

// A special meeting of the Council of the City of Lynchburg, recessed from November 13, was held on the 27th day of November, 2007, at 1:00 p.m., Council Chamber, City Hall, Bert Dodson, Jr., Vice President, presiding. The purpose of the meeting was to conduct a work session regarding several items. The following Members were present:

Present: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert

6

Absent: Foster

1

// Vice Mayor Dodson announced that Mayor Foster has been called out of town due to the illness of her mother.

// City Manager Kimball Payne stated that the Lynchburg Parking Authority has received the Strategic Parking Plan prepared by Carl Walker, Inc., and wishes to proceed with implementation. Mr. Payne explained that the Parking Authority supports the recommendations of the "Strategic Parking Plan" and intends to engage stakeholders in a discussion regarding the plan. Mr. Payne went on to say that the recommendations that the Parking Authority believes should receive priority attention are:

- The conversion of on-street parking to paid parking with the installation of full-featured electronic parking meters.
- A new approach to the management of the City's Midtown Parking Deck including the discontinuance of the practice of providing individually assigned reserved spaces and charging for parking on the top level.
- Making provisions for downtown patrons who need parking for more than two hours up to all day but who don't need reserved parking.
- Improve on-street parking management through the use of available technology and best practices.
- Address ADA accessibility issues.
- Conduct an outreach and educational effort to inform private property owners downtown of the potential for improved parking access.
- Hiring a manager dedicated to the development and management of parking downtown.
- Proceed with a feasibility study for new structured parking.

Parking Authority Chair Dennis Howard was present to respond to questions and stated that the most immediate need would be to hire a manager. Several Council Members commented regarding the inefficiency of the current parking situation downtown. Council Member discussed several of the recommendations, i.e., reinstatement of parking meters, types of parking meters, hiring of a manager versus having an outside agency manage the process, and whether there is a need at this time for a parking garage. In response to questioning, Mr. Payne stated that the plan would be to install the parking meters on the streets and in a year or two determine if that approach has improved downtown parking. Mr. Payne also noted that he would like to proceed with a feasibility study to determine the need for new structures parking. Mr. Payne went on to say that he is recommending the hiring of a manager that would

be dedicated to the development and management of downtown parking since he has no one on staff that could be assigned to this task. Mr. Payne did note that one approach might be to treat this as a capital project and hire a project manager to manage the project. Following discussion, some Council Members commented that they would like for the public to have more time to review the report prior to making any final decision, and agreed to delay this item until the December 11 meeting for formal action.

// City Manager Kimball Payne stated that In 2002 City Council agreed to schedule a public hearing on a proposal to eliminate a contingency reversionary interest clause in the deed that conveyed the Garland-Rodes Building on Rivermont Avenue to the Virginia School of the Arts in 1995. Mr. Payne explained that at that time the deed was never prepared and the public hearing was never scheduled. Mr. Payne went on to say that recently the School of the Arts has asked that this matter be reconsidered and that because so much time has passed staff felt it prudent to bring this matter back to Council to receive authorization to schedule the public hearing. The School of the Arts still agrees to the City's right of first refusal and the conveyance of the sliver of land along the front of the property as recommended in 2002. Following the presentation, City Council agreed to the scheduling of a public hearing regarding this matter for the January 8 Council meeting.

// Since representatives for Agenda Item #3 had not arrived, City Council agreed to proceed with the discussion of Agenda Item #5.

// City Manager Kimball Payne stated that at City Council's retreat in early September, staff was requested to conduct research regarding rehabilitated property tax exemption programs. Mr. Payne informed that all Virginia First Cities Rehabilitation Exemption programs, except the City of Hopewell, has some form of rehabilitation exemption and that City Council may wish to consider changing some components of its current program, i.e., creating special districts in which the exemptions would apply, changing the exemption period, changing the minimum assessment increase requirement, or requiring owner occupancy. Mr. Payne went on to say that as Council considers this topic the following questions might be relevant:

- What are the purposes of the Rehabilitated Property Tax Exemption Program?
- Is the current program accomplishing the purposes?
- Are there any unintended consequences of the program?
- Does Council desire to make the program more attractive for certain purposes?

Mr. Payne did note that staff believes that the exemptions have increased, especially for structures outside of the inner city. Mr. Payne also noted that the City might want to look at other exemptions allowed by the State Code, especially the classification for energy efficient buildings. Mr. Payne went on to say that also of particular note is State Code section 58.1-3219.4, adopted by the General Assembly in 2006, to allow a partial exemption of taxes on new structures in designated redevelopment or conservation areas or rehabilitation districts. Council Members discussed various components of the program and agreed that they would like more concrete ideas to review and asked Council Members

Seiffert (Chair) and Council Member Johnson to form a committee to work with staff in developing more specific ideas for the program for Council review at either the January or February work session.

// City Manager Kimball Payne informed that Invest Lynchburg LLC has been proceeding with plans to purchase and develop City property at 1117, 1201, 1215, and 1221 Jefferson Street. Mr. Payne stated that following the October 11, 2005, public hearing, Council agreed to the sale of the property and the City will receive new real property tax revenue from the development of the property. Mr. Payne stated that the partnership's plans have been developed in consultation with the City and coordinated with efforts to design improvements to Jefferson Street and the Riverfront Park and to develop the Lower Bluffwalk Pedestrian Way. Representatives of Invest Lynchburg presented the latest design concepts and the proposed timetable for development. Council Members discussed the proposal and commented that this was a good example of a public/private partnership.

// City Manager Kimball Payne stated that at Council's work session on September 25, 2007, staff was directed to provide some thoughts regarding the possible pros and cons of various scenarios for the future governance and structure of the City's Tourism Program. Mr. Payne explained that information on possible budgets for each scenario, with two different levels of funding, was also requested, in addition to information on current tourism program activities and regional efforts. Mr. Payne went on to say that the Chamber of Commerce has agreed to extend the current arrangement until June 30, 2008, and that it will take some time to implement any new arrangement. Council Members discussed the various scenarios with regard to the management of the Tourism program, i.e., independent authority, Chamber management, City Department, or a blend, and reached consensus that the Tourism Program should not be set up as a separate City Department. Council Members discussed a regional approach to the tourism program, the Chamber of Commerce proposal, whether an independent authority or a hybrid approach whereby the City would maintain some oversight of the program would provide more accountability to the City, or if the tourism program could be handled via a contractual arrangement with the Chamber. Vice Mayor Dodson informed that Mayor Foster requested that this item be postponed so that she will be able to participate in the decision making. Following discussion, Council Members asked that this item be scheduled for the December 11 work session agenda.

// Community Development Director Charlene Montford presented a power point presentation regarding the development of a Housing Policy/Plan for the City. Following the presentation, City Manager Kimball Payne stated that both he and Ms. Montford would continue working towards development of a Housing Policy, including the solicitation of public input and that this effort would probably take a couple of years to complete.

// During roll call, Council Member Gillette informed of upcoming changes to the Community Development Block Grant (CDBG) program to be discussed with Council at the December work session. Council Member Helgeson questioned if the Planning Commission minutes could be approved before being sent to Council with land use petitions. In response to Council Member Garrett's question, City Manager Kimball Payne stated that he has not received the financial report from Bluffwalk. Council Member Garrett

also inquired regarding a proposal to deal with bulk pickup in a more efficient manner. Council Member Johnson inquired regarding leaf pickup in the Diamond Hill neighborhood prior to the Candlelight Walk Tour, provided information regarding his recent National League of Cities conference, including activities by youth from other localities who attended the conference. Council Member Johnson also mentioned that he has received some concerns regarding street vendors using parking spaces in the downtown area.

// The meeting was adjourned at 4:48 p.m.

Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 27th day of November, 2007, at 5:00 P.M. in the Council Chamber, City Hall, Bert Dodson, Jr., President, presiding. Council Member Gillette gave the Invocation, followed by the Pledge of Allegiance. The following Members were present:

Present: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert 6

Absent: Foster 1

// Vice Mayor Dodson announced that Mayor Foster has been called out of town due to the illness of her mother.

// Vice Mayor Bert Dodson on behalf of City Council recognized and presented certificates to the graduates of the City's fifth Citizens Academy. The Citizens Academy presented a \$250 check to the City's Foster Care Christmas Fund.

// Vice Mayor Dodson announced that this year the City received 1st Place in the 2007 Digital Cities Survey Award in the 30,000 to 74,999 population category. Council Member Johnson, who received the award at the National League of Cities conference, presented the award to Information Technology Director Mike Goetz.

// Copies of the minutes of the November 13, 2007 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Seiffert, seconded by Council Member Garrett, Council by the following recorded vote approved the minutes as presented:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert 6

Noes: 0

Absent: Foster 1

// In the matter of Parks & Recreation - General, Resolution #R-07-141 amending the FY 2008 City/Federal/State Aid Fund budget and appropriating \$1,500, fully reimbursable, to purchase supplies for an education program on the James River watershed and its importance to the Chesapeake Bay, laid over from the November 13, 2007 meeting, was again presented and read, and on motion of Council Member Seiffert, seconded by Council Member Garrett, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert 6

Noes: 0

Absent: Foster 1

// In the matter of Commonwealth Attorney, Resolution #R-07-153 amending the FY 2008 City/Federal/State Aid Projects Fund budget and appropriating \$12,280, fully reimbursable, to hire an Americorp member to assist the office of the Commonwealth's Attorney with the Community Court Program, laid over from the November 13, 2007 meeting, was again presented and read, and on motion of Council Member Seiffert, seconded by Council Member Garrett, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert 6

Noes: 0

Absent: Foster 1

// In the matter of Legislation, Legislative Liaison Linda McMinimy provided a brief summary regarding the priorities in the City's 2008 Legislative Agenda.

// Delegate Shannon Valentine thanked City Council for inviting her to the meeting and stated that Senator Steve Newman asked that she send his regrets to City Council for not being able to attend tonight's meeting. Delegate Valentine provided a brief update regarding pending as well as upcoming legislative items and responded to questions regarding specific legislation. Vice Mayor Dodson on behalf of City Council thanked Delegate Valentine for attending tonight's meeting and asked City Manager Payne to invite Senator Newman to the December 11 Council meeting to also provide him an opportunity to meet with Council regarding the City's 2008 Legislative Agenda.

// In the matter of Transit Company, William Norris, representing concerned passengers that ride the Transit Company buses, outlined some of their concerns, i.e., frequent break-downs of the buses, buses running out of gas, fare boxes not always working, signage not working, and air conditioning not working. Mr. Norris also explained that the buses do not always run on time and that causes problems for those individuals who depend on the bus service to get to work and also for doctor appointments. Mr. Norris also expressed concern regarding the safety of the "bus hub" at the Plaza. Mr. Norris stated that the buses go too fast through that area and there is concern regarding pedestrian safety.

// In the matter of Community Services, City Council Report #6 regarding the financing by VML/VACo of the Central Virginia Community Services Board (CVCSB) purchase of the Courtland Building was considered. Council Member Gillette stated that he has a contractual relationship with the Central Virginia Community Services Board of less than \$10,000, that the action that is being requested will in no way impact his business, and that although he believes that he is able to participate and vote on this matter fairly, objectively and in the public interest, he would still prefer to abstain from voting on this item. City Manager Kimball Payne provided a brief summary regarding the request. On motion of Council Member Helgeson, seconded by Council Member Seiffert, Council by the following recorded vote adopted Resolution #R-07-154, as presented, regarding the financing by VML/VACo of the Central Virginia Community Services Board purchase of the Courtland Building:

Ayes: Dodson, Garrett, Helgeson, Johnson, Seiffert	5
Noes:	0
Absent: Foster	1
Abstention: Gillette	1

// In the matter of Finance - Bonds, City Council Report #7 regarding the issuance of bonds for Centra Health through the Economic Development Authority of Appomattox County in the amount of \$7,500,000 was considered. Council Member Gillette stated that he has a contractual relationship with Centra Health in excess of \$10,000 and therefore will abstain from voting on this item. City Manager Kimball Payne provided a brief summary regarding the request. On motion of Council Member Garrett, seconded by Council Member Johnson, Council by the following recorded vote adopted Resolution #R-07-155, as

presented, approving the issuance of bonds for Centra Health through the Economic Development Authority of Appomattox County in the amount of \$7,500,000:

Ayes: Dodson, Garrett, Helgeson, Johnson, Seiffert	5
Noes:	0
Absent: Foster	1
Abstention: Gillette	1

// In the matter of City Code, City Council Report #8 regarding amending Sections 23.1-13 and 36-126.36 of the City Code relating to the definition of itinerant vendors and the licensing of itinerant dealers in precious metals and gems was considered. City Attorney Walter Erwin provided a brief summary regarding the request. On motion of Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote adopted Ordinance #0-07-156, as presented, amending Sections 23.1-13 and 36-126.36 of the City Code relating to the definition of itinerant vendors and the licensing of itinerant dealers in precious metals and gems:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert	6
Noes:	0
Absent: Foster	1

// The meeting was recessed at 6:02 P.M. to December 11, at 1:00 P.M., to conduct a work session regarding several items.

Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **December 11, 2007**

AGENDA ITEM NO.: 2

CONSENT: **X**

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION:

INFORMATION:

ITEM TITLE: **Appointment to the Community Services Board**

RECOMMENDATION:

Receive list of candidates interested in serving on the Central Virginia Community Services Board.

SUMMARY:

Section 37.2-501 of the Virginia State Code states that prior to making any appointment to a community services board, the local government must disclose and make available to the public the names of those persons being considered for an appointment. Also, the local government must make any information on the candidates available to the public if such information is available to the local government.

PRIOR ACTION(S):

None

FISCAL IMPACT:

None

CONTACT(S):

Patricia W. Kost 455-3982

ATTACHMENT(S):

➤ List of candidates

REVIEWED BY: lkp

INDIVIDUALS BEING CONSIDERED FOR
APPOINTMENT TO THE
COMMUNITY SERVICES BOARD

Currently serving on Board

Sue Boyers

Volunteers

Barry K. Armstrong

Alex Bell

Selena G. Davis

Rob Jarvis

Kathy W. Lewis

LaVerne E. Reid

William F. Schneider

Michael L. Silgen

Shae Skelly

156P

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **December 11, 2007**

AGENDA ITEM NO.: 3

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: Public Hearing Regarding Vacating 0.183 Acre of Public Right of Way and Authorizing the Execution of a Deed to Convey the City's Interest in said Vacated Right of Way to Wards Road Corridor, LLC

RECOMMENDATION: Adopt an ordinance vacating 0.183 acre of public right of way and adopt a Resolution authorizing the execution of a deed to convey the City's interest in said vacated right of way to Wards Road Corridor, LLC, in exchange of 0.033 acre of right of way to construct a hammer head cul-de-sac to the Hilton Garden Inn on Delta Street.

SUMMARY: The developers of the Hilton Garden Inn on Delta Street are proposing to change the design of the cul-de-sac entrance to this site to a "Hammer Head" design in order to allow the future development of an adjacent parcel. Staff has determined that the "Hammer Head" design is sufficient to meet the requirement of a cul-de-sac as stipulated by the proffer accepted by City Council during the rezoning of the property on January 9, 2007. In order to facilitate the design change, it is necessary to vacate the portion of existing right of way and to deed the City's interest in the vacated right of way to the adjacent property owner. The developers have agreed to dedicate 0.033 acre of new right of way to accommodate the design change.

PRIOR ACTION(S): Physical Development Committee -- November 27, 2007
Technical Review Committee -- December 4, 2007

BUDGET IMPACT: None

CONTACT(S): Lee Newland 455-3950

ATTACHMENT(S):

- Ordinance
- Resolution
- Technical Review Committee Report
- Application
- Maps

REVIEWED BY: lkp

AN ORDINANCE VACATING 0.183 ACRE OF PUBLIC RIGHT OF WAY OFF OF DELTA STREET

WHEREAS, Wards Road Corridor, LLC, is requesting a change in the design of the cul-de-sac at the Hilton Garden Inn; and

WHEREAS, a section of existing right of way will no longer be needed for the cul-de-sac; and

WHEREAS, a parcel of the adjoining property is required for completion of this project; and

WHEREAS, Wards Road Corridor, LLC, has agreed to an exchange of property; and

WHEREAS, in order to finalize the exchange of real property, it is necessary for the City to vacate 0.183 acre of existing right of way and to convey the City's interest in said vacated property to the property owner, Wards Road Corridor, LLC; and

WHEREAS, City Council finds that no public inconvenience will result from vacating and discontinuing this portion of public right-of-way; and

WHEREAS, City Council determines that the City has no need for the 0.183 acre of public right of way off of Delta Street and that the City's continued ownership of the property is not necessary or required to serve the best interests of the City;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Lynchburg, on its own motion, and in accordance with the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, and Section 35-71 through Section 36-77 of the City Code, 1981, as amended, the following described right of way be, and the same hereby is, discontinued and vacated, namely:

0.183 acre of public right of way as shown on a plat entitled "Subdivision Showing Delta Street Right of Way Revision, City of Lynchburg, Virginia, made by Wiley & Wilson, dated November 1, 2007.

Said vacation is contingent upon the following conditions: (1) that an easement to locate, relocate, repair, replace, maintain and perpetually operate all utilities currently located therein or needed by the City in the future is hereby reserved unto the City of Lynchburg, and the construction of any building or structure or the use of the vacated property in any manner that could interfere with the City's right to locate, relocate, repair, replace and maintain and perpetually operate utilities is prohibited without the prior written approval of the City Manager's Office, City Utilities Division and the City Engineering Division, and (2) that 0.033 acre of right-of-way as shown as "New Parcel A" on the November 1, 2007, plat is dedicated to the City for construction of a hammer head cul-de-sac to the Hilton Garden Inn on Delta Street.

BE IT FURTHER ORDAINED That the Clerk of Council is hereby authorized and directed to deliver a duly-certified copy of this ordinance to the Clerk of the Circuit Court for the City of Lynchburg so that said certified copy of this ordinance may be recorded as deeds are recorded and indexed in the name of the City of Lynchburg.

Adopted:

Certified:

Clerk of Council

A RESOLUTION AUTHORIZING THE EXECUTION OF A DEED TO CONVEY THE CITY'S INTEREST IN THE VACATED 0.183 ACRE OF PUBLIC RIGHT OF WAY OFF OF DELTA STREET.

BE IT RESOLVED That the Lynchburg City Council hereby determines that the City has no need for the 0.183 acre of public right of way off of Delta Street and in consideration of the conveyance to the City by Wards Road Corridor, LLC, of land needed to realign and construct a hammer head cul-de-sac to Hilton Garden Inn, the City Manager is hereby authorized to execute a deed to convey to Wards Road Corridor, LLC, all the City's interest that accrues to the City as a result of the vacation of 0.183 acre of public right of way being vacated by City Council on December 11, 2007.

Adopted:

Certified:

Clerk of Council

155P

STATEMENTS AND SIGNATURES

SOURCE OF TITLE:
THE PROPERTY AS SHOWN ON THIS PLAT IS THE PROPERTY CONVEYED
UNTO WARDS ROAD CORRIDOR, L.L.C. BY THAT CERTAIN DEED ONLY
ON RECORD IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY OF
LYNCHBURG, VIRGINIA IN INSTRUMENT# 040013121 AND 070003475, AND IS INDICATED
AS TAX MAP PARCEL(S) 260-03-003.

SUBDIVISION NAME: SUBDIVISION SHOWING DELTA STREET RIGHT OF WAY REVISION
PROPERTY OWNER NAME: WARDS ROAD CORRIDOR
PROPERTY OWNER ADDRESS: 203 NINTH ST., SUITE 4A, LYNCHBURG, VA 24504

THE SUBDIVISION OF THE LAND DESCRIBED HEREIN IS WITH THE FREE
CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED
OWNERS, PROPRIETORS, AND TRUSTEES. THE OWNERS CERTIFY THAT THEY
ARE THE FEE SIMPLE OWNERS OF SAID LAND AND ARE LEGALLY ENTITLED TO
SUBDIVIDE. THE ROADS SHOWN HEREON ARE HEREBY DEDICATED TO
PUBLIC USE.

OWNER _____ TITLE _____ DATE _____

STATE: VIRGINIA
COUNTY/CITY OF: LYNCHBURG

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

MY COMMISSION EXPIRES: _____

SIGNATURE: _____

NO ZONING CHANGE IS REQUESTED BY THIS SUBDIVISION.

BASED ON A GRAPHIC DETERMINATION, THIS PROPERTY LIES IN ZONE "C" OF
THE FEMA FIRM MAP 510093 0020, DATED 11/16/83.

ALL CORNERS SHALL BE MONUMENTED AS SET FORTH ON THIS PLAT AS SOON AS IS
PRACTICABLE.

THIS MAP WAS RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF
LYNCHBURG, VIRGINIA ON THIS _____ DAY OF _____
THIS MAP WAS RECEIVED AND ADMITTED IN PLAT CABINET _____, SLIDE _____

TESTEE _____

AGENT _____

THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND
DOES NOT NECESSARILY INDICATE ALL ENCUMBRANCES UPON THE TITLE.

BOUNDARY LINES NOT SURVEYED ARE CLEARLY MARKED AS BROKEN LINES.

THIS PLAT HAS BEEN PREPARED FROM AN ACTUAL FIELD SURVEY AS PER DATE OF
THIS PLAT AND THERE ARE NO VISIBLE ENCROACHMENTS OR EASEMENTS EXCEPT
AS SHOWN.

THIS PLAT DOES NOT ADDRESS THE EXISTENCE, DETECTION, OR DELINEATION
OF ANY ENVIRONMENTALLY SENSITIVE AREAS OR ANY ENVIRONMENTAL PROBLEMS
LOCATED WITHIN THE PERIMETER OF THE PROPERTY SHOWN.

UNLESS OTHERWISE SHOWN, NO BURIAL SITES WERE FOUND DURING THIS SURVEY.

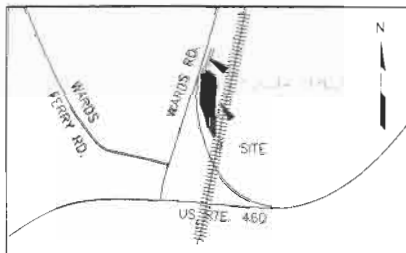
PLAT APPROVED BY:

DATE _____ CITY ENGINEER _____

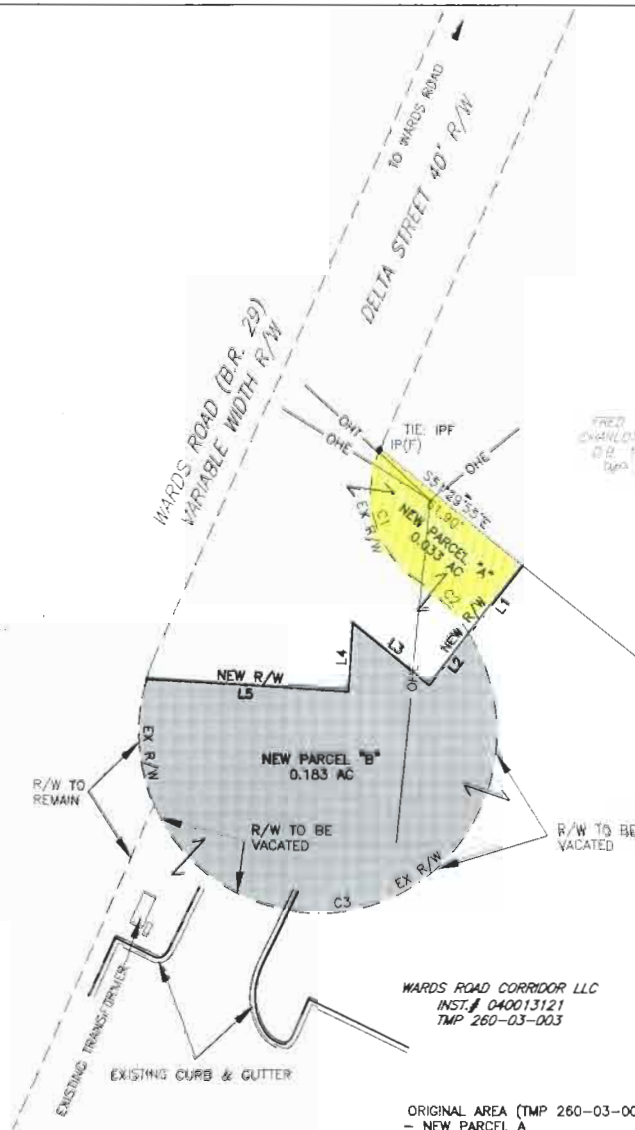
DATE _____ CLERK OF COUNCIL _____

DATE _____ CITY PLANNER _____

DATE _____ CITY MANAGER _____



VICINITY MAP
NOT TO SCALE



WARDS ROAD CORRIDOR LLC
INST. # 040013121
TMP 260-03-003

ORIGINAL AREA (TMP 260-03-003) = 3.594 AC
- NEW PARCEL A = -0.033 AC
+ NEW PARCEL B = +0.183 AC
NEW AREA (TMP 260-03-003) = 3.744 AC

LINE TABLE		
LINE	LENGTH	BEARING
L1	29.28	S38°37'40"W
L2	81.59	S38°37'46"W
L3	33.11	N51°22'28"W
L4	22.85	S03°27'57"W
L5	67.18	N88°39'03"W

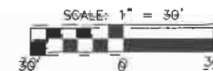
CURVE TABLE				
CURVE	DELTA	RADIUS	LENGTH	CHORD
C1	81°09'00"	35.00	49.87	45.53
C2	83°55'05"	60.00	25.05	24.87
C3	229°41'19"	60.00	240.71	108.82

LEGEND

- ===== PROPERTY LINE NOT SURVEYED
- ===== PROPERTY LINE SURVEYED
- ===== NEW R/W
- ===== R/W LINES TO BE VACATED
- ===== OVERHEAD ELECTRIC
- ===== OVERHEAD TELEPHONE
- ===== DEED BOOK
- ===== PAGE NUMBER
- ===== INSTRUMENT NUMBER
- ===== PIPE FOUND
- ===== IRON PIN FOUND
- ===== IRON PIN SET
- ===== POINT
- ===== POWER POLE
- ===== R/W AREA TO BE VACATED
- ===== AREA TO BE DEDICATED

NORFOLK-SOUTHERN
RAILROAD R/W

IF THIS DRAWING IS A REDUCTION,
GRAPHIC SCALE MUST BE USED.



Wiley & Wilson
Employee-Owned
2318 Langhorne Road
Lynchburg, VA 24501-1947
(434) 949-1901
www.wileywilson.com

TITLE:
SUBDIVISION SHOWING
DELTA STREET RIGHT OF WAY REVISION
CITY OF LYNCHBURG, VIRGINIA

SURVEYED OCTOBER 23, 2007

SCALE:
1" = 30'
DATE:
NOV. 1, 2007
DRAWN BY:
BSH
COMM. NO.
207194.00
FILE:
207194_PLAT

APPLICATION FOR THE VACATION OF A

Portion of Delta Street
(Street/Alley)

LOCATED BETWEEN

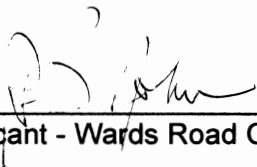
Wards Road and U.S. 460 Off Ramp

The undersigned applicant, Wards Road Corridor, LLC , pursuant to the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, and Section 35-71 through Section 35-77 of the City Code, 1981, as amended, respectfully makes application to the Lynchburg City Council for the vacation of that certain portion of Delta Street described as follows:

Revision of Delta Street right of way for offset bulb cul-de-sac (as per City Standard Detail 25.02, sheet 1 of 2) to a hammer head cul-de-sac (as per City Standard Detail 25.02, sheet 2 of 2).

The applicant further requests the Lynchburg City Council to hold a public hearing on this application at its meeting to be held in the Council Chambers, City Hall, 900 Church Street, Lynchburg, Virginia, on December 11, 2007, at 7:30 p.m., or as soon thereafter as the matter may be heard, and at the conclusion of which hearing to consider whether or not to vacate the above described portion of Delta Street.

Given under my hand this 20th day of Nov., 2007.



Applicant - Wards Road Corridor, LLC

203 Ninth Street, Suite 4A, Lynchburg VA 24504
Address

(434) 444-4995
Telephone Number

WE, THE ADJOINING PROPERTY OWNER(S), ARE IN AGREEMENT TO THE VACATION OF THE ABOVE DESCRIBED PROPERTY: (NONE)



MEMORANDUM

The Department of Community Development

Planning Division

455-3900

To: Patricia W. Kost, Clerk of Council
From: Annette M. Chenault, Planner II
Subj: Delta Street -Portion of Right-of-Way Vacation and Dedication
Date: December 6, 2007

The Technical Review Committee (TRC) reviewed the subject project on December 4, 2007. It had the following comments:

1. The subject preliminary plat proposes to vacate a portion of an existing right-of-way and dedicate new right-of-way at the end of Delta Street. The right-of-way vacation must be approved by City Council. Contact Pat Kost, Clerk of Council, at (434) 455-3982 for further information.
2. The spur road should be perpendicular to main road. Current configuration requires backing movement through an acute angle.
3. Extend city waterline easement through proposed vacated r-o-w and up to city water meter sets.
4. Show intersection along arc and boundary heading southwest parallel to Wards Road.
5. Show address of property - 4025 Wards Road.
6. For the record, streets ending with hammerheads do not provide sufficient turnarounds for certain types of trucks.
7. Based on this plat, it is difficult to tell what design vehicle can actually use this turnaround. Can a box truck turn around or a larger vehicle?
8. The road will also have to have curb and gutter to minimize rutting at the edge of pavement.

Pc: TRC
Jay Lewis, Wiley & Wilson

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **December 11, 2007**

AGENDA ITEM NO.: 4

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: REZONING: R-4, Medium-High Density Multi-Family Residential District to B-1C, Limited Business District (Conditional) at 434 Graves Mill Road.

CONDITIONAL USE PERMIT (CUP) – Cluster Commercial Development, Anderson Mediation Services, 434 Graves Mill Road

RECOMMENDATION: Approval of the requested rezoning petition and conditional use permit.

SUMMARY: Anderson Mediation Services is petitioning to rezone approximately two and three tenths (2.3) acres at 434 Graves Mill Road from R-4, Medium-High Density Multi-Family Residential District to B-1C, Limited Business District (Conditional) at 434 Graves Mill Road and for a Conditional Use Permit to allow the construction of a Cluster Commercial Development. Phase I of the development would include the conversion of an existing home to an office; this phase of the project would involve the construction of a small addition and associated parking. Phase II of the development would allow for the future construction of up to three (3) office buildings, associated parking and private amenities. The Planning Commission recommended approval of the rezoning because:

- The *Comprehensive Plan* recommends a Resource Conservation use for this area. Since the plan's *Future Land Use Map* is not intended to be parcel specific and adjacent land uses include a combination of Medium Density Residential, Community Commercial, Employment 1 and Institutional uses, it is staff's opinion that an amendment would not be required to allow this development. Given the proposed environmental provisions and the existing land uses, which include a combination of office and service uses, staff feels that the development is appropriate for the area.
- Petition agrees with the *Zoning Ordinance* in that a Cluster Commercial Development is a use permitted in a B-1, Limited Business District, with approval of a conditional use permit (CUP) by City Council.
- The Design Review Board determined that the proposal meets the objectives of Section 35.1-42.5.(3).a. of the *Zoning Ordinance*.

PRIOR ACTION(S):

November 14, 2007: Planning Division recommended approval of the rezoning and conditional use permit petitions.

Planning Commission waived the twenty-one (21) day submittal requirement for proffers.

Planning Commission recommended approval (5-1) of the rezoning petition with the following voluntarily submitted proffers:

1. To be built in accordance with the submitted sketch.
2. The R-C portion of the property shall remain a conservation area and be undeveloped.

Planning Commission recommended approval (5-1) of the CUP petition with the following conditions:

1. The property shall be developed in substantial compliance with the Site Plan dated November 2, 2007 and received by the Department of Community Development on November 5, 2007.

2. The existing residential structure and proposed offices will be developed in substantial compliance with photos received by the Department of Community Development on November 6, 2007. Exterior building materials for the buildings will include a combination of brick, vinyl and *Dryvit*.
3. The existing driveway entrance to the site will be upgraded to a City Standard commercial entrance.

FISCAL IMPACT: N/A

CONTACTS:

Charlene Montford/ 455-3902

Tom Martin/ 455-3909

ATTACHMENT(S):

- Ordinance
- Resolution
- PC Report
- PC Minutes
- Vicinity Zoning Pattern
- Vicinity Proposed Land Use
- Watershed Map
- Site Plan
- Architectural Photos
- Project Narrative
- Speaker Sign-Up Sheet

REVIEWED BY: lkp

ORDINANCE

AN ORDINANCE CHANGING A CERTAIN AREA FROM R-4, MEDIUM-HIGH DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT TO B-1C, LIMITED BUSINESS DISTRICT (CONDITIONAL), THE AREA CONTAINING APPROXIMATELY TWO AND THREE TENTHS (2.3) ACRES LOCATED AT 434 GRAVES MILL ROAD.

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

Section 35.1-76.____. Change of a certain area from R-4, Medium-High Density Multi-Family Residential District to B-1C, Limited Business District (Conditional).

The area embraced within the following boundaries . . .

Beginning at a right-of-way for Graves Mill Road at the corner of property owned by Joan M. Johnson, and running along said road N 22°40' W – 85.7 feet; thence N 47°31' W – 52.2 feet; thence N 30°46' W – 157.9 feet; and N 40°43' W – 44 feet; thence leaving said road N 32°24' E, crossing Dreaming Creek 167 feet to a sycamore; thence S 47°30' E again crossing Dreaming Creek 323.1 feet; thence S 45°15' W – 187.9 feet; and thence S 53° W 277.6' feet to the point of beginning.

Said property encompasses approximately 2.3 more or less acres. This description has been prepared from a portion of a prior deed found in Deed Book 1018, Page 518, recorded in the Clerk's Office of the Circuit Court for the City of Lynchburg, Virginia.

. . . is hereby changed from R-4, Medium-High Density Multi-Family Residential District to B-1C, Limited Business District (Conditional), subject to the following conditions setout herein below which were voluntarily proffered in writing by the owner, namely: Joan M. Johnson, to wit:

1. To be built in accordance with the submitted sketch.
2. The R-C portion of the property shall remain a conservation area and be undeveloped.

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

Adopted:

Certified:

Clerk of Council

160L1

RESOLUTION:

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO ALLOW THE CONSTRUCTION OF A CLUSTER COMMERCIAL DEVELOPMENT IN A B-1C, LIMITED BUSINESS DISTRICT (CONDITIONAL) FOR THE PROPERTY LOCATED AT 434 GRAVES MILL ROAD.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of Anderson Mediation Services for a Conditional Use Permit for use of the property at 434 Graves Mill Road to construct a Cluster Commercial Development that would include that would include the renovation of an existing building, the construction of three (3) new buildings and associated parking in an B-1C, Limited Business District (Conditional) be, and the same is hereby, approved subject to the following conditions:

1. The property shall be developed in substantial compliance with the Site Plan dated November 2, 2007 and received by the Department of Community Development on November 5, 2007.
2. The existing residential structure and proposed offices will be developed in substantial compliance photos received by the Department of Community Development on November 6, 2007. Exterior building materials for the buildings will include a combination of brick, vinyl and *Dryvit*.
3. The existing driveway entrance to the site will be upgraded to a City Standard commercial entrance.

Adopted:

Certified:

Clerk of Council

160L2

The Department of Community Development

City Hall, Lynchburg, VA 24504

434-455-3900

To: Planning Commission

From: Planning Division

Date: November 14, 2007

Re: **REZONING: R-4, Medium-High Density Multi-Family Residential District to B-1C, Limited Business District (Conditional) at 434 Graves Mill Road.**
CONDITIONAL USE PERMIT (CUP): Cluster Commercial Development, Anderson Mediation Services, 434 Graves Mill Road

I. PETITIONER

Anderson Mediation Services c/o Mike Anderson, 147 Mill Ridge Road, Lynchburg, VA 24503

Representative: Trent Warner, Guffey Warner & Associates, 21 Timberoak Court – Suite B, Lynchburg, VA 24502

II. LOCATION

The subject property includes one (1) tract totaling approximately two and three tenths (2.3) acres at 434 Graves Mill Road.

Property Owner: Joan Johnson, 835 Edgewater Drive, Belmont, NC 28012

III. PURPOSE

The purpose of this petition is to allow the construction of a Cluster Commercial Development [CCD] on two and three tenths (2.3) acres. Phase I of the development will include the conversion of an existing home to an office; this phase of the project would involve the construction of a small addition and associated parking. Phase II of the development would allow for the future construction of up to three (3) office buildings, associated parking and private amenities.

IV. SUMMARY

- The *Comprehensive Plan* recommends a Resource Conservation use for this area. Adjacent land uses as designated by the *Future Land Use Map* include a combination of Medium Density Residential, Community Commercial, Employment 1 and Institutional uses.
- Petition agrees with the *Zoning Ordinance* in that a Cluster Commercial Development is a use permitted in a B-1, Limited Business District with approval of a CUP by City Council.
- The Design Review Board determined that the proposal meets the objectives of Section 35.1-42.5.(3).a of the *Zoning Ordinance*.

The Planning Division recommends approval of the rezoning and CUP petitions.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends a Resource Conservation use for the area encompassing this parcel. "Resource Conservation uses include lands with special natural characteristics that make their preservation in open space particularly important to the City's environmental health." The plan also notes that the "actual boundaries of the Resource Conservation Area should be determined on a site-by-site basis using the best available environmental data and the environmental performance standards recommended in the Natural Systems element [of the plan]". **[page 5.2]** Although these standards have not yet been recommended by the Natural Resources Advisory Committee, the Natural Systems chapter of the plan emphasizes "the protection of important resources" by "applying performance standards to protecting floodplains, wetlands and streamside steep slopes to development projects". **[page 12.10]**

The petitioner and their designer have worked to limit the adverse environmental impacts of the proposed development. The project will be graded to provide the minimum clearing necessary to develop the site, and a conscious effort will be made to preserve the trees on site during the design phase of the project. The applicant has also limited the rezoning request to only include the portion of the property currently

zoned R-4, Medium-High Density Multi-Family Residential District. The exclusion of the R-C, Resource Conservation District designated for the property will allow the preservation of approximately one and one tenth (1.1) acres of wood and brush land which will include a one-hundred (100) foot riparian buffer adjacent to Dreaming Creek. No wetlands will be impacted as part of the proposed development.

Since the *Future Land Use Map* is not intended to be parcel specific and adjacent land uses as designated by the map include a combination of Medium Density Residential, Community Commercial, Employment 1 and Institutional uses, it is staff's opinion that an amendment would not be required to allow this development. Given the proposed environmental provisions and the existing land uses, which include a combination of office and service uses, staff feels that the development is appropriate for the area.

2. **Zoning.** The subject property was annexed into the City in 1976. The existing R-4, Medium-High Density Multi-Family Residential District zoning was established on October 13, 1992, with the approval of a rezoning by City Council.
3. **Proffers.** The petitioner voluntarily submitted the following proffer(s) with the rezoning application:
 1. [The property is] to be built in accordance with the submitted sketch.
 2. The R-C portion of the property shall remain a conservation area and undeveloped.
4. **Design Review Board.** Section 35.1-42.5, Cluster Commercial Development, Application and Review requires that the proposed development be reviewed by the City's Design Review Board. The Design Review Board must determine if the proposed plan meets the following objectives of the Ordinance as outlined in Section 35.1-42.5.(3).a of the *Zoning Ordinance*:
 - a. Aesthetic and architectural relationships with the surrounding communities;
 - b. Conclusions regarding on-site amenities and improvements;
 - c. On-site arrangement of improvements and structures;
 - d. Consistency with the Housing Assistance Plan for federal and/or state funded projects. **[N/A]**

The Design Review Board reviewed the proposed development on November 8, 2007, and determined that all objectives of Section 35.1-42.5.(3).a had been met. The Board recommended that the petitioner work with their design professional to blend the architecture of the Phase I development with that of the Phase II development.

5. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the development of the property as proposed.
6. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - On June 14, 2005, City Council approved Jerry Brammer's petition to rezone sixty-three hundredths (0.63) of an acre from R-4, Medium-High Density Multi-Family Residential District to B-1C, Limited Business District (Conditional) to allow the use of an existing building as a real estate office.
 - On October 10, 2000, City Council approved L.E. Lichford, Inc.'s CUP petition to allow a truck refueling facility in an I-2, Light Industrial District.
 - On June 8, 1999, City Council approved Rock Castle Partners' petition to rezone approximately twenty (20) acres from I-1, Restricted Industrial District to B-3C, Community Business District (Conditional) to allow speculative office, restaurant and retail sales uses in the 700 Block of Graves Mill Road.
 - On May 11, 1999, City Council approved D. Scott and Richard Zechini's petition to rezone three and seven tenths (3.7) acres from R-4, Medium-High Density Multi-Family Residential District to B-1C, Limited Business District (Conditional) and for a CUP petition for a Cluster Commercial Development in the 400 block of Graves Mill Road.
 - On December 9, 1997, City Council approved William Overacre's petition to rezone nine and seven hundredths (9.07) acres from I-1, Restricted Industrial District to B-3C, Community Business District

(Conditional) to allow the construction and operation of businesses for commercial service and retail uses at 427 and 427A Graves Mill Road.

- On December 12, 1995, City Council approved James and Cynthia Anderson's petition to rezone two and ninety-five hundredths (2.95) acres from I-1, Restricted Industrial District to B-5C, General Business District (Conditional) to allow the expansion of an existing commercial amusement facility.
 - On March 9, 1993, City Council approved Obaugh Cheverolet, Geo & Cadillac's petition to rezone approximately seventeen and four tenths (17.4) acres from B-5C, General Business District (Conditional) to B-5C, General Business District (Conditional) to amend the proffers for the property and allow the expansion of an automobile body shop.
 - On October 13, 1992, City Council approved the Graves Mill Road/US 221 Area Growth Management Study to re-evaluate the current land use guidance controls for the area. As part of the effort, a portion of the property at 434 Graves Mill Road was rezoned from R-3, Medium Density Two-Family Residential District to R-4, Medium-High Density Multi-Family Residential District.
 - On March 13, 1984, City Council approved Vaughan Chevrolet's petition to rezone approximately twelve and one hundredth (12.01) acres from I-1, Limited Industrial District to B-5C, General Business District (Conditional) to allow for the operation of an automobile dealership at the intersection of Graves Mill Road and the Lynchburg Expressway.
 - On December 14, 1982, City Council approved Burruss/Dreaming Creek Properties' petition to rezone approximately one hundred four and forty-nine hundredths (104.49) acres from I-1, Limited Industrial District to I-2C, Light Industrial District (Conditional) to allow for the development of an industrial park at the intersection of Route 126 and the Lynchburg Expressway.
 - On April 10, 1979, City Council approved B.P.O. Elks Lodge #321's CUP petition to allow the construction of a lodge at 6235 Old Mill Road.
7. **Site Description.** The subject property currently includes a single-family brick home; the balance of the property is undeveloped forestall land with steep slopes to the north of the property. The site is bound to the north by two (2) service businesses, as well as vacant business and conservation land, to the east by vacant residential property and multi-family apartments, to the south by commercial retail businesses and to the west by the Lynchburg 501 Expressway, as well as commercial and industrial businesses. A portion of the property is located within the Scenic Corridor Overlay District.
8. **Proposed Use of Property.** The proposed Cluster Commercial Development would provide a four (4) building office park with associated parking on two and three tenths (2.3) acres. The petitioner has noted on the site plan that all buildings will be limited to office uses. Phase I of the development will include the conversion of an existing home to an office, the construction of a small addition and associated parking. Phase II of the development would include up to three (3) additional office buildings, parking and private amenities.
- Exterior building materials will consist of brick/vinyl siding for the Phase I development and brick/*Dryvit* for the Phase II development. The site would be served by City water/sewer, underground electric, private refuse collection services and include a combination of drive aisles, crosswalks and sidewalks throughout the development. Landscaping for the site will comply with the requirements of the City's *Zoning Ordinance*. Since a portion of the property is located within the limits of the Scenic Corridor Overlay District, staff asked the petitioner to consider applying the Scenic Corridor requirements to the entire project. The petitioner revised their plan to provide for underground utilities, glare-shielded lighting, brick and *Dryvit* architectural treatments and landscaping to comply with the standards defined for this district.
9. **Traffic, Parking and Public Transit.** The City's Transportation Engineer requested that the petitioner measure the sight distance for the existing driveway at Graves Mill Road and to improve the driveway to a commercial grade entrance. The project designer measured the sight distances to the left and right of the drive and confirmed that they exceeded the required three hundred and ninety (390) feet required for the thirty-five (35) mile per hour speed limit on Graves Mill Road. The petitioner has also indicated his intention to use a City Standard commercial entrance when the project is designed; however, since this

item was not shown on the site plan nor proffered as part of the rezoning, the City's Transportation Engineer recommends that a condition be added to the CUP to require the entrance.

Planning staff recommended that the petitioner relocate the screened dumpster and provide for a reciprocal easement with Graves Mill Office Park; this agreement would allow for additional access to the two (2) developments through shared entrances on each property. Although the petitioner is interested, the significant elevation difference between the proposed CCD and Graves Mill Office Park may limit the ability to access the site. The petitioner has agreed to pursue this option, if the design and grades of the site would make the access feasible, but has requested that this not be applied as a condition of the project's approval.

Parking requirements for the proposed development are set by the City's *Zoning Ordinance* at one (1) space per three hundred (300) square feet of gross floor area (exclusive of utility area) for office uses. The two thousand, five hundred and twenty-five (2,525) square foot Phase I office development would require nine (9) parking spaces with the proposed seven thousand, two hundred (7,200) square foot Phase II development requiring an additional twenty-four (24) spaces. The plan sketch indicates that forty (40) spaces would be provided for the development to meet the City's parking standard.

Public transit is accessible along the Greater Lynchburg Transit Company's Route Seven (7) at the intersection of Graves Mill Road and Old Mill Road, approximately eight hundred and fifty (850) feet from the site.

10. **Stormwater Management.** The proposed Cluster Commercial Development would result in an increase in stormwater run-off. The increase between the pre and post-development stormwater will be detained by a detention pond. Water quality will be addressed through a water quality swale or similar above ground Best Management Practices (BMP's). All features will be designed to outlet to an adequate receiving channel per the City's *Stormwater Ordinance*. The City's Environmental Planner also noted that by limiting the grading footprint for the development, the project avoids impacts to the City's floodplain; therefore, the proposed quantity and quality measures are acceptable.
11. **Emergency Services.** The City's Fire Marshal had no comments regarding the proposed rezoning or CUP.

The City Police Department had no comments concerning the proposed development.
12. **Impact.** The proposed Cluster Commercial Development would allow the construction of an addition to an existing structure and three (3) future structures with parking for office uses. The design includes provisions to protect many of the natural features and incorporates the requirements of the Scenic Corridor Overlay District; these provisions should allow the development to blend seamlessly into the existing character of the Graves Mill corridor. The Design Review Board has determined that all objectives of the *Zoning Ordinance* have been met and traffic, parking, stormwater management and emergency services concerns have all been addressed to the satisfaction of City staff through the recommended conditions.
13. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on October 23, 2007. Comments related to the proposed use were minor in nature and have or will be addressed by the developer prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDATION

The Planning Commission waives the twenty-one (21) day submittal requirements for proffers.

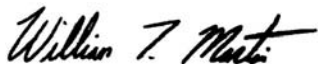
Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of Anderson Mediation Services' petition to rezone two and three tenths (2.3) acres located at 434 Graves Mill Road from R-4, Medium-High Density Multi-Family Residential District

to B-1C, Limited Business District (Conditional) with the voluntary submitted proffers.

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of Anderson Mediation Services' petition for a conditional use permit (CUP) to allow a Cluster Commercial Development at 434 Graves Mill Road, subject to the following conditions:

- 1. The property shall be developed in substantial compliance with the site plan dated November 2, 2007 and received by the Department of Community Development on November 5, 2007.**
- 2. The existing residential structure and proposed offices will be developed in substantial compliance with photos received by the Department of Community Development on November 6, 2007. Exterior building materials for the buildings will include a combination of brick, vinyl and Dryvit.**
- 3. The existing driveway entrance to the site will be upgraded to a City Standard commercial entrance.**

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Charlene B. Montford, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia L. Kozzerow, Lynchburg Police Department
Battalion Chief Greg Wormser, Fire Marshal
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Mr. Keith Wright, Zoning Official
Mr. Robert S. Fowler, Zoning Administrator
Mr. Kent L. White, Senior Planner
Mrs. Erin B. Hawkins, Environmental Planner
Mr. Mike Anderson, Petitioner, Anderson Mediation Services
Mr. Trent Warner, Representative, Guffey Warner Associates

VII. ATTACHMENTS

- 1. Vicinity Zoning Pattern**
- 2. Vicinity Proposed Land Use**
- 3. Watershed Location Map**
- 4. Site Plan**
- 5. Architectural Photos**
- 6. Project Narrative**

MINUTES FROM THE NOVEMBER 14, 2007, PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

- a. Petition of Anderson Mediation Services to rezone 2.3 acres from R-4, Medium-High Density Multi-Family Residential District to B-1C, Limited Business District (Conditional) and for a Conditional Use Permit for a Cluster Commercial Development to allow the construction of an office complex at 434 Graves Mill Road.**

Mr. Martin addressed the commissioners with the following comments. The *Future Land Use Map* recommends a Resource Conservation use for this area. These areas include lands that contain special characteristics that make their preservation and open space important to the environmental health. The *Comprehensive Plan* also notes that the exact delineation of these areas should be determined on a site by site basis during plan approval. The petitioner is not proposing to rezone the existing R-C Conservation District which will result in the preservation of 1.1 acres adjacent to Dreaming Creek. Phase I of the development involves the renovation of an existing residential structure into an office with associated parking and Phase II of the development would include the construction of three additional office buildings with parking areas. The City's Transportation Engineer has reviewed the proposed development and requested that sight distance on Graves Mill Road be clarified. The sight distances are adequate as it relates to the thirty-five mph speed limit in the area. The Traffic Engineer has requested that the existing driveway be improved to a standard commercial entrance and that is included as a condition of the approval of this conditional use permit.

The City's Design Review Board reviewed the development on November 8 and determined that the project meets the objectives of 35.1-42.5 of the zoning ordinance, which is the public commercial section. The Board did recommend that the developer blend the architecture of Phase I with that of Phase II, since Phase I is using an existing residential structure.

Stormwater management will be addressed by the use of an above ground detention facility and water quality requirements will be addressed by using best management practices. The Planning Division does recommend approval of the rezoning and conditional use permit.

Mr. Trent Warner of Guffey Warner and Associates came forward to speak on behalf of the petitioner, Mr. Mike Anderson. He is currently in the Business Development Center and is looking at options of staying in the area. The "home" feel of the existing structure is an attraction to him for the type of mediation services that he provides. They will improve the entrance and address stormwater quantity and quality. Mr. Anderson would like to do this project in two phases, building his business over time and then hopefully expanding the facility in professional services.

He will not go across the Resource Conservation zone. All the work will occur in the R-4 zone. This is the only R-4 property around; the surrounding properties are B-1(C).

Chair Hamilton asked if there was anyone else present to speak either in favor or opposition to the petition and no one came forward.

Commissioner Sale said he was at the site and noted how it falls off pretty fast and he would like to hear how they will put another building to the left side of the driveway. Mr. Warner said that it will be a challenge to keep that side of the property low. The parking area behind the building would come up to a certain extent, but that area may have to be cut so that they can fill to the left. Mr. Warner said that it is a fine line how much cut they do into the bank. He does not have a grading plan at this time, and his guess is that he does not have to go very wide from the building to put the driveway in. Commissioner Sale said that he is not so much concerned about the driveway as he is the building that is proposed for the left side of the driveway. Mr. Warner said that they might have to do retaining walls behind there.

Commissioner Barnes commended him for preserving the Resource Conservation piece of the property. However, he did not see it as a condition for them to make as a motion. Mr. Martin indicated

that the proffers are listed on page two of the report, and the proffers are typically not relisted in the motion.

Commissioner Barnes asked about the relocating of the dumpster and arranging for a reciprocal easement with Graves Mill Office Park. He said he was having a hard time visualizing what part of the property was being referenced. Mr. Warner said that Mr. Anderson is in contact with the Graves Mill Office Park, which is quite a ways up the hill. He pointed out a little slope of land on the site plan that says Graves Mill Office Park. The Planning Department saw that and thought they could take advantage of this and connect the two office parks. Mr. Anderson is not against this, but he does not want to commit to it because of the cost and there is a lot of terrain to get up there. He has not really had the dialogues with Graves Mill Office Park.

Mr. Warner thought that the dumpster pad for Phase I would probably be where the arrow says "Future Phase". When Phase II occurs, it could be moved back toward the hammerhead turnaround.

Commissioner Swinton thanked Mr. Warner for the parking space detail on the site plan. He asked about the stormwater detention pond and where they plan to place it. Mr. Warner said that it is hard to commit to that right now, but he thought if he had a fill slope, it would be along the fill slope. He pointed out that Dreaming Creek takes a lot of area and state law allows that they might not have to detain the water. When they are in the design phase, they will work with the City to see if they even need a detention pond.

Commissioner Swinton asked if he had a best guess as to how many degrees the steepest part of the slope is and Mr. Warner thought it was 2:1. Commissioner Swinton asked him if he thought it was twenty or thirty degrees and Mr. Warner indicated an angle with his hand. Commissioner Swinton asked about the area that is Resource Conservation and Mr. Martin said that the majority of the site is RC. There might be a small amount of medium residential. He pointed out again that the *Comprehensive Plan* indicates that the actual boundaries of these districts should be determined on a site by site basis during plan review. Commissioner Swinton asked if that is the rationale for not amending the *Future Land Use Map*. Mr. Martin said that he thinks that you can look at the way the entire area is developing and determine that it is not appropriate for this entire site to be completely Resource Conservation. There is an office development directly adjacent to this property; there was also a rezoning approved for a real estate office in close proximity to this property. Staff did not feel that there needed to be a *Future Land Use Map* amendment.

Commissioner Swinton asked if there had been any conversations with Kay Frazier to see if she planned to be including this area as Resource Conservation in any plans that she had for the area. Mr. Martin said that there has been no discussion on his part with Kay Frazier and he is not aware of any plans for a city park in the area. Mr. Martin wished to point out what Resource Conservation areas are. They are typically areas that have some type of a special characteristic that make their preservation necessary for environmental reasons. They can be areas such as extremely steep slopes like Candler's Mountain; they could be areas of floodplains or they could be areas needed to provide a buffer between development and stream channels. They looked at this site, and the 1.1 acres of Resource Conservation is providing the necessities to protect the environment.

Chair Hamilton commended Mr. Warner and Mr. Anderson for being willing to incorporate architectural features of the house into future buildings so that the house will not stick out in the development.

She asked Mr. Warner to talk about how he will keep Dreaming Creek from being affected by the grading that will happen. He said that they do not design any of their projects negligently. He remarked that the commission has a great staff in the planning department and there is no way that Erin Hawkins or Jim Talian would let anything go through that did not have the right regulations in it.

Commissioner Swinton asked if there was a topographical map submitted to staff and Mr. Warner said there was not.

Commissioner Barnes made the suggestion that they keep the infiltration on site and Mr. Warner said that there are two contractors in town that have samples that he is going to investigate. They are planning on doing test sites in the city and are currently working with Erin Hawkins. Mr. Warner has some concerns with this but is willing to look into it.

Commissioner Flint made the following motions, which were seconded by Commissioner Barnes:

The Planning Commission waives the twenty-one (21) day submittal requirements for proffers.

That the Planning Commission recommends to City Council approval of Anderson Mediation Services' petition to rezone two and three tenths (2.3) acres located at 434 Graves Mill Road from R-4, Medium-High Density Multi-Family Residential District to B-1C, Limited Business District (Conditional) with the voluntary submitted proffers.

That the Planning Commission recommends to City Council approval of Anderson Mediation Services' petition for a conditional use permit (CUP) to allow a Cluster Commercial Development at 434 Graves Mill Road, subject to the following conditions:

- 1. The property shall be developed in substantial compliance with the site plan dated November 2, 2007 and received by the Department of Community Development on November 5, 2007.**
- 2. The existing residential structure and proposed offices will be developed in substantial compliance with photos received by the Department of Community Development on November 6, 2007. Exterior building materials for the buildings will include a combination of brick, vinyl and *Dryvit*.**
- 3. The existing driveway entrance to the site will be upgraded to a City Standard commercial entrance."**

Before taking the vote, Commissioner Swienton commented that he had referred to the *Comprehensive Plan* for the definition of Resource Conservation. It defines steep slopes as twenty-five percent or greater. Commissioner Swienton went to the site with a protractor and came up with twenty-five percent or greater up to where the steep slope hits the fairly level part of the land. So he does not think that the entire property is Resource Conservation area, but it is his opinion that the area that comes up from the steep slope up to just short of the driveway is Resource Conservation. If the site plan was amended so that those buildings were not next to the steep slope, he would be in favor of it. But if the buildings are there, then he is opposed to it, although he is confident that Mr. Warner will design something that is environmentally sensitive.

Chair Hamilton asked Commissioner Swienton if he was talking about the two buildings on the left side. Commissioner Swienton said that there is the current part that is zoned for Resource Conservation and there is the area that the *Comprehensive Plan* defines as Resource Conservation and that includes some of the site that is currently R-4.

Commissioner Sale asked Mr. Warner to comment on this and Mr. Warner said that Lynchburg is very hilly and if everything that was twenty-five percent or greater were Resource Conservation, it would look a lot different. They will determine from a topographical map where the Resource Conservation area is and will stay above that. If they lose a building, then they will do that.

Commissioner Sale asked Mr. Martin to speak to this definition. He said that he thinks that there are two distinct differences you have to make. One is in the Resource Conservation district, which is a zoning classification and is shown on the zoning map. That is what the proffer is referring to, and then there are areas on the *Future Land Use Map* that the city in 2002 portrayed how they would like an area to look. He said that it is important to remember that future land uses are not binding and they are merely recommendations. Mr. Martin said that it is also important to remember that the property that they are requesting to rezone is currently zoned R-4, so they can develop this property as apartments by right and do everything up to the conservation district.

Mr. Martin said that the other misconception is that Resource Conservation districts are just natural areas. That is not the case. You can put parking areas in them. With this proffer and the agreement to leave this area untouched, you have more protection for Dreaming Creek.

Mr. Warner said that their initial plan showed an access road and two layers of buildings. The planning department was not in favor of that, so they took it off and changed the concept plan already.

Commissioner Swienton commented that it sounded like by-right R-4 could go in there, the slope could be cleared and there would not be much they could do about it. His interpretation of this proposal is going into a Resource Conservation area and having it be controlled. He wanted it put on the record though that he believes we are amending the *Future Land Use* Map without stating that we are amending it. Mr. Martin pointed that if the remainder of the body feels the same way, they can place this on hold and ask the petitioner to do petition for an amendment to the map.

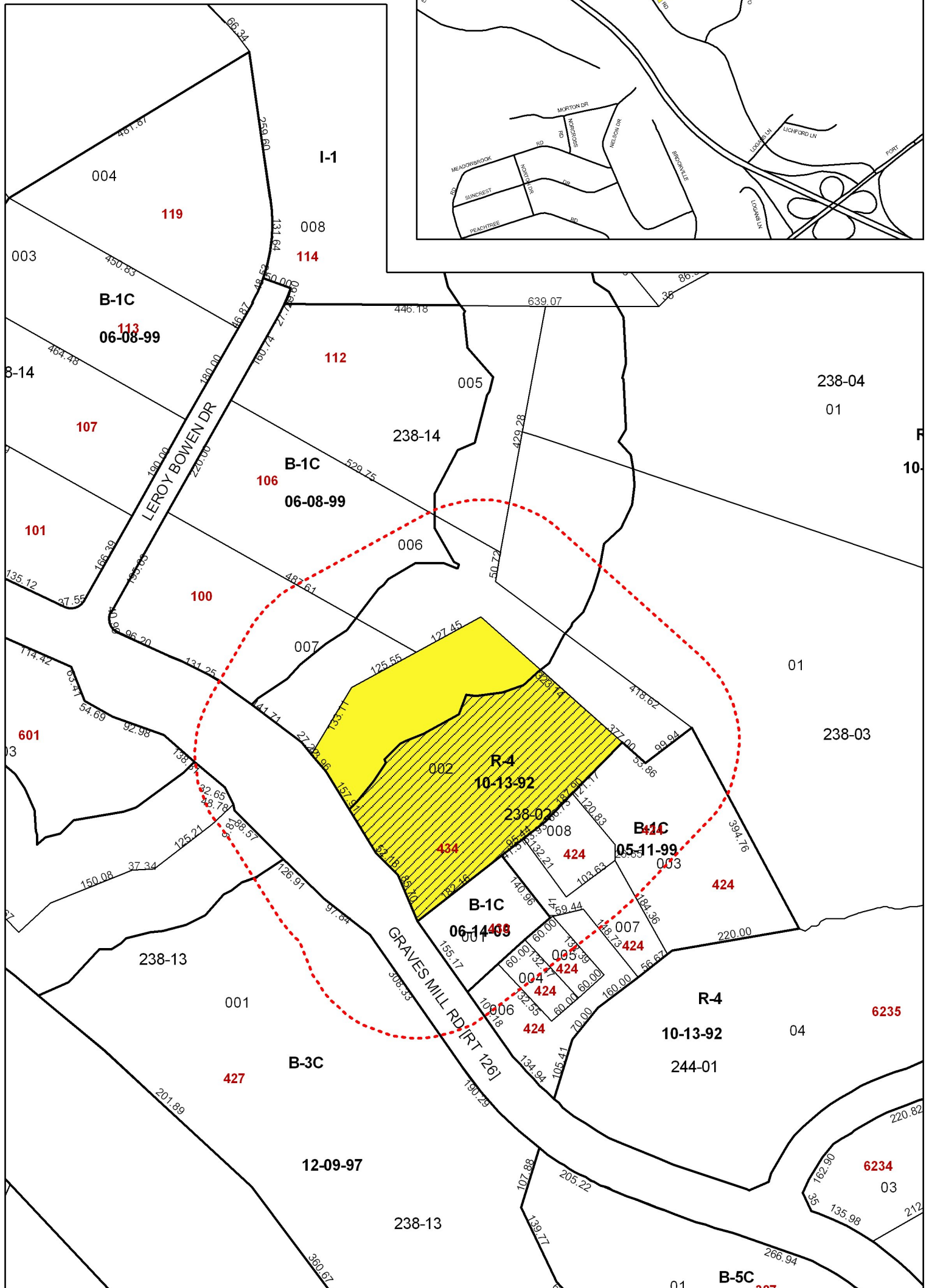
Commissioner Flint said that he is comfortable with going with the line that is already established and not setting a future precedent. He feels that this is a much better protection for the stream than a by-right development would present.

Commissioner Sale commented that the line is very clear, the intentions are very clear and the responsibility and accountability to our planning department and Environmental Planner is very clear.

