

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 10, 2009**

AGENDA ITEM NO.: 1

CONSENT:

REGULAR:

WORK SESSION: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Proposed 2010 Legislative Agenda**

RECOMMENDATION: Adopt the Legislative Agenda for the 2010 session of the Virginia General Assembly.

SUMMARY: Legislative Liaison Linda McMinimy will attend Council's work session to discuss the proposed legislative agenda for the 2010 session of the General Assembly. A number of positions from the previous agenda have been removed as they are no longer relevant. There are no new positions.

PRIOR ACTION(S): N/A

FISCAL IMPACT: N/A

CONTACT(S): Linda McMinimy, 804-643-1166, Kimball Payne, 455-3990, Walter Erwin, 455-3973

ATTACHMENT(S): 2009 Legislative Agenda; Proposed 2010 Legislative Agenda

REVIEWED BY: lkp

10/19/09

Pat Kost
Clerk of City Council

Dear Ms. Kost:

This letter is to inform City Council of our intention to appeal the August 17, 2009 decision of the HPC, regarding our property at 3206 Rivermont Ave.

Karen and Michael Owen

Karen Owen
Michael Owen
384-0555

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 10, 2009**

AGENDA ITEM NO.: 7

CONSENT: **X**

REGULAR:

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: Edward Byrne Memorial Justice Assistance Grant (JAG) Program for Improvements to Criminal Justice System

RECOMMENDATION:

Adopt a resolution to amend the FY 2010 City/Federal/State Aid Fund budget and appropriate \$80,000 with resources of \$60,000 from the Virginia Department of Criminal Justice Services and \$20,000 from the Community Services Board for the provision of screening, assessment, supervision, treatment, and intervention services for the mentally ill who come in contact with the criminal justice system.

SUMMARY:

For the second year, the Department of Criminal Justice Services has awarded the City \$60,000 in Edward Byrne Memorial Justice Assistance Grant (JAG) Program funds with a \$20,000 local match for Mental Health/Criminal Justice Planning Grant for FY 2010. This grant is a result of two years of strategic planning efforts by the members of the Community Jail Diversion Alliance, a consortium of stakeholders in the criminal justice and mental health systems. The City will serve as the fiscal agent for the grant which will be administered through the Community Corrections and Pretrial Services Agency. The grant will employ one part-time individual as the Interagency Coordinator. The Coordinator will serve as the boundary spanner, ensuring case coordination as well as systems coordination between agencies, linking personnel and procedures to deliver services to identified mental health clients. The goal of the program is to allow for intervention at the earliest intercept point in the post-booking jail diversion process.

This grant is renewable for up to two more years.

PRIOR ACTION(S):

FY 2009 grant approval, Council Meeting, September 9, 2008
Finance Committee, October 27, 2009

FISCAL IMPACT:

None, the Community Services Board has agreed to provide the required 25% local match.

CONTACT(S):

Cynthia Plummer, Community Corrections and Pretrial Services Agency Director, 455-3751

ATTACHMENT(S):

Resolution

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED That the FY 2010 City/Federal/State Aid Fund budget is amended and \$80,000 is appropriated with resources of \$60,000 from the Virginia Department of Criminal Justice Services and \$20,000 from the Community Services Board for the provision of screening, assessment, supervision, treatment, and intervention services for the mentally ill who come in contact with the criminal justice system.

Introduced:

Adopted:

Certified:

Clerk of Council

141L

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 10, 2009**

AGENDA ITEM NO.: 11

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: Rezoning: I-2, Light Industrial District to B-5C, General Business District (Conditional), 300 Monticello Avenue

Conditional Use Permit (CUP): Lynchburg College Doctor of Physical Therapy, 300 Monticello Avenue

RECOMMENDATION: Adopt an ordinance and resolution approving the rezoning and CUP petitions.

SUMMARY: Lynchburg College is petitioning to allow an educational use within an existing building and the expansion of the existing parking area at 300 Monticello Avenue. The petitions would allow Lynchburg College to begin their physical therapy program in fall 2010 while preserving the option for Tango Properties, LLC or other commercial and/or college uses to operate if the property redevelops in the future. In addition, the petitioner has voluntarily proffered to exclude many of the intensive uses permitted "by right" in a B-5 Zoning District to ensure future college and commercial uses would be compatible with the adjacent residential neighborhood. The Planning Commission recommended approval of the rezoning and CUP petitions because:

- The *Comprehensive Plan* recommends a Medium Density Residential use in this area. Adjacent land uses designated by the *Future Land Use Map (FLUM)* also include Community Commercial, Low Density Residential and Institutional uses. Since the *FLUM* is not designed to be parcel specific, the proposed commercial zoning is suitable for the property.
- The petition agrees with the *Zoning Ordinance* since schools and colleges of all types are permitted in a B-5, General Business District with approval of a CUP by City Council.
- The Department of Economic Development and the Economic Development Authority both had no objection to the proposed rezoning, noting that the properties were not of interest for industrial use (due to the proximity of the site to residential uses and the lack of other industrially zoned properties within the vicinity of the site).
- Chapter 4 of the *Midtown Area Plan* emphasizes the goal of "Reconnecting Lynchburg College" to Midtown Lynchburg.

PRIOR ACTION(S):

October 14, 2009: Planning Division recommended approval of the rezoning and CUP petitions.

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

Planning Commission recommended approval of the rezoning petition (6-0, with one member absent, Oglesby) with the following voluntarily submitted proffers:

1. Lynchburg College agrees to install the required foundation plantings when the new building façade is constructed in approximately three (3) years.
2. Lynchburg College agrees to eliminate all approved uses for B-5 zoning other than:
 - A) Uses provided by right in the B-3 zoning district except for single-family dwellings.
 - B) Schools and colleges of all types exceeding a maximum enrollment of one hundred (100) students.

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

1. The project will be developed in substantial compliance with the concept plan for the Lynchburg College Doctor of Physical Therapy program, prepared by Dominion Seven

Architects dated September 8, 2009 and received by Community Development on October 2, 2009.

2. All lighting shall be glare-shielded and non-directional to prevent illumination across the property line.

FISCAL IMPACT: None

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

ATTACHMENT(S):

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

REVIEWED BY: lkp

ORDINANCE:

AN ORDINANCE CHANGING A CERTAIN AREA LOCATED AT 300 MONTICELLO AVENUE FROM I-2, LIGHT INDUSTRIAL DISTRICT TO B-5C, GENERAL BUSINESS DISTRICT (CONDITIONAL).

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

Section 35.1-76.____. Change of a certain area located at 300 Monticello Avenue from I-2, Light Industrial District to B-5C, General Business District (Conditional).

The area embraced within the following boundaries...

BEGINNING AT A chiseled "x" in the sidewalk at the intersection of Monticello Avenue and Bristol Street on the north corner of the referenced property, travel in a direction of South 55 degrees, 22 minutes and 29 seconds East for a distance of 384.14 feet, thence South 54 degrees, 36 minutes and 34 seconds West for a distance of 138.42 feet, South 54 degrees, 15 minutes and 51 seconds West for a distance of 145.55 feet, North 29 degrees, 25 minutes and 29 seconds West for a distance of 16.00 feet, North 55 degrees, 22 minutes and 29 seconds West for a distance of 449.00 feet, North 68 degrees, 37 minutes and 31 seconds East for a distance of 313.81 feet to the POINT OF BEGINNING.

CONTAINING: 2.54 acres of land, more or less.

... is hereby changed from I-2, Light Industrial 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 Tango Properties, LLC and voluntarily agreed to by Lynchburg College, to wit:

1. Lynchburg College agrees to install the required foundation plantings when the new building façade is constructed in approximately three (3) years.
2. Lynchburg College agrees to eliminate all approved uses for B-5 zoning other than:
 - A) Uses provided by right in the B-3 zoning district except for single-family dwellings.
 - B) Schools and colleges of all types exceeding a maximum enrollment of one hundred (100) students

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

Adopted:

Certified:

Clerk of Council

136L1

RESOLUTION:

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO LYNCHBURG COLLEGE TO ALLOW THE OPERATION OF A SCHOOL OR COLLEGE USE WITHIN AN EXISTING BUILDING AND EXPANSION OF THE EXISTING PARKING AREA AT 300 MONTICELLO AVENUE.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of Lynchburg College to allow the operation of a school or college use within an existing building and the expansion of an existing parking area at 300 Monticello Avenue be, and the same is hereby approved subject to the following conditions:

1. The project will be developed in substantial compliance with the concept plan for Lynchburg College Doctor of Physical Therapy, prepared by Dominion Seven Architects dated September 8, 2009 and received by Community Development on October 2, 2009.
2. All lighting shall be glare-shielded and non-directional to prevent illumination across the property line.

Adopted:

Certified:

Clerk of Council

136L2

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

To: Planning Commission

From: Planning Division

Date: October 14, 2009

Re: **REZONING: I-2, Light Industrial District to B-5C, General Business District (Conditional), 300 Monticello Avenue**

CONDITIONAL USE PERMIT (CUP): Lynchburg College Doctor of Physical Therapy Educational Building, 300 Monticello Avenue

I. PETITIONER

Lynchburg College, 1501 Lakeside Drive, Lynchburg, VA 24501

Representative: John C. Lewis, Lynchburg College, 1501 Lakeside Drive, Lynchburg, VA 24501

II. LOCATION

The subject property includes one (1) tract totaling two and fifty-four hundredths (2.54) acres at 300 Monticello Avenue.

Property Owner: Tango Properties, LLC, 300 Monticello Avenue, Lynchburg, VA 24501

III. PURPOSE

The purpose of this petition is to allow an educational use within an existing building and the expansion of the existing parking area.

IV. SUMMARY

- The *Comprehensive Plan* recommends a Medium Density Residential use in this area. Adjacent land uses designated by the *Future Land Use Map (FLUM)* also include Community Commercial, Low Density Residential and Institutional uses.
- Petition agrees with the *Zoning Ordinance* since schools and colleges of all types are permitted in a B-5, General Business District with approval of a CUP by City Council.

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

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends a Medium Density Residential use in this area. Medium Density Residential includes small-lot single-family detached homes, duplexes, and townhouses at densities of up to twelve (12) units per acre. Existing land uses within this area include single-family detached homes, commercial businesses and institutional uses. The adjacent zoning includes a mixture of resource conservation, residential and commercial zoning for all of the neighboring properties and the *FLUM* designates Community Commercial, Low Density Residential and Institutional uses within the immediate vicinity. Since the *FLUM* is not designed to be parcel specific, the proposed commercial zoning is suitable for the property.

Chapter 4 of the *Midtown Area Plan* emphasizes the goal of “Reconnecting Lynchburg College” to Midtown. [page 4.15] The plan notes that Lynchburg College and its students are becoming somewhat isolated from

Midtown as a result of an expanding "auto zone" along Lakeside Drive and identifies a vision of a "College Corner" that "students, faculty, and Midtown residents alike could reach by foot." It also highlights "enhancements of Midtown streets through physical improvements, street modifications and infill development" as a key goal to achieve this vision. [page 4.20] The petition would allow for the renovation of an existing building and the extension of a public sidewalk along Monticello Avenue.

The Economic and Employment Area chapter of the *Comprehensive Plan* prompts staff to "identify areas of the City with the potential, through redevelopment, to support the expansion of existing and the attraction of new industrial and office development." [page 9.6] Planning staff asked the Department of Economic Development and the Economic Development Authority's [EDA] Property Committee to review the project with regard to the potential land use change for the area. Economic Development and the EDA both had no objection to the proposed rezoning, noting that the properties were not of interest for industrial use (due to the proximity of the site to residential uses and the lack of other industrially zoned properties within the vicinity of the site). They also noted that the proposed rezoning to B-5, General Business District would preserve the potential for future commercial development of the property.

