

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **January 12, 2010**

AGENDA ITEM NO.: **1**

CONSENT:

REGULAR:

WORK SESSION: **X**

CLOSED SESSION:

(Confidential)

ACTION:

INFORMATION: **X**

ITEM TITLE: **Recreation Youth Football and Cheerleading League**

RECOMMENDATION: This report is for informational purposes to inform Council's budget discussions. At Council's request, Parks and Recreation has prepared a proposal to form a Recreation Youth Football and Cheerleading League to be managed by the Department of Parks and Recreation.

SUMMARY: This report provides an overview of the program design, proposed budget and timelines for a Recreation Youth Football and Cheerleading league.

The program goal is to offer a quality youth recreation football and cheerleading program, focused on skill development, good sportsmanship and positive coaching. The program serves youth, ages 6 -13, with the season running August – November.

Program Design

Youth Football

- P&R recommends an open draft program that forms teams based on a City-wide draft. Players have the opportunity to continue play with the same team their second and third years in the age group. Coaches also have the opportunity to coach their own children and siblings have the opportunity to play on the same team.
- The program is designed to serve 360 - 450 players, 18 teams, with six teams in each age group, with a team size of 20 - 25.
- The program will serve three age groups: 7- 9, 9 -11 and 11-13.
- A flag football program will also be offered for ages 6 - 9 for skill development and recreation.

Cheerleading

- Participants are assigned teams on a first come, first choice for team selection. Once first choice teams are filled, participants will be assigned second choice or open slots.
- The program is designed to serve 180 - 270 participants, 18 squads, with six squads in each age group.
- The age groups are the same as the football program.

Fees for football and cheerleading

- City residents: \$89 per participant
- Non-City Resident: \$133 per participant
- All city residents are eligible to apply for a scholarship through Park and Recreation. If received, the scholarship pays for 50% of the fee, resulting in a participant fee of \$44.50. The budget assumes that 25% of participants will receive a scholarship. Non- City residents are not eligible for scholarships. It's anticipated that at least 95% of participants will be city residents, with few non- City resident participants.

Schedule for football and cheerleading

- Registration and team formation: July- early August
- Practice: 4 weeks, mid August - early September
- Games: 8 game series and playoffs, mid September – early November

Volunteers and Citizen Involvement

The program depends heavily on volunteers to serve as coaches and chain operators. All coaches will

undergo background checks and Head Coaches will be required to complete coaches training. Parks and Recreation will also form an advisory committee comprised of coaching staff from Lynchburg City School and citizens at large. Contribution of volunteer hours is projected at 22,000.

Staff Requirements

The budget includes funding for a Football Commissioner and Cheerleading Coordinator. The positions are temporary (wage) seasonal positions and will report directly to the Athletic Coordinator. The budget also includes funding for aides to assist with practice and field monitoring.

Budget

The following chart details the projected budgets for the current fiscal year and fiscal years 2011 and 2012. The budgets are based on the higher participation levels of 720 for the combined programs.

	FY 2010	FY 2011	FY 2012
Salaries	\$ 3,300	\$ 19,850	\$ 17,950
Contractual Services		17,560	17,560
Uniforms		86,400	30,000
Supplies & Materials		5,765	1,985
Minor Equipment		4,750	1,200
Total Expenses	\$ 3,300	\$ 134,325	\$ 68,695
Projected Revenues		50,680	50,680
Funding Need	\$ 3,300	\$ 83,645	\$ 18,015

(To fully recover program costs the participant fee would need to be in excess of \$125)

Funding of \$3,300 in salaries is needed in the current fiscal year to hire staff for program development. A Football Commissioner and Cheerleading Coordinator would be hired as temporary (wage) employees.

FY 2011 includes the first time/start up expenses to purchase uniforms (\$86,400), supplies and minor equipment. Uniform expenses decrease in subsequent years to \$30,000 annually for replacement and reconditioning. Most other line items decrease in FY 2012.

Timeline

To begin the season in July 2010, staff funding is needed by February of this current year. Parks and Recreation would immediately hire the Football Commissioner and Cheerleading Coordinator for program development and marketing. Uniforms and equipment would be ordered the first week in July 2010 for the fall season.

PRIOR ACTION(S):

none

FISCAL IMPACT:

FY 2010, \$3,300

FY 2011, \$83,645

FY 2012, \$18,015

CONTACT(S):

Kay Frazier, 455-5868

Maggie Mace, 455-5882

ATTACHMENT(S):

none

REVIEWED BY: lkp

// A regular meeting of the Council of the City of Lynchburg was held on the 8th day of December, 2009, at 5:00 P.M. in the Council Chamber, City Hall, Joan F. Foster, President, presiding. The following Members were present:

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

Absent: 0

// Mr. Chris Banta with Brown, Edwards & Company, the City's external auditor, presented a brief overview regarding the City's Comprehensive Annual Financial Report (CAFR) for fiscal year ending June 30, 2009.

Mr. Banta concluded his presentation by stating that the few audit findings have been addressed by management. City Manager Kimball Payne explained that the Schools have returned \$291,000 to the Fund Balance in response to last year's audit finding regarding over expenditure of funds and that staff will be coming back to Council early next year with a recommendation regarding use of these funds. In response to Council questioning, Mr. Banta noted that they have seen some significant improvements in the Schools internal controls.

// City Manager Kimball Payne stated that staff is now in the process of preparing the FY 2011 Budget and is seeking guidance from City Council regarding issues, concerns, or initiatives that are related to the preparation of the FY 2011 Budget. Mr. Payne explained that in anticipation of significant budget cuts from the State and with the uncertain economy, City departments have been asked to prepare a budget request that is less than their FY 2010 adopted budget. Mr. Payne then provided a brief summary regarding the Citizen and Employee Budget Engagement Sessions and the potential impacts of the 90% Budget Scenarios developed by City Departments. Parks and Recreation Department Director Kay Frazier provided an overview regarding immediate changes in the structure and delivery of services in the Parks & Recreation Department. Mr. Payne explained that he would like City Council to start budget deliberations in January in order to give staff guidance regarding the preparation of the Proposed FY 2011 Budget, and that staff needs to better understand Council's position regarding the following questions considered important to the preparation of the proposed budget:

1. What are Council's priorities with regard to services provided to citizens?
2. As cuts are considered, is anything untouchable?
3. What services, programs, or activities can be stopped?
4. Are there any new initiatives that Council would like to consider?
5. What are Council's thoughts on actions to increase revenues (taxes, fees, policy changes)?
6. What are Council's Capital Improvement Program priorities?

Following discussion, City Council agreed that instead of scheduling several budget work sessions in January that it would be better to schedule a one day budget retreat and selected the date of Saturday, February 6, 2010, from 9:00 a.m. to 5:00 p.m.

// Deputy City Manager Bonnie Svrcek stated that City Council at its last meeting requested some additional information regarding the reallocation of \$17,507 from the General Fund Juvenile Detention

Center per diem to the Shelter Plus Care grant to provide interim financial assistance and services to ten households. Ms. Svrcek explained that information from the Lynchburg Neighborhood Development Foundation (LNDF) has been forwarded to Council and that LNDF has been able to raise an additional \$3,591 to help fill the \$17,507 gap in funding for the grant. Ms. Svrcek also noted that LNDF has approached both landlords of the households served as well as area churches to raise funds to reduce the amount of funding needed from the City to support rent payments through March 2010 and that LNDF is confident that at least one-half of the total funds needed through March, or \$8,754, can be raised, thus reducing the request for reallocation from the City. LNDF Program Manager Denise Crews responded to Council questions regarding the history of the Shelter Plus Care grant and the four month funding gap, explaining that there are currently ten households receiving this assistance. Council Member Helgeson argued that the additional funds should be treated as a benevolent, discretionary contribution to a charitable organization. In response to Council questioning, City Attorney Walter Erwin stated that since there is a contract between the parties, the funding would not be a charitable contribution that would require five affirmative votes. Council Members Helgeson and Perrow were totally opposed to the use of local tax dollars to supplant federal grant funds and encouraged LNDF to continue to raise the needed funds from private sources. Council Member Garrett stated that he still had some questions that needed to be answered before he could support this request. Several Council Members commented that they would support this request due to the contractual agreement between the City, LNDF and Miriam's House, and that all share the blame for the deficit. Council Member Gillette stated that the only way that he would support the request would be if the amount is deducted from next year's \$25,000 contribution to LNDF. Vice Mayor Dodson made a motion, seconded by Council Member Johnson, to approve the reallocation of \$13,916 from the Juvenile Detention Home per diem to the Shelter Plus Care grant to provide interim financial assistance and services to ten households. Council Member Helgeson made a substitute motion, seconded by Council Member Perrow, to treat the \$13,916 funding as a benevolent, discretionary contribution to a charitable organization, which would require five votes for approval. Following a lengthy discussion, a majority of Council Members agreed to end the debate and called for the question. The vote was called on the substitute motion and Council by the following recorded vote defeated the substitute motion:

Ayes: Garrett, Helgeson, Perrow 3

Noes: Dodson, Gillette, Johnson, Foster 4

Prior to voting on the original motion, Council Member Gillette stated that it should be the responsibility of LNDF to raise these funds and offered a friendly amendment to the original motion to approve the allocation of \$13,916 on the condition that LNDF would only be eligible for a maximum of \$10,000 as a contribution in next year's budget. Vice Mayor Dodson accepted the friendly amendment, and Council by the following recorded vote adopted Resolution #R-09-142, as amended, to approve the reallocation of \$13,916 from the General Fund Juvenile Detention Center per diem to the Shelter Plus Care grant to provide interim financial assistance and services to ten households on the condition that LNDF would only be eligible for a maximum of \$10,000 as a contribution in next year's budget:

Ayes: Dodson, Gillette, Johnson, Foster 4

Noes: Garrett, Helgeson, Perrow 3

// Due to time constraints, City Council agreed to postpone Agenda Item #4 and roll call to later in the evening following Agenda Item #20.

// City Council recessed the meeting at 7:42 p.m.

// City Council reconvened the meeting at 7:48 p.m. Council Member Perrow gave the Invocation, followed by the Pledge of Allegiance.

// Mayor Foster recognized Natasha Chowdry, a member of the Mayor's Youth Council.

// Mayor Foster and Council Member Helgeson presented a Certificates of Recognition to Liberty University and Lynchburg College Cross Country athletes Sam Chelanga and Ricky Flynn.

// Copies of the minutes of the November 24, 2009 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Gillette, seconded by Council Member Perrow, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

// In the matter of Commonwealth Attorney, Resolution #R-09-137 amending the FY 2010 General Fund Budget and appropriating \$66,755 from the General Fund Reserve for Contingencies to partially restore funding cut by the State for the Commonwealth Attorney's Office, laid over from the November 24, 2009 meeting, was again presented and read, and on motion of Council Member Gillette, seconded by Council Member Perrow, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of Property, Resolution #R-09-138 authorizing the sale of approximately 0.08 acre of surplus property on Breezewood Drive to Mr. Alvin Mayberry, laid over from the November 24, 2009 meeting, was again presented and read, and on motion of Council Member Gillette, seconded by Council Member Perrow, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of Central VA Mental Health, City Council received the list of candidates interested in serving on the Central Virginia Community Services Board.

// In the matter of Commonwealth Attorney, City Council Report #10 was considered. On motion of Council Member Gillette, seconded by Council Member Perrow, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-09-143, as presented, amending the FY 2010 City/Federal/State Aid Fund budget and appropriating \$17,716, fully reimbursable, to fully fund the Victim Witness Program:

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

Noes: 0

// In the matter of Courts - General, City Council Report #11 was considered. On motion of Council Member Gillette, seconded by Council Member Perrow, Council by the following recorded vote introduced

and laid over to a later meeting for final action Resolution #R-09-144, as presented, amending the FY 2010 General Fund budget and appropriating \$22,058, fully reimbursable, to support information technology needs in the Office of the Circuit Court Clerk:

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

Noes: 0

// In the matter of Taxes, City Council Report #12 was considered. On motion of Council Member Gillette, seconded by Council Member Perrow, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-09-145, as presented, amending the FY2010 General Fund budget and appropriating \$10,571 to refund an overpayment of erroneously paid machinery and tools tax by Parker Hannifin Corp for the calendar years 2006, 2007 and 2008:

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

Noes: 0

// In the matter of Taxes, City Council Report #13 was considered. On motion of Council Member Gillette, seconded by Council Member Perrow, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-09-146, as presented, amending the FY2010 General Fund budget and appropriating \$32,621 to refund an overpayment of erroneously paid machinery and tools tax by Rock-Tenn Converting Company for the calendar years 2006, 2007 and 2008:

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

Noes: 0

// In the matter of Taxes, City Council Report #14 was considered. On motion of Vice Mayor Dodson, seconded by Council Member Gillette, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-09-147, as presented, amending the FY2010 General Fund budget and appropriating \$39,710 to refund an overpayment of erroneously paid business license taxes by Watts Petroleum Corp for the calendar years 2006 and 2007:

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

Noes: 0

// In the matter of Taxes, City Council Report #15 was considered. On motion of Council Member Gillette, seconded by Council Member Perrow, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-09-148, as presented, amending the FY2010 General Fund budget and appropriating \$91,856 to refund an overpayment of erroneously paid business license taxes by Westminster Canterbury of Lynchburg, Inc. for the calendar years 2006, 2007, 2008 and 2009:

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

Noes: 0

// In the matter of Economic Development - General, a public hearing was held regarding a proposal to amend the boundaries of Enterprise Zone #2 to encompass the area as delineated and as described on a map entitled "City of Lynchburg, Virginia, Enterprise Zone #2 Amendments". City Manager Kimball Payne stated that for sometime there has been an interest in amending the boundaries of Enterprise Zone #2 to take in more of Odd Fellows Road and Mayflower Drive area, and in particular, many of the large

manufacturing businesses in the area. Mr. Payne explained that because of the limit on the size of the enterprise zone, taking in new areas requires that the zone designation be lifted from other areas where it is of little utility and that the areas proposed for deletion from the zone are primarily residential where zone designation provides no benefit. Mr. Payne went on to say that although the benefits of enterprise zone designation have changed over the years, two primary benefits remain -- job creation and capital improvement grants. There was no one else present who wished to speak to this item, and the public hearing was closed. In response to questioning, Economic Development Director Marjette Upshur stated that the changes to the boundaries are contingent upon approval by the Commonwealth of Virginia, Department of Housing and Community Development. On motion of Council Member Helgeson, seconded by Council Member Garrett, Council by the following recorded vote adopted Resolution #R-09-149, as presented, amending the boundaries of Enterprise Zone #2 to encompass the area as delineated and as described on a map entitled "City of Lynchburg, Virginia, Enterprise Zone #2 Amendments":

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

7

Noes:

0

// In the matter of City Council, Mr. Nels Erickson, Chairman, Citizens for a Clean Lynchburg (CCL), presented an overview regarding CCL activities during the past year and their plans for next year.

// Mayor Foster announced that Agenda Item #18 has been removed from the agenda.

// In the matter of Parks & Recreation - General, City Council Report #19 regarding naming the new addition at the Yoder Center the "Aubrey Barbour Education Center" and naming the existing park the "Aubrey Barbour Park" was considered. Parks and Recreation Director Kay Frazier provided a brief summary regarding the request. Jane White with the Friends of Tinbridge Hill spoke in support of the request. Council Member Helgeson stated that even though he can support this request, he would like for City Council to revisit the policy for the naming of City-owned properties, facilities, streets and structures at a future work session. On motion of Council Member Johnson, seconded by Council Member Garrett, Council by the following recorded vote adopted Resolution #R-09-150, as presented, naming the new addition at the Yoder Center the "Aubrey Barbour Education Center" and naming the existing park the "Aubrey Barbour Park":

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

7

Noes:

0

// In the matter of Property, City Council Report #20 regarding a request to approve an option with Landmark Assets Services, Inc., to purchase the former Armstrong School property on Monsview Place was considered. City Manager Kimball Payne stated that Landmark Assets has again offered to purchase the former Armstrong School and adjoining property for \$500,000 with the intent to develop 60 affordable housing units under the Low Income Housing Tax Credit program through the Virginia Housing and Development Authority. Mr. Payne explained that they have agreed that the City would retain ownership of the athletic fields and would have continued access to the school gym. Mr. Payne went on to say that Landmark has applied for a rezoning of the property to enhance its score for the tax credits and that the

Planning Commission will hear the rezoning request on January 13, 2010, and Council is scheduled to hear the request on February 9, and that a public meeting to explain and discuss the development proposal is being planned for later this month. Mr. Payne stated that Council will still have the ability to decline to sell the property after the required public hearing and that Council is under no obligation to approve the rezoning request. Several Council Members commented that this would be an excellent reuse of a structure that is currently not being used. Council Member Helgeson stated that he still had some concerns regarding the project. On motion of Council Member Gillette, seconded by Council Member Perrow, Council by the following recorded vote authorized the City Manager to engage in negotiations with Landmark Assets Services, Inc. for an option to purchase the former Armstrong School property on Monsview Place:

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

6

Noes: Helgeson

1

// Mayor Foster stated that she requested that the discussion regarding filling the impending vacancy on Council be placed on today's agenda for further discussion. Mayor Foster made a motion that City Council call a special meeting on January 13, 2010, at 5:30 p.m., to discuss candidates for the vacancy and that all proceedings be done in open session. The motion was seconded by Council Member Gillette. Mayor Joan Foster stated that she has reversed her earlier position for a closed-door approach to decide who will fill the upcoming vacancy on Council. Mayor Foster explained that her earlier decision for a closed-door approach was to protect people's privacy and that maybe more people would step up, but that she has since realized that once you step into public office, your life is an open book and you face public scrutiny so why not conduct the proceedings in the open. Mayor Foster also stated that she did approach other Council members individually and asked them to also consider changing their votes as well. Councilman Michael Gillette stated that the open versus closed debate had become a distraction and, after further consideration, has decided a closed-session deliberation was unnecessary. Council Member Gillette also commented that the arguments in favor of a closed session were not sufficient to overrule the arguments in favor of openness. The vote was called on the motion, and Council by the following recorded vote agreed to call a special meeting on January 13, 2010, at 5:30 p.m., to discuss candidates for the vacancy and that all proceedings be done in open session:

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

7

Noes:

0

Council Members began to assemble a formal slate of candidates, i.e., former Council Member Joe Seiffert (submitted by Council Member Helgeson), Nat Marshall (submitted by Vice Mayor Dodson), John Randolph Nelson (submitted by Council Member Gillette) and Jim Weigand (submitted by Council Member Johnson). Council also agreed to leave the nomination process open until December 15 to allow Council Members the opportunity to continue to add names and agreed that candidates may only be nominated by a current Council Member. Council also agreed that candidates would be invited to submit resumes or related biographical information with the understanding those documents would be publicly released and that choosing not to submit any information will not disqualify a candidate. Council also

agreed that the candidates will be invited to attend the January 13 meeting, but that no set format will be imposed during the discussion at that session. Council also agreed that the appointment itself be made at a later date to allow Council Members time to consider their choices and agreed to schedule a special meeting on Friday, January 15, at 7:30 a.m., to make the appointment.

// During roll call, Council Member Helgeson expressed concern regarding the growing number of coyotes in the City and asked that the hunting "permitting" policy be revisited at a future work session to determine if changes are needed to allow bow hunters the ability to address the problem. Council Member Gillette stated that he would like an update regarding the deer population and the number of traffic accidents in the City that are caused by the deer. Council Member Johnson stated that he would like an update regarding the recent incident regarding the one hundred and one year old citizen that was denied fuel assistance. In response to Council Member Garrett's inquiry, City Manager Kimball Payne stated that the project for replacing or filling in the "eyesore" bridges next to the Kemper Street Station is moving forward with right of way acquisition with bids being received next summer. Vice Mayor Dodson mentioned that the Christmas Parade message needed to be removed from the sign at the Main Street entrance at the Carter Glass Bridge. In response to questioning, City Manager Payne stated that Campbell County would have been the first responder at a recent incident at the Airport involving an individual having a heart attack.

// Mayor Foster presented a special recognition to Clerk of Council Patricia W. Kost who will be retiring at the end of the year after 33 years of service with the City of Lynchburg.

// Mayor Foster stated that Deputy Clerk of Council Valeria P. Chambers has agreed to serve as Interim Clerk of Council, and on motion of Council Member Johnson, seconded by Council Member Gillette, Council by the following recorded vote appointed Valeria P. Chambers as Interim Clerk of Council effective January 1, 2010:

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

Noes: 0

// On motion of Council Member Perrow, seconded by Council Member Gillette, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions, i.e., Planning Commission, Community Services Board, Historic Preservation Commission, Airport Commission, Towing Advisory Board, Region 2000 Greenways Alliance, and Design Review Board, and for consultation with legal counsel and briefings by staff members about a specific legal matter, the housing discrimination complaint filed with HUD by Ronald Overstreet, pursuant to Section 2.2-3711(A) (1) and (7), respectively, of the Code of Virginia, 1950, as amended:

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

Noes: 0

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

// Vice Mayor Dodson made the following motion:

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

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

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

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

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

Noes: 0

// In the matter of Appointments, and on nomination of Council Member Johnson, seconded by Council Member Perrow, Council by the following recorded vote re-appointed Laura Lacy Hamilton to serve on the Planning Commission for a term to expire December 31, 2012:

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

Noes: 0

On nomination of Council Member Johnson, seconded by Council Member Perrow, Council by the following recorded vote re-appointed Clyde T. Clark, Sr. to serve on the Community Services Board for a term to expire December 31, 2012:

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

Noes: 0

On nomination of Council Member Johnson, seconded by Council Member Perrow, Council by the following recorded vote re-appointed Janice S. Crawford and David L. Young to serve on the Lynchburg Regional Airport Commission for terms to expire December 31, 2012:

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

Noes: 0

On nomination of Council Member Johnson, seconded by Council Member Perrow, Council by the following recorded vote re-appointed Kevin D. Jones, William Aldrich, Jim R. Martin and Jane M. Rigney-Trent to serve on the Towing Advisory Board for terms to expire December 31, 2012:

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

Noes: 0

On nomination of Council Member Johnson, seconded by Council Member Perrow, Council by the following recorded vote re-appointed Laurel Foot to serve on the Region 2000 Greenways Alliance for a term to expire December 31, 2012:

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

Noes: 0

December 8, 2009

119

On nomination of Council Member Johnson, seconded by Council Member Perrow, Council by the following recorded vote re-appointed Peter F. Barker to serve on the Design Review Board for a term to expire December 31, 2012:

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

7

Noes:

0

// The meeting was adjourned at 10:38 P.M.

Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **January 12, 2010**

AGENDA ITEM NO.: 12

CONSENT:

REGULAR: X

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: X

INFORMATION:

ITEM TITLE: Conditional Use Permit (CUP): Holy Cross Regional Catholic School Comprehensive Signage Plan, 2125 Langhorne Road

RECOMMENDATION: Approval of the CUP petition.

SUMMARY: Holy Cross Regional Catholic School is petitioning to allow replacement of an existing sign with a monument sign that would include a digital reader-board and approximately thirty-nine (39) square feet of copy in an R-4, Medium-High Density Multi-Family Residential District. The petitioner is requesting a modified sign based on the limited visibility of the sign. The sign is located along Langhorne Road, approximately four hundred (400) feet from its intersection with Tate Springs Road. The portion of Langhorne Road along the frontage of the school is four (4) lanes with a posted speed limit of twenty-five (25) miles per hour. The school contends that the location of the sign and the congestion at the intersection limits the visibility of the current signage. The school also has frontage on two (2) public streets which would permit one (1) eighteen (18) square foot sign on each road; however, the school only wishes to provide signage on the Langhorne Road side of the property. The petitioner noted that adjacent properties are zoned B-1, Limited Business District and B-3, Community Business District which permits larger signs than would be permitted on the school property. The school has also identified the importance of changeable copy (digital reader-board) in advertising events and public services to Lynchburg residents. The Planning Commission recommended approval of the CUP petition because:

- The petition agrees with the *Comprehensive Plan* which recommends an Institutional use in this area.
- The petition agrees with Section 35.1-23.16 of the *Zoning Ordinance* which allows a comprehensive signage plan in all zoning districts, except historic districts, with approval of a CUP from City Council.
- The lack of residences minimizes concerns about both the compatibility of the sign as well as the potential for light pollution from the digital reader-board that is prevalent in other residentially zoned areas.

PRIOR ACTION(S):

December 9, 2009: Planning Division recommended approval of the CUP petition.

Planning Commission recommended approval of the CUP petition (6-0, with one member absent, Hannon) subject to the following conditions:

1. The sign shall be installed in the location of the original Holy Cross Regional Catholic School sign.
2. The sign shall be constructed in substantial compliance to the size and materials identified within the sign "mock-ups" submitted by Holy Cross Regional Catholic School, received by the Department of Community Development on October 21, 2009.

FISCAL IMPACT: None

CONTACT(S): Tom Martin, City Planner - 455-3900; Bonnie Svrcek, Deputy City Manager/Acting Director of Community Development - 455-3900

ATTACHMENT(S):

- Resolution
- Planning Commission Report
- Planning Commission Minutes
- Vicinity Map
- Vicinity Proposed Land Use Map
- Watershed Location Map
- Holy Cross Regional Catholic School Comprehensive Sign Plan
- Narrative Justification
- Speaker Sign Up Sheet

REVIEWED BY: lkp

RESOLUTION:

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO HOLY CROSS REGIONAL CATHOLIC SCHOOL TO ALLOW THE IMPLEMENTATION OF A COMPREHENSIVE SIGN PLAN AT 2125 LANGHORNE ROAD.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of Holy Cross Regional Catholic School to allow the implementation of a comprehensive sign plan that would replace an existing sign at 2125 Langhorne Road with a monument sign that would include a digital reader-board and approximately thirty-nine (39) square feet of copy in an R-4, Medium-High Density Multi-Family Residential District be, and the same is hereby approved subject to the following conditions:

1. The sign shall be installed in the location of the original Holy Cross Regional Catholic School sign.
2. The sign shall be constructed in substantial compliance to the size and materials identified within the sign "mock-ups" submitted by Holy Cross Regional Catholic School, received by the Department of Community Development on October 21, 2009.

Adopted:

Certified:

Clerk of Council

004L

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

To: Planning Commission
From: Planning Division
Date: December 9 2009
Re: **CONDITIONAL USE PERMIT [CUP]: Holy Cross Regional Catholic School Comprehensive Sign Plan, 2125 Langhorne Road**

I. PETITIONER

Holy Cross Regional Catholic School, 2125 Langhorne Road, Lynchburg, Virginia 24501

Representative: William Coursey, Holy Cross Regional Catholic School, 2125 Langhorne Road, Lynchburg, Virginia 24501

II. LOCATION

The subject property includes twenty and fifty-six hundredths (20.56) acres at 2125 Langhorne Road.

Property Owner: Bishop Francis X. DiLorenzo, Catholic Diocese of Richmond, 7800 Carousel Lane, Richmond, Virginia 23294

III. PURPOSE

The purpose of this petition is to allow replacement of an existing sign with a monument sign that would include a digital reader-board in an R-4, Medium-High Density Two-Family Residential District.

IV. SUMMARY

- Petition agrees with the *Comprehensive Plan* which recommends an Institutional use in this area.
- Petition agrees with Section 35.1-23.16 of the *Zoning Ordinance* which allows a comprehensive signage plan in all zoning districts, except historic districts, with approval of a CUP from City Council.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan 2002-2020* recommends an Institutional use for the subject property. Institutions are religious, educational and other nonprofit entities in the City. Examples include churches, cemeteries, private schools and universities, private nonprofit hospitals, service clubs and organizations and nonprofit institutions. **(page 5.3)**

Chapter 6 of the Lynchburg *Comprehensive Plan 2002-2020* references how “the design, character and quality of Lynchburg’s built environment strongly influence its livability and economic vitality.” **(page 6.1)** The plan provides that “over 175 residents participated in the Community Character Survey” during public workshops ... in July 2009” and noted that “survey participants responded more favorably to smaller scale monument signs.” **(pages 6.4 and 6.11, respectively)** The petitioner is requesting a monument sign with a digital reader-board that would include approximately thirty-nine (39) square feet of copy – the equivalent of signage permitted in a B-3, Community Business District or B-5, General Business District.