The vote was then taken:

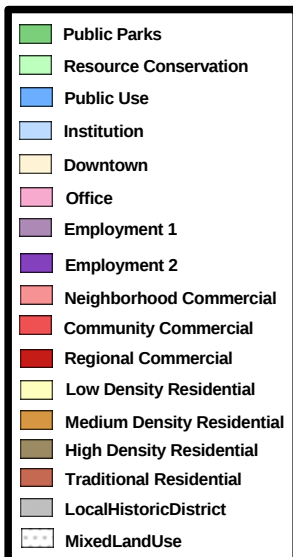
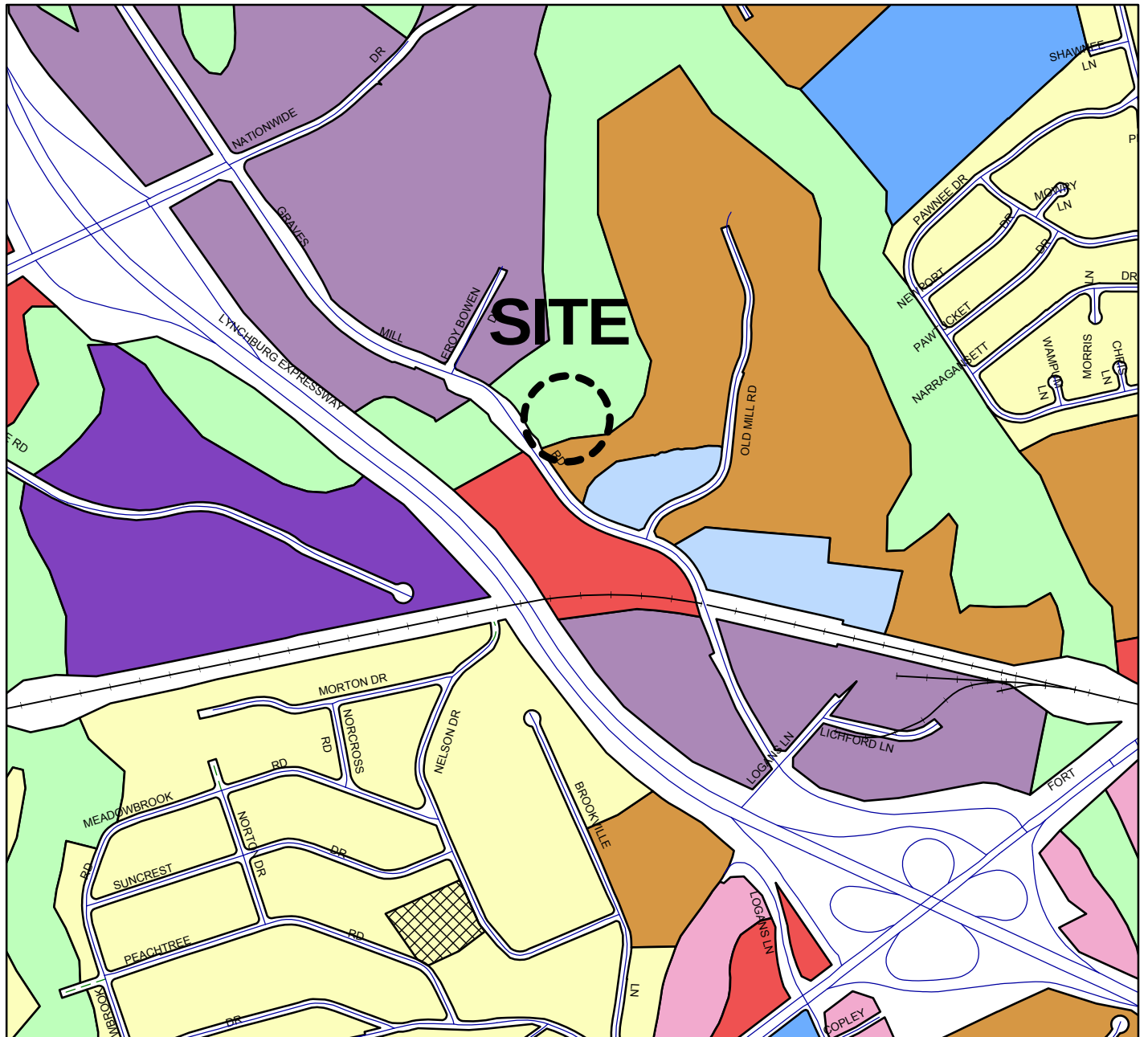
AYES:	Barnes, Flint, Hamilton, Oglesby and Sale	5
NOES:	Swienton	1
ABSTENTIONS:		0
ABSENT:	Worthington	1

200 ft Radius

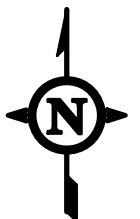


MEDIATION CENTER REZONING ADJOINING OWNERS

PIN	OWNER	LOCADDR
23802001	BRAMMER JERRY E & DORIS M	430 GRAVES MILL RD
23802002	JOHNSON JOAN M	434 GRAVES MILL RD
23802003	DSZ PROPERTIES LC	424 GRAVES MILL RD 300
23802004	CECO PROPERTIES, INC	424 GRAVES MILL RD 101
23802005	CECO PROPERTIES INC.	424 GRAVES MILL RD 103
23802006	GRAVES MILL OFFICE PARK ASSOCIATION	424 GRAVES MILL RD
23802007	GRAVES MILL OFFICE PARK ASSOCIATION	424 A GRAVES MILL RD
23802008	BPL PROPERTIES LLC	424 GRAVES MILL RD 200
23803001	BOWMAN HALLIE S	6231 OLD MILL RD
23812003	ACS PROPERTIES LLC	601 GRAVES MILL RD
23813001	HFSC INC	427 GRAVES MILL RD
23814005	ROCK CASTLE PARTNERS	112 LEROY BOWEN DR
23814006	ROCK CASTLE PARTNERS	106 LEROY BOWEN DR
23814007	ROCK CASTLE PARTNERS	100 LEROY BOWEN DR
Owner	JOHNSON JOAN M	
Petitioner	ANDERSON MEDIATION SERVICES	
Representative	TRENT WARNER/GUFFEY WARNER & ASSOCIATES	



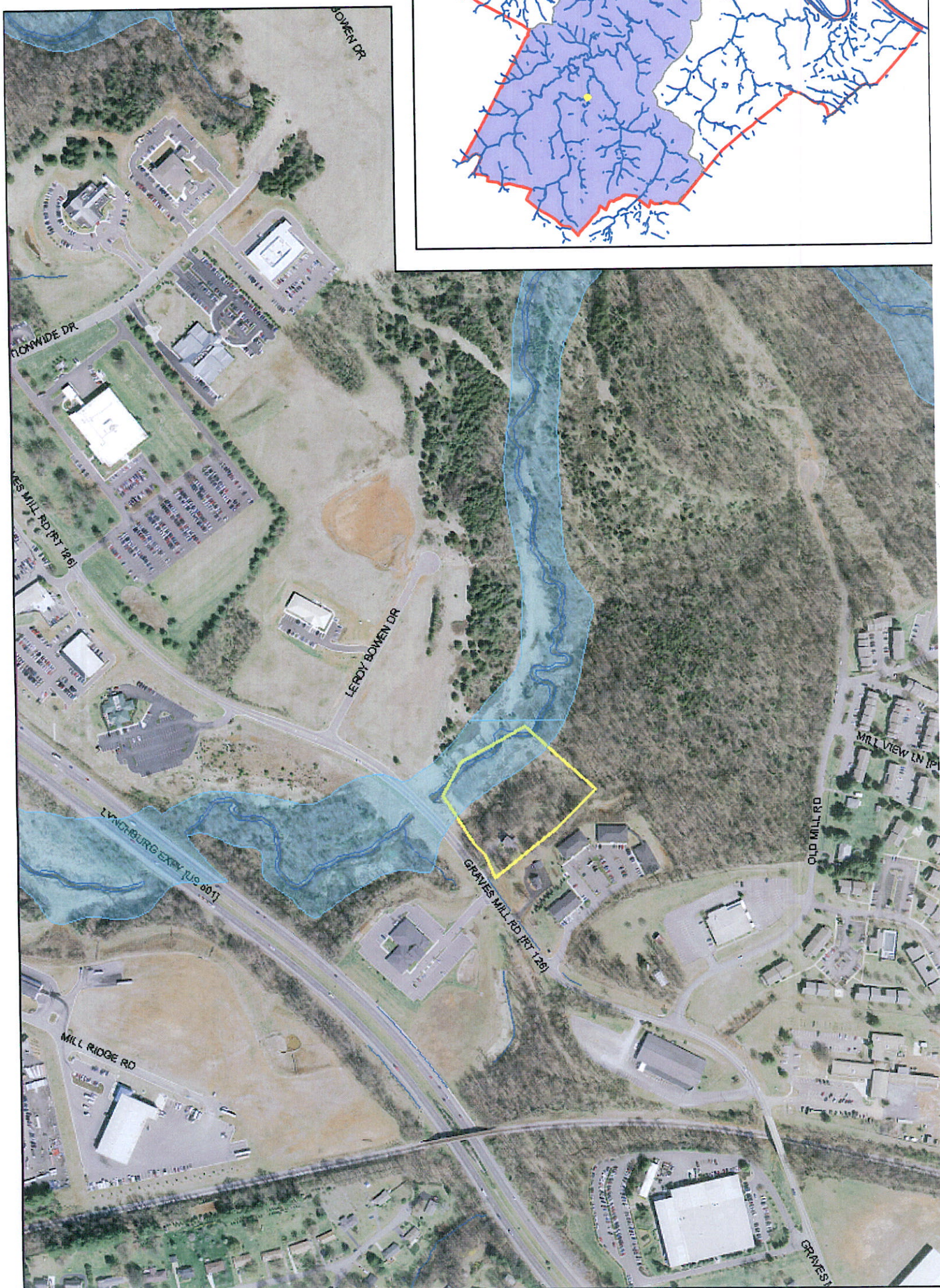
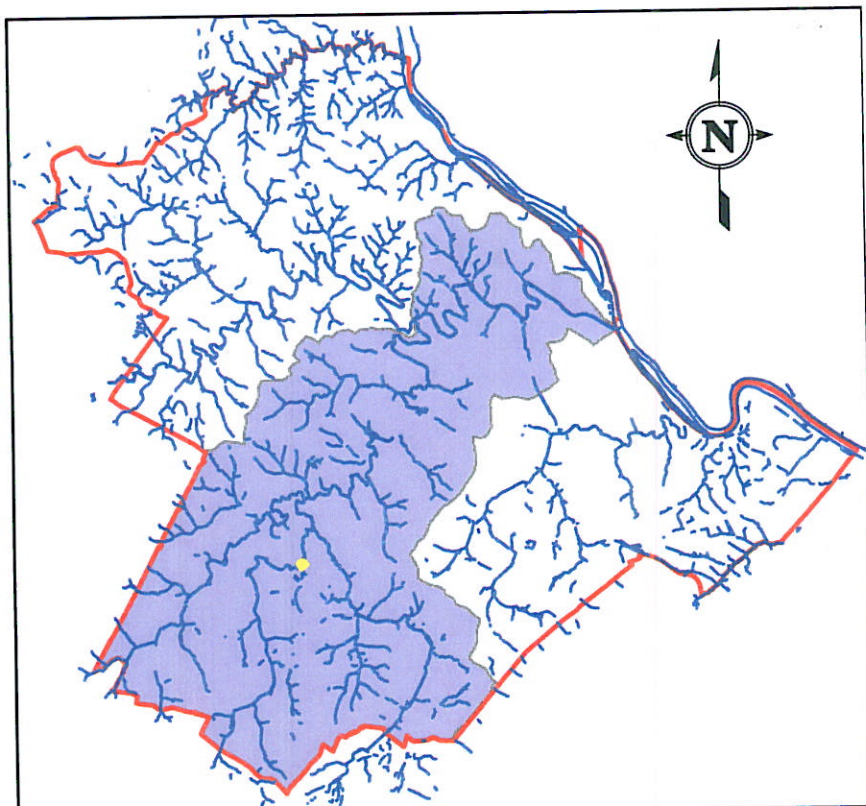
MEDIATION & COUNSELING CENTER 434 GRAVES MILL ROAD LAND USE PLAN

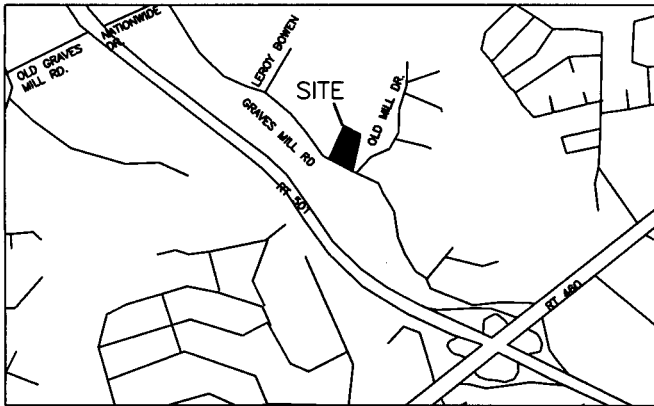


Mediation & Counseling Center Watershed Location Map

Legend

-  Project Site
-  Corporate Limit
-  Blackwater Creek Watershed
-  100 Year Floodplain





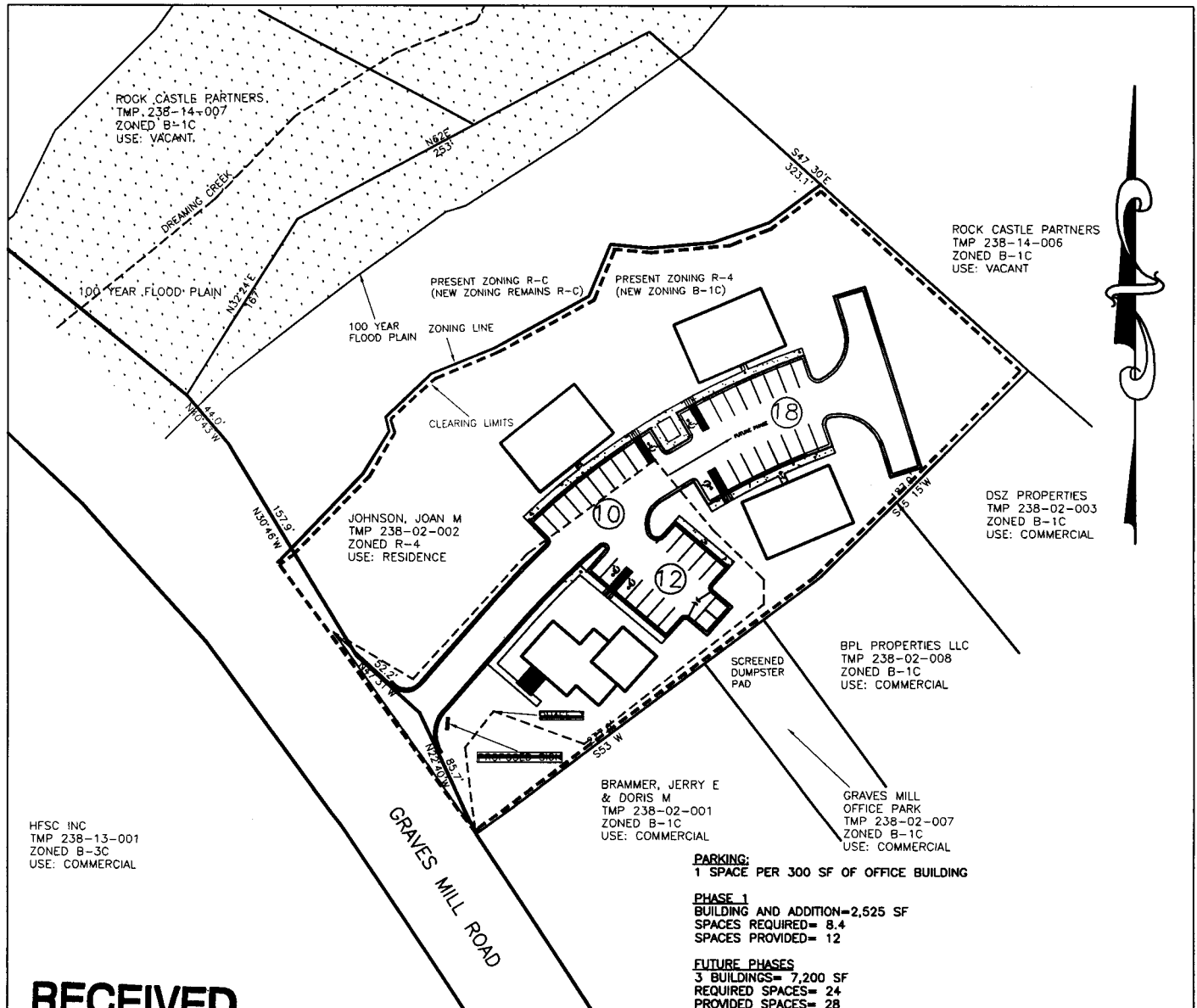
VICINITY MAP
NTS

GENERAL NOTES:

1. THIS PROPERTY CONTAINS 3.38 ACRES AND IS IDENTIFIED AS TMP 238-02-002.
2. THIS PROPERTY IS PRESENTLY ZONED R-4 AND R-C. A REQUEST IS MADE FOR REZONING THE R-4 PORTION TO B-1C/CDD (APPROXIMATELY 2.4 ACRES).
3. THE REQUEST FOR REZONING WOULD ALLOW THE CONVERSION OF ONE RESIDENTIAL HOME TO AN OFFICE FOR PHASE ONE AND ALLOW FOR FUTURE OFFICE BUILDINGS.
4. LANDSCAPING WOULD BE PROVIDED TO MEET THE REQUIREMENTS OF THE LANDSCAPE ORDINANCE. ADDITIONAL FOUNDATION PLANTING WILL BE INSTALLED TO COMPLIMENT THOSE EXISTING.
5. PARKING WILL BE PROVIDED TO MEET THE REQUIREMENTS OF THE CITY OF LYNCHBURG PLANNING DEPARTMENT.
6. LIGHTING WILL BE SHIELDED NON-GLARE TYPE.
7. BASED ON A GRAPHIC DETERMINATION, THIS PROPERTY LIES IN ZONE "A6" THE STRUCTURE ON SITE IS OUT OF THE 100 YEAR FLOOD PLAIN. THE FEMA INSURANCE RATE MAP 510093 0020 C DATED SEPTEMBER 1, 1978.
8. THE BUILDING MATERIALS FOR THE OFFICE ADDITION WILL BE BRICK AND VINYL. THE NEW BUILDINGS WILL BE BRICK AND DRYVET.
9. THE SITE WILL BE SERVED PUBLIC WATER AND SEWER BY THE CITY OF LYNCHBURG.
10. THIS SITE WILL BE USED FOR OFFICE PURPOSES ONLY.

STORMWATER NARRATIVE:

THE INCREASE BETWEEN PRE AND POST DEVELOPMENT RUNOFF WILL BE DETAINED BY THE USE OF A STORMWATER DETENTION POND, IF REQUIRED. A WATER QUALITY SWALE WILL SERVE TO ADHERE TO THE REQUIREMENTS FOR WATER QUALITY. ALL DESIGNED MEASURES WILL BE PRESENTED TO THE CITY OF LYNCHBURG'S ENVIRONMENTAL PLANNER FOR REVIEW AND COMMENTS. ALL STORMWATER WILL OUTLET TO AN ADEQUATE RECEIVING CHANNEL.



RECEIVED

NOV 06 2007

COMMUNITY
DEVELOPMENT

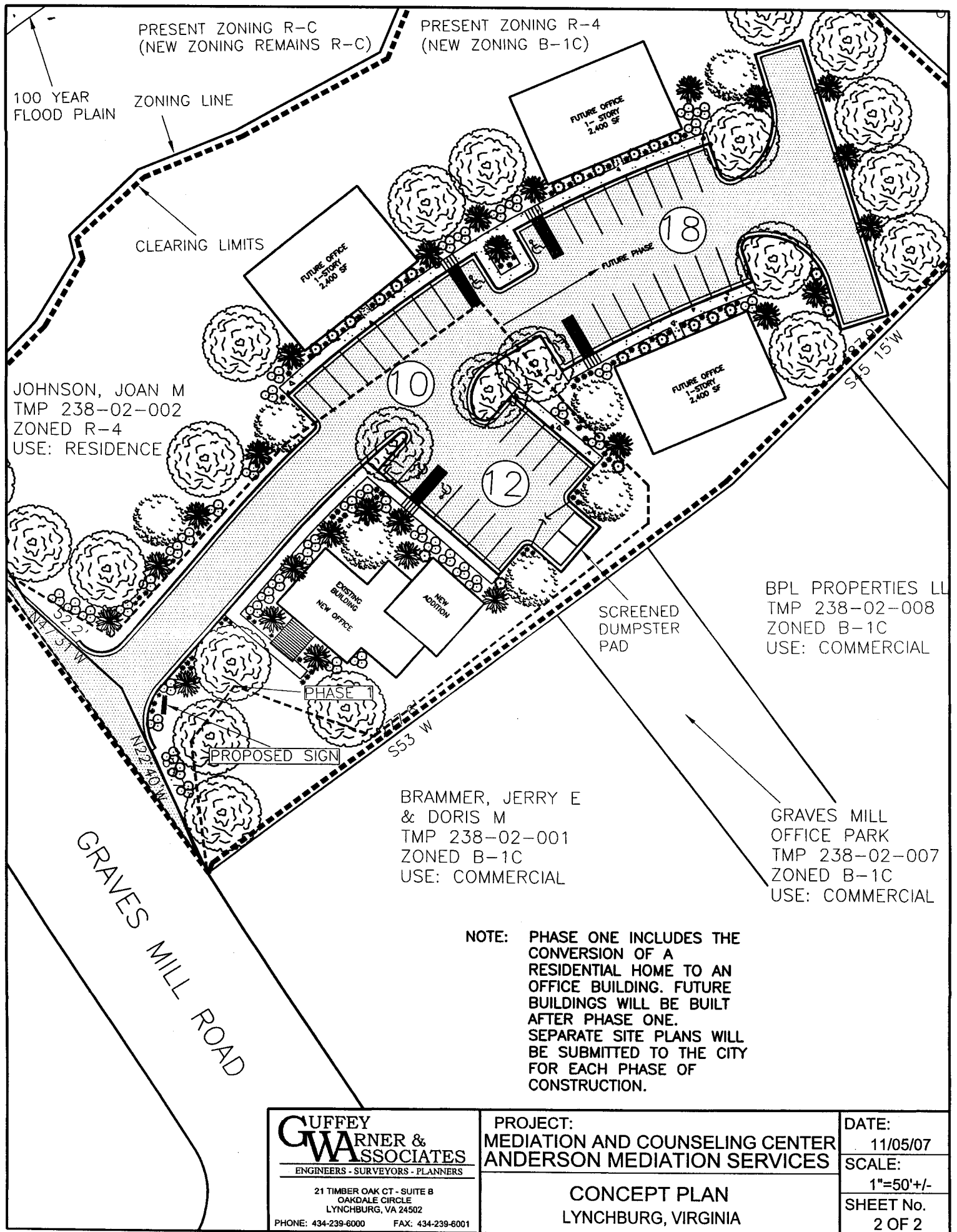
**GUFFEY
WARNER &
ASSOCIATES**
ENGINEERS - SURVEYORS - PLANNERS

21 TIMBER OAK CT - SUITE B
OAKDALE CIRCLE
LYNCHBURG, VA 24502
PHONE: 434-239-6000 FAX: 434-239-6001

PROJECT:
MEDIATION AND COUNSELING CENTER
ANDERSON MEDIATION SERVICES

GENERAL LAYOUT
LYNCHBURG, VIRGINIA

DATE:
11/05/07
SCALE:
1"=100'+/-
SHEET No.
1 OF 2



**GUFFEY
WARNER &
ASSOCIATES**
ENGINEERS - SURVEYORS - PLANNERS

21 TIMBER OAK CT - SUITE B
OAKDALE CIRCLE
LYNCHBURG, VA 24502
PHONE: 434-239-6000 FAX: 434-239-6001

PROJECT:
MEDIATION AND COUNSELING CENTER
ANDERSON MEDIATION SERVICES

CONCEPT PLAN
LYNCHBURG, VIRGINIA

DATE:
11/05/07
SCALE:
1"=50'+/-
SHEET No.
2 OF 2



Anderson Mediation Services – Project Narrative

Anderson Mediation Services would like to rezone an existing residence that is zoned R-4 to B-1C. There is a portion of the property that is currently zoned R-C (Conservation Zone). The new rezoning would not have this portion of the property rezoned. It would remain R-C and the new development would not occur within this area.

The owner intends to move his operations from Lynchburg's Business Development Centre to the existing home on site soon after it is rezoned by City Council, December 11, 2007. He will renovate the interior and exterior of the existing home and possibly add an addition to the rear as well as perform any grading operations and parking lot expansion required in 2008. As funds become available from the growth of his business, he will begin the Phase II portion of the project, and add multiple office buildings within the rezoned portion of the property.

All expansions of the site from Phase I and II will occur after site plans are approved through the City's Technical Review Committee.



This existing home on site will have an interior renovation and a potential 30' x 30' addition in the rear. The building will be used for office use. The addition in the rear will be both brick with vinyl trim. The white vinyl that is covering the existing addition (pictured to the right) will be removed and replaced with mostly brick.



This is the sample architecture that the owner intends to build for the new office buildings on the site. The structures have a façade of mostly brick with a dryvet trim. These buildings are located within five hundred feet of the subject property.

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: December 11, 2007		AGENDA ITEM NO.: 5
CONSENT:	REGULAR: X	CLOSED SESSION: (Confidential)
ACTION: X	INFORMATION:	
<u>ITEM TITLE:</u> <i>FUTURE LAND USE MAP AMENDMENT: Employment 2 to Medium Density Residential at 3107 Swan Place and 3043 Bonsack Street.</i>		
REZONING: I-2, Light Industrial District to R-3C, Medium Density Two-Family Residential District (Conditional) at 3107 Swan Place and 3043 Bonsack Street.		
CONDITIONAL USE PERMIT (CUP) – Wellington Retreat, at 3107 Swan Place and 3043 Bonsack Street.		

RECOMMENDATION: Denial of the requested *Future Land Use Map [FLUM]* amendment, rezoning petition and Conditional Use Permit [CUP].

SUMMARY: Wellington Residential is petitioning to amend the *FLUM*, rezone two (2) tracts totaling approximately four and thirteen hundredths (4.13) acres at 3107 Swan Place and 3043 Bonsack Street from I-2, Light Industrial District, to R-3C, Medium Density Two-Family Residential District (Conditional) and for a CUP to allow the construction of forty (40) townhouses (for sale) and associated parking. The project would be developed in two (2) phases, with Phase I including the construction of units one (1) through thirty-three (33) and Phase II including units thirty-four (34) through forty (40). The Planning Commission recommended denial of the *FLUM* amendment, the rezoning and the CUP because:

- Petition proposes to change the *Future Land Use Map* designation for this area from an Employment 2 to Medium Density Residential. Adjacent land uses designated by the map primarily include other Employment 2 uses, as well as a combination of Resource Conservation, Public Use, and Institutional uses.
- Planning staff expressed concerns that amending the land use map and changing the zoning to permit residential uses would also likely put a burden on adjacent industrially zoned property. The *Zoning Ordinance* would require the industrially zoned properties adjacent to residentially zoned property to implement a one hundred (100) foot setback and vegetative buffers on those properties at the time any improvements were made to that property.
- The Department of Economic Development and the Industrial Development Authority's [IDA] property committee noted that not only is the property not an ideal location for a medium density residential development but, pending future road improvement projects, the property has a potential for commercial office or industrial development.
- The layout of the project would provide for the rear of the first five (5) units to back up to on Mayflower Drive. Although the petitioner is willing to provide a fenced rear yard for the units, the fence is not an architectural feature that would assist this development with blending into the fabric of the existing neighborhood. **[Comprehensive Plan - page 10.12]**
- The potential impact of this development on the adjacent stream system; a minimum fifty (50) foot buffer was recommended between the development and the stream. The designer has provided for a limited twenty-five (25) foot buffer adjacent to Perkins Park Branch, but the yard of Unit Twenty-eight (28) extends to the edge of the stream.

PRIOR ACTION(S):

November 14, 2007: Planning Division recommended denial of the *FLUM* amendment, rezoning and CUP petitions.

The Planning Commission recommended (6-0) that City Council deny the amendment to the *Future Land Use Map* from Employment 2 to Medium Density Residential.

Planning Commission recommended denial (6-0) of the rezoning petition with the following voluntarily submitted proffers:

1. The property will be developed for one (1) to three (3) story townhouses for sale or rent to the general public.
2. A right turn lane with curb and gutter will be installed along the frontage of Mayflower Drive to service the property.
3. When Phase II of the project is developed, Bonsack Street will be connected and installed to match the pavement width on the existing portion of Bonsack Street and the curb and gutter will be installed along the side of Bonsack Street along the frontage of the property.
4. Building construction will be steel frame, block or brick. The exterior construction will be brick, vinyl, rock, hardboard or cedar shakes siding.

Planning Commission recommended denial (6-0) of the CUP petition.

FISCAL IMPACT: N/A

CONTACTS:

Charlene Montford/ 455-3902

Tom Martin/ 455-3909

ATTACHMENT(S):

- Ordinances
- Resolution
- PC Report
- PC Minutes
- Vicinity Zoning Pattern
- Vicinity Proposed Land Use
- Watershed Map
- Site Plan
- *FLUM* Amendment Narrative Justification
- Project Narrative
- Stormwater Narrative
- Neighboring Property Owner Petition
- Speaker Sign-Up sheet

REVIEWED BY: lkp

ORDINANCE:

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP FOR THE PROPERTY LOCATED AT 3107 SWAN PLACE AND 3043 BONSACK STREET, FROM EMPLOYMENT 2 TO MEDIUM DENSITY RESIDENTIAL.

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

Section 35.1-76.____. Amend the Future Land Use Map for the subject property at 3107 Swan Place and 3043 Bonsack Street, from Employment 2 to Medium Density Residential.

The area embraced within the following boundaries

PHASE I

Commencing at the Point of Beginning; thence South 02°00'00" East, a distance of 57.00 feet; thence South 13°30'00" West, a distance of 169.00 feet; thence South 56°30'00" West, a distance of 600.39 feet; thence North 61°12'58" West, a distance of 63.20 feet; thence North 62°59'58" West, a distance of 48.24 feet; thence North 62°27'07" West, a distance of 48.58 feet; thence North 63°14'40" West, a distance of 13.36 feet; thence North 53°18'59" East, a distance of 800.43 feet; thence South 82°45'00" East a distance of 50.00 feet to the Point of Beginning.

PHASE II

Commencing at the Point of Beginning; thence South 38°30'00" West, a distance of 190.98 feet; thence North 82°45'00" West, a distance of 50.00 feet; thence North 77°10'00" West, a distance of 32.80 feet; thence South 66°20'00" West, a distance of 85.00 feet; thence South 85°30'00" West, a distance of 73.50 feet; thence North 35°00'00" East, a distance of 345.64 feet; thence South 55°00'00" West, a distance of 187.20 feet to the Point of Beginning.

. . . is hereby amended on the Future Land Use Map from Employment 2 to Medium Density and the Director of Community Development shall forthwith cause the Future Land Use Map referred to in Section 35.1-4 of this chapter to be amended in accordance therewith.

Adopted:

Certified:

Clerk of Council

162L1

ORDINANCE

AN ORDINANCE CHANGING A CERTAIN AREA FROM I-2, LIGHT INDUSTRIAL DISTRICT TO R-3C, MEDIUM DENSITY, TWO-FAMILY RESIDENTIAL DISTRICT (CONDITIONAL), THE AREA CONTAINING APPROXIMATELY FOUR AND THIRTEEN HUNDREDTHS (4.13) ACRES LOCATED AT 3107 SWAN PLACE AND 3043 BONSACK STREET.

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

Section 35.1-76.____. Change of a certain area from I-2, Light Industrial District to R-3C, Medium Density, Two-Family Residential District (Conditional).

The area embraced within the following boundaries . . .

PHASE I

Commencing at the Point of Beginning; thence South 02°00'00" East, a distance of 57.00 feet; thence South 13°30'00" West, a distance of 169.00 feet; thence South 56°30'00" West, a distance of 600.39 feet; thence North 61°12'58" West, a distance of 63.20 feet; thence North 62°59'58" West, a distance of 48.24 feet; thence North 62°27'07" West, a distance of 48.58 feet; thence North 63°14'40" West, a distance of 13.36 feet; thence North 53°18'59" East, a distance of 800.43 feet; thence South 82°45'00" East a distance of 50.00 feet to the Point of Beginning. Containing 2.948 Acres, more or less.

PHASE II

Commencing at the Point of Beginning; thence South 38°30'00" West, a distance of 190.98 feet; thence North 82°45'00" West, a distance of 50.00 feet; thence North 77°10'00" West, a distance of 32.80 feet; thence South 66°20'00" West, a distance of 85.00 feet; thence South 85°30'00" West, a distance of 73.50 feet; thence North 35°00'00" East, a distance of 345.64 feet; thence South 55°00'00" West, a distance of 187.20 feet to the Point of Beginning. Containing 1.070 Acres, more or less.

Said property contains 4.13 acres more or less.

. . . is hereby changed from I-2, Light Industrial District to R-3C, Medium Density, Two-Family Residential District (Conditional), subject to the following conditions setout hereinbelow which were voluntarily proffered in writing by the owner, namely: Wilton and Mary Watts, to wit:

1. The property will be developed for one (1) to three (3) story townhomes for sale or rent to the general public.
2. A right turn lane with curb and gutter will be installed along the frontage of Mayflower Drive to service the property.
3. When Phase II of the project is developed, Bonsack Street will be connected and installed to match the pavement width on the existing portion of Bonsack Street and the curb and gutter will be installed along the side of Bonsack Street along the frontage of the property.
4. Building construction will be steel frame, block or brick. The exterior construction will be brick, vinyl, rock, hardboard or cedar shakes siding.

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

Adopted:

Certified:

Clerk of Council

162L2

RESOLUTION:

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO WELLINGTON RESIDENTIAL TO ALLOW THE CONSTRUCTION OF FORTY (40) TOWNHOUSES WITH ASSOCIATED PARKING IN A R-3C, MEDIUM DENSITY, TWO-FAMILY RESIDENTIAL DISTRICT (CONDITIONAL) FOR THE PROPERTY LOCATED AT 3107 SWAN PLACE AND 3043 BONSACK STREET.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of Lynchburg Renting, LLC for a Conditional Use Permit for use of the property at 3107 Swan Place and 3043 Bonsack Street to construct forty (40) townhouses with associated parking in an R-3C, Medium Density, Two-Family Residential District (Conditional) be, and the same is hereby, approved.

Adopted:

Certified:

Clerk of Council

162L3

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

To: Planning Commission
From: Planning Division
Date: November 14, 2007
Re: **FUTURE LAND USE MAP AMENDMENT [FLUM]: Employment 2 to Medium Density Residential at 3107 Swan Place and 3043 Bonsack Street**
REZONING: I-2, Light Industrial District to R-3C, Medium Density Two-Family Residential District (Conditional) at 3107 Swan Place and 3043 Bonsack Street
CUP (CUP): Wellington Retreat, 3107 Swan Place and 3043 Bonsack Street

I. PETITIONER

Wellington Residential, LLC c/o Gary Schmincke, 1097 Steeplechase Road, Evington, VA 24550
Representative: Thomas Brooks, Sr., Acres of Virginia, 404 Clay Street, Lynchburg, VA 24504

II. LOCATION

The subject property includes two (2) tracts totaling approximately four and thirteen hundredths (4.13) acres located at 3107 Swan Place and 3043 Bonsack Street.

Property Owners: Wilton & Mary Watts, 58696 Whitecap Road, NW, Port Saint Lucie, FL 34986-3710

III. PURPOSE

The purpose of this petition is to allow construction of forty (40) townhouses with associated parking and private amenities.

IV. SUMMARY

- Petition proposes to change the *Future Land Use Map [FLUM]* designation for this area from an Employment 2 to Medium Density Residential. Adjacent land uses designated by the map primarily include other Employment 2 uses, as well as a combination of Resource Conservation, Public Use, and Institutional uses.
- Petition agrees with the *Zoning Ordinance* in that townhouses are allowed in an R-3, Medium-Density Two-Family Residential District with approval of a CUP by City Council.

The Planning Division recommends denial of the FLUM amendment, rezoning and CUP petitions.

V. FINDINGS OF FACT

2. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends Employment 2 development in this area. Employment 2 uses “include light and heavy manufacturing, research and development, flex space and large scale office uses. Restaurant, hotel and business service uses are also sized and designed to serve the employment area. Employment 2 differs primarily from Employment 1 uses in that it permits heavy industrial uses.” **[page 5.4]** The petitioner is requesting an amendment to the *Future Land Use Map* that would designate the subject property for Medium Density Residential uses. Medium Density Residential uses are characterized by small-lot single-family detached housing, duplexes, and townhouses with densities up to twelve (12) units per acre. **(pg. 5.5)** The proposed development would have a density of approximately ten (10) units per acre.

The petitioner’s agent has provided a narrative to justify the conversion of the property, citing the following reasons:

- (i) Seventy-five percent (75%) of the properties from Campbell Avenue to Carroll Avenue along Mayflower Drive are currently single and multi-family homes, including properties on the north and south sides of Mayflower Drive.

- (ii) The majority of the properties immediately surrounding Tax Map Parcel #112-04-003 and 112-04-048 [also known as 3107 Swan Place and 3043 Bonsack Street] are currently occupied as single and multi-family homes with very few current industrial facilities existing.
- (iii) Due to the many single and multi-family residents in this vicinity and the properties surrounding the parcel, the owner and contract purchaser feel the best use for this property is single/multi-family use.

Although the City of Lynchburg is supportive of the *Comprehensive Plan*'s goal to "promote the construction of new housing and rehabilitation of existing housing to satisfy the demands of an increasingly diverse local and regional housing market" [page 10.12], the plan also emphasizes the need to "identify areas of the City with the potential, through redevelopment, to support the expansion of existing and the attraction of new industrial and office development" [page 9.6]. Planning staff asked the Department of Economic Development and the Industrial Development Authority's [IDA] property committee to review the project with regard to the potential land use change for the area. Economic Development and the IDA both agreed that not only is the property not an ideal location for a medium density residential development but, pending future road improvement projects, the property has the potential for commercial office or industrial development. Planning staff shares these concerns, noting that amending the *Future Land Use Map* and changing the zoning to permit residential use would also likely put a burden on adjacent industrially zoned property. The *Zoning Ordinance* would require the industrially zoned properties adjacent to residentially zoned property to implement a one hundred (100) foot setback and vegetative buffers on those properties at the time any improvements were made to that property.

While not all of the properties surrounding the proposed development at 3107 Swan Place and 3043 Bonsack Street are industrial uses (most of the neighboring homes are currently non-conforming uses that were built prior to the adoption of the *Zoning Ordinance*), much of the surrounding area has developed and continues to develop as industrial or intense commercial development. The proposed *FLUM* amendment would likely change the growth pattern in this area, which is in direct conflict with the Economic and Employment Area chapter of the *Comprehensive Plan*; Goal 2.A. which prompts the City to conserve development sites by "identify[ing] undeveloped areas of the City and surrounding counties that would be suitable for large-scale industrial development, and determine when and how to protect these areas from conversion to small scale uses." [page 9.6]. Based on these findings of fact, the Planning Division, the Department of Economic Development nor the Industrial Development Authority's property committee is supportive of the *Future Land Use Map* Amendment, rezoning or CUP petitions.

3. **Zoning.** The subject property was annexed into the City in 1958. The existing I-2, Light Industrial District zoning was established in 1978 with the adoption of the current *Zoning Ordinance*.
4. **Proffers.** The petitioner voluntarily submitted the following proffer(s) with the rezoning application:
 1. The property will be developed for one (1) to three (3) story townhomes for sale or rent to the general public.
 2. A right turn lane with curb and gutter will be installed along the frontage of Mayflower Drive to service the property.
 3. When Phase II of the project is developed, Bonsack Street will be connected and installed to match the pavement width on the existing portion of Bonsack Street, and the curb and gutter will be installed along the side of Bonsack Street along the frontage of the property.
 4. Building construction will be steel frame, block or brick. The exterior construction will be brick, vinyl, rock, hardboard or cedar shakes siding.
5. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the proposed rezoning.
6. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:

- On June 24, 2004, City Council approved Quarles Fuel Network's petition to rezone approximately two and twenty-two hundredths (2.22) acres from I-2, Light Industrial District to I-3C, Light Industrial District (Conditional) and for a CUP to allow an unmanned fueling facility at 3100 Mayflower Drive and 3121 Odd Fellows Road.
- On October 13, 1998, City Council approved Center Point LLC's petition to rezone approximately one and seventy-seven hundredths (1.77) acres from I-2, Light Industrial District to B-3, Community Commercial District to allow the construction of a branch bank at 3417 Odd Fellows Road.
- On June 10, 1997, City Council approved Bible Baptist Church's CUP petition to operate a child care center for up to one hundred (100) children at 2211 Haden Street.
- On June 11, 1996, City Council approved Lovelace Oil's petition to rezone approximately twelve and twenty-six hundredths (12.26) acres from I-2, Light Industrial District to I-3C, Light Industrial District (Conditional) and for a CUP to operate a fuel distribution facility at 3127 Carroll Avenue.
- On September 12, 1995, HBI, Inc. withdrew their CUP petition to operate a recycling center at 3106 Odd Fellows Road.
- On July 11, 1995, City Council approved Webb's Oil Company's CUP petition to operate a commercial refueling facility in an I-3, Heavy Industrial District in the 100 Block of Bradley Drive.

7. **Site Description.** The subject property is bound to the north by single-family homes, industrial facilities and vacant industrial land, to the east by industrial and commercial businesses, as well as vacant industrial land, to the south by industrial and commercial businesses and to the west by a combination of single-family residential, commercial and industrial uses.
8. **Proposed Use of Property.** The purpose of these petitions is to allow the construction of forty (40) townhouses with associated parking and private amenities. The project would be developed in two (2) phases, with Phase I including the construction of units one (1) through thirty-three (33) and Phase II including units thirty-four (34) through forty (40). The petitioner has proffered that each of the townhouses would be marketed as a "for sale" or a rental unit; however, the City's *Zoning Ordinance* requires that if the units were to be offered as rental property, each unit would still be required to have its own defined lot as shown on the rezoning plan. The project would be required to meet all development standards for townhouse lots for sale as defined by the City's *Zoning Ordinance*, including minimum yard dimensions as well as building height, width and layout requirements. Landscaping would also comply with the landscaping section of the *Zoning Ordinance*, which would require street trees, parking area screening, parking lot landscaping, foundation plantings and utility area screening. Sidewalks and pedestrian features are designated throughout the complex with connections to all common areas. The property would be served by City water and sewer with all utilities located underground.

During the Technical Review Committee process, the Planning Division requested that the petitioner consider relocating units one (1) through five (5) so the front of each unit would face Mayflower Drive. The designer responded that they are proposing an eight (8) foot ornamental fence to shield the rear yards of the lots from the street. The Planning Division also recommended that the petitioner provide building elevations for the project. The designer has replied that exterior materials for the units will be brick, block or vinyl, but building elevations are not available at this time.

9. **Traffic, Parking and Public Transit.** The City's Transportation Engineer requested the extension of the right turn lane for the project. The extended turn lane has been shown on the revised site plan and is acceptable to the City's Transportation Engineer.

The Planning Division recommended that a connection be shown on the plan that would provide a connection to Swan Place. The designer replied that a secondary access would be provided with the construction of Phase II of the development, but the connection would be with Bonsack Street.

Parking requirements for the proposed development are set at two and a half (2.5) spaces per unit by the City's *Zoning Ordinance*. The proposed forty (40) townhouses would require one hundred (100)

parking spaces. The site plan indicates that one hundred and two (102) parking spaces will be provided for the townhouses, thus meeting the requirement of City Code.

Public transit is not readily accessible from the site. Although Greater Lynchburg Transit Company's Route Nine (9) runs along Odd Fellows Road with a bus stop just over two thousand (2000) feet from the proposed site, there is very little pedestrian access in this area to convey tenants of the proposed development to the bus stop.

10. **Storm Water Management.** New impervious areas will exceed one thousand (1,000) square feet; as such, a stormwater management plan will be required for the construction. The increase in post-development runoff conditions due to the new impervious area will be managed through the use of an above and below ground stormwater system. A preliminary drainage review indicates that the receiving channel, Perkins Park Branch and its tributary, are adequate for the site's stormwater. Stormwater quality will be addressed through a combination of infiltration, bio-retention and storm inlet filters to meet the performance or technology based standard requirements based on percentage of impervious area for the site. The proposed management strategy is acceptable to the City's Environmental Planner.

The Planning Division requested that the petitioner consider maintaining a fifty (50) foot vegetative buffer adjacent to Perkins Park Branch and its tributary to protect the integrity of the stream system. The designer provided for a twenty-five (25) foot buffer strip along the stream, except at the road crossing for Schmincke Road and at unit twenty-eight (28). They have also noted that all areas disturbed due to construction will be re-seeded and/or re-planted.

11. **Emergency Services.** The City's Fire Marshal had no comments regarding the proposed *FLUM* amendment, rezoning or CUP petitions.

The City Police Department had no comments regarding the proposed townhouse development.

12. **Impact.** The development of a forty (40) unit townhouse complex with associated parking and private amenities would have significant impacts on the surrounding area. Planning and Economic Development staff, as well as the Industrial Development Authority's property committee, maintain their concerns about the potential loss of four (4) acres of industrially zoned property with the potential to support the expansion and/or attraction of new industrial or office development. This opinion is predicated on the prominence of industrially zoned property within the area that continues to retain its development potential, as demonstrated by the recent new business additions to the "First Lynchburg Industrial Park" and the fact that none of the properties in this area have attempted to rezone their properties to anything other than industrial uses since the inception of the *Zoning Ordinance* in 1978. Amending the *Future Land Use Map* and rezoning the property to permit a residential use would also put an additional restriction on adjacent industrially zoned property, by requiring the potential developer to extend buffers and one hundred (100) foot building setbacks as part of the industrial development.

Staff also maintains several concerns about the design of the development. The petitioner was unable to provide building elevations, renderings or photos for the proposed development. The layout of the project would provide for the rear of the first five (5) units to back up to Mayflower Drive. Although the petitioner is willing to provide a fenced rear yard for the units, the fence is not an architectural feature that would assist this development with blending into the fabric of the existing neighborhood.

[Comprehensive Plan - page 10.12] Staff also expressed concerns about the access to the site off of Mayflower Drive and the potential for an additional access through Swan Place to help with the connectivity to the development. The petitioner was only willing to incorporate the connection to Bonsack Street into the development.

Lastly, staff maintains its concerns about the potential impact of this development on the adjacent stream system; a minimum fifty (50) foot buffer was recommended between the development and the stream. The designer has provided for a limited twenty-five (25) foot buffer adjacent to Perkins Park Branch, with the yard of twenty-eight (28) extended to the edge of the stream.

11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on October 23, 2007. Comments related to the proposed use were minor in nature and have or will be addressed by the developer prior to final site plan approval.
-

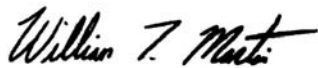
VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council denial of an amendment to the Future Land Use Map from Employment 2 to Medium Density Residential at 3107 Swan Place and 3043 Bonsack Street.

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council denial of Wellington Rental, LLC's petition to rezone approximately four and thirteen hundredths (4.13) acres from I-2, Light Industrial District to R-3C, Medium Density Two-Family Residential District (Conditional), at 3107 Swan Place and 3043 Bonsack Street.

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council denial of Wellington Rental, LLC's petition for a conditional use permit (CUP) at 3107 Swan Place and 3043 Bonsack Street to allow for the construction of a forty (40) unit townhouse complex and associated parking.

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Charlene B. Montford, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia L. Kozierow, Lynchburg Police Department
Battalion Chief Greg Wormser, Fire Marshal
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Mr. Keith Wright, Zoning Official
Mr. Robert S. Fowler, Zoning Administrator
Mr. Kent L. White, Senior Planner
Mrs. Erin B. Hawkins, Environmental Planner
Mr. Gary Schmincke, Applicant, Wellington Residential, LLC
Mr. Tommy Brooks, Representative, Acres of Virginia Inc.

VII. ATTACHMENTS

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

4. **Site Plan**
5. ***FLUM* Amendment Narrative Justification**
6. **Project Narrative**
7. **Stormwater Narrative**

**MINUTES OF THE NOVEMBER 14, 2007, PLANNING COMMISSION MEETING
(MINUTES HAVE NOT BEEN APPROVED):**

b. Petition of Wellington Residential, LLC to rezone 4.13 acres from I-2, Light Industrial District to R-3C, Medium Density, Two-Family Residential District and for a Conditional Use Permit to allow the construction of 40 townhouses (for sale) with associated parking and amenities at 3107 Swan Place and 3043 Bonsack Street.

Mr. Martin addressed the commissioners with the following comments. The *Future Land Use Map* recommends Employment 2 uses for this area. These are characterized by light and heavy manufacturing, research and development, flex space and large scale office uses. The area does have the potential to support and attract expansion of existing industry and the construction of new types of businesses listed above. Amending the *Future Land Use Map* and rezoning this property to a residential district would impose a hardship on anyone else wishing to develop industrially adjacent to it because there would be a one hundred foot setback requirement. The Planning Division, the Office of Economic Development and the Industrial Development Authority all recommend the denial of the *Future Land Use Map* amendment and the rezoning petition.

Mr. Tommy Brooks of Acres of Virginia came forward to represent the owners, Wilton and Mary Watts, and Mr. Gary Schmicke of Wellington Residential, LLC. He pointed out the site plan and other maps that he will be using in his presentation. Mr. Brooks stated that their firm submitted a letter to Community Development requesting that the *Future Land Use Map* be amended from employment and industrial to medium-density residential use to allow for forty townhomes. Mr. Brooks gave the timeline that the plans have gone through in their review process. He remarked that on November 8, 2007, he and Mr. Schmicke met with adjoining property owners and presented their plan to them. Questions were asked and they were addressed.

Mr. Brooks explained that Wellington Retreat will be a private community. The units will be sold and the projected sale price will be approximately \$140,000. Wellington Retreat will be governed by a homeowners association.

They did a topographic survey of the property and the topographic lines are shown on the map. A grading plan is forthcoming if the property is rezoned. Stormwater on site will be detained underground in a storm sewer piping system. The quality of the stormwater will be addressed in bio-retention areas and filtration trenches. Sediment during construction will be controlled through approved sediment traps, silt fences, diversion dykes and other approved city and state erosion and sediment measures.

A stream crossing will take place from the western portion of the property to the eastern portion of the property. The firm did a wetlands assessment of the property and made an on-site visit. The stream crossing will require that they file for a joint permit application.

Utilities will be private and built to city standards. City water and sewer are not available to this project. Schmicke Road will be a private street that runs from Mayflower Drive and will connect at Bonsack Road on the eastern end of the property. A section of Bonsack Road must be improved to meet city standards.

The project will have curb and gutter, as well as along Bonsack Road and Mayflower Drive. The Traffic Engineer requested that a turn lane be built along Mayflower Road to city standards. He pointed out on the site plan where the turn lane is proposed.

They did not have time to get the building elevations and photographs submitted to be included in the commissioners' packets. He showed pictures of townhomes that Mr. Schmicke has built already and showed pictures of the villas that will be built on site. The townhomes will

be two-story, vinyl sided units with rock, brick and some cedar shakes. The project will also include some one-story villas. He remarked that the townhomes are usually sold to elder adults and young adults that are looking for their first home.

Acres of Virginia did a study of Mayflower Drive and found that sixty-two acres of industrial land is currently vacant and has never been used. Some properties closer to Campbell Avenue are currently vacant. They found that forty-eight businesses exist along the Mayflower Drive and that there are fifty-six single-family homes, not including properties that are on Bonsack Road and along Swan Place.

Mr. Brooks does not feel that the area has changed much in the last fifty years. Industry is geared more toward places like Lynchpin not along the Mayflower Drive corridor. He also mentioned that in order to see our city grow, we need to provide affordable housing for young adults. Land has to be purchased at a reasonable price.

Chair Hamilton asked for anyone else to speak in favor of the petition and no one came forward. She asked for anyone to speak in opposition to the petition.

Mr. Melvin Shelton of 3901 Mayflower Drive and owns property at 3903 Mayflower Drive. Everybody that he has talked to is against this and as far he is concerned this is spot zoning. He pointed that there have been several industries built there over the past several years, a wood chipper, a storage place, an employment office and a gas station. He also mentioned that Mayflower Drive, Carroll Avenue and Bonsack Road are all crooked and narrow. You have big trucks going through there all the time. If there are children in these townhomes, a school bus will have to stop there and that will be dangerous. He also feels that if they build these townhomes, it will lower his property values.

Ms. Barbara Gallagher of 3115 Swan Place came forward next to speak in opposition to the petition. She also owns 3111 Swan Place and it is two feet from the property line of the proposed townhomes. This road is going to come down the property line. They are talking about a twenty-foot buffer, but it is still going to interfere. They have children and are very concerned about people cutting through. They were told that the homes would not be rented, but these can be rented. It also says that they will be steel frame and they were told at the meeting that they would be wood frame. They are concerned about the heavy traffic flow. There have been no accidents in this area. She asked about privacy fences along both property lines and the developer said that they could do that. She also asked if they could do it as a gated community, and they said they could do that.

They are very concerned about the stormwater and the creek that comes through there. FEMA in 1978 said that it is a flood zone in that area. She felt that there are a lot of inconsistencies between what they are being told and what they are reading.

Mr. Charles Norton with Jefferson Lighting came forward next. They own several parcels along Odd Fellows Road. He did not think that it is an area where people will want to live. The industrial zone does not quiet down at night. He thinks that if you move people into this area, you will get a lot of noise complaints. He also mentioned that there are several dropoff points for interstate drivers, so even at night you have trucks coming up and down Mayflower Drive.

Mr. Charles Graham of 3215 Swan Place came forward next to speak in opposition to the petition. He thought that the commissioners should look at the traffic on Mayflower Drive. It is dangerous, there are accidents and sometimes you cannot get out of Swan Place. If the commissioners would look at where they have the proposed entrance, he believes they would vote no. There is no crime and the neighbors get along well.

Ms. Judy Falls of 2915 Mayflower Drive came forward next to speak in opposition of the petition. She does not think that anyone will pay \$139,000 to live in the middle of Perkins Park. She also pointed out that if there is no land for industry to develop, where are these young people who are supposed to move into these townhomes going to work?

Ms. Nancy Shelton of 3101 Mayflower Drive came forward next to speak in opposition of the petition. She felt that rezoning this property would be discriminating against people on Mayflower Drive and the Perkins Park area because they will remain light industrial. If they want to build on their vacant lot, they cannot. Someone recently bought some property on Mayflower Drive at an auction and were told that they could not put a house on the property.

Chair Hamilton asked those who were in opposition to the petition to stand, and ten people stood.

Chair Hamilton told Mr. Brooks that he had three minutes to rebut these comments.

First, he said that the homes will not be metal frame. They will be brick with vinyl siding.

He thinks that the proposal for the property will be a good use. People will buy these homes, especially if the financing is right. He acknowledges that there has been some minimal change on Mayflower Drive. One really does not know what will come into this property; it may be worse than what they are proposing.

Mr. Shelton came forward to rebut Mr. Brooks' comments. He thinks that there are enough duplexes in Lynchburg. Even a City Councilman said something like that on the news recently. Timberlake Road is full of them. The audience applauded his comments, and Chair Hamilton asked them to refrain from doing so.

Chair Hamilton closed the public hearing portion of the meeting. She asked Mr. Martin or Ms. Erin Hawkins to address building in the floodplain the impact of the wetlands. He deferred to Mr. Brooks, as he was not aware that the project was in a 100-year floodplain. Mr. Brooks stated that the property is not in a floodplain.

At this point, a member of the public had a comment, and Chair Hamilton instructed her that the public hearing portion was closed. She asked that the person try and let the commissioners sort out the issues.

Chair Hamilton asked about the impacts on the stream. Mr. Martin deferred to Mr. Brooks. He stated that they have done analysis on the stream. They are detaining all the stormwater in the storm sewer system underground. At the end of the pipes, it goes into a fore-bay area and then an infiltration pit. It will go back into the ground and there will be no impact on the stream. If they put the culvert in the stream crossing, that will be protected. The pipe will be counter sunk. The Army Corps of Engineers will have to approve their wetlands assessment. They have offered to maintain a twenty-five foot stream buffer.

Chair Hamilton asked him to address the privacy and/or landscape design. Mr. Brooks said that they agreed to put up an ornamental fence along the left rear of the property line and they could put it along the right portion property line. Rather than having a buffer strip on the southern side of the property, they are going to leave as many trees as possible. There will be a buffer fence along the rear of the property that is facing Mayflower Drive. There will be no decks built above that level.

Chair Hamilton asked Mr. Martin how much industrial development has been going on in the last few years. Mr. Martin said that Mr. Shelton described it quite clearly earlier. It has been sporadic but it is happening. The more particular concern is that this is an industrial area and if an existing residence in the industrial area was to be destroyed, it cannot be rebuilt. Mr. Martin feels that if Planning Commission and City Council rezone any of this property to residential, then it should be done on a holistic basis rather than a property by property basis. Mr. Brooks said that if the City wanted to do something like that, then they would withdraw their request. He pointed out a lot of R-3 areas right around this industrial area, as well as all the single-family homes in the area. He said there were many people who did not show up at the neighborhood meeting and did not contest the plan. They have tried to work with those people who did have concerns.

Commissioner Barnes said that it always concerns him when a proposal comes before them that staff is recommending denial. He thinks that in this case, it would be very hard for the petitioner and city staff to come to a compromise. There is a process for amending the *Future Land Use Map* and the city is currently looking at revising the *Comprehensive Plan*. Commissioner Barnes does not feel that we should be doing it piece by piece. He agreed with Mr. Martin that any rezoning should be done on a holistic basis. Commissioner Barnes feels that this property should remain industrial.

Commissioner Sale said that he appreciated Mr. Brooks' concern for affordable housing and their management of stormwater. However, Commissioner Sale feels there is a good deal of affordable housing construction going on right now and there is some concern about that much development already. He thinks that this area needs to be preserved for industrial ventures. Industrial land becomes a premium quickly in the kind of development that we are having and is not in favor of the petition.

Commissioner Swienton said that he agrees with staff's recommendation. He likes the design and the stormwater detention being done underground. He has serious concerns about changing an area from the inside of a circle as opposed to encroaching from the exterior. The other part that he is considering is that industrial land is at a premium. We may be shifting from a commercial retail center and our strength may be industrial. He hates to trade one of our strengths prematurely. He will be voting for denial.

Commissioner Flint agrees with the others and thinks that the industrial land needs to be preserved. He agreed with the citizen that said that if you do not have jobs for people, you won't need the housing. It also does look like spot zoning to him. He is in favor of denying this petition.

Commissioner Oglesby agrees with the others and does not think that we should be spot zoning. She thinks that the land should remain industrial.

Chair Hamilton said that a lot of time was spent on the *Future Land Use Map* five years ago that drives the way we want our city to look. She thinks that this area needs to remain industrial until we have a chance to say otherwise.

Commissioner Barnes made the following motions, which were seconded by Commissioner Swienton and passed by the following vote:

"That the Planning Commission recommends to City Council denial of an amendment to the Future Land Use Map from Employment 2 to Medium Density Residential at 3107 Swan Place and 3043 Bonsack Street.

That the Planning Commission recommends to City Council denial of Wellington Rental, LLC's petition to rezone approximately four and thirteen hundredths (4.13) acres from I-2, Light Industrial District to R-3C, Medium Density Two-Family Residential District (Conditional), at 3107 Swan Place and 3043 Bonsack Street.

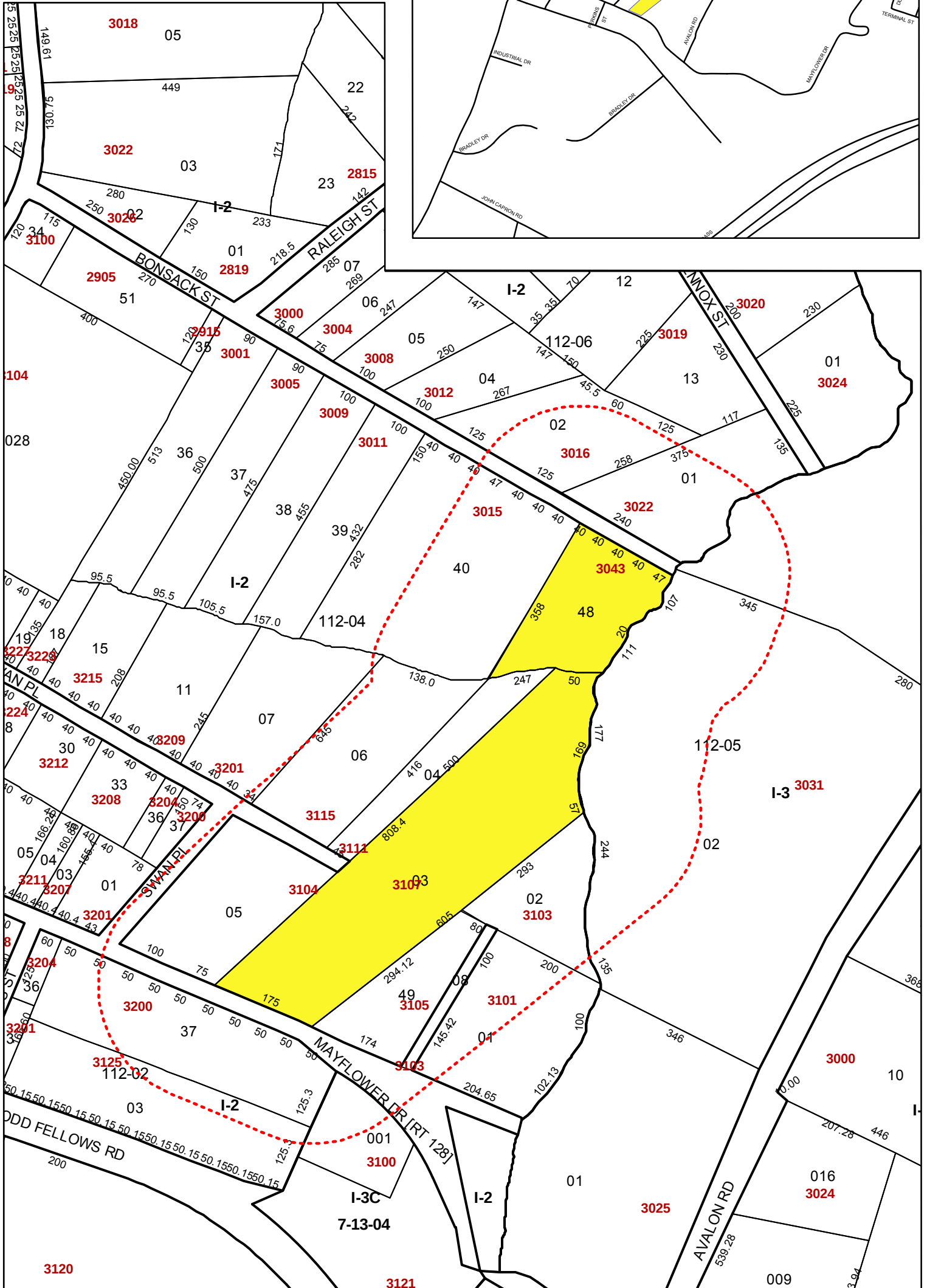
That the Planning Commission recommends to City Council denial of Wellington Rental, LLC's petition for a conditional use permit (CUP) at 3107 Swan Place and 3043 Bonsack Street to allow for the construction of a forty (40) unit townhouse complex and associated parking."

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

3107 Swan Place, 3043 Bonsack Street
Map # 112-04-003, 048
Rezoning from I-2 to R-3C
Conditional Use Permit Request
Petitioner: Wellington Residential, LLC

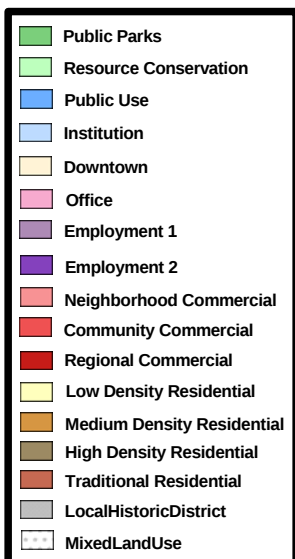
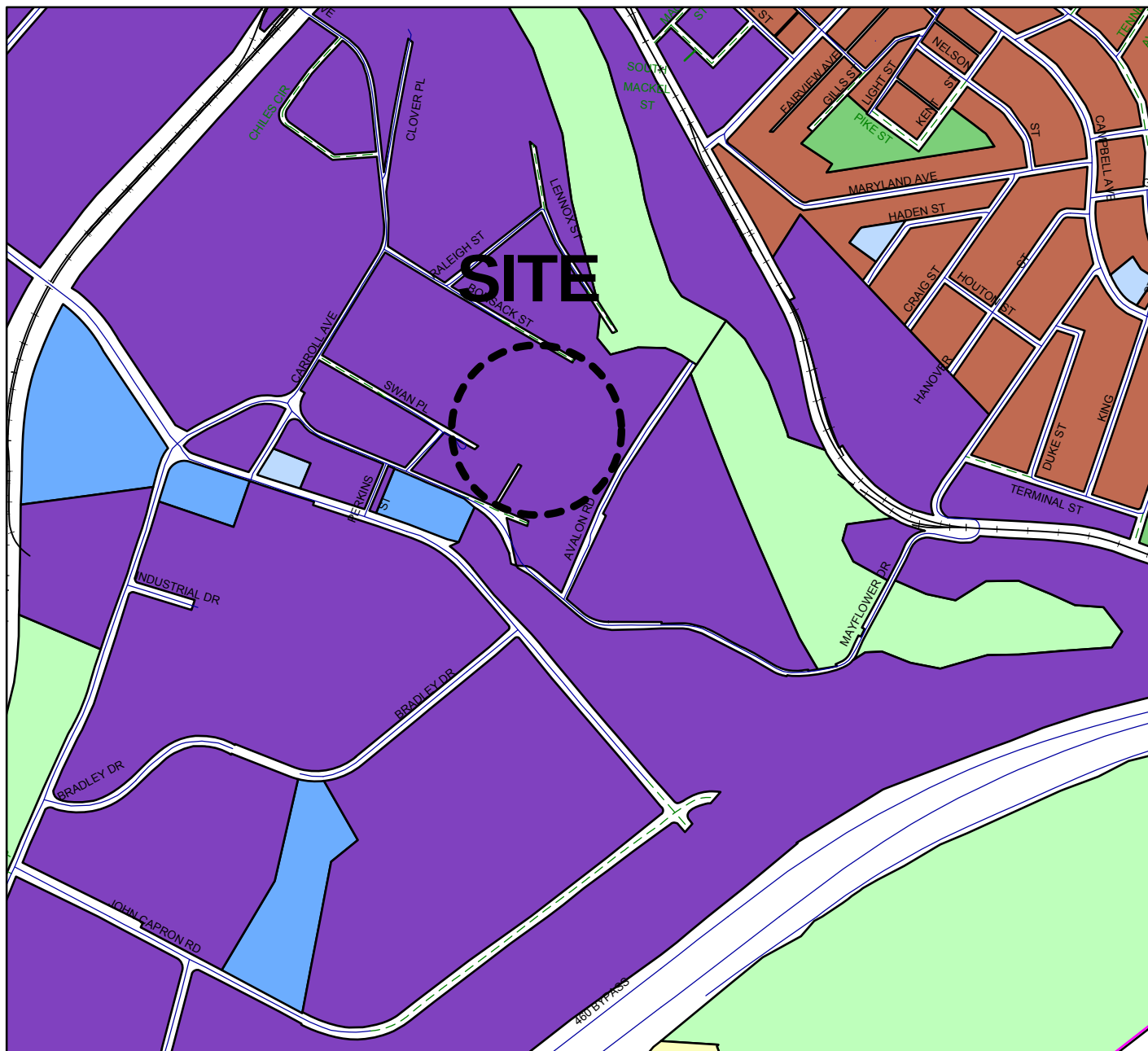


200 ft Radius



WELLINGTON RETREAT ADJOINING OWNERS

PIN	OWNER	LOCADDR
11202001	KENNON RONNIE E & JANE E	3100 MAYFLOWER DR
11202003	COMMONWEALTH OF VIRGINIA VIRGINIA EMPLOYMENT COMMISSION	3125 ODD FELLOWS RD
11202037	COMMONWEALTH OF VIRGINIA VIRGINIA EMPLOYMENT COMMISSION	3200 MAYFLOWER DR
11204001	SHELTON MELVIN R & NANCY E	3101 MAYFLOWER DR
11204002	SHELTON MELVIN R & NANCY E	3103 MAYFLOWER DR
11204003	WATTS WILTON & MARY WATTS CO-TRS	3107 SWAN PL
11204004	GALLAGHER JOHN H SR & RUBY T	3111 SWAN PL
11204005	GALLAGHER J H JR	3104 SWAN PL
11204006	GALLAGHER J H JR	3115 SWAN PL
11204007	GALLAGHER J H JR	3201 SWAN PL
11204040	BAILEY W K EST C/O MRS THELMA BAILEY	3015 BONSACK ST
11204048	WATTS WILTON & MARY WATTS CO-TRS	3043 BONSACK ST
11204049	BROOKS DAVID L & JOHN W & JOSHUA L	3105 MAYFLOWER DR
11205002	COTTONTOWN ENVIRO PROCESSORS INC	3031 AVALON RD
11205005	LYNCHBURG CONCRETE PIPE & PROD C/O GEORGE MCELROY & ASSOCIATES	2001 AVALON RD
11206001	FERNEYHOUGH JAMES G & HELEN H	3022 BONSACK ST
11206002	BAILEY W K EST C/O MRS THELMA BAILEY	3016 BONSACK ST
Owner	WATTS WILTON & MARY WATTS CO-TRS	
Petitioner	WELLINGTON RESIDENTIAL LLC C/O GARY SCHMINKE	
Representative	THOMAS BROOKS SR /ACRES OF VIRGINIA	



WELLINGTON RETREAT **3107 SWAN PLACE** **3043 BONSAK STREET** **LAND USE PLAN**

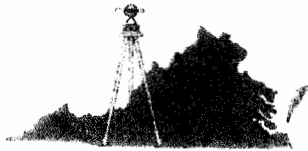


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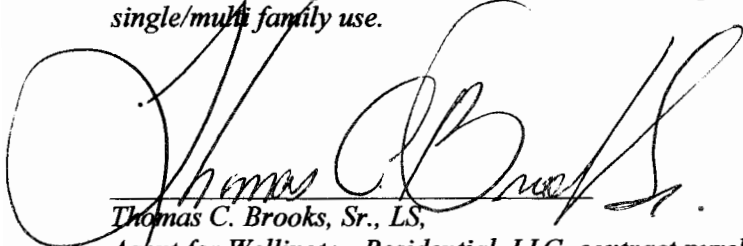
Narrative Justification

for
Rezoning Tax Map #112-04-003 and 112-04-048

Property of Wilton and Mary Watts,
Mayflower Drive, Lynchburg, Virginia

As agent for Wellington Residential, LLC and for the owners, Wilton and Mary Watts,
justification for this rezoning is as follows:

- (i) Seventy-five (75%) percent of the properties from Campbell Avenue to Carroll Avenue along Mayflower Drive are currently single and multi-family homes, including properties on the north and south sides of Mayflower Drive.
- (ii) The majority of the properties immediately surrounding Tax Map Parcel #112-04-003 and 112-04-048 are currently occupied as single and multi-family homes with very few current industrial facilities existing.
- (iii) Due to the many single and multi-family residents in this vicinity and the properties surrounding this parcel. The owner and contract purchaser feel the best use for this property is single/multi family use.


