

**LYNCHBURG CITY COUNCIL
PHYSICAL DEVELOPMENT COMMITTEE
Tuesday, October 14, 2014
9:00 a.m.**

Information Items

Recent/Pending Contract Awards: –

<u>Project/Phase</u>	<u>Contractor/Consultant</u>	<u>Estimated Amount</u>	<u>Contract Amount</u>
8th Street Step Retaining Wall	Piney Ridge Contracting & Consulting, Inc.	\$50,000.00	\$32,320.00

Update on priority projects – see attached report.

General Business

1. College Lake Dam Update James Talian
 2. FY 2016 Transportation Alternatives Grant Application-- Don DeBerry
Nationwide Drive Sidewalk
 3. FY 2016 Revenue Sharing Grant Applications-- Don DeBerry
Main Street Bridge Additional Funding
Wards Ferry Road
Un-named Road off Candler's Mtn. Rd. Phase 2
City Resurfacing Program
 4. Downtown Improvements Discussion Don DeBerry
 5. Roll Call
- Pc: Kimball Payne, City Manager
Bonnie Svrcek, Deputy City Manager
Council Members
Gaynelle Hart, Director of Public Works
News & Advance

Next Meeting: November 11, 2014

Lynchburg Capital Projects (General Fund)

October 14, 2014

Projects of Interest		Status		Notes
Timberlake / Logan's Lane Intersection	*	Design	November 2014	Preliminary Design - Interchange Modification Report Approved by VDOT
Wards Road Pedestrian X-ing 2B	*	Construction	September 2014	Trail Phase 2B - Scheduled completion Mid November
Midtown Connector		Construction	August 2015	Under Construction - Working on Langhorne 60% complete & Kemper Underway -
Greenview Drive Phase 2	*	Advertising	August 2014	VDOT opens proposals November 4th
Kemper Street Bridge / Interchange	*	Design	August 2014	Opened bids October 9th.
One Way Pairs @ 501/221		Preliminary	August 2014	Preliminary Design being Completed to Determine Available R/W for Development
Lower Bluffwalk Phase 2		Construction	October 2014	Underway
Memorial - Park - Lakeside Intersection		Utilities Design	November 2014	Project Underway to Install City Utilites separate from Project then ReBid
Miller Center Renovations	*	Construction	August 2014	Certificate of Occupancy Early November. Move into Building Nov/Dec. Open to Public January.
Odd Fellows Road - P3	*	Advertising	May 2014	VDOT opens proposals December 16th
Lakeside Drive Improvements @ L.C.	*	Design	September 2014	30% Design Reviews October 24th.
Harvard Road Improvements at Tunnel		Construction	October 2014	Project 70% Complete
Old Forest Road Sidewalk	*	Construction	October 2014	Project Complete

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **October 14, 2014 PDC**

AGENDA ITEM NO.:

CONSENT:

REGULAR:

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION:

INFORMATION: **X**

ITEM TITLE: College Lake Dam Update

RECOMMENDATION: No action required

SUMMARY: The spillway at College Lake Dam does not meet the new dam safety regulations. A consultant, URS, has been hired to help determine the optimal solution. The Department of Water Resources, Lynchburg College, and URS have been meeting over the past few months, and URS has been conducting field investigations on which to base an analysis of alternatives. On October 30, a public meeting will be held at the City Library to solicit input from citizens on the potential alternatives. The two alternatives under consideration will be presented for public input. The alternatives are: 1) armoring the dam (that is coating it in concrete so that in the event of an extreme rainfall event, water could overtop the dam without destroying it), and 2) removing the dam and restoring the lake bed.

PRIOR ACTION(S): None

FISCAL IMPACT: The current CIP indicates a potential cost of \$10,000,000 to resolve the spillway inadequacy. No more detailed cost information is available at this time, but will be forthcoming with the consultant's recommendation, which is due by the end of the year.

CONTACT(S):

James Talian, Water Quality Manager-CSO, 455-3953

Tim Mitchell, Director of Utilities, 455-4252

ATTACHMENT(S):

Attachment 1 – Armoring Option

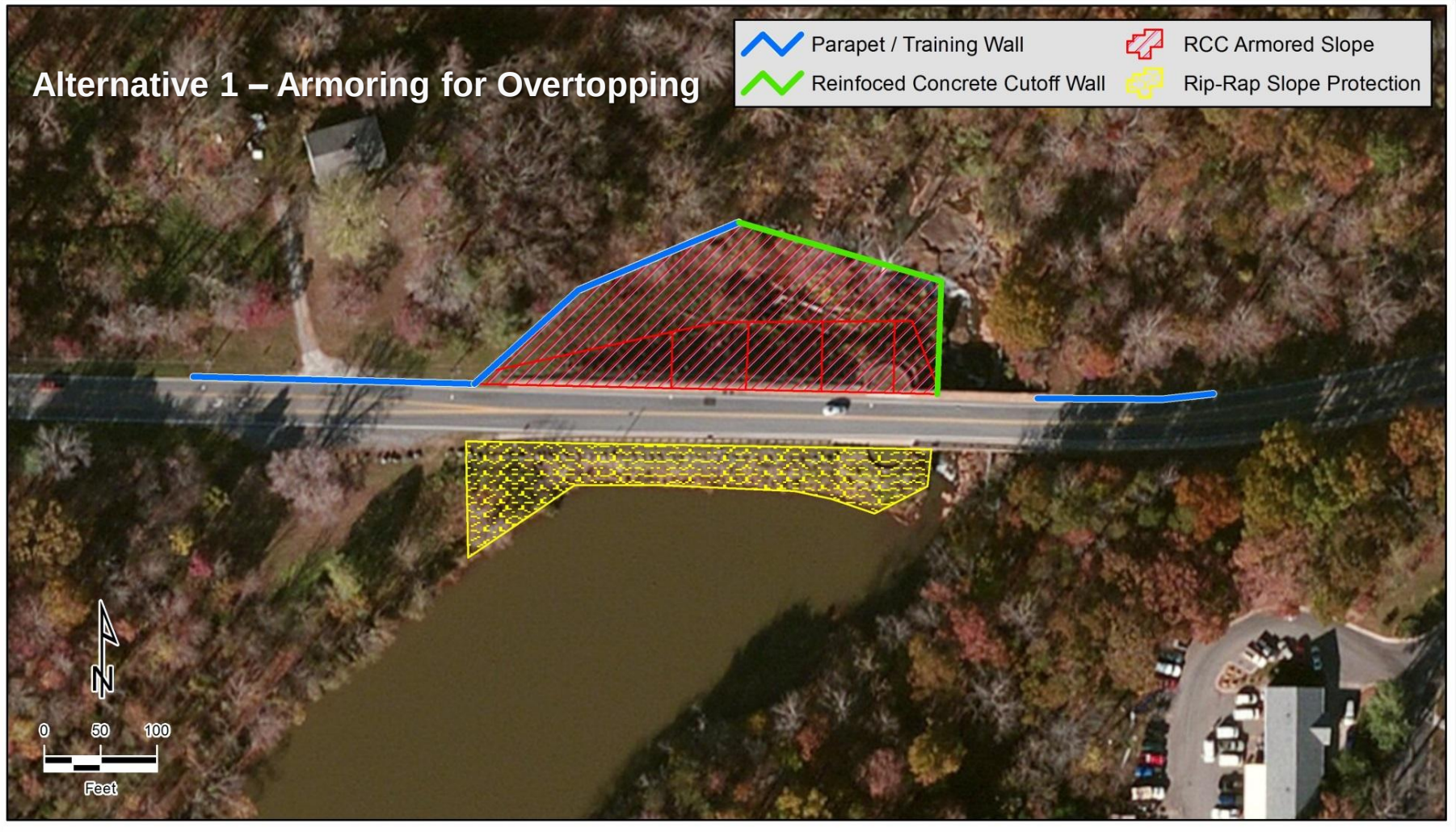
Attachment 2 – Dam Removal Option

Attachment 3 – Lakebed Restoration

REVIEWED BY: lkp

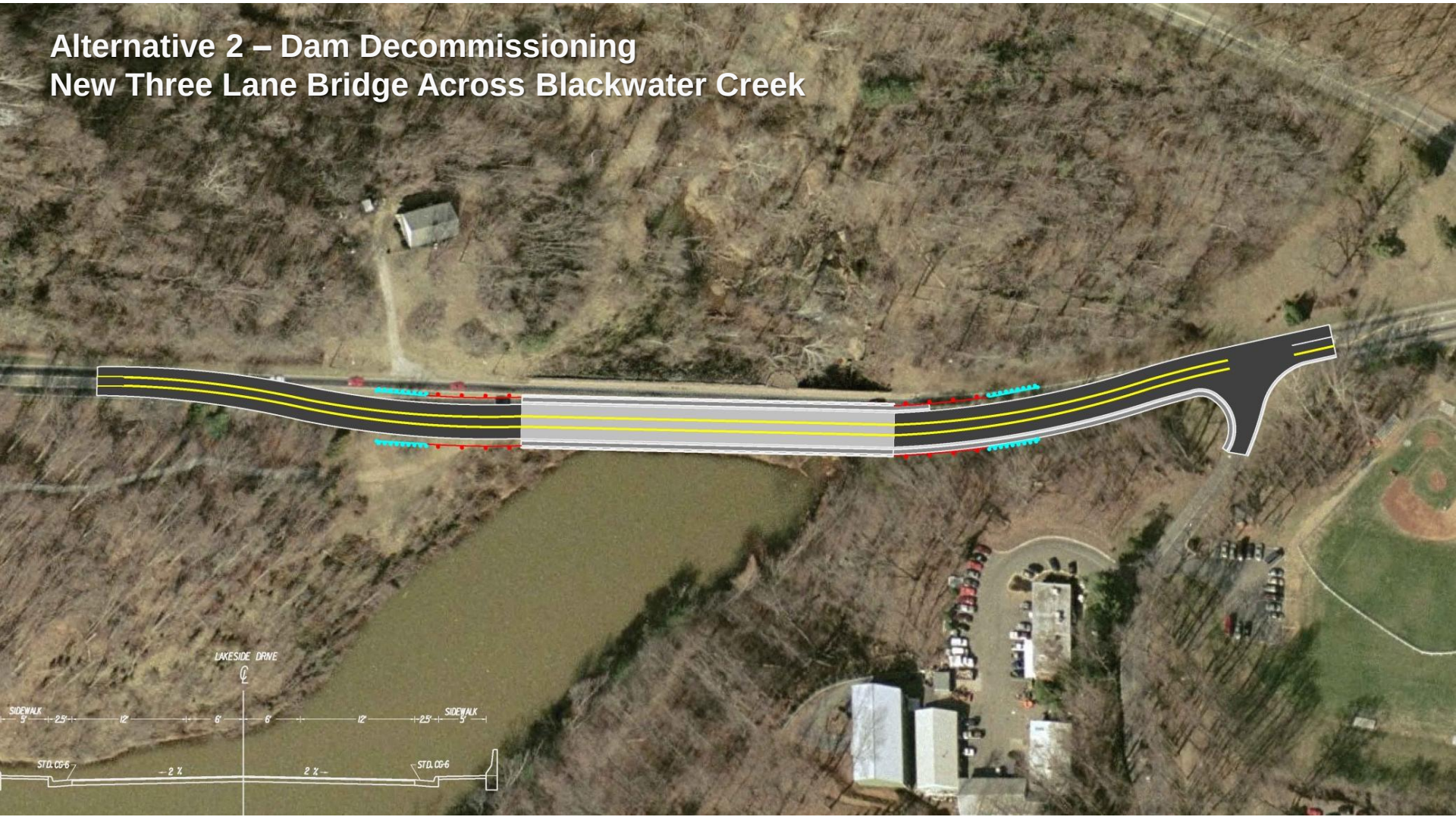
Project Schedule – Next Steps

Alternative 1 – Armoring for Overtopping



Project Schedule – Next Steps

Alternative 2 – Dam Decommissioning
New Three Lane Bridge Across Blackwater Creek



Wetland/Stream Restoration Concept



LYNCHBURG CITY COUNCIL

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CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **TAP application for sidewalk on Nationwide Dr.**

RECOMMENDATION:

Approve and forward to council the application for Transportation Alternatives Program funding through VDOT for construction of a sidewalk on one side of Nationwide Dr. A public meeting was held on October 9th at the offices of Wiley & Wilson to inform the businesses and the public.

SUMMARY:

There have been numerous requests for sidewalks along Nationwide Dr. This application requests 80% federal reimbursement through the Transportation Alternatives Program to construct this sidewalk. Design is under way and should be complete prior to receiving the funding authorization next October.

Cost estimate is \$350,000.00 (requiring \$70,000.00 local match)

At the public meeting property owner funding of the match was discussed.

PRIOR ACTION(S):

None

FISCAL IMPACT:

Requires 20% local match.

CONTACT(S):

Don DeBerry – City Traffic Engineer – 455-3935

Lee Newland – City Engineer – 455-3947

Gaynelle Hart – Public Works Director – 455-4469

ATTACHMENT(S):

None

REVIEWED BY:

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **October 14, 2014 (PDC)**

AGENDA ITEM NO.:

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **VDOT Revenue Sharing Program**

RECOMMENDATION:

Forward to full council with recommendation to approve the attached resolution to participate in the VDOT Revenue Sharing Program.

SUMMARY:

Staff is proposing to participate to help with the funding of four projects. The projects that are being submitted and their estimated costs are listed below in priority order.

Estimated project costs are as follows:

Main Street Bridge (Add'l.Funding)	\$ 2,300,000	Total Project	\$ 5,326,188
Wards Ferry Road Widening (Right of Way)	1,000,000	Total Project	\$ 2,200,000
Un-named Road off Candler's Mtn. Rd.	3,200,000	Total Phase 2	\$ 3,200,000
City Resurfacing Program	3,000,000		
Total	\$ 9,500,000		

Wards Ferry widening is in from Timberlake to improve access to the new Heritage High School. The un-named road off of Candler's Mountain Road proceeds to the east towards the proposed Odd Fellows Interchange 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 second phase of this new road.

PRIOR ACTION(S):

None

FISCAL IMPACT:

Funds for the \$4.75 million match have to be budgeted and are a mix of Capital Funds, interest income from UCI funds, Maintenance Funds and a contribution from Liberty University. The City's responsibility will be \$3.15 million for the Main Street Bridge and Wards Ferry Road. Liberty will contribute \$1.6 million for the un-named road.

CONTACT(S):

Lee Newland, City Engineer	455-3947
Don DeBerry, City Transportation Engineer	455-3935
Gaynelle Hart, Director of Public Works	455-4406

ATTACHMENT(S):

Sample Resolution

REVIEWED BY:

RESOLUTION:

WHEREAS, the Lynchburg City Council desires to submit an application for an allocation of funds of up to nine and a half million dollars (\$9,500,000) through the Virginia Department of Transportation Fiscal Year 2015-2016, Revenue Sharing Program; and,

WHEREAS, nine and a half million dollars (\$9,500,000) of these funds are requested to fund various projects throughout the City of Lynchburg; and,

NOW, THEREFORE, BE IT RESOLVED THAT: The Lynchburg City Council hereby supports this application for an allocation of nine and a half million dollars (\$9,500,000) through the Virginia Department of Transportation Revenue Sharing Program.

BE IT FURTHER RESOLVED THAT: L. Kimball Payne, III, City Manager, is authorized to execute the City State Agreements and to execute any other documents for agreements that may be needed for these projects.

Adopted: _____

Certified: _____
Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **October 14, 2014 (PDC)**

AGENDA ITEM NO.:

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Downtown Improvements**

RECOMMENDATION: Approve public outreach effort for the discussion of opportunities for improvements linked to the downtown waterline replacement project. The discussion topics are:

- Waterline replacement phasing
- Streetscape improvements
- Conversion of Main and Church Street's from one way traffic to two way traffic
- Paid Parking
- Loading
- Traffic calming
- Financing

SUMMARY: The act of replacing the downtown waterlines offers the opportunity for a host of associated improvements to the downtown streetscape which could be accomplished in conjunction much more efficiently than if attempted separately. A power point will be presented to enhance the discussion.

Staff is planning a lessons learned discussion with City of Fort Myers (Florida) staff who recently accomplished a similar size project (50+ blocks) to explore these topics and more.

PRIOR ACTION(S): None

FISCAL IMPACT: Undefined at this stage.

CONTACT(S):

Don DeBerry, City Transportation Engineer, 455-3935

Tim Mitchell, Director of Utilities, 455-4252

Kent White, Director of Community Development, 455-3900

Gaynelle Hart, Director of Public Works, 455-4406

ATTACHMENT(S): None

REVIEWED BY:

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **October 14, 2014**

AGENDA ITEM NO.: 1

CONSENT: REGULAR: WORK SESSION: **X**

CLOSED SESSION:
(Confidential)

ACTION: INFORMATION: **X**

ITEM TITLE: **Zoning Ordinance Update**

RECOMMENDATION: Hear a presentation on proposed changes to the zoning ordinance.

SUMMARY: Representatives from PlanningWorks will provide an overview of key zoning policy issues and recommended changes to the City's Zoning Ordinance. These recommendations are the culmination of numerous public forums and work sessions with the Planning Commission, City staff and dedicated members of the community that identify and address the goals and policies of the recently *Comprehensive Plan 2013-2030*. This plan guides decisions that affect land use, community character, economic development, natural systems, service delivery, and mobility and provide an implementation matrix to achieve the City's vision of being "A Great Place to Live, Work and Play."

Following the presentation, the consultant will solicit input from City Council and Planning Commission about the recommendations and any additional policies that may need to be reviewed prior to the final upcoming public forums and Planning Commission work sessions. The public hearing process for adoption of the Zoning Ordinance is expected to begin in early 2015.

PRIOR ACTION(S):

January 14, 2014: City Council adopted the Comprehensive Plan 2013-2020

FISCAL IMPACT: N/A

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

ATTACHMENT(S):

- Summary Memo 10-9-14

REVIEWED BY: lkp

141K

TO: Lynchburg City Council and Planning Commission
FROM: Michael Lauer, AICP – Principal
Michael Chandler, AICP – Principal
DATE: October 9, 2014
RE: Zoning Ordinance Update Status Report

8900 State Line Road, Suite 406
Leawood, Kansas 66206
Tel: 913.341.8800
Fax: 913.341.8810

2105 South River Road
Melbourne Beach, Florida 32951

603 Farnham Circle
Richmond, Virginia 23236

At the October 14 Joint Workshop, we will summarize the Planning Commission's recommendations for revisions to the City's zoning ordinance. This memo outlines proposed substantive changes to the ordinance that include new provisions or refinements to existing provisions. In addition to the changes described in this memo, the revised zoning ordinance will be reorganized, illustrated and clarified as described in the 2012 Zoning Diagnostic Report.

KEY REGULATORY ISSUES

1. Exclude Intense Uses From Resource Conservation Districts

- **Issue.** The current R-C district allows a broad range of intense uses including planned unit developments, institutional uses and traditional neighborhood development through the conditional use permit process. These more intensive uses are incompatible with the purposes of the district.
- **Planning Commission Recommendation** – Eliminate the following conditional uses from the R-C district and establish conditions that remaining conditional uses in the districts would be subject to limitations on the building, grading, parking, outdoor storage and septic systems in critical areas:
 - Airports
 - Antique Stores
 - Care Centers
 - Convents and monasteries
 - Educational facilities
 - Group Homes
 - Hospitals and sanatoriums
 - Mobile home parks
 - Nursing homes
 - Offices and Research Development Organizations
 - Police and Fire Stations
 - Planned developments including Traditional Neighborhood Developments (TNDs) and Planned Unit Developments (PUDs)
 - Religious institutions
 - Shooting ranges
 - Temporary fairs and carnivals
 - Trailer parks.

2. R-4 and R-5 District Consolidation

- **Issue.** There are currently two multi-family residential districts within the city: R-4, Medium-High Density which allows 21.78 dwelling units per acre and R-5, High Density which allows 29.04 dwelling units per acre. With limited land area in the city and an increasing population, the Comprehensive Plan recommends allowing up to 30 dwelling units per acre in high density residential areas.

- **Planning Commission Recommendations**

- o Consolidate the districts
- o Establish compatibility-based revisions to setbacks and height as shown in the compatibility section below (see number 6 below).
- o Authorize the establishment of neighborhood retail and service uses occupying up to 5% of the gross floor area of a development (4,500 sq.ft. for a typical 100 unit complex). Note that drive-through uses (such as fast food) should be prohibited and hours limited.
- o Add the following rules for density bonuses:

Density Bonuses. The net density may be increased to not more than twenty-nine (29) dwellings per acre subject to achievement of any combination of design standards below.

Exhibit IV-6: Density Bonuses in the R-4 District

Design Element	Density Bonus
Impervious building ground cover	Density may be increased by 1 dwelling per acre for every 1 percent in impervious building ground cover below 30 percent.
Additional buffer width	Density may be increased by 3 dwellings per acre if the required buffer width of 20 feet and plantings within the buffer are doubled.
Transitional buildings	Density may be increased by 2 dwellings per acre if the buildings closest to an abutting R-1, R-2 or R-3 district are limited to 2 story structures with pitched roofs.
Mobility – transit stop	Density may be increased by 2 dwellings per acre subject to provision of a covered transit stop approved by GLTC and the City Transportation Engineer, and the commitment to provide transit service by GLTC or other transit service provider approved by the City.
Mobility – pedestrian enhancements	Density may be increased by 2 dwellings per acre subject to the provision of a multi-purpose trail extending through the property and connecting to existing pedestrian facilities, pedestrian facilities identified in an adopted City Plan, retail/service uses within ½ mile of the development or a school within ½ mile of the development. Connections to sidewalks abutting the property or the provision of on-site recreational paths shall not be eligible for this density bonus.
Mobility – mixed use	Density may be increased by 2 dwellings per acre subject to the on-site provision of floor area for authorized retail or service uses in accordance with the R-4 district use standards established in section 35.1-44.3.
Accessible Units	Density may be increased by 1 dwelling per acre if 10 percent of units are accessible and an additional dwelling per acre for each additional 5 percent of accessible units
Water quality	Reserved for best management practices incentives following adoption of the water quality master plan.
Affordable or work force housing	Reserved for future incentives subject to resolution of target occupants, qualified units and administrative matters.

3. B-1 and B-2 District Consolidation

- **Issue:** B-1, Limited Business Districts are intended to provide for business uses that can provide a transition between residential uses and heavily traveled thoroughfares. B-2, Local Neighborhood Business Districts are intended to provide merchandise or services needed frequently by occupants of a residential area. B-1 Districts do not allow for any retail sales and there is only 35 acres of B-2 land sporadically placed throughout the city.
- **Planning Commission Recommendation**
 - o Consolidate the districts
 - o Modify use standards to:
 - Prohibit drive-through uses;
 - Limit restaurants to 4,000 square feet of gross floor area;
 - Limit other commercial developments to 50,000 sq.ft. in gross floor area and 20,000 sq.ft. per business.

[note: Discussions are pending about decreasing the maximum size of businesses]
 - o Require dumpsters to be screened and meet minimum setback requirements from residential districts.
 - o Modify front setback and parking standards to promote pedestrian access by:
 - Requiring side or rear parking; and
 - Reducing front setbacks to 5 feet when an 8 ft. wide sidewalk is provided in front of the building.

4. B-4 and B-6 District Consolidation

- **Issue:** The B-4, Central Business District and the B-6, Riverfront Business District encompass the downtown area of the city. These districts allow essentially the same types of uses, provide for an off-street parking exemption and require a “non-binding” design review of exterior modifications by the City’s Design Review Board.
- **Planning Commission Recommendation** – Consolidate the districts and allow all uses permitted in either district within the combined district.

5. Eliminate the Design Review Process in the B-4 and B-6 districts

- **Planning Commission Recommendations**
 - o Eliminate the Design Review process but require Technical Review Committee (TRC) review of site plans.
 - o Adopt the following additional district development standards from the City’s Historic Design Guidelines for Commercial Structures:
 - For new development and redevelopment, restorations or modifications to existing structures:
 - o Building and site development should comply with the “Lynchburg Historic Districts Commercial Design Review Guidelines”;
 - o Walls shall be constructed out of brick or masonry except that roof and rear additions complying with the guidelines may be constructed of wood, brick or masonry (note that a provision should be included to authorize materials of comparable appearance and durability subject to TRC approval);
 - o Front building setbacks shall be aligned with existing buildings along the street except where a courtyard is established (this involves requiring minimum and maximum setbacks);
 - o Entries shall be oriented to the street on which the building fronts, except that entries for buildings on corner lots may face the corner;
 - o Window size, the proportion of openings and the alignment of windows, floors and

- cornices shall be consistent with adjacent buildings; and
- o Large buildings shall include architectural features to create the appearance of matching existing storefront widths.
- In administering the above requirements, the City may grant exceptions to allow development that emulates historic design patterns when a project is located adjacent to one or more buildings that is inconsistent with these patterns.
[Note: as with all exceptions, specific criteria must be established defining circumstances under which exceptions may be granted, the extent of the exception can deviate from the standards]

6. Ensure Compatible Land Use Transitions between Single Family and More Intensive Development

- **Planning Commission Recommendation** – The following standards shall apply in addition to the above standards for development in the R-4 district:

Design Element	Existing	Proposed
Maximum Height in R-5 Districts abutting R-1, R-2 and R-3 Districts	40 feet at required setback and increasing by 2 feet for every additional foot of setback, but not to exceed 125 ft.	For any lot line abutting a R-1, R-2 or R-3 district a minimum setback of 50 feet shall be required and shall be increased by 1 foot for every additional foot of setback, but height shall not exceed 125 feet. For purposes of this provision, building height shall be measured from average grade at the building line closest to the abutting residential district.
Maximum Height in B-1 Districts Abutting a R-1, R-2, R-3 or R-4 District	40 feet at required setback and increasing by 2 feet for every additional foot of setback, but not to exceed 125 ft.	40 feet, but allow for exceptions for institutional uses.
Maximum Height in B-3, B-4, B-5 or I District Abutting R-1, R-2 or R-3 District	40 feet at required setback and increasing by 2 feet for every additional foot of setback, but not to exceed 125 ft.	For any lot line abutting a R-1, R-2 or R-3 district a minimum setback of 50 feet shall be required and shall be increased by 1 foot for every additional foot of setback, but height shall not exceed 125 feet. For purposes of this provision, building height shall be measured from average grade at the building line closest to the abutting residential district.
Minimum Buffer (screened yard)	20 feet with evergreen tree lines planted in rows fifteen (15) feet apart and staggered ten (10) feet on center.	No change, but see density incentive for R-4 District
Minimum Building Setback for B-1 Districts abutting R-1, R-2 or R-3 Districts	A fifty (50) foot setback and a buffer (20 feet)	A fifty (50) foot setback which may include the buffer (20 feet)
Minimum Building Setback for B-3, B-4 or B-5 Districts abutting R-1, R-2 or R-3 Districts	A fifty (50) foot setback and a buffer (20 feet)	Clarify that the total building setback is 70 feet and that the proposed height limitations begin at this setback.

Design Element	Existing	Proposed
Minimum Building Setback for I Districts abutting R-1, R-2 or R-3 Districts	A one hundred (100) foot setback and a buffer (20 feet)	No change
Minimum Building Setback for Long Buildings	Where a structure exceeds fifty (50) feet in length along a side yard, the required side yard shall be increased one (1) foot in width for each ten (10) feet of additional building length or fraction thereof.	No change
Setbacks for Accessory Private Recreational Uses (<i>includes active recreational facilities but excludes trails and paths</i>)	Not less than 10 feet from any lot line. If less than 50 feet from any lot line then it must be screened by a combination of existing evergreen vegetation, walls, fences, earthen berms and new evergreen vegetation such that the required height at installation is sufficient to screen the use.	Add the following: When abutting a R-1, R-2 or R-3 district, the minimum setback shall not be less than the required buffer for unlit private recreational uses. For lit private recreational uses (e.g., lighted tennis or sports courts or a lighted swimming pool) the use shall comply with minimum building setbacks.

7. Refine Household Size Definition

- **Background** – The ordinance currently defines family to include up to 3 unrelated individuals. Throughout the process, citizens have strongly supported maintaining this definition, but there has been increasing concern that the City’s authorization of accessory dwellings allows for the creation of two dwellings on each single-family lot and therefore up to 6 unrelated individuals. This could damage the character of single-family neighborhoods and lead to lack of parking and excess traffic.
- **Planning Commission Recommendation** – Change the definition of “family” to “household” and refine the definition to allow for up to 3 unrelated individuals to live on any lot zoned for single-family purposes (R-1 and R-2) or dwelling unit in R-3 or R-4 districts. As stated in the following discussion, the Planning Commission recommends retaining owner occupancy requirements for any property with an accessory dwelling.

8. Allow Detached Accessory Dwellings

- **Background** – The City currently allows accessory dwellings as part of an existing structure by right and guest houses by conditional use permit. One parking space is required for each dwelling unit and owner-occupancy is mandatory. The Comprehensive Plan supports the option of accessory dwellings to provide greater housing opportunities. During the Plan update process, several individuals expressed an interest in allowing for detached accessory dwellings (e.g., granny-flats and garage apartments). The allowance of a detached accessory dwelling does not affect parking, density or the current enforcement challenges, but does raise issues that other communities have addressed as follows:
 - o **Setbacks.** The City’s standards for accessory structures do not require setbacks and do not establish additional height limitations, which would allow the construction of a two-story garage apartment or free-standing dwelling on the property line. This has direct impacts on the privacy of neighbors, but could be addressed by requiring that any unit be located within the setback area for the principal structure.

- **Size of Unit.** Most communities that allow for accessory apartments place a limit on the size of such units (e.g., 750-1,000 sq.ft.) and/or the number of bedrooms (e.g., 1-2) to limit the occupancy and parking demand. While the City's impervious cover limits have some impact on the size of accessory dwellings, the large lot requirements in the R-1 and R-2 districts can accommodate relatively large accessory buildings.
- **Enforcement.** Some communities, particularly college towns, have struggled with maintaining compliance with accessory dwelling provisions and have employed devices such as conditional use permits or rental licensing to facilitate enforcement.
- **Planning Commission Recommendation** – Allow detached accessory dwellings by right subject to existing requirements that:
 - Not more than two (2) dwelling units are permitted on any lot in an R-1 or R-2 district;
 - The owner of the property shall occupy either the primary or the accessory dwelling;
 - The above occupancy limitation of not more than 3 unrelated individuals per lot shall apply in the R-1 and R-2 districts. The dwelling shall be no larger than 900 square feet or have more than one (1) bedroom;
 - The dwelling shall comply with all setbacks for principal structures unless approved through the conditional use permit process;
 - Maximum ground cover shall not exceed the established district standards;
 - The dwelling shall be located behind the front building line;
 - The exterior of the accessory dwelling shall be constructed of the same materials as, and be designed to be compatible with the principal structure; and
 - The applicant for an accessory dwelling shall provide a signed statement acknowledging and agreeing to comply with the above requirements.

Note: Medical Cottages are a home-like mobile facility that families can place on their property to care for the elderly. Medical Cottages need to be defined separately as these are authorized by state statute in single-family residential districts. Local governments are allowed to address the location on the lot for this temporary housing option. Other standards typically include the size limitation (300 sq.ft.), connection to utilities and provisions for removal.

9. Establish Appropriate Setbacks in Developed Areas

- **Background** – The Zoning Ordinance requires large suburban setbacks in most residential districts. Many neighborhoods were developed with buildings that do not comply with adopted setback standards. Plan policies call for the establishment of urban setbacks in urban areas.
- **Planning Commission Recommendation:**
 - Establish front and side setbacks to be based on neighborhood norms that are based on either:
 - The average setbacks on the block face of the proposed development as well as the block face opposite the proposed development; or
 - The average setback of the buildings located on either side of the proposed development.
 - When determining the average setbacks, the City shall determine the mean of all principal structure setbacks. For any structure set back further than the minimum required setback for the applicable zoning district shall be deemed to be set back to that minimum.
 - The above neighborhood norm provisions shall be applicable throughout the City.

