

// A special meeting of the Council of the City of Lynchburg, recessed from October 9, was held on the 23rd day of October, 2007, at 1:00 p.m., Council Chamber, City Hall, Joan F. Foster, 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, Foster

7

Absent:

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// Financial Services Director Donna Witt reviewed the FY2009 Proposed Budget Calendar. Following the review, Ms. Witt noted that the date for the budget public hearing would be changed to Tuesday, April 1, 7:00 p.m.

// City Manager Payne presented a binder containing all projects submitted for consideration in the FY2009-2013 Capital Improvement Program (CIP). Council Members briefly discussed and questioned staff regarding several of the projects, i.e., new traffic signal at Paulette Drive, the retaining wall on Grace Street, Greenview Drive improvements, Atherholt Road Extension, replacement of the College Lake Dam, and the proposed new Sprayground. Council Member Seiffert stated that he would like to see the new Firing Range Training Facility added back into the CIP. Council Members discussed the possibility of this being a regional project or requiring outside users to pay a fee for use of the facility. Council Members also discussed the additional funding in the CIP for the Fifth Street Master Plan project and the inclusion of underground utilities in the block surrounding the proposed roundabout. Council Member Seiffert stated that Council Members previously agreed to include only \$250,000 in the CIP for the Fifth Street Master Plan project and that he did not remember Council approving underground utilities for the Fifth Street project. Council Member Seiffert asked the Clerk of Council to research and provide him with the minutes of any actions Council may have taken regarding these two components of the Fifth Street project. Following discussion, Mr. Payne stated that the CIP is still in its preliminary stage and that City Council will have an opportunity to discuss the projects in more detail at a future work session.

// Construction Manager Charles Grant along with Construction Coordinator Cheree Taylor provided a briefing on the latest design concepts for the further implementation of the revised Downtown and Riverfront Master Plan in two areas -- Jefferson Street North and the Lower Bluffwalk pedestrian way. Mr. Grant explained that a series of meetings have been held with various stakeholders and that the plans are approaching the point where they will be implemented in the near future. Mr. Grant went on to say that both design concepts are tied to the plans of Invest Lynchburg to construct condominiums on Jefferson Street and that Council will be briefed on that project at the November work session. Mr. Grant explained that the Jefferson Street North design concept addresses the need for a new location for a stage for riverfront events, and provides for additional parking and a creative stormwater management plan for the area. Mr. Grant also noted that the Lower Bluffwalk pedestrian way would allow for the opening up of the backs of buildings that face Commerce and Jefferson Streets and would promote pedestrian connectivity between the two streets and the various buildings being developed by various property owners. Following

the presentation, Council Member Gillette stated that he would like staff to provide him with the construction cost and the annual maintenance cost for the water feature around the stage area.

// City Manager Kimball Payne explained that one of the action items from City Council's September retreat was a discussion of development issues, specifically with respect to impact fees, tax rebate programs, and infrastructure cost sharing. Mr. Payne stated that City Assessor Greg Daniels is out of town and therefore the tax rebate programs would be scheduled for the November work session. Mr. Payne informed that the City Attorney has advised that the City does not presently have the authority to charge impact fees, but that City Council could seek such authority from the General Assembly. Mr. Payne did note that the City does have the authority to accept cash proffers in the event of a rezoning and that implementing that authority would require an amendment to the Zoning Ordinance. With regard to infrastructure cost sharing, Mr. Payne informed that the City offers developers within the City several opportunities in which they can cost share with the City for infrastructure improvements and that these policies were most likely put into place to encourage development in the City and to offset the cost differences between developing within the City or developing outside the City in the counties and are limited to curb and gutter, sidewalks, or water and sewer costs. Mr. Payne did note that the issue of the appropriate policy for the extension of water and sewer lines is presently under discussion in the Physical Development Committee. Following discussion, Mr. Payne stated that no action is required at this time.

// Council Member Helgeson left the meeting at 4:22 p.m. during Agenda Item #4.

// During roll call, Council Member Johnson informed regarding a house in need of repair at 1006 or 1007 Tyree Street, a dog situation that he will give the name/address to the City Manager for investigation, and concerns from older residents in the 1200-1300 block of Pierce Street regarding illegal drug activities in their neighborhood.

// The meeting was adjourned at 4:27 p.m.

Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 23rd day of October, 2007, at 5:00 P.M. in the Council Chamber, City Hall, Joan F. Foster, President, presiding. Vice Mayor Dodson gave the Invocation, followed by the Pledge of Allegiance. The following Members were present:

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

Absent: 0

// Copies of the minutes of the October 9, 2007 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Gillette, seconded by Council Member Helgeson, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

// In the matter of Property, Resolution #R-07-129 approving the sale of City-owned property located at 912 Fifth Street to Kelvin Moore, laid over from the October 9, 2007 meeting, was again presented and read, and on motion of Council Member Gillette, seconded by Council Member Helgeson, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of Police - General, Resolution #R-07-134 amending the FY 2008 General Fund budget and appropriating \$7,796 to convert a non-seasonal wage Animal Warden position to a full time position, laid over from the October 9, 2007 meeting, was again presented and read, and on motion of Council Member Gillette, seconded by Council Member Helgeson, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of Public Works - General, Resolution #R-07-135 amending the FY 2008 Sewer Capital Projects Fund budget and appropriating \$3,050,000 from the State CSO matching funds for the design and construction of additional CSO Program projects, laid over from the October 9, 2007 meeting, was again presented and read, and on motion of Council Member Gillette, seconded by Council Member Helgeson, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of Public Works - Refuse, Resolution #R-07-137 amending the FY 2008 Solid Waste Management Fund Operating budget and appropriating \$2,409,322 for the work necessary to create the Region 2000 Services Authority during FY 2008, laid over from the October 9, 2007 meeting, was again presented and read, and on motion of Council Member Gillette, seconded by Council Member Helgeson, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of Public Works - Refuse, Resolution #R-07-138 amending the FY 2008 Solid Waste Management Fund Operating budget and appropriating \$909,388 for the construction and partial closure of Phase I of the City's landfill, laid over from the October 9, 2007 meeting, was again presented and read, and on motion of Council Member Gillette, seconded by Council Member Helgeson, Council by the following recorded vote adopted the Resolution:

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

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Noes:

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// In the matter of Public Works - Refuse, Resolution #R-07-139 amending the FY 2008 Solid Waste Management Fund Capital budget and appropriating \$856,320 for the construction of Phase IV of the City's landfill, laid over from the October 9, 2007 meeting, was again presented and read, and on motion of Council Member Gillette, seconded by Council Member Helgeson, Council by the following recorded vote adopted the Resolution:

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

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Noes:

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// City Council recognized E. C. Glass High School student George Taylor who is also Council Member Helgeson's "Little Brother". Council Member Helgeson stated that George is working on a report for his government class and is scheduled to graduate this year from high school.

// In the matter of Community Development - Zoning, City Council Report #8 was considered. On motion of Council Member Garrett, seconded by Vice Mayor Dodson, Council by the following recorded vote adopted Resolution #R-07-140, as presented, approving the request for a third and final twelve-month extension of a Conditional Use Permit for Nosark, LLC for an animal hospital located at 2901 Old Forest Road:

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

7

Noes:

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// In the matter of Courts - General, Resolution #R-07-133 amending the FY 2008 General Fund budget and appropriating \$11,600 to overfill a position in the Circuit Court Clerk's office while waiting for State funding to become available, laid over from the October 9, 2007 meeting, was again presented and read. Council Member Gillette reiterated his earlier concerns regarding the State's irresponsibility in this matter and informed that he would again vote against the item. Council Member Seiffert stated that the Finance Committee agreed that in this instance that funding the position may save the City some money and voted to send the request to the full Council. On motion of Vice Mayor Dodson, seconded by Council Member Johnson, Council by the following recorded vote adopted the Resolution:

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

6

Noes: Gillette

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// The meeting was recessed at 5:10 P.M. to October 30, at 7:00 P.M., to conduct a joint meeting with the Lynchburg School Board.

// A special meeting of the Council of the City of Lynchburg, recessed from October 23, was held on the 30th day of October, 2007, at 7:00 P.M., School Administration Building, Joan F. Foster, President, presiding. The purpose of the meeting was to have a joint meeting with the School Board regarding several items. The following Members were present:

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

6

Absent: Seiffert

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// Mayor Joan Foster and School Board Chair Julie Doyle welcomed everyone to the joint meeting.

// Prior to the meeting, Council and School Board members were given a brief update regarding the Sandusky Middle School project.

// Ms. Doyle provided a brief summary regarding the School Board's top priorities from its October retreat, i.e., closing the achievement gap, attendance & graduation rates, capital improvement plan, alternative education, math achievement, marketing & communications, schools for innovation, and staff recruitment, retention and development. Ms. Doyle informed that the next large project in the Capital Improvements Plan will be Heritage High School and that the Schools have contracted for a feasibility study to determine the scope of the project.

// Council and School Board Members discussed the decline in school enrollment and the loss of state funding estimated at \$1 million due to less students. Ms. Doyle explained that after holding steady for three years, Lynchburg City Schools enrollment has dropped by about 200 students compared with last year's September 30 enrollment. Beverly Padgett, Lynchburg City Schools Chief Financial Officer, informed that local education officials will not know how much to count on from the state until March, when final enrollment numbers are tallied and the State budget is completed. Ms. Padgett did note that previously the state gave approximately \$3,400 per pupil, but last year the amount increased to about \$4,400 or \$4,500 per student.

// Council and School Board members spent the remainder of the evening discussing various collaborative efforts between the City and Schools and the importance of continued communications between City and Schools officials.

// The meeting was adjourned at 8:55 p.m.

Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 13, 2007**

AGENDA ITEM NO.: **2**

CONSENT: **X**

REGULAR:

CLOSED SESSION:

ACTION: **X**

INFORMATION:

(Confidential)

ITEM TITLE: **Meaningful Watershed Education Experience (MWEE) Grant**

RECOMMENDATION:

Adopt a resolution to amend the FY 2008 City/Federal/State Aid Fund budget and appropriate \$1,500 in grant funding received from the Virginia Department of Environmental Quality Meaningful Watershed Education Experience (MWEE) mini-grant program to purchase supplies for an educational program on the James River watershed and its importance to the Chesapeake Bay.

SUMMARY:

The Department of Parks and Recreation submitted and received a grant in the amount of \$1,500 from the MWEE mini-grant program to purchase a watershed model and miscellaneous supplies to support the "From the Mountains to the Sea: Exploring our Connections" program. This program will be provided to Lynchburg City School students, grades 3-5; participants in ongoing recreation programs; and the summer nature camps.

PRIOR ACTION(S):

Finance Committee, October 2, 2007

Finance Committee, November 6, 2007

FISCAL IMPACT:

None, this grant does not require a match.

CONTACT(S):

Kay Frazier, 455-5868

Laura Rogers, 455-5878

ATTACHMENT(S):

Resolution

Award letter

REVIEWED BY: lkp

Resolution

BE IT RESOLVED that the FY 2008 City/Federal/State Aid Fund budget is amended and \$1,500 is appropriated with \$1,500 in grant funding received from the Virginia Department of Environmental Quality Meaningful Watershed Education Experience (MWEE) mini-grant program to purchase supplies for an educational program on the James River watershed and its importance to the Chesapeake Bay.

Introduced:

Adopted:

Certified:

Clerk of Council

146L



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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David L. Taylor
Director

For more information,
call 800-828-6882 or 800-828-6883

Dear Ms. Driscoll:

I am pleased to announce that you have been awarded \$1,500.00 through the Virginia Naturally Partner Grant Program for your project entitled *From the Mountains to the Sea: Exploring Our Connections*.

You will receive further information on reporting once your project has been completed.

Sincerely,

A handwritten signature in black ink that reads "Ann M. Regn".

Ann M. Regn
Director, Office of Environmental Education

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **November 13, 2007**

AGENDA ITEM NO.: 3

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **REZONING: B-3, Community Business District to B-5C, General Business District (Conditional) at 2415 Wards Road.**

RECOMMENDATION: Approval of the requested rezoning.

SUMMARY: Robert Hartless is petitioning to rezone twenty-four hundredths (0.24) of an acre at 2415 Wards Road from B-3, Community Business District to B-5C, General Business District (Conditional) to allow the use of an existing building as a rental car office with parking and vehicle storage area for up to six (6) automobiles. The Planning Commission recommended approval of the rezoning because:

- The petition agrees with the *Comprehensive Plan* which recommends a Community Commercial development for the subject property.
- Petition agrees with the *Zoning Ordinance* in that automobile and truck rental businesses are permitted within a B-5, General Business District.

PRIOR ACTION(S):

October 24, 2007: The Planning Division recommended approval of the rezoning.

The Planning Commission waived the 21-day submittal requirement for proffers.

The Planning Commission recommended approval of the rezoning (7-0) with the following voluntarily submitted proffers:

1. [The Owner] hereby proffer[s] that the property will be used as an automobile rental agency or any other use allowed under the B-3 Community Business District zoning.
2. [The Owner] also proffers that the property will be in substantial compliance with the site plan.

FISCAL IMPACT: N/A

CONTACTS:

Charlene Montford/ 455-3902

Tom Martin/ 455-3909

ATTACHMENT(S):

- Ordinance
- PC Report
- PC Minutes
- Vicinity Zoning Pattern
- Vicinity Proposed Land Use
- Watershed Map
- Site Plan
- Proffers
- Speaker Sign-Up sheet

REVIEWED BY: lkp

ORDINANCE

AN ORDINANCE CHANGING A CERTAIN AREA FROM B-3, COMMUNITY BUSINESS DISTRICT, TO B-5C, GENERAL BUSINESS DISTRICT (CONDITIONAL), THE AREA CONTAINING APPROXIMATELY TWENTY-FOUR HUNDREDTHS (0.24) OF AN ACRE LOCATED AT 2415 WARDS 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 35.1-76.____, which section shall read as follows:

Section 35.1-76.____. Change of a certain area located at 2415 Wards Road from B-3, Community Business District to B-5C, General Business District (Conditional).

The area embraced within the following boundaries . . .

A certain tract of land, together with the buildings and improvements thereon, and the privileges and appurtenances thereunto belonging, situate, lying and being in the City of Lynchburg, Virginia, described as Parcel 2, (part of Lot 2) containing 0.242 acres, as shown on a certain plat entitled "Plat Showing Parcels of Robert E. Hartless, Jr.", made by Neighbors-Miller & Associates, P.C., dated April 18, 1986, recorded in the City of Lynchburg Circuit Court Clerk's Office in Plat Cabinet 4, Slide 243, and more particularly described as follows:

Beginning at an iron pin found on the westerly right-of-way line of the southbound lane of U.S. Route 29, approximately 191.50 feet, more or less, south of the intersection of U.S. Route 29 (Wards Road) with Old Wards Road (Old Route 14); thence North 88 degrees 22 minutes 20 seconds West 109.01 feet to an iron pin found on the easterly right of way line of Old Wards Road (Old Route 14), a point an a corner; thence with the arc of the right of way line of Olds Wards Road in a southerly direction 87.09 feet to an iron pin found, a point and a corner, thence South 88 degrees 22 minutes 20 seconds east 144.11 feet to the westerly right of way line of the southbound lane of U.S. 29 (Wards Road), a point and a corner; thence with the said westerly right of way line of the southbound lane of U.S. Route 29 (Wards Road) North 6 degrees 54 minutes 09 seconds west 85.00 feet to the point of the beginning.

. . . is hereby changed from B-3, Community Business District, to B-5C, General Business District (Conditional), subject to the conditions set out hereinbelow which were voluntarily proffered in writing by the owner, namely: Robert E. Hartless, Jr., to wit:

1. I hereby proffer that the property will be used as an automobile rental agency or any other use allowed under the B-3 Community Business District Zoning.
2. I also proffer that the property will be in substantial compliance with the Site Plan.

And the Director of Community Planning and 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

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

To: Planning Commission

From: Planning Division

Date: October 24, 2007

Re: **REZONING: B-3, Community Business District to B-5C, General Business District (Conditional)**
to allow the use of an existing building as a rental car office with parking and vehicle storage area
for up to six (6) automobiles for the property located at 2415 Wards Road.

I. PETITIONER

Robert Hartless, 58 Forest Avenue, Lynchburg, VA 24502

Representative: Thomas Brooks, Sr., Acres of Virginia, Inc., 404 Clay Street, Lynchburg, VA 24504

II. LOCATION

The subject property is a tract of twenty-four hundredths (0.24) of an acre located at 2415 Wards Road also known as Valuation Map Number 162-28-116.

Property Owner: Robert Hartless, 58 Forest Avenue, Lynchburg, VA 24502

III. PURPOSE

The purpose of this petition is to allow the use of an existing building as a rental car office with parking and vehicle storage area.

IV. SUMMARY

- Petition agrees with the *Comprehensive Plan* which recommends a Community Commercial development for the subject property.
- Petition agrees with the *Zoning Ordinance* in that automobile and truck rental businesses are permitted within a B-5, General Business District.

The Planning Division recommends approval of the rezoning petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Future Land Use Map* recommends Community Commercial development for this area. Community Commercial corridors include retail, personal service, entertainment and restaurant uses that draw customers from at least several neighborhoods up to the entire City.
2. **Zoning.** The subject property was annexed into the City in 1958. The existing B-3, Community Business District zoning was established in 1978 with the adoption of the current Zoning Ordinance.
3. **Proffers.** The petitioner voluntarily submitted the following proffer(s) with the rezoning application:
 1. [The Owner] hereby proffer[s] that the property will be used as an automobile rental agency or any other use allowed under the B-3 Community Business District zoning.
 2. [The Owner] also proffers that the property will be in substantial compliance with the site plan.
4. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the proposed rezoning.
5. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - On April 10, 2007, City Council approved Backyard Real Estate's petition to rezone one and forty-seven hundredths (1.47) acres from B-3C, Community Business District (Conditional) to B-5C, General Business

District (Conditional) at 2731 Wards Road to allow the use of an existing building as an automobile dealership, service area, parking and vehicle display area.

- On November 9, 2004, City Council approved Liberty University's petition to amend the condition of the conditional use permit approved on December 16, 2003 related to vehicular access points to the property located at 100 Mountain View Road.
- On December 16, 2003, City Council approved Liberty University's petition to rezone a tract of approximately one hundred and twenty-three (123) acres on Liberty Mountain Drive from B-3, Community Business District, to B-5C, General Business District (Conditional) and a tract of eighty-three (83) acres at 100 Mountain View Road from I-2, Light Industrial District, to B-5C, General Business District (Conditional), to allow university, church and K-12 uses.
- On December 16, 2003, City Council approved Liberty University's conditional use permit petition to allow university and K-12 uses for Liberty Mountain Drive and 100 Mountain View Road.
- On October 14, 2003, City Council approved Liberty University, TRBC, GDT and CG1, LLC's, conditional use permit petition for 100 Mountain View Road to allow a community recreation facility.
- On November 13, 2001, City Council approved Liberty University's conditional use permit petition for 1971 University Boulevard to allow the construction of a student center and associated parking.
- On April 10, 2001, City Council approved Wards Road Properties, LLC's conditional use permit petition to allow fill within the one hundred (100) year floodplain to allow the construction of storage inns at 2601 Old Wards Road.
- On September 12, 2000, City Council approved Back Yard Real Estate, LLC's petition to rezone approximately one and a half (1.5) acres from I-2, Light Industrial District to B-3C, Community Business District (Conditional) and a conditional use permit to fill in the floodplain at 2731 Wards Road to make the property compatible with existing commercial land uses and to allow the expansion an existing parking lot for a restaurant use.
- On June 13, 2000, City Council approved Lynchburg City School Administration's conditional use permit to allow the construction of a classroom and parking for Sheffield Elementary School at 1350 Fenwick Drive.
- On April 13, 1993, City Council approved Lynchburg City School Administration's conditional use permit petition to allow the installation and usage of a modular classroom for Sheffield Elementary School at 1350 Fenwick Drive.
- On April 14, 1998, City Council approved Liberty University's conditional use permit petition for 1971 University Boulevard to allow the construction of four (4) new dormitories, a visitor's center, additions to the DeMoss building and associated parking areas.
- On March 14, 1989, City Council approved Old Time Gospel Hour /Liberty University's conditional use permit petition for the construction of a twelve thousand (12,000) seat football stadium and a nine thousand (9,000) seat basketball arena (the Vine Center) on the Liberty University main campus at 1971 University Boulevard.
- On April 12, 1988, City Council approved the rezoning petition of Old Time Gospel Hour for the remaining thirty (30) acres of the Liberty University main campus from I-2, Light Industrial District to B-5, General Business District (Conditional) to allow the construction of dormitories and the expansion of other university related uses at 1971 University Boulevard.
- On September 8, 1987, City Council approved MLB Corporation's petition to rezone approximately five (5) acres from I-3, Heavy Industrial District to B-5C, General Business District (Conditional) at 4637-4641 Murray Place to allow the construction of a bowling center and the future development of a speculative lot.

- On June 12, 1984, City Council approved Erwin P. Baer's conditional use permit petition to allow the construction of an outlet mall in a floodway fringe area at 3000 Wards Road.
 - On April 10, 1984, City Council approved Wayne E. Newcomb's conditional use permit petition to allow the construction of a car wash and the sale of gasoline in a floodway fringe area at the corner of Glass Avenue and Wards Road.
 - On January 10, 1984, City Council approved James A. Agnew's conditional use permit petition to allow the construction of a building and parking area in a floodway fringe area at 2735 Wards Road.
 - On November 11, 1983, City Council approved Old Time Gospel Hour's petition to rezone one hundred thirty-three (133) acres along Liberty Mountain Drive from R-C, Conservation District to R-4C, Medium-High Multi-Family Residential District (Conditional) to allow the construction of four (4) apartment buildings and a two hundred fifty (250) bed health care facility.
 - On October 12, 1982, City Council approved A.T. Williams Oil Company's conditional use permit petition to allow the construction of an automobile service station at 3001 Wards Road.
6. **Site Description.** The subject property includes a one (1) story building and parking area originally used for a retail facility. The property is bound to the north and east by a combination of commercial retail properties, to the south by commercial retail properties and the Lynchburg Expressway, and to the west by commercial retail properties, vacant land, and single-family residential homes.
 7. **Proposed Use of Property.** The purpose of this petition is to allow the use of an existing building and parking area as a rental car facility. The proposed rental office would provide the tenant with a satellite office on Wards Road, a location that is close to area lodging and the Lynchburg Regional Airport. The plan would allow for the use of the existing building as an office for the rental car company and modification of the existing parking area to provide customer parking and spaces for six (6) rental cars. The site is served by City water and sewer services.

No exterior modifications are proposed for the building or parking area, except for a small area of pavement that will be replaced with grass to narrow the entrance to the site. Although not required, the petitioner has provided for street trees, parking area plantings, foundation plantings and parking area screening on the rezoning plan. The plan also includes a minor extension of the City public sidewalk along Wards Road, as well as a private sidewalk to connect the building to the public walk to enhance pedestrian access.

8. **Traffic and Parking.** The City's Transportation Engineer requested that the petitioner consider narrowing the existing driveway to approximately thirty (30) feet and provide additional green space in front of the parking area. The plan has been revised to provide for the narrowed entrance, and is acceptable to City staff.

Parking requirements for the proposed use are set at one (1) space per three hundred (300) square feet of retail sales (exclusive of utility area) and one (1) space per three (3) employees by the City's *Zoning Ordinance*. Nine hundred (900) square feet of the existing building will be used for office/retail space and one (1) employee will be on duty at any one time; the remaining nine hundred and eleven (911) square feet are designated as building utility area which will mainly include storage for vehicle supplies. A total of four (4) spaces are required to meet City Code. The rezoning plan indicates that four (4) spaces would be provided for the dealership to meet the requirement of the *Zoning Ordinance*, with the remaining six (6) spaces designated for rental car parking.

Greater Lynchburg Transit Company's Route 4C is located along Wards Road with a bus stop approximately two hundred ninety-five (295) feet from the proposed car rental facility.

9. **Storm Water Management.** There will be no new impervious areas proposed for this project; as such a stormwater management plan is not required to meet water quantity or quality requirements. Stormwater from the site is currently collected in an underground stormwater conveyance system and discharged to a tributary of Burton Creek. Although not required, the petitioner has agreed to replace a portion of existing pavement with a grass area, as well as provide additional parking area landscaping, foundation plantings and street trees. The additional landscaping will result in less runoff, as well as an improved stormwater quality benefit from the site.

10. **Emergency Services.** The City's Fire Marshal had no comments regarding the proposed rezoning.

The Police Department had no comments regarding the rezoning.

11. **Impact.** The use of an existing building and parking area as an rental car facility will have limited impacts on the surrounding area. The project will incorporate additional landscaping and sidewalk connections into the existing site, as well as narrow the existing driveway to help with the flow of traffic and pedestrian safety. Traffic, parking, stormwater management and emergency services concerns have all been addressed to the satisfaction of City staff.

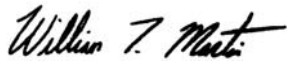
12. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on September 18, 2007. All comments related to the proposed use were minor in nature and have or will be addressed by the petitioner prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDED MOTIONS:

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 Robert Hartless's petition to rezone twenty-four hundredths (0.24) of an acre located at 2415 Wards Road from B-3, Community Business District to B-5C, General Business District (Conditional) to allow the use of an existing building as a rental car office with associated parking and a vehicle storage area for up to six (6) vehicles, subject to the voluntarily submitted proffers.

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. 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
Mr. Robert Hartless, Petitioner
Mr. Thomas Brooks, Sr., Acres of Virginia, Inc., Representative

VII. ATTACHMENTS

- 1. Vicinity Zoning Pattern**
- 2. Vicinity Proposed Land Use**
- 3. Watershed Location Map**
- 4. Site Plan**
- 5. Conditional Rezoning Application with Proffers**

MINUTES FROM THE OCTOBER 24, 2007 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED:

- b. Petition of Robert Hartless to rezone approximately 0.2 acres from B-3, Community Business District to B-5C, General Business District (Conditional) to allow the use of an existing building as a car rental business at 2415 Wards Road.**

Mr. Martin addressed the commissioners with the following comments. The *Future Land Use Map* recommends a community commercial use. These uses are intended to include retail, personal services uses, entertainment and restaurants, and these areas are intended to draw customers from several neighborhoods and up to the entire city. The petitioner has voluntarily proffered that the property will only be used as an automobile rental agency or other B-3 uses, so the only B-5 use that will be permitted will be automobile rental. The site plan does indicate a reduction in paved area by narrowing the existing entrance by thirty (30) feet which will result in an increased amount of green space. Since there is no increase in impervious area, a stormwater management plan will not be required. The Planning Division does recommend of the rezoning with the voluntarily submitted proffers.

Mr. Tommy Brooks of Acres of Virginia came forward representing Mr. Robert Hartless and Enterprise Rent A Car. Mr. Mark Creasy of Enterprise was also present. Mr. Brooks commented that they have submitted a site plan, a rezoning application and the height elevation certificate. The rezoning sign was placed on the property. The site plan has been revised per staff comments and resubmitted. The site is asphalt and a one-story building and a little soil area. Exterior improvements will be made if the rezoning is approved and additional landscaping done. A sign will also be added along the existing sidewalk. This satellite office would be the fourth satellite office located in Lynchburg. There will be one employee on site. Six parking spaces will be provided for rental vehicles. There will be one employee parking space and two customer parking spaces.

The adjacent site to the south is occupied by Harris Tire. The property to the east is bordered by Wards Road and to the west by Old Wards Road. The stormwater is shedding according to their survey to the west of the property.

Commissioners Barnes asked how tall the sign would be and Mr. Martin said the sign ordinance limits it to seventeen feet in height, fifty square feet or 66 square feet if a reader board is used. Mr. Brooks said they would comply with these restrictions.

Commissioner Sale asked if the cleaning of vehicles between uses would be done at this site, and Mr. Creasy said the cleaning of the vehicles would occur at the airport site.

Commissioner Worthington asked about the lack of spacing for customers, especially those who would like to leave their cars overnight. Mr. Creasy said that the majority of the business conducted from this site would be insurance replacement. They will be picking up customers at body shops or delivering the cars to the body shops, so Enterprise feels that the parking at this site will be adequate. There may also be customers coming from the airport who were not able to get a car at the airport.

The commissioners commented that there is a lack of landscaping at the site now and additional landscaping would be an improvement.

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

"That the Planning Commission waives the twenty-one (21) day submittal requirement for proffers."

AYES: Barnes, Flint, Hamilton, Oglesby, Sale, Swienton and Worthington
NOES:

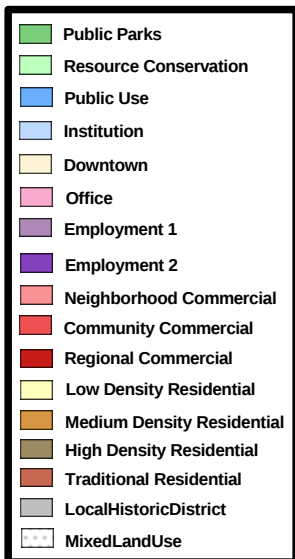
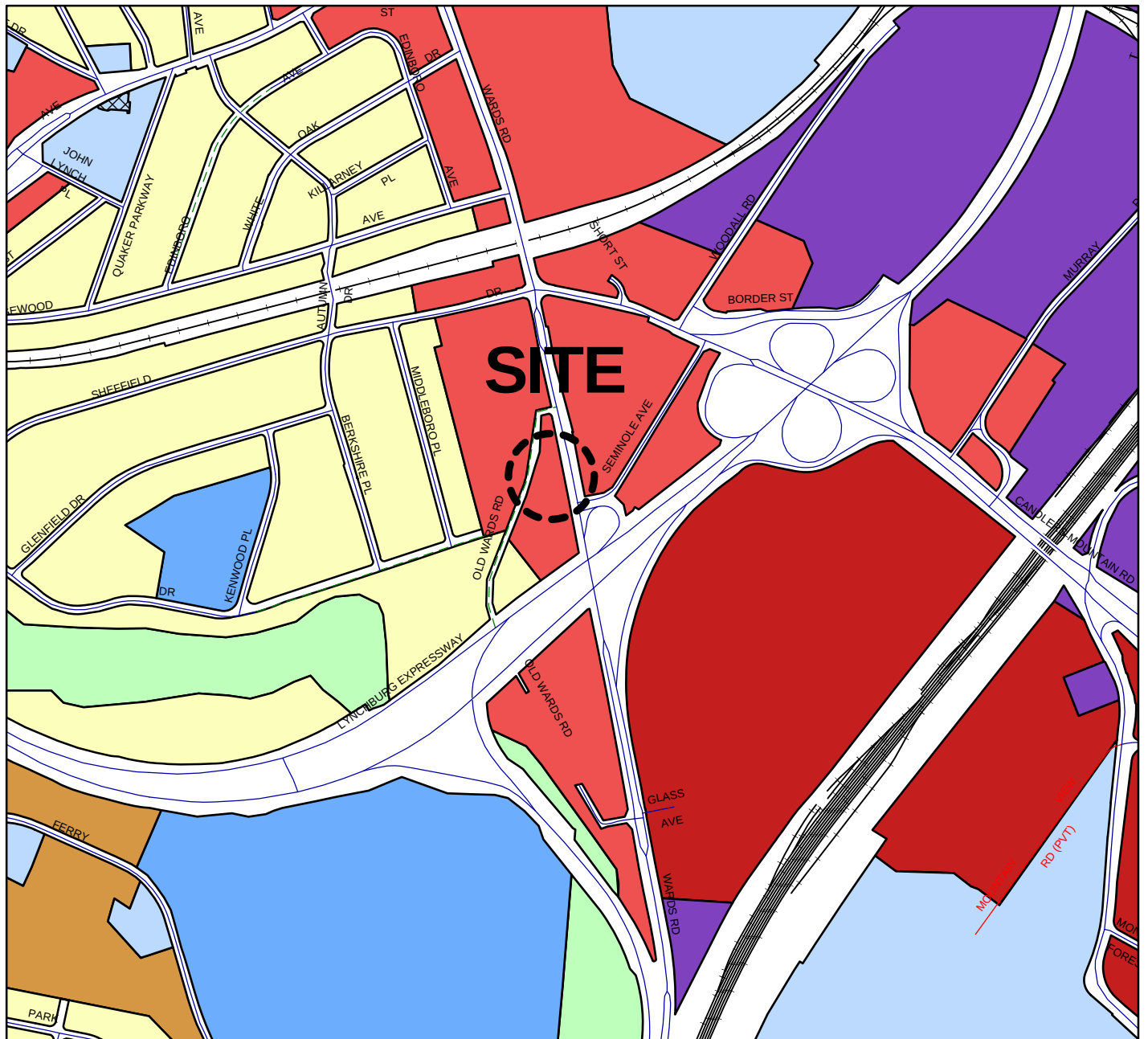
7
0

ABSTENTIONS:	0
ABSENT:	0

Commissioner Barnes 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 Robert Hartless's petition to rezone twenty-four hundredths (0.24) of an acre located at 2415 Wards Road from B-3, Community Business District to B-5C, General Business District (Conditional) to allow the use of an existing building as a rental car office with associated parking and a vehicle storage area for up to six (6) vehicles, subject to the voluntarily submitted proffers.

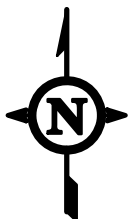
AYES:	Barnes, Flint, Hamilton, Oglesby, Sale, Swienton and Worthington	7
NOES:		0
ABSTENTIONS:		0
ABSENT:		0



ROBERT HARTLESS

2415 WARDS ROAD

LAND USE PLAN



ROBERT HARTLESS

2415 Wards Road

Map # 162-28-116

Rezoning from B-3 to B-5C

Petitioner: Robert Hartless

MAP PREPARED BY

THE DEPARTMENT OF COMMUNITY DEVELOPMENT

N

Subject Property

200 ft Radius

This inset map shows a larger area including streets like Wards Rd, Sheffield Dr, and Old Wards Rd. A red dashed circle highlights the subject property, which is marked with a yellow square. Other nearby streets shown include Belfast St, Wards Rd, Sheffield St, Woodall Rd, Border St, Glass Ave, Old Wards Rd, and Lynchburg F.

This main map displays a detailed view of the area around the subject property. The subject property is highlighted in yellow and is located at the intersection of Old Wards Rd and Wards Rd. A red dashed circle indicates a 200-foot radius around the property. The map shows various zoning designations (B-3, B-5, R-1) and lot numbers. Key streets include Sheffield Dr, Wards Rd, Old Wards Rd, Seminoles Ave, and Lynchburg F. The map also shows the 200-foot radius around the subject property, which extends across several lots and streets.

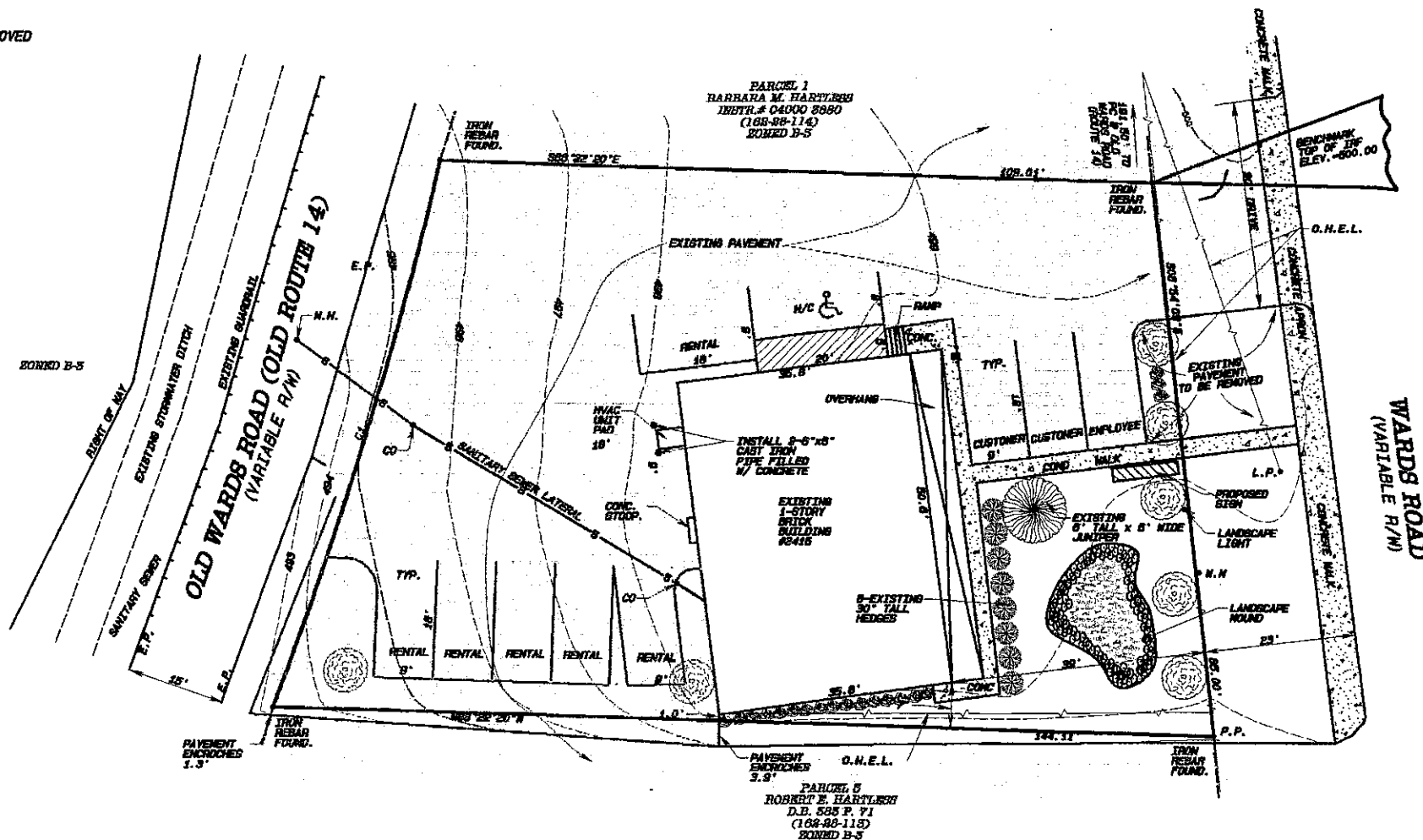
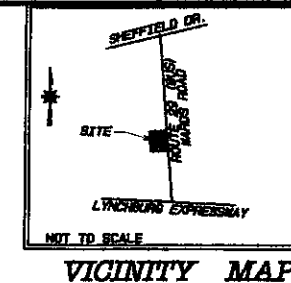
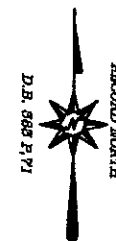
HARTLESS ADJOINING OWNERS

	PIN	OWNER	LOCADDR
	16101027	TRASON VIRGINIA LLC	2317 WARDS RD
	16201003	WILSON TIMOTHY J DR & MELINDA L	2414 WARDS RD
	16201006	GOODWILL INDUSTRIES OF THE VALLEYS INC	2420 WARDS RD
	16201073	HERNDON DAVID C & JANICE W	2408 WARDS RD
	16228112	MYERS FRED W	2423 WARDS RD
	16228113	HARTLESS R E JR	2419 WARDS RD
	16228114	HARTLESS BARBARA M	2409 WARDS RD
	16228116	HARTLESS ROBERT E JR	2415 WARDS RD
Owner		HARTLESS ROBERT E JR	
Petitioner		HARTLESS ROBERT E JR	
Representative		THOMAS C. BROOKS, SR.	

- LEGEND:
- 100 --- = EXISTING CONTOURS
 - 0 --- = SANITARY SEWER LINE
 - H/C = HANDICAP
 - TYP. = TYPICAL
 - R/W = RIGHT OF WAY
 - B.M. = BENCH MARK
 - CO = SANITARY SEWER CLEANOUT
 - LP = LIGHT POLE
 - PP = POWER POLE
 - [Hatched Box] = EXISTING PAVED AREA
 - [Dashed Box] = EXISTING PAVEMENT TO BE REMOVED
 - O.H.E.L. = OVERHEAD ELECTRIC

ITEM	QUANTITY	UNIT	PRICE
STAKING	1	DAY	\$150.00
TOTAL	1	DAY	\$150.00

PARCEL 2, 0.242 Acres



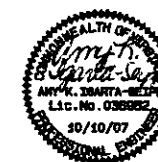
LINE	DELTA	RADIUS	ARC	CHORD	CHORD BEARING
C1	7° 50' 10"	505.00'	87.08'	87.02'	N15° 36' 27" E

COMMON NAME	PLANTING QUANTITY	PLANTING FIELD	SIZE AT TIME OF PLANTING	HEIGHT	SPACING	BOTANICAL NAME
RED MAPLE (RED BARK) ON OCTOBER BLOOM-NOT COLORFUL	7	7	4" HEIGHT	40"	1.5'	ACER RUBRA
SPRINGBROOK HEDGE (LIT) ON OCTOBER IN BLOOM AND PLANT FERTILIZABLE AS INSTRUCTED FOR PLANTING	13	13	4" POT	8"	1.5'	TRICHOCLERUS CHAMBERSII
JAPANESE PLANTING BUNGE	44	44	8" HEIGHT	2"	1.5'	CHAMEROPS JAPONICA
BLUE HONEY SUCKLE (BLOOMING) BLUE SPIDER	24	24	1 BALLER POST	2"	N/A	CHAMPAGNE X CHAMPAGNE
DAYBROOK GOLD JASMINE	1	EXISTING	EXISTING	EXISTING	N/A	JASMINUM OFFICINALE
SHRUBS	8	EXISTING	EXISTING	EXISTING	N/A	SHRUB



TRO PROJECT NUMBER: RES20708-0001

APPROVED BY: CITY PLANNER /DATE



ACRES OF VIRGINIA, INC.
SURVEYORS, ENGINEERS, PLANNERS & SOIL CONSULTANTS
www.acresofvirginia.com
AMHERST OFFICE: 307 SOUTH MAIN STREET, AMHERST, VA 22501, TEL: (434) 683-1770, FAX: (434) 683-1762
LYNCHBURG OFFICE: 1001 E. MAIN STREET, LYNCHBURG, VA 24502, TEL: (434) 683-1001, FAX: (434) 683-1002

COMM. NO. 1, 07/08
DATE: AUGUST 27, 2007
SCALE: 1" = 10'
TALK MAP NO. 100-28-115
SHEET 2 OF 2, LYNCHBURG, VA.

PLAN FOR RECORD

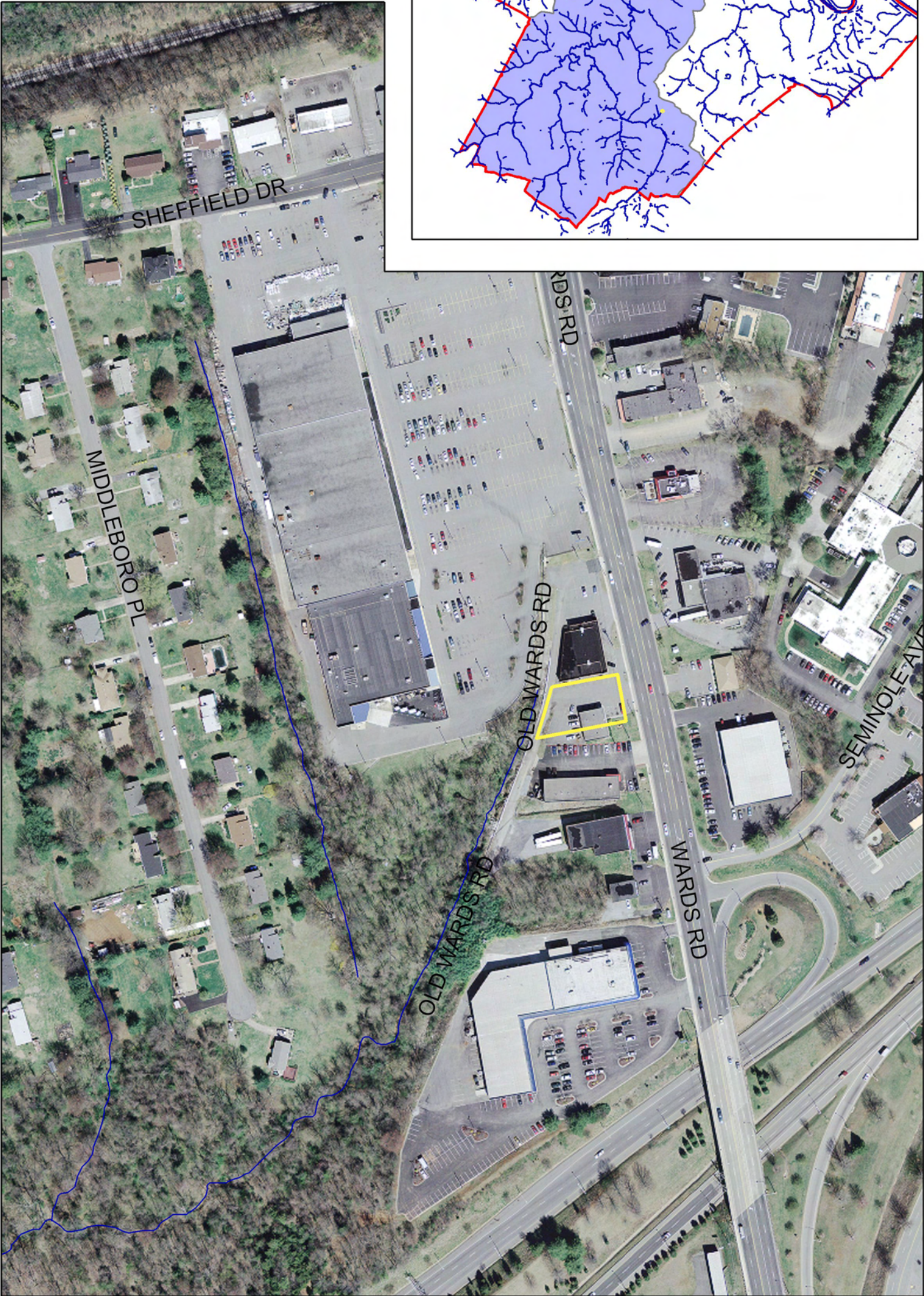
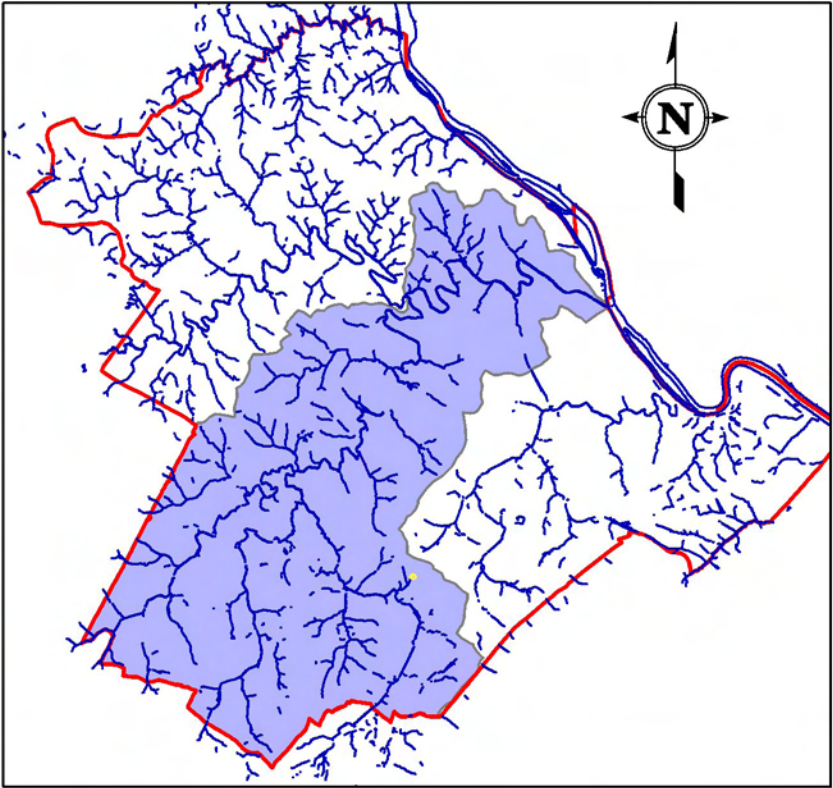
Robert E. Hartless, Inc.
LYNCHBURG, VIRGINIA

DRAWING
SITE & LANDSCAPE PLAN
FOR RECORD
SHEET 2

**Robert Hartless Property
Watershed Location Map**

Legend

-  Project Site
-  Corporate Limit
-  Blackwater Creek Watershed



**LYNCHBURG CITY COUNCIL
Agenda Item Summary**

MEETING DATE: **November 13, 2007**

AGENDA ITEM NO.: 4

CONSENT:

REGULAR: X

CLOSED SESSION:
(Confidential)

ACTION: X

INFORMATION:

ITEM TITLE: **REZONING: R-1, Low Density Single Family Residential District to R-3C, Medium Density Two-Family Residential District (Conditional) at 714 Leesville Road.**

CONDITIONAL USE PERMIT (CUP) – WyndSOR View Townhomes, 714 Leesville Wood Road

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

SUMMARY: Lynchburg Renting, LLC is petitioning to rezone approximately seven and thirteen hundredths (7.13) acres at 714 Leesville Road from R-1, Low Density Single Family Residential District to R-3C, Medium Density Two-Family Residential District (Conditional) and for a Conditional Use Permit to allow the construction of seventy-six (76) townhouses (for sale) and associated parking. The Planning Commission recommended approval of the rezoning because:

- Petition agrees with the *Comprehensive Plan* which recommends Medium Density Residential land uses in this area.
- 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 conditional use permit (CUP) from the City Council.
- Planning Commission recommended a condition that would require a solid wood board fence, minimum of six feet in height and evergreen plant material adjacent to tax parcel 262-04-009, as approved by the Planning Commission and City Planner. Requirements for the maintenance of the required fence and plant material will be documented in the Home Owner Covenants.

PRIOR ACTION(S):

October 24, 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 (7-0) of the rezoning petition with the following voluntarily submitted proffers:

1. Project to be constructed in general accordance with approved site plan.

Planning Commission recommended approval (7-0) of the CUP petition with the following conditions:

1. The Property will be developed in substantial compliance with the "Preliminary Site Plan for Rezoning - WyndSOR View Townhomes," prepared by Berkley-Howell & Associates, P.C. and received by the Department of Community Development on August 13, 2007.
2. Buildings shall be similar to the building elevations prepared by Quickdraw Residential Design Services, received by the Department of Community Development dated August 13, 2007.
3. A vegetative buffer will be provided along the perimeter of the site as indicated on the "Preliminary Site Plan for Rezoning - WyndSOR View Townhomes," subject to the review of the City Planner and Urban Forester. If existing vegetation does not provide adequate screening, the buffer will be supplemented with four (4) foot evergreen trees. If the "infill planting" requires that more than twenty-five (25)

evergreen trees be used to supplement, two different species are required. If the buffer requires more than fifty (50) evergreen trees be used to supplement, three species are required.

4. A fifty (50) foot right-turn taper shall be added along Leesville Road to serve the proposed development.
5. A connection shall be made from the development to Middle Street.
6. The WyndSOR View Townhome project will be graded so that no more than three and a half (3.5) acres are denuded at any one time, exclusive of the sediment/stormwater basin.
7. In lieu of the required evergreen buffer, a combination of a solid wood board fence a minimum of six (6) feet in height and evergreen plant material will be used adjacent to tax parcel 262-04-009 as approved by the Planning Commission and City Planner. Requirements for the maintenance of the required fence and plant material will be documented in the Home Owner Covenants.

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
- Building Elevations
- Correspondence and Pictures from Ms. Carole VanBlarican
- Speaker Sign-Up sheet

REVIEWED BY: lkp

ORDINANCE

AN ORDINANCE CHANGING A CERTAIN AREA FROM R-1, LOW DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT TO R-3C, MEDIUM DENSITY, TWO-FAMILY RESIDENTIAL DISTRICT (CONDITIONAL), THE AREA CONTAINING APPROXIMATELY SEVEN AND THIRTEEN HUNDREDTHS (7.13) ACRES LOCATED AT 714 LEESVILLE 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-1, Low Density Single-Family Residential District to R-3C, Medium Density, Two-Family Residential District (Conditional).

The area embraced within the following boundaries . . .

All that certain lot or parcel of land situated at 714 Leesville Road in the City of Lynchburg, Virginia and further described as follows:

Beginning at a pin set on the Westerly Right-Of-Way Line of Leesville Road, which pin is a common corner with the property of Carole S. VanBlarican,

Thence, with said line of Leesville Road, South 17 degrees 41 minutes 11 seconds west for a distance of 128.03 feet to pipe set, which pipe is a common corner with the property of Townhome Association, Inc.;

Thence, with said Townhomes Association, North 75 degrees, 52 minutes 06 seconds west for a distance of 1114.72 feet to a solid iron found, which iron is a common corner with the property of said Townhomes Association and with the property of Georgia B. Mason;

Thence, with said Mason, North 44 degrees 01 minutes, 40 seconds west for a distance of 260.00 feet to a solid iron found, which iron is a common corner with the property of said Mason and with the property of Langley Family Trust;

Thence, with said Langley, North 45 degrees 51 minutes 32 seconds east for a distance of 258.00 feet to a planted stone found, which stone is a common corner with the property of said Langley and with the property of Ralf Grobhofer;

Thence, with said Grobhofer and with the properties of Chadwick F. & Sandra C. Lindsay, J. Gordon & Sue T. Henry, Edwin F. Baldwin and said VanBlarican, south 65 degrees 08 minutes 28 seconds east for a distance of 1229.34 feet to the point of beginning.

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 7.125 acres more or less.

. . . is hereby changed from R-1, Low Density Single-Family Residential 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: Lynchburg Renting, LLC, to wit:

1. Project to be constructed in general accordance with approved site plan.

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

138LA

RESOLUTION:

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO LYNCHBURG RENTING, LLC TO ALLOW THE CONSTRUCTION OF A SEVENTY-SIX (76) TOWNHOUSES WITH ASSOCIATED PARKING IN A R-3C, MEDIUM DENSITY, TWO-FAMILY RESIDENTIAL DISTRICT (CONDITIONAL) FOR THE PROPERTY LOCATED AT 714 LEESVILLE ROAD.

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 714 Leesville Road to construct seventy-six (76) townhouses with associated parking in an R-3C, Medium Density, Two-Family Residential District (Conditional) be, and the same is hereby, approved subject to the following conditions:

1. The Property will be developed in substantial compliance with the "Preliminary Site Plan for Rezoning - WyndSOR View Townhomes," prepared by Berkley-Howell & Associates, P.C. and received by the Department of Community Development on August 13, 2007.
2. Buildings shall be similar to the building elevations prepared by Quickdraw Residential Design Services, received by the Department of Community Development dated August 13, 2007.
3. A vegetative buffer will be provided along the perimeter of the site as indicated on the "Preliminary Site Plan for Rezoning - WyndSOR View Townhomes," subject to the review of the City Planner and Urban Forester. If existing vegetation does not provide adequate screening, the buffer will be supplemented with four (4) foot evergreen trees. If the "infill planting" requires that more than twenty-five (25) evergreen trees be used to supplement, two different species are required. If the buffer requires more than fifty (50) evergreen trees be used to supplement, three species are required.
4. A fifty (50) foot right-turn taper shall be added along Leesville Road to serve the proposed development.
5. A connection shall be made from the development to Middle Street.
6. The WyndSOR View Townhome project will be graded so that no more than three and a half (3.5) acres are denuded at any one time, exclusive of the sediment/stormwater basin.
7. In lieu of the required evergreen buffer, a combination of a solid wood board fence a minimum of six (6) feet in height and evergreen plan material will be used adjacent to tax parcel 262-04-009 as approved by the Planning Commission and City Planner. Requirements for the maintenance of the required fence and plant material will be documented in the Home Owner Covenants.

Adopted:

Certified:

Clerk of Council

138LB

To: Planning Commission

From: Planning Division

Date: October 24, 2007

Re: **REZONING: R-1, Low Density Single-Family Residential District to R-3C, Medium Density Two-Family Residential District (Conditional) at 714 Leesville Road**
CONDITIONAL USE PERMIT (CUP): Wyndsor View Townhomes, 714 Leesville Road

I. PETITIONER

Lynchburg Renting, LLC, C/O Bruce E. & Carole T. Gallier, P.O. Box 351, Forest, VA 24551

Representative: Bill Berkley, Berkley Howell and Associates, 306-C Enterprise Drive, Forest, VA 24551

II. LOCATION

The subject property is a tract of seven and thirteen hundredths (7.13) acres located at 714 Leesville Road, Lynchburg, VA 24502.

Property Owners: Lynchburg Renting, LLC, C/O Bruce E. & Carole T. Gallier, P.O. Box 351, Forest, VA 24551

III. PURPOSE

The purpose of these petitions is to allow construction of seventy-six (76) townhomes (for sale) and associated parking.

IV. SUMMARY

- Petition agrees with the *Comprehensive Plan* which recommends Medium Density Residential land uses in this area.
- Petition agrees with the *Zoning Ordinance* in that townhomes are allowed in an R-3, Medium Density Two-Family Residential District with approval of a conditional use permit (CUP) from the City Council.

The Planning Division recommends approval of the rezoning and conditional use permit petitions.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends Medium Density Residential development in this area. Medium Density Residential includes small-lot single-family detached housing, duplexes and townhouses at densities of up to twelve (12) units per acre. The proposed development would have a density of ten and seven tenths (10.7) units per acre.
2. **Zoning.** The subject property was annexed into the City in 1976. The existing R-1, Low Density Single Family Residential zoning was established in 1978 with the adoption of the current *Zoning Ordinance*.
3. **Proffers.** The petitioner voluntarily submitted the following proffer with the rezoning application:
 - 1) Project to be constructed in general accordance with approved site plan.
4. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the proposed rezoning.
5. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - On November 9, 2004, City Council approved Joe Gantt's petition to rezone approximately three and nine tenths (3.9) acres at 800 Middle Street from R-1, Low-Density Single-Family Residential District to R-3C, Medium Density, Two-Family Residential District (Conditional) to allow the construction of five (5) duplexes.
 - On February 10, 2004, City Council approved Luther Shepard's petition to rezone six and one tenth (6.1) acres from R-1, Low Density Single-Family Residential District to R-3C, Medium Density, Two-

Family Residential District (Conditional) and for a CUP at 716, 718 and 726 Leesville Road to allow the construction of fifty-nine (59) townhomes and associated parking.