Thomas C. Brooks, Sr., LS,
Agent for Wellington Residential, LLC, contract purchaser
and
Wilton and Mary Watts, owners

RECEIVED

NOV 16 2007

COMMUNITY
DEVELOPMENT

Project Narrative:

The contract purchaser of Tax Map Parcels 112-04-003 and 112-04-048 is requesting City Council to approve a request to rezone this property from I-2 (Industrial) to R-3 Conditional (Residential) for townhomes. The contract purchaser, Wellington Residential, LLC, proposes to develop this property in two (2) phases; the first phase will contain Units 1-33 and the second phase will contain Units 34-40.

The infrastructure within this development will be private and will be maintained by a Homeowners Association. The site will be served by city water and city sewer.

The townhomes within the development will be one to three story units. The exterior of the townhomes will be brick, rock or vinyl siding.

Schmincke Road is a private street.

All landscaping within the project will adhere to the latest landscape ordinance per city code.

The purpose of the project is to develop affordable housing for the general public.

RECEIVED

NOV 06 2007

**COMMUNITY
DEVELOPMENT**

Stormwater Narrative:

The purpose of the rezoning of Tax Map Parcel # 112-04-003 and 112-04-048, property of Wilton and Mary Watts, located on Mayflower Drive in Lynchburg, Virginia is to develop the site for residential use instead of the current industrial use. The site plan presented to the Technical Review Committee on August 21, 2007 shows the properties to be use for forty (40) proposed townhomes for sale to the general public. The majority of properties along Mayflower Drive and the adjacent properties to this site are single family and multi family units.

The project topographic information shown on the site plan shows the property draining from west to east to northeast. Upon completion of the grading plan, the property will drain from Mayflower Drive towards Perkins Park Branch and the tributary branch. Stormwater from this project will be routed through the proposed onsite stormsewer system. Stormwater will be detained within the onsite stormsewer system and will be released into the tributary and Perkins Park Branch at the pre-development rate. After a field analysis of the streams by Acres of Virginia, Inc., the streams beds are approximately six (6) feet wide and three (3) feet deep. The streams are currently carrying stormwater flow with no sign of struggle or damage to the streams. The stormwater on this site will be controlled in the underground stormsewer system. Infiltration, bio-retention and storm inlet filters will be used to address all water quality issues.

The contract purchaser/developer is willing to leave vegetation at the streams and will protect the streams in the project. A 25 foot buffer strip will be left along the streams except at the road crossing and at Unit 28. Areas disturbed due to construction will be reseeded and replanted.

RECEIVED

NOV 06 2007

**COMMUNITY
DEVELOPMENT**

RECEIVED

NOV 05 2007

To the members of City Council, Lynchburg, VA:

COMMUNITY
DEVELOPMENT

The undersigned hereby petition the City Council to not approve the rezoning request made for the property listed as 3107 Swan Place, Wellington Retreat. As concerned citizens we oppose the rezoning from the present I-2 zoning to the proposed R3C. We are concerned that the property does not support high density housing. The adjoining neighborhood is single family. We ask that the members of the Council deny this petition when brought before them on December 11, 2007.

NAME:

ADDRESS:

Charles E. Graham 3215 SWAN PL.

Joey L. Graham 3215 Swan pl.

Shontal Harris 3201 Mayflower Dr.

Dorothy P. Davis 3201 Mayflower Drive

Sheila Gallagher Grant 3115 Swan Place

Ruby Gallagher 3115 Swan Pl.

John + Barbara Gallagher 3115 Swan Pl.

Brandie Adams 3111 Swan Pl.

Karen Little 1630 Blackburn St

Richard Gallagher 3215 MAYFLOWER DR.

Greg Tridion 2710 Haden St.

Reynold Perry 3212 Swan Place

Mildred Gibbs 3212 Swan Place

Jerry & Anna Perry 3207 Swan Place

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NAME:

ADDRESS:

Nicole Farish	301 Northwynd Cir Apt. 503
Shawn Farish	301 Northwynd Cir. Apt. 503
Brittany Hammersley	2834 LINK Rd.
Grant Anders	3208 Swan Place
Dean C. Anders	3208 Swan Place
Tammy L. Coates	202 Howard Manor Dr.
NORACE FOUST	2267 Sabine Ave
Pat Foust	2267 Sabine Ave
Deborah Hammersley	2834 Link Rd.
Ken Hammersley	2834 Link Rd.
David Farish	1020 Long Meadows Drive
Susanne Farish	1020 Longmeadows Dr.
Theresa Graham	3215 Swan pl.
Ray Graham	3215 SWAN PL.

To the members of City Council, Lynchburg, VA:

The undersigned hereby petition the City Council to not approve the rezoning request made for the property listed as 3107 Swan Place, Wellington Retreat. As concerned citizens we oppose the rezoning from the present I-2 zoning to the proposed R3C. We are concerned that the property does not support high density housing. The adjoining neighborhood is single family. We ask that the members of the Council deny this petition when brought before them on December 11, 2007.

NAME:

ADDRESS:

<u>[Signature]</u>	<u>3021 Carroll Ave</u>
<u>[Signature]</u>	<u>3021 Carroll Ave</u>
<u>Patsy Eades</u>	<u>2732 Clover Place</u>
<u>George Eades</u>	<u>2732 Clover Place</u>
<u>Ann Eades</u>	<u>2732 Clover Place</u>
<u>Bobbi Eades</u>	<u>2732 Clover Place</u>
<u>George Eades Jr.</u>	<u>2732 Clover Place</u>
<u>Penny Begester</u>	<u>3007 Carroll Ave</u>
<u>Roger Entminger</u>	<u>2732 Clover Place</u>
<u>Jason Goodman</u>	<u>3007 Carroll Ave.</u>
<u>H P Hedrick</u>	<u>2709 Clover Pl</u>
<u>Angela Harvin</u>	<u>2705 Clover Place</u>
<u>Devin Harvin</u>	<u>2701 Clover Place</u>
<u>Blair Scott</u>	<u>2700 CLOVER PLACE</u>
<u>Michael Scott</u>	<u>2700 CLOVER PLACE</u>

To the members of City Council, Lynchburg, VA:

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NAME:	ADDRESS:
<u>Jim Douglas</u>	<u>3001 BOWSACK ST LYNCHBURG 245</u>
<u>Alicia Allen</u>	<u>3010 BOWSACK ST Lynchburg VA. 24501</u>
<u>Linda Rucker</u>	<u>3008 Bowsack Rd Lynchburg Va. 245</u>
<u>Christine Carter</u>	<u>3232 Mayflower Dr.</u>
<u>Patty Salper</u>	<u>2609 Mayflower Dr.</u>
<u>John Emmitt</u>	<u>2611 Mayflower Dr.</u>
<u>Ronald Porterfield</u>	<u>2603 Mayflower Dr.</u>
<u>June R. Darlington</u>	<u>2616 May flower Dr.</u>
<u>Wendy Langford</u>	<u>2624 Mayflower Dr.</u>
<u>Honir Robertson</u>	<u>2929 Carroll Ave</u>
<u>Sonra Mc Falls</u>	<u>3100 Carroll Ave</u>
<u>Melvin R. Shelton</u>	<u>3101 Q 3103 MAYFLOWER DR.</u>
<u>Nancy J. Shelton</u>	<u>3101 & 3103 Mayflower Dr</u>

To the members of City Council, Lynchburg, VA:

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NAME:	ADDRESS:
<u>BRIAN M HALL</u>	<u>3300/3304/3238 MYFLOWER DR</u>
<u>T.A. KIRK</u>	<u>3128 CARROLL AVE</u>
<u>Richard Gallagher</u>	<u>3215 MAYFLOWER DR.</u>
<u>Ronnie & Jane Kenner</u>	<u>3100 Mayflower Dr</u>
<u>DAVID NORTON</u>	<u>3220 + 3200 ODDFELLOWS</u>
<u>JESSE NORTON</u>	<u>3212 MAYFLOWER</u>
<u>Robert & Linda</u>	<u>3117 Odd Fellows DR.</u>
<u>Wanda Wilk</u>	<u>3115 ODD FELLOWS RD</u>
<u>Charles J. Burton</u>	<u>3201 Odd Fellows Rd.</u>
<u>Mark Seavster</u>	<u>3114 ODD Fellows Rd.</u>
<u>Patricia Price</u>	<u>3114 Odd Fellows Rd.</u>
<u>Curtis H. H.</u>	<u>3107 ODD FELLOWS RD</u>
<u>Mark W. G. J.</u>	<u>3107 Oddfellows Rd Unit D</u>
<u>HARRISON HARVEY</u>	<u>2805 RALPH ST.</u>

AE's book

To the members of City Council, Lynchburg, VA:

The undersigned hereby petition the City Council to not approve the rezoning request made for the property listed as 3107 Swan Place, Wellington Retreat. As concerned citizens we oppose the rezoning from the present I-2 zoning to the proposed R3C. We are concerned that the property does not support high density housing. The adjoining neighborhood is single family. We ask that the members of the Council deny this petition when brought before them on December 11, 2007.

NAME:

ADDRESS:

E.D. Drewry

7640 Mayflower Dr.

Jean Drewry

2640 Mayflower Dr.

Boone Hall

2636 Mayflower Dr.

Lenora Hall

2636 Mayflower Dr.

Rachel Claybrook

2632 Mayflower Dr.

Eugene Claybrook

2632 Mayflower Dr.

Judith Tates 3025

2915 Mayflower Dr.

John B. Wimer

1127 Mayflower Drive

W. Ben Lynn

3104 Carroll Ave

Bobby Fuller

2801 Raleigh St

Lisa Melton

2804 Raleigh St

Scott St

3000 Lenox St

Louella S. Tyree

2819 Raleigh St.

Julia Callahan

3127 Carroll Ave.

To the members of City Council, Lynchburg, VA:

The undersigned hereby petition the City Council to not approve the rezoning request made for the property listed as 3107 Swan Place, Wellington Retreat. As concerned citizens we oppose the rezoning from the present I-2 zoning to the proposed R3C. We are concerned that the property does not support high density housing. The adjoining neighborhood is single family. We ask that the members of the Council deny this petition when brought before them on December 11, 2007.

NAME:

ADDRESS:

Mr. Debbie B. Pincus	3215 Mayflower Drive
John A. H. McKeup	3215 Mayflower Drive
Sharon Vest	2208 Haden St
J.D. Vest	2208 Haden St
James Vest	85 Belle Terre Dr.
Khranda Hudson	85 Belle Terre Dr
Reggie Vest	16720 Timberlake Rd
Frank Vest	Victoria Drive
Carl Gunter	Madison HGTS.
Martha Rice	Richardson dr.
Eddie Rice	1201 Hydro St
Bernie Gowen	1225 Timberlake Rd.
Tammi Martin	1255 Madison HGTS.
Gloria Irvin	1236 Madison HGTS.

uk

Sheila Gallagher Grant
Herald W. Grant
Ginny Johnson
Crystal Burnett
Kermit Barless

1650 Blackburn St
1650 Blackburn St.
3219 Main St.
505 S. Timberlake dr.
1641 Shaffer Street

November 14, 2007

PLEASE PRINT

[illegible]

[illegible]

L.T.NE	BEARING	DISTANCE	L.T.NE	BEARING	DISTANCE	L.T.NE	BEARING	DISTANCE
L1	S36°41'01"E	32.00	L49	N63°18'59"W	73.00	L57	N68°41'01"W	49.00
L2	S36°41'01"E	18.00	L50	S36°41'01"E	32.40	L58	N68°41'01"W	18.00
L3	S36°41'01"E	18.00	L51	S36°41'01"E	18.40	L59	N68°41'01"W	18.00
L4	S36°41'01"E	18.00	L52	S36°41'01"E	18.40	L60	N68°41'01"W	18.00
L5	S36°41'01"E	43.54	L53	S36°41'01"E	18.40	L61	N68°41'01"W	34.00
L6	S36°30'00"W	67.10	L54	S36°41'01"E	18.40	L102	N63°18'59"W	65.00
L7	N49°29'19"W	40.82	L55	S36°41'01"E	45.98	L103	N63°18'59"W	65.00
L8	N63°41'01"E	18.00	L56	S36°30'00"W	73.11	L104	N63°18'59"W	65.00
L9	N63°41'01"E	18.00	L57	S36°30'00"W	73.11	L105	N63°18'59"W	65.00
L10	N63°41'01"E	18.00	L58	N36°41'01"E	18.40	L106	N63°18'59"W	65.00
L11	N63°41'01"E	32.00	L59	N36°41'01"E	18.40	L107	N64°32'52"E	34.00
L12	N63°39'39"E	78.00	L60	N36°41'01"E	18.40	L108	N64°32'52"E	18.00
L13	S63°18'59"W	78.00	L61	N63°41'01"E	18.40	L109	N64°32'52"E	18.00
L14	S63°18'59"W	78.00	L62	N63°41'01"E	18.40	L110	N64°32'52"E	18.00
L15	S63°18'59"W	78.00	L63	N63°18'59"W	73.00	L111	N64°32'52"E	18.00
L16	S63°18'59"W	78.00	L64	N63°18'59"W	73.00	L112	N64°32'52"E	18.00
L17	N06°41'01"E	42.48	L65	N63°18'59"W	73.00	L113	N64°32'52"E	34.00
L18	N06°41'01"E	17.20	L66	N63°18'59"W	73.00	L114	N63°07'08"E	67.00
L19	N06°41'01"E	17.20	L67	N63°18'59"W	73.00	L115	S34°32'50"W	34.00
L20	N06°41'01"E	17.20	L68	N63°18'59"W	73.00	L116	S34°32'50"W	18.00
L21	N06°41'01"E	33.20	L69	N36°41'01"E	33.00	L117	S34°32'50"W	18.00
L22	N63°18'59"E	69.30	L70	S36°41'01"E	17.00	L118	S34°32'50"W	18.00
L23	S36°41'01"E	33.20	L71	S36°41'01"E	17.00	L119	S34°32'50"W	18.00
L24	S36°41'01"E	17.20	L72	S36°41'01"E	17.00	L120	S34°32'50"W	18.00
L25	S36°41'01"E	17.20	L73	S36°41'01"E	17.00	L121	S34°32'50"W	18.00
L26	S36°41'01"E	17.20	L74	S36°41'01"E	49.82	L122	N68°07'08"E	67.00
L27	S36°41'01"E	49.34	L75	S36°30'00"W	69.11	L123	N68°07'08"E	67.00
L28	S36°30'00"W	69.41	L76	N36°41'01"E	42.98	L124	N68°07'08"E	67.00
L29	N63°18'59"E	69.30	L77	N68°41'01"E	17.00	L125	N68°07'08"E	67.00
L30	N63°18'59"E	69.30	L78	N68°41'01"E	17.00	L126	N68°07'08"E	67.00
L31	N63°18'59"E	69.30	L79	N68°41'01"E	17.00	L127	N68°07'08"E	67.00
L32	N63°18'59"E	69.30	L80	N68°41'01"E	17.00	L128	N68°07'08"E	67.00
L33	N63°18'59"E	65.00	L81	N68°41'01"E	33.00			
L34	S36°41'01"E	34.20	L82	S33°18'59"W	69.00			
L35	S36°41'01"E	18.20	L83	S33°18'59"W	69.00			
L36	S36°41'01"E	18.20	L84	S33°18'59"W	69.00			
L37	S36°41'01"E	18.20	L85	S33°18'59"W	69.00			
L38	S36°41'01"E	45.98	L86	S33°18'59"W	69.00			
L39	S36°30'00"W	65.10	L87	N36°41'01"E	69.00			
L40	N63°41'01"E	42.34	L88	S36°41'01"E	18.00			
L41	N63°41'01"E	18.20	L89	S36°41'01"E	18.00			
L42	N63°41'01"E	18.20	L90	S36°41'01"E	18.00			
L43	N63°41'01"E	18.20	L91	S36°41'01"E	18.00			

LINE	BEARING	DISTANCE
BL1	N61°42'58"W	63.20
BL2	N62°58'58"W	49.24
BL3	N62°27'07"W	46.58
BL4	N63°14'40"W	13.36
BL5	N73°18'59"E	600.43
BL6	N77°10'00"W	32.80
BL7	S66°20'00"W	65.00
BL8	S55°30'00"W	73.50
BL9	S35°00'00"E	345.84
BL10	S58°00'00"E	197.20
BL11	S36°30'00"W	190.98
BL12	S62°00'00"E	57.00
BL13	S13°30'00"W	163.00
BL14	S56°30'00"W	600.39

VICINITY MAP

REVISION	DATE
1 PRON GENT	08/30/07
2 PRON GENT	11/08/07
3	
4	
5	

ACRES OF VIRGINIA, INC.
GARDENERS' ENGINEERS-PLANNERS & SOIL CONSULTANTS
email: Sarc2@aol.com
WWW.ACRESOFVIRGINIA.COM

DIGEST:
SAR 6804
SAR 4874
SAR 10-10-B

AMERST OFFICE
357 SOUTH MAIN STREET
AMERST, VA. 25421
OFFICE (434) 946-5540



COMM. NO.: 1 07932
DATE: JULY 23, 2007
TIME: 10:03:02
TAX MAP NO.: 112--4-03 & 4B
SCALE 1"=40'
DATA COLLECTOR

SITE & LANDSCAPE PLAN FOR REZONING

LOT 1-40
Wellington
Retreat
 LYNCHBURG, VIRGINIA

DRAWING
SITE & LANDSCAPE
PLAN FOR REZONING
SHEET 1

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Detailed Description.

Commencing at the Point of Beginning, thence South 85°30'00" West, a distance of 796.66 feet; thence North 85°30'00" East, a distance of 839.56 feet; thence North 85°30'00" West, a distance of 48.24 feet; thence North 85°30'00" East, a distance of 80.30 feet; thence North 83°24'00" East, a distance of 13.36 feet; thence North 83°24'00" East, a distance of 500.33 feet; thence North 77°40'00" West, a distance of 32.00 feet; thence South 77°40'00" East, a distance of 55.00 feet; thence North 77°40'00" West, a distance of 73.00 feet; thence North 32°00'00" East, a distance of 346.64 feet; thence North 32°00'00" West, a distance of 167.70 feet; thence North 39°30'00" West, a distance of 150.59 feet; thence South 02°00'00" East, a distance of 150.59 feet; thence North 02°00'00" West, a distance of 150.59 feet to the Point of Beginning. Containing 4.019 Acres more or less

J. H. GALLAGHER, JR.
DB 460 P. 650
(CAMPBELL CO.)
(112-04-05)

LEADING	= EXISTING CONTOURS
750	= TYPICAL
H/C	= HANDICAP
	= CONCRETE CURB
	= CENTER LINE
3FF	= HIGH ROAD FOUND
IR	= HIGH ROAD
L1	= LOW LEADING
	= COMMON AREA
	= PAVEMENT
3FF	= DEDICATED RIGHT-OF-WAY
IR	= HIGH FOUND
OH	= OVERHEAD
	= RIGHT-OF-WAY
E.P.	= EDGE OF PAVEMENT
	= POINT OF BEGINNING
	= EXISTING SANITARY SEWER LINE
	= LIMITS OF CONSTRUCTION
	= EXISTING VEGETATION TO REMAIN

COMMON NAME	PLANTING COUNT	PLANTING REQ'D	SIZE AT TIME OF PLANTING	BOTANICAL NAME
 - RED MAPLE (RED SUNSET OR OCTOBER GLORY)-BEST COLORFUL	33	30	6" HEIGHT	(ACER RUBRUM)
 - GERMANER HEDGE (18" ± ON CENTER IN MULCH BED) (PLANT PERCENTALS AS NEEDED FOR FILLER)	228	85	2" HEIGHT	(FELICITUM CHAMNERYIS)
 - ARROW-WOOD (PLANT PERCENTALS AS NEEDED FOR FILLER)	164	86	2" HEIGHT	(VIBURNUM DENTATUM)
 - JUNKPERS 18" ± ON CENTER IN MULCH BED)	89	88	LESS THAN 1'	(JUNIPERUS HORIZONTALIS (BLAUCA))
 - HIGIAN CHERRY	32	32	6" HEIGHT	(PRUNUS SUGHIRELLA)
 - LEGACY SUGAR MAPLE	32	32	6" HEIGHT	(ACER SACCHARIN ('LEGACY'))
 - BURNING BUSH	76	0	3" HEIGHT	(EUTHYMIUS ALATUS)

SOURCE OF TITLE:
THIS PROPERTY WAS CONVEYED TO WILTON MATTS
AND MARY MATTS BY DEED DATED DECEMBER 21, 1951
AND RECORDED IN DEED BOOK 1117 PAGE 259 IN THE
CLERK'S OFFICE OF THE CIRCUIT COURT OF
LYNCHBURG, VA.

Stormwater Narrative:

The purpose of the rezoning of Tax Map Parcel # 112-04-003 and 112-04-048, property of Wilton and Mary Watts, located on Mayflower Drive in Lynchburg, Virginia is to develop the site for residential use instead of the current industrial use. The site plan presented to the Technical Review Committee on August 21, 2007 shows the properties to be use for forty (40) proposed townhomes for sale to the general public. The majority of properties along Mayflower Drive and the adjacent properties to this site are single family and multi family units.

The project topographic information shown on the site plan shows the property draining from west to east to northeast. Upon completion of the grading plan, the property will drain from Mayflower Drive towards Perkins Park Branch and the tributary branch. Stormwater from this project will be routed through the proposed onsite stormsewer system. Stormwater will be detained within the onsite stormsewer system and will be released into the tributary and Perkins Park Branch at the pre-development rate. After a field analysis of the streams by Acres of Virginia, Inc., the streams beds are approximately six (6) feet wide and three (3) feet deep. The streams are currently carrying stormwater flow with no sign of struggle or damage to the streams. The stormwater on this site will be controlled in the underground stormsewer system. Infiltration, bio-retention and storm inlet filters will be used to address all water quality issues.

The contract purchaser/developer is willing to leave vegetation at the streams and will protect the streams in the project. A 25 foot buffer strip will be left along the streams except at the road crossing and at Unit 28. Areas disturbed due to construction will be reseeded and replanted.

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Project Narrative:

The contract purchaser of Tax Map Parcels 112-04-003 and 112-04-048 is requesting City Council to approve a request to rezone this property from I-2 (Industrial) to R-3 Conditional (Residential) for townhomes. The contract purchaser, Wellington Residential, LLC, proposes to develop this property in two (2) phases; the first phase will contain Units 1-33 and the second phase will contain Units 34-40.

The infrastructure within this development will be private and will be maintained by a Homeowners Association. The site will be served by city water and city sewer.

The townhomes within the development will be one to three story units. The exterior of the townhomes will be brick, rock or vinyl siding.

Schmincke Road is a private street.

All landscaping within the project will adhere to the latest landscape ordinance per city code.

The purpose of the project is to develop affordable housing for the general public.

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ACRES OF VIRGINIA, INC.
SURVEYORS~ENGINEERS~
PLANNERS & SOIL CONSULTANTS

e-mail: serca2@aol.com
website: www.acresofvirginia.com

LYNCHBURG OFFICE

404 Clay Street
Lynchburg, VA 24504
Office: (434) 528-4674
Fax: (434) 845-1048



AMHERST OFFICE

Surveying & Planning
357 S. Main Street
Amherst, VA 24521
Office: (434) 946-5540
Fax: (434) 946-7942

Narrative Justification

for
Rezoning Tax Map #112-04-003 and 112-04-048

*Property of Wilton and Mary Watts,
Mayflower Drive, Lynchburg, Virginia*

*As agent for Wellington Residential, LLC and for the owners, Wilton and Mary Watts,
justification for this rezoning is as follows:*

- (i) Seventy-five (75%) percent of the properties from Campbell Avenue to Carroll Avenue along Mayflower Drive are currently single and multi-family homes, including properties on the north and south sides of Mayflower Drive.*
- (ii) The majority of the properties immediately surrounding Tax Map Parcel #112-04-003 and 112-04-048 are currently occupied as single and multi-family homes with very few current industrial facilities existing.*
- (iii) Due to the many single and multi-family residents in this vicinity and the properties surrounding this parcel. The owner and contract purchaser feel the best use for this property is single/multi family use.*

A large, stylized handwritten signature in black ink, which appears to read "Thomas C. Brooks, Sr.".

Thomas C. Brooks, Sr., LS,
Agent for Wellington Residential, LLC, contract purchaser
and
Wilton and Mary Watts, owners

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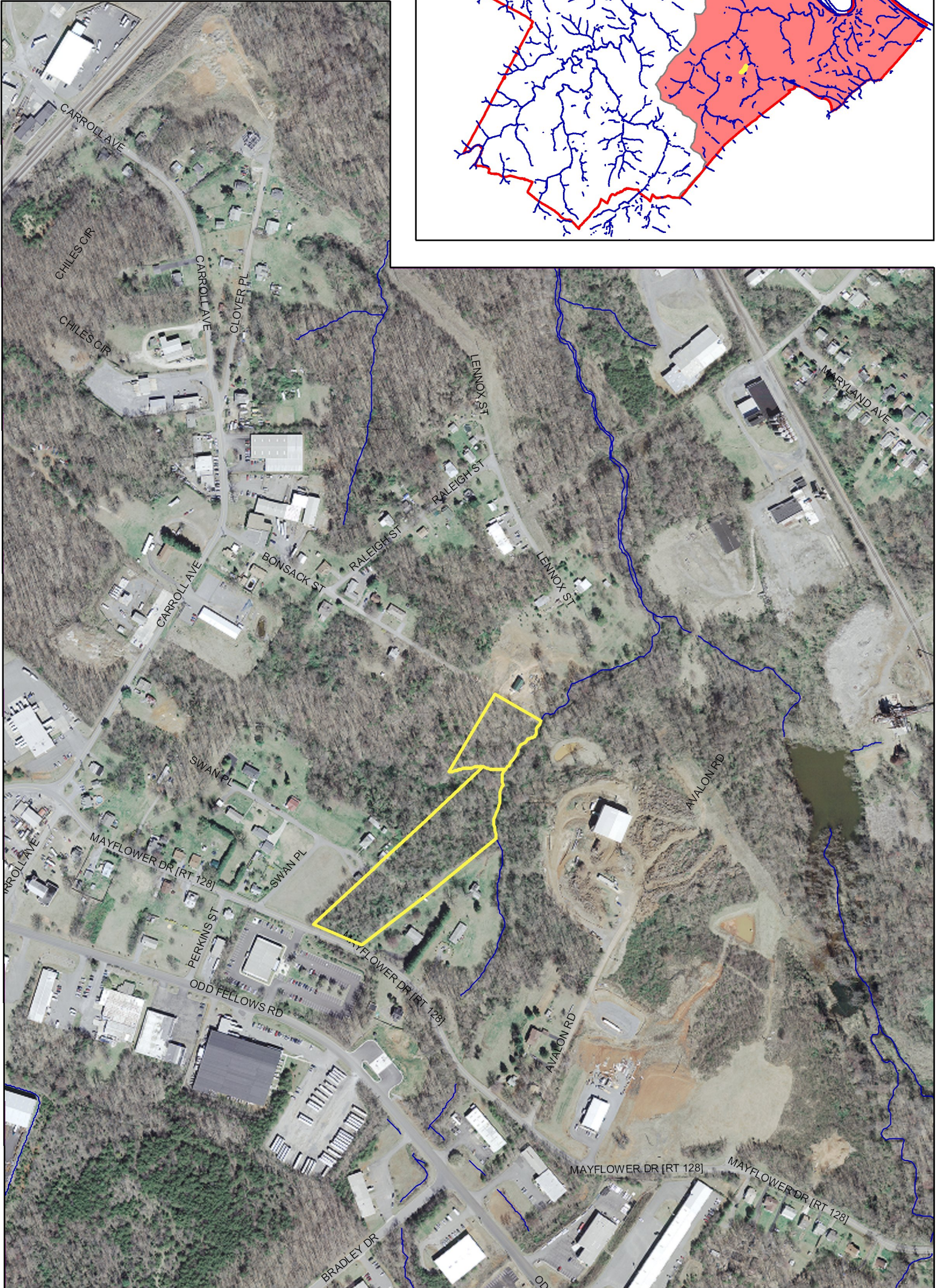
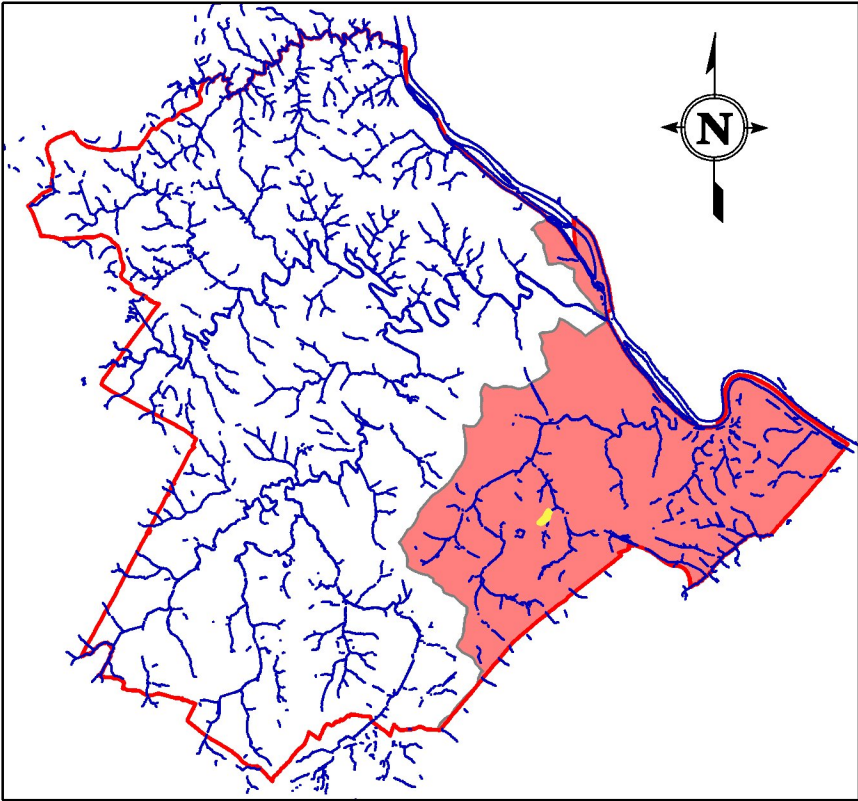
NOV 16 2007

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**Wellington Retreat
Watershed Location Map**

Legend

-  Project Site
-  Corporate Limit
-  Fishing Creek Watershed



LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: December 11, 2007		AGENDA ITEM NO.: 6
CONSENT:	REGULAR: X	CLOSED SESSION: (Confidential)
ACTION: X	INFORMATION:	
<u>ITEM TITLE:</u>	Fifth Street Revitalization Corridor Overlay District / Rezoning – Generally two (2) blocks on both sides of Fifth Street from Church Street to the Martin Luther King, Jr. Memorial Bridge	

RECOMMENDATION: Adopt Section 35.1-43.2:1, Fifth Street Revitalization Corridor Overlay District as part of the Zoning Ordinance and rezone properties from B-1, Limited Business District and B-5, General Business District to R-2, Low-Medium Density, Single-Family Residential District, R-3, Medium Density, Two-Family Residential District, R-4, Medium-High Density, Multi-Family Residential District and B-6, Riverfront District as shown on the map entitled “Proposed Zoning” and recommended by the Planning Commission on November 14, 2007.

SUMMARY: The Lynchburg Planning Commission directed City staff to initiate proceedings to rezone and create an overlay district for the Fifth Street Corridor on June 27, 2007. The proposed overlay district and rezoning would establish minimum and maximum setbacks, establish minimum and maximum height requirements, reduce or eliminate off-street parking requirements, promote appropriate architectural materials and mixed use developments as is consistent with the Vision, Goals and Objectives of the Fifth Street Corridor Master Plan adopted by the City Council on May 23, 2006.

Under Virginia law, in order to justify a downzoning, there must have been a substantial change in circumstances since the previous zoning. Of the properties indicated for downzoning on the map entitled “Proposed Zoning” as recommended by the Planning Commission on November 14, 2007 all are currently vacant, owned by government entities or used for residential uses with the exception of nine (9) parcels being used as a parking lot by the Community Funeral home in the 900 block of Fourth Street. Despite the commercial zoning applied to the area in 1978, the properties have primarily retained residential or vacant land uses. The application of a residential zoning for these areas will help stabilize the neighborhood and fulfill goals and objectives of the Fifth Street Master Plan. The Planning Commission recommended approval of the rezoning and overlay district (6-0, with 1 member absent, Worthington) because:

- Petitions agree with the *Comprehensive Plan*, which designates Fifth Street as a “revitalization” area **(4.9)**.
- Petitions agree with the *Comprehensive Plan*, which recommends measures to encourage housing rehabilitation and compatible residential infill in close proximity to the corridor. **(4.9)**
- Petitions agree with the *Comprehensive Plan*, which recognizes that small lot sizes have limited the success of properties in the area. **(4.9)**
- Petitions agree with the *Fifth Street Corridor Master Plan*, which recognizes that the existing B-5, General Business zoning is not appropriate for the corridor. **(pg 37)**
- Petitions agree with the *Fifth Street Corridor Master Plan*, which recommends the creation of an overlay district for the area. **(pg 38)**
- Petitions agree with the *Fifth Street Corridor Master Plan*, which recommends that residential blocks be rezoned from B-5, General Business District to an appropriate residential zone. **(pg 38)**

PRIOR ACTION(S):

June 27, 2007: Planning Commission initiated the rezoning and creation of an overlay district for the Fifth Street Corridor.

July 23, 2007: Informational neighborhood meeting conducted at Fifth Street Baptist Church.

September 12, 2007: Planning Commission conducted a work session on the proposed rezoning and overlay district.

October 10, 2007: Planning Commission conducted public hearings on the proposed rezoning and overlay district. The Planning Commission requested that the items be re-advertised for new public hearings after considering the request of the Garland Hill Historic District to rezone properties within the Historic District from B-5, General Business District to R-2, Low-Medium Density, Single-Family Residential District, instead of the originally proposed B-6, Riverfront District.

November 14, 2007: The Planning Commission conducted public hearings on the proposed rezoning and overlay district. The Planning Commission recommended approval of the rezoning and overlay district creation. (6-0, with 1 member absent, Worthington)

FISCAL IMPACT: N/A

CONTACTS:

Charlene Montford/ 455-3902
Tom Martin/ 455-3909

ATTACHMENT(S):

- Ordinance
- Existing Zoning Map
- Proposed Overlay District Boundary Map
- Proposed Zoning Map
- PC Report
- PC Minutes
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REVIEWED BY: lkp

ORDINANCE

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF LYNCHBURG BY ADDING THERETO A NEW SECTION NUMBERED 35.1-43.2:1, FIFTH STREET REVITALIZATION CORRIDOR OVERLAY DISTRICT (FSC) AS PART OF THE ZONING ORDINANCE.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG:

1. That in order to promote the public necessity, convenience, general welfare, and good zoning practice that Chapter 35.1 of the Code of the City of Lynchburg, 1981, as amended, be and the same is hereby further amended by adding thereto Section 35.1-43.2:1, which section shall read as follows:

Sec. 35.1-43.2:1 Fifth Street Revitalization Corridor Overlay District (FSC).

- (a) Intent. This district is intended to protect and promote the health, safety and general welfare of the public; to enhance the visual appearance of the corridor; to protect and promote the vision and goals of the Fifth Street Corridor Master Plan; to protect and promote appearance, character and community values by encouraging pedestrian and mixed use oriented uses along the corridor that serve the needs of the surrounding neighborhoods.

Furthermore, the district is intended to promote responsible commercial development; to encourage neighborhood stabilization, expansion and infill; to reduce the amount of vacant and deteriorated structures in the corridor; to encourage designs that produce a desirable relationship between individual sites, multiple modes of transportation and the adjacent areas; and to promote the corridor as a link between the Downtown and Midtown areas of the City.

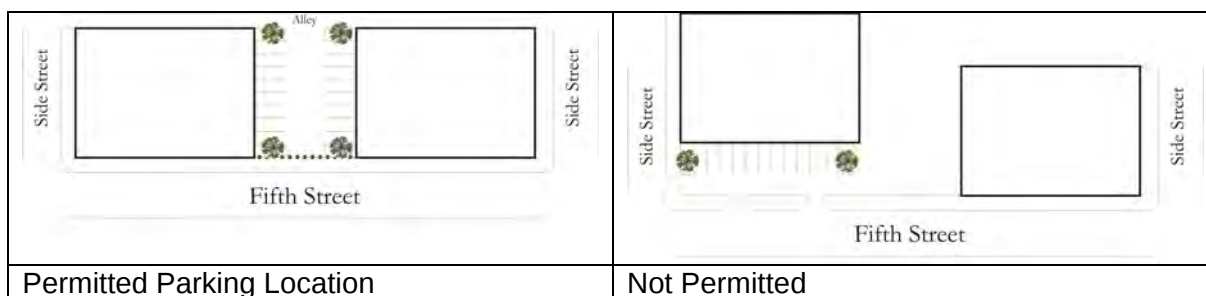
- (b) District boundaries. The Fifth Street Revitalization Corridor Overlay District boundaries are established from the intersection of Fifth Street to the Martin Luther King, Jr. Memorial Bridge, encompassing two (2) blocks north and south of Fifth Street, excluding the Court House Hill Historic District, the Garland Hill Historic District, the Old City Cemetery, and one-half (0.5) of a block bounded by Sixth Street, Seventh Street and Church Street. (Figure A)



Figure A. Fifth Street Revitalization Corridor District Boundaries.

- (c) Establishment of district. The Fifth Street Revitalization Corridor Overlay District shall be in addition to and shall overlay all other zoning districts where it is applied so that any parcel of land lying in the Fifth Street Revitalization Corridor Overlay shall also lie within one or more of the other zoning districts provided by this ordinance. The effect shall be the creation of a new zoning district consisting of the regulations and requirements of both the underlying district(s) and the Fifth Street Corridor Overlay District.

- (d) District standards. Where the standards of the Fifth Street Revitalization Corridor Overlay District and the underlying district(s) differ, the Fifth Street Revitalization Corridor standards shall apply except in the instance of individually designated historic properties.
- (e) Permitted uses. The uses permitted by right, as accessory and by conditional use permit shall be the same as the uses permitted by right, as accessory and by conditional use permit in the applicable underlying zoning district except for the following:
1. Residential uses fronting Fifth Street shall be prohibited unless they are part of a mixed use development.
- (f) Off-street parking requirements. The minimum off-street parking requirements for the Fifth Street Revitalization Corridor are as follows:
1. Minimum off-street parking requirements for areas zoned B-6, Riverfront Business District, shall not apply because of the impracticability of providing such parking on the basis of individual uses in highly congested areas. However, developers are strongly encouraged to provide parking up to the minimum requirements.
 2. Minimum off-street parking requirements for residential uses shall not apply because of the impracticability of providing such parking on small lots. However, developers are strongly encouraged to provide off-street parking in areas where on-street parking is not available.
 3. All other uses permitted by right, as accessory or by conditional use permit shall provide off-street parking as provided in Section 35.1-25.
- (g) Location of off-street parking facilities. Where provided, off-street parking facilities shall be located to the sides and rear of buildings. Means of ingress and egress to off-street parking facilities shall be from side streets only and shall not be from Fifth Street unless topography or other conditions peculiar to the site would prohibit a means of ingress and egress from the side street.



- (h) Internal vehicular circulation. Sites fronting Fifth Street shall be designed to achieve direct and convenient vehicular access between adjacent properties. The owner(s) of a lot(s) providing for internal vehicular circulation shall make adequate provision by dedication, easements, covenants, restrictions, or other legal instruments for ensuring that internal vehicular circulation is provided for and maintained consistent with the regulations and intent of this section.
- (i) Exterior Lighting. Exterior lighting shall be controlled so that no direct illumination will occur beyond the property line. In instances where buildings have a zero (0) foot setback, exterior lighting shall be controlled so that no direct illumination occurs beyond the public sidewalk.

- (j) Utilities. All utilities shall be located underground.
- (k) Architectural treatment. Buildings fronting or visible from Fifth Street are encouraged to comply with the Commercial Historic District Guidelines.
 - 1. No portion of a building constructed of unadorned cinderblock, corrugated and/or sheet metal shall be visible from any adjoining residential district, historic district or public right of way.
 - 2. Buildings fronting on Fifth Street shall be designed to utilize building materials that are compatible with the Fifth Street Revitalization Corridor Overlay District such as stone, brick, stucco, or wood.
 - 3. Vegetative buffering as described in Section 35.1-25.11, Buffering of this ordinance placed along that portion of the building not otherwise meeting the requirements of architectural treatment will be deemed sufficient treatment for the purposes of this section.
 - 4. Front porches are encouraged for all newly constructed or renovated residential units.
- (l) Commercial districts adjacent to residential districts. In all instances where a commercial district is adjacent to a residential district, there shall be established in the commercial district a screened yard between the two (2) districts. Screening may be provided according to the regulations of Section 35.1-25.11, Buffering of this ordinance or by providing a screening fence, wall or any combination of landscaping, fence or wall adequate to screen the commercial use as approved by the City Planner.
- (m) General Standards, Fifth Street Revitalization Corridor.
 - 1. Business Districts.
 - (a) Area requirements – none.
 - (b) Front setback – Zero (0) feet maximum.
 - (c) Side setback – zero (0) feet.
 - (d) Rear setback – Ten (10) feet.
 - (e) Lot coverage – No maximum
 - (f) Building Height – Twenty-Four (24) minimum – Forty-Eight (48) Maximum
 - 2. Residential Districts.
 - (a) Area requirements – none.
 - (b) Front setback – Fifteen (15) feet maximum
 - (c) Side setback – Three (3) feet
 - (d) Rear setback – Five (5) feet
 - (e) Lot coverage – No maximum
 - (f) Building Height – Not applicable

and the Director of the Department of Community Development shall forthwith cause the “Official Zoning Map of Lynchburg, Virginia,” referred to in Section 35.1-4 of this chapter to be amended to show the boundaries of the Fifth Street Revitalization Corridor District as set forth in this section.

2. That this ordinance shall become effective on its passage.

Adopted:

Certified:

Clerk of Council

165L1

ORDINANCE

AN ORDINANCE CHANGING A CERTAIN AREA FROM B-1, LIMITED BUSINESS DISTRICT, B-5, GENERAL BUSINESS DISTRICT TO R-2, LOW-MEDIUM DENSITY, SINGLE-FAMILY RESIDENTIAL DISTRICT, R-3, MEDIUM DENSITY, TWO-FAMILY RESIDENTIAL DISTRICT, R-4, MEDIUM-HIGH DENSITY, MULTI-FAMILY RESIDENTIAL DISTRICT AND B-6, RIVERFRONT DISTRICT

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

Section 35.1-76.____. Change of a certain area from B-1, Limited Business District and B-5, General Business District to R-2, Low-Medium Density, Single-Family Residential District, R-3, Medium Density, Two-Family Residential District, R-4, Medium-High Density, Multi-Family Residential District and B-6, Riverfront District as shown on the map entitled "Fifth Street Revitalization Corridor, Proposed Zoning" as recommended by Planning Commission 11/14/07,

The area embraced by the following boundaries...

Fifth Street Revitalization Corridor: Tax Map Numbers

02410003	415 HARRISON ST	SALAY, STEVEN J
02411003	413 MADISON ST	MURPHY, DANNY N
02411010	412 HARRISON ST	CENTRAL CITY HOMES LP
02412002	501 5TH ST	CITY OF LYNCHBURG
02412004	412 MADISON ST	LYNCHBURG COVENANT FELLOWSHIP
00325004	415 FILLMORE ST	SOUTHERN RAILWAY
00325005	1501 5TH ST	7 HILLS AUTO SPA, LLC
00325007	1505 5TH ST	COKER, SHERRY L
00325008	1509 5TH ST	SOUTHERN RAILWAY
00920001	400 POLK ST	LIPFORD, CLYTIE R & ANGERIA C
00920002	912 4TH ST	JOHNSON, ELIZABETH C
00920003	910 4TH ST	TAX DEFERRED EXCHANGE SERVICES, INC
00920004	908 4TH ST	TAX DEFERRED EXCHANGE SERVICES, INC
00920005	906 4TH ST	TAX DEFERRED EXCHANGE SERVICES, INC
00920006	401 JACKSON ST	COLES, DOROTHY S
00920007	403 JACKSON ST	ADAMS MOTOR CO
00920008	407 JACKSON ST	ADAMS MOTOR CO
00920009	409 JACKSON ST	ADAMS MOTOR CO
00920010	413 JACKSON ST	COMMUNITY FUNERAL HOME OF LYNC
00920011	901 5TH ST	BROWN, KAREN Y
00920012	905 5TH ST	COMMUNITY FUNERAL HOME INC
00920013	909 5TH ST	COMMUNITY FUNERAL HOME INC
00920015	915 5TH ST	COMMUNITY FUNERAL HOME INC
00920016	416 POLK ST	EDWARDS, YVONNE C
00920017	412 POLK ST	COMMUNITY FUNERAL HOME OF LYBG INC
00920018	408 POLK ST	TAX DEFERRED EXCHANGE SERVICES, INC
00920019	404 POLK ST	CASH, GARNETT & BEULAH
00920020	903 5TH ST	COMMUNITY FUNERAL HOME INCORPO
00920021	913 5TH ST	COMMUNITY FUNERAL HOME INC

00920022	406 A POLK ST	TAX DEFERRED EXCHANGE SERVICES, INC
00920023	406 POLK ST	TAX DEFERRED EXCHANGE SERVICES, INC
00921001	1010 4TH ST	SMITH, JAMES E & ESSIE C
00921002	1008 4TH ST	BOYD, KENNETH D
00921003	1006 4TH ST	LEE, MARY A
00921004	1004 4TH ST	BOYD, KENNETH D
00921005	401 POLK ST	S & P FAMILY PROPERTIES LLC
00921006	409 POLK ST	FIFTH STREET BAPTIST CHURCH, TRS
00921007	1001 5TH ST	WESTWARD INVESTMENT PROPERTIES, LLC
00921008	1005 5TH ST	FIFTH STREET BAPTIST CHURCH TR
00921009	1007 5TH ST	FIFTH STREET BAPTIST CHURCH
00921010	1013 5TH ST	FIFTH STREET BAPTIST CHURCH TRS OF
00921011	420 MONROE ST	HUMPHRIES, TIMOTHY O
00921012	416 MONROE ST	FIFTH STREET BAPTIST CHURCH TRS
00921013	414 MONROE ST	FIFTH STREET BAPTIST CHURCH TR
00921014	410 MONROE ST	FIFTH STREET BAPTIST CHURCH TR
00921015	408 MONROE ST	FIFTH STREET BAPTIST CHURCH TR
00921016	404 MONROE ST	FIFTH STREET BAPTIST CHURCH TR
00921017	411 POLK ST	BARBOUR, GREGORY L
00921018	403 POLK ST	HANCOCK, CHRIS A & DIANE R
00922001	400 TAYLOR ST	ELDRIDGE, JESSIE
00922002	403 MONROE ST	LEGACY PROJECT INC
00922004	409 MONROE ST	LEGACY PROJECT INC
00922006	415 MONROE ST	LEGACY PROJECTS INC
00922007	1101 5TH ST	KERR, ROBERT W
00922009	1107 5TH ST	KERR, ROBERT W
00922010	1111 5TH ST	KERR, ROBERT W
00922011	1115 5TH ST	KERR, ROBERT W
00922012	420 TAYLOR ST	KERR, ROBERT W
00922013	416 TAYLOR ST	KERR, ROBERT
00922014	414 TAYLOR ST	FITZGERALD, EDWARD L & ERA MAE
00922015	410 TAYLOR ST	IRVING, SHEILA L
00922016	404 TAYLOR ST	SMITH, FRANKLIN & DOREEN A
00922019	1119 5TH ST	SMITH, FRANKLIN & DOREEN A
00923001	400 WISE ST	SOUTHERN MEMORIAL ASSOCIATION
00923002	401 TAYLOR ST	CITY OF LYNCHBURG
00923003	403 TAYLOR ST	IRVING, RONALD & SHEILA
00923004	407 TAYLOR ST	STEWART, ROBIN B
00923005	409 TAYLOR ST	RUSH LIFETIME HOMES
00923006	411 TAYLOR ST	MYERS, REBECCA J
00923007	415 TAYLOR ST	MYERS, REBECCA J
00923008	417 TAYLOR ST	HINDS, JASON C
00923009	419 TAYLOR ST	WALLACE, RAYMOND B
00923010	1201 5TH ST	LYNCHBURG NEIGHBORHOOD DEVELOPMENT
00923011	1209 5TH ST	CITY OF LYNCHBURG
00923012	1211 5TH ST	SMITH, RUBY W LIFE ESTATE
00923013	1213 5TH ST	SMITH, DOREEN A
00923014	1215 5TH ST	SMITH, FRANKLIN
00923016	406 WISE ST	JOHNSON, ANDREA L
00923017	1219 5TH ST	SMITH, FRANKLIN
00923018	420 WISE ST	SMITH, FRANKLIN L & DOREEN A
00923019	416 WISE ST	SMITH, FRANKLIN & DOREEN A

00923020	412 WISE ST	PAIGE, SHERRY S
00924001	1320 4TH ST	RUCKER, JAMES E
00924002	1312 4TH ST	HILLIS, STEPHEN T & CHRISTINA R
00924003	1310 4TH ST	SOUTHERN MEMORIAL ASSOCIATION
00924004	1308 4TH ST	MOSS, ANTHONY A
00924005	1306 4TH ST	SOUTHERN MEMORIAL ASSOCIATION
00924006	401 WISE ST	DOLSEY, ANNIE M
00924007	407 WISE ST	GREATER LYNCHBURG HABITAT FOR
00924009	417 WISE ST	SMITH, DORA E & HUGHES, ROSE M
00924010	419 WISE ST	SMITH, FRANKLIN
00924011	1301 5TH ST	COBBINS, ROBERT H JR, COBBINS,
00924012	1307 5TH ST	CITY OF LYNCHBURG
00924013	1319 5TH ST	SIMOPOULOS, ERNEST W
00924014	1323 5TH ST	CITY OF LYNCHBURG
00924016	412 FLOYD ST	TANNER, ROBERT L
00924017	410 FLOYD ST	MOON, ELLIS O
00924018	410 A FLOYD ST	MOON, ELLIS O
00924019	408 FLOYD ST	RUCKER, JAMES E
00924020	416 FLOYD ST	RAY, DONNIE
00924021	1309 5TH ST	CITY OF LYNCHBURG
00924022	411 WISE ST	HUGHES, ROSE
00924023	411 WISE ST	GREATER LYNCHBURG HABITAT FOR
00924023	411 WISE ST	GREATER LYNCHBURG HABITAT FOR
00925001	1418 4TH ST	DAVIS, ROBERT
00925002	1410 4TH ST	KUTTNER, OLIVER
00925003	1408 4TH ST	CHARLERY, BARBARA
00925004	1406 4TH ST	SOUTHERN MEMORIAL ASSOCIATION
00925006	411 FLOYD ST	GRAVES, DUVALL S SR & KATHERIN
00925007	413 FLOYD ST	GRAVES, DUVALL S SR & KATHERINE W
00925008	415 FLOYD ST	AUSTIN, GEORGE A
00925009	1401 5TH ST	BASS, GRACE S & HAZEL A BERRY
00925010	1405 5TH ST	CITY OF LYNCHBURG
00925011	1407 5TH ST	CITY OF LYNCHBURG
00925012	1409 5TH ST	CITY OF LYNCHBURG
00925013	1415 5TH ST	GREATER LYNCHBURG HABITAT FOR
00925014	1417 5TH ST	COKER, SHERRY L
00925015	414 FILLMORE ST	GREATER LYNCHBURG HABITAT FOR
00925016	401 FLOYD ST	WAUGH, EDDIE M
00925017	403 FLOYD ST	REESE, VIRGINIA V & REESE, JUANITA G
00925018	407 FLOYD ST	RUCKER, JAMES E SR
00926001	1417 4TH ST	CITY OF LYNCHBURG
00927002	1315 4TH ST	CITY OF LYNCHBURG
00927003	1317 4TH ST	FRIED, JEFFREY T
00927004	1401 4TH ST	FRIED, JEFFREY T
00927005	1405 VALLEY ST	KUTTNER, OLIVER
00927006	1409 VALLEY ST	REVELS, WILLIAM O & ROSA
00927007	1413 VALLEY ST	LYNCHBURG NEIGHBORHOOD DEVELOPMENT
00927008	1417 VALLEY ST	TURBERVILLE, JOSEPH & DELORES
00927009	1421 VALLEY ST	B A C CONSTRUCTION COMPANY
01001001	900 5TH ST	CROWTHER, SANDRA W
01001002	509 JACKSON ST	CROWTHER, SANDRA W
01001003	511 JACKSON ST	CROWTHER, SANDRA W

01001011	512 POLK ST	HUNT, ETHEL C
01001012	510 POLK ST	HUTCHERSON, GERARD G & CARL B
01001013	918 5TH ST	HUTCHERSON, CARL B JR
01001014	916 5TH ST	HUTCHERSON, CARL B JR
01001015	912 5TH ST	CITY OF LYNCHBURG
01001016	910 5TH ST	EDWARDS, YVONNE C
01001017	908 5TH ST	CROWTHER, SANDRA W
01001018	906 5TH ST	CROWTHER, SANDRA W
01001019	No Address	No Owner Listed
01001023	507 JACKSON ST	CROWTHER, SANDRA W
01014001	1000 5TH ST	CITY OF LYNCHBURG
01014002	507 POLK ST	CITY OF LYNCHBURG
01014004	513 POLK ST	OLD DOMINION ELKS LODGE #181
01014014	508 MONROE ST	KERR, ROBERT W
01014015	1018 5TH ST	KERR, ROBERT W
01014016	1016 5TH ST	OLD DOMINION LODGE ELKS TRS
01015001	1100 5TH ST	SCRUGGS FAMILY TRUST
01015002	1119 PARK AVE	SCRUGGS FAMILY TRUST
01015003	1127 PARK AVE	HUMPHRIES, TIMOTHY O
01015004	1135 PARK AVE	FRIED, JEFFREY T
01015005	1151 PARK AVE	JEFFERSON, JANICE I & HOLLOWAY,
01015006	1165 PARK AVE	GILBERT, JOE C & ETHEL B
01015007	1119 6TH ST	CITY OF LYNCHBURG
01015008	512 TAYLOR ST	CITY OF LYNCHBURG
01015009	508 TAYLOR ST	CITY OF LYNCHBURG
01015010	506 TAYLOR ST	CITY OF LYNCHBURG
01015011	504 TAYLOR ST	CITY OF LYNCHBURG
01015012	1118 5TH ST	CARTER, ISAAC E & MATTIE J
01015013	1112 5TH ST	CITY OF LYNCHBURG
01015014	1157 PARK AVE	ROSSER, ANNIE C
01016001	1140 PARK AVE	KERR, ROBERT W
01017015	604 TAYLOR ST	THACKER, CECIL E & JEAN P
01017016	602 TAYLOR ST	THACKER, CECIL E & JEAN P
01017017	1200 PARK AVE	THACKER, CECIL E & JEAN P
01017018	1116 6TH ST	THACKER, CECIL E & JEAN P
01017019	1120 6TH ST	CITY OF LYNCHBURG
01028001	601 TAYLOR ST	CITY OF LYNCHBURG
01028002	1212 PARK AVE	THACKER, CECIL E & JEAN P
01028003	1421 7TH ST	L C F & ASSOCIATES
01029001	501 TAYLOR ST	CITY OF LYNCHBURG
01029002	505 TAYLOR ST	NARBIS, JEFFREY D
01029003	525 TAYLOR ST	CITY OF LYNCHBURG
01029012	1218 5TH ST	SMITH, FRANKLIN & DOREEN A
01029013	1216 5TH ST	CITY OF LYNCHBURG
01029014	1214 5TH ST	MASSIE, MELISSA
01029015	1212 5TH ST	CITY OF LYNCHBURG
01029016	503 TAYLOR ST	CITY OF LYNCHBURG
01029017	1208 5TH ST	CITY OF LYNCHBURG
01030001	1300 5TH ST	SMITH, DOREEN
01030002	509 WISE ST	CITY OF LYNCHBURG
01030003	515 WISE ST	CITY OF LYNCHBURG
01030004	517 WISE ST	CITY OF LYNCHBURG

01030005	519 WISE ST	CITY OF LYNCHBURG
01030006	521 WISE ST	CITY OF LYNCHBURG
01030007	520 FLOYD ST	CITY OF LYNCHBURG
01030008	518 FLOYD ST	CITY OF LYNCHBURG
01030009	514 FLOYD ST	CITY OF LYNCHBURG
01030010	510 FLOYD ST	SMITH, FRANKLIN
01030011	508 FLOYD ST	SMITH, FRANKLIN
01030012	1322 5TH ST	CITY OF LYNCHBURG
01030014	1316 5TH ST	SMITH, FRANKLIN
01030015	1310 5TH ST	CITY OF LYNCHBURG
01030016	503 WISE ST	CITY OF LYNCHBURG
01030017	513 WISE ST	CITY OF LYNCHBURG
01041001	1400 5TH ST	BROWN, MIRANDA J
01041002	509 FLOYD ST	FLOYD STREET PROPERTIES LLC
01041003	513 FLOYD ST	HUSAIN, LOLA C
01041004	517 FLOYD ST	WILLIAMS, JAMES A SR
01041005	515 FLOYD ST	WILLIAMS, ROSA B LIFE
01041006	519 FLOYD ST	CABELL, FRANCES M ESTATE
01041007	521 FLOYD ST	PELDSO, GREGORY J
01041008	523 FLOYD ST	BORN AGAIN CHRISTIAN CONST CO
01041009	1407 6TH ST	CHEATHAM, EUGENE C JR & SHERRIE D
01041010	1409 6TH ST	HILL, HARRY EDWIN
01041011	522 FILLMORE ST	MALONE, MARK & HATCH, SUSAN K
01041012	518 FILLMORE ST	TURNER, CLIFTON O JR
01041014	512 FILLMORE ST	ROBEY, SHIRLEY C
01041015	508 FILLMORE ST	HUSAIN, LOLA C
01041016	506 FILLMORE ST	HUSAIN, LOLA C
01041019	1412 5TH ST	JACKSON, JOHNNIE L & MARY A
01041020	1408 5TH ST	CITY OF LYNCHBURG
01041021	1406 5TH ST	B A C CONSTRUCTION COMPANY
01041022	1404 5TH ST	CITY OF LYNCHBURG
01041023	1402 5TH ST	BROWN, MIRANDA J
01042001	1500 5TH ST	HARRIS TIRE COMPANY
01042003	511 FILLMORE ST	COMMONWEALTH OF VA VDOT
01042004	1501 6TH ST	SCRUGGS, KERRY & DORIS
01042005	1505 6TH ST	GREEN, LANDON D
01042006	1507 6TH ST	THOMAS, JAMES P &
01042007	1509 6TH ST	MACK, MINNIE SMITH
01042008	1511 6TH ST	BURKS, ALFRED S
01042009	1517 6TH ST	JOHNSON, REGINALD O.
01042010	1519 6TH ST	CITY OF LYNCHBURG
01042011	508 PIERCE ST	CITY OF LYNCHBURG
01042012	1512 5TH ST	HARRIS TIRE CO INC
01043001	601 FILLMORE ST	KIRBY, ARTHUR T
01043002	603 FILLMORE ST	KULLMAN, GLENDA
01043003	609 FILLMORE ST	KULLMAN, GLENDA
01043004	615 FILLMORE ST	WARD, RUBY M & PENNIX, RUBY M
01043005	617 FILLMORE ST	DILLARD, KATHY T
01043006	621 FILLMORE ST	DILLARD, KATHY T
01043007	623 FILLMORE ST	MEBANE, LESLIE K
01043008	1511 7TH ST	K-MAC & ASSOCIATES LLC
01043009	1513 7TH ST	WOOD, NATHANIEL O

01043010	622 PIERCE ST	JONAS, BENJAMIN R
01043011	618 PIERCE ST	HILL, HARRY EDWIN
01043012	616 PIERCE ST	JOHNSON, DANNY M &
01043013	610 PIERCE ST	ANDERSON, DOREATHA PENN MADISO
01043014	604 PIERCE ST	CHAUFFE, DIANE
01043015	602 PIERCE ST	SCRUGGS, KERRY & DORIS
01043016	600 PIERCE ST	COBBS, EDITH C ESTATE
01043018	624 PIERCE ST	ANDERSON, RUBY A
02404004	309 LUCADO PL	CITY OF LYNCHBURG
02404005	300 CLAY ST	CITY OF LYNCHBURG
02404018	301 LUCADO PL	CORGI LLC
02404019	340 COURT ST	IMPERIAL LAND CO
02407001	300 FEDERAL ST	CENTRA HEALTH INC
02407002	708 3RD ST	CENTRA HEALTH INC
02407010	320 FEDERAL ST	CENTRA HEALTH INC
02407011	310 FEDERAL ST	CENTRA HEALTH INC
02408001	822 3RD ST	GRAY, JONCY M
02408002	818 3RD ST	TURNER, HARRY & BOOKER, DONNA
02408003	814 3RD ST	BROWN, ROBERT E JR & GRAZIANO, KARLA
02408004	810 3RD ST	RUTH, IDA C
02408005	808 3RD ST	RUTH, IDA C
02408006	301 FEDERAL ST	BROWN, CYNTHIA L & JACKSON, EMILY B
02408007	305 FEDERAL ST	CENTRA HEALTH INC
02408008	307 FEDERAL ST	BARBOUR, VINCENT L
02408009	311 FEDERAL ST	FIRST CHURCH OF JESUS APOSTOLIC
02408009	311 FEDERAL ST	FIRST CHURCH OF JESUS APOSTOLIC
02408010	313 FEDERAL ST	MINNIS, J F 1/2 & GARLAND 1/2
02408011	317 FEDERAL ST	BROOKS, HAROLD B JR & SANDRA S
02408012	No Address	No Owner Listed
02408017	801 4TH ST	RUSSELL, DERRICK B
02408018	813 4TH ST	RUSSELL, DERRICK B
02408019	817 4TH ST	JACKSON, JOE & PHYLLIS
02408020	823 4TH ST	DOUBT, SAM JR
02408021	326 JACKSON ST	WADE, JAMES E JR
02408022	316 JACKSON ST	FIRST CHURCH OF JESUS APOSTOLIC
02408023	308 JACKSON ST	FIRST CHURCH OF JESUS APOSTOLIC
02408024	304 JACKSON ST	BLANKS, JAMES L
02408025	812 3RD ST	RUTH, IDA CREQUE
02408025	812 3RD ST	RUTH, IDA CREQUE
02408026	803 4TH ST	RUSSELL, DERRICK B
02408027	322 JACKSON ST	IRVIN, HORACE E
02408029	809 4TH ST	BLANKS, JAMES L
02408030	811 4TH ST	BLANKS, JAMES L
02409001	400 JACKSON ST	TAX DEFERRED EXCHANGE SERVICES, INC
02409002	407 FEDERAL ST	BROOKS, HAROLD B JR & SANDRA S
02409007	801 5TH ST	ADAMS MOTOR COMPANY
02409008	811 5TH ST	TAX DEFERRED EXCHANGE SERVICES, INC
02410001	408 FEDERAL ST	SOUTHERN TRADERS LLC
02410005	703 5TH ST	SOUTHERN TRADERS LLC
02410006	707 5TH ST	SOUTHERN TRADERS LLC
02410007	709 5TH ST	SOUTHERN TRADERS LLC
02410008	711 5TH ST	SOUTHERN TRADERS LLC

02410012	701 5TH ST	SOUTHERN TRADERS LLC
02410013	717 5TH ST	SOUTHERN TRADERS LLC
02411004	601 5TH ST	CITY OF LYNCHBURG
02411005	605 5TH ST	CITY OF LYNCHBURG
02411006	609 5TH ST	SHENANDOAH TIRE CORP
02411007	619 5TH ST	SHENANDOAH TIRE CORP
02411009	414 HARRISON ST	SHENANDOAH TIRE CORP
02412002	501 5TH ST	CITY OF LYNCHBURG
02412003	521 5TH ST	LIM, EUNJOO & JUNG K
02413001	400 CLAY ST	BROOKS & BROOKS PROPERTIES, LLC
02413002	409 COURT ST	409 COURT STREET, LLC
02413007	411 COURT ST	INDUSTRIAL DEVELOPMENT AUTHORITY
02413008	403 5TH ST	THRASHER, CURTIS E & DAWN
02413009	409 5TH ST	LYNCHBURG 5TH STREET, LLC
02413010	415 5TH ST	JOHNSON, TAMAR L & DONOVAN K
02413011	417 5TH ST	CHILES, NATHANIEL
02413012	414 CLAY ST	BOURQUE, DAVID
02413013	412 CLAY ST	BROOKS & BROOKS PROPERTIES, LLC
02413014	406 CLAY ST	BROOKS & BROOKS PROPERTIES, LLC
02413015	404 CLAY ST	BROOKS & BROOKS PROPERTIES, LLC
02413018	416 CLAY ST	LYNCHBURG 5TH STREET, LLC
02413019	412 A CLAY ST	LYNCHBURG 5TH STREET, LLC
02414002	301 5TH ST	RIVER JAMES PROPERTIES, LLC
02414014	317 5TH ST	IMPERIAL LAND CO
02414016	410 COURT ST	IMPERIAL LAND CO
02419001	500 COURT ST	INN-GROUP INC, THE
02419003	314 5TH ST	TAYLOR, HERBERT E JR & RUTH B
02419004	312 5TH ST	TAYLOR, HERBERT E JR & RUTH B
02419016	309 6TH ST	THOMAS ROAD BAPTIST CHURCH
02420001	500 CLAY ST	COINER PARTS CO INC
02420004	408 5TH ST	FISHER AUTO PARTS INC
02420005	406 5TH ST	COINER PARTS CO INC
02420006	400 5TH ST	COINER PARTS CO INC
02420007	507 COURT ST	COINER PARTS CO INC
02420008	509 COURT ST	COINER PARTS CO INC
02420009	515 COURT ST	COURT STREET BAPTIST CHURCH TRS
02420010	517 COURT ST	COURT STREET BAPTIST CHURCH TRS
02420011	522 CLAY ST	COURT STREET BAPTIST CHURCH TRS
02420012	518 CLAY ST	COURT STREET BAPTIST CHURCH TRS
02420013	514 CLAY ST	COURT STREET BAPTIST CHURCH TRS
02420014	512 CLAY ST	COINER PARTS CO INC
02420017	516 CLAY ST	COURT STREET BAPTIST CHURCH TRS
02421001	520 5TH ST	SOUTHERN TRADERS, LLC
02421002	514 5TH ST	SOUTHERN TRADERS, LLC
02421003	512 5TH ST	SOUTHERN TRADERS, LLC - A VIRGINIA
02421006	502 5TH ST	SOUTHERN TRADERS, LLC - A VIRGINIA
02421007	500 5TH ST	SLIGH, WESLEY J & BETTY G
02421008	503 CLAY ST	SLIGH, WESLEY J & BETTY G
02421009	505 CLAY ST	FISHER AUTO PARTS INC
02421010	509 CLAY ST	SOUTHERN TRADERS, LLC - A VIRGINIA
02421011	511 CLAY ST	SOUTHERN TRADERS, LLC - A VIRGINIA
02421012	513 CLAY ST	FISHER AUTO PARTS INC

02421014	523 CLAY ST	ANGEL EYES LLC
02421017	518 MADISON ST	FISHER AUTO PARTS INC
02421020	516 MADISON ST	FISHER AUTO PARTS INC
02421021	512 MADISON ST	FISHER AUTO PARTS INC
02421022	508 MADISON ST	SOUTHERN TRADERS, LLC
02422001	618 5TH ST	LYNCHBURG COMMUNITY ACTION GROUP
02422002	614 5TH ST	WILSON, LOUIS E
02422003	612 5TH ST	WILSON, LOUIS R
02422004	610 5TH ST	JERICO BAPTIST MISSIONARY CHURCH TRS
02422005	606 5TH ST	JERICO BAPTIST MISSIONARY
02422006	600 5TH ST	LYNCHBURG COVENANT FELLOWSHIP INC
02422007	507 MADISON ST	JERICO BAPTIST MISSIONARY
02422008	511 MADISON ST	COLLEGE HILL HOMES LP
02422008	511 MADISON ST	COLLEGE HILL HOMES LP
02422009	515 MADISON ST	COLLEGE HILL HOMES LP
02422010	517 MADISON ST	COLLEGE HILL HOMES LP
02422011	519 MADISON ST	COLLEGE HILL HOMES LP
02422012	521 MADISON ST	COLLEGE HILL HOMES LP
02422013	605 6TH ST	COLLEGE HILL HOMES LP
02422018	506 HARRISON ST	WATSON, WAYNE & RUTH C
02422019	504 HARRISON ST	WATSON, WAYNE & RUTH C
02422020	502 HARRISON ST	LYNCHBURG COMMUNITY ACTION GROUP
02422021	607 6TH ST	COLLEGE HILL HOMES LP
02423002	712 5TH ST	CITY OF LYNCHBURG
02423003	710 5TH ST	IVEY, JASON A
02423004	702 5TH ST	LYNCHBURG REDEVELOPMENT & HOUSING
02423005	700 5TH ST	COBB, ERNEST R JR
02423006	507 HARRISON ST	B & B LAND DEVELOPMENT CORP
02423015	510 FEDERAL ST	LYNCHBURG REDEVELOPMENT & HOUSING
02423017	504 FEDERAL ST	LYNCHBURG REDEVELOPMENT & HOUSING
02423018	706 5TH ST	CARTER, JEAN E
02423019	708 5TH ST	LYNCHBURG REDEVELOPMENT & HOUSING
02424001	808 5TH ST	TAX DEFERRED EXCHANGE SERVICES, INC
02424005	804 5TH ST	TAX DEFERRED EXCHANGE SERVICES, INC
02424006	800 5TH ST	TAX DEFERRED EXCHANGE SERVICES, INC
02424011	815 6TH ST	TAX DEFERRED EXCHANGE SERVICES, INC
02424012	522 JACKSON ST	RAY, ANTHONY G
02424013	514 JACKSON ST	TAX DEFERRED EXCHANGE SERVICES, INC
02424014	510 JACKSON ST	TAX DEFERRED EXCHANGE SERVICES, INC
02424015	508 JACKSON ST	TAX DEFERRED EXCHANGE SERVICES, INC
02424016	504 JACKSON ST	TAX DEFERRED EXCHANGE SERVICES, INC
02429001	610 CLAY ST	CITY OF LYNCHBURG

...is hereby changed from B-1, Limited Business District and B-5, General Business District to R-2, Low-Medium Density, Single-Family Residential District, R-3, Medium Density, Two-Family Residential District, R-4, Medium-High Density, Multi-Family Residential District and B-6, Riverfront District as shown on the map entitled "Fifth Street Revitalization Corridor, Proposed Zoning" as recommended by Planning Commission 11/14/07.