2. **Zoning.** The subject property was annexed into the City in 1926. The existing R-4, Medium-High Density Multi-Family Residential District zoning was established in 1978 with the adoption of the *Zoning Ordinance*.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the development of the property as proposed.
4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - On November 12, 2002, City Council approved Holy Cross School/Tabor Retreat's CUP petition to allow the construction of building and parking additions in an R-4, Medium-High Density Multi-Family Residential District at 2125 Langhorne Road.
 - On May 28, 2002, City Council approved William H. Burress, Jr.'s petition to rezone approximately fifty (50) acres from R-4, Medium-High Density, Multi-Family Residential District to B-1C, Limited Business District (Conditional) to allow the development of an office park within the 2400 Block of Atherholt Road.
 - On June 13, 2000, City Council approved The Surgery Center of Lynchburg, LLC's petition to rezone approximately five (5) acres from R-4, Medium-High Density, Multi-Family Residential District to B-1C, Limited Business District (Conditional) to allow the construction of an ambulatory surgery center, related services and parking at 2401 Atherholt Road.
 - On December 14, 1999, City Council approved Avante' at Lynchburg's petition to rezone approximately three and seventy-five hundredths (3.75) acres from R-4, Medium-High Density, Multi-Family Residential District to B-1C, Limited Business District (Conditional) to allow commercial access across the property and future commercial use at 2081 Langhorne Road.
 - On December 8, 1998, City Council approved Ganot Corporation's petition to rezone approximately one and two hundredths (1.02) acres from R-4, Medium-High Density, Multi-Family Residential District to B-1C, Limited Business District (Conditional) to allow the construction of medical offices and parking at 2085 Langhorne Road.
 - On June 10, 1997, City Council approved Rehabilitation Associates of Central Virginia's petition to rezone one and six tenths (1.6) acres from B-1C, Limited Business District (Conditional) to B-1C, Limited Business District (Conditional) to amend the previously approved site plan and proffers to allow the expansion of an existing parking area for the existing office building at 44 Clifton Street.
 - On June 11, 1996, City Council approved Beach Medical's petition to rezone two and three tenths (2.3) acres from B-1C, Limited Business District (Conditional) to B-3, Community Business District to allow the operation of a medical office with medical equipment sales, service and rentals at 2092 Langhorne Road.
 - On August 8, 1995, City Council approved Avante' at Lynchburg's CUP petition to allow the construction of a new building and parking addition to an existing assisted living facility in an R-4, Medium-High Density Multi-Family Residential District at 2125 Langhorne Road.
 - On November 3, 1993, City Council approved Langhorne Road Exxon's CUP petition to allow the construction of two (2) additional garage bays as part of an existing service station in a B-3, Community Business District at 2130 Langhorne Road.
 - On October 12, 1993, City Council approved Giles, Cox and Associates' petition to rezone six and fifty-four hundredths (6.54) acres from R-4, Medium-High Density, Multi-Family Residential District to B-1C, Limited Business District (Conditional) to allow the construction of two (2) professional office buildings at 2102 Langhorne Road.

- On July 13, 1993, City Council approved Elderberry Nursing Home, Inc.'s petition to rezone seven and one-half (7.5) acres from R-4, Medium-High Density, Multi-Family Residential District to B-1C, Limited Business District (Conditional) and for a CUP to allow the construction of a nursing home with one hundred and twenty (120) beds, a speculative office building and a parking area behind 2303 Yorktown Avenue.
- On February 9, 1993, City Council approved Non Public Educational Service's CUP petition to allow the installation of a modular classroom in an R-4, Medium-High Density Multi-Family Residential District at 2125 Langhorne Road.
- On September 12, 1989, City Council approved Howard Terry's petition to rezone four and five tenths (4.5) acres from R-3, Medium Density, Two-Family Residential District to B-1C, Limited Business District (Conditional) to allow the construction of two (2) office buildings at 2092 Langhorne Road and 44 Clifton Street.
- On April 11, 1989, City Council approved William H. Burrus's petition to rezone four and two tenths (4.2) acres from R-4, Medium-High Density Multi-Family Residential District to B-1C, Limited Business District (Conditional) to allow the use of an existing building and the construction of new office space to be called "Westerly Acres Office Complex" at 2303 Yorktown Avenue.
- On October 11, 1988, City Council approved George and William Walker's petition to rezone one and two tenths (1.2) acres from R-C, Resource Conservation District to B-1C, Limited Business District (Conditional) to allow the construction of two (2) professional office buildings at 2050 Langhorne Road.
- On June 14, 1988, City Council approved David Marks and Jane Blickenstaff's petition to rezone two and seven tenths (2.7) acres from R-4, Medium-High Density Multi-Family Residential District to B-1C, Limited Business District (Conditional) to allow the continued use of the property as an attorney's office as well as the construction of medical and general office space at 2091, 2093, 2095, 2097 and 2099 Langhorne Road.
- On November 10, 1987, City Council approved the Roman Catholic Diocese of Richmond's CUP petition to allow the use of an existing building as a religious retreat center and the construction of additional parking in an R-4, Medium-High Density Multi-Family Residential District at 2125 Langhorne Road.
- On November 13, 1984, City Council approved Holy Cross School's CUP petition to allow the construction of an amphitheater and tennis courts in an R-4, Medium-High Density Multi-Family Residential District at 2125 Langhorne Road.
- On June 14, 1983, City Council approved Holy Cross School's CUP petition to allow the construction of a classroom addition in an R-4, Medium-High Density Multi-Family Residential District at 2125 Langhorne Road.
- On May 11, 1982, City Council approved The Alexander Partnership's petition to rezone three and thirty-two hundredths (3.32) from B-3C, Community Business District (Conditional) to B-1, Limited Business District to amend existing proffers to allow the construction of a medical office building at 2104 Langhorne Road.
- On January 12, 1982, City Council approved Agudath Shaom Synagogue's CUP petition to operate a care center in an R-4, Medium-High Density Multi-Family Residential District at 2055 Langhorne Road.
- On October 14, 1980, City Council approved Jessie Jeffries's petition to rezone approximately one (1) acre from B-2, Local Neighborhood Business District to B-3C, Community Business District (Conditional) to allow the construction of a convenience store with gasoline sales at 2023 Langhorne Road.

- On August 12, 1980, City Council approved Gary Case's petition to rezone three and twenty-two hundredths (3.22) acres from B-1, Limited Business District to B-3C, Community Business District (Conditional) to allow the construction of a restaurant at 2104 Langhorne Road.
5. **Site Description.** The subject property includes an existing school, a multi-use building, associated parking and athletic facilities; the remainder of the property is undeveloped forestal land. It is bound to the north by commercial businesses, medical offices and undeveloped forestal land; to the east by commercial businesses; to the south by undeveloped forestal land and medical offices; and to the west by undeveloped forestal land, commercial businesses, medical offices and multi-family apartments.
 6. **Proposed Use of Property.** The purpose of the CUP petition is to allow for the replacement of an existing sign with a monument-style sign that would include a brick base. The proposed sign would include thirty-nine (39) square feet of copy – just over two (2) times the eighteen (18) square feet of signage permitted within residential districts by Section 35.1-26.8 of the *Zoning Ordinance*. The proposed sign would also include changeable copy (in the form of a digital reader-board), which is not allowed in residential districts.

Section 35.1-26.16 of the *Zoning Ordinance* provides that “modified signs are permitted in all zoning districts, except historic districts, by CUP approving a comprehensive signage plan.” “City council may grant a conditional use permit upon a determination that (1) There is good cause for deviating from a strict application of the requirements of the *Zoning Ordinance*; (2) The modification(s), as proposed, will serve the public purposes and objectives set forth in the *Zoning Ordinance* at least as well, or better, than the signage that would otherwise be required under the zoning standards and requirements; (3) ... the number, characteristics, and/or location(s) of one (1) or more signs referenced in the plan do not comply with the requirements of the *Zoning Ordinance*.” The ordinance also specifically references that “City council will not grant a modification of any standard or requirement for a sign if “the requested modification would create a special privilege or convenience for the applicant.”

The petitioner is requesting a modified sign based on the limited visibility of the sign. The sign is located along Langhorne Road, approximately four hundred (400) feet from its intersection with Tate Springs Road. The portion of Langhorne Road along the frontage of the school is four (4)-lanes with a posted speed limit of twenty-five (25) miles per hour. The church contends that the location of the sign and the congestion at the intersection limits the visibility of the current signage. The school also has frontage on two (2) public streets which would permit one (1) eighteen (18) square foot sign on each road; however, the school only wishes to provide signage on the Langhorne Road side of the property. The petitioner noted that adjacent properties are zoned B-1, Limited Business District and B-3, Community Business District which permits larger signs than would be permitted on the school property. The school has also identified the importance of changeable copy (digital reader-board) in advertising events and public services to Lynchburg residents. The CUP would allow Holy Cross Regional Catholic School to match the size and changeable copy used throughout the City by other schools.

7. **Traffic, Parking and Public Transit.** The City's Transportation Engineer requested that the petitioner maintain the same or increase the distance from the back of the sidewalk to the sign to prohibit obstruction of a vehicle's line-of-sight. The petitioner has provided that the sign would be constructed in the same location as the original sign.
8. **Storm Water Management.** The City's Environmental Reviewer had no concerns regarding the petition.
9. **Emergency Services.** The City's Fire Marshal had no concerns regarding the petition.

The City Police Department had no concerns regarding the petition.

10. **Impact.** Although the proposed signage is larger than the existing zoning permits, the limited visibility from Langhorne Road and the size of the school parcel do provide justification for the sign request. The sign would be monument-style with a brick base similar to those that received the most favorable ratings within the *Comprehensive Plan 2002-2020*.

Staff evaluated the uses along Langhorne Road, noting that the majority were commercial businesses. The lack of residences minimizes concerns about both the compatibility of the sign as well as the potential for light pollution from the digital reader-board that is prevalent in other residentially zoned areas. Traffic comments have also been addressed to the satisfaction of City staff and the result would be a sign package that is similar to other schools within the City.

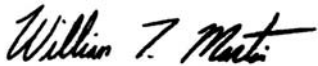
11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on November 17, 2009. Comments related to the proposed use were minor in nature and have or will be addressed by the developer prior to final site plan approval.
-

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of Holy Cross Regional Catholic School's petition for a conditional use permit to allow the implementation of a comprehensive sign plan that would replace an existing sign at 2125 Langhorne Road, subject to the following conditions:

- 1. The sign shall be installed in the location of the original Holy Cross Regional Catholic School sign.**
- 2. The sign shall be constructed in substantial compliance to the size and materials identified within the sign "mock-ups" submitted by Holy Cross Regional Catholic School, received by the Department of Community Development on October 21, 2009.**

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/Acting Director of Community Development
Mr. Walter C. Erwin, City Attorney
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozerow, Lynchburg Police Department
Battalion Chief Greg Wormser, Fire Marshal
Mr. Gerry Harter, Transportation Engineer
Mr. Robert Drane, Building Commissioner
Mr. Robert Fowler, Zoning Administrator
Mr. Kent White, Senior Planner
Ms. Erin Hawkins, Environmental Reviewer
Mr. William Coursey, Representative, Holy Cross Regional Catholic School
Mr. John Jones, Representative, Holy Cross Regional Catholic School

VII. ATTACHMENTS

- 1. Vicinity Zoning Pattern**
- 2. Vicinity Proposed Land Use**

Planning Commission: Holy Cross School Consolidated Sign, December 9, 2009

- 3. Watershed Location Map**
- 4. Holy Cross Regional Catholic School Comprehensive Sign Plan**
- 5. Narrative Justification**

MINUTES FROM THE DECEMBER 9, 2009 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED. THERE WAS NO DECEMBER 23, 2009 MEETING):

d. Petition of Holy Cross Catholic School for a conditional use permit to allow the implementation of a consolidated sign plan in an R-4, Medium-High Density Residential District at 2125 Langhorne Road.

Mr. Martin summarized the petition and Planning Commission report. The original sign was erected in the 1960's and has been demolished. The sign ordinance would allow for an 18-square foot sign on Langhorne Road and an 18-square foot sign on Tate Springs Road. The *Zoning Ordinance* allows modified signs to be approved if two items are met. There needs to be good cause for deviating from a strict application of the requirements and the proposed modifications need to serve the public purpose and objectives as well or better than otherwise required. The property is zoned R-4 but the sign will be in the vicinity of property that is zoned B-3 and B-1. In a B-1 district, a sign can be up to 24 square feet up to ten feet in height. In a B-3 district, a sign can be up to 66 square feet and up to 17 feet in height. The proposed sign is only slightly larger than the square footage of two signs that would be allowed by right. Since this area is primarily commercial, staff does not have as much concern about the digital reader-board. The Transportation Engineer has requested that the sign be placed in the same location or further back than the original sign. The new sign will be placed in the same location as the original sign. The Planning Division recommends approval.

Mr. John Jones came forward as the representative for the petition. The school would like the new sign for cosmetic reasons and the digital reader-board in order to better communicate with the community.

Chair Hamilton asked for anyone else who wished to speak in favor of the petition. No one came forward. She asked for anyone who wished to speak in opposition to the petition. No one came forward. She closed the public hearing portion of the petition.

Commissioner Worthington made the following motion, which was seconded by Commissioner Oglesby. Commissioner Swienton had voiced earlier that he would be abstaining from the vote:

"That the Planning Commission recommends to City Council approval of Holy Cross Regional Catholic School's petition for a conditional use permit to allow the implementation of a comprehensive sign plan that would replace an existing sign at 2125 Langhorne Road, subject to the following conditions:

- 1. The sign shall be installed in the location of the original Holy Cross Regional Catholic School sign.**
- 2. The sign shall be constructed in substantial compliance to the size and materials identified within the sign "mock-ups" submitted by Holy Cross Regional Catholic School, received by the Department of Community Development on October 21, 2009."**

The motion passed by the following vote:

AYES:	Barnes, Hamilton, Oglesby, Sale and Worthington	5
NOES:		0
ABSTENTIONS:	Swienton	1
ABSENT:	Hannon	1

HOLY CROSS CATHOLIC SCHOOL

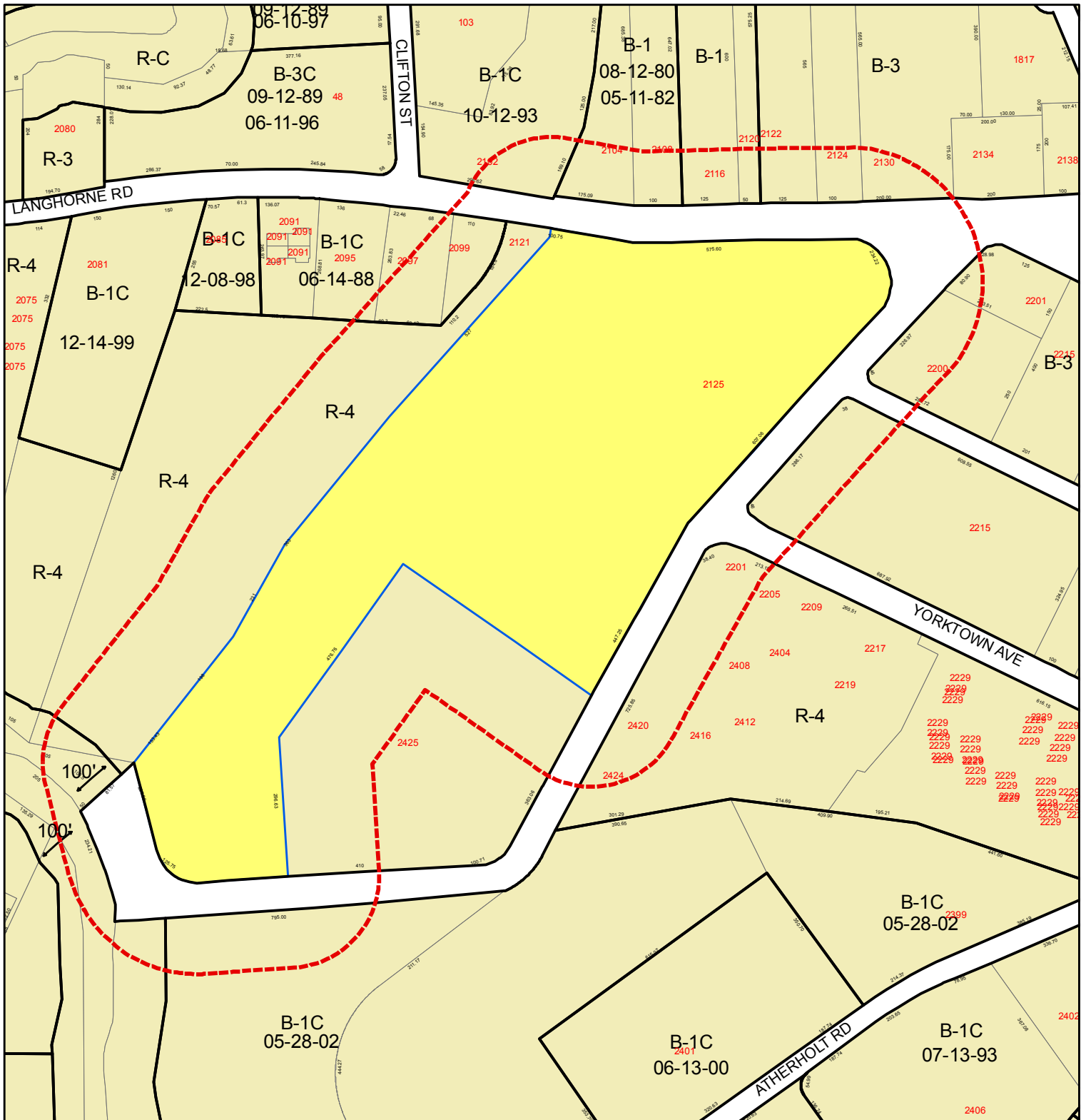
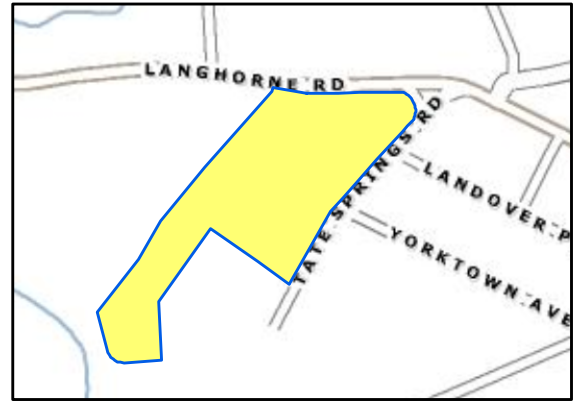
2125 Langhorne Road

PIN# 00505001

Conditional Use Permit Request
Petitioner-Holy Cross Catholic School

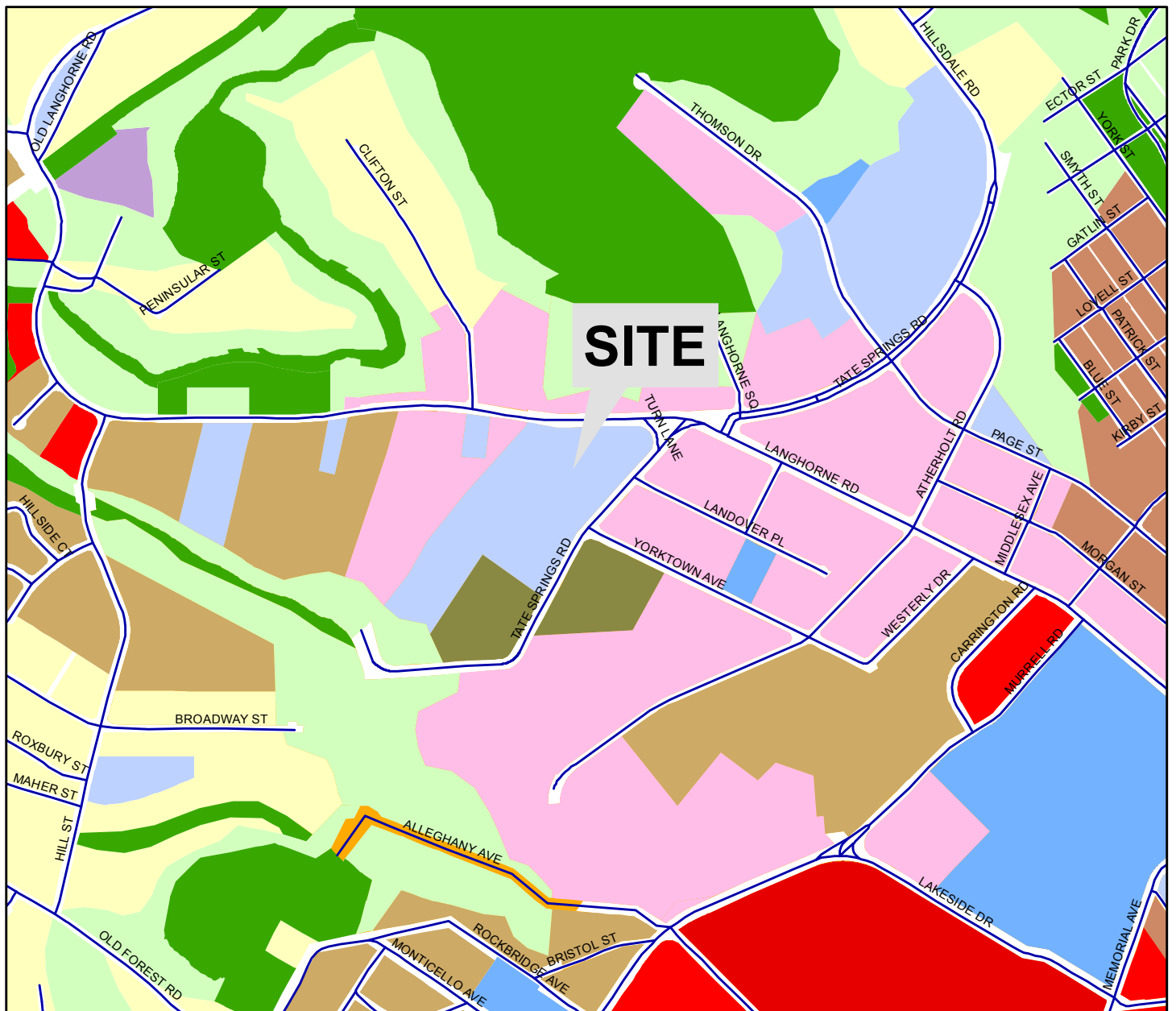
 Subject Property

 200 FT Buffer



HOLY CROSS CATHOLIC SCHOOL ADJOINING OWNERS

PIN	Owner	LocAddr
00501002	BURRUSS WILLIAM H JR & SHARON C TR U/T REVOCABLE LIVING TRUST	2409 ATHERHOLT RD
00501004	WINDSOR TERRACE LLC	2201 YORKTOWN AVE
00504004	MACALI ASSOCIATES	2215 LANDOVER PL
00504011	HCR PROPERTIES MEDICAL CARE	2200 LANDOVER PL
00504012	MILTON & NEAL	2201 LANGHORNE RD
00505001	SULLIVAN WALTER F THE MOST REV	2125 LANGHORNE RD
00505002	H C HOUSING INC C/O LANCASTER POLLARD MORTGAGE CO	2425 TATE SPRINGS RD
00601002	PLANTERS BANK & TRUST COMPANY OF VIRGINIA	2102 LANGHORNE RD
00601018	CANDLER OIL CO INC	2130 LANGHORNE RD
00601020	ELDER JERRY C & PATSY D	2124 LANGHORNE RD
00601021	COOPERATIVE SAVINGS BANK C/O BB&T PROPERTY TAX DEPT	2122 LANGHORNE RD
00601022	COOPERATIVE SAVINGS BANK C/O BB&T PROPERTY TAX DEPT	2120 LANGHORNE RD
00601023	COOPERATIVE SAVINGS BANK C/O BB&T PROPERTY TAX DEPT	2116 LANGHORNE RD
00601024	HARMAN LEASING INC	2108 LANGHORNE RD
00601025	BLACKWATER BLUFF INC	2104 LANGHORNE RD
01505003	CAMPBELL JAMES L NANCY ANN JAMIE	1809 BROADWAY ST
01506041	CITY OF LYNCHBURG C/O STEVE LAWSON	2820 HILL ST
01601006	CITY OF LYNCHBURG C/O STEVE LAWSON	2810 HILL ST
01601010	BELKIN BEN A DR & JANETTE S TRS	2121 LANGHORNE RD
01601015	2095 ASSOCIATES LLC	2095 LANGHORNE RD
01601017	CENTRA HEALTH INC C/O JOHN M LITAKER	2097 LANGHORNE RD
01601019	TROST RANDALL J & DELIA O	2099 LANGHORNE RD
Owner	HOLY CROSS CATHOLIC SCHOOL	
Petitioner	HOLY CROSS CATHOLIC SCHOOL	
Representative	WILLIAM COURSEY/JOHN JONES	



-  LocalHistoricDistrict
-  Traditional Residential
-  Low Density Residential
-  Medium Density Residential
-  High Density Residential
-  Neighborhood Commercial
-  Community Commercial
-  Regional Commercial
-  Employment 1
-  Employment 2
-  Office
-  Institution
-  Downtown
-  Public Use
-  Public Parks
-  Resource Conservation
-  Residential Mixed Use
-  General Mixed Use
-  Employment Mixed Use

HOLY CROSS CATHOLIC SCHOOL

2125 LANGHORNE ROAD

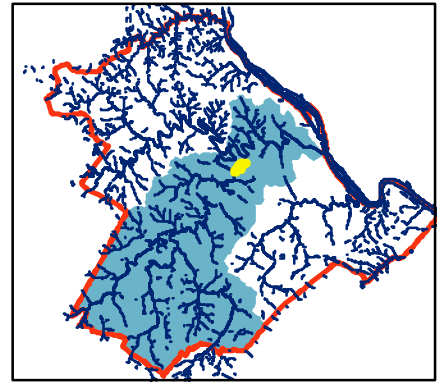
LAND USE PLAN

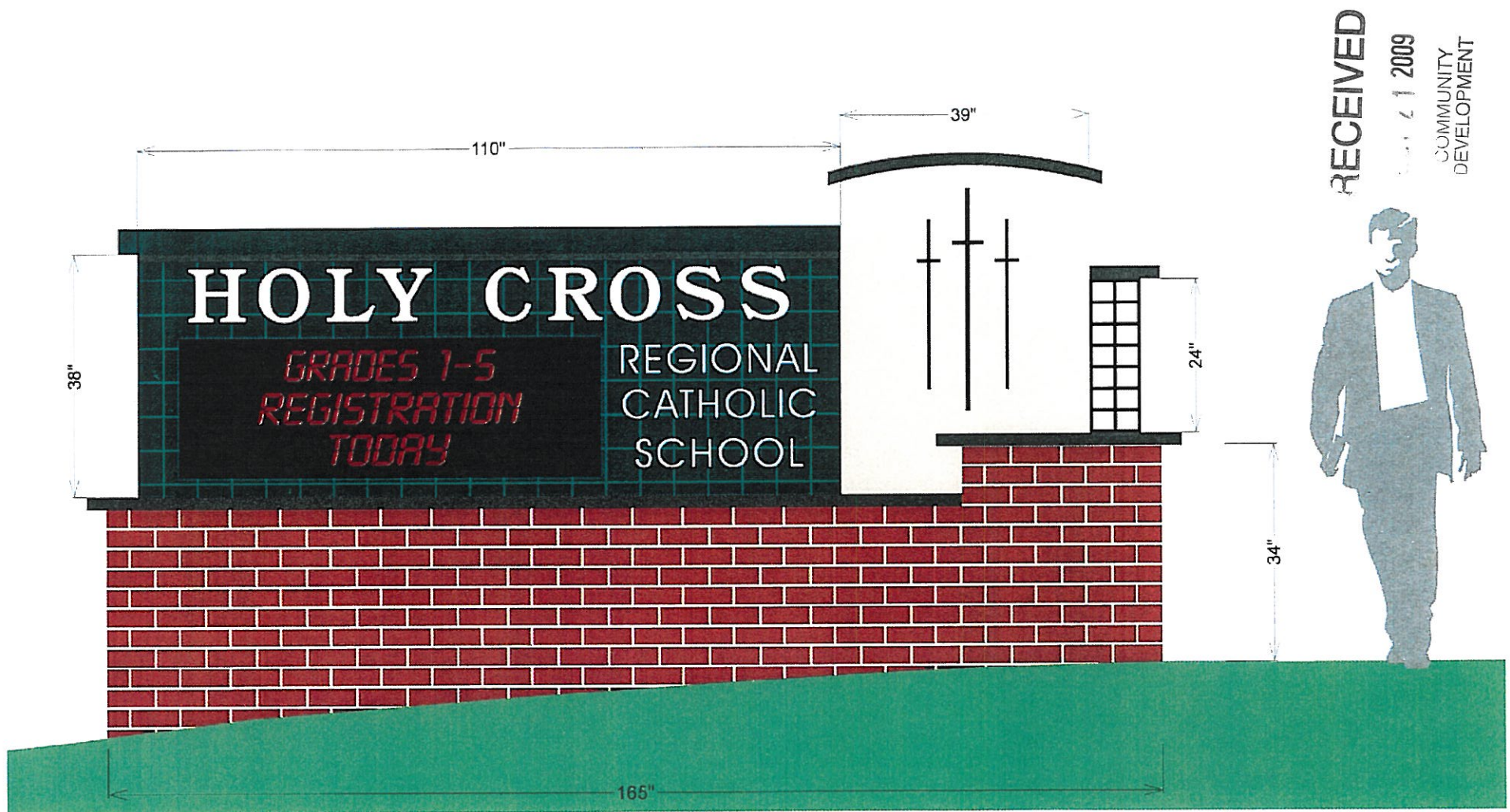


Holy Cross School

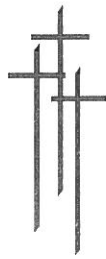
Watershed Location Map

-  Project Site
-  FloodzoneA
-  Blackwater Creek
-  Corporate Limit





Electronic Message board - 22" x 66"



Holy Cross Regional Catholic School

*Celebrating 131 Years of Academic Excellence,
Honor, Tradition, Service, and Christian Values*

November 29, 2009

RECEIVED

DEC 1 2009

COMMUNITY
DEVELOPMENT

Mr. Kent White
Senior Planner
City of Lynchburg
City Hall
Lynchburg, Virginia 24504

RE: Requested information in the TRC report dated November 23, 2009

Dear Kent:

Thank you for sending me the TRC report dated November 23, 2009. The following address the comments in the "notes" column:

McBride Sign Company was contacted for the installation of the notification sign on Landover Place. Please note the proposed sign is the same location as the former sign on Langhorne Road. There are no plans for new installations on Landover Place.

A letter was sent to area property owners and businesses regarding this proposal (see enclosed copy). There have been no objections. In fact, one conversation was received with enthusiastic support.