- On December 10, 2002, City Council approved Centra Health's CUP petition to retain modular classrooms and construct additional classrooms/residential cottages and a nature walk for Bridges Treatment Center at 693 Leesville Road.
 - On December 11, 2001, City Council approved Tree of Life Ministry's CUP petition for Master Plan Development of a sanctuary, multi-purpose building, parking and athletic fields.
 - On August 14, 2001, City Council approved Centra Health's CUP petition for the construction of modular classrooms, additional classrooms, residential cottages and parking for Bridges Treatment Center at 693 Leesville Road.
 - On August 13, 1996, City Council approved Tree of Life Ministry's CUP petition for the expansion of existing church facilities at 742 Leesville Road.
 - On April 19, 1996, City Council approved Virginia Baptist Hospital's CUP petition for cottages and parking areas for Bridges Treatment Center at 693 Leesville Road.
 - On June 13, 1995, City Council approved Virginia Baptist Hospital's CUP petition for the construction of a dining facility and building additions for Bridges Treatment Center at 693 Leesville Road.
 - On August 13, 1991, City Council approved Tree of Life Pentecostal Holiness Church's CUP petition for the construction of a sanctuary and parking lot at 742 Leesville Road.
 - On May 14, 1985, City Council approved Virginia Baptist Hospital's CUP petition for the construction of a residential care center at Leesville Road and Del Ray Circle.
 - On July 14, 1981, City Council approved Phillip Coffey's petition to rezone sixteen and eight tenths (16.8) acres at 762 Leesville Road from R-1, Low-Density Single-Family Residential District to R-4C, Medium-High Density, Multi-Family Residential District (Conditional) to allow the construction of twenty-seven (27) four (4) and six (6)-unit apartments.
6. **Site Description.** The subject property is bound to the north by single-family attached and detached homes, to the east by single-family homes and Bridges Treatment Center and to the south and west by a combination of single-family and multi-family residential uses.
7. **Proposed Use of Property.** The purpose of the petitions is to allow the construction of seventy-six (76) townhomes with associated parking; each of the single-family attached homes would be offered as a "for sale" unit. The project would 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 (including electric, telephone and cable) located underground.
8. **Traffic, Parking and Public Transit.** The City's Transportation Engineer requested that the petitioner submit morning and afternoon traffic counts (to be completed between 7:00 – 9:00 a.m. and 4:00 – 6:00 p.m. on fifteen (15) minute intervals for both directions) so that the City could determine right and left turn lane requirements. Following the review of the counts, it was determined that a fifty (50)-foot taper would be required from Leesville Road into the proposed driveway; this taper has been shown on the revised site plan and is acceptable to the City's Transportation Engineer.

Parking requirements for the proposed development are set at two and one half (2.5) spaces per unit by the City's *Zoning Ordinance*. The proposed seventy-six (76) townhomes would require one hundred and ninety (190) parking spaces. The site plan indicates that one hundred and ninety four (194) parking spaces will be provided for the townhomes, thus meeting the requirement of City Code.

The Greater Lynchburg Transit Company's Route 6 runs along Leesville Road with a bus stop approximately three hundred (300) feet from the proposed site at the intersection of Del Ray Circle and Leesville Road.

9. **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-ground stormwater detention facility. A preliminary drainage review indicates that the receiving channel is adequate for the site's stormwater. Stormwater quality will be addressed through a combination of "best management practices" and "low impact design standards" 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.

10. **Emergency Services.** The City's Fire Marshal had no comments regarding the rezoning and conditional use permit petitions.

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

11. **Impact.** The proposed development will have limited impacts on the surrounding neighborhoods. The petitioner worked closely with staff to provide the best possible design for the site, including the incorporation of a city street (that would connect to Middle Street) with on-street parking. Unfortunately, the off-street parking requirements of the City's *Zoning Ordinance* did not allow for the alternate design and all parties had to default to a "standard layout" for the townhomes.

The current site plan is the best available to meet the developer's standards and the requirements of the *Zoning Ordinance*. The project not only meets the required setback, yard, building layout and off-street parking requirements but provides a connection (albeit, through a private driveway) to Middle Street. This connection will provide two (2) means of ingress and egress for the development, thus alleviating many of the public safety and congestion concerns associated with townhouse projects. The petitioner has also agreed to preserve much of the existing vegetation along three (3) sides of the project to serve as a buffer from the adjacent properties.

11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on May 22, 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.

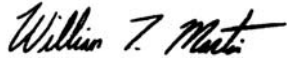
Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of Lynchburg Renting, LLC's petition to rezone seven and thirteen hundredths (7.13) acres from R-1, Low Density Single-Family Residential District to R-3C, Medium Density Two-Family Residential District (Conditional), at 714 Leesville Road.

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of Lynchburg Renting, LLC's petition for a Conditional Use Permit (CUP) at 714 Leesville Road to allow for the construction of a seventy-six (76) unit townhouse complex and associated parking, subject to the following conditions:

1. **Property will be developed in substantial compliance with the "Preliminary Site Plan for Rezoning - Wyndsor View Townhomes," prepared by Berkley-Howell & Associates, P.C. and received by the Department of Community Development on August 13, 2007.**

2. **Buildings shall be similar to the building elevations prepared by Quickdraw Residential Design Services, received by the Department of Community Development dated August 13, 2007.**
3. **A vegetative buffer will be provided along the perimeter of the site as indicated on the "Preliminary Site Plan for Rezoning - WyndSOR View Townhomes," subject to the review of the City Planner and Urban Forester. If existing vegetation does not provide adequate screening, the buffer will be supplemented with four (4) foot evergreen trees. If the "infill planting" requires that more than twenty-five (25) evergreen trees be used to supplement, two different species are required. If the buffer requires more than fifty (50) evergreen trees be used to supplement, three species are required.**
4. **A fifty (50) foot right-turn taper shall be added along Leesville Road to serve the proposed development.**
5. **A connection shall be made from the development to Middle Street.**
6. **The WyndSOR View Townhome project will be graded so that no more than three and a half (3.5) acres are denuded at any one time, exclusive of the sediment/stormwater basin.**

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. Bill Berkley, Berkley Howell & Associates

VII. ATTACHMENTS

1. **Vicinity Zoning Pattern**
2. **Vicinity Proposed Land Use**
3. **Watershed Location Map**
4. **Site Plan**
5. **Building Elevations**

MINUTES FROM THE OCTOBER 24, 2007 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED:

- b. Petition of Lynchburg Renting, LLC to rezone approximately 7.1 acres at 714 Leesville Road from R-1, Low Density Single-Family Residential District to R-3C, Medium Density Two-Family Residential District (Conditional) and for a Conditional Use Permit to allow the construction of 76 townhouse units (for sale) and associated parking.**

Mr. Martin addressed the commissioners with the following comments. This request is for a rezoning and a conditional use permit to allow the construction of seventy-six (76) townhouse units on the subject property. The *Future Land Use Map* indicates a medium density residential use for this area. These uses are characterized by single-family homes, duplexes or townhouses with a densities of up to twelve (12) units per acre. The development as proposed would be approximately ten and seven tenths (10.7) units per acre. Adjacent land uses in the area are a mixture of existing townhomes, single-family homes and institutional uses. The site plan does indicate that a fifty (50) foot taper would be added to Leesville Road to help facilitate traffic movement into the site. There will be an additional means of ingress and egress with a connection to Middle Street. There is an existing bus stop approximately three hundred (300) feet north of the property at the intersection of Leesville Road and Del Ray Circle. Stormwater management would be handled through the use of an above ground facility on the southwestern portion of the property. (Mr. Martin pointed out the location on the site plan.) Stormwater quality will be addressed through using best management practices. There has been a condition added at the request of the Planning Commission regarding how much acreage could be denuded at any one time. The Environmental Planner recommended no more than three and a half (3.5) acres be denuded at any one time. Mr. Martin indicated that the Planning Commission has received information from an adjacent property owner, and staff visited the site today and took some photographs which are available. The Planning Division recommends approval of the rezoning and the conditional use permit with the conditions outlined in the report.

Mr. Bill Berkley of Berkley, Howell and Associates, P.C. came forward to speak in favor of the petition and as the representative for Lynchburg Renting, LLC. He remarked that the sign that was needed on Middle Street was placed as requested by the Planning Commission at the last public hearing. He remarked that this project is adjacent to an existing project that Lynchburg Renting is doing, which is a fifty-nine (59) unit townhouse project immediately to the south of the proposed project. They have worked closely with city staff to make this project look the way staff wanted it, and Mr. Berkley believes they have been successful in getting a nice project. There is no problem with conditions being placed on the project.

Chair Hamilton asked for anyone else present to speak in favor of the petition and no one came forward. She asked for anyone present to speak in opposition or with concerns and Ms. Carol VanBlarican of 710 Leesville Road came forward. To the right of her driveway, there is ten (10) to twenty (20) feet of vegetation before her property line. There is a drop off there, and her concern is that all the water that will be running from the townhouses will come into her yard. She is also concerned that there is only approximately eighteen (18) feet from the proposed townhouses to her property line. She would like a good buffer between her house and the townhouses.

Chair Hamilton asked for anyone else present to speak in opposition or with concerns and no one came forward. She asked Mr. Berkley to address Ms. VanBlarican's concerns. With regard to the stormwater management issue, they will maintain, collect and direct it toward the stormwater facilities. If anything, the project should improve her situation with respect to what runoff goes on her property now. With regard to the buffer, a vegetative buffer will be provided to give her the privacy she is requesting. Mr. Berkley has met with Ms. VanBlarican himself and they are going to work with her on making this an attractive project from her viewpoint as well as theirs.

Commissioner Worthington asked what the setback is and Mr. Berkley answered that there is a twenty-five (25) foot setback. He pointed out the dashed line on the site plan. The units will be three (3) to five (5) feet from that line. Commissioner Worthington asked if the units will have fencing of the back patios or just the vegetative buffer. Mr. Berkley commented that they plan to replace the existing vegetation with attractive

landscaping but that there is no proposed fencing of the back patios. They would entertain the idea of that being a possibility, but he was not sure that eight small fenced in areas behind the building would be more or less attractive than a vegetative buffer.

Commissioner Barnes asked what type of vegetative buffer would be used, and Mr. Berkley said that something like a Cyprus buffer with two rows of a deciduous tree buffer. Commissioner Swienton asked who would own the twenty-five (25) foot setback and Mr. Berkley said that would be owned by the townhouse owner. Commissioner Swienton asked what would prevent an owner from cutting down the vegetation. Mr. Berkley said that covenants could be placed in the townhome association document that would maintain the integrity of the buffer and they would be willing to do that. He believes that the townhome association would want everything uniform and would not want the buffer destroyed either.

Commissioner Swienton asked Mr. Martin if there are guidelines as to how thick the vegetative buffer has to be. Some buffers are designed to fill out many years down the road as opposed to when they are first planted. He asked if there was some way to balance short-term buffering with long-term buffering. Mr. Martin answered that that the landscape ordinance requires a minimum planting width of twenty (20) feet with a doubled staggered row with a medium height evergreen filler in it. If the landscaping buffer that is required by the zoning ordinance is done, there would only be five (5) feet of yard left. The ordinance allows for where there is existing vegetation that it can be supplemented. However, in this case, the existing vegetation is very sparse.

Commissioner Swienton asked if there is anything in the landscaping ordinance that states if the buffer zone is small that it can be a combination of fencing and landscaping. Mr. Martin answered that there is some leeway if there are Crime Prevention Through Environmental Design (CPTED) issues but in this instance there is really no leeway in the width of the size of the buffer.

Commissioner Barnes asked if the Planning Commission asked if they could specify a fence instead of the vegetative buffer given the close distance. You need to maintain a back yard for the townhomes but also provide some privacy. Mr. Martin said that the Planning Commission could approve a waiver from the landscape ordinance. Chair Hamilton asked Ms. VanBlarican if her preference was a fence. She commented that either the townhomes will not have a back yard or it will be growing into her yard. Her main concern is noise control and a fence would cut down on some of the noise as well as provide both parties with some yard space. She also asked where they would have space to put the drainage for the stormwater and Chair Hamilton said that would be answered as well. Chair Hamilton asked Mr. Berkley if they would be open to providing a fence and he said they would.

Chair Hamilton asked Mr. Berkley to address how the stormwater flow will be directed. Commissioner Worthington commented that the land slopes left to right and then front and back. Mr. Berkley agreed with that comment and pointed out on the site plan that there is fairly substantial swale. It extends from the proposed stormwater pond due east to the end of Middle Street. They will be grading the site and lowering the site as it comes off Leesville Road. The site will have a pitched roof that divides in the middle so that everything from the middle of the buildings to the front drains to the front. The only stormwater that will be going in the other direction will be from the back half of the roof and they can put that in pipes and bring it to the front. The only stormwater that will be going to the twenty-five (25) foot area will be the rain that falls on the grassy area. He believes that as they grade their site, they will be able to create a swale that will keep all the water on their property as well.

Chair Hamilton asked if they will be relying on the back gutters even in a heavy rainstorm. Mr. Berkley said that the back gutters will go down into a perimeter drain that comes back to the front and goes into conventional storm sewers. Commissioner Oglesby asked if they will be the larger downspouts and Mr. Berkley thought that they would be.

Commissioner Flint clarified that the amount of land that is draining north will be a smaller amount of land. Mr. Berkley commented that as well as the land sloping, it all goes down to the west and they could put a swale back there to keep all the water on their site. Commissioner Flint clarified that the very western part of the development could be drained into the stormwater facility and Mr. Berkley commented that is correct.

Commissioner Flint clarified that the amount of land that is draining north will be a smaller amount of land. Mr. Berkley commented that as well as the land sloping, it all goes down to the west and they could put a swale back there to keep all the water on their site. Commissioner Flint clarified that the very western part of the development could be drained into the stormwater facility and Mr. Berkley commented that is correct.

Commissioner Swienton commented that he had received a topographical map of the area from city staff. He provided some copies to the other commissioners. He commented that he comes up with the part on the western edge still being lower than part of the stormwater retention pond. Either he is reading it wrong or the topographical map is wrong or it is not in the lowest part and he is trying to figure out which it is. Mr. Berkley said that he thinks Commissioner Swienton is correct in his first assessment. The stormwater pond is approximately where the 890 contour crosses the property line. The rear of that 890 contour goes along the front of the building that sits traverse to the property line. Mr. Berkley believes that when they are excavating for the stormwater pond and he thinks that they can make the water from the front of that building go into the pond in the lower area. He pointed out on the site plan where they will be building up the area. The front of the building will be higher than the 890 contour and they will make that drainage come out and go into the parking lot.

Commissioner Swienton asked where the water in the back of the property will go and Mr. Berkley said it will continue to run off into a stream and he pointed that out on the site plan. Commissioner Swienton said he is concerned about sediment runoff and erosion. Mr. Berkley said they will protect it with silt fences and sediment traps during construction. After construction and the area is stabilized, there will be no greater runoff than it has now. Commissioner Swienton asked Mr. Berkley if it is his opinion that none of the stormwater retention pond area is at the 900 elevation. Mr. Berkley said that he does not think it will be when they finish. He commented that they have not done a final grading plan and that pond could move around or become a different size.

Commissioner Swienton asked how much higher do they have to have the fill above where the pond is to make their plan work, and Mr. Berkley said maybe 2.5 feet. Commissioner Swienton asked if they expect the fill dirt to be from on site and Mr. Berkley said that is correct. Commissioner Swienton asked what they expect their maximum slope to be at the entrance and Mr. Berkley said 7.5 percent. Commissioner Swienton asked Mr. Martin if that will be sufficient with the Traffic Engineer in terms of sight lines. Mr. Martin said that would be a question for Mr. Harter since that is a private driveway.

Commissioner Swienton said that one of his concerns is that during construction, the stormwater will miss the collectors. This is a concern of his since the other half of the project has been going on for approximately a year. Mr. Berkley said that the other project has not been paved yet. He commented that the curb and gutters are in and the drop inlets are there, but they are specifically designed not to take water into them until the pavement is done.

Chair Hamilton asked about the other half of the project and the stop order that was placed on it. She asked Mr. Berkley how they could assure them that the same problem will not happen with this project as far as sediment going into the lake. Mr. Berkley said that he thinks that they learned their lesson from the first half and they will be doing a better job on the second half.

Commissioner Barnes commented that there are multiple silt areas on the first half of the project on the lower end of the property. He was not sure if those were recent and Mr. Berkley said he thought they had been there for some time, but that they had added a good deal of erosion control. Part of the problem with the first half of the project was that the sewer had to be installed and that is not an issue for the second half.

Commissioner Swienton asked if any additional requirements could be placed on the project to ensure minimal erosion problems. Mr. Martin said that Planning Commission or City Council can impose any condition that they deem appropriate to address their concerns. Mr. Martin said it is mainly making sure that the approved erosion and sediment measures are in place prior to the property being denuded. Mr. Martin said he was interested in knowing if they are going to grade the site from front to rear how they are going to adhere to only 3.5 acres being denuded at any one time. Mr. Berkley said that the 3.5 acres excludes the stormwater

pond, so they be building the stormwater pond first and then grading from the front to the back. Mr. Martin asked if they will cut, stock pile and then seed and mulch and Mr. Berkley said that is correct. Commissioner Swienton asked if they violate this condition if City Council has the authority to revoke the conditional use permit and Mr. Martin said that is correct. Commissioner Swienton asked if city staff is comfortable that this condition will minimize erosion and Mr. Martin said it is probably the best they can do.

Chair Hamilton directed the discussion back to the fence issue and Commissioner Worthington asked what type of fence they might use. Mr. Berkley said that they are probably talking about an opaque fence that is eight feet tall. He thought that details of the fence would be worked out with staff as they get into the site plan approval process. Commissioner Worthington asked how far the fence would go and Mr. Berkley said he saw no need for it to beyond the first two sets of buildings.

Ms. VanBlarican said that she is still confused about how the stormwater will be directed away from her property since her property is six feet lower than where the driveway for the project is proposed. Mr. Berkley said that they are proposing to gradually get the properties to the same elevation. That assists them in being able to put a swale behind their buildings and keep the water going in a westerly direction.

The discussion went back to the fence and Mr. Martin proposed a condition. The condition would be "In lieu of the required evergreen buffer, a combination of a solid wood board fence minimum of eight feet in height and evergreen plant material will be used adjacent to parcel 262-04-0009 as approved by the Planning Commission and the City Planner. Requirements for maintenance of the required fence and plant material will be documented in the homeowner covenant." Where the fence is actually placed can be determined during the site plan approval process.

Commissioner Worthington asked Ms. VanBlarican if she was satisfied with her concerns being addressed and she stated that she still did not understand about the stormwater runoff. She still thought that a retaining wall was necessary. Chair Hamilton asked Mr. Berkley if one would be put in if necessary and he said they would, but he does not anticipate the need for one. Commissioner Sale asked Mr. Berkley to clarify that it is his opinion that in the regrading of the entrance that there will not be a drainage problem into her property. Mr. Berkley said that they will do everything in their power to make sure that this does not happen.

Chair Hamilton asked Mr. Martin what recourse Ms. VanBlarican would have if there is a problem. Mr. Martin said that is a difficult answer. As far as making them put the measure in place, the city can require that, but in terms of any damages, that would be a civil matter. Commissioner Swienton asked who reviews the plans to make sure that the stormwater runoff is not increased post-development versus pre-development. Mr. Martin said the plans are reviewed by the Environmental Planner, Erin Hawkins and Jim Talian, who is an engineer. Mr. Martin further commented that the developer can only be required to follow steps that are in the city's stormwater ordinance and state guidelines. As long as they meet those requirements, the city could not withhold site plan approval. Mr. Martin said that he can assure them that they will not approve a site plan that shows drainage of site water onto adjacent property.

Commissioner Swienton asked Mr. Martin a question regarding the zoning. He pointed out a section that is R-3 and then a section that is R-1. It looks to him like the back of the property is R-1. Mr. Martin said the split is at Middle Street and they do not have the R-1 portion labeled on the site plan. Mr. Martin said from Middle Street back toward Leesville Road, there is a portion of R-1 that is approximately 390 feet and then it becomes R-3 for the remainder. He pointed out the various zonings on the map. Commissioner Swienton asked what the required setback would be from R-3 to R-1. Mr. Martin said that if it is a conforming residential use, it is fifty feet. Commissioner Swienton asked if the setback on the site plan is correct or not and Commissioner Barnes pointed out it is fifty feet on the plan.

Commissioner Swienton expressed an interest in having a sidewalk connecting the two projects together. Mr. Berkley said that they are willing to do that and that the Leesville Road frontage is probably going to be the best place to do this. It was decided that Mr. Berkley would work with city staff as to the best place for the sidewalk during the site plan approval process.

Commissioner Sale asked Mr. Martin to read his draft of the fence condition again before a motion was made. Mr. Martin did so and explained to them how to make their motions.

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

"That the Planning Commission waives the twenty-one (21) day submittal requirement for proffers."

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

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

"That the Planning Commission recommends to City Council approval of Lynchburg Renting, LLC's petition to rezone seven and thirteen hundredths (7.13) acres from R-1, Low Density Single-Family Residential District to R-3C, Medium Density Two-Family Residential District (Conditional), at 714 Leesville Road."

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

Commissioner Sale 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 approval of Lynchburg Renting, LLC's petition for a Conditional Use Permit (CUP) at 714 Leesville Road to allow for the construction of a seventy-six (76) unit townhouse complex and associated parking, subject to the following conditions:

- 8. Property will be developed in substantial compliance with the "Preliminary Site Plan for Rezoning - Wyndsor View Townhomes," prepared by Berkley-Howell & Associates, P.C. and received by the Department of Community Development on August 13, 2007.**
- 9. Buildings shall be similar to the building elevations prepared by Quickdraw Residential Design Services, received by the Department of Community Development dated August 13, 2007.**
- 10. A vegetative buffer will be provided along the perimeter of the site as indicated on the "Preliminary Site Plan for Rezoning - Wyndsor View Townhomes," subject to the review of the City Planner and Urban Forester. If existing vegetation does not provide adequate screening, the buffer will be supplemented with four (4) foot evergreen trees. If the "infill planting" requires that more than twenty-five (25) evergreen trees be used to supplement, two different species are required. If the buffer requires more than fifty (50) evergreen trees be used to supplement, three species are required.**
- 11. A fifty (50) foot right-turn taper shall be added along Leesville Road to serve the proposed development.**
- 12. A connection shall be made from the development to Middle Street.**
- 13. The Wyndsor View Townhome project will be graded so that no more than three and a half (3.5) acres are denuded at any one time, exclusive of the sediment/stormwater basin.**

14. In lieu of the required evergreen buffer, a combination of a solid wood board fence minimum of eight feet in height and evergreen plant material will be used adjacent to parcel 262-04-0009 as approved by the Planning Commission and the City Planner. Requirements for maintenance of the required fence and plant material will be documented in the homeowner covenant."

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

COPY

710 Leesville Road
Lynchburg, VA 24502
September 21, 2006

Bruce Gallagher
P. O. Box 11181
Lynchburg, VA 24506-1181

Dear Mr. Gallagher:

A few days ago I noticed that you took away the piece of equipment that I thought you would use to finish cleaning up the knocked-down trees, debris and deep ruts you left after clearing the area between our two properties at 710 Leesville Rd. to 712 Leesville Rd. Part of this is on my property.

It seems you have no intention of doing this. Therefore, it is my intention to find out what I can do to get it cleaned up. Next week I will go to City Hall to see if they can tell me what steps I need to take.

Enclosed are photos of the eyesore I have to look at.

Yours truly,

Carole M. VanBlarican

cc
encl.

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1561 6996 3869 1351

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)
For delivery information visit our website at www.usps.com

Postage	\$	.39
Certified Fee		2.40
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	2.79

Sent To: Mr. Bruce Gallagher
Street, Apt. No. or PO Box No. P.O. Box 11181
City, State, ZIP+4 Lynchburg VA 24506-1181

Postmark Here SEP 21 2006

PS Form 3800, June 2002

October 17, 2007

To: Sharon Oglesby

From: Carole VanBlarican

Re: Rezoning Hearing – 714 Leesville Road

Enclosed in this packet you will find various items pertaining to the rezoning of 714 Leesville Road. My property is adjacent to it at 710 Leesville Road. Because the meeting was to be on October 10th and knowing I wouldn't be able to attend, I worked on the packets until I was informed the meeting was postponed to October 24th. Now, not knowing if I am able to make the meeting again, I am delivering this a week early.

I have three concerns, the first being the location of the row of the proposed townhouses at the right side of the property. Noting that the left rear corner of my house is only 17.8 feet from the property line, and considering that the bar scale shows that one inch equals 50 feet (thus one-half inch is 25 feet), the back of the townhouses will be only 7.2 feet from my property line. This also means the size of the back yard for those townhouses will be the same. Part of that 7.2 feet has a drop of four to five feet onto my property which might present a problem of more storm water running into my yard.

Considering how close the front townhouses will be to my house, I trust an eight foot wall will be built between the two properties for privacy, noise containment and safety.

An example of water shed is what happened with the previous owner before he retired. One evening I was walking around that side of my house and saw there was a flooded area of my yard. I was puzzled and in looking for the cause, I noticed a newly planted pear tree planted more than ten feet from my property line. The owner had left the water hose running when he went to work.

The lay of my land is like an upside-down V, the water running from the properties on each side to the center of my property down to Middle Street. Because of this, it concerns me how the run-off will increase due to new structures being built as well as the concrete roads and parking lots.

My second concern is the way Mr. Bruce Gallagher has not kept up his side of our adjacent property line. Enclosed in this packet is a certified letter I wrote to him on September 21, 2006 asking him to repair the damage he did to my property and of his failure to keep his property presentable. Later I talked to him and he told me that he was planning on tearing down the house and building townhouses on the seven acres. He also said that I didn't need to report him to the City, that he would send someone to clean up the damage he created. That never happened. He had rented the house on a six-month lease so I figured that by spring construction would begin. In the meantime I had a two

month illness and was not able to do anything. Winter came and in January my busy season as a tax preparer started. In April, the renters had moved out so I called Mr. Gallagher inquiring about the status of the rezoning. I again asked him to clean up his property or I would contact the City. Shortly after my call, he came to my door and again told me that I didn't have to call the City, that he would clean up his side of the property line. I asked him for a site plan for the rezoning, but he said it wasn't complete. However, he assured me that the front row of townhouses would be at the other side his the property; I didn't have anything to worry about. It was at the first hearing that I learned he had not told me the truth.

After the first meeting I called him and told him I'd like to talk to him about the location of those townhouses. Two weeks after my call, he came to my door. I asked him why he told me something that he wasn't planning on doing. He said that his developer made up the site map and added that it was already costing him too much, the rezoning having been rejected two times. He then said he would get my property cleaned up. I told him, no, that I would rather wait until after the next hearing so that if someone from the City comes to look at it, I would have proof of how he has neglected it.

My third concern is the amount of townhouses that are proposed to be built on the properties. There is not enough "green" space on the site map. Walking the property twice, my neighbor and I tried to figure out how the property could handle the amount of water shed running down the hills. True, a stormwater management area is proposed, but during rainy seasons that might not be enough.

These concerns cause me to request that the number of townhouses proposed be reduced. Also, because of the reasons I have stated, I am requesting that you delay approving the rezoning request until Mr. Gallagher finishes his first project at 716 Leesville. That way you and the residents around here will be able to see that his commitments are fulfilled as promised – and required.

Thank you.

Yours truly,

A handwritten signature in cursive script that reads "Carole VanBlarican".

Carole VanBlarican

434-237-2881

Sharon Oglesby

From: "Carole VanBlarican" <cvan2@verizon.net>
To: <sharonoglesby@comcast.net>
Sent: Tuesday, October 23, 2007 7:56 AM
Subject: Fw: WyndSOR View Rezoning

Referencing #11 on the "Findings of Fact" on the WyndSOR Place rezoning appeal which reads, "The proposed development will have limited impacts on the surrounding neighborhoods", being the main single-home resident directly affected by the rezoning, I am compelled to state my appeal.

I am requesting that you visit this site before Wednesday's meeting. Since the renters have moved out, the house at 714 Leesville is now vacant. Entering that driveway, you will see on the right an orange rope I put up showing my property survey line at 710 Leesville. The site plan for WyndSOR View shows existing vegetation will be used. However, seeing that the only vegetation along the property line is on the property of 734 Leesville, taking away that vegetation leaves no "screening" for my property.

Also, replacing that vegetation with a concrete road, parking area and the buildings themselves will remove the existing stormwater run-off protection for my property. Notice about sixty feet down the line is a five to six foot drop-off to my property. Again, replacing the vegetation along that part with concrete will further the watershed problem thus creating severe flooding not only in my yard, but might drown out my vegetable garden and most likely kill any vegetation. It will also create a water problem in the bottom floor of my house (den and storage rooms).

Also note that 25 feet from the back corner of my house will be the back of the proposed townhouse structure.

I realize this is an unusual request, however, due to the severity of my concern, I am appealing to you to see it first-hand.

Thank you for your consideration.

Carole VanBlarican
237-2881

WyndSOR View Townhomes

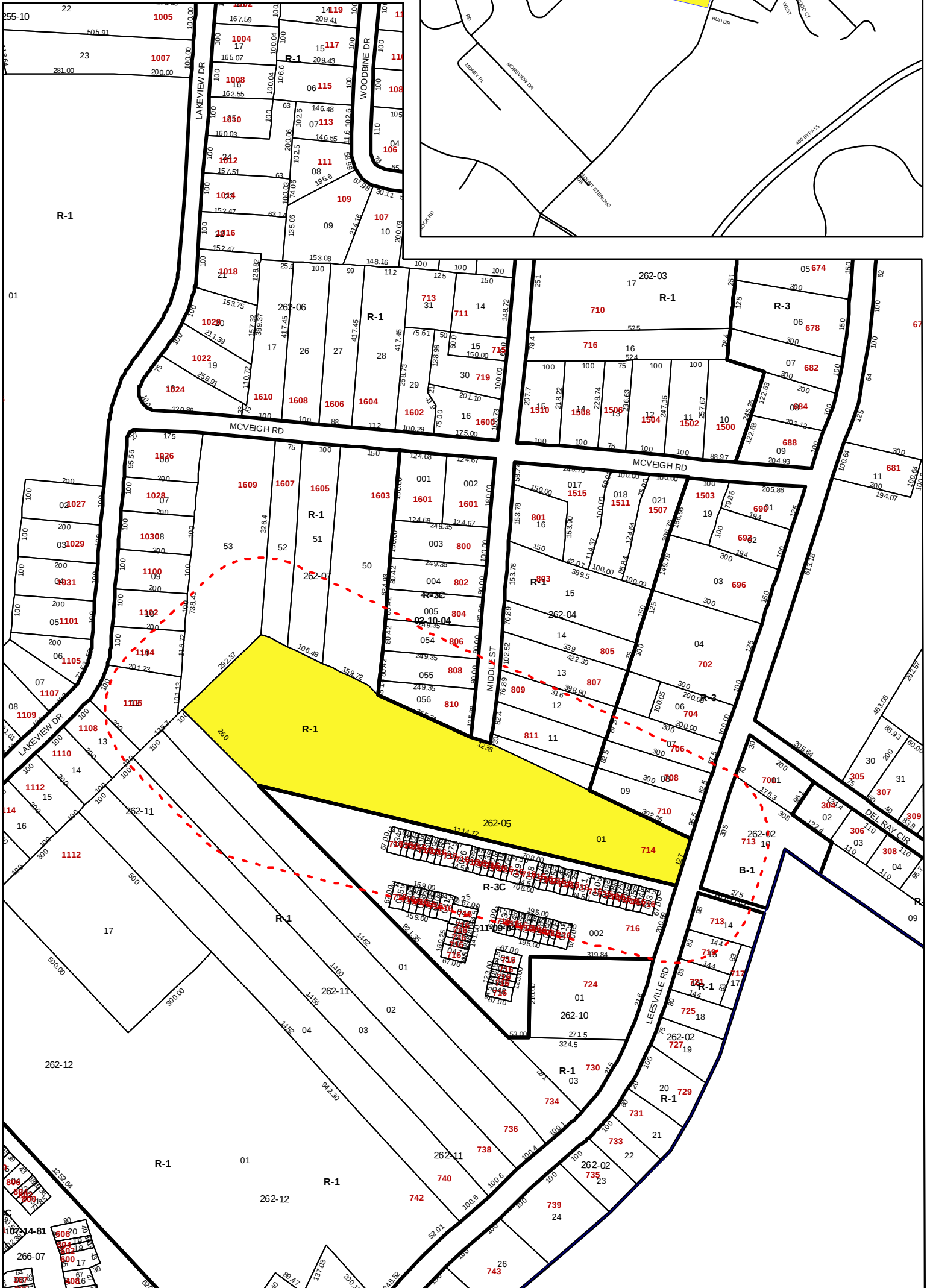
Rezoning

October 24, 2007

PLEASE PRINT

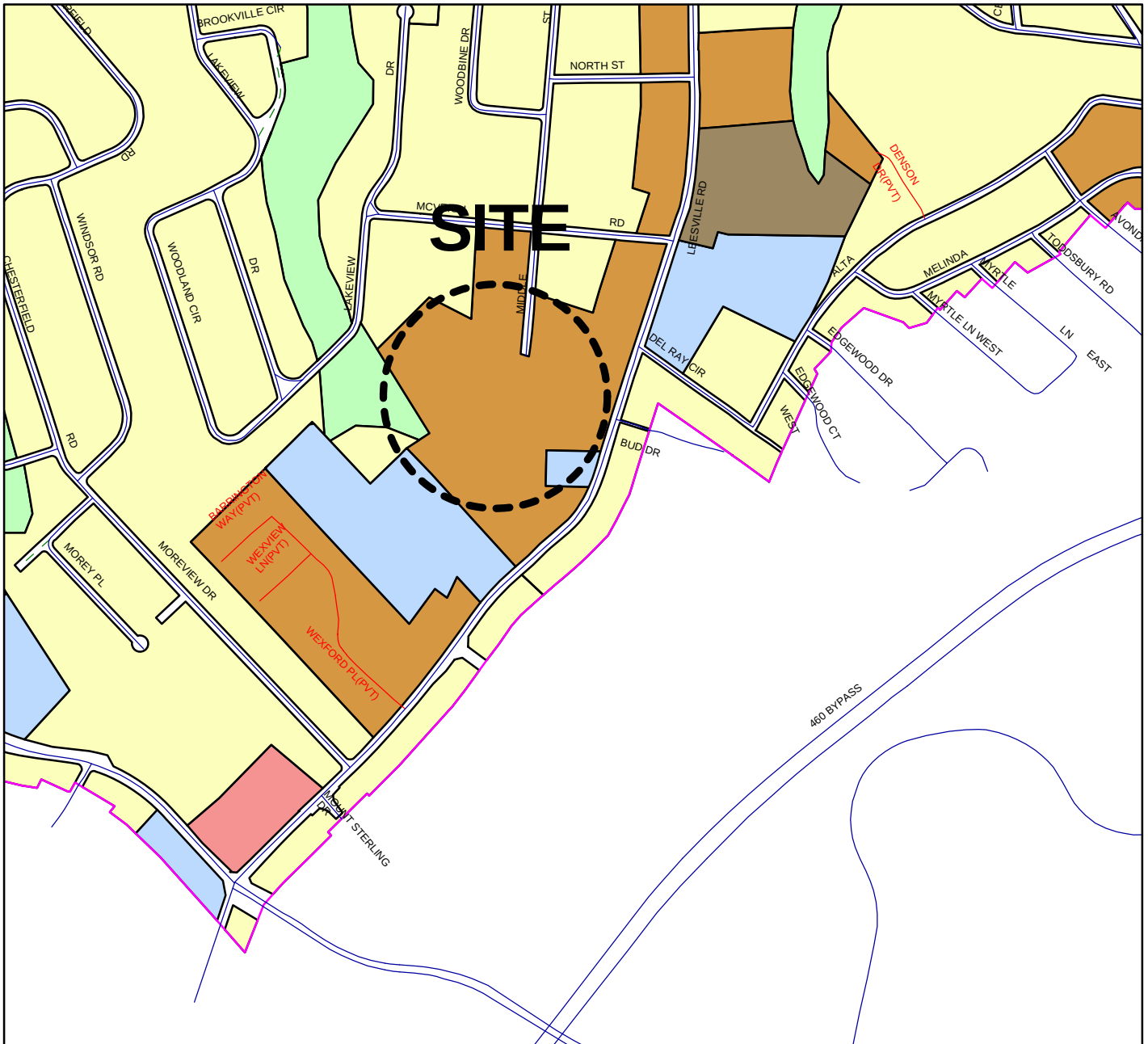
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714 Leesville Road
Map # 262-05-001
Rezoning from R-1 to R-3C
Conditional Use Permit Request
Petitioner: Lynchburg Renting, LLC

 200 ft Radius

LYNCHBURG RENTING ADJOINING OWNERS

PIN	OWNER	LOCADDR
26202001	BURKS COMPANY LLC	701 LEESVILLE RD
26202010	RILEY CLARENCE R JR	713 LEESVILLE RD
26202014	OVERSTREET LEON	713 C LEESVILLE RD
26202015	WINFREE SHARON H	719 LEESVILLE RD
26202016	ELDER DONNA W C/O DONNA G BRYANT	721 LEESVILLE RD
26204007	GOFF JAMES E & HELEN O	706 LEESVILLE RD
26204008	PARKER ELBERT J JR	708 LEESVILLE RD
26204009	VANBLARICAN CAROLE S	710 LEESVILLE RD
26204011	GOFF JAMES E & HELEN	811 MIDDLE ST
26204012	GOFF JAMES E & HELEN O	809 MIDDLE ST
26204013	RAMSEY CAROLYN B&RAMSEY CHRISTOPHER	807 MIDDLE ST
26205001	LYNCHBURG RENTING LLC	714 LEESVILLE RD
26205002	WYNDSOR PLACE TOWNHOMES ASSOCIATION INC	716 LEESVILLE RD
26205003	STRICKLAND NANCY H	716 LEESVILLE RD 100
26205004	GALLIER BRUCE E & CAROLE T	716 LEESVILLE RD 101
26205005	GALLIER BRUCE E & CAROLE T	716 LEESVILLE RD 102
26205006	GALLIER BRUCE E & CAROLE T	716 LEESVILLE RD 103
26205007	GALLIER BRUCE E & CAROLE T	716 LEESVILLE RD 104
26205008	MARTIN JAMES H & MARIANNE E	716 LEESVILLE RD 105
26205009	MARTIN JAMES H & MARIANNE E	716 LEESVILLE RD 106
26205010	MARTIN JAMES H & MARIANNE E	716 LEESVILLE RD 107
26205011	CRAWLEY CHARLES F P JR & CHARLOTTE J	716 LEESVILLE RD 200
26205012	CRAWLEY CHARLES F P JR & CHARLOTTE J	716 LEESVILLE RD 201
26205013	DANIEL BRYAN W	716 LEESVILLE RD 202
26205014	ANDERSON DONN S SR & CONSTANCE L	716 LEESVILLE RD 203
26205015	RAMBERG ROBERT J & CORA E	716 LEESVILLE RD 204
26205016	CABELL MICHELLE B	716 LEESVILLE RD 205
26205017	GALLIER BRUCE E & CAROLE T	716 LEESVILLE RD 206
26205018	MCLINDEN PAUL F & CHARLOTTE A	716 LEESVILLE RD 207
26205019	ARPORNAT VAN	716 LEESVILLE RD 300
26205020	IRWIN CAREY L & BOLES MELISSA L	716 LEESVILLE RD 301
26205021	FALLS JEFFREY T SR	716 LEESVILLE RD 302
26205022	SPECK SHAWN W & SUSAN E	716 LEESVILLE RD 303
26205023	SMITH CLYDE A SMITH ANGELA R SMITH KRISTA L & SMITH LORRIE F	716 LEESVILLE RD 304
26205024	FORD JAMES P & STEPHANIE L	716 LEESVILLE RD 305
26205025	WOOD TERRELL & RITA	716 LEESVILLE RD 306
26205026	MERCHANT JANICE E	716 LEESVILLE RD 307
26205027	LYNCHBURG RENTING LLC	716 LEESVILLE RD 400
26205028	LYNCHBURG RENTING LLC	716 LEESVILLE RD 401
26205029	LYNCHBURG RENTING LLC	716 LEESVILLE RD 402
26205030	LYNCHBURG RENTING LLC	716 LEESVILLE RD 403
26205031	LYNCHBURG RENTING LLC	716 LEESVILLE RD 404
26205032	LYNCHBURG RENTING LLC	716 LEESVILLE RD 405
26205033	LYNCHBURG RENTING LLC	716 LEESVILLE RD 406
26205034	LYNCHBURG RENTING LLC	716 LEESVILLE RD 407
26205035	LYNCHBURG RENTING LLC	716 LEESVILLE RD 500
26205036	LYNCHBURG RENTING LLC	716 LEESVILLE RD 501
26205037	LYNCHBURG RENTING LLC	716 LEESVILLE RD 502
26205038	LYNCHBURG RENTING LLC	716 LEESVILLE RD 503
26205039	LYNCHBURG RENTING LLC	716 LEESVILLE RD 504
26205040	LYNCHBURG RENTING LLC	716 LEESVILLE RD 505
26205041	LYNCHBURG RENTING LLC	716 LEESVILLE RD 506
26205042	LYNCHBURG RENTING LLC	716 LEESVILLE RD 600
26205053	FAULCONER ERCELL M & FAULCONER AUBREY F	716 LEESVILLE RD 800
26205054	STATON JASON L	716 LEESVILLE RD 801
26205055	JEWELL MELISSA I	716 LEESVILLE RD 802
26205056	DANVERS DANIEL A & RAGHAVAN SARITA M	716 LEESVILLE RD 803
26205057	C & L PROPERTIES OF FOREST LLC	716 LEESVILLE RD 804
26205058	JOHNSON MARCIE L	716 LEESVILLE RD 805
26205059	C & L PROPERTIES OF FOREST LLC	716 LEESVILLE RD 806
26205060	KESLER NICHOLAS B & LESLEY A	716 LEESVILLE RD 807
26205061	ANDERSON KACEY M	716 LEESVILLE RD 808
26207005	BALDWIN EDWIN F	804 MIDDLE ST
26207010	GARRISON KENNETH L & HAMLET DERRICKA L	1102 LAKEVIEW DR
26207011	CARROLL RICHARD W & CAROLE W	1104 LAKEVIEW DR
26207012	MEREDITH JAMES R JR & KATHERI	1106 LAKEVIEW DR
26207013	BILLINGSLEA JOHN D & JEAN G	1108 LAKEVIEW DR
26207050	HENRY J GORDON & SUE T	1603 MCVEIGH RD
26207051	LINDSAY CHADWICK F & SANDRA C	1605 MCVEIGH RD
26207052	GRABHOFER RALF	1607 MCVEIGH RD
26207053	LANGLEY FAMILY TRUST	1609 MCVEIGH RD
26207054	BALDWIN EDWIN F	806 MIDDLE ST
26207055	BALDWIN EDWIN F	808 MIDDLE ST
26207056	BALDWIN EDWIN F	810 MIDDLE ST
26211001	MASON GEORGIA B	734 LEESVILLE RD
26211002	MASON GEORGIA B	736 LEESVILLE RD
26211003	MASON GEORGIA B	738 LEESVILLE RD
Owner	LYNCHBURG RENTING LLC	
Petitioner	LYNCHBURG RENTING LLC	
Representative	BILL BERKLEY/BERKLEY-HOWELL & ASSOCIATES	

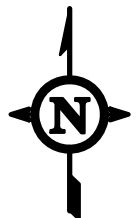


WYNDSOR VIEW TOWNHOMES

714 LEESVILLE ROAD

LAND USE PLAN

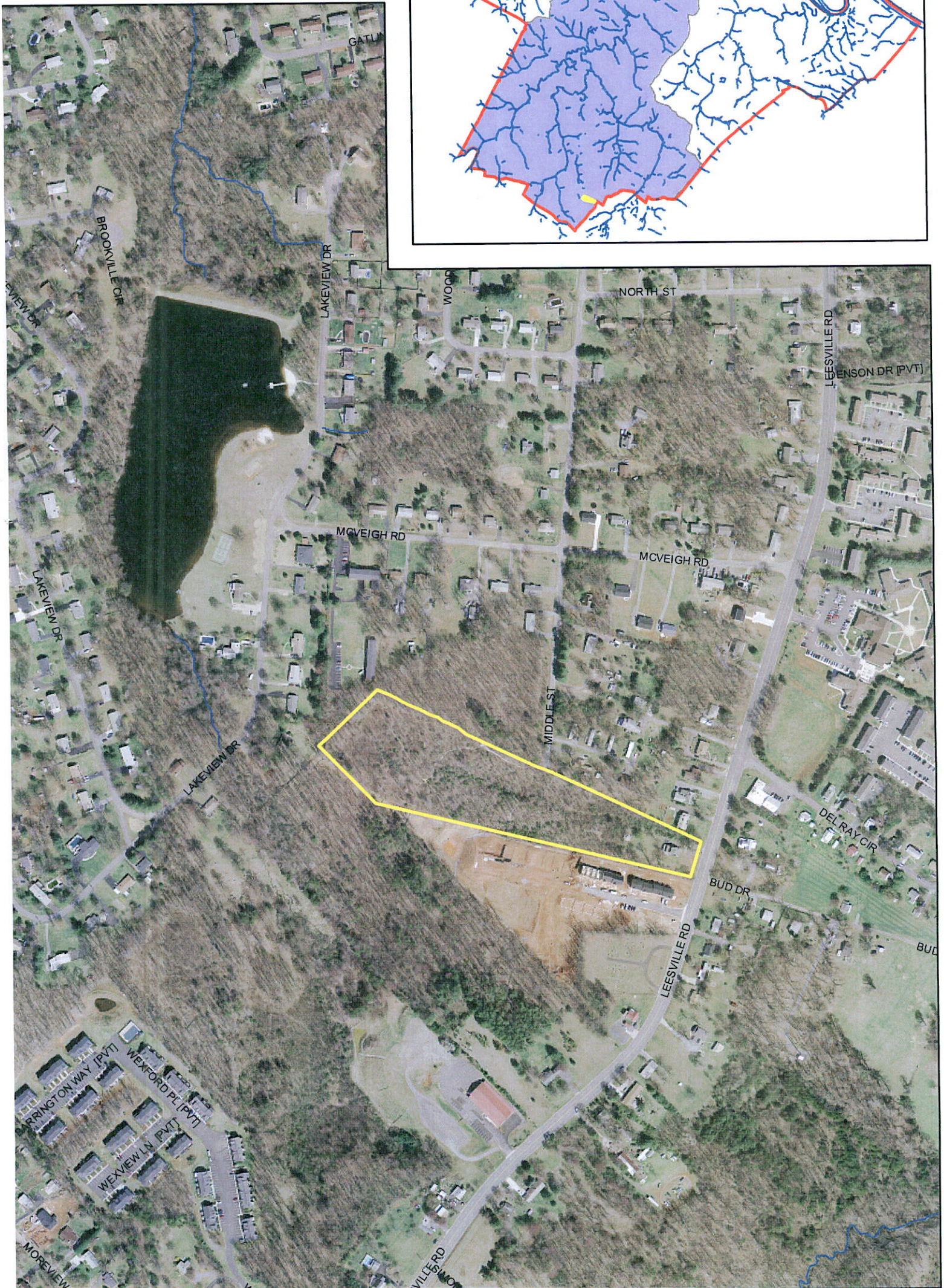
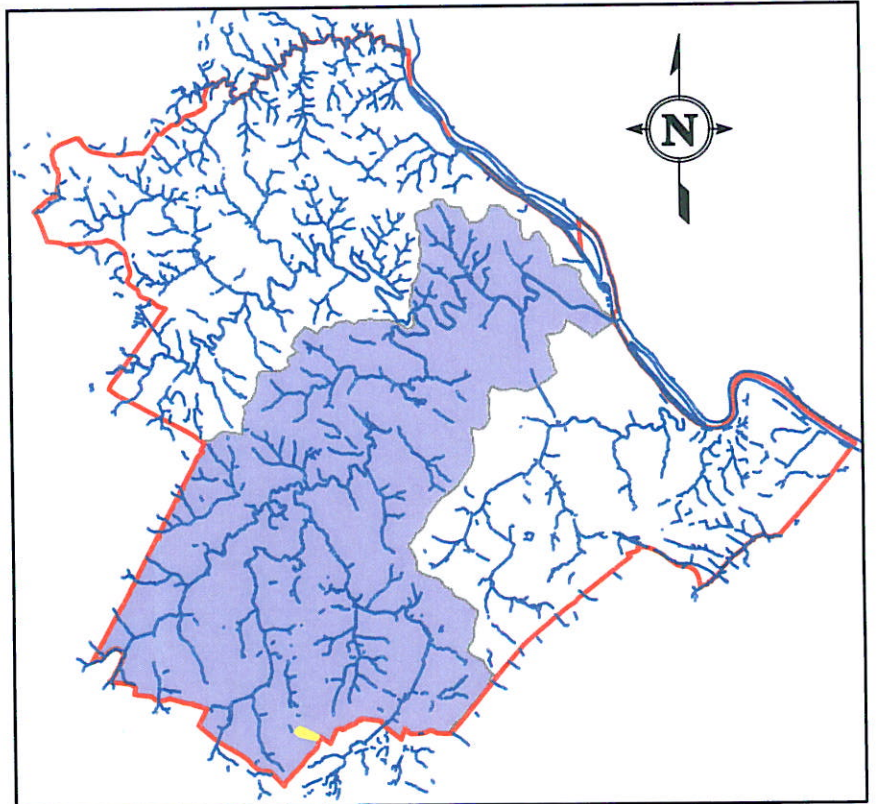
- Public Parks
- Resource Conservation
- Public Use
- Institution
- Downtown
- Office
- Employment 1
- Employment 2
- Neighborhood Commercial
- Community Commercial
- Regional Commercial
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Traditional Residential
- LocalHistoricDistrict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



Wyndor View Townhomes Watershed Location Map

Legend

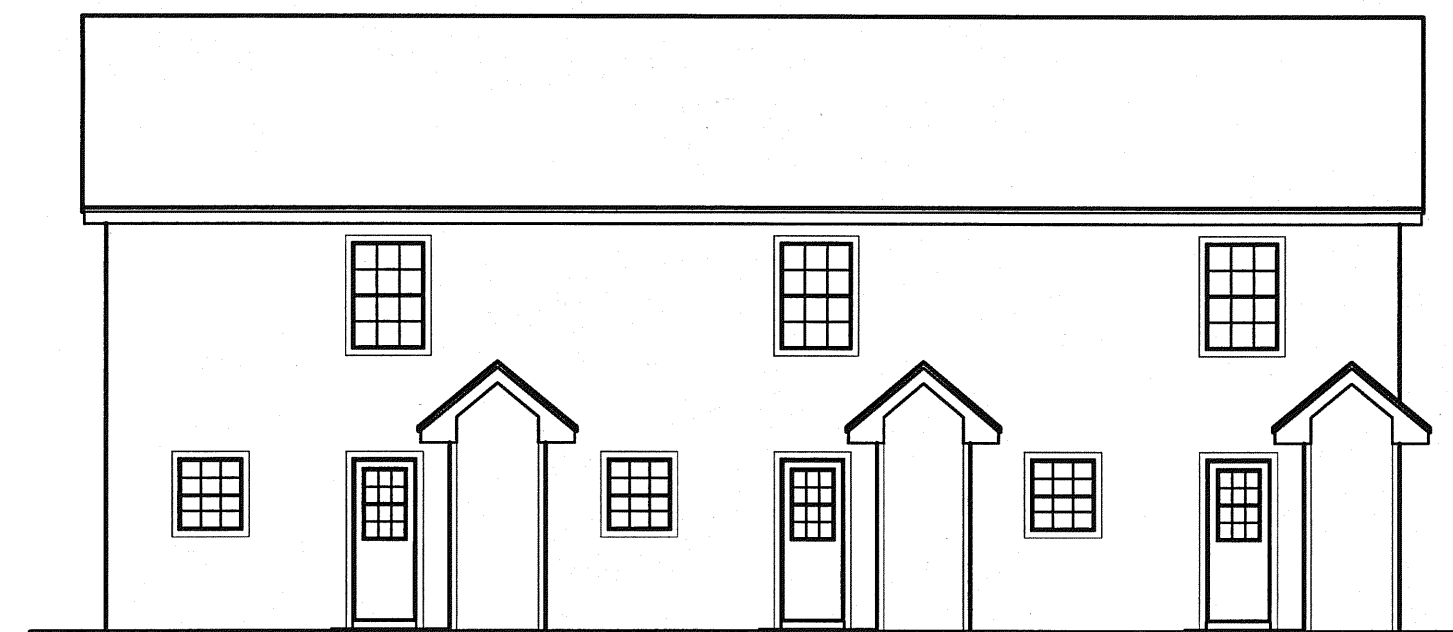
-  Project Site
-  Corporate Limit
-  Blackwater Creek Watershed





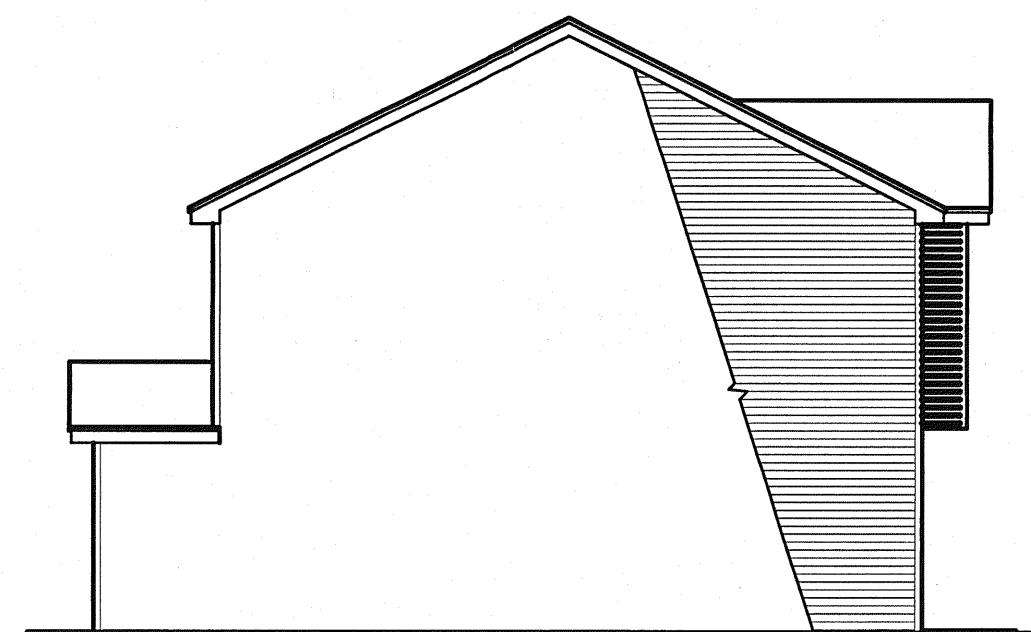
FRONT ELEVATION

SCALE; $\frac{1}{4}" = 1'-0"$



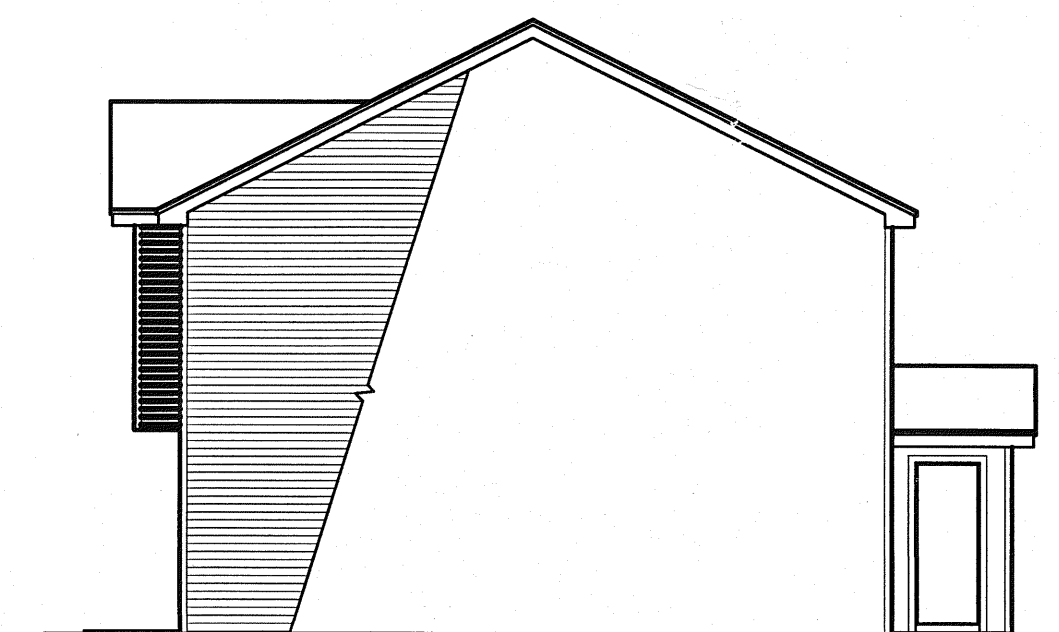
BACK ELEVATION

SCALE; $\frac{1}{8}" = 1'-0"$



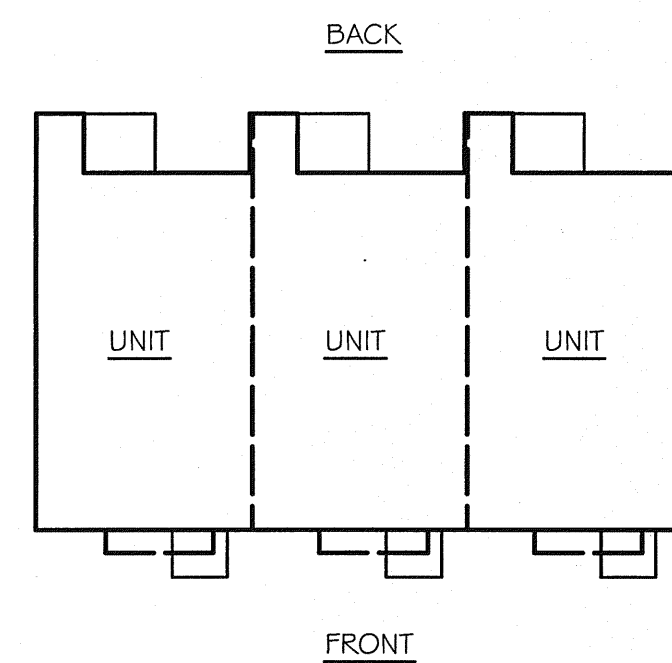
LEFT ELEVATION

SCALE; $\frac{1}{8}" = 1'-0"$



RIGHT ELEVATION

SCALE; $\frac{1}{8}" = 1'-0"$



UNIT LAYOUT INDEX

N.T.S.

