

1. 5:00 p.m.

1. City Council Work Session

1. 5:00 p.m. – 6:00 p.m. Route 29 Bypass Around Charlottesville Discussion

2. 6:00 p.m. – 6:15 p.m. Roll Call

1. 7:30 p.m.

1. City Council Agenda Items

1. C O N S E N T A G E N D A

#3. Consideration of approving the minutes of the October 26 (two meetings), 2010 meetings.

#4.* Consideration of adopting Resolution #R-10-129 amending the FY 2011 City/Federal/State Aid Fund budget and appropriating \$35,820, with resources of \$29,850 from the Department of Motor Vehicles Highway Safety Program, to send crash team members to accident reconstruction training and to purchase equipment.

#5.* Consideration of adopting Resolution #R-10-130 amending the FY 2011 City/Federal State Aid Fund budget and appropriating \$50,565, with resources of \$42,137 from the Department of Motor Vehicles Highway Safety Grant, to provide selective DUI and Occupant Restraint enforcement activities, attend related training, and purchase equipment.

1. P U B L I C H E A R I N G

#6. Public hearing regarding the petition of Jeffrey Widmeyer to amend the Future Land Use Map from a Low Density Residential use to an Office use and to rezone 1.38 acres from R-1, Low Density Single Family Residential District to B-1C, Limited Business District (Conditional) to allow the use of an existing building and construction of a parking area for a doctor's office or other uses permitted within a B-1 District at 7626 Timberlake Road.

#7. Public hearing regarding the petition of Jamerson Real Estate, Inc. to rezone 11.47 acres from R-1, Low Density Single Family Residential District to R-2, Low-Medium Density Single Family Residential District to allow the development of twenty-one lots as single family homes or other uses permitted within an R-2 District at 116, 130, 134 Seven Oaks Drive and 104 Parkview Drive.

1. G E N E R A L B U S I N E S S

#8. Consideration of adopting an Ordinance amending the City Code relating to the City's Arts and Cultural District and naming the "James River Arts and Cultural District".

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 9, 2010**

AGENDA ITEM NO.: 1

CONSENT:

REGULAR:

WORK SESSION: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: Consideration of a Resolution Calling for Action on Addressing Ongoing Transportation Problems in the Route 29 Corridor

RECOMMENDATION: Adopt the attached resolution regarding the Route 29 Corridor.

SUMMARY: Improvements to the Route 29 Corridor, especially north of the City of Charlottesville, have been under discussion for over two decades. While improvements have been constructed in a number of areas, specifically the bypasses around Danville and Lynchburg/Madison Heights, progress on a Charlottesville bypass has been stalled for a variety of reasons including local resistance, environmental concerns, costs and questions of utility. In an effort to make progress on improving traffic movement through the Route 29 Corridor the Virginia Department of Transportation (VDOT) has undertaken a number of corridor studies, the most recent completed in December of 2009. During the study process a broad array of stakeholders, including many from this region, participated and offered ideas.

Shortly before the study was presented to the Commonwealth Transportation Board (CTB) several alternative bypass routes, two around Charlottesville and one in Prince William County, were removed from the draft document. At its meeting on December 17, 2009 the CTB adopted the attached resolution accepting parts of the study document, directing the development of a process for future corridor studies, and calling for further work to be done on the Route 29 Corridor. A copy of that resolution is attached.

The proposed resolution before Council is similar to a resolution adopted by the Lynchburg Regional Chamber of Commerce Board of Directors (attached) which calls for the inclusion of the recommendations removed from the corridor study last December and urges action to address the ongoing problems on Route 29.

Since December, a subcommittee of the CTB has been meeting to address the Route 29 Corridor. Attached for additional information is a copy of a presentation given to the committee in February, the minutes of the subcommittee's February 17th, March 3rd and August 27th meetings, and a subsequent resolution adopted by the CTB on September 15th extending the time for submission of the subcommittee's report to December 8th (from an original July deadline, subsequently extended to October). Although the subcommittee has met monthly since February, the only available minutes are for the three meetings for which they have been provided.

PRIOR ACTION(S): N/A

FISCAL IMPACT: N/A

CONTACT(S): Kimball Payne, 455-3990

ATTACHMENT(S): Proposed resolution; CTB resolution of December 17, 2009; LRCC Resolution; Minutes of the CTB Rt 29 Subcommittee from February 17 and March 3 and August 27, 2010; Presentation "Route 29 Corridor Study: Background and Next Steps"; CTB Resolution of September 15, 2010

REVIEWED BY: lkp

RESOLUTION

WHEREAS, effective transportation and infrastructure improvements are central to the continued and future vitality of the City of Lynchburg, the other communities in Region 2000, and the Commonwealth of Virginia and to the quality of life for our residents; and

WHEREAS, the City of Lynchburg supports the planning, construction, and maintenance of an improved statewide transportation system that is safe, need-based, cohesive, integrated, interconnected, multi-modal, and responsive to our region's and the Commonwealth's transportation problems; and

WHEREAS, US 29 is a highway of national significance that impacts every locality along its corridor and the entire Commonwealth; and

WHEREAS, businesses and citizens along the corridor depend upon US 29 to move goods, services, and people in and out of their communities; and

WHEREAS, many businesses along the US 29 corridor that rely on markets north and south of our communities are currently diverting their traffic to interstate highways due to cumbersome traffic jams and unsafe conditions that currently occur along US 29;

NOW, THEREFORE BE IT RESOLVED by the Lynchburg City Council that it affirms its support for continued improvements to the US 29 Corridor that meet all applicable federal and state environmental, health, safety, and transportation requirements; and

BE IT FURTHER RESOLVED that the Lynchburg City Council requests that Governor Robert F. McDonnell, Lt. Governor Bill Bolling, Attorney General Ken Cuccinelli, the Virginia Department of Transportation (VDOT) and the Commonwealth Transportation Board (CTB) immediately support and cause the reinstatement of the Western and Eastern alternatives for the area north of Charlottesville that were eliminated from the 2009 "Route 29 Corridor Study" final report. Those bypass options were removed without the knowledge of the CTB and, as a result of their removal, the final report was tabled by CTB. Those recommendations were an important part of a comprehensive and inclusive two-year corridor-wide planning and study process. The options deserve to be evaluated by VDOT and CTB and developed for implementation.

BE IT FURTHER RESOLVED that the Lynchburg City Council calls upon VDOT and CTB to create policy to ensure that Virginia's corridors of national significance are protected and developed to minimize stoplights and congestion, to address safety issues, and to ensure the completion of approved projects.

Adopted:

Certified:

Interim Clerk of Council

Resolution: Support for Enhancements to US29, Charlottesville Bypass

WHEREAS, the Lynchburg Regional Chamber of Commerce, comprised of nearly 1,000 member enterprises employing more than 55,000 people in our region; is dedicated to representing private enterprise, promoting business, and enhancing the general prosperity of our Region; and

WHEREAS, our Chamber believes that it is our civic responsibility to participate actively in public policy debate and decisions of significance to our Chamber member businesses and organizations, free enterprise, our regional community, and the Commonwealth of Virginia; and

WHEREAS, effective transportation and infrastructure improvements, as in any region, are central to the continued and future vitality of our communities and the Commonwealth of Virginia and the quality of life for our residents; and

WHEREAS, the Lynchburg Regional Chamber supports the planning, construction, and maintenance of an improved statewide transportation system that is safe, need-based, cohesive, integrated, interconnected, and responsive to solving our region's and the Commonwealth's transportation problems; and

WHEREAS, US 29 is a highway of national significance that impacts every locality along the corridor and the entire Commonwealth; and

WHEREAS, businesses and citizens along the corridor depend upon US 29 to move goods, services, and people in and out of our communities; and

WHEREAS, many businesses along the US 29 corridor that rely on markets north and south of our communities are currently diverting their traffic to interstate highways due to cumbersome traffic jams and unsafe conditions that currently occur along US 29;

NOW, THEREFORE BE IT RESOLVED by the Board of Directors of the Lynchburg Regional Chamber of Commerce, that our organization affirms its support for continued improvements to the US 29 Corridor that meet all applicable federal and state environmental, health, safety, and transportation requirements; and

BE IT FURTHER RESOLVED that the Lynchburg Regional Chamber requests that Governor Robert F. McDonnell, Lt. Governor Bill Bolling, Attorney General Ken Cuccinelli, the Virginia Department of Transportation and the Commonwealth Transportation Board immediately support and cause to reinstate the Western and Eastern alternatives for the area north of Charlottesville that were eliminated from the 2009 "Route 29 Corridor Study" final report. These bypass options were removed without the knowledge of the CTB and, as a result of their removal, the final report was tabled by CTB. These recommendations were an important part of a comprehensive and inclusive two-year corridor-wide planning and study process. The options deserve to be evaluated by VDOT and CTB and developed for implementation.

BE IT FURTHER RESOLVED that VDOT and CTB create policy to ensure that Virginia's corridors of national significance be protected and developed to minimize stoplights and congestion, to address safety issues, and to direct the completion of approved projects.



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Pierce R. Homer
Chairman

1401 East Broad Street - Policy Division - CTB Section - #1106
Richmond, Virginia 23219

(804) 786-1830
Fax: (804) 225-4700

Agenda Item # NB1

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

December 17, 2009

MOTION

Made By: Mr. White Seconded By: Mr. Dickens Action: Motion Carried, Unanimously

Title: A Resolution on the Route 29 Corridor Study

WHEREAS, the Route 29 Corridor (the Corridor) is a major north-south roadway in the Commonwealth, that connects Northern Virginia with North Carolina (a distance of 219 miles), is designated as a National Highway System (NHS) Route, and serves both long-distance and local traffic, the interests of which can often be in conflict; and

WHEREAS, because the Route 29 Corridor is a major asset of the Commonwealth, the General Assembly is the steward of this asset, and the Commonwealth Transportation Board (Board) has a leadership responsibility in protecting this asset; and

WHEREAS, many studies have been incrementally conducted on the Corridor over the past 30 years, none of the studies have addressed the entire corridor in an inclusive manner, as an entity; and

WHEREAS, this Board held a meeting on January 16, 2008, with affected General Assembly members and other elected officials, to present and solicit comments on a plan for a corridor-wide study that would develop a blueprint for the Corridor to serve as a framework for future transportation improvements in the Route 29 Corridor and for other Corridors of Statewide Significance (the Blueprint); and

WHEREAS, the Blueprint should be a multi-modal plan recommending both broad, corridor-wide strategies and specific improvements that preserve the functionality of the Corridor through context sensitive designs in order to efficiently move people and goods, improve safety, reduce congestion, address local traffic needs, preserve Corridor through-travel as well as local trips, enhance economic activity and protect the scenic and historic integrity of the Corridor; and

WHEREAS, a consultant team, led by the Parsons Transportation Group of Virginia, has conducted the Study on the Route 29 Corridor and presented a draft Route 29 Corridor Blueprint for public review; and

WHEREAS, as a result of the public comment, a number of consensus strategies and goals emerged for improving and protecting the Corridor (“consensus strategies and goals”), including the following:

- There are 3 distinct sections of the Corridor for development and management purposes which should control investment in the Corridor;
- There should be far fewer entrance and exit points on Route 29. Rather than center all development on the major route, more parallel roads should be used;
- Congestion must be addressed through increased use of technology, for example, re-timing of signals and increased traveler information;
- Travel by non-auto modes needs to be increased and land use patterns that support travel by transit, bicycle and walking should be promoted;
- Planning for the Corridor must address both land use and transportation;
- Planning must be coordinated across jurisdictional boundaries;
- VDOT needs to play a stronger role in preserving the transportation investments;
- The Corridor is a statewide scenic, historic, and environmental resource and must be preserved; and

WHEREAS, the Study recognizes that different parts of the Corridor function differently and provides guidance for addressing local and corridor-wide transportation needs in context sensitive ways; and,

WHEREAS, the Board, while acknowledging the work of the consultant team, has determined that the process used to develop the Blueprint and recommendation of specific improvements was flawed, in that:

- the Blueprint fails to include several recommendations of the consultant team that were removed prior to presentation to the Board, some of which were apparently

initially opposed or favored by the localities affected, which removal the Board views as premature;

- some controversial specific improvements were included as preliminary recommendations despite the fact that the scope of the Study did not include conducting new traffic modeling or gathering new traffic data on specific improvements that might allow their potential benefits to be compared to their significant adverse impacts;
- the lack of the foregoing data and time constraints precluded the public and local elected officials from having the opportunity to fully understand and comment on specific proposed improvements,
- the foregoing problems limited the Board's ability to adequately evaluate many of the specific improvements included in the Study's preliminary recommendations and to play a leadership role in developing consensus on some of the specific improvements

WHEREAS, this Board has the obligation to take a leadership role in developing consensus concerning affected localities with regard to recommendations for improvements in Corridors of Statewide Significance, and in order to do so the Board must have access to the full and complete recommendations of its consultants; and

WHEREAS, this Board does not believe that the Study, and process by which it was developed, produced the template which Board desires as a Blueprint for future planning for other Corridors of Statewide Significance because of the insufficiencies cited above;

WHEREAS, it is important to educate local governments about the greater role which the General Assembly and this Board envision for VDOT and DRPT in linking land use with transportation and to solicit the localities' input in enhancing this linkage so that local governments can effectively work with the State in planning and zoning within their jurisdictional boundaries and in coordinating planning across jurisdictional boundaries;

NOW THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board hereby accepts the Consensus Strategies and Goals of the Route 29 Corridor Study Final Report set forth above, and directs the Virginia Department of Transportation (VDOT) and the Department of Rail and Public Transportation (DRPT) to use the corridor-wide strategies and goals discussed in Chapter 3 of the Report as a high-level guide for local and regional planning within the Corridor; and to work with the localities, planning district commissions, metropolitan planning organizations and transit agencies along the Route 29 Corridor in implementing them; and

BE IT FURTHER RESOLVED, that the Board directs VDOT and DRPT to work closely with a Subcommittee of this Board to develop and present a draft process to the Board by April 1, 2010, for Route 29 and future corridor studies, that addresses the cited insufficiencies

and that positions the Board to lead in developing consensus among the affected localities, planning district commissions, metropolitan planning organizations and transit agencies along the corridor (“new Blueprint”); and

BE IT FURTHER RESOLVED, that, because the Route 29 Study Report’s guidance in the form of recommended specific improvements, requires additional work and study which should not be delayed, the Board directs, upon Board approval of a new Blueprint, VDOT and DRPT to bring forward recommendations by July 1, 2010 on the following issues, and such other specific ones as may be identified by this Board:

- A prioritized list of intersections to be replaced by grade separated intersections or interchanges.
- A plan to improve mobility and accessibility north of Charlottesville, evaluating various alternatives, and not limited to prior proposals.
- A plan to improve mobility and accessibility in the Gainesville, Haymarket and Buckland region, evaluating various alternatives, and not limited to prior proposals.
- A plan to minimize the number of traffic control signals in the Corridor; and

BE IT FURTHER RESOLVED, that the Board will authorize an implementation program (Corridor Master Plan) for the Route 29 Corridor once the new Blueprint is approved and the foregoing issues with the Study Report have been addressed; and

BE IT FINALLY RESOLVED, that the cost for carrying out these activities shall be paid for from transportation planning funds and multi-modal planning funds.

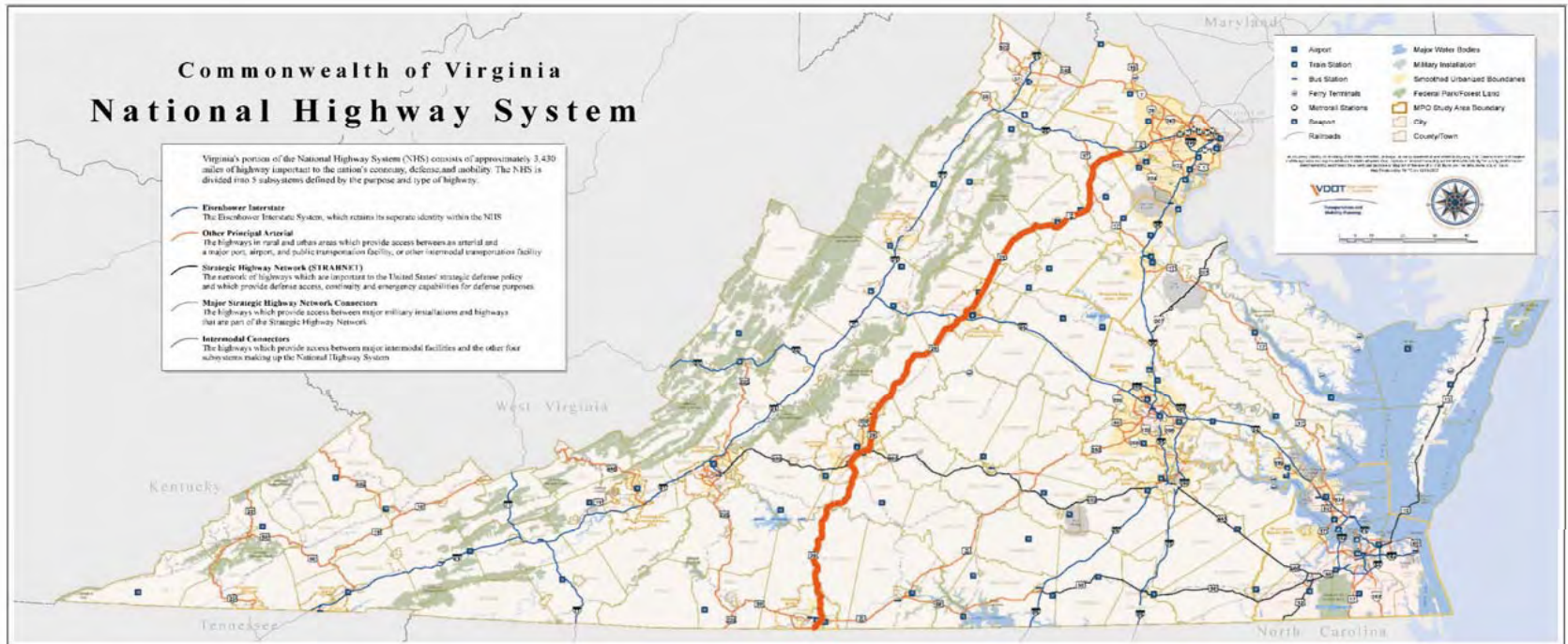
###

Route 29 Corridor Study: Background & Next Steps

CTB Subcommittee Meeting
February 17, 2010

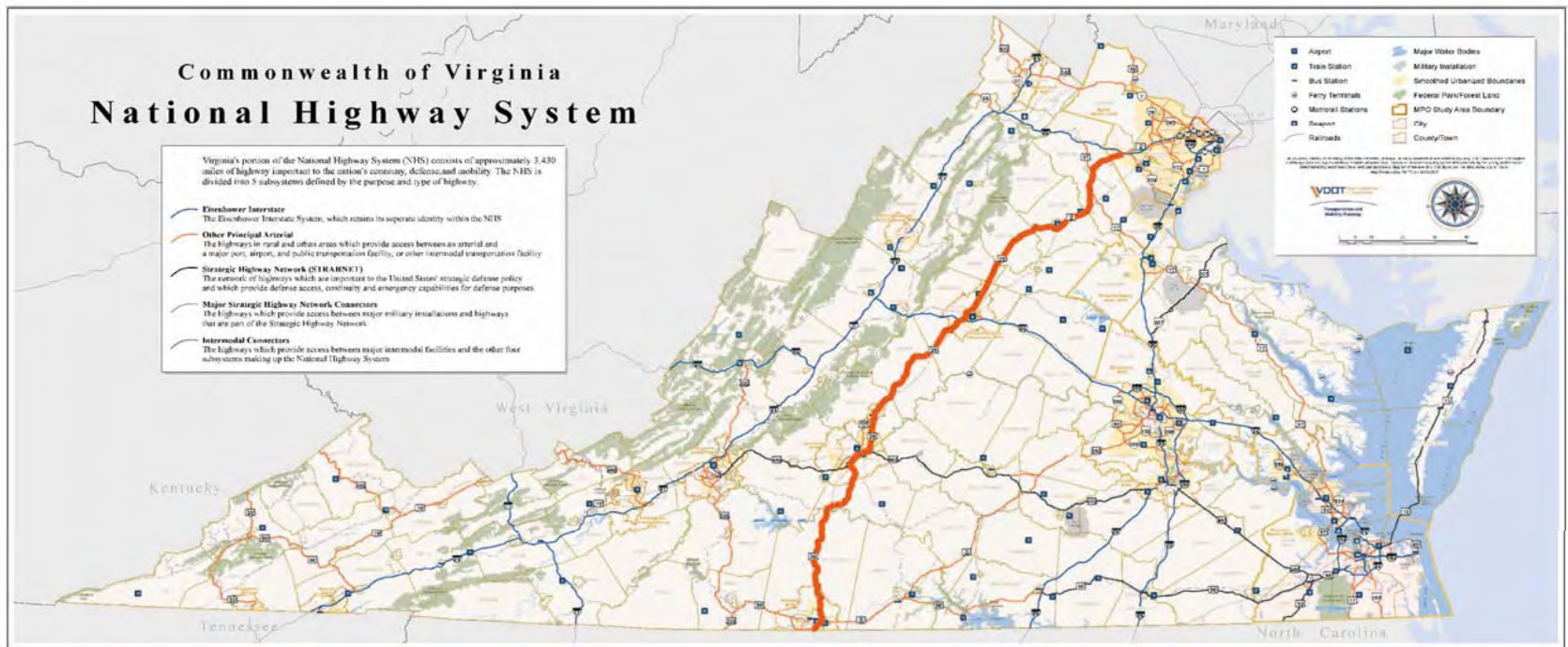
Route 29 Corridor Background

- Corridor extends 219 miles: North Carolina to I-66 at Gainesville
- Principal Arterial and designated NHS Route
- Interconnects 3 MPO areas; connects large rural areas to NOVA
- Serves long distance travel but also carries large volumes of local traffic
- Norfolk Southern provides rail service along the corridor