The school was constructed in 1960 and the previous sign was of similar age using technology almost fifty years old. The school is unaware of how any of the zoning history has the land for the school zoned as R-4. The school is aware that:

1. The proposed sign is for the same location as the former sign
2. It is smaller in height than many of the signs on Langhorne Road
3. The school is at a "gateway" to Midtown
4. Many athletic, Liturgical, academic and community events occur at the school bringing people from Lynchburg and the surrounding counties to Midtown
5. The primary ingress and egress to the school is from Langhorne Road which is dominated by commercial properties



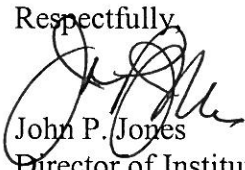
Holy Cross Regional Catholic School

*Celebrating 131 Years of Academic Excellence,
Honor, Tradition, Service, and Christian Values*

6. The current zoning plan and comprehensive plan supports the surrounding land uses on Langhorne Road being commercialized
7. The sign will complement and enhance the visual appeal of this commercial stretch of Langhorne Road

Information that was previously displayed on the former lighted individual letter marquis sign will be displayed on the modern sign which the school believes will be easier and safer for viewing by vehicular traffic. The sign will also allow the school a display mechanism for events of interest and benefit to the community.

Respectfully,



John P. Jones

Director of Institutional Advancement

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **January 12, 2010**

AGENDA ITEM NO.: 13

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: Conditional Use Permit (CUP): Lynchburg First Church of the Nazarene Comprehensive Signage Plan, 1737 Wards Ferry Road

RECOMMENDATION: Approval of the CUP petition.

SUMMARY: Lynchburg First Church of the Nazarene is petitioning to allow the removal of an existing sign and the replacement of a second existing sign with a larger monument sign that would include a digital reader-board and approximately thirty-nine (39) square feet of copy in an R-3, Medium Density Two-Family Residential District. The petitioner is requesting a modified sign based on the speed limit and alignment of Wards Ferry Road, as well as the visibility of the sign. The church is located within a curve of Wards Ferry Road which has a speed limit of thirty-five (35) miles per hour. The petitioner has noted that the cumulative size of the two (2) existing signs that would be removed is similar to the size of the one (1) proposed sign that will be replacing them. The request also details the benefits of the changeable copy (digital reader-board) in advertising events and public services to Lynchburg residents. The size of the sign would make the text visible and allow the church to operate in similar fashion to other churches within the community. The Planning Commission recommended approval of the CUP petition because:

- The petition agrees with the *Comprehensive Plan* which recommends Institutional and Medium Density Residential uses in this area.
- The petition agrees with Section 35.1-23.16 of the *Zoning Ordinance* which allows a comprehensive signage plan in all zoning districts, except historic districts, with approval of a CUP from City Council.
- The density of residential housing along this corridor of Wards Ferry Road is relatively low with townhouses and single-family homes surrounding the large church parcel.

PRIOR ACTION(S):

December 9, 2009: Planning Division recommended approval of the CUP petition.

Planning Commission recommended approval of the CUP petition (6-0, with one member absent, Hannon) subject to the following conditions:

1. The sign shall be installed adjacent to the driveway entrance in substantial compliance with the comprehensive sign plan submitted by the Lynchburg First Church of the Nazarene, received by the Department of Community Development on October 29, 2009.
2. The sign shall be constructed in substantial compliance to the size and materials identified within the sign "mock-ups" submitted by Lynchburg First Church of the Nazarene.

FISCAL IMPACT: None

CONTACT(S): Tom Martin, City Planner - 455-3900; Bonnie Svrcek, Deputy City Manager/Acting Director of Community Development - 455-3900

ATTACHMENT(S):

- Resolution
- Planning Commission Report
- Planning Commission Minutes
- Vicinity Map
- Vicinity Proposed Land Use Map
- Watershed Location Map
- Church of the Nazarene Comprehensive Sign Plan
- Narrative Justification
- Speaker Sign Up Sheet

REVIEWED BY: lkp

RESOLUTION:

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO LYNCHBURG FIRST CHURCH OF THE NAZARENE TO ALLOW THE IMPLEMENTATION OF A COMPREHENSIVE SIGN PLAN AT 1737 WARDS FERRY ROAD.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of Lynchburg First Church of the Nazarene to allow the implementation of a comprehensive sign plan that allows for the removal of an existing sign and the replacement of a second existing sign with a larger monument sign that would include a digital reader-board and approximately thirty-nine (39) square feet of copy in an R-3, Medium Density Two-Family Residential District be , and the same is hereby approved subject to the following conditions:

1. The sign shall be installed adjacent to the driveway entrance in substantial compliance with the comprehensive sign plan submitted by the Lynchburg First Church of the Nazarene, received by the Department of Community Development on October 29, 2009.
2. The sign shall be constructed in substantial compliance to the size and materials identified within the sign "mock-ups" submitted by Lynchburg First Church of the Nazarene.

Adopted:

Certified:

Clerk of Council

003L

The Department of Community Development

City Hall, Lynchburg, VA 24504

434-455-3900

To: Planning Commission
From: Planning Division
Date: December 9, 2009
Re: **CONDITIONAL USE PERMIT [CUP]: Lynchburg First Church of the Nazarene Comprehensive Sign Plan, 1737 Wards Ferry Road**

I. PETITIONER

Lynchburg First Church of the Nazarene, 1737 Wards Ferry Road, Lynchburg, Virginia 24502
Representative: Doug Fry, Lynchburg First Church of the Nazarene, 1737 Wards Ferry Road, Lynchburg, Virginia 24502

II. LOCATION

The subject property includes thirty-one and fifty-five hundredths (31.55) acres at 1737 Wards Ferry Road.
Property Owner: Lynchburg First Church of the Nazarene, 1737 Wards Ferry Road, Lynchburg, Virginia 24502

III. PURPOSE

The purpose of this petition is to allow the removal of an existing sign and the replacement of a second existing sign with a larger monument sign that would include a digital reader-board in an R-3, Medium Density Two-Family Residential District.

IV. SUMMARY

- Petition agrees with the *Comprehensive Plan* which recommends Institutional and Medium Density Residential uses in this area.
- Petition agrees with Section 35.1-23.16 of the *Zoning Ordinance* which allows a comprehensive signage plan in all zoning districts, except historic districts, with approval of a CUP from City Council.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan 2002-2020* recommends Institutional and Medium Density Residential uses for the subject property. Institutional uses are religious, educational and other nonprofit entities in the City. Examples include churches, cemeteries, private schools and universities, private nonprofit hospitals, service clubs and organizations and nonprofit institutions. **(page 5.3)** Medium Density Residential uses are characterized by small-lot single-family detached housing, duplexes and townhouses with densities up to twelve (12) units per acre. In addition to residential uses, they may include public and institutional uses compatible in scale with single-family residential homes. **(page 5.5)**

Chapter 6 of the Lynchburg *Comprehensive Plan 2002-2020* references how “the design, character and quality of Lynchburg’s built environment strongly influence its livability and economic vitality.” **(page 6.1)** The plan provides that “over 175 residents participated in the Community Character Survey” during public workshops ... in July 2009” and noted that “survey participants responded more favorably to smaller scale monument signs.” **(pages 6.4 and 6.11, respectively)** The petitioner is requesting a monument sign with a digital reader-board that would include approximately thirty-nine (39) square feet of copy – the equivalent of signage permitted in a

B-3, Community Business District or B-5 General Business District. The current petition reflects a reduction of one-third (1/3) the size of their original sign proposal.

2. **Zoning.** The subject property was annexed into the City in 1976. The existing R-2C, Low-Medium Density Single-Family Residential District (Conditional), R-3C, Medium Density Two-Family Residential District (Conditional) and R-3, Medium Density Two-Family Residential District zoning was established in 1978 with the adoption of the *Zoning Ordinance* and on January 14, 1992 with approval of a rezoning by City Council, respectively.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the development of the property as proposed.
4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - On September 12, 2006, City Council approved Fieldstone Manor LLC's CUP petition to allow the construction of twenty-one (21) townhouse units for sale in an R-3, Medium Density Two-Family Residential District at 110 and 120 Aaron Place.
 - On May 26, 2004, City Council approved Lynchburg Church of the Nazarene's CUP petition to allow the construction of a multi-ministry building with associated parking in an R-2C, Low-Medium Density Single-Family Residential District (Conditional), R-3C, Medium Density Two-Family Residential District (Conditional), and R-3, Medium Density Two-Family Residential District at 1737 Wards Ferry Road.
 - On October 28, 2003, City Council approved Mark and Joyce Hartless's CUP petition to allow the construction of forty-seven (47) townhouses with associated parking in an R-3, Medium Density Two-Family Residential District at 2002 and 2004 Wards Ferry Road.
 - On January 14, 1992, City Council approved Central Virginia Development Company's petition to rezone approximately twenty-seven and five tenths (27.5) acres from R-1, Low Density Single-Family Residential District to R-3, Medium Density Two-Family Residential District. and R-3C, Medium Density Two-Family Residential District (Conditional) to allow the subdivision of the property into fifty-seven (57) lots for ten (10) duplexes and forty-seven (47) single-family detached homes at 1737 Wards Ferry Road.
 - On February 14, 1989, City Council approved Watergate Partners' CUP petition for construction of 108 townhouse units in an R-3, Medium Density Two-Family Residential District at 110 and 130 Aaron Place.
 - On August 11, 1988, City Council approved Marshall Lodge #39 A.F. & A.M.'s CUP petition to allow the construction of a Masonic Lodge with associated parking in an R-3, Medium Density Two-Family Residential District at 1730 Wards Ferry Road.
 - On April 8, 1986, City Council approved George C. and William M. Walker's petition to rezone one and sixty-seven hundredths (1.67) acres from R-3, Medium Density Two-Family Residential District to R-4C, Medium-High Density Multi-Family Residential District (Conditional) to allow the construction of twelve (12) apartment units and parking at 1711 Wards Ferry Road.
 - On May 22, 1979, City Council amended the "Official Zoning Map of the City of Lynchburg" to affect the Timberlake Road area as shown on the map entitled "Timberlake Road Study, Proposed Zoning, Recommended by the Lynchburg Planning Commission and Further Revised by the City Council May 22, 1979."
5. **Site Description.** The subject property includes an existing church and multi-ministry building with associated parking. It is bound to the north by undeveloped forestal land, single-family homes, townhouses and a private civic organization; to the east by single-family homes, a private civic organization and undeveloped forestal land; to the south by undeveloped forestal land and single-family homes; and to the west by undeveloped forestal land, single-family homes and townhouses.
6. **Proposed Use of Property.** The purpose of the CUP petition is to allow for the replacement of an existing sign with a larger, monument-style, sign that would include a brick base. A second existing sign would also be removed from the property as part of the petition. The proposed sign would include thirty-nine (39) square feet of copy – more than twice the eighteen (18) square feet of signage permitted within residential districts by

Section 35.1-26.8 of the *Zoning Ordinance*. The proposed sign would also include changeable copy (in the form of a digital reader-board) which is also not allowed in residential districts.

Section 35.1-26.16 of the *Zoning Ordinance* provides that “modified signs are permitted in all zoning districts, except historic districts, by CUP approving a comprehensive signage plan.” “City council may grant a conditional use permit upon a determination that (1) There is good cause for deviating from a strict application of the requirements of the *Zoning Ordinance*; (2) The modification(s), as proposed, will serve the public purposes and objectives set forth in the *Zoning Ordinance* at least as well, or better than, the signage that would otherwise be required under the zoning standards and requirements; and (3) ... the number, characteristics, and/or location(s) of one (1) or more signs referenced in the plan do not comply with the requirements of the *Zoning Ordinance*.” The ordinance also specifically references that “City council will not grant a modification of any standard or requirement for a sign if “the requested modification would create a special privilege or convenience for the applicant.”

The petitioner is requesting a modified sign based on the speed limit and alignment of Wards Ferry Road, as well as the visibility of the sign. The church is located within a curve of Wards Ferry Road which has a speed limit of thirty-five (35) miles per hour. The church contends that this provides for limited visibility of the current signage and that the cumulative size of the two (2) existing signs that would be removed is similar to the size of the proposed sign. The request also details the benefits of the changeable copy (digital reader-board) in advertising events and public services to Lynchburg residents. The size of the sign would make the text visible and allow the church to operate in similar fashion to other churches within the community.

7. **Traffic, Parking and Public Transit.** The City’s Transportation Engineer had no concerns regarding the petition.
8. **Storm Water Management.** The City’s Environmental Reviewer had no concerns regarding the petition.
9. **Emergency Services.** The City’s Fire Marshal had no concerns regarding the petition.

The City Police Department had no concerns regarding the petition.

10. **Impact.** Although the proposed signage is larger than the existing zoning permits, the speed limit, topography and alignment of Wards Ferry Road, as well as the size of the church parcel, do provide justification for the sign request. The sign would be monument-style with a brick base similar to those that received the most favorable ratings within the *Comprehensive Plan 2002-2020*, which provides a measure of scale and character referenced as part of the Medium Density Residential use designation. Staff also evaluated the density of residential housing along this corridor of Wards Ferry Road, noting that it is relatively low with townhouses and single-family homes surrounding the large church parcel. Despite the density, staff is concerned about the compatibility and potential for light pollution attributed to the digital reader-board which would potentially illuminate changeable copy twenty-four (24) hours per day within view of the townhouses. Although the petitioner has reduced the size of the sign to one third (1/3) the size of that originally proposed, staff recommends that the petitioner consider an additional reduction of the overall size of the sign and elimination of the digital reader-board.
11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on October 20, 2009. Comments related to the proposed use were minor in nature and have or will be addressed by the developer prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDATION

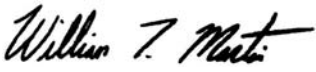
Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of Lynchburg First Church of the Nazarene’s petition for a conditional use permit to allow the implementation of a comprehensive sign plan that would consolidate two (2) signs into one (1) at 1737 Wards Ferry Road, subject to the following conditions:

1. **The sign shall be installed adjacent to the driveway entrance in substantial compliance with the comprehensive sign plan submitted by the Lynchburg First**

Church of the Nazarene, received by the Department of Community Development on October 29, 2009.

- 2. The sign shall be constructed in substantial compliance to the size and materials identified within the sign “mock-ups” submitted by Lynchburg First Church of the Nazarene. The changeable copy (i.e. digital reader-board) shall not be permitted as part of the comprehensive sign plan approved for the property.**

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/Acting Director of Community Development
Mr. Walter C. Erwin, City Attorney
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozerow, Lynchburg Police Department
Battalion Chief Greg Wormser, Fire Marshal
Mr. Gerry Harter, Transportation Engineer
Mr. Robert Drane, Building Commissioner
Mr. Keith Wright, Zoning Official
Mr. Kent White, Senior Planner
Mr. Jacob Dorman, Environmental Reviewer
Mr. Doug Fry, Representative, Lynchburg First Church of the Nazarene

VII. ATTACHMENTS

- 1. Vicinity Zoning Pattern**
- 2. Vicinity Proposed Land Use**
- 3. Watershed Location Map**
- 4. Lynchburg Church of the Nazarene Comprehensive Sign Plan**

MINUTES FROM THE DECEMBER 9, 2009 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED. THERE WAS NO DECEMBER 23, 2009 MEETING):

b. Petition of Lynchburg First Church of the Nazarene (LFCN) for a conditional use permit to allow the implementation of a consolidated sign plan in an R-3, Medium Density Two-Family Residential District at 1737 Wards Ferry Road.

Mr. Martin summarized the petition and Planning Commission report. There were two existing signs on the property until this past weekend when one was taken out by a motor vehicle accident. The petition is to allow a modified sign package to replace the two existing signs with one sign that would have approximately 38 square feet of copy. The *Zoning Ordinance* allows an 18-square foot sign in a residential district. The property is almost 31 acres. Density is fairly low in that area. Planning staff does have some concern with the digital reader-board's possible negative effect on the townhomes across the street. Planning staff feels the sign would fit in well with the area and recommends approval of the modified sign package.

Mr. Steven Willis, the lead pastor at LFCN, came forward to represent the petition. Mr. Doug Fry, the Administrative and Facilities pastor, was also present. The pastor explained that the church came to Lynchburg in the 1950's and it has always been its desire to partner with the rest of the community and the City to make a difference. They do a lot of community outreach events. The church is located on a large parcel with significant road frontage. The church is on a curve on Wards Ferry Road and would like to increase its visibility. Originally, the church had proposed a 62-square foot sign and when they became aware of some of the zoning regulations, they reduced the sign to 38 square feet. The pastor wished to make a couple of points about the amount of light pollution that the sign might create. There are eight ambient lights that have been placed on that section of road by the City, so it is already a very bright area. Also, the church's sign would be positioned toward the road and not directly onto to the townhomes across the street. Pastor Willis also mentioned that the church has a very good working relationship with the townhomes and actually use its townhome parking lot on occasion.

Chair Hamilton asked for anyone else who wished to speak in favor of the petition. No one came forward. She asked for anyone who wished to speak in opposition to the petition. No one came forward. She closed the public hearing portion of the petition.

Chair Hamilton asked where the new sign will be located. Pastor Willis explained that the church had previously closed its old entrance because it was in a dangerous location. There is a wooden sign at that entrance that will be taken down, as well as what is left of the sign that was involved in an accident recently. The new sign will be put at the church's current entrance. Commissioner Barnes asked why there is only one sign proposed when the church has so much road frontage, and Mr. Martin answered that only one sign is permitted per street frontage. Pastor Willis pointed out that the road is very well traveled, over 13,000 vehicles daily.

Commissioner Worthington asked how far back from the road the new sign will be. Pastor Willis pointed out the location on the site plan. Pastor Willis thought it would be more than ten feet off the road and it will be elevated much higher than the sign that was hit recently. Pastor Willis commented that they have reduced the size of the brick on the bottom and made it simpler and smaller. Commissioner Sale asked what the size of the pixels will be on the sign because that affects how well the sign can be seen. Pastor Willis said it will be 24 by 64; Commissioner Sale thought that was a good resolution.

Commissioner Worthington clarified that there is also a turn lane where the new sign will be located, which should help keep a car from hitting it. Pastor Willis pointed out the new sign will also not be on the curve in the road.

Commissioner Barnes asked how often the text on the sign will change. Pastor Willis said the text will be very simple and will display the website address because that is where more detailed information can be found. They do not want drivers to have to read a lot of text while driving. Mr. Martin said that the sign ordinance states that the text cannot change more than once every six seconds and that is based on VDOT regulations.

Commissioner Swienton made the following motion, which was seconded by Commissioner Sale:

"That the Planning Commission recommends to City Council approval of Lynchburg First Church of the Nazarene's petition for a conditional use permit to allow the implementation of a comprehensive sign plan that would consolidate two (2) signs into one (1) at 1737 Wards Ferry Road, subject to the following conditions:

1. The sign shall be installed adjacent to the driveway entrance in substantial compliance with the comprehensive sign plan submitted by the Lynchburg First Church of the Nazarene, received by the Department of Community Development on October 29, 2009.
2. The sign shall be constructed in substantial compliance to the size and materials identified within the sign “mock-ups” submitted by Lynchburg First Church of the Nazarene. The changeable copy (i.e. digital reader-board) shall not be permitted as part of the comprehensive sign plan approved for the property.”

Commissioner Swienton commented that his main concern had been light pollution and he is not concerned about that after hearing the details.

The motion passed by the following vote:

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

LYNCHBURG FIRST CHURCH OF THE NAZARENE

1737 Wards Ferry Road

PIN# 247-04-013

Conditional Use Permit Request

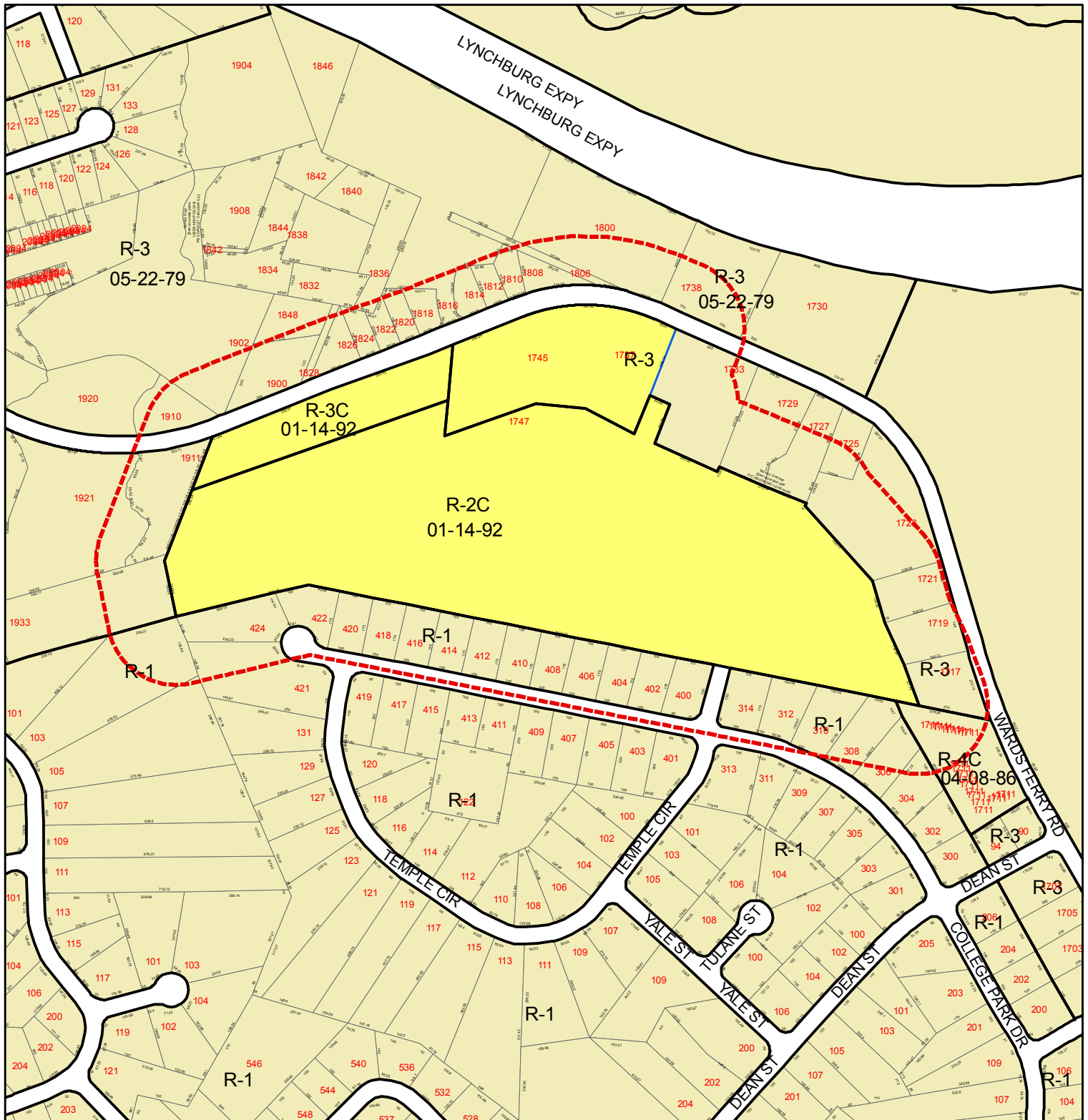
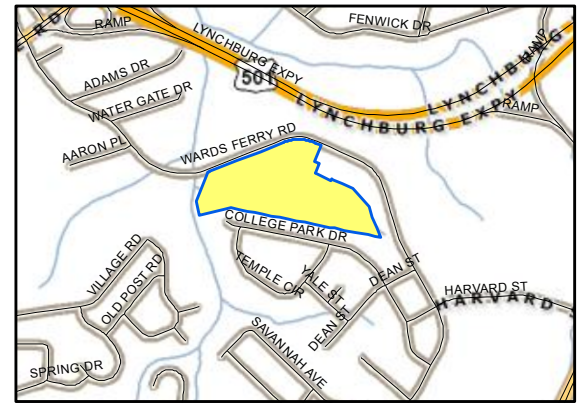
Petitioner-Lynchburg First Church Of The Nazarene



Subject Property

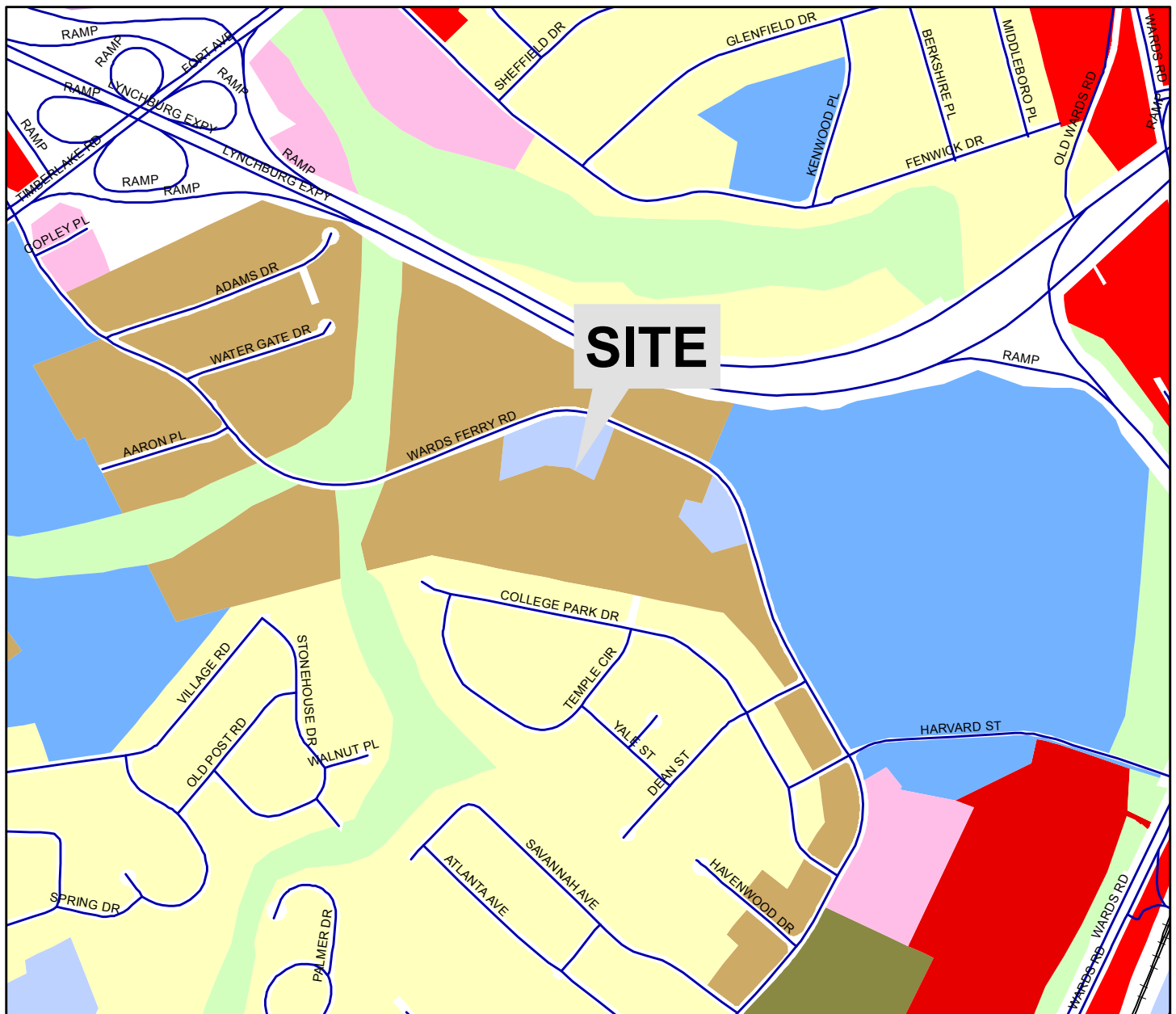


200 FT Buffer



FIRST CHURCH OF THE NAZARENE CUP ADJOINING OWNERS

PIN	Owner	LocAddr
24709002	MAYO MICHAEL T	103 STONEHOUSE DR
24709003	SCHOMAKER ROBERT J & MARGARET	105 STONEHOUSE DR
24608005	WALKER GEORGE C JR & LYNNE R & WILLIAM M WALKER	1711 WARDS FERRY RD
24608011	MAGNIN BENJAMIN A DANIELLE L&ALBERT	1717 WARDS FERRY RD
24608003	AUSTIN SAMUEL P & SHARON P	1719 WARDS FERRY RD
24608001	RHYNE ROBERT L & JOYCE D	1721 WARDS FERRY RD
24704002	WALKER REGINALD H & DARLENE H	1723 WARDS FERRY RD
24704001	MCCOY CAROLYN F & SANTIAGO CARMEN	1725 WARDS FERRY RD
24704017	MAHONE DANIEL W & TINA W	1727 WARDS FERRY RD
24704016	BARTELL THOMAS J & LISA L	1729 WARDS FERRY RD
24701001	MARSHALL LODGE #39 AF & AM C/O C MICHAEL GLASS TREASURER	1730 WARDS FERRY RD
24704014	CALLAHAN EDWARD M SR LIFE CALLAHAN ASHLEY R LIFE	1733 WARDS FERRY RD
24704013	CHURCH OF THE NAZARENE	1737 WARDS FERRY RD
24701002	JARRELL DEBORAH L T	1738 WARDS FERRY RD
24701004	WOODMAN OF THE WORLD CAMP NO 7 C/O NITA GADDY	1800 WARDS FERRY RD
24714001	WHITE OAK WARDS LP C/O BROWNSTONE PROPERTIES	1808 WARDS FERRY RD
24714002	WHITE OAK WARDS LP	1810 WARDS FERRY RD
24714003	WHITE OAK WARDS LP C/O BROWNSTONE PROPERTIES	1812 WARDS FERRY RD
24714004	WHITE OAK WARDS LP C/O BROWNSTONE PROPERTIES	1814 WARDS FERRY RD
24714010	COOK MANAGEMENT COMPANY LLC	1816 WARDS FERRY RD
24714005	WHITE OAK WARDS LP C/O BROWNSTONE PROPERTIES	1818 WARDS FERRY RD
24714006	CUMMINGS FRANKLIN H	1820 WARDS FERRY RD
24714007	UPDIKE SAMUEL B	1822 WARDS FERRY RD
24714008	WHITE OAK WARDS LP	1824 WARDS FERRY RD
24714009	TYLER ROBERT E & WHITACRE JANET K	1826 WARDS FERRY RD
24701012	WADE ELSIE M	1832 WARDS FERRY RD
24701008	HOLLOWAY CHARLIE W	1836 WARDS FERRY RD
24701011	WALLER JANIE ESTATE C/O HAZEL C FRANKLIN	1848 WARDS FERRY RD
24701010	HOLLOWAY CHARLIE W	1900 WARDS FERRY RD
24701019	ANDERSON LUCY F	1902 WARDS FERRY RD
24701021	ANDERSON LUCY F	1910 WARDS FERRY RD
24703001	ANDERSON LUCY F	1911 WARDS FERRY RD
24703002	ANDERSON LUCY F	1921 WARDS FERRY RD
24703003	CALLOWAY CHARLES R SR ETALS	1933 WARDS FERRY RD
24608009	LEWIS JAMES S JR & KATHRYN B	304 COLLEGE PARK DR
24705001	ATKINSON JAMES D & ANDREIKINA LILIYA L	306 COLLEGE PARK DR
24705002	VAMES GEORGE J	308 COLLEGE PARK DR
24705003	JOHNSON CLEOPHOUS T	310 COLLEGE PARK DR
24705004	TSAI CHUNG SHEN & CHAO YU	312 COLLEGE PARK DR
24705005	BENSIEK WILLIAM F	314 COLLEGE PARK DR
24707001	WHITMORE E ALLAN & LINDA J	400 COLLEGE PARK DR
24707002	HODGES LLOYD T & MARLENE G	402 COLLEGE PARK DR
24707003	SMITH MICHAEL E & DEBRA L H	404 COLLEGE PARK DR
24707004	HUMPHREYS DELMAR & MARY B	406 COLLEGE PARK DR
24707005	DAVIS DONNA A	408 COLLEGE PARK DR
24707006	HATCHER LENFORD C	410 COLLEGE PARK DR
24707007	FERGUSON CHARLES E & PATRICIA M	412 COLLEGE PARK DR
24707008	CRAIG JAMES G JR & MARY W	414 COLLEGE PARK DR
24707009	RANDOLPH WILLIAM C & MARYLIN	416 COLLEGE PARK DR
24707010	TOKARSKY DAVID & DEANNA	418 COLLEGE PARK DR
24707011	SCOTT BRIAN K	420 COLLEGE PARK DR
24707015	MCGILL JAMES A & GERTRUDE F	421 COLLEGE PARK DR
24707012	BUSH KENNETH W & CAROL B	422 COLLEGE PARK DR
24707013	BAER MICHAEL E & DONNA D	424 COLLEGE PARK DR
Owner	CHURCH OF THE NAZARENE	
Petitioner	CHURCH OF THE NAZARENE	
Representative	DOUG FRY	