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

Adopted:

Certified:

Clerk of Council

165L2

The Department of Community Development

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

To: Planning Commission

From: Planning Division

Date: October 10, 2007

Re: **REZONING: B-1, Limited Business District & B-5, General Business District to R-3, Medium-Density, Two-Family Residential District, R-4, Medium-High Density, Multi-Family Residential District & B-6, Riverfront Business District**
ZONING ORDINANCE AMENDMENT: Adoption of Section 35.1-43.2, Fifth Street Revitalization Corridor Overlay District (FSC)

I. PETITIONER

City of Lynchburg, Planning Commission

Representative: Tom Martin, AICP, City Planner, Planning Division, 900 Church Street, Lynchburg, VA 24504

II. LOCATION

The subject properties are generally located two (2) blocks on either side of the Fifth Street Corridor extending from Church Street to the Martin Luther King, Jr. Memorial Bridge.



Property Owners: See attached property owner list.

III. PURPOSE

The purpose of these petitions is to rezone properties along the Fifth Street Corridor and adopt the Fifth Street Revitalization Corridor Overlay District to create land use regulations that are conducive to implementing the Vision, Goals & Objectives of the *Fifth Street Corridor Master Plan*.

IV. SUMMARY

- Petitions agree with the *Comprehensive Plan* which designates Fifth Street as a “revitalization” area. (4.9)
- Petitions agree with the *Comprehensive Plan* which recommends measures to encourage housing rehabilitation and compatible residential infill in close proximity to the corridor. (4.9)
- Petitions agree with the *Comprehensive Plan* which recognizes that small lot sizes have limited the success of properties in the area. (4.9)
- Petitions agree with the *Fifth Street Corridor Master Plan* which recognizes that the existing B-5, General Business District zoning is not appropriate for the corridor. (pg. 37)

- Petitions agree with the *Fifth Street Corridor Master Plan* which recommends the creation of an overlay district for the area. (pg. 38)
- Petitions agree with the *Fifth Street Corridor Master Plan* which recommends that residential blocks be rezoned from B-5, General Business District to an appropriate residential zone. (pg. 38)

The Planning Division recommends approval of the rezoning and adoption of the Fifth Street Revitalization Corridor Overlay District.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* designates Fifth Street as a revitalization area and recommends measures to encourage housing rehabilitation and compatible residential infill in close proximity to the corridor. (4.9) The *Fifth Street Master Plan* recognizes that the existing B-5, General Business District zoning is not appropriate for the area but did recommend leaving it as an interim measure until a more appropriate zoning could be put in place. (pg. 37) The adoption of the B-6, Riverfront Business District, appropriate residential zoning and the Fifth Street Revitalization Corridor Overlay District will help progress the Vision, Goals & Objectives of the *Fifth Street Master Plan*.
2. **Zoning.** The properties proposed for rezoning and inclusion in the proposed overlay district are in the oldest areas of the City. The areas closet to downtown are part of the original City established in 1786, with the other outlying areas being annexed in 1852 and 1870.

The existing B-5, General Business District zoning for the area was established in 1978 with the adoption of the current Zoning Ordinance. Prior to its adoption only the properties fronting on Fifth Street were zoned for “business”. The zoning for Fifth Street matched that of the downtown until 1960 when a B-4, Central Business District was established for the area between Church & Commerce Streets.

Plans to widen Fifth Street in the late 1960’s probably justified the zoning of the area to a B-5, General Business District (the most intense commercial zoning category in the City). This zoning classification along with heavy thru traffic accelerated the development of “auto” dominated businesses along the corridor.

The *Fifth Street Master Plan* adopted in 2006 as part of the City’s *Comprehensive Plan* establishes the framework for the creation of a mixed-use pedestrian oriented street that supports the needs of the surrounding neighborhoods. The proposed rezoning and establishment of an overlay district will help in achieving the Vision, Goals & Objectives of the plan.

3. **Proffers.** N/A
4. **Board of Zoning Appeals (BZA).** N/A
5. **Surrounding Area.** N/A
6. **Site Description.** Fifth Street is a three (3) lane street forming a major spine within the City’s grid of streets in and surrounding the downtown area. The corridor is a link between the Downtown, Midtown and Rivermont areas of the City. Once Business 29, Fifth Street became Virginia Route 163 when the U.S. 29 by-pass was opened in 2005. Fifth Street is no longer a major U.S./Virginia through route and now has the opportunity to become a local serving street.

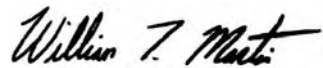
Fifth Street is primarily a commercial street from Main Street to just south of Park Avenue. Many of the commercial buildings are now vacant with those remaining being dominated by automobile repair shops. Several churches are also located in the corridor while the blocks surrounding Fifth Street have remained predominantly residential.

7. **Proposed Use of Property.** The purpose of these petitions is to create land use regulations that will aide in achieving the Vision, Goals & Objectives of the *Fifth Street Corridor Master Plan* while creating an environment that is conducive to business, residential development and the revitalization of the corridor.
8. **Traffic, Parking and Pubic Transit.** The City's zoning ordinance currently requires two and one-half (2.5) off-street parking spaces for residential uses and typically one (1) space per three hundred (300) square feet for commercial uses. Until the early 1990's the Fifth Street corridor was in the City's "First Fire District" which eliminated off-street parking requirements for the area. Removal of the parking exemption from Fifth Street created a land use regulation that was not conducive to redevelopment since a majority of the lots along Fifth Street are too small to facilitate off-street parking.
- The proposed rezoning and overlay district would remove the mandatory off-street parking requirement for properties zoned B-6, Riverfront Business District and require only one (1) parking space per unit in residential areas.
9. **Storm Water Management.** N/A
10. **Emergency Services.** N/A
11. **Impact.** The creation of the *Fifth Street Master Plan* in 2006 set the stage for the revitalization of the Fifth Street Corridor. The adoption of the proposed rezoning and overlay district will be one of the single most important steps in achieving the Vision, Goals & Objectives of the Plan.
- Major components of the proposal are:
- Rezoning areas along Fifth Street from B-5, General Business District to B-6, Riverfront Business District. This will eliminate mandatory off-street parking requirements and establish zoning which promotes mixed-use oriented developments as supported by the *Master Plan*.
 - Rezoning areas in the blocks surrounding Fifth Street from B-5, General Business District to an appropriated residential zoning (predominantly R-3, Medium-Density, Two-Family Residential District) to stabilize the existing neighborhoods by ensuring appropriate residential development.
 - Reduction in the side and rear setbacks to allow for building expansions and infill development.
 - Establishment of maximum front yard setbacks to establish a pedestrian oriented corridor.
 - Establishment of building material requirements.
11. **Technical Review Committee.** N/A
-

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of rezoning properties in the Fifth Street Corridor from B-1, Limited Business District & B-5, General Business District to R-3, Medium-Density, Two-Family Residential District, R-4, Medium-High Density, Multi-Family Residential District & B-6, Riverfront Business District and the adoption of Section 35.1-43.2, Fifth Street Revitalization Corridor Overlay District as part of the City's Zoning Ordinance.

This matter is respectfully offered for your consideration.

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

William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Charlene B. Montford, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia L. Kozerow, Lynchburg Police Department
Battalion Chief Greg Wormser, Fire Marshal
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Mr. Keith Wright, Zoning Official
Mr. Robert S. Fowler, Zoning Administrator
Mr. Kent L. White, Senior Planner
Mrs. Erin B. Hawkins, Environmental Planner

VII. ATTACHMENTS

- 1. Property Owner List**
- 2. Future Land Use Map**
- 2. Existing Zoning Pattern**
- 3. Proposed Zoning Pattern**
- 4. Proposed Overlay District Boundary**
- 5. Section 35.1-43.2**

MINUTES FROM THE SEPTEMBER 12, 2007 PLANNING COMMISSION MEETING (MINUTES HAVE BEEN APPROVED):

Mr. Martin explained that city staff was directed by the Planning Commission to start proceedings to rezone and create an overlay district for the Fifth Street Corridor on June 27, 2007. There was a well-attended neighborhood meeting held at Fifth Street Baptist Church on July 23, 2007. City staff had the opportunity to present draft proposals to the community and they were well received. The reason that this is being proposed is to implement the *Fifth Street Corridor Master Plan*, which was adopted the early part of last year. Some improvements have been made at the city-owned parking lot at Fifth and Polk Streets. Two bus shelters and ten historic trash cans have been installed along the corridor. Planning is working with Traffic and Engineering to have existing signal poles painted black. A contract has been signed with the same vendor that did the Midtown banners to prepared banners for the Fifth Street Corridor, as shown in the *Fifth Street Corridor Master Plan*.

Mr. Martin said that he will be going over in detail what the Fifth Street Overlay District will do for the corridor and look at the areas which are proposed for rezoning. Public hearing for this will be scheduled for the first part of October.

The main aspects of the *Fifth Street Corridor Master Plan* are to create a pedestrian oriented environment, one that celebrates Fifth Street and the culture of the area and to help bring it back to an area that supports the needs of the surrounding neighborhoods. Those neighborhoods are College Hill, Tinbridge Hill, Garland Hill and the downtown area. This corridor will also serve as an important link between the city's midtown district and the downtown and Rivermont Avenue area. Throughout the planning process, what they heard from participants is that Fifth Street is not a pedestrian friendly environment. It is functioning as a freeway and that has occurred for a number of reasons. There was a plan to widen Fifth Street at one time and on-street parking was taken away in the early '70's. The exemptions to the off-street parking requirements were taken away in the early '80's. This entire area was zoned B-5 in 1978 and that zoning encouraged auto oriented businesses and helped make Fifth Street a throughway. It became a street that no longer supported the surrounding neighborhoods. That is slowly coming around with some new businesses coming in to the area. There are also some existing businesses there and we want to support them and help them remain. The focus of the rezoning proposals is not to change anything overnight but to set the stage to bring Fifth Street back to what the *Fifth Street Corridor Master Plan* proposes for it.

Mr. Martin then went over the map of the proposed boundaries of the corridor. They were recently revised due to comments from the neighborhood meeting. Garland Hill and Courthouse Hill historic districts were removed because they have to adhere to their own set of stricter guidelines.

Mr. Martin then went over the draft of the Fifth Street ordinance. Comments follow on each paragraph:

(a) This paragraph contains the intent of the ordinance and the commissioners should be familiar with this language.

(b) Mr. Martin just went over the boundaries of the corridor.

(c) This paragraph says that the corridor overlay district will lay on top of zoning and will have additional requirements.

(d) Sometimes when you have an overlay district overlaying underlying zoning, those requirements conflict with one another. This paragraph says that where there is a difference in those requirements that the Fifth Street district's standards will apply.

(e) The uses will be the same as the underlying zoning. The only exception to that is that the underlying zoning would allow strictly residential uses fronting on Fifth Street. It is staff's

recommendation that residential uses fronting Fifth Street only be allowed as part of a mixed use building.

Commissioner Sale asked if the existing residential uses on Fifth Street would be grandfathered, and Mr. Martin said that is correct. The majority of the residential uses fronting Fifth Street are further down. Chair Hamilton asked what the mix is of residential versus commercial. Mr. Martin said it is predominantly commercial.

At this point, Mr. Martin mentioned that if there are things that the Commission would like to change, that the ordinance can be changed. The *Fifth Street Corridor Master Plan* actually recommended that the area from Park Avenue back toward the Martin Luther King Memorial Bridge be open space and residential. That is one thing that if the Commission feels strongly enough about, then the draft can be amended.

(f) These are some of the biggest changes that staff feels are positive. Right now most of the properties are zoned B-5, and they are not exempt from any parking requirements. The problem with that is that the lots are small; some of the buildings take up the entire lot. If you wanted to open a business on Fifth Street, you could not provide the required off-street parking. What has worked well in the downtown area is the B-6 zoning because there is a parking exemption. The ordinance does recommend and encourage the minimum parking requirements be adhered to, but it does not require them. Minimum requirements for residential areas would be one space per unit instead of the two and a half required presently.

Commissioner Swienton asked if this would apply to any mixed use developments. Mr. Martin said that it would not because mixed uses would be in the B-6 areas. Chair Hamilton asked if the B-6 zoning will only be for property fronting Fifth Street. Mr. Martin said that the B-6 would also extend up Federal Street.

Mr. Martin pointed out on the zoning map that the majority of the areas that are proposed for B-6 are parcels fronting on Fifth Street. It would also extend up Federal Street toward the Hollins Mill Road area. The larger B-6 area in green is in the southwestern area up Park Avenue. That is the College Hill filtration plant, which is zoned B-5 and for consistency, it was included.

Chair Hamilton asked Mr. Martin if he was confident that the off-street parking areas that are being provided and planned will be enough. Mr. Martin thinks that with the addition of off-street parking with on-street parking on the side streets and with existing publicly owned lots, it should be enough. Mr. Martin reminded them that the intent of the *Fifth Street Corridor Master Plan* was to create a pedestrian environment and to be a link between midtown and downtown as far as vehicular traffic is concerned. There was some discussion about how many parking spaces exist in the lots on Fifth Street and Mr. Martin guessed fifty to sixty total. Thirty plus on-street parking spaces will be added. There was some discussion about whether or not the spaces would be timed and Mr. Martin said that is something that would have to be decided. Mr. Martin stressed that if you are going to create an urban environment, you need to develop for people and not the automobile. Parking is a piece of revitalization, but it is not the only piece.

Chair Hamilton asked about Fisher Auto Parts and whether or not they would have ample room for the delivery trucks. Mr. Martin said that there were parts put in the *Fifth Street Corridor Master Plan* about how to work with Fisher Auto Parts to make sure that truck movements are allowed.

Commissioner Worthington asked if this ordinance would allow for residential uses. Mr. Martin said that the area would have to be zoned commercial in order to do a parking lot. Mr. Martin pointed out on the map that off-street parking lots were built into the lot to be accessed off the side streets.

Commissioner Worthington asked about whether parking permits would be required for residents. Mr. Martin said that it could come to that at some point.

(g) This paragraph states that where off-street parking is provided, that the lots be located to the sides and rear of buildings. The means of ingress and egress must be from side streets and not from

Fifth Street unless the topography or other condition peculiar to the site would prohibit it. This allows the buildings to be placed along Fifth Street and helps keep the traffic moving.

(h) This language comes from the commercial corridor area on Timberlake Road. Commissioner Swienton asked if the residential properties are at risk for increased commercial traffic. He wants to make certain that houses that are a couple blocks off Fifth Street are not being negatively impacted by traffic whose purpose is to be on Fifth Street. Mr. Martin commented that if the area develops per the plan, the way of thinking is that people would turn off Fifth Street and access a parking lot and then back to Fifth Street. Mr. Martin commented that this is an urban environment and it has a grid of streets. A grid of streets is important because people have many different routes to choose. People are using them as cut-through now, and he does not foresee it being any worse if we try to limit the number of curb cuts on Fifth Street.

Commissioner Worthington commented that there is a certain amount of traffic that goes up and down Fifth Street and changing the complexion of Fifth Street will not make the traffic go away. Mr. Martin thought that Commissioner Swienton's comments were directed at traffic going through residential areas and Commissioner Worthington's comments are about the people who use Fifth Street as a cut-through. Commissioner Worthington commented that if you slow it down, they are going to try and find other ways to get through. Chair Hamilton commented that is what the expressway is for or Twelfth Street. Commissioner Barnes commented that it will take awhile to change people's driving habits. Mr. Martin remarked that the comments they have heard from the neighbors is they want their street back. What we are trying to do is implement a community driven plan.

Commissioner Swienton commented that if this is developed as conceptualized, it will not be a concern because the idea is to promote walkability in the area.

(i) Exterior lighting should be controlled so that no direct illumination will occur beyond the property line. Obviously where the buildings have a zero foot setback, this would not be logical. In those cases, it cannot occur beyond the public sidewalk.

(j) New utilities would have to be located underground. Chair Hamilton asked about the status of burying existing utilities. Mr. Martin said it is very expensive. Mr. Martin said that the *Fifth Street Corridor Master Plan* recommended burying the utilities at the two blocks of Fifth and Federal and then consolidating everything else. The estimates from AEP have not been provided yet. If it is too expensive to bury the utilities, we will probably end up placing the conduits so that when we need to, we can bury them. Chair Hamilton asked when Mr. Martin might know the cost of burying the utilities. Mr. Martin said the \$250,000 has been allocated for the roundabout. The city has a lot of financial constraints on it; there are a lot of projects and we are trying to implement pieces of the plan as we go. Chair Hamilton asked about the issue of timing this with the CSO project. Mr. Martin said that he has been directed to proceed with the project regardless of the CSO. Going back to the cost of burying the utilities, Mr. Martin said it was a good rule of thumb is to allow \$500,000 per block. Commissioner Sale said that there is a visual issue at stake in this area and he feels that this is a significant issue to be addressed. Commissioner Sale that he would like to have a good estimate from AEP and Mr. Martin said he will let them know as soon as he has them.

(k) These are requirements that are almost exactly those of the Scenic Corridor Overlay District which extends up 501 out Boonsboro Road. Commissioner Worthington asked if these restrictions would be the only ones and Mr. Martin said they are very limited as to what they can do as far as aesthetic requirements. The only way you can regulate building style and aesthetics is through a historic district or an historic district entrance corridor, neither of which applies to Fifth Street. Mr. Martin explained that if someone chose to build with cinder block, they could do that, but they would have to screen it with landscaping. Chair Hamilton asked about those buildings that already exist and Mr. Martin said this ordinance would not apply to them. If they build an addition, it would apply to the addition.

Commissioner Sale asked how people will be compelled to follow these regulations. Mr. Martin said that buildings are encouraged to comply with the Commercial Historic District Guidelines. Mr. Martin said that the way they are encouraged presently is to send them through the Design Review Board instead of

the Historic Preservation Committee. The guidelines are encouraged through the site plan review process.

(l) There is nothing different in this requirement than what is in the zoning ordinance now except that this is saying that you could use a screening fence, wall or combination of landscaping, fence or wall to provide the screen. Since this is a tight urban area, providing a twenty foot landscape strip might not be the best use of the land.

(m) Commercial building setbacks: Front setbacks are at zero feet, so buildings will have to front on the sidewalks. Side setbacks are zero feet. Rear setback is set at ten feet to preserve the cross access between lots. There is no maximum lot coverage. There is a twenty-four foot minimum height requirement to encourage two-story buildings. Commissioner Worthington asked about the forty-eight foot maximum. Mr. Martin thought there was no maximum height requirement in B-6. There was some discussion about the maximum number of stories a building could be, and Mr. Martin thought that four stories should be the maximum.

Residential district setbacks: Front setback is fifteen feet maximum. Side setback is three feet. That is the minimum that building code would allow. Rear setback is five feet which is also the minimum that building code would allow. There is no maximum lot coverage. Building height was not set. We could probably look at R-3 for that building height.

Chair Hamilton asked what existing structures will be affected by this, and Mr. Martin said there were some apartments on Madison Street. Mr. Martin looked it up and said that the maximum building height in R-3 is forty feet. He could not find a maximum building height in R-4. He said he would talk with the zoning administrator about minimum and maximum heights in an R-4 district.

Commissioner Worthington asked about creating higher density in this area and whether or not some R-4 zoning should be created. Mr. Martin commented that what staff had tried to do was bring the residential areas back into conformity and promote people to do infill development. Chair Hamilton also pointed out that there are many areas that will remain R-3 and R-4.

Commissioner Barnes asked about encouraging other modes of transportation. Since this is a zoning document, he did not know if this was relevant, but he wanted to make sure that alternate modes of transportation would be encouraged. Mr. Martin commented that the *Fifth Street Corridor Master Plan* does show bus pull offs. It talks about loading zones and widening the sidewalks to encourage pedestrian movement. The *Fifth Street Corridor Master Plan* shows some trail gate connections to the Blackwater trail. Unfortunately, there is not a lot of room to add a bike lane on Fifth Street. As far as GLTC, there are numerous bus stops. We need to improve those bus stops so they are conducive to people using them. Commissioner Barnes commented that there was some discussion in the *Comprehensive Plan* about connecting midtown and downtown with Fifth Street and having a bus loop or trolley loop. Mr. Martin agreed that we should look at this, but he does not think that this document is the tool to do that. Chair Hamilton asked what would be the appropriate time and Mr. Martin thought that if they continue their talks with GLTC, that would be a good time.

Commissioner Sale mentioned that bike racks in the public parking lots would be a simple way to encourage bike travel and Mr. Martin said that we could do that now.

Commissioner Sale asked about the Adams Motors building and car lot. Mr. Martin said that there have been meetings with Mr. Gibbs, the owner of those properties. A lot of things have been talked about, but no definite plans. Commissioner Sale asked if he was aware of this document, and Mr. Martin said he was. Mr. Martin said they have been working with him about the right-of-way they need for the roundabout and he has been very supportive of what we are trying to do.

Commissioner Sale asked about Johnson Health Center and their plans to expand. Mr. Martin said that the last he had heard was that this had been put on hold. Ms. Laura Dupuy was present to comment and said that everything looks good and they are working on some of the financing.

Commissioner Sale asked about the old grocery store on Federal Street and Mr. Martin said that site plans have been submitted to TRC, but that Mr. Kuttner is probably focusing his energy on Kemper Street. Mr. Martin said that they have talked with Mr. Kuttner and invited him to the meetings.

Commissioner Sale asked about the property that people refer to as the old cab station and what the status of it was. Mr. Martin said that right now it shows that it is owned by Southern Traders.

Commissioner Sale commented that this is his neighborhood and he is very interested in it and seeks the best for it. He has consulted with the city attorney if there is any conflict of interest and has been told that there is none unless he has some larger business interest in the area.

Chair Hamilton addressed the interested public and told them that there would be a public hearing at a later date. Mr. Martin said that he has had a lot of phone calls about this and people have been very receptive. He told those present that they could feel free to call him and Chair Hamilton expressed the same for the Planning Commission.

MINUTES FROM THE OCTOBER 10, 2007, PLANNING COMMISSION MEETING (MINUTES HAVE BEEN APPROVED):

b. Consideration of adopting Section 35.1-43.2, Fifth Street Revitalization Corridor Overlay District as part of the Zoning Ordinance which will establish the Fifth Street Revitalization Corridor which will generally include properties two blocks on both sides of Fifth Street from its intersection with Church Street to the Martin Luther King, Jr. Memorial Bridge. The Fifth Street Revitalization District would establish minimum and maximum setbacks, establish minimum and maximum height requirements, reduce or eliminate off-street parking requirements, promote appropriate architectural materials and mixed use developments. Consideration of rezoning properties located within the boundaries of the Fifth Street Revitalization Corridor from B-1, Limited Business District, & B-5, General Business District to R-3, Medium Density, Two-Family Residential District & B-6, Riverfront District.

Mr. Martin addressed the commissioners with the following comments. There was a work session on these items on September 12, 2007. The Planning Commission directed staff to initiate these proceedings in June 2007. There was also a neighborhood meeting on July 23, 2007 at Fifth Street Baptist Church that was well attended. The Fifth Street Revitalization Corridor is proposed to extend from Fifth Street at its intersection with Church Street to the Martin Luther King Memorial Bridge along Fifth Street and generally contains two blocks on either side of Fifth Street with the exception of the Garland Hill Historic District, the Old City Cemetery and a small portion of Courthouse Hill Historic District. These exclusions were primarily from requests that were heard at the neighborhood meeting because the historic districts operate under their own set of guidelines and do not need any more oversight by the city.

The purpose of these proposed rezonings and the adoption of an Overlay District are to implement land use regulations that will aid in helping the city and the community achieve the vision, goals and objectives of the *Fifth Street Master Plan* which was adopted in 2006 as part of the City's *Comprehensive Plan*. It is staff's opinion that the proposals are in compliance with both of those documents. The major components of the proposals are to rezone areas fronting Fifth Street. Most of the properties in this area are zoned B-5, which is the most intensive business district in Lynchburg. Also, a large portion of the predominantly residential areas off Fifth Street are zoned B-5, which does not promote or allow for infill of residential development without special approval.

The proposal is to rezone the properties fronting on Fifth Street and some portions off Fifth Street to B-6, which is the Riverfront Business District, which is the primary zoning for downtown. This zoning really promotes the pedestrian oriented and mixed use types of developments that the *Fifth Street Master Plan* and *Comprehensive Plan* call for in this area. The areas off Fifth Street that are predominantly residential would be rezoned R-3, which would allow for single-family homes or duplexes. The mandatory off-street parking requirements for the B-6 areas would be eliminated and the off-street parking requirements for residential uses are proposed to be reduced from two and a half spaces per unit to one space per unit. Another major component of this proposal is reducing the required setbacks in the residential area from a thirty foot minimum front yard, an eight foot minimum side yard and a thirty foot minimum rear yard to a fifteen foot front yard, a three foot minimum side yard and a five foot rear yard. Currently, the lot sizes and required setbacks do not allow room for homes or for building additions.

Mr. Martin would like Planning Commission to discuss the minimum frontage requirements for lots and lot areas. In R-3, the minimum frontage requirement is sixty feet. Many of the lots along Fifth Street range from thirty-one to fifty-two feet. The minimum lot area in an R-3 area is 8,000 square feet and these lots are smaller than that requirement.

Mr. Martin mentioned some changes since the work session. Properties fronting Monroe Street between Fifth and Fourth Streets were changed to B-6 from residential at the request of the Legacy Museum. It is well established and this zoning would allow for their expansion as a use permitted by right. Staff also recommends that Planning Commission considers changing paragraph e(1) in the ordinance. It should be changed from prohibiting residential uses fronting Fifth Street to requiring that residential uses fronting Fifth Street shall require a Conditional Use Permit unless they are part of a mixed use development. This recommendation is made because in the *Fifth Street Master Plan* some of the areas were intended to remain predominantly residential.

The Planning staff does recommend approval of both the rezoning and the adoption of the Fifth Street Revitalization Corridor Overlay District.

Chair Hamilton asked for anyone present who wished to speak in favor of the petition. Mrs. Frances Calhoun came forward. She is representing the Garland Hill Historic District. They would like to see four properties that are presently zoned B-5 (412 Madison Street, 413 Madison Street, 412 Harrison Street and 415 Harrison Street) to be rezoned R-2. This would make their zoning consistent with the rest of the Garland Hill Historic District. All four of these properties are residential in character. 412 Madison Street is a combination of offices and apartments. 412 Harrison Street is a duplex rental. 413 Madison Street and 415 Harrison Street are both residential. She would like to ask Planning Commission to direct Mr. Martin to make that change to the plan before it is presented to City Council.

Chair Hamilton asked for anyone else present to speak in favor of the petition. Ms. Laura Dupuy, the Executive Director of Lynchburg Neighborhood Development Foundation (LNDF), came forward. She is in favor of the plan because it is consistent with the *Fifth Street Master Plan* as well as the Conservation Area Plan that the Housing Authority has proposed in Tinbridge Hill. LNDF has probably done the majority of the single-family homes in this neighborhood. They have struggled with the lot sizes and other issues that Mr. Martin has mentioned already. She feels that the entire downtown area will benefit from more urban type of setbacks and zoning consistencies.

She mentioned that the one off-street parking requirement is still not consistent with an urban environment. She would like for the city to see that there is a need for more on-street parking. That would benefit the development of this entire area. The topography in this area is not conducive to driveways. In most cases, the lot sizes also prohibit putting in a driveway. She would like to argue that we stay consistent with this very aggressive and modern way of looking at developing an old area and making it fit with the way the city is today. She also mentioned that Lynchburg Covenant Fellowship owns one of the properties mentioned in Garland Hill (412 Madison Street). She has no objection to the proposal to rezone it R-2 as long as its current use can remain a non-conforming use. The property will never be given up unless it was to change into something that would benefit the neighborhood.

Mr. Dan Murphy, the owner of 413 Madison Street, came forward to speak. One of the reasons that he bought this house was because of the *Fifth Street Corridor Master Plan*. He would really like to see the plan develop.

There were no others present to speak in favor of the petition. Chair Hamilton asked for anyone present to speak in opposition to the proposal. Mr. Marvin Stevens, 323 Jackson Street, came forward with a concern about what he would have to do to make his property comply with the new ordinance. He wondered if there was a grandfather clause for the existing homes. Chair Hamilton assured him that they would be grandfathered in and that they will be sure to address this issue.

Chair Hamilton closed the hearing and asked Mr. Martin to address the issue of grandfathering properties. Mr. Martin explained that any existing uses that are not in compliance with the new zoning would be grandfathered. For instance, if you had a used car lot, that use would be allowed to remain

indefinitely. If that use ceased to exist for a period of two years, then the new use would have to comply with the new zoning. As far as existing residential uses, if this proposal is adopted, owners will not have to do anything to their properties. The intent of this proposal is to encourage people to reinvest in their homes, to enlarge them and to infill in these small lots.

Commissioner Worthington asked if one of these properties is destroyed by fire or some other disaster, can the same type of use be rebuilt on it. Mr. Martin said with the current zoning, if one of these homes was destroyed by fire, it could only be rebuilt with a conditional use permit. If it were rezoned, this would allow for rebuilding by right.

Commissioner Sale asked how the changing of the four properties Mrs. Calhoun mentioned would be handled. Mr. Martin said that he did look at these properties and does not have a concern with the request. It is logical for those to be designated as single-family. Commissioner Sale asked if those four properties would have to be identified in any resolution that is made, and Mr. Martin said that is correct.

Commissioner Barnes asked about the other property owners and if we know how they feel about it. Mrs. Calhoun thought that the change would not really affect them because the office use of 412 Madison Street would be grandfathered. There was also discussion about how the property owners had all been notified of the public hearing and had the opportunity to come to meeting and hear what was being proposed for their property.

Commissioner Sale asked Ms. Dupuy to come back and describe what she would like to recommend in terms of parking. She said that her recommendation would be no off-street parking. It does not mean that people would not do off-street parking, but that in the Tinbridge Hill in particular, it is not even possible to do one off-street parking space. Chair Hamilton asked her if she thought it would hamper the redevelopment in that area because the on-street parking will be taken up by residents. Ms. Dupuy said that businesses would need to consider this and give their employees some place to park. She feels that the market will find the right way to do parking.

Commissioner Worthington asked Ms. Dupuy if she thought that in the future people might have to get a sticker to park on the street or did she see some way to manage it. She did not have any specific recommendations, but that she thought that people learn to deal with the parking situation. She thinks that we should try to make it as convenient as possible, but that parking problems are part of living in an urban area.

Commissioner Sale asked Ms. Dupuy asked her if with regard to the ordinance, would she suggest eliminating paragraph (f)2. completely. Mr. Martin commented that if the Commission wants to consider this, it should be spelled out rather than dropped entirely. If it is dropped, it may be interpreted as two and a half spaces per unit. There was some discussion about how to word this portion of the ordinance.

Commissioner Swienton commented that he is trying to find a balance between promoting the urban development and the fact that limited parking may deter people from wanting to live in this area. Ms. Dupuy said that she did envision this as being a real problem. She thought that the lot sizes are conducive to alleys, which might give access to the backs of houses.

There was more discussion about whether or not dropping the off-street parking requirement entirely was a good idea or not and that possibly making exceptions would be a better way of handling it. Mr. Martin suggested exempting the lots that fronted streets that had on-street parking but not those that did not. After more discussion though, it seemed simpler to everyone to just do away with the parking requirement. Commissioner Worthington asked Mr. Martin if he thought this would create more problems, and Mr. Martin thought that parking would be provided where feasible and not provided where it was not feasible. To a large degree, he thought that our older urban areas of our city developed quite well without any development regulations. If it does become a problem, it could always be looked at

again later. The whole intent is to make it very attractive and easy to redevelop this area and if doing away with the off-street requirement for residences helps, then they should consider it.

There was some discussion about how to word this in the ordinance and Commissioner Sale recommended having paragraph (f)2 say: "There will be no minimum off-street parking requirement for residential uses." The commissioners agreed on this language. Commissioner Sale made a motion for this language, Commissioner Barnes seconded it and it passed by the following vote:

AYES:	Barnes, Flint, Hamilton, Oglesby, Sale, Swienton and Worthington	7
NOES:		0
ABSTENTIONS:		0
ABSENT:		0

There was then some discussion about the reason for reducing the setbacks in the R-3 area. Mr. Martin said that it currently requires a zoning variance for people who cannot comply with the current setbacks. This puts another hindrance to redevelopment and building additions.

Mr. Martin answered the question raised in last meeting about the maximum height restriction in an R-4 area. Mr. Martin said that there is no maximum height.

Mr. Martin brought up the issue of minimum lot size and recommended that there be no minimum lot size. The frontage requirement will take care of that anyway. Mr. Martin asked Ms. Dupuy for her opinion on whether people can build houses on these small lots and she thought that Habitat has done it many times.

Commissioner Worthington asked if we adopt a small frontage or no frontage would that encourage and would you want larger lots to be subdivided? Mr. Martin said yes because the key to this area's success is going to be bringing people in to live there. He would not recommend reducing the frontage to less than thirty feet.

Commissioner Swienton asked Mr. Martin if he thought there should be a maximum height restriction in an R-4 district and should they do that at some later point? Mr. Martin said that does seem logical.

The discussion went back to the minimum frontage and Commissioner Worthington made a motion that the minimum frontage requirement of thirty feet be added to the ordinance, that the minimum lot size be added as zero and that the maximum height restriction of forty feet in an R-4 area be added. Commissioner Oglesby seconded this motion and it passed by the following vote:

AYES:	Barnes, Flint, Hamilton, Oglesby, Sale, Swienton and Worthington	7
NOES:		0
ABSTENTIONS:		0
ABSENT:		0

There was some discussion about a minimum road frontage needed to be put on the business districts and it was decided not to do so.

Commissioner Barnes made the following motion, which was seconded by Commissioner Worthington, that paragraph (e)1. be changed to: "Residential uses fronting Fifth Street shall require a Conditional Use Permit unless they are part of a mixed use development." It passed by the following vote:

AYES:	Barnes, Flint, Hamilton, Oglesby, Sale, Swienton and Worthington	7
NOES:		0
ABSTENTIONS:		0
ABSENT:		0

The discussion then went back to how to address the four properties in the Garland Hill District. Mr. Martin said that if they want to change the zoning on those four properties, then it needs to be in the minutes that the Planning Commission directs staff to change it on the zoning map. Commissioner Sale asked if there should be a public hearing to change the zoning of these four properties. After extensive discussion about whether or not the Planning Commission would change their recommendation to City Council about these four properties, it was the feeling of the commissioners that there should be another public hearing and notices sent out because the proposed zoning of these properties has changed from R-3 to R-2. Mr. Martin also agreed to send these four property owners letters.

Commissioner Sale made a motion to table this matter until notices can be sent out again. It was seconded by Commissioner Worthington and passed by the following vote:

AYES:	Barnes, Flint, Hamilton, Oglesby, Sale, Swienton and Worthington	7
NOES:		0
ABSTENTIONS:		0
ABSENT:		0

MINUTES FROM THE NOVEMBER 14, 2007, PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

d. Consideration of adopting Section 35.1-43.2, Fifth Street Revitalization Corridor Overlay District as part of the Zoning Ordinance which will establish the Fifth Street Revitalization Corridor which will generally include properties two blocks on both sides of Fifth Street from its intersection with Church Street to the Martin Luther King, Jr. Memorial Bridge. The Fifth Street Revitalization District would establish minimum and maximum setbacks, establish minimum and maximum height requirements, reduce or eliminate off-street parking requirements, promote appropriate architectural materials and mixed use developments. Consideration of rezoning properties located within the boundaries of the Fifth Street Revitalization Corridor from B-1, Limited Business District, & B-5, General Business District to R-2, Low-Medium Density, Single-Family Residential District R-3, Medium Density, Two-Family Residential District, R-4, Medium-High Density Multi-Family Residential District & B-6, Riverfront District. Properties not included within the Fifth Street Revitalization Corridor, but proposed for rezoning from B-5, General Business District to R-2, Low-Medium Density, Single-Family Residential District include: 412, 415 Harrison Street, 412, 413 Madison Street and 501 Fifth Street. Property not included in the Fifth Street Revitalization Corridor Overlay District but proposed for rezoning from B-5, General Business District to B-6, Riverfront District includes: 414 Harrison Street.

Mr. Martin addressed the commissioners with the following comments. There was a work session on item on September 12, 2007 and a public hearing on October 10, 2007. At that time, there was a request from the Garland Hill Historic District to consider amending what was proposed for some of the properties from being rezoned B-6 to R-2. They felt this would be more consistent with what Garland Hill is zoned now and how it has developed over the years. The Planning Commission instructed staff to go back and readvertise the item for a public hearing and to talk with the four property owners. All the property owners were sent a personal letter from Mr. Martin as well as the normal notification letter. The only person he heard from was Lynchburg Covenant Fellowship. It is their desire that their property be left B-6. He can understand their reasoning, but they requested that if their zoning were changed, that it be changed to B-6. Mr. Martin would not want one property to change the outcome of the overlay district rezoning, so it would be his suggestion that 412 Madison Street be changed to B-6 and the others to R-2. Two of the properties want to be changed to R-2 and are currently single-family homes. Another one is run by Central City Homes and is owned by Lynchburg Neighborhood Foundation. Ms. Laura Dupuy, the director of LNDF understands her non-conforming status.

Another change that they made is that part of Biggers Park was changed to R-2. It makes no difference how it is zoned, since it is city property. Also, at the Clay Street Reservoir, there was small sliver of property that needed to be changed to residential. It does not make a significant difference either since it is city property. It was indicated in the Master Plan to be redeveloped into some type of public landing park area. The Planning Division does recommend approval of both the overlay district and the rezoning.

Ms. Frances Calhoun came forward to speak in favor of the petition. She expressed appreciation to Mr. Martin for readvertising this based upon their request for the four specific properties. She was not aware though that he was going to recommend that 412 Madison Street be omitted and she would request that it be rezoned R-2 for two reasons. First of all, it will not affect the Lynchburg Covenant Fellowship's operation. However, in the future, it should be R-2 like the rest of the neighborhood. The other reason is that it was built as a single-family house and it still retains that residential characteristic. They would like to see all four properties to be rezoned R-2.

Ms. Kay Butterfield of 322 Harrison Street came forward to speak in favor of the petition. She has lived in Garland Hill since 1970 and she would also like to see 412 Madison Street to be rezoned R-2. She thinks that the purpose of zoning is to set the parameters. Just because the Covenant owns that property now, she does not think that you should lump it into their use. She thinks that they should open it up to residential use, if possible.

Chair Hamilton closed the public hearing portion of the hearing. Chair Hamilton asked Mr. Martin to talk about the impact on Lynchburg Covenant Fellowship if they are rezoned R-2. They understood the impacts either way, but in the end, they wanted B-6. They have been located there since 1966 and have worked to help provide decent, affordable housing in the inner city. If it is zoned R-2, it will be non-conforming. They will not be able to do any building additions, although they really do not have the room to do building additions. If they are zoned B-6, they will be allowed to remain there by-right. It does not mean that someone could not buy the property and convert it back to single family housing, but this way it could be used for office uses or retail. Mr. Martin understands Garland Hill's situation, but out of this entire process, Lynchburg Covenant Fellowship is the only one who vocally stated that they would like to be B-6 and he would hate to derail this process because of one owner. There is too much good to be done here with these proposed changes.

Commissioner Sale was not sure if he should abstain from the vote or not. He is a member of the Garland Hill Neighborhood Association and feels very strongly about the R-2 request. However, he has spoken with the Lynchburg Covenant Fellowship and they feel they are being impinged upon by the neighborhood and they would rather stay where they are and what they are. Commissioner Sale is inclined to go with Mr. Martin's suggestion even though it is non-conforming with the rest of Garland Hill. They have seen properties in Garland Hill that have changed purposes a lot of times. He thinks that Covenant's argument is that they are thinking twenty years down the road rather than the present situation. Commissioner Sale does not think that anything is going to change from now even twenty years down the road.

Ms. Calhoun said that she is also thinking about twenty years down the road. Since it does not impact their current operation and there is no room on the lot for expansion, it is single-family residential in character. It is the first building that anyone sees when they drive into the Garland Hill Historic District. If it is not zoned R-2 and they should ever sell it, then you would lose control of whatever went in there.

Chair Hamilton pointed out that if they zoned it R-2 and it burned down, they could not rebuild it for its current use. Mr. Martin explained that if it were rezoned R-2, they could continue to operate the office uses that are there now and those office uses could be transferred to another person. However, if the property was converted back to a residence, then those office uses would go away. If the property was destroyed by a natural disaster, they could rebuild it back to its current use. Ms. Calhoun pointed out that there is rental property there now.

Commissioner Barnes commented that he is leaning toward the B-6. It is adjacent to a B-6 property and Covenant Fellowship has been a strong contributor to the Lynchburg community, that he is inclined to go along with their request. If they were no longer there, there are businesses that would be compatible as a transition to the neighborhood, such as lawyer's offices. He is not very concerned with a use coming in there that would damage the neighborhood.

Mr. Martin explained that they need to make two motions. The first would be for the rezoning and the second would be for adopting the overlay district.

Commissioner Oglesby made the following motion, which was seconded by Commissioner Sale and it passed by the following vote:

"That the Planning Commission recommends to City Council approval of rezoning properties in the Fifth Street Corridor as shown on the Fifth Street Revitalization Proposed Zoning map dated September 12, 2007 and revised November 7, 2007, with

the exception of Tax Map #024-12-004, 412 Madison Street, which will be zoned B-6, Riverfront Business District."

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

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

"That the Planning Commission recommends to City Council the approval of the adoption of Section 35.1-43.2., Fifth Street Revitalization Corridor Overlay District as part of the City's Zoning Ordinance, as shown on the Fifth Street Revitalization Corridor Proposed Boundary Map dated September 12, 2007, revised November 7, 2007."

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

Commissioner Sale wished to thank Mr. Martin for the work he has done on behalf of the neighborhood, as well as College Hill. We have come a long way and there is a long way to go. There was then applause for Mr. Martin's work.



MEMORANDUM

The Department of Community Development

Planning Division

455-3900

To: Planning Commission
From: Tom Martin, AICP, City Planner
Subj: Fifth Street Revitalization Corridor Overlay District / Rezoning
Date: November 14, 2007

At its October 10, 2007 meeting, the Planning Commission requested that the Fifth Street Revitalization Corridor Overlay District and rezoning of properties within or adjacent to the proposed overlay district be re-advertised for public hearing. The request for re-advertisement came after the Planning Commission considered changing the zoning of 412 / 415 Harrison Street and 412/413 Madison Street to R-2, Single-Family Residential District instead of the originally proposed B-6, Riverfront Business District.

As requested during the meeting the owners of these properties were sent individual notifications from me in addition to the normal public hearing notices.

I have attached updated maps and ordinance for your review. If you have any questions concerning this matter, please feel free to contact me at (434) 455-3909.

DRAFT – SEPTEMBER 07, 2007, Revised October 10, 2007

Sec. 35.1-43.2. Fifth Street Revitalization Corridor Overlay District (FSC).

- (a) Intent. This district is intended to protect and promote the health, safety and general welfare of the public; to enhance the visual appearance of the corridor; to protect and promote the vision and goals of the Fifth Street Corridor Master Plan; to protect and promote appearance, character and community values by encouraging pedestrian and mixed use oriented uses along the corridor that serve the needs of the surrounding neighborhoods.

Furthermore, the district is intended to promote responsible commercial development; to encourage neighborhood stabilization, expansion and infill; to reduce the amount of vacant and deteriorated structures in the corridor; to encourage designs that produce a desirable relationship between individual sites, multiple modes of transportation and the adjacent areas; and to promote the corridor as a link between the Downtown and Midtown areas of the City.

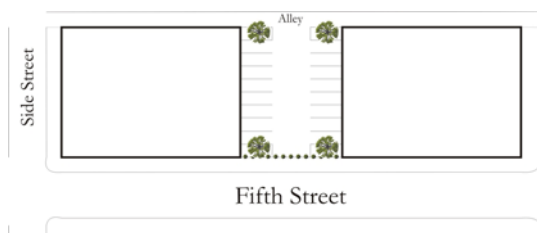
- (b) District boundaries. The Fifth Street Revitalization Corridor Overlay District boundaries are established from the intersection of Fifth Street to the Martin Luther King, Jr. Memorial Bridge, encompassing two (2) blocks north and south of Fifth Street, excluding the Court House Hill Historic District, the Garland Hill Historic District, the Old City Cemetery, and one-half (0.5) of a block bounded by Sixth Street, Seventh Street and Church Street. (Figure A)



Figure A. Fifth Street Revitalization Corridor District Boundaries.

- (c) Establishment of district. The Fifth Street Revitalization Corridor Overlay District shall be in addition to and shall overlay all other zoning districts where it is applied so that any parcel of land lying in the Fifth Street Revitalization Corridor Overlay shall also lie within one or more of the other zoning districts provided by this ordinance. The effect shall be the creation of a new zoning districts consisting of the regulations and requirements of both the underlying district(s) and the Fifth Street Corridor Overlay District.

- (d) District standards. Where the standards of the Fifth Street Revitalization Corridor Overlay District and the underlying district(s) differ, the Fifth Street Revitalization Corridor standards shall apply except in the instance of individually designated historic properties.
- (e) Permitted uses. The uses permitted by right, as accessory and by conditional use permit shall be the same as the uses permitted by right, as accessory and by conditional use permit in the applicable underlying zoning district except for the following:
1. Residential uses fronting Fifth Street shall require a conditional use permit unless they are part of a mixed use development.
- (f) Off-street parking requirements. The minimum off-street parking requirements for the Fifth Street Revitalization Corridor are as follows:
1. Minimum off-street parking requirements for areas zoned B-6, Riverfront Business District, shall not apply because of the impracticability of providing such parking on the basis of individual uses in highly congested areas. However, developers are strongly encouraged to provide parking up to the minimum requirements.
 2. Minimum off-street parking requirements for residential uses shall not apply because of the impracticability of providing such parking on small lots. However, developers are strongly encouraged to provide off-street parking in areas where on-street parking is not available.
 3. All other uses permitted by right, as accessory or by conditional use permit shall provide off-street parking as provided in Section 35.1-25.
- (g) Location of off-street parking facilities. Where provided, off-street parking facilities shall be located to the sides and rear of buildings. Means of ingress and egress to off-street parking facilities shall be from side streets only and shall not be from Fifth Street unless topography or other conditions peculiar to the site would prohibit a means of ingress and egress from the side street.



Permitted Parking Location



Not Permitted

- (h) Internal vehicular circulation. Sites fronting Fifth Street shall be designed to achieve direct and convenient vehicular access between adjacent properties. The

owner(s) of a lot(s) providing for internal vehicular circulation shall make adequate provision by dedication, easements, covenants, restrictions, or other legal instruments for ensuring that internal vehicular circulation is provided for and maintained consistent with the regulations and intent of this section.

- (i) Exterior Lighting. Exterior lighting shall be controlled so that no direct illumination will occur beyond the property line. In instances where buildings have a zero (0) foot setback, exterior lighting shall be controlled so that no direct illumination occurs beyond the public sidewalk.
- (j) Utilities. All utilities shall be located underground.
- (k) Architectural treatment. Buildings fronting or visible from Fifth Street are encouraged to comply with the Commercial Historic District Guidelines.
 - 1. No portion of a building constructed of unadorned cinderblock, corrugated and/or sheet metal shall be visible from any adjoining residential district, historic district or public right of way.
 - 2. Buildings fronting on Fifth Street shall be designed to utilize building materials that are compatible with the Fifth Street Revitalization Corridor Overlay District such as stone, brick, stucco, or wood.
 - 3. Vegetative buffering as described in Section 35.1-25.11, Buffering of this ordinance placed along that portion of the building not otherwise meeting the requirements of architectural treatment will be deemed sufficient treatment for the purposes of this section.
 - 4. Front porches are encouraged for all newly constructed or renovated residential units.
- (l) Commercial districts adjacent to residential districts. In all instances where a commercial district is adjacent to a residential district, there shall be established in the commercial district a screened yard between the two (2) districts. Screening may be provided according to the regulations of Section 35.1-25.11, Buffering of this ordinance or by providing a screening fence, wall or any combination of landscaping, fence or wall adequate to screen the commercial use as approved by the City Planner.
- (m) General Standards, Fifth Street Revitalization Corridor.
 - 1. Business Districts.
 - (a) Area requirements - none
 - (b) Front setback – Zero (0) feet maximum.
 - (c) Side setback – zero (0) feet.
 - (d) Rear setback – Ten (10) feet.

- (e) Lot coverage – No maximum
- (f) Building Height – Twenty-Four feet (24') minimum – Forty-Eight feet (48') Maximum

2. Residential Districts.

- (a) Area requirements - none
- (b) Front setback – Fifteen (15) feet maximum
- (c) Side setback –Three (3) feet
- (d) Rear setback – Five (5) feet
- (e) Lot coverage – No maximum
- (f) Building Height – Not applicable

Fifth Street Revitalization Corridor

Proposed Boundary

September 12, 2007

Revised November 7, 2007

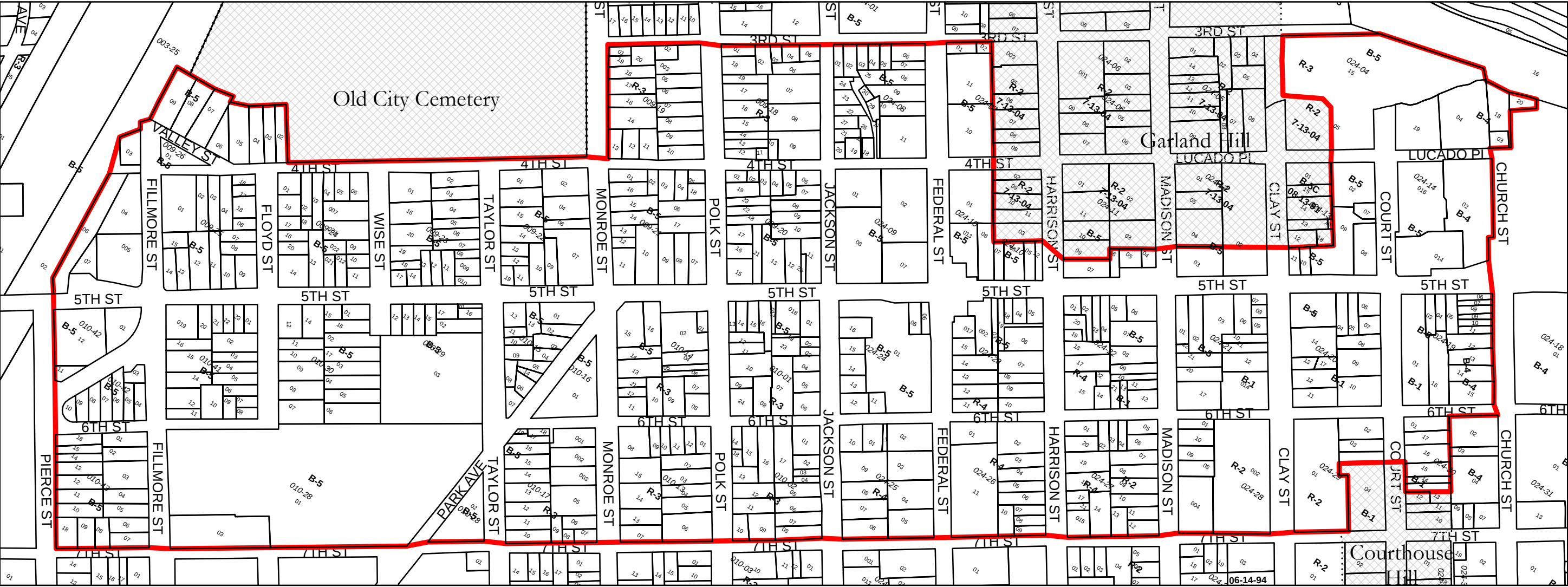


Scale 1 in. = 300 ft.

Legend



Proposed Overlay



Fifth Street Revitalization Corridor

Existing Zoning

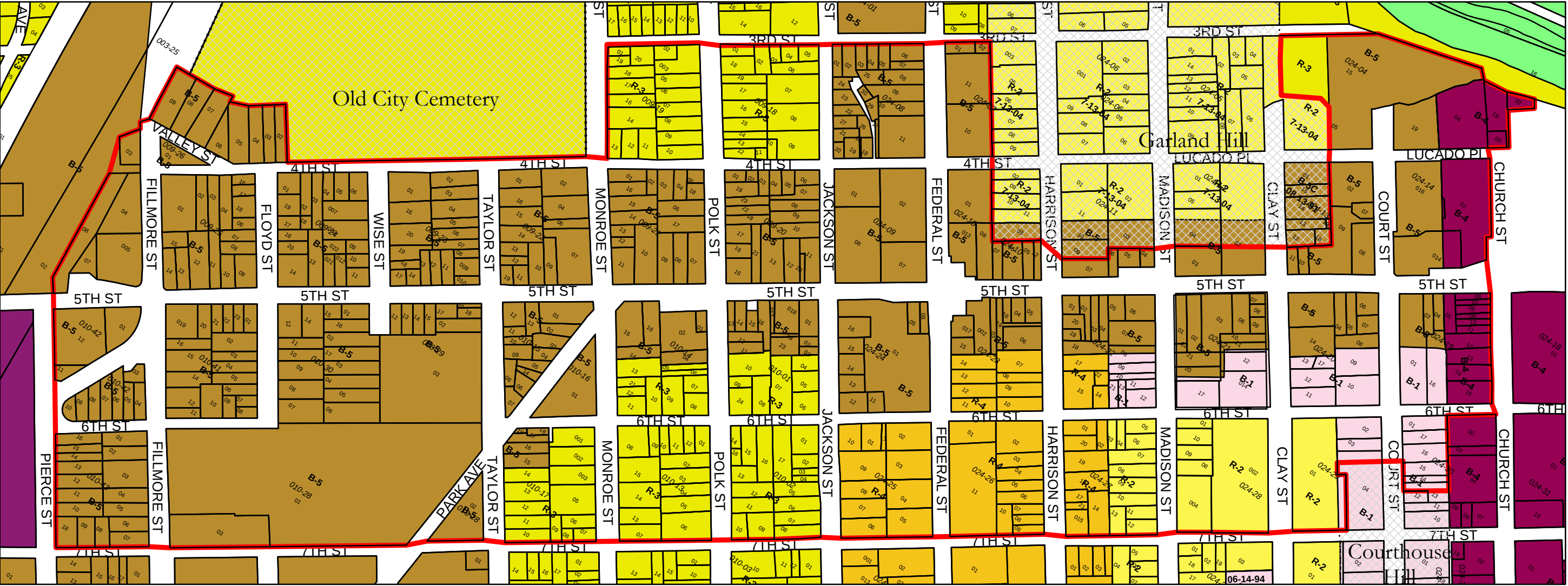
September 12, 2007

Revised November 7, 2007



Scale 1 in. = 300 ft.

- Legend
- RC
 - R1
 - R2
 - R3
 - R4
 - R5
 - B1
 - B2
 - B3
 - B4
 - B5
 - B6
 - I1
 - I2
 - I3



Fifth Street Revitalization Corridor

Proposed Zoning

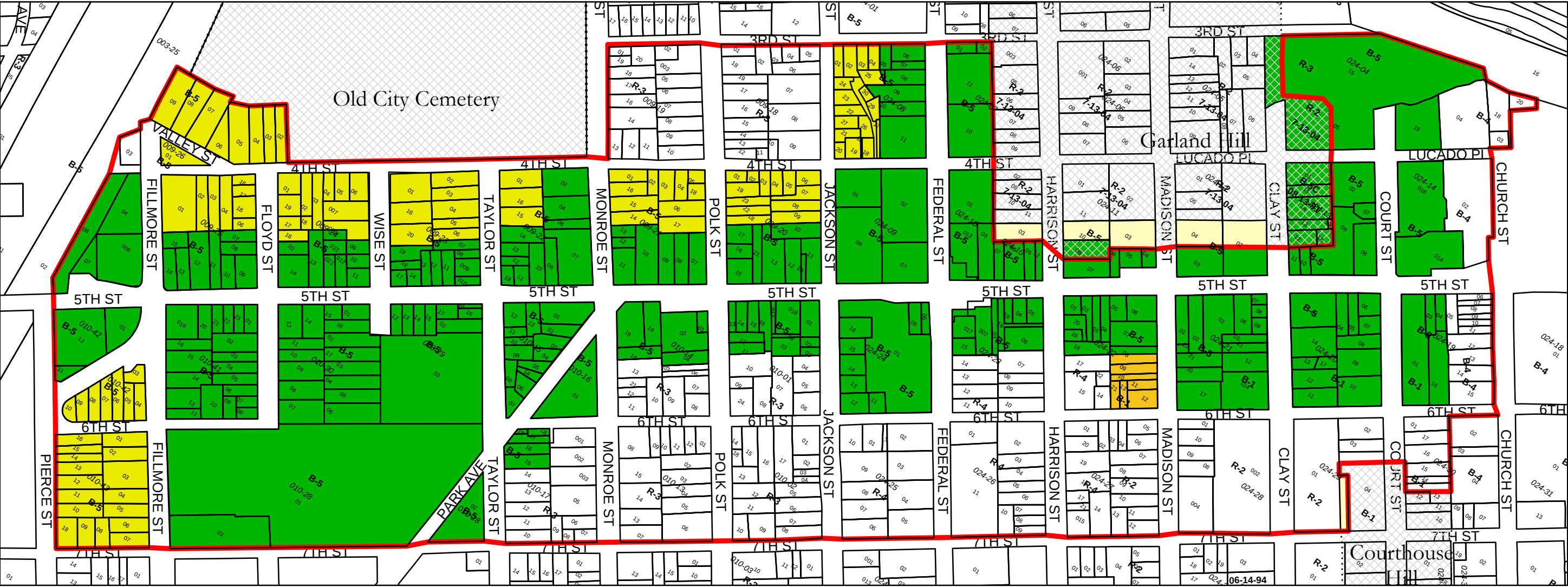
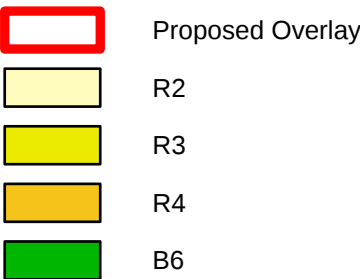
September 12, 2007

Revised November 7, 2007



Scale 1 in. = 300 ft.

Legend



October 10, 2007

[illegible]

[illegible]

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **December 11, 2007**

AGENDA ITEM NO.: 7

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Update of the City's Solid Waste Management Plan**

RECOMMENDATION: After a public hearing, adopt a resolution approving the City of Lynchburg's Solid Waste Management Plan's update.

SUMMARY:

The State of Virginia requires an update to a Solid Waste Planning Unit (the City is one) Solid Waste Management Plan (SWMP) when there are significant changes. The City's current SWMP was approved by the state's Department of Environmental Quality (DEQ) on April 21, 2005. This is the fourth update of the original 1992 plan and proposes no fundamental new policy changes. The City retained Draper Aden Associates to assist with this effort. The SWMP addresses collection, disposal, recycling options, projected growth, and goals for the next 20 years.

This plan is being revised to reflect the permit amendment under review by the DEQ. This amendment incorporates minor changes for Phase 4 construction and to reflect finalization of the regional program under the Region 2000 Services Authority. This document will be superseded in the future by the regional authority's plan and is meant to act as a bridge during this transition period.

PRIOR ACTION(S): As noted above.

