

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 8, 2016**

AGENDA ITEM #: **1**

CONSENT:
ACTION:

REGULAR:
INFORMATION: **X**

WORK SESSION: **X**

CLOSED SESSION:
(Confidential)

ITEM TITLE: Annual Report of the Region 2000 Local Government Council and Workforce Development Board

Strategic Pillar(s) Impacted:

☐ Arts & Culture	☐ Citizen Engagement & Social Capital	☐ Economic Development	☐ Healthy & Active Living
☐ Infrastructure	☐ Land Use	☐ Lifelong Learning	☐ Natural Resources
☐ Neighborhoods	☐ Safe Community	☐ Social Equity	☐ Transportation
			☒ Administrative

RECOMMENDATION: No action required.

SUMMARY: Gary Christie of the Region 2000 Local Government Council and Ben Bowman of the Workforce Development Board will attend Council's work session to provide an Annual Report on the activities of the Local Government Council/Workforce Development Board for 2016.

PRIOR ACTION(S): N/A

FISCAL IMPACT: N/A

CONTACT(S): Bonnie Svrcek, City Manager - 455-3990

ATTACHMENT(S): Local Government Council Annual Report—FY 2016

REVIEWED BY: bms

153K



VIRGINIA'S REGION 2000

— LOCAL —
GOVERNMENT
C O U N C I L



REGIONAL COLLABORATION
STARTS HERE

FY 16 ANNUAL REPORT

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OUR MISSION

✓ Be a dynamic public forum for matters of regional significance

✓ Create regional solutions by coordinating regional plans and building coalitions

✓ Provide excellent local and regional services to localities and the Commonwealth

CHAIRMAN'S LETTER

REGIONAL INFRASTRUCTURE

TRANSPORTATION

LOCAL GOVERNMENT SERVICES

WORKFORCE DEVELOPMENT

SERVICES AUTHORITY

RIDE SOLUTIONS

FINANCIAL REPORT

MOVING FORWARD

LETTER FROM THE CHAIRMAN



Welcome, to your Local Government Council Annual Report.

John Sharp

Local Government Council Chairman, Bedford County Board of Supervisors

As the Planning District Commission for Lynchburg and the surrounding counties and towns, the Region 2000 Local Government Council encourages and facilitates collaboration among the Region 2000 local governments.

The LGC continues to maintain its focus of providing high quality consulting, project management and grants development services for local governments and Virginia state agencies in the areas such as transportation, community redevelopment and workforce.

Though we are no longer in a Partnership program with the regional economic development marketing agency, whose transition culminated in a merger with the Lynchburg Chamber of Commerce, our connection with regional economic development remains strong as we collaborate, and pursue projects, together that will enhance our region's economic competitiveness.

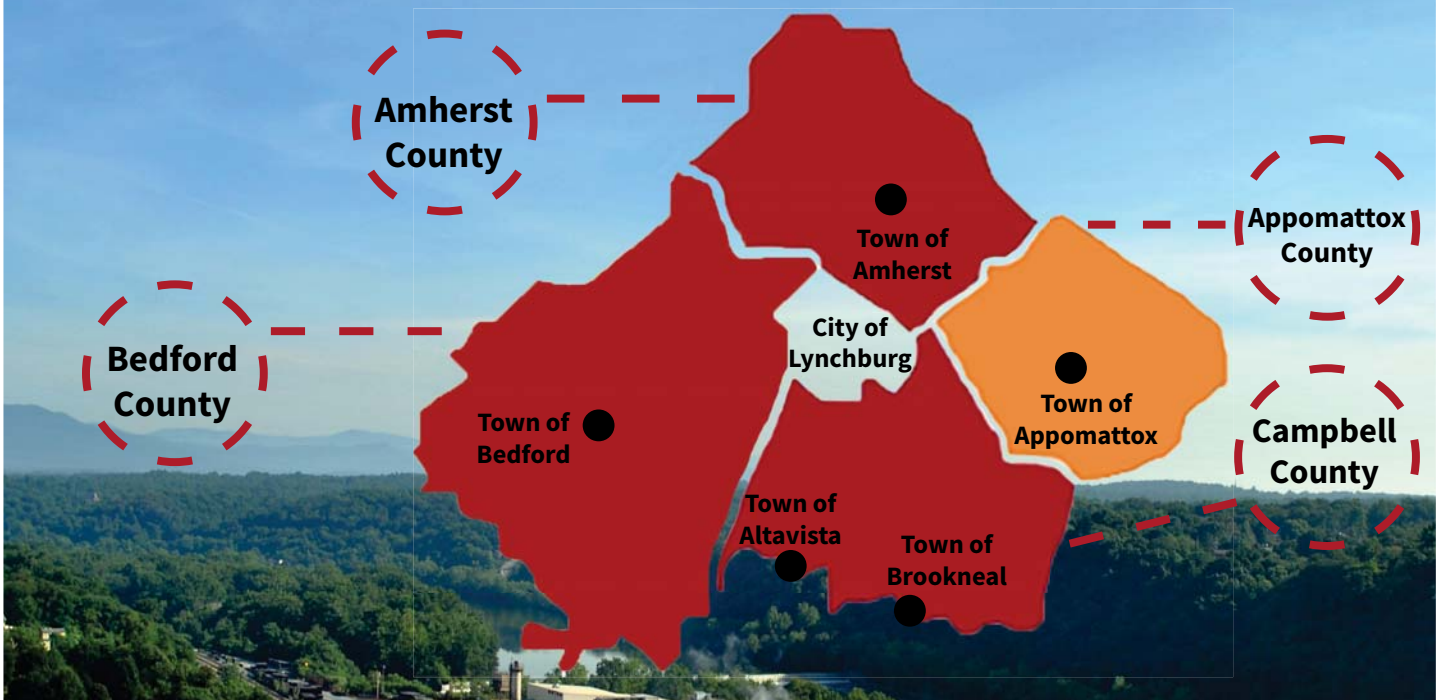
Our own transition this year included the launch of a new branding identity with the goal of positioning ourselves as an agency with a strong relationship to the region and the Commonwealth and the introduction of a clear mission statement to define our work. The mission of the LGC is to be a dynamic public forum for matters of regional significance; to create regional solutions by coordinating regional plans and building coalitions; and, to provide excellent local and regional services to our localities and to the Commonwealth.

With 47 years of successful service to the region, the Local Government Council is positioned well for the coming year. We complimented with a staff of experienced local government professionals and financially strong.

The Local Government Council is excited about lies ahead and to our working together with you, your teams, and your communities in moving ideas and innovations forward.

John Sharp, Bedford County Board of Supervisors
Chair, Local Government Council

WHO WE REPRESENT



COUNCIL MEMBERS

TOWN OF ALTAVISTA

Mayor Mike Mattox
Waverly Coggsdale, Town Manager

AMHERST COUNTY

Kenneth Campbell, Board of Supervisors
Dean Rodgers, County Administrator

APPOMATTOX COUNTY

Bryan Moody, Board of Supervisors
Susan Adams, County Administrator

BEDFORD COUNTY

John Sharp, Board of Supervisors
Carl Boggess, County Administrator

CAMPBELL COUNTY

Michael Rousseau, Board of Supervisors
Frank Rogers, County Administrator

CITY OF LYNCHBURG

Joan Foster, City Mayor
Bonnie Svrcek, City Manager

TOWN OF AMHERST

Kenneth Bumgarner, Town Council
Jack Hobbs, Town Manager

TOWN OF APPOMATTOX

Mayor Paul Harvey
Philipp Gabathuler, Town Manager

TOWN OF BEDFORD

Stacey Hailey, Town Council Member
Charles Kolakowski, Town Manager

TOWN OF BROOKNEAL

Mayor Phyllis Campbell
Russell Thurston, Town Manager

VIRGINIA GENERAL ASSEMBLY

Delegate Scott Garrett

LYNCHBURG REGIONAL BUSINESS ALLIANCE

Megan Lucas, CEO

STRENGTHENING REGIONAL INFRASTRUCTURE

RUSH STREET STREETScape IN BROOKNEAL COMPLETE



The completed streetscape on Rush Street has contributed to the revitalization of downtown Brookneal and towards pedestrian traffic improvements such as crosswalks, sidewalks, and street fixtures. This project was funded by the Town of Brookneal and VDOT'S Transportation Alternatives Program.



DOWNTOWN APPOMATTOX REVITALIZATION

Appomattox County is in the process of multiple projects to address the beautification and economic development in the area. The Town of Appomattox has been selected by the Virginia Department of Housing & Community Development (VDHCD) to receive \$35,000 in planning grant funding to initiate improvement activities that will enhance the downtown business district's physical appearance as well as the economic vitality of the entire Town.

The Town of Appomattox Business District Revitalization Plan includes a number of activities to be carried out with the planning funds and will serve as the foundation for a potential construction application to the Virginia Department of Housing and Community Development (VDHCD) in March 2017. Local Government Council staff is administering this planning effort and will assist in the grant application development for the pending March application.

MEADOWLARK IMPROVEMENTS IN APPOMATTOX



This spring, the Town of Appomattox was awarded a \$1,000,000, multi-year Community Development Block Grant (CDBG) from the Virginia Department of Housing & Community Development to make physical improvements to the town's Meadowlark neighborhood. Eighteen single-family homes along Brown Street, Stevens Street, Patterson Street, and Patricia Anne Lane will be rehabilitated to meet

Virginia's Housing Quality Standards. In addition, improvements will be made to stormwater facilities throughout the neighborhood, and several pedestrian safety features will be added to Patterson Street. Housing rehabilitation work began this summer, and the infrastructure work will follow in the project's second phase.



APPOMATTOX COUNTY DCR RECREATION TRAIL APPLICATION

Local Government Council staff developed a Department of Conservation and Recreation (DCR) Recreational Trail application for funds towards the construction of Phase 2 AHRT.

VDOT TRANSPORTATION ALTERNATIVES PROGRAM GRANTS

Local Government Council staff assisted three localities in writing and submitting applications to VDOT's Transportation Alternative Program (TAP).

ALTAVISTA

\$176,000

Applied for and received \$176,000 for final construction funds to complete Gateway and pedestrian street improvements

LYNCHBURG

\$168,244

Applied for and received \$168,244 for additional sidewalk/pedestrian improvements around Dearington Elementary School, which is a continuation of Safe Routes to School improvements

APPOMATTOX COUNTY

\$109,289

Applied for \$218,577; received \$109,289 towards construction of Phase 2 of the Appomattox Heritage and Recreational Trail

IMPROVING REGIONAL TRANSPORTATION

CENTRAL VIRGINIA METROPOLITAN PLANNING ORGANIZATION

CENTRAL VIRGINIA METROPOLITAN PLANNING ORGANIZATION



The Central Virginia Metropolitan Planning Organization (MPO) is the forum for cooperative transportation decision-making among the City of Lynchburg, the Town of Amherst, and sections of Bedford County,

Campbell County, and Amherst County with state and federal transportation officials. The Local Government Council provides staffing and technical support to the MPO. Transportation planning includes long-range planning, transit planning, corridor studies, bicycle and pedestrian planning, and land use planning. Visit us at www.cvmpto.org for more information.

CENTRAL VIRGINIA LONG RANGE TRANSPORTATION PLAN 2040

We have updated the Central Virginia Long Range Transportation Plan to align with emerging state and federal policies and to create a strong transportation framework for the future. The planning process incorporates a new performance management approach, new public engagement opportunities via social media, with a focus on addressing the emerging economic needs of the region. See full plan at www.localgovernmentcouncil.org/lrtp2040.



ROUTE 811 CORRIDOR PLAN

The Route 811 corridor serves as an important commuter route connecting US 460 and Forest Road (Route 221). It is a collector route for adjacent neighborhoods, and local access to county recreation fields, stores, and a school, among other uses. Traffic volumes have increased significantly over the past years resulting in congested peak travel periods, concerns about safety, and a lack of multi-modal access.

SUPPORTING LYNCHBURG AREA CONNECTIVITY STUDY

A collaborative effort between the state and regional entities within our region, this project is working to develop a model approach for analyzing the economic impacts of regional connectivity as it relates to our road system, air service, and transit. The intended outcome is the development of specific, quantifiable recommendations to strengthen the region's economy by improving access to our business' markets and workforce.

ASSISTING CAMPBELL COUNTY COMMUNITY PLANNING AND DEVELOPMENT EFFORTS

The Local Government Council supports the Route 29/Campbell County (VDOT) corridor analysis by providing technical assistance and consultant contract management. Staff also assisted Campbell County with Airport Road access waiver assistance through the VDOT permitting process.

SUPPORT TO GREATER LYNCHBURG TRANSIT COMPANY



Council staff continues to support the Greater Lynchburg Transit Company's planning efforts. Efforts this past year included maintenance of its Transit Development Plan and keeping current its bus stop inventory and route databases. Staff also reviewed past efforts to consolidate bus stops along time constrained routes and made recommendations for possible consolidation.

“COMMONWEALTH OF VIRGINIA STATEWIDE TRANSPORTATION PROJECTS” PRIORITIZATION EFFORT (SMART SCALE)

The Central Virginia Metropolitan Planning Organization successfully submitted two projects, the Waterlick Road Intersection improvements at Timberlake Road and Route 221 intersection improvements at Graves Mill Road and Grist Mill, for full funding through the Commonwealth's Smart scale funding program. The Lynchburg District had a total of 11 projects, totaling over 64 million dollars funded through Smart Scale.

PROVIDING LOCAL GOVERNMENT SERVICES

COMPREHENSIVE ECONOMIC DEVELOPMENT (CEDS)



Our economic development vision directly impacts the quality of life in Central Virginia that leads to future growth and development in our community. We build consensus that allows us to implement that vision through our Comprehensive Economic Development Strategy (CEDS). A steering committee comprised of

business and community leaders from Virginia's Region 2000 have been meeting periodically to update the region's five-year CEDS. The new strategy will help evaluate the region's competitiveness for new jobs and talent and guide the region's continued eligibility for federal funding from the Economic Development Administration (EDA). The CEDS is intended to help maintain and improve the economic conditions in our region by providing a community forum for key economic topics to be discussed. The LGC is responsible for organizing and administering this process. The vision, goals, and key initiatives presented in the CEDS draft were based on input from community meetings, small group discussion, online surveys, and conference calls. The strategic planning process is scheduled to conclude in October 2016.

COMPLETED REGION 2000 FOOD HUB STUDY

Agriculture is an economic engine that provides the Region 2000 economy with over \$75 million annually. Agriculture is vital to providing open space and contributing to our quality of life. For the last three years, the Local Government Council has explored how to strengthen the region's agriculture economy.

First, we developed a strategic plan that resulted in three target initiatives:

- Develop a regional agriculture and forestry website
- Complete a regional food hub feasibility study
- Promote agriculture career and small business development opportunities

Then in 2015-16, we focused on exploring a regional food hub with local Extension Agents and ACDS of Columbia, Maryland. We found that the region was not large enough alone to support a traditional food hub distribution center. However, we did develop a business model for cattle producers to become Group Gap Certified for sales to large grocers and institutions as local beef. The business model showed how to aggregate their cattle sales and coordinate with these large buyers in ways to increase the value of the beef product and overall amount of sales. That model is being circulated to local cattle producers by our local Extension Agents.

Additionally, we are working in 2016 with our Extension Agents on supporting a “Fruits and Vegetable Grower Workshop” scheduled for October 27 in Appomattox.

We continue to explore the concept of a website to support local agriculture and forestry. We’re now in discussions with local tourism professionals about support to local tourism websites to make information related to farms and farm products more accessible to visitors and tourists.

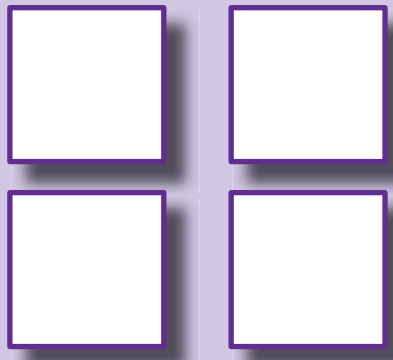
APPOMATTOX COUNTY UPDATES TO COMPREHENSIVE PLAN

Local Government Staff assisted the Town of Appomattox in the creation of their first Comprehensive Plan. This plan received substantial citizen input for shaping the future of the Town. The Plan addresses specific action items which will be necessary to encourage the desired results from the plan.



OLD TOWN MADISON HEIGHTS REVITALIZATION

Local Government Council staff assisted Amherst County in receiving a \$30,000 Community Development Block Grant (CDBG) from the Virginia Department of Housing & Community Development (VDHCD). The Planning Grant will be used to develop a neighborhood evaluation of needs and establish a revitalization strategy that will result in a CDBG construction grant application in March, 2017. Local Government Council staff are administering the execution of the planning grant.



OLD TOWN MADISON HEIGHTS -PHASE 1 CONSTRUCTION GRANT

Staff completed the Old Town Madison Heights- Stumps Hill Area Revitalization Project. The project resulted in new waterlines, upgraded sewer, street and housing improvements within the small section of the greater Old Town Madison Heights community. This project represents a first phase in what is the hope for continued revitalization and community benefits for the entire village-like community.

GROWING WORKFORCE DEVELOPMENT

Our Mission: To advance a workforce development system that
meets business and job seeker needs.

ONE STOP CENTER GRAND OPENING

The Region 2000 Workforce Center has moved into the Virginia Employment Commission office located at 3125 Odd Fellows Rd, Lynchburg. The grand opening was celebrated with a ribbon cutting and tours of the facility. Maurice Jones, Secretary of Commerce and Trade was the special guest speaker. The center offers services to adults, businesses, seniors, and youth in addition to a full assortment of career planning activities that are free to the public.



YOUTH SERVICES

Region 2000 YouthWorks is a component of the Workforce Development Board (WDB) that provides work experience, training, and academic activities for young people between the ages of 14-24 who face some form of a disadvantage. 75% of youth services funding is dedicated to out of school youth between the ages of 16-24. This service is also contracted with Goodwill Industries of the Valleys.

Located at 1516 Florida Avenue in Lynchburg, the Region 2000 YouthWorks Center at Jubilee is conveniently located near areas with young residents who need opportunities for career development and employment. The center has a computer lab where youths can apply to jobs and create résumés as well as a conference room for meetings and trainings. Visitors can also receive assistance by the case managers who are on-site. YouthWorks provides various new perspectives for youth such as the opportunity to learn from successful business professionals.



THE REGION 2000 WORKFORCE CENTER IS HOME TO SEVERAL PARTNERS

Adult and Career Education of Central Virginia

ACE provides free adult education classes specializing in ESL, foundational skills, college and career readiness, and integrated education training.

Deaf and Hard of Hearing Services

DHH provides vocational services through specialized VR counselors who are fluent in sign language.

Goodwill Industries of the Valleys

- Senior Community Service Employment Program
- WIOA, Adult, Dislocated Worker and Youth

Virginia Department for Aging and Rehabilitative Services

Provides services to improve the employment, quality of life, security, and independence of older Virginians.

Virginia Employment Commission

- Veterans Employment Services
- Wagner-Peyser
- Unemployment Compensation

For more information, visit
www.region2000works.org

REGION 2000 DEMOGRAPHIC STATISTICS



Poverty Level

15.8%

11.5%

**Households Receiving
Food Stamps**

12.7%

9.5%

WORKFORCE DEVELOPMENT, CONTINUED

RAPID RESPONSE IN ACTION

Announcements of Nationwide and Genworth closing or restructuring operations in Lynchburg caught the attention of other insurance companies around the country because of the large number of dislocated workers with insurance skills in Region 2000. The Region 2000 Workforce Team has a Rapid Response unit that includes state representatives who can quickly meet with businesses and their employees who are facing a business closing or layoff. The Rapid Response unit can provide career development, healthcare information and retraining information or assistance to employees who may be losing their jobs.

The Region 2000 Workforce Team is working with both Pacific Life (Lynchburg) and The Standard (Altavista) Insurance companies to transition employees dislocated from Nationwide and Genworth into new positions. Employees who have lost their job through layoff or business closing potentially qualify for up to \$10,000 in retraining assistance. The resources and funding available through the Region 2000 Workforce Board helped secure the relocation of both Pacific Life and The Standard. Over the next five years, Pacific Life and The Standard expect to add at least 300 and 200 jobs respectively.

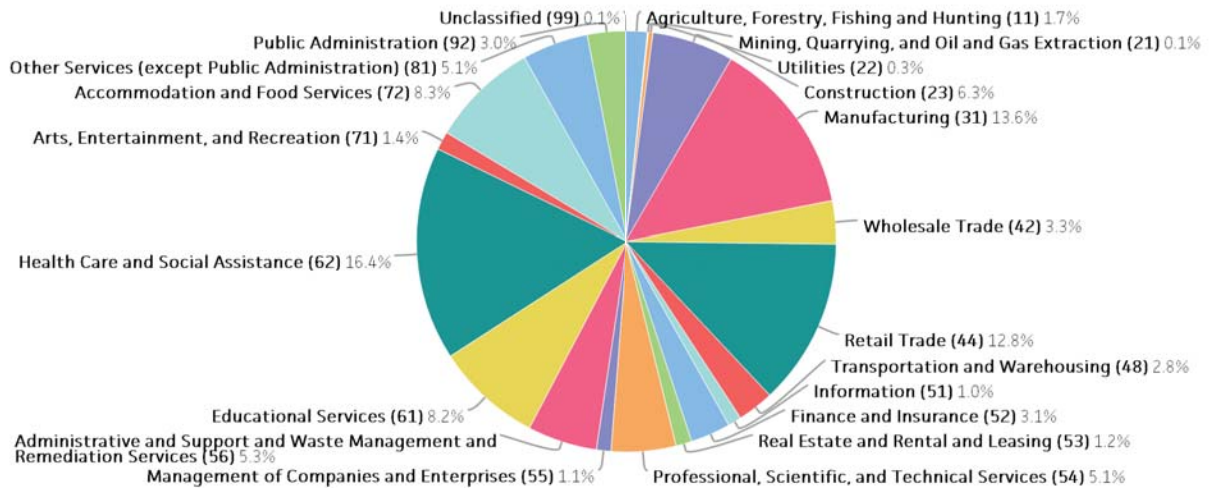
UNEMPLOYMENT RATE AND WAGE TRENDS

- The seasonally adjusted unemployment rate for the Region 2000/Central VA (WDA 7) was 4.1% as of May 2016. The regional unemployment rate was lower than the national rate of 4.9%. One year earlier, in May 2015, the unemployment rate in the Region 2000/Central VA (WDA 7) was 5.0%.

EDUCATION AND EMPLOYMENT IN REGION 2000

Largest Employment Sectors	Educational Attainment (Age 25-64)	Region 2000/Central VA (WDA 7)	Virginia
Health Care and Social Assistance 17,590	No High School Diploma	10.6%	9.9%
	High School Graduate	31.9%	23.9%
Manufacturing 14,570	Some College, No Degree	22.8%	20.6%
	Associate's Degree	8.6%	7.7%
Retail Trade 13,766	Bachelor's Degree	17.3%	22.3%
	Postgraduate Degree	8.7%	15.5%

TOTAL WORKERS FOR REGION 2000/CENTRAL VA (WDA 7) BY INDUSTRY



Source: JobsEQ*, Data as of 2016Q1

Over the next 10 years, employment in the Region 2000/Central VA (WDA 7) is projected to expand by 2,769 jobs. The fastest growing sector in the region is expected to be Health Care and Social Assistance with a +1.4% year-over-year rate of growth. The strongest forecast by number of jobs over this period is expected for Health Care and Social Assistance (+2,630 jobs), Retail Trade (+743), and Construction (+678).

**Employment data are derived from the Quarterly Census of Employment and Wages, provided by the Bureau of Labor Statistics and imputed where necessary. Data are updated through 2015Q3 with preliminary estimates updated to 2016Q1. Unemployment rate data is from the Local Area Unemployment Statistics, provided by the Bureau of Labor Statistics and updated through May 2016. Annual average wages per worker data are derived from the Quarterly Census of Employment and Wages, provided by the Bureau of Labor Statistics and imputed where necessary.

- **The average worker in the Region 2000/Central VA (WDA 7) earned annual wages of \$38,022 as of 2016Q1. Average annual wages per worker increased 0.2% in the region during the preceding four quarters. For comparison purposes, annual average wages were \$51,614 in the nation as of 2016Q1.**

LOOKING FORWARD

- We will update our policies and procedures to ensure that we are in compliance with the Workforce Innovation and Opportunity Act (WIOA) final regulations that were released in June 2016.
- The Region 2000 Workforce Development Board will develop a strategic plan by spring 2017 that focuses on developing a workforce system that meets the needs of both employers and career seekers in the region.
- The WDB will become more engaged in economic development initiatives and focus workforce development efforts in high demand regional employment sectors.
- The Workforce Center staff will establish access points throughout the region with libraries, schools and other community organizations.
- The WDB will continue seeking grant funding and other resources for building a more effective workforce system.

ADVANCING REGIONAL SERVICES AUTHORITY

FINANCIAL SAVINGS TO MEMBER LOCALITIES

The Region 2000 Services Authority maintains low tipping fees for members compared to the state average.

Members
\$28.75 Per Ton

State Average
\$43.67 Per Ton

PHASE IV EXPANSION

The approved Lateral Expansion permit will provide landfill capacity at the Livestock Road Regional Landfill through 2030. Phase IV construction began in Spring 2016 with an expected completion date of December 2016.

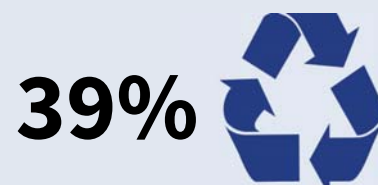


FACTS AND FIGURES

**FY 2016 Total
Tonnage Received**



**CY 2015
Recycling Rate**



ODOR MITIGATION SYSTEM IMPLEMENTATION

On March 17, 2016, The Region 2000 Services Authority fully implemented the “vapor-phase” perimeter odor mitigation system which distributes a vapor-phase odor neutralizer (not an odor masking agent) by means of 2,600 feet of 6” HDPE pipe with distribution ports spaced every eight feet along a pipe that is mounted eight feet above grade around the western and southern boundary of the landfill. This system is operational 24 hours per day, 7 days a week, and 365 days a year.

A portable working face odor neutralizing misting unit was also placed in service on March 17. This unit functions during landfill operating hours.



Vapor-Phase Perimeter Odor Mitigation System



Flare System



Vapor-Phase Perimeter Odor Mitigation System Surrounding the Perimeter



Portable Odor Neutralizing Misting Unit

SERVICES AUTHORITY, CONTINUED

INSTALLATION OF CEMENT/FIBER SEALANT

A cement/fiber sealant was applied to the side slopes of Phase III earlier this summer as intermediate cover to “seal in” landfill gasses increasing the efficiency of the landfill gas collection system. Once Phase III of the landfill has reached capacity in approximately two years, a partial permanent cap will be constructed further enhancing landfill gas collection and treatment.

LANDFILL GAS VERTICAL EXTRACTION WELLS ADDITIONS

On August 2, 2016, 13 new landfill gas vertical extraction wells were activated completing the landfill gas collection system infrastructure construction. Vacuum extraction is now applied to these 13 landfill gas wells and 9 leachate collection system cleanouts 24/7 and is combusted at a rate of nearly 500 cfm at the pilot-scale interim blower/flare station. The permanent flare station, with increased capacity, is being manufactured and will be delivered and installed November.



Landfill gas extraction well



For more information visit,
www.region2000servicesauthority.org

PROMOTING ALTERNATE TRANSPORTATION



THE ECONOMICS OF QUALITY OF PLACE

RIDE Solutions partnered with Genworth, Work Healthy and Live Healthy Lynchburg, and the Lynchburg Regional Business Alliance to have national planning, transportation and public health expert Mark Fenton lead a morning workshop Economics of Place: How Quality of Place Impacts Corporate and Community Economic Strategy.

The morning workshop convened business, non-profit, elected officials, planning, and healthcare leaders to learn how communities are using community design principles - such as bike lanes, transit-oriented development, and walkable streets – as primary economic development, business retention, and business attraction tools. Fenton highlighted the opportunity for the greater Lynchburg area to utilize these same principles in our region.



Mark Fenton leads workshop on economics of community design



PARTICIPATION AND PARTNER EVENTS

Throughout the year RIDE Solutions partners with area agencies to host a series of fun and easy participation events to promote, encourage, and reward residents, businesses, and agencies to try alternative transportation. RIDE Solutions also partners with agencies to develop design and infrastructure enhancements – such as bike racks – to support alternative transportation as a viable and supported mode of transportation, especially in our urban center, Towns, and community service centers.



Kim Soerensen leads the ground-breaking of one of four artful bike racks in downtown Lynchburg.

PROMOTIONAL ACTIVITIES INCLUDED:

- Try Transit
- Clean Commute Challenge
- Bike Month
- GLTC Customer Appreciation Day
- Hillcats Bike to Ballpark and Southpaw Commute Video
- James River Council for the Arts & Humanities Artful Bike Racks



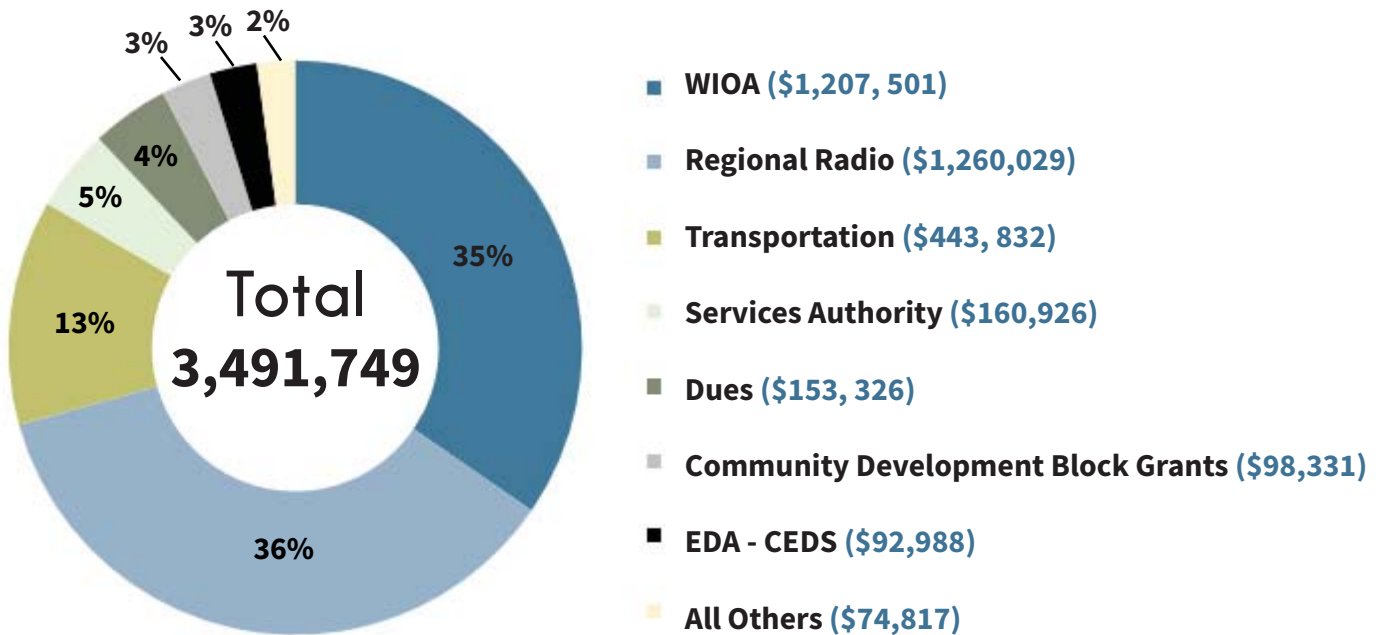
RIDE SOLUTIONS - NO COST SERVICES TO WORKPLACE PARTNERS

RIDE Solutions develops free of charge commuter marketing programs for area businesses that can help attract and sustain a healthy, active and productive workforce. The program offers a full range of commuter services customized to each employer's unique needs.

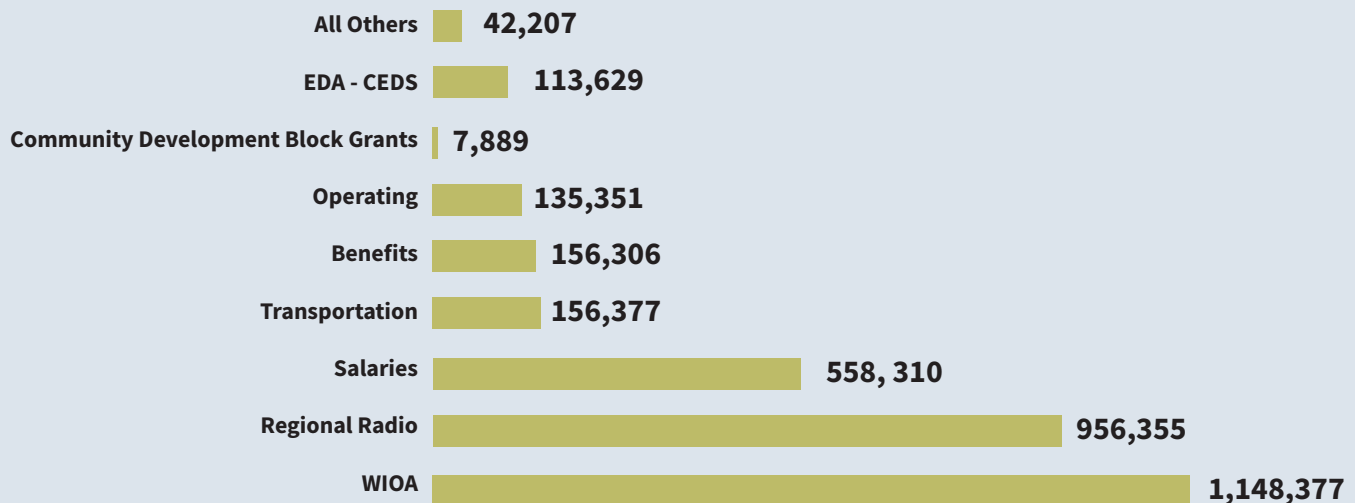
- | | |
|--------------------------------|--|
| - Carpool matching | - Guaranteed Ride Home Program |
| - Parking Programs | - Bike Rack Program |
| - Marketing Collateral | - Employee Commuting Pattern Analysis |
| - Commuter Tax Benefits | - Vanpool Programs |

LOCAL GOVERNMENT COUNCIL FINANCIAL OUTLOOK

SOURCE OF FUNDS



USE OF FUNDS



For every \$ 1 in local dues
received by the LGC



\$16.07
is generated in
outside income in FY 17

MOVING FORWARD TOGETHER

FY 17 Work Program Highlights

REGIONAL RADIO COMMUNICATIONS BOARD UPGRADES



Local Government staff will continue to provide staff support to the Radio Board as they move to upgrade the radio system infrastructure that serves Bedford and Amherst County, and the City of Lynchburg. The system is increasing from eleven towers to sixteen towers to support thousands of communication devices. The system will also be updated from analogue to digital. Sharing the system is beneficial to the community as it keeps the costs down and allows interoperable communication between any public safety team throughout the coverage area.

The Council will provide financial and administrative management services for the operations of the system. We will also be providing procurement services, assistance in upgrading and maintaining tower roads and shelters, grant research, application development, and assistance as needed in the installation of the new system.

CENTRAL VIRGINIA TRAINING CENTER TRANSITION

Slated to close by 2020, the Central Virginia Training Center is a regional asset because of employment and local purchasing done by the Training Center over the years. The facility has over 350 acres and 90 buildings on campus. The council hopes to assist Amherst County in any way practicable to insure that the Commonwealth hears regional voices for the best use of the facility as it transitions to closure.

WATER AND STORM WATER ASSISTANCE

Local Government Council staff will continue to support the Regional Storm water committee as needed, as well as regional water supply planning. We regularly meet with The Virginia Department of Environmental Quality and local government staff to collaborate about new regulations.

ENVIRONMENTAL JUSTICE

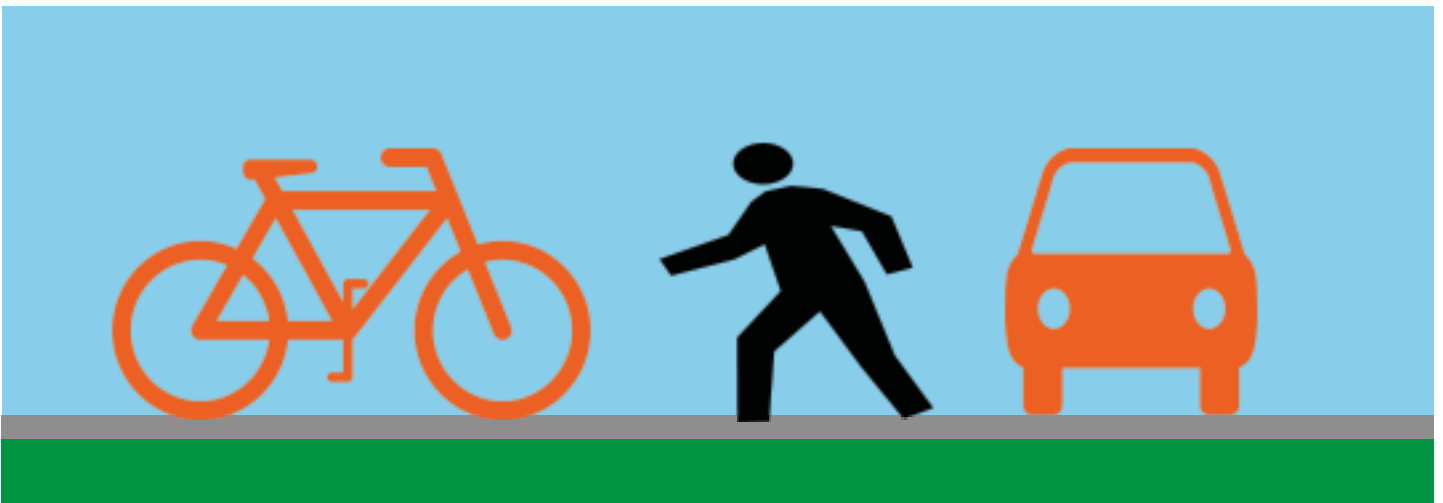
Local Government Council staff will continue to engage the public and encourage public participation to provide guidance in transportation planning. Our planning process will work to fairly allocate benefits to concentrations of poverty, minority, disability, limited English proficiency or any other federally protected groups. Bridging the gap between the Council and members of the community is essential to ensure that our services are benefiting the community as a whole. The localities served include the Town of Amherst, Amherst County, Bedford County, Campbell County, and the City of Lynchburg.

ALTERNATE TRANSPORTATION PLANNING



Activities for the upcoming year include providing alternative methods of transportation such as sidewalks, on-street accommodations, and recommendations to member localities. Local Government Council staff will also host informational pedestrian and bicycle webinars throughout the year and provide pedestrian and bicycle planning and accommodation considerations to localities. These alternatives will lead to safer streets, cleaner air, and

savings on gas. The entire Central Virginia Metropolitan Planning Organization locality will be served.



LOCAL GOVERNMENT COUNCIL STAFF

Gary Christie, Executive Director

**Kelly Hitchcock, Senior Planner,
Region 2000 RIDE Solutions Coordinator**

Robert White, Project Manager

Scott Smith, Transportation Planning Coordinator

Rosalie Majerus, Deputy Director of Finance

**Matt Perkins, Administrative Program
Coordinator**

Emmie Boley, Financial Services Professional

Ben Bowman, Workforce Development Director

Clarke Gibson, Solid Waste Director

**Lori Cumbo, Workforce Development
Operations Coordinator**

Susan Cook, Administrative Assistant



Virginia's Region 2000 Local Government Council

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www.localgovernmentcouncil.org

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 8, 2016**

AGENDA ITEM #: **2**

CONSENT:

REGULAR:

WORK SESSION: **X**

CLOSED SESSION:

ACTION:

INFORMATION: **X**

(Confidential)

ITEM TITLE: Annual Report from the Greater Lynchburg Transit Company

Strategic Pillar(s) Impacted:

☐ Arts & Culture

☐ Citizen Engagement & Social Capital

☒ Economic Development

☐ Healthy & Active Living

☐ Infrastructure

☐ Land Use

☐ Lifelong Learning

☐ Natural Resources

☐ Neighborhoods

☐ Safe Community

☒ Social Equity

☒ Transportation

☐ Administrative

RECOMMENDATION: No action required.

SUMMARY: Josh Baker, General Manager for the Greater Lynchburg Transit Company (GLTC) will provide an Annual Report on operations for Fiscal Year 2016.

PRIOR ACTION(S): N/A

FISCAL IMPACT: N/A

CONTACT(S): Josh Baker, General Manager, Greater Lynchburg Transit Company – 455-5080
Bonnie Svrcek, City Manager - 455-3990

ATTACHMENT(S): GLTC Annual Report

REVIEWED BY: bms

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GREATER LYNCHBURG TRANSIT COMPANY

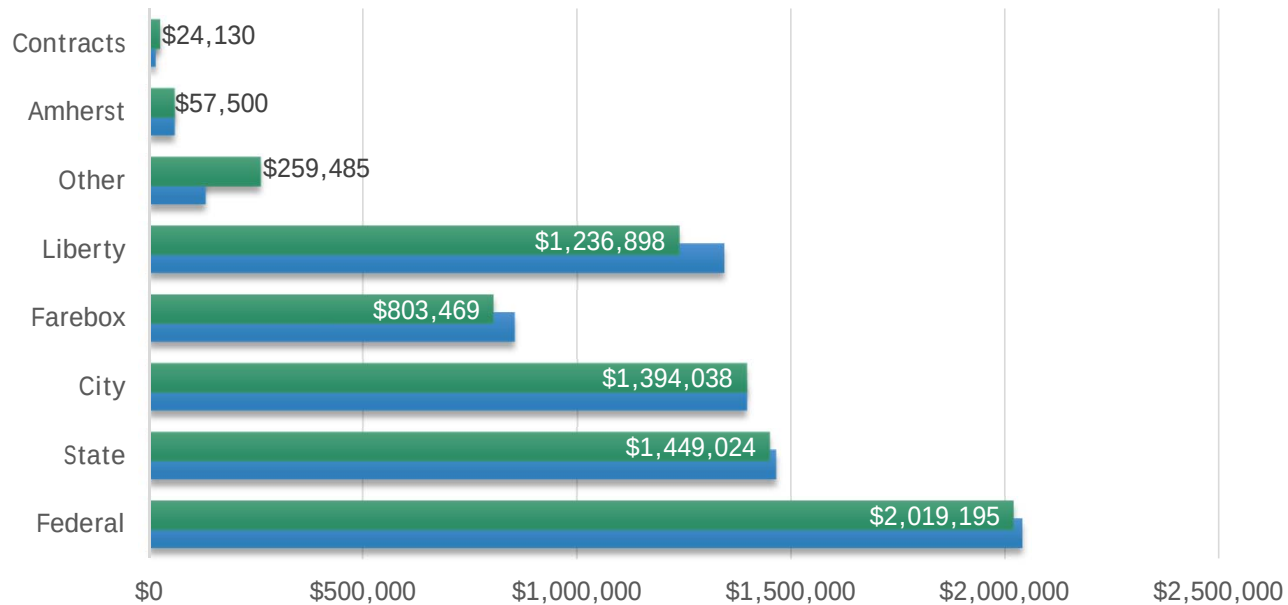
We're here to get you there!

CITY COUNCIL UPDATE
November 8th, 2016



First  Transit

GLTC REVENUE SOURCES

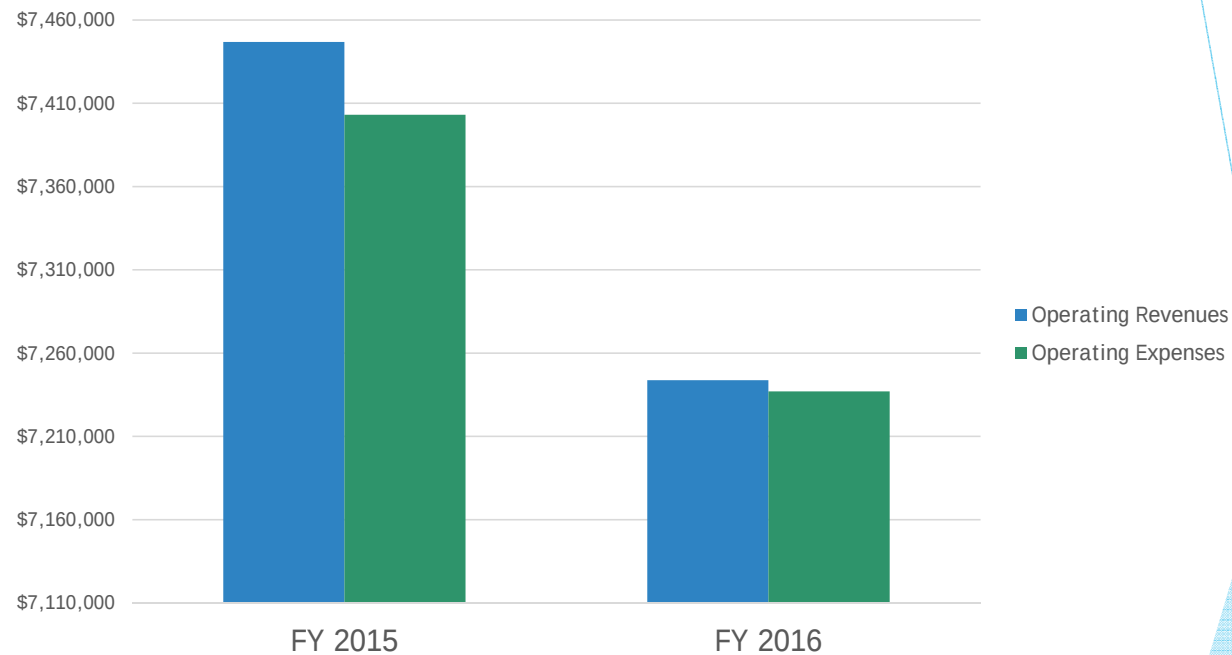


Total
Revenue
Decrease 3%



First Transit

GLTC OPERATING SUMMARY



GLTC Finished out the year with a small surplus, and did not utilize any funds from our Reserve Account

NET SURPLUS:

FY 2015
\$43,702

FY 2016
\$6,765

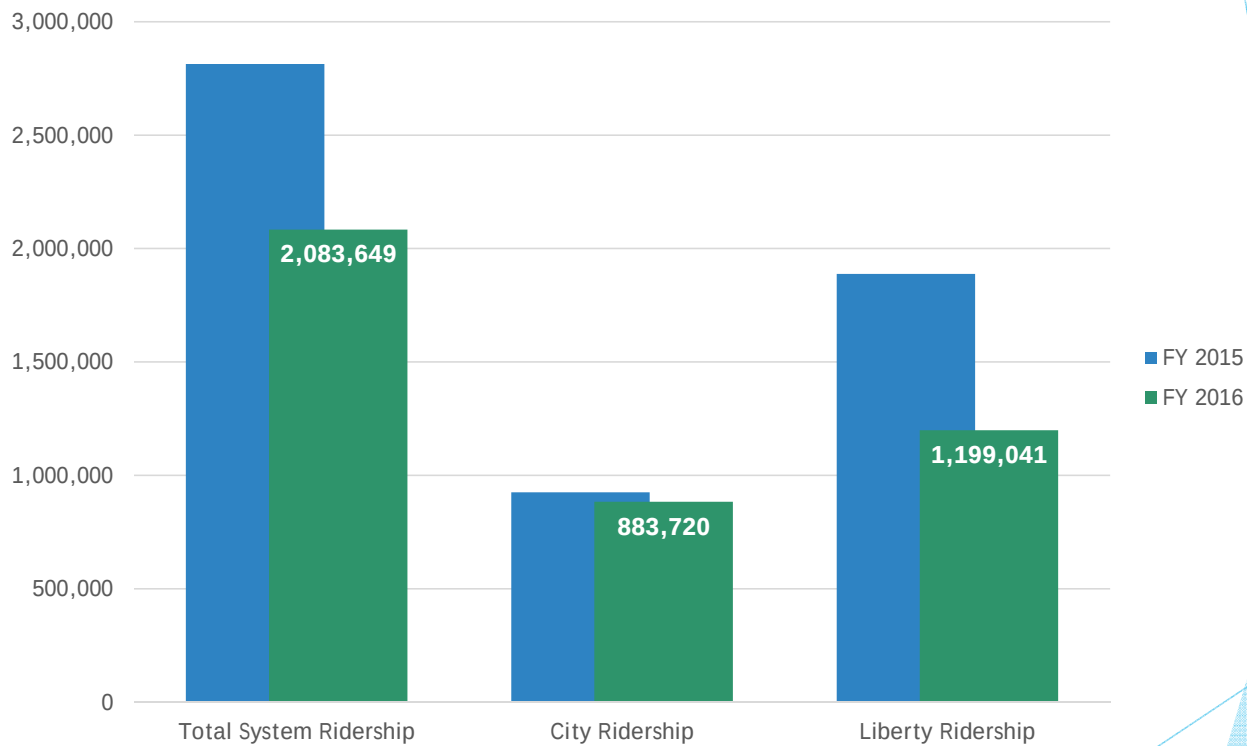


First  Transit

GLTC RIDERSHIP

GLTC
Remains the
10th Largest
System in
Virginia!