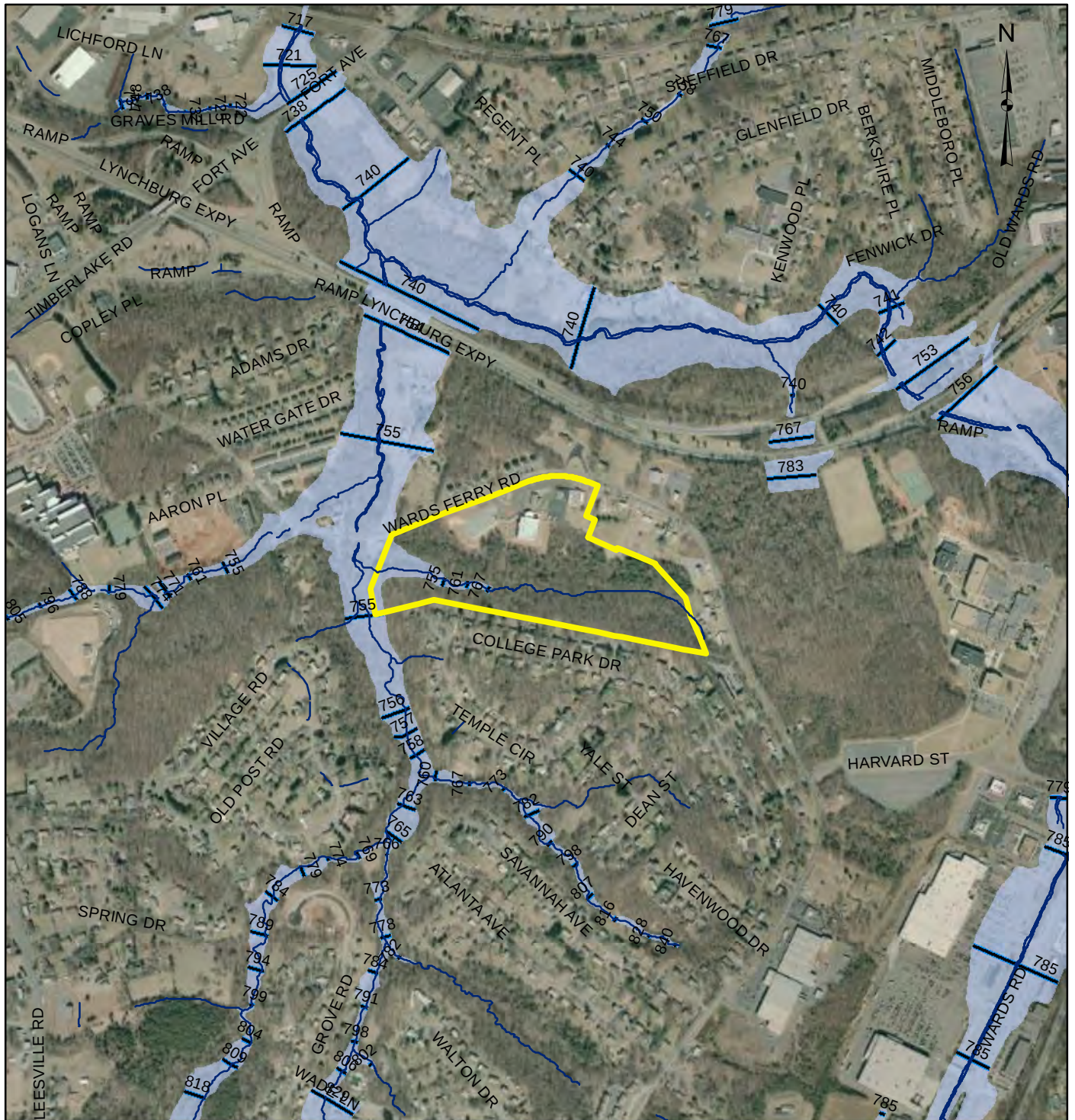
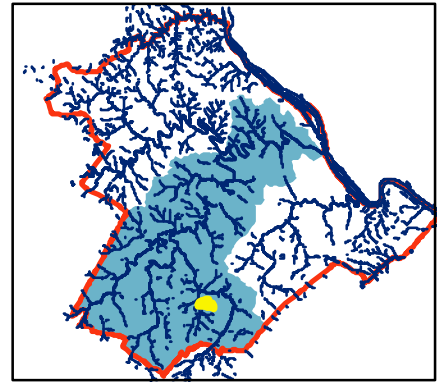
-  Local Historic District
-  Traditional Residential
-  Low Density Residential
-  Medium Density Residential
-  High Density Residential
-  Neighborhood Commercial
-  Community Commercial
-  Regional Commercial
-  Employment 1
-  Employment 2
-  Office
-  Institution
-  Downtown
-  Public Use
-  Public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

LYNCHBURG FIRST CHURCH OF THE NAZARENE 1737 WARDS FERRY ROAD LAND USE PLAN



Lynchburg First Church of the Nazarene Watershed Location Map

- Project Site
- FloodzoneAE
- Base Flood Elevation
- Blackwater Creek





1737 WARDS FERRY ROAD • LYNCHBURG, VA 24502 • 434.239.4943 • WWW.LYNCHBURGNAZ.COM

October 29, 2009

To: The Honorable City Council & Planning Commissioners:

The purpose for this request is to:

- Consolidate our need for a sign by taking down the existing two signs and replacing them with one electronic sign.
- Replace one of our current signs, which is beginning to look worn and out of date, as noted in the attached pictures: #1, #2, #3.
- Provide a brick base on our new proposed sign that will blend into our community and church property, as noted in pictures #4 & #5.
- Combine the new sign with an electronic sign, thus eliminating the oldest sign on our property.

The dimensions of the new sign are as follows:

Brick Base: 108" Length x 24" Width x 42" Height

Top Section: 96" Length x 24" Width x 60" Height

Your consideration and time are greatly appreciated.

Doug Fry
Administration & Facilities Pastor

Stephen Willis
Lead Pastor

RECEIVED

OCT 29 2009

COMMUNITY
DEVELOPMENT

SENIOR PASTOR
STEPHEN WILLIS
PASTORSTEPHEN@LYNCHBURGNAZ.COM

CHILDREN'S PASTOR
MARC PRICE
GIGTOWN1@LYNCHBURGNAZ.COM

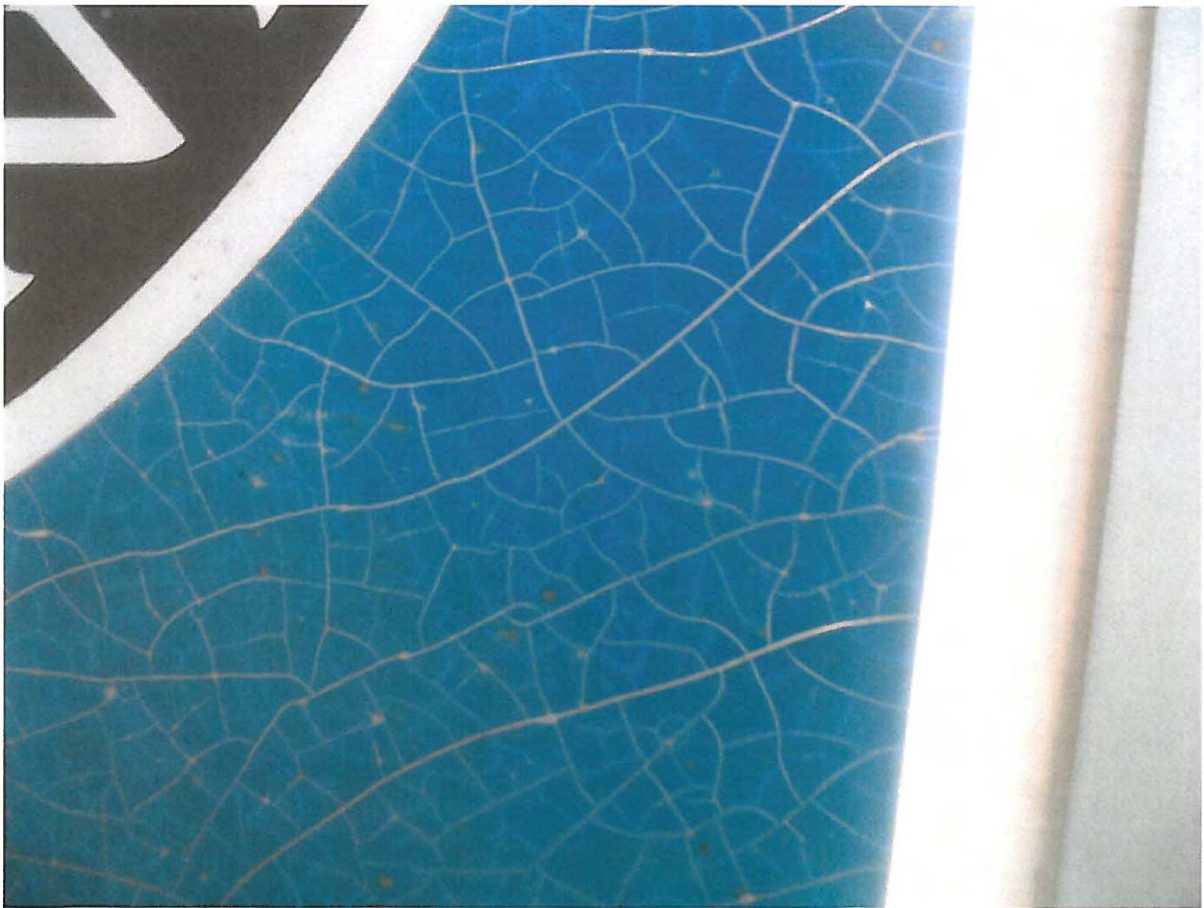
WORSHIP/YOUTH PASTOR
MIKE LYLE
MIKELYLE@LYNCHBURGNAZ.COM

YOUNG ADULTS/MEDIA PASTOR
JOHN LAWSON
JLAWSON@LYNCHBURGNAZ.COM

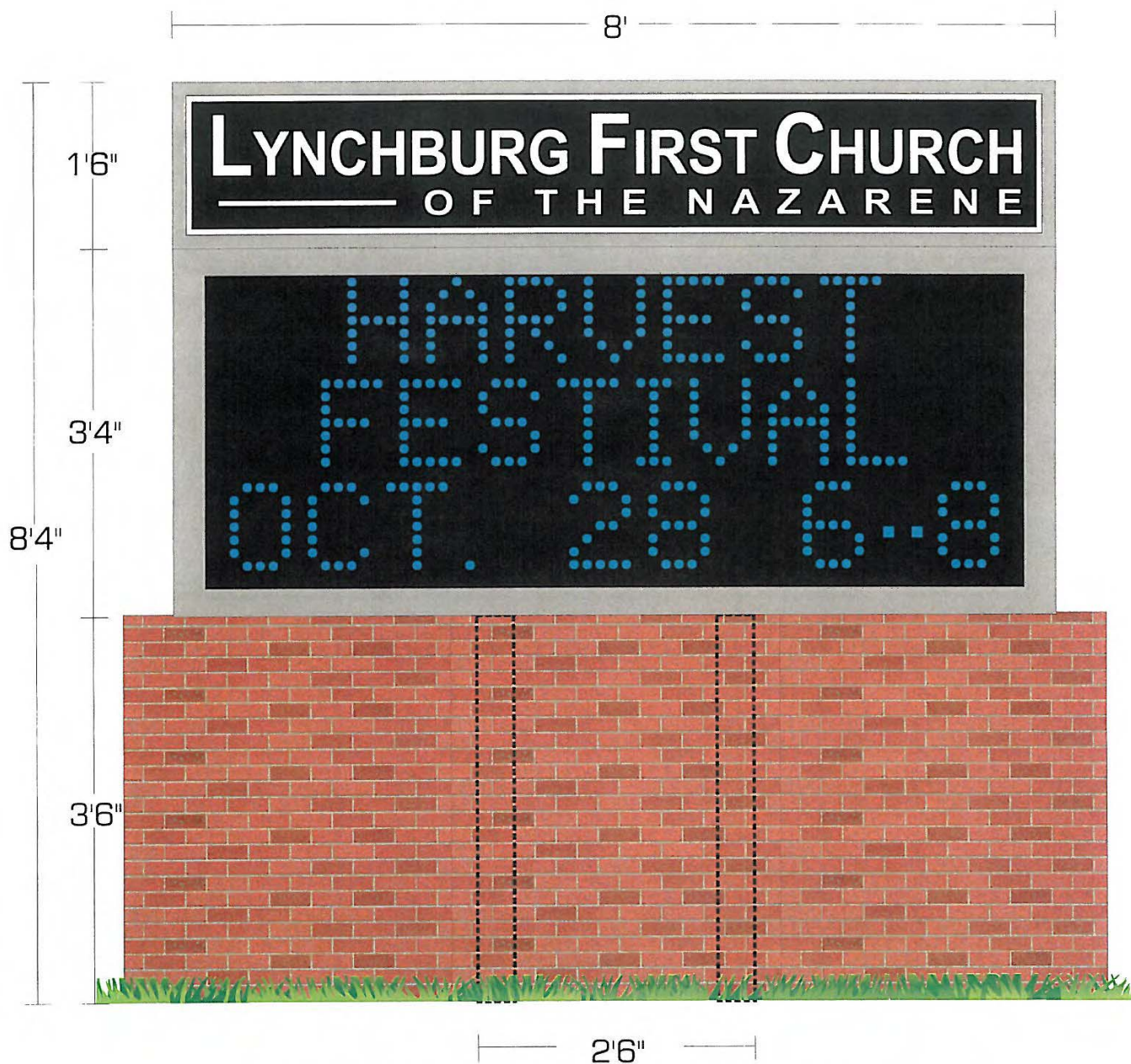
LOVE GOD. LOVE OTHERS. SERVE BOTH.











DAYSTAR STANDARD DEFINITION COLOR 2464

ID CABINET C: 3'6"x8'

LED CABINET: 3'4"x8'

**NOTICE
REQUEST FOR A CONDITIONAL USE PERMIT**

NAME OF APPLICANT: CHURCH OF THE NAZARENE

TELEPHONE NUMBER: 434-239-4943

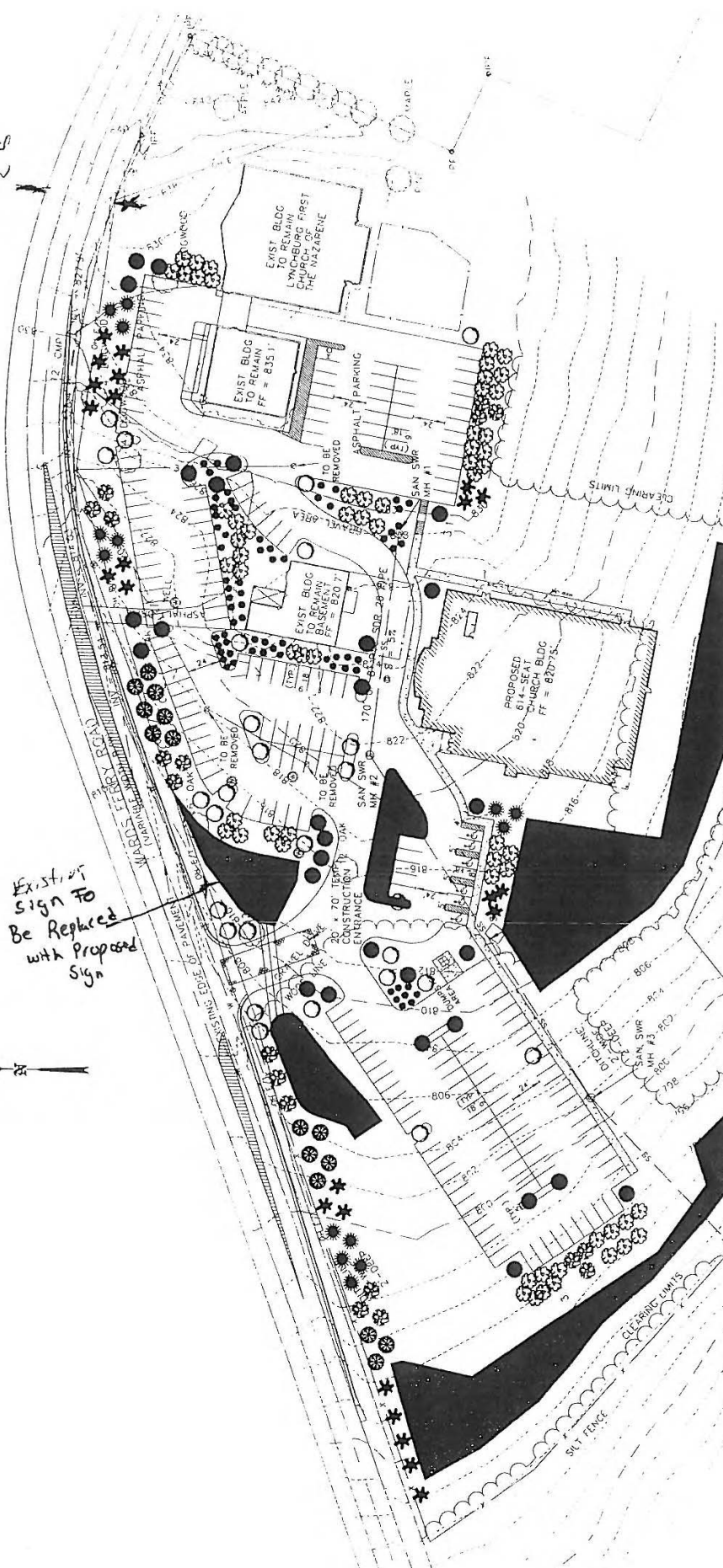
ADDRESS OF PROPERTY: 1737 WARS FERRY ROAD

PRESENT ZONING: R-3

PROPOSED USE OF PROPERTY: CONSOLIDATED SIGN

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

Existing
Sign To
Be Replaced
with Proposed
Sign



LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **January 12, 2010**

AGENDA ITEM NO.: 14

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Conditional Use Permit (CUP): Temple of Worship Day Care Center, 2409 Poplar Street**

RECOMMENDATION: Approval of the CUP petition.

SUMMARY: Temple of Worship Ministries is petitioning to allow the use of an existing church as a child care facility for up to sixty-nine (69) students in an R-3, Medium Density Two-Family Residential District. Section 35.1-54 of the *Zoning Ordinance* requires an appropriately enclosed recreation area for persons eighteen (18) years of age or less. The church would provide for an enclosed outdoor play area at the rear of the property. The concept plan indicates that there would be no changes to the site other than the addition of the outdoor play area. The Planning Commission recommended approval of the CUP petition because:

- The *Comprehensive Plan* recommends a Traditional Residential use in this area. Large expanded institutional uses are not appropriate for this area unless they can be designed to blend into the existing urban fabric through landscaping or architectural treatments. The only change proposed for the existing church campus would be the addition of the outdoor recreation area.
- The petition agrees with the *Zoning Ordinance* in that a child care center is a use permitted in an R-3, Two-Family, Medium Density Residential District upon approval of a CUP by City Council.

PRIOR ACTION(S):

December 9, 2009: Planning Division recommended approval of the CUP petition.

Planning Commission recommended approval of the CUP petition (6-0, with one member absent, Hannon) subject to the following conditions:

1. The project will be developed in substantial compliance with the concept plan for "Temple of Worship Day Care Center", received by Community Development on November 30, 2009.
2. An appropriately enclosed outdoor recreation area will be established behind the existing church at the rear corner of the property. The number of children using the area at any one time shall not exceed the number permitted by Section 35.1-54 of the *Zoning Ordinance* (seventy-five (75) square feet per child using the recreation area).
3. All exterior lighting shall be glare shielded and non-directional to prevent illumination across the property line.

FISCAL IMPACT: None

CONTACT(S): Tom Martin, City Planner - 455-3900; Bonnie Svrcek, Deputy City Manager/Acting Director of Community Development - 455-3900

ATTACHMENT(S):

- Resolution
- Planning Commission Report
- Planning Commission Minutes

- Vicinity Map
- Vicinity Proposed Land Use Map
- Watershed Location Map
- Concept Plan
- Speaker Sign Up Sheet

REVIEWED BY: lkp

RESOLUTION:

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO TEMPLE OF WORSHIP MINISTRIES TO ALLOW THE OPERATION OF A CHILD CARE FACILITY FOR UP TO SIXTY-NINE (69) STUDENTS WITHIN AN EXISTING BUILDING AT 2409 POPLAR STREET.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of Temple of Worship Ministries to allow the operation of a child care facility for up to sixty-nine (69) students within an existing building at 2409 Poplar Street be, and the same is hereby approved subject to the following conditions:

1. The project will be developed in substantial compliance with the concept plan for "Temple of Worship Day Care Center", received by Community Development on November 30, 2009.
2. An appropriately enclosed outdoor recreation area will be established behind the existing church at the rear corner of the property. The number of children using the area at any one time shall not exceed the number permitted by Section 35.1-54 of the *Zoning Ordinance*.
3. All exterior lighting shall be glare shielded and non-directional to prevent illumination across the property line.

Adopted:

Certified:

Clerk of Council

001L

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

To: Planning Commission
From: Planning Division
Date: December 9, 2009
Re: **CONDITIONAL USE PERMIT (CUP): Temple of Worship Day Care Center, 2409 Poplar Street**

I. PETITIONER

Temple of Worship Ministries, 2409 Poplar Street, Lynchburg, VA 24504

Representative: Reverend Carrington Banks, Temple of Worship Ministries, 2409 Poplar Street, Lynchburg, VA 24504

II. LOCATION

The subject property includes one (1) tract totaling approximately forty-two hundredths (0.42) of an acre at 2409 Poplar Street.

Property Owner: Tree of Life Pentecostal Holiness Church, 219 Beechwood Drive, Madison Heights, VA 24572

III. PURPOSE

The purpose of this petition is to allow the use of an existing church as a child day care facility.

IV. SUMMARY

- The *Comprehensive Plan* recommends a Traditional Residential use in this area.
- Petition agrees with the *Zoning Ordinance* in that a child care center is a use permitted in an R-3, Two-Family, Medium Density Residential District upon approval of a CUP by City Council.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends a Traditional Residential use in this area. A Traditional Residential area applies to the City's older neighborhoods built before World War II and before the City was zoned. Most of these neighborhoods are identified as Neighborhood Conservation Areas on the Plan Framework Map and future study is planned for incorporating appropriate zoning changes, public investment and community building efforts. Large new or expanded public and institutional uses are not appropriate for this area unless they can be designed to blend into the existing urban fabric through landscaping or architectural treatments. The proposed day care facility would add an outdoor recreation area at the rear corner of the property.
2. **Zoning.** The subject property was annexed into the City in 1908. The existing R-3, Two-Family, Medium Density Residential District zoning was established in 1978 with the adoption of the *Zoning Ordinance*.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the development of the property as proposed.
4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:

- On July 13, 2004, City Council approved Kenneth and Valerie Braxton's petition to rezone two and forty-three hundredths (2.43) acres at 1042 Florida Avenue from R-3, Medium Density Two-Family Residential District to B-2, Local Neighborhood Business District to allow the use of an existing structure as a restaurant.
 - On January 14, 2003, City Council approved Temple of Deliverance's CUP petition to allow the use of an existing structure as a church sanctuary in an R-3, Medium Density Two-Family Residential District at 1040 and 1042 Florida Avenue.
 - On May 11, 1999, City Council approved Presbyterian Cemetery's CUP petition to allow the construction of a building and parking addition to the existing facility in an R-3, Medium Density Two-Family Residential District at 907 Bailey Street.
 - On July 14, 1998, City Council approved Gail Jackson's CUP petition to allow the use of an existing building as a neighborhood education center with a child care facility in an R-3, Medium Density Two-Family Residential District at 2101 Grace Street.
 - On March 23, 1982, City Council approved White Rock Neighborhood Council's CUP petition to allow the operation of a mini-park in an R-3, Medium Density Two-Family Residential District at 626 Franklin Street.
 - On March 24, 1981, City Council denied Dennis Peerman's CUP petition to allow the construction and operation of a church in an R-3, Medium Density Two-Family Residential District at 626 Franklin Street.
5. **Site Description.** The subject property includes an existing one (1)-story church with a basement and associated parking area. The site is bound to the north by a combination of single-family homes, vacant forestal land and public uses; to the east by single-family homes and vacant forestal land; to the south by single-family homes and institutional uses; and to the west by single-family homes and vacant forestal land.
6. **Proposed Use of Property.** In addition to its use as a church, Temple of Worship Ministries is petitioning to allow the operation of a child care facility for up to sixty-nine (69) students within the existing building. The site is served by City water and sewer services, as well as public sidewalk along Poplar Street. Landscaping for the development will comply with the requirements of the City's *Zoning Ordinance*; however, since minor exterior renovations are proposed, these requirements would be minimal.
- Section 35.1-54 of the *Zoning Ordinance* requires an appropriately enclosed recreation area for persons eighteen (18) years of age or less. The church would provide for the area at the rear of the property and rotate the recess period for the classes such that the number of students does not exceed the area provided. The concept plan indicates that there would be no additional changes to the site other than the addition of the outdoor play area.
7. **Traffic, Parking and Public Transit.** The City's Transportation Engineer had no concerns regarding the child care center use as part of the existing church facility.
- Parking requirements for the proposed day care facility are set at two (2) spaces for the care center and two (2) spaces for every thirty (30) persons enrolled. The existing parking area includes nine (9) spaces, which exceeds the five (5) spaces required for sixty-nine (69) students.
- Greater Lynchburg Transit Company's Routes 1A and 1B run along Poplar Street with a bus stop approximately eight hundred (800) feet from the site at the intersection of Poplar Street and Buena Vista Street.
8. **Stormwater Management.** New impervious area for the facility does not exceed the one thousand (1,000) square foot threshold; as such, a stormwater management plan to address water quantity and quality will not be required for the construction. Though not required, the utility area screening would provide new low maintenance green space, which will result in less runoff and an improved stormwater quality benefit from the site.
9. **Emergency Services.** The City's Fire Marshal had no concerns regarding the conditional use permit petition.

The City Police Department commented that the parking lot area surrounding the building should be well lit and recommended wall-mounted lights on the sides of the building, as well as motion sensor flood lights for the area at the end of the building. It was also noted that the final site design should include directional signage for traffic in the parking area, entrance signage for the building and "No Trespassing" signage to prevent unauthorized use of the facility. The final lighting and signage layout would be determined during the site plan and building plan review processes, respectively.

