

WORK SESSION AGENDA

- I. Welcome** *Stephanie T. Reed, Mayor*
- II. Work Session Agenda Overview** *Wynter C. Benda, City Manager*
- III. Work Session Agenda Items** *Wynter C. Benda, City Manager*
 - III.1.** City Regulation of Taxicabs
 - III.2.** Flooding Event After Action Review
 - III.3.** 12th Street Stabilization Options
- IV. Business Item Briefing(s)**
 - IV.4.** Appeal of the Historic Preservation Commission (HPC) decision to deny a Certificate of Appropriateness (COA) at 713 Pearl Street
 - IV.5.** Conditional Use Permit (CUP) – Towns at Misty Mountain (townhomes) – 532 and 536 Leesville Road
 - IV.6.** Conditional Use Permit (CUP) - University of Lynchburg Office Space - 333, 335, & 337 College Street
 - IV.7.** Conditional Use Permit (CUP) - University of Lynchburg Laundry Facility - 504 Westwood Avenue
 - IV.8.** Conditional Use Permit (CUP) & FLUM Amendment: Neighborhood Commercial to Medium Density Residential – Wards Ferry Road Apartments – 3146 and 3150 Wards Ferry Road
 - IV.9.** Review the City of Lynchburg's 2024 Legislative Agenda
- V. Roll Call**
 - V.10.** Councilmember Helgeson: Public Hearing on City's Tax Policy
- VI. Closed Session**
 - VI.11.** Consideration of a closed session to review and/or evaluate the performance of the City Manager pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended.

AGENDA ITEM SUMMARY

MEETING DATE

September 26, 2023

PRESENTED BY

Kent White

AGENDA ITEM # III.1

City Regulation of Taxicabs

RECOMMENDATION

Overview of City ordinance related to taxicabs.

SUMMARY

City ordinances related to taxicabs have been in effect since 1931 and Council has reviewed them on multiple occasions. Chapter 37 of city code includes requirements, such as, (i) regulation of taxicab rates; (ii) criminal background checks for taxicab driver applicants; (iii) standards for the issuance of permits to operate a taxicab; (iv) a provision, where proper, to revoke permits to operate taxicabs; and (v) an appeal process in the event the revocation of a permit to operate a taxicab was not proper. While not required, Council has the option of holding a public hearing on changes to taxicab requirements.

City Council last reviewed these requirements and adjusted the rates on February 22, 2022. An excerpt from the minutes of that meeting is attached along with the agenda packet from that meeting. As part of that packet, the taxicab owners board provided a letter unanimously supporting the city regulating the rate, citing it as a mechanism for taxicabs to avoid price wars and provide a means of fixed-rate transportation that families can build into their budget. The Lynchburg Police Department also supported continuing to be involved in the licensing of those operating taxicabs and in ensuring the taxicabs meet all of the safety standards required under city code.

PRIOR ACTION(S)

August 9, 2005: After a public hearing, Lynchburg City Council voted 7-0 to adopt Ordinance #O-05-103 and incorporate fee increases for taxicab fare from \$1.40 to \$1.80 for the first one-ninth mile, or fraction thereof; from \$0.20 to \$0.25 for each succeeding one-ninth mile, or fraction thereof; and to increase the waiting time fee from \$0.40/min to \$0.50/min or \$30.00 per hour waiting time after the first three minutes of waiting time, effective September 1, 2005.

June 10, 2008: City Council voted 6-0 (one absent) to adopt Ordinance #0-08-088 amending the City Code and authorizing a \$1.00 surcharge on each taxicab fare to offset the high cost of fuel.

February 22, 2022: City Council voted 5-2 to adopt Ordinance #0-22-015 amending and reenacting Section § 37-109 of the City Code related to taxicab rates permitted within the City from \$1.80 to \$2.80 for the first one-ninth of a mile, or fraction thereof; from \$0.25 to \$0.28 for each succeeding one-ninth mile, or fraction thereof; and from \$.50/min or \$30.00 per hour to \$.60/min or \$36.00 per hour waiting time, after the first three minutes of waiting time.

FISCAL IMPACT

N/A

CONTACT(S)

Kent White, Director of Community Development
Matthew Freedman, City Attorney

ATTACHMENT(S)

1. Presentation
2. February 22, 2022 Meeting Minutes
3. February 22, 2022 Agenda Packet - Taxicab Rate Increases and City Regulation of Taxicabs
4. City Code Chapter 37 Article II - Taxicabs

REVIEWED BY



Mercedes Braun, Executive Assistant to the City Manager

Date: September 21, 2023



Wynter C. Benda, City Manager

Date: September 21, 2023



Alicia Finney, Clerk of Council

Date: September 21, 2023



CITY REGULATION OF TAXICABS

Tuesday, September 26, 2023



PURPOSE AND ACTION

Purpose: Review city requirements related to taxicabs.

Recommendation: No action required; information only.



TAXICABS

- Taxicab operators must register their vehicle with the police department.
 - Name, minimum age, company and vehicle information
 - All drivers must register annually
 - Police Department conducts criminal background checks
- General operation, including requirement to obtain a business license.
- Establishes rates for distance travelled, wait times and ancillary costs.



TAXICABS

- Last reviewed ordinance and amended rates on February 22, 2022.
- Lynchburg Police Department supported being involved in licensing and ensuring safety standards of code are met.
- Owners supported rate changes and requested the city continue to regulate the rates.



TAXICABS

- In 2016, Council removed the requirement for taxicab companies to obtain a certificate of public necessity from the City.
- In 2019, Council provided taxicab companies the option to use electronic devices to determine fares.
- Changes to this ordinance do not require a public hearing but Council has the option to hold one if they choose.



// In the matter of Public Comment Item A, Council heard from Ms. Vickie Craig, speaking on behalf of the group Central Virginia Alliance for Community Living, who recognized the Lynchburg Sheriff's Department who were key partners for the agency in the holiday gift program, "Elves for Elders".

// In the matter of Public Comment Item B, Council heard from Mr. Gary Taylor who addressed Council on schools in Virginia, Lynchburg City Schools' budget as it pertains to salaries, and school boards. He provided Council with handouts regarding his topics of discussion and gave a brief overview of the materials. He asked Council to consider requesting the Lynchburg City School Board adjust the teacher salary gap as compared to other localities to put it into proper perspective.

// In the matter of City Code, Agenda Item #8, Council considered adopting Ordinance #O-22-015 amending and reenacting Section § 37-109 of the City Code related to taxicab rates permitted within the City. Council was previously briefed on this item during its December 14, 2021 Business Item Briefings.

Councilmember Faraldi asked if there was any consideration on behalf of the City as to the justification for being involved in this regulation. Mr. Hughes responded that the request stemmed from safety issues. Councilmember Faraldi stated he would vote no on principal; he does not think the City should be involved with the process because as business owners and that cab companies should set rates without the input of Council.

Councilmember Wilder made a motion to approve the ordinance, stating that since the four taxicab owners are all in agreement and want this change, he supports it. Councilmember Tweedy seconded the motion, thanking the cab companies and their owners for working together.

Councilmember Helgeson stated that voting in favor of this would affect the price citizens would have to pay and stated that Council should be promoting competition among the businesses to help drive prices down.

Councilmember Nelson stated that he would be supporting this motion because without regulation, bigger companies would drive out the smaller businesses.

Vice Mayor Wright stated that there is a certain amount of public safety associated with this ordinance and that the police department would like to be involved with the verification and certification of taxi drivers. He stated his support with adjusting the rates to keep up with inflation.

February 22, 2022

Mayor Dolan stated that she is in support of the motion since it is a request for an immediate change and that she would be in favor of a conversation in the future on whether or not government should be involved with setting the rates.

With no other discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Nelson, Tweedy, Wilder 5

Noes: Helgeson, Faraldi 2

// In the matter of Schools, Agenda Item #9, a second reading was conducted of Resolution #R-22-013 amending the FY 2022 General Fund budget and appropriating \$2,347,404 from the unexpended FY 2021 Schools Operating Fund appropriations for transfer to the FY 2022 Schools Operating Fund and to the FY 2022 Schools Capital Fund.

Vice Mayor Wright made the motion to approve the resolution, seconded by Councilmember Nelson who stated that there is a need for these resources.

Councilmember Helgeson stated that he will be voting against this since this money will be going into a reserve that the schools will determine how to spend at a later date. He would rather see the funds in a City reserve.

With no other discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Nelson, Tweedy, Wilder 5

Noes: Helgeson, Faraldi 2

// In a matter of an item not on the agenda, Personal Property Tax credit, Councilmember Faraldi made the motion to adopt Resolution #R-22-016 approving the Personal Property Tax credit, seconded by Councilmember Nelson.

Councilmember Helgeson stated that he is in support of this resolution and hopes that Council can find a way to offer a Real Estate Tax rebate as well.

With no other discussion from Council, the following vote was recorded:

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **February 22, 2022**

AGENDA ITEM #: **8**

REGULAR: **X**
ACTION: **X**

WORK SESSION:
INFORMATION:

CLOSED SESSION (Confidential):

ITEM TITLE: Taxicab Rate Increases and City Regulation of Taxicabs

RECOMMENDATION: Approve an amendment to Section 37-019 of the City Code allowing taxicab operators to increase fares as outlined in the proposed ordinance.

SUMMARY: On behalf of taxi-company owners in the City of Lynchburg, Assistant City Manager John H. Hughes, IV addressed Council on January 11, 2021 concerning consideration of taxi fare rate increases. At that time, Council delayed a vote on proposed rate changes and requested additional information on Council's involvement with regulation of taxi cabs. Council also desired a collective statement from taxi owners outlining their opinion on regulation of taxi companies by the City.

City Attorney, Matthew Freedman noted that Since 1931, the City has regulated taxicabs, and it appears the reasons for doing so have generally revolved around ensuring the safety of the public and rate regulation. While the Commonwealth of Virginia does have regulations pertaining to taxicabs (e.g. permitting, equipment, insurance, operating requirements, etc.), the protection of the health, safety, and general welfare of the public beyond the minimum standards has been left up to the localities. Thus, the state is not likely to get involved in vetting taxicab drivers beyond their minimum standards nor revoke a taxicab driver's permit to operate for conduct not prohibited by state statute. In order to ensure the protection of the public, the City has adopted various ordinances to accomplish that goal. Some of which are as follows: (i) to conduct criminal background checks on taxicab driver applicants; (ii) to establish standards for the issue of permits to operate a taxicab; (iii) where proper, to revoke permits to operate taxicabs; and (iv) to permit an appeal process in the event the revocation of a permit to operate a taxicab was not proper. In the past, additional measures existed to help regulate taxicab operators (e.g. City inspection requirements and City issued certificates to operate), but have since been repealed. The Lynchburg Police Department would still like to be involved in the licensing of those operating taxicabs and in ensuring the taxicabs meet all of the safety standards required under Lynchburg City Code.

Rate Regulation

Historically, the taxicab operators in the City have wanted the City to regulate taxicab rates to avoid price wars. The authority to regulate taxicab rates is under § 46.2-2062 of the Code of Virginia, 1950, as amended. While not required by Virginia law or the City's ordinances, the City Council has the option holding a public hearing on this matter in order to hear from the community and taxicab companies should it desire to do so.

The proposed rate changes for consideration are as follows:

From \$1.80 to \$2.80 for the first one-ninth of a mile, or fraction thereof;

From \$0.25 to \$0.28 for each succeeding one-ninth mile, or fraction thereof;

From \$.50/min or \$30.00 per hour to \$.60/min or \$36.00 per hour waiting time after the first three minutes of waiting time.

PRIOR ACTION(S):

August 9, 2005: After a public hearing, Lynchburg City Council voted 7-0 to adopt Ordinance #O-05-103 and incorporate fee increases for taxicab fare from \$1.40 to \$1.80 for the first one-ninth mile, or fraction thereof; from \$0.20 to \$0.25 for each succeeding one-ninth mile, or

fraction thereof; and to increase the waiting time fee from \$0.40/min to \$0.50/min or \$30.00 per hour waiting time after the first three minutes of waiting time, effective September 1, 2005.

June 10, 2008: City Council voted 6-0 (one absent) to adopt Ordinance #0-08-088 amending the City Code and authorizing a \$1.00 surcharge on each taxicab fare to offset the high cost of fuel.

FISCAL IMPACT: None

CONTACT(S): John H. Hughes, IV – Assistant City Manager; 455-3990
Matthew Freedman – City Attorney; 455-3980

ATTACHMENT(S):

- Draft Ordinance
- May 27, 2008 Council minutes excerpt
- June 10, 2008 Council minutes excerpt
- Comparison sheet of taxicab rates in other Virginia Cities
- Letter from Taxicab Owners Board

REVIEWED BY: jhh

033A

ORDINANCE:

AN ORDINANCE TO AMEND AND REENACT SECTION 37-109 OF CHAPTER 37 OF THE CODE OF THE CITY OF LYNCHBURG, 1981, WITH SUCH CODE SECTION BEING RELATED TO TAXICAB RATES PERMITTED WITHIN THE CITY

1. That Section 37-109 of Chapter 37 of the Code of the City of Lynchburg, 1981, be amended and reenacted as follows:

Sec. 37-109. Rates.

The rates to be charged passengers by owners or drivers of taxicabs shall be as provided in this section and it shall be unlawful for an owner to permit or a driver to make any greater or lesser charges for the transportation of passengers and luggage than the following charges:

(a) *Trip rates.*

(1) *Mileage basis.*

For the first one-ninth mile, or fraction thereof~~\$1.80~~ \$2.80

For each succeeding one-ninth mile, or fraction thereof~~0.25~~ \$0.28

(2) *Waiting time.*

For each minute of waiting time, or fraction thereof, after the first three minutes~~\$0.50 or \$30.00 per hour waiting time~~ \$0.60 or \$36.00 per hour waiting time

(b) *Hourly rates.*

When hired on an hourly basis for one or more passengers, per hour\$30.00

(c) *Trunks or footlockers.*

For transporting trunks or footlockers along with passengers, each piece\$1.00

(d) *Hand luggage.*

(1) For each hand baggage in excess of two bags per passenger, each additional bag\$0.10

(2) For packages without a passenger, each\$1.00

(e) *Bags weighing 100 pounds, or over.*

For each piece of baggage weighing 100 pounds, or over\$1.00

(f) *For transporting pets*, other than seeing-eye dogs, an additional charge for each pet\$1.50

(g) *Two or more passengers.* An extra charge of \$0.20 per passenger shall be made for each additional passenger traveling together and discharged along the route or at the same destination.

(1) Should the first person taken into a taxicab for transportation permit the driver to allow another or others traveling in the same direction to be transported in the same taxicab with him, pursuant to section 37-24 of this Chapter, the passenger first arriving at his destination shall pay in accordance with the meter charge at that point, plus an extra charge of \$0.20 for each additional passenger transported and discharged at that destination, whereupon the driver of the taxicab shall immediately clear his meter and set the same for immediate operation for the next passenger, who shall pay the meter charge upon arrival at his destination, plus an extra charge of \$0.20 for each additional passenger transported and discharged at that destination. The same method shall be followed for each succeeding passenger.

(2) When two or more passengers are bona fide traveling together and engage a taxicab to different destinations, the charge shall be made as if the taxicab were hired for one passenger for the last destination, plus an extra charge of \$0.20 for each additional passenger transported.

- (h) Passengers to points beyond city limits. For transportation of passengers from the city to points beyond the city limits, the rates set out in this section shall be applicable only to so much of such trip as is within the city limits.
- (i) In order to ensure payment of fares, drivers may request a security deposit of no more than \$5.00 prior to accepting a passenger. The difference between such deposit and the actual fare shall be refunded to the passenger.
- (j) *Fuel cost surcharge.* Effective July 1, 2008, a surcharge of \$1.00 shall be added to the current meter charge for each trip.

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

Adopted:

Certified: _____
Clerk of Council

2. Clarify Section 36-177 (a) (1) to add a paragraph that more adequately defines the requirement that any addition must be used as living area and be simultaneous to a rehabilitation or renovation to the main structure.

3. Amend Section 36-177 (b) for the residential exemption to increase from 10 to 15 years.

4. Amend Section 36-177 (d) (9) to permit multi family residential structures to be converted to single family use after rehabilitation.

5. Add Section 36-177.1 to permit a partial tax exemption, to run with the land, of 50% for 7 years for a new infill single family structure in one of the City's nine Redevelopment and Conservation Areas. The structure must have an assessed value of at least 120% of the median value of other single family residences located in the neighborhood, as determined by the City Assessor. The structure must be constructed so as to blend into and be architecturally compatible with the existing structures in a mature neighborhood.

Council Member Seiffert explained that the program does not cost the City anything since there is no lost tax revenue if a structure is not rehabilitated. Council Member Seiffert did note that it would be advantageous to encourage property owners to fix up their properties for several reasons, i.e., the City will eventually reap higher taxes when the abatement period ends, adjoining properties will not reflect a lower value because the blighted house continues to exist, and it will improve the living conditions of the resident whether the building is owner occupied or rented. Council Member Seiffert went on to say that there needs to be a concerted effort at getting the word out to owners of residential stock in the City that a partial tax exemption program exists. In response to questioning, Council Member Seiffert explained that all fixed improvements (including a basement apartment or environmental improvements) are already included in the assessed value of structures and that no additional enhancements are needed in conjunction with the tax exemption program. Following the presentation, several Council Members commended Council Member Seiffert regarding the work he did on the Real Estate Rehabilitation Tax Exemption Program. On motion of Council Member Garrett, seconded by Council Member Seiffert, Council by the following recorded vote adopted Ordinance #O-08-075, as presented, amending the City Code relating to real estate tax exemptions for certain rehabilitated or renovated real estate:

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

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Noes:

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// City Manager Kimball Payne stated that the City cab companies are seeking permission to assess a one dollar (\$1.00) surcharge per fare to offset high fuel costs. Mr. Payne explained that taxicab rates are set by Section 37-109 of the City Code, which would have to be amended to allow the surcharge. Mr. Payne went on to say that if Council wishes to consider an amendment to allow the fuel surcharge the following guidance is needed:

- What should be the effective date of the surcharge?
- Should there be a provision for the City Manager to directly repeal the surcharge?
- Should repeal of the surcharge authority be tied to some future price of gasoline? If not, should there be some other event that would trigger repeal?

Mr. Payne also noted that representatives of the cab companies are available to provide additional information. Mr. Robert E. Williams, representing the City cab companies, provided a brief summary regarding the request. Mr. Williams explained that the cab companies are seeking the \$1.00 surcharge to offset high fuel costs rather than to seek a fare increase. Council discussion focused on questions posed by the City Manager, including whether there should be a provision for an automatic repeal and/or increase of the surcharge based on future fuel prices. In response to questioning, Mr. Williams stated that the cab companies would prefer coming to City Council regarding any changes in the amount of the surcharge and/or to ask for a rate increases rather than have an automatic provision included in the City Code. Following discussion, Council agreed on a July 1 effective date and not to include an automatic repeal provision. On motion of Council Member Helgeson, seconded by Council Member Johnson, Council by the following recorded vote authorized the drafting of an amendment to Section 37-109 of the City Code to allow taxi cab operators to charge a \$1.00 surcharge per fare effective July 1, 2008:

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

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Noes:

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// City Planner Tom Martin provided a brief review regarding the petition of Tom DeWitt to amend the Future Land Use Map from Low Density Residential and Employment 2 to Medium Density Residential, to rezone 46.52 acres from I-3, Heavy Industrial District to R-3C, Medium Density, Two-Family Residential District and for a Conditional Use Permit to allow the construction of 190 townhouses (for sale) with associated parking and amenities at 903 and 903A Wiggington Road. Mr. Martin explained that the public hearing regarding this item was held on April 8, and that both the Planning Division and Planning Commission are recommending denial of the petition. City Manager Kimball Payne stated that a copy of the Lynchpin Industrial Center Master Plan has been provided for Council review along with a letter from the Lynchburg Industrial Development Authority (LIDA), who owns two industrially-zoned parcels on either side of this tract, expressing concern regarding the loss of 57 acres of industrially zoned property with the potential to support the expansion and/or attraction of new industrial or office development. City Manager Payne went on to say that if this land is rezoned from industrial to medium density residential, then City Council might want to consider updating the future land use map to change the zoning designation of the LIDA land on both sides of this tract from industrial to medium density residential. Mr. Payne explained that this would allow the LIDA to better market and sell their tracts of land. In response to Council questioning, Mr. Metz, representing the property owner, stated that the property has been vacant for approximately 15 years and that since the former caretaker left, there have been problems with people trespassing on the property. Mr. Metz also noted that the LIDA has negotiated with the property owner several times, but they only offered her two-thirds of the value of the property and that the property owner feels that the LIDA has had ample time to secure this property. In response to Council questioning, Mr. Tom DeWitt stated that over the years, Wiggington Road has not become an industrial growth corridor or industrial development area like the Lynchpin area south of Ivy Creek. In response to Council Member Garrett's question, City Planner Tom Martin stated that the City Attorney has advised that the City cannot

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Absent: Seiffert

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// In the matter of City Code/Taxicabs, City Council Report #8 regarding amending the City Code relating to the charging of a fuel cost surcharge by the City's Taxicabs was considered. City Manager Kimball Payne stated that as directed by Council at the May 27 work session, a proposed amendment has been drafted to the City Code authorizing a \$1.00 surcharge on each taxicab fare to offset the high cost of fuel. Mr. Payne explained that the proposed amendment provides no provision for automatic repeal. Several Council Members questioned whether the City should still be setting the rates charged by taxicabs and asked the City Manager to schedule this item for discussion at a Fall work session. On motion of Council Member Johnson, seconded by Council Member Helgeson, Council by the following recorded vote adopted Ordinance #0-08-088, as presented, amending the City Code and authorizing a \$1.00 surcharge on each taxicab fare to offset the high cost of fuel:

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

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Noes:

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Absent: Seiffert

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// In the matter of Courts - General, City Council Report #9 regarding a request from Circuit Court Clerk Larry Palmer to provide \$8,361 to fill an existing position in the Clerk of Court's Criminal Division during the State's mandatory hiring freeze and to hire a temporary wage position to assist the office was considered. Deputy City Manager Bonnie Svrcek provided a brief summary regarding the request. City Manager Kimball Payne stated that the funding for this temporary position will be taken from the City Manager Contingency Fund rather than from the General Fund Reserve for Contingencies and that the Resolution will be revised to reflect this action. On motion of Council Member Garrett, seconded by Vice Mayor Dodson, Council by the following recorded vote adopted Resolution #R-08-089, as revised, to authorize the use of \$8,361 from the City Manager Contingency Fund to fill an existing position in the Clerk of Court's Criminal Division during the State's mandatory hiring freeze and to hire a temporary wage position to assist the office:

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

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Comparable Taxicab Rates in other Virginia Cities

Roanoke City Code: Sec. 34-130. - Rate schedule.

(g) The rates for services rendered by taxicabs and for-hire automobiles shall be as follows:

(1) Distance rates:

- a. For the first one-seventh ($1/7$) mile or fraction thereof, three dollars and fifteen cents (\$3.15).
- b. For each additional one-seventh ($1/7$) mile or fraction thereof, thirty cents (\$0.30).

(2) Time rates: For each forty (40) seconds of waiting time, twenty cents (\$0.20). While a charge is made for waiting time, there shall be no charge for mileage under the foregoing distance rates.

Charlottesville: Each company chooses max rate individually

One company (yellow cab) was \$2 pickup and \$2/mile; another (Star Taxi) was \$3.30/mile

Richmond: Sec. 29-33 & 34

a) The rates to be charged passengers by certificate holders or drivers of taxicabs shall be as follows, and it shall be unlawful for a certificate holder to permit or a driver to make any greater or lesser charge for the transportation of passengers and baggage:

- (1) For the first one-fifth mile: \$2.50.
- (2) For each succeeding one-fifth mile: \$0.50.

Danville: Sec. 39-17

- (1) For the first one-seventh-mile or portion thereof, one dollar eighty-five cents (\$1.85);
- (2) For each additional one-seventh-mile or portion thereof, twenty-five cents (\$0.25);

Norfolk: Sec 34.1-60

(a) The charges to be made and collected for services by taxicabs shall be determined by a taximeter and shall not exceed the following rates:

- (1) For the first one-seventh mile, or fraction thereof\$3.00
- (2) For each succeeding one-seventh mile, or fraction thereof\$0.30

January 31, 2022

To: City Manager
City Attorney
Lynchburg City Council at Large

We, the Taxicab Owner's Board for the City of Lynchburg are presenting two requests:

- Rate Increase
- City Regulation of Taxicab Operations

Due to rising costs of business, we are requesting a rate increase as follows:

- \$1.80 to \$2.80 (initial hire)
- .25 to .28 (1/9 mile)
- .50 to .60 per minute/\$30.00-\$36.00 per hour (wait time)

This rate increase would significantly help offset minimum wage increases, insurance and licensing, and fuel and maintenance costs.

Next, we are unanimously in favor and support of the City's current role in the regulation of taxicab rates and fares. Traditional taxicabs are the only passenger transportation option with fixed rate costs.

With the largest percentage of our customer base on low or fixed-income levels, de-regulation would eliminate this option and negatively affect the citizens of Lynchburg who rely on this budget friendly option for daily transportation.

We appreciate the City's role in supporting our request to further serve the citizens of Lynchburg with this invaluable service.

Should you have any concerns or questions please contact me

Thank you,

Jawanza A. Thomas
(Allied Cab-Taxicab Owners Board Representative)

Taxicab Owner's Board

Allied Cab	<u>Jawanza A. Thomas</u> <u>J. A. Thomas 02/02/2022</u> Representative
City Cab	<u>ISAIAH WHITE</u> <u>Isaiah White 02/2/22</u> Representative
Grey Top Cab	<u>Robert Williams</u> <u>Robert Williams 2/2/22</u> Representative
Hill City Cab	<u>P. L. Douglas</u> <u>Porter Douglas 2/2/22</u> Representative
Yellow Cab	<u>Not in Operation</u> Representative

ARTICLE II. - TAXICABS

Footnotes:

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Cross reference— License fee for advertising on taxicabs, § 36-44; for taxicabs, § 36-100.

DIVISION 1. - GENERALLY

Sec. 37-16. - Definitions.

For the purposes of this article, the following words shall have the meanings respectively ascribed to them by this section:

Driver: The person in control of or driving a taxicab.

Manifest: A daily record prepared by a taxicab driver of all trips made by such driver, showing time and place of origin, destination, number of passengers and the amount of fare of each trip.

Owner: The purchaser of any vehicle under reserved title contracts as well as the actual owner.

Taxicab: A motor vehicle or motorcar operated for hire as part of a taxicab business, in charge of a chauffeur or driver, for the transportation of passengers, which does not operate over a fixed or definite route.

Taxicab business: A business providing taxicab service and which operates five or more motor vehicles or motorcars in doing so.

Taximeter: A meter instrument or device attached to a taxicab which measures mechanically the distance driven and the waiting time upon which the fare is based.

(Tax Code 1959, § 31-1; Ord. No. O-96-136, 5-14-96; Ord. No. O-16-049, § 2, 5-10-16)

Sec. 37-17. - Authority of city manager generally.

The inspection of taxicabs, the sealing of taximeters and other activities related to the regulation of taxicabs, consistent with this article, shall be under the control and jurisdiction of the city manager or the city manager's designee.

(Tax Code 1959, § 31-2; Ord. No. O-16-049, § 2, 5-10-16; Ord. No. O-19-036, § 1, 5-28-19)

Sec. 37-18. - Reserved.

Editor's note— Ord. No. O-19-036, § 2, adopted May 28, 2019, repealed § 37-18, which pertained to appointment of taxicab inspector and derived from Tax Code 1959, § 31-3.

Sec. 37-19. - Compliance with article generally.

It shall be unlawful for any person to drive or cause to be driven on the streets of the city any taxicab without complying with the conditions, regulations and restrictions set out in this article.

(Tax Code 1959, § 31-27)

Sec. 37-20. - Compliance with article prerequisite to advertisement as taxicab operator.

No person shall use the term taxi or taxicab in advertising, nor shall any person hold himself out to the public as a taxi or taxicab owner, or represent himself to be such by means of advertisement, sign, trade name, or otherwise, unless such person shall have previously thereto complied with the regulations and requirements of this article.

(Tax Code 1959, § 31-28)

Sec. 37-21. - Reserved.

Editor's note— Ord. No. O-19-036, § 2, adopted May 28, 2019, repealed § 37-21, which pertained to application of traffic, etc., laws of city and state and derived from Tax Code 1959, § 31-29.

Sec. 37-22. - Penalty.

Any person who shall violate any of the provisions of this article for which no other penalty is provided shall be deemed guilty of a class 2 misdemeanor, in addition to the revocation or suspension of such person's registration by the city manager or the chief of police, as provided in this article.

(Tax Code 1959, § 31-30; Ord. No. O-16-049, § 2, 5-10-16)

Sec. 37-23. - Receipt and discharge of passengers on sidewalk.

Drivers shall not receive or discharge passengers in the roadway, but shall pull up to the right-hand sidewalk as nearly as possible or, in the absence of a sidewalk, to the extreme right-hand side of the street and there receive or discharge passengers; provided, that upon one-way streets, passengers may be discharged at either the right-hand or left-hand sidewalk or side of the street in the absence of a sidewalk.

(Tax Code 1959, § 31-10)

Sec. 37-24. - Additional passengers.

No driver shall permit any person other than the person first employing the taxicab to occupy or ride in a taxicab, unless the person first employing the taxicab shall consent to the acceptance of an additional passenger.

(Tax Code 1959, § 31-11)

Sec. 37-25. - Restriction on number of passengers.

No driver shall permit more than six persons, excluding the driver, to be carried in a taxicab. A child in arms shall not be counted as an additional person.

(Tax Code 1959, § 31-12; Ord. No. O-19-036, § 1, 5-28-19)

Sec. 37-26. - Drivers bearing evidence of intoxicating beverages.

No owner of a taxicab shall permit any driver to work if he reports for duty with any evidence of intoxicating beverages upon his person or upon his breath.

(Tax Code 1959, § 31-14)

Sec. 37-27. - Reserved.

Editor's note— Ord. No. O-19-036, § 2, adopted May 28, 2019, repealed § 37-27, which pertained to equipment and condition of vehicles and derived from Tax Code 1959, § 31-15.

Sec. 37-28. - Type of vehicle required.

Taxicabs operated within the city shall be vehicles that are designed to transport no more than six passengers excluding the driver.

(Tax Code 1959, § 31-16; Ord. No. O-16-049, § 2, 5-10-16; Ord. No. O-19-036, § 1, 5-28-19)

Sec. 37-29. - Disposition of money or property left in cab.

The driver in charge of any taxicab operated within the city shall carefully preserve any money or other property left in such vehicle by any passenger and such money or other property shall be promptly deposited with the owner of the vehicle, who shall deliver a receipt for the same. The owner shall promptly notify the passenger, if known, of the money or property found and return the same upon request. In the event such passenger is unknown, the owner shall file in writing a report to the chief of police and shall keep the money or property at some convenient place within the city where the same may be called for by

the owner. When such money or other property shall have been identified and ownership established, the same shall be delivered to the owner. Any property, money or other thing which shall not have been called for within 60 days shall be disposed of according to law.

(Tax Code 1959, § 31-17)

Sec. 37-30. - Reserved.

Editor's note— Ord. No. O-19-036, § 2, adopted May 28, 2019, repealed § 37-30, which pertained to establishment and use of open stands on streets and derived from Tax Code 1959, § 31-18.

Sec. 37-31. - Drivers' manifests.

- (a) Every taxicab driver shall maintain a daily manifest upon which is recorded all trips made each day, showing the time and place of origin and destination of each trip, the amount of the fare, and the manner of payment (cash, bank card, electronic transfer, etc.).
- (b) Every taxicab owner or operator shall retain and preserve all drivers' manifests in a safe place for at least one year and such manifests shall be subject to inspection by the chief of police or the chief's designee.

(Tax Code 1959, § 31-19; Ord. No. O-16-049, § 2, 5-10-16; Ord. No. O-19-036, § 1, 5-28-19)

Sec. 37-32. - Reserved.

Editor's note— Ord. No. O-19-036, § 2, adopted May 28, 2019, repealed § 37-32, which pertained to records as to receipts, expenses, etc. and derived from Tax Code 1959, § 31-20; Ord. No. O-16-049, § 2, adopted May 10, 2016.

Sec. 37-33. - Reserved.

Editor's note— Ord. No. O-96-136, adopted May 14, 1996, repealed § 37-33.

Sec. 37-34. - Reserved.

Editor's note— Ord. No. O-19-036, § 2, adopted May 28, 2019, repealed § 37-34, which pertained to accident reports and derived from Tax Code 1959, § 31-22.

Sec. 37-35. - Rules and regulations.

The city manager may from time to time make such additional rules and regulations not in conflict with the provisions of this article as he may deem proper to regulate the operation of taxicabs within the city. The city manager shall give written notice of such additional rules and regulations to all registered owners or operators and such additional rules and regulations shall become effective at the time specified in such

notice. Failure to comply with any such additional rules and regulations shall be grounds for the revocation or suspension of the registration held by the person who fails, or whose employees willfully or continuously fail, to comply with the same.

(Tax Code 1959, § 31-24; Ord. No. O-16-049, § 2, 5-10-16)

Sec. 37-36. - Reserved.

Editor's note— Ord. No. O-19-036, § 2, adopted May 28, 2019, repealed § 37-36, which pertained to police to watch taxicab owners, operators and drivers; report, etc., of violations and derived from Tax Code 1959, § 31-25; and Ord. No. O-16-049, § 2, adopted May 10, 2016.

Sec. 37-37. - Reserved.

Editor's note— Ord. No. O-05-103, adopted Aug. 9, 2005, repealed § 37-37.

Secs. 37-38—37-43. - Reserved.

DIVISION 2. - OVERALL TAXICAB SERVICE

Sec. 37-44. - Refusal to accept calls or passengers; failure or refusal to give overall service.

The registration granted to the owner or operator of a taxicab who shall refuse to accept a call anywhere within the city or refuse to accept a passenger for delivery to any place within the city or within one mile of the city when such owner or operator has available a taxicab or who shall fail or refuse to give overall service may be suspended or revoked at the discretion of the chief or police or the chief's designee, unless the driver can articulate a reasonable concern for his/her personal safety or unless repeated incidences of a taxi having been previously called to that address which calls turned out to be false calls for a fare.

(Tax Code 1959, § 31-31; Ord. No. O-05-103, 8-9-05; Ord. No. O-16-049, § 2, 5-10-16; Ord. No. O-19-036, § 1, 5-28-19)

Sec. 37-44.1. - Violation by passengers; misdemeanor, objection.

Any passengers in a taxicab who fail to act in an orderly manner so as to permit the safe operation of the taxicab by the driver, or who fail to obey the directions of the driver or person in charge of the taxicab, to act in an orderly manner, shall be deemed guilty of a class 4 misdemeanor. Furthermore, such persons may be ejected from any taxicab by the driver or person in charge of the taxicab, or by any police officer or other conservator of the peace; and in case such persons ejected have paid their fares, they shall not be in entitled to the return of any part of the same. For the refusal of any passenger to abide by the direction of

the driver or person in charge of the taxicab, and his consequent ejection from such taxicab, neither the driver, owner, manager or company operating or owning the taxicab shall be liable for damages in any court.

(Ord. No. O-96-136, 5-14-96)

Sec. 37-45. - Refusal to respond to telephone call or to transport passenger.

No driver shall refuse to respond to any telephone call or refuse to transport an orderly passenger to any place within the city or within one mile of the limits thereof, provided he is not otherwise engaged.

(Tax Code 1959, § 31-13)

Sec. 37-46. - Answering calls.

Taxicab owners or operators shall answer all calls received by them for service inside the city as soon as they can do so and, if such service cannot be rendered within a reasonable time, they shall then notify the prospective passenger how long it will be before service can be given.

(Tax Code 1959, § 31-34; Ord. No. O-16-049, § 2, 5-10-16)

Sec. 37-47. - Reserved.

Editor's note— Ord. No. O-19-036, § 2, adopted May 28, 2019, repealed § 37-47, which pertained to solicitation of passengers; cruising and derived from Tax Code 1959, § 31-9.

Secs. 37-48—37-53. - Reserved.

DIVISION 3. - TAXICAB REGISTRATION

Footnotes:

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Editor's note— Ord. No. O-16-049, §§ 1, 2, adopted May 10, 2016, amended Div. 3 in its entirety by repealing repealing certain sections and renumbering others to read as herein set out. Former Div. 3, §§ 37-54—37-77, pertained to certificates of public convenience and necessity, and derived from Tax Code 1959, §§ 31-4—31-6, 31-8, 31-36—54; Ord. No. O-84-141, § 1, adopted Jun 12, 1984, eff. July 1, 1984; Ord. No. O-88-062, § 1, adopted Mar. 22, 1988, eff. July 1, 1988; and Ord. No. O-96-136, adopted May 14, 1996.

Sec. 37-54. - Required.

No person shall operate or cause to be operated any taxicab upon the streets of the city without first having registered the vehicle with the police department.

(Ord. No. O-16-049, § 2, 5-10-16)

Sec. 37-55. - Required information.

An application for registration shall be filed with the chief of police or the chief's designee and shall be verified under oath and shall furnish the following information:

- (a) The name and address of the applicant and shall state that the applicant is at least 21 years of age.
- (b) The trade name under which the applicant does or proposes to do business.
- (c) If the applicant is a corporation, the officers, directors and principal stockholders of the corporation.
- (d) The vehicle identification number (VIN), year, make and model for each vehicle that will be used in the taxicab business.
- (e) The color scheme or insignia to be used to designate the vehicle or vehicles of the taxicab business with which the vehicle or vehicles will be associated.
- (f) Such further information required by the chief of police and which may be relevant and pertinent to the matter of the issuance of the registration.

(Ord. No. O-16-049, § 2, 5-10-16; Ord. No. O-19-036, § 1, 5-28-19)

Sec. 37-56. - License for operation of business.

The owner of a taxicab business shall procure from the commissioner of the revenue a business license as required under the applicable section of the tax code of the city.

(Ord. No. O-16-049, § 2, 5-10-16)

Sec. 37-57. - Reserved.

Editor's note— Ord. No. O-19-036, § 2, adopted May 28, 2019, repealed § 37-57, which pertained to insurance or bond required and derived from Ord. No. O-16-049, § 2, adopted May 10, 2016.

Sec. 37-58. - Same—No liability on city.

Nothing contained in this ordinance shall have the effect of fixing any liability on the city by reason of the maintenance and operation of any taxicab.

(Ord. No. O-16-049, § 2, 5-10-16)

Sec. 37-59. - No vested rights granted by this article.

No person operating a taxicab business under the provisions of this article shall acquire any vested rights in the streets of the city or any vested rights to use the same.

(Ord. No. O-16-049, § 2, 5-10-16)

Sec. 37-60. - Revocation and suspension—Causes for action.

(a) A registration may be revoked or suspended by the chief of police for the following causes:

- (1) Failure to operate the registered taxicab or taxicabs in such manner as to serve the public adequately.
- (2) Failure to maintain such taxicabs in good order and repair.
- (3) Failure to keep in force the bond or insurance as required under section 37-57.
- (4) Repeated and persistent violation of traffic and safety ordinances by drivers.
- (5) Willful or continued failure to comply with the provisions of this article or willful or continued failure to comply with any of the provisions of this Code or other ordinances of the city or laws of the state or federal governments, the violation of which reflects unfavorably on the suitability of the taxicab owner or operator to offer public transportation.
- (6) Failure to comply with any rule or regulation promulgated by the city manager under the provisions of section 37-35.

(Ord. No. O-16-049, § 2, 5-10-16)

Sec. 37-61. - Same—Notice and hearing.

Prior to suspension or revocation of a taxicab registration the owner or operator involved shall be given notice of the proposed action to be taken and shall have an opportunity to be heard.

(Ord. No. O-16-049, § 2, 5-10-16)

Sec. 37-62. - Same—Right of appeal.

In the event of suspension or revocation of a registration by the chief of police, the owner or operator shall have the right of appeal to the city manager.

(Ord. No. O-16-049, § 2, 5-10-16)

Secs. 37-63—37-83. - Reserved.

DIVISION 4. - REGISTRATION OF DRIVERS

Sec. 37-84. - Required.

Every driver shall be registered by the chief of police or the chief's designee before driving any taxicab upon the streets of the city.

(Code 1959, § 31-55; Ord. No. O-19-036, § 1, 5-28-19)

Sec. 37-85. - Penalty.

Any person who shall violate any of the provisions of this division shall, for a first violation, be deemed guilty of a class 4 misdemeanor; for each second or subsequent conviction under this division, committed within 12 months from the date of a prior conviction hereunder, any such person shall be deemed guilty of a class 3 misdemeanor.

(Code 1959, § 31-61)

Sec. 37-86. - Fee.

A fee of \$50.00 shall be paid to the city for processing and investigating the applicant, which fee shall be nonrefundable, and which fee must be paid when the application is submitted.

(Code 1959, § 31-55; Ord. No. O-90-093, 3-27-90, eff. 7-1-90; Ord. No. O-95-206, 7-11-95, eff. 9-1-95; Ord. No. O-19-036, § 1, 5-28-19)

Sec. 37-87. - Term; renewal.

Original registration of a driver shall expire one year from date of issue, unless sooner revoked. All such registrations shall be renewed annually on or before the driver's date of birth each year. Such renewal registration shall continue for one year following, unless sooner revoked.

(Code 1959, § 31-55; Ord. No. O-91-050, 3-26-91)

Sec. 37-88. - Application.

Application for original and renewal registration shall be made to the chief of police or the chief's designee on forms prescribed for that purpose. The fee for such registration shall accompany each application for registration. It shall be unlawful for any applicant to willfully omit any information called for on such application form or to give any false information thereon.

(Code 1959, § 31-56; Ord. No. O-19-036, § 1, 5-28-19)

Sec. 37-89. - Fingerprinting of applicants.

Each applicant for registration shall be fingerprinted for the purpose of clearing convictions, if any.

(Code 1959, § 31-59; Ord. No. O-19-036, § 1, 5-28-19)

Sec. 37-90. - Mandatory denial.

No applicant for original or renewal registration required by this division shall be registered by the chief of police if such applicant:

- (a) Does not have in force a valid license issued by the department of motor vehicles of the state; or,
- (b) Has, within the past three years prior to the date of application, been convicted of a felony or petit larceny under the laws of the United States or any state; or,
- (c) Has, within three years prior to the date of application, been convicted of driving a motor vehicle while under the influence of intoxicants or any narcotic drug under the laws of any state or municipality; or,
- (d) Has, within one year prior to the date of application, been convicted of a violation of any of the provisions of the Code of Virginia, Title 4, relating to the transportation or sale of alcoholic beverages, or has, within one year prior to the date of the application, been convicted of a violation of any state law or municipal ordinance relating to the sale, transportation, possession or distribution of intoxicating liquors or relating to the sale, transportation, possession or distribution of any other controlled substance; or
- (e) Has, within one year prior to the date of application, been convicted of using or allowing the use of a vehicle to aid or promote prostitution or illicit sexual intercourse, or of violating any of the provisions of the Code of Virginia, Section 18.2-349, or any amendment thereof.
- (f) Has, any pending charges for any of the criminal offenses identified in paragraphs (b), (c), (d), or (e) of this section.

(Code 1959, § 31-57; Ord. No. O-91-050, 3-26-91; Ord. No. O-96-136, 5-14-96)

Sec. 37-91. - Authority to deny; appeal from denial.

The chief of police or the chief's designee, except in cases where denial of registration is mandatory, after due hearing and upon not less than days' notice in writing to the applicant, such notice to be sent by registered mail to the address given by the applicant in his application or by personal service upon the applicant, either of which shall constitute sufficient form of notice, may deny registration to any applicant, for good cause shown, including the conviction of the applicant for the violation of any of the provisions of this division or of any state law or municipal ordinance. Except in cases where denial of registration is

mandatory, the applicant shall have the right, within 20 days from the day registration is denied, to appeal to the judge of the municipal court from the decision of the chief of police denying registration. The decision of the judge of the municipal court after hearing relevant evidence shall be final.

(Code 1959, § 31-58; Ord. No. O-19-036, § 1, 5-28-19)

Sec. 37-92. - Registration cards.

Every taxicab driver registered by the chief of police or the chief's designee under the provisions of this division shall be furnished with a card signed by the chief of police or the chief's designee certifying to his registration, which card shall contain a photograph of the taxicab driver made by the police division. Such card shall be conspicuously displayed in a manner directed by the chief of police in the taxicab at all times that the same is in charge of such driver. No driver shall drive a taxicab upon the streets of the city until he shall have secured a registration card from the chief of police or the chief's designee.