GLTC System-wide
Ridership Decreased
(35%) primarily due
to reduced LU
Service



First Transit

GLTC MAJOR ACCOMPLISHMENTS

- Continued construction on our new Operations & Maintenance Facility
- Awarded Best Commercial Project for our Transfer Station by VA Green Building Council
- Awarded competitive statewide grant to establish a Downtown Central Business District Circulator
- Participated in two (2) Statewide Bus “Rodeo’s”
- Successfully closed out GLTC’s Federal Transit Administration Triennial Review
- Implemented new Live Bus Tracking system for riders to see where their bus is in real time (mybus.gltconline.com)
- Revamped and redesigned the GLTC Riders Guide
- Continued our Intensive Training with our core focus on Customer Service and Safety, established Defensive Driving Training
- General Manager selected to serve on the Transit Capital Revenue Advisory Board for the General Assembly
- Responded to an RFP and enhanced our service contract with our largest partner, Liberty University



GLTC LOOKING AHEAD

Ongoing Construction of our new Operations & Maintenance Facility



First  Transit

GLTC LOOKING AHEAD

Drivers Area of our new Operations & Maintenance Facility



Anticipated Opening
February 2017



GLTC LOOKING AHEAD

Supervisors Area of our new
Operations & Maintenance Facility



Anticipated Opening
February 2017



GLTC LOOKING AHEAD

Executive Conference of our new
Operations & Maintenance Facility



Anticipated Opening
February 2017



Upcoming
Projects in
2016-2017

GLTC LOOKING AHEAD

- Move in/Opening of our New Operations & Maintenance Facility (Anticipated February, 2017)
- Implementation new Fare Collection Technology (Smart Cards)
- Begin planning for our Vehicle Fleet Replacement
- System-wide Review and Revamp of our Routes through our Transit Development Plan (TDP)
- Implementation of Rider Information Signage at Transfer Station and multiple stops throughout LU and Community
- Improvements to passenger amenities at stops including lighting, trash receptacles and new larger/clearer bus stop signage
- Continued Emphasis on Customer Service and Safety
- Further Enhance our relationships with Area Businesses, Schools, Human Service & Community Organizations
- And above all else, our continued commitment to YOU!



First  Transit

GREATER LYNCHBURG TRANSIT COMPANY

We're here to get you there!



Thank You!



First  Transit

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 8, 2016**

AGENDA ITEM #: **3**

CONSENT:

REGULAR:

WORK SESSION: **X**

CLOSED SESSION:

ACTION:

INFORMATION: X

(Confidential)

ITEM TITLE: Change in Legislation re: Proffers

Strategic Pillar(s) Impacted:

☐ Arts & Culture

☐ Citizen Engagement & Social Capital

☐ Economic Development

☐ Healthy & Active Living

☐ Infrastructure

☐ Land Use

☐ Lifelong Learning

☐ Natural Resources

☐ Neighborhoods

☐ Safe Community

☐ Social Equity

☐ Transportation

☒ Administrative

RECOMMENDATION: Hear a presentation from the City Attorney and discuss the City's approach to amendments regarding proffers.

SUMMARY: The General Assembly made amendments to proffer statutes. The City Attorney will provide an overview to City Council regarding these amendments.

PRIOR ACTION(S): N/A

FISCAL IMPACT: N/A

CONTACT(S): Walter Erwin, City Attorney – 455-3973
Bonnie Svrcek, City Manager - 455-3990

ATTACHMENT(S): Report Regarding Proffers in General and 2016 Amendments

REVIEWED BY: bms

161K

Proffers in General

Proffers are the voluntary concessions a developer offers to a locality as part of a conditional rezoning in order to address the impact of a given development. The courts have held that a locality can turn down a rezoning request if applicant fails to address the health, safety and welfare issues associated with the development. In 1979 the General Assembly authorized the use of proffers to give developers a means by which they could address these issues, and since that time the majority of rezoning petitions have included the use of proffers.

A developer can offer proffers to deal with both the onsite and offsite impacts of a residential development. Onsite proffers address conditions within the boundaries of the development and typically include such things as: offers to plant landscaping or construct a fence, to shield outdoor lighting so it won't shine beyond the property line, to build recreational facilities for the residents, etc. Offsite proffers address conditions outside of the development and typically include offers to do such things as construct turn lanes, traffic signals or sidewalks to lessen the impact of the additional vehicular and pedestrian traffic. Once accepted by the local government, the failure of a property owner to comply with a proffer is the equivalent to a violation of the zoning ordinance.

"Cash Proffers" for residential developments are the most controversial type of proffer. In high growth localities (a locality in which the population increased by at least 5% from the last census), the locality can accept cash from a developer to cover the increased costs of schools, traffic, public safety, and recreational services resulting from the development. Localities that require cash proffers typically set dollar amounts for each housing unit being built to cover the increased costs of the schools, public safety, and recreation facilities that are estimated to be needed as a result of a new residential development. For example, Chesterfield County expected a developer to proffer \$18,999 per dwelling unit in a residential development and in 2015 Loudoun County took in more than \$33.5 million in cash proffer revenues.

2016 Amendments

The building industry in Northern Virginia pushed the amendments to the proffer statutes. The fundamental premise of the legislation was that the cash proffers used by some localities had ceased to be directed at the mitigation of the impact of a specific development, but had become a means of raising general revenues for public services and infrastructure and were being used as an alternative means of taxation, rather than as a way to mitigate the impact of a specific development.

However, the legislation that was ultimately adopted by the General Assembly was substantially different from its earliest drafts and was not limited to the use of cash

proffers. In amending the proffer statutes, the General Assembly did not prohibit a developer from offering proffers to mitigate the impact of a residential development, but the General Assembly made it clear that localities should not be allowed to use cash proffers as a means of raising general revenues and decided that localities needed to take additional steps to verify that proffers address the impacts that are specifically attributable to a new residential development. The new legislation:

- Makes it illegal for a locality to request or accept an "unreasonable proffer."
- Defines an unreasonable proffer as a proffer that does not address an impact that is "specifically attributable" to a proposed new residential development.
- Under the new standard, all onsite and offsite proffers dealing with such things as street improvements, nature trails, recreational facilities, etc. must be directly linked to the demands attributable to a new residential development.
- Offsite proffers can only be offered to address the impacts associated with the following four categories of public facilities: transportation, public safety, public schools and public parks. For example, a proffer to dedicate property to be used for a library would be an unreasonable proffer because such a proffer does not fall within one of the enumerated categories.
- Provides that locality may not deny a residential rezoning because of an applicant's failure or refusal to submit an unreasonable proffer. The focus must be on whether a proffer mitigates an impact that is directly related to a given development.
- It appears that a developer cannot waive the provisions of the new statute even if the developer wishes to do so. This is a change, in the past, the courts held that even if proffer was not specifically needed for a project, a property owner could voluntarily agree to dedicate property for public facilities, and it was okay for a locality to accept such a dedication.
- The legislation establishes new procedures for litigation. Previously the courts presumed that the proffers that were accepted by a locality were reasonable and the developer had to prove that the proffers were unreasonable. Under the new law it appears the burden has shifted to the locality to prove that proffers are reasonable. Also, the new legislation allows a developer to recover attorney's fees and court costs from the locality if the developer wins in court.
- The legislation is prospective and only applies to rezoning applications filed after July 1, 2016.

What are Other Localities Doing?

As a result of the new legislation:

- James City County and Norfolk have opted for a simple approach; they will no longer accept any proffers associated with residential developments. They are going to zone like its 1979, before conditional zoning became an accepted practice.
- Portsmouth has decided that for the time being, its planners will not be allowed to suggest or entertain any proffers for residential developments. A developer may submit a proffer if the developer chooses, but the planners are not going to discuss or comment on the proffer.
- Chesapeake plans to require statements from developers during the rezoning process affirming that city staff “did not suggest, request or require any unreasonable proffers for the rezoning.”

What is Lynchburg Doing?

The impact of the new legislation isn't entirely clear; I don't think the City has to go so far as to eliminate the use of proffers in residential rezoning, but the City is going to need to make some changes to the zoning ordinance and its administrative procedures. For example:

- The sections in the zoning ordinance that list the requirements for a conditional rezoning need to be amended to include the new criteria that are listed in the state code.
- The zoning application the City uses probably needs to be revised to require an applicant to explain how any proffers that are offered address impacts that are specifically attributable to the proposed residential development.
- When an applicant offers proffers an impact analysis will be needed to support the conclusion that the proposed proffers are directly linked to the demands associated with the new residential development. For example, does an impact analysis show that the need for the new turn lane is directly attributable to the new residential development and not just a general need to improve the road. The City will need to decide who should conduct the impact analysis, City staff or the applicant.
- The City might want to require an applicant to certify that all of the proffers are voluntary and reasonable and were not required or recommended by staff.

Where is the City in the Process?

Since Greg Haley with the Gentry Locke law firm helped the City with the recent revision of the zoning ordinance, I asked Mr. Haley to review the new legislation and recommend any amendments to the zoning ordinance and administrative procedures he believes are needed in order to make sure the City complies with the new proffer legislation. Mr. Haley sent us his recommendations in September and City staff are reviewing the recommendations and determining what changes are needed to implement them.

What role does Council want to play as we go forward? The usual process for zoning amendments is for staff to make recommendations to the Planning Commission, the Planning Commission then initiates the amendments and makes a recommendation, and the proposed amendments then come to City Council for consideration. Is Council comfortable with this approach, or does Council want staff to come back to Council with the suggested amendments for discussion and let Council initiate the amendments?

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 8, 2016**

AGENDA ITEM #: **4**

CONSENT:
ACTION: **X**

REGULAR:

WORK SESSION: **X**
INFORMATION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: 2017 Legislative Agenda

Strategic Pillar(s) Impacted:

☐ Arts & Culture	☐ Citizen Engagement & Social Capital	☒ Economic Development	☐ Healthy & Active Living
☒ Infrastructure	☐ Land Use	☒ Lifelong Learning	☒ Natural Resources
☐ Neighborhoods	☒ Safe Community	☒ Social Equity	☒ Transportation
			☒ Administrative

RECOMMENDATION: Provide input for the 2017 Legislative Agenda.

SUMMARY: It is time to review and update City Council's Legislative Agenda in preparation for the 2017 session of the Virginia General Assembly. Attached is an annotated copy of the adopted 2016 Legislative Agenda with suggested revisions as proposed by staff. Staff would appreciate receiving Council's input so the draft can be finalized for adoption at Council's meeting on November 22 or December 13, 2016, depending on scheduling.

Also attached are legislative agendas from the Virginia Municipal League (VML) and the Virginia First Cities Coalition. The VML legislative agenda was adopted at the recent conference. The First Cities legislative agenda is scheduled for adoption at the annual meeting on December 2nd.

PRIOR ACTION(S): None

FISCAL IMPACT: To be determined.

CONTACT(S): Bonnie Svrcek, City Manager, 455-3990; Walter Erwin, City Attorney, 455-3973

ATTACHMENT(S): Draft 2017 Legislative Agenda; 2017 VML Legislative Agenda; Draft Virginia First Cities Coalition Legislative Agenda; Resolution

REVIEWED BY: bms

RESOLUTION

BE IT HEREBY RESOLVED that the Lynchburg City Council adopts its 2017 Legislative Agenda and directs that it be forwarded to the City's General Assembly delegation for information and action, as appropriate.

Adopted:

Certified:

Clerk of Council

162K

DRAFT DRAFT DRAFT
CITY OF LYNCHBURG
201~~6~~7 LEGISLATIVE
AGENDA

Adopted, ~~November 10, 2016~~5

The City of Lynchburg is a member of both the Virginia Municipal League and the Virginia First Cities Coalition and supports the legislative agendas of both organizations. The City of Lynchburg ~~2016~~ 2017 Legislative Agenda is meant to highlight those issues of particular importance to the City.

The Lynchburg City Council asks that ~~the~~ legislators keep the following principles in mind as they evaluate and vote on legislation and the biennial budget.

PRINCIPLES

- Local governments are instruments of the state, created in large measure to deliver state responsible services in a more efficient and effective manner. This state/local partnership requires an equitable allocation of costs between the two levels of government and across the various jurisdictions of the Commonwealth.
- The state must continue to meet constitutional and statutory responsibilities to adequately fund the state share of state/local services, especially in education, human services, and public safety. Any shortfall in state revenues should not be shifted to local governments.
- When the state experiences or anticipates a budget surplus, due to either increased revenues or reduced expenditures, it should relieve localities of funding responsibilities that have been shifted to them for state mandated/locally delivered services.
- Rather than shifting responsibilities for programs that the state is unwilling to fund down to the localities, the state should consider eliminating those programs.
- The state should explore ways to increase the efficiency and effectiveness of the delivery of state services at the local level including the regionalization of service delivery (e.g. Social Services) and the elimination of inefficient structures such as the Compensation Board.
- The General Assembly should defeat proposed legislation that would erode local taxing authority, cap or reduce local revenue sources or that would impose unfunded mandates on localities.
- The General Assembly should support legislation that provides greater authority to localities in implementing sustainability initiatives especially with regard to land use and transportation planning.

- The General Assembly should preserve local zoning and land use authority, allowing flexibility to meet the needs of individual communities.

2016-2017 LEGISLATIVE PRIORITIES

Filing of Bills with Local Fiscal Impact: Support legislation that requires members of the General Assembly to file bills with local fiscal impacts as early as possible and no later than the first day of the legislative session, so that the appropriate fiscal impact analysis can be completed and reported in a timely manner.

Taxes- Machinery and Tools: Oppose legislation that would reduce or eliminate a locality's authority to impose a machinery and tools tax. The loss of ~~\$4,622,000-~~ \$4,841,000 in revenue from the Machinery and Tools Tax would equate to a 9.96 cent increase in the City's Real Property Tax rate.

Taxes- Business License: Oppose legislation that would reduce or eliminate a locality's authority to impose a business license tax. The loss of ~~\$8,185,869-~~ \$8,127,366 in revenue from the Business License Tax would equate to a ~~17.1~~ 16.7 cent increase in the City's Real Property Tax rate.

Comprehensive Children's Services Act (CSA): CSA funding continues to be a serious concern. Actions taken by the General Assembly have increased mandated services and shifted costs to the localities. The General Assembly should refrain from adding additional mandated services and should fund its full share of the CSA program.

Economic Development: Preserve existing incentive and grant funds offered by the Virginia Economic Development Partnership, the Virginia Department of Agriculture and Consumer Services, the Department of Housing and Community Development, the Department of Environmental Quality, Virginia Tourism Corporation, and Virginia Commission for the Arts.

Educational Funding: Jobs are the key to economic recovery and adequate education is essential for preparing the current and future workforce. The State should fully fund the Standards of Quality (SOQ), including support staff costs and categorical incentive funds for At-Risk students and restore funding from cuts to education over the last biennium. The state has a constitutional duty to meet its education funding obligations and should refrain from changes in methodology and ~~the~~ division of financial responsibility that result in a further shift of funding responsibility from the state to localities. These shifts do not change what it actually costs to provide education but simply transfer s additional costs to local governments, and ultimately to the local real estate tax base.

Historic Rehabilitation Tax Credits: Support this financing tool which supports the development and redevelopment of historic buildings.

Local Law Enforcement Funding: The Commonwealth should be equitable in its support for local law enforcement funding both to those localities with police departments (HB 599 funding) and to those in which Sheriff's Departments provide law

enforcement (through the Compensation Board). Cities should not bear a disproportionate burden for law enforcement funding through continued reductions in funds provided by HB 599.

~~**Odd Fellows Road Funding:** The General Assembly provided funding for a new interchange at Route 460/29 and Odd Fellows Road to address safety concerns and traffic congestion and to promote economic development. However, the project planned with the funding will only approve a portion of Odd Fellows Road, from Mayflower Drive to the new interchange, leaving the rest of Odd Fellows Road unimproved and hampering business access. Without improvements to Odd Fellows Road from the Lynchburg Expressway (Rt. 29 Business) to the interchange, access to the new interchange will be constricted, limiting the effectiveness of that facility. The City is seeking asks for additional State funding to provide access, including pedestrian facilities, to the new interchange that will be constructed on Route 460/29 at Odd Fellows Road from the Lynchburg Expressway. Without improvements to Odd Fellows Road from the Lynchburg Expressway (Rt. 29 Business) to the interchange, access to the new interchange will be constricted, limiting the effectiveness of that facility.~~

Revenue Sharing: Preserve the Revenue Sharing program administered by the Virginia Department of Transportation. This program allows localities to leverage funds for needed projects that have no other source of funding.

Smart Scale: Support local and regional applications to the Smart Scale project selection process. Smart Scale promotes the implementation of safe and efficient transportation systems.

Water Quality and Environment:~~The City continues to face significant financial burdens in its efforts to comply with water quality regulations. The management of all the related water quality~~ programs imposes high costs on sewer and stormwater rate payers. Continued Federal and State assistance is required to avoid an unreasonable economic burden on City residents and businesses. The City urges support for the following positions:

- Oppose any legislation that would reduce the City's Chesapeake Bay or James River nutrient allocations, require the City to re-justify its nutrient allocations for its existing treatment facility, or otherwise take away any nutrient allocation or related treatment capacity. The City supports the Department of Environmental Quality's (DEQ)'s James River Study and legislation to maintain the City's nutrient allocations at the current permitted levels.
- Continue to adequately fund the Virginia Clean Water Revolving Loan Fund (VCWRLF) program and make available low and zero interest loans for water quality improvement projects that are necessary for permit compliance and the achievement of the goals of the Chesapeake Bay and other local Total Maximum Daily Loads (TMDL)s.
- Support efforts to fund the Stormwater Local Assistance Fund in the amount of \$50 million to help localities offset some of the multi-billion dollar cost attributed to stormwater through the Chesapeake Bay TMDL.
- ~~Support expansion of pollutant trading programs to include sediment. The~~

~~Lynchburg Regional Wastewater Treatment Plant has a significant unused allocation of Total Suspended Solids (TSS) that can potentially be used to temporarily meet a portion of the our urban stormwater sediment reduction requirements associated with the Chesapeake Bay TMDL.~~

- Support point source Water Quality Improvement Funding (WQIF). This will help Lynchburg by improving water quality in the James River and clearing up outstanding balances that the State owes for other wastewater plant upgrades and placing the State in a better position to help fund future upgrades to the Lynchburg Regional Wastewater Treatment Plant if and when they are necessary.
- Oppose any efforts to exempt certain properties from stormwater utility fees. Additionally oppose efforts to provide reduced stormwater fees for certain properties or situations. Equitable distribution of stormwater program costs is essential to meeting regulatory requirements and minimizing stormwater rates.
- Oppose any efforts to increase DEQ's penalty authority against localities.
- Oppose any efforts to shorten Sanitary Sewer Overflow reporting deadlines. Currently the requirement is to notify DEQ within 24 hours of an overflow. A shorter timeline would significantly impact staffing needs.
- Oppose more stringent requirements and regulations associated with the land application of biosolids.
- Oppose efforts to regulate water and wastewater utilities by the State Corporation Commission.
- Support funding associated with lead water service replacement efforts.

OTHER LEGISLATIVE POSITIONS

Binding Arbitration: Oppose legislation that mandates binding arbitration, meet and confer requirements, and imposed grievance procedures for local employees.

Communications Sales and Use Tax: Support legislation to reclassify the communications sales and use tax as a local not a state tax.

Exemptions: Oppose any legislation that would exempt churches and other religious and non-profit organizations from neutral, generally applicable local ordinances, and in particular local health, safety and zoning ordinances.

FOIA Exemption on the Release of Information Pertaining to Closed Criminal

Justice Case Files: Oppose legislative action to remove the current FOIA exemption on the release of information pertaining to closed criminal justice case files. While not preventing the disclosure of information from closed criminal case files, the exemption allows law enforcement agencies the option to decline disclosure in situations where such disclosure is deemed likely to compromise ongoing criminal investigations; to identify at-risk witnesses, informants or victims; or to otherwise jeopardize public safety. Beyond the scope of endangering witnesses, informants or victims in certain cases, indiscriminate release of all closed case information would significantly hamper current criminal investigations involving the same suspect, similar modus operandi, etc. A primary reason for keeping investigative details from public knowledge is to preserve investigators' ability to evaluate the validity of information gathered from various sources

Law Enforcement Data Collection and Retention: The collection of data on citizen activities in the public rights of way is a sensitive matter and should be addressed with due caution to respect individual privacy rights. Access to data collected by devices such as Automatic License Plate Readers should be only for legitimate law enforcement purposes after a crime has been committed and passive data should be purged as soon as possible.

Line of Duty Act: Support initiatives that return program funding responsibility to the state. Should this unfunded mandate continue, support efforts to implement the recommendations of the 2014 Joint Legislative Audit and Review Commission (JLARC) "Line of Duty Act Report" .

Prevention: Restore state funds for prevention services.

Reimbursement for Political Party Primaries: Support the full reimbursement to localities for the costs related to political party primaries.

Reimbursement for General Registrar and Electoral Board Expenses: Support the full reimbursement by the State to the localities for the compensation and expenses of the General Registrar and Electoral Board.

Reimbursement for the Retrieval of Cellular Phone Information: The General Assembly should amend §19.2-70.3 of the Code of Virginia to provide reimbursement for the costs of retrieving historic cellular tower information through a search warrant. Code of Virginia §19.2-70.2 has language in section G that allows localities to seek reimbursement for costs related to obtaining pen register information authorized through a court order. Such orders are traditionally used for real-time cellular phone information (pen register and trap & trace). Code of Virginia §19.2-70.3 does not currently have language to allow localities to seek reimbursement. This code section requires a search warrant for cellular phone information related to real-time location data (pinging a phone) or historic subscriber and billing information. United States v. Graham, decided August 5th by the 4th Circuit Court of Appeals, held that a search warrant is necessary for historic cellular tower information. This sort of information shows where a phone was at any relevant point in time. Without the reimbursement language being added to §19.2-70.3, localities will end up spending thousands of dollars a year through investigations involving the need for cellular phone information obtained through search warrants.

Short-term Rentals: Oppose short-term rental legislation that does not require property owners to register locally and insure accessibility, zoning and life safety protections and equal taxing of all lodging facilities.

Social Services: Maintain funding for workforce re-training through appropriate agencies, retaining Virginia Initiative for Employment not Welfare (VIEW) staff and funding in Social Services. This program has successfully helped Temporary Assistance for Needy Families (TANF) recipients secure and maintain jobs.

State Aid to Public Libraries: Restore state aid for libraries to at least FY 2010 levels. Public libraries serve as resources for early childhood education and for the unemployed seeking job opportunities.

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.

Tax on Electronic Cigarettes and Vapor: Support legislation to allow localities to tax electronic cigarettes and vapor in a manner similar to traditional cigarettes.

Taxes on Local Services: Oppose the imposition of a state fee, tax or surcharge on water, sewer, and solid waste or on any other local government funds or services.

~~**Taxes—Transient Occupancy and On-line Travel Companies:** Support legislation to ensure that transient occupancy taxes are based on the cost of the room as paid by the consumer. On-line travel companies collect and remit transient occupancy taxes based on the wholesale room price hotels and motels paid by the travel companies not the room price paid by the consumer.~~

Telecommunications: Maintain local authority over zoning, land use, rights-of-way and taxation. Limit new state regulation preempting local authority regarding the use and compensation of local rights of way for telecommunications.

Workers Compensation Medical Fees: Virginia should adopt Medicare-based fee schedules for setting medical provider fees in workers’ compensation cases, instead of the prevailing community rate standard now used. This will make providing workers’ compensation coverage more affordable and will adequately protect the financial interests of the medical providers of Virginia.

2017 Virginia First Cities Community Wealth Building

Policy Initiatives

Guiding Principles

Virginia First Cities' members are among the most fiscally stressed cities in the Commonwealth. Our cities are not receiving enough revenue to meet the needs of our communities. Recognizing the fiscal stress that the Commonwealth is experiencing as a whole, we respectfully request that the General Assembly and the Governor not balance the budget on the backs of our stressed local governments.

State mandates take a heavy toll on our cities and further exacerbate our cities' fiscal stress. We urge General Assembly legislators to give our cities, and all Virginia local government, the flexibility and tools to avoid or ameliorate this fiscal stress.

As Virginia state government has been publicly resistant to federal mandates, so too, local governments are resistant to state mandates when not accompanied by appropriations to implement these mandates. At some point, the push down of mandates to Virginia cities results in inferior service to the government closest to the people. When you couple the effect of state mandates on local government, with the unique Virginia Dillon Rule and local government's inability to raise revenues to pay for mandates, at some point it become untenable and other local services fail. This vicious cycle seems to be played out year after year in the Commonwealth of Virginia.

When there is an opportunity for local government to generate tax revenue from new internet-based businesses like AirBnB/short-term rental companies, we are challenged with legislation that would deny local governments the tools to regulate where and how these short-term rental companies can operate. Further, the state has proposed collecting the tax revenue and remitting back to localities. Experience has taught us that this never ends well for local government.

The good news is that many of our VFC cities are experiencing revitalization with millennials and empty nesters moving back in to many of our cities. We are experiencing a high demand for services and very few tools to meet the at-risk educational needs, the housing stock needs, and the other infrastructure needs that are all critical to stable local government.

We recognize the serious financial and budgetary challenges facing the Commonwealth. VFC urges the General Assembly to protect funding for the programs noted below, and to create programs like the Community Wealth Building Fund that will be a repository until such time as the Commonwealth's revenue and budgetary picture is more secure.

Accordingly, VFC's 2017 Legislative Agenda is proposed as follows:

Comprehensive Poverty Reduction: Create a comprehensive Community Wealth Building state matching fund, partnering with local programs that target intractable long-term pockets of poverty through combined education and job training, housing and transportation resources, mentoring and prisoner re-entry, childcare and early education, and other programs that break the cycle of poverty. Prioritize the use of "Go Virginia" funding to create jobs for those in poverty.

- **Increase the Minimum Wage** from its current federally mandated level of \$7.25 per hour to \$10.10 per hour

At-Risk Public Education/Challenged Schools

- **Increase At-Risk Add-On program funding**
At least a 20 percent boost to basic aid per concentrated levels of free lunch students in order to fund the wraparound services necessary to meet state SOL, SOA, and graduation requirements.
- **Provide adequate Virginia Pre-school Initiative funding and policies**
Funding and policies should be flexible enough to ensure success for early childhood education programs.
- **Attract and retain quality teachers to challenged urban schools**
Teacher improvement programs, such as the Master Teacher Residency Program, should be expanded and teacher pay policies should recognize the difficulty of attracting quality teachers to challenged schools and subjects.
- **Continue the commitment to Extended Day and Year school funding programs**
Extended day/year school funding programs that allow schools time to target and assist students at-risk of failure.

Economic Development

- **Virginia Enterprise Zone Program**
The state should provide adequate funding to avoid grant proration for businesses that are located in distressed communities.
- **Protect Brownfields Restoration Land Renewal Program** assessment and rehabilitation funding.
- **Protect Historic Rehabilitation Tax Credits.**
- **Strengthen housing policies and options for low income Virginians**, including the Housing Trust Fund.
- **Increase blight reduction efforts** including funding derelict structures removal.

Public Safety

- **Restore Virginia Department of Corrections' local community diversion centers**
Enhance drug courts, and enact sensible non-violent offender laws including felony threshold levels, and meaningful prisoner re-entry assistant funding.
- **Protect and enhance state Aid to Police Departments** with a formula that recognizes the costs of higher levels of serious crime.
- **Provide adequate assistance for community juvenile justice commitments.**

- **Restore VJCCCA funding** for local juvenile behavior improvements programs.
- Make wholesale improvements in **mental health and substance abuse programs for individuals in local and regional jails.**

Health and Human Services

- **Provide adequate state funding for local administration of social services and health departments**
- **Expand Medicaid in Virginia.**
Expanding Medicaid or creating a state solution to use federal dollars would be good for Virginia's economy, bringing an estimated \$6.2 million per day to the Commonwealth, resulting in billions of dollars to support the health care industry, supportive health care industries, and employment.
- **Provide fair local match rates for Child Services Act funding.**
Eliminate the match requirement for non-mandated children.
- **Continue to direct TANF funding to programs that break the cycle of poverty**
This includes the Healthy Families program and Community Action Agencies. Modify TANF localities groupings for assistance payments to reflect current local costs.
- **Increase funding and support for childhood cancer research.**

Transportation

- Provide **equitable street maintenance payment funding from the state, including the conversion of city streets to bike lanes.**
- Ensure state policies include **construction and major rehabilitation funding for city streets and major arterials.**
- Provide dedicated funding for **Public Transit.**

Natural Resources

- Push for additional **Stormwater Local Assistance funds** to meet Clean Water and Chesapeake Bay Act requirements.

Tax Policy and Revenue Enhancements

- Increase the **Standard Individual Income Tax Deduction** to help lower income filers.
- Expand the state's **Earned Income Tax Credit** to encourage and support low-wage working families.
- **Study Dedicating Additional Lottery Monies to Local Governments.** Support for a Joint Legislative Audit and Review Commission (JLARC) study of the feasibility of dedicating additional lottery dollars to local governments.

➤ **Marketplace Fairness Act**

We urge the adoption at the federal level of the Internet Fairness Act. There should be a level playing field for competing services in the market place that treats sales tax obligations the same, whether entering a store by foot, by mail, by phone or by the Internet

➤ **Tax Certification**

Support the Danville pilot project legislation allowing localities, by ordinance, to require that the Clerk of Court should not record any deed conveying an interest in real property without a certification from the Director of Finance that all delinquent real estate taxes and nuisance abatement charges assessed against that property has been paid. Any attorney drafting a deed as part of a real estate settlement may also provide certification that all such delinquent amounts will be paid from settlement funds disbursed at closing. This will improve tax collection and will streamline tax lien and Building Code enforcement and protect citizens from the fraudulent or malicious transfer of tax burdened properties.



2017 VML Legislative Program

Education Funding

A strong public school system is essential to economic development and prosperity. The state must be a reliable funding partner in accordance with the Virginia Constitution and state statutes. The Standards of Quality should recognize the resources, including positions, required for a high-quality public education system. VML opposes changes in methodology and changes in the division of financial responsibility that result in a shift of funding responsibility from the state to localities.

Further, VML opposes policies that lower state contributions but do nothing to address the cost of meeting the requirements of the Standards of Accreditation and Standards of Learning.

Any approach to improving low-performing schools must include adequate state financial support. VML supports increased state funding for the Virginia Preschool Initiative, the K-3 reduced class size program and Early Reading Intervention program. VML also supports increased state stipends for highly effective teachers in high-poverty schools, and other innovative programs for teachers and students.

State and Local Government Fiscal Relationship

Governance at the local level becomes ever more challenging as the Commonwealth and the Federal government add new programs, or modify existing program guidelines, and promulgate complex regulations and higher standards for local governments to implement. It is not uncommon for the state and federal governments to either underfund their share of the costs or to ignore them altogether.

To that end, the Virginia Municipal League holds as essential these principles on local taxing and budget authority.

- Specific local revenue authority and sources cannot be further restricted without first granting and providing alternative revenue authority with reliable, sustainable revenue sources. This includes, without limitation, the BPOL and M&T taxes.
- Local governments should be involved in any discussions relating to local taxing authority including legislation that exempts specific industries from local taxes and fees.
- Local general fund revenue and special funds cannot be confiscated or re-directed to the state treasury.
- Placing additional administrative burdens on local governments without sufficient resources or administrative flexibility jeopardizes the quality of services delivered at the local level. Local governments cannot be expected to bear the expenses related to the imposition of new funding requirements or the expansion of existing ones on services delivered at the local level without a commensurate increase of state financial assistance or new local taxing authority.
- Shifting traditional state funding responsibilities onto local governments for services including public education, law enforcement, and public safety activities and any core services affecting local government, is bad fiscal policy, resulting in stress on local finances without reductions in overall program costs.

- Imposing state fees, taxes or surcharges on local government services impedes transparency at both the state and local level.
- Any efforts at tax reform must begin with a thorough examination of state tax reform and the financing of state services. The State should reform its own tax structure before taking on the topic of local taxes. State and/or local tax changes should not negatively affect local revenues.
- State budget cuts to state mandated and other high priority programs should specify the programs to be affected by the cuts.

The Commonwealth should:

- Enter into a dialogue with local governments to examine state requirements and service expansions that can be suspended or modified to alleviate to the degree possible the financial burden on state and local taxpayers.
- Examine models in other states that allow for modernizing state and local taxing authority.
- Develop spending and revenue priorities that support economic development, public safety, education and other public goals. State tax credits, tax deductions and tax relief policies must receive the same scrutiny as spending programs as part of the prioritization process.
- In times of revenue crises, review ways to increase revenues to meet constitutional and statutory obligations to Virginia citizens after all other actions have been taken.
- Include local government representatives on any “blue ribbon” commission or other body established by the state that has as its purpose changes to local revenue authority or governance.

State Assistance to Local Police Departments (HB 599)

Almost 70 percent of Virginians live in communities served by police departments. The state created a program of financial assistance to local police departments, but has increasingly de-emphasized this funding obligation as a priority. VML calls for the state to honor its commitment to public safety by funding the program as stipulated in the Code of Virginia.

Taxing, Licensing, and Regulating Internet-based Businesses and Services

If the Commonwealth should take action to regulate private enterprises employing a business model that emphasizes the use of the Internet to either provide retail or facilitate lodging or ride-sharing services, then local government interests should be acknowledged and localities should be included in the decision-making. As general principles, VML believes state and local policies should (1) encourage a level playing field for competing services in the market place; (2) seek to preserve and/or replace local and state tax revenues; (3) ensure safety, reliability, and access for consumers, providers, and the public; and (4) protect local government’s ability to regulate businesses whether they are traditional, electronic, Internet-based, virtual or otherwise.

Transportation and Transit Funding

VML recognizes the importance and critical support provided by the Commonwealth for local and regional transportation and transit capital needs. To that end, VML believes the projected decline in state funding over the upcoming biennia will negatively affect the movement

of people and goods, thereby hindering economic development, jeopardizing public safety and degrading the quality of life in our localities.

The state should continue to financially support transportation and transit capital needs, exploring all options including the issuance of Commonwealth bonds. VML supports adequate funding of the Smart Scale (HB 2) program in addressing transportation and transit needs.

Access to Healthy Food

VML supports approaches (including but not limited to the Virginia Grocery Investment Fund) to provide financial and technical support for businesses to expand and ensure greater access to healthy food for residents of the Commonwealth.

Roadway Maintenance Payments; Bicycle Lanes

VML supports the ability of cities and towns that receive roadway maintenance payments from the Commonwealth based on moving-lane miles of roadway to not see their payments reduced if moving-lane miles of roadway are converted to bicycle-only lanes. Municipalities will not reduce their funding after a conversion.

Landscape Materials

VML supports the ability of localities to regulate the use of specific landscape cover materials or the retrofit of existing landscape cover materials for the health, safety, and welfare of their citizens.

Local Authority to Regulate Plastic Bags

VML requests that the General Assembly grant localities the authority to regulate and curtail the use of retail plastic bags. This authority would provide local governments an additional tool to reduce litter and improve local water quality.

Lottery for Localities

VML requests that the General Assembly authorize the Joint Legislative Audit and Review Commission to study the feasibility of dedicating additional lottery dollars to local governments. As part of the study, JLARC should identify and evaluate the potential impacts of the "Lottery for Localities" proposal on other state financial aid programs, including school funding, and the proposal's possible financial impact on lottery sales.

Municipal Net Metering

VML requests that the General Assembly grant local governments the right to aggregate the electric load of their buildings, facilities, and any other governmental operations for the purpose of net energy metering. Additionally, VML requests that the General Assembly raise the net-metering limit from 1,000 kilowatts to 2,000 kilowatts for non-residential customers.

Price Floor for Regional Gas Taxes

VML supports an amendment to Virginia Code § 58.1-2295 that would establish a protective floor price for the 2.1 percent regional gas tax, such as was done for the statewide fuels tax in §58.1-2217. Such a floor concept is essential to provide a more stable, dedicated revenue source needed for long-term financing of regional projects.

Regional Greenhouse Gas Initiative & Commonwealth Resilience Fund

VML urges the General Assembly to address greenhouse gas emissions targets through a Regional Greenhouse Gas Inventory (RGGI) carbon credit auction, and/or a carbon emissions tax. All proceeds derived from the auction of credits should be used to establish the “Commonwealth Resilience Fund,” a special state-dedicated fund to assist localities in addressing flooding, energy efficiency improvements, and economic development.

State Corporation Commission Jurisdiction over Local Utilities

Because the State Corporation Commission lacks jurisdiction over local government utilities under the Virginia Constitution, the General Assembly should not enact any legislation that purports to grant the SCC any regulatory powers over local utilities.

Stormwater Utility Charges

VML opposes further amendments to the regulation of stormwater that would require a locality to waive stormwater charges.

Water Quality Funding / Wastewater Discharge and Pollutant Allocation Limits

VML requests that the General Assembly provide sufficient appropriations to the Water Quality Improvement Fund (WQIF) to fulfill point source upgrade contracts with local governments as well as cost-share payments to farm operators for the implementation of agricultural best management practices. Additionally, VML requests that the General Assembly provide sufficient appropriations, including dedicated revenues to the Stormwater Local Assistance Fund (SLAF) to address costs associated with permit requirements tied to federal Municipal Separate Storm Sewer Systems (MS4) and new EPA regulations.

VML opposes any legislation that would reduce or limit local government’s sewage discharge capacity, including nutrient allocations, as such capacity and allocations are critical to our members’ economic development efforts.

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 8, 2016**

AGENDA ITEM #: **7**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Rezoning: R-4C, High Density Residential (Conditional) to R-4C, High Density Residential (Conditional) – 240 Beverly Hills Circle

Strategic Pillar(s) Impacted:

☐ Arts & Culture	☐ Citizen Engagement & Social Capital	☐ Economic Development	☐ Healthy & Active Living
☐ Infrastructure	☒ Land Use	☐ Lifelong Learning	☐ Natural Resources
☒ Neighborhoods	☐ Safe Community	☐ Social Equity	☐ Transportation
			☐ Administrative

RECOMMENDATION: Approval of the rezoning petition.

SUMMARY: Carriage Square Ltd., is petitioning to rezone approximately sixteen (16) acres at 240 Beverly Hills Circle from R-4C, High Density Residential (Conditional) to R-4C, High Density Residential (Conditional) to amend previously approved proffers that limited the development to one hundred ninety-two (192) units. The amended proffers would allow the development a total of two hundred sixteen (216) units and the addition of bollard type lighting to the existing walking trails. The Planning Commission recommended approval of the petition because (i) the total number of bedrooms in the development would actually decrease, even though the proposal would increase the overall number of units by twenty-four (24); (ii) the increase in units would not have a negative traffic impact; (iii) the petitioner proffered bollard type lighting which would have minimal impact on adjacent properties; and (iv) all previously submitted proffers would remain in effect.

The petition was heard by the Planning Commission on September 14, 2016; however, due to an error in notifying surrounding property owners the petition was required to be reheard by the Commission on October 26.

PRIOR ACTION(S):

October 26, 2016: The Planning Commission recommended approval of the rezoning petition (6-0 with one vacancy).

September 14, 2016: The Planning Division recommended approval of the rezoning petition.
The Planning Commission recommended approval of the rezoning petition (5-0 with two absences, Gahagan and Light).

FISCAL IMPACT: N/A

CONTACT(S): Tom Martin, City Planner – 455-3900
Kent White, Director of Community Development – 455-3900

ATTACHMENT(S):

- Ordinance
- Planning Commission Minutes – October 26, 2016
- Memorandum to Planning Commission – October 26, 2016
- Speaker Signup Sheet – October 26, 2016
- Planning Commission Minutes – September 14, 2016
- Planning Commission Packet – September 14, 2016
 - o Planning Commission Report
 - o Zoning Map
 - o Future Land Use Map
 - o Watershed Map
 - o Planimetric and Topographic Map
 - o Concept Plan
 - o Project Narrative Rezoning Request – September 2, 2016

- o Property Photographs
- o Speaker Signup Sheet

REVIEWED BY: bms

UNCODIFIED ORDINANCE:

AN ORDINANCE CHANGING A CERTAIN AREA LOCATED AT 240 BEVERLY HILLS CIRCLE FROM R-4C, HIGH DENSITY RESIDENTIAL (CONDITONAL) TO R-4C, HIGH DENSITY RESIDENTIAL (CONDITONAL).

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 35.2 of the Code of the City of Lynchburg, 1981, as amended, be and the same is hereby further amended by adding thereto Section 35.2-54.__, which section shall read as follows:

Section 35.2-54.__. Change of a certain area located at 240 Beverly Hills Circle from R-4C, High Density Residential (Conditional) to R-4C, High Density Residential (Conditional).

The area embraced within the following boundaries:

Beginning at a point on the northeasterly right of way of Beverly Hills Circle at a common corner with tax parcel 254-12-003, thence along said right of way N50°40'56"W 532.43', thence along a curve to the right having a delta angle of 9°27'05", a radius of 375', a chord of N45° 57'24"W 61.79' for a length of 61.86', thence along a curve to the left having a delta angle of 9°18'23", a radius of 525', a chord of N45°53'03"W 85.18. for a length of 85.28', thence N50°32'15"W 321.99. thence leaving said right of way and along Beverly Hills Circle lots N24°32'16"E 764.15', thence along Stonegate Villas, City of Lynchburg, Kendall Square Apartments properties S39°42'49"E 999.59', thence S39°39'44"E 916.75', thence S50°20'26"W 375.63' to the point of beginning and containing 16.213 acres.

...is hereby changed from R-4C, High Density Residential (Conditional) to R-4C, High Density Residential (Conditional) subject to the conditions set out herein below which were voluntarily proffered in writing by the petitioner, Carriage Square, Ltd., to wit:

1. The maximum units per acre density for the 16.213 acres shall be 13.32 units per acre, which is 216 units.
2. The site shall be developed in substantial compliance with the submitted rezoning plan.
3. The only R-4 use allowed shall be apartments. All other R-4 uses shall be prohibited.
4. The developer shall provide access to the GLTC bus stop on Timberlake Road by installing a sidewalk within Timbrook Place right-of-way to connect to existing and proposed sidewalk along said road.
5. The developer shall dedicate a fifty foot (50') wide right-of-way for future street connection from Timbrook Place to Beverly Hills Circle.
6. The architecture of the buildings shall be in substantial compliance with the rendering presented in the rezoning application.
7. The developer shall not develop the area noted on the rezoning plan as "6.6 acres of woods to remain" other than for passive recreational purposes for the residents of the apartment community only.
8. The developer agrees to construct a public street connecting Timbrook Place to Candlewood Court as shown on the rezoning plan.
9. The developer agrees to plant a vegetative buffer to screen the Hensley property either on the Hensley property or on the project property at Hensley's discretion.
10. The developer agrees to construct a chain link fence, which will be five (5) feet high and approximately two hundred fifty (250) feet long, along the Gordan and Sandra Hensley property and the Hensley's will own the fence.
11. Bollard style lighting will be allowed along the walking trail.

And the City Planner shall forthwith cause the "Official Zoning Map of Lynchburg, Virginia," referred to in Section 35.2-30 of this chapter to be amended in accordance therewith.

Adopted:

Certified: _____
Clerk of Council

154K

MINUTES OF THE OCTOBER 26, 2016 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

Petition of Carriage Square Ltd., to rezone approximately, sixteen and one hundred ninety-five thousandths (16.195) acres located at 240 Beverly Hills Circle from R-4C, High Density Residential (Conditional) to R-4C, High Density Residential (Conditional) by amending previously approved proffers to allow two hundred sixteen (216) apartment units in lieu of the previously approved one hundred ninety-two (192) apartment units and to allow the addition of lighting to walking trails in the area designated for passive recreation uses.

Mr. Tom Martin explained that the Planning Commission recommended approval of this petition on September 14, 2016. Due to a clerical error by City staff in the mailing of property owner notification letters, the item required another public hearing. Nothing has changed from the public hearing items presented to them on September 14, 2016. Notifications were sent out correctly. Staff received some inquiries from neighbors as a result of those notifications. All seemed to be satisfied with staff's explanation as to what was changing with the proffers from the previous rezoning.

Mr. Doyle Allen of Hurt & Proffitt was present to represent the petitioner. He did not have anything to add from the item as presented to them in September. Chair Perault asked for anyone else who wished to speak in favor or in opposition to the petition. No one came forward. He closed the public hearing portion the petition.

Commissioner Lowe made the following motion, which was seconded by Commissioner Bowden and passed by the following vote:

"That the Planning Commission recommends to City Council approval of the petition of Carriage Square Ltd. To rezone approximately sixteen and sixteen and one hundred ninety-five thousandths (16.195) acres at 240 Beverly Hills Circle from R-4C, High Density Residential District (Conditional) to R-4C, High Density Residential (Conditional) subject to the following voluntarily submitted proffers:

- 1. The maximum units per acre density for the 16.213 acres shall be 13.32 units per acre, which is 216 units.**
- 2. The site shall be developed in substantial compliance with the submitted rezoning plan.**
- 3. The only R-4 use allowed shall be apartments. All other R-4 uses shall be prohibited.**
- 4. The developer shall provide access to the GLTC bus stop on Timberlake Road by installing a sidewalk within Timbrook Place right-of-way to connect to existing and proposed sidewalk along said road.**
- 5. The developer shall dedicate a fifty foot (50') wide right-of-way for future street connection from Timbrook Place to Beverly Hills Circle.**
- 6. The architecture of the buildings shall be in substantial compliance with the rendering presented in the rezoning application.**
- 7. The developer shall not develop the area noted on the rezoning plan as "6.6 acres of woods to remain" other than for passive recreational purposes for the residents of the apartment community only.**

- 8. The developer agrees to construct a public street connecting Timbrook Place to Candlewood Court as shown on the rezoning plan.**
- 9. The developer agrees to plant a vegetative buffer to screen the Hensley property either on the Hensley property or on the project property at Hensley's discretion.**
- 10. The developer agrees to construct a chain link fence, which will be five (5) feet high and approximately two hundred fifty (250) feet long, along the Gordan and Sandra Hensley property and the Hensley's will own the fence.**
- 11. Bollard style lighting will be allowed along the walking trail."**

The motion passed by the following vote:

AYES:	Bowden, Light, Lowe, Perault, Marion and Rogers	6
NOES:		0
ABSTENTIONS:		0
ABSENT:		0
VACANCY:		1

MINUTES OF THE PLANNING COMMISSION MEETING OF SEPTEMBER 14, 2016 (MINUTES HAVE BEEN APPROVED):

Petition of Carriage Square Ltd., to rezone approximately, sixteen and one hundred ninety-five thousandths (16.195) acres located at 240 Beverly Hills Circle from R-4C, High Density Residential (Conditional) to R-4C, High Density Residential (Conditional) by amending previously approved proffers to allow two hundred sixteen (216) apartment units in lieu of the previously approved one hundred ninety-two (192) apartment units and to allow the addition of lighting to walking trails in the area designated for passive recreation uses.

Mr. Tom Martin explained that the current R-4C zoning was established on March 11, 2014 by City Council. The property was rezoned from R-1, Low Density Residential, to allow the construction of 192 apartment units. The proposed rezoning would amend the previously approved proffers to allow 24 additional one and two bedroom units in the two buildings that have not yet been constructed. The additional 24 units would increase the overall development to 216 units, which would equate to 13.32 units per acre. That is slightly more than the recommended 12 units per acre but well below the allowed density in an R-4 district (approximately 22 units per acre).

Mr. Martin explained that while the narrative states that the maximum occupancy is likely to be less, this may not be true. The Zoning Ordinance allows for three occupants per unit. Mr. Martin suggested the commissioners keep this in mind and discuss it with the petitioner.

Other changes to the site plan include eight additional parking spaces and the addition of lighting to the walking trails within the passive recreation area proffered in the 2014 rezoning. While the Planning Division does recommend approval of the rezoning, no details were submitted concerning the type of lighting. The Planning Division suggests that the Planning Commission discuss lighting types with the developer. The Planning Division would only support bollard type lighting for the trails. This was discussed with at least one of the neighbors and with the petitioner. The petitioner is agreeable to bollard type lighting but there is no guarantee that they will install that type of lighting in the proffers.

Mr. Doyle Allen of Hurt & Proffitt and Mr. George Lester with Carriage Square Limited were available to represent the petition. Mr. Allen explained that six buildings have been constructed according to the previous rezoning. They contain two and three bedroom units. The developer has found that there is more of a market for one and two bedroom units. There were only a few one bedroom units in the previous floor plans.

The last two buildings will be constructed with the same footprint and architecture, but there will be an additional 24 units with the reconfiguration of the floor plans. The number of bedrooms will decrease by 24. The average number of bedrooms will drop from 2.5 to 2.1. As far as addressing the possible occupancy numbers, Mr. Allen said it is more art than science as far as estimating how many people will occupy a one or two bedroom units as opposed to a three-bedroom unit. The third bedroom may be used as a guest bedroom or an office.

Mr. Allen mentioned that they did an alteration to the previous traffic study to determine if there would be any increase in traffic. The am and pm peak trips only increased by maybe half a dozen trips. There was no loss of service with those numbers.

The developer and contractor have worked with the neighbors during construction to keep harmony. They made some adjustments to the location of the walking trails to accommodate one of the neighbors. The bollard style lighting can be made another proffer.

Mr. Lester explained that they have found the age of the occupants to be older than they had anticipated. People are downsizing and do not want a three-bedroom unit. He mentioned that the last two buildings will have elevators to accommodate older residents.

Chair Perault asked for anyone else that wished to speak in favor of the petition. No one came forward. He asked for anyone else that wished to speak in opposition to the petition. No one came forward. He closed the public hearing portion of the petition.

