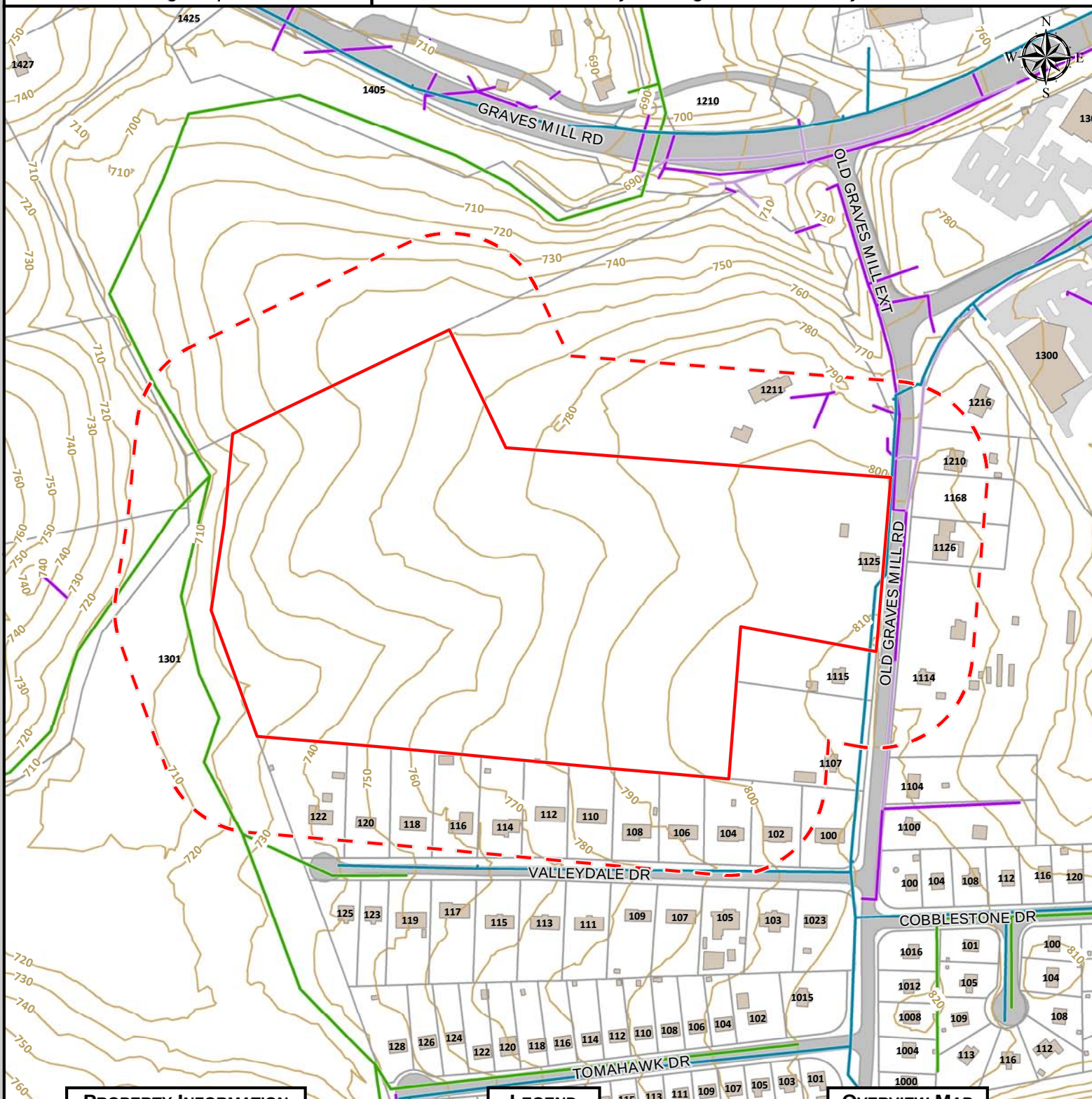


MAP SCALE: 1" to 33,333' DATE PRINTED: 12/31/2015

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Zoning Request

Lynchburg Humane Society



PROPERTY INFORMATION

PARCEL ID	ADDRESS
24306063	1125 OLD GRAVES MILL RD

LEGEND

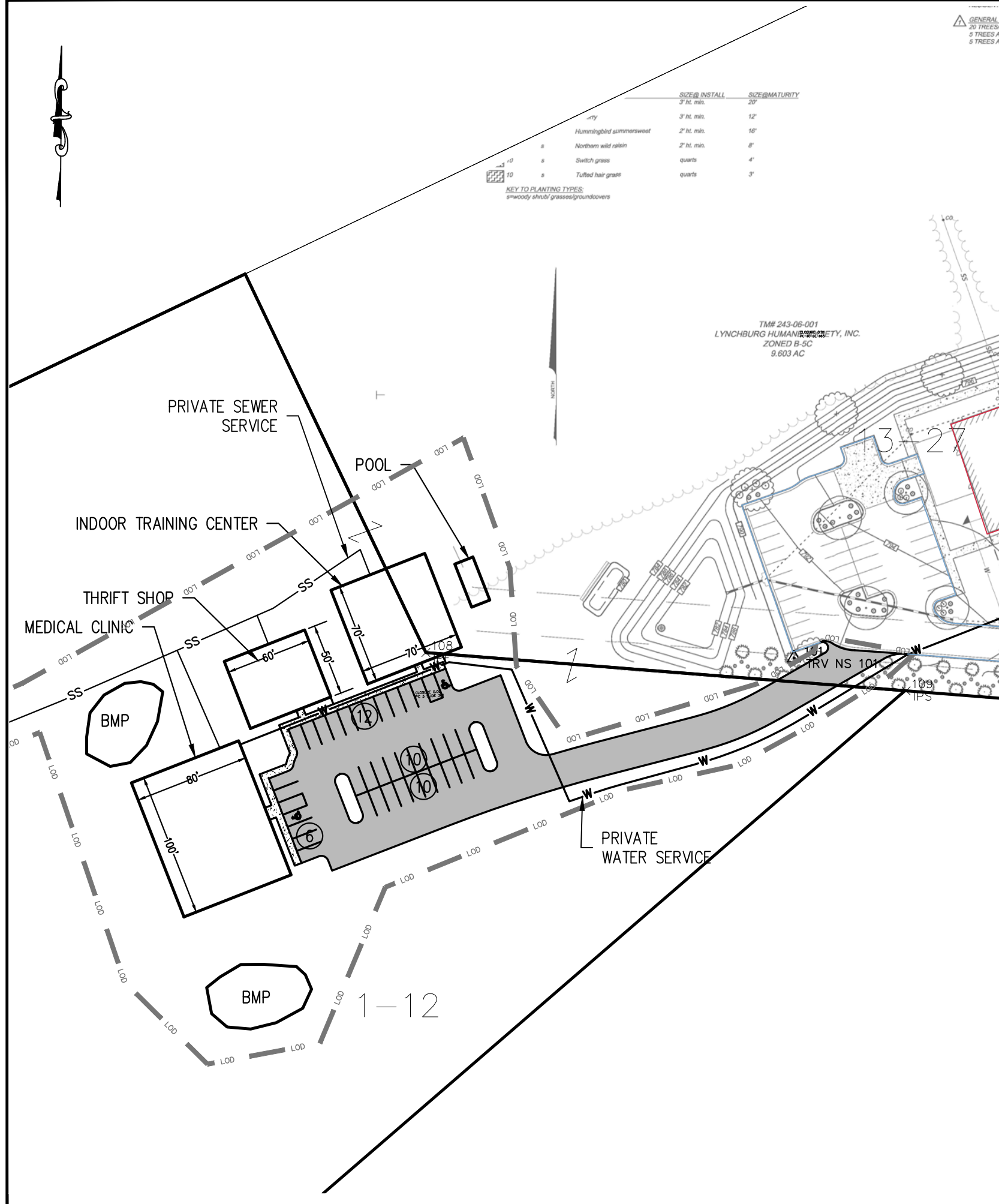
	Active	Proposed	Abandoned
Utilities			
Water	—	---	---
Sanitary	—	---	---
Storm	—	---	---
Structure			
Roadway	 	 	
Parking	 	 	
Sidewalk	 	 	
Driveway	 	 	
Topography			
Contour	—	---	---

OVERVIEW MAP



MAP SCALE: 1" to 300' DATE PRINTED: 12/4/2015

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PROPERTY INFORMATION:

PARCEL ID: 243-06-063

PROPERTY ADDRESS: 1125 OLD GRAVES MILL RD

REZONING APPLICANT: LYNCHBURG HUMANE SOCIETY

TOTAL ACREAGE: APPROXIMATELY 22.77 ACRES

TOTAL AREA TO BE REZONED: 9.87 AC.

CURRENT ZONING: R-C (CONSERVATION DISTRICT)
R-2 (LOW-MEDIUM DENSITY
SINGLE-FAMILY RESIDENTIAL)

PROPOSED ZONING: B-5C (GENERAL BUSINESS
CONDITIONAL)
R-C (CONSERVATION DISTRICT)

CURRENT USE: SINGLE FAMILY RESIDENTIAL

PROPOSED USE: COMMERCIAL KENNEL

LOT REQUIREMENTS:
LOT SIZE: 0 SQ FT

FRONT YARD 0 FT REQ'D
SIDE YARD 8 FT REQ'D (ABUTS R2)
SIDE YARD 50 FT REQ'D (ABUTS R-C)
REAR YARD 50 FT (ABUTS R-C)

PARKING CALCS:

OFFICE USE: 2 SPACE PER 1,000 SF

15,900 SF / 1,000 = 16 * 2 = 32 SPACES REQUIRED

38 NEW SPACES PROVIDED (INCLUDING 2 HANDICAP)

NOTES:

1. THE PURPOSE OF THIS PLAN IS TO SHOW A PRELIMINARY LAYOUT FOR THE REZONING PROCESS. THE ACTUAL LAYOUT MAY CHANGE SLIGHTLY WHEN ACTUAL CONSTRUCTION PLANS ARE SUBMITTED TO THE CITY FOR REVIEW, BUT SHALL REMAIN IN GENERAL CONFORMANCE TO THIS PLAN.
2. THE AREA OF LAND DISTURBANCE WILL BE MORE THAN 5,000 SF, THEREFORE STORMWATER MANAGEMENT/QUALITY WILL BE REQUIRED. STORMWATER MANAGEMENT AND QUALITY SHALL BE DESIGNED PER THE IIC CRITERIA. A SEPARATE EROSION AND SEDIMENT CONTROL PLAN WILL BE SUBMITTED.
3. THE PROPERTY SHOWN HEREON IS NOT WITHIN A FEMA 100 YEAR FLOOD PLAIN. SEE PANEL# 5100930101D, UNSHADED ZONE "X", DATED JUNE 3, 2008.
4. LANDSCAPING WILL BE PROPOSED PER THE CITY OF LYNCHBURG'S LANDSCAPE ORDINANCE. LANDSCAPING SHOWN HEREIN IS SHOWN TO BE IN CONFORMANCE WITH THE LANDSCAPING ORDINANCE.
5. EROSION AND SEDIMENT CONTROL MEASURES WILL BE USED IN ACCORDANCE WITH THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK. E&S MEASURES ARE NOT SHOWN ON THIS PLAN, BUT WILL BE INCLUDED WITH THE ACTUAL SITE PLAN WHEN SUBMITTED.
6. THE DEVELOPER IS RESPONSIBLE FOR OBTAINING ALL NECESSARY STATE, FEDERAL, AND LOCAL PERMITS REQUIRED FOR THE DEVELOPMENT OF THIS SITE.
7. THIS SITE SHALL BE SERVED BY PUBLIC WATER & SEWER. AN OFFSITE SEWER EASEMENT MAY BE REQUIRED.
8. TOPOGRAPHIC INFORMATION IS FROM CITY OF LYNCHBURG GIS.
9. INTERNAL LOT LINES SHALL BE VACATED.

SHEET INDEX:

SHEET NO.	SHEET TITLE
1 OF 5	COVER/SITE LAYOUT SHEET
2 OF 5	GRADING PLAN
3 OF 5	BOUNDARY
4 OF 5	LANDSCAPE PLAN
5 OF 5	LANDSCAPE DETAILS

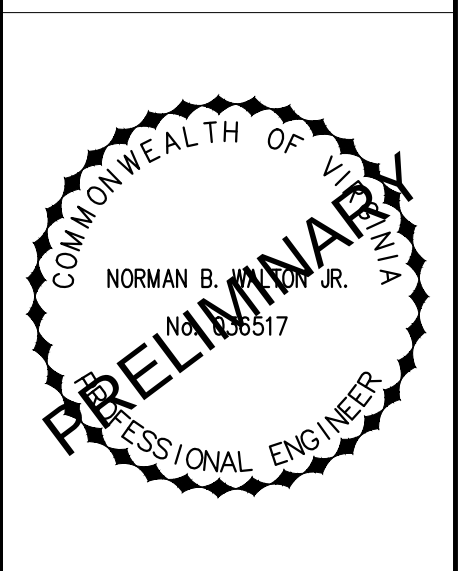
LEGEND

PROPOSED PAVED PARKING



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

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



JOB:

**REZONING PLAN
FOR LYNCHBURG
HUMANE SOCIETY**

LYNCHBURG, VA

CLIENT:

**LYNCHBURG HUMANE
SOCIETY**

MARK	DATE	DESCRIPTION
1	11/30/15	REV PER TRC

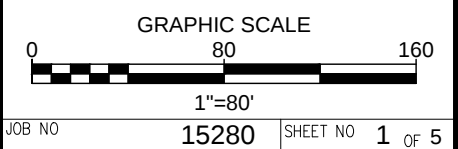
ISSUE: 11/03/15

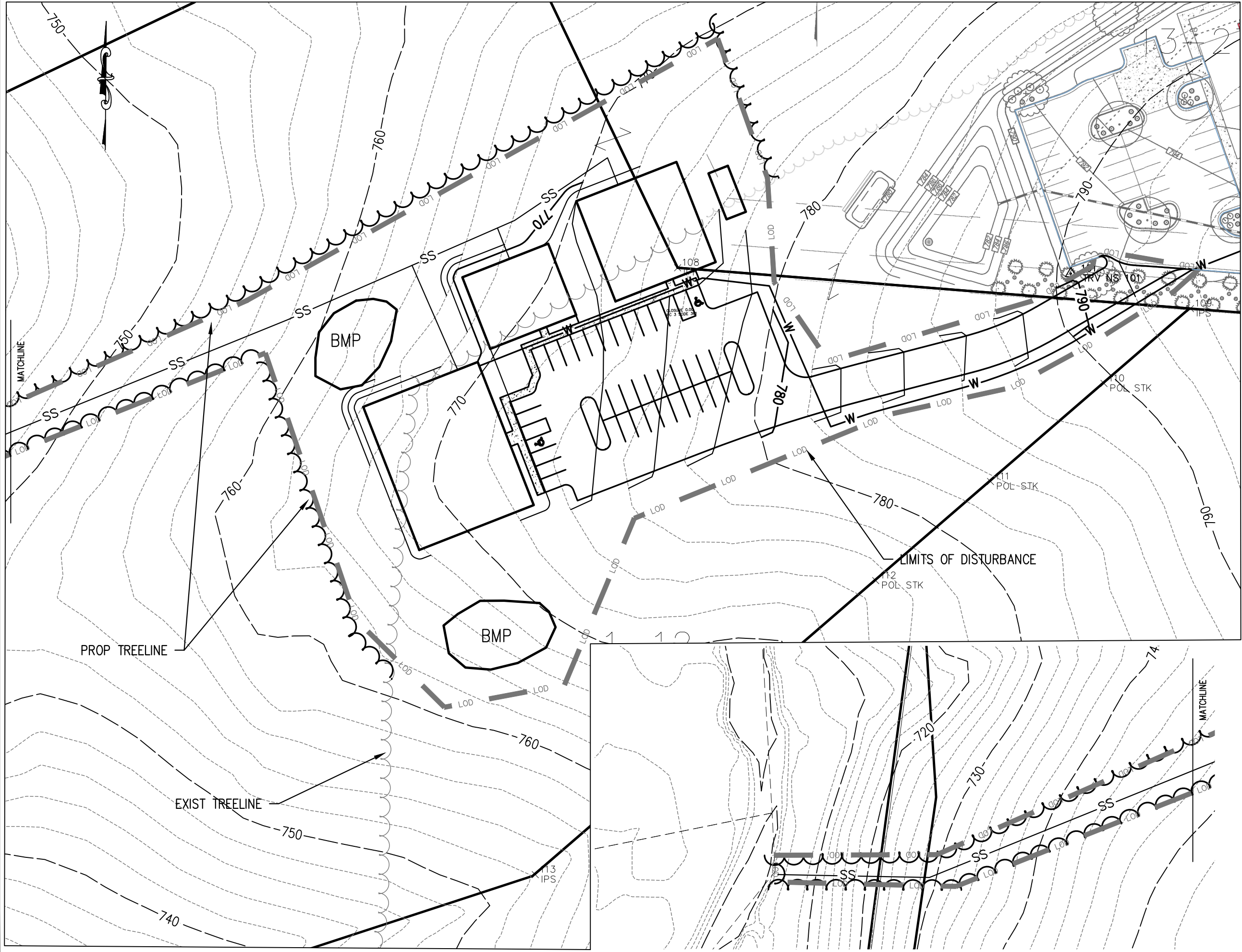
CONTOUR INTERVAL: 2'

DRAWN BY: MJD/NBW

CHECKED BY: NBW

**COVER SHEET
SITE LAYOUT SHEET**





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

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



JOB:
**REZONING PLAN
FOR LYNCHBURG
HUMANE SOCIETY**

LYNCHBURG, VA

CLIENT:
**LYNCHBURG HUMANE
SOCIETY**

1	11/30/15	REV PER TRC

MARK DATE DESCRIPTION

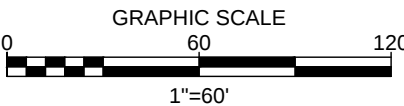
ISSUE: 11/03/15

CONTOUR INTERVAL: 2'

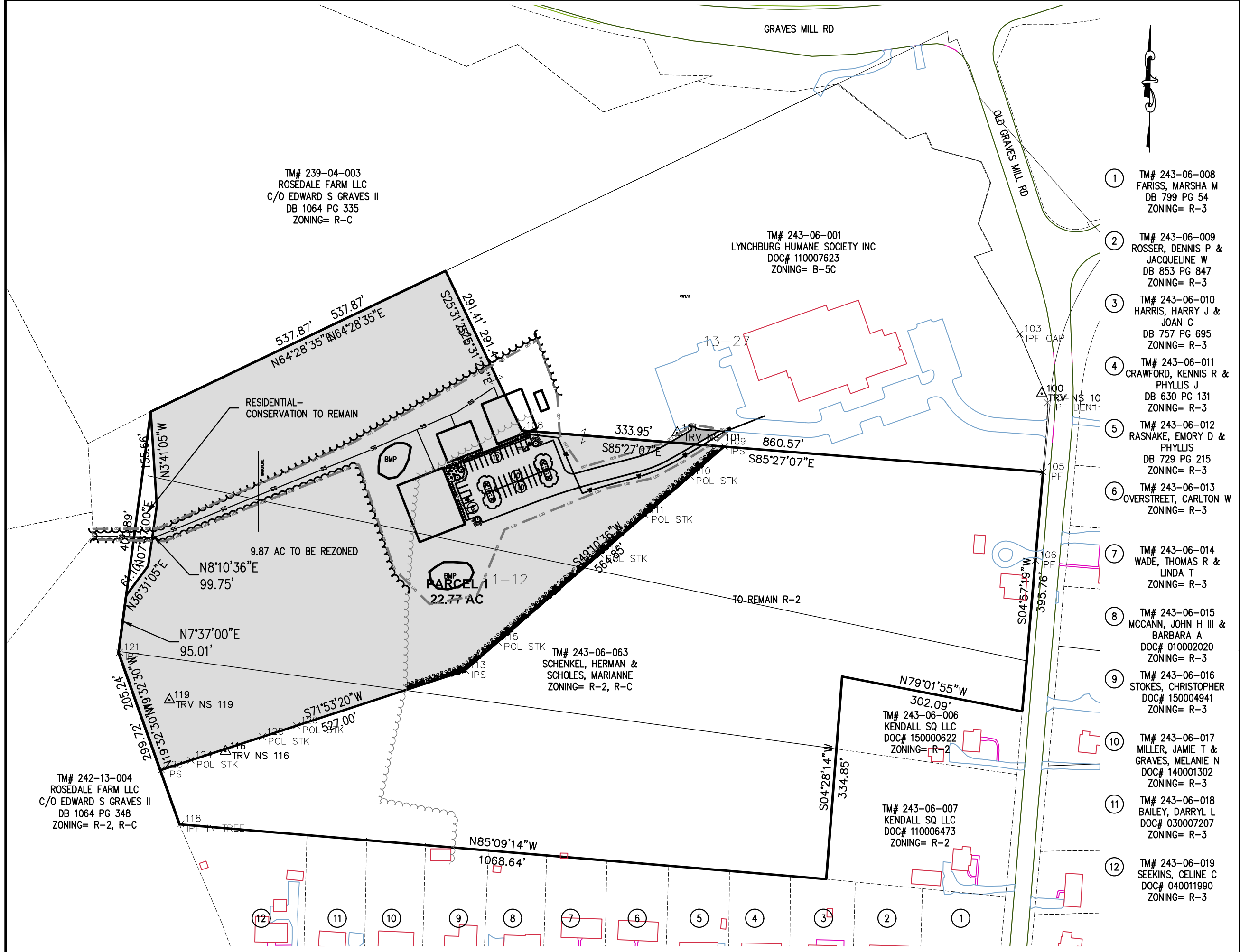
DRAWN BY: MJD/NBW

CHECKED BY: NBW

GRADING PLAN



JOB NO 15280 SHEET NO 2 OF 5



PERKINS
&
ORRISON

ENGINEERS ▲ PLANNERS ▲ SURVEYORS

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

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

COMMONWEALTH OF VIRGINIA

NORMAN B. WILTON JR.

No. 006517

PROFESSIONAL ENGINEER

REZONING PLAN
FOR LYNCHBURG
HUMANE SOCIETY

LYNCHBURG, VA

CLIENT:
LYNCHBURG HUMANE
SOCIETY

MARK	DATE	DESCRIPTION
1	11/30/15	REV PER TRC

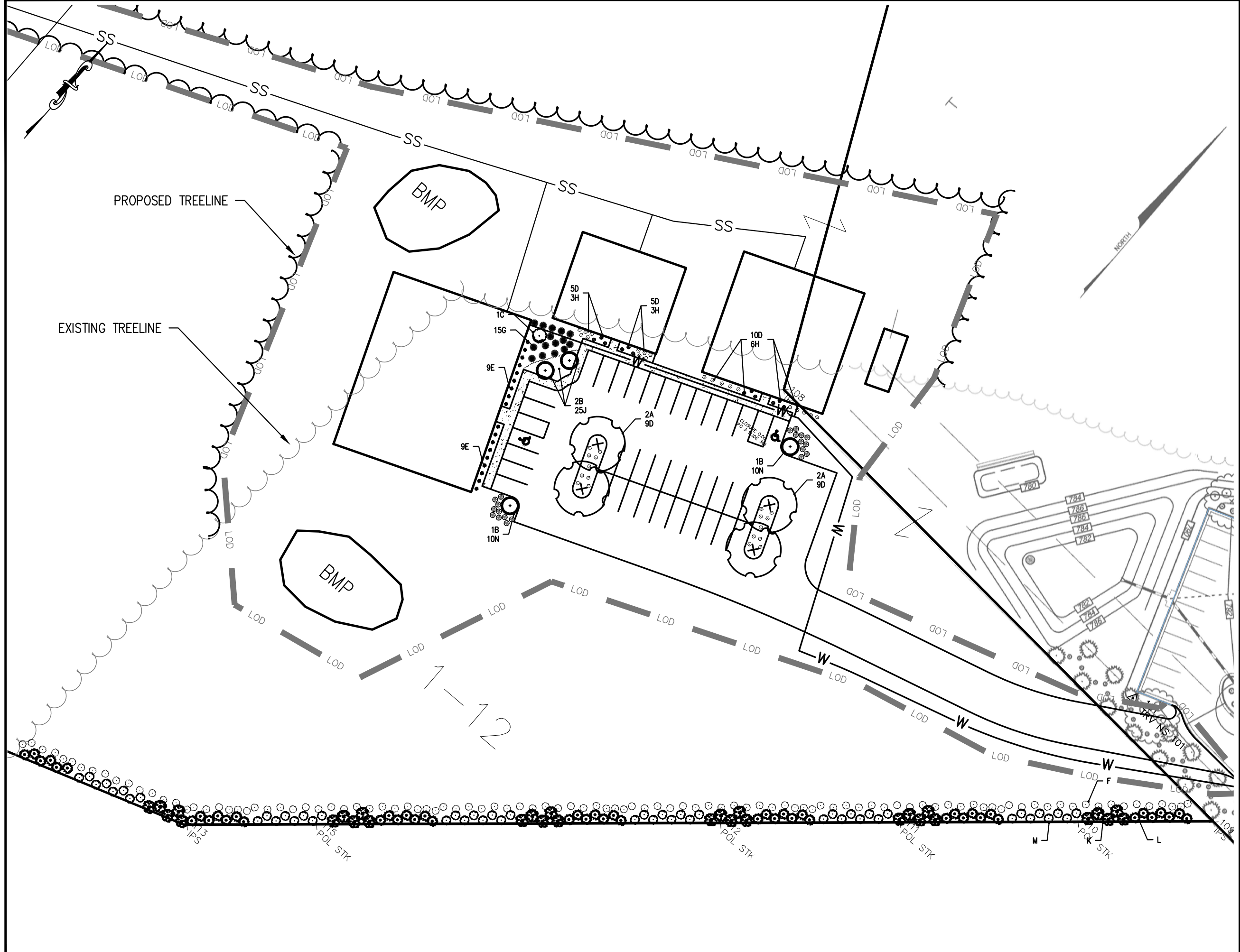
ISSUE: 11/03/15
CONTOUR INTERVAL: 2'
DRAWN BY: MJD/NBW
CHECKED BY: NBW

BOUNDARY SHEET

GRAPHIC SCALE
0 150 300
1"=150'

JOB NO 15280 SHEET NO 3 OF 5

- TM# 243-06-008
FARISS, MARSHA M
DB 799 PG 54
ZONING= R-3
- TM# 243-06-009
ROSSER, DENNIS P &
JACQUELINE W
DB 853 PG 847
ZONING= R-3
- TM# 243-06-010
HARRIS, HARRY J &
JOAN G
DB 757 PG 695
ZONING= R-3
- TM# 243-06-011
CRAWFORD, KENNIS R &
PHYLLIS J
DB 630 PG 131
ZONING= R-3
- TM# 243-06-012
RASNAKE, EMORY D &
PHYLLIS
DB 729 PG 215
ZONING= R-3
- TM# 243-06-013
OVERSTREET, CARLTON W
ZONING= R-3
- TM# 243-06-014
WADE, THOMAS R &
LINDA T
ZONING= R-3
- TM# 243-06-015
MCCANN, JOHN H III &
BARBARA A
DOC# 010002020
ZONING= R-3
- TM# 243-06-016
STOKES, CHRISTOPHER
DOC# 150004941
ZONING= R-3
- TM# 243-06-017
MILLER, JAMIE T &
GRAVES, MELANIE N
DOC# 140001302
ZONING= R-3
- TM# 243-06-018
BAILEY, DARRYL L
DOC# 030007207
ZONING= R-3
- TM# 243-06-019
SEEKINS, CELINE C
DOC# 040011990
ZONING= R-3



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

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



JOB:
**REZONING PLAN
FOR LYNCHBURG
HUMANE SOCIETY**

LYNCHBURG, VA
CLIENT:
**LYNCHBURG HUMANE
SOCIETY**

1	11/30/15	REV PER TRC
MARK	DATE	DESCRIPTION
ISSUE:		11/03/15
CONTOUR INTERVAL:		2'
DRAWN BY:		MJD/NBW
CHECKED BY:		NBW

LANDSCAPE PLAN

GRAPHIC SCALE
0 50 100
1"=50'

JOB NO 15280 SHEET NO 4 OF 5

PARKING AREA <200 SPACES (38 SPACES)
1 SHADE TREE / 8 SPACES – 38/8 = 5 SHADE TREES REQ
8 SHADE TREES PROPOSED
1 MED SHRUB / 1 SPACE – 38/1 = 38 MED SHRUBS REQ
38 MED SHRUBS PROPOSED

PARKING AREA SCREENING
NO PARKING ADJACENT TO STREET. NONE REQUIRED. NONE SHOWN.

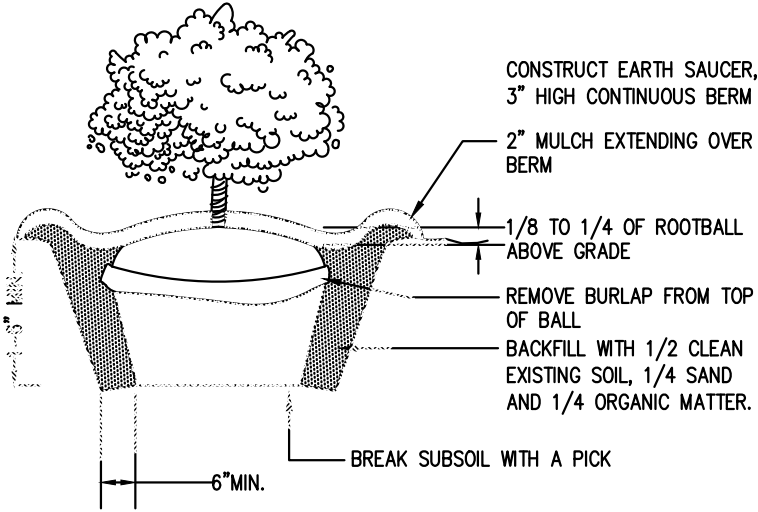
STREET TREES
NO PART OF THE DEVELOPMENT IS ALONG A STREET. NONE REQUIRED. NONE SHOWN.