(Code 1959, § 31-60; Ord. No. O-19-036, § 1, 5-28-19)

Sec. 37-93. - Revocation or suspension—Mandatory revocation generally.

The chief of police or the chief's designee shall forthwith revoke and seize the registration of any taxicab driver upon ascertaining that such driver:

- (a) Has, within the preceding three years, been convicted of a felony or petit larceny under the laws of the United States or any state; or,
- (b) Has, within the preceding three years, been convicted of driving a motor vehicle while under the influence of intoxicants or any narcotic drug under the laws of any state or municipality; or,
- (c) Has, within the preceding year, been convicted of any of the provisions of Code of Virginia, Title 4.1, relating to the transportation or sale of alcoholic beverages, or has been convicted of violating any state law or municipal ordinance relating to the sale or transportation of intoxicating liquors or relating to the sale, transportation, possession or distribution of any other controlled substance; or,
- (d) Has, within the preceding year, been convicted of using or allowing the use of a vehicle to aid or promote prostitution or illicit sexual intercourse, or of violating any of the provisions of Code of Virginia, Section 18.2-349; or,
- (e) Has, within the preceding year, been convicted of two offenses of reckless driving under the laws of any state or municipality; or,
- (f) Has, within the preceding year, been convicted of one offense of reckless driving and two offenses of exceeding the speed limit under the laws of any state or municipality; or,
- (g)

Has, within the preceding year, been convicted of three offenses of exceeding the speed limit under the laws of any state or municipality.

(h) Does not have in force a valid operator's license issued by the Virginia Department of Motor Vehicles.

When any taxicab driver is charged with any criminal offense that would result in the mandatory revocation of the driver's registration, if convicted, the chief of police or the chief's designee shall suspend the driver's registration until such time as the criminal charges have been resolved.

(Ord. No. O-96-136, 5-14-96; Ord. No. O-19-036, § 1, 5-28-19)

Sec. 37-94. - Same—Authority of chief of police; notice; appeal from action by chief of police.

The chief of police or the chief's designee, except in cases where revocation is mandatory under section 37-93, after due hearing and upon not less than five days' notice in writing to the taxicab driver, such notice to be sent by registered mail to the address given by the taxicab driver when applying for registration, or by personal service upon the taxicab driver, either of which shall constitute sufficient form of notice, may suspend or revoke the registration of any taxicab driver for good cause shown, including the conviction of the taxicab driver for the violation of any of the provisions of this division or any state law or municipal ordinance. Except in cases where revocation is mandatory under section 37-93, any taxicab driver shall have the right of appeal to the judge of the municipal court within 20 days from the date of suspension or revocation. The decision of the judge of the municipal court after due hearing of relevant evidence shall be final.

(Tax Code 1959, § 31-63; Ord. No. O-19-036, § 1, 5-28-19)

Sec. 37-95. - Same—Term.

In the event of revocation or suspension of registration of a driver, other than mandatory revocation, such suspension or revocation shall be for a period fixed by the chief of police, or the chief's designee, or the judge of the municipal court upon appeal, but not exceeding one year.

(Tax Code 1959, § 31-64; Ord. No. O-19-036, § 1, 5-28-19)

Sec. 37-96. - Same—Registration after mandatory revocation.

In the event of mandatory revocation, registration shall not again be granted until such time as registration could be granted under the provisions of section 37-90.

(Tax Code 1959, § 31-65)

Sec. 37-97. - Same—Surrender and restoration of registration card.

In the event of any revocation or suspension of registration, the registration card of the driver shall forthwith be surrendered to the chief of police or the chief's designee. In case of suspension only, the registration card shall be restored to the driver at the expiration of the period of suspension.

(Tax Code 1959, § 31-66; Ord. No. O-19-036, § 1, 5-28-19)

Sec. 37-98. - Same—Driving during time of revocation or suspension.

It shall be unlawful for any person to drive a taxicab upon the streets of the city during the time his registration is revoked or suspended.

(Tax Code 1959, § 31-67)

Secs. 37-99—37-104. - Reserved.

DIVISION 5. - TAXIMETERS, RATES AND CHARGES

Sec. 37-105. - Required.

- (a) All taxicabs operating under this article shall be equipped with taximeters fastened to the taxicab in front of the passengers, visible to them at all times of the day and night; and, after sundown, the face of the taximeter shall be illuminated.
- (b) Drivers may utilize a taximeter for determining the applied fare for the ride. If operating under this method, vehicles shall be equipped with taximeters fastened to the taxicab in front of the passengers, visible to them at all times of the day and night; and, after sundown, the face of the taximeter shall be illuminated. The device shall be verified and maintained according to the regulations of the Virginia Office of Weights and Measures. The applied fare shall be determined using rates as defined in section 37-109, rates.
- (c) Drivers may utilize an alternate method for determining fares such as a smartphone, navigational computer, or like electronic device. However, the amount of the fare shall be determined using the trip rates, waiting time, and hourly rates set forth in section 37-109, rates. An estimate of the fare must be displayed to the passenger prior to engaging the driver for hire. If the actual fare exceeds the previously agreed upon estimated fare by more than 20 percent due to traffic or some other computational error and the driver does not correct the fare at the time of payment, the passenger will have 30 days to request in writing a refund for this additional amount, to be paid by the driver within 30 days from receipt of this request.

(Tax Code 1959, § 31-68; Ord. No. O-19-036, § 1, 5-28-19)

Sec. 37-106. - Signal device.

Each taximeter shall have thereon a dome light or similar electronic device to denote when the vehicle is employed and when it is not employed. It shall be the duty of the driver to engage the dome light or similar electronic device of such taximeter into a recording position at a time when such vehicle is employed and such device shall remain in such recording position at all times during the transportation of passengers and at a nonrecording position at the termination of each trip. It shall be unlawful for a driver to fail, refuse or neglect to put the taximeter in operation when such vehicle is employed and to keep the device in a recording position at all times during such employment.

(Tax Code 1959, § 31-69; Ord. No. O-96-136, 5-14-96)

Sec. 37-107. - Reserved.

Editor's note— Ord. No. O-19-036, § 2, adopted May 28, 2019, repealed § 37-107, which pertained to inspection generally; procedure in case of inaccuracy and derived from Code 1959, § 31-70; and Ord. No. O-16-049, § 2, adopted May 10, 2016.

Sec. 37-108. - Reserved.

Editor's note— Ord. No. O-19-036, § 2, adopted May 28, 2019, repealed § 37-108, which pertained to rules and regulations as to inspection and sealing and derived from Code 1959, § 31-71.

Sec. 37-109. - Rates.

The rates to be charged passengers by owners or drivers of taxicabs shall be as provided in this section and it shall be unlawful for an owner to permit or a driver to make any greater or lesser charges for the transportation of passengers and luggage than the following charges:

(a) *Trip rates.*

(1) *Mileage basis.*

For the first one-ninth mile, or fraction thereof\$2.80

For each succeeding one-ninth mile, or fraction thereof\$0.28

(2) *Waiting time.*

For each minute of waiting time, or fraction thereof, after the first three minutes\$0.60
or \$36.00 per hour waiting time

(b) *Hourly rates.*

When hired on an hourly basis for one or more passengers, per hour\$30.00

(c) *Trunks or footlockers.*

For transporting trunks or footlockers along with passengers, each piece\$1.00

(d) *Hand luggage.*

(1) For each hand baggage in excess of two bags per passenger, each additional bag\$0.10

(2) For packages without a passenger, each\$1.00

(e) *Bags weighing 100 pounds, or over.*

For each piece of baggage weighing 100 pounds, or over\$1.00

(f) *For transporting pets, other than seeing-eye dogs, an additional charge for each pet\$1.50*

(g) *Two or more passengers.* An extra charge of \$0.20 per passenger shall be made for each additional passenger traveling together and discharged along the route or at the same destination.

(1) Should the first person taken into a taxicab for transportation permit the driver to allow another or others traveling in the same direction to be transported in the same taxicab with him, pursuant to section 37-24 of this chapter, the passenger first arriving at his destination shall pay in accordance with the meter charge at that point, plus an extra charge of \$0.20 for each additional passenger transported and discharged at that destination, whereupon the driver of the taxicab shall immediately clear his meter and set the same for immediate operation for the next passenger, who shall pay the meter charge upon arrival at his destination, plus an extra charge of \$0.20 for each additional passenger transported and discharged at that destination. The same method shall be followed for each succeeding passenger.

(2) When two or more passengers are bona fide traveling together and engage a taxicab to different destinations, the charge shall be made as if the taxicab were hired for one passenger for the last destination, plus an extra charge of \$0.20 for each additional passenger transported.

(h) *Passengers to points beyond city limits.* For transportation of passengers from the city to points beyond the city limits, the rates set out in this section shall be applicable only to so much of such trip as is within the city limits.

(i) In order to ensure payment of fares, drivers may request a security deposit of no more than \$5.00 prior to accepting a passenger. The difference between such deposit and the actual fare shall be refunded to the passenger.

(j) *Fuel cost surcharge.* Effective July 1, 2008, a surcharge of \$1.00 shall be added to the current meter charge for each trip.

(Ord. of 7-22-75, § 31-72; Ord. of 6-26-79; Ord. No. O-82-213, § 1, 10-12-82; Ord. No. O-90-284, 9-11-90; Ord. No. O-99-091, 5-11-99, eff. 6-1-99; Ord. No. O-05-103, 8-9-05; Ord. No. O-08-088, 6-10-08, eff. 7-1-08; Ord. No. O-22-015, § 1, 2-22-22)

Sec. 37-110. - Receipt showing payment of fare.

A driver shall, upon request, deliver to the person paying the fare a receipt in legible type or writing showing the date, amount of fare paid, the name of the owner and driver, and the city license tag number of the taxicab.

(Code 1959, § 31-73)

Sec. 37-111. - Failure to pay fare.

It shall be unlawful for any person who has been transported in a taxicab willfully fail, refuse or neglect to pay the driver of the taxicab the fare provided for under this division at the rates prescribed therefor immediately upon termination of the transportation, unless satisfactory arrangements are otherwise made with the driver for the payment of such fare. Every person who violates the provisions of this section shall be guilty of a class 2 misdemeanor for each offense.

(Code 1959, § 31-74; Ord. No. O-96-136, 5-14-96)

Secs. 37-112—37-122. - Reserved.

ARTICLE III. - RENTAL VEHICLES

Footnotes:

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Cross reference— *License fee for rental car agencies, § 36-114(a)(15).*

Sec. 37-123. - Definition.

Wherever used in this article, the term "U-Drive-It" shall be construed to apply to all automobiles or motorcars offered for rent, hire or lease, or which are rented, hired or leased for operation without a chauffeur.

(Code 1959, § 31-75)

Sec. 37-124. - Renting to person without driver's permit.

It shall be unlawful for any person engaged in the business of offering automobiles or motorcars for rent, hire or lease, to be driven by the person hiring same, to hire, rent or lease such automobiles or motorcars to any person, unless such person exhibits to the owner or person in charge of such business a permit from a duly authorized authority permitting him to drive or operate a motor vehicle under the laws of the city and state in which such permit is issued.

(Code 1959, § 31-76)

Sec. 37-125. - Penalty.

Any person violating the provisions of this article shall be deemed guilty of a class 4 misdemeanor.

(Code 1959, § 31-77)

AGENDA ITEM SUMMARY

MEETING DATE

September 26, 2023

PRESENTED BY

Gaynelle Hart, Director of Public Works, Tim Mitchell, Director of Water Resources

AGENDA ITEM # III.2

Flooding Event After Action Review

RECOMMENDATION

Staff will present an update on a flooding event that occurred in July 2023

SUMMARY

On July 13 & 14, 2023, areas of Lynchburg received over seven inches of rain. This resulted in activation of the College Lake Dam Emergency Action Plan, downed trees, flooded streets and parks, sewer damage and major erosion problems. Staff will give a brief update on storm events, progress of repairs and what remains to be assessed and repaired.

PRIOR ACTION(S)

None

FISCAL IMPACT

The total cost of emergency response and repairs is not known at this time.

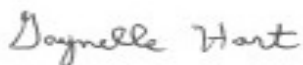
CONTACT(S)

Gaynelle Hart, Director of Public Works
Tim Mitchell, Director of Water Resources

ATTACHMENT(S)

1. Storm Powerpoint w Water Resources Slides v 2 PDF

REVIEWED BY



Gaynelle Hart, Director of Public Works

Date: September 21, 2023



Greg Patrick, Deputy City Manager

Date: September 21, 2023



Alicia Finney, Clerk of Council

Date: September 21, 2023



CITY COUNCIL WORK SESSION FLOODING EVENT AFTER ACTION REVIEW

September 26, 2023



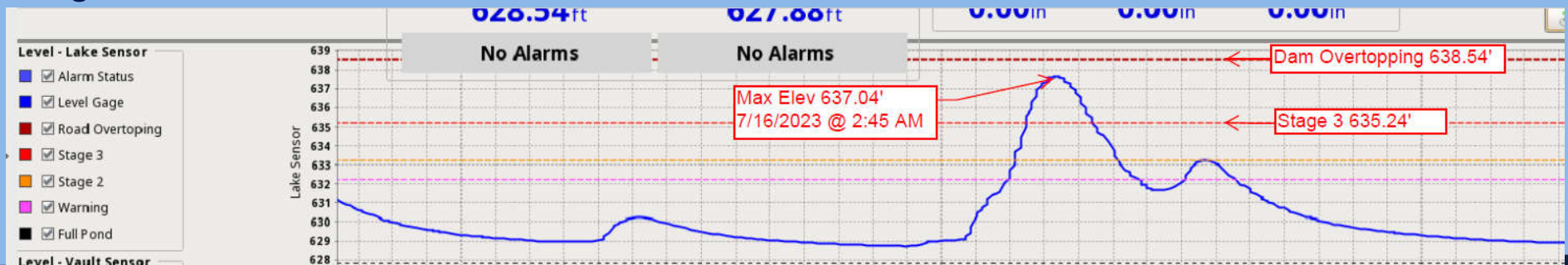
JULY 2023 FLOOD EVENT OVERVIEW

- Storm began on Thursday afternoon and continued to the next morning (7/13 & 7/14 2023)
- Between 7-7.5 inches of rain fell in a 6 hour period over parts of Lynchburg (data from VDEM)
- Roughly equates to a 500-1000 year storm (data from VDEM)
- Public Works emergency response included barricading flooded roads and removing down trees from streets

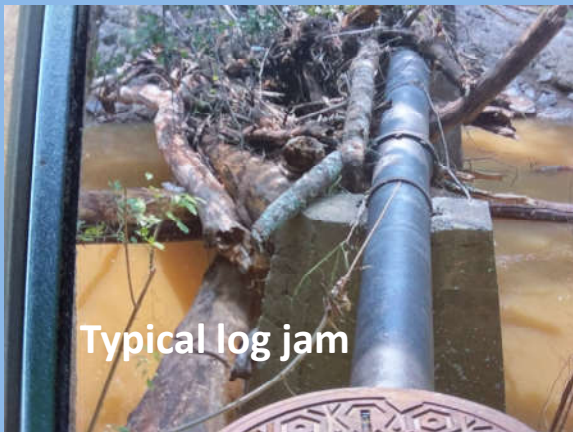


JULY 13TH AND 15TH STORM IMPACTS TO WATER RESOURCES COLLEGE LAKE DAM

- Activated the Emergency Action Plan for both the storm beginning on 7/13 and on 7/15
- 7/13 storm reached Stage II – Electronic monitoring was down as a result of a power outage – Dam was monitoring in person throughout the storm
- 7/15 storm exceeded Stage III level but not officially declared due to mandatory evacuations
- Evacuations were considered but storm had stopped and we were calculating potential crest elevation and time to crest and monitoring in person continuously through the night.
- Major seep (leak through the dam) discovered – almost triggered evacuation.
- Had lake level risen 6 more inches or seep worsened, we were going to proceed with evacuations.
- College Lake Dam Removal bids are due October 11th.



JULY 13TH AND 15TH STORM IMPACTS WATER RESOURCES MULTIPLE STREAM BANK EROSIONS AND LOG JAMS



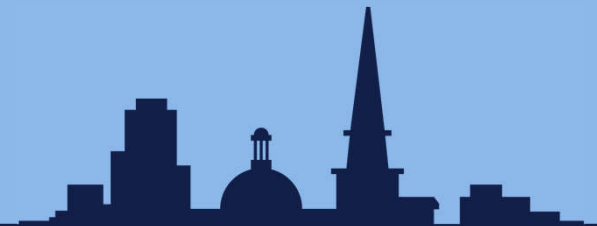
- Still in the process of identifying impacts – Focused on erosion that threatens sanitary sewer, more will be known once vegetation dies for winter.
- Blackwater Creek erosion next 60" sanitary sewer, similar projects were approximately \$500,000 each
- Multiple log jams threatening sewer – approximately \$5,000 each



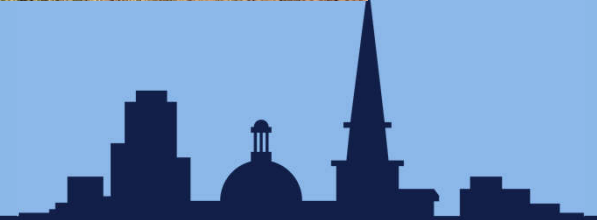
JULY 13TH AND 15TH STORM IMPACTS WATER RESOURCES SIGNIFICANT DAMAGE TO THE RANDOLPH – SAVOY SEWER PROJECT



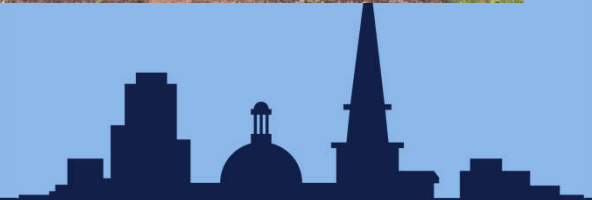
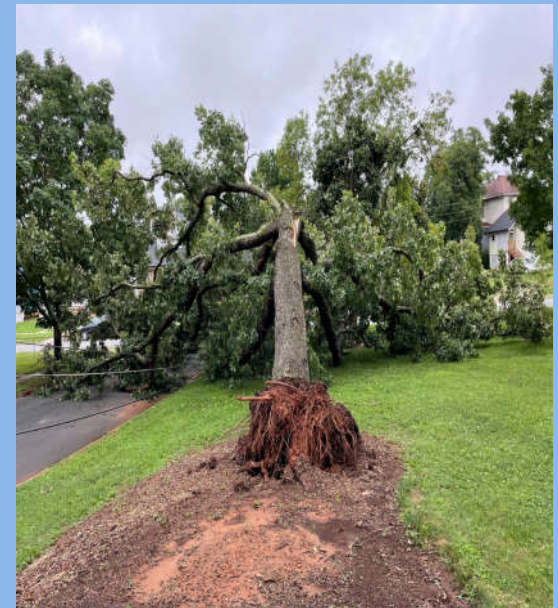
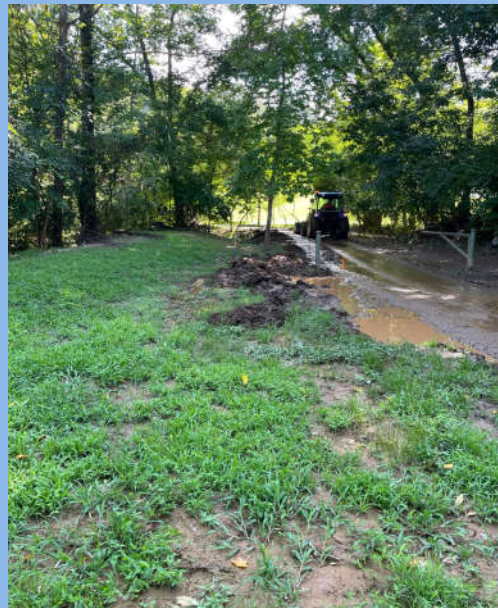
- Damage to sewer alignment
- Bank stabilization washed out
- Manhole top lifted off
- Significant damage to stormwater basin
- Repairs have been completed, however, we do not have a contractor claim amount at this time



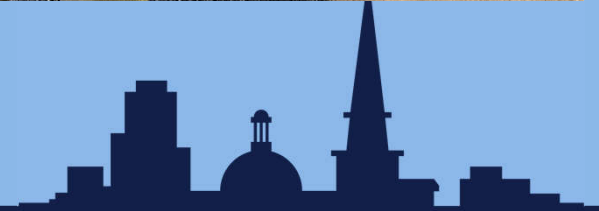
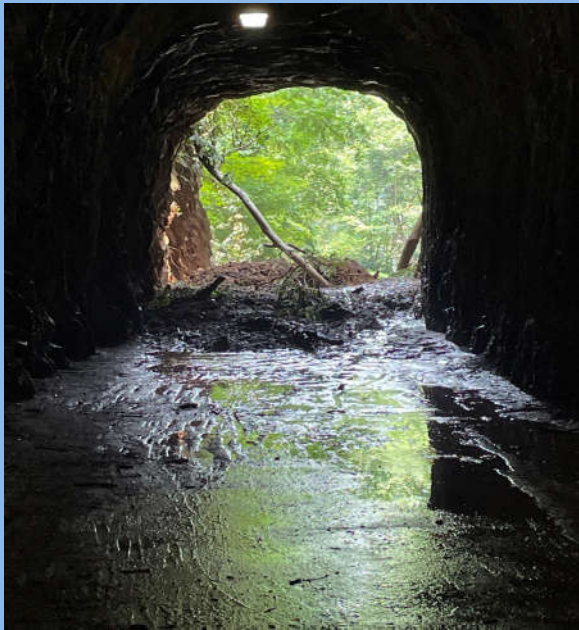
PEAKSVIEW PARK CLEAN UP



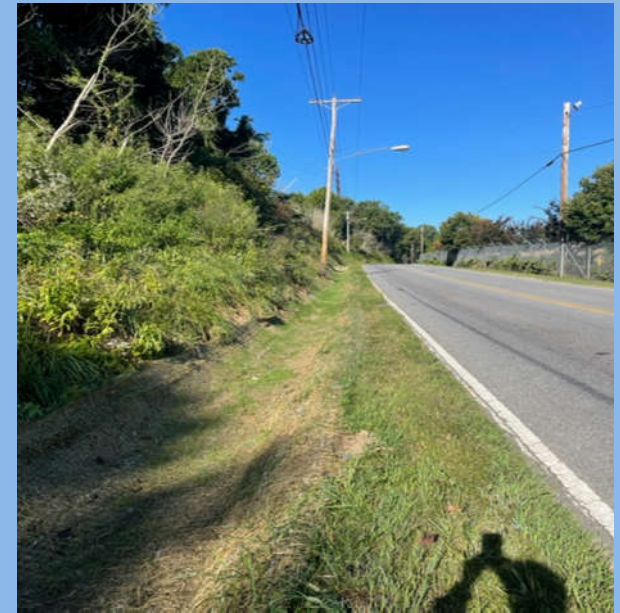
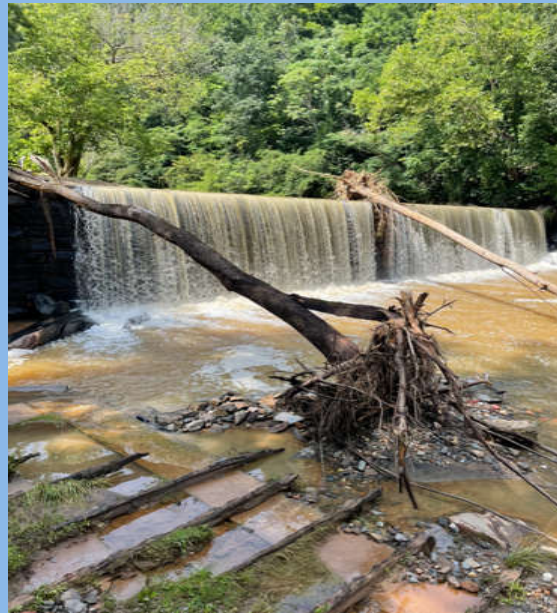
SANDUSKY AND OTHER PARK CLEANUP



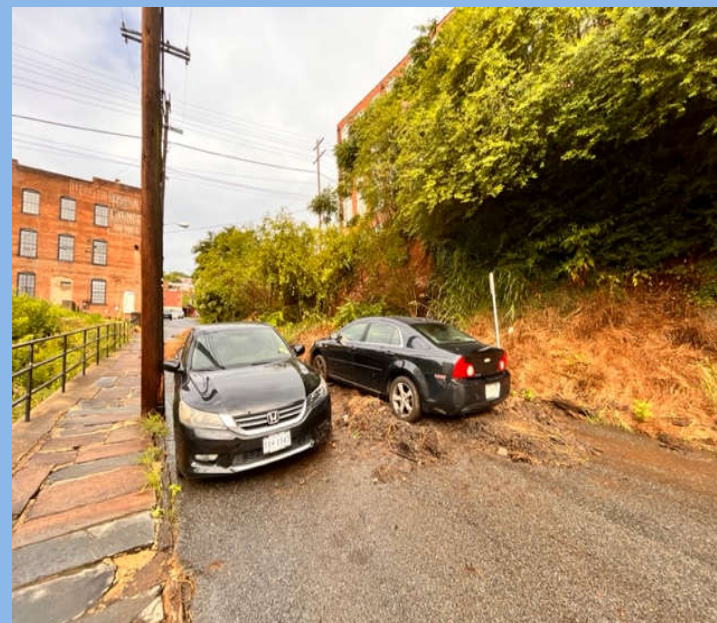
TRAIL CLEANUP AND REPAIR



CULVERT AND DITCH DEBRIS REMOVAL AND REPAIR



HORSEFORD ROAD CLEAN UP



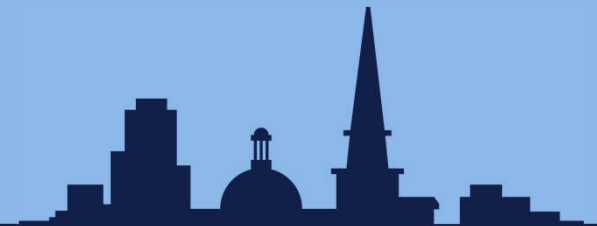
IMPACT TO PUBLIC WORKS OPERATIONS

- Most storm recovery work occurred during regular work hours as time allowed
- Impact to normal routine maintenance and engineering project management activities
- Total estimated expenses as of September 20, 2023- \$146,000



RECOVERY, REPAIR AND CLEAN UP CONTINUES

Point of Honor Trail repair- performed in house
12th Street stabilization repair



Questions?



AGENDA ITEM SUMMARY**MEETING DATE**

September 26, 2023

PRESENTED BY

Gaynelle Hart, Director of Public Works

AGENDA ITEM # III.3

12th Street Stabilization Options

RECOMMENDATION

Approve one of three options to repair the bank along 12th Street presented by staff.

SUMMARY

In 2001, at the direction of the Physical Development Committee, Public Works staff stabilized the bank along 12th Street between Jackson Street and Harrison Street. The repair included installation of a wire mesh along a major portion of the face of the bank to prevent erosion from blocking 12th Street and causing a safety issue for the traveling public. During the heavy rains in July 2023, a portion of the bank failed and eroded into 12th Street closing the road to traffic. Since that time, the staff researched three repair options and costs for each option:

- Pinned Mesh- \$2,105,000
- Pinned Mesh with Shotcrete Rough Finish-\$2,455,000
- Pinned Mesh Stained and Sculpted Finish-\$3,290,00

Staff will present funding options at a future City Council meeting once a repair option is approved.

PRIOR ACTION(S)

Physical Development Committee- July 10,2001 & September 4, 2001

FISCAL IMPACT

Staff will develop a funding plan and appropriate budget resolution for approval by City Council at a future meeting.

CONTACT(S)

Gaynelle Hart, Director of Public Works
Lee Newland, City Engineer

ATTACHMENT(S)

1. COL 12 Street Options Sept 13 2023 - v7 PDF Final

REVIEWED BY

Gaynelle Hart

Gaynelle Hart, Director of Public Works

Date: September 20, 2023

A handwritten signature in dark ink, appearing to read "Greg Patrick", with a long horizontal stroke extending to the right.

Greg Patrick, Deputy City Manager

Date: September 21, 2023

A handwritten signature in dark ink, appearing to read "Alicia L. Finney", with a stylized, cursive script.

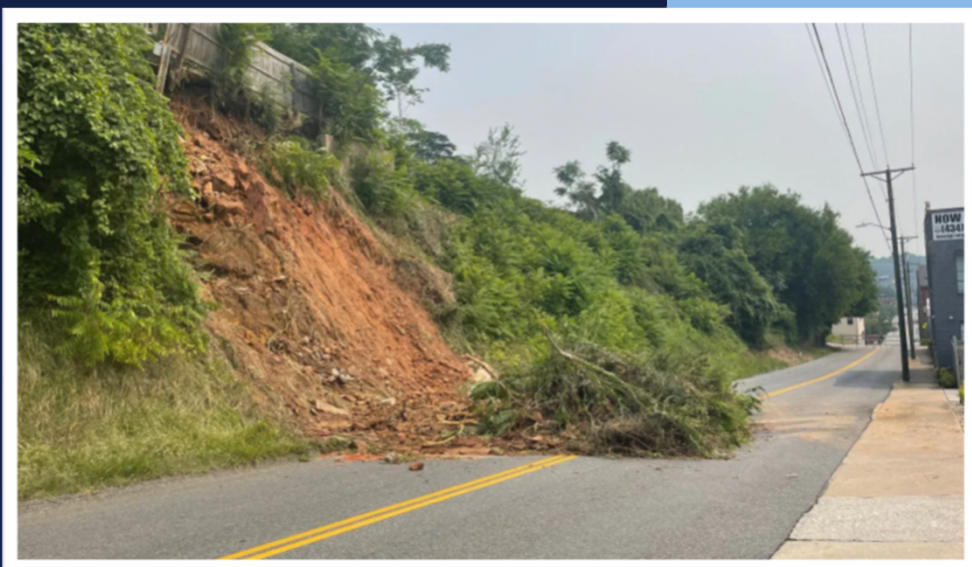
Alicia Finney, Clerk of Council

Date: September 21, 2023



12TH STREET STABILIZATION OPTIONS

September 26, 2023



STABILIZATION AND FACING OPTIONS

Option 1: Pinned Mesh Option

Option 2: Pinned Mesh with Shotcrete
Rough Finish Option

Option 3: Pinned Mesh with Shotcrete
Stained and Sculpted Finish Option



BACKGROUND

- Previous Slope Failure- June 2001
- Previous PDC directed remediation and stabilization efforts
- Easements for perpetual work obtained
- Slope preparation needed for all proposed options



OPTION 1 : PINNED MESH

Install High Strength Steel Mesh
Pinned to Slope Surface

Mesh will be black in color

Annual maintenance required



OPTION 2: PINNED MESH WITH SHOTCRETE FACE ROUGH FINISH



- Install High Strength Steel Mesh Pinned to Slope Surface covered with Shotcrete
- No maintenance



OPTION 3: PINNED MESH WITH SHOTCRETE FACE STAINED & SCULPTED FINISH



- Install High Strength Steel Mesh Pinned to Slope Surface covered with Shotcrete
- No maintenance
- Most aesthetically pleasing



COST SUMMARY

Option #	Option Description	Estimated Total Price
1	Pinned Mesh	\$2,105,000
2	Pinned Mesh with Shotcrete Face Rough Finish	\$2,455,000
3	Pinned Mesh with Shotcrete Face Stained & Sculpted Finish	\$3,290,000



STAFF RECOMMENDATION

Staff Recommends Option 2 or Option 3:

- More aesthetically pleasing finish on major street
- No ongoing maintenance
- No ongoing coordination with property owners
- No further need for road closures for maintenance



AGENDA ITEM SUMMARY**MEETING DATE**

September 26, 2023

PRESENTED BY

Eve Mergenthaler, Planner I

AGENDA ITEM # IV.4

Appeal of the Historic Preservation Commission (HPC) decision to deny a Certificate of Appropriateness (COA) at 713 Pearl Street

RECOMMENDATION

This item will appear for City Council vote on the October 10, 2023 Public Hearing agenda. Uphold the decision of the Historic Preservation Commission (HPC) to deny a Certificate of Appropriateness (COA) at 713 Pearl Street.

SUMMARY

Stephen Milacci of Upkeep Homes, LLC is appealing the decision of the HPC to deny a COA request to replace wood windows with smaller vinyl windows wrapped in aluminum, replace the front door, replace elements of the front porch, and replace the rear deck at 713 Pearl Street. The work was completed after a stop work order (swo) was posted on the property and without approval from the HPC.

The HPC reviewed the "after-the-fact" petition on June 26, 2023, and found that the replacement work was not consistent with the Lynchburg Historic Districts Residential Design Review Guidelines, the style of the house, or the surrounding historic district.

The City's Zoning Ordinance, Section 35.2-13.11, Appeals to City Council, states: "On any such appeal, the final decision of the HPC ... shall be stayed pending the outcome of the appeal to City Council, except that the filing of such appeal shall not stay the decision of the HPC if such decision denies the right to raze or demolish a historic landmark, building or structure. The City Council shall conduct a full and impartial public hearing on the matter and apply the same criteria as the HPC before rendering any decision. The City Council may affirm, reverse or modify the decision of the HPC, in whole or in part. The decision of City Council, subject to the provisions of section 35.2-13.12, shall be final. If approved, a certificate of appropriateness, signed by the clerk of the City Council, shall be issued to the applicant."

PRIOR ACTION(S)

June 26, 2023: The HPC denied the COA request for the replacement of wood windows with smaller vinyl windows wrapped in aluminum, a front door, front porch elements, and the rear deck (4-0 with 1 abstention; Sherayko and 2 absent; Langseth and Watson).

FISCAL IMPACT

N/A

CONTACT(S)

Shanda Horner (Historic Preservation Commission Chair)
Eve Mergenthaler, Planner I
Tom Martin, City Planner

ATTACHMENT(S)

1. Timeline
2. Property Photos
3. HPC Meeting Minutes - June 26, 2023
4. COA Denial and HPC Meeting Packet - June 26, 2023

REVIEWED BY



Kent White, Director of Community Development

Date: September 20, 2023



Mercedes Braun, Executive Assistant to the City Manager

Date: September 21, 2023



Wynter C. Benda, City Manager

Date: September 21, 2023



Alicia Finney, Clerk of Council

Date: September 21, 2023

713 Pearl Street Timeline

- 07/18/2022: Mr. Stephen Milacci of Upkeep Homes, LLC purchased the property at 713 Pearl Street.
- 08/15/2022: A new owner letter and pamphlet, which gives information about historic district requirements, was mailed to Upkeep Homes, LLC.
- 08/19/2022: Mr. Milacci received information regarding Certificate of Appropriateness (COA) requirements via email.
- 09/06/2022: Mr. Milacci submitted a COA application for paint colors.
- 09/14/2022: Mr. Milacci received administrative COA approval for paint colors.
- 06/06/2023: City staff received citizen notification of work without a COA at 713 Pearl Street. Mr. Milacci was sent an email request to stop working and submit an after-the-fact COA application.
- Mr. Milacci was also verbally informed that he needed to stop working and submit a COA application with photos of the work.
- Mr. Milacci submitted an after-the-fact COA application for a portion of the work with some photo attachments.
- The petition was scheduled for the June 26, 2023 Historic Preservation Commission (HPC) meeting on the condition that supplemental materials be submitted.
- 06/07/2023: City staff visited the property to take additional photos. Contractors were continuing to do work and scope of work was greater than indicated on the COA application. Mr. Milacci received another verbal request to stop working and to provide additional information.
- Commissioner Gerry Sherayko, Diamond Hill Advocate, met with Mr. Milacci on site to discuss the application. Commissioner Sherayko reiterated the need to stop work and consider alternative replacement materials.
- 06/08/2023: City staff visited the property again. Contractors still had not stopped working.
- A Stop Work Order (SWO) was posted on site. Mr. Milacci was also verbally notified of the SWO.
- The SWO was later unlawfully removed from the property and work continued.
- 06/26/2023: Mr. Milacci attended the HPC meeting for after-the-fact replacement of wood windows with smaller vinyl windows wrapped in aluminum, the front door, front porch elements, the rear deck, the rear door, siding, and a rear light.

The HPC approved the replacement of the rear door, siding, and a rear light.

The HPC denied the replacement of wood windows with smaller vinyl windows wrapped in aluminum, a front door, front porch elements, and the rear deck.

06/28/2023: The COA denial for the replacement of wood windows with smaller vinyl windows wrapped in aluminum, a front door, front porch elements, and the rear deck was emailed to Mr. Milacci.

06/30/2023: The property was listed for sale.

07/03/2023: A Notice of Violation (NOV) was issued for the replacement of wood windows with smaller vinyl windows wrapped in aluminum, a front door, front porch elements, and the rear deck without a COA.

The NOV was posted on the property and mailed to Mr. Milacci. It was also emailed to Mr. Milacci and his realtor, Mr. Ian Smith.

07/10/2023: After discussion of appeal requirements with City staff, Mr. Milacci filed his intent to appeal with the Clerk of Council.

08/21/2023: Mr. Milacci requested that his appeal, scheduled for public hearing on 09/26/2023, be delayed.











**MINUTES OF THE JUNE 26, 2023 HISTORIC PRESERVATION COMMISSION MEETING
(MINUTES HAVE BEEN APPROVED)**

e) ACTION: (Advocate-Commissioner Sherayko): Request of Stephen Milacci of Upkeep Homes, LLC to do extensive work at 713 Pearl Street. (HPC2306-0010)

Mr. Stephen Milacci of Upkeep Homes, LLC was present to represent the application. He is requesting approval for many after-the-fact items. The house was purchased eleven (11) months ago and the interior has been rehabbed extensively. He tried to keep the exterior as true to form as possible. The original detail work on the front of the home and the lap board siding were retained and painted. The intent was to save and repair the windows but they fell apart as he was scraping the paint off due to rot and decay. The wood windows were replaced with vinyl windows and wrapped in aluminum without permission. The front door was replaced with a solid wood door, also without permission. The back door didn't have a workable door so was also replaced. The porch railings were rotted out and were replaced with wood railings with metal balusters.

Commissioner Sherayko asked how old the before photos are.

Ms. Eve Mergenthaler replied that the before photos are from 2015.

Mr. Milacci added that the house was in serious disrepair.

Commissioner Lifsey asked for clarification as to what was done to the siding.

Mr. Milacci replied that the siding was kept intact but was painted.

Commissioner Lifsey stated that he is incredibly sad that the applicant did not come to the Commission before doing the work. Vinyl windows have been rejected over and over. These replacement windows are vinyl and are not the right size. They are smaller than the original windows.

Mr. Milacci agreed that the replacement windows are about six (6) inches shorter, but are the same width as the original windows.

Commissioner Lifsey continued, stating that the windows are not appropriate per the Residential Design Review Guidelines. The replacement front door is a Craftsman door and is not appropriate to the style of this house.

Mr. Milacci stated that when he met with Commissioner Sherayko on site he was told that the front door "felt very authentic".

Commissioner Sherayko replied that the front door is of a certain vintage and noted that the applicant told him the previous door was absolutely "shot". He shared agreement that the replacement door is a Craftsman door. Given all of the after-the-fact work done, the front door was the least problematic for him.

Commissioner Lifsey stated that the front door is of a different era. The porch railing and metal balusters are not appropriate. They should have been replaced in-kind, meaning made of wood, decorative, and spools.

Mr. Milacci stated he is unsure how to acquire these as they are hand turned.

Commissioner Lifsey replied that they can be bought new.

Mr. Milacci stated that he feels the best option is for the Commission to deny this application so that he can appeal to City Council. He does not feel equipped to handle this on his own currently.

Commissioner Sherayko stated that the Commission is trying to give the applicant good advice and that the Secretary tried to give advice from the beginning. When they previously spoke, he told the applicant that the windows and porches were not going to be approved. Again, the front door is not the right style but is not the most problematic item to him. The applicant can appeal to City Council if he wishes.

Mr. Milacci stated he is not trying to be contrary but this process is new to him.

Commissioner Lifsey asked if he received a letter from the City regarding ownership of historic property when he bought the house.

Mr. Milacci replied that he is not saying a letter was never sent but he never saw it.

Commissioner Sherayko noted that the applicant did previously go through the process to get the paint colors approved.

Mr. Milacci replied that he made errors and has no problem admitting that. When he previously filed for a building permit, he spoke with the Secretary about the COA process and paint colors. He is not trying to be dishonest but had to make a call on the doors and windows because the house needed to be closed up. He asked if there is a way to proceed that will be beneficial for both parties. There is another house down the street that he'd love to buy.

Commissioner Erquiaga stated that it is very unlikely that the applicant will get these or any vinyl windows approved on the front of any house in the historic district. A similar situation occurred several months ago in which the applicant installed vinyl windows without approval, was then denied by the HPC, and appealed the denial to City Council, who upheld the denial. The Commission is not trying to punish the applicant or stop his business from succeeding but the work done is not acceptable per the Guidelines.

Mr. Milacci asked for clarification on how other homes in the historic district have vinyl windows or other seemingly inappropriate materials.

Commissioner Erquiaga replied that each application is reviewed independently and precedent is not set by past decisions. Some homes may have inappropriate materials because the work was done before the area was designated as a historic district. Others may have done inappropriate work and not been flagged. The Commission must address the work that comes before them. He reiterated that their decisions are not punitive.

Commissioner Sherayko shared agreement.

Mr. Milacci replied that he appreciates the explanation and asked what his options are at this point. He stated that he could not find wood windows that were the correct size. He would like to find an option that meets the Guidelines but also allows him to finish the house.

Commissioner Lifsey replied that there are windows that emulate the original windows and can be bought new. Usually, old windows have hardwood that can be restored given the right craftsman. It may have been possible to restore some of the windows.

Commissioner Horner asked if the applicant has any of the original windows.

Mr. Milacci replied that he has a handful of the windows but the corners were completely rotted out. He tried to take pictures of them after speaking with the Secretary.

Commissioner Lifsey made a **motion to deny the vinyl replacement windows wrapped with aluminum, the replacement front door, and the front porch and rear deck elements and railings.** These three items are completely adverse to the Guidelines. The applicant should not repeat doing work without approval at other historic properties.

Mr. Milacci replied that he would like to work together with the Commission as opposed to a straight denial. He asked if it would be an option for him to replace just the front two (2) windows. He noted that his business will not fail due to one property being flipped. It is extra money for his family and something that they enjoy doing. He hopes that others would recognize the effort that he put in.

Commissioner Sherayko stated that the interior of the home is very nicely done but that cannot correct the issues with the exterior. Whoever buys the property will have fantastic views of the nearby church, which is a property that also has to abide by the Guidelines. He reiterated that the replacement front door is not appropriate but, given all the other work that must be corrected, he might be willing to look the other way.

The Commission cannot compromise though because the whole point of the historic district and the tax credit program, where people get financial compensation to rehab appropriately, falls apart. He's glad a citizen reported the issue but wishes that it had been flagged much earlier so the work had not been nearly completed. The applicant should find appropriate windows and ways to restore the front porch and rear deck, which had been demolished completely before being rebuilt. All of the exterior work must be done according to the Guidelines.

Mr. Milacci asked if the motion included the rear deck.

Commissioner Lifsey replied that the Commission may choose to be more lenient when things are not as visible from the street.

Commissioner Sherayko clarified that the rear porch is not visible from Pearl Street but is visible from Grace Street.

Mr. Milacci stated that the rear porch was previously a pressure treated lumber deck that was rotting. It was not historic.

Commissioner Erquiaga replied that replacing an inappropriate deck with another is still not within the guidelines. The deck installed is not appropriate, is visible from a main road, and is going to stand out.

Mr. Milacci noted that he should have left the deck in disrepair.

Commissioner Arrington replied that the City would likely have required him to build a new structurally safe deck. It is not a question of leaving it unsafe or building an inappropriate deck. He should have built an appropriate deck within the guidelines that also meets safety requirements.

Commissioner Sherayko stated that the Commission is charged with upholding the Guidelines. He understands that the applicant is restoring the house, but all work on a historic house must follow the Guidelines.

Commissioner Lifsey encouraged the applicant to learn what is required in the historic districts.

Mr. Milacci replied that the answer is that he shouldn't continue to work on historic houses.

Commissioner Arrington noted that the historic districts are about preservation rather than just rehabilitation. She added that her home is in a historic district and she has vinyl siding and other inappropriate materials that were installed before the house was in a designated historic district. When she works on her house now, she has to follow the same Guidelines.

Commissioner Erquiaga seconded the motion.

Chair Horner asked Commissioner Lifsey to repeat his motion.