The proposed rezoning and CUP petitions would allow Lynchburg College to begin their physical therapy program in Fall 2010 while preserving the option for Tango Properties, LLC or other commercial uses to operate if the educational venture is unsuccessful or if the property redevelops in the future. The proposed educational use would provide a number of students and faculty to support the businesses within the area, as well as provide a land use transition area between the existing single-family residential uses and the adjacent commercial businesses. In addition, the petitioner has voluntarily proffered to exclude many of the more intensive uses permitted "by right" in a B-5, General Business District, to ensure future commercial uses would be compatible with the adjacent residential neighborhood.

2. **Zoning.** The subject property was annexed into the City in 1926. The existing I-2, Light Industrial District was established in 1978 with the adoption of the current *Zoning Ordinance*.
3. **Proffers.** The petitioner voluntarily submitted the following proffers with the rezoning application:
 1. Lynchburg College agrees to install the required foundation plantings when the new building façade is constructed in approximately three (3) years.
 - 2) Lynchburg College agrees to eliminate all approved uses for B-5 zoning other than:
 - A) Uses provided by right in the B-3 zoning district except for single-family dwellings.
 - B) Schools and colleges of all types exceeding a maximum enrollment of one hundred (100) students.
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 February 12, 2008, City Council approved Lynchburg College's CUP petition to allow the construction of a three thousand (3,000) square foot addition to Thompson Hall and the construction of a four hundred and eighty (480) square foot press box for baseball on Fox Field in an R-2, Low-Medium Density, Single-Family Residential District at 1501 Lakeside Drive.
 - On February 13, 2007, City Council approved Lynchburg College's CUP petition to allow a consolidated sign package for nine (9) way-finding signs in an R-2, Low-Medium Density, Single-Family Residential District at 1501 Lakeside Drive and 503 Brevard Street.
 - On January 11, 2005, City Council approved C&G Properties, Inc.'s petition to rezone one and nine hundredths (1.09) acres at 1400 Lakeside Drive from B-3, Community Business District, and R-3, Medium Density, Two-Family Residential District, to B-5C, General Business District (Conditional) to allow the use of the property as a thrift shop with customer parking.

- On October 12, 2004, City Council approved Lynchburg College's CUP petition to allow the construction of student housing and associated parking areas in an R-2, Low-Medium Density, Single-Family Residential District at 1501 Lakeside Drive.
- On August 13, 2002, City Council approved Wilton Burgess's petition to rezone forty-eight hundredths (0.48) of an acre at 1210 Lakeside Drive from I-2, Light Industrial District to B-5C, General Business District (Conditional) to allow the construction and operation of an automated car wash facility.
- On May 14, 2002, City Council approved R. Schaefer Oglesby's petition to rezone approximately twenty-five hundredths (0.25) of an acre at 1401 Lakeside Drive from B-3, Community Business District to B-5C, General Business District (Conditional) to allow the development of the property as a used car lot.
- On March 14, 2000, City Council approved Lynchburg College's CUP petition to amend its master development plan to allow the construction of student townhouses on campus in an R-2, Low-Medium Density, Single-Family Residential District at 1501 Lakeside Drive.
- On June 9, 1998, City Council approved Lynchburg College's CUP petition to amend its master plan to allow the construction of a gym and physical plant storage building in an R-2, Low-Medium Density, Single-Family Residential District at 1501 Lakeside Drive.
- On May 13, 1997, City Council approved Gethsemane Baptist Church's CUP petition to allow the operation of a child care facility for up to forty-nine (49) children and establishment of a play area in an R-2, Low-Medium Density, Single-Family Residential District at 407 and 411 Blue Ridge Street.
- On August 8, 1995, City Council approved Wilton Burgess's petition to rezone approximately one-half (0.5) of an acre at 1200 Lakeside Drive from I-2, Light Industrial District to B-5C, General Business District (Conditional) to allow the construction of a convenience store with a parking lot to replace the existing facilities.
- On April 9, 1991, City Council approved Gethsemane Baptist Church's CUP petition to allow the construction of new parking, expansion of existing parking and an addition to the existing sanctuary in an R-2, Low-Medium Density, Single-Family Residential District at 408 and 411 Blue Ridge Street.
- On September 11, 1990, City Council approved Lynchburg City Schools' CUP petition to allow the construction of a modular unit in an R-3, Medium Density, Two-Family Residential District at 401 Monticello Avenue.
- On October 14, 1986, City Council approved Lynchburg College's CUP petition to allow the construction of three (3) athletic practice fields, parking area and a restroom/storage building in an R-2, Low-Medium Density, Single-Family Residential District at the intersection of Lakeside Drive and Faculty Drive.
- On August 13, 1985, City Council approved Lynchburg College's CUP petition to allow the conversion of an existing residence hall to offices and construction of new classrooms/parking in an R-2, Low-Medium Density, Single-Family Residential District on College Street.
- On October 8, 1984, City Council approved Richard R. Woody's petition to rezone approximately one (1) acre at 1311 and 1315 Lakeside Drive from B-3, Community Business District to B-5C, General Business District (Conditional) to allow the construction and operation of a new and used car dealership with repair work.
- On September 25, 1984, City Council approved Lynchburg College's CUP petition to allow the development of an alumni house in an R-2, Low-Medium Density, Single-Family Residential District off Lakeside Drive.
- On October 28, 1980, City Council approved Lester Heyer's CUP petition to allow a Family Amusement Center in a B-3, Community Business District at 1405 Lakeside Drive.

6. **Site Description.** The subject property includes an existing two (2)-story building with associated parking. The site is bound to the north by single-family homes and Kiser Elementary School; to the east and south by single-

family homes and commercial properties; and to the west by single-family homes, undeveloped forestal land and Blackwater Creek Athletic Area.

7. **Proposed Use of Property.** The purpose of this petition is to allow the renovation of an existing building for a college educational use. If approved, Lynchburg College would relocate the existing retail and warehouse operations to the lower floor of the building and renovate the upper floor for a new physical therapy doctoral program that would begin in the fall semester of 2010. If the program is successful, the college would purchase the property in approximately three (3) years and renovate the entire structure (including the exterior façade) for additional educational programs and offices to serve approximately one hundred and twenty (120) students and twelve (12) faculty. The petition would also allow for the expansion of the existing parking area to eighty-five (85) parking spaces to accommodate the full build out of the college use.

The site is served by City water and sewer services and public sidewalk would be extended to accommodate pedestrian traffic along Monticello Avenue. Landscaping for the development will comply with the requirements of the City's *Zoning Ordinance* and include street trees, parking area landscaping, parking area screening, vegetative buffer plantings, foundation plantings and utility area screening. The petitioner requested to delay the installation of the foundation plantings until the exterior renovations to the building are completed in approximately three (3) years. Since the façade of the building will remain relatively unchanged during this time, staff agreed that the installation should be delayed and would work with the petitioner to bond the landscaping. In addition, the petitioner has proffered the installation of the foundation plantings at such time that the exterior façade is constructed.

8. **Traffic, Parking and Public Transit.** The City's Transportation Engineer had no concerns about the proposed educational use or parking expansion.

The *Zoning Ordinance* provides that parking requirements for colleges exceeding one hundred (100) on campus and commuting students shall be determined by the petitioner and approved as part of a conditional use permit. The petition also incorporates the required parking for the existing office use [two (2) per one thousand (1,000) square feet of gross floor area], retail use [two (2) per one thousand (1,000) square feet of gross floor area plus one (1) for each three (3) employees on duty at any one time] and warehouse use [two (2) per three (3) employees on main shift] into the design. These interim uses would require a total of twenty-eight (28) parking spaces; forty (40) spaces would be provided on site. Once the building is converted entirely to an educational facility, the parking requirements would increase to seventy-five (75) spaces and the lot would be expanded to provide eighty (80) spaces.

Public transit is accessible through Greater Lynchburg Transit Company's Route 8 along Lakeside Drive between its intersection with Hood Street and Monticello Avenue. The existing transit stop is approximately six hundred and thirty (630) feet from the site.

9. **Stormwater Management.** The proposed expansion of the parking area exceeds the one thousand (1,000) square foot threshold for stormwater management; as such, a plan to address water quantity and quality of the surface water run-off would be required for the construction. Stormwater from the development would be directed to one of two stormwater management facilities before being released into the City's storm sewer system at a rate not to exceed the pre-development run-off rate. The City's stormwater system along Hood Street is part of a combined sewer network. The City's Long Term Control Plan calls for the separation of stormwater from combined sewer areas. The petitioner has agreed to cost-share with the City's Utilities Department to provide new storm piping from the site to a new inlet at the corner of Hood Street and Lakeside Drive. Preliminary review of the stormwater routing indicates that the inlet is adequate to receive the water from the on-site stormwater facilities. Stormwater quality would be addressed through the proposed stormwater facilities and/or incorporated into the design of the site to filter the surface water and promote infiltration to the extent allowable by the existing soils.
10. **Emergency Services.** The City's Fire Marshal had no concerns regarding the CUP petition. The requirements for fire flow calculations and location of the fire department connection would be addressed during the site plan design.

The Police Department commented that the building perimeter and parking area should be well lit for security and recommended the installation of an alarm and/or surveillance system. They also provided that trespassing signs and signage directing both traffic and pedestrians to the entrances should be clearly visible. The revised plan notes that any new lighting will be glare shielded and non-directional. The final lighting, alarm system details and signage layout would be determined during site plan review.

11. **Impact.** The proposed renovation of the existing buildings and expansion of the parking area will have minimal impact on the surrounding neighborhood. The proposal would permit the phased renovation of the building for educational and retail/warehouse uses; other retail uses would also be allowed within the building as provided by the B-5, General Business District zoning. The owner has voluntarily proffered to exclude many of the more intensive uses permitted “by right” in a B-5, General Business District, to ensure future commercial uses would be compatible with the adjacent residential neighborhood. Traffic, parking, stormwater management and emergency services concerns have all been addressed to the satisfaction of City staff and the result is a project that would allow for the redevelopment of an existing property in Midtown Lynchburg.
 12. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary concept plan on September 22, 2009. Comments related to the proposed use were minor in nature and have been or will be addressed by the developer prior to final site plan approval.
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VI. PLANNING DIVISION RECOMMENDATION

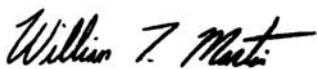
The Planning Commission waives the twenty-one (21) day submittal requirements for proffers.

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of Lynchburg College’s petition to rezone two and fifty-four hundredths (2.54) acres located at 300 Monticello Avenue from I-2, Light Industrial District to B-5C, General Business District (Conditional) with the voluntarily submitted proffers.

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of Lynchburg College’s petition for a CUP to allow the renovation of an existing building and expansion of the parking area at 300 Monticello Avenue, subject to the following conditions:

1. The project will be developed in substantial compliance with the concept plan for Lynchburg College Doctor of Physical Therapy, prepared by Dominion Seven Architects dated September 8, 2009 and received by Community Development on October 2, 2009.
2. All lighting shall be glare-shielded and non-directional to prevent illumination across the property line.