Background Topics

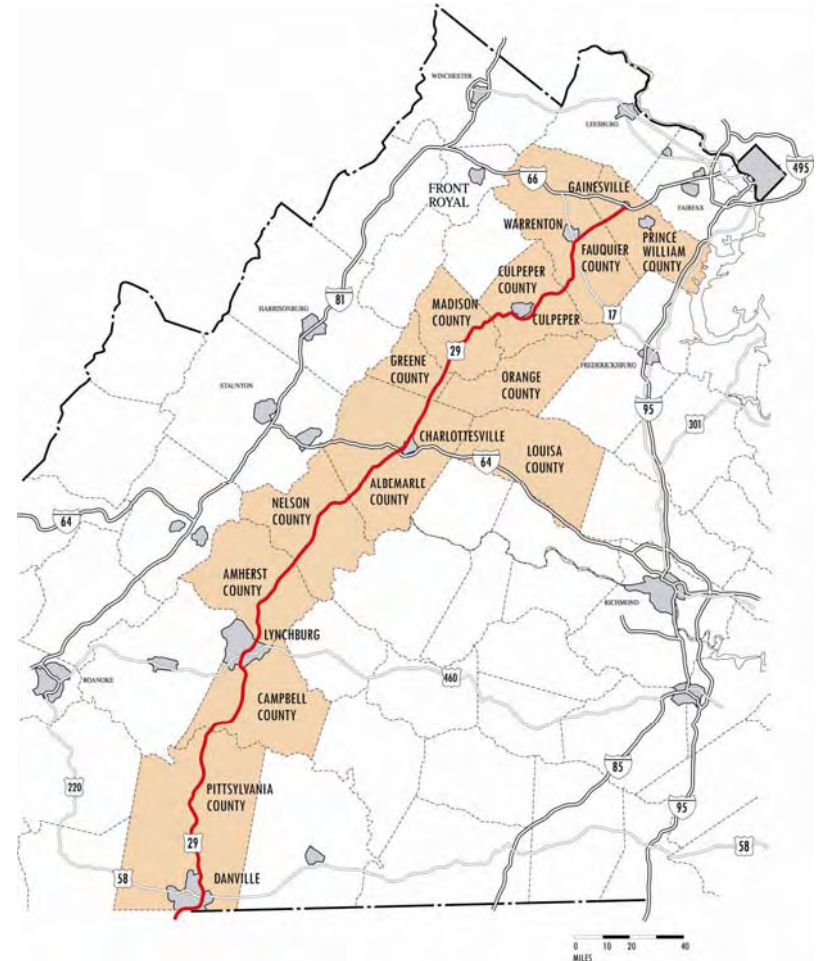
- Vision/Goals for the Corridor
- Corridor-Wide Consensus Themes
- Getting to the Vision
- Policy Recommendations



Vision/Goals for the Corridor

- Preserve the functionality of the corridor for through travel
- Enhance the economic vitality of the corridor
- Improve safety and reduce congestion
- Address local traffic and preserve corridor throughput
- Preserve the scenic and historic integrity of the corridor

This vision is achievable, while accommodating growth, by more fully integrating transportation and land use planning, including substantial enhancements to non-auto modes of travel



Developing Corridor-Wide Consensus Themes

- Themes developed through a series of meetings including:
 - Eight public meetings
 - Four regional workshops
 - Bi-weekly studio sessions open to the public
 - Monthly technical advisory meetings which included members from corridor PDCs and MPOs
- Reviewed with local governing bodies throughout the corridor
- Five regional meetings were held to obtain input on preliminary recommendations
- Weekly electronic bulletins



Corridor-Wide Consensus Themes

- There should be far fewer entrance and exit points on Route 29. Rather than center all development on the major route, more parallel roads should be used.
- Congestion must be addressed, for example, through increased use of technology, re-timing signals, and increased traveler information
- Travel by non-auto modes needs to be increased, especially transit. Land use patterns that support travel by transit, bicycle, and walk should be promoted.



Corridor-Wide Consensus Themes

- Planning for the corridor should address both land use and transportation.
- Planning must be coordinated across jurisdictional boundaries.
- VDOT needs to play a stronger role in preserving the transportation investment and securing it as an economic development resource for Central Virginia.
- The Corridor is a statewide scenic, historic, and environmental resource and must be preserved.

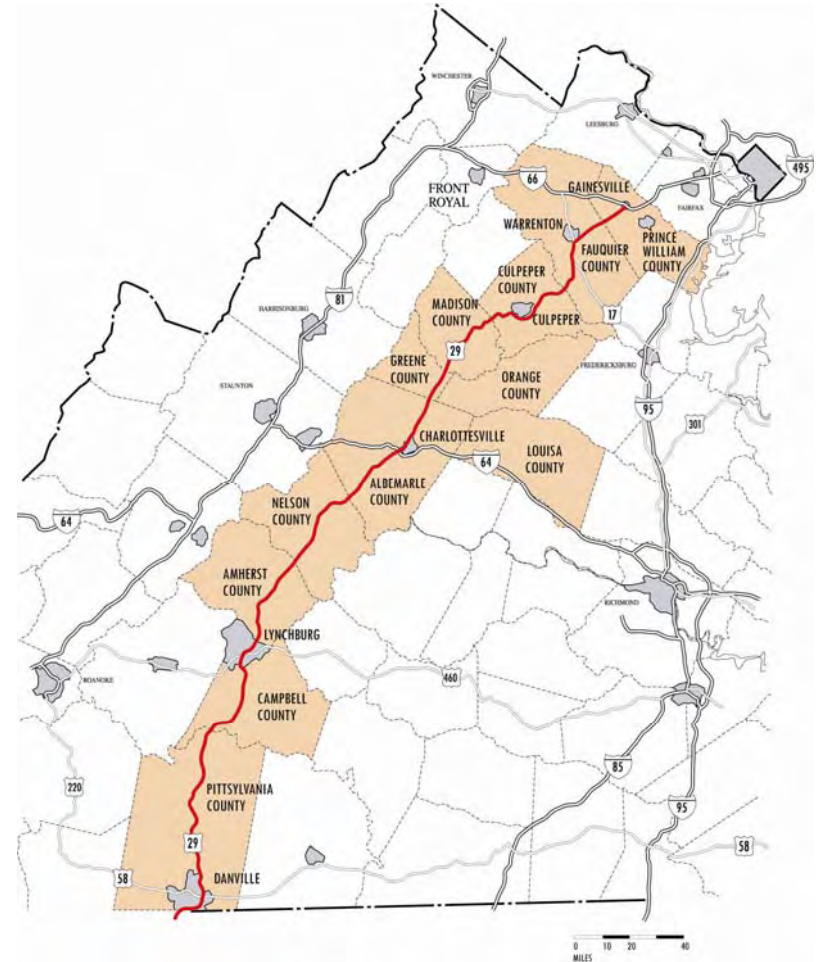


Getting to the Vision

- **Manage the number of access and egress points**
- **Create parallel networks (portions built as part of private development)**
- **Design roadway connections that are consistent with the rural/urban nature of the surroundings**
- **Rather than promoting strip development, focus development around major activity areas (nodes) and increase the density**
- **Promote compact, mixed-use development street networks that would provide the density needed for transit**
- **Implement rail and transit improvements to provide enhanced options for the movement of both people and goods; bus utilization for commuter travel is needed particularly in the northern part of the corridor**
- **Encourage bicycle and pedestrian travel to provide mobility and health benefits; support these improvements through more compact development patterns**
- **Protect the corridor's natural environment, as well as its scenic and historic resources**

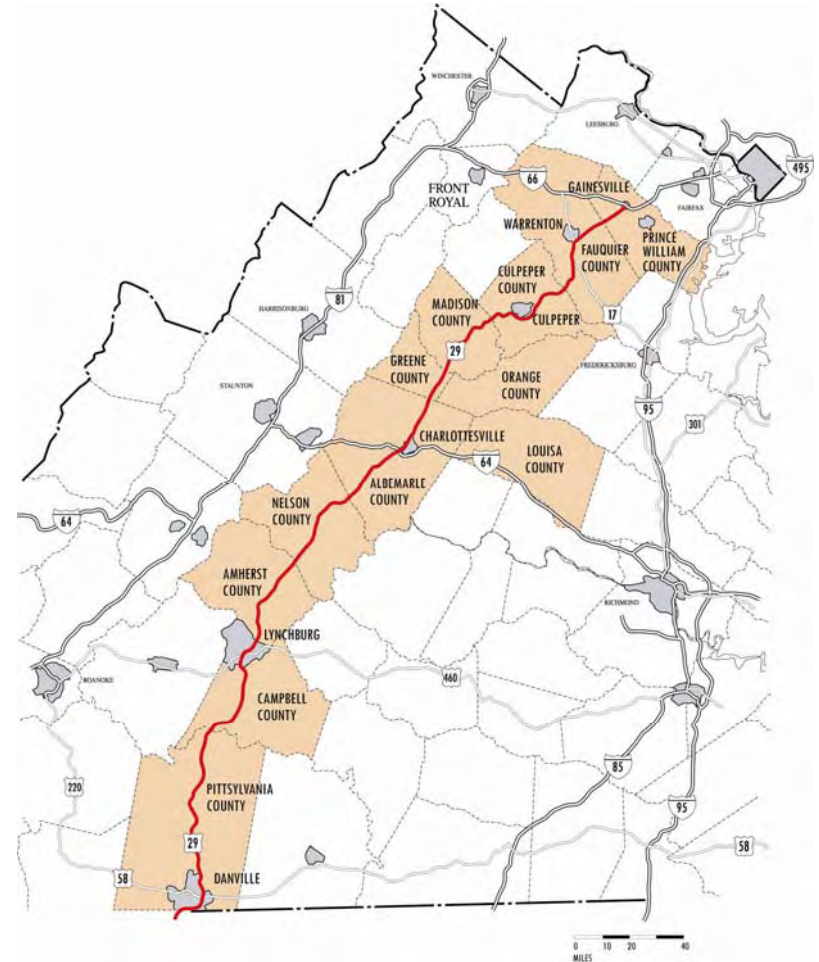
Policy Recommendations

- **Voluntary (Tier 1):** Localities apply the principles in the Route 29 Corridor Study through detailed access management plans, conceptual roadway networks, design standards, etc.
- **Incentive-Based (Tier 2):** Use of funding programs and grants to reward compliance with the Route 29 Corridor Study recommendations. This would include a policy of not allocating funding to projects where localities cannot guarantee, through land use planning, the long-term functionality of the improvement .



Policy Recommendations

- **Corridor-Wide Stewardship (Tier 3):** Legislation, plans, and requirements developed jointly by VDOT and localities as part of a Corridor-Wide Implementation Plan (Master Plan) that requires specific land use and transportation planning activities. These policies would not preclude the previous two tiers, but could enhance either approach by providing a regulatory underpinning to ensure more widespread implementation.



CTB Resolution

- Process for Corridors of Statewide Significance by April 1, 2010
- Additional work and study by July 1, 2010
 - Prioritized list of intersections to be replaced by grade separate intersections or interchanges
 - A plan to improve mobility and accessibility north of Charlottesville, evaluating various alternatives, and not limited to prior proposals
 - A plan to improve mobility and accessibility north in the Gainesville, Haymarket, and Buckland region, evaluating various alternatives, and not limited to prior proposals
 - A plan to minimize the number of traffic control signals in the Corridor

Corridor Studies: Purpose and Approach

Some Food for Thought

- Why do corridor planning?
 - Promote safe and efficient movement of people, goods, and services
 - Initiate/promote intergovernmental cooperative planning
 - Provide opportunities for public, local government, and agency participation
 - Save money by identifying long-range right-of-way needs (anticipate growth-related needs before solutions become too expensive)
 - Fill the gap between the statewide transportation modal plans and the project selection process
 - Link land-use planning and transportation planning
 - Identify social, economic, and environmental issues and analyze potential alternatives at an appropriate and economical level of detail
 - Facilitate resolution of major issues (i.e., public opinion, cost, environmental constraints) before specific project programming and development begin
 - Protect transportation investments by exploring alternate means to accommodate travel needs, with/without capital-intensive improvements
 - Provide an opportunity to direct future development, and minimize environmental, social, and economic impacts.

Source: <http://itd.idaho.gov/planning/corridor/>

Corridor Studies: Purpose and Approach

More Food for Thought

- Defining parameters for corridor studies
 - Geographic area (“narrow” vs. “wide” corridor)
 - Level of analysis detail (traffic analysis, environmental features, etc.)
 - Level of specificity for recommendations (project detail, regulation specifics, etc.)
 - Timeframe for recommendations
 - Policy vs. project emphasis
 - Desired uses for the study (general guidelines, define strategic direction, specify requirements for various agencies/stakeholders, program projects, catalog of potential solutions/best practices, defining roles of agencies/jurisdictions)
 - Corridor study role within the overall planning process
 - Level of ownership and buy-in by various entities

Corridor Studies: Purpose and Approach

Even More Food for Thought

- Defining roles for a corridor study
 - Defining the “community”: To whom/where do benefits accrue? To whom/where do impacts apply?
 - Engaging corridor leadership at the appropriate levels to define the level of study – what levels of outcome are supportable at the local, regional, corridor-wide, and statewide levels?
 - Identifying implementing bodies: agencies, state, regional, and local governments
 - Identifying implementing mechanisms: legislation, comprehensive plans, state-sponsored planning documents, agency strategic plans, funding plans, etc.

Process for Studying Corridors of Statewide Significance (Discussion)

- Define the “community” and its various stakeholders
- Establish steering committee (CTB subcommittee)
 - Define parameters
 - Define roles and engagement strategies
- Develop consensus on overall transportation needs for the corridor and an overall transportation and land use vision for the corridor
- Identify and map constraints and opportunities
- Develop preliminary multi-modal and land use recommendations; engage “community” throughout this process
- Engage “community” leadership in workshop discussions of preliminary recommendations
- Refine recommendations
- Public reviews
- Finalize recommendations and report

Next Steps for Route 29 Study

- Study generated agreement on the following:
 - Planning needs and overall framework
 - Need for corridor-wide Master Plan
 - Range of policy solutions
 - Catalog of best-practices for land use and transportation planning
- Next steps only need to focus on the following (per CTB resolution):
 - Develop plan to minimize traffic signals in the corridor
 - Develop priority listing of major intersection improvements (interchanges)
 - Develop plans to improve mobility and accessibility at two key congestion points in the corridor: North of Charlottesville the Gainesville/Haymarket/Buckland region

Study Approach Options

- Policy approach:
 - 28 weeks
 - Focus on policy options that would provide the framework for achieving specific **corridor-wide** performance measures and goals
 - Requires discussion of incentives and repercussions
- Alternatives sketch level approach:
 - 34 weeks
 - Based on alternatives development and screening approach
 - Performed at sketch level (matrix screening and ranking process)
- Alternatives sketch detailed approach:
 - 46 weeks
 - Based on alternatives development and screening approach
 - Performed at detailed level (modeling, higher level of “engineering” and environmental reviews)
- All three approaches include similarities with:
 - Prioritization of intersection improvements throughout the corridor
 - Public and stakeholder involvement process

Participation Strategies

Strategy 1 –

VDOT in charge, MPO identifies staff representatives from each Jurisdiction (Albemarle, Charlottesville and Greene) to work with VDOT on issues that need to be addressed in this area of the Route 29 Corridor. The technical analysis done by VDOT needs to be acceptable to political leaders.

Pros: Traditional approach, assumes CTB will be able to fund any improvements

Cons: Business as usual risks repeating the previous outcome, no buy-in by localities or MPO

Life of the plan: Moderate (lack of ownership may limit life of the plan)

Time: + +

Cost: \$ \$

Strategy 2 –

MPO in charge, staff will work with VDOT, DRPT & Consultant on technical analysis. Deficiencies will be presented to MPO work group and a plan for addressing the deficiencies will be cooperatively developed.

Pros: The plan will most likely get buy-in from elected leaders thus ensuring a much greater longevity of the plan. The localities are party to the solution.

Cons: This process will take much longer to develop (possibly 1- 2 years). It's more costly and the outcome is not predictable. Politics are a greater factor in the outcome.

Life of the plan: Long (most durable based on high level of ownership by localities)

Time: + + +

Cost: \$ \$ \$

* Staff recommendation

Strategy 3 –

Present all previous solutions adjacent to existing Route 29 and ask MPO and Localities to decide if they don't like any of these solutions then what do they want?

Pros: This may get a quick turn-around on their input.

Cons: With the mix of technical and political input, the outcome is unpredictable. The technical analysis may be based more on political direction than on transportation deficiencies.

Life of the plan: Relatively short-lived (least amount of local ownership of the plan)

Time: +

Cost: \$

Route 29 Corridor Study: Background & Next Steps

CTB Subcommittee Meeting
February 17, 2010

**MINUTES OF
MEETING OF THE COMMONWEALTH TRANSPORTATION BOARD
SUBCOMMITTEE ON ROUTE 29**

Central Office – Traffic Engineering Division Conference Room
1401 East Broad Street
Richmond, Virginia

February 17, 2010 – 9:30a.m.

The meeting of the Route 29 Subcommittee of Commonwealth Transportation Board (CTB) was held in the Traffic Engineering Division Conference Room in VDOT's Central Office on February 17, 2010.

Attendees: CTB Members: John J. Davies III, Peter B. Schwartz, Douglas Koelemay and Sharon Pandak, VDOT staff: Jim Utterback, Reta Busher, Marsha Fiol, Charlie Rasnick, Amy Inman, (DRPT), Joe Springer - Parsons Transportation Group (PTG) and interested citizens: Petrina Jones, Hardy Josephson, and Rob Lanham

1. Introductions and Welcome

Since this is the initial meeting of this Subcommittee, Marsha Fiol welcomed everyone to the meeting and asked all attendees to introduce themselves. She asked the CTB members to elect one of the members to Chair the committee. Mr. Koelemay by unanimous consent, agreed to serve as Chairman.

2. Overview /Initial Steps/ Process for Corridor Studies (see the attached presentation)

Charlie Rasnick gave a brief background of the Route 29 Corridor Study.

Joe Springer – (PTG) - VDOT's Consultant team leader, outlined the study process for Route 29 and presented an outline for typical corridor studies as published on USDOT/ other transportation professional websites.

3. Detailed Study – From December 2009 CTB Resolution

Joe Springer (PTG) presented the additional tasks from the CTB Resolution as follows:

- a. Prioritized list of intersections to be upgraded to grade separations
- b. Improve mobility/accessibility – Charlottesville Area
- c. Improve mobility/accessibility – Buckland /Gainesville/Haymarket
- d. Minimize traffic signals

Chairman Koelemay opened these issues to discussion by the members:

Agenda Item # 2

During the considerable discussion that followed there were several critical points that need to be addressed, including:

- The Route 29 study report needs to be published so there is a document that shows what was accepted by the CTB in their December 2009 resolution.
- July 2010 for completion of this phase of the study is not necessarily a “fixed date” but we must move quickly to complete the work so there is a timely “end point” to the study.
- There must be a model process for planning strategic corridors.
- Any corridor plan must have local ‘buy-in” and consensus across jurisdictional lines as well as state elected representatives. There needs to be included in the process a forum for getting elected local and state representatives together to discuss and work to resolve corridor transportation issues. Professional facilitators could be engaged to lead these discussions.
- Implementation of the corridor plan is critical for the plan to have lasting benefits. Inclusion of the corridor plan in the locality’s comprehensive plans will help ensure the recommendations are followed as new development occurs. Also, it will help protect the access. VDOT must work proactively with localities on this effort.
- Recognizing the April 1, 2010 date in the CTB Resolution, the staff was directed to provide a draft 3-4 page working paper on the corridor study process including a procedure for the plan implementation (working with localities on inclusion in their comprehensive plans.)
- Staff was also directed to present a final “strike-through” of the draft report for the Committee’s review.

4. The meeting was adjourned at 11:30a.m. (February 17, 2010)

5. Next Meeting – March 3, 2010 at 10:00a.m. in Culpeper, Virginia (the location to be determined.)

**Draft MINUTES OF
MEETING OF THE COMMONWEALTH TRANSPORTATION BOARD
SUBCOMMITTEE ON ROUTE 29 (As Approved on 3/3/2010)**

Culpeper District Office – Auditorium
1601 Orange Road
Culpeper, Virginia

March 3, 2010 – 10:00a.m.

The meeting of the Route 29 Subcommittee of Commonwealth Transportation Board (CTB) was held in the auditorium of the Culpeper District Office at 1601 Orange Road in Culpeper, Virginia on March 3, 2010, at 10:00a.m.