FOUNDATION PLANTINGS
NO BUILDINGS FRONT A STREET OR RESIDENTIAL DISTRICT. REPRESENTATIVE LANDSCAPE SHOWN, NON REQUIRED.

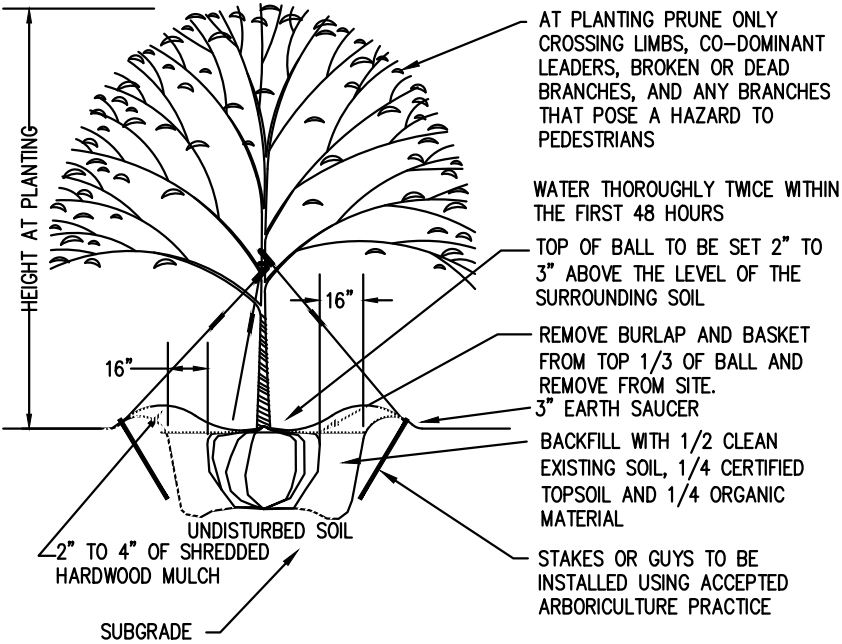
UTILITY SCREENING
NONE SHOWN—ANY PROPOSED AT TIME OF SITE PLAN DEVELOPMENT WILL MEET CODE FOR SCREENING.

BUFFERING
20’ (AGAINST RESIDENTIAL) WIDTH
STAGGERED EVERGREEN TREELINE W/BASELINE FILLER MEDIUM HEIGHT EVERGREENS.

TREE CANOPY
10% OF ENTIRE DEVELOPMENT SITE



SHRUB PLANTING DETAIL
NO SCALE



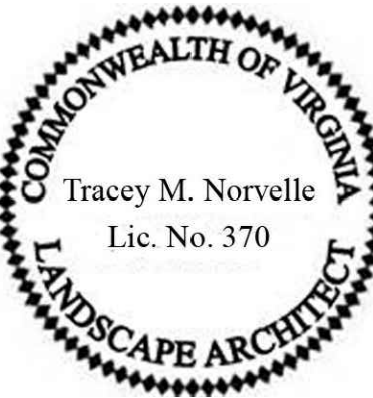
TREE PLANTING DETAIL
DECIDUOUS TREE
NO SCALE

LANDSCAPE LEGEND						
	SYM	QUANTITY	BOTANIC NAME	COMMON NAME	PLANTING SIZE	REMARKS
A		4	GLEDITSIA TRICANTHOS 'SHADEMASTER'	SHADEMASTER HONEY LOCUST	1 1/2" CAL. MIN	SHADE TREE
B		4	QUERCUS PALUSTRIS 'PRINGREEN'	GREEN PILLAR PIN OAK	1 1/2" CAL. MIN	SHADE TREE
C		1	AMELANCHIER X GRANDIFLORA	AUTUMN BRILLIANCE SERVICEBERRY	8–10' HT	ORNAMENTAL TREE
D		38	ABELIA X GRANDIFLORA 'EDWARD GOUCHER'	EDWARD GOUCHER ABELIA	3 GAL, 2' HT MIN	MED SHRUB
E		18	AZALEA 'KAREN'	KAREN AZALEA	3 GAL, 2' HT MIN	MED SHRUB
F		102	ILEX CREMATE 'COMPACTA'	COMPACT JAPANESE HOLLY	2' HT MIN	EVERGREEN SHRUB
G		15	AZALEA 'GUMPO WHITE'	GUMPO WHITE AZALEA	3 GAL, 1' HT MIN	SMALL SHRUB
H		12	ITEA VIRGINICA 'SPRICH'	LITTLE HENRY SWEETSPIRE	3 GAL, 2' HT MIN	MED SHRUB
J		25	JUMIPERUIS HORIZONTALIS 'YOUNGSTOWN'	YOUNGSTOWN JUNIPER	3 GAL, 1' HT MIN	SMALL SHRUB
K		30	ILEX X ATTENUATE 'FOSTERII'	FOSTER HOLLY	4' HT MIN	EVERGREEN TREE
L		48	JUNIPERUS VIRGINIANA 'CANAERT'	CANAERT EASTERN REDCEDAR	4' HT MIN	EVERGREEN TREE
M		48	CUPRESSOCYPARIS LEYLANDII	LEYLAND CYPRESS	4' HT MIN	EVERGREEN TREE
N		20	LAGERSTOEMIA INDICA 'POCOMOKE'	POCOMOKE CRAPE MYRTL	3 GAL, 2' HT MIN	MED SHRUB



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JOB:

REZONING PLAN
FOR LYNCHBURG
HUMANE SOCIETY

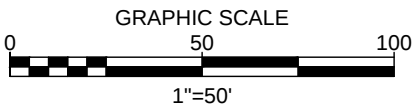
LYNCHBURG, VA

CLIENT:
LYNCHBURG HUMANE
SOCIETY

1	11/30/15	REV PER TRC
MARK	DATE	DESCRIPTION

ISSUE: 11/03/15
CONTOUR INTERVAL: 2'
DRAWN BY: MJD/NBW
CHECKED BY: NBW

LANDSCAPE DETAILS



NOTICE TO REZONE & FUTURE LAND
USE MAP AMENDMENT

NAME OF APPLICANT: LYNCHBURG HUMANE SOCIETY

TELEPHONE NUMBER: 434-448-0088

ADDRESS OF PROPERTIES: 1125 OLD GRAVES MILL ROAD

PRESENT ZONING: R-2

PROPOSED ZONING: B-5C

EXISTING USE OF PROPERTY: RESIDENTIAL

PROPOSED USE OF PROPERTY: COMMERCIAL KENNEL

FUTURE LAND USE MAP: MEDIUM DENSITY RESIDENTIAL/RESOURCE
CONSERVATION

PROPOSED FUTURE LAND USE MAP: COMMUNITY COMMERCIAL

ADDITIONAL INFORMATION: CALL PLANNING DIVISION, DEPARTMENT OF
COMMUNITY DEVELOPMENT, 455-3900



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JOB:

REZONING PLAN
FOR LYNCHBURG
HUMANE SOCIETY

LYNCHBURG, VA

CLIENT:
LYNCHBURG HUMANE
SOCIETY

1	11/30/15	REV PER TRC
MARK	DATE	DESCRIPTION

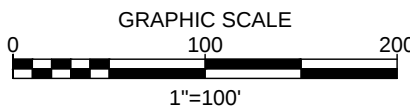
ISSUE: 11/03/15

CONTOUR INTERVAL: 2'

DRAWN BY: MJD/NBW

CHECKED BY: NBW

BOUNDARY SHEET



JOB NO 15280 SHEET NO 2 OF 5

Lexington

Wes Perkins, LS
Russ Orrison, PE, LS

Pierson Hotchkiss, LS
Gavin Worley, PE



Lynchburg

Kenneth Knott, LS
Norman Walton, PE

Aaron Dooley, LS

November 3, 2015

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

RE: Rezoning a portion of Parcel ID#243-06-063 from R-3 to B-5C

Dear Mr. Martin,

This narrative is being provided on behalf of Lynchburg Humane Society to support the enclosed rezoning application. This rezoning is for 9.87 acres of the 22.77 acre parcel located at 1125 Old Graves Mill Road, which is currently owned by Herman & Marianne Schenkel. The Humane Society plans to purchase this portion of the property upon a successful rezoning.

This rezoning allows the Humane Society to expand and offer new services that are not readily available in the area currently. The plans include a medical center, indoor training facility, thrift shop, outdoor pool for pet rehabilitation and a low impact nature park.

The proposed medical center, indoor training facility and outdoor pool are new services that the Lynchburg Humane Society will offer to the City of Lynchburg and surrounding area. The thrift shop is an accessory use, as a small retail service of the Lynchburg Humane Society. The low impact nature park is intended to utilize the natural amenities on the site. The plans are to expand the hiking trails throughout the wooded area of the park. This natural habitat can be used for pet rehabilitation and for educational experiences at the Humane Society.

The Lynchburg Humane Society enjoys a good relationship with the City of Lynchburg, providing services to the City government as well as its citizens. The current site and building are beautifully done, and this new expansion will be constructed with the same tasteful eye. LHS is thriving, and with these additional services provided from an expanded facility, it will be able to provide an even greater benefit to the area.

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

Sincerely,

A handwritten signature in dark ink, appearing to read "Norman B. Walton, Jr.", is positioned above the typed name.

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

RECEIVED

NOV 06 2015

**COMMUNITY
DEVELOPMENT**

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

27 Green Hill Drive
Forest, Virginia 24551

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

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

Email: pno@perkins-orrison.com



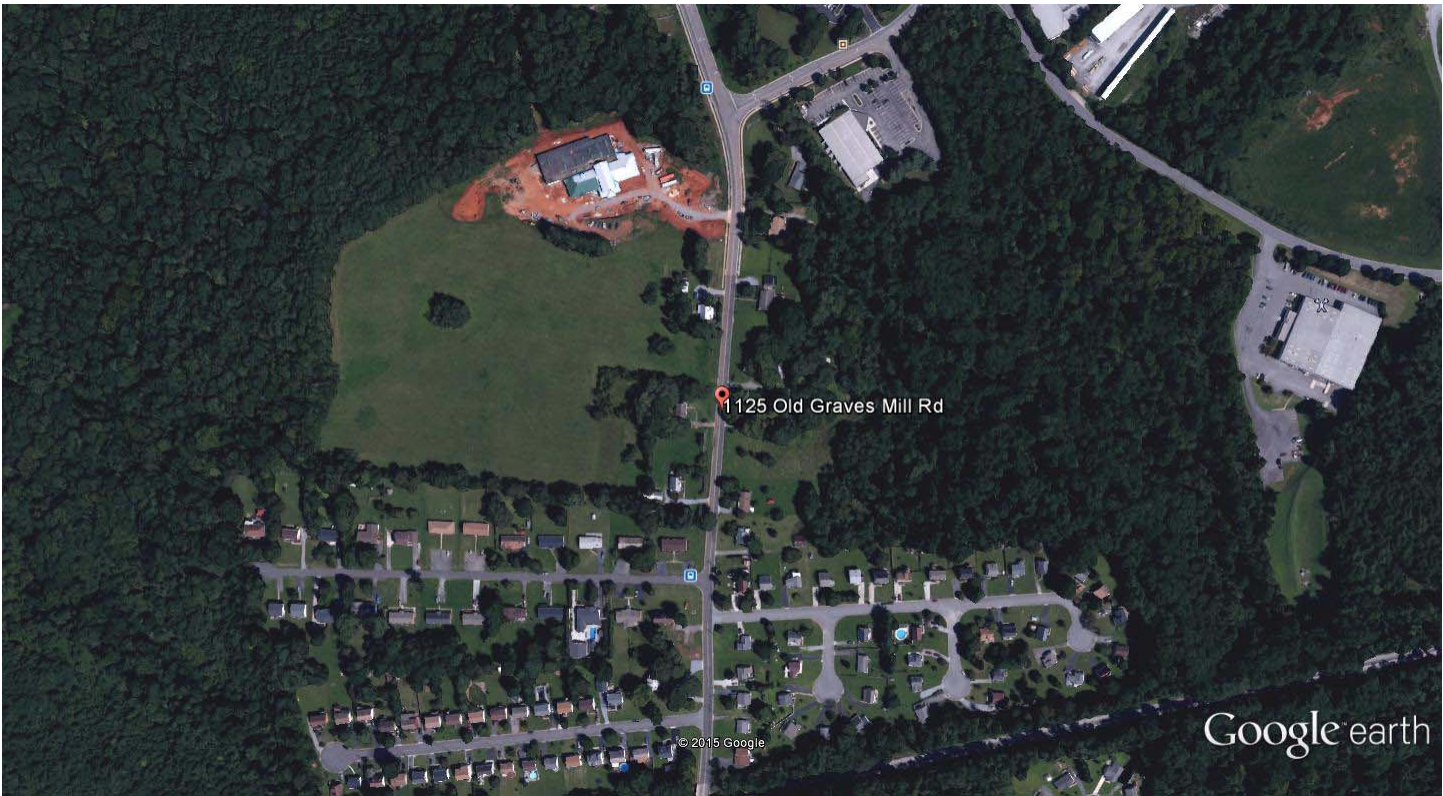
LynchburgHumane
SOCIETY

Find Happiness

.. is hereby changed from R-2, low-Medium Density Single-Family Residential District to B-5, General Business District (Conditional) subject to the conditions set forth herein below which were voluntarily proffered in writing by the petitioner to wit:

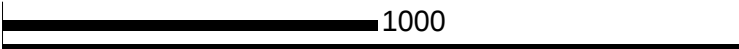
1. The following uses are only uses that shall be permitted within the B-5C area for which this application is being filed (all other uses by right in the B-5 are excluded, B-3 uses were not considered):
 - Commercial kennels for dogs and other pets
2. The site shall developed in general compliance with the Rezoning Plan submitted on November 3, 2015.
3. The architecture of the building will be of similar style to existing "Center for Pets".
4. The existing vegetated areas shown on the rezoning plan will remain vegetated. Low impact recreation such as walking trails will be constructed in these areas, however thinning, brush removal, and maintenance activities will be the extent of the impacts to these areas. No additional clearing of primary vegetation will occur other than what is currently shown for buildings and stormwater management.

Markana Yarbrock
Executive Director.



Google earth

feet
meters



**Humane Society
Rezoning from R-2 to B-5C
December 9, 2015**

PLEASE PRINT

[illegible]

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **January 12, 2016**

AGENDA ITEM NO.: 10

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Conditional Use Permit (CUP)—Heritage Court Townhomes – 572 Leesville Road**

RECOMMENDATION: Approval of the townhouse development.

SUMMARY: VIP, LLC is petitioning for a CUP to allow a townhouse development at 572 Leesville Road. The concept plan proposes the construction of one hundred and eight (108) units, two hundred and eight (208) parking spaces, a park area for the community and a private drive connecting Misty Mountain Road to Leesville Road. The *Comprehensive Plan 2013-2030* recommends a Medium Density Residential use for the property at up to twelve (12) units per acre. The submitted plan proposes nine and fifty-seven hundredths (9.57) units per acre. The current R-3, Medium Density, Two-Family Residential zoning allows for townhouse developments upon approval of a CUP by Council.

City Council approved a similar petition on November 11, 2014; however, because the petitioner did not act on the project within the six-month timeframe established within the Zoning Ordinance, the original CUP expired. Minor changes since that approval include a reduction in the number of units from one hundred twenty-one (121) to one hundred eight (108), the elimination of a planned community center and pool, and the addition of a park area at the rear of the property.

PRIOR ACTION(S):

October 8, 2014:

The Planning Division recommended approval of the CUP petition.

The Planning Commission recommended approval (5-0, with 2 members absent, Swinton, Perault) of the CUP petition.

November 11, 2014:

City Council approved the CUP petition.

May 11, 2015:

The CUP expired.

December 9, 2015:

The Planning Division recommended approval of the CUP petition.

The Planning Commission recommended approval (4-0, with 1 member absent, Perault, and two vacancies) of the CUP petition.

FISCAL IMPACT:

N/A

CONTACT(S):

Tom Martin, City Planner; Kent White, Community Development Director – 455-3900

ATTACHMENT(S):

- Resolution
- Planning Commission Report and Minutes – December 9, 2014
- Zoning Map
- FLUM Map
- Watershed Map
- Planimetric and Topographic Map
- Concept Plan
- Narrative
- Property Photograph
- Speaker Signup Sheet

REVIEWED BY: lkp

RESOLUTION:

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO VIP, LLC, TO ALLOW A ONE HUNDRED AND EIGHT (108) UNIT TOWNHOUSE DEVELOPMENT AT 572 LEESVILLE ROAD IN AN R-3, MEDIUM DENSITY RESIDENTIAL DISTRICT.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of VIP, LLC for a conditional use permit to allow a one hundred and eight (108) unit townhome development at 572 Leesville Road is hereby approved subject to the following conditions:

1. The property shall be developed in substantial compliance with the site plan "Heritage Court Townhomes, Conditional Use Plan" as prepared by Perkins & Orrison, dated November 30, 2015.
2. The following will be done in addition to what is shown on the above conditioned site plan.
 - a. Sidewalk will be extended to connect Misty Mountain Road to the development.
 - b. Access drive connecting Misty Mountain Road and Leesville Road will provide street trees between the sidewalk and the drive.
 - c. Entrance across Leesville Road will have a high-visibility style crosswalk.
 - d. The park area will be developed with a gazebo, picnic tables, BBQ grills, and a small play area as indicated in response letter to TRC comments.
 - e. Property line adjoining R-1 districts will be buffered according to Section 35.1-25.1.11. Buffering.
3. All lighting shall be glare shielded and non-directional to prevent illumination beyond the property lines.
4. City sidewalk shall be extended across the entire property frontage of Leesville Road.

Adopted:

Certified: _____
Clerk of Council

007K

The Department of Community Development

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

To: Planning Commission
From: Planning Division
Date: December 9, 2015
Re: **Conditional Use Permit (CUP) – Heritage Court Townhomes – 572 Leesville Road**

I. PETITIONER

VIP, LLC (Robb Egel), 107 Trinity Court, Lynchburg, VA 24502

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

II. LOCATION

The subject property is a tract of approximately eleven and twenty-nine hundredths (11.29) acres located at 572 Leesville Road.

Property Owner(s): VIP, LLC (Robb Egel), 107 Trinity Court, Lynchburg, VA 24502

LTD Properties, LLC (Robb Egel), 107 Trinity Court, Lynchburg, VA 24502

III. PURPOSE

The purpose of the petition is to allow the construction of a one hundred and eight (108)-unit townhouse development with associated parking and park area at 572 Leesville Road.

IV. SUMMARY

- The *Comprehensive Plan 2013-2030's Future Land Use Map (FLUM)* recommends a Medium Density Residential use for the property.
- Townhouse Developments are a use permitted in an R-3, Medium Density, Two-Family Residential District upon approval of a conditional use permit by Council.
- The proposed unit density is nine and fifty-seven hundredths (9.57) units per acre.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Comprehensive Plan 2013-2030* recommends a Medium Density Residential use for the area. "These areas are characterized by small-lot single-family detached housing, duplexes and townhouses at densities up to 12 units per acre. Where neighborhoods already exist, infill development should be at a compatible density and housing type. In addition to residential uses, they may include public and institutional uses compatible in scale with single family residential homes." (pg 72)
2. **Zoning.** The subject property was annexed into the City in 1976. The existing R-3, Medium Density, Two-Family Residential District was established in 1979.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances are needed for the development of the property as proposed.
4. **Surrounding Area.** There have been several items requiring Council approval in the immediate area:

- On May 22, 1979 City Council approved the Timberlake Road Land Use Study.
- On May 11, 1982, City Council approved the petition of Dave Wann, Agent for Ahoskie Theatres, Inc., to rezone 7306 Timberlake Road from R-3, Medium Density, Two-Family Residential District to B-5, General Business District (Conditional) to allow a “flea market”.
- On February 14, 1984 through September 12, 2000, City Council approved CUP petitions to allow a temporary circus at 7306 Timberlake Road.
- On February 12, 1985, City Council approved the CUP petition of Memorial United Methodist Church to allow the construction of a sanctuary, education building and parking area at 594 Leesville Road.
- On August 9, 1988, City Council approved the CUP petition of E.F. Baldwin to allow the construction of townhouses at 542 Leesville Road.
- On February 14, 1989, City Council approved the Timberlake Road Corridor Study and established the Commercial Corridor Overlay District centered on Timberlake Road.
- On June 13, 1995, City Council approved the CUP petition of Bell Atlantic of Virginia to allow the construction of a parking and storage area at 553 Leesville Road.
- On October 10, 2000, City Council approved the CUP petition of Bell Atlantic of Virginia to allow the construction of a parking area at 555 Leesville Road.
- On March 14, 2006, City Council approved the CUP petition of LTD Properties, LLC to allow the construction of a 35-unit townhouse complex at 548 and 550 Leesville Road.
- On November 11, 2014 City Council approved the CUP petition of VIP, LLC to allow the construction of a 121-unit townhouse complex at 542, 55, 554, and 572 Leesville Road. This permit expired and the current petition is in lieu of this one.
- On September 8, 2015, City Council denied the petition of Lynchburg Renting, LLC to rezone 714 Leesville Road from R-1, Low Density, Single-Family Residential District to R-3C, Medium-Density, Two-Family Residential district and denied the petition for a CUP to allow the construction of a 68-unit townhouse complex.

5. **Site Description.** The subject property is one tract containing approximately eleven and twenty-nine hundredths (11.29) acres located at 572 Leesville Road. The property contains one (1) residential structure and an accessory garage. The garage will be demolished during the construction of the proposed townhome development. The house will remain.

With the exception of the existing residential structure, the property is wooded. The highest elevation of the property is located on the southern property line and the property slopes from this area in northern, eastern and western directions. Slopes range from five (5) to ten (10) percent.

The property is bound to the north by the existing Heritage Court Townhomes, to the east by single-family homes and duplexes, to the south by Heritage United Methodist Church and west (across Misty Mountain Road) by apartments.

6. **Proposed Use of Property.** The purpose of the petition is to allow the construction of a one hundred and eight (108)-unit townhouse development with an accessory park area and associated parking.

7. **Transportation & Parking.** A traffic study was conducted and approved during the previous CUP petition. Because the proposed use of the property is less intense than previously approved, the same study is adequate for this development. Turn lane tapers are required at both entrances from Leesville Road.

The *Zoning Ordinance* requires one (1) parking space per unit; one hundred and eight (108) parking spaces for the development are required. The concept plan indicates a total of two hundred and eight (208) parking spaces, which exceeds the *Zoning Ordinance* requirements by one hundred (100) spaces.

The site is served by GLTC Route 6 with a stop across Leesville Road.

8. **Stormwater Management.** A stormwater management plan will be required prior to final site plan approval. The submitted narrative proposed to treat stormwater with onsite Best Management Practices (BMPs) and potentially with off-site credits. Onsite facilities are located in the southwestern and northeastern corners of the site. The site drains generally drains north and west to a combination of wooded swales and stormwater infrastructure on adjacent developments, and eventually to a tributary of Dreaming Creek. Channels have been determined to be adequate for this development.
9. **Emergency Services:** The City Fire Marshal noted on the original plan the need for access within one hundred and fifty (150) feet of all portions of the building. A fire access drive has been added to the concept plans. Further requirements for compliance with the Virginia Statewide Fire Prevention Code will be addressed at final site plan review. The City's Police Department had no comments of concern with the petition.
10. **Impact.** The subject property is recommended for a Medium Density Residential use on the City's Future Land Use Map (FLUM). These areas are characterized by single-family detached homes, duplexes or townhomes up to twelve (12) units per acre. The submitted concept plan indicates one hundred and eight (108) units on eleven and twenty-nine hundredths (11.29) acres. The proposed density would be nine and fifty-seven hundredths (9.57) units per acre.

The proposed development is well integrated into the surrounding area. The concept plan indicates that a private drive will connect Misty Mountain Road to Leesville Road, and tie into the adjacent townhouse development at 542 Leesville Road. Misty Mountain Road provides access to a large apartment complex and Timberlake Road. This helps strengthen the City's street grid and better distribute vehicles across city infrastructure.

The site layout provides for landscape buffers, sidewalks, a park area, and street trees along the private access drive, creating an inviting environment on site. Additionally, the submitted concept plan indicates the four single family homes between this development and Leesville Road will be maintained, helping blend this development into the surrounding area.

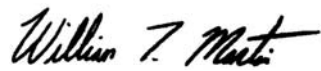
11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the conditional use permit on November 17, 2015. Comments have or will be addressed by the petitioner prior to final site plan approval.
-

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of VIP, LLC (Rob Egel) for a conditional use permit at 572 Leesville Road to allow the construction of a one hundred and eight (108) unit townhouse development subject to the following conditions:

- 1. The property shall be developed in substantial compliance with the site plan “Heritage Court Townhomes, Conditional Use Plan” as prepared by Perkins & Orrison, dated November 30, 2015.**
- 2. The following will be done in addition to what is shown on the above conditioned site plan.**
 - a. Sidewalk will be extended to connect Misty Mountain Road to the development.**
 - b. Access drive connecting Misty Mountain Road and Leesville Road will provide street trees between the sidewalk and the drive.**
 - c. Entrance across Leesville Road will have a high-visibility style crosswalk.**
 - d. The park area will be developed with a gazebo, picnic tables, BBQ grills, and a small play area as indicated in response letter to TRC comments.**
 - e. Property line adjoining R-1 districts will be buffered according to Section 35.1-25.1.11. Buffering.**
- 3. All lighting shall be glare shielded and non-directional to prevent illumination beyond the property lines.**
- 4. City sidewalk shall be extended across the entire property frontage of Leesville Road.**

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
Captain Thomas Goode, Fire Marshal

Mr. Doug Saunders, Building Commissioner
Mr. Kevin Henry, Zoning Administrator
Mr. Rob Egel, Petitioner
Mr. Norman Walton, Representative

VII. ATTACHMENTS

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

MINUTES OF THE DECEMBER 9, 2015 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED. THERE WAS NO SECOND PLANNING COMMISSION MEETING IN DECEMBER):

a. Petition of VIP, LLC – Robb Egel for a conditional use permit (CUP) at 572 Leesville Road to allow the construction of a 108-unit townhome development with associated parking in an R-3. Medium Density, Two-Family Residential District.

Ms. Anne Nygaard had the following summary for the commissioners. She explained that this development had received a conditional use permit from City Council in October 2014. However, the CUP expired because the owner did not request an extension or obtain a building permit within the required time period. The current petition proposes to build 108 townhomes on approximately 11.29 acres. The property is zoned R-3, which allows townhomes upon approval of a CUP. The *Future Land Use Map (FLUM)* designates it for Medium Density Residential. These areas are characterized by single-family houses, duplexes and townhouses at densities of up to 12 units per acre. The proposed density for this project will be approximately 9.57 units per acre.

There is an existing single-family residence and garage on the property. The garage will be demolished as part of the proposed project. There are 208 parking spaces proposed, which exceeds the City's parking requirement. Ms. Nygaard indicated on the concept plan where a park area is proposed and indicated where new tree lines will be provided as buffers for the adjoining properties. Where this property adjoins R-1 property, there will be additional tree buffering required that is not shown on the concept plan. The plan also shows a connection to Misty Mountain Road, connecting it to Leesville Road. This helps strengthen the City's street grid and better distributes traffic in the area. A traffic study was done for the previously approved project. That traffic study was deemed adequate for this project, since the number of units has been reduced. That traffic study recommended two tapers from the turn lanes on Leesville Road; those tapers are shown on the current concept plan.

The concept plan shows two areas for stormwater best management practices. A plan addressing both stormwater quality and quantity will be required at the time of site plan approval. Staff recommends approval with the conditions outlined in the report. Anne had two minor wordsmithing changes to make to the conditions. In condition two, "proffered" should be "conditioned" and "high intensity style crosswalk" should be "high visibility style crosswalk."

Mr. Norm Walton of Perkins & Orrison and Mr. Robb Egel of VIP, LLC, were available to represent the petition. Neither had anything significant to add to Ms. Nygaard's summary but indicated that they were available to answer any questions.

Chair Swienton asked if there was anyone 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. No one came forward. He closed the public hearing portion of the petition.

Commissioner Marion asked for clarification that there will be three means of ingress/egress to the project. Mr. Walton indicated that is correct; there is a connection to Misty Mountain Road, one to Leesville Road and one to the existing adjacent townhome development. Chair Swienton asked Mr. Walton if he and Mr. Egel are in agreement with the two minor changes to the conditions indicated by Ms. Nygaard. Mr. Walton and Mr. Egel were both in agreement with the changes.