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Bonnie M. Svrcek, Deputy City Manager/Acting Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozzerow, Lynchburg Police Department
Battalion Chief Greg Wormser, Fire Marshal
Mr. Gerry Harter, Transportation Engineer
Mr. Robert Drane, Building Commissioner
Mr. Robert Fowler, Zoning Administrator
Mr. Kent White, Senior Planner
Ms. Erin Hawkins, Environmental Reviewer
Mr. John Lewis, Applicant/Representative, Lynchburg College

VII. ATTACHMENTS

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

MINUTES FROM THE OCTOBER 14, 2009 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

- a. Petition of Lynchburg College to rezone 2.54 acres from I-2, Light Industrial District to B-5C, General Business District (Conditional) and for a conditional use permit to allow the renovation and use of an existing building and paved area as a college academic building with associated parking at 300 Monticello Avenue.**

Mr. Martin addressed the commissioners with the following comments. The petitions would allow the reuse of an existing building by Lynchburg College for a Doctor of Physical Therapy program. The existing uses in the building would remain but would be relocated to a lower floor of the building. The proffers submitted as part of the rezoning petition would exclude all other B-5 uses except that of a college or university with over 100 students. However, those uses that would be permitted by right in a B-3 district would be allowed. The petitioner has also proffered that when the exterior façade improvements are done in approximately three years, the required foundation plantings will be completed. Stormwater management would be addressed by the use of one of two stormwater detention facilities and water quality would be addressed by either filtering the surface water or by promoting infiltration on the site.

The City's Technical Review Committee (TRC) reviewed the site plan on September 22nd, and those comments have or will be addressed before final site plan approval. Mr. Martin noted that the petitioners met with staff before submitting a plan to TRC. The City's *Future Land Use Map* recommends a Medium Density use for this property, even though it has been used industrially for some time. However, there are institutional uses immediately adjacent to the property and across the street. The City's Midtown Plan recommends and emphasizes the goal of connecting Lynchburg College to Lakeside Drive. Staff feels that this project will help to do that. The petitioner conducted a public information meeting on October 6th. Planning staff recommends approval of both the rezoning and the conditional use permit.

Mr. John Lewis of Lynchburg College came forward to represent the petition. He commented that this project is very important to the college. There has been a lot of study and research done in terms of what program is needed by the community and the state at large. The college feels that a physical therapy program is certainly a need in this area, and the college looks forward to providing the program to the community. A director has been hired, and he is present today to answer any questions about the program. As Mr. Martin mentioned, a neighborhood meeting was held. One of the concerns of the neighbors on Hood Street was that their on-street parking not be affected. The college wants to make sure that it is providing adequate parking on site for this facility.

Mr. John Lewis asked that a representative of Dominion Seven, the architects for the project, be given some time to speak about the facility and site plan. Ms. Linda Jones came forward to speak. She said that Mr. Martin had given a very good summary of the project. Lynchburg College wants to open a brand new Doctor of Physical Therapy program. Their long-range plan is to have 120 students phased in increments of 40 students a year over the next three years starting in the fall of 2010. The college has a lease/purchase agreement with the owner. His operation will be moved to the lower level of the building. The upper level will be reconfigured for the college's uses. There will be a combination of classrooms, faculty offices, a library, some instructional labs, a motion lab and any support spaces that are necessary. The architect of record, Mr. Blair Smith is in attendance, as well as Mr. John Has with Timmons Group, the civil engineer for the project.

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

Commissioner Swienton asked Mr. Martin if this petition restricts the college to only the physical therapy use or will other educational uses be permitted. Mr. Martin said that it would be his opinion that it would not restrict the college to just physical therapy. That would limit the use to a degree that would not be beneficial. Mr. Lewis commented that the college sees it as any educational use being allowed. The college does have a lease/purchase agreement with the current owner for a twenty-year lease. Ideally, the college would exercise the first option to purchase it, which is after three years. When the college purchases it, it would like to find another educational use for the lower portion of the building that will become vacant. Commissioner Swienton stated that he wanted to be sure to clarify this point because as the college changes over time, it may want to put a different department in the building. Commissioner Swienton wanted to make certain that the flexibility is there to do that.

Chair Hamilton asked Mr. Lewis how he thought this facility might impact the neighbors. Mr. Lewis commented that these will be older adult students, having already completed a bachelor degree. They will be in a doctorate program, so

they will be taking this very seriously. The maximum enrollment for the first year will be 40 students. It is a three-year program, so the maximum enrollment in the program would be 120 students. The college wants to provide adequate parking on the site. The college has a contract to purchase the vacant lot that is on the corner to the left. The reason for purchasing that is to make sure that there is enough parking for this facility. The college spent quite a bit of time finding the right location. A location was desired that was close to campus and in between the campus and Centra Health. The college sees Centra Health as a real partner in this program. Mr. Lewis does not see this facility interfering with the neighbors or the school across the street.

Commissioner Barnes asked for more information about the neighborhood meeting. Mr. Lewis said that four individuals came to the meeting. One was an employee of the college who lives on Bristol Street. There were three others there from the same family who live on Hood Street. They were essentially in favor of the project. They see it as an enhancement, since the building has been there for a number of years as a manufacturing facility. The college is looking to upgrade the exterior façade of the building once the college owns the property. Hopefully, everyone will see this project as being more compatible with the residential neighborhood, especially since the property is currently zoned industrial. The neighbors were concerned because they do not have off-street parking on Hood Street, and they did not want the on-street parking to be used by this facility. Mr. Lewis does not see that happening. People like to park right outside the door, so they will park as close as they can to the building.

Commissioner Worthington asked for more information about the stormwater management. He wanted to know if this is an involved process that they are considering. Mr. John Has came forward to address that issue. He stated that currently the sanitary sewer and stormwater system are combined. They will be separated and a biorention filter is shown on the site plan. That will outfall into an inlet on Lakeside Drive that is currently being worked out with the City. Commissioner Worthington wanted to know if the two systems will be separated all the way or will they just go back together at some point. Mr. Has said that it was his understanding that the City will provide a storm sewer system that this facility can tie into.

Chair Hamilton asked if someone could elaborate on this issue, and Ms. Erin Hawkins came forward. She stated that this came to their attention during the plan review process. There was a conference call with Timmons Group, along with the CSO Program Manager and the Utilities Engineer, Jeff Scarano and Eric Schrader. Some of the different options available were discussed. One is to let the water continue to flow, which no one felt was the best option. The other is to do a true infiltration on the site. However, due to the nature of the site topography and the type of soil that it has, they really could not do infiltration of all the stormwater that would be required. That led everyone to the option that has been agreed upon, which is to cost share and work together on this. Part of the long-term control plan is to separate all of the combined sewer system. This area is not within the CSO program area currently being focused on; however, since it is part of the long-term control plan to separate it out, it is in the City's best interests to do the separation. At the time that the new parking area is constructed, the City will look into the construction of storm sewer inlets at the intersection of Hood Street and Lakeside Drive. There will be two new storm sewer inlets. The college would pay for their portion of the connection, which would be from their property to the new inlet, which is just over 100 linear feet. There is not a sense of urgency for this because the new parking will not be needed for some time. That will give everyone a little bit of time to plan for and take care of this accordingly.

Chair Hamilton asked where the CSO project has been completed in relation to this property. Ms. Hawkins said that she is not familiar with the details of the project, but she did know that recently the separation has been completed on Thomas Road on the back side of Lynchburg College. That is the closest that she is aware of to this property, but she is not sure of the project's schedule. This issue came to light because of this project, and it is viewed as a small project as compared to some of the other CSO separation projects.

Commissioner Hannon asked Ms. Jones how many square feet will be in the final project. The answer was roughly 37,000 upstairs and roughly 20,000 downstairs. Commissioner Hannon asked if this is low or high in terms of density per student. According to the program director, that would be a very low density. Commissioner Hannon clarified that there would be room for expansion and Ms. Jones said that was correct. Hopefully, once the college owns the building, it could possibly expand to the lower level either with this program or another program that would fit nicely with it. Commissioner Hannon asked if the college would be able to add to the building. Ms. Jones did not think that there was the potential to add any more floors either from a structural standpoint or a parking standpoint.

Commissioner Worthington made the following motions, which were seconded by Commissioner Sale:

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

“That the Planning Commission recommends to City Council approval of Lynchburg College’s petition to rezone two and fifty-four hundredths (2.54) acres located at 300 Monticello Avenue from I-2, Light Industrial District to B-5C, General Business District (Conditional) with the voluntarily submitted proffers.”

“That the Planning Commission recommends to City Council approval of Lynchburg College’s petition for a CUP to allow the renovation of an existing building and expansion of the parking area at 300 Monticello Avenue, subject to the following conditions:

- 1. The project will be developed in substantial compliance with the concept plan for Lynchburg College Doctor of Physical Therapy, prepared by Dominion Seven Architects dated September 8, 2009 and received by Community Development on October 2, 2009.**
- 2. All lighting shall be glare-shielded and non-directional to prevent illumination across the property line.”**

Commissioner Sale wished to affirm that what the college is doing is a part of something that began a number of years ago with the Midtown Plan. The college is laying a good foundation on that side of Lakeside Drive. He hopes that other businesses, as well as the college, may look at other properties on Lakeside Drive for expansion. This sounds like a wonderful program, and he is really glad that the college is putting so much thought into the process. He thinks it is moving Lynchburg in a good direction.

Commissioner Barnes agreed with those comments. He thinks it is a great reuse for this facility and a good location for a physical therapy facility. Commissioner Barnes hopes it will serve as a catalyst for further development of the College Corner concept.

The motion passed by the following vote:

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

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 10, 2009**

AGENDA ITEM NO.: 13

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: Public Street Dedication and Naming Requests: “Creekview Court” and “Emeline Drive” in the Belleview Development off Phillips Circle

RECOMMENDATION: Adopt a resolution approving the proposed public street dedication and naming requests.

SUMMARY: Thomas P., Theodore L. and Sherry A. Bell are requesting the dedication of two and six hundredths (2.06) acres for right-of-way for the proposed public streets to be named “Creekview Court” and “Emeline Drive” located on the south side of Phillips Circle. “Emeline Drive,” fifty (50) feet in width, would extend from Phillips Circle in a southerly direction for approximately six hundred (600) feet to end at the intersection with “Creekview Court.” “Creekview Court,” fifty (50) feet in width, would extend from “Emeline Drive” in both an easterly and northwesterly direction for approximately sixteen thousand five hundred (16,500) total feet culminating on either end in a cul-de-sac. There is also an unnamed connector right-of-way forty (40) feet in width that extends approximately one hundred and thirty (130) feet in a westerly direction from the western side of “Creekview Court” and terminates at the property line for connections to any possible future developments.

PRIOR ACTION(S):

October 14, 2009: Planning Division recommended approval

Planning Commission recommended approval (6-0 with one absent, Oglesby)

FISCAL IMPACT: N/A

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

ATTACHMENT(S):

Resolution

PC Report

PC Minutes

Vicinity Map

Subdivision Plat

REVIEWED BY: lkp

RESOLUTION:

A RESOLUTION APPROVING THE DEDICATION AND NAMING OF TWO (2) PUBLIC STREETS LOCATED ON THE SOUTH SIDE OF PHILLIPS CIRCLE TO BE KNOWN AS "EMELINE DRIVE" AND "CREEKVIEW COURT."

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the dedication of two and six hundredths (2.06) acres for right-of-way for the proposed public streets to be named "Creekside Court" and "Emeline Drive" located on the south side of Phillips Circle, and hereby is, approved and accepted, contingent on Thomas P., Theodore L. and Sherry A. Bell 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 "Creekside Court" and "Emeline Drive" as public streets null and void.