GENERAL CONSTRUCTION NOTES

1. ALL BUILDING MATERIALS ARE TO BE AS PER BUILDER / OWNERS SPECIFICATIONS.

DRAWING TITLE:
ELEVATIONS

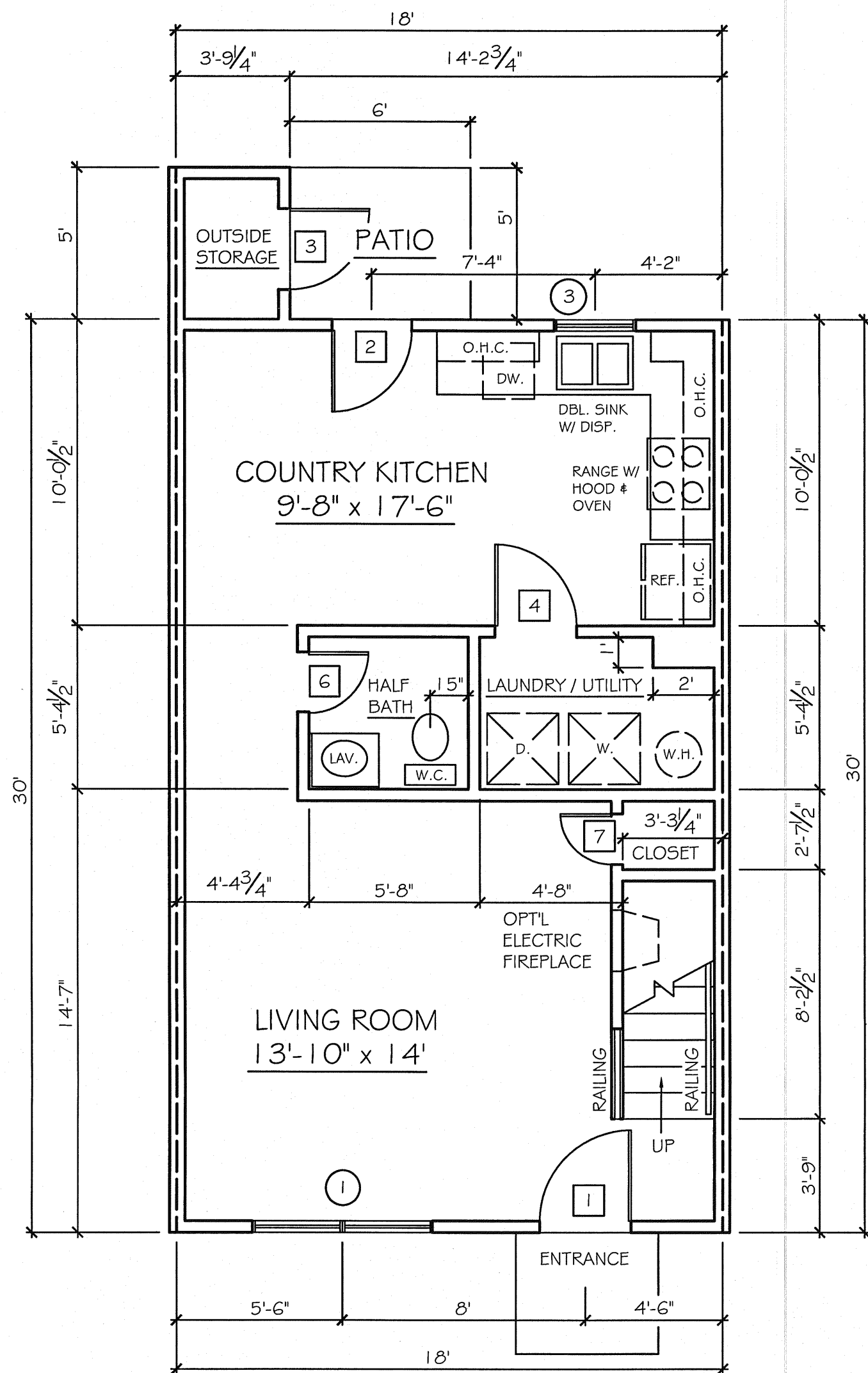
DRAWN BY:
B. ANDREWS
JOB NUMBER:
Q07-2
DRAWING DATE:
MARCH 2007
REVISION DATES:

QUICKDRAW
Residential Design Service
*CUSTOM RESIDENTIAL *ADDITIONS & ENCLOSURES
*INTERIOR & EXTERIOR REMODEL / PLANNING
LYNCHBURG, VA. (434) 582-4854

DRAWN FOR:
LYNCHBURG RENTING, LLC
RESIDENTIAL & COMMERCIAL DEVELOPMENT
P.O. BOX 351
FOREST, VIRGINIA 24551

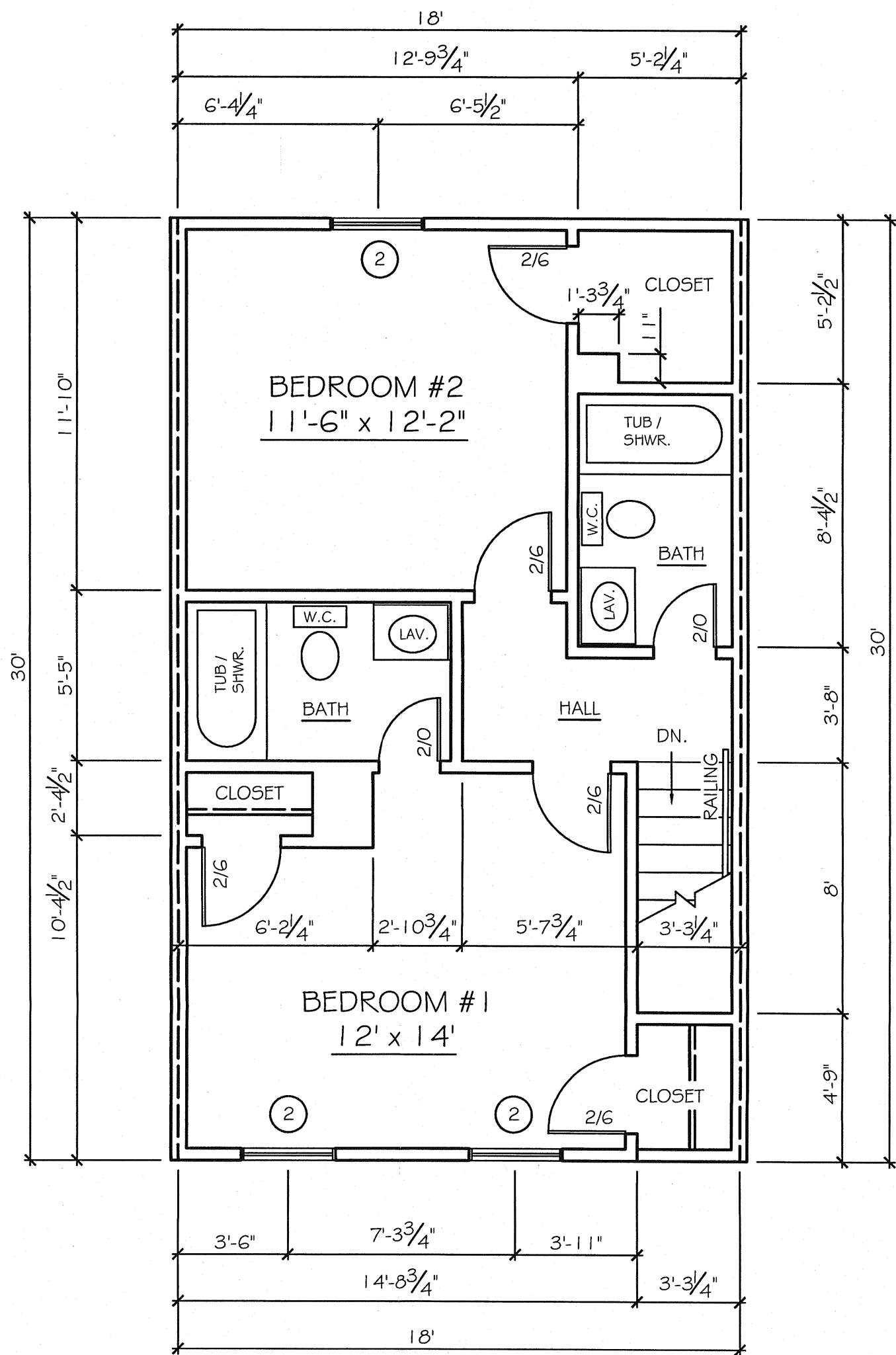
SHEET

2 of 2



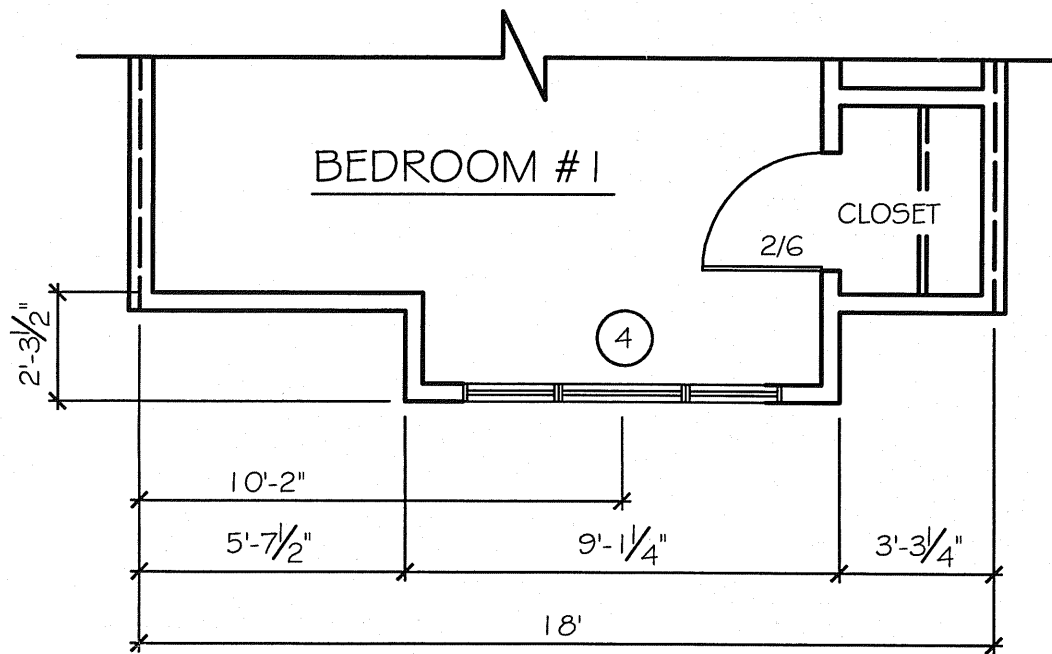
FIRST FLOOR

SCALE: 1/4" = 1'-0"



SECOND FLOOR

SCALE: 1/4" = 1'-0"



OPT'L SECOND FLOOR WINDOW

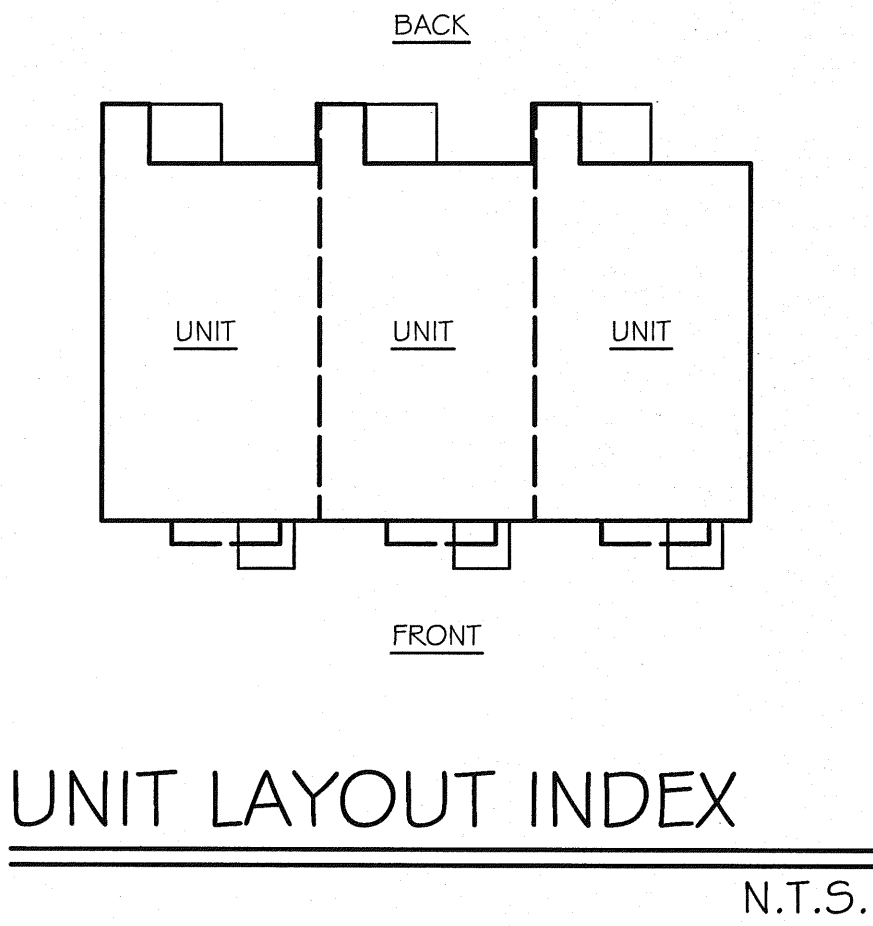
SCALE: 1/4" = 1'-0"

DOOR SCHEDULE		
#	SIZE	TYPE
1	3068	METAL INSUL., 6 PANEL
2	2868	METAL INSUL. W/ 2030 WNDW.
3	2868	METAL INSUL.
4	2868	HOLLOW CORE, 6 PANEL
5	2668	HOLLOW CORE, 6 PANEL
6	2068	HOLLOW CORE, 6 PANEL
7	1868	HOLLOW CORE, 6 PANEL

WINDOW SCHEDULE		
#	SIZE	TYPE
1	3046	DBL. HORIZONTAL SLIDING, FRENCH WINDOW.
2	3046	HORIZONTAL SLIDING, FRENCH WINDOW.
3	2830	HORIZONTAL SLIDING, FRENCH WINDOW.
4	6046	(1) 3046 HORIZ. SLIDING FRENCH WNDW. w/ (1) 2046 HORIZ. SLIDING FRENCH WNDW. ON EACH SIDE.

SQUARE FOOTAGE CALCULATIONS

LOWER LEVEL ----- 540 SQ.FT.
 UPPER LEVEL ----- 540 SQ.FT.
 PATIO & DECK -----
 *TOTAL UNDER ROOF ----- 1080 SQ.FT.
 **TOTAL UNDER ROOF w/ OPT'L WINDOW --- 1101 SQ.FT.



DRAWING TITLE: FIRST & SECOND FLOOR PLANS

DRAWN BY: B. ANDREWS

JOB NUMBER: Q07-2

DRAWING DATE: MARCH 2007

REVISION DATES:

QUICKDRAW

Residential Design Service

*CUSTOM RESIDENTIAL *ADDITIONS & ENCLOSURES

*INTERIOR & EXTERIOR REMODEL / PLANNING

LYNCHBURG, VA. (434) 582-4854

DRAWN FOR:

LYNCHBURG RENTING, LLC

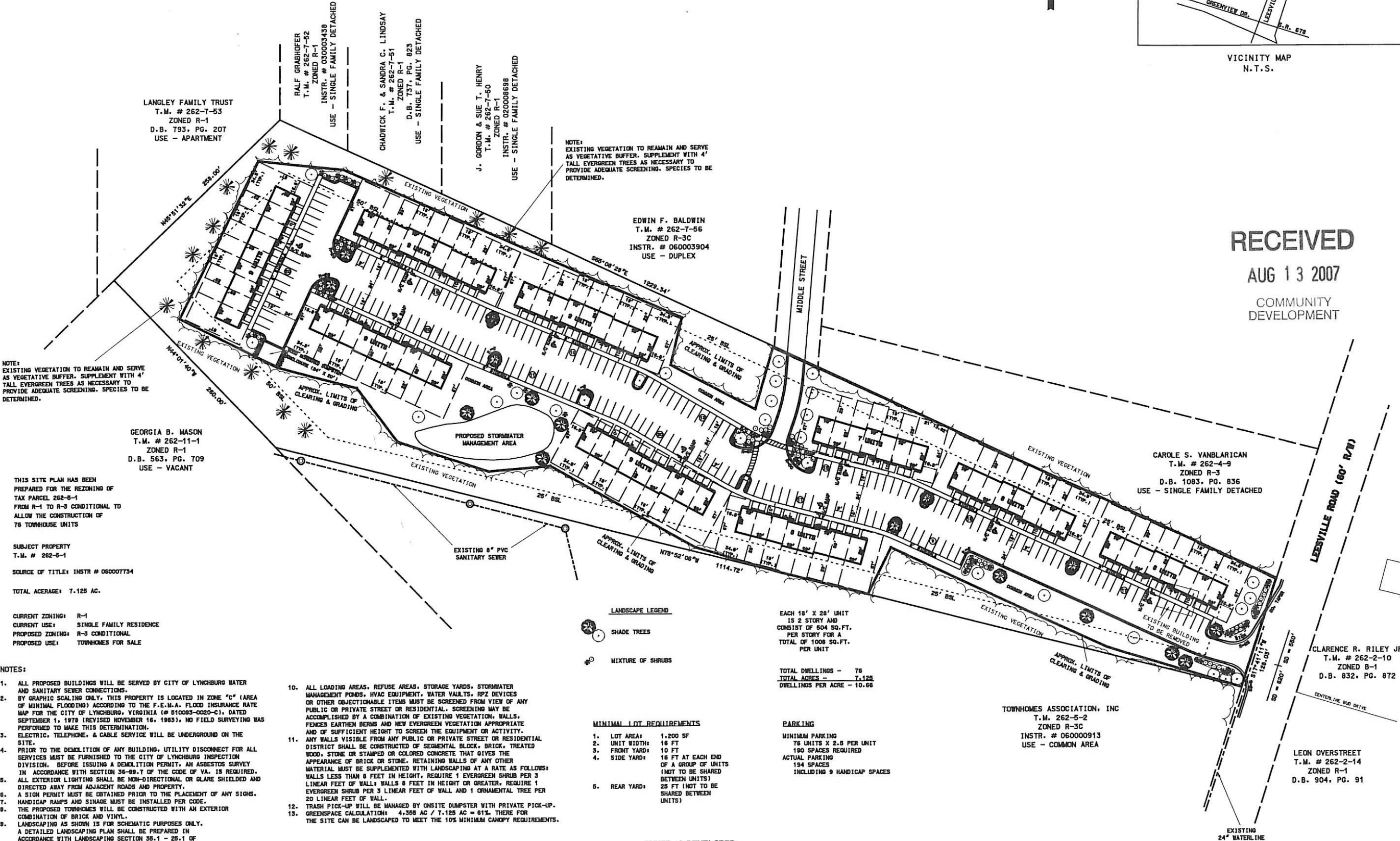
RESIDENTIAL & COMMERCIAL DEVELOPMENT

P.O. BOX 351

FOREST, VIRGINIA 24551

SHEET

1 of 2



NOTE:
EXISTING VEGETATION TO REMAIN AND SERVE
AS VEGETATIVE BUFFER. SUPPLEMENT WITH 4'
TALL EVERGREEN TREES AS NECESSARY TO
PROVIDE ADEQUATE SCREENING. SPECIES TO BE
DETERMINED.

GEORGIA B. MASON
T.M. # 262-11-1
ZONED R-1
D.B. 563, PG. 709
USE - VACANT

THIS SITE PLAN HAS BEEN
PREPARED FOR THE REZONING OF
TAX PARCEL 262-5-1
FROM R-1 TO R-3 CONDITIONAL TO
ALLOW THE CONSTRUCTION OF
76 TOWNHOUSE UNITS

SUBJECT PROPERTY
T.M. # 262-5-1

SOURCE OF TITLE: INSTR. # 060007754

TOTAL ACERAGE: 7.125 AC.

CURRENT ZONING: R-1
CURRENT USE: SINGLE FAMILY RESIDENCE
PROPOSED ZONING: R-3 CONDITIONAL
PROPOSED USE: TOWNHOMES FOR SALE

NOTES:

1. ALL PROPOSED BUILDINGS WILL BE SERVED BY CITY OF LYNCHBURG WATER AND SANITARY SEWER CONNECTIONS.
2. BY GRAPHIC SCALING ONLY, THIS PROPERTY IS LOCATED IN ZONE "C" (AREA OF MINIMAL FLOODING) ACCORDING TO THE F.E.M.A. FLOOD INSURANCE RATE MAP FOR THE CITY OF LYNCHBURG, VIRGINIA (# 510093-0020-C), DATED SEPTEMBER 1, 1978 (REVISED NOVEMBER 16, 1983), NO FIELD SURVEYING WAS PERFORMED TO MAKE THIS DETERMINATION.
3. ELECTRIC, TELEPHONE, & CABLE SERVICE WILL BE UNDERGROUND ON THE SITE.
4. PRIOR TO THE DEMOLITION OF ANY BUILDING, UTILITY DISCONNECT FOR ALL SERVICES MUST BE FURNISHED TO THE CITY OF LYNCHBURG INSPECTION DIVISION. BEFORE ISSUING A DEMOLITION PERMIT, AN ASBESTOS SURVEY IN ACCORDANCE WITH SECTION 36-89.7 OF THE CODE OF VA. IS REQUIRED.
5. ALL EXTERIOR LIGHTING SHALL BE NON-DIRECTIONAL OR GLARE SHIELDED AND DIRECTED AWAY FROM ADJACENT ROADS AND PROPERTY.
6. A SIGN PERMIT MUST BE OBTAINED PRIOR TO THE PLACEMENT OF ANY SIGNS.
7. HANDICAP RAMP AND SIGNAGE MUST BE INSTALLED PER CODE.
8. THE PROPOSED TOWNHOMES WILL BE CONSTRUCTED WITH AN EXTERIOR COMBINATION OF BRICK AND VINYL.
9. LANDSCAPING AS SHOWN IS FOR SCHEMATIC PURPOSES ONLY. A DETAILED LANDSCAPING PLAN SHALL BE PREPARED IN ACCORDANCE WITH LANDSCAPING SECTION 36.1 - 25.1 OF THE CURRENT LYNCHBURG ZONING ORDINANCE.

10. ALL LOADING AREAS, REFUSE AREAS, STORAGE YARDS, STORMWATER MANAGEMENT PONDS, HVAC EQUIPMENT, WATER VAULTS, RPZ DEVICES OR OTHER OBJECTIONABLE ITEMS MUST BE SCREENED FROM VIEW OF ANY PUBLIC OR PRIVATE STREET OR RESIDENTIAL. SCREENING MAY BE ACCOMPLISHED BY A COMBINATION OF EXISTING VEGETATION, WALLS, FENCES, EARTHEN BERRIES AND NEW EVERGREEN VEGETATION APPROPRIATE AND OF SUFFICIENT HEIGHT TO SCREEN THE EQUIPMENT OR ACTIVITY.
11. ANY WALLS VISIBLE FROM ANY PUBLIC OR PRIVATE STREET OR RESIDENTIAL DISTRICT SHALL BE CONSTRUCTED OF SEGMENTAL BLOCK, BRICK, TREATED WOOD, STONE OR STAMPED OR COLORED CONCRETE THAT GIVES THE APPEARANCE OF BRICK OR STONE. RETAINING WALLS OF ANY OTHER MATERIAL MUST BE SUPPLEMENTED WITH LANDSCAPING AT A RATE AS FOLLOWS: WALLS LESS THAN 6 FEET IN HEIGHT, REQUIRE 1 EVERGREEN SHRUB PER 3 LINEAR FEET OF WALL; WALLS 6 FEET IN HEIGHT OR GREATER, REQUIRE 1 EVERGREEN SHRUB PER 3 LINEAR FEET OF WALL AND 1 ORNAMENTAL TREE PER 20 LINEAR FEET OF WALL.
12. TRASH PICK-UP WILL BE MANAGED BY ONSITE DUMPSTER WITH PRIVATE PICK-UP.
13. GREENSPACE CALCULATION: 4.368 AC / 7.125 AC = 61%. THEREFORE THE SITE CAN BE LANDSCAPED TO MEET THE 10% MINIMUM CANOPY REQUIREMENTS.

NOTE:
EXISTING VEGETATION TO REMAIN AND SERVE
AS VEGETATIVE BUFFER. SUPPLEMENT WITH 4'
TALL EVERGREEN TREES AS NECESSARY TO
PROVIDE ADEQUATE SCREENING. SPECIES TO BE
DETERMINED.

EDWIN F. BALDWIN
T.M. # 262-7-56
ZONED R-3C
INSTR. # 060003904
USE - DUPLEX

J. GORDON & SUE T. HENRY
T.M. # 262-7-50
ZONED R-1
INSTR. # 020008698
USE - SINGLE FAMILY DETACHED

CHADWICK F. & SANDRA C. LINDSAY
T.M. # 262-7-51
ZONED R-1
D.B. 737, PG. 823
USE - SINGLE FAMILY DETACHED

RALF GRABHOFFER
T.M. # 262-7-52
ZONED R-1
INSTR. # 030003438
USE - SINGLE FAMILY DETACHED

- LANDSCAPE LEGEND
- SHADE TREES
 - MIXTURE OF SHRUBS

- MINIMAL LOT REQUIREMENTS
1. LOT AREA: 1,200 SF
 2. UNIT WIDTH: 16 FT
 3. FRONT YARD: 10 FT
 4. SIDE YARD: 16 FT AT EACH END OF A GROUP OF UNITS (NOT TO BE SHARED BETWEEN UNITS)
 5. REAR YARD: 25 FT (NOT TO BE SHARED BETWEEN UNITS)

EACH 18' X 28' UNIT
IS 2 STORY AND
CONSIST OF 504 SQ.FT.
PER STORY FOR A
TOTAL OF 1008 SQ.FT.
PER UNIT

TOTAL DWELLINGS - 76
TOTAL ACRES - 7.125
DWELLINGS PER ACRE - 10.66

PARKING
MINIMUM PARKING
76 UNITS X 2.5 PER UNIT
190 SPACES REQUIRED
ACTUAL PARKING
194 SPACES
INCLUDING 9 HANDICAP SPACES

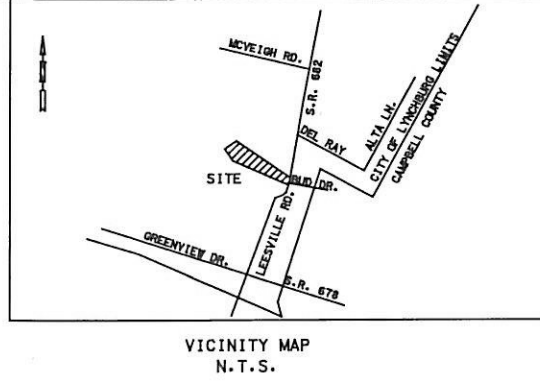
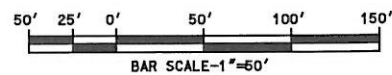
TOWNHOMES ASSOCIATION, INC
T.M. 262-5-2
ZONED R-3C
INSTR. # 060000913
USE - COMMON AREA

CAROLE S. VANLARICAN
T.M. # 262-4-9
ZONED R-3
D.B. 1083, PG. 836
USE - SINGLE FAMILY DETACHED

CLARENCE R. RILEY JR
T.M. # 262-2-10
ZONED B-1
D.B. 832, PG. 872

LEON OVERSTREET
T.M. # 262-2-14
ZONED R-1
D.B. 904, PG. 91

OWNER / DEVELOPER
BRUCE E. & CAROL T. GALLIER
P.O. BOX 11181
LYNCHBURG, VA 24506-1181



RECEIVED
AUG 13 2007
COMMUNITY
DEVELOPMENT

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

PRELIMINARY SITE PLAN FOR REZONING
WYNDORS VIEW TOWNHOMES
714 LEESVILLE ROAD
CITY OF LYNCHBURG, VIRGINIA

DATE: 02-01-07
DRAWN:
CHECKED:
REVISIONS
NO. DATE
08-13-07

SCALES
HORIZ: AS SHOWN
VERT: AS SHOWN
COMM. NO.
070008
SHEET NO.
1 OF 1

**LYNCHBURG CITY COUNCIL
Agenda Item Summary**

MEETING DATE: **November 13, 2007**

AGENDA ITEM NO: 5

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

**ITEM TITLE: FUTURE LAND USE MAP AMENDMENT – Institution to Community Commercial at 500 Liberty Mountain Drive
REZONING – R-C, Conservation District to B-3C, Community Business District (Conditional) at 500 Liberty Mountain Drive.
CONDITIONAL USE PERMIT – To allow the construction of a building across the City of Lynchburg and Campbell County corporate limit.**

RECOMMENDATION: Approval of the requested *Future Land Use Map [FLUM]* amendment, rezoning and conditional use permit petitions.

SUMMARY: Liberty University is petitioning to amend the *FLUM*, rezone one (1) tract totaling approximately three and six tenths (3.6) acres at 500 Liberty Mountain Drive and for the approval of a conditional use permit to allow the construction of a building across the City of Lynchburg/Campbell County corporate limit to allow for a one hundred and eighty-six (186) acre commercial shopping center development; one hundred sixty-eight (168) acres of the project would be located in Campbell County and the remaining eighteen (18) acres would be developed within the City. The proposed shopping center would include approximately six hundred sixty-four thousand, four hundred and fifteen (664,415) square feet of retail/restaurant space (with approximately one hundred fifteen thousand, nine hundred seventy-one (115,971) square feet located within the City), a sixty-one thousand, four hundred (61,400) square foot water park hotel/resort, associated parking and road improvements at US 29 North and US 460 East. The Planning Division originally recommended denial of the petitions due to traffic, pedestrian, land use, environmental and gateway concerns; however, at the October 24th Planning Commission work session, the petitioner submitted the necessary proffers and plan revisions to address staff concerns. Planning Commission recommended approval of the rezoning petition because:

- Petition proposes to change the *Future Land Use Map* designation for this area from an Institution use to a Community Commercial use. Adjacent land uses as defined by the *FLUM* also include a Resource Conservation use.
- Petition agrees with the *Zoning Ordinance* in that retail and restaurant uses are all allowed in a B-3, Community Business District and that a building may cross municipal boundary lines with approval of a Conditional Use Permit by City Council.
- The petitioner submitted a traffic study and amended the plan to address traffic interfaces between the shopping center and adjacent highways.
- The petitioner amended the plan to address pedestrian connectivity between the shopping center and the Liberty University apartments.
- The petitioner voluntarily submitted a proffer to mitigate any stream or wetlands impacted by the development within the City of Lynchburg either on the site or within the Blackwater Creek watershed.
- The petitioner voluntarily submitted a proffer that all exterior walls of the retail structures that are visible from US 460/29 Bypass shall incorporate the same colors, themes and materials as the front walls of the buildings.

PRIOR ACTION(S):

August 22, 2007: Planning Division recommended denial of the *FLUM* amendment, rezoning and CUP petitions.
Planning Commission conducted a public hearing on the *FLUM* amendment, rezoning and CUP petitions.

October 24, 2007: Planning Commission conducted a work session on the *FLUM* amendment, rezoning and CUP petitions.
Planning Commission voted (7-0) to waive the 21 day submittal requirement for voluntarily submitted proffers.

Planning Commission voted (6-1) to approve the amendment to the (*Future Land Use Map*) from Institutional to Community Commercial.

Planning Commission voted (6-1) to approve the rezoning petition with the following voluntarily submitted proffers:

1. The petitioners will provide vehicular access roads adequate to serve traffic generated by the retail and residential developments that are the subject of this rezoning application. (Petitioners have entered into an agreement providing that Liberty Mountain Drive shall be extended to the existing traffic signal on Wards Road at the main entrance to the Lynchburg Regional Airport. This road extension includes a vehicular bridge over the Norfolk Southern Railroad tracks. The petitioners also plan to construct a new highway exit ramp from the eastbound lane of the U.S. Route 460 bypass at the north end of the proposed retail development in the City of Lynchburg.)
2. All exterior walls of the retail structures that are visible from a public right of way shall be painted and the design theme shall integrate the theme of the front walls of the retail stores.
3. The Master Site plan is not intended to depict the location of buildings or sizes of buildings and is only conceptual in nature. The final site plan and design and building locations shall be determined by the Developer and locality review officials at the time of site plan review.
4. The architecture and landscaping of this shopping center shall be similar in character and appearance to the architecture and landscaping of the Wards Crossing Shopping Center and Wards Crossing West Shopping Center on Wards Road in the City of Lynchburg.
5. The storm water management system shall be designed and built to address both the quantity and quality of water being discharged from the site, in accordance with state standards.
6. The property shall not be used for the following:
 - a. Funeral Homes
 - b. Contractors' grading excavating or clearing equipment sales, repair or rental establishment.
7. All exterior walls of the retail structures that are visible from U.S. 460/29 Bypass shall incorporate the same colors, themes and materials as the front walls of the buildings.
8. Any mitigation of wetlands or streams in the City of Lynchburg shall be accomplished either on site or within the Blackwater Creek watershed.

Planning Commission voted (6-1, Swienton) to approve the CUP to allow the construction of a building across the City of Lynchburg and Campbell County corporate limit.

FISCAL IMPACT: N/A

CONTACTS:

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

ATTACHMENT(S):

- Future Land Use Amendment Ordinance
- Rezoning Ordinance
- Resolution
- PC Minutes
- PC Work Session Memorandum
- Petitioner's Response Memo to Planning Commission with Staff comments (in red text)
- Revised Site Plan – October 18, 2007
- PC Report – August 22, 2007
- Revised Liberty Commercial Wetland Delineation
- Vicinity Zoning Pattern
- Vicinity Proposed Land Use
- Watershed Map
- Site Plan
- Speaker Sign-Up sheet
- VDOT Response to Traffic Considerations
- Environmental Issues Memo to Planning Commission – Dr. Thomas Shahady

REVIEWED BY: lkp

ORDINANCE:

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP FOR THE PROPERTY LOCATED AT 500 LIBERTY MOUNTAIN DRIVE, FROM INSTITUTIONAL TO COMMUNITY COMMERCIAL.

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 500 Liberty Mountain Drive, from Institutional to Community Commercial.

The area embraced within the following boundaries

Beginning at a point, said point being the southwest corner of the parcel where it adjoins the route 460 right-of-way and the boundary for the City of Lynchburg; thence N 38°12'57" E, 285.50 feet to a point; thence N 38°27'42" E, 263.33 feet to a point; thence S 63°41'21" E, 68.48 feet to a point; thence S 63°48'44" E, 568.09 feet to a point; thence S 36°43'48" E, 136.22 feet to a point; thence N 69°35'30" W, 333.76 feet to a point; thence S 75°59'39" W, 635.25 feet to a point; thence S 87°23'19" W, 63.92 feet to the point of beginning.

CONTAINING: 166671 square feet or 3.83 acres of land, more or less.

. . . is hereby amended on the Future Land Use Map from Institutional to Community Commercial and the Director of Community Planning and 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

143LA

ORDINANCE

AN ORDINANCE CHANGING A CERTAIN AREA FROM R-C, CONSERVATION DISTRICT TO B-3C, COMMUNITY BUSINESS DISTRICT (CONDITIONAL).

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-C, Conservation District to B-3C, Community Business District (Conditional).

The area embraced within the following boundaries . . .

Beginning at a point, said point being the southwest corner of the parcel where it adjoins the route 460 right-of-way and the boundary for the City of Lynchburg; thence N 38°12'57" E, 285.50 feet to a point; thence N 38°27'42" E, 263.33 feet to a point; thence S 63°41'21" E, 68.48 feet to a point; thence S 63°48'44" E, 568.09 feet to a point; thence S 36°43'48" E, 136.22 feet to a point; thence N 69°35'30" W, 333.76 feet to a point; thence S 75°59'39" W, 635.25 feet to a point; thence S 87°23'19" W, 63.92 feet to the point of beginning.

CONTAINING: 166671 square feet or 3.83 acres of land, more or less.

. . . is hereby changed from R-C, Conservation District to B-3C, General Business District (Conditional), subject to the conditions setout herein below which were voluntarily proffered in writing by the owner, namely: Liberty University, Inc., to wit:

1. The petitioners will provide vehicular access roads adequate to serve traffic generated by the retail and residential developments that are the subject of this rezoning application. (Petitioners have entered into an agreement providing that Liberty Mountain Drive shall be extended to the existing traffic signal on Wards Road at the main entrance to the Lynchburg Regional Airport. This road extension includes a vehicular bridge over the Norfolk Southern Railroad tracks. The petitioners also plan to construct a new highway exit ramp from the eastbound lane of the U.S. Route 460 bypass at the north end of the proposed retail development in the City of Lynchburg.)
2. All exterior walls of the retail structures that are visible from a public right of way shall be painted and the design theme shall integrate the theme of the front walls of the retail stores.
3. The Master Site plan is not intended to depict the location of buildings or sizes of buildings and is only conceptual in nature. The final site plan and design and building locations shall be determined by the Developer and locality review officials at the time of site plan review.
4. The architecture and landscaping of this shopping center shall be similar in character and appearance to the architecture and landscaping of the Wards Crossing Shopping Center and Wards Crossing West Shopping Center on Wards Road in the City of Lynchburg.
5. The storm water management system shall be designed and built to address both the quantity and quality of water being discharged from the site, in accordance with state standards.
6. The property shall not be used for the following:
 - a. Funeral Homes
 - b. Contractors' grading excavating or clearing equipment sales, repair or rental establishment.
7. All exterior walls of the retail structures that are visible from U.S. 460/29 Bypass shall incorporate the same colors, themes and materials as the front walls of the buildings.

8. Any mitigation of wetlands or streams in the City of Lynchburg shall be accomplished either on site or within the Blackwater Creek watershed.

And the Director of Community Planning and 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

143LB

RESOLUTION:

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO LIBERTY UNIVERSITY, INC TO ALLOW CONSTRUCTION OF A BUILDING THAT WILL CROSS THE CITY/COUNTY BOUNDARY LINE.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of Liberty University, Inc for a Conditional Use Permit for use of the property at 500 Liberty Mountain Drive to construct a building that will cross the City of Lynchburg and Campbell County boundary line be, approved.

Adopted:

Certified:

Clerk of Council

143LC

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

To: Planning Commission
From: Planning Division
Date: August 22, 2007
Re: **FUTURE LAND USE MAP AMENDMENT:** Institution to Community Commercial at 500 Liberty Mountain Drive.
REZONING: R-C, Resource Conservation District to B-3C, Community Business District (Conditional) at 500 Liberty Mountain Drive.
CONDITIONAL USE PERMIT (CUP): To allow the construction of a commercial building across the City of Lynchburg and Campbell County corporate limit.

I. PETITIONER

Liberty University, Inc., 1971 University Boulevard, Lynchburg, VA 24502

Representatives: Jerry L. Falwell, Jr., Liberty University, Inc., 1971 University Boulevard, Lynchburg, VA 24502

Norm Walton, Perkins & Orrison, 20436 Lynchburg Highway, Unit I, Lynchburg, VA 24502

II. LOCATION

The subject property includes one (1) tract totaling approximately three and six tenths (3.6) acres located at 500 Liberty Mountain Drive.

Property Owner: Liberty University, Inc., 1971 University Boulevard, Lynchburg, VA 24502

III. PURPOSE

The purpose of the petition is to allow for the development of a commercial shopping center that would cross the corporate limit between the City of Lynchburg and Campbell County.

IV. SUMMARY

- Petition proposes to change the *Future Land Use Map* designation for this area from an Institution use to a Community Commercial use. Adjacent land uses as defined by the *FLUM* also includes a Resource Conservation use.
- Petition agrees with the *Zoning Ordinance* in that retail and restaurant uses are all allowed in a B-3, Community Business District.

The Planning Division recommends denial of the future land use map amendment, rezoning and conditional use permit petitions.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends an Institutional use for the subject property. Institutional uses are the religious, educational and other non-profit entities in the City. Examples include churches, cemeteries, private schools and universities, private nonprofit hospitals, service clubs and organizations and other nonprofit institutions. **(page 5.3)** The City of Lynchburg is supportive of Liberty University's goal of reaching twenty-five thousand (25,000) on-campus students; therefore, staff inquired about the impact the proposed project and the loss of the institutional property would have on the future expansion of the campus. The petitioner responded that the University realizes that the growth of Lynchburg Christian Academy, Thomas Road Baptist Church and Liberty University will make future expansion a challenge in the future and that their master plan must be revised to accommodate this growth. Liberty University is in the process of selecting a land planner to assist in the overall development of the lands owned by Liberty University, which includes approximately six thousand (6,000) acres located on the north and south sides of

Route 460. The new development plan will address areas that can be developed for public use, private development, educational or institutional uses and for student housing.

The Campbell County *General Plan* designations, which recommend both Medium to High Density Commercial and Medium to High Density Residential for the site, indicate that this development is an appropriate fit for the adjacent properties. Since the City's *Future Land Use Map [FLUM]* is not intended to be parcel specific, staff often reviews the surrounding area, existing development, and those land uses designated by the *Comprehensive Plan* to determine if an amendment to the *FLUM* is appropriate. In this case, the existing land uses include university features (academic facilities, athletic fields, student housing, etc.) and the *FLUM* designates Resource Conservation and Institutional uses for this area, neither of which lend itself to the development of a commercial shopping center. The City worked closely with Liberty University in December 2003 to master plan the campus with the goal of ensuring adequate room for the campus to expand, while helping them consolidate their operations around a centralized main campus. With a pending increase in Liberty's student population and the ever-present need for facilities that are close to the main campus, staff has reservations about amending the land use map to a Community Commercial use in this area and subsequently forcing future university projects further away from the central campus. Although staff adds significant weight to recommendations about land use that foster regional cooperation at jurisdictional boundaries, a *FLUM* amendment would not only remove the much needed Institutional land designation from this area but allow commercial development which would severely impact traffic and the natural resources within this area. Therefore, the proposed *FLUM* amendment is not acceptable to the City Planner.

2. **Zoning.** The subject property was annexed into the City in 1976. The existing R-C, Conservation District zoning was established in 1978 with the adoption of the *Zoning Ordinance*.
3. **Proffers.** The petitioner voluntarily submitted the following proffers with the rezoning application:
 1. The petitioners will provide vehicular access roads adequate to serve traffic generated by the retail and residential developments that are the subject of this rezoning application. (Petitioners have entered into an agreement providing that Liberty Mountain Drive shall be extended to the existing traffic signal on Wards Road at the main entrance to the Lynchburg Regional Airport. This road extension includes a vehicular bridge over the Norfolk Southern Railroad tracks. The petitioners also plan to construct a new highway exit ramp from the eastbound lane of the U.S. Route 460 bypass at the north end of the proposed retail development in the City of Lynchburg.)
 2. All exterior walls of the retail structures that are visible from a public right of way shall be painted and the design theme shall integrate the theme of the front walls of the retail stores.
 3. The Master Site plan is not intended to depict the location of buildings or sizes of buildings and is only conceptual in nature. The final site plan and design and building locations shall be determined by the Developer and locality review officials at the time of site plan review.
 4. The architecture and landscaping of this shopping center shall be similar in character and appearance to the architecture and landscaping of the Wards Crossing Shopping Center and Wards Crossing West Shopping Center on Wards Road in the City of Lynchburg.
 5. The storm water management system shall be designed and built to address both the quantity and quality of water being discharged from the site, in accordance with state standards.
 6. The property shall not be used for the following:
 1. Funeral Homes
 2. Contractors' grading excavating or clearing equipment sales, repair or rental establishment.
4. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the development of the property as proposed.
5. **Previous Actions.** The following items in the immediate area have required City Council approval:

- On November 9, 2004, City Council approved Liberty University's petition to amend the condition of the Conditional Use Permit approved on December 16, 2003 that is related to vehicular access points to the property located at 100 Mountain View Road.
- On December 16, 2003, City Council approved Liberty University's petition to rezone a tract of approximately one hundred and twenty-three (123) acres on Liberty Mountain Drive from B-3, Community Business District, to B-5C, General Business District (Conditional) and a tract of eighty-three (83) acres at 100 Mountain View Road from I-2, Light Industrial District, to B-5C, General Business District (Conditional), to allow university, church and K-12 uses.
- On December 16, 2003, City Council approved Liberty University's conditional use permit petition to allow university and K-12 uses at Liberty Mountain Drive and 100 Mountain View Road.
- On October 14, 2003, City Council approved the conditional use permit petition of Liberty University, TRBC, and GDT, CG1,LLC at 100 Mountain View Road to allow a community recreation facility.
- On November 13, 2001, City Council approved the conditional use permit petition of Liberty University at 1971 University Boulevard to allow the construction of a student center and associated parking.
- On April 10, 2001, City Council approved Wards Road Properties, LLC's conditional use permit petition to allow fill within the one hundred (100) year floodplain to allow the construction of storage inns at 2601 Old Wards Road.
- On September 12, 2000, City Council approved Back Yard Real Estate, LLC's petition to rezone approximately one and a half (1.5) acres from I-2, Light Industrial District to B-3C, Community Business District (Conditional) and a conditional use permit to fill in the floodplain at 2731 Wards Road to make the property compatible with existing commercial land uses and to allow the expansion an existing parking lot for a restaurant use.
- On April 14, 1998, City Council approved the conditional use permit petition of Liberty University at 1971University Boulevard to allow the construction of four (4) new dormitories, a visitor's center, additions to the DeMoss building and associated parking areas.
- On September 9, 1997, City Council approved The Inn Group, Inc.'s petition to rezone approximately four and three tenths (4.3) acres on University Boulevard from R-C, Conservation District and I-2 Light Industrial District to B-3C, Community Business District (Conditional) to allow construction of commercial buildings.
- On March 14, 1989, City Council approved the conditional use permit petition of Old Time Gospel Hour /Liberty University for the construction of a twelve thousand (12,000) seat football stadium and a nine thousand (9,000) seat basketball arena (the Vine Center) on the Liberty University main campus. A condition of this CUP was the construction of a secondary permanent access, subject to approval by the City.
- On April 12, 1988, City Council approved the rezoning petition of Old Time Gospel Hour for the remaining thirty (30) acres of the Liberty University main campus from I-2, Light Industrial District to B-5, General Business District (Conditional) to allow the construction of dormitories and the expansion of other university related uses.
- On June 12, 1984, City Council approved Erwin P. Baer's conditional use permit petition to allow the construction of an outlet mall in a floodway fringe area at 3000 Wards Road.
- On April 10, 1984, City Council approved Wayne E. Newcomb's conditional use permit petition to allow the construction of a car wash and the sale of gasoline in a floodway fringe area at the corner of Glass Avenue and Wards Road.

- On January 10, 1984, City Council approved James A. Agnew's conditional use permit petition to allow the construction of a building and parking area in a floodway fringe area at 2735 Wards Road.
 - On November 11, 1983, City Council approved the petition of Old Time Gospel Hour to rezone one hundred thirty-three (133) acres on *Liberty Mountain Drive* from R-C, Conservation District to R-4, Multi-Family Residential District (Conditional) to allow the construction of four hundred (400) unit apartment buildings and a two hundred fifty (2500 bed health care facility).
 - On October 12, 1982, City Council approved A.T. Williams Oil Company's conditional use permit petition to allow the construction of an automobile service station at 3001 Wards Road.
 - On December 12, 1978 the City Council adopted the "Official Zoning Map". With this adoption, one hundred forty-two (142) acres of the *Liberty University main campus* was rezoned from M, Manufacturing to B-5, General Business District.
6. **Site Description.** A tributary of Rock Castle Creek and a sediment basin used for the grading of Liberty University's athletic fields is currently located on the subject property. The site is bound to the north and west by US 460 and the main campus of Liberty University, to the northeast by multi-family student housing and athletic fields for the college and to the southeast and south by athletic fields, forestall and undeveloped property in Campbell County agricultural land (designated for future development as Crossroads Colonnade shopping center).
7. **Proposed Use of Property.** The petitioner is requesting permission to rezone and develop three and six tenths (3.6) acre property as part of an approximately one hundred and eighty-six (186) acre commercial shopping center development; one hundred sixty-eight (168) acres of the project would be located in Campbell County and the remaining eighteen (18) acres would be developed within the City. The proposed shopping center would include approximately six hundred sixty-four thousand, four hundred and fifteen (664,415) square feet of retail/restaurant space (with approximately one hundred fifteen thousand, nine hundred seventy-one (115,971) square feet located within the City), a sixty-one thousand, four hundred (61,400) square foot water park hotel/resort, associated parking and road improvements at US 29 North and US 460 East, respectively. The site would be served by public sewer and public water by utility line extensions from Campbell County into the City which the petitioner's designer would coordinate with both the City of Lynchburg's Utility Department and Campbell County's Utility Service Authority.

The petitioner has proffered that the architecture and landscaping of this shopping center shall be similar in character and appearance to the architecture and landscaping of the Wards Crossing Shopping Center and Wards Crossing West Shopping Center on Wards Road in the City of Lynchburg in a consistent architectural style throughout the center. Many of the buildings will back up to US 460; therefore, staff requested buildings have a decorative facade and entrances similar to that on the front of the building. The petitioner has proffered that all exterior walls of the retail structures that are visible from a public right of way shall be painted and the design theme shall integrate the theme of the front walls of the retail stores.

Landscaping for the site would meet the requirements of the City's *Zoning Ordinance*, these include street trees along US 460, the exit ramp and private roadway within the City, parking lot landscaping, parking lot screening, foundation plantings, utility area screening and tree canopy standards. Staff also recommended that the petitioner continue the City's landscaping portion throughout the entire parking area. The petitioner has reviewed the request but does not wish to apply the City's landscaping standards to the Campbell County portion of the project.

Planning staff recommended that the petitioner add designated pedestrian walkways/crossings throughout the site for the safety of the patrons. Although the petitioner has included sidewalks around some of the buildings, no sidewalks or crosswalks have been designated for the parking areas or between the various buildings.

8. **Traffic, Parking and Public Transit.** The petitioner has submitted a traffic study to the City's Transportation Engineer and the Virginia Department of Transportation [VDOT], respectively, for their review of the traffic patterns relative to the proposed development. Following his review, the Transportation Engineer forwarded

his comments about the traffic study to VDOT (since the majority of the ingress and egress points into the proposed development are located in Campbell County) and answers to these questions have not yet been provided. The comments include:

- a. The City would prefer to have the proposed off-ramp access both eastbound and westbound to/from Liberty Mountain Drive. Currently, the movement at the top of the ramp in the plans only provides for westbound movement into the shopping center and vehicles wanting to head back to Liberty would have to do a u-turn somewhere on Liberty Mountain Drive or one of the commercial parking lots. There should be the ability to go eastbound or westbound at the top of the ramp. VDOT also has expressed this concern to the petitioner.
- b. The City is concerned about the weave area on US 29 southbound from vehicles in the US 460 westbound off-ramp trying to weave across traffic to make a left at the proposed intersection within the retail center (US 29 and Airport). A barrier or other measure should be done to ensure that this weave maneuver will not become a problem. All traffic should be encouraged to use the proposed ramp.
- c. There were no values given in the report or in the analyses regarding queues for the intersection of US 29 and Airport Road so there is no way to tell whether the queues will back up and block the westbound off-ramp.
- d. What peak hour factors were used in the analyses? Defaults or Actual?
- e. The City would prefer to have the ramp moved farther eastbound on US 460 to minimize the influences of this ramp and the US 29 eastbound on-ramp.
- f. Pedestrian facilities should be provided so that Liberty students could walk to the retail center.
- g. There are other pending projects just across the City line that should have been included in the background traffic to include the Hilton Garden Inn, Sheetz, University Shoppes and the remaining retail currently under construction in Wards Crossing West.
- h. How will vehicles traveling westbound on US 460 get to the retail center? Was this portion of the network analyzed as part of the traffic study?

The impacts from traffic traveling westbound on US 460 have not been adequately addressed within the traffic study. The potential conflicts caused by a major entrance off of US 460 in the City to an approximately seven hundred twenty-five thousand, eight hundred and fifteen (725,815) square foot retail/restaurant/lodging center is a significant cause for concern for this development. Traffic traveling westbound along US 460 would not be able to access the center from the highway; vehicles must either access the center through US 29 South, by exiting and re-entering US 460 in the eastbound lane or through the two-lane Liberty Mountain Drive, which will be connected to this development. Vehicles leaving the site would also not only be able to access US 460 westbound without traveling back to US 29 North or by Liberty Mountain Drive, which will be improved to a four and five-lane road throughout the development and through its convergence with Mountain Lake Road, but will not be widened within the City to its connection with Candler's Mountain Road.

Further exacerbating this situation is the need for pedestrian access to serve not only the main campus and student housing along Liberty Mountain Drive but the proposed residential component that would be developed as part of this project in Campbell County. The resulting condition is an increased potential for traffic conflicts among US 460 eastbound traffic entering the proposed development, vehicle traffic leaving the development onto US 460 and pedestrians trying to access the development. As a result, the proposed traffic layout is not acceptable to the City's Transportation Engineer.

Parking requirements will be determined at the time final uses and floor plates are determined.

Ample parking should be available based upon the submitted master plan, which include fifty-one and one tenth (51.1) acres to serve the entire development (with nine and three tenths (9.3) acres of parking located within the City).

Public transit is not currently accessible in this area, although service could be provided through the Liberty University campus transit routes. The closest service is the Greater Lynchburg Transit Company's Route 4D which is available at the intersection of Liberty Mountain Drive and the University Boulevard bridge, approximately three quarters (3/4) of a mile from the site.

9. **Stormwater Management.** The proposed development will exceed one thousand (1,000) square feet; therefore, an erosion and sediment control and stormwater management plan will be required. The proposed shopping center will require two million (2,000,000) cubic yards of cut and two million, one hundred thousand (2,100,000) cubic yards of fill to level the pad for the site. Although only six percent (6%) of this volume, or one hundred and twelve thousand (112,000) cubic yards of cut and one hundred and twenty (120,000) cubic yards of fill, will be required to develop the portion within the City limits, all of the run-off from the site will ultimately be discharged into Rock Castle Creek that flows through the City limits. In addition to the erosion and sediment control and stormwater quantity standards the county enforces, City staff recommended that the petitioner meet the quality requirements set forth within the City's *Stormwater Management* ordinance. The petitioner has proffered that the stormwater management system shall be designed and built to address both the quantity and quality of water being discharged from the site, in accordance with state standards. Even though the City's *Stormwater Management* has a smaller impervious cover threshold (which triggers the quantity and quality requirements) than the state law, the other standards of the City mimic those of the state. Since the proposed development will likely exceed the impervious cover thresholds for both the City and the state, the petitioner's proffer is acceptable to the City's Environmental Planner.

Staff also requested that the applicant consider mitigating all impacts to wetlands and streams as a result of this development within the Blackwater Creek watershed. Mitigation requirements set forth by the U.S. Army Corp of Engineers (USACE) and the Department of Environmental Quality (DEQ) allow the developer the option of mitigating any stream or wetland impacts on the development site, within the watershed or within an approved mitigation bank elsewhere in Virginia. Staff has expressed concerns to the petitioner about the potential to impact various environmental features within the City and paying to a "bank" or mitigating these features outside of the watersheds that are most affected by the development. The petitioner has reviewed the request, and although they feel that they can likely mitigate the impacts on site, they do not wish to impose an additional requirement on the development to mitigate within the watershed.

10. **Police & Fire.** The City's Fire Marshal and the City Police Department had no comments about the proposed FLUM amendment, rezoning or conditional use permit petitions.
11. **Impacts.** The development of a seven hundred twenty-five thousand, eight hundred and fifteen (725,815) square foot shopping center with one hundred fifteen thousand, nine hundred seventy-one (115,971) square feet of retail/restaurant space and nine and three tenths (9.3) acres of parking would have significant impacts on the surrounding area. Staff maintains its concern about Liberty University's request to amend the *FLUM* to remove the Institutional land use designation for the property. The City and Liberty worked together in December 2003 to master plan the university's growth to accomplish its goal of twenty-five thousand (25,000) students while helping to consolidate the academic and church uses into a centralized campus. The proposal to change the land use designation to allow commercial development when the university could grow this land for the college uses so close to the central campus would be counter-intuitive to the original goals of the City and Liberty University.

The area is also considered a major gateway to the City. The *Comprehensive Plan* directs the City to seek proffers that ensure high aesthetic quality of development and that set aside land for gateway features. (page 4.3) In keeping with this policy, staff requested that the petitioner consider facades along the sides of the buildings that front on US 460 that give the appearance of the actual fronts of the building. Staff suggested that these facades include architectural features, coloring, landscaping and entrances similar to the sides of the building that face the parking lot. Although the petitioner has proffered to paint and integrate the theme of the front walls of the retail stores into the sides of the buildings that are adjacent to US 460, staff is uncertain what features will be incorporated into the final design of the project. Since no building elevations or renderings were submitted for review, staff cannot ensure compliance with the gateway policy of the *Comprehensive Plan*.

The rezoning would allow for the expansion of the proposed shopping center into a parcel with one of the headwater of Rock Castle Creek. The City designates resource conservation areas to serve a range of important functions – wildlife habitat, natural stormwater control, active and passive recreation – and are counted among the City's primary assets. The *Comprehensive Plan* provides that "as the City reaches buildout, pressure to develop

adjacent to and within sensitive areas will increase. To ensure the natural function and beauty of the City's remaining natural areas are conserved, the City should carefully evaluate development proposals and employ a range of measures to avoid, minimize and mitigate impacts." (page 4.4) Staff requested that the petitioner mitigate stream and wetland impacts on site or within the watershed and/or extend a consistent landscape scheme, similar to that which would be required in the City, throughout the development to help offset any impacts to the natural resources within this area. The mitigation and landscaping proffers would be similar to those offered by Lakeside Centre and McConville South shopping centers. Unfortunately, the petitioner does not wish to impose additional mitigation or landscaping requirements on the development to offset the potential environmental impacts.

Planning staff and the City's Transportation Engineer recommended that the petitioner include a pedestrian access for Liberty students to walk to the retail center, as well as sidewalks and crosswalks throughout the development to provide for the safety of the center's patrons. These connections would not only integrate the proposed shopping center into the adjacent university community but forge a regional connection between the City and Campbell County. The petitioner has included sidewalks around some of the buildings but did not provide for any connection to the adjacent campus nor have sidewalks or crosswalks have been designated for the parking areas or between the various buildings.

The potential traffic impacts for the development would also have considerable effects within the City. The proposed shopping will generate significant traffic which could access the site by US 460 or Liberty Mountain Drive within the City. The petitioner has proffered to provide some road improvements to serve traffic generated by the retail and residential developments that are proposed as part of this project. In accordance with the proffer, Liberty Mountain Drive would be extended to the existing traffic signal on Wards Road at the main entrance to the Lynchburg Regional Airport, which includes a vehicular bridge over the Norfolk Southern Railroad tracks. The proposed road extension would be a four (4) and five (5) lane road, respectively throughout the project and Campbell County; however the existing Liberty Mountain Drive within the City would not be widened as a result of this project. The petitioners also plan to construct a new highway exit ramp from the eastbound lane of the U.S. Route 460 bypass at the north end of the proposed retail development in the City of Lynchburg. Currently, the movement at the top of the ramp in the plans only provides for westbound movement into the shopping center and vehicles wanting to head back to Liberty would have to do a u-turn somewhere on Liberty Mountain Drive or one of the commercial parking lots. Traffic traveling westbound along US 460 would not be able to access the center from the highway and thus would have to use the local road system. These impacts to the City's road system have not been addressed within the traffic study.

12. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on May 22, 2007. The remaining comments related to the proposed use were minor in nature and could be addressed by the developer prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDED MOTION(s)

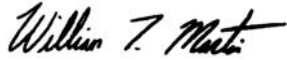
Based on the preceding Findings of Fact, the Planning Commission recommends to City Council denial of an amendment to the Future Land Use Map from Institution to Community Commercial at 500 Liberty Mountain Drive.

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 denial of Liberty University, Inc.'s petition to rezone three and six tenths (3.6) acres located at 500 Liberty Mountain Drive from R-C, Resource Conservation District to B-3C, Community Business District (Conditional) with the voluntarily submitted proffers.

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council denial of Liberty University, Inc.'s petition for a Conditional Use Permit (CUP) to allow the construction of a commercial building across the City of Lynchburg and Campbell County corporate limit at 500 Liberty Mountain Drive

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. 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
Mr. Jerry Falwell, Jr., Representative, Liberty University
Mr. Norm Walton, Representative, Perkins & Orrison

VII. ATTACHMENTS

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

MINUTES FROM THE AUGUST 22, 2007 PLANNING COMMISSION (MINUTES HAVE BEEN APPROVED):

b. Petition of Liberty University, Inc. to amend the Future Land Use Map from an Institutional to a Community Commercial use, to rezone approximately 3.6 acres from R-C, Resource Conservation District to B-3C, Community Business District (conditional) and for a Conditional Use Permit at 500 Liberty Mountain Drive to allow the development of a commercial shopping center with one retail building to be constructed across the Campbell County/City of Lynchburg jurisdictional boundary.

Mr. Martin explained that city staff has several concerns with the petition. The first concern is its close proximity to Liberty's campus. City staff is aware and supportive of Liberty's expansion. Another concern staff is with environmental impacts on the city's streams and wetlands that will need to be mitigated. There are also traffic concerns and the traffic engineer is available to address those concerns. Planning staff does recommend denial of the petitions at this time.

At this point in the public hearing, there were technical difficulties with the recording of the meeting. Portions of Mr. Jerry Falwell, Jr.'s and Mr. Chris Doyle's comments are missing from the minutes. Where the recording picks up again, Mr. Doyle indicated that many of the concerns of the planning staff have been addressed. They have already moved roads from the plan that Planning Commission has and they are now outside of the watershed. There will be a nice, natural stream adjacent to the roadways.

Mr. Doyle commented that they have thirteen to fourteen acres by right that can be developed on the right hand of the property before the Liberty dorms. They have a county designation on 120 acres for retail. When this property is sold to a private entity, it will generate tax revenue for the city.

Mr. Doyle remarked that the city and Liberty did work together in 2003 on the master plan. But when the Ericsson building was given to Liberty, the center of the university shifted. The growth of the university will be up the 460 corridor. That is why this land is not as critical to that plan. Mr. Falwell realizes that the master plan for the university needs to be updated.

With regard to this being a gateway to the city, they realize that it is something to be proud of and maintain. Six months from now they will have a good feel for how it is going to come together through the site plan process. The type of development will be Class A architecture, since that is what retailers today demand.

The representative said he was pleased to see that with regard to stormwater management, that the city's Environmental Planner did accept their proffer.

With regard to pedestrian accesses, the developer will have incredible pedestrian access within the property. The question is whether it is appropriate to tie it to the university since this is a separate venture. If that issue is going to sway the body to make a decision, that is not a problem.

Mr. Russ Orrison came forward next to speak in favor of the petition. The mitigation for the wetlands and the mitigation for the streams is very site specific with The Department of Environmental Quality (DEQ). It is very dependent on what they say counts for mitigation for a specific stretch of stream or wetlands. The developer can only make a proffer on what they intend to do, but it is a give and take with DEQ.

With regard to water and sewer, the plans for that are going along fine. This rezoning is for 3.6 acres, so when you read the report about how many acres of parking and how many acres of building, that pertains to the whole project. They are not caused by the rezoning of this 3.6 acres.

Mr. Bill Wuensch, who assisted Liberty with their traffic study came forward to speak. They coordinated with VDOT and agreed on their scope of work. They identified the Airport Road intersection for the primary point of access, the new eastbound off ramp and how it interacts with the eastbound lane on ramp as well as the intersection of Candler's Mountain Road and Liberty Mountain Drive. They did extensive modeling of the

intersections using industry standard techniques. They determined that everything should function fine with a certain amount of congestion. They found it to be a level of service C, which is generally accepted by the public for a suburban area.

Chair Hamilton asked for anyone present to speak in favor or opposition to the petition or with concerns and no one came forward.

Commissioner Sale asked where Campbell County is in the process of approving it. Mr. Falwell thought it went to their Planning Commission on September 27, 2007 and will go to their Board of Supervisors in October sometime. They did have a Planning Commission work session and it is safe to say that they will be getting approval.

Commissioner Barnes asked what the detention pond on the property serves and Mr. Martin thought it was put in as part of the highway. It is not really serving any purpose at this time. Commissioner Barnes asked if this area drains into Rock Castle Creek and the answer was that it does.

Commissioner Sale asked why this parcel is zoned R-C and Mr. Martin thought that the entire mountain was zoned Resource Conservation at one point and over the years it has been rezoned for other purposes. Commissioner Sale asked if the city knew of Liberty's plans to have this land used for commercial purposes and Mr. Martin said that he was not aware of it until seven months ago. Mr. Martin said that this is probably one of the minor issues. The city has had conversations with the university about where they will expand in the future. The city believes that they have adequate space for the next 5,000 students. The more important concerns are the environmental concerns and the traffic concerns.

Commissioner Sale asked for more information on the environmental impacts. Mr. Martin stated that the watershed does not stop at the city limits. The request to have the mitigation done within the watershed is not new. A development did that very recently. Most often developers do not like to do that because it slows the process. It is much quicker for them to pay into the mitigation bank.

Chair Hamilton asked if they pay into the mitigation bank, could their mitigation be in Richmond and Mr. Martin answered that is correct. It could also sit in the bank. DEQ has worked with the city and developers in the past to mitigate in a city's own watershed.

Mr. Gerry Harter came forward to discuss the traffic concerns. This project will have access off of roads that are controlled by VDOT, however, there are new ramps that are in the city, and VDOT will coordinate with the city for their approval. VDOT has indicated that they will coordinate with the city about the intersection in front of the airport. Mr. Harter said that he had questions and as far as he knows, those questions have not been addressed.

The major issue that he has is the ramp going into the site. The original ramp went into the site and only provided a west bound movement back into the shopping center. Originally it did not have a way for people to come off the ramp and go back to Liberty University. He sees that they have now put a roundabout which provides for that movement. Mr. Harter would still like to see some analysis that this queue will not back up onto 460.

He is also concerned about the weave areas and VDOT was concerned as well. Mr. Harter wants to ensure that weaving maneuvers can be accommodated. Right now this intersection sees minimal use but it will increase significantly.

He is also concerned about pedestrian facilities and trying to connect these buildings together. The city feels that it is important to connect this facility with Liberty University.

The analysis did not include westbound traffic on 460 and whether they are going to use the first entrance and come down Liberty University or whether they will use this ramp.

Commissioner Sale asked Mr. Harter if it would be fair to say that he would like some conversation about the details and the traffic patterns. Mr. Harter said that at this stage it would be a good idea. VDOT had some of the same questions.

Mr. Wuensch came back to answer some of the questions. He agreed that there was more information needed on the roundabout and still needs to be developed. With regard to the weave off of 460 onto Airport Road, he commented that the reason that it was not included originally is that there is a good bit of distance between those points. He acknowledged that they did not report queues and they can do those.

He addressed the issue of more physical separation between the ramps. They ran an extensive model and the findings was that the expected volumes that there is adequate separation. They are certainly willing to explore this further though.

Chair Hamilton asked him about pedestrian access and he said that they normally leave that to the site plan process. Commissioner Worthington asked how long of a walk it will be from the dorms to the shopping center. Mr. Falwell thought it would be about a twelve minute walk.

Commissioner Swienton asked if the students typically walk to the soccer fields and Mr. Falwell thought they primarily drive but he was not sure.

Chair Hamilton said that she is concerned about backup on 460, and she asked what Mr. Wuensch thought the potential for backup would be. He answered that they would expect a level of service of C or D during busy periods. They looked at Saturday times and it seemed to function fine.

This brought up the issue of coordinated signals and Chair Hamilton asked Mr. Harter what the chances of getting that. Mr. Harter said that our side of the signals are coordinated.

Mr. Harter said that the reason he brings up the queues is that traffic backs up at Sheetz and up to the airport. His concern is that if this backs up, especially backs on the southbound approach, it is going to affect that interchange.

Commissioner Swienton asked for a reference point for the weave pattern issue from Mr. Harter. He is trying to get some sense of a comparison and Mr. Harter said that he did not really want to give a comparison since he would not know the volumes at other intersections.

Commissioner Worthington asked where the backup would begin and what would cause it. Mr. Harter said that it depends on the volume going through the roundabout. Roundabouts are good up to a certain volume. Once a certain volume is triggered, it can start slowing down through the circle area. It does do very well below that threshold, much better than a signal.

Mr. Harter commented that looking at just what the rezoning request is for does not make any sense. He can only look at the whole project in terms of traffic issues. Mr. Falwell commented that when the university added the Williams Stadium and the Vine Center, a master traffic plan was developed. It included several ramps that the university has built and several that the city has built. It included this road with these ramps. They were granted the right-of-way break permit by VDOT in 1989.

Mr. Harter indicated that the right-of-way break was further down and Mr. Falwell pointed out where it was on the aerial map. Mr. Falwell explained that they had to sign paperwork with VDOT to move the right-of-way break to the east.

Commissioner Swienton asked Mr. Martin if this petition is denied if there is any restoration required of that area. Mr. Martin said that what would happen is that if they choose to develop the B-3C piece that they already have that there would be setback and buffer requirements. There would be nothing to make them rehab the site.

Commissioner Sale asked Mr. Martin if it would be fair to say that this small piece of land that they are asking to be rezoned could be used as a lever to talk about the whole project. Mr. Martin explained that there are a lot of questions that are unanswered. These issues must be worked out in the public hearing or we have no enforcement capability. The traffic issues, the environmental issues and the project's appearance from 460 need to be worked out now.

Commissioner Worthington asked if this was an issue that they need to get together with Campbell County. If the county approves it and the city approves, what will happen to this property? Mr. Martin said that there will be a green or brown spot in the middle of the development.

Mr. Falwell said that he was not sure that they could proffer anything that would address these concerns because they are all off site. That makes them cash proffers and the city does not accept cash proffers. Mr. Martin said that anything that can be attributed that is directly related to the development of the property can safely be proffered. Making an offer of money to do some road improvements would be an off-site cash proffer.

Commissioner Flint asked about the stormwater management proffer and whether or not it refers to the whole development. Mr. Martin said that it could be worded more clearly but that it does.

Commissioner Sale asked where Campbell County is in the process. The answer was that their Planning Commission has had a public hearing, but they have not voted on it yet. They deferred it to a work session.

Mr. Falwell asked Mr. Martin if they should go back and write more proffers to address some of these concerns. Commissioner Sale thought that the best planning practice would be to take the time needed to make sure that we have a good plan. Commissioner Sale said that there should be no action taken today until more conversations are held. Chair Hamilton asked Commissioner Sale if he thought it should go to a work session.

Commissioner Worthington asked Mr. Martin if he has had any conversations with Campbell County. He said that he has not, but that the staff has. Mr. Falwell asked if they should work with Planning staff on new proffers or wait until the work session and Mr. Martin indicated that they could work with staff before the work session. There was a question if a vote has to be taken within a certain number of days and Mr. Martin said that he would check on that.

Commissioner Oglesby made a motion to defer this to a work session, which was seconded by Commissioner Worthington. It passed by the following vote:

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

MINUTES FROM THE OCTOBER 24, 2007 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

- a. Work Session on the Petition of Liberty University, Inc. to amend the Future Land Use Map from an Institutional to a Community Commercial use, to rezone approximately 3.6 acres from R-C, Resource Conservation District to B-3C, Community Business District (conditional) and for a Conditional Use Permit at 500 Liberty Mountain Drive to allow the development of a commercial shopping center with one retail building to be constructed across the Campbell County/City of Lynchburg jurisdictional boundary.**

Mr. Martin reminded the commissioners that the public hearing was held in August and at that time, the Planning Commission had asked staff and the petitioner to work together to try and address some of the concerns and then bring the item back to a work session. Since that time, there have been several meetings and discussions with the petitioner. There are several areas that need to be discussed—traffic, pedestrian access, environmental concerns, the building façade in the vicinity of 460 and the *Future Land Use Map*. He pointed out two additional items that were given to the commissioners today—a letter from Dr. Tom Shahady of Lynchburg College and a response letter from Mr. Russ Orrison of Perkins and Orrison, the engineering firm representing the petitioner. There is also a letter from Mr. Don Austin with the Virginia Department of Transportation (VDOT).

Staff feels that the traffic issues have been addressed. Staff feels that the petitioner has made a valid attempt to address the concerns of pedestrian access. One outstanding issue from staff's perspective is the environmental concern that those areas that are going to be impacted would be remediated within the same watershed. The petitioner has stated that they will make every attempt to do that, staff does not feel that there are any assurances in the proffers. This is the same for the building façade issue.

Commissioner Worthington asked if Campbell County has approved this project, and Mr. Martin indicated that they have done the necessary approvals in Campbell County. Commissioner Worthington asked for clarification that Campbell County has different environmental requirements, and Mr. Martin said he was not aware of what the county was requiring. Commissioner Barnes also clarified that the petitioner can go ahead with their project without city approval; they would just have to redesign it. Mr. Martin acknowledged that is correct. Commissioner Worthington asked for clarification that the issues the city has are with the entire project, not with the impact that rezoning the 3.6 acres will have. Mr. Martin clarified that any stream or wetland that is being impacted within the city limits, they would like to see that mitigated within the same watershed. Commissioner Worthington asked again for clarification that we are not trying to rework the entire project. Mr. Martin clarified that this entire project has the potential to impact streams and wetlands in the city limits.

Chair Hamilton asked Mr. Orrison to explain what they have done to address the environmental concerns. They have delineated all wetlands and streams that are subject to being impacted. They have completed a preliminary site plans which they presented to the Department of Environmental Quality (DEQ). They have received confirmation of the delineation of the wetlands and streams. They have also had a pre-application meeting with the Corps of Engineers and DEQ and demonstrated to them how they were attempting to minimize the impact to the streams and wetlands. That was a favorable meeting. There were some wetlands that they could not avoid, but where there were possibilities that they could shift things, they did so in order to minimize the impact as much as possible. At the end of that meeting, they came out with the understanding that they would be applying for a lower tier program that does not involve the Corps of Engineers. They also proffered with Campbell County that they would construct best management practices for water quality throughout the entire project. With the limited amount of stream and wetlands impact on site, they feel they can mitigate on site. If they do have to go off site, they feel there is a good possibility that the mitigation could be done through the Blackwater Creek watershed. Mr. Orrison does not want to limit his client to his options and would like to reserve the right to not proffer that condition.

Commissioner Sale asked Mr. Martin if the substance of what Mr. Orrison has said should be in writing. Mr. Martin said that if it is not in the form of a proffer, then they cannot ensure that it is going to happen. While

Mr. Martin believes that the petitioner has good intentions to do this, it is important enough environmentally that it should be in the form of a written proffer. Mr. Martin said that the point is that there is always the option that the mitigation could be paid into a mitigation bank and the mitigation could occur somewhere else in Virginia, having no direct benefit to our watershed. Mr. Falwell asked for clarification that the city wants Liberty to proffer that any mitigation of the streams or wetlands impacted on the city's land would occur in the same watershed. Mr. Martin clarified that it could occur in Campbell County, if it is in the same watershed.

Mr. Martin asked Mr. Kent White, Senior Planner, to clarify the area involved and he pointed it out to the commissioners on the watershed provided to them. There are several ephemeral streams, an intermittent stream and there are two wetlands. Mr. White explained that ephemeral streams are non-regulated streams. Intermittent streams are regulated. Mr. White explained that we are only looking at a small amount of intermittent stream that is in the city and two very small wetlands. Mr. Falwell said that he does not have any problem with the city's request.

Commissioner Swienton asked for clarification that this area now zoned at Resource Conservation will be made into parking for the proposed project and Mr. Falwell clarified that is correct. Commissioner Swienton read from the Comprehensive Plan that Resource Conservation areas are planned to remain as vegetative, open space with development limited to trails and other passive recreational facilities that involve minimal removal of vegetation and public facilities that must be located in stream valleys, etc. The goal is to keep Resource Conservation areas as natural as possible as to stabilize slope to prevent soil erosion, provide natural absorption areas, etc. Commissioner Swienton is not able to reconcile replacing this Resource Conservation area with parking.

Mr. Martin explained that what Commissioner Swienton is reading is a description of a future land use and not zoning. The *Future Land Use Map* recommendation for this parcel is actually institutional. There are adjacent areas that are designated for Resource Conservation in this area. Commissioner Swienton asked if Resource Conservation allows for parking lots and buildings. Mr. Martin said that the zoning would allow for some parking, but it would not allow for the commercial buildings. Mr. Martin reiterated that there is a balancing act between existing zoning, the *Future Land Use Map*, rezoning petitions and environmental concerns.

Commissioner Barnes commented that this property is currently used for playing fields and wanted to know where the fields will be relocated. Mr. Orrison said that it is across Candler's Mountain Road from the old Liberty Village. They are also looking at possibly using some of the old Liberty Village for the fields, but there will definitely be playing fields. They will have this accomplished before they start constructing buildings.

The next issue discussed was the gateway to the city and how these buildings will look. Chair Hamilton asked Mr. Orrison to talk about what the buildings will look like and he said that they do not have architectural renderings at this time. Mr. Falwell said that the proffer is that the buildings will be similar in appearance to the buildings at Wards Crossing West and Wards Crossing and that the back will have some similar amenities. Mr. Orrison said that this is going to be set up to be a showcase piece. They are trying to work this toward a higher end retail development.

Chair Hamilton said that something she hears about Wards Crossing and Wards Crossing West is that it is not pedestrian friendly. As far as this development goes, are they planning to make this more pedestrian friendly? Mr. Orrison said that the site plan attempted to make a pedestrian access to Campus East. They are going to provide sidewalk down the roadway that bisects the property. That sidewalk will continue across the railroad bridge and connect back to Wards Road.

Commissioner Sale asked for clarification that the proffers submitted to Campbell County are the same as the ones submitted to the city. Commissioner Sale asked what else the city could do to encourage them since this impacts the entrance to the city. Mr. Martin said that the concern is that the back doors of these buildings are going to be facing 460 and there will be dumpster areas and loading areas. While the proffer reads that they will paint and carry the design theme around to the rear, there could be brick and split

face on the front and then cinder block on the rear. Mr. Martin said that staff is concerned that anything that you can see from 460 or 29 will have the same façade.

At this point, Chair Hamilton called Mr. Gerry Harter to come forward to discuss the changes the petitioner has done since the last public hearing. Mr. Harter said that after reviewing the first traffic study, there were questions that have been answered in a supplemental traffic study. The pedestrian access seems to be better, although he does not know VDOT's ultimate plan for Liberty Mountain Drive.

Mr. Harter also thought the roundabout and the ramp are both good ideas. One issue that VDOT is still working on the developer on is putting in a median so that people getting off 460 and heading eastbound cannot merge over into the left turn lane. That helps with weaving coming off 29. One issue he has is making sure traffic does not back up into the interchange because that interchange does operate very well now. The traffic study says it will not; he does have hard information that it will. Chair Hamilton asked if we would be monitoring this and Mr. Harter said they will address any concerns with VDOT if backup does occur.

The other issue is the back door into the development because at least one intersection will need signalization very soon. He does not recommend doing that as part of this project, but does recommend putting that whole area into the Capital Improvement Program. Overall, he said that VDOT is fairly happy with the improvements and feels that it will operate at a decent level of service.

Commissioner Barnes asked about the map they received because it showed a road going from the development up to Candler's Mountain Road. Mr. Orrison said that was on an older drawing but has since been removed. The grades are too steep to facilitate that road at that location. Commissioner Barnes said that he is concerned because there are three entrances and two exits from this development. One of these exits goes through the residential area where the dorms are. He is envisioning all this traffic backing up on Liberty Mountain Road since this is the main exit.

Mr. Harter said that one of the reasons this works is that this intersection is hardly being used now and they are plugging into an intersection that has a lot of available capacity. They are adding dual left turn lanes into and out of the site. The levels of service are all considered to be adequate.

Commissioner Swienton asked about the traffic during holiday times and whether the traffic study took that into account. The answer was that it is not customary to do a traffic analysis focused on December. It is based on an annual average. Mr. Harter affirmed that there is an industry standard way of looking at this and you cannot design roads for the holiday times. Commissioner Swienton is concerned about traffic coming off 460. Mr. Harter said that the free flow ramp has adequate capacity. Mr. Harter said that it had a very high level of service in the p.m. peaks. A roundabout works very well to begin with and you are taking 60 to 70 percent of the traffic off by using the slip lane. Mr. Harter does not anticipate problems even during holiday times. Commissioner Swienton clarified though that this analysis is based on an opinion and not a study.

Mr. John Abernathy with AIG Banker came forward to speak about the façade issue. They are a developer that is in discussion with Liberty. Since they are in the early stages of planning this development, they do not all the particulars about the actual buildings. The normal process is that you determine your major tenants, you integrate their materials and then you integrate the whole center together. Building front façade facing the parking lot and front facades facing 460 would not be practical. What they can offer is that if there is a building that has a side on 460 that they can integrate those elements. If it intends to have a rear facing 460, then you can do truck and dumpster screen walls. Mr. Falwell said they are not even sure if there will be buildings facing 460 since this is a conceptual site plan.

Commissioner Sale asked whether there is more precise wording that could be put in the proffer. The commissioners are to be truthful and responsible stewards of the Comprehensive Plan, which speaks to the gateways being attractive and well appointed. This is one of the front doors of the city, granted that it is in Campbell County.

Mr. Falwell clarified that Mr. Abernathy is offering that if a side or a back of a building is fronting on 460, that it would have consistency of materials and theme, not just color, as well as screening of dumpsters and loading areas. Mr. Martin commented that staff would require the screening of dumpsters and loading areas anyway. Mr. Martin commented that the condition #2 could be worded that "All exterior walls of the retail structure that are visible from a public right-of-way shall be painted and the design theme shall use the same theme and materials of the front wall of the retail store."

Commissioner Sale commented that he is looking for good faith even beyond what is put in writing. Mr. Falwell commented that this is a gateway to their property as well.

Mr. Falwell then wrote down these two additional proffers and gave them to Mr. Martin.

Chair Hamilton commented that she is very impressed with the strides that Liberty took to address the city's concerns and that it is really appreciated.

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

"That the Planning Commission waives the twenty-one (21) day submittal requirement for proffers."

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

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

"That the Planning Commission recommends to City Council approval of an amendment to the Future Land Use Map from Institution to Community Commercial at 500 Liberty Mountain Drive."

Before the vote was taken, Commissioner Barnes commented that he has many mixed feelings about this development. He would think that it is in the university's best interests to have the playing fields where they are currently. He thinks that institutional uses are more favorable than commercial uses as far as the *Future Land Map* Use is concerned. However, in the interest of cooperating with Campbell County, he does not want to vote against it. He is voting for it but not enthusiastically.

Commissioner Flint commented that this land could be used for dorms and parking, which would have the same impact. Chair Hamilton expressed an interest in having a look at what Liberty University plans to do overall in the future.

Commissioner Swienton commented that the additional proffers are great and that many of the issues of city staff have been addressed. However, he will be voting against the *FLUM* amendment, since he still has environmental and traffic concerns.

Commissioner Sale commented that he will be voting for it, since there are others such as VDOT and DEQ who have been looking at this problem and he is comfortable with what has been proffered.

The motion then passed by the following vote:

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



MEMORANDUM

The Department of Community Development

Planning Division

455-3900

To: City of Lynchburg Planning Commission
From: Tom Martin, AICP, City Planner
Subject: Crossroads Colonnade – FLUM Amendment/Rezoning/CUP Petitions
Date: October 24, 2007

At its August 22, 2007 meeting, Planning Commission requested that City staff meet with the Liberty University petitioner to identify their concerns regarding the proposed project such that the petitioner may respond to each item individually. Staff met with Norm Walton, the petitioner's representative from Perkins and Orrison, on September 24 and outlined the following concerns: FLUM amendment; traffic; pedestrian access and connectivity; environmental; and appearance of the sides of the buildings that will face US 460. Mr. Walton responded to each concern by memo dated October 17; this memo is attached, **and a subsequent staff comment is provided in red within each heading of the memo.**

Despite Liberty University's willingness to address some of these issues, many of staff's initial concerns remain. It is staff's suggestion that the Planning Commission recommend denial of the petitioner's request for a Future Land Use Map amendment, to rezone three and six tenths (3.6) acres from R-C, Resource Conservation District to B-3C, Community Business District (Conditional) and for a conditional use permit to allow the construction of a commercial building across the City of Lynchburg and Campbell County corporate limit at 500 Liberty Mountain Drive.

Attachments:

Petitioner's Response Memo to Planning Commission with Staff comments (in red text)

Revised Site Plan – October 18, 2007

Crossroads Colonnade Planning Commission Report (with attachments) – August 22, 2007

Revised Liberty Commercial Wetland Delineation

Environmental Issues Memo to Planning Commission – Dr. Thomas Shahady

LEXINGTON

Wes Perkins, LS
Russ Orrison, PE, LS

Susan Perkins
Pierson Hotchkiss, LS
Dave Walsh



LYNCHBURG

Kenneth Knott, LS
Norman Walton, PE

Maggie Cossman, PE

October 17, 2007

Tom Martin, City Planner
City of Lynchburg
Department of Community Development
900 Church Street,
Lynchburg, VA 24504

RE: Crossroads Colonnade, City Rezoning and CUP
Submission for Workshop Session for Planning Commission

Dear Mr. Martin,

I would like to thank you and your staff for the time you have provided to us to discuss this project.

There were several issues that the developer needed to address from the August 22, 2007 Planning Commission meeting and public hearing. The responses below are based on conversations between our offices and my client. The questions and concerns, as we understand them, from Planning Commission involved traffic; pedestrian access and connectivity; environmental; and appearance of the sides of the buildings that will face Rte. 460.

Traffic

We have met with VDOT and City officials on several occasions to resolve these issues. We have revised both the ramp off of Rte 460 (which connects to existing Liberty Mt. Drive) and the Rte 29 intersection. We have also revised our traffic study and provided to the City and to VDOT the information requested. Our new traffic layout is shown on the attached plans. VDOT will require that the left turn lanes from Rte 29 (South Bound Lane) will have a physical barrier to prevent traffic that is exiting Rte 460 East to Rte 29 South from making a left turn onto Liberty Mt. Drive.

Staff response regarding Traffic Concerns

The City has reviewed the supplemental traffic analysis completed by developer for the Crossroads Colonnade. This supplemental traffic study was requested by the City after

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

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

20436 Lynchburg Highway • Unit I
Lynchburg, Virginia 24502

434-525-5985 Fax: 434-239-8271

email: pno@perkins-orrison.com

Staff response regarding Pedestrian Access:

Even though Liberty Mountain Drive is within the City Limits it is owned and maintained by VDOT. The City has requested VDOT to perform necessary improvements on this road as well as making it more pedestrian friendly. Liberty University has shown a sidewalk from their dorms to the proposed development on the revised site plan.

Environmental

We are working through the permit process with DEQ and the Corps of Engineers. We are providing a copy of the delineation map and the delineation confirmation letter from the Corps. We have committed to mitigate onsite where possible, and we will investigate offsite mitigation in the Blackwater Creek watershed, and will utilize those opportunities as necessary. We are confident that the majority, if not all, of the mitigation can be accomplished onsite, which is what DEQ has told us will be their primary direction in this matter.

Staff response regarding Environmental Concerns:

During its initial review of the project, City Staff noted that at least one (1) stream system which borders the subject property would be impacted as a result of this development; two (2) other stream systems and eight (8) wetlands would be impacted by the remainder of the development within Campbell County. Mitigation requirements set forth by the U.S. Army Corp of Engineers (USACE) and the Department of Environmental Quality (DEQ) allow the developer the option of mitigating any stream or wetland impacts on the development site, within the watershed or within an approved mitigation bank elsewhere in Virginia. Staff has expressed concerns to the petitioner about the potential to impact various environmental features within the City and paying to a "bank" or mitigating these features outside of the watersheds that are most affected by the development. As a result, staff requested that the applicant consider mitigating all impacts to wetlands and streams as a result of this development within the Blackwater Creek watershed.

Although the petitioner confirms that they can likely mitigate the impacts on site, they do not wish to impose an additional requirement on the development to mitigate within the watershed. Staff maintains that mitigating the impacts to streams and wetlands is an important aspect of responsible development in the City. Further, since Resource Conservation areas "encompass lands with special natural characteristics that make their preservation in open space particularly important to the City's environmental health", the fact the petitioner is requesting to rezone an area designated as Resource Conservation to allow for this development should mandate that the developer lessen any impacts to the greatest extent possible. The Comprehensive Plan provides that "as the City reaches buildout, pressure to develop adjacent to and within sensitive areas will increase. To ensure the natural function and beauty of the City's remaining natural areas are conserved, the City should carefully evaluate development proposals and employ a range of measures to avoid, minimize and mitigate impacts." (page 4.4) Unfortunately, the petitioner has not been willing to employ any of these measures that

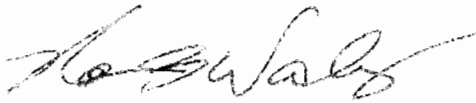
Liberty Village in Campbell County, which again, will allow the relocation of some operation to this site, should it become necessary.

Staff response regarding Future Land Use Map Amendment:

Since the City's Future Land Use Map [FLUM] is not intended to be parcel specific, staff often reviews the surrounding area, existing development, and those land uses designated by the Comprehensive Plan to determine if an amendment to the FLUM is appropriate. In this case, the existing land uses include university features (academic facilities, athletic fields, student housing, etc.) and the FLUM designates Resource Conservation and Institutional uses for this area, neither of which lend itself to the development of a commercial shopping center. The City worked closely with Liberty University in December 2003 to master plan the campus with the goal of ensuring adequate room for the campus to expand, while helping them consolidate their operations around a centralized main campus. With a pending increase in Liberty's student population and the ever-present need for facilities that are close to the main campus, staff has reservations about amending the land use map to a Community Commercial use in this area and subsequently forcing future university projects further away from the central campus. Although staff adds significant weight to recommendations about land use that foster regional cooperation at jurisdictional boundaries, a FLUM amendment would not only remove the much needed Institutional land designation from this area but allow commercial development which would severely impact traffic and the natural resources within this area.

We look forward to discuss this project again with you and the Planning Commission at the Work Session. Should you have any questions or comments before then, please feel free to contract me.

Sincerely,



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

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

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

20436 Lynchburg Highway • Unit 1
Lynchburg, Virginia 24502

434-525-5985 Fax: 434-239-8271

email: pno@perkins-orrison.com



COMMONWEALTH of VIRGINIA

DAVID S. EKERN, P.E.
COMMISSIONER

DEPARTMENT OF TRANSPORTATION

P. O. BOX 11649
LYNCHBURG, VIRGINIA 24506
VDOT.Virginia.gov
October 24, 2007

Mr. Norm Walton
Perkins and Orrison
20436 Lynchburg Highway
Lynchburg, Virginia 24502

**SUBJECT: Crossroads Colonnade Development
Route 29/460
Campbell County/City of Lynchburg**

Dear Mr. Walton:

VDOT Traffic Engineering in Lynchburg has reviewed the additional traffic analysis for the proposed Crossroads Colonnade Development, along with the preliminary plans for the dual left turn lanes on Route 29. The additional study, dated October 4, 2007, indicates that the 95th percentile queue length for left turning traffic on southbound Route 29 onto Liberty Mountain Drive would be approximately 750 feet, but would have an average queue length of 500 feet for the PM peak hour period. The preliminary plans indicate that the dual left turn lanes will have 675 feet and 250 feet of full width, along with a 150 foot taper for each lane. We feel this will be more than sufficient to handle the anticipated traffic queues.

The preliminary plan also indicates that an 18" raised barrier will be installed on Route 29 separating the through and left turn lanes into the development. This raised barrier is shown to be 525 feet long and would start approximately 300 feet south of the gore area of the westbound Route 460 off-ramp onto southbound Route 29. We feel this will effectively keep Route 460 westbound traffic from attempting to access the shopping center through the Route 29 intersection and; therefore, encourage them to use the proposed Route 460 exit.

In addition, we agree with the comments and recommendations in the supplemental study concerning the four additional intersections that were analyzed.

If we can be of further assistance or have any questions please feel free to call.

Yours Truly,

A handwritten signature in black ink, appearing to read "Donald L. Austin".

Donald L. Austin
Residency Administrator

WE KEEP VIRGINIA MOVING

To: Lynchburg Planning Commission

Subject: Environmental Concerns with Crossroads Colonnade

From: Thomas Shahady Ph.D. Associate Professor of Environmental Science
Lynchburg College

Date: October 3, 2007

In consideration of the proposed rezoning request and conditional use permit by Liberty University, Inc. allowing the construction of a commercial building across the City of Lynchburg and Campbell County corporate limit, I wish to submit the following information and concerns for your consideration.

- 1. The petitioner's only environmental proffer is to design a stormwater management system in accordance with state standards. I have three concerns:**
 - a. This is not a proffer as they are required by law to follow these guidelines.**
 - b. They assume that the minimum standards set by the state are adequate to protect water quality in Lynchburg. Rock Castle Creek is severely impaired and in the future would be eligible for possible nutrient TMDL (Total Maximum Daily Load) and/or benthic TMDL when/if the state moves forward with these regulations in this area. I base this determination on my collections in this creek over the past five years (State of the Watershed Report) and communication with state regulators in anticipation of these standards. I suggest higher levels of protection are reasonable based on water quality of this stream.**
 - c. Current development throughout the Rock Castle Creek Basin met at least the minimum state standards and this creek is one of the most severely impacted streams in Lynchburg (again based on my collections and reported in the State of the Watershed Report). Following minimum state guidelines will not afford protection to this stream based on past results in this basin.**
- 2. Petitioner has no interest mitigating stream and wetland impacts within the watershed. This is very disturbing based on the following facts:**
 - a. State guidelines force development to first look onsite and within the watershed to mitigate impacts. It requires a deliberate disinterest in a watershed to move into an adjacent watershed and possibly the state trust fund for mitigation.**
 - b. We have an excellent model in the watershed demonstrating a working partnership between development and environmental concerns. Lakeside Centre and McConville South Shopping Center proffered an entire Blackwater Creek Watershed Study, have**

supported numerous environmental projects and stream restoration surveys and fully engaged the environmental community. Significant stream restoration will occur from this project. This is the level of community involvement a project of this magnitude should have.

- c. A current watershed management plan is under development (executive summary attached). Rock Castle Creek Basin is identified as a highly sensitive sub watershed due to the high level of development. A recommendation for increased protections to prevent further degradation is part of this plan. The plan outlines the importance of Chesapeake Bay health aligning Lynchburg with other communities working toward protection of this vital national resource. How has the petitioner demonstrated engagement or concern with this effort?**

3. The petitioner proposes loss of Resource Conservation Zoning. Here are my concerns:

- a. From the Comprehensive Plan this simply does not fit.**

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

- b. Loss of resource conservation is a very serious matter to the integrity of this community and why citizens enjoy Lynchburg. Petitioner provides no proffers or compensation for this loss in the application packet.**

4. Concerns based on past history of environmental protection and compliance:

- a. Erosion and sedimentation violations have occurred during previous construction of student housing due to severe slope failures on the property. Petitioner cited bankruptcy of construction company deflecting responsibility to fix the problem. What assurances does petitioner offer the community to prevent this type of reoccurrence in the current project?**

Executive Summary

The Blackwater Creek Watershed Management Plan represents a proactive collaborative effort of stakeholders at local, state, and federal levels. It is intended to be a living document with measures to preserve and improve the watershed environmental health, where amendments and adjustments can be made as changes occur and more information becomes available.

There are a number of plans within the region that speak to the need to preserve sensitive natural resources. The City of Lynchburg, within its *Comprehensive Plan* (2002), speaks of the goal to “manage important natural systems to improve the health and enjoyment of future generations”. Additionally, the Region 2000 Regional Commission (local Planning District Commission) developed the *Greenways and Blueways Plan*, a regional plan of interconnected green spaces and corridors that serve to preserve open spaces, enhance water quality and habitat areas, protect passive recreation lands, coordinate land use and transportation planning, and promote cultural and economic investment. Resources within the watershed, including the Blackwater Creek trail system and College Lake, are seen as key resources within this broad ecological system.

In addition, several related initiatives have demonstrated the need and have provided a foundation for this watershed management plan.

- ✓ The Virginia Department of Environmental Quality (DEQ) has identified Blackwater Creek as impaired (bacteria) and has conducted a Total Maximum Daily Load (TMDL) analysis.
- ✓ The James River Association conducted a study of codes and ordinances, and produced the report “*Building a Cleaner James River*” January 2007 with recommendations for tightening regulations.
- ✓ Recent stakeholder studies, including the Blackwater Creek Resource Analysis Project, provide data suggesting the negative impact urbanization is forcing on water quality.
- ✓ The Chesapeake Bay Nutrient and Sediment Reduction Tributary Strategy for the James River (James River is on the receiving end from Blackwater Creek) includes strategies for minimizing nutrient and sediment loads.

The Blackwater Creek Watershed Plan is organized into the following sections (with purpose/intent):

- ✓ Section 1: Introduction to the Blackwater Creek Watershed: Provides introduction to watershed, with information concerning size, boundaries, surface waters, and environmental condition.
- ✓ Section 2: Methods: Provides descriptions of the methods used in gathering and analyzing pertinent data.
- ✓ Section 3: Existing Conditions: Provides more detail in the existing conditions of environmental quality by category (climate, geography, etc.).

- ✓ Section 4: Watershed Goals and Objectives: Defines goals and objectives for the watershed as a whole.
- ✓ Section 5: Watershed Improvement Plan: Provides narrative for the improvement of the watershed.
- ✓ Section 6: Subwatershed Details: Provides detail characteristics and improvement areas for each delineated subwatershed.
- ✓ Section 7: Improvement Plan Implementation: Suggests specific actions with suggested target dates for the watershed.

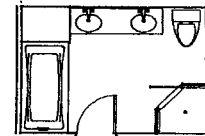
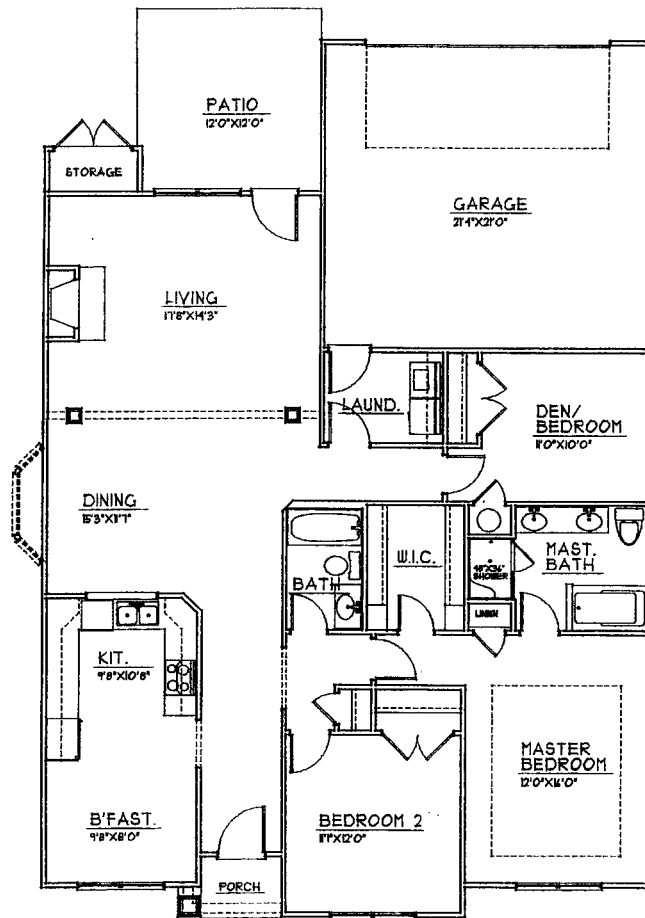
The Blackwater Creek Watershed Management Plan represents the commitment to:

- ✓ Build strong partnerships in improving and maintaining a healthy environment across the political jurisdictions: City of Lynchburg, Bedford County, and Campbell County.
- ✓ Promote and support community-based efforts in preserving the natural resources of the Blackwater Creek Watershed, while preserving property rights within the watershed.
- ✓ Promote watershed awareness, appreciation, and active stewardship among residents, community associations, and businesses for maintaining a healthy environment.

The Blackwater Creek Watershed Plan has been developed to specifically address the goals and commitments defined by the Chesapeake 2000 Agreement (adapted). The following excerpts from the Chesapeake 2000 Agreement apply directly to the Blackwater Creek Watershed Plan.

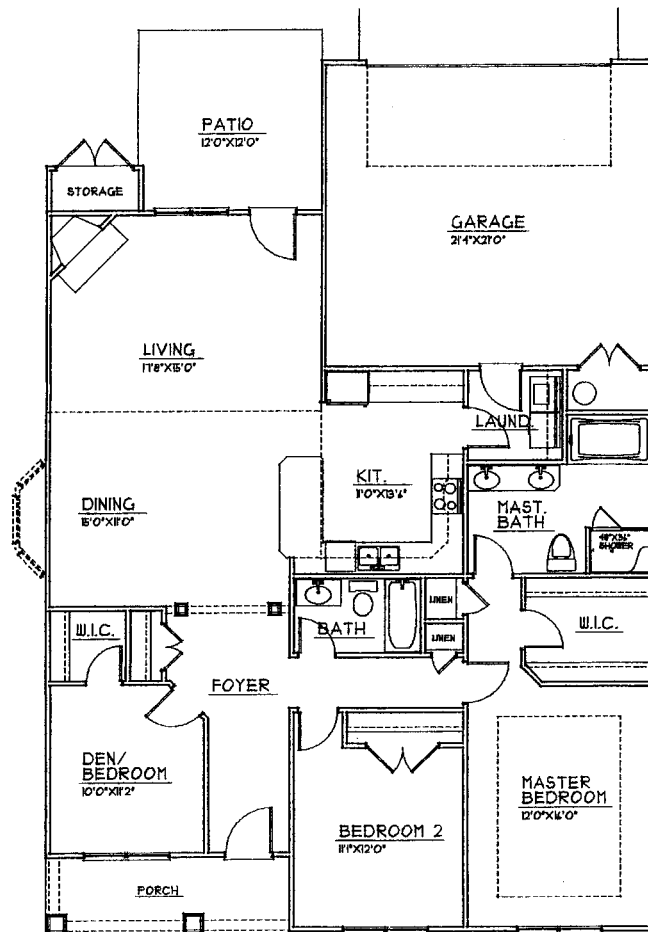
The Chesapeake 2000 Agreement: Goals Applicable to the Blackwater Creek Watershed

1. Vital Habitat Protection and Restoration: Preserve, protect, and restore those habitats and natural areas that are vital to the survival and diversity of the living resources of the Bay and its rivers.
2. Water Quality Protection and Restoration: Achieve and maintain the water quality necessary to support the aquatic living resources of the Bay and its tributaries and to protect human health.
3. Sound Land Use: Develop, promote and achieve sound land use practices which protect and restore watershed resources and water quality, maintain reduced pollutant loadings for the Bay and its tributaries, and restore and preserve aquatic living resources.
4. Stewardship and Community Engagement: Promote individual stewardship and assist individuals, community-based organizations, businesses, local governments and schools to undertake initiatives to achieve the goals and commitments of the Chesapeake 2000 Agreement.



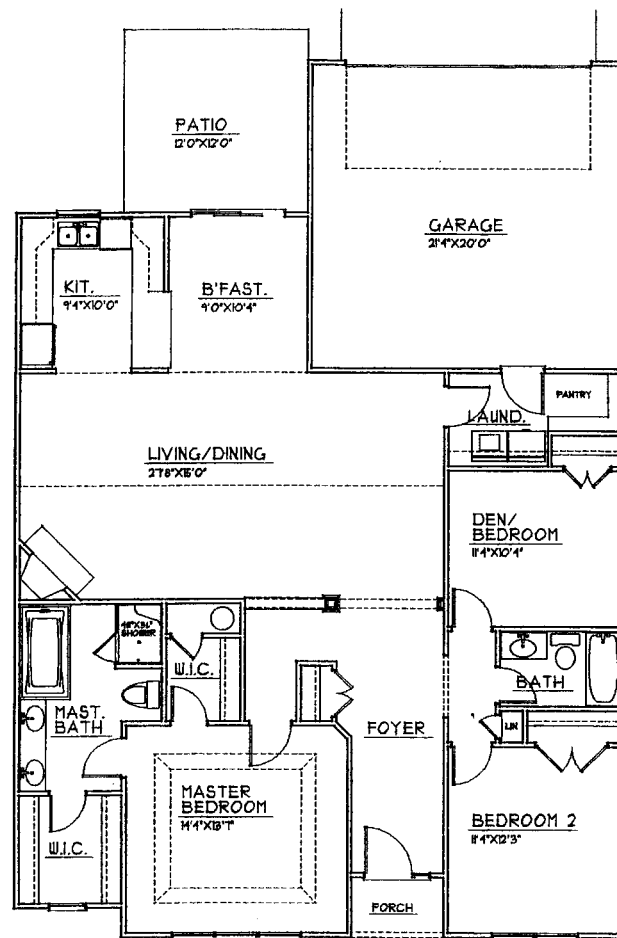
FRONT ELEVATION UNIT #1

1,830 SQ. FT.



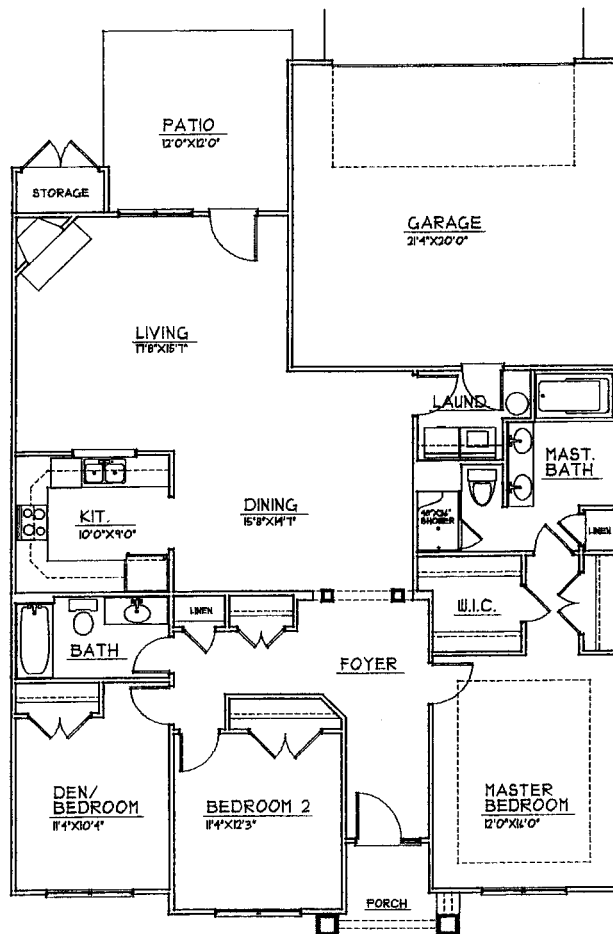
FRONT ELEVATION UNIT #2

1,816 SQ. FT.



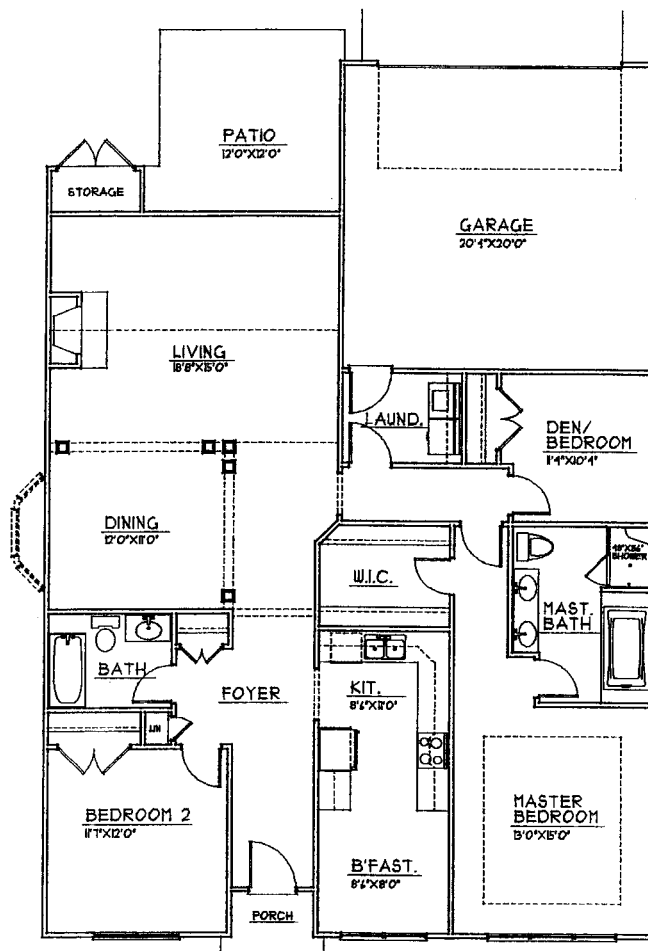
FRONT ELEVATION UNIT #3

1,868 SQ. FT.



FRONT ELEVATION UNIT #4

1,586 SQ. FT.



FRONT ELEVATION UNIT #5

1,880 Sq. Ft.



LOCKE HAVEN

LOCKWOOD DRIVE LYNCHBURG, VIRGINIA

5/01/01

© Copyright 2005 John F. Heltzel AIA



CONCEPTUAL TRI-PLEX ELEVATION



LOCKE HAVEN
LOCKEWOOD DRIVE LYNCHBURG, VIRGINIA



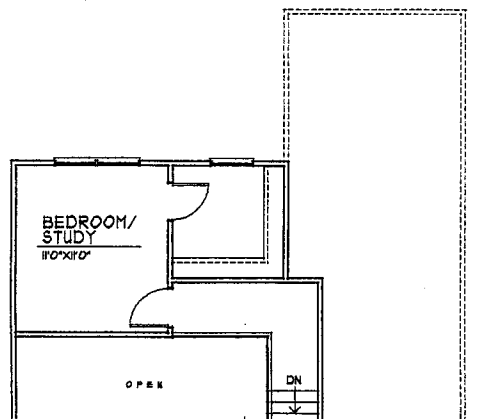
CONCEPTUAL TOWNHOUSE ELEVATION



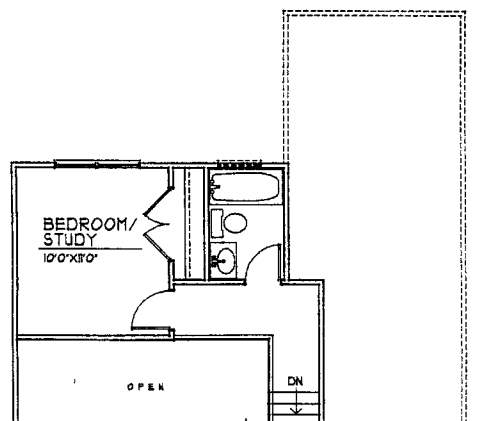
LOCKE HAVEN
 LOCKEWOOD DRIVE LYNCHBURG, VIRGINIA

5/04/01

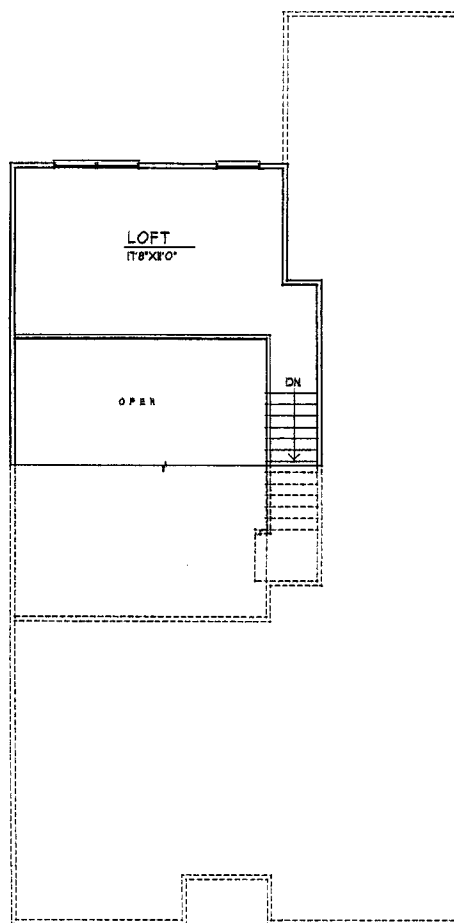
© Copyright 2005 John F. Heltzel AIA.