10. Billboard Cap and Replace

- **Background** – Sign industry representatives have approached the City about the prospects of establishing an option to remove non-conforming billboards from districts where they are not

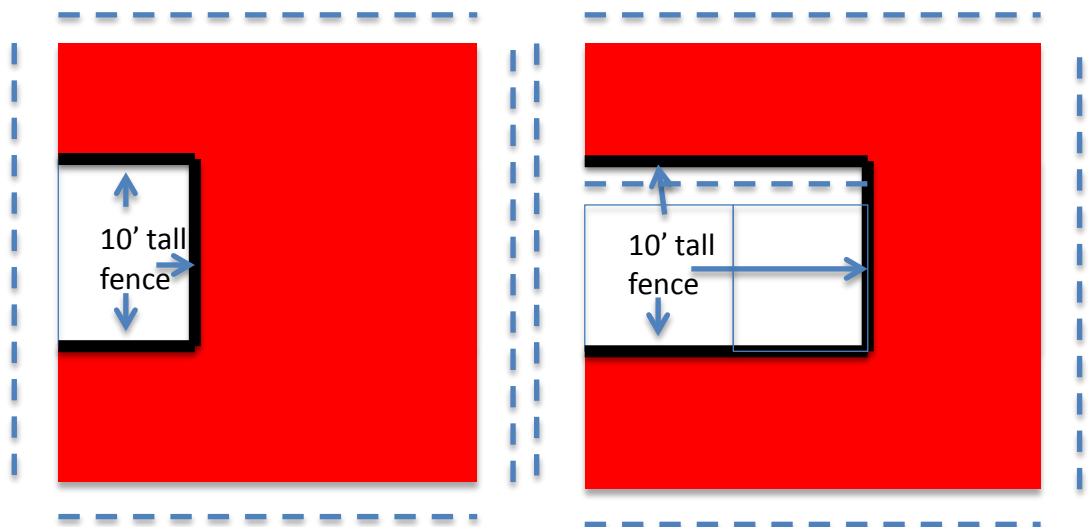
currently allowed in exchange for the ability to establish new billboards in the B-3, B-5, I-1 and IN-2 districts where they are currently prohibited.

- **Planning Commission Recommendations:**
 - Enable cap and replace provisions
 - Enable a 1 for 1 replacement
 - Expand locations to include the B-3, Community Business District, B-5, General Business District, IN-2, Institutional 2 District and I-1, Restricted Industrial districts
 - Consider limitations in scenic corridors and other locations within these districts
 - Allow digital billboards in all districts where billboards are allowed
 - Provide the following exceptions
 - Allow a conforming billboard to be replaced if it is condemned as part of a road project
 - Allow a conforming billboard to be replaced if current lease is terminated
 - Once all non-conforming billboards owned by a sign company have been replaced, the sign company may relocate its conforming billboards
 - Evaluate alternatives to the sign industry proposal to allow non-conforming billboards to be replaced or remain in their current locations if the site is owned by the sign company

11. Limit spite fences

- **Commentary** – While the intent of the fence provisions below is clear, the language allows for commercial properties to build fences up to 10 feet tall along property lines where a front setback is not required. Since front setbacks generally are not required in the B-5 district, tall fences may be allowed that would block visibility of commercial properties (see drawings below ordinance excerpt).

“(g) Fences and walls. The yard requirements of the zoning ordinance shall not be deemed to prohibit any otherwise lawful fence or wall if each fence and/or wall does not exceed four (4) feet in height in front yards and eight (8) feet in height in side and rear yards in residential districts or ten (10) feet in other districts and if it does not conflict with standards in this section except on a corner lot. On a corner lot, no fence and/or wall shall exceed four (4) feet in height in the required side or rear yard abutting a street when a front yard is required for that block of the side street.”



(Note: Dashed lines in graphics are streets)

- **Planning Commission Recommendation:**

- o Limit tall fences in commercial districts within 20 feet of right-of-way to reflect typical setbacks for the B-3 and B-5 districts.
- o Limit the height and opacity of fences in commercial districts within 20 feet of right-of-way.

12. Allow digital reader boards for institutions in certain corridors (see sample photo)

- **Commentary** – Schools, religious institutions and hospitals are allowed in most zoning districts. There has been interest in allowing digital reader boards for some of these uses to allow for frequently changing messages regardless of the district in which the uses are located. If allowed, the City should consider limiting the size, brightness, operations (e.g., no animations or flashing), proximity to residences and corridors in which they may be located.
- **Planning Commission Recommendation**
 - o Allow digital reader boards subject to limitations of digital reader sign area (18 sq.ft.), total sign area (30 sq.ft.), height (8 ft.), brightness, and operational requirements;
 - o Signs are monument style; and
 - o Limit digital reader boards to arterial streets.



13. Establish minimum criteria for connectivity

- **Commentary** – The Comprehensive Plan advocates better access management, particularly along heavily travelled commercial corridors. Reducing curb cuts, providing cross access between properties and promoting the use of shared driveways reduces accidents, improves traffic safety and reduces traffic congestion along high volume streets. Communities have approached access management through a combination of minimum driveway spacing standards and standards/incentives for shared driveways and cross-access between properties. These incentives typically reduce landscaping, buffering, parking and/or setback requirements. Where driveway spacing standards are established, exceptions or variance processes are typically established to allow access to existing lots.
- **Planning Commission Recommendation**
 - o Establish minimum driveway spacing standards; and
 - o Require cross-access and shared driveways unless precluded by topography.

14. Increase the allowed sign area for large sites in industrial districts

- **Commentary** – Industrial districts allow for freestanding signs as large as 66 square feet and wall signs as large as 24 square feet. Lynchburg currently allows larger signs for larger buildings and sites with multiple buildings in the B-3 and B-5 districts.
- **Planning Commission Recommendation** – Mirror the sign provisions in the B-3 and B-5 districts, which:
 - o Allow more wall sign area for larger buildings and for buildings with greater setbacks; (25 sq.ft. plus 1 sq.ft. per lineal foot of building wall, but not to exceed 150 sq.ft. for buildings within 200 feet of a street; or 25 sq.ft. plus 2 sq.ft. per lineal foot of building wall, but not to exceed 200 sq.ft. for buildings further than 200 feet from a street);
 - o Allow more free-standing sign area for sites with multiple buildings (66 sq.ft. for one or more buildings with less than 100,000 sq.ft.; 91 sq.ft. for a group of buildings

between 100,000 and 200,000 sq.ft.; and 141 sq.ft. for a group of buildings with more than 200,000 sq.ft.).

15. Reduce the subjectivity of existing provisions for commercial cluster developments (CCDs);

- **Commentary** – Current requirements for CCDs could be clarified to better achieve the purposes of these developments. Many of the following requirements are either lacking or written subjectively.
- **Options under consideration**
 - o Locate CCDs near other development and existing or planned transit routes;
 - o Establish minimum percentage of site to be set aside for preservation (with waiver provision if there is no area that needs preservation);
 - o Establish a minimum percentage of the site to be dedicated for amenities (e.g., playgrounds, tennis courts, running trails, park space). This should also be required to be illustrated on the sketch plan;
 - o Require commercial floor area to be concentrated on a specified portion of the site.
 - o Limit excess parking and encourage shared parking by:
 - Requiring that any parking above a certain threshold be pervious; and
 - Increasing the percentage of landscape area required as the number of spaces greater than a specified threshold increases;
 - o Apply commercial design and compatibility standards from other portions of the ordinance (e.g., requirement for street connectivity, pedestrian connections, setbacks from low density residential districts).

16. Shift selected scenic and/or commercial corridor overlay standards to applicable base districts and site development standard sections

- **Commentary:** Many of the standards for the City’s scenic and/or commercial corridor overlay districts have broader applicability to other areas of the City.
- **Planning Commission Recommendations** – Shift the following provisions from overlays to apply to specific districts citywide, regardless of their location.
 - o Prohibit parking or paving within 25 ft. of a residential district in B-3, B-5, IN-1, IN-2, I-1, 1-2 and I-3 districts;
 - o Require 40 ft. parking setback from arterial or urban collector streets in the B-3, B-5, IN and I districts;
 - o Require all utilities to be located underground;
 - o Move Scenic Corridor Overlay district requirements for building bulk softening (increased landscaping requirements for larger buildings) to the landscaping ordinance; and
 - o Require for architectural materials such as brick, stone or wood or require screening for portions of buildings not constructed of these materials in R-4, B and IN districts.

17. Establish a maximum percentage for the residential component of industrial developments

- **Commentary:** The Comprehensive Plan calls for the flexibility to establish corporate campus type development patterns that allow a limited residential component within

light industrial development areas (e.g., the Googleplex corporate campus). To ensure that valuable industrial land is not converted to large-scale residential uses, some communities have adopted limitations based on density and employee/resident ratios.

- **Planning Commission Recommendation:** When drafting the development patterns that are allowable in the I-1 district, limit the maximum residential or lodging unit component to not more than 1 resident or lodger to 20 employees in any given development or district. Note that this ensures that hotels and residences are developed in conjunction with or subsequent to employment uses.

***Note:** the Planning Commission also recommended addressing design factors related to residential and mixed-use development in commercial districts.*

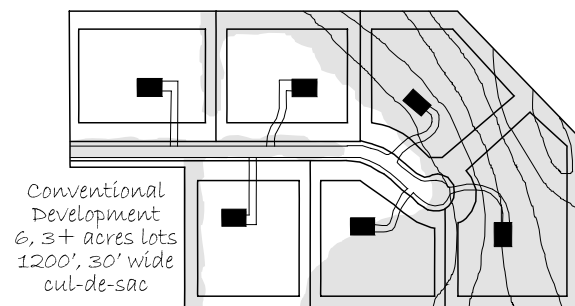
18. Allow Home Occupations to be Conducted in Accessory Structures

- **Background** – The zoning ordinance currently precludes the use of accessory structures “for gain,” which requires that any home occupation be conducted in the principle structure. The key concern about the use of accessory structures for home occupations is the potential for activities that would be a nuisance for adjacent properties due to noise, odors, dust, lighting or aesthetic reasons. Limitation of the allowable uses of accessory structures and prohibition of outdoor storage and operations would mitigate these concerns.
- **Planning Commission Recommendation** – Allow the use of legal accessory structures for authorized home occupations provided that there is no outdoor storage and outdoor operations are precluded.

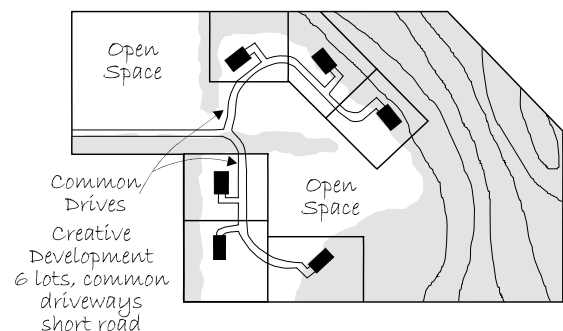
19. Allow Residential Clusters in R-1, R-2 and R-3 Districts

- **Planning Commission Recommendation** – Develop standards that authorize the creation of cluster subdivisions in the R-1, R-2 and R-3 zoning districts that do not exceed the density standards of the applicable district. (see sample graphic below)

Conventional Development



Sample Cluster Development



// A regular meeting of the Council of the City of Lynchburg was held on the 23rd day of September, 2014, at 4:00 P.M. in the Council Chamber, City Hall, Michael Gillette, President, presiding. The following Members were present:

Present: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Absent: 0

// City Manager Kimball Payne introduced Lynch's Landing Executive Director Heather Kennedy. Lynch's Landing is a nonprofit that promotes and supports downtown Lynchburg. The organization hosts downtown events such as Friday Cheers, Get!Downtown, Diva Crawl and Holiday Traditions. Ms. Kennedy stated it is a pleasure for her to be working for the City of Lynchburg and she looked forward to the challenges and opportunities that were ahead.

// City Manager Kimball Payne introduced Horizon Behavioral Health's new CEO, Damien Cabezas. Mr. Cabezas made a few remarks regarding Horizon Behavioral Health and how he is looking forward to making a difference in the community.

// City Manager Kimball Payne introduced Secretary of Transportation Aubrey Layne. During the presentation items were discussed such as the Route 29 By-pass Project and projects for House Bill 2. There were five categories mentioned; 1) Urban Area, 2) Rural Economic Development, 3) Safety, 4) Publicity and 5) Financial Investments. Secretary Layne spoke on the Federal Trust Funds and what the Federal Return would be. Secretary Layne further stated that a new scoring system has been implemented. Projects that are over 4 million dollars would be scored.

// Kevin Camm, Extension Agent, and Philipp Gabathuler of Region 2000, made a presentation on the Strategic Plan for the Agriculture and Forestry Economy in Virginia's Region 2000. The intent of the Strategic Plan is to provide the Region 2000 community with a framework for action to promote regional growth in the agriculture and forestry industries. Three main goals for this plan are: 1) coordinate regional marketing and outreach, 2) strengthen resources for producers, and 3) promote career and small business development opportunities. Mr. Camm further explained the next steps that would be applied:

- 1) Focus on Priority Projects
- 2) Explore funding opportunities and ways to approach collaboratively
- 3) Develop a Strategic Plan Coordinating Team

After Council discussion, Council Member Perrow made a motion, seconded by Vice Mayor Johnson to approve the Resolution. Council by the following recorded vote adopted Resolution #R-14-112, as presented, endorsing the Strategic Plan for the Agriculture and Forestry Economy in Virginia's Region 2000:

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

Noes: 0

// David Malewitz, Parking Manager, provided information for an On-Street Metered Parking Pilot Program. City Manager Kimball Payne stated that freeing up more parking places is needed to help retailers and merchants. Mr. Payne stated that one retailer was considering moving from downtown and some

businesses want to see a change in the parking structure. Mr. Malewitz stated that the plan to place on-street parking meters on the 1200 block of Main Street in downtown for a trial run did not get resistance from City Council. Mr. Malewitz further stated that a formal recommendation from the Lynchburg Parking Authority is to conduct a pilot program for on-street meter parking in the 1200 block of Main Street. The pilot program is about finding turnover on the street that supports retailers in the downtown area. It was also mentioned that the pilot program had been suggested for Court Street.

During Council's discussion several concerns were raised on paid parking. In general Council was not opposed in getting information from the pilot program, the City needs to have an incentive for an alternative to on-street parking, whether through a parking deck or some other means. Some suggestions were lowering time limits and stepping up the enforcement of overtime violations. Council agreed to proceed with a pilot parking program and Mr. Malewitz stated that the pilot program process could take two to three months to development.

// During roll call Council Member Nelson mentioned that residents that live in the Winston Ridge apartments beyond Westminister Canterbury are having problems getting to their apartments because the buses are stopping at Westminister Canterbury. He suggested sidewalks be installed or extend the bus line. City Manager Kimball Payne stated there was a problem, but now the service has been restored beyond Westminister Canterbury.

// Council Member Foster mentioned again the bulk collection. She was out in the neighborhood at a Task Force meeting and noticed a lot of rubbish in the neighborhood. Mr. Payne stated that this summer they were behind but now they are only ten days or two weeks out for bulk pick-up.

// Council Member Perrow stated that September 17 was National Night Out Against Crime which was well attended and he thanked the members of the Neighborhood Watch Association for a successful event.

// Vice Mayor Johnson mentioned that Ms. Bradley on Taylor Street is still having an issue with her gas meter and he wanted someone to please give her a call so it could be taken care of. He also mentioned that the stairwell at the bottom of 12th and Clay Streets has been cleaned up very well and the guard rail at the Holiday Inn Select, on the 5th Street side, is overgrown and he asked that someone look into it.

// Council Member Tweedy asked about a status report regarding the food desert in the Rivermont area.

// Mayor Gillette made the following announcements:

- Council Annual Strategic Planning Session – September 29, 2014, 12:00 Noon until 5:00 P.M. – GLTC Conference Room – 800 Kemper Street
- The Virginia Ten Miler will be held on Saturday, September 27, 2014 – 8:00 A.M. – E. C. Glass.
- Joint Council/School Board Meeting – November 4, 2014 at 7:00 P.M. – Lynchburg City School Administration Building and he asked the Clerk to send out a notice to Council regarding this date.

// On motion of Council Member Nelson, seconded by Council Member Foster, Council by the following recorded vote elected to hold a closed meeting for consultation with legal counsel and briefings by staff members regarding specific legal matters requiring the provision of legal advice for the Miller Center Renovation Project and the Midtown Connector Project; and to consider appointments to Council-

Appointed Boards and Commissions, i.e., Social Services Advisory Board, Board of Building Code Appeals, Redevelopment & Housing Authority Board, Museum Advisory Board, Lynchburg Business Development Centre and Horizon Behavioral Health, pursuant to Section 2.2-3711(A.) (1) and (7) respectively, of the Code of Virginia, 1950:

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

7

Noes:

0

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

// Council Member Perrow 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 Vice Mayor Johnson, and Council by the following recorded vote adopted the motion:

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

7

Noes:

0

// In the matter of Appointments, and on nomination of Council Member Perrow, seconded by Council Member Helgeson, Council by the following recorded vote reappointed Kitty Hoover to serve on the Social Services Advisory Board for a term to expire September 30, 2018:

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

7

Noes:

0

On nomination of Council Member Perrow, seconded by Council Member Helgeson, Council by the following recorded vote reappointed Hunsdon Cary, to serve on the Redevelopment & Housing Authority Board for a term to expire September 30, 2018:

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

7

Noes:

0

On nomination of Council Member Perrow, seconded by Council Member Helgeson, Council by the following recorded vote appointed Treney L. Tweedy and John C. Farnandez to serve on the Redevelopment & Housing Authority Board for terms to expire September 30, 2018:

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

7

Noes:

0

On nomination of Council Member Perrow, seconded by Council Member Helgeson, Council by the following recorded vote appointed Charlotte Fischer to serve on the Museum Advisory Board to fill an unexpired term ending September 30, 2017:

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

Noes: 0

On nomination of Council Member Perrow, seconded by Council Member Helgeson, Council by the following recorded vote reappointed Phillip E. Brown, Jeffrey W. Laub, and William T. Lease to serve on the Lynchburg Business Development Centre Board for terms to expire September 30, 2017:

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

Noes: 0

On nomination of Council Member Perrow, seconded by Council Member Helgeson, Council by the following recorded vote appointed Giuseppe Cucci to serve on the Lynchburg Business Development Centre Board for a term to expire September 30, 2017:

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

Noes: 0

// City Council recessed the meeting at 6:47 p.m.

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

The following Members were present:

Present: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Absent: 0

Council Member Perrow gave the Invocation, followed by the Pledge of Allegiance.

// Copies of the minutes of the September 9, 2014 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Foster, seconded by Council Member Nelson, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

// In the matter of Fire – General, Resolution #R-14-102 to amend the FY 2015 City/Federal/State Aid Fund budget and appropriate \$39,418 with resources of \$18,684 from the Virginia Office of Emergency Medical Services-Rescue Squad Assistance Fund (RSAF) grant and \$20,734 transferred from the FY 2015 General Fund Fire Department budget to purchase one (1) Physio Life Pak 15 cardiac monitor/defibrillator and four (4) sets of Tactical EMS gear for the Fire Department, laid over from the September 9, 2014 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of Public Works – Sanitary Landfill, Resolution #R-14-111 to amend the FY 2014 General Fund budget and appropriate \$1,863,653 with resources of \$1,259,369 from the FY 2014 General Fund Assigned Fund Balance and \$604,284 from the FY 2014 General Fund Committed Fund Balance to fund

closure costs for the Concord Turnpike Landfill, laid over from the September 9, 2014 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of Community Development – CDBG, a public hearing was held regarding City Council Report #11 on the Program Year 2013 (FY 2014) Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant (CDBG) and HOME Programs and adopting a Resolution approving the CAPER for submission to the U.S. Department of Housing and Urban Development. Grants Manager Melva Walker gave a summary of the request. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Helgeson, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-14-113, as presented, approving the submission of the 2013 (FY 2014) Consolidated Annual Performance and Evaluation Report (CAPER) to the U.S. Department of Housing and Urban Development (HUD):

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

Noes: 0

// In the matter of City Council, Consuela Mosley spoke before Council regarding Parental Alienation.

// In the matter of City Council, David Stokes spoke before Council to announce an Agent Orange Town Hall Meeting will be held on Saturday, October 18, 2014 from 9:00 A.M. to Noon at the American Legion Post 16.

// In the matter of Police – General, City Council Report #13 was considered. Council Member Helgeson, Chair of the Finance Committee (FC), stated that this item came before FC for approval. The motion did not require a second. Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-14-114, as presented, to amend the FY 2015 City/Federal/State Aid Fund budget and appropriating \$11,827 with resources of \$7,500 from the Department of Motor Vehicles Highway Safety Grant, an in-kind service and equipment match of \$3,750, and \$577 transferred from the FY 2015 General Fund Police Department budget to provide funds for speed enforcement activities:

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

Noes: 0

// In the matter of Police – General, City Council Report #14 was considered. Council Member Helgeson, Chair of the Finance Committee (FC), stated that this item came before FC for approval. The motion did not require a second. Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-14-115 as presented, to amend the FY 2015 City/Federal/State Aid Fund budget and appropriating \$33,733 with resources of \$16,866 from the Bulletproof Vest Partnership 2014 Grant Program and \$16,867 transferred from the FY 2015 General Fund Police Department (\$15,636) and

Sheriff's Office (\$1,231) budgets to purchase 43 replacement bulletproof vests for law enforcement officers:

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

Noes: 0

// In the matter of Police – General, City Council Report #15 was considered. Council Member Helgeson, Chair of the Finance Committee (FC), stated that this item came before FC for approval. The motion did not require a second. Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-14-116, as presented, to amend the FY 2015 City/Federal/State Aid Fund budget and appropriating \$40,951 with resources from the 2014 Edward Byrne Memorial Justice Assistance Grant (JAG) to purchase forensic computer software and hardware, map boards for field supervisor vehicles, an evidence refrigerator, impact munitions, a high capacity printer, and tasers:

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

Noes: 0

// In the matter of Police – General, City Council Report #16 was considered. Council Member Helgeson, Chair of the Finance Committee (FC), stated that this item came before FC for approval. The motion did not require a second. Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-14-117, as presented, to amend the FY 2015 City/Federal/State Aid Fund budget and appropriating \$51,509 with resources of \$32,809 from the Department of Motor Vehicles Highway Safety Grant, an in-kind service and equipment match of \$16,405, and \$2,295 transferred from the FY 2015 General Fund Police Department budget to provide selective DUI and occupant restraint enforcement activities, attend related training, and purchase equipment:

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

Noes: 0

// In the matter of Airport - General, City Council Report #17 was presented regarding an update on Freedom Aviation's request to assume the Lease of Virginia Aviation. City Manager Kimball Payne provided the information. He noted that since the public hearing on Freedom Aviation's request to assume the lease of Virginia Aviation for certain facilities at the Lynchburg Regional Airport, a number of activities have occurred with a goal of bringing forth a proposal to accomplish several purposes:

- Preserve and enhance commercial air service at the airport
- Support and enhance the general aviation community
- Support businesses providing aeronautical services
- Maintain an open and competitive business environment for existing or new businesses
- Maximize airport revenues in order to eliminate the General Fund subsidy

Mr. Payne further stated a General Aviation Forum was held to solicit input from the community. The following questions were asked:

1. What services, facilities or amenities at Lynchburg Regional Airport are most important to the General Aviation community?

2. What unrealized opportunities are there that, if realized, would benefit the General Aviation community?
3. What other issues should be considered as we determine how to move forward?

During Council discussion several suggestions were raised: develop a fact sheet on the pro's and con's to the City, Freedom Aviation and the general public; will the City be able or willing to run these services at the airport; additional staff will be needed; proper margin in the Lease; hanger spaces at the airport; maintenance and cost of fuel rates and determine potential financial impact. After Council discussion, Mr. David Young with Freedom Aviation and Chancellor Jerry Falwell, Jr. were given an opportunity to state some of the benefits to the City. Mr. Payne went on to say as this process continues, the next steps will include a special meeting of the Airport Commission in October; a public hearing by the Airport Commission and a recommendation to City Council, a public hearing before Council and Council's decision.

// The meeting was adjourned at 8:43 P.M.

Clerk of Council

// A special meeting of the Council of the City of Lynchburg was held on the 29th day of September, 2014, at 12:00 P.M. in the Community Room at GLTC Transfer Station. The purpose of the meeting was to conduct a City Council Strategic Planning Session. Michael Gillette, President, presided. The following Members were present:

Present: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Absent: 0

// Margaret Schmitt, Director of Human Resources, provided a team building exercise during lunch.

// Bonnie Svrcek, Deputy City Manager, provided the results of Council's Ratings of Twelve Pillars and Review of Proposed Metrics. The major accomplishments for FY 2014 (July 1, 2013-June 30, 2014), with major work in progress and critical issues/concerns for future document as well as the Proposed Metrics for each of the Twelve Pillars that support the Vision of "A Great Place to Live, Work and Play", was reviewed. Ms. Svrcek explained that the report is a board summary of accomplishments, works in progress and critical issues/concerns for the future. Council adopted the Twelve Pillars on December 10, 2013, which are:

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

Each Pillar was discussed at length by Council with some follow up recommendations for City staff on some of the Pillars.

// City Council took a break at 3:10 p.m.

// City Council reconvened the meeting at 3:25 p.m.

The following Members were present:

Present: Foster, Helgeson, Nelson, Perrow, Tweedy, Gillette 6

Absent: Johnson 1

// Donna Witt, Director of Financial Services, provided the preliminary Review of FY 2014 Year End, FY 2015 Budget Concerns and FY 2016 Budget Environment.

- Total Actual FY 2014 Non—Dedicated Revenues exceeded the Adopted FY 2014 Budget by 5.1% or \$6.7 million
 - o Meals Tax - \$882k
 - o Business License Tax - \$838k

- o Personal Property Tax - \$678k
- o Delinquent Real Property Tax – 652k
- o Lodging Tax - \$425k
- o Local Sales Tax - \$401k
- o Regional Services Authority Profit Sharing - \$354k
- o Ambulance Service Fees - \$302k
- o Sale of Property - \$250k
- Actual FY 2014 Revenues exceed Adopted FY 2015 Revenues by 2.7% or \$4.7 million.
- Major Revenue performance (Actual FY 2014 vs. Adopted FY 2015).
 - o Personal Property Tax (Local Portion) ↑ \$678,000
 - o Local Sales Tax ↑ \$242,000
 - o Meal Tax ↑ \$567,000
 - o Business License Tax ↑ \$495,000
 - o Lodging Tax ↑ \$325,000
- General Fund Overtime budget in FY 2015 is \$425,500 (primarily Police and Public Works Departments) less than the FY 2014 actual cost.
- Reinstatement of Local Aid to the Commonwealth – early estimate is \$280,324.
- Bluffwalk maintenance costs.
- Currently, the State is holding K-12 Education harmless in its efforts to rebalance its budget.

Revenues

- Strong performance by five major revenue streams in FY 2014; however, these revenues are consumer driven and susceptible to the volatility of the economy.
- Although FY 2016 is a reassessment year, early projections reflect a minimal increase in Real Property Tax assessments.
- 2nd year of Local Aid to the Commonwealth.

Expenditures

- Health Insurance.
- Reduction in State-funding for Sheriff's Deputy positions.
- Additional funds needed for Heritage High School Furniture, Fixtures, and Equipment.
- Savings from Managed Vacancy continues to decline.
- Use of FY 2015 Reserve for Contingencies may not leave as much to carry forward for FY 2016.
- Need to balance maintenance of capital assets and human assets (increased turnover due to market improvement in some employment sectors).

Capital Improvement Planning: FY 2016 and Beyond

Major Category	<u>FY 2016</u>
Transportation	\$8.7
Parks and Recreation	0.8
Total	<u>\$9.5</u>

Sources of Funding	<u>FY 2016</u>
FY 2014 Bond Issue	\$2.7
State Revenue Sharing	2.0
Highway Maintenance	3.2
Contribution from Liberty University	1.0
Possible Contribution from Lynchburg College	0.6
Total	<u>\$9.5</u>

Ms. Witt also shared the Debt Capacity, Debt Service to Expenditures and the Deferred Projects.

// City Manager Kimball Payne discussed the changes to delete from the City Code regarding policies on reimbursements to Developers for public infrastructure installed with developments. Mr. Payne further stated there are two main areas of reimbursements, residential and commercial, which can be general fund items like curb and gutter and sidewalks, or water and sewer fund items for water and sewer extensions and service connections. The residential reimbursements can sometimes be for individual homeowners or for subdivision developer. The City currently reimburses for:

- 50% of cost for Curb and Gutter installed on City residential streets. Can be from individual homeowner or developer of new subdivision. No reimbursement for commercial. (Recommended to change to only allow for individual homeowners.)
- 50% of cost of sidewalks installed on any City street to promote complete and sustainable streets. (Recommended to delete.)
- 100% of cost of sewer or water mains to get to boundary of new subdivision at rate of 100' per new lot and if economically feasible. (Recommended to delete.)
- 100% of sewer and water service connections within a new subdivision. (Recommended to delete.)
- 50% of sewer and water mains for commercial properties if feasible. (Recommended to delete.)

During Council discussion certain City Code changes were addressed. From the discussion, staff would review the City Code changes and bring back to Council for approval.

// City Manager Kimball Payne provided information on Talent Management and Succession Planning.

Mr. Payne stated that in 3 to 5 years, 60% of the Leadership Team will be retiring, which is 9 out of 15 employees. Mr. Payne went on to say that on October 14 there would be a closed session on Personnel Succession Planning.

// The meeting was adjourned at 5:30 P.M.

Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **October 14, 2014**

AGENDA ITEM NO.: 9

CONSENT: **X**

REGULAR:

WORK SESSION:

CLOSED SESSION:

ACTION: **X**

INFORMATION:

(Confidential)

ITEM TITLE: **Physical Development Committee Guidelines**

RECOMMENDATION:

Approve the attached guidelines for the operation of City Council's Physical Development Committee (PDC).

SUMMARY:

The Physical Development Committee (PDC) reviews the guidelines every two years to ensure the committee is organized for a high degree of effectiveness and efficiency. The changes noted in the attachment were discussed and recommended by PDC.

PRIOR ACTION(S):

9/9/14 PDC – Revision of guidelines.

FISCAL IMPACT:

None

CONTACT(S):

Lee Newland – City Engineer – 455-3947

ATTACHMENT(S):

Physical Development Committee Guidelines

REVIEWED BY: lkp

137K

Lynchburg City Council

Physical Development Committee Guidelines

2014

General Purpose Statement

To guide the City in the execution of Council-adopted physical development policies; to review and serve as a filter in determining specific physical development actions to be considered by City Council; and, to review reports regarding physical development and capital projects on a quarterly basis to determine if any adjustments are necessary during the fiscal year.

To better facilitate the Physical Development Committee meetings, there are three types of agenda items: General Business, Other Information and Items to be considered later by the full City Council. Following are examples of items that may be included in each of these sections:

I. Items considered as General Business include:

1. Presentations by and requests from City departments, citizens, outside agencies and private entities including those seeking relief from City Code requirements (preliminary review) and City policies, such as utility connection fees;
2. Petitions for non-routine utility line extensions;
3. Reallocations (greater than \$50,000) of non-project specific Capital Budget appropriations.

II. Items considered as Other Information include:

Items that do not require immediate Committee action, but are to advise the Committee on upcoming items or issues. Examples include: quarterly and special reports regarding the status of the City's physical development including City capital projects and other items relating to the City's solid waste system and water and wastewater systems, including the Combined Sewer Overflow (CSO) program.

III. Items to be considered later by the full City Council at a Regular City Council Meeting or Work Session include:

1. Street vacations and disposition of other real property;
2. Input into the planning and approach for the annual Capital Improvement Program;
3. Review and deliberations regarding the Proposed Capital Improvement Program;
4. Changes to the City Code relating to the physical development of the City;
5. City Council reports relating to the physical development of the City;
6. Demolition of City owned buildings; and
7. Waivers of municipal property liens.
8. Leases and terms of leases (renewals will not come to PDC unless terms change);
9. License Agreements for R/W use (setting fees);
10. Grant applications for infrastructure
11. Contracts that exceed 25% of bid amount.

IV. Committee Procedures Regarding Items from the General Public

In order to make the best use of the Committee's meeting time, requests for new items from the general public should be provided, preferably in writing, to the City Engineer two weeks prior to the Committee's scheduled meeting date. This schedule will provide City staff with adequate time to prepare background information, if necessary, and provide this information to the Committee prior its meeting. Exceptions to this procedure will be made in emergency situations. The Chair~~man~~ of the Committee makes the final decision about which items are on the agenda. If the Chair~~man~~ is not available, the decision will be made by the City Engineer, who will contact the Chair~~man~~ as soon as he or she is available. The Chair of the Committee may require that citizens/petitioners hold their opening statements/remarks to five minutes.