Commissioner Lifsey repeated his motion. The intent of the motion is that the windows be replaced with historically accurate windows, the front door needs to be replaced with a period accurate door, the front porch and rear deck railings and elements need to match original, historic detailing per the Guidelines.

Mr. Milacci asked for clarification regarding the rear replacement door.

Commissioner Lifsey replied that he will not include the rear door in his motion since it is not visible from the street.

Commissioner Erquiaga stated that he wishes the Commission could do more to help the applicant but they need to keep the other historic property owners in mind as well.

Commissioner Lifsey stated that it is disappointing that the applicant missed the early notice of the Guidelines and requirements but the Diamond Hill Historic District is a designated historic district that has been in place for years.

Commissioner Horner noted that the Commission is here to help rather than to punish.

Commissioner Erquiaga shared agreement.

Ms. Mergenthaler asked if the applicant had a chance to look into finding more appropriate replacement windows as discussed prior to the meeting.

Mr. Milacci replied that he researched replacement windows from Jeld Wen. They are Auraline windows, which are cellular PVC and single hung.

Commissioner Lifsey replied that the Commission has previously approved the use of cellular PVC replacement windows. The replacement windows will need to be the appropriate size. There are a number of manufacturers that work to historic sizes like Marvin, Pella, and others.

Mr. Milacci stated that he was not aware cellular PVC windows were an option prior to installing the vinyl windows.

Commissioner Lifsey replied that it is a newer option and may not be the best option. Aluminum clad wood windows may be a better long-term option.

Mr. Milacci stated that he has already gotten a quote on the Jeld Wen Auraline windows so he would like to get approval on them.

Commissioner Lifsey stated that the Commission must see the proposed windows. The size of the mullions must be appropriate. There are a lot of variations that can look dramatically different from a historic perspective.

Commissioner Arrington added that the original windows were two (2) over two (2) so the new windows must also be two (2) over two (2). The vinyl replacement windows are not.

Commissioner Lifsey shared agreement.

The motion **to deny the vinyl replacement windows wrapped with aluminum; the replacement front door; and the front porch and rear deck elements and railings passed** by the following vote:

AYES: Arrington, Erquiaga, Horner, Lifsey	4
NOES:	0
ABSTENTIONS: Sherayko	1
ABSENT: Langseth, Watson	2

Commissioner Sherayko noted that he abstained because he stated earlier that he would not push on the issue of the door, even though it is not appropriate for the era.

The Commission reviewed the Jeld Wen Auraline composite windows. There did not appear to be a two (2) over two (2) option.

Commissioner Lifsey suggested that the applicant get a packet together with a quote for specific dimensions to ensure they are within the Guidelines.

Commissioner Arrington encouraged the applicant to reach out to the Commissioners with any questions he may have about the Guidelines or materials.

Commissioner Lifsey asked if the siding was replaced in-kind.

Mr. Milacci replied that the siding has been replaced in-kind.

Commissioner Sherayko made a **motion to approve the rear door, the rear light, and the siding**. The motion was seconded by Commissioner Erquiaga and **passed** by the following vote:

AYES: Arrington, Erquiaga, Horner, Lifsey, Sherayko	5
NOES:	0
ABSTENTIONS:	0
ABSENT: Langseth, Watson	2



Community Development

900 Church Street • Lynchburg • Virginia • 24504

www.lyncburgva.gov • P 434-455-3900 • F 434-845-7630

Historic Preservation Commission

Notice of Denial

Record Number: HPC2306-0010

Historic District/Property: Diamond Hill

Applicant: UPKEEP HOMES LLC

Date of Application: 6/6/2023

Location: 713 PEARL ST

ACTION REQUESTED: 1) After-the-fact Alteration to Building: Replace wood windows with vinyl windows wrapped in aluminum. Replace the front door. Replace elements of the front porch. Replace the rear deck.

Pursuant to Section 35.2-13 et.seq, of the Code of the City of Lynchburg, the Historic Preservation Commission (HPC) has received an application for review by the HPC of the foregoing requested action which affects the external appearance of a landmark, building, or structure, or part thereof, in a designated historic district. This is to certify that the HPC has considered said application together with the drawings, plans, photographs and specifications, including color samples submitted, and does hereby **Deny** such proposed action. Copies of the following relevant documents are in the file:

Photographs

The HPC **has** found that the issuance of a Certificate of Appropriateness, and the exercise of the rights and privileges granted thereby, will or is likely to materially and adversely affect the property or the value there of another.

The applicant shall have the right to appeal to and be heard before the City Council, provided that he/she files with the Clerk of the City Council within **fifteen (15) days** after the decision by vote of the HPC, a notice in writing of his/her intention to appeal.

REASON FOR DENIAL: The vinyl replacement windows (and aluminum wrapping); the replacement front door; and replacement elements of the front porch and rear deck are not consistent with the Lynchburg Historic Districts Residential Design Review Guidelines or the architectural style/era of the house. The windows are an inappropriate material, size, and style. The front door, front porch elements, and rear deck elements are historically inaccurate. The Commission recommends applying for more appropriate replacement windows, door, and porch/deck elements.

Eve Mergenthaler, Secretary to the HPC

Date of Action: 6/26/2023

Copy: Applicant
Zoning Official



Memorandum

Planning Division • Community Development

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

To: Historic Preservation Commission (HPC)

From: Eve Mergenthaler, Planner I

Date: June 16, 2023

Subject: **713 Pearl Street** Staff Finding

Stephen Milacci of Upkeep Homes, LLC is petitioning to do the following at 713 Pearl St:

1. Replace windows with vinyl windows wrapped in aluminum.
2. Replace the front and rear doors.
3. Replace the front porch and rear deck.
4. Replace portions of siding.
5. Replace a rear light.

Windows: The Residential Design Review Guidelines state that windows should be preserved in their original location, size, and design and with their original materials and numbers of panes. Windows should be repaired rather than replaced. If replacement is necessary, it should be in-kind. The use of vinyl windows for replacement is not generally acceptable. Although discouraged, they may be considered for use at rear facades not readily visible from the street. Windows should not have snap-on, interior, or flush muntins. Simulated divided lights is an acceptable alternative.

Doors: The Residential Design Review Guidelines state that doors are important features in defining the style and character of a building. Original doors should be preserved and maintained. Doors of historic design that are missing should be replaced with new doors appropriate for the style of the building. Doors of “decorator” designs available from wholesale hardware stores usually are not appropriate for front entrances.

Porch Columns and Railings: The Residential Design Review Guidelines state that historic porch columns and railings should be retained and repaired with materials to match the original. If the original porch columns and railings are missing, replacement columns and railings should be appropriate for the dwelling’s architectural style. Columns and railings of aluminum, wrought iron, vinyl or other modern materials are typically not appropriate for front porches.

Decks: The Residential Design Review Guidelines state that decks should be located at the rear of buildings and screened from street view. They should be stained or painted to match or blend with the colors of the building. Decks should be simple rather than ornate. It is recommended that wood decks have square wood balusters.

Lighting: The Residential Design Review Guidelines state that fixtures introduced to the exterior of a

structure should be consistent with the style and scale of the structure. They should be mounted on porch ceilings or adjacent to entrances.

Section 35.2-13.4 (b) *Staff Recommendation*. Upon finding that the application is complete the City Planner shall prepare a report making findings and recommendations on the application and authorize notice to be provided in accordance with section 35.2-13.5 (Notice and HPC Hearing).

Before:





[Windows & Doors](#) / [Windows](#) / [Double Hung Windows](#)

United Window & Door PRO Series 35.5-in x 65.5-in x 3.25-in Jamb Vinyl New

Item #2735595 Model #59DH3666LSNF **Construction White Double Hung Window Full Screen Included**





























Builders Choice

36 in. x 96 in. 2 Panel Universal 6 Lite TDL Satin Glass Unfinished Fir Wood Front Door Slab with Ovolo Sticking

★★★★★ Questions & Answers



Hover Image to Zoom































25. WINDOWS

POLICY:

Windows should be maintained or repaired to match the original design. If windows are deteriorated beyond repair, the installation of new wood windows to match the original designs is recommended. Windows of baked enamel or anodized aluminum are also acceptable, but these are more appropriate at the rear or sides of dwellings that are not visible from the street. Vinyl windows will generally not be approved. Original window openings should not be covered or concealed. They should also not be partially enclosed for the installation of smaller windows. New window openings should not be added on the fronts of dwellings and are discouraged but may be acceptable at the rear or sides if not visible from the street. The addition of window screens to historic windows is appropriate as long as the screens are full-view design or have a central meeting rail to match the historic window.

Windows:

- A. should be preserved in their original location, size, and design and with their original materials and numbers of panes.
- B. should not be added to primary facades or to side facades where readily visible from the street. The addition of new window openings on rear facades may be acceptable.
- C. should be repaired rather than replaced. A variety of methods and techniques exist for the repair of historic windows. The property/home owner must allow for visible inspection and/or provide physical evidence/pictures to support their claim that windows are not repairable. If the HPC determines that replacement is necessary due to severe deterioration, the replacement should be in-kind to match the originals in material and design. The installation of baked enamel extruded aluminum windows may be acceptable. If aluminum windows are applied they should match historic wood windows as closely as possible in their profile, depth of muntins and surrounding trim. The use of vinyl windows for replacement of deteriorated windows is not generally acceptable. Although discouraged, they may be considered for use at rear facades not readily visible from the street..
- D. of steel or other metal designs and that are historic should be preserved and maintained, or replaced with new metal windows which are similar in appearance and materials.
- E. should not have snap-on, interior or flush muntins. These muntins are much thinner in profile than the muntins on historic windows and don't provide the window with the appearance of a historic window. Simulated Divided Lights (SDL), where the muntin is on the outside of the exterior glass visually creating the appearance of a historic window is an acceptable alternative.
- F. screens and/or storms: should be of full-view design and of wood or aluminum with baked-on enamel of compatible trim color or anodized in dark colors

G. should not have security bars where visible from the street.



Preserve and maintain original historic windows such as six-over-one wood sash (2308 Rivermont).



Original steel casement windows of the 20th century should also be repaired as needed and retained.



Replacement windows of wood are preferred when replacing wood windows.



Extruded Aluminum clad windows may also be appropriate.

7. DOORS

POLICY:

Doors and door surrounds are important features in defining the style and character of a building. Original doors should be preserved and maintained and original features should be repaired rather than replaced.

Doors:

- A. and/or their surrounds, sidelights, transoms, and detailing should not be removed or altered.
- B. new doors should not replace historic doors at the front entrance or at side entrances which are visible from the street.
- C. of historic design that are missing should be replaced with new doors appropriate for the style of the building. In replacing missing original doors, replacement doors should be similar in design to the original in style, materials, glazing (glass area) and lights (pane configuration). If the original design is unknown, a secondary entrance may contain an original door which can be moved to the main entrance. Neighboring buildings of the same style and similar date of construction may provide guidance for identifying appropriate doors. Salvage companies may also have historic doors available.
- D. of "decorator" designs available from wholesale hardware stores usually are not appropriate for front entrances. These doors are not similar enough to the historic door designs of most historic dwellings. Doors with fake leaded glass inset designs also are not recommended for front entrances. For Craftsman/Bungalow dwellings, fifteen-light wood doors are readily available from wholesale stores and are acceptable for front entrances.
- E. if doors are introduced where none existed originally, they should be added at the rear or side facades of buildings where not visible from the street and should complement the general character and appearance of the structure
- F. If an existing window is to be removed to create a door for access to an approved new feature such as a porch or deck, every attempt should be made to use doors that approximate the window opening or at least minimize changes to the opening size and facilitate future restoration back to a window.



Doors are often character defining features such as this Colonial Revival door at 1524 Rivermont Avenue.



Federal style door at 1101 Jackson Street.



Original doors should be repaired and restored (223 Harrison Street).



Original paneled wood doors at 611 Washington Street.

15. PORCH COLUMNS AND RAILINGS

POLICY:

Historic porch columns and railings should be retained and repaired with materials to match the original. If the original porch columns and railings are missing, replacement porch columns and railings should be appropriate for the dwelling's architectural style.

Porch Columns and Railings:

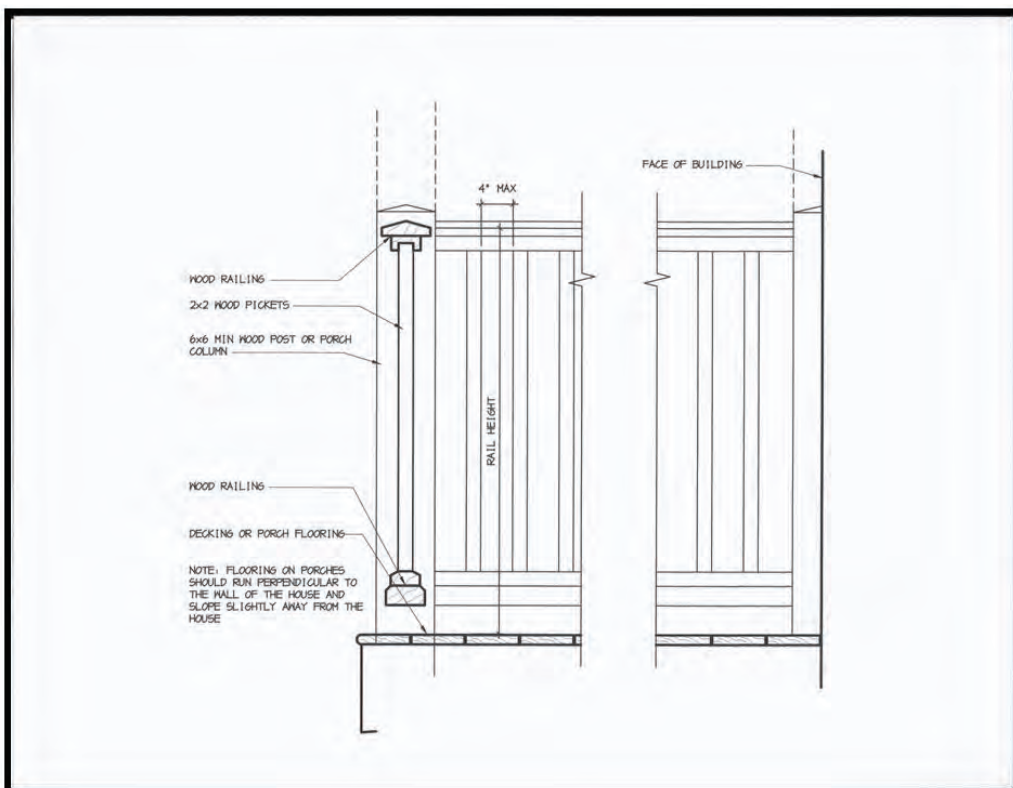
- A. should be preserved and maintained. If repair is required, use materials to match the original in dimensions, scale and detailing.
- B. often deteriorate first at the bottom next to the porch floor. If this is the case, consider sawing off the deteriorated area and replacing this section rather than replacing the entire column.
- C. of aluminum, wrought iron, vinyl, or other modern materials are typically not appropriate for front porches. The use of composite or fiberglass Classical Order columns, matching both dimension profile and texture of traditional columns, may be considered.
- D. on front porches should be rebuilt in historic designs if the original columns and railings are missing. For Queen Anne and Folk Victorian styles of the turn of the century, milled porch columns are appropriate and are readily available from wholesale companies. These porch columns are generally 8' in height and have widths and depths of 4" to 6". For American Foursquare porches round, square, or tapered square wood columns or posts are best. Although generally not available at wholesale hardware stores, they can be ordered from milling companies. These columns should fit the porch height and, if round, have diameters of no less than 6" and no more than 14". Square posts or tapered square posts should be a minimum of 8" and a maximum of 14" in depth and width.
- E. on front porches may require new newel posts. Porch newel posts in historic designs are readily available and are generally 4' high and measure 4" in width and depth. The "ball top" newel post is best for Queen Anne or Folk Victorian porches. The "V-Groove" post is acceptable for Queen Anne, Folk Victorian, and American Foursquare dwellings.
- F. on front porches may require new balusters for the railing. Porch balusters (also called spindles) are readily available in historic designs from wholesale hardware stores. Milled spindles measuring 3' high and 2" in diameter are best for Queen Anne and Folk Victorian dwellings. Balusters or spindles which are smaller than 2" in diameter are not appropriate for exterior porches. Square balusters which are 3' high and 2" to 3" in width and depth are best for American Foursquare and Colonial Revival dwellings.



Wood milled porch columns and railings help define this building's style (518 Washington Street).



This milled column and railing are essential to this property's character (317 Cabell Street).



Typical Rail Detail

6. DECKS

POLICY:

Porches are preferred to decks but decks are acceptable at the rear facades of buildings. Decks on the sides of buildings are also acceptable if they are not readily visible from the street.

Decks:

- A. should be located at the rear of buildings. If built on the side of a building the deck should be screened from street view with fencing and/or appropriate native evergreen plants and shrubs. Elevated decks and decks on houses on corner lots present challenges that must be addressed on an individual basis.
- B. should be stained or painted to match or blend with the colors of the building.
- C. should be simple rather than ornate in design. If visible from the street, it is recommended that wood decks have square wood balusters set no more than three inches apart. Balusters should be no more than 2" in width and depth.



Decks at the rear of dwellings are acceptable as long as they are not readily visible from the street.

21. SIDING

POLICY:

Exterior siding materials such as weatherboard, clapboard, shingles and board and batten cladding are essential components defining a building's architectural character. The concealment of original siding with vinyl, aluminum, or other synthetic sidings will not be approved. These siding materials do not successfully imitate the original siding dimensions or texture and there are potential structural problems inherent in the use of these materials on historic buildings. These materials may also not be cost effective compared to continued maintenance and painting of the original siding.

Siding:

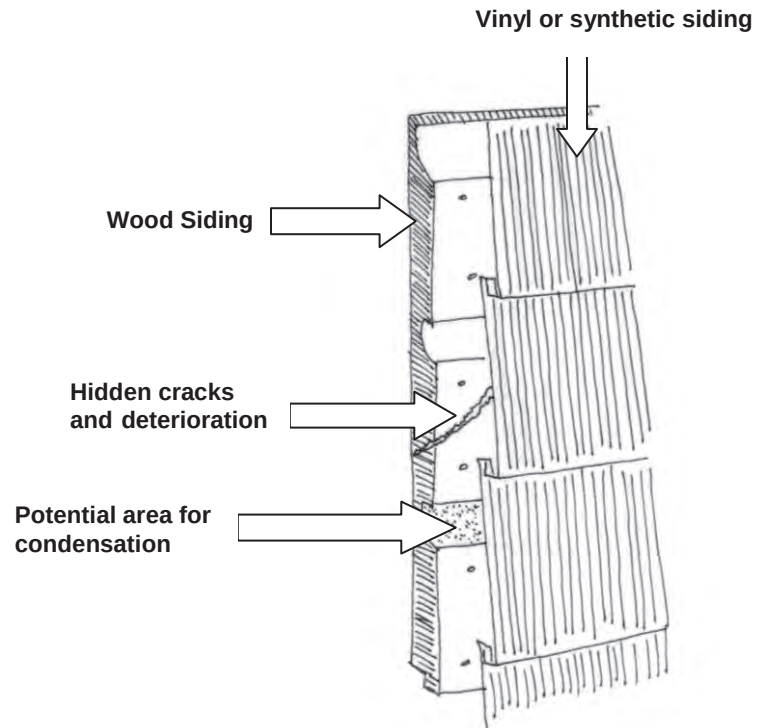
- A. of wood, stucco, concrete block, and brick exteriors original to a building should be repaired. Original siding materials should be replaced only where necessary.
- B. of shingles original to the building should be repaired rather than replaced. If replacement is necessary due to deterioration, the new shingles should match the original in size, placement, and design.
- C. of wood on front and side elevations facing or visible from a street which is deteriorated should be repaired or replaced with wood siding to match the original. Synthetic or substitute materials which effectively replicate the texture and appearance of wood (i.e. fiber-cement (hardiplank) will be considered for siding replacement of horizontal/clapboard siding for rear or side elevations.
- D. previously added to a historic building such as aluminum, asbestos, and vinyl are not compatible materials and their removal and the restoration of the original wood siding is highly encouraged.
- E. of synthetic or substitute materials such as vinyl or aluminum over original wood siding is not appropriate and their use will not be approved except to repair existing in-kind siding or on nonconforming structures. .



Siding materials such as wood shingles and weatherboard should be preserved and maintained (1407 Harrison Street).



Original siding should be repaired and repainted as necessary (503 Washington Street).



Wood deterioration can be accelerated by the application of synthetic sidings.



Exterior materials such as stucco should be repaired as needed and preserved (2312 Rivermont Avenue).



Original wood siding at 1000 Harrison Street.



Concrete block in rock-faced and ashlar finishes was also used in Lynchburg's historic districts in the early 20th century (2450 Rivermont Avenue).

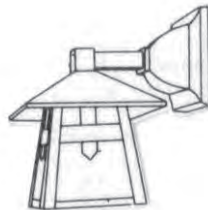
12. LIGHTING

POLICY:

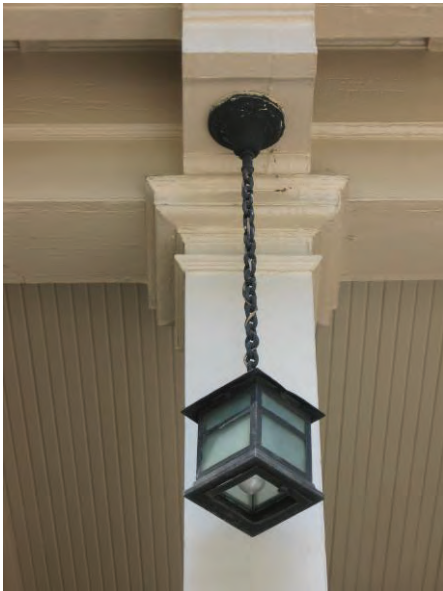
Many early 20th century dwellings retain original exterior light fixtures at the porch ceiling or adjacent to the main entrance. Distinctive tinted globes and the "box" shaped fixtures for Colonial Revival and Tudor Revival dwellings are part of a building's character and should be preserved and maintained. If original light fixtures are missing, light fixtures with simple designs and detailing are preferred to large, ornate colonial or "Williamsburg" style fixtures. Many companies now provide light fixtures based upon historic designs and the addition of these types of period fixtures is appropriate and encouraged.

Lighting:

- A. fixtures original to the building should be preserved and maintained.
- B. fixtures introduced to the exterior of a structure should be consistent with the style and scale of the structure, and mounted on porch ceilings or adjacent to entrances.
- C. for security, such as flood lights, should be mounted on rear or sides of buildings rather than on the front. Floodlights mounted in the front yard to illuminate the front of the house are acceptable.
- D. for sidewalks and front yards should be of small footlights rather than post-mounted fixtures.



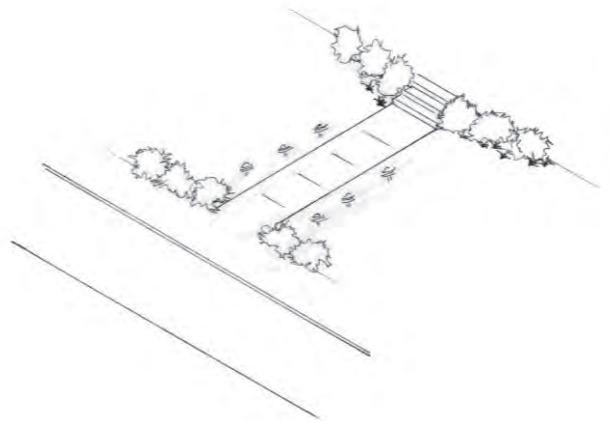
Preserve and maintain historic light fixtures



Preserve and maintain original light fixtures (2132 Rivermont).



Appropriate footlights for walkways.



Footlights are appropriate for walkways



Appropriate porch ceiling light fixtures.



Certificate of Appropriateness (COA)

Community Development Historic Preservation

Submitted On:

Jun 6, 2023, 02:08PM EDT

Email	
Property Address (only street address required)	Street Address: 713 Pearl St City: Lynchburg State: VA Zip: 24504
Parcel ID Number (found at this link: https://etrakit.lyncburgva.gov/Search/parcel.aspx)	
Choose a District	Diamond Hill
Property Owner Name	Upkeep Homes
Property Owner Address	Street Address: 111 Gables Pl City: Moyock State: NC Zip: 27958
Property Owner Phone	
Property Owner Email	
I understand that submission of this application authorizes the entry onto the property by the Historic Preservation Commission, City Staff and City Council during the normal discharge of their duties in regard to this application.	Yes
The applicant is the:	Owner
Petitioner Name	Stephen Milacci
Petitioner Address	
Petitioner Phone	
Petitioner Email	
Signature Data	First Name: Stephen Last Name: Milacci Email Address:



Signed at: June 6, 2023 2:04pm America/New_York

Representative Name	
Firm Name	
Address	
Phone	
Email	
Who should we email the COA to?	Property Owner
Please give a detailed description and justification for the alteration, demolition or new construction: (this form must be accompanied by the necessary drawings, material samples, photographs, plans and other materials appropriate to the request. Failure to provide supporting documentation will result in the request not being scheduled for review by the HPC)	The original windows were all rotted and decaying. We tried repairing windows but they were rotted out. requesting permission to replace with new windows and wrap in aluminum. Additionally, porch was rotted and replaced with wood in like kind. Front door was destroyed beyond repair and replaced with period style solid wood door.
Nature of Request (check all that apply)	Exterior Alteration
Indicate what supporting documentation is being provided:	Photographs
Will there be a problem completing the work within twenty-four (24) months?	No
If yes, please explain why work cannot be completed in twenty-four (24) months.	

AGENDA ITEM SUMMARY

MEETING DATE

September 26, 2023

PRESENTED BY

Rachel Frischeisen, Senior Planner

AGENDA ITEM # IV.5

Conditional Use Permit (CUP) – Towns at Misty Mountain (townhomes) – 532 and 536 Leesville Road

RECOMMENDATION

This item will appear for City Council vote on the October 10, 2023 Public Hearing agenda. Approval of the CUP to allow the construction of forty-four (44) townhomes in a R-3, Medium Density Residential District at 532 and 536 Leesville Road.

SUMMARY

Sundance Design & Build, LLC is petitioning for a CUP at 532 and 536 Leesville Road to allow the construction of forty-four (44) townhomes in a R-3, Medium Density Residential District. Townhome developments are permitted in this zoning district upon approval of a CUP from City Council.

The Comprehensive Plan 2013-2030 Future Land Use Map (FLUM) recommends a Medium Density Residential use for the area. These areas are characterized by small-lot single-household detached housing, duplexes, and townhouses at densities up to twelve (12) units per acre. The project would also contain sixteen (16) duplex units which are permitted by-right for a total of sixty (60) units, which is below the density recommended by the Future Land Use Map (FLUM).

PRIOR ACTION(S)

September 13, 2023: The Planning Commission recommended approval (7-0) of the CUP petition.

September 13, 2013: The Planning Division recommended approval of the petition.

FISCAL IMPACT

N/A

CONTACT(S)

Rachel Frischeisen, Senior Planner
Tom Martin, City Planner

ATTACHMENT(S)

1. Townhomes Rendering
2. Trip Generation Report
3. Planning Commission Minutes, Report, and Attachments

REVIEWED BY



Kent White, Director of Community Development

Date: September 20, 2023



Mercedes Braun, Executive Assistant to the City Manager

Date: September 21, 2023



Wynter C. Benda, City Manager

Date: September 21, 2023



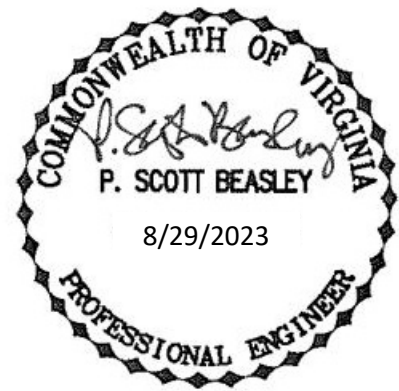
Alicia Finney, Clerk of Council

Date: September 21, 2023



Rendering – Proposed Townhomes (Towns at Misty Mountain - 532 & 536 Leesville Road)

Project: Towns at Misty Mountain
 Location: Misty Mountain Road, Lynchburg, VA



TRAFFIC NARRATIVE

Purpose

The purpose of this narrative is to summarize the trip generation characteristics of the above-referenced residential development, Towns at Misty Mountain.

The development will be constructed between Misty Mountain Road and Leesville Road in Lynchburg, Virginia, and will consist of forty-four (44) townhouse units and sixteen (16) duplex units.

Trip Generation

The ITE Trip Generation Manual, 11th Edition, was used to generate trips for the new development, which consists of sixteen (16) duplex units (Land Use #215 Single-Family Attached) and forty-four (44) townhomes (Land Use #220 Multifamily Housing, Low-Rise). A total of 60 dwelling units will be constructed. See Table 1 below for a summary of the trip generation characteristics.

Table 1. Trip Generation

Period	Rate or Equation	Total Trip Ends	Entering		Exiting	
			%	Trips	%	Trips
Duplex Units (Land Use #215, Single-Family Attached), 16 Dwelling Units						
Weekday	$T = 7.62(X) - 50.48$	71	50	36	50	35
AM Peak Hour of Adjacent Street Traffic	$T = 0.52(X) - 5.70$	3	25	1	75	2
PM Peak Hour of Adjacent Street Traffic	$T = 0.60(X) - 3.93$	6	59	4	41	2
Townhouse Units (Land Use #220, Multifamily, Low-Rise), 44 Dwelling Units						
Weekday	$T = 6.41(X) + 75.31$	357	50	179	50	178
AM Peak Hour of Adjacent Street Traffic	$T = 0.52(X) - 5.70$	36	24	9	76	27
PM Peak Hour of Adjacent Street Traffic	$T = 0.60(X) - 3.93$	39	63	25	37	14

Source: ITE Trip Generation Manual, 11th Edition

X = Dwelling Units, T = Trip Ends

The development generates 428 trips per day.

Single-Family Attached Housing (215)

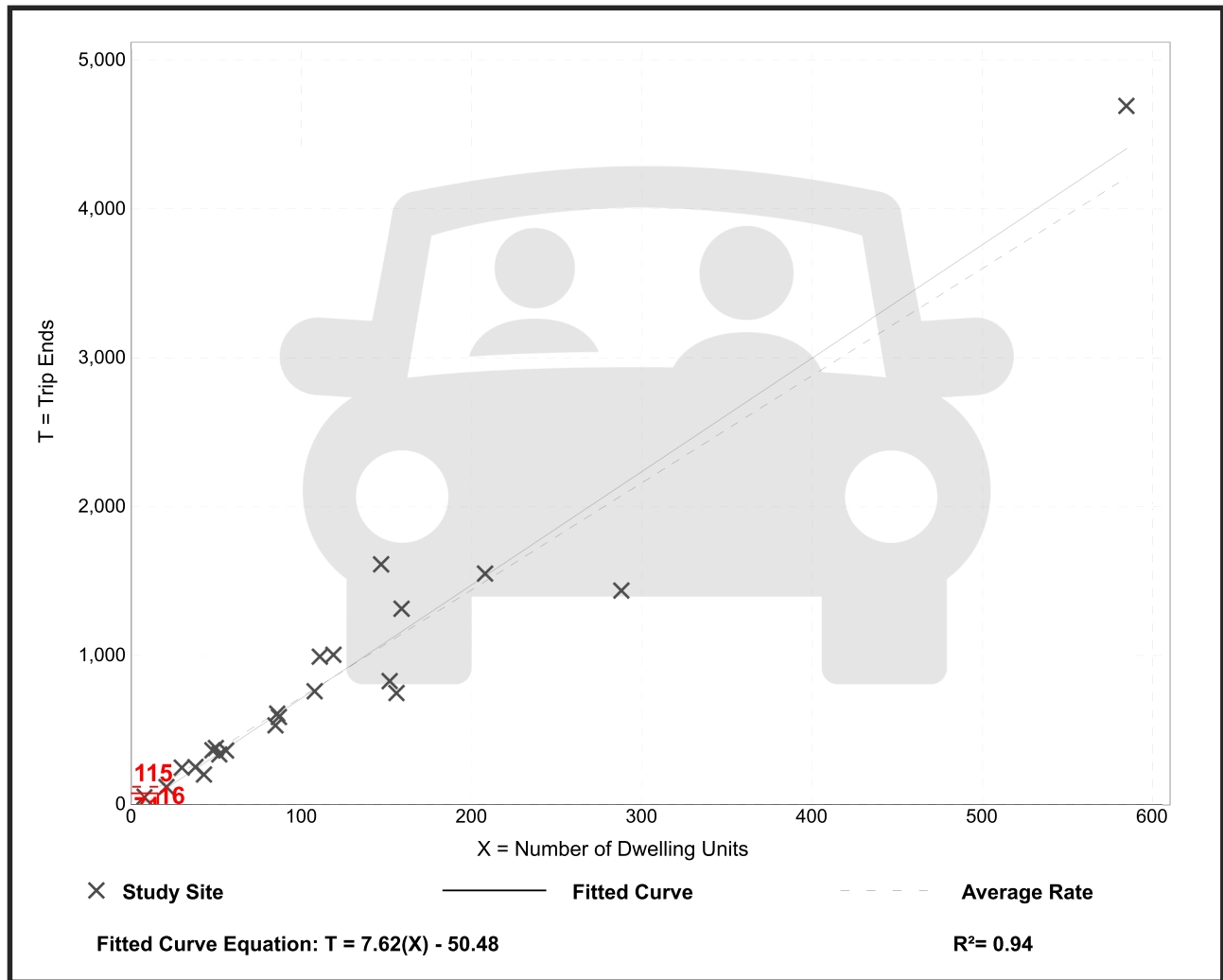
Vehicle Trip Ends vs: Dwelling Units
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 22
Avg. Num. of Dwelling Units: 120
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
7.20	4.70 - 10.97	1.61

Data Plot and Equation



Single-Family Attached Housing (215)

Vehicle Trip Ends vs: Dwelling Units

On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.

Setting/Location: General Urban/Suburban

Number of Studies: 46

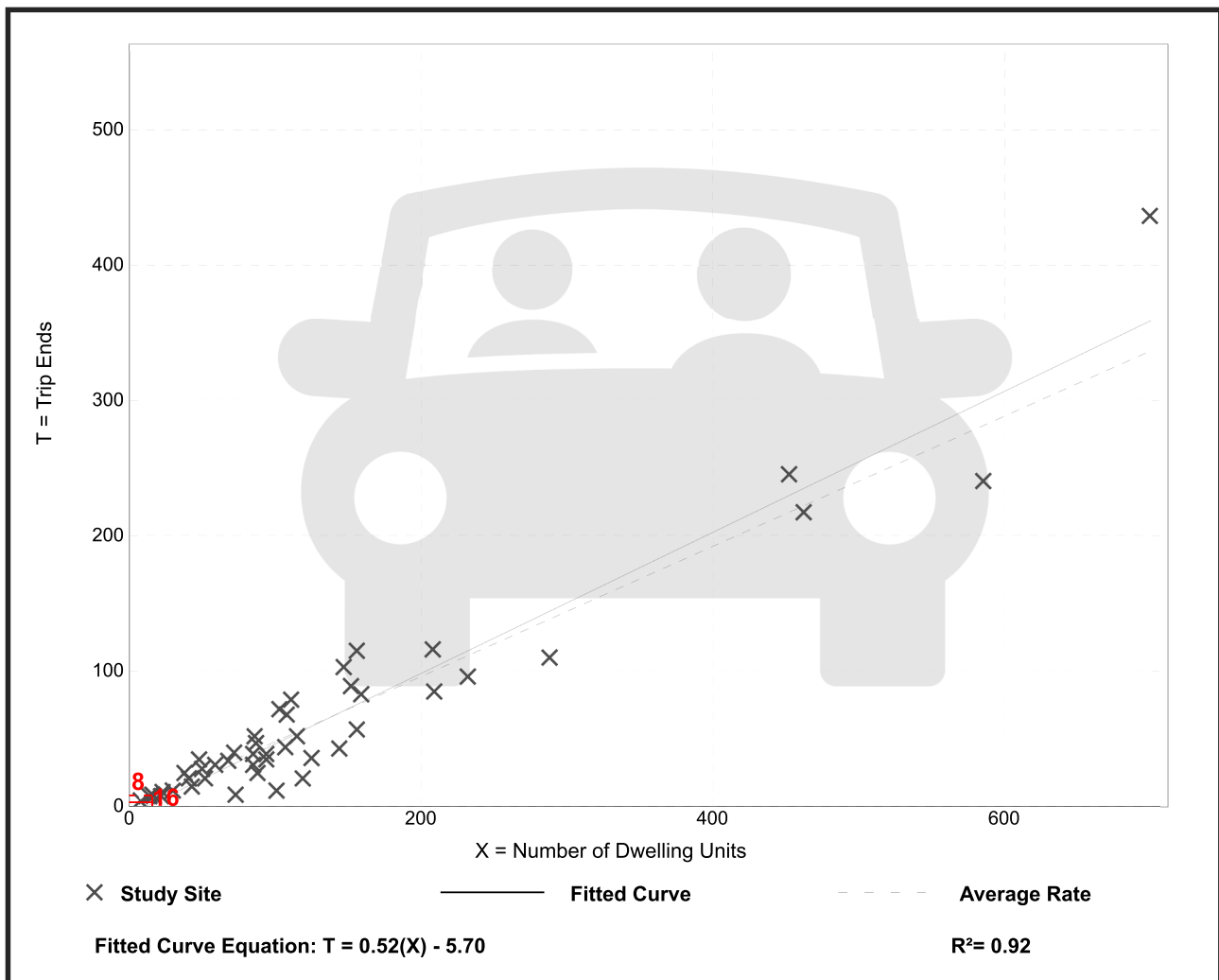
Avg. Num. of Dwelling Units: 135

Directional Distribution: 25% entering, 75% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.48	0.12 - 0.74	0.14

Data Plot and Equation



Single-Family Attached Housing (215)

Vehicle Trip Ends vs: Dwelling Units

On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 51

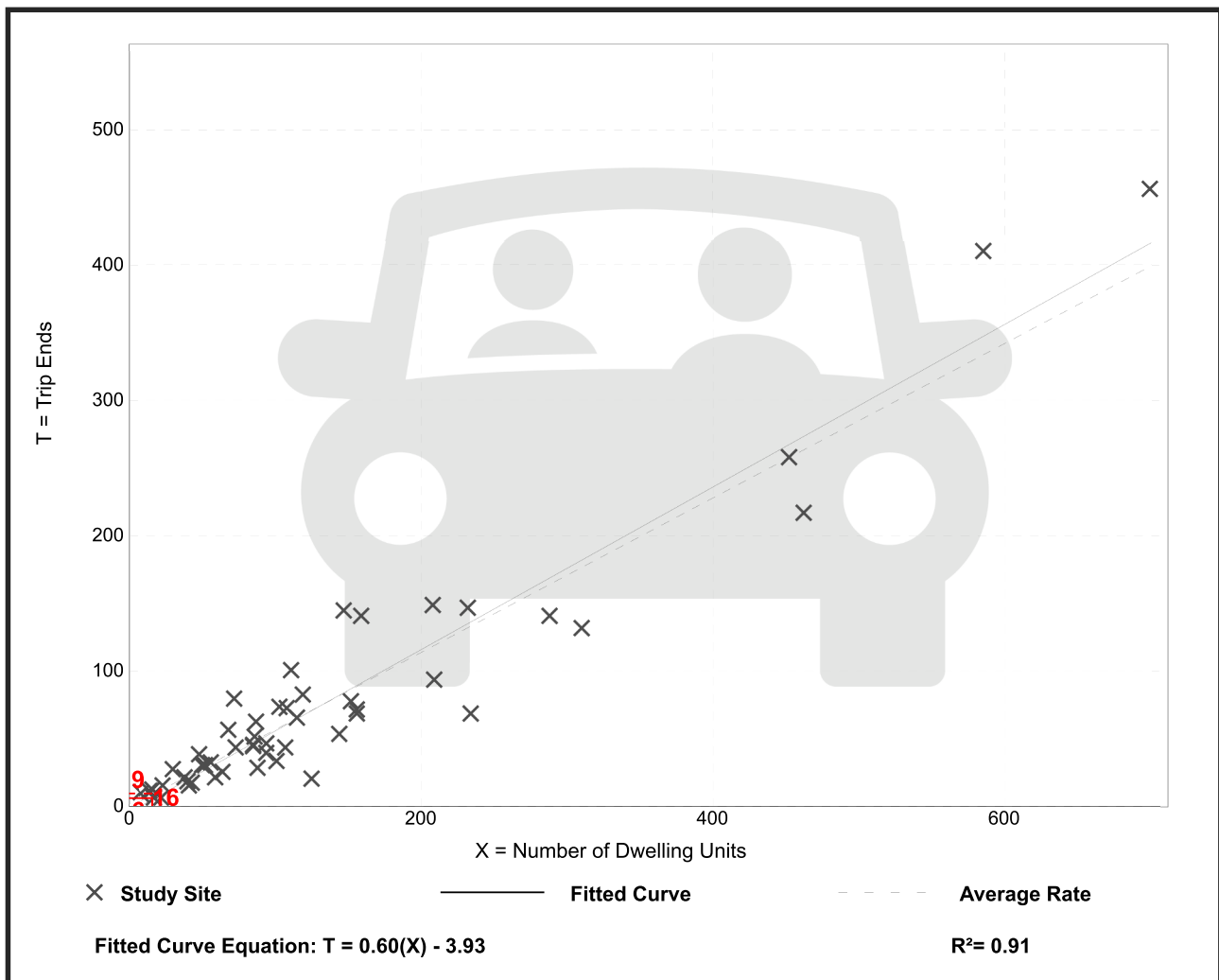
Avg. Num. of Dwelling Units: 136

Directional Distribution: 59% entering, 41% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.57	0.17 - 1.25	0.18

Data Plot and Equation



Multifamily Housing (Low-Rise) Not Close to Rail Transit (220)

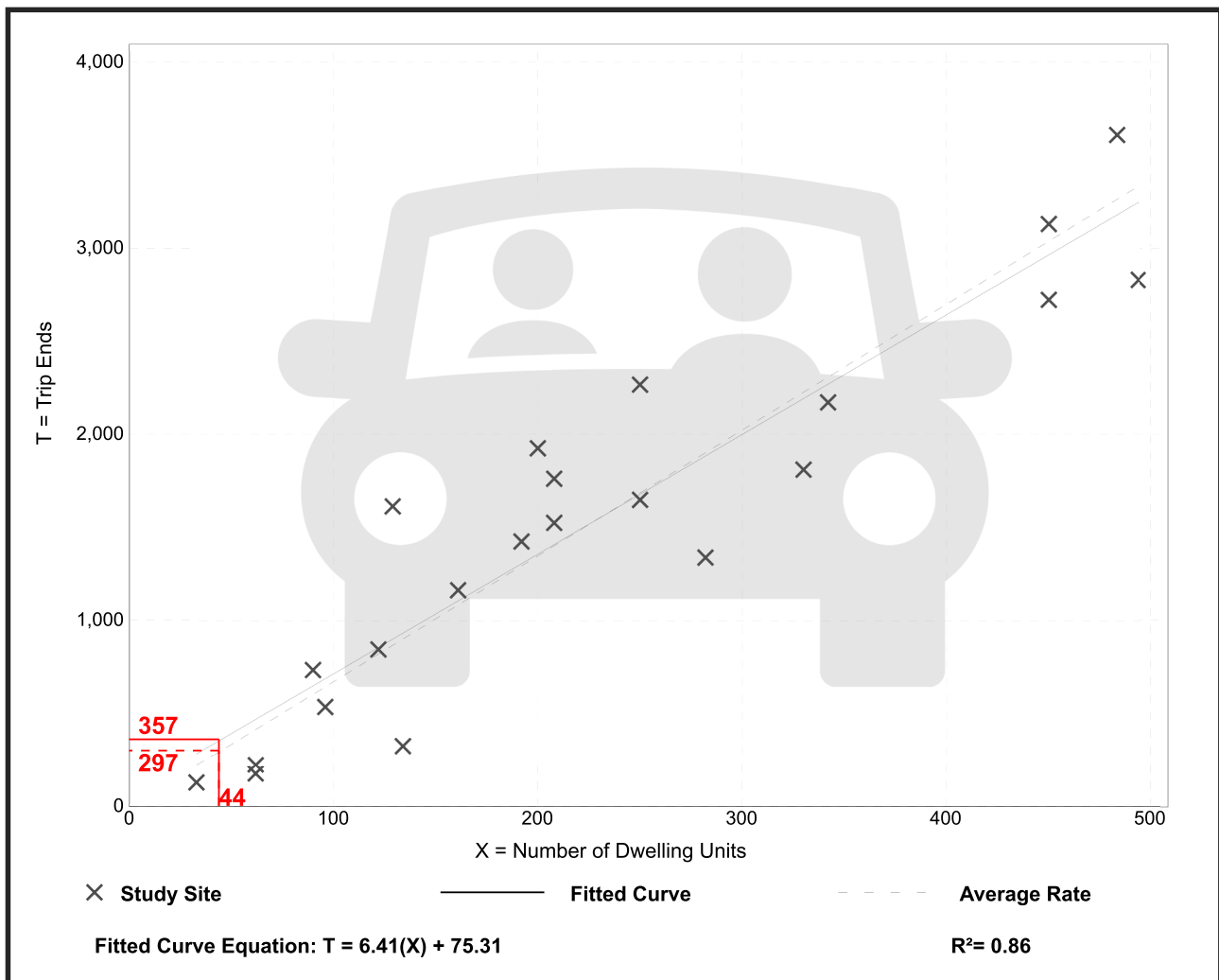
Vehicle Trip Ends vs: Dwelling Units
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 22
Avg. Num. of Dwelling Units: 229
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
6.74	2.46 - 12.50	1.79

Data Plot and Equation



Multifamily Housing (Low-Rise) Not Close to Rail Transit (220)

Vehicle Trip Ends vs: Dwelling Units

On a: Weekday,

Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.