Commissioner Lowe indicated that he thought this development is a good use of the property. It was approved previously and it makes sense to him still. Commissioner Lowe made the following motion, which was seconded by Commissioner Marion, and it passed by the following vote:

“That the Planning Commission recommends to City Council approval of the petition of VIP, LLC (Rob Egel) for a conditional use permit at 572 Leesville Road to allow the construction of a one hundred and eight (108) unit townhouse development subject to the following conditions:

- 1. The property shall be developed in substantial compliance with the site plan “Heritage Court Townhomes, Conditional Use Plan” as prepared by Perkins & Orrison, dated November 30, 2015.**
- 2. The following will be done in addition to what is shown on the above conditioned site plan.**
 - a. Sidewalk will be extended to connect Misty Mountain Road to the development.**
 - b. Access drive connecting Misty Mountain Road and Leesville Road will provide street trees between the sidewalk and the drive.**
 - c. Entrance across Leesville Road will have a high-visibility style crosswalk.**
 - d. The park area will be developed with a gazebo, picnic tables, BBQ grills and a small play area as indicated in response letter to TRC comments.**
 - e. Property line adjoining R-1 districts will be buffered according to Section 35.1-25.1.11. Buffering.**
- 3. All lighting shall be glare shielded and non-directional to prevent illumination beyond the property lines.**
- 4. City sidewalk shall be extended across the entire property frontage of Leesville Road.**

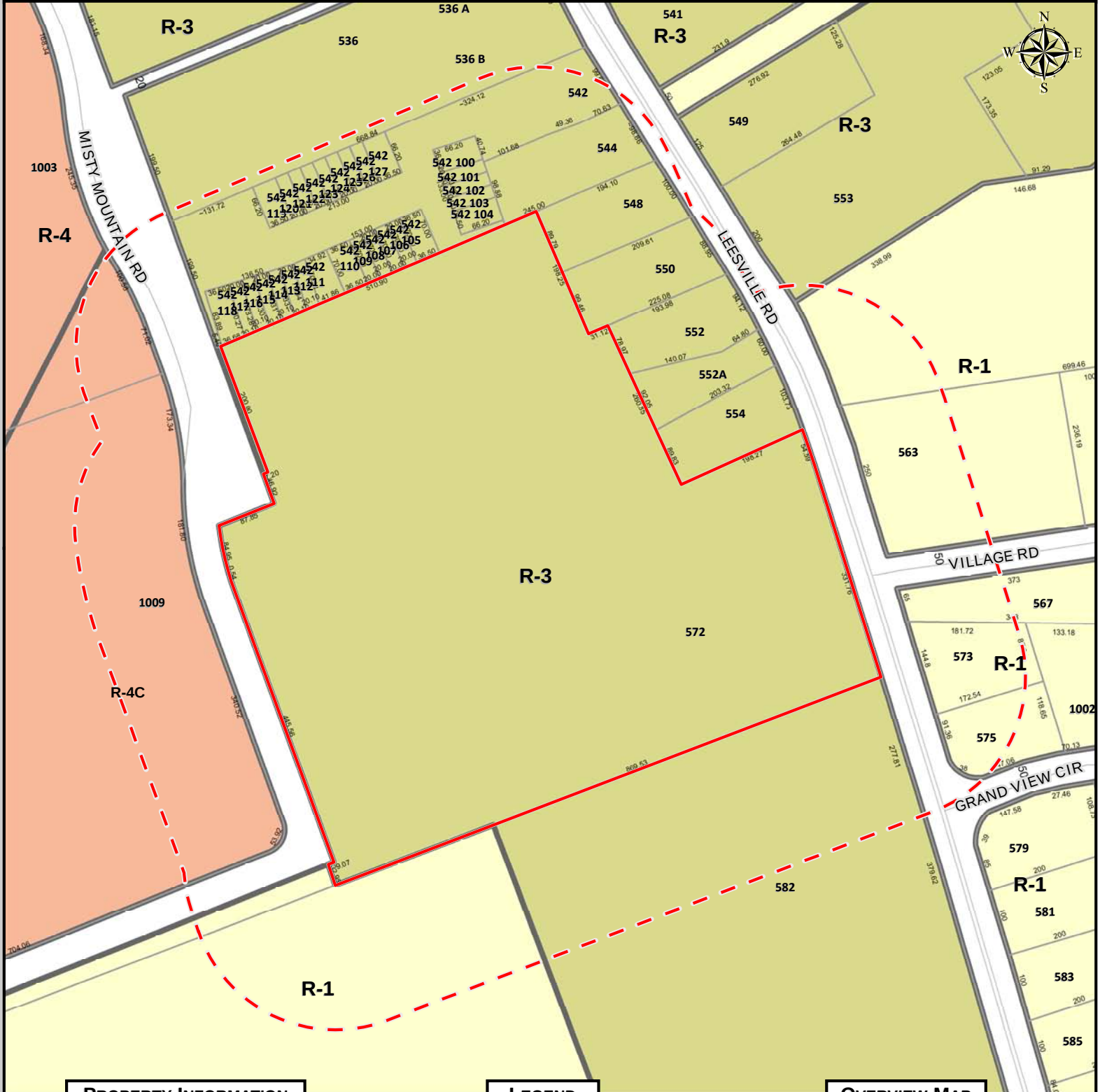
AYES:	Light, Lowe, Marion and Swienton	4
NOES:		0
ABSTENTIONS:		0
ABSENT:	Perault	1
VACANCIES:		2

Zoning Map

HERITAGE COURT TOWNHOMES

Conditional Use Permit Request

VIP, LLC



PROPERTY INFORMATION

PARCEL ID	ADDRESS
25522001	572 LEESVILLE RD

LEGEND

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

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 12/4/2015

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

Parcel ID	Address	Owner
25501003	567 LEESVILLE RD	ALDERSON, JUNE A ET AL
24813018	542 LEESVILLE RD 117	ANDERSON, EVA JANE
24813016	542 LEESVILLE RD 115	BAILEY, MATTHEW K & PIKE, MICHAEL B
24813027	542 LEESVILLE RD 126	BERNDT, GARY L
24813028	542 LEESVILLE RD 127	BLANKINSHIP, KEVIN S
24809010	536 LEESVILLE RD A	BROOKS, THOMAS T & MILDRED M
24808026	553 LEESVILLE RD	C & P TELEPHONE
24813006	542 LEESVILLE RD 105	CARROLL, KATHRYN E
24813020	542 LEESVILLE RD 119	CASWELL, ALAN C
24807001	3020 WARDS FERRY RD	CITY OF LYNCHBURG
24813022	542 LEESVILLE RD 121	COAN, DENNIS R &
24813023	542 LEESVILLE RD 122	EDWARDS, TIMOTHY & AMY
24813009	542 LEESVILLE RD 108	FRITZ, KIRK B & ROBIN T
25501004	573 LEESVILLE RD	HATMAKER, GEORGE D & ANA M
24813029	542 LEESVILLE RD	HERITAGE COURT TOWNHOMES HOMEOWNERS
25523002	582 LEESVILLE RD	HERITAGE UNITED METHODIST CHURCH TRS
24813024	542 LEESVILLE RD 123	KENDRICK, ERIC A
24813026	542 LEESVILLE RD 125	KING, RUBY M
24813005	542 LEESVILLE RD 104	KIRSTEIN, SIDNEY
24813017	542 LEESVILLE RD 116	KLOUS, KEVIN J
24813001	542 LEESVILLE RD 100	LTD PROPERTIES LLC
24813010	542 LEESVILLE RD 109	LTD PROPERTIES LLC
24813007	542 LEESVILLE RD 106	LTD PROPERTIES LLC
24813002	542 LEESVILLE RD 101	LTD PROPERTIES LLC
24813012	542 LEESVILLE RD 111	LTD PROPERTIES LLC
24813011	542 LEESVILLE RD 110	LTD PROPERTIES LLC
24813008	542 LEESVILLE RD 107	LTD PROPERTIES LLC
24813013	542 LEESVILLE RD 112	LTD PROPERTIES LLC
24813004	542 LEESVILLE RD 103	LTD PROPERTIES LLC
24813003	542 LEESVILLE RD 102	LTD PROPERTIES LLC
24813014	542 LEESVILLE RD 113	MCGEE, MATTHEW P
25501005	575 LEESVILLE RD	NAPIER, SHARLENE M
24809020	550 LEESVILLE RD	NELSON, BRADLEY A & BRITTANY C
24811004	1009 MISTY MOUNTAIN RD	REA LYNCHBURG LLC
24811006	1003 MISTY MOUNTAIN RD	REA LYNCHBURG LLC
24808028	563 LEESVILLE RD	RUSSELL, LORI A
24813019	542 LEESVILLE RD 118	SPEEGLE, REBECCA R
24813021	542 LEESVILLE RD 120	THOMPSON, JOHN H & ANNE M
24813025	542 LEESVILLE RD 124	TYLER, TRACY L
24809018	544 LEESVILLE RD	VIAR, PAIGE ELISE A
24809025	552 LEESVILLE RD	VIP LLC
24809027	552 A LEESVILLE RD	VIP LLC
24809019	548 LEESVILLE RD	VIP LLC
24809026	554 LEESVILLE RD	VIP LLC
25522001	572 LEESVILLE RD	VIP LLC

24813015

542 LEESVILLE RD 114

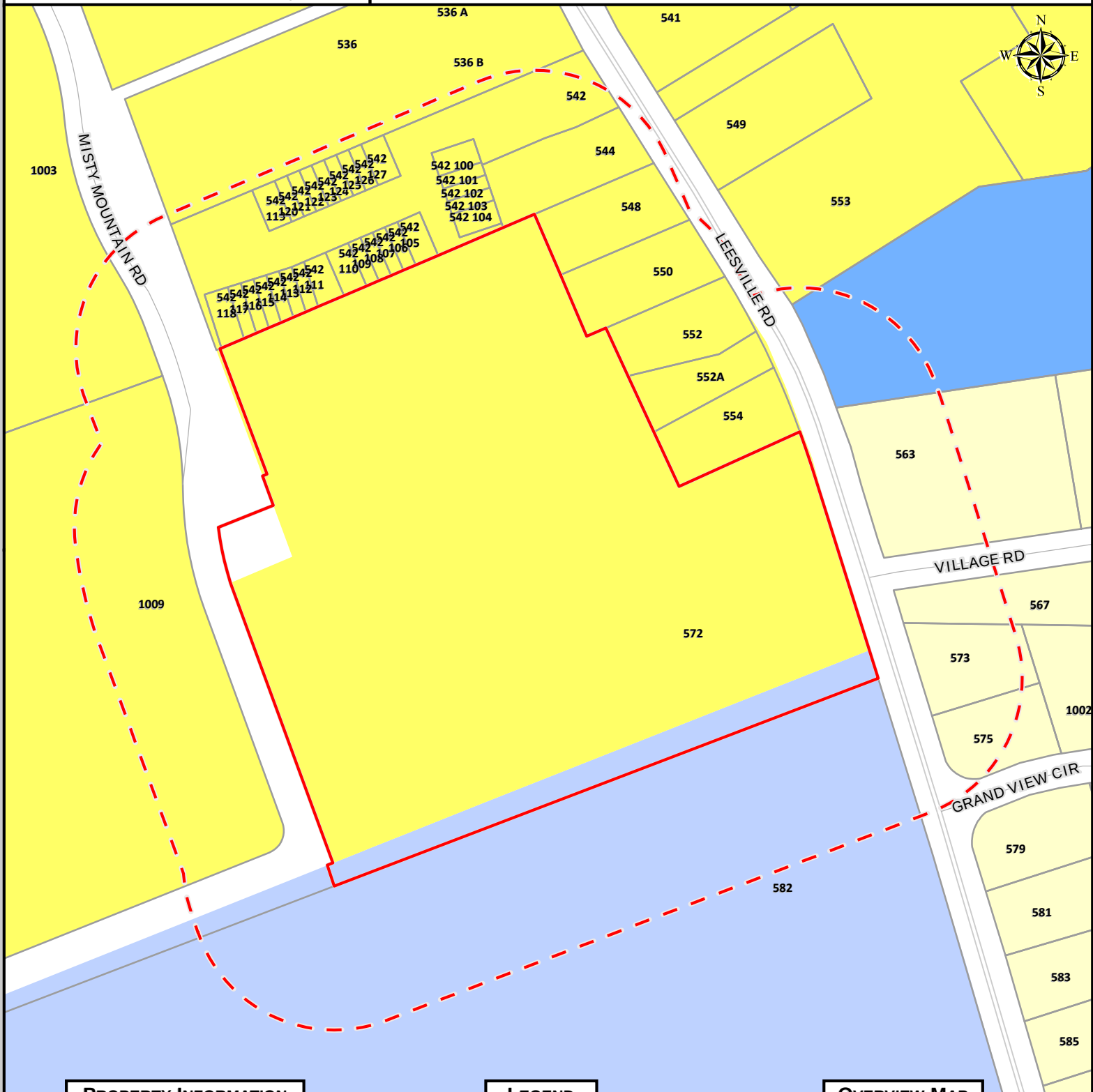
YOST, RALPH C

FLUM Map

HERITAGE COURT TOWNHOMES

Conditional Use Permit Request

VIP, LLC



PROPERTY INFORMATION

PARCEL ID	ADDRESS
25522001	572 LEESVILLE RD

LEGEND

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

MAP SCALE: 1" to 200' DATE PRINTED: 12/4/2015

OVERVIEW MAP



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Watershed Map

HERITAGE COURT TOWNHOMES

Conditional Use Permit Request

VIP, LLC



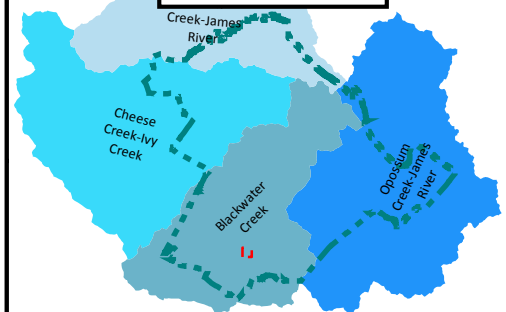
PROPERTY INFORMATION

PARCEL ID	ADDRESS
25522001	572 LEESVILLE RD

LEGEND

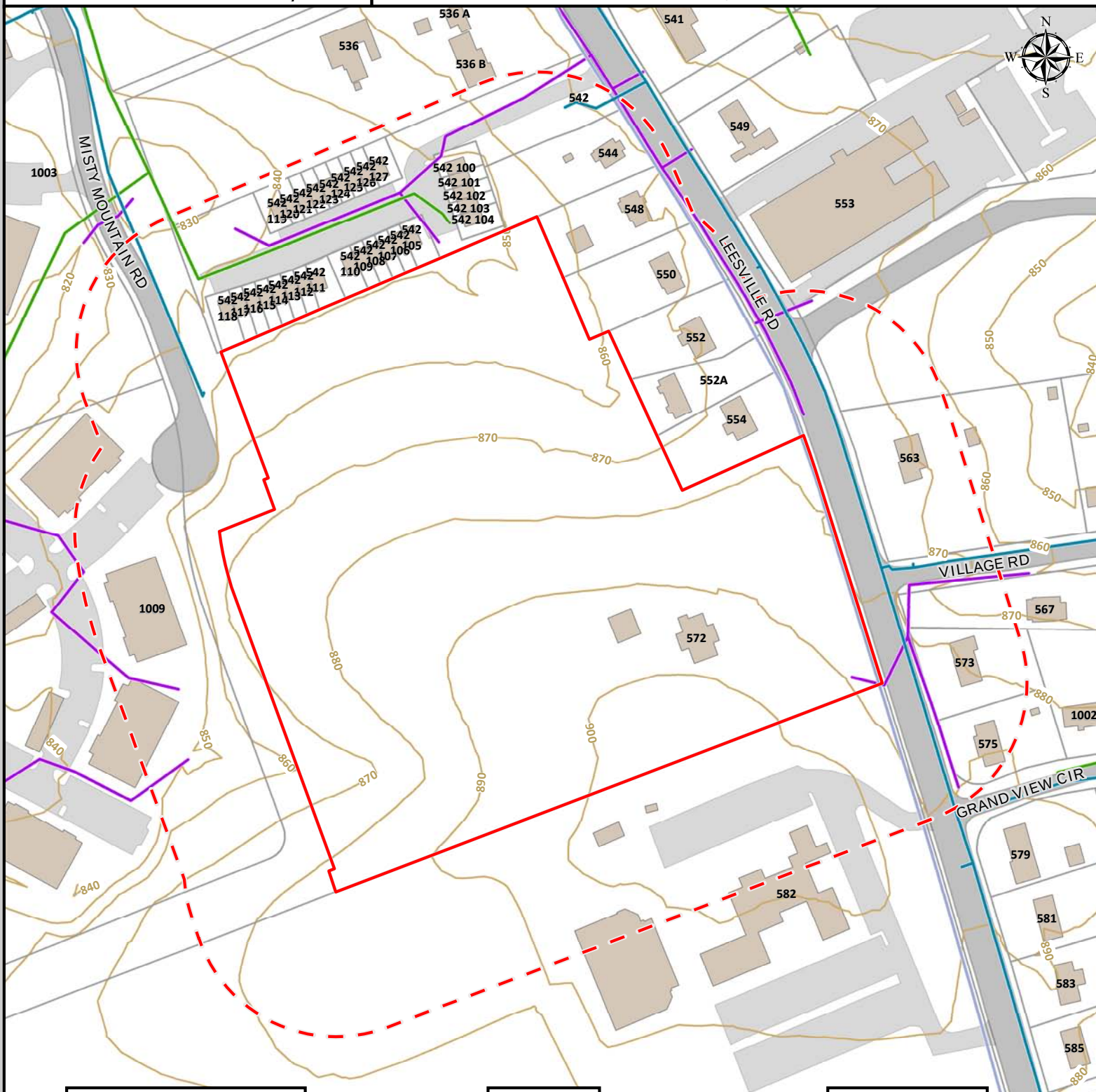
- Subject Property
- Base Flood Elevation
- Floodway
- Floodzone
- River / Lake / Stream

OVERVIEW MAP



MAP SCALE: 1" to 33,333' DATE PRINTED: 12/31/2015

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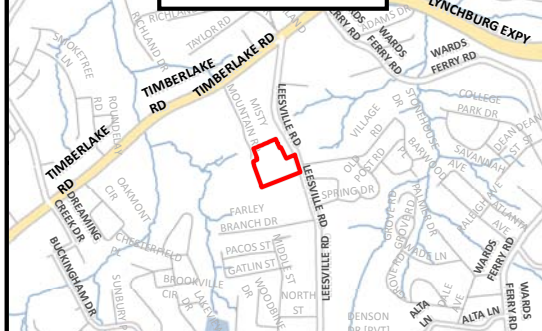
PROPERTY INFORMATION

PARCEL ID	ADDRESS
25522001	572 LEESVILLE RD

LEGEND

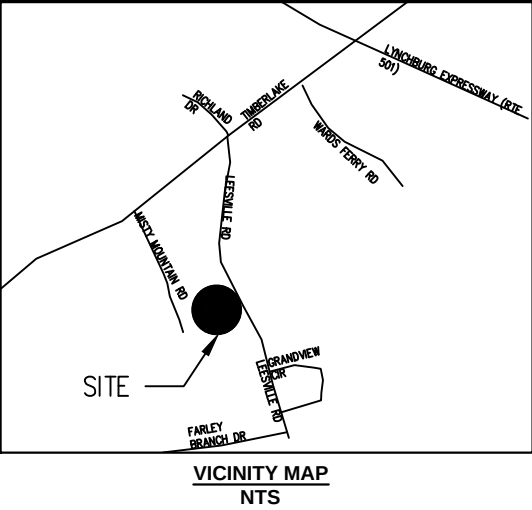
	Active	Proposed	Abandoned
Utilities			
Water	—	---	---
Sanitary	—	---	---
Storm	—	---	---
Planimetrics			
Structure	■	■	■
Roadway	■	■	■
Parking	■	■	■
Sidewalk	■	■	■
Driveway	■	■	■
Topography			
Contour	—	---	---
	10'	10' Obs	

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 12/4/2015

HERITAGE COURT TOWNHOMES
CONDITIONAL USE PLAN
CITY OF LYNCHBURG, VIRGINIA
108 UNITS



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

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

NOTES:

- THE PURPOSE OF THIS PLAN IS TO SHOW A PRELIMINARY LAYOUT FOR A CONDITIONAL USE PERMIT. THIS CONDITIONAL USE PERMIT IS TO ALLOW TOWNHOMES ON A PARCEL ZONED R-3. NO REVISION TO THE FLUM IS REQUESTED. THE ACTUAL LAYOUT MAY CHANGE WHEN ACTUAL CONSTRUCTION PLANS ARE SUBMITTED TO THE CITY FOR REVIEW, BUT SHALL REMAIN IN GENERAL CONFORMANCE TO THIS PLAN.
- ANY INCREASE IN IMPERVIOUS AREA WILL BE ATTENUATED VIA THE STORMWATER MANAGEMENT POND PROPOSED ON THIS SITE. A PERMIT GRADING PLAN HAS BEEN SUBMITTED TO DEQ TO OBTAIN A PERMIT UNDER THE PART IIC (CURRENT, 2009-2014) REGULATIONS.
- THE PROPERTY SHOWN HEREON IS NOT WITHIN A FEMA 100 YEAR FLOOD PLAIN. SEE PANEL# 5100930102D, UNSHADED ZONE "X", DATED JUNE 3, 2008.
- LANDSCAPING WILL BE PROPOSED PER THE CITY OF LYNCHBURG'S LANDSCAPE ORDINANCE. LANDSCAPING SHOWN HEREIN IS SHOWN TO BE IN CONFORMANCE WITH THE LANDSCAPING ORDINANCE.
- EROSION AND SEDIMENT CONTROL MEASURES WILL BE USED IN ACCORDANCE WITH THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK. E&S MEASURES ARE NOT SHOWN ON THIS PLAN, BUT WILL BE INCLUDED WITH THE ACTUAL SITE PLAN WHEN SUBMITTED.
- THE DEVELOPER IS RESPONSIBLE FOR OBTAINING ALL NECESSARY STATE, FEDERAL, AND LOCAL PERMITS REQUIRED FOR THE DEVELOPMENT OF THIS SITE.
- THIS SITE WILL BE SERVED BY PUBLIC WATER & SANITARY SEWER.
- ACREAGE IS 11.29 AC
- SITE DENSITY IS CALCULATED TO BE 9.57 UNITS PER AC (108 UNITS / 11.29 AC)

SITE NOTES:

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

PARKING CALCS:

REQ'D:
1 SPACE PER UNIT

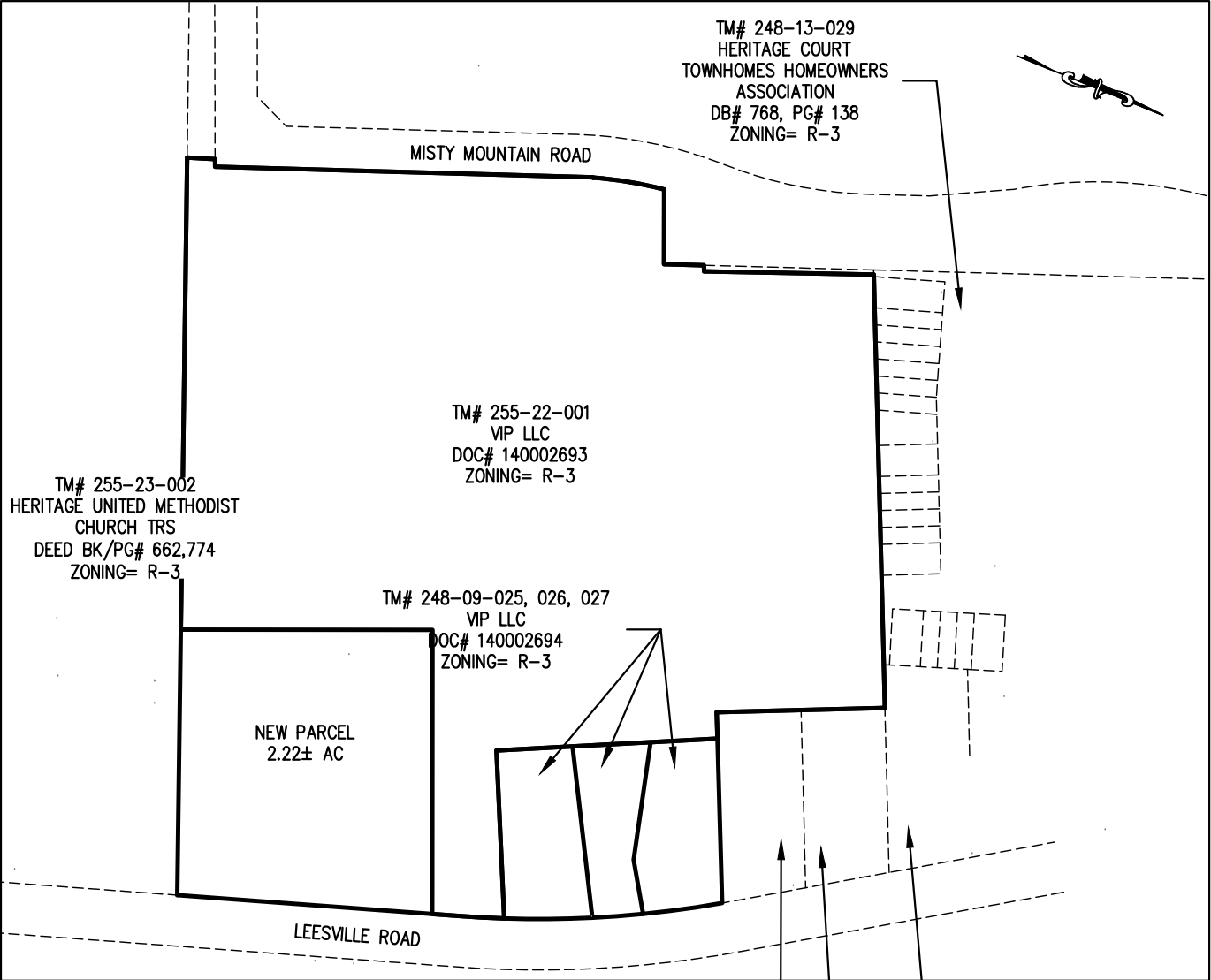
REQUIRED:
108 SPACES

PROVIDED:
208 SPACES

TOWNHOMES
10'
16' AT ENDS
25'
1,200 SF
16'
16'

SHEET INDEX:

SHEET	SHEET NO.	SHEET TITLE
C-100	1 OF 5	COVER SHEET
C-101	2 OF 5	EXISTING CONDITIONS
C-102	3 OF 5	SITE LAYOUT
C-103	4 OF 5	GRADING PLAN
C-104	5 OF 5	BOUNDARY SHEET



TM# 248-09-020
BRADLEY A &
BRITTANY C NELSON
DOC# 110000782
ZONING= R-3

TM# 248-09-018
VIAR, PAIGE ELISE A
DOC# 150001874
ZONING= R-3

TM# 248-09-019
VIP LLC
DOC# 150000758
ZONING= R-3



JOB:
HERITAGE COURT TOWNHOMES
CONDITIONAL USE PLAN

LYNCHBURG, VA

CLIENT:
VIP LLC

1	11/30/15	REV PER TRC

MARK DATE DESCRIPTION

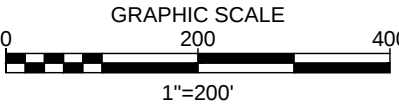
ISSUE: 11/03/15

CONTOUR INTERVAL: 2'