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **October 14, 2014**

AGENDA ITEM NO.: 10

CONSENT: **X**

REGULAR:

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Extension of Towing and Vehicle Recovery Services Contract with Bee Line Transport**

RECOMMENDATION: Approve an extension of the City's Towing and Vehicle Recovery contract with Bee Line Transport, Inc. through October 31, 2015.

SUMMARY: Council approved award of this contract to Bee Line Transport in October 2012. The contract provides for a two year initial term with the possibility of three one-year extensions upon the mutual consent of both parties and approval by City Council. Bee Line's performance has been satisfactory overall. Initially, there were issues as Bee Line became familiar with City procedures, however, City staff worked with them to resolve those issues. Staff has been satisfied with their performance and the quality of services.

PRIOR ACTION(S): February 14, 2012 Work Session; October 9, 2012 Council Meeting, Contract Award Approval

FISCAL IMPACT: Annual contract value is dependent on usage. The City's FY14 expenditures for these services are less than \$10,000.00.

CONTACT(S): Stephanie Suter, Procurement Manager, 455-3963

ATTACHMENT(S): Resolution

REVIEWED BY: lkp

RESOLUTION

BE IT HEREBY RESOLVED THAT an extension of the Contract for Towing and Vehicle Recovery Services between the City of Lynchburg and Bee Line Transport, Inc. is approved to October 31, 2015 under the original terms, and

FURTHERMORE the City Manager is authorized to sign the contract extension on behalf of the City.

Adopted:

Certified:

Clerk of Council

139K

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **October 14, 2014**

AGENDA ITEM NO.: 11

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Heritage United Methodist Church Sign - 582 Leesville Road**

RECOMMENDATION: Approval of the Conditional Use Permit (CUP) petition to allow a digital reader board monument sign.

SUMMARY: The Heritage United Methodist Church Trustees are petitioning for a CUP to allow a modified sign at 582 Leesville Road. The modified sign plan proposes the installation of a twenty-eight and one-half (28.5) square foot sign, of which eighteen (18)-square feet would be a digital reader board. The underlying zoning allows for signs that do not exceed an aggregate area of eighteen (18)-square feet and allows illumination by shaded white lights only.

The *Comprehensive Plan 2013 – 2030* recommends an Institutional use for the property and provides that churches and accessory uses are compatible in these areas. Modified signs are permitted upon approval of a CUP by Council.

PRIOR ACTION(S):

September 10, 2014: The Planning Division recommended approval of the CUP petition.

The Planning Commission recommended approval (5-0, with 2 members absent, Light and Mays) of the CUP petition.

FISCAL IMPACT:

N/A

CONTACT(S):

Tom Martin, City Planner - 455-3900

Kent White, Director of Community Development – 455-3900

ATTACHMENT(S):

- Resolution
- Planning Commission Report & Minutes – August 27, 2014
- Vicinity Zoning Pattern Map
- Vicinity Proposed Land Use Map
- Watershed Location Map
- Planimetric and Topographic Map
- Concept Plan
- Sign Rendering
- Narrative
- Property Photograph
- Speaker Signup Sheet

REVIEWED BY: lkp

RESOLUTION:

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO HERITAGE UNITED METHODIST CHURCH TRUSTEES TO ALLOW A MODIFIED SIGN AT 582 LEESVILLE ROAD IN AN R-3, MEDIUM DENSITY RESIDENTIAL DISTRICT.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of Heritage United Methodist Church Trustees for a conditional use permit to allow a modified sign at 582 Leesville Road is hereby approved subject to the following conditions:

1. The sign shall be located as indicated on the site plan entitled "Heritage United Methodist Church, Sign Conditional Use Permit dated September 2, 2014.
2. The total area of the digital reader board shall not exceed eighteen (18) square feet.
3. The total sign area of the sign shall not exceed twenty-eight and one-half (28.5) square feet.
4. The digital sign shall not display running animation or displays of an intermittent light or lights.
5. The digital display shall not display an "off-premises" message.
6. The digital display shall change its message no more than once every six (6) seconds.
7. The digital sign shall contain an "auto dimming" feature for night time operation.

Adopted:

Certified: _____
Clerk of Council

132K

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

To: Planning Commission
From: Planning Division
Date: September 10, 2014
Re: **Conditional Use Permit (CUP) – Heritage United Methodist Church – Modified Sign – 582 Leesville Road**

I. PETITIONER

Heritage United Methodist Church Trustees, 582 Leesville Road, Lynchburg VA 24502
Representative: Mr. Trent Warner, Warner White Engineering Partners, 118 Cornerstone Street, Lynchburg, VA 24502

II. LOCATION

The subject property is a tract of approximately twenty-four (24) acres located at 582 Leesville Road.

Property Owner: Heritage United Methodist Church Trustees, 582 Leesville Road, Lynchburg VA 24502

III. PURPOSE

The purpose of the petition is to allow a modified sign consisting of an eighteen (18)-square foot digital reader board and a ten and one-half (10.5)-feet identification sign at 582 Leesville Road.

IV. SUMMARY

- The *Comprehensive Plan 2013-2030's Future Land Use Map (FLUM)* recommends an Institutional use for the property.
- Churches and their accessory uses are permitted within R-1, Low Density, Single-Family Residential Districts and R-3, Medium Density, Two-Family Residential Districts upon approval of a CUP by Council.
- A church located within a residential district is permitted one (1) eighteen (18)-square foot sign per street frontage. The sign may be illuminated by shaded white lights only. A changeable copy is not permitted.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Comprehensive Plan 2013-2030* recommends an Institutional use for the property. Institutional uses include religious, educational and other nonprofit entities within the City. Examples include churches, cemeteries, private schools and universities, private nonprofit hospitals, service clubs and organizations and other nonprofit institutions. (pg. 76)
2. **Zoning.** The subject property was annexed into the City in 1978. The existing R-1, Low Density Residential District and R-3, Medium Density, Two-Family Residential District was established in 1979 with the adoption of the Timberlake Road Study. A CUP allowing the construction of the sanctuary was approved by Council on February 12, 1985.

3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances are needed for the development of the property as proposed.
4. **Surrounding Area.** There have been several items requiring Council approval in the immediate area:
 - On May 11, 1982, Council approved the rezoning petition of Ahoskie Theatres, Inc., to rezone thirty-three (33) acres at 7306 Timberlake Road from R-3, Medium Density, Two-Family Residential District and B-2, Neighborhood Business District to B-5, General Business District (Conditional) to allow a “flea market”.
 - On February 12, 1985, Council approved the CUP petition of Heritage United Methodist Church to allow the construction of a sanctuary, education building and parking area at 594 Leesville Road (now addressed as 582 Leesville Road).
 - On May 13, 1986, Council approved the CUP petition of Heritage United Methodist Church for a master plan indicating a new church complex at 582 Leesville Road.
 - On August 9, 1988, Council approved the CUP petition of E.F. Baldwin to allow the construction of townhomes at 542 Leesville Road.
 - On April 9, 1991, Council approved the CUP petition of Heritage United Methodist Church for a preschool center at 582 Leesville Road.
 - On December 13, 1994, Council approved the CUP petition of Heritage United Methodist Church to increase the number of children in an existing day care to one hundred twenty five (125) at 582 Leesville Road.
 - On June 13, 1995, Council approved the CUP petition of Bell Atlantic of Virginia, Inc., to allow the construction of a parking and storage area at 553 Leesville Road.
 - On November 11, 1997, Council approved the CUP petition of Victory Christian Fellowship to allow the construction of a church and related facilities at 615 Leesville Road.
 - On October 10, 2000, Council approved the CUP petition of Bell Atlantic of Virginia, Inc., to allow the construction of a parking area at 555 Leesville Road.
 - On January 9, 2001, Council approved the CUP petition of Heritage United Methodist Church to allow the construction of a multi-purpose building at 582 Leesville Road.
 - On October 12, 2004, Council approved the CUP petition of Victory Christian Fellowship to allow amendments to the previously approved master plan at 615 Leesville Road.
 - On February 13, 2007, Council approved the rezoning petition of Legacy at Linden Park to rezone approximately fourteen (14) acres at 7308 Timberlake Road from R-3, Medium Density, Two-Family Residential District to R-4, Medium-High Density, Multi-Family Residential District to allow the construction of an apartment complex.
5. **Site Description.** The subject property is a tract of approximately twenty-four (24) acres located at 582 Leesville Road.
6. **Proposed Use of Property.** The purpose of the petition is to allow a modified sign consisting of an eighteen (18)-square foot digital reader board and a ten and one-half (10.5) feet identification sign at 582 Leesville Road.

7. **Transportation & Parking.** The City’s Transportation Engineer requested that sight distance triangles with dimensions be shown on the revised site plan. Sight distance triangles have been provided. The proposed sign would not interfere with vehicles exiting the property onto Leesville Road.
8. **Stormwater Management.** A stormwater management/quality plan will not be required for the construction of the proposed sign.
9. **Emergency Services:** The City Fire Marshal and Police Department had no comments of concern regarding the petition.
10. **Impact.** The subject property is recommended for an Institutional use on the City’s *Future Land Use Map* and contains a church constructed in the mid 1980’s. The church is located on Leesville Road, which is a four (4)-lane undivided road with eight thousand one hundred (8,100) Average Annual Weekday Traffic (AAWDT). The church is requesting to install a sign consisting of twenty-eight and one-half (28.5) feet. Eighteen (18) square feet would be a digital reader board. According to the narrative submitted by the petitioner, the modified sign is being requested in an effort to ‘inform members as well as the community of their programs, services and upcoming events’. The proposed sign would most likely have the most significant impact on residential properties located directly across Leesville Road. The closest residence would be approximately one hundred twenty-five (125) feet from the sign location. An auto-dimming feature for the proposed reader board is recommended as a condition of approval. With this condition, the sign should have little to no impact on the area.

The proposed sign is similar in scale to others recently approved by the Planning Commission and Council for other institutions. The Planning Commission is also considering allowing digital reader boards for “some” institutions by right based upon location as part of the City’s *Zoning Ordinance* rewrite.
11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the conditional use permit on August 19, 2014. Comments have or will be addressed by the petitioner prior to final site plan approval.

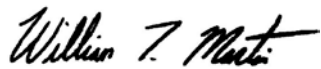
VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Heritage United Methodist Church for a conditional use permit at 582 Leesville Road to allow the construction of a modified sign subject to the following conditions:

1. **The sign shall be located as indicated on the site plan entitled “Heritage United Methodist Church, Sign Conditional Use Permit dated September 2, 2014.**
2. **The total area of the digital reader board shall not exceed eighteen (18) square feet.**
3. **The total sign area of the sign shall not exceed twenty-eight and one-half (28.5) square feet.**

4. **The digital sign shall not display running animation or displays of an intermittent light or lights.**
5. **The digital display shall not display an “off-premises” message.**
6. **The digital display shall change its message no more than once every six (6) seconds.**
7. **The digital sign shall contain an “auto dimming” feature for night time operation.**

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Ms. Bonnie M. Svrcek, Deputy City Manager
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 Mack, Acting Fire Marshal
Mr. Doug Saunders, Building Commissioner
Mr. Robert Fowler, Zoning Administrator
Mr. Harold Wilson, Heritage Methodist Church Trustees, Petitioner
Mr. Trent Warner, Warner White Engineering Partners, Representative

VII. ATTACHMENTS

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

MINUTES OF THE SEPTEMBER 10, 2014 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

Petition of Heritage United Methodist Church Trustees for a conditional use permit at 582 Leesville Road to allow a modified sign consisting of an approximately forty-four (44) square foot sign with a digital reader board in an R-3, Medium Density, Two-Family Residential District.

Mr. Tom Martin explained that originally the petitioner had asked for a 44-square foot sign. After discussions with Mr. Martin, the petitioner agreed to reduce the square footage to 28.5 square feet to be in keeping with other digital reader board signs that have been approved by City Council. Mr. Martin mentioned that this petition carries the same conditions as other digital reader board petitions heard and approved by City Council such as the one at the American Legion and other churches City-wide.

The most impact from this sign might be for residences directly across the street on Leesville Road. With the auto dimming feature, that impact should be addressed. Mr. Martin mentioned that these types of digital reader boards being allowed by right in certain areas of the City will be an item considered by the Planning Commission and City Council during the rewrite of the City's *Zoning Ordinance*. The Planning Division recommends approval of the petition.

Mr. Trent Warner of Warner White Engineering was present to represent the petition. He said his client is Image Brite and he is assisting them with going through the public hearing process. He was available to answer any questions.

Chair Swienton asked if there was anyone else to speak in favor of the petition. No one came forward. He asked if there was anyone who wished to speak in opposition of the petition. No one came forward. He closed the public hearing portion of the petition.

Commissioner Marion asked for clarification of how the 28.5 square feet is computed. Mr. Martin indicated how to measure it using the sign rendering provided. You would draw a box around the cross on the side and box out the words "Heritage United Methodist Church" and the digital reader board and that equals 28.5 square feet. There were no other questions or comments.

Commissioner Johnston made the following motion, which was seconded by Commissioner Perault, and passed by the following vote:

"That the Planning Commission recommends to City Council approval of the petition of Heritage United Methodist Church for a conditional use permit at 582 Leesville Road to allow the construction of a modified sign subject to the following conditions:

- 1. The sign shall be located as indicated on the site plan entitled "Heritage United Methodist Church Sign Conditional Use Permit dated September 2, 2014.**
- 2. The total area of the digital reader board shall not exceed eighteen (18) square feet.**
- 3. The total sign area of the sign shall not exceed twenty-eight and one-half (28.5) square feet.**
- 4. The digital sign shall not display running animation or displays of an intermittent light or lights.**
- 5. The digital display shall not display an "off-premises" message.**
- 6. The digital display shall change its message no more than once every six (6) seconds.**
- 7. The digital sign shall contain an "auto dimming" feature for night time operation."**

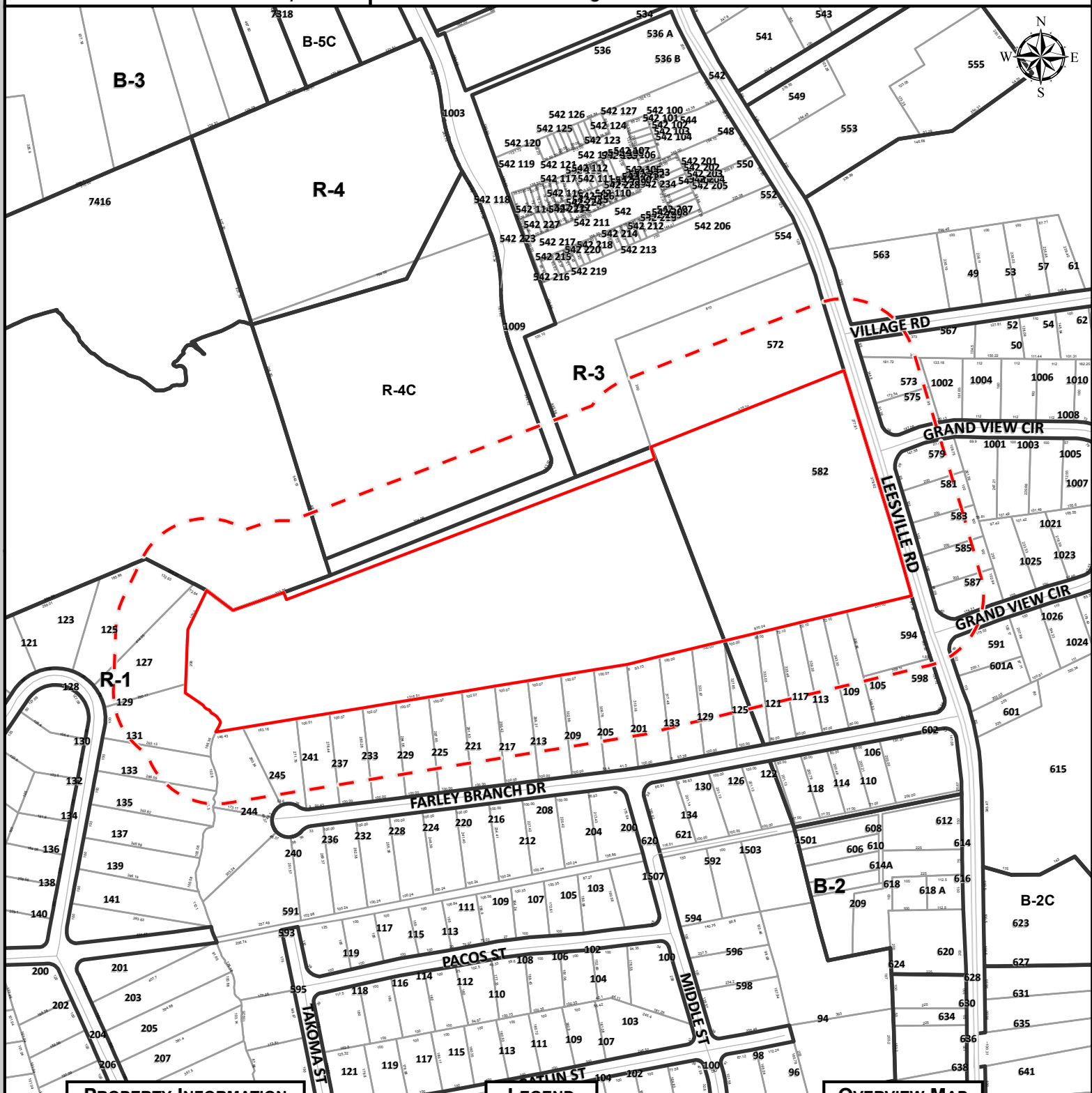
AYES:	Johnston, Lowe, Marion, Perault and Swienton	5
NOES:		0
ABSTENTIONS:		0
ABSENT:	Light and Mays	2

Zoning Map

HERITAGE UNITED METHODIST CHURCH DIGITAL SIGN

Conditional Use Permit Request

Heritage United Methodist Church Trustees



PROPERTY INFORMATION

PARCEL ID ADDRESS
25523002 582 LEESVILLE RD

LEGEND

- Subject Property
- 215' Buffer
- Zoning Boundary

OVERVIEW MAP



MAP SCALE: 1" to 400' DATE PRINTED: 9/4/2014

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.

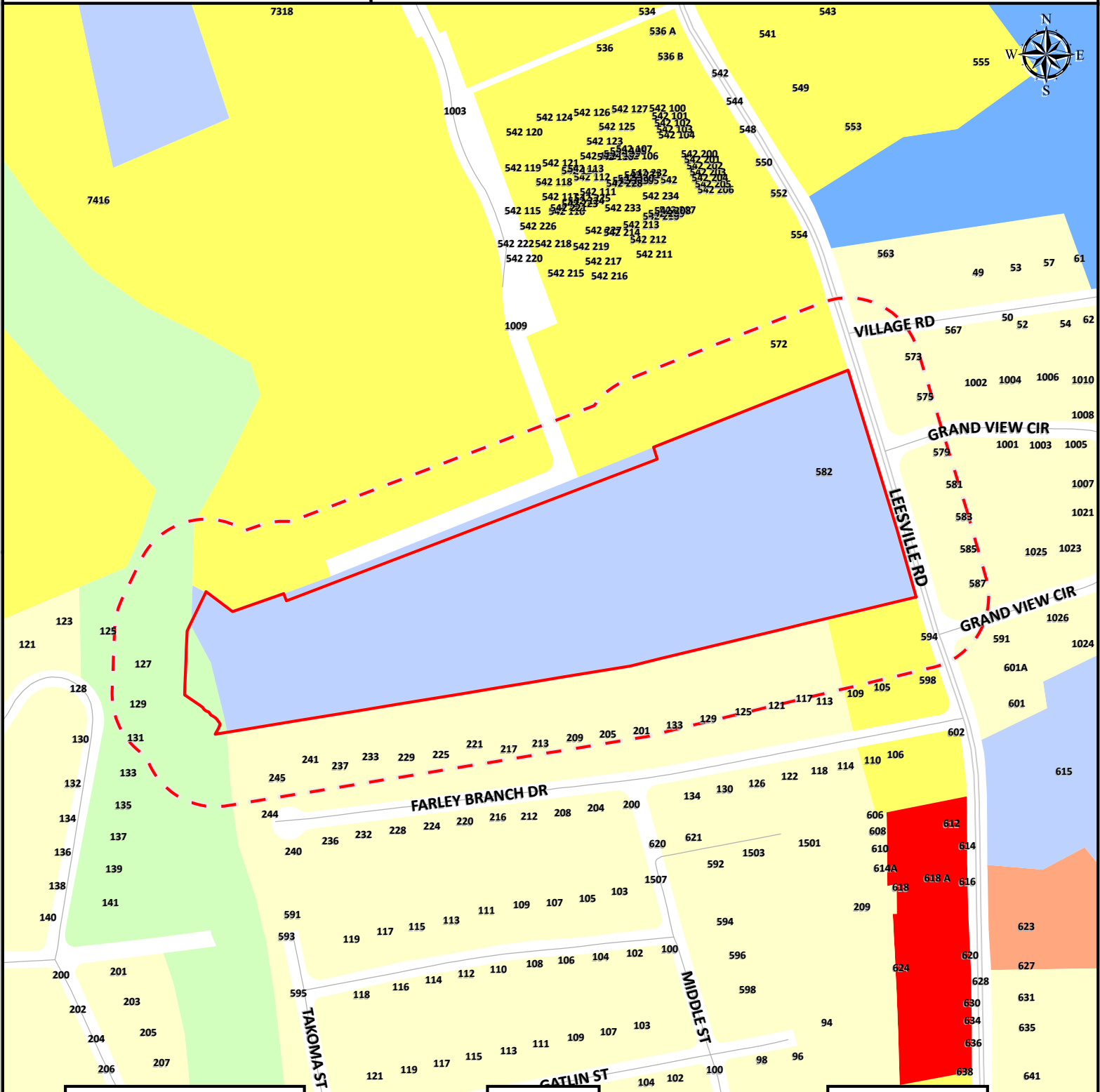
Parcel ID	Address	Owner
25525033	133 FARLEY BRANCH DR	AGUIRRE, RAUL A & TERESA
25501003	567 LEESVILLE RD	ALDERSON, JUNE A ET AL
25502007	585 LEESVILLE RD	BARGER, TERRY D & HELEN E
25525034	129 FARLEY BRANCH DR	BELL, BARRY W JR & TANIA M
25515005	133 YORKSHIRE CIR	BERKSTRESSER, LEE E & BONNIE N
25523001	594 LEESVILLE RD	BISHOP, KATHERINE S &
25502006	583 LEESVILLE RD	BOWLES, LEWIS M & WANDA L
25525029	213 FARLEY BRANCH DR	CAREY, LARRY A & BETTY C
25525022	241 FARLEY BRANCH DR	CAWTHORNE, JULIAN L & PATRICIA T
25525023	237 FARLEY BRANCH DR	CRAIG, JANET M
25502008	587 LEESVILLE RD	FOX, MELVIN H
25525037	117 FARLEY BRANCH DR	HAN, CHAO
25501004	573 LEESVILLE RD	HATMAKER, GEORGE D & ANA M
25525040	105 FARLEY BRANCH DR	HEART HAVENS INC
25523002	582 LEESVILLE RD	HERITAGE UNITED METHODIST CHURCH TRS
24811021	7416 TIMBERLAKE RD	IVEY CREEK FARMS INC
25523003	598 LEESVILLE RD	JOHNS, DONALD R
25515006	131 YORKSHIRE CIR	LANYON, ROBERT E JR
25525032	201 FARLEY BRANCH DR	LEENGREN, SEAN M & BRUSCHI, LAURA N
25515008	127 YORKSHIRE CIR	MAYBERRY, JOHN R
25515009	125 YORKSHIRE CIR	MAYBERRY, JOHN R
25525026	225 FARLEY BRANCH DR	MCCOY, JOHN K & ELIZABETH S
25501005	575 LEESVILLE RD	NAPIER, SHARLENE M
25525028	217 FARLEY BRANCH DR	NICHOLS, JANIS S LIFE ESTATE
25525027	221 FARLEY BRANCH DR	OLSON, CARL G & DOROTHY W
25525035	125 FARLEY BRANCH DR	PENN, ERNEST L & INGRAD H
24811004	1009 MISTY MOUNTAIN RD	REA LYNCHBURG LLC
25503003	591 LEESVILLE RD	RIG MANAGEMENT LLC
25525030	209 FARLEY BRANCH DR	ROBINSON, THOMAS G & PAMELA M
24808028	563 LEESVILLE RD	RUSSELL, LORI A
25525021	245 FARLEY BRANCH DR	SAWYER, ERNIE R JR & DONNA H
25525038	113 FARLEY BRANCH DR	SHAH, ASHOK K & BINDIYA A
25525024	233 FARLEY BRANCH DR	SNELL, SANDY L
25502004	579 LEESVILLE RD	SOLBERG, LLOYD
25515007	129 YORKSHIRE CIR	STARR, FRANCES I
25525039	109 FARLEY BRANCH DR	STERN, GARY W & ELAINE S
25525025	229 FARLEY BRANCH DR	TOMICH, MICHAEL P
25525036	121 FARLEY BRANCH DR	TUCKER, LEWIS L JR & STEPHANIE
25502005	581 LEESVILLE RD	TYREE, ELMO & NANCY P
25522001	572 LEESVILLE RD	VIP LLC
24809026	554 LEESVILLE RD	VIP LLC
25525031	205 FARLEY BRANCH DR	WHITE, KENT L & MICHELLE C

FLUM Map

HERITAGE UNITED METHODIST CHURCH DIGITAL SIGN

Conditional Use Permit Request

Heritage United Methodist Church Trustees



PROPERTY INFORMATION

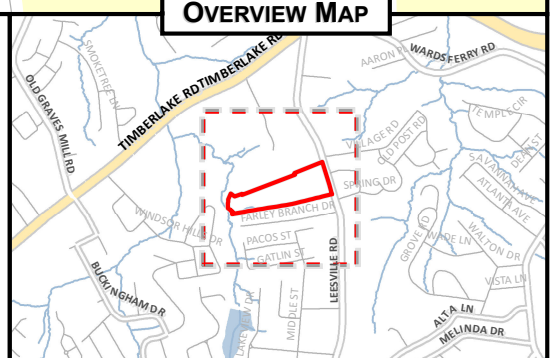
PARCEL ID 25523002 **ADDRESS** 582 LEESVILLE RD

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 |

MAP SCALE: 1" to 400' DATE PRINTED: 9/4/2014

OVERVIEW MAP



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Watershed Map

HERITAGE UNITED METHODIST CHURCH DIGITAL SIGN

Conditional Use Permit Request

Heritage United Methodist Church Trustees



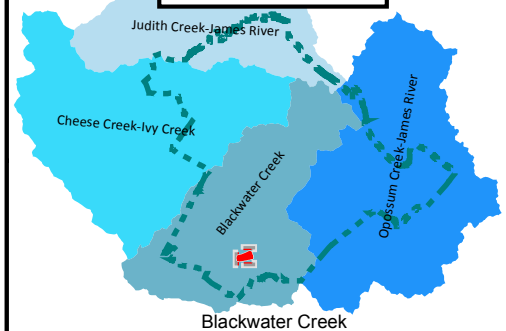
PROPERTY INFORMATION

PARCEL ID	ADDRESS
25523002	582 LEESVILLE RD

LEGEND

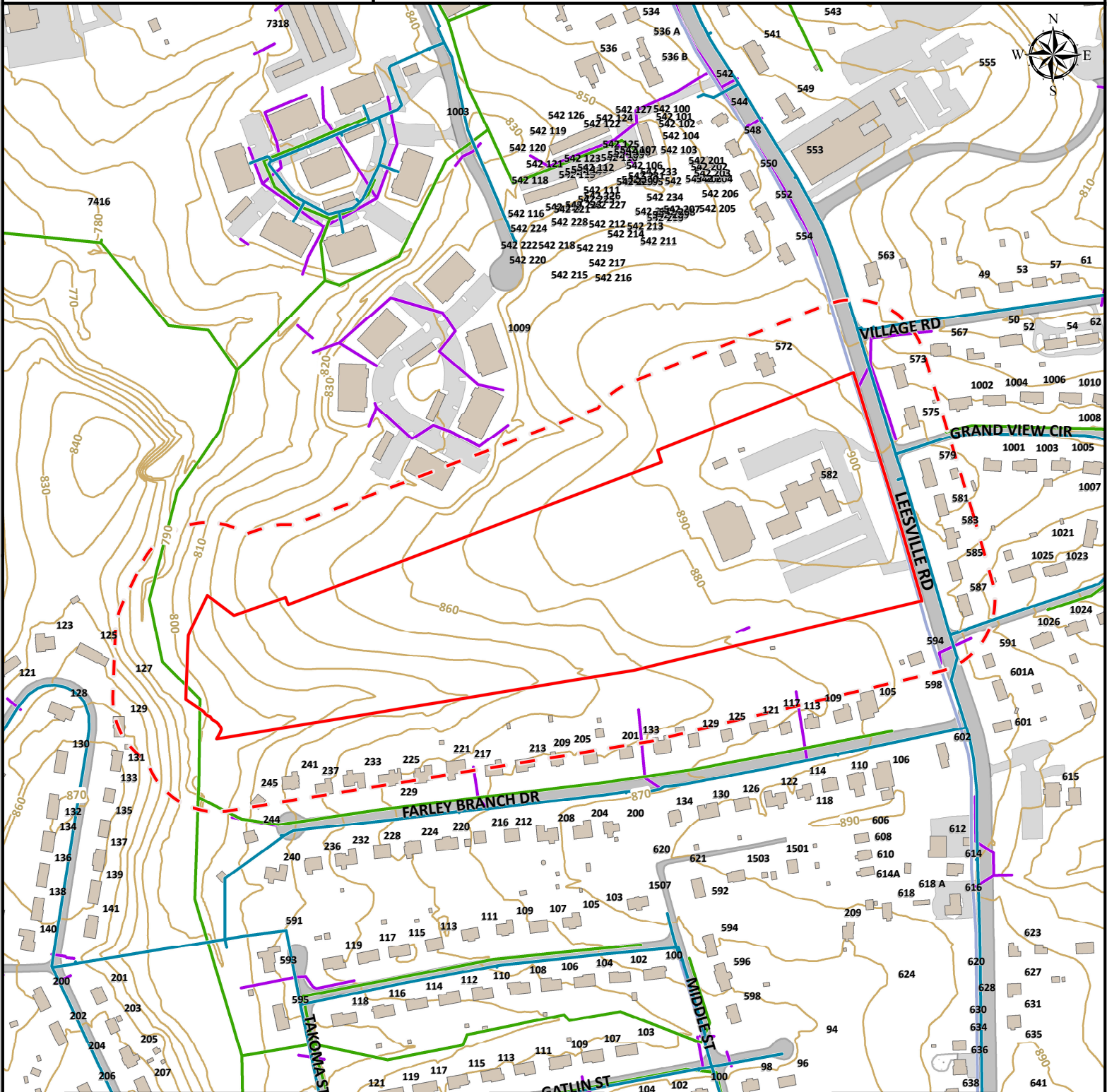
- Subject Property
- Base Flood Elevation
- Floodway
- Floodzone
- River / Lake / Stream

OVERVIEW MAP



MAP SCALE: 1" to 400' DATE PRINTED: 9/4/2014

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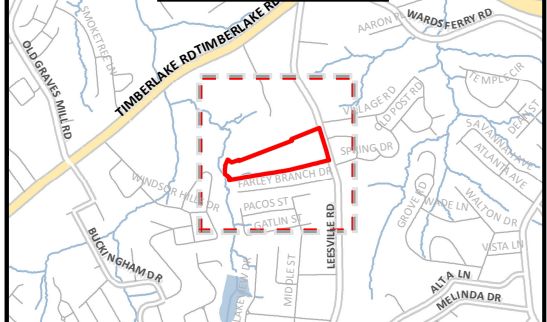
PROPERTY INFORMATION

PARCEL ID	ADDRESS
25523002	582 LEESVILLE RD

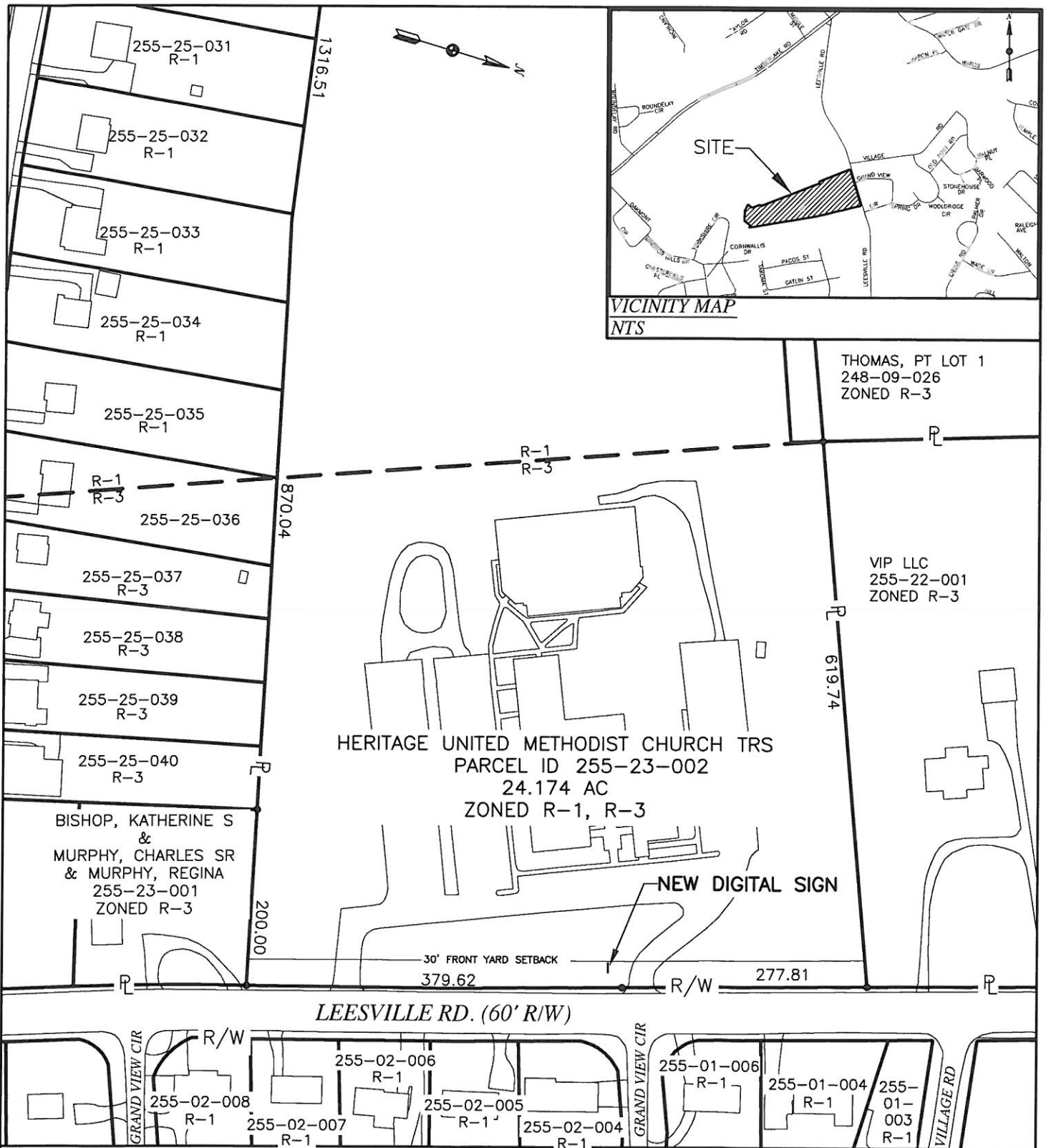
LEGEND

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

OVERVIEW MAP



MAP SCALE: 1" to 400' DATE PRINTED: 9/4/2014



PROJECT NARRATIVE:

THIS PLAN IS TO SHOW THE NEW DIGITAL SIGN LOCATION THAT HERITAGE UNITED METHODIST CHURCH INTENDS TO BUILD.