Adopted:

Certified:

Clerk of Council

138L

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

To: Planning Commission

From: Planning Division

Date: October 14, 2009

**Re: PUBLIC STREET DEDICATION AND NAMING REQUESTS: “Creekview Court” and
“Emeline Drive” in the Belleview Development off Phillips Circle**

I. PETITIONER

Thomas P., Theodore L. and Sherry A. Bell, 224 Lakecrest Lane, Lynchburg, Virginia 24502

Representative: Aaron A. Dooley, Perkins & Orrison, Inc., 27 Green Hill Drive, Forest, Virginia 24551

II. LOCATION

The subject property includes three (3) tracts totaling approximately fifteen (15) acres at 224 Lakecrest Lane, 125A Phillips Circle, and 129 Phillips Circle.

Property Owner: Margaret Ann Mason, 125A Phillips Circle, Lynchburg, Virginia 24502

Thomas P., Theodore L. and Sherry A. Bell, 224 Lakecrest Lane, Lynchburg, Virginia 24502

III. PURPOSE

The purpose of this petition is to dedicate two and six hundredths (2.06) acres for right-of-way for the proposed public streets to be named “Creekview Court” and “Emeline Drive” located on the south side of Phillips Circle.

IV. SUMMARY

- Request agrees with the *Subdivision Ordinance* requirements for dedicating public rights-of-way in an R-2, Low-Medium Density Single-Family Residential District.
- Request agrees with the *Zoning Ordinance* requirements for right-of-way dedications.
- Request complies with City Code Section 35.105 requirements that “...all streets dedicated ...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 requests.

V. FINDINGS OF FACT

1. **Background.** Thomas P., Theodore L. and Sherry A. Bell are requesting to dedicate two and six hundredths (2.06) acres for right-of-way for the proposed public streets to be named “Creekview Court” and “Emeline Drive” located on the south side of Phillips Circle. “Emeline Drive,” fifty (50) feet in width, would extend from Phillips Circle in a southerly direction for approximately six hundred (600) feet to end at the intersection with “Creekview Court.” “Creekview Court,” fifty (50) feet in width, would extend from “Emeline Drive” in both an easterly and northwesterly direction for approximately sixteen thousand five hundred (16,500) total feet culminating on either end in a cul-de-sac. There is also an unnamed connector right-of-way forty (40) feet in

width that extends approximately one hundred and thirty (130) feet in a westerly direction from the western side of “Creekside Court” and terminates at the property line for connections to any possible future developments.

2. **Zoning.** The subject property was annexed into the City in 1976. The existing R-2, Low-Medium Density Single-Family Residential District zoning was approved by City Council on October 13, 1992.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances would be needed for the street dedication and naming requests.
4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - On July 14, 2009, City Council denied Thomas P. Bell’s petition to rezone two and four hundredths (2.04) acres from R-2, Low-Medium Density Single-Family Residential District to B-5C, General Business District (Conditional) to allow the use of an existing building and property for a contractor’s office and shop with associated parking at 224 Lake Crest Lane.
 - On February 14, 2006, City Council approved Heritage Baptist Church’s CUP petition to amend the Master Plan for the existing complex in an R-3, Medium Density Two-Family Residential District and an R-4, Medium-High Density Multi-Family Residential District at 219 Breezewood Drive.
 - On September 13, 2005, City Council approved Clarion Investments’ petition to rezone five and three tenths (5.3) acres from B-3, Community Business District and R-4, Medium-High Density Multi-Family Residential District to B-5C, General Business District (Conditional) to allow for the construction of an automobile dealership, service department, parking and vehicle display area at 2639 Lakeside Drive.
 - On September 14, 2004, City Council approved Heritage Baptist Church’s CUP petition to expand an existing parking lot in an R-3, Medium Density Two-Family Residential District and an R-4, Medium-High Density Multi-Family Residential District at 239 and 329 Breezewood Drive.
 - On April 25, 2000, City Council approved Uel C. Hartless’s petition to rezone five and three-tenths (5.3) acres at 310-324 Breezewood Drive and 100-104 Hartless Lane from an R-3, Medium Density Two-Family Residential District to an R-4C, Medium-High Density Multi-Family Residential District (Conditional) to allow the conversion of existing structures and construction of a new apartment building to create 38 residential units.
 - On April 13, 1999, City Council approved Heritage Baptist Church’s CUP petition to amend their master development plan and allow an addition to their multi-purpose building in an R-3, Medium Density Two-Family Residential District and an R-4, Medium-High Density Multi-Family Residential District at 219 Breezewood Drive.
 - On February 9, 1999, City Council approved Richlyn LLC’s petition to conditionally rezone twelve (12) acres off Breezewood Drive from R-1, Low-Density Single-Family Residential District to R-3(C), Medium Density Two-Family Residential District (Conditional) and three (3) acres from R-1, Low Density Single Family Residential District to R-4(C), Medium-High Density Multi-Family Residential District (Conditional). City Council subsequently approved Richlyn LLC’s CUP petition to develop forty-three (43) acres at the terminus of Breezewood Drive for seventy-four (74) single-family attached units (townhouses), two hundred and sixty-two (262) apartments and eighty (80) elderly housing units as a Planned Unit Development in an R-C, Resource Conservation District, an R-1, Low-Density Single-Family Residential District, an R-3(C), Medium Density Two-Family Residential District (Conditional) and an R-4(c), Medium-High Density Multi-Family Residential District (Conditional).
 - On October 13, 1998, City Council approved Pavilion Development’s CUP petition to allow the construction of a single-bay car wash next to the existing food court building in a B-3 Community Business District at 2625 Lakeside Drive.
 - On June 9, 1998, City Council approved Southern Air’s petition to rezone seven (7) acres at 2655 Lakeside Drive from R-4, Multi-Family Residential District to B-5C, General Business District (Conditional) to allow expansion of an outdoor storage area.

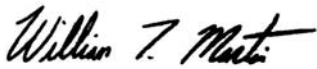
- On May 12, 1998, City Council approved Heritage Baptist Church's CUP petition to amend their master development plan and allow additional buildings as well as a revised layout in an R-3, Medium Density Two-Family Residential District and an R-4, Medium-High Density Multi-Family Residential District at 219 Breezewood Drive.
- On March 12, 1996, City Council denied Chad D. Klacynski Construction Company's CUP petition for a Planned Unit Development (PUD) in an R-1 Low Density Single-Family Residential District at 224 Gaddy Road.
- On October 11, 1994, City Council approved Blue Ridge Development Corporation's petition to rezone five and one half (5.5) acres at 126 Breezewood Drive from R-3, Medium Density Two-Family Residential District to B-1(C), Limited Business District (Conditional) to allow the construction of a funeral home with approximately one hundred (100) parking spaces.
- On April 12, 1994, City Council approved Heritage Baptist Church's CUP petition to amend their master development plan and allow additional classroom space as well as an enclosed hall in an R-3, Medium Density Two-Family Residential District and an R-4, Medium-High Density Multi-Family Residential District at 219 Breezewood Drive.
- On October 12, 1993, City Council approved Heritage Baptist Church's CUP petition to amend their master development plan and allow two additional classroom trailers in an R-3, Medium Density Two-Family Residential District and an R-4, Medium-High Density Multi-Family Residential District at 219 Breezewood Drive.
- On February 9, 1993, City Council approved Heritage Baptist Church's CUP petition to allow expansion of the existing church complex in an R-3, Medium Density Two-Family Residential District and an R-4, Medium-High Density Multi-Family Residential District at 219 Breezewood Drive.
- On October 13, 1992, City Council rezoned properties along Graves Mill Road and Lakeside Drive from I-3, Heavy Industrial District to B-3, Community Business District as part of the Graves Mill Road/ US 221 Area Land Use Study - Growth Management Program – May 11, 1992 to promote economic vitality, convenience, general welfare and good zoning practice.
- On September 8, 1992, City Council approved New Covenant School's CUP petition to use existing facilities in an R-3, Medium Density Two-Family Residential District at 512 Breezewood Drive for a K-8 school for up to fifteen (15) students.
- On January 14, 1992, City Council approved Heritage Baptist Church's CUP petition to allow for the use of a modular classroom and expansion of a parking area in an R-3, Medium Density Two-Family Residential District at 219 Breezewood Drive.
- On May 14, 1991, City Council approved Southern Air's petition to rezone one and eight-tenths (1.8) acres at 2650 Lakeside Drive from I-3, Heavy Industrial District to B-3, Community Business District to allow it to be used as a contractor supply facility.
- On July 10, 1990, City Council approved Heritage Baptist Church's CUP petition to allow for the construction of a classroom building in an R-3, Medium Density Two-Family Residential District at 219 Breezewood Drive.
- On December 8, 1987, City Council approved Heritage Baptist Church's CUP petition to allow for the construction of a multi-purpose building and additional parking in an R-3, Medium Density Two-Family Residential District at 219 Breezewood Drive.
- On May 14, 1985, City Council approved Heritage Baptist Church's CUP petition to allow for an educational wing and offices in an R-3, Medium Density Two-Family Residential District at 219 Breezewood Drive.
- On May 10, 1983, City Council approved Heritage Baptist Church's Temporary CUP petition for a tent revival in an R-3, Medium Density Two-Family Residential District at 219 Breezewood Drive.

- On February 12, 1980, City Council approved the Church of God's CUP petition for the construction of a church in an R-3, Medium Density Two-Family Residential District at 512 Breezewood Drive.
 - 5. **Site Description.** The subject property includes a one (1)-story frame dwelling with a brick garage; the remainder is forestal land. The site is bound to the north by single-family homes; to the east by single-family homes; to the south by vacant forestall land and single-family homes and to the west by the Bedford County line, vacant forestal land and commercial businesses along Forest Road.
 - 6. **Proposed Use of Property.** The new streets will serve thirty-one (31) proposed single-family lots and one open space. Public water and sewer services would serve the proposed lots.
 - 7. **Traffic, Parking and Public Transit.** The City Traffic Engineer and the US Postal Service reviewed the proposed public street dedication and naming requests on October 2, 2009. There were no concerns with the proposed street names and no conflict with any existing street names.
 - 8. **Stormwater Management.** N/A
 - 9. **Emergency Services.** The City Emergency Communications Administrator and the City Fire Marshall reviewed the proposed public street dedication and naming requests on October 2, 2009. There were no concerns with the proposed street names and no conflict with any existing street names.
 - 10. **Impact.** The proposed streets will serve thirty-one (31) new single-family lots and open space. City staff concerns have all been addressed and the result is a project that could fit well with the surrounding area.
 - 11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary subdivision plat on September 22, 2009. Comments related to the proposed use were minor in nature and have been or will be addressed by the developer prior to final plat approval for the creation of any new lots.
-

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of Thomas P., Theodore L. and Sherry A. Bell's petition for the street naming and dedication requests for "Creekview Court" and "Emeline Drive" in the Bellevue Development off Phillips Circle.

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Ms. Bonnie M. Svrcek, Deputy City Manager/Acting Director of Community Development
Mr. Walter C. Erwin, City Attorney
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozerow, Lynchburg Police Department
Battalion Chief Greg Wormser, Fire Marshal
Mr. Gerry Harter, Transportation Engineer
Mr. Robert Drane, Building Commissioner
Mr. Robert Fowler, Zoning Administrator
Mr. Kent White, Senior Planner
Ms. Rebecca McCharen, Planner II
Mr. Thomas P., Mr. Theodore L. and Ms. Sherry A. Bell, Applicants
Mr. Aaron A. Dooley, Perkins & Orrison, Inc., Representative

VII. ATTACHMENTS

- 1. Vicinity Zoning Pattern**
- 2. Concept Plan**

MINUTES FROM THE OCTOBER 14, 2009 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

- a. Petition to dedicate two and six hundredths (2.06) acres for right-of-way for the proposed public streets to be named “Creekview Court” and “Emeline Drive” located on the south side of Phillips Circle.**

Mr. Martin addressed the commissioners with the following comments. The two streets will extend off Phillips Circle and would serve a new 31-lot subdivision for single-family homes. Mr. Martin reminded the commissioners that this is the area where a rezoning had been requested by Mr. Thomas Bell a few months ago. The rezoning was not recommended by Planning Commission and the petitioner withdrew the petition before it went to City Council. Commissioner Barnes asked if the area involved in that rezoning was included in this request. Mr. Martin answered that the area involved in that rezoning would remain as it was zoned. It would be part of the subdivision, but the lot would be accessed off of Lakecrest Lane in Bedford County.