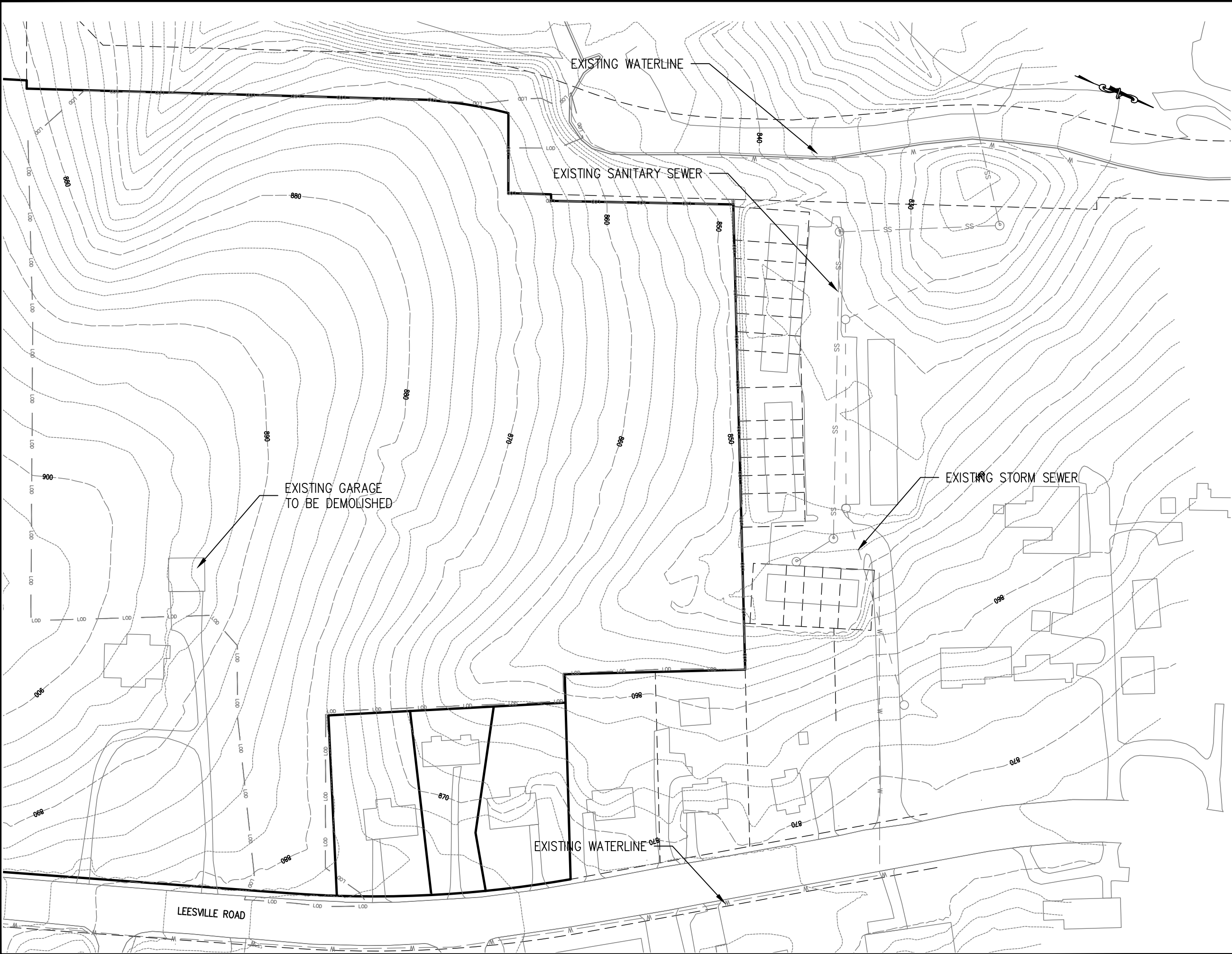
DRAWN BY: MJD/NBW

CHECKED BY: NBW

COVER SHEET



JOB NO 14119 SHEET NO 1 OF 5



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

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



JOB:
HERITAGE COURT TOWNHOMES
CONDITIONAL USE PLAN

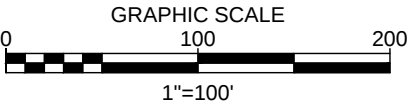
LYNCHBURG, VA

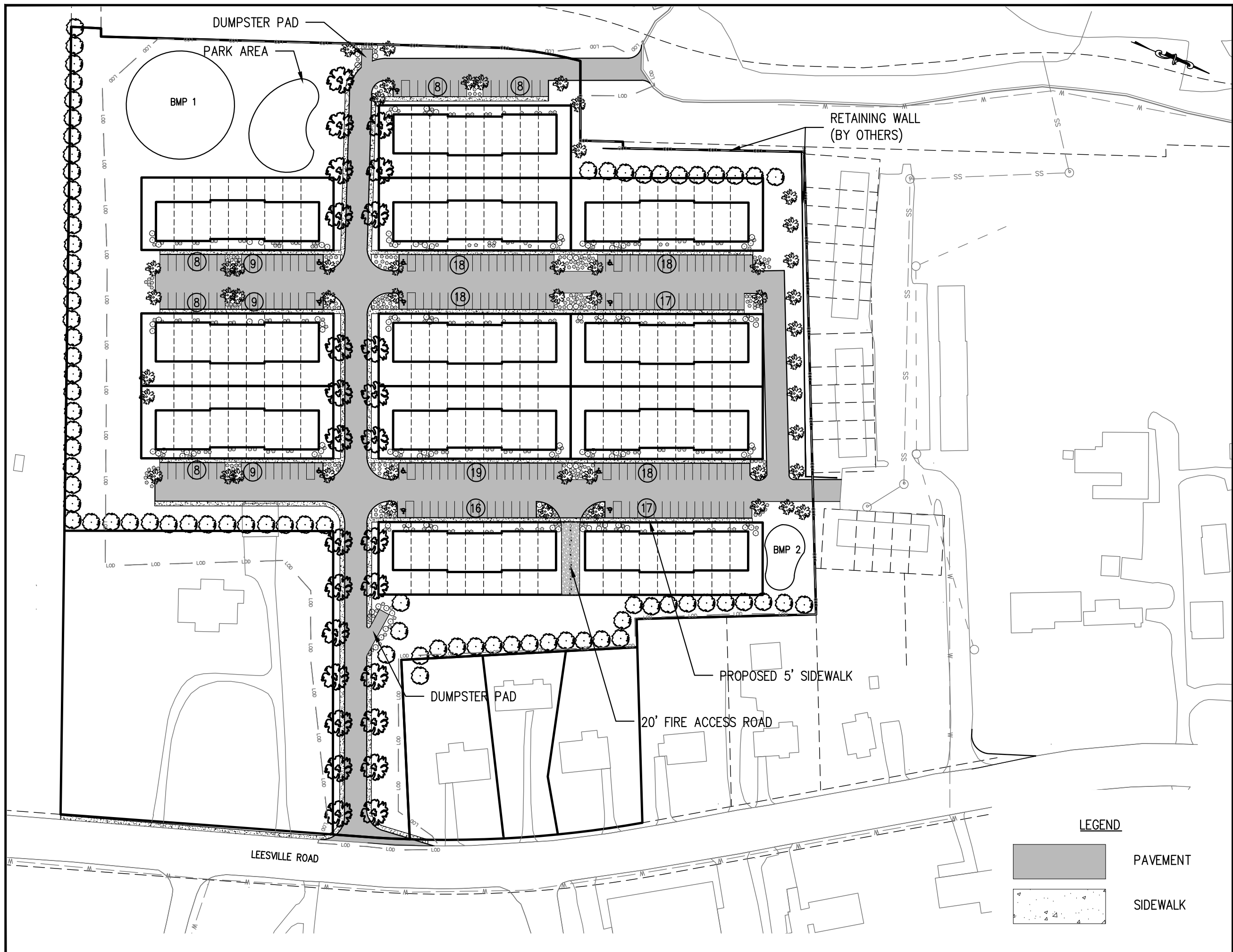
CLIENT:
VIP LLC

1	11/30/15	REV PER TRC

MARK	DATE	DESCRIPTION
ISSUE:		11/03/15
CONTOUR INTERVAL:		2'
DRAWN BY:		MJD/NBW
CHECKED BY:		NBW

EXISTING CONDITIONS





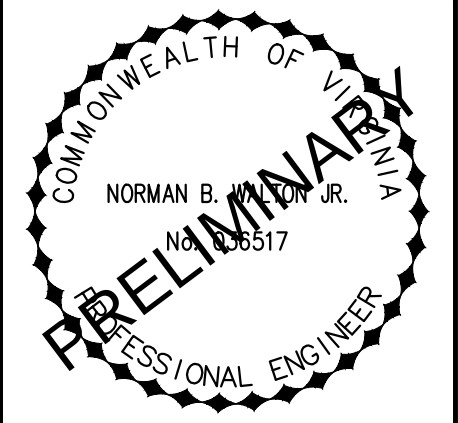
LEGEND

	PAVEMENT
	SIDEWALK

PERKINS & ORRISON
ENGINEERS ▲ PLANNERS ▲ SURVEYORS

PO BOX 1567 17 W. NELSON STREET
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JOB:
HERITAGE COURT TOWNHOMES
CONDITIONAL USE PLAN

LYNCHBURG, VA

CLIENT:
VIP LLC

1	11/30/15	REV PER TRC
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MARK	DATE	DESCRIPTION
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ISSUE: 11/03/15

CONTOUR INTERVAL: 2'

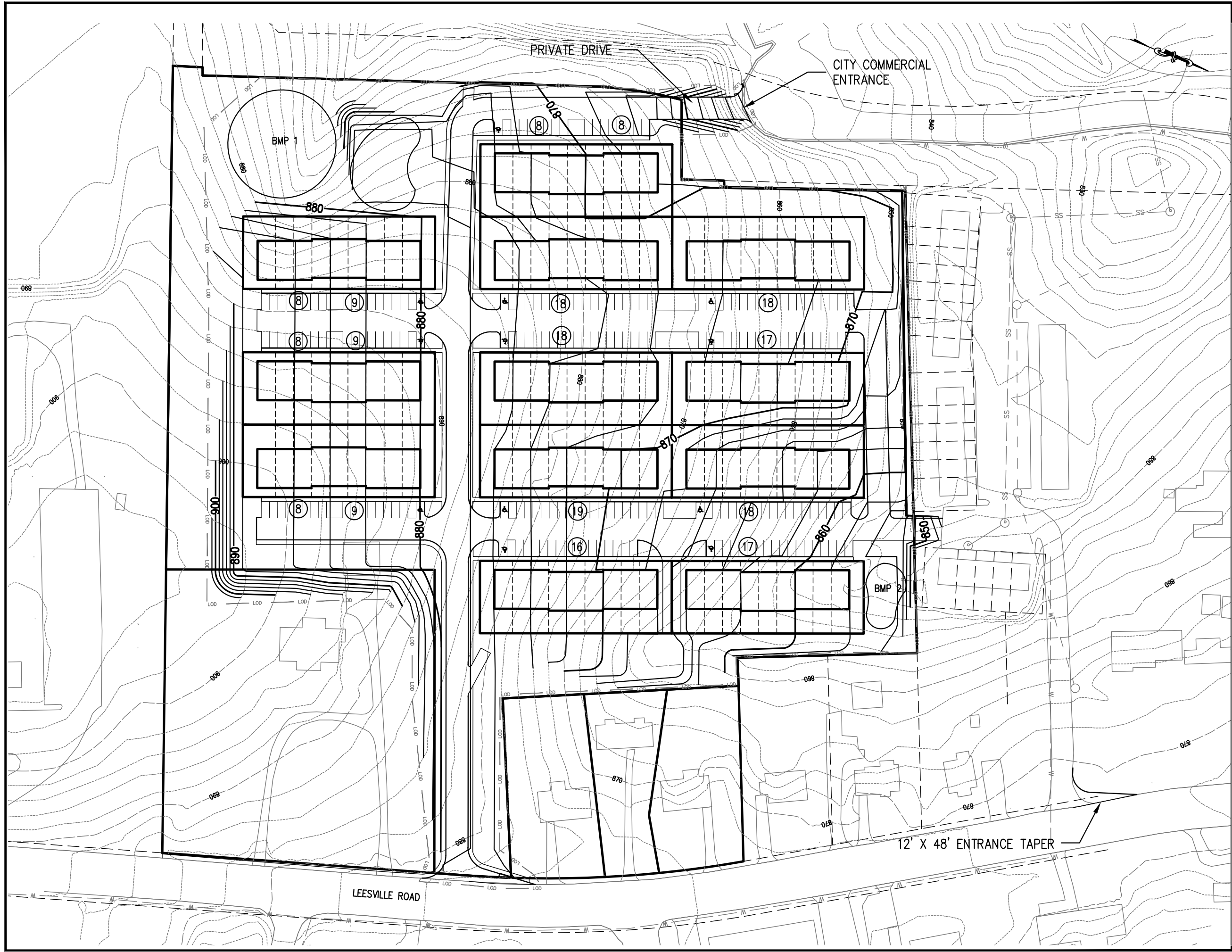
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CHECKED BY: NBW

SITE LAYOUT

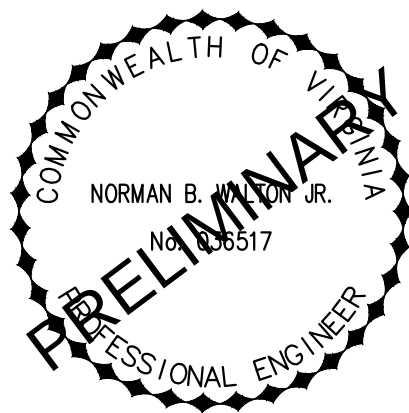
GRAPHIC SCALE

0 100 200
1"=100'



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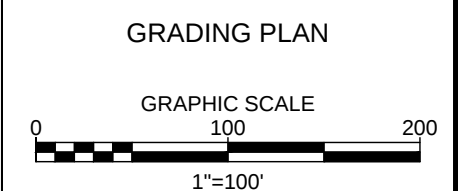
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FOREST, VIRGINIA 24551
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JOB:
HERITAGE COURT TOWNHOMES
CONDITIONAL USE PLAN

LYNCHBURG, VA
CLIENT:
VIP LLC

1	11/30/15	REV PER TRC
MARK	DATE	DESCRIPTION
ISSUE:		11/03/15
CONTOUR INTERVAL:		2'
DRAWN BY:		MJD/NBW
CHECKED BY:		NBW



NOTICE
REQUEST FOR A CONDITIONAL USE PERMIT

NAME OF APPLICANT: VIP, LLC

TELEPHONE NUMBER: 434-229-6250

ADDRESS OF PROPERTIES: 572 LEESVILLE ROAD

PRESENT ZONING: R-3

PROPOSED USE OF PROPERTY: TOWNHOMES

ADDITIONAL INFORMATION: CALL PLANNING DIVISION, DEPARTMENT
OF COMMUNITY DEVELOPMENT (434) 455-3900



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

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



JOB:
HERITAGE COURT TOWNHOMES
CONDITIONAL USE PLAN

LYNCHBURG, VA

CLIENT:
VIP LLC

1	11/30/15	REV PER TRC

MARK	DATE	DESCRIPTION
ISSUE:		11/03/15
CONTOUR INTERVAL:		2'
DRAWN BY:		MJD/NBW
CHECKED BY:		NBW

PERMIT SIGN

Lexington

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

**Lynchburg**

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

November 2, 2015

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

RECEIVED

NOV 03 2015

COMMUNITY
DEVELOPMENT

RE: Conditional Use Permit Request Narrative
Heritage Court Townhomes – CUP1405-0002

Dear Mr. Martin

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

This project fronts both Leesville Road and Misty Mountain Road. The CUP is for 11.29 Acres, the remaining 2.22 Acres is for the existing home and new parcel that will front Leesville Road.

Currently the development plan is to develop 11.29 acres, with 108 townhouse units, yielding 9.57 units per acre. The R-3 zoning allows for 10.89 units per acre. The comprehensive plan and the Future Land Use Map show this area to be Medium Density Residential, allowing for 12 units per acre.

A traffic study has been completed which recommends tapers at both Leesville Road intersections, according to VDOT design criteria. The two intersections requiring tapers are the proposed entrance to the development and the existing Heritage Court Townhome entrance, as the internal roadway system connects the existing and proposed developments. These tapers are now shown on the plans.

The water system for the townhouse development can be connected in at least two points. The first being on the water main along Leesville Road, and the other connection can be a connection to the existing water system for the existing Heritage Court (this may be a private line). Another option would be to connect to the waterline within the right-of-way of Misty Mountain Road. Individual meters will be set for each townhome.

The sanitary sewer system will connect to the existing public sewer main in the existing Heritage Court Townhome development.

PERKINS & ORRISON

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

27 Green Hill Drive
Forest, Virginia 24551

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

Email: pno@perkins-orrison.com

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

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

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

Sincerely,



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

PERKINS & ORRISON

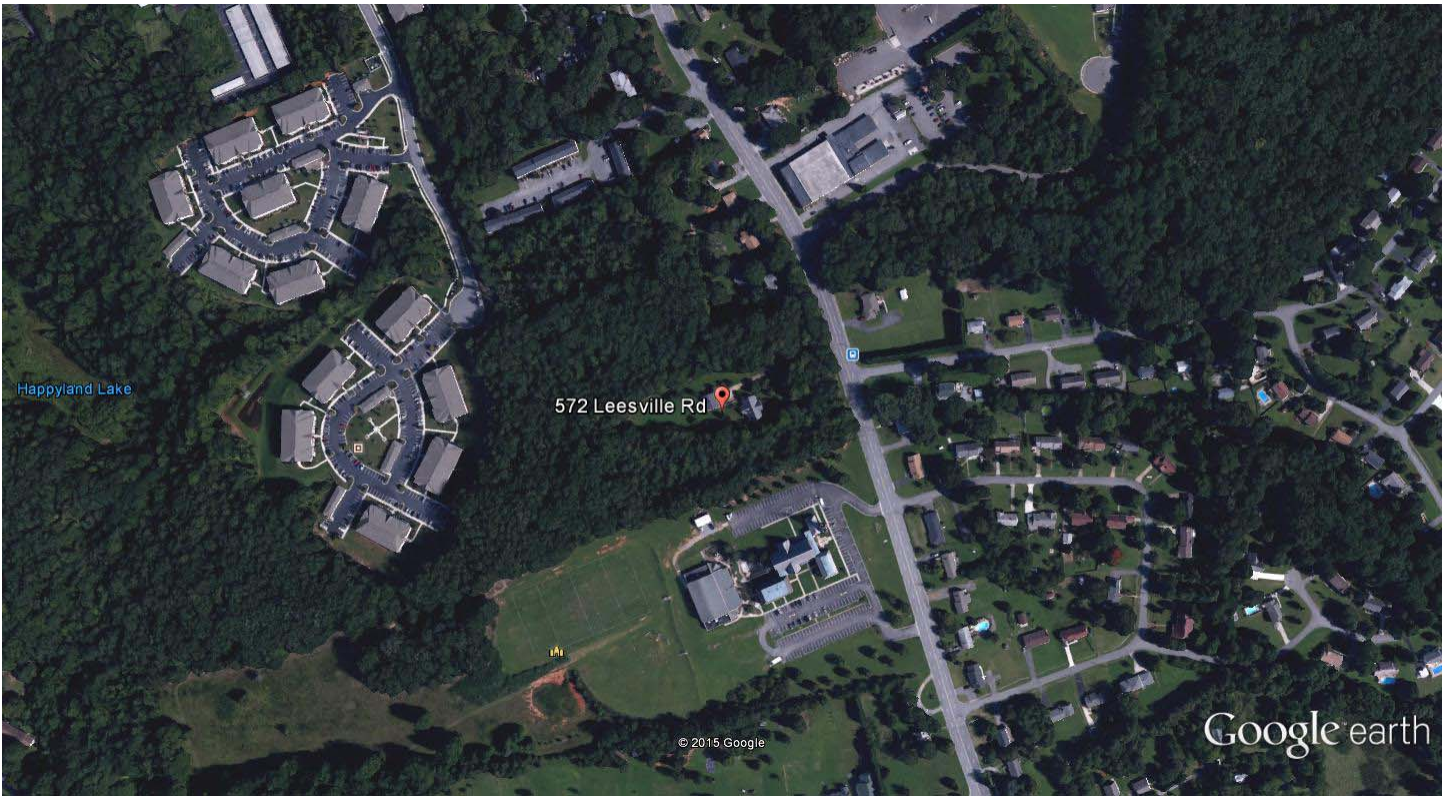
17 W. Nelson Street · P.O. Box 1567
Lexington, Virginia 24450

27 Green Hill Drive
Forest, Virginia 24551

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

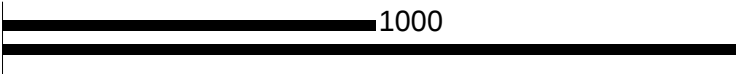
Email: pno@perkins-orrison.com

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



Google earth

feet
meters



**Heritage Court Townhomes
Conditional Use Permit
572 Leesville Road
December 9, 2015**

PLEASE PRINT

[illegible]

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **January 12, 2015**

AGENDA ITEM NO.: 11

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Rezoning – Liberty University, Thomas Road Baptist Church – IN-2, Institutional 2 District**

RECOMMENDATION: Approval of the rezoning petition.

SUMMARY: Liberty University and Thomas Road Baptist Church are petitioning to rezone forty-one (41) tracts containing approximately seven hundred fifty-two (752) acres to IN-2, Institutional 2 District. The properties are recommended for Institutional, Community Commercial, Employment 2 and Resource Conservation land uses on the *Future Land Use Map (FLUM)*. The intent of an Institutional District is to provide for uses such as schools, colleges, universities, senior living facilities, medical facilities and churches with multiple buildings contained in a campus setting. Institutional 2, IN-2 Districts are for larger institutional campuses located primarily adjacent to districts other than residential districts. If approved, the expansion of Liberty University and Thomas Road Baptist Church would be allowed by right without the need for further conditional use permit approvals by Council. The Institutional 2 District would also allow uses permitted in the B-5, General Business District by right.

PRIOR ACTION(S):

December 9, 2015:

The Planning Division recommended approval of the rezoning petition.

The Planning Commission recommended approval of the rezoning petition (3-0, with one absence, Perault, one abstention, Light, and two vacancies)

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 – December 9, 2015
- Zoning Map
- FLUM Map
- Watershed Map
- Planimetric and Topographic Map
- Liberty University IN-2, Rezoning Property Map – 11/30/15
- Wetland Delineation Map – 11/30/15
- Slope Map
- Speaker Signup Sheet

REVIEWED BY: lkp

UNCODIFIED ORDINANCE:

AN ORDINANCE CHANGING A CERTAIN AREA FROM R-C, CONSERVATION DISTRICT, R-2C, LOW-MEDIUM DENSITY, SINGLE-FAMILY RESIDENTIAL DISTRICT (CONDITIONAL), R-5, HIGH DENSITY, MULTI-FAMILY RESIDENTIAL DISTRICT, B-3C, COMMUNITY COMMERCIAL DISTRICT (CONDITIONAL), B-5, GENERAL BUSINESS DISTRICT, B-5C, GENERAL BUSINESS DISTRICT (CONDITIONAL), I-2, LIGHT INDUSTRIAL DISTRICT, I-2C, LIGHT INDUSTRIAL DISTRICT (CONDITIONAL) AND I-3, HEAVY INDUSTRIAL DISTRICT TO IN-2, INSTITUTIONAL 2 DISTRICT.

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 from R-C, Conservation District, R-2C, Low-Medium Density, Single-Family Residential District (Conditional), R-5, High Density, Multi-Family Residential District, B-3C, Community Business District (Conditional), B-5, General Business District, B-5C, General Business District Conditional, I-2, Light Industrial District, I-2C, Light Industrial District (Conditional) and I-3, Heavy Industrial District to IN-2, Institutional 2 District as shown on the "Liberty University, IN-2, Rezoning Property Map" dated revised November 30, 2015 as recommended by the Planning Commission on December 9, 2015,

The area embraced within the following boundaries:

Address	Owner	Acreage	Rezoned Ac.
100 SOUTH CAMPUS DR	LIBERTY UNIVERSITY INC	19.00	19.00
135 SOUTH CAMPUS DR	LIBERTY UNIVERSITY INC	4.80	4.80
153 SOUTH CAMPUS DR	LIBERTY UNIVERSITY INC	12.16	12.16
104 EAST CAMPUS DR	LIBERTY UNIVERSITY INC	54.45	54.45
107 EAST CAMPUS DR	LIBERTY UNIVERSITY INC	6.43	6.43
1400 UNIVERSITY BLVD	LIBERTY UNIVERSITY INC	0.96	0.96
1430 UNIVERSITY BLVD	LIBERTY UNIVERSITY INC	0.41	0.41
1530 UNIVERSITY BLVD	LIBERTY UNIVERSITY INC	1.00	1.00
1971 UNIVERSITY BLVD	LIBERTY UNIVERSITY INC	153.67	153.66
1600 LIBERTY MOUNTAIN DR	LIBERTY UNIVERSITY INC	0.60	0.60
2200 LIBERTY MOUNTAIN DR	LIBERTY UNIVERSITY INC	16.45	16.45
2300 LIBERTY MOUNTAIN DR	LIBERTY UNIVERSITY INC	3.67	3.67
3540 YOUNG PL	LIBERTY UNIVERSITY INC	0.88	0.88
3552 YOUNG PL	LIBERTY UNIVERSITY INC	6.45	6.45
3572 YOUNG PL	LIBERTY UNIVERSITY INC	6.18	6.18
3576 YOUNG PL	LIBERTY UNIVERSITY INC	6.48	6.48
3622 CANDLERS MOUNTAIN RD	LIBERTY UNIVERSITY INC	1.14	1.14
3760 CANDLERS MOUNTAIN RD	LIBERTY UNIVERSITY INC	0.77	0.77
3762 CANDLERS MOUNTAIN RD	LIBERTY UNIVERSITY INC	1.86	1.86
3777 CANDLERS MOUNTAIN RD	LIBERTY UNIVERSITY INC	4.22	4.22
3778 CANDLERS MOUNTAIN RD	LIBERTY UNIVERSITY INC	2.08	2.08
3786 CANDLERS MOUNTAIN RD	LIBERTY UNIVERSITY INC	2.13	2.13
3794 CANDLERS MOUNTAIN RD	LIBERTY UNIVERSITY INC	2.57	2.57
3797 CANDLERS MOUNTAIN RD	LIBERTY UNIVERSITY INC	1.16	1.16
3802 CANDLERS MOUNTAIN RD	LIBERTY UNIVERSITY INC	4.13	4.13
4000 CANDLERS MOUNTAIN RD	LIBERTY UNIVERSITY INC	342.11	173.21
4000 CANDLERS MOUNTAIN RD	LIBERTY UNIVERSITY INC	11.68	11.68

5001 CANDLERS MOUNTAIN RD	LIBERTY UNIVERSITY INC	21.43	21.43
218 TOP RIDGE DR	LIBERTY UNIVERSITY INC	3.50	3.50
219 TOP RIDGE DR	LIBERTY UNIVERSITY INC	4.83	4.83
400 TOP RIDGE DR	LIBERTY UNIVERSITY INC	22.74	22.74
614 TOP RIDGE DR	LIBERTY UNIVERSITY INC	2.73	2.73
800 TOP RIDGE DR	LIBERTY UNIVERSITY INC	53.00	34.65
100 TOWNS CT	LIBERTY UNIVERSITY INC	25.67	25.67
4000 MAYFLOWER DR	LIBERTY UNIVERSITY INC	3.87	3.87
751 MOUNTAIN VIEW RD	LIBERTY UNIVERSITY INC	54.54	54.54
3700 CANDLERS MOUNTAIN RD	LU CANDLERS STATION HOLDINGS LLC	28.46	28.46
3724 CANDLERS MOUNTAIN RD	LU CANDLERS STATION HOLDINGS LLC	0.14	0.14
3756 CANDLERS MOUNTAIN RD	LU CANDLERS STATION HOLDINGS LLC	0.81	0.81
1700 LIBERTY MOUNTAIN DR	THOMAS ROAD BAPTIST CHURCH	3.53	3.53
601 MOUNTAIN VIEW RD	THOMAS ROAD BAPTIST CHURCH	47.08	47.08
		Total Parcel Acreage:	Total Rezoned Acreage:
		939.76	752.51

...is hereby changed from R-C, Conservation District, R-2C, Low-Medium Density, Single-Family Residential District (Conditional), R-5, High Density, Multi-Family Residential District, B-3C, Community Business District (Conditional), B-5, General Business District, B-5C, General Business District Conditional, I-2, Light Industrial District, I-2C, Light Industrial District (Conditional) and I-3, Heavy Industrial District to IN-2, Institutional 2 District as shown on the “Liberty University, IN-2, Rezoning Property Map” dated revised November 30, 2015 as recommended by the Planning Commission on December 9, 2015.