RECEIVED

SEP 02 2014

COMMUNITY
DEVELOPMENT

**WARNER
WHITE**
ENGINEERING PARTNERS

118 CORNERSTONE STREET
LYNCHBURG, VIRGINIA 24502
PHONE: 434-534-3201 FAX: 434-534-3202

PROJECT:

HERITAGE UNITED METHODIST CHURCH

SIGN CONDITIONAL USE PERMIT

LYNCHBURG, VIRGINIA

DATE:

09-02-14

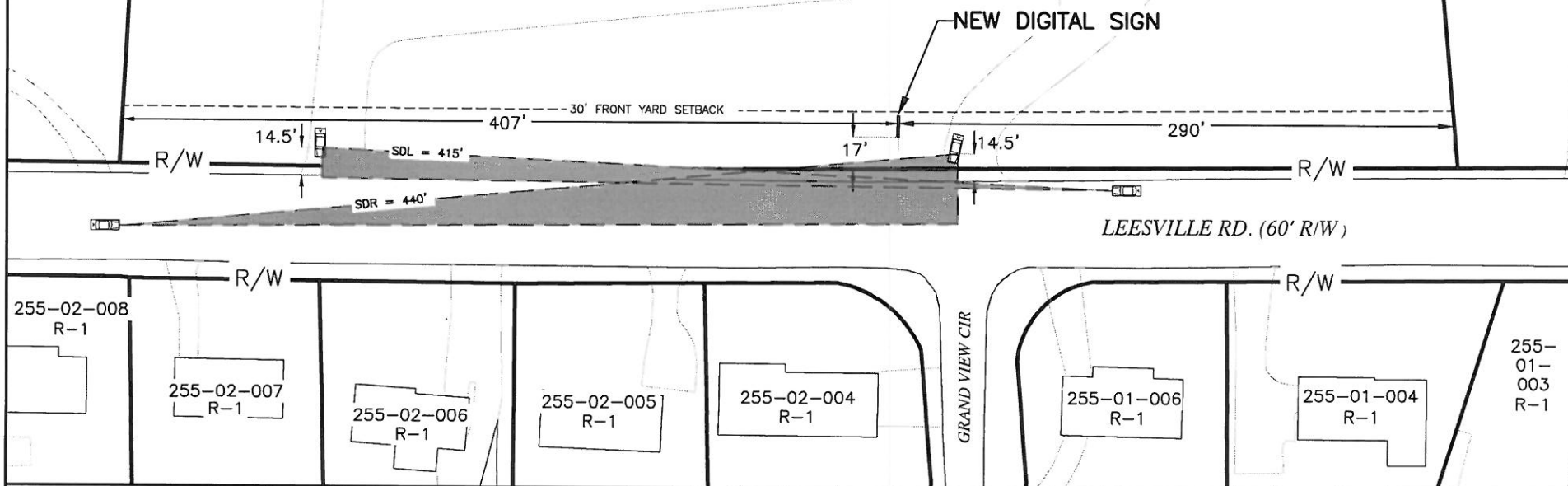
SCALE:

1" = 150'

SHEET No.

1 OF 2

HERITAGE UNITED METHODIST CHURCH TRS
PARCEL ID 255-23-002
24.174 AC
ZONED R-1, R-3



SIGHT DISTANCE NOTE:

SIGHT DISTANCE REQUIREMENTS TAKEN FROM THE VDOT ROAD DESIGN MANUAL VOLUME I
APPENDIX F, PAGE F-35.

**WARNER
WHITE**
ENGINEERING PARTNERS
118 CORNERSTONE STREET
LYNCHBURG, VIRGINIA 24502
PHONE: 434-534-3201 FAX: 434-534-3202

PROJECT:
HERITAGE UNITED METHODIST CHURCH
SIGN CONDITIONAL USE PERMIT

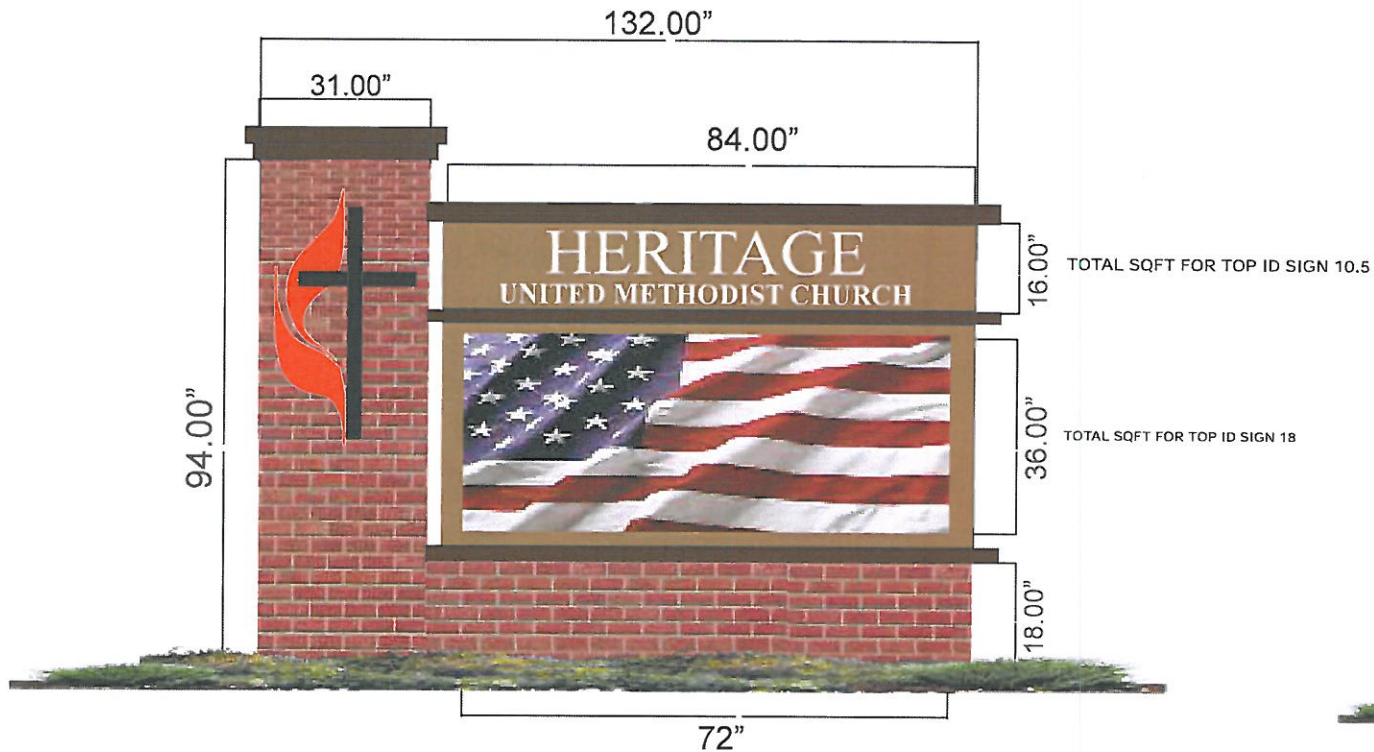
LYNCHBURG, VIRGINIA

DATE:
09-02-14
SCALE:
1" = 80'
SHEET No.
2 OF 2

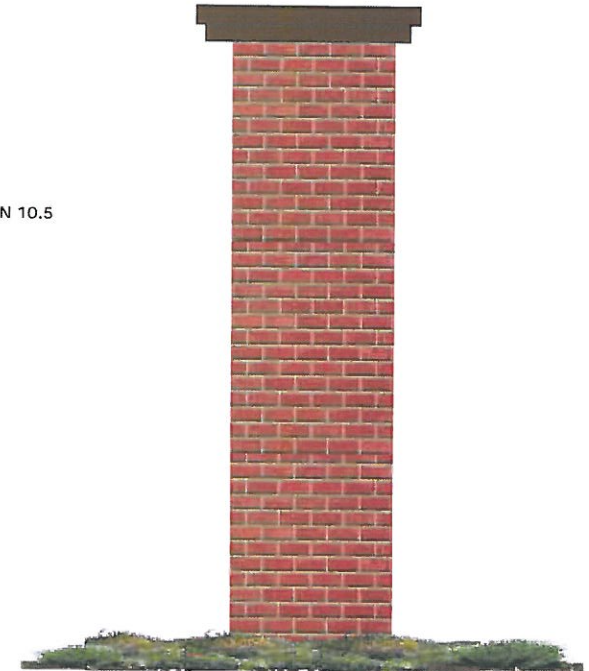
RECEIVED

SEP 02 2014

COMMUNITY
DEVELOPMENT



SIDE VIEW



FULL COLOR 19MM EMC BOARD
SIGN TO HAVE STATIC DISPLAY THAT CHANGES EVERY 6 SECONDS

 IMAGEBRITE INCORPORATED 1485 WATERLICK ROAD - LYNCHBURG, VIRGINIA 24501	Date		Client HERITAGE UNITED METHODIST CHURCH
	Scale		Address
			Customer Approval

THIS DESIGN/ENGINEERING PROPOSAL IS TO REMAIN IMAGE-BRITE INC. EXCLUSIVE PROPERTY UNTIL APPROVED AND ACCEPTED THRU PURCHASE BY CLIENT NAMED ON DRAWING



RECEIVED

SEP 02 2014

COMMUNITY
DEVELOPMENT

September 02, 2014

Tom Martin
City Planner
City of Lynchburg
Department of Community Development
900 Church Street
Lynchburg, Virginia 24501

Dear Tom,

On behalf of our client, Heritage United Methodist Church, and acting as their agent, we would like to offer the following narrative for the need for the sign being proposed for the subject conditional use permit.

Our client would like to add a digital sign to inform members as well as the community of their programs, services, and upcoming events. In addition, the sign can have variable messages to assist in public outreach.

The Heritage United Methodist Church has worked with the City to ensure the sign meets the ordinance for size and display effects. The sign will have a nighttime feature that allows a reduction of light during evening hours.

We are pleased to entertain any questions the City or the neighbors may have during the public hearings and look forward to our continued joint efforts.

Sincerely,

Warner Engineering, Inc.

A handwritten signature in cursive script, reading "Trent J. Warner", is positioned above the typed name.

Trent J. Warner, PE
President



**Conditional Use Permit for a Digital Sign for
Heritage United Methodist Church
582 Leesville Road
September 10, 2014**

PLEASE PRINT

[illegible]

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **October 14, 2014**

AGENDA ITEM NO.: 12

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: Allow Fill in the 100-year Floodplain – 1971 University Boulevard

RECOMMENDATION: Approval of the Conditional Use Permit (CUP) to fill in an atypically designated floodplain.

SUMMARY: Liberty University Inc., is petitioning to create a building pad by filling in the floodplain. In this instance the floodplain has a drainage area of less than one square mile, an area that would not be mapped as floodplain in accordance with current standards. The petitioner has submitted information documenting that the proposed fill would not result in a net rise of the floodplain elevation and the fill will not cause undue hardship to neighboring properties along Rock Castle Creek.

PRIOR ACTION(S):

August 27, 2014: The Planning Division recommended approval of the CUP petition.

The Planning Commission recommended approval (7-0) of the CUP request for filling in the floodplain.

FISCAL IMPACT: N/A

CONTACT(S):

Tom Martin, City Planner - 455-3900

Kent White, Director of Community Development – 455-3900

ATTACHMENT(S):

- Resolution
- Planning Commission Report and Minutes – August 27, 2014
- Vicinity Zoning Pattern Map
- Vicinity Proposed Land Use Map
- Watershed Location Map
- Planimetric and Topographic Map
- Floodplain documentation
- Property Photograph
- Signup Sheet

REVIEWED BY: lkp

RESOLUTION:

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO LIBERTY UNIVERSITY, INC., TO ALLOW FILL WITHIN THE FLOODPLAIN AT 1971 UNIVERSITY BOULEVARD IN A B-5C, GENERAL BUSINESS DISTRICT (CONDITIONAL).

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of Liberty University, Inc., for a conditional use permit to allow fill within the floodplain at 1971 University Boulevard is hereby approved subject to the following conditions:

1. The developer shall not cause any detrimental effects to the Rock Castle Creek Tributary outside of the area designated for filling in the flood plain on the subject property.
2. An engineered site plan is required and shall provide for the determination of an "adequate conveyance and downstream receiving channel."
3. A Letter of Map Revision (LOMR) will be filed with the Federal Emergency Management Association (FEMA).

As provided by Section 35.1-15(i) of the zoning ordinance, if a building permit for any construction authorized by this conditional use permit is not applied for within six months of the granting of the conditional use permit, the conditional use permit shall become void, unless prior to the expiration of the six month period, the holder of the permit has applied for a six month extension of the conditional use permit from the City Manager's Office. Two six month extensions of the conditional use permit may be obtained from the City Manager's Office. A third and final twelve month extension of the conditional use permit may be requested from City Council prior to the expiration of the second six month extension that was issued by the City Manager's Office.

Adopted:

Certified: _____
Clerk of Council

133K

The Department of Community Development

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

To: Planning Commission
From: Planning Division
Date: August 27, 2014
Re: **Conditional Use Permit: Fill in the 100-year floodplain - 1971 University Boulevard and 751 Mountain View Road**

I. PETITIONER

Liberty University Inc, 1971 University Boulevard, Lynchburg, VA 24501

Representative: Mr. Russ Orrison, Perkins & Orrison, 17 W. Nelson Street, Lexington, VA 24450

II. LOCATION

The subject area is a portion of Liberty's campus between Regents Parkway and the Norfolk and Southern Railroad, spanning 1971 University Boulevard and 751 Mountain View Road.

Property Owners:

Liberty University Inc, 1971 University Boulevard, Lynchburg, VA 24501

III. PURPOSE

The purpose of the conditional use permit petition is to allow for the floodplain to be filled so that a usable building pad can be created. No specific use for the site is being proposed, but due to its proximity to other facilities on campus, it will likely be for expansion of the university.

IV. SUMMARY

- The *Future Land Use Map (FLUM)* recommends an Institutional use for this property. Institutional uses include religious, educational, and other nonprofit entities in the City.
- The property is zoned B-5C, General Business District (Conditional).
- This floodplain has a drainage area of less than one square mile; an area not normally mapped as floodplain by current standards, and is more a backwater condition of the 3' x 3' railroad culvert than a floodplain, hydraulically connected to the floodplain along Rock Castle Creek.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *FLUM* of the *Comprehensive Plan 2013-2030* recommends an Institutional Use for the property. Institutional Uses include religious, educational and other nonprofit entities in the City. Examples include churches, cemeteries, private schools and universities, private nonprofit hospitals, service clubs and organizations, and other nonprofit institutions.

Goal NS-1.4 is to "Promote responsible management and development of lands adjacent to important natural resources that provide a pleasant, healthy and safe environment for human activities by:

- Minimizing fill or development within the 100-year floodplains and wetlands, except as required for water resources management and passive recreational projects;

- Limiting development of steep slopes adjacent to streams, floodplains, and wetlands;
- Protecting unique and critical habitats;
- Protecting and enhancing scenic resources, such as City parks and trails, the old City Cemetery, the riverfront and Point of Honor; and
- Eradicating invasive plant species.”

It is important to minimize fill in floodplains across the city when the mapped floodplain provides important protection for people and property downstream. In this instance, the floodplain was created because from a backwater condition of a 3' x 3' culvert and this is not a natural floodplain. Capacity can be accommodated by a proposed upstream detention pond.

2. **Zoning.** Portions of the subject property were annexed into the City in 1958 and 1976. The existing B-5C, General Business District (Conditional) zoning was established in 2003 with the approval of the rezoning petition of Jerry Falwell Ministries.
3. **Proffers.** No proffers have been submitted.
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 February 10, 1981, Council approved the petition of Granville Graham to rezone the property at 3400 Wards Road from B-3, Community Business District to B-5C, General Business District (Conditional) to allow for the construction of a warehouse.
 - On June 14, 1988, Council approved the petition of Barry E. Dotson & Associates to rezone the property at 3900 Wards Road from I-2, Light Industrial District to B-3C, Community Business District (Conditional) and receive a CUP to fill-in the floodplain to allow for the construction of a shopping center.
 - On March 14, 1989, Council approved the petition of Vito DeMonte to rezone the property at 3725 Wards Road from I-2, Light Industrial District to B-5C, General Business District (Conditional) to allow for the expansion of an existing auto body.
 - On March 14, 1989, Council approved the CUP petition of Old Time Gospel Hour to construct a football stadium and basketball arena at 3765 Candler's Mountain Road.
 - On September 11, 1990, Council approved the petition of Vito DeMonte to rezone the property at 3717 Wards Road from I-2, Light Industrial District to B-5C, General Business District (Conditional) to allow for the construction of an automobile showroom and service shop.
 - On July 14, 1992, Council approved the petition of Sam's Club to rezone the property at 3900 Wards Road to B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional) to allow for a retail store and modification to the proffered site plan.
 - On April 8, 1997, Council approved the CUP petition of Wal-Mart Stores, Inc. to fill in the floodplain in order to allow for a retail store at 3900 Wards Road.

- On January 26, 1999, Council approved the rezoning petition of Faison/Trammel Crow Company to rezone the property at 100 Atlanta Avenue from R-3, Medium Density, Two-Family Residential District, R-4, Medium-High Density, Multi-Family Residential District, R-5, High Density, Multi-Family Residential District and B-5, General Business District to B-5C, General Business District (Conditional) to allow for the construction of a shopping center.
 - On July 13, 1999, Council approved the petition of Rocky Bottom Realty, LLC to rezone the property at 3700 Wards Road from I-2, Light Industrial District and R-C, Resource Conservation District to B-3C, Community Business District (Conditional) and receive a CUP to fill-in the floodplain to allow for the construction of retail and restaurant uses.
 - On May 9, 2000, Council approved the CUP petition of Old Time Gospel Hour to fill in the floodplain to facilitate the development of a restaurant at 3920 Wards Road.
 - On July 10, 2001, Council approved the CUP petition of EHI Properties to fill in the floodplain to facilitate the development of a restaurant at 3805 Wards Road.
 - On November 13, 2001, Council approved the CUP petition of Liberty University to amend the Master Plan at 1971 University Boulevard.
 - On December 16, 2003, Council approved the petition of Jerry Falwell Ministries to rezone the property at 100 Mountain View Road from I-2, Light Industrial District, B-5, General Business District, and B-3C, Community Business District (Conditional) to B-5C, General Business District (Conditional) and receive a CUP to allow for modifications to the vegetation disturbance on the property.
 - On June 10, 2008, Council approved the CUP petition of Liberty University to allow for a consolidated sign plan at 100 Mountain View Road, 100 and 300 Liberty Mountain and 3501 Wards Road.
 - On May 13, 2014, Council approved the petition of B & H Holding, LLC to rezone the property at 3801 and 3805 Wards Road from B-5C, General Business District (Conditional) and I-2, Light Industrial District, to B-5C, General Business District (Conditional) to allow the construction of a car wash and associated parking. Council also approved their CUP petition to allow fill in the floodplain at 3801 and 3805 Wards Road.
6. **Site Description.** The subject property proposed for fill consists of approximately two and seventy-two hundredths (2.72) acres located adjacent to the Norfolk & Southern Railroad, north of the Liberty University vehicular tunnels and west of Regents Parkway. The property is part of the much larger Liberty University campus, is wooded and is approximately twenty (20) feet below the grade of Regents Parkway.
7. **Proposed Use of Property.** If the CUP petition is approved, the property will be filled in to create a pad site for Liberty University expansion.
8. **Traffic, Parking and Public Transit.** As no development is proposed, the petition did not warrant a Traffic Impact Study (TIS) or create any traffic concerns.
9. **Stormwater Management.** The proposed project is required to treat stormwater runoff for quantity and quality. Capacity of the floodplain will be provided by a detention facility upstream.

10. **Emergency Services.** The City Fire Marshal and The City's Police Department did not have any concerns with filling of the floodplain.
 11. **Impact.** The CUP petition proposes filling in the floodplain to allow for the expansion of Liberty University onto a previously unbuildable site. This floodplain has a drainage area of less than one square mile; an area not normally mapped as floodplain by current standards, and is more a backwater condition of the three foot (3') x three foot (3') railroad culvert than a floodplain, hydraulically connected to the floodplain along Rock Castle Creek. The petitioner has submitted information documenting that the proposed fill would not result in a net rise of the floodplain elevation. Although caution should be taken when altering the floodplain, the impact from this proposal should be minimal.
 12. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the conditional use permit on August 5, 2014. 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 conditional use permit petition of Liberty University Inc, to allow filling in the floodplain at 1971 University Boulevard and 751 Mountain View Road in accordance with the following conditions:

1. **The developer shall not cause any detrimental effects to the Rock Castle Creek Tributary outside of the area designated for filling in the flood plain on the subject property.**
2. **An engineered site plan is required and shall provide for the determination of an "adequate conveyance and downstream receiving channel."**
3. **A Letter of Map Revision (LOMR) will be filed with the Federal Emergency Management Association (FEMA).**

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Ms. Bonnie M. Svrcek, Deputy City Manager
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
Battalion Chief Greg Wormser, Fire Marshal
Mr. Don DeBerry, Transportation Engineer

Mr. Doug Saunders, Building Commissioner
Mr. Robert Fowler, Zoning Administrator
Mr. E. Rick Lee, Jet Express Car Wash
Mr. Bill Hinton, B & H Holdings

VII. ATTACHMENTS

- 1. Vicinity Zoning Pattern Map**
- 2. Vicinity Proposed Land Use Map**
- 3. Watershed Location Map**
- 4. Planimetric and Topographic Map**
- 5. Conditional Use Permit Plan**
- 6. Property Photograph**
- 7. Project Narrative**

MINUTES FROM THE AUGUST 27, 2014 PLANNING COMMISSION MEETING (MINUTES HAVE BEEN APPROVED):

Petition of Liberty University for a conditional use permit at 1971 University Boulevard and 751 Mountain View Road to allow fill within the 100-year floodplain.

Mr. Kevin Henry explained that the property is on Liberty University's campus and will be used for the university's expansion. The *Comprehensive Plan* states that the City should promote responsible management and development of lands adjacent to important natural resources. One of the particular items in that section of the plan says to minimize fill or development within the 100-year floodplain. It is important to minimize fill in the floodplain in order to provide protection for areas downstream.

In this particular case, the floodplain was created by a backwater condition, a three feet by three feet culvert, not a natural floodplain area. Capacity can be accommodated by proposed detention ponds upstream. The petitioner has submitted information that shows the proposed fill will not result in a net rise of the floodplain elevation. Although caution should be taken when altering the floodplain, the impact from this proposal should be minimal.

Mr. Russ Orrison of Perkins & Orrison and Ms. Maggie Cossman of Liberty University were present to represent the petition. Mr. Orrison explained that this is a 90-acre watershed and FEMA usually only maps 640-acre watersheds. In talking with FEMA, they are not sure why it was mapped. FEMA has relayed to Erin Hawkins with City staff and Mr. Orrison that it was probably mapped in error. If it had been noticed when the floodplain maps were updated, they would have likely cleaned up this error themselves.

Mr. Orrison stated that this property is on the campus loop and the public transportation loop. They feel it would be of good use for development. The area is an integral part of campus and it seems to make sense to use it productively.

Chair Swienton asked if there was anyone else to speak in favor of the petition. No one came forward. He asked if there was anyone to speak in opposition to the petition. No one came forward. He closed the public hearing portion of the petition.

Commissioner Johnston asked if staff could explain a backwater condition. Ms. Hawkins came forward and explained that there is a very narrow area where the culvert runs under the railroad tracks in this location. The culvert is undersized to convey the amount of water that comes down there. What will happen in a major storm event is that the water will build up and back up causing a backwater condition. Ms. Hawkins sees this typically on the railroad culverts. Years ago, they may have been adequate but now, due to development, they create these ponding areas. Ms. Hawkins noted that she concurs with Mr. Orrison's assessment and remarked that her conversations with FEMA have been that this is a unique situation and FEMA representatives also concur with Mr. Orrison's assessment.

Commissioner Marion asked if the culvert is going to remain open or where will the water go. Mr. Orrison stated that they will enlarge the detention pond above this property near Regents Parkway. Ultimately, there will be piping through this area, if they are successful in getting fill and building on this site. The water will drain to the same culvert; however, the water rate will be slightly less. Ms. Hawkins explained that there cannot be a hard connection to the culvert; it has to remain separate.

Commissioner Mays asked if this is a manmade floodplain, for lack of a better term. Mr. Orrison concurred with Commissioner Mays that they would not even be discussing this if the culvert had not been placed here. Mr. Orrison also concurred with Commissioner Mays' assessment that the situation will be mitigated by what measures they plan to take with the site development.

Chair Swienton asked Ms. Hawkins if FEMA only maps natural floodplains. Ms. Hawkins stated that is typically true. The situation with this is that because it is such a small drainage area through here, if it were just natural topography, you still might have some water through here. To the degree here is really because of the box culvert. If FEMA had realized that this is such a small drainage area, it would not have been mapped at all. Chair Swienton asked if FEMA could classify manmade construction as a floodplain. Ms. Hawkins and Mr. Orrison both said it could.

Commissioner Perault asked if the upstream detention pond is a requirement. Mr. Orrison said it is. The only way they can show that the filling of this floodplain will not result in a net rise is to provide this detention pond.

Chair Swienton said he was trying to picture the amount of fill dirt. If he were to stand where the tennis court facility is, there is quite a drop there. He asked if the fill would level this entire area. Mr. Orrison said this would more or less fill level with the road to a point where the grade will break down to grade where the railroad is because they will not be getting permission to put any dirt on the railroad right away. Chair Swienton felt that this is a substantial amount of fill. Mr. Orrison said it is approximately 100,000 cubic yards. They hope to get all the fill dirt they need from the construction of the detention pond and the second residence hall. Chair Swienton asked if they have to bore down to the preconstruction fill in order to construct. Mr. Orrison said they either have to do that or provide geotechnical data from when you are placing the fill. In this case, they would have the reports that the fill was placed as structural fill.

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

"That the Planning Commission recommends to City Council approval of the conditional use permit petition of Liberty University Inc, to allow filling in the floodplain at 1971 University Boulevard and 751 Mountain View Road in accordance with the following conditions:

- 1. The developer shall not cause any detrimental effects to the Rock Castle Creek Tributary outside of the area designated for filling in the flood plain on the subject property.**
- 2. An engineered site plan is required and shall provide for the determination of an "adequate conveyance and downstream receiving channel."**
- 3. A Letter of Map Revision (LOMR) will be filed with the Federal Emergency Management Association (FEMA)."**

Chair Swienton noted that normally he is concerned with filling in the floodplain. In this case, there are certainly steps being taken to make it a positive project.