Attendees: CTB Members: John J. “Butch” Davies III, Peter B. Schwartz, Douglas Koelemay and Sharon Pandak, VDOT staff: Jim Utterback, Marsha Fiol, Brent Sprinkel, Helen Cuervo, Ben Mannell, and Charlie Rasnick, Amy Inman, (DRPT), Joe Springer - Parsons Transportation Group (PTG) and interested citizens: Rob Lanham

1. Introductions and Welcome

Chairman Koelemay welcomed everyone and thanked the District Administrator for hosting the meeting.

2. Minutes of the February 17, 2010

Minutes of the February 17, 2010 meeting were briefly discussed and with one correction, they were approved.

3. Process for Strategic Corridor Studies

Charles Rasnick and Joe Springer presented a draft memo on the Proposed Process for Studying Corridors of Statewide Significance. (Agenda Item #3) The background shows how corridor studies fit into the transportation planning and project development process. The paper cites examples of the national best practices for corridor planning along with “Considerations” - the issues that need to be considered when designing a Corridor Study. The recommended process outline was briefly described for the Committee.

Mr. Schwartz stated that the staff had failed to deliver an acceptable corridor study plan. The study plan needs to include elected leaders, local staff and the identified stakeholders. People need to have a sense of ownership in the plan and the study plan needs to include ways to get local “buy-in”. A large summit meeting on a corridor will not work because of the posturing by every elected official. The local leaders need to be given a chance to participate or not and they need to know their views are valued, but if they don’t participate, the plan will still be developed. A smaller group meeting could work out some of the issues. For example: Elected representatives of Prince William County

and Fauquier County need to be in the same room to discuss and to out work some of their differences on the Route 29 Corridor.

Ms. Pandak commented that we could not rely on MPOs or PDCs to represent the views of local governments or for the MPO/PDC representatives to share information with other members of their Board. Land use decision making is by local governments so a corridor study needs to show the link between land use decisions and transportation. There is a detachment between the planning process and the corridor studies. The study needs to say that VTrans is the basis for statewide transportation planning and that the corridors area vital part of the statewide plan. We need to show why the corridor study is important and how the CTB will use the study to put future projects in the Six Year Improvement Program.

Mr. Swartz said that the study process must get into the locality's transportation needs and to do that the study team must spend some time with the local jurisdictions to get input on "what helps" and "what hinders" their transportation and also identify the toxic issues. Localities need to have some incentive (carrot) for including VDOT's corridor recommendations their comprehensive plans. Getting the "carrot" in front of local leaders is critical in showing them the benefits of supporting the corridor plan.

Mr. Davies stated that principal failure of the study was the failure to generate community input and "buy-in" from the local governments. People are concerned over not having transportation funding and are asking "Why are we going through with this plan (for the Route 29 Corridor) when we have no money for transportation for the foreseeable future?"

Mr. Davies further stated that south of Charlottesville, as a result of agreements by the localities, the Lynchburg Bypass, Danville Bypass and other improvements were built. We need a way to focus on reaching local elected leaders and boards such as the Chamber people to get local support of the plan. Otherwise, any future plans will fail.

Ms. Pandak said we should have a map showing improvements that have been made, those improvements that have been identified previously and those that have been recommended in the plan. We need to act quickly to complete the plan in the Buckland and Charlottesville areas. The study should show how smaller (\$5-10 million range) improvement projects can help localities. Maybe we need to say in the study that the CTB will consider including the identified improvements it the Six Year Improvement Program. This "carrot" may help get the buy-in we need. There may be a need for more transit in the corridor.

Amy Inman indicated that transit can take pressure off the highway network.

Mr. Koelemay said that there needs to be an expectation by the localities that there will be some action from the plan to implement some of the recommended improvements.

4. Route 29 Plan Report (Strike-Through)

Charles Rasnick informed the Committee that the Draft Corridor Study Report was placed on VDOT's webpage from early November until the CTB meeting on December 17, 2009 and there were no comments for revisions during that time. A final document could be completed using the CTB Resolution and including a section in the executive summary that describes how the CTB directives are being addressed.

Staff will review the report to ensure that all comments or edits have been made through (12/17/2009). A new section will be included in the Route 29 Report to document CTB's directives for additional study. The CTB Resolution of December 17, 2009, will be included in this new section in the document.

5. Proposed Next Steps

Charles Rasnick presented an overview of the proposed steps for addressing the CTB's directives in the December 2009 Resolution: (see attachment Agenda Item #5)

- Prioritized list of Intersections to be grade separated
- Improve Mobility/Accessibility – Charlottesville
- Improve Mobility/Accessibility – Gainesville/Buckland/Haymarket
- Plan to minimize the number of traffic control signals

The Committee discussion on these four directives included several concerns.

- There should more than “making a list” to select the intersections to be grade separated. We need to talk with localities to help them understand how a cloverleaf or diamond design will serve their needs and the process needs to be collaborative with localities. Localities need help to ensure that access to new developments doesn't adversely affect the corridor.
- The proposed meetings on the Buckland and Charlottesville areas need to start with small groups of elected leaders for preliminary discussions. These initial meetings could lead to a charrette that is held over two days in each of these areas. Someone of authority in transportation possibly the Commissioner should host the meeting.
- Future corridor studies need to be broken into smaller (shorter) segments for study. This could be done by region or by localities that have similar geography, socio-economic features and transportation requirements.
- We are in a financially restricted time and cannot justify expending funds for the additional detailed information that the localities in the Charlottesville area will want for the evaluation. In addition to the cost, these studies will take considerable time to complete. Corridor studies need to have the flexibility to separate or designate certain areas that may need more detailed study but meets the general concerns for the entire corridor. As we approach each corridor, we need to consider the benefits from the expenditures for the studies.
- We need to consider the results of this study and how it can be tied to the land use and included in the localities' comprehensive plans. Further, we will need to develop a short summary statement including a timeline for concluding the work on the Buckland and

Charlottesville areas. Staff needs to take steps to begin work with the localities to incorporate the Route 29 plan recommendations into their comprehensive plans.

6. Status Report at the March CTB Meeting

Marsha Fiol will work with Mr. Koelemay and Ms. Pandak to revise the draft corridor study process for presentation at the March CTB meeting. Mr. Koelemay will also inform the CTB of the need for some additional time to complete the review and coordination in the Charlottesville and Buckland areas.

7. To Do/Assignments and Next Meeting

Need to finalize the work plan for the Charlottesville and Buckland areas and complete the study report. Staff is to provide the proposed final editing for the report at the next meeting. The next meeting of the CTB Subcommittee is scheduled for April 7, 2010, in VDOT's Warrenton Residency Office, 457 E. Shirley Avenue, Warrenton, VA 20186.

8. Surface Transportation Plan Briefing

Since members of the CTB were available, the Surface Transportation Plan was presented for their consideration. Amy Inman, DRPT and Ben Mannell presented the plan to the CTB Members.

CTB members indicated that overall, they were impressed with the effort to coordinate rail, transit, highway recommendations.

Ms. Pandak asked if, with continued downward trend in revenue estimates for transportation, if some of the recommendations (particularly in MPO areas where plan relied on constrained long range plan (CLRP) recommendations) were already out of date, since recommendations will likely have to be dropped to meet constraint. VDOT responded that MPOs have been encouraged to continue to show those needs in a MPO vision plan. This would allow for continued consistency between CLRPs and the Surface Transportation Plan.

Ms. Pandak indicated that she would like to have a presentation to the Board that provided an overview of the funding gap for transit needs in the Commonwealth, specifically related to the capital costs of Dulles Rail and Hampton Roads light rail.

CTB members indicated several things:

- 1) That they would like to see some additional emphasis on the “game changers” and prioritization—there was an acceptance that the Surface Transportation Plan is a needs-based document, but prioritization is the key to future constraint of the document. (VDOT relayed that actions to begin the prioritization effort and process to better link the plan with the Six Year Improvement Program were underway).
- 2) They would like to see more discussion of how land use and transportation tie together—ideas such as corridor preservation, access management can be

- employed. Also specific mention of how “if current development patterns continue, the transportation system will not be able to maintain mobility”.
- 3) They would like more of a transition between text of report and the recommendations tables. Suggested focus of how the VTrans goals and performance measures relate to recommendations.
 - 4) Felt that the highway recommendations tables could use some additional information in terms of a description.
 - 5) Mr. Schwartz commented on the I-66 recommendation in Fauquier as an example specifically—where did this come from, etc. VDOT explained that it was based on the growth of traffic in the corridor, with the assumption that current development patterns would continue. There was also a need to delineate where highway recommendations were for HOV or BRT accommodations.
 - 6) CTB members also indicated that they liked the emphasis on ITS solutions—this is one of the “game changers”—and felt that this needs to be a programmatic shift in investment.
 - 7) The reliance on objective performance measures provided defensible recommendations. Mr. Schwartz felt that preservation and maintenance first is not necessarily realistic or sustainable for the next 20 years. Indicated a need to look at performance targets for bridges and pavement—are they where they need to be? And once we hit those targets, let’s focus on new construction
 - 8) Members liked short range recommendations, and the opportunity to focus on potential immediate benefits and outcomes in the operation of facilities.

The meeting was adjourned at 12:40pm.

**Draft - MINUTES OF
MEETING OF THE COMMONWEALTH TRANSPORTATION BOARD
SUBCOMMITTEE ON ROUTE 29**

Culpeper District Office – Auditorium
1601 Orange Road
Culpeper, Virginia

August 27, 2010 – 10:00a.m.

The meeting of the Route 29 Subcommittee of Commonwealth Transportation Board (CTB) was held in the auditorium of the Culpeper District Office at 1601 Orange Road in Culpeper, Virginia on August 27, 2010, at 10:00a.m.

Attendees: CTB Members: J. Douglas Koelemay (via conf. phone), John J. “Butch” Davies III, Peter B. Schwartz, and Jim Rich, VDOT staff: Jim Utterback, Brent Sprinkle, Dean Gustafson, Rob Hofrichter, Michael Clements, Marshall Barron, Charles Proctor, Randy Hodgson and Charlie Rasnick, Amy Inman, (DRPT), Lori L. Pound (OAG), and Joe Springer - Parsons Transportation Group (PTG), also present: Steve Williams Thomas Jefferson PDC and Rex Hammond Lynchburg Chamber of Commerce

1. & 2. Welcome and Public Comment

Chairman Koelemay (connected by conference phone) welcomed everyone including new CTB member Jim Rich as a member of the Subcommittee. In order to have a meeting chair physically present, Mr. Koelemay designated Mr. Schwartz to act as chair. He then asked if there anyone from the public that may want to speak to the Committee. No one from the general public asked to speak.

3. Minutes of the July 9, 2010

Minutes of the July 9, 2010 meeting were briefly discussed and approved as presented.

4. Status of the Committee’s work on the CTB Directives of December 17, 2009

Charlie Rasnick briefed the Committee on the review of the draft Plan to minimize the number of traffic control signals on Route 29. Several pages of comments have been received from various disciplines within VDOT and copies of those comments were distributed to the Committee so they could have some sense of the concerns of VDOT’s staff.

Also, he said that the Commissioner had indicated that the Secretary’s meeting with leaders of the Lynchburg and Charlottesville area had not taken place.

5. Plan to minimize the number of traffic control signals on Route 29 and the C0SS

Charlie Rasnick said that the plan to minimize the number of traffic signals on Route 29 and the Corridors of Statewide Significance (CoSS) had been circulated within VDOT for review by the planning, design, traffic engineering, and operations offices. He said there was concern about the implementation of this policy and shared the comments with the Committee. Some of their concerns included the need for public input on the policy, not sufficient staff to develop the Corridor plans, and the District Administrators are concerned that they now are required to continuously make exceptions to the Access Management Policies and they felt the same problems would come from this policy. There were also questions about whether the Localities would adhere to a Corridor Master Plan once it is completed.

Several VDOT staff members were in attendance to provide input to the Committee on the implementation issues. Dean Gustafson, VDOT's Northwest Operations Director, described some of the items that needed to be considered in making plans to reduce the number of traffic signals. He stated that traffic signals are, indeed, part of an overall toolbox that traffic engineers use to provide for effective, efficient, and safe travel.

Rob Hofrichter, TMPD Assistant Division Administrator shares with the Committee the authority from the Code of Virginia regarding access management, and permitting for new access.

As part of the discussion, Mr. Rich suggested that an agreement or a Memorandum of Understanding (MOU) be executed between VDOT and the Localities to initiate the protection of these corridors and to implement access management and land use decisions to support fewer access points and fewer traffic control signals.

Discussion relative to the issue of exception requests: In dealing with this situation, Mr. Schwartz suggested that the CTB should have responsibility for making decisions for exception requests on Corridors of Statewide Significance (similar to access requests on the interstate system). This would apply on to the CoSS. Mr. Rich stated that reviewing exception requests at the higher level would result in a "better product". Mr. Rich requested information on access management regulations. Staff agreed to provide the links to the information via e-mail.

The importance of looking at these access management issues from a state perspective was discussed. Mr. Schwartz highlighted the need to consider the entire corridor for the CoSS.

Mr. Rasnick indicated that he would work with others in VDOT & DRPT to revise the document as a Corridor Master Plan and send the new draft to the Committee by mid-September for their review.

6. Plan to Improve Mobility/Accessibility – Charlottesville (Proposed Plan to initiate cross-jurisdictional discussions)

Mr. Rasnick discussed the current approach that is being considered and has been previously reviewed by the subcommittee. One key emphasis of the approach is the use of a professional facilitator. Mr. Schwartz indicated that he was pleased with the current approach but asked that the line in Step 1 about the professional facilitator should include the text shown in italics: "... retain a professional facilitator *with expertise in public sector dispute resolution* ..."

Mr. Schwartz also stated his belief that the communities in the southern portions of the corridor (Danville and Lynchburg) should be included in the discussions relative to the Charlottesville/Albemarle area. It was suggested that separate meetings be held with each group initially to identify issues and concerns. Mr. Schwartz suggested that proposed process include a new Step 2 which includes bringing representatives of the Danville and Lynchburg areas into the process. An initial paragraph stating that the proposed steps reflect a process that includes others from the communities of Danville and Lynchburg.

7. Improving mobility and accessibility in the Gainesville, Buckland and Haymarket area

Following a brief discussion of the process for this area, it was determined that Mr. Koelema and Mr. Rich will arrange to speak with Secretary Connaughton in order to determine meeting specifics to initiate conversations in the Gainesville, Buckland and Haymarket area.

8. Next Meeting

Next meeting: October 8, 2010 at 10:00 a.m. Mr. Rasnick will arrange to have the meeting at the VDOT Culpeper District office and will confirm the location at a later date.



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Sean T. Connaughton
Chairman

1401 East Broad Street
Richmond, Virginia 23219

(804) 786-2701
Fax: (804) 786-2940

Agenda Item # New Business 2

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

September 15, 2010

MOTION

Made By: Mr. Koelemay Seconded By: Mr. Rich Action: Motion Carried, Unanimously

Title: Route 29 Corridor Study - A Resolution to Extend the Date for Reporting on the Additional Work Directed by the Board

WHEREAS, on December 17, 2009, the Commonwealth Transportation Board (Board) adopted a resolution accepting the Route 29 Corridor Study Report and directing additional work be performed to supplement the study report; and

WHEREAS, the Board's December 17, 2009, resolution directed the Virginia Department of Transportation (VDOT) and the Department of Rail and Public Transportation (DRPT) to work closely with a subcommittee of this Board to accomplish that additional work; and

WHEREAS, on February 8, 2010, the Chairman of the Board appointed a Route 29 Corridor Subcommittee to perform and oversee the work pursuant to the directives of the December 17, 2009, resolution; and

WHEREAS, the Board Subcommittee developed a Process for Studying Corridors of Statewide Significance; and

WHEREAS, on May 19, 2010, the Board approved the Process for Studying Corridors of Statewide Significance as the appropriate policy for such future corridor studies; and

WHEREAS, the Board resolution of December 17, 2009, requested recommendations from the Board Subcommittee on the following and such other specific topics as may have been identified by this Board:

- A prioritized list of intersections to be replaced by grade separated intersections or interchanges.
- A plan to improve mobility and accessibility north of Charlottesville, evaluating various alternatives and not limited to prior proposals.
- A plan to improve mobility and accessibility in the Gainesville, Haymarket and Buckland region, evaluating various alternatives and not limited to prior proposals.
- A plan to minimize the number of traffic control signals in the Corridor; and

WHEREAS, the Board Subcommittee has worked diligently on the Board's directives and has reported on those items that have been completed; and

WHEREAS, the Board extended the time for the Subcommittee to report its recommendations at the regularly scheduled meeting of the Commonwealth Transportation Board on October 20, 2010, and

WHEREAS, the Board Subcommittee will not have completed its work on all of the Board's directives for additional study on the Route 29 Corridor in order to report to the Board by October 20, 2010.

NOW THEREFORE BE IT RESOLVED that the Commonwealth Transportation Board does modify the previously approved resolution and hereby directs the Board Subcommittee to continue work on the Board's directives and present its recommendations at the regularly scheduled meeting of the Commonwealth Transportation Board on December 8, 2010.

###

// A regular meeting of the Council of the City of Lynchburg was held on the 26th day of October, 2010, at 5:00 P.M. in the Council Chamber, City Hall, Joan F. Foster, President, presiding. The following Members were present:

Present: Cary, Gillette, Helgeson, Johnson, Nelson, Perrow, Foster

7

Absent:

0

// Senior Planner with Region 2000 Kelly Hitchcock provided an overview of the Region 2000 Bikeway Plan. Ms. Hitchcock stated that the Region 2000 Bicycle plan was developed by Region 2000 localities and citizens. Ms. Hitchcock further stated that the planning document was developed to facilitate the development of a bicycle transportation network that supports bicycling as a safe alternative to access areas within the Region 2000 area. The Plan articulates a vision to develop alternative transportation connections to access community destinations. In doing so, the plan outlines the bicycle connection network vision and goals, provides an overview of the different bicycle accommodation types, summarizes strategies that can be used to accommodate for bicycle facilities. The plan further presents a current snapshot of the current conditions and opportunities for cyclists, provides an inventory of community resources and assets, and details a vision connection plan and implementation strategy to assist in creating an alternative transportation network that encourages and supports the bicycling needs of local citizens and area visitors.

// Legislative Liaison Linda McMinimy provided an overview of City Council's Legislative Agenda for the 2011 session of the General Assembly. Ms. McMinimy stated that Council discussed this document at its work session on September 14 and there were really no changes to those standard positions. Ms. McMinimy further stated that there were "Other Potential Positions" which were discussed at the last work session and included:

- Transient Occupancy Tax and On-line Travel Companies
- Predatory (Pay Day) Lending
- Support legislation either banning or clarifying the legality of Internet Cafes that run "sweepstakes" games.
- Support legislation to allow localities the option to require employees hired before July 1, 2010 to pay the 5% employee share of VRS if the locality also adjusts the employees' salary so there is no negative impact on the employees and if the locality has elected to have employees hired on or after July 1, 2010 to pay the 5% employee share of VRS as well. [Alternately, support legislation to allow localities the option to require employees hired before July 1, 2010 to pay the 5% employee share of VRS without requiring an adjustment in salary.]
- Support legislation that provides localities with greater flexibility in making adjustments to VRS benefits in order to reduce increasing costs of the program.

After Council discussion and on motion of Council Member Perrow, seconded by Council Member Gillette, the following items were added to the 2011 Legislative Agenda:

Substance Abuse Treatment: Restore state funding for substance abuse treatment programs. Such funding could be provided to Community Service Boards, programs such as "The Healing Place" or other pilot programs.

Transient Occupancy Tax and On-line Travel Companies: Support legislation requiring on-line travel companies to pay localities the full transient occupancy tax and state sales tax on the amount they are selling hotel rooms, as opposed to the price they purchase them.

Virginia Retirement System: Support legislation that provides localities with greater flexibility in making adjustments to VRS benefits in order to reduce increasing costs of the program, including but not limited to legislation to allow localities the option to require employees hired before July 1, 2010 to pay the 5% employee share of VRS.

Ayes: Cary, Gillette, Helgeson, Johnson, Nelson, Perrow, Foster

7

Noes:

0

// During Roll Call Council Member Nelson stated that the recent action taken by the Chamber of Commerce to put more urgency in VDOT's plan to bypass Charlottesville and would like Council and the general public to be aware of the interests of the citizens and the business interests in Lynchburg to "get off the block and move forward in an expedited way" to find some change in the status quo for the Route 29 corridor around Charlottesville. Council Member Cary questioned the curbing on Fifth and Polk Streets as being a traffic hazard. Secondly, Council Member Cary stated that he received two telephone calls attacking the City Manager for his apparent siding with a complainant against the police department. Council Member Cary further stated he did not see any of that in the City Manager's action and thinks the City Manager has handled that complaint extremely appropriately and wants to be on record as saying that. Council Member Cary stated that there is an overall real atmosphere of open and honest dialogue among City Council. Council Member Cary went on to say that we may not always agree; we might not always reach consensus, but everybody participates and that is healthy. Council Member Gillette stated that he received a call from a constituent regarding the disposal of fluorescent bulbs. Vice Mayor Johnson wanted to bring everyone's attention to the Virginia Museum of Transportation in Roanoke, which had two vehicle exhibits that had been built at an automotive manufacturing place in Lynchburg and the Edison 2 was also on display at the Museum. Mayor Foster stated that Lynchburg had 14 visitors from our sister city in France and they were very complimentary of our City and wanted to send greetings from their Mayor.