Mr. Norm Walton of Perkins and Orrison came forward to represent the petition. The project is a by-right subdivision in an R-2 district. The requirements of the R-2 zoning are being followed. In the rezoning petition, the access was going to be from Gaddy Road. There a lot of issues associated with that idea, so the petitioner has acquired some property and has access through Phillips Circle. A property owner has been approached off Viking Drive to provide water service. Sewer does cross the property. As far as the obstacles discussed at the time of rezoning petition, Mr. Walton feels that they have been overcome. The action requested today is for the dedication of the right-of-way and the naming of the streets.

Commissioner Sale asked which road would be Creekview Court. Mr. Walton said it would be the part that bends off to the right. Mr. Walton indicated that the stub that comes off to the left is between two lots, which provides access to a relatively large parcel. By ordinance, the petitioner is required to provide access to that property. Mr. Martin explained that it will be dedicated but not constructed. If the owner of that property decides to develop it, they would have a connection to Creekview Court.

Commissioner Swienton asked Mr. Walton why they picked that location for the access. Mr. Walton said that the further down to Gaddy Road the access is moved, the slopes on either side of the creek become increasingly steep. When trying to cross at Gaddy Road, there was about a 25 foot fill needed to provide adequate road grades. It is an easier point of access further up the property. They did not want to get too close to the dam. Because of the way the lots were arranged, as well as the topography, this is the best location for the street connection.

Commissioner Swienton asked if the current *Subdivision Ordinance* requires two connections for a subdivision. Mr. Martin answered that it requires all the lots to have frontage off an improved city street and requires the stub out. Commissioner Swienton asked Mr. Walton if they had talked to the property owner or did they use topographical maps. Mr. Walton said they used the topographic layout of the property and the layouts of the new subdivision lots.

Commissioner Barnes commented that Phillips Circle is a fairly narrow road. Commissioner Barnes asked if staff had considered that Phillips Drive needs to be upgraded in order to accommodate the additional traffic. Mr. Martin said staff needs to consider this, however, since this is a by-right use, there is really no way to prohibit the developer from connecting into the street. Obviously, the City has the right not to accept a dedication of right-of-way, but that has never been done. Mr. Martin commented that this is a road that the City needs to evaluate and determine if improvements are needed and make those improvements at the City's cost. Mr. Walton thought that the developer was planning on improving Phillips Circle from the cul-de-sac to the proposed connection but not toward 221; that was the narrowest part.

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

“That the Planning Commission recommends to City Council approval of Thomas P., Theodore L. and Sherry A. Bell’s petition for the street naming and dedication requests for “Creekview Court” and “Emeline Drive” in the Belleview Development off Phillips Circle.”

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

APPEAL TO CITY COUNCIL

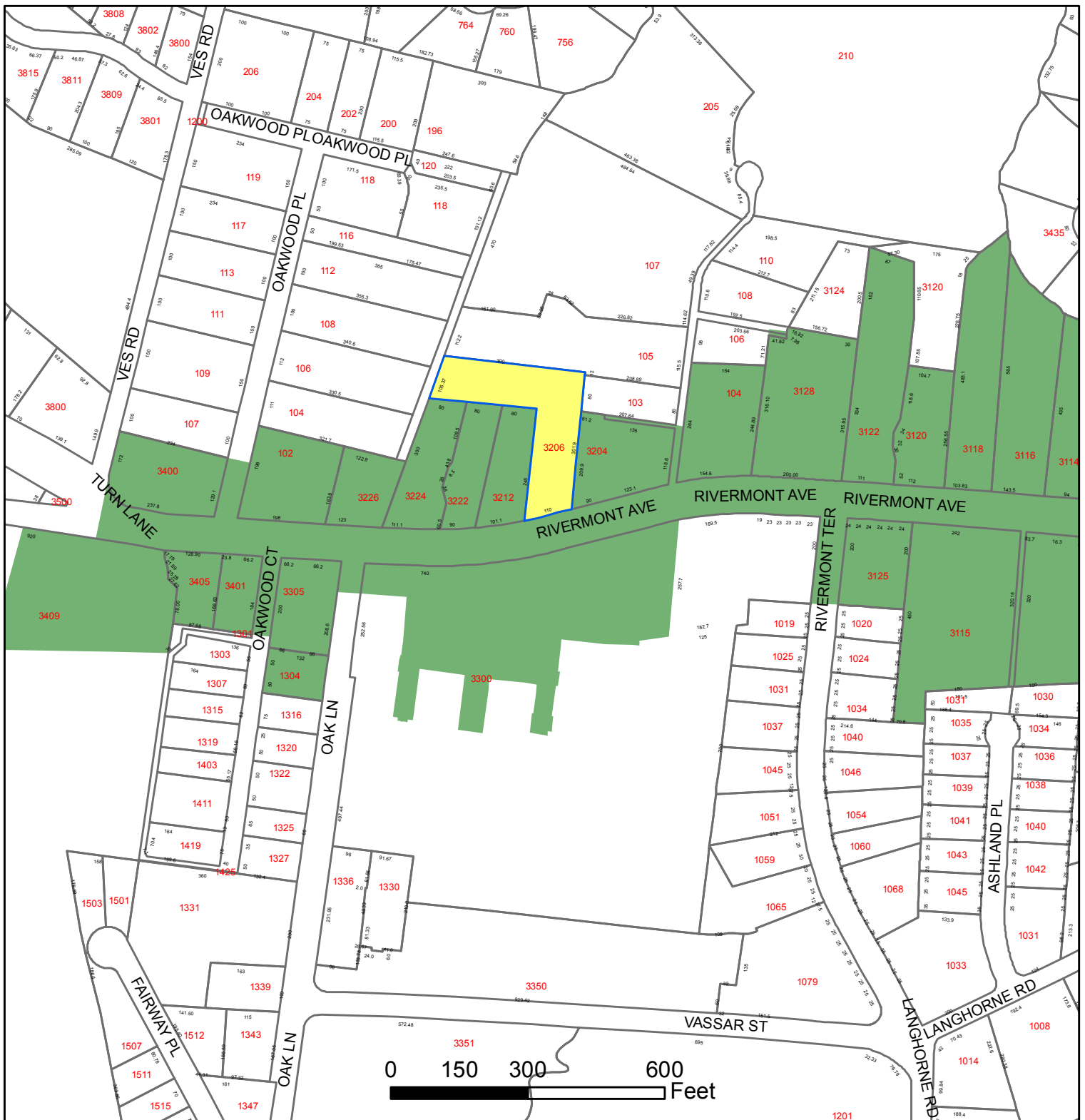
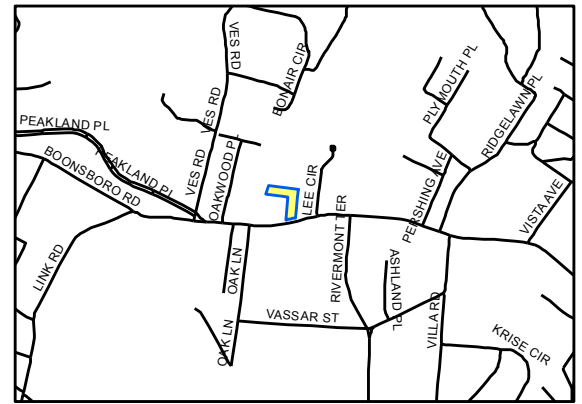
Michael & Karen Owen
Review Of The Painting Of Brick
3206 Rivermont Avenue
November 10, 2009



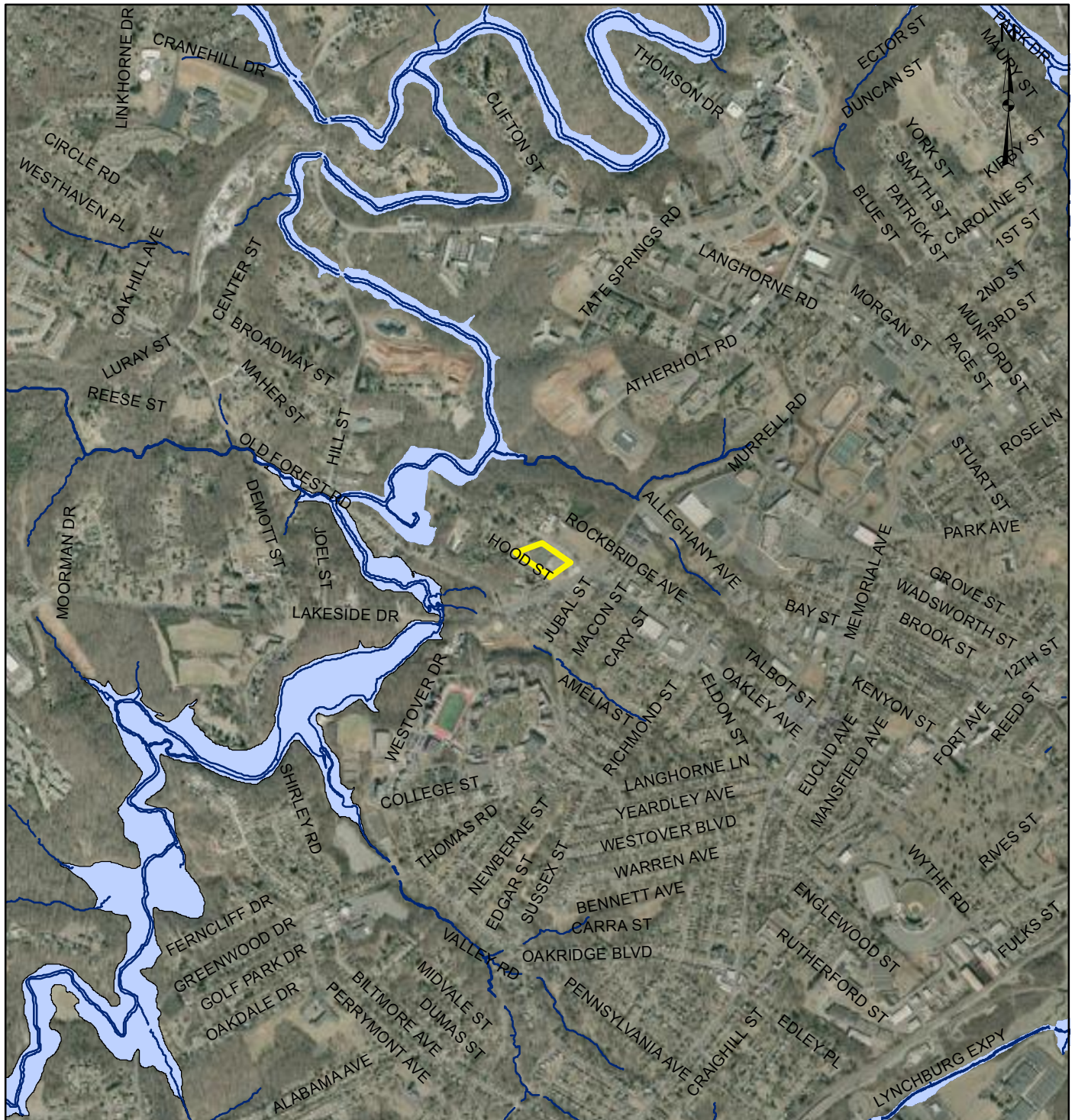
Subject Property



Rivermont Historic District



Watershed Location Map



7. DESCRIPTION OF PROPERTY

Parcel Number (City Assessor's Valuation Map #) 01411014

Subdivision Duti-Duds

Section

Block

Lot Parcel B

Source of Title:

Deed Book #

Acreage 2.54

Page # 06004571

METES AND BOUNDS DESCRIPTIONS (Provide a separate metes and bounds description for each zone change requested): As shown on existing site plan sheet CD 1.0.