The motion passed by the following vote:

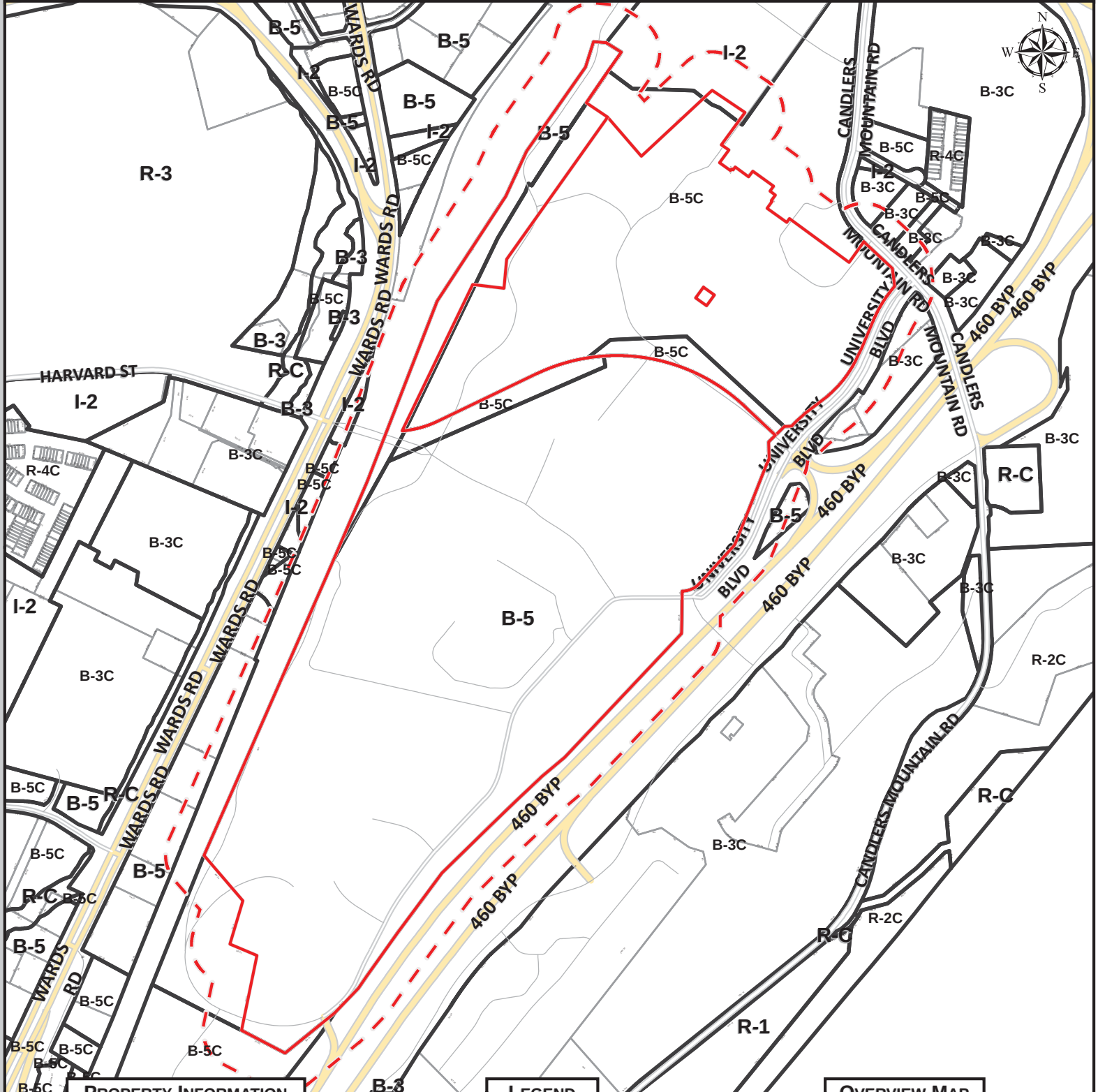
AYES:	Johnston, Light, Lowe, Marion, Mays, Perault and Swienton	7
NOES:		0
ABSTENTIONS:		0
ABSENT:		0

Zoning Map

FILL IN THE 100-YEAR FLOODPLAIN

Conditional Use Permit Request

Liberty University



PROPERTY INFORMATION

PARCEL ID	ADDRESS
25701001	1971 UNIVERSITY BLVD
13001002	751 MOUNTAIN VIEW RD

LEGEND

- Subject Property
- 215' Buffer
- Zoning Boundary

OVERVIEW MAP



MAP SCALE: 1" to 750' DATE PRINTED: 10/2/2014

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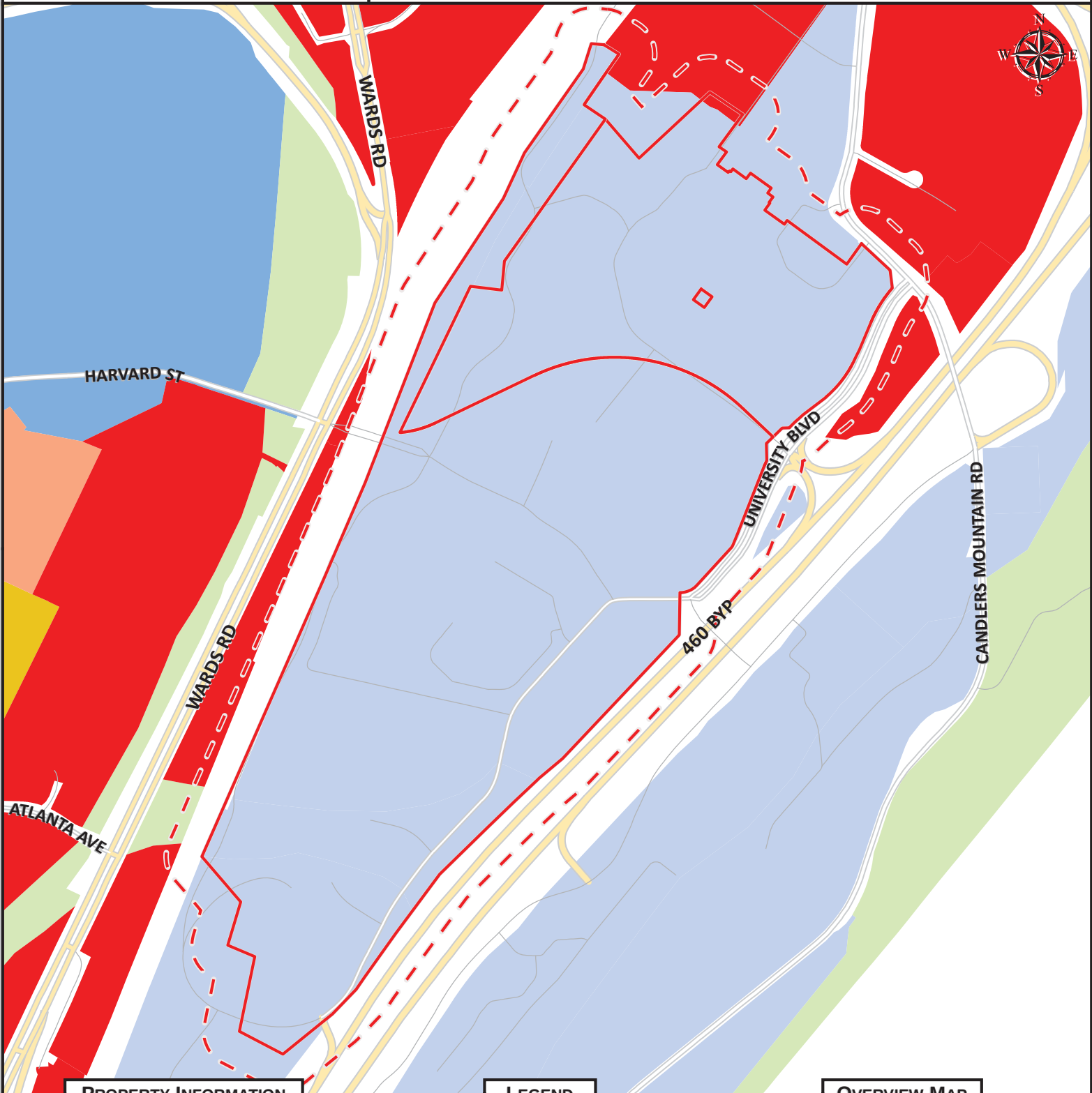
Parcel ID	Address	Owner
13002007	3736 CANDLERS MOUNTAIN RD	AMITA ENTERPRISES LLC
25702016	3805 WARDS RD	B & H HOLDINGS LLC
25702009	3801 WARDS RD	B & H HOLDINGS LLC
13002006	3750 CANDLERS MOUNTAIN RD	B N E RESTAURANT GROUP IV LLC
13005003	1910 UNIVERSITY BLVD	BRE/ESA P PORTFOLIO LLC
25702003	4003 WARDS RD	CFA-NC TOWNRIDGE SQUARE LLC
25702008	3813 WARDS RD	GACOMB LLC
26002001	100 SOUTH CAMPUS DR	LIBERTY UNIVERSITY INC
25804001	1530 UNIVERSITY BLVD	LIBERTY UNIVERSITY INC
13001803	103 MARIE GREEN DR	LIBERTY UNIVERSITY INC
25702010	3761 WARDS RD	LIBERTY UNIVERSITY INC
25702012	3501 WARDS RD	LIBERTY UNIVERSITY INC
13005002	1420 UNIVERSITY BLVD	LIBERTY UNIVERSITY INC
13005004	1430 UNIVERSITY BLVD	LIBERTY UNIVERSITY INC
13002014	3760 CANDLERS MOUNTAIN RD	LIBERTY UNIVERSITY INC
13005001	1400 UNIVERSITY BLVD	LIBERTY UNIVERSITY INC
13005005	1422 UNIVERSITY BLVD	LIBERTY UNIVERSITY INC
13001002	751 MOUNTAIN VIEW RD	LIBERTY UNIVERSITY INC
25701001	1971 UNIVERSITY BLVD	LIBERTY UNIVERSITY INC
13002004	3700 CANDLERS MOUNTAIN RD	LU CANDLERS STATION HOLDINGS LLC
13002008	3744 CANDLERS MOUNTAIN RD	LYNCHBURG INVESTMENTS LLC
25702006	3919 WARDS RD	MID-ATLANTIC LYNCHBURG LLC
25702011	3725 WARDS RD	SANDROF, NIGEL P & TAMERA Y
25702015	3717 WARDS RD	SANDROF, NIGEL P & TAMERA Y
16231003	3429 CANDLERS MOUNTAIN RD	SOUTHERN RAILWAY
24604005	3300 WARDS RD	SOUTHERN RAILWAY CO
25702007	3901 WARDS RD	SWIFT CREEK CAPITOL LLC
13001004	601 MOUNTAIN VIEW RD	THOMAS ROAD BAPTIST CHURCH
25702013	3809 WARDS RD	VAN FIRST LLC
25702005	3927 WARDS RD	WARDS ROAD PROPERTY LLC

FLUM Map

FILL IN THE FLOODPLAIN

Conditional Use Permit Request

Liberty University



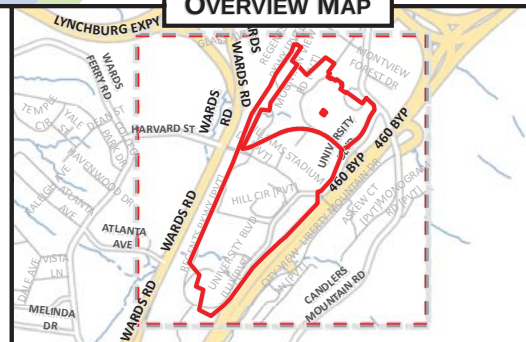
PROPERTY INFORMATION

PARCEL ID	ADDRESS
25701001	1971 UNIVERSITY BLVD
13001002	751 MOUNTAIN VIEW RD

LEGEND

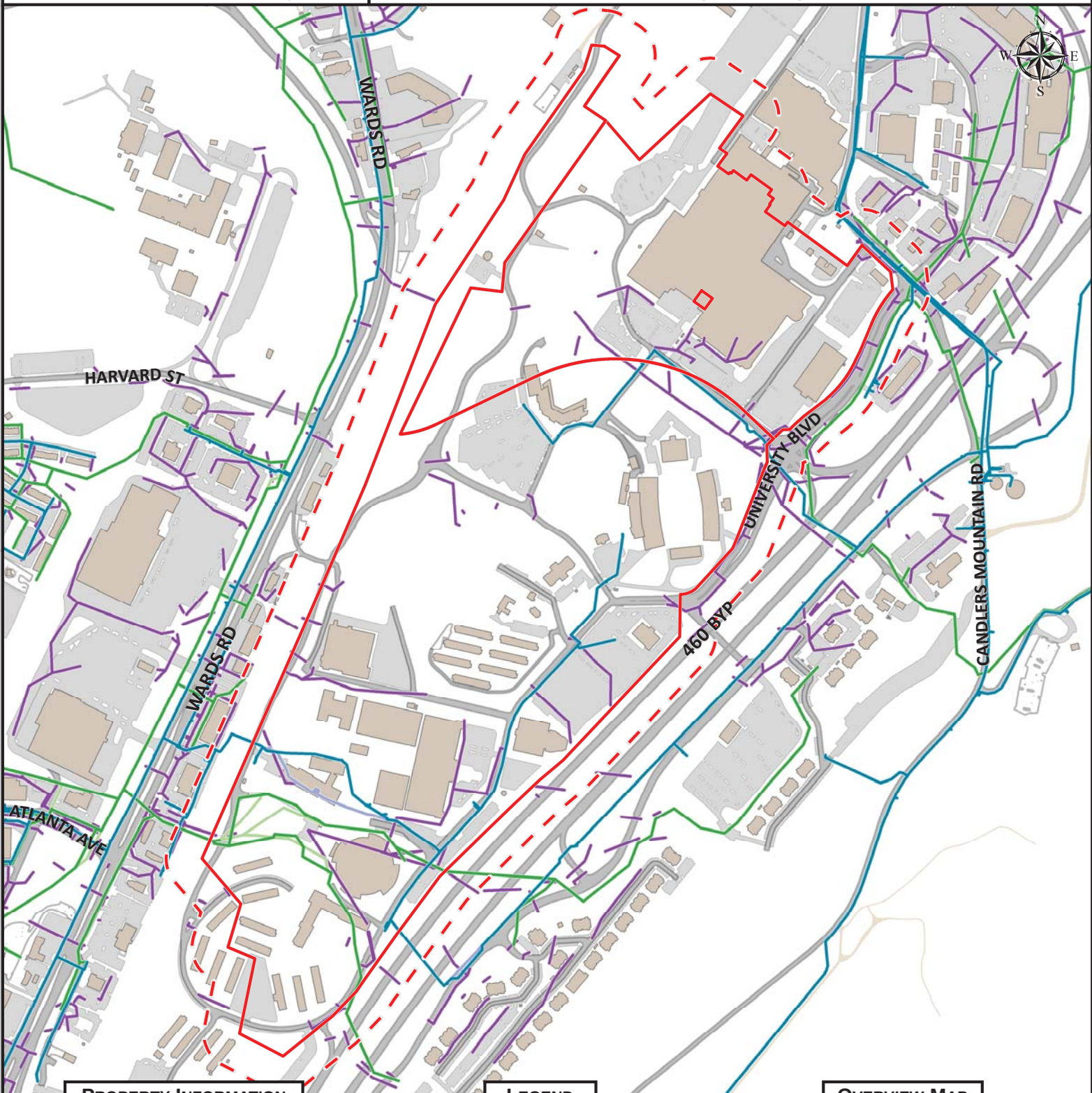
	Local Historic District		Employment 1
	Traditional Residential		Employment 2
	Low Density Residential		Downtown
	Medium Density Residential		Institution
	High Density Residential		Public Use
	Neighborhood Commercial		Public Parks
	Community Commercial		Resource Conservation
	Mixed Use		

OVERVIEW MAP



MAP SCALE: 1" to 750' DATE PRINTED: 8/15/2014

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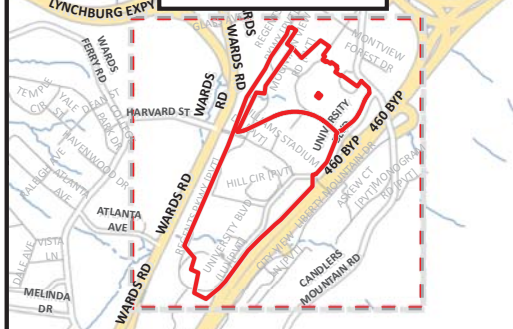
PROPERTY INFORMATION

PARCEL ID	ADDRESS
25701001	1971 UNIVERSITY BLVD
13001002	751 MOUNTAIN VIEW RD

LEGEND

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

OVERVIEW MAP



MAP SCALE: 1" to 750' DATE PRINTED: 8/15/2014

Watershed Map

FILL IN THE FLOODPLAIN

Conditional Use Permit Request

Liberty University



PROPERTY INFORMATION

PARCEL ID	ADDRESS
25701001	1971 UNIVERSITY BLVD
13001002	751 MOUNTAIN VIEW RD

LEGEND

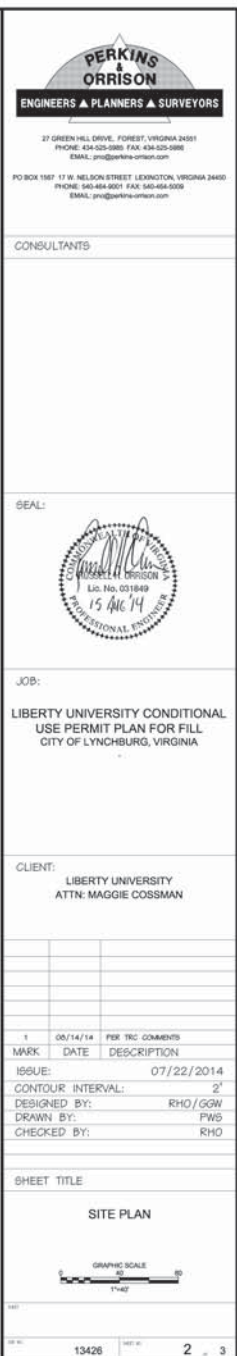
- Subject Property
- Base Flood Elevation
- Floodway
- Floodzone
- River / Lake / Stream

OVERVIEW MAP



MAP SCALE: 1" to 750' DATE PRINTED: 8/15/2014

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[illegible]



**PERKINS
ORRISON**

ENGINEERS ▲ PLANNERS ▲ SURVEYORS

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PO BOX 1887 17 W. NELSON STREET LEXINGTON, VIRGINIA 24450
 PHONE: 540-454-6021 FAX: 540-454-5059
 EMAIL: pmo@perkins-orrison.com

CONSULTANTS

SEAL:



JOB:

**LIBERTY UNIVERSITY CONDITIONAL
 USE PERMIT PLAN FOR FILL
 CITY OF LYNCHBURG, VIRGINIA**

CLIENT:

LIBERTY UNIVERSITY
 ATTN: MAGGIE COSSMAN

MARK	DATE	DESCRIPTION
1	05/14/14	PER TRC COMMENTS
ISSUE:		07/22/2014
CONTOUR INTERVAL:		2'
DESIGNED BY:		RHO/GGW
DRAWN BY:		PWS
CHECKED BY:		RHO

SHEET TITLE

LOMR# 09031318P

8057
8058

8059
8060

Liberty University Conditional Use Permit Plan for Fill
City of Lynchburg, Virginia

August 15, 2014
Job # 13426

Conditional Use Permit Narrative

Liberty University Conditional Use Permit Plan for Fill

City of Lynchburg, Virginia

August 15, 2014

Job # 13426

Page 2 of 3

There is a FEMA mapped flood plain on a portion of Liberty's campus between Regents Parkway and the Norfolk and Southern Railroad that has a drainage area of approximately 91 acres, and is the backwater condition of a 3' x 3' culvert under the railroad. It is unusual for FEMA to map flood plains with a drainage area of less than one square mile (640 acres), and it is likely that this area would have been "clipped" by FEMA in their next round of flood map revisions, if no LOMR (Letter of Map Revision) had been completed and if they had noted the relatively small drainage area and the fact that the flood plain is not hydraulically connected to that of Rock Castle Creek. While FEMA personnel with whom we have spoken are sympathetic, they do not have a process whereby unnecessarily mapped areas are removed, except with a map update.

In 2009, Liberty filed a Letter of Map Revision with FEMA, based on engineering calculations prepared by a private firm for Liberty. This resulted in a reduction in the mapped flood plain, with the calculated 100 year water surface being reduced by some 35 feet in elevation. (The FEMA study is necessarily crude compared to a detailed study, and the FEMA map had simply assumed that runoff would rise behind the railroad embankment until it overtopped the railroad itself – this was proven to be an incorrect assumption).

Now, Liberty has identified the area of this flood plain as an important expansion area, due to its proximity to other facilities and pedestrian and bus transportation, and is hereby requesting a Conditional Use Permit to fill the 100 year flood plain. This application is for the placement of fill in the flood plain to construction a useable building pad as shown. We fully expect to propose a specific building for this site in the future; however, no building is proposed at this time.

In order to obtain a Conditional Use Permit, the applicant must rightly show that the proposed fill will not increase flooding at the location of the fill, and that it will not increase flooding for downstream property owners. In order to accomplish this (and feasible only because the drainage area is a relatively small 91 acres), the Conditional Use Permit plan proposes to provide storage of the runoff from the 100 year event such that the peak rate of runoff to the flood plain is reduced, with an attendant reduction in the 100 year water surface elevation. With a lower water surface elevation providing head on the railroad culvert, the culvert will flow at a lesser rate, thus reducing the flooding downstream (to be clear, the reduction is tiny compared to the total flow, as the drainage area of this watershed is small compared to the total watershed). Temporary storage of peak flows is accomplished in a detention pond above Regents Parkway as shown, and storage during a 100 year event is approximately 600,000 cubic feet. The pond drains down completely between storm events, with no ponded areas except during rainfall events (a "dry pond").

All of the flood plain that is proposed to be filled is a backwater condition, therefore, none of the area is shown by FEMA as floodway. The area has been evaluated for jurisdictional waters and wetlands, and mitigation will be required in order to obtain permitting from the state for placement of the fill. All permits must be in place prior to any land disturbance.

Assuming that the CUP is granted, then full construction drawings and calculations will be submitted to the City for review and approval. Preliminary earthwork indicates a cut volume of 22,000 cubic yards and a fill volume of 106,000 cubic yards for a net fill of 84,000 cubic yards which is being generated at other permitted sites at Liberty. During the preparation and review of the of the construction drawings, compliance with applicable stormwater quantity and quality regulations will be demonstrated. While the proposed stormwater management facility is primarily for the attenuation of the 100-year storm event, the 1-year, 2-year, and 10-year storm events will be attenuated to provide stormwater management for the

Conditional Use Permit Narrative

Liberty University Conditional Use Permit Plan for Fill City of Lynchburg, Virginia

August 15, 2014

Job # 13426

Page 3 of 3

future development of the pad. Once a final design of the stormwater management facility is complete and the ultimate layout of the development known, a channel adequacy analysis will be prepared and submitted for review and approval. While the details of the piping network or similar may be revised during the detailed engineering phase, the overall reduction of the 100 year water surface elevation will be required per the CUP, and no increase can be proposed or approved.

O:\2014\13426 CUP Narrative 2014-08-14.doc

NOTICE
REQUEST FOR A CONDITIONAL USE PERMIT
NAME OF APPLICANT: LIBERTY ENERGY, INC.
TELEPHONE NUMBER: 424-567-4567
ADDRESS OF PROPERTY: 100 LIBERTY ROAD, NEWTON, MS 39274
PROPOSED ZONING: R-1C
PROPOSED USE OF PROPERTY: FILL
ADDITIONAL INFORMATION: CALL PLANNING DIVISION, DEPARTMENT OF
COMMUNITY DEVELOPMENT, 460-1234

**LU Conditional Use Permit to Fill in the Floodplain
Public Hearing
August 27, 2014**

PLEASE PRINT

[illegible]

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **October 14, 2014**

AGENDA ITEM NO.: 13

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Vacate a Portion of Range Street.**

RECOMMENDATION: Vacate the right-of-way.

SUMMARY: Robert Crocker, the owner of Acorn Hill at 2134 Old Forest Road, is petitioning to vacate a portion of right-of-way known as Range Street that adjoins his property. The area is approximately sixty-seven hundredths (.067) of an acre and includes a grassed and partial gravel area. The petitioner has submitted this right-of-way vacation proposal in conjunction with a rezoning petition to allow for additional parking near this area of Range Street.

The petitioner has already partially installed the parking area (gravel), which does not conform to the proffers associated with the property. If the right-of-way vacation is denied the parking area would need to be removed.

PRIOR ACTION(S):

August 28, 2014: The Technical Review Committee [TRC] reviewed the petition. The TRC comments will have to be incorporated into the proposed ordinance.

September 9, 2014 The Physical Development Committee [PDC] reviewed the petition and forwarded it to City Council without a recommendation.

FISCAL IMPACT: None

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

ATTACHMENT(S):

- Ordinance
- Application
- Maps
- Site Plan

REVIEWED BY: lkp

UNCODIFIED ORDINANCE:

AN ORDINANCE VACATING A PORTION OF RANGE STREET BESIDE 2134 OLD FOREST ROAD.

WHEREAS, Robert Crocker, is petitioning to vacate a portion of Range Street located alongside 2134 Old Forest Road; and

WHEREAS, City Council finds that no public inconvenience will result from vacating the right of way

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

Beginning at a point on the Southerly right of way at the intersection of Maher Street and Range Street. Said point being at the southerly end of a jog in the right of way bearing North 31degrees 34' minutes 14" East; Thence in an Easterly direction along the Southerly right of way of Range Street having a curve to the left, a distance of 175.21' to a point; Thence in a Northerly direction, perpendicular to said curve 16'; Thence in an Easterly direction parallel to the existing Southerly right of way of Range Street having a curve to the right a distance of 188.44' to a point on the aforementioned jog in the right of way having a bearing North 31degrees 34' minutes 14" East. The aforementioned curve to the right is to become the new right of way line for Range Street; Thence along the jog in the right of way South 31degrees 34' minutes 14" West 17.86' to the point of beginning containing 0.067 acres.

Said property contains sixty-seven hundredths (.067) of an acre more or less;

Said vacation is contingent upon the following: that an easement to locate, relocate, repair, replace, maintain and perpetually operate all utilities currently located therein or needed by the City in the future is hereby reserved unto the City of Lynchburg, and the construction of any building or structure or the use of the vacated property in any manner that could interfere with the City's right to locate, relocate, repair, replace, maintain and perpetually operate utilities is prohibited without the prior written approval of the City Manager's Office, City Utilities Division and the City Engineering Division.

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

Adopted:

Certified:

Clerk of Council

135K

APPLICATION FOR THE VACATION OF A

portion of Range Street
(Street/Alley)

LOCATED BETWEEN

Robert Crocker

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

per legal description

The applicant further requests the Lynchburg City Council to hold a public hearing on this application at its meeting to be held in the Council Chambers, City Hall, 900 Church Street, Lynchburg, Virginia, on October 14th, 2014, at 7:30 p.m., or as soon thereafter as the matter may be heard, and at the conclusion of which hearing to consider whether or not to vacate the above described .

Given under my hand this 20th day of August 2014.

Robert D Crocker Applicant

2134 Old Forest Rd /
Lynchburg Va 24501 Address

Robert D Crocker —

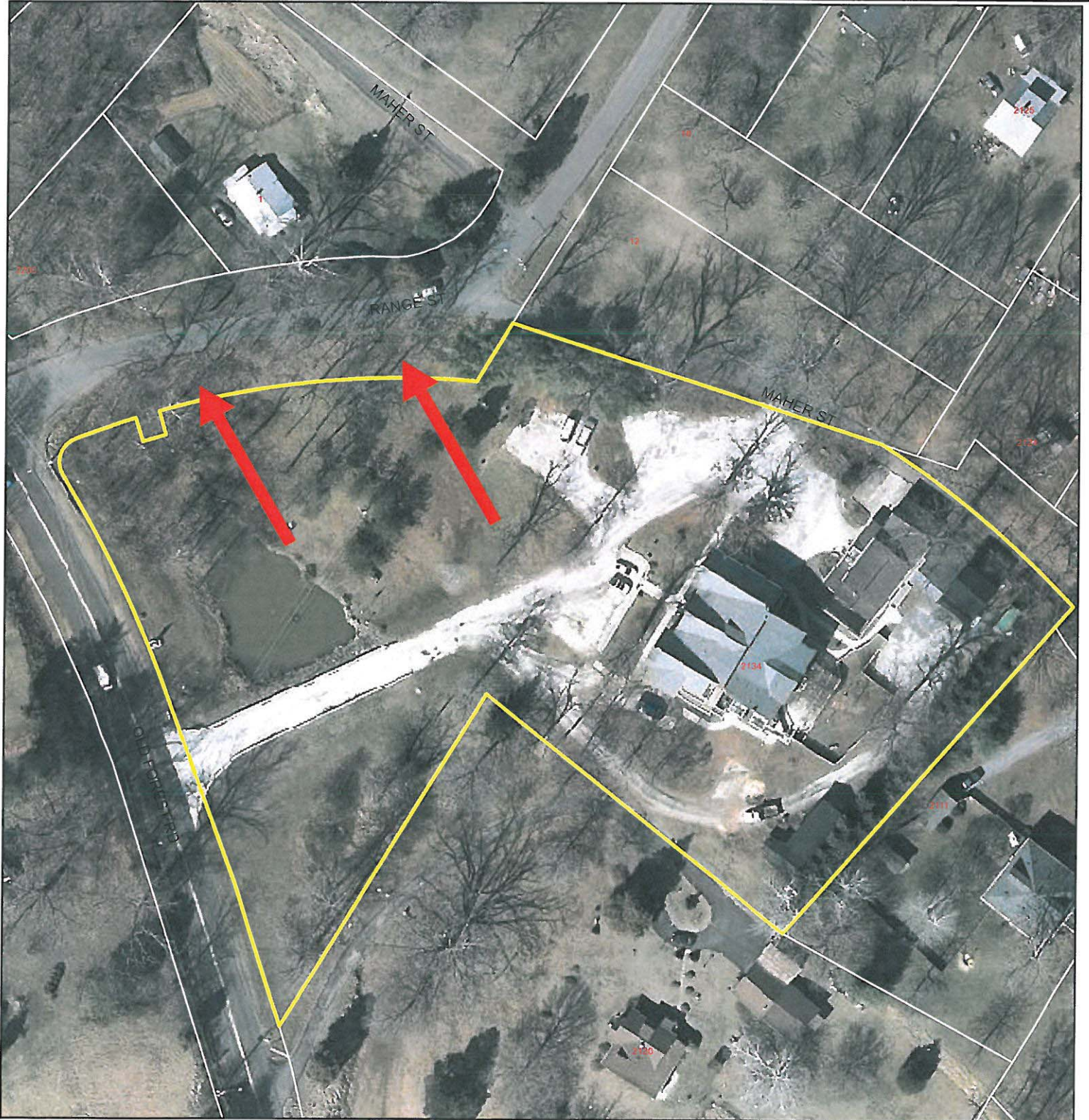
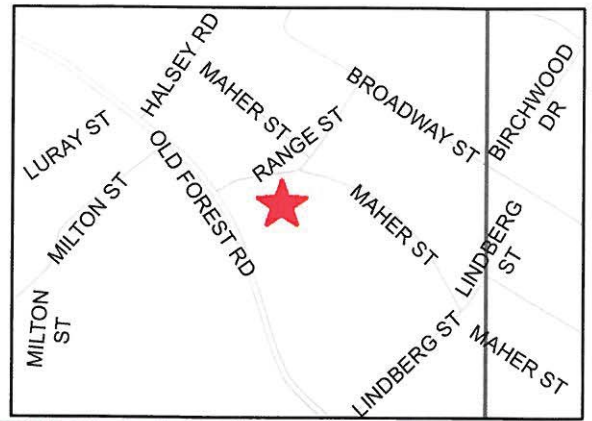
Telephone Number

WE, THE ADJOINING PROPERTY OWNER(S), ARE IN AGREEMENT TO THE
VACATION OF THE ABOVE DESCRIBED PROPERTY:

2134 Old Forest Road

Right-of-Way Vacation

★ Location

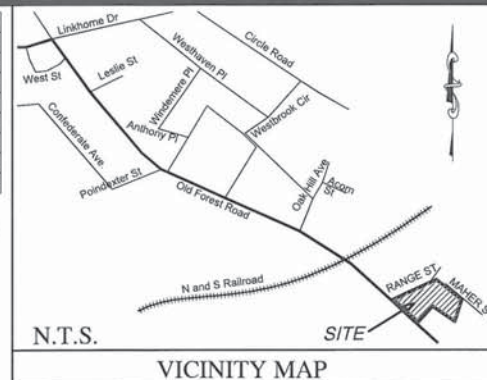


CURVE TABLE					
CURVE	DELTA	LENGTH	RADIUS	CHORD	CHORD BEARING
C1	10°38'29"	147.46	793.94	147.25	N 25°33'37" W
C2	99°21'49"	26.01	15.00	22.87	N 18°48'03" E
C3	4°03'35"	38.43	542.36	38.42	N 70°30'46" E
C4	20°37'03"	195.17	542.36	194.11	N 84°26'41" E
C5	14°39'33"	153.65	600.55	153.23	S 50°08'32" E