Setting/Location: General Urban/Suburban

Number of Studies: 49

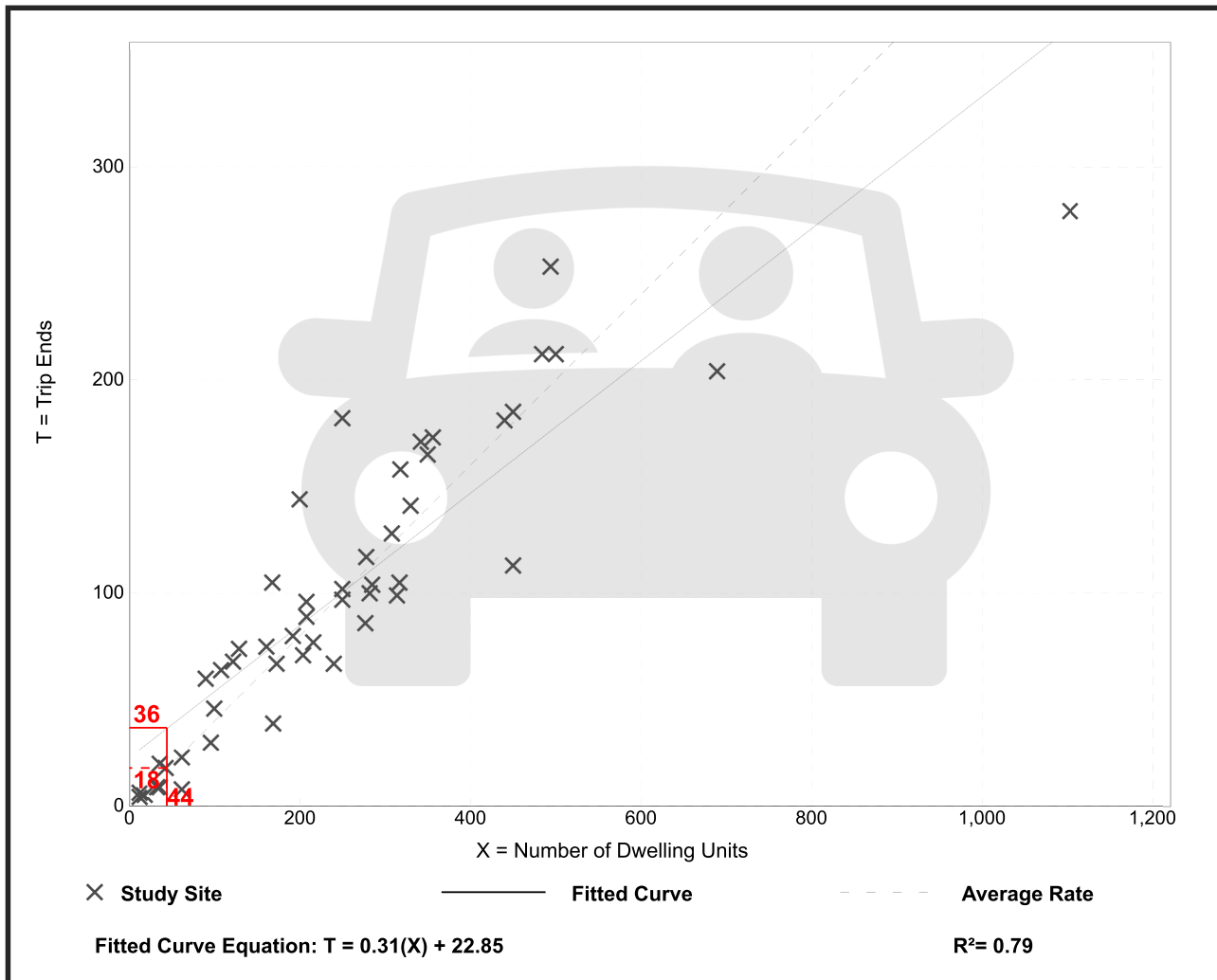
Avg. Num. of Dwelling Units: 249

Directional Distribution: 24% entering, 76% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.40	0.13 - 0.73	0.12

Data Plot and Equation



Multifamily Housing (Low-Rise) Not Close to Rail Transit (220)

Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 59

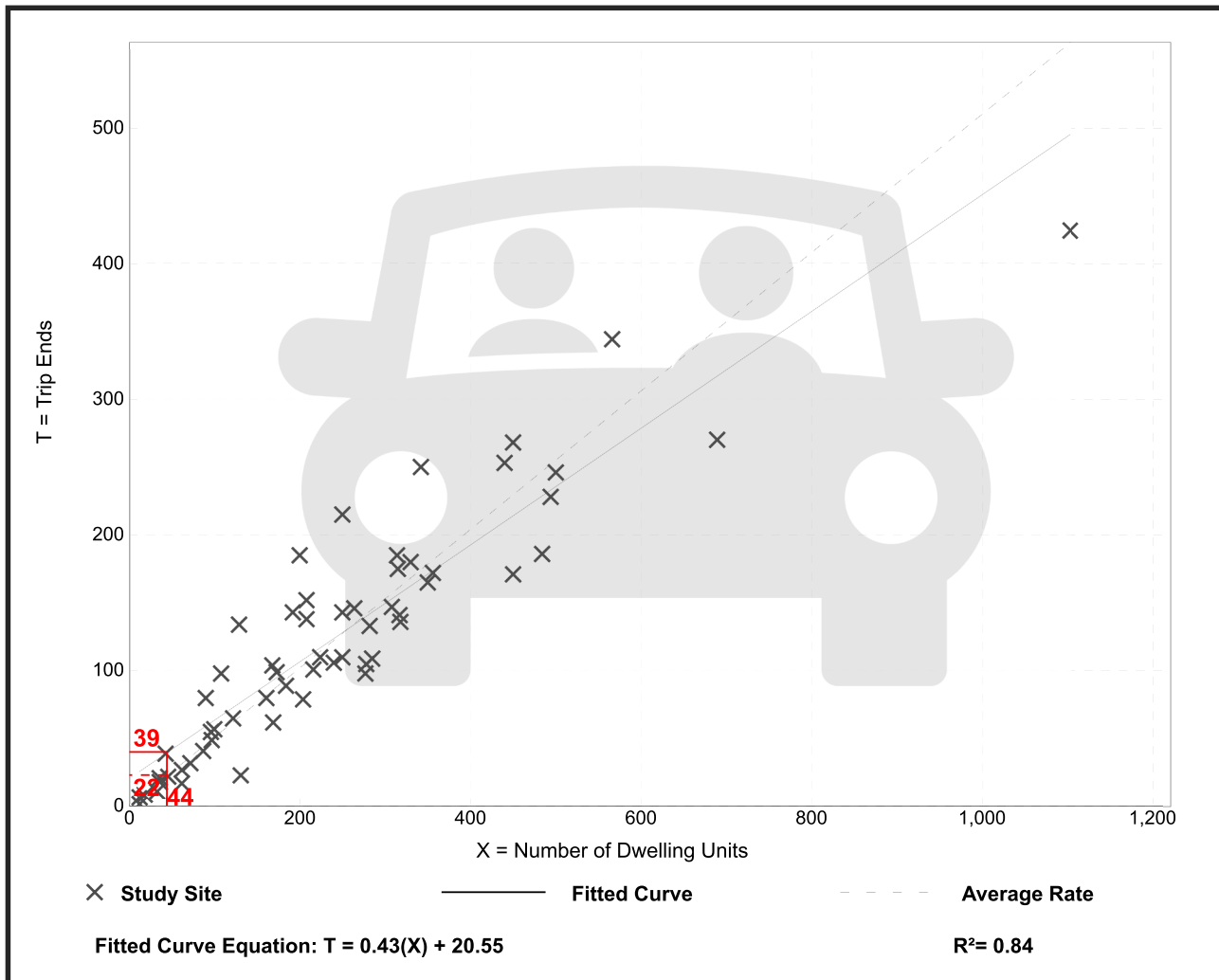
Avg. Num. of Dwelling Units: 241

Directional Distribution: 63% entering, 37% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.51	0.08 - 1.04	0.15

Data Plot and Equation



MINUTES OF THE SEPTEMBER 13, 2023 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

Petition of Sundance Design & Build, LLC for a Conditional Use Permit in an R-3, Medium Density Residential district to allow the construction of forty-four (44) townhomes at 532 & 536 Leesville Road.

Ms. Rachel Frischeisen, Senior Planner, provided the following summary to the Commission. The subject property is located at 532 & 536 Leesville Road and contains approximately five and eight hundred seventy-five thousandths (5.875) acres. The purpose of the petition is to allow the construction of forty-four (44) townhomes in an R-3, Medium Density Residential District. The city's Future Land Use Map (FLUM) recommends a Medium Density Residential use for the subject properties. These areas are characterized by small-lot single family detached housing, duplexes, and townhouses at densities up to twelve (12) units per acre. Where neighborhoods already exist, infill development should be at a compatible density and housing type. The property is zoned R-3, Medium Density Residential District. Townhomes are allowed in this district upon approval of a CUP by City Council. The purpose of the petition is to allow the construction of forty-four (44) townhouses with associated parking. As part of the overall development an additional eight (8) duplexes fronting Leesville Road and Misty Mountain Road would also be constructed. The duplex units are permitted by-right in the R-3, Medium Density Residential District and do not require City Council approval. The property contains a mixture of residential structures and outbuildings and was annexed into the City in 1976. The property is surrounded by apartments and an institutional use (Beulah Baptist Church) to the north, by townhomes to the south, to the east (across Leesville Road) by single household residences and vacant land, and to the west (across Misty Mountain Road) by apartments. In summary, the property located at 532 & 536 Leesville Road is recommended for Medium Density Residential uses at up to twelve (12) units per acre. The project would contain sixteen (16) duplex units which are permitted and the CUP proposes the construction of forty-four (44) townhome units. The total development would contain sixty (60) units which is below the density recommended by the Future Land Use Map (FLUM). It is also currently zoned R-3, Medium Density Residential which permits townhomes upon approval of a CUP by City Council. It is also surrounded by apartments on two sides, and townhomes on another side and should fit well into the area. The TRC reviewed the concept plan on August 22, 2023. Comments have or will be addressed prior to site plan approval. The Planning Division recommends approval of the CUP petition.

Chair Johnson asked if anyone was present to speak on behalf of the petition.

Bryce Harker of Sundance Design & Build was present to represent the petition. He stated that they are petitioning for a CUP for the central section of development to be able to increase the total units allowed for this area by twelve (12). While they do not know if it would be completely owner occupied, they believe that with a CUP it would increase the possibilities of that occurring. The surrounding properties that had received a CUP previously were doing very well. The total traffic is estimated to be four hundred thirty-two (432) trips a day. If the trips are split between Leesville Road and Misty Mountain Road, it would be only one hundred eight (108) out and one hundred eight (108) in on both access points. This property already had an electrical upgrade and has water and sewage lines. Flood water would be contained on site. The development is consistent with the FLUM, consistent with other developments, is a reasonable density, and is in a good place in regard to other commercial and high density areas that surround it.

Chair Johnson asked if there was anyone present to speak in favor of this petition.

Chair Johnson asked if there was anyone present to speak in opposition of this petition.

Chair Johnson closed the public hearing.

Commissioner Marion stated that she was happy to see that the apartment complex would be

connected to both Leesville Road and Misty Mountain Road and asked if any of the other apartment complexes in the area had connectivity to both roads.

Ms. Frischeisen noted that several of the other developments do not connect to both roads.

Mr. Harker stated that Heritage Pointe has connectivity but access to Misty Mountain Road is currently blocked.

Commissioner Gammon asked if there was a plan to incorporate a Homeowners Association (HOA).

Mr. Harker stated that there will be an HOA.

Commissioner Gammon asked how many units will be sold.

Mr. Harker stated that the plan is to sell all units.

Commissioner Gammon stated that he does not want a similar situation as Graves Mill Road where a major apartment complex went in. He suggested having a requirement that the majority of units must be sold.

Commissioners Rogers agreed with the concept of Commissioner Gammon's suggestion. He added that there are properties that were marked as being affordable homes but were bought out by someone not in Lynchburg and are now being used as Airbnb properties. He asked if the CUP would stay with the property if it were to be sold to a different developer.

Ms. Frischeisen replied that there is no way of knowing if individual owners will rent the units out even if they are sold as individual units.

Commissioner Gammon stated that it would be better if each unit had an owner. Even if they were rented out at that point, it would be harder for the neighborhood to decline, especially with an HOA and the pressure of the other home owners compared to a large corporation buying up the entire block. He then asked if the CUP followed the land and suggested a condition to keep it from being sold and developed differently than what is presented.

Ms. Frischeisen stated that the CUP is good for two (2) years with the land but expires after that.

The commissioners discussed among themselves what options might be available to make sure that the CUP does not deviate from what is presented.

Ms. Frischeisen stated that it can be difficult to enforce certain conditions and suggested speaking with the City attorney about what options may be available.

Commissioner Gammon asked Mr. Harker if he is going to develop the property and sell it.

Mr. Harker stated that the Commission can look at their past investments and developments. They have a track record of developing properties.

Commissioner Bowden stated that the HOA regulations will protect the property.

Commissioner Gammon suggested that the HOA votes could be weighted to help with this as well.

Commissioner Johnson asked about the traffic study and the results.

Ms. Frischeisen stated that four hundred twenty-eight (428) trips a day do not meet the threshold for a traffic study, which is five hundred (500) trips.

Commissioner Johnson stated that it is already zoned for that style of development, which differs from the Graves Mill development.

Commissioner Gammon replied that the CUP is to create conformity and that because the developer is planning on selling the units, the petition makes sense.

Commissioner Rogers stated that he also appreciates the connectivity to two roads and that he thinks it is a good plan.

Commissioner Perault asked about the density of R-3.

Ms. Frischeisen said the limit is 10.89 units per acre, or 63.9 total units.

Commissioner Marion stated that vehicles can only take a right turn on Misty Mountain Road.

Commissioner Rogers asked if the parking requirements for townhomes are one (1) per unit.

Ms. Frischeisen said that it is just one (1) per unit and states that there are forty-four (44) units and ninety-three (93) spaces planned.

Commissioner Perault expressed concerns about traffic on Timberlake Road and is also concerned that the FLUM is used to support items but not to oppose changes.

Ms. Frischeisen responded that if the FLUM does not support the project, it is up to the petitioners to justify amending it, then up to Planning Commission to recommend whether there should be a change, and for City Council to approve it.

Commissioner Johnson stated that she agreed with the Leesville Traffic situation and has heard the public believes it is bad as well. She is concerned that a traffic study has not been done.

Commissioner Gammon stated that rental units in the Timberlake area lead to worse traffic and greater crime. He believes this project is different though as the developer has said he plans to sell the units individually, which would lead to greater home ownership and more owner-occupiers fighting for better roads and helping to reduce crime.

Mr. Harker responded that the traffic is going to increase either way as units can be built by-right but the increase they are asking for would have a minimal impact on traffic.

Commissioner Johnson asked who determined the five hundred (500) car trip threshold and if the threshold ever changes.

Ms. Frischeisen stated that it is the Traffic Engineering Division that determines the number of trips and reiterated that a similar number of single-family or duplex units can be built by-right without a public hearing.

Commissioner Bowden asked Mr. Harker what the prices of the units would be.

Mr. Harker said he is expecting the duplexes to be priced between \$275,000-\$300,000 per side, and for a town house to be within the price range of \$280,000-\$310,000.

Commissioner Gammon asked about the designs.

Mr. Harker said that he did not have any with him but they will have brick and vinyl, similar to another nearby development.

Commissioner Johnson asked about the number of rooms.

Mr. Harker stated that they will be three (3) bedroom/ two (2) baths.

Commissioner Perault asked Commissioner Gammon if he would be opposed to the petition if it were R-4.

Commissioner Gammon said if it were going to R-4 and wasn't a CUP he would be very much against it.

Commissioner Perault said that was a good distinction to make.

Commissioner Gammon showed Mr. Harker photos of a different apartment complex and they discussed the similarities.

Ms. Frischeisen showed images of apartments similar to what is being planned.

Commissioner Rogers talked about misgivings of rental units but stated that this type of development was already zoned for this type of use.

Commissioner Rogers made the following motion, seconded by Commissioner Bowden, and approved by the following vote:

"Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Sundance Design & Building, LLC to allow the construction of forty-four (44) townhomes at 532 & 536 Leesville Road subject to the following condition:

The property shall be developed in substantial compliance with the concept plan entitled Towns at Misty Mountain dated May 12, 2023 and received August 29, 2023."

AYES: Bowden, Gammon, Henderson, Johnson, Marion, Perault, Rogers	7
NOES:	0
ABSTENTIONS:	0
ABSENT:	0

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

To: Planning Commission
From: Planning Division
Date: September 13, 2023
Re: **Conditional Use Permit (CUP) – Towns at Misty Mountain – 532 & 536 Leesville Road**

I. PETITIONER

Sundance Design & Build, LLC, 828 Main Street, Lynchburg, Virginia 24504

Representative: Doyle Allen, Hurt & Proffitt, Inc., 2524 Langhorne Road, Lynchburg, Virginia 24501

II. LOCATION

The subject property is located at 532 & 536 Leesville Road and contains approximately five and eight hundred seventy-five thousandths (5.875) acres.

Property Owner: Sundance Design & Build, LLC, 828 Main Street, Suite 15 Lynchburg, Virginia 24504

III. PURPOSE

The purpose of the petition is to allow the construction of forty-four (44) townhomes in an R-3, Medium Density Residential District.

IV. SUMMARY

- The *Comprehensive Plan 2013-2030* recommends Medium Density Residential use for the area. Townhomes with densities of up to twelve (12) units per acre are appropriate in these areas.
- The property is zoned R-3, Medium Density Residential District. Townhomes are allowed in this 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 *Future Land Use Map (FLUM)* recommends a Medium Density Residential use for the subject properties. These areas are characterized by small-lot single family detached housing, duplexes, and townhouses at densities up to 12 units per acre. Where neighborhoods already exist, infill development should be at a compatible density and housing type. In addition to residential uses, they may include public and institutional uses compatible in scale with single family residential homes. Private recreation uses, including country clubs, swim and racquet clubs, and private open space are also appropriate. (*p. 72*)
2. **Zoning.** The subject property was annexed into the City in 1976. The existing R-3, Medium Density Residential District was established on May 22, 1979 by City Council as part of a Timberlake Road study.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances would be needed for the use of the property as proposed.

4. Surrounding Area. There have been several items requiring City Council approval in the immediate area:

- On May 22, 1979 City Council approved the Timberlake Road Land Use Study.
- On May 11, 1982, City Council approved the petition of Dave Wann, Agent for Ahoskie Theatres, Inc., to rezone 7306 Timberlake Road from R-3, Medium Density, Two-family Residential District to B-5, General Business District (Conditional) to allow a flea market.
- On June 28, 1983, City Council approved the CUP petition of Bethlehem Evangelical Lutheran Church to allow a child day care center at 7336 Timberlake Road.
- On February 14, 1984 through September 12, 2000, City Council approved CUP petitions to allow a temporary circus at 7306 Timberlake Road.
- On February 12, 1985, City Council approved the CUP petition of Memorial United Methodist Church to allow the construction of a sanctuary, education building and parking area at 594 Leesville Road.
- On August 9, 1988, City Council approved the CUP petition of E.F. Baldwin to allow the construction of townhouses at 542 Leesville Road.
- On February 14, 1989, City Council approved the Timberlake Road Corridor Study and established the Commercial Corridor Overlay District centered on Timberlake Road.
- On June 13, 1995, City Council approved the CUP petition of Bell Atlantic of Virginia to allow the construction of a parking and storage area at 553 Leesville Road.
- On October 10, 2000, City Council approved the CUP petition of Bell Atlantic of Virginia to allow the construction of a parking area at 555 Leesville Road.
- On September 22, 2004, City Council approved the CUP of Victory Christian Fellowship to allow the construction of a dwelling, pavilion and parking area at 615 Leesville Road.
- On March 14, 2006, City Council approved the CUP petition of LTD Properties, LLC to allow the construction of a 35-unit townhouse complex at 548 and 550 Leesville Road.
- On February 13, 2007, City Council approved the petition of Southeastern Site Acquisitions to rezone 7308 Timberlake Road from R-3, Medium Density Residential District to R-4C, High Density Residential District (Conditional) to allow the construction of one hundred forty-four (144) apartment units.
- On November 11, 2014 City Council approved the CUP petition of VIP, LLC to allow the construction of a 121-unit townhouse complex at 542, 552, 554, and 572 Leesville Road. (The CUP expired.)
- On September 8, 2015, City Council denied the petition of Lynchburg Renting, LLC to rezone 714 Leesville Road from R-1, Low Density, Single-Family Residential District to R-3C, Medium-Density, Two-Family Residential district and denied the petition for a CUP to allow the construction of a 68-unit townhouse complex.
- On January 12, 2016, City Council approved the CUP petition of VIP, LLC to allow the construction of a 108-unit townhouse complex at 542, 552, 554, and 572 Leesville Road. (This CUP was approved to replace the one that was issued on November 11, 2014 that later expired)
- On September 24, 2019, City Council approved the CUP petition of Lynchburg Renting, LLC, to allow the construction of an 87-unit townhouse complex at 710 and 714 Leesville Road and to rezone the property from R-1, Low Density Residential District to R-3C, Medium Density Residential District (Conditional). (The CUP expired.)
- On April 11, 2023, City Council approved the CUP petition of Lynchburg Renting, LLC, to allow the construction of an 87-unit townhouse complex at 710 and 714 Leesville Road. (This CUP was approved to replace the one that was issued on September 24, 2019 that later expired)

- 5. Site Description.** The subject property is located at 532 & 536 Leesville Road. The property is approximately five and eight hundred seventy-five thousandths (5.875) acres. The property contains a mixture of residential structures and outbuildings and was annexed into the City in 1976. The property slopes from Leesville Road towards Misty Mountain Road.

The property is bounded to the north by apartments and an institutional use (Beulah Baptist Church), to the south by townhomes, to the east (across Leesville Road) by single households and vacant land, and to the west (across Misty Mountain Road) by apartments.

Proposed Use of Property. The purpose of the petition is to allow the construction of forty-four (44) townhouses with associated parking. As part of the overall development an additional eight (8) duplexes fronting Leesville Road or Misty Mountain Road would also be constructed. The duplex units are permitted in the R-3, Medium Density Residential District and do not require City Council approval.

- 6. Traffic, Parking and Public Transit.** The City's Transportation Engineer provided comment that exceed five hundred (500) daily trips or fifty (50) peak hour trips will require a traffic study. The petitioner submitted trip generation figures that indicate the proposed development would not exceed the trip generation thresholds for a traffic study to be required.

The submitted concept plan indicates that a total of ninety-three (93) parking spaces would be constructed for the forty-four (44) proposed townhomes. This exceeds the Zoning Ordinance requirement of one (1) parking space per unit.

The proposed development is located on Greater Lynchburg Transit Company (GLTC) Route 7 with a bus stops approximately seven hundred (700) feet to the north and south.

- 7. Stormwater Management.** An Erosion & Sediment Control / Stormwater Plan will be required prior to plan approval. The submitted narrative indicates that stormwater will be addressed by using two (2) extended detention ponds and the purchase of nutrient credits.
- 8. Emergency Services.** The City's Fire Marshal and Police Department had no comments of concern regarding the proposed use.
- 9. Impact.** The property located at 532 & 536 Leesville Road is recommended for Medium Density Residential uses at up to twelve (12) units per acre. It is also currently zoned R-3, Medium Density Residential which permits townhomes upon approval of a CUP by City Council.

The project would contain sixteen (16) duplex units which are permitted and the CUP proposes the construction of forty-four (44) townhome units. The total development would contain sixty (60) units which is below that which is recommended by the *Future Land Use Map (FLUM)*.

The proposed development will be served by City water & sewer and is consistent with the *FLUM* / Zoning and other development in the area.

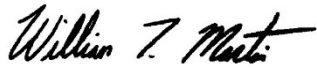
- 10. Technical Review Committee.** The TRC reviewed the concept plan on August 22, 2023. Comments have or will be addressed prior to site plan approval.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Sundance Design & Building, LLC to allow the construction of forty-four (44) townhomes at 532 & 536 Leesville Road subject to the following condition:

- 1. The property shall be developed in substantial compliance with the concept plan entitled Towns at Misty Mountain dated May 12, 2023 and received August 29, 2023.**

This matter is respectfully offered for your consideration.



William T. Martin, AICP

City Planner

pc: Wynter Benda, City Manager
 Greg Patrick, Deputy City Manager
 Kent White, Director of Community Development
 Matthew Freedman, City Attorney
 J. Lee Newland, City Engineer
 Cynthia Kozerow, Lynchburg Police Department
 Thomas Goode, Fire Marshal
 Doug Saunders, Building Official
 Kevin Henry, Zoning Administrator
 Sundance Design & Build, LLC, Property Owner
 Doyle Allen, Representative

VII. ATTACHMENTS

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

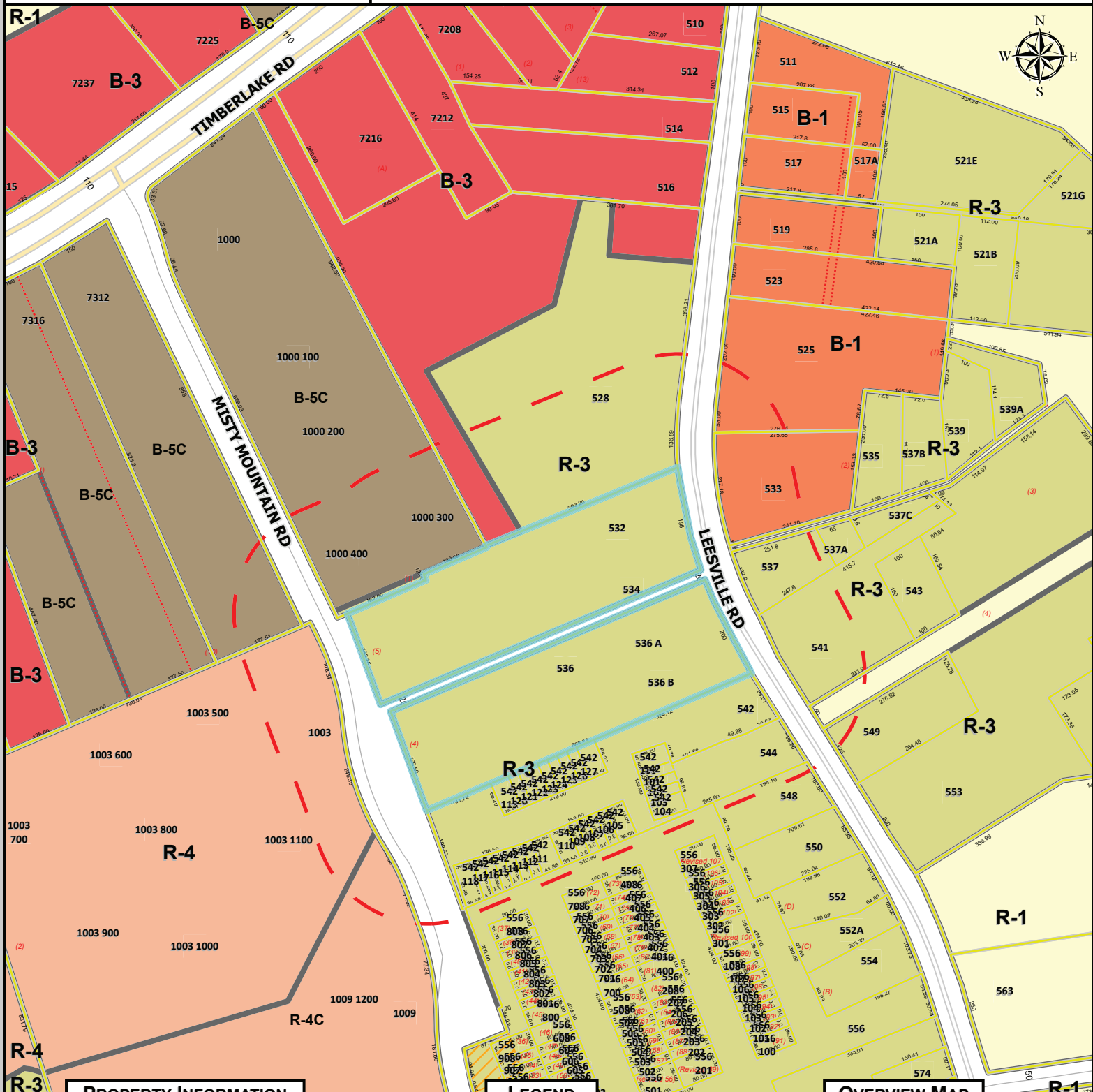
Zoning

536 LEESVILLE RD A

532 LEESVILLE RD

TRC

Sundance Design Build, LLC



PROPERTY INFORMATION

PARCEL ID

ADDRESS

24809010 536 LEESVILLE RD A 24809005

LEGEND

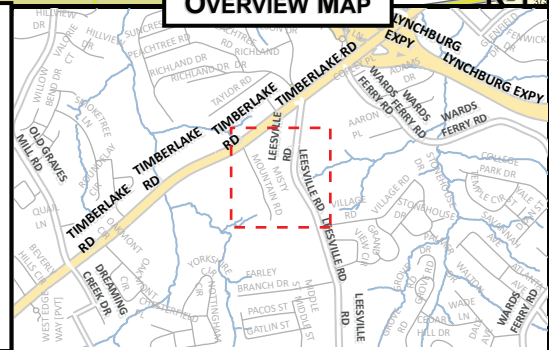
Subject Property

215 Foot Buffer

B-1	I-1	R-1
B-3	I-2	R-2
B-4	I-3	R-3
B-5	IN-1	R-4
B-5C	IN-2	
B-C		

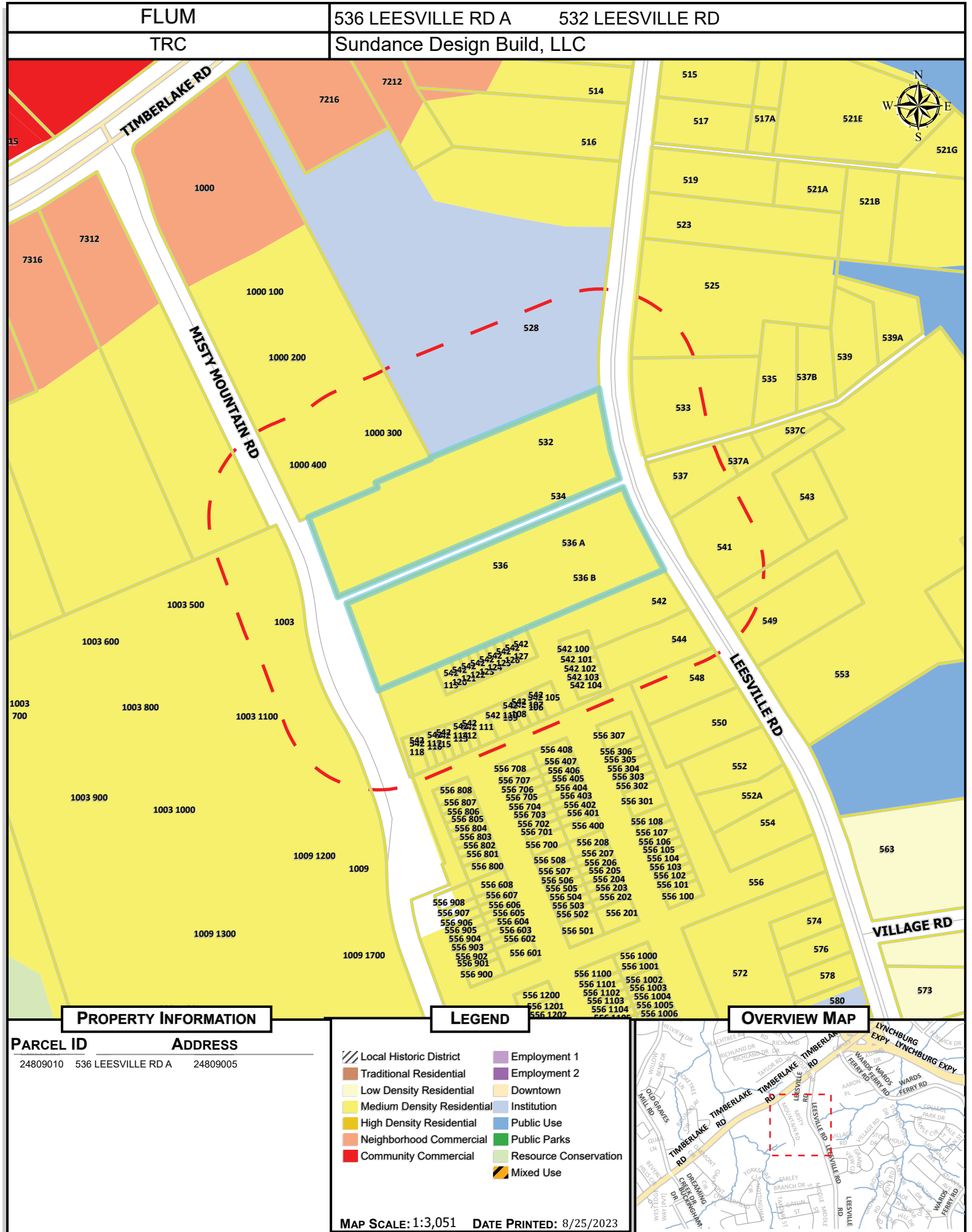
MAP SCALE: 1:3,051 DATE PRINTED: 8/25/2023

OVERVIEW MAP



532 & 536 Leesville Road Adjoining Owners

Parcel ID	Address	Owner
24807001	3101 WARDS FERRY RD	CITY OF LYNCHBURG
24808013	525 LEESVILLE RD	PERIODONTAL LAND PARTNERS
24808015	533 LEESVILLE RD	ANDERSON, RYAN
24808021	537 LEESVILLE RD	HALL, DEBORAH A & HALL, SAMUEL E
24808023	541 LEESVILLE RD	MADONIA, FAYE P LIFE ESTATE REMAINDERMAN: GREGORY S SANDIDGE
24808025	549 LEESVILLE RD	FORSCH, JAMI BURY
24808026	553 LEESVILLE RD	C & P TELEPHONE
24809004	528 LEESVILLE RD	BEULAH BAPTIST CHURCH
24809005	532 LEESVILLE RD	SUNDANCE DESIGN & BUILD LLC
24809010	536 LEESVILLE RD A	SUNDANCE DESIGN & BUILD LLC
24809018	544 LEESVILLE RD	VIAR, PAIGE ELISE A
24809019	548 LEESVILLE RD	JCJ HOLDINGS LLC
24811005	1000 MISTY MOUNTAIN RD	REA LYNCHBURG LLC
24811006	1003 MISTY MOUNTAIN RD	REA LYNCHBURG LLC
24811007	7312 TIMBERLAKE RD	GREAT OUTDOORS OF VIRGINIA INC
24813001	542 LEESVILLE RD 100	HUNT PROPERTIES LLC
24813002	542 LEESVILLE RD 101	HUNT PROPERTIES LLC
24813003	542 LEESVILLE RD 102	HUNT PROPERTIES LLC
24813004	542 LEESVILLE RD 103	HUNT PROPERTIES LLC
24813005	542 LEESVILLE RD 104	ABOID, JOSEPH D & THERESA S
24813006	542 LEESVILLE RD 105	KATHRYN ELLEN CARROLL FAMILY TRUST
24813007	542 LEESVILLE RD 106	HUNT PROPERTIES LLC
24813008	542 LEESVILLE RD 107	HUNT PROPERTIES LLC
24813009	542 LEESVILLE RD 108	NELSON, BRYCE & HANNAH
24813010	542 LEESVILLE RD 109	HUNT PROPERTIES LLC
24813011	542 LEESVILLE RD 110	HUNT PROPERTIES LLC
24813012	542 LEESVILLE RD 111	HUNT PROPERTIES LLC
24813013	542 LEESVILLE RD 112	HUNT PROPERTIES LLC
24813014	542 LEESVILLE RD 113	MCGEE, MATTHEW P
24813015	542 LEESVILLE RD 114	JENNINGS, MAXWELL R
24813016	542 LEESVILLE RD 115	WEATHERHOLTZ, JACOB R & MORGAN B
24813017	542 LEESVILLE RD 116	RUCKER, MARY
24813018	542 LEESVILLE RD 117	ANDERSON, EVA JANE
24813019	542 LEESVILLE RD 118	ROZELLE, KENDRICK L & MARYL C
24813020	542 LEESVILLE RD 119	KILIAN, JONATHAN M & NICHOLLE E
24813021	542 LEESVILLE RD 120	THOMPSON, JOHN H & ANNE M
24813022	542 LEESVILLE RD 121	KAPPLER, SAMUEL
24813023	542 LEESVILLE RD 122	MERCER, JOHN T
24813024	542 LEESVILLE RD 123	KENDRICK, ERIC A
24813025	542 LEESVILLE RD 124	AYERS, GEORGE R JR
24813026	542 LEESVILLE RD 125	KING, RUBY M
24813027	542 LEESVILLE RD 126	THOMAS, ANDREA LASHON
24813028	542 LEESVILLE RD 127	RICHARDS, WILLIAM SR
24813029	542 LEESVILLE RD	HERITAGE COURT TOWNHOMES HOMEOWNERS ASSOCIATION
25522002	556 LEESVILLE RD	HERITAGE COURT TOWNHOME OWNERS ASSOCIATION II LLC



Watershed

536 LEESVILLE RD A

532 LEESVILLE RD

TRC

Sundance Design Build, LLC



PROPERTY INFORMATION

PARCEL ID

ADDRESS

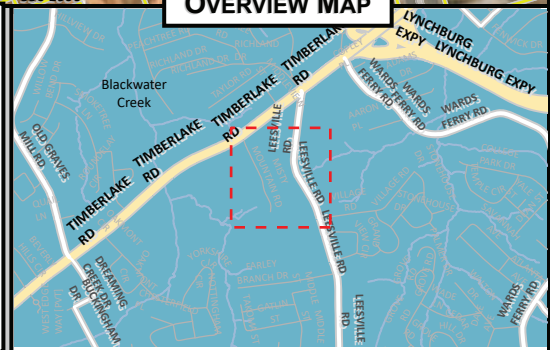
24809010 536 LEESVILLE RD A 24809005

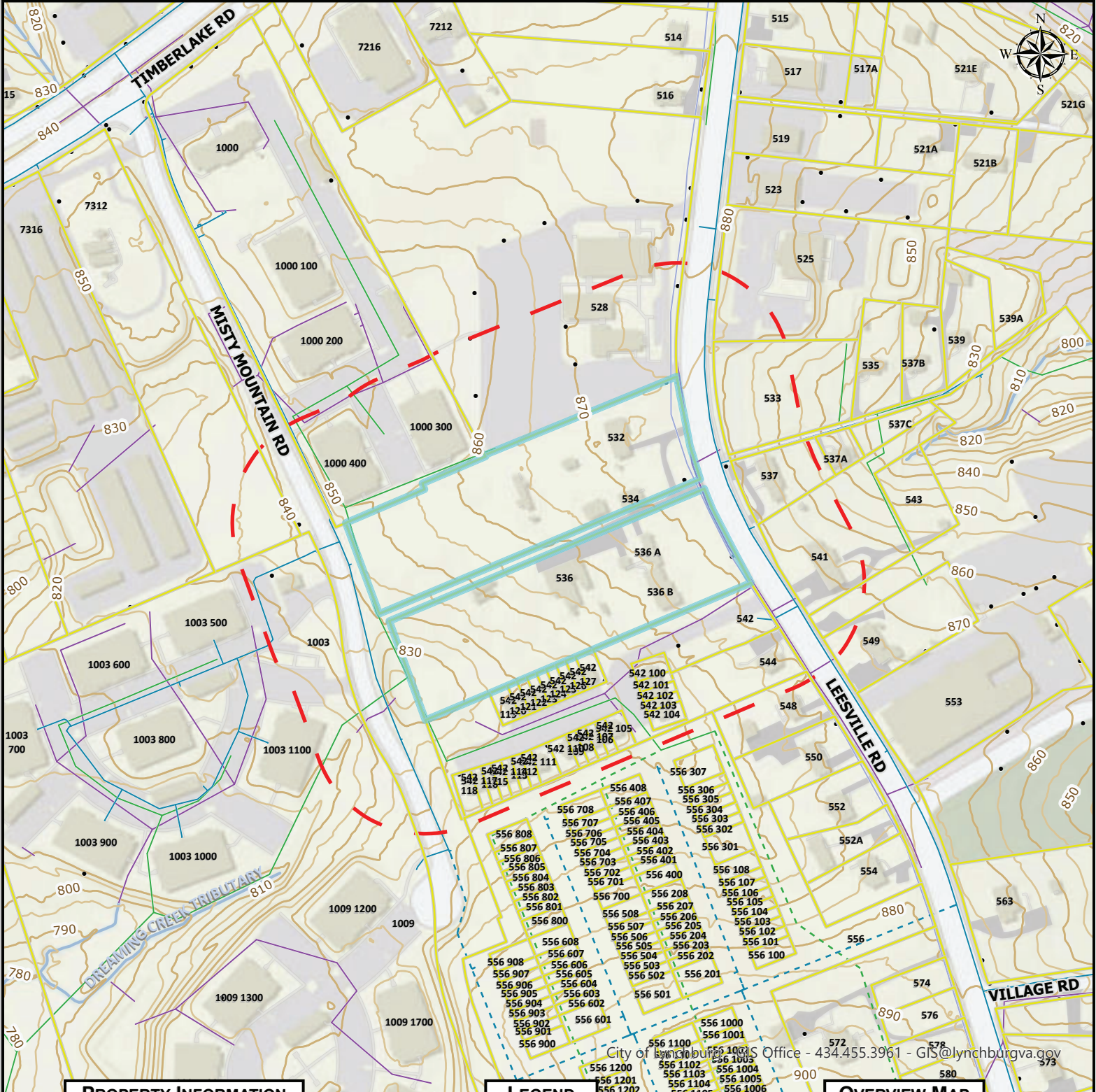
LEGEND

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

MAP SCALE: 1:3,051 DATE PRINTED: 8/25/2023

OVERVIEW MAP





PROPERTY INFORMATION

PARCEL ID ADDRESS

24809010 536 LEESVILLE RD A 24809005

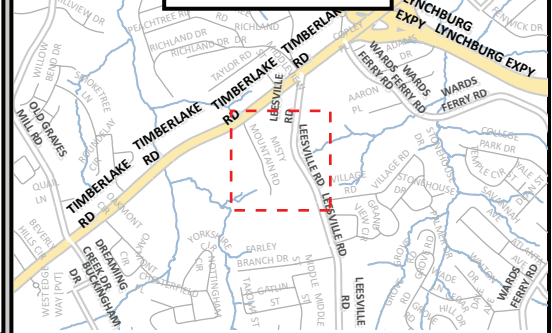
LEGEND

	Active	Proposed	Abandoned
Utilities			
Water			
Sanitary			
Storm			
Planimetrics			
Structure			
Roadway			
Parking			
Sidewalk			
Driveway			
Topography			
Contour			
	100'	20'	5'
	50'	10'	1'

MAP SCALE: 1:3,051

DATE PRINTED: 8/25/2023

OVERVIEW MAP



The Townes at Misty Mountain

Project Narrative

August 28, 2023

The Townes at Misty Mountain project consists of 44 proposed town house units and 16 duplex units located on two existing lots that front on both Leesville Road and Misty Mountain Drive. Lot 4 (#532 Leesville Road) contains 2.980 acres and Lot 5 (#536 Leesville Road contains 2.980 Acres. There is a 20' wide roadway that separates these two parcels. The ownership of this roadway is currently REA Lynchburg, LLC however the current owner of the proposed project clearly has the right to use and improve the roadway. The total project acreage is 5.926 acres on which we are proposing 60 total units which equate to a 10.12 unit per acre density.