Commissioner Lowe asked Mr. Martin for an explanation of bollard type lighting. Mr. Martin explained that bollard type lighting are low to the ground, approximately three to four feet in height. They light the pathways as opposed to a post style light that would spread more light. If the petitioner wants to add that proffer, it needs to be written and signed by the owner today.

Commissioner Marion asked if you could have three people living in a one-bedroom unit. Mr. Martin said that theoretically you could under the occupancy limits of the Zoning Ordinance. Mr. Martin does not think these apartments were ever intended to be leased to students and he does not think they are being leased to students. Mr. Martin does not think it will be a big issue. He just wanted to point out that an increase in units could equate to an increase in the number of residents. However, he pointed out again that the number of units is well below the number allowed in an R-4 district.

Mr. Martin commented that the neighbor he talked to is very pleased with the development. It is well designed and laid out. Mr. Martin acknowledged that there were some bumps in the road at the beginning but the developer and contractor were very responsive to the neighbors and planning staff. Overall, it is a quality development. He does not think that the changes are going to be an issue.

Commissioner Bowden asked Mr. Lester what the average age of the occupants are and was told it is around 45. They have young professionals and older residents that are downsizing. Mr. Lester said they have purposely not marketed to students. They have some residents that are department heads and graduate students.

Chair Perault noted that he had a concern with the 2014 rezoning because of the density. He does not see this increase having an effect; as a matter of fact, it may improve. Chair Perault asked if the roads have been constructed. Mr. Martin said that everything in the proffers has been constructed. The proffers from the last rezoning were repeated, so that none of them would go away with this rezoning.

Commissioner Rogers asked when the final surface will be put on Gardens Way. Mr. Allen said the site has been graded for townhomes. It will be paved after the townhomes are constructed, which is the final phase of this development. Mr. Allen noted that Beverly Hills Circle will be paved at some point by the City. He is not sure exactly when but it is likely to be after a planned water line project is finished.

Commissioner Lowe asked if there is sufficient parking. Both Mr. Martin and Mr. Allen assured him that there is ample parking. Commissioner Lowe said he enjoyed his site visit and was amazed at the development. It is not your typical apartment complex.

Prior to a motion being made, Mr. Allen wrote out the following proffer and it was signed by Mr. Lester: "Bollard style lighting will be allowed along the walking trail."

Commissioner Marion made the following motion, which was seconded by Commissioner Lowe:

"That the Planning Commission recommends to City Council approval of the petition of Carriage Square Ltd. To rezone approximately sixteen and sixteen and one hundred ninety-five thousandths (16.195) acres at 240 Beverly Hills Circle from R-4C, High

Density Residential District (Conditional) to R-4C, High Density Residential (Conditional) subject to the following voluntarily submitted proffers:

- 1. The maximum units per acre density for the 16.213 acres shall be 13.32 units per acre, which is 216 units.**
- 2. The site shall be developed in substantial compliance with the submitted rezoning plan.**
- 3. The only R-4 use allowed shall be apartments. All other R-4 uses shall be prohibited.**
- 4. The developer shall provide access to the GLTC bus stop on Timberlake Road by installing a sidewalk within Timbrook Place right-of-way to connect to existing and proposed sidewalk along said road.**
- 5. The developer shall dedicate a fifty foot (50') wide right-of-way for future street connection from Timbrook Place to Beverly Hills Circle.**
- 6. The architecture of the buildings shall be in substantial compliance with the rendering presented in the rezoning application.**
- 7. The developer shall not develop the area noted on the rezoning plan as "6.6 acres of woods to remain" other than for passive recreational purposes for the residents of the apartment community only.**
- 8. The developer agrees to construct a public street connecting Timbrook Place to Candlewood Court as shown on the rezoning plan.**
- 9. The developer agrees to plant a vegetative buffer to screen the Hensley property either on the Hensley property or on the project property at Hensley's discretion.**
- 10. The developer agrees to construct a chain link fence, which will be five (5) feet high and approximately two hundred fifty (250) feet long, along the Gordan and Sandra Hensley property and the Hensley's will own the fence.**
- 11. Bollard style lighting will be allowed along the walking trail."**

Chair Perault noted that he was the lone dissenter in the last rezoning due to his concerns with traffic and the change in density. He visited the site and thinks it is a beautiful development. It is laid out the way it should be with the heavier uses next to Kroger. He walked the trail and you cannot hear traffic. It is very well done and he appreciates how the petitioner has worked with the City and the neighbors. He thinks it is smart to make this change due to market demands. The way the development was done has made him come around to change his mind for this petition.

The motion passed by the following vote:

AYES:	Bowden, Gahagan, Lowe, Marion and Rogers	5
NOES:		0
ABSTENTIONS:		0
ABSENT:	Gahagan and Light	2

The Department of Community Development

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

To: Planning Commission
From: Planning Division
Date: September 14, 2016
Re: Rezoning: R-4C, High Density Residential (Conditional) to R-4C, High Density Residential (Conditional) – 240 Beverly Hills Circle

I. PETITIONER

Carriage Square Ltd., P.O. Box 4991, Martinsville, Virginia 24115

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

II. LOCATION

The subject property includes one (1) tract totaling approximately sixteen (16) acres located at 240 Beverly Hills Circle.

Property Owner: Carriage Square Ltd., P.O. Box 4991, Martinsville, Virginia 24115

III. PURPOSE

The purpose of the petition is to rezone the property to amend previously approved proffers that limited the development to one hundred ninety-two (192) apartment units. The amended proffers would allow the development of two hundred sixteen (216) apartment units and the addition of lights to the existing walking trails.

IV. SUMMARY

- The *Future Land Use Map (FLUM)* recommends a Medium Density Residential use for the area. These areas are characterized by single-family homes, duplexes or townhomes with densities of up to twelve units per acre.
- Construction of the development is complete with the exception of two (2) apartment buildings.
- The proposed amendments would allow twenty-four (24) additional one (1)- and two (2)-bedroom units. According to the petitioner, the total number of bedrooms in the development would be reduced by twenty-four (24).

The Planning Division recommends approval of the rezoning petitions.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Comprehensive Plan 2002-2020* recommends a Medium Density Residential use for the area: Medium Density Residential designation is characterized by small-lot single-family detached housing, duplexes, and townhouses at densities up to twelve (12) units per acre. Where neighborhoods already exist, infill development should be at a compatible density and housing type (*pg. 70*).
2. **Zoning.** The subject property was annexed into the City in 1976. The existing R-4C, High Density Residential District (Conditional) zoning was established on March 11, 2014.
3. **Proffers.** The petitioner has voluntarily submitted the following proffers:
 - The maximum units per acre density for the 16.213 acres shall be 13.32 units per acre, which is 216 units.

- The site shall be developed in substantial compliance with the submitted rezoning plan.
 - The only R-4 use allowed shall be apartments. All other R-4 uses shall be prohibited.
 - The developer shall provide access to the GLTC bus stop on Timberlake Road by installing a sidewalk within Timbrook Place right-of-way to connect to existing and proposed sidewalk along said road.
 - The developer shall dedicate a fifty foot (50') wide right-of-way for future street connection from Timbrook Place to Beverly Hills Circle.
 - The architecture of the buildings shall be in substantial compliance with the rendering presented in the rezoning application.
 - The developer shall not develop the area noted on the rezoning plan as “6.6 acres of woods to remain” other than for passive recreational purposes for the residents of the apartment community only.
 - The developer agrees to construct a public street connecting Timbrook Place to Candlewood Court as shown on the rezoning plan.
 - The developer agrees to plant a vegetative buffer to screen the Hensley property either on the Hensley property or on the project property at Hensley’s discretion.
 - The developer agrees to construct a chain link fence, which will be five (5) feet high and approximately two hundred fifty (250) feet long, along the Gordan and Sandra Hensley property and the Hensley’s will own the fence.
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 April 12, 1998, Council approved the petition of Emmett and Hazel Simpson to rezone three (3) acres from R-1, Low Density, Single-Family Residential District to R-4C, Medium-High Density, Multi-Family Residential (Conditional) to allow the construction of a thirty-two (32) unit townhome complex at 203 Timbrook Place.
 - On February 14, 1989, Council adopted the Commercial Corridor Overlay District and amended the zoning for properties along and adjacent to the Timberlake Road Corridor.
 - On November 11, 1991, Council approved the petition of National Business College for a conditional use permit to allow the use of an existing building as a college at 104 Candlewood Court.
 - On March 11, 2014, Council approved the petition of American Property Management Corporation to rezone 200 & 218 Timbrook Place from R-1, Low Density Residential to R-4C, High Density Residential (Conditional) to allow the construction of an apartment complex.
 - On July 8, 2014, Council approved the petition of Belleau Wood Development, LLC to rezone Village at Dreaming Creek from B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional) to amend previously approved proffers and to rezone 7824 Timberlake Road from R-1, Low Density

Residential and R-4, Medium High Density Residential to R-4C, Medium-High Density Residential to allow the construction of an apartment complex.

6. **Site Description.** The subject property is one (1) tract totaling approximately sixteen (16) acres. The property has been developed as apartments and contains six (6) apartment buildings, clubhouse, pool, recreation field and walking trails. The property is bordered to the north by single-family homes, to the east by a planned unit development, a City of Lynchburg fire station and apartments, to the south by commercial uses and to the west by a single-family home and townhomes.
7. **Proposed Use of Property.** If the rezoning petition is approved, the existing proffers would be amended to allow twenty-four (24) additional one (1) and two (2) bedroom apartment units. The total number of units would increase from one hundred ninety-two (192) to two hundred sixteen (216). The submitted narrative also indicates the addition of lighting to the existing walking trails.
8. **Traffic, Parking and Public Transit.** The City's Transportation Engineer had no comments of concern regarding the addition of twenty-four (24) units. Information submitted by the petitioner indicates that the additional units would generate approximately nine (9) additional AM peak hour trips and twelve (12) additional PM peak hour trips.

The submitted site plan indicates a total of four hundred five (405) parking spaces which exceeds the requirements of the *Zoning Ordinance*.

The subject property is served by GLTC Route 7. The closest bus stop is located at 7819 Timberlake Road which is approximately eight hundred ten (810) feet and connected by sidewalk to the development.
9. **Stormwater Management.** A stormwater management plan has been reviewed and approved by the City's Environmental Planner.
10. **Emergency Services.** Neither the City Fire Marshal's office nor the City Police Department had comments of concern related to the rezoning.
11. **Impact.** The submitted rezoning petition would amend the previously approved proffers to allow two hundred sixteen units. According to the petition, the additional units will be one (1) and two (2) bedrooms. While the total number of units would increase by twenty-four (24) the total number of bedrooms would decrease by twenty-four. The narrative submitted by the petitioner states that the change is being requested due to market conditions.

While the total number of bedrooms may be decreasing, the total number of residents could increase due to increased units. The *Zoning Ordinance* limits the number of unrelated individuals to three (3) per household. The increase in units could potentially yield an additional seventy-two (72) residents. Even though the total number of residents could increase beyond what was previously approved, the proposal is still below maximum unit densities otherwise allowed by the *Zoning Ordinance*.

Of particular concern to the Planning Division is that the submitted narrative indicates that lighting will be added to the existing walking trails. While the Planning Division supports the lighting of the trails for security purposes, the type of lighting has not been indicated. The Planning Division suggests that only pedestrian scaled bollard type lights be considered.
12. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary rezoning plan on August 23, 2016. Comments related to the proposal are minor in nature and have or will be addressed by the petitioner.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Carriage Square Ltd. to:

Rezone approximately sixteen and sixteen and one hundred ninety-five thousandths (16.195) acres at 240 Beverly Hills Circle from R-4C, High Density Residential District (Conditional) to R-4C, High Density Residential (Conditional) subject to the following voluntarily submitted proffers:

1. The maximum units per acre density for the 16.213 acres shall be 13.32 units per acre, which is 216 units.
2. The site shall be developed in substantial compliance with the submitted rezoning plan.
3. The only R-4 use allowed shall be apartments. All other R-4 uses shall be prohibited.
4. The developer shall provide access to the GLTC bus stop on Timberlake Road by installing a sidewalk within Timbrook Place right-of-way to connect to existing and proposed sidewalk along said road.
5. The developer shall dedicate a fifty foot (50') wide right-of-way for future street connection from Timbrook Place to Beverly Hills Circle.
6. The architecture of the buildings shall be in substantial compliance with the rendering presented in the rezoning application.
7. The developer shall not develop the area noted on the rezoning plan as "6.6 acres of woods to remain" other than for passive recreational purposes for the residents of the apartment community only.
8. The developer agrees to construct a public street connecting Timbrook Place to Candlewood Court as shown on the rezoning plan.
9. The developer agrees to plant a vegetative buffer to screen the Hensley property either on the Hensley property or on the project property at Hensley's discretion.
10. The developer agrees to construct a chain link fence, which will be five (5) feet high and approximately two hundred fifty (250) feet long, along the Gordan and Sandra Hensley property and the Hensley's will own the fence.

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Ms. Bonnie M. Svrcek, City Manager
Ms. Margaret Schmitt, Interim Deputy City Manager
Mr. Walter C. Erwin, City Attorney
Mr. Kent L. White, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozerow, Lynchburg Police Department
Captain Thomas Goode, Fire Marshal
Ms. Maggie Cossman, Transportation Engineer
Mr. Doug Saunders, Building Commissioner
Mr. Kevin Henry, Zoning Administrator
Mr. Doyle Allen, Hurt & Proffitt, Inc.

VII. ATTACHMENTS

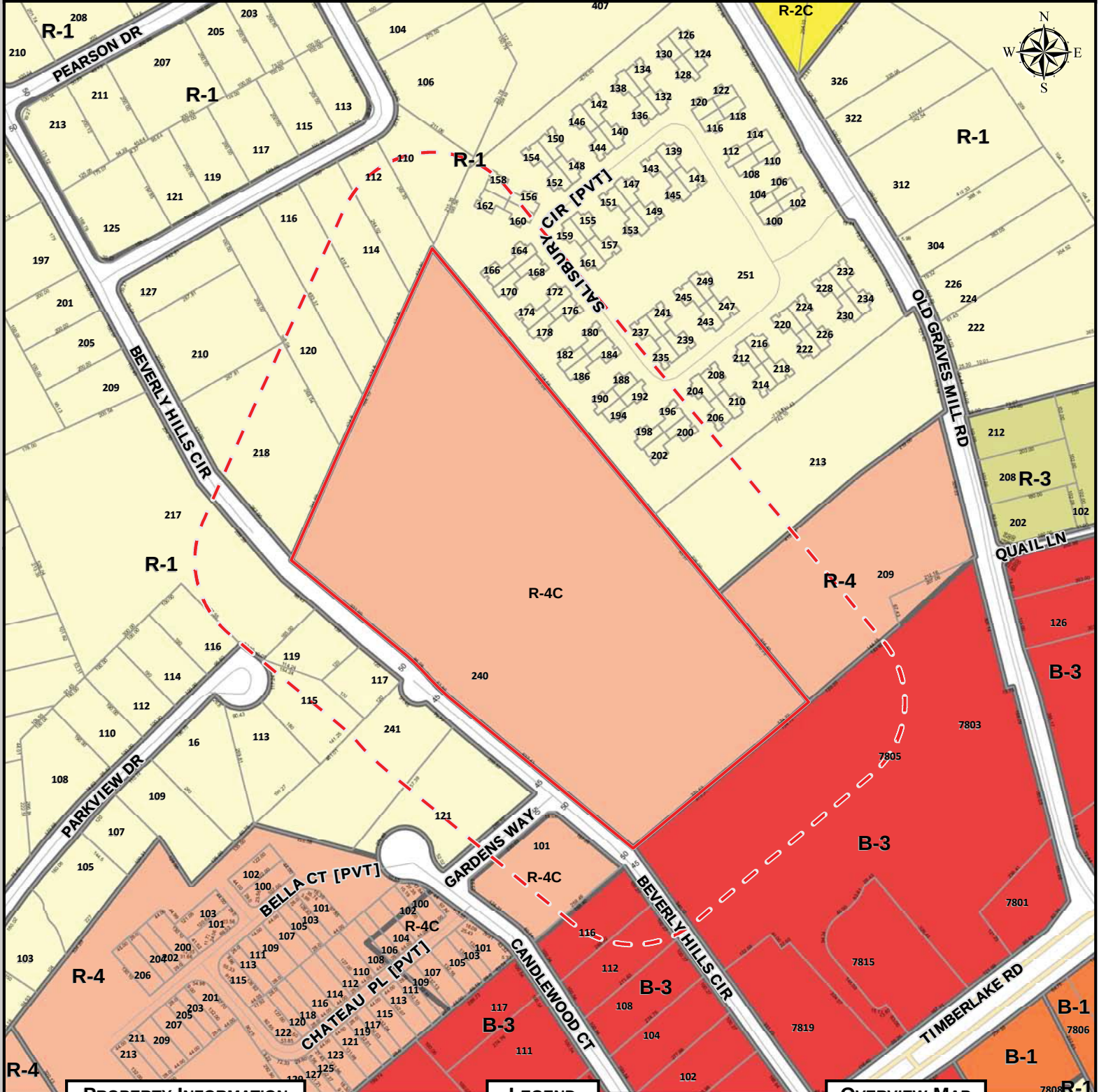
- 1. Zoning Map**
- 2. Future Land Use Map**
- 3. Watershed Map**
- 4. Planimetric and Topographic Map**
- 5. Concept Plan**
- 6. Narrative**
- 7. Property Photograph**

Zoning Map

REZONE FROM R-4C TO R-4C (AMEND PROFFERS)

Zoning Request

Carriage Square Limited



PROPERTY INFORMATION

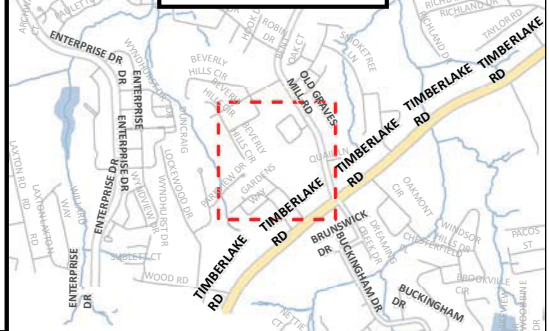
PARCEL ID	ADDRESS
25412010	240 BEVERLY HILLS CIR

LEGEND

 Subject Property	 R-1	 I-1	 IN-1
 215' Buffer	 R-2	 I-2	 IN-2
 B-1	 R-3	 I-3	 R-C
 B-3	 R-4		
 B-4			
 B-5			

MAP SCALE: 1" to 300' DATE PRINTED: 9/6/2016

OVERVIEW MAP



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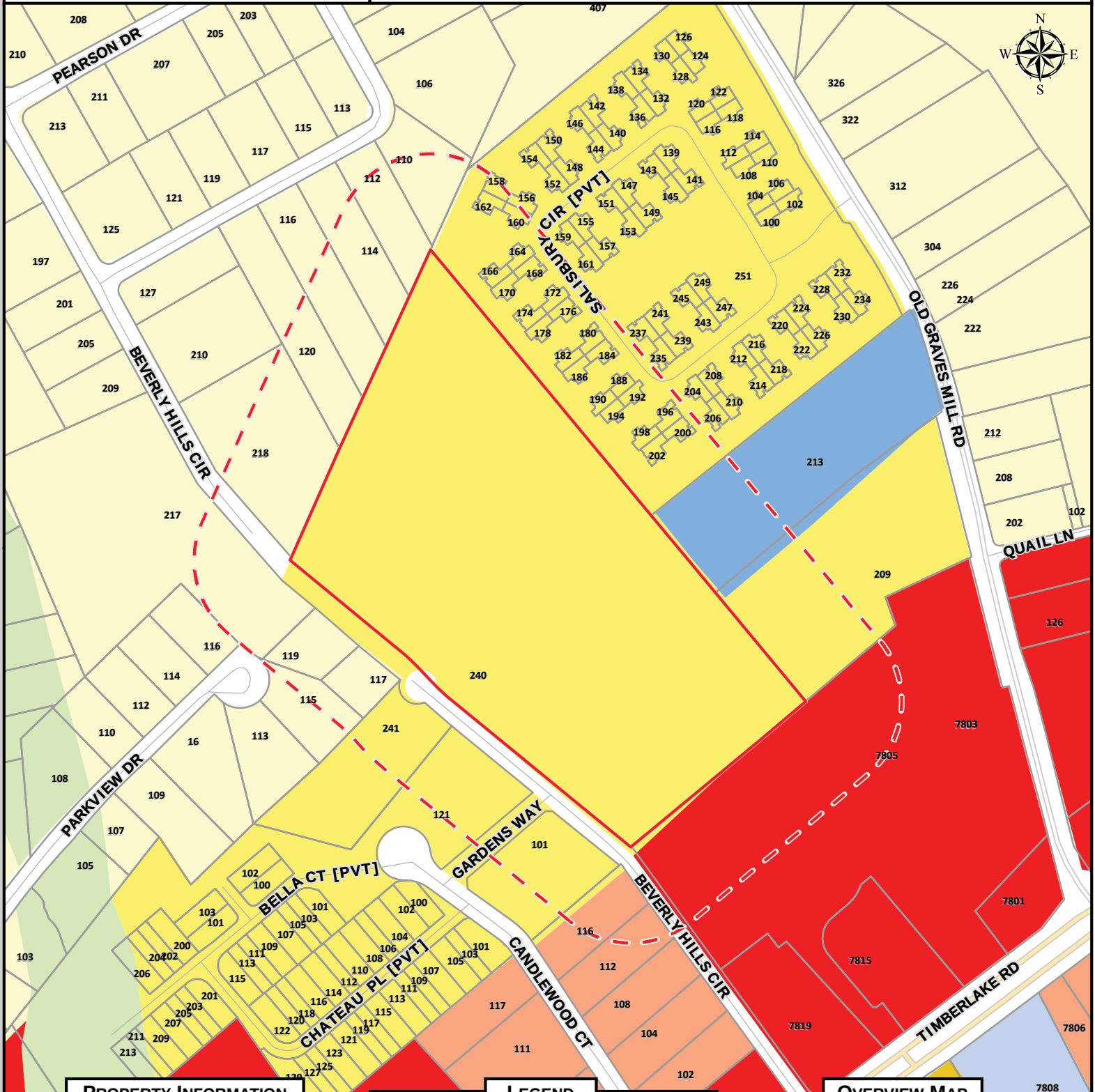
Parcel_ID	Location Address	Owner
24908008	114 BEVERLY HILLS CIR	BURNS, JESSICA N
25415011	121 CANDLEWOOD CT	CANDLEWOOD LLC
25415002	101 GARDENS WAY	CARRIAGE SQUARE LTD
25412010	240 BEVERLY HILLS CIR	CARRIAGE SQUARE LTD
24915049	172 SALISBURY CIR	CHAMBERS, CAROLE G
24909008	213 OLD GRAVES MILL RD	CITY OF LYNCHBURG
25416007	116 CANDLEWOOD CT	COROLLA MANAGEMENT CORPORATION
24915051	176 SALISBURY CIR	CRANK, KENNETH L & JANE B
24915062	198 SALISBURY CIR	CUMMINGS, PATRICIA C
24915052	178 SALISBURY CIR	DALTON, NANCY A
24908010	120 BEVERLY HILLS CIR	DAVIS, KEVIN M & BETHANY L
24915064	202 SALISBURY CIR	DIXON, RONALD R TRS
24915053	180 SALISBURY CIR	FARISS, GILBERT M & JOANNE L
24908011	218 BEVERLY HILLS CIR	FOSTER, W R & J W LIFE ESTATE
24915044	162 SALISBURY CIR	FRALEY, JAMES E & KEANE, KATHY A
25415003	241 BEVERLY HILLS CIR	HAMLETT, ANTHONY G
24909002	407 OLD GRAVES MILL RD	HARRINGTON, ELIZABETH I TRS
24915058	190 SALISBURY CIR	HARTLEY, CATHERINE S
25301003	115 PARKVIEW DR	HENSLEY, GORDON E & SANDRA C
25301002	117 PARKVIEW DR	HENSLEY, GORDON E & SANDRA C
25301001	119 PARKVIEW DR	HENSLEY, GORDON E & SANDRA C
24909009	209 OLD GRAVES MILL RD	KENDALL SQ LLC
24915042	158 SALISBURY CIR	KOCH, DALE W TRS &
25412003	7805 TIMBERLAKE RD	KROGER LIMITED PARTNERSHIP I
24915041	156 SALISBURY CIR	LYON, EMMA L & PILLOW, MICHAEL L &
24915050	174 SALISBURY CIR	MARTIN, WARREN C LIFE ESTATE
24915059	192 SALISBURY CIR	MCCARTHY, MAURICE T JR & DEBORAH C
24915055	184 SALISBURY CIR	MOORE, NANCY A LIFE ESTATE
24908013	210 BEVERLY HILLS CIR	NOEL, DONALD E & RITA D ET AL
24908009	116 BEVERLY HILLS CIR	PRENTICE, MARY S
25416008	112 CANDLEWOOD CT	PROFFITT & GARMAN LLC
25301034	116 PARKVIEW DR	ROBERTS, VIRGINIA C LIFE ESTATE
25007009	217 BEVERLY HILLS CIR	ROBERTS, VIRGINIA C LIFE ESTATE
24915047	168 SALISBURY CIR	SHERMAN, RALPH R & JOYCE B
24915061	196 SALISBURY CIR	SMOOT, ROBERT P JR & DORIS N
24915089	251 SALISBURY CIR	STONEGATE HOA
24915046	166 SALISBURY CIR	THORNHILL, ELIZABETH T
24915056	186 SALISBURY CIR	TOMLIN, JEAN T
24915060	194 SALISBURY CIR	TURPIN, THOMAS R & FRANCES F
24915054	182 SALISBURY CIR	VANDERVEEN, BETTYE R
24915063	200 SALISBURY CIR	VAUGHAN, ELIZABETH H
24915057	188 SALISBURY CIR	WALLER, JOYCE R
24908007	112 BEVERLY HILLS CIR	WASMER, DAVID M & LAURA L
24915045	164 SALISBURY CIR	WEST, LORETTA C
24908006	110 BEVERLY HILLS CIR	WILLIAMS, JOYCE D
24915048	170 SALISBURY CIR	WOMACK, ROSEMARY W
24915043	160 SALISBURY CIR	WORSHAM, RALEIGH E

FLUM Map

REZONE FROM R-4C TO R-4C (AMEND PROFFERS)

Zoning Request

Carriage Square Limited



PROPERTY INFORMATION

PARCEL ID

ADDRESS

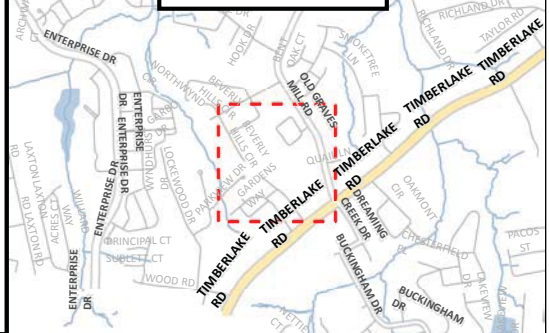
25412010 240 BEVERLY HILLS CIR

LEGEND

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

MAP SCALE: 1" = 300' DATE PRINTED: 9/6/2016

OVERVIEW MAP



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Watershed Map

REZONE FROM R-4C TO R-4C (AMEND PROFFERS)

Zoning Request

Carriage Square Limited



PROPERTY INFORMATION

PARCEL ID	ADDRESS
25412010	240 BEVERLY HILLS CIR

LEGEND

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

OVERVIEW MAP



MAP SCALE: 1" to 300' DATE PRINTED: 9/6/2016

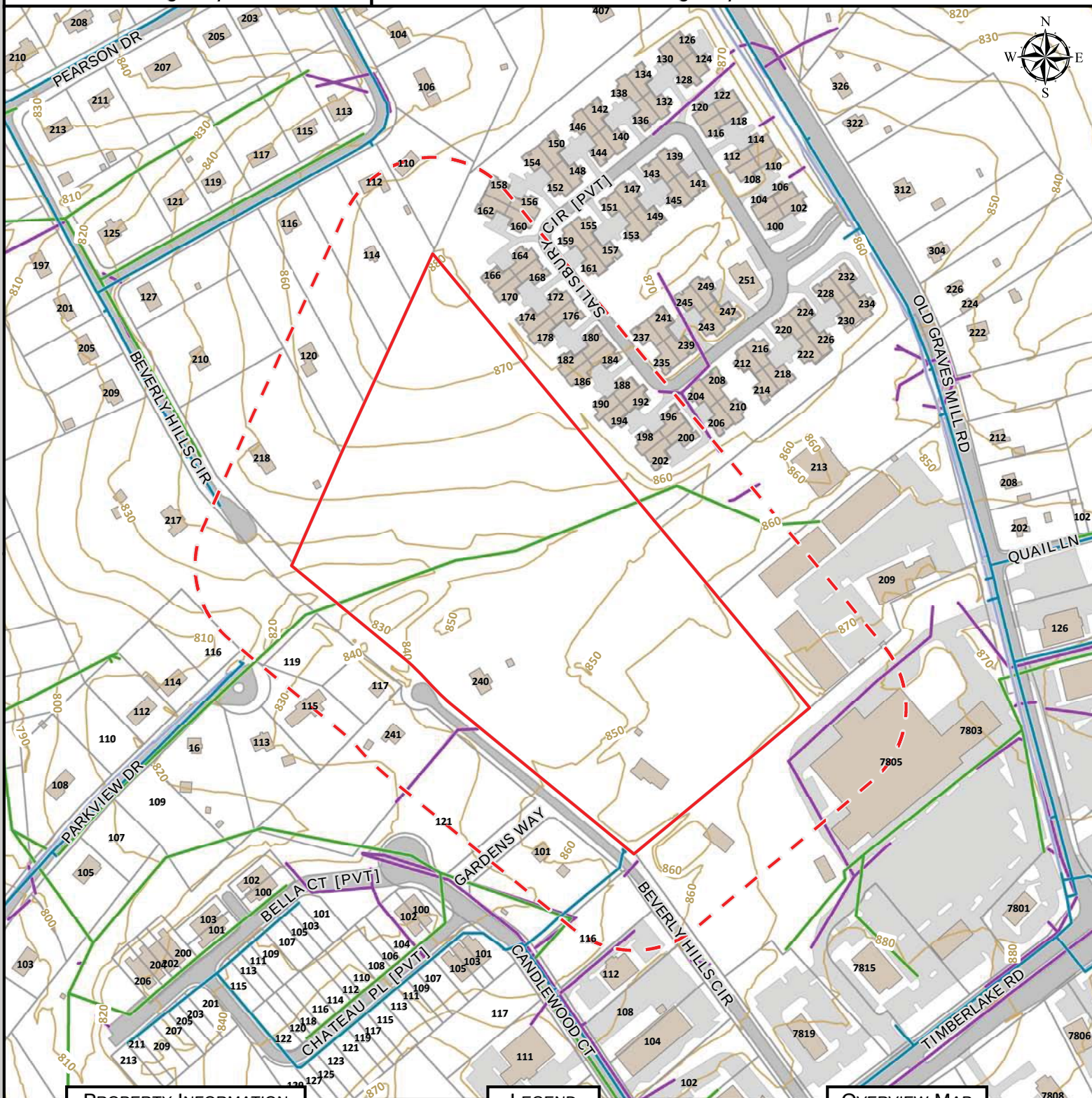
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Planimetric and Topographic Map

REZONE FROM R-4C TO R-4C (AMEND PROFFERS)

Zoning Request

Carriage Square Limited



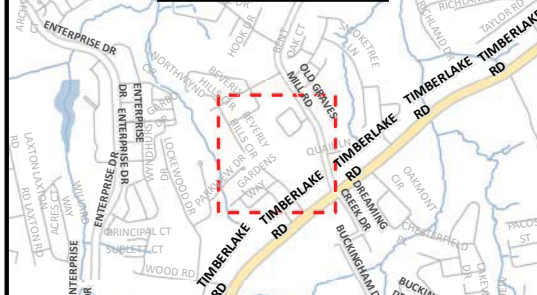
PROPERTY INFORMATION

PARCEL ID	ADDRESS
25412010	240 BEVERLY HILLS CIR

LEGEND

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

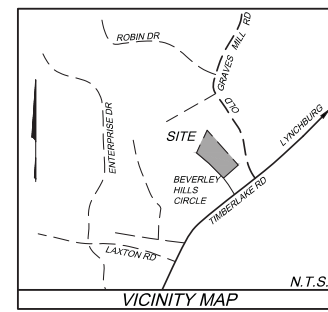
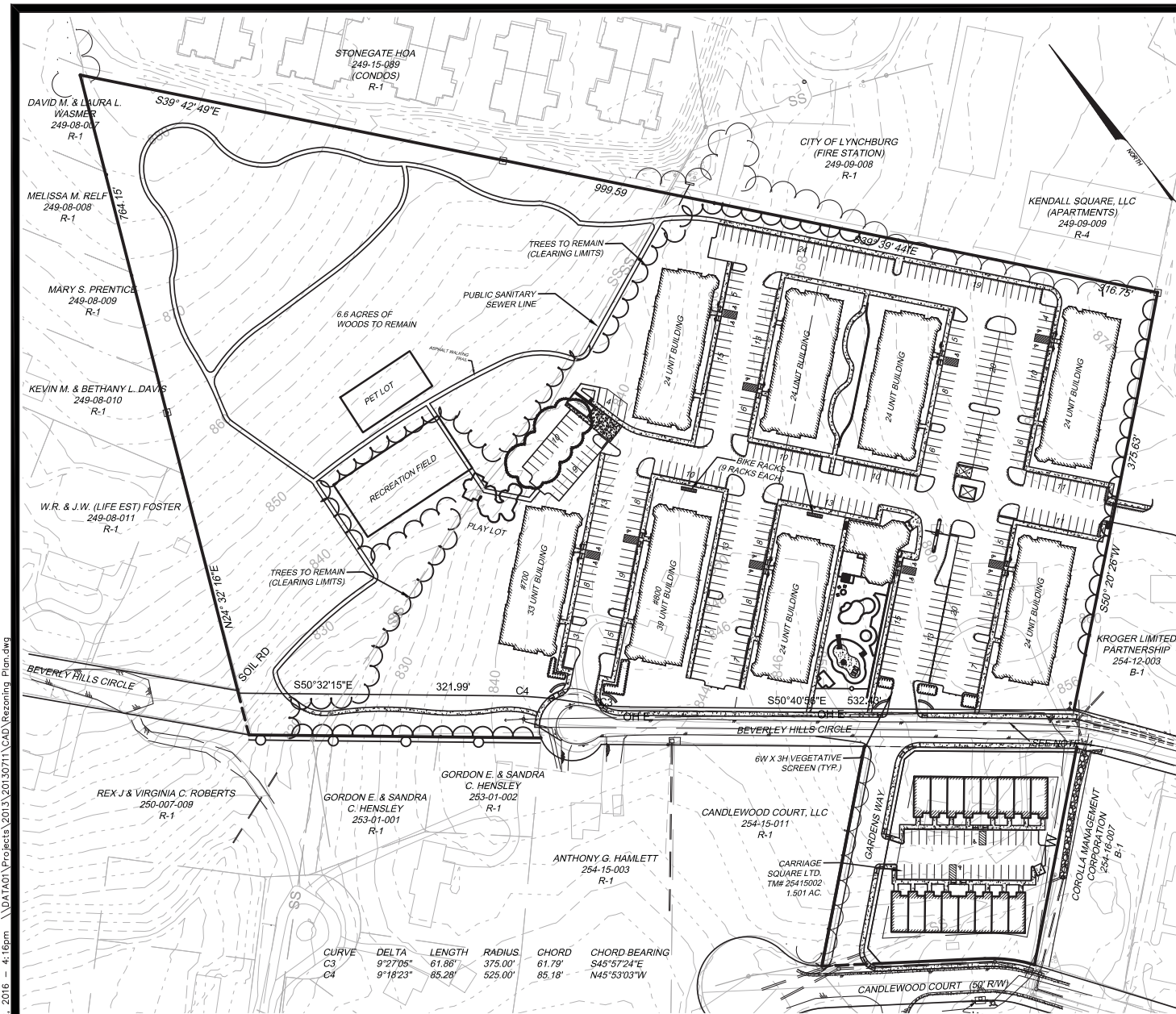
OVERVIEW MAP



MAP SCALE: 1" = 300' DATE PRINTED: 9/6/2016

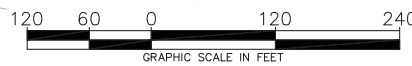
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Sep. 02, 2016 - 4:16pm \\DATA01\Projects\2013\20130711\CAD\Resizing Plan.dwg



NOTES:

- 1. SITE & OWNERS: 254-12-010: (16.213 AC.) CARRIAGE SQUARE LTD. # 240 BEVERLEY HILLS CIRCLE
- 2. DEVELOPER: CARRIAGE SQUARE LTD. P.O. BOX 4991 MARTINSVILLE, VA 24115 TEL. 804-340-0205 GLESTER@GLESTERGROUP.COM
- 3. SITE PROPOSED USE: MULTI-FAMILY APARTMENT COMMUNITY
- 4. SITE ZONED: R-4C
- 5. SITE PROPOSED ZONE: R-4C AMENDED PROFFERS FUTURE LAND USE PLAN - MEDIUM DENSITY, RESIDENTIAL (R-3).
- 6. DENSITY: 216 UNITS OR 13.32 UNITS / ACRE. REQUIRED PARKING 216 SPACES PROPOSED PARKING 405 SPACES STREET TREES REQUIRED: 16 (ONE SIDE) PROPOSED TREES: 16 PARKING LOT LANDSCAPING REQUIRED: 49 TREES AND 391 SHRUBS PROPOSED: 49 TREES AND 391 SHRUBS FOUNDATION PLANTINGS REQUIRED: ORNAMENTAL TREES $1360/50 = 27$ PROPOSED: 28 REQUIRED: LARGE SHRUBS $1360/10 = 136$ PROPOSED: 150
- 7. EXTERIOR LIGHTING SHALL BE CONTROLLED SO THAT NO DIRECT ILLUMINATION WILL OCCUR BEYOND ANY PROPERTY LINE SHARED WITH A RESIDENTIAL DISTRICT.
- 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.
- 9. TIMBROOK PLACE TO BE WIDENED ON PROJECT SIDE WITH CURB AND GUTTER AND SIDEWALK ADDED.
- 10. TREE CANOPY: PROPOSED: 40% EXISTING TO REMAIN 12% NEW TREES 52% TOTAL CANOPY.



CURVE	DELTA	LENGTH	RADIUS	CHORD	CHORD BEARING
C3	9°27'05"	61.86'	375.00'	61.79'	S45°57'24"E
C4	9°18'23"	85.28'	525.00'	85.18'	N45°53'03"W

1	9/2/16	TRC COMMENTS
---	--------	--------------

HURT & PROFFITT

ENGINEERS - SURVEYORS - LAND DEVELOPMENT - INSPECTION - CULTURAL RESOURCES
2524 LANGHORNE ROAD
LYNCHBURG VA 24501
800.252.5906 TOLL FREE
434.547.0047 FAX
434.547.0047 FAX

CONCEPT PLAN FOR APARTMENT COMPLEX
AT
240 BEVERLEY HILLS CIRCLE
LYNCHBURG, VIRGINIA

PROJECT NO. 20130711
G.L. NO.
FILE NO.
DATE: 8/8/16
DRAWN BY: WCH
CHECKED BY: DBA

1973 - 2013
40
YEARS OF
EXCELLENCE

SHEET NO.
1 OF 1

Project Narrative Rezoning Request

September 2, 2016

The Gardens Apartment complex was previously rezoned to R4C in 2013. Since then 6 of the 8 proposed buildings have been constructed per the conceptual plan submitted with the 2013 application. The club house, pool, recreation field, pet lot, and walking trail have been completed. A pedestrian access has been constructed to the adjoining Kroger property and shopping center. There were proffers included as part of the conditional rezoning.

The two buildings that are not yet constructed are the 33 unit building # 700 and the 39 unit building #800. This zoning request is to change the proffers only. Market demand indicates that 1bedroom and 2 bedroom units are much more in demand than 3 bedroom units. Market demand also indicated that an elevator is in demand. The current building design did not have 1 bedroom units nor elevators. This rezoning request is to modify the existing proffers to accommodate the change of buildings #700 from 24 units to 33 units (1 and 2 bedroom units) and #800 from 24 units to 39 units (1 and 2 bedroom units. The other 6 buildings will be unchanged. An elevator will be added to both of the buildings. The current proffer limited the total number of units to 192 units and the proposed proffer will allow 216 units total. The total number of bedrooms in current buildings 700 &800 is 128. In the propose change these buildings will have 104 bedrooms. So , the number of units is increasing by 24 but the total bedrooms is decreasing by 24. Thus the numbers of anticipated occupants will be less overall. The new 1 and 2 bedroom units will be smaller thus the overbuilding size will not change. The only changes to the site layout are:

1. The 8 parking spaces were added to the area next to the dumpster where the storage units were to be located.
2. Lighting will be added along the walking trails.







Rezoning from R-4C to R-4C
Carriage Square
September 14, 2016

PLEASE PRINT

[illegible]

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 8, 2016**

AGENDA ITEM #: **8**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Rezoning: R-3, Medium Density Residential District to B-4C, Urban Commercial District (Conditional) – 2244 Rivermont Avenue

Strategic Pillar(s) Impacted:

☐ Arts & Culture	☐ Citizen Engagement & Social Capital	☐ Economic Development	☐ Healthy & Active Living
☐ Infrastructure	☒ Land Use	☐ Lifelong Learning	☐ Natural Resources
☒ Neighborhoods	☐ Safe Community	☐ Social Equity	☐ Transportation
			☐ Administrative

RECOMMENDATION: Approval of the rezoning petition.

SUMMARY: Jackson III, Limited Liability Company (LLC), is petitioning to rezone approximately one and five hundred seventeen thousandths (1.517) acres at 2244 Rivermont Avenue from R-3, Medium Density Residential District to B-4C, Urban Commercial District (Conditional) to allow the use of the existing building for twenty-nine (29) apartment units and the construction of an associated parking area.

The building is the former Garland-Rodes Grammar School and was most recently used as the Virginia School of the Arts (VSA). The building is located in the Rivermont Avenue Historic District and has been vacant since 2011. The rezoning would allow for the restoration and adaptive reuse of a vacant historic building. Adequate parking is available either on-site, within a shared parking easement located in Riverside Park or on-street. The proposed use is in compliance with the City's Future Land Use Map (FLUM) which recommends a Traditional Residential use for the property.

PRIOR ACTION(S):

October 17, 2016: The Historic Preservation Commission approved the Certificate of Appropriateness (COA) to allow the construction of a parking lot and fence.

October 12, 2016: The Planning Division recommended approval of the rezoning petition.

The Planning Commission recommended approval of the rezoning petition (4-0, with 1 vacancy and 2 abstentions, Marion and Light)

FISCAL IMPACT: N/A

CONTACT(S):

Tom Martin, City Planner – 455-3900
Kent White, Director of Community Development – 455-3900

ATTACHMENT(S):

- Ordinance
- Planning Commission Minutes – October 12, 2016
- Planning Commission Packet – October 12, 2016
 - o Planning Commission Report
 - o Zoning Map
 - o Future Land Use Map
 - o Watershed Map
 - o Planimetric and Topographic Map
 - o Concept Rezoning Plan
 - o Property Photograph
 - o Opposition Letters
 - o Speaker Signup Sheet

REVIEWED BY: bms

UNCODIFIED ORDINANCE:

AN ORDINANCE CHANGING A CERTAIN AREA LOCATED AT 2244 RIVERMONT AVENUE FROM R-3, MEDIUM DENSITY RESIDENTIAL TO B-4C, URBAN COMMERCIAL (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 35.2 of the Code of the City of Lynchburg, 1981, as amended, be and the same is hereby further amended by adding thereto Section 35.2-54._, which section shall read as follows:

Section 35.2-54._. Change of a certain area located at 2244 Rivermont Avenue from R-3, Medium Density Residential District, to B-4C, Urban Commercial District (Conditional).

The area embraced within the following boundaries:

LEGAL DESCRPTION: TAX MAP PARCEL NO. 02001002

Beginning at a corner drill hole found in concrete walk at the intersection of Rivermont Avenue and Columbia Avenue; Thence along the right of way of Columbia Avenue N07°40'58"W 212.19' to a drill hole found in concrete walk; Thence leaving the right of way of Columbia Avenue N80°50'46"W 114.10' to an iron rebar found; Thence N05°59'14"W 60.18' to an iron rebar found; Thence S62°15'58"W 223.66' to an iron rebar found; Thence S11°37'35"W 197.66' to a drill hole found in concrete walk at the right of way of Rivermont Avenue; Thence along a curve along Rivermont Avenue chord bearing = N87°50'04"W, length = 250.00', radius = 757.00' to the point of beginning. Containing 1.517 acres and being Lots 3 thru 9, Part of Lot 10, Part of 16' Alley, and Part of vacated Yancy Street, Block 79, Rivermont Plan "B".

...is hereby changed from R-3, Medium Density Residential District, to B-4C, Urban Commercial District (Conditional), subject to the conditions set out herein below which were voluntarily proffered in writing by the petitioner, Jackson III, LLC, to wit:

1. Site to be developed in substantial compliance with the site plan.
2. The following uses will not be allowed on this property once rezoned: Auto Repair shop, Bicycle Sales and Repair, Boat or Marine Craft Dealer, Gasoline Service Center, Light Auto Repair, Heavy Auto Repair, Furniture Sales, Hardware Store, Homes Center, Lawn and Garden Supply Store, Warehousing, Flea Markets, Antique Shop, Mail order business, Grocery Store, Super Market, Pawn Shops, Markets for Farm Produce of crafts, Credit Card and other Financing, Veterinary Services, Adult Retail Establishment, Pet or Pet Supply Store.
3. The following items will be proffered to not be allowed as a use on the property of 2244 Rivermont Avenue (submitted October 6, 2016).
 1. Parts, Accessories, or tires (stores selling)
 2. Vehicles (leasing)
 3. Facilities Support Services
 4. Food Services contractor and vending machine operators
 5. Laundromat and dry cleaning
 6. Furniture and Related Products (manufacturing and repair)
 7. Construction related businesses
 8. Greenhouse-no on-premises sales
 9. Greenhouse- sales of products grown on premises
 10. Greenhouse- sale of products and related accessories products

11. Animal Production

And the City Planner shall forthwith cause the “Official Zoning Map of Lynchburg, Virginia,” referred to in Section 35.2-30 of this chapter to be amended in accordance therewith.

Adopted:

Certified: _____
Clerk of Council

156K

MINUTES OF THE OCTOBER 12, 2016 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

Petition of Jackson III LLC to rezone approximately one and five hundred seventeen thousandths (1.517) acres located at 2244 Rivermont Avenue from R-3, Medium Density Residential District to B-4C, Urban Commercial District (Conditional) to allow the use of an existing building as twenty-nine (29) apartments and the construction of an additional parking area:

Ms. Anne Nygaard addressed the commission with the following summary. The former Virginia School of the Arts (VSA) property is zoned R-3, Medium Density Residential District. This zoning worked well while the building was functioning as a school. However, now that the property's use as a school has ended, R-3 zoning is really prohibiting the building's reuse as R-3 zoning does not permit apartments or commercial uses.

This petition is to rezone the property to B-4, Urban Commercial District, with a number of the more intense commercial uses specifically proffered out. The current proposal is to convert the building to 29 apartments only, though some restaurant or service uses would be permitted in the future. B-4 is typically the most flexible district and is necessary for older, developed sites, as there is no parking requirement. When no parking is required, the dimensional standards in the Zoning Ordinance do not apply to parking that is provided by choice.

The *Comprehensive Plan* recommends a Traditional Residential use on the *Future Land Use Map (FLUM)*. Planning staff has found that this reuse fits within this category as it allows for the restoration of an existing landmark on Rivermont Avenue while maintaining a primarily residential use. A number of *Comprehensive Plan* land use goals speak to this kind of adaptive reuse that is sensitive to its surroundings and improves existing neighborhoods.

The site is bounded by Columbia Avenue, Rivermont Avenue, single household homes and a shared parking lot with Riverside Park. If the petition is approved, the majority of the site will remain the same. A small parking lot will be added on the west side of the site that will not encroach past the front building line and the entrance from the Riverside Park access drive will be widened to accommodate two cars. All exterior improvements will be reviewed by the City's Historic Preservation Commission (HPC) as the site falls within the Rivermont Historic District.

The City's Transportation Engineer had no comments of concern as the development did not meet thresholds for requiring a traffic study. Despite not being required in a B-4 district, parking was a concern. The developer has exceeded the requirements for parking in an R-4 district on site. There is also additional parking that will be available along the tennis courts (to be shared with park users). Approximately 28 on street spaces are available along the property's street frontage. The property is also well connected to downtown by public transportation.

Erosion and sediment control and stormwater requirements will be met according to City's thresholds. The Fire Marshal's Office had initial comments regarding emergency access to the site which have been addressed. The Police Department had no comments of concern regarding the petition. The Planning Division recommends approval of the petition as it will bring a landmark building on Rivermont Avenue back into use. Staff also supports the B-4 zoning with the proposed proffers as there may be an opportunity in the future to have a commercial use that would open the building up to the public and enhance Riverside Park.

Commissioners Marion and Light voiced their decision to abstain from the discussion and vote on this petition. They both have personal or business relationships with either the developer or the neighbors.