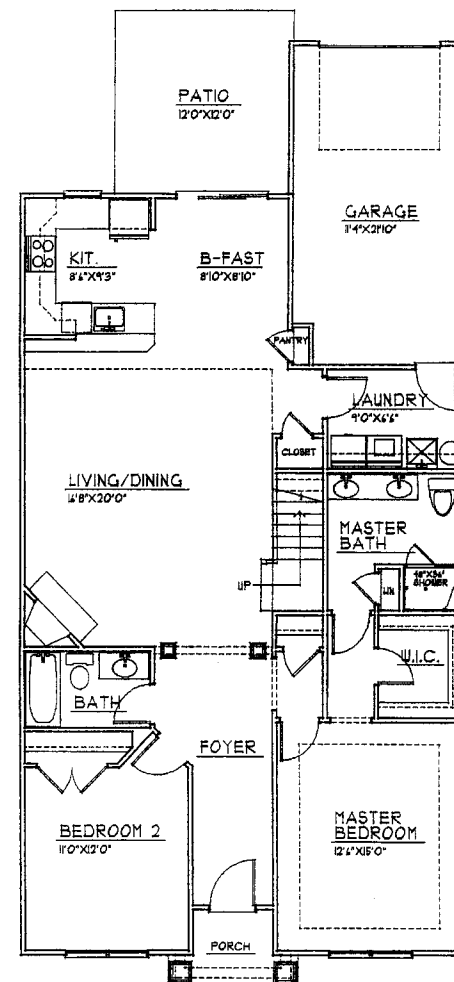
SECOND FLOOR PLAN W/
OPT. BEDROOM



SECOND FLOOR PLAN W/
OPT. BEDROOM & BATH



SECOND FLOOR PLAN

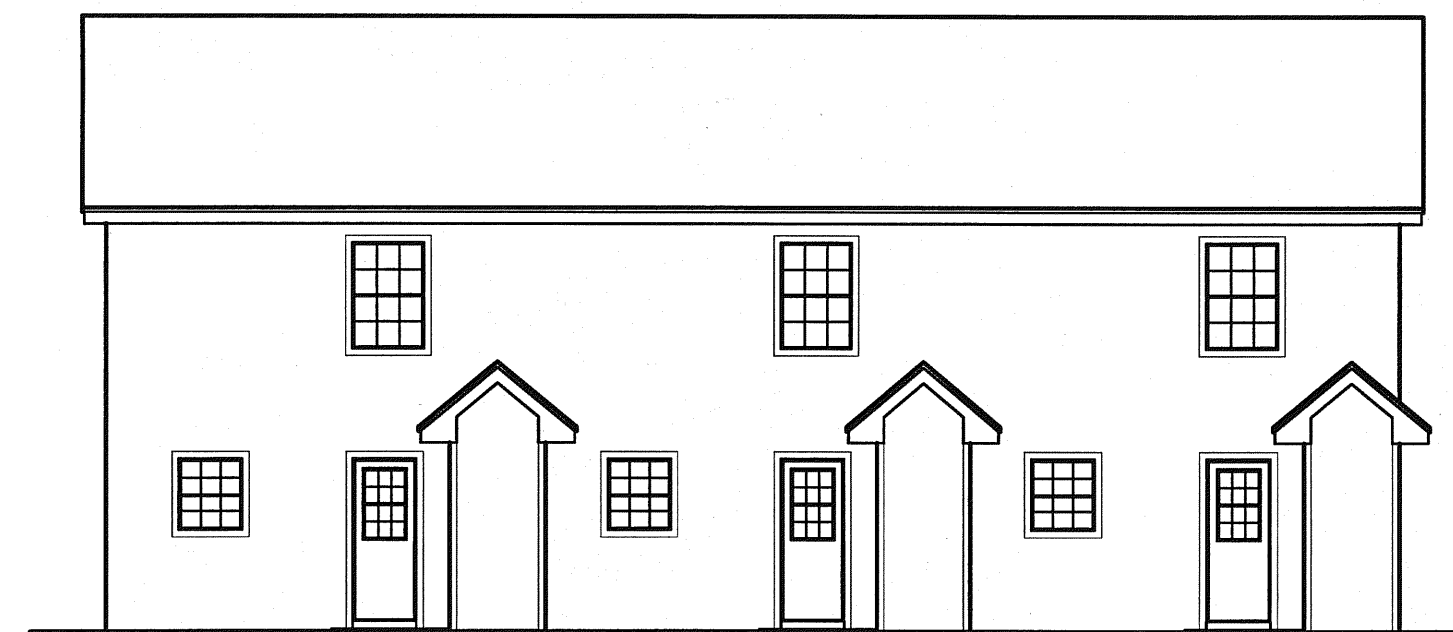


FIRST FLOOR PLAN



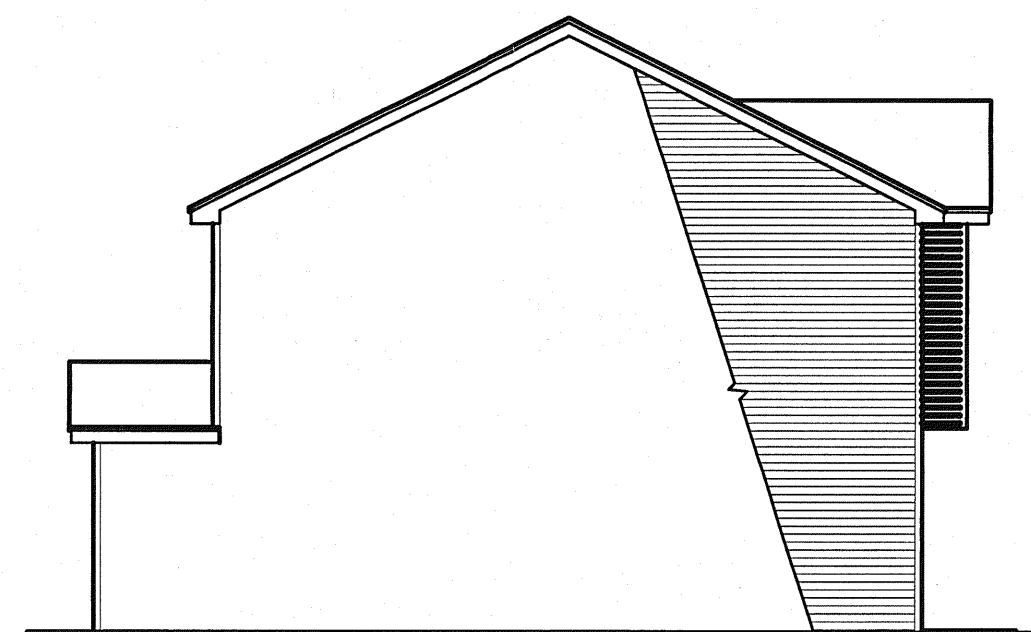
FRONT ELEVATION

SCALE; $\frac{1}{4}" = 1'-0"$



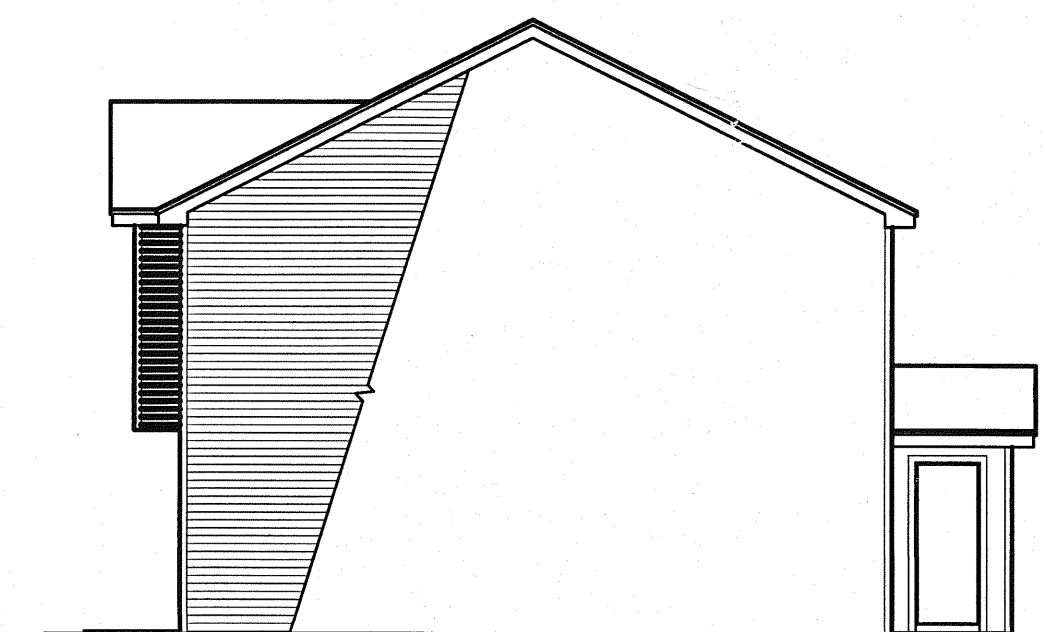
BACK ELEVATION

SCALE; $\frac{1}{8}" = 1'-0"$



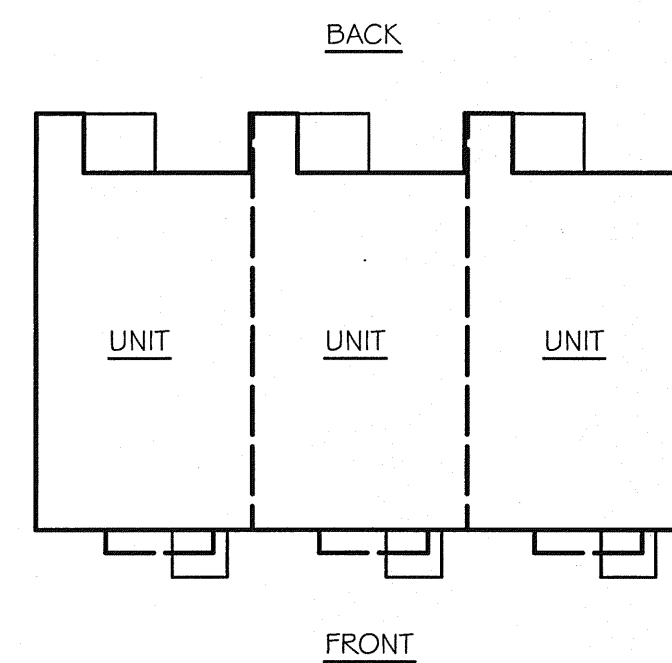
LEFT ELEVATION

SCALE; $\frac{1}{8}" = 1'-0"$



RIGHT ELEVATION

SCALE; $\frac{1}{8}" = 1'-0"$



UNIT LAYOUT INDEX

N.T.S.

GENERAL CONSTRUCTION NOTES

1. ALL BUILDING MATERIALS ARE TO BE AS PER BUILDER / OWNERS SPECIFICATIONS.

DRAWING TITLE:
ELEVATIONS

DRAWN BY:
B. ANDREWS
REVISION DATES:

JOB NUMBER:
Q07-2

DRAWING DATE:
MARCH 2007

QUICKDRAW
Residential Design Service

*CUSTOM RESIDENTIAL
*ADDITIONS & ENCLOSURES
*INTERIOR & EXTERIOR REMODEL / PLANNING

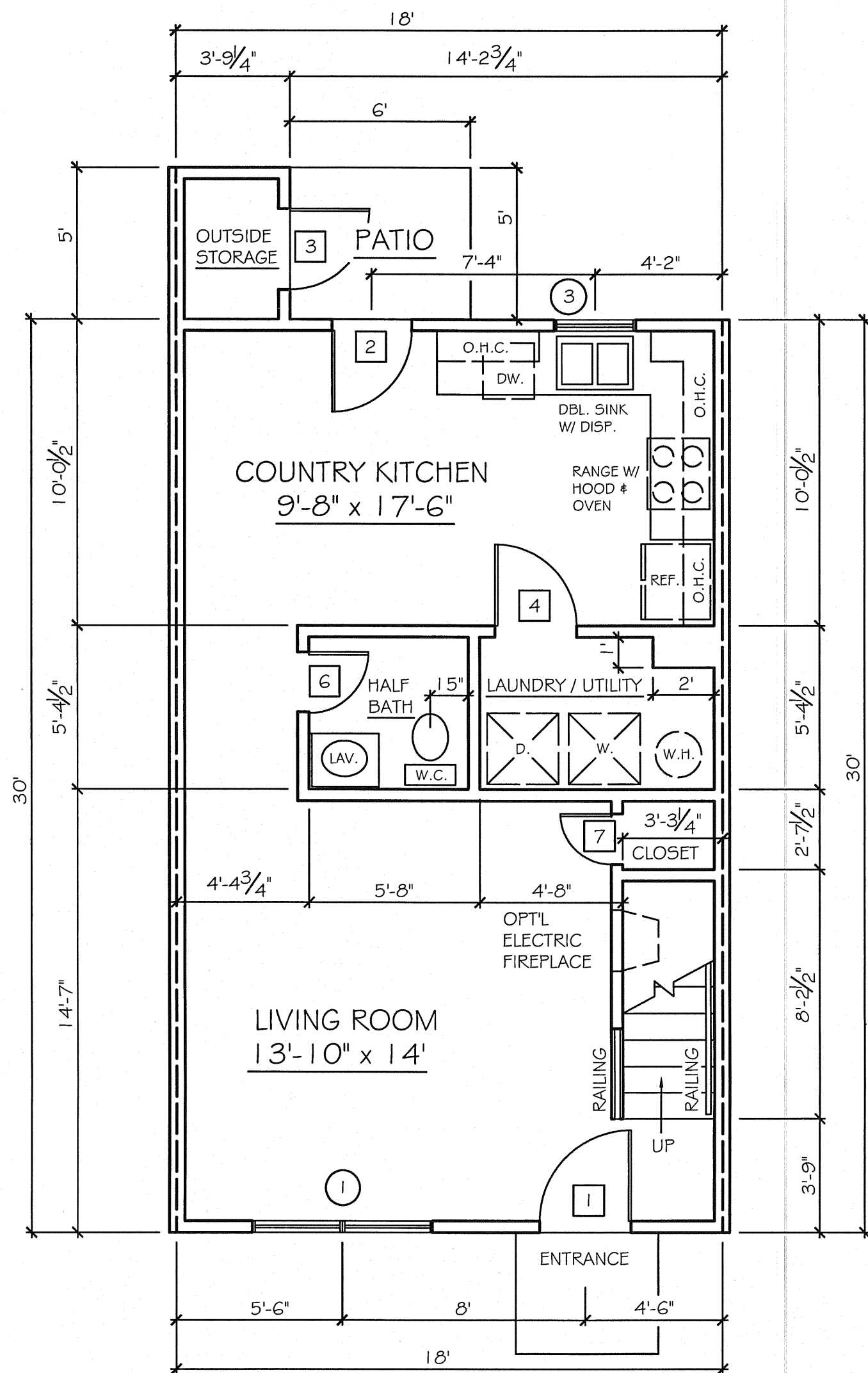
LYNCHBURG, VA. (434) 582-4854

DRAWN FOR:

LYNCHBURG RENTING, LLC
RESIDENTIAL & COMMERCIAL DEVELOPMENT
P.O. BOX 351
FOREST, VIRGINIA 24551

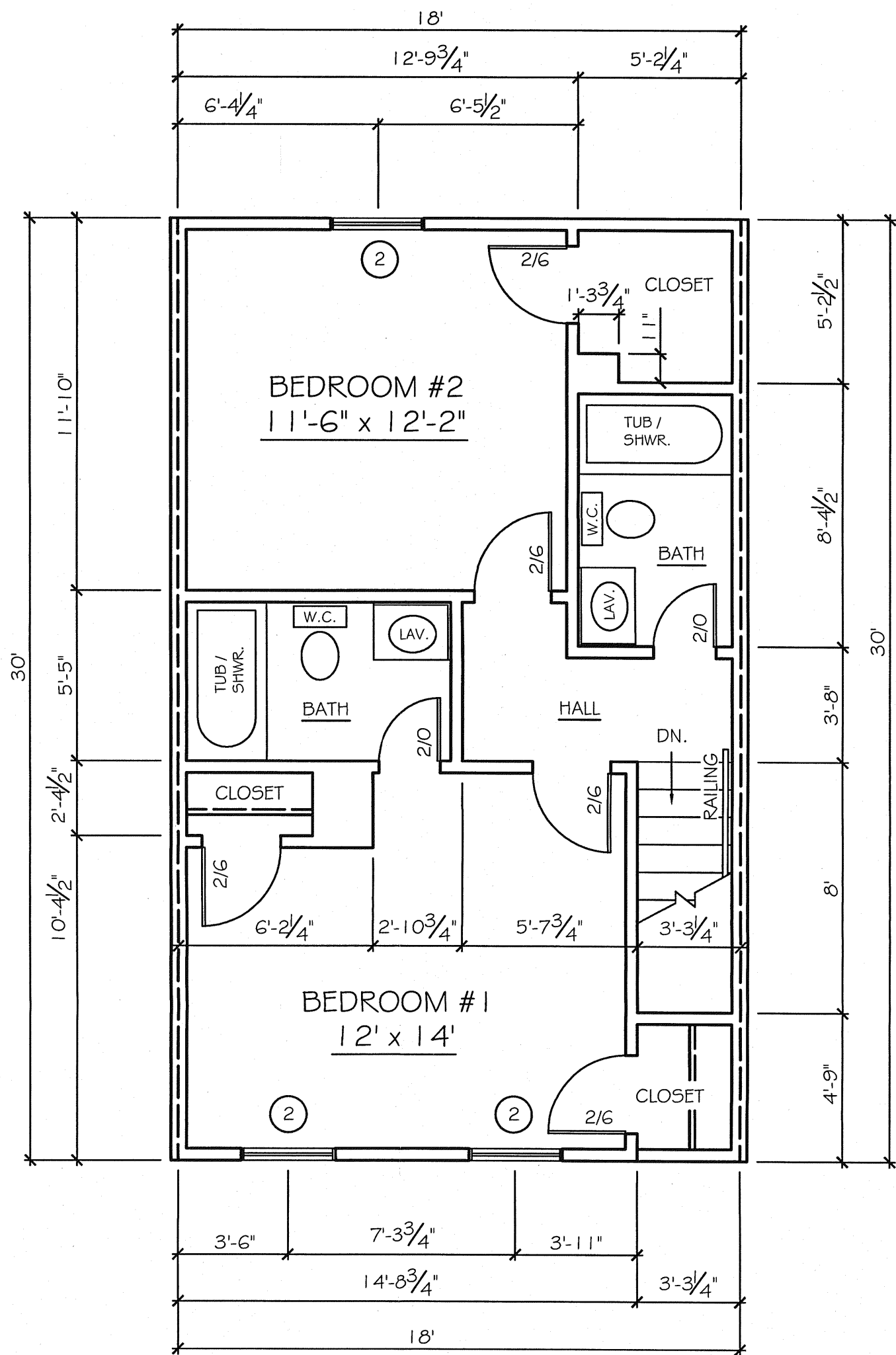
SHEET

2 of 2



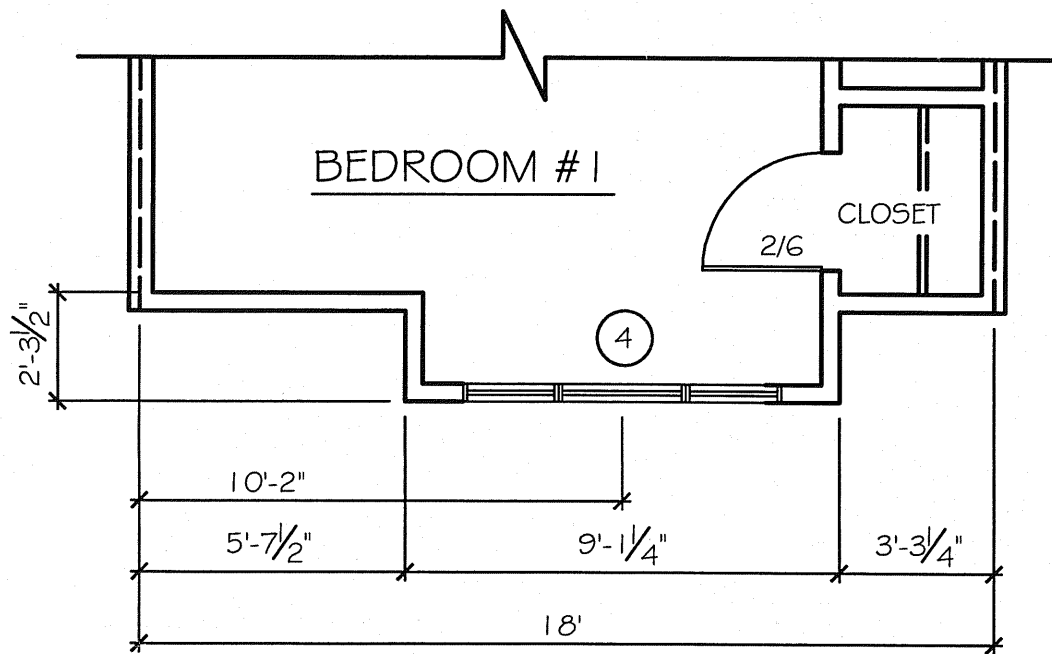
FIRST FLOOR

SCALE: 1/4" = 1'-0"



SECOND FLOOR

SCALE: 1/4" = 1'-0"



OPT'L SECOND FLOOR WINDOW

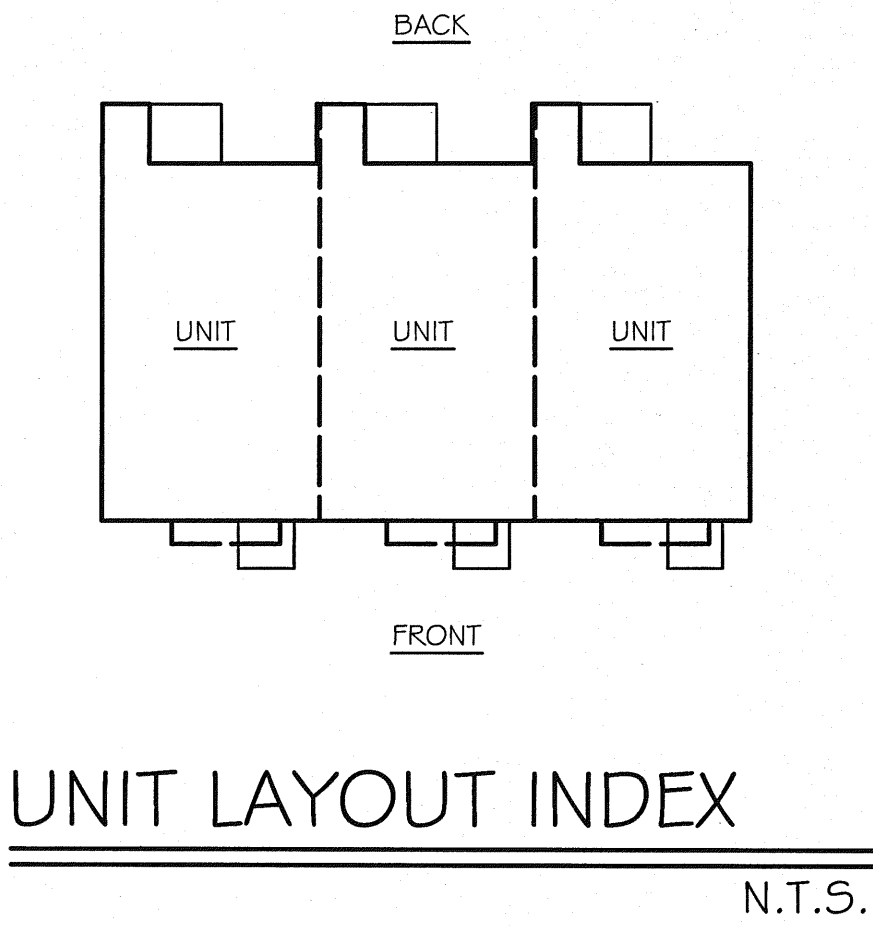
SCALE: 1/4" = 1'-0"

DOOR SCHEDULE		
#	SIZE	TYPE
1	3068	METAL INSUL., 6 PANEL
2	2868	METAL INSUL. W/ 2030 WNDW.
3	2868	METAL INSUL.
4	2868	HOLLOW CORE, 6 PANEL
5	2668	HOLLOW CORE, 6 PANEL
6	2068	HOLLOW CORE, 6 PANEL
7	1868	HOLLOW CORE, 6 PANEL

WINDOW SCHEDULE		
#	SIZE	TYPE
1	3046	DBL. HORIZONTAL SLIDING, FRENCH WINDOW.
2	3046	HORIZONTAL SLIDING, FRENCH WINDOW.
3	2830	HORIZONTAL SLIDING, FRENCH WINDOW.
4	6046	(1) 3046 HORIZ. SLIDING FRENCH WNDW. w/ (1) 2046 HORIZ. SLIDING FRENCH WNDW. ON EACH SIDE.

SQUARE FOOTAGE CALCULATIONS

LOWER LEVEL ----- 540 SQ.FT.
 UPPER LEVEL ----- 540 SQ.FT.
 PATIO & DECK -----
 *TOTAL UNDER ROOF ----- 1080 SQ.FT.
 **TOTAL UNDER ROOF w/ OPT'L WINDOW --- 1101 SQ.FT.



DRAWING TITLE: FIRST & SECOND FLOOR PLANS

DRAWN BY: B. ANDREWS

JOB NUMBER: Q07-2

DRAWING DATE: MARCH 2007

REVISION DATES:

QUICKDRAW

Residential Design Service

*CUSTOM RESIDENTIAL *ADDITIONS & ENCLOSURES

*INTERIOR & EXTERIOR REMODEL / PLANNING

LYNCHBURG, VA. (434) 582-4854

DRAWN FOR:

LYNCHBURG RENTING, LLC

RESIDENTIAL & COMMERCIAL DEVELOPMENT

P.O. BOX 351

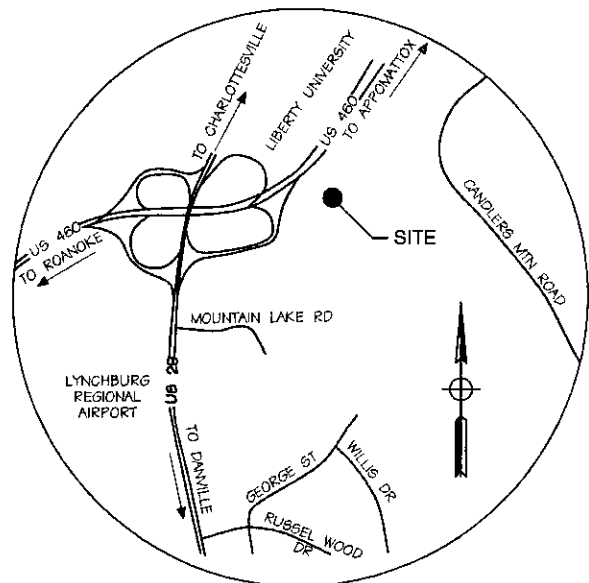
FOREST, VIRGINIA 24551

SHEET

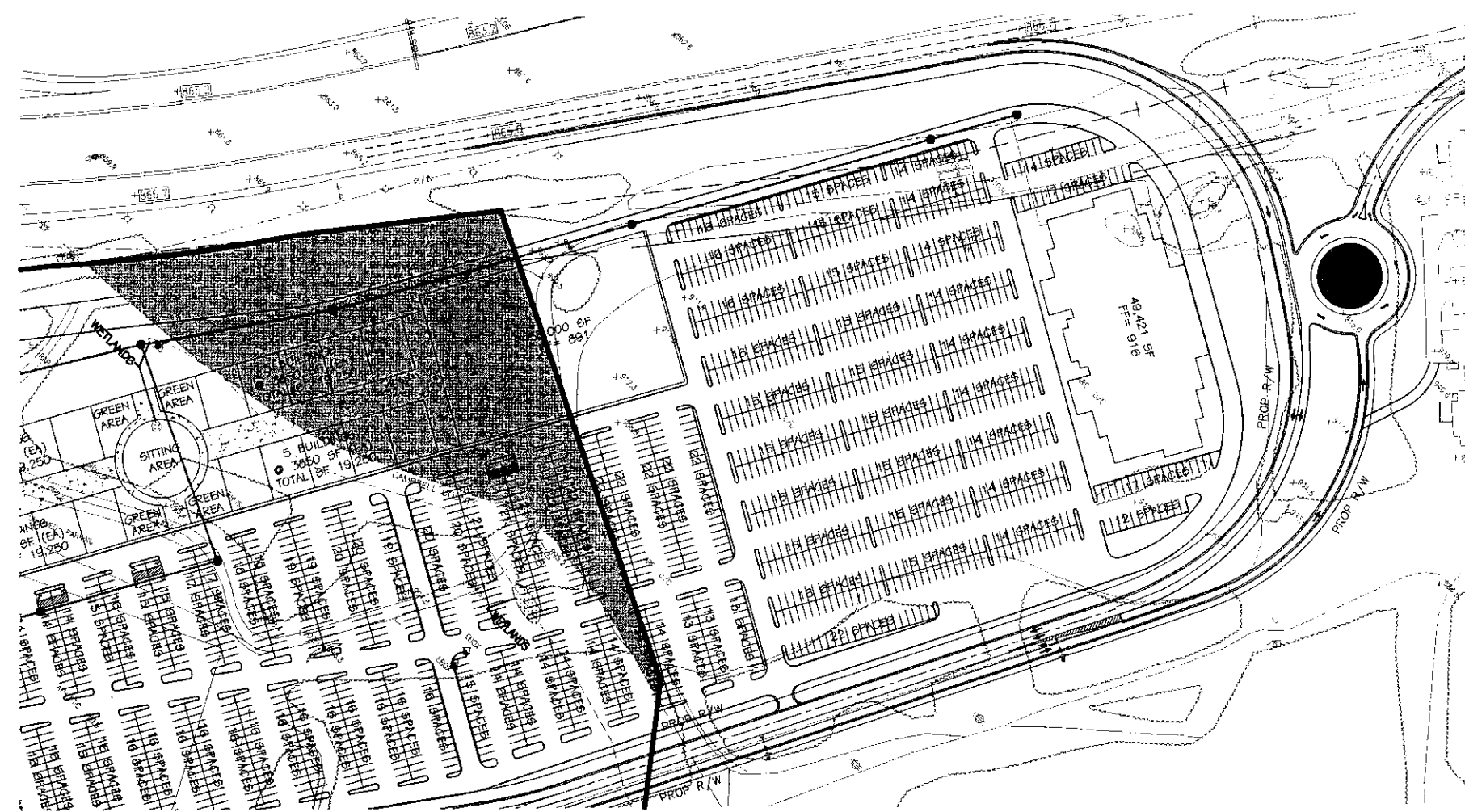
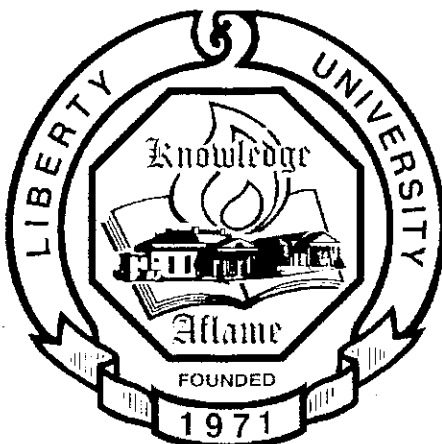
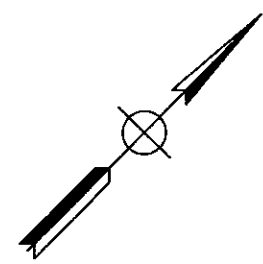
1 of 2

REZONING PLAN FOR CROSSROADS COLONNADE

CITY OF LYNCHBURG, VIRGINIA



VICINITY MAP
NO SCALE

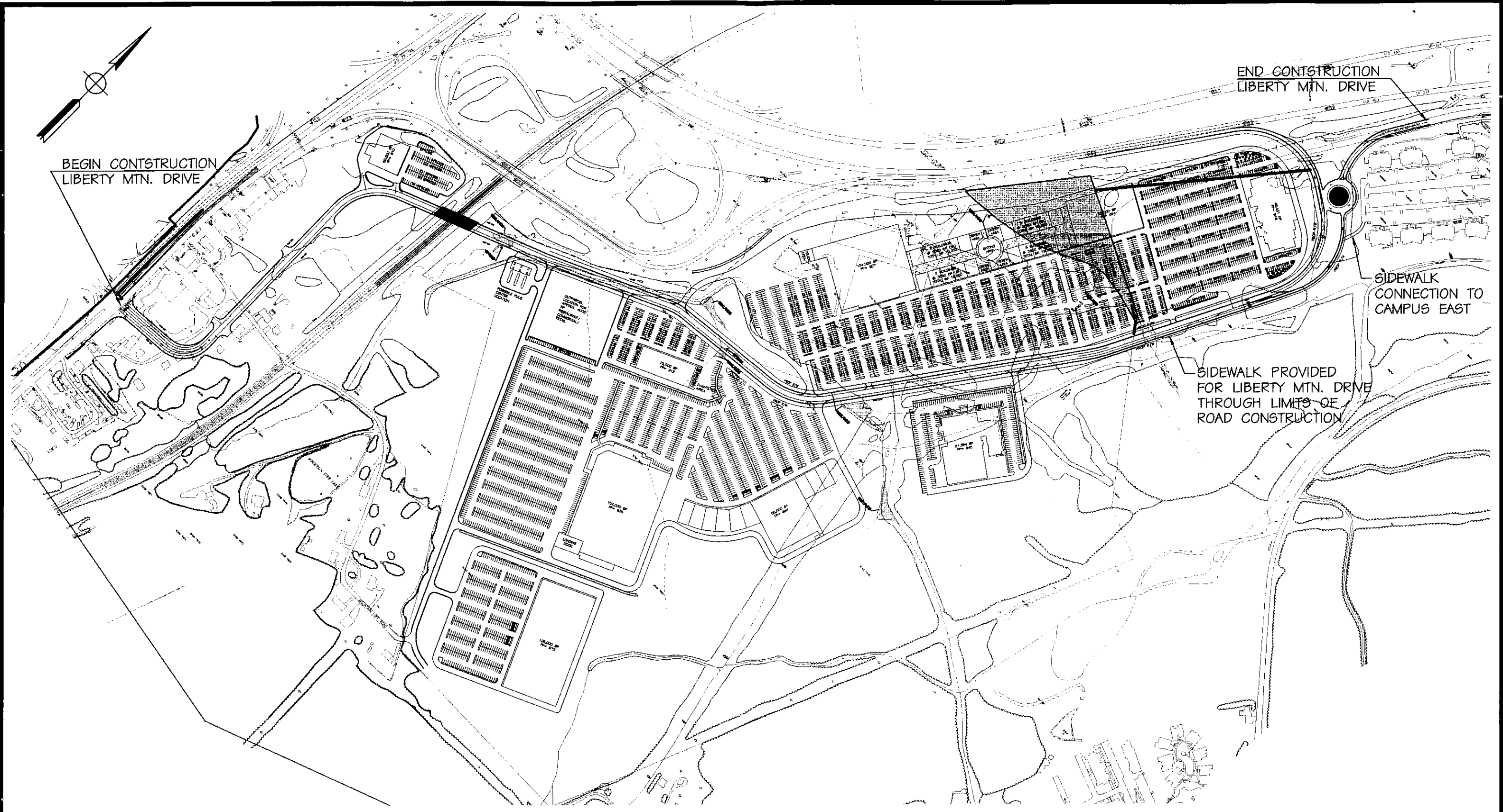


GENERAL NOTES:

1. THE PURPOSE OF THIS PLAN IS TO THE PARCEL TO BE REZONED BY CITY OF LYNCHBURG. THE BUILDING, PARKING LOT, STREET AND OVERALL LAYOUT SHOWN AS PROPOSED IS PROVIDED FOR REZONING INFORMATION AND THE ACTUAL LAYOUT MAY CHANGE AT THE TIME ACTUAL CONSTRUCTION DOCUMENTS ARE PREPARED AND SUBMITTED TO THE CITY FOR REVIEW.
2. STORMWATER MANAGMENT AND EROSION AND SEDIMENT CONTROL WILL BE CONSIDERED DURING SITE PLANNING AND IS NOT SHOWN ON THIS PLAN.
3. REZONING APPLICANT: LIBERTY UNIVERSITY
1971 UNIVERSITY BLDV.
LYNCHBURG, VA 24502
4. CURRENT ZONING
SEE SHEET 2 of 8 AND 3 of 8 FOR CURRENT ZONING AND ZONING OF ADJACENT PARCELS.
5. PROPOSED ZONING
SEE SHEET 2 of 8 FOR THE PROPOSED ZONING FOR THE VARIOUS PARCELS
6. PROPOSED USE ;
FOR THE AREA TO BE ZONED B-3C THE PROPOSED USE WILL BE A SHOPPING CENTER WITH APPROXIMATELY 725,815 SF OF FLOOR SPACE AND A 61,400 SF HOTEL/ RESORT WITH A WATER PARK (SEE SHEET 2 of 8)
7. ALL ROADWAYS AND ENTRANCES PROPOSED BY THIS PLAN ARE SUBJECT TO APPROVAL BY VDOT.
8. THE DEVELOPER IS RESPONSIBLE FOR OBTAINING ALL NECESSARY LOCAL, STATE, AND FEDERAL PERMITS FOR THE CONSTRUCTION OF THIS DEVELOPMENT.
9. PORTIONS OF THIS PLAN FALLS IN THE AIRPORT OVERLAY.

RECEIVED
OCT 18 2007
COMMUNITY
DEVELOPMENT





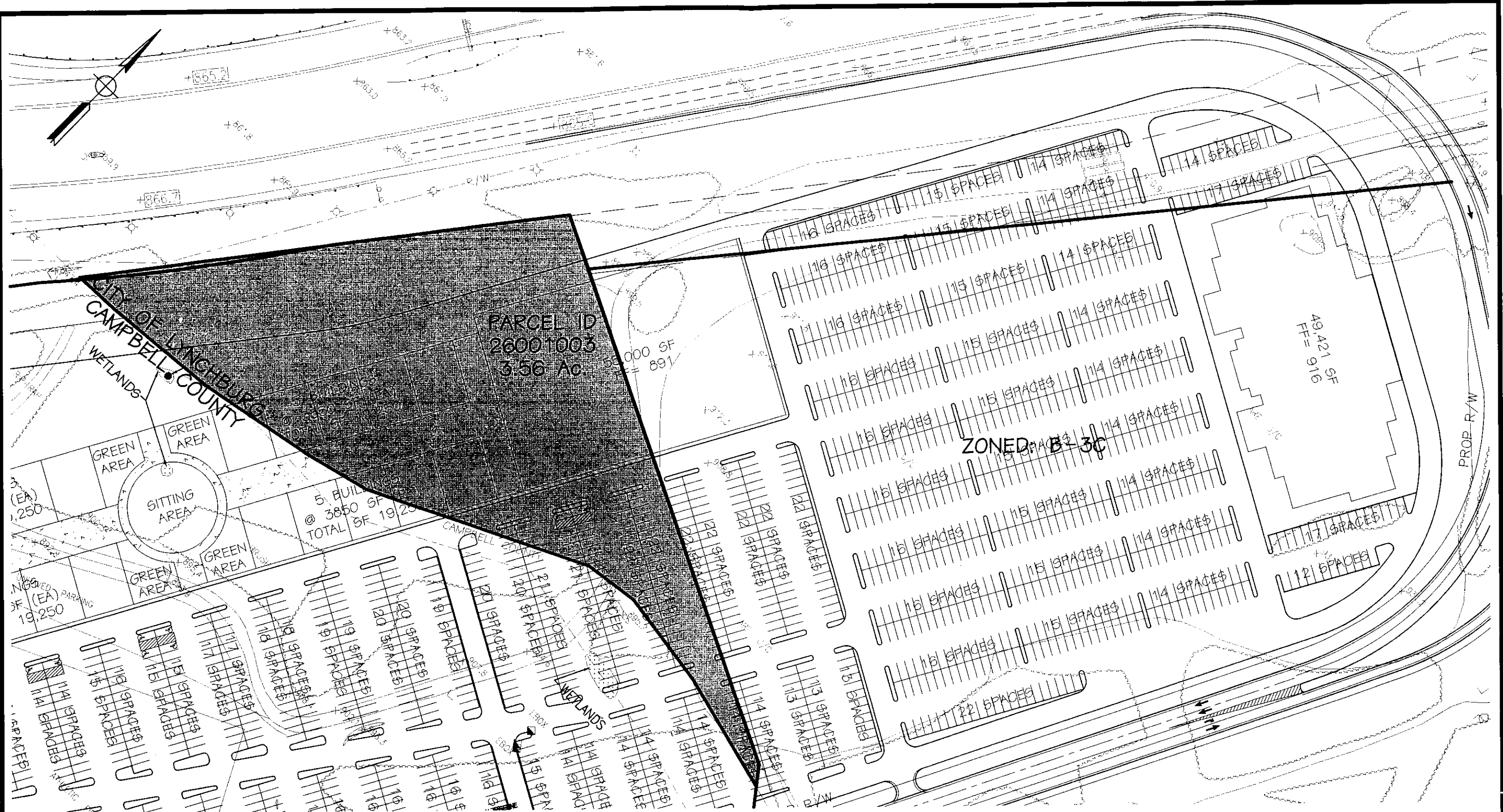
NOTES:
 AMOUNT OF RETAIL (TOTAL SITE) 725,815 SF (EST.)
 AMOUNT OF RETAIL (CITY) 115,971 SF (EST.)
 TOTAL SITE PARKING IS 51.10 Ac FOR THE ENTIRE SITE
 TOTAL SHOPPING CENTER IS 186 Ac FOR THE ENTIRE SITE

26001003 ZONED R-C
 OWNER LIBERTY UNIVERSITY, INC

 ADJACENT PARCEL 26001002 ZONED B-3C
 OWNER LIBERTY UNIVERSITY, INC.



REZONE EXHIBIT FOR
 PARCEL 26001003
 (3.56 Ac.)



PARCEL ID
26001003
3.56 Ac

ZONED B-3C

PARKING DATA

1 PARKING SPACE/100 S.F. USEABLE FLOOR SPACE
49,421(6F)/100(6F) = 495 SPACES

1 PARKING SPACE/3 EMPLOYEES ON DUTY AT ANY ONE TIME
(APPROX. 60 EMPLOYEES/3 = 20 SPACES)

TOTAL PARKING REQ'D = 515 SPACES
TOTAL PARKING PROVIDED = 521 SPACES

NOTE: THE PARKING AREA IS
9.32 AC IN THE CITY OF
LYNCHBURG

TOTAL SHOPPING CENTER
ACREAGE IN THE CITY IS
18.37 AC.

26001003 ZONED R-C
OWNER LIBERTY UNIVERSITY, INC

ADJACENT PARCEL 26001002 ZONED B-3C
OWNER LIBERTY UNIVERSITY, INC.

REZONE EXHIBIT FOR
PARCEL 26001003
(3.56 Ac.)

LIBERTY
UNIVERSITY

**PERKINS
&
ORRISON**

ENGINEERS ▲ PLANNERS ▲ SURVEYORS

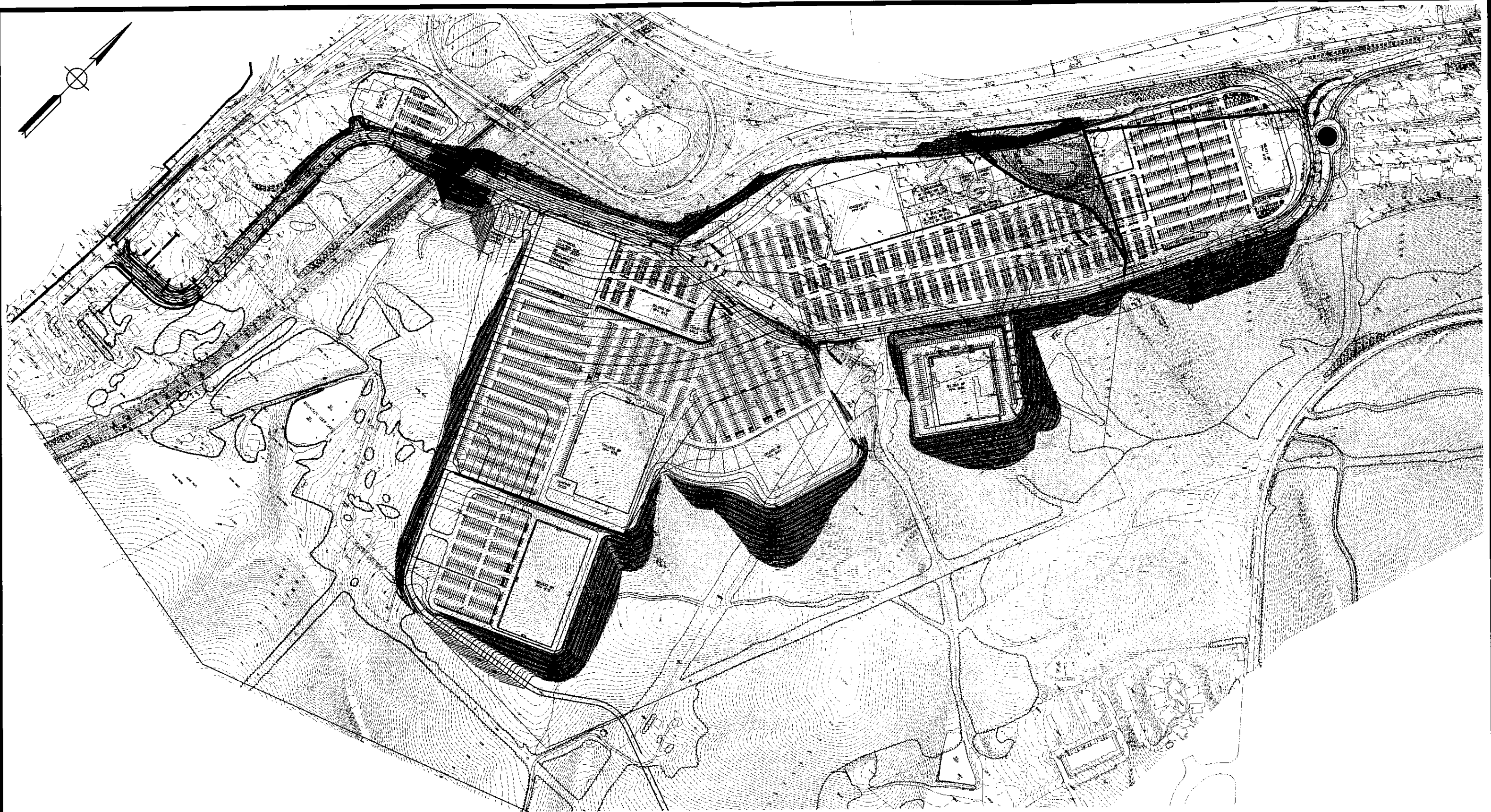
20436 Lynchburg Highway
Unit I
Lynchburg, Virginia 24502

Office: 434-525-5985
Fax: 434-239-8271
E-Mail: ono@perkins-orrison.com



DATE: August 17, 2007

SHEET 3 of 8
JOB#: 06256
DWG: SITE LAYOUT (CITY)
DWN: RAF



GRADING NOTES:

AMOUNT OF CUT (TOTAL SITE) = 1,951,000 CY (EST.)
 AMOUNT OF FILL (TOTAL SITE) = 2,087,000 CY (EST.)

136,000 CY OF CUT REQ'D TO BALANCE

SHEET 4 of 8



DATE: August 17, 2007

JOB#: 06256
 DWG: PRELIMINARY GRADING PLAN
 DWN: RAF

26001003 ZONED R-C
 OWNER LIBERTY UNIVERSITY, INC

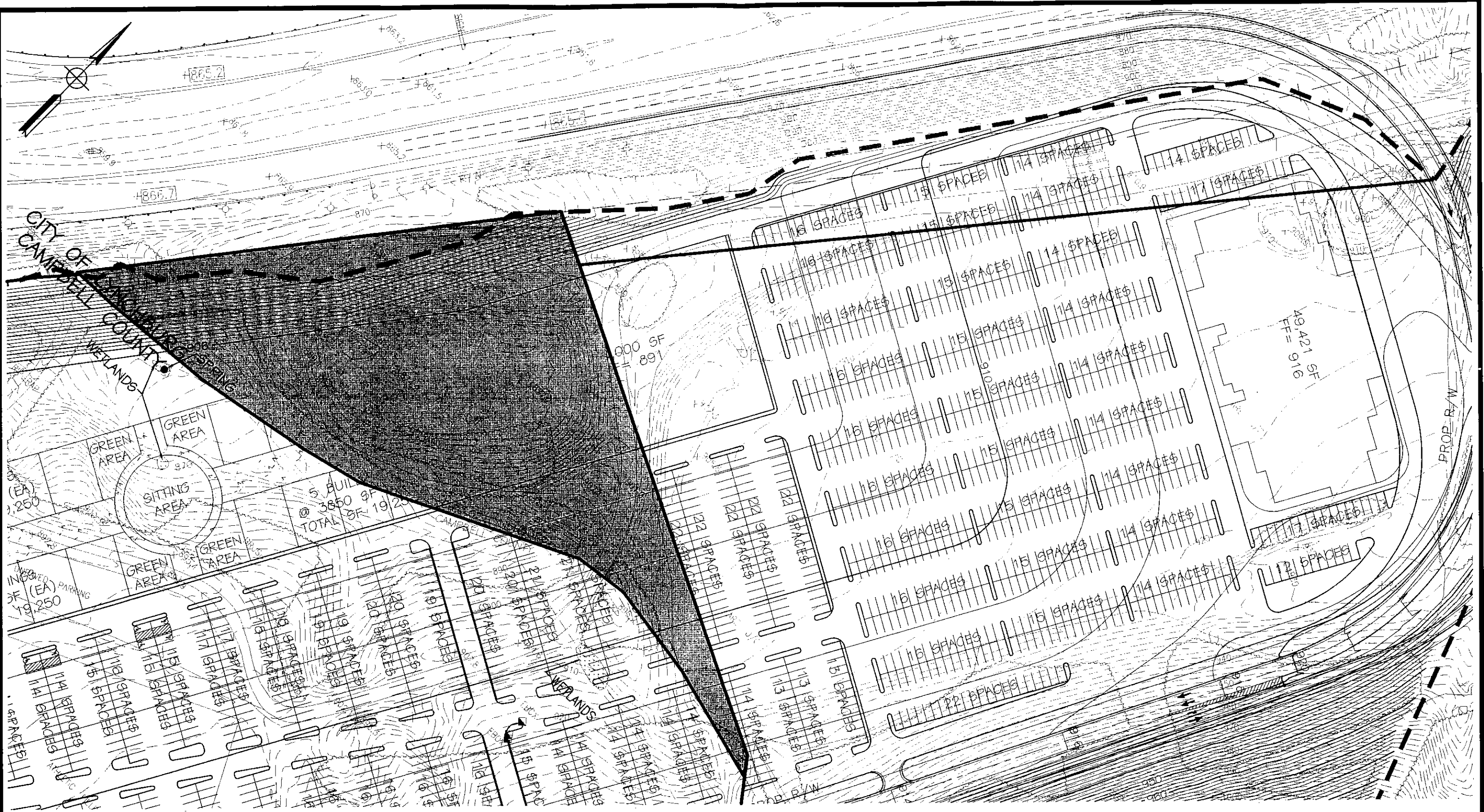
ADJACENT PARCEL 26001002 ZONED B-3C
 OWNER LIBERTY UNIVERSITY, INC.

REZONE EXHIBIT FOR
 PARCEL 26001003
 (3.56 Ac.)

20436 Lynchburg Highway
 Unit I
 Lynchburg Virginia 24502

Office: 434-525-5985
 Fax: 434-239-8271
 E-Mail: nro@perkins-orrison.com

LIBERTY
 UNIVERSITY



GRADING NOTES:

AMOUNT OF CUT (CITY) 112,200 CY (EST.)
 AMOUNT OF FILL (CITY) 120,000 CY (EST.)

7,800 CY OF CUT RE'D TO BALANCE

26001003 ZONED R-C
 OWNER LIBERTY UNIVERSITY, INC

ADJACENT PARCEL 26001002 ZONED B-3C
 OWNER LIBERTY UNIVERSITY, INC.

REZONE EXHIBIT FOR
 PARCEL 26001003
 (3.56 Ac.)

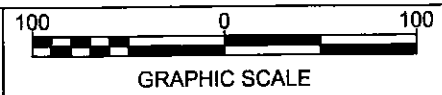
LIBERTY
 UNIVERSITY

**PERKINS
 &
 ORRISON**

ENGINEERS ▲ PLANNERS ▲ SURVEYORS

20436 Lynchburg Highway
 Unit I
 Lynchburg, Virginia 24502

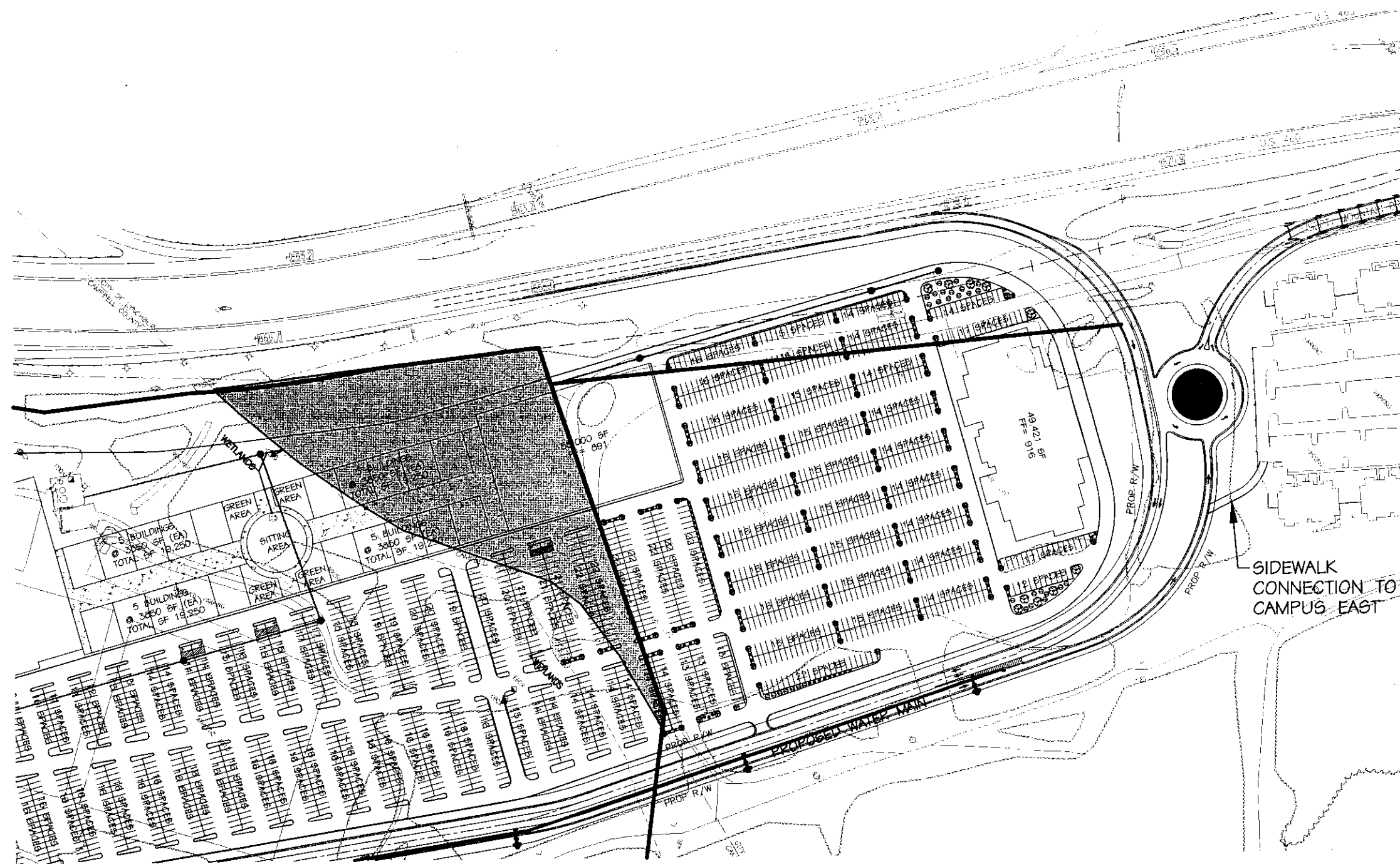
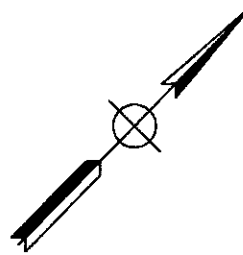
Office: 434-525-5985
 Fax: 434-239-8271
 E-Mail: pno@perkins-orrison.com



DATE: August 17, 2007

SHEET 5 of 8

JOB#: 06256
 DWG: PRELIMINARY GRADING PLAN (CITY)
 DWN: RAF



NOTES:

1. WATER LINE EXTENSION FROM CAMPBELL COUNTY INTO THE CITY. PERKINS & ORRISON WILL COORDINATE WITH BOTH THE UTILITY DEPARTMENT OF THE CITY OF LYNCHBURG AND CAMPBELL COUNTY UTILITY SERVICE AUTHORITY.

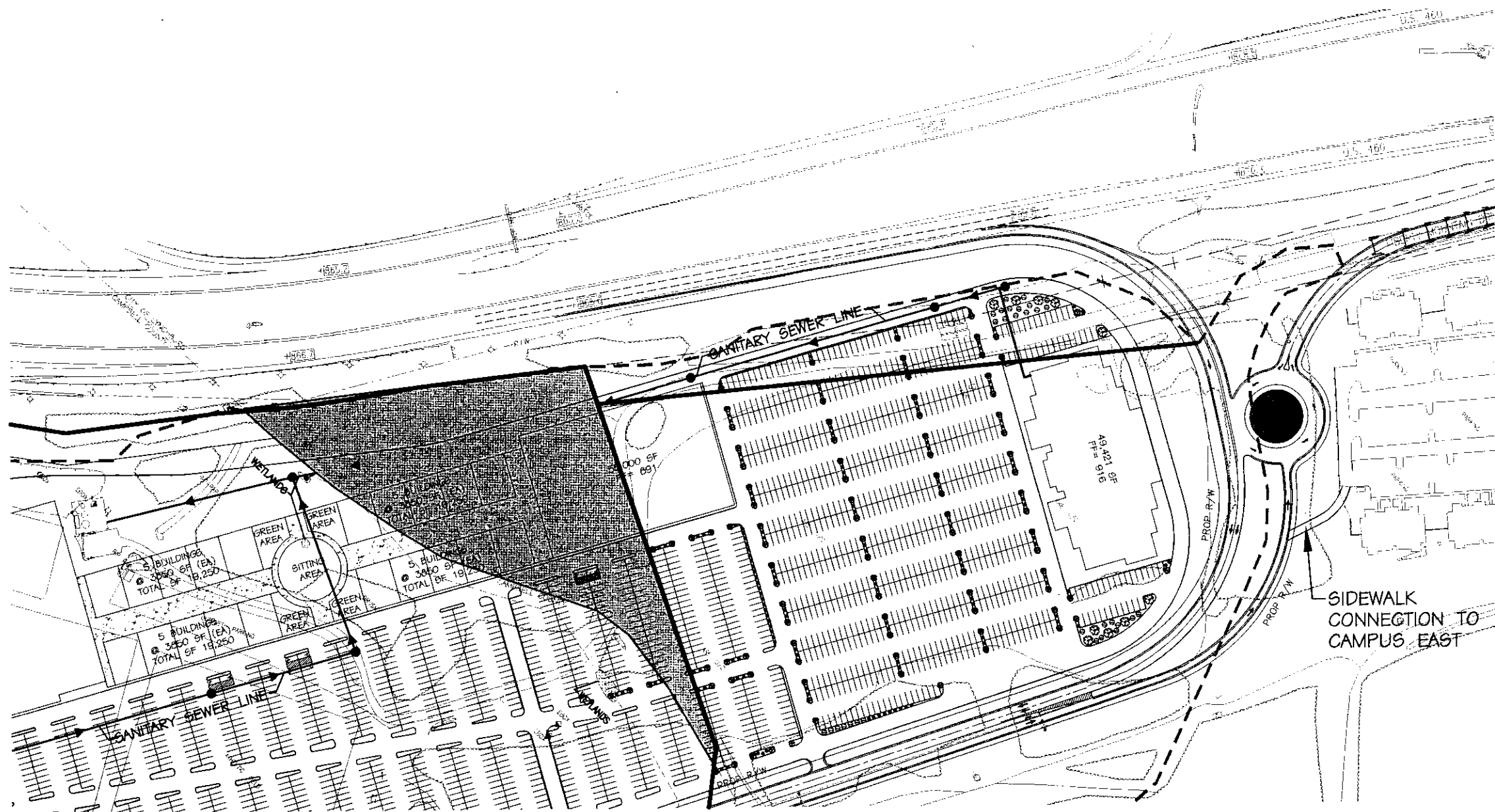
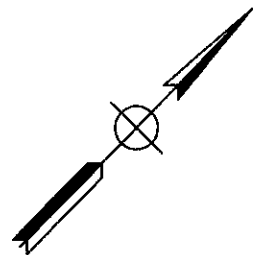
26001003 ZONED R-C
OWNER LIBERTY UNIVERSITY, INC

ADJACENT PARCEL 26001002 ZONED B-3C
OWNER LIBERTY UNIVERSITY, INC.

REZONE EXHIBIT FOR
PARCEL 26001003
(3.56 Ac.)

LIBERTY
UNIVERSITY





NOTES:

1. SANITARY SEWER LINES ARE TO CONNECT TO THE EXISTING PUMPSTATION IN CAMPBELL COUNTY. PERKINS & ORRISON WILL COORDINATE WITH BOTH THE UTILITY DEPARTMENT OF THE CITY OF LYNCHBURG AND CAMPBELL COUNTY UTILITY SERVICE AUTHORITY

26001003 ZONED R-C
OWNER LIBERTY UNIVERSITY, INC

ADJACENT PARCEL 26001002 ZONED B-3C
OWNER LIBERTY UNIVERSITY, INC.

REZONE EXHIBIT FOR
PARCEL 26001003
(3.56 Ac.)