The duplex units shown as Section 1 and 2 are a by right use in an R3 zone which this property is located. The town home units shown as Section 3 are an allowed use in an R3 zone but requires a conditional use permit which is the purpose of this request and the reason for the conceptual plan. The lots in Section 1 and 2 will be serviced by a common drive located within an access easement with only one access onto Leesville Road and Misty Mountain Drive. We are adding sidewalks to both Misty Mountain Drive and Leesville Road as well as internal sidewalks to service the townhome community.

The storm water will be managed by a combination of two extended detention ponds on site and a purchase of nutrient credits to mitigate the increase in runoff quantity and quality.

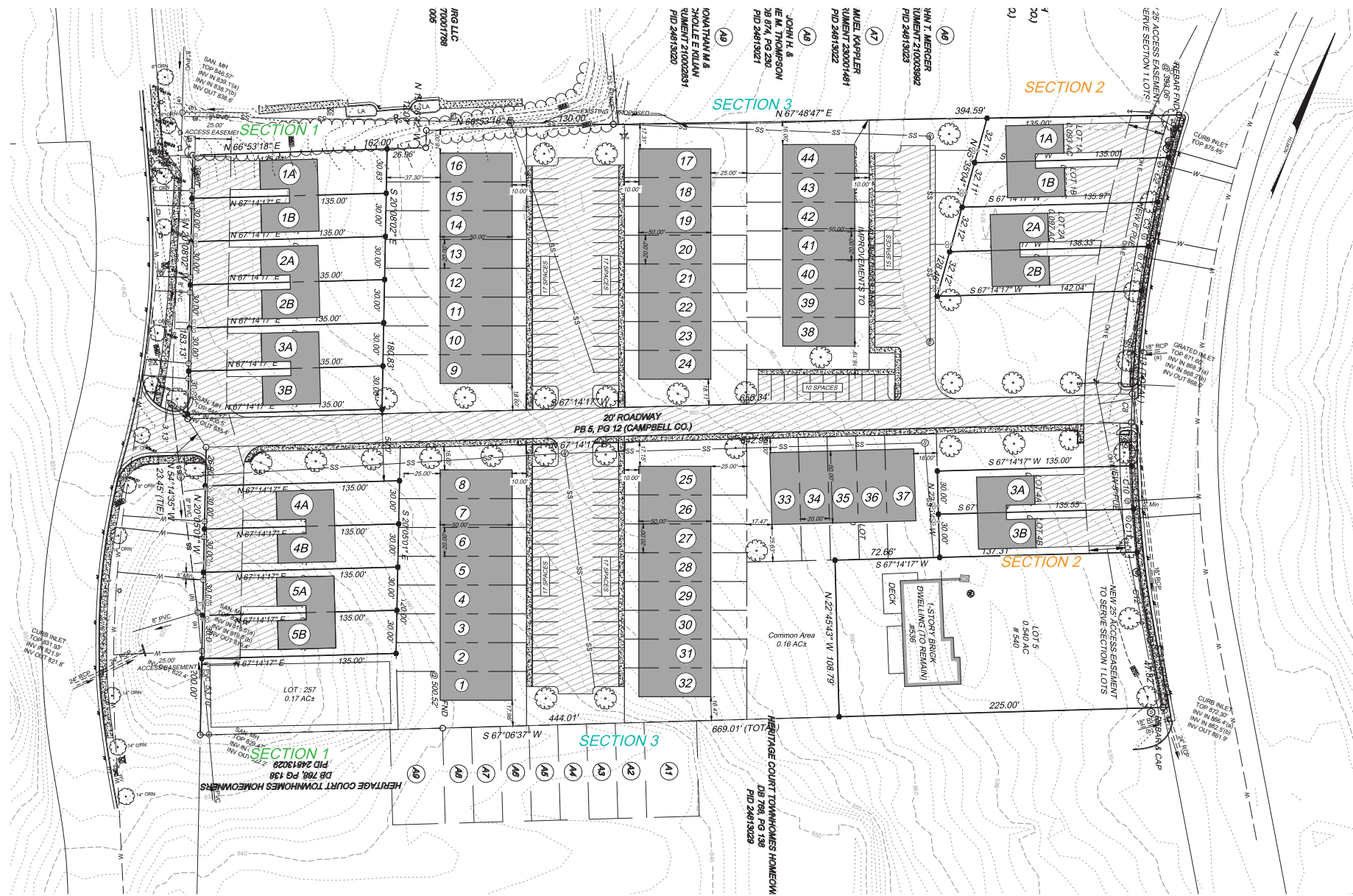
The project is adjoined on the north by property owned by REA Lynchburg, LLC that is Legacy at Linden Park Apartments and is currently zoned B5. The other owner to the north is Beulah Baptist Church and their property is currently zoned B3 and R3. The property to the South is all part of the Heritage Court Town Homes and is zoned R3.

The Future Land Use Map (FLUM) shows this area as Medium Density Residential use which is consistent with the current R3 zoning. The proposed project is consistent with this use and zoning as we are only requesting a conditional use permit. The proposed project is also consistent with the property to the south which is currently developed as town homes. The proposed project is less dense than the existing

Legacy at Linden Park Apartments (high density) west and north currently zoned B5 and B3. Beulah Baptist Church also adjoins this project on the north and the FLUM shows this as institutional use.

In summation, this project is consistent with the FLUM as well as the existing adjoining uses.

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LYNCHBURG, VA 24601
OFFICE: 434.847.7786
CELL: 434.847.7786
FAX: 434.847.7786
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SITE PLAN
FOR
TOWNS AT MISTY MOUNTAIN
CITY OF LYNCHBURG, VIRGINIA

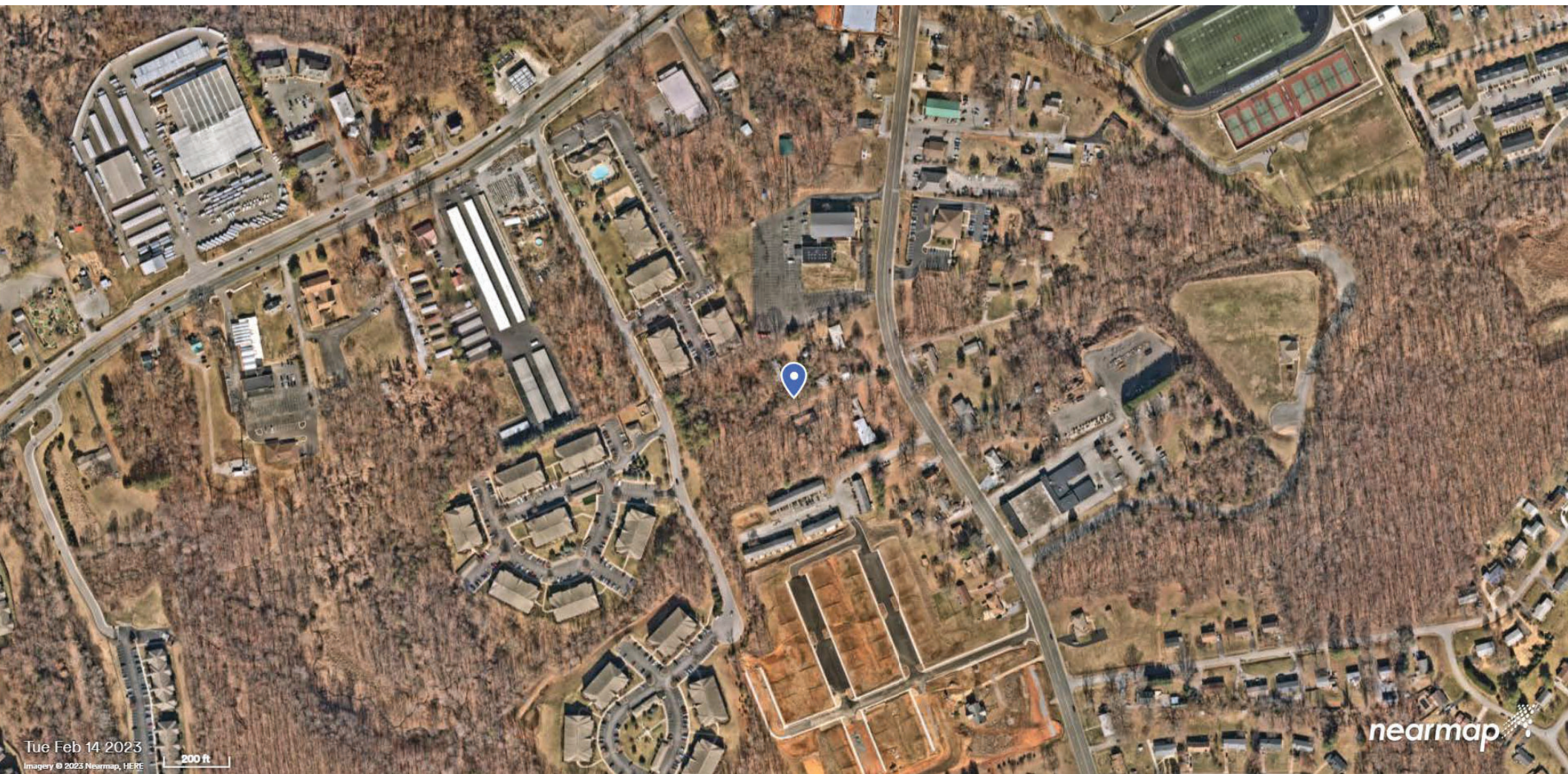
PROJECT NO.	20230543
LAT.	37.357681°
LONG.	-79.210456°
DATE	05/12/2023
DRAWN BY	RAB
CHECKED BY	DBA

HURTT & PROFFITT

SHEET NO.	REV.
1 OF 1	

PRELIMINARY

Page 150 of 235



The Towns at Misty Mountain – CUP
532 & 536 Leesville Road
September 13, 2023

PLEASE PRINT CLEARLY

[illegible]

AGENDA ITEM SUMMARY

MEETING DATE

September 26, 2023

PRESENTED BY

Rachel Frischeisen, Senior Planner

AGENDA ITEM # IV.6

Conditional Use Permit (CUP) - University of Lynchburg Office Space - 333, 335, & 337 College Street

RECOMMENDATION

This item will appear for City Council vote on the October 10, 2023 Public Hearing agenda. Approval of the CUP to allow the use of existing structures at 333, 335, and 337 College Street as office uses associated with the University of Lynchburg in an R-2, Low-Medium Density Residential district.

SUMMARY

The University of Lynchburg is petitioning for a CUP at 333, 335, & 337 College Street to allow the use of existing structures as office uses associated with the University in an R-2, Low-Medium Density Residential district. College and university uses are permitted in this zoning district upon approval of a CUP by City Council.

The Comprehensive Plan 2013-2030 recommends a Low-Density Residential use for the subject properties. Public and private institutional uses compatible in scale with single-family homes may be included in these areas. The properties have been used for student housing since 1989.

PRIOR ACTION(S)

September 13, 2023: The Planning Commission recommended approval (5-0 with 2 abstentions; Perault and Rogers) of the CUP petition.

September 13, 2023: The Planning Division recommended approval of the CUP petition.

FISCAL IMPACT

N/A

CONTACT(S)

Rachel Frischeisen, Senior Planner
Tom Martin, City Planner

ATTACHMENT(S)

1. Planning Commission Minutes, Report, and Attachments

REVIEWED BY



Kent White, Director of Community Development

Date: September 20, 2023



Mercedes Braun, Executive Assistant to the City Manager

Date: September 21, 2023



Wynter C. Benda, City Manager

Date: September 21, 2023



Alicia Finney, Clerk of Council

Date: September 21, 2023

MINUTES OF THE SEPTEMBER 13, 2023 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

Petition of University of Lynchburg for a Conditional Use Permit in an R-2, Low-Medium Density Residential district to allow the conversion of student housing facilities to office space at 333, 335, & 337 College Street.

Commissioner Rogers and Commissioner Perault abstained due to a conflict of interest.

Ms. Rachel Frischeisen, Senior Planner, provided the following summary to the Commission. The subject properties are located at 333, 335 & 337 College Street and each parcel is approximately one hundred seventy-two thousandths (.172) of an acre., for a total of approximately five hundred sixteen thousandths (.516) of an acre. Each parcel contains a structure that was constructed in the late 1930's and has been used for student housing since 1989. The properties are surrounded by other parcels owned by University of Lynchburg. The purpose of the petition is to allow the conversion of the three structures located at 333, 335 & 337 College Street from student housing to office space for professors. The Comprehensive Plan 2013-2030 recommends a Low-Density Residential use for the subject properties. Public and private institutional uses compatible in scale with single-family homes may be included in these areas. The properties are zoned R-2, Low-Medium Density Residential District. College and University uses are permitted in this district upon approval of a CUP by City Council. The University of Lynchburg plans for the current enrollment of approximately 2600 students to remain constant. The University owns all properties surrounding the proposed offices and allowing their conversion will support the University's future needs. The conversion to office should have little to no negative impact on the area. The City's Technical Review Committee (TRC) reviewed the concept plan on August 22, 2023. Comments were minor in nature and will be addressed prior to occupancy of the buildings for office use. The Planning Division recommends approval of the CUP petition.

Chair Johnson asked if anyone was present to speak on behalf of the petition.

Mr. Chris Burnley, Vice President for Business and Finance of the University of Lynchburg, was present to represent the petition. He said that the goal of this project was to create more spaces on campus for student and academic related purposes. Being able to renovate and fix up and allowing faculty to use the houses as offices would free up space in one of their main academic buildings.

Chair Johnson asked if there was anyone present to speak in favor of this petition.

Chair Johnson asked if there was anyone present to speak in opposition of this petition.

Chair Johnson closed the public hearing.

Commissioner Johnson asked Mr. Burnley if students were currently living there.

Mr. Burnley advised that students have not been residing there since the previous semester, as they had plans to do the renovation.

Commissioner Bowden stated that he was in favor of the petition as the neighborhood character wasn't going to be impacted by the changes and the new spaces would be positive.

Commissioner Johnson stated that she was in favor and was excited about the growth that was occurring.

Commissioner Marion stated that she was in favor and believed there would be no negative impacts to the neighborhood.

Commissioner Marion made a motion to approve the petition as presented by City staff, seconded by Commissioner Bowden.

Commissioner Johnson asked if there was any further discussion.

Commissioner Henderson asked about the parking situation.

Mr. Burnley stated there is a central parking lot behind the houses that would be used.

The motion was approved by the following vote:

"Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of University of Lynchburg to allow the use of existing structures at 333, 335 & 337 College Street as office uses associated with the University."

AYES: Bowden, Gammon, Henderson, Johnson, Marion	5
NOES:	0
ABSTENTIONS: Perault, Rogers	2
ABSENT:	0

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

To: Planning Commission
From: Planning Division
Date: September 13, 2023
Re: **Conditional Use Permit (CUP) – University of Lynchburg Office Space – 333, 335 & 337 College Street**

I. PETITIONER

University of Lynchburg, 1501 Lakeside Drive, Lynchburg, Virginia 24501

Representative: Lee Smith, University of Lynchburg, 1501 Lakeside Drive, Lynchburg, Virginia 24501

II. LOCATION

The subject properties are located at 333, 335 & 337 College Street and contain approximately five hundred sixteen thousandths (.516) of an acre.

Property Owner: Lynchburg College (University of Lynchburg), 1501 Lakeside Drive, Lynchburg, Virginia 24501

III. PURPOSE

The purpose of the petition is to allow the conversion of the three structures located at 333, 335 & 337 College Street from student housing to office space for professors.

IV. SUMMARY

- The *Comprehensive Plan 2013-2030* recommends a Low-Density Residential use for the subject properties. Public and private institutional uses compatible in scale with single-family homes may be included in these areas.
- The properties are zoned R-2, Low-Medium Density Residential District. College and University uses are permitted in this district upon approval of a CUP by City Council.
- The properties have been used for student housing since 1989.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Future Land Use Map (FLUM)* recommends a Low-Density Residential use for the subject properties. Low Density Residential areas are dominated by single family detached housing at densities of up to four dwelling units per acre. These areas are colored light yellow on the Future Land Use Map. In addition to residential uses, they may include public and institutional uses compatible in scale with single family residential homes. Private recreation uses, including country clubs and swim and racquet clubs, and private open space are also appropriate for Low Density Residential areas. (*p. 72*)

The properties have been used for student housing since 1989.

2. **Zoning.** The subject property was annexed into the City in 1926. The existing R-2, Low - Medium Density Residential District was established in 1978. College and University uses are a permitted use in this district upon approval of a CUP by City Council.

3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances would be needed for the use of the property as proposed.

4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:

- On October 28, 1980, City Council approved Lester Heyer's petition for a CUP to allow a family amusement center off Lakeside Drive.
- On September 25, 1984, City Council approved Lynchburg College's petition for a CUP to allow the development of an alumni house off Lakeside Drive.
- On August 13, 1985, City Council approved Lynchburg College's petition for a CUP to allow the conversion of an existing residence hall to offices and construction of new classrooms/parking on College Street.
- On June 10, 1986: City Council approved Knight Gallery LTD's petition for a CUP to allow the construction of a building and parking lot addition at 2034 Lakeside Drive.
- On October 14, 1986, City Council approved Lynchburg College's petition for a CUP to allow the construction of three (3) athletic practice fields, parking area and a restroom/storage building at the intersection of Lakeside Drive and Faculty Drive.
- On April 12, 1988, City Council approved Don Gay's petition to rezone approximately two tenths (0.2) of an acre at 2018 Lakeside Drive from B-3, Community Business District, to B-5C, General Business District (Conditional), to allow the operation of an automobile sales and rental business in an existing structure.
- On July 12, 1988, City Council approved Lynchburg College's petition for a CUP to allow the construction of office space at 185 Vernon Street and 500 Westwood Avenue.
- On August 9, 1988, City Council approved Lynchburg College's petition for a CUP to allow the construction of a dormitory and office at 349 College Street.
- On November 8, 1988, City Council approved Farris and Iseman's petition for a CUP to allow the expansion of a mobile home park at 2134 Lakeside Drive.
- On February 14, 1989, City Council approved Lynchburg College's petition for a CUP to allow the development of faculty offices at 505 Brevard Street.
- On August 1, 1989, City Council approved Lynchburg College's petition for a CUP to allow the development of college offices and student housing on College, McCausland and Brevard streets.
- On June 11, 1991, City Council approved James Mitchel's petition to rezone approximately one and three tenths (1.3) acres at 2022 Lakeside Drive from B-5C, General Business District (Conditional), to B-5C, General Business District (Conditional), to amend a previously approved proffer to allow general equipment rental, sales, service and outside storage.
- On January 12, 1993, City Council approved Lynchburg College's petition for a CUP to amend its master plan to allow the construction of the School of Business within the 300 Block of College Street.
- On December 12, 1995, City Council approved Lynchburg College's petition for a CUP to amend its master plan to allow conversion of an existing residence for supervised student housing at 511 Brevard Street.

- On May 14, 1997, City Council approved Robert Kerr's petition to rezone seventy-five hundredths (0.75) of an acre at 2108 Lakeside Drive from I-2, Light Industrial District, to B-5C, General Business District (Conditional), to allow construction of a building for auto parts sales and commercial uses.
- On July 8, 1997, City Council approved The Salvation Army's petition to rezone one and one tenth (1.1) acres at 2108 Lakeside Drive from I-2, Light Industrial District, to B-5C, General Business District (Conditional), to allow construction and use of a thrift store.
- On May 12, 1998, City Council approved Lynchburg College's petition for a CUP to allow the development of special interest student housing at 512 Brevard Street.
- On June 9, 1998, City Council approved Lynchburg College's petition for a CUP to amend its master plan to allow the construction of a gym and physical plant storage building at 1501 Lakeside Drive.
- On August 11, 1998, City Council approved Lynchburg College's petition for a CUP to allow the use of an existing residence for student housing at 215 Vernon Street.
- On September 8, 1998, City Council approved Otis and Jean Brent's petition to rezone one and two tenths (1.2) acres at 2108 Lakeside Drive from B-5C, General Business District (Conditional), to B-5C, General Business District (Conditional), to amend a previously approved proffer to allow the use of an existing building for office and retail use.
- On July 13, 1999, City Council approved Lynchburg College's petition for a CUP to allow the development of a college office and student housing at 341 College Street, 504 Brevard Street and 245 Vernon Street.
- On March 14, 2000, City Council approved Lynchburg College's petition for a CUP to amend its master development plan to allow the construction of student townhomes on campus at 1501 Lakeside Drive.
- On June 12, 2001, City Council approved Lynchburg College's petition for a CUP to allow the development of student housing at 511 Brevard Street, 312, 420, 425 Lakewood Street and 504 Westwood Avenue.
- On June 8, 2004 City Council approved Lynchburg College's petition for a CUP to allow the conversion of existing residences to student housing at 191, 225, 235, 246, 302, 310, 311, 331, 348 Vernon Street, 316 and 426 Lakewood Street.
- On October 12, 2004, City Council approved Lynchburg College's petition for a CUP to allow the construction of student housing and associated parking areas at 1501 Lakeside Drive.
- On December 12, 2004, City Council approved Lynchburg College's petition for a CUP to allow the conversion of existing residences to student housing at 201 Bell Street, 224, 350 Vernon Street, 1123 McCausland Street, 121 Thomas Road, 310, 416, 432 Lakewood Street and 333 College Street.
- On July 12, 2005, City Council approved Lynchburg College's petition for a CUP to allow the conversion of existing residences to student housing at 404, 428 Lakewood Street., 185, 307 Vernon Street and 214 Bell Street.
- On June 13, 2006, City Council approved DSZ Properties' petition to rezone three and eighty-seven hundredths (3.87) acres at 2009 Lakeside Drive from R-2, Low-Medium

- Density Single-Family Residential District, to R-4C, Medium-High Density Multi-Family Residential District (Conditional) to allow the construction of a thirty-six (36-) unit townhouse complex with associated parking.
- On June 13, 2006, City Council approved Lynchburg College's petition for a CUP to allow college-supervised student housing at 217 Bell Street, 209 Amelia Street, 317 College Street, 402, 417, 419 Lakewood Street, 1115 McCausland Street, 518 Brevard Street and 324 Vernon Street.
 - On November 14, 2006, City Council approved Milton & Neal Properties' petition to rezone one and fourteen hundredths (1.14) acres from B-5C, General Business District (Conditional) to B-3C, Community Business District (Conditional) at 2108 Lakeside Drive to allow the construction of a U.S. Armed Forces Recruiting Center.
 - On February 13, 2007, City Council approved Lynchburg College's petition for a CUP to allow a consolidated sign package for nine (9) way-finding signs at 1501 Lakeside Drive and 503 Brevard Street.
 - On July 10, 2007, City Council approved Milton & Neal Realty's petition to rezone two and two tenths (2.2) acres from R-2, Low-Medium Density, Single-Family Residential District to B-1C, Limited Business District (Conditional) at 1600, 1604 and 1608 Lakeside Drive to allow the construction of a Veteran's Administration Clinic and a future office building.
 - On February 12, 2008, City Council approved Lynchburg College's petition for a conditional use permit (CUP) to allow the construction of a three thousand (3,000) square foot addition to Thompson Hall and the construction of a four hundred and eighty (480) square foot press box for baseball on Fox Field at 1501 Lakeside Drive.
 - On August 12, 2008, City Council approved William and Darlene Brown's petition to rezone one and thirty-eight hundredths (1.38) acres from B-5C, General Business District (Conditional) to B-5C, General Business District (Conditional) at 2022 Lakeside Drive to amend the proffers for the subject property.
 - On November 10, 2009, City Council approved Lynchburg College's petition for a CUP at 300 Monticello Avenue to allow the operation of a college in the existing building and expansion of a parking area.
5. **Site Description.** The subject properties are located at 333, 335 & 337 College Street. Each parcel is approximately one hundred seventy-two thousandths (.172) of an acre. Each parcel contains a structure that was constructed in the late 1930's and has been used for student housing since 1989.
- The properties are surrounded by other parcels owned by University of Lynchburg.
6. **Proposed Use of Property.** The purpose of the petition is to allow the conversion of the three structures from student housing to office space for university professors.
7. **Traffic, Parking and Public Transit.** The City's Transportation Engineer did not require a traffic study for the proposed use.
8. **Stormwater Management.** An Erosion & Sediment Control / Stormwater Plan will not be required as there will be no new impervious areas.
9. **Emergency Services.** The City's Fire Marshal and Police Department had no comments of concern regarding the proposed use.

10. **Impact.** The properties located at 333, 335 & 337 College Street have been used for student housing since 1989. The University of Lynchburg plans for an enrollment of approximately two thousand six hundred students to remain constant. The University owns all properties surrounding the proposed offices and allowing their conversion will support the University's nursing program. The conversion to office should have little to no negative impact on the area.
11. **Technical Review Committee.** The TRC reviewed the concept plan on August 22, 2023. Comments have or will be addressed prior to occupancy of the buildings for office use.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of University of Lynchburg to allow the use of existing structures at 333, 335 & 337 College Street as office uses associated with the University.

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

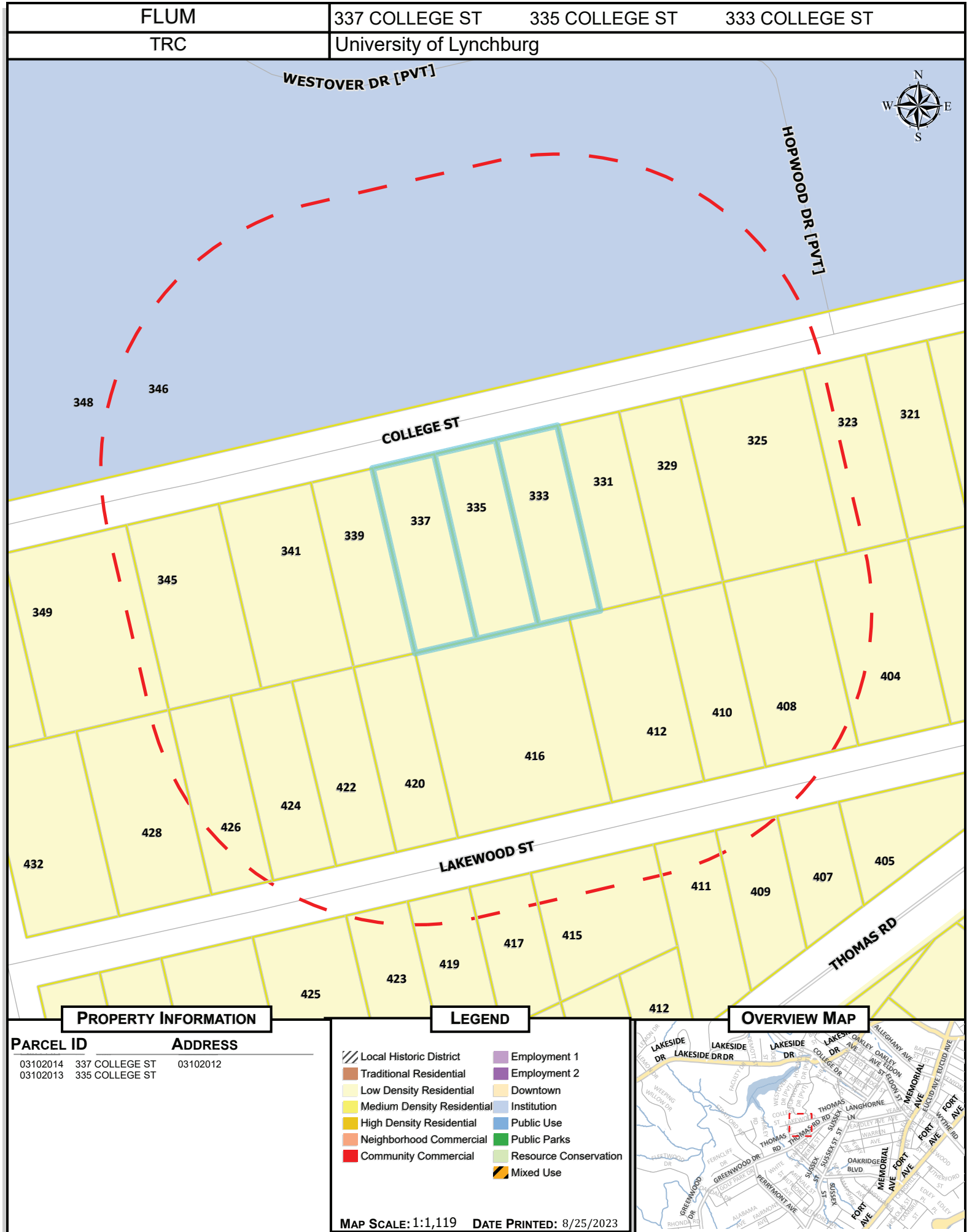
pc: Wynter Benda, City Manager
Greg Patrick, Deputy City Manager
Kent White, Director of Community Development
Matthew Freedman, City Attorney
J. Lee Newland, City Engineer
Cynthia Kozerow, Lynchburg Police Department
Thomas Goode, Fire Marshal
Doug Saunders, Building Official
Kevin Henry, Zoning Administrator
Lee Smith, University of Lynchburg

VII. ATTACHMENTS

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

333, 335, & 337 College Street Adjoining Owners

Parcel ID	Address	Owner
03102007	323 COLLEGE ST	LYNCHBURG COLLEGE
03102008	325 COLLEGE ST	LYNCHBURG COLLEGE
03102010	329 COLLEGE ST	LYNCHBURG COLLEGE
03102011	331 COLLEGE ST	LYNCHBURG COLLEGE
03102012	333 COLLEGE ST	LYNCHBURG COLLEGE
03102013	335 COLLEGE ST	LYNCHBURG COLLEGE
03102014	337 COLLEGE ST	LYNCHBURG COLLEGE
03102015	339 COLLEGE ST	LYNCHBURG COLLEGE
03102016	341 COLLEGE ST	LYNCHBURG COLLEGE
03102018	345 COLLEGE ST	LYNCHBURG COLLEGE
03102019	349 COLLEGE ST	LYNCHBURG COLLEGE
03102023	428 LAKEWOOD ST	LYNCHBURG COLLEGE
03102025	426 LAKEWOOD ST	LYNCHBURG COLLEGE
03102026	424 LAKEWOOD ST	LYNCHBURG COLLEGE
03102027	422 LAKEWOOD ST	LYNCHBURG COLLEGE
03102028	420 LAKEWOOD ST	LYNCHBURG COLLEGE
03102029	416 LAKEWOOD ST	LYNCHBURG COLLEGE
03102031	412 LAKEWOOD ST	UNIVERSITY OF LYNCHBURG
03102033	410 LAKEWOOD ST	UNIVERSITY OF LYNCHBURG INC
03102034	408 LAKEWOOD ST	LYNCHBURG COLLEGE
03102036	404 LAKEWOOD ST	LYNCHBURG COLLEGE
03103001	1501 LAKESIDE DR	LYNCHBURG COLLEGE
03106005	425 LAKEWOOD ST	LYNCHBURG COLLEGE
03106006	423 LAKEWOOD ST	LYNCHBURG COLLEGE
03106007	419 LAKEWOOD ST	LYNCHBURG COLLEGE
03106008	417 LAKEWOOD ST	LYNCHBURG COLLEGE
03106009	415 LAKEWOOD ST	LYNCHBURG COLLEGE
03106011	411 LAKEWOOD ST	UNIVERSITY OF LYNCHBURG
03106012	409 LAKEWOOD ST	SIMOPOULOS, PETER TED TRS & SIMOPOULOS, FRANCES GOUMAS TRS
03106013	407 LAKEWOOD ST	SIMOPOULOS, PETER TED TRS & SIMOPOULOS, FRANCES GOUMAS TRS



Watershed

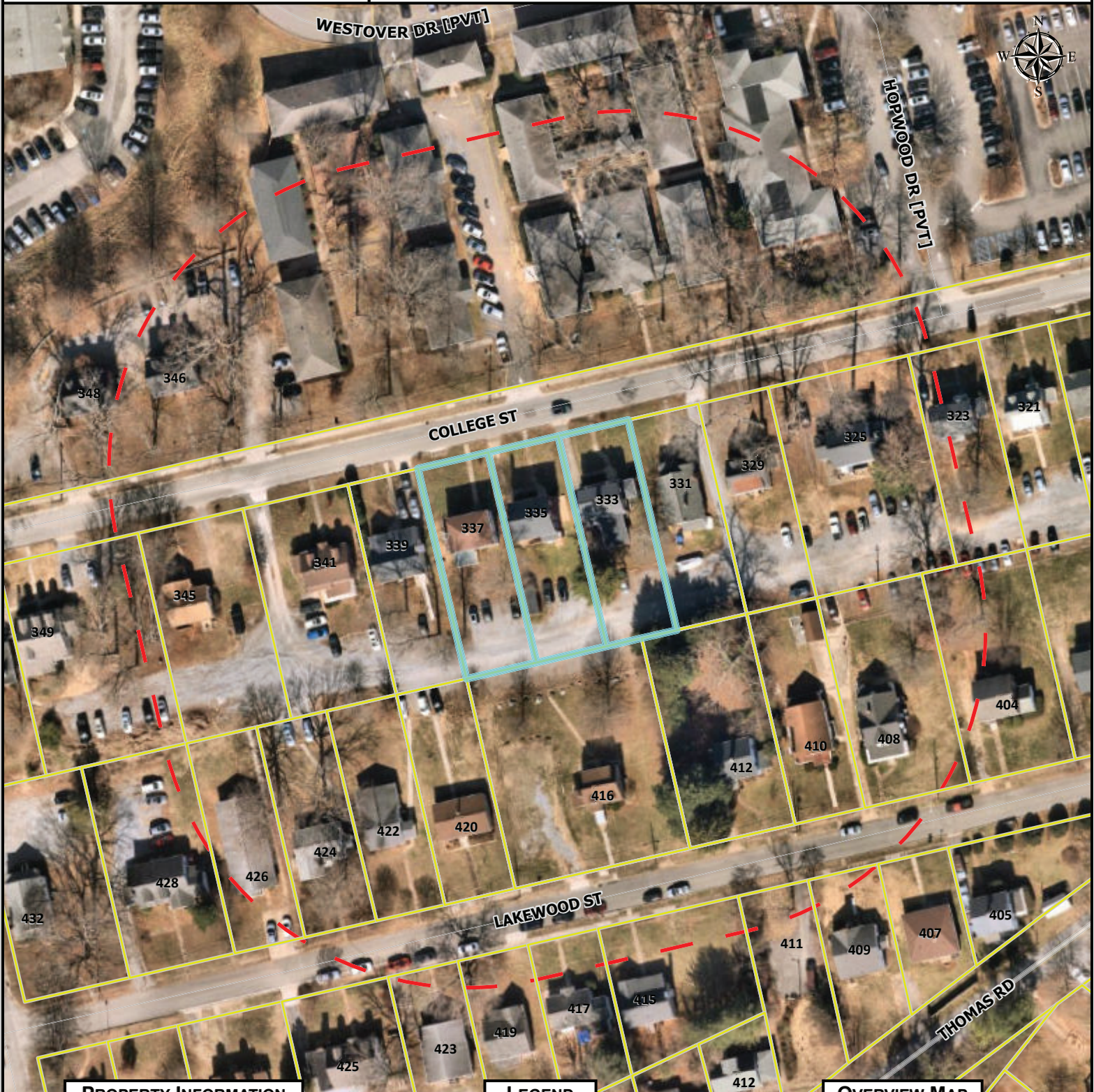
TRC

337 COLLEGE ST

335 COLLEGE ST

333 COLLEGE ST

University of Lynchburg



PROPERTY INFORMATION

PARCEL ID	ADDRESS	ADDRESS
03102014	337 COLLEGE ST	03102012
03102013	335 COLLEGE ST	

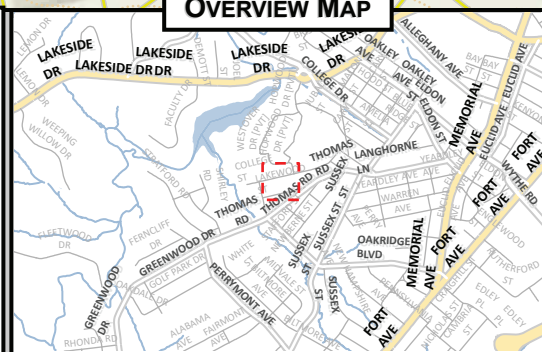
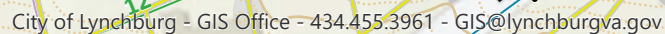
LEGEND

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

MAP SCALE: 1:1,119 DATE PRINTED: 8/25/2023

OVERVIEW MAP





University of Lynchburg UPDATE TO MASTER PLAN

Conditional Use Permit Application

The University of Lynchburg is applying for a Conditional Use Permit to update its Master Plan to request permission to convert the undergraduate housing at **333 College St.** to an office space.

The University of Lynchburg, founded in 1903, is one of the oldest coeducational colleges in Virginia. Since its founding, the University has maintained strong commitments to the liberal arts as the basis for education, to a church relationship, to coeducation, and to being a residential community. We have completed a strategic plan and a campus facilities master plan. Our plans call for our enrollment of approximately 2,600 to remain constant. With nursing being one of the University's largest majors, and growing, producing some of our most degrees, we are applying for a conditional use permit to use the previous residential house across college street to provide our nursing students with an improved facility, with more space to perform academically.

Starting in the summer of 2023, the University will be beginning minor renovations in 333 College St and converting it to office space for professors. The University's goal is to open up space in McMillian to allow for the academic growth for its Nursing Program. Renovating 333 College St. to office space will better serve the current space in McMillian and allow the University to get use out of the former residential space.

The University has been and wants to continue to be a responsible entity within the City of Lynchburg. We currently employ over 700 individuals and have a regional economic impact of over \$100 million on an annual basis.

We will send a letter to all individuals that own property near the University so that we can invite them to an Information Session to share with them our plans and respond to their concerns, if any.

Prepared by:

Jesse Case
Capitals Project Manager

Update to Master Plan - LW
08/07/2023

UNIVERSITY OF LYNCHBURG
Revised Master Plan for
Conditional Use Permit

INDEX

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

Scale: 0' 100' 200' 300' 400'

Revised 4.4.10

Buildings and Locations:

- A....Hopwood Hall
- B....Carnegie Hall
- C....Hall Campus Center
- D....Burton Student Center
- E....Hundley Hall
- F....Tate Hall
- G....Montgomery Hall
- H....Snider Chapel
- J....Proposed Parking Lot
- J....Centennial Hall
- K....Knight-Capron Library
- L....Hobbs Hall
- M....Hobbs Addition
- N....Parking Lot
- O....Dillard Fine Arts
- P....Courts Apartments
- Q....Psychology Building
- R....Turner Gymnasium
- S....Wake Field House
- T....Frier Hall
- U....McMillan Hall
- V....Shackelford Hall
- W....Physical Plant
- X....Alumni House
- Y....Daura Art Gallery Addition
- Z....Residence Hall Townhouses
- AA....McMillan Hall
- BB....Thompson Hall

Current Request:

- Wake Field House Addition/Renovation
- Residence Hall Townhouses - Phase 3
- (Demolish 346 & 348 College St.)

Future Construction:

- Wake Field House Addition/Renovation
- Residence Hall Townhouses - Phase 3
- (Demolish 346 & 348 College St.)

Map Labels:

- PHYSICAL PLANT
- MOON FIELD
- BURTON ADDITION
- SHACKELFORD
- TURNER
- PEAKSVIEW
- WAKE ADDITION & RENOVATION
- COLLEGE LAKE
- TENNIS COURTS
- 100 YEAR FLOOD ELEVATION
- NORMAL LAKE WATER ELEVATION
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- 100 YEAR FLOOD ELEVATION
- NORMAL LAKE WATER ELEVATION
- FOX

- | | | |
|--|-------------------------------------|------------------------------------|
| APPROVED 1989-2016: | 325 College - Student Housing | 310 Lakewood - Student Housing |
| Dell Renovations | 339 College - Student Housing | 416 Lakewood - Student Housing |
| Entrance Road & Physical Plant Parking | Residence Hall Townhouses - Phase 1 | 432 Lakewood - Student Housing |
| Science Building Addition | 325 Lakewood - Student Housing | 433 Lakewood - Student Housing |
| Dura Art Gallery Addition | 321 Lakewood - Student Housing | 404 Lakewood - Student Housing |
| Residential Properties - Student Housing | 420 Lakewood - Student Housing | 428 Lakewood - Student Housing |
| Hobbs Hall Renovation | 326 Lakewood - Student Housing | 183 Vernon - Student Housing |
| 512 Brevard - Student Housing | 504 Westwood - Student Housing | 307 Vernon - Student Housing |
| 111 Brevard - Student Housing | Central Hall (Educational Building) | 209 Amelia - Student Housing |
| 112 Brevard - Student Housing | 325 Lakewood - Student Housing | 317 College - Student Housing |
| Turner Gym Additional and Shelter; | 428 Lakewood - Student Housing | 518 Brevard - Student Housing |
| Physical Plant Storage Building | 191 Vernon - Student Housing | 317 College - Student Housing |
| 207 College - Student Housing | 235 Brevard - Student Housing | 402 Lakewood - Student Housing |
| 245 Vernon - Student Housing | 235 Vernon - Student Housing | 417 Lakewood - Student Housing |
| 341 College - Temporary Offices; | 246 Vernon - Student Housing | 416 Lakewood - Student Housing |
| Student Housing | 246 Vernon - Student Housing | 1115 McCausland - Student Housing |
| Class - Classrooms/Offices | 310 Vernon - Student Housing | Thompson Addition |
| 207 College - Student Housing | 311 Vernon - Student Housing | 408 Lakewood - Student Housing |
| 235 Brevard - Student Housing | 348 Vernon - Student Housing | Moon Field - Softball Baiting Cage |
| 319 College - Student Housing | Residence Hall Apartments (Phase 2) | 200 Bell Street - Student Housing |
| 321 College - Student Housing | 222 Lakewood - Student Housing | |
| 325 College Street - Student Housing | 350 Vernon - Student Housing | |
| 431 Lakewood Street - Student Housing | 1125 McCausland - Student Housing | |
| | 121 Thomas - Student Housing | |

The diagram is a comprehensive site plan of the University of Lynchburg campus. It shows the layout of several buildings, including the Administration Building, Academic Buildings A through E, and the Student Union. The plan also depicts major thoroughfares such as Monticello Avenue, Bristol Street, and the railroad tracks running along the bottom. Landscaping elements like trees and lawns are indicated by hatching and symbols. Specific areas are labeled with names like 'Monticello' and 'Bristol'. The plan includes numerous annotations regarding construction details, materials, and structural specifications.

University of Lynchburg UPDATE TO MASTER PLAN

Conditional Use Permit Application

The University of Lynchburg is applying for a Conditional Use Permit to update its Master Plan to request permission to convert the undergraduate housing at **335 College St.** to an office space.

The University of Lynchburg, founded in 1903, is one of the oldest coeducational colleges in Virginia. Since its founding, the University has maintained strong commitments to the liberal arts as the basis for education, to a church relationship, to coeducation, and to being a residential community. We have completed a strategic plan and a campus facilities master plan. Our plans call for our enrollment of approximately 2,600 to remain constant. With nursing being one of the University's largest majors, and growing, producing some of our most degrees, we are applying for a conditional use permit to use the previous residential house across college street to provide our nursing students with an improved facility, with more space to perform academically.

Starting in the summer of 2023, the University will be beginning minor renovations in 335 College St and converting it to office space for professors. The University's goal is to open up space in McMillian to allow for the academic growth for its Nursing Program. Renovating 335 College St. to office space will better serve the current space in McMillian and allow the University to get use out of the former residential space.

The University has been and wants to continue to be a responsible entity within the City of Lynchburg. We currently employ over 700 individuals and have a regional economic impact of over \$100 million on an annual basis.

We will send a letter to all individuals that own property near the University so that we can invite them to an Information Session to share with them our plans and respond to their concerns, if any.