Mr. Russ Nixon of Nixon Land Surveying was present to represent the petitioner. Mr. Nixon explained that it has taken the developer about four months to reach this point in the process. They have had two community meetings. They have also met with planning staff and staff from Parks and Recreation. They have a good grasp on how to develop the outside of the building and its surrounding property and how to provide adequate parking on site in order to alleviate some of the neighborhood concerns. If this property were developed as R-4, they would be required to have a parking space per unit. They have provided 32 parking spaces on site and there are an additional eight or nine on street parking spaces around the property.

Mr. Nixon explained that originally they had shown an entrance coming in from Columbia Avenue to help with concerns of the Fire Marshal regarding emergency access. That entrance has been removed at the request of the neighborhood. A new parking area is being shown that is one-way that will hopefully protect the neighbor to the north from any light or noise concerns.

Mr. Nixon explained that the developer plans on keeping the building as historically accurate as possible. This site has a long history with the City and he and the developer believe that the finished product will be an asset to the City. The plans are for 19 one-bedroom units and 10 two-bedroom units. Mr. Nixon mentioned that the developer will not be seeking any state or federal monies to provide low-income or Section 8 housing. These will be upscale apartments. The developer may seek some historic tax credit funds.

From an engineering perspective, Mr. Nixon said they are seeking to keep this a low impact development. They are hoping to keep the land disturbance to less than 5,000 square feet so they will not have to do any sediment basins or stormwater quality measures. The noise and disturbance from construction should be minimal since the disturbed acreage is minimal.

Mr. Harold Wheeler of 2236 Rivermont Avenue came to speak in favor of the petition. He and his wife live on the right hand corner as you enter the park and this property. They have to look at this building being in disrepair on a daily basis. They liked it when the school was there because the property was well cared for and the traffic was not a problem. It sounds like the building is going to be restored to its former beauty on the exterior. His only concern is with parking because they may need more like 60 parking spaces if the occupants of each unit have two cars. He attended the neighborhood meetings and it seems like the developer has a good plan. They want to be sure the plan is followed through with and that the parking situation is minimized as much as possible. The park is doing a lot of events lately and the area is really flooded with cars during those events.

Mr. Wheeler mentioned that being able to bring in businesses because of the change to B-4 zoning is a new twist. They thought it was just going to be residential. He can think of some commercial uses that they would not want next to them and they have not been proffered out (for example, a vape shop). They would like some more discussion of that aspect of the petition.

Chair Perault mentioned that the issue of Section 8 and low income housing came up earlier. As a Planning Commission, they are not allowed to consider that in their deliberations.

Ms. Wendy Greer of 28 Columbia Avenue came forward to speak in favor of the petition. She walks the park twice a day and has to look at broken windows and graffiti on this building. She feels like she lives in a slum and stated that it is not attractive. She went to see the Piedmont Mills building, which is being done by the same developer. It is very nice and she was very impressed. She thinks the developer wants to do similar apartments here. Parking will likely be an issue but it is not anything that cannot be overcome.

Ms. Francoise Watts of 100 Columbia Avenue came forward to speak in favor of the petition. She is the closest neighbor to the building. She sees graffiti from her dining room and has called the police

many times regarding various issues. When this project was brought to her attention, she wanted to participate in the process. She wrote the Planning Commission because she was opposed to the entrance to the property from Columbia Avenue. She is glad that part of the project has been abandoned. She understands that parking is a concern, especially when there is an event at the park. She thinks that if there is an overflow of cars from this project that they will park behind her property and on the side of her property. They would be parked illegally and she does not think the police will spend their time penalizing them or towing them.

She would like to request a privacy fence at the two angles of her property that abut this property. The concept plan shows a privacy fence on only one side. Additional fencing may help with some of the nuisances from lighting and noise. She would not be surprised if her next door neighbor would also ask for a privacy fence (96 Columbia Avenue).

As far as the commercial aspect of the project, she thinks a restaurant or coffee shop would be attractive. It would be an invitation to the park. She is from Europe and parks there always have a coffee shop. Riverside Park has become a beautiful place. Having studied this project a great deal, she does not think she can support the reservations of some of her neighbors.

Ms. Amanda Turner of 96 Columbia Avenue came forward to speak in favor of the petition. She is concerned with privacy as well, especially because of where the rear parking will be located. She agrees though that the property is run down and she would like to have a beautiful place to walk by instead of a retaining wall that is falling down and grass that is not being mowed. She is in support of the petition but would like some consideration to be given to extra privacy for her property.

Ms. Sharon Wheeler of 2236 Rivermont Avenue came forward to speak in favor of the petition. She reiterated that they do not like looking at boarded up windows and have been looking at them for quite some time. They would like to see vitality and life and energy from a new project such as this. She has a concern for her elderly mother-in-law that lives with them and would like to request a handicapped parking space near the island as you enter the park and this property. She would like that request to be taken into consideration.

Ms. Marilyn Martin of 47 Columbia Avenue came forward to speak. She is not opposed to the project but did have some questions. She has a concern with parking because they already have congestion from the Rivermont church on Sundays. She asked for clarification as to where the parking is being provided on site. She was shown by Mr. Nixon where both parking areas are located on the concept plan. Chair Perault indicated that they would continue to move forward with the public hearing and will accumulate the questions that need to be addressed. Ms. Martin mentioned that she will follow up with the HPC because she wants to ensure that the historical integrity of the building is maintained.

Chair Perault asked for anyone who wished to speak in opposition to the petition. Mr. Mike Doucette of 2140 Rivermont Avenue came forward. He was not sure whether to speak in favor or against this petition. He and his wife are not opposed to the project. The reason he is speaking is because this was sold to them as being a rezoning for R-4, High Density Residential. Now in the dead of night around September 20, it has been changed to B-4, Downtown Business District, and it is on Rivermont Avenue. Their concerns are with parking and congestion. Riverside Park is being developed by the City. There has been an increase in events being scheduled there and it is causing a parking problem. This is a large building on a 90 degree curve next to a large church. There has already been a traffic fatality here several years ago.

They are not opposed to this project but they would like more time to gather information and digest what the B-4 zoning means. They went to the public meetings but this change has come about only recently. He would like this proposal to be further vetted before the property is rezoned to B-4.

Mr. Stephen Morris, the owner of 2301 Rivermont Avenue, came forward to speak in opposition of the petition. He did not receive any notice of any neighborhood meetings. The first notice he received was from the City regarding this public hearing. Mr. Morris mentioned that the City just redid the sewer lines in this area. He was wondering if they are going to have to dig up the sewer lines again for this project. He also asked if the City would consider putting a traffic light at the intersection of Columbia and Rivermont Avenues because the intersection is really terrible. He also wondered if they could go for R-4 zoning and then get a conditional use permit later if they would like to do commercial.

Ms. Bonnie Worsham of 2305 Memphis Avenue came forward to speak. She is not really opposed to the project because she is in favor of historic preservation and the adaptive reuse of old buildings. She has a real squeeze with access to her property and parking because of the church. She would like to request permit parking so that she can get in and out of her driveway. She generally has a problem on Sundays but there are other events held at the church that cause her problems. She is also concerned with the traffic on Rivermont Avenue already and this will create more traffic. She inquired if this rezoning will be considered a spot zoning. She thinks this will create a precedent for other properties on Rivermont Avenue. She thinks this rezoning is a big step.

Ms. Linda Whitmore of 34 Columbia Avenue came forward to speak. She said the park events are creating a lot of traffic and parking problems. The overflow parking from those events come to Columbia Avenue. She thinks it is an issue that the City needs to take a look at.

Mr. Michael Dodgian of 2214 Rivermont Avenue came forward to speak. He is not necessarily opposed to the project. He mentioned that Jackson III, LLC has had the property for about five years and has allowed it to fall into disrepair. He would like to see them take care of this property as well as the Seven Hills School that the developer also owns. He is concerned with traffic. The park has been brought back from a terrible condition. Parks and Recreation has done a great job with revitalizing the park and scheduling events. He understands the request for B-4 because it gives them extra parking on the side. Otherwise, with the R-4 zoning, they would have to use the right-of-way. This shifts traffic out of the right-of-way so the park can still continue to use it. He is not sure it is the best thing to do for the property. He feels like they are trying to smack a square peg into a round hole. Mr. Dodgian also pointed out that there are "No Parking" signs on the school side of the "horseshoe" area. Mr. Dodgian is not necessarily opposed to the project. He is concerned with the number of apartments and the amount of traffic they will generate and how that will coexist with the park and the park activities.

Chair Perault asked Mr. Nixon to come forward and address these concerns. Mr. Nixon thanked all the citizens that came to the meeting today. He understands the validity of this project and can see that the neighbors all care about their community. Mr. Nixon explained that at the time they met with the neighbors, they had no idea to go in the direction of B-4 zoning. That developed over time after meeting with City staff. After working with City staff, they felt that the list of proffers would proffer out many of the commercial uses that would be of concern to the neighbors. They are trying to stay with the integrity of the project. Mr. Nixon apologized to Mr. Morris that he did not personally receive a notice. Mr. Nixon stated that he handed out 75 to 80 flyers on both sides of Rivermont Avenue and Columbia Avenue.

Mr. Nixon explained that they chose to request B-4 zoning because it provides flexibility with parking. They are allowed to design smaller parking spaces. Mr. Nixon further explained that the City has a grant for Riverside Park. That grant does not allow a private entity to make any changes to the park. That precludes them from doing a privacy fence on both sides of Ms. Watt's property. Mr. Nixon indicated on the concept plan where a privacy fence could be located by the developer. The park would have to erect a privacy fence on the back sides of Ms. Watts and Ms. Turner's properties.

As far as parking is concerned, there is already a shared parking agreement in place that existed when VSA was there. It allows for approximately 22 additional parking spaces. Those spaces can be used by the occupants of these apartments when they are not being used by the park for special events.

Ms. Marilyn Martin interjected that the parking surface is in poor condition. Mr. Nixon said they cannot improve that because those spaces are park property. The developer will be improving the parking surface of the spaces he is showing on the concept plan. Chair Perault reminded them that just the petitioner and his representative should be addressing the commission. They will get the citizens' questions answered during their discussion time after the public hearing is closed.

Mr. Nixon indicated that he does not normally like to have proffers on a site because they restrict the uses for a property owner. However, because of the nature of this project, the developer submitted the proffers to help assure the neighbors and the City that the developer just wants to do 29 apartment units.

Chair Perault closed the public hearing portion of the petition. He told the citizens that they plan on including them in the discussion as they go forward.

Commissioner Lowe asked if the sewer line would be torn up again. Mr. Nixon said they do not have to do anything with the sewer line. Ms. Nygaard remarked that Water Resources has a representative on the Technical Review Committee and they had no concerns or comments about sewer capacity at this site. Mr. Wheeler asked if they could check and see if the building's connection to the street was addressed when the City did all the sewer work in this area. Ms. Nygaard indicated they can ask Water Resources between now and the City Council public hearing.

Commissioner Lowe said he had concerns with parking as well. Ms. Nygaard indicated that the spaces along the tennis courts can be used by both tenants of this complex as well as park users. If it became a problem and there was not enough parking for the park users, Parks and Recreation could put up signs that the spaces are only for park use during park hours.

Ms. Nygaard summarized the available parking for them. There are 32 spaces being provided by the petitioner. There are ten spaces by the tennis courts. Ms. Nygaard counted 28 on street parking spaces along the property's street frontages. With all this parking, Commissioner Lowe was wondering if the new parking lot on the Columbia Avenue side was really necessary. Ms. Nygaard explained that the petitioner wanted to meet the parking requirements on site that would exist if this property were rezoned to R-4.

Ms. Nygaard explained that the reason for the change from R-4 to B-4 was because of the dimensional standards and setbacks for parking spaces and parking lots. Those dimensional standards do not work very well when you have an existing building. Mr. Martin explained that originally the petitioner had shown the parking spaces on the concept plan to be for the exclusive use of the apartment building. This was when the zoning requested was R-4. They could not do that as the parking spaces are shared parking spaces. So they looked for additional areas for parking on the site that would not take away from its aesthetic qualities. The side of the property came to the forefront. However, by the time you get a drive aisle in and the required buffer, it would not be possible with an R-4 zoning. If it were zoned B-4, it gives you more flexibility and allows them to do the fence. It allows you to do a lot of things because you do not have a required 20-foot buffer.

Mr. Martin commented that no one seems to be opposed to rehabilitating this building. In order to do that with these older buildings, we have to be able to put our heads together and find the best way to accomplish that goal. That is how they arrived at the B-4 zoning. Mr. Martin mentioned that it is no longer referred to as the Downtown Business District. It is an Urban Commercial District now in the new Zoning Ordinance, which promotes more mixed use. It is the petitioner's goal to just do the 29 apartment units; however, with the B-4 zoning, they would be able to put in a small coffee shop or some other commercial use that could support both the tenants and the park users.

Mr. Martin stated that they have to remember that the City reduced its parking requirements to one per unit. They are providing those on site. There are going to be events in the park and there is a church. That is not really related to this petition. Mr. Martin also felt it necessary to address the comment that this is spot zoning. The City Attorney has advised that if a rezoning is serving a public interest or public purpose, it is not spot zoning. If this rezoning would allow a building that would otherwise sit vacant to be redeveloped, then it is serving a public purpose and it is not spot zoning.

If you look at the current R-3 zoning, it only allows single family homes or duplexes. Other uses that would be allowed by a conditional use permit such as a church or a school would actually generate more traffic and parking issues. All these issues and considerations are how and why planning staff arrived at recommending a B-4 zoning.

Commissioner Lowe asked about the materials for the new parking lot. He is concerned with water runoff. Ms. Nygaard indicated that the reinforced concrete is being used so they can maintain the walk yet have cars drive over it as they circulate the parking lot. The porous pavers are for the rest of the parking area. She is not sure whether or not they will hit the 5,000 square foot threshold for a stormwater management plan until the final site plan approval. The porous pavers will certainly help with water runoff. The water all drains toward Columbia Avenue and Rivermont Avenue where there are storm drains. (Note: After the Planning Commission public hearing, the petitioner went to HPC with a request for pea gravel, which was approved. This change has been made to the concept plan.)

Commissioner Lowe asked how the parking lot will affect the wall that is already deteriorated. Ms. Nygaard indicated that they plan on fixing the retaining wall. Mr. Martin also commented that the porous pavers are an aesthetic treatment because the property is in a historic district. The idea was to make it look more like a patio area than a parking lot.

Commissioner Lowe indicated that he is in favor of this petition. He is very saddened to see the deterioration of this beautiful building. He looks forward to the rejuvenation and the potential for this site.

Chair Perault commented that you do not normally see him in favor of more parking but in this case, it addresses parking concerns that he is hearing from the neighbors. Chair Perault commented that they are able to put in a fence although it cannot be put all around the Watts and Turner properties. Mr. Nixon indicated that there will be an evergreen buffer between the parking lot and Ms. Watts that will provide a shield from the lighting. He does not see a negative impact on Ms. Watts from the lighting. The trees should also help buffer the noise as well. Chair Perault indicated that Ms. Turner may still be affected by the lighting but that is out of the petitioner's hands as they do not have access to that part of the property to place a privacy fence.

Chair Perault mentioned that it is important to remember that many of the parking issues are being created by events not related to this property. Ms. Wheeler brought up getting a handicapped parking space. Ms. Nygaard encouraged the Wheelers and Ms. Worsham to contact Public Works about permit parking and a handicapped space. (Note: After the meeting, both citizens were provided with Numan Franklin's contact information as he is the one that handles both of these issues.)

With regard to lighting, Mr. Nixon indicated that they are not proposing to put any more lighting on the property. If any lighting is proposed at the site plan phase, it will have to be glare shielded and non-directional.

With regard to counting on street parking spaces on Columbia Avenue, Mr. Nixon indicated that he is not counting any of those spaces in his calculations. Mr. Nixon indicated that originally the Fire Department had wanted the drive aisle from Columbia Avenue. Because of the neighbors' concerns, the Fire Marshal indicated the emergency access to the existing entrance and parking lot is adequate. The

entrance from Columbia Avenue would make it easier for fire equipment to access the property but is not absolutely necessary. Mr. Nixon pointed out the arrows on the concept plan show that traffic flows through the parking areas in a one way direction. Mr. Nixon remarked that they looked at time lapse photos on Google Maps and could not find a time when the park's lot was full. They might get full during public events but they were only able to find five or six of those events scheduled in the year. They have done everything they can to address the parking needs for this project on site.

Commissioner Rogers asked if there is a time frame for redeveloping the Seven Hills School. Mr. Nixon said not at this point. The developer is three weeks away from finishing the Piedmont Mills project. If approval is given for this project, the developer will start immediately on this project.

Commissioner Rogers commented that he lives in the area and has looked at this property and cannot believe how badly it has deteriorated. VSA probably had 300 students. During school days, it was a very busy area. If it can handle that type of traffic, he thinks the site can handle 29 apartments. He lives by the Greenbriar Apartments that have about 120 units and there are really no problems there. He understands the issues with parking caused by park events; however, he does not think this project is going to add much to those issues.

Mr. Morris interjected from the audience and asked why they cannot put all their parking on site. It will not detract from the site that much. Tenants do not like to walk far and they will not want to park on the street. He is wondering why they would count the park's spaces. He wonders why they are not being self-contained and doing all their parking on their own site.

Mr. Nixon explained that right now the ordinance does not allow them to put the parking lot in front of the school. They are limited to putting it behind the face of the school. Mr. Nixon explained that they actually have all their required parking on site based on the ordinance's requirement for R-4 zoning. Mr. Martin clarified that if the property were rezoned to R-4, there would be a requirement for one space per unit. If the property is rezoned to B-4, there is technically no requirement for parking. They understand it is not feasible to renovate this building without dedicated parking and that there are concerns about parking from the neighbors. In order to get parking on the site, the B-4 zoning is required to give more flexibility in screening types and setbacks. The developer is providing 32 spaces on site, which meets the R-4 zoning requirement. Ms. Nygaard was only pointing out that there are also on street parking spaces available to park users, citizens or the residents of this building.

Commissioner Bowden asked for clarification that they have a shared access agreement for 22 spaces in the rear, in addition to the 32 spaces they have on their own property. Mr. Nixon indicated that is correct.

Chair Perault invited the audience to ask any additional questions or make any additional comments. Ms. Watts inquired again about a privacy fence on the sides of the property that belong to the park. She is disappointed to hear that there will not be a privacy fence on both sides of her property and on Ms. Turner's property. Mr. Nixon said they do not have a problem adding a privacy fence but it will only be 60 feet long. They are not allowed to put fencing anywhere else because it is park property. Commissioner Bowden asked for clarification that the developer does not plan to add any additional lighting. Mr. Nixon indicated that is correct.

Chair Perault asked Ms. Nygaard if the petitioner could add an additional proffer about the privacy fence. Ms. Nygaard indicated that the reason the 60 feet of privacy fence is being shown is because it is an area where they could not get a buffer in because of the drive aisle. It was put in where it is shown because they could not meet setbacks or fit the evergreen buffer. If they want to proffer to add the fence line along the right side of Ms. Watts' property, that would be fine.

Ms. Nygaard noted that the new Zoning Ordinance states that lighting cannot be above .5 foot candles at the property line. Mr. Martin also commented that the HPC is very unlikely to approve any commercial style lighting. If they are redoing the lighting, they can put them back exactly like they are or they can do a lighting that is more historic in nature. If the developer uses historic tax credits, the Department of Historic Resources is going to be asking them to bring the building back to its original historic character.

Chair Perault indicated to Ms. Watts that it sounds like the petitioner has done enough to do what they can within their property ownership.

Mr. Doucette thought that people would be trespassing on park property if they used the shared parking spaces after park hours. Mr. Nixon indicated from the agreement that it is a shared access and use agreement and is in perpetuity for all future tenants. Mr. Nixon indicated on the concept plan where the access agreement starts and stops. Mr. Nixon acknowledged that the City could put restrictions on their use; however, he indicated that Parks and Recreation staff indicated to them that after the park closes, the spaces to the right of the tennis courts could be used as well. Chair Perault indicated that maybe some clarification with the signage could be done for the parking spaces by the tennis courts.

With regard to traffic on Rivermont Avenue and a traffic light at the intersection of Rivermont and Columbia Avenues, Chair Perault suggested they get in touch with their respective council member.

Chair Perault brought up the vape shop. Chair Perault asked what the neighbor's recourse is if something undesirable goes in to the commercial space. Ms. Nygaard said it is difficult to go beyond what is excluded. It would be difficult to disallow certain retail uses. Mr. Martin pointed out that the investment in this property is in the millions. He would highly doubt that with the amount of money that is being invested in this property that they would put in a vape shop. Mr. Martin thought that the idea is there that the use would be something like a sandwich or coffee shop to serve the users of the building and the park.

Ms. Whitmore reiterated the parking concerns from the City park events. Mr. Martin indicated that they have heard their concerns and intend to forward them to Ms. Jenny Jones, the Parks and Recreation Director. They will also contact Ms. Maggie Cossman, the City's Transportation Engineer, to see if the intersection of Columbia and Rivermont Avenues warrants a traffic light. Parks and Recreation is very sensitive to the neighbors around the park and park patrons. Obviously, they want people to have a good experience at the park.

Mr. Wheeler commented that if this project does not get approved, he hopes he does not have to look at this property like it is for another five years.

Commissioner Lowe made the motion, which was seconded by Commissioner Rogers:

"That the Planning Commission recommends to City Council approval of the petition of Jackson III LLC to:

Rezone approximately one and five hundred seventeen thousandths (1.517) acres located at 2244 Rivermont Avenue from R-3, Medium Density Residential District to B-4C, Urban Commercial District (Conditional) subject to the following voluntarily submitted proffers:

- 1. Site to be developed in substantial compliance with the site plan.**
- 2. The following uses will not be allowed on this property once rezoned: Auto Repair shop, Bicycle Sales and Repair, Boat or Marine Craft Dealer, Gasoline Service Center, Light Auto Repair, Heavy Auto Repair, Furniture Sales, Hardware Store, Homes Center, Lawn and Garden Supply Store, Warehousing, Flea Markets, Antique Shop, Mail order**

business, Grocery Store, Super Market, Pawn Shops, Markets for Farm Produce of crafts, Credit Card and other Financing, Veterinary Services, Adult Retail Establishment, Pet or Pet Supply Store.

3. The following items will be proffered to not be allowed as a use on the property of 2244 Rivermont Avenue (submitted October 6, 2016):

- 1. Parts, Accessories, or tires (stores selling)**
- 2. Vehicles (leasing)**
- 3. Facilities Support Services**
- 4. Food Services contractor and vending machine operators**
- 5. Laundromat and dry cleaning**
- 6. Furniture and Related Products (manufacturing and repair)**
- 7. Construction related businesses**
- 8. Greenhouse -no on-premises sales**
- 9. Greenhouse - sales of products grown on premises**
- 10. Greenhouse - sale of products and related accessories products**
- 11. Animal Production**

Chair Perault indicated that this has been an unusual petition because most people who spoke are both opposed and in favor of the rezoning. They do not get that very often. He acknowledged that there may be a little more traffic in the area. He thinks that the parking has been addressed as well as it can. He thinks the tradeoff is good because right now the site is unsightly and dangerous. It may not be optimum for the *FLUM* but it does seem to fit with what is there and what is trying to be accomplished there.

The motion passed by the following vote:

AYES:	Bowden, Lowe, Perault and Rogers	4
NOES:		0
ABSTENTIONS:	Light and Marion	2
ABSENT:		0
VACANCY:		1

The Department of Community Development

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

To: Planning Commission
From: Planning Division
Date: October 12, 2016
Re: Rezoning: R-3, Medium Density Residential District to B-4C, Urban Commercial District (Conditional) – 2244 Rivermont Avenue

I. PETITIONER

Jackson III, LLC, 2011 S. Glebe Rd, Arlington, VA 22204

Representative: Russell E. Nixon, Nixon Land Surveying, LLC, 1063 Airport Road, Suite C, Lynchburg, VA 24502

II. LOCATION

The subject property includes one (1) tract totaling approximately one and five hundred seventeen thousandths (1.517) acres located at 2244 Rivermont Avenue.

Property Owners:

Jackson III, LLC, 2011 S. Glebe Rd, Arlington, VA 22204

III. PURPOSE

The purpose of the petition is to rezone the property from R-3, Medium Density Residential District to B-4C, Urban Commercial District (Conditional) to allow the reuse of an existing building for twenty-nine (29) apartments and the construction of a parking area.

IV. SUMMARY

- Rezoning from R-3, Medium Density Residential to B-4C Urban Commercial District (Conditional), allows all uses permitted in the downtown district with the exception of those specifically eliminated by proffers.
- Adequate parking can be provided through a combination of spaces on the property, shared spaces with Riverside Park and on-street spaces in the surrounding area.
- The petition would provide for the restoration and adaptive reuse of a historic Lynchburg building.
- Rivermont Historic District was established in 2002. The Garland-Rodes Grammar School, built in 1921 is Colonial Revival and designed by Stanhope Johnson, (a popular local architect at the time) and is an important landmark within the district. Exterior improvements to the property will be reviewed and approved by the City's Historic Preservation Commission (HPC).

The Planning Division recommends approval of the rezoning petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *FLUM* of the *Comprehensive Plan 2013-2030* recommends a Traditional Residential use for the property.

Traditional Residential areas are generally applied to the City's older neighborhoods, generally built before World War II and before the City was zoned. The City's historic districts are located in the traditional residential area. Consequently, for many of the houses here, lot sizes, setbacks, and/or building heights do not conform to the standards of the City's residential zoning districts. Most of these neighborhoods are identified as

Neighborhood Conservation Areas on the Plan Framework Map and are planned for further study for appropriate zoning changes, public investment, and community building efforts. Infill residential development in these neighborhoods should be designed to complement the style and type of housing there and to utilize comparable setbacks, yards, and building heights. Large new or expanded public and institutional uses are not appropriate for these areas unless they can be designed to blend into the existing urban fabric through landscaping or architectural treatments. Within Traditional Residential neighborhoods, small retail, personal service, office, and restaurant uses are often found. These uses may continue, although expansion is not recommended unless supported by a recommendation in a Neighborhood Conservation Area Plan. (p 75)

Applicable Comprehensive Plan Goals:

LU-2.7: Support the revitalization of existing development and new neighborhood-oriented mixed use development in locations where such uses will promote stability and improvement.

LU-3.3: Refrain from expanding business and industrial zoning into neighborhood conservation areas unless the scale, design, and use of the development is compatible with the neighborhood.

LU-3.5: Facilitate creative residential, commercial and mixed-use development designs that create vibrant, healthy neighborhoods.

2. **Zoning.** The subject property was annexed into the City in 1908. The existing R-3, Medium Density Residential zoning was established in 1978 with the adoption of the previous *Zoning Ordinance*. Apartments are not permitted in R-3 districts. While R-4, High Density Residential does allow apartments, the parking requirements associated with that district also establish dimensional standards for parking areas and spaces that were difficult to accommodate on this site with the building's unique layout. Rezoning to B-4, Urban Commercial District, will allow apartments, remove parking standards, and if an appropriate commercial use is found, provide public access to the landmark building.
3. **Proffers.** The petitioner has voluntarily submitted the following proffers:
 1. Site to be developed in substantial compliance with the site plan.
 2. The following uses will not be allowed on this property once rezoned: Auto Repair shop, Bicycle Sales and Repair, Boat or Marine Craft Dealer, Gasoline Service Center, Light Auto Repair, Heavy Auto Repair, Furniture Sales, Hardware Store, Homes Center, Lawn and Garden Supply Store, Warehousing, Flea Markets, Antique Shop, Mail order business, Grocery Store, Super Market, Pawn Shops, Markets for Farm Produce of crafts, Credit Card and other Financing, Veterinary Services, Adult Retail Establishment, Pet or Pet Supply Store.
 3. The following items will be proffered to not be allowed as a use on the property of 2244 Rivermont Avenue (submitted October 6, 2016).
 1. Parts, Accessories, or tires (stores selling)
 2. Vehicles (leasing)
 3. Facilities Support Services
 4. Food Services contractor and vending machine operators
 5. Laundromat and dry cleaning

6. Furniture and Related Products (manufacturing and repair)
 7. Construction related businesses
 8. Greenhouse-no on-premises sales
 9. Greenhouse- sales of products grown on premises
 10. Greenhouse- sale of products and related accessories products
 11. Animal Production
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. **History and Surrounding Area.** There have been several items requiring City Council approval or City action on the property or in the immediate area. Items pertaining to the subject property are underlined.
- The Garland-Rodes Elementary School was constructed in 1922 and operated as such until July 1, 1985, when Lynchburg City Schools ceased to operate and turned the building over to the City of Lynchburg.
 - On August 13, 1985, City Council approved the CUP petition of Rivermont Presbyterian Church to allow the operation of a nursery school and installation of a play area in an R-3, Two-Family Residential District.
 - On September 1, 1985, the City began leasing the building to the Virginia School of the Arts.
 - On July 14, 1987, City Council approved the CUP petition of Virginia School of the Arts for the establishment of a student dormitory in an existing duplex at 2245-2247 Rivermont Avenue.
 - On January 10, 1989, City Council approved the CUP petition of the City of Lynchburg to construct and operate a fire station in Riverside Park. This was never constructed due to litigation from neighbors and restrictions on the park from federal grant funding.
 - On May 8, 1990, City Council approved the CUP petition of Rivermont Presbyterian Church to allow the construction of a building addition, a parking area, and two (2) recreational areas in an R-3, Two-Family Residential District.
 - On February 8th, 1995, the City of Lynchburg conveyed the property at 2244 Rivermont Avenue to Virginia School of the Arts, Inc. with a number of conditions, including reversionary interest in the property if it ceases to be used for arts, education, cultural, historical, recreational, or religious or charitable purposes. The deed also included a perpetual, non-exclusive joint use and maintenance easement for the parking lot that remained on City property, subject to rules and regulations of the City.
 - On July 23, 1997, City Council approved the CUP petition of Rivermont Presbyterian Church to allow the construction of two parking lots in an R-3, Two-Family Residential District.
 - On March 28, 2001, City Council approved the CUP petition of Rivermont Presbyterian Church to allow the construction two building additions and parking areas on the existing Church campus in an R-3, Two-Family Residential District.

- On March 11, 2008, City Council approved the removal of the reversionary interest clause but retained a right of first refusal if Virginia School of the Arts ceases to use the property.
 - On July 14, 2009, City Council approved the CUP petition of Allen Ward for a bed & breakfast with up to five (5) guest rooms in an existing home at 2144 Rivermont Avenue.
 - In March of 2010, the School of the Arts advised the City Manager that it had received an offer for the sale of the Garland-Rodes School building and asked if the City wished to exercise its option on the building. The City Manager advised the School of the Arts that the City did not wish to exercise its option to the Garland-Rodes School building, and by deed dated May 24, 2010, the School of the Arts conveyed the building to Andrew S. Namrow.
6. **Site Description.** The subject property includes one and five hundred seventeen thousandths (1.517) acres located at 2244 Rivermont Avenue. The historic Garland-Rodes School sits at the highest point on the property with a lawns sloping towards Rivermont Avenue and Columbia Avenue. A shared parking lot adjoins Riverside Park to the rear.
 7. **Proposed Use of Property.** If the rezoning petition is approved, the building will be restored and adapted for twenty-nine (29) apartments and a parking area will be added to the west side of the site, though it will not encroach toward Rivermont Avenue past the front building line. All exterior improvements will be reviewed by the Historic Preservation Commission (HPC) for approval and compliance with the Historic District Design Guidelines. No other B-4 permitted uses are proposed at this time, though retail, restaurant, office and hotel uses that are not specifically eliminated by the proffers could be allowed in the future.
 8. **Traffic, Parking and Public Transit.** The City's Transportation Engineer had no comments of concern as the development did not meet thresholds for requiring a Traffic Impact Study (TIS).

The B-4, Urban Commercial District, does not require parking in any amount. However, in other districts, multi-household development is required to provide one (1) parking space per dwelling unit. A total of twenty-nine (29) off-street parking spaces would be required for the proposed development. Thirty-two (32) parking spaces are provided on site, underused parking is also available adjacent to the tennis courts, and approximately twenty-eight (28) on-street spaces are available along the property's street frontages.

Rivermont Avenue is served by Greater Lynchburg Transit Company (GLTC) Routes 3A and 3B with service to downtown approximately every thirty (30) minutes.
 9. **Stormwater Management.** An Erosion & Sediment Control Plan will be required with final site plan review. A Stormwater Management Plan will be required if land disturbance exceeds five thousand (5,000) square feet.
 10. **Emergency Services.** Comments from the City Fire Marshal regarding site design requirements of the City of Lynchburg and the Virginia Statewide Fire Prevention Code have or will be addressed during final site plan review. The City's Police Department had no comments of concern regarding the rezoning.
 11. **Impact.** It is often difficult to rehabilitate large historic structures and their sites while adapting them to modern standards. Rezoning to B-4, Urban Commercial District, provides the flexibility needed for such a site. It allows the proposed apartment use, but relaxes the

parking standards so the site can incorporate more, albeit slightly smaller, spaces. With inappropriate uses eliminated by proffers, the B-4 district leaves the opportunity for appropriate commercial uses to be established in the future. This would give the public more access to a Rivermont Avenue landmark and interact nicely with an adjacent City park. However, even without any commercial development, repairing and bringing the building back into use will have a positive impact on both the neighborhood and the City.

The petitioner conducted neighborhood meetings on August 4 & September 6, 2016. The petitioner has attempted to address neighborhood concerns heard at these meetings such as removing a driveway connection to Columbia Avenue.

- 12. Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary rezoning plan on August 2, 2016. Comments related to the proposed use have or will be addressed by the petitioner prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDATION

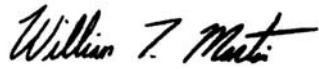
Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Jackson III LLC to:

Rezone approximately one and five hundred seventeen thousandths (1.517) acres located at 2244 Rivermont Avenue from R-3, Medium Density Residential District to B-4C, Urban Commercial District (Conditional) subject to the following voluntarily submitted proffers:

1. Site to be developed in substantial compliance with the site plan.
2. The following uses will not be allowed on this property once rezoned: Auto Repair shop, Bicycle Sales and Repair, Boat or Marine Craft Dealer, Gasoline Service Center, Light Auto Repair, Heavy Auto Repair, Furniture Sales, Hardware Store, Homes Center, Lawn and Garden Supply Store, Warehousing, Flea Markets, Antique Shop, Mail order business, Grocery Store, Super Market, Pawn Shops, Markets for Farm Produce of crafts, Credit Card and other Financing, Veterinary Services, Adult Retail Establishment, Pet or Pet Supply Store.
3. The following items will be proffered to not be allowed as a use on the property of 2244 Rivermont Avenue (submitted October 6, 2016).
 1. Parts, Accessories, or tires (stores selling)
 2. Vehicles (leasing)
 3. Facilities Support Services
 4. Food Services contractor and vending machine operators
 5. Laundromat and dry cleaning
 6. Furniture and Related Products (manufacturing and repair)
 7. Construction related businesses
 8. Greenhouse-no on-premises sales

- 9. Greenhouse- sales of products grown on premises**
- 10. Greenhouse- sale of products and related accessories products**
- 11. Animal Production**

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Ms. Bonnie M. Svrcek, City Manager
Ms. Margaret Schmitt, Interim Deputy City Manager
Mr. Walter C. Erwin, City Attorney
Mr. Kent L. White, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozerow, Lynchburg Police Department
Captain Thomas Goode, Fire Marshal
Ms. Maggie Cossman, Transportation Engineer
Mr. Doug Saunders, Building Commissioner
Mr. Kevin Henry, Zoning Administrator
Mr. Russell Nixon, Nixon Land Surveying

VII. ATTACHMENTS

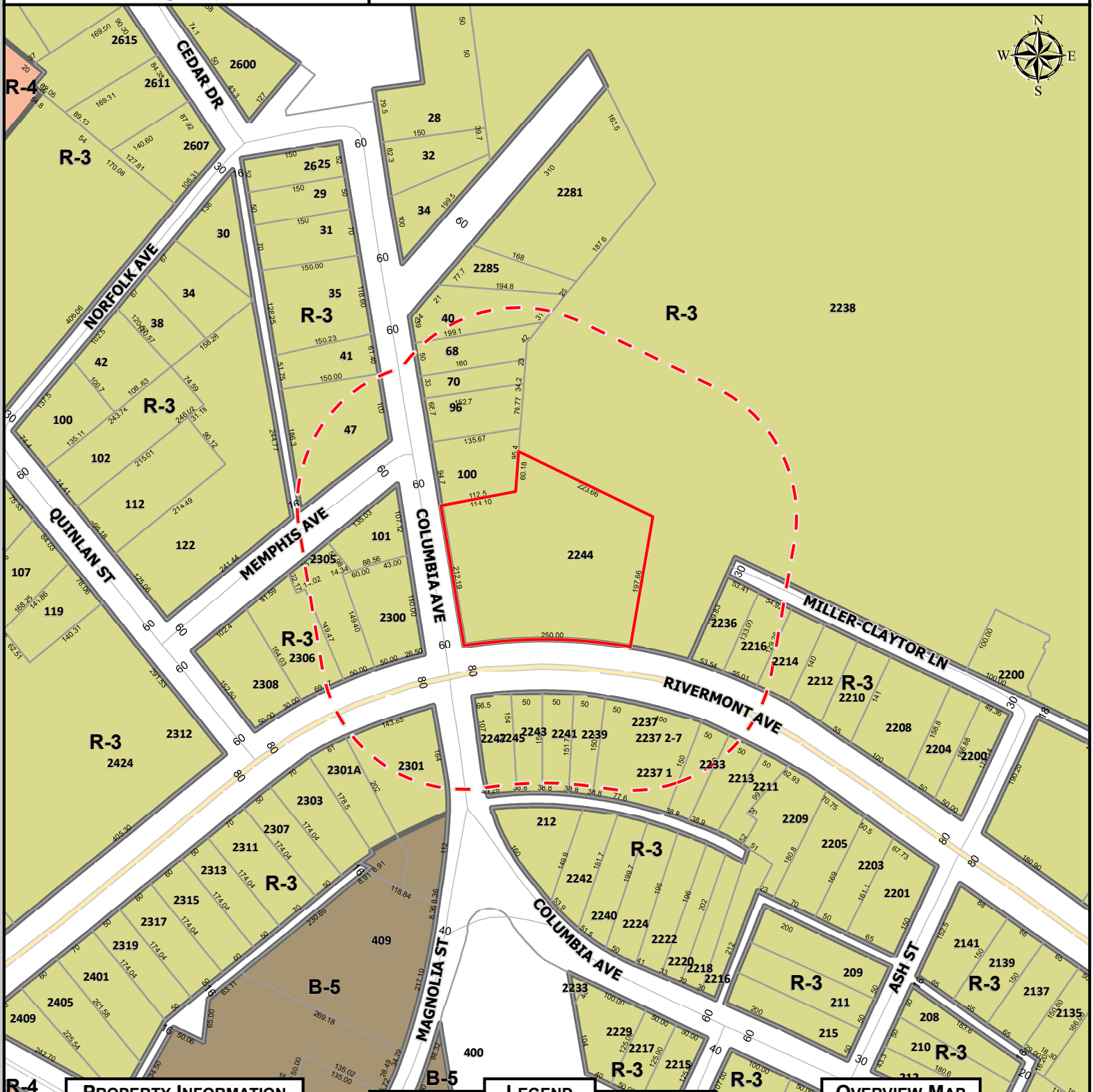
- 1. Vicinity Zoning Map**
- 2. Vicinity Future Land Use Map**
- 3. Watershed Location Map**
- 4. Planimetric and Topographic Map**
- 5. Rezoning Plan**
- 6. Property Photograph**
- 7. Opposition Letters**

Zoning Map

VSA (JACKSON III, LLC APARTMENTS)

Zoning Request

Jackson III, LLC



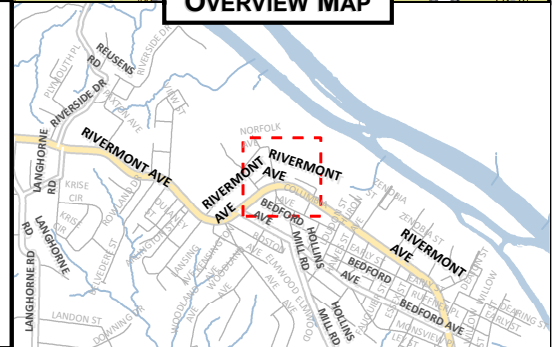
PROPERTY INFORMATION

PARCEL ID	ADDRESS
02001002	2244 RIVERMONT AVE

LEGEND

- Subject Property
- 215' Buffer
- | | | | |
|---|--|---|---|
| B-1 | R-1 | I-1 | IN-1 |
| B-3 | R-2 | I-2 | IN-2 |
| B-4 | R-3 | I-3 | R-C |
| B-5 | R-4 | | |

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 9/29/2016

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

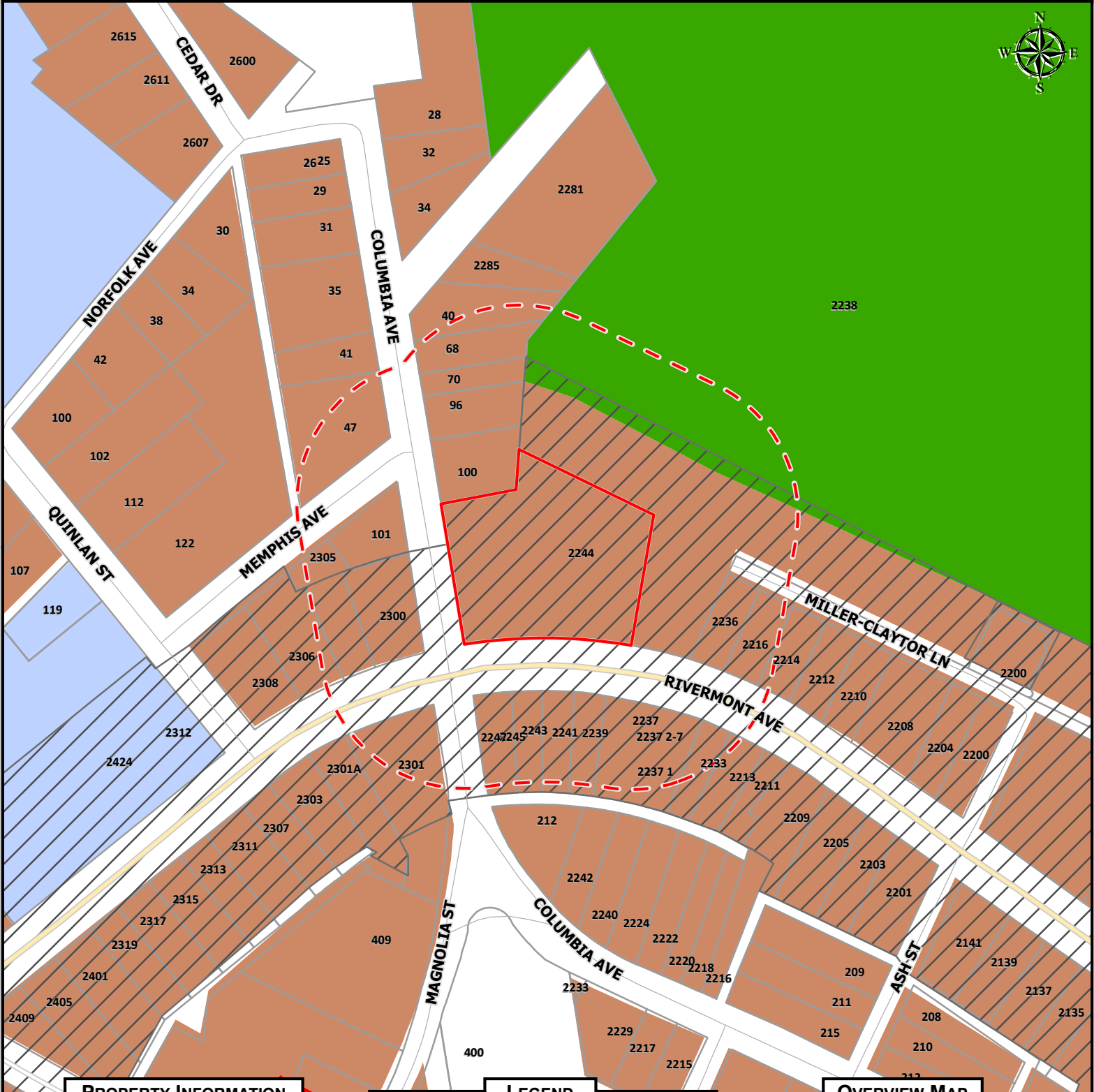
Parcel ID	Address	Owner
02006004	2239 RIVERMONT AVE	BARE, WILLIAM D & SARAH H
02006007	2233 RIVERMONT AVE	BARTHOLOMEW, SANDRA C
02005001	101 COLUMBIA AVE	BURTNER, W C JR & YORK, PAMELA K
02001001	2238 RIVERMONT AVE	CITY OF LYNCHBURG
02001005	70 COLUMBIA AVE	COMNINAKI, REBECCA ERIN
02006005	2237 RIVERMONT AVE	CRANK, PATRICIA C TRS
02003003	2214 RIVERMONT AVE	DODGION, WAVERLY C & LOUISE S
02001006	68 COLUMBIA AVE	EDICK, SUZANNE D
02006002	2243 RIVERMONT AVE	HADDEN, TRUDIE M & PRINCE, JENNIFER
02006003	2241 RIVERMONT AVE	HARVEST INVESTMENTS INC
02005004	2306 RIVERMONT AVE	HAYS, JOHN J & WETAWNA G
02003002	2216 RIVERMONT AVE	HEAD, DIGHTON L & NANCY E
02006008	2213 RIVERMONT AVE	HOMMEL, GARRET M & HOMMEL, MICHAEL J
02001002	2244 RIVERMONT AVE	JACKSON III LLC
02004005	47 COLUMBIA AVE	MARTIN, MARILYN K
02005002	2300 RIVERMONT AVE	MCCRAW, BUSEY T JR
02011001	2301 RIVERMONT AVE	MORRIS, STEPHEN E & KATHY B
02006001	2245 RIVERMONT AVE	SARANTOS, CHRISTOS N & ELLEN L
02001007	40 COLUMBIA AVE	TENNIS, DAVID C
02001004	96 COLUMBIA AVE	TURNER, AMANDA A
02001003	100 COLUMBIA AVE	WATTS, FRANCOISE D
02003001	2236 RIVERMONT AVE	WHEELER, HAROLD W JR & SHARON L
02005006	2305 MEMPHIS AVE	WORSHAM, KATHLEEN B

FLUM Map

VSA (JACKSON III, LLC APARTMENTS)

Zoning Request

Jackson III, LLC



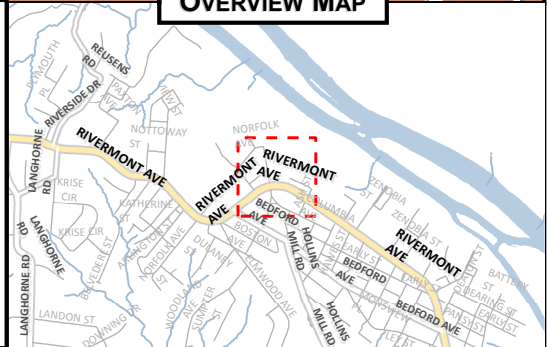
PROPERTY INFORMATION

PARCEL ID	ADDRESS
02001002	2244 RIVERMONT AVE

LEGEND

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

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 9/29/2016

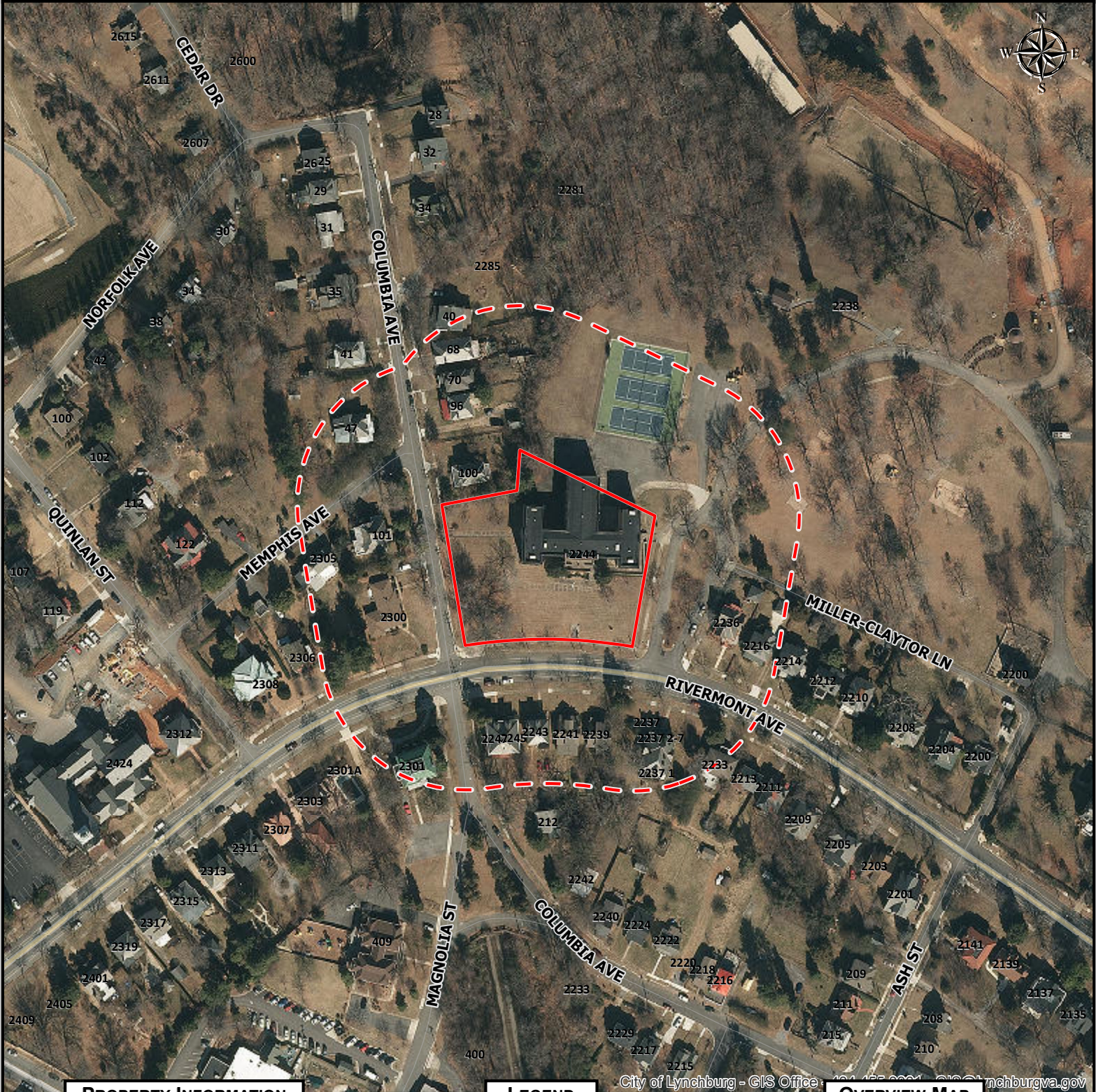
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Watershed Map