10. **Impact.** The use of the existing church building as a child care facility would have minimal impact on the surrounding neighborhood. Parking and emergency services concerns have all been addressed to the satisfaction of City staff and the result is a project that would allow for an additional service in an existing neighborhood.
 11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on November 17, 2009. Comments related to the proposed use were minor in nature and have or will be addressed by the developer prior to final site plan approval.
-

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of Temple of Worship's petition for a conditional use permit to allow the use of an existing church as a child care facility for up to sixty-nine (69) children at 2409 Poplar Street, subject to the following conditions:

1. The project will be developed in substantial compliance with the concept plan for "Temple of Worship Day Care Center", received by Community Development on November 30, 2009.
2. An appropriately enclosed outdoor recreation area will be established behind the existing church at the rear corner of the property. The number of children using the area at any one time shall not exceed the number permitted by Section 35.1-54 of the *Zoning Ordinance*.
3. All exterior lighting shall be glare shielded and non-directional to prevent illumination across the property line.

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/Acting Director of Community Development
Mr. Walter C. Erwin, City Attorney
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozerow, Lynchburg Police Department
Battalion Chief Greg Wormser, Fire Marshal
Mr. Gerry Harter, Transportation Engineer

Mr. Robert Drane, Building Commissioner
Mr. Keith Wright, Zoning Official
Mr. Kent L. White, Senior Planner
Mr. Jacob M. Dorman, Environmental Reviewer
Reverend Carrington Banks, Representative, Temple of Worship Ministries

VII. ATTACHMENTS

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

MINUTES FROM THE DECEMBER 9, 2009 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED. THERE WAS NO DECEMBER 23, 2009 MEETING):

a. Petition of Temple of Worship Ministries for a conditional use permit to allow the use of an existing church building as a child day care facility in an R-3, Medium Density Two-Family Residential District at 2409 Poplar Street.

Mr. Martin summarized the petition and Planning Commission report. The petition would allow the use of an existing church building for a child care facility for up to 69 children. The facility is currently operating. This conditional use permit would bring it into compliance with the *Zoning Ordinance*. The *Future Land Use Map* recommends a traditional residential use for the property. Institutional uses that blend into the urban fabric are allowable in these areas. The church building was built somewhere around 1888. The proposal would add a small outdoor recreational use at the rear of the property. The Planning Division recommends approval of the conditional use permit. There were no concerns from the Transportation Engineer and there is adequate parking available for the child care facility.

Reverend Carrington Banks came forward as the representative for the petition. Reverend Banks commented that the recreation facility in the back will be fenced in and will have various play equipment. There will be no other changes to the facility other than cosmetic items.

Chair Hamilton asked for anyone else who wished to speak in favor of the petition. No one came forward. She asked for anyone who wished to speak in opposition to the petition. No one came forward. She closed the public hearing portion of the petition.

Commissioner Worthington asked about the restriction pertaining to the number of children being permitted on the recreational area. Mr. Martin explained that the area has to be certain square footage per child using the area at any one time. The area the church will be providing will not be large enough for 69 children. The child care facility will stagger the times that the children are using the area. Commissioner Worthington asked what the regulation requires. Mr. Martin answered that it is seventy-five square feet per child. The commissioners asked how large the play area will be and Reverend Banks thought it would be about half the size of the property.

Chair Hamilton asked what ages of children the child care facility will be serving. Reverend Banks said that it will be all ages, some will be there all day and some will be there before and after school. Chair Hamilton asked if 69 children will be there at any given time. Reverend Banks said it would depend on the time of day. Chair Hamilton asked if the facility will serve children in the neighborhood or just parishioners of the church. Reverend Banks said it would be for children in the neighborhood. Commissioner Sale asked if this would be a licensed facility and Reverend Banks said it would be licensed by Social Services. Commissioner Sale asked if the facility would be using the sanctuary for any reason and Reverend Banks answered that it would not be used for the child care facility. They have other space available for the child care facility. Commissioner Sale asked how many children the facility currently has enrolled. Reverend Banks commented that the facility is not currently operating. Mr. Martin clarified that someone occupying the building before had been operating a child care facility. Reverend Banks said that was correct. Chair Hamilton commended him for following the *Zoning Ordinance*.

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

“That the Planning Commission recommends to City Council approval of Temple of Worship’s petition for a conditional use permit to allow the use of an existing church as a child care facility for up to sixty-nine (69) children at 2409 Poplar Street, subject to the following conditions:

- 1. The project will be developed in substantial compliance with the concept plan for “Temple of Worship Day Care Center”, received by Community Development on November 30, 2009.**

- 2. An appropriately enclosed outdoor recreation area will be established behind the existing church at the rear corner of the property. The number of children using the area at any one time shall not exceed the number permitted by Section 35.1-54 of the *Zoning Ordinance*.**
- 3. All exterior lighting shall be glare shielded and non-directional to prevent illumination across the property line."**

Commissioner Sale commented that he is very pleased that the church is undertaking the operation of this facility. The church had been closed for a number of years and he is glad to see this outreach to the community.

The motion passed by the following vote:

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

TEMPLE OF WORSHIP

2409 Poplar Street

PIN# 04828011

Conditional Use Permit Request

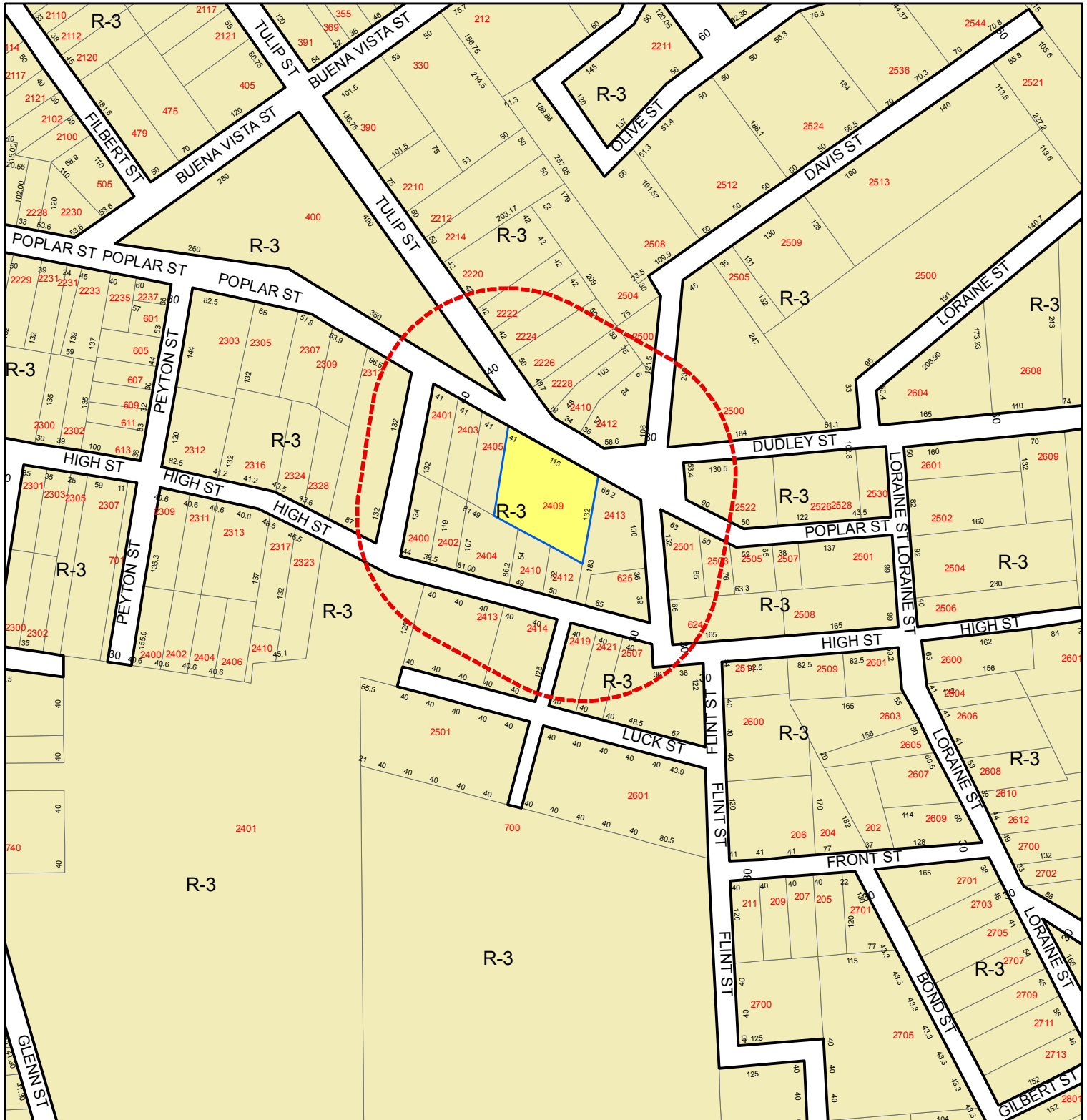
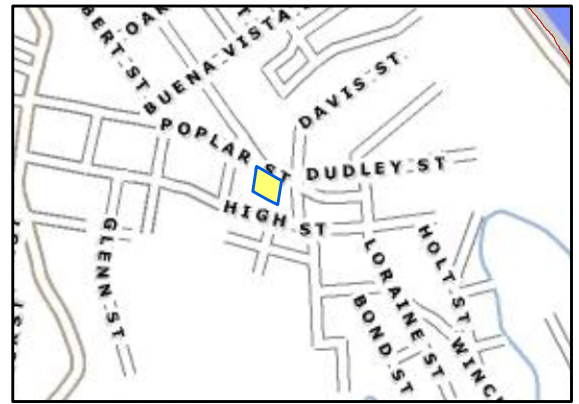
Petitioner-Temple of Worship



Subject Property

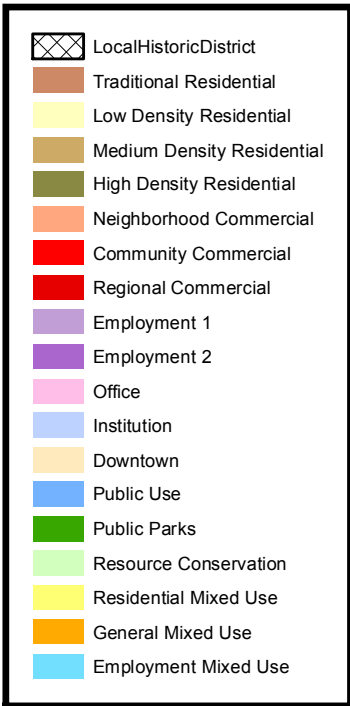
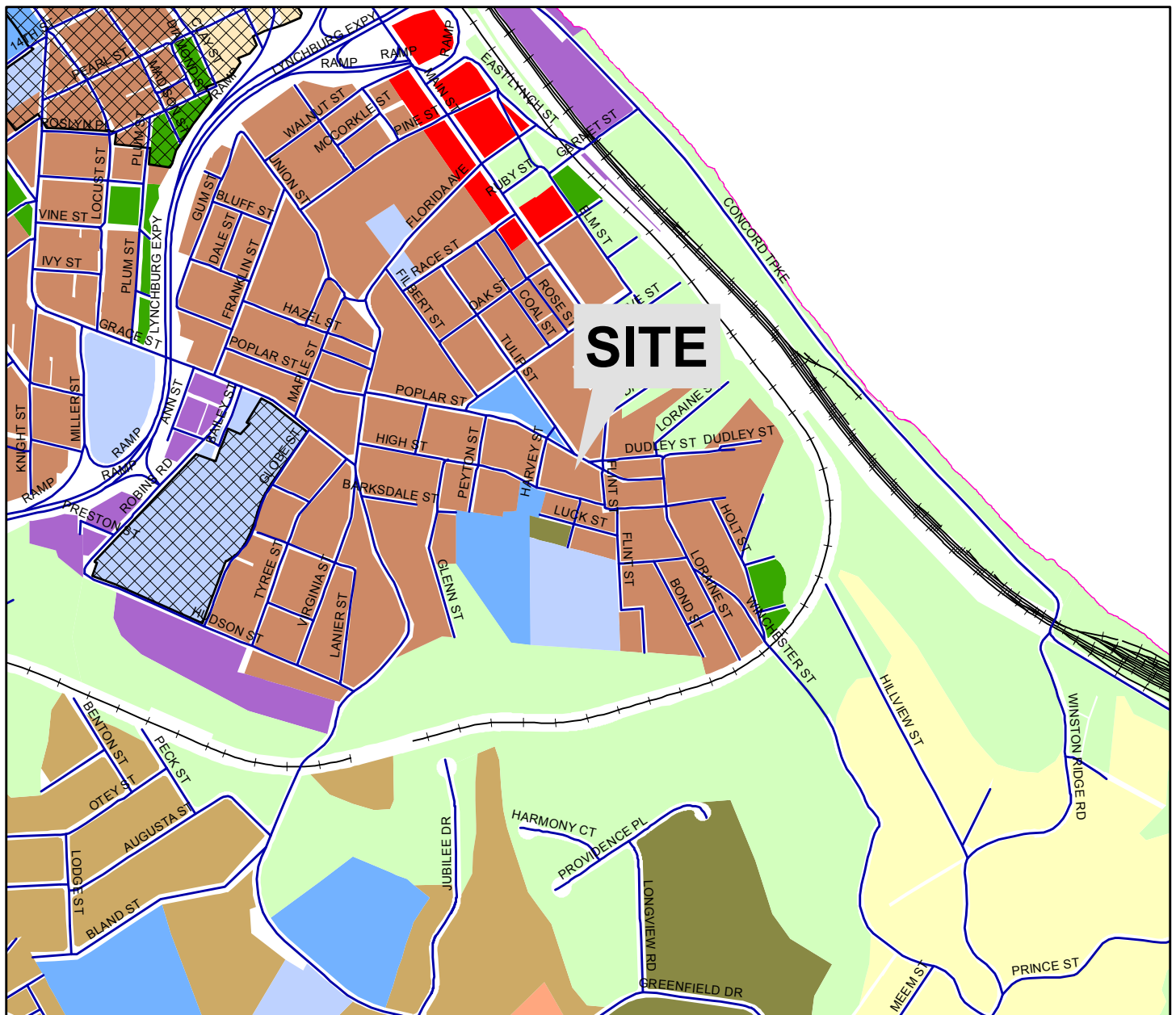


200 FT Buffer



TEMPLE OF WORSHIP ADJOINING OWNERS

PIN	Owner	LocAddr
04707022	HOCKETT ROOSEVELT	2504 DAVIS ST
04707023	BURLEY HAZEL I	2412 POPLAR ST
04707024	GREATER LYNCHBURG HABITAT FOR HUMANITY	2410 POPLAR ST
04707025	PSA PROPERTIES LLC	2228 TULIP ST
04707026	KITTRELL GREGORY LEE SR & CHERYL D	2226 TULIP ST
04707027	JONES MELVIN MONROE & EMMA	2224 TULIP ST
04707028	FOSTER FANNIE E	2222 TULIP ST
04707029	JONES JEAN R	2220 TULIP ST
04709001	PARR WILLIAM R	2500 DUDLEY ST
04710001	TREE OF LIFE PENTECOSTAL HOLINESS CHURCH	2522 POPLAR ST
04711001	SELPH CHARLES A & ELAINE J	624 FLINT ST
04711002	WHITE BETTY M	2501 POPLAR ST
04711003	MAYNARD MARK S & VALERIE M	2503 POPLAR ST
04804001	CITY OF LYNCHBURG C/O STEVE LAWSON	2401 HIGH ST
04827001	ROBINSON JOHN H & VALERIE J	2507 HIGH ST
04827004	MOSS AUDIE G & MARLENE S	2421 HIGH ST
04827005	SMITH HERMAN L & SMITH LINETTE J & MOSS MARLENE	2419 HIGH ST
04827006	JACKSON STREET UNITED METHODIST CHURCH TRUSTEES	2414 HIGH ST
04827008	SMITH KEVIN L	2413 HIGH ST
04828001	STATON HENRY F & MYRENE C	625 FLINT ST
04828002	STATON MYRENE C & HENRY F	2412 HIGH ST
04828003	JOHNSON ROGER W	2410 HIGH ST
04828004	WARD ROSLYN L	2404 HIGH ST
04828006	BALDWIN DANIEL M JR	2402 HIGH ST
04828007	JONES NANNIE P & ROSLYN WARD	2400 HIGH ST
04828008	LYNCHBURG REDEVELOPMENT & HOUSING AUTHORITY	2401 POPLAR ST
04828009	BURLEY JAMES D JR & DONNA M	2403 POPLAR ST
04828010	WALLER WINDFERY L & CORA L	2405 POPLAR ST
04828011	TREE OF LIFE PENTECOSTAL HOLINESS CHURCH	2409 POPLAR ST
04828013	ROSE JAMES W & YVONNE A	2413 POPLAR ST
04829001	TOLER BRUCE B JR	2313 POPLAR ST
04830001	CITY OF LYNCHBURG C/O STEVE LAWSON	400 BUENA VISTA ST
Owner	TREE OF LIFE PENTECOSTAL HOLINESS CHURCH	
Petitioner	TREE OF LIFE PENTECOSTAL HOLINESS CHURCH	
Representative	CARLTON BANKS	



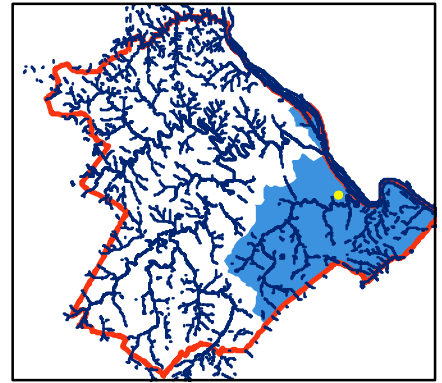
TEMPLE OF WORSHIP **2409 POPLAR STREET** **LAND USE PLAN**

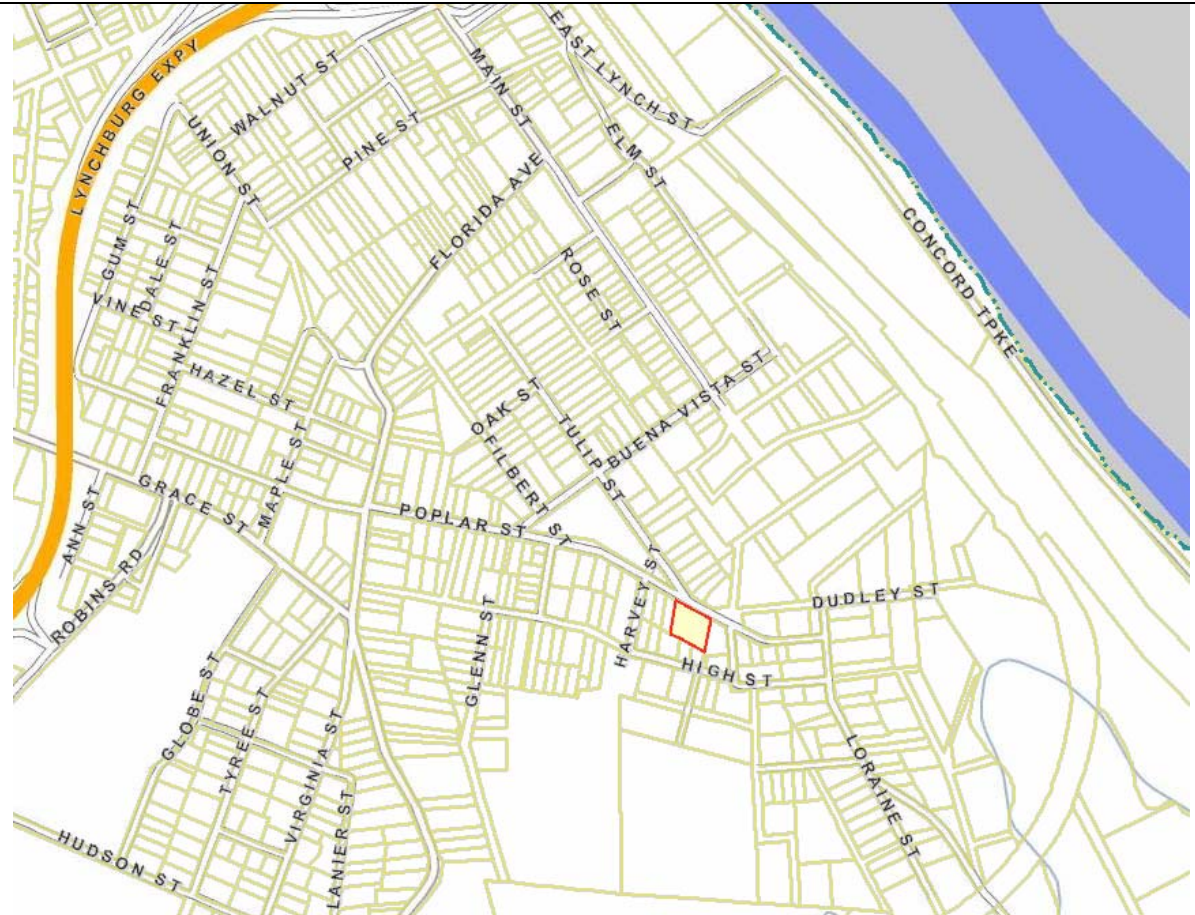


Temple of Worship

Watershed Location Map

-  Project Site
-  FloodzoneA
-  Fishing Creek
-  Corporate Limit





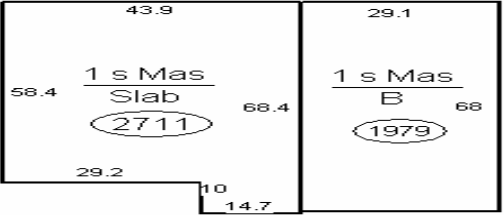
Existing Zoning: R-3
Conditional Use Permit: Allow use of a day care facility within an existing church

Current Use:
Temple of Worship Ministries

Temple of Worship Day Care Center

Project Address: 2409 Poplar Street
Parcel ID Number: 04828011

- Notes:
- The proposal would allow for the use of a church as a day care facility.
 - No exterior improvements are proposed as part of the petition, except of an enclosed outdoor recreational area. The area will serve the child care facility and be located at the rear corner of the church building.
 - There are no new public utility connections proposed for this project.
 - This project is located in Zone X as designated by FEMA Panel # 5100930044D



LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **January 12, 2010**

AGENDA ITEM NO.: 15

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Conditional Use Permit (CUP): Jennings Dorm, 1300 Campbell Avenue**

RECOMMENDATION: Approve the CUP petition.

SUMMARY: Jennings Dorm, LLC is petitioning to allow the adaptive reuse of an existing building for up to one hundred and seven (107) apartments in a B-5, General Business District. On May 12, 2009, City Council approved a petition to rezone this property to B-5C, General Business District (Conditional) and a CUP petition to allow the renovation of an existing building, with removal of some of the metal structures, for sixty-two (62) residential apartments. The project did not move forward and Barker-Jennings Corporation continues to operate in the building. The new petition would also provide for the renovation of the existing building; however, the existing metal structures would be retained and an additional forty-five (45) units would be added. The Planning Commission recommended approval of the CUP petition because:

- The *Comprehensive Plan* recommends an Employment 2 use in this area. Employment 2 use areas include light and heavy manufacturing, research and development, flex space and large-scale office uses. Restaurant, hotel and business service uses are also appropriate. Adjacent land uses designated by the *Future Land Use Map (FLUM)* also include Neighborhood Commercial, Community Commercial, Medium Density Residential, Mixed Use and Institutional uses.
- Petition agrees with the *Zoning Ordinance* in that multi-family housing is a use permitted in a B-5, General Business District upon approval of a CUP by City Council.
- The City's Transportation Engineer completed a preliminary review for a left turn lane off of Campbell Avenue. The review indicated that Campbell Avenue had sufficient width to accommodate a turn lane and that the feature could be easily striped if the number of vehicles warranted its installation. The concept plan indicates the location of a left turn lane that would be installed by the City if warranted in the future.

PRIOR ACTION(S):

December 9, 2009: Planning Division recommended approval of the CUP petition.

Planning Commission recommended approval of the CUP petition (6-0, with one member absent, Hannon) subject to the following condition:

1. The project will be developed in substantial compliance with the concept plan for "Barker Jennings Conditional Use Permit Application", prepared by Architecture Design Office dated November 30, 2009 and received by Community Development on November 30, 2009.

FISCAL IMPACT: None

CONTACT(S): Tom Martin, City Planner - 455-3900; Bonnie Svrcek, Deputy City Manager/Acting Director of Community Development - 455-3900

ATTACHMENT(S):

- Resolution
- Planning Commission Report
- Planning Commission Minutes

- Vicinity Map
- Vicinity Proposed Land Use Map
- Watershed Location Map
- Concept Plan
- Speaker Sign Up Sheet

REVIEWED BY: Ikp

RESOLUTION:

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO JENNINGS DORM, LLC TO ALLOW THE RENOVATION OF AN EXISTING BUILDING FOR UP TO ONE HUNDRED SEVEN (107) APARTMENTS AT 1300 CAMPBELL AVENUE.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of Jennings Dorm, LLC to allow the renovation of an existing building for up to one hundred seven (107) apartments at 1300 Campbell Avenue be, and the same is hereby approved subject to the following condition:

1. The project will be developed in substantial compliance with the concept plan for "Barker Jennings Conditional Use Permit Application", prepared by Architecture Design Office dated November 30, 2009 and received by Community Development on November 30, 2009.

Adopted:

Certified:

Clerk of Council

005L

The Department of Community Development

City Hall, Lynchburg, VA 24504

434-455-3900

To: Planning Commission
From: Planning Division
Date: December 9, 2009
Re: **CONDITIONAL USE PERMIT (CUP): Jennings Dorm, 1300 Campbell Avenue**

I. PETITIONER

Jennings Dorm, LLC, 1617 Brookland Parkway, Richmond, VA 23227

Representative: Larry Cluff, Jennings Dorm, LLC, 1617 Brookland Parkway, Richmond, VA 23227

II. LOCATION

The subject property includes one (1) tract totaling approximately two and twenty-five hundredths (2.25) acres at 1300 Campbell Avenue.

Property Owner: Barker-Jennings Corporation, 1300 Campbell Avenue, Lynchburg, VA 24501

III. PURPOSE

The purpose of this petition is to allow the renovation and use of an existing building and parking area for one hundred seven (107) multi-family apartment units.

IV. SUMMARY

- The *Comprehensive Plan* recommends an Employment 2 use in this area. Adjacent land uses designated by the *Future Land Use Map (FLUM)* also include Neighborhood Commercial, Community Commercial, Medium Density Residential, Mixed Use and Institutional uses.
- Petition agrees with the *Zoning Ordinance* in that multi-family housing is a use permitted in a B-5, General Business District upon approval of a CUP by City Council.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *FLUM* recommends an Employment 2 use for this area. Employment 2 uses 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. [page 5.4] The surrounding area is zoned I-2, Light Industrial District, B-5 General Business District and R-3, Two-Family Medium Density Residential, respectively, while the adjacent land uses designated by the *FLUM* include a combination of Employment 2, Neighborhood Commercial, Community Commercial, Medium Density Residential, Mixed-Use and Institutional uses.

The National Register of Historic Places notes the building was built between 1918 and 1920 and is now registered as part of the Kemper Street Industrial Historic District. Chapter 11 of the *Comprehensive Plan* encourages the City to “determine areas or sites potentially eligible for local, state or national listing for rehabilitation tax credits” [page 11.10] and “ensure that future development, redevelopment and public

improvements complement the scale and character, and respect the integrity of designated historic districts.”

[page 11.11] Since the proposed housing project would utilize rehabilitation tax credits, any exterior modifications would be subject to the review of the Historic Preservation Commission.

Although the property is currently occupied by Barker-Jennings Corporation for their wholesale operation, the building was originally constructed as a residential use – the “Martha Washington Dormitory” for the employees of the Jobbers Overall Company. The proposed CUP petition would allow for the reversion of the building to its original use while preserving the option for Barker-Jennings Corporation or other commercial uses to operate if the housing project is unsuccessful or if the property redevelops in the future. The proposed multi-family use would provide a number of residences to support the businesses within the area, as well as provide a land use transition area between the existing single-family residential uses and the adjacent commercial businesses.

2. **Zoning.** The subject property was annexed into the City in 1908. The existing B-5C, General Business District (Conditional) was established on May 12, 1999 with the approval of a rezoning by City Council.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the development of the property as proposed.
4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - On May 12, 2009, City Council approved Cameron Loft’s petition to rezone two and twenty-five hundredths (2.25) acres at 1300 Campbell Avenue from I-2, Light Industrial District to B-5C, General Business District (Conditional) and a CUP to allow the renovation of an existing building for sixty-two (62) residential apartments.
 - On January 8, 2008, City Council approved HROK, LLC’s petition to rezone seven and four tenths (7.4) acres at 1401, 1405, 1415, 1417 and 1501 Kemper Street from I-2, Light Industrial District to B-3C, Community Business District (Conditional) and a CUP for a Cluster Commercial Development to allow the renovation of three (3) existing buildings for a combination of residential, office, automobile service and retail units.
 - On August 14, 2007, City Council approved HROK, LLC’s petition to rezone seven and four tenths (7.4) acres at 1401, 1405, 1415, 1417 and 1501 Kemper Street from I-2, Light Industrial District to B-3C, Community Business District (Conditional) and a CUP for a Cluster Commercial Development to allow the renovation of three (3) existing buildings for a combination of residential, office, automobile service and retail units.
 - On February 13, 2007, City Council approved Lynchburg Neighborhood Development Foundation’s petition to rezone eighty-two hundredths (0.82) of an acre at 1402 Fillmore Street from R-4C, Medium-High Density Multi-Family Residential District (Conditional) to R-4C, Medium-High Density Multi-Family Residential District (Conditional) to amend the existing proffers to allow the use of the existing structure as a five (5)-unit apartment building with associated parking.
 - On August 8, 2006, City Council approved C.S. Door’s petition to rezone twenty-three hundredths (0.23) of an acre at 1000 Miller Park Square from B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional) to amend existing proffers and allow the use of an existing building as a door and hardware retail facility.
 - On May 9, 2000, City Council approved Greater Lynchburg Habitat for Humanity’s CUP petition to allow the construction of a single-family home in a B-5, General Business District at 1209 Campbell Avenue.
 - On April 11, 2000, City Council approved Greater Peaceful Zion Baptist Church’s CUP petition to allow the construction of additional parking at 1516-1520 Floyd Street.