8. DEED RESTRICTIONS Joint Use Access with amended Lot B.

9. PROPOSED USE: (if zoned) College academic building.

10. VICINITY ZONING PATTERN: R-3 East; North, West sides, B-S; South.

11. VICINITY LAND USE Public Use: East side, Medium Density Residential: North, West sides, Community Commercial: South Side

12. PROFFERS (Please use complete sentences.)

Pursuant to Sub-Section B of Section 35.1-43.1 of Article IX of the City Zoning Ordinance, the undersigned owner hereby voluntarily proffers in writing the following condition which shall be applicable to the property in the event it is rezoned as requested:

See Attached.

NOTE: Additional sheets may be attached if necessary. Please indicate number of sheets attached: (1)

Signed

Thomas CLARK

(SEAL)

(SEAL)

The above proffers shall be signed by the fee simple property owner of the property which is the subject of the rezoning request, or the duly authorized agent of said fee simple owner acting under the written authorization of the fee simple owner which authorization shall be filed with and become a part of this application.

13. This is to certify that the required sign was posted on the property notifying interested persons that a rezoning application has been filed on .

12. PROFFERS

- 1) Lynchburg College agrees to install the required foundation plantings when the new building façade is constructed in approximately three (3) years.
- 2) Lynchburg College agrees to eliminate all approved uses for B-5 zoning other than:
 - A) Uses provided by right in the B-3 zoning district except for single family dwellings.
 - B) Schools and colleges of all types exceeding a maximum enrollment of one Hundred (100) students.

THE SUBDIVISION, AS SHOWN HEREON, IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS, PROPRIETORS, AND TRUSTEES, IF ANY.

THOMAS P. BELL DATE

COMMONWEALTH AT LARGE TO WIT:
STATE OF VIRGINIA

COUNTY OF

I, A NOTARY
PUBLIC IN AND FOR THE AFORESAID STATE, DO
HEREBY CERTIFY THAT THE OWNERS WHOSE NAMES ARE
SIGNED ABOVE HAVE ACKNOWLEDGED THE SAME BEFORE ME.

MY COMMISSION EXPIRES:

NOTARY PUBLIC DATE NUMBER

THEODORE L. BELL DATE

COMMONWEALTH AT LARGE TO WIT:
STATE OF VIRGINIA

COUNTY OF

I, A NOTARY
PUBLIC IN AND FOR THE AFORESAID STATE, DO
HEREBY CERTIFY THAT THE OWNERS WHOSE NAMES ARE
SIGNED ABOVE HAVE ACKNOWLEDGED THE SAME BEFORE ME.

MY COMMISSION EXPIRES:

NOTARY PUBLIC DATE NUMBER

SHERRY A. BELL DATE

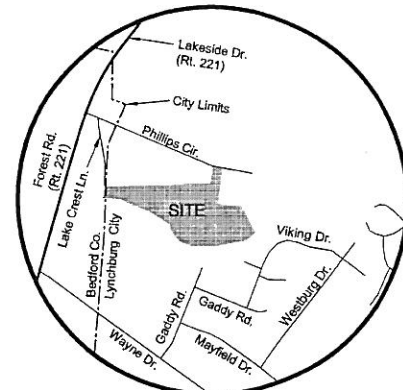
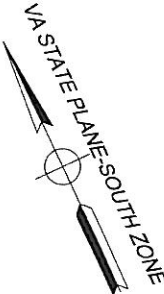
COMMONWEALTH AT LARGE TO WIT:
STATE OF VIRGINIA

COUNTY OF

I, A NOTARY
PUBLIC IN AND FOR THE AFORESAID STATE, DO
HEREBY CERTIFY THAT THE OWNERS WHOSE NAMES ARE
SIGNED ABOVE HAVE ACKNOWLEDGED THE SAME BEFORE ME.

MY COMMISSION EXPIRES:

NOTARY PUBLIC DATE NUMBER



RECEIVED

OCT 05 2009

COMMUNITY
DEVELOPMENT

CITY ENGINEER, LYNCHBURG, VIRGINIA

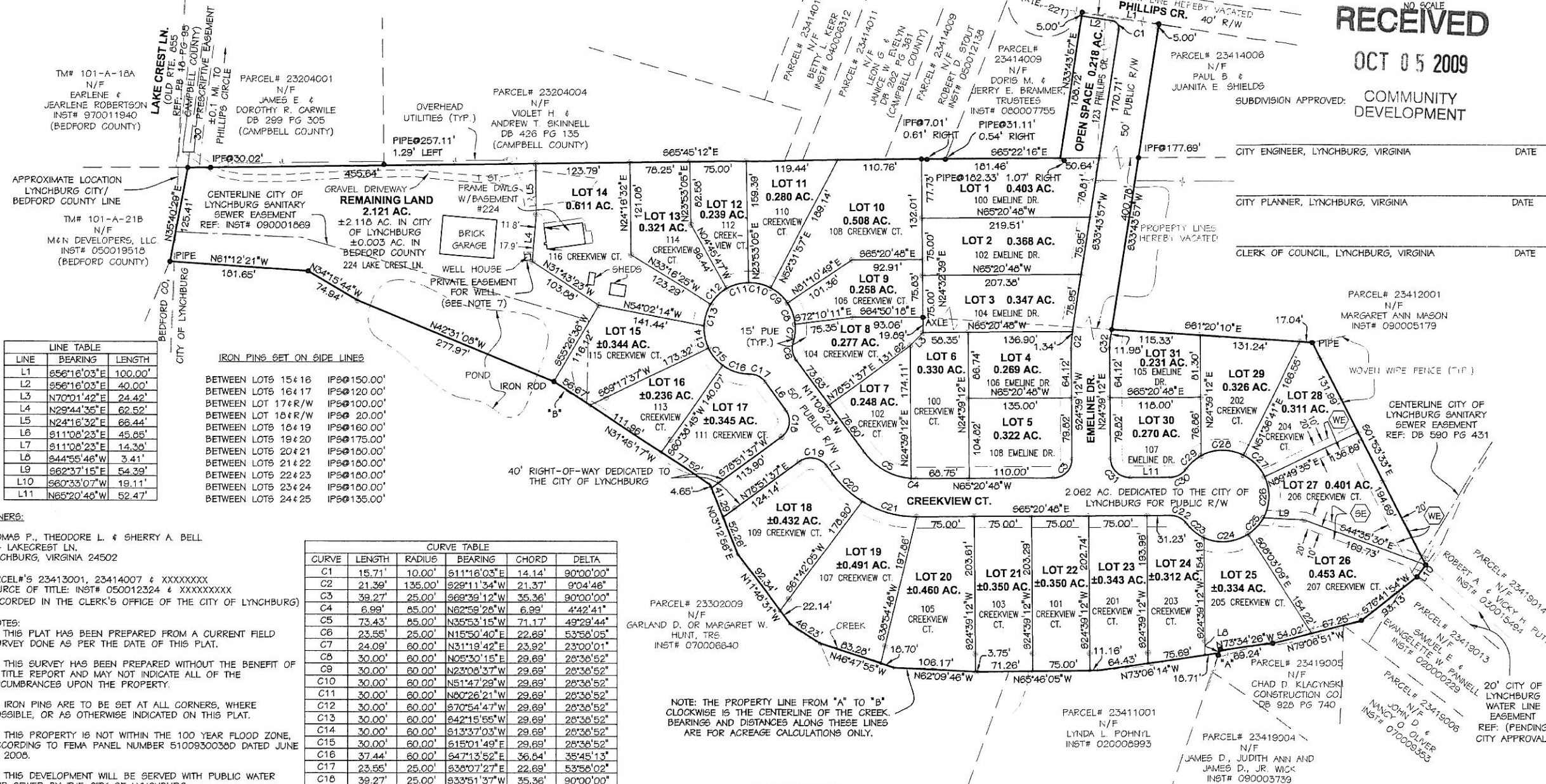
DATE

CITY PLANNER, LYNCHBURG, VIRGINIA

DATE

CLERK OF COUNCIL, LYNCHBURG, VIRGINIA

DATE



OWNERS:

THOMAS P. THEODORE L. & SHERRY A. BELL
224 LAKECREST LN.
LYNCHBURG, VIRGINIA 24502

PARCEL#S 23413001, 23414007 & XXXXXXXX
SOURCE OF TITLE: INST# 050012324 & XXXXXXXX
(RECORDED IN THE CLERK'S OFFICE OF THE CITY OF LYNCHBURG)

NOTES:

1. THIS PLAT HAS BEEN PREPARED FROM A CURRENT FIELD SURVEY DONE AS PER THE DATE OF THIS PLAT.
2. THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND MAY NOT INDICATE ALL OF THE ENCUMBRANCES UPON THE PROPERTY.
3. IRON PINS ARE TO BE SET AT ALL CORNERS, WHERE POSSIBLE, OR AS OTHERWISE INDICATED ON THIS PLAT.
4. THIS PROPERTY IS NOT WITHIN THE 100 YEAR FLOOD ZONE, ACCORDING TO FEMA PANEL NUMBER 5100930038D DATED JUNE 3, 2008.
5. THIS DEVELOPMENT WILL BE SERVED WITH PUBLIC WATER AND SEWER BY THE CITY OF LYNCHBURG.
6. ALL UTILITIES ARE UNDERGROUND EXCEPT WHERE SHOWN.
7. THE PRIVATE EASEMENT FOR THE WELL IS INTENDED TO ALLOW ACCESS AND USE BENEFITING LOT 14. ACCESS AND USE OF THE WELL IS ALSO RESERVED FOR THE REMAINING LAND, AS SHOWN HEREON.
8. PER CITY CODE SEC. 39-17, THE OWNER OR TENANT OF ANY PIECE OF PROPERTY LOCATED WITHIN THE CITY AND BORDERING UPON A STREET OR ALLEY ALONG WHICH A PUBLIC WATER LINE HAS BEEN LAID, AND WHOSE PROPERTY IS CONNECTED TO A PRIVATE WELL OR OTHER ALTERNATIVE WATER SUPPLY FACILITY, SHALL CONNECT THEIR PROPERTY TO THE PUBLIC WATER LINE WHEN THE WELL OR OTHER ALTERNATIVE WATER SUPPLY FACILITY DRIES UP OR OTHERWISE BECOMES UNUSABLE.