LIBERTY
UNIVERSITY

**PERKINS
&
ORRISON**

ENGINEERS ▲ PLANNERS ▲ SURVEYORS

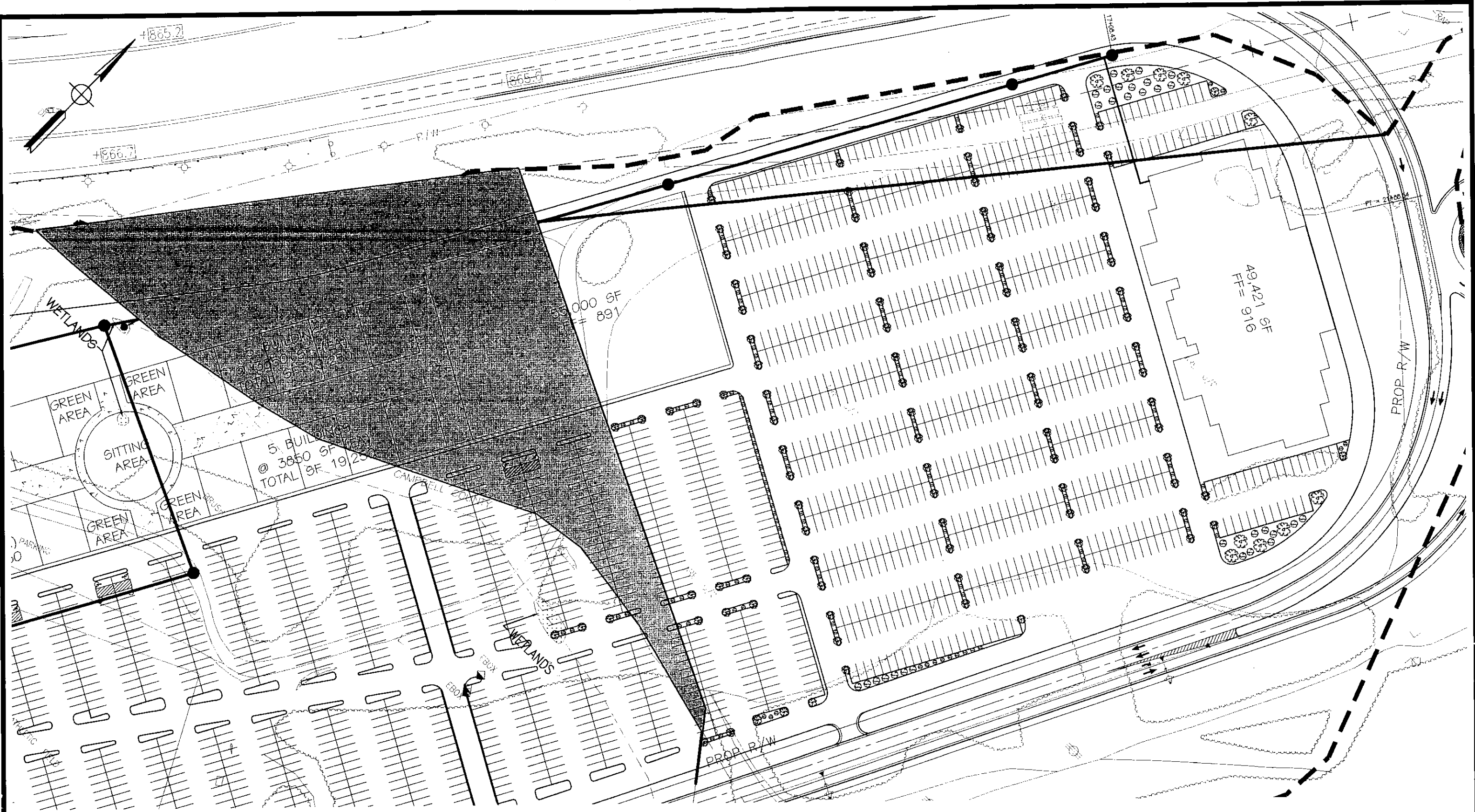
20436 Lynchburg Highway
Unit I
Lynchburg, Virginia 24502

Office: 434-525-5985
Fax: 434-239-8271
E-Mail: nno@perkins-orrison.com



DATE: August 17, 2007

SHEET 7 of 8
JOB#: 06256
DWG: SANITARY SEWER LAYOUT
DWN: RAF



LANDSCAPE LEGEND

⊗	LARGE TREE	10
⊙	MEDIUM TREE	102
⊕	LARGE SHRUB	30
•	SMALL SHRUB	134

SHEET 8 of 8

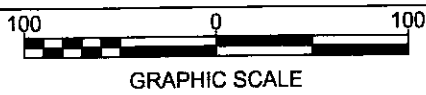
26001003 ZONED R-C
OWNER LIBERTY UNIVERSITY, INC

ADJACENT PARCEL 26001002 ZONED B-3C
OWNER LIBERTY UNIVERSITY, INC.

REZONE EXHIBIT FOR
PARCEL 26001003
(3.56 Ac.)

20436 Lynchburg Highway
Unit I
Lynchburg, Virginia 24502

Office: 434-525-5985
Fax: 434-239-8271
E-Mail: pno@perkins-orrisson.com



DATE: August 17, 2007

JOB#: 06256
DWG: LANDSCAPE PLAN
DWN: RAF

LIBERTY
UNIVERSITY

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 13, 2007**

AGENDA ITEM NO.: 6

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: Plat Showing 9th and 10th Street Dedications and Vacation of Part of 9th Street

RECOMMENDATION: After a public hearing, approve boundary line adjustments as documented on Plat Showing Ninth and Tenth St. R/W Dedication and the Vacation of Part of Ninth St. and of Lot Lines of City Lots 116, 118, 128 and 130 Court House Hill.

SUMMARY:

As part of the construction of the new Juvenile & Domestic Relations Courthouse, the property boundaries at that site are being "cleaned-up" to reflect today's usage of the property. Adjustments include:

- a. abandonment of all internal property lines which currently split the block into nine irrelevant parcels,
- b. abandonment of a private alley owned by the City as private property,
- c. dedication of 5 additional feet of right-of-way on 10th Street to accommodate newly constructed sidewalk,
- d. dedication of 5 additional feet of right-of-way on 9th Street along the alignment of previously existing sidewalk beside the police station which has previously been located outside of the r-o-w, and
- e. straightening "stairsteps" in property line alignment at jog in 9th Street near the rear of the Courthouse Museum.

Combined, these activities will result in one single parcel of land owned by the City of Lynchburg encompassing the existing Public Safety Building, proposed J&DR Courthouse, and existing School Administration Building.

PRIOR ACTION(S):

None

FISCAL IMPACT:

None

CONTACT(S):

Lee Newland, Director of Engineering	455-3947
Dee Dee Conner, Principal Engineer	455-3928
James S. Talian, Project Manager	455-3953

ATTACHMENT(S):

Plat Showing Ninth and Tenth St. R/W Dedication and the Vacation of Part of Ninth St. and of Lot Lines of City Lots 116, 118, 128 and 130 Court House Hill, 9/12/07.

REVIEWED BY: lkp

A RESOLUTION APPROVING THE VACATION OF THE INTERNAL LOT LINES FOR CITY LOTS 116, 118, 128 AND 130; THE DEDICATION OF ADDITIONAL PUBLIC RIGHT-OF-WAY ALONG 10TH STREET; AND, THE DEDICATION OF ADDITIONAL PUBLIC RIGHT-OF-WAY ALONG 9TH STREET.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the vacation of the internal lot lines for City lots 116, 118, 128 and 130; the dedication of 0.032 acres along 10th Street between Court Street and Clay Street; and, the dedication of 0.014 acres along 9th Street between Court Street and Clay Street, are hereby approved and accepted, contingent on filing of the appropriate plats to be recorded among the land records in the Office of the Clerk of the Circuit Court.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute any documents that may be needed to accomplish the goals of this resolution.

Adopted:

Certified:

Clerk of Council

137LA

AN ORDINANCE VACATING A PORTION OF NINTH STREET

WHEREAS, the Engineering Division has requested that the City of Lynchburg, on its own motion, vacate 0.002 acres of Ninth Street, located near the Old Court House; and

WHEREAS, the City of Lynchburg owns all of the adjoining property; and

WHEREAS, City Council finds that no public inconvenience will result from vacating 0.002 acres of Ninth Street;

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 portion of Ninth Street be, and the same hereby is, discontinued and vacated, namely:

Beginning at a stone monument found at the eastern corner of Ninth Street and Court Street and proceeding South 55 degrees, 22 minutes, 31 seconds West a distance of 114.37 feet to the point of beginning of the area to be vacated. From this point of beginning, the boundary of the area to be vacated proceeds South 55 degrees, 22 minutes, 31 seconds West a distance of 17.63 feet, then North 35 degrees, 2 minutes, 13 seconds West a distance of 9.89 feet, then North 84 degrees, 33 minutes, 48 seconds East a distance of 20.27 feet back to the point of beginning, and encompasses 0.002 acres.

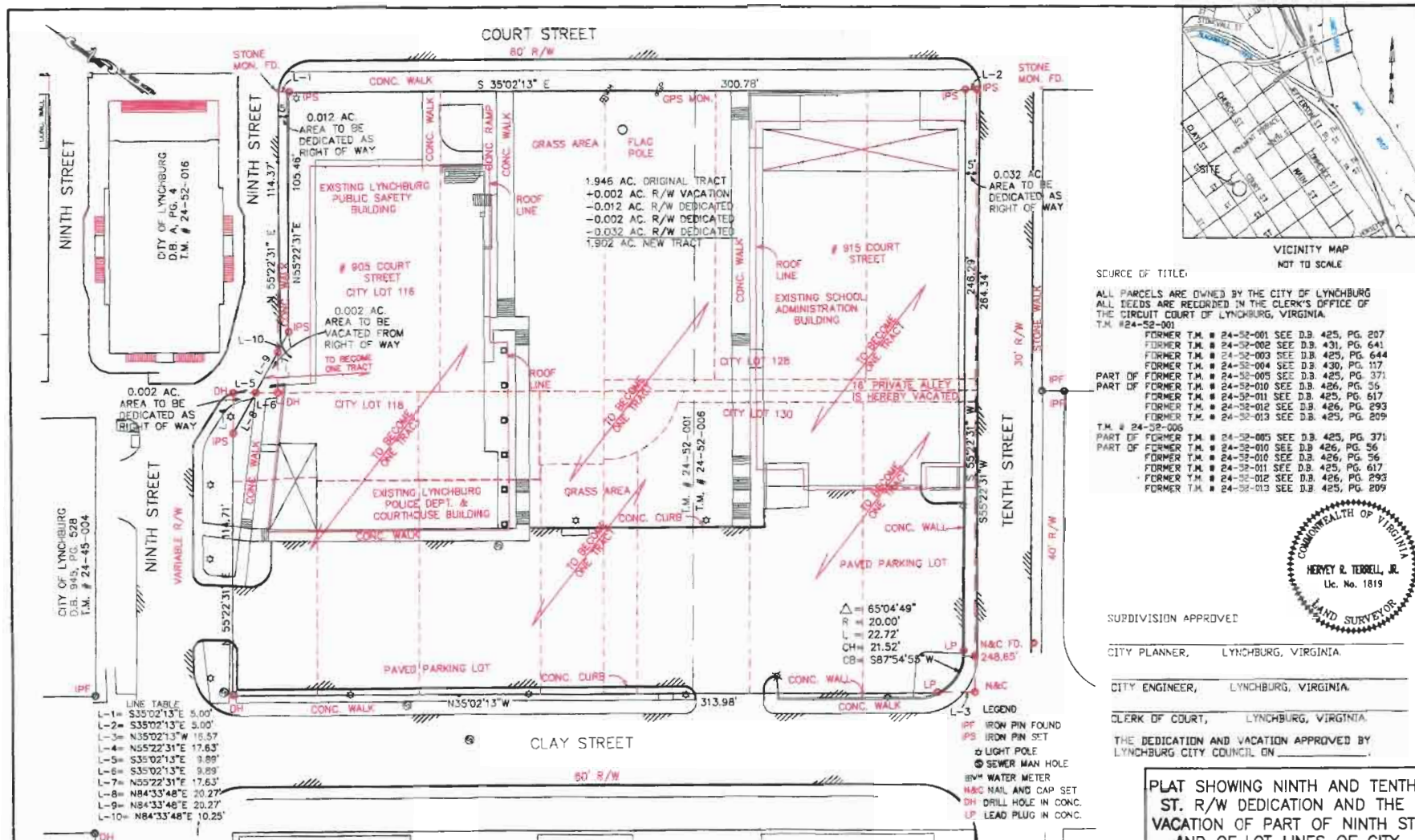
Said vacation is contingent upon the condition that an easement to locate, relocate, repair, replace, maintain and perpetually operate all utilities currently located therein or needed by the City in the future is hereby reserved unto the City of Lynchburg, and the construction of any building or structure 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.

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

137LB



SOURCE OF TITLE:

ALL PARCELS ARE OWNED BY THE CITY OF LYNCHBURG
ALL DEEDS ARE RECORDED IN THE CLERK'S OFFICE OF
THE CIRCUIT COURT OF LYNCHBURG, VIRGINIA.
T.M. #24-52-001

FORMER T.M. # 24-52-001 SEE D.B. 425, PG. 207
FORMER T.M. # 24-52-002 SEE D.B. 431, PG. 641
FORMER T.M. # 24-52-003 SEE D.B. 425, PG. 644
FORMER T.M. # 24-52-004 SEE D.B. 430, PG. 117
FORMER T.M. # 24-52-005 SEE D.B. 425, PG. 371
FORMER T.M. # 24-52-010 SEE D.B. 426, PG. 56
FORMER T.M. # 24-52-011 SEE D.B. 425, PG. 617
FORMER T.M. # 24-52-012 SEE D.B. 426, PG. 293
FORMER T.M. # 24-52-013 SEE D.B. 425, PG. 209
T.M. # 24-52-006
PART OF FORMER T.M. # 24-52-005 SEE D.B. 425, PG. 371
PART OF FORMER T.M. # 24-52-010 SEE D.B. 426, PG. 56
FORMER T.M. # 24-52-011 SEE D.B. 425, PG. 617
FORMER T.M. # 24-52-012 SEE D.B. 426, PG. 293
FORMER T.M. # 24-52-013 SEE D.B. 425, PG. 209



SUBDIVISION APPROVED

CITY PLANNER, LYNCHBURG, VIRGINIA

CITY ENGINEER, LYNCHBURG, VIRGINIA

CLERK OF COURT, LYNCHBURG, VIRGINIA

THE DEDICATION AND VACATION APPROVED BY
LYNCHBURG CITY COUNCIL ON

PLAT SHOWING NINTH AND TENTH
ST. R/W DEDICATION AND THE
VACATION OF PART OF NINTH ST.
AND OF LOT LINES OF CITY
LOTS 116, 128 AND 130
COURT HOUSE HILL, BEING THE
PROPERTY OF THE CITY OF
LYNCHBURG, VIRGINIA

THE CITY OF LYNCHBURG, VIRGINIA
DEPT. OF PUBLIC WORKS
ENGINEERING

DESIGNED BY: XXX	DRAWN BY: HRT	CHECKED BY: A.S.
APP'D. BY: D.G.C.	PROJECT NO.: 03049-BG	
SCALE: 1" = 30'	FILE NO.: D-2092	
DATE: 10/10/2007	SHEET 1 OF 1	
REVISED:		

- NOTES:
1. IRONS OR MONUMENTS TO BE SET AT ALL CORNERS, WHERE POSSIBLE, OR AS OTHERWISE INDICATED ON THIS PLAT.
 2. THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT, THEREFORE, NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.
 3. THIS DRAWING HAS BEEN PREPARED FROM AN ACTUAL FIELD SURVEY AS PER DATE OF THIS PLAT.
 4. THE AREA SHOWN HEREON FALLS WITHIN FLOOD HAZARD 'C' AND IS NOT LOCATED WITHIN FLOOD HAZARD ZONE 'A' FOR A 100 YEAR FLOOD AS DETERMINED BY F.E.M.A. AND SHOWN ON THEIR MAP DATED SEPTEMBER 1, 1979, COMMUNITY PANEL #510093-0010-B.
 5. EXISTING UTILITIES ARE OVERHEAD AND UNDERGROUND.
 6. THESE LOTS ARE SERVED BY PUBLIC WATER AND SEWER.

7. RESTRICTIONS, IF ANY, WILL BE RECORDED IN A SEPARATE DOCUMENT.
8. ALL OLD DASHED LOT LINES ARE HEREBY VACATED.

THE DEDICATION AND VACATION APPEARING ON THIS PLAT IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED AGENT.

OWNER (FOR CITY OF LYNCHBURG) _____ DATE _____

COMMONWEALTH AT LARGE TO WIT:
STATE OF VIRGINIA
COUNTY/CITY OF _____

I, _____, 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 _____, 20____ MY COMMISSION
EXPIRES _____

NOTARY PUBLIC

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: November 13, 2007		AGENDA ITEM NO.: 7A
CONSENT:	REGULAR: X	CLOSED SESSION: (Confidential)
ACTION: X	INFORMATION:	
<u>ITEM TITLE:</u> Consideration of Adopting the Updated <u>Lynchburg Historic Districts Residential Design Review Guidelines</u> and <u>Lynchburg Historic Districts Commercial Design Review Guidelines</u>.		

RECOMMENDATION: Adoption of the updated Lynchburg Historic Districts Residential and Commercial design guidelines documents.

SUMMARY: The City of Lynchburg Historic Preservation Commission is requesting City Council to adopt the Updated Lynchburg Historic Districts Residential Design Review Guidelines and Lynchburg Historic Districts Commercial Design Review Guidelines, as prepared by Thomason and Associates, Preservation Planners, Nashville, TN. The Guidelines documents will be used in conjunction with alterations that are proposed to historic-designated properties (Section 35.1-44.1 Historic Districts of the Zoning Ordinance), including Court House Hill, Daniel's Hill, Diamond Hill, Federal Hill, Garland Hill, Pierce Street Renaissance, Rivermont historic districts, and sixteen (16) individually-designated historic districts. The Guidelines documents also will be used in conjunction with non-designated historic properties when Federal monies are being used in restorations and alterations.

The Planning Commission and the Historic Preservation Commission recommended adoption because:

- Request agrees with the Comprehensive Plan's Goals for Design, Character & Quality:
 - o Goal 1, "Ensure that development and redevelopment reinforce the City's unique character and sense of place" (Chapter 6, page 21).
 - o Goal 1A, "Expand efforts to improve the quality and character of private development...1) by preparing design guidelines...for Overlay Districts..." (Chapter 6, page 21).
- Request agrees with the Comprehensive Plan's Goals for History, Culture, Education & the Arts:
 - o To "ensure that future development, redevelopment and public improvements complement the scale and character, and respect the integrity of, designated historic districts and areas potentially eligible for designation" (Chapter 11, page 11).
 - o "Continue to update and print web-based material summarizing preservation-related regulations and incentive programs" (Chapter 11, page 10).

Several grammatical revisions and corrections were made to the Residential and Commercial Guidelines documents as shown in Attachment 'A.'

PRIOR ACTION(S):

June 25, 2007: Planning Division recommended approval.
Historic Preservation Commission tabled action in order to show full support to the Planning Commission and City Council (4-0 with three absent).

July 16, 2007: Historic Preservation Commission recommended approval (6-0 with one vacancy).

August 8, 2007 Planning Commission recommended approval (5-0 with two absent).

September 11, 2007 City Council postponed action (7-0) until November 13, 2007.

FISCAL IMPACT: N/A

CONTACTS:

Charlene Montford/ 455-3902

Tom Martin/ 455-3909

Annette Chenault/ 455-3894

ATTACHMENT(S):

- Resolution
- Attachment 'A'

REVIEWED BY: lkp

RESOLUTION

A RESOLUTION TO ADOPT THE UPDATED LYNCHBURG HISTORIC DISTRICTS RESIDENTIAL DESIGN REVIEW GUIDELINES AND LYNCHBURG HISTORIC DISTRICTS COMMERCIAL DESIGN REVIEW GUIDELINES AS PREPARED BY THOMASON AND ASSOCIATES, PRESERVATION PLANNERS, NASHVILLE, TENNESSEE.

WHEREAS, since the initial adoption of the Residential Historic Districts Design Guidelines: Building on the History of Lynchburg and the Commercial Historic Districts Design Guidelines: Downtown Lynchburg in 1986 (hereinafter "1986 Design Guidelines"), the City has established three new historic districts, expanded two historic districts and established six additional locally-designated single properties; and

WHEREAS, the more recently established historic districts include resources that differ from those in earlier districts in dates of construction, historic associations and architectural styles and the 1986 Design Guidelines do not include discussions or recommendations with regard to the resources located within these new districts; and

WHEREAS, the 1986 Design Guidelines do not include recommendations about the use of new materials and the circumstances where they may or may not be used; and

WHEREAS, since initial adoption of the 1986 Design Guidelines, the City has adopted a new Downtown Plan, a sign ordinance, and a landscape ordinance and the 1986 Design Guidelines do not include recommendations with regard to certain elements of the Downtown Plan; and

WHEREAS, the updated Lynchburg Historic Districts Residential Design Review Guidelines and Lynchburg Historic Districts Commercial Design Review Guidelines (hereinafter "updated Design Review Guidelines") documents will be used in conjunction with alterations that are proposed to historic designated properties (Section 35.1-44.1 Historic Districts of the Zoning Ordinance) including Court House Hill, Daniel's Hill, Diamond Hill, Federal Hill, Garland Hill, Pierce Street Renaissance, Rivermont historic districts and sixteen (16) individually designated historic districts and will also be used in conjunction with non-designated historic properties when Federal monies are being used in restorations and alterations; and

WHEREAS, the updated Design Review Guidelines will give more detailed guidance to property owners contemplating changes or additions to their buildings or lots; will assist HPC by providing minimum standards to guide its decision-making and result in more appropriate changes which reinforce the distinctive character of the historic districts; and will assist the local building industry as well as City officials to understand the nature of these historic areas and how to reinforce their special character.

NOW, THEREFORE, BE IT RESOLVED that the updated Lynchburg Historic Districts Residential Design Review Guidelines and Lynchburg Historic Districts Commercial Design Review Guidelines documents as prepared by Thomason and Associates, Preservation Planners, Nashville, Tennessee, be, and are hereby, approved and adopted to be used in conjunction with alterations that are proposed to historic designated properties (Section 35.1-44.1 Historic Districts of the Zoning Ordinance) including Court House Hill, Daniel's Hill, Diamond Hill, Federal Hill, Garland Hill, Pierce Street Renaissance, Rivermont historic districts and sixteen (16) individually designated historic districts and will also to be used in conjunction with non-designated historic properties when Federal monies are being used in restorations and alterations.

Adopted:

Certified:

Clerk of Council

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

To: Planning Commission

From: Historic Preservation Commission

Date: August 8, 2007

Re: **Consideration of Adopting the Updated Lynchburg Residential Design Review Guidelines and Lynchburg Commercial Design Review Guidelines, as prepared by Thomason and Associates, Preservation Planners, Nashville, TN. These Guidelines documents will be used in conjunction with alterations that are proposed to historic-designated properties (Section 35.1-44.1 Historic Districts of the Zoning Ordinance), including Court House Hill, Daniel's Hill, Diamond Hill, Federal Hill, Garland Hill, Pierce Street Renaissance, Rivermont historic districts, and sixteen (16) individually-designated historic districts. The Guidelines documents also will be used in conjunction with non-designated historic properties when Federal monies are being used in restorations and alterations.**

I. PETITIONERS

City of Lynchburg, VA., in care of Annette M. Chenault, Secretary to the Historic Preservation Commission, 900 Church Street, Lynchburg, VA 24504

Representatives: Henry C. Devening, Chair, Historic Preservation Commission, 900 Church Street, Lynchburg, VA 24504
Annette M. Chenault, 900 Church Street, Lynchburg, VA 24504

II. LOCATION

The Design Guidelines documents will be applicable to locally-designated historic districts--Court House Hill, Daniel's Hill, Diamond Hill, Federal Hill, Garland Hill, Pierce Street Renaissance, Rivermont, and sixteen (16) individually-designated historic districts (see Appendix A). The guidelines documents also will be applicable to non-designated historic properties when Federal monies are being used in restorations and alterations. The Design Guidelines will be used in conjunction with districts and individual properties that may be designated as local historic district zones in the future.

III. PURPOSE

The Lynchburg Residential Design Review Guidelines and Commercial Design Review Guidelines are intended to provide specific criteria for appropriate rehabilitation work, new construction, and demolition in Lynchburg's designated historic districts and downtown. Design guidelines assist property owners in maintaining and enhancing the appearance of their properties, maintain property values and improve the livability of historic areas. Design guidelines help property owners understand the value and methods of preserving and maintaining the essential character of their property and methods for preservation and appropriate maintenance.

With locally designated historic districts and the Guidelines, there is a clear commitment, purpose and blueprint as to how the community will evolve in the 21st century.

IV. SUMMARY

1. Petition agrees with the Comprehensive Plan's Goals for Design, Character & Quality:
 - Goal 1. "Ensure that development and redevelopment reinforce the City's unique character and sense of place" (Chapter 6, page 21).
 - Goal 1A. "Expand efforts to improve the quality and character of private development...1) by preparing design guidelines...for Overlay Districts..." (Chapter 6, page 21).
2. Petition agrees with the Comprehensive Plan's Goals for History, Culture, Education & the Arts

- To “Ensure that future development, redevelopment, and public improvements complement the scale and character, and respect the integrity of, designated historic districts and areas potentially eligible for designation” (Chapter 11, page 11).
- “Continue to update print and web-based material summarizing preservation-related regulations and incentive programs” (Chapter 11, page 10).

The Planning Division recommends adoption of the updated Design Guidelines.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan's Goals for Design, Character & Quality*, Goal 1 states to “Ensure that development and redevelopment reinforce the City’s unique character and sense of place.” Goal 1A states to “Expand efforts to improve the quality and character of private development by (1) preparing design guidelines...for Overlay Districts...” (Chapter 6, page 21). The *Comprehensive Plan's Goals for History, Culture, Education & the Arts*, Goal 2 is to “Increase access to information concerning local history and culture, as well as the value and benefits of preserving sensitive historic resources by “(2) Continuing to update print and web-based material summarizing preservation-related regulations and incentive programs.” Goal 3 states to “Ensure that future development, redevelopment, and public improvements complement the scale and character, and respect the integrity of, designated historic districts and areas potentially eligible for designation” (Chapter 11, pages 10 & 11).
2. **Zoning.** The *Design Guidelines* documents do not propose to change the existing zoning but are applicable to properties that have a historic district overlay zone (Section 35.1-44.1 of the Zoning Ordinance).
3. **Board of Zoning Appeals (BZA).** N/A
4. **Site Description.** N/A
5. **Proposed Use of Property.** N/A
6. **Development and History.** The City of Lynchburg’s Programmatic Agreement with the Department of Historic Resources (DHR) requires the HPC to make “Determinations of Effect” for properties potentially eligible for historic designation based on its design guidelines according to 36 CFR Part 800 of the National Historic Preservation Act. The City’s Zoning Ordinance requires that conformance with the design guidelines is mandatory in locally designated historic districts. Also, the City’s statue as a Certified Local Government requires that the HPC base its decisions on its design guidelines. The City adopted the *Residential Historic Districts Design Guidelines: Building on the History of Lynchburg* and the *Commercial Historic Districts Design Guidelines: Downtown Lynchburg* in 1986 and readopted the Guidelines in 1991 with minor additions.

Since the initial preparation of the *Design Guidelines* in 1986, the City has established three new historic districts: Court House Hill, Rivermont and Pierce Street Renaissance. Boundaries for both National Register districts--Lower Basin Historic District and the Court House Hill/Downtown Historic District--have been expanded since 1986, and six (6) additional locally-designated single properties have been established. (The City has sixteen (16) individually designated historic properties.)

The historic districts more recently established include resources that differ from those in the earlier districts in dates of construction, historic associations and architectural styles. The current *Design Guidelines* documents do not include discussions or recommendations with regard to the resources located within these new districts.

In addition to an increase in the number of locally designated districts and properties, the 1986 *Design Guidelines* do not include recommendations about the use of new materials which have come under much discussion, such as the HPC has recognized a lack of guidance on information about these materials. The new guidelines address new materials and the circumstances where they may or may not be used.

Since 1986, the City also adopted a new Downtown Plan and sign ordinance and developed a landscape ordinance, all of which have impacts on the City's historic districts. The original Design Guidelines do not include recommendations with regard to certain elements associated with the Downtown Plan.

The HPC found the 1986 Design Guidelines documents to be vague with not enough detail and too few examples cited in the explanatory discussions to be useful.

On April 6, 2006 the DHR and the City entered into an agreement to share the cost of updating the City's Design Guidelines documents. On April 25, 2006, City Council approved the appropriation of \$44,000 for the 2006-2007 DHR Survey and Planning Cost Share Program with resources of \$20,000 from the DHR and \$24,000 from the City for the project. In June 2006, the DHR and the City contracted with Phil Thomason, Thomason and Associates, of Nashville, TN. On August 15, 2006, a special 'kick-off' meeting was held with DHR representatives, Mr. Thomason, the HPC and the public to discuss procedures for accomplishing the task. Workshops were held on October 2, 2006, November 13, 2006, January 18, 2007 and May 23, 2007 in which the public participated in the review during various stages of development.

The final versions of the Design Guidelines documents were submitted in June 2007.

7. **Traffic and Parking.** N/A

8. **Storm Water Management.** N/A

9. **Emergency Services.** N/A

10. **Impact.** The updated Design Guidelines will be used in conjunction with alterations that are proposed to historic-designated properties (Section 35.1-44.1 Historic Districts of the Zoning Ordinance), including Court House Hill, Daniel's Hill, Diamond Hill, Federal Hill, Garland Hill, Pierce Street Renaissance and Rivermont historic districts and sixteen (16) individually-designated historic district properties. The documents also will be used in conjunction with non-designated historic properties when Federal monies are being used in restorations. The Design Guidelines will be used in conjunction with districts and individual properties that may be designated as local historic districts in the future.

The updated Design Guidelines will give more detailed guidance to property owners contemplating changes or additions to their buildings or lots. The documents will assist the HPC by providing them with minimum standards to guide its decision making and result in more appropriate changes which reinforce the distinctive character of the historic districts. They will assist the entire local building industry, including architects, contractors and suppliers, as well as city officials such as building inspectors to understand the nature of these historic areas and how to reinforce their special character.

11. **Technical Review Committee.** N/A

VI. HISTORIC PRESERVATION COMMISSION PUBLIC HEARINGS – JUNE 25, 2007 AND JULY 16, 2007

The Historic Preservation Commission held a public hearing on June 25, 2007 and continued the matter until July 16, 2007. Excerpts from the minutes of both meetings are attached. The following motion was unanimously approved (6-0):

Based on the preceding Findings of Fact, the Historic Preservation Commission recommends to the Planning Commission and City Council adoption of the updated Lynchburg Residential Design Review Guidelines and Lynchburg Commercial Design Review Guidelines, as prepared by Thomason and Associates, Preservation Planners, Nashville, TN.

PLANNING DIVISION RECOMMENDED MOTION

Based on the preceding Findings of Fact, the Planning Commission recommends to the City Council adoption of the updated Lynchburg Residential Design Review Guidelines and Lynchburg Commercial Design Review Guidelines, as prepared by Thomason and Associates, Preservation Planners, Nashville, TN. .

This matter is respectfully offered for your consideration.

Tom Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Ms. Charlene T. Montford, Director of Community Development
Mr. Walter C. Erwin, City Attorney
Mr. J. Lee Newland, Director of Engineering
Ms. Annette M. Chenault, Planner II
Capt. Michael L. Thomas, Fire Marshal
Lt. Danny R. Marks, Lynchburg Police Department Field Operations Bureau
Capt. Todd Swisher, Lynchburg Police Department North Division
Capt. J.P. Stokes, Lynchburg Police Department East Division
Capt. Al Thomas, Lynchburg Police Department South Division
Ms. Cindy Kozerow, Lynchburg Police Department Crime Prevention Bureau
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Mr. Keith Wright, Zoning Official
Mr. Robert S. Fowler, Zoning Official
Mrs. Erin B. Hawkins, Environmental Planner
Mr. Phil Thomason, Thomason & Associates
Ms. Susan E. Smead, DHR Cost Share Program Coordinator

VI. ATTACHMENTS

Lynchburg Residential Design Review Guidelines and Lynchburg Commercial Design Review Guidelines

Appendix A Lynchburg's Local Register of Historic Places- Individual Sites and Historic Districts

Minutes from June 25 and July 16, 2007 HPC meetings

Note: These documents were provided to Council prior to the September 11 public hearing. Council directed that they not be provided again.

REVISIONS/CORRECTIONS (In Red)
LYNCHBURG RESIDENTIAL DESIGN REVIEW GUIDELINES

1. Cover page: LYNCHBURG RESIDENTIAL (add) HISTORIC DISTRICTS DESIGN REVIEW GUIDELINES
2. Page 3, line 19 Charlene Montford, Director (delete) of Community Planning
3. Page 4, line 10 (change) Preservation to Districts
line 14 (add) designated historic district
4. Page 7, line 24 (delete "s") reinforces
line 29 (delete "s") helps
5. Page 13, line 6 (change) fifteen to sixteen
one through sixteen (delete) periods at end of line
6. Page 14 (change) caption to read: First Baptist Church was one of the City's individually designated landmarks, later incorporated into Court House Historic District.
7. Page 15, line 20 (change) on to in
8. Page 16, line 34 (change) on to in
9. Page 17, line 36 (change) on to in
10. Page 18, line 7 (change) Avenue to Street
line 19 (change) on to in
(delete) last paragraph starting with the heading Rivermont
11. Page 19, line 50 (change) on to in
12. Page 21, line 2 (change) consists of blocks along Court Street between 5th & 12th streets. The National Register boundaries are along Court, Church...
line 14-15 (add) period after homes. (delete) and the city's first banks.
line 27 (change) on to in
13. Page 22, line 36-37 (change) to read - There are 14 contributing buildings and four outbuildings.
line 37-39 (delete because of repetition) Pierce Street Renaissance is currently the smallest historic district in Lynchburg.
14. Page 23, line 22 (change) to read - For locally-designated Historic Districts and individual landmarks, a COA is required for any exterior alterations:
line 23-26 (change) to read - Construction, alteration, demolition, or removal of buildings that require a building or demolition permit
line 27-30 (change) to read - Construction, alteration, demolition, or removal of exterior features, any of which affect the exterior architectural appearance, but does not require a building permit.
15. Page 24, line 3 (change) shingles to materials
line 5-6 (add) give some approvals over the telephone with submittal of the application.
line 7-8 (change) to read - ~~Maintenance~~ Replacing sections of siding or trim with same materials, re-roofing with the same materials, etc;
line 9 (change) to read - Repainting ~~exterior~~ in the same or different color scheme;
line 15-16 (delete) Installation of plant material
line 23 (delete) on COA applications
line 31-32 (change) to read - ...representative to be present at the HPC meeting to answer any questions (delete) from the HPC Members.
line 35 (delete) complete

16. Page 26, line 3 (add) A list of defects and estimates for repair may be required.
line 16 (change) to read - ...includes a list of approved work and any conditions of the work if applicable.
line 27 (delete) to a property owner
17. Page 27, line 16 (change) to read - Follow Other Requirements
line 22 (change) to read - There also may be properties
18. Page 28, line 11 (add) ...cooperation of historic district
19. Page 29, line 9 (add) ...there are a few examples
20. Page 34 under first picture: (change) ...built in 1880 is Lynchburg's
21. Page 67 on bottom picture: (delete) (Rebui) off picture
22. APPENDIX B - add form

CORRECTIONS

LYNCHBURG COMMERCIAL DESIGN REVIEW GUIDELINES

1. Cover page: LYNCHBURG COMMERCIAL (add) HISTORIC DISTRICTS DESIGN REVIEW GUIDELINES
2. Page 4, line 19 Charlene Montford, Director (delete) of Community Planning
3. Page 8, (change) caption under first picture to read - as part of the "Lower Bluff Walk" (from the Downtown & Riverfront Master Plan 2000)
4. Page 14, line 1 (change) to read - A pedestrian extension of 8th Street between Court and Church Streets
Caption under picture to read - Steps on Church Street between 8th Street from the middle of the block of Church to Court Street next to Allied Arts Building.

**LYNCHBURG CITY COUNCIL
Agenda Item Summary**

MEETING DATE: **November 13, 2007**

AGENDA ITEM NO.: 7B

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Amendments to Historic Districts Ordinance Section 35.1-44.1(b) Definitions (3) and (11) of the City Code and other House-Keeping Items**

RECOMMENDATION: Adopt amendments to the Historic Districts Ordinance.

Note: The proposed amendment should be adopted only after approval of the revised Historic Districts Guidelines.

SUMMARY: The City of Lynchburg Historic Preservation Commission is requesting to amend the Historic Districts Ordinance Section 35.1-44.1(b) Definitions (3) and (11) of the City Code. The definitions will be applicable to the new updated Lynchburg Historic Districts Residential Design Review Guidelines and Lynchburg Historic Districts Commercial Design Review Guidelines, which are applicable to locally-designated historic districts, sixteen (16) individually-designated historic districts and non-designated but eligible historic properties when Federal monies are being used in restoration and alteration projects.

The proposed amendments also provide that all future editions of the Lynchburg Historic Districts Residential Design Review Guidelines and Lynchburg Historic Districts Commercial Design Review Guidelines are automatically adopted and incorporated into the City Code. Other house-keeping items are made under Section 35.1-44.1.

The words "Historic Districts" were added back to the titles of both sets of Guidelines, as shown in the Historic Districts Ordinance Section 35.1-44.1.

The Planning Commission recommended approval because:

- The amendments will bring the definitions into compliance with the new updated Residential and Commercial Historic Districts Design Guidelines documents, as prepared by Thomason and Associates, Preservation Planners, Nashville, TN.
- All future editions of the Residential and Commercial Historic Districts Guidelines documents and all amendments thereto will be automatically adopted and incorporated into the City Code.
- Other house-keeping items will be made under Section 35.1-44.1.

PRIOR ACTION(S):

October 10, 2007: Planning Division recommended approval
Planning Commission recommended approval (7-0)

FISCAL IMPACT: N/A

CONTACTS:

Charlene Montford/ 455-3902
Tom Martin/ 455-3909
Annette Chenault/ 455-3894

ATTACHMENT(S):

- Ordinance
- PC Report
- PC Minutes

REVIEWED BY: lkp

ORDINANCE

AN ORDINANCE TO AMEND AND REENACT SECTION 35.1-44.1 OF THE CITY CODE OF THE CITY OF LYNCHBURG, 1981, AS AMENDED, RELATING TO THE CITY OF LYNCHBURG'S HISTORIC DISTRICTS 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 Section 35.1-44.1 of the Code of the City of Lynchburg, 1981, is hereby amended and reenacted as follows:

Sec. 35.1-44.1. Historic districts (HD).

(a) Intent.

The purposes of the historic districts are to promote the public welfare through the creation of historic districts for the protection and preservation of historic buildings, structures, places, archaeological sites, and areas of historic interest (as a class of structural and environmental types) within the City of Lynchburg, as well as the development and maintenance of appropriate settings and environment for such buildings, structures, places and areas as provided by Section 15.2-2306 of the Code of Virginia (1950), as amended.

Some additional purposes of these districts are to stabilize and improve property values in the historic districts; encourage new buildings and developments that will be architecturally compatible with existing historic landmarks, buildings and structures; prevent the encroachment of additions or new buildings and structures that are architecturally incongruous with the environs of the historic districts; promote local historic preservation efforts, and encourage the identification and nomination of qualified historic properties and districts to the National Register of Historic Places and the Virginia Landmarks Register.

The preservation of historical places is intended to provide an educational resource and to foster a sense of pride in our heritage for succeeding generations, that they may appreciate and understand the history of our culture.

(b) Definitions.

The following definitions apply to this historic districts ordinance:

(1) Alteration: Any change, modification or addition to a part of or all of the exterior of any building or structure.

(2) Certificate of appropriateness (COA): The approval statement signed by the historic preservation commission chair and/or the secretary that certifies the appropriateness of a particular request for the construction, alteration, reconstruction, repair, restoration, or demolition of all or a part of any building or structure within a historic district, subject to the issuance of all other permits needed for the matter sought to be accomplished.

(3) ~~Lynchburg commercial historic districts design review guidelines; Downtown Lynchburg:~~ A publication adopted by city council on November 13, 2007, ~~on September 25, 1986 and readopted by city council on December 10, 1991~~ that gives detailed guidance to property owners of the commercial historic districts who are contemplating changes or additions to their building or property; and assists the historic preservation commission by providing them with minimum standards to guide their decision making. All future editions of the commercial guidelines document and all amendments thereto are automatically adopted and incorporated into the city code.

(4) Contributing property: Those properties which by reason of form, materials, architectural details and relation to surrounding properties contribute favorably to the general character of the historic district in which they are located.

(5) Demolition: The dismantling or tearing down of all or part of any building or structure and all operations incidental thereto.

(6) Exterior architectural features: The architectural style, general design and general arrangement of the exterior of a building, structure or object, including but not limited to the kind or texture of the building material and the type and style of all windows, doors, signs and other appurtenant architectural fixtures, details, features or elements.

(7) Historic district: A geographically defined area consisting of public and/or private property within the city, possessing a significant concentration, linkage, or continuity of sites, buildings or structures, areas of unique architectural value, landmarks or encompassing parcels of contiguous land united by past events or aesthetically by plan or physical development. A district may also comprise individual buildings or structures separated geographically but linked by association or history. A historic district shall further mean an area designated by city council as a historic district pursuant to the criteria established in (d)(1) of this ordinance. The historic district overlay zone defines the area in which the requirements of the historic districts ordinance shall apply. The historic district overlay zone 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 historic district overlay zone shall also lie within one or more of the other zoning districts provided by this ordinance.

(8) New construction: Any construction within a historic district that is independent and exclusive of an existing building or structure or part thereof in the historic district.

(9) Noncontributing property: A property so designated on the inventory map of historic districts and properties which are adopted as a part of this ordinance, being generally those properties which by reason of age, condition, amount of alterations, form, materials, architectural details and relation to surrounding properties do not contribute favorably to the general character of the part of the historic district in which they are located.

(10) Repairs in like material and like design: Any work or all work involving the replacement of existing material with equivalent material for the purpose of maintenance, but not including any addition, change or modification in construction design.

(11) Lynchburg residential historic districts design review guidelines: Building on the History of Lynchburg: A publication adopted by city council on November 13, 2007, on September 25, 1986 and readopted by city council on December 10, 1991 that gives detailed guidance to property owners of the residential historic districts who are contemplating changes or additions to their building or property; and assists the historic preservation commission by providing them with minimum standards to guide their decision making. All future editions of the residential guidelines document and all amendments thereto are automatically adopted and incorporated into the city code.

(12) Restoration: Any or all work connected with the returning to or restoring of a building, or part of any building, to its original condition through the use of original or nearly original materials.

(c) The historic preservation commission.

There is hereby created and established a historic preservation commission, hereinafter referred to as the HPC, formerly known as the board of historic and architectural review, which shall consist of seven (7) members.

(1) Role. The role of the HPC is to administer the city's historic districts ordinance and to provide professional assistance and guidance to property owners in achieving appropriate alterations to their historic properties.

(2) Composition. The members of the HPC shall be appointed by city council and shall be residents of the City of Lynchburg. At least one (1) member of the HPC shall be an architect and at least one (1) member shall be an owner and a resident of property in a historic district that is defined as a neighborhood but excludes single-structure districts. Not more than one (1) person shall be appointed who is principally

engaged in the buying and selling of, or investment in, real estate. All members shall have a demonstrated interest, competence and knowledge in historic preservation. At least two (2) members shall meet the Professional Standards Qualifications used by the National Park Service and published in the Code of Federal Regulations, 36 CFR Part 61.

(3) Terms of Office. All appointments shall be made for a term of three (3) years until they are reappointed or their successors are appointed. No member shall serve for more than three (3) consecutive terms. Within sixty (60) days after they occur, vacancies shall be filled by city council for the unexpired term.

(4) Organization; officers; meetings.

a. The HPC shall elect a chair and a vice-chair. The department of community ~~planning and~~ development shall designate an administrative liaison to act as the secretary to the HPC.

b. The HPC shall meet at such times as it may determine by resolution and in any event within thirty (30) days after notification by the HPC secretary of an application for a permit to erect, reconstruct, externally alter, move or restore, raze or demolish, a building, landmark, or structure noted lying within the confines of a historic district.

c. If any HPC member is absent without cause for three (3) consecutive meetings or is absent for four (4) meetings in any twelve- (12) month period, that member's position shall be deemed vacant.

d. A permanent record shall be kept of the resolutions, transactions, and determinations of the HPC. This record shall be kept and maintained in the department of community ~~planning and~~ development.

e. The HPC is authorized to adopt rules of procedure for its meetings and the administration of the historic districts ordinance.

(d) Historic districts.

(1) City council of the City of Lynchburg has adopted criteria for determination of landmarks, buildings, or structures to be designated as being historically significant. Any changes to said criteria shall be made by city council after receiving recommendations from the HPC.

(2) In order to execute the purposes and objectives of this ordinance, there may be created in the city districts to be known as "Historic Districts" in addition to any existing historic districts. A historic district may be a part or all of a neighborhood, site, structure or a combination thereof. The boundaries of such districts shall be as described in the ordinance as adopted by city council. The boundaries of such districts shall be shown on maps which shall be filed and maintained in the department of community ~~planning and~~ development.

(3) The procedure to be followed in establishing historic districts is specified in Section 35.1-17 of this code. However, due to the unique nature of a historic district designation relative to traditional zoning, consideration of designating an area as a historic district may be exempted by the city from the regulations cited in Section 35.1-17 with the exception of the public hearing requirements to appear in the local newspaper as specified in Section 35.1-19 of this code. The posting of a sign giving notice of intent to rezone may be waived by the city. In the case of historic district consideration, in addition to other requirements, a fee may be required from the petitioner in the amount set forth in the fee schedule adopted by city council to cover the cost of publishing legal notices for hearings before the HPC, the planning commission and the city council.

(4) A notice that a building may be designated as a "historic district" shall be sent by registered or certified mail to the present owners as disclosed by the landbooks of the city, which notice shall contain the following information: the location and street address; the reason why the building and/or the district in which it is proposed to be located is deemed to be of historic or architectural interest; a copy of the pertinent portions of this ordinance restricting the altering or razing of said building; the place, time and date of the public hearing of the HPC.

(5) The HPC, the planning commission, city council, any petitioner with a petition signed by five (5) registered voters, or the owner of any landmark, building, or structure in the City of Lynchburg, including those listed on the Virginia Landmarks Register or the National Register of Historic Places, may make a written request of the HPC for the consideration of recommending the designation of such landmarks, buildings, or structures as a historic district. The HPC shall recommend the requested addition if, after a public hearing pursuant to Section 35.1-19, it considers said building to be of historic, architectural, or cultural merit as based on the criteria cited in subsection (d)(1).

(6) The HPC, the planning commission, city council, the owner or owners of any landmark, building or structure located within a historic district may make a written request of the HPC for the consideration of recommending the removal of the historic district designation from such landmark, building, or structure. Procedure for notification of a public hearing to remove a designation as a historic district shall be the same as the procedure to establish such designation.

(e) Historic marker.

The HPC shall designate an appropriate marker and may permit each owner of a historic landmark, building or structure to display the marker in an appropriate manner. In addition, the HPC may at its discretion design and display similar markers denoting "historic districts." The costs of making, inscribing, installing and maintaining such markers shall be paid for by the City of Lynchburg. The costs of making, inscribing, installing and maintaining private individual markers shall be paid for by the property owner.

(f) Unauthorized display.

It shall be unlawful for any person to display, without the authorization of the HPC, a marker or any imitation thereof as provided for in subsection (e).

(g) Certificate of appropriateness.

Within a historic district, no building or structure, including signs, and including non-contributing buildings and structures and signs, shall be erected, reconstructed, restored, demolished, or altered in any way that affects the external appearance of the building or structure, including such items as roofs, chimneys, fences, and color changes, unless the same is approved as being architecturally compatible with historic landmarks, buildings, or structures therein through the issuance of a certificate of appropriateness, also referred to as a COA, by the HPC, the secretary or by city council. A certificate of appropriateness that is granted by the HPC, the secretary or on appeal by city council shall be provided to the neighborhood services division and the inspections division from the secretary. No building permit or demolition permit to authorize any erection, reconstruction, alteration or demolition that affects the external appearance of any landmark, building or structure, or part thereof in a designated historic district, shall be issued until a certificate of appropriateness is issued by the HPC or city council. The decision of the HPC shall be final except where an appeal is timely made to city council pursuant to subsection (j).

Certain minor actions, which are deemed not to permanently affect the character of the historic district, may be exempted from review by the HPC, but the secretary of the HPC shall be notified of the proposed actions and may review and approve the alterations administratively or refer the proposed alterations to the HPC. Such actions shall include the following and any similar actions which in the opinion of the HPC secretary will have no more effect on the character of the district than those listed:

Repainting resulting in the same color scheme, in a different color scheme, or in a color scheme previously approved by the HPC. (Initial painting of masonry surfaces is not exempted from review by the HPC.)

Addition or deletion of storm windows and doors, window gardens, awnings, temporary canopies or similar appurtenances and window air conditioners.

Addition of television or radio antennas, satellite dishes, skylights or solar collectors.

The neighborhood services manager or his/her designee shall have the authority to order that work be stopped and that an application for the issuance of a certificate of appropriateness be filed in any case where in his/her opinion the action may exceed the conditions listed above. The neighborhood services manager or his/her designee shall report this action to the HPC secretary; however, in all cases the decisions may be appealed to the HPC, and a determination shall be made by the HPC on such appeal within thirty (30) days.

(1) Notice to affected property owners when certificate of appropriateness is to be issued; hearing to be afforded affected property owners. Whenever the HPC finds that the issuance of a certificate of appropriateness and the exercise of the rights and privileges granted thereby will, or is likely to, materially and adversely affect the property or the value thereof of another within two hundred feet of the subject property, the HPC shall, before the issuance of the certificate of appropriateness, give due notice of its intention to do so to the owner of such affected property and afford such owner an opportunity to be heard with respect thereto, and the certificate of appropriateness shall not be issued until such notice is given and opportunity afforded. In cases where the HPC deems it necessary, it may hold a public hearing concerning the application after notice has been given as provided for in Section 35.1-19 of this code.

The time within which such certificate of appropriateness may be issued shall, if necessary, be extended for such additional time as is required to give such notice and allow such hearing.

(2) Procedure for review of application. Applicants for review involving alterations and/or additions to existing historic structures or the erection of any new structure within a historic district shall submit to the HPC appropriate documentation, which may include, where appropriate, preliminary drawings and outline specifications, including color samples and photographs.

a. As used herein, drawings shall mean plans and exterior elevations drawn with sufficient detail to show, as far as they relate to exterior appearances, the architectural design, including proposed materials, textures and colors, and including samples of materials and color samples and a plot plan of all improvements affecting appearances of walls, walks, terraces, accessory buildings, lights, and other elements.

b. Legible photographs of all sides of a structure to be reviewed for repair, alteration, or additions will be submitted to the HPC. In the event of new construction, legible photographs of the adjoining and opposite properties may be required.

c. Applications for maintenance involving only a color change will include samples of the proposed colors.

(3) Standards. All decisions of the HPC shall be consistent with standards established by the secretary of the United States Department of the Interior. In addition to using the secretary of the United States Department of the Interior's Standards to guide decisions, the HPC, or city council on appeal, shall consider the following items in considering the appropriateness of architectural features:

a. General form and composition of proposed construction (shape of proposed structure in plan, relationship between width and height of elevation).

b. Setback and placement on lot.

c. Exterior construction materials (textures, patterns, and colors).

d. Architectural detailing (molding on cornices, finials, and cresting on roofs, gable ornaments, lintels).

e. Roof shapes.

f. Windows (relationship of width to height, location) and doors.

g. Height.

h. Porches (shape, style, size, location) and steps.

- i. Walls, fences, walkways, pools, fountains, gazebos, gates, sidewalks, streets, signs, and accessory structures.
- j. Enclosure (materials, location, height), such as outbuildings, roofed enclosures, and similar type structures.
- k. Other features that have an impact on the historic and/or architectural character of the property.

Such compatibility shall be based on a comparison with significant, similar structures within the district and the residential or commercial historic districts design guidelines, as adopted by city council. The HPC shall also consider the economic feasibility and impact of the proposed repairs, alterations, additions, or new construction.

(4) Action of HPC.

a. Within thirty (30) days of receipt of an application for a certificate of appropriateness, the HPC shall meet to review such application. The applicant shall be informed of the time and place at which the HPC will consider the application, and the applicant shall have an opportunity to be heard. The HPC shall approve or deny the application and notify the applicant of same within thirty (30) days after the first meeting.

b. Certificates of appropriateness issued by the HPC shall expire of their own limitations six (6) months from the date of issuance, if work authorized thereby is not commenced within that time, and shall also expire and become void if such authorized work is suspended or abandoned for a period of ninety (90) days. Any period of time during which the use of such certificate of appropriateness is stayed, pursuant to appeal or court action, is excluded from the computation of the said ninety (90) days.

c. The work authorized by the certificate of appropriateness shall be completed within twelve (12) months of the date of issuance of the certificate of appropriateness, unless, for good cause shown, the HPC determines that a longer period is warranted and the HPC secretary shall be notified by the neighborhood services division of the completed work. If the work authorized by the certificate of appropriateness is not completed within the allotted twelve (12) months or within such longer period as may have been approved by the HPC, the secretary shall be notified by the neighborhood services division and the applicant shall be required to apply in writing for an extension of time to complete the work authorized by the certificate of appropriateness. The HPC or the secretary may grant one or more ninety (90) day-extensions of time for completing the work authorized by the certificate of appropriateness. The failure to meet the deadlines in the certificate of appropriateness will result in the revocation of the COA, and any work done after the owner has been notified of the revocation is punishable as a violation of the zoning ordinance.

d. If the HPC disapproves such plans, it shall state its reason for so doing and shall transmit a record of the reasons therefore in writing to the neighborhood services manager or his/her designee and to the applicant. No further action shall be taken by the city building commissioner or his/her designee to issue a construction permit. The applicant may modify his/her application in regard to the HPC's recommendations and shall have the right to resubmit his/her application to the HPC for its recommendation.

(5) Action of the applicant.

Within ten (10) business days after the HPC shall approve a certificate of appropriateness, the secretary shall issue a certificate of appropriateness for the work authorized and forward it to the neighborhood services division and the inspections division and enter it into the department of community ~~planning and~~ development project tracking system.

(6) Issuance of the certificate of appropriateness.

a. If the HPC approves the application, it shall issue a certificate of appropriateness dated and signed by the secretary. The secretary shall also stamp all prints and other documents submitted to the HPC signifying its decision.

b. Any person to whom a certificate of appropriateness has been issued may commence work at his/her own risk during the fifteen- (15) day appeal period provided for in subsection (j).

(7) Notification by the neighborhood services manager or his/her designee. The neighborhood services manager or his/her designee shall notify the HPC secretary upon completion of work approved in the certificate of appropriateness.

(8) Required for demolition. Subject to the provisions of subsection (i) of this ordinance, no historic landmark, building or structure within a historic district shall be razed, demolished or moved until the razing, demolition or moving thereof is approved by the HPC, or, on appeal, by city council.

(h) Requirement to provide ordinary maintenance or repair.

(1) Property owners in historic districts (and citywide) shall not allow their buildings and structures to deteriorate by failing to provide ordinary maintenance or repair. The building commissioner or his/her designee is charged with such responsibilities regarding deterioration by neglect, as provided by the current BOCA National Property Maintenance Code. Historic properties must be maintained in accordance with the standards of the Uniform Statewide Building Code.

(2) Removal of exterior features for any reason, whether due to neglect, deterioration, damage or willful removal is a violation of this ordinance and subject to penalties as set forth in zoning ordinance Section 35.1-20(a). Removal of exterior features is not a violation of the historic districts ordinance if the removal is ordered by the building commissioner pursuant to the provisions of the Uniform Statewide Building Code.

(i) Demolition and moving. In addition to the right of appeal hereinafter set forth in subsection (j), the owner of a historic landmark, building or structure, the razing or demolition of which is subject to the provisions of subsection (g) hereof, shall, as a matter of right, be entitled to raze or demolish such landmark, building or structure provided that:

(1) The owner has applied to the city council for such right; and,

(2) The owner has for the period of time set forth in the time schedule hereinafter contained and at a price reasonably related to its fair-market value as determined by the current assessment on the city assessor's records or, upon the owner's request by an appraisal committee which shall be appointed by city council and composed of two (2) local licensed real estate brokers and a local banker, made a bona fide (specifics of which are to be determined by the HPC, which may include but not be limited to national and internet advertising) offer to sell such landmark, building, or structure, and, if necessary, the land pertaining thereto, to the city, or to any person, firm, corporation, government or agency thereof, or political subdivision or agency thereof, which gives reasonable assurance that it is willing and able to preserve and restore the landmark, building or structure and the land pertaining thereto; and,

(3) That no bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any landmark, building or structure, and the land pertaining thereto, prior to the expiration of the applicable time period set forth in the time schedule hereinafter contained. Any appeal which may be taken to the court from the decision of city council, whether instituted by the owner or by any other party, notwithstanding the provisions heretofore stated relating to a stay of the decision appealed from, shall not affect the right of the owner to make the bona fide offer to sell referred to above. No offer to sell shall be made more than one year after a final decision by city council, but hereafter the owner may renew his/her request to city council to approve the razing or demolition of the historic landmark, building or structure.

(4) The time schedule for offers to sell shall be as follows: three months when the offering price is less than twenty-five thousand dollars (\$25,000); four months when the offering price is twenty-five thousand dollars (\$25,000) or more but less than forty thousand dollars (\$40,000); five months when the offering price is forty thousand dollars (\$40,000) or more but less than fifty-five thousand dollars (\$55,000); six months when the offering price is fifty-five thousand dollars (\$55,000) or more but less than seventy-five thousand dollars (\$75,000); seven months when the offering price is seventy-five thousand dollars (\$75,000) or more but less

than ninety thousand dollars (\$90,000); and twelve months when the offering price is ninety thousand dollars (\$90,000) or more.

(j) Appeals.

(1) Whenever the HPC shall, in a final decision, deny an application for a certificate of appropriateness, the applicant for such certificate of appropriateness shall have the right to appeal to and be heard before the city council; provided that he/she files with the clerk of the city council within 15 days after the decision by vote of the HPC, a notice in writing of his/her intention to appeal.

(2) Upon receipt of such notice, the clerk of the city council shall promptly schedule a public hearing as soon as reasonably practical after complying with the appropriate notice requirements. Notice of the hearing shall be given as provided by Section 35.1-19 of this code. Each such appeal shall be accompanied by a check or money order in the amount set forth in the fee schedule adopted by the city council to cover the costs in connection with this notice.

(3) Opponents to the granting of certificates of appropriateness by the HPC shall have the right to appeal to and be heard before the city council, provided there is filed with the clerk of the city council within fifteen (15) days after the decision by vote of the HPC a written petition, signed by at least 25 registered voters of the city, indicating their intention to appeal. Upon receipt of such notice, the clerk of the city council shall promptly schedule a public hearing as soon as it is reasonably practical for city council after complying with notice requirements. Notice of the hearing shall be given as provided by Section 35.1-19 of this code. Costs of advertising appeal hearings requested by said opponents will be paid by the opponents in the amount set forth in the fee schedule adopted by the city council.

(4) On any such appeal, the final decision of the HPC appealed from shall be stayed pending the outcome of the appeal to city council, except that the filing of such appeal shall not stay the decision of the HPC if such decision denies the right to raze or demolish a historic landmark, building or structure. The city council shall conduct a full and impartial public hearing on the matter before rendering any decision. The same standards and considerations aforesaid in Subsection (g)(3) of this section shall be applied by city council as are established for the HPC. The city council may affirm, reverse or modify the decision of the HPC, in whole or in part. The decision of city council, subject to the provisions of Subsection i., shall be final. If approved, a certificate of appropriateness, signed by the clerk of the city council, shall be issued to the applicant.

(k) Appeal to the circuit court.