- On December 9, 1997, City Council approved Greenstone Original Church of God's CUP petition to allow the operation of a day care center for up to seventy-five (75) children at 2210 Fourteenth Street.
 - On August 8, 1995, City Council approved Virgil Naff Jr's petition to rezone approximately one and eight tenths (1.8) acres at 1805 Twelfth Street from I-2, Light Industrial District to B-5C, General Business District (Conditional) to allow the use of the property for retail sales, storage and repair service.
 - On July 14, 1992, City Council approved David and Martha Henley's CUP petition to allow the operation of an adult care center for up to twenty-six (26) individuals at 1402 Fillmore Street.
 - On November 11, 1989, City Council approved Animal Emergency Clinic of Central Virginia's CUP petition, as well as their petition to rezone approximately twenty-three hundredths (0.23) of an acre at 1000 Miller Park Square from B-1, Limited Business District, to B-3C, Community Business District (Conditional), to allow the operation of a veterinary hospital with indoor kennels in an existing structure.
 - On September 8, 1987, City Council approved Lynchburg Covenant Fellowship's petition to rezone approximately one and a half (1.5) acres at 1402 Fillmore Street from R-3, Medium Density Two-Family Residential District to R-4C, Medium-High Density Multi-Family Residential District (Conditional) and their CUP petition to allow the operation of a thirteen (13)-unit residential care center for individuals with mental disabilities.
 - On February 12, 1985, City Council approved Greater Peaceful Zion Baptist Church's CUP petition to allow the construction of a building addition at the corner of Sixteenth Street and Fillmore Street.
5. **Site Description.** The subject property includes an existing five (5)-story building and parking area; public right-of-way for Thirteenth Street and Fourteenth Street extends along either side of the property from Campbell Avenue to the Norfolk and Southern Railroad property. The site is bound to the north by a combination of vacant industrial buildings, commercial properties, and public uses (Greater Lynchburg Transit Company and the Kemper Street trailhead, respectively); to the east by a Norfolk & Southern Railroad, Kemper Street Lofts, commercial and industrial buildings and single-family residences; to the south by single-family homes, commercial and industrial buildings and the Lynchburg Expressway and to the west by single-family homes.
- The building is currently occupied by the Barker-Jennings Corporation. According to the listing for the building in the National Register of Historic Places, the front (south) façade of the brick Georgian Revival structure runs approximately three-hundred and thirty (330) feet along Campbell Avenue and consists of a twenty-seven (27)-bay facade. The brick structure consists of a concrete foundation, full basement and pine and maple flooring over steel beams. In 1970, 1975 and 1981 the Barker-Jennings Corporation made several metal-clad additions to the rear of the building.
6. **Proposed Use of Property.** On May 12, 2009, City Council approved a petition to rezone this property to B-5C, General Business District (Conditional) and a CUP petition to allow the renovation of an existing building for sixty-two (62) residential apartments. The current petitioner proposes the renovation of the existing building for the development of one hundred seven (107) apartment units. The site is served by City water and sewer. Along the exterior of the structure, the metal building additions would be preserved and the interior open space converted to courtyards. The parking along the front of the building would be relocated to the rear of the building and the frontage along Campbell Avenue would be converted to a pedestrian plaza with a bus shelter and additional landscaping. Although there is no new construction proposed for the building and the balance of the parking area, staff recommended that additional parking area landscaping, foundation plantings, street trees and utility area screening be provided. Staff continues to have concerns about the size of many of the parking area landscape islands and their ability to support the growth of the parking area landscaping. However, the petitioner has expressed a desire to provide significant landscaping in the areas surrounding the building and along the rear of the property, which will significantly improve the tree canopy cover of the site.

7. **Traffic, Parking and Public Transit.** The City's Transportation Engineer completed a preliminary review for a left turn lane off of Campbell Avenue. The review indicated that Campbell Avenue had sufficient width to accommodate a turn lane and that the feature could be easily striped if the number of vehicles warranted its installation. The concept plan indicates the location of a left turn lane that would be installed by the City if warranted in the future.

Parking requirements for the proposed development are set at one (1) space for each residential unit by the City's *Zoning Ordinance*. The proposed apartment building would have one hundred seven (107) units, which would require a total of one hundred seven (107) parking spaces. The concept plan indicates that one hundred seven (107) parking spaces are provided, thus meeting the requirements of City Code.

Greater Lynchburg Transit Company's Route 2 runs along Campbell Avenue with a bus stop across the street from the site. If approved, the project would incorporate a bus shelter into the design of the pedestrian plaza along the front of the building.

8. **Stormwater Management.** New impervious area for the renovation does not exceed the one thousand (1,000) square foot threshold; as such, a stormwater management plan to address water quantity and quality will not be required for the construction. Though not required, the proposed parking area landscaping, street trees and foundation plantings will provide new low maintenance green space, which will result in less runoff and an improved stormwater quality benefit from the site.

9. **Emergency Services.** The City's Fire Marshal had no concerns regarding the CUP petition.

The City Police Department commented that the parking lot area surrounding the building should be well lit and recommended wall-mounted lights on the sides of the building, as well as motion sensor flood lights for the area at the end of the building where the play ground equipment would be installed. It was also noted that the final site design should include directional signage for traffic in the parking area, entrance signage for the building and "No Trespassing" signage to prevent unauthorized use of the facility. Finally, the department recommended that the facility utilize alarm systems, surveillance camera systems and proximity cards to enhance the security of the residents. The final lighting layout and security system design would be determined during the site plan and building plan review processes, respectively.

10. **Impact.** The proposed renovation of the existing buildings and reuse as residential apartments will have minimal impact on the surrounding neighborhood. Traffic, parking, stormwater management and emergency services concerns have all been addressed to the satisfaction of City staff and the result is a project that would allow for the redevelopment of an existing historic property.
11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on November 17, 2009. Comments related to the proposed use were minor in nature and have or will be addressed by the developer prior to final site plan approval.

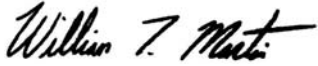
VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of Jennings Dorm, LLC's petition for a CUP to allow the renovation of an existing building for one hundred seven (107) apartments at 1300 Campbell Avenue, subject to the following condition:

1. **The project will be developed in substantial compliance with the concept plan for "Barker Jennings Conditional Use Permit Application", prepared by Architecture**

Design Office dated November 30, 2009 and received by Community Development on November 30, 2009.

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/Acting Director of Community Development
Mr. Walter C. Erwin, City Attorney
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozarow, Lynchburg Police Department
Battalion Chief Greg Wormser, Fire Marshal
Mr. Gerry Harter, Transportation Engineer
Mr. Robert Drane, Building Commissioner
Mr. Keith Wright, Zoning Official
Mr. Kent L. White, Senior Planner
Mr. Jacob M. Dorman, Environmental Reviewer
Mr. Larry Cluff, Representative, Jennings Dorm, LLC

VII. ATTACHMENTS

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

MINUTES FROM THE DECEMBER 9, 2009 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED. THERE WAS NO DECEMBER 23, 2009 MEETING):

c. Petition of Jennings Dorm, LLC for a conditional use permit to allow the use of the existing building and property as a one hundred and seven-unit apartment complex with associated parking in a B-5, General Business District at 1300 Campbell Avenue.

Mr. Martin summarized the petition and Planning Commission report. The property was rezoned from I-2 to B-5C and a conditional use permit was granted by City Council on May 14, 2009 that would allow the use of the existing building for 62 apartments. The current petitioner is a different petitioner from the one who was granted a CUP in May 2009. The primary difference between the original petition and the current one is the increase in the number of units; however, this petition is proposing to retain the existing metal buildings in the rear of the property. This petitioner is proposing to use historic tax credits instead of VHDA tax credits.

The property is currently occupied by Barker Jennings and they would relocate if this proposal comes to fruition. City staff is working with Barker Jennings on finding a suitable location, but one has not been decided upon as of yet. The building was constructed between 1918 and 1920 and it was used as dormitories for employees of the Jobbers Overall Company. It is part of the Kemper Street Industrial Historic District and is listed on the National Register of Historic Places.

The *Future Land Use Map* recommends a variety of different uses for this area; therefore, the residential use does fit. The reduction in parking requirements that was adopted recently has made the increase in the number of units possible. Adequate parking is being provided. The City's Transportation Engineer did a review and determined that there is sufficient width on Campbell Avenue to stripe in a left turn lane if it is warranted in the future. If it is striped, there will be three or four on-street parking spaces that would be removed, but all of those buildings that would be affected have off-street parking lots.

The Fire Marshal did not have any concerns. The police department reviewed the plan and made several recommendations about lighting and other security measures. Those types of issues will be worked out before final site plan approval.

The Planning Division feels that this would be a good return to the original use of the building and recommends approval of the petition.

Mr. Larry Cluff, one of the members of Jennings Dorm, LLC, and Mr. Todd Dyskhorn, the architect for the project, came forward to represent the petition. They plan on adding the additional lighting recommended. It is rare for them to do an apartment complex and not put in surveillance systems and security access systems. They are still trying to work out whether or not the roads on either side can be vacated. They are working with the other property owners who would be affected by the vacation of these City streets.

Mr. Dyskhorn mentioned that the structural grid, the bay system and the windows are all set up for smaller residential units. They are opting to keep the metal buildings because most of the residential units can be in the historic section and amenity spaces can be put in the metal buildings. They are hoping students are drawn to the housing. They have found that they can provide smaller living areas and more community areas when marketing to students. The two interior courtyards will require some demolition to bring them to the grade level and bring light in to the historic section. They will be nice outdoor areas that people can utilize.

The developers are hoping to strike a balance between providing enough parking without making it too convenient. This encourages the use of public transit and other ways to get around. There is also the potential for interior parking in the historic section. They are working with a couple different layouts and one of the layouts would allow for some additional indoor parking spaces. They did not want to commit to a layout at this point.

Chair Hamilton asked for anyone else who wished to speak in favor of the petition. No one came forward. She asked for anyone who wished to speak in opposition to the petition. No one came forward. She closed the public hearing portion of the petition.

Commissioner Swienton pointed out that if this property were zoned by right for apartments at the highest density (R-5), the zoning would allow for 65 units. He is trying to justify going 64 percent greater than what the *Zoning Ordinance* would allow for if done by right in the highest residential zoning district. Mr. Cluff answered that it is a matter of making the numbers work. With the previous proposal of 62 units, the cash flow was just not there. Mr. Cluff said it is a matter of the cost of renovation per square foot and what the unit will rent for per square foot. If a developer can build for \$100 a square foot or less and the unit can be rented for close to a dollar a square foot, the numbers seem to work. It is a question of getting the numbers to work from a financing standpoint as well.

Commissioner Swienton asked for the average square footage of the apartments. Mr. Dyskhorn answered that there will be one- and two-bedroom units. The one-bedroom units will be around 500 square feet and the two-bedroom units will be around 650 square feet. The previous site plan called for units in excess of 1,200 to 1,500 square feet. That is almost impossible to rent at a dollar a square foot, which is necessary to make it work even with tax credits. They have had a lot of success doing smaller, more compact units, particularly if you can provide amenity space on site. They looked at the way the building was structured; it was not a question of seeing how many units they could squeeze into the building.

The developers will be marketing to students and/or young professionals who will probably stay a few years. Since there is not a lot of residences near this building, having more occupants in the building creates its own sort of village and its own sense of community from day one.

Commissioner Swienton asked how they will ensure safety since the units will have interior entrances rather than exterior entrances. Mr. Dyskhorn answered that there will be a resident keyed access and remote entry access for guests. Also, at the ends of the corridors where they intersect, there will be small lounges with access to natural light and view. That helps with orientation and with a sense of security. They are also considering making the traffic flow one way, which helps control traffic in and out of the complex. Proper lighting will be a very important factor. They also typically do interior and exterior video systems that are recorded and remotely monitored.

Commissioner Swienton noted that after finding out the estimated square footage of the apartments, he is able to conclude that the number of occupants with this plan should be about the same as the previous plan would have allowed.

Chair Hamilton asked what type of tax credits they will be using. The previous applicant was going to use tax credits that would be based on income level. Mr. Cluff said that they are pursuing historic tax credits, which are not based on income level. They may be using VHDA long-term funding, which requires a certain amount of renters to be at 80 percent of the median income of the area. It needs to be affordable if you are using VHDA funding.

Commissioner Barnes asked how people will get from the handicapped parking into the building. Mr. Dyskhorn pointed out the metal bar building on top of the left hand exterior court will probably be the main entrance into an interior common area. They also want to have the historic entrance on Campbell Avenue as an entrance as well with new entries in the back. He pointed out two more possible entries on the southern corner of Campbell Avenue which will be handicap accessible. The entrances will be decided after it is determined if the streets can be vacated.

Chair Hamilton asked who will decide if the left turn lane is needed. Mr. Martin said Mr. Harter wants to see if it needed or not after the project has been up and running for a while. The City will do the work because it is mainly restriping a small portion of the street.

Commissioner Sale asked how many apartments were in the building when it was used as a dormitory. Mr. Dyskhorn said they have not been able to find original plans but he would take a guess that there was a room in between each column on both sides of corridor with centralized bathrooms. Commissioner Sale asked if they knew how much the rent would be for the apartments. Mr. Cluff thought the one- bedroom units would be around \$550 to \$650 and the two-bedroom units would be around \$750 to \$850 with the tenant paying for electricity. They usually provide free internet service. There will also be a resident property manager.

Commissioner Sale commented that he was also concerned with the number of units being proposed, however, he likes the idea of this historic building being renovated for residential use as that is a more appropriate use for the building and the neighborhood. Mr. Cluff said they have concerns as well and it is difficult to be the first one on the block. That is why it makes sense to have more of a community environment in this complex to help with the first few years. He

believes it will be a viable project long term. Managing it properly will be very important and making the occupants feel safe will be as well. Redeveloping the whole area is an important factor in the project being successful.

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

“That the Planning Commission recommends to City Council approval of Jennings Dorm, LLC’s petition for a CUP to allow the renovation of an existing building for one hundred seven (107) apartments at 1300 Campbell Avenue, subject to the following condition:

1. The project will be developed in substantial compliance with the concept plan for “Barker Jennings Conditional Use Permit Application”, prepared by Architecture Design Office dated November 30, 2009 and received by Community Development on November 30, 2009.”

The motion passed by the following vote:

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

JENNINGS DORM

1300 Campbell Avenue

PIN# 02706001

Conditional Use Permit Request

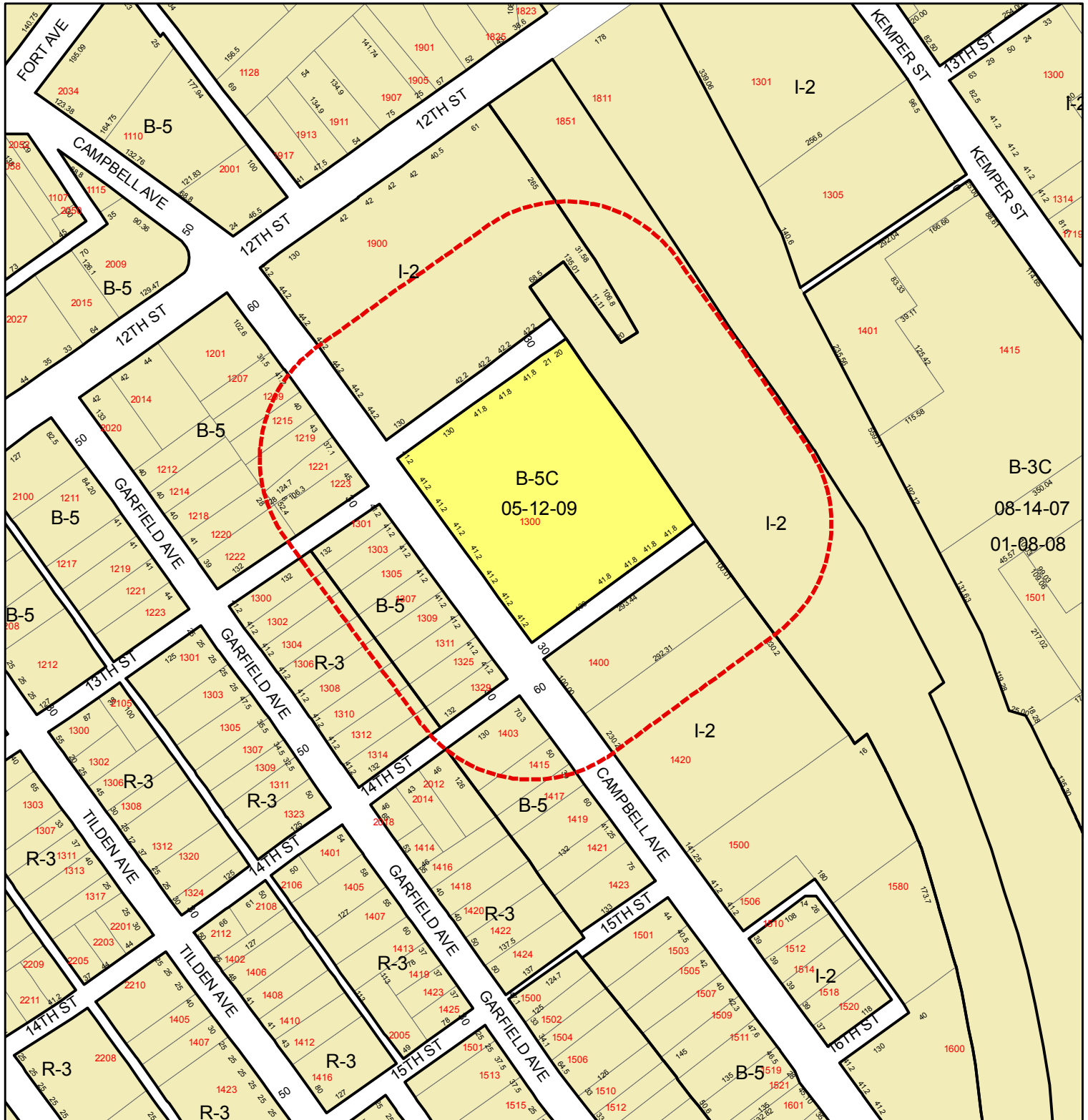
Petitioner-Jennings Dorm LLC



Subject Property

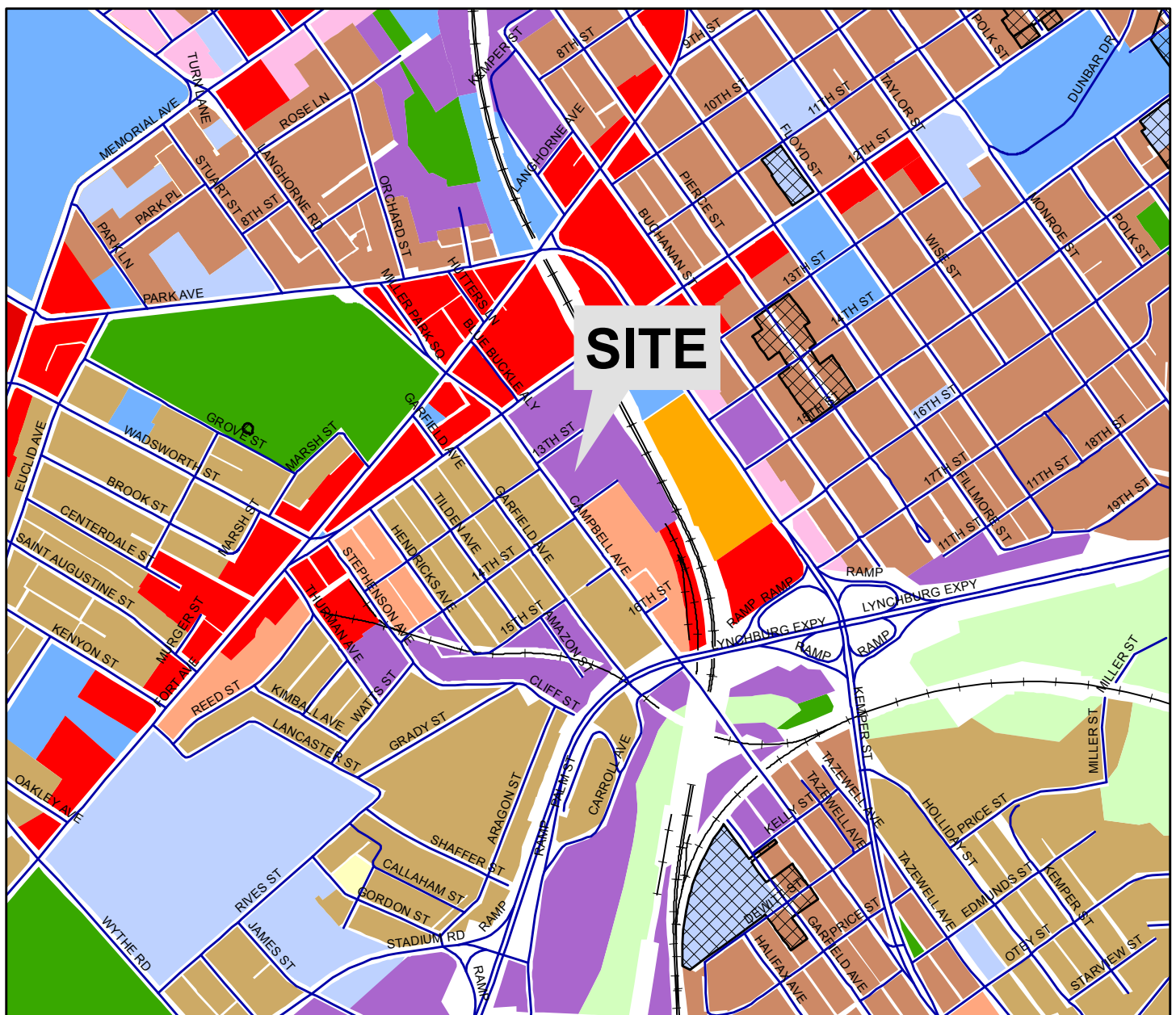


200 FT Buffer



JENNINGS DORM ADJOINING OWNERS

PIN	Owner	LocAddr
02702003	NORFOLK/SOUTHERN CORP ATTN: LLOYD CLINGENPEEL	1851 12TH ST
02705001	FOSTER ELECTRIC CO INC	1420 CAMPBELL AVE
02705002	FATIMA KHAN LLC	1400 CAMPBELL AVE
02706001	BARKER-JENNINGS CORP	1300 CAMPBELL AVE
02707001	LIBERTY UNIVERSITY INC C/O ANTHONY BECKLES	1900 12TH ST
02709004	DAVIS JOHN L & FRANCES W	1209 CAMPBELL AVE
02709005	TRENT BERTIE S LIFE ESTATE	1215 CAMPBELL AVE
02709006	PSA PROPERTIES LLC	1219 CAMPBELL AVE
02709007	CLINE DOUGLAS F & LISA W	1221 CAMPBELL AVE
02709008	TUCKER GINGER W	1223 CAMPBELL AVE
02709009	DUNN HAROLD B JR C/O RICHARD POPOVICH	1222 GARFIELD AVE
02709010	BAILEY RICHARD L REVOCABLE LIV TR	1220 GARFIELD AVE
02710001	CHILDRESS REBA B	1301 CAMPBELL AVE
02710002	BITZER JINI L	1303 CAMPBELL AVE
02710003	ELDER STEPHEN	1305 CAMPBELL AVE
02710004	EUBANK G CARTER JR	1307 CAMPBELL AVE
02710005	EUBANK CARTER G	1309 CAMPBELL AVE
02710006	BANKS LESTER H & MAY L	1325 CAMPBELL AVE
02710007	BAILEY RICHARD L REVOCABLE LIV TR	1329 CAMPBELL AVE
02710008	SCHMITT NANCY A	1314 GARFIELD AVE
02710009	TYSON RODNEY N	1312 GARFIELD AVE
02710010	FERGUSON JASON J & SUSANNE S	1310 GARFIELD AVE
02710011	SMITH FRANKIE L	1308 GARFIELD AVE
02710012	FRANKLIN NUMAN L & PATRICIA E	1306 GARFIELD AVE
02710013	MARSTON KENNETH L & JANICE M	1304 GARFIELD AVE
02710014	ADAMS JERRY L	1302 GARFIELD AVE
02710015	HEMPHILL ASSOCIATES LLC	1300 GARFIELD AVE
02710016	ADAMS MICHAEL N	1311 CAMPBELL AVE
02711001	RODRIGUEZ CANDELARIO J	1403 CAMPBELL AVE
02711012	RODRIGUEZ CANDELARIO J	1415 CAMPBELL AVE
02711013	WHITEHEAD ARNOLD B & NANCY G	1417 CAMPBELL AVE
Owner	BARKER-JENNINGS CORP	
Petitioner	JENNINGS DORM LLC	
Representative	LARRY CLUFF	



SITE

JENNINGS DORM 1300 CAMPBELL AVENUE LAND USE PLAN

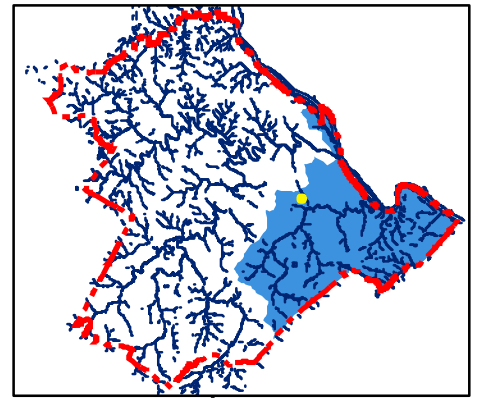
-  LocalHistoricDistrict
-  Traditional Residential
-  Low Density Residential
-  Medium Density Residential
-  High Density Residential
-  Neighborhood Commercial
-  Community Commercial
-  Regional Commercial
-  Employment 1
-  Employment 2
-  Office
-  Institution
-  Downtown
-  Public Use
-  Public Parks
-  Resource Conservation
-  Residential Mixed Use
-  General Mixed Use
- Employment Mixed Use