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

008K

The Department of Community Development

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

To: Planning Commission
From: Planning Division
Date: December 9, 2015
Re: Rezoning: Liberty University, Thomas Road Baptist Church – IN-2, Institutional 2 District

I. PETITIONERS

Liberty University, 1971 University Boulevard, Lynchburg, Virginia 24515
Thomas Road Baptist Church, 1 Mountain View Road, Lynchburg, Virginia 24502
LU Candles Station Holdings, LLC, 1971 University Boulevard, Lynchburg, Virginia 24515

Representative: Mr. Charles Spence, Liberty University, 1971 University Boulevard, Lynchburg, Virginia 24515

II. LOCATION

The subject property includes forty-one (41) tracts comprising approximately nine hundred thirty-nine (939) acres of which approximately seven hundred fifty-two (752) acres are proposed to be rezoned. The tracts include:

Address	Owner	Acreage	Rezoned Ac.	Zoning
100 SOUTH CAMPUS DR	LIBERTY UNIVERSITY INC	19.00	19.00	B5 C / B5
135 SOUTH CAMPUS DR	LIBERTY UNIVERSITY INC	4.80	4.80	B5 C
153 SOUTH CAMPUS DR	LIBERTY UNIVERSITY INC	12.16	12.16	B5 C
104 EAST CAMPUS DR	LIBERTY UNIVERSITY INC	54.45	54.45	B3 C
107 EAST CAMPUS DR	LIBERTY UNIVERSITY INC	6.43	6.43	B3 C
1400 UNIVERSITY BLVD	LIBERTY UNIVERSITY INC	0.96	0.96	B3 C
1430 UNIVERSITY BLVD	LIBERTY UNIVERSITY INC	0.41	0.41	B3 C
1530 UNIVERSITY BLVD	LIBERTY UNIVERSITY INC	1.00	1.00	B5
1971 UNIVERSITY BLVD	LIBERTY UNIVERSITY INC	153.67	153.66	B5/B5 C
1600 LIBERTY MOUNTAIN DR	LIBERTY UNIVERSITY INC	0.60	0.60	B3 C
2200 LIBERTY MOUNTAIN DR	LIBERTY UNIVERSITY INC	16.45	16.45	B3 C / B3
2300 LIBERTY MOUNTAIN DR	LIBERTY UNIVERSITY INC	3.67	3.67	B3 C
3540 YOUNG PL	LIBERTY UNIVERSITY INC	0.88	0.88	I3
3552 YOUNG PL	LIBERTY UNIVERSITY INC	6.45	6.45	I3
3572 YOUNG PL	LIBERTY UNIVERSITY INC	6.18	6.18	I3/I2
3576 YOUNG PL	LIBERTY UNIVERSITY INC	6.48	6.48	I2 C
3622 CANDLERS MOUNTAIN RD	LIBERTY UNIVERSITY INC	1.14	1.14	B3 C/B5 C
3760 CANDLERS MOUNTAIN RD	LIBERTY UNIVERSITY INC	0.77	0.77	B3 C
3762 CANDLERS MOUNTAIN RD	LIBERTY UNIVERSITY INC	1.86	1.86	B3 C
3777 CANDLERS MOUNTAIN RD	LIBERTY UNIVERSITY INC	4.22	4.22	B3 C
3778 CANDLERS MOUNTAIN RD	LIBERTY UNIVERSITY INC	2.08	2.08	B3 C
3786 CANDLERS MOUNTAIN RD	LIBERTY UNIVERSITY INC	2.13	2.13	B3 C
3794 CANDLERS MOUNTAIN RD	LIBERTY UNIVERSITY INC	2.57	2.57	B3 C
3797 CANDLERS MOUNTAIN RD	LIBERTY UNIVERSITY INC	1.16	1.16	B3 C
3802 CANDLERS MOUNTAIN RD	LIBERTY UNIVERSITY INC	4.13	4.13	B3 C
4000 CANDLERS MOUNTAIN RD	LIBERTY UNIVERSITY INC	342.11	173.21	R2 C/B3 C

4000 CANDLERS MOUNTAIN RD	LIBERTY UNIVERSITY INC	11.68	11.68	R2 C
5001 CANDLERS MOUNTAIN RD	LIBERTY UNIVERSITY INC	21.43	21.43	B3 C
218 TOP RIDGE DR	LIBERTY UNIVERSITY INC	3.50	3.50	R2 C
219 TOP RIDGE DR	LIBERTY UNIVERSITY INC	4.83	4.83	R5
400 TOP RIDGE DR	LIBERTY UNIVERSITY INC	22.74	22.74	RC
614 TOP RIDGE DR	LIBERTY UNIVERSITY INC	2.73	2.73	RC
800 TOP RIDGE DR	LIBERTY UNIVERSITY INC	53.00	34.65	RC
100 TOWNS CT	LIBERTY UNIVERSITY INC	25.67	25.67	B3 C
4000 MAYFLOWER DR	LIBERTY UNIVERSITY INC	3.87	3.87	I3
751 MOUNTAIN VIEW RD	LIBERTY UNIVERSITY INC	54.54	54.54	B5 C/I2
3700 CANDLERS MOUNTAIN RD	LU CANDLERS STATION HOLDINGS LLC	28.46	28.46	B3 C
3724 CANDLERS MOUNTAIN RD	LU CANDLERS STATION HOLDINGS LLC	0.14	0.14	I2
3756 CANDLERS MOUNTAIN RD	LU CANDLERS STATION HOLDINGS LLC	0.81	0.81	B3 C
1700 LIBERTY MOUNTAIN DR	THOMAS ROAD BAPTIST CHURCH	3.53	3.53	B3 C
601 MOUNTAIN VIEW RD	THOMAS ROAD BAPTIST CHURCH	47.08	47.08	I2 / B5C
		Total Parcel Acreage:	Total Rezoned Acreage:	
		939.76	752.51	

Property Owners:

Liberty University, 1971 University Boulevard, Lynchburg, Virginia 24515

Thomas Road Baptist Church, 1 Mountain View Road, Lynchburg, Virginia 24502

LU Candler Station Holdings, LLC, 1971 University Boulevard, Lynchburg, Virginia 24515

III. PURPOSE

The purpose of the petition is to rezone the properties to establish an IN-2 District for Liberty University and Thomas Road Baptist Church. Section 35.1-38.2(a) of the Zoning Ordinance lists the intent of Institutional Districts as: “The intent of Institutional Districts is to provide for institutional uses such as schools, colleges, universities, senior living facilities, medical facilities and churches with multiple buildings contained in a campus setting. The amount of offsite impact related to an institution depends as much on the location as the size and scale of the campus. These districts will provide flexibility for institutions while creating development standards to minimize off site impacts such as noise, lighting, traffic, and availability/capacity of water and sanitary sewer infrastructure associated with their development. Offsite impacts related to erosion and sediment control/stormwater management will be mitigated by existing city ordinances.” IN-2 Districts are for larger institutional campuses located primarily adjacent to districts other than residential districts.

IV. SUMMARY

- The *Future Land Use Map (FLUM)* recommends Institutional, Community Commercial, Employment 2 and Resource Conservation land uses for the properties.
- Petition would create the first Institutional District within the City.
- Establishment of the Institutional District would allow the expansion of the institutions, and their accessory uses by right. The Institutional District would also allow uses permitted in the B-5, General Business District.

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 Institutional, Community Commercial, Employment 2 and Resource Conservation land uses for the areas proposed for rezoning.

Institutional areas are intended to include the religious, educational and other nonprofit entities in the City. Examples include churches, cemeteries, private schools and universities, private nonprofit hospitals, service clubs and organizations and other nonprofit institutions. (p. 76)

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

Employment 2 areas are intended to include light and heavy manufacturing, research and development, flex space and large-scale office uses. Restaurant, hotel and business service uses are also appropriate, if sized and designed to serve the employment area. Employment 2 differs from Employment 1 in that it permits heavy industrial uses. The types of uses permitted will be defined more precisely when the *Zoning Ordinance* is updated. (p. 76)

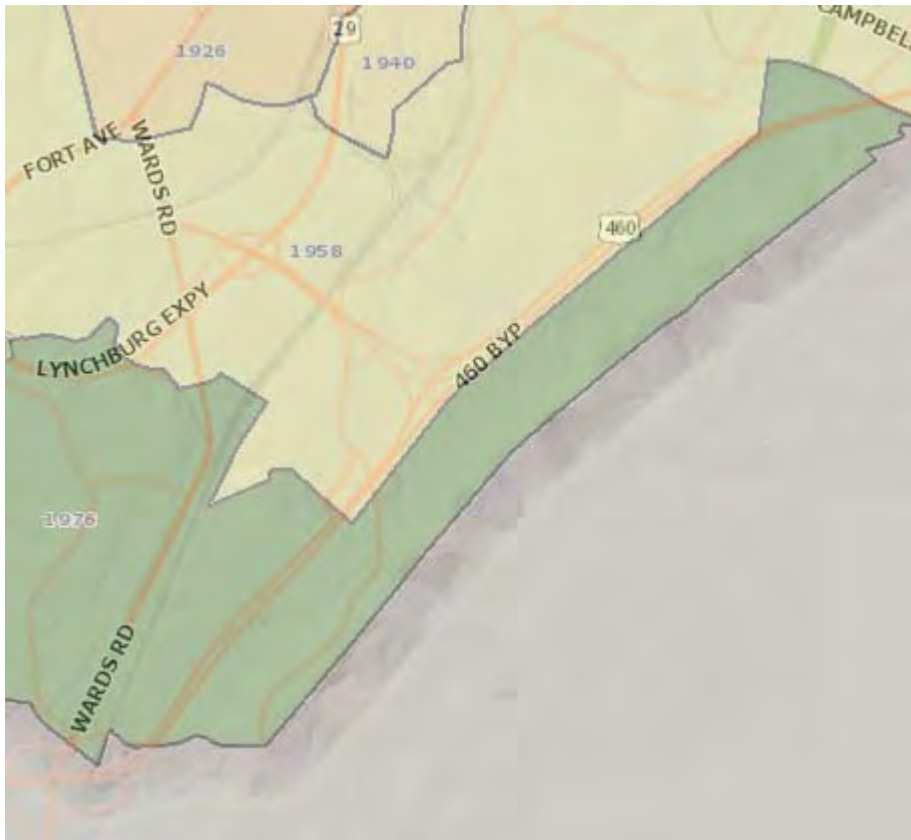
Resource Conservation Areas encompass lands with special natural characteristics that limit land uses and development to protect the City's environmental health. The mapped Resource Conservation Areas include the steep slopes of Candler's Mountain as well as the City's stream valleys. The stream valleys, as defined in this Comprehensive Plan, include streams and rivers, their 100 - year floodplains, connected wetlands and adjacent steep slopes. Steep slopes are defined as slopes of 25% or greater. The actual boundaries of the Resource Conservation Area should be determined on a site-by-site basis using the best available environmental data.

Resource Conservation Areas are planned to remain in vegetated open space with development limited to: 1) trails and other passive recreational facilities that involve minimal removal of vegetation, and 2) public facilities that must be located in stream valleys. These include sewer mains, wastewater treatment plants, water intakes and outfalls, road crossings, and public boat ramps. The goal is to keep Resource Conservation Areas as natural as possible to stabilize slopes, prevent soil erosion, provide natural absorption areas for urban runoff, moderate climate, and provide wooded areas for wildlife and for the respite of City dwellers. Many of the stream valley Resource Conservation Areas are recommended to become greenways in the Parks and Recreation element, and thus may have public access trails. Other Resource Conservation Areas, not designated as greenways on the Parks & Recreation Map, are to remain in natural vegetation for purely environmental protection reasons.

On privately owned land within conservation areas, the intent of this Plan is to allow appropriate land uses and infrastructure as long as the environmental value of the areas is conserved or enhanced and public safety is protected through buffers and other best

management practices. The zoning ordinance should enable clustering, transfers of development rights and density bonuses to encourage resource protection. (*p. 77*)

2. **Zoning.** The areas proposed for rezoning were annexed into the city in 1958 and 1976.



Annexed Areas

The existing zoning consists of multiple districts established from 1978 with the adoption of the current Zoning Map or by subsequent rezoning approved by Council. Detailed information on existing zoning can be found in Section II, Location.

3. **Proffers.** The petitioner is not proposing proffers as part of the petition.
4. **Board of Zoning Appeals (BZA).** N/A
5. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - On January 11, 1983, Council approved the petition of Old Time Gospel Hour to rezone property located on the eastside of U.S. Route 460 (103, 104 East Campus Drive, 100 Towns Court, 2200 Liberty Mountain Drive & 5001 Candler's Mountain Road) from R-C, Conservation District to R-4C, Medium-High Density, Multi-Family Residential District (Conditional).
 - On October 14, 1986, Council approved the petition of Thomas L. Phillips to rezone the 3700 Block of Candler's Mountain Road from I-3, Heavy Industrial District & I-2, Light Industrial District to B-5C, General Business District (Conditional), B-3C, Community Business District (Conditional) & R-4C, Medium-High Density, Multi-Family Residential District (Conditional).
 - On February 24, 1988, Council approved the petition of Old Time Gospel Hour to rezone 3765 Candler's Mountain Road (now 135, 143 & 301 South Campus Drive) from I-2, Light Industrial District to B-5C, General Business District (Conditional).

- On April 14, 1988, Council approved the petition of Liberty University for a conditional use permit at 1971 University Boulevard to allow the construction of dormitories, visitors center, additions to the Demoss Building and parking.
- On October 10, 1988, Council approved the petition of Old Time Gospel Hour to rezone property located on the eastside of U.S. Route 460 (103, 104 East Campus Drive, 100 Towns Court, 2200 Liberty Mountain Drive & 5001 Candler's Mountain Road) from R-4C, Medium-High Density, Multi-Family Residential District (Conditional) & B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional).
- On March 14, 1989, Council approved the petition of Old Time Gospel Hour & Liberty University for a conditional use permit at 3765 Candler's Mountain Road to allow the construction of a football stadium and basketball arena.
- On July 11, 1989, Council approved the petition of NW Development Inc., to rezone the 3600 & 3700 Blocks of Candler's Mountain Road from I-2, Light Industrial District, B-3C, Community Business District (Conditional), B-5C, General Business District (Conditional) & R-4, Medium-High Density, Multi-Family Residential District to B-3C, Community Business District (Conditional).
- On October 9, 1990, Council approved the petition of Candler's Station Limited Partnership to rezone 3764 Candler's Mountain Road from I-3, Heavy Industrial District to B-3C, Community Business District (Conditional) & B-5C, General Business District (Conditional).
- On September 13, 1994, Council approved the petition of Candler's Mountain Development Company, L.C., to rezone property on the eastside of Candler's Mountain Road (3786, 3788, 3794, 3802, 4000, 4300, 4520, 4530 Candler's Mountain Road & 218, 230 Top Ridge Road) from R-C, Conservation District to R-2C, Low-Medium Density, Single-Family Residential District & B-3C, Community Business District and a conditional use permit to allow a planned unit development (PUD) and cluster commercial development (CCD).
- On April 9, 1996, Council approved the petition of T&I Properties, Inc., to rezone 3765 Candler's Mountain Road from R-C, Conservation District to R-1, Low-Density, Single-Family Residential District.
- On September 9, 1997, Council approved the petition of the Inn Group to rezone 1910 University Boulevard from R-C, Conservation District & I-2, Light Industrial District to B-3C, Community Business District.
- On November 13, 2001, Council approved the petition of Liberty University for a conditional use permit at 1971 University Boulevard to allow the construction of two student centers and parking.
- On October 14, 2003, Council approved the petition of Thomas Road Baptist Church, Liberty University Inc., and GDT, CGI, LLC for a conditional use permit at 100 Mountain View Road to allow a community recreational facility.
- On December 16, 2003, Council approved the petition of Thomas Road Baptist Church, Liberty University Inc., Lynchburg Christian Academy, Freedom Liberty Partners, Jerry Falwell Ministries, GDT, CGI, LLC and Bostic Development at Lynchburg, LLC to rezone 100 Mountain View Road, 1971 University Boulevard & Liberty Mountain Drive to rezone from B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional), from I-2, Light Industrial District to B-5C, General

Business District (Conditional) and a conditional use permit to allow university and K-12 uses.

- On November 9, 2004, Council approved the recommendation of city staff to amend conditions of the December 16, 2003 conditional use permit for Jerry Falwell Ministries to allow an additional access point at 100 Mountain View Road.
- On April 10, 2007, Council approved the petition of Cole Bros Circus for a conditional use permit at 100 Mountain View Road to operate a temporary circus.
- On June 12, 2007, Council approved the petition of Central Virginia Indoor Soccer to rezone 3572 & 3576 Young Place from I-3, Heavy Industrial District to I-2C, Light Industrial District (Conditional) and a conditional use permit to allow an indoor soccer facility.
- On November 13, 2007, Council approved the petition of Liberty University at 500 Liberty Mountain Drive for a Future Land Use Map Amendment from Institution to Community Commercial, to rezone from R-C, Conservation District to B-3C, Community Business District (Conditional) and a conditional use permit to allow the construction of a building across the City/County corporate limit.
- On June 10, 2008, Council approved the petition of Liberty University at 3794, 3778, 3786, 3802 & 4000, 4250, 4300, 5000 & 5001 Candler Mountain Road, 100 Mountain View Road, 100, 112, 200, 212, 300 Liberty Mountain Drive, 1971 1973, 1975, 1977 University Boulevard & 4013 Wards Road to amend future land use from Low Density Residential to Institutional, to rezone from B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional) and for a conditional use permit to allow an increase of up to fifteen thousand (15,000) students and a consolidated sign plan.

6. **Site Description.** The subject properties include forty-one (41) tracts totaling approximately nine hundred thirty-nine (939) acres of which approximately seven hundred fifty-two (752) acres are proposed to be rezoned. The properties are either used by Liberty University/Thomas Road Baptist Church for their primary or accessory uses or for commercial purposes. A portion of the area proposed for rezoning is vacant and includes the area primarily on the eastern side of U.S. Route 460.
7. **Proposed Use of Property.** If the rezoning is approved, the property would continue to be used for institutional uses and would allow for expansion without the need for conditional use permit approvals.
8. **Traffic, Parking and Public Transit.** The City Engineer had no traffic concerns about the redevelopment of this property.

If the rezoning petition is approved the current conditions of Resolution #R-08-085 approved June 10, 2008 will no longer be relevant. Conditions related to transportation included:

Condition Number 5: The following traffic improvements shall be designed and constructed by Liberty University in accordance with the designated number of students (the combined total of on-campus and commuting) subject to the approval of the City Engineer, City Transportation Engineer and City Planner:

- a. Perimeter Road Phase I -The first of two (2) phases of a road that will parallel the Norfolk and Southern railroad from the at-grade crossing near Liberty University's baseball field/Sonic Restaurant and will extend and connect to the parking lot adjacent

- to Thomas Road Baptist Church. Phase I of the perimeter road is currently under construction.
- b. Close Southern At-Grade Crossing -The Norfolk and Southern railway at-grade crossing at the southern end of the Liberty University Main Campus shall be closed prior to total student enrollment exceeding 13,000 on campus and commuting students.
 - c. Vehicular Tunnel - A vehicular tunnel shall be constructed underneath the Norfolk and Southern railway and provide a connection to Wards Road at Harvard Street. The vehicular tunnel shall connect to the proposed "Perimeter Road" and improvements shall be made to the intersection of Wards Road and Harvard Street as determined by the City's Transportation Engineer. The vehicular tunnel and intersection improvements shall be constructed prior to total student enrollment exceeding 13,000 on campus and commuting students.
 - d. Close At-Grade Crossing- The Norfolk and Southern at-grade railway crossing near the Liberty University baseball field shall be closed concurrently with the construction and completion of the "Vehicular Tunnel."
 - e. Improvements required by conditions 5b, 5c and 5d are subject to Liberty University obtaining necessary approvals from Norfolk and Southern Railway.
 - f. Roundabout- A roundabout shall be constructed at the intersection of University Boulevard and Liberty University Drive prior to total student enrollment exceeding 12,000 on campus and commuting students.
 - g. U.S. Route 460 Ramp Improvements- The existing ramp from U.S. Route 460 east bound lane to access Candler's Mountain Road shall have an additional lane constructed for left (or east bound) movement to the proposed dorm and intramural field facility proposed adjacent to U.S. Route 460. The intersection with this ramp and Candler's Mountain Road shall be improved to have a dedicated right turn movement, a straight and left turn movement, and an incoming or east bound movement. Construction shall be completed prior to total student enrollment exceeding 12,000 on campus and commuting students.
 - h. Perimeter Road Phase II -The second phase of the perimeter road that will complete a loop around the Liberty University campus shall be constructed prior to total student enrollment exceeding 13,000 on campus and commuting students.
 - i. Traffic Signal - A traffic signal shall be installed at the intersection of Liberty Mountain Drive and Liberty University Drive prior to total student enrollment exceeding 13,000 on campus and commuting students.
 - j. Left Turn Lane - A dedicated left turn lane shall be constructed on Liberty Mountain Drive for the east bound traffic to turn left onto Liberty Mountain Drive prior to total student enrollment exceeding 13,000 on campus and commuting students.
 - k. Ramp, Roundabout and Connection to Liberty Mountain Drive- An off-ramp from U.S. Route 460 east bound lane to access the Crossroads Colonnade retail development and to connect to existing Liberty Mountain Drive shall be constructed prior to total student enrollment exceeding 13,500 on campus and commuting students. If the Crossroads Colonnade retail development is not constructed prior to total student enrollment exceeding 13,500 on campus and commuting students, Liberty University shall commission a traffic study to determine what road improvements are necessary. The required traffic study and road improvements are subject to the approval of the City's Transportation Engineer and the Virginia Department of Transportation (VDOT).

Liberty University shall construct the required improvements at its expense prior to student enrollment exceeding 15,000 on campus and commuting students.

Condition Number 6: If the traffic improvements required by condition number five (5) have not been completed prior to student enrollment (the combined total of on-campus and commuting) reaching the total designated enrollment numbers, Liberty University shall be required to submit a bond or letter of credit made payable to the City of Lynchburg and commence construction on the required traffic improvements prior to any further site plan approvals, building or land disturbance permits being issued. The required bond or letter of credit shall designate a completion time, be in the amount for the full cost of improvements and shall be in a form acceptable to the City Engineer and City Transportation Engineer.

Condition Number 7: The following pedestrian/bicycle improvements shall be designed and constructed by Liberty University in accordance with the designated number of students (the combined total of on campus and commuting) subject to the approval of the City Engineer, City Transportation Engineer and City Planner:

- a. Pedestrian Crossings - Liberty University shall partner with the City of Lynchburg to provide pedestrian crossings and signals at Liberty Mountain Drive and Liberty University Drive; Ericsson Drive and University Boulevard; and Candler's Mountain Road and University Boulevard prior to total student enrollment exceeding 12,000 on campus and commuting students.
- b. Pedestrian Tunnel - A pedestrian tunnel that will contribute to the closing of an at-grade railway crossing will be constructed to provide access from the campus of Liberty University and the Wards Road area. The pedestrian tunnel shall be constructed prior to total student enrollment exceeding 13,000 on campus and commuting students. Liberty University will participate with the City in studying what pedestrian improvements may be needed in the Wards Road area.
- c. Perimeter Road Trails - Pedestrian trails shall be installed adjacent to Phase I of the perimeter road which is currently under construction. Pedestrian trails shall be constructed adjacent to Phase II of the perimeter road prior to total student enrollment exceeding 13,000 on campus and commuting students.
- d. Bicycle Lanes- Bicycle lanes shall be constructed to the access roadway for the proposed dorms/intramural fields adjacent to U.S. Route 460.
- e. Bicycle Path - The existing roadway above the baseball stadium shall be converted to a bicycle/pedestrian path in conjunction with the renovation of the baseball stadium.

Condition Number 8: If the pedestrian/bicycle improvements required by condition number seven (7) have not been completed prior to student enrollment (the combined total of on-campus and commuting) reaching the total designated enrollment numbers, Liberty University shall be required to submit a bond or letter of credit made payable to the City of Lynchburg and commence construction on the required pedestrian/bicycle improvements prior to any further site plan approvals, building or land disturbance permits being issued. The required bond or letter of credit shall designate a completion time, be in the amount for the full cost of improvements and shall be in a form acceptable to the City Engineer and City Transportation Engineer.

Condition Number 9: Liberty University shall provide new transit routes throughout campus, as detailed on the "Transit Plan" sheet of the master plan for the expansion of dorms and other Liberty University facilities.

Section 35.1-38.4(d)(3) states "At the time an arena, stadium, auditorium or new entrance to a city street is proposed for construction by the institution, a traffic impact study shall be

required. The traffic impact study shall be prepared by a firm qualified to conduct such studies and shall be conducted in compliance with the city's Manual of Specifications and Standard Details in effect as of the date of adoption of this ordinance. The study shall indicate the following:

- a. The existing level of service for the city streets and intersections serving the IN-2 district.
- b. The impact the anticipated arena, stadium, auditorium or new entrance will have on the level of service (LOS) on city streets and intersections.
- c. Improvements that will be necessary to prevent such anticipated arena, stadium, auditorium or new entrance to a city street from reducing the level of service (LOS) of the streets or intersections serving the IN-2 district lower than "D"; and
- d. In the case of city streets or intersections with an existing level of service (LOS) of "D", improvements necessary to prevent the arena, stadium, auditorium or new entrance to a city street from further reducing the level of service”.

The area is served by the Greater Lynchburg Transit Company (GLTC) Route 4B.

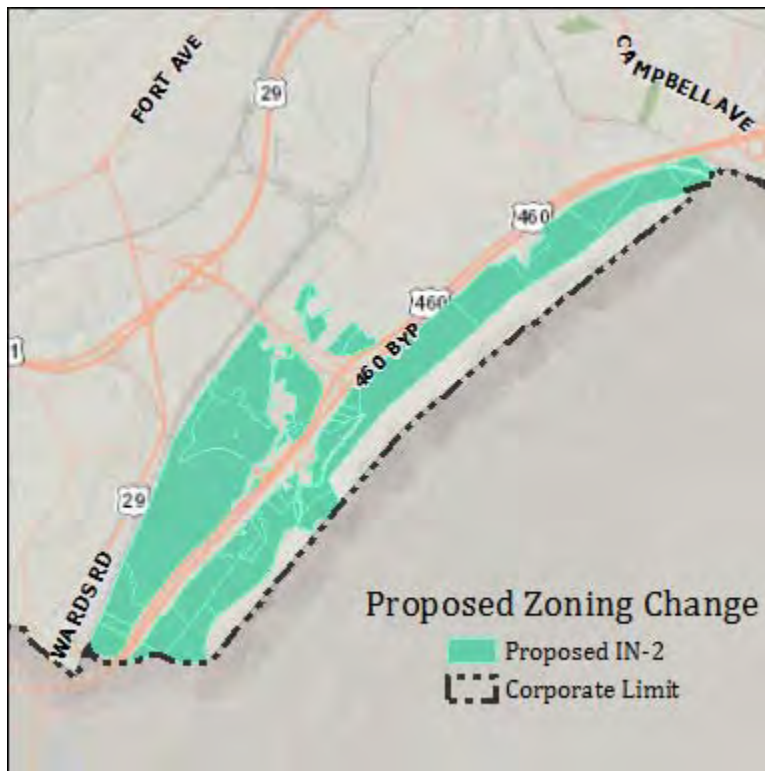
9. **Stormwater Management.** Stormwater attributed to current and future development is grandfathered under 9VAC25-870.A. A stormwater master plan was approved on June 29, 2012. The plan set maximum phosphorous discharges for each drainage area. When development would exceed the maximum discharges grandfathered under the master plan, development would be required to meet the new IIB regulations for stormwater quantity and quality.

10. **Emergency Services.** The City Fire Marshal noted that future expansion would need to meet requirements of the 2012 Virginia Statewide Fire Prevention Code.

The City's Police Department expressed concern that student population would significantly increase traffic issues along U.S. Route 460, Wards Road and Candler's Mountain Road.

11. **Impact.** The petition proposes to create the first IN-2, Institutional 2, District within the city. These districts were created to facilitate the expansion of large institutions located primarily in commercial areas to expand without the need for conditional use permit approvals. If approved uses related Liberty University & Thomas Road Baptist Church would be allowed to expand by right. Other commercial uses typically allowed in the B-5, General Business District would also be permitted in order to support the institution.

The area proposed for rezoning closely follows the area approved for institutional uses by the June 10, 2008 conditional use permit:



Exceptions include the inclusion of the existing Candler's Station Shopping Center and properties fronting Mayflower Drive & Young Place.

The proposed inclusion of properties currently zoned R-C, Resource Conservation District and located at 400, 614 and 800 Top Ridge Road should be closely examined. Portions of these properties are indicated for Institutional or Community Commercial uses on the Future Land Use Map. Information submitted by the petitioner indicate that areas proposed for rezoning are less than twenty-five percent (25%) slope. Wetland and stream delineations have also been submitted, which indicate that these areas could be suitable for rezoning.

Another point of discussion should be the loss of industrially zoned land in the area of Mayflower Drive and Young Place. Under the proposed IN-2 zoning, the property would no longer be able to revert back to a private industrial use.

While there has been no in depth discussion of traffic issues, this is most likely the most significant impact related to the proposed IN-2 zoning district. However, at the time of the creation of the Institutional Districts, the city discussed that traffic issues in this area of the city could not be dealt with solely by Liberty University or the City of Lynchburg. Rather transportation issues will have to be dealt with on a regional basis in cooperation and partnership between the City of Lynchburg, Campbell County, the Virginia Department of Transportation and Liberty University.

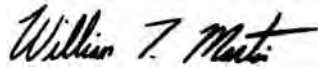
12. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the rezoning on November 3, 2015.

VI. PLANNING DIVISION RECOMMENDATION

Rezone approximately seven hundred fifty-two and fifty-one hundredths (752.51) acres as indicated on "Liberty University, IN-2 Rezoning Property Map, City of Lynchburg, Virginia" dated November 30, 2015 and received December 1, 2015 be zoned as IN-2, Institutional 2 District:

Address	Acreage	Rezoned Ac.	Existing Zoning
100 SOUTH CAMPUS DR	19.00	19.00	B5 C / B5
135 SOUTH CAMPUS DR	4.80	4.80	B5 C
153 SOUTH CAMPUS DR	12.16	12.16	B5 C
104 EAST CAMPUS DR	54.45	54.45	B3 C
107 EAST CAMPUS DR	6.43	6.43	B3 C
1400 UNIVERSITY BLVD	0.96	0.96	B3 C
1430 UNIVERSITY BLVD	0.41	0.41	B3 C
1530 UNIVERSITY BLVD	1.00	1.00	B5
1971 UNIVERSITY BLVD	153.67	153.66	B5/B5 C
1600 LIBERTY MOUNTAIN DR	0.60	0.60	B3 C
2200 LIBERTY MOUNTAIN DR	16.45	16.45	B3 C / B3
2300 LIBERTY MOUNTAIN DR	3.67	3.67	B3 C
3540 YOUNG PL	0.88	0.88	I3
3552 YOUNG PL	6.45	6.45	I3
3572 YOUNG PL	6.18	6.18	I3/I2
3576 YOUNG PL	6.48	6.48	I2 C
3622 CANDLERS MOUNTAIN RD	1.14	1.14	B3 C/B5 C
3760 CANDLERS MOUNTAIN RD	0.77	0.77	B3 C
3762 CANDLERS MOUNTAIN RD	1.86	1.86	B3 C
3777 CANDLERS MOUNTAIN RD	4.22	4.22	B3 C
3778 CANDLERS MOUNTAIN RD	2.08	2.08	B3 C
3786 CANDLERS MOUNTAIN RD	2.13	2.13	B3 C
3794 CANDLERS MOUNTAIN RD	2.57	2.57	B3 C
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614 TOP RIDGE DR	2.73	2.73	RC
800 TOP RIDGE DR	53.00	34.65	RC
100 TOWNS CT	25.67	25.67	B3 C
4000 MAYFLOWER DR	3.87	3.87	I3
751 MOUNTAIN VIEW RD	54.54	54.54	B5 C/I2
3700 CANDLERS MOUNTAIN RD	28.46	28.46	B3 C
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3756 CANDLERS MOUNTAIN RD	0.81	0.81	B3 C
1700 LIBERTY MOUNTAIN DR	3.53	3.53	B3 C
601 MOUNTAIN VIEW RD	47.08	47.08	I2 / B5C
	Total Parcel Acreage:	Total Rezoned Acreage:	
	939.76	752.51	

This matter is respectfully offered for your consideration.

A handwritten signature in black ink that reads "William T. Martin". The signature is written in a cursive, flowing style.