Within thirty (30) days after any final decision is rendered by city council pursuant to this section, an aggrieved party may appeal as a matter of right to the circuit court for the city by filing a petition at law setting forth the alleged illegality of the action by city council. The filing of the said petition shall stay the decision of the city council pending the outcome of the appeal to circuit court, except that the filing of such petition shall not stay the decision of city council if such decision denies the right to raze or demolish a historic landmark, building or structure.

(l) Conflict with statutes, local ordinances or regulations.

Whenever the regulations made under authority of this chapter require a greater width or size of yards, courts or other open spaces, require a lower height of building or less number of stories, require a greater percentage of lot to be left unoccupied or impose other higher standards than are required in any other statute or local ordinance or regulation, the provisions of the regulations made under authority of this chapter shall govern. Whenever the provisions of any other statute or local ordinance or regulation require a greater width or size of yards, courts or other open spaces, require a lower height of building or a less number of stories, require a greater percentage of lot to be left unoccupied or impose other higher standards than are required by the regulations made under authority of this chapter, the provisions of such statute or local ordinance or regulation shall govern.

(m) Assistance of city administration.

The departments, bureaus, divisions, boards, commissions, agencies, and other offices of the city government shall furnish to the HPC such available information and render it appropriate service as may be required for the exercise of the powers and performance of the duties and functions of the HPC. All city departments and agencies responsible for historic public buildings, monuments, districts, and places shall submit a COA application to demolish, move, or alter said structures or places to the HPC for review and recommendation.

(n) Acquisition of historic real property.

The HPC may recommend to city council that the city acquire in any legal manner any historic area, landmark, building or structure, land pertaining thereto, or any estate or interest therein which, in the opinion of the HPC, should be acquired, preserved and maintained for the use, observation, education, pleasure and welfare of the people.

(o) Injunctions.

Wherever any person has engaged in or is about to engage in any act or practice which constitutes or will constitute a violation of this ordinance, the neighborhood services manager or his/her designee may make application to the circuit court for an order enjoining such act or practice, or requiring such person to refrain from such prospective violation, or to remedy such violations by restoring the affected property to its previous condition. Upon proof by the neighborhood services manager or his/her designee that such person has engaged in or is about to engage in any such act or practice, a temporary or permanent injunction, restraining order or other appropriate order shall be granted to the neighborhood services manager or his/her designee.

(p) Penalties.

For violations and penalties, see Section 35.1-20 of the zoning ordinance.

(q) Separability.

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

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

Adopted:

Certified:

Clerk of Council

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

To: Planning Commission
From: Planning Division
Date: October 10, 2007
Re: Amendments to Historic Districts Ordinance Section 35.1-44.1 (b) Definitions (3) and (11) of the City Code and Other House-Keeping Items

I. PETITIONER

Historic Preservation Commission, 900 Church Street, Lynchburg, VA 24504

Representative: Ms. Annette Chenault, Planner II, 900 Church Street, Lynchburg, VA 24504

II. LOCATION

The amendments to Historic Districts Ordinance Section 35.1-44.1 (b) Definitions (3) and (11) of the City Code will be applicable to the new updated Lynchburg Residential Design Review Guidelines and Lynchburg Commercial Design Review Guidelines, which are applicable to locally-designated historic districts, sixteen (16) individually-designated historic districts and non-designated but eligible historic properties when Federal monies are being used in restoration and alteration projects. Other house-keeping items are made under Section 35.1-44.1.

Property Owner: N/A

III. PURPOSE

The purpose of the amendments to the Historic Districts Ordinance Section 35.1-44.1 (b) Definitions (3) and (11) of the City Code is to bring into compliance the definitions of Lynchburg Residential Design

Review Guidelines and Lynchburg Commercial Design Review Guidelines, as prepared by Thomason and Associates, Preservation Planners, Nashville, TN. Other amendments are proposed for house-keeping purposes under Section 35.1-44.1

The amendments are as follows:

(3) **Lynchburg Commercial Historic Districts Design Review Guidelines: Downtown Lynchburg**: A publication adopted by city council on September 25, 1986 and readopted by city council on December 10, 1994 that gives detailed guidance to property owners of the commercial historic districts who are contemplating changes or additions to their building or property; and assists the historic preservation commission by providing them with minimum standards to guide their decision making. **All future editions of the Commercial Design Review Guidelines document and all amendments thereto are automatically adopted and incorporated into the city code.**

(11) **Lynchburg Residential Historic Districts Design Review Guidelines: Building on the History of Lynchburg**: A publication adopted by city council on September 25, 1986 and readopted by city council on December 10, 1994 that gives detailed guidance to property owners of the residential historic districts who are contemplating changes or additions to their building or property; and assists the historic preservation commission by providing them with minimum standards to guide their decision making. **All future editions of the Residential Design Review Guidelines document and all amendments thereto are automatically adopted and incorporated into the city code.**

In several areas for house-keeping purposes, the words “planning and” were removed from “department of community planning and development.”

IV. SUMMARY

- The Historic Districts Ordinance amendments to Section 35.1-44.1 (b) Definitions (3) and (11) of the City Code would bring into compliance the definitions of the new updated Lynchburg Residential Design Review Guidelines and Lynchburg Commercial Design Review Guidelines, as prepared by Thomason and Associates, Preservation Planners, Nashville, TN.
- Other amendments are proposed for house-keeping purposes under Section 35.1-44.1.

The Planning Division recommends approval of the Historic Districts (HD) Ordinance amendments.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** Petition agrees with the *Comprehensive Plan's Goals for History, Culture, Education & the Arts*, Goal 2 by “(2) Continuing to update and print web-based material summarizing preservation-related regulations and incentive programs.”
2. **Zoning.** The proposed amendments to the Historic Districts Ordinance would not change the existing underlying zoning of historically-designated and eligible but non-designated historic properties.
3. **Board of Zoning Appeals (BZA).** N/A
4. **Surrounding Area.** N/A
5. **Site Description.** N/A
6. **Proposed Use of Property.** N/A

7. **Traffic and Parking.** N/A

8. **Storm Water Management.** N/A

9. **Emergency Services.** N/A

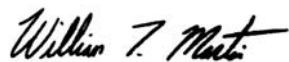
10. **Impact.** The proposed amendments to the Historic Districts Ordinance would bring into compliance the definitions of the new updated Commercial and Residential Guidelines documents, as prepared by Thomason and Associates. Other amendments are proposed for house-keeping purposes under Section 35.1-44.1.

11. **Technical Review Committee.** N/A

VI. PLANNING DIVISION RECOMMEND MOTION(S):

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of amending Historic Districts Ordinance Section 35.1-44.1 (b) Definitions (3) and (11) to bring them into compliance with the new updated Residential and Commercial Design Guidelines documents, as prepared by Thomason and Associates, Preservation Planners, Nashville, TN. The Planning Commission also recommends approval of other amendments to Section 35.1-44.1 for house-keeping purposes.

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, Director of Engineering
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
Ms. Annette M. Chenault, Planner II
Mrs. Erin B. Hawkins, Environmental Planner

VII. ATTACHMENTS

1. Historic Districts (HD) Ordinance amendments

MINUTES FROM THE OCTOBER 24, 2007, PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

a. Amendments to the Historic Districts Ordinance Section 35.1-44.1 (b) Definitions (3) and (11) of the City Code is to bring into compliance the definitions of Lynchburg Residential Design Review Guidelines and Lynchburg Commercial Design Review Guidelines, as prepared by Thomason and Associates, Preservation Planners, Nashville, TN. Other amendments are proposed for house-keeping purposes under Section 35.1-44.1.

Mr. Martin addressed the commissioners with the following comments. The Design Guidelines for both commercial and residential historic districts came before the Planning Commission on August 8, 2007, and Planning Commission recommended approval. At City Council's public hearing, they delayed action. It came to staff's attention that the zoning ordinance makes reference to the current design guidelines. This action is to change the name of the guidelines in the ordinance and state that any other revisions adopted by Council would then be incorporated into the zoning ordinance.

Commissioner Worthington asked for clarification that this is more for form than for substance and got confirmation of that from Mr. Martin and Chair Hamilton. Chair Hamilton asked for anyone present to speak in favor of the petition. Mrs. Frances Calhoun came forward, but Chair Hamilton thought she actually wished to speak on the next public hearing for the Fifth Street rezoning. Mrs. Calhoun acknowledged that was the one she wished to address. There was no one else present to speak in favor or opposition to the petition.

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

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

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **November 13, 2007**

AGENDA ITEM NO.: **8**

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **CONDITIONAL USE PERMIT (CUP) – Planned Unit Development, Locke Haven
1200 and 1202 Wood Road**

RECOMMENDATION: Approval of the requested conditional use permit petition.

SUMMARY: At the August 14, 2007 meeting, City Council held a public hearing for the Locke Haven Planned Unit Development (PUD) project. The project proposed the construction of forty-five (45) homes, which included a combination of single-family attached and townhouse units; the petitioner requested an exemption to the ordinance requirement that twenty (20) percent of the units be single-family detached homes. City Council decided at that meeting to delay their vote on the project to allow the developer time to explore options that would satisfy some of the neighbor's concerns, including a provision for at least twenty (20) percent of the residences to be single-family detached houses. S.W. Neal Development Group has revised its request for the approval of a conditional use permit to allow a Planned Unit Development to include the construction of sixteen (16), single-family detached homes, seventeen (17) single-family attached homes and eleven (11) townhouses with landscaping and pedestrian features. Although the decision on whether the plan changes are significant enough to warrant a second public hearing ultimately rests with City Council, it is staff's opinion that another public hearing is not required because:

- The petition agrees with the *Comprehensive Plan* which recommends both Low Density and Medium Density residential uses for this area.
- Petition agrees with the *Zoning Ordinance* in that a Planned Unit Development is a use permitted in an R-1, Low-Density Single-Family Residential District and an R-3, Medium-Density Two-Family Residential District with approval of a conditional use permit (CUP) by City Council.
- The petitioner proposes to reduce the total number of residential units from the forty-five (45) proposed at the August 14, 2007 public hearing to forty-four (44) units, with thirty-six (36) percent of the proposed units to be single-family detached homes.
- The layout of the project, with regard to where the units are located and the location of the proposed amenities, has not changed significantly from the original design.

PRIOR ACTION(S):

May 23, 2007: The Planning Division recommended approval of the conditional use permit. Planning Commission deferred the project to a June 27th work session to discuss traffic and density issues.

June 27, 2007: The Planning Commission recommended (7-0) that City Council waive the requirement that at least twenty (20) percent of the total number of dwelling units within the Locke Haven PUD be in single-family, detached structures. Planning Commission recommended approval (7-0) of the CUP with the following conditions:

1. The property shall be developed in substantial compliance with the Site Plan dated May 7, 2007 and received by the Department of Community Development on May 16, 2007.
2. Any exterior lighting will be glare-shielded and non-directional to prevent direct illumination across the property line.
3. Seating areas for pedestrians will be located within a landscaped courtyard and along sidewalks.

August 14, 2007: City Council delayed their vote on the project to allow the petitioner to look at other options that would satisfy some of the neighbor's concerns, including a provision for at least twenty (20) percent of the units to be single-family detached homes.

FISCAL IMPACT: N/A

CONTACTS:

Charlene Montford/ 455-3902

Tom Martin/ 455-3909

ATTACHMENT(S):

Resolution

PC Report

PC Minutes

Vicinity Zoning Pattern

Vicinity Proposed Land Use

Revised Site Plan

Revised Single-Family Detached Unit Architectural Rendering

Site Plan (5/16/07)

Site Plan (6/13/07)

Existing Zoning Exhibit Showing Surrounding Zoning

Existing Zoning Exhibit Showing Proposed Single-Family Development

Original Single-Family Detached Unit Architectural Rendering

Original Single-Family Attached and Townhouse Unit Architectural Renderings

Speaker Sign-Up sheet

REVIEWED BY: lkp

As originally submitted August 14, 2007

RESOLUTION:

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO S.W. NEAL DEVELOPMENT GROUP TO ALLOW THE CONSTRUCTION OF A PLANNED UNIT DEVELOPMENT IN A R-1, LOW-DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT AND A R-3, MEDIUM DENSITY TWO-FAMILY RESIDENTIAL DISTRICT LOCATED AT 1200 AND 1202 WOOD ROAD.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the requirement for at least twenty percent of the total number of dwelling units within the Locke Haven Planned Unit Development be single-family, detached structures is hereby waived.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of S.W. Neal Development Group for a Conditional Use Permit for use of the property at 1200 and 1202 Wood Road to construct a Planned Unit Development that would include the construction of a thirty-four (34) one-story, single-family attached homes and eleven (11) one and a half (1.5) story townhouses with landscaping and pedestrian features in a R-1, Low-Density Single-Family Residential District and an R-3, Medium-Density Two-Family Residential District 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 May 7, 2007 and received by the Department of Community Development on May 16, 2007.
2. Any exterior lighting will be glare-shielded and non-directional to prevent direct illumination across the property line.
3. Seating areas for pedestrians will be located within a landscaped courtyard and along sidewalks.

Adopted:

Certified:

Clerk of Council

104L

As submitted with changes

RESOLUTION:

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO S.W. NEAL DEVELOPMENT GROUP TO ALLOW THE CONSTRUCTION OF A PLANNED UNIT DEVELOPMENT IN A R-1, LOW-DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT AND A R-3, MEDIUM DENSITY TWO-FAMILY RESIDENTIAL DISTRICT LOCATED AT 1200 AND 1202 WOOD ROAD.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of S.W. Neal Development Group for a Conditional Use Permit for use of the property at 1200 and 1202 Wood Road to construct a Planned Unit Development that would include the construction of sixteen (16), one-story, single-family detached homes, seventeen (17) one-story, single-family attached homes and eleven (11), one and a half story townhouses with landscaping and pedestrian features in a R-1, Low-Density Single-Family Residential District and an R-3, Medium-Density Two-Family Residential District 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 October 23, 2007 and received by the Department of Community Development on October 30, 2007.
2. Any exterior lighting will be glare-shielded and non-directional to prevent direct illumination across the property line.
3. Seating areas for pedestrians will be located within a landscaped courtyard and along sidewalks.

Adopted:

Certified:

Clerk of Council

139L

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

To: Planning Commission
From: Planning Division
Date: May 23, 2007
Re: **CONDITIONAL USE PERMIT (CUP): Planned Unit Development - Locke Haven, 1200 and 1202 Wood Road.**

I. PETITIONER

S.W. Neal Development Group, 316 Brook Park Road, Forest, VA 24551

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

II. LOCATION

The subject properties include two (2) tracts totaling approximately nine and a half (9.5) acres at 1200 and 1202 Wood Road.

Property Owners: Dalton INA Real Estate, c/o Blake Myers, 10012 Marshall Pond Road, Burke, VA 22015

III. PURPOSE

The purpose of this petition is to allow a Planned Unit Development that would include the construction of thirty-four (34) one-story, single-family attached homes and eleven (11) one and a half (1.5) story townhouses with landscaping and pedestrian features.

IV. SUMMARY

- The petition agrees with the *Comprehensive Plan* which recommends both Low Density and Medium Density residential uses for this area.
- Petition agrees with the *Zoning Ordinance* in that a Planned Unit Development is a use permitted in an R-1, Low-Density Single-Family Residential District and an R-3, Medium-Density Two-Family Residential 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 35.1-42.5b(3) of the *Zoning Ordinance*.

The Planning Division recommends approval of the conditional use permit petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends both Low Density and Medium Density Residential uses in this area. Low Density Residential uses are dominated by single-family detached housing at densities of up to four (4) dwellings per acre. 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. The proposed development would have a density of approximately four and seventy-four hundredths (4.74) units per acre.

The Future Land Use Map [FLUM] is not intended to be parcel specific. Current land uses in the surrounding area include a combination of single-family detached homes and commercial buildings. Given existing zoning and adjacent land use patterns, the proposed residential use is suitable for the property.
2. **Zoning.** The subject property was annexed into the City in 1976. The existing R-1, Low-Density Single-Family Residential District and R-3, Medium-Density Two-Family Residential District was established in 1978 with the adoption of the current Zoning Ordinance.
3. **Design Review Board.** Section 35.1-42.5, Planned Unit 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 PUD plan meets the following objectives of the PUD Ordinance as outlined in Section 35.1-42.5.b(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

The Design Review Board reviewed the proposed development on May 10, 2007 and determined that all objectives of the *Zoning Ordinance* had been met.

4. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the development of the property as proposed.
5. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - On July 11, 2006, City Council approved Braxton Park, LLC's conditional use permit petition to allow the construction of a townhouse across the City of Lynchburg/Campbell County boundary line at 1002 Enterprise Drive.
 - On July 8, 2003, City Council approved Jamerson and Company's conditional use permit petition to amend the Wyndhurst Traditional Neighborhood Development Plan to allow for construction of apartments and additional single family uses off Wyndhurst Drive and 1536 Lockewood Drive.
 - On September 12, 2000, City Council approved J.E. Jamerson's petition to rezone one hundred and sixty seven (167) acres east of Enterprise Drive from R-2C, Low-Medium Density Single-Family Residential District; R-4C, Multi-Family Residential District (Conditional), to R-2C, Low-Medium Density Single-Family Residential District; R-4C, Multi-Family Residential District (Conditional) to make minor amendments to existing proffers.
 - On May 9, 2000, City Council approved LIDA, The Summit and J.E. Jamerson and Son's conditional use permit petition to create the Summit Traditional Neighborhood Development and to extend Wyndhurst Traditional Neighborhood Development along Enterprise Drive.
 - On May 9, 2000, City Council approved The Summit and J.E. Jamerson and Son's petition to rezone one hundred forty three (143) acres on both sides of Enterprise Drive between Laxton Road and Norfolk & Southern Railroad to create the Summit Traditional Neighborhood Development and to extend Wyndhurst Traditional Neighborhood Development along Enterprise Drive.
 - On July 14, 1998, City Council approved J.E. Jamerson and Son's conditional use permit petition to create Wyndhurst Traditional Neighborhood Development at Laxton Road and Enterprise Drive.
 - On July 14, 1998, City Council approved J.E. Jamerson and Son's conditional use permit petition for the construction of a dam and a lake within the 100-year floodplain at Laxton Road and Enterprise Drive.
 - On April 8, 1997, City Council approved J.E. Jamerson and Son's petition to rezone four hundred (400) acres from R-1 to R-2(C), R-4(C), B-1(C), B-3(C), and I-2(C) to allow single-family residential, townhouse, apartment, nursing home/assisted living/retirement village complex, various commercial uses and an industrial park.
 - On December 10, 1991, City Council approved H&H, Inc.'s petition to rezone approximately two and twenty-nine hundredths (2.29) acres from B-5C, General Business District, and B-5C, General Business District to amend proffers and a conditional use permit petition to allow the construction of a go-cart track for Putt-Putt Golf and Games at 8105 Timberlake Road.
 - On February 14, 1989, City Council approved the rezoning of property along Timberlake Road from B-3C, Community Business (Conditional), I-1, Restricted Industrial, B-2, Local Neighborhood Business, R-2, Low-Medium Density Single-Family Residential, and R-3, Medium Density Two-Family Residential to B-3, Community Business, as part of the Timberlake Road Corridor Study.
 - On December 9, 1986, City Council approved Ted DeHass's conditional use permit petition to allow the construction and operation of a car wash at 8104 Timberlake Road.
 - On April 13, 1982, City Council approved Ronnie Vaughn's conditional use permit petition to allow the construction and operation of a recreation center at 8131 Timberlake Road

6. **Site Description.** The subject properties are bound to the north by single-family residential homes, to the east by single-family residential homes and commercial properties, to the south by single-family residential homes and institutional uses (Brookville High School in Campbell County) and to the west by the Wyndhurst Traditional Neighborhood Development which includes a combination of single-family homes, townhouses, multi-family apartments, commercial businesses and The Summit Independent and Assisted Living Facilities.
7. **Proposed Use of Property.** The proposed Planned Unit Development would provide forty-five (45) residential units on approximately nine and thirty-four hundredths (9.34) acres at the intersection of Wood Road and Lockewood Drive. The petitioner has requested that the City Council eliminate the mandatory single-family detached structure requirement for this project, and permission to develop thirty-four (34) one-story, single-family attached homes and eleven (11) one and a half (1.5) story townhouses that would be marketed to the middle-income retirement community. The development is centrally located and provides access to grocery stores, restaurants, banks and medical facilities – all of which are within a one-half (0.5) mile radius of the project. Emergency fire and rescue services are stationed on Old Graves Mill Road, less than one (1) mile away.

Building materials will include brick and vinyl with a consistent architectural style throughout the community and all units will incorporate an attached garage loaded from a rear alleyway. The site would be served by City water, sewer and refuse collection services. Landscaping for the site will comply with the requirements of the City's *Zoning Ordinance*. Community amenities include benches along the internal sidewalk network and a landscaped courtyard with sitting areas. Lawn care, snow removal and maintenance of landscaped area will be provided through the Home Owner's Association.

8. **Traffic, Parking and Public Transit.** The proposed Locke Haven development will generate 389 daily trips and 17 p.m. peak hour trips based on the Trip Generation Manual, 7th Edition. This trip threshold is less than the 500 daily trips and 50 peak hour trips that warrant a traffic study and as a consequence, a traffic study was not completed for this project. There is a one-way ingress on Wood Road and a full access driveway on Lockewood proposed for the development. The City Transportation Engineer met with the petitioner's representative on site and determined the most appropriate locations for driveways. During the site plan process, the City will require that the sight distance measurements be clarified on the plans.

In terms of capacity on Wood Road and Lockewood Drive, the additional traffic will not cause poor levels of service; however, it is possible that the additional traffic will be felt by the residents since both Wood Road and Lockewood are dead ends and currently have low traffic volumes. It is also possible that the additional trips on Lockewood Drive from the proposed development could actually double the daily traffic that currently exists today (but no traffic counts were conducted on Lockewood to verify). Mountain View Road is also used as a cut-through to get to Laxton and the traffic light at Laxton and Timberlake. It is likely that traffic will increase on Mountain View Road. There is available capacity on the adjacent street network to accommodate this development.

Finally, it is currently difficult to make a left-turn at the intersection of Wood Road and Timberlake due to the lack of median breaks on Timberlake. If this project is approved, conditions at this intersection could worsen causing the City to close or make the median opening on Timberlake directional. If so, the City is within its legal rights to close or modify this median opening at its own expense to protect the safety of the public.

Parking requirements for the proposed development are set at two and a half (2.5) spaces per dwelling unit for conventional residential uses by the City's *Zoning Ordinance*. However, since the subject project will be marketed to senior residents, multi-family housing limited to the elderly requires only one (1) space per two (2) units provided sufficient space is reserved for the number of parking spaces that would be required if the project were converted to conventional housing. The project proposes a total of forty-five (45) residential units with a single car garage, which will exceed the required twenty-three (23) spaces required for senior housing. Additional parking is provided for in the driveway of each unit and along the private alleys which would meet the one hundred and thirteen (113) that would be required by the *Zoning Ordinance* if the project were to be marketed as a conventional housing development.

Public Transit is accessible at the intersection of Wood Road and Timberlake Road, approximately seven hundred (700) feet from the site.

9. **Storm Water Management.** The proposed Planned Unit Development would result in an increase in stormwater runoff. Stormwater will be addressed through a low-impact design strategy to address both the quantity and quality of the run-off. Using small isolated bio-filters, rain gardens and grass lined swales, the site will be designed to provide adequate detention as well as water quality treatment. The rain garden would be located in a natural drainage area and discharge into an adequate channel that is sufficient to handle the stormwater from this facility. The proposed management strategy is acceptable to the City's Environmental Planner.
 10. **Emergency Services.** The City's Fire Marshal had no comments regarding the conditional use permit for the proposed Planned Unit Development.

The City Police Department had no comments about the proposed residential project.
 11. **Impact.** The proposed Planned Unit Development would allow the construction residential units, public streets, private alleyways and pedestrian amenities on a vacant property in an existing residential neighborhood. The petitioner's request to remove the mandatory twenty (20%) single-family detached structure requirement for this project is appropriate since the target market will be a middle-income retirement community. The Design Review Board has determined that all objectives of the *Zoning Ordinance* had been met.

The proposed layout of the project will not only provide pedestrian amenities within the community but provide access to a variety of services that will help incorporate this community the surrounding neighborhood. Traffic, parking, stormwater management and emergency services concerns have all been addressed to the satisfaction of City staff.
 12. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on April 17, 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.
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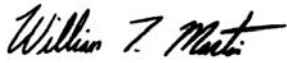
VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council that the requirement that at least 20% of the total number of dwelling units within a PUD be in single-family, detached structures

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of S.W. Neal Development Group's petition for a Conditional Use Permit (CUP) at 1200 and 1202 Wood Road, subject to the following conditions:

- 1. The property shall be developed in substantial compliance with the Site Plan dated May 7, 2007 and received by the Department of Community Development on May 16, 2007.**
- 2. Any exterior lighting will be glare-shielded and non-directional to prevent direct illumination across the property line.**
- 3. Seating areas for pedestrians will be located within a landscaped courtyard and along sidewalks.**

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. Kozerow, Lynchburg Police Department
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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. Tom Guffey, Representative, Guffey Warner Associates

VII. ATTACHMENTS

1. Vicinity Zoning Pattern
2. Vicinity Proposed Land Use
3. Site Plan
4. Architectural Rendering

MINUTES FROM THE MAY 23, 2007 PLANNING COMMISSION MEETING (MINUTES HAVE BEEN APPROVED):

c. Petition of S.W. Neal Development Group for a Conditional Use Permit at 1200 and 1202 Wood Road to allow the construction of a Planned Unit Development containing 34 attached single-family homes and 11 townhouses in a R-1, Low-Density, Single-Family Residential District and a R-3, Medium-Density, Two-Family Residential District.

Mr. White pointed out to the commissioners that they will be voting on two issues. One will be the request of the petitioner to remove the mandatory 20 percent single-family detached structure requirement for the project and the second issue is for a Conditional Use Permit for a Planned Unit Development (PUD). The PUD is for 34 one-story, single-family attached and 11 one and a half story townhouses on 9.5 acres. The petitioner has stated that the development will be marketed to the elderly, but there would be no restrictions or covenants on living there, so in theory, the residences would be available to anyone.

Building materials will include brick and vinyl and there will be a consistent architectural style. The driveways would be private alleys that would extend behind each of the units, and each unit would have a one-car garage with a rear entrance. There is access to restaurants, grocery stores, banks, medical facilities within a half-mile radius. Emergency fire and rescue services are within one mile of the project and this is very important for a Planned Unit Development.

The project did not meet the threshold for a traffic study; however, the Transportation Engineer has noted that adequate capacity is available on Wood Road, Lockewood Drive and Mountain View Road for the project. Mountain View is currently used as a cut-through for this area to access Laxton Road at a traffic light. He did note that additional traffic will not cause poor levels of service, however, it is possible that it will be felt by the residents in this area, since both Wood Road and Lockewood Drive are dead ends and currently have low traffic volumes. He also noted that it is difficult to make a left turn at the intersection of Wood Road and Timberlake Road due to the lack of median breaks on Timberlake Road. He has said that if the project is approved that conditions at the intersection could worsen to the point that the City would close the median opening at Timberlake or make it directional. If so, the City is within its legal rights to do so at its own expense for the safety of the public.

Parking for this project is set at one per two units based on multi-family housing for the elderly. This is a standard that was applied to the two other Planned Unit Developments in the city which include Stonegate Villas and Legacy Oaks.

The condition here is that they must also provide adequate parking if at such time conventional housing were marketed for this or they were to offer conventional housing. The 45 garage spaces meet the 23 required spaces for the multi-family units for the elderly and the total required 113 spaces could be provided in the driveway and in the private alleyways with on-street parking. Since they are private, they would be considered off-street.

Public transit is located within approximately 700 feet of the site. Stormwater management will be handled through bio filters, rain gardens and grass swales. They are going to be designed to address the quantity and quality, so they will be combined features. Adequate channel is available on the site. The Future Land Use Map recommends both low density and medium density residential uses for the properties. Low density generally notes single-family detached housing at four units per acre. Medium density residential can be allowed at up to twelve units per acre and does include single-family attached, condos and townhouses. The proposed density of this project is 4.74 units per acre. Planning Division recommends approval of the removal of the twenty percent single-family detached structure requirement and of the Conditional Use Permit.

Chair Hamilton asked for anyone present to speak on behalf of the petition and Mr. Trent Warner came forward. He added that instead of brick and vinyl, they will probably be using brick and hardy plank.

Chair Hamilton asked for anyone else present to speak in favor of the petition. No one came forward. She asked for anyone present to speak in opposition and there were several residents present who were in opposition. Chair Hamilton explained to them that they each would have three minutes to speak and she asked that they try not to repeat one another.

Mr. Harvey Daughtery of 1200 Lockewood Drive came forward first. One of his concerns was that the density of the development and style of homes is not in keeping with the character of the neighborhood. If single-family residences were put there, there would likely be 10-12 and not 45. Another concern of his was the increased traffic on the roads that would be used for ingress and egress. The residents already experience significant problems at Laxton Road and Timberlake Road.

Chair Hamilton asked Mr. Daughtery if there was a neighborhood meeting and he said not that he was not aware of one.

Mr. R. D. Hale of 1306 Lockewood Drive came forward next to speak in opposition to the project. He explained that when this property was annexed from the county years ago, the residents were told that the current zoning would be protected. He did not like where the proposed exit for this project is being planned. He asked if any of the commissioners had been to the site and was told that some of them had been. Lockewood Drive is a street with large lots, nearly all brick houses and residents who have been in their homes for a long time. As far as there being no problem with traffic, he would like to see the Traffic Engineer there at 8:00 in the morning or in the afternoon. He feels that the project is too dense and it is going to affect the whole neighborhood.

Mr. Todd Wymer of 1220 Lockewood Drive came forward to speak in opposition to the project. They were originally told that there would be single-family residences here. Now they are being told that since the developer cannot afford to buy the property behind it, that they cannot afford to put single-family residences here. He cannot get in and out of his street because of Wyndhurst and he listed many other problems with traffic now that will only worsen. It takes him fifteen minutes to go a block and a half in the afternoon. The traffic light at Laxton Road and Timberlake Road only allows six to eight cars through at a time. There are a lot of accidents at that light as it is now. If this project goes through, there are going to have to be some traffic lights put up so that they can get in and out. He feels that this is a glorified apartment complex. They cannot control who buys these places.

Mr. Vince Kline of 1308 Lockewood Drive came forward to speak in opposition to the petition. His concerns were with the density of the project and with the traffic in the area, particularly with regard to the one street entrance and exit right on the curve. It will be extremely hard for them to see to make a right hand turn to get out of Lockewood Drive and there is the potential for accidents.

When asked by Chair Hamilton for others present in opposition to the petition, two other people raised their hands. She then asked Mr. Warner for his rebuttal. He stated that he did not disagree with the fact that there are some issues going on with traffic. He pointed out that have looked at this property before and they have done drawings before that proposed 27 homes on this property. Because the development is being marketed to the elderly, who do not typically drive at peak times, it is likely that the 45-unit development would have less impact on traffic than 27 single-family

homes. However, economically, it is not feasible to develop the 27 single-family homes. As far as the character of the neighborhood, there are duplexes right up the road. He also commented that the petitioner has tried to contact the neighbors door-to-door but did not conduct a neighborhood meeting.

Mr. Wymer commented that although he is glad that they are calling it a retirement community, they are going to sell to whoever wants to buy. They cannot guarantee that there is only going to be one car per house. He is also concerned about what else will happen when the seven acres behind this property also becomes available for development.

Ms. Kathy Myers-Carson, one of the owners of the property came forward. She explained that she and her brothers had inherited this property from their grandparents. They have been offered many opportunities to develop this property over the years and that they are proud of this project. They grew up in this neighborhood. She further commented that these are being marketed as single-family living with two bedrooms and a small room for an office. Families with children are not going to fit into these homes very comfortably. She also pointed out that there are duplexes and other multi-family housing just up the road. They would have liked to do single-family homes but decided against it because of the expense of the streets, curb and gutter, landscaping, etc., that would have been necessary. She mentioned that they have gone to other retirement communities like Stonegate and talked to them about what has worked and what has not worked. She further commented that it is going to be developed. They are ready to sell it. They do not know what they will do if this is not approved.

Another one of the owners, Mr. Jeff Myers came forward to speak. He explained that they will be marketing this development the same way that the Villas at Stone Mill were marketed. It will be marketed to retirees, empty nesters and young professionals. Of the 65 homes at Stone Mill, there may be three units that have children. The additional cars there have not been an issue.

Commissioner Sale asked about how these units are marketed differently from other types of multi-family housing that is already in the area. Mr. Myers explained that the difference is that most other townhomes that are going up recently are two-story and these are mostly patio homes, which appeal to older people who do not like steps. Commissioner Sale asked if they will be comparable in cost to ones that currently exist. Mr. Myers answered that these will be a bit more expensive than units at similar communities. Commissioner Sale asked when the decision was made to clear cut the land. Mr. Myers was not sure of all the technicalities, but they had a deal to clear the land that did not cost them anything because the company used the wood for fuel.

Mr. Gerry Harter, the Traffic Engineer came forward to speak to the concerns about traffic, the one-way ingress to the site and the entrance and exit being on a curve. Mr. Harter first commented on the entrance. That might be slid one way or the other as the site plan becomes finalized. But if you pull out of the entrance, you can see both to the left and the right, but he would have to make sure that the site distance and everything is met during the site plan process.

Mr. Harter explained that the feeling is that the one way ingress will provide less traffic off of Wood Road and make the situation safer on Wood Road. With regard to the residential streets, he concurred that there might be a livability issue with increased traffic, but there is not a capacity issue within the internal street network. Getting out on Wood Road and Mountain View Road, there is definitely a delay. Wood Road is to the point already where the median might need to be closed. It is not likely to be a candidate for a traffic signal though because it is so close to the one on Laxton Road. He was not sure if Mountain View Road is a candidate for a signal, mainly because it is in the county and VDOT would have to control that intersection. From Mr. Harter's observations though, it is definitely tough to make a left turn out of there right now.

Commissioner Swienton asked if Mountain View Road were in the city and Mr. Harter had the ability to close left-hand turns from it, would he do so? Mr. Harter said that he would have to look at it but his concern if it was a right-turn only, cars would have to make a U-turn somewhere. You don't want to have cars to go have to all the way down to Enterprise Drive to make a U-turn. Commissioner Swienton remarked that he is very familiar with Mountain View Road and he wonders if the increased traffic on this road will make an already dangerous situation worse. It is not an immediate concern, but a long-term concern of his is the traffic coming out of that area if the Virginia Department of Transportation (VDOT) blocks off Laxton Road and the city blocks off Timberlake Road.

Chair Hamilton asked Mr. Harter what the level of service is at the intersection of Mountain View Road and Laxton Road, and he said they had not looked at that specifically. It is definitely difficult to make a left-hand turn out of there. He also commented that sometimes traffic situations are exaggerated but in this case, he would say that it is not

exaggerated. Traffic is continually increasing in the Enterprise Drive area and with Lowe's traffic, etc., it is definitely hard to make a left-hand turn out of Mountain View Road at peak times.

Commissioner Flint asked where the entrance might be moved to if it is changed. Mr. Warner explained that the curve is actually beneficial because at that spot you can actually look left and right. They have thought about lowering the elevation as well to make sure that you can see left.

Commissioner Sale asked Mr. Harter to expound on what he had said about the traffic situation at the present time versus down the road. Mr. Harter commented that if you were to do a public capacity analysis at both intersections at Laxton Road and Timberlake Road, you would probably get level of service of C or better. But there is the safety consideration, especially on Timberlake Road and Wood Road and then there is the additional delay and that aspect. This is more qualitative than quantitative at this stage.

Commissioner Worthington asked what the answer would be and Mr. Harter explained that closing the median at Timberlake Road and making a place for U-turns on Laxton Road would be the alternatives if you are not considering a signalized intersection. He would guess that VDOT would not consider Mountain View as a candidate for a signal either.

Chair Hamilton asked if Timberlake Road is addressed in the Region 2000 Cooperative Transportation Master Plan. Mr. Harter commented that there is an access management section on it, but as far as widening Timberlake or anything like that, it is not mentioned.

Commissioner Flint asked if Mr. Warner had brought a plat showing what the site would look like if it were developed as single-family homes. He said that he did not, but that it was his best recollection that they had been able to conceptually put 27 homes on it. There was then some discussion about how many cars could be parked in this development as it currently is planned and how many cars would be there if developed as single-family homes. It was the consensus after the discussion that it is really hard to judge if this development will create any less cars than single-family homes. At that point, Ms. Carson handed Mr. Warner a site plan they had previously worked out that showed 40 single-family homes being put on this property.

Mr. Harter commented that he usually never paints such a bleak safety picture without crash information. Their system has been down and he has not been able to pull up accident information for Wood Road and Timberlake Road. One of the intersections is in the county and that will be a little more difficult to generate.

Chair Hamilton asked about the buffer and what residents will see who live around the proposed development. Mr. White commented that the developer has been asked to install a vegetative buffer along the back of the property. The front of the property will be landscaped in accordance with the residential ordinance for new streets which would include street trees and everything that is within view of a public street or a single-family residence will have foundation plantings.

Commissioner Oglesby asked about the area in the back of the property that is not landscaped and if that was for future access to the property behind and Mr. White said that was correct.

Commissioner Swinton asked about the request for the reduction in the twenty percent detached single-family home requirement. What is the rationale for why this is unreasonable? Mr. Warner commented that is because of the fact that it is in an area that has single-family homes around it already and this fit the flavor for the site.

Commissioner Swinton asked Mr. Warner if he thought that the surrounding area has ample one-level single-family residences. Commissioner Swinton read from the project narrative "This project is located in close proximity to Wyndhurst and Cornerstone, both developments provide an ample number of single-family detached units. The request is made to eliminate the mandatory single-family detached structure requirement for this reason." Mr. Warner commented that this is more of a marketing statement than anything else.

Commissioner Swinton said that he has been trying to determine where the R-3 line is for one of these parcels and what the acreage size of that parcel is. What he is trying to determine is the maximum number of units they could conceivably put on the property that is already zoned R-3. Mr. Warner reiterated that they had done a site plan previously that conceivably put 40 single-family homes on the parcels as a whole.

Chair Hamilton asked Mr. Neal if they had conducted a neighborhood meeting. He said that he had made contact with some of the neighbors. Ms. Carson said they she had talked to some of the neighbors as well and left information for those she did not make contact with directly.

Commissioner Sale asked about the property behind this development and what the developer's plans were for the property. Mr. Neal said that he has talked to the property about it a little and the possibility of expanding the same concept to that property. He is not currently in the process of trying to purchase that property though. Commissioner Sale asked if it would be fair to say that the placement of this access onto Lockewood Road is to gain access to that back property. Mr. Neal said that he has spoken to the owner of the property and he has agreed to give Mr. Neal access to sewer in exchange for access to the property. The owner of that property was present, Preston Davis, and he said that he has no plans at the present time but that he did want access so that he could do something in the future.

Commissioner Swienton asked Mr. White if it is common to waive the twenty percent single-family detached residence requirement and if he could think of any other developments where this had been waived in the past. Mr. White said he recalled that neither Legacy Oaks on Old Forest Road and Stonegate Villas on Old Graves Mill Road have single-family detached residences.

Commissioner Flint asked why it is not being proposed to have this development as age restricted. Mr. Neal answered that it he does not feel that it is necessary to put an age restriction on these units because of the style of building that they are. The one-level floorplan and even the one and a half level floorplan are conducive to older residents. He knows from experience that most people with children are not looking for one level living on a slab with a one-car garage. These units have been designed to be desirable to the elderly, empty nesters and young professionals who do not want a lot of maintenance, etc.

Commissioner Worthington commented that he has heard most of the concerns seem to be with traffic and this development at least limits the number of cars more than single-family homes would. He is inclined to approve of the development. Commissioner Oglesby concurred with this comment. Commissioner Barnes thought it was a nice design in the wrong location because of the traffic issues it creates. If the additional seven acres behind this property is developed in the same manner, it will compound the traffic issues. He recognizes that this type of housing is needed in Lynchburg though but other developments of this type are not so imbedded in a single-family neighborhood.

Commissioner Flint concurred with Commissioner Barnes's comments and added that he thought that the comment about zoning protecting the residents back when the property was annexed was important. He thinks that to maintain the character of the neighborhood it should be developed as single-family homes.

Commissioner Sale thought remarked that it is not just a single-family residential community because there are multi-family housing units in the area. He thinks the design is good; however, he is still concerned about the traffic. Without accident information and other traffic information being available, he could not say that he would vote for or against this development. He was inclined to postpone a decision on this development until they could have a work session with more accurate traffic information available. He was also concerned about the lack of community engagement between the developer and the neighbors. Delaying this would also allow more time for dialogue with the neighbors to try and build a better relationship.

Commissioner Swienton also thought that at the work session they should talk about the present areas that are zoned R-3 and if that is the appropriate density for this area. He likes the idea of the proposal but is concerned about the traffic he sees occurring down the road if this is rezoned. He thinks these traffic concerns need to be solved prior to passing this rezoning. He does think there is a need for this type of retirement living in Lynchburg, however, the developer cannot control if this becomes rental property rather than retiree living.

Chair Hamilton said that she appreciated the developer's willingness to go through the PUD process and it showed the Comprehensive Plan at work. Given the traffic situation, she would lean toward looking at the bigger picture and making a decision with more traffic information being available.

Commissioner Sale made the motion to refer this matter to a work session. Commissioner Swienton seconded and it passed the following vote:

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

ABSTENTIONS:

0

ABSENT:

0

MINUTES FROM THE JUNE 27, 2007 PLANNING COMMISSION MEETING (MINUTES HAVE BEEN APPROVED:

5. Discussion about Locke Haven Development:

Mr. Martin commented that the public hearing on this item was held on May 23, 2007. After input from the community and much discussion among the Planning Commission, the Commission requested to have a work session on this item. Mr. Martin explained that this is not another public hearing but is a time for the Commission to discuss the issue, ask questions of staff. If the Commission wishes, it can specifically address questions to someone from the floor.

This is a request for a Planned Unit Development. The property is currently zoned R-3 along the frontage of Wood Road and also R-1 around Lockewood Drive. The proposal is for 45 units on about 9.3 acres. The Future Land Use Map currently recommends a mixed use medium density and low density residential for the properties. Medium use density areas are classified as single-family homes, townhomes or duplexes with densities up to 12 units per acre and low density residential areas are recommended for single-family homes with densities up to four units per acre. If the property were developed as it is zoned now, you could get approximately 37 total units. That would be around 10 duplex units on the R-3 piece of property and probably around 27 single-family homes on the R-1 piece of property.

One of the primary concerns that the Commission had was with traffic with having two dead end streets and the current conditions on Timberlake Road and the potential for traffic on Mountain View Road. Mr. Gerry Harter, the City's Traffic Engineer has done some more background work on this. Mr. Martin commented that if the city wants to grow and have the opportunity to preserve open space in other areas, the Commission and City Council will have to come to terms with allowing these types of developments. He further commented that a typical Planned Unit Development has a 20 percent single-family detached requirement. The representative and developer are requesting not to have to do that 20 percent requirement. The Planning Division still recommends approval of this petition. Mr. Martin also mentioned that after the May 23 Planning Commission, the developer did initiate and hold a neighborhood meeting.

Mr. Gerry Harter came forward to discuss the traffic issues. He had talked to the county and the Virginia Department of Transportation since Laxton Road and Mountain View Road are in the county. They went back three years on that particular intersection and there were no reported accidents. When they did the search for Wood Road and Timberlake Road, they found three reported accidents. He talked to VDOT about their plans for Laxton Road, and they have no plans to do anything on that portion of Laxton Road for any length of time. He asked what the chances were of putting a signal at Mountain View Road, and their response was pretty minimal. They will monitor the situation, but they also did not feel that a median to restrict left turns was needed at this time either.

With regard to the intersection of Wood Road and Timberlake Road, the city would not look at putting a signal there because of its close proximity to the signal at Laxton Road. The city will continue to monitor the situation as far as putting a median at that intersection. There are 17 projected am/pm peak hour trips projected for this development and if you split this between the two intersections, you are only looking at a handful of trips at peak hours. Also, the 17 projected peak hour trips is a little less than the 18 projected peak hour trips projected for the by-right development.

Commissioner Barnes asked Mr. Harter to comment on some of the assumptions that are made in determining the projected number of trips. Mr. Harter commented that one of the numbers was provided by the consultant that the developer hired, but that if you use more of an elderly population, their trip making patterns are that they try not to travel during the am/pm peak hours. They are able to spread out their trips during the day and generally make their trips during 10 a.m. and 4 p.m. All the other data is based on what is collected across the country and equations are generated by the trip generation rates.

Commissioner Worthington asked if the reported three accidents a year was considered average, given that no number of accidents is acceptable. Mr. Harter commented that crash data is a very sensitive subject, but that from an engineering standpoint, the one accident a year for an unsignalized intersection is typically not that bad. As far as non reported accidents, you can assume that they are the same across the city and the number of non reported accidents is generally the same as the number of reported.

Commissioner Worthington asked about the severity of the accidents that were reported. Mr. Harter checked the accident reports and found that there was one accident with injuries. He also commented that one of the accidents was a driver with a suspended license. Chair Hamilton thanked Mr. Harter for his work and then asked for those representing the petition to come forward.

Mr. Jeff Myers, one of the owners of the property, reported that they had a neighborhood meeting on June 11. There were 32 neighbors and concerned citizens there. He reported that the meeting was a little heated at first and as concerns were addressed, the meeting went smoother and at the end, no one raised their hand that they were against the development. He understood their main concern is the Wood Road and Timberlake Road intersection. One of the citizens discussed the possibility of getting a petition together for their council member to fix the traffic problem.

Another issue the neighbors did not really understand was how this single-family attached housing would be different from that at other developments such as Wyndhurst and the developers showed them the difference on their site plans. Some of the neighbors also did not understand the traffic count difference if they developed it by-right with the single-family homes. Mr. Myers thought that after getting their points across, the neighbors were a little more accepting of the development.

Mr. Trent Warner, the engineer for the project, pointed out some of the diagrams they had done since the last meeting. One of the diagrams shows the zoning around the area and that there is R-3 and R-4 right around the same area. Another diagram shows how the property could be developed by-right and that shows 23 lots and one duplex and one more peak hour trip generated.

Commissioner Worthington asked why they wanted the reduction in the 20 percent single-family detached requirement and Mr. Warner answered it was basically because they wanted to get the density into the property. Mr. Myers commented that it is a matter of dividing the development costs between the units.

Commissioner Oglesby asked what they projected the cost of the units to be. Mr. Myers answered that they hope to stay in the \$250,000 - \$275,000 range but won't know until they have the final plans.

Commissioner Barnes asked why they are not making this an age restrictive community. Mr. Myers explained that these homes are self marketing, they will naturally cater to an older community with the one level living and small yards. Mr. Warner stated that if they made the homes age restrictive, it would drive up the cost because of what they have to put in them to build them to code.

Commissioner Barnes asked how they will conform to Americans with Disabilities (ADA) standards; for instance, will any of them be wheel chair accessible? Mr. Myers commented that they could put in wide doorways if that was a request, but to build a home that is ADA coded drives the cost up drastically. Commissioner Barnes thought that building them with ADA requirements would make them more appealing to retirees. Mr. Myers thought that would appeal to retirees without being built completely to ADA code.

Commissioner Swinton said that in comparing this to Stone Mill, were there different homes there or were they all the same? Mr. Myers stated that there were seven different floor plans in that development. Mr. Myers stated that they had taken Mr. Neal around to several of the similar developments in the city to show him things that they were looking for and things that they did not want. They also got input from residents of those developments as to what they thought should be done differently, and they incorporated all these ideas.

Commissioner Swinton thought that the units at Stone Mill all look the same on the exterior. Mr. Myers said that each floor plan had different front elevations and you could tell that from the outside. With regard to the units at Locke Haven, Mr. Myers said that there were five differing models with five different square footages.

Commissioner Swinton wanted to hear from Mr. Martin why the 20 percent requirement should be waived. Mr. Martin said that 20 percent of 45 units would be around nine or ten single-family detached homes. Mr. Martin said that it primarily comes down to the density of it. If you did 20 percent requirement, you would probably not get much more density on the property and you are not getting the layout that the planning staff was pushing for, the units facing the street with rear loading garages, etc.

In terms of this proposed development, Commissioner Swinton said that he was conceptually fine with it. His biggest concern is the traffic. Maybe pockets of growth within the city should be identified where there is not sustainable

growth. He looks at if all the R-3 areas are developed by-right, he would maintain that what we have a pocket of unsustainable growth. If the infrastructure is insufficient to support the comprehensive plan, then he feels that we need to amend the comprehensive plan and that should be separate from this proposal. He was not sure the feasibility or the realism in terms of ever amending the comprehensive plan to change all the R-3 areas to low density. If this is not done and all those R-3 areas are developed by-right, he sees a nightmare in terms of traffic, including for those in this proposed development.

Mr. Martin commented that if the streets that connected into Wyndhurst had been developed the way that planners would have had it occur, you would have had more than just a couple of ways in and out of this area. You would have multiple ways in and the traffic situation would have been much better. Commissioner Swienton thought that might have addressed the right turn issue, but not the left turn issues, if anything it might have made it worse because you would have had Wyndhurst traffic coming down Wood Road trying to take a shortcut to Wyndhurst.

What Commissioner Swienton is unsure of is if it is realistic to discuss either separately or a part of this changing the comprehensive plan for the rest of this R-3 area and changing the present zoning of this area. That would alleviate for him the concerns for the future.

Commissioner Barnes thought that the place for this was in the revision of the comprehensive plan and updating the Future Land Use Map. Commissioner Swienton's desire is that whatever the outcome of the vote is today that they remember this area and address it for the future. He did not feel that this proposed development would have a significant negative impact on the traffic situation.

Commissioner Swienton thanked Mr. Warner for the new diagrams he had provided for this meeting. Mr. Warner thanked the commissioners for having the work session. It had allowed them the time to have the neighborhood meeting.

Commissioner Flint commented that seeing the by-right plat had helped him a lot in his decision. Mr. Myers commented that his concern was putting something on the property that was attractive and that not many developers and owners have gone to the lengths that they have. They did not just want to sell it off piece by piece and have no control over what was built.

Chair Hamilton thought that the 20 percent waiver is a nice incentive for developers who are willing to go through the PUD process and doing the above and beyond landscaping and other hoops that they have to go through. She thought it was a fantastic design and fit well with the neighborhood.

Commissioner Flint said that he had been leaning toward against the development and one of his issues was why it was not being made age restrictive. Now he thought that maybe it was better not to restrict it and have a little mix. Another concern he had was the location of Memory Lane where it enters Lockewood Drive and whether that is the best place for site distance. If you developed this property by-right, you would have that street and seven or eight driveways. He also thinks that with this proposal you will have more landscaping and a better appearance and also architecturally designed units that you wouldn't necessarily have with a by-right development. We are gaining density and we want to encourage that. He understands that it is opening up the undeveloped property to the west for a similar development and he is fine with that as well. Also, the \$250,000 to \$275,000 price for these homes won't hurt the neighbors' property values.

Commissioner Swienton asked if the developers had been concerned that there might be headlights shining right into people's homes with the placement of the entrance. Mr. Warner acknowledged that this is a concern but it was the best place for the entrance. Commissioner Swienton wondered if it was possible to offer the neighbor directly across from the entrance some kind of concession such as shrubbery to help shield him from the headlights. Mr. Neal commented that there will be some nice landscaping and a nice brick entrance to the development. Going back to the concept of who they are marketing to, Mr. Neal said there should be a lesser amount of nighttime traffic. Commissioner Swienton asked that they speak with the owner whose driveway is directly across from the development and offer him some kind of bush on his property. Mr. Myers said he was agreeable to that idea.

Commissioner Sale commented that his issues with traffic and lack of contact with the neighbors have been addressed.

Commissioner Sale made the following motions, which were seconded by Commissioner Oglesby, and passed by the following vote:

“That the Planning Commission recommends to City Council approval of S.W. Neal Development Group’s petition for a Conditional Use Permit (CUP) at 1200 and 1202 Wood Road, subject to the following conditions:

- 4. The property shall be developed in substantial compliance with the Site Plan dated May 7, 2007 and received by the Department of Community Development on May 16, 2007.**
- 5. Any exterior lighting will be glare-shielded and non-directional to prevent direct illumination across the property line.**
- 3. Seating areas for pedestrians will be located within a landscaped courtyard and along sidewalks.**

“That the Planning Commission recommends to City Council that the requirement that at least 20% of the total number of dwelling units within a PUD be in single-family, detached structures be waived.”

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

Commissioner Barnes commented that his main concern previously had been traffic and he thinks that has been addressed. He was also glad that they had the meeting with the neighbors. The scale of this development fits in with the rest of the neighborhood. He did ask that the developer consider having some of the units ADA accessible and he gave them some resource materials for them to look into that as a possibility.