Prepared by:

Jesse Case
Capitals Project Manager

Update to Master Plan - LW
08/07/2023

UNIVERSITY OF LYNCHBURG
Revised Master Plan for
Conditional Use Permit

INDEX

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

Buildings and Locations:

- A....Hopwood Hall
- B....Carnegie Hall
- C....Hall Campus Center
- D....Burton Student Center
- E....Hundley Hall
- F....Tate Hall
- G....Montgomery Hall
- H....Snider Chapel
- J....Proposed Parking Lot
- J....Centennial Hall
- K....Knight-Capron Library
- L....Hobbs Hall
- M....Hobbs Addition
- N....Parking Lot
- O....Dillard Fine Arts
- P....Courts Apartments
- Q....Psychology Building
- R....Turner Gymnasium
- S....Wake Field House
- T....Frier Hall
- U....McMillan Hall
- V....Shackelford Hall
- W....Physical Plant
- X....Alumni House
- Y....Daura Art Gallery Addition
- Z....Residence Hall Townhouses
- AA....McMillan Hall
- BB....Thompson Hall

Current Request: Wake Field House Addition/Renovation
Residence Hall Townhouses - Phase 3
(Demolish 346 & 348 College St.)

Future Construction: Wake Field House Addition/Renovation
Residence Hall Townhouses - Phase 3
(Demolish 346 & 348 College St.)

Rental Property at 110 Langhorne Lane

- | | | |
|--|--------------------------------------|---|
| APPROVED 1989-2016: | 325 College - Student Housing | 310 Lakewood - Student Housing |
| Dell Renovations | 339 College - Student Housing | 416 Lakewood - Student Housing |
| Entrance Road & Physical Plant Parking | Residence Hall Townhouses - Phase 1 | 432 Lakewood - Student Housing |
| Science Building Addition | 325 Lakewood - Student Housing | 433 Lakewood - Student Housing |
| Daura Art Gallery Addition | 321 Lakewood - Student Housing | 440 Lakewood - Student Housing |
| Residential Properties - Student Housing | 420 Lakewood - Student Housing | 428 Lakewood - Student Housing |
| Hobbs Hall Renovation | 325 Lakewood - Student Housing | 163 Vernon - Student Housing |
| 512 Brevard - Student Housing | 404 Westwood - Student Housing | 307 Vernon - Student Housing |
| 111 Brevard - Student Housing | Central Hall (Educational Building) | 209 Amelia - Student Housing |
| 113 Brevard - Student Housing | 325 Lakewood - Student Housing | 317 College - Student Housing |
| Turner Gym Additional and Shelter; | 428 Lakewood - Student Housing | 518 Brevard - Student Housing |
| Physical Plant Storage Building | 191 Vernon - Student Housing | 317 College - Student Housing |
| 245 Vernon - Student Housing | 235 Vernon - Student Housing | 402 Lakewood - Student Housing |
| 341 College - Temporary Offices; | 246 Vernon - Student Housing | 417 Lakewood - Student Housing |
| Student Housing | 235 Vernon - Student Housing | 418 Lakewood - Student Housing |
| Class - Classrooms/Offices | 310 Vernon - Student Housing | 1115 McCausland - Student Housing |
| 207 College - Student Housing | 311 Vernon - Student Housing | Thompson Addition |
| 208 Brevard - Student Housing | 348 Vernon - Student Housing | 207 College - Student Housing Field Press Box |
| 319 College - Student Housing | Residence Hall Apartments (Phase 2) | 408 Lakewood - Student Housing |
| 321 College - Student Housing | 222 College Street - Student Housing | Moon Field - Softball Baiting Cage |
| 325 College Street - Student Housing | 428 Lakewood - Student Housing | 207 College - Student Housing |
| 431 Lakewood Street - Student Housing | 350 Vernon - Student Housing | 200 Bell Street - Student Housing |
| | 1125 McCausland - Student Housing | |
| | 121 Thomas - Student Housing | |

[illegible]

University of Lynchburg UPDATE TO MASTER PLAN

Conditional Use Permit Application

The University of Lynchburg is applying for a Conditional Use Permit to update its Master Plan to request permission to convert the undergraduate housing at **337 College St.** to an office space.

The University of Lynchburg, founded in 1903, is one of the oldest coeducational colleges in Virginia. Since its founding, the University has maintained strong commitments to the liberal arts as the basis for education, to a church relationship, to coeducation, and to being a residential community. We have completed a strategic plan and a campus facilities master plan. Our plans call for our enrollment of approximately 2,600 to remain constant. With nursing being one of the University's largest majors, and growing, producing some of our most degrees, we are applying for a conditional use permit to use the previous residential house across college street to provide our nursing students with an improved facility, with more space to perform academically.

Starting in the summer of 2023, the University will be beginning minor renovations in 337 College St and converting it to office space for professors. The University's goal is to open up space in McMillian to allow for the academic growth for its Nursing Program. Renovating 337 College St. to office space will better serve the current space in McMillian and allow the University to get use out of the former residential space.

The University has been and wants to continue to be a responsible entity within the City of Lynchburg. We currently employ over 700 individuals and have a regional economic impact of over \$100 million on an annual basis.

We will send a letter to all individuals that own property near the University so that we can invite them to an Information Session to share with them our plans and respond to their concerns, if any.

Prepared by:

Jesse Case
Capitals Project Manager

Update to Master Plan - LW
08/07/2023

UNIVERSITY OF LYNCHBURG

Revised Master Plan for Conditional Use Permit

INDEX

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

A.....Hopwood Hall
B.....Carnegie Hall
C.....Hall Campus Center
D.....Burton Student Center
E.....Hundley Hall
F.....Tate Hall
G.....Montgomery Hall
H.....Snider Chapel
J.....Proposed Parking Lot
K.....Knight-Capron Library
L.....Hobbs Addition
M.....Shackelford Hall
N.....Parking Lot
O.....Dillard Fine Arts
P.....Courts Apartments
Q.....Psychology Building
R.....Turner Gymnasium
S.....Wake Field House
T.....Frier Hall
U.....McMillan Hall
V.....Shackelford Hall
W.....Physical Plant
X.....Alumni House
Y.....Daura Art Gallery Addition
Z.....Residence Hall Townhouses
AA.....McMillan Hall
BB.....Thompson Hall

APPROVED 1989-2016:

- Dell Renovations
- Entrance Road & Physical Plant Parking
- Science Building Addition
- Daura Art Gallery Addition
- Residential Properties - Student Housing
- Hobbs Hall Renovation
- 512 Brevard - Student Housing
- 511 Brevard - Student Housing
- 515 Vernon - Student Housing
- Turner Gym Additional and Shelter
- Physical Plant Storage Building
- 504 Brevard - Student Housing
- 245 Vernon - Student Housing
- 341 College - Temporary Offices;
- Then Student Housing
- Hall Center - Classrooms/Offices
- 207 College - Student Housing
- 516 Brevard - Student Housing
- 319 College - Student Housing
- 321 College - Student Housing
- 515 College Street - Student Housing
- 431 Lakewood Street - Student Housing

CURRENT REQUEST

- 393 College Street
- 395 College Street
- 387 College Street
- 504 Verwood Street

FUTURE CONSTRUCTION:

- Wake Field House Addition/Renovation
- Residence Hall Townhouses - Phase 3
- (Demish 346 & 348 College St.)

RENTAL PROPERTY AT 110 LANGHORNE LANE

- | | | |
|--|-------------------------------------|-----------------------------------|
| APPROVED 1989-2016: | 325 College - Student Housing | 310 Lakewood - Student Housing |
| Dell Renovations | 339 College - Student Housing | 416 Lakewood - Student Housing |
| Entrance Road & Physical Plant Parking | Residence Hall Townhouses - Phase 1 | 432 Lakewood - Student Housing |
| Boys' Building Addition | 325 Lakewood - Student Housing | 434 Lakewood - Student Housing |
| Garage Art Gallery Addition | 321 Lakewood - Student Housing | 404 Lakewood - Student Housing |
| Residential Properties - Student Housing | 420 Lakewood - Student Housing | 406 Lakewood - Student Housing |
| Hobbs Hall Renovation | 325 Lakewood - Student Housing | 185 Vernon - Student Housing |
| 612 Breward - Student Housing | 404 Westwood - Student Housing | 307 Vernon - Student Housing |
| 611 Breward - Student Housing | Central Hall (Educational Building) | 269 Amesla - Student Housing |
| 609 Breward - Student Housing | 325 Lakewood - Student Housing | 317 Lakewood - Student Housing |
| Turner Gym Additional and Shell | 426 Lakewood - Student Housing | 518 Breward - Student Housing |
| Physical Plant Storage Building | 191 Vernon - Student Housing | 317 Lakewood - Student Housing |
| 609 Breward - Student Housing | 235 Vernon - Student Housing | 402 Lakewood - Student Housing |
| 516 Vernon - Student Housing | 246 Vernon - Student Housing | 417 Lakewood - Student Housing |
| 641 College - Temporary Offices; | 325 Lakewood - Student Housing | 325 Lakewood - Student Housing |
| Student Housing | 310 Vernon - Student Housing | 1115 McCausland - Student Housing |
| Hall Center - Classrooms/Offices | 311 Vernon - Student Housing | Thompson Addition |
| 207 College - Student Housing | 308 Vernon - Student Housing | Thompson Addition - Press Box |
| 609 Breward - Student Housing | 341 Vernon - Student Housing | 408 Lakewood - Student Housing |
| 319 College - Student Housing | Residence Hall Apartments (Phase 2) | Moon Field - Softball Bating Cage |
| 321 College - Student Housing | 325 Lakewood - Student Housing | 200 Bell Street - Student Housing |
| 515 College Street - Student Housing | 350 Vernon - Student Housing | |
| 431 Lakewood Street - Student Housing | 1122 McCausland - Student Housing | |
| | 121 Thomas - Student Housing | |

This is a detailed street map of the Monticello area in Bristol, Virginia. The map shows the intersection of Monticello Avenue (US 421) and Main Street (US 421). Key locations include 402 Monticello, 1210 Bristol, 300 Monticello Avenue, and the Monticello Hotel. The map also shows the Monticello River and the Monticello Bridge. A scale bar at the bottom indicates distances in feet and miles.



Tue Feb 14 2023
Imagery © 2023 Nearmap, HERE

nearmap

**University of Lynchburg Offices – CUP
333, 335, & 337 College Street
September 13, 2023**

PLEASE PRINT CLEARLY

[illegible]

AGENDA ITEM SUMMARY

MEETING DATE

September 26, 2023

PRESENTED BY

Rachel Frischeisen, Senior Planner

AGENDA ITEM # IV.7

Conditional Use Permit (CUP) - University of Lynchburg Laundry Facility - 504 Westwood Avenue

RECOMMENDATION

This item will appear for City Council vote on the October 10, 2023 Public Hearing agenda. Approval of the CUP to allow the use of an existing structure at 504 Westwood Avenue as a laundry facility for students in an R-4, High Density Residential district.

SUMMARY

The University of Lynchburg is petitioning for a CUP at 504 Westwood Avenue to allow the use of an existing structure as a laundry facility for students in an R-4, High Density Residential district. College and university uses are permitted in this zoning district upon approval of a CUP by City Council.

The Comprehensive Plan 2013-2030 recommends a Low-Density Residential use for the subject properties. Public and private institutional uses compatible in scale with single-family homes may be included in these areas. The property has been used for student housing since 2001.

PRIOR ACTION(S)

September 13, 2023: The Planning Commission recommended approval (5-0 with 2 abstentions; Perault and Rogers) of the CUP petition.

September 13, 2023: The Planning Division recommended approval of the CUP petition.

FISCAL IMPACT

N/A

CONTACT(S)

Rachel Frischeisen, Senior Planner
Tom Martin, City Planner

ATTACHMENT(S)

1. Planning Commission Minutes, Report, and Attachments

REVIEWED BY



Kent White, Director of Community Development

Date: September 20, 2023



Mercedes Braun, Executive Assistant to the City Manager

Date: September 21, 2023



Wynter C. Benda, City Manager

Date: September 21, 2023



Alicia Finney, Clerk of Council

Date: September 21, 2023

MINUTES OF THE SEPTEMBER 13, 2023 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

Petition of University of Lynchburg for a Conditional Use Permit in an R-4, High Density Residential district to allow the conversion of a student housing facility to a laundry facility at 504 Westwood Avenue.

Ms. Rachel Frischeisen, Senior Planner, provided the following summary to the Commission. The subject property is located at 504 Westwood Avenue and contains approximately two hundred six thousandths (.206) of an acre. The purpose of the petition is to allow the conversion of the existing structure to a laundry facility for use by University of Lynchburg students. The Comprehensive Plan 2013-2030 recommends a Low-Density Residential use for the subject properties. Public and private institutional uses compatible in scale with single-family homes may be included in these areas. The property is zoned R-4, High Density Residential District. College and University uses are permitted in this district upon approval of a CUP by City Council. The property has been used for student housing since 2001. It contains a one (1) story wood frame, vinyl siding structure built in 1910. The property is surrounded by other parcels owned by University of Lynchburg and used for student housing. The TRC reviewed the concept plan on August 22, 2023. Comments have or will be addressed prior to occupancy of the building as a laundry facility. The Planning Division recommends approval of the CUP petition.

Chair Johnson asked if anyone was present to speak on behalf of the petition.

Mr. Chris Burnley, Vice President for Business and Finance for the University of Lynchburg, was present to represent the petition. Mr. Burnley stated that this project was necessary as the 3rd party laundry provider refused to service the individual houses and required that the laundry facilities be consolidated. He believes the new location is the best spot as it has ample parking and is a more central location. Mr. Burnley stated that this facility is only for use by University of Lynchburg students.

Chair Johnson asked if there was anyone present to speak in favor of this petition.

Chair Johnson asked if there was anyone present to speak in opposition of this petition.

Chair Johnson closed the public hearing.

Commissioner Bowden asked for the specific number of locations that had laundry facilities.

Mr. Burnley stated there were 52 student houses and the majority of those had washer/dryer units. Mr. Burnley state the consolidated location would have 8 washers and 8 dryers. The building would also have a student center for students to study and hang out.

Commissioner Bowden asked how 8 washer/dryer units was determined and believed the number seemed a bit low.

Mr. Burnley stated that number was determined by the 3rd party laundry provider, Caldwell & Gregory.

Commissioner Bowden agreed that it made sense with it being centrally located and that consolidation works.

Chair Johnson asked if there were any other locations with laundry facilities.

Mr. Burnley Stated that there were other locations scattered across campus and in their larger buldings. This new location is for students living in houses.

Commissioner Henderson asked if a key card would be necessary to get into the building.

Mr. Burnley confirmed a key card would be necessary to access the building.

Commissioner Bowden asked about parking.

Mr. Burnley stated that parking was good at this location. There is a small parking area behind the building and a larger lot across Westwood Avenue.

Commissioner Bowden made the following motion, seconded by Commissioner Marion, and approved by the following vote:

"Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of University of Lynchburg to allow the use of existing structure at 504 Westwood Avenue as a laundry facility for students. "

AYES: Bowden, Gammon, Henderson, Johnson, Marion	5
NOES:	0
ABSTENTIONS: Perault, Rogers	2
ABSENT:	0

The Department of Community Development

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

To: Planning Commission
From: Planning Division
Date: September 13, 2023
Re: Conditional Use Permit (CUP) – University of Lynchburg Laundry Facility – 504 Westwood Avenue

I. PETITIONER

University of Lynchburg, 1501 Lakeside Drive, Lynchburg, Virginia 24501

Representative: Lee Smith, University of Lynchburg, 1501 Lakeside Drive, Lynchburg, Virginia 24501

II. LOCATION

The subject property is located at 504 Westwood Avenue and contains approximately two hundred six thousandths (.206) of an acre.

Property Owner: Lynchburg College (University of Lynchburg), 1501 Lakeside Drive, Lynchburg, Virginia 24501

III. PURPOSE

The purpose of the petition is to allow the conversion of the existing structure to a laundry facility for use by University of Lynchburg students.

IV. SUMMARY

- The *Comprehensive Plan 2013-2030* recommends a Low-Density Residential use for the subject properties. Public and private institutional uses compatible in scale with single-family homes may be included in these areas.
- The property is zoned R-4, High Density Residential District. College and University uses are permitted in this district upon approval of a CUP by City Council.
- The property has been used for student housing since 2001.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Future Land Use Map (FLUM)* recommends a Low-Density Residential use for the subject properties. Low Density Residential areas are dominated by single family detached housing at densities of up to four dwelling units per acre. These areas are colored light yellow on the Future Land Use Map. In addition to residential uses, they may include public and institutional uses compatible in scale with single family residential homes. Private recreation uses, including country clubs and swim and racquet clubs, and private open space are also appropriate for Low Density Residential areas. (*p. 72*)

The property has been used for student housing since 2001.

2. **Zoning.** The subject property was annexed into the City in 1926. The existing R-4, High Density Residential District was established in 1978. College and University uses are a permitted use in this district upon approval of a CUP by City Council.

3. Board of Zoning Appeals (BZA). The Zoning Official has determined that no variances would be needed for the use of the property as proposed.

4. Surrounding Area. There have been several items requiring City Council approval in the immediate area:

- On October 28, 1980, City Council approved Lester Heyer’s petition for a CUP to allow a family amusement center off Lakeside Drive.
- On September 25, 1984, City Council approved Lynchburg College’s petition for a CUP to allow the development of an alumni house off Lakeside Drive.
- On August 13, 1985, City Council approved Lynchburg College’s petition for a CUP to allow the conversion of an existing residence hall to offices and construction of new classrooms/parking on College Street.
- On June 10, 1986: City Council approved Knight Gallery LTD’s petition for a CUP to allow the construction of a building and parking lot addition at 2034 Lakeside Drive.
- On October 14, 1986, City Council approved Lynchburg College’s petition for a CUP to allow the construction of three (3) athletic practice fields, parking area and a restroom/storage building at the intersection of Lakeside Drive and Faculty Drive.
- On April 12, 1988, City Council approved Don Gay’s petition to rezone approximately two tenths (0.2) of an acre at 2018 Lakeside Drive from B-3, Community Business District, to B-5C, General Business District (Conditional), to allow the operation of an automobile sales and rental business in an existing structure.
- On July 12, 1988, City Council approved Lynchburg College’s petition for a CUP to allow the construction of office space at 185 Vernon Street and 500 Westwood Avenue.
- On August 9, 1988, City Council approved Lynchburg College’s petition for a CUP to allow the construction of a dormitory and office at 349 College Street.
- On November 8, 1988, City Council approved Farris and Iseman’s petition for a CUP to allow the expansion of a mobile home park at 2134 Lakeside Drive.
- On February 14, 1989, City Council approved Lynchburg College’s petition for a CUP to allow the development of faculty offices at 505 Brevard Street.
- On August 1, 1989, City Council approved Lynchburg College’s petition for a CUP to allow the development of college offices and student housing on College, McCausland and Brevard streets.
- On June 11, 1991, City Council approved James Mitchel’s petition to rezone approximately one and three tenths (1.3) acres at 2022 Lakeside Drive from B-5C, General Business District (Conditional), to B-5C, General Business District (Conditional), to amend a previously approved proffer to allow general equipment rental, sales, service and outside storage.
- On January 12, 1993, City Council approved Lynchburg College’s petition for a CUP to amend its master plan to allow the construction of the School of Business within the 300 Block of College Street.
- On December 12, 1995, City Council approved Lynchburg College’s petition for a CUP to amend its master plan to allow conversion of an existing residence for supervised student housing at 511 Brevard Street.

- On May 14, 1997, City Council approved Robert Kerr’s petition to rezone seventy-five hundredths (0.75) of an acre at 2108 Lakeside Drive from I-2, Light Industrial District, to B-5C, General Business District (Conditional), to allow construction of a building for auto parts sales and commercial uses.
- On July 8, 1997, City Council approved The Salvation Army’s petition to rezone one and one tenth (1.1) acres at 2108 Lakeside Drive from I-2, Light Industrial District, to B-5C, General Business District (Conditional), to allow construction and use of a thrift store.
- On May 12, 1998, City Council approved Lynchburg College’s petition for a CUP to allow the development of special interest student housing at 512 Brevard Street.
- On June 9, 1998, City Council approved Lynchburg College’s petition for a CUP to amend its master plan to allow the construction of a gym and physical plant storage building at 1501 Lakeside Drive.
- On August 11, 1998, City Council approved Lynchburg College’s petition for a CUP to allow the use of an existing residence for student housing at 215 Vernon Street.
- On September 8, 1998, City Council approved Otis and Jean Brent’s petition to rezone one and two tenths (1.2) acres at 2108 Lakeside Drive from B-5C, General Business District (Conditional), to B-5C, General Business District (Conditional), to amend a previously approved proffer to allow the use of an existing building for office and retail use.
- On July 13, 1999, City Council approved Lynchburg College’s petition for a CUP to allow the development of a college office and student housing at 341 College Street, 504 Brevard Street and 245 Vernon Street.
- On March 14, 2000, City Council approved Lynchburg College’s petition for a CUP to amend its master development plan to allow the construction of student townhomes on campus at 1501 Lakeside Drive.
- On June 12, 2001, City Council approved Lynchburg College’s petition for a CUP to allow the development of student housing at 511 Brevard Street, 312, 420, 425 Lakewood Street and 504 Westwood Avenue.
- On June 8, 2004 City Council approved Lynchburg College’s petition for a CUP to allow the conversion of existing residences to student housing at 191, 225, 235, 246, 302, 310, 311, 331, 348 Vernon Street, 316 and 426 Lakewood Street.
- On October 12, 2004, City Council approved Lynchburg College’s petition for a CUP to allow the construction of student housing and associated parking areas at 1501 Lakeside Drive.
- On December 12, 2004, City Council approved Lynchburg College’s petition for a CUP to allow the conversion of existing residences to student housing at 201 Bell Street, 224, 350 Vernon Street, 1123 McCausland Street, 121 Thomas Road, 310, 416, 432 Lakewood Street and 333 College Street.
- On July 12, 2005, City Council approved Lynchburg College’s petition for a CUP to allow the conversion of existing residences to student housing at 404, 428 Lakewood Street., 185, 307 Vernon Street and 214 Bell Street.
- On June 13, 2006, City Council approved DSZ Properties’ petition to rezone three and eighty-seven hundredths (3.87) acres at 2009 Lakeside Drive from R-2, Low-Medium

Density Single-Family Residential District, to R-4C, Medium-High Density Multi-Family Residential District (Conditional) to allow the construction of a thirty-six (36-) unit townhouse complex with associated parking.

- On June 13, 2006, City Council approved Lynchburg College’s petition for a CUP to allow college-supervised student housing at 217 Bell Street, 209 Amelia Street, 317 College Street, 402, 417, 419 Lakewood Street, 1115 McCausland Street, 518 Brevard Street and 324 Vernon Street.
 - On November 14, 2006, City Council approved Milton & Neal Properties’ petition to rezone one and fourteen hundredths (1.14) acres from B-5C, General Business District (Conditional) to B-3C, Community Business District (Conditional) at 2108 Lakeside Drive to allow the construction of a U.S. Armed Forces Recruiting Center.
 - On February 13, 2007, City Council approved Lynchburg College’s petition for a CUP to allow a consolidated sign package for nine (9) way-finding signs at 1501 Lakeside Drive and 503 Brevard Street.
 - On July 10, 2007, City Council approved Milton & Neal Realty’s petition to rezone two and two tenths (2.2) acres from R-2, Low-Medium Density, Single-Family Residential District to B-1C, Limited Business District (Conditional) at 1600, 1604 and 1608 Lakeside Drive to allow the construction of a Veteran’s Administration Clinic and a future office building.
 - On February 12, 2008, City Council approved Lynchburg College’s petition for a conditional use permit (CUP) to allow the construction of a three thousand (3,000) square foot addition to Thompson Hall and the construction of a four hundred and eighty (480) square foot press box for baseball on Fox Field at 1501 Lakeside Drive.
 - On August 12, 2008, City Council approved William and Darlene Brown’s petition to rezone one and thirty-eight hundredths (1.38) acres from B-5C, General Business District (Conditional) to B-5C, General Business District (Conditional) at 2022 Lakeside Drive to amend the proffers for the subject property.
 - On November 10, 2009, City Council approved Lynchburg College’s petition for a CUP at 300 Monticello Avenue to allow the operation of a college in the existing building and expansion of a parking area.
5. **Site Description.** The subject property located at 504 Westwood Avenue is two hundred six thousandths (.206) of an acre. It contains a one (1) story wood frame, vinyl siding structure built in 1910.
- The property is surrounded by other parcels owned by University of Lynchburg and used for student housing.
6. **Proposed Use of Property.** The purpose of the petition is to allow the conversion of the existing structure to a laundry facility for use by University of Lynchburg Students.
7. **Traffic, Parking and Public Transit.** The City’s Transportation Engineer did not require a traffic study for the proposed use.
8. **Stormwater Management.** An Erosion & Sediment Control / Stormwater Plan will not be required as there will be no new impervious areas.
9. **Emergency Services.** The City’s Fire Marshal and Police Department had no comments of concern regarding the proposed use.

10. Impact. The property located at 504 Westwood Avenue has been used as student housing since 2001. The University proposes to convert the structure to a laundry facility for students living in the area. Ample parking is available on street and in parking facilities owned by the University.

11. Technical Review Committee. The TRC reviewed the concept plan on August 22, 2023. Comments have or will be addressed prior to occupancy of the building as a laundry facility.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of University of Lynchburg to allow the use of existing structure at 504 Westwood Avenue as a laundry facility for students.

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Wynter Benda, City Manager
Greg Patrick, Deputy City Manager
Kent White, Director of Community Development
Matthew Freedman, City Attorney
J. Lee Newland, City Engineer
Cynthia Kozerow, Lynchburg Police Department
Thomas Goode, Fire Marshal
Doug Saunders, Building Official
Kevin Henry, Zoning Administrator
Lee Smith, University of Lynchburg

VII. ATTACHMENTS

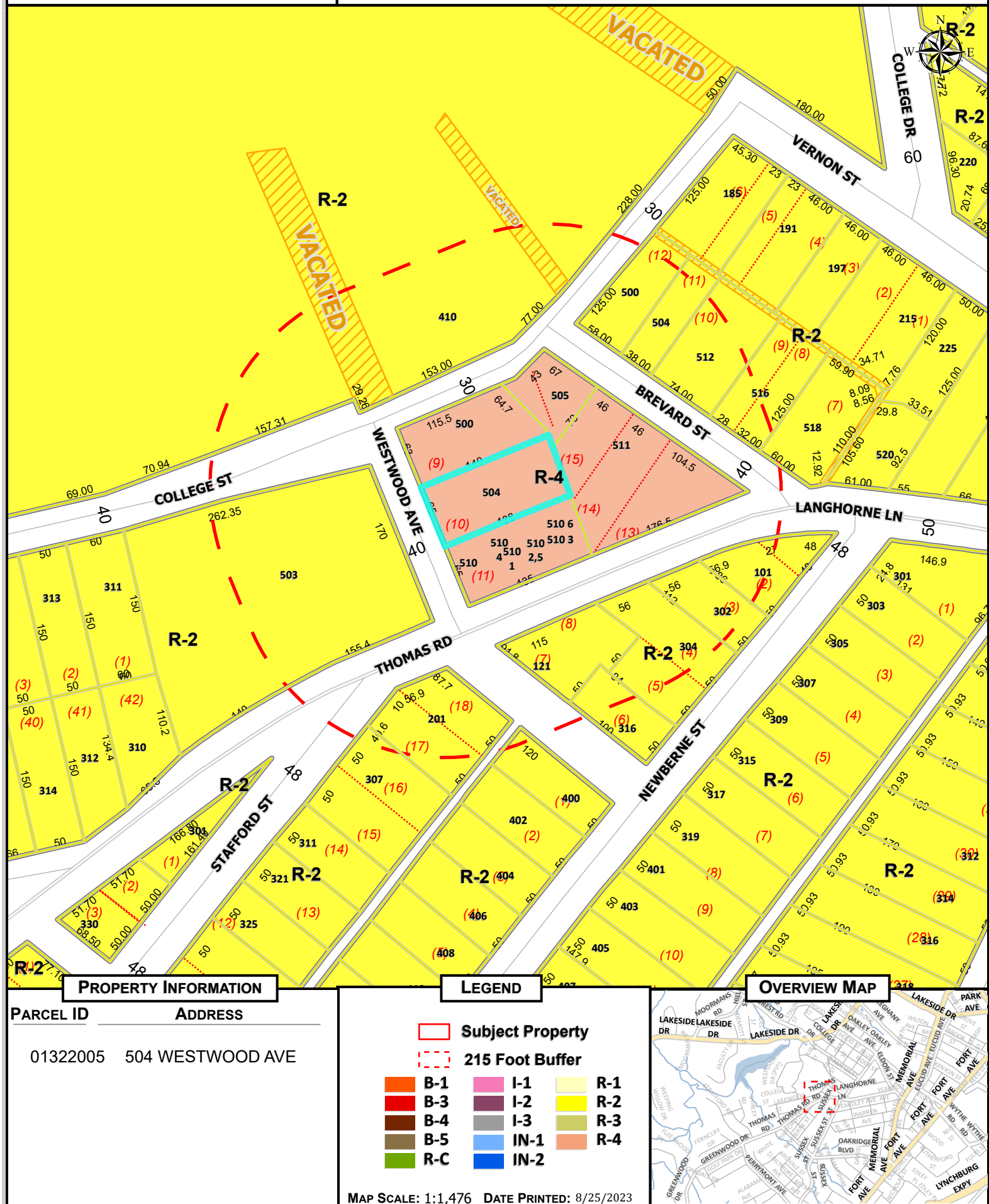
1. Zoning Map with Adjoining Property Owners
2. Future Land Use Map
3. Watershed Map
4. Planimetric and Topographic Map
5. Narrative
6. Property Photograph

Zoning

504 WESTWOOD AVE

TRC

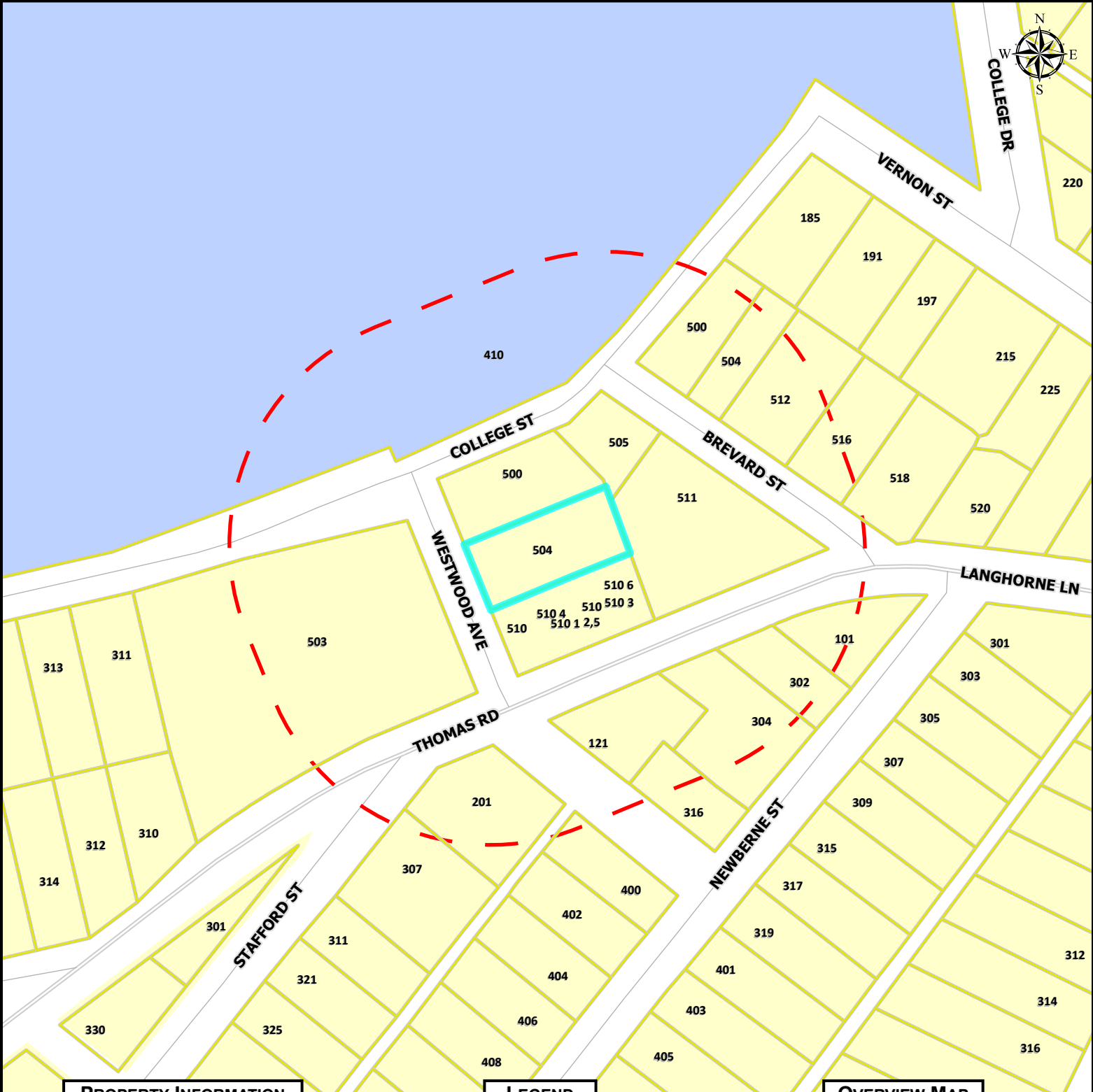
University of Lynchburg



504 Westwood Avenue Adjoining Owners

Parcel ID	Address	Owner
01320013	518 BREVARD ST	LYNCHBURG COLLEGE
01320014	516 BREVARD ST	LYNCHBURG COLLEGE
01320016	512 BREVARD ST	LYNCHBURG COLLEGE
01320017	504 BREVARD ST	LYNCHBURG COLLEGE
01320018	500 BREVARD ST	LYNCHBURG COLLEGE
01322001	505 BREVARD ST	LYNCHBURG COLLEGE
01322002	511 BREVARD ST	LYNCHBURG COLLEGE
01322004	510 WESTWOOD AVE	LYNCHBURG COLLEGE
01322005	504 WESTWOOD AVE	LYNCHBURG COLLEGE
01322006	500 WESTWOOD AVE	LYNCHBURG COLLEGE
01323001	101 THOMAS RD	DREEMR PROPERTIES LLC
01323003	302 NEWBERNE ST	GROOMS, WESLEY E
01323004	304 NEWBERNE ST	UNIVERSITY OF LYNCHBURG
01323006	316 NEWBERNE ST	WALLACE, CHRISTINE E
01323007	121 THOMAS RD	LYNCHBURG COLLEGE
01325001	201 THOMAS RD	LYNCHBURG COLLEGE
01325002	400 NEWBERNE ST	VIAR VENTURES L L C
01325016	307 STAFFORD ST	LYNCHBURG COLLEGE
03102043	503 WESTWOOD AVE	LYNCHBURG COLLEGE
03103001	1501 LAKESIDE DR	LYNCHBURG COLLEGE

504 WESTWOOD AVE
University of Lynchburg



PROPERTY INFORMATION	
PARCEL ID	ADDRESS
01322005	504 WESTWOOD AVE

LEGEND

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



Watershed

504 WESTWOOD AVE

TRC

University of Lynchburg



PROPERTY INFORMATION

PARCEL ID

ADDRESS

01322005

504 WESTWOOD AVE

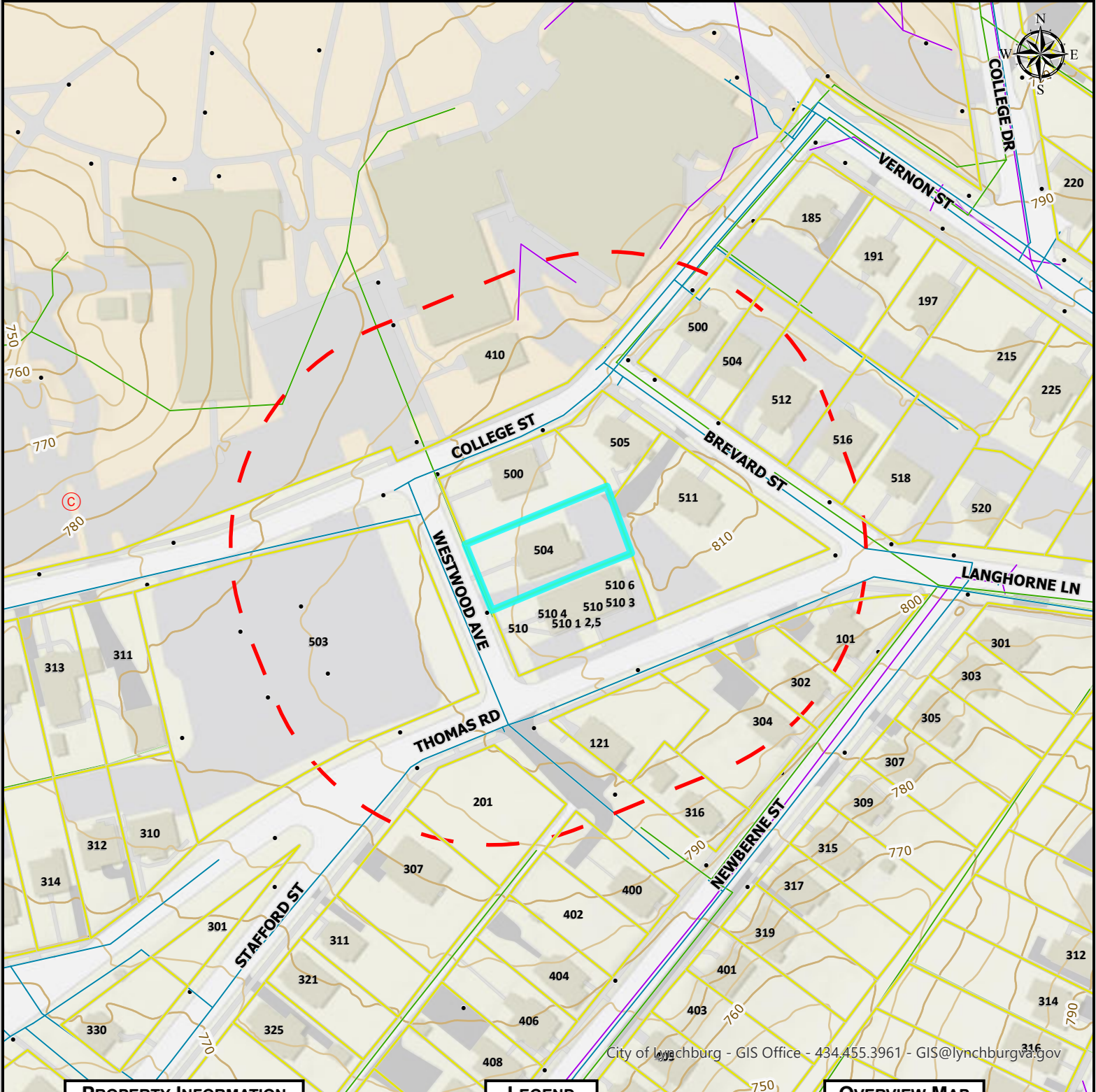
LEGEND

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

MAP SCALE: 1:1,476 DATE PRINTED: 8/25/2023

OVERVIEW MAP





City of Lynchburg - GIS Office - 434.455.3961 - GIS@lynchburgva.gov

PROPERTY INFORMATION

PARCEL ID

ADDRESS

01322005

504 WESTWOOD AVE

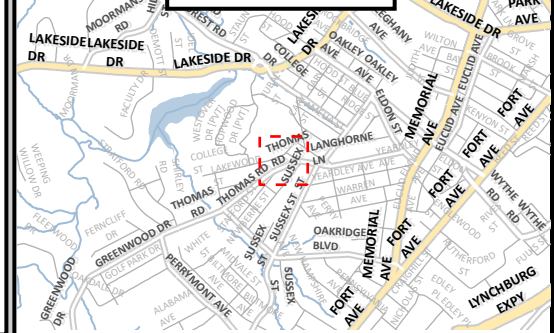
LEGEND

	Active	Proposed	Abandoned
Utilities			
Water			
Sanitary			
Storm			
	Paved	Unpaved	Other
Planimetrics			
Structure			
Roadway			
Parking			
Sidewalk			
Driveway			
Topography			
Contour			
	100'	20'	5'
	50'	10'	1'

MAP SCALE: 1:1,476

DATE PRINTED: 8/25/2023

OVERVIEW MAP



University of Lynchburg UPDATE TO MASTER PLAN

Conditional Use Permit Application

The University of Lynchburg is applying for a Conditional Use Permit to update its Master Plan to request permission to convert the undergraduate housing at **504 Westwood Ave** to a central laundry facility.

The University of Lynchburg, founded in 1903, is one of the oldest coeducational colleges in Virginia. Since its founding, the University has maintained strong commitments to the liberal arts as the basis for education, to a church relationship, to coeducation, and to being a residential community. We have completed a strategic plan and a campus facilities master plan. Our plans call for our enrollment of approximately 2,600 to remain constant. Currently about 1,800 of these students are full-time traditional age undergraduates with the remaining 800 consisting of older adult (over 25) students, part-time students, and graduate students. All traditional age students are required to live in University-owned housing until their senior year unless they are living at home with their parents. In previous years, the University has offered housing with a washer and dryer for students to do their own laundry. The University has removed the laundry units from all undergraduate housing.

Starting in the summer of 2023, the University will be offering a laundry facility at 504 Westwood Ave for students. In order to provide this laundry facility to our students, we need to convert the dwelling at 504 Westwood Ave to a laundry facility that has eight units that will be used by students living in University-owned homes. In addition to the parking space on the property and available on-street parking, we can provide adequate parking for the residents in the University's large parking lot across the street, located at 503 Westwood Ave. The renovations to the property include replacement of the flooring to a vinyl flooring, repaint, and installing appropriate plumbing with isolation valves for each unit, as well as handrails to the front porch, and a security door with a card reader.

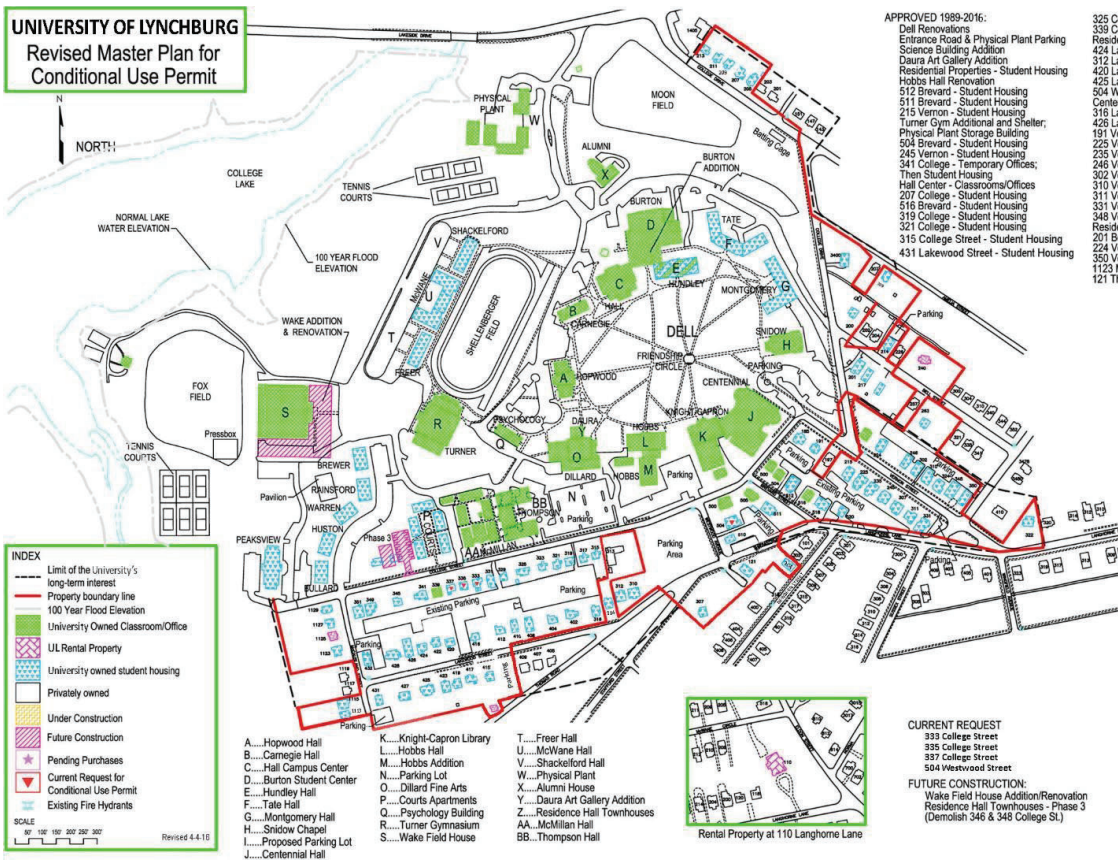
The University has been and wants to continue to be a responsible entity within the City of Lynchburg. We currently employ over 700 individuals and have a regional economic impact of over \$100 million on an annual basis.