CURVE	LENGTH	RADIUS	BEARING	CHORD	DELTA
C1	15.71'	10.00'	S11°16'03"E	14.14'	90°00'00"
C2	21.39'	135.00'	S28°11'34"W	21.37'	9°04'46"
C3	39.27'	25.00'	S68°39'12"W	35.36'	90°00'00"
C4	6.99'	85.00'	N62°59'28"W	6.99'	4°42'41"
C5	73.43'	85.00'	N35°53'15"W	71.17'	49°29'44"
C6	23.55'	25.00'	N15°50'40"E	22.69'	53°58'05"
C7	24.09'	60.00'	N31°19'42"E	23.92'	23°00'01"
C8	30.00'	60.00'	N05°30'15"E	29.69'	28°36'52"
C9	30.00'	60.00'	N23°08'37"W	29.69'	28°36'52"
C10	30.00'	60.00'	N51°47'29"W	29.69'	28°36'52"
C11	30.00'	60.00'	N80°26'21"W	29.69'	28°36'52"
C12	30.00'	60.00'	S70°54'47"W	29.69'	28°36'52"
C13	30.00'	60.00'	S42°15'55"W	29.69'	28°36'52"
C14	30.00'	60.00'	S13°37'03"W	29.69'	28°36'52"
C15	30.00'	60.00'	S15°01'49"E	29.69'	28°36'52"
C16	37.44'	60.00'	S47°13'52"E	36.64'	35°45'13"
C17	23.55'	25.00'	S30°07'27"E	22.69'	53°58'02"
C18	39.27'	25.00'	S33°51'37"W	35.36'	90°00'00"
C19	39.27'	25.00'	S56°06'23"E	35.36'	90°00'00"
C20	52.09'	135.00'	S22°11'34"E	51.76'	22°08'22"
C21	75.64'	135.00'	S49°17'47"E	74.65'	32°08'03"
C22	23.55'	25.00'	S38°21'46"E	22.69'	53°58'05"
C23	30.76'	60.00'	S28°04'04"E	30.43'	29°22'42"
C24	60.00'	60.00'	S68°24'17"E	57.53'	57°17'44"
C25	30.00'	60.00'	N67°37'25"E	29.69'	28°36'52"
C26	58.00'	60.00'	N26°33'47"E	53.99'	53°28'24"
C27	40.02'	60.00'	N19°16'52"W	39.26'	38°12'55"
C28	57.60'	60.00'	N65°53'30"W	55.42'	55°00'21"
C29	27.14'	60.00'	S73°36'43"W	26.91'	25°55'13"
C30	23.55'	25.00'	S67°40'09"W	22.69'	53°58'05"
C31	39.27'	25.00'	N20°20'46"W	35.36'	90°00'00"
C32	13.47'	85.00'	N28°11'34"E	13.46'	9°04'46"

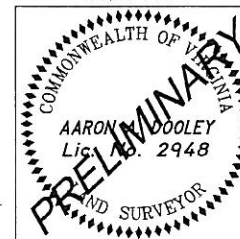
LEGEND

- IRON PIN SET
- IRON PIN FOUND
- UTILITY POLE

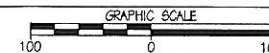
PLAT SHOWING
BELLEVUE

CITY OF LYNCHBURG, VIRGINIA &
JEFFERSON MAGISTERIAL DISTRICT
BEDFORD COUNTY, VIRGINIA

SHEET 1 OF 1



DIN:	AAD
DATE:	5/28/2009
DWG:	V-SP-06053
JOB:	08053

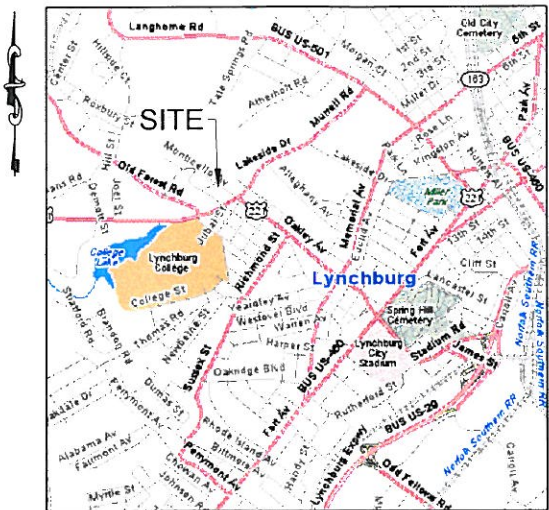


21 GREEN HILL DRIVE, FOREST, VIRGINIA 24551
PHONE: 434-525-5905 FAX: 434-525-5986
E-Mail: pno@perkins-orrison.com

DOCTOR OF PHYSICAL THERAPY
LYNCHBURG COLLEGE
LYNCHBURG, VIRGINIA



SEPTEMBER 8, 2009



VICINITY MAP
SCALE: 1" = 2,000'

LYNCHBURG COLLEGE
REPRESENTATIVE: JOHN LEWIS
1501 LAKESIDE DRIVE
LYNCHBURG, VA 24501
434-544-8212

RECEIVED
OCT 02 2009
COMMUNITY
DEVELOPMENT

Sheet Index	
Sheet Number	Sheet Title
CD0.0	COVER SHEET
CD1.0	EXISTING SITE PLAN
CD2.0	SITE PHOTO
CD3.0	PROPOSED SITE PLAN
CD4.0	EXTERIOR ELEVATIONS

EXISTING ZONING: I-2
PROPOSED ZONING: B-5
CONDITIONAL USE PERMIT:
ALLOW A COLLEGE USE WITHIN A B-5 DISTRICT.

PARCEL ID # 01411014

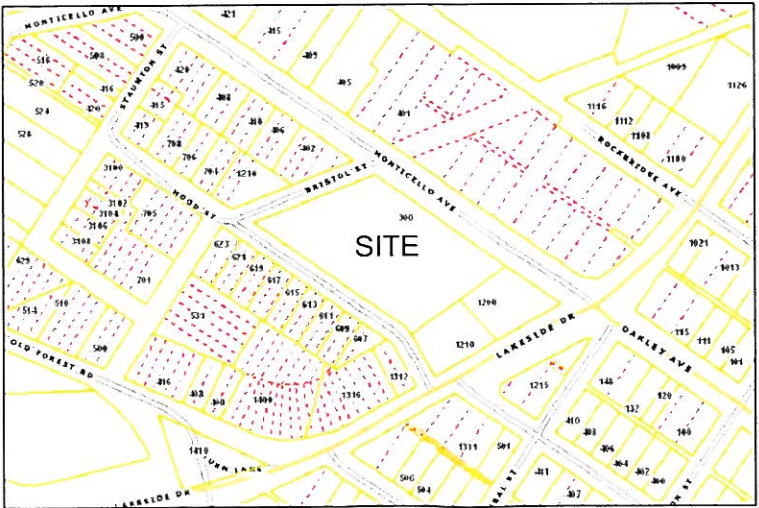
THE PROJECT LIES WITHIN ZONE X ON FEMA
PANEL NUMBER 5100930043D
EFFECTIVE DATE: 06/03/08

DOCTOR OF
PHYSICAL
THERAPY FOR
LYNCHBURG
COLLEGE

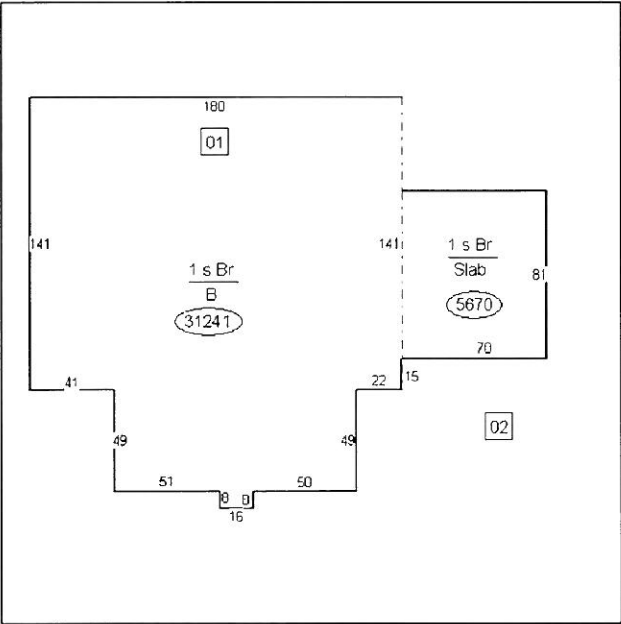
LYNCHBURG, VIRGINIA

DOMINION SEVEN ARCHITECTS, P.C.
434.528.4300
434.528.4756

PROJECT NUMBER
2904
ISSUE DATE
SEPTEMBER 8, 2009
REVISIONS
NOTES
PERMITTED PER CITY COMMENTS



ZONING MAP



EXISTING FOOTPRINT

TIMMONS GROUP

COVER

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CD0.0

DOMINION
SEVEN



434.528-4300 mm
434.528-4756 mm

DOCTOR OF
PHYSICAL
THERAPY FOR
LYNCHBURG
COLLEGE

LYNCHBURG, VIRGINIA

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PROJECT NUMBER
2904
ISSUE DATE
SEPTEMBER 8, 2009

REVISIONS
NOTED REVISION PER CITY COMMENTS

EXISTING
SITE PLAN

CD1.0

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SCALE 1"=20'
0' 20' 40'

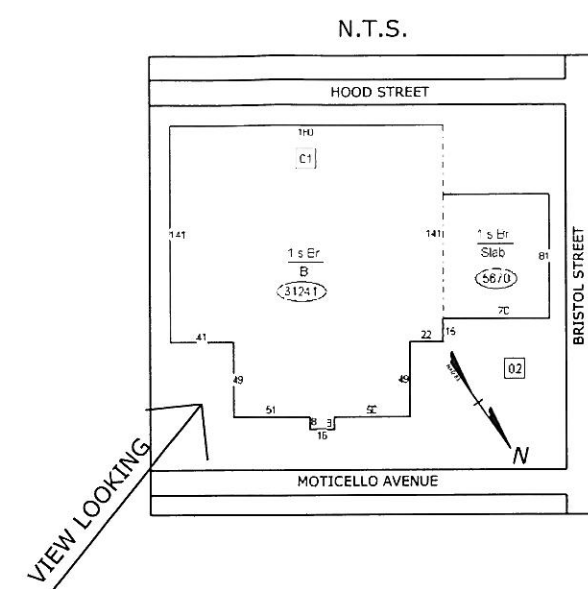


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R:\404\39999-1C Physical Therapy\Drawings\Sheet\CD2.0 SITE PHOTO.dwg | Plotted on 10/7/2009 11:21 AM | by Craig Kolarik



434.326.4300
434.326.4756



DOCTOR OF
PHYSICAL
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LYNCHBURG
COLLEGE

LYNCHBURG, VIRGINIA

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PROJECT NUMBER
2904
ISSUE DATE
SEPTEMBER 8, 2009

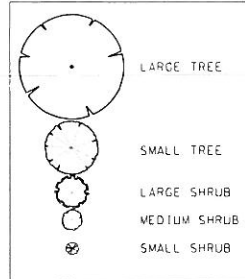
REVISIONS
NONE REVISION FOR CITY COMMENTS

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SHEET TITLE
SITE PHOTO
(FRONT)

SHEET NUMBER
CD2.0



NOTES:

1. EXTERIOR LIGHTING SHALL BE CONTROLLED SO THAT NO DIRECT ILLUMINATION WILL OCCUR BEYOND ANY PROPERTY LINE.
2. STORMWATER MANAGEMENT, INCLUDING DOWNSTREAM ANALYSIS OF ADEQUATE CHANNEL WILL BE PROVIDED WITH THE SITE PLAN.
3. LIMITS OF CLEARING AND GRADING WILL BE PROVIDED WITH THE SITE PLAN.
4. ALL ENTRANCES ARE TO MEET CITY STANDARDS.
5. SCREENING WILL BE PROVIDED IN ACCORDANCE WITH CITY STANDARDS.