FISCAL IMPACT: None

CONTACT(S): Dave Owen

ATTACHMENT(S): Resolution
Updated Solid Waste Management Plan – dated September 28, 2007—**This attachment is too large to attach to this report. If you would like to view this attachment you may go to the Office of the Director of Public Works, 1700 Memorial Avenue, Lynchburg, VA. There is also a copy in the Clerk of City Council's Office, 900 Church Street, 3rd Floor, Lynchburg, VA.**

REVIEWED BY: lkp

RESOLUTION

WHEREAS, Section 10.1-1411 of the Code of Virginia authorizes the Virginia Waste Management Board to promulgate regulations specifying requirements for local and regional solid waste management planning, and

WHEREAS, the Virginia Waste Management Board has promulgated such regulations entitled, "Regulations for the Development of Solid Waste Management Plans, Amendment 1 as 9 VAC 20-130-10 *et seq.*, effective date August 1, 2001, through the Virginia Department of Environmental Quality, and

WHEREAS these regulations require every locality to submit significant changes to its solid waste management plan, and

WHEREAS, the City has determined that it is in its best interest to have its own solid waste management plan (until a regional solid waste management plan supersedes it), and

WHEREAS, the City has drafted the revisions to its solid waste management plan and provided time for the public to review and comment on said plan and held a public hearing to seek input on the plan, and

WHEREAS, the City has carefully solicited the public's comments and considered them in the final plan, and

BE IT RESOLVED, that the Council for the City of Lynchburg has reviewed the solid waste management plan and addressed the plan at their meeting on December 11, 2007, and hereby adopts the plan, and authorizes its support to the Virginia Department of Environmental Quality.

Adopted:

Certified:

Clerk of Council

157L



CITY OF LYNCHBURG SOLID WASTE MANAGEMENT PLAN (9 VAC 20-130-10 ET SEQ)



JUNE 24, 2004
REVISED FEBRUARY 1, 2005
REVISED SEPTEMBER 28, 2007

PREPARED BY:

THE CITY OF LYNCHBURG
DIVISION OF WASTE MANAGEMENT

DAA JN: R01345-22



Draper Aden Associates
Engineering • Surveying • Environmental Services

Blacksburg ♦ Charlottesville ♦ Hampton Roads ♦ Richmond, Virginia
Raleigh, North Carolina

**City of Lynchburg
Solid Waste Management Plan
(9 VAC 20-130-10 et seq)**

Prepared for:

**The City of Lynchburg
and the
Virginia Department of Environmental Quality**

Prepared by:

**The City of Lynchburg
Division of Waste Management**

and



**Draper Aden Associates
Engineering • Surveying • Environmental Services
8090 Villa Park Drive
Richmond, Virginia 23228**

**June 24, 2004
Revised February 1, 2005
Revised September 28, 2007**

DAA JN: R01345-22

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Appendix 4	Public Hearing Advertisement
Appendix 5	Results of Public Participation
Appendix 6	Adopting Resolution

EXECUTIVE SUMMARY

The following solid waste management plan for the City of Lynchburg, Virginia is submitted in accordance with 9 VAC 20-130-10 et seq. This document is an update to the solid waste management plan dated February 1, 2005 which was approved DEQ on April 21, 2005. The plan is being revised to reflect the permit amendment under review by DEQ Permitting, South Central Regional office, for Phase 4 and to reflect finalization of the regional program under Region 2000 Service Authority. This document will be superseded in the future by the regional authorities plan and is meant to act as a bridge during the transition period. The City's solid waste program falls under the umbrella of the Waste Management Division and consists of the following components:

Refuse Collection - provides collection and hauling of refuse from residences and some small businesses; collects brush, bulky waste, leaves, and Christmas trees; and performs maintenance and repairs on refuse vehicles and equipment. The City refuse collection system consists of a semi-automated trash system (BART Trash System). The system is curbside collection consisting of refuse trucks equipped with cart tippers that pick up and empty trash carts, eliminating the need for manual lifting of trash. Residents can also drop off their trash within the designated paved drop-off area at the landfill. Brush and bulky waste collection is conducted on an on-call basis.

Refuse Disposal 2006-2008 - operates the City's only sanitary landfill in an efficient manner, and ensures that it meets and complies with all City, State and Federal guidelines and regulations; maintains the City's closed landfills in regard to post-closure care/maintenance, groundwater monitoring, and methane gas monitoring. Other duties include monitoring of access roads, operating scales, recording billing data, repair and maintenance of heavy equipment and necessary buildings and grounds maintenance/site work. The City sponsors four household hazardous waste collections days each year.

Note that during the period the average daily tonnage is estimated to be 580 tpd and the peak tonnage estimated to be 1,140 tpd.

Refuse Disposal 2008-2026 - works within regional network as a primary Region 2000 Service Authority disposal site. Once the facility reaches capacity, closure construction for the Lynchburg landfill will commence and refuse from the City will be transported to another facility within the Region.

Note that once the authority begins use of the facility, the average daily tonnage is 980 tpd and the peak daily tonnage is 2,580 tpd.

Recycling - provides residents the opportunity and means to protect and enhance their natural environment. Responsible for educating and encouraging residents to conserve natural resources and divert waste by implementing the following guidelines: source reduction, recycling, pollution control, and energy/water conservation; also responsible for promoting and educating the public in areas of source reduction, reuse, recycling, conservation, and waste-to-landfill diversion through recycling. The Division has nine neighborhood facilities for public recycling of plastics, newspaper, cans, and mixed paper. This section of the program markets recyclable commodities, and tracks/reports environmental program results. It also coordinates the clean up

of litter with approximately 70 volunteer groups within the City and provides environmental education in the school system.

The City documents their solid waste activities in several ways as follows:

- Day-to-day records of waste received.
- Annual reports to the City Council indicating how the goals and objectives of the program have been met.
- Periodic updates presented to the City Council as requested.
- Annual submittal by March 31 of each year of the Waste Information and Assessment Report (Form 50-25) to Virginia Department of Environmental Quality (DEQ).
- Annual submittal by April 30 of each year the Recycling Rate Report (Form 50-30) to DEQ.
- Annual submittal to DEQ, usually by December of each year, of the update for financial assurance.

Note that after July 2008, when the Region 2000 Service Authority assumes ownership of the landfill, all reporting requirements relative to disposal and landfill operations will be assumed by the Region 2000 Service Authority. Likewise, after July 2008, the City will initiate recycling reporting to the Region 2000 Service Authority which will then be responsible for completing the 50-30 form for the Region.

These reports, updates, and DEQ submittals as well as the background information are kept and will continue to be kept in the central archive (files) of the solid waste program located at the City's Division of Waste Management office located at 2704 Concord Turnpike.

The Director of DEQ receives copies of the appropriate information through the following sources:

- Direct submittal to DEQ of Form 50-25 (Waste Assessment) and Form 50-30 (Recycling).
- New permit requests.
- Permit amendments.
- Updates to the solid waste management plan.

The following table summarizes important key elements of the City's existing program:

TABLE 1
KEY ELEMENTS OF
EXISTING & PROPOSED SOLID WASTE PROGRAM
(2006 – 2026)

Element	Description	Comments
Collection	- Responsible for refuse collection from residents and some small businesses. - Provides brush and bulky waste collection on an on-call basis. - There are a number of private collection companies working in the City collecting from the commercial and industrial sectors.	City implemented a semi-automated system in October 2003.
Disposal – 2006-2008 (City operated)	- Permitted landfill – Permit No. 558. - Estimated date of closure of landfill is 2015/2016, if regionalization were not to occur.	A total of 209,682 tons of waste materials were delivered to the facility in 2006 of which 181,517 tons were landfilled (87%).
Disposal – 2008-2011 (Authority operated)	Part of a regional network as principal disposal facility.	Tonnage will increase to 317,300 tons per R.W. Beck estimate.
Disposal – 2012-2026 (Authority member)	- Transferring all City collected waste to Region 2000 Service Authority landfill or facility. - Directing commercial or industrial haulers away from City facility. These haulers will choose their best option.	During this period the City will use the Campbell County landfill until it reaches capacity and then participate in the next Regional option.
Recycling	- Operates 9 drop off sites for public recycling of materials. - Collects newspaper and inserts, mixed paper, glass bottles and jars, plastic bottles and jugs, and drink and food cans at the drop-off sites. - Collects appliances, metal, used oil, and tires at the landfill. - Reuses chipped brush and wood waste as alternate daily cover for the landfill operations. - Reuses inert material (dirt, rocks, CDD waste) as road base for the landfill operations. - Promotes recycling and litter control through public education program.	City achieved a recycling rate of 46.0% in 2006. Of the materials recycled, about one-half collected through the City's programs and one-half by the commercial and industrial sectors as catalogued by the City. After July 2008 all reporting will be directed to the Region 2000 Service Authority. Authority may, in the future, partner with recycling but no activities have been identified at this time.
Treatment	The City currently does not treat	Treatment of MSW is not currently planned, but the

Element	Description	Comments
	municipal solid waste.	City may evaluate future activities such as shredding of waste tires.

Even with an extensive integrated solid waste management system as outlined above already in place, the City continues to try to improve their program. Goals for the program include the following:

Collection - Goals and Objectives:

- ◆ Continue to provide a cost effective collection system for the City. The City's goal is to automate 40% of the collection system.
- ◆ Evaluate collection of commercial waste.
- ◆ Prepare, as necessary, to begin to transfer collected waste to Campbell County landfill in 2012.
- ◆ Develop notification program to direct all waste not collected by the city to an alternate disposal site by 2012.

Disposal - Goals and Objectives:

- ◆ Complete liner construction for Phase 4 in FY 2008.
- ◆ Complete partial closures of Phases 1 and 2 in FY 2008.
- ◆ Revise operations as a result of regionalization in FY 2008.
- ◆ Work with Region during transition phase in 2008 to Regional landfill.
- ◆ Serve as an active member of the Region 2000 Service Authority.
- ◆ Transition all reporting requirements to Regional Authority after July 2008.

Recycling and Litter Control - Goals and Objectives:

- ◆ Continue to increase programs offered and public participation in annual environmental events.
- ◆ Research new recycling markets to help capture the greatest revenues available, as well as, investigate new commodities that deem themselves profitable to process and market.
- ◆ Continue to expand and increase programs in the schools and community.
- ◆ Evaluate curbside recycling and commercial collection of recyclables.
- ◆ Continue public education programs and coordination with volunteer groups for litter control.
- ◆ Initiate reporting activities to Regional Authority after July 2008.

Section 8.0 describes the future long-term goals for the program in greater detail and includes a list of action items.

Once the City signs the User Agreement, Lynchburg will become a member of the Region 2000 Service Authority. Region 2000 Service Authority will complete a regional Solid Waste Management Plan by February 2008 which will eventually supersede this document. This document will remain in effect until the Region 2000 Service Authority Solid Waste Management Plan is approved by DEQ

1.0 INTRODUCTION

1.1 Legislation

The following solid waste management plan has been prepared in accordance with the Virginia Waste Management Board's, Regulations for Solid Waste Management Planning, Amendment 1, 9 VAC 20-130-10 et seq., effective date August 1, 2001.

1.2 Authority (9 VAC 20-130-20)

The regulations were promulgated pursuant to Chapter 14 (Sec.10.1-1400 et seq.) and specifically Sections 10.1-1402, 10.1-1411 and 10.1-1413 of Title 10.1 of the Code of Virginia which authorized the Virginia Waste Management Board to promulgate and enforce such regulations as may be necessary to carry out its duties and power, and the intent of the Virginia Waste Management Act and the federal acts.

1.3 Purpose (9 VAC 20-130-40)

The purpose of the regulations as generally stated in 9 VAC 20-130-40 and elsewhere in the regulations is to:

1. Establish minimum solid waste management standards and planning requirements for protection of public health, public safety, the environment, and natural resources throughout the Commonwealth;
2. Require the development of a comprehensive and integrated solid waste management plan that addresses all components of the solid waste hierarchy established by the United States Environmental Protection Agency (EPA) as embraced by the Commonwealth as follows:
 - ◆ Source Reduction (most desirable activity)
 - ◆ Reuse
 - ◆ Recycling
 - ◆ Resource Recovery (waste-to-energy)
 - ◆ Incineration
 - ◆ Landfilling (least desirable activity)
3. Promote local and regional planning that provides for environmentally sound and compatible solid waste management with the most effective and efficient use of available resources;
4. Establish procedures and rules for designation of regional boundaries for solid waste management plans;
5. Establish state, local government, or regional responsibility for meeting and maintaining the minimum recycling rates of 25%;
6. Establish the requirement to withhold permits for failure to comply with the regulations;
7. Provide a method to request reasonable variance or exemptions from the regulations;
8. Provide for reporting and assessment of solid waste management in the Commonwealth.

1.4 Planning Area

The facility will serve the following localities as requested by the local governments: the Cities of Lynchburg and Bedford, and the Counties of Appomattox, Campbell, and Nelson. Transportation of waste to the landfill will be by trucks and passenger vehicles.

1.5 Planning Period

The planning period for this solid waste management plan is 20 years from 2006 – 2026.

1.6 Critical Definitions (9 VAC 20-130-10)

It is important that the reader of this solid waste management plan have a clear understanding of the terms used throughout the report. The following selected definitions are taken directly from the regulations:

Integrated Waste Management Plan – means a governmental plan that considers all elements of waste management during generation, collection, transportation, treatment, storage, disposal, and litter control and selects the appropriate methods of providing necessary control and services for effective and efficient management of all wastes. An “integrated waste management plan” must provide for source reduction, reuse, and recycling within the jurisdiction and the proper funding and management of waste management programs.

Principle recyclable materials – means paper, metal (except automobile bodies), plastic, glass, yard waste, wood, and textiles. It does not include large diameter tree stumps.

Recycling – means the process of separating a given waste material from the waste stream and processing it so that it may be used again as a raw material for a product, which may or may not be similar to the original product. Recycling does not include processes that only involve size reduction.

Reuse – means the process of separating a given solid waste material from the waste stream and using it, without processing or changing its form, other than size reduction, for the same or another end use.

Source reduction – means any action that reduces or eliminates the generation of waste at the source, usually within a process. Source reduction measures include process modifications, feedstock substitutions, improvements in feedstock purity, improvements in housekeeping and management practices, increases in the efficiency of machinery, and recycling within a process.

Figure 1

Supplemental recyclable material – means waste tires, used oil, used oil filters, used antifreeze, automobile bodies, construction waste, demolition waste, debris waste, batteries, ash, sludge, or large diameter tree stumps, or material as may be authorized by the director.

Used or reused material - means a material which is either:

1. Employed as an ingredient (including use as an intermediate) in a process to make a product, excepting those materials possessing distinct components that are recovered as separate end products; or
2. Employed in a particular function or application as an effective substitute for a commercial product or natural resource.

1.7 Additional Definitions

The following words and terms when used in this plan shall have the following meaning: (note: some of the following definitions are taken from the Virginia Solid Waste Management Regulations, 9 VAC 20-80-10)

Agricultural waste - means solid waste produced from farming operations, or related commercial preparation of farm products for marketing.

Collector - person or business who collects and transports solid wastes or recyclables from residences or businesses for a fee.

Commercial waste - means solid waste generated by establishments engaged in business operations other than manufacturing or construction. This category includes, but is not limited to, solid waste resulting from the operation of stores, markets, office buildings, restaurants and shopping centers.

Composting - means the manipulation of the natural aerobic process of decomposition of organic materials to increase the rate of decomposition.

Construction waste - means solid waste that is produced or generated during construction, remodeling, or repair of pavements, houses, commercial buildings, and other structures. Construction wastes include, but are not limited to, lumber, wire, sheetrock, broken brick, shingles, glass, pipes, concrete, paving materials, and metal and plastics if they are part of the construction material or empty containers for such materials. Paints, coatings, solvents, asbestos-containing material, any liquid, compressed gases, or semi-liquids and garbage are not construction wastes.

Contamination - means the degradation in quality of naturally occurring water, air, or soil resulting either directly or indirectly from human activity.

Convenience Center - means a solid waste collection center used by residents of the region to dispose of solid waste materials and recyclables.

Debris waste - means waste resulting from land clearing operations. Debris wastes include, but are not limited to, stumps, wood, brush, leaves, soil, and road spoils.

Demolition waste - means solid waste produced by destruction of structures and their foundations and includes the same materials as construction wastes.

Discarded material - means a material that is: (i) abandoned material; (ii) recycled material; or (iii) considered inherently waste-like.

Disposal - means the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste into or on any land or water so that such solid waste or any constituent of it may enter the environment or be emitted into the air or discharged into any waters.

Friable asbestos - means any material containing more than 1.0% asbestos by weight that, when dry, may be crumbled, pulverized or reduced to powder by hand pressure and regulated as a special waste.

Garbage - a common term for readily putrescible discarded materials composed of animal, vegetable or other organic matter.

Green box site - means a convenience center that utilizes roll off or front load containers less than 20 cubic yards in capacity for the collection and / or transportation of solid waste.

Groundwater - means any water below the land surface in the zone of saturation.

Hazardous waste - means a "hazardous waste" as defined by the Virginia Hazardous Waste Management Regulation, 9 VAC 20-60-12 et seq. Hazardous wastes are wastes that, if not handled or disposed of properly, could cause injury or death, or damage or pollute land, air or water. Hazardous waste determinations are based on whether the waste is currently "listed" by the EPA or exhibits a "characteristic" of hazardous wastes. Listed wastes are waste that either exhibit one of the characteristics or contain any number of toxic constituents that have been shown to be harmful to health and the environment. The EPA list includes over 400 hazardous wastes. Characteristics of hazardous waste are "Ignitable/Flammable", "Corrosive", "Reactive" or "Toxic".

Household waste - means normal waste material, including garbage, trash and refuse, derived from households. Households include single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas. Household wastes do not include sanitary waste in septic tanks (septage).

Household hazardous waste - means any waste material derived from households (including single and multiple residences, hotels, motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas) which, except for the fact that it is derived from a household, would otherwise be classified as hazardous waste in accordance with 9 VAC 20-60. Household hazardous wastes include mercury thermometers, fluorescent light bulbs, degreasers and solvents, oil-based paints and varnishes, contaminated fuels, insecticide and pesticides.

Incineration - means the controlled combustion of solid waste for disposal.

Incinerator - means a facility or device designed for the treatment for volume reduction of solid waste by combustion.

Industrial waste - means any solid waste generated by manufacturing or industrial process that is not a regulated hazardous waste. Such waste may include, but is not limited to, waste resulting from the following manufacturing processes: electric power generation; fertilizer/agricultural chemicals; food and related products/byproducts; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textile manufacturing; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste.

Industrial waste landfill - means a solid waste landfill used primarily for the disposal of a specific industrial waste or a waste that is a byproduct of a production process.

Institutional waste - means solid waste emanating from institutions such as, but not limited to, hospitals, nursing homes, orphanages, and public or private schools. It can include regulated medical waste from health care facilities and research facilities that must be managed as a regulated medical waste.

Jurisdiction - means a local governing body; city, county or town; or any independent entity, such as a federal or state agency, which join with local governing bodies to develop a waste management plan.

Landfill - means a sanitary landfill, a construction/demolition/debris landfill, or an industrial waste landfill.

Litter - means waste material that is discarded, blown, or scattered about a facility, road, or public area.

Mulch - means woody waste consisting of stumps, trees, limbs, branches, bark, leaves and other clean wood waste that has undergone size reduction by grinding, shredding, or chipping, and is distributed to the general public for landscaping purposes or other horticultural uses.

Municipal solid waste - means waste that is normally composed of residential, commercial, and institutional solid waste and residues derived from the combustion of these wastes.

Open dump - means a site on which any solid waste is placed, discharged, deposited, injected, dumped or spilled so as to create a nuisance or present a threat of a release of harmful substances into the environment or present a hazard to human health. Such a site is subject to the open dump criteria in 9 VAC20-80-180.

Recycled material - means a material that is derived from recycling.

Refuse - means solid waste products having the character of solids rather than liquids and that are composed wholly or partially of materials such as garbage, trash, rubbish, litter, residues from clean up of spills or contamination, or other discarded materials.

Region - means the planning area covered by this Solid Waste Management Plan, consisting of the City of Lynchburg.

Regulated medical waste - means solid wastes so defined by the Regulated Medical Waste Management Regulations (9 VAC 20-120-10 et seq.) as promulgated by the Virginia Waste Management Board.

Residential waste - means household waste.

Resource recovery system - means a solid waste management system that provides for collection, separation, recycling and recovery of energy or solid wastes, including disposal of non-recoverable waste residues.

Rubbish - means combustible or slowly putrescible discarded materials that include but are not limited to trees, wood, leaves, trimmings from shrubs or trees, printed matter, plastic and paper products, grass, rags and other combustible or slowly putrescible materials not included under the term "garbage."

Sanitary landfill - means an engineered land burial facility for the disposal of solid waste that is so located, designed, constructed and operated to contain and isolate the solid waste so that it does not pose a substantial present or potential hazard to human health or the environment.

Scrap metal - means bits and pieces of metal parts such as bars, rods, wire, or metal pieces that may be combined together with bolts or soldering that are discarded material and can be recycled. For the purposes of this plan, this definition includes the reclaimable metal parts of white goods.

Site - means land and structures, other appurtenances, and improvements on them used for treating, storing, and disposing of solid waste. This term includes adjacent land within the facility boundary used for the utility systems such as repair, storage, shipping or processing areas, or other areas incident to the management of solid waste. (Note: This term includes sites whether they are planned and managed facilities or open dumps.)

Sludge - means any solid, semisolid or liquid wastes with similar characteristics and effects generated from a public, municipal, commercial or industrial waste water treatment plant, water supply treatment plant, air pollution control facility, or any other waste producing facility.

Solid waste - means any garbage, refuse, sludge and other discarded material, including solid, liquid, semisolid or contained gaseous material, resulting from industrial, commercial, mining and agricultural operations, or community activities but does not include (i) solid or dissolved material in domestic sewage, (ii) solid or dissolved material in irrigation return flows or in industrial discharges that are sources subject to a permit from the State Water Control Board, or (iii) source, special nuclear, or byproduct material as defined by the Federal Atomic Energy Act of 1954, as amended.

Solid waste management facility ("SWMF") - means a site used for planned treating, storing, or disposing of solid waste. A facility may consist of several treatment, storage, or disposal units.

Source separation - means separation of materials from the waste stream by the waste generator of materials that are collected for use, reuse, or recycling.

Special wastes - means solid wastes that are difficult to handle, require special precautions because of hazardous properties or the nature of the waste creates waste management problems in normal operations.

Transfer station - means any solid waste storage or collection facility at which solid waste is transferred from collection vehicles to haulage vehicles for transportation to a central solid waste management facility for disposal, incineration or resource recovery.

Trash - means combustible and noncombustible discarded materials and is used interchangeably with the term rubbish.

Treatment - means any method, technique or process, including but not limited to incineration, designed to change the physical, chemical or biological character or composition of any waste to render it more stable, safer for transport, or more amenable to use, reuse, reclamation or recovery.

Vegetative waste - means decomposable materials generated by yard and lawn care or land-clearing activities and includes, but is not limited to, leaves, grass trimmings, and woody wastes such as shrub and tree prunings, bark, limbs, roots, and stumps.

White goods - means any stoves, washers, hot water heaters or other large appliances. For the purposes of this plan, this definition also includes, but is not limited to, such Freon-containing appliances as refrigerators, freezers, air conditioners, and dehumidifiers.

Yard waste - means decomposable waste materials generated by yard and lawn care and includes leaves, grass trimmings, brush, wood chips, and shrub and tree trimmings. Yard waste shall not include roots or stumps that exceed six inches in diameter.

2.0 BACKGROUND INFORMATION

To provide background to the discussions contained in this solid waste management plan, a discussion of the status of solid waste management nationally and an overview of the key points of the City's original Solid Waste Management Plan dated May 1992, the update dated September 23, 1997, and the update dated June 2002, are being provided in this Section.

2.1 Status of Solid Waste Management Nationally

The following information is taken from "Municipal Solid Waste in the United States: 2001 Facts and Figures Executive Summary," produced by the Office of Solid Waste and Emergency Response, United States Environmental Protection Agency (EPA), EPA530-S-03-011, dated October 2003. This report provides data on the national municipal solid waste stream for 1960 through 2001.

It should be noted that as used by the EPA, the term municipal solid waste (MSW) consists of "everyday" items such as product packaging, grass clippings, furniture, clothing, food scraps, newspapers, appliances, and batteries. It does not include materials that may also be landfilled but are not generally considered MSW, such as construction and demolition debris, sludge, and non-hazardous industrial wastes. Virginia's definition is similar defining MSW as waste that is normally composed of residential (household), commercial (businesses other than manufacturing or construction) and institutional solid waste. However, record keeping of localities may not segregate the waste materials in a similar way. Thus, when comparing the information in this section with the data in the solid waste plan, care must be given to the term MSW.

2.1.1 Waste Generation

According to the EPA report, the United States generated approximately 88.1 million tons of MSW in 1960 and approximately 229.2 million tons in 2001. This represents a 260% increase in the solid waste generated over the 41-year period. At the same time the United States population increased from 180.0 million persons in 1960 to 284.8 million persons in 2001 or a 158% increase over the 41-year planning period. Clearly, the increase in tonnage is not just a factor of population but is also impacted by other factors including the commercial sector. The following table summarizes the waste generation for 1960 – 2001 on a pounds per person per day basis:

TABLE 2
USA WASTE GENERATION (MSW)
1960 - 2001*
POUNDS PER PERSON PER DAY
AS REPORTED BY EPA

Year	Pounds per Person per Day
1960	2.7
1970	3.2
1980	3.7
1990	4.5
1995	4.5
1999	4.6
2000	4.5
2001	4.4

The report noted that residential waste is estimated to be 55% - 65% of the total MSW generated, and that commercial waste (including institutional wastes, some industrial sites where packaging is generated and businesses) constitutes between 35% and 45% of the total MSW generated.

2.1.2 What Is In The Waste?

In evaluating waste generation, the report examined the composition of the waste materials as discarded before recycling and the amount of the material recovered through recycling programs. The following table summarizes the findings from this report:

TABLE 3
USA WASTE COMPOSITION BY MATERIAL TYPE
AS SUMMARIZED IN EPA REPORT
2001 DATA

Material	Percent of Total Waste Stream	Recovery as a Percent of Generation
Paper	35.7	44.9
Glass	5.5	19.1
Metals	7.9	34.5
Plastics	11.1	5.5
Rubber, leather, & textiles	7.1	15.3
Wood	5.7	9.5
Yard trimmings	12.2	56.5
Food scraps	11.4	2.8
Other	3.4	20.7

Based on this information a significant portion of the yard waste, paper and metal wastes are being recovered while there remains limited recovery of plastics, wood, and food scraps.

In addition the report evaluated the waste stream by product type. The following table summarizes the findings of the report:

TABLE 4
USA WASTE COMPOSITION BY PRODUCT TYPE
AS SUMMARIZED IN EPA REPORT
2001 DATA

Material	Percent of Total Waste Stream	Recovery as a Percent of Generation
Durable goods	16.4	17.5
Nondurable goods	26.4	27.7
Containers and packaging	32.0	38.3
Food scraps	11.4	2.8
Yard trimmings	12.2	56.5
Other wastes	1.5	Neg.

2.1.3 Disposal

The report tracks the ultimate handling of the wastes generated and indicates that 14.7% of the waste generated is combusted, 29.7% of the waste is recovered and that 55.7% of the waste is landfilled. It also noted that the number of landfills has decreased from nearly 8,000 in 1988 to 1,858 in 2001 while the average landfill size increased. It further states that, "At the national level, capacity does not appear to be a problem, although regional dislocation sometimes occur."

2.1.4 Recycling

According to the report, the United States recycled approximately 5.6 million tons of materials in 1960 and approximately 51.4 million tons in 2001. This represents a 900% increase in recycling over the 41-year period. In addition, composting of yard trimmings, food scraps, and other MSW organic material has increased from negligible reported quantities in 1960 to 16.6 million tons in 2001. This does not include back yard composting projects. Thus, in 1960, the recycling rate as calculated as recyclables over total MSW was 6.4%, and in 2001 is 22.4% without composting or 29.7% with composting. The following table summarizes the recycling and composting rates for 1960 – 2001 on a pounds per person per day (PPPD) basis:

TABLE 5
USA RECYCLING AND COMPOSTING RATES
1960 – 2001
AS REPORTED BY EPA

Year	Recycling (PPPD)	Composting (PPPD)	Total (PPPD)
1960	0.17	Neg.	0.17
1970	0.22	Neg.	0.22
1980	0.35	Neg.	0.35
1990	0.64	0.09	0.73
1995	0.96	0.20	1.16
1999	1.02	0.30	1.32
2000	1.00	0.32	1.32
2001	0.99	0.32	1.31

2.1.5 Waste Reduction and Reuse

The following information is taken from the EPA document, "Municipal Solid Waste in the United States: 2001 Facts and Figures," as cited above. When EPA established its waste management hierarchy in 1989, it emphasized the importance of reducing the amount of waste created, reusing whenever possible, and then recycling what is left. When municipal solid waste is reduced and reused, this is called "source reduction", meaning that the material never enters the waste stream. Instead it is managed at the source of generation. Source reduction includes the design, manufacture, purchase or use of materials, such as products and packaging, to reduce their amount or toxicity before they enter the MSW waste stream. Examples of source reduction activities are:

- Designing products or packaging to reduce the quantity or the toxicity of the materials used, or to make them easier to reuse.
- Reusing existing products or packaging; for example, refillable bottles, reusable pallets, and reconditioned barrels and drums.
- Lengthening the lives of products so less material is thrown away over time.
- Using packaging that reduces the amount of damage or spoilage of a product.
- Managing non-product organic wastes through onsite composting or other alternative disposal techniques.

According to the EPA, the United States prevented more than 55 million tons of MSW from entering the waste stream using 1990 as the baseline year. The EPA believes that reducing the amount of yard trimmings is particularly important in reducing the MSW in landfills across the United States. The following table taken from the EPA indicates the source reduction by major material categories:

TABLE 6
USA SOURCE REDUCTION BY MAJOR CATEGORY
2000
AS REPORTED BY EPA

Material	Tonnage (million tons)	Percent of Total Reduction
Durable goods (e.g. appliances, furniture)	5.4	9.8%
Nondurable goods (e.g. newspapers, clothing)	9.3	16.8%
Containers and packaging (e.g. bottles, boxes)	15.5	28.1%
Other MSW (e.g. yard trimmings, food scraps)	25.0	45.3%
Total Source Reduction (1990 baseline year)	55.1	100.0%

Source reduction avoided an increase in the waste stream from 1999 to 2000 of nearly 25 percent. According to EPA, between 2 and 5% of the waste stream is potentially reusable and reflecting the interest in reuse is the establishment of over 6,000 reuse centers throughout the country ranging from specialized programs for building materials, to salvage facilities at landfills, to local/national programs such as Goodwill and Salvation Army.

2.2 Highlights From Original Solid Waste Plan 1992, 1997 and 2002 Updates

The original solid waste management plan for the City of Lynchburg was prepared by the City and dated May 1992. The plan was updated in September 1997 and again in June 2002. To project into the future, it is important to understand the past history of the solid waste program of the City. The following sections provide highlights from the original plan.

2.2.1 Waste Generation Projections

In 1997, the City collected approximately 11,943 tons (33 tons/day) from 18,500 customers, which equated to 1,291 pounds per customer per year (3.5 lb/customer/day) for the total waste stream. In 2001, the City collected approximately 11,843 tons (33 tons/day) from 18,500 customers, which equated to 1,280 pounds per customer per year (3.5 lb/customer/day) for the total waste stream.

From 1992 to 1997, the City experienced an estimated decrease in population of 0.30% and based on National averages anticipated an increase in waste per person of 1.1%. From 1997 to 2002, the City experienced an estimated decrease in population of 1.40% and based on National averages anticipated a decrease in waste per person of 3.3%.

For the year 2004, a per capita generation rate of 17 lb/person/day was projected with a total tons per day of 559. As Section 4.0 will indicate, the City's current waste stream (2003) was documented as follows:

- Total received at facility 535 tpd (7 day week)
- Total landfilled at facility 406 tpd (7 day week)
- Per capita – total 16.4 lbs/person/day
- Per capita – landfill 12.5 lbs/person/day

The figures above include all wastes received at the landfill. If commercial waste, industrial waste, and sludge are not included in the figures, the per capital values drop to the following:

- Per capita – MSW received 3.5 lbs/person/day
- Per capita – landfilled MSW 2.8 lbs/person/day

2.2.2 *System Components*

The solid waste management system consisted of the following components:

- **Collection:**
 - Collection conducted 4 days per week.
 - Commercial and Industrial Sectors use several different private haulers for waste collection
 - Annual cost for collections increased from \$728,049 (\$61/ton or \$36/household) in FY 96-97 to \$766,081 (\$64.69/ton or \$41.41/household) in FY 01. An increase of 5.2% over this duration.
 - Waste disposal and recycling programs funded through the tag/decal program. Tags cost \$0.95/bag, annual decals cost \$40/container
- **Disposal:**
 - City of Lynchburg – old landfill disposal area (Permit 227) capped in 1993
 - City of Lynchburg Waste Management Facility – (lined landfill); Permit 558 with a total life expectancy of 19 years (original permit design).
- **Recycling:**
 - Nine drop off stations
 - Collected (although not at all the sites): mixed paper, newspapers and inserts, steel cans, aluminum cans, glass, #1 and #2 plastics.
 - During FY 96-97, 2922 tons of materials were collected and diverted from the landfill. During FY 01, 3165 tons of materials were collected and diverted from the landfill. This was an increase of 8.3% over this duration.

2.2.3 *Goals and Objectives*

Under the previous plan, the following goals and objectives were identified: (Note that the current status is indicated in bold)

- **Collection**
 - Implementing a semi-automated/automated residential collection system. **(Semi-automated residential collection system in place, goal is to convert to 40% automated.)**
 - Developing a public education program on the new collection system. **(Completed)**
 - Considering the establishment of a commercial collection service. **(Currently under consideration)**
 - Evaluating the implementation of a new fee system to fully fund the solid waste system. **(Completed)**
- **Disposal:**
 - Exploring alternate daily cover options and/or additional borrow soil sites. **(In progress)**
 - Evaluating the feasibility of a permanent Household Hazardous Waste facility. **(To be evaluated)**
 - Developing a waste exchange program for household wastes. **(Currently under consideration)**
 - Regionalization of solid waste management facilities/programs. **(Currently formalizing user agreement with Region 2000 Service Authority)**
- **Recycling:**
 - Evaluating changes to the recycling program, such as staffing drop-off sites and additional enforcement efforts. **(In process of investigating volunteering staffing at drop-off sites and video camera monitoring. The City plans to eliminate glass in October 2004. City is investigating the use of a baler for plastics and cardboard.)**
 - Implementing a latex paint reuse program with local non-profit agencies. **(Under investigation)**

3.0 DEMOGRAPHIC DATA

3.1 Location

Lynchburg is a city of 50 square miles located near the geographic center of Virginia, bordered by the eastern edge of the Blue Ridge Mountains. The City is situated on the James River and is surrounded by the counties of Campbell (south and east), Bedford (west), and Amherst (north and east). It is located approximately 180 miles southwest of the nation's capital, Washington, D.C., 54 miles east of Roanoke and 114 west of Richmond.

Lynchburg is part of the Lynchburg Municipal Statistical Area (1,802 sq. mi) that includes Bedford City, Lynchburg City, Bedford County, Campbell County, Amherst County and Appomattox County.

Lynchburg is nicknamed by residents as the "Hill City" and the "City of the Seven Hills," reference to seven distinct hills/neighborhoods in the original town limits.

3.2 Population

3.2.1 Existing Population

Lynchburg is considered a mature city exhibiting population growth mainly through the annexation of new lands. According to the *Comprehensive Plan 2002-2020*, the last big annexation occurred in 1976 and increased the population of the City by 10,557 persons. The total population increase was recorded by the Census Bureau in the 1975 population estimate, which reported a jump of 12,700 in population that year. Between 1980 and 2000, the City experienced a slow downward population trend. As in other older urban centers, the population of the City slowly declined and aged as younger families and households move to the suburbs in the surrounding counties where new subdivisions offer larger homes and lots. However, population within the City has increased since 2003, as reported by the Weldon Cooper Center for Public Service.

The population of the Lynchburg Municipal Statistical Area has grown significantly since 1960, with Bedford County responsible for the major portion of the increase. Bedford County, which borders Roanoke County to the south, experienced a population growth rate of 94.6% in the four-decade period 1960-2000, which far outpaced the state of Virginia rate of 78.4% during the same period. All Counties in the region saw healthy growth throughout this period but Bedford's growth was dramatic. The following table shows the City of Lynchburg as the only member of the MSA that declined in population from 1990-2000. Though losing population during that period, the City remains the commercial and industrial center for the entire region.

TABLE 7
POPULATION - LYNCHBURG AND SURROUNDING COUNTIES
1960-2000

Locality	1960	1970	1980	1990	2000	% Change 1960-2000	% Change 1990-2000
Lynchburg	54,790	54,083	66,743	66,049	65,269	19%	-1.2%
Amherst	22,953	26,072	29,122	28,578	31,894	39%	11.6%
Appomattox	9,148	9,784	11,971	12,298	13,705	50%	11.4%
Campbell	32,958	43,319	45,424	47,572	51,078	55%	7.4%
Bedford	31,028	26,728	34,927	45,656	60,371	94.6%	32.2%
Virginia	3,966,949	4,651,448	5,346,797	6,189,317	7,078,515	78.4%	14.4%

Source: US Census

3.2.2 Population Change 1990-2000

It is informative to look at the growth in similar cities over the last decade, 1990-2000, to see how Lynchburg compares. Lynchburg belongs to the group of fourteen fiscally stressed cities known as **Virginia's First Cities** and the following chart compares the growth in seven of those most similar to Lynchburg in size.

TABLE 8
POPULATION CHANGES FROM 1990-2000
FOR SELECTED CITIES IN VIRGINIA

City	1990	2000	% Change 1990- 2000
Lynchburg	66,049	65,269	-1.2
Charlottesville	40,341	45,049	+11.7
Danville	53,056	48,411	-8.8
Hopewell	23,101	22,354	-3.2
Petersburg	38,386	33,740	-12.1
Roanoke	96,397	94,911	-1.5
Staunton	24,461	23,853	-2.5
Winchester	21,947	23,585	+7.6

Source: US Census

Lynchburg fared better than most in this group and compares most closely to the City of Roanoke, a city that experienced a 1.5% decline for the decade. Charlottesville and Winchester were the only two cities in the group that showed an increase in population. When compared to the other 6 cities in the Virginia's First Cities, the population density of Lynchburg is one of the lowest at 1,322 persons per square mile. The majority of the population growth in Virginia in the recent past and for the next twenty years is projected to occur in Northern Virginia, from the Charlottesville/Richmond level north.

3.2.3 Population Projections

The Virginia Employment Commission's (VEC) population projections for 2010, calculated in 2003, show Lynchburg barely growing between 2000 and 2010, with an increase of only 31 persons. Data from the Weldon Cooper Center, in contrast, shows population growth each of 2001, 2002, and provisionally for 2003.

In addition to total population changes, the VEC projections give estimates for the various age cohort groups. Analyzing the Lynchburg projections for the population as broken out by age cohort, it shows an aging population with significant increases in the number of residents over age 65 and over age 80. The number of children of all ages bounces up and down over the 30-year period but the net result is a decrease in the number of children. It is unclear why the VEC projections show the age cohort 15-24 decreasing in numbers significantly from 2010 to 2020. If college students do make up a portion of this age group, one would not expect that the numbers in this age group to drop by 2020. Students living in the City are significant consumers of goods, housing, and services.

The VEC projects a growth rate in the City of Lynchburg from 2000-2010 of 0.05% and projects that there will be no net growth from 2010-2020 and from 2020-2030. For the purposes of this plan, data from the Weldon Cooper Center is used for the years 2001, 2002, and 2003, with no net growth from 2003 to 2030.

TABLE 9
LYNCHBURG POPULATION PROJECTIONS

Year	US Census Bureau	Projections	Percent Change by Decade	
1980	66,743			
1990	66,049		1980-1990	-1.0%
2000	65,269		1990-2000	-1.2%
2010		66,800	2000-2010	2.3%
2020		66,800	2010-2020	0.0%
2030		66,800	2020-2030	0.0%

Source: U.S. Bureau of the Census; Virginia Employment Commission, Weldon Cooper Center

Using the projections through 2030, the following chart shows the yearly change in population for the City of Lynchburg

TABLE 10
POPULATION DATA: ANNUAL ESTIMATED RATE OF CHANGE
CITY OF LYNCHBURG 1990-2026

Year	Population	Rate of Annual Change
1990	66,049	
1991	65,700	-0.53%
1992	66,400	1.07%
1993	66,700	0.45%
1994	66,500	-0.30%
1995	66,700	0.30%
1996	65,900	-1.20%
1997	66,200	0.46%
1998	66,400	0.30%
1999	66,200	-0.30%
2000	65,269	-1.41%
2001	65,400	0.20%
2002	65,800	0.61%
2003	66,800	1.52%
2004	66,800	0.00%
2005	66,800	0.00%
2006	66,800	0.00%
2007	66,800	0.00%
2008	66,800	0.00%
2009	66,800	0.00%
2010	66,800	0.00%
2020	66,800	0.00%
2024	66,800	0.00%
2025	66,800	0.00%
2026	66,800	0.00%

Source of data: Census and Weldon Cooper Center

VEC projections made in 1999 (*Comprehensive Plan 2002-2020*) for the Lynchburg MSA show sound regional growth of 6.0% from 2000-2001, 5.3% from 2010-2020 and 4.1% from 2020-2030. Most of the increase is expected to occur in Bedford County with some growth showing in Campbell County as well. Lynchburg City is expected to remain at about the same population through the year 2030 according to the latest VEC projections (2003), which can be accessed through the Weldon Cooper Public Service Center on the campus of the University of Virginia.

TABLE 11
POPULATION PROJECTIONS: LYNCHBURG MSA 1990-2010

Locality	1990**	2000**	2010*	% Change 2000-2010
Lynchburg City	66,049	65,269	66,800	2.35%
Amherst County	28,578	31,894	32,898	3.14%
Appomattox County	12,298	13,705	14,600	6.50%
Campbell County	47,572	51,078	53,703	5.14%
Bedford County	45,656	60,371	71,601	18.60%
Lynchburg MSA	200,153	223,317	239,602	7.29%
Virginia	6,189,317	7,078,515	7,737,597	9.31%

*Sources: * Virginia Employment Commission through the Weldon Cooper Center; ** US Census*

The Region 2000 (formerly the Central Virginia Planning District Commission) also generates forecasts by sub-areas (traffic analysis zones). This planning group calculates population forecasts for the urbanized areas of Bedford, Campbell and Amherst Counties in addition to the City of Lynchburg. Their approach shows the same trend as the VEC projections, the greatest increase occurring in Bedford County with a 34% population increase from 2000-2020. The Campbell County urbanized area is projected to increase 15.9 % but the forecast shows a slight population decrease for the City of Lynchburg of 0.34% from 2000-2020. In this projection model, the population of the City is less than in the VEC model by 250 persons by year 2010.

TABLE 12
URBAN AREA POPULATION FORECASTS – REGION 2000 SERVICES AUTHORITY DATA

Locality	1990	2000	2010	2020	% Change 2000-2020
Lynchburg	66,049*	65,269*	65,050**	65,050**	-0.34%
Amherst Urbanized area**	18,587	19,330	20,139	20,948	8.37%
Campbell Urbanized area**	10,468	16,180	18,946	21,712	34.19%
Bedford Urbanized area**	20,134	22,127	23,891	25,654	15.93%
Total Urbanized area	115,238	122,906	128,026	133,364	8.67%

*Source: * US Census ** Region 2000 Services Authority Data*

3.2.4 Census Demographics

A demographic of note for the City of Lynchburg is that of the 65,269 persons counted in 2000, 54.3% were women. Virginia and most localities report percentages of women and men closer to 50%. With regards to age, the City's median age is slightly less than the state median age, 35.1 years compared to 35.7 years. The age cohort 15-24 years is significantly higher in Lynchburg (19.1%) than in the state as a whole (13.6%). This reflects at least a portion of the college students living in the City attending one of the five universities or colleges. There are also a greater percentage of persons over the age

of 65 in Lynchburg (16.3%) than in the state as a whole (11.2%) and a lower percentage of children under the age of 5 (5.8% versus 6.5%). VEC projections are showing this trend toward an aging population is likely to continue so that the City will need to plan for the provision of services needed and demanded by the over 65 population.

The racial makeup of the City is 66.6% White, 29.7% Black or African American, 0.3% Native American, 1.3% Asian, and 2.1% from other races. Only 1.3% of the population is listed as Hispanic or Latino.

The number of households increased slightly from 25,143 to 25,477 or 1.3% over the decade, 1990-2000. The number of families actually decreased but those living in group quarters increased by approximately 10%. This reflects the number of persons in institutions in the City and students living in dormitories.

Income levels were reported in the Census 2000 for the City. Median household income is \$32,234, median family income \$40,844 and per capita income is \$18,263.

The Virginia figure for median household income is \$46,677 and in the United States in general is \$41,994. Per capita money income in Virginia is \$23,975, more than 30% higher than the Lynchburg per capita income.

3.3 Geographic Conditions

3.3.1 Geographic Setting

According to the physiographic map produced by the College of William and Mary, the City of Lynchburg actually lies on the boundary between two sub-provinces within the Piedmont Province: the Foothills sub-province and the Outer Piedmont sub-province. The Foothills sub-province is a region with broad rolling hills and moderate slopes. Elevations range from 400 feet to 1000 feet above sea level with peaks rising between 1,500 feet and 2,500 feet. This sub-province borders on the Blue Ridge Province and the Blue Ridge Mountain range to the west. The majority of the City lies in the Outer Piedmont sub-province, characterized by broad upland with low to moderate slopes. Elevations in this region range from 600 feet to 1,000 feet above sea level in the west (Lynchburg area) to and gradually diminishing to 250 feet to 300 feet in the east.

3.3.2 Physiography

The Piedmont is the largest physiographic province in Virginia. It is bounded on the east by the Fall Zone, which separates the province from the Coastal Plain and on the west by the mountains of the Blue Ridge province. The province is characterized by gently rolling topography, deeply weathered bedrock, and a relative paucity of solid outcrop. Rocks are strongly weathered in the Piedmont's humid climate and bedrock is generally buried under a thick (2-20 m) blanket of saprolite. Outcrops are commonly restricted to stream valleys where saprolite has been removed by erosion. The topography becomes somewhat more rugged with proximity to the Blue Ridge, where local monadnocks of more resistant rock occur.

A variety of igneous and metamorphic rocks make up the bedrock of the Piedmont province. Most of these rocks range in age from Proterozoic to Paleozoic and form the internal core of the ancient Appalachian mountain belt. A notable economic resource in the Piedmont province is the high quality slate in the late Ordovician Arvonian Formation.

The James River runs along the northern border of the city and through the eastern edge. Lynchburg lies in the southern sector of the James River drainage basin of Virginia, which drains into the Atlantic through the Norfolk area. Five streams drain the City and empty into the James River: Judith, Pigeon, Blackwater, Fishing and Opossum Creeks. Ivy, Cheese, Tomahawk, Burton, and Dreaming Creeks are tributaries of Blackwater Creek, which has the largest watershed area affecting the City.

The natural features of Lynchburg, including the geology, topography, and soils, have a significant impact on the suitability of land for development. The hills and ravines that characterize the City formed as a result of the varying rock types underlying the City. This topography presents a challenge to developers, especially for large retail and industrial buildings needing large areas for parking. Care needs to be taken that grading of steep slopes minimizes soil erosion and sedimentation of the many streams that traverse the City.

Some areas of the City are so steep that they remain wooded and relatively natural today. Many steep-sided stream valleys are home to a rich diversity of plant and animal life. Large areas of woodland exist on Candler's Mountain, in the Tyreeanna area, near the Blackwater Creek Natural Area and Peaks View Park, and in the Cheese Creek and Judith Creek watersheds.

3.3.3 *Climate*

Lynchburg enjoys a temperate climate with amenities such as long growing seasons and infrequent subzero temperature minimums.

Coldest period: end of January, early February, average temperature	35°
Warmest period: last half of July, average temperature	76°
Mean annual temperature:	56°F
Record high:	103°F
Record low:	-10°F
Average annual precipitation:	38.3 inches
Average annual snowfall:	18.3 inches
Clear days:	112
Elevation:	795 feet (mean sea level)

3.4 **Transportation**

3.4.1 *Road System*

There are three major highway corridors serving the Central Virginia Region that pass directly through the City of Lynchburg. They include U.S. 29 the major North/South highway connecting Lynchburg with Charlottesville to the north and Danville to the

south. This corridor becomes an expressway at Madison Heights (just north of the City), where it crosses the James River and proceeds through Lynchburg, finally connecting with U.S. 501 and looping back northwest. U.S. 460 is the major 4-lane highway running East/West. It connects Lynchburg to the cities of Bedford and Roanoke to the west and to the towns Appomattox and Farmville to the east. Lynchburg is well connected having one other major highway, U.S. 501 (Northwest/Southeast), linking it to Buena Vista and Lexington to the northwest and South Boston to the southeast. These are all major transportation corridors and carry significant truck and car traffic in and around the City.

Other major highways carrying traffic through the City are the Crosstown Connector (U.S. 221), Old Forest Road, Boonsboro Road (Bus 501), Campbell Avenue (U.S. 501), Wards Road (U.S. 29), Timberlake Road (Bus 460) and Fort Avenue (Bus 460).

Many of the major neighborhoods are centered around major roads including those of Fifth Street, Twelfth Street, Rivermont Avenue, and Fort Avenue.

Regional transportation studies, analysis and planning are driven mainly by the Virginia Department of Transportation. The Region 2000 Regional Commission, which represents the entire Lynchburg MSA, is responsible for developing a Long Range Transportation Plan (LRTP) for the region that covers roadways, bike and pedestrian pathways, air transportation, and rail service. Current transportation projects of particular interest to the City of Lynchburg include the Crosstown Connector, the U.S. Route 29 bypass, access to the Kemper Street Station, improvements to infrastructure and road projects that impact the Downtown Lynchburg area.

3.4.2 Rail Service

Lynchburg is a freight interchange and junction point for two rail lines with AMTRAK, providing passenger service north to Washington DC and south to Atlanta. Freight service is provided by CSX, which operates between Newport News, Louisville, Cincinnati, Columbus and Chicago. Norfolk Southern operates between Norfolk and Omaha, St. Louis, Detroit, Buffalo, Washington and Atlanta.

3.4.3 Air Service

Lynchburg Regional Airport is located between U.S. 29 and U.S. 460 approximately 5.7 miles to the south of downtown Lynchburg. The airport's commercial passenger service is provided by two regional carriers: Delta Connection/Atlantic Southeast Airlines with service to Atlanta Hartsfield International Airport; US Airways Express/Shuttle America and Air Midwest Airlines with service to Pittsburgh and Charlotte International Airports. The Regional carriers offer 24 daily arrivals and departures from 6:00 a.m. to midnight.

Roanoke Regional Airport, located 43.5 miles west of Lynchburg on U.S. 460, is serviced by five commercial and commuter airlines.

General aviation services can be found at the Lynchburg Regional Airport as well as the Falwell Airport in Lynchburg and at the Roanoke Regional Airport.

3.4.4 *Bus Service*

Greyhound-Trailways provides interstate passenger and parcel service from Lynchburg.

Municipally owned, the Greater Lynchburg Transit Company provides service within most of the City of Lynchburg and parts of Madison Heights.

3.4.5 *Water Service*

The Port of Hampton Roads is 200 miles east of Region 2000. The port's 50-foot-deep channels are located just 18 miles from the open sea, with mild climates guaranteeing ice-free conditions year-round. The Port of Richmond is 115 miles east of Lynchburg.

3.5 **Utilities and Services**

3.5.1 *Electricity*

Lynchburg residents and businesses obtain their electric services from American Electric Power.

3.5.2 *Natural Gas*

Natural gas service is available from Columbia Gas of Virginia.

3.5.3 *Water*

Public water is provided by municipal water system operated by City of Lynchburg.

3.5.4 *Sewage*

Public wastewater systems are provided and maintained the City of Lynchburg.

3.6 **Economic Growth**

3.6.1 *General*

Economic Development is identified as a priority for the City of Lynchburg in the *Comprehensive Plan 2002-2020*. Analysis of the economic climate in the City is best done by looking at the entire Lynchburg MSA. This more accurately reflects the regional impacts of growth and development within the City and on the markets for commercial, industrial and retail space. Lynchburg continues to be the regional commercial and industrial hub.

The newly formed **Region 2000 Economic Development Partnership** is a new public/private organization whose goal is to market the region as well as chart a direction for the region's economic development efforts. The region's Planning District Commission is also known as Region 2000 and both groups include the Counties of

Bedford, Amherst, Appomattox and Campbell as well as the cities of Lynchburg and Bedford (Lynchburg MSA plus Appomattox County).

Region 2000 is a broadly diversified manufacturing center known for high-tech communications equipment, materials handling machinery, integrated products, paperboard, rubber products, and iron pipe castings. The area has one of the highest percentages of people employed in manufacturing of any area in Virginia. Over 200 manufacturers employ 30 percent of the region's work force, and generate an annual payroll of nearly \$665 million.

The region is continually solidifying its reputation for high-tech manufacturing and services. These technologies can be found in communications equipment and nuclear fuel systems, as well as the four long-haul fiber optics systems presently located in the region.

Several of the East Coast's major long-haul, fiber-optic lines pass directly through Virginia's Region 2000, following the paths of some major highways. Consequently, area businesses can utilize an advanced fiber-optic network incorporating SONET self-healing rings, digital switching capabilities, and full voice/video/data capabilities. The local workforce has high CNC/PLC familiarity, high computer literacy, plus common "applied technology" skills, such as programming and networking.

3.6.2 Employment

The City of Lynchburg's economy is based on its many high-tech manufacturing companies including cellular communications, nuclear energy, and machinery. This manufacturing and research orientation represents a shift from the mill-based economy of the past, which included foundries, shoes and textiles. Education is well represented in the employment numbers with four area private colleges and a public community college located in the City. Two major hospitals are located in Lynchburg: Virginia Baptist Hospital with 317 beds, and Lynchburg General with 270 beds. Employment opportunities are varied and balanced and help to explain why unemployment rates for Lynchburg were slightly lower in 1999 and 2000 than the Virginia unemployment rates and 2% lower than the average U.S. rates. The highest rates over the past decade have been experienced in Lynchburg most recently in 2002 and 2003.

TABLE 13
CITY OF LYNCHBURG - UNEMPLOYMENT RATES 1997-2004

Year	Labor force	Employed	Unemployed	Annual Unemployment Rate
1997	29,630	28,360	1,270	4.3%
1998	29,524	28,730	794	2.7%
1999	29,561	28,925	636	2.2%
2000	29,856	29,221	635	2.1%
2001	29,383	28,056	1,327	4.5%
2002	29,539	27,706	1,833	6.2%
2003	29,302	27,512	1,790	6.1%
2004	29,135	27,503	1,632	(March only) 5.6%

Source: Virginia Employment Commission

The labor force in the above chart refers only to those residents of Lynchburg who also work in the City. Of the total labor force working in the city, approximately 44% of workers are living in the adjoining counties of Campbell, Bedford and Amherst. According to the 2000 Census, 45.9% of the workers employed in Lynchburg, also live in the City. A small percentage of workers (10.2%) are out commuters and travel from Lynchburg to work elsewhere, most commonly Campbell County.

3.6.3 Taxable Sales

TABLE 14
TAXABLE SALES 1997-2003 - LYNCHBURG

Year	Taxable Sales During Year Ending Dec 31	% Annual Change
1997	\$869,334,765	
1998	\$891,996,227	2.61%
1999	\$915,320,451	2.61%
2000	\$954,154,120	4.24%
2001	\$1,021,366,506	7.04%
2002	\$1,026,752,377	0.53%
2003	\$1,033,793,051	0.69%

Taxable sales over the period 1997-2003 reflect the economic climate locally, showing healthy growth over most of the period. Sales increased significantly from 2000-2001 (7%) but remained flat in 2002 and 2003, a reflection of the jump in the unemployment rates in the City.

3.6.4 Employers

The City offers a healthy mixture of job opportunities with services, trade and manufacturing employing the vast majority of regional workers. The proportion of Lynchburg's employment in the relatively volatile manufacturing sector is high despite the downturn in manufacturing demand statewide. Moreover, ten of the top twenty employers in the City are manufacturers. Healthcare, education and insurance employers employ the largest segment of service-oriented workers.

TABLE 15
MAJOR EMPLOYERS –CITY OF LYNCHBURG

Name	Product	Approximate Employment
Centra Health, Inc. (Two Hospitals)	Health Care	2,835 full-time 465 part-time
BWXT (McDermott Intl.)	Nuclear Fuel	2,060
Areva (Framatome ANP, Inc.)	Nuclear Maintenance & Repairs	1,400
Central Virginia Training Center	Health Care	1,600
Lynchburg City Schools	Education	1,558
City of Lynchburg	Municipal Government	1,498
GE Financial Assurance	Insurance	1,150
J. Crew Outfitters	Mail Order/ Distribution	990
R.R. Donnelly & Sons	Publishing, Printing	739
Lynchburg College	Private College	530
M/A-COM	Communications Equipment	500
C. B. Fleet Co., Inc.	Pharmaceuticals	450
Central Virginia Community College	Public College	430
Griffin Pipe Co.	Gray & Ductile Iron Pipe	410
Southern Air	Heating/Cooling Systems	352
Frito-Lay Inc.	Snack Foods	350
Progress Printing	Publishing and printing	310
Randolph College	Private College	288
Bausch & Lomb	Contact lens Distribution	167
Hecht's	Retail	150
Nationwide Insurance	Insurance	130

Source: Virginia Economic Development Partners

Lynchburg employs workers in two types of land use districts, commercial districts and employment districts. The City's commercial districts include retail, personal service, restaurant, lodging, and small office uses. Its employment districts include industrial, research and development, distribution, warehouse, and large office uses. The commercial districts meet the shopping, dining, lodging, and personal service needs of

the citizens as well as provide jobs. The employment districts serve primarily to provide jobs. Both types of districts contribute to the tax base.

TABLE 16
EMPLOYMENT BY SECTOR (3RD QTR. 2002) – CITY OF LYNCHBURG

Industry	Employees	% of Total
Agriculture, Forestry, Fishing	183	0.3%
Construction	1,904	3.5%
Manufacturing	12,298	22.4%
Wholesale and Retail Trade	13,580	24.8%
TCUP (Transportation, Communications and Utilities)	1,500	2.7%
FIRE (Financial, Information, and Real Estate)	3,438	6.3%
Services (Includes education, health and social services)	16,788	30.6%
Government (excludes education, health and post office)	5,160	9.4%
Total	54,851*	100.0%

Source: Covered Employee Wages Annualized 2002

** Employed in Lynchburg but not necessarily living in the City*

3.6.5 Employment Projections

The Virginia Employment Commission projects that over the period 1998-2008, the employment of the entire Lynchburg MSA will grow by 12,000 + jobs, an increase of 12.3%. Additionally, they estimate that over the next 20 years, the MSA will see an increase of 28,000 new jobs, with the strongest sectors being service, retail trade and construction. Manufacturing is expected to grow very little but the categories of communications (TCUP) and information (FIRE) both show healthy growth.

TABLE 17
LYNCHBURG MSA - EMPLOYMENT PROJECTIONS

Industry	1998 Estimated Employees	2008 Projected Employees	% Decade Change	% Annual Change
Total Employment – all Industries	99,012	111,198	12.3%	1.17%
Agriculture, Forestry, Fishing	D	D		
Mining	D	D		
Construction	5,777	6,354	9.99%	9.6%
Manufacturing	25,440	25,478	0.15%	0.01%
Wholesale and Retail Trade	20,812	23,713	13.94%	1.31%
TCUP (Transportation, Communications and Utilities)	4,652	5,016	7.82%	0.76%
FIRE (Financial, Information, and Real Estate)	4,372	4,597	5.15%	0.5%
Services (Includes education, health and social services)	28,702	36,356	26.67%	2.39%
Government - federal	163	148	-9.2%	-0.96%
Government - state	2,852	3,157	10.69%	1.02%
Government - local	2,808	3,154	12.32%	1.17%

Source: Virginia Employment Commission

NOTE: "D" - Information is non-disclosable due to confidentiality parameters

Partners in Lynchburg's economic development efforts continue to be the major industries in the City, smaller businesses, Virginia's Region 2000 Economic Partnership, the Greater Lynchburg Chamber of Commerce, Lynch's Landing, the Region 2000 Regional Commission, the City government (Office of Economic Development) and the Lynchburg Industrial Development Authority. These partners all recognize the importance of maintaining Lynchburg's position as the economic center for the region and are working together to strengthen the City's commercial and employment districts, which are its economic engines.

3.7 Land Use

3.7.1 Land Use Categories

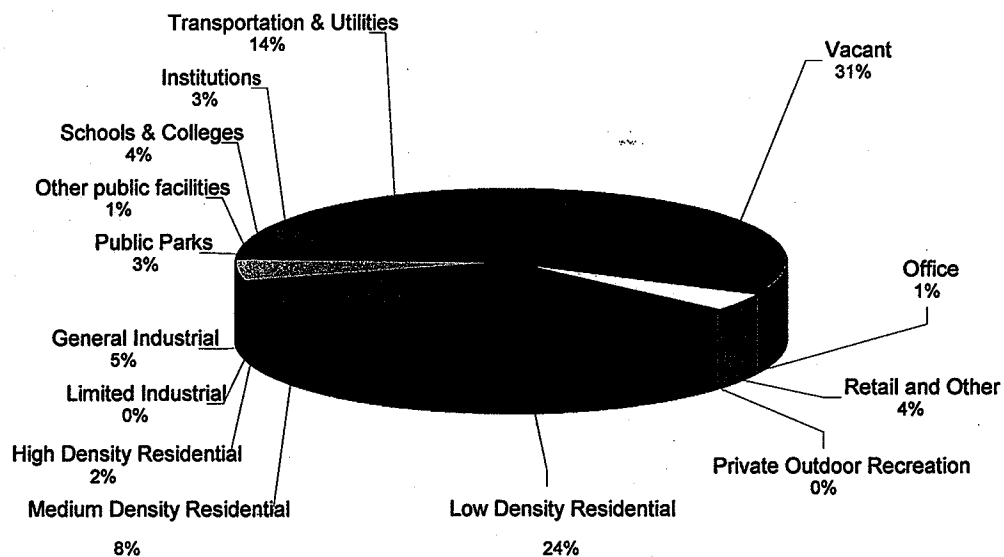
Current and future land use in the City is found in the *Comprehensive Plan 2002-2020* and will be summarized in this report. The following graph and chart show the percentages of current land use categories.

TABLE 18
LAND USE CATEGORIES

Land Use Category	% of City's Land Area
Vacant	31.24%
Office	0.98%
Retail and Other	4.19%
Private Outdoor Recreation	0.3%
Low Density Residential	24.13%
Medium Density Residential	7.94%
High Density Residential	2.09%
Limited Industrial	0.07%
General Industrial	4.96%
Public Parks	2.51%
Other public facilities	0.96%
Schools & Colleges	3.84%
Institutions	3.02%
Transportation & Utilities	13.76%

FIGURE 2
LAND USE PERCENTAGES

City of Lynchburg
Land Use Percentages



3.7.2 Current Land Use

Vacant land (31.24%)

Although the largest sector of land use, the land remaining vacant is of limited use. Development is limited by environmental constraints such as steep slopes, floodplains, and soils that are unsuitable for septic systems. There are areas of the city that are not served by public sewer.

The largest parcel of vacant land is found on Candler's Mountain in southeastern portion of the City, along the eastern side of Route 460. Other parcels are located in the Tyreeanna/Pleasant Valley in the eastern corner and along the western border of the city west of the Expressway.

Low Density Residential (24.13%) Zoned R-C, R-1, and R-2

This classification is given to areas that are predominantly single-family homes in subdivisions. Most of these areas are located in the western half of the city and were constructed after 1926.

Medium Density Residential (7.94%) Generally zoned R-3

Older medium density neighborhoods surround the downtown area. The neighborhoods of College Hill, Miller Park, Diamond Hill and Tinbridge Hill contain homes built prior to 1926. These are typically mixed use neighborhoods with commercial, industrial, and public uses mixed among the residential areas. More recently built sites are scattered mostly near Breezewood Drive and the 501 Expressway and between Lakeside Drive and Old Forest Road. Other medium uses are located along Leesville Road and Wards Ferry Road.

High Density Residential (2.09%) Generally zoned R-4 and R-5

High density residential uses include multi-family units of apartments, condominiums and nursing homes and are found on scattered sites and compose about 2% of the City's land use.

Office (0.98%)

The Office category includes general and medical offices, occupying about 310 acres. They are located primarily in the central business district, around Lynchburg General Hospital. This figure of 1% may be low as some multiuse buildings with commercial on the ground floor are counted as retail.

Retail (4.19%)

Uses include shopping centers, hotels, stores, gas stations, restaurants and these are located throughout the City. The Wards Road area is home to the City's major shopping districts, including Wards Crossing, River Ridge Mall and Candler's Station. Other major retail uses are found along Timberlake Road, Lakeside Drive, and Old Forest Road. The central business district is not currently a major location for retail uses.

Industrial (Limited Industrial 0.07%; General Industrial 4.96%)

Limited and general industrial uses together comprise about 5% of the City's total land use and are concentrated primarily along major highways and rail corridors. Uses include

manufacturing, warehouse, and distribution facilities. The major industrial areas are found in the City's Business/Technology and Employment Zones.

Public Parks/Private Recreation (Public Parks 2.51%; Private Outdoor Recreation 0.3%)
Public park uses include parks, recreation centers, and green spaces owned by the City. The City's major public parks, Blackwater Creek Natural Area, Riverside Park, Miller Park, and Peaks View Park, account for the majority of the City's park acreage. Parks cover approximately 800 City acres.

Other public facilities (0.96%)
Public facilities, including city, state or federal facilities such as City Hall, the Greater Lynchburg Transit Company, or the landfill utilize about 300 acres. A major portion is the city's landfill in the Tyreanna/Pleasant Valley area. Other major uses, including City offices, are found downtown.

Schools, Colleges and Institutions (Schools, Colleges 3.84%; Institutions 3.02%)
Uses include all the City's public schools, private schools and five colleges: Randolph Macon Woman's College, Lynchburg College, Liberty University, Virginia University of Lynchburg, and Central Virginia Community College. Institutions include churches, other places of worship, lodges, hospitals and libraries and are found mixed throughout the City and among residential uses.