// City Council recessed the meeting at 7:12 p.m.

// City Council reconvened the meeting at 7:30 p.m.

The following Members were present:

Present: Cary, Gillette, Helgeson, Johnson, Nelson, Perrow, Foster

7

Absent:

0

// Vice Mayor Johnson gave the Invocation, followed by the Pledge of Allegiance.

// Principal Terrie Haley from Dearington Elementary School spoke to Council regarding "Red Ribbon Week" stating that this is a positive effort to support the reduction of crime and drug abuse in our City,

make healthy choices and strive for drug-free lives. Ms. Haley invited Council to join Dearington Elementary School on Thursday, October 28 at 3:00 p.m. to walk with students around the community wearing the red ribbons.

// Copies of the minutes of the October 12 (two meetings), 2010 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Vice Mayor Johnson, seconded by Council Member Cary, Council by the following recorded vote approved the minutes as presented:

Ayes: Cary, Gillette, Helgeson, Johnson, Nelson, Perrow, Foster 7

Noes: 0

// Copies of the minutes of the October 14, 2010 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Vice Mayor Johnson, seconded by Council Member Cary, Council by the following recorded vote approved the minutes as presented:

Ayes: Cary, Gillette, Helgeson, Johnson, Nelson, Perrow, Foster 7

Noes: 0

// In the matter of Police – General, Resolution #R-10-111 amending the FY 2011 City/Federal/State Aid Fund budget and appropriating \$33,075, with resources of \$16,537 from the Bulletproof Vest Partnership 2010 Grant Program to purchase 52 replacement bulletproof vests for law enforcement officers, laid over from the October 12, 2010 meeting, was again presented and read, and on motion of Vice Mayor Johnson, seconded by Council Member Cary, Council by the following recorded vote adopted the Resolution:

Ayes: Cary, Gillette, Helgeson, Johnson, Nelson, Perrow, Foster 7

Noes: 0

// In the matter of Police – General, Resolution #R-10-112 amending the FY 2011 City/Federal/State Aid Fund budget and appropriating \$59,150, fully reimbursable, to purchase computer equipment/related software, licensing, training, and office equipment for the Police Department's Computer Evidence Recovery and Vice/Narcotics Units, laid over from the October 12, 2010 meeting, was again presented and read, and on motion of Vice Mayor Johnson, seconded by Council Member Cary, Council by the following recorded vote adopted the Resolution:

Ayes: Cary, Gillette, Helgeson, Johnson, Nelson, Perrow, Foster 7

Noes: 0

// In the matter of Commonwealth Attorney, Resolution #R-10-113 amending the FY 2011 City/Federal/State Aid Fund budget and appropriating \$200,000, fully reimbursable, to support the domestic violence and intimate partner prosecution team, laid over from the October 12, 2010 meeting, was again presented and read, and on motion of Vice Mayor Johnson, seconded by Council Member Cary, Council by the following recorded vote adopted the Resolution:

Ayes: Cary, Gillette, Helgeson, Johnson, Nelson, Perrow, Foster 7

Noes: 0

// In the matter of Mayor's Youth Council City Council Report #9 Mayor's Youth Council President Natasha Chowdry along with Gabrielle Simmons Vice President spoke to Council regarding the Obesity Walk that is being sponsored by the Mayor's Youth Council and invited Council to participate in the walk on Saturday, November 6, 2010 at 10:00 at Peaks View Park.

// Mayor Foster announced that Agenda Item #10 has been removed from the agenda.

// In the matter of Police – General, City Council Report #11 was considered. City Manager Kimball Payne gave a brief summary of the request. On motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-10-129, as presented, amending the FY 2011 City/Federal/State Aid Fund budget and appropriating \$35,820, with resources of \$29,850 from the Department of Motor Vehicles Highway Safety Program, to send crash team members to accident reconstruction training and to purchase equipment:

Ayes: Cary, Gillette, Helgeson, Johnson, Nelson, Perrow, Foster 7

Noes: 0

// In the matter of Police – General, City Council Report #12 was considered. City Manager Kimball Payne gave a brief summary of the request. On motion of Council Member Cary, seconded by Council Member Nelson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-10-130, as presented, amending the FY 2011 City/Federal State Aid Fund budget and appropriating \$50,565, with resources of \$42,137 from the Department of Motor Vehicles Highway Safety Grant, to provide selective DUI and Occupant Restraint enforcement activities, attend related training, and purchase equipment:

Ayes: Cary, Gillette, Helgeson, Johnson, Nelson, Perrow, Foster 7

Noes: 0

// The meeting was adjourned at 7:43 P.M.

Interim Clerk of Council

// An additional scheduled meeting of the Council of the City of Lynchburg was held on the 26th day of October, 2010, at 12:15 p.m., Council Chamber, City Hall, Joan F. Foster, President, presiding. The purpose of the meeting was to interview prospective candidates interested in the position of the Clerk of Council. The following Members were present:

Present: Cary, Helgeson, Johnson, Nelson, Foster

5

Absent: Gillette, Perrow

2

// On motion of Vice Mayor Johnson, seconded by Council Member Cary, Council by the following recorded vote elected to hold a closed meeting for the discussion and consideration of prospective candidates for the position of the Clerk of Council pursuant to Section 2.2-3711 (A.)(1) of the Code of Virginia, 1950, as amended:

Ayes: Cary, Helgeson, Johnson, Nelson, Foster

5

Absent: Gillette, Perrow

2

// Council Member Perrow arrived at 12:17 p.m.

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

// Council Member Cary made the following motion:

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

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

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

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

Ayes: Cary, Helgeson, Johnson, Nelson, Perrow, Foster

6

Absent: Gillette

1

// The meeting was adjourned at 3:05 p.m.

Interim Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 9, 2010**

AGENDA ITEM NO.: 6

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: Future Land Use Map [FLUM] Amendment: Low Density Residential to Office at 7626 Timberlake Road

Rezoning: R-1, Low-Density Single-Family Residential District to B-1C, Limited Business District (Conditional) at 7626 Timberlake Road

RECOMMENDATION: Approval of the *FLUM* amendment and rezoning petition.

SUMMARY: Dr. Jeffrey Widmeyer is petitioning to amend the *FLUM* from Low Density Residential to Office and to rezone one and thirty-eight hundredths (1.38) acres at 7626 Timberlake Road from R-1, Low-Density Single-Family Residential District to B-1C, Limited Business District (Conditional) to allow the use of the property as a medical office or other uses permitted by right in a B-1, Limited Business District.

The Planning Commission recommended approval of the *FLUM* amendment and rezoning petition because:

- Adjacent land uses are designated for Institutional, High Density Residential, Office and Community Commercial.
- The *Comprehensive Plan 2002-2020* (**page 5.4**) states that "Office uses are generally located in lower density areas of the City, often adjacent to low density residential areas, and therefore are intended to be more compatible in scale with single-family homes than the urban office uses of downtown or the office parks of employment areas".

PRIOR ACTION(S):

October 13, 2010: The Planning Division recommended approval of the proposed *FLUM* amendment and the rezoning petition.

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

Planning Commission recommended approval of the proposed *FLUM* amendment and rezoning petition (4-1, with 1 member absent, Barnes and one abstention, Swienton).

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(s)
- Planning Commission Report
- Planning Commission Minutes
- Vicinity Map
- Future Land Use Map
- Watershed Location Map
- Concept Plan
- FLUM Amendment Narrative

- Proffer
- Speaker Signup Sheet

REVIEWED BY: lkp

ORDINANCE:

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP FOR THE PROPERTY LOCATED AT 7626 TIMBERLAKE ROAD FROM LOW DENSITY RESIDENTIAL TO OFFICE.

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 7626 Timberlake Road from Low Density Residential to Office.

The area embraced within the following boundaries . . .

Beginning at a point, said point being on the southeast margin of Timberlake Rd. and at the corner of Oakmont Circle, thence running along the southeast margin of Timberlake Road N 51°31'45" E, 145.30 feet to a point, thence S 57°53'25" E, 291.22 feet to a point, thence S 45°7'3" W, 243.82 feet to a point in the northeast margin of Oakmont Circle, thence along said margin of Oakmont Circle N 44°15'32"W, 246.99 feet to a point, thence along the margin of Oakmont Circle N 45°33'31"E, 5.44 feet to a point, thence along the margin of Oakmont Circle N 18°59'18"W, 58.97 feet to the Point of Beginning.

Containing: 60,159 square feet or 1.38 acres of land, more or less.

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

Adopted:

Certified: _____
Interim Clerk of Council

144L1

ORDINANCE:

AN ORDINANCE CHANGING A CERTAIN AREA LOCATED AT 7626 TIMBERLAKE ROAD FROM R-1, LOW DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT TO B-1C, LIMITED 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 7626 Timberlake Road from R-1, Low Density Single-Family Residential District to B-1C, Limited Business District (Conditional).

The area embraced within the following boundaries...

Beginning at a point, said point being on the southeast margin of Timberlake Rd. and at the corner of Oakmont Circle, thence running along the southeast margin of Timberlake Road N 51°31'45" E, 145.30 feet to a point, thence S 57°53'25" E, 291.22 feet to a point, thence S 45°7'3" W, 243.82 feet to a point in the northeast margin of Oakmont Circle, thence along said margin of Oakmont Circle N 44°15'32"W, 246.99 feet to a point, thence along the margin of Oakmont Circle N 45°33'31"E, 5.44 feet to a point, thence along the margin of Oakmont Circle N 18°59'18"W, 58.97 feet to the Point of Beginning.

Containing: 60,159 square feet or 1.38 acres of land, more or less.

... is hereby changed from R-1, Low Density Single-Family Residential District to B-1C, Limited Business District (Conditional) subject to the conditions set out herein below which were voluntarily proffered in writing by the owner, namely Dr. Jeffrey Widmeyer, to wit:

The property will be developed in substantial compliance with the "Rezoning Plan For Parcel 254-03-001" prepared by Perkins & Orrison, dated October 4, 2010.

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: _____
Interim Clerk of Council

144L2

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

To: Planning Commission

From: Planning Division

Date: October 13, 2010

Re: ***FUTURE LAND USE MAP AMENDMENT (FLUM)***: Low Density Residential to Office at 7626 Timberlake Road

REZONING: R-1, Low Density Single-Family Residential District to B-1C, Limited Business District (Conditional) at 7626 Timberlake Road

I. PETITIONER

Dr. Jeffrey Widmeyer, 108 Hastings Court, Lynchburg, VA 24503

Representative: Jay Craddock, Perkins and Orrison, Inc., 27 Green Hill Drive, Forest, VA 24551

II. LOCATION

The subject property includes one (1) tract totaling one and thirty-eight hundredths (1.38) acres at 7626 Timberlake Road.

Property Owners: Doris Dunn, 7626 Timberlake Road, Lynchburg, VA 24502

III. PURPOSE

The purpose of this petition is to allow the use of an existing building as a medical office or other uses allowed in a B-1, Limited Business District.

IV. SUMMARY

- The petitioner proposes to amend the *Comprehensive Plan 2002-2020*'s *FLUM* designation for the subject properties from Low Density Residential to Office.
- Petition agrees with the *Zoning Ordinance* which permits medical offices and a variety of similar office and service uses in a B-1, Limited Business District.

The Planning Division recommends approval of the *FLUM* amendment and rezoning petitions.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Comprehensive Plan 2002-2020* recommends Low Density Residential uses in this area. "Low Density Residential (**page 5.5**) areas are dominated by single-family detached housing at densities of up to four (4) dwelling units per acre. In addition to residential uses, they may include public and institutional uses compatible in scale with single-family residential homes." The petitioner is requesting an amendment of the *FLUM* to provide for an Office use. "Office (**page 5.4**) uses are ... intended for small-scale office buildings with building floorplates not exceeding twenty thousand (20,000) square feet and building heights not exceeding four (4) stories. Such offices provide adequate space for professional and service uses, such as medical, legal, insurance, real estate, engineering, architectural, software development, and information management uses. Office uses are generally located in lower density areas of the City, often adjacent to low

density residential areas, and therefore are intended to be more compatible in scale with single-family homes than the urban office uses of downtown or the office parks of employment areas.”

The proposed *FLUM* amendment and B-1C, Limited Business District (Conditional) zoning would permit the use of the property as a medical office, or similar office or service uses. Adjacent land uses are designated for Low Density Residential, Institutional, High Density Residential, Office and Community Commercial by the *FLUM*. The property is located across Timberlake Road from Timberlake Station Shopping Center and is adjacent to residential uses along the rear and western property lines; the Social Security Administration building to the east; and additional commercial uses fronting on Timberlake Road further to the west. Adjacent zoning includes R-1, Low Density Single-Family Residential immediately to the south and west of the property and R-4, Medium-High Density Multi-Family Residential District at the southeastern corner of the property; B-1, Limited Business District and B-3, Community Business District zoning is also located along Timberlake Road near its intersection with Roundelay Road, Old Graves Mill Road and Dreaming Creek Drive, respectively.

2. **Zoning.** The subject property was annexed into the City in 1976. The existing R-1, Low Density Single-Family Residential District 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:
 - a. The property will be developed in substantial compliance with the “Rezoning Plan For Parcel 254-03-001” prepared by Perkins and Orrison, dated October 4, 2010
4. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances would 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 13, 2010 City Council approved Brookes Brothers, LLC’s petition for a conditional use permit (CUP) to allow a comprehensive sign plan in a B-1, Limited Business District at 7802 Timberlake Road.
 - On April 9, 2002, City Council approved Lynchburg Computer Systems, Inc.’s petition to rezone approximately forty-seven hundredths (0.47) of an acre from B-1, Limited Business District to B-3C, Community Business District (Conditional) to allow the use of an existing building for sale and repair of computers at 7605 Timberlake Road.
 - On February 13, 2001, City Council approved Medallion Home’s petition for a CUP to allow the construction of a Planned Unit Development for eighty-eight (88) single-family homes in an R-1, Low Density Single-Family Residential District at 305 and 325 Old Graves Mill Road.
 - On December 13, 1994, City Council approved The Michael C. Phillips Company’s petition to rezone approximately two (2) acres from R-2, Low-Medium Density Single-Family Residential District to B-3, Community Business District to allow the construction and operation of a grocery store at the end of Quail Lane.
 - On November 12, 1991, City Council approved National Business College’s petition for a CUP to allow the use of an existing building as a business college in an B-3, Community Business District at 104 Candlewood Court.
 - On February 14, 1989, City Council approved the rezoning of property along Timberlake Road from B-3C, Community Business District (Conditional), I-1, Restricted Industrial District, B-2, Local Neighborhood Business District, R-2, Low-Medium Density Single-Family Residential District, and R-3, Medium Density Two-Family Residential District to B-3, Community Business District, as part of the Timberlake Road Corridor Study.

- On September 13, 1988, City Council approved The Corley Company, Inc.'s petition to rezone approximately sixty-four (64) acres from R-1, Low Density Single-Family Residential District to R-2, Low-Medium Density Single-Family Residential District to allow the subdivision and residential development of the property at 412 Old Graves Mill Road.
 - On April 12, 1988, City Council approved Emmett K. and Hazel H. Simpson's petition to rezone approximately three (3) acres from R-1, Low Density Single-Family Residential District to R-4, Medium-High Density Multi-Family Residential District to allow the construction of a thirty-two (32)-unit townhouse development at 203 Timbrook Place.
 - On May 13, 1986, City Council approved First Southern Methodist Church's petition for a CUP to allow the construction of a pavilion, a softball field and a new sign for an existing church in an R-1, Low Density Single-Family Residential District at 7808 Timberlake Road.
 - On May 25, 1980, City Council approved the City of Lynchburg's petition for a CUP to allow the construction of a fire station in an R-1, Low Density Single-Family Residential District at 213 Old Graves Mill Road.
 - On July 10, 1979, City Council approved George Fralin, Jr.'s petition for a CUP to allow the operation of a family billiard center in a B-3, Community Business District at 7705 Timberlake Road.
 - On May 22, 1979, City Council amended the *Official Zoning Map* of the City of Lynchburg to effect the rezoning of the Timberlake Road area as shown by the map "Timberlake Road Study, Proposed Zoning, Recommended by the Planning Commission, and Further Revised by City Council May 22, 1979."
 - On March 8, 1979, petitioner J.L. Mosby, Jr. withdrew his petition for a CUP to allow the construction of offices and a convenience store in an R-1, Low Density Single-Family Residential District at 7802 Timberlake Road.
6. **Site Description.** The subject property includes a single-family home and is bound to the north by commercial businesses, institutional uses and single-family homes; to the east by the Social Security Administration and multi-family apartments; to the south by single-family homes; and to the west by single-family homes and commercial businesses.
7. **Proposed Use of Property.** The petition would allow the use of an existing building as a medical office, or other office and/or service uses permitted in a B-1, Limited Business District. The building is currently served by City water and a private septic system.
- The project would include the installation of a parking area, with three (3) spaces located off of the crescent driveway and eleven (11) spaces at the rear of the property. Landscaping would comply with the requirements of the City's *Zoning Ordinance* and include street trees, parking area landscaping, parking area screening, a vegetative buffer bordering all residentially zoned property and utility area screening.
8. **Traffic, Parking and Public Transit.** The vehicle trip threshold for the proposed development is less than the five hundred (500) daily trips and the fifty (50) peak hour trips that would warrant a traffic study. The City's Transportation Engineer noted that the existing entrances would need to be updated to the City standard for commercial entrances. The revised concept plan notes improvements to the existing entrances.
- Parking requirements for the proposed development are defined based on use within the City's *Zoning Ordinance* and the Technical Review Committee would confirm each lot's compliance with City Code. The proposed two thousand seven hundred (2,700) square feet of office space would require two (2) parking spaces per one thousand (1,000) square feet for a total of six (6) parking spaces. The concept plan provides for fourteen (14) total parking spaces, thus meeting the requirement of City Code.

Public transit service is available to the site, with a stop adjacent to the property at the Social Security Administration building. Greater Lynchburg Transit Company's Route 6 runs along Timberlake Road, with a bus stop located approximately seven hundred eighty (780) feet from the site.

9. **Stormwater Management.** The construction of the proposed parking area would result in a slight increase in stormwater runoff. The City's *Stormwater Management Ordinance* provides that projects with new impervious cover between one thousand (1,000) and five thousand (5,000) square feet may mitigate stormwater runoff with landscaping, as long as runoff from the site is discharged into an adequate receiving channel. The representative has completed a preliminary evaluation of the receiving channel and determined that it is adequate to receive the small increase in stormwater runoff.
 10. **Emergency Services.** The City's Fire Marshal had no concerns about the proposed rezoning, noting only that the structure must be located within four hundred (400) feet of a fire hydrant. The location of the existing fire hydrants are indicated on the revised concept plan and any improvements required for fire protection would be addressed during the final design of the site plan.

The City Police Department had no concerns about the proposed *FLUM* amendment or rezoning.
 11. **Impact.** The proposed use of an existing building as a medical office, or similar office or service use would have limited impact on the surrounding area. The development would require only minimal disturbance to install the proposed parking areas and commercial entrances. The City's Transportation Engineer and emergency services representatives had no concerns about the proposed rezoning; parking and stormwater management requirements would be addressed during the site plan review process. The result is a project that would provide for additional office and small business options along the Timberlake Road corridor.
 12. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on September 21, 2010. Comments related to the proposed use were minor in nature and have or will be addressed by the developer prior to final public infrastructure plan approval.
-

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of Dr. Jeffrey Widmeyer's petition to amend the Future Land Use Map for one and thirty-eight hundredths (1.38) acres at 7626 Timberlake Road from Low Density Residential use to Office use.

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 Dr. Jeffrey Widmeyer's petition rezone one and thirty-eight hundredths (1.38) acres at 7626 Timberlake Road from R-1, Low Density Single-Family Residential District to B-1C, Limited Business District (Conditional), subject to the voluntarily submitted proffer.

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. Doug Saunders, Acting Building Commissioner
 Mr. Robert Fowler, Zoning Administrator
 Mr. Kent White, Senior Planner
 Mr. Jacob Dorman, Environmental Reviewer
 Dr. Jeffrey Widmeyer, Applicant, Vein and Cosmetic Solutions
 Mr. Jay Craddock, Representative, Perkins and Orrison, Inc.

VII. ATTACHMENTS

- 1. Vicinity Zoning Pattern**
- 2. Vicinity Proposed Land Use**
- 3. Watershed Location Map**
- 4. Concept Plan**
- 5. *FLUM* Amendment Narrative**
- 6. Proffer**

MINUTES FROM THE OCTOBER 13, 2010 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

- b. Petition of Jeffrey Widmeyer to amend the Future Land Use Map (FLUM) from a Low Density Residential use to an Office use and to rezone 1.55 acres from R-1, Low Density Single Family Residential District to B-1C, Limited Business District (Conditional) to allow the use of an existing building and construction of a parking area for a doctor's office or other uses permitted within a B-1 District at 7626 Timberlake Road.**

Commissioner Swienton explained that he would be abstaining from this petition due to a professional conflict of interest. Mr. White oriented the commissioner to the site with pictures. This proposal would add commercial entrances and 14 parking spaces. The stormwater ordinance allows for landscaping and adequate channeling to mitigate the new impervious area. The site is currently served by City water and a septic system. Emergency services had no concerns with the proposal other than requiring a fire hydrant within four hundred feet. The *FLUM* amendment would be consistent with the *FLUM* and zoning designations for properties that front along Timberlake Road. The plan would incorporate landscape buffering and parking lot screening into the design to help incorporate it into the residential neighborhood on Oakmont Circle. Design details for stormwater management, the entrances and fire protection services would be handled during the site plan review process. Staff recommends approval of the *FLUM* amendment, a 21-day waiver for proffers and the rezoning petition as presented.