PARKING

INTERIM PLAN
DOWNSTAIRS
WAREHOUSE:
6 EMPLOYEES / 3 X 2 SPACES = 4 SPACES
RETAILS:
1,852 SF / 1,000 SF X 2 SPACE = 4 SPACES
6 EMPLOYEES / 3 X 1 SPACE = 2 SPACES
OFFICE:
2,625 SF / 1,000 SF X 1 SPACE = 6 SPACES
UPSTAIRS
FACULTY AND STAFF:
5 / 3 X 2 SPACES = 4 SPACES
STUDENTS:
40 / 5 X 1 SPACES = 8 SPACES
TOTAL REQUIRED: 28 SPACES
TOTAL PROVIDED: 40 SPACES

FINAL PLAN
PER PARKING ORDINANCE, PARKING NEEDS ARE DETERMINED BY COLLEGE WHEN STUDENTS ARE GREATER THAN 100.
FACULTY AND STAFF:
12 X 1 SPACE = 12 SPACES
STUDENTS:
120 STUDENTS / 2 X 1 SPACE = 60 SPACES
VISITORS:
3 X 1 SPACE = 3 SPACES
TOTAL REQUIRED: 75 SPACES
TOTAL PROVIDED: 85 SPACES

LANDSCAPE REQUIREMENTS

STREET TREES:

- (1) TREE PER (40) LINEAR FEET OF STREET FRONTAGE
- TOTAL STREET FRONTAGE: 1,060 LINEAR FEET
- STREET TREES REQUIRED: (27) TREES
- STREET TREES PROVIDED: (28) TREES

PARKING LOT LANDSCAPING:

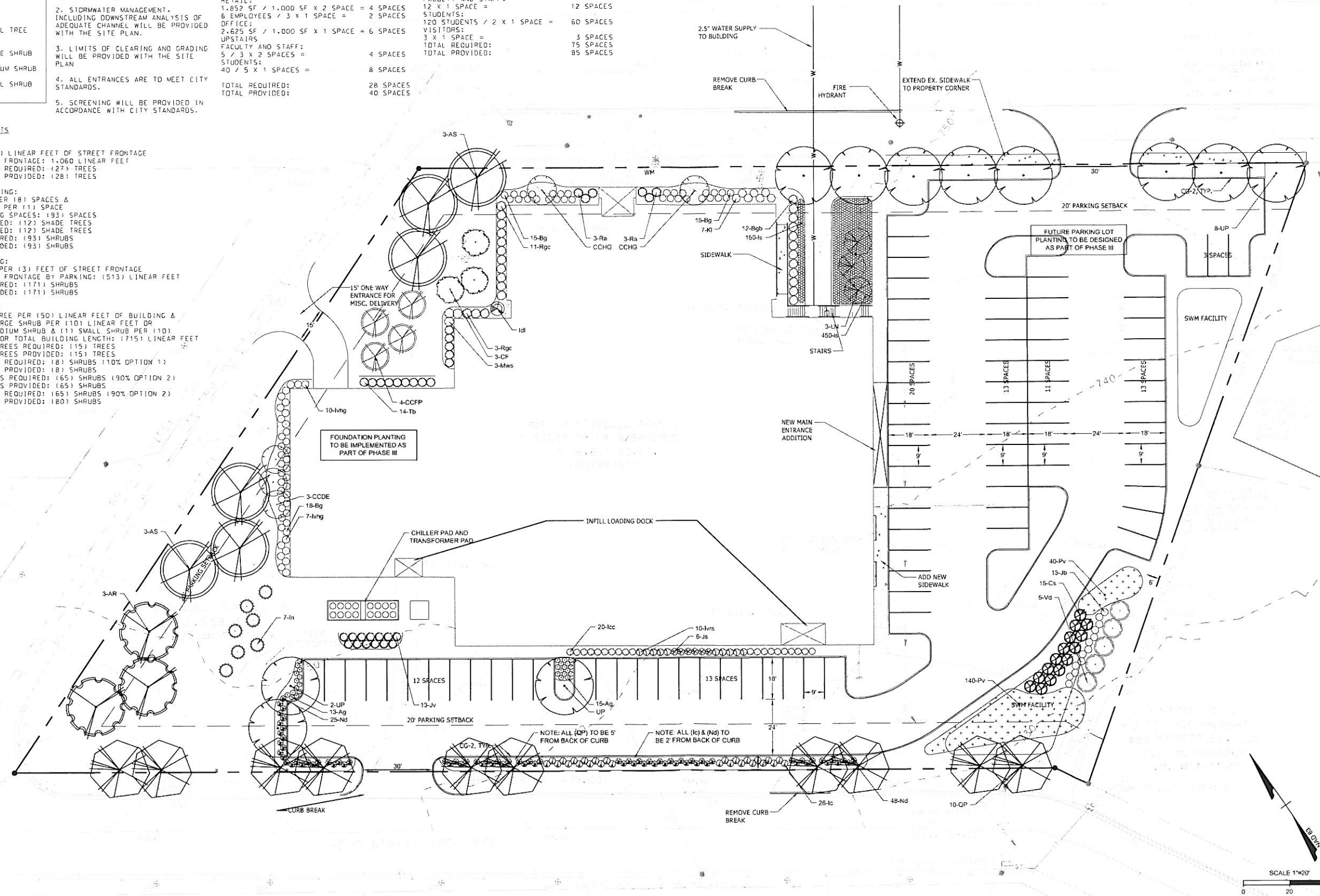
- (1) SHADE TREE PER (18) SPACES &
- (1) MEDIUM SHRUB PER (1) SPACE
- TOTAL PARKING SPACES: (93) SPACES
- TREES REQUIRED: (12) SHADE TREES
- TREES PROVIDED: (12) SHADE TREES
- SHRUBS REQUIRED: (93) SHRUBS
- SHRUBS PROVIDED: (93) SHRUBS

PARKING LOT SCREENING:

- (1) LARGE SHRUB PER (3) FEET OF STREET FRONTAGE
- TOTAL STREET FRONTAGE BY PARKING: (513) LINEAR FEET
- SHRUBS REQUIRED: (171) SHRUBS
- SHRUBS PROVIDED: (171) SHRUBS

FOUNDATION PLANTING:

- (1) ORNAMENTAL TREE PER (50) LINEAR FEET OF BUILDING &
- OPTION 1: (1) LARGE SHRUB PER (10) LINEAR FEET OR
- OPTION 2: (1) MEDIUM SHRUB & (1) SMALL SHRUB PER (10) LINEAR FEET OR TOTAL BUILDING LENGTH: (715) LINEAR FEET
- ORNAMENTAL TREES REQUIRED: (15) TREES
- ORNAMENTAL TREES PROVIDED: (15) TREES
- LARGE SHRUBS REQUIRED: (18) SHRUBS (10% OPTION 1)
- LARGE SHRUBS PROVIDED: (18) SHRUBS
- MEDIUM SHRUBS REQUIRED: (65) SHRUBS (90% OPTION 2)
- MEDIUM SHRUBS PROVIDED: (65) SHRUBS
- SMALL SHRUBS REQUIRED: (165) SHRUBS (90% OPTION 2)
- SMALL SHRUBS PROVIDED: (180) SHRUBS



434.328.4300
434.328.4756

DOCTOR OF
PHYSICAL
THERAPY FOR
LYNCHBURG
COLLEGE

LYNCHBURG, VIRGINIA

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PROJECT NUMBER
2904
ISSUE DATE
SEPTEMBER 8, 2009

REVISIONS:
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SHEET TITLE
PROPOSED
SITE PLAN

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SHEET NUMBER
CD3.0



5000 Jefferson Street
Suite 20
Lynchburg, Virginia 24506
434.528.4300
434.528.4756 fax

DOCTOR OF
PHYSICAL THERAPY
FOR
LYNCHBURG
COLLEGE

LYNCHBURG, VIRGINIA

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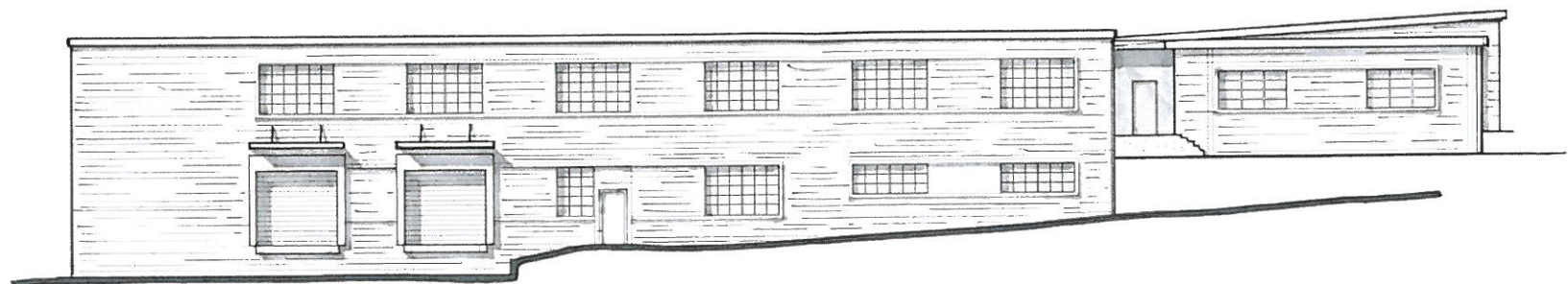
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2904
DATE:
SEPTEMBER 8, 2009
BY:

PROGRESS SET-
NOT FOR
CONSTRUCTION

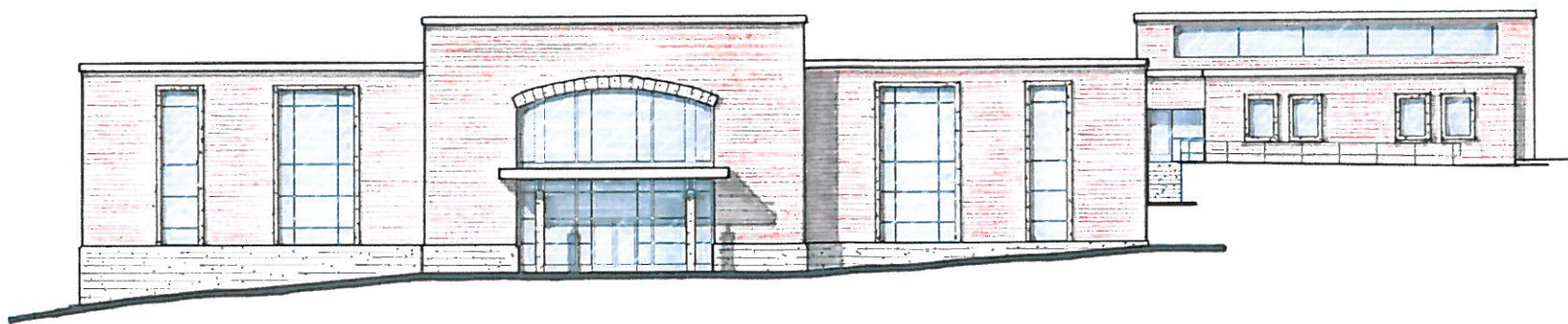
SHEET TITLE:
EXTERIOR ELEVATIONS

SHEET NUMBER:

CD4.0



1
C3.0
EXISTING
SOUTH ELEVATION
NOT TO SCALE



2
C3.0
PROPOSED
SOUTH ELEVATION
NOT TO SCALE

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PLOT DATE: 10/2/2009
PLOT TIME: 9:40:21 AM