Zoning Request

VSA (JACKSON III, LLC APARTMENTS)

Jackson III, LLC



PROPERTY INFORMATION

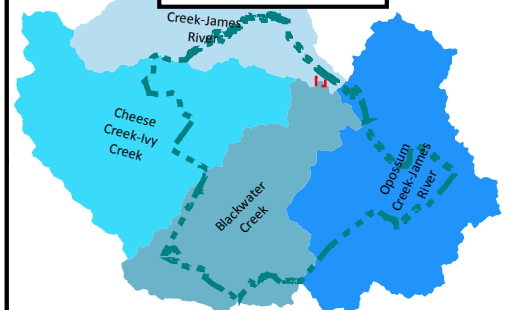
PARCEL ID **ADDRESS**
02001002 2244 RIVERMONT AVE

LEGEND

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

MAP SCALE: 1" to 200' DATE PRINTED: 9/29/2016

OVERVIEW MAP



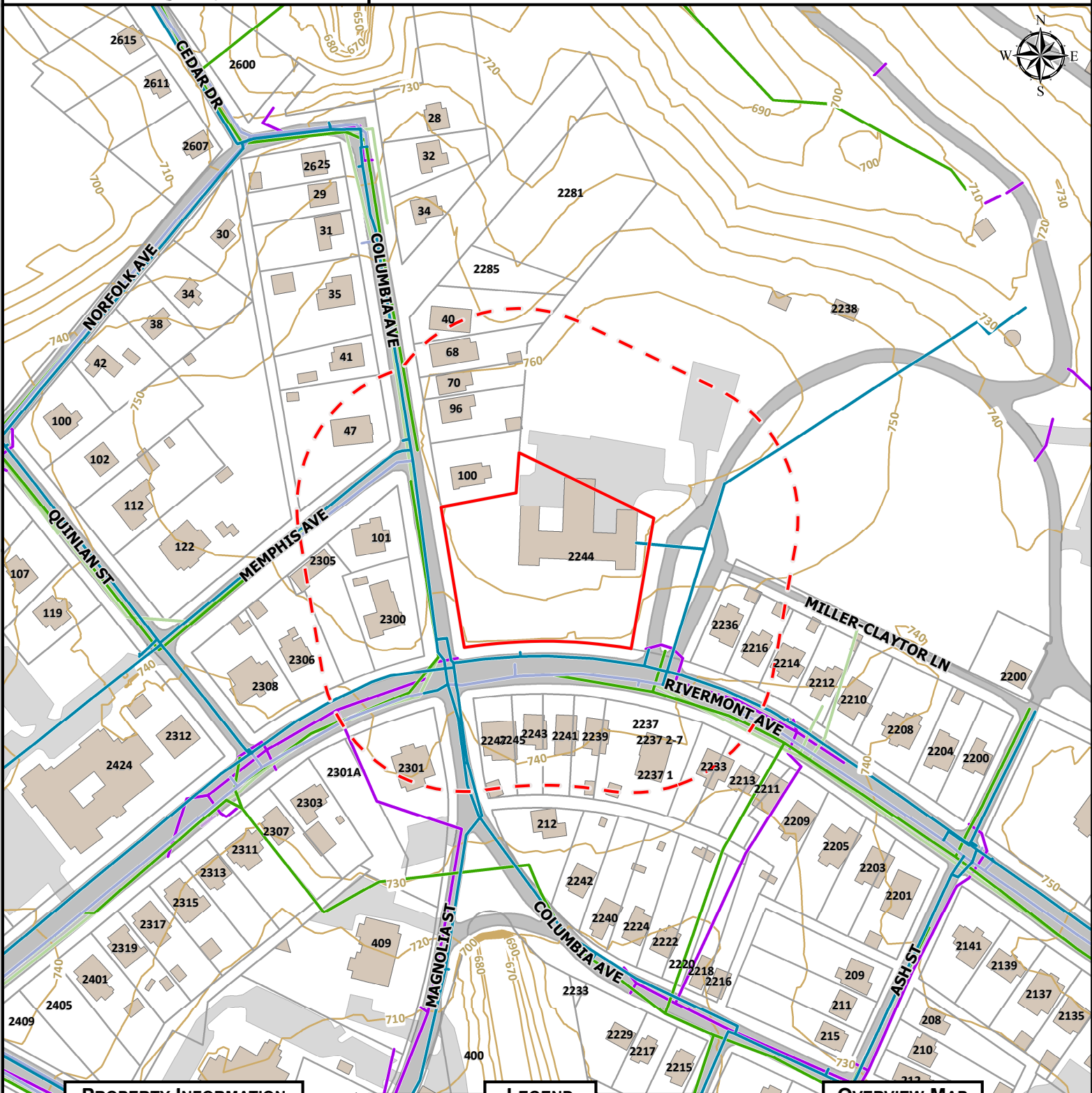
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Planimetric and Topographic Map

VSA (JACKSON III, LLC APARTMENTS)

Zoning Request

Jackson III, LLC



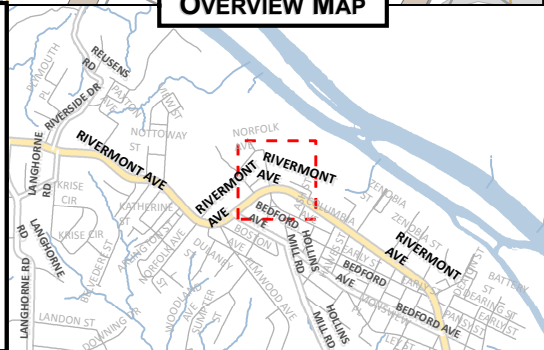
PROPERTY INFORMATION

PARCEL ID **ADDRESS**
 02001002 2244 RIVERMONT AVE

LEGEND

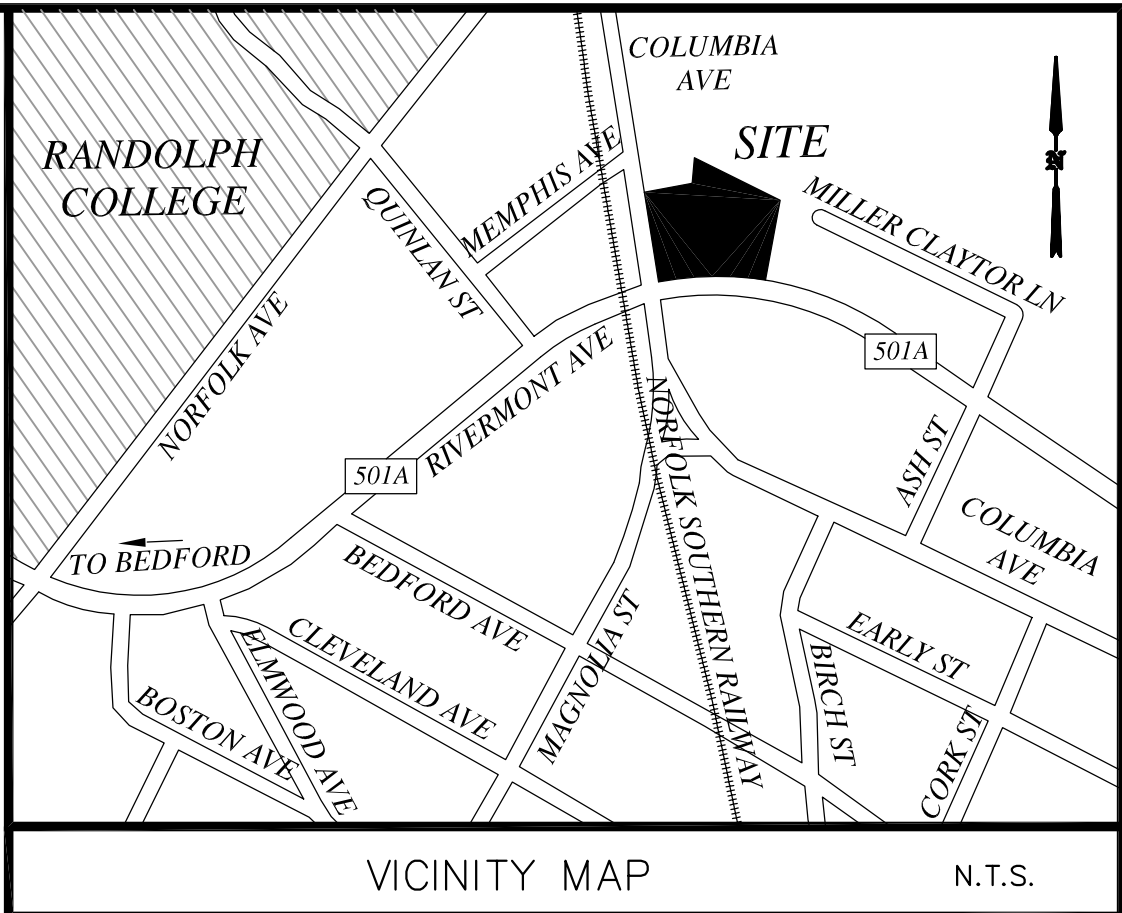
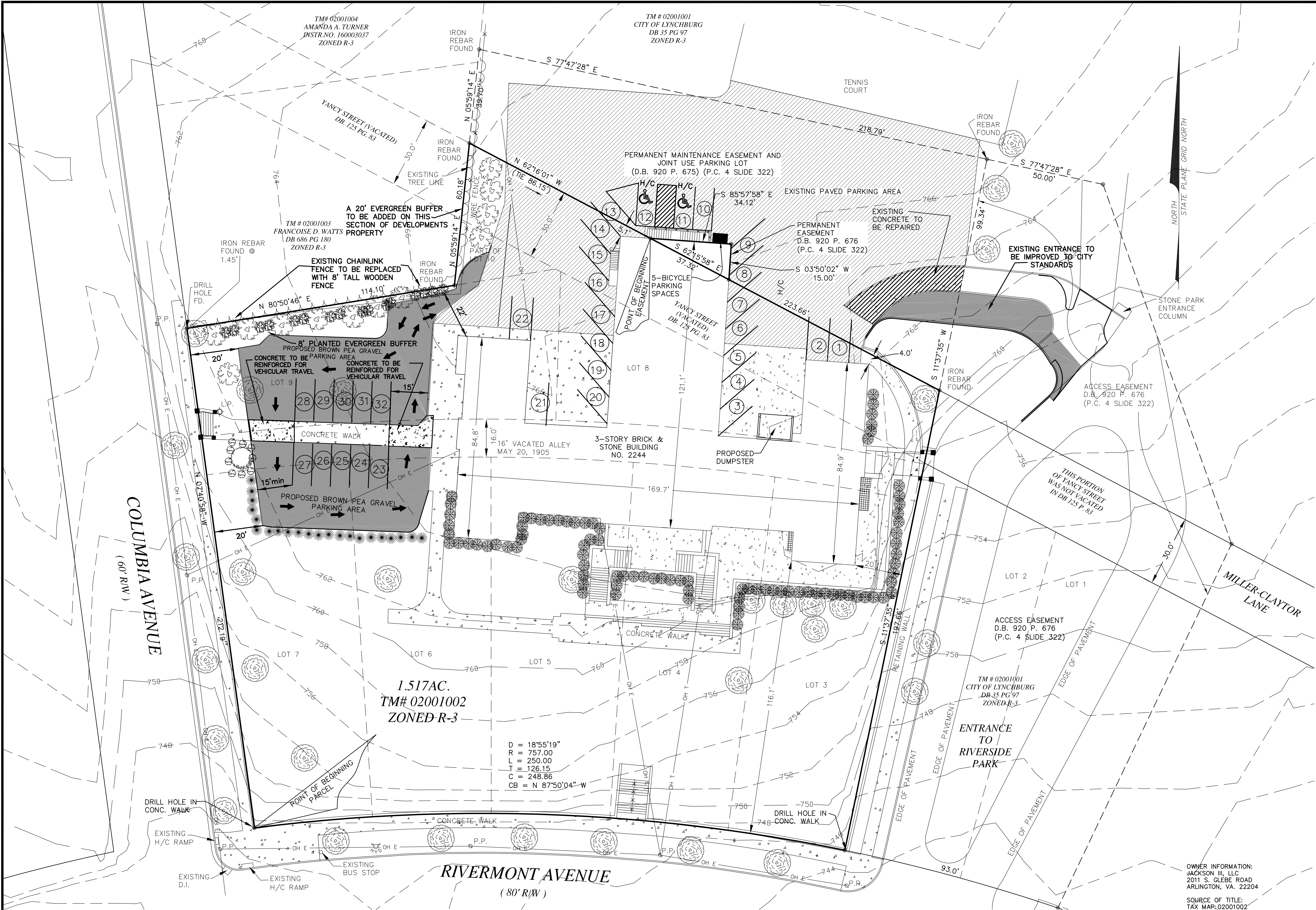
	Active	Proposed	Abandoned
Utilities			
Water	—	- - -	- - -
Sanitary	—	- - -	- - -
Storm	—	- - -	- - -
	Paved	Unpaved	Other
Structure	■	■	■
Roadway	■	■	■
Parking	■	■	■
Sidewalk	■	■	■
Driveway	■	■	■
Topography	Contour	10' Obs	

OVERVIEW MAP



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NARRATIVE:
THE PURPOSE OF THIS SITE PLAN FOR REZONING IS TO REQUEST A ZONE CHANGE FROM THE CURRENT R-3 MEDIUM DENSITY RESIDENTIAL TO B-4 URBAN COMMERCIAL. THE ZONE CHANGE WILL ALLOW THE PROPOSED RESIDENTIAL USE (29 UNITS) AND PROPOSED PARKING AREA AS SHOWN ON THE PROPOSED PLAN. THIS PROPERTY IS CURRENTLY SERVED BY CITY OF LYNCHBURG WATER AND SEWER. THE STORM WATER QUALITY AND QUANTITY REQUIREMENTS WILL BE MET FOR THE PROPOSED ENTRANCE AND ADDITIONAL PARKING AREA TO THE EXISTING BUILDING. THE TOTAL DISTURBED AREA (LIMITS OF CLEARING AND GRADING) WILL BE 2,921SQ.FT.

- LEGEND
- IRON REBAR FOUND
 - FIRE HYDRANT
 - WATER VALVE
 - SIGN
 - CONC. CONCRETE
 - LIGHT POLE
 - DROP INLET
 - WATER METER
 - TELEPHONE MANHOLE
 - CLEARING LIMITS

- GENERAL NOTES:
- 1.) THIS PLAN HAS BEEN PREPARED FROM AN PLATS AND DEEDS OF RECORD. NO PHYSICAL LOCATION SURVEY WAS PERFORMED AS OF THIS DATE.
 - 2.) THIS PLAN HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT, THEREFORE, NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.
 - 3.) THE AREA SHOWN IS LOCATED IN ZONE "X" AND DOES NOT FALL WITHIN FLOOD HAZARD ZONE FOR A 100 YEAR FLOOD AS SHOWN ON A MAP PANEL NO. 51009300330 DATED JUNE 3, 2008 BY F.E.M.A.
 - 4.) THIS PROPERTY IS ZONED R-3 MEDIUM DENSITY RESIDENTIAL. PROPOSED ZONE CHANGE TO B-4 URBAN COMMERCIAL DISTRICT.
 - 5.) ALL LIGHTING WILL BE GLARE SHIELDED AND NON-DIRECTIONAL TO PREVENT ILLUMINATION ACROSS THE PROPERTY LINES.
 - 6.) LANDSCAPING SHALL BE IN COMPLIANCE WITH CITY OF LYNCHBURG LANDSCAPE ORDINANCE. ALL ABOVE GROUND UTILITIES SUCH AS HVAC UNITS AND RPZ'S SHALL HAVE LANDSCAPE SCREENING.
 - 7.) THIS PROPERTY WILL UTILIZE CITY OF LYNCHBURG WATER AND SEWER.
 - 8.) CONTRACTOR SHALL CONTACT "MISS UTILITY" A MINIMUM OF 48 HOURS PRIOR TO EXCAVATION.
 - 9.) OWNER/CONTRACTOR WILL PRIOR TO FINAL SITE STABILIZATION, TO DETERMINE FERTILIZER APPLICATION RATES FOR THE ESTABLISHMENT OF GRASS ON SITE. THE VIRGINIA COOPERATIVE EXTENSION OR A GEOTECHNICAL FIRM (WITH SOIL TESTING FACILITIES) WILL BE CONTACTED TO OBTAIN A SOILS REPORT FOR NUTRIENT APPLICATION.
 - 10.) THE PROPOSED USE OF THE BUILDING WILL BE FOR 29 RESIDENTIAL UNITS.
 - 11.) PARKING REQUIRED:
THIS PROPERTY WILL HAVE 29 RESIDENTIAL UNITS. REQUIRING 29 PARKING SPACES.

PARKING PROVIDED:
30 TYPICAL 9'x18' SPACES
+2 ADA HANDICAP SPACES
32 TOTAL SPACES PROVIDED
NOT INCLUDING THE 8 ON STREET PARKING SPACES FRONTING RIVERMONT AVENUE FOR A TOTAL SPACES AVAILABLE OF 40 FOR THE USE OF THIS BUILDING.
 - 12.) THIS SITE WILL BE COMPLIANT WITH THE 2012 INTERNATIONAL FIRE CODE AND SITE DESIGN REQUIREMENTS OF THE CITY OF LYNCHBURG. THESE REQUIREMENTS WILL BE SHOWN ON THE DESIGN PLANS THAT WILL BE SUBMITTED TO THE CITY OF LYNCHBURG FOR APPROVAL.
 - 13.) THIS PROPERTY IS LOCATED IN THE HISTORIC ZONE OF THE CITY OF LYNCHBURG AND MUST MEET ALL HISTORIC REQUIREMENTS.

OWNER INFORMATION:
JACKSON III, LLC
2011 S. GLEBE ROAD
ARLINGTON, VA 22204

SOURCE OF TITLE:
TAX MAP: 02001002
JACKSON III, LLC
INSTR. NO. 100005802

SEC. 35.1-25.1.7 PARKING SCREENING 164' STREET FRONTAGE	SEC. 35.2-63.10 BUFFERING
1-LARGE SHRUB / 3' FRONTAGE = 54 LARGE SHRUBS REQUIRED	AS REQUIRED BY CODE
54 LARGE SHRUBS PROVIDED	
SEC. 35.1-25.1.8 STREET STREET 462.19' FRONTAGE / 40' = 12 REQ'D	SEC. 35.1-25.1.10 UTILITY SCREENING
THERE AREA 11 EXISTING TREES ALONG THE CITY RIGHT OF WAY. THERE ARE ALSO EXISTING MATURE TREES INSIDE OF THE PROPERTY ALONG THE RIGHT OF WAY	AROUND ANY EXISTING AND PROPOSED LOCATION OF HVAC UNITS & ABOVE GROUND UTILITIES

SEC. 35.1-25.1.8 FOUNDATION PLANTINGS 255' FOUNDATION	SEC. 35.1-25.1.7 PARKING AREA LANDSCAPING 11 SPACES PROPOSED / 8 TREES = 2 REQ'D 11 SPACES PROPOSED / 1 SHRUB = 11 REQ'D
THIS PROPERTY HAS EXISTING MATURE FOUNDATION PLANTINGS AND ORNAMENTAL TREES.	2 SHADE TREES REQUIRED 3 SHADE TREES PROVIDED
	11 MEDIUM SHRUBS REQUIRED 24 MEDIUM SHRUBS PROVIDED

KEY	QTY.	COMMON NAME	BOTANICAL NAME	SIZE	HEIGHT AT PLANTING	REMARKS
1	1	RED MAPLE	ACER RUBRUM	1-1/2" CAL	4'	WELL BRANCHED
19	19	DWARF JAPANESE HOLLY	ILEX CRENATA	N/A	3'	FULL PLANT
22	22	RHODODENDRON 'PINK PEARL'	RHODODENDRON 'PINK PEARL'	N/A	3'	FULL PLANT
12	12	GREEN GIANT ARBORVITAE	THUJA STANDISHII x PULICATA 'GREEN GIANT'	1-1/2" CAL	4'	WELL BRANCHED
16	16	JAPANESE FALSECYPRESS	CHAMAECYPARIS PISIFERA 'VINTAGE GOLD'	N/A	3'	FULL PLANT

EXISTING LANDSCAPE:
EXISTING TREES
EXISTING SHRUBS



NLS
Nixon Land
Surveying, L.L.C.
1063C Airport Road
Lynchburg, VA 24502
Phone: (434) 237-3600
Fax: (434) 237-0699
Email: ren@nixonsec.com
www.nixonsec.com

REV. 10/18/16
REV. 09/09/16
REV. 09/01/16

JACKSON III, LLC
SITE PLAN FOR REZONING
LOTS 3 THRU 9, PART OF LOT 10, PART
OF 16' ALLEY & PART OF VACATED
YANCY STREET
BLOCK 79,
RIVERMONT PLAN "B"
CITY OF LYNCHBURG, VIRGINIA

COMM. NO.: 2016108
SCALE: 1"=20'
SHEET: 1 OF 1

REVISED: 08/26/16
DR. BY: VPH
CHK. BY: REN/DRW. NME. REZONE



INSPECTIONS DIV

AUG 22 2016

RECEIVED

Francoise Watts
100 Columbia Ave
Lynchburg, VA 24503

to the Chair of the Planning
Commission
and the Mayor of Lynchburg

August 17, 2016

Dear Sir, Dear Madam Mayor:

I understand that a driveway is planned to give access to the building formerly known as the Virginia School of the Arts. The driveway will begin on Columbia Ave. I would like to express my concern about the nuisance this driveway will cause for my property: 29 cars daily will pass in front of my windows.

I have lived at this address for 30 years and never imagined that I would have to see my property changing to that point. There will be noise when now there is calm. My property will certainly lose in value.

I ask that you reconsider this plan. There is ample access from Rivermont entrance.

I plan to voice my opposition to this project on Oct 11 at City Hall. I am of course not opposed to the project of 29 apartments in this location, just opposed to the proposed driveway.

Thank you for your consideration.

Francoise Watts

1

We the undersigned residents of Wards 1 and 2, City of Lynchburg, VA object to the changing of the old Garland Rhodes school building zone designation of R3 to R4 zoning due to:

1. Current congested traffic on Rivermont Avenue,
2. Lack of sufficient parking for the increase in residents, and
3. Increase of resident occupancy within the proposed apartment building.

Kathie Carwile Morgan
3400 Rivermont Ave

Bonnie Wansker
2305 Memphis Ave

With R3 - 16.5 units
With R4 - 33 up^{to} units

2244 Rivermont Avenue
Rezoning: R-3 to B-4C
October 12, 2016

PLEASE PRINT

[illegible]

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 8, 2016**

AGENDA ITEM #: **9**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Public Hearing for Boundary Amendments to Enterprise Zones #2 and #46

Strategic Pillar(s) Impacted:

☐ Arts & Culture	☐ Citizen Engagement & Social Capital	☒ Economic Development	☐ Healthy & Active Living
☐ Infrastructure	☐ Land Use	☐ Lifelong Learning	☐ Natural Resources
☐ Neighborhoods	☐ Safe Community	☐ Social Equity	☐ Transportation
			☒ Administrative

RECOMMENDATION: Conduct a Public Hearing regarding amendments to Virginia Enterprise Zones #2 and #46 to encompass the area as delineated and as described on maps entitled "Enterprise Zone Amendment, Zone # 2" and "Enterprise Zone Amendment, Zone #46," contingent upon approval by the Commonwealth of Virginia, Department of Housing and Community Development.

SUMMARY: Lynchburg has two enterprise zones identified by the state as # 2 and #46. Both zones were established by the state and provide incentives for businesses to locate, or to expand, thus stimulating economic development within the designated areas. Although the benefits of enterprise zone designation have changed over the years, two primary benefits remain for businesses: job creation and real estate improvement grants.

The boundaries are eligible for amendment upon approval of City Council and the Virginia Department of Housing and Community Development. Under the state's regulations the zone size is limited to 7% of the locality's total land area and as much as 15% of an existing zone may be deleted (with an equal area then added) in a given year. Because of the limit on the size of the enterprise zone, taking in new areas requires that the zone designation be lifted from other areas where it is of little utility. The areas proposed for deletion from the zone are primarily ineligible public property such as right-of-way, or residential where zone designation provides no benefit. In order to accomplish this amendment, City Council is required to conduct a public hearing regarding the proposed amendments. Property owners in the areas to be deleted by the proposed amendment have been notified individually by letter. GIS has been an invaluable partner in this process. Shaun Conway with GIS created an interactive map with detailed information on the proposed boundary amendments @ <http://bit.ly/EnterpriseZones> for our website.

Enterprise zone designation has no impact on land use regulation.

PRIOR ACTION(S): Amended Zone #2 and #46 boundaries in FY2015, Zone #46 was re-designated in 2016.

FISCAL IMPACT: May positively impact tax receipts as business growth and expansion is incentivized in newly designated areas.

CONTACT(S): Marjette Upshur, 434-455-4490

ATTACHMENT(S): Resolution, Map showing existing zone #2, proposed deletion, and proposed expansion; Map showing existing zone #46, proposed deletion, and proposed expansion.

REVIEWED BY: bms

RESOLUTION

BE IT RESOLVED That the Lynchburg City Council endorses the removal of areas "2-S3" through "2-S11" from the City of Lynchburg, Virginia Enterprise Zone #2 and the addition of areas "2-A6 "through "2-A11" to the City of Lynchburg Virginia Enterprise Zone #2 as shown on the map entitled Enterprise Zone Amendment Zone #2.

BE IT FURTHER RESOLVED that the City of Lynchburg City Council endorses the removal of area "46- S1" through "46-S2" from the City of Lynchburg, Virginia Enterprise Zone #46 and the addition of areas "46-A1" through "46-A5" to the City of Lynchburg, Virginia Enterprise Zone #46 as shown on the map entitled "Enterprise Zone Amendment, Zone 46.

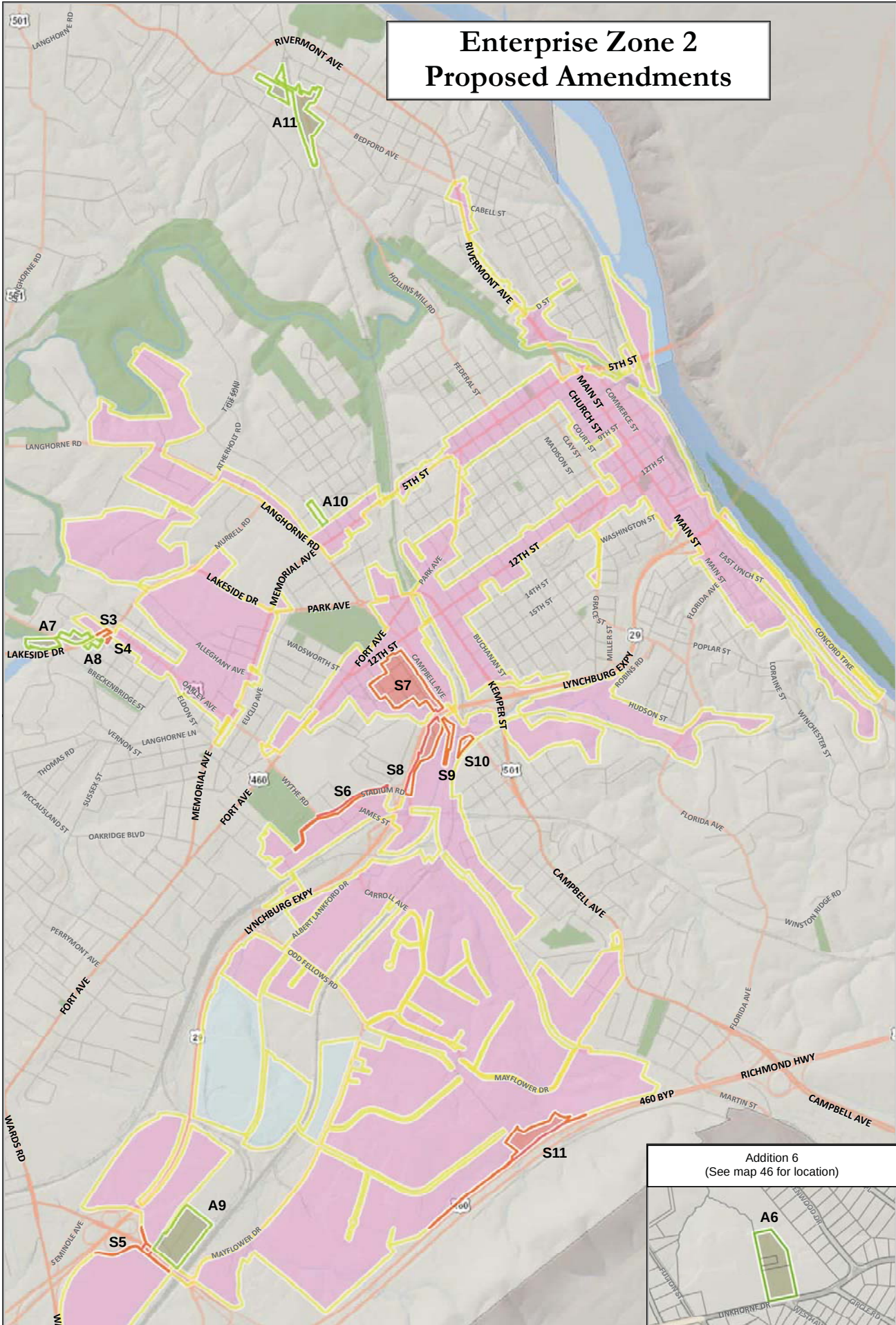
Adopted:

Certified:

Clerk of Council

159K

Enterprise Zone 2 Proposed Amendments



View Interactive Map @ <http://bit.ly/EnterpriseZones>



A2 Addition



S4 Subtraction



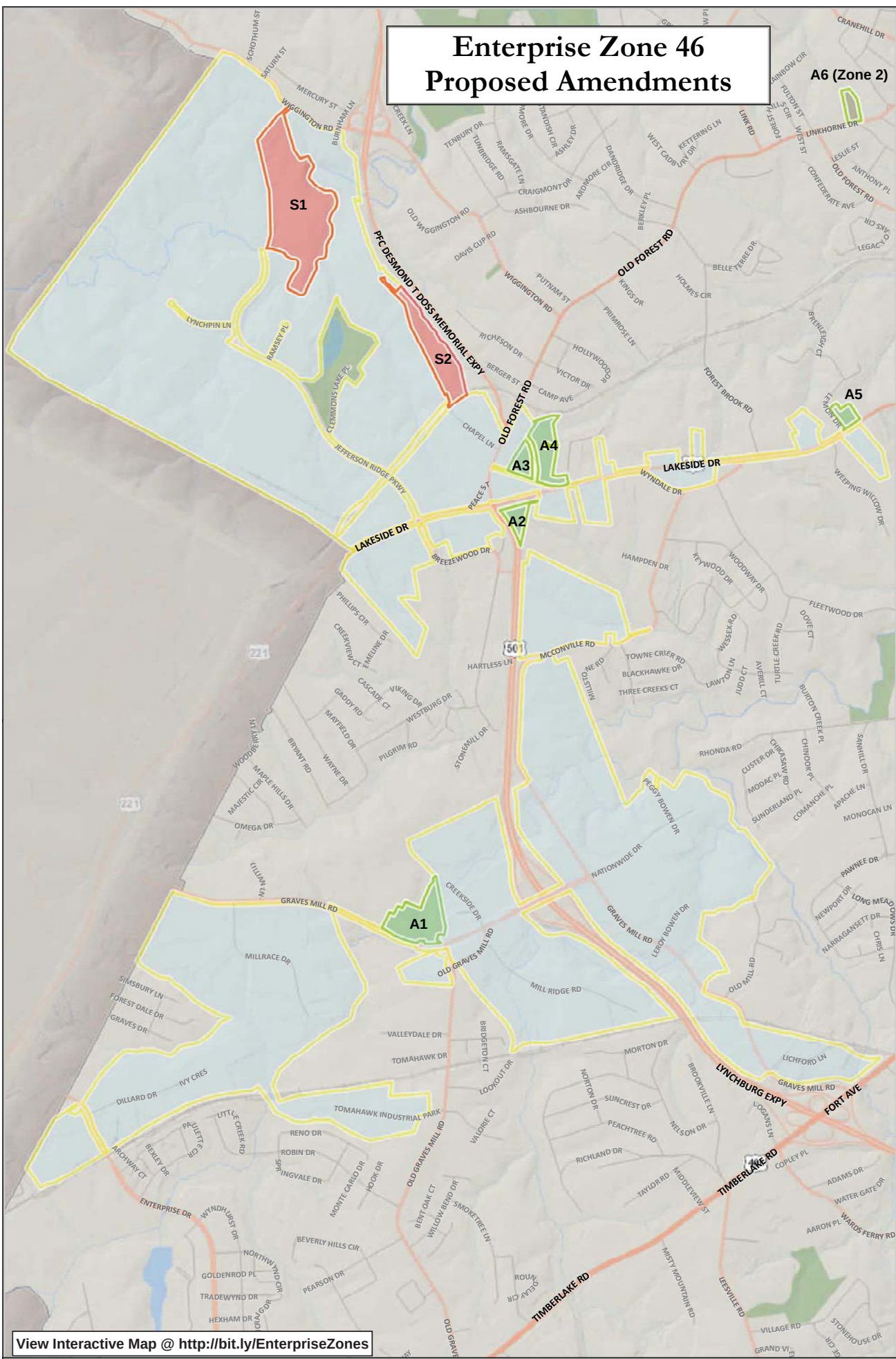
Enterprise Zone 2



Enterprise Zone 46

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

Enterprise Zone 46 Proposed Amendments



View Interactive Map @ <http://bit.ly/EnterpriseZones>

A2 Addition **S4** Subtraction **Enterprise Zone 2** **Enterprise Zone 46**

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

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 8, 2016**

AGENDA ITEM #: **10**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Loan from the Virginia Clean Water Facilities Revolving Loan Fund in the amount of \$1,705,275

Strategic Pillar(s) Impacted:

☐ Arts & Culture	☐ Citizen Engagement & Social Capital	☐ Economic Development	☐ Healthy & Active Living
☒ Infrastructure	☐ Land Use	☐ Lifelong Learning	☐ Natural Resources
☐ Neighborhoods	☐ Safe Community	☐ Social Equity	☐ Transportation
			☐ Administrative

RECOMMENDATION: Conduct the required public hearing pursuant to Section 15.2-2204.A of the Code of Virginia for the issuance of \$1,705,275 of Stormwater Revenue Utility Bonds and adopt a resolution authorizing the issuance of not to exceed \$1,900,000 Stormwater Revenue Utility Bonds.

SUMMARY:

As part of the City's requirement to achieve pollution reduction goals outlined in the Chesapeake Bay Total Maximum Daily Load (TMDL) Action Plan, a loan application was submitted on July 10, 2015 to the State Water Control Board for funding from the Virginia Clean Water Revolving Loan Fund (VCWRLF). On January 14, 2016 the State Water Control Board authorized a \$1,705,275 VCWRLF zero percent (0%) interest loan amortized for a period of 20 years for stormwater projects. This resolution authorizes an issuance of not to exceed \$1,900,000 to provide for debt issuance in excess of the \$1,705,275 in the event future project bids exceed estimates available to date. All project costs in this loan include design, construction, construction administration and inspection. The projects on this loan are the following:

- Sheffield Elementary School Water Quality Retrofit
- Laurel School Water Quality Retrofit
- Greenwood Pond Retrofit
- Blackwater Creek Stream Restoration
- Rock Castle Tributary Stream Restoration

In order to accept this VCWRLF loan, the City is required to follow the requirements of the Public Finance Act of the Commonwealth of Virginia. This Act requires localities issuing long-term debt to conduct a public hearing and adopt a bond resolution to issue the debt so advertised.

PRIOR ACTION(S): Adoption of the FY 2016-2020 Capital Improvements Program.

FISCAL IMPACT: Issuance of up to \$1,900,000 Stormwater Utility Revenue bonds secured by a pledge of the revenues from the Stormwater Fund as collateral for the loan.

CONTACT(S): Timothy Mitchell, Director of Utilities, 455-4252
Donna Witt, Director of Financial Services, 455-3968

ATTACHMENT(S): Resolution

REVIEWED BY: bms

A RESOLUTION OF THE COUNCIL OF THE CITY OF LYNCHBURG, VIRGINIA, AUTHORIZING THE ISSUANCE OF NOT TO EXCEED ONE MILLION NINE HUNDRED THOUSAND DOLLARS (\$1,900,000) AGGREGATE PRINCIPAL AMOUNT OF STORMWATER UTILITY SYSTEM REVENUE BONDS OF THE CITY OF LYNCHBURG, VIRGINIA, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COSTS OF CAPITAL IMPROVEMENTS TO THE STORMWATER UTILITY SYSTEM OF THE CITY, A REVENUE-PRODUCING UNDERTAKING OF THE CITY, SUCH CAPITAL IMPROVEMENTS TO CONSIST OF FACILITIES, STRUCTURES AND IMPROVEMENTS IN CONNECTION WITH THE IMPLEMENTATION OF STORMWATER BEST MANAGEMENT PRACTICES, ALL PURSUANT TO TITLE 62.1, CHAPTER 22, SECTION 62.1-229.4 OF THE CODE OF VIRGINIA, 1950, AS AMENDED; FIXING THE FORMS, DENOMINATIONS AND CERTAIN OTHER DETAILS OF SUCH BONDS; PROVIDING FOR THE ISSUANCE OF SUCH BONDS TO THE VIRGINIA RESOURCES AUTHORITY (“VRA”), AS ADMINISTRATOR OF THE VIRGINIA WATER FACILITIES REVOLVING FUND, TO EVIDENCE THE BORROWINGS TO BE MADE BY SUCH CITY FROM VRA PURSUANT TO ONE OR MORE FINANCING AGREEMENTS BY AND BETWEEN VRA AND SUCH CITY; APPROVING THE FORM AND THE TERMS, CONDITIONS AND PROVISIONS OF SUCH FINANCING AGREEMENT AND AUTHORIZING AND DIRECTING THE EXECUTION AND DELIVERY THEREOF; AND APPOINTING THE DIRECTOR OF FINANCIAL SERVICES AS REGISTRAR AND PAYING AGENT FOR SUCH BONDS

WHEREAS, in the judgment of the Council (the “Council”) of the City of Lynchburg, Virginia (the “City”), it is desirable to authorize the issuance of not to exceed One Million Nine Hundred Thousand Dollars (\$1,900,000) aggregate principal amount of revenue bonds of the City in the form of Stormwater Utility System Revenue Bonds to provide funds to pay the cost of capital improvements to the stormwater utility system of the City, such system being a revenue-producing undertaking of the City; and

WHEREAS, such capital improvements consist of facilities, structures and improvements in connection with the implementation of stormwater best management practices to reduce or prevent pollution of waters caused by stormwater runoff, all as provided in Title 62.1, Chapter 22, Section 62.1-229.4, of the Code of Virginia, 1950, as amended;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG, VIRGINIA:

SECTION 1. Pursuant to Chapter 26 of Title 15.2 of the Code of Virginia, 1950, the same being the Public Finance Act of 1991, there are authorized to be issued not to exceed One Million Nine Hundred Thousand Dollars (\$1,900,000) aggregate principal amount of stormwater utility system revenue bonds of the City to be designated “City of Lynchburg, Virginia, Stormwater Utility System Revenue Bonds” (the “Bonds”). The Bonds shall be issued

for the purpose of providing funds to pay the cost of capital improvements to the stormwater utility system of the City, such system being a revenue-producing undertaking of the City. Such capital improvements to be financed with the proceeds of the Bonds consist of facilities, structures and improvements in connection with the implementation of stormwater best management practices to reduce or prevent pollution of waters caused by stormwater runoff, all as provided in Title 62.1, Chapter 22, Section 62.1-229.4, of the Code of Virginia, 1950, as amended. The Bonds may be issued in one or more series from time to time and shall bear the series designation "Series 2016" and/or such other series designation as shall be determined by the City Manager or the Deputy City Manager.

SECTION 2. The Bonds of each series shall be issued to the Virginia Resources Authority ("VRA"), as administrator of the Virginia Water Facilities Revolving Fund (the "Fund"), pursuant to the terms, conditions and provisions of, and to evidence the borrowing to be made by the City from VRA under, a Commitment Letter for the Bonds of each series (a "Commitment Letter" or, collectively, the "Commitment Letters"), from VRA to the City, and a Financing Agreement for the Bonds of each series, as the same may be amended and supplemented from time to time (a "Financing Agreement" or, collectively, the "Financing Agreements"), by and between VRA, as administrator of the Fund, and the City, as the Borrower thereunder. Any of the City Manager or the Deputy City Manager is each hereby authorized and directed to execute and deliver to VRA a Commitment Letter and a Financing Agreement for the Bonds of each series in such forms as the City Manager or the Deputy City Manager executing the same shall approve upon the advice of counsel (including the City Attorney and Bond Counsel to the City), such approval to be conclusively evidenced by the execution and delivery thereof by the City Manager or the Deputy City Manager. In accordance with the terms, conditions and provisions of the Commitment Letters and the Financing Agreements, as the same may be amended from time to time, the Bonds of each series shall have a term of not exceeding the term provided for in the Financing Agreement relating to the Bonds of such series as executed, shall bear interest at the rate of zero per centum (0%) per annum and shall mature on such dates (*provided* that the final maturity date of the Bonds of each series shall not be later than twenty-five (25) years after the dated date of the Bonds of such series) and in such principal amounts as shall be specified in the definitive forms of the Financing Agreements and the forms of the Bonds attached to the definitive forms of the Financing Agreements as Exhibit A thereto.

SECTION 3. The revenues of the stormwater utility system of the City (the "System") shall be irrevocably pledged to the punctual payment of the principal of the Bonds as the same become due and payable, and the Bonds shall be secured solely by, and payable solely from, such revenues. The Bonds shall be secured on a parity basis with any additional Parity Bonds (as defined in the Financing Agreement) issued from time to time by the City. As of the date hereof, there are no outstanding Parity Bonds secured by the revenues of the System.

The City Council hereby covenants with and for the benefit of the registered owners of the Bonds, that so long as any Bond shall remain outstanding, the rates, rents, fees or other charges for the services and facilities furnished by, or for the use of, or in connection with the revenue-producing undertaking of the City consisting of the System shall be fixed and maintained at the level that will produce sufficient revenue in each year to satisfy the rate covenants set forth in the Financing Agreements, to pay the cost of operation and administration

of the System, the cost of insurance against loss by injury to persons or property and the principal of the Bonds when due and payable and to provide reserves for such purposes.

SECTION 4. The Bonds of each series (including any allonge or amendment thereto) shall be executed, for and on behalf of the City, by the manual or facsimile signature of the Mayor or the Vice Mayor of the City and shall have the corporate seal of the City impressed thereon, attested by the manual or facsimile signature of the Clerk of Council or any Deputy Clerk of Council of the City, and such Bonds shall be authenticated with the manual or facsimile signature of the Director of Financial Services of the City.

The Bonds of each series shall be in substantially the form set forth as Exhibit A to the definitive form of the Financing Agreement relating to such series.

The Director of Financial Services is hereby appointed as the Registrar and Paying Agent for the Bonds.

SECTION 5. Any one of the City Manager, the Deputy City Manager, the Director of Financial Services, the City Attorney or any other appropriate officers and employees of the City shall take all actions and execute and deliver such documents and certificates in connection with the execution and delivery of the Bonds and the Financing Agreements as shall be necessary to carry out the provisions thereof and of this Resolution.

SECTION 6. All resolutions in conflict herewith are, to the extent of such conflict, repealed. This Resolution shall constitute the "Local Resolution" as such term is defined in Section 1.1 of the Financing Agreement.

SECTION 7. The Clerk of Council or any Deputy Clerk of Council is hereby directed to file a copy of this Resolution, certified by such Clerk of Council or any Deputy Clerk of Council to be a true and correct copy hereof, with the Circuit Court of the City.

SECTION 8. The members of the Council and all officers, employees and agents of the City are hereby authorized to take such action as they or any one of them may consider necessary or desirable in connection with the issuance and sale of the Bonds and any such action previously taken is hereby ratified and confirmed.

SECTION 9. This Resolution shall take effect upon its adoption.

Introduced:

Adopted:

Certified:

Clerk of Council

157K

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 8, 2016**

AGENDA ITEM #: **11**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Zoning Ordinance Amendments

Strategic Pillar(s) Impacted:

☐ Arts & Culture	☐ Citizen Engagement & Social Capital	☐ Economic Development	☐ Healthy & Active Living
☐ Infrastructure	☒ Land Use	☐ Lifelong Learning	☒ Natural Resources
☒ Neighborhoods	☐ Safe Community	☐ Social Equity	☐ Transportation
			☒ Administrative

RECOMMENDATION: Approval of the Zoning Ordinance amendments.

SUMMARY: City Council adopted the Zoning Ordinance on February 23, 2016. As discussed during the Zoning Ordinance revision process, clarifications and corrections may be necessary as staff, the development community and citizens start working with the document. On July 13, 2016, the Planning Commission directed City staff to correct and clarify sections of the Zoning Ordinance found to be unclear during the first few months of use.

The attached City of Lynchburg, Zoning Ordinance Corrections / Clarifications 2016 Summary of Changes, outlines the Zoning Ordinance Section, the proposed change and reasons for the proposed change.

PRIOR ACTION(S):

February 23, 2016: City Council adopted the Zoning Ordinance

July 13, 2016: Planning Commission initiated corrections and clarifications to the Zoning Ordinance

October 12, 2016: Planning Commission recommended approval (6-0, with 1 vacancy) of the Zoning Ordinance amendments

FISCAL IMPACT: N/A

CONTACT(S): Anne Nygaard, Planner II – 455-3900
Tom Martin, City Planner – 455-3900
Kent White, Director of Community Development – 455-3900

ATTACHMENT(S):

- Summary of Changes
- Ordinance
- Planning Commission Minutes – October 12, 2016
- Planning Commission Memorandum – October 12, 2016

REVIEWED BY: bms

155K



City of Lynchburg ZONING ORDINANCE CORRECTIONS/CLARIFICATIONS 2016

Summary of Changes

Lynchburg's Zoning Ordinance, City Code Section 35.2, was adopted by City Council on February 23, 2016. On July 13, 2016, Planning Commission initiated the process of correcting and clarifying sections of the ordinance staff had found to be unclear during the first few months of use. This document contains a list of the proposed corrections/clarifications with a summary of why they are necessary. Following the list, changes are summarized by each zoning district.

List of Corrections

SECTION # page # (approx.)	ORDINANCE CHANGE	WHY?
Submittal Requirements <i>Exhibit II-16</i> p49	Parcel lines and dimensions (<u>metes and bounds illustrated for rezonings</u>)	Current policy was not reflected in code text and staff needs the area being rezoned illustrated on the concept plan for mapping zone changes.
Determination of Boundaries <i>35.2-33.1(b)</i> p60	(b) Boundaries indicated as approximately following the centerlines of streets, alleys or other public rights-of-way shall be construed to follow such centerlines. Where the street, alley or right-of-way has been vacated through official action of the governing body, the <u>adjacent zoning district</u> boundary shall be construed <u>reconfigured</u> to follow the centerline of the vacated right-of-way.	Section was not clear for how to handle right-of-way vacations and apply zoning to previously unzoned land.
B-3 District Development Standards <i>35.2-46.4 (d)</i> p107	(d) Parking. Parking areas shall be set back at least twenty (20) feet from front or exterior side property lines <u>or set behind the front building line on all street frontages.</u>	The 20' setback was maintained for parking to encourage developers to build closer to the street. If the building is situated close to the street, parking should be allowed to the side
Scenic Corridor Development Standards <i>35.2-56.7 (a)</i> p175	(a) Setbacks. The minimum building and parking setbacks are established at forty (40) feet for lots abutting the public street on which the scenic corridor overlay district is centered. This setback shall be measured from the right-of-way line shared by the lot and the public street on which the scenic corridor overlay district is centered. This provision shall not be applicable to limited access highways.	This provision was not necessary under the previous zoning ordinance because there was a City-wide 50' setback from all limited access highways. The 50' setback was removed during the update and inadvertently affects development in the Scenic Corridor.
Utility Screening <i>35.2-63.9(e)6.</i> p220	6. Dumpsters shall be enclosed with <u>a wood or vinyl fence or</u> a masonry wall constructed of the same materials as the principal structure. The <u>fence or</u> wall enclosure shall <u>screen the dumpster and</u> be at least six (6) feet and no more than eight (8) feet in height.	The City has always allowed wood and vinyl screening for dumpsters.