Transportation/Utilities (13.76%)
This category includes the City's roadways, gas, electric, telephone and railroad uses.

3.7.3 Residential

According to the Housing Market Analysis for the City of Lynchburg, prepared by the Urban Development Project Review Studio at Virginia Tech in 2000, the number of low-income and high-income households living in the City has increased while the middle-income households have decreased and will continue to decline.

Building starts for the entire Lynchburg MSA show that the greatest growth in new housing is occurring in Bedford County and consists almost entirely of single-family homes. The housing study stated that over the past decade, 1990-2000, most of the multifamily construction was taking place outside of the City. However, data from 2000 to 2002 (Weldon Cooper Public Service Center) shows that a significant number of new multifamily housing permits were issued for Lynchburg. It is true that the City is becoming "built-out" for residential housing with few suitable sites remaining for new housing construction.

TABLE 19
ANNUAL BUILDING PERMIT DATA - CITY OF LYNCHBURG

Year	Single Family Units	Duplex Units	3-4 Unit Structures	5+ unit Structures	All Structure Types
2002	251	24	48	0	323
2001	202	76	8	0	286
2000	152	14	0	198	364
1999	169	18	0	0	187

During the decade 1990-2000, the housing stock of the City increased by 407 units or an increase of 1.5%. Most of these units were absorbed as owner-occupied units. During the same 10-year period the number of households in the city increased by 344. The nature of those households is changing in that fewer are family units and more are non-family units, especially persons living alone. Since families make up the majority of households likely to own their own homes, low-income rental demand in the City has been on the rise. Middle-income families are moving to the suburbs to purchase new single-family homes in the subdivisions that dominate the surrounding counties.

The Comprehensive Plan 2002-2020 reports that during the 1990s, the demand for very-low income rental housing increased in the City. Demand for middle-income rental housing is stronger outside of the city. Without middle-income demand, housing is filtering to low-income rental housing and issues of poor maintenance and deterioration become a concern. Higher end housing and rental demand remains high within the City.

The Housing Analysis in the Comprehensive Plan showed that 60% of the single-family homes in Lynchburg are between 1,000 and 2,000 square feet, about 20% are less than 1,000 square feet and 3.5% of the homes are greater than 3,000 square feet. The central City (south of Blackwater Creek, north of the Expressway, and west of downtown) has the highest concentration of single-family homes within the City and the highest concentration of homes less than 1,000 square feet. In the southeastern section of the city the housing stock is split almost evenly between homes less than 1,000 square feet and homes between 1,000 and 2,000 square feet.

The City largest homes and those with the highest assessed values per square foot are found in the neighborhoods of Boonsboro, Peakland, Woodland, Oakwood, Bedford Hills, and Riverside. The smaller homes with the lowest assessed values are located in areas surrounding downtown, along Campbell, and Florida Avenues, and in the Tyreeanna/Pleasant Valley area. Neither of these serves the demand for middle-income family housing.

Currently there are over 40 distinct neighborhoods in the City, including traditional neighborhoods and more conventional subdivisions. The Comprehensive Plan sets out some priorities for town officials with respect to maintaining and rehabilitating the current housing stock and preserving the character of neighborhood. One proposal is to encourage the formation of neighborhood organizations and partnerships that will

organize and motivate residents to work for housing and neighborhood preservation and improvements.

The City is also concerned about the increasing number of housing units becoming rental units and the need for good management and maintenance of older housing. The City will continue to investigate ways to provide incentives for owners/investors to rehabilitate older units. Lynchburg Redevelopment and Housing Authority is an important source of funding for low-to-moderate income housing rehabilitation projects.

The City will continue to encourage the construction of infill housing that is sensitively designed housing so that it blends into mature neighborhoods. New Mixed Use Traditional Neighborhoods like the Wyndhurst offer amenities such as small-scale commercial neighborhood retail stores, streetscape improvements, pedestrian friendly roads and sidewalks. In the Future Land Use map there are four areas designated as Planned Development Areas and they are the PDAs at Wyndhurst, Cheese Creek, Greenview, Candler's Mountain. The City intends to promote the use of its Traditional Neighborhood Development Ordinance in these areas and encourage a mixture of housing types, neighborhood parks, low intensity commercial and office uses and resource conservation areas.

The City recognizes the need to develop plans for special needs housing for its aging population. It is anticipated that the City will experience a strong demand for elderly housing and/or housing for the mentally and physically challenged. Planning should take into consideration use of the public transportation system and the use of funding for housing rehabilitation under the Community Development Block Grant Program.

3.7.4 Commercial

The commercial districts of the City comprise about 1,330 acres or 4.2% of the City's total land area. The larger commercial districts include the Downtown, The Plaza area, River Ridge Mall, and the Wards Road Area. There are also numerous shopping centers and strip commercial areas that line the City's commercial corridors, including Timberlake Road, Candler's Mountain Road, Fort Avenue, Lakeside Drive, Old Forest Road, and scattered portions of Boonsboro Road, Campbell Avenue, Fifth Street, and Twelfth Street.

City officials are aware that concentrating businesses, rather than scattering them, means that shoppers and users of services will be better served. Prior to 1960, downtown Lynchburg was the major retail location. Plaza Shopping Center was the first to draw businesses out of downtown in 1960. The River Ridge Mall opened in the 1980s and many of the retailers moved again. Most recently, the "big box" retail development and the new power centers such as Ward's Crossing opened up huge retail stores.

Lynchburg remains the region's retail hub, offering 93% of the regional retail space. While the City offers a significant amount of existing commercial space, some of that space is vacant. The Downtown, some of the older retail properties along Fifth Street, Twelfth Street and Campbell Avenue, as well as portions of older shopping centers such

as The Plaza, suffer from retail vacancies. Redevelopment of land and buildings is being encouraged in the city as new, developable land becomes increasingly scarce.

Future development and redevelopment will focus on the Downtown retail area and the local neighborhood areas. The City has joined forces with Lynch's Landing to offer financial incentives to businesses and to provide public infrastructure and amenities. To this end, the City created Enterprise/Technology Zones that provide tax abatements and other financial incentives for locating within the Downtown Central Business District. Together, these two entities undertook a major study of the downtown commercial area and the resulting plan, *Lynchburg Downtown & Riverfront Master Plan 2000*, is a roadmap for development and revitalization efforts for the next twenty years.

Recent new development in commercial has occurred as a result of the downtown revitalization planning process and the beginning of phase one projects. It is estimated that new jobs will continue to be added to those already created as a result of renovations and public improvements. A new Federal Courthouse is being constructed downtown currently as well as a new Federal Post Office (\$15 million investment). Public and private funds are being used to finance the revitalization projects.

3.7.5 Industrial

Land devoted to employment uses currently makes up about 5 percent of the City's land area or 1,590 acres. Lynchburg has several land use categories that fall within the Employment Districts. First is the Downtown with its traditional mixed use and office core. The second category is Employment 1 in which are located large offices, research and development, light manufacturing and "flex" space. And lastly, there is the Employment 2 category with the heavy manufacturing, light manufacturing, research and development, and large office space.

The City has eight industrial park sites and some future demand for new industrial development will be accommodated at existing parks. If undeveloped raw land is sought, new industrial and research and development space demand would require as many as 195 acres, while 35 more would be needed for office space. Lynchburg has a limited amount of vacant land remaining. One reason is the topography; many sites are sloped (some steeply) or crossed by one of the City's many streams. Sites for building requiring large floorplans or large, flat parking areas are the most limited. There are many more sites available for smaller businesses. Since many available sites have vacant buildings, future users of these sites face either renovation of the buildings or demolition and new construction. Reuse could lessen the demand for "greenfield" sites, some of which would be outside the city limits.

Revitalization of existing older developed areas, such as Downtown, will be needed to accommodate some of the office and technology uses. Redevelopment of some of the City's vacant shopping centers could possibly meet some of the demand. The City has provided incentives for redevelopment and revitalization of older commercial and industrial areas through the creation of Enterprise and Technology zones. Besides the Downtown area, other Enterprise/Technology Zones are between Carroll and Campbell Avenues and the First Lynchpin Industrial Park

TABLE 20
LYNCHBURG INDUSTRIAL PARK SITES

Industrial Site	Location	Size	Transportation	Zone
First Lynchburg Industrial Park	Eastern Lynchburg in the City's largest industrial district	150 acres	US Routes 29 and 460, to the west and east, respectively. Lynchburg Regional Airport 3 miles south via US Route 29 and/or US Route 460.	I-3, Heavy Industrial
Greenstone Industrial Center	US Route 221, SW Lynchburg	20 acres	Park is bordered by main line of Norfolk Southern Railroad. US Route 221 borders park to the west. Lynchburg Regional Airport 7 miles southeast.	I-2 Light Industrial
Lynchburg Center for Industry	Southwestern Lynchburg	175 acres	US Route 221 to west of park, US Route 501 to east of park. Lynchburg Regional Airport is 5.5 miles southeast.	I-2 Light Industrial
Lynchpin Industrial Center	Southwestern Lynchburg	435 acres	US Routes 221 and 501 to the east and north, respectively. Norfolk Southern Railroad borders site to east. Lynchburg Regional Airport 6 miles southeast via US Route 501 and US Route 29.	I-3 Heavy Industrial
Lynchburg Regional Airport Tract	South of Lynchburg City limits in northern Campbell County	170 acres	Adjacent to Lynchburg Regional Airport and US Route 460. Within 2 miles of US Route 29.	I-3 Heavy Industrial
Mill Ridge Industrial Park	US Route 501/Graves Mill Road, Southwestern Lynchburg	45 acres	Park bordered by main line of Norfolk Southern Railroad, US Route 501 borders park, east. Lynchburg Regional Airport 5 miles southeast via US Route 501 and US Route 29.	I-2 Light Industrial
Rock Castle Industrial Park	US Route 501, SW Lynchburg	80 acres	US Route 501 borders park to the west. Lynchburg Regional Airport 5 miles southeast via US Route 501 and US Route 29.	I-1 Conditional Industrial
Virginia Holding Corporation	Eastern Lynchburg, in the City's largest industrial district	49 acres	Bordered by Norfolk Southern Railroad; US Routes 29 and 460 to the west and east, respectively; Lynchburg Regional Airport 4 miles south via US Route 29 and/or US Route 460.	I-3 Heavy Industrial

In 2003, several industrial expansions occurred adding at least 400 new jobs inside the City. They included an expansion at Bausch and Lomb, Norcraft (150 new jobs), Parker Hannifin (50 new jobs), and Areva (200 new jobs).

Campbell County and the City of Lynchburg are discussing the possibility of creating a new regional industrial park at the Lynchburg Airport.

The Tyreeanna/Pleasant Valley area of the City has its own chapter in the Comprehensive Plan due to the large amount of undeveloped land located there. It is the City's most recently annexed parcel of land and was home to 672 persons as of the 2000 census. Sewer has been extended to portions of the area but not to others. The majority of the land use is residential or public with very little industrial or commercial land use.

The public facilities located there are the current landfill, the potential new landfill, and the wastewater treatment plant. One parcel of undeveloped land next to the wastewater plant is zoned industrial. Much of the undeveloped land is zoned Resource Conservation due to the steeply sloped hillsides and the streams.

Neighborhood residents are concerned about the impact of the new Madison Heights bypass, the James River bridge, the interchange of Route 460 with the Madison Heights bypass and the new section of U.S. Route 460. These changes could bring more traffic through their neighborhoods. Additionally, they present future economic development opportunities to develop commercial areas that will serve the traveler and for the addition of another gateway entrance into the City.

3.7.6 Future Land Use

Forecasts for growth in employment are discussed in the *Comprehensive Plan 2002-2020* and the analysis used several sources including a report entitled *Market Analysis and Economic Overview for the Lynchburg Comprehensive Plan Update, Lynchburg VA*, by Economics Research Associates (ERA), December 2001; employment forecasts by Woods & Poole, Inc.; and, Virginia Employment Commission projections. Through the analysis of growth trends and projections, planners developed a strategy to plan for future new development and redevelopment. While the analysis looked at the wider Lynchburg MSA, information and predictions for the City alone were figured by assuming a "% capture rate of future demand" in the market analysis report.

It is estimated that over the next 20 years the Lynchburg MSA will see an increase of 28,000 new jobs, with the strongest sectors being service, retail trade and construction. Manufacturing is expected to remain flat. New jobs will produce a demand for various types of real estate, including commercial office and retail, industrial and hotel/lodging.

Presuming that Lynchburg has sufficient developable land available for industrial expansion, ERA estimates that the City's could capture up to 1.5 million square feet of the demand for general industrial expansion. Total space may be a combination of new construction and/or the rehabilitation of existing (vacant) buildings. The demand forecasts for general industrial space will require on the order of 175 acres of land, while research and development will require another 20 acres of land.

The City has identified several areas in which they hope to encourage new business development. The areas are located along major corridors, such as Lakeside Drive (the former Crosstown Connector), Old Forest Road, and Wards Road, among others. Other areas are the City's three major business/technology and employment areas: Lynchpin Center, Graves Mill Road, and First Lynchburg Industrial Park.

ERA provided additional analysis on the demand for hotel and lodging, assuming the projected growth in employment discussed above. They concluded that future hotel development in Lynchburg will most likely be associated with demand generated by new commercial development and to a lesser degree, by new industrial and R & D expansion and growth. Thus, areas identified for future office development should include sufficient acreage to accommodate future hotel/lodging uses. Another possible development that could create demand for more hotel rooms is the implementation of the heritage tourism program in the City.

The City of Lynchburg could capture a significant portion of the future demand for commercial office space created by the increased employment estimates for the MSA. The market analysis estimates that the City of Lynchburg could meet the demand for 700,000 square feet of commercial office development with a combination of new construction and/or the rehabilitation of existing (vacant) buildings.

The City of Lynchburg plans to remain the region's retail center, as retail sales generate significant tax revenues for the City through sales taxes and business licensing fees. Limiting factors to future retail growth would be lack of population growth, constraints to development in certain areas of the City, limited parcels suitable for development and an inability for the City to annex more land.

Nonetheless, ERA estimates that another 600,000 to 700,000 square feet of retail space is market supportable over the next 20 years in the metropolitan area. New retail development could range from one new regional mall, to two or three power center like Wards Crossing, or multiple community or neighborhood retail shopping centers. Developers are looking for parcels with flat land, highway access, and strong visibility.

Possible Greenfield sites identified in the Future Land Use Map include the McConville Farm property at the intersection of Old Forest Road and Lakeside Drive and the Cheese Creek Mixed Use Development Area located west of the Expressway and south of Boonsboro Road. Redevelopment and revitalization efforts will be concentrated on the Downtown and the Plaza/Midtown areas.

3.7.7 Open Space/Recreation

As stated previously, there is much vacant land in the city with a large percentage of it being unsuitable for development. The Region 2000 Regional Commission is developing a plan entitled *Region 2000 Greenway and Blueway Plan* that will use pathways and waterways to connect the Lynchburg neighborhoods to each other and to commercial and recreational centers.

The City has 2.5% of its land in public parks. New public space and park areas are planned for the riverfront area in the Downtown Revitalization Project. The Upper and Lower Basin areas are attractive downtown green spaces that can accommodate crowds and improvements/ enhancements to these areas that have easy access to the James River.

Existing Parks include the following:

1. Blackwater Creek Natural & Athletic Area – (204 acres) Monticello Ave.
2. The Ruskin Freer Nature Preserve – (115 acres) Thomson Dr.
3. College Park – (5 acres) College Dr. and Breckenbridge St.
4. Heritage Park – (30 acres) Heritage High School
5. Jefferson Park – (23 acres) Kirby and North York Sts.
6. Miller Park – (37 acres) Park Ave. and Fort Ave.
7. Peaks View Park – (250 acres) Ardmore Dr., Tenbury, or Ivy Creek Ln.
8. Percival's Island Natural Area - (56 acres) Concord Turnpike
9. Perrymont Park – (16 acres) Perrymont Ave.

10. Riverside Park – (47 acres) Rivermont Ave.
11. Sandusky Park – (17 acres) Rhonda Rd.
12. Younger Park – (5 acres) Light St.

Existing playlots include the following:

1. Biggers- 5th & Clay - Basketball Court, Playground Equipment
2. Fort Hill - Fort Avenue - Basketball Court, Playground Equipment
3. Westover - Memorial Avenue/Westover Blvd.- Basketball Court (1/2 Court), Playground Equipment

3.7.8 Community Facilities/Activities

Lynchburg is the cultural and arts center for the Region 2000. Amazeement Square with a new Children's Museum and the Academy of Music are two of the downtown catalyst projects that have focused attention and planning on the Downtown area. The Riverviews is another project that focuses on the promotion of art by constructing artists' lofts for art studios and galleries in upper stories near the riverfront.

Lynchburg operates 12 parks, 24 playgrounds, eight community centers, an Olympic-size pool, 34 tennis courts, and 26 baseball diamonds. Other opportunities include hiking in the Blue Ridge Mountains or on the Appalachian Trail; swimming and boating on Smith Mountain Lake, one of the Country's largest man-made bodies of water; and skiing at nearby Wintergreen Resort.

The Lynchburg City Stadium, home to the Lynchburg Hillcats minor league baseball team, has recently undergone remodeling. Festivals and tourism continue to attract visitors to the City.

Centra Health facilities and offices have recently expanded and will experience future growth in Lynchburg, adding jobs and income to the local economy. Lynchburg General Hospital, located on Tate Springs Road, is a 270-bed facility that includes emergency and trauma, critical care, cardiology, orthopedics, neurology and neurosurgery. Virginia Baptist Hospital on Rivermont Avenue, a 338-bed facility that includes programs for cancer care, women's and children's health, ambulatory surgery, mental health and chemical addiction treatment, physical rehabilitation and home health. The Free Clinic of Central Virginia, Inc. also provides primary medical, nursing, dental and pharmaceutical services to those in Central Virginia who do not have the resources to obtain these basic health care needs.

Sources:

City of Lynchburg, *Comprehensive Plan 2002-2020*
 U.S. Bureau of the Census, 2000 Census, 1990 Census, Economic Census,
 Virginia Economic Development Partners
 Virginia Employment Commission
 Region 2000 Regional Commission website:
http://www.careerconnect.state.va.us/7region2000centralva/lmi/region_district.htm
 City of Lynchburg website: <http://www.ci.lynchburg.va.us/main.htm>
 Demographic data website: <http://virginiascan.yesvirginia.org>
 Weldon Cooper Center for Public Service, University of Virginia

4.0 WASTE GENERATION AND COMPOSITION

The City of Lynchburg operates a landfill, at the City of Lynchburg Waste Management Facility, which is located on Concord Turnpike off of US Rt. 460 (Richmond Highway). All wastes entering this site are weighed and recorded. For the solid waste plan, the integrated waste management system at the landfill will be referred to as "the facility", and a distinction will be made between the waste delivered and weighed at the facility (total tonnage) and the waste disposed of in the landfill (landfilled tonnage).

This plan focuses on waste generation as "business as usual" without consideration of regionalization and on the impact of regionalization. This is necessary as this plan will bridge the transition period between City operation and Regional Authority ownership.

4.1 Existing Conditions (2006)

Waste in the City is either collected by the City or various private haulers. Once collected, the waste is transported to the landfill. Household, commercial and institutional wastes are combined under the category of municipal solid waste and cannot be separated. Because the City and private haulers operating within the City collect these materials on a commingled basis, no record is kept of individual sources or volumes. Thus, estimates of these wastes as separate categories cannot be made with any degree of accuracy.

The City tracks their waste types in accordance with the categories outlined on DEQ form 50-25 that includes the following:

- Municipal Solid Waste (includes residential, commercial and institutional)
- Construction/Demolition/Debris
- Industrial Waste
- Regulated Medical Waste
- Vegetative/Yard Waste
- Incinerator Ash
- Sludge
- Tires
- White Goods
- Friable Asbestos
- Petroleum Contaminated Soil

In addition, under the "Other" category on Form 50-25, the City tracks waste soil and stone delivered to the landfill and reused in operations.

Acceptable bulk waste items include household appliances, tires without rims, furniture, mattresses, and trash from residential remodeling and repair operations (if the work is performed by the resident and the proper building permit is displayed). Brush, tree limbs, bagged leaves and other yard waste are placed at the curb separate from other bulk waste.

The City also tracks the following materials under their recycling program. These materials are listed under 9 VAC 20-130-150.3 as special wastes.

Waste Tires
Used Oil
Used Oil Filters

Used Antifreeze
Abandoned Automobiles Removed
Batteries

Appendix 1 contains the DEQ Form 50-25 for City of Lynchburg Waste Management Facility for 2006. Based on this information, the City received 209,682 tons of waste materials at the facility in the following categories (all values represent tons):

TABLE 21
DEQ FORM 50-25 SUMMARY - 2006

Waste Type	Received	Landfilled	Other	Description
Municipal Solid Waste	128,772	128,772	0	
Construction/Demolition/Debris	107	67	40	Mulched
Industrial Waste	55,286	32,804	22,482	
Vegetative/Yard Waste	5,362	0	5,362	Mulched/used as ADC
Sludge	19,874	19,874	0	
Tires	66	0	66	Sent off-site for Virginia's Tire Recycling Program
White Goods	215	0	215	Sent off-site to Cycle Systems for recycling
Total	209,682	181,517	28,165	
% of Total Received	100%	87%	13%	

In addition to the waste tonnages reported at the facility, the City also catalogued the recycling of 89,525 tons of materials through its own drop off program and through commercial or industrial recycling programs in 2006. Section 5.3 discusses the recycling program in detail. If the recyclables are added to the total tonnage received at the facility in 2006, the total waste generated is 218,297 tons.

4.2 Historical Waste Generation (2001 – 2006)

4.2.1 Total Tonnage Delivered

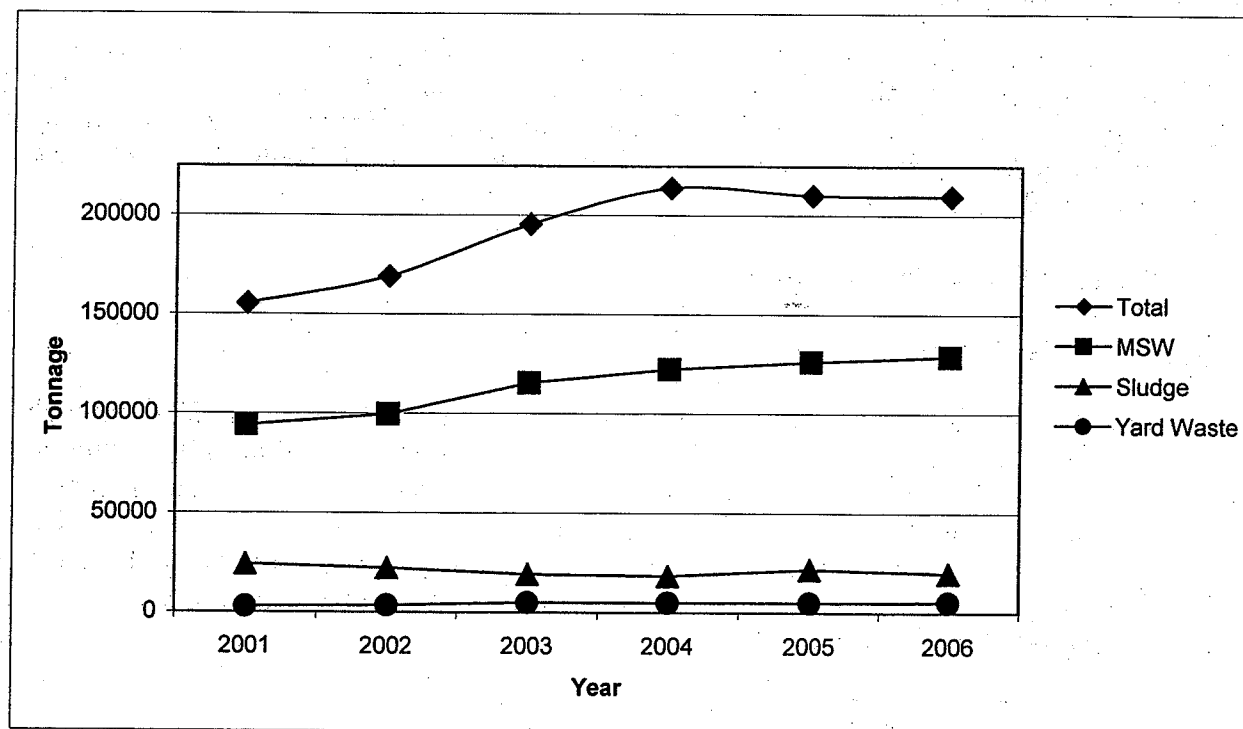
Table 22 summarizes the data submitted to DEQ on Form 50-25 from 2001 through 2006. The data represents total tonnage delivered to the facility and does not represent the tonnage landfilled. As review of the table indicates, the total tonnage has increased since 2001 ranging from 155,418 tons in 2001 to 209,682 in 2006. A significant portion of this increase is due to the increased tonnage of municipal solid waste being delivered to the facility. For 2003, the tonnage of other waste (inert dirt/rock) was due to increased road construction in the City.

TABLE 22
DEQ FORM 50-25 SUMMARY
2001 - 2006

Year	2001		2002		2003		2004		2005		2006	
Material	Tons	% Total	Tons	% Total	Tons	% Total	Tons	% Total	Tons	% Total	Tons	% Total
Municipal Solid Waste	94,242	60.6%	99,736	59.0%	115,525	59.1%	122,331	57.2%	126,109	60.0%	128,772	61.4%
Construction/Demolition/Debris	1,128	0.7%	6,691	4.0%	5,353	2.7%	268	0.1%	177	0.0%	107	0.0%
Industrial Waste	29,724	19.1%	29,457	17.4%	32,814	16.8%	32,249	15.1%	57,045	27.1%	55,286	26.3%
Vegetative Yard Waste	2,920	1.9%	3,479	2.1%	4,987	2.5%	4,963	2.3%	4,925	2.3%	5,362	2.6%
Sludge	24,112	15.5%	22,231	13.1%	19,244	9.8%	18,388	8.6%	21,784	10.4%	19,874	9.5%
Tires	115	0.1%	80	0.0%	66	0.0%	58	0.0%	55	0.0%	66	0.0%
White Goods	237	0.2%	53	0.0%	346	0.2%	275	0.1%	105	0.0%	215	0.1%
TOTAL	155,418		169,079		195,577		178,532		210,201		209,682	
% Change				8.7%		15.6%		-9.4%		15.1%		-0.2%

The following graph illustrates the historical trends for the total tonnage, and the municipal solid waste (MSW) and sludge components based on the data from Table 22.

FIGURE 3
HISTORICAL WASTE TONNAGE
2001 - 2006



Review of the graph indicates that the MSW waste stream is growing at approximately the same rate as the total waste stream. Over the period indicated, the total waste stream increased by 37.7% from 2001 through 2004 while the municipal waste stream increased

by 29.8% over the same period. The total waste stream decreased from 2004 to 2005 by 1.8% while the municipal waste stream increased 3.1%.

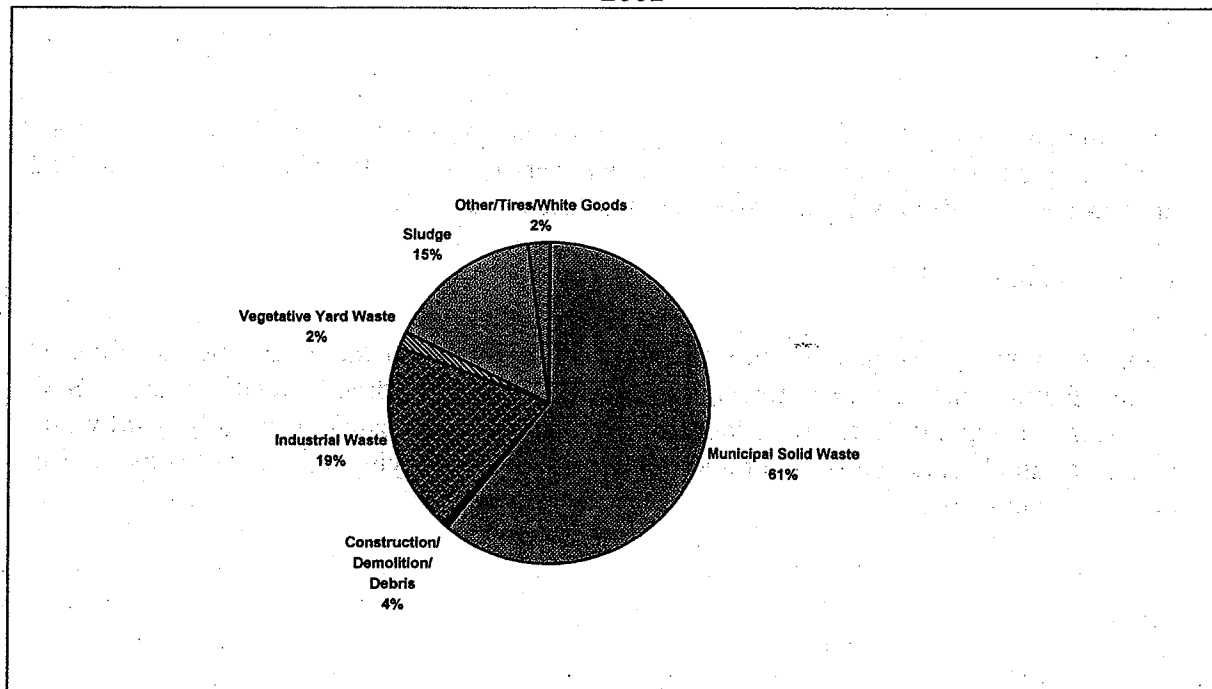
4.2.2 By Category of Waste

Table 22 also provides information on the historical trends by category of waste delivered. In their form DEQ 50-25, DEQ identifies 11 waste categories for tracking plus a category for other types of materials. Historically, the City has needed to only track six categories as follows:

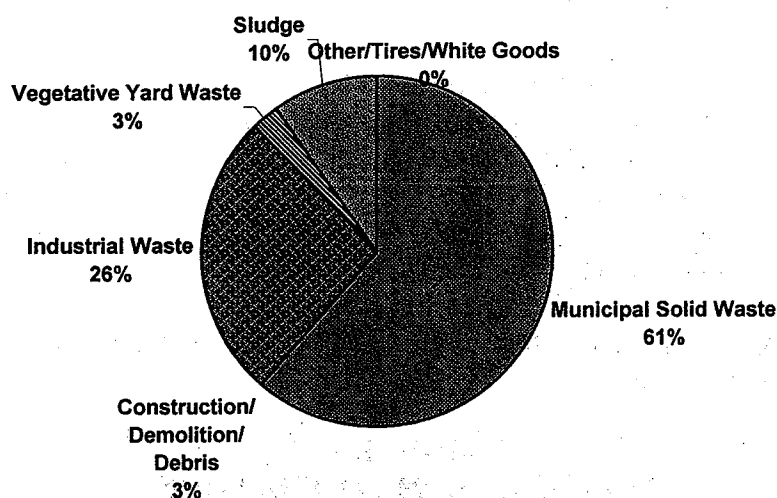
- Municipal Solid Waste (MSW)
- Construction/Demolition/Debris (CDD)
- Industrial Waste
- Vegetative/Yard Waste
- Sludge
- White Goods

The following pie diagrams illustrate the difference in the waste stream composition for the years 1999 and 2003:

FIGURE 4
WASTE STREAM COMPOSITION
2001



**FIGURE 5
WASTE STREAM COMPOSITION
2006**



Over the past five years, the percentage of MSW has been between 57% and 61% of the total waste stream. Sludge started to decrease beginning in 2000 when the City installed new processing systems at the wastewater treatment plant.

4.2.3 Tonnage Landfilled

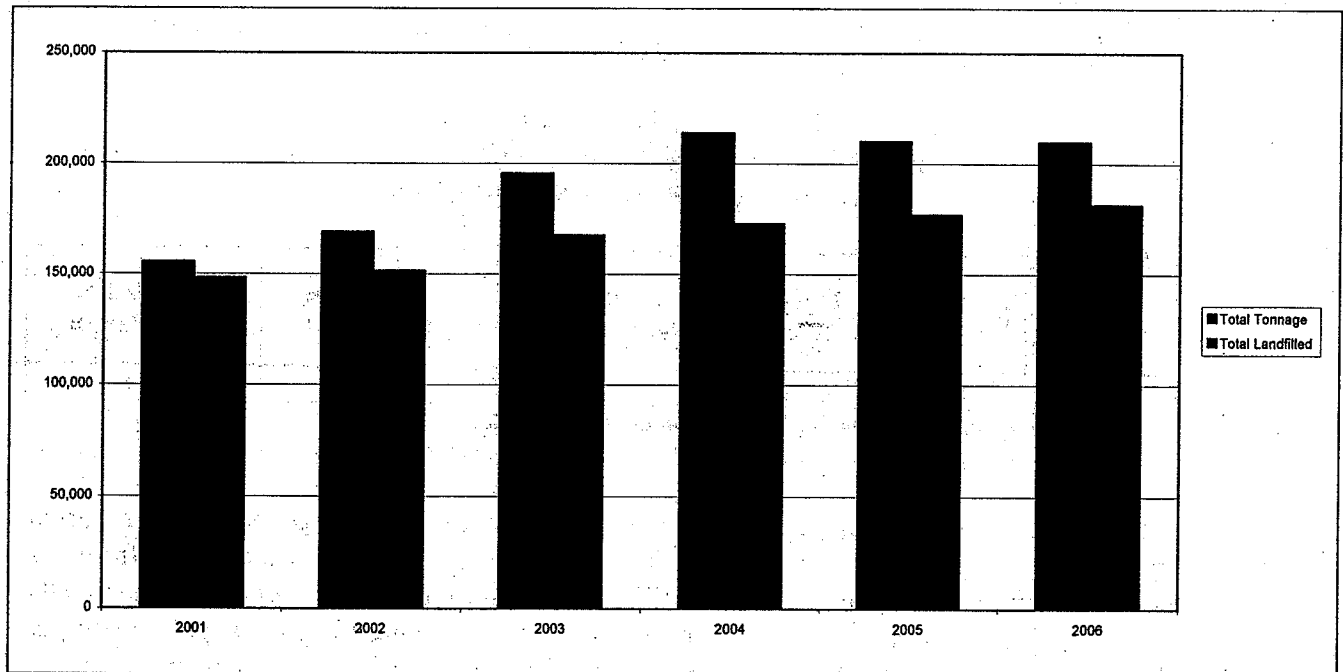
Table 23 summarizes the data from the DEQ 50-25 forms for the total tonnage delivered to the facility and the total tonnage landfilled. One hundred percent of the MSW, industrial waste, and sludge were landfilled for the years indicated. Currently, yard waste is used as an alternate daily cover and not landfilled and varying amounts of construction debris are landfilled.

TABLE 23
TOTAL TONNAGE DELIVERED VS. TOTAL TONNAGE LANDFILLED
2001 – 2006

Material	2001		2002		2003		2004		2005		2006	
	Tons	Total Landfilled	Tons	Total Landfilled	Tons	Total Landfilled	Tons	Total Landfilled	Tons	Total Landfilled	Tons	Total Landfilled
Municipal Solid Waste	94,242	94,242	99,736	99,736	115,525	115,525	122,331	122,331	126,109	126,109	128,772	128,772
Construction/Demolition/Debris	1,128	0	6,691	0	5,353	0	268	0	177	128	107	67
Industrial Waste	29,724	29,724	29,457	29,457	32,814	32,814	32,249	32,249	57,045	29,006	55,286	32,804
Vegetative Yard Waste	2,920	0	3,479	0	4,987	0	4,963	0	4,925	0	5,362	0
Sludge	24,112	24,112	22,231	22,231	19,244	19,244	18,388	18,388	21,784	21,784	19,874	19,874
Tires	115	0	80	0	66	0	58	0	55	0	66	0
White Goods	237	0	53	0	346	0	275	0	105	0	215	0
Other (Inert Waste Dirt/Rock)	2,940	0	7,352	0	17,242	0	35,427	0	0	0	0	0
TOTAL	155,418	148,078	169,079	151,424	195,577	167,583	213,959	172,968	210,201	177,027	209,682	181,517
% Landfilled		95%		90%		86%		81%		84%		87%

The following bar graph illustrates the data:

FIGURE 6
LANDFILLED WASTE vs. TONNAGE DELIVERED



Review of this data indicates that the percentage of tonnage landfilled has decreased recently. This may be an important consideration when projecting the tonnages over the 20-year planning period relative to disposal capacity. The data provides useful

information necessary to evaluate the annual change in the tonnage of landfilled waste as consideration is given to the changes expected over the 20-year planning period.

4.2.4 Pounds Per Person Per Day

The population data from Section 3.1 can be coupled with the tonnage data reported above to consider the waste stream as average pounds per person per day. The following table summarizes the data both for the total tonnage received at the facility and the total tonnage landfilled (excluding sludge):

**TABLE 24A
EVALUATION OF TOTAL WASTE TONNAGE
AS POUNDS PER PERSON PER DAY**

Year	Population	Total Tons Received	Pounds Per Person Per Day	Total Tons Landfilled (w/out sludge)	Pounds Per Person Per Day
2001	65,400	155,418	13.0	123,966	10.4
2002	65,800	169,079	14.1	129,193	10.8
2003	66,800	195,577	16.0	148,339	12.2
2004	66,800	213,959	17.6	154,580	12.7
2005	66,800	210,201	17.2	155,243	12.7
2006	66,800	209,682	17.2	161,643	13.2
Average			15.9		12.0

Population was taken from Table 7 and tonnages from Table 23.

**TABLE 24B
EVALUATION OF MSW WASTE TONNAGE
AS POUNDS PER PERSON PER DAY**

Year	Population	Total Tons Received	Pounds Per Person Per Day	Total Tons Landfilled	Pounds Per Person Per Day
2006	66,800	128,772	10.6	128,772	10.6

Population was taken from Table 7 and tonnages from Table 23.

Tonnage does not include commercial and industrial waste sectors.

To put these values in perspective, the national average for MSW generation as reported by the EPA for the year 2001 was 4.4 pounds per person per day, which is up from 2.7 pounds per person per day in 1960. MSW as defined by the EPA does not include CDD waste, sludge or industrial wastes. For 2006, the City's value for pounds per person per day was calculated to be 10.6 when the CDD, industrial, and commercial waste components are removed. These tables illustrate the significant amount of waste generated by industrial and commercial businesses within the City.

4.3 Projected Waste Generation Rates Relative to Disposal Needs

4.3.1 "Business As Usual" – No Regionalization

It is important to consider the various ways in which the waste generation within the City may change to anticipate future needs relative to disposal and collection. Because the City owns their own landfill and has potential room for expansion and the City provides residential collection through curbside pickup, they have significant control over the system and future planning. What they do not control is the commercial and industrial sector waste that may be collected privately. With complete ownership and control of their residential program, the City can make adjustments as necessary in their solid waste disposal system if the character or quantity of the waste stream changes over time. The market conditions will then control the commercial and industrial sector with this waste returning to the City only if the cost for disposal within the City is less than the cost for transporting and disposing the waste at an out of City landfill.

There is no one methodology for evaluating future waste generation rates as the rates can be impacted by many different factors including population changes, recycling participation and markets, the commercial or industrial sector, natural disasters, etc. For rural areas, changes in the waste will track closely with the population trends. For urban or developing areas, changes in the waste are more difficult to predict. Certainly the population factor is one aspect, however the commercial waste must also be considered. The following section will consider various factors that could impact waste generation in the City of Lynchburg and will propose a final growth factor to be used in the study.

4.3.1.1 Population Growth Rate

The City projected relatively little growth over the next 20 years with population increasing from 65,281 in 2004 (or 1,332 people per square mile) to 66,800 by 2024.

4.3.1.2 Commercial and Industrial Growth

As Section 3.6 indicated, the City is considered to be pro-business and continues to encourage growth in the commercial and industrial sectors. It is impossible to predict the actual growth rate in this sector's waste because there is limited information currently available on the actual tonnage of commercial waste generated within the City. The City records the commercial waste as MSW at the landfill, which also includes all the residential collection, and hence a historical perspective cannot be developed.

4.3.1.3 Annual Change in MSW Tonnages as Noted on DEQ Form 50-25

Changes in the MSW component of the City's waste stream as identified under the category "Municipal Solid Waste" on Form 50-25, can be summarized as follows:

TABLE 25
ANNUAL CHANGES IN MSW WASTE COMPONENT

Year	Tonnage	Annual Change Percent
2001	94,242	
2002	99,736	5.8%
2003	115,525	15.8%
2004	122,331	5.9%
2005	126,109	3.1%
2006	128,772	2.1%
Average annual change		6.6%

Information taken from DEQ Forms 50-25

The MSW component above includes the residential, commercial and institutional waste delivered to the facility and does not include the CDD materials, industrial waste or sludge that is also landfilled.

Nationally from 1990 to 2001 the MSW waste stream grew at a rate of 1.0% per year and the population grew at a rate of 1.3% for the same period. The City's higher rate is not reflected in population growth, but may be due to growth in the industrial and commercial sector.

4.3.1.4 Annual Change in Total Tonnage with Population Considered

Another way to consider the annual change in solid waste is to couple the population with the total tonnage delivered to the facility as determined in the calculation for pounds per person per day as follows:

TABLE 26
ANNUAL CHANGE POUNDS PER PERSON PER DAY
TOTAL TONNAGE, 2001 - 2006

Year	Pounds Per Person Per Day	Annual Change in Percent
2001	13.0	
2002	14.1	8.5%
2003	16.0	13.5%
2004	17.6	10.0%
2005	17.2	-2.3%
2006	17.2	0.0%
Average annual change		5.9%

The total tonnage includes all waste delivered to the facility regardless of its handling. Since population growth is projected to be flat over the next 20 years, this would not be a reliable basis for projecting solid waste tonnages.

4.3.1.5 Annual Change in Sludge And Yard Waste and Other Special Wastes

It is not anticipated that significant increases in sludge or yard waste will be forthcoming over the next 20 years. Quantities of these materials are directly related to population.

The City does not generate significant amounts of agricultural wastes, mining wastes, septage, and spill residues. Data is not available for these categories and is not included in this plan.

4.3.1.6 Projected Tonnages

As stated at the beginning of this section, there is no single methodology to use to predict the future changes in the City's waste stream. Population is not anticipated to grow. Relative to the commercial and industrial sector, it is difficult to project growth. Typically, growth in the commercial and industrial sectors occurs to support the population growth.

For this report, a growth rate of 2% of the MSW waste is assumed. Sludge and vegetative/yard waste were assumed to remain relatively constant because their tonnages are not critical to the City's collection or disposal programs but are instead tied to the mulching program. In addition, the CDD and industrial components reported at the facility were assumed to remain relatively constant.

Table 27 estimates the tonnages received at the landfill by year. Table 27A estimates the total tonnages generated within the City per year. Table 27B estimates the special waste generation forecasts. Using the assumptions above the total waste stream delivered to the facility was projected forward as was the landfilled tonnage.

TABLE 27
ESTIMATED WASTE TONNAGE 2006-2026
RECEIVED AT FACILITY AND LANDFILLED (TONS)
City Waste Only

Estimated rate of change for landfilled waste					2%	
Estimated rate of change for other waste materials					0%	
Year	MSW Tons (100% Landfilled) Sludge not included	Industrial Tons (100% Landfilled)	Other Tons Received at Facility (CDD, yard waste, sludge, white goods, tires, inert debris)	Total Tons Estimated to Be Delivered to Facility	Tons Landfilled	Tons Landfilled Per Day (2 days per week)
2006	128,772	55,286	25,624	209,682	189,741	520
2007	131,347	55,286	25,624	212,257	192,316	527
2008	133,974	55,286	25,624	214,884	194,943	534
2009	136,654	55,286	25,624	217,564	197,623	541
2010	139,387	55,286	25,624	220,297	200,356	549
2011	142,175	55,286	25,624	223,085	203,144	557
2012	145,019	55,286	25,624	225,929	205,988	564
2013	147,919	55,286	25,624	228,829	208,888	572
2014	150,878	55,286	25,624	231,788	211,847	580
2015	153,896	55,286	25,624	234,806	214,865	589
2016	156,974	55,286	25,624	237,884	217,943	597
2017	160,113	55,286	25,624	241,023	221,082	606
2018	163,315	55,286	25,624	244,225	224,284	614
2019	166,581	55,286	25,624	247,491	227,550	623
2020	169,913	55,286	25,624	250,823	230,882	633
2021	173,311	55,286	25,624	254,221	234,280	642
2022	176,777	55,286	25,624	257,687	237,746	651
2023	180,313	55,286	25,624	261,223	241,282	661
2024	183,919	55,286	25,624	264,829	244,888	671
2025	187,598	55,286	25,624	268,508	248,567	681
2026	191,350	55,286	25,624	272,260	252,319	691

Population Data Sources: U.S. Bureau of the Census; Virginia Employment Commission

TABLE 27A
ESTIMATED TOTAL WASTES GENERATED 2006 – 2026 (TONS)
City Waste Only

Year	MSW Tons Residential	MSW Tons Commercial	Industrial Waste Tons	CDD Waste Tons	Special Waste Tons (See Table 27B)
2006	77,263	51,509	55,286	107	54,360
2010	83,632	55,755	55,286	107	54,360
2015	92,338	61,558	55,286	107	54,360
2020	101,948	67,965	55,286	107	54,360
2026	114,810	76,540	55,286	107	54,360

Residential waste is assumed to be 60% of the total MSW waste stream.

Commercial waste is assumed to be 40% of the total MSW waste stream

Source for industrial waste is landfill records

Source for CDD waste is landfill records

TABLE 27B.
ESTIMATED SPECIAL WASTES GENERATED 2006 – 2026 (TONS)

Year	Land Clearing Debris and Construction Wastes	Tires	Waste Oil	Batteries	Sludge	White Goods	Spill Residues
2006	33,963	66	194	48	19,874	215	0
2010	33,963	66	194	48	19,874	215	0
2015	33,963	66	194	48	19,874	215	0
2020	33,963	66	194	48	19,874	215	0
2026	33,963	66	194	48	19,874	215	0

Source for tonnages is landfill records and recycling reports

4.3.2 With Regionalization

During the planning period the Region 2000 Services Authority will assume the ownership and operation of the Lynchburg landfill. This is anticipated to happen July 1, 2008. After this transition the City of Lynchburg will operate as a member of the Authority and as a user of the regional landfill, paying the set tipping fee. After the transfer of ownership the City will also complete its solid waste planning as a member of the Authority and its planning region. The Authority is currently developing a regional plan which will supersede this plan.

Table 27C evaluates estimated waste tonnages during the regional usage of the Lynchburg landfill and then examines the tonnage to be transferred after this period. The information in this table is based on estimates included in the permit amendment for Phase 4, currently under review.

TABLE 27C
ESTIMATED WASTE TONNAGE 2006-2026
RECEIVED AT FACILITY AND LANDFILLED (TONS)

Estimated annual rate of change for City landfilled waste						2%	
Estimated annual rate of change for Regional waste						0.25%	
Estimated annual rate of change for other waste materials delivered by the City						0%	
Year	Comments	Region 2000 Service Authority Additional waste from other localities	MSW Tons (100% Landfilled) Sludge not included (City)	Industrial Tons (100% Landfilled) (City)	Other Tons Received at Facility (CDD, yard waste, sludge, white goods, tires, inert debris) (City)	Total Tons Estimated to Be Delivered to Facility (City + Region)	Tons Transferred
2006	City only		128,772	55,286	25,624	209,682	0
2007	City only		131,347	55,286	25,624	212,257	0
2008	Begin regionalization 7/1/08	102,419	133,974	55,286	25,624	317,303	0
2009	Regional operation	104,467	136,654	55,286	25,624	322,031	0
2010	Regional operation	106,557	139,387	55,286	25,624	326,854	0
2011	Regional operation – landfill reached capacity	108,688	142,175	55,286	25,624	331,773	0
2012	Begin transfer to Campbell County	0	145,019	Delivered directly by industry	25,624	0	145,019
2013	Transfer to Campbell County	0	147,919	Delivered directly by industry	25,624	0	147,919
2014	Transfer to Campbell County	0	150,878	Delivered directly by industry	25,624	0	150,878
2015	Transfer to Campbell County	0	153,896	Delivered directly by industry	25,624	0	153,896
2016	Transfer to Campbell County	0	156,974	Delivered directly by industry	25,624	0	156,974
2017	Transfer to Campbell County	0	160,113	Delivered directly by industry	25,624	0	160,113
2018	Transfer to Campbell County	0	163,315	Delivered directly by industry	25,624	0	163,315
2019	Transfer to Campbell County	0	166,581	Delivered directly by industry	25,624	0	166,581
2020	Transfer to Campbell County	0	169,913	Delivered directly by industry	25,624	0	169,913
2021	Transfer to Campbell County	0	173,311	Delivered directly by industry	25,624	0	173,311
2022	Transfer to Campbell County	0	176,777	Delivered directly by industry	25,624	0	176,777
2023	Transfer to Campbell County/Other Facility	0	180,313	Delivered directly by industry	25,624	0	180,313
2024	Transfer to Other Facility	0	183,919	Delivered directly by industry	25,624	0	183,919
2025	Transfer to Other Facility	0	187,598	Delivered directly by industry	25,624	0	187,598
2026	Transfer to Other Facility	0	191,350	Delivered directly by industry	25,624	0	191,350

Population Data Sources: U.S. Bureau of the Census; Virginia Employment Commission

4.4 Waste Composition

The City does not receive significant quantities of unusual or special wastes. Therefore its composition would be assumed to be similar to the national estimates discussed in Section 2.1.2.

5.0 EXISTING SOLID WASTE MANAGEMENT SYSTEM

The following section describes the major components of the City's current solid waste management system in existence in 2006.

5.1 Collection

5.1.1 Residential Collection

The City collection system consists of a semi-automated trash system that commenced October 1, 2003. The semi-automated trash system is curbside collection consisting of six 32-yard side loading trucks and three 25-yard rear loading trucks that pick up trash carts with Bayne lifters, eliminating the need for manual lifting of trash. The trash carts come in two sizes, 32-gallon and 64-gallon capacities. Each trash cart is affixed with either a decal or a trash tag. Additional information on the decal and tag system is provided in Section 6.2. The pay-as-you-throw system encourages waste reduction and recycling.

Residents can also drop-off their trash within the designated paved drop-off area at the landfill; residents are allowed to dispose of 250 lbs/month at no charge. Brush and bulk collection is conducted on scheduled pick-up days. Residents are also allowed to bring unlimited loads of segregated brush or bulk to the landfill at no cost.

The landfill is open Monday through Saturday from 7:00 a.m. to 4:00 p.m. The collection program is from 7:00 a.m. to 3:00 p.m.

5.1.2 Commercial Haulers

There are a number of commercial haulers in the City who provide privatized collection to certain residential areas and to the commercial and industrial sectors. The major private sector haulers are identified as follows, based on the City's records:

Commercial/Business

BFI
Waste Management of Blue Ridge
BSW
First Piedmont
J&W Hauling
Calloway Enterprises

Commercial haulers are regulated under Chapter 21.2, Article IV, Sections 21.2-36 through 21.2-41 of the City Code. Highlights of these sections are as follows:

- No collection, transportation, or disposal of solid waste without a City business license.
- Waste to be collected directly from the premises of the owner, and any empty containers shall be returned to the owner.
- No commercial containers are to be placed on public property or public right-of-way without written permission of the City Manager. No

commercial containers shall be placed on private property in such a way as to impede traffic (pedestrian or vehicular) or create a safety hazard for traffic.

- Responsibility of the property owner to ensure commercial containers and the immediate area around them are kept clean at all times.
- All vehicles used in collection shall be kept and maintained in a clean and sanitary condition.
- All vehicles used to collect and transport solid waste shall be rated with its volume capacity.
- No vehicle used in waste collection shall be parked on a City street overnight.
- Fees to be based on load capacity as follows:
 - \$35/ton for private haulers and companies delivering at least 150 tons annually to the City's landfill
 - \$23 to \$30/ton for industrial companies
 - \$48/ton for all others (gate rate)

5.1.3 Commercial and Industrial Collection

The City does provide collection for the commercial and the industrial sector if those businesses wish to participate and their trash can be contained within the City Trash Carts.

5.1.4 Operations

The collection program currently employs the following people:

Full – time employees	14
Supervisor	1

Currently, collections utilize the following equipment:

6 side loaders (4 International 4900s, 2 International 7400s)
3 rear loaders (1 GMC C6500, 2 Volvo VDH64D)
4 knucklebooms (GMC Sidekick)

This information is provided as an example of the City's staffing and equipment and represents the nature of the City's collections program. Variations to the number of personnel and equipment are expected, and this plan will not be revised every time personnel or equipment change.

5.1.5 Procedure for Evaluating Collection and Transfer

Annually during the budget preparation the City will assess the effectiveness of its collection system and waste transfer. In reviewing the system the City may consider such items as:

- Budget
- Contracts
- Equipment Needs
- Personnel
- Effectiveness
- Aesthetics
- Complaints over previous year
- Traffic or entrance issues
- Safety
- Location of disposal facilities

This assessment will be completed informally. If it appears that modifications to the system are needed, recommendations will be made to the Public Works Department and/or City Council by the City's Waste Management Division. Recommendations may include the following information:

- Description of change
- Background on need for change
- Evaluation of infrastructure needs
- Evaluation of potential contractual requirements
- Recommendations for method of implementation
- Schedule
- Regulatory requirements
- Costs and budget requirements
- Revenue sources to fund change

If a change is implemented, the solid waste plan will be revised accordingly.

5.2 Disposal

5.2.1 General Description

The City owns and operates one sanitary landfill, the City of Lynchburg Waste Management Facility. The landfill is operated under Virginia Department of Environmental Quality (DEQ) Permit 558. At one time the City owned and operated other facilities, which have now been closed and are under various post closure monitoring programs. Section 5.2.8 discusses these older landfills. The current City landfill is the only active disposal facility within the City boundaries.

The landfill is located on Concord Turnpike approximately ½ mile from the intersection of Concord Turnpike and Rt. 460. Operation of the older disposal unit began in 1979. The

expansion area of the landfill began operation in October 1993. The older unit was capped in late 1993. The new landfill unit and the old landfill unit (former Permit 273) are included within a permitted boundary of 113 acres. Of the 113 permitted acres, the closed unit covers approximately 24 acres, 36.2 acres will be used for new disposal area, with the remainder used for support facilities (equipment and operation office building, equipment yard, household disposal area, access roads, sedimentation basins, etc.) and required buffers.

Phases 1, 2, and 3 of this facility have been constructed. Phase 4 of the landfill is a future disposal cell. In all, the permit design encompasses the four phases for a total life expectancy of 21.8 years (through mid-2014 assuming City tonnage only). This is reduced to 19.8 years (through 2012) under regionalization. Section 5.2.4 provides further discussion of disposal capacity. There is the potential for additional life in the facility if DEQ allows the City to fill the area between the old and new landfills. This would only be allowed through a major permit amendment approved by the DEQ.

In 2008, the City will join a regional network as a primary Regional disposal site. Members of the Region will transport or direct their solid waste to the Lynchburg landfill until the facility reaches final capacity. Once the facility reaches capacity, closure for the Lynchburg landfill will commence and refuse from the City will be transported or directed to another facility within the Region.

Prior to regionalization, the City's average daily tonnage is estimated to be 580 tpd and its maximum daily tonnage estimated to be 1,140 tpd. After regionalization, the landfill's average daily tonnage will increase to 980 tpd and its maximum daily tonnage to 2,580 tpd.

5.2.2 Materials Permitted for Acceptance at Landfill

In accordance with the Virginia Solid Waste Management Regulations, the landfill may accept the following wastes subject to permit specific limitations:

1. Agricultural waste
2. Ashes and air pollution control residues that are not classified as hazardous waste. Incinerator and air pollution control residues should be incorporated into the working face and covered at such intervals as necessary to prevent them from becoming airborne.
3. Commercial waste
4. Compost
5. Construction waste
6. Debris
7. Demolition waste
8. Discarded material
9. Garbage
10. Household waste
11. Industrial waste meeting all criteria contained in the VSWM regulations
12. Inert waste

13. Institutional waste except anatomical waste from health care facilities or infectious waste as specified in Waste Management Board's Infectious Wastes Regulations (VR 672-40-01).
14. Municipal solid waste
15. Putrescible waste. Occasional animal carcasses may be disposed of within a sanitary landfill. Large number of animal carcasses shall be placed in a separate area within the disposal unit and provided with a cover of compacted soil or other suitable material.
16. Refuse
17. Residential waste
18. Rubbish
19. Scrap metal
20. Sludges. Water treatment plant sludges containing no free liquid and stabilized, digested or heat treated wastewater treatment plant sludges containing no free liquid may be placed on the working face along with municipal solid wastes and covered with soil or municipal solid wastes. The quantities accepted should be determined by operational conditions encountered at the working face.
21. Trash
22. White goods, provided that white goods are free of chlorofluorocarbons and PCBs prior to placement on the working face.
23. Non-regulated hazardous wastes and treated wastes rendered non-hazardous by specific approval only
24. Specific wastes as approved by the DEQ
25. Waste oil that has been adequately absorbed in the source of a site cleanup.
26. Vegetative waste.
27. Yard waste

5.2.3 *Materials Not Accepted at the Landfill*

The following wastes are considered to be unauthorized wastes and **are prohibited** at the landfill:

1. Under 9 VAC 20-80-250.C.17):
 - a. Free liquids
 - (1) Bulk or non-containerized liquid waste, unless:
 - (a) The waste is household waste; or
 - (b) The waste is leachate or gas condensate derived from that landfill and the facility is designed with a composite liner and leachate collection system.
 - (2) Containers holding liquid waste, unless:
 - (a) The container is a small container similar in size to that normally found in household waste;
 - (b) The container is designed to hold liquids for use other than storage; or
 - (c) The waste is household waste.
 - b. Regulated hazardous wastes

- c. Solid wastes, residues, or soils containing more than 1.0 ppb (parts per billion) of Dioxins
 - d. Solid wastes, residues, or soils containing more than 50.0 ppm (parts per million) of PCB's except as allowed under the provisions of 9 VAC 20-80-650
 - e. Unstabilized sewage sludge as defined by the Virginia Department of Health or sludges that have not been dewatered
 - f. Pesticide containers that have not been triple rinsed and crushed
 - g. Drums that are not empty, properly cleaned, and opened
 - h. Contaminated soil unless approved by the DEQ in accordance with the requirements of 9 VAC 20-80-630 or 9 VAC 20-80-700.
2. Additional wastes not accepted:
- a. Friable Asbestos – defined as any waste material containing more than 1.0% asbestos as determined using the polarized light microscopy methods specified in 40 CFR Part 763, Appendix E, Subpart E, Section 1, that when dry, is capable of being crumbled, pulverized or reduced to powder by hand pressure.
 - b. Hazardous Waste - defined as a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may:
 - (1) cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness;
 - (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed;
 - (3) have at least one of four characteristics: ignitability, corrosivity, reactivity, and toxicity; or
 - (4) Hazardous wastes are regulated under the Virginia Department of Environmental Quality Hazardous Waste Management Regulations (9 VAC 20-60).

5.2.4 Disposal Capacity and Life Expectancy

The following excerpt taken from the Design Report, dated October 24, 2001 outlines the original design parameters and life expectancy of the facility as follows.

"Since the original permit, the landfill site life and capacity have changed. The first change included the Phase 1 extension area approved by DEQ on January 23, 1997. This change extended the boundary of Phase 1 by 0.7 acres to the southeast. The second change includes the increased capacity generated with revisions to the base grades of Phases 3 and 4 requested under this amendment. The only lateral extension has been that of the Phase 1 extension previously approved. With the revisions requested under this amendment, the following capacities and life expectancies are projected. The life expectancies are projected based on 6.5 years of operational data (annual surveys, accurate weigh data) that indicate a waste/soil density of 1689 lb waste/cubic yard fill (soil and waste) or conversely 1 ton of waste requires 1.2 cubic yards of space (waste and soil).

	<i>Phase 1 w/Extension</i>	<i>Phase 2</i>	<i>Phase 3</i>	<i>Phase 4</i>	<i>Total</i>
<i>Phase Acreage</i>	18.4	4.2	6.7	5.6	36.2
<i>Total Volume, cy</i>	1,174,800	1,074,300	1,817,500	707,700	4,774,300
<i>Liner, cy</i>	111,500	26,000	37,700	9,100	184,300
<i>Cap, cy</i>	111,500	26,000	37,700	31,500	206,700
<i>Net Volume, cy</i>	951,800	1,022,300	1,742,100	667,100	4,383,300
<i>Tons @ 1689 lb/cy</i>	803,800	863,332	1,471,200	563,400	3,701,400
<i>Life Expectancy, yr (Lynchburg Waste Only)</i>	4.8	5.1	7.7	2.2	19.8
<i>Life Expectancy, yr (All Regional Waste)</i>	4.8	5.1	6.5	1.4	17.8

The use of Phase 1 began in October 1993. Thus, the landfill is anticipated to last until mid-2013 if the facility only accepts Lynchburg waste, or until mid-2011 if the facility accepts all of the regional waste starting in the summer of 2007.

The soil material balance for the facility may be summarized as follows:

Materials needed

<i>Liner Soil</i>	184,300 cy
<i>Cap (1.5' of 1×10^{-5} cm/sec)</i>	88,100 cy
<i>Cap cushion (2')</i>	116,200 cy
<i>Soil Cover (3:1 ratio)</i>	1,091,400 cy
<i>Ravine and road fill</i>	<u>684,000 cy</u>
	2,164,000 cy

<i>Materials available from Phases 1 – 4</i>	1,804,000 cy
<i>Borrow Area 3</i>	224,000 cy
<i>Additional in Borrow Area 3 if towers relocated</i>	98,000 cy

<i>Soil Balance (deficit)</i>	(38,000) cy
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The additional soil can be taken from the property owned by the City across Concord Turnpike, imported or mitigated through the use of synthetic daily cover. If the synthetic cover is to be used, DEQ approval will be petitioned."

To monitor the life of the landfill the City periodically surveys the landfill and completes a life expectancy evaluation. At this time the landfill is using Phases 1, 2 and 3. One additional Phase remains to be constructed at the landfill. The following table summarizes information relative to these cells taken from the Design Report.

TABLE 28
PROJECTED LIFE OF LANDFILL CELLS
FROM LANDFILL DESIGN REPORT

Phase	Surface Area (Acres)	Expected Life (Years)		Projected Year Full		Comments/Actual Dates
		Lynchburg waste only	Regional waste	Lynchburg waste only	Regional waste	
1	19.7	4.8	N/A	1998	1998	Began filling in Cell 1 on 10/9/93
2	4.2	5.1	N/A	2003	2003	Began filling in Cell 2 in June 1998
3	6.7	7.7	6.5	2011	2009	Began filling in March 2003
4	5.6	2.2	1.4	2013	2011	
Total	36.2	19.8	17.8			

The following table summarizes the proposed schedule for construction:

TABLE 29
LANDFILL CONSTRUCTION SCHEDULE
USING ACTUAL DATES AND DESIGN REPORT PROJECTIONS

Activity	Actual/Projected Date	
	Lynchburg waste only	Regional waste
Begin filling Phase 1	October 9, 1993	October 9, 1993
Begin filling Phase 2	June 1998	June 1998
Begin filling Phase 3	March 2003	March 2003
Construction of Phase 4	2007	2007
Begin filling Phase 4	2008	2008
Partial closure Phases 1, 2, and 3	2012	2010
Complete fill in Phase 4	2013	2011
Final closure	2014	2012

The City owns additional property across Concord Turnpike from the existing landfill. There is sufficient disposal capacity for the City at it's own landfill and if permitted, on the additional property, throughout the planning period.

5.2.5 Operations

Currently the landfill operations utilize the following equipment:

2 front end loaders (two John Deere 544s)	1 fuel truck
1 track loader (Cat 973)	1 water truck
3 compactors (2 Cat 826G, 1 Bomag)	
2 dozers (Cat D3, Cat D8)	
1 forklift (Komatsu FG30C-11)	

Currently the landfill operations utilize the following personnel:

12 operators
2 mechanics
1 superintendent
1 administrative assistant
1 scale-house attendant

The equipment and personnel will vary over time as operations are adjusted. This plan will not be adjusted when equipment or personnel change.

5.2.6 Landfill Design

A. Liner System

The following table summarizes the liner and leachate collection system components as constructed or as designed for Phases 1 through 4 of the Lynchburg Waste Management Facility (Landfill). The components are listed from the bottom up:

**TABLE 30
LINER SYSTEM**

Component	Phases 1, 2, 3	Phase 4
Subgrade	Compacted or in-situ material	Compacted or in-situ material
Soil Liner	24 inches of compacted soil with a hydraulic conductivity less than or equal to 1×10^{-7} centimeters per second	12 inches of compacted soil with a hydraulic conductivity less than or equal to 1×10^{-5} centimeters per second - Geocomposite clay liner – two layers of geotextile fabric sandwiching a layer of bentonite clay
Geosynthetic membrane liner	60 mil thick High Density Polyethylene (HDPE)	60 mil thick High Density Polyethylene (HDPE)
Primary drainage	Geonet/geotextile composite drainage material	Geonet/geotextile composite drainage material
Liner cushion layer	For slopes over 25% - 18 inches of soil For slopes less than 25% - 18 inches of aggregate (VDOT #8 stone)	For slopes over 25% - 18 inches of soil For slopes less than 25% - 18 inches of aggregate (VDOT #8 stone)
Leachate collection	Leachate from drains by gravity into the City's sewer system, then into the City's WWTP	Leachate from drains by gravity into the City's sewer system, then into the City's WWTP

The estimated cost for the Phase 1 – 4 liner system is \$186,000 per acre based on recent bids.