Mr. Jay Craddock and Dr. Jeffrey Widmeyer were present to represent the petition. Mr. Craddock and Dr. Widmeyer think this use fits in with the current uses on Timberlake Road.

Chair Hamilton asked for anyone who wished to speak in favor of the petition. Ms. Josephine Griffin of 1003 Oakmont Circle came forward to speak. She is in favor of the petition because she thinks it is better than some other uses that could be put on this property. In order to avoid something like a McDonald's in the future, she is pleased to get something like a doctor's office.

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

Commissioner Sale asked if some of the pine trees would be cut down to give some visibility to the property and in order to have signage. Dr. Widmeyer said that would probably be necessary for increased visibility of the property from Timberlake Road and signage.

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

"That the Planning Commission recommends to City Council approval of Dr. Jeffrey Widmeyer's petition to amend the Future Land Use Map for one and thirty-eight hundredths (1.38) acres at 7626 Timberlake Road from Low Density Residential use to Office use.

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

That the Planning Commission recommends to City Council approval of Dr. Jeffrey Widmeyer's petition rezone one and thirty-eight hundredths (1.38) acres at 7626 Timberlake Road from R-1, Low Density Single-Family Residential District to B-1C, Limited Business District (Conditional), subject to the voluntarily submitted proffer."

Commissioner Sale thinks this is a good buffer for the neighborhood, a good use for the property and consistent with the area.

Commissioner Coleman agreed with that comment.

Commission Hannon is against this petition. Although it is a good design and the intentions are good, it sets a very bad precedent. It is a cohesive and coherent R-1 tract in this area, and this would destroy that and set a very bad precedent.

Commissioner Hooper pointed out that the Social Security office is right next to this site and there are other businesses around this site. Most of the frontage on Timberlake Road is going to end up business and this petition makes sense to him.

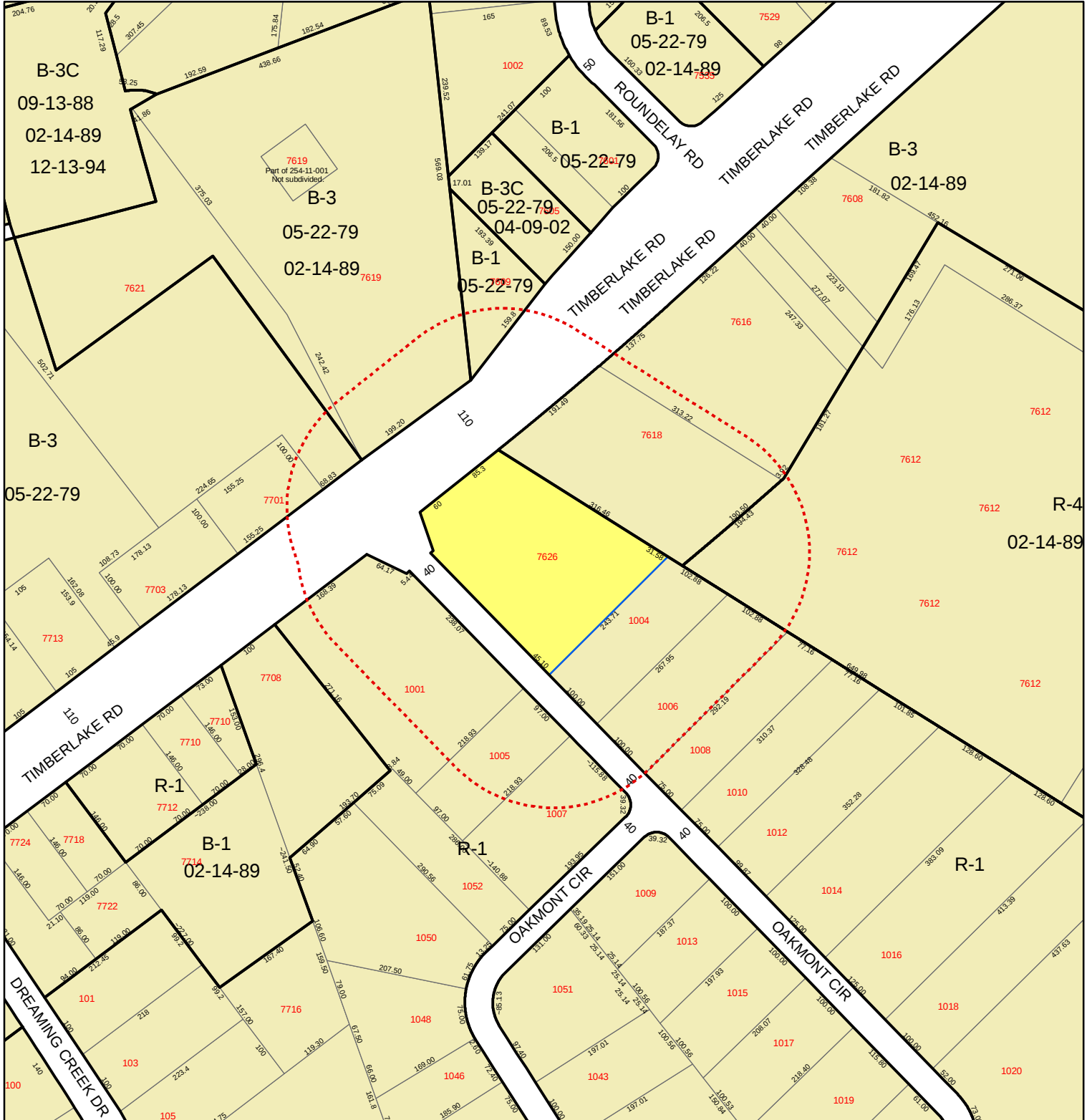
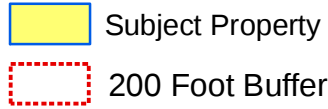
Chair Hamilton is glad to see this is a B-1 use rather than a B-3 use. She cannot imagine that a residence would stay next to the Social Security office for much longer.

The motion passed by the following vote:

AYES:	Coleman, Hamilton, Hooper and Sale	4
NOES:	Hannon	1
ABSTENTIONS:	Swienton	1
ABSENT:	Barnes	1

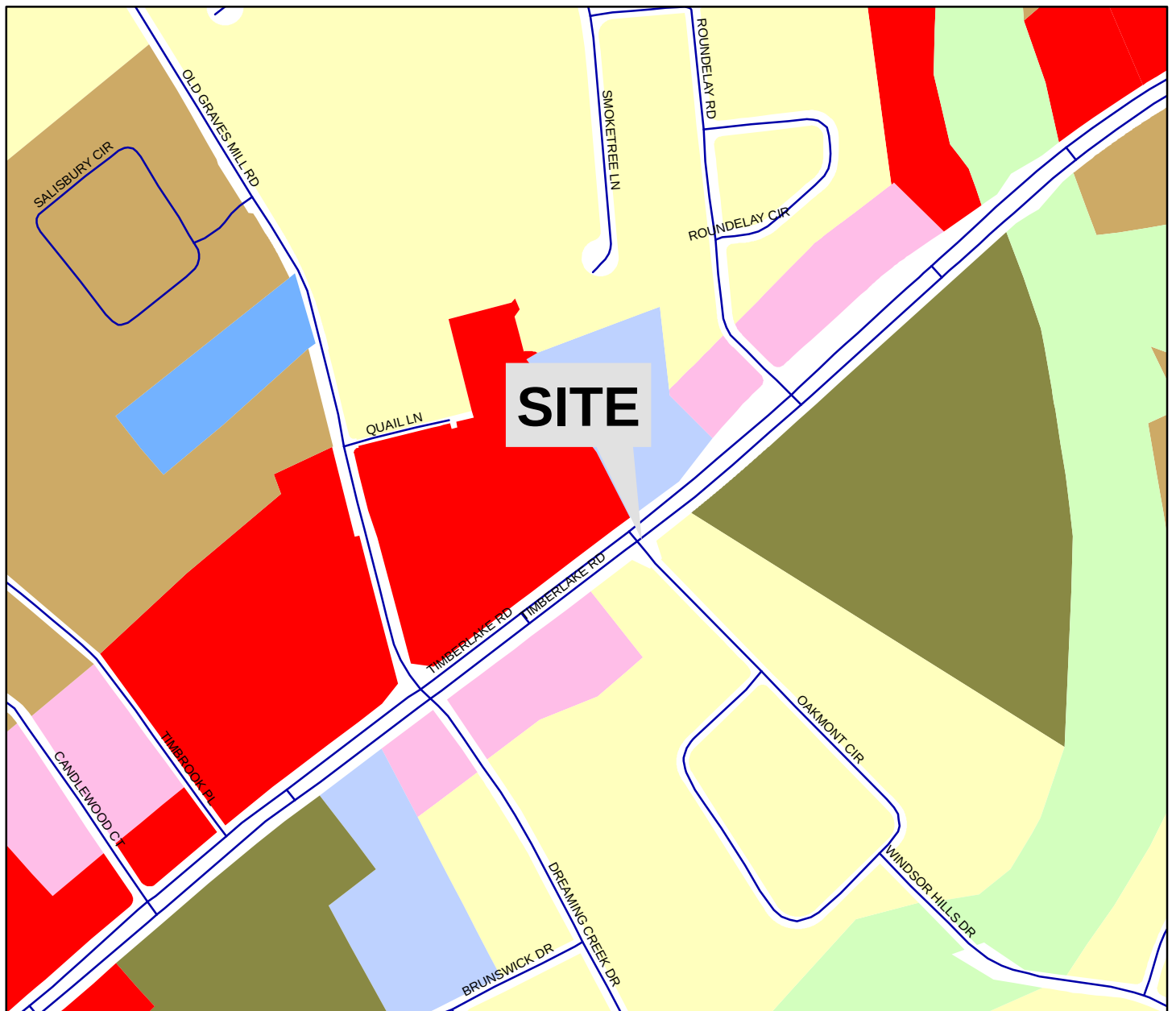
DR. JEFFREY WIDMEYER OFFICE

7626 Timberlake Road
Petitioner - Dr. Jeffrey Widmeyer



Dr. Jeffrey Widmeyer Office Adjoining Owners

PIN	Owner	Local Address
25411010	TIMBERLAKE STATION LIMITED, C/O PHILLIPS EDISON & CO ATTN: CAM	7701 TIMBERLAKE RD
25411003	LYNCHBURG WESLEYAN CHURCH	7609 TIMBERLAKE RD
25411001	LYNCHBURG WESLEYAN CHURCH	7619 TIMBERLAKE RD
25411008	TIMBERLAKE STATION LIMITED C/O PHILLIPS EDISON & CO ATTN: CAM	7621 TIMBERLAKE RD
25405003	CHILDRESS, CLAUDE D & PATRICIA	1005 OAKMONT CIR
25403004	WARREN, KAREN K	1008 OAKMONT CIR
25403003	MCCARTHY, MAURICE T JR & DEBORAH C	1006 OAKMONT CIR
25403002	SHEFFIELD, BARBARA G	1004 OAKMONT CIR
25405002	DAVIS, WILLIAM H SR & NANCY E	1001 OAKMONT CIR
25403001	DUNN, DORIS M	7626 TIMBERLAKE RD
25405004	GRIFFIN, JOSEPHINE J	1007 OAKMONT CIR
25401005	LY-CBA LLC	7618 TIMBERLAKE RD
25402001	VISTAS LP	7612 TIMBERLAKE RD
25401001	BLUESTONE LAND LLC	7616 TIMBERLAKE RD
Owner	DORIS M. DUNN	7626 TIMBERLAKE ROAD
Petitioner	DR. JEFFREY WIDMEYER	108 HASTINGS COURT
Representative	JAY CRADDOCK, PERKINS & ORRISON	27 GREEN HILL DRIVE



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

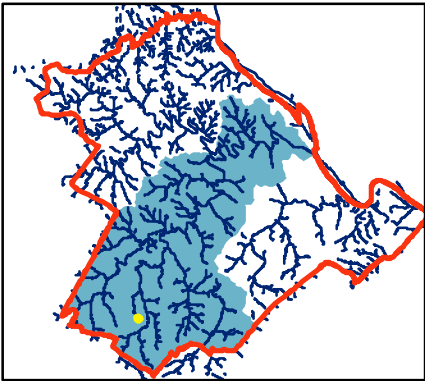
DR. JEFFREY WIDMEYER 7626 TIMBERLAKE ROAD LAND USE PLAN



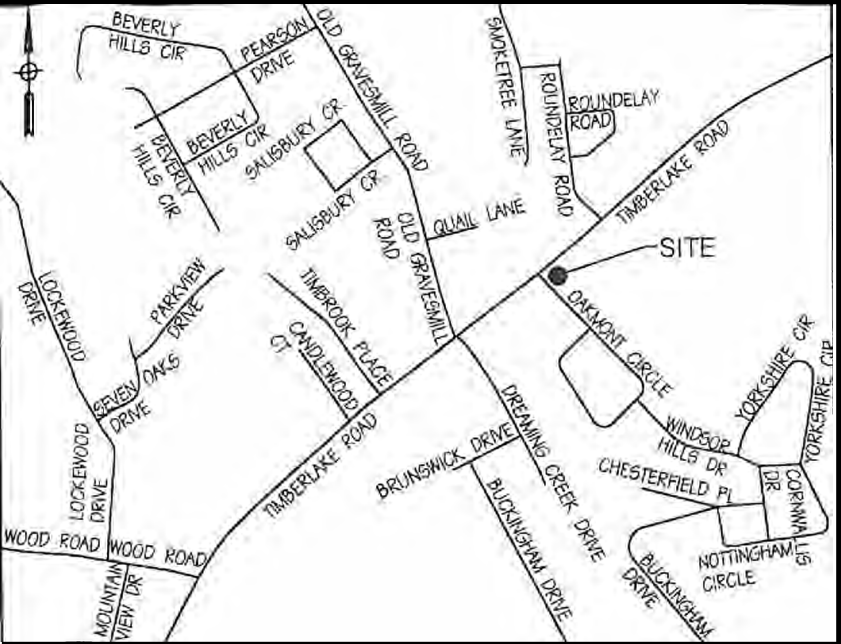
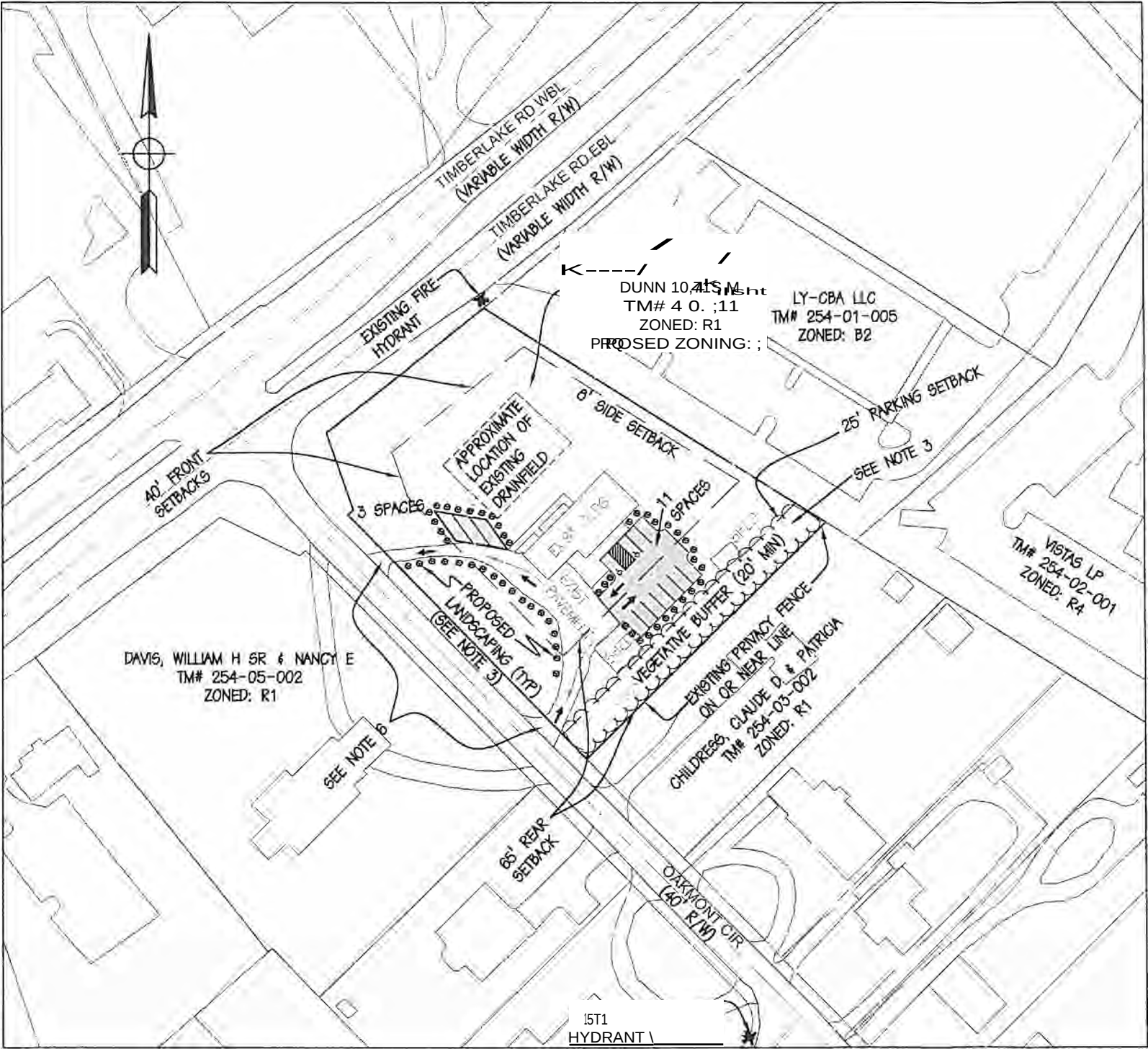
Dr. Jeffrey Widmeyer Office

Watershed Location Map

-  Project Site
-  Blackwater Creek
-  Corporate Limit



REZONING PLAN FOR PARCEL 254-03-001
CITY OF LYNCHBURG, VIRGINIA



PROPERTY INFORMATION.

Parcel ID: 254-03-001
Property Address: 7626 Timberlake Rd.
Lynchburg, VA 24502
Owner: Doris M. Dunn
7626 Timberlake Rd.
Lynchburg, VA 24502
Rezoning Applicant: Dr. Jeffrey Widmeyer
108 Hastings Ct.
Lynchburg, VA 24503

Total Acreage: Approximately 1.38 acres
Total Area To Be Rezoned: 1.38 Ac.

Current Zoning: R1 (Commercial Corridor Overlay)
Proposed Zoning: B1 (Commercial Corridor Overlay)
Current Use: Residential
Proposed Use: Doctors office or other uses permitted under B1 zoning

NOTES

- 1) The purpose of this plan is to show a preliminary layout for the rezoning process. The actual layout may change slightly when actual construction plans are submitted to the City for review, but shall remain in general conformance to this plan.
- 2) The increase in impervious area proposed by this plan is less than 5,000 sq ft and stormwater management will be achieved with new landscaping. Preliminary calculations have confirmed that the existing receiving channel is adequate to handle the small increase in runoff.
- 3) Landscaping symbols are shown for graphical representation of the general concept only. The actual size and number of plants will be shown on the site plan. Existing vegetation may be used as credit towards the City landscaping requirements, subject to approval by the Planning Department and Urban Forester.
- 4) This property is not located within a FEMA 100 year flood zone. (FEMA panel #5100930101D)
- 5) If exterior lighting is to be installed by the owner, shielding shall be used to control the light so that no direct illumination will occur beyond any property line.
- 6) No additional roadway entrances are proposed by this plan. Existing entrances shall be upgraded to meet City standards for a commercial entrance (one way entrances). The existing circular drive shall be widened approximately 2 feet to give a total width of 12 feet for one way traffic.
- 7) Erosion and Sediment control measures will be used in accordance with the Virginia Erosion and Sediment Control Handbook. E&S measures are not shown on this plan, but will be included with the actual site plan when submitted.
- 8) The developer is responsible for obtaining all necessary state, federal, and local permits required for the development of this site.
- 9) This site is served by public water and a private sewage system.
- 10) This property is located within the Commercial Corridor Overlay District
- 11) With the rezoning of this property, an amendment to the City's Future Land Use Map will also be required

Parking Calculations (office for business):

Required: 2 spaces per 1000 sq ft of floor area
2 x (2700 sq ft / 1000 sq ft) = 6 spaces required
14 spaces provided (including 2 handicapped spaces)

RECEIVED
OCT 07 2010
COMMUNITY DEVELOPMENT

REZONING PLAN
SCALE: 1"=100'



27 Green Hill Drive Forest, Virginia 24551	Office: 434-525-5985 Fax: 434-525-5986 E-Mail: pno@perkins-orrison.com	100 0 100 GRAPHIC SCALE	REV	10/4/2010	JOB#: 10251
			REV	9/27/2010	DWG: C-RZ-10251
			DATE:	9/1/2010	DWN: RAF, JAC

LEXINGTON

Wes Perkins, LS
Russ Orrison, PE, LS
Susan Perkins
Pierson Hotchkiss, LS
Dave Walsh

**LYNCHBURG**

Kenneth Knott, LS
Norman Walton, PE
Joseph (Jay) Craddock, PE
Aaron Dooley, LS

September 28, 2010

Kent White
City of Lynchburg
Department of Community Development
900 Church Street
Lynchburg, VA 24502

RECEIVED

SEP 29 2010

COMMUNITY
DEVELOPMENT

RE:FLUM Amendment for 7626 Timberlake Rd

Dear Mr. White,

The purpose of this letter is to justify the proposed change of the City's Future Land Use Map (FLUM) for the property located at 7626 Timberlake Road. The FLUM currently recommends a Low Density Residential Use, and our client would like to see it amended to an Office or Neighborhood Commercial Use.