We will send a letter to all individuals that own property near the University so that we can invite them to an Information Session to share with them our plans and respond to their concerns, if any.

Prepared by:

Jesse Case
Capitals Project Manager

UNIVERSITY OF LYNCHBURG
Revised Master Plan for
Conditional Use Permit

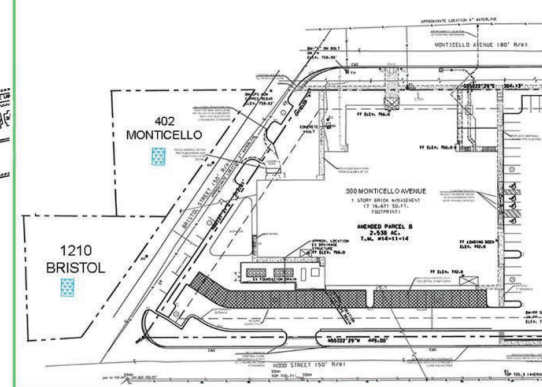


APPROVED 1989-2016:
 Dell Renovations
 Entrance Road & Physical Plant Parking
 Science Building Addition
 Daura Art Gallery Addition
 Rensselaer Hall - Student Housing
 Hobbs Hall Renovation
 512 Brevard - Student Housing
 511 Brevard - Student Housing
 215 Vernon - Student Housing
 Turner Gym Additional and Shelter;
 Physical Plant Science Building
 504 Brevard - Student Housing
 245 Vernon - Student Housing
 341 College - Temporary Offices;
 Then Student Housing
 Hall Renovation - Classrooms/Offices
 207 College - Student Housing
 516 Brevard - Student Housing
 319 College - Student Housing
 321 College - Student Housing
 315 College Street - Student Housing
 431 Lakewood Street - Student Housing

325 College - Student Housing
339 College - Student Housing
Residence Hall Townhouses - Phase 1
424 Lakewood - Student Housing
312 Lakewood - Student Housing
420 Lakewood - Student Housing
404 Lakewood - Student Housing
504 Westwood - Student Housing
Centennial Hall (Educational Building)
316 Lakewood - Student Housing
426 Lakewood - Student Housing
312 Lakewood - Student Housing
225 Vernon - Student Housing
235 Vernon - Student Housing
246 Vernon - Student Housing
302 Vernon - Student Housing
310 Vernon - Student Housing
312 Vernon - Student Housing
331 Vernon - Student Housing
348 Vernon - Student Housing
Residence Hall Apartments (Phase 2)
201 Bell - Student Housing
312 Bell - Student Housing
350 Vernon - Student Housing
1123 McCausland - Student Housing
121 Thomas - Student Housing

310 Lakewood - Student Housing
416 Lakewood - Student Housing
432 Lakewood - Student Housing
214 Bell - Student Housing
404 Lakewood - Student Housing
428 Lakewood - Student Housing
185 Vernon - Student Housing
307 Vernon - Student Housing
209 Amelia - Student Housing
324 Vernon - Student Housing
518 Brevard - Student Housing
217 Caldwell - Student Housing
217 Bell - Student Housing
402 Lakewood - Student Housing
417 Lakewood - Student Housing
419 Lakewood - Student Housing
1115 McCausland - Student Housing
Thomson Addition
Fox Baseball Field Press Box
408 Lakewood - Student Housing
Moon Field - Softball Batting Cage
307 Stafford Street - Student Housing
200 Bell Street - Student Housing

UNIVERSITY OF LYNCHBURG - Graduate Health Sciences



CURRENT REQUEST
333 College Street
335 College Street
337 College Street
504 Westwood Street

FUTURE CONSTRUCTION:
Wake Field House Addition/Renovation
Residence Hall Townhouses - Phase 3
(Demolish 346 & 348 College St.)



University of Lynchburg Laundry Facility – CUP
504 Westwood Avenue
September 13, 2023

PLEASE PRINT CLEARLY

NAME	ADDRESS	PHONE	IN FAVOR	IN OPPOSITION	NEUTRAL
<i>Calvin</i>	<i>University of Lynchburg</i>				

AGENDA ITEM SUMMARY

MEETING DATE

September 26, 2023

PRESENTED BY

Rachel Frischeisen, Senior Planner

AGENDA ITEM # IV.8

Conditonal Use Permit (CUP) & FLUM Amendment: Neighborhood Commercial to Medium Density Residential – Wards Ferry Road Apartments – 3146 and 3150 Wards Ferry Road

RECOMMENDATION

This item will appear for City Council vote on the October 10, 2023 Public Hearing agenda. Denial of the CUP to allow the construction of a nineteen (19) unit apartment complex in a B-1, Limited Business district at 3146 and 3150 Wards Ferry Road.

SUMMARY

Timberlake Investments, LLC is petitioning for a CUP at 3146 and 3150 Wards Ferry Road to allow the construction of nineteen (19) apartments in a B-1, Limited Business district. Apartments are permitted in this zoning district upon approval of a CUP from City Council. The petitioner had originally requested twenty-four (24) apartments but has since reduced the request to nineteen (19) units, following the Planning Commission meeting.

The Comprehensive Plan 2013-2030 recommends a Neighborhood Commercial use for the subject properties. The petition proposes to amend the Future Land Use Map (FLUM) to Medium Density Residential. Medium Density Residential areas are characterized by small-lot single family detached housing, duplexes and townhomes at densities up to twelve (12) units per acre. The property consists of one and six hundred twelve thousandths (1.612) acres, which would support nineteen (19) units under a Medium Density land use. However, the proposed apartments are not in keeping with single-household, duplex, or townhome uses recommended in a Medium Density area.

PRIOR ACTION(S)

August 23, 2023: The Planning Commission recommended denial (7-0) of the CUP and FLUM amendment petitions.

August 23, 2013: The Planning Division recommended denial of the petition.

FISCAL IMPACT

N/A

CONTACT(S)

Rachel Frischeisen, Senior Planner
Tom Martin, City Planner

ATTACHMENT(S)

1. Planning Commission Minutes, Report, and Attachments

REVIEWED BY



Kent White, Director of Community Development

Date: September 20, 2023



Mercedes Braun, Executive Assistant to the City Manager

Date: September 21, 2023



Wynter C. Benda, City Manager

Date: September 21, 2023



Alicia Finney, Clerk of Council

Date: September 21, 2023

MINUTES OF THE AUGUST 23, 2023 PLANNING COMMISSION MEETING (MINUTES HAVE BEEN APPROVED):

Petition of Timberlake Investments, LLC to amend the Future Land Use Map from Neighborhood Commercial to Medium Density Residential and for a Conditional Use Permit at 3146 and 3150 Wards Ferry Road to allow the construction of a twenty-four (24) unit apartment complex with associated parking in a B-1, Limited Business District.

Mr. Tom Martin, City Planner, provided the following summary to the Commission. The property is two parcels, consisting of approximately 1.6 acres. The property is currently zoned B-1 Limited Business District and recommended for Neighborhood Commercial uses on the City's *Future Land Use Map*. Neighborhood Commercial uses are primarily intended for uses such as office, retail, personal services, small restaurants, that are scaled to be compatible with and serve their immediate neighborhoods. Regarding the proposed medium-density land use, these areas are intended for things such as single households, duplexes, townhomes, with densities of up to 12 units per acre. The issues with the requested land use are: it is the wrong unit type, they are requesting apartments; and the wrong density, it is only 1.6 acres. The recommended density is 12 units and they are requesting 24 units. While the unit type would be allowed in the B-1 district, approval would limit the future use of the property for commercial or office type development. The main reason for the recommendation of denial is the City's 2014 Wards Ferry Road Study, adopted by City Council. This plan specifically recommended that the study forecast be revised if development policies in that corridor were changed to increase dwelling units. The issue with Wards Ferry Road is that if increased density is approved along that corridor; then, it may result in the need to widen Wards Ferry Road, and the City does not have the right-of-way width to do so. The road has a significant amount of traffic and increasing densities along the corridor could cause issues. To widen the road would mean taking structures. The City is already initiating recommendations of the plan. The City is currently designing, with VDOT funding, a roundabout at Harvard Street, or CVCC Boulevard, and Wards Ferry Road. The City has plans to construct intersection improvements at Atlanta Avenue, and bicycle and pedestrian improvements at Simons Run and Wards Ferry Road, starting fiscal year 2025, through fiscal year 2027. For this petition, there was no traffic study required nor submitted. With the potential for traffic accidents coming out of Copley Place at the turning lanes on Wards Ferry Road, Planning Division did not feel comfortable recommending the petitions.

Chair Johnson asked if anyone was present to speak on behalf of the petition.

Mr. Norman Walton, of Perkins & Orrison was present to represent the petition. Mr. Walton stated that the petition is a complicated request, as Wards Ferry Road is a developing area and that there are currently a mixture of uses throughout the corridor. Mr. Walton continued, the request is not an exception to what is already there and understands staff concerns regarding the widening of Wards Ferry Road. He does not believe that 24 units is an overreach of the density requirements in this area. If the density is an issue, we would be willing to table the project and come back with a higher Future Land Use amendment than currently proposed. This is the second time we have proposed a development at this site. The original proposal was too complex, so we came back with this proposal, as it is more feasible. Mr. Walton continued, we want to point out that there is a 50-foot buffer adjacent to the single family detached on the adjoining side street. Mr. Walton concluded that Mr. Dewitt would like to discuss the marketability and feasibility of this property being commercial.

Tom Dewitt was present to speak on behalf of the petition. He stated that the property has been on and off the market since 2009 and that the property was eventually auctioned. Mr. Dewitt submitted that no one has been interested in the property for B-1 use, citing the location, a block off of Wards Ferry Road and the impacts of COVID-19 on office use. He noted on the surrounding area report, that there were 11 projects mentioned; six of those were institutional, all of the others involved some form of multi-family projects. He added that in 2017, there was a rezoning for 70 apartments, beside Woodmen of the World, approved. The current project is marketed to professionals, with one- and two-

bedroom units. Mr. Dewitt concluded that two and a half to three-million-dollar apartment project would do more for the City than one or two office buildings; there seems to be little or no demand for B-1; and there is not much opposition.

Chair Johnson asked if there was anyone else present to speak in favor of this petition.

Chair Johnson asked if there was anyone present to speak in opposition of this petition.

Atul Gupta was present to speak in opposition to the petition. Mr. Gupta said he has 1.6 acres beside the subject property and that he opposes the petition because it sets a precedent for development in a single-family neighborhood. People have trouble with traffic on Wards Ferry Road right now. Mr. Gupta questioned the ingress/egress for the apartments as well as their impact on the nearby stream. He continued, why do we need more apartments, when the infrastructure is not there. The road at Timberlake and Wards Ferry Road is congested. Building the apartments is not feasible.

Chair Johnson asked if the presenter would like to offer a rebuttal.

Mr. Walton offered a rebuttal. He cited owning a piece of property on Wards Ferry Road, and his familiarity with traffic patterns. He continued, there is infrastructure, water and sewer; and we will design the site to meet the criteria for stormwater management.

Chair Johnson closed the public hearing.

Commissioner Marion asked for clarification on ingress-egress.

Mr. Walton stated that the access is through Copley Drive and that they cannot restrict movements on Copley Drive, as it is a public street. Mr. Walton speculated about traffic impacts, but continued that they did not complete a traffic study. A traffic study was not required due to the size of the project.

Chair Johnson asked for clarification about the acreage in the Conditional Use Permit request.

Mr. Martin clarified it is 1.6 acres.

Chair Johnson noted that the request of twenty-four (24) units is over the recommended density.

Commissioner Gammon asked for confirmation that this development would not fit either B-1 or medium density zoning requirements.

Mr. Martin clarified that the apartments are allowed by conditional use permit in the B-1 district. The conditional use permit process allows the Planning Commission, City Council, and staff to look at a site-by-site basis. While apartments in a B-1 zone may be appropriate in one part of the city, they may not be appropriate in another part. After looking at the facts, staff did not believe that apartments were appropriate in this location.

Commissioner Gammon expressed his concerns about traffic and the intersection cluster near 501, at Timberlake Road and Wards Ferry Road. Wards Ferry is a two-lane road, we do not have the rights-of-way to widen the road, and adding multi-family units in this area would create more traffic conflicts near a hazardous intersection. What is the benefit of this development under the current circumstances?

Mr. Walton replied that this is the first viable project, in fifteen years of the property being marketed, that could come to fruition. Otherwise, the land stays vacant, unused. Mr. Walton then clarified an earlier point about density. The density is not a zoning issue, it is a future land use map issue. We should have asked for a higher density for the future land use map rather than medium density. The zoning is fine, it is

the future land use map that is the problem. There are a lot of dynamics with this project. There is the traffic concern on Wards Ferry and also a housing demand in the city.

Commissioner Henderson asked about other housing types in the vicinity.

Mr. Walton clarified that there were single family detached, duplexes, townhomes, and apartments.

Chair Johnson stated that she recognized the desire to develop the vacant land, given the need for housing; however, there are reservations about amending the Future Land Use Map, compounded by the concerns about ingress and egress, density.

Mr. Walton remarked that all localities struggle with comprehensive plans and future land use maps, citing the debate over who is driving the development over any given area – is it the governing body or is it the market.

Chair Johnson replied that we need more housing, but there are complaints, especially from residents in the Timberlake Road area, that there are too many apartments, and townhomes, and traffic. We want Lynchburg to grow.

Mr. Walton replied, citing a recent project in Campbell County, with similar concerns. Wards Ferry Road has been a target for market-driven development in the last ten (10) years, due to the proximity of schools.

Commissioner Rogers remarked that he generally supports density, but is not inclined to support this petition, based on location, lot, use of land, and possibly future use.

Chair Johnson asked Mr. Martin to elaborate on the 2014 Wards Ferry Road Corridor Study and restrictions on widening the road in that area.

Mr. Martin replied that there is not enough right-of-way to widen the road. The City would have to take homes in order to widen the road. It would destroy neighborhoods and properties.

Chair Johnson asked Mr. Martin to clarify the 2014 Wards Ferry Road Corridor Study findings, and road-widening.

Mr. Martin replied that the premise of that recommendation was based on existing zoning along the road. They accounted for that zoning and land uses in their traffic projections. The resulting findings were: if the current zoning and land uses are maintained, with improvements at the intersections at Atlanta Avenue and Harvard Street; then, traffic should be okay. But if there are changes to the land use policies, and increases to densities, then the road will need to be widened.

Commissioner Bowden expressed concern about traffic on Wards Ferry Road.

Commissioner Bowden made the following motion, seconded by Commissioner Henderson, and approved by the following vote:

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council denial of Timberlake Investment, LLC's petition to amend the Future Land Use Map from Neighborhood Commercial to Medium Density Residential and for a conditional use permit (CUP) at 3146 & 3150 Wards Ferry Road to allow the construction of a twenty-four (24) unit apartment complex with forty-eight (48) parking spaces.

AYES: Bowden, Gammon, Henderson, Johnson, Marion, Perault, Rogers

7

NOES:	0
ABSTENTIONS:	0
ABSENT:	0

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

To: Planning Commission
From: Planning Division
Date: August 23, 2023
Re: *Future Land Use Map (FLUM)* Amendment and Conditional Use Permit (CUP) –
3146 & 3150 Wards Ferry Road

I. PETITIONER

Timberlake Investments, LLC, 2026 Royal Oak Way, Lynchburg, Virginia 24503
Representative: Norman Walton, P.E., Perkins & Orrison, 317 Brook Park Place, Forest,
Virginia 24551

II. LOCATION

The subject property is located at 3146 & 3150 Wards Ferry Road and is comprised of approximately one and six hundred twelve thousandths (1.612) acres.

Property Owner:

Timberlake Investments, LLC, 22776 Timberlake Road, Lynchburg, Virginia 24502
Barney M. Stewart, P. O. Box 390, Concord, Virginia 24538

III. PURPOSE

The purpose of the petition is to allow the construction of a twenty-four (24) unit apartment development with forty-eight (48) parking spaces.

IV. SUMMARY

1. The *Comprehensive Plan 2013-2030* recommends a Neighborhood Commercial use for the subject property. The petition proposes to amend the *Future Land Use Map (FLUM)* to Medium Density Residential.
2. The property is zoned B-1, Limited Business District. Apartments are a permitted use in the B-1, Limited Business District upon approval of a CUP.
3. The property located at 3150 Wards Ferry Road contains a residential structure that would be demolished. 3146 Wards Ferry Road is currently vacant.
4. The Wards Ferry Road Corridor Study was adopted by City Council on January 14, 2014. The plan recommended “revising study forecasts if land use development policies in the corridor area are modified to accommodate and increase in dwelling units. It is likely that an increase in density will generate traffic volumes that would need a widened Wards Ferry Road to provide adequate service levels.”

The Planning Division recommends denial of the *FLUM* Amendment and CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Future Land Use Map (FLUM)* recommends a Neighborhood Commercial use for the subject property. Neighborhood Commercial uses are intended to consist primarily of office, retail, personal service and restaurant uses that are scaled and designed to be compatible with and serve their immediate neighborhood. Patrons can walk, bike or take a short drive to reach them. (p. 75)

The petitioner proposes to amend the Future Land Use Map to Medium Density Residential to support the development of a twenty-four (24) unit apartment development with forty-

eight (48) parking spaces. Medium Density Residential areas are characterized by small-lot single family detached housing, duplexes and townhomes at densities up to twelve (12) units per acre. The property consists of one and six hundred twelve thousandths (1.612) acres which would only support nineteen (19) units under a Medium Density land use. The proposed apartments are also not in keeping with single-household, duplex, or townhomes recommended in a Medium Density area.

2. **Zoning.** The subject property was annexed into the City in 1976. The existing B-1, Limited Business District was established in 1978. While the requested CUP would not change the underlying zoning, allowing the development of apartments would negate any future commercial or office use.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances would 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 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.”
 - 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 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 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 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 July 14, 1992, City Council approved the CUP petition of Lynchburg City Schools to allow the installation of 4 modular classrooms at 501 Leesville Road.
 - On February 9, 1993, City Council approved the CUP petition of Lynchburg City School Administration to allow a one-story addition and removal of two modular classrooms at 501 Leesville Road.
 - On July 8, 1997, City Council approved the CUP petition of Heritage High School to allow the construction of a 200 space parking area at 3020 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 July 13, 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 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 January 12, 2010, City Council approved Lynchburg First Church of Nazarene’s CUP petition to allow a consolidated sign plan at 1737 Wards Ferry Road.
- On May 9, 2017, City Council approved Jamestown Development Group’s CUP petition to allow the construction of a seventy (70) unit apartment complex and denied the petition to amend the Future Land Use Map from Medium Density Residential to High Density Residential at 1806, 1816, 1836, 1840, & 1842 Wards Ferry Road.

5. **Site Description.** The subject properties are located at 3146 and 3150 Wards Ferry Road near the intersection of Timberlake Road. The properties consist of approximately one and six hundred twelve thousandths (1.612) acres. The property located at 3150 Wards Ferry Road contains a one story, one thousand two hundred sixty-eight (1268) square foot brick and wood residential structure constructed in 1955. If the petition is approved the structure would be demolished. The property at 3146 Wards Ferry Road is currently undeveloped.

The property is bounded to the north (across Copley Place) by a residential structure and a commercial office, to the south by vacant land, to the east by right-of-way of Lynchburg Expressway and to the west (across Wards Ferry Road) by Heritage High School.

6. **Proposed Use of Property.** The purpose of the petition is to amend the FLUM from Neighborhood Commercial to Medium Density Residential and for a CUP to allow the construction of twenty-four (24) apartment units with forty-eight (48) parking spaces in a B-1, Limited Business District.
7. **Traffic, Parking and Public Transit.** The City’s Transportation Engineer did not require a traffic study for the proposed use. Access to the proposed development would be from Copley Place which intersects with Wards Ferry Road just prior to multiple turn lanes to Timberlake Road.

The Wards Ferry Road Corridor Study was adopted by City Council on January 14, 2014. The plan recommended “revising study forecasts if land use development policies in the corridor area are modified to accommodate and increase in dwelling units. It is likely that an increase in density will generate traffic volumes that would need a widened Wards Ferry Road to provide adequate service levels.”

8. **Stormwater Management.** An Erosion & Sediment Control plan would be required prior to final site plan approval. A Stormwater Management Plan would be required if disturbed areas exceed five thousand (5,000) square feet. The submitted concept plan indicates that a stormwater management facility would be constructed on the southern portion of the

property with water quality being addressed by the purchase of off-site nutrient credits. No adequacy of the downstream receiving channel is proposed.

9. **Emergency Services.** The City's Fire Marshal and Police Department had no comments of concern regarding the proposed development.
10. **Impact.** The City's Comprehensive Plan recommends a Neighborhood Commercial use for the subject property. This land use is more acceptable for the property due to its close proximity to Timberlake Road and other office uses in the area. The requested Medium Density Residential use is recommended for single-households, duplexes or townhomes with densities of up to twelve (12) units per acre. The proposed development would exceed the recommended densities and the proposed apartments are not a recommended unit type. Amending the FLUM to a high-density residential use to accommodate the proposed apartments could allow even higher unit yields.

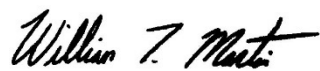
As recommended in the Wards Ferry Road Corridor Study, the City should revise the study forecasts contained in the study if land uses are amended to allow additional residential units. The study cautioned that adding additional residential units or other development not currently allowed by zoning or proposed by the Future Land Use map could result in the need to widen Wards Ferry Road to four lanes. Widening of Wards Ferry Road is not a realistic option due to right-of-way constraints and cost.

11. **Technical Review Committee.** The TRC reviewed the concept plan on May 23, 2023. The petitioner amended the concept plan from twenty-seven (27) townhomes to the currently requested twenty-four (24) apartment units.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council denial of Timberlake Investment, LLC's petition to amend the Future Land Use Map from Neighborhood Commercial to Medium Density Residential and for a conditional use permit (CUP) at 3146 & 3150 Wards Ferry Road to allow the construction of a twenty-four (24) unit apartment complex with forty-eight (48) parking spaces.

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Wynter Benda, City Manager
Greg Patrick, Deputy City Manager
Kent White, Director of Community Development
Matthew Freedman, City Attorney
J. Lee Newland, City Engineer
Cynthia Kozerow, Lynchburg Police Department
Thomas Goode, Fire Marshal
Doug Saunders, Building Official

Kevin Henry, Zoning Administrator
Timberlake Investments, LLC, Petitioner
Norm Walton, P.E., Representative
Stewart Barney, Property Owner

VII. ATTACHMENTS

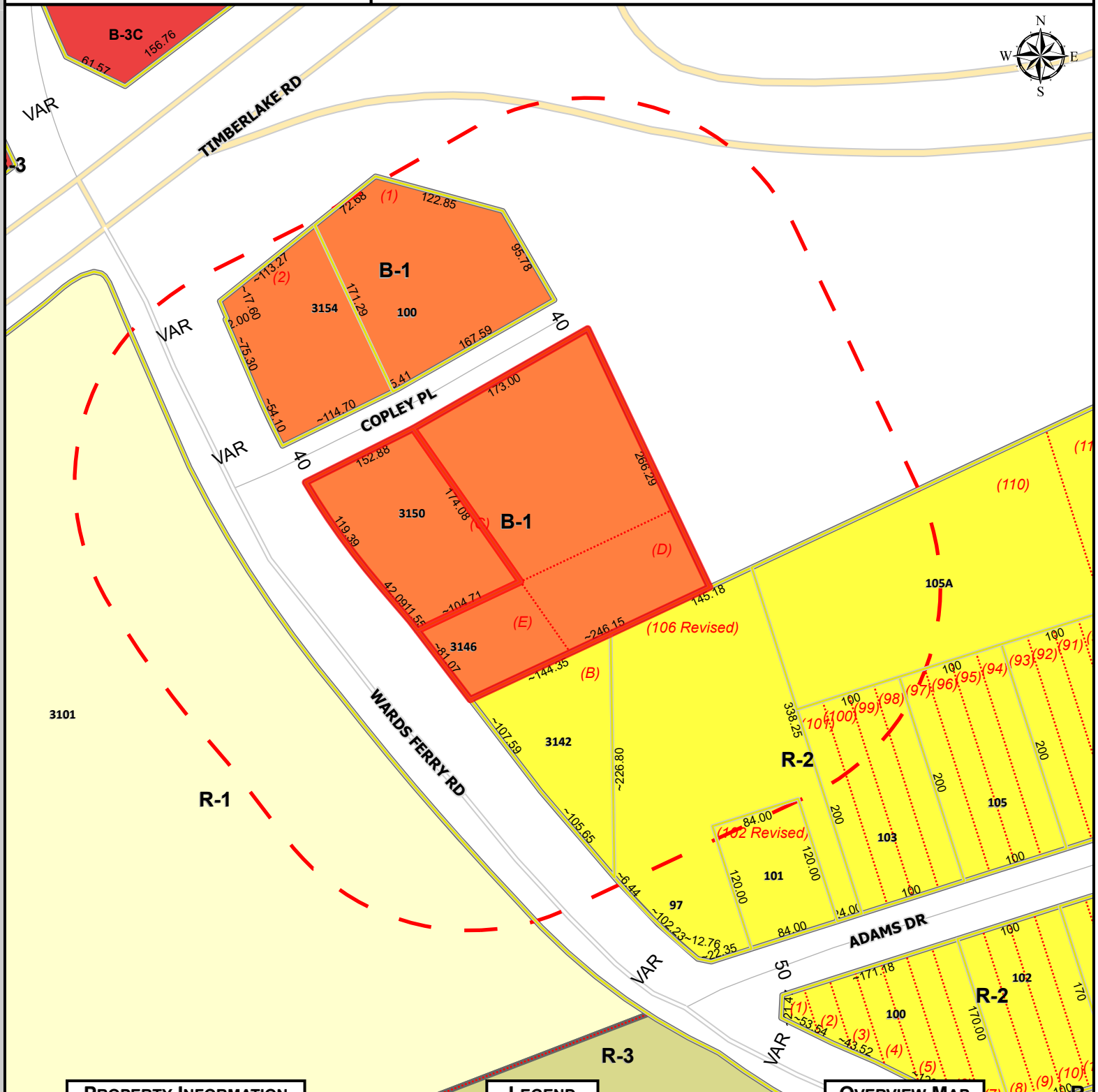
- 1. Zoning Map with Adjoining Property Owners**
- 2. Future Land Use Map**
- 3. Watershed Map**
- 4. Planimetric and Topographic Map**
- 5. Narrative**
- 6. Concept Plan**
- 7. Property Photograph**

Zoning

TRC

3150 WARDS FERRY RD 3146 WARDS FERRY RD

Perkins & Orrison, Inc.



PROPERTY INFORMATION

PARCEL ID

ADDRESS

LEGEND

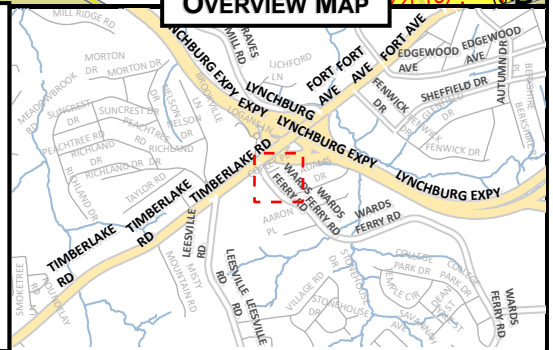
Subject Property

215 Foot Buffer

- | | | |
|-----|------|-----|
| B-1 | I-1 | R-1 |
| B-3 | I-2 | R-2 |
| B-4 | I-3 | R-3 |
| B-5 | IN-1 | R-4 |
| R-C | IN-2 | |

MAP SCALE: 1:48,000 DATE PRINTED: 5/22/2023

OVERVIEW MAP



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

3146 & 3150 Wards Ferry Road Adjoining Owners

Parcel ID	Address	Owner
24702027	101 ADAMS DR	UNIVERSITY EDUCATION SERVICES INC
24702026	103 ADAMS DR	RIDDICK, FILISHA T
24702025	105 ADAMS DR	RUSS, JOHN ROBERT
24702038	3142 WARDS FERRY RD	TIMBERLAKE INVESTMENTS LLC
24702028	97 ADAMS DR	LATA, SHASHI & GUPTA, ANGELA
24702040	3150 WARDS FERRY RD	BARNEY, M STEWART
24702030	105 A ADAMS DR	RUSS, JOHN ROBERT
24702039	3146 WARDS FERRY RD	TIMBERLAKE INVESTMENTS LLC
24807001	3101 WARDS FERRY RD	CITY OF LYNCHBURG
24702041	3154 WARDS FERRY RD	SCOTT, DOROTHY T LIFE ESTATE
24702042	100 COPLEY PL	MCDANIEL, PAUL K & SHERRY C

FLUM

3150 WARDS FERRY RD

3146 WARDS FERRY RD

TRC

Perkins & Orrison, Inc.



7001

LOGANS LN

TIMBERLAKE RD

7007

3154

100

COPLEY PL

3150

3146

WARDS FERRY RD

3151

3101

3142

105A

111

109

107

105

103

101

97

ADAMS DR

100

102

104

106

10

2022

101

103

105

PROPERTY INFORMATION

PARCEL ID

ADDRESS

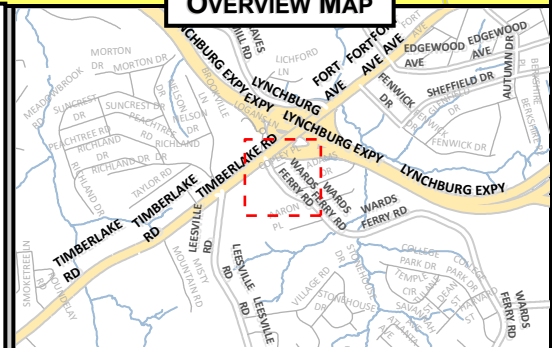
24702040 3150 WARDS FERRY RD 24702039

LEGEND

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

MAP SCALE: 1:48,000 DATE PRINTED: 5/22/2023

OVERVIEW MAP



Watershed

3150 WARDS FERRY RD

3146 WARDS FERRY RD

TRC

Perkins & Orrison, Inc.



PROPERTY INFORMATION

PARCEL ID

ADDRESS

24702040 3150 WARDS FERRY RD 24702039

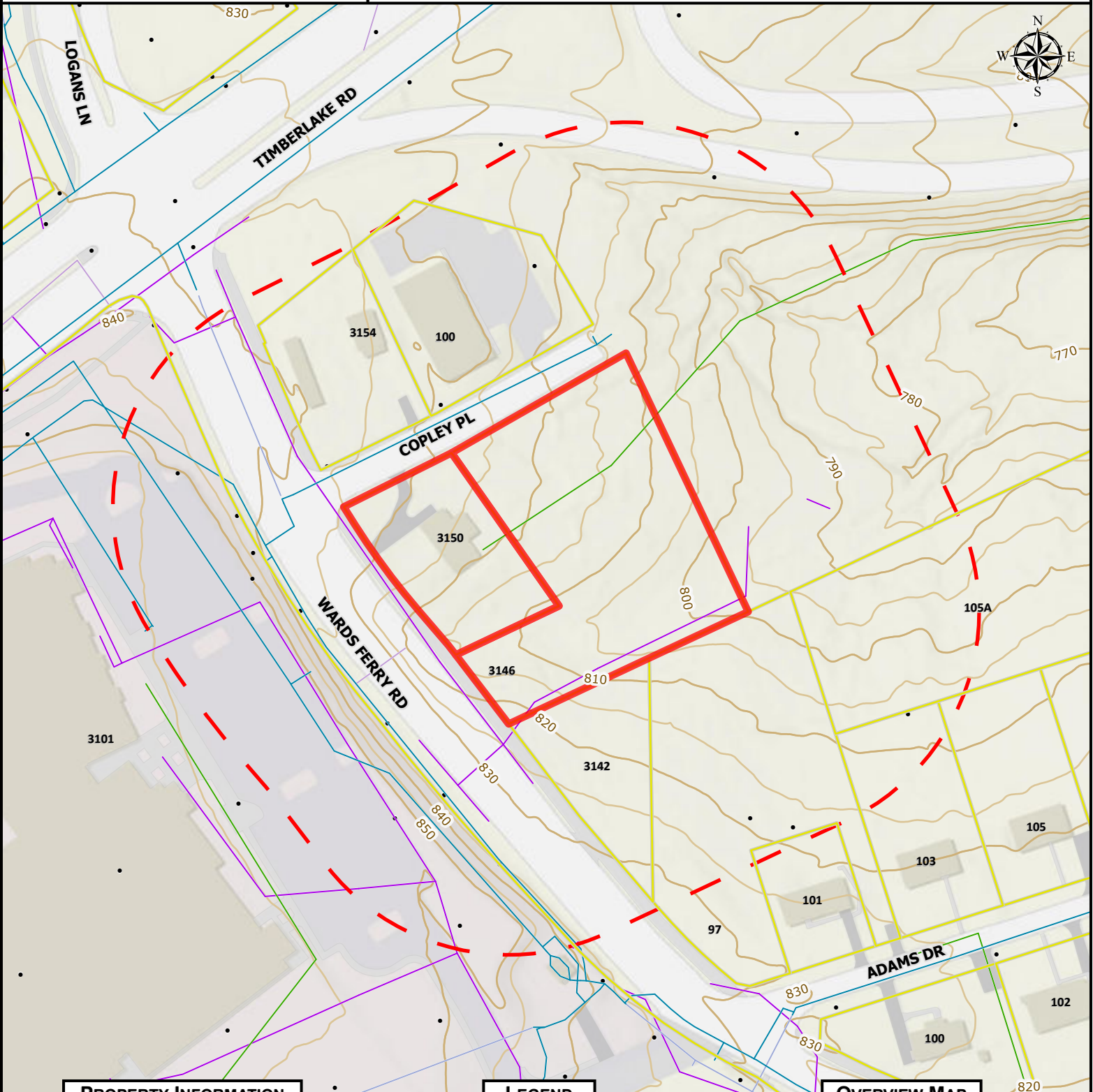
LEGEND

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

OVERVIEW MAP



MAP SCALE: 1:48,000 DATE PRINTED: 5/22/2023



PROPERTY INFORMATION

PARCEL ID

ADDRESS

24702040 3150 WARDS FERRY RD 24702039

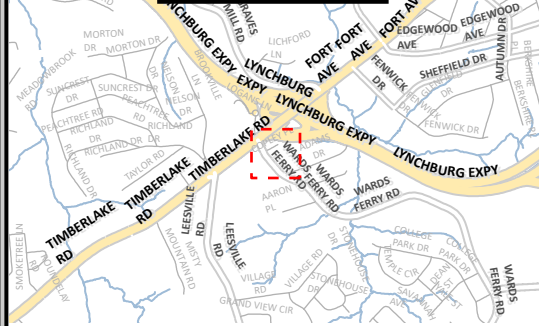
LEGEND

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

MAP SCALE: 1:48,000

DATE PRINTED: 5/22/2023

OVERVIEW MAP





July 14, 2023

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

RE: Conditional Use Permit and FLUM amendment Request Narrative
3146 and 3150 Wards Ferry Rd.
Lynchburg, Va.

Dear Mr. Martin

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

The proposed development is an 24-unit apartment building on the referenced properties. The property is zoned B-1. This request is to allow the use of apartments in B-1 with a Conditional Use Permit(CUP). The CUP is for 2.85 Acres. The Future Land Use Map (FLUM) shows the area as Neighborhood Commercial, and therefore a FLUM amendment is requested to Medium Density Residential.

Currently, the development plan is to develop 2.85 acres, with a 24 unit apartment building, yielding 8.4 units per acre. A Future Land Use Map amendment to Medium Density Residential, would then allow for 12 units per acre. The area adjacent to these properties is currently Medium Density Residential.

Currently, the principal entrance is the Connection to Copley Place.

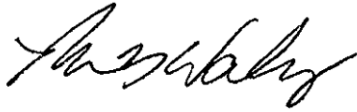
The water system for the development will connect to the existing 8" City of Lynchburg public water line located in Copley

The sanitary sewer system will connect to the existing 8"public City of Lynchburg public sewer main located at the rear of the project.

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

Should you have any questions regarding this information, please feel free to contact me.

Sincerely,

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

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

SITE NOTES:

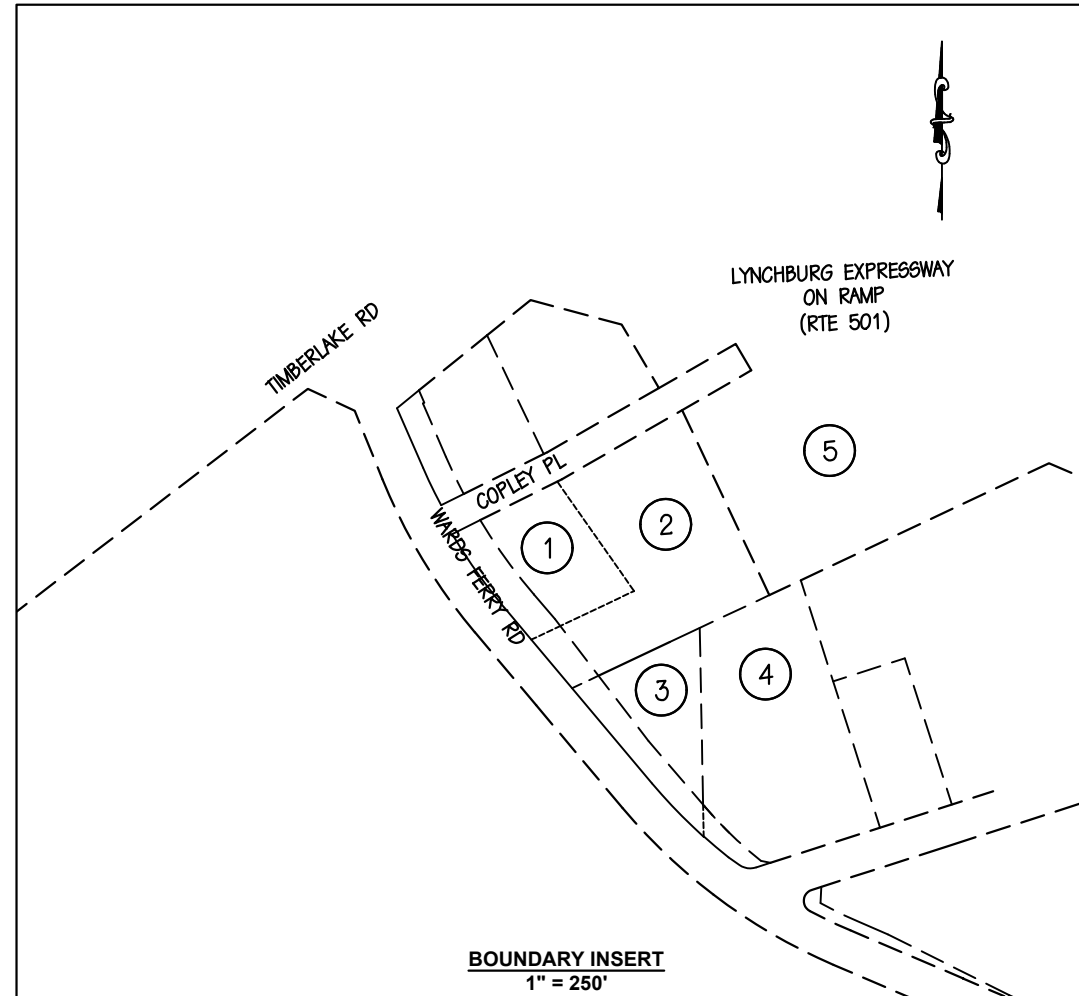
1. DEVELOPER:
DEWITT REAL ESTATE
8318 TIMBERLAKE ROAD
LYNCHBURG, VA 24502
2. PARCEL ID #: ZONING ADDRESS
247-02-039 B-1 3146 WARDS FERRY RD
247-02-040 B-1 3150 WARDS FERRY RD
3. SETBACKS:
B-1
MAX BLDG HEIGHT: 40'
FRONT: 0'
SIDE: 0'
REAR: 25'
4. FLUM:
EXISTING: NEIGHBORHOOD COMMERCIAL
PROPOSED: MEDIUM DENSITY RESIDENTIAL
5. TOPOGRAPHIC INFORMATION BASED OF AVAILABLE INFORMATION.
6. THE PURPOSE OF THIS PLAN IS TO SHOW A PRELIMINARY LAYOUT FOR A CUP. A REVISION TO THE FLUM IS REQUESTED. THE ACTUAL LAYOUT MAY CHANGE WHEN ACTUAL CONSTRUCTION PLANS ARE SUBMITTED TO THE CITY FOR REVIEW, BUT SHALL REMAIN IN GENERAL CONFORMANCE TO THIS PLAN.
7. ANY INCREASE IN IMPERVIOUS AREA WILL BE ATTENUATED VIA THE STORMWATER MANAGEMENT BMPs PROPOSED ON THIS SITE. THE MEASURES PROPOSED FOR THE REGIONAL BMPs ARE DESIGNED UNDER THE PART IIB REGULATIONS. NO ADDITIONAL WATER QUALITY OR QUANTITY MEASURES ARE ANTICIPATED.
8. THE PROPERTY SHOWN HEREON IS NOT WITHIN A FEMA 100 YEAR FLOOD PLAIN. SEE PANEL# 51009301102D, UNSHADED ZONE "X", DATED JUNE 3, 2008.
9. LANDSCAPING WILL BE PROPOSED PER THE CITY OF LYNCHBURG'S LANDSCAPE ORDINANCE.
10. EROSION AND SEDIMENT CONTROL MEASURES WILL BE USED IN ACCORDANCE WITH THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK. E&S MEASURES ARE NOT SHOWN ON THIS PLAN, BUT WILL BE INCLUDED WITH THE ACTUAL SITE PLAN WHEN SUBMITTED.
11. THE DEVELOPER IS RESPONSIBLE FOR OBTAINING ALL NECESSARY STATE, FEDERAL, AND LOCAL PERMITS REQUIRED FOR THE DEVELOPMENT OF THIS SITE.
12. THIS SITE WILL BE SERVED BY PUBLIC WATER & SANITARY SEWER.
13. TOTAL ACREAGE IS APPROXIMATELY 1.61 AC.