List of Corrections

SECTION #	page # (approx.)	ORDINANCE CHANGE	WHY?
<i>Home Occupations</i> 35.2-71.4 (b) 6.	p254	6. Not have any outside storage of goods or equipment <u>other than one (1) business vehicle and one (1) trailer per lot, providing said trailer is located behind the building line of the main structure on the property and it is not over twenty-two (22) feet in length or eight (8) feet, nine (9) inches in height;</u>	Read literally, this sounds like no business vehicles are permitted. Including this language codifies a long-term interpretation from the Zoning Administrator and applies same standards recreational vehicles have.
<i>Farm Animals</i> 35.2-71.7	p257	Enclosures, <u>not including fences, are</u> required and must to be located at least 200 feet from any property line	“Enclosures” could be interpreted to include fences. If so, then they would be required to be set back 200’, which was not the intent of the ordinance. This does remove the requirement for enclosures for large farm animals.
<i>Temporary Outdoor Promotional Activities</i> 35.2-72.23(c)4.	p277	1. Such a permit shall be issued only for use within the B-3, B-4 or B-5 districts. 4. No such attraction shall be located less than one hundred fifty (150) feet of the nearest lot line of any adjacent dwelling, <u>except multi-household or mixed use residential structures.</u>	Permitted uses are outlined in the matrices for each district and this requirement conflicts with permitted uses for certain development patterns like Traditional Neighborhood Developments (TNDs) that allow uses of the B-3 district. Requirement inadvertently prohibits these events in mixed use areas.

List of Corrections

SECTION # page #
(approx.)

ORDINANCE CHANGE

WHY?

Cluster Subdivisions
35.2-80.4 and
Exhibit VIII-1

p294

Unless otherwise provided in this section, cluster development shall comply with regulations of the applicable zoning district governing setbacks, height, parking, landscaping, signs, lighting, access and public improvements.

Exhibit VIII-1: Standards for Single-Household and Duplex Clusters

Design Element	Standards
Minimum Size of Cluster Development	2 acres
Minimum Lot Area	50% of minimum lot area for applicable zoning district, Maximum lot coverage shall not apply
Minimum Lot Width	50% of minimum lot width for applicable zoning district, not to be reduced below 30 feet
Minimum Lot Width if Abutting a Conforming Single Family or Duplex Use Zoned R-1 or R-2	80% of the minimum lot width for the district applicable to the abutting lot, unless the lots are separated by an open space area measuring at least 50 feet in width
Setbacks	50% of setback for applicable zoning district except that side setbacks shall not be less than 5 feet
Minimum Open Space	30%

- Requiring base district setbacks and lot coverage requirements reduced the buildable area below what is practical.
- Changes establish setbacks as 50% of the base district setback, except that side setbacks will not be below 5'.
- Lot width was addressed because in R-4 district clusters lots could be as narrow as 25', which is below what is practical for building single-household dwellings, so a standard was set to a minimum of 30'.

Large Scale Retail
35.2-84.6 (g)

p309

(g) In all parking areas that are in excess of that required by section 35.2-62 et. seq., off-street parking and loading shall implement practices that will allow twenty-five percent (25%) of the stormwater attributable to the parking area for the 1-year storm to infiltrate to the soil below. In cases where soil quality or other limiting factors will not allow for adequate infiltration, filtering practices with underdrains may be used as an alternative, subject to approval by the Zoning Administrator.

This was carried over from the previous zoning ordinance, but is difficult to interpret under current stormwater regulations. Provisions provide enough detail to enforce the requirement and provide an alternative when a site has poor soil quality.

Violations
35.2-102.1(b)-(d)

p339

Language capping the amount of time that can be given to correct a violation at 15 days was removed. The Zoning Administrator may establish a "reasonable time period" instead.

This was a City-imposed restriction on the amount of time given to correct a violation. It is impractical, especially when the appeal period is set at 30 days and a violator could appeal after the allowed 15 days.

List of Corrections-Article IV

SECTION # (page # approx.)	ORDINANCE CHANGE	WHY?
Table of Authorized Uses 34.1 (Article III) p61	"...This Zoning Ordinance uses structure eat codes for certain residential uses (<u>indicated with "S" next to code number</u>) and function codes for other uses."	Clarified that structure codes are identified with an "S" at the end of the code number.
Permitted Use Matrices throughout ordinance	1. Revised Land Based Classification System (LBCS) codes for private residential uses as described in section 34.1 with structure codes as opposed to functional codes. 2. Added LBCS 1201S, to allow mixed use with any number of units in business districts. 3. Added definitions of uses to matrices for clarity	• The ordinance already called for structure codes to be used in 34.1, but they inadvertently were not. • Needed to include a "mixed use" category to clearly allow mixed use buildings of all types, not just ones with 3 or more units. • Definitions included for ease of use.
Ground Floor Residential 45.3 (e) (B-1) p97 46.3 (g) (B-3) p106 48.3 (f) (B-5) p129	Clarified district use standards language to say that residential uses permitted by CUP do not require a mixed use component	The ordinance encourages mixed use, but if a standalone residential use is established by Conditional Use Permit, it can be assumed it has been adequately vetted.
Lot Width Requirements Exhibit IV-2 (R-C) p69 Exhibit IV-4 (R-1) p74 Exhibit IV-6 (R-2) p79 Exhibit IV-8 (R-3) p84 Exhibit IV-10 (R-4) p89 Exhibit IV-14 (B-1) p98	Clarified that lot width requirements apply to both the setback line and the front property line.	Interpreted literally, it looks like a lot could have no frontage requirement as long as it met lot width at the setback line. This could lead to irregularly shaped lots, too many driveways, and in-cohesive neighborhood design.
R-3, R-4 Dev. Standards 35.2-43.4 (b) p83 Exhibit IV-10 (R-4) p89	Corrected R-3 and R-4 lot size and density requirements to 1) allow detached dwellings on 4,000 square foot lots, 2) clarify that accessory units are not permitted on small lots in R-3 and 3) reduce the minimum lot size in R-4 to match R-3	• Detached dwellings can be built on 4,000 square foot lots and it seemed unnecessary to prohibit them. • Allowing accessory dwellings on small lots increased the density beyond what was permitted • R-4 required larger lots than R-3.

Changes by District

B-1, Limited Business District

(p91)

what changed

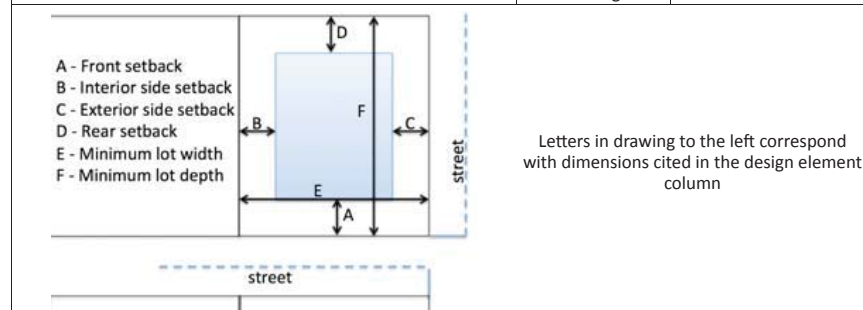
Exhibit IV-12: Authorized Uses in B-1 District

Land Use	LBCS #	Description	Approval Type
single-household detached	1111S	Typical single-household dwelling	P
modular home	1114S	<u>A prefabricated home without axles or frames (see definitions)</u>	P
Two-household (duplex)	1121S	<u>A building located on one (1) zoning lot containing not more than two (2) dwelling units</u>	C
single-household attached (townhouse)	1113 1140S	Each unit on a separate lot; fire wall may protrude from roof or roofs may be staggered	C
Three or More Households <u>(allowed only as part of a mixed-use development)</u>	1130 1200S	Includes triplexes, four-plexes, and other multi-household dwellings	<u>PC</u>
<u>Mixed-use residential structures (see district regulations for limitations)</u>	<u>1201S</u>	<u>Typically commercial uses on lower floors and residential uses on upper floors</u>	<u>P</u>

- added structure codes
- added descriptions for residential uses
- added LBCS 1201S to allow mixed use with any number of units
- clarified that lot width applies at front property line as well as at the setback line
- clarified that residential uses permitted by CUP are not required to have a mixed use component.

Exhibit IV-14: Summary of B-1 Development Standards

Design Element	Standards	Section Cross-Reference
Maximum height	40'	35.2-61.2
Minimum front setback from right-of-way (dimension A)	0'	35.2-61.3
Minimum side setback, interior (dimension B)	0'	35.2-61.3
Minimum side setback, exterior (dimension C)	0'	35.2-61.3
Minimum rear setback (dimension D)	25'	35.2-61.3
Minimum lot width at <u>front property line and front setback line</u> (dimension E)	50'	35.2-61.4
Minimum lot depth (dimension F)	100'	35.2-61.4
Minimum lot area (square feet)	6,000 with 1,000 sq.ft. of lot area per dwelling unit or boarding unit	35.2-61.4



45.3 (e) Excepting authorized single household ~~homes~~ dwelling and other residential uses permitted by conditional use permit, ground floor residential uses shall be prohibited except when part of a mixed-use building where the residential access is taken from an urban collector or local street.

Changes by District

B-3, Community Business District

(p99)

what changed

Land Use	LBCS #	Description	Approval Type
single-household detached	1111 S	Typical single-household dwelling	P
modular home	1114 S	<u>A prefabricated home without axles or frames (see definitions)</u>	P
Two-household (duplex)	1121 S	<u>A building located on one (1) zoning lot containing not more than two (2) dwelling units</u>	C
single-household attached (townhouse)	1113 1140 S	Each unit on a separate lot; fire wall may protrude from roof or roofs may be staggered	C
Three or More Households (allowed only as part of a mixed-use development)	1130 1200 S	Includes triplexes, four-plexes, and other multi-household dwellings	PC
<u>Mixed-use residential structures (see district regulations for limitations)</u>	1201 S	<u>Typically commercial uses on lower floors and residential uses on upper floors</u>	P

- added structure codes
- added descriptions for residential uses
- added LBCS 1201S to allow mixed use with any number of units
- clarified that residential uses permitted by CUP are not required to have a mixed use component
- reduced setback for parking if building is close to the street

46.3 (g) Except authorized single household dwellings and other residential uses permitted by conditional use permit, g ground floor residential uses shall be prohibited except when part of a mixed-use building where the residential access is taken from an urban collector or local street.

46.4 (d) Parking. Parking areas shall be set back at least twenty (20) feet from front or exterior side property lines or set behind the front building line on all street frontages.

Changes by District

B-4, Urban Commercial District

(p108)

what changed

Exhibit IV-17: Authorized Uses in B-4 District

Land Use	LBCS #	Description	Approval Type
single-household attached (townhouse)	1113 1140S	Each unit on a separate lot; fire wall may protrude from roof or roofs may be staggered	P
Three or More Households Multi-household structures	1130 1200S	Includes triplexes, four-plexes, and other multi-household dwellings	P
<u>Mixed-use residential structures (see district regulations for limitations)</u>	1201S	<u>Typically commercial uses on lower floors and residential uses on upper floors</u>	<u>P</u>

- added structure codes
- added descriptions for residential uses
- added LBCS 1201S to allow mixed use with any number of units

Changes by District

B-5, General Business District

(p119)

what changed

Exhibit IV-19: Authorized Uses in B-5 District

Land Use	LBCS #	Description	Approval Type
single-household detached	1111S	Typical single-household dwelling	C
modular home	1114S	<u>A prefabricated home without axles or frames (see definitions)</u>	C
manufactured home	1115S	<u>A structure, transportable in one (1) or more sections, built after 1978 on a permanent chassis, and designed for use with or without a permanent foundation when connected to the required utilities (see definitions)</u>	C
Two-household (duplex)	1121S	<u>A building located on one (1) zoning lot containing not more than two (2) dwelling units</u>	C
single-household semi-detached	1112 1122S	One of two dwellings separated by a party wall, <u>on abutting lots</u>	C
single-household attached (townhouse)	1113 1140S	Each unit on a separate lot; fire wall may protrude from roof or roofs may be staggered	C
Three or More Households	1130 1200S	Includes triplexes, four-plexes, and other multi-household dwellings	C
<u>Mixed-use residential structures (see district regulations for limitations)</u>	1201S	<u>Typically commercial uses on lower floors and residential uses on upper floors</u>	P

- added structure codes
- added descriptions for residential uses
- added LBCS 1201S to allow mixed use with any number of units
- clarified that residential uses permitted by CUP are not required to have a mixed use component

48.3 (f) Except residential uses specifically permitted by conditional use permit, ground floor residential uses shall be prohibited except when part of a mixed-use building where the residential access is taken from an urban collector or local street.

Changes by District

R-C, Resource Conservation District

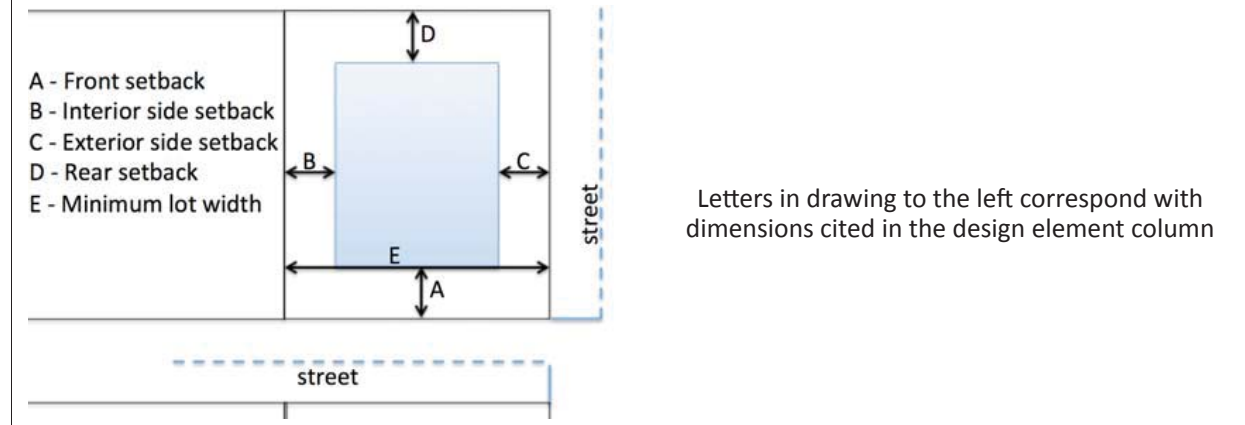
(p65)

what changed

Exhibit IV-2: Summary of R-C Development Standards

Design Element	Standards	Cross-Reference
Maximum Height	see paragraph (a) above	35.2-61.2
Minimum front setback (dimension A)	50'	35.2-61.3
Minimum side setback, interior (dimension B)	50'	35.2-61.3
Minimum side setback, exterior (dimension C)	50'	35.2-61.3
Minimum rear setback (dimension D)	50'	35.2-61.3
Minimum lot width at <u>front property line and</u> front setback line (dimension E)	150'	35.2-61.4
Minimum lot area	10 acres per dwelling and 5 acres per dwelling unit or boarding unit	35.2-61.4
Maximum lot coverage	10%	35.2-61.4

- clarified that lot width applies at front property line as well as at the setback line
- clerically, permitted use matrix will be changed to reflect structure codes and use descriptions



Changes by District

R-1, Low Density Residential District

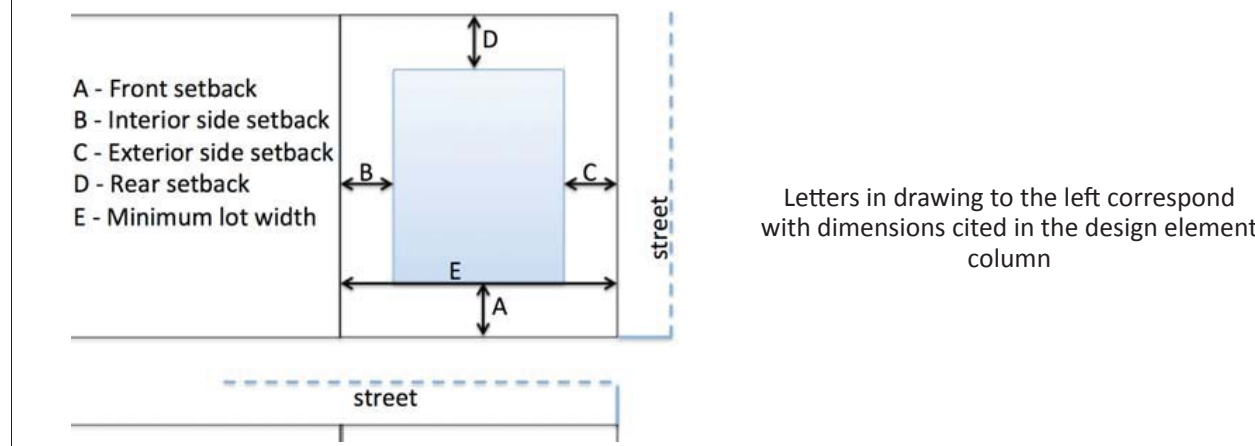
(p69)

what changed

Exhibit IV-4: Summary of R-1 Development Standards

Design Element	Standards	Cross-Reference
Maximum Height	40'	35.2-61.2
Minimum front setback (dimension A)	40'	35.2-61.3
Minimum side setback, interior (dimension B)	15'	35.2-61.3
Minimum side setback, exterior (dimension C)	40'	35.2-61.3
Minimum rear setback (dimension D)	50'	35.2-61.3
Minimum lot width at <u>front property line and</u> front setback line (dimension E)	100'	35.2-61.4
Minimum lot area (square feet)	15,000, and 7,500 per dwelling unit or boarding unit	35.2-61.4
Maximum net density (dwelling units per acre/dwelling units per acre including accessory dwelling units and boarding units)	2.90/5.80	35.2-61.4
Maximum lot coverage	20%	35.2-61.4

- clarified that lot width applies at front property line as well as at the setback line
- clerically, permitted use matrix will be changed to reflect structure codes and use descriptions



Changes by District

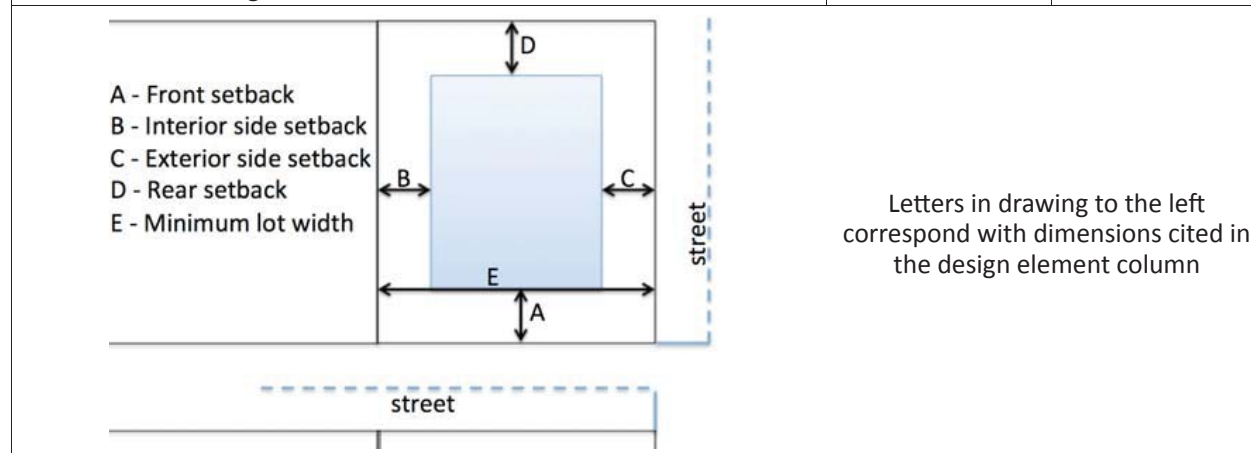
R-2, Low-Medium Density Residential District (p74)

what changed

Exhibit IV-6: Summary of R-2 Development Standards

Design Element	Standards	Cross-Reference
Maximum height	40'	35.2-61.2
Minimum front setback (dimension A)	30'	35.2-61.3
Minimum side setback, interior (dimension B)	8'	35.2-61.3
Minimum side setback, exterior (dimension C)	30'	35.2-61.3
Minimum rear setback (dimension D)	30'	35.2-61.3
Minimum lot width at <u>front property line and</u> front setback line (dim E)	75'	35.2-61.4
Minimum lot area (square feet)	10,000, with 5,000 per boarding unit	35.2-61.4
Maximum net density (dwelling units per acre/dwelling units per acre including accessory and boarding units)	4.35/8.7	35.2-61.4
Maximum lot coverage	20%	35.2-61.4

- clarified that lot width applies at front property line as well as at the setback line
- clerically, permitted use matrix will be changed to reflect structure codes and use descriptions



Changes by District

R-3, Medium Density Residential District

(p79)

what changed

43.4 (b) Semi-detached or Detached Dwellings. For semi-detached or detached dwellings, the minimum lot area shall be 4,000 square feet and the minimum lot width shall be thirty (30) feet. The minimum side setback shall be five (5) feet except that there is no minimum side setback required along the party wall between adjoining units (see illustration below). Semi-detached or detached dwellings located on lots less than eight thousand (8,000) square feet are not permitted accessory units.

Semi-detached Dwellings

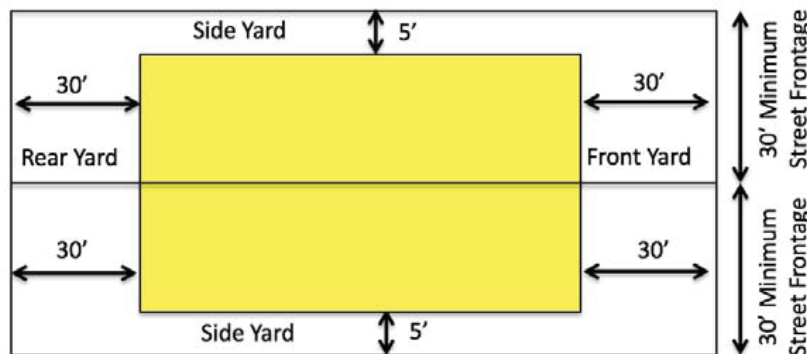


Exhibit IV-8: Summary of R-3 Development Standards

Design Element	Standards	Cross-Reference
Maximum height (see paragraph (a) above)	40'	35.2-61.2
Minimum front setback (dimension A)	30'	35.2-61.3
Minimum side setback, interior (dimension B)	5'	35.2-61.3
Minimum side setback, exterior (dimension C)	30'	35.2-61.3
Minimum rear setback (dimension D)	30'	35.2-61.3
Minimum lot width at <u>front property line and</u> front setback line (dimension E)	60', <u>30' per 43.4(b)</u>	35.2-61.4
Minimum lot size (square feet) - see paragraphs a and b of this section for additional standards	4,000 per dwelling unit or boarding unit (also see paragraphs (b) & (c) above)	35.2-61.4
Maximum net density (dwelling units per acre /dwelling unit or boarding units per acre)	5.45 /10.89	35.2-61.4
Maximum lot coverage	30%	35.2-61.4

- changed to allow detached dwellings on small lots like semi-detached dwellings are. These houses will be like the detached dwellings in Traditional Neighborhood Developments (TNDs) like Wyndhurst.
- clarified that lots less than 8,000 square feet are not permitted accessory units
- removed 5.45 dwelling units per acre requirement because of confusion. It referred to the number of residential structures per acre, but is unnecessary and incorrect if we permit detached dwellings on small lots
- clarified that lot width applies at front property line as well as at the setback line
- clerically, permitted use matrix will be changed to reflect structure codes and use descriptions

****In the future, consider:**

- limiting the number of driveways in small lot subdivisions
- allowing townhouses by right instead of requiring a Conditional Use Permit (CUP)

R-4, High Density Residential District

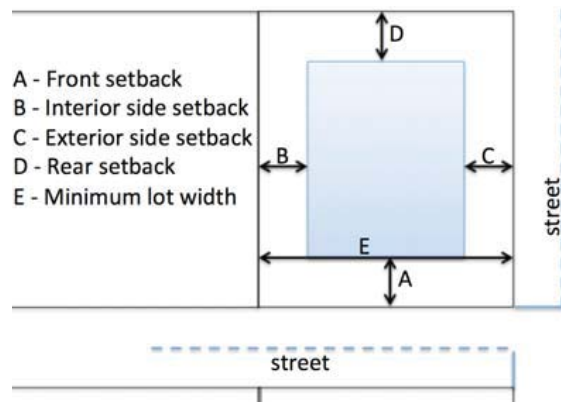
Changes by District

(p84)

what changed

Exhibit IV-10: Summary of R-4 Development Standards

Design Element	Standards	Cross-Reference
Maximum Height	40'	35.2-61.2
Minimum front setback from right-of-way (dimension A)	30'	35.2-61.3
Minimum side setback, interior (dimension B)	5'	35.2-61.3
Minimum side setback, exterior from right-of-way (dimension C)	30'	35.2-61.3
Minimum rear setback (dimension D)	25'	35.2-61.3
Minimum lot width at front property line and front setback line (dimension E)	50', <u>30' for detached or semi detached dwellings</u>	35.2-61.4
Minimum lot size (square feet)	<u>64,000</u> , with 2,000 for each dwelling unit or boarding unit	35.2-61.4
Maximum net density (dwelling units per acre /dwelling unit or boarding units per acre)	7.26 /21.78	35.2-61.4
Maximum lot coverage	30%	35.2-61.4



Letters in drawing to the left correspond with dimensions cited in the design element column

- changed to allow semi-detached or detached dwellings on small lots like in the R-3 district
- reduced minimum lot size to match R-3, accessory dwellings are permitted on all lots in R-4 districts
- removed 7.26 dwelling units per acre requirement because of confusion. It pertained to 6,000 square foot lots
- clarified that lot width applies at front property line as well as at the setback line
- clerically, permitted use matrix will be changed to reflect structure codes and use descriptions

****In the future, consider:**

- limiting the number of driveways in small lot subdivisions
- allowing townhouses by right instead of requiring a Conditional Use Permit (CUP)

ORDINANCE:

AN ORDINANCE TO AMEND AND REENACT THE CODE OF THE CITY OF LYNCHBURG, 1981 BY AMENDING ZONING ORDINANCE SECTIONS:

- 35.2-14.2, SITE PLANS
- 35.2-33.1, DETERMINATION OF BOUNDARIES
- 35.2-34, AUTHORIZED USES
- 35.2-40, CONSERVATION DISTRICT (R-C)
- 35.2-41, LOW DENSITY RESIDENTIAL DISTRICT (R-1)
- 35.2-42, LOW-MEDIUM DENSITY RESIDENTIAL DISTRICT (R-2)
- 35.2-43, MEDIUM DENSITY RESIDENTIAL DISTRICT (R-3)
- 35.2-44, HIGH DENSITY RESIDENTIAL DISTRICT (R-4)
- 35.2-45, LIMITED BUSINESS DISTRICT (B-1)
- 35.2-46, COMMUNITY BUSINESS DISTRICT (B-3)
- 35.2-47, URBAN COMMERCIAL DISTRICT (B-4)
- 35.2-48, GENERAL BUSINESS DISTRICT (B-5)
- 35.2-56.7, SCENIC CORRIDOR DEVELOPMENT STANDARDS
- 35.2-63.9, UTILITY SCREENING
- 35.2-71.4, HOME OCCUPATIONS
- 35.2-71.7, FARM ANIMALS
- 35.2-72.23, TEMPORARY USES
- 35.2-80, RESIDENTIAL CLUSTER SUBDIVISIONS
- 35.2-84, RETAIL ESTABLISHMENTS, LARGE SCALE
- 35.2-102, VIOLATIONS, ENFORCEMENTS AND PENALTIES

BE IT ORDAINED BY THE CITY OF LYNCHBURG that in order to promote the public necessity, convenience, welfare and good zoning practice, to plan for future development of the City as recommended by the Comprehensive Plan 2013-2030 that:

1. Sections, 35.2-14.2, 35.2-33.1, 35.2-34, 35.2-40, 35.2-41, 35.2-42, 35.2-43, 35.2-44, 35.2-45, 35.2-46, 35.2-47, 35.2-48, 35.2-56.7, 35.2-63.9, 35.2-71.4, 35.2-71.7, 35.2-72.23, 35.2-80, 35.2-84, and 35.2-102 are hereby amended and reenacted as follows:

35.2-14.2 Site Plans

Exhibit II-16: Concept and Final Site Plan Application Submittal Requirements

Application Submittal Requirements	Concept	Final
Completed application form	✓	✓
Name and address of petitioner	✓	✓
Name and address of person(s) preparing the site plan	✓	✓
A check payable to the City of Lynchburg in the amount set forth in the fee schedule adopted by City Council	✓	✓
Scale, north point, legends and date of last revisions	✓	✓

Application Submittal Requirements	Concept	Final
Vicinity map at a scale no smaller than one (1) inch equals six hundred (600) feet, showing all streets and property within one thousand (1,000) feet of the subject property;	✓	✓
A map showing the subject property (a copy of the valuation map available from the department of community development, City Hall)	✓	✓
Legal description of applicable property	✓	✓
Parcel lines and dimensions (<u>metes and bounds illustrated for rezonings</u>)	✓	✓
Existing zoning and use of adjacent properties	✓	✓
Current zoning boundaries, including surrounding areas to a distance of three hundred (300) feet		✓
Name and address of owners of record of all adjacent properties		✓
Location of buildings existing on the tract to be developed and on adjacent tracts within a distance of one hundred (100) feet, indicating whether existing buildings on the tract are to be retained, modified or removed		✓
Existing and proposed topography at 10 ft. contour intervals (<i>5 ft. contours required for concept plans for planned unit, cluster commercial, traditional neighborhood, or corporate campus developments</i>)	✓	
Proposed contour lines at 2 ft. contour intervals		✓
Locations of watercourses	✓	
Location of watercourses, marshes, rock outcroppings, wooded areas and single trees with a diameter of ten (10) inches measured three (3) feet from the base of the trunk		✓
Locations of regulatory floodplains and floodways		✓
Proposed dust control and phasing for erosion and sediment control measures	✓	
Generalized stormwater management measures	✓	
Final erosion and sediment control and stormwater management plans		✓
Location of existing and proposed utility lines, indicating where they already exist	✓	✓
Documentation (on plan) of capacity and availability of water, sanitary sewer, and stormwater facilities	✓	
Location of proposed water mains, fire hydrants, pipe sizes and grades		✓
Location of proposed storm and sanitary sewer systems, both surface and subsurface, showing pipe sizes, grade, flow and design loads		✓

Application Submittal Requirements	Concept	Final
Proposed location and materials for disposal of refuse and other solid waste;	✓	✓
Recreation and/or open spaces and proposed recreational improvements;	✓	✓
Proposed buildings and structures to include: a. Proposed Uses; b. Distance between buildings; c. Number of stories; d. Area in square feet of each floor; e. Number of dwelling units or guestrooms; and f. Maximum heights of structures	✓	✓
Elevations of buildings to be built or altered on site		✓
Proposed location and type of outdoor lighting	✓	
Location, design, direction of, power and time of use of outdoor lighting		✓
Location of proposed signs;	✓	
Location, size and design of proposed signs		✓
Location of outdoor storage areas	✓	
Location and screening details for outdoor storage areas		✓
Existing and proposed curb lines and sidewalks;	✓	
Proposed streets and other ingress and egress facilities (indicating curb lines, sidewalk lines and public right-of-way lines)		✓
Illustrative cross-sections of streets, showing the general distribution of space for various transportation modes and amenities	✓	
Detailed cross-sections and profiles of streets, showing full design specifications		✓
Layout of off-street parking, truck loading and paving details (<i>required for concept plan for any planned unit, cluster commercial, traditional neighborhood, or corporate campus development</i>)		✓
Location and type of proposed landscaping and specifically note any situation where requirements of landscape ordinance will not be met	✓	

Application Submittal Requirements	Concept	Final
Landscaping plan with the following information: a. The location, size, height at planting, and botanical name of all required landscaping b. The location, size, and botanical name of any existing landscaping proposed to be used or required to satisfy any portion of the landscaping ordinance c. The dimensions of all required landscape islands d. Calculations of the minimum landscape area and the number of plants required. e. A tree protection detail as specified in "STD & SPEC 3.38, Tree Preservation and Protection," in the 1992 edition of the Virginia erosion and sediment control handbook for all landscaping proposed or required to be preserved to satisfy the requirements of the landscaping ordinance. f. View Tree Protection Details g. A planting detail for all trees, shrubs, and ground cover used to satisfy the requirements of the landscaping ordinance. h. A planting, fertilization, and watering schedule for all trees, shrubs and or ground cover used to satisfy the requirements of the landscaping ordinance. The schedule shall cover a period of one (1) year after installation of the required landscaping. i. A description of soil amendments necessary to support the growth of all required trees and shrubs.		✓
Location of other existing and proposed site improvements, including drains, culverts, detention ponds, retaining walls and fences (<i>required for concept plans for any planned unit, cluster commercial or traditional neighborhood development</i>)		✓

Application Submittal Requirements	Concept	Final
For site plans prepared for approval of a Traditional Neighborhood Development (TND), the plans shall: a. Identify core areas, transitional areas, neighborhood edge areas and satellite areas, b. Identify the locations of proposed parks, squares, common open spaces and civic user sites; c. Tabulate the minimum and maximum dwelling units by residential type and the minimum and maximum non-residential square footage by type; d. Calculate the percentages of land area covered by the various land uses in compliance with section 35.2-82.4 (Permitted Uses in Traditional Neighborhood Developments) (ranges of percentages may be used for the concept plan e. Include written and illustrated set of guidelines that shall include dimensional and qualitative specifications for - Building height, setback, and bulk standards by land use type and general area; - Illustrations of proposed TND blocks showing potential mixes of uses and illustrative building, parking, and alley layouts (examples of the type of illustrations required are retained by the City Planner); - Descriptions and illustrations of screening/buffering/transitions to be provided between residential and commercial/service/industrial uses. - Standards for the landscaping and lighting of streets and off-street parking and loading areas and for screening of views of off-street parking and loading areas from public streets. - Architectural guidelines for all building types; such guidelines need not set specific floor plans or elevations, but shall describe in general the style and materials of buildings. f. Land use information including the acreage of each land use as well as the square footage of non-residential uses and the proposed number of development units by type; g. A written description of how the site plan demonstrates compliance with the applicable development pattern objectives; h. Architectural renderings of each structure type; i. A statement regarding the timing of construction of common or public facilities; and j. A general statement as to how parks, squares, common open spaces and common facilities are to be owned and maintained, and in particular which are to be public and dedicated to the City and which are to be private and maintained by a property owners association.	✓	✓

Application Submittal Requirements	Concept	Final
For site plans prepared for approval of planned unit, or cluster commercial), the plans shall include: a. Land use information including the acreage of each land use as well as the square footage of non-residential uses and the proposed number of development units by type; b. A written description of how the site plan demonstrates compliance with the applicable development pattern objectives; c. Architectural renderings of each structure type; d. A statement regarding the timing of construction of common or public facilities; and e. A general statement as to how parks, squares, common open spaces and common facilities are to be owned and maintained, and in particular which are to be public and dedicated to the City and which are to be private and maintained by a property owners association.	✓	✓

✓ = Required

35.2-33.1 Determination of Boundaries

Unless zoning district boundary lines are fixed by dimensions or otherwise clearly shown or described, and where uncertainty exists with respect to any zoning district boundary as shown on the official zoning map, the following rules shall apply:

- (a) Boundaries indicated as approximately following platted lot lines, section lines or tract lines shall be construed to follow such lines.
- (b) Boundaries indicated as approximately following the centerlines of streets, alleys or other public rights-of-way shall be construed to follow such centerlines. Where the street, alley or right-of-way has been vacated through official action of the governing body, the adjacent zoning district boundary shall be ~~construed~~ reconfigured to follow the centerline of the vacated right-of-way.
- (c) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- (d) Boundaries indicated as approximately following City limit lines shall be construed to follow such City limit lines.
- (e) Boundaries indicated as following shorelines shall be construed to follow such shorelines and in the event of change in the shoreline shall be construed as moving with the actual shoreline.
- (f) Boundaries indicated as approximately following the centerlines of canals, streams or other bodies of water shall be construed to follow such centerlines.
- (g) Boundaries indicated as parallel to features described in paragraphs (a) through (f) above shall be construed as parallel to such features at the distance from the feature indicated on the zoning map. If a distance is not indicated on the zoning map, the distance shall be determined by the scale of the map.
- (h) If no distance, angle, curvature, description or other means is given to determine a boundary line accurately and the foregoing provisions do not apply, the same shall be determined by the Zoning Administrator by the use of the scale shown on said zoning map. In case of subsequent dispute, the matter shall be referred to the Board of Zoning Appeals, which shall determine the boundary.

35.2-34.1 Tables of Authorized Uses Established

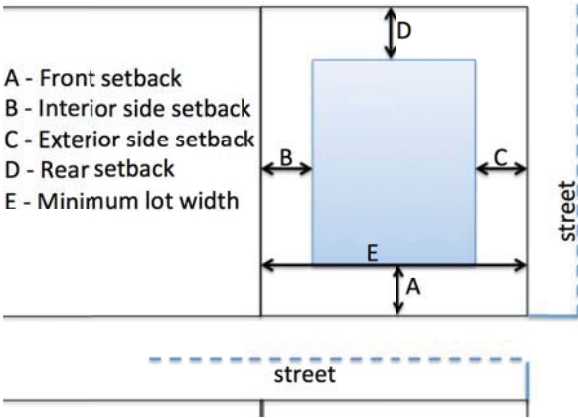
Land uses within this Zoning Ordinance are arranged in accordance with the Land Based Classification Standards (LBCS) developed under the leadership of the American Planning Association (see <https://www.planning.org/lbcs/background/> for detailed documentation of this classification system). LBCS was developed to replace a variety of other coding system by focusing on structure type, function, activity, site or ownership. This Zoning Ordinance uses structure~~ea~~ codes for certain residential uses (indicated with “S” next to code number) and function codes for other uses.

Exhibits in the regulations for each district list the principal uses authorized within each zoning district established in section 35.2-32. Appendix A includes the entire matrix for all zoning districts. Uses are arranged in accordance with the LBCS, which shall be used to define land uses unless otherwise defined in Article XI of this Zoning Ordinance. All uses are subject to the procedures and standards of this Zoning Ordinance and other applicable rules and regulations.

- (a) **LBCS Hierarchy.** The LBCS function codes establish a four-digit hierarchy of uses with digits to the right expressing greater specificity. Where no entry appears in the zoning district columns (for example 1000, 1100 and 1110), the uses described more specifically in the rows below (1111 and 1112 in the above example) indicate whether or not a specific use is authorized. Where an entry appears in the zoning district columns for a general use (for example 2520) and also for a more specific use (for example 2521) within the same classification, the more specific code and its entry shall govern.
- (b) **Permitted Uses.** A “P” indicates the listed use is allowed by right within the respective zoning district subject to issuance of a permit in accordance with established procedures. ***Some permitted uses are subject to specific conditions established in the Zoning District Use Standards in Articles Iv and V or other Specific Land Use Standards in Article VII, or elsewhere in this Zoning Ordinance.***
- (c) **Conditional Uses.** A “C” indicates the listed use is allowed within the respective zoning district only after approval of a Conditional Use Permit.
- (d) **Prohibited Uses.** Unlisted uses are prohibited within the respective zoning district unless specifically authorized through approval of a planned unit development, cluster commercial development, traditional neighborhood development or corporate campus.
- (e) **Accessory Uses.** Uses that are secondary and customarily accessory to the principal uses are addressed in section 35.2-71 (Accessory Structures and Uses) and zoning district use regulations.

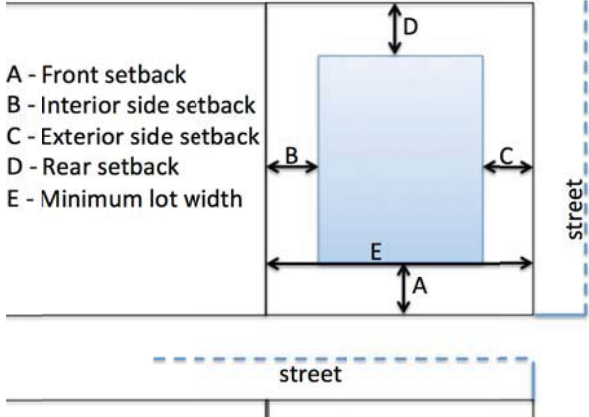
35.2-40.4 R-C District Development Standards

Exhibit IV-2: Summary of R-C Development Standards

Design Element	Standards	Cross-Reference
Maximum Height	see paragraph (a) above	35.2-61.2
Minimum front setback (dimension A)	50'	35.2-61.3
Minimum side setback, interior (dimension B)	50'	35.2-61.3
Minimum side setback, exterior (dimension C)	50'	35.2-61.3
Minimum rear setback (dimension D)	50'	35.2-61.3
Minimum lot width at <u>front property line and</u> front setback line (dimension E)	150'	35.2-61.4
Minimum lot area	10 acres per dwelling and 5 acres per dwelling unit or boarding unit	35.2-61.4
Maximum lot coverage	10%	35.2-61.4
A - Front setback B - Interior side setback C - Exterior side setback D - Rear setback E - Minimum lot width  Letters in drawing to the left correspond with dimensions cited in the design element column		

35.2-41.4 R-1 District Development Standards

Exhibit IV-4: Summary of R-1 Development Standards

Design Element	Standards	Cross-Reference
Maximum Height	40'	35.2-61.2
Minimum front setback (dimension A)	40'	35.2-61.3
Minimum side setback, interior (dimension B)	15'	35.2-61.3
Minimum side setback, exterior (dimension C)	40'	35.2-61.3
Minimum rear setback (dimension D)	50'	35.2-61.3
Minimum lot width at <u>front property line and</u> front setback line (dimension E)	100'	35.2-61.4
Minimum lot area (square feet)	15,000, and 7,500 per dwelling unit or boarding unit	35.2-61.4
Maximum net density (dwelling units per acre/dwelling units per acre including accessory dwelling units and boarding units)	2.90/5.80	35.2-61.4
Maximum lot coverage	20%	35.2-61.4
 A - Front setback B - Interior side setback C - Exterior side setback D - Rear setback E - Minimum lot width Letters in drawing to the left correspond with dimensions cited in the design element column		

35.2-42.4 R-2 District Development Standards

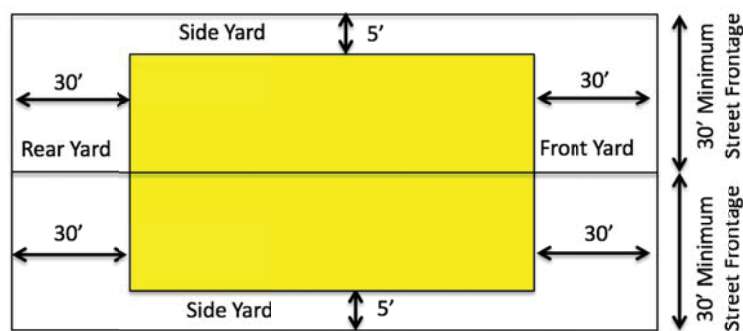
Exhibit IV-6: Summary of R-2 Development Standards

Design Element	Standards	Cross-Reference
Maximum height	40'	35.2-61.2
Minimum front setback (dimension A)	30'	35.2-61.3
Minimum side setback, interior (dimension B)	8'	35.2-61.3
Minimum side setback, exterior (dimension C)	30'	35.2-61.3
Minimum rear setback (dimension D)	30'	35.2-61.3
Minimum lot width at <u>front property line and</u> front setback line (dim E)	75'	35.2-61.4
Minimum lot area (square feet)	10,000, with 5,000 per boarding unit	35.2-61.4
Maximum net density (dwelling units per acre/dwelling units per acre including accessory and boarding units)	4.35/8.7	35.2-61.4
Maximum lot coverage	20%	35.2-61.4
A - Front setback B - Interior side setback C - Exterior side setback D - Rear setback E - Minimum lot width Letters in drawing to the left correspond with dimensions cited in the design element column		

35.2-43.4 R-3 District Development Standards

- (a) **Development Standards Summarized.** Dimensional standards for the R-3 district are summarized in Exhibit IV-8. Section cross-references identify the location of additional dimensional standards and rules for their application. The standards in this section apply in addition to the site development standards of Article VI and site development standards applicable to specific uses established in Article VII.
- (b) **Semi-detached or Detached Dwellings.** For semi-detached or detached dwellings, the minimum lot area shall be 4,000 square feet and the minimum lot width shall be thirty (30) feet. The minimum side setback shall be five (5) feet except that there is no minimum side setback required along the party wall between adjoining units (see illustration below). Semi-detached or detached dwellings located on lots less than eight thousand (8,000) square feet are not permitted accessory units.

Semi-detached Dwellings



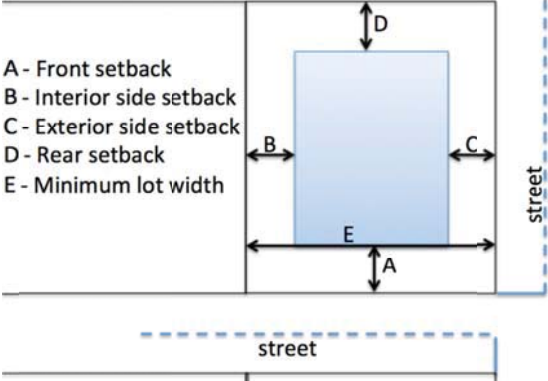
- (c) **Neighborhood Norms.** Front and side setbacks may be reduced in accordance with the neighborhood norm provisions of section 35.2-61.3.
- (d) **Development Patterns.** The R-3 district development standards may be modified through the approval of a residential cluster development, planned unit development or traditional neighborhood development through the conditional use permit process.