We believe that a commercial-type use is appropriate for any properties fronting on Timberlake Road. As you know this property is already in the Commercial Corridor Overlay and has those restrictions placed upon it. There are many other commercial properties on the same side of Timberlake Road as this property. Within a quarter of a mile of the property, on the same side of Timberlake Road, there is a beauty salon, a clothing alteration business, a chiropractor's office, the Social Security Administration, and an orthodontist's office. On the opposite side of Timberlake Road, there are major commercial uses including a grocery store, restaurants, office space, and a Harbor Freight Tools. Any use allowed under B1 zoning would "fit in" this area and not seem out of place.

Should you have any questions or need any additional information regarding this rezoning and proposed FLUM amendment, please do not hesitate to contact me.

Sincerely,

Jay Craddock, P. E.
Perkins & Orrison, Inc.

Jeffrey IL Widmeyer, MD, FACS**300 Enterprise Drive, Suite E****Forest, VA 24551****Tel: 434.847.5347****Fax: 434,316.7008**

October 6, 2010

Kent White
Senior Planner
City of Lynchburg
Department of Community Development
900 Church Street
Lynchburg V.A. 24504

Dear Mr. Whit;

Regarding the rezoning of 7626 Timberlake Road (REZ1009-0008), the petitioner has agreed to the following proffers:

- 1) The property will be developed in substantial compliance with the "Rezoning Plan For Parcel 254-03-001" prepared by Perkins & Orrison, dated October 4, 2010

Sincerely



Jeffrey H. Widmeyer

"crITIONS DIV

OCT 06 2010

RECEIVED

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 9, 2010**

AGENDA ITEM NO.: 7

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: Rezoning: R-1, Low-Density Single-Family Residential District to R-2, Low-Medium Density Residential District at 116, 130 and 134 Seven Oaks Drive and 104 Parkview Drive

RECOMMENDATION: Approval of the rezoning petition.

SUMMARY: Jamerson Real Estate, Inc. is petitioning to rezone eleven and forty-seven hundredths (11.47) acres at 116, 130 and 134 Seven Oaks Drive and 104 Parkview Drive from R-1, Low-Density Single-Family Residential District to R-2, Low-Medium Density Residential District to allow the development of the property as a twenty-one (21) single-family lot subdivision.

The Planning Commission recommended approval of the rezoning petition because:

- The petition agrees with the *Comprehensive Plan 2002-2020's* Future Land Use Map designation which recommends a Low Density Residential use for the subject property.
- The *Comprehensive Plan 2002-2020* (**page 5.5**) indicates that Low Density Residential areas are dominated by single-family detached housing at densities of up to four (4) dwelling units per acre. The rezoning petition proposes twenty-one (21) lots with a density of one and eighty-three hundredths (1.83) units per acre.

PRIOR ACTION(S):

October 13, 2010: The Planning Division recommended approval of the proposed rezoning petition.

Planning Commission recommended approval of the proposed rezoning petition (4-2 with 1 member absent, Barnes).

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
- Planning Commission Report
- Planning Commission Minutes
- Vicinity Map
- Future Land Use Map
- Watershed Location Map
- Rezoning Plan
- Speaker Signup Sheet

REVIEWED BY: lkp

ORDINANCE:

AN ORDINANCE CHANGING A CERTAIN AREA LOCATED AT 116, 130 and 134 SEVEN OAKS DRIVE AND 104 PARKVIEW DRIVE FROM R-1, LOW DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT TO R-2, LOW-MEDIUM DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT.

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 116, 130 and 134 Seven Oaks Drive and 104 Parkview Drive from R-1, Low Density Single-Family Residential District to R-2, Low-Medium Density Single-Family Residential District.

The area embraced within the following boundaries...

Beginning at a point on a property line shared by T.M. 253-01-018 (116 Seven Oaks Drive) and T.M. 253-01-027 (100 Parkview Drive), said point being on the northeast corner of Seven Oaks Drive right-of-way, thence along said right-of-way S 77°38'30" W 50.00', thence S 12°21'30" E 30.06', thence S 77°38'30" W 159.29', thence N 12°21'30" W 773.89', thence N 66°32'30" E 620.09' along the property line shared by T.M. 253-01-020 (134 Seven Oaks Drive) and T.M. 250-07-004 (305 Pearson Drive), thence S 22°39'30" E 520.52', thence S 46°16'30" W 194.96', thence S 04°25'30" E 260.60', thence S 38°14'05" W 102.64', thence N 49°10'19" W 117.36', thence S 69°24'30" W 141.67' to the point of beginning, containing the entirety of T.M. #253-01-018, #253-01-019, #253-01-020, and #253-01-029 and totaling 11.47 acres.

... is hereby changed from R-1, Low Density Single-Family Residential District to R-2, Low-Medium Density Single-Family Residential District.

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: _____
Interim Clerk of Council

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

To: Planning Commission

From: Planning Division

Date: October 13, 2010

Re: **REZONING: R-1, Low Density Single-Family Residential District to R-2, Low-Medium Density Single-Family Residential District at 116, 130 and 134 Seven Oaks Drive and 104 Parkview Drive**

I. PETITIONER

Jamerson Real Estate, Inc., P.O. Box 395, Appomattox, VA 24522

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

II. LOCATION

The subject properties include four (4) tracts totaling eleven and forty-seven hundredths (11.47) acres at 116, 130 and 134 Seven Oaks Drive and 104 Parkview Drive.

Property Owner: Jamerson Real Estate, Inc., P.O. Box 395, Appomattox, VA 24522

III. PURPOSE

The purpose of this petition is to allow the development of a twenty-one (21)-lot residential subdivision.

IV. SUMMARY

- The petition agrees with the *Comprehensive Plan 2002-2020*'s *FLUM* designation which recommends a Low Density Residential use for the subject properties.
- Petition agrees with the *Zoning Ordinance* which requires a minimum of seventy-five (75) feet of road frontage (with a minimum of thirty (30) feet for lots fronting on a cul-de-sac) and ten thousand (10,000) square feet of area for lots within a R-2, Low-Medium Density Single-Family Residential District.

The Planning Division recommends approval of the rezoning petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Comprehensive Plan 2002-2020* recommends a Low Density Residential use in this area. "Low Density Residential (**page 5.5**) areas are dominated by single-family detached housing at densities of up to four (4) dwelling units per acre. In addition to residential uses, they may include public and institutional uses compatible in scale with single-family residential homes." The petition would allow for a maximum density of one and eighty-three hundredths (1.83) units per acre.
2. **Zoning.** The subject property was annexed into the City in 1976. The existing R-1, Low Density Single-Family Residential District was established in 1978 with the adoption of the current *Zoning Ordinance*.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances would be needed for the development of the property as proposed.
4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:

- On July 8, 2008, City Council approved Phillip Jamerson's petition for a CUP to allow the installation of five (5) way-finding signs within the Town Center of the Wyndhurst Traditional Neighborhood Development as part of the Wyndhurst Comprehensive Sign Plan in an R-2C, Low-Medium Density Single-Family Residential District (Conditional) at 1301, 1601, 1627 Enterprise Drive, 100 Tradewynd Drive and 100 Hexham Drive.
- On November 13, 2007, City Council denied S.W. Neal Development Group's petition for a CUP to allow the construction of a Planned Unit Development that would include forty-four (44) residential units in an R-1, Low Density Single-Family Residential District and an R-3, Medium Density Two-Family Residential District at 1200 and 1202 Wood Road.
- On July 11, 2006, City Council approved Braxton Park, LLC's petition for a CUP to allow the construction of a townhouse across the City of Lynchburg/Campbell County boundary line in an R-2C, Low-Medium Density Single-Family Residential District (Conditional) at 1002 Enterprise Drive.
- On July 8, 2003, City Council approved Jamerson and Company's petition for a CUP to amend the Wyndhurst Traditional Neighborhood Development Plan to allow for the construction of apartments and additional single-family uses in an R-2C, Low-Medium Density Single-Family Residential District (Conditional) at the intersection of Wyndhurst Drive and 1536 Lockwood 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 (Conditional) and R-4C, Multi-Family Residential District (Conditional) to R-2C, Low-Medium Density Single-Family Residential District (Conditional) and R-4C, Multi-Family Residential District (Conditional) to amend existing proffers to clarify the intent of the existing buffer proffer.
- On May 9, 2000, City Council approved LIDA, The Summit and J.E. Jamerson and Son's petition for a CUP to create the Summit Traditional Neighborhood Development and to extend Wyndhurst Traditional Neighborhood Development along Enterprise Drive in an R-2C, Low-Medium Density Single-Family Residential District (Conditional), R-4C, Medium Density Multi-Family Residential District (Conditional), B-1C, Limited Business District (Conditional); B-3C, Community Business District (Conditional) and I-2C, Light Industrial District (Conditional).
- 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 from an R-4C, Medium Density Multi-Family Residential District (Conditional) and B-1C, Limited Business District (Conditional) to R-4C, Medium Density Multi-Family Residential District (Conditional) and B-1C, Limited Business District (Conditional) to amend existing proffers and allow the Summit Traditional Neighborhood Development and extend Wyndhurst Traditional Neighborhood Development along Enterprise Drive.
- On July 14, 1998, City Council approved J.E. Jamerson and Son's petition for a CUP to create the Wyndhurst Traditional Neighborhood Development in an R-2C, Low-Medium Density Single-Family Residential District (Conditional), R-4C, Medium Density Multi-Family Residential District (Conditional), B-1C, Limited Business District (Conditional); B-3C, Community Business District (Conditional) and I-2C, Light Industrial District (Conditional) at Laxton Road and Enterprise Drive.
- On July 14, 1998, City Council approved J.E. Jamerson and Son's petition for a CUP to allow the construction of a dam and a lake within the 100-year floodplain in an R-4C, Medium Density Multi-Family Residential District (Conditional) and a B-1C, Limited Business District (Conditional) 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, Low Density Single-Family Residential District to R-2C, Low-Medium Density Single-Family Residential District (Conditional); R-4C, Medium Density Multi-Family Residential District (Conditional); B-1C, Limited Business District (Conditional); B-3C, Community Business District (Conditional); and I-2C, Light Industrial District (Conditional) to allow a combination of single-family residential, townhouse, apartment, nursing home/assisted living/retirement, commercial and industrial uses.
 - 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 (Conditional), and B-5C, General Business District (Conditional) to amend proffers and a CUP 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 petition for a CUP to allow the construction and operation of a car wash in a B-3, Community Business District at 8104 Timberlake Road.
 - On April 13, 1982, City Council approved Ronnie Vaughn's petition for a CUP to allow the construction and operation of a recreation center in a B-3, Community Business District at 8131 Timberlake Road
 - On May 22, 1979, City Council amended the *Official Zoning Map* of the City of Lynchburg to effect the rezoning of the Timberlake Road area as shown by the map "Timberlake Road Study, Proposed Zoning, Recommended by the Planning Commission, and Further Revised by City Council May 22, 1979."
5. **Site Description.** The subject properties are undeveloped forestal land. The site is bound to the north by single-family detached homes; to the east by single-family detached homes and vacant forestal land; to the south by single-family attached and detached homes, as well as commercial businesses; and to the west by the Wyndhurst Traditional Neighborhood Development.
6. **Proposed Use of Property.** The petitioner proposes to develop the property into twenty-one (21) single-family residential lots. The development would include improvements to the existing portion of Seven Oaks Drive to the point where the street would be extended approximately seven hundred (700) feet into the new subdivision. The new portion of the street would include public sidewalk on one side of the street as defined within Section 24.1-30(k) of the *Subdivision Ordinance* and street trees on both sides of the street per Section 35.1-25.1.6 of the *Zoning Ordinance*. The lots would be served by City water through the existing waterline in Parkview Drive. Utilities staff requested that the City's Physical Development Committee provide an interpretation of Section 24.1-31 of the *Subdivision Ordinance* at their October 12, 2010 meeting to determine whether the cost of the City's waterline upgrade that is necessary to provide adequate fire flow to the project would be borne by the City or the applicant. At the time this report was completed, the Physical Development Committee had not discussed the petition and staff will provide an update at the Planning Commission meeting. City sewer by the service line that runs along the property adjacent to Tomahawk Creek.
- The property is within close proximity to the Campbell County jurisdictional boundary. Mr. Paul Harvey, Director of Community Development for Campbell County, was notified by letter on October 4, 2010 and by follow-up phone call on October 5, 2010. Mr. Harvey indicated that he would submit comments, if any, regarding the petition. To date, no comments have been issued on behalf of Campbell County.
7. **Traffic, Parking and Public Transit.** The vehicle trip threshold for the proposed development is less than the five hundred (500) daily trips and the fifty (50) peak hour trips that would warrant a traffic study. The City's Transportation Engineer noted that the original concept plan did not provide for the proper cul-de-sac

dimensions to meet City design standards or designate the need to improve the existing Seven Oaks Drive. The petitioner revised the concept plan to reflect the proper cul-de-sac dimensions and provided that the existing portion of Seven Oaks Drive would be improved to meet City standards.

The proposed twenty-one (21) residential units would each require one (1) parking space per lot. The concept plan indicates forty-two (42) parking spaces would be provided within the driveway of each lot, thus meeting the requirement of City Code.

Public transit service is not currently available to the site. Greater Lynchburg Transit Company's Route 7 runs along Timberlake Road, with a bus stop located approximately three thousand (3,000) feet from the proposed homes.

8. **Stormwater Management.** The construction of the new streets, sidewalk, residential driveways and roof area of new houses would exceed the one thousand (1,000) square foot threshold for stormwater management; as such, a plan to address water quantity and quality of the surface water runoff would be required for construction. Although specifics of the stormwater plan would not be determined until actual site design, the petitioner prefers to use a "low impact approach" to managing runoff, including select clearing and grading limited to that needed to construct the houses, preservation of existing trees and drainage patterns (with protections through restrictive covenants) and installation of grass lined swales. If the proposed practices are not sufficient to address water quantity and quality requirements, the development has reserved sufficient space on lot twelve (12) to construct a stormwater detention (or extended detention) facility. Preliminary review of the site indicates that the tributary to Tomahawk Creek is adequate to receive stormwater from the site once it meets the City's quantity and quality standards.
9. **Emergency Services.** The City's Fire Marshal had no concerns about the proposed rezoning, noting only that the proposed street must be of sufficient width for emergency vehicles and that all proposed structures must be located within four hundred (400) feet of a fire hydrant. These requirements would be addressed during the design of public infrastructure plans for the proposed street extension.

The City Police Department had no concerns about the proposed rezoning.
10. **Impact.** The rezoning of the four (4) lots would have limited impact on the surrounding area. The existing property could be developed "by-right" as a sixteen (16)-lot residential development in accordance with the requirements of the existing R-1, Low Density Single-Family Residential District zoning. The subdivision proposed as part of the change to R-2, Low-Medium Density Two-Family Residential District zoning would provide for lots similar in size to the neighboring lots on Seven Oaks Drive, a consistent architectural housing style, pedestrian features and landscaping options to incorporate the development into the existing neighborhood. The City's Transportation Engineer provided that there is available capacity on the adjacent street network to accommodate this development; however, it is possible that the additional traffic will be felt by the residents since Wood Road, Lockwood Drive, Seven Oaks Drive and Parkview Drive are dead end streets and currently have low traffic volumes. Stormwater management and emergency service comments have been or will be addressed based on the requirements of City Code and result is a project that will provide for infill development within an existing residential neighborhood.
11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on September 21, 2010. Comments related to the proposed use were minor in nature and have or will be addressed by the developer prior to final public infrastructure plan approval.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of Jamerson Real Estate, Inc.'s petition rezone eleven and

forty-seven hundredths (11.47) acres at 116, 130 and 134 Seven Oaks Drive and 104 Parkview Drive from R-1, Low Density Single-Family Residential District to R-2, L Low Density Single-Family Residential District.

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. Doug Saunders, Acting Building Commissioner
 Mr. Robert Fowler, Zoning Administrator
 Mr. Kent White, Senior Planner
 Ms. Erin Hawkins, Environmental Reviewer
 Mr. Bill Jamerson, Applicant, Jamerson Real Estate, Inc.
 Mr. Doyle Allen, Representative, Hurt & Proffitt, Inc.

VII. ATTACHMENTS

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

MINUTES FROM THE OCTOBER 13, 2010 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

- a. Petition of Jamerson Real Estate, Inc. to rezone 11.47 acres from R-1, Low Density Single Family Residential District to R-2, Low-Medium Density Single Family Residential District to allow the development of twenty-one lots as single family homes or other uses permitted within an R-2 District at 116, 130, 134 Seven Oaks Drive and 104 Parkview Drive.**

Mr. White showed some pictures of the site to the commissioners to aid in his summary of the petition. The proposal includes improvements to Seven Oaks Drive, as well as a 700-foot extension of the road, including a sidewalk, street trees and similar physical improvements. The Physical Development Committee reviewed this proposal and recommended the City pay the cost of the water line upgrade to provide adequate fire flow to the site. The lots would be served by public sewer through an existing line that runs adjacent to the stream. The applicant also prefers to incorporate a low-impact stormwater design into the project but has reserved sufficient space to allow for a pond, if needed. Emergency Services had no concerns regarding the proposed rezoning other than having fire hydrants within 400 feet of the structures.

The petition was forwarded to Campbell County, since it is in close proximity to the jurisdictional boundary. Director Paul Harvey noted that the county is concerned about additional traffic to Laxton Road in the vicinity of Brookville High School, noting that there is already significant congestion and safety concerns in that area. The City's Transportation Engineer noted that the developer could develop 16 of these lots by right. The proposed project is well below the threshold for any sort of a traffic study. He also provided that there is adequate capacity on Seven Oaks Drive, Parkview Drive, Lockwood Road and Wood Road. However, the additional traffic may be felt by the adjacent residences, since all are deadend streets. Although there are existing delays at the Timberlake/Wood Road and Timberlake/Laxton Road intersections, the development of the five extra homes would only increase the total number of daily trips by approximately twenty (about five of them during the peak hour.) The City and VDOT continue to monitor the respective intersections and the City has noted that future improvements to the intersection could result in converting the median at Timberlake/Wood Road to either a directional median or a closed median. The City does not have responsibility for Laxton Road but the City would work with VDOT on any necessary improvements.

The proposal would meet the residential housing densities for both R-1 and R-2 zoning and those designated for low density by the *Comprehensive Plan*. Although the applicant did not proffer the plan or the architectural rendering, the developer has provided that the homes would be similar to the Parks at Wyndhurst subdivision. Design details for the streets, utilities, fire hydrants and stormwater facilities would be addressed during the review of the public infrastructure plans. Staff recommends approval of the petition as submitted.

Mr. Doyle Allen and Mr. Bill Jamerson came forward to represent the petition. Mr. Jamerson explained that they would like to reduce the lot size to reduce the cost. Mr. Jamerson pointed out that the homes at the Parks at Wyndhurst are on 60-foot lots. That is the type of home and development they anticipate these proposed homes to resemble. Mr. Jamerson pointed out that the terrain is pretty steep on the back side and the number of lots could be reduced to nineteen or twenty.

Mr. Allen explained that the road is positioned much closer to the left side property line than the right side property line. There is a stream that comes under Parkview Drive. Their approach to the design of the subdivision was to minimize the impact on that stream. The lots on the left side of the street are much shallower in depth than the lots on the right side of the street. This will keep as much undisturbed area as possible and consolidate that as opposed to spreading it out among all the lots.

They will be upgrading Seven Oaks Drive and improving the drainage and the width out to the intersection with Parkview Drive. There is an existing four-inch water line, which is not adequate fire protection for existing homes on Lockwood Drive. The line will be upgraded to an eight-inch line, which will give adequate fire protection to those homes on Lockwood Drive.

Mr. Allen explained that the area between the street and the front of the homes will have select clearing for the grade and front yard and then limited clearing for the house to maintain as much of the trees and vegetation between the homes. They hope to use low-impact stormwater management measures, such as grass swales and natural devices as much as possible to control stormwater quality. There is still the possibility of a detention pond, if it is necessary. The preliminary calculations show that it may be necessary for stormwater quantity.