CONDITIONAL USE PERMIT FOR 3146 & 3150 WARDS FERRY RD

CITY OF LYNCHBURG, VIRGINIA



VICINITY MAP
NTS



- 1 PID: 247-02-040
BARENY, M STEWART
DOC# 230000554
ZONED: B-1
- 2 PID: 247-02-039
TIMBERLAKE INVESTMENTS LLC
DOC# 210009761
ZONED: B-1
- 3 PID: 247-02-038
TIMBERLAKE INVESTMENTS LLC
DOC# 210009761
ZONED: R-2
- 4 PID: 247-02-028
LATA, SHASHI &
GUPA, ANGELA
DOC# 200006300
ZONED: R-2
- 5 CITY OF LYNCHBURG
RIGHT-OF-WAY

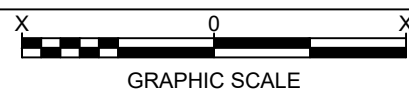
SHEET INDEX:

SHEET NO.	SHEET TITLE
1 OF 3	COVER SHEET
2 OF 3	SITE PLAN
3 OF 3	BOUNDARY



317 Brook Park Place
Forest, Virginia 24551

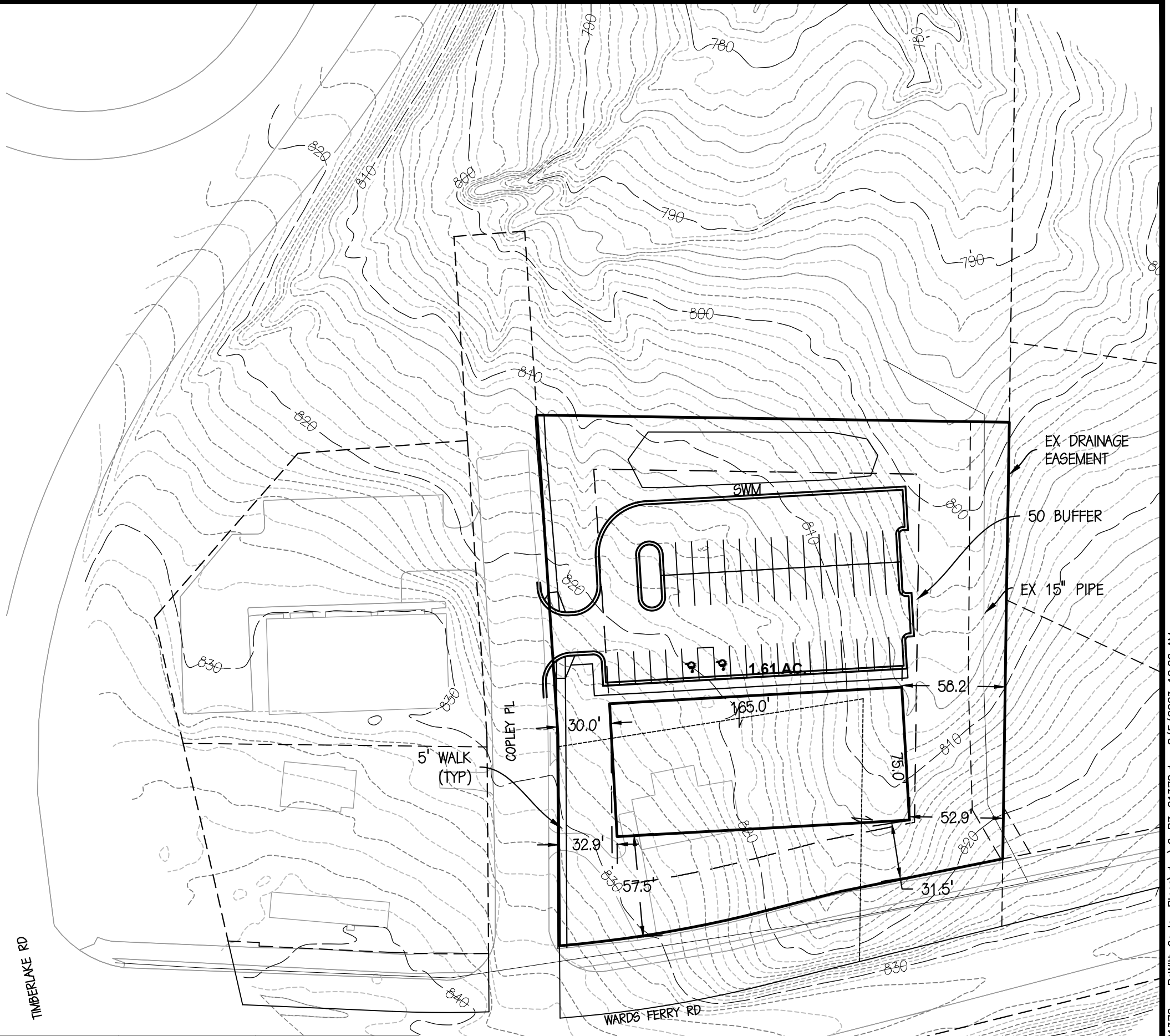
Office: 434-525-5985
Fax: 434-525-5986
E-Mail: pno@perkins-orrison.com
WEBSITE - <http://www.perkins-orrison.net/>



DATE: 09/05/23

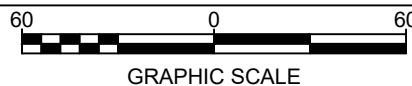
JOB#: 21372
DWG: *.dwg
DWN: MJD

1 19 UNIT APARTMENT BUILDING
 1 SPACE PER UNIT REQUIRED = 19 SPACES
 48 SPACES PROVIDED
 INCLUDING 2 HC



317 Brook Park Place
 Forest, Virginia 24551

Office: 434-525-5985
 Fax: 434-525-5986
 E-Mail: pno@perkins-orrison.com
 WEBSITE - <http://www.perkins-orrison.net/>

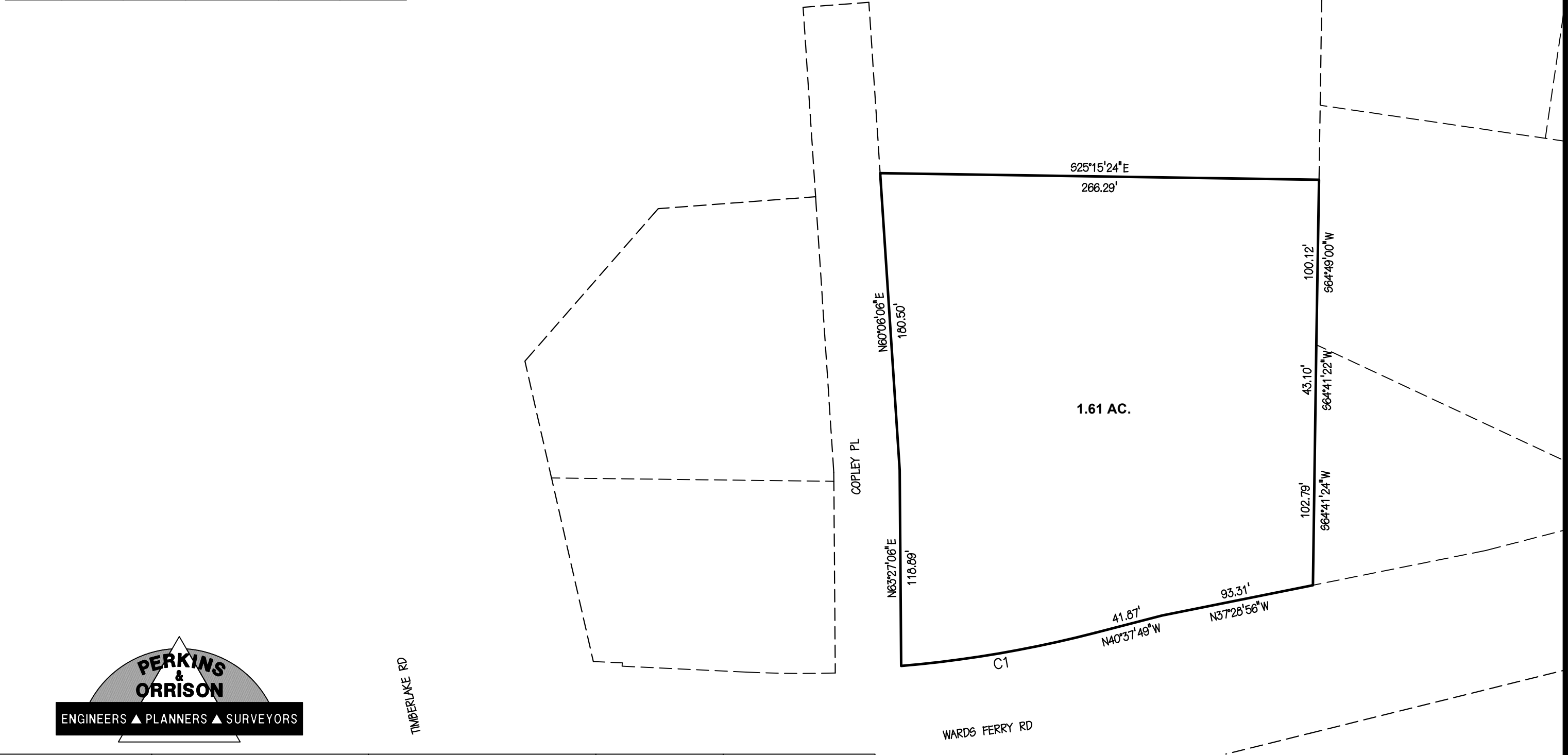


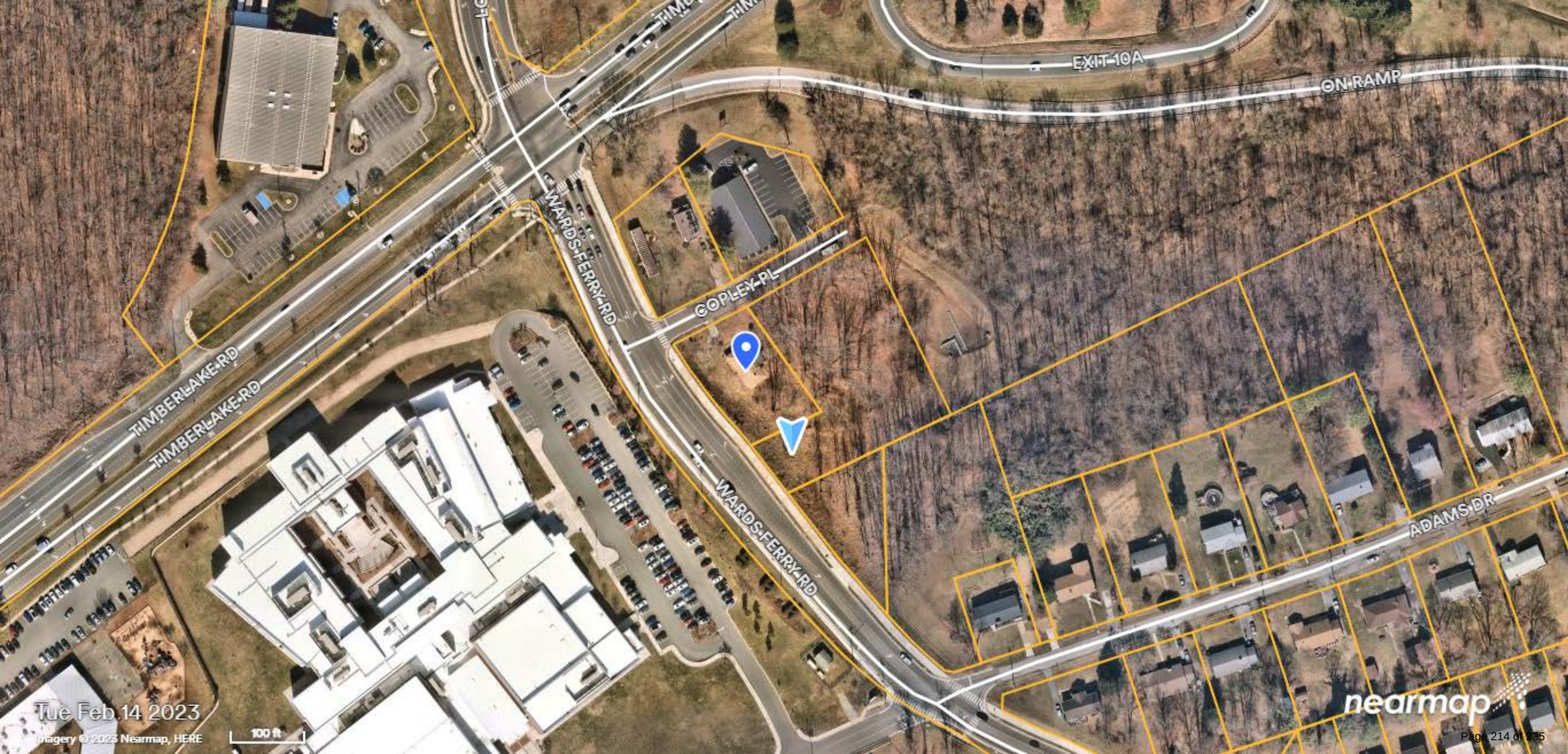
DATE: 09/05/23

JOB#: 21372
 DWG: *.dwg
 DWN: MJD

P:\2021\21372 - DeWitt Copley Place.dwg C-RZ-21372.dwg 9/5/2023 10:26 AM

CURVE TABLE					
CURVE	LENGTH	RADIUS	BEARING	CHORD	DELTA
C1	119.61'	709.50'	N35°49'08"W	119.47'	9°39'33"





Tue Feb 14 2023

Imagery © 2023 Nearmap, HERE

100 ft

nearmap

Timberlake Investments Apartments – CUP & FLUM Amendment
3146 & 3150 Wards Ferry Road
August 23, 2023

PLEASE PRINT CLEARLY

NAME	ADDRESS	PHONE	IN FAVOR	IN OPPOSITION	NEUTRAL
Norah Wilson			✓		
Tom DeWitt					
Arun Gupta					

AGENDA ITEM SUMMARY

MEETING DATE

September 26, 2023

PRESENTED BY

Mercedes Braun, Executive Assistant to the
City Manager

AGENDA ITEM # IV.9

Review the City of Lynchburg's 2024 Legislative Agenda

RECOMMENDATION

The 2024 Legislative Agenda will be presented to the City Council during their worksession as a Business Item Briefing. The Council will be asked to guide the staff as to what they would like to see represented in the 2024 General Assembly Session.

SUMMARY

The Legislative Agenda is a culmination of requests from staff and Council based on the needs of the city. There are three sections: Education, Public Safety and Economic Strength, as well as a miscellaneous item. At the council's direction, the document will be updated and presented to the City Council during the Formal Session on October 10th.

PRIOR ACTION(S)

N/A

FISCAL IMPACT

N/A

CONTACT(S)

Mercedes Braun, Executive Assistant to the City Manager

ATTACHMENT(S)

1. 2024 Legislative Agenda - DRAFT
2. FINAL 2023 Legislative Agenda - 12-10-22 - MMB

REVIEWED BY



Greg Patrick, Deputy City Manager

Date: September 21, 2023



Wynter C. Benda, City Manager

Date: September 21, 2023



Alicia Finney, Clerk of Council

Date: September 21, 2023

The City of Lynchburg's 2024 Legislative Agenda is designed to highlight those areas of importance to the city. The Lynchburg City Council has prioritized Education, Public Safety, and Economic Strength. The City Council asks that the legislators keep the following principals in mind as they evaluate and vote on future Virginia legislation.

EDUCATION

Early Childhood Education/Pre-K Initiatives: The City of Lynchburg supports legislation that would improve access to and quality of early childhood education. This should be accomplished through incentives or other direct support for the development of early educational opportunities.

Educational Funding: The City of Lynchburg supports legislation to modernize the Standards of Quality funding formula to more accurately reflect the staffing levels required to operate an effective school division. This includes providing funding for critical teacher support positions and ensuring that the teacher salaries included in the formula are nationally competitive.

Funding for Infrastructure: The City of Lynchburg supports legislation that would provide funding and support for capital investment in K-12 facilities. This includes direct state capital funding and support for amending the Code of Virginia to allow all localities the option of increasing local sales taxes specifically for the purpose of school construction and major renovation.

Support an Elected School Board: The City of Lynchburg supports legislation to make it easier for localities to transition from an appointed to an elected school board.

PUBLIC SAFETY

911-Operators: The City of Lynchburg requests that 911-Operators be considered as Emergency Services Personnel at the same level with others included within the Line of Duty Act and entitled to the same benefits.

Blighted Properties: The City of Lynchburg asks that the General Assembly amend the Code of Virginia to allow cities to impose a civil penalty of \$500 per month for a derelict commercial or industrial property in the same manner as is allowed for a residential property.

Derelict Housing: The City of Lynchburg asks that the state provide funding to the existing account "Virginia Removal or Rehabilitation of Derelict Housing Fund" to support the rehabilitation, renovation and demolition costs.

Emergency Custody Orders (ECOs) and Temporary Detention Orders (TDOs): The City of Lynchburg supports legislation to remove the mandates that law enforcement must stay with ECO patients at the hospital and that law enforcement no longer must transport TDO patients.

Law-enforcement officers; protected personal information: The City of Lynchburg supports legislation to protect any law-enforcement officer who would provide information relative to a criminal investigation or in

proceedings preliminary to a criminal prosecution the right to refuse to disclose their residence address, home telephone number, or any personal information concerning their family. Also, provides that any law-enforcement officer who testifies as a witness in a criminal case may refuse to disclose personal information concerning their family unless it is determined by the court that such evidence is relevant to the case.

Line of Duty Act: The City of Lynchburg requests that any Police Officer, emergency service personnel and any subdivision that are responsible for the prevention and detection of crime and the enforcement of the penal laws and exposed to the same risks of injury or death are covered under the Virginia Line of Duty Act in the same manner as those already covered under the LODA.

Modernize Fire Programs Funding: The City of Lynchburg supports legislation that would replace the current Fire-Rescue programs funding including the Four for Life program and the Aid to Localities program with a modernized formula driven program similar to the HB 599 funding that Virginia Police Departments receive. The current programs restrict funding for very specific uses which can lead to less effective spending. An updated formula driven program with fewer restrictions would ensure the funding goes to the highest priority uses.

Primary (Versus Secondary) Offense Enforcement: The City of Lynchburg requests that the General Assembly allow law-enforcement officers the ability to stop (as primary offenses versus secondary offenses) vehicles and persons for violations of defective/unsafe equipment, dark window tint, expired registration and/or inspection (upon immediate expiration versus delayed expiration), smoking in a vehicle with a minor, jaywalking, and the other applicable traffic offenses described under HB 5058 of the 2020 Special Session I.

‘Secondhand Smoke’ Exposure to Children: The City of Lynchburg requests that the General Assembly add a separate criminal offense to the State Code that makes it a Class 3 misdemeanor to expose ‘secondhand smoke’ from tobacco, marijuana, or other smoked products to a child younger than 15 years of age. A conviction for such an offense, in accordance with applicable evidentiary rules, would be able to be admitted in applicable child abuse/child neglect civil court proceedings. Where appropriate, Sec. 46.2-810.1 of the State Code would be revised.

ECONOMIC STRENGTH

Business License Tax: The City of Lynchburg opposes legislation that would reduce or eliminate a locality's authority to impose a business license tax. The loss of \$10,500,000 in revenue from the Business License Tax would equate to a 14-cent increase in the city's Real Property Tax rate.

Communications Sales and Use Tax: The City of Lynchburg supports legislation to extend the Communications Sales and Use Tax to include audio and video streaming services and prepaid calling services.

Economic Development: The City of Lynchburg asks that the General Assembly increase funding for existing economic development/redevelopment incentive funds. These incentives play a pivotal role in attracting, retaining, and expanding business and bringing good paying jobs to the city. Programs that support redevelopment are especially important for LYH because we are an urban City that is virtually fully developed.

Grant programs that assist with redevelopment and rehabilitation continue to be essential for our continued success.

Unfunded Mandates: The City of Lynchburg request that any new legislation that requires localities to perform certain actions provides the local funding needed to carry out the requirements.

OTHER PRIORITIES

Change in FOIA Exemption: The City of Lynchburg requests a change in current legislation to allow for elected officials an exception under the Freedom of Information Act to access otherwise exempted public records.

State Supported Local Employees: The City of Lynchburg requests that all locally supported state employees receive competitive pay for their positions. This includes: Commissioner of Revenue, Sheriff's Office, Commonwealth's Attorney, Treasurer, Employees of the Circuit Court, Judges and employees of the General District Court, Magistrate(s), Juvenile and Domestic Court employees and other states appointed required staff.

CITY OF LYNCHBURG 2023 LEGISLATIVE AGENDA

The city of Lynchburg 2023 Legislative Agenda is meant to highlight those issues of particular importance to the city.

The Lynchburg city Council asks that legislators keep the following principals and priorities in mind as they evaluate and vote on legislation and the budget.

KEY PRINCIPALS

Emergency Custody Orders (ECOs) and Temporary Detention Orders (TDOs): State code currently requires law enforcement officers and Department of Human Services employees and care providers to sit with patients under an (ECO) and requires law enforcement officers to transport patients issued a (TDO) to mental health hospitals throughout the state. The city of Lynchburg has seen a large increase in mental health issues over the last several years, which has resulted in an increased number of patients under both an ECO and TDO. This requires additional law enforcement officers to stay with these patients at the hospital, taking them away from answering calls for service and engaging with residents. Law enforcement has a role in the mental health process, but that role should be limited to stabilizing the situation and ensuring the safety of all those involved and then returning to their regularly assigned duty. The city of Lynchburg supports an update to state code so it no longer mandates that law enforcement must stay with ECO patients at the hospital and that law enforcement no longer must transport TDO patients.

State Supported Local Employees – The city requests that all state supported local employees receive competitive pay for their positions. This will make providing workers' compensation coverage more competitive and will adequately protect the financial interests of the state required staff in the city. This includes: Commissioner of Revenue, Sheriff's Office, Commonwealth's Attorney, Treasurer, Judges and employees of the Circuit Court, Judges and employees of the General District Court, Magistrate(s), Juvenile and Domestic Court employees and other states appointed required staff.

Swatting – The city supports legislation that provides law enforcement an additional tool to combat the act of making a hoax communication to 9-1-1 (or to a private citizen, who then communicates the false information to 9-1-1) regarding an immediate threat to human life with the intent of triggering an immediate and significant law enforcement response, usually involving a SWAT team.

2023 LEGISLATIVE PRIORITIES

911 Reclassification: Support the classification of 911 Public Safety Communications Specialist as public safety-first responders within the Virginia Retirement System to ensure that they are eligible for enhanced retirement benefits for hazardous duty service. Under current law, localities may provide such benefits to first responders, including firefighters and emergency medical technicians, and certain other hazardous duty positions. This classification limits the ability to recruit and retain qualified public safety communicators at public safety answering points throughout the Commonwealth.

Affordable and Attainable Housing/Workforce Housing -Affordable housing plays a substantial and reinforcing role in local economic development. Without a sufficient supply of affordable housing, employers—and entire regional economies—can be at a competitive disadvantage given the subsequent difficulty to attract and retain qualified workers. Expanded opportunities for housing a community’s workforce are critical to keeping and growing jobs in Virginia. Extending the program to those who with incomes beyond that threshold within Federal Support, will allow the workforce to live within closer access to their jobs and continue to support their independent growth.

Airports: The lingering impact of the coronavirus pandemic on the airline industry has created significant staffing challenges at the nation’s airlines. In particular, a pronounced shortage of airline pilots has resulted in vastly reduced air service levels throughout the country, especially among smaller regional markets like Lynchburg. As a result, support by the General Assembly of Virginia’s small commercial service airports is critical in order to provide adequate commercial airline service to our region. Accordingly, the city supports:

- Increased state funding for the “Governor’s New Airline Service Incentive Fund” as passed by the General Assembly during its 2019 session (SB990) at least equal to the amount provided for in the FY2022 budget, with the consideration of increased flexibility in the set aside portion designated for use by smaller commercial service airports.
- Consideration of a Joint Legislative Audit and Review Commission JLARC study or similar report to evaluate Virginia’s competitiveness with surrounding states in providing air service development support and airline incentives.
- Any General Assembly efforts to incentivize and/or assist United Airlines to reverse recent and ongoing reductions of regional airline service at its Washington Dulles (IAD) hub, with an emphasis on providing scheduled air service to Virginia commercial service airports currently unserved.
- Opposing any amendment(s) to state statutory language that would alter the formula which determines the allocation of state entitlement funds to Virginia air carrier airports that would result in Lynchburg Regional Airport receiving less state entitlement funding annually than received under the current formula.
- Exploring the possibility of amending Virginia Aviation Board (VAB) statutory language to require board members to reside in the airport region they represent.

Blighted Properties: The General Assembly should amend the Code of Virginia to allow cities to impose a civil penalty of \$500 per month for a derelict commercial or industrial property in the same manner as is allowed for a residential property.

Children's Services Act (CSA): CSA funding continues to be a serious concern. Actions taken by the General Assembly have increased mandated services and shifted costs to the localities. The General Assembly should refrain from adding additional mandated services and should fund its full share of the CSA program.

Comprehensive Poverty Reduction: Support continued funding of the Community Wealth Building state matching fund which partners with local programs that target intractable long-term pockets of poverty through combined education and job training, housing and transportation resources, mentoring and prisoner re-entry, childcare and early education, and workforce training and other programs that break the cycle of poverty. Preparing people for jobs in the new workforce is extremely important to a healthy community continuum. Prioritize the use of "Go Virginia" funding to create jobs for those in poverty.

Community Wealth Building/Public Housing Redevelopment: Increase funding by \$4 million in the Brownfields Restoration and Remediation Fund and have specific State budget language that would allow grant application for public housing remediation and infrastructure improvements associated with public housing on or adjacent to former landfill sites.

Disposal of Property Due to Eviction: Support legislation to require that evicted tenants' personal property must remain inside the premises for a specified period time after which it becomes that landlord's responsibility to remove and properly dispose of the tenants' property at the landlord's expense. The state code outlines what a landlord must do with an evicted tenant's personal property. Currently the state code says when evicting a tenant the landlord must set the tenant's personal property on the public right-of-way for at least 24 hours so that the evicted person may obtain their belongings. The code also says that tenants shall have 24 hours to remove the property and if the tenant does not remove the personal property within 24 hours, the landlord must remove the property within 48 hours. If the landlord fails to remove the property within 48 hours, the city can remove the property and bill the landlord for the removal costs. The 24 hour and 48 hour removal periods are required by state law. This places an undue burden on localities to collect and dispose of this debris from the public right-of way and causes unsightly and unsanitary conditions in neighborhoods. Landlords should be treated as businesses.

Early Childhood Education: Support legislation that would improve access to and quality of early childhood education. For the Commonwealth to be successful in future generations, it is critical that early childhood educational opportunities meet the needs of working families. This should be accomplished through incentives or other direct support for the development of early educational opportunities.

Economic Development: Preserve existing incentive and grant funds offered by the Virginia Economic Development Partnership, the Virginia Department of Agriculture and Consumer

Services, the Department of Housing and Community Development, the Department of Environmental Quality, Virginia Tourism Corporation, and Virginia Commission for the Arts.

A Skilled and Available Workforce – The future of Virginia’s economic development success is talent attraction, retention, and development. For the Commonwealth to be viewed as the top state for a skilled and available workforce, training programs must be in place and well-funded.

- *Innovative Partnerships with Higher Education and the Business Community* – Support enhanced partnerships between Virginia’s colleges and universities and the business community to commercialize research and development; create innovative ideas and new technologies; support Virginia’s entrepreneurial ecosystem; and meet the growing demand for talent in the Commonwealth. Support the continued funding of the Tech Talent Investment Program to build technology-educated talent in the Commonwealth.
- *Credentials for High-Demand Occupations* – Support additional funding to build on the success of the Workforce Credential Grant (Fast Forward), a pay-for-performance initiative that creates and sustains a demand-driven supply of credentialed workers to fill occupations where demand outstrips supply in Virginia. The grant makes attainment of credentials in high-demand fields more affordable to Virginians through the Virginia Community College System.
- *Talent Solutions* – Virginia currently has two critical and complementary programs that provide economic development projects with critical workforce training support.
 - i. Virginia Jobs Investment Pool is the most frequently used economic development program, as it is accessible to companies of all sizes in every corner of the Commonwealth. The program helps offset recruitment and training costs, thus reducing companies’ human resource development expenses and reinvesting these funds in the people of Virginia.
 - ii. Increase funding for the Virginia Talent Accelerator Program to continue the program’s development and growth to the capacity of Virginia’s competitor states. Virginia’s newest workforce training program, the Virginia Talent Accelerator Program, will rapidly re-skill to the exact requirements of a new or expanding employer through training that is fully customized to an employer’s unique processes, equipment and procedures
- **Economic Development Marketing & Lead Generation** - Support enhancing the Virginia Economic Development Partnership’s (VEDP) marketing budget, while

keeping our current economic development tools whole, to effectively differentiate Virginia from its global competitors. Even a great business climate and fully-funded incentives are of limited use if we do not have the resources or the people to tell the Virginia story. This, however, is the area where past budget cuts and/or stagnant funding have hit the hardest. Virginia must reengage business leaders globally to ensure top of mind awareness of the state as a great place to do business.

- **Tourism Promotion** – Support continued state tourism promotion by the Virginia Tourism Corporation to attract first time visitors to Virginia and to enhance the leverage marketing program.

Site Development - Support increased funding for the Virginia Business Ready Sites (VBRSP) program and other efforts to develop new sites for those businesses looking to locate or expand in the Commonwealth. Funding for site characterization and development is an investment in the foundation of economic development. Site readiness is important to Virginia’s economic development efforts. Currently, Virginia has the lowest number of buildable/certified sites among competing states.

Transportation – Support policies to invest in infrastructure to enhance the state’s competitiveness and the effective spending of funding. The city has long held that Virginia’s transportation network (air, highways, rail, and the port) is an essential component of the state’s economic development success. Special attention is needed to rural areas versus more densely populated cities such as Northern Virginia and the Tidewater areas. Providing a connection from Central Virginia to the Capital City.

Energy – Support policies that allow for the timely development of needed energy infrastructure investments across the Commonwealth. A sustainable, reliable and cost-effective energy supply is critical to the attraction of new companies and the retention of existing businesses, particularly in the energy-intensive manufacturing and Information Technology (IT) sectors.

GO Virginia – Support maintaining the funding for GO Virginia to encourage collaboration among Virginia’s localities to support economic growth and diversification and leads to higher-paying jobs. The GO Virginia effort makes strategic investments in regional projects to achieve that goal and should continue in a way that complements the state’s broader economic goals.

Incentives – Support transparency and accountability with the use and management of incentives, but such measures should not restrict the state’s ability to be responsive and flexible to the needs of business. Among Virginia’s most important tools to be competitive are economic development incentives. Virginia must increase funding to the economic development incentives that deliver success for the Commonwealth, with a clear return on investment and mitigated risk for the State.

- *Commonwealth Opportunity Fund (COF)* – Support the COF as it remains Virginia’s flagship economic development incentive program and the state’s premier deal closing fund. Virginia will only remain competitive to make the short list of site selection projects by maintaining funding for the program.
- *Enterprise Zones* – Support additional funds to serve existing zones and future zones, if the number of zones is expanded. This long-standing program has helped both urban and rural communities revitalize distressed areas. The grants offered through this program are modest, but recent budget cuts have resulted in caps on funding for the program, which means amounts promised to companies making investments in these zones end up being prorated.
- *Agriculture and Forestry Industries Development Fund (AFID)* - Support continued funding for the program. AFID is a critical tool for localities to support two of Virginia’s largest industries: agriculture and forestry. This performance-based grant is available to companies that create jobs and investment, add value to Virginia-grown products, and commit to sourcing Virginia-grown agricultural and forest products – creating additional marketplaces for Virginia’s farmers and forestland owners.
- *Data Center and Manufacturing Incentives* – Support the continuation of this program. The availability of data center sales and use tax exemptions, along with JLARC is among the top few site-selection considerations for data centers and has been a major contributor to the Commonwealth’s success in data center locations.

Tourism Improvement Districts - Support legislation that would allow hospitality related businesses and localities to enter into public private partnerships and create Tourism Improvement Districts (TIDs). Proposals should require that localities obtain support and approval of assessments from a majority of hospitality related businesses that are located in the TID, and funds generated by such levies shall be dedicated solely to the promotion and tourism related marketing of the TID. The TID must also be managed by the local Destination Marketing Organization. **Economic/Industrial Development Authorities (EDAs/IDAs) Structure** – Support the current structure of EDAs/IDAs as an important economic development tool. EDAs/IDAs were authorized by the General Assembly and exist to permit localities to have a flexible tool to support economic development in their communities.

EDA/IDA Member Disclosures – Support legislation that would repeal the 2020 amendment to the Conflict of Interest Act requiring members of Economic Development Authorities and Industrial Development Authorities to file financial disclosure forms. Lynchburg and other localities have had members of their EDAs/IDAs resign as a result of these requirements. Members of EDAs/IDAs are volunteers who serve without pay and feel it is an invasion of their privacy to have to file the forms.

Educational Funding: Jobs are the key to economic recovery and adequate education is essential for preparing the current and future workforce. The State should fully fund the Standards of Quality, including support staff costs and categorical incentive funds for At-Risk students and restore funding from cuts to education over the last biennium. The state has a constitutional duty to meet its education funding obligations and should refrain from changes in methodology and division of financial responsibility that result in a further shift of funding responsibility from the state to localities. These shifts do not change what it actually costs to provide education but simply transfers additional costs to local governments, and ultimately to the local real estate tax base. Currently there are funds supported up to 85%. The city wishes for the full 100% to support Education.

Emergency Management: Support a dedicated revenue stream for the Virginia Department of Emergency Management's local support functions. Recent budgetary constraints have threatened pass-through funding available to localities from VDEM. Loss of local assistance funding would result in the city of Lynchburg's inability to maintain its Emergency Operations Plan, reduce readiness to open its Emergency Operation Center, and would limit the city's ability to engage in community outreach and disaster management.

Public Safety Funding:

- Fire and Emergency Medical Services Funding, generally: The General Assembly should consider matching funding for Fire Department and Emergency Medical Services agencies in at a level consistent with Police HB 599 funds.
- Local Assistance for Fire Departments: The General Assembly should increase entitlement funding for program such as Aid to Localities (ATL) and 4-For-Life to increase available funds for training, technology, medical, and physical fitness. As an Internationally Accredited Fire and Emergency Medical Services the Lynchburg Fire Department embraces the 16 Fire and Life Safety Initiatives and funding from state resources provides critical assistance. This funding supports the programs previously mentioned, that include important multifaceted and multiagency opportunities for training that cannot otherwise be funded. This includes, but is not limited to: Hostile Event (Active Shooter) training, Hazardous Materials, and crisis mitigation – such as natural disasters. In addition to the aforementioned, the following focus areas are at the forefront of the 16 Fire and Life Safety Initiatives and desperately require additional funding support at the state and local level: Cancer Risk Reduction, Mental and Physical Fitness.

Qualified Immunity: Oppose legislation that removes qualified immunity protections for local law enforcement officers. Eliminating qualified immunity will dramatically affect the ability of localities to recruit and retain professional law enforcement officers. This step also will negatively affect police response to community requests for services, potentially impacting community safety.

Sidewalks: Support the General Assembly granting local governments the authority to enter into agreements with developers to have a payment in-lieu-of option for sidewalk installation. These agreements would be initiated at the request of the developer and include language allowing the locality to install a sidewalk that is required as part of a development project somewhere else that is beneficial to the community.

Sustainability: Support policies that help municipalities reduce their carbon footprint and promote sustainability. Additionally, the General Assembly should promote policies that assist localities to be leaders in promoting opportunities for energy efficiency in order to reduce costs for our most vulnerable citizens.

Transportation Initiatives: Support various transportation initiatives as noted below:

- Support expansion of Amtrak rail service including a second Northeast Regional Train anchored in Lynchburg.
- Support efforts to expand air service from Lynchburg Regional Airport to northern destinations, including air service to Dulles International Airport.
- Support connectivity efforts that attract and retain a skilled and educated workforce.
- Support access management strategies that preserve and improve corridors of statewide significance.

Drinking Water, Water Quality, and Environment: The city continues to face significant financial burdens in our efforts to comply with water quality and drinking water regulations and legislation. Coupled with the effort to renew and replace failing infrastructure this places a significant burden on our citizens through high water, sewer and stormwater rates. The city supports state and federal funding assistance for these programs to minimize the impacts to citizens and businesses. Additionally, the city opposes legislative efforts that place additional requirements and burdens on our utilities that are not scientifically based and place additional burden on our rate payers. Further, the city opposes additional fees and enforcement authority that would further reduce funding and available resources to address the needs of our water programs. As a result, the city urges strongly endorses the following positions:

Stormwater Local Assistance Fund (SLAF) – Maintain the existing FY 2021 \$50 million appropriation for Chesapeake Bay TMDL and other local stormwater projects.

Stormwater Utility Legal Authority – Maintain statutory authority authorizing local utility rates and charges for local stormwater management and environmental compliance purposes.

Water-Related Grants to Localities – Continue funding state grants to localities for improvements with regional or statewide benefits including the Water Quality Improvement Fund (wastewater) and the Stormwater Local Assistance Fund.

OTHER LEGISLATIVE POSITIONS

Binding Arbitration: Oppose legislation that mandates binding arbitration, meet and confer requirements, and imposed grievance procedures for local employees. Oppose any amendment to the 2020 legislation authorizing collective bargaining that allows localities to choose whether or not they wish to engage in collective bargaining. The city opposes any requirements to mandate collective bargaining, require binding arbitration, or repeal Virginia's right to work law.

Exemptions: Oppose any legislation that would exempt churches and other religious and non-profit organizations from neutral, generally applicable local ordinances, and in particular local health, safety and zoning ordinances.

Line of Duty Act: Support initiatives that return program funding responsibility to the state. Should this unfunded mandate continue, support efforts to implement the recommendations of the 2014 Joint Legislative Audit and Review Commission (JLARC) "Line of Duty Act Report".

Preclearance Requirements: Oppose legislation that would require preclearance prior to the implementation of changes to voting laws or practices. Preclearance would require that the city seek approval to do such things as change the boundaries of the city's wards and relocate polling places, both of which should be matters of local control.

Reforestation, Preservation and management of urban forests: The city requests further support to provide localities with greater authority in reforestation, preservation and management of urban forests.

Short-term Rentals: Oppose any additional short-term rental legislation that would further limit local governments' authority to regulate short-term rental properties.

Social Services: Maintain funding for workforce re-training through appropriate agencies, retaining Virginia Initiative for Employment not Welfare (VIEW) staff and funding in Social Services. This program has successfully helped Temporary Assistance for Needy Families (TANF) recipients secure and maintain jobs.

State Aid to Public Libraries: Oppose any efforts to reduce state aid to public libraries. Fully fund state aid for public libraries to improve services provided in the community. Citizens rely on their public library to bridge the digital divide, assist their job search, and support early childhood literacy and education initiatives. Full state aid funding will allow the library to improve and expand access to these services to help improve the community.

Substance Abuse Treatment: Restore state funding for substance abuse treatment programs. Such funding could be provided to Community Service Boards, programs such as "The Healing Place" or other pilot programs.

Taxes on Local Services: Oppose the imposition of a state fee, tax or surcharge on water, sewer, and solid waste or on any other local government funds or services.

Telecommunications and Wireless Infrastructure Regulation: Maintain local authority over zoning, land use, rights-of-way and taxation. Limit new state regulation preempting local authority regarding the use and compensation of local rights-of-way for telecommunications. Refrain from adopting any additional legislation that preempts local regulation of the placement of wireless infrastructure in the public rights-of- way or on public property.

Workers Compensation Medical Fees: Virginia should adopt Medicare-based fee schedules for setting medical provider fees in workers' compensation cases, instead of the prevailing community rate standard now used. This will make providing workers' compensation coverage more affordable and will adequately protect the financial interests of the medical providers of Virginia.

ONGOING ITEMS WITH OPEN LEGISLATION

Historic Rehabilitation Tax Credits: Support this financing tool which supports the development and redevelopment of historic buildings.

This is ongoing and is supported throughout this current and previous administrations.

Taxes- Machinery and Tools: Oppose legislation that would reduce or eliminate a locality's authority to impose a machinery and tools tax. The loss of \$5,000,000 in revenue from the Machinery and Tools Tax would equate to a 8.0 cent increase in the city's Real Property Tax rate.

Taxes- Business License: Oppose legislation that would reduce or eliminate a locality's authority to impose a business license tax. The loss of \$9,733,730 in revenue from the Business License Tax would equate to a 15.6 cent increase in the city's Real Property Tax rate.

Tax on Electronic Cigarettes and Vapor: Support legislation to allow localities to tax electronic cigarettes and vapor in a manner similar to traditional cigarettes.

Will continue on and include marijuana after clarification from the General Assembly.

Important to note that marijuana clarification of local referendum and State Support will be needed to continue through to further taxation on sale and distribution.

ACCOMPLISHED LEGISLATIVE GOALS

Broadband: The General Assembly should create a concerted governmental effort to ensure broadband coverage that is both available and affordable to the most in need. Particularly in low income neighborhoods, a lack of broadband coverage and affordability has far-reaching implications for K-12 education and lifelong learning.

Passed in 2022 General Assembly: HB1265 and SB 716.

Compensatory Time: The General Assembly should permanently amend Virginia Overtime Wage Act § 40.1-29.2 so the terms “Wages” and “Pay” also mean overtime compensatory time in lieu of wages for overtime pay by public agencies, as provided by the Fair Labor Standards Act.

Passed with HB1173 and SB 631. Effective date is November 1, 2022

State Charter School Initiative - The city wishes to explore being considered for the State Charter School Initiative Program.

SB 125 lays out qualifiers.

Outdoor Dining – Support the Commonwealth and its localities allowing outdoor dining in nontraditional spaces on a permanent basis. The Virginia Alcohol Beverage Control Authority should continue expedited approvals of outdoor dining spaces.

Effective until July 1, 2024 – Title 4.1

ABC Licenses - Support making Alcohol To-Go permanent, expedited ABC approval of outdoor dining spaces, and authorizing local governments to establish local entertainment districts.

Effective until July 1, 2024 – Title 4.1

Proffers: Request that the General Assembly monitor the impact of recent amendments to Section 15.2-2303.4 of the State Code and consider any amendments that may be needed to further clarify the appropriate use of proffers in conditional residential rezonings.

Origination in 2019 with SP 1373. Continued.

Public Safety Funding: Police Funding: The General Assembly should consider reconstructing the funding formula for Aid to Localities with Police Departments to create a formula that is responsive to urban police departments facing challenges with workforce recruitment and training.

HB599 – passed in 2022.

Communications Sales and Use Tax: The Virginia Communication Sales and Use Tax was enacted to establish a statewide tax rate and to preempt local taxes on communication sales and services. The city supports setting the tax rate at the same level as the state sales tax rate of 5.3 percent and broadening the coverage of the tax to include audio and video streaming services and prepaid calling services.

Completed in 2022

Prevention: Restore state funds for prevention services.

Completed in FY2022 through continual grant funding, through SAMHSA and other programs.

CITIZEN NOTES

From Jim Weigand – jimjweigand@yahoo.com:

515 Elmwood Ave
Lynchburg, VA 24503
November 20, 2022

Metchi Braun
City of Lynchburg
900 Church Street
Lynchburg, VA 24504

Dear Metchi Braun,

Regarding the invitation to submit comments to be considered for Lynchburg's 2023 Legislative agenda please find attached my "weigh in."

As an over-stressed local taxpayer funding a school budget that penalizes city citizens, I have come to realize that one issue that needs to be addressed is funding for the At-Risk students attending public schools.

As explained in the attachment, the current funding formula requires a local match and because cities have a higher percentage of ED students attending school than do counties, cities thus have higher per pupil expenditures and fiscal stress.

While not asking for any additional local funding for the Lynchburg schools I am asking that the state pick up **all** the costs of educating the At-Risk students. Recent reports of state surplus in revenues of billions of dollars will allow the state to pick up the \$132,059,638 that is projected to be forced upon local governments for FY24, thus shifting the fiscal responsibility to where it belongs.

As a footnote to my attachment, the Fiscal Stress data is from the Commission on Local Government, proposed school expenditure data from the VDOE is for both the current year and next, and estimated Real Estate taxes are based upon the published budgets of both Bedford County and Lynchburg.

Yours truly,

Jim Weigand

**IT IS TIME TO STOP THE REQUIRED LOCAL MATCH
AND FULLY FUND THE AT-RISK STUDENTS**

There are 21 high stress localities, all of which are cities.

Lynchburg's Fiscal Stress ranking is 16th highest (High) at 105.13.

The average stress value for Virginia's cities (103.08) is significantly greater than the average for its counties (98.91).

73 (54.89%) localities, comprised of 33 (of 36) cities and 40 counties are considered to be experiencing above average or high fiscal stress.

One reason is the added local cost of educating the public school students classified as At-Risk. At-Risk students are those that are classified as Economically Disadvantaged or ED. ED students tend to be located in the cities.

While the state recognizes the need for additional funding for ED students, this funding requires a local match which penalizes the cities which results in higher fiscal stress. State payments for at-risk students are disbursed to school divisions based on the estimated number of federal free lunch participants in each division to support programs for students who are educationally at-risk. Funding is provided as a percentage add-on to Basic Aid to support the additional costs of educating at-risk students.

Funding is based on the percentage of students eligible for free lunch x Current year unadjusted ADM = Estimated number of students eligible for free lunch x (Add-on weight ranging from 1.0% to 36.0% in FY 2023 and 1.0% to 36.0% in FY 2024 based on free lunch eligibility rate) x Basic aid per pupil amount x (1 - Composite Index) x 100% = State Share.

As a point of comparison, for the current FY2023 year:

Bedford County's required funding (to meet their local match) for At-Risk students is \$866,313 which can be raised with a \$0.0096 Real Estate Tax.

Lynchburg's required funding (to meet their local match) for At-Risk students is \$2,787,842 which can be raised with a \$0.0447 Real Estate Tax.

As this comparison shows, Lynchburg's Real Estate tax rate to fund their At-Risk students is approximately \$0.0351 higher than Bedford's.

IT IS TIME TO STOP THE REQUIRED LOCAL MATCH