B. Cap System

The following table summarizes the components of the cap system for Phase 1 through 4 from the bottom up:

**TABLE 31
CAP SYSTEM**

Component	Design
Intermediate Cover	12" – soil placed during operations
Infiltration Barrier Layer	18" – soil layer compacted to achieve a hydraulic conductivity of no more than 1×10^{-5} cm/sec. Layer will generally contain no particles greater than $\frac{3}{4}$ "
Geosynthetic Membrane	40 mil thick Low Density Polyethylene (LDPE)
Liner protection	12 ounce per square yard non-woven geotextile
Erosion / vegetative support layer	18" – soil material capable of supporting vegetative growth, will protect the membrane cap from mechanical damage, freeze-thaw stresses, and from burrowing animals
Vegetative growth layer	6" – top soil or amended soil to promote vegetative growth

The estimated cost for construction of this cap system is \$95,000 per acre (2004 dollars)

5.2.7 Household Hazardous Waste Collection

The City sponsors household hazardous waste collection days on the second Saturday of April, June, August, and October. The types of materials collected during previous programs include the following:

- Aerosols
- Auto starter
- Batteries
- Brake fluids
- Bulk acids (e.g. muriatic acid, battery acids)
- Bulk bases (e.g. pool chemicals, household cleaners)
- Corrosives
- Herbicides
- Solvents (e.g. cleaners, gasoline and fuels)
- Oil based paints
- Oxidizers
- Photo chemicals
- Pesticides
- Poisons
- Polishes
- Thinners
- Used motor oil
- Weed killers

The types of materials vary with every collection and are dependent on the materials brought in by the public and accepted by the processor.

5.2.8 Previously Operated Landfills

Prior to the permitting of the current landfill, the City had operated two other permitted landfills within the City. In addition, several industrial landfills have been operated within the City. The current City landfill is the only active disposal facility within the City boundaries.

Table 32 summarizes the information on these landfills. These landfills are closed and involved in some type of post closure care per the Virginia Solid Waste Management Regulations.

**TABLE 32
SUMMARY OF PREVIOUSLY CLOSED LANDFILLS**

Landfill Permit Number	Name	Type of Landfill	Date Permitted	Date Closed	Additional Information (Monitoring status, liner type, cap type, current usage)
010	Lynchburg Sanitary Landfill	Sanitary	1971	1979	No post closure activity required. Currently used as green space.
232	Rock-Tenn Corp Landfill	Captive Industrial	1977	Not known at this time	
273	Lynchburg City Sanitary Landfill	Sanitary	1979	1993	Landfill was capped in 1993. Post closure activities include groundwater and gas monitoring. Groundwater program in assessment monitoring with corrective action
344	Florida Avenue Landfill	Captive Industrial	1981	Not known at this time	
511	Rock-Tenn Corp	Captive Industrial	1987	Not known at this time	
517	Lynchburg Foundry – Falwell Landfill	Captive Industrial	1987	Not known at this time	

5.2.9 Central Archive

The City maintains records of all closed and active solid waste disposal sites within the files of the Waste Management Division at the following address:

City of Lynchburg Waste Management Division
2704 Concord Turnpike
Lynchburg, Virginia 24504
Phone: 434-455-6335

These files constitute the operating record of all the permitted landfills within the City. New landfills or expansions to existing facilities are documented in these files. Correspondence to and from DEQ is also maintained in these files.

The Central Archive will receive and record information on the amount of solid waste produced in the area. This information has been summarized on Form DEQ 50-25, Solid Waste Information and Assessment Program – Reporting Table. This form is submitted to the DEQ annually and copies are maintained in the Central Archive. Future information will be maintained at the Central Archive and copies sent to the DEQ.

Once ownership is transferred to the Region, records will continue to be maintained at the landfill as required and will also be maintained at the office of the Authority's Executive Director.

In addition, the City has developed the Solid Waste Management Plan to serve as a summary of solid waste disposal activities within the City. The plan will be revised when significant changes occur in these activities and the plan once revised will be submitted to the Director of DEQ or other appropriate persons as designated by DEQ for review and approval.

5.3 Recycling

5.3.1 Historical Overview Of Recycling Activities

Recycling in the City of Lynchburg dates back to 1981 when a local garden club started recycling items. Revenues from recyclables have been used to plant trees around the City. Since 1981, 10,000 trees have been planted as a result of the program. The City of Lynchburg has been named "Tree City USA" by the National Arbor Day Foundation for the last 21 consecutive years.

5.3.2 Drop Off Facilities

The City currently operates 9 drop off centers throughout the City for recycling. The sites are located at:

- Kroger, Linkhorne Drive, behind the Adelpia Cable office
- Fort Hill Shopping Center, Fort Ave.
- Kroger, Old Graves Mill Road and Timberlake
- River Ridge Mall near Sears
- Fairview Square Shopping Center on Campbell Ave.
- Village Court Shopping Center, Boonsboro Road
- The Plaza, Lower Level
- City Waste Mgt. Office, Concord Turnpike
- Grace Street behind fire station

Each site has five 30-cubic yard rolloff containers. The sites are anticipated to provide City residents with drop-off service for the next 20 years.

Service capacity of the drop off program is evaluated through usage and number of hauls from the site. As usage increases, additional collection containers can be added to the site or the number of hauls increased. Capacity of the site is then limited by the number of collection containers that can fit on the site or the resources available for hauling. The existing sites are not at capacity at this time. There is room for expanded use at the sites. The City evaluates this usage at least annually and adjusts the operations as necessary. There is technically an unlimited life for these facilities provided the City continues to support drop off recycling which is its intention during the planning period. Thus, the City is committed to maintaining haul contracts, equipment, and infrastructure as is necessary to support these operations. Should use increase significantly and the sites become overused or difficult to use, the City may consider expanding the operations to new sites as interest and resources are available. This is not projected to be necessary over the planning period.

These sites collect a variety of materials. The following materials are collected although not all materials may be collected at all sites:

newspaper and inserts
mixed paper
glass bottles and jars

plastic bottles and jugs (#1 and #2)
aluminum and steel cans
cardboard

Beginning October 1, 2004, the City will replace the glass bins with corrugated cardboard bins at the collection sites.

In addition, the City hosts household hazardous waste collection days on the second Saturday of April, June, August, and October.

5.3.3 Industrial and Commercial

The City relies on the efforts of local businesses and industry to supplement member programs. Currently, the City's household trash recycling rate is approximately 20%. When factoring in business and industry waste streams the City's overall recycling rate is approximately 40%. Recycling questionnaires are mailed out annually to businesses and industries. Instructions are provided on the questionnaire to assist in their completion. Businesses and industries fill in the quantities to their best estimation, provide additional useful data, and return the data to the City. The City processes the information and prepares the Locality Recycling Rate Report, DEQ Form 50-30, for submission to the DEQ. A copy of the questionnaire is included as Appendix 2.

5.3.4 Volunteer Programs

Various volunteer organizations within the City host or sponsor recycling programs and also participate in clean up campaigns.

The City conducts an "Adopt-a-Street" program that began in 1991. Currently, over 70 locations have been adopted. Each location has a minimum of four clean-ups per year.

The City conducts a "March on Litter" campaign where City residents organize on the second Saturday of March to collect litter. This year, 150 participants collected 8 tons of trash and litter.

In April 2001, the City donated the revenue generated from aluminum cans to the Greater Lynchburg Habitat for Humanity.

5.3.5 Operations

The recycling program including collection from the drop-off sites and processing operations utilizes 3 people at this time. However, the personnel are supplemented by landfill or other department personnel as necessary to support the program. The operations are very fluid and change as markets change.

The following equipment is currently dedicated to the program:

- 43 recycling bins (roll-off containers)
- 2 hook hoist trucks

This list is provided as an example of the City's operations. This plan will not be updated every time a piece of equipment changes.

5.3.6 Diversion Of Waste From The Landfill

The following table summarizes the diversion rate of materials away from the landfill using data provided on Form 50-25 for the waste capacity evaluation:

TABLE 33
DIVERSION OF WASTE FROM LANDFILL
(TIRES, WHITE GOODS, YARD WASTE)

Year	Total Tonnage Received at the Facility	Total Tonnage Diverted From Materials Entering the Facility	Percent Diversion of Total Tonnage
2001	155,418	3,272	2.1%
2002	169,079	3,612	2.1%
2003	195,577	5,399	2.8%
2004	213,959	5,296	2.5%
2005	210,201	5,085	2.4%
2006	209,682	5,643	2.7%

5.3.7 DEQ Recycling Reporting

Table 34 summarizes the information contained in the recycling reports submitted to DEQ for 2003 through 2006. The 2006 DEQ report is included in Appendix 3.

TABLE 34
SUMMARY OF RECYCLING DATA 2003 – 2006

	2003 (Revised by DEQ)		2004 (Revised by DEQ)		2005 (Revised by DEQ)		2005 (Revised by DEQ)		2006 (Revised by DEQ)	
	Tons	Total %	Tons	Total %	Tons	Total %	Tons	Total %	Tons	Total %
Total Principle RM	61,565	100	71,182	100	71,182	100	71,182	100	54,989	100
Paper	38,382	62.34	44,009	61.8	44,009	61.8	44,009	61.8	43,096	78.4
Metal	16,444	26.71	20,272	28.5	20,272	28.5	20,272	28.5	3,366	6.1
Plastic	225	0.37	620	0.87	620	0.87	620	0.87	794	1.4
Glass	52	0.08	42	0	42	0	42	0	2	0.0
Yard Waste	5,515	8.96	5,131	7.21	5,131	7.21	5,131	7.21	0	0.0
Waste Wood	1,202	1.95	1,070	1.5	1,070	1.5	1,070	1.5	5,419	9.9
Textiles	45	0.07	38	0	38	0	38	0	2,306	4.2
Total Supplemental RM	1,144	100	2,135	100	2,140	100	2,135	100	573	100
Waste Tires	628	54.9	206	9.65	206	9.62	206	9.65	124	21.6
Used Oil	286	25	1,638	76.7	1,638	76.5	1,638	76.7	194	33.9
Used Oil Filters	11	0.96	14	0.66	14	0.65	14	0.66	9	1.6
Used Antifreeze	13	1.14	9	0.42	9	0.42	9	0.42	10	1.7
Auto Bodies	188	16.43	170	7.96	170	7.94	170	7.96	102	17.8
Batteries	8	0.70	62	2.9	62	2.9	62	2.9	48	8.4
Sludge	0	0.00	0	0	0	0	0	0	0	0.0
Other	10	0.87	36	1.69	41	1.92	36	1.69	86	15.0
Total PRM and SRM	62,709		73,317		73,322		73,317		55,562	
Recycling Rate	33.7%		34%		34%		34%		26.4%	

Figure 7 illustrates the principal recycled material for 2006 and Figure 8 illustrates the supplemental recycled material for 2006.

FIGURE 7
PRINCIPLE RECYCLED MATERIAL 2006

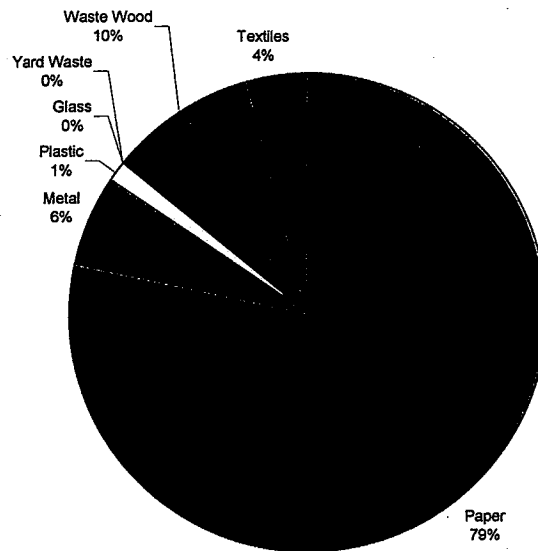
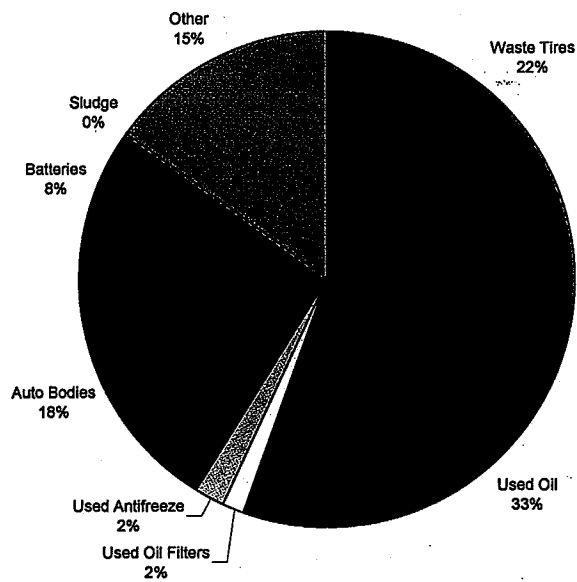


FIGURE 8
SUPPLEMENTAL RECYCLED MATERIAL 2006



As can be seen from this information, paper and metal contribute significantly to the City's recycling program.

5.3.8 Methodology to Determine Recycling Rates

The methodology used to calculate the recycling rate will be as follows.

- 1 The following formula will be used:

$$\text{Recycling Rate} = [\text{PRM} + \text{SRM}] / [\text{PRM} + \text{SRM} + \text{M}] \times 100$$

where:

PRM = Principal Recyclable Materials

SRM = Supplemental Recyclable Materials

M = Total Municipal Solid Waste Disposed within the NSWMPR

2. The amounts will be expressed in one of the following units:
 - a. The actual weight of each component.
 - b. The volume of each component.
 - c. The estimated weight of each component based on the most accurate survey or estimated per capita weight.
3. PRMs include paper, metal (except automobile bodies), plastic, glass, commingled, yard waste, waste wood, and textiles.
4. SRMs include recycled and reused materials. Recycled SRMs included waste tires, used oil, used oil filters, used antifreeze, abandoned automobiles removed, batteries, composted sludge, electronics, and large diameter tree stumps (>6 inches in diameter). Reused SRMs are materials that are separated from the waste stream and used without processing or change its form for an end use. Reused SRMs include construction waste, demolition waste, debris waste, ash, and sawdust.
5. The total municipal solid waste disposed will be the amount of MSW generated within the planning region.
6. If the region participates in the used tire management program sponsored by the DEQ, the amount of those tires may be added to the "SRM" amount in the recycling rate calculation.
7. Mulched or composted yard waste can be included in the "PRM" amount if it can be demonstrated that the finished mulch will be marketed or otherwise used productively.

8. Used oil, used oil filters, and used antifreeze can be included in the "SRM" amount if it can be demonstrated that the materials will be marketed or used productively.
9. Where a source reduction of any municipal solid waste material or reuse of a principal recyclable material is documented to have occurred, is accurately quantified and is requested as a petition for a variance in accordance with 9 VAC 20-130-230, the DEQ may issue a credit for the amount to be added into the "PRM" or "SRM" amounts in each calculation method.

5.4 Treatment

Based on the definition included in the Solid Waste Management Regulations, the City does not currently treat municipal solid waste, nor is treatment planned for the future. The City may evaluate future activities such as shredding of waste tires.

5.5 Public Education

5.5.1 Residential

The City currently has an environmental education program for providing information to the public. The program has been designed to focus on basic environmental awareness issues, recycling, litter control and pollution prevention education. The goal of the program is to educate the community through special promotional programs and organized community environmental events. This program will continue to be expanded as interest and funding allow.

The public education campaign includes work with Elementary Schools. The City is partnered with Perrymont and Bedford Hills Elementary Schools to enhance the City's recycling program. Each school has an aluminum can bin that they fill up during their "can drives" from Fall to Spring. The money collected from the cans helps buy school supplies and playground equipment.

In 1998, the City conducted a "Junk Yard Dog" Contest to educate the public about its litter control and recycling programs. The Junkyard Dog made guest appearances as well as was featured in a variety of positive environmental messages for the City.

5.5.2 Industrial/Commercial

The City does not currently have any specific out reach program that educates businesses in the areas of recycling, reuse, or waste reduction techniques.

5.6 Public/Private Partnership

The City seeks to support all activities relative to reuse, reduction and recycling. However, at this time, it does not have any contracted partnerships with the private sector.

6.0 BUDGET

6.1 Operating Budget

The City of Lynchburg's Solid Waste Management Division receives its operating funds from a self-supporting Enterprise Fund with a City Council approved transfer from the General Fund.

6.1.1 Historical Data

The City of Lynchburg's fiscal year runs from July 1 through June 30. The annual budget for the City's solid waste program comes under the Solid Waste Management Fund and has historically been broken into three categories: Collection, Disposal and Recycling. Table 35A provides a summary of the operating expenditures from FY 2001 to FY 2004 and projected operating expenses for FY 2005. Table 35B provides the total annual expenditures for the City's solid waste program for the years FY 2001 through FY 2004 and projected total expenses for FY 2005 and indicates the percent change in the budget. It is noted that the total program expenses for FY 2004 is about 6% of the total City expenditures.

**TABLE 35A
SUMMARY OF ANNUAL OPERATING EXPENSES
FY 2001 – 2006**

Component	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Refuse Collection	\$979,408	\$1,012,820	\$677,706	\$2,382,760	\$919,501	\$967,023
Landfill	\$2,099,287	\$2,464,095	\$2,182,608	\$2,174,542	\$2,926,721	\$2,939,432
Recycling	\$204,131	\$218,931	\$163,062	\$232,899	\$98,204	\$0
Total	\$3,282,826	\$3,695,846	\$3,023,376	\$4,790,201	\$3,944,426	\$3,906,455

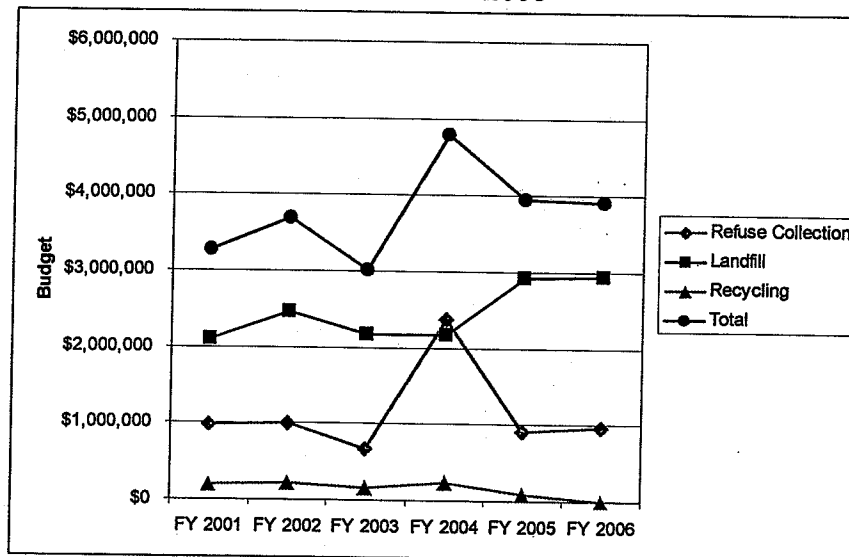
The increased costs in FY 2004 for refuse collection is to fund new trash carts and the costs of equipment purchases for a semi-automated refuse collection system.

**TABLE 35B
TOTAL SOLID WASTE PROGRAM
ANNUAL EXPENSES AND ANNUAL CHANGE
FY 2001 – 2006**

Fiscal Year	Total Expenses	Percent Change
2001	\$8,082,784	
2002	\$6,960,709	-13.9%
2003	\$7,283,147	4.6%
2004	\$7,871,554	8.1%
2005	\$7,285,257	-7.4%
2006	\$6,325,337	-1.3%

The total solid waste program budget includes the annual operating costs for collection, disposal, recycling, debt service, capital expenditures, and contingency funds. The following graph indicates the change in the budget over time for the total budget and the 3 operating components included in the budget.

FIGURE 9
HISTORICAL EXPENSES DATA
FY 2001 – 2006



A review of the data indicates the annual budgets for the disposal and recycling have been relatively flat over the five-year period. Collection costs increased in 2004 due to new carts and a change to a new system.

6.1.2 Budget as Cost Per Ton And Cost Per Person

The annual budget was further evaluated on a cost per ton received at the landfill basis and on a cost per person per year basis to consider any other trends. The following tables and graphs summarize the two evaluations. Data for these graphs can be found in Tables 10, 22, and 35B.

TABLE 36
HISTORICAL ANNUAL BUDGET AS COST PER TON

Year	Total SW Program Expenses	Total Tonnage Received	\$/Ton
2001	\$8,082,784	155,418	\$52.01
2002	\$6,960,709	169,079	\$41.17
2003	\$7,283,147	195,577	\$37.24
2004	\$7,871,554	213,959	\$36.79
2005	\$7,285,257	210,201	\$34.66
2006	\$6,325,337	209,682	\$30.17

Data from Form DEQ 50-25 Solid Waste Information and Assessment Program Reporting Table
Note: Budget information is provided in Fiscal Year terms, tonnage information is provided in Calendar Years.

FIGURE 10

HISTORICAL BUDGET DATA AS COST PER TON

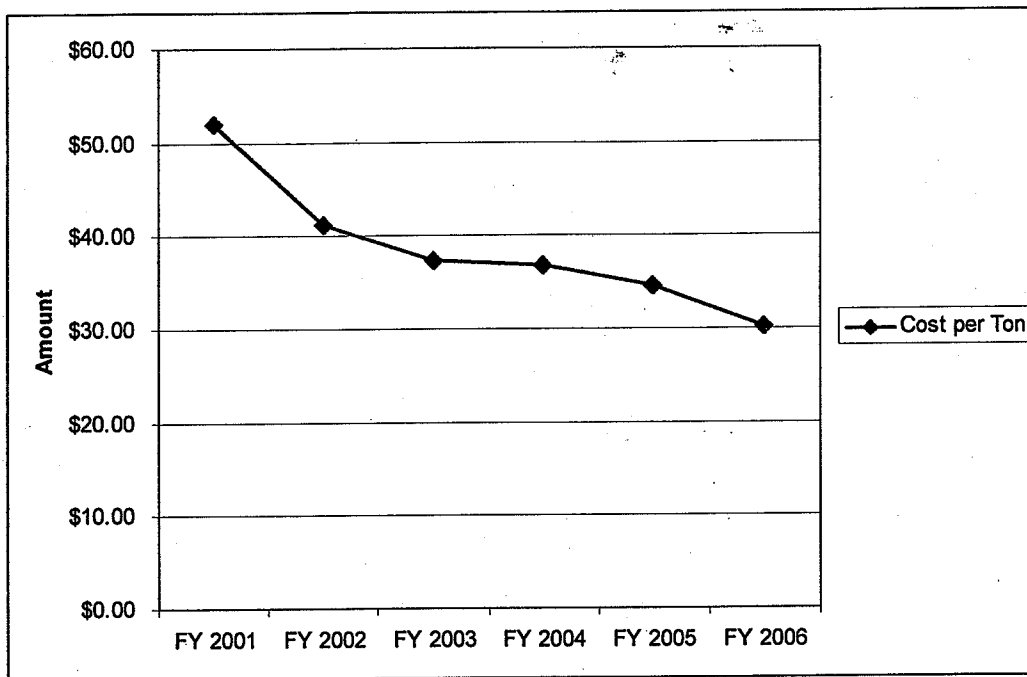
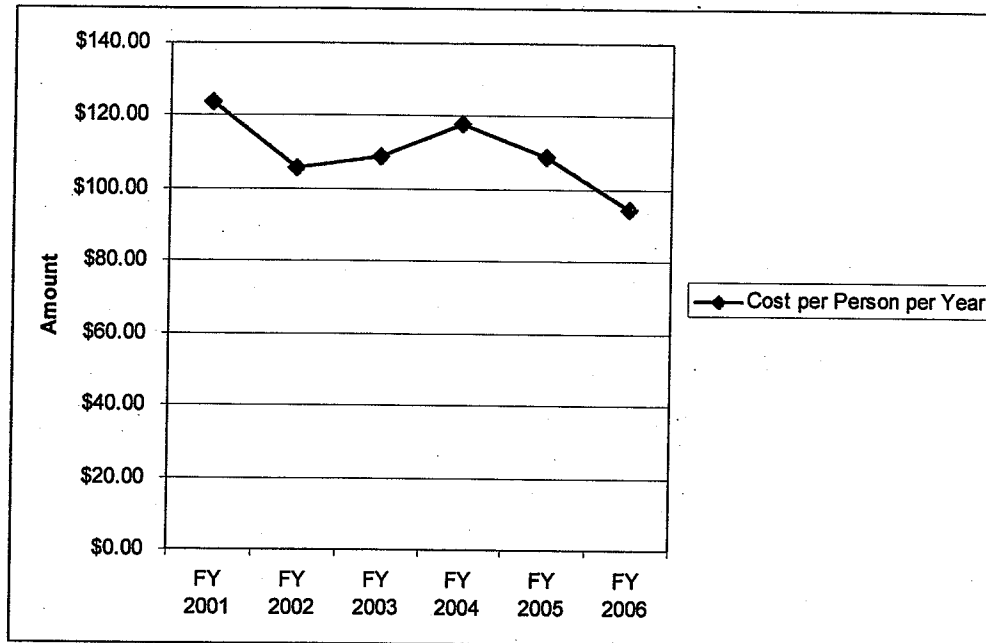


TABLE 37
HISTORICAL ANNUAL BUDGET AS COST PER PERSON

Year	Total SW Program Expenses	Population	\$/Person
2001	\$8,082,784	65,400	\$123.59
2002	\$6,960,709	65,800	\$105.79
2003	\$7,283,147	66,800	\$109.03
2004	\$7,871,554	66,800	\$117.84
2005	\$7,285,257	66,800	\$109.06
2006	\$6,325,337	66,800	\$94.69

FIGURE 11
HISTORICAL BUDGET DATA AS COST PER PERSON



There are two interesting trends to note from this information. The first is that the cost per ton has generally decreased over the last three years. This is a good example of the economy of scale in which the same equipment and personnel at the landfill can handle the additional tonnage more cost effectively, thereby lowering the overall cost per ton.

The second trend indicates that the cost per person was relatively flat for 2003 and 2005 (projected), but increased dramatically in 2004. This increase was due to a significant increase in refuse collection expenditures for carts and equipment. The higher value in 2001 was due to a significant fleet funds transfer and for construction of Phase 3 of the landfill.

6.1.3 FY 2006 Budget

The following table summarizes the budget for FY 2006 by various categories of interest:

TABLE 38
FY 2006 ANNUAL OPERATIONS COSTS

Category	Cost	Percentage of Total
Refuse Collection		
Personnel	\$617,540	15.8%
Contractual Services	\$125,480	3.2%
Fleet Service	\$15,097	0.4%
Other	\$208,906	5.3%
Capital Outlay	\$0	0%
Subtotal	\$967,023	24.8%
Refuse Disposal & Recycling		
Personnel	\$1,088,168	27.9%
Contractual Services	\$456,562	11.7%
Fleet Service	\$19,329	0.5%
Other	\$1,375,373	35.2%
Subtotal	\$2,939,432	75.2%
Total	\$3,906,455	100.0%

Note: Landfill employees sort items for recycling; therefore, the expenses for this activity are contained within the Disposal cost figures.

As can be seen from this budget, a quarter of the City's expenses are focused on collections with disposal and recycling requiring 75% of the operations budget.

6.2 Revenues

Solid waste management in the City is funded through a Solid Waste Enterprise Fund. The fund was established as a self-supporting enterprise fund with a City Council approved transfer from the General Fund. The Fund assesses solid waste disposal costs through a tipping fee at the landfill and a tag/decal system for residential collection. Beginning in January 2004, a monthly common good fee of \$5.00 is assessed to each residential household in the City. The common good fee will be included in the utility bill, or billed directly for household not on the City's water and sewer system.

The City receives the majority of its revenues for the solid waste program from refuse disposal fees and fees for trash collection. The current refuse disposal fees at the landfill are:

- Private haulers (>150 tons per year): \$35.00 per ton
- Industrial companies: \$23.50 - \$30.00 per ton
- Gate Fee (<150 tons per year): \$48.00 per ton
- Tires:
 - 15" rim size or less: \$2 per tire
 - 15.5" to 22.5": \$4 per tire
 - 23" or larger: not accepted at the landfill
 - Additional fee charged if tire is not off of the rim

Trash disposal fees are collected by users purchasing either tags or decals. Decals are sold for \$40 for a 32-gallon cart or \$80 for a 64-gallon cart per year. Individual tags are sold for \$0.95 each for a 32-gallon cart or \$1.90 each for a 64-gallon cart.

The revenues received from user charges are not enough to cover the full expenses of the solid waste program. Supplemental funding is provided from the General Fund to pay the cost of refuse collection, and an Intergovernmental Transfer covers the cost of brush collection. Interest is monies earned on investments in the Solid Waste Management Fund. The following table indicates the annual budget expenses, revenues and amount required from the General Fund.

TABLE 39
SUMMARY OF BUDGET EXPENSES AND REVENUES
SOLID WASTE PROGRAM
FY 2001 – 2006

Item	2001	2002	2003	2004	2005	2006
Revenue						
Charges for Services	\$5,346,221	\$4,880,128	\$5,454,509	\$6,103,208	\$5,944,913	\$7,272,272
General Fund Transfer	\$732,529	\$732,529	\$732,529	\$732,529	\$732,529	\$732,529
Intergovernmental	\$180,798	\$198,878	\$191,039	\$190,697	\$190,697	\$190,697
Interest and Other	\$487,165	\$258,908	\$558,122	\$125,000	\$215,000	\$469,085
Total Revenues	\$6,746,713	\$6,070,443	\$6,936,199	\$7,151,434	\$7,083,139	\$8,664,583
Expenditures						
Operating	\$4,010,370	\$3,825,565	\$5,035,618	\$5,741,922	\$4,054,908	\$4,152,684
Debt Service	\$1,304,021	\$1,248,270	\$1,329,283	\$1,367,084	\$1,445,278	\$1,315,360
Landfill Closure/ Expansion Reserve	\$674,595	\$0	\$379,033	\$341,048	\$1,519,571	\$1,308,873
Capital Transfer	\$116,500	\$36,500	\$36,500	\$36,500	\$36,500	\$36,500
Fleet Transfer	\$1,951,089	\$1,850,374	\$502,713	\$385,000	\$229,000	\$390,000
Contingency Reserve	\$26,209	\$0	\$0	\$0	\$0	\$0
Total Expenditures	\$8,082,784	\$6,960,709	\$7,283,147	\$7,871,554	\$7,285,257	\$7,203,416

* Actual values for FY 2001- FY 2003, Amended values for FY 2004. Actual values for FY 2005-FY 2006.

6.3 Capital Improvement Program

Each year during the budgeting process, each department of the City must evaluate their long-range capital expenditures. The City tracks each department's "wish list" for five years beyond the budget year and the items are approved by the City Council, as funding is available. A separate CIP budget is established by the City to allow the items to be purchased or constructed as necessary. Heavy equipment used on the landfill are generally replaced every 7 to 10 years. Refuse collection trucks are typically replaced every five years. Costs for equipment replacement have been included in the expenses shown in Table 35B.

7.0 WASTE MANAGEMENT HEIRARACHY

Under 9 VAC 20-130-30, the following policy is set forth:

"It is the policy of the Virginia Waste Management Board to require each region designated pursuant to 9 VAC 20-130-180 through 9 VAC 20-130-220, as well as each city, county and town not part of such a region, to develop comprehensive and integrated solid waste management plans that, at a minimum, consider and address all components of the following hierarchy:

- 1. Source reduction*
- 2. Reuse*
- 3. Recycling*
- 4. Resource recovery (waste to energy)*
- 5. Incineration*
- 6. Landfilling"*

Section 9 VAC 20-130-150.6, also addresses this requirement by stating:

"The local government or regional solid waste management plan shall include data and analyses of the following type for each jurisdiction. Each item below shall be in a separate section and labeled as to content:

- 6. A description of programs for solid waste reduction, reuse, recycling, resource recovery, incineration, storage, treatment, disposal and litter control."*

The following sections provide the information as available as required by the regulations.

7.1 Source reduction

Source reduction refers to any change in the design, manufacture, purchase, or use of materials or products (including packaging) to reduce their amount or toxicity before they become municipal solid waste. Source reduction can help reduce waste disposal and handling costs, conserve resources, and reduce pollution. Section 2.1.5 previously discussed the trends in source reduction nationally noting that the reduction of yard waste in landfills is the most significant source reduction activity at the moment as localities and states ban yard waste from landfills.

While individuals can attempt to reduce their volume of waste, source reduction policies will be aimed primarily at businesses and industries. Many source reduction policies are not feasible at the local level but are best handled at the state or federal level. An example of this is the banning of yard waste from landfills, or requiring minimum packaging standards. Financial incentives and disincentives, broad regulations concerning source reduction and changes to manufacturing processes are difficult to implement on a local basis. As waste tipping fees increase at the City's landfill and the outside facilities, the commercial sector will become more sensitive to the expenses involved in their disposal programs, and will begin to consider source reduction more closely.

The most effective source reduction activity that can occur at the local level is public education. As documented in Section 5.5, the City conducts an extensive public education program.

It should be noted that the City seeks information annually from its commercial sector relative to recycling and disposal activities. This exercise in and of itself can serve as an educational tool as the businesses and industries compile the data and consider the expense of their disposal programs. It is also an opportunity for the businesses or industries to report any major changes in their waste disposal programs, including source reduction.

The City conducts an extensive yard waste mulching program, which has reduced the amount of waste materials entering the landfill significantly. The City will continue to enhance, expand and improve this program to continue their emphasis on source reduction.

In summary, the City is currently engaged themselves or entities within the City are currently engaged in the following source reduction efforts:

- Yard waste mulching program,
- White good recycling,
- Environmental education programs for citizens relative to the need for source reduction.

The following activities are proposed under this plan, as interest and funding are available:

- Expansion of yard waste mulching program,
- Enhanced educational programs for the commercial and industrial sector.

7.2 Reuse

Reuse is similar to source reduction as it prevents materials from entering the waste stream, but involves separating a given solid waste material from the waste stream and using it, without processing or changing its form, other than size reduction, for the same or another end use. Examples of reuse include such activities as swap shops or thrift stores, clothing collection centers, pallet reuse, use of refillable bottles and reconditioning of drums or barrels.

As with source reduction, private citizens can make an effort to reuse or encourage reuse of many items that would normally be discarded to the landfill. However, the focus of the program would be better aimed at the commercial sector including the City's businesses and industries. The City does not currently focus their educational programs on the commercial sector and does not currently collect specific information on reuse by the commercial sector.

Currently reuse centers available to the public including the following:

- Salvation Army Thrift Store
- Goodwill Store
- Disabled American Veterans Store
- Habitat for Humanity (building materials)

The following activities are proposed under this plan relative to reuse, as interest and funding are available:

- Continue to educate public relative to the need for reuse,

- Expansion of education to commercial sector to address reuse,
- Collection of data on commercial reuse programs.

7.3 Recycling

Recycling is the process of separating a given waste material from the waste stream and processing it so that it may be used again as a raw material for a product, which may or may not be similar to the original product. Section 5.3 outlined the recycling activities in the City extensively. Highlights from this section include the following:

- The City conducts recycling at 9 drop off sites throughout the City.
- In 2006, the City collected 54,989 tons of principle recycled materials from their program as follows:
 - Paper
 - Metal
 - Plastic
 - Glass
 - Yard waste (mulched)
 - Waste wood
 - Textiles
- In 2006, the City collected 573 tons of supplemental recycled materials from their program as follows:
 - Tires
 - Used oil and oil filters
 - Used antifreeze
 - Auto bodies
 - Batteries
- In 2006, the commercial sector reported recycling approximately one-half of the total tons of materials primarily in the paper, plastics and wood categories.
- The City operates a yard waste mulching program.

The following activities are proposed under this plan as markets and funding become available:

- Continue to seek new markets,
- Continue to promote cardboard and white paper recycling in commercial sector,
- Purchase a cardboard/plastic bailer,
- Increase processing capacity as necessary,
- Continue to expand education programs
- Partner with neighboring localities in the recycling of materials.

7.4 Resource Recovery and Incineration

Resource recovery refers to a system that provides for collection, separation, recycling and recovery of energy from solid wastes, including disposal of non-recoverable waste residues. Incineration means the controlled combustion of solid waste for disposal. According to the EPA burning MSW can generate energy while reducing the amount of waste by up to 90 percent in

volume and 75% in weight. The two activities are similar and are therefore combined for this discussion.

At this time, the City is exploring resource recovery and incineration possibilities. The City along with its neighboring localities will consider a partnership with private enterprises to construct and operate a waste-to-energy facility.

The City does recover landfill gas (LFG) for beneficial use. The active LFG control system at the facility, which has been installed in phases, commenced operation in April 1996. In July of 2000, the City of Lynchburg entered into an agreement with Enerdyne Power Systems to expand the gas collection system. In May 2001, construction of the LFG system expansion commenced in conjunction with development of a direct-use landfill gas-to-energy project. Enerdyne installed gas extraction wells in the closed landfill and in Phases 1 and 2 of the active landfill. The gas is transmitted to the Rock Tenn plant for use as boiler fuel via an underground HDPE pipeline.

7.5 Treatment

Based on the definition included in the Solid Waste Management Regulations, the City does not currently treat municipal solid waste. The City may evaluate future activities such as shredding of waste tires.

7.6 Landfilling

Landfilling is currently the primary disposal mechanism for the City. Section 5.2 outlined the City's disposal activities in detail. The City currently owns and operates the Lynchburg Waste Management Facility, under Permit 558 issued by the DEQ.

The landfill has 5 years remaining in its currently permitted disposal phases with an anticipated closure date of 2012. In 2008, the City will join a regional network as a primary Regional disposal site. Members of the Region will transport their MSW to the Lynchburg landfill until the facility reaches final capacity. Closure construction for the Lynchburg landfill will commence and refuse from the City will be transported to another facility within the Region.

Section 5.2.4 summarized the disposal capacity and construction schedule in detail. Section 5.2.5 outlined the operation of the landfill. Section 10.0 below addresses the costs associated with the construction of the landfill.

7.7 Litter Control

As discussed in previous sections, the City has an extensive litter control program. This program includes the following:

- Coordinates the clean up of litter with approximately 70 volunteer groups within the City.
- The City conducts a "March on Litter" campaign where City residents organize on the second Saturday of March to collect litter. This year, 150 participants collected 8 tons of trash and litter.

- The City currently has an environmental education program for providing information to the public. The program has been designed to focus on basic environmental awareness issues, recycling, litter control and pollution prevention education. The goal of the program is to educate the community through special promotional programs and organized community environmental events. This program will continue to be expanded as interest and funding allow.
- In 1998, the City conducted a "Junk Yard Dog" Contest to educate the public about its litter control and recycling programs. The Junk Yard Dog made guest appearances as well as was featured in a variety of positive environmental messages for the City.

8.0 GOALS AND OBJECTIVES OF PROGRAM

The following section outlines the goals and objectives for the City's solid waste management program. The City operates an integrated solid waste management system and will continue to improve on the program as interest is expressed by the City Council, as markets open up and as funding is made available. Also included under each section is a schedule of implementation and an estimated cost where applicable. A majority of the items so noted do not have specific tasks or projects identified at this time but represent on-going activities already incorporated into the program.

8.1 Collections

City operated collections include residential and small business waste collection of bags and dumping of carts. The City provides brush, leaf, and bulky waste pickup service, removal of dead animals on City streets and right-of-ways, and collection of Christmas trees.

TABLE 40
COLLECTION SYSTEM
GOALS AND ACTION ITEMS

Item Number	Goal	Action Item	Schedule	Estimated Costs (2007 dollars)
C-1	Continue to provide a cost effective collection system for the citizens of the City. Automate 40% of the collection system.	Expand existing services as interest and funding becomes available.	As City Council approves and as funding becomes available.	No specific project at this time.
C-2	Evaluate collection of commercial waste.	Expand existing services as interest and funding becomes available.	On-going	No specific project at this time.
C-3	Prepare to transfer waste to regional facility in 2012.	Evaluate transfer costs / responsibilities	2008-2009	By staff
C-4	Develop notification program relative to regional program	Develop press releases, other information.	2009-2010	By staff

8.2 Disposal

Disposal consists of the operation of the Lynchburg Waste Management Facility (sanitary landfill) and the continued post closure activities of the older closed landfills. The City currently has 36.2 acres permitted for a landfill with an additional parcel available for expansion in the future. The City will continue to construct liners and caps on an on-going basis as required under their permit.

In 2008, the City will join a regional network as a primary Regional disposal site. Members of the Region will transport their MSW to the Lynchburg landfill until the facility reaches final capacity. Closure construction for the Lynchburg landfill will commence and refuse from the City will be transported to another facility within the Region.

TABLE 41
DISPOSAL SYSTEM - GOALS AND ACTION ITEMS

Item Number	Goal	Action Item	Schedule	Estimated Costs (2007 dollars)
D-1	Continue to operate the landfill in an environmentally sound manner and in accordance with all federal, state and local regulations.	A. Provide adequate training to all personnel in the operations and permitting of the landfill.	On-going	\$1,000/year for travel and educational expenses.
		B. Conduct monthly internal inspections to assure compliance	On-going	No funding required.
		C. Contract professional engineering services as necessary to assure compliance	On-going	\$135,000/yr including operational assistance and environmental monitoring.
D-2	Provide adequate planning time for construction and permitting	A. Work with Region 2000 to evaluate disposal options: waste-to-energy, regional landfill(s), regional transfer station(s), cooperative agreements with neighboring localities.	On-going	No specific funding required at this time.
		B. Conduct field surveys to evaluate the disposal capacity and landfill utilization factor of the facility. Review data against most current planning schedule.	Semi-annual	\$3,000
		C. Work as member of Regional Authority to plan beyond existing facilities.	2009	Under development
D-3	Expand life of existing facility	Seek ways to reduce waste materials coming into the landfill especially bulky items or industrial wastes.	On-going	No specific funding required at this time.

Item Number	Goal	Action Item	Schedule	Estimated Costs (2007 dollars)
D-4	Construction of new liner and cap in a cost effective manner	Seek competitive bids.	See table under Section 5.2.4	Current cost estimates for lining new cells is \$186,000 per acre and for closure \$95,000 per acre.
D-5	Prepare to transfer to Campbell County landfill	Active discussions / planning with Region 2000.	2010-2011	Under development
D-6	Transition reporting to Regional Authority	Educate Regional Authority during transition period about reporting requirements.	2007-2008	No specific costs

8.3 Recycling

The City has a comprehensive recycling program including a series of drop off centers, household hazardous waste collection days, yard waste mulching operations, and City sponsored volunteer programs. They work continuously to improve the program and to educate the public. Given the extensive nature of the existing program, the City does not have any specific plans at this time to expand the recycling program but will continue to look for new programs and markets based on the interest of the citizens and City Council. The City recognizes the importance of a committed recycling program and takes their stewardship role seriously. In 2003, the City had a recycling rate of 33.7%.

**TABLE 42
RECYCLING SYSTEM
GOALS AND ACTION ITEMS**

Item Number	Goal	Action Item	Schedule	Estimated Costs (2007 dollars)
R-1	Increase the amount of materials collected in the program	A. Continue to seek new markets as funding is available.	On going.	Continue funding of recycling operations.
		B. Increase capacity at the City's processing center as necessary to handle the	As need arises and City Council approves funding.	No specific project identified at this time.

Item Number	Goal	Action Item	Schedule	Estimated Costs (2007 dollars)
		additional materials.		
		C. Continue to promote cardboard and white paper recycling programs for businesses that do not have their own recycling programs. Encourage private collection of this material.	On going	Continue funding of recycling operations.
		D. Aggressively educate public on the need for recycling.	On going	Continue funding of recycling operations.
		E. City will evaluate curbside recycling and commercial collection of recyclables	On-going	Continue funding of recycling operations.
R-2	Increase recycling revenues	Continuously evaluate recycling markets to determine if better opportunities exist	On going	Continue funding of recycling operations coordinator.
R-3	Increase participation rates in recycling programs	Continue sponsoring education programs in the classroom and during special events to promote recycling.	On going	Continue funding of recycling operations.
R-4	Increase commercial sector participation in annual reporting.	Sponsor educational opportunities to encourage the commercial sector to track and report their recycling and disposal tonnages.	On going	Continue funding of recycling operations.
R-5	Improve reporting on commercial sector recycling.	Provide educational opportunities to encourage the commercial sector to track and report their recycling tonnages as	On going	Continue funding of recycling operations.

Item Number	Goal	Action Item	Schedule	Estimated Costs (2007 dollars)
		accurately and as completely as possible.		
R-6	Reporting to DEQ through Regional Authority	Develop a reporting protocol to provide Regional Authority with needed information for annual reporting.	2008	No costs associated with this

8.4 Treatment

Based on the definition included in the Solid Waste Management Regulations, the City does not currently treat municipal solid waste, nor is treatment planned for the future. The City may evaluate future activities such as shredding of waste tires.

8.5 Litter Control

The City works diligently to control litter through education and sponsorship of periodic cleanups. They will continue to promote their existing programs and to expand as resources and interest allow.

**TABLE 43
LITTER CONTROL
GOALS AND ACTION ITEMS**

Item Number	Goal	Action Item	Schedule	Estimated Costs (2007 dollars)
LC-1	Educate public relative to litter control.	Continue to support existing educational programs as noted in Sections 5.5 and 7.7. Expand as resources are available.	On-going	No specific funding required at this time
LC-2	Reduce litter in City	Continue to support road cleanups by Adopt-A-Street and Adopt-A-Spot, City Walkers, community volunteers and VDOT. Expand as resources	On-going	No specific funding required at this time.

Item Number	Goal	Action Item	Schedule	Estimated Costs (2007 dollars)
		are available.		
LC-3	Minimize illegal dumping.	Continue to patrol City. Provide comprehensive collection services.	On-going	No specific funding required at this time.

9.0 IMPLEMENTATION SCHEDULE

The implementation schedule for the City's integrated waste management program has been summarized under separate sections above. The majority of the proposed expenditures over the planning period will be associated with Region 2000. These will be outlined in the Region's solid waste management plan. Some minor additional expenditures on the recycling programs will be needed. However, most of these expenditures are already included in the existing operating budget.

10.0 FUNDING AND FINANCING

10.1 "Business as Usual" – No Regionalization

The Solid Waste Program budget for FY 2006 represents about 6% of the City's total budget and is anticipated to remain a relatively constant part of the overall budget. For FY 2006, solid waste expenditures represent approximately \$120.58/person/year.

Table 44 summarizes the projected program costs to the City over the 20-year planning period, if regionalization is not implemented, Table 43A evaluates regionalization beginning 2008 with an annual tipping fee of \$23.91 per ton. For the estimates it was assumed that the operating budget would increase at a rate of 2.0% per year including inflation and additional operational costs that would be realized with increased tonnage. The Solid Waste Program Expenses assumes that funds are included for partial closure of landfill areas and phased construction of new landfill cells. These funds are included in the proposed 2005 budget and are assumed to be included in future budgets. The City must continuously weigh their waste disposal fee against the current gate rate at landfills outside of the City to evaluate the impact of raising their fee relative to the loss of more tonnage to these out of City landfills. The City's policy is to conduct a solid waste rate analysis once every two years to evaluate the program costs and revenues. The last rate analysis was conducted in 2002 by Reed, Stowe & Yanke.

TABLE 44
ESTIMATED PROGRAM COSTS FY 2006 – 2026
(City operations only – without Region 2000 Service Authority)

Fiscal Year	Solid Waste Program Expenses	Tons Delivered	Total Costs per Ton Delivered
2006	\$7,430,962	202,648	\$36.67
2007	\$7,579,581	205,100	\$36.96
2008	\$7,731,173	207,601	\$37.24
2009	\$7,885,796	210,152	\$37.52
2010	\$8,043,512	212,754	\$37.81
2011	\$8,204,383	215,408	\$38.09
2012	\$8,368,470	218,115	\$38.37
2013	\$8,535,840	220,876	\$38.65
2014	\$8,706,557	223,693	\$38.92
2015	\$8,880,688	226,566	\$39.20
2016	\$9,058,301	229,496	\$39.47
2017	\$9,239,467	232,485	\$39.74
2018	\$9,424,257	235,533	\$40.01
2019	\$9,612,742	238,643	\$40.28
2020	\$9,804,997	241,815	\$40.55
2021	\$10,001,097	245,050	\$40.81
2022	\$10,201,119	248,350	\$41.08
2023	\$10,405,141	251,716	\$41.34
2024	\$10,613,244	255,149	\$41.60
2025	\$10,825,509	258,629	\$41.86
2026	\$11,042,019	262,157	\$42.12

**Regional costs to be developed in regional plan.*

The City has an appropriate planning mechanism in their budgetary process to allow ample time to project the funding needed and to provide the funding as necessary. Funding for all programs is determined ultimately by the City Council, which must weigh requests from the solid waste program for additional expenditures against the backdrop of the total City budget.

10.2 With Regionalization

With regionalization the City will maintain the operation of the collection and recycling programs. Relative to disposal, the City will pay the tipping fees at the disposal facility set for member collected waste. Commercial waste will be assessed a different fee than residential waste. Industrial tipping fees will also vary.

The costs to the City for disposal, under the Regional Authority, have been estimated by R.W. Beck in a 2006 report entitled "Regional Solid Waste Management Financial, Operations and Regulatory Analysis" which is available on the Region 2000 web site. This report indicates that the average operation cost per ton estimated for FY 2008 is \$23.91/ton. The report compares this to the current Lynchburg cost per ton of \$24.64/ton. Thus, costs for disposal under regionalization should be no more than currently budgeted and may actually be less as the City will not be responsible for payment of tipping fees for private haulers.

Fiscal Year	Solid Waste Program Expenses	Tons Delivered	Total Costs per Ton Delivered
2025	\$10,825,509	258,629	\$41.86
2026	\$11,042,019	262,157	\$42.12

**Regional costs to be developed in regional plan.*

The City has an appropriate planning mechanism in their budgetary process to allow ample time to project the funding needed and to provide the funding as necessary. Funding for all programs is determined ultimately by the City Council, which must weigh requests from the solid waste program for additional expenditures against the backdrop of the total City budget.

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The costs to the City for disposal, under the Regional Authority, have been estimated by R.W. Beck in a 2006 report entitled "Regional Solid Waste Management Financial, Operations and Regulatory Analysis" which is available on the Region 2000 web site. This report indicates that the average operation cost per ton estimated for FY 2008 is \$23.91/ton. The report compares this to the current Lynchburg cost per ton of \$24.64/ton. Thus, costs for disposal under regionalization should be no more than currently budgeted and may actually be less as the City will not be responsible for payment of tipping fees for private haulers.

11.0 PUBLIC PARTICIPATION

The City of Lynchburg advertised in the Lynchburg News & Advance on June 8, 2004 and held a public hearing on the plan at the Lynchburg Public Library on June 15, 2004. The Lynchburg City Council approved the plan at the Council meeting on June 22, 2004 and adopted a resolution stating such. A copy of the resolution is included in Appendix 6. Copies of the plan were placed in the following locations for public review:

- Lynchburg Public Library
- Downtown Public Library

No written comments were received on the plan.

The City did not use a citizen advisory committee to prepare the plan. It relied on its staff and engineering consultant to develop the plan that was presented to the City Council during work session and then to the public during an advertised public meeting. No other specific public participation activities were conducted for the plan. However, the plan will become the cornerstone of future public education activities.

The City is in the process of holding public meetings on this revision.

12.0 RECORD KEEPING

In addition to the day-to-day record keeping, the City documents their solid waste activities in several ways as follows:

- Annual reports to the City Council indicating how the goals and objectives of the program have been met.
- Periodic updates presented to the City Council as requested.
- Annual submittal by March 31 of each year of the Waste Information and Assessment Report (Form 50-25) to DEQ.
- Annual submittal by April 30 of each year the Recycling Rate Report (Form 50-30) to DEQ.
- Annual submittal to DEQ, usually by December of each year, of the update for financial assurance.

Note that after July 2008, when the Region 2000 Service Authority assumes ownership of the landfill, all reporting requirements relative to disposal and landfill operations will be assumed by the Regional Authority. Likewise, after July 2008, the City will initiate recycling reporting to the Regional Authority which will then be responsible for completing the 50-30 form for the Region.

These reports, updates, and DEQ submittals as well as the background information are kept in the central archive (files) of the solid waste program located at the City's Waste Management Department, located at 2704 Concord Turnpike, Lynchburg, Virginia 24504.

The Director of DEQ receives copies of the appropriate information through the following sources:

- Direct submittal to DEQ of Form 50-25 (Waste Assessment) and Form 50-30 (Recycling).
- New permit requests.
- Permit amendments.
- Updates to the solid waste management plan.

Appendix 1

DEQ Form 50-25 (2006)

SOLID WASTE INFORMATION AND ASSESSMENT PROGRAM REPORTING TABLE - FORM DEQ 50-25

1	Facility Name	LYNCHBURG WASTE MANAGEMENT FACILITY							
2	Permit Number	558	3	Date Submitted to DEQ	Mar. 27, 2007	4	Annual Reporting Period	01/01/06 - 12/30/06	
5	Preparer's Name	MICHAEL N MCELHARE				6	Preparer's Telephone Number	434-455-6079	
7	Preparer's e-mail Address	Mike.mcelhare@lynchburgva.gov		An e-mail address will only be used to contact you in case of questions about this form submission					
8	Has there been a change to the Annual Fee Billing Contact, Address or Telephone Number? ☐ Y x N If so, please notify the DEQ Regional Office								
9	Remaining Permitted Capacity	1,968,387		cubic yards	If a facility's permitted capacity is reported in tons, please note this on the form. DEQ will apply conversion factors based on the type of waste in order to calculate the volume and the number of years of permitted capacity available in the state.				
10	Expected Remaining Permitted Life	5.4		years					

11				Originating Jurisdiction (NOTE: Report each jurisdiction on a separate page)				11 a (Optional) - Statement of Economic Benefits Submitted? ☐							
Waste Type		Units (check one)		Waste Management - Report Amount by Weight or Volume (Reporting units must be consistent for all fields of a particular waste type.)											
		Tons	Cu Yds	Total Amount of Waste Received (a)	Recycled On-Site (b)	Composted On-Site (c)	Landfilled On-Site (d)	Incinerated On-Site (e)	Sent Off-Site to be: (f)		Stored On-Site: (g)		Other (h)		
									Recycled	Treated, Stored, Disposed	Beginning of Reporting Period	End of Reporting Period	Mulched	Other Than Mulched	
12	Municipal Solid Waste	X		128,774.9			128,774.9								
13	Construction/Demolition/Debris	X		107.22			67.18							40.04	
14	Industrial Waste	X		55,286.53	22,482.28		32,804.25								
15	Regulated Medical Waste	X		0											
16	Vegetative/Yard Waste	X		5,362.16										5,362.16	
17	Incineration Ash	X		0											
18	Sludge	X		19,873.52			19,873.52								
19	Tires	X		66.1					66.1						
20	White Goods	X		214.51					214.51						
21	Friable Asbestos	X		0											
22	Petroleum Contaminated Soil	X		0											
23	Other Wastes (specify)	X		0											
24	Total	X		209,681.94	22,482.28	0	181,516.85	0	280.61	0	0	0	0	5402.2	0

See the Instructions for Completing Form DEQ 50-25 for definition of each of the above terms.
 Note: A separate form is provided for the optional Statement of Economic Benefits of the facility.

Appendix 2

Recycling Questionnaire



The City of Lynchburg, Virginia

*Waste Management Facility
2704 Concord Turnpike, Lynchburg, VA 24504*

*Phone (434) 455-6080
Fax (434) 847-1809*

January 31, 2007

Dear Local Business & Industry:

Please find enclosed the 2006 Solid Waste Report Package. The package consists of the following:

- 1. An informational form to be filled out by the individual reporting the numbers. (Attachment 1)**
- 2. A two-page form for reporting your company's recycling levels for the 2006 calendar year. (Attachment 2 & 2b)**
- 3. A listing of materials defined by the Department of Environmental Quality. (Attachment 3)**
- 4. A conversion chart with some helpful tips for converting the materials you have recycled. (Attachment 4)**

The City's recycling mandate is 25%. We greatly appreciate your support in achieving this goal. If you need assistance with completing your form, please contact me at (434) 455-6079 or mike.mcelhare@lynchburgva.gov, Monday through Friday, 8:30 a.m. – 4:30 p.m.

We are requesting that all forms be completed and returned to the Waste Management office no later than Tuesday, March 1, 2007.

Thank you,

**Michael N. McElhare
Waste Management Engineer**

cc: Dave Owen

Attachments

Generator Identification (please print)

Name of Company: _____

Address: _____

Lynchburg, VA _____

Primary Nature of Operations: _____

Name of Contact Person: _____

Title: _____

Telephone Number: () _____ - _____

Fax Number: () _____ - _____

In order to reduce paper next year, would you like to have the 2006 Solid Waste Report e-mailed to your company?

*Yes _____ or No _____
(check one please)*

If yes, please print your e-mail address on the space provided below.

E-Mail Address: _____

Important

This report includes only recycle streams that are not classified as "hazardous wastes". If in doubt about what constitutes recyclable material for this report, please contact Mike McElhare at (434) 455-6079 or the Waste Management Office at (434) 455-6080.

Certification

I hereby certify that the information in this report represents the best available information on solid waste generated by this organization.

Name: _____

Signature: _____

Title: _____

Date: _____

Locality Recycling Rate Report**For Calendar Year 2006****Part I: Principal Recyclable Material (PRM)****PRM TYPE****RECYCLED AMOUNT (TONS)**

Paper

Metal

Plastic

Glass

Yard Waste

Waste wood (pallets, chipped wood,
mulched wood, brush)

(Please do not include materials disposed of at the Lynchburg Landfill or Lynchburg Recycling Sites)

Total PRM _____ Tons

Part II: Supplemental Recyclable Material (SRM)**SRM TYPE****RECYCLED AMOUNT (TONS)**

Used Oil

Used Oil Filters

Used Antifreeze

Automobile parts reused

Batteries

Electronics

Tree Stumps (>6" Diameter)

(Not disposed of at Lynchburg landfill)

Waste Tires

(Not disposed of at Lynchburg landfill)

Other**(please use Attachment 2b to describe
Other Material)

Total SRM _____ Tons

Part III: Reused Material (RM)**Reused *****Reused Amount/Tons**

Construction Waste

Demolition Waste

Ash

Inert Material (Brick, concrete, dirt or block
Not disposed of in Lynchburg landfill)

Total RM _____ Tons

*Material separated from the waste stream and used, without processing or changing its form, for the same or another end use.

**Please use Attachment 2b for any other material recycled or reused not on the above list.

If your recycled materials are hauled by a private hauler i.e. BFI, Waste Management Inc., please call them for your annual tonnage.

OPTIONAL: Use this page to report and summarize information for the “Other “ categories on Attachment 2 of this form.

Supplemental Recyclable Material (SRM) Other material:

Material	Tons Recycled
TOTAL Other SRM:	Tons

Reused Material (RM) Other

Material	Tons Recycled
TOTAL Other RM:	Tons

Definitions

Virginia Department of Environmental Quality Definitions:

CONSTRUCTION WASTE: Solid waste produced or generated during construction of structures. Construction wastes consist of lumber, wire, sheetrock, broken brick, shingles, glass pipes, concrete, and metal and plastics if the metal or plastics are part of the materials of construction or empty containers for such materials. Paints, coatings, solvents, asbestos, any liquid gases or semi-liquids and garbage are not construction waste.

DEBRIS WASTE: Stumps, wood and leaves from land clearing operations.

DEMOLITION WASTE: Solid waste produced by the destruction of structures and their foundations and includes the same material as construction waste.

INERT WASTE: Solid waste, which is physically, chemically and biologically stable from further degradation and considered nonreactive. Inert wastes include rubble, concrete, broken bricks and blocks.

PRINCIPAL RECYCLABLE MATERIAL: Aluminum, auto bodies, tin cans, corrugated paperboard, high grade office paper, draft paper, slick paper, brush, grass clippings, leaves, clean wood, used motor oil, glass container, cloth #1 and #2.

RECYCLABLE MATERIAL: A material used, reused or reclaimed.

REUSED OR RECLAIMED MATERIAL: A material processed or reprocessed to recover a usable product or is regenerated to usable form.

LOCALITY RECYCLING RATE REPORT CONVERSION TABLE

Material	Volume	Weight In Pounds
Metal		
Aluminum Cans, Whole	One Cubic Yard	50-74
Aluminum Cans, Flattened	One Cubic Yard	250
Aluminum Cans	One Full Grocery Bag	1.5
Ferrous Cans, Whole	One Cubic Yard	150
Ferrous Cans, Flattened	One Cubic Yard	850
Automobile Bodies	One Vehicle	2,000
Paper		
Newsprint, Compacted	One Cubic Yard	720 - 1,000
Newsprint	12" Stack	35
Corrugated Cardboard, Loose	One Cubic Yard	300
Corrugated Cardboard, Baled	One Cubic Yard	1,000 - 2,000
Plastic		
PETE, Whole, Loose	One Cubic Yard	30-40
PETE, Whole, Loose	Gaylord	40-53
PETE, Whole, Baled	30" x 62"	500
Film, Baled	30" x 42" x 48"	1,100
Film, Baled	Semi Load	44,000
Film, Loose	Standard Grocery Bag	15
HDPE (Dairy Only), Whole, Loose	One Cubic Yard	24
HDPE (Dairy Only), Baled	32" x 60"	400-500
HDPE (Mixed), Baled	32" x 60"	900
Mixed PET & Dairy Whole, Loose	One Cubic Yard	32
Mixed PET, Dairy & Other Rigid (Whole, Loose)	One Cubic Yard	38
Mixed Rigid, No Film	One Cubic Yard	49
Glass		
Glass, Whole Bottles	One Cubic Yard	600-1,000
Glass, Semi-Crushed	One Cubic Yard	1,000-1,800
Glass, Crushed (Mechanically)	One Cubic Yard	800-2,700
Glass, Whole Bottles	One Full Grocery Bag	16
Glass, Uncrushed to Manually Broken	55 Gallon Drum	125-500
Arboreal		
Leaves, Not Compacted	One Cubic Yard	
Leaves, Compacted	One Cubic Yard	
Leaves, Vacuumed	One Cubic Yard	
Wood Chips	One Cubic Yard	
Grass Clippings	One Cubic Yard	
Other		
Battery (Heavy Equipment)	One	60
Battery (Auto)	One	35.9
Used Motor Oil	One Gallon	7.4
Tire - Passenger Car	One	20
Tire - Truck, Light	One	35
Tire - Semi	One	105
Antifreeze	One Gallon	8.42

This Table For General Guidance Only

Appendix 3

DEQ 2006 Recycling Reporting Form

Recycling Rate Report**For Calendar Year 2006****Part I: PRINCIPAL RECYCLABLE MATERIAL (PRM):** Report only PRM generated within the reporting jurisdiction(s), NOT imported PRM.**PRM TYPE****RECYCLED AMOUNT (TONS)**

Paper	43,096
Metal	3,366
Plastic	794
Glass	2
Commingled	0
Yard Waste (composted or mulched)	5,419
Waste wood (chipped or mulched)	2,306
Textiles	6
TOTAL PRM	54,989 (P)

Part II: SUPPLEMENTAL RECYCLABLE MATERIAL (SRM): Report only SRM generated within the reporting jurisdiction(s), NOT imported SRM.**SRM TYPE****RECYCLED AMOUNT/Tons**

Waste Tires	124
Used Oil	194
Used Oil Filters	9
Used Antifreeze	10
Abandoned automobiles removed	102
Batteries	48
Sludge (composted)	0
Electronics	6
Tree Stumps (> 6" Diameter)	79
Other (fluorescent bulbs)	1
SUBTOTALS	573

(RECYCLED SRM)

Construction Waste
Demolition Waste
Debris Waste
Ash
Other

SUBTOTALS**TOTAL SRM****34,536 (S)****REUSED* AMOUNT/Tons**

146
33,817
0
0
0
33,963

(REUSED SRM)

Part III: TOTAL MUNICIPAL SOLID WASTE DISPOSED:** Report only MSW generated within the reporting jurisdiction(s), NOT imported wastes or industrial wastes.**MSW TYPE****TOTAL AMOUNT DISPOSED (TONS)**

Household	20,020
Commercial	101,568
Institutional	7,184
Other*** (DO NOT INCLUDE INDUSTRIAL WASTES)	0
TOTAL MSW DISPOSED	128,772 (M)

*Material separated from the MSW stream and used, without processing or changing its form, for the same or another end use. **Disposed for the purpose of this report means delivery to a permitted sanitary landfill or waste incinerator for disposal. ***May add total amounts of SRM generated, if known.

SUMMARY: P + S = 89,525 tons P + S + M = 218,297 tons

Recycling Rate Report**For Calendar Year 2006****Part IV: CREDITS CALCULATION** (Do Not Include any material tonnage already reported on Page 2)**A. Recycling Residue**

<u>MATERIAL DESCRIPTION</u>	<u>FACILITY/OPERATION</u>	<u>TONS OF MATERIAL</u>
from _____	_____	_____
from _____	_____	_____
from _____	_____	_____
TOTAL RECYCLING RESIDUE		0 (A)

B. Solid Waste ReUsed

<u>MATERIAL DESCRIPTION</u>	<u>REUSE METHOD</u>	<u>TONS OF MATERIAL</u>
foundry sand	road building	22,482
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
TOTAL SOLID WASTE REUSED		22,482 (B)

C. Non-Municipal Solid Waste (MSW) Recycled

<u>MATERIAL DESCRIPTION</u>	<u>RECYCLING METHOD</u>	<u>TONS OF MATERIAL</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
TOTAL NON-MSW RECYCLED		0 (C)

Recycling Rate Report

For Calendar Year 2006

D. CALCULATED CREDITS TOTAL (CR) (data from Page 3)Total Recycling Residue Tonnage (A) 0 tonsTotal Solid Waste ReUsed (B) 22,482 tonsTotal Non-MSW Recycled (C) 0 tonsCREDITS TOTAL 22,482 tons (CR)**Part V: SOURCE REDUCTION**

A credit of two (2) percentage points may be added to the Calculated Recycling Rate if the Solid Waste Planning Unit (SWPU) has implemented a Source Reduction Program (SRP). Examples of SRPs include Grasscycling, Home Composting, Clothing Reuse, Office Paper Reduction (duplexing), Multi-Use Pallets, or Paper Towel Reduction. The SRP must be included in the Solid Waste Management Plan for the SWPU on file with the Department.