Exhibit IV-8: Summary of R-3 Development Standards

Design Element	Standards	Cross-Reference
Maximum height (see paragraph (a) above)	40'	35.2-61.2
Minimum front setback (dimension A)	30'	35.2-61.3
Minimum side setback, interior (dimension B)	5'	35.2-61.3
Minimum side setback, exterior (dimension C)	30'	35.2-61.3
Minimum rear setback (dimension D)	30'	35.2-61.3
Minimum lot width at <u>front property line and</u> front setback line (dimension E)	60', <u>30' per 43.4(b)</u>	35.2-61.4
Minimum lot size (square feet) - see paragraphs a and b of this section for additional standards	4,000 per dwelling unit or boarding unit (also see paragraphs (b) & (c) above)	35.2-61.4
Maximum net density (dwelling units per acre /dwelling unit or boarding units per acre)	5.45 /10.89	35.2-61.4
Maximum lot coverage	30%	35.2-61.4
A - Front setback B - Interior side setback C - Exterior side setback D - Rear setback E - Minimum lot width Letters in drawing to the left correspond with dimensions cited in the design element column		

35.2-44.4 R-4 District Development Standards

Exhibit IV-10: Summary of R-4 Development Standards

Design Element	Standards	Cross-Reference
Maximum Height	40'	35.2-61.2
Minimum front setback from right-of-way (dimension A)	30'	35.2-61.3
Minimum side setback, interior (dimension B)	5'	35.2-61.3
Minimum side setback, exterior from right-of-way (dimension C)	30'	35.2-61.3
Minimum rear setback (dimension D)	25'	35.2-61.3
Minimum lot width at <u>front property line and</u> front setback line (dimension E)	50', <u>30' for detached or semi detached dwellings</u>	35.2-61.4
Minimum lot size (square feet)	64 ,000, with 2,000 for each dwelling unit or boarding unit	35.2-61.4
Maximum net density (dwelling units per acre /dwelling unit or boarding units per acre)	7.26 /21.78	35.2-61.4
Maximum lot coverage	30%	35.2-61.4
A - Front setback B - Interior side setback C - Exterior side setback D - Rear setback E - Minimum lot width  Letters in drawing to the left correspond with dimensions cited in the design element column		

35.2-45.2 Authorized Uses

Exhibit IV-12: Authorized Uses in B-1 District

Land Use	LBCS #	Description	Approval Type
single-household detached	1111S	Typical single-household dwelling	P
modular home	1114S	<u>A prefabricated home without axles or frames (see definitions)</u>	P
Two-household (duplex)	1121S	<u>A building located on one (1) zoning lot containing not more than two (2) dwelling units</u>	C
single-household attached (townhouse)	1113 1140S	Each unit on a separate lot; fire wall may protrude from roof or roofs may be staggered	C
Three or More Households (allowed only as part of a mixed-use development)	1130 1200S	Includes triplexes, four-plexes, and other multi-household dwellings	<u>P</u> C
<u>Mixed-use residential structures (see district regulations for limitations)</u>	1201S	<u>Typically commercial uses on lower floors and residential uses on upper floors</u>	<u>P</u>
Housing Services	1200	Housing and custodial services for those who cannot care for themselves. Includes nursing and retirement homes, congregate living, assisted and continuing care living, but excludes rehab uses in LBCS #6520)	P
Bed & Breakfast and Tourist Homes	1310	Guest rooms in a private home or accessory building to a private home	P
boarding house	1321	Non-transient lodging that may include meals and is owner occupied	P
rooming house	1322	Transient or non-transient lodging that may include meals	P
dormitory, sorority or fraternity house	1323	Allowed only as accessory uses to and owned by a college or university	C
Bicycles	2113b	New or used bicycle sales, rental and repair	P
camera and photographic supplies; clothing, jewelry, luggage, shoes, clocks, sewing; sporting goods, toy and hobby, and musical instruments; mixed media, school and office supplies	2132-2135	Primarily retail cameras and photographic supplies or retail with repair and film developing; clothing (including shoe repair and tailoring, sporting goods, toys, musical instruments, kitchen goods, books, magazines, music, videos, stationary, greeting cards, seasonal decorations, office and school supplies.	P

Land Use	LBCS #	Description	Approval Type
florist, art supplies, tobacco products	2141-2143	Florists, art supplies and art dealers, frame shops, tobacco products	P
art galleries	2142b	Excludes art supply sales and retail framing services	P
antique shop	2145	Antique shops, (excludes flea markets, thrift stores and pawn shops)	P
grocery store, supermarket, or bakery, convenience store, specialty food stores	2151-2154	Included are grocery stores, convenience stores, meat, seafood and produce markets, coffee, confections, variety goods and general stores, and delicatessens. Excludes stores with fuel pumps (see 2116 for fuel sales).	P
beer, wine, and liquor store	2155		P
Health and personal care	2160	Retail prescription or nonprescription drugs; retail cosmetics, perfumes, toiletries; prescription or nonprescription eyeglasses; prescription or nonprescription health and convalescent aids; medical devices, retail food supplement products such as vitamins, nutrition supplements, and body enhancing supplements.	P
Bank, credit union, or savings institution	2210	Central banking functions	P
credit card and other financing	2221	Credit card, sales financing, unsecured consumer lending, real estate credit, mortgages, international trade financing	P
Investment banking, securities, and brokerages; insurance; fund, trust, or other financial establishment	2230-2250	Securities underwriting, brokering, exchange services, managing portfolios; Insurance underwriting, selling insurance; manage assets on behalf of shareholders or beneficiaries	P
Real estate services	2310	Sell or lease real estate such as buildings, manufactured home sites and vacant lots; includes real estate appraisers and realtor offices	P
professional offices	2411-2014	Title abstract, lawyers, notaries, accountants, bookkeeping, payroll services, architects, engineers, surveyors, graphic design, interior design and industrial design	P
consulting services (management, environmental technical)	2415	Advise and assist businesses on management, scientific, and technological issues	P

Land Use	LBCS #	Description	Approval Type
scientific research and development services	2416	Conduct research or analyze in the physical, engineering, cognitive, or life sciences in offices.	P
other professional offices	2419, 6810, 6820	Includes advertising and media services intellectual property rights, franchising, labor, political or business organizations, and uses with similar impacts	P
office administrative services	2421	Office administration such as billing, record keeping, personnel, organizational planning	P
facilities support services	2422	Provide operating staff for support services within a client's facilities, including janitorial, security, laundry services, etc.	P
employment agency	2423a	Provide employee placement, temporary help	P
copy center, private mail center, other business support services	2424	Provide document preparation, telephone answering, telemarketing, court reporting, steno typing, FAX, internet access, small signs and banners	P
collection agency	2425	Collect payments, compile credit information, repossess tangible assets	P
Travel arrangement and reservation services	2430	Promote or sell travel, includes convention and visitors' bureaus	P
Restaurants, cafeterias, snack bars & catering	2510-2530 & 2560	Provide food and drinks to patrons – see district specific use regulations for limitations. Includes banquet, assembly and reception halls. See district standards.	P
Personal care	2610	Hair, nail, and skin care and related personal care, barbers, beauty shops, dieting and weight loss, tanning, hair removal, hair weaving, ear piercing and similar services	P
laundromat and dry cleaning	2621 & 2622	Includes Laundromats, dry cleaners, diaper services as well as other commercial laundry services	P
Photofinishing	2630	Primarily engaged in developing film or making slides, etc.	P
Parking lot and parking garage	2640	See district standards	P
licensed massage therapist	2651		P
pet cemetery	2723		C
national post office	4181		P

Land Use	LBCS #	Description	Approval Type
retail courier and package delivery	4182	Retail courier, package drop-off and mail services	P
wireless telecommunications transmission	4233	Operate, maintain or provide access to facilities for the transmission of voice, data, text, sound or video, see section 35.2-73 for telecommunications towers	P
telephone and other wired telecommunications	4234	Operate telephone networks – excludes switching stations	P
Telecommunications switching stations/exchanges	4239	Telecommunications switching stations and exchanges with no on-site employees	C
library or archive	4242	Provide library or archive services	P
data processing and management, hosting and related services	4244	Web hosting, computer data storage, optical scanning, computer input preparation, microfilm imaging	P
Public Utilities Services, Major	4315, 4329, 4339, 4349	Includes transmission lines for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission of a regional nature and normally entail the construction of new buildings or structures such as electrical switching facilities and stations or substations, electric, gas, and other utility transmission lines of a regional nature which are not otherwise reviewed and approved by the Virginia State Corporation Commission. All overhead transmission lines are included in this definition.	
Public Utilities Service Minor	4315, 4329, 4339, 4349	Includes distribution or collection lines and appurtenances for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission that are necessary to support development within the immediate vicinity and involve only minor structures. Included in this use type are small facilities such as transformers, relay and booster devices, and well, water and sewer pump stations, and wireless communication antennas attached to existing buildings or structures.	P
electric substations	4316		C
Water treatment plants and utility facilities	4331 – 4333,	Water treatment plants, pumping stations and lift stations	C

Land Use	LBCS #	Description	Approval Type
Theater, dance or music establishment	5110 & 5160	Companies, groups, or theaters that produce theatrical presentations, dance, dinner theaters, and live musical entertainment; includes facilities for independent artists and performers	P
Promoter of sports, performing arts, similar events and management services	5140 - 5150	Organize, promote, and manage performances and events; agents representing artists, athletes and entertainers	P
Museums and Other Special Purpose Recreational Institutions	5200	Public and private museums, historical sites, and similar establishments	P
Country Club	5340 & 6830	Operate private country clubs, with tennis courts and golf courses along with dining facilities and other recreational facilities; includes civic, social and fraternal organizations without dwellings	P
fitness and recreational sports center	5371	Aerobic dance or exercise center, gymnasium, physical fitness center, health and athletic club, indoor handball, racquetball, volleyball, tennis, or swimming facilities conducted inside a building	P
outdoor recreation	5372, 5373 & 5374	Includes for profit golf courses, archery ranges, outdoor volleyball, tennis, or swimming facilities, recreational courts, recreational day camp and horseback riding	C
Natural and other Recreational Parks	5500	All parks without special economic functions, other than limited concessions	P
Nursery or preschool	6110		P
Grade school	6120	Comprises all public, private, and specialty schools between the preschool and university level; includes adult education services not addressed elsewhere. See district use standards	P
College or university	6130	See district use standards	P
Public Safety	6400	Government-owned establishments providing fire and rescue, police, and emergency response services	P
Clinic	6511 & 6567	Include physician offices, dentists, chiropractors, optometrists, licensed massage therapists, and veterans affairs services	P
outpatient care clinic	6512	Provide outpatient family planning services and outpatient care	P

Land Use	LBCS #	Description	Approval Type
group home small	6522	Fewer than five (5) aged or infirm individuals or fewer than nine (9) individuals with mental, intellectual or developmental disabilities	P
group home large	6523	Five or more aged or infirm individuals, or nine (9) or more individuals with mental, intellectual or developmental disabilities	P
Hospital	6530		C
child and adult day care	6562	Provide day care for children and adults	
Home	6562a	Day care for fewer than six (6) individuals in a residence	P
Small	6562b	Day care for six (6) to twelve (12) individuals in a residence	P
Large	6562c	Provide care for more than 12 individuals	P
Religious Institutions	6600	Churches, temples, synagogues, mosques, convents and monasteries	P
Funeral home and services	6710	Includes funeral homes combined with crematories	P
free-standing cemetery	6722		P
Columbarium	6724		C
Vegetable farming or growing	9120	Includes private fields and community gardens with production limited to retail sales	P
Commercial orchards	9130	Includes fruit and nut trees with production limited to retail sales	P
Animal Production	9300	Keep, graze, breed or feed animals (see district standards)	P
tent revival meetings/transient amusements	9921	Includes temporary carnivals and circuses sponsored by non-profit organizations (see section 35.2-72.23)	P
cluster commercial development	9955	See section 35.2-85	C

35.2-45.3 B-1 District Use Standards

The following standards supplement the standards for specific uses established in Article VII:

- (a) No lot, building or structure shall be used and no building or structure shall be erected that is intended or designed to be used, in whole or in part, for any industrial or manufacturing purposes.
- (b) Drive-through and drive-in uses are not allowed in this district except under the following conditions:
 - 1. Drive through and drive-in uses shall not be associated with businesses providing food or beverage services;
 - 2. Drive-through services shall be located in the rear of the building and shall take access from an urban collector or local street; and
 - 3. Drive-through services shall be designed so that not more than one (1) two-way access or two (2) one-way access points serving such uses shall be located on a single block.
- (c) Outdoor operations, storage, or display are prohibited except as authorized for temporary outdoor display or outdoor dining.
- (d) The scale of businesses shall be compatible with adjacent neighborhoods and shall not exceed the floor areas established in Exhibit IV-13.

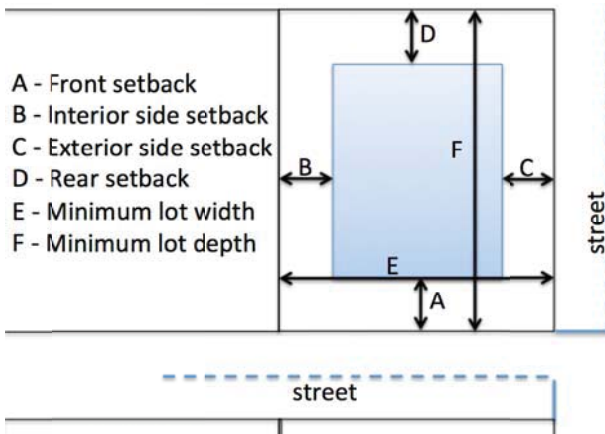
Exhibit IV-13: Maximum Floor Areas for the B-1 District

Development	Maximum Gross Floor Area (sq.ft.)
Multi-tenant commercial developments	50,000
Single office development	20,000
Single retail or service business	5,000
Restaurant	4,000

- (e) Excepting authorized single household ~~homes~~ dwelling and other residential uses permitted by conditional use permit, ground floor residential uses shall be prohibited except when part of a mixed-use building where the residential access is taken from an urban collector or local street.
- (f) Schools for general education with maximum enrollments of twenty-five (25) or fewer students shall only be allowed subject to the setbacks for other uses allowed in the district. Schools with maximum enrollments in excess of twenty-five (25) students shall be subject to approval of a conditional use permit and setback requirements for schools established in section 35.2-72.21 (Schools, Colleges and Vocational Schools).
- (g) Not more than three (3) unrelated individuals may occupy a dwelling unit in the B-1 district unless otherwise approved by a conditional use permit.
- (h) Accessory uses and structures shall comply with the provisions of section 35.2-71.

35.2-45.4 B-1 District Development Standards

Exhibit IV-14: Summary of B-1 Development Standards

Design Element	Standards	Section Cross-Reference
Maximum height	40'	35.2-61.2
Minimum front setback from right-of-way (dimension A)	0'	35.2-61.3
Minimum side setback, interior (dimension B)	0'	35.2-61.3
Minimum side setback, exterior (dimension C)	0'	35.2-61.3
Minimum rear setback (dimension D)	25'	35.2-61.3
Minimum lot width at <u>front property line and</u> front setback line (dimension E)	50'	35.2-61.4
Minimum lot depth (dimension F)	100'	35.2-61.4
Minimum lot area (square feet)	6,000 with 1,000 sq.ft. of lot area per dwelling unit or boarding unit	35.2-61.4
A - Front setback B - Interior side setback C - Exterior side setback D - Rear setback E - Minimum lot width F - Minimum lot depth  Letters in drawing to the left correspond with dimensions cited in the design element column		

35.2-46.2 Authorized Uses

Exhibit IV-15: Authorized Uses in B-3 District

Land Use	LBCS #	Description	Approval Type
single-household detached	1111 S	Typical single-household dwelling	P
modular home	1114 S	<u>A prefabricated home without axles or frames (see definitions)</u>	P
Two-household (duplex)	1121 S	<u>A building located on one (1) zoning lot containing not more than two (2) dwelling units</u>	C
single-household attached (townhouse)	1113 1140 S	Each unit on a separate lot; fire wall may protrude from roof or roofs may be staggered	C
Three or More Households (<u>allowed only as part of a mixed-use development</u>)	1130 1200 S	Includes triplexes, four-plexes, and other multi-household dwellings	P C
<u>Mixed-use residential structures (see district regulations for limitations)</u>	1201 S	<u>Typically commercial uses on lower floors and residential uses on upper floors</u>	P
Housing Services	1200	Housing and custodial services for those who cannot care for themselves. Includes nursing and retirement homes, congregate living, assisted and continuing care living, but excludes rehab uses in LBCS #6520)	P
Bed & Breakfast and Tourist Homes	1310	Guest rooms in a private home or accessory building to a private home	P
boarding house	1321	Non-transient lodging that may include meals and is owner occupied	P
rooming house	1322	Transient or non-transient lodging that may include meals	P
dormitory, sorority or fraternity house	1323	Allowed only as accessory uses to and owned by a college or university	C
Hotel, motel, or tourist court	1330	Hotels that do not have gambling services; includes extended-stay hotels	P
bicycles	2113b	New or used bicycle sales, rental and repair	P
parts, accessories, or tires	2115	Automotive parts and supply stores, automotive stereo stores.	P

Land Use	LBCS #	Description	Approval Type
gasoline service	2116	Gas stations with or without convenience stores or food marts, excludes truck stops, light auto repair and heavy auto repair	P
light auto repair	2117a	Oil change, light auto repair and car wash. May include gasoline and other retail sales.	C
heavy auto repair	2117b	Auto repair, paint and body shops. May include gasoline and other retail sales.	C
furniture or home furnishings, hardware, home center, lawn and garden supplies, department store, warehouse club or superstore, electronics and appliances	2121-2125	Furniture, flooring, bedding stores; home building and repair supplies, painting supplies, farm goods, lighting supply, window treatment; nursery and garden products predominantly grown elsewhere, power equipment sales or services; large variety stores; household-type appliances, television, stereos, including repair shops and cell phone stores.	P
computer and software	2131	Computers and prepackaged software including repair, support, and training	P
camera and photographic supplies; clothing, jewelry, luggage, shoes, clocks, sewing; sporting goods, toy and hobby, and musical instruments; mixed media, school and office supplies	2132-2135	Primarily retail cameras and photographic supplies or retail with repair and film developing; clothing (including shoe repair and tailoring, sporting goods, toys, musical instruments, kitchen goods, books, magazines, music, videos, stationary, greeting cards, seasonal decorations, office and school supplies.	P
florist, art supplies, tobacco products	2141-2143	Florists, art supplies and art dealers, frame shops, tobacco products	P
art galleries	2142b	Excludes art supply sales and retail framing services	P
antique shop	2145	Antique shops, (excludes flea markets, thrift stores and pawn shops)	P
flea markets and thrift stores	2145b	Flea markets and thrift stores	P
grocery store, supermarket, or bakery, convenience store, specialty food stores	2151-2154	Included are grocery stores, convenience stores, meat, seafood and produce markets, coffee, confections, variety goods and general stores, and delicatessens. Excludes stores with fuel pumps (see 2116 for fuel sales).	P
beer, wine, and liquor store	2155		P

Land Use	LBCS #	Description	Approval Type
Health and personal care	2160	Retail prescription or nonprescription drugs; retail cosmetics, perfumes, toiletries; prescription or nonprescription eyeglasses; prescription or nonprescription health and convalescent aids; medical devices, retail food supplement products such as vitamins, nutrition supplements, and body enhancing supplements.	P
Markets for farm produce or crafts	2199	Markets and truck gardens.	C
Bank, credit union, or savings institution	2210	Central banking functions	P
credit card and other financing	2221	Credit card, sales financing, unsecured consumer lending, real estate credit, mortgages, international trade financing	P
pawn shops	2222		P
short-term loans	2223	Pay-day lenders and other businesses providing loans with terms of 45 days or less	P
precious metal buyers	2224	Businesses providing cash for gold and other precious metals or gems (excludes retail jewelers)	P
Investment banking, securities, and brokerages; insurance; fund, trust, or other financial establishment	2230-2250	Securities underwriting, brokering, exchange services, managing portfolios; Insurance underwriting, selling insurance; manage assets on behalf of shareholders or beneficiaries	P
Real estate services	2310	Sell or lease real estate such as buildings, manufactured home sites and vacant lots; includes real estate appraisers and realtor offices	P
Property management services	2320	Manage real property for others	P
vehicles	2331 & 2332	Lease passenger cars, trucks, trailers, RVs, buses and aircraft; drivers not provided	C
Professional offices	2411-2014	Title abstract, lawyers, notaries, accountants, bookkeeping, payroll services, architects, engineers, surveyors, graphic design, interior design and industrial design	P
consulting services (management, environmental technical)	2415	Advise and assist businesses on management, scientific, and technological issues	P

Land Use	LBCS #	Description	Approval Type
scientific research and development services	2416	Conduct research or analyze in the physical, engineering, cognitive, or life sciences in laboratories or offices.	P
advertising, media and photography services	2417	Includes advertising, marketing and public relations agencies, photographic studios and photographic services.	P
veterinary services	2418	Veterinary medicine, testing services for veterinary practitioners	C
other professional offices	2419, 6810, 6820	Includes advertising and media services intellectual property rights, franchising, labor, political or business organizations, and uses with similar impacts	P
office administrative services	2421	Office administration such as billing, record keeping, personnel, organizational planning	P
facilities support services	2422	Provide operating staff for support services within a client's facilities, including janitorial, security, laundry services, etc.	P
employment agency	2423a	Provide employee placement, temporary help	P
copy center, private mail center, other business support services	2424	Provide document preparation, telephone answering, telemarketing, court reporting, steno typing, FAX, internet access, small signs and banners	P
collection agency	2425	Collect payments, compile credit information, repossess tangible assets	P
Travel arrangement and reservation services	2430	Promote or sell travel, includes convention and visitors' bureaus	P
Investigation and security services	2440	Provide detective, guard and patrol services, picking up and delivery of money, selling of security systems, remote monitoring of security systems, locksmiths	P
Restaurants, cafeterias, snack bars & catering	2510-2530 & 2560	Provide food and drinks to patrons – see district specific use regulations for limitations. Includes banquet, assembly and reception halls. See district standards.	P
Mobile food services	2550	Prepare and serve meals and snacks for immediate consumption from motorized vehicles	P

Land Use	LBCS #	Description	Approval Type
Personal care	2610	Hair, nail, and skin care and related personal care, barbers, beauty shops, dieting and weight loss, tanning, hair removal, hair weaving, ear piercing and similar services	P
laundromat and dry cleaning	2621 & 2622	Includes Laundromats, dry cleaners, diaper services as well as other commercial laundry services	P
Photofinishing	2630	Primarily engaged in developing film or making slides, etc.	P
Parking lot and parking garage	2640	See district standards	P
licensed massage therapist	2651		P
adult retail establishment	2653	Stores primarily selling adult oriented products, including books, videos, magazines, toys, lingerie and other sexually-oriented goods	P
Pet or pet supply store	2710	Retail pets, pet foods, pet supplies	P
animal services	2721	grooming and training	P
animal boarding	2722	sitting and boarding	C
pet cemetery	2723		P
national post office	4181		P
retail courier and package delivery	4182	Retail courier, package drop-off and mail services	P
radio and television broadcasting	4231, 4232 & 4241	Operate broadcasting studios and facilities for over the air, cable or satellite delivery of radio and television programs	P
wireless telecommunications transmission	4233	Operate, maintain or provide access to facilities for the transmission of voice, data, text, sound or video, see section 35.2-73 for telecommunications towers	P
telephone and other wired telecommunications	4234	Operate telephone networks – excludes switching stations	P
Telecommunications switching stations/exchanges	4239	Telecommunications switching stations and exchanges with no on-site employees	C
library or archive	4242	Provide library or archive services	P

Land Use	LBCS #	Description	Approval Type
data processing and management, hosting and related services	4244	Web hosting, computer data storage, optical scanning, computer input preparation, microfilm imaging	P
Public Utilities Services, Major	4315, 4329, 4339, 4349	Includes transmission lines for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission of a regional nature and normally entail the construction of new buildings or structures such as electrical switching facilities and stations or substations, electric, gas, and other utility transmission lines of a regional nature which are not otherwise reviewed and approved by the Virginia State Corporation Commission. All overhead transmission lines are included in this definition.	C
Public Utilities Service Minor	4315, 4329, 4339, 4349	Includes distribution or collection lines and appurtenances for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission that are necessary to support development within the immediate vicinity and involve only minor structures. Included in this use type are small facilities such as transformers, relay and booster devices, and well, water and sewer pump stations, and wireless communication antennas attached to existing buildings or structures.	P
electric substations	4316		C
Water treatment plants and utility facilities	4331 – 4333,	Water treatment plants, pumping stations and lift stations	C
Theater, dance or music establishment	5110 & 5160	Companies, groups, or theaters that produce theatrical presentations, dance, dinner theaters, and live musical entertainment; includes facilities for independent artists and performers	P
Motion picture viewing and exhibition services	5111	Operate movie theaters (excluding drive-ins), film festival exhibitions	P
Promoter of sports, performing arts, similar events and management services	5140 - 5150	Organize, promote, and manage performances and events; agents representing artists, athletes and entertainers	P
Indoor auditorium or arena	5170	Indoor auditoriums, arenas, conference centers, or multipurpose facilities	P
Museums and Other Special Purpose Recreational Institutions	5200	Public and private museums, historical sites, and similar establishments	P

Land Use	LBCS #	Description	Approval Type
Amusement or theme park establishment	5310	Operate a variety of attractions such as mechanical rides, water rides, games	C
Commercial Amusements	5320, 5380, 5390	Operate arcades and other commercial amusements as defined herein	P
Country Club	5340 & 6830	Operate private country clubs, with tennis courts and golf courses along with dining facilities and other recreational facilities; includes civic, social and fraternal organizations without dwellings	P
fitness and recreational sports center	5371	Aerobic dance or exercise center, gymnasium, physical fitness center, health and athletic club, indoor handball, racquetball, volleyball, tennis, or swimming facilities conducted inside a building	P
outdoor recreation	5372, 5373 & 5374	Includes golf courses, archery ranges, outdoor volleyball, tennis, or swimming facilities, recreational courts, recreational day camp and horseback riding (excludes automobile, dog and horse racing)	C
shooting ranges, indoor	5375		C
Natural and other Recreational Parks	5500	All parks without special economic functions, other than limited concessions	P
Nursery or preschool	6110		P
Grade school	6120	Comprises all public, private, and specialty schools between the preschool and university level; includes adult education services not addressed elsewhere. See district use standards.	P
College or university	6130	See district use standards.	P
general technical schools	6141-6143, 6145, 6147	Offer courses in office procedures, administrative skills, and basic office skills; dance, art, drama, and music; athletic activities. See district use standards.	P
driving education	6144		P
Public Safety	6400	Government-owned establishments providing fire and rescue, police, and emergency response services	P
clinic	6511 & 6567	Include physician offices, dentists, chiropractors, optometrists, licensed massage therapists, and veterans affairs services	P

Land Use	LBCS #	Description	Approval Type
outpatient care clinic	6512	Provide outpatient family planning services and outpatient care	P
medical or diagnostic laboratory; blood/organ bank	6513 - 6514	Provide analytic or diagnostic services including medical imaging	P
group home small	6522	Fewer than five (5) aged or infirm individuals or fewer than nine (9) individuals with mental, intellectual or developmental disabilities	P
group home large	6523	Five or more aged or infirm individuals, or nine (9) or more individuals with mental, intellectual or developmental disabilities	P
Hospital	6530		C
child and adult day care	6562	Provide day care for children and adults	
home	6562a	Day care for fewer than six (6) individuals in a residence	P
small	6562b	Day care for six (6) to twelve (12) individuals in a residence	P
large	6562c	Provide care for more than 12 individuals	P
Religious Institutions	6600	Churches, temples, synagogues, mosques, convents and monasteries	P
Death Care Services	6700	Funeral homes, crematories, cemeteries	
Funeral home and services	6710	Includes funeral homes combined with crematories	P
free-standing cemetery	6722		P
columbarium	6724		C
CONSTRUCTION-RELATED BUSINESSES	7000	Contractors who can build or demolish buildings, leveling, earthmoving, excavating, land drainage; should reflect the location of the establishment and not where it is performing its services. This category also includes the manufacture of industrial buildings, manufactured homes, modular homes, storage buildings and similar structures. Note that district standards may limit or preclude manufacturing, outdoor operations, outdoor storage of commercial vehicles and materials.	P

Land Use	LBCS #	Description	Approval Type
Vegetable farming or growing	9120	Includes private fields and community gardens with production limited to retail sales	P
Commercial orchards	9130	Includes fruit and nut trees with production limited to retail sales	P
Greenhouse – no on-premises sales	9141	Commercial greenhouse production	P
Greenhouse – sales of products grown on premises	9142		P
Greenhouse – sales of products and related accessory products	9143		P
Animal Production	9300	Keep, graze, breed or feed animals (see standards in section 35.2-71.7)	P
tent revival meetings/transient amusements	9921	Includes temporary carnivals and circuses sponsored by non-profit organizations (see section 35.2-72.23)	P
temporary outdoor promotional attractions	9922	Includes car shows, boat shows and similar short-term events intended to promote commercial sales or services (see section 35.2-72.23)	P
traditional neighborhood development	9952	See section 35.2-82	C
large scale retail establishments	9954	See section 35.2-84	P
cluster commercial development	9955	See section 35.2-85	C

35.2-46.3 B-3 District Use Standards

The following standards supplement the standards for specific uses established in Article VII:

- (a) Schools and colleges of all types (including vocational schools) shall not exceed a maximum enrollment of one hundred (100) students except as authorized by conditional use permit.
- (b) Radio and television studios and stations shall not have towers, shall produce no exterior electromagnetic effect and shall be soundproofed from adjoining properties.
- (c) Large-scale retail establishments shall comply with section 35.2-84 (Retail Establishments, Large Scale) unless otherwise approved through the conditional use permit process.
- (d) Dance floors may be allowed as accessory uses to restaurants.

- (e) Arenas and auditoriums approved through the conditional use permit process shall be limited to a maximum capacity of two thousand five hundred (2,500) persons.
- (f) Veterinarian hospitals authorized through the conditional use permit process shall not have outdoor kennels.
- (g) Except authorized single household dwellings and other residential uses permitted by conditional use permit, ground floor residential uses shall be prohibited except when part of a mixed-use building where the residential access is taken from an urban collector or local street.
- (h) Outdoor storage is prohibited.
- (i) Accessory uses and structures shall comply with the provisions of section 35.2-71.

35.2-46.4 B-3 District Development Standards

Dimensional standards for the B-3 district are summarized in Exhibit IV-16. Section cross-references identify the location of additional dimensional standards and rules for their application. The standards in this section apply in addition to the site development standards of Article VI and site development standards applicable to specific uses established in Article VII.

- (a) **Setbacks.** Setbacks are subject to compliance with in section 35.2-66.4 (Visibility at Intersections) and applicable landscaping requirements.
- (b) **Lots Abutting R-1, R-2 or R-3 Districts.** See section 35.2-61.2 for additional height requirements and section 35.2-61.3 for additional setback requirements for lots abutting R-1, R-2 or R-3 districts.
- (c) **Area Regulations.** A minimum of one thousand (1,000) square feet of lot area is required for each dwelling unit or unit in a boardinghouse, lodging house, convalescent and nursing home, tourist home or hotel.
- (d) **Parking.** Parking areas shall be set back at least twenty (20) feet from front or exterior side property lines or set behind the front building line on all street frontages.
- (e) **Development Patterns.** The B-3 district development standards may be modified through the approval of a cluster commercial development or traditional neighborhood development.

35.2-47.2 Authorized Uses

Exhibit IV-17: Authorized Uses in B-4 District

Land Use	LBCS #	Description	Approval Type
single-household attached (townhouse)	1113 <u>1140S</u>	Each unit on a separate lot; fire wall may protrude from roof or roofs may be staggered	P
Three or More Households <u>Multi-household structures</u>	1130 <u>1200S</u>	Includes triplexes, four-plexes, and other multi-household dwellings	P
<u>Mixed-use residential structures (see district regulations for limitations)</u>	<u>1201S</u>	<u>Typically commercial uses on lower floors and residential uses on upper floors</u>	<u>P</u>
Housing Services	1200	Housing and custodial services for those who cannot care for themselves. Includes nursing and retirement homes, congregate living, assisted and continuing care living, but excludes rehab uses in LBCS #6520)	P
Hotels, Motels, or Other Accommodation Services	1300	Lodging and short-term accommodation for travelers	
Bed & Breakfast and Tourist Homes	1310	Guest rooms in a private home or accessory building to a private home	P
boarding house	1321	Non-transient lodging that may include meals and is owner occupied	P
rooming house	1322	Transient or non-transient lodging that may include meals	P
dormitory, sorority or fraternity house	1323	Allowed only as accessory uses to and owned by a college or university	C
Hotel, motel, or tourist court	1330	Hotels that do not have gambling services; includes extended-stay hotels	P
bicycles	2113b	New or used bicycle sales, rental and repair	P
boat or marine craft dealer	2114	New or used boats sales, rental and related repair services	P
parts, accessories, or tires	2115	Automotive parts and supply stores, automotive stereo stores.	P
gasoline service	2116	Gas stations with or without convenience stores or food marts, excludes truck stops, light auto repair and heavy auto repair	C

Land Use	LBCS #	Description	Approval Type
light auto repair	2117a	Oil change, light auto repair and car wash. May include gasoline and other related sales.	C
heavy auto repair	2117b	Auto repair, paint and body shops. May include gasoline and other retail sales.	C
furniture or home furnishings, hardware, home center, lawn and garden supplies, department store, warehouse club or superstore, electronics and appliances	2121-2125	Furniture, flooring, bedding stores; home building and repair supplies, painting supplies, farm goods, lighting supply, window treatment; nursery and garden products predominantly grown elsewhere, power equipment sales or services; large variety stores; household-type appliances, television, stereos, including repair shops and cell phone stores.	P
computer and software	2131	Computers and prepackaged software including repair, support, and training	P
camera and photographic supplies; clothing, jewelry, luggage, shoes, clocks, sewing; sporting goods, toy and hobby, and musical instruments; mixed media, school and office supplies	2132-2135	Primarily retail cameras and photographic supplies or retail with repair and film developing; clothing (including shoe repair and tailoring, sporting goods, toys, musical instruments, kitchen goods, books, magazines, music, videos, stationary, greeting cards, seasonal decorations, office and school supplies.	P
florist, art supplies, tobacco products	2141-2143	Florists, art supplies and art dealers, frame shops, tobacco products	P
art galleries	2142b	Excludes art supply sales and retail framing services	P
mail order or direct selling establishment	2144	Retailing other than through locations where shoppers physically visit	P
antique shop	2145	Antique shops, (excludes flea markets, thrift stores and pawn shops)	P
flea markets and thrift stores	2145b	Flea markets and thrift stores	P
grocery store, supermarket, or bakery, convenience store, specialty food stores	2151-2154	Included are grocery stores, convenience stores, meat, seafood and produce markets, coffee, confections, variety goods and general stores, and delicatessens. Excludes stores with fuel pumps (see 2116 for fuel sales).	P
beer, wine, and liquor store	2155		P

Land Use	LBCS #	Description	Approval Type
Health and personal care	2160	Retail prescription or nonprescription drugs; retail cosmetics, perfumes, toiletries; prescription or nonprescription eyeglasses; prescription or nonprescription health and convalescent aids; medical devices, retail food supplement products such as vitamins, nutrition supplements, and body enhancing supplements.	P
Markets for farm produce or crafts	2199	Markets and truck gardens.	C
Bank, credit union, or savings institution	2210	Central banking functions	P
credit card and other financing	2221	Credit card, sales financing, unsecured consumer lending, real estate credit, mortgages, international trade financing	P
pawn shops	2222		P
short-term loans	2223	Pay-day lenders and other businesses providing loans with terms of 45 days or less	P
precious metal buyers	2224	Businesses providing cash for gold and other precious metals or gems (excludes retail jewelers)	P
Investment banking, securities, and brokerages; insurance; fund, trust, or other financial establishment	2230-2250	Securities underwriting, brokering, exchange services, managing portfolios; Insurance underwriting, selling insurance; manage assets on behalf of shareholders or beneficiaries	P
Real estate services	2310	Sell or lease real estate such as buildings, manufactured home sites and vacant lots; includes real estate appraisers and realtor offices	P
Property management services	2320	Manage real property for others	P
recreational goods rental	2333	Rent skis, canoes, bicycles, sailboats, motorcycles	P
Professional offices	2411-2014	Title abstract, lawyers, notaries, accountants, bookkeeping, payroll services, architects, engineers, surveyors, graphic design, interior design and industrial design	P
consulting services (management, environmental technical)	2415	Advise and assist businesses on management, scientific, and technological issues	P
scientific research and development services	2416	Conduct research or analyze in the physical, engineering, cognitive, or life sciences in laboratories or offices.	P

Land Use	LBCS #	Description	Approval Type
advertising, media and photography services	2417	Includes advertising, marketing and public relations agencies, photographic studios and photographic services.	P
veterinary services	2418	Veterinary medicine, testing services for veterinary practitioners	P
other professional offices	2419, 6810, 6820	Includes advertising and media services intellectual property rights, franchising, labor, political or business organizations, and uses with similar impacts	P
office administrative services	2421	Office administration such as billing, record keeping, personnel, organizational planning	P
facilities support services	2422	Provide operating staff for support services within a client's facilities, including janitorial, security, laundry services, etc.	P
employment agency	2423a	Provide employee placement, temporary help	P
copy center, private mail center, other business support services	2424	Provide document preparation, telephone answering, telemarketing, court reporting, stenotyping, FAX, internet access, small signs and banners	P
collection agency	2425	Collect payments, compile credit information, repossess tangible assets	P
Travel arrangement and reservation services	2430	Promote or sell travel, includes convention and visitors' bureaus	P
Investigation and security services	2440	Provide detective, guard and patrol services, picking up and delivery of money, selling of security systems, remote monitoring of security systems, locksmiths	P
Restaurants, cafeterias, snack bars & catering	2510-2530 & 2560	Provide food and drinks to patrons – see district specific use regulations for limitations. Includes banquet, assembly and reception halls. See district standards.	P
Mobile food services	2550	Prepare and serve meals and snacks for immediate consumption from motorized vehicles	P
Food service contractor and vending machine operators	2570 & 2580	Provide food services at institutional, governmental, commercial, or industrial locations based on contracts. Retail merchandise through vending machines that they service	P

Land Use	LBCS #	Description	Approval Type
Personal care	2610	Hair, nail, and skin care and related personal care, barbers, beauty shops, dieting and weight loss, tanning, hair removal, hair weaving, ear piercing and similar services	P
laundromat and dry cleaning	2621 & 2622	Includes Laundromats, dry cleaners, diaper services as well as other commercial laundry services	P
Photofinishing	2630	Primarily engaged in developing film or making slides, etc.	P
Parking lot and parking garage	2640	See district standards	P
licensed massage therapist	2651		P
tattoo parlor	2652	Tattoos by a licensed professional	P
adult retail establishment	2653	Stores primarily selling adult oriented products, including books, videos, magazines, toys, lingerie and other sexually-oriented goods	P
Pet or pet supply store	2710	Retail pets, pet foods, pet supplies	P
animal services	2721	grooming and training	P
Food and beverages	3110	Includes bakery and candy establishments that produce for later consumption; ice manufacturing; dairies; bottling plants; and peanut and coffee roasting	P
Furniture and related products	3230	Includes manufacture and repair of furniture, upholstery, mattresses, window blinds, window shades, awnings cabinets, fixtures	P
Office and warehousing	3610	Storage of goods related to on-site office or retail use	P
rail passenger transportation	4121	Passenger stations only	P
local transit systems--bus, special needs, sightseeing, taxi and limousine services	4133 – 4134 & 4136 - 4137	Single-mode local and non-local transit systems other than rail; excludes transit stops, which are allowed in all districts. Includes sightseeing, taxi and limousine services	P
marine and sightseeing transportation	4151	Provide water transportation, including scenic and sightseeing, for passengers	P

Land Use	LBCS #	Description	Approval Type
national post office	4181		P
retail courier and package delivery	4182	Retail courier, package drop-off and mail services	P
Motion pictures and sound recording	4220	Produce and distribute motion pictures and sound recordings	P
radio and television broadcasting	4231, 4232 & 4241	Operate broadcasting studios and facilities for over the air, cable or satellite delivery of radio and television programs	P
wireless telecommunications transmission	4233	Operate, maintain or provide access to facilities for the transmission of voice, data, text, sound or video, see section 35.2-73 for telecommunications towers	P
telephone and other wired telecommunications	4234	Operate telephone networks – excludes switching stations	P
Telecommunications switching stations/exchanges	4239	Telecommunications switching stations and exchanges with no on-site employees	C
library or archive	4242	Provide library or archive services	P
news syndicate	4243	Supply information such as news reports, articles, pictures and features to the news media	P
data processing and management, hosting and related services	4244	Web hosting, computer data storage, optical scanning, computer input preparation, microfilm imaging	P
Public Utilities Services, Major	4315, 4329, 4339, 4349	Includes transmission lines for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission of a regional nature and normally entail the construction of new buildings or structures such as electrical switching facilities and stations or substations, electric, gas, and other utility transmission lines of a regional nature which are not otherwise reviewed and approved by the Virginia State Corporation Commission. All overhead transmission lines are included in this definition.	C

Land Use	LBCS #	Description	Approval Type
Public Utilities Service Minor	4315, 4329, 4339, 4349	Includes distribution or collection lines and appurtenances for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission that are necessary to support development within the immediate vicinity and involve only minor structures. Included in this use type are small facilities such as transformers, relay and booster devices, and well, water and sewer pump stations, and wireless communication antennas attached to existing buildings or structures.	P
electric substations	4316		C
Water treatment plants and utility facilities	4331 – 4333,	Water treatment plants, pumping stations and lift stations	C
Theater, dance or music establishment	5110 & 5160	Companies, groups, or theaters that produce theatrical presentations, dance, dinner theaters, and live musical entertainment; includes facilities for independent artists and performers	P
Motion picture viewing and exhibition services	5111	Operate movie theaters (excluding drive-ins), film festival exhibitions	P
Promoter of sports, performing arts, similar events and management services	5140 - 5150	Organize, promote, and manage performances and events; agents representing artists, athletes and entertainers	P
Indoor auditorium or arena	5170	Indoor auditoriums, arenas, conference centers, or multipurpose facilities	C
Outdoor auditorium/arenas	5180	Outdoor arenas, theaters and stadiums	C
Museums and Other Special Purpose Recreational Institutions	5200	Public and private museums, historical sites, and similar establishments	P
Amusement or theme park establishment	5310	Operate a variety of attractions such as mechanical rides, water rides, games	C
Commercial Amusements	5320, 5380, 5390	Operate arcades and other commercial amusements as defined herein	C
Country Club	5340 & 6830	Operate private country clubs, with tennis courts and golf courses along with dining facilities and other recreational facilities; includes civic, social and fraternal organizations without dwellings	P

Land Use	LBCS #	Description	Approval Type
fitness and recreational sports center	5371	Aerobic dance or exercise center, gymnasium, physical fitness center, health and athletic club, indoor handball, racquetball, volleyball, tennis, or swimming facilities conducted inside a building	P
outdoor recreation	5372, 5373 & 5374	Includes for profit golf courses, archery ranges, outdoor volleyball, tennis, or swimming facilities, recreational courts, recreational day camp and horseback riding	C
shooting ranges, indoor	5375		C
shooting ranges, outdoor	5376		
Natural and other Recreational Parks	5500	All parks without special economic functions, other than limited concessions	P
Nursery or preschool	6110		P
Grade school	6120	Comprises all public, private, and specialty schools between the preschool and university level; includes adult education services not addressed elsewhere. See district use standards.	P
College or university	6130	See district use standards.	P
general technical schools	6141-6143, 6145, 6147	Offer courses in office procedures, administrative skills, and basic office skills; dance, art, drama, and music; athletic activities. See district use standards.	C
Other Government Functions	6300	Other government owned establishments not classified elsewhere such as defense and national guard establishments	C
Public Safety	6400	Government-owned establishments providing fire and rescue, police, and emergency response services	P
clinic	6511 & 6567	Include physician offices, dentists, chiropractors, optometrists, licensed massage therapists, and veterans' affairs services	P
outpatient care clinic	6512	Provide outpatient family planning services and outpatient care	P

Land Use	LBCS #	Description	Approval Type
medical or diagnostic laboratory; blood/organ bank	6513 - 6514	Provide analytic or diagnostic services including medical imaging	P
group home small	6522	Fewer than five (5) aged or infirm individuals or fewer than nine (9) individuals with mental, intellectual or developmental disabilities	P
group home large	6523	Five or more aged or infirm individuals, or nine (9) or more individuals with mental, intellectual or developmental disabilities	P
Hospital	6530		C
child and adult day care	6562	Provide day care for children and adults	
home	6562a	Day care for fewer than six (6) individuals in a residence	P
small	6562b	Day care for six (6) to twelve (12) individuals in a residence	P
large	6562c	Provide care for more than 12 individuals	P
Religious Institutions	6600	Churches, temples, synagogues, mosques, convents and monasteries	P
Death Care Services	6700	Funeral homes, crematories, cemeteries	
Funeral home and services	6710	Includes funeral homes combined with crematories	P
columbarium	6724		P
CONSTRUCTION-RELATED BUSINESSES	7000	Contractors who can build or demolish buildings, leveling, earthmoving, excavating, land drainage; should reflect the location of the establishment and not where it is performing its services. This category also includes the manufacture of industrial buildings, manufactured homes, modular homes, storage buildings and similar structures. Note that district standards may limit or preclude manufacturing, outdoor operations, outdoor storage of commercial vehicles and materials.	P
Vegetable farming or growing	9120	Includes private fields and community gardens with production limited to retail sales	P
Greenhouse – no on-premises sales	9141	Includes fruit and nut trees with production limited to retail sales	P
Greenhouse – sales of products grown on premises	9142		P

Land Use	LBCS #	Description	Approval Type
Greenhouse – sales of products and related accessory products	9143		P
Animal Production	9300	Keep, graze, breed or feed animals (see standards in section 35.2-71.7)	P
tent revival meetings/ transient amusements	9921	Includes temporary carnivals and circuses sponsored by non-profit organizations (see section 35.2-72.23)	P
temporary outdoor promotional attractions	9922	Includes car shows, boat shows and similar short-term events intended to promote commercial sales or services (see section 35.2-72.23)	P
traditional neighborhood development	9952	See section 35.2-82	C
large scale retail establishments	9954	See section 35.2-84	P
cluster commercial development	9955	See section 35.2-85	C

35.2-48.2 Authorized Uses

Exhibit IV-19: Authorized Uses in B-5 District

Land Use	LBCS #	Description	Approval Type
single-household detached	1111S	Typical single-household dwelling	C
modular home	1114S	<u>A prefabricated home without axles or frames (see definitions)</u>	C
manufactured home	1115S	<u>A structure, transportable in one (1) or more sections, built after 1978 on a permanent chassis, and designed for use with or without a permanent foundation when connected to the required utilities (see definitions)</u>	C
Two-household (duplex)	1121S	<u>A building located on one (1) zoning lot containing not more than two (2) dwelling units</u>	C
single-household semi-detached	1112 1122S	One of two dwellings separated by a party wall, <u>on abutting lots</u>	C
single-household attached (townhouse)	1113 1140S	Each unit on a separate lot; fire wall may protrude from roof or roofs may be staggered	C
Three or More Households	1130 1200S	Includes triplexes, four-plexes, and other multi-household dwellings	C
<u>Mixed-use residential structures (see district regulations for limitations)</u>	1201S	<u>Typically commercial uses on lower floors and residential uses on upper floors</u>	<u>P</u>
Housing Services	1200	Housing and custodial services for those who cannot care for themselves. Includes nursing and retirement homes, congregate living, assisted and continuing care living, but excludes rehab uses in LBCS #6520)	P
Bed & Breakfast and Tourist Homes	1310	Guest rooms in a private home or accessory building to a private home	P
boarding house	1321	Non-transient lodging that may include meals and is owner occupied	P
rooming house	1322	Transient or non-transient lodging that may include meals	P
dormitory, sorority or fraternity house	1323	Allowed only as accessory uses to and owned by a college or university	C

Land Use	LBCS #	Description	Approval Type
Hotel, motel, or tourist court	1330	Hotels that do not have gambling services; includes extended-stay hotels	P
car, motorcycle, manufactured homes or RV dealer	2111-2113	New or used automobiles, light trucks, motorcycles, RV's, manufactured homes, and buses	P
bicycles	2113b	New or used bicycle sales, rental and repair	P
boat or marine craft dealer	2114	New or used boats sales, rental and related repair services	P
parts, accessories, or tires	2115	Automotive parts and supply stores, automotive stereo stores.	P
gasoline service	2116	Gas stations with or without convenience stores or food marts, excludes truck stops, light auto repair and heavy auto repair	P
light auto repair	2117a	Oil change, light auto repair and car wash. May include gasoline and other related sales.	P
heavy auto repair	2117b	Auto repair, paint and body shops. May include gasoline and other retail sales.	P
furniture or home furnishings, hardware, home center, lawn and garden supplies, department store, warehouse club or superstore, electronics and appliances	2121-2125	Furniture, flooring, bedding stores; home building and repair supplies, painting supplies, farm goods, lighting supply, window treatment; nursery and garden products predominantly grown elsewhere, power equipment sales or services; large variety stores; household-type appliances, television, stereos, including repair shops and cell phone stores.	P
lumber yard and building materials; heating and plumbing equipment; heavy equipment	2126-2128	Lumber yards and heavy building materials; heating and plumbing equipment retailers; for heating and plumbing contractors who install or service, use the appropriate construction category; construction equipment and vehicles; includes authorized storage (3650)	P
computer and software	2131	Computers and prepackaged software including repair, support, and training	P
camera and photographic supplies; clothing, jewelry, luggage, shoes, clocks, sewing; sporting goods, toy and hobby, and musical instruments; mixed media, school and office supplies	2132-2135	Primarily retail cameras and photographic supplies or retail with repair and film developing; clothing (including shoe repair and tailoring, sporting goods, toys, musical instruments, kitchen goods, books, magazines, music, videos, stationary, greeting cards, seasonal decorations, office and school supplies.	P

Land Use	LBCS #	Description	Approval Type
florist, art supplies, tobacco products	2141-2143	Florists, art supplies and art dealers, frame shops, tobacco products	P
art galleries	2142b	Excludes art supply sales and retail framing services	P
mail order or direct selling establishment	2144	Retailing other than through locations where shoppers physically visit	P
antique shop	2145	Antique shops, (excludes flea markets, thrift stores and pawn shops)	P
flea markets and thrift stores	2145b	Flea markets and thrift stores	P
grocery store, supermarket, or bakery, convenience store, specialty food stores	2151-2154	Included are grocery stores, convenience stores, meat, seafood and produce markets, coffee, confections, variety goods and general stores, and delicatessens. Excludes stores with fuel pumps (see 2116 for fuel sales).	P
beer, wine, and liquor store	2155		P
Health and personal care	2160	Retail prescription or nonprescription drugs; retail cosmetics, perfumes, toiletries; prescription or nonprescription eyeglasses; prescription or nonprescription health and convalescent aids; medical devices, retail food supplement products such as vitamins, nutrition supplements, and body enhancing supplements.	P
Markets for farm produce or crafts	2199	Markets and truck gardens.	P
Bank, credit union, or savings institution	2210	Central banking functions	P
credit card and other financing	2221	Credit card, sales financing, unsecured consumer lending, real estate credit, mortgages, international trade financing	P
pawn shops	2222		P
short-term loans	2223	Pay-day lenders and other businesses providing loans with terms of 45 days or less	P
precious metal buyers	2224	Businesses providing cash for gold and other precious metals or gems (excludes retail jewelers)	P