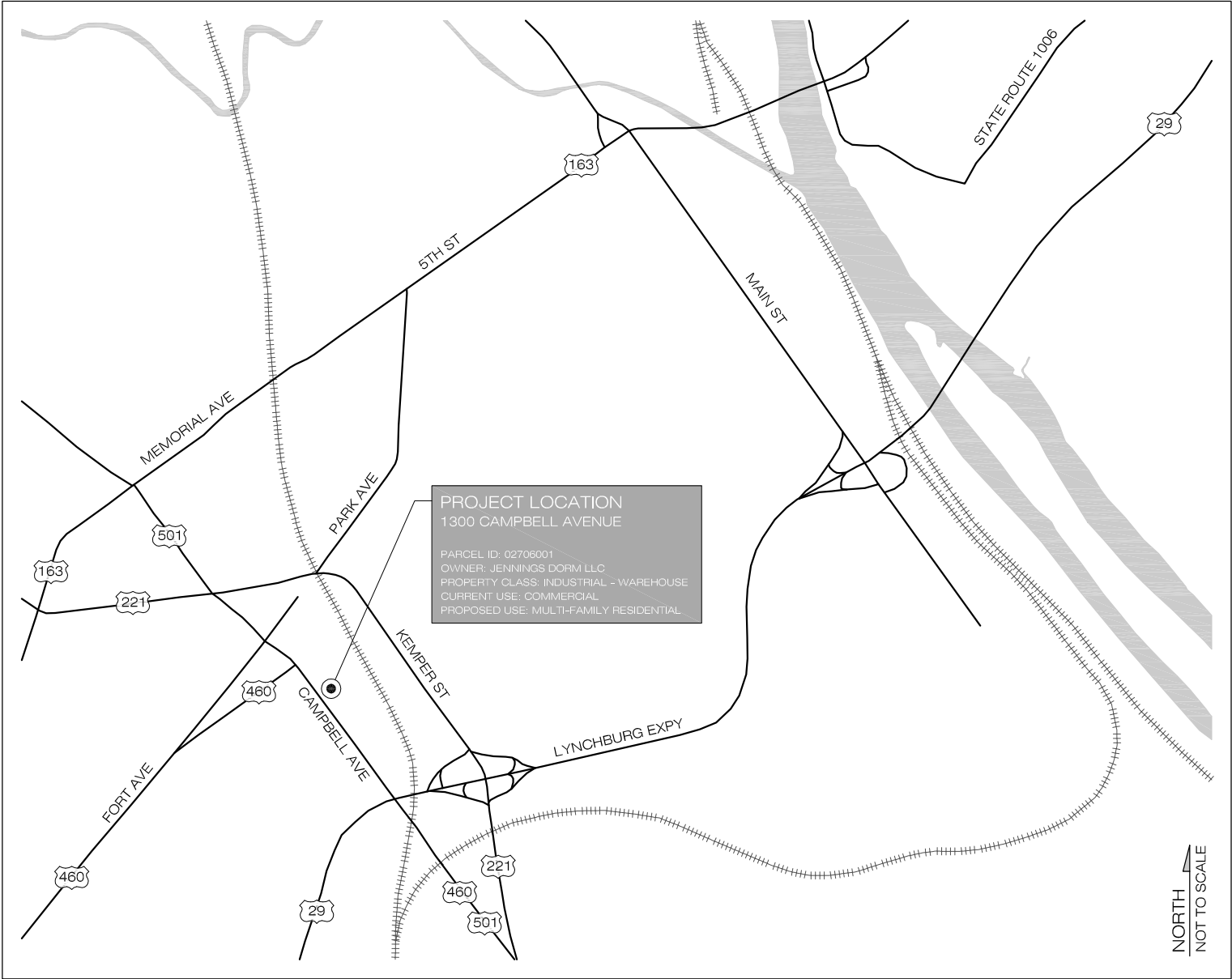


Jennings Dorm

Watershed Location Map

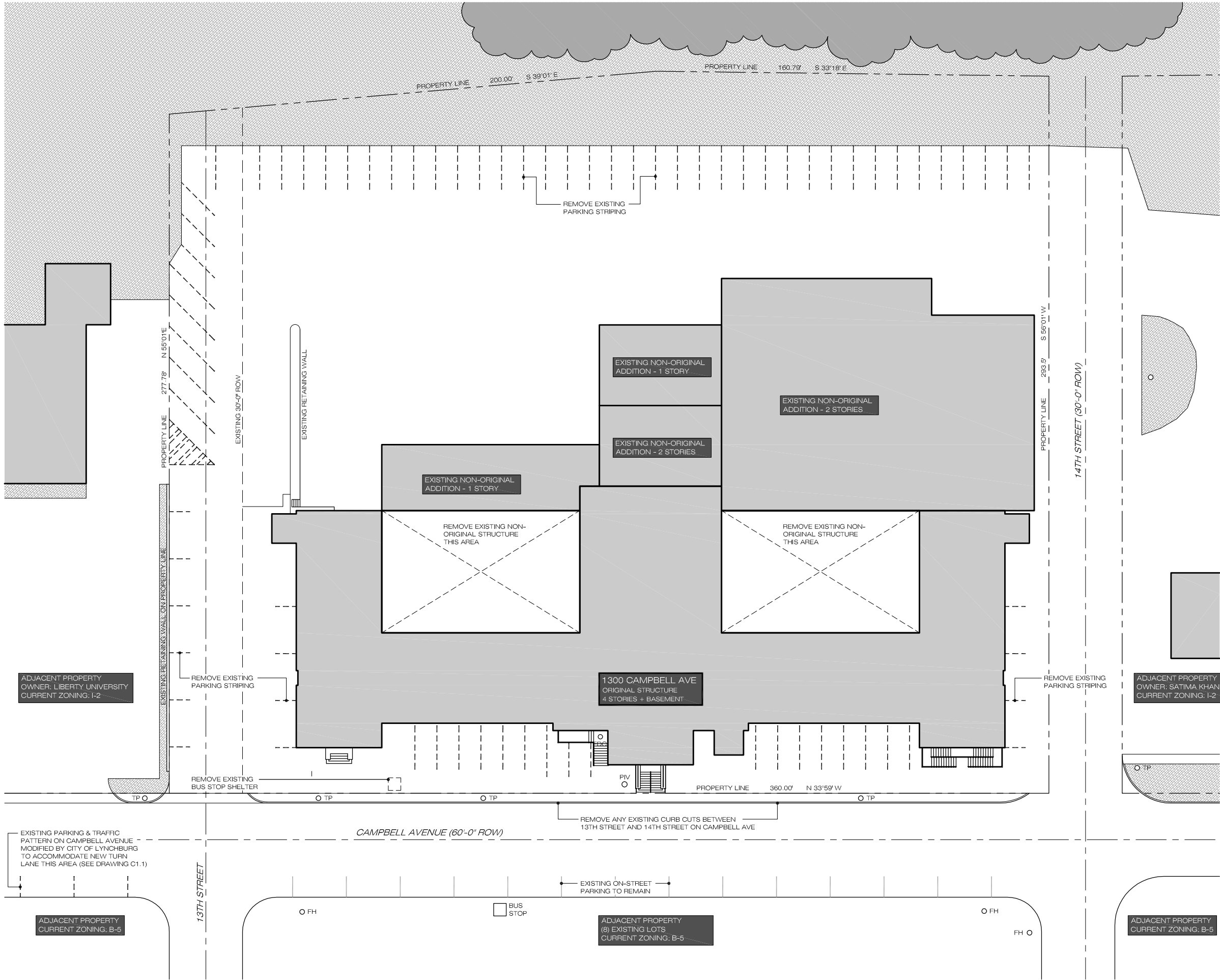
-  Project Site
-  Fishing Creek
-  FloodzoneA
-  Corporate Limit





BARKER JENNINGS
1300 CAMPBELL AVE
LYNCHBURG VA

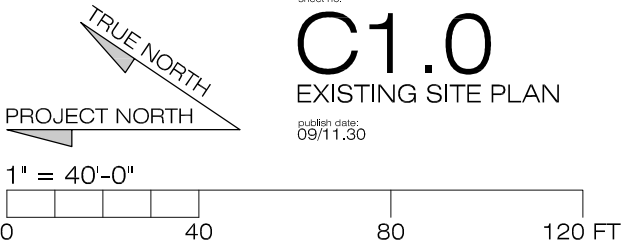
CONDITIONAL USE
PERMIT APPLICATION

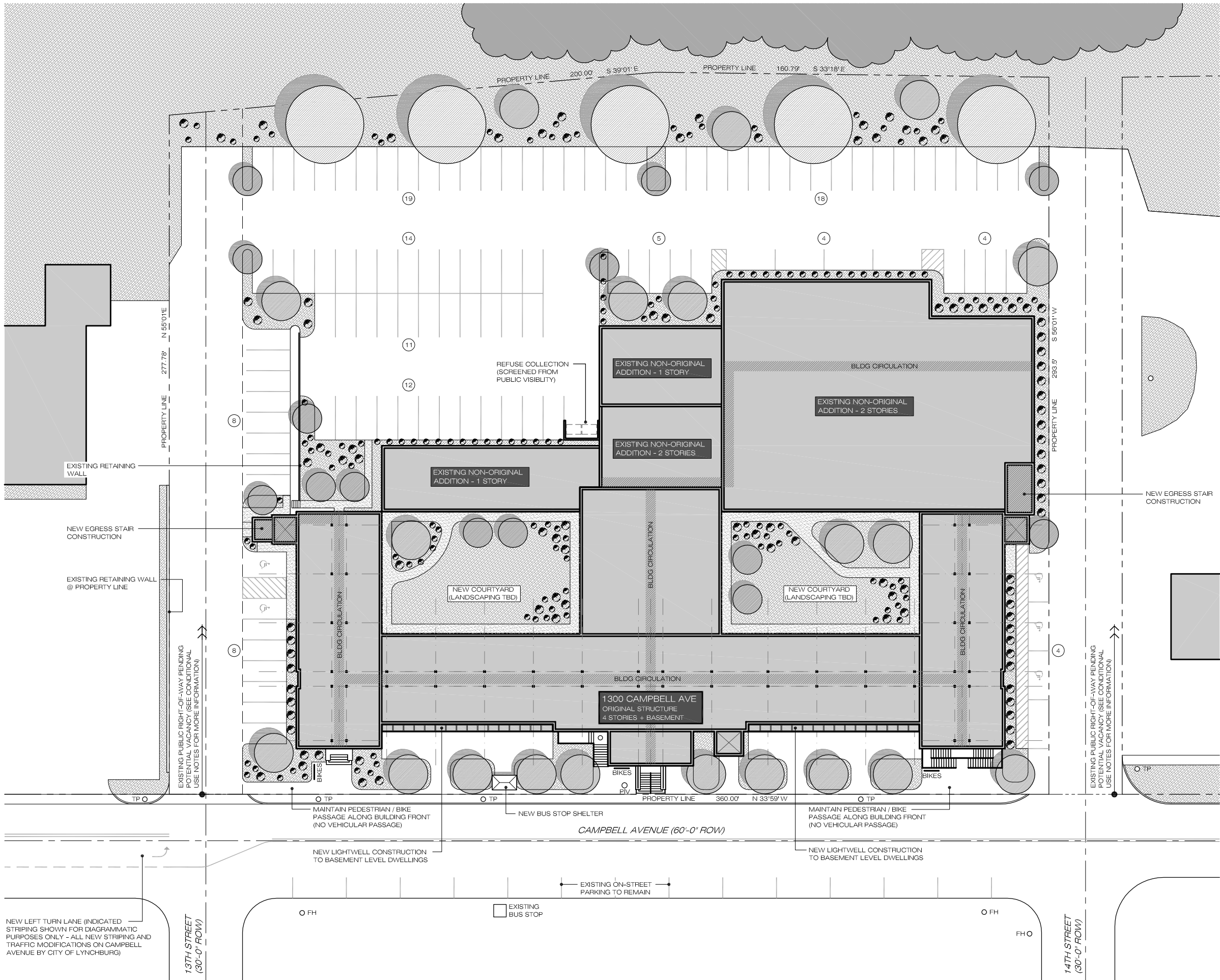


BARKER JENNINGS
1300 CAMPBELL AVE
LYNCHBURG VA

CONDITIONAL USE
PERMIT APPLICATION

Sheet No:
C1.0
EXISTING SITE PLAN
publish date:
09/11.30





CONDITIONAL USE NOTES

DWELLING UNITS
104 STANDARD UNITS
3 ADA TYPE A UNITS
107 TOTAL PROPOSED

PARKING
REQUIRED:
107 REQUIRED
(1 SPACE PER DWELLING)
PROVIDED:
102 MINIMUM STANDARD SPACES
4 ACCESSIBLE (CAR)
1 ACCESSIBLE (VAN)
107 TOTAL
NO NEW PARKING AREAS - ALL
PARKING LOCATED WITHIN EXTENTS
OF EXISTING SITE PAVING

SITE LIGHTING
EXTERIOR LIGHTING DESIGN & FIXTURE
SELECTIONS TO BE DETERMINED. ALL
DIRECT SITE ILLUMINATION TO BE
CONFINED WITHIN PROPERTY LIMITS.

LANDSCAPING
FINAL LANDSCAPING DESIGN AND
SPECIES SELECTIONS TO BE DETERMINED
LANDSCAPE ISLANDS
1 PER 8 SPACES = 14 MIN REQ'D
11 PROPOSED AT PARKING AREAS
7 PROPOSED AT BUILDING FRONTAGE
18 TOTAL PROPOSED + ADDITIONAL
LANDSCAPING AT PAVING BUFFERS
SHRUBS
1 PER 1 SPACE = 108 MIN REQ'D
108 MIN PROPOSED
(±230 INDICATED ON PLAN)
SHADE TREES
1 PER 8 SPACES = 14 MIN REQ'D
14 PROPOSED AT PARKING ISLANDS
PLUS ADDITIONAL LANDSCAPED
LOCATIONS
STREET TREES
1 TREE / 40 FEET FRONTAGE = 9 REQ'D
9 MIN PROPOSED AT BUILDING FRONT
FOUNDATION PLANTINGS
NO NEW ADDITIONS VISIBLE FROM
PUBLIC / PRIVATE STREETS OR
RESIDENTIAL DISTRICTS. NO
FOUNDATION PLANTINGS REQUIRED

CLEARING & GRADING
PROPOSED REGRADING IS LIMITED TO
LOCALIZED MINOR CORRECTIVE GRADING AS
REQUIRED FOR BUILDING ENTRY, PAVEMENT
PATCHING, AND LANDSCAPING, AND IS NOT
EXPECTED TO AFFECT EXISTING SITE DRAINAGE.
SITE DEMOLITION SCOPE LIMITED TO REMOVAL
OF EXISTING GROUND COVER / PAVING AND
MODIFICATIONS TO EXISTING NON-HISTORIC
STRUCTURES AS REQUIRED FOR NEW PAVING,
LANDSCAPING AND UTILITY INSTALLATIONS. ALL
ISOLATED AREAS OF EARTH EXPOSED DURING
DEMOLITION AND CONSTRUCTION TO BE
ENCLOSED WITHIN SILT FENCE PERIMETER AND
RECEIVE ADDITIONAL SURFACE STABILIZATION
MEASURES AS REQUIRED TO PREVENT EROSION.
ALL STORM WATER INLETS TO RECEIVE FILTER
PROTECTION AS REQUIRED TO PREVENT
COLLECTION OF DEMOLITION AND
CONSTRUCTION DEBRIS.

100-YEAR FLOODPLAIN
ENTIRETY OF PROJECT SITE WITHIN ZONE X AND
OUTSIDE THE LIMITS OF 100-YEAR FLOODPLAIN
(REF: FEMA MAP ID 5100930044D)

PUBLIC RIGHT-OF-WAYS
OWNER INTENDS TO PURSUE VACANCY AND
TRANSFER OF OWNERSHIP FOR PORTIONS OF
13TH STREET AND 14TH STREET WHERE
ADJACENT TO PROJECT SITE (PENDING
RESOLUTION WITH ALL PARTIES INVOLVED)

HISTORIC PRESERVATION
PROJECT IS LOCATED IN KEMPER STREET
INDUSTRIAL HISTORIC DISTRICT. HISTORIC
PORTIONS OF EXISTING CONSTRUCTION QUALIFY
FOR STATE & FEDERAL HISTORIC REHABILITATION
TAX CREDITS, AND ALL WORK AFFECTING THESE
AREAS WILL BE DONE IN ACCORDANCE WITH
STATE & FEDERAL PRESERVATION GUIDELINES

HVAC EQUIPMENT
HVAC EQUIPMENT INTENDED TO BE INSTALLED IN
CONCEALED LOCATIONS ON ROOFS OR WITHIN
SCREENING ENCLOSURES

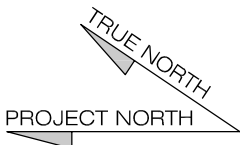
ARCHITECTURE

DESIGN OFFICE
105 E BROAD ST 23219
804/343.1212
info@architecturedesignoffice.com

BARKER JENNINGS
1300 CAMPBELL AVE
LYNCHBURG VA

CONDITIONAL USE
PERMIT APPLICATION

sheet no:
C1.1
PROPOSED SITE PLAN
publish date:
09/11.30



LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **January 12, 2010**

AGENDA ITEM NO.: 16

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Conditional Use Permit (CUP): Residential Units, 802 Court Street**

RECOMMENDATION: Approval of the CUP petition.

SUMMARY: Adama Faroh, LLC is petitioning for a CUP to allow two (2) residential apartments within an existing office building in a B-1, Limited Business District. All renovations would be internal to the structure, except for the addition of a new deck, patio and rooftop patio. At their November 16, 2009 meeting, the Historic Preservation Commission approved the proposed exterior work, which involves changes to the existing garage, rear exterior roof terrace, new rear exterior deck and patio and rear existing door and window conversions. The Planning Commission recommended approval of the CUP petition because:

- Petition agrees with the *Comprehensive Plan* which recommends a Downtown use in this area.
- The *Downtown and Riverfront Master Plan 2000* emphasizes the goal of strengthening the connection between the surrounding residential neighborhoods and downtown with additional housing along Court Street.
- Petition agrees with the *Zoning Ordinance* which permits any density or type of residential development, except for single-family detached dwellings, in a B-1, Limited Business District with approval of a CUP by City Council.
- The City Planner has reviewed the petition and, with the concurrence of TRC, determined that the two (2) off-street parking spaces provided within the existing driveway, the three (3) on-street parking spaces available in front of the building, as well as the reductions for mass transit and shared use, are sufficient for the project.

PRIOR ACTION(S):

November 11, 2009: Planning Division recommended approval of the CUP.

:

Planning Commission recommended approval of the CUP petition (6-0, with one member absent, Oglesby) subject to the following conditions:

1. The project will be developed in substantial compliance with the concept plan for Alterations to 802 Court Street, prepared by Craddock Cunningham Architectural Partners, P.C. dated October 28, 2009 and received by Community Development on November 5, 2009.
2. The proposed patio and deck as well as the rooftop patio shall be approved by the Historic Preservation Commission.

November 16, 2009: Historic Preservation Commission approved the proposed exterior work, which involves changes to the existing garage, rear exterior roof terrace, new rear exterior deck and patio and rear existing door and window conversions (6-0 with one member abstaining, Harvey).

FISCAL IMPACT: None

CONTACT(S): Tom Martin, City Planner - 455-3900; Bonnie Svrcek, Deputy City Manager/Acting Director of Community Development - 455-3900

ATTACHMENT(S):

- Resolution
- Planning Commission Report
- Planning Commission Minutes
- Vicinity Map
- Vicinity Proposed Land Use Map
- Watershed Location Map
- Concept Plan
- Speaker Sign Up Sheet

REVIEWED BY: lkp

RESOLUTION:

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO ADAMA FAROH, LLC TO ALLOW TWO (2) RESIDENTIAL APARTMENTS WITHIN AN EXISTNG OFFICE BUILDING IN A B-1, LIMITED BUSINESS DISTRICT AT 802 COURT STREET.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of Adama Faroh, LLC to allow two (2) residential apartments within an existing office building in a B-1, Limited Business District at 802 Court Street be, and the same is hereby approved subject to the following conditions:

1. The project will be developed in substantial compliance with the concept plan for Alterations to 802 Court Street, prepared by Craddock Cunningham Architectural Partners, P.C. dated October 28, 2009 and received by Community Development on November 5, 2009.
2. The proposed patio and deck as well as the rooftop patio shall be approved by the Historic Preservation Commission. (This condition was met with Historic Preservation Commission approval on November 16, 2009.)

Adopted:

Certified:

Clerk of Council

002L

The Department of Community Development

City Hall, Lynchburg, VA 24504

434-455-3900

To: Planning Commission

From: Planning Division

Date: November 11, 2009

Re: **CONDITIONAL USE PERMIT [CUP]: Residential Units, 802 Court Street**

I. PETITIONER

Adama Faroh, LLC, 815 Church Street Suite 3-A, Lynchburg, VA 24504

Representative: Gary E. Harvey, Craddock Cunningham Architectural Partners, P.C., 10 Ninth Street, Lynchburg, VA 24504

II. LOCATION

The subject property includes one (1) tract totaling seventeen hundredths (0.17) of an acre at 802 Court Street.

Property Owner: Adama Faroh, LLC, 815 Church Street Suite 3-A, Lynchburg, VA 24504

III. PURPOSE

The purpose of this petition is to allow two (2) residential apartments within an existing office building in a B-1, Limited Business District.

IV. SUMMARY

- Petition agrees with the *Comprehensive Plan 2002-2020* which recommends a Downtown use in this area.
- Petition agrees with the *Zoning Ordinance* which permits any density or type of residential development, except for single-family detached dwellings, in a B-1, Limited Business District with approval of a CUP by City Council.
- The *Downtown and Riverfront Master Plan 2000* emphasizes the goal of strengthening the connection between the surrounding residential neighborhoods and downtown with additional housing along Court Street.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan 2002-2020* recommends a Downtown use in this area. "Downtown identifies the area that is governed by the policies and recommendations of the *Downtown and Riverfront Master Plan 2000*, which is incorporated into this *Comprehensive Plan 2002-2020* by reference. Downtown is the central commercial core of the City and appropriately contains a mix of retail, entertainment, restaurant, office, employment, residential, public, park and institutional uses. The form of these uses is to remain urban in character as now permitted in the Downtown and Riverfront areas." **(page 5.3)**
Chapter 9 of the *Downtown and Riverfront Master Plan 2000* emphasizes the goal of strengthening the connection between the surrounding residential neighborhoods and downtown with additional housing along Court Street. The plan notes that "residential use in this part of downtown will complement the surrounding churches and adjacent residential uses on Church Street" **(page 81)** and that "renovation of existing buildings is a high priority." **(page 87)**
2. **Zoning.** The subject property is part of the original City which was incorporated in 1786. The existing B-1, Limited Business District was established in 1978 with the adoption of the current *Zoning Ordinance*.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the development of the property as proposed.
4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:

- On December 11, 2007, City Council rezoned properties along the Fifth Street Corridor and adopted the Fifth Street Revitalization Corridor Overlay District to create land use regulations conducive to implementing the Vision, Goals & Objectives of the *Fifth Street Corridor Master Plan*.
 - On August 9, 2005, City Council approved The Daily Bread's CUP petition to allow the construction of a food preparation area in an R-2, Low-Medium Density, Single-Family Residential District at 721 Clay Street.
 - On October 14, 2003, Lynchburg City Council approved St. Paul's Episcopal Church's CUP petition for an eighteen (18)-space parking lot addition in an R-2, Low-Medium Density, Single-Family Residential District at 612 and 616 Madison Street.
 - On May 13, 2003, Lynchburg City Council approved Central City Home's petition to rezone twenty-nine hundredths (0.29) of an acre from R-2 Low-Medium Density Single-Family Residential District to R-4 Medium-High Density Multi-Family Residential District for the conversion of an existing residence into three apartments at 717 Madison Street.
 - On July 9, 2002, Lynchburg City Council approved St. Paul's Episcopal Church's CUP petition to allow for an existing structure to be used as a child care facility, ages two and a half (2 ½) to four (4), for up to fifteen (15) children in an R-2, Low-Medium Density Single-Family Residential District at 620 Madison Street.
 - On June 13, 1995, Lynchburg City Council approved Holy Cross Catholic Church's CUP petition to for the construction of a three-story multi-purpose addition in an R-2, Low-Medium Density, Single-Family Residential District at 710 Clay Street.
 - On June 14, 1994, Lynchburg City Council approved Joseph A. and Brenda E. Sanzone's petition to rezone twenty-eight hundredths (0.28) of an acre from R-2, Low-Medium Density Single-Family Residential District to B-1(C), Limited Business District (Conditional) to allow the construction of an addition to the existing law office and additional parking spaces at 707 Clay Street.
 - On February 10, 1987, Lynchburg City Council approved Holy Cross Catholic Church's CUP petition for the construction of a building addition and associated parking in an R-2, Low-Medium Density, Single-Family Residential District at 710 and 720 Clay Street.
5. **Site Description.** The subject property includes an existing two (2)-story building with associated parking. The site is bound to the north, east and south by multi-family apartments and commercial buildings and to the west by single-family homes, multi-family apartments and commercial businesses.
6. **Proposed Use of Property.** The purpose of this petition is to allow the renovation of an existing building for two (2) residential apartment uses; the building would also include two thousand nine hundred and sixteen (2,916) square feet of office space. All renovations would be internal to the structure, except for the addition of a new deck, patio and rooftop patio. The exterior changes will require the review and approval of the Historic Preservation Commission; the petition is scheduled for the Commission's November 16th meeting. The site is served by City water and sewer services, as well as public sidewalk along Court Street. Landscaping for the development will comply with the requirements of the City's *Zoning Ordinance*; however, since minimal exterior renovations are proposed and the site is already heavily landscaped, these requirements will be minimal.
7. **Traffic, Parking and Public Transit.** The City's Transportation Engineer had no concerns about the proposed addition of the apartments to the existing office building.

The *Zoning Ordinance* requires one (1) parking space per unit for residential units. The petition also incorporates the required parking for the existing office use [two (2) spaces per one thousand (1,000) square feet of gross floor area]. The two (2) apartments and two thousand nine hundred and sixteen (2,916) square feet of office space would require a total of eight (8) parking spaces; Section 35.1-25.d of City Code provides that on-street parking located within one thousand (1,000) feet and connected by pedestrian facilities may be used to satisfy off-street parking requirements and that the City Planner, in accordance with the Technical Review Committee [TRC], may reduce the requirements by a suitable amount based on the availability of mass transit and shared

uses on the same lot. The City Planner has reviewed the petition and, with the concurrence of TRC, determined that the two (2) off-street parking spaces provided within the existing driveway, the three (3) on-street parking spaces provided in front of the building, as well as the reductions for mass transit and shared use, are sufficient for the project.

Public transit is accessible through Greater Lynchburg Transit Company's Route 3D at the intersection of Clay Street and 8th Street. The existing transit stop is approximately four hundred (400) feet from the site.

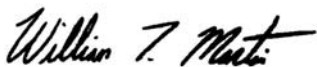
8. **Stormwater Management.** The proposed minor exterior additions will not exceed the one thousand (1,000) square foot threshold for stormwater management; as such, a plan to address water quantity and quality of the surface water run-off would not be required for the construction. The City's Environmental Reviewer had no concerns regarding the CUP petition.
9. **Emergency Services.** The City's Fire Marshal had no concerns regarding the CUP petition.
The Police Department had no concerns regarding the CUP petition.
10. **Impact.** The proposed renovation of the existing building would have minimal impact on the surrounding area. There were no staff concerns regarding traffic, stormwater management or emergency services and parking requirements have been addressed to the satisfaction of City staff. The result is a project that would allow for the redevelopment of an existing property and the fulfillment of a private investment goal of the *Downtown and Riverfront Master Plan 2000*.
11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary concept plan on October 20, 2009. Comments related to the proposed use were minor in nature and have been or will be addressed by the developer prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of Adama Faroh, LLC's petition for a CUP to allow the renovation of an existing building for two (2) apartment units in a B-1, Limited Business District at 802 Court Street, subject to the following conditions:

1. **The project will be developed in substantial compliance with the concept plan for Alterations to 802 Court Street, prepared by Craddock Cunningham Architectural Partners, P.C. dated October 28, 2009 and received by Community Development on November 5, 2009.**
2. **The proposed patio and deck as well as the rooftop patio shall be approved by the Historic Preservation Commission.**

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Bonnie M. Svrcek, Deputy City Manager/Acting Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozerow, Lynchburg Police Department
Battalion Chief Greg Wormser, Fire Marshal
Mr. Gerry Harter, Transportation Engineer
Mr. Robert Drane, Building Commissioner
Mr. Robert S. Fowler, Zoning Administrator
Mr. Kent L. White, Senior Planner
Mr. Jacob M. Dorman, Environmental Reviewer
Mr. Kurt C. Schultz, Applicant, Adama Faroh, LLC
Mr. Gary E. Harvey, Representative, Craddock Cunningham Architectural Partners, P.C.

VII. ATTACHMENTS

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

MINUTES FROM THE NOVEMBER 11, 2009 PLANNING COMMISSION MEETING (MINUTES HAVE BEEN APPROVED):

a. Petition of Adama Faroh, LLC for a conditional use permit to allow the renovation of an existing building for two apartments along with office uses in a B-1, Limited Business District at 802 Court Street.

Mr. Martin addressed the commissioners with the following comments. Several years ago, City Council amended the *Zoning Ordinance* to require conditional use permits for residential uses within any business districts except those zoned B-4 and B-6, which is the majority of downtown zoning. This property is included within the *Downtown Master Plan*. Areas in downtown are recommended for retail, residential, entertainment, office—a variety of uses that one would normally find in a downtown. Planning staff feels that this request is in keeping with the *Downtown Master Plan*.

The petitioner is proposing to have two off-street parking spaces. There are three parking spaces immediately in front of the property. The property is within 400 feet of a bus stop. This petition is able to move forward because of the recent changes to the parking ordinance.

Minor exterior changes are being proposed. A stormwater management plan will not be required because land disturbance will be less than 1,000 feet. The project was reviewed by the Technical Review Committee on October 20, 2009. All of their comments have or will be addressed prior to final site plan approval. The property is in the Courthouse Historic District. Any exterior modifications will have to be approved by the Historic Preservation Commission. That is duly noted as a condition of the conditional use permit. Planning staff recommends approval of the conditional use permit.

Mr. Gary Harvey with Craddock Cunningham Architectural Partners came forward as the representative for the petition. The firm is working with the owner of 802 Court Street to make improvements to the property. The main and upper level will remain rental office space. The basement and sub-basement would be converted to residential apartments. The way this site slopes off the rear, the basement will actually have a second story overlook of downtown. There is also the use of a sub-basement as well for two separate apartment units.

Historic Preservation Commission applications have been submitted for two separate Certificates of Appropriateness. The first one had been approved for much of the exterior work with the exception of the work going on in the rear. Applications have also been submitted to inspections, and a permit has been issued for the work on the two upper floors.

Chair Hamilton asked for anyone who wished to speak in favor of the petition. No one came forward. She asked for anyone who wished to speak in opposition to the petition. No one came forward. She closed the public hearing portion of the petition.

Commissioner Sale asked Mr. Harvey the age of the building. It is a wonderful old building. Mr. Harvey thought it was built around 1860. It is actually a duplex. 800 Court Street has already undergone renovation and is part of this building. The two projects have really come to life. Commissioner Worthington asked what is in the rental space currently. Mr. Harvey said 800 Court Street is a local realtor's office and the space at 802 Court Street will be rented after the two upper floors are complete. Mr. Harvey thought that the two apartments would rent rather quickly; they have an incredible view of downtown.

Commissioner Worthington asked if the neighbors are aware of the project. The neighbors have been notified and the notification sign placed; there is actually very little change to the exterior. Chair Hamilton asked if the owner had been holding off on this project because he knew he would not meet the requirements of the old parking ordinance. Mr. Harvey said that the previous owner had owned both 800 and 802 Court Street and was in the process of renovating both properties. The first property was going to be rental and the owner was looking to move into the residential part. When the real estate market died down, the owner decided to stay where he is and put 802 Court Street on the market. The new owner had renovated a property on Church Street and decided to renovate 802 Court Street. It is at the rear of his Church Street property.