SRP description: _____

SRP description: _____

SRP description: _____

SRP description: _____

Part VI: RECYCLING RATE CALCULATION – Use the formulae provided below and information on Pages 2 - 4 to calculate your SWPU Recycling Rate:

Step 1: $([P + S] / [P + S + M]) \times 100 = \text{Base Recycling Rate \%}$ (data from Page 2)
 $(\underline{89,525} / \underline{218,297}) \times 100 = \underline{41.0} \%$
Step 2: Credits Total 22,482 tons (CR) (data from top of this page)SUMMARY: $P + S + CR = \underline{112,007}$ tons $P + S + CR + M = \underline{240,779}$ tonsStep 3: $([P + S + CR] / [P + S + CR + M]) \times 100 = \text{Adjusted Recycling Rate \% \#1}$ (data from Step 2)
 $(\underline{112,007} / \underline{240,779}) \times 100 = \underline{46.5} \%$

Recycling Rate Report

For Calendar Year 2006

Step 4: Application of the Source Reduction Credit: (see Page 4, Part V) (check one of the options below)

☒ Source Reduction Credit does not apply = use Adjusted Recycling Rate % #1, Step 3;

- or -

Adjusted Recycling Rate % #1 + 2% SRP Credit = Adjusted Recycling Rate % #2 below

% + 2 % = %

Step 5: Final Calculated Recycling Rate for the Solid Waste Planning Unit (SWPU):

A. Using the Adjusted Recycling Rate % selected from Step 4 above, subtract the Base Recycling Rate % (from Step 1, Page 4) to determine the overall recycling rate percentage change when including the Credits.

$$\frac{46.5}{\text{from Step 4}} \% - \frac{41.0}{\text{from Step 1}} \% = \frac{5.5}{\% \text{ change due to credits}} \%$$

B. Determine the Final Calculated Recycling Rate %:

§ 10-1-14.6 of the CODE OF VIRGINIA: The aggregate of all such credits permitted shall not exceed five percentage points of the annual municipal solid waste recycling rate achieved for each solid waste planning unit.

(check one)

☐ The % change due to credits is less than 5%, therefore, the SWPU's final calculated recycling rate is:

the Adjusted Recycling Rate % #2: %.

or -

☒ The % change due to credits is more than 5%, therefore, the SWPU's final calculated recycling rate is:

the Base Recycling Rate % plus 5%: 46.0 %.

Appendix 4

Public Hearing Advertisement

Appendix 5

Results of Public Participation

Appendix 6

Adopting Resolution

December 5, 2007

AGENDA ITEM # 8

Ms. Patricia W. Kost
Clerk of Council
900 Church Street
Lynchburg, VA 24504

Hello Patricia:

I spoke with you some weeks ago about placing me on the agenda for the next council meeting. On my last conversation with you, you advise the next Council meeting will take place on December 11, 2007. Please place "Producers for Public Access" on the agenda for that meeting.

Issues: Producer of Public Access have all received notice that December 31, 2007 will be our last date to use the facilities downtown to tape, edit, or air our programs. As I understand it, Comcast who has taken over Adelphia and is operating per that franchise agreement and is obligated to continue to providing the same services to producers (staff, equipment, studio space) until a new franchise agreement is reached. And before a new franchise agreement is reached, a notice must be advertised in the newspaper and a public hearing must be held to provide the Lynchburg citizens the opportunity to voice their opinion regarding the proposed franchise agreement.

The second issue is of the 5% franchise fee that has been paid by Comcast and going into the General Fund. Is/has the Lynchburg City Council been using fees received from Comcast to cross-subsidize other services of the city? but yet is refusing to dedicate a portion of the 5% toward supporting Public Access? I believe last year's figure received by Lynchburg from Comcast was in the \$58x,xxx.00.

The 5% comes from the gross revenue of Comcast's business in the area of Lynchburg. Their gross revenue comes from citizens of Lynchburg who has subscribed to Comcast's cable service. Has the City Council and Director of Communications and Marketing pulled money from the franchise fee to allocate for new equipment and staff for a government channel- while not supporting Public Access with even the donation of the old Comcast equipment producers have been using to produce and air our shows?

A grassroots effort (door-to-door) is on the way to let citizens know the Council's position- thus far. On December 11th, I hope Council can explain their position in a way which will make sense to the citizens it is voted and place there to serve.

Sincerely,

Dina Michel-Wiggins
P. O. Box 223
Monroe, VA 24574
434-609-2887
www.ttwministries.net

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **December 11, 2007**

AGENDA ITEM NO.: 9

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Endorsement of the Strategic Parking Plan**

RECOMMENDATION: Endorse the Strategic Parking Plan and authorize staff to develop a process for its implementation including obtaining the necessary human resources either by hiring a consultant or adding an individual to City staff.

SUMMARY: Council received a presentation on the Strategic Parking Plan at its last work session. In deference to the Mayor's absence, action was postponed until the next regular meeting.

Council's endorsement of the report would allow the process of discussing and implementing the plan to proceed. Human resources would be needed to determine a process for plan discussion, to establish priorities, to determine the tasks necessary for implementation and related costs, to develop a timeline, and to manage the implementation (procure equipment, work with stakeholders, establish protocols, etc.). Assets necessary for sustained parking management would also be determined.

If an individual is added to City staff, the position would be titled "Parking Project Manager" and would be temporary until implementation was completed. The position could evolve into a permanent position if necessary for sustained management of parking downtown.

An alternative would be to hire a private parking management consultant to perform the tasks listed above, however, there would still need to be some support from City staff. Furthermore, consultant costs for this phase would probably be greater than those for a City staff position. Accordingly, the preference would be to hire a Parking Project Manager as a City staff position.

PRIOR ACTION(S): May 14, 2005, City Council re-established the Parking Authority
November 27, 2007, presentation of the Strategic Parking Plan

FISCAL IMPACT: Undetermined, however, funding would come from the \$250,000 previously set aside to fund the plan and implementation.

CONTACT(S): Kimball Payne, 455-3990

ATTACHMENT(S): November 27, 2007 Council Report.

REVIEWED BY: lkp

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 27, 2007, Work Session**

AGENDA ITEM NO.: 1

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Presentation of the Strategic Parking Plan**

RECOMMENDATION: Endorse the Parking Authority's approach to implementation of the Strategic Parking Plan, including authorization of a new position to work with stakeholders and manage plan implementation.

SUMMARY: The Lynchburg Parking Authority has received the Strategic Parking Plan prepared by Carl Walker, Inc. and wishes to proceed with implementation. The Parking Authority supports the recommendations of the "Strategic Parking Plan" and intends to engage stakeholders in a discussion regarding the plan. Recommendations that the Parking Authority believes should receive priority attention are:

- The conversion of on-street parking to paid parking with the installation of full-featured electronic parking meters.
- A new approach to the management of the City's Midtown Parking Deck including the discontinuance of the practice of providing individually assigned reserved spaces and charging for parking on the top level.
- Making provisions for downtown patrons who need parking for more than two hours up to all day but who don't need reserved parking.
- Improve on-street parking management through the use of available technology and best practices.
- Address ADA accessibility issues.
- Conduct an outreach and educational effort to inform private property owners downtown of the potential for improved parking access.
- Hiring a manager dedicated to the development and management of parking downtown.
- Proceed with a feasibility study for new structured parking.

PRIOR ACTION(S): May 24, 2005, City Council re-established the Parking Authority.

FISCAL IMPACT: Undetermined at this point, however, City Council previously set aside \$250,000 to fund the plan and implementation.

CONTACT(S): Kimball Payne, 455-3990; Lee Newland, 455-3947

ATTACHMENT(S): Council was previously provided the complete plan document. The Executive Summary is attached for reference.

REVIEWED BY: lkp



EXECUTIVE SUMMARY

The City of Lynchburg engaged *Carl Walker, Inc.* to conduct a study of current parking conditions in Downtown Lynchburg and develop a strategic parking plan to assist the City in planning for its future parking needs. The basic charge to the study team was to:

- Assess current parking conditions and sufficiency.
- Examine the impact of future development plans.
- Assess prospective locations for the development of future parking capacity.

During the course of the data collection and analysis, the study team identified significant problems within the parking market that need to be addressed - some that go beyond the issue of parking capacity. Although outside the scope of this engagement, those issues have been addressed and specific recommendations have been developed to move Downtown Lynchburg in a new direction.

CURRENT CONDITIONS

Downtown Lynchburg has experienced an increase in development activity during the past several years and plans are in place for significant public improvements that center on dramatic new features and enhancements in the riverfront area. The Lynchburg Downtown and Riverfront Master Plan envisions a Riverfront Park that takes advantage of the natural features of the riverfront area. Upper and Lower Bluff Walks are planned at both the Jefferson Street level (Lower Bluff Walk) and the Jefferson Street level (Upper Bluff Walk) with overlooks that will offer dramatic views of the park and river beyond. The Master Plan also envisions significant residential development along Jefferson, positioned to take advantage of open views to the park.

Parking

New development, particularly in the area of the 9th Street access, has already created a greater sensitivity to parking availability. It has also created competition for parking resources between a growing residential sector and existing businesses that depend on that parking for their customers. A turnover analysis conducted as part of this study confirmed that 33% of on-street parkers occupied 2-hour spaces for more than 2 hours (including those who relocated to other nearby spaces) and that those parkers consumed 67% of the parking time used in occupied on-street spaces. This takes away



much of the most valuable parking space in the system – parking that should be available to downtown visitors and customers.

The parking system lacks important components that are needed to accommodate essential downtown parking needs.

- Although the City provides 2 hours of free on-street parking in all areas of the downtown, there are no options for parking stays longer than 2 hours.
- There is no paid all-day parking available for employees who do not need monthly contract parking.
- The major provider of monthly contract parking in private facilities does not offer monthly contracts to individuals, only to businesses. As a result, visitors, shoppers or diners who need to park for more than 2 hours have no options. Employees, whose employers do not provide employee parking, have few, if any options. Consequently, normal business visitor and shopper traffic depends solely on on-street parking and employees, with the limited options available to them, compete for that space.

These are unhealthy conditions, but they can be remedied.

Peak parking occupancy in the downtown area was 53% at the time of field surveys conducted for this study. This is not unusual, but would be considered at the lower end of the scale for active cities. The general perception is that parking is more difficult to find than this low occupancy level would indicate.

If only publicly accessible parking is considered, that perception is closer to reality. Much of the parking capacity in Downtown Lynchburg is simply not available to the general public. Hourly paid parking is non-existent. Another exception is an area centered on the Genworth Financial building where occupancy was measured at 80% on two blocks and more than 70% on four other nearby blocks.

Normally, an occupancy level of 70% would translate into a reasonable level of parking sufficiency. In Lynchburg, however, the lack of publicly accessible parking is compounded by the prevailing management practice of assigning monthly contract parking as individually reserved spaces. This practice further reduces the "effective capacity" that is actually available. When the person assigned to a reserved space is absent, it cannot be used by anyone else. It sits empty – a waste of resources.



KEY RECOMMENDATIONS

It is recommended that the City ...

- 1) Convert on-street parking in Downtown Lynchburg to paid parking with the installation of full-featured electronic parking meters to reduce employee parking in on-street spaces and to establish a financial incentive for the creation of private paid parking opportunities. The meters should include the following features:
 - a) They should include a "complimentary" feature that allows parkers to park for a short time (e.g. 30 minutes) without charge – for quick stops, pick-ups and non-commercial deliveries.
 - b) They should be able to accept pre-paid meter cards as a convenience for those who do business or shop downtown on a regular basis.
 - c) They should be programmable to automatically allow extended parking times and different rates in the evening and on weekends.

Meters would be phased in, beginning with Main Street and progressing outward in one-block increments as the program is put into place.

- 2) Discontinue the practice of offering individually reserved spaces at parking facilities controlled by the City and, in the case of the Midtown Garage, assign monthly contract parking by level only. This will allow more parkers to be accommodated and generate more revenue for the City.
- 3) Develop a plan to carry forward the other recommendations detailed in the supplementary report for the Midtown Garage related primarily to facility identification, maintenance and remedy of ADA obstacles.
- 4) Expand the role of the Lynchburg Parking Authority in providing both on-street and off-street parking to the public:
 - a) Management of the on-street system should be placed with the Authority.
 - b) On-street parking revenues should be used to purchase a handheld on-street parking management system to improve efficiency and provide more data than is available now.



- c) The City should consider placing responsibility for all of the City's public parking facilities with the Authority. The Authority can take on direct operating responsibility or it can contract day-to-day operations of specific facilities to a professional parking management firm or other sub-contractor. If the Authority engages another organization to manage any of the City's facilities, under contract, the Authority should maintain ultimate control of operating policies, practices and rates, setting high standards of service.
 - d) The Authority should seek to identify privately owned parking lots or garages with surplus parking capacity and enter in management contracts with the owners to bring that excess capacity into the public market in order to provide additional hourly, daily and monthly parking as well as contract parking that is available to individuals.
 - (1) The Authority would not enter into leases that would involve any financial commitment to the owner. Instead, the Authority would provide the improvements and equipment to establish paid parking at the location and, after those set-up costs have been covered, revenues would be shared with the owner. Risk to the Authority and to the owner is minimal.
 - (2) To protect their interests and provide an incentive for participation, owners would retain control of their properties and the number of spaces available for public parking.
 - e) If the role of the Authority is expanded as proposed, and the Authority takes on direct operating responsibility, it should hire a manager dedicated to development and management of the Authority's parking program.
 - f) A parking availability webpage can be created as part of a Lynchburg Parking Authority website linked to the City of Lynchburg website. The webpage can be interactive, with several examples presently in operation in other cities, including Atlanta and Charlotte.
- 5) Look for opportunities to encourage or, if necessary, subsidize the development of excess parking capacity in new private developments that can be used to increase available public parking. The Lynchburg Parking Authority can provide management services for that public component of a private parking facility.



- 6) Establish parking minimums for new residential development in order to prevent the erosion of parking capacity needed to support the essential business core of Downtown Lynchburg.
- 7) Act as a consolidator of land and funds for development of larger, efficient parking facilities to serve the needs of multiple small developers who, individually, would not be able to create those facilities.
 - a) Identify appropriate sites in areas of coming development that can be land-banked for future parking development – sites that are well positioned to serve the new development and have sufficient dimensions to accommodate an efficient design.
 - b) Establish an "In Lieu" fee program to give residential developers the opportunity to have parking requirements waived in exchange for contributing to a common parking development fund administered by the City or the Lynchburg Parking Authority.
 - c) Provide an opportunity for developers (without specific parking requirements per the zoning ordinance) to voluntarily secure parking in a shared facility in order to satisfy their needs and the requirements set by their lenders. This will encourage development of properties that cannot accommodate parking on-site.
- 8) Provide the information about parking capacities and parking availability that was developed as part of this study process to those involved in promoting downtown development. Assign staff to keep that information updated on a regular basis.
- 9) Initiate a full site feasibility analysis for development of a new 300-500 space (net gain) parking structure on the north half (or more) of the Human Resources block at 9th and Jefferson Streets. Follow a successful site feasibility analysis with a financial feasibility analysis as a precursor to a decision to proceed with design development.
 - a) This location would provide new capacity needed for existing land uses and new developments expected in this area.
 - b) It will also provide support for the new Riverfront developments, including visitor and retail traffic that will be developed along Jefferson Street.



- 10) Secure the property (current underutilized surface parking lot) located on the southwest corner of 12th and Commerce Streets and develop that property as a quality surface parking lot to serve the planned Bluff Walk development, the City Market, other nearby retail businesses and, with access provided by the proposed elevator to Jefferson Street, for visitors to the east section of the Riverfront Park area.
 - a) Timing for development of this lot would depend on
 - (1) development of Upper Bluff Walk
 - (2) start of construction on the proposed public parking structure at 9th and Jefferson
 - (3) demolition of the adjacent private parking garage
- 11) Review provisions for ADA parking throughout the city, focusing on City-owned facilities and on-street parking. Pay particular attention to obstructions and slopes that may use of the parking spaces difficult or unsafe. Engage the disabled community in evaluating existing parking provisions and solutions, particularly where a compromise of broad standards may provide a more practical and safer solution.

It is the opinion of the study team that these measures will begin important changes that are needed in Downtown Lynchburg as it moves forward with its plans to create a more attractive living and working environment and to enhance Downtown Lynchburg as a regional destination with unique riverfront attractions and unique shopping opportunities. Without these changes, future efforts by the City to provide sufficient parking support by focusing exclusively on capacity expansion will involve unnecessary capital expenditures with results that will still fall short of what is needed to provide convenient and efficient parking.

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: December 11, 2007		AGENDA ITEM NO.: 10
CONSENT:	REGULAR: X	CLOSED SESSION:
ACTION: X	INFORMATION:	(Confidential)
<u>ITEM TITLE:</u> Cornerstone Sketch Plan Amendment – Cornerstone Development Greenview Drive		

RECOMMENDATION: Concur with the Planning Division's determination that the modified sketch plan for Cornerstone is in keeping with the intent of the conditional use permit resolution #R-06-075. This resolution was adopted by the City Council on June 27, 2006 to allow the construction of a Traditional Neighborhood Development (TND).

SUMMARY: Section 35.1-43.12 of the Zoning Ordinance provides that the TND plan shall serve as the "sketch plan" for a TND and the procedures for the review of the preliminary and final site plans for a TND shall be the same as those outlined in Sections 35.1-42.6 and 35.1-42.7 of the Zoning Ordinance.

Section 35.1-42.6(c) 7, Request for Changes in Sketch Plan, states: "if it becomes apparent during the development of the site plan that certain elements of the sketch plan, as approved by the City Council, are unfeasible and in need of significant modification, the applicant shall then present his solution to the Planning Division as his preliminary site plan in accordance with the above procedures. The Planning Division shall then determine whether or not the modified plan is still in keeping with the intent of the conditional use permit resolution. If a negative decision is reached, the site plan shall be considered disapproved. The developer may then, if he wishes, produce another site plan in conformance with the approved sketch plan. *If an affirmative decision is reached, the Planning Division shall notify City Council stating all of the particulars of the matter and its reasons for feeling the project should be continued as modified. Preliminary site plan approval may then be given only with the consent of the City Council.*

JBO, LLC is requesting to dedicate one (1) public street (Ridgeline Lane) and name two (2) private streets (Foundation Street & Meridian Street) that were not shown on the sketch plan approved by the City Council on June 27, 2006. The Planning Division determined that the modified plan is in keeping with the intent of the approved conditional use permit resolution because:

- The request is in compliance with the *Comprehensive Plan 2002-2020 & Future Land Use Map (FLUM)* which recommend a mixed use development for the area.
- The requested amendment would not increase the maximum net density of one thousand (1000) units as shown on the approved sketch plan.
- The proposed streets are "internal" to the approved Cornerstone TND and would not connect to any existing City streets outside of the development.
- The proposed streets would not infringe on the required twenty-five (25) foot buffer area as shown on the approved sketch plan and required by condition number eight (8) of City Council Resolution #R-06-075.
- The proposed streets are in keeping with the TND Block Illustrative – Neighborhood Edge as included in the Design, Landscaping & Screening and Architectural Guidelines for the Cornerstone TND as approved and referenced by condition number two (2) of City Council Resolution #R-06-075.
- During the public hearing process, the petitioners showed a "Neighborhood Edge Area – Illustrative" that indicated how the edge areas would be developed. This illustrative clearly shows additional streets not shown on the sketch plan serving residential lots.

If City Council declines to concur with the findings of the Planning Commission and staff because it feels that the proposed amendments to the sketch plan are substantial and not in keeping with its intent in

approving the original CUP, then the applicant's choices are to either proceed as approved in that CUP or apply for a modified CUP through the normal process.

PRIOR ACTION(S):

June 27, 2006: City Council approved Resolution #R-06-075 creating the Cornerstone Traditional Neighborhood Development on Greenview Drive.

August 20, 2007: The Technical Review Committee (TRC) members Gerry Harter, Transportation Engineer, Greg Wormser, Fire Marshal's Office, the Emergency Communications Administrator and the Lynchburg Post Office Customer Services Manager found that the proposed street names do not conflict with any existing street names.

October 10, 2007: The Planning Division gave an affirmative decision that the proposed streets are in keeping with the intent of City Council Resolution #R-06-075. The Planning Division recommended approval of the proposed street dedication and naming of one (1) public street and naming of two (2) private streets.

October 10, 2007: The Planning Commission recommended approval of the street dedication and naming (6-1).

November 7, 2007: The Windsor Hills Neighborhood Association represented by Phyllis C. Katz, Attorney, Sands, Anderson, Marks & Miller, submit an "Appeal of actions of City Planner/Planning Commission Cornerstone TND) to the Lynchburg Board of Zoning Appeals.

November 13, 2007: City Council took no action on the proposed dedication and naming of one (1) public street and the naming of two (2) private streets.

FISCAL IMPACT: N/A

CONTACTS:

Charlene Montford/ 455-3902
Tom Martin/ 455-3909

ATTACHMENT(S):

- Resolution #R-06-075
- Cornerstone Exhibit Drawing Showing Proposed Public Streets
- Cornerstone TND Plan – (Sketch Plan)
- TND Block Illustrative – Neighborhood Edge
- Neighborhood Edge Area Illustrative as shown in public hearings.

REVIEWED BY: lkp

RESOLUTION "A"

A RESOLUTION TO APPROVE THE DECISION OF THE PLANNING DIVISION

BE IT RESOLVED That the Council of the City of Lynchburg as provided by Section 35.1-42.6(c)(7) of the City's Zoning Ordinance hereby agrees with the decision of the Planning Division that the proposal of JBO, LLC to modify the sketch plan (Cornerstone "Traditional Neighborhood Development Plan" dated April 24, 2006) for the Cornerstone Traditional Neighborhood Development to create and name three new streets, to be known as Foundation Street, Meridian Street and Ridgeline Lane, and to dedicate Ridgeline Lane as a public street, is in keeping with the intent of the conditional use permit resolution adopted by City Council on June 27, 2007 for Cornerstone and JBO, LLC's proposal to modify the sketch plan is hereby approved.

Adopted:

Certified:

Clerk of Council

163L1

RESOLUTION "B"

A RESOLUTION TO REVERSE THE DECISION OF THE PLANNING DIVISION

BE IT RESOLVED That the Council of the City of Lynchburg as provided by Section 35.1-42.6(c)(7) of the City's Zoning Ordinance hereby reverses the decision of the Planning Division that the proposal of JBO, LLC to modify the sketch plan (Cornerstone "Traditional Neighborhood Development Plan" dated April 24, 2006) for the Cornerstone Traditional Neighborhood Development to create and name three new streets, to be known as Foundation Street, Meridian Street and Ridgeline Lane, and to dedicate Ridgeline Lane as a public street, is in keeping with the intent of the conditional use permit resolution adopted by City Council on June 27, 2007 for Cornerstone. City Council finds that JBO, LLC's proposal to modify the sketch plan to create and name the three new streets in question is not in keeping with the intent of the conditional use permit resolution adopted by City Council on June 27, 2007 for Cornerstone and the proposal to modify the sketch plan is hereby disapproved.

Adopted:

Certified:

Clerk of Council

163L2

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

To: Planning Commission

From: Planning Division

Date: October 10, 2007

**RE: Public Street Dedication and Naming Requests—"Ridgeline Lane"
Private Street Namings Request—"Meridian Street" and "Foundation Street" in the Cornerstone
Traditional Neighborhood Development off Greenview Drive**

I. PETITIONER

JBO, LLC, 104 Archway Court, Lynchburg, VA 24502-2889

Representative: Jay Craddock, Designer, and Norman B. Walton, Jr., Project Manager, Perkins & Orrison, 20436 Lynchburg Highway, Unit I, Lynchburg, VA 24502

II. LOCATION

The subject property is a tract of land containing approximately one hundred twenty-three (123) acres located on the north side of Greenview Drive near the City/Campbell County limits in the southern part of the City.

III. PURPOSE

The purpose of the requests is to dedicate one public street to be named "Ridgeline Lane" and name two private streets "Meridian Street" and "Foundation Street." The new streets will serve the Cornerstone Traditional Neighborhood Development which was approved by City Council on June 27, 2006.

IV. SUMMARY

- Request complies with Resolution #R-06-075 dated June 27, 2006 granting a Conditional Use Permit to construct a Traditional Neighborhood Development subject to certain conditions under Paragraphs H and I (see Attachment 2).
- Request complies with City Code Section 35.105 requirements that "...all streets dedicated or private...may be assigned a name provided that a name assignment has been requested by the property owner on said street, and provided further that the Planning Commission deems the petitioned street of sufficient significance to warrant naming."
- Request complies with City Code Section 35.111 requirement that states the "proposed street name will be reviewed by the Technical Review Committee, Planning Commission and City Council, with the final decision resting with Council."

The Planning Division recommends approval of the public street dedication and naming and the private street namings requests.

V. FINDINGS OF FACT

1. **Background.** Jay Craddock, Designer, and Norman B. Walton, Jr., Project Manager, Perkins & Orrison, are requesting to dedicate a public street to be named "Ridgeline Lane." "Ridgeline Lane," fifty (50) feet in width, would extend approximately eight hundred thirty-five (835) feet in a southerly direction from Cornerstone Street through Hunterdale Drive to connect back into Cornerstone Street.

Two private streets would be named "Meridian Street" and "Foundation Street." Both private streets shall have a minimum right-of-way of forty (40) feet for a two-way street as stipulated in the conditions of the CUP (see Attachment 2). "Meridian Street" extends approximately one thousand six hundred (1,600) feet,

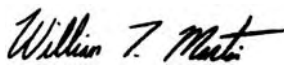
snaking in southerly then northerly directions from Capstone Drive, intersecting Rotunda Street and returning to Rotunda Street at the cul-de-sac. "Foundation Street" extends approximately five hundred eighty (580) feet in a southeasterly direction from Capstone Drive to a private alley just beyond Meridian Street.

2. **Zoning.** The subject property is zoned R-1, Low Density, Single-Family Residential District, and R-C, Conservation District, with a Conditional Use Permit for a Traditional Neighborhood Development.
3. **Waivers.** No waivers will be needed for the public street dedication and naming and the private street namings requests.
4. **Proposed Use of Property.** The public and private streets will serve the new Cornerstone Traditional Neighborhood Development.
5. **Technical Review Committee.** Technical Review Committee (TRC) Members Gerry Harter and Greg Wormser, the Emergency Communications Administrator and the Lynchburg Post Office Customer Services Manager reviewed the proposed public and private street namings requests on August 20, 2007. Traffic Engineer Gerry Harter asked for a change in the suffix name of the public street. With this change, he, the Fire Marshal, the Emergency Communications Administrator and the Lynchburg Post Office Customer Services Manager found that the proposed street names do not conflict with any existing street names.

VI. PLANNING DIVISION RECOMMENDED MOTION

Based on the proceeding findings of fact, the Planning Commission recommends to City Council approval of the public dedication of the street to be named "Ridgeline Lane" and the names "Meridian Street" and "Foundation Street" as the names for the private streets in the Cornerstone Traditional Neighborhood Development off Greenview Drive.

This matter is hereby offered for your consideration.



William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Charlene B. Montford, Director of Community Development
Ms. Cynthia L. Kozerow, Lynchburg Police Department
Battalion Chief Greg Wormser, Fire Marshal

Mr. J. Lee Newland, Director of Engineering
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Mr. Keith Wright, Zoning Official
Mr. Robert S. Fowler, Zoning Official
Ms. Annette M. Chenault, Planner II
Mr. Norman B. Walton, Perkins-Orrison, Representative
Mr. Jay Craddock, Perkins-Orrison, Representative

VII. ATTACHMENTS

- a. Vicinity Zoning Map

- b. Cornerstone TND Exhibit Drawing Showing Proposed Streets, by Perkins & Orrison, dated September 10, 2007
- c. Attachment 2: Cornerstone TND Guidelines for Public and Private Streets

MINUTES FROM THE OCTOBER 24, 2007 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

- a. The purpose of the request is to dedicate one public street to be named "Ridgeline Lane" and name two private streets "Meridian Street" and "Foundation Street." The new streets will serve the Cornerstone Traditional Neighborhood Development which was approved by City Council on June 27, 2006.**

Mr. Martin addressed the commissioners with the following comments. This is for the dedication of one public street and the naming of two private streets in the Cornerstone Traditional Neighborhood Development (TND). These streets would serve primarily single-family development in the edge areas and possibly some townhome developments in the southern southeast portion of the property. The naming and dedications have been reviewed by the city's Technical Review Committee and the Planning Division does recommend approval.

Mr. Jay Craddock of Perkins and Orrison came forward to represent the applicant and answer any questions. Commissioner Swienton stated that he was concerned about future TNDs and how they are handled. He consulted the TND ordinance and provided copies to the commissioners at today's meeting. It states that the alignment of all streets, alleys and transit facilities is to be made known at the time of a TND application. He feels that the three streets proposed today are new and were not included in the public hearing process. For future TND submittals, he is concerned that a developer might submit one plan and then have changes to it that the neighbors do not know about and another proper public hearing is not held to inform them.

Commissioner Swienton stated that he consulted with the City Attorney about this and that Mr. Erwin had shared with him what he thought was the planning staff's perspective and not so much a legal opinion. Mr. Martin acknowledged that he discussed this with Mr. Erwin as well and stated that it is staff's opinion that the streets are in substantial compliance with the TND that was approved by City Council. The ordinance does say that the general layout of all private streets needs to be made known, not the exact layout. Mr. Martin pointed out the original site plan approved by City Council and shared that if the lots were subdivided, there would be no way that those lots could comply with the design guidelines that were also approved by City Council, in particular Block N. Blocks O and P would also have some rather large single-family lots that would not comply with the standards set forth in the design guidelines. If you look at the plan for the edge areas, you can see that there are blocks that typically have public streets surrounding them. The TND was approved with the condition that it would be developed in substantial compliance. These streets are only internal to the development. They are not increasing the number of residential units. They are not connecting to any other city streets. It is staff's opinion that these streets are acceptable.

Chair Hamilton asked Mr. Craddock if there was a reason that these streets were not included in the original plan. Mr. Craddock said that the need for the streets became apparent as they did layouts and put in lot lines.

Commissioner Swienton stated that he still feels that the streets should have all been made known at the time the development was approved. He pointed out that the neighbors thought the development was going to develop in one way and now there are streets closer to them than they may want. He believes that there should be another public hearing for neighbors to have an opportunity to voice any concerns they might have.

Chair Hamilton asked Mr. Martin to describe the topography and any possible light pollution. Mr. Martin said that he thought the new streets would have minimal impact on neighbors. Mr. Martin said that he understood Commissioner Swienton's point. However, city staff believes that these streets are in

substantial compliance with the approved TND and it would serve no public purpose to open this up to another public hearing.

Commissioner Swienton reiterated that he thought the neighbors might want to know that there will be a street so close to their property. He is also concerned with the precedence that this sets for other TND applications. What becomes the definition of "substantial compliance" and what can be changed? He feels that this is very subjective.

Commissioner Sale commented that he feels that "general alignment" of streets was met when the TND was approved and what is being done now is only filling in the blank spaces in general alignment with what was proposed. Commissioner Sale asked Mr. Martin if he thought anything else needed to be placed in the ordinance to make it clearer. Mr. Martin said that it is his opinion that nothing needs to be changed. The reason the city has a planning staff is to review plans and make judgment calls. He also stated that if these streets had gone into a designated buffer area or something like that, then he would agree with Commissioner Swienton about having another public hearing. But these streets are internal and it was anticipated by staff that some of these things would have to occur in order for the property to be developed. Mr. Martin also pointed out that if property is developed by right or if a public street is put in, there is no public hearing process.

Commissioner Flint's interpretation of the plan is that it looked obvious that streets would have to be put in to develop the areas in question and he is in favor of it.

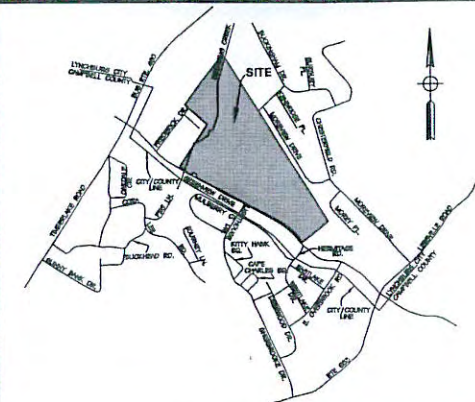
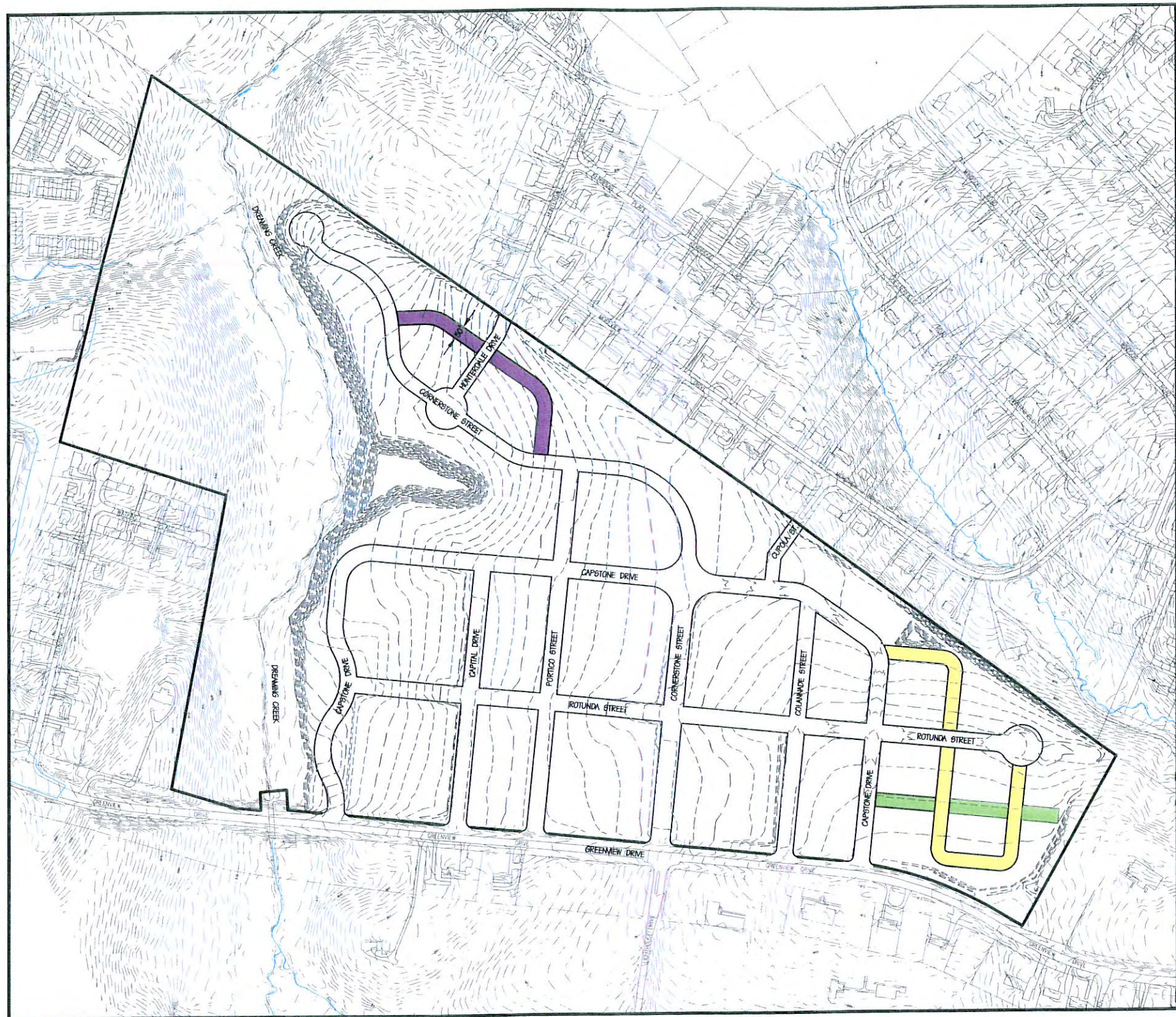
Commissioner Oglesby stated that although she did not vote for the TND, she did not have any problem with these proposed streets.

Commissioner Barnes asked about the distinction between the public and private streets. Is the difference strictly the width of the street or are there implications for the maintenance of the streets? Mr. Martin explained that the private streets are maintained by the property owner's association. The differences are that city streets are typically fifty feet in right-of-way and private streets can be less than 50 feet.

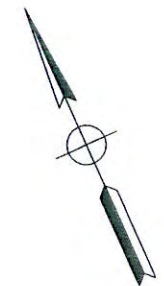
Commissioner Flint made the following motion, which was seconded by Commissioner Oglesby, and passed by the following vote:

"That the Planning Commission recommends to City Council approval of the public dedication of the street to be named "Ridgeline Lane" and the names "Meridian Street" and "Foundation Street" as the names for the private streets in the Cornerstone Traditional Neighborhood Development off Greenview Drive."

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



VICINITY MAP
NTS



PROPOSED STREETS

- MERIDIAN STREET (PRIVATE)
- FOUNDATION STREET (PRIVATE)
- RIDGELINE LANE (PUBLIC)

PERKINS ORRISON
ENGINEERS ▲ PLANNERS ▲ SURVEYORS
20435 LYNCHBURG HIGHWAY, UNIT 1, LYNCHBURG, VIRGINIA 24502
PHONE: 434-525-5985 FAX: 434-239-6271
EMAIL: pro@perkins-orrison.com

GUFFEY WARNER & ASSOCIATES
ENGINEERS & SURVEYORS
21 TIMBER OAK CT - SUITE B
OAKDALE CIRCLE
LYNCHBURG, VA 24502
PHONE: 434-238-6000
FAX: 434-239-6001



cornerstone
TRADITIONAL NEIGHBORHOOD DEVELOPMENT
LYNCHBURG, VIRGINIA

MARK	DATE	DESCRIPTION
ISSUE:	9/10/07	
CONTOUR INTERVAL:	2'	
DESIGNED BY:	NBW	
DRAWN BY:	JAC	
CHECKED BY:	NBW	
SHEET TITLE		
EXHIBIT DRAWING SHOWING PROPOSED PUBLIC STREETS		
GRAPHIC SCALE 0 200 400 1"=200'		
C-100		
AS BLD.	06208	SHEET NO. 1 1

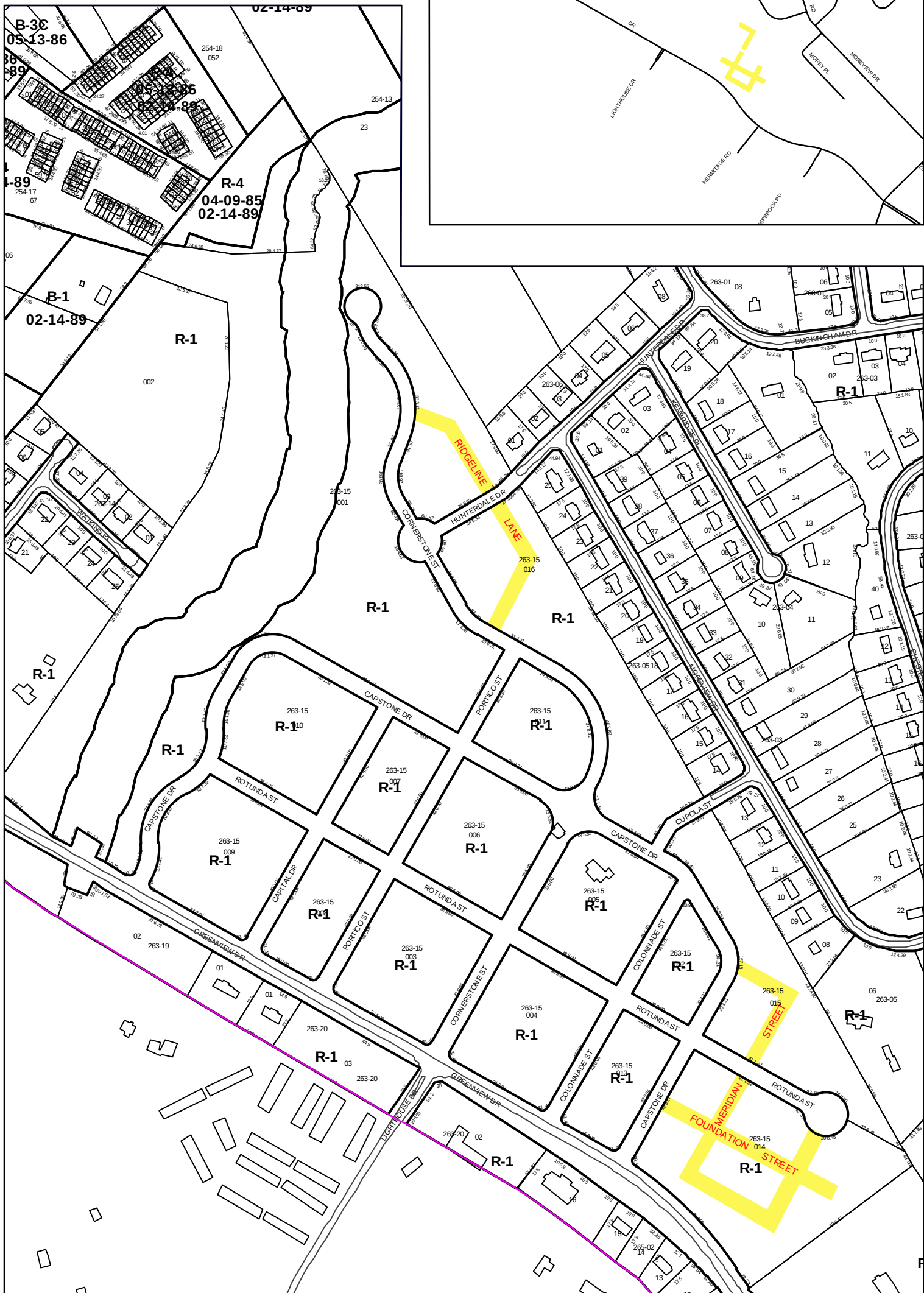
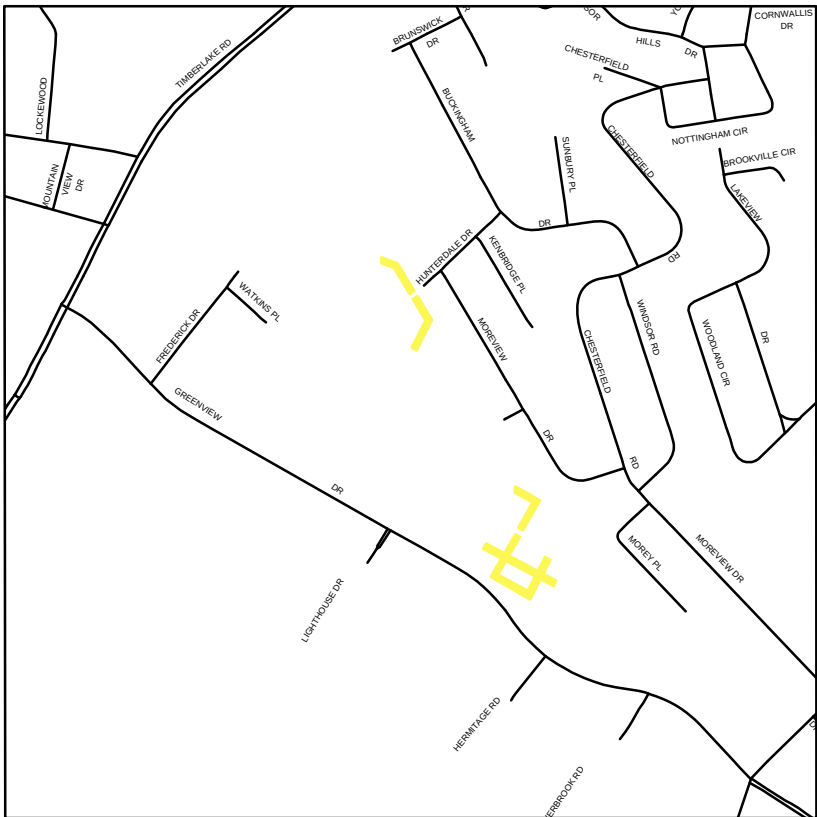
**RIDGELINE LANE
MERIDIAN STREET, FOUNDATION STREET
STREET NAMING REQUEST**

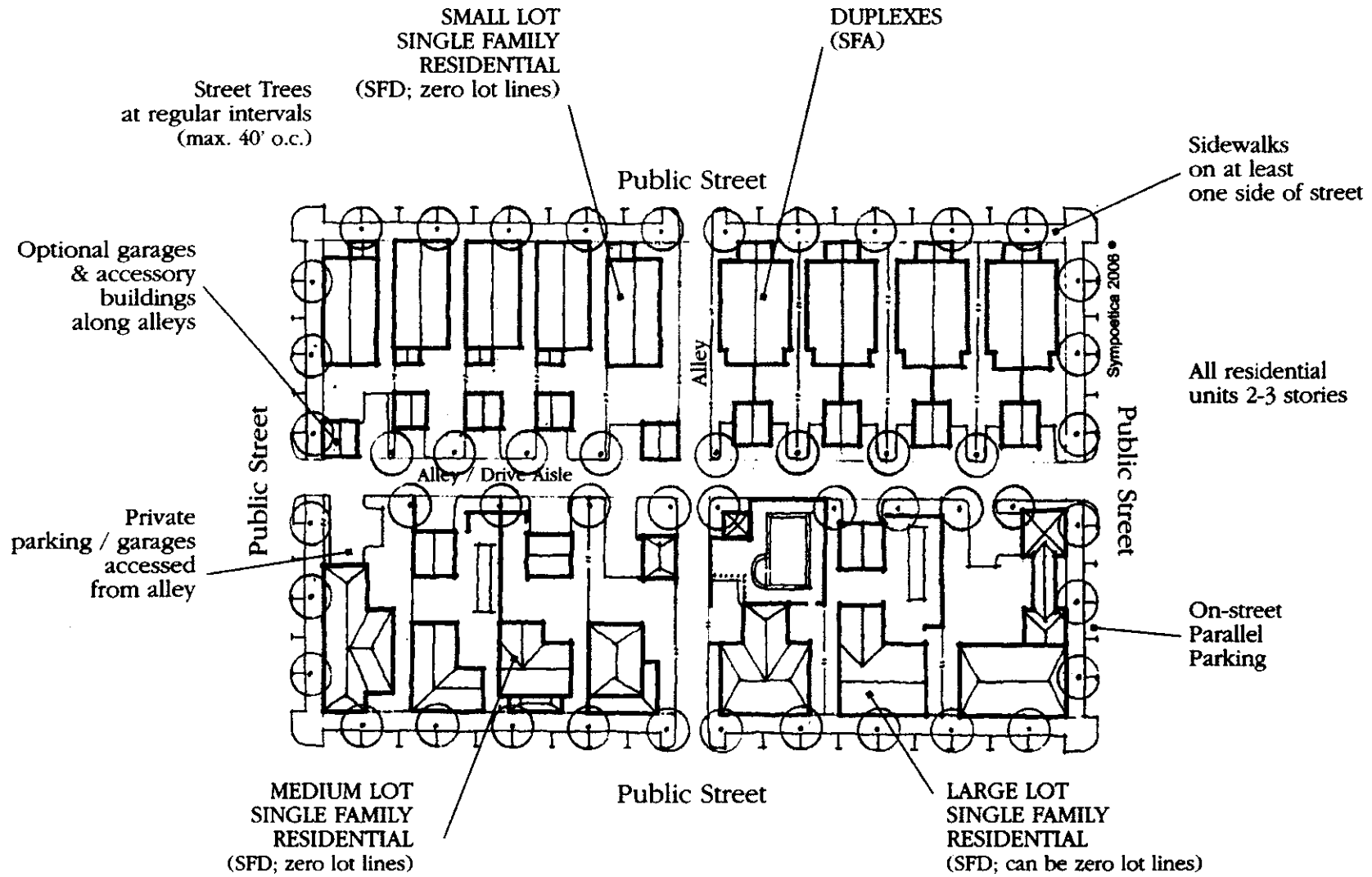
MAP PREPARED BY
THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Proposed Street



Proposed Street





Cornerstone TND
TND Block Illustrative - Neighborhood Edge
Sympoetica



Cornerstone TND



**LYNCHBURG CITY COUNCIL
Agenda Item Summary**

MEETING DATE: December 11, 2007		AGENDA ITEM NO.: 11
CONSENT:	REGULAR: X	CLOSED SESSION: (Confidential)
ACTION: X	INFORMATION:	
<u>ITEM TITLE:</u> Public Right-Of-Way Extension Request – “Belle Terre Drive” off Forest Brook Road		

RECOMMENDATION: Approval of resolution to accept the public right-of-way extension request.

SUMMARY: George C. Walker, Jr., Lynne R. Walker, William M. Walker, Earl M. Driskill, Inc., and Applebee's of Lynchburg, represented by Ashley Fisher of Dewberry & Davis, Inc. are requesting to dedicate approximately one and four thousandths (1.004) acres for right-of-way for the proposed public street extension of “Belle Terre Drive,” located at the end of its existing terminus off Forest Brook Road. The new right-of-way dedication would serve toward providing a future connection to Old Forest Road and is not proposed to be constructed at this time.

PRIOR ACTION(S):

November 14, 2007: Planning Division recommended approval
Planning Commission recommended approval (6-0)

FISCAL IMPACT: N/A

CONTACT(S):

Charlene Montford/ 455-3902
Tom Martin /455-3909
Annette Chenault /455-3894

ATTACHMENT(S):

- Resolution
- PC Report
- PC Minutes
- Drawing Showing Proposed Streets
- Vicinity Map

REVIEWED BY: lkp

RESOLUTION

A RESOLUTION APPROVING THE EXTENSION AND DEDICATION OF AN EXISTING PUBLIC STREET KNOWN AS BELLE TERRE DRIVE.

BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF LYNCHBURG approves the public right of way extension request to dedicate approximately one and four thousandths (1.004) acres for right-of-way for the proposed public street extension of "Belle Terre Drive," located at the end of its existing terminus off Forest Brook Road. Belle Terre Drive, sixty (60) feet in width, which will extend from its existing terminus in a northeasterly direction for approximately seven hundred and thirty-nine (739) feet to terminate at property owned by Jesse L. C. Bobbitt and intersecting with a one hundred and twenty (120) foot private right of way along the northern boundary of the Walker property in the new Wal-Mart development off Old Forest Road, to be constructed in compliance with the "Plat of subdivision for George C. Walker, Jr., Lynne R. Walker, William M. Walker, Don R. Matthews, Cathy C. Matthews, Earl M. Driskill, Inc. and Applebee's of Virginia," prepared by Dewberry & Davis, Inc., dated November 13, 2006, and Exhibit Map showing proposed Belle Terre Drive right-of-way extension for Wal-Mart Stores, Inc. prepared by Dewberry & Davis, Inc., dated November 13, 2006, be, and the same is hereby, approved and accepted contingent upon the filing of a properly executed subdivision plat in the Clerk's Office of the Circuit Court for the City of Lynchburg, Virginia; filing of approved street and utility plans; filing the necessary construction bonds; and construction of the street in accordance with City standards.

Adopted:

Certified:

Clerk of Council

161L

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

To: Planning Commission
From: Planning Division
Date: November 14, 2007
RE: PUBLIC RIGHT-OF-WAY EXTENSION REQUEST- BELLE TERRE DRIVE OFF FOREST BROOK ROAD

I. APPLICANTS

George C. Walker, Jr., Lynne R. Walker and William M. Walker 4216 Hilton Place, Lynchburg, VA 24503-2008

Earl M. Driskill, Inc., 1116 Ashley Drive, Lynchburg, VA 24501-2210

Applebee's of Virginia, In care of CBIZ Property Tax Solutions, P.O. Box 3525, McKinney, TX 75070-8194

Representative: Ashley Fisher, Dewberry & Davis, Inc., 551 Piney Forest Road, Danville, VA 24540

II. LOCATION

The subject property is a tract of land containing one and four thousandths (1.004) acres located at the end of the existing terminus of Belle Terre Drive off Forest Brook Road. It is currently part of the Walker Property, which will be developed for the new Wal-Mart development (also known as Valuation Map #220-04-003).

III. PURPOSE

The purpose of the request is to dedicate one and four thousandths (1.004) acres for the proposed public right-of-way extension of Belle Terre Drive located at the end of its existing terminus off Forest Brook Road. The new right-of-way dedication would serve toward providing a future connection to Old Forest Road and is not proposed to be constructed at this time.

IV. SUMMARY

- Request agrees with the Subdivision Ordinance requirements for dedicating public rights-of-way (Section 24.1-30(b)).
- Request agrees with the Zoning Ordinance requirements for right-of-way dedications in an existing B-3, Community Business District (Section 35.1-22 (b)).

The Planning Division recommends approval of the public right-of-way extension request.

V. FINDINGS OF FACT

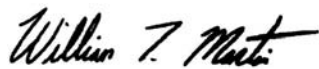
1. **Background.** George C. Walker, Jr., et als., Earl M. Driskill, Inc., and Applebee's of Virginia are requesting to dedicate one and four thousandths (1.004) acres for the proposed right-of-way extension of Belle Terre Drive located at the end of its existing terminus off Forest Brook Road. Belle Terre Drive, sixty (60) feet in width, would extend from its existing terminus in a northeasterly direction for approximately seven hundred and thirty-nine (739) feet to terminate at property owned by Jesse L. C. Bobbitt and intersecting with a one hundred and twenty (120) foot private right of way along the northern boundary of the Walker property in the new Wal-Mart development off Old Forest Road.
2. **Zoning.** The subject property is zoned B-3, Community Business District.
3. **Waivers.** No waivers will be needed for the right-of-way extension dedication.

4. **Proposed Use of Property.** The new right-of-way extension would serve toward providing a future connection to Old Forest Road and is not proposed to be constructed at this time.
5. **Technical Review Committee.** Technical Review Committee (TRC) Members Gerry Harter, Traffic Engineer, and Rob Fowler, Zoning/E&S Administrator, reviewed the proposed extension of Belle Terre Drive and had no concerns with using this name as a continuation of the existing street. Belle Terre Drive also becomes a private street as it extends easterly into the Three Fountains townhomes complex.

VI. PLANNING DIVISION RECOMMENDED MOTION

Based on the proceeding findings of fact, the Planning Commission recommends to City Council approval of the public right-of-way dedication of the extension of Belle Terre Drive.

This matter is hereby offered for your consideration.



William T. Martin, AICP
City Planner

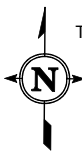
pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Charlene B. Montford, Director of Community Development
Batallion Chief Greg Wormser, Fire Marshal
Ms. Cynthia L. Kozarow, Lynchburg Police Department
Mr. J. Lee Newland, City Engineer
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Mr. Keith Wright, Zoning Official
Mr. Robert S. Fowler, Zoning Official
Ms. Annette M. Chenault, Planner II
Ms. Rebecca McCharen, Planner II
Ms. Ashley Fisher, Representative

VII. ATTACHMENTS

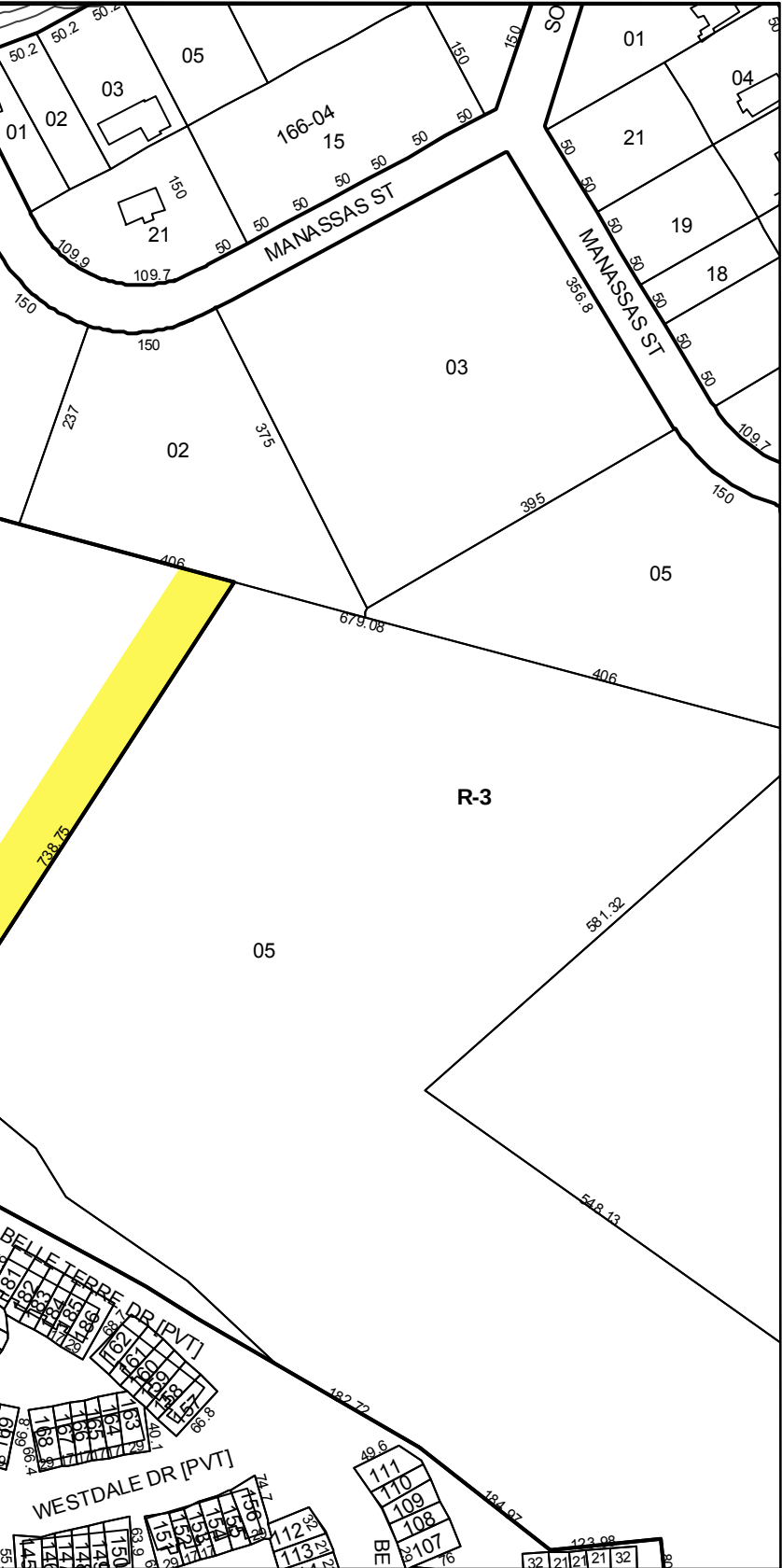
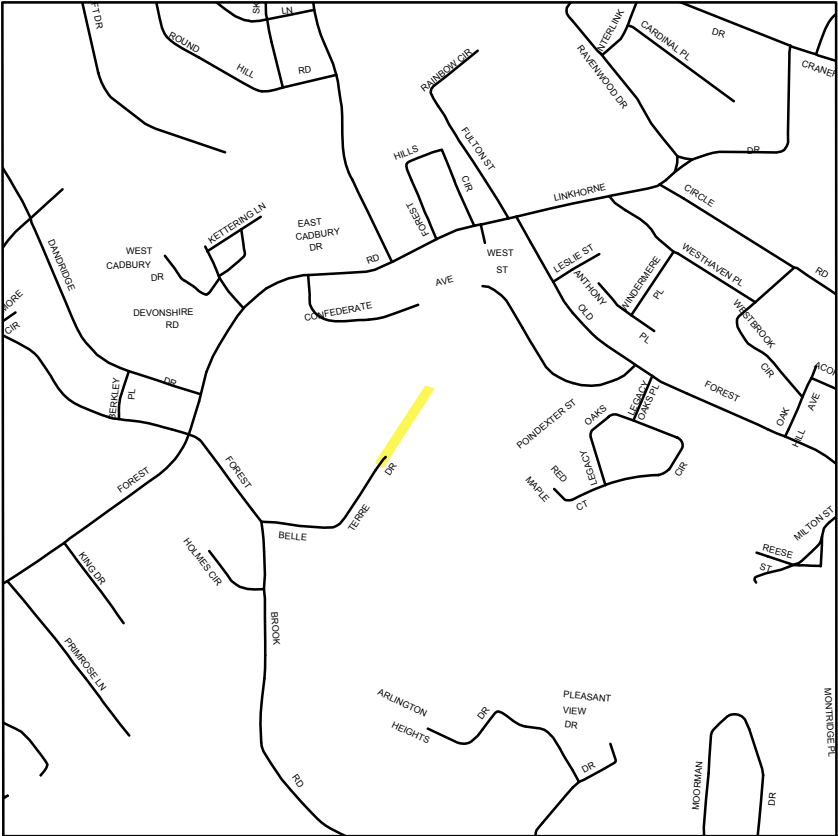
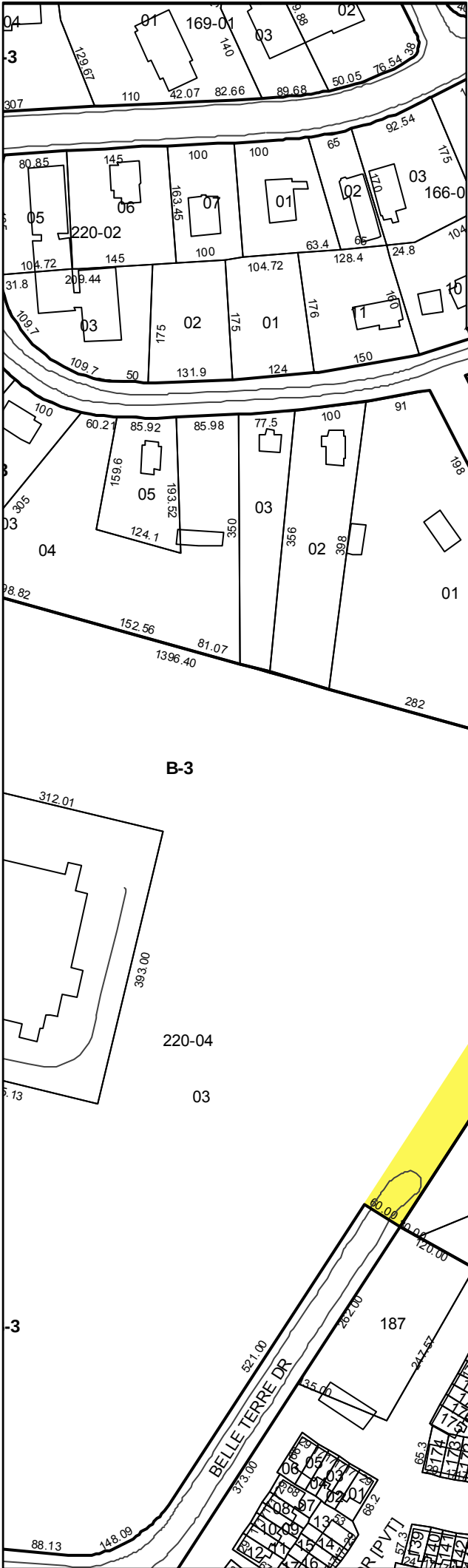
1. **Exhibit Map for Wal-Mart Stores, Inc., dated November 5, 2007**
2. **Vicinity Zoning Map**

BELLE TERRE DRIVE
STREET EXTENSION REQUEST

MAP PREPARED BY
THE DEPARTMENT OF COMMUNITY DEVELOPMENT



Proposed Street



LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **December 11, 2007**

AGENDA ITEM NO.: 12

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Funding for Democratic and Republican Presidential Primary Participation**

RECOMMENDATION: Adopt a resolution to amend the FY 2008 General Fund budget and appropriate \$17,860 from the General Fund Reserve for Contingencies to cover the local costs of the Electoral Board and Registrar related to participation in the statewide Democratic and Republican Presidential Primary on February 12, 2008.

SUMMARY: Democratic and Republican Presidential Primaries will be held in Virginia on February 12, 2008. It is mandated that the City pay for and participate in these primaries.

PRIOR ACTION(S): Finance Committee, December 4, 2007

FISCAL IMPACT:

A one-time appropriation from the General Fund Reserve for Contingencies

Accuvote Ballot programming	\$ 750
WINVote Ballot programming	750
Ballot printing	800
Election official pay	14,910
Part-time employees pay	560
Mileage, Electoral Board	90
Total	\$17,860

CONTACT(S): Pat Bower, General Registrar, 847-1609

ATTACHMENT(S): Resolution

REVIEWED BY: lkp

Resolution:

BE IT RESOLVED that the FY 2008 General Fund budget is amended and \$17,860 is appropriated from the General Fund Reserve for Contingencies to cover costs for the Electoral Board and Registrar related to participation in the statewide Democratic and Republican Presidential Primary on February 12, 2008.

Introduced:

Adopted:

Certified:

Clerk of Council

158L

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **December 11, 2007**

AGENDA ITEM NO.: 13

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Business License and Business Personal Property Tax Refund**

RECOMMENDATION:

Adopt a resolution to amend the FY 2008 General Fund budget and appropriate \$88,530.66 from the General Fund Reserve for Contingencies to refund an overpayment by Banker Steel Company LLC of business license and business personal property taxes for calendar years 2004, 2005, and 2006.

SUMMARY:

Lynchburg City Code Section 36-126.18 exempts processors from paying business license tax to the City of Lynchburg. A review of Banker Steel's operations revealed that the company should be classified as a processor; therefore, it is exempt from the business license tax. Also, as a processor, the equipment used in the productive process should be taxed at the machinery and tools rate and all other equipment taxed at the personal property rate.

The amount of the refund is \$88,530.66, which includes \$71,471.01 tax and \$17,059.65 interest.

PRIOR ACTION(S):

Finance Committee, December 4, 2007

FISCAL IMPACT:

\$88,530.66 from the General Fund Reserve for Contingencies.

An annual loss of approximately \$25,000 will occur as a result of this correction from FY 2008 forward.

CONTACT(S):

Mitchell W. Nuckles, Commissioner of the Revenue, 455-3871

ATTACHMENT(S):

Resolution

Statement of review and approval by the City Attorney

REVIEWED BY: lkp

Resolution:

BE IT RESOLVED that the FY 2008 General Fund budget is amended and \$88,530.66 is appropriated from the General Fund Reserve for Contingencies to refund an overpayment by Banker Steel Company LLC of business license and business personal property taxes for calendar years 2004, 2005, and 2006.

Introduced:

Adopted:

Certified:

Clerk of Council

159L

As required by Section 58.1-3981 of the Code of Virginia, the proposed refund to Banker Steel Company, LLC, for the overpayment of business license and business personal property taxes has been reviewed and approved by the City Attorney.

11 / 27 / 07

Date

Walter C. Ewin

City Attorney