Land Use	LBCS #	Description	Approval Type
Investment banking, securities, and brokerages; insurance; fund, trust, or other financial establishment	2230-2250	Securities underwriting, brokering, exchange services, managing portfolios; Insurance underwriting, selling insurance; manage assets on behalf of shareholders or beneficiaries	P
Real estate services	2310	Sell or lease real estate such as buildings, manufactured home sites and vacant lots; includes real estate appraisers and realtor offices	P
Property management services	2320	Manage real property for others	P
vehicles	2331 & 2332	Lease passenger cars, trucks, trailers, RVs, buses and aircraft; drivers not provided	P
recreational goods rental	2333	Rent skis, canoes, bicycles, sailboats, motorcycles	P
commercial, industrial or consumer machinery and equipment rental	2334 - 2335	Rent or lease: a) office machinery and equipment; heavy equipment without operators used for construction, well-drilling; other machinery and equipment for uses such as manufacturing or telecommunications; operators not included (note: see 2337 for heavy equipment leasing) personal and household-type goods and a range of equipment geared toward consumers	P
Professional offices	2411-2014	Title abstract, lawyers, notaries, accountants, bookkeeping, payroll services, architects, engineers, surveyors, graphic design, interior design and industrial design	P
consulting services (management, environmental technical)	2415	Advise and assist businesses on management, scientific, and technological issues	P
scientific research and development services	2416	b) Conduct research or analyze in the physical, engineering, cognitive, or life sciences in laboratories or offices.	P
advertising, media and photography services	2417	Includes advertising, marketing and public relations agencies, photographic studios and photographic services.	P
veterinary services	2418	Veterinary medicine, testing services for veterinary practitioners	P
other professional offices	2419, 6810, 6820	Includes advertising and media services intellectual property rights, franchising, labor, political or business organizations, and uses with similar impacts	P

Land Use	LBCS #	Description	Approval Type
office administrative services	2421	Office administration such as billing, record keeping, personnel, organizational planning	P
facilities support services	2422	Provide operating staff for support services within a client's facilities, including janitorial, security, laundry services, etc.	P
employment agency	2423a	Provide employee placement, temporary help	P
hiring hall	2423b	Place of assembly for the registration or assignment of employment	P
copy center, private mail center, other business support services	2424	Provide document preparation, telephone answering, telemarketing, court reporting, steno typing, FAX, internet access, small signs and banners	P
collection agency	2425	Collect payments, compile credit information, repossess tangible assets	P
Travel arrangement and reservation services	2430	Promote or sell travel, includes convention and visitors' bureaus	P
Investigation and security services	2440	Provide detective, guard and patrol services, picking up and delivery of money, selling of security systems, remote monitoring of security systems, locksmiths	P
Services to buildings and dwellings	2450	Provide pest control, janitorial services, landscaping, carpet cleaning, etc. (2451-2454)	P
packing, crating	2455		P
Restaurants, cafeterias, snack bars & catering	2510-2530 & 2560	Provide food and drinks to patrons – see district specific use regulations for limitations. Includes banquet, assembly and reception halls. See district standards.	P
Mobile food services	2550	Prepare and serve meals and snacks for immediate consumption from motorized vehicles	P
Food service contractor and vending machine operators	2570 & 2580	Provide food services at institutional, governmental, commercial, or industrial locations based on contracts. Retail merchandise through vending machines that they service	P

Land Use	LBCS #	Description	Approval Type
Personal care	2610	Hair, nail, and skin care and related personal care, barbers, beauty shops, dieting and weight loss, tanning, hair removal, hair weaving, ear piercing and similar services	P
laundromat and dry cleaning	2621 & 2622	Includes Laundromats, dry cleaners, diaper services as well as other commercial laundry services	P
linen and uniform supply	2623		P
Photofinishing	2630	Primarily engaged in developing film or making slides, etc.	P
Parking lot and parking garage	2640	See district standards	P
licensed massage therapist	2651		P
tattoo parlor	2652	Tattoos by a licensed professional	P
adult retail establishment	2653	Stores primarily selling adult oriented products, including books, videos, magazines, toys, lingerie and other sexually-oriented goods	P
Pet or pet supply store	2710	Retail pets, pet foods, pet supplies	P
animal services	2721	grooming and training	P
animal boarding	2722	sitting and boarding	P
pet cemetery	2723		P
Food and beverages	3110	Includes bakery and candy establishments that produce for later consumption; ice manufacturing; dairies; bottling plants; and peanut and coffee roasting	P
Textiles, leather and leather substitute products	3130 & 3140	Textile mills, apparel manufacturers and canvas making; dying plants and dry cleaning plants; leather and leather substitutes such as rubber footwear (excluding leather tanning)	P
Furniture and related products	3230	Includes manufacture and repair of furniture, upholstery, mattresses, window blinds, window shades, awnings cabinets, fixtures	P
Signs	3440	Manufacturing of signs to be erected or installed (excludes banner printing)	P

Land Use	LBCS #	Description	Approval Type
Blacksmith		Creation of objects from wrought iron steel, such as gates, railings, furniture, and other functional and decorative items	P
Wholesale Trade Establishment	3500	Normally operate from a warehouse or office, selling or arranging the purchase of goods to other businesses	P
Office and warehousing	3610	Storage of goods related to on-site office or retail use	P
Warehousing	3620	Storage of goods as the principal use; includes mini-warehouses, self-storage facilities and moving companies	P
rail passenger transportation	4121	Passenger stations only	P
local transit systems--bus, special needs, sightseeing, taxi and limousine services	4133 – 4134 & 4136 - 4137	Single-mode local and non-local transit systems other than rail; excludes transit stops, which are allowed in all districts. Includes sightseeing, taxi and limousine services	P
towing and other road and ground services	4138	Tow vehicles	P
Truck and freight transportation services	4140	Provide over-the-road transportation of cargo using motor vehicles and temporary storage	C
national post office	4181		P
retail courier and package delivery	4182	Retail courier, package drop-off and mail services	P
Courier and messenger services	4190	Provide air, surface, or combined courier delivery services of Parcels and messages (excludes retail package drop-off and local courier services)	P
Publishing	4210 & 4221	Issue copies of works for which they usually possess copyright, including printing plants, motion picture and audio publishing. Includes newspaper publishing, greeting card printing and lithography	P
Motion pictures and sound recording	4220	Produce and distribute motion pictures and sound recordings	P
radio and television broadcasting	4231, 4232 & 4241	Operate broadcasting studios and facilities for over the air, cable or satellite delivery of radio and television programs	P

Land Use	LBCS #	Description	Approval Type
wireless telecommunications transmission	4233	Operate, maintain or provide access to facilities for the transmission of voice, data, text, sound or video, see section 35.2-73 for telecommunications towers	P
telephone and other wired telecommunications	4234	Operate telephone networks – excludes switching stations	P
Telecommunications switching stations/exchanges	4239	Telecommunications switching stations and exchanges with no on-site employees	C
library or archive	4242	Provide library or archive services	P
news syndicate	4243	Supply information such as news reports, articles, pictures and features to the news media	P
data processing and management, hosting and related services	4244	Web hosting, computer data storage, optical scanning, computer input preparation, microfilm imaging	P
Public Utilities Services, Major	4315, 4329, 4339, 4349	Includes transmission lines for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission of a regional nature and normally entail the construction of new buildings or structures such as electrical switching facilities and stations or substations, electric, gas, and other utility transmission lines of a regional nature which are not otherwise reviewed and approved by the Virginia State Corporation Commission. All overhead transmission lines are included in this definition.	C
Public Utilities Service Minor	4315, 4329, 4339, 4349	Includes distribution or collection lines and appurtenances for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission that are necessary to support development within the immediate vicinity and involve only minor structures. Included in this use type are small facilities such as transformers, relay and booster devices, and well, water and sewer pump stations, and wireless communication antennas attached to existing buildings or structures.	P
electric substations	4316		C
Water treatment plants and utility facilities	4331 – 4333,	Water treatment plants, pumping stations and lift stations	C
recycling collection centers	4349	Drop-off facilities for the collection of recycled goods	P

Land Use	LBCS #	Description	Approval Type
Theater, dance or music establishment	5110 & 5160	Companies, groups, or theaters that produce theatrical presentations, dance, dinner theaters, and live musical entertainment; includes facilities for independent artists and performers	P
Motion picture viewing and exhibition services	5111	Operate movie theaters (excludes drive-ins), film festival exhibitions	P
Promoter of sports, performing arts, similar events and management services	5140 - 5150	Organize, promote, and manage performances and events; agents representing artists, athletes and entertainers	P
Indoor auditorium or arena	5170	Indoor auditoriums, arenas, conference centers, or multipurpose facilities	C
Outdoor auditorium/arenas	5180	Outdoor arenas, stadiums and theaters	C
Museums and Other Special Purpose Recreational Institutions	5200	Public and private museums, historical sites, and similar establishments	P
Amusement or theme park establishment	5310	Operate a variety of attractions such as mechanical rides, water rides, games	C
Commercial Amusements	5320, 5380, 5390	Operate arcades and other commercial amusements as defined herein	P
Country Club	5340 & 6830	Operate private country clubs, with tennis courts and golf courses along with dining facilities and other recreational facilities; includes civic, social and fraternal organizations without dwellings	P
fitness and recreational sports center	5371	Aerobic dance or exercise center, gymnasium, physical fitness center, health and athletic club, indoor handball, racquetball, volleyball, tennis, or swimming facilities conducted inside a building	P
outdoor recreation	5372, 5373 & 5374	Includes for profit golf courses, archery ranges, outdoor volleyball, tennis, or swimming facilities, recreational courts, recreational day camp and horseback riding	P
shooting ranges, indoor	5375		C
Camps, Camping, and Related Establishments	5400	Operate sites to accommodate campers and their equipment, provide overnight recreational camps, may provide cabins, food services, washrooms, spaces for overnight parking or recreational vehicles	C

Land Use	LBCS #	Description	Approval Type
Natural and other Recreational Parks	5500	All parks without special economic functions, other than limited concessions	P
Nursery or preschool	6110		P
Grade school	6120	Comprises all public, private, and specialty schools between the preschool and university level; includes adult education services not addressed elsewhere. See district use standards.	P
College or university	6130	See district use standards.	P
general technical schools	6141-6143, 6145, 6147	Offer courses in office procedures, administrative skills, and basic office skills; dance, art, drama, and music; athletic activities	P
driving education	6144		P
Other Government Functions	6300	Other government owned establishments not classified elsewhere such as defense and national guard establishments	P
Public Safety	6400	Government-owned establishments providing fire and rescue, police, and emergency response services	P
clinic	6511 & 6567	Include physician offices, dentists, chiropractors, optometrists, licensed massage therapists, and veterans' affairs services	P
outpatient care clinic	6512	Provide outpatient family planning services and outpatient care	P
medical or diagnostic laboratory; blood/organ bank	6513 - 6514	Provide analytic or diagnostic services including medical imaging	P
group home small	6522	Fewer than five (5) aged or infirm individuals or fewer than nine (9) individuals with mental, intellectual or developmental disabilities	P
group home large	6523	Five or more aged or infirm individuals, or nine (9) or more individuals with mental, intellectual or developmental disabilities	P
Hospital	6530		P
child and adult day care	6562	Provide day care for children and adults	
home	6562a	Day care for fewer than six (6) individuals in a residence	P

Land Use	LBCS #	Description	Approval Type
small	6562b	Day care for six (6) to twelve (12) individuals in a residence	P
large	6562c	Provide care for more than 12 individuals	P
Religious Institutions	6600	Churches, temples, synagogues, mosques, convents and monasteries	P
Death Care Services	6700	Funeral homes, crematories, cemeteries	
Funeral home and services	6710	Includes funeral homes combined with crematories	P
free-standing cemetery	6722		P
columbarium	6724		P
CONSTRUCTION-RELATED BUSINESSES	7000	Contractors who can build or demolish buildings, leveling, earthmoving, excavating, land drainage; should reflect the location of the establishment and not where it is performing its services. This category also includes the manufacture of industrial buildings, manufactured homes, modular homes, storage buildings and similar structures. Note that district standards may limit or preclude manufacturing, outdoor operations, outdoor storage of commercial vehicles and materials.	P
Vegetable farming or growing	9120	Includes private fields and community gardens with production limited to retail sales	P
Commercial orchards	9130	Includes fruit and nut trees with production limited to retail sales	P
Greenhouse – no on-premises sales	9141	Commercial greenhouse production	P
Greenhouse – sales of products grown on premises	9142		P
Greenhouse – sales of products and related accessory products	9143		P
Animal Production	9300	Keep, graze, breed or feed animals (see standards in section 35.2-71.7)	P
tent revival meetings/transient amusements	9921	Includes temporary carnivals and circuses sponsored by non-profit organizations (see section 35.2-72.23)	P
temporary outdoor promotional attractions	9922	Includes car shows, boat shows and similar short-term events intended to promote commercial sales or services (see section 35.2-72.23)	P

Land Use	LBCS #	Description	Approval Type
traditional neighborhood development	9952	See section 35.2-82	C
large scale retail establishments	9954	See section 35.2-84	P
cluster commercial development	9955	See section 35.2-85	C
flex space development	9956	See section 35.2-86	C
corporate campus	9957	See section 35.2-87	C
Billboards – only existing billboards allowed per section 35.2-64.16	9990	Billboards and other signs advertising goods and services not available on the site where the sign is located	P

35.2-48.3 District Use Standards

The following standards supplement the standards for specific uses established in Article VII:

- (a) No operations shall create conditions of smoke, fumes, noise, odor, light or dust detrimental to health, safety or the general welfare of the community.
- (b) Billboards shall be subject to the regulations of section 35.2-64.16 (Billboards).
- (c) Second-hand stores may include auction sales provided such activity is conducted wholly within an enclosed building.
- (d) Storage warehouses and yards shall not include the storage of combustibles prohibited by the fire code, sand yards, gravel yards, coal yards, railroad yards and automobile wrecking yards.
- (e) Schools and colleges of all types that exceed a maximum enrollment of one hundred (100) students are prohibited unless otherwise approved through issuance of a conditional use permit.
- (f) Except residential uses specifically permitted by conditional use permit, ground floor residential uses shall be prohibited except when part of a mixed-use building where the residential access is taken from an urban collector or local street.
- (g) Large-scale retail establishments shall comply with the provisions of section 35.2-84 (Retail Establishments, Large Scale) unless otherwise approved through issuance of a conditional use permit.
- (h) Outdoor storage, which is permitted as an accessory to a principal use, shall be screened in accordance with section 35.2-63.9 (Utility Screening).

35.2-56.7 SC District Development Standards

Except as specifically noted herein, the following standards shall apply in addition to any of the development standards applicable in the underlying zoning district:

- (i) **Setbacks.** The minimum building and parking setbacks are established at forty (40) feet for lots abutting the public street on which the scenic corridor overlay district is centered. This setback shall be measured from the right-of-way line shared by the lot and the public street on which the scenic corridor overlay district is centered. ~~This provision shall not be applicable to limited access highways.~~
- (j) **Utilities.** All utilities shall be located underground.
- (k) **Building Bulk Softening.** There shall be a building bulk softening effect created by landscaping between a structure and a limited access highway. Landscaping shall be at the outer boundaries and in the required setbacks and shall be provided except where driveways or other openings are required. Plantings shall be in an irregular (or "staggered") line. Clustering of plant and tree species shall be required.
 1. For the purpose of this section, the following definitions shall be applicable:
 - a. Large deciduous tree. A large deciduous tree shall be of a species having an average minimum mature crown spread of greater than thirty (30) feet. A minimum caliper of at least two and one-half (2 1/2) inches at the time of planting shall be required.
 - b. Small deciduous tree. A small deciduous tree shall be of a species having an average minimum mature crown spread of greater than twelve (12) feet. A minimum caliper of at least one and three-fourths (1 3/4) inches at the time of planting shall be required.
 - c. Evergreen trees. Evergreen trees shall have a minimum height of at least six (6) feet at the time of planting.
 - d. Medium shrubs. Shrubs and hedge forms shall have a minimum height of at least two (2) feet at the time of planting.
 2. For buildings twelve (12) feet or less in height (eave height).
 - a. At least one small deciduous tree for each fifty (50) linear feet of building and at least one evergreen tree for each thirty (30) linear feet shall be planted.
 - b. At least one medium shrub for each twenty (20) linear feet shall be planted. (In lieu of the required shrubbery, a landscaped earthen berm can be used. Generally, the earthen berm shall have a varying width and height, curvilinear in form, providing a gentle tie-in with the existing grade. The minimum height shall be three (3) feet.)
 3. For buildings greater than twelve (12) feet in height (eave height).
 - a. At least one large deciduous tree for each fifty (50) linear feet and at least one evergreen tree for each thirty (30) linear feet shall be planted.
 - b. At least one small deciduous tree for each fifty (50) linear feet shall be planted.

- c. At least one medium shrub for each twenty (20) linear feet shall be planted. (In lieu of the required shrubbery, a landscaped earthen berm can be used. Generally, the earthen berm shall have a varying width and height, curvilinear in form, providing a gentle tie-in with the existing grade. The minimum height shall be three (3) feet.)

(l) **Architectural Treatment.**

1. No portion of a building constructed of unadorned cinderblock or corrugated and/or sheet metal shall be visible from any adjoining single-household or two-household residential district or public right-of-way.
2. Buildings shall be designed to use, to the greatest extent feasible, building materials that are compatible with the Scenic Corridor Overlay District environment, such as rock, stone, brick and wood.
3. Vegetative buffering as provided in section 35.2-63.10, placed along that portion of a building not otherwise meeting the requirements of architectural treatment, will be deemed sufficient treatment for the purposes of this section.

(m) **Signs**

1. **Prohibited signs.** The following types of signs shall be prohibited within the Scenic Corridor Overlay District:
 - a. Billboards;
 - b. Signs painted on building or premise;
 - c. Changeable copy signs;
 - d. Pennants, non-governmental flags, non-company/corporate logo flags, banners;
 - e. Roof signs (above line of roof);
 - f. Signs that contain an off-site commercial motif not incidental to the use of the site (soda bottles, hamburgers, figures, etc.) or other outdoor commercial displays; and
 - g. Signs that are not of a standard geometric shape or with a backing that is not of a standard geometric shape.
2. **Permitted signs.** A unified system of signage and graphics shall be encouraged for each individual development. Signage concepts should be considered during the design of buildings. Size, height, location, material, and color should strongly relate to building and site design.
 - a. Each development shall be permitted one (1) detached free standing sign identifying the development and announcing only the name or location of the development and business names of tenants therein. One logo per sign shall be permitted. All tenant signs (individual signs for businesses in a development) shall be uniform in letter size and color.
 - b. For each independent development within an industrial park one identification sign shall be permitted on each fronting public street.

- c. Directional signs indicating location of truck entrances, employee parking, shipping and receiving, and similar activities; provided that all such signs are located on the property of the business and no such signs exceed four (4) square feet in area. Directional signs shall contain no advertising.
- d. The backing and support material of the face sign shall be of the same material as of that portion of the building which faces any adjoining single-household or two-household residential district or public right-of-way, or of a natural material (such as rock, stone, brick, wood).
- e. Other signs such as real estate, political, etc., not specifically addressed in the Scenic Corridor Overlay District Standards are to conform to the regulations of the underlying districts.

35.2-63.9 Utility Screening

- (a) Loading areas, refuse areas, storage yards, stormwater management ponds, water vaults, Reduced Pressure Zone (RPZ) devices or other objectionable items shall be screened from view of any public or private street, or any adjacent residential district.
- (b) Stormwater Management Facilities intended for display as a water feature or naturalized planting area are exempt from screening requirements.
- (c) Screening may be accomplished by a combination of existing evergreen vegetation, walls, fences, earthen berms and new evergreen vegetation appropriate to screen the equipment or activity. The required height of screening at installation shall be sufficient to screen the equipment or activity.
- (d) The use of chain link fence as the sole method of screening is prohibited. Where it is deemed appropriate by the property owner or developer for security purposes, the chain link fence shall be screened from view as listed in paragraph (c) above.
- (e) **Mechanical Equipment and Dumpsters.** Mechanical equipment and dumpsters shall be located and screened as follows:
 - 1. Ground-fixed mechanical equipment shall not be located between the front of a building and the street. If located between the building and a street, the equipment shall be screened from view with masonry wall *or* evergreen shrubs.
 - 2. Rooftop mechanical equipment shall be screened from adjacent properties and from street view by a parapet or architecturally compatible rooftop screen.

Illustration of Screening for Mechanical Equipment



- 3. Trash dumpsters shall not be located between the front building facade and the public street or internal street.
- 4. No trash dumpsters shall be located between a building and a residential district unless set back from the residential district at least a minimum of fifty (50) feet.
- 5. Dumpsters shall be separated from adjacent parking stalls by a minimum three (3) feet wide (interior clear dimension) planting strip.
- 6. Dumpsters shall be enclosed with a wood or vinyl fence or a masonry wall constructed of the same materials as the principal structure. The fence or wall enclosure shall screen the dumpster and be at least six (6) feet and no more than eight (8) feet in height.

35.2-71.4 Home Occupations

Home occupations may be established subject to the following requirements:

- (a) Subject to the performance standards listed in paragraph 2 of this section, home occupations may include:
 - 1. Professional offices for certified, ordained, licensed or registered professions, including, but not limited to offices for an architect, draftsman, attorney-at-law, conveyancer, dentist, surveyor, professional engineer (civil, electrical, mechanical or other), public accountant, minister or teacher residing in the dwelling or dwelling unit in which the office is located;
 - 2. Personal or medical services offered by individuals licensed by the state, such as licensed massage therapists, physicians, osteopaths, healers, dentists, midwives, barbers and hairstylists; and
 - 3. Artists, craftsmen and teachers.
- (b) Home occupations shall:
 - 1. Be limited to visiting clients on an appointment basis and shall not offer services to the general public on a drop-by basis;
 - 2. Be conducted by a member of the household residing on the premises except that, in connection with the practice of a profession listed under paragraph 1.a., one (1) person not residing in such dwelling unit may be employed;
 - 3. Not provide services to more than one client at a time for professions listed in paragraph (a) of this section;
 - 4. Be allowed one (1) sign not exceeding one (1) square foot in area and fixed flat to the wall of the building shall be permitted for each street on which the lot abuts to identify the home occupation. No artificial lighting shall be used to illuminate the sign or exterior of the building, nor shall any display of products be made which will indicate from the exterior that the building is being used for any purpose other than that of a dwelling;
 - 5. Be limited to mechanical equipment that is customary for purely domestic or household purposes;
 - 6. Not have any outside storage of goods or equipment other than one (1) business vehicle and one (1) trailer per lot, providing said trailer is located behind the building line of the main structure on the property and it is not over twenty-two (22) feet in length or eight (8) feet, nine (9) inches in height;
 - 7. Not use more than twenty (20) percent of the principal dwelling's gross floor area for the home occupation, regardless of whether the home occupation is conducted in the principal dwelling or an accessory building; and
 - 8. Be limited to incidental retail sales of goods to customers of the primary service provided.

35.2-71.7 Farm Animals

Exhibit VII-1: Standards for Farm Animals

Farm Animals	Zoning Provisions	Standards
All farm animals	Commercial Production	Any production of eggs, milk, meat or other farm animal products for sale is prohibited on lots smaller than 10 acres
Poultry	Definition	Any free-ranging, domesticated fowl, with an adult weight no greater than 30 lbs.
	Minimum distance of enclosure from nearest residence and/or property lines and location	• 20 feet from property line for 4 or fewer hens • 100 feet from nearest residence if more than 4 hens are kept • Located behind front building line
	Maximum number of fowl	• 4 fowl on lots of 15,000 sq.ft. or smaller plus • 1 fowl for every additional 5,000 sq.ft. of lot area • Maximum of 40 fowl
Small farm animals	Definition	Any domesticated farm animal used for the production of food and food products, with an adult weight no greater than 150 lbs.
	Maximum number of small farm animals & distance from property line.	• 2 small animals on lots less than 10 ac. • Minimum lot size of 15,000 sq.ft. • 1 additional small farm animal per additional acre of lot area • Located behind front building line • 20 feet from property line.
	Maximum number of goats by area	• On lots of 15,000 sq.ft. or larger in area, 2 goats may be kept • One additional goat may be kept for each acre of land area in excess of 15,000 square feet
	Keeping of swine	Prohibited
Large farm animals	Definition	Any animal with an adult weight of 151 lbs. or greater
	Maximum number of animals	• 2 acres minimum for keeping of up to 2 large animals. Keeping of 3 or more large farm animals shall require 10 acres of land.
	Accommodations	• Enclosures, not including fences, are required and must to be located at least 200 feet from any property line • Located behind front building line

35.2-72.23 Temporary Uses

- (a) **Generally.** The following uses shall be allowed as temporary uses by the Zoning Administrator subject to the procedures established in section 35.2-14.5 and the provisions of this section.
- (b) **Carnivals and Fairs, Temporary.** Temporary carnivals and fairs (see use LBCS code 9921) permitted within the boundaries of the City of Lynchburg shall meet the following standards:
1. A temporary use permit shall be required which shall have a maximum duration of thirty (30) days.
 2. Such carnival or fair must be under the sponsorship of a nonprofit organization located within Lynchburg, Amherst, Campbell or Bedford County, or a City or town situated in one of those counties.
 3. The location of the carnival or fair shall have direct access to an arterial or collector road.
 4. Off-street parking, in amounts to be determined by the City Planner, shall be provided in sodded areas, parking lots ordinarily used for other purposes, or in such other ways that muddy conditions and erosion shall be minimized.
 5. Exterior lights shall be shielded from any adjacent residential areas
 6. Amplified music or other noise shall cease between the hours of 10:00 p.m. and 9:00 a.m.
 7. After the duration of the fair or carnival, all grounds used shall be restored to their condition before the fair or carnival. It shall be the responsibility of the sponsoring organization to perform such restoration.
- (c) **Temporary Outdoor Promotional Attractions.** Temporary outdoor promotional attractions (see LBCS code 9922) incident to a shopping center or other business establishment, such as auto, boat or home shows, pony and hay rides, acrobatic acts and the like, may be permitted by temporary use permit subject in each case to approval by the Zoning Administrator and compliance with the following conditions:
- ~~1. Such a permit shall be issued only for use within the B-3, B-4 or B-5 districts.~~
 - ~~2.1.~~ A permit for any such attraction shall not be issued for a longer period than fifteen (15) days, but may be renewed by the Zoning Administrator with or without modification; or may be revoked.
 - ~~3.2.~~ A charge may be made for admission to or use of any such attraction.
 - ~~4.3.~~ No such attraction shall be located less than one hundred fifty (150) feet of the nearest lot line of any adjacent dwelling, except multi-household or mixed use residential structures.
 - ~~5.4.~~ Lights, music, amplifiers and other noise shall be controlled so as not to be a nuisance to adjacent residents.
 - ~~6.5.~~ The hours of operation shall not extend beyond the normal business hours of the business establishments to which such attractions are incident.
 - ~~7.6.~~ In the event the Zoning Administrator refuses to issue a permit or revokes a permit previously issued for said promotional attractions, the applicant for such a permit shall have the right of appeal to the Board of Zoning Appeals.

35.2-80 Residential Cluster Subdivisions

35.2-80.4 Site Development Standards

Unless otherwise provided in this section, cluster development shall comply with regulations of the applicable zoning district governing setbacks, height, parking, landscaping, signs, lighting, access and public improvements.

Exhibit VIII-1: Standards for Single-Household and Duplex Clusters

Design Element	Standards
Minimum Size of Cluster Development	2 acres
Minimum Lot Area	50% of minimum lot area for applicable zoning district, Maximum lot coverage shall not apply
Minimum Lot Width	50% of minimum lot width for applicable zoning district, not to be reduced below 30 feet
Minimum Lot Width if Abutting a Conforming Single Family or Duplex Use Zoned R-1 or R-2	80% of the minimum lot width for the district applicable to the abutting lot, unless the lots are separated by an open space area measuring at least 50 feet in width
Setbacks	50% of setback for applicable zoning district except that side setbacks shall not be less than 5 feet
Minimum Open Space	30%

35.2-84.6 Building Design and Sustainability

- (a) Roofs. Parapets shall conceal flat roofs and all rooftop equipment such as heating ventilation and air conditioning (HVAC) units from street level view.
- (b) Entryways. The building shall have clearly defined, highly visible entryways.
- (c) Building façade. Building facades greater than 150 feet in length measured horizontally and visible from a public street, shall incorporate wall plane projections or recesses having a depth of at least three (3) feet to break up the expansiveness of the exterior. All recesses shall be properly lit to encourage a safe environment.
- (d) Outdoor vending areas. Outdoor vending areas shall be incorporated into the facade of the building.
- (e) Service areas incorporated into overall plan. Loading docks, truck parking, outside storage, cargo containers, trash collection, utility meters, HVAC equipment, trash collection, and other service functions shall be incorporated into the overall design and landscaping so that the visual and acoustical impacts of these functions screened from view of public / private streets and all adjacent properties (unless those adjacent uses are other loading areas, truck parking areas and storage areas) and no attention is attracted to the functions by the use of screening materials that are different from or inferior to the principal materials of the building and landscaping.
- (f) Buildings and sites shall be designed using crime prevention through environmental design (CPTED) strategies.
- (g) In all parking areas that are in excess of that required by section 35.2-62 et. seq., off-street parking and loading shall implement practices that will allow twenty-five percent (25%) of the stormwater attributable to the parking area for the 1-year storm to infiltrate to the soil below. In cases where soil quality or other limiting factors will not allow for adequate infiltration, filtering practices with underdrains may be used as an alternative, subject to approval by the Zoning Administrator.

35.2-102.1 Notice of Violation

- (a) The Zoning Administrator shall have the responsibility for enforcing the provisions of this Zoning Ordinance. The Zoning Administrator may, as necessary, solicit the assistance of other local and state officials and agencies to assist with this enforcement.
- (b) Property owners, permit applicants, and/or establishment owners/managers, as applicable, shall be notified in writing of violations of the provisions of this Zoning Ordinance. The Administrator shall, in the notice of violation, state the nature of the violation, the date that it was observed, and the remedy or remedies necessary to correct the violation. The Administrator may establish a reasonable time period for the correction of the violation; ~~however, in no case shall such time period exceed fifteen (15) days from the date of written notification, except that the Administrator may allow a longer time period to correct the violation if the correction would require the structural alteration of a building or structure.~~
- ~~(c) If the violation is not corrected within the time period specified in the first notification, a second written notice shall be sent. The second notification shall request compliance with these provisions within a period not to exceed seven (7) days.~~
- ~~(d)~~(c) Every written notice of violation or written order of the Administrator shall include a statement informing the recipient that he or she ~~may have~~has a right to appeal the notice of zoning violation or written order within thirty (30) days in accordance with this Section, and that the decision shall be final and unappealable if not appealed within thirty (30) days. ~~If a second notice of violation is given as provided for in subsection (c) above, the thirty (30) day appeal period is not extended.~~ The thirty (30) day appeal period begins when the first notice of violation is provided under subsection (b) above. The notice of violation or written order shall also include the amount of the appeal fee and a reference to where additional information may be obtained regarding the filing of an appeal.
- ~~(e)~~(d) An appeal from the Administrator's written notice of violation or written order shall be in writing and shall state the grounds thereof.
- ~~(f)~~(e) An appeal shall stay all proceedings in furtherance of the action appealed unless the Administrator certifies to the Board of Zoning Appeals that by reason of facts stated in the certificate a stay would cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the board or by a court of record, on application and notice to the Administrator and for good cause shown.

2. That this ordinance shall become effective upon adoption.

Adopted: November 8, 2016

Certified: _____
Clerk of Council

MINUTES OF THE OCTOBER 12, 2016 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

Public Hearing Regarding Amendments to the Zoning Ordinance: Ms. Nygaard explained that the items she will be presenting are clarifications to the Zoning Ordinance adopted in February 2016. Anne went through each item on the summary. Only the items that had any discussion are noted.

Home Occupations (page 254): With regard to allowing one business vehicle per home based occupation, Ms. Nygaard clarified that this will deal with vehicles parked on private property. If trailers or commercial vehicles are parking on the street, it becomes a police matter.

Mobile Food Trucks (page 281): Staff wanted the commission's feedback on whether retail trucks should be added to this section. The Zoning Administrator, Kevin Henry, has been receiving requests lately for mobile retail trucks. Staff has concerns with adding them to this section. Peddlers are already allowed within the City's right-of-way. They typically move around from place to place. Food trucks are typically in a location for a couple of hours. The retail trucks would be similar to vendors you see in cities selling clothing and souvenir items. They might set up in a parking lot and stay all day.

Commissioner Bowden asked if they are limited where they can locate because they are a commercial use. Mr. Henry said they are limited to commercial areas of the City; however, one of staff's concerns is that a retail truck could set up right next to a "bricks and mortar" building that is paying taxes for their property. Commissioner Marion said the same is true for food trucks. They locate next to businesses that pay taxes.

Mr. Martin noted that food trucks tend to come to a location for a couple of hours and serve people that are walking around the area. Retail trucks might set up in a parking lot or the City's right-of-way and stay all day. Mr. Martin commented that staff is having difficulty recommending this change and wanted to open it up for discussion. Staff is leaning toward leaving them out of the ordinance.

Commissioner Marion asked if they leave retail trucks out if it would make them illegal. Mr. Martin said if left out, they would fall under peddlers or solicitors, which is part of the City Code and enforced by the police. The trucks would be going from place to place and not setting up shop for hours at a time.

Chair Perault asked what staff feels are the downsides to including them. Mr. Martin said it will be difficult to enforce and to ensure they have business licenses. We are also talking about the appearance of our business districts. It would give them a lot of latitude that he is not sure will be beneficial to the City.

Commissioner Light said he is inclined not to change it. If staff has not had people coming in saying they would like clarification, he thinks they might be opening a can worms if they change it. Chair Perault noted that they will continue making adjustments to the Zoning Ordinance in the future. If in doubt, he thinks they should not make the change. He does not want to see it changed and in six months, it is removed. Commissioner Rogers pointed out that retail trucks can go to the flea markets. It is not like they are restricting them from doing business at all. If it needs to come up again, staff can bring it back to them. Commissioner Bowden noted they have enough things on the books that are difficult to enforce. This change would just add another.

Violations (page 339): With regard to allowing a reasonable time to correct a zoning violation, Chair Perault asked why they did not make it thirty days, which is the period a person has to appeal the Zoning Administrator's ruling. Mr. Henry stated that sometimes 30 days is not enough. For example, enforcing the occupancy limits means people have to move out and 30 days might not be enough time. Typically, he does set a 30 day time limit for most general zoning violations.

Chair Perault noted that Ms. Nygaard's summary was a nice way to present this to them and he appreciated it very much.

Commissioner Rogers made a motion to recommend approval of these changes with the removal of the section on retail trucks. The motion was seconded by Commissioner Light and passed by the following vote:

AYES:	Bowden, Light, Lowe, Marion, Perault and Rogers	6
NOES:		0
ABSTENTIONS:		0
ABSENT:		0
VACANCY:		1



Memorandum

Planning Division • Community Development

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

To: Lynchburg Planning Commission

From: Planning Division Staff

CC: Bonnie Svrcek, Kent White, Walter Erwin

Date: October 12, 2016

Re: Zoning Ordinance Corrections

Lynchburg's Zoning Ordinance was adopted by City Council on February 23, 2016. On July 13, 2016, Planning Commission initiated the process of correcting and clarifying sections of the ordinance staff had found to be unclear during the first few months of use. A summary of the proposed changes, as well as a copy of the draft revised ordinance is attached.

After reviewing the proposed text, staff recommends forwarding the proposed changes to City Council for adoption. This is the first of what is expected to be a few rounds of corrections and clarifications to the new ordinance.

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 8, 2016**

AGENDA ITEM #: **12**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Virginia Department of Transportation (VDOT) Revenue Sharing Program for FY 2018

Strategic Pillar(s) Impacted:

☐ Arts & Culture	☐ Citizen Engagement & Social Capital	☒ Economic Development	☐ Healthy & Active Living
☒ Infrastructure	☐ Land Use	☐ Lifelong Learning	☐ Natural Resources
☒ Neighborhoods	☒ Safe Community	☐ Social Equity	☒ Transportation
			☐ Administrative

RECOMMENDATION: Approve the attached resolution to participate in the VDOT Revenue Sharing Program for FY2018.

SUMMARY: Staff is proposing participation in this program to help with the funding of four projects. The projects that are being submitted to VDOT for funding and their estimated costs are listed below in priority order.

Estimated project costs are as follows:

Fifth Street Streetscape Phase 3	\$ 2,000,000	Total Project	\$ 3,500,000
Liberty Mountain Drive Phase 3	6,250,000		
College Lake Dam Engineering Design	2,250,000	Total Project	\$17,300,000
<u>Link Road Bridge Design and Construction</u>	<u>1,525,000</u>	<u>Total Project</u>	<u>\$ 3,555,000</u>
Total	\$12,025,000		

The Fifth Street project continues the improvements from Harrison Street to Taylor Street. Liberty Mountain Drive off of Candler's Mountain Road proceeds to the east to connect to the Odd Fellows Interchange, under construction, and is a partnership project with Liberty University. If this is approved, the right of way will be donated to the City and Liberty University will make an additional financial contribution. This is the last phase of this new road. College Lake Dam project begins the design work to explore and design the appropriate solution. Link Road Bridge project is the next bridge needing replacement and is projected to be funded over two years.

PRIOR ACTION(S): None

FISCAL IMPACT: Funds for the \$6.01 million match have to be budgeted in FY 2018 and are a mix of Capital Funds, Maintenance Funds and a contribution from Liberty University. The City's responsibility will be \$2.89 million for Fifth Street, College Lake Dam and Link Road Bridge. Liberty will contribute \$3.13 million for Liberty Mountain Drive.

CONTACT(S): Lee Newland, City Engineer - 455-3947
Gaynelle Hart, Director of Public Works - 455-4406

ATTACHMENT(S): Resolution

REVIEWED BY: bms

RESOLUTION # _____
A RESOLUTION FOR THE COUNCIL OF THE CITY OF LYNCHBURG, VIRGINIA
AS AN ENDORSEMENT OF THE REVENUE SHARING PROGRAM APPLICATION

WHEREAS, in accordance with the Commonwealth Transportation Board construction allocation procedures, it is necessary that a resolution be received from the local jurisdiction requesting the Virginia Department of Transportation (VDOT) to establish projects in the City of Lynchburg.

NOW, THEREFORE, BE IT RESOLVED, that the City of Lynchburg requests the Commonwealth Transportation Board to establish the projects for the construction as listed in the application.

BE IT FURTHER RESOLVED THAT: The City of Lynchburg hereby agrees to provide its share of the total cost for preliminary engineering, right-of-way and construction of these projects in accordance with the each project financial documents.

BE IT FURTHER RESOLVED THAT: The City of Lynchburg hereby agrees to enter into project administration agreements for each project with VDOT and provide the necessary oversight to ensure the projects are developed in accordance with all applicable federal, state and local requirements for design, right-of-way acquisition, and construction of the projects.

BE IT FURTHER RESOLVED THAT: The City of Lynchburg will be responsible for maintenance and operating costs of the facilities as constructed unless other arrangements have been made with VDOT.

BE IT FURTHER RESOLVED THAT: If the City of Lynchburg subsequently elects to cancel any of the projects, the City of Lynchburg hereby agrees to reimburse VDOT for the total amount of costs expended by VDOT through the date VDOT is notified of such cancellation. The City of Lynchburg also agrees to repay any funds previously reimbursed that are later deemed ineligible by the Federal Highway Administration or VDOT.

BE IT FURTHER RESOLVED THAT: The Council of the City of Lynchburg hereby grants authority for the City Manager to apply for funds and execute project administration agreements, as well as other documents necessary for approved projects.

Adopted: _____

Attest: _____
Clerk

Council Chair

In my capacity as the duly appointed Clerk of the City of Lynchburg, I hereby certify that Resolution # _____ which is hereto attached, was adopted at a duly called and constituted meeting of the City of Lynchburg Council held at 900 Church Street, Lynchburg, VA 24504 on November 8, 2016. Said meeting was called to order by _____ at _____ with the following members present who remained in attendance throughout and constituted a quorum:

The Council of the City of Lynchburg voted to adopt attached Resolution # _____.

Given under my hand this _____ day of _____.

Clerk

**NOTE: The following section is applicable when a scanned or photocopy version is made and submitted.
Do not include if an original is submitted:**

STATE OF VIRGINIA
CITY OF LYNCHBURG

Attested Photocopy:

On this _____ day of _____, I _____, attest that the preceding document is a true,
exact. Complete and unaltered photocopy made by me of Resolution # _____.

Clerk

158K

November 8, 2016

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// A regular meeting of the Council of the City of Lynchburg was held on the 8th day of November, 2016, at 4:00 P.M. in the Council Chamber, City Hall, Joan Foster, President, presiding. The following Members were present:

Present: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster

7

Absent:

0

// City Manager Bonnie Svrcek welcomed new Deputy City Manager Charles Hartgrove.

// Mayor Foster recognized Director of Financial Services Donna Witt and staff for receiving the Distinguished Budget Presentation Award for the Fiscal Year beginning July 1, 2016, from the Government Finance Officers Association.

// Gary Christie with the Region 2000 Local Government Council and Ben Bowman with the Workforce Development Board presented the Annual Report on the activities of the Local Government Council/Workforce Development Board for FY 2016.

// Josh Baker, General Manager for the Greater Lynchburg Transit Company (GLTC) provided the Annual Report on operations for FY 2016, which included an update on the following categories.

- GLTC Revenue Sources – total Revenue decreased 3%.
- GLTC Operating Summary – finished out the year with a small surplus, and did not utilize any funds from the Reserve Account.
- GLTC Ridership – remains the 10th largest system in Virginia.
- GLTC Looking Ahead – ongoing construction of the new Operations & Maintenance Facility, anticipated opening February 2017.

Mr. Baker also mentioned ten GLTC major accomplishments which includes his appointment as General Manager selected to serve on the Transit Capital Revenue Advisory Board for the General Assembly.

// City Attorney Walter Erwin provided a presentation on changes in Legislation regarding Proffers. Mr. Erwin stated that the General Assembly made amendments to proffer statutes. First he addressed Proffers in General. "Proffers are the voluntary concessions a developer offers to a locality as part of a conditional rezoning in order to address the impact of a given development. The courts have held that a locality can turn down a rezoning request if the applicant fails to address the health, safety and welfare issues associated with the development. In 1979 the General Assembly authorized the use of proffers to give developers a means by which they could address these issues, and since that time the majority of rezoning petitions have included the use of proffers". He went on to say that a developer can offer proffers to deal with both the onsite and offsite impacts of a residential development. The "Cash Proffers" for residential developments are the most controversial type of proffer. Mr. Erwin explained what changes were made in the 2016 Amendments. After discussion and suggestions on the Proffers, Mr. Erwin asked what role Council wants to play as we go forward.

- The usual process for zoning amendments is for staff to make recommendations to the Planning Commission,
- The Planning Commission then initiates the amendments and makes a recommendation,
- The proposed amendments then come to City Council for consideration.

Mr. Erwin asked if Council is comfortable with this approach, or if Council wants staff to come back to Council with the suggested amendments for discussion and let Council initiate the amendments? Council agreed to follow its standard procedures. A motion was made by Council Member Helgeson, seconded by Council Member Nelson to follow the process already in place; take the amendments to the Planning Commission with their recommendation of proposed amendments, then present to City Council for consideration:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

// City Manager Bonnie Svrcek provided input for the 2017 Legislative Agenda. Ms. Svrcek stated it is time to review and update City Council's Legislative Agenda in preparation for the 2017 session of the Virginia General Assembly. After discussion and suggested revisions on the proposed 2017 Legislative Agenda the following motion was made. On motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-16-125, as amended, adopting the 2017 Legislative Agenda:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

// During roll call Council Member Wilder mentioned a recent shooting on Old Forest Road and wanted to commend the Police Department and the local pastors for going out to the area to console the neighbors in the area, and to see how our Police department, pastors and members from Parks and Recreation are working together to better our community.

// Council Member Nelson again welcomed our new Deputy City Manager Charles Hartgrove.

// Council Member Helgeson mentioned it was Election Day, that he likes the new stickers, and thanked the city employees at the polls because there are a lot of people out today voting.

// Vice Mayor Tweedy mentioned how she enjoyed the recent joint meeting with Council and School Board, and also attended a meeting at E. C. Glass High School with the guest speaker Principal Kafele, who spoke to students, teachers and parents.

// Mayor Foster mentioned unsightly trash on Rivermont Avenue and also wanted to thank the City staff for the wonderful job that they do. She also announced the City Council Retreat would be held on November 10, 2016 in City Hall on the Second Floor Training Room from 8:30 a.m. until 4:00 p.m.

// City Council recessed the meeting at 5:43 p.m.

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

The following Members were present:

Present: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Absent: 0

Vice Mayor Tweedy gave the Invocation, Cub Scout Pack 29 led the Pledge of Allegiance.

// Mayor Foster presented a Certificate of Recognition for Nurse Practitioner Week - November 9-15, 2016.

// Mayor Foster introduced two Mayor's Youth Council students: Tmerik Cobbs, Junior at Heritage High School and Imani West, Junior at Heritage High School.

// In the matter of Fire - General, Resolution #R-16-123 to amend the FY 2017 Fleet Operating Budget and appropriate \$440,000 with resources from Fleet Fund Balance (\$440,000) to purchase a new Public Safety Mobile Command vehicle, laid over from the October 25, 2016 meeting, was again presented and read, and on motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

// In the matter of Community Development - Zoning Amendments, a public hearing was held regarding City Council Report #7 outlining the petition of Carriage Square Ltd., to rezone approximately sixteen and one hundred ninety-five thousandths (16.195) acres located at 240 Beverly Hills Circle from R-4C, High Density Residential (Conditional) to R-4C, High Density Residential (Conditional) by amending previously approved proffers to allow two hundred sixteen (216) apartment units in lieu of the previously approved one hundred ninety-two (192) apartment units and to allow the addition of lighting to walking trails in the area designated for passive recreation uses. City Planner Tom Martin gave an overview of the rezoning petition. He also stated that the Planning Commission recommended approval. Mr. Trent Warner of Hurt & Proffitt, representing the petitioner, asked Council to approve rezoning of the property located at 240 Beverly Hills Circle. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Helgeson had concerns with the proffers and stated he would not be supporting this rezoning. On motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote adopted Ordinance #0-16-126, as presented, granting the petition:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 6

Noes: Helgeson 1

// In the matter of Community Development - Zoning Amendments, a public hearing was held regarding City Council Report #8 outlining the petition of Jackson III LLC to rezone approximately one and five hundred seventeen thousandths (1.517) acres located at 2244 Rivermont Avenue from R-3, Medium Density Residential District to B-4C, Urban Commercial District (Conditional) to allow the use of an existing building as twenty-nine (29) apartments and the construction of an additional parking area. City Planner Tom Martin outlined the request to rezone the property located at 2244 Rivermont Avenue. Mr. Russell Nixon of Nixon Land Surveying, LLC, representing the petitioner, asked Council to approve the rezoning petition. One individual spoke in favor of the rezoning. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Perrow made a disclosure statement to acknowledge that he was once President of the Virginia School of the Arts, in that capacity the building was sold to a third party, but he did not think it is the same party. He has no financial interest or personal conflict in the Virginia School of the Arts and would love to see this building restored. On motion of Council Member Nelson, seconded by Council Member Wilder, Council by the following recorded vote adopted Ordinance #0-16-127, as presented, granting the petition of Jackson III LLC to rezone approximately one and five hundred seventeen thousandths (1.517) acres located at 2244

Rivermont Avenue from R-3, Medium Density Residential District to B-4C, Urban Commercial District (Conditional) to allow the use of an existing building as twenty-nine (29) apartments and the construction of an additional parking area:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

// In the matter of Economic Development – General, a public hearing was held on City Council Report #9 regarding Boundary Amendments to Virginia Enterprise Zones #2 and #46. Director of Economic Development Marjette Upshur gave an overview of the boundary amendments. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Nelson, seconded by Council Member Wilder, Council by the following recorded vote adopted Resolution #R-16-128, as presented, granting the Boundary Amendments to Virginia Enterprise Zones #2 and #46:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

// In the matter of Bonds/Public Works – Water, a public hearing was held on City Council Report #10 regarding Section 15.2-2204.A of the Code of Virginia for the issuance of \$1,705,275 of Stormwater Revenue Utility Bonds and adopting a Resolution authorizing the issuance of not to exceed \$1,900,000 Stormwater Revenue Utility Bonds. Director of Utilities Tim Mitchell gave an overview of the Stormwater Revenue Utility Bonds. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-16-129, as presented, granting the Code of Virginia for the issuance of \$1,705,275 of Stormwater Revenue Utility Bonds and authorizing the issuance of not to exceed \$1,900,000 Stormwater Revenue Utility Bonds

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

// In the matter of Community Development – Zoning, a public hearing was held on City Council Report #11 regarding the Zoning Ordinance Amendments. City Planner Tom Martin provided information on the Zoning Ordinance Amendments. There was no one else present who wished to speak to this item, and the public hearing was closed. After discussion from Council with many questions and suggestions to the Zoning Ordinance Amendments and not having enough time to study such amendments, Council made a motion to bring this item back to a work session in the very near future. On motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote decided to postpone indefinitely this item:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

// In the matter of Public Works – General, City Council Report #12 was considered. On motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote adopted

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Resolution #R-16-130, as presented, to participate in the Virginia Department of Transportation (VDOT) Revenue Sharing Program for FY 2018:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster

7

Noes:

0

// On motion of Vice Mayor Tweedy, seconded by Council Member Wilder, Council by the following recorded vote elected to hold a closed meeting for discussion and consideration of the City Attorney and Clerk of Council performance evaluations pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster

7

Noes:

0

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

// Council Member Helgeson 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 Wilder, and Council by the following recorded vote adopted the motion:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster

7

Noes:

0

// The meeting was adjourned at 9:30 P.M.

Clerk of Council