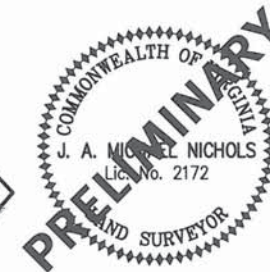
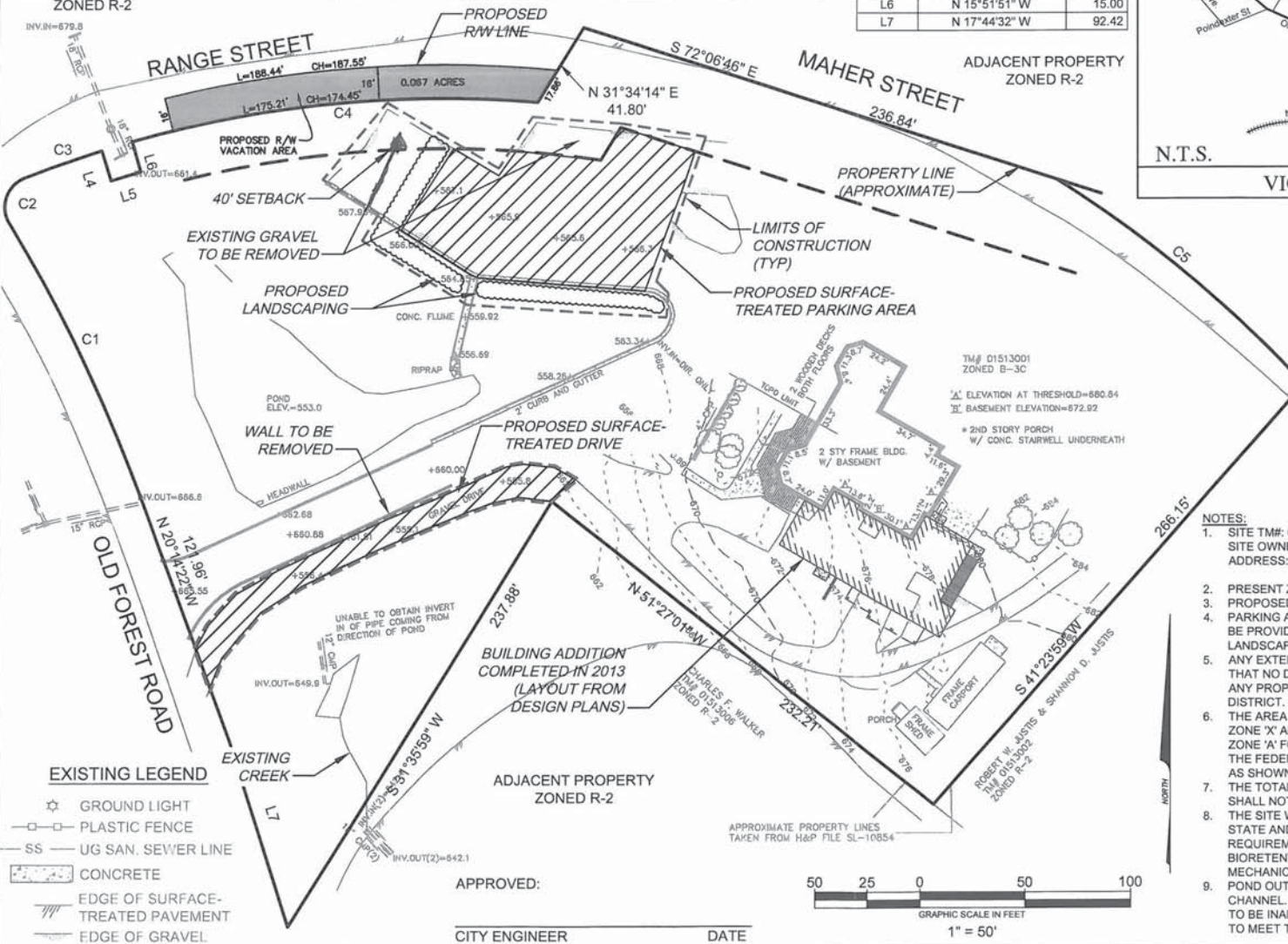
LINE TABLE		
LINE	BEARING	LENGTH
L1	N 84°24'53" E	30.98
L2	S 05°35'07" E	25.00
L3	S 84°24'53" W	24.28
L4	S 17°27'27" E	15.00
L5	N 73°20'21" E	14.66
L6	N 15°51'51" W	15.00
L7	N 17°44'32" W	92.42

ADJACENT PROPERTY
ZONED R-2

ADJACENT PROPERTY
ZONED R-2



HURT & PROFFITT
2524 LANGHORNE ROAD
LYNCHBURG, VA 24501
803.242.6989 TOLL FREE
434.947.7799 MAIN
434.947.0047 FAX
ENGINEERING • SURVEYING • LAND DEVELOPMENT • ENVIRONMENTAL
GEOLOGICAL • CONSTRUCTION TESTING & INSPECTION • CULTURAL RESOURCES



NOTES:

1. SITE TMR: 015-13-001
SITE OWNER: CROCKER, ROBERT D & WANDA E B
ADDRESS: 2134 OLD FOREST ROAD
LYNCHBURG, VA 24501
2. PRESENT ZONING: B-3C
3. PROPOSED ZONING: B-3C
4. PARKING AREA LANDSCAPING AND SCREENING WILL BE PROVIDED IN ACCORDANCE WITH THE CITY'S LANDSCAPING ORDINANCE.
5. ANY EXTERIOR LIGHTING SHALL BE CONTROLLED SO THAT NO DIRECT ILLUMINATION WILL OCCUR BEYOND ANY PROPERTY LINE SHARED WITH A RESIDENTIAL DISTRICT.
6. 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 PANEL ID 5100930037D.
7. THE TOTAL NUMBER OF SEATS FOR THE RESTAURANT SHALL NOT EXCEED FIFTY (50).
8. THE SITE WILL BE DESIGNED TO MEET THE CURRENT STATE AND CITY STORMWATER MANAGEMENT REQUIREMENTS. POTENTIAL BMP'S INCLUDE BIORETENTION, UNDERGROUND STORAGE, AND MECHANICAL DEVICES.
9. POND OUTLET SHALL DISCHARGE TO AN ADEQUATE CHANNEL. IF THE CHANNEL IS ANALYZED AND FOUND TO BE INADEQUATE, MEASURES SHALL BE PROPOSED TO MEET THE REQUIREMENTS OF MS-19.

PROJECT NO. 20120087
G.L. NO. 229-13-D3.6
FILE NO.
DATE: 9/5/2014
DRAWN BY: ASK
CHECKED BY: JAMN

CONCEPTUAL SITE PLAN
AND R/W VACATION DRAWING FOR
ACORN HILL LODGE
CITY OF LYNCHBURG, VIRGINIA

SHEET NO.
1 OF 1

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **October 14, 2014**

AGENDA ITEM NO.: 14

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: Amend Existing Rezoning Proffers to Increase Parking and Seating at Acorn Hill – 2134 Old Forest Road

RECOMMENDATION: Approve the rezoning petition that would increase restaurant seating and parking while limiting the overall number of restaurant and banquet facility patrons at Acorn Hill.

SUMMARY: Mr. Robert Crocker is re-petitioning to amend existing proffers defined as part of a prior rezoning that would increase the restaurant seating from twenty-five (25) seats to fifty (50) seats and add ten (10) parking spaces to the Acorn Hill complex. The petition would also cap the total number of patrons between the restaurant and the event center at one hundred and one (101), per the owner's request. Acorn Hill is located on approximately three and twenty-four hundredths (3.24) acres at 2134 Old Forest Road and the *Future Land Use Map (FLUM)* recommends Community Commercial uses for the area.

The requested parking area was partially constructed without permits or compliance with the proffered site plan. A stop-work order was issued in February 2014 due to noncompliance with the previously approved rezoning. The Department of Community Development also received a complaint in August 2014 that the total seating of the restaurant was not in compliance with the approved proffers. City staff inspected and confirmed the restaurant was in violation of the current maximum of twenty-five (25) seats. The seats have since been removed and, as of the writing of this report, the property is in compliance with its approved proffers with the exception of the partially-constructed parking area. The proposed rezoning and corresponding right-of-way vacation of Range Street would allow for the completion and use of this parking area, as well as the proposed increase in restaurant seating and cap on the total number of patrons. If either the rezoning or right-of-way vacation is denied, the parking area would need to be removed.

PRIOR ACTION(S):

- August 13, 1996: City Council approved the CUP petition of Robert Crocker to allow the operation of a bed and breakfast for up to four (4) guests.
- March 8, 1998: City Council approved the rezoning petition of Wanda E. Brooks-Crocker from R-2, Low-Medium Density Single-Family Residential District to B-1C, Limited Business District (Conditional) to allow the construction of a building addition for use as a massage clinic.
- March 9, 2004: City Council approved the rezoning petition of Robert D. Crocker & Wanda E. Brooks-Crocker from B-1C, Limited Business District (Conditional) to B-1C, Limited Business District (Conditional) to amend the existing proffers and allow the use of the property as an eight (8)-room lodging house in addition to the spa and salon uses.
- February 8, 2011: City Council approved the rezoning petition of Robert D. Crocker from B-1C, Limited Business District (Conditional) to B-3C, Community Business District (Conditional) to allow for expansion of the existing spa, restaurant, banquet hall, and lodging uses.
- May 14, 2014: The Planning Division recommended approval of the rezoning petition.
The Planning Commission recommended approval (4-0; 2 members absent: Coleman and Light; one vacancy) of the rezoning with proffers voluntarily submitted by the petitioner.
- June 10, 2014: City Council denied the petition (7-0) but waived the twelve (12)-month waiting period for reapplying.
- August 27, 2014: The Planning Division recommended approval of the rezoning petition.

The Planning Commission recommended approval (7-0) of the rezoning with revised proffers voluntarily submitted by the petitioner.

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 Report and Minutes – August 27, 2014
- Planning Commission Report and Minutes – May 14, 2014
- Vicinity Zoning Pattern Map
- Vicinity Future Land Use Map
- Watershed Location Map
- Planimetric and Topographic Map
- Rezoning Plan
- Property Photographs
- Signup Sheet

REVIEWED BY: lkp

UNCODIFIED ORDINANCE:

AN ORDINANCE CHANGING A CERTAIN AREA LOCATED AT 2134 OLD FOREST ROAD FROM B-3C, COMMUNITY BUSINESS DISTRICT (CONDITIONAL) TO B-3C, COMMUNITY BUSINESS DISTRICT (CONDITIONAL).

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

Section 35.1-76__. Change of a certain area located at 2134 Old Forest Road from B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional).

The area embraced within the following boundaries:

Beginning at a point on the Northeasterly right of way line of Old Forest Road at its intersection with Range Street, thence with Range Street along its southerly line the following calls, a curve with a central angel of 99 degrees 21 minutes 49 seconds, a radius of fifteen (15) feet, a length of twenty-six and one hundredth (26.01) feet with a chord bearing of North 18 degrees 48 minutes 03 seconds East and a chord distance of twenty-two and eighty-seven hundredths (22.87) feet, thence along a curve with a central angle of 4 degrees 03 minutes 35 seconds, a radius of five hundred forty-two and thirty-six hundredths (542.36) feet, a length of thirty-eight and forty-three hundredths (38.43) feet with a chord bearing of North 70 degrees 30 minutes 46 seconds East and a chord distance of thirty-eight and forty-two hundredths (38.42) feet, thence South 17 degrees 27 minutes 27 seconds East and a distance of fifteen (15) feet, thence North 73 degrees 20 minutes 21 seconds East and a distance of fourteen and sixty-six hundredths (14.66) feet, thence North 15 degrees 51 minutes 51 seconds West and a distance of fifteen (15) feet, thence a curve with a central angle of 20 degrees 37 minutes 03 seconds, a radius of five hundred forty-two and thirty-six hundredths (542.36) feet a length of one hundred ninety-five and seventeen hundredths (195.17) feet with a chord bearing of North 84 degrees 26 minutes 41 seconds East and a chord distance of one hundred ninety-four and eleven hundredths (194.11) feet, thence North 31 degrees 34 minutes 14 seconds East and a distance of forty-one and eight tenths (41.80) feet, thence leaving the right of way of Range Street South 72 degrees 06 minutes 46 seconds East and a distance of two hundred thirty-six and eighty-four hundredths (236.84) feet to a point on the right of way of Maher Street, thence with the right of way of Maher Street along a curve with a central angle of 14 degrees 39 minutes 33 seconds, a radius of six hundred and fifty-five hundredths (600.55) feet, a length of one hundred fifty-three and sixty-five hundredths (153.65) feet with a chord bearing of South 50 degrees 08 minutes 32 seconds East and a chord distance of one hundred fifty-three and twenty-three hundredths (153.23) feet, thence leaving said right of way South 41 degrees 23 minutes 59 seconds West and a distance of two hundred sixty-six and fifteen hundredths (266.15) feet, thence North 51 degrees 27 minutes 01 second West and a distance of two hundred thirty-two and twenty-one hundredths (232.21) feet, thence South 31 degrees 35 minutes 59 seconds West and a distance of two hundred thirty-seven and eighty-eight hundredths (237.88) feet to a point on the right of way of Old Forest Road, thence with Old Forest Road the following calls along the easterly right of way line North 17 degrees 44 minutes 32 seconds West and a distance of ninety-two and forty-two hundredths (92.42) feet, thence North 20 degrees 14 minutes 22 seconds West and a distance of one hundred twenty-one and ninety-six hundredths (121.96) feet, thence along a curve with a central angle of 10 degrees 38 minutes 29 seconds, a radius of seven hundred ninety-three and ninety-four hundredths (793.94) feet, a length of one hundred forty-seven and forty-six (147.46) feet with a chord bearing of North 25 degrees 33 minutes 37 seconds West and a chord distance of one hundred forty-seven and twenty-five hundredths (147.25) feet back to the point of beginning, containing approximately 3.24 acres.

...is hereby changed from B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional), subject to the conditions set out herein below which was voluntarily proffered in writing by the petitioner, Mr. Robert Crocker, to wit:

1. Property will be developed in substantial compliance with the conceptual concept plan for Acorn Hill Lodge dated 09/5/14.
2. All lighting shall be glare shielded and non-directional as to prevent illumination beyond the property line.
3. Restaurant shall close by 9:00 p.m. daily.
4. The event center shall close by 10:00 p.m. daily.
5. The total number of seats shall not exceed 50 in the dining room and 101 in the event center, with no more than 101 total combined patrons using the restaurant and the event center at any one time.
6. The total number of guest rooms is 10.
7. The event center will be used separately from the restaurant.
8. The hours for the spa and salon shall be 10:30 a.m. – 4:00 p.m. Tuesday through Friday and 10:30 a.m. – 3:00 p.m. on Saturday.

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

Adopted:

Certified:

Clerk of Council

134K

The Department of Community Development

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

To: Planning Commission

From: Planning Division

Date: August 27, 2014

Re: Rezoning: B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional) – 2134 Old Forest Road

I. PETITIONER

Robert D. Crocker, Acorn Hill, 2134 Old Forest Road, Lynchburg, VA 24501

Representative: Mr. Robert D. Crocker, Acorn Hill, 2134 Old Forest Road, Lynchburg, VA 24501

II. LOCATION

The subject property includes one (1) tract totaling approximately three and twenty-four hundredths (3.24) acres located at 2134 Old Forest Road.

Property Owners:

Robert D. Crocker & Wanda E. Brooks-Crocker, 2134 Old Forest Road, Lynchburg, VA 24501

III. PURPOSE

The purpose of the rezoning petition is to amend existing proffers, specifically to increase the restaurant seating from twenty-five (25) seats to fifty (50) seats, capping the banquet facility operation at no more than one hundred one (101) seats and to add ten (10) parking spaces. The petitioner has voluntarily submitted proffers which provide restrictions upon the restaurant use and assurances related to the location of the new parking areas.

IV. SUMMARY

- The *Future Land Use Map (FLUM)* recommends a Community Commercial use for this property.
- The existing February 8, 2011 proffers would be replaced by the proposed proffers if the petition is approved.
- Petition agrees with the *Zoning Ordinance* which permits hotels, banquet halls and restaurants in a B-3, Community Business District.
- The requested parking area was constructed without permits or compliance with the previously proffered site plan. A stop-work order was issued in February 2014.
- A similar petition was denied by Council in June 2014. City Council resolved that the petitioner could reapply to Council for this particular rezoning prior to the normally required twelve (12) months period.
- The Neighborhood Services Division received a complaint on this business regarding the total seating not meeting compliance with the current proffers on the property. Upon inspection the petitioner was in violation of the current seating requirements (25) for the restaurant, but did correct the violation as of this afternoon (8/27/14).

The Planning Division recommends approval of the rezoning petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Future Land Use Map (FLUM)* of the *Comprehensive Plan 2013-2030* recommends a Community Commercial use for the area. “Community Commercial areas contain retail, personal service, entertainment, and restaurant uses that draw customers from at least several neighborhoods, the entire City or the region (*pg. 75*).

Adjacent land uses are designated for Low Density Residential and Medium Density Residential by the *FLUM*. Those areas represent residential uses that include single family detached dwellings, duplexes, and townhouses up to a density of twelve (12) units per acre (*pg. 72*). When addressing compatibility between adjacent land uses, building orientation, building location, parking locations, parking design, lighting, walkways and other building and site design factors should be considered (*pg. 16, Policy LU-3.7*).

2. **Zoning.** The subject property was annexed into the City in 1958. The existing B-3C, Community Business District (Conditional) zoning was established in 2011 with the approval of a rezoning petition to allow the expanded use of the spa, restaurant, banquet facility and hotel.
3. **Proffers.** The petitioner has voluntarily submitted the following proffers:
 - a. Property will be developed in substantial compliance with the conceptual concept plan for Acorn Hill Lodge dated 08/19/14.
 - b. All lighting shall be glare shielded and non-directional as to prevent illumination beyond the property line.
 - c. Restaurant shall close by 9:00 p.m. daily.
 - d. The event center shall close by 10:00 p.m. daily.
 - e. The total number of seats shall not exceed 50 in the dining room and 101 in the event center, with no more than 101 total combined patrons using the restaurant and the event center at any one time.
 - f. The total number of guest rooms is 10.
 - g. The event center will be used separately from the restaurant.
 - h. The hours for the spa and salon shall be 10:30 a.m. – 4:00 p.m. Tuesday through Friday and 10:30 a.m. – 3:00 p.m. on Saturday.
4. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances would be needed for the development of the property as proposed.
5. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - On July 8, 1986, City Council approved the conditional use permit (CUP) petition of East Ridge Associates to allow the construction and operation of a nursing home and adult care facility at 2513 Old Forest Road and 100 Poindexter Street.
 - On August 13, 1996, City Council approved the CUP petition of Robert Crocker to allow the operation of a bed and breakfast for up to four (4) guests at 2121 Maher Street.
 - On March 8, 1998, City Council approved the petition of Wanda E. Brooks-Crocker to rezone approximately three (3) acres from R-2, Low-Medium Density Single-Family Residential District to B-1C, Limited Business District (Conditional) to allow the

construction of a building addition for use as a massage clinic at 2134 Old Forest Road and 2121 Maher Street.

- On June 9, 1998, City Council approved the CUP petition of Prayer Faith Temple to allow the construction of a church and parking area at 3100 Hill Street.
 - On February 13, 2001, City Council approved the CUP petition of Lynchburg Retirement Corporation to allow the construction of a Planned Unit Development for eighty-seven (87) single-family detached homes at 2713 Old Forest Road.
 - On March 9, 2004, City Council approved the petition of Robert D. Crocker & Wanda E. Brooks-Crocker to rezone two and nine tenths (2.9) acres from B-1C, Limited Business District (Conditional) to B-1C, Limited Business District (Conditional) to amend the existing proffers and allow the use of the property as an eight (8)-room lodging house in addition to the spa and salon uses at 2134 Old Forest Road.
 - On February 8, 2011, City Council approved the petition of Robert D. Crocker to rezone three and twenty-four hundredths (3.24) acres from B-1C, Limited Business District (Conditional) to B-3C, Community Business District (Conditional) to allow for expansion of the existing spa, restaurant, banquet hall, and lodging uses at 2134 Old Forest Road.
 - On June 10, 2014, City Council denied the petition of Robert D. Crocker to rezone three and twenty-four hundredths (3.24) acres from B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional) to allow for expansion of the restaurant, banquet hall, and parking lot at 2134 Old Forest Road.
6. **Site Description.** The subject property includes an existing ten (10)-room lodging house, spa, salon facilities, restaurant and associated parking; the balance of the property includes a pond and a few wooded areas. The property is bound on all sides by existing single-family dwellings.
7. **Proposed Use of Property.** The purpose of this petition is to allow for the increase of the restaurant seating from twenty-five (25) seats to fifty (50) seats, cap the number of banquet facility seating at one hundred and one (101) and to add ten (10) parking spaces. The petitioner is planning to grow the restaurant use within the existing building using some of the existing banquet facility (basement) area for seating. The new parking spaces to be added are to be located near Range Street and Maher Street, as shown on the concept plan.
8. **Traffic, Parking and Public Transit.** The proposed development did not warrant a Traffic Impact Study (TIS). Due to the nature of the restaurant use, it is considered a “quality restaurant” and not a “high turn-over, sit-down restaurant” resulting in fewer trips in and out of the site. The existing entrance would be used for access to the site as well as a secondary entrance from Maher Street. The applicant plans to surface-treat the driveway and parking areas. This modified petition proposes less vehicle trips to the site as it reduces the total number of restaurant seating from one hundred twenty-two (122) to fifty (50) seats.
- The petitioner has also submitted a right-of-way vacation in order to allow for more space in the parking area. The right-of-way vacation proposes to vacate a portion of Range Street as shown on the plan.

The property is served by Greater Lynchburg Transit Company’s Route 8, which runs along Old Forest Road with a bus stop in front of the property at the intersection of Range Street.

9. **Stormwater Management.** The proposed project is required to treat stormwater runoff for quantity and quality. A site plan will be required which addresses, quality, quantity and adequacy of channel. The proposed parking area will make use of the existing pond on site to capture stormwater.
10. **Emergency Services.** The City Fire Marshal provided comments regarding site design requirements of the City of Lynchburg and the Virginia Statewide Fire Prevention Code. The City's Police Department provided general comments related to site safety and security. These comments have or will be addressed by the petitioner prior to final site plan approval.
11. **Impact.** This property calls for Community Commercial uses on the *FLUM*. The proposed use is consistent with the future land use designation, but careful consideration should be given to the impact upon the surrounding neighborhood. The future land use designation for the surrounding properties is residential. The rezoning petition that was approved in 2011 to obtain the current B-3C, Community Business District (Conditional) was met with conflict from some of the neighboring property owners. The Planning Commission and City Council both expressed concerns over the growth of the business within a primarily residential area.

Just as recent as June 10, 2014 City Council denied a similar rezoning petition for this property. Council cited that the scale of growth proposed was inappropriate. Therefore, the petitioner has reduced the proposed restaurant seating from one hundred twenty-two (122) seats in the previous application to fifty (50) seats. Although, the petitioner is proffering one hundred one (101) seats for the event center, this area currently is not capped and the frequency of events should not be the same as that of the restaurant.

Acorn Hill has operated as a commercial establishment since 1996. Since that time, the business has grown and surpassed the limitations of underlying zoning or CUPs issued for the property. The existing building will not be increased in size and the new parking will be screened from the adjacent residential properties due to topography and existing vegetation. There will be a slight increase in traffic to the site that does not require improvements to the right-of-way or internal circulation within the property. There is another means of ingress/egress from the site besides the driveway entrance. The rear area of the parking lot has access to Maher Street, which eventually changes to Range Street and intersects with Old Forest Road north of the site, providing a secondary means of ingress/egress to the site. The secondary access will allow for better disbursement of the traffic flow around the site.

12. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary rezoning plan on August 5, 2014. 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 Robert D. Crocker to:

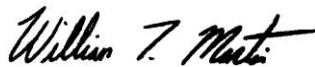
Waive the twenty-one (21)-day submittal requirement for proffers.

Rezone approximately three and twenty-four hundredths (3.24) acres located at 2134 Old Forest Road from B-3C, Community Business

**District (Conditional) to B-3C, Community Business District
(Conditional) subject to the following voluntarily submitted proffers:**

- a. Property will be developed in substantial compliance with the conceptual concept plan for Acorn Hill Lodge dated 08/19/14.
- b. All lighting shall be glare shielded and non-directional as to prevent illumination beyond the property line.
- c. Restaurant shall close by 9:00 p.m. daily.
- d. The event center shall close by 10:00 p.m. daily.
- e. The total number of seats shall not exceed 50 in the dining room and 101 in the event center, with no more than 101 total combined patrons using the restaurant and the event center at any one time.
- f. The total number of guest rooms is 10.
- g. The event center will be used separately from the restaurant.
- h. The hours for the spa and salon shall be 10:30 a.m. – 4:00 p.m. Tuesday through Friday and 10:30 a.m. – 3:00 p.m. on Saturday.

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Ms. Bonnie M. Svrcek, Deputy City Manager
Mr. Walter C. Erwin, City Attorney
Mr. Kent L. White, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozarow, Lynchburg Police Department
Battalion Chief Greg Wormser, Fire Marshal
Mr. Don DeBerry, Transportation Engineer
Mr. Doug Saunders, Building Commissioner
Mr. Robert Fowler, Zoning Administrator
Mr. Robert Crocker, Acorn Hill

VII. ATTACHMENTS

1. Vicinity Zoning Pattern Map
2. Vicinity Proposed Land Use Map
3. Watershed Location Map
4. Planimetric and Topographic Map
5. Rezoning Plan
6. Property Photographs

**MINUTES FROM THE AUGUST 27, 2014 PLANNING COMMISSION MEETING
(MINUTES HAVE NOT BEEN APPROVED):**

Petition of Robert D. Crocker (Acorn Hill) to rezone approximately three and twenty-four hundredths (3.24) acres from B-3C, Community Business District (Conditional) to B-3C, Community Business District Conditional to amend previously approved proffers to allow the construction of a parking area, an increase in the number of seats in the existing restaurant to fifty (50) and to increase the number of seats in the banquet facility to one hundred and one (101) at 2134 Old Forest Road.

Mr. Henry explained that this petition had come before them a few months ago in a slightly different form. Planning Commission recommended approval but it was denied by City Council. City Council wanted the petitioner to scale down the request (in particular, the number of seats in the restaurant and banquet facilities), which the petitioner has done. Mr. Henry explained that part of the reason this is before them is because the petitioner had put in a parking lot without City approval that was also not on the rezoning concept plan approved in 2011. A stop work order was issued. Staff was also recently informed of another violation of the number of seats allowed in the restaurant. The rezoning approved in 2011 allowed for 25 seats. A complaint was filed with the Zoning Administrator and he found the number of seats to be in the range of 45 to 50 seats upon inspection. The petitioner did remove seating to bring the number into compliance as of this afternoon's meeting.

Mr. Henry noted that the *Future Land Use Map* calls for a Community Commercial use for the property. That use includes retail, personal service, entertainment and restaurants that draw customers from at least several neighborhoods to the entire City or region. The adjacent FLUM designations are Low to Medium Density Residential. When addressing compatibility between these two uses, such things as building orientation and location, parking location and design, lighting, walkways and other building and site design factors should be considered in the overall layout of the plan.

The amount of traffic anticipated to be generated by this proposal did not warrant a traffic study. The restaurant is considered to be a quality restaurant and not a high turnover restaurant. This will result in fewer trips in and out of the site. The existing entrance would serve as the main egress and ingress to the property. There is an additional access point on Maher Street, which goes to Range Street and on to Old Forest Road. Mr. Henry remarked that the previous request had been for 122 seats in the restaurant. The petitioner has reduced that request to 50 seats.

Mr. Henry explained that the petitioner is proposing to do a right-of-way vacation of a portion of Range Street. If granted, that right-of-way vacation would allow him to keep a little bit of the parking lot that he would like to finish constructing. Stormwater runoff to address both quantity and quality will have to be addressed at the time of site plan approval.

Mr. Henry noted that careful consideration should be given to this proposal due to the surrounding residential uses. Both the Planning Commission and City Council expressed concerns over the growth of this business both during the most recent review, as well as during the 2011 rezoning. Acorn Hill Lodge has operated as a commercial establishment since 1996. Since then, the business has expanded to surpass the limits of the underlying zoning or conditional use permits issued for the property. The existing building will not be increased in size and the new parking lot will be screened from adjacent properties due to topography and existing vegetation. The dual access points to the property help reduce the impact somewhat. Staff does recommend approval of the modified rezoning petition.

Ms. Edith Barley came forward to speak in favor of the petition. Ms. Barley lives at 2011 Roxbury Street. Ms. Barley said she is in favor of Acorn Hill Lodge expanding. It is a beautiful place and they run a nice business. It is a very quiet establishment and she also pointed out the two means of egress and ingress as being a positive feature.

Ms. Wanda Brooks-Crocker, one of the owners of the property, was present to represent the petition. Ms. Crocker noted that there are other neighbors they have spoken with that have indicated their support of the project but were unable to make it to the meeting.

Mr. Robert Crocker came up to represent the petition. He stated that he is here to present the proffers and to answer any questions from the commissioners and to address any concerns expressed by neighbors. Mr. Crocker stated that he has talked to Mr. Charles Walker, the neighbor probably most affected by his business and he does not have any concerns with the expansion. It would be difficult for Mr. Walker to get out to a meeting. He spoke to other neighbors and did not find any of them to have any concerns. Mr. Crocker explained that it has been a learning experience. He did put down gravel to try and control water flow. He had tried dirt on two previous occasions and it washed away. Mr. Crocker remarked that if the rezoning is granted, he will put up the necessary landscaping and finish the parking lot. They are really trying to make the property a showcase piece of property.

Mr. Crocker remarked that he tries to have a low profile business. The last time he was here he asked for 122 seats in the restaurant because that is what he was told his occupancy limit could be by his architect. However, 50 seats is adequate. Mr. Crocker said that it is easy for chairs to stray into the restaurant from the banquet facility but he will be making sure that there are only 25 seats in the restaurant. He apologized for the violation. Mr. Crocker said he tries to and wants to have a really nice business in Lynchburg. He mentioned that he caters to Lynchburg College. Most visitors stay by the week so there is not a lot of traffic generally. The restaurant is doing well and they enjoy serving them. There are two chefs from Lynchburg College and they currently serve breakfast and lunch mostly. Occasionally, they serve dinner and Sunday brunch has proven to be a very special occasion.

Mr. Crocker said that he has no plans of expanding the building and he thinks this will be the last time they will need to come through the rezoning process.

Chair Swienton asked if there was anyone else who wished to speak in favor of the petition. No one came forward. He asked if there was anyone who wished to speak in opposition of the petition. Ms. Rebecca Poe of 2117 Broadway Street came forward. The address of her back yard property is 2124 Maher Street, which backs right up to Acorn Hill Lodge. Ms. Poe mentioned that one of Mr. Crocker's previous proffers made years ago was to close the entrance to Maher Street. Mr. Crocker put a few cones out there but then the cones sort of disappeared.

Ms. Poe said Mr. Crocker is famous for not keeping his proffers and doing projects without getting the proper permits or consulting the proper authorities. She believes he is famous for asking for forgiveness rather than getting permission. Ms. Poe also remarked that Mr. Crocker had previously proffered not to cut down any more trees on his property. However, he has continued to do so, as recently as this past weekend. Ms. Poe said that this summer Mr. Crocker decided to cut out the bank along Range Street, which took 16 feet of the City's property from Range Street, which is extremely steep. He did this in order to make the parking lot. Ms. Poe said that Range Street is a very narrow street. When Mr. Crocker dug out the bank, he took out all the trees in there too. There is now nothing to stop people from going over that bank. Ms. Poe mentioned that Range Street is also a cut through for people going to Hill Street. Ms. Poe would like to see the City extend the guardrail along Range Street to alleviate her safety concerns about people going over the side of Range Street. She does not think that the City needs to vacate the portion of Range Street that Mr. Crocker is requesting. It is dangerous to the general public that cuts through there all the time. She said Mr. Crocker has caused Maher Street to sink and the City has had to repair Maher Street twice. He closed the drain that was on his lot that went under Maher Street. Ms. Poe's final thought was to ask if there are any plans by the City to extend the guardrail on Range Street or to construct a retaining wall.

Mr. Steven Driskill of 2135 Old Forest Road came forward to speak in opposition of the petition. He lives directly across from the entrance to Acorn Hill Lodge. Mr. Driskill noted that there is a long history of rezoning and changes of use on Mr. Crocker's from when it was just a house. He originally liked the

idea of a bed and breakfast in 1996 but has seen it go from intensification to intensification to intensification of use over the years. He feels there is a great deal of traffic in and out of the site as it is now. Mr. Driskill said he is opposed to the number of seats being increased in the restaurant. He is also opposed to the parking lot because the view from where he lives is right into the proposed parking lot. Mr. Driskill noted that in 2011, Mr. Crocker had said that this would complete the project. Now he is saying that this one is the last rezoning request.

Mr. Rudolph Poe of 2117 Broadway Street came forward to speak in opposition of the petition. Mr. Poe said his concern is that once all the dirt is removed from Range Street and the water backs up on to the White's property (1 Range Street), it will undermine that street and the whole thing will be down in to Mr. Crocker's parking lot. It seems to him that all the material that was removed from the bank should be replaced along with vegetation to keep the soil in place.

Mr. and Mrs. Crocker came back to address the concerns of the neighbors. Ms. Crocker thinks that it is good to have a second means of egress and ingress for emergency access. Ms. Crocker also recalls that with respect to the sinking of Maher Street, it was already sunken in when they started to address issues there. She believes they actually helped to resolve that issue because they also own the two little lots in the area Ms. Poe is referencing.