LOCKE HAVEN PLANNED UNIT DEVELOPMENT

1200, 1202 Wood Road

Map # 253-12-012/13

Conditional Use Permit Request

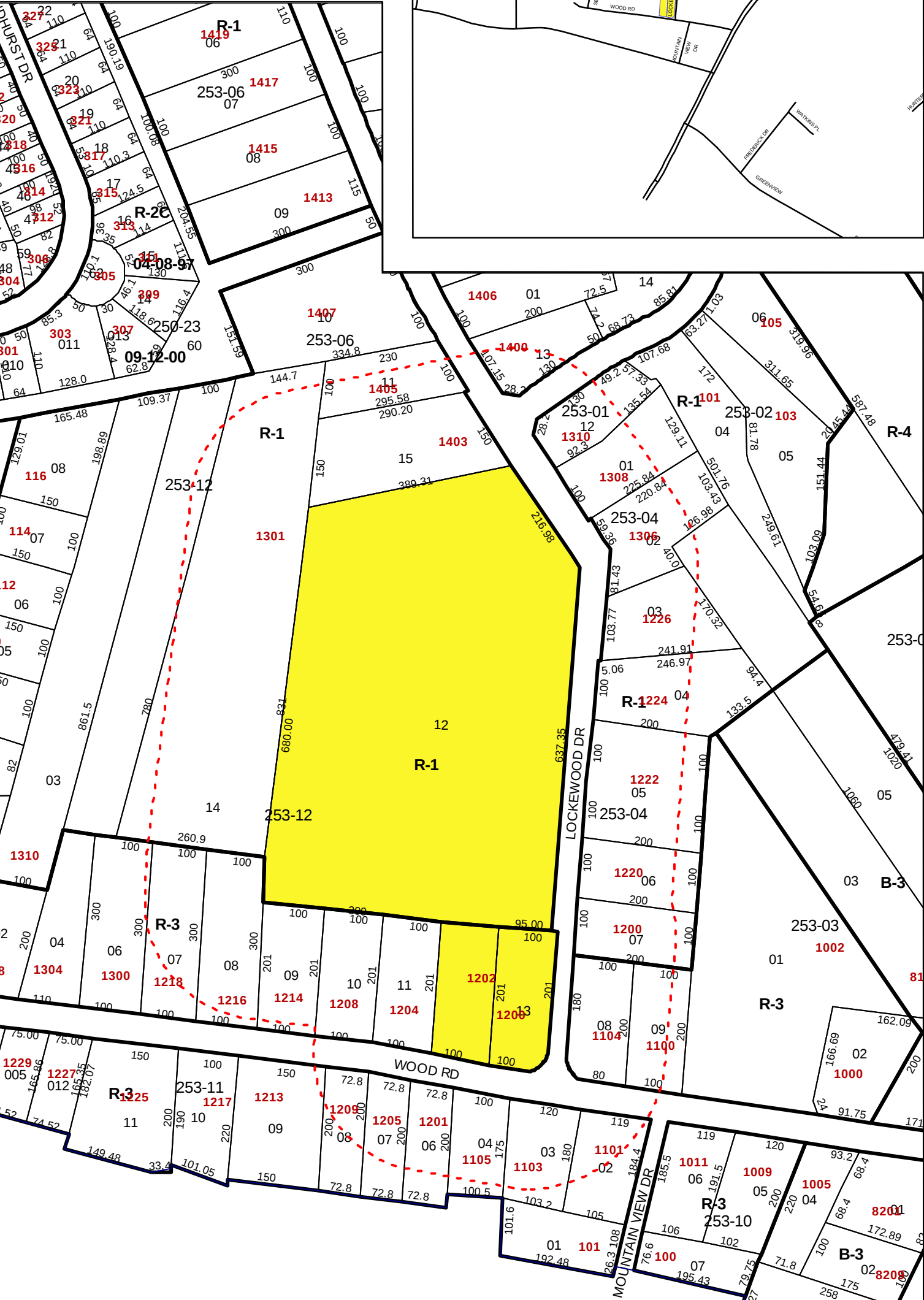
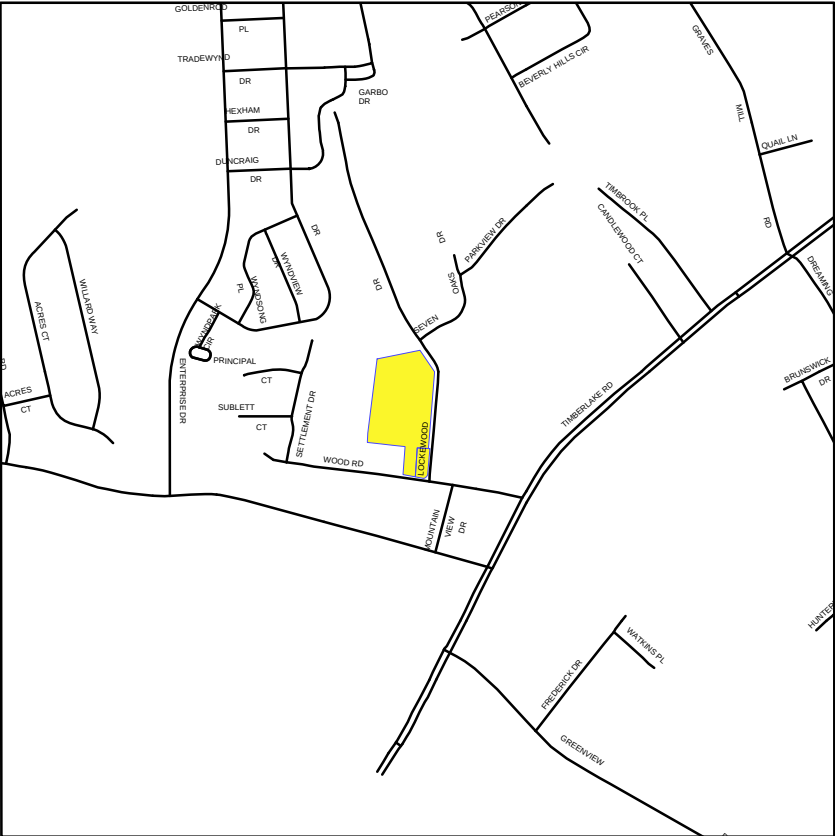
Petitioner: S.W. Neal Development Group

MAP PREPARED BY

THE DEPARTMENT OF COMMUNITY DEVELOPMENT

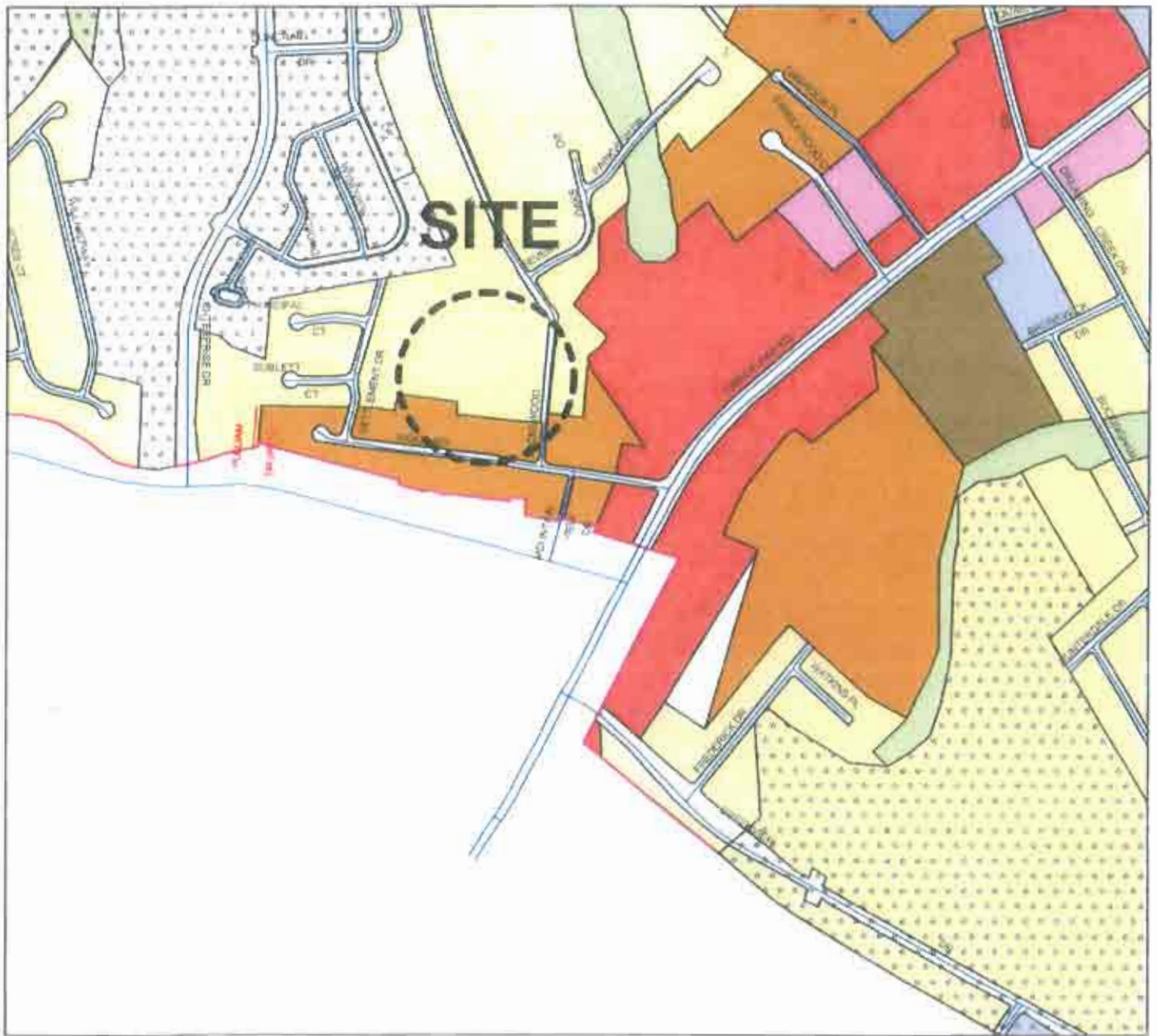
 Subject Property

 200 ft Radius



LOCKE HAVEN ADJOINING OWNERS

PIN	OWNER	LOCADDR
25301012	STINNETT CARL H & EARLINE W	1310 LOCKEWOOD DR
25301013	MARSH ANNIE R	1400 LOCKEWOOD DR
25303005	ARTHURS FLOWER CART INC C/O JOANN R ARTHUR	8125 TIMBERLAKE RD
25304001	KLINE VINCENT A	1308 LOCKEWOOD DR
25304002	WARREN SHIRLEY C	1306 LOCKEWOOD DR
25304003	CASADIDIO DOLLY L	1226 LOCKEWOOD DR
25304004	HAWKINS KATHLEEN B	1224 LOCKEWOOD DR
25304005	TEMPLES AVERILLE B	1222 LOCKEWOOD DR
25304006	WYMER J TODD & RUTH E	1220 LOCKEWOOD DR
25304007	DAUGHERTY HARVEY L JR & JUANI	1200 LOCKEWOOD DR
25304008	WRIGHT DANA V	1104 WOOD RD
25304009	WILEY JOHN I & HARIETT C	1100 WOOD RD
25306011	THOMAS JOSEPH M & NICOLE M	1405 LOCKEWOOD DR
25311002	LACY DAVID M	1101 WOOD RD
25311003	GOUGH DAVID G & LEIGH C	1103 WOOD RD
25311004	GOUGH DAVID G & LEIGH C	1105 WOOD RD
25311006	BURNS LUCY	1201 WOOD RD
25311007	KITCHEN FRANKLIN & ROXIE S	1205 WOOD RD
25311008	JAMERSON NANCY B	1209 WOOD RD
25311009	DREWRY RONALD D & DONNA L C	1213 WOOD RD
25312004	DAVIS PRESTON E & LORETTA C	1304 WOOD RD
25312006	RAMSEY DEBORAH W	1300 WOOD RD
25312007	RAMSEY DEBORAH W	1218 WOOD RD
25312008	STEELE MELISSA L	1216 WOOD RD
25312009	RADICK JOHN R & HELGA M	1214 WOOD RD
25312010	LINEBERRY TRAVIS C & MEGHAN ANN	1208 WOOD RD
25312011	MAYO MICHAEL T	1204 WOOD RD
25312012	DALTON INA R ESTATE C/O BLAKE MYERS	1202 WOOD RD
25312013	DALTON INA R ESTATE C/O BLAKE MYERS	1200 WOOD RD
25312014	DAVIS PRESTON E & LORETTA C	1301 LOCKEWOOD DR
25312015	THOMAS JOSEPH M & NICOLE M	1403 LOCKEWOOD DR
Owner	DALTON INA R ESTATE C/O BLAKE MYERS	
Petitioner	S.W. NEAL DEVELOPMENT GROUP	
Representative	TOM GUFFEY/GUFFEY WARNER & ASSOC	



LOCKE HAVEN PUD 1200, 1202 WOOD ROAD LAND USE PLAN



LOCKE HAVEN



TMP 253-12-008
MELISSA L. STEELE
DB 1107 PG 254
R-3

TMP 253-12-014
P.E. & L.C. DAVIS
DB 717 PG 110
R-1

TMP 253-12-009
J.R. & H.M. RADICK
DB 770 PG 882
R-3

TMP 253-12-010
T.C. & M.A. LINEBERRY
INST# 040010110
R-3

TMP 253-12-011
MICHAEL T. MAYO
DB 857 PG 490
R-3

TMP 253-12-015
J.M. & N.M. THOMAS
INST# 060000238
R-1

LOCKE HAVEN DEVELOPMENT

RESIDENCES: 45

AVERAGE DAILY TRAFFIC: 264 TRIPS PER DAY

PEAK TRAFFIC: 13 TRIPS

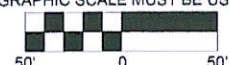
• SOURCE: INSTITUTE OF TRANSPORTATION ENGINEERING

RECEIVED

JUN 13 2007

COMMUNITY
DEVELOPMENT

IF THIS DRAWING IS A REDUCTION
GRAPHIC SCALE MUST BE USED



NO.	REVISION	BY	DATE

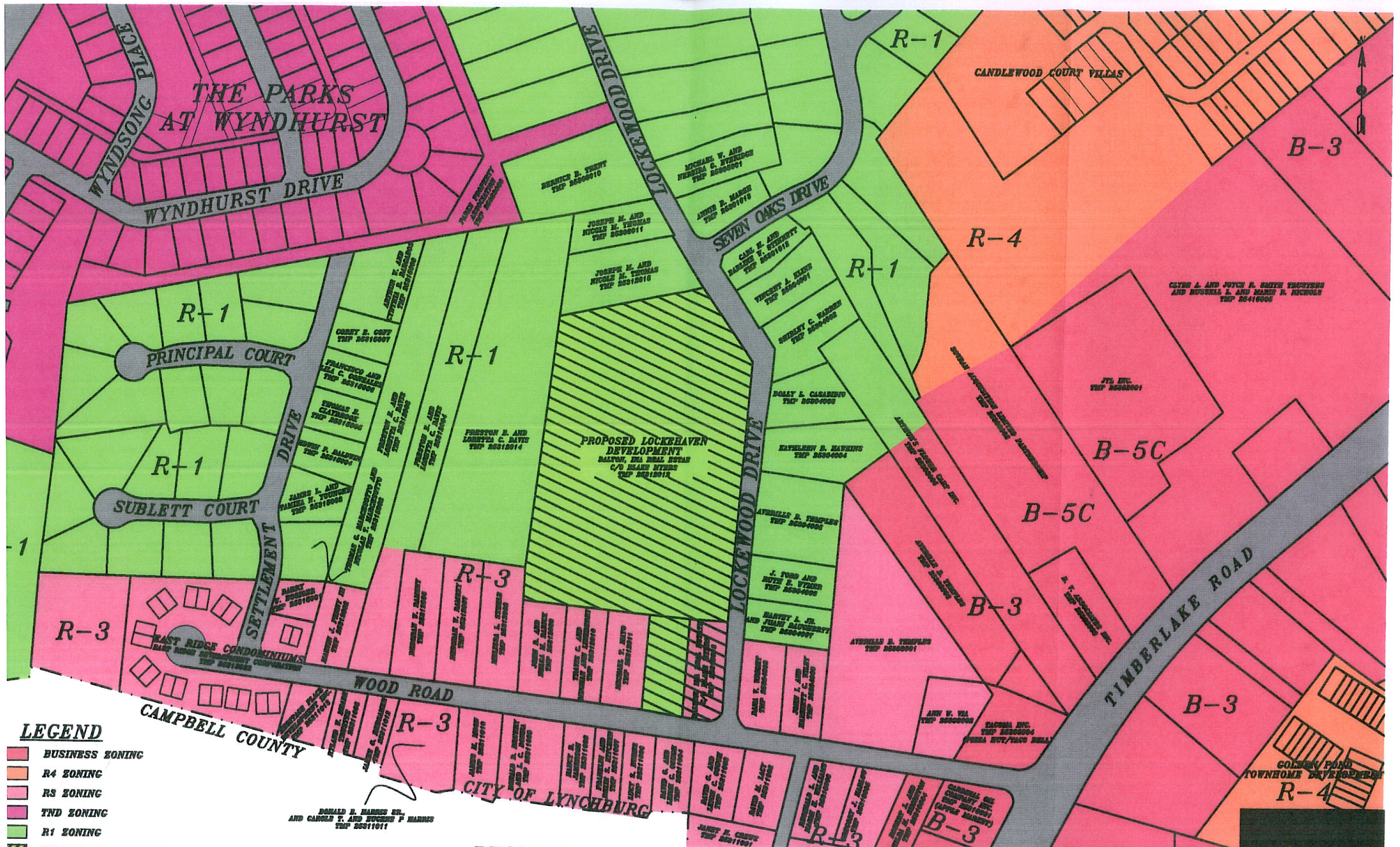
**GUFFEY
WARNER &
ASSOCIATES**
ENGINEERS & SURVEYORS
21 TIMBER OAK CT - SUITE B
OAKDALE CIRCLE
LYNCHBURG, VA 24502
PHONE: 434-239-6000
FAX: 434-239-6001

DRAWN BY:
GLM
REVIEWED BY:
TJW
PROJECT No.
06087.00
FILE NAME:
ROADWAY/G1.dwg
SCALE:
GRAPHIC

PROJECT:
THE DEVELOPMENT OF
LOCKE HAVEN
LYNCHBURG, VIRGINIA

TITLE:
CONCEPT

DATE:
6-11-07
DRAWING No:
C-1
SHEET NUMBER:
1 OF 1



LEGEND

- BUSINESS ZONING
- R4 ZONING
- R3 ZONING
- TND ZONING
- R1 ZONING
- PROPOSED CUP ZONING
- CITY OF LYNCHBURG RIGHT-OF-WAY

NOTES:
 1. ZONING INFORMATION TAKEN FROM CITY OF LYNCHBURG GIS WEBSITE.

RECEIVED

JUN 13 2007

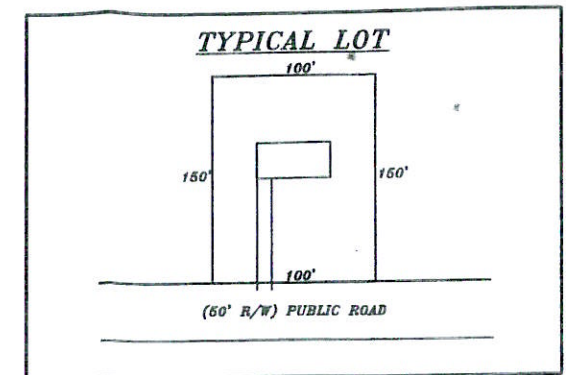
COMMUNITY DEVELOPMENT

GUFFEY
WARNER & ASSOCIATES
 ENGINEERS & SURVEYORS
 21 TIMBER OAK CT. SUITE B
 OAKDALE CIRCLE
 LYNCHBURG, VA 24502

DRAWN BY: RJT
 REVIEWED BY: TJW
 PROJECT NO: 06087.00
 FILE NAME: 06087/CONCEPT

PROJECT: LOCKE HAVEN
 LYNCHBURG, VIRGINIA

DATE: 06/11/07
 DRAWING No: C1
 SHEET NUMBER:



BY RIGHT DEVELOPMENT

RESIDENCES : 24
 ADT : 230 TRIPS PER DAY
 PEAK TRAFFIC : 18 TRIPS

SOURCE : INSTITUTE OF TRANSPORTATION ENGINEERS

RECEIVED

JUN 13 2007

COMMUNITY
DEVELOPMENT

IF THIS SHEET IS A REDUCTION THE
GRAPHIC SCALE MUST BE USED



**GUFFEY
WARNER &
ASSOCIATES**
ENGINEERS & SURVEYORS
21 TIMBER OAK CT - SUITE B
OAKDALE CIRCLE
LYNCHBURG, VA 24502

DRAWN BY:
RJT
REVIEWED BY:
TJV
PROJECT No.
06087.00
FILE NAME:
06087/CONCEPT

PROJECT:

LOCKE HAVEN
LYNCHBURG, VIRGINIA

DATE:
07/11/05
DRAWING No.
C1
SHEET NUMBER:

**LYNCHBURG CITY COUNCIL
Agenda Item Summary**

MEETING DATE: **November 13, 2007**

AGENDA ITEM NO.: 9

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Public Street Dedication and Naming Requests – “Ridgeline Lane”
Private Street Namings Request – “Meridian Street” and “Foundation Street” in the
Cornerstone Traditional Neighborhood Development off Greeview Drive**

RECOMMENDATION: Approval of resolution to accept the public street dedication and naming and the private namings requests.

SUMMARY: JBO, LLC, represented by Jay Craddock and Norman B. Walton, Jr., Perkins & Orrison, is requesting to dedicate approximately nine-tenths (0.9) of an acre for right-of-way for the proposed public street to be named “Ridgeline Lane.” Two private streets would be named “Meridian Street” and “Foundation Street” in the Cornerstone Traditional Neighborhood Development off Greenview Drive.

PRIOR ACTION(S):

October 10, 2007: Planning Division recommended approval
Planning Commission recommended approval (6-1)

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 DEDICATION AND NAMING OF ONE (1) PUBLIC STREET, TO BE KNOWN AS "RIDGELINE LANE" AND THE NAMING OF TWO (2) PRIVATE ROADS IN THE CORNERSTONE TRADITIONAL NEIGHBORHOOD DEVELOPMENT OFF GREENVIEW DRIVE TO BE KNOWN AS "MERIDIAN STREET" AND "FOUNDATION STREET."

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the dedication of 0.9 of an acre for right-of-way for the proposed public street, "Ridgeline Lane," located Cornerstone Traditional Neighborhood Development off Greenview Drive be, and hereby is, approved and accepted, contingent on JBO, LLC filing a properly executed subdivision plat to be recorded among the land records in the Office of the Clerk of the Circuit Court; the filing of approved street and utility plans and the necessary construction bonds with the City; and the construction of the street in accordance with City standards. The failure to fully comply with these conditions shall render the City's acceptance of "Ridgeline Lane" as a public street null and void.

BE IT FURTHER RESOLVED THAT approval is given for the names of two (2) private streets, namely: "Meridian Street" and "Foundation Street" in the Cornerstone Traditional Neighborhood Development off Greenview Drive.

Adopted:

Certified:

Clerk of Council

144L

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,

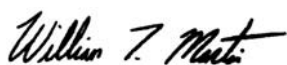
snaking in southerly then northerly directions from Capstone Drive, intersecting Rotunda Street and returning to Rotunda Street at the cul-de-sac. "Foundation Street" extends approximately five hundred eighty (580) feet in a southeasterly direction from Capstone Drive to a private alley just beyond Meridian 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

is 8 square feet. Messages on banners are limited to display of the neighborhood name or a neighborhood or City event. Banners shall not be used for business advertising.

G. Outdoor Lighting

1. Street lights shall be provided at regular intervals along all streets in the core and along all streets in areas where multi-family residential uses predominate. In single family residential areas, street lights shall be provided at least at all intersections, including alley entrances. Outdoor lighting shall also be provided in squares and in parking areas to permit these areas to be used safely at night.
2. Lighting fixtures located on public land or on private lands open to the public shall be designed to illuminate public areas: streets, sidewalks, squares, parking lots open to the public, and public entrances to buildings. They may also be used to illuminate focal elements, such as gazebos, public art, steeples, towers, or special plantings. Street lights shall minimize illumination of non-commercial private buildings and lots and shall be designed to prevent glare affecting motorists and to minimize overhead sky glow.
3. A consistent style of street lights shall be set for each area of the TND (core, transition, edge, satellite). The style shall generally be compatible with the architectural styles predominating in each of these areas; however, the ability of the fixtures to meet the standards of section G.2. shall not be compromised for style consistency.

H. Public Streets

1. Street cross sections: Typical street cross-sections for the TND are presented in Appendix B. Parking is shown on both sides of the street in each section, though it may not be provided on both sides in edge areas when not needed to meet parking requirements.
2. Cul-de-sacs: No cul-de-sacs shall be constructed except as shown on the approved TND Plan.

I. Private Streets and Alleys

1. Private streets shall have a minimum right-of-way of forty (40) feet for a two-way street and 25 feet for a one-way street. Travel lanes shall be at least 9.5 feet wide.
2. Alleys shall have a minimum width of twelve (12) feet and may serve directly as travel aisles for off-street parking.
3. Alley and parking lot drive aisle connections to Greenview Drive shall be permitted only by approval of the Cornerstone Design Review Committee or the City Design Review Board.

- J. Transit Facilities: Bus stops to facilitate transit use shall be provided at strategic locations throughout the TND as coordinated with the Greater Lynchburg Transit Company. A bus shelter shall be provided in the core area.

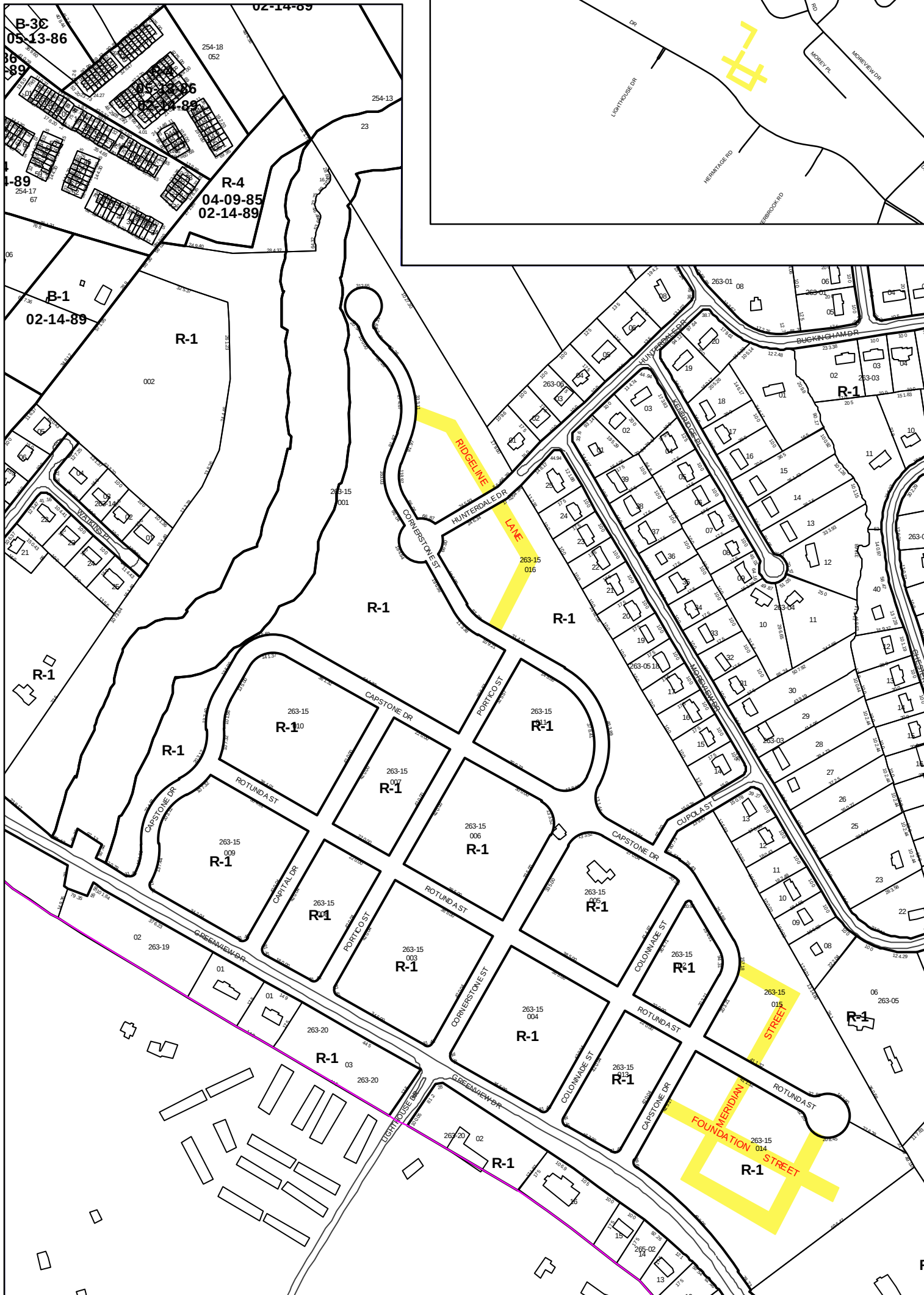
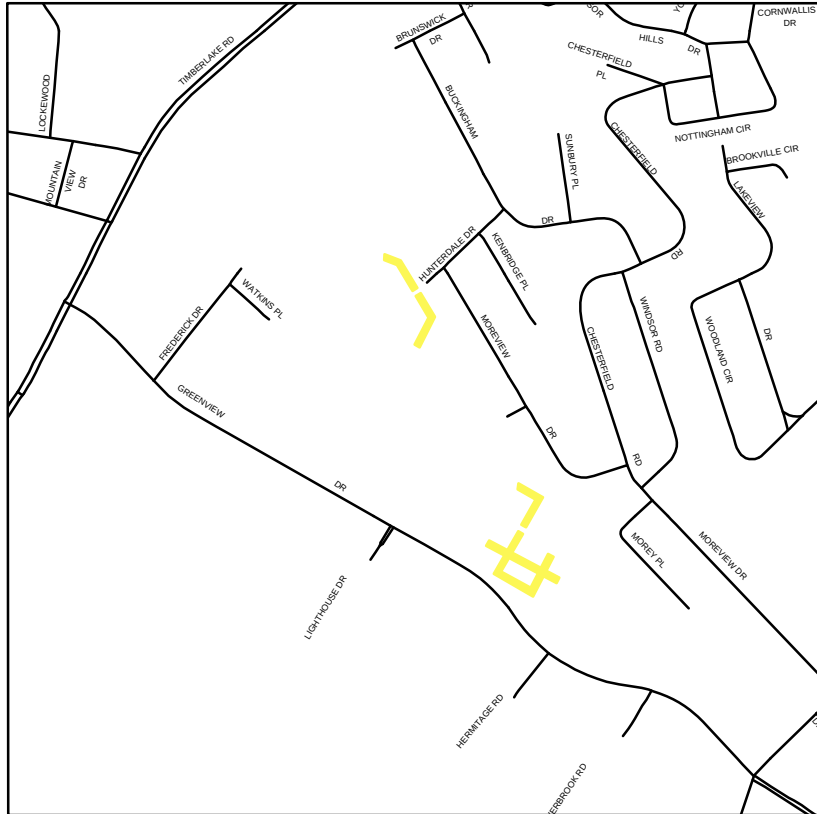
RIDGELINE LANE MERIDIAN STREET, FOUNDATION STREET STREET NAMING REQUEST

MAP PREPARED BY
THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Proposed Street



Proposed Street



LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 13, 2007**

AGENDA ITEM NO.: 10

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: Adoption of a Policy Regarding the Placement of Future Memorials on Monument Terrace, and, Consideration of a Proposal to Place a Military Order of the Purple Heart Memorial on Monument Terrace

RECOMMENDATION: Adopt the attached resolution documenting Council's policy regarding the placement of future memorials on Monument Terrace, and, approve the placement of a Military Order of the Purple Heart (MOPH) Memorial on Monument Terrace.

SUMMARY: The Central Virginia Chapter of the Military Order of the Purple Heart has proposed the placement of a MOPH Memorial on Monument Terrace, in the center of the first landing down from Court Street. Attached is a copy of the application for a certificate of appropriateness that was submitted to the Historic Preservation Commission (HPC) that shows the design and location of the memorial.

After the certificate of appropriateness was approved by the HPC several questions arose that needed to be addressed before the matter was brought to Council for final approval of the placement of the memorial. Discussions and meetings were held to seek consensus on the appropriate answers to the questions. The meetings involved representatives of the Military Order of the Purple Heart Central Virginia Chapter, other veterans' groups, Museum Manager Doug Harvey, Principal Engineer Dee Dee Connor (project manager for the renovation of Monument Terrace), Bill Allen (design engineer for the renovation project) and the City Manager. The group was successful in resolving the following questions (answers included):

1. What is the purpose of Monument Terrace? **Answer:** Research provides a fairly clear picture that since the early 1900's Monument Terrace has been seen as a place to memorialize those who have sacrificed for their country in the military or naval service.
2. Is there a policy that guides future decisions regarding the appropriateness of future memorials? **Answer:** While there is no current policy, adoption of the attached resolution is recommended to provide guidance for future decisions. (Special thanks go to Bill McIntosh for the attached summary of the history of Monument Terrace and the draft policy.)
3. Are the location, size, and scale of the proposed memorial appropriate? **Answer:** This has been thoroughly discussed and analyzed and all are in agreement that the proposed location is appropriate, the site will support the weight of the memorial (with a new foundation), and the size of the memorial is of an appropriate scale on Monument Terrace. Bill Allen prepared the attached perspectives as part of the analysis.

In summary, the group agreed that the proposal to place a MOPH Memorial on Monument Terrace is appropriate and recommends that City Council approve the placement. Timely approval will allow ordering of the memorial and its placement in time for dedication on Memorial Day 2008.

Finally, there is a sense that Monument Terrace will be "full" after the placement of this memorial. The group is committed, however, to exploring how future sacrifices of Lynchburg citizens in service to the country could be memorialized.

PRIOR ACTION(S): September 17, 2007 Historic Preservation Commission granted a Certificate of Appropriateness.

FISCAL IMPACT: None

CONTACT(S): Kimball Payne, 455-3990; Dee Dee Connor, 455-3928

ATTACHMENT(S): Letter of application to the HPC dated August 29, 2007; History of Monument Terrace prepared by William McIntosh; Perspectives prepared by Bill Allen; Resolution.

REVIEWED BY: lkp

RESOLUTION

BE IT RESOLVED that the Lynchburg City Council hereby establishes the following policy to guide the placement of future memorials on Monument Terrace:

- Memorials shall have direct applicability to the citizens of Lynchburg, Virginia, and its immediate surroundings.
- Memorials shall recognize intentional acts (such as placement of one's self in harm's way in consequence of entry into military or naval service, imprisonment in an enemy prison, death or wounds in battle) in the lawful execution of assigned duties.
- Memorials shall have direct (e.g. active service) connection with military or naval service.
- Memorials shall be emplaced in harmony with the architecture and design of Monument Terrace.

Adopted:

Certified:

Clerk to Council

149L

*** D * R * A * F * T ***

**Memorial Policy for Monument Terrace
Lynchburg, Virginia**

From 1924 through 1925 inclusive, work crews graded, built, and landscaped improvements to Monument Terrace, constructed a half-century earlier (1887-1888) to replace the treacherous pathway connecting Ninth and Church Streets to Court Street. Aubrey Chesterman, designer of the improved Monument Terrace, appropriated the architectural vocabulary of late-sixteenth-century Italy to fashion a direct-axial approach to the City Court House that at once complements classical design and dramatizes the Olympian siting of William Ellison's Greek-Revival masterpiece. Upon its completion in 1855, the City Court House became a focal point of community pride, which suggests why the Ladies Memorial Association some three decades later sought to erect, in its shadow, a memorial to Lynchburg's fallen Confederate soldiers. Nearly two decades elapsed before that memorial's unveiling in 1900. That Chesterman displaced both the Fireman's Fountain and a bronze tablet memorializing city founder John Lynch to accommodate a grander fountain at the base of Monument Terrace but retained, at its head, the Confederate Monument as sited a quarter-century earlier provides an important clue as to the community's understanding of the terrace's memorial purpose.

The re-emplacement (second landing, northern stairs) of the Daughters of the American Revolution, Blue Ridge Chapter's 1912 monument to Lynchburg's founder, and the symmetrical emplacement (second landing, southern stairs) of a bronze tablet recognizing the Lynchburgers who shaped and led the renovation of Monument Terrace, emerge as two telling clues as to its intended geographical focus. More than a clue, the most pointed indication of the community's memorial intentions for Monument Terrace is the abandonment of the stone turtles and bronze dolphin planned for the baroque fountain at its base in favor of *The Listening Post*, sculptor Charles Keck's heroically scaled tribute to Lynchburg's World War I dead, dedicated on Armistice Day, 11 November 1926. Subsequent memorial emplacements upon Monument Terrace follow those martial and geographical precedents. Over the next eight decades, memorials went up for Lynchburgers who served during or died in the Spanish-American War (1940); World War II, the Korean Conflict, the Vietnam War (1986); and who serve, served, or died as POW-MIA (2004). All five additional memorials pay tribute to military and naval personnel. An additional Lynchburg monument was emplaced (1986) to note the place of Lynchburg and her citizens against the broader backdrop of the state and nation.

From all that, three common threads become clear: first, the geographical focus of the memorials upon Monument Terrace is local; second, the service and sacrifice memorialized are, at their most basic level, intentional rather than accidental; and third, all but a handful of those memorialized at monument terrace are Lynchburgers who served in the military and naval forces of their country. A fourth thread worth noting has to do with the architectural axes and symmetry of Monument Terrace and the memorials emplaced thereon: precedent indicates that memorials are emplaced in balance with one another to reinforce the direct-axial layout from base to head of the site.

The following policy governs the approval and siting of new memorials emplaced upon Monument Terrace:

- Memorials shall have direct applicability to the citizens of Lynchburg, Virginia, and its immediate surroundings.
- Memorials shall recognize intentional acts (such as placement of one's self in harm's way in consequence of entry into military or naval service, imprisonment in an enemy prison, death or wounds in battle) in the lawful execution of assigned duties.
- Memorials shall have direct (e.g. active service) connection with military or naval service.
- Memorials shall be emplaced in harmony with the architecture and design of Monument Terrace.

Prepared by William A. McIntosh

October 2007



MILITARY ORDER OF THE PURPLE HEART

CHARTERED BY CONGRESS

8/29/07

OFFICE OF

**Military Order of Purple Heart
Central Va. Chapter 1607
1129 Meriwether Circle
Lynchburg, Va. 24503
H: 434 384-7609**

**Historic Preservation Commission
Department of Community Development
Annette Chenault
City Hall, 900 Church Street
Lynchburg, Va. 24504**

I filled out and signed the attached form, but what we are proposing on Monument Terrace is "not applicable" on many of the questions. However, I will give a brief description of our "project." We don't expect any cost to the City of Lynchburg other than processing necessary paperwork, engineering overview, etc. All of the 10 veterans' organizations in Lynchburg support and approve of this Purple Heart Memorial and I will get signatures, etc. as necessary when we go before City Council. I'm sure the final "resting place" of this memorial on Monument Terrace will be discussed at length before City Council approval. The fabricator in N.J. needs 5 months lead time to process the order and requires a down payment and balance paid upon delivery. I will write a check today for \$3,000. and place the order with him. Of course, the memorial (once approved) will have to be permanently placed just before Memorial Day 2008 Ceremony.

Please see attached photo of the Military Order of Purple Heart (MOPH) Memorial that we hope to dedicate on historical Monument Terrace during the 2008 Memorial Day Ceremony. It will honor all those 276 brave veterans names now engraved on Monument Terrace killed in WWI, WWII, Korea and Vietnam. In addition, the MOPH Memorial will honor all living and deceased veterans that were awarded the medal from Lynchburg and surrounding counties including those from Afghanistan and Iraq.

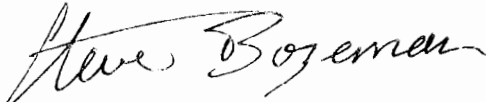
The Order to establish the first Purple Heart was issued by George Washington during the Revolutionary War, which was created "for gallantry, but also of extraordinary fidelity and essential service." The official papers, signed by General Washington, were saved from burning during the War of 1812. The famous award was revived in 1932 by President Hoover and General Douglas MacArthur and awarded in the name of the President of the United States to members of the U.S. military who have been wounded in combat or to the next of kin of those killed in action. Today, as in the past, the single bond that unites members of The Order is that each has sustained a wound inflicted by an enemy in combat. There is no exclusion by war or branch of service. The members' common bond is that they have given of their own blood.

Local MOPH Chapter 1607 goal is to raise \$12,000. this year by asking Lynchburg area citizens, businesses, civic and veterans organizations to donate and make this beautiful tribute a reality to all these heroes. Please donate and be part of this worthy and patriotic

EXCLUSIVELY FOR COMBAT WOUNDED VETERANS

cause and mail to address above. We are a 501 (c) (19) not-for-profit, tax exempt Veterans organizations and your gift is fully tax deductible. The U.S. Department of the Treasury granted this status on August, 1960 and Federal Tax Exempt number is 59-0829647. We will provide necessary tax deduction info with your receipt. A list of donors will be published by The News & Advance in a full page ad high lighting the 2008 Memorial Day Ceremony with photo of the new MOPH Memorial. Also, the Memorial Day Program hand out will list all donors thanking them. For more information about Military Order of Purple Heart, visit at www.purpleheart.org

In closing, we would be glad to meet with City employees to provide more details as necessary to answer any questions. Please let me know what else I need to do at this point. Thanks.



Steve Bozeman

Past Commander, Chapter 1607

E-mail address: ironcouple.sdb@juno.com

MOPH Memorial Committee: Dennis Janiak, Steve Bozeman, Lee Cobb, David Harker, Gary Case, Max Guggenheimer, Les Baker, Frank Leonard, Doc Bumgarner, Wayne Creasy, Sam Mosley, Elijah Perdue and Robert McCoy.

Please check with a Zoning Officer (434-455-3900) and/or the Inspections Division (434-455-3910) **before** the HPC meeting to ensure that your project meets the applicable zoning regulations.

APPLICATION FOR CERTIFICATE OF APPROPRIATENESS (COA)

Historic Preservation Commission (HPC)

Department of Community Development
City Hall, 900 Church Street
Lynchburg, Virginia 24504
Phone: 434-455-3900 FAX: 434-845-7630

Location of property to be altered (street address): MONUMENT TERRACE

Applicant: MILITARY ORDER OF PURPLE HEART, CHAPTER 1607

Are you the: _____ Owner? _____ Potential Owner? ☒ Representative?

Applicant Address: 1129 MERIWETHER CIRCLE, LYNCHBURG, VA. 24508

Telephone: 434-384-7609 E-mail: ironcouple.sdb@jups.com
sdb@juxo.com

Property Owner's Name: CITY OF LYNCHBURG

Property Owner's Address: CITY HALL

Telephone: _____ E-mail: _____

Nature of Request (Check One in Category A & One in Category B):

A _____ Alteration _____ Demolition ☒ New Construction

B _____ Building _____ Object - Specify PURPLE HEART MEMORIAL

Please give a detailed description and justification for alteration, demolitions, or new construction. (This form must be accompanied by the necessary drawings, material samples, photographs, plans, and other materials deemed appropriate to the request) _____

SEE ATTACHED
SIZE IS ABOUT 5 FT WIDE X 5 FT TALL X 10" THICK AND
WEIGHT 3000 POUNDS.

(OVER)

What materials have been provided?

☐ Building Plans ☐ Site Plans ☐ Material Samples
☒ Photographs ☐ Paint Samples ☐ Others: _____

The work authorized by the Certificate of Appropriateness shall be completed within twelve (12) months of the date of issuance of the Certificate of Appropriateness, unless, for good cause shown, the HPC determines that a longer period is warranted.

Do you foresee a problem with completing the work within twelve (12) months? No

If yes, please explain. _____

Is there any application relevant to this property before the City Planning Commission, City Council, Building Inspector, Board of Zoning Appeals, or any Regulatory or Administrative Authority (VDHR or the Secretary of the Interior): No

If So, Please Specify: _____

Who will represent the applicant before the HPC? (This person should have the authority to commit applicants to make changes that may be suggested by the HPC.)

Name: STEVE BOZEMAN
Address: 1129 MERIWETHER CR. LYNCHBURG VA 24503
Telephone: 434-384-7609 E-mail: stevebozeman@earthlink.net

Signature of Owner: N/A Date: _____

Signature of Applicant: Steve Bozeman Date: 8/24/07

(This application and all supporting documentation must be submitted to the Secretary of the HPC (see address on the first page) at least fourteen (14) days prior to the HPC meetings held on every 3rd Monday of the calendar month, at 3:45 p.m. in City Hall, second floor Training Room.)





"I stood up, I showed up. I stepped forward, I raised my right hand. I stood in the "gap, I walked in the fire. I did not run, I did not hide. I did not dodge, I did not evade. *Consequently...*
I have nothing to prove, no one to convince. Those who matter already know. Those who don't, never will."

Author Unknown

A TRIBUTE TO THE 276 HEROES WHOSE NAMES ARE ENGRAVED ON MONUMENT TERRACE.

NON SIBI SED PATRIAE

(Not for self, but for country)



Proposed Landing and Location for Purple Heart Memorial



View from Landing Behind World War I (Doughboy) Memorial



Close-Up View Taken From Church Street



View from Church Street/9th Street Intersection



View from World War II Memorial Landing



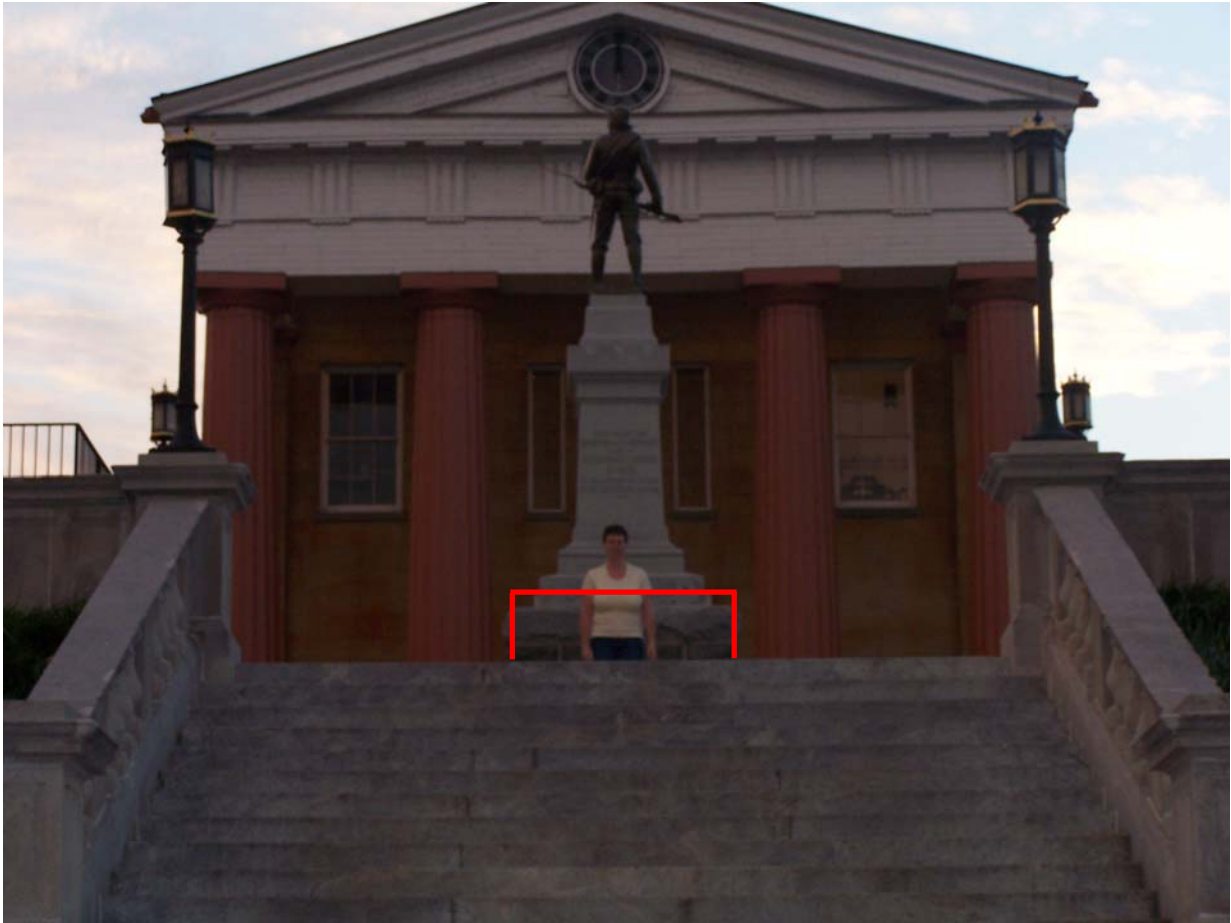
World War II Memorial



View from Korean War Memorial Landing



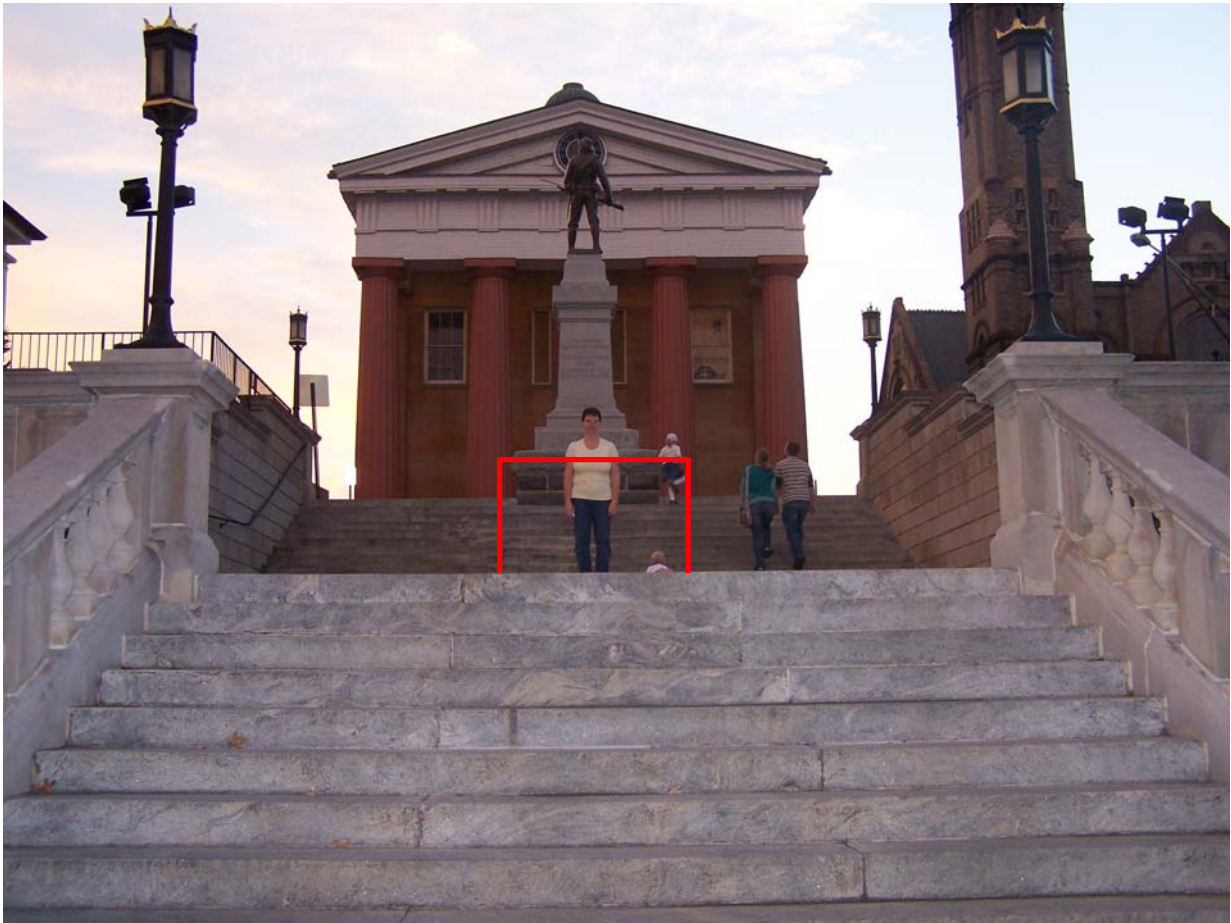
Korean War Memorial



View from POW-MIA Memorial/Unitarian Church Landing



POW-MIA Memorial



View from Vietnam War Memorial Landing



Vietnam War Memorial

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 13, 2007**

AGENDA ITEM NO.: **11**

CONSENT:

REGULAR: **X**

CLOSED SESSION:

ACTION: **X**

INFORMATION:

(Confidential)

ITEM TITLE: **Capital Project Administrative Clean-up**

RECOMMENDATION:

Adopt a resolution to amend the City Capital Projects Fund budget and rescind \$3,402,123 in appropriations for projects listed on Attachment A in order to more accurately reflect expected expenditures.

SUMMARY:

As part of the FY 2008 Capital Improvement Program, City Council deferred some projects due to funding constraints. These projects had appropriations from FY 2007 and prior but were not cash funded. Deferring the projects resulted in various projects no longer moving forward at this time. Rescinding these appropriations will clean-up the financial records to reflect only appropriations available for expenditures. In addition, the Fifth Street Master Plan funding is being adjusted due to the anticipated grant not being awarded.

PRIOR ACTION(S):

Adoption of the FY 2008 Capital Improvement Program, May 23, 2007
Physical Development Committee, October 23, 2007
Finance Committee, November 6, 2007

FISCAL IMPACT:

\$3,402,123 reduction in City Capital Projects Fund appropriations

CONTACT(S):

Donna Witt, Director of Financial Services, 455-3968

ATTACHMENT(S):

Resolution

Attachment A: Project Appropriations To Be Rescinded

REVIEWED BY: lkp

Resolution:

BE IT RESOLVED that the City Capital Projects Fund budget is amended and \$3,402,123 in appropriations is rescinded for projects listed on Attachment A in order to more accurately reflect expected expenditures.

Introduced:

Adopted:

Certified:

Clerk of Council

140L

Project Appropriations That Need to be Rescinded

Project No.	Project Description	Amount
P0031	Armstrong School Stabilization	\$83,000
P0041	Community Market Interior Renovations	162,337
P0024	City Stadium Park	410,422
B0022	Market Area Plaza	186,213
B0088	West Building Condition Assessment	17,636
T0093	Retaining Wall Repairs	100,000
T0047	Culvert Replacement Program	105,778
T0101	Fifth Street Master Plan	1,224,759
B0092	Kemper Station Phase II	56,549
T0066	Public Works Maint Lot Imp	232,000
T0049	Storm Drainage System Repairs	305,000
TB008	Major Bridge Repairs	440,330
TB011	Martin Luther King Bridge	78,099
		<u>\$3,402,123</u>

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 13, 2007**

AGENDA ITEM NO.: **12**

CONSENT:

REGULAR: **X**

CLOSED SESSION:

ACTION: **X**

INFORMATION:

(Confidential)

ITEM TITLE: Upgrade a Financial Technician III Position from Part-Time to Full-Time

RECOMMENDATION:

Adopt a resolution to approve the upgrade of a part-time (30 hours per week) Financial Technician III position to full-time using funds already budgeted in the Finance Department – Human Services Financial Division.

SUMMARY:

This position processes Comprehensive Services Act (CSA) invoices. Over the past two years, the work load has increased significantly. The number of children served has increased by 26% from FY 2006 (294 children served) to FY 2007 (369 children served). The volume of invoices processed now averages 450 invoices per month. Total Medicaid and Non-Medicaid expenditures for CSA increased from \$4,650,267 in FY 2006 to \$5,627,395 in FY 2007. Due to the increased volume, in order to process invoices and pay vendors in a timely manner, it is necessary to increase the hours in this position from part-time to full-time.

PRIOR ACTION(S):

Finance Committee, November 6, 2007

FISCAL IMPACT:

Currently, the cost for this 30-hour per week position is \$23,074.13 annually. If the hours for this position were increased to 40 hours and the position upgraded to full-time, the total cost for salary and benefits would be \$36,878.60. As a full-time position, the salary expenses could be reimbursed through the CSA program; estimated revenue would be \$26,788.61. As a result, the net cost to the City for this full-time position would be \$10,089.98. Therefore, the cost to the City for the full-time position is less than that of the part-time position, resulting in a savings to the City of \$12,984.15.

CONTACT(S):

Donna Witt, Director of Financial Services, 455-3968

ATTACHMENT(S):

Resolution

Cost Comparison Spreadsheet

REVIEWED BY: lkp

Resolution:

BE IT RESOLVED that the upgrade of a part-time (30 hours per week) Financial Technician III position to full-time is approved using funds already budgeted in the Finance Department – Human Services Financial Division.

Adopted:

Certified:

Clerk of Council

147L

Financial Technician III Part-Time vs. Full-Time

CURRENT POSITION Part-Time Classified 30 Hours Per Week									
Hourly Salary	Weekly Salary	Annual Salary	Group Live	VRS	Medicare	Social Security	Group Hospital	Group Dental	Total City Cost
13.74	412.2	21,434.40			310.80	1,328.93			23,074.13

REQUESTED UPGRADE Full-Time Classified 40 Hours Per Week								
Hourly Salary	Weekly Salary	Annual Salary	Group Live	VRS	Medicare	Social Security	Group Hospital Dental	Total City Cost
13.74	549.6	28,579.20	322.94	5,790.15	414.40	1,771.91	288.00	36,878.60
Less: 72.64% reimbursement from the State								(26,788.61)
Total City Cost:								10,089.98

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 13, 2007**

AGENDA ITEM NO.: **13**

CONSENT:

REGULAR: **X**

CLOSED SESSION:

ACTION: **X**

INFORMATION:

(Confidential)

ITEM TITLE: Americorps Grant Funding for Assistance with the Community Court Program in the Office of the Commonwealth's Attorney

RECOMMENDATION: Adopt a resolution to amend the FY 2008 City/State/Federal Aid Projects Fund Budget and appropriate \$12,280 funded by the federal government (\$9,798) and the Office of the Commonwealth's Attorney Forfeiture Fund (\$2,482) to continue the work of the Americorps member to assist with the Office of the Commonwealth's Attorney's Community Court operations.

SUMMARY: The Lynchburg Office of the Commonwealth's Attorney and the Lynchburg Department of Social Services have collaborated to apply for the second year of funding for an Americorps Grant. The Office of the Commonwealth's Attorney is the lead agency in designing and implementing a community "problem solving" court within the city. An Americorps member works in the White Rock Community to provide case management services to community court participants and to serve as a liaison between community service providers and the community prosecution team.

During the period January through September 2007, a total of 85 (62%) defendants agreed to participate in the Community Court program, 45 (55%) adults aged 18 to 25 and 40 (71.5%) juveniles aged 12 to 17. A total of 52 defendants (36 adults and 16 juveniles) declined to participate in this program. Of the 45 adults who participated, 22 (49%) successfully completed the community court sentence, 14 (31%) failed to complete the sentence, 2 (4.5%) received additional charges and were dropped from the program and 7 (15.5%) are in the process of completing their sentence. Of the 40 juveniles who participated in the program, 30 (75%) successfully completed the sentence, 2 (5%) failed to complete the sentence, 2 (5%) received additional charges and were dropped from the program and 6 (15%) are currently completing their sentence.

The Department of Social Services serves as the fiscal agent for the grant. In addition, the Department of Social Services works with the Office of the Commonwealth's Attorney to assist in ensuring the connection between traditional court sanctions and access to social services programs.

PRIOR ACTION(S): Due to an oversight this item was inadvertently left off of the Finance Committee agenda of November 6, 2007.

FISCAL IMPACT: The 18% local match is being paid through the Office of the Commonwealth's Attorney. The City has no financial responsibility for this position.

CONTACT(S): Shannon Hadeed, Office of the Commonwealth's Attorney, ext. 3769
Mark Johnson, Director, Department of Social Services, ext. 5803

ATTACHMENT(S): Memorandum of Understanding with Virginia Community Corps, Virginia Department of Social Services; Resolution

REVIEWED BY: lkp

Resolution:

BE IT RESOLVED That the FY 2008 City/Federal/State Aid Projects Fund is amended and \$12,280 is appropriated with resources of \$9,798 from the federal government and \$2,482 from the Office of the Commonwealth's Attorney as full funding to hire an Americorps member to assist the Office of the Commonwealth's Attorney with the Community Court Program.

Introduced:

Adopted:

Certified:

Clerk of Council

148L

MEMORANDUM OF AGREEMENT

VIRGINIA COMMUNITY CORPS

This agreement is entered into between the Virginia Community Corps (VCC) and the Lynchburg Department of Social Services for the program year October 1, 2007 through September 30, 2008 to clarify the relationship between the VCC and the Lynchburg Department of Social Services. This will assure the maximum value of Americorps members to communities and to the member's professional and personal growth in accordance with Americorps rules and requirements.

The Virginia Community Corps agrees to:

- Provide consultation and assistance for recruitment and retention of members;
- Arrange for health insurance for members;
- Provide orientation to members and site supervisors through group meetings, materials and individual consultation and technical assistance;
- Provide training periodically for members and site supervisors;
- Encourage interaction and communication among site supervisors and among members;
- Reimburse the site promptly upon submission of complete and accurate time and activity reports;
- Provide technical assistance and consultation;
- Respond promptly to requests for assistance from sites and members;
- Monitor sites and provide technical assistance when indicated by the results of the monitoring visit;
- Conduct an end-of-term program evaluation;
- Serve as the intermediary between the site and the Virginia Commission on Community and National Service for monitoring, reimbursement and compliance with AmeriCorps rules, regulations and procedures

As an Americorps host site, the Lynchburg Department of Social Services agrees to:

- Recruit members as soon as possible to assure that the member will have the maximum opportunity to accrue the hours required for a full education stipend;
- Host one (1) Americorps Volunteer and provide supervision and oversight of the members' activities as outlined in the VCC approved position description;

- Keep accurate documentation of each member's service and maintain Americorps required documentation in the member file;
- Pay 18% of the members' living allowance, health insurance and workers' compensation. Any amount that is provided by the host site as a supplement to the Americorps living allowance of \$11,100 for full time and \$5000 for part time will be the total financial responsibility of the host agency and cannot exceed a living allowance of \$22,200. The host agency must notify VCC in writing if there is to be supplementation.
- Use due diligence in selecting a member by conducting a criminal history check, Central Registry check, Department of Motor Vehicles' check and use any other sources as references to assess the member's character and potential for performing the activities for which they are hired;
- Use Equal Employment Opportunity and Affirmative Action principles when selecting members, provide reasonable accommodation for members and program participants with disabilities and apply agency-approved human resource policies to the Americorps member;
- Provide child care for full time members who need such assistance to participate in the program;
- Have adequate administrative resources to support the member's activities;
- Identify a site supervisor to provide daily, direct supervision of the member;
- Provide a mid-term and end of term evaluation of the member;
- Provide immediate notification to the VCC if a member's status or circumstances change;
- Support site supervisor and member attendance at orientations, workshops and training provided by the VCC;
- Monitor and document the member's hours of service and activities, assuring that the member is spending at least 80 percent of their time on direct service activities;
- Submit time and activity reports and invoices to the VCC by the second business day of each calendar month;
- Ensure that members are not assigned to activities that would normally be the responsibility of a paid worker or engage or participate in:
 - Serving as clerical or other secretarial support;
 - Engaging in political activities designed to affect legislation or the outcome of any election to political office;
 - Organizing protests, petitions, boycotts or strikes;

- Providing religious instruction, conducting worship services or proselytizing as part of their Americorps service;
- Providing a direct service to any for profit organization or entity.

Further, the VCC and the Lynchburg Department of Social Services agree to the responsibilities detailed in the Invitation to Participate. The (host site) certifies that all costs that will be reported and counted as matching funds are allowable according to the rules and requirements of the AmeriCorps Program, will be verifiable from agency records and have not been included as a cost or used to meet cost sharing or matching requirements of any other federal award in either the current or a prior period, except as specifically provided by federal law or regulation.

This agreement may be changed or revised with the written consent of both parties.

By signing below, both parties agree to comply with and execute the terms set forth in this Agreement..

Mark C. Johnson, Director
Lynchburg Department of Social Services

Peggy Friedenberg, Acting Program Director
Virginia Community Corps

Date

Date