The developers feel that this project is very much in keeping with the surrounding neighborhood. They will be single-family residences. They are not certain that they will be able to keep all the lots at the end of the cul-de-sac until they get into the design phase of the project. The rest of the lots should remain pretty much the same as shown on the concept plan. Mr. Jamerson is trying to build a housing product that will fit a market that is very much in need now, especially in this area. That is a house in the \$250,000 range. To do that, you have to keep your lot costs to a maximum of twenty percent of the total cost. The cost of the infrastructure improvements have to be divided by the total number of lots. The goal is to get the lot cost down to where it could sustain the housing market they are trying to develop. Some of the new subdivision requirements bring additional costs to a project such as street trees and sidewalks. The extra density will help to cover all these mentioned costs and still keep the lot affordable.

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

Ms. Marie Colligan of 723 Custer Drive came forward to speak. She is representing the Concerned Citizens of Sandusky. The group would like the commissioners to recommend to City Council that an environmental impact statement be done before construction due to Tomahawk Creek running through this area.

Mr. Ray Maddox came forward to speak in opposition to the petition. His concerns are about traffic, particularly on Lockwood Drive. There is a piece of property there where 30 homes could be developed by right. That could generate a lot more cars, possibly as many as 70. The proposed development on Seven Oaks Drive could generate 42 more cars (two per home). This will create a lot more traffic onto Timberlake Road and Laxton Road. Mr. Maddox is opposed to Mr. Jamerson developing homes on 75-foot lots when they should be developed on 100-foot lots. The subdivision would look a lot better and fit in with the neighborhood better.

Ms. Connie Miano of 108 Seven Oaks Drive came forward to speak in opposition to the petition. She agrees with the traffic concerns. During peak afternoon hours, you cannot make a left turn onto Timberlake Road and it is very hard to make a right turn. If you come off Mountain View Road when school is letting out, you cannot make a left turn and a right turn is hard to make. Twelve years ago, the residents were told that Seven Oaks Drive would never be used as the entrance for a development on this piece of property because of the turn at the top of the street. That was changed about the second or third time this property was sold. She is concerned because all of Seven Oaks Drive will not be widened. There is a stop sign at the end of Seven Oaks Drive. Many people coming off Parkview Drive do not look and come on the wrong side of the road going up Seven Oaks Drive. She would like to see that stop sign somewhere else. She would like to see a sign put up that says "Do not block intersection" at Wood Road and Timberlake Road. She has really seen the traffic get worse in the thirteen years she has lived in this neighborhood even though there are not that many more houses.

Mr. Robert Miller of 305 Pearson Drive came forward to speak with concerns about the petition. His concerns are with the stormwater going into the creek. He is also concerned with what type of buffer will be left to separate his property from this development. Presently, it is a nice wooded area and there are not many left in the city like it. He also agrees with all the traffic concerns already mentioned. He would like to know what "or other permitted uses" means. He does not want to see this development as anything other than single-family homes. If this proposal does get approved, he hopes that the developers are very considerate of the neighborhood and the neighbors.

Ms. Pat Baird of 1504 Lockwood Drive came forward to speak in opposition to the petition. She shares the concerns about traffic already mentioned. She feels more and more people are getting injured in traffic accidents in this area. She is also concerned with protecting the habitat for the wildlife in the area.

Mr. Allen and Mr. Jamerson came back to address some of these concerns. Mr. Allen would anticipate that the stop sign Ms. Miano mentioned would be moved to the end of Parkview Drive, but that is not something they have discussed with the City yet.

As far as doing an environmental impact statement, Mr. Allen explained that they will be doing a study of the stormwater runoff but he is not sure that is what Ms. Colligan is referring to as an environmental impact study. Their study will meet the City's stormwater regulations and their post-development runoff rate will be no greater than the pre-development runoff rate. Mr. Allen is not sure if Ms. Colligan is requesting that they do an environmental study beyond this site. The reality is that this site has no ability to affect anything below the site's discharge point. They are not being uncooperative but he is not sure it is reasonable to expect them to study stormwater runoff beyond their site. They are already considering water that is upstream from the site.

Mr. Allen addressed the "other permitted uses" of an R-2 district. Their lots will be deed restricted to be single-family residences. Mr. White may be able to address this issue better after the public hearing portion.

Mr. Allen addressed the issue of buffering by reiterating where the houses will be situated on the lots. Minimal clearing will be done for a front yard and for the house. The lots will be deed restricted to only allow for selected clearing of trees for maintenance reasons.

Mr. Allen commented that many of the lots were developed when the property was in the county. They are ranch style houses, which tend to need more road frontage because of their orientation on the lot. There are more costs involved since the proposed lots are in the City, such as curb and gutter and stormwater management. These same type of lots could not be developed today and brought in at an affordable price if you did a similar house of the size and quality that already exist in the neighborhood.

Mr. Allen pointed out that when Wyndhurst was developed, there were six or eight points similar to this situation where the road could have been connected. The residents in all the neighborhoods did not want the connections made. That has created all these neighborhoods with only one way in and one way out. The developers feel that 16 of these lots can be created by right; the additional five lots will add to the traffic only minimally. Mr. Allen thinks the way they have designed this development with low density and retention of as much of the forested area as possible has many advantages for the neighborhood.

Ms. Colligan said the Concerned Citizens of Sandusky want to make sure that the quantity of water that is running into the Tomahawk Creek is no more than what will run into it post construction.

Chair Hamilton closed the public hearing portion of the petition. Mr. Gerry Harter came up to address some of the traffic concerns. The median opening at Timberlake/Wood Road has a reasonable amount of crashes. The City is doing a traffic study down the road at the Dairy Queen, which has a worse situation. He understands what the residents are saying. If it continues to get worse, the options are either to make it the median directional or close it. That will require residents to make a right turn and then a u-turn at Lowe's. That is a safer move than making a left turn at an unsignalized median opening.

Commissioner Sale asked if there has been any discussion about connecting Beverly Hills Circle with Parkview Drive. Mr. Harter said there has been none recently. Clearly, from more of a regional look at traffic, it makes sense to make connections. However, if you live on those roads, it becomes more of a cutthrough and that may not be such a great thing as far as residents are concerned. Mr. Harter explained that this is not a large development like Wyndhurst where you can kind of plan for the impacts. In this area, things are going to develop here and there. Eventually, we will reach the tipping point where something may have to be done on Timberlake Road. This development will not generate a huge amount of traffic that would necessitate doing anything major.

Chair Hamilton asked how City staff will measure the tipping point. Mr. Harter said it would be when the crash data is such or it is just so inefficient that people cannot get in and out of there. Traffic is relative and people feel traffic differently. Mr. Harter does not believe we are there right now. It is something they are looking at and they could very easily look at this intersection since they are just down the street doing a study. Mr. Harter clarified that there is not currently a safety issue at this intersection; there is a delay of travel time.

Mr. Harter agrees with the issue of the stop sign brought up by Ms. Miano. Mr. Harter thinks they will most likely switch traffic control in that area and have the stop sign at Parkview Drive because it will become more of a T intersection.

Commissioner Sale asked what it would take to open Lockeview Drive into Wyndhurst. Chair Hamilton did not think the City had maintained the right-of-way and Commissioner Swienton thought there was a house there.

Mr. Harter said they could look at putting a "Do not block the intersection" sign at Timberlake/Wood Road. They can also look at the curve on Seven Oaks Drive that Ms. Miano mentioned and look at signs, pavement markings or chevrons to control speed and other issues on that curve.

Commissioner Sale asked for clarification on what the difference is between the different kinds of environmental studies. Mr. White said he could speak to what the City's stormwater ordinance requires. An environmental assessment means a number of things and he will try to address it. The development cannot release any more water into the natural channel than what was in that channel originally. If it is a low-impact strategy, they have to prove that the combination

of measures does not increase surface water runoff to a point where the stream's peak flow increases, the flow at the greatest time of a storm event. If it comes from a pond, the outflow of the pond has to discharge into a channel and has to be mitigated to the point that there is no increase.

Mr. White explained that the stormwater ordinance is fallible because it designs specifically for the two- and the ten-year storm event. Any greater or less than that is not managed by the law. If we are talking about a stormwater impact statement that talks about pre- and post-construction runoff within those parameters, then the developer will do that automatically. If it is for another designed storm, it would not be covered under our stormwater ordinance.

In terms of quality, that specifically looks at phosphorous runoff. That is a formula based on the percentage of impervious cover and it sets four scenarios that will be managed. Depending on the increase in impervious area over a base rate of 17 percent impervious surface, then you have to start managing quality at different levels. That can be as simple as vegetation for the lowest all the way up to a large scale pond with a very small outlet for the most intensive quality management. Commissioner Swienton asked if these reports would be public record and Mr. White said they would be. Mr. White clarified that the report for this site would cover to the end of the property or to a point downstream (150 feet) that is deemed adequate or one percent of the entire watershed. Mr. White clarified for Commissioner Coleman that the developer is responsible for paying for the required study but the cost of any other study would have to be discussed with the developer because it cannot be required by City code. Mr. White reminded the commissioners that this is a rezoning petition and conditions cannot be set forth to require a particular study.

Commissioner Coleman asked Mr. Miller if what he has heard from the developers helps to satisfy his concerns. Mr. Miller explained that at the time of annexation there were some promises made to these various neighborhoods and he has not seen them happen yet. Mr. Miller does not think these issues of connectivity are simple because, for example, Pearson Drive is a very narrow road. It is not just a matter of getting right-of-way in terms of making connections. Mr. Miller said he was there to try and make sure everyone could be good neighbors. He would like to see the stormwater runoff contained as much as possible from coming onto his property as he is sure it will during a heavy rain.

Commissioner Sale asked Mr. Allen if they had thought about proffering the installation of the eight-inch water line. Mr. Allen does not think there is any need to do so because that will be done by the City if this development is approved.

Commissioner Sale also suggested that they consider proffering the intent that these houses will be restricted to single-family dwellings. Mr. Allen said they would be happy to proffer that restriction. Mr. White pointed out that this petition was not advertised as a proffered rezoning. The petition would have to be tabled to allow the petitioner to submit proffers. Mr. White explained that R-1 and R-2 only allow for single-family homes. Anyone in the City could rent out their basement in an R-1 or R-2 district. The only main difference staff could find is that R-2 allows for a live/work space where a professional can live in the home and have an office as well. It almost never happens but that is permitted by City code.

Commissioner Sale asked about some of the trees and if they will have to be cut down when the street is widened. Mr. Allen said they will have to see as the development is designed. Mr. Allen said the street width is 24 feet rather than 31 feet. That will help to mitigate the area but he cannot say for sure that all the trees will be able to remain.

Commissioner Swienton asked what inadequate fire flow means. Mr. Allen explained that the amount of water you take out of the system to fight a fire and still keep a residual flow is set at a standard, which is a pretty high standard. You could still fight a fire off a four-inch line but there will probably not be water service for residents during that time.

Commissioner Coleman asked for clarification from Mr. Allen that it will be deed restricted to allow for only single-family homes. Mr. Allen said that is correct. Commissioner Swienton asked Mr. White if it is the zoning that only allows for single-family homes, and Mr. White said that is correct.

Commissioner Swienton asked Mr. Jamerson how long he has owned the property; Mr. Jamerson said just a few months. Commissioner Coleman asked Mr. Jamerson if they plan to take the neighbors' concerns into consideration. Mr. Jamerson said they certainly plan to do that and he has talked to a lot of the adjoining property owners personally.

Commissioner Coleman made the following motion, which was seconded by Commissioner Hooper:

"That the Planning Commission recommends to City Council approval of Jamerson Real Estate, Inc.'s petition rezone eleven and forty-seven hundredths (11.47) acres at 116, 130 and 134 Seven Oaks Drive

and 104 Parkview Drive from R-1, Low Density Single-Family Residential District to R-2, Low Density Single-Family Residential District.”

Commissioner Hooper understands the citizens' concerns, but he thinks those concerns will be taken care of in the site plan review process. The traffic will be monitored and addressed by the City in the future. He is in favor of the change in zoning.

Commissioner Hannon acknowledged that they are talking about a negligible number of lots, but he is going to vote against it. Of all the places in town to say that R-1 zoning does not work, this is not the place to do it. He thinks they are setting a precedent that does away with R-1 zoning. Other petitioners will come in now and want to change their zoning from R-1 to R-2 and use this development as an example. This is not the place or the time to do this type of rezoning. If it is not economical to develop 16 lots, then the lots should not be developed.

Commissioner Swienton acknowledged that Mr. Jamerson does excellent work and he is sure stormwater will be adequately addressed and monitored by the City. The traffic will need to be addressed eventually and this development does bring this issue to the foreground once again. The biggest difference Commissioner Swienton's sees between R-1 and R-2 is the lot size in terms of the house construction not the street frontage. This makes this development closer to a TND than an R-1 district. Commissioner Swienton also pointed out that the back yard setback will only be 35 feet rather than 50 feet and that can make a big difference to a neighbor. He will be voting against it but supports the by-right development.

Commissioner Sale said that he does not feel that public safety is being “tipped” at this point. At some point, we need to look at connectivity in some way to alleviate some of the concerns. He is confident that the issue of discharge will be handled by the stormwater ordinance. He feels the additional lots are negligible. He thinks his concerns have been addressed and this development is very close to a by-right development. He will be voting for it.

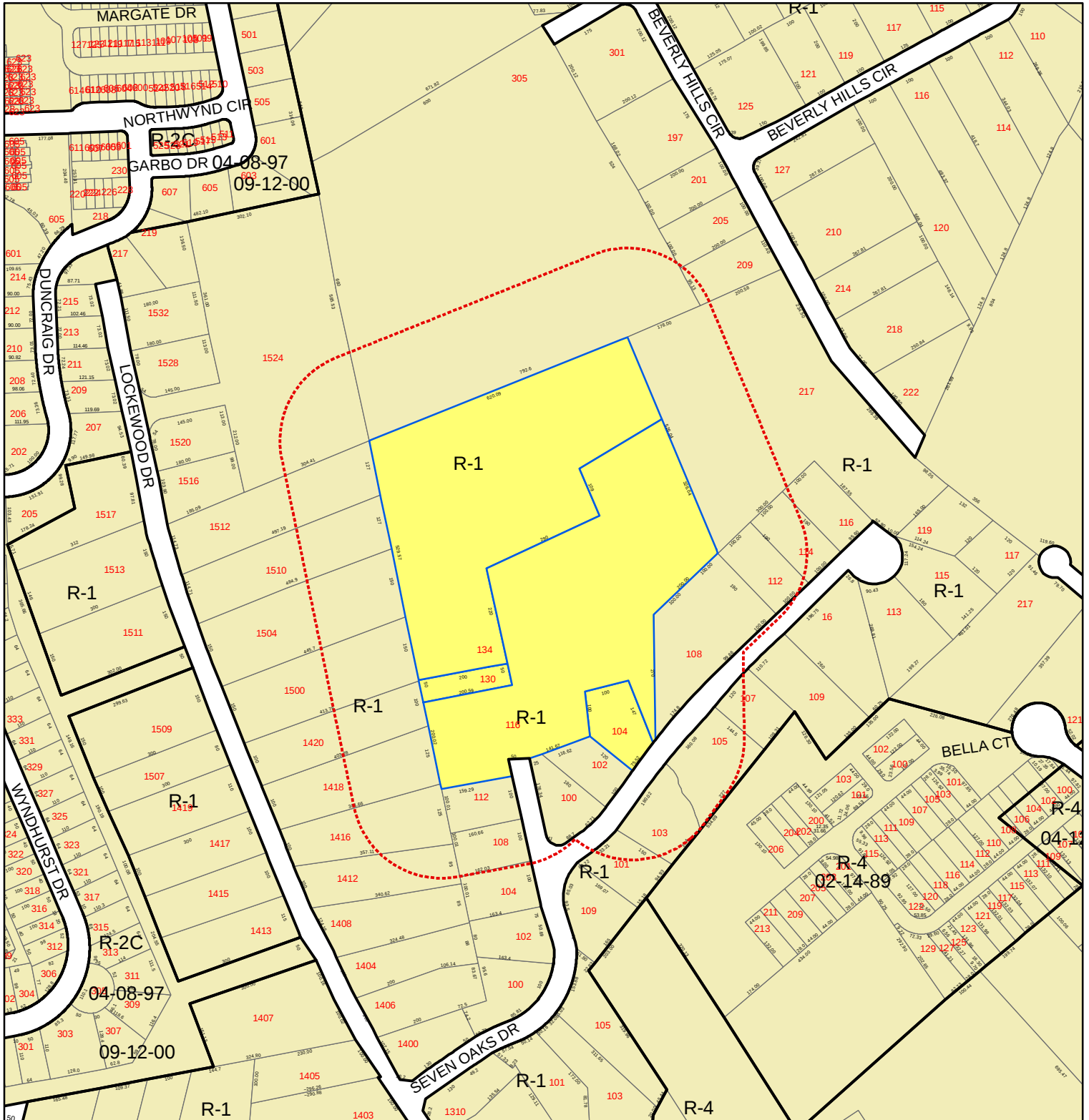
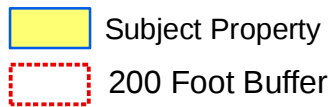
Chair Hamilton will be voting for it as well. She is partial to developments where setbacks and the amount of undisturbed area have been taken into consideration. She would like to see a development that is in concert with how the neighborhood looks rather than a by-right development that develops as close to the property line as possible. She thinks they have done a decent job of preserving the character of this piece of land and will be voting for the petition.

The motion passed by the following vote:

AYES:	Coleman, Hamilton, Hooper and Sale	4
NOES:	Hannon and Swienton	2
ABSTENTIONS:		0
ABSENT:	Barnes	1

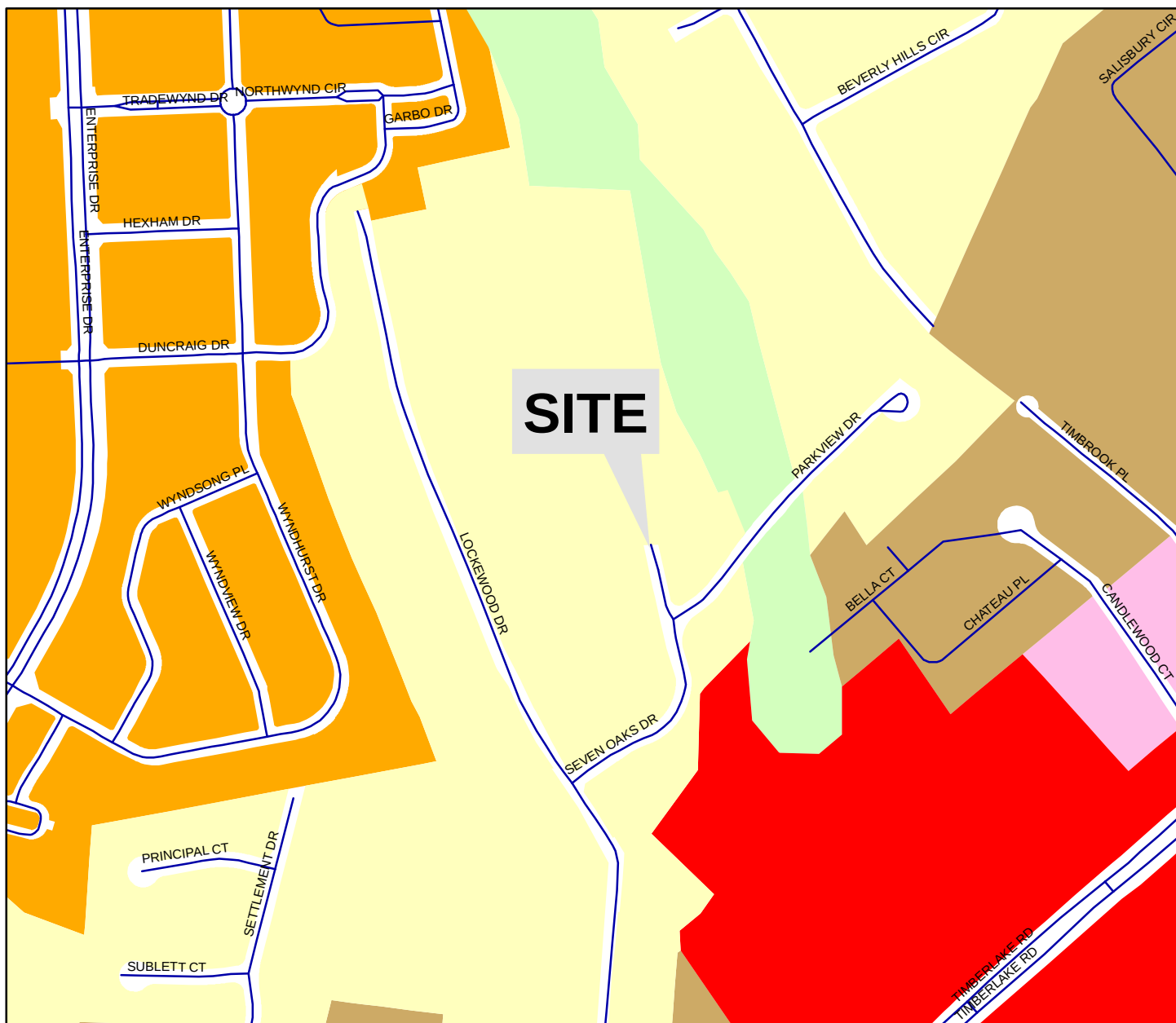
SEVEN OAKS SUBDIVISION

116, 130, 134 Seven Oaks Drive
and 104 Parkview Drive
Petitioner - Jamerson Real Estate, Inc.