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 Thomas Goode, Fire Marshal
Mr. Doug Saunders, Building Official
Mr. Kevin Henry, Zoning Administrator
Mr. Charles Spence, Liberty University

VII. ATTACHMENTS

- 1. Zoning Map**
- 2. *FLUM* Map**
- 3. Watershed Map**
- 4. Planimetric and Topographic Map**
- 5. Liberty University IN-2 Rezoning Property Map – 11/30/15**
- 6. Wetland Delineation Map – 11/30/15**
- 7. Slope Map**

MINUTES OF THE DECEMBER 9, 2015 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED. THERE WAS NO SECOND PLANNING COMMISSION MEETING IN DECEMBER):

c. Petition of Liberty University, Thomas Road Baptist Church & LU Candles Station Holdings, LLC to rezone the following properties to IN-2, Institutional 2 District to allow the institution and its accessory uses to be permitted by right. The proposed IN-2 district would also allow a wide range of commercial uses by right: 3622 Candles Mtn Road, B-3C, Community Business District (Conditional) & B-5C, General Business District (Conditional); 3700 Candles Mtn Road, B-3C, Community Business District (Conditional) & B-5C, General Business District (Conditional); 3724 Candles Mtn Road, I-2, Light Industrial District; 3756 Candles Mtn Road, B-3C, Community Business District (Conditional); 3760 Candles Mtn Road, B-3C, Community Business District (Conditional); 3762 Candles Mtn Road, B-3C, Community Business District (Conditional); 5001 Candles Mtn Road, B-3, Community Business District (Conditional); 4000 Candles Mtn Road, R-2C, Low-Medium Density, Single-Family District (Conditional) & B-3C, Community Business District (Conditional); 3777 Candles Mtn Road, B-3C, Community Business District (Conditional); 3797 Candles Mtn Road, B-3C, Community Business District (Conditional); 3778 Candles Mtn Road, B-3C, Community Business District (Conditional); 3786 Candles Mtn Road, B-3C, Community Business District (Conditional); 3794 Candles Mtn Road, B-3C, Community Business District (Conditional); 3802 Candles Mtn Road, B-3C, Community Business District (Conditional); 104 East Campus Drive, B-3, Community Business District (Conditional); 107 East Campus Drive, B-3, Community Business District (Conditional); 2300 Liberty Mountain Drive, B-3, Community Business District (Conditional); 2200 Liberty Mountain Drive, B-3, Community Business District (Conditional); 1700 Liberty Mountain Drive, B-3C, Community Business District (Conditional); 1600 Liberty Mountain Drive, B-3C, Community Business District (Conditional); 4000 Mayflower Drive, I-3, Heavy Industrial District; 4510 Mayflower Drive, I-3, Heavy Industrial District; 601 Mountain View Road, B-5C, General Business District (Conditional) & I-2, Light Industrial District; 751 Mountain View Road, B-5C, General Business District (Conditional) & I-2, Light Industrial District; 100 South Campus Drive, B-5C, General Business District (Conditional); 135 South Campus Drive, B-5C, General Business District (Conditional); 153 South Campus Drive, B-5C, General Business District (Conditional); 800 Top Ridge Drive, R-C, Conservation District; 614 Top Ridge Drive, R-C, Conservation District; 400 Top Ridge Drive, R-C, Conservation District; 218 Top Ridge Drive, R-2C, Low-Medium Density, Single-Family District (Conditional); 219 Top Ridge Drive, R-5, High Density, Multi-Family Residential District; 100 Towns Court, B-3, Community Business District (Conditional); 1400 University Blvd, B-3C, Community Business District (Conditional); 1430 University Blvd, B-3C, Community Business District (Conditional); 1530 University Blvd, B-5, General Business District; 1971 University Blvd, B-5, General Business District, B-5C, General Business District (Conditional); 3540 Young Place, I-3, Heavy Industrial District; 3552 Young Place, I-3, Heavy Industrial District; 3572 Young Place, I-3, Heavy Industrial District & I-2C, Light Industrial District (Conditional); 3576 Young Place, I-2C, Light Industrial District (Conditional).

Mr. Martin explained that the area proposed for rezoning includes a total of 41 tracts totaling approximately 939 acres, of which approximately 752 acres are proposed to be rezoned to IN-2. The intent of the institutional district ordinance is to provide for institutional uses such as schools, colleges, universities, senior living facilities and churches with multiple buildings contained in a campus setting.

The amount of offsite impact related to an institution depend as much on location as the size and scale of the campus. These districts will provide flexibility for institutions while creating development standards to minimize off site impacts such as noise, lighting, traffic and availability/capacity of water and sanitary sewer infrastructure associated with their development. Offsite impacts related to erosion and

sediment control and stormwater management will be mitigated by existing City ordinances. IN-2 districts are for larger institutional campuses located primarily adjacent to districts other than residential districts.

The current zoning for the properties include R-C, R-2, R-5, B-3, B-5, I-2 and I3 districts and all are currently owned by the petitioners or an affiliate. The areas proposed for rezoning are primarily adjacent to properties not zoned residential with the exception of the eastern most boundary. This area is zoned residential or conservation but still owned by the petitioners with the exception of two parcels that are currently zoned R-C along Top Ridge Road. The area proposed for rezoning closely follows areas previously approved for institutional uses by conditional use permit with the exception of the Candler's Station shopping center and properties located on Young Place.

The areas proposed for rezoning are primarily recommended for Institutional uses on the City's *Future Land Use Map (FLUM)*; however, Community Commercial, Employment 2 and Conservation areas are also included.

If the rezoning is approved, all uses associated with the institutions would be permitted by right and would only be subject to normal ministerial site plan review. All previously approved proffers and conditional use permits would no longer be applicable. Other uses not associated with the institution would be permitted by right or by conditional use permit as outlined in Section 35.1-38.4 of the Zoning Ordinance. These are uses matching those in a B-5, General Business District.

As noted in the report, the Police Department expressed concerns that an increase in student population would negatively affect traffic conditions along U.S. Route 460, Candler's Mountain Road and Wards Road. While transportation issues in the area have and will continue to be a concern, at the time of the creation of the Institutional Districts Ordinance, the City discussed that traffic issues in the area could not be the sole responsibility of one entity. They would have to be improved collaboratively between Liberty University (LU), the City of Lynchburg, the Virginia Department of Transportation (VDOT) and Campbell County. This approach is evident today with road improvements that are under or near construction.

The Planning Division does recommend approval of the rezoning petition.

Mr. David Corry, General Counsel for LU and Thomas Road Baptist Church (TRBC) and Mr. Hershel Keller of Gentry Locke were present to represent the petitioner and its affiliates. Mr. Corry indicated that they were pleased to work with the Planning Commission and City Council to work out the language for the institutional classifications. They are pleased to come before them as the first institution to seek an institutional classification. Mr. Corry thanked Mr. Martin and the planning staff for their work with LU and TRBC representatives. They are pleased to have staff's support and recommendation for approval.

He remarked that LU and TRBC are bordered by institutional, retail, limited access highway and railroad uses. LU and TRBC will not be negatively impacting these kinds of uses. Also of note is that high intensity uses such as sports arenas require them to come back for a conditional use permit. It is at least as much in LU and TRBC's interests to develop this property in an attractive manner that is accessible and functional for its students, employees and guests. There has been a lot of attractive and well planned development in recent years and there is no reason to think that the future would hold anything less. They look forward to continuing to work with the City to develop this property as a real jewel in Lynchburg's crown.

Chair Swienton asked if there was anyone else to speak in favor of the petition. No one came forward. He asked for anyone that wished to speak in opposition of the petition. Mr. Todd Hall came forward to speak. He said he is not opposed to LU or the church putting some of its property into the institutional zoning. He is not opposed to the school growing. However, there is nothing in the petition

or the ordinance addressing the impact or consequences to the adjacent property owners, impacts such as loss of business or loss of access to property. Mr. Hall indicated on the concept plan where his property is located. Because of LU's change in collaboration with the City and VDOT, his access to his property is going to be cut off. This is due to the Odd Fellows Road interchange. Top Ridge Road will be cut off to the east of the roundabout and everything to the west is going to be denied access. He has been denied the ability to rent the property as well.

If the property around his is rezoned to IN-2, LU will have the ability to permanently cut off access to his property if they choose to do so. If this could happen to him, it could happen to any other adjacent property owner. Mr. Hall's request is to leave this particular property around his property with its current zoning or make some type of condition that will prevent the cutting off of access to an adjacent property owner's property and to prevent the loss of their business.

Chair Swienton asked for anyone else who wished to speak in opposition of the petition. No one else came forward. He asked Mr. Corry to come back for rebuttal.

Mr. Corry explained that Mr. Hall had alerted him to his concerns so he is prepared to address them. There are a number of entities that are doing things in and around the Hall property. The rezoning in and of itself cannot cut off access to anyone's property. Development after rezoning by LU cannot cut off legal access to anyone's property.

The City and VDOT had determined that it would be a benefit to improve the interchange at Odd Fellows Road and U.S. Route 460, a decision that LU supports as well. Road improvements have the tendency to take people's property. That is what is going to happen here and the taking of the Hall property does result in the loss of a road that had been used for years. That road was not on LU property. It is LU's position that VDOT owes full constitutional compensation to the Halls and they would support them before VDOT on that issue. But LU's rezoning is not the action that is going to result in the loss of any access to anyone's property. Mr. Corry is sorry for the family's loss but there is a bit of a disconnect, in all frankness, between that loss and this rezoning request.

Mr. Hall came back for a rebuttal. He said that Mr. Corry's remark about VDOT being responsible for the loss of access is not entirely correct. The land that the roundabout will be located on was given to VDOT. It was not a VDOT request and was initiated by LU. The Halls have been negotiating with VDOT for years. At their last meeting, the Halls were told by VDOT that LU would have to give them access to their property. The Halls have been offered a temporary access by LU provided that they sign an agreement that they would sell the property only to LU if they decide to sell in the future. Mr. Hall feels that LU is not really playing fair. It could put in uses by right that would permanently cut off access to his property.

Chair Swienton closed the public hearing portion of the petition. Commissioner Light indicated that he would be abstaining from the discussion and vote because he is a member of the adjunct faculty for the law school at LU.

Chair Swienton asked Mr. Martin for clarification that the shopping center is being included in the petition because its uses will support the college. Mr. Martin said that is correct and indicated that there are already uses in the shopping center (the conference center) that are associated with the college. It could continue to be used the way it is or be developed by right in the future for other uses that support the college. The commercial uses would continue to remain on the tax roll unless it changes to a use that is associated with the non-profit.

Chair Swienton noted that there is approximately sixty acres of R-C zoned land that is proposed for rezoning. Chair Swienton asked for Mr. Martin's thoughts on that issue. Mr. Martin noted that the *FLUM* designation for most of that land is either Institutional or Community Commercial. Mr. Martin said that

this was the biggest topic they discussed with LU. They asked LU to tell the City why these areas are not appropriate for conservation. One is that they are not really designated as such on the *FLUM*. Also, there are really no special characteristics on these properties that would deem them appropriate for conservation. The slopes are less than 25 percent and there are very minimal wetlands involved. Because of these facts, staff did not have a problem recommending approval.

Commissioner Lowe said he had a hard time with giving up that much R-C land. We have limited land and if we are not going to be serious about preserving conservation areas, why do we have them? Mr. Martin noted that one of the things they tried to do with the new Zoning Ordinance is to pull out some of the more intensive uses allowed in R-C districts. We have also tried to look at where R-C districts are really appropriate. If there is a piece of developable land with no special environmental characteristics on it, then it is just a color on a map. If it is not a steep slope or wetlands or a stream buffer, that is the entire point of people being able to come and petition to have it rezoned. Mr. Martin pointed out that LU is very closely following the Institutional *FLUM* designation that was implemented in 2013. They are leaving the areas with steep slopes that should be preserved as R-C.

Commissioner Lowe inquired about the industrial property that is proposed for rezoning. Mr. Martin remarked that with institutions as large as LU and TRBC, you are going to have a multitude of uses and some of those uses are probably more appropriate in industrial areas. Mr. Martin would hope that they would continue to keep those types of uses, such as the bus maintenance facility in the industrial areas. Mr. Martin doubts that these properties would be converted to a true, private industrial use anytime soon anyway.

Commissioner Lowe asked about the proffers and conditions that will go away as a result of this rezoning, many of which had to do with transportation. Mr. Martin indicated that the majority of those proffers have already been done by the university at a great cost. If students and visitors cannot access the area easily, it is just as big a problem for LU and TRBC as it is for the City. It is in their best interest to collaborate with all the entities to deal with transportation issues. LU also has a representative that sits on the regional transportation technical committee; so there is some regional cooperation taking place.

Mr. Charles Spence of LU came forward to discuss some of LU's upcoming road projects. He indicated that LU is chipping in around \$10 million on some cost sharing projects. They have three projects underway now as well as two private projects. When the east side of U.S. Route 460 opens up, you will find a great improvement in other ways for people to get on and off campus and on and off Wards Road around 29 South to the east campus. There is a road that is going to go from one end of the bridge behind the airport Marathon. That bridge will be tied on to a three or four lane VDOT road and there will be a bridge crossing U.S. Route 460 on to the south end of campus. They are also putting a new exit off of U.S. Route 460 into a roundabout. LU has been working on partnerships for a long time and has developed great relationships with all the entities and surrounding areas.

Mr. Spence noted that LU has constructed everything that the City has asked of them in a timely manner. It is their people that are trying to get off campus. It is a little unfair to put all the traffic problems on LU. LU is doing its fair share and is working with all the entities it can to make the improvements. Mr. Spence remarked that the financial stability of LU is allowing it to do more projects and do them in a more quality manner. They are very committed to doing what is right for the university and the community.

Chair Swienton pointed out that if the university is not rezoned to institutional, it will have to come back for a CUP. That puts the Planning Commission and City Council in the uncomfortable position of trying to design the university. Mr. Spence thinks that City staff has come to understand that it is hard to regulate something it does not understand. LU is a very different place and it takes a lot to make it successful and functional. LU has a very good handle on it and is committed to it. Standards that apply

to a residential community do not apply to a residential dormitory area. They understand how these markets work. Mr. Spence thinks LU needs to be recognized as an entity that is able to make some decisions on its own.

Chair Swienton asked if there is something in the ordinance that is triggered when a level of service drops to a certain point. Mr. Martin said that is only in reference to stadiums and arenas and new access points to City streets.

Commissioner Marion asked for Mr. Martin's thoughts on the line being drawn for the rezoning. Some properties will be cut in half and have two different zonings. Mr. Martin said staff and LU worked closely together on where the line was to be drawn. Obviously, staff wanted to follow the line that is shown on the *FLUM* and to preserve as much of the steep slopes of the mountain as possible. The majority of that property is no longer zoned conservation. That property was rezoned back in the 1990s to R-2 to allow for residential development. We are trying to preserve as much protection as we can for the top of the mountain; however, when the property was rezoned in the 1990s, that battle was kind of lost. Mr. Martin commented that staff is very comfortable with the line that is proposed. It stays away from the more sensitive areas of the campus.

Commissioner Marion asked if we are losing anything when we lose the existing proffers. Mr. Martin does not think so. He thinks that staff's thinking has evolved over the years. When we put some of the conditions in place, the City was very concerned with architectural design and student numbers. Mr. Martin acknowledges that LU has evolved over the years to the current way it does things.

Chair Swienton asked if the City has had any discussions with Mr. Hall. Mr. Martin indicated that Mr. Hall's concerns are primarily with VDOT. Mr. Martin does not disagree with anything LU presented. The access that is being taken as part of the road project has nothing to do with this rezoning at all.

Mr. Hall was called back by Commissioner Lowe to show them on the map how his property's access will be affected by the Odd Fellows Road interchange. Commissioner Lowe remarked that he thought it was illegal in Virginia to landlock a piece of property. Mr. Martin reiterated that Mr. Hall's issue is with VDOT. If VDOT takes full access, they will have to compensate the Halls for their property.

Chair Swienton indicated to Mr. Hall that he does not see anything presented that gives the commission the authority to rectify what is an unfortunate situation. If there was, he would be doing what he could to advocate for it. Chair Swienton believes it is outside the purview of the commission.

Chair Swienton believes his questions have been answered. Commissioner Marion indicated that hers have been answered as well. Commissioner Lowe asked Mr. Martin how comfortable he is with LU developing without staff input. Mr. Martin indicated that there will still be staff input. LU will still have to submit site plans and meet the standards of the Zoning Ordinance. They will just not have to go through the public hearing process. That is why it is important to have good standards in your Zoning Ordinance.

Commissioner Lowe made the following motion, which was seconded by Commissioner Marion:

"That the Planning Commission recommends approval to City Council to rezone approximately seven hundred fifty-two and fifty-one hundredths (752.51) acres as indicated on "Liberty University, IN-2 Rezoning Property Map, City of Lynchburg, Virginia" dated November 30, 2015 and received December 1, 2015 be zoned as IN-2, Institutional 2 District:

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601 MOUNTAIN VIEW RD	47.08	47.08	I2 / B5C
	Total Parcel Acreage:	Total Rezoned Acreage:	
	939.76	752.51	

Chair Swienton commented that this is why the IN-2 district was created. The key part of the commission is to look at land use and is the use appropriate. He believes the IN-2 designation is appropriate. He has concerns with the R-C property, but he has not done the intense calculations to see what should or should not be designated R-C. He will be relying on staff to use its judgment, as well as LU's good faith to properly construct as it goes forward with its expansion.

The motion passed by the following vote:

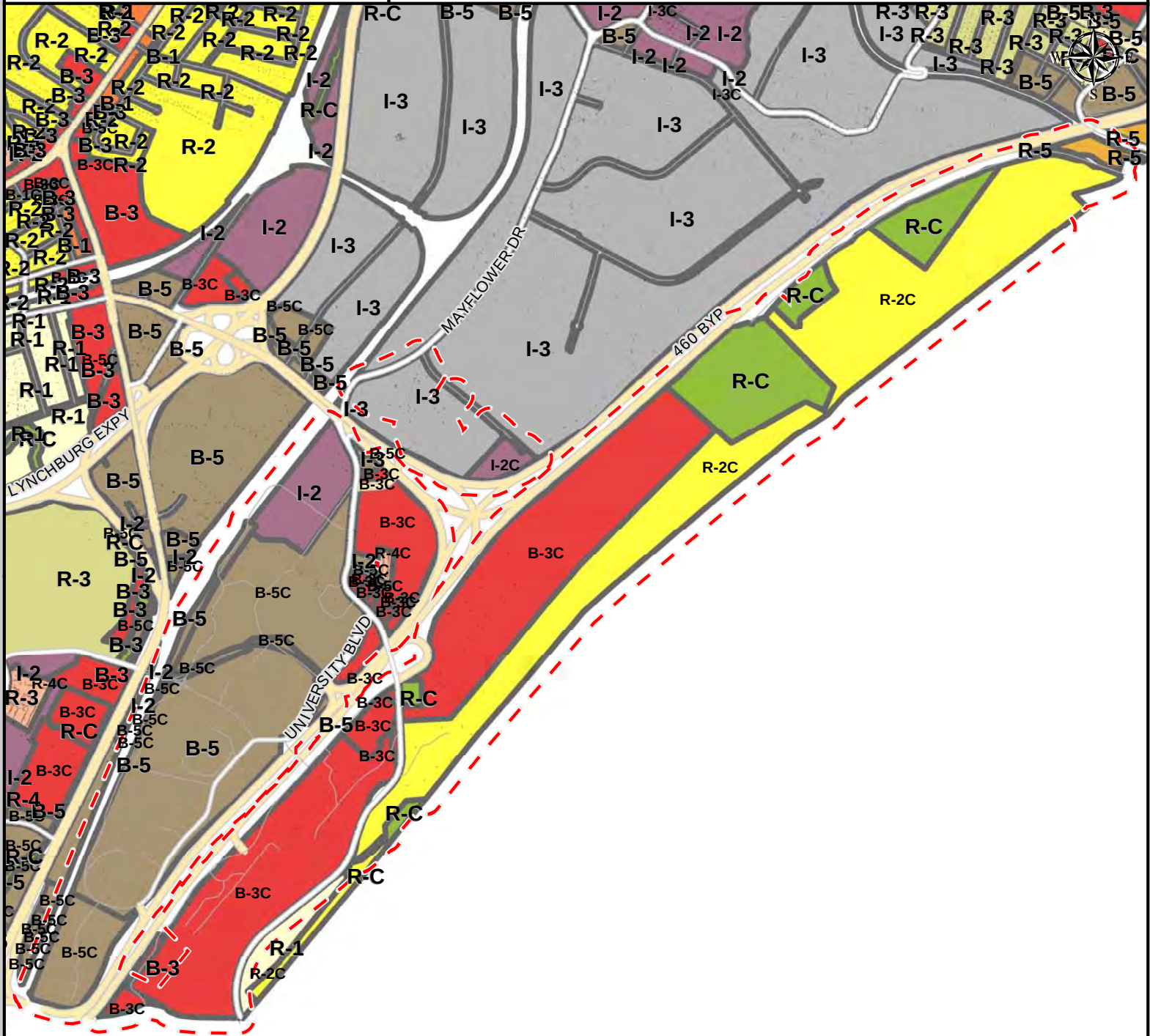
AYES:	Lowe, Marion and Swienton	3
NOES:		0
ABSTENTIONS:	Light	1
ABSENT:	Perault	1
VACANCIES:		2

Zoning Map

LIBERTY UNIVERSITY INSTITUTIONAL 2 DISTRICT REZONING

Zoning Request

Liberty University, Thomas Road Baptist Church, et. al.



PROPERTY INFORMATION

PARCEL ID	ADDRESS
11701006	4000 MAYFLOWER DR
11801013	3540 YOUNG PL
11801018	3552 YOUNG PL
11801004	3572 YOUNG PL
11801003	3576 YOUNG PL
13004001	3622 CANDLERS MOUNTAIN RD
13002004	3700 CANDLERS MOUNTAIN RD
13002023	3724 CANDLERS MOUNTAIN RD
13002024	3756 CANDLERS MOUNTAIN RD
13002014	3760 CANDLERS MOUNTAIN RD
13002001	3762 CANDLERS MOUNTAIN RD

LEGEND

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

OVERVIEW MAP



MAP SCALE: 1" to 2,000' DATE PRINTED: 12/4/2015

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

Parcel ID	Address	Owner
26701003	4300 CANDLERS MOUNTAIN RD	LIBERTY UNIVERSITY INC
25702005	3927 WARDS RD	WARDS ROAD PROPERTY LLC
26001003	2300 LIBERTY MOUNTAIN DR	LIBERTY UNIVERSITY INC
26002003	153 SOUTH CAMPUS DR	LIBERTY UNIVERSITY INC
26002002	135 SOUTH CAMPUS DR	LIBERTY UNIVERSITY INC
26003011	4017 WARDS RD	ABBITT BROTHERS PROPERTIES LLC
26003010	4011 WARDS RD	BOB EVANS FARMS INC
25702001	4005 WARDS RD	SPIRIT MASTER FUNDING VII LLC
26002001	100 SOUTH CAMPUS DR	LIBERTY UNIVERSITY INC
25702003	4003 WARDS RD	CFA-NC TOWNRIDGE SQUARE LLC
26701004	4250 CANDLERS MOUNTAIN RD	LIBERTY UNIVERSITY INC
26001001	100 TOWNS CT	LIBERTY UNIVERSITY INC
25803001	4100 CANDLERS MOUNTAIN RD	CREAD LLC
25702006	3919 WARDS RD	MID-ATLANTIC LYNCHBURG LLC
26701005	3797 CANDLERS MOUNTAIN RD	LIBERTY UNIVERSITY INC
25801004	1700 LIBERTY MOUNTAIN DR	THOMAS ROAD BAPTIST CHURCH
25801006	1620 LIBERTY MOUNTAIN DR	LIBERTY MOUNTAIN PROPERTIES LLC
25804001	1530 UNIVERSITY BLVD	LIBERTY UNIVERSITY INC
25801002	3777 CANDLERS MOUNTAIN RD	LIBERTY UNIVERSITY INC
25801003	1600 LIBERTY MOUNTAIN DR	LIBERTY UNIVERSITY INC
13001803	103 MARIE GREEN DR	LIBERTY UNIVERSITY INC
28501003	3778 CANDLERS MOUNTAIN RD	LIBERTY UNIVERSITY INC
28501004	3786 CANDLERS MOUNTAIN RD	LIBERTY UNIVERSITY INC
28501002	3794 CANDLERS MOUNTAIN RD	LIBERTY UNIVERSITY INC
28501001	3802 CANDLERS MOUNTAIN RD	LIBERTY UNIVERSITY INC
11701008	3590 CANDLERS MOUNTAIN RD	C R HUDGINS PLATING INC
26801001	800 TOP RIDGE DR	LIBERTY UNIVERSITY INC
26901002	614 TOP RIDGE DR	LIBERTY UNIVERSITY INC
26901003	620 TOP RIDGE DR	HALL, D BOONE
26901001	616 TOP RIDGE DR	MURRELL, HEZEKIAH & DEBORAH A
27002013	400 TOP RIDGE DR	LIBERTY UNIVERSITY INC
26701001	4000 CANDLERS MOUNTAIN RD	LIBERTY UNIVERSITY INC
27002002	218 TOP RIDGE DR	LIBERTY UNIVERSITY INC
27002001	219 TOP RIDGE DR	LIBERTY UNIVERSITY INC
11113002	101 OLD COURTHOUSE TPKE	D & C ENTERPRISES LLC
11402007	3534 CANDLERS MOUNTAIN RD	NORFOLK & SOUTHERN RAILWAY
25801801	1940 LIBERTY MOUNTAIN DR	LIBERTY UNIVERSITY INC
26701801	4000 CANDLERS MOUNTAIN RD	LIBERTY UNIVERSITY INC
11111012	2601 GREENE ST	NORFOLK & SOUTHERN RAILWAY
25702007	3901 WARDS RD	SWIFT CREEK CAPITOL LLC
25702008	3813 WARDS RD	GACOMB LLC
25702013	3809 WARDS RD	VAN FIRST LLC
25702016	3805 WARDS RD	B & H HOLDINGS LLC
25702010	3761 WARDS RD	LIBERTY UNIVERSITY INC
25702011	3725 WARDS RD	SANDROF, NIGEL P & TAMERA Y

25702015	3717 WARDS RD	SANDROF, NIGEL P & TAMERA Y
27002003	230 TOP RIDGE DR	LIBERTY UNIVERSITY INC
25702012	3501 WARDS RD	LIBERTY UNIVERSITY INC
13005002	1420 UNIVERSITY BLVD	LIBERTY UNIVERSITY INC
13005003	1910 UNIVERSITY BLVD	BRE/ESA P PORTFOLIO LLC
13005001	1400 UNIVERSITY BLVD	LIBERTY UNIVERSITY INC
25801005	107 EAST CAMPUS DR	LIBERTY UNIVERSITY INC
13005004	1430 UNIVERSITY BLVD	LIBERTY UNIVERSITY INC
24604005	3301 WARDS RD	SOUTHERN RAILWAY CO
13005005	1422 UNIVERSITY BLVD	LIBERTY UNIVERSITY INC
13002014	3760 CANDLERS MOUNTAIN RD	LIBERTY UNIVERSITY INC
13002001	3762 CANDLERS MOUNTAIN RD	LIBERTY UNIVERSITY INC
13002006	3750 CANDLERS MOUNTAIN RD	B N E RESTAURANT GROUP IV LLC
13003031	160 MONTVIEW FOREST DR	LOKATE LLC
13002008	3744 CANDLERS MOUNTAIN RD	LYNCHBURG INVESTMENTS LLC
13003030	158 MONTVIEW FOREST DR	FULL MONTY VIEW LLC
13003029	156 MONTVIEW FOREST DR	LOKATE LLC
13002007	3736 CANDLERS MOUNTAIN RD	AMITA ENTERPRISES LLC
13003028	154 MONTVIEW FOREST DR	MAYNARD, BARRY K
13003001	100 MONTVIEW FOREST DR	THRASHER, JOHN R III & BARBARA SUE
13003002	102 MONTVIEW FOREST DR	LOKATE LLC
13003027	152 MONTVIEW FOREST DR	LOKATE LLC
13003026	150 MONTVIEW FOREST DR	COX, CHARLES A
13003003	104 MONTVIEW FOREST DR	LOKATE LLC
13003025	148 MONTVIEW FOREST DR	LOKATE LLC
13003004	106 MONTVIEW FOREST DR	LOKATE LLC
13003005	108 MONTVIEW FOREST DR	LOKATE LLC
13003024	146 MONTVIEW FOREST DR	DELAME ESTATE COMPANY LLC
13003006	110 MONTVIEW FOREST DR	LOKATE LLC
13003007	112 MONTVIEW FOREST DR	HEATH, DENNIS R & AMY C
13003023	144 MONTVIEW FOREST DR	HOLZKNECHT, FRANCES M TRS
13003022	142 MONTVIEW FOREST DR	DELAME ESTATE COMPANY LLC
13003008	114 MONTVIEW FOREST DR	OTT, DANIEL L & WENDY K
13003021	140 MONTVIEW FOREST DR	GILL, GLENNA VERNELL BROWN
13003009	116 MONTVIEW FOREST DR	MWENDWA, MUENI M
13003020	138 MONTVIEW FOREST DR	CROWDER, HOUSTON M III
13003010	118 MONTVIEW FOREST DR	CUNNINGHAM, LUKE C &
13003019	136 MONTVIEW FOREST DR	BURNETTE, REID
13003011	120 MONTVIEW FOREST DR	PARADIS, JOSHUA
13003018	134 MONTVIEW FOREST DR	LOKATE LLC
13003012	122 MONTVIEW FOREST DR	WILLIAMS, JAMES A & MELANIE H
13003017	132 MONTVIEW FOREST DR	LOKATE LLC
13003013	124 MONTVIEW FOREST DR	LOKATE LLC
13003014	126 MONTVIEW FOREST DR	LOKATE LLC
13003016	130 MONTVIEW FOREST DR	PEGRAM, CHARLES C JR & NANCY L TRS
13003015	128 MONTVIEW FOREST DR	PATTERSON, AARON S & BROOKE B