Mr. Crocker stated that with regard to trees being cut, the City came through and cut the trees down this past weekend. He had nothing to do with that being done. Mr. Crocker assured the commission that if the rezoning is approved and the stop work order is lifted, the issues with erosion will be addressed through whatever means Hurt and Proffitt and the City recommend.

Ms. Poe came back to say that the small lots on Maher Street were purchased by the Crockers as a buffer between the commercial use and the residential properties. Whenever there is a heavy downpour, the water stands in that lot. Ms. Poe also reiterated her concerns about the safety of Range Street and repeated her belief that Mr. Crocker never keeps his proffers or gets permits for projects. She repeated that she thinks he should be made to put the dirt back on the bank and to keep it from eroding by planting vegetation or putting down large rocks.

Chair Swienton closed the public hearing portion of the petition.

Commissioner Johnston asked Mr. Henry to talk about the proffer that was made previously to close the entrance to Maher Street. Mr. Henry said he believed it was a proffer from 2004. Mr. Crocker last rezoned the property in 2011 and that rezoning did not mention closing the entrance to Maher Street.

Commissioner Johnston asked if the removing of the bank and the cutting down of trees is allowed during a stop work order. Mr. Henry said he could cut down trees but he believes the stop work order was related to grading on the site. As far as cutting out the bank, that is a grey area in terms of the stop work order. It depends on where it is and how much area he disturbed.

Commissioner Johnston asked if there could be some kind of traffic study or accident data for Range Street. Mr. Henry said the Traffic Engineer was not available for the meeting, however, he did review the proposal and did not have any concerns or require a traffic study. In terms of the right-of-way vacation, Mr. DeBerry has indicated that it is an appropriate area to be vacated. Commissioner Light asked for clarification that Range Street is not fully developed in terms of the right-of-way that is there. The City would be giving up some of the area where the street could be widened. Mr. Henry said that is correct. Mr. Henry showed them on the map that the edge of Mr. Crocker's property is the edge of the City's right-of-way. Staff did not see any issue with vacating some of the right-of-way and it would relieve some maintenance for the City.

Commissioner Johnston asked how many seats were present in the restaurant at today's inspection. Mr. Henry said it was between 45 and 50. Commissioner Johnston noted that is more than just a few extra chairs accidentally ending up there.

Commissioner Light asked if the concept plan anticipates what will be submitted in terms of the site plan. Mr. Henry said that is correct. Commissioner Light noted that Ms. Poe raised several concerns that concern him as well. He asked if those issues will be addressed at the time of site plan approval. Mr. Henry said that the environmental concerns she raised will be addressed. He does not know how much of the traffic concerns would be changed to her liking because the Traffic Engineer has already stated that there really is not an issue there. Things like stabilization of the slope, how the stormwater will be managed and whether or not a retaining wall is necessary will be addressed at the site plan phase. He clarified for Commissioner Light and the public that these issues will have to be addressed in a manner that is satisfactory to City staff.

Commissioner Perault asked if this list of proffers is similar to the list from 2011, since this rezoning will be replacing those proffers. Mr. Henry said the guest rooms have gone down from 17 to 10 from 2011. The restaurant seating is at 25 and he is asking for 50. He had asked for 122 a few months ago and that was denied by City Council. In 2011, there was no cap on seating in the banquet facility. Mr. Crocker is proffering to cap it at 101 between the banquet facility and the restaurant. Mr. Henry believes his capacity load in the building is 180. His rezoning request a few months ago was 122. Also, the proffer about not removing trees from the property was a proffer in 2011 and is not being offered in the current sets of proffers.

Commissioner Johnston asked if, since Mr. Crocker removed trees from the property this past weekend, he is in violation of his 2011 proffer. Ms. Robin Craig explained that she had verified that the trees this past weekend were removed by the City. Ms. Craig stated that she could not speak for what Mr. Crocker had done since 2011 to this past weekend but he was not the one who requested that Asplundh come and remove the trees from Maher Street this past weekend. Commissioner Perault asked for clarification that the one about the trees is the only substantial proffer that will go away with this rezoning. Mr. Henry said that was correct.

Commissioner Mays asked if the right-of-way vacation is approved will there really be any recourse to come back and address that street, if the City gives it up. Mr. Henry explained the process of the vacation, which will have to go to City staff for review and then the Physical Development Committee. It will then go to a public hearing before City Council and the public may make comment at that time.

Commissioner Light commented to Commissioner Mays that this is a process. If they make a recommendation that the process moves forward, they have to trust that the rest of the people involved in the process will carry out what needs to be done. Commissioner Light has found that often he has to step out on faith that City staff and City Council will see that the process works properly.

Commissioner Marion asked if they are putting the cart before the horse. She asked if they are approving the parking lot or just the number of seats in the restaurant. Mr. Henry said that by approving the concept plan, they would be approving the parking lot. Commissioner Marion asked if the right-of-way vacation is not approved if he will have to move his parking lot. Mr. Henry said that is correct. Commissioner Marion thinks that their approving the concept plan before the right-of-way vacation is a little premature. Mr. Henry said that City staff had asked Mr. Crocker to request the right-of-way vacation. The Traffic Engineer was comfortable with this area being vacated. It is an area that is not used for Range Street except for a drain pipe that will require an easement. Other than that, City staff feels that this is an area that could be vacated and Range Street could still function properly. He understands Commissioner Marion's point but it was necessary to show the possible right-of-way vacation on the concept plan in order for Mr. Crocker to retain part of the proposed parking lot. Mr. Henry said that City Council will decide about the right-of-way vacation and the idea is to have both items before them at the same time. Chair Swienton asked for clarification that the vacation process is a public process and Mr. Henry said it is a public hearing process before City Council.

Commissioner Marion asked Mr. Crocker how many parking spaces he has now. Mr. Crocker was not sure but they have adequate parking. Mr. Henry said the number will have to be identified on the site

plan. They do not have it at this phase. Mr. Crocker thought there were approximately 50 parking spaces. Mr. Henry noted that on his concept plan for the 2011 rezoning, it was listed as 38 parking spaces. Commissioner Light noted that he has heard nothing but good things about Acorn Hill Lodge and Trip Advisor has excellent reviews. They are thrilled to have a business like his thriving in Lynchburg. However, in just casually driving by and not counting them, it looks like to Commissioner Light that there is parking all over the place and not just 38 spaces.

Commissioner Marion asked for clarification that he is asking for 10 additional spaces but they are not there already. Mr. Crocker said they are there already but there is grass growing there now and a stop work order was placed on the parking lot being officially constructed. Commissioner Swienton clarified it by saying that the ten spaces are there but not approved for use.

Commissioner Johnston asked Mr. Crocker to tell them about his communication with his neighbors. Mr. Crocker said he has always gotten along with the neighbors, although he acknowledged that the Poes have always had their concerns. He has tried to address their concerns. He mentioned that he put up cones to block Maher Street but the Fire Marshall came by and said he would like to have it open. Mr. Crocker said no business traffic goes out that way and he recently put in a wider driveway which encourages them to use the Old Forest Road entrance. He has tried to point the lights in order to address Mr. Driskill's concerns about lighting and tried to position the driveway so that headlights would not shine directly into Mr. Driskill's windows. He is trying to address the complaints realistically. Some of the complaints are a little out of his control. Ms. Crocker said they have held neighborhood meetings over the course of the years.

Commissioner Perault asked Mr. Henry if this proposal addresses City Council's concerns from the request denied a few months ago. Commissioner Perault also noted that Council had allowed Mr. Crocker come back before the required 12-month waiting period for a rezoning request. Mr. Henry is not sure if Council stated a specific number of seats but did ask the petitioner to decrease it, which he has done.

Chair Swienton asked Mr. Henry if Mr. Crocker is in compliance with the proffers from 2011. Mr. Henry said he is not in compliance because the parking lot he started to construct was not shown on his 2011 concept plan. He is also in violation of stormwater and erosion and sediment control regulations. Mr. Henry does not think you can say he is in compliance with his current proffers.

Chair Swienton would like to see the petitioner proffer that Range Street would only be used for emergency access. In terms of the violation about the number of seats in the restaurant, Chair Swienton said they are looking at a land use decision. Enforcing the number of seats is up to a different area, although they certainly like to have people comply with the rules. He agrees that they like to see local businesses thrive and prosper. We also have to make sure they are in compliance with applicable codes and ordinances and so forth. Chair Swienton asked if the petitioner will be in compliance with the proffers if they pass this motion today. Mr. Henry said he will be in compliance with his proffers if this is approved by City Council, but he will still need to submit a site plan to address stormwater and erosion and sediment concerns and have that approved. At that point, the stop work order would be able to be lifted.

Chair Swienton does not want to approve something that does not correct proffers but if it does, that changes his perspective. Mr. Henry said that staff tries to work with petitioners and in this case, this is the way to do it. It may seem cumbersome but this is how they can help Mr. Crocker correct his current situation. Mr. Henry clarified for the commissioners that the issues with a possible retaining wall on Range Street and the erosion measures needed for the bank will all be addressed during the site plan approval process. The guardrail is beyond their purview but Chair Swienton asked if that could be passed on to Mr. DeBerry. Mr. Henry said he has made a note of it and will pass it along to him.

Commissioner Perault asked if the petitioner could be encouraged to add a proffer that Range Street would only be used for emergency access. Ms. Crocker said she would like to know what the traffic

count is through there because she does think it is significant. Mr. Henry said he would caution them because that would leave only one means of ingress and egress and that may change things from the Traffic Engineer's point of view. Mr. DeBerry made comment on the concept plan as shown with the two means of egress and ingress. Commissioner Perault said he is fine with the way it is. Chair Swienton said he learned something today. He did not know that if a new petition does not list all the previous proffers, the previous proffers disappear. Mr. Henry said that is correct and was noted in the report.

Commissioner Marion asked for clarification as to how many can currently be seated in the banquet area. Is it unlimited? Mr. Henry said it would be the building capacity, which he believes is 180. If this petition is denied, he could have 180 people in the building. Chair Swienton said he had thought the same thing but thought the participants would have to be bussed to the site because there would not be enough parking on site. Mr. Henry clarified for the commission that Mr. Crocker is proffering to cap the total number of seats between the restaurant and the banquet hall at 101. The restaurant by itself would be capped at 50. If the petition is denied, it could potentially go as high as 180 people in the banquet facility. Commissioner Marion said it sounds like we need to cap it somehow and need to do something other than just deny the petition.

Commissioner Johnston thinks this has put the commission in an interesting position. If they approve the petition, it caps the number of people but comes with some concerns such as the vacation of the right-of-way and proffers that are not currently in compliance. Commissioner Johnston noted that Mr. Crocker had said it is difficult to monitor the number of seats in a dining room but 20 to 25 additional seats does not seem to happen by accident. She is concerned with his noncompliance with his proffers and also with what the Planning Commission and City Council have allowed in the past. However, when they look at the big picture, they are looking at a land use decision and what is best for the City and the neighbors and the combination for the community. She thinks capping the number at 101 is a good thing. Commissioner Johnston made the following motion, which was seconded by Commissioner Light:

"That the Planning Commission recommends to City Council approval of the petition of Robert D. Crocker to waive the twenty-one (21)-day submittal requirement for proffers and to rezone approximately three and twenty-four hundredths (3.24) acres located at 2134 Old Forest Road from B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional) subject to the following voluntarily submitted proffers:

- a. Property will be developed in substantial compliance with the conceptual concept plan for Acorn Hill Lodge dated 09/5/14.**
- b. All lighting shall be glare shielded and non-directional as to prevent illumination beyond the property line.**
- c. Restaurant shall close by 9:00 p.m. daily.**
- d. The event center shall close by 10:00 p.m. daily.**
- e. The total number of seats shall not exceed 50 in the dining room and 101 in the event center, with no more than 101 total combined patrons using the restaurant and the event center at any one time.**
- f. The total number of guest rooms is 10.**
- g. The event center will be used separately from the restaurant.**
- h. The hours for the spa and salon shall be 10:30 a.m. – 4:00 p.m. Tuesday through Friday and 10:30 a.m. – 3:00 p.m. on Saturday.**

Commissioner Light stated that he is very troubled by these violations. He told Mr. Crocker he does himself no favor with this group or with his neighbors and City Council. He is very troubled by the

violations and is stepping out on a great deal of faith to second the motion and vote for the petition. He thinks everyone is trying to be as user friendly to see Mr. Crocker's business prosper and by all accounts, it is a wonderful business. He told Mr. Crocker he does his cause no favor by continuing to have issues with his compliance. He says that with all due respect.

Commissioner Mays said he is also troubled by the comments. Commissioner Mays has developed property and mentioned that as of July 1, 2014, the regulations for stormwater are onerous. He understands how expensive they can be to follow. It bothers him and he feels like they are in a "catch 22" here. He does not like complying with regulations either but you have to. Whether it is an innocent mistake or whatever, it does not go across well. He is going to be watching. It really bothers him.

Chair Swienton said he has thought about this many ways. He wants small businesses to prosper and Acorn Hill Lodge has certainly grown. He does not know about the financial numbers and prosper part, but it has certainly grown and he hopes they prosper. Chair Swienton feels they are taking a bad situation to mediocrity. He wants to take it to excellent. Approving this would make it a better situation but beyond that, they have to trust in the process that it gets taken care of. He feels that as it leaves here, they have to trust that through the site plan review process, they will achieve the excellence part.

Commissioner Marion said she would reluctantly be voting for the petition because it is the lesser of two evils. It at least brings down the total number of people allowed in the building. She thinks the best they can do for the neighbors is to cap the number of seats at 101 instead of a possible 180. If the petitioner can already accommodate 100 people in the banquet facility, adding 25 seats to the restaurant is not going to make any difference to the traffic.

Commissioner Lowe agrees with Commissioner Marion's comment and will also be voting for this because it is the lesser of two evils. He does not appreciate people doing things and then expecting forgiveness. He trusts that Council will look at the road issue and the erosion and whether or not there is a need for a retaining wall.

The motion passed by the following vote:

AYES:	Johnston, Light, Lowe, Marion, Mays, Perault and Swienton	7
NOES:		0
ABSTENTIONS:		0
ABSENT:		0

The Department of Community Development

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

To: Planning Commission
From: Planning Division
Date: May 14, 2014
Re: Rezoning: B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional) – 2134 Old Forest Road

I. PETITIONER

Robert D. Crocker, Acorn Hill, 2134 Old Forest Road, Lynchburg, VA 24501

Representative: Mr. Robert D. Crocker, Acorn Hill, 2134 Old Forest Road, Lynchburg, VA 24501

II. LOCATION

The subject property includes one (1) tract totaling approximately three and twenty-four hundredths (3.24) acres located at 2134 Old Forest Road.

Property Owners:

Robert D. Crocker & Wanda E. Brooks-Crocker, 2134 Old Forest Road, Lynchburg, VA 24501

III. PURPOSE

The purpose of the rezoning petition is to amend existing proffers, specifically to increase the restaurant seating from twenty-five (25) seats to one hundred twenty-two (122) and to add ten (10) parking spaces. The petitioner has voluntarily submitted proffers which provide restrictions upon the restaurant use and assurances related to the location of the new parking areas.

IV. SUMMARY

- The *Future Land Use Map (FLUM)* recommends a Community Commercial use for this property.
- The existing February 8, 2011 proffers would be replaced by the proposed proffers if the petition is approved.
- Petition agrees with the *Zoning Ordinance* which permits hotels, banquet halls and restaurants in a B-3, Community Business District.

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 Community Commercial use for the area. "Community Commercial areas contain retail, personal service, entertainment, and restaurant uses that draw customers from at least several neighborhoods, the entire City or the region (*pg. 75*).

Adjacent land uses are designated for Low Density Residential and Medium Density Residential by the *FLUM*. Those areas represent residential uses that include single family detached dwellings, duplexes, and townhouses up to a density of twelve (12) units per acre (*pg. 72*). When addressing compatibility between adjacent land uses, building orientation, building location, parking locations, parking design, lighting, walkways and other building and site design factors should be considered (*pg. 16, Policy LU-3.7*).

2. **Zoning.** The subject property was annexed into the City in 1958. The existing B-3C, Community Business District (Conditional) zoning was established in 2011 with the approval of a rezoning petition to allow the expanded use of the spa, restaurant, banquet facility, and hotel.
3. **Proffers.** The petitioner has voluntarily submitted the following proffers:
 - a. Property will be developed in substantial compliance with the conceptual concept plan for Acorn Hill Lodge dated 04/09/14.
 - b. All lighting shall be glare shielded and non-directional as to prevent illumination beyond the property line.
 - c. Restaurant shall close by 9:00 p.m. daily.
 - d. The event center shall close by 10:00 p.m. daily.
 - e. The total number of seats shall not exceed 122 in the dining room and 101 in the event center.
 - f. The total number of guest rooms is 10.
 - g. The event center will be used separately from the restaurant.
 - h. The hours for the spa and salon shall be 10:30 a.m. – 4:00 p.m. Tuesday through Friday and 10:30 a.m. – 3:00 p.m. on Saturday.
4. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances would be needed for the development of the property as proposed.
5. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - On July 8, 1986, City Council approved the conditional use permit (CUP) petition of East Ridge Associates to allow the construction and operation of a nursing home and adult care facility at 2513 Old Forest Road and 100 Poindexter Street.
 - On August 13, 1996, City Council approved the CUP petition of Robert Crocker to allow the operation of a bed and breakfast for up to four (4) guests at 2121 Maher Street.
 - On March 8, 1998, City Council approved the petition Wanda E. Brooks-Crocker to rezone approximately three (3) acres from R-2, Low-Medium Density Single-Family Residential District to B-1C, Limited Business District (Conditional) to allow the construction of a building addition for use as a massage clinic at 2134 Old Forest Road and 2121 Maher Street.
 - On June 9, 1998, City Council approved the CUP petition of Prayer Faith Temple to allow the construction of a church and parking area at 3100 Hill Street.
 - On February 13, 2001, City Council approved the CUP petition of Lynchburg Retirement Corporation to allow the construction of a Planned Unit Development for eighty-seven (87) single-family detached homes at 2713 Old Forest Road.
 - On March 9, 2004, City Council approved the petition of Robert D. Crocker & Wanda E. Brooks-Crocker to rezone two and nine tenths (2.9) acres from B-1C, Limited Business District (Conditional) to B-1C, Limited Business District (Conditional) to amend the existing proffers and allow the use of the property as an eight (8)-room lodging house in addition to the spa and salon uses at 2134 Old Forest Road.

- On February 8, 2011, City Council approved the petition of Robert D. Crocker to rezone three and twenty-four hundredths (3.24) acres from B-1C, Limited Business District (Conditional) to B-3C, Community Business District (Conditional) to allow for expansion of the existing spa, restaurant, banquet hall, and lodging uses at 2134 Old Forest Road.
6. **Site Description.** The subject property includes an existing ten (10) room lodging house, spa, salon facilities, restaurant and associated parking; the balance of the property includes a pond and a few wooded areas. The property is bound on all sides by existing single-family dwellings.
 7. **Proposed Use of Property.** The purpose of this petition is to allow for the increase of the restaurant seating from twenty-five (25) seats to one hundred twenty-two (122) and to add ten (10) parking spaces. The petitioner is planning to grow the restaurant use within the existing building using some of the existing banquet facility (basement) area for seating. The new parking spaces to be added are to be located near Range Street and Maher Street, as shown on the concept plan.
 8. **Traffic, Parking and Public Transit.** The proposed development did not warrant a Traffic Impact Study (TIS). Due to the nature of the restaurant use, it is considered a “quality restaurant” and not a “high turn-over, sit-down restaurant” resulting in fewer trips in and out of the site. The existing entrance would be used for access to the site as well as a secondary entrance from Maher Street. The applicant plans to surface-treat the driveway and parking areas.

The property is served by Greater Lynchburg Transit Company’s Route 8, which runs along Old Forest Road with a bus stop in front of the property at the intersection of Range Street.
 9. **Stormwater Management.** The proposed project is required to treat stormwater runoff for quantity and quality. A site plan will be required which addresses, quality, quantity and adequacy of channel. The proposed parking area will make use of the existing pond on site to capture stormwater.
 10. **Emergency Services.** The City Fire Marshal provided comments regarding site design requirements of the City of Lynchburg and the Virginia Statewide Fire Prevention Code. The City’s Police Department provided general comments related to site safety and security. These comments have or will be addressed by the petitioner prior to final site plan approval.
 11. **Impact.** This property calls for Community Commercial uses on the *FLUM*. The proposed use is consistent with the future land use designation, but careful consideration should be given to the impact upon the surrounding neighborhood. The future land use designation for the surrounding properties is residential. The rezoning petition that was approved in 2011 to obtain the current B-3C, Community Business District (Conditional) was met with conflict from some of the neighboring property owners. The Planning Commission and City Council both expressed concerns over the growth of the business within a primarily residential area. In order to alleviate neighborhood concerns, the petitioner has submitted proffers which restrict items such as hours of operation, seating within the restaurant and lodging rooms.

Acorn Hill has operated as a commercial establishment since 1996. Since that time, the business has grown and surpassed the limitations of underlying zoning or CUPs issued for the property. The existing building will not be increased in size and the new parking will be screened from the adjacent residential properties due to topography and existing vegetation.

There will be a slight increase in traffic to the site that does not require improvements to the right-of-way or internal circulation within the property. There is another means of ingress/egress from the site besides the driveway entrance. The rear area of the parking lot has access to Maher Street, which eventually changes to Range Street and intersects with Old Forest Road north of the site, providing a secondary means of ingress/egress to the site. The secondary access will allow for better disbursement of the traffic flow around the site.

- 12. Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary rezoning plan on March 18, 2014. Comments related to the proposed use have or will be addressed by the petitioner prior to final site plan approval.
-

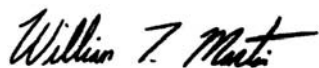
VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Robert D. Crocker to:

Rezone approximately three and twenty-four hundredths (3.24) acres located at 2134 Old Forest Road from B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional) subject to the following voluntarily submitted proffers:

- a. Property will be developed in substantial compliance with the conceptual concept plan for Acorn Hill Lodge dated 04/09/14.
- b. All lighting shall be glare shielded and non-directional as to prevent illumination beyond the property line.
- c. Restaurant shall close by 9:00 p.m. daily.
- d. The event center shall close by 10:00 p.m. daily.
- e. The total number of seats shall not exceed 122 in the dining room and 101 in the event center.
- f. The total number of guest rooms is 10.
- g. The event center will be used separately from the restaurant.
- h. The hours for the spa and salon shall be 10:30 a.m. – 4:00 p.m. Tuesday through Friday and 10:30 a.m. – 3:00 p.m. on Saturday.

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Ms. Bonnie M. Svrcek, Deputy City Manager
Mr. Walter C. Erwin, City Attorney
Mr. Kent L. White, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozarow, Lynchburg Police Department
Battalion Chief Greg Wormser, Fire Marshal
Mr. Don DeBerry, Transportation Engineer
Mr. Doug Saunders, Building Commissioner
Mr. Robert Fowler, Zoning Administrator
Mr. Robert Crocker, Acorn Hill

VII. ATTACHMENTS

- 1. Vicinity Zoning Pattern Map**
- 2. Vicinity Proposed Land Use Map**
- 3. Watershed Location Map**
- 4. Planimetric and Topographic Map**
- 5. Rezoning Plan**
- 6. Property Photograph**

MINUTES FROM THE MAY 14, 2014 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

Petition of Robert Crocker to rezone approximately three and two hundred forty-three thousandths (3.243) acres at 2134 Old Forest Road from B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional) to amend existing proffers, specifically to increase the restaurant seating from twenty-five (25) seats to one hundred twenty-two (122) and to add ten (10) parking spaces.

Mr. Kevin Henry explained that the *Future Land Use Map* indicates a Community Commercial use for this property. Those areas typically contain retail, personal service, restaurant and entertainment uses that draw customers from several neighborhoods to the entire City. The surrounding uses are designated Low Density Residential and Medium Density Residential. The *Comprehensive Plan* suggests that when addressing compatibility between adjacent land uses such things as building orientation, building location, parking location and parking design should be site design characteristics that should be considered carefully.

Mr. Henry explained that the current zoning was established in 2011. At that time, the applicant's request for restaurant seating was for 25 seats. That limitation was probably set too low as there is more space allocated for the restaurant and banquet use and his business has seen growth not anticipated in 2011. Mr. Henry indicated that even with the additional seating requested, the increase did not warrant a traffic study. That is due to the consideration that the restaurant is considered a quality restaurant rather than a high turnover restaurant. This will result in fewer trips in and out of the site. Mr. Henry also pointed out that there are two means of ingress/egress to the site, which helps to disperse the traffic (one to Old Forest Road and one to Maher Street.)

Mr. Henry remarked that the rezoning petition in 2011 was met with some concerns from adjoining property owners. The Planning Commission and City Council both expressed some concerns over the growth of the business, particularly since it is in a residential area. The petitioner's submitted proffers for this requested rezoning are meant to address any potential impacts on the surrounding residential uses. Mr. Henry noted that the Acorn Hill Lodge has operated in this location since 1996. The building will not be increasing in size. The only real modification is the new parking lot and it will be screened by both landscaping and natural topography. The Planning Division does recommend approval of the petition.

Mr. Robert Crocker and Ms. Wanda Brooks-Crocker were available to represent the petition. Ms. Brooks-Crocker indicated that they are very sensitive to the surrounding residential property owners. They intend to meet all the City's requirements and hope to receive the Planning Commission's support. Chair Swienton asked if there was anyone else who wished to speak in favor or in opposition to the petition. No one came forward and Chair Swienton closed the public hearing portion of the petition.

Commissioner Marion commented that it is beautiful property and she has been impressed with its growth and vitality over the years. She wonders how they can request so much of an increase in restaurant seating and only ten additional parking spaces. Mr. Crocker said they will have adequate parking with these additional parking spaces. The parking that he will have to take away that is shown on the concept plan is due to the setback he is required to maintain from Range Street. Mr. Crocker would prefer to keep the additional parking but will comply with the City's requirement. Ms. Brooks-Crocker pointed out that the parking should work because the spa clients are not there during the evening and the bed and breakfast clients are not there during the day.

Commissioner Marion asked them to elaborate more on the day to day operations of the business. Ms. Crocker indicated that they are classified as a small hotel now as opposed to a bed and breakfast because they have 13 rooms. They currently serve breakfast and lunch in the restaurant, which is open to the public, and it will include dinner starting in June.

Commissioner Johnston commented that she likes how the business has grown over time rather than proposing something large from the beginning. She likes that the appearance of their business blends in with the character of a residential neighborhood but still has been able to grow incrementally. She congratulated them on the successful expansion of their business.

Commissioner Perault encouraged them to do some creative things with their stormwater management on the site, especially with the use of the pond. He suggested innovative things such as rain gardens. Mr. Crocker indicated that they are mainly interested in getting the “stop work order” removed from the property so they can finalize the parking lot.

Chair Swienton commented that there are no neighbors here today to oppose this petition. Chair Swienton talked to some of the neighbors during the rezoning in 2011 and everyone had very positive to say about the Crockers and the way they operate their business. The issue with the positioning of the sign was a concern with the last rezoning and that was resolved. He wishes them luck and hopes they continue to do well.

Commissioner Johnston made the following motion, which was seconded by Commissioner Perault:

“That the Planning Commission recommends to City Council approval of the petition of Robert D. Crocker to rezone approximately three and twenty-four hundredths (3.24) acres located at 2134 Old Forest Road from B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional) subject to the following voluntarily submitted proffers:

- a. Property will be developed in substantial compliance with the conceptual concept plan for Acorn Hill Lodge dated 04/09/14.**
- b. All lighting shall be glare shielded and non-directional as to prevent illumination beyond the property line.**
- c. Restaurant shall close by 9:00 p.m. daily.**
- d. The event center shall close by 10:00 p.m. daily.**
- e. The total number of seats shall not exceed 122 in the dining room and 101 in the event center.**
- f. The total number of guest rooms is 10.**
- g. The event center will be used separately from the restaurant.**
- h. The hours for the spa and salon shall be 10:30 a.m. – 4:00 p.m. Tuesday through Friday and 10:30 a.m. – 3:00 p.m. on Saturday.”**

The motion passed by the following vote:

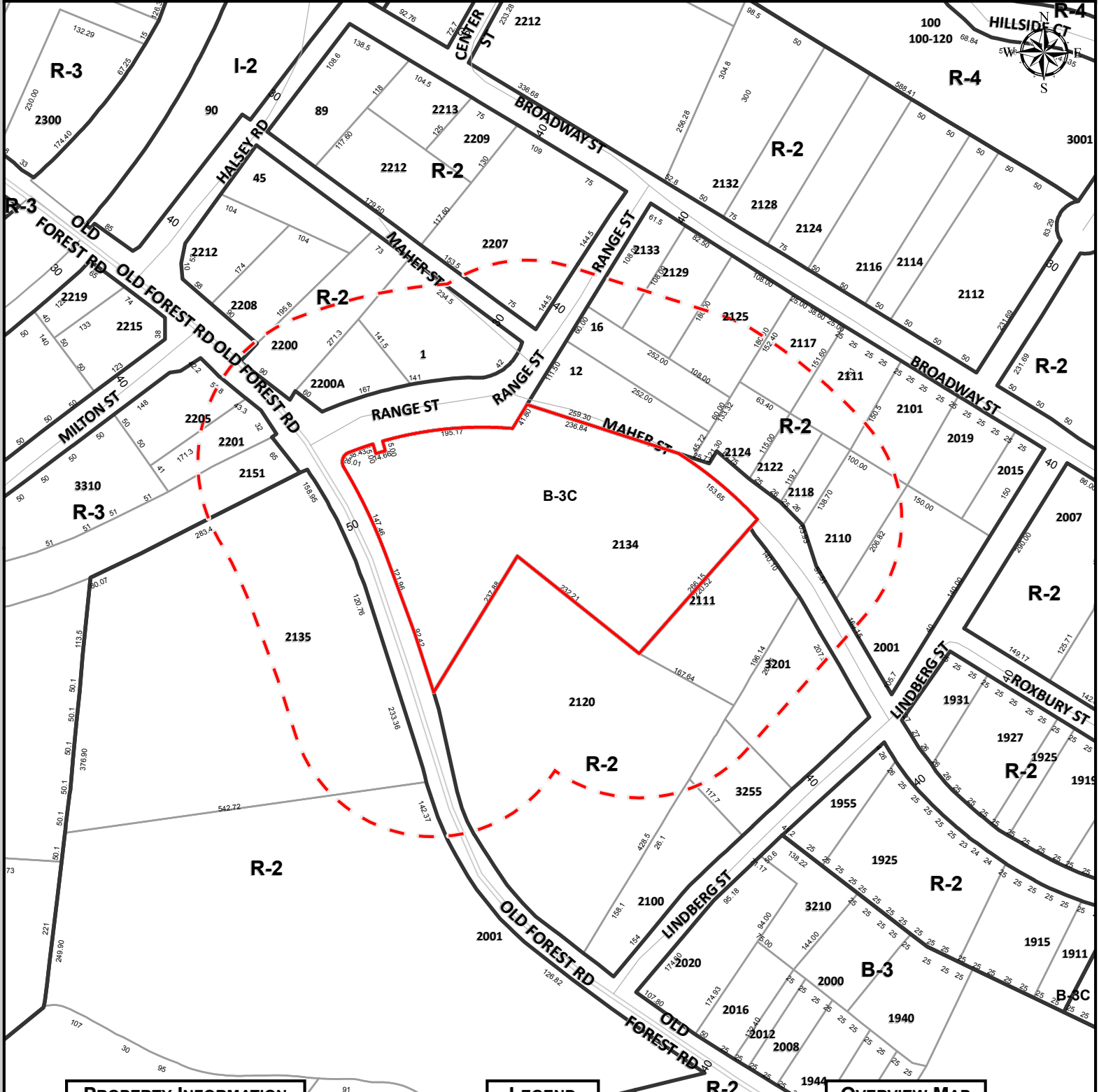
AYES:	Johnson, Marion, Perault and Swienton	4
NOES:		0
ABSTENTIONS:		0
ABSENT:	Coleman and Light	2
VACANCIES:		1

Zoning Map

REZONING FROM B-3C TO B-3C TO AMEND PROFFERS

Zoning Request

Acorn Hill Lodge



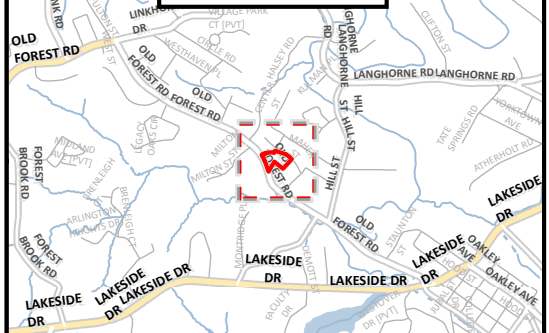
PROPERTY INFORMATION

PARCEL ID **ADDRESS**
 01513001 2134 OLD FOREST RD

LEGEND

- Subject Property
- 215' Buffer
- Zoning Boundary

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 9/26/2014

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.