Commissioner Sale thinks that the project is great. It fulfills the dreams of what the City is looking for in terms of 24-hour living and working downtown. It has a wonderful view of the river. Commissioner Barnes commented that the mix of office and residential will add to the vitality of the street, particularly after business hours. Commissioner Hannon said that it is also historically appropriate in terms of how people used to live over their shop.

Commissioner Worthington made the following motion, which was seconded by Commissioner Barnes, and passed by the following vote:

“That the Planning Commission recommends to City Council approval of Adama Faroh, LLC’s petition for a CUP to allow the renovation of an existing building for two (2) apartment units in a B-1, Limited Business District at 802 Court Street, subject to the following conditions:

- 1. The project will be developed in substantial compliance with the concept plan for Alterations to 802 Court Street, prepared by Craddock Cunningham Architectural Partners, P.C. dated October 28, 2009 and received by Community Development on November 5, 2009.**
- 2. The proposed patio and deck as well as the rooftop patio shall be approved by the Historic Preservation Commission.”**

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

802 COURT STREET

802 Court Street

PIN# 024-46-016

Conditional Use Permit Request

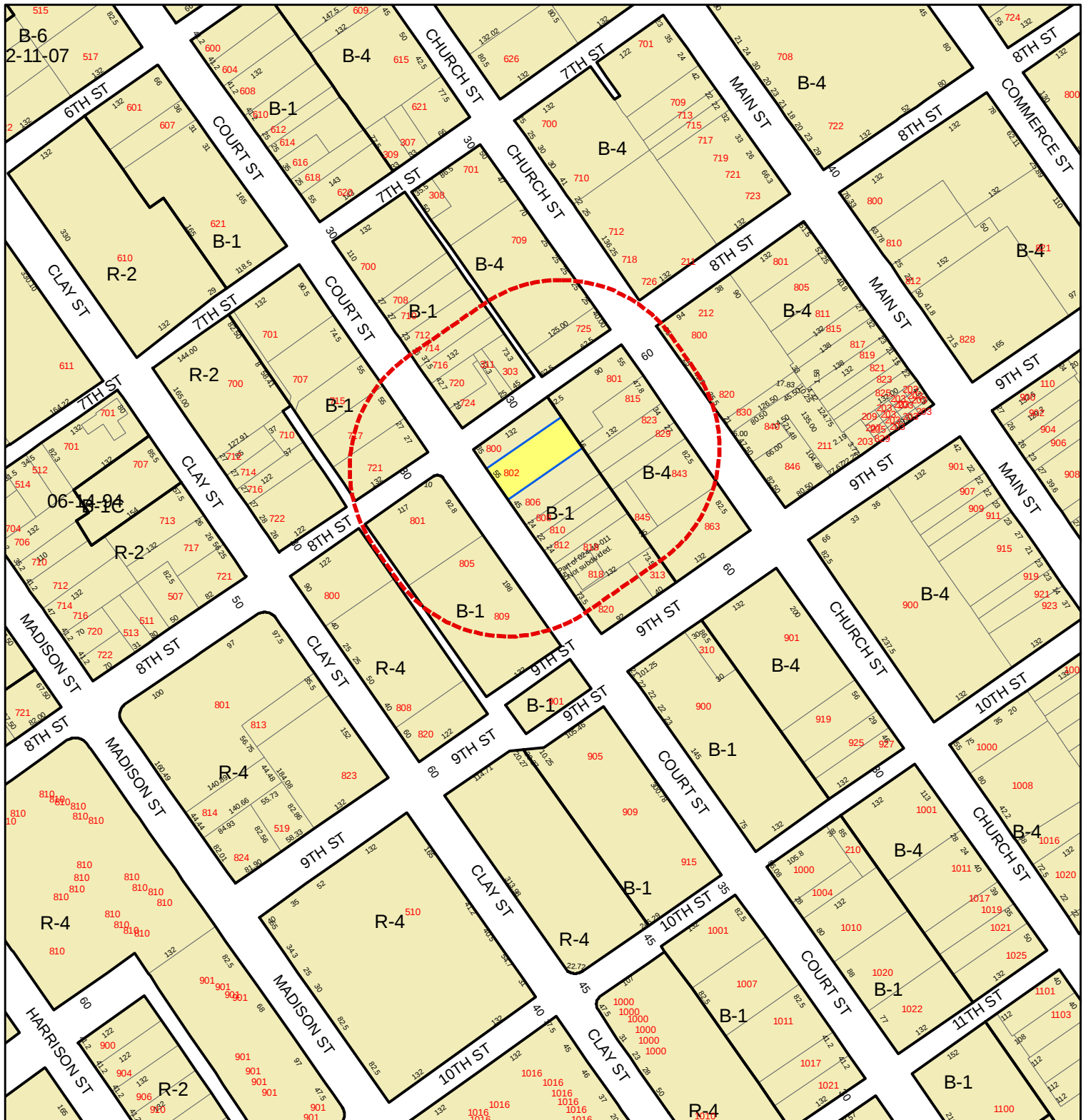
Petitioner-Adama Faroh LLC



Subject Property

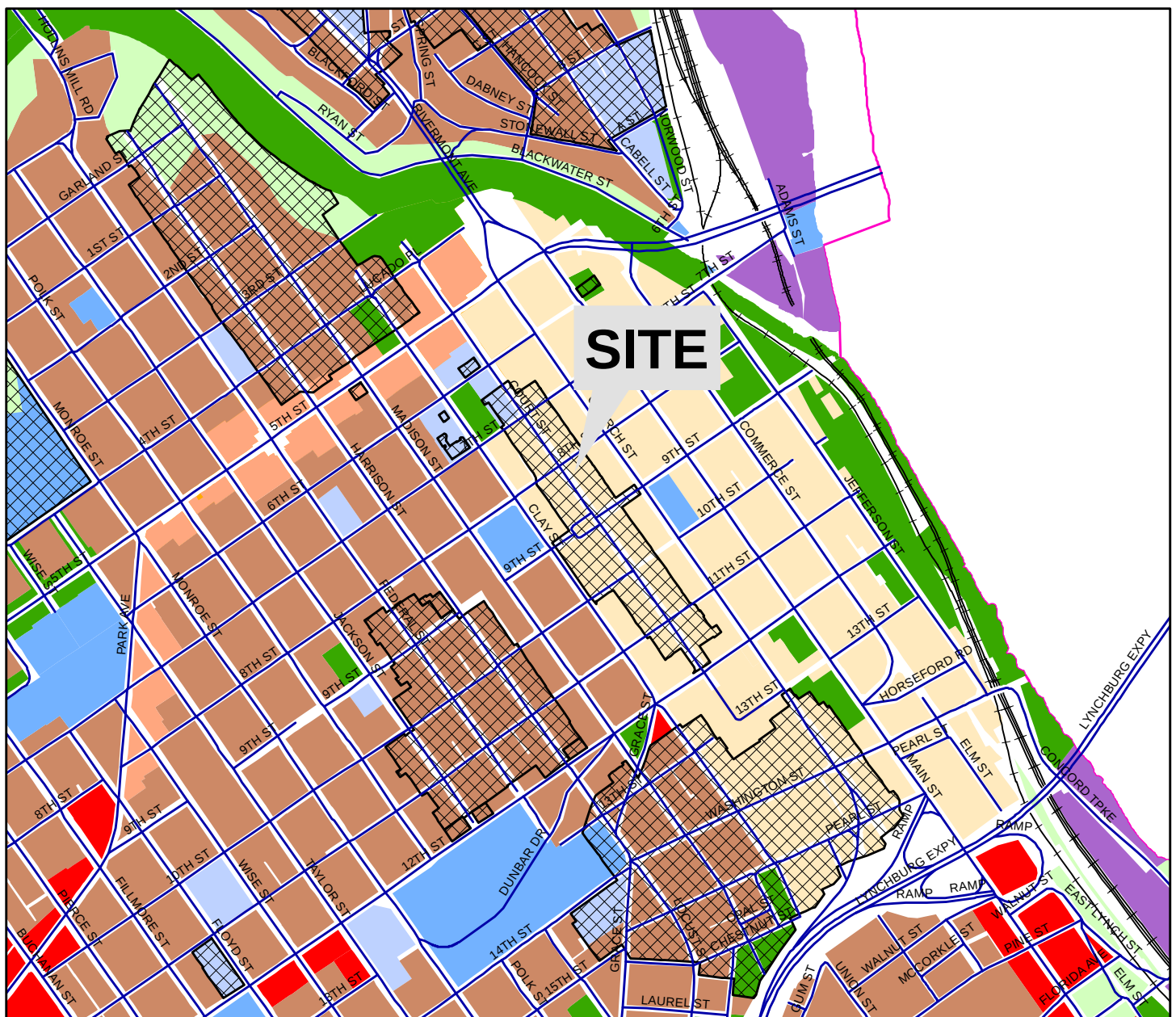


200 FT Buffer



802 COURT STREET CUP ADJOINING OWNERS

PIN	Owner	LocAddr
02435020	ALLIED ARTS LLC	303 8TH ST
02435021	ALLIED ARTS LLC	311 8TH ST
02446009	UNITARIAN CHURCH-FULLER HENRY H TR	313 9TH ST
02435004	ALLIED ARTS LLC	709 CHURCH ST
02435016	HOWARD KILLIS T	712 COURT ST
02435015	PERROW EDGAR J T	714 COURT ST
02436004	BELL ALEXANDER W & CAROLYN W	715 COURT ST
02435014	NELSON JOHN R	716 COURT ST
02436005	MCRORIE WILLIAM E	717 COURT ST
02435013	BALDWIN MONROE G JR & HAMMER C W & HOUCK PETER W T/A WHP	720 COURT ST
02436006	ANGEL WINGS LLC	721 COURT ST
02435012	ALLIED ARTS LLC	724 COURT ST
02435010	ALLIED ARTS LLC	725 CHURCH ST
02447001	MJTB PROPERTIES LLC	800 CHURCH ST
02446001	KOEPENICK EDWARD III & KOEPENICK LIBERTAD D TRUSTEES	800 COURT ST
02446002	JOHNSON EDWARD E	801 CHURCH ST
02445002	TRAETTINO JOHN	801 COURT ST
02446016	ADAMA FAROH LLC	802 COURT ST
02445003	CITY OF LYNCHBURG C/O STEVE LAWSON	805 COURT ST
02446015	CITY OF LYNCHBURG C/O STEVE LAWSON	806 COURT ST
02446014	CITY OF LYNCHBURG C/O STEVE LAWSON	808 COURT ST
02446013	CITY OF LYNCHBURG C/O STEVE LAWSON	810 COURT ST
02446012	CITY OF LYNCHBURG C/O STEVE LAWSON	812 COURT ST
02446004	MARIPOSA LLC	815 CHURCH ST
02446801	FIRST UNITARIAN CHURCH OF LYNCHBURG ATTN: TREASURER	818 COURT ST
02446011	FIRST UNITARIAN CHURCH TRS	818 COURT ST
02446010	CITY OF LYNCHBURG C/O STEVE LAWSON	820 COURT ST
02446005	SKELLEY COURT LLC C/O PAMELLA DENDTLER	823 CHURCH ST
02446006	IPIDAPOULUS CIRCLE LLC C/O PAMELLA DENDTLER	829 CHURCH ST
02446007	CITY OF LYNCHBURG C/O STEVE LAWSON	843 CHURCH ST
02446017	CITY OF LYNCHBURG C/O STEVE LAWSON	845 CHURCH ST
02446008	CITY OF LYNCHBURG C/O STEVE LAWSON	863 CHURCH ST
Owner	ADAMA FAROH LLC	
Petitioner	ADAMA FAROH LLC	
Representative	GARY HARVEY C/O CCAP	



SITE

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

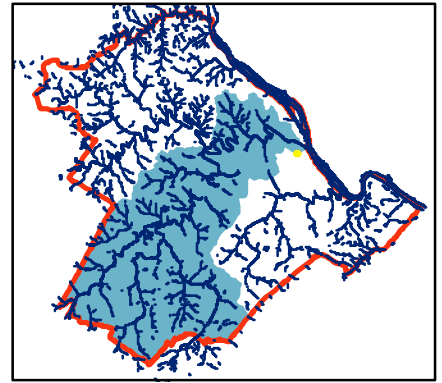
802 COURT STREET LAND USE PLAN



802 Court Street

Watershed Location Map

-  Project Site
-  Corporate Limit
-  Blackwater Creek



LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **January 12, 2010**

AGENDA ITEM NO.: 17

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **American Recovery and Reinvestment Act (ARRA) Funding for City Schools**

RECOMMENDATION: Conduct a public hearing to amend the FY 2010 Adopted Budget and appropriate funds from the American Recovery and Reinvestment Act of 2009 to the Lynchburg City School's Operating and Grant Funds.

SUMMARY: Lynchburg City Schools (LCS) has received official notification from the Virginia Department of Education regarding the school division's allocation of grants provided through the American Recovery and Reinvestment Act of 2009 (ARRA). The Lynchburg City School Board approved the proposed expenditures for the ARRA funds for the FY 2010 school year at their July 7, 2009 and August 4, 2009 board meetings.

Funding from ARRA is specifically for:

Individuals with Disabilities Education Act (IDEA) Part B Section 611	\$2,322,955
Individuals with Disabilities Education Act (IDEA) Part B Section 619	78,222
No Child Left Behind (NCLB) Title I Part A – Improving Basic Programs	2,779,108
No Child Left Behind (NCLB) Title I Part A – Neglected & Delinquent	78,958
No Child Left Behind (NCLB) Title II Part D – Educational Technology	<u>91,797</u>
	\$5,351,040

In addition, \$190,960 of the IDEA Part B Section 611 funds is requested to be transferred to the City Capital Fund to complete a Culinary Arts Classroom at E. C. Glass High School.

LCS has elected to focus ARRA funds in the instructional areas of greatest need. ARRA funds will sustain positions to support the effective implementation of programs. Additionally, funds have been designated for professional development and for instructional programs and materials anticipated to have the greatest instructional impact. Funding is provided for staff development for the implementation of supplemental reading, math, and science materials and programs. Also included is funding for experiential learning and material. Based on teacher survey information, ARRA funds will be used to provide required staff development opportunities and technology peripherals to enhance classroom instruction. ARRA funds will be utilized to augment staff development, primarily in the alternative education setting. By increasing teacher effectiveness with this population, the data should reflect an overall positive result for student achievement. Additional instructional supplies for alternative education at the middle and high school level will be purchased for reading and math. Finally ARRA funds will assist with minor remodeling to enhance the existing middle school alternative education programs at a new building location, with a community school emphasis

PRIOR ACTION(S): Adoption of the FY 2010 Budget, May 26, 2009

BUDGET IMPACT: Increased revenues for the Schools Operating Fund in the amount of \$2,322,955; Schools Grant Fund in the amount of \$3,028,085; and a transfer from the Schools Operating Fund to the Capital Fund of \$190,960.

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

ATTACHMENT(S): Memorandum from Beverly A. Padgett, Chief Financial Officer, Lynchburg City Schools; Minutes from the July 7, 2009 and August 4, 2009 City School Board Meetings

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED That the FY 2010 Lynchburg City Schools Operating Fund budget is amended and \$2,322,955 is appropriated with resources from the American Recovery and Reinvestment Act of 2009 to fund expenditures included in the Individuals with Disabilities Education Act (IDEA) Part B Section 611 for the FY 2010 school year;

BE IT FURTHER RESOLVED that the FY 2010 Lynchburg City Schools Grant Fund budget is amended and \$3,028,085 is appropriated with resources from the American Recovery and Reinvestment Act of 2009 to fund expenditures for the No Child Left Behind (NCLB) Title I Part A - Improving Basic Programs (\$2,779,108), NCLB Title I Part A – Neglected and Delinquent (\$78,958), NCLB Title II Part D – Educational Technology (\$91,797), and Individuals with Disabilities Education Act (IDEA) Part B Section 619 (\$78,222) awards for the FY 2010 school year.

BE IT FURTHER RESOLVED that the FY 2010 Lynchburg City Schools Capital Fund budget is amended and \$190,960 is appropriated with resources from the Lynchburg City Schools Operating Fund budget to fund expenditures for a Culinary Arts Classroom at E. C. Glass High School.

Introduced:

Adopted:

Certified:

Clerk of Council

006L



MEMORANDUM
SCHOOL ADMINISTRATION BUILDING

915 Court Street
Post Office Box 2497
Lynchburg, Virginia 24505-2497

To: Donna S. Witt
Director of Financial Services
The City of Lynchburg, Virginia

From: Beverly A. Padgett, CPA *BAP*
Chief Financial Officer

Date: December 4, 2009

Subject: American Recovery and Reinvestment Act of 2009

Lynchburg City Schools has received official notification from the Virginia Department of Education regarding the school division's allocation of grants provided through the American Recovery and Reinvestment Act of 2009 (ARRA):

Individuals with Disabilities Education Act (IDEA) Part B Section 611	\$ 2,322,955.00
Individuals with Disabilities Education Act (IDEA) Part B Section 619	78,222.00
No Child Left Behind (NCLB) Title I Part A – Improving Basic Programs	2,779,108.02
No Child Left Behind (NCLB) Title I Part A – Neglected & Delinquent	78,957.40
No Child Left Behind (NCLB) Title II Part D – Educational Technology	<u>91,797.27</u>
	\$ 5,351,039.69

The Lynchburg City School Board approved the proposed expenditures for the American Recovery and Reinvestment Act funds included in the Local Consolidated Application (Title 1) for the 2009-10 school year at their July 7, 2009 board meeting (minutes are attached).

The Lynchburg City School Board approved the proposed expenditures for the Individuals with Disabilities Education Act (IDEA) Part B Sub-grant awards (Special Education) under the American Recovery and Reinvestment Act for the 2009-10 school year at their August 4, 2009 board meeting (minutes are attached).

With this memo, I am requesting that these funds be appropriated by City Council as follows:

Operating Fund	\$2,322,955.00
Grant Fund	\$3,028,084.69

If you have any questions or need additional information, please let me know.

Enclosures

Cc: Dr. Paul McKendrick, Superintendent
Polly Cassidy, ARRA Grant Coordinator

TITLE I

NCLB Improving Basic Programs - ARRA Title I Grants to LEAs	2,779,108.02
NCLB Improving Basic Programs - ARRA N and D Grants to LEAs	78,957.40
NCLB Enhancing Education Through Technology - ARRA Educational Technology Grant	91,797.27

SPECIAL EDUCATION

IDEA Part B Section 619- Special Education Preschool - ARRA IDEA Part B Preschool Grant	78,222.00
Increase to Grant Fund (Fund 5) \$	3,028,084.69

SPECIAL EDUCATION

IDEA Part B Section 611- Special Education - ARRA IDEA Part B State Grant	2,322,955.00
Increase to Operating Fund (Fund 1) \$	2,322,955.00

\$	5,351,039.69
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a mandatory deadline for all public schools to bring all students, particularly specifically identified subgroups, to "proficient" achievement. Funding to assist in the attainment of these standards flows from the federal government to approved state NCLB plans. Also, funding designed to ensure educational faculty and staff are "highly qualified" and to close the achievement gap between high- and low-performing children is then provided through the states' educational agencies to eligible local school divisions in several program areas.

Both federal and state educational agencies encourage local school divisions to submit consolidated applications for funding for these programs. The consolidated application allows greater cross-program planning and coordination to improve teaching and learning. The consolidated application also allows school divisions to complete one comprehensive needs assessment and to establish division goals and objectives supported by all programs. In addition, funds may be allocated between programs within a consolidated application more easily than if the grants were separate.

The Lynchburg City Schools' Consolidated Application for 2009-10 includes the budgets (projected at this time at level or decreased funding) for Title I Parts A and D, Title II Parts A and D, Title III, and Title IV. Title I Part A allocates funds for teachers, assistants, and materials for supplemental services in reading and math, extended day programs, and parental involvement. Required set-aside funds in Title I Part A are used for professional development and are projected for supplemental educational services and public school choice. Title I Part D provides funding for a portion of the truancy program and some alternative education programs. Title II Part A supports professional development, including partial funding for the instructional specialists positions. Title II Part D provides funding supporting professional development in the area of technology training. Title III funds support the Limited English Proficiency program and Title IV funds provide for safe and drug free school programs.

The consolidated application is based on needs assessments for both the school division and individual schools, and it contains detailed measurable objectives and benchmarks, specific individual program services and activities, a staff and budget breakdown, and other information specific to individual programs.

School board approval is necessary prior to submitting the Consolidated Application for the 2009-10 academic year to the Virginia Department of Education

Members of the school board received a copy of the completed application prior to the school board meeting.

Upon MOTION by Mr. Billingsly, SECONDED by Rev. Anderson, the school board approved the Local Consolidated Application for 2009-10.

Yes Votes: Mrs. Barker, Mr. Webb, Rev. Anderson, Mr. Billingsly, Dr. Dolan-Sewell, Dr. Gerdes, Ms. Hamlett, Mrs. Tweedy, Mr. White

No Votes: None

Abstentions: None

D-3. Application for American Recovery and Reinvestment Act (ARRA) Funds

The *American Recovery and Reinvestment Act of 2009 (ARRA)* provides significant new funding to coincide with several of the grant programs of *The No Child Left Behind Act of 2001*, including Title I, Parts A and D and Title II, Part D. Lynchburg City Schools is eligible to apply for these funds. Use of these funds must be timely (the funding period is limited to July 2009 through September 2011) designed to help improve student achievement through school improvement and reform, and be easily monitored and reported on for accountability purposes.

In Virginia, the application for ARRA funds tied to Title grants will be a part of the Consolidated Application for the 2009-10 school year. The Lynchburg City Schools' allocations for the ARRA funds, over a two-year period, are as follows:

Title I, Part A:	\$2,779,108.02	
Title I, Part D:	\$ 78,957.40	
Title II, Part D:	\$ 83,351.76	- increased to \$91,797.27

The attachment shows proposed spending for ARRA funds. School board approval is necessary prior to submitting the Consolidated Application for the 2009-10 school year to the Virginia Department of Education. Itemized expenditures for ARRA funds are included in the Consolidated Application.

Members of the school board received a copy of the completed application prior to the school board meeting.

Upon MOTION by Mr. Webb, SECONDED by Mr. Billingsly, the school board approved the proposed expenditures for the American Recovery and Reinvestment Act funds included in the Local Consolidated Application for the 2009-10 school year.

Lynchburg City School Board - Regular Meeting
August 4, 2009
Page Three

The operating fund revenue report details the revenue received through June 30, 2009, for the operating fund (unaudited). The expenditure summary report summarizes the payments made through June 30, 2009, for all funds (unaudited). Both reports appeared as attachments to the agenda report.

(SEE SCHOOL BOARD DOCUMENT FILE, MEETING OF AUGUST 4, 2009, EXHIBIT "A," FOR A COPY OF THE FINANCE REPORT.)

D. Consent Agenda

Upon MOTION by Dr. Dolan-Sewell, SECONDED by Rev. Anderson, the school board approved the school board meeting minutes for June 26, 2009 (Regular Meeting), and July 7, 2009 (Regular Meeting, the personnel report for the period July 7 – August 4, 2009, and the request for religious exemption.

Yes Votes: Mrs. Barker, Mr. Webb, Rev. Anderson, Mr. Billingsly, Dr. Dolan-Sewell, Dr. Gerdes, Ms. Hamlett, Mrs. Tweedy, Mr. White

No Votes: None

Abstentions: None

With the approval of the consent agenda, the following appointments were approved:

Ethel R. Coles, Coordinator for Equity and Accountability
Billie Kay Wingfield, Director of Personnel
April M. Bruce, Director of Testing
Gloria C. Preston, Director of Student Services
Dana L. Koenig, Director of the LAUREL Regional Program
Edward R. Witt, Jr., Assistant Superintendent of Operations and Administration

(SEE SCHOOL BOARD DOCUMENT FILE, MEETING OF AUGUST 4, 2009, EXHIBIT "B," FOR A COPY OF THE CONSENT AGENDA ITEMS.)

E-1. Individuals with Disabilities Education Act (IDEA) Part B Sub-grant Awards Under the American Recovery and Reinvestment Act of 2009

Lynchburg City Schools received official notification from the Virginia Department of Education regarding the school division's first allocation of grants provided through the *American Recovery and Reinvestment Act of 2009* (ARRA): the Individuals with Disabilities Education Act (IDEA) Part B Section 611 and Part B Section 619 grants. The amounts listed for Lynchburg City Schools represent 50 percent of the total IDEA grant amount that the school division should receive. The Virginia Department of Education expects to receive the second half of the ARRA IDEA grant by September 30, 2009. The ARRA sub-grants are in addition to the regular Individuals with Disabilities Act (IDEA 2009) grant the school board approved on April 21, 2009.

IDEA Part B Sub-grant Award (50 percent of expected total)

Sub-grant received	
Section 611	\$1,161,477.50
Section 619	\$ 39,111.00

IDEA Part B Sub-grant Award (50 percent of expected total)

Sub-grant expected in September 2009	
Section 611	\$1,161,477.50
Section 619	\$ 39,111.00

Total Section 611	\$2,322,955.00
Total Section 619	\$ 78,222.00

In anticipation of these funds, the school administration solicited input from a variety of stakeholders including general and special education teachers involved as members of the High Expectations for Students with Disabilities teams, principals, special education related services staff, the Special Education Advisory Committee, central office administrators and the Special Education Management Team. The focus of the discussions centered on how the school could use the funds to improve the achievement of students with disabilities.

The discussions conducted reveal an interest in addressing student needs through the proposed expenditures for the Individuals with Disabilities Education (IDEA) Part B Sub-grant Awards under the *American Recovery and Reinvestment Act of 2009*.

Upon MOTION by Mr. Billingsly, SECONDED by Rev. Anderson, the school board approved the proposed expenditures for the Individuals with Disabilities Education Act (IDEA) Part B Sub-grant Awards under the American Recovery and Reinvestment Act of 2009 for the 2009-10 school year.

Lynchburg City School Board – Regular Meeting
August 4, 2009
Page Four

Yes Votes: Mrs. Barker, Mr. Webb, Rev. Anderson, Mr. Billingsly, Dr. Dolan-Sewell, Dr. Gerdes, Ms. Hamlett, Mrs. Tweedy, Mr. White

No Votes: None

Abstentions: None

(SEE SCHOOL BOARD DOCUMENT FILE, MEETING OF AUGUST 4, 2009, EXHIBIT "C," FOR A COPY OF THE PROPOSED EXPENDITURES.)

F-1. School Board Finance Committee

In an effort to keep school board members more informed about the school division's operating budget, the school board formed and approved a finance committee. Membership is determined by the school board chairman and includes the superintendent, the chief financial officer, and three school board members. Membership also includes the chairman and an alternate school board member, but they serve as ex-officio members. The committee meets quarterly or as needed at noon at the School Administration Building. Specific dates will be determined.

This committee assumed the responsibilities of the school division's Internal Audit Committee. That committee's purpose was to review reports from the Office of Internal Audit and to make suggestions for areas to be audited. Further, internal audits assisted officials and management in carrying out their responsibilities by appraising the effectiveness, efficiency, and accurateness of activities and programs.

Proposed membership for the committee is as follows:

Keith R. Anderson
Albert L. Billingsly Charles B. White (Alternate)

Thomas H. Webb

These members will serve from August 4, 2009 – July 31, 2010.

A copy of the guidelines for the finance committee appeared as an attachment to the agenda report.

Upon MOTION by Dr. Dolan-Sewell, SECONDED by Mr. Billingsly, the school board approved the membership of the School Board Finance Committee for the period August 4, 2009 – July 31, 2010.

Yes Votes: Mrs. Barker, Mr. Webb, Rev. Anderson, Mr. Billingsly, Dr. Dolan-Sewell, Dr. Gerdes, Ms. Hamlett, Mrs. Tweedy, Mr. White

No Votes: None

Abstentions: None

(SEE SCHOOL BOARD DOCUMENT FILE, MEETING OF AUGUST 4, 2009, EXHIBIT "D," FOR A COPY OF THE GUIDELINES.)

F-2. Central Virginia Governor's School for Science and Technology: 2009-10 Budget

The Lynchburg City School Board serves as the fiscal agent for the Central Virginia Governor's School for Science and Technology. The governing board of the school has approved its 2009-10 operating budget in the amount of \$892,367.70, which represents a decrease of \$10,898.54 (1.21%) from the 2008-09 fiscal year. All funds expended at the school are totally reimbursable from participating school divisions and state funds as listed on budget. School divisions supporting this program are Amherst County Schools, Appomattox County Schools, Bedford County Schools, Campbell County Schools and Lynchburg City Schools.

Provided below is the financial impact summary for Lynchburg City Schools:

	2008-09	2009-10
Student Tuition	\$4,200	\$4,200
Number of students	30	30
Total Tuition	\$126,000	\$126,000

The tuition is budgeted to remain the same at \$4,200 per student.

Dr. Thomas D. Morgan, executive director for the Central Virginia Governor's School for Science and Technology, was present to answer any questions.

Upon MOTION by Dr. Gerdes, SECONDED by Rev. Anderson, the school board authorized the school administration to act as fiscal agent for the Central Virginia Governor's School for Science and Technology and to administer the 2009-10 budget in the amount of \$892,367.70.

Dear City Council,

Please accept this letter, on behalf of Hill City Youth Football and Cheerleading Association, as our request to address the City Council requesting financial assistance for our upcoming 2010 football season.

Thankyou in advance for your assistance in this regard.

Sincerely,
Carlos A. Hutcherson
Charman, HCYFCA

434-401-4006
917 Taylor st
Lynchburg, VA 24504
carloscaliph@yahoo.com