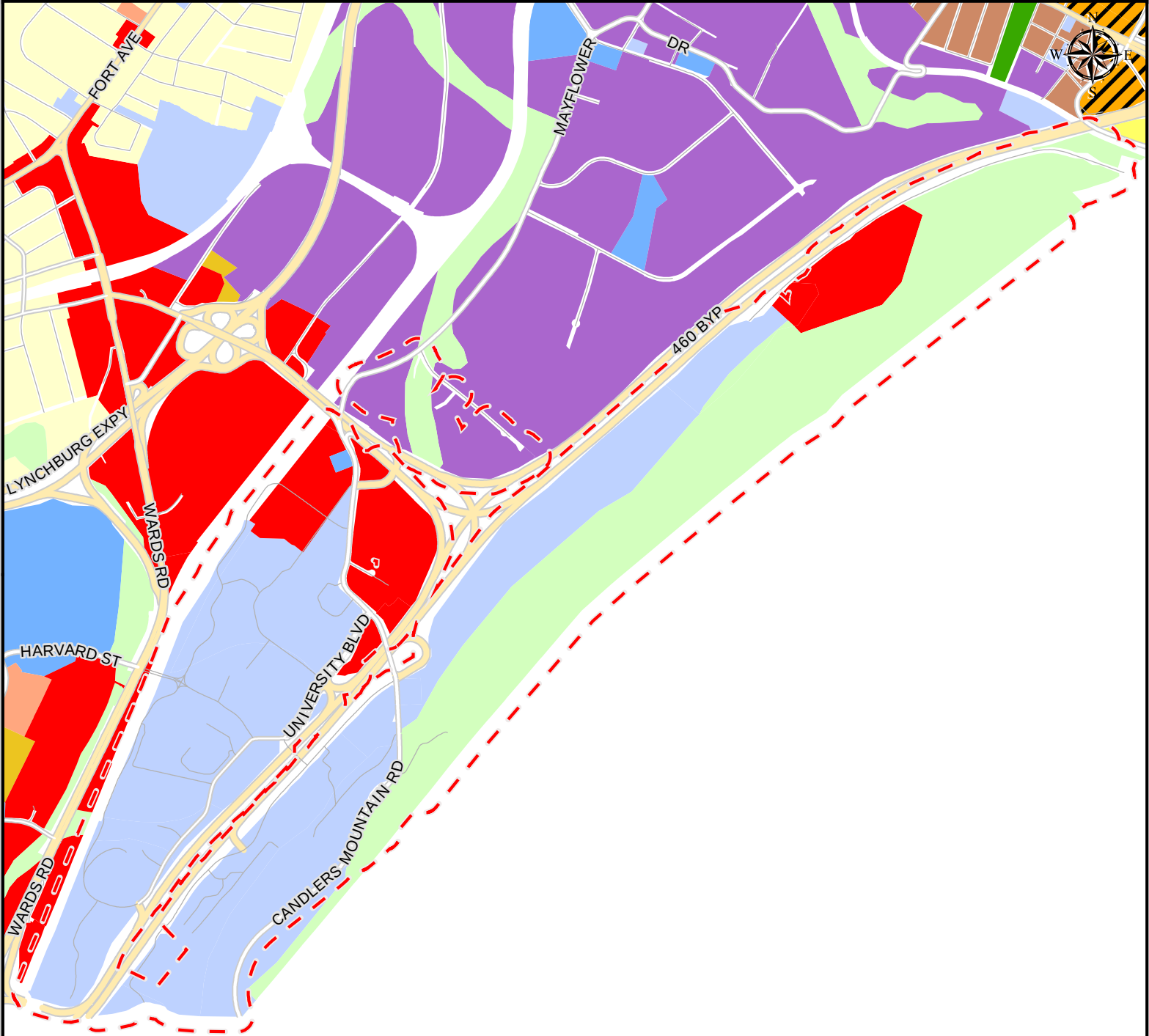
13003032	90 MONTVIEW FOREST DR	MONTVIEW FOREST HOMEOWNERS ASSOC INC
13002005	3700 CANDLERS MOUNTAIN RD	TRU 2005 RE I LLC
13002004	3700 CANDLERS MOUNTAIN RD	LU CANDLERS STATION HOLDINGS LLC
13004002	3624 CANDLERS MOUNTAIN RD	BIG APPLE INVESTORS LLP
13004001	3622 CANDLERS MOUNTAIN RD	LIBERTY UNIVERSITY INC
13004003	3620 CANDLERS MOUNTAIN RD	HILL CITY LODGING LLC
13004004	3616 CANDLERS MOUNTAIN RD	COMMONWEALTH OF VA VDOT
13002023	3724 CANDLERS MOUNTAIN RD	LU CANDLERS STATION HOLDINGS LLC
26001002	2200 LIBERTY MOUNTAIN DR	LIBERTY UNIVERSITY INC
26001005	5001 CANDLERS MOUNTAIN RD	LIBERTY UNIVERSITY INC
26001004	5000 CANDLERS MOUNTAIN RD	LIBERTY UNIVERSITY INC
25801001	104 EAST CAMPUS DR	LIBERTY UNIVERSITY INC
13002024	3756 CANDLERS MOUNTAIN RD	LU CANDLERS STATION HOLDINGS LLC
13001002	751 MOUNTAIN VIEW RD	LIBERTY UNIVERSITY INC
25701001	1971 UNIVERSITY BLVD	LIBERTY UNIVERSITY INC
13001001	3621 CANDLERS MOUNTAIN RD	CITY OF LYNCHBURG
13001004	601 MOUNTAIN VIEW RD	THOMAS ROAD BAPTIST CHURCH
16231002	3601 CANDLERS MOUNTAIN RD	LYNCHBURG GAS
16231003	3429 CANDLERS MOUNTAIN RD	SOUTHERN RAILWAY
26003003	4025 WARDS RD	LYNCHBURG HOTEL GROUP LLC
26003001	4021 WARDS RD	AMD HOTEL GROUP LLC
11801019	3564 YOUNG PL	ROSEMYR CORPORATION
11801006	3560 YOUNG PL	CFRM LC
11701002	3600 CANDLERS MOUNTAIN RD	C R HUDGINS PLATING INC
11701003	4510 MAYFLOWER DR	C R HUDGINS PLATING INC
11801007	3550 MAYFLOWER DR	DELTA STAR INC
11701004	4001 MAYFLOWER DR	APPALACHIAN ELECTRIC POWER
11801013	3540 YOUNG PL	LIBERTY UNIVERSITY INC
11801004	3572 YOUNG PL	LIBERTY UNIVERSITY INC
11801001	3520 JOHN CAPRON RD	SCHEWEL FURNITURE CO INC
11801003	3576 YOUNG PL	LIBERTY UNIVERSITY INC
11801017	3640 CANDLERS MOUNTAIN RD	COMMONWEALTH OF VA VDOT
11801018	3552 YOUNG PL	LIBERTY UNIVERSITY INC
11801016	3550 YOUNG PL	CITY OF LYNCHBURG
11701006	4000 MAYFLOWER DR	LIBERTY UNIVERSITY INC
25802001	3770 CANDLERS MOUNTAIN RD	LIBERTY UNIVERSITY INC

FLUM Map

LIBERTY UNIVERSITY INSTITUTIONAL 2 DISTRICT REZONING

Zoning Request

Liberty University, Thomas Road Baptist Church, et. al.



PROPERTY INFORMATION

PARCEL ID	ADDRESS
11701006	4000 MAYFLOWER DR
11801013	3540 YOUNG PL
11801018	3552 YOUNG PL
11801004	3572 YOUNG PL
11801003	3576 YOUNG PL
13004001	3622 CANDLERS MOUNTAIN RD
13002004	3700 CANDLERS MOUNTAIN RD
13002023	3724 CANDLERS MOUNTAIN RD
13002024	3756 CANDLERS MOUNTAIN RD
13002014	3760 CANDLERS MOUNTAIN RD
13002001	3762 CANDLERS MOUNTAIN RD

LEGEND

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

OVERVIEW MAP



MAP SCALE: 1" to 2,000' DATE PRINTED: 12/4/2015

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Watershed Map

LIBERTY UNIVERSITY INSTITUTIONAL 2 DISTRICT REZONING

Zoning Request

Liberty University, Thomas Road Baptist Church, et. al.



PROPERTY INFORMATION

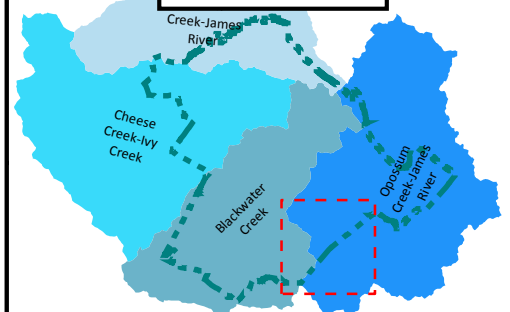
PARCEL ID	ADDRESS
11701006	4000 MAYFLOWER DR
11801013	3540 YOUNG PL
11801018	3552 YOUNG PL
11801004	3572 YOUNG PL
11801003	3576 YOUNG PL
13004001	3622 CANDLERS MOUNTAIN RD
13002004	3700 CANDLERS MOUNTAIN RD
13002023	3724 CANDLERS MOUNTAIN RD
13002024	3756 CANDLERS MOUNTAIN RD
13002014	3760 CANDLERS MOUNTAIN RD
13002001	3762 CANDLERS MOUNTAIN RD

LEGEND

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

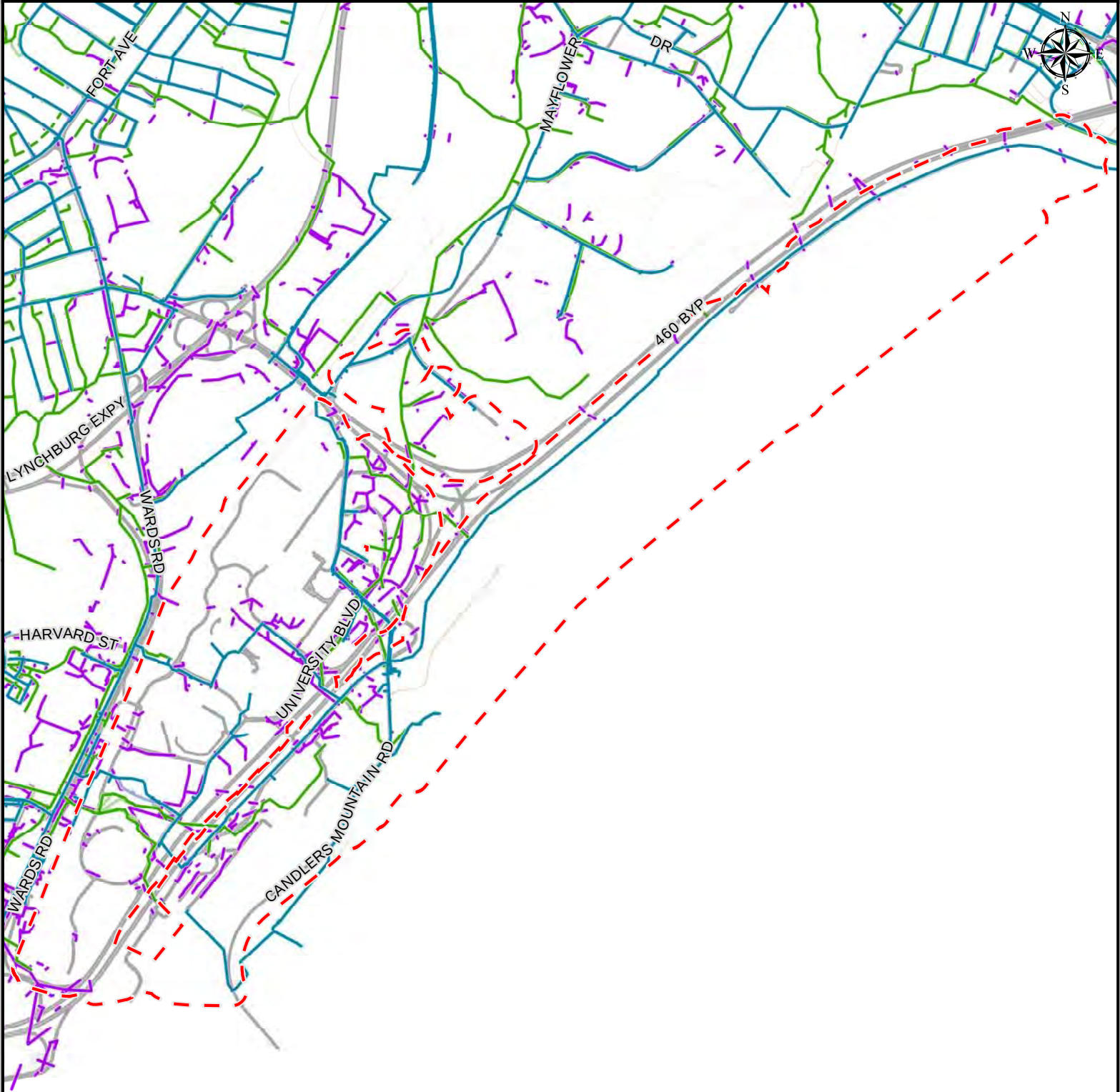
MAP SCALE: 1" to 33,333' DATE PRINTED: 12/31/2015

OVERVIEW MAP



City of Lynchburg - GIS Office 434-455-2884 GIS@lynchburgva.gov

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PROPERTY INFORMATION

PARCEL ID	ADDRESS
11701006	4000 MAYFLOWER DR
11801013	3540 YOUNG PL
11801018	3552 YOUNG PL
11801004	3572 YOUNG PL
11801003	3576 YOUNG PL
13004001	3622 CANDLERS MOUNTAIN RD
13002004	3700 CANDLERS MOUNTAIN RD
13002023	3724 CANDLERS MOUNTAIN RD
13002024	3756 CANDLERS MOUNTAIN RD
13002014	3760 CANDLERS MOUNTAIN RD
13002001	3762 CANDLERS MOUNTAIN RD

LEGEND

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

OVERVIEW MAP

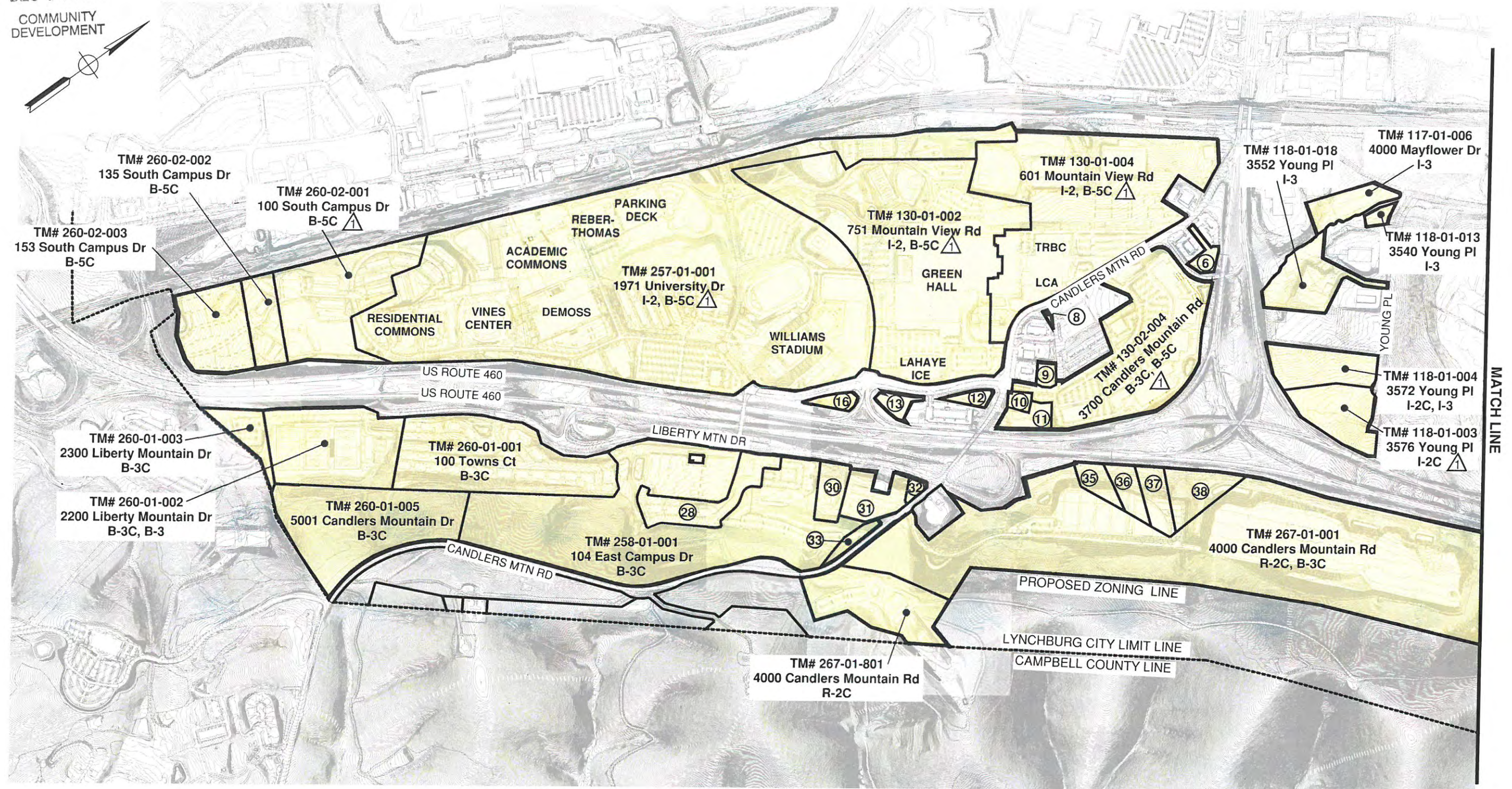


MAP SCALE: 1" to 2,000' DATE PRINTED: 12/4/2015

RECEIVED

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COMMUNITY
DEVELOPMENT



LIBERTY
UNIVERSITY

LIBERTY UNIVERSITY

PLANNING AND CONSTRUCTION

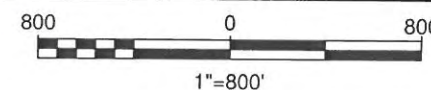
1971 UNIVERSITY BLVD
LYNCHBURG, VA. 24502

PHONE: 434-592-4131

FAX: 434-522-0473

EMAIL: MHCOSMAN@LIBERTY.EDU

PROPOSED IN-2 ZONING

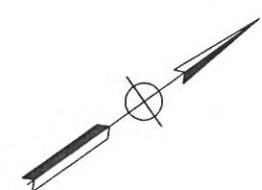
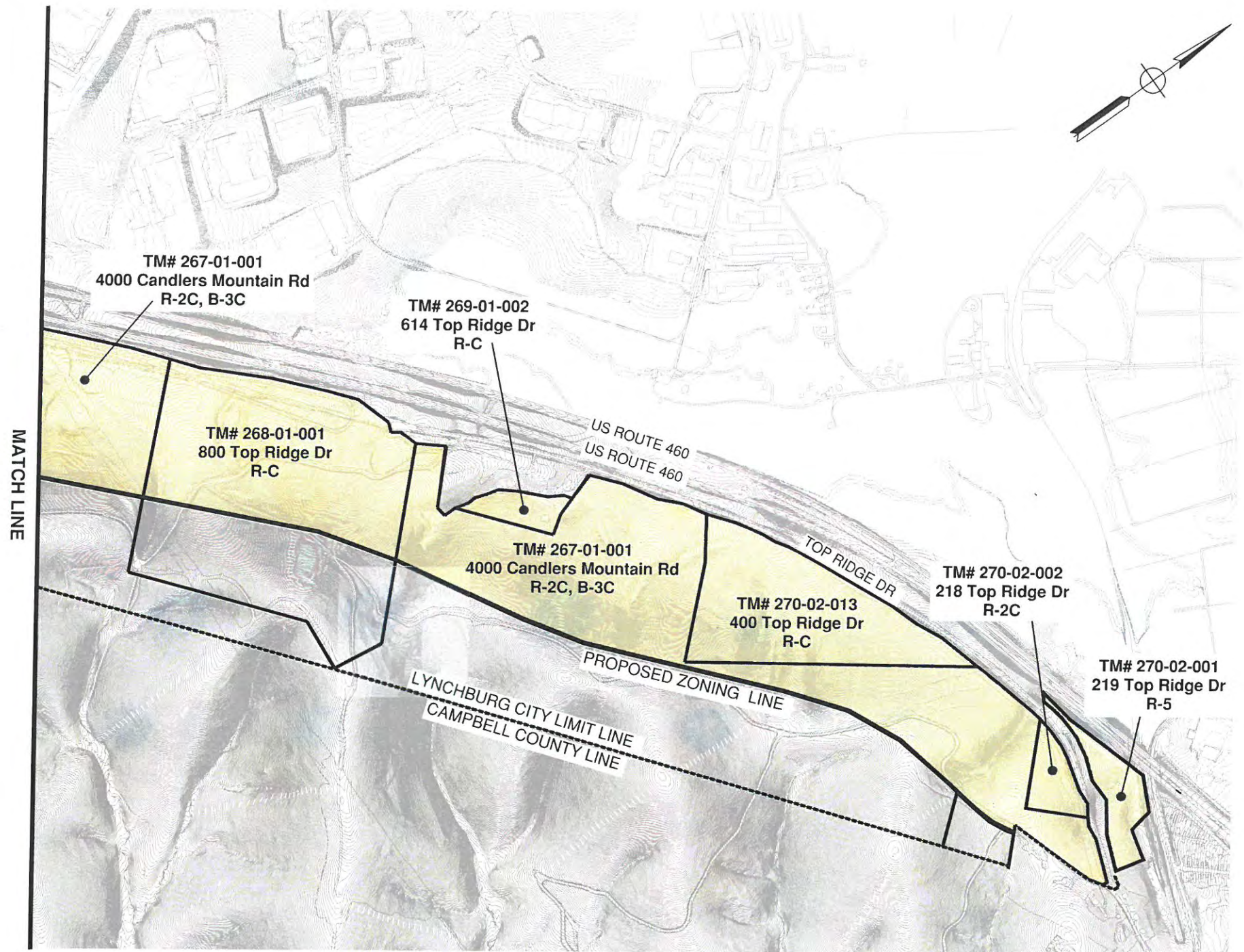


REV.	DATE	COMMENTS
1	11/30/2015	PER TRC COMMENTS

**IN-2 REZONING
PROPERTY MAP
CITY OF LYNCHBURG, VIRGINIA**

DATE: 10/20/15

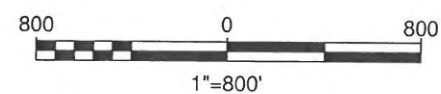
SHEET 1 OF 3



LIBERTY
UNIVERSITY

LIBERTY UNIVERSITY
PLANNING AND CONSTRUCTION
1971 UNIVERSITY BLVD
LYNCHBURG, VA. 24502
PHONE: 434-592-4131
FAX: 434-522-0473
EMAIL: MHCOSMAN@LIBERTY.EDU

PROPOSED IN-2 ZONING



REV.	DATE	COMMENTS
1	11/30/2015	PER TRC COMMENTS

**IN-2 REZONING
PROPERTY MAP
CITY OF LYNCHBURG, VIRGINIA**

DATE: 10/20/15

SHEET 2 OF 3

Property List				Ac	
	Owner	TM#		Address	To Be Rezoned Existing Zoning
1	Liberty University, Inc	117-01-006	4000	Mayflower Dr	3.811 I-3
2	Liberty University, Inc	118-01-013	3540	Young Pl	0.887 I-3
3	Liberty University, Inc	118-01-018	3552	Young Pl	6.523 I-3
4	Liberty University, Inc	118-01-004	3572	Young Pl	6.179 I-3, I-2C
5	Liberty University, Inc	118-01-003	3576	Young Pl	6.482 I-2C
6	Liberty University, Inc	130-04-001	3622	Candlers Mountain Rd	1.141 B-3C, B-5C
7	LU Candlers Station Holdings, LLC	130-02-004	3700	Candlers Mountain Rd	28.46 B-3C, B-5C
8	LU Candlers Station Holdings, LLC	130-02-023	3724	Candlers Mountain Rd	0.138 I-2
9	LU Candlers Station Holdings, LLC	130-02-024	3756	Candlers Mountain Rd	0.809 B-3C
10	Liberty University, Inc	130-02-014	3760	Candlers Mountain Rd	0.769 B-3C
11	Liberty University, Inc	130-02-001	3762	Candlers Mountain Rd	1.855 B-3C
12	Liberty University, Inc	130-05-001	1400	University Blvd	0.959 B-3C
13	Liberty University, Inc	130-05-002	1420	University Blvd	1.28 B-3C
14	N/A				
15	N/A				
16	Liberty University, Inc	258-04-001	1530	University Blvd	1.04 B-5
17	Thomas Road Baptist Church	130-01-004	601	Mountain View Rd	47.081 I-2, B-5C
18	Liberty University, Inc	130-01-002	751	Mountain View Rd	59.431 I-2, B-5C
19	Liberty University, Inc	257-01-001	1971	University Blvd	147.27 B-5C, B-5
20	Liberty University, Inc	260-02-001	100	South Campus Dr	18.581 B-5C
21	Liberty University, Inc	260-02-002	135	South Campus Dr	5.05 B-5C
22	Liberty University, Inc	260-02-003	153	South Campus Dr	11.73 B-5C
23	Liberty University, Inc	260-01-003	2300	Liberty Mountain Dr	3.827 B-3C
24	Liberty University, Inc	260-01-002	2200	Liberty Mountain Dr	16.451 B-3C, B-3
25	Liberty University, Inc	260-01-005	5001	Candlers Mountain Rd	22.604 B-3C
26	Liberty University, Inc	260-01-001	100	Towns Court	23.169 B-3C
27	Liberty University, Inc	258-01-001	104	East Campus Dr	55.347 B-3C
28	Liberty University, Inc	258-01-005	107	East Campus Dr	6.428 B-3C
29	Liberty University, Inc	267-01-001	4000	Candlers Mountain Rd	171.64 R-2C, B-3C
30	Thomas Road Baptist Church	258-01-004	1700	Liberty Mountain Dr	2.731 B-3C
31	Liberty University, Inc	258-01-002	3777	Candlers Mountain Rd	4.222 B-3C
32	Liberty University, Inc	258-01-003	1600	Liberty Mountain Dr	0.6 B-3C
33	Liberty University, Inc	267-01-005	3797	Candlers Mountain Rd	1.159 B-3C
34	Liberty University, Inc	267-01-801	4000	Candlers Mountain Rd	11.479 R-2C
35	Liberty University, Inc	285-01-003	3778	Candlers Mountain Rd	2.242 B-3C
36	Liberty University, Inc	285-01-004	3786	Candlers Mountain Rd	2.652 B-3C
37	Liberty University, Inc	285-01-002	3794	Candlers Mountain Rd	3.15 B-3C
38	Liberty University, Inc	285-01-001	3802	Candlers Mountain Rd	5.418 B-3C
39	Liberty University, Inc	268-01-001	800	Top Ridge Dr	36.22 R-C
40	Liberty University, Inc	269-01-002	614	Top Ridge Dr	2.91 R-C
41	Liberty University, Inc	270-02-013	400	Top Ridge Dr	24.744 R-C
42	Liberty University, Inc	270-02-002	218	Top Ridge Dr	3.503 R-2C
43	Liberty University, Inc	270-02-001	219	Top Ridge Dr	5.114 R-5



LIBERTY UNIVERSITY

PLANNING AND CONSTRUCTION

1971 UNIVERSITY BLVD
LYNCHBURG, VA. 24502

PHONE: 434-592-4131
FAX: 434-522-0473

EMAIL: MHCOSMAN@LIBERTY.EDU

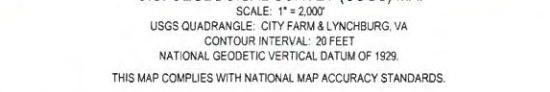
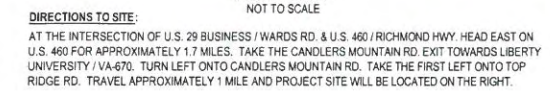
LIBERTY
UNIVERSITY

REV.	DATE	COMMENTS
1	11/30/2015	PER TRC COMMENTS

IN-2 REZONING PROPERTY MAP CITY OF LYNCHBURG, VIRGINIA

DATE: 10/20/15

SHEET 3 OF 3



RECEIVED
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COMMUNITY
DEVELOPMENT