Seven Oaks Subdivision Adjoining Owners

PIN	Owner	Local Address
25305009	EARL L & PATRICIA B BAIRD	1504 LOCKEWOOD DR
25305004	BRADLEY R BEASLEY	1412 LOCKEWOOD DR
25301016	D M H PROPERTIES LLC	104 SEVEN OAKS DR
25301030	JOYCE T EARNIST	108 PARKVIEW DR
25301028	DEBORAH T EPPERSON & EDWIN E HINES	102 PARKVIEW DR
25301035	KIMBERLY L EPPERSON	112 SEVEN OAKS DR
25305008	TUCKER C & RUBY D GAINES	1500 LOCKEWOOD DR
25305005	BILLY E & SARA C GOODMAN	1416 LOCKEWOOD DR
25305006	FRANK R GOUGH	1418 LOCKEWOOD DR
25301027	RANDY L HOWARD	100 PARKVIEW DR
25301029	JAMERSON REAL ESTATE INC	104 PARKVIEW DR
25301019	JAMERSON REAL ESTATE INC	130 SEVEN OAKS DR
25301020	JAMERSON REAL ESTATE INC	134 SEVEN OAKS DR
25301018	JAMERSON REAL ESTATE INC	116 SEVEN OAKS DR
25301009	CHRISTIAN & DONNA B LIEDTKE	101 PARKVIEW DR
25301008	CHRISTIAN & DONNA B LIEDTKE	103 PARKVIEW DR
25301033	RAY O & BERNICE S MADDOX	114 PARKVIEW DR
25301017	RODNEY C & CONNIE R MIANO	108 SEVEN OAKS DR
25007004	ROBERT J & YVETTE H MILLER	305 PEARSON DR
25301007	WILLIAM R & LINDA F RAMSEY	105 PARKVIEW DR
25301036	WILLIAM R & LINDA F RAMSEY	107 PARKVIEW DR
25301034	REX J & VIRGINIA C ROBERTS	116 PARKVIEW DR
25007009	REX J & VIRGINIA C ROBERTS	217 BEVERLY HILLS CIR
25305007	A DUANE & RACHEL L SCHUMAKER	1420 LOCKEWOOD DR
25301032	SYCAMORE CREEK PROPERTIES LLC	112 PARKVIEW DR
Owner	JAMERSON REAL ESTATE INC	PO BOX 395
Petitioner	JAMERSON REAL ESTATE INC	PO BOX 395
Representative	DOYLE ALLEN, HURT & PROFFITT, INC.	2524 LANGHORNE ROAD



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

SEVEN OAKS SUBDIVISION 116, 130, 134 SEVEN OAKS DRIVE AND 104 PARKVIEW DRIVE LAND USE PLAN



TIAO 250,38-006
BRYANT, CLAYTON C SR.
ZONING: K.s.1
USE VACANT RESIDENTIAL
PROPERTY ADDRESS:
1524 LOCKE14000 DR
LYNCHBURG, VA 24502
MAILING ADDRESS:
P.O. IICC702
APPOMATTOX, VA 24522

1)1'253-05-011
RINEHART, WILLIAM B
ZONING:
USE SINGLE-FAMILY DETACHED
PROPERTY AND MAILING ADDRESS:
1512' LOCKEINOOD DR
LYNCHBURG, V.X 24502

/ 253-05-01D,
RINEHART, 11111SAM,E3 Ale MARY S
ZONING: 12-1
USE: VACANT RESIDENTIAL
PROPERTY ADDRESS:
1510 LOC:14E900D- DR,
LYNCHBURG, VA 24502
MAILING ADDRESS:
1512 DR
LYNCH, A502

Two 253-05-09
BAIRD, EARL L. & PATRICIA
ZONING: R-1
USE SINGLE-FAMILY DETACHED
PROPERTY AND MAILING ADDRESS:
1504 LOCKEWOOD DR
LINCHENRO, VA 24502

TM# 253-05-008
GAINES, TUCKER, C & RUBY D
ZONING: R-1
USE: SINN--FAMILY' DETACHED
PROPERTY AND MAILING ADDRESS:
1500 LOGKEWOOD DR
LYNCHBURG, VA)24502¹

741 253-05-007
SHUMAXE AALIANE & RAM-IL L
ZONING: R-1
USE SINGLE-FAMILY DETACHED
PROPERTY/AND WING ADDRESS:
1420 LOCKEWOOD,GN
LYNCHBOW,--VA 24502

I 254-05-00t
OCSLIGH,FRANK R
ZONINGS' R-4
USE S(NGLE-FAMILY DETACHED
PROPERTY AND FAKING ADDRESS:
1418 LOGKEWOOD DR '
LYNCHBURG: VA 24502

TMJII 253-05-005
GOODMAN, BILLY E' & SARA C
- ZONING: R-1
USE: SINGLE -FAMILY, DETACHED
PROPERTY AND MAILUNG ADDRESS:
1418 LOCKE1Y000 DR'
LYNCHBURG, VA 24502

TN/ 253-01-035
EPPERSON, KIMBERLY L
ZONING: F5-1
USE DUPLEX
PROPERTY AND MMUNG ADDRESS:
112 SEVEN OAKS DR
LYNCHBURG, VA 24502

TM# 253-01-017
MIANO, RODNEY C 44 CONNIE R
ZONING: R-1
USE: SINGLE-FAMILY DETACHED
PROPERTY AND MAILING ADDRESS:
108 SEVEN OAKS 1111,
LYNC14BURG, VA 24502

TM. 253-01-027
HOWARD, RANDY L
ZONING: R-1
USE:: DUPLEX
PROPERTY ADDRESS:
100 PARK VIEW DR
LYNCHBURG, VA 24502
MAILUNG ADDRESS:
1100 V.E.S. RD
LYNCHBURG, VA 24503

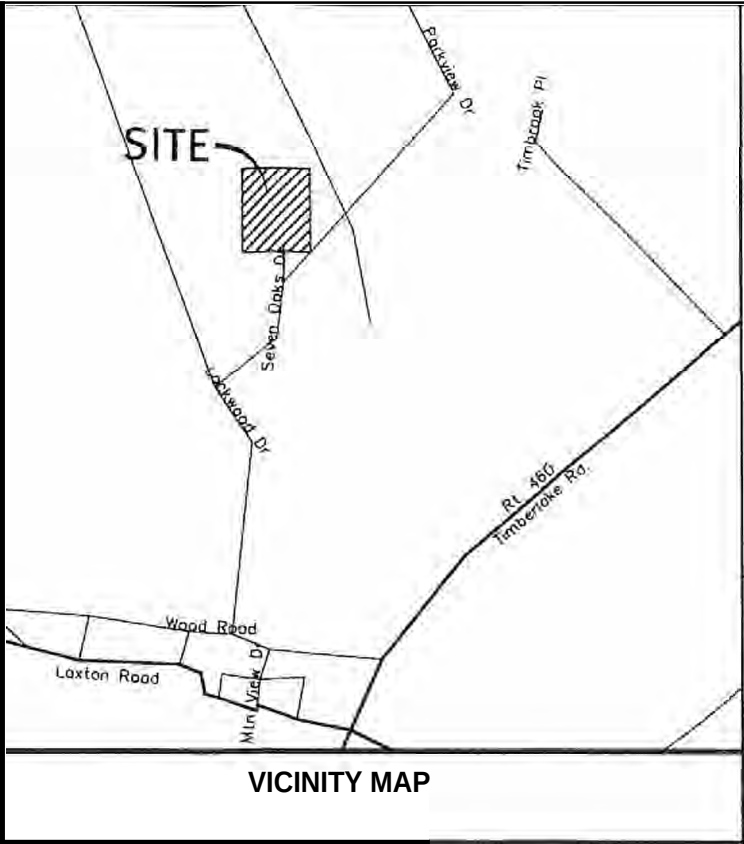
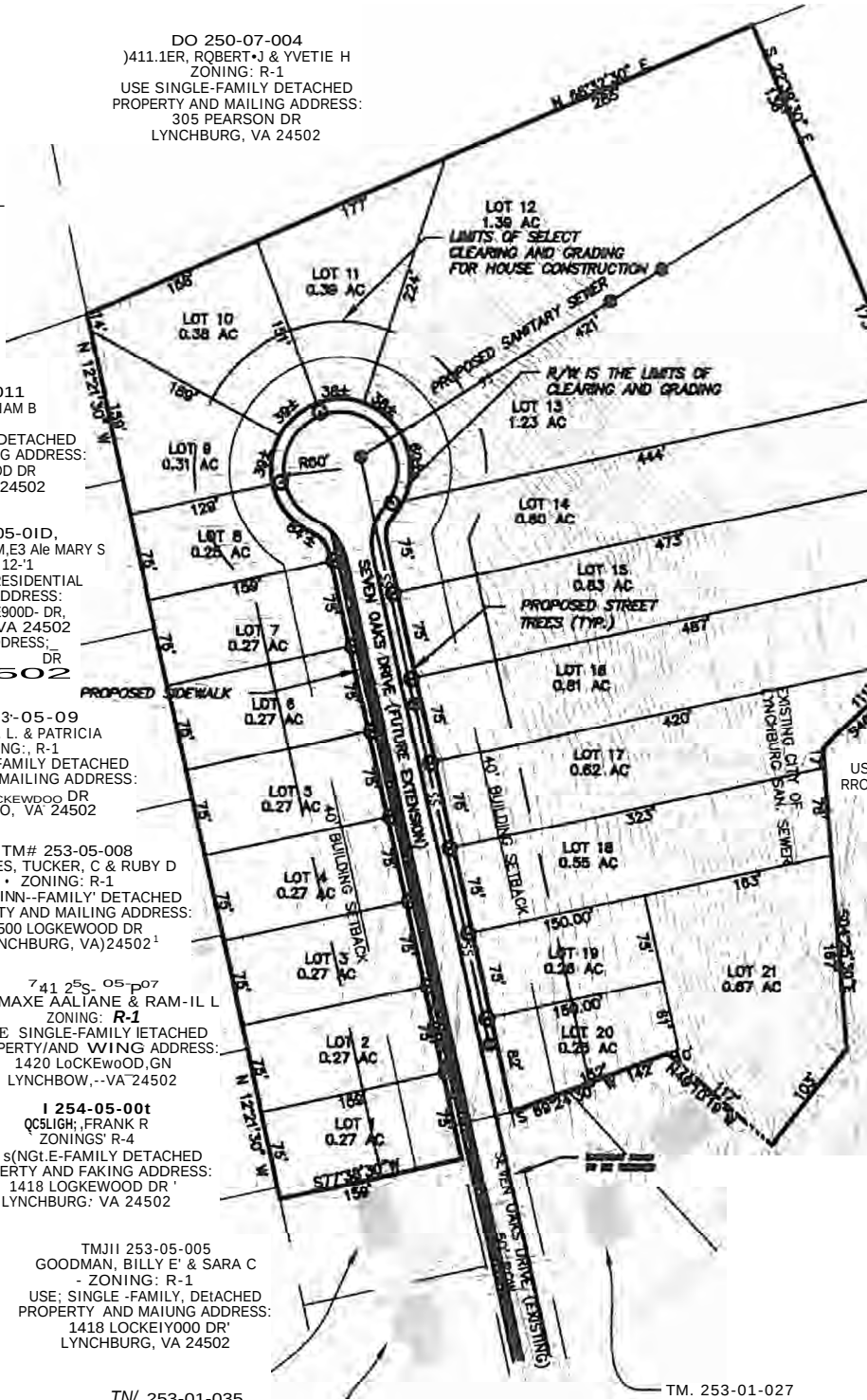
1M# 253-01-028
EPPERSON, DEBORAH T
it:EDWIN E. HINES
ZONING:
USE DUPLEX:
PROPERTY ADDRESS:
PARINEW, DR'
LYNCHBURG, VX 24502
MAILING ADDRESS:
7525 lartookKNEAL HWY
GLADIS.' VA 24554

TM# 253-01-030
EARNIST, JOYCE T.
J ZONING: R-1,
USE: SINGLE-FAMILY DETACHED
RROPRTICAP*ip MAILING ADDRESS:
108 PARKVIEW DR
!LYNCHBURG, VA 24502

TMf 25301-032"
SYCAMORE CREW:PROPERRES U-C
ZONING: R-11.'
USE IMPLPC
PROPERTY ADDRESS:"
11'1PARICVIEW,
LYNCHBURG, VA 24502-
MAILING ADORE SS
1894 SYCAMORE DR
24656'

250-07-009
ROBERTS, REX .1 & NRGIN/A C
ZONING R-1
USE SINGLE-FAMILY DETACHED
PROPERTY
217 BEVERLY HILLS CIR
LYNCHBURG, VA-24502
MAILING ADDRESS:
7101 PEACHTREE, RD
LYNCHBURG,- VA 24502

DO 250-07-004
)411.1ER, ROBERT J & YVETIE H
ZONING: R-1
USE SINGLE-FAMILY DETACHED
PROPERTY AND MAILING ADDRESS:
305 PEARSON DR
LYNCHBURG, VA 24502



PARKING CALCULATIONS

REQUIRED 21
PROPOSED 42*

*2 SPACES FOR EACH DWELLING IN DRIVEWAY

LANDSCAPE REQUIREMENTS

REQUIRED 16
PROPOSED 16

RECEIVED

OCT 6 4 MO
COMMUNITY
DEVELOPMENT

NOTES:

- 1) SITE TM #: 253-01-018, 253-01-019, 253---01-020, 253-01-029
- 2) SITE OWNER: JAMERSON REAL ESTATE INC.
ADDRESS: P.O. BOX 395
APPOMATTOX, VA 24522
- 3) SITE DEVELOPER: JAMERSON REAL ESTATE INC.
- 4) SITE PROPOSED USE: RESIDENTIAL SINGLE-FAMILY DETACHED
- 5) SITE ZONED: R-1
- 6) SITE PROPOSED ZONE: R-2
- 7) EXISTING FEATURES AND TOPOGRAPHY FROM LYNCHBURG GIS DATA
- 8) THE AREA SHOWN HEREON IS LOCATED IN FLOOD ZONE 'X' AND IS NOT LOCATED WITHIN FLOOD HAZARD ZONE 'A' FOR A 100 YEAR FLOOD AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY AS SHOWN ON COMMUNITY---PANEL MAP #5100930101D DATED JUNE 3, 2008.

150 75 0 150 300

GRAPHIC SCALE IN FEET

ENGINEERING » SURVEYING » PLANNING

HURT

PROFFITT
INCORPORATED

0
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100

REZONING DRAWING
FOR
SEVEN OAKS SUBDIVISION
CITY OF LYNCHBURG, VIRGINIA

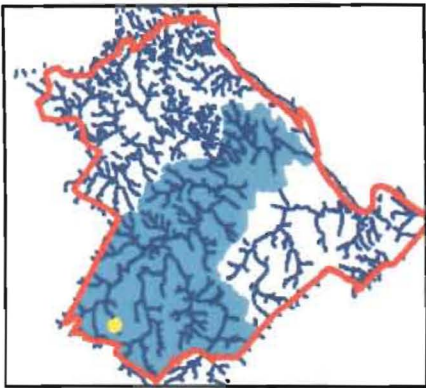
PROJECT NO. 20100317
G.L. NO. 264-01-A3.2
FILE NO. LS-12950
DATE: 9/29/2010
DRAWN BY: ASK/IFS
CHECKED BY: DBA

SHEET NO.
1 OF 1

Seven Oaks Subdivision

Watershed Location Map

-  Project Site
-  Blackwater Creek
-  Corporate Limit



LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 9, 2010**

AGENDA ITEM NO.: 8

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: Amending the Arts and Cultural District ordinance to include the chosen name "James River Arts & Cultural District."

RECOMMENDATION: Approve amending the Arts and Cultural District ordinance to include the chosen name: "James River Arts & Cultural District."

SUMMARY: The James River Council for the Arts and Humanities held a contest to select a name for Lynchburg's Arts and Cultural District. Ms. Laren Baum, Business Manager, E.C. Glass High School Theatre, submitted the winning entry. On October 21, 2010, Mayor Joan Foster presented Ms. Baum with an award and unveiled the chosen name: "James River Arts and Cultural District." Subsequently, the James River Council for the Arts and Humanities has asked that the arts and cultural district be officially named the "James River Arts and Cultural District."

PRIOR ACTION(S): Council approved an ordinance creating the Arts and Cultural District on April 27, 2010.

FISCAL IMPACT: Amusement Tax collected from existing "qualified arts organizations" in the proposed District for 2009 was \$32,000.00

CONTACT(S): Marjette G. Upshur – 455-4492

ATTACHMENT(S): Original ordinance creating the Arts and Cultural District; Amended ordinance incorporating the name "James River Arts and Cultural District."

REVIEWED BY: lkp

ORDINANCE

AN ORDINANCE TO AMEND AND REENACT SECTION 13.1-4 OF THE CODE OF THE CITY OF LYNCHBURG, 1981, THE AMENDED SECTION RELATING TO THE NAME AND BOUNDARIES OF THE CITY'S ARTS AND CULTURAL DISTRICT.

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

1. That Section 13.1-4 of the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted as follows:

Sec. 13.1-4. Name and Boundaries.

The Arts and Cultural District shall be named the "James River Arts and Cultural District" and shall consist of all the land and buildings in the Central Business District extending up Fifth Street to Taylor Street to include the Old City Cemetery and Legacy Museum and up Rivermont Avenue to Bedford Avenue.

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

Adopted:

Certified:

Interim Clerk of Council

146L

ORDINANCE

#O-10-041

AN ORDINANCE TO AMEND AND REENACT THE CODE OF THE CITY OF LYNCHBURG, 1981, BY ADDING THERETO CHAPTER 13.1 CONTAINING SECTIONS NUMBERED 13.1 THROUGH 13.1-10, THE NEW CHAPTER AND SECTIONS RELATING TO THE ESTABLISHMENT OF AN ARTS AND CULTURAL DISTRICT WITHIN THE CITY.

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

1. That the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted by adding thereto Chapter 13.1, containing sections numbered 13.1-1 through 13.1-10 as follows:

CHAPTER 13.1

ARTS AND CULTURAL DISTRICT

ARTICLE 1. IN GENERAL

Sec. 13.1-1. Purpose.

The Lynchburg City Council finds that the continued development and success of its arts and cultural venues requires incentives, and determines that the most appropriate method of offering incentives for the area described below is to create an arts and cultural district in that area, as authorized by Section 15.21129.1 of the Code of Virginia. City Council believes the establishment of an arts and cultural district will improve the economic conditions of this geographic area located in the central portion of the City which could, in turn, benefit the welfare of the citizens of Lynchburg.

Sec. 13.1-2. Administration.

The administrator of the City's Arts and Cultural District shall be the City Manager or his designee. The administrator shall determine the procedures for obtaining the benefits created by this chapter and for the administration of this chapter.

Sec. 13.1-3 Definitions.

For the purposes of this chapter, the following phrases shall have the following meanings, unless clearly indicated to the contrary:

Qualified arts organization--The term qualified arts organization shall mean a business or not-for-profit organization physically located within the Arts and Cultural District which, by the determination of the administrator, positively contributes to the spectrum of arts and cultural activities and venues available to the public. Examples may include, but are not limited to, theatres, art galleries, museums, dance studios, music venues, performance spaces, and artists and artisans creating art within the district.

Qualified artist--The term qualified artist shall mean an individual who within the Arts and Cultural District creates visual or performing art such as but not limited painting, sculpture,

textiles, dance, or music and derives 50% or more of his or her income from such creative activities.

Sec. 13.1-4. Boundaries.

The Arts and Cultural District shall consist of all the land and buildings in the Central Business District extending up Fifth Street to Taylor Street to include the Old City Cemetery and Legacy Museum and up Rivermont Avenue to Bedford Avenue.

Sec. 13.1-5. Regulatory Flexibility.

The administrator may provide for regulatory flexibility in the district which may include, but not be limited to: (i) special zoning for the district; (ii) permit process reform; (iii) exemption from ordinances; and (iv) any other incentive adopted by ordinance.

Sec. 13.1-6. Promotion.

The administrator is authorized to promote the development of and visitation to the Arts and Cultural District and their benefits through use of appropriate funds, grants and revenues.

Sec. 13.1-7 through 13.1-9. Reserved.

ARTICLE 2. TAX EXEMPTIONS

Sec. 13.1-10. Taxes eligible for exemption.

(a) Business, professional and occupational license taxes and fees--Qualified arts organizations and artists shall be exempted from the payment of the business, professional and occupational license (BPOL) taxes and fees for three full years following the actual occupation and/or certification of the qualified arts organization within the arts and cultural district. To secure the above exemption, the arts organization or artist shall file all necessary tax applications and apply to the administrator for certification as a qualified arts organization. Upon certification by the administrator and proof that no taxes are outstanding at the time of the application, the arts organization shall be entitled to the exemption created by this section.

(b) Admissions taxes--The fees for admission taxes imposed by the city code and collected by qualified arts organizations in the district shall be redistributed to promote and market the district and to improve aesthetic or other infrastructure in the district. This distribution is subject to annual appropriation by city council.

Sec. 13.1-11 through 13.1-19. Reserved.

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

Adopted: April 27, 2010

Certified: Valerie P. Clark
Interim Clerk of Council