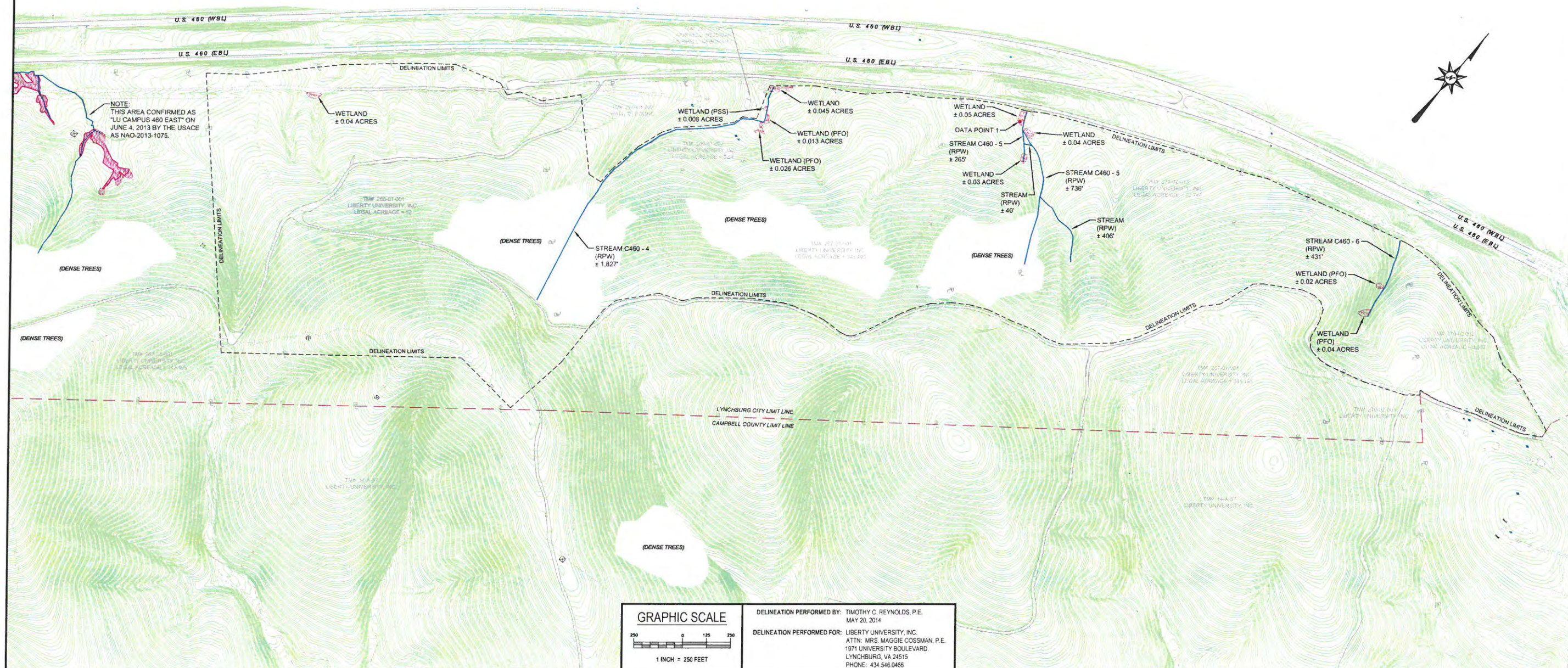
SITE NOTES:

LATITUDE: 37° 22' 10" N
LONGITUDE: -79° 08' 53" W
CONTOUR INTERVAL: 2 FEET
HYDROLOGIC UNIT CODE (HUC): 02080203
RECEIVING WATERS: UNNAMED TRIBUTARIES TO JAMES RIVER

SOILS WITHIN PROJECT LIMITS:

AeB - ABELL LOAM, 0-4% SLOPES
GeC2 - GEORGEVILLE LOAM, 6-15% SLOPES, ERODED
MCo - MANITO CHANNERY LOAM, 6-15% SLOPES
MCoF - MANITO CHANNERY LOAM, 15-25% SLOPES
MCoF - MANITO CHANNERY LOAM, 25-40% SLOPES
NaE - NASOM LOAM, 15-25% SLOPES
TiC2 - TATUM LOAM, 6-15% SLOPES, ERODED
TiE2 - TATUM LOAM, 15-25% SLOPES, ERODED
TmD3 - TATUM CLAY LOAM, 6-15% SLOPES, SEVERELY ERODED
TmE3 - TATUM CLAY LOAM, 15-25% SLOPES, SEVERELY ERODED
TbC2 - TURBELLINE FINE SANDY LOAM, 6-15% SLOPES, ERODED

LU 460 AQUATICS
CITY OF LYNCHBURG, VIRGINIA

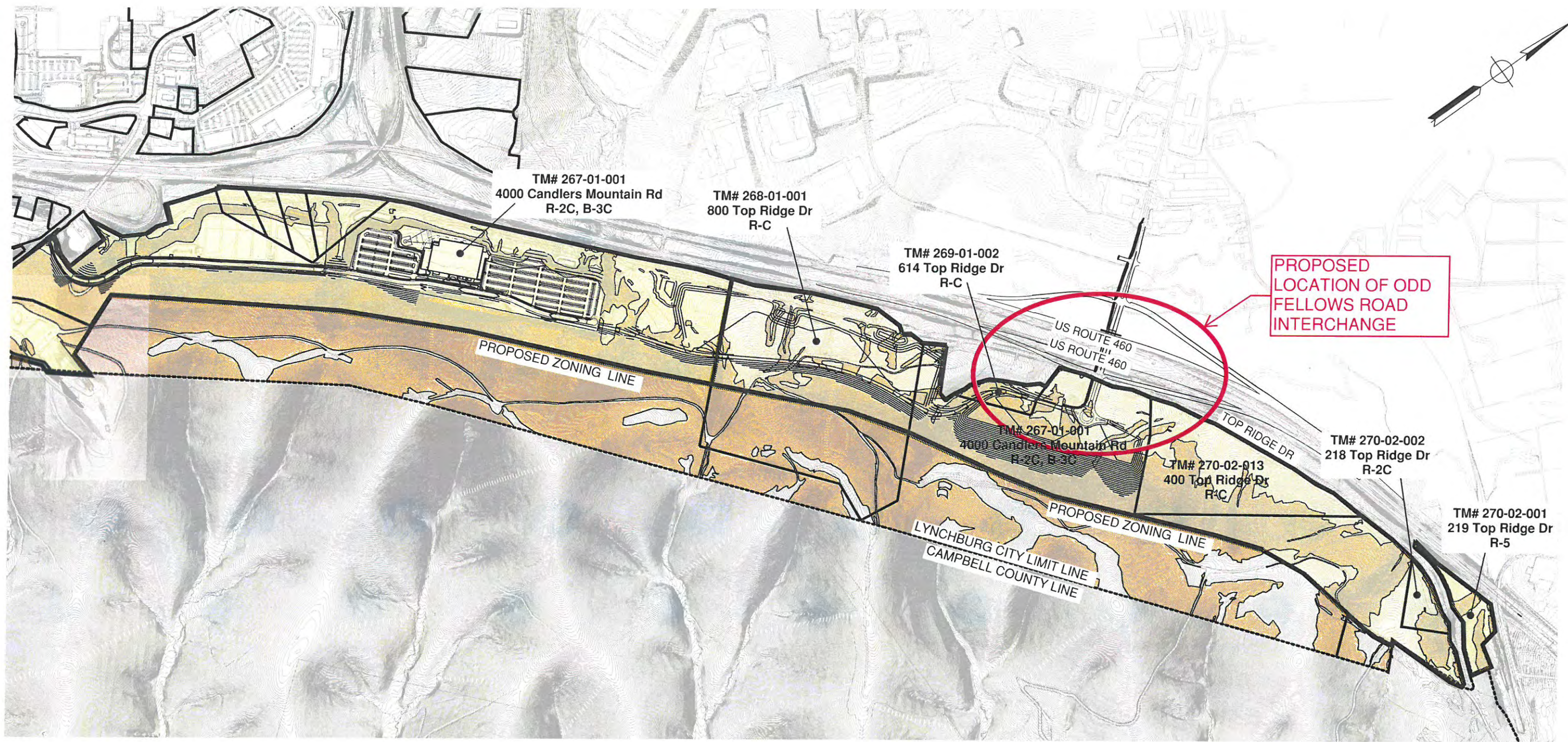



Reynolds-Clark
DEVELOPMENT, INC.

112 South Main Street Post Office Box 556 Gretna, Virginia 23045
Phone: 434.656.8661 Fax: 434.656.8666 Web: www.rcdev.com

WETLAND DELINEATION
MAP

Revisions: 1. <u>09 / 09 / 2014 - USACE Comments</u> 2. <u>01 / 08 / 2015 - USACE Comments</u> 3. _____ 4. _____	
Date: 06 / 02 / 2014 Project #: _____ Drawn By: JFW Scale: 1" = 240'	Drawing Number C1



LIBERTY
UNIVERSITY

LIBERTY UNIVERSITY

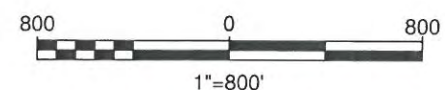
PLANNING AND CONSTRUCTION

1971 UNIVERSITY BLVD
LYNCHBURG, VA. 24502

PHONE: 434-592-4131
FAX: 434-522-0473

EMAIL: MHCOSSMAN@LIBERTY.EDU

PROPOSED IN-2 ZONING
>25% SLOPES



**IN-2 REZONING
EXHIBIT
CITY OF LYNCHBURG, VIRGINIA**

DATE: 11/30/15

SHEET 1 OF 1

**Liberty University
Institutional 2 District Rezoning
December 9, 2015**

PLEASE PRINT

[illegible]

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **January 12, 2016**

AGENDA ITEM NO.: 12

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Public Hearing on an Appalachian Power Company Easement**

RECOMMENDATION: After a public hearing, authorize the City Manager to execute a right of way and easement agreement with Appalachian Power Company on the Miller Center property to allow Appalachian to relocate a power line as part of the Miller Center Renovation Project.

SUMMARY: The renovation project for the Miller Center required the relocation of a power line, and Appalachian Power Company requested that the City grant it a right of way and easement for the relocated power line. State law requires the City to hold a public hearing before granting a right of way and easement on public property. In order that the renovation work on the Miller Center would not be delayed, the City Manager gave Appalachian Power Company permission to go onto the Miller Center property in order to relocate the electric line while the formal approval process was underway. The relocation of the power line has been completed, and Appalachian Power Company has asked the City to complete the process of granting it a right of way and easement agreement for the installation and maintenance of the relocated power line.

PRIOR ACTION(S): None

FISCAL IMPACT: None

CONTACT(S): Dave Owen, Project Manager, 455-5866;
Jennifer Jones, Director of Parks & Recreation, 455-5868

ATTACHMENT(S): Resolution; Sketch showing approximate location of easement.

REVIEWED BY: lkp

RESOLUTION

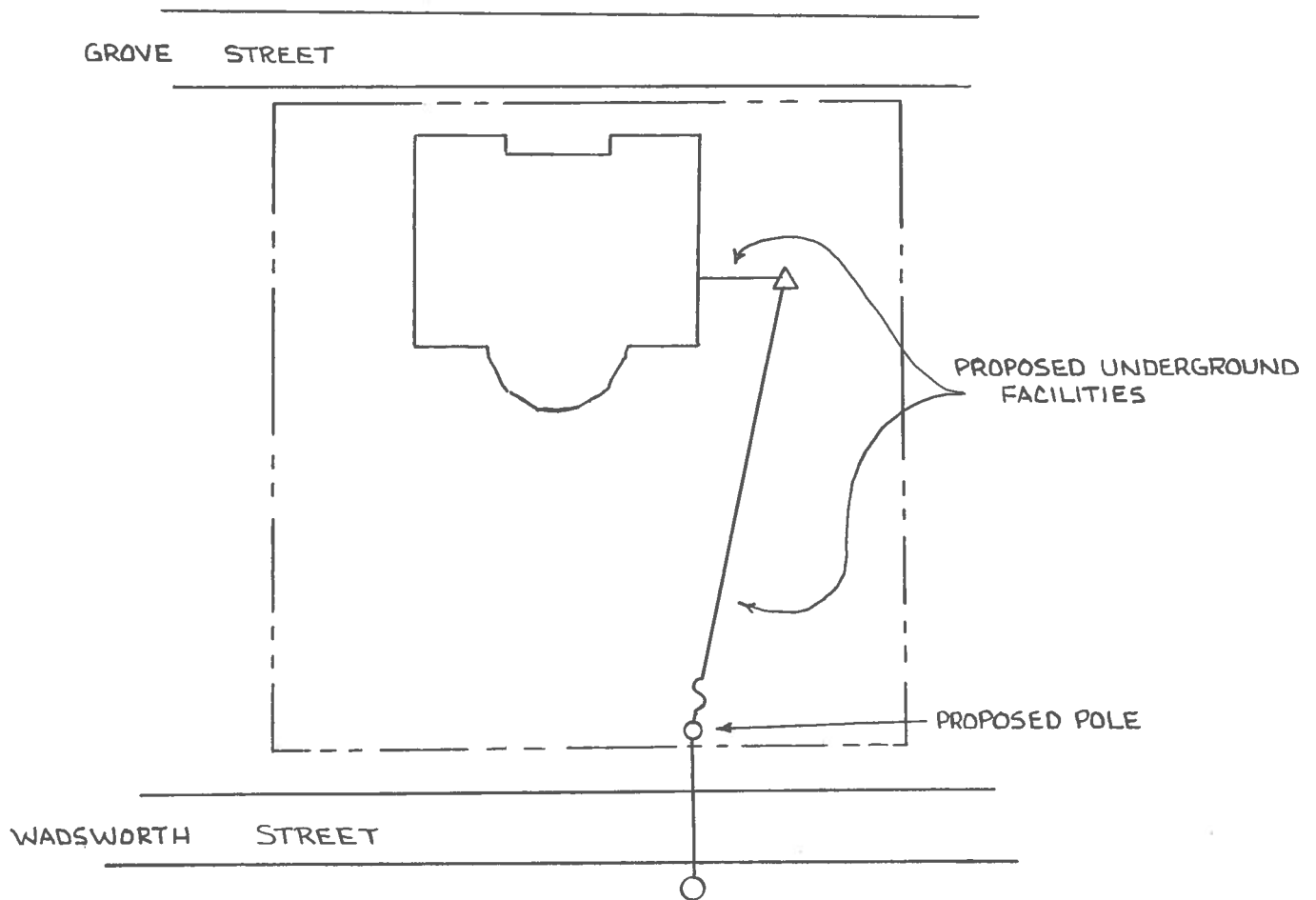
BE IT RESOLVED by the Lynchburg City Council that the City Manager is hereby authorized to execute a right of way and easement agreement with Appalachian Power Company granting access across the Miller Center property for the installation and maintenance of a power line in order to serve the Miller Center Building.

Adopted:

Certified:

Clerk of Council

003K



△ - PADMOUNT TRANSFORMER

APPALACHIAN POWER COMPANY

**PROPOSED RIGHT OF WAY ON
PROPERTY OF THE CITY OF
LYNCHBURG, VIRGINIA**

TAX MAP No. 00106007

SCALE: NONE

DATE 2/24/2014

EXHIBIT A

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **January 12, 2016**

AGENDA ITEM NO.: 13

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Lease of Newly Acquired Property at 7001 Timberlake Road**

RECOMMENDATION: After a public hearing, approve the attached resolution to lease the real property at 7001 Timberlake Road for one year until needed for right of way for the Logans Lane/Timberlake Road Intersection Improvements Project.

SUMMARY: The Logans Lane/Timberlake Road Project started in concept in 2008 and the City has acquired the property at 7001 Timberlake to be used as right of way. Currently there is a lease on the property for Hill City House. As a condition of breaking the lease with the current owner, Hill City House (HCH) has asked permission to stay in the building for one year, rent free, as the construction plans are finalized and bid. In return, the building will be rented "as is" and the City will not provide any maintenance on the building or grounds as the structure will be demolished for the road project.

PRIOR ACTION(S): Physical Development Committee January 12, 2016

FISCAL IMPACT: None

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

ATTACHMENT(S): Resolution; Lease

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED That the Lynchburg City Council hereby approves a lease agreement between the City of Lynchburg and Hill City House, LLC for the property at 7001 Timberlake Road; and,

BE IT FURTHER RESOLVED that the City Manager is authorized to execute the lease agreement on behalf of the City.

Adopted:

Certified:

Clerk of Council

010K

**AGREEMENT FOR CONTINUED POSSESSION
BY LESSEE AFTER CLOSING**

This Agreement for Continued Possession by Lessee After Closing is dated December
17, 2015 and is between HILL CITY HOUSE, LLC (the "Lessee") and CITY OF LYNCHBURG, VIRGINIA, ("the City").

WITNESSETH:

WHEREAS VNNM, LLC, and the City have entered into a contract dated November 16, 2015 (the "Contract") wherein VNNM, LLC agreed to sell and the City agreed to buy certain real estate known as 7001 Timberlake Road, Lynchburg, Virginia 24502 (the "Property"); and,

WHEREAS the Lessee desires to retain possession of the Property for a period of time after the closing, subject to the terms and conditions set forth in this Agreement.

NOW, THEREFORE, in consideration of the premises and the mutual covenants contained herein, the parties agree as follows:

1. Possession of the Property

The City agrees that Lessee may remain in possession of the property after closing until January 1, 2017, or until it finds a suitable replacement business location, whichever occurs first. If a replacement business location suitable to the Lessee cannot be found by January 1, 2017, this Agreement may be renewed for up to 60 days by the City. Lessee shall provide notice to the City when it has secured a replacement business location.

2. Term

The term of this Agreement begins the date of closing and terminates when the Lessee vacates the Property. Lessee is expected to vacate the property within 60 days of the date that a suitable replacement business location becomes available. Lessee may terminate this Agreement at any time upon notice to the City and removal of all of Lessee's personal property from the Property.

3. Rent

The Lessee shall not be required to pay the City any rent for the Lessee's continued use and occupancy of the Property after closing.

4. Insurance

The City shall maintain at City's expense such insurance coverage on the Property as the City deems adequate. All risk of loss or damage to the Property by fire or other casualty is assumed by the City at closing.

The Lessee shall obtain public liability insurance covering the leased premises and naming City as additional insured with a company or companies qualified to transact business in the Commonwealth of Virginia stipulating limits of liability per occurrence of not less than \$1,000,000.00 for an event affecting one person and not less than \$3,000,000.00 for an event affecting more than one person, and \$250,000.00 property damage. Lessee shall furnish City with certificates or other acceptable evidence that all insurances required under this Article are in effect and that all of said policies contain provisions prohibiting cancellation without at least thirty (30) days written notice to the City following closing. The City shall not be liable for any loss or damage to Lessee's business equipment, furnishings, and personal property located on the Property.

5. Fire and Extended Coverage Insurance

Lessee further agrees to take out and keep in force and effect, with a company qualified to transact business in the Commonwealth of Virginia, fire and extended coverage policies covering the premises, fixtures and other property contained in the leased premises in the amount of \$1,000,000.00, and naming Hill City House, LLC as the beneficiary of such coverage.

6. Liability

Nothing in this Agreement shall be deemed in any manner to be a waiver of sovereign immunity of the City. The City is not liable to the Lessee, its family, guests, customers, or invitees for any loss or damage caused by failure to keep the Property in repair, or resulting from any latent or patent defect in the Property, nor for any damages arising from any act of neglect of any occupant of the Property.

7. Present and Continued Habitability

Lessee acknowledges that the Property is in a reasonable and acceptable condition and accepts the Property "as is." Lessee understands that the City has no obligation to make any alterations, repairs, or changes to the premises during the term of this Agreement.

8. Fire and Casualty Damage

If the Property is damaged or destroyed by fire or other casualty to the extent that it is no longer habitable, the City has no obligation to repair the property.

9. Maintenance of the Property

During the Lessee's occupancy of the Property following closing, Lessee shall maintain the Property in its present condition, including heating, cooling, electrical, water supply, sewage and mechanical systems and appliances. The Lessee shall pay all utility charges, including, but not limited to electric, cable and telephone charges, during Lessee's occupancy of the Property following closing. The Lessee must also: maintain the exterior and interior of the demised premises (excluding roof, concrete surfaces, sidewalks, and parking lot), and the equipment and furnishings located thereon, in good repair and tenantable condition during the continuance of this lease, pay for all utilities, telephone, trash removal, snow and ice removal, and janitorial service at the demised premises; and pay when due all business taxes, personal property taxes or taxes of any other sort incurred by Lessee in its use of the property.. (For information of Lessee, real estate taxes are currently, as of the execution of this lease, \$13,024.74 per year). VNNM, LLC shall be responsible for all outstanding real estate taxes owed to the City on the date of the closing. All outstanding real estate taxes will be paid to the City on the date of City's acquisition of the Property.

Lessee shall maintain the Property free of accumulation of debris and free of any adverse environmental conditions, or other conditions rendering the Property unsuitable for use for City purposes. However, any preexisting or current adverse environmental conditions are exempt under this section. Lessee shall not keep or have on the Property any article or thing of a dangerous, inflammable, or explosive character that might substantially increase the danger of fire.

10. Access

During the period of Lessee's occupancy after closing, the City shall have the right of access to the Property at reasonable times for the purposes of inspection and maintenance, and such right shall extend to City's agents and employees. The City shall provide notice to Lessee at least 24 hours in advance of the need to access the property, except in the case of emergencies.

11. Indemnification of the City

The Lessee hereby agrees to indemnify, hold harmless, and defend the City, its officials and employees, from and against any and all lawsuits, claims, causes of action, liability, demands, damages, disability, losses and expenses, of any nature whatsoever, including reasonable attorneys' fees and court costs, resulting or in any manner arising from the Lessee's occupancy of the Property. Pursuant to the Phase I Environmental Study performed on the Property, the City acknowledges that there are no adverse toxic or environmental issues affecting or relating to the Property as of the date of this Agreement. If it is later determined that any adverse toxic or environmental issues affecting or relating to the Property existed on or before the date of this Agreement, the City agrees that the Lessee shall not be held liable or responsible in any way.

12. Subletting

Lessee may not assign or sublease any interest in the Property.

13. Notice

Notice under this Agreement is effective when given in writing and delivered or mailed, postage prepaid, to the following addresses, or to such other persons and addresses as the parties may designate in writing from time to time:

To the City: The Lynchburg City Manager
 900 Church Street
 Lynchburg, VA 24504

To the Lessee: The Hill City House, LLC
 c/o Registered Agent

Sherwood S. Day, Esq.
2107 Graves Mill Road, Ste. B
Forest, VA 24551

And to the LLC Managers as follows:

Charles C. England, Jr.
299 Runner Stone Drive
Evington, VA 24550

Donna W. Reichard
1265 Valley Vista Lane
Forest, VA 24551

14. Severability

If any portion of this Agreement is found to be invalid or unenforceable for any reason, the remaining provisions continue to be valid and enforceable.

15. Fixtures and Personal Property

Both parties understand and acknowledge that the business and other structures located on the Property will be demolished by the City following vacation of the property by Lessee; therefore Lessee is permitted to remove any fixtures from the business and other structures upon vacating the property. Any items of equipment, furnishings, and personal property remaining on the Property after the Lessee vacates the Property will be considered abandoned and will be disposed of by the City.

16. Contract not Superseded

This Agreement shall not amend or supersede any of the terms or provisions of the Contract for the Sale of the Property dated November 16, 2015, unless specifically stated herein.

17. Subject to City Council's Approval

This Continued Occupancy Agreement is conditioned upon the approval of the City's purchase of the property at 7001 Timberlake Road, Lynchburg, Virginia by the Lynchburg City Council and the approval of this Continued Occupancy Agreement by the City Council. If the City Council does not approve both the purchase of the property and this Continued

Occupancy Agreement, then this Agreement shall automatically terminate without any further obligation between the parties hereto.

18. Entire Agreement

This Agreement contains the entire agreement of the parties. This Agreement may only be modified in writing signed by all of the parties.

WITNESS the following signatures and seals:

HILL CITY HOUSE, LLC

By:  12-17-2015
Its Member/Manager

The City of Lynchburg

By: _____
L. Kimball Payne, City Manager

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **January 12, 2016**

AGENDA ITEM NO.: 14

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Acquisition of 7001 Timberlake Road**

RECOMMENDATION: Adopt a resolution to acquire the real property at 7001 Timberlake Road for right of way for the Logans Lane/Timberlake Road Intersection Improvements Project.

SUMMARY: The Logans Lane/Timberlake Road Project started in concept in 2008 and the City first applied for Revenue Sharing funds in 2012. Originally the project was going to affect 4 parcels of property but after the preliminary engineering was finished and the Interchange Modification Report was submitted and reviewed by VDOT in 2014, it was determined that in order to make the off ramp from 501 work according to VDOT requirements the property at 7001 Timberlake would need to be acquired entirely. Negotiations with the property owner ensued and were approaching agreement near the then current assessed value. After the new assessed value of the property went out in July 2015, the value increased by over \$280,000. At this point, the owner would not sell for under the assessed value of \$1,574,900.

PRIOR ACTION(S): Physical Development Committee January 12, 2016

FISCAL IMPACT: Acquisition Funds of \$1,574,900 from the Project Budget

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

ATTACHMENT(S): Resolution; Concept Plan

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED That the City Manager is authorized to enter into an agreement to purchase the property at 7001 Timberlake Road to be used as right of way for the Logans Lane/Timberlake Road Intersection Improvement Project for the assessed value.

Adopted:

Certified:

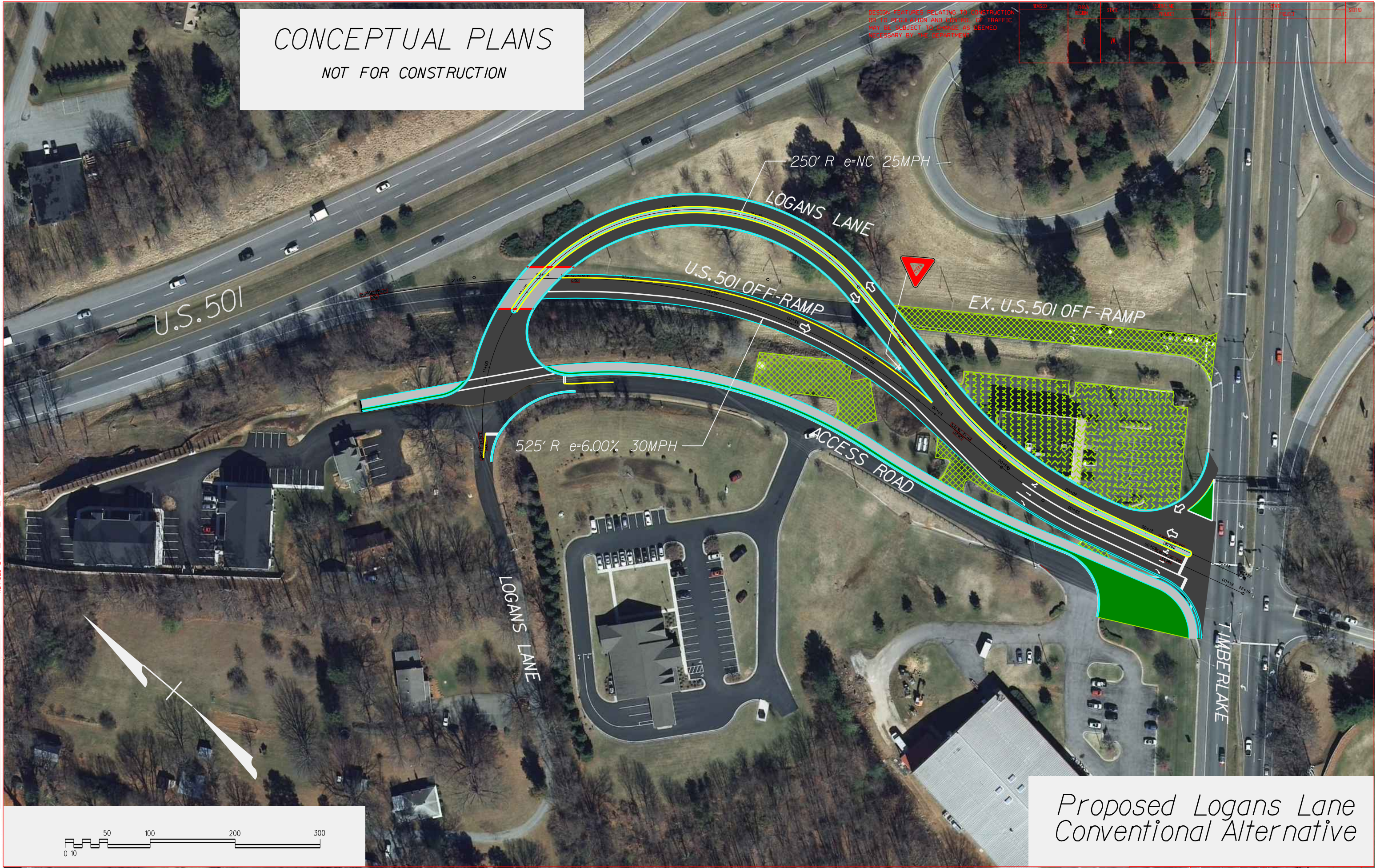
Clerk of Council

009K

CONCEPTUAL PLANS
NOT FOR CONSTRUCTION

DESIGN FEATURES RELATING TO CONSTRUCTION
OR TO REGULATION AND CONTROL OF TRAFFIC
MAY BE SUBJECT TO CHANGE AS DEEMED
NECESSARY BY THE DEPARTMENT

REVISED	DATE	BY	REVISION	DATE	BY	REVISION
1	10/1/20	VA				



Proposed Logans Lane
Conventional Alternative

SUPERVISED BY:
DESIGNED BY:
CADD OPERATOR:
REVIEWED BY:

PLAN	DATE	BY
NOTE BOOK		
NO.		

8-28-28 AM