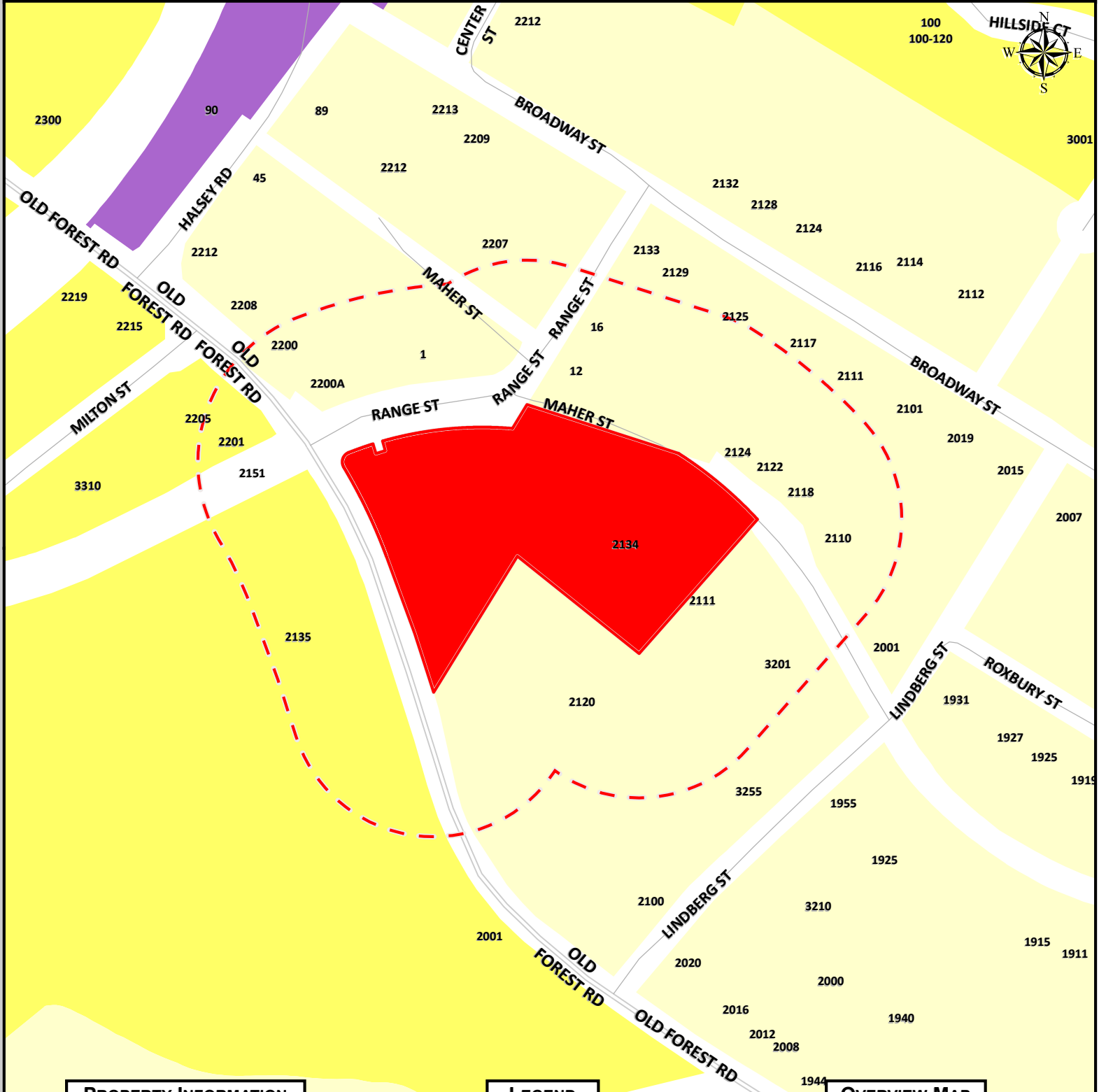
01514006	2001 ROXBURY ST	BARLEY, EDITH H
01514002	2111 BROADWAY ST	BUGG, HUGH H
01514013	2129 BROADWAY ST	CLAGAR PARTNERS
01514014	2133 BROADWAY ST	CLAGAR PARTNERS
01514015	16 RANGE ST	CROCKER, ROBERT D
01514016	12 RANGE ST	CROCKER, ROBERT D
01513001	2134 OLD FOREST RD	CROCKER, ROBERT D & WANDA E B
16624001	2135 OLD FOREST RD	DRISKILL, STEPHEN M & NANCY C
16705005	2207 BROADWAY ST	GIBSON, JOHN R & GIBSON, DAVID A
16618002	2205 OLD FOREST RD	GRANT, CAROLYN & RICK & ROGERS,
16618001	2201 OLD FOREST RD	GRANT, RICKY L
01512001	2001 OLD FOREST RD	HUGHES, HOLCOMBE A J SR
01514008	2110 MAHER ST	JACKSON, NICHOLAS A
01514003	2101 BROADWAY ST	JENKINS, AL JR & RAMONA L
01513003	3201 LINDBERG ST	JUSTIS, ROBERT W & SHANNON D
01513002	2111 MAHER ST	JUSTIS, ROBERT W & SHANNON D
01514012	2125 BROADWAY ST	LIN, RENEE N
16617004	2200 A OLD FOREST RD	MAYBERRY, CATHY T
16617005	2200 OLD FOREST RD	MAYBERRY, CATHY T
16618009	2151 OLD FOREST RD	NORFOLK & WESTERN RAILWAY
01514009	2118 MAHER ST	POE, RUDOLPH N & REBECCA C
01514007	2122 MAHER ST	POE, RUDOLPH N & REBECCA C
01514010	2124 MAHER ST	POE, RUDOLPH N & REBECCA C
01514001	2117 BROADWAY ST	POE, RUDOLPH N & REBECCA C
01513004	3255 LINDBERG ST	WALKER, CHARLES F
01513006	2120 OLD FOREST RD	WALKER, CHARLES F
16617003	1 RANGE ST	WHITE, FRANKLIN L & DOROTHY R

FLUM Map

REZONING FROM B-3C TO B-3C TO AMEND PROFFERS

Zoning Request

Acorn Hill Lodge



PROPERTY INFORMATION

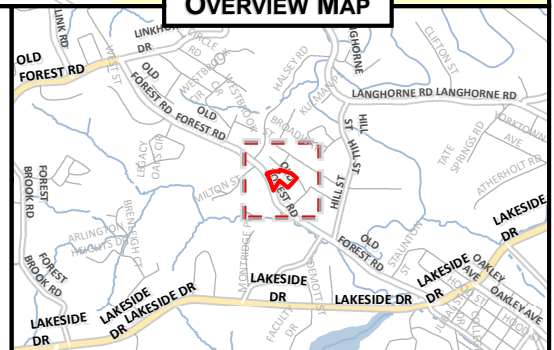
PARCEL ID 01513001 **ADDRESS** 2134 OLD FOREST RD

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 |

MAP SCALE: 1" to 200' DATE PRINTED: 9/26/2014

OVERVIEW MAP



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Watershed Map

REZONING FROM B-3C TO B-3C TO AMEND PROFFERS

Zoning Request

Acorn Hill Lodge



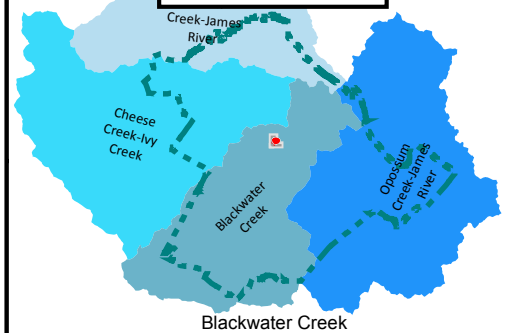
PROPERTY INFORMATION

PARCEL ID	ADDRESS
01513001	2134 OLD FOREST RD

LEGEND

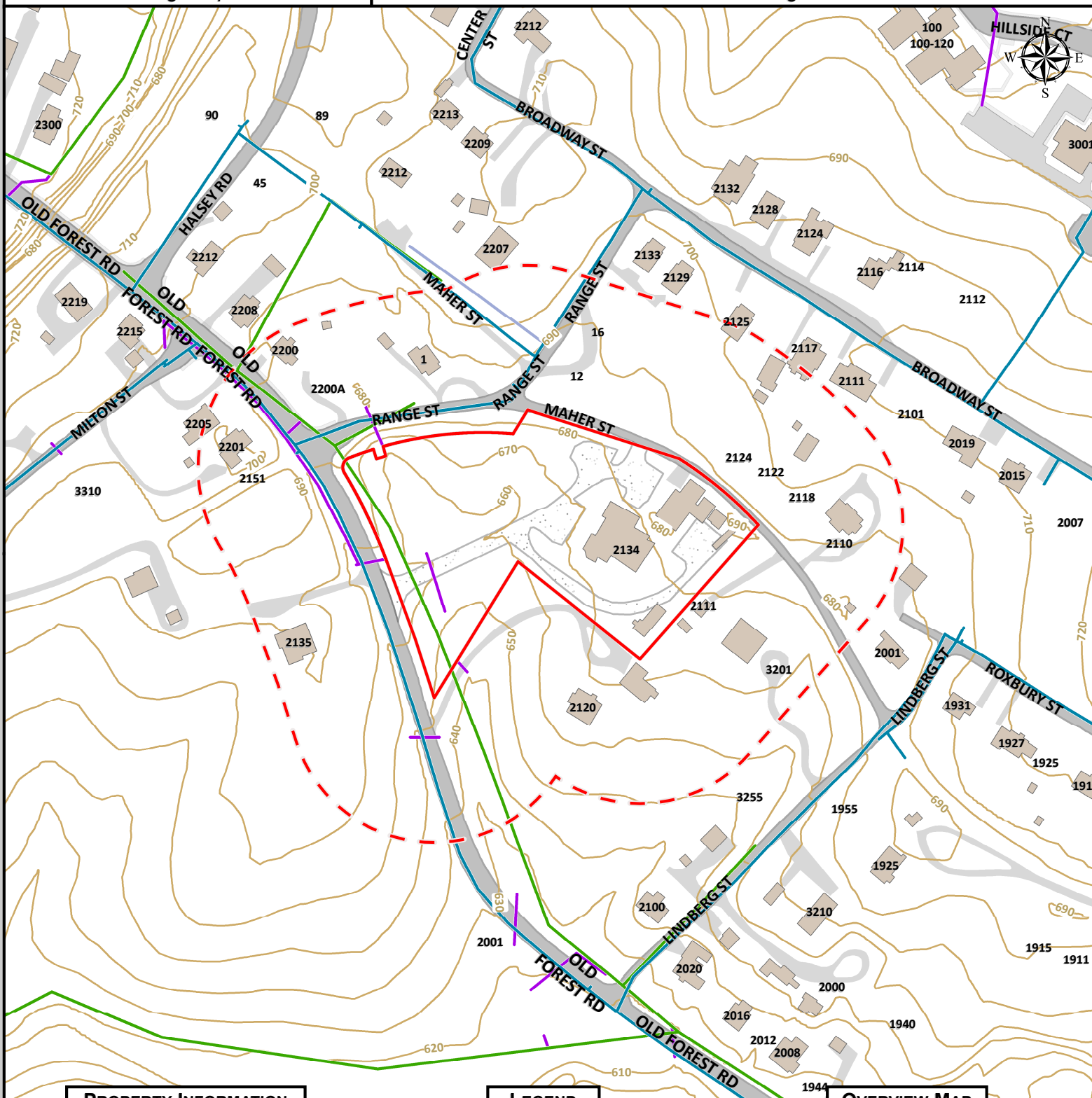
- Subject Property
- Base Flood Elevation
- Floodway
- Floodzone
- River / Lake / Stream

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 9/26/2014

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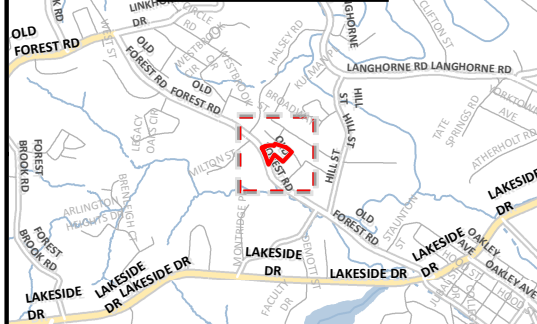
PROPERTY INFORMATION

PARCEL ID	ADDRESS
01513001	2134 OLD FOREST RD

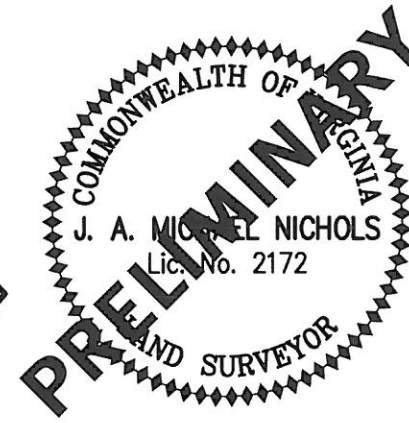
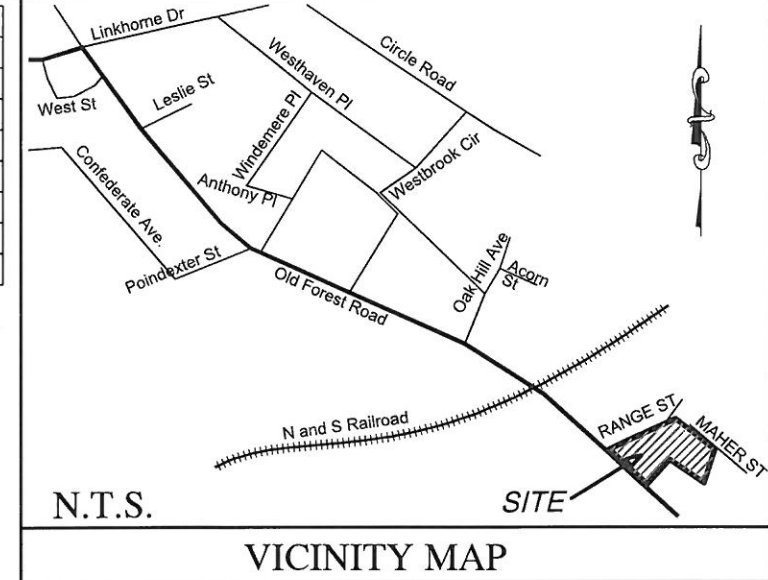
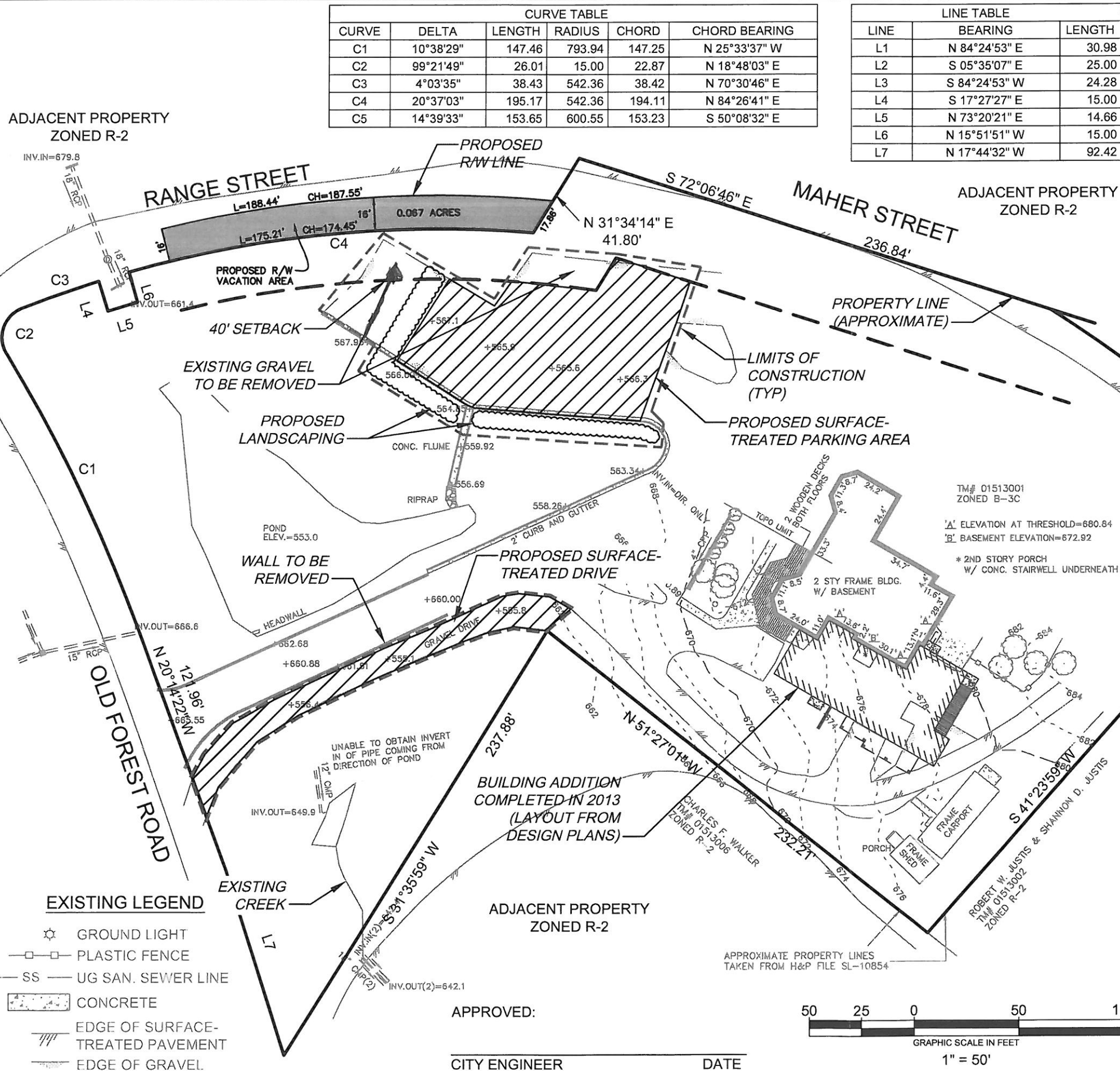
LEGEND

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

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 9/26/2014



**CONCEPTUAL SITE PLAN
AND R/W VACATION DRAWING FOR
ACORN HILL LODGE
CITY OF LYNCHBURG, VIRGINIA**

PROJECT NO. 20120087
G.L. NO. 229-13-D3.6
FILE NO.
DATE: 9/5/2014
DRAWN BY: ASK
CHECKED BY: JAMN

SHEET NO.
1 OF 1

HURT & PROFFITT

2524 LANGHORNE ROAD
LYNCHBURG VA 24501
800.242.4906 TOLL FREE
434.847.7796 FAX
434.847.0047 FAX

**ENGINEERING • SURVEYING • LAND DEVELOPMENT • ENVIRONMENTAL
GEOTECHNICAL • CONSTRUCTION TESTING & INSPECTION • CULTURAL RESOURCES**

**NOTICE
REQUEST FOR REZONING**

APPLICANT: ROBERT D. & WANDA E.B. CROCKER
PHONE NO.: 434-528-0983
ADDRESS: 2134 OLD FOREST RD.
PRESENT ZONING: B-3C
PROPOSED ZONING: B-3C
PROPOSED USE: REZONING TO AMEND PROFFERS
ADDITIONAL INFORMATION: CALL PLANNING DIV., DEPT. OF
COMMUNITY DEVELOPMENT, 434-455-3809



**NOTICE
REQUEST FOR REZONING**

APPLICANT: ROBERT D. & WANDA E.B. CROCKER
PHONE NO.: 434-528-0983
ADDRESS: 2134 OLD FOREST RD.
PRESENT ZONING: B-3C
PROPOSED ZONING: B-3C
PROPOSED USE: REZONING TO AMEND PROFFERS
ADDITIONAL INFORMATION: CALL PLANNING DIV., DEPT. OF
COMMUNITY DEVELOPMENT, 434-455-3909

August 27, 2014

PLEASE PRINT

[illegible]

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **October 14, 2014**

AGENDA ITEM NO.: 15

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **FY 2015 First Quarter Adjustments**

RECOMMENDATION: After a public hearing adopt a resolution amending the FY 2015 Operating and Capital Budgets and appropriating funds to reflect the FY 2015 First Quarter Adjustments as listed in Attachment A.

SUMMARY: The General, City/Federal/State Aid, Technology, Asset Forfeiture, Fleet Services, Water Operating, Sewer Operating, City Capital Projects, and School Capital Projects Funds are amended to reflect the FY 2015 First Quarter Adjustments.

Details of these adjustments can be found on Attachment A. The adjustments include the carry forward of some funds appropriated but unspent in the FY 2014 Budget.

Council policy requires a minimum Unassigned General Fund Balance of 10% of General Fund revenues. The unaudited Unassigned Fund Balance is projected to be approximately \$33.9 million, or 19.6%, of General Fund revenues as of June 30, 2014. Of the \$33.9 million, approximately \$9.3 million is left to fund First Quarter Adjustments and FY 2016 Capital Improvement Program (CIP) expenditures.

PRIOR ACTION(S): None

BUDGET IMPACT: As noted above

CONTACT(S): Donna Witt, Director of Financial Services, 455-3968

ATTACHMENT(S): Resolution; Attachment A: FY 2015 First Quarter Adjustments – Summary and Detail

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED That the FY 2015 Adopted Budget is amended and funds are appropriated to reflect the First Quarter Adjustments in the General, City/Federal/State Aid, Technology, Asset Forfeiture, Fleet Services, Water Operating, Sewer Operating, City Capital Projects, and School Capital Projects Funds as follows:

	Adopted FY 2015	Recommended Adjustment	Amended FY 2015
General Fund			
Operations	\$108,668,545	\$1,392,838	\$110,061,383
Transfers To/From Other Funds	952,834	1,547,188	2,500,022
Debt Service	16,907,302		16,907,302
Schools-Operations	38,924,147		38,924,147
Greater Lynchburg Transit Co.	1,394,038		1,394,038
Reserve for Contingencies	600,000	856,815	1,456,815
Debt Service Reserve	1,251,988		1,251,988
Parking Reserve	38,575		38,575
Other Post Employment Benefits	250,000		250,000
Capital Improvements	7,339,676		7,339,676
Ending Balance (Unassigned Fund Balance)	17,100,146		17,100,146
Total	\$193,427,251	\$3,796,841	\$197,224,092
City/Federal/State Aid Fund			
Operations	\$2,671,658	\$844,261	\$3,515,919
Ending Balance	0		0
Total	\$2,671,658	\$844,261	\$3,515,919
Technology Fund			
Operations	\$688,369	\$731,992	\$1,420,361
Capital Outlay	85,000		85,000
Ending Balance	1,463,091	48,044	1,511,135
Total	\$2,236,460	\$780,036	\$3,016,496
Asset Forfeiture Fund			
Operations	\$0	\$287,504	\$287,504
Ending Balance	139,468		139,468
Total	\$139,468	\$287,504	\$426,972
Fleet Services Fund			
Operations	\$5,795,363	\$251,559	\$6,046,922
Debt Service	484,353		484,353
Ending Balance	2,561,660		2,561,660
Total	\$8,841,376	\$251,559	\$9,092,935
Water Operating Fund			
Operations	\$9,653,810	\$427,616	\$10,081,426
Debt Service	3,839,779		3,839,779
Transfers to Water Capital Fund	800,000		800,000
Ending Balance	6,788,248		6,788,248
Total	\$21,081,837	\$427,616	\$21,509,453
Sewer Operating Fund			
Operations	\$10,350,883	\$262,252	\$10,613,135
Debt Service	8,961,298		8,961,298
Transfers to Sewer Capital Fund	2,000,000		2,000,000
Ending Balance	9,644,921		9,644,921
Total	\$30,957,102	\$262,252	\$31,219,354
City Capital Projects Fund			
Capital Outlay	\$22,362,661	\$1,910,213	\$24,272,874
Ending Balance	0		0
Total	\$22,362,661	\$1,910,213	\$24,272,874
School Capital Projects Fund			
Capital Outlay	\$75,389,191	(\$3,458,000)	\$71,931,191
Ending Balance	0		0
Total	\$75,389,191	(\$3,458,000)	\$71,931,191

And, BE IT RESOLVED that the funds shall be used as identified in Attachment A.

Introduced:

Adopted:

Certified:

Clerk of Council

FY 2015 FIRST QUARTER ADJUSTMENT DETAILS

GENERAL FUND

DEPARTMENT/DIVISION	AMOUNT	PURPOSE
City Manager	\$579	Remaining funds for the City employee United Way Campaign. These funds were raised in FY 2012 to fund campaign expenses.
Commissioner of Revenue/Economic Development Enterprise and Technology Zone Grants	\$145,088	Griffin Pipe (\$109,570), Delta Star (\$16,160), Belvac (\$1,759), Porters Group LLC (\$3,428), Azdel (\$4,466), and Trax (\$9,705).
Communications and Marketing	\$21,700	To replace a color printer (\$6,700) and fund Phase II of the City Hall Lobby Project that will include updating the display window with lighting, museum quality display pedestals and backdrop (\$15,000).
Commonwealth Attorney	\$11,791	Appropriate additional compensation funding for City and grant funded Assistant Commonwealth Attorney positions. This is net of additional State funding.
Community Development	\$20,388	To fund expenditures related to The Zoning Ordinance Rewrite.
General District Court	\$6,321	For courtroom chairs and installation of microphones.
Human Services - Social Services	\$205,089	To fund the second year of a Pilot Program to test the feasibility of using less than full-time, hourly workers to fill an immediate staffing need at the Division of Social Services and to fund overtime. \$53,323 is reimbursable from the State.
Library	\$7,000	To provide staff training on new The Library Corporation (TLC) software and other training needs.
Library	(\$7,250)	Reduce budgeted revenue available from Friends of the Library for the Volunteer Coordinator Program.

FY 2015 FIRST QUARTER ADJUSTMENT DETAILS

GENERAL FUND (Continued)

DEPARTMENT/DIVISION	AMOUNT	PURPOSE
Museum/Tourism	\$5,100	To provide medical coverage for a part-time employee working greater than 30 hours per week. \$3,825 Museum budget, \$1,275 Tourism budget.
Human Resources - Health Management Program	\$46,000	For clinic costs and health risk assessments.
Human Resources	\$18,000	To fund tuition reimbursement for City Staff.
Human Resources	\$55,000	Partially fund adjusted hours payout.
Human Resources - Non-Departmental	\$5,868	Unspent vending machine proceeds to fund employee recognition events.
Human Resources - Occupational Health	\$17,000	To replace outdated equipment (Vision Screener \$3,500, Audiometer \$7,000, Spirometer \$4,600); provide training and update software (\$1,900).
Human Resources	\$3,800	To purchase tables for the Human Resources training room and provide coaching for Talent Management participants.
Human Resources	\$1,325	To purchase on-line training resources.
Parks and Recreation	\$250,000	Appropriate funds from Committed Fund Balance for lease payments for use of Armstrong School gymnasium.
Parks and Recreation	\$53,200	Funding for additional furniture and Information Technology (IT) equipment for Miller Center (\$50,000), and branding development for Parks and Recreation (\$3,200).
Police	\$1,888	Appropriate excess range operations revenue for maintenance projects.
Public Works	\$251,239	Transfer funds from the City Capital Projects Fund Snow, Street and Bridge Reserve to purchase salt for the upcoming winter season (\$249,861), and appropriate revenue from the sale of salvage metal traffic signal poles (\$1,378).

FY 2015 FIRST QUARTER ADJUSTMENT DETAILS

GENERAL FUND (Continued)

DEPARTMENT/DIVISION	AMOUNT	PURPOSE
Heritage High School Furniture, Fixture, and Equipment Reserve	(\$373,529)	Reconcile Debt Service with Heritage High School Furniture, Fixture, and Equipment Reserve based on actual July 2014 bond sale.
Debt Service	\$373,529	Reconcile Debt Service with Heritage High School Furniture, Fixture, and Equipment Reserve based on actual July 2014 bond sale.
Animal Shelter	\$200,000	Final Animal Shelter lease payment.
Non-departmental	\$73,712	Bank Stock Tax refund.
Reserve for Contingencies	\$256,815	Restore funds for Reverse 911 System Grant \$17,095, Neighborhood Centers \$139,720 and \$100,000 Holiday Inn Parking Deck Insurance Settlement back to General Fund Reserve for Contingencies.
Reserve for Contingencies	\$600,000	To increase Reserve for Contingencies balance to meet Council Adopted Financial Policy (\$1.2m) as indicated in the FY 2015 Adopted Budget.

TRANSFERS

	AMOUNT	PURPOSE
Transfer from the Human Services - Juvenile Services General Fund Operating Budget to City Capital Projects Fund	\$500,000	Transfer cash from General Fund Human Services - Juvenile Services Department operating budget to City Capital Projects Fund for the Juvenile Detention Group Home project. The project was appropriated in the FY 2015 Adopted Budget.
Transfer from General Fund to City/Federal/State Aid Fund	\$72,226	Local grant match for the Fire Department SAFER grant which ends on 3/2/15 for 6 employees (\$50,007), and the Byrne/JAG Crisis Intervention Team (CIT) grant (\$18,075 <i>Note: \$1,742 of CIT match is from a citizen donation</i>). Also transfer grant revenue received for the DMV Alcohol grant to the City/Federal/State Aid Fund (\$742), and additional Arts and Cultural Revenue for the Arts and Cultural District Grant Program (\$3,402).

FY 2015 FIRST QUARTER ADJUSTMENT DETAILS

TRANSFERS (Continued)	AMOUNT	PURPOSE
Transfer from Human Resources General Fund Operating Budget to the City Capital Projects Fund	\$6,000	For Human Resources Computer Lab Renovation project.
Transfer from GLTC Committed Fund Balance Reserve to the City Capital Projects Fund	\$360,431	Transfer remaining FY 2014 GLTC funds from Committed Fund Balance for GLTC to the City Capital Projects fund for Maintenance and Operations Center Furniture, Fixtures, and Equipment.
Transfer from General Fund to City Capital Projects Fund	\$27,754	Transfer a portion of the local match to additional revenue sharing funds received from VDOT for Kemper St. Bridge. The remaining match of \$50,603 will come from General Street Improvements, for a total match of \$78,357.
Transfer from General Fund to City Capital Projects Fund	\$76,100	Funding for consultant services and legal fees for Jefferson Park project.
Transfer from Information Technology General Fund Operating Budget to Technology Fund	\$48,044	Transfer unspent funds to the Technology Fund per June 2000 Council approved Information Technology Policy.
Transfer from General Fund to City Capital Projects Fund	\$356,633	Transfer Tourism FY 2014 unspent funds to the Monument Terrace Building Office Space Renovations capital improvement project.
Assigned Fund Balance - Fire Equipment	\$100,000	Restore Assigned Fund Balance for future fire equipment purchases.
Amount Funded With Committed or Assigned Fund Balance	\$860,292	
Amount Funded with FY 2014 Year-End Fund Balance	\$2,936,549	
GENERAL FUND APPROPRIATION TOTAL	\$3,796,841	

Note: \$360,431 for GLTC Furniture, Fixtures, and Equipment, \$250,000 for Armstrong School and \$249,861 for Public Works salt (Total \$860,292) do not reduce Unassigned Fund Balance. Therefore, use of Unassigned Fund Balance is \$2,939,868.

FY 2015 FIRST QUARTER ADJUSTMENT DETAILS

CITY/FEDERAL/STATE AID FUND

DEPARTMENT/DIVISION

AMOUNT

PURPOSE

Arts and Cultural District Grant Program	\$3,402	Transfer and appropriate additional FY 2014 revenue for the Arts and Cultural District Grant Program; revenues exceeded budget estimates.
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Commonwealth Attorney	(\$195,360)	Appropriate additional funding for the Victim Witness grant (\$6,777) and Domestic Violence Victim grant (\$20,000), as well as rescind excess appropriations for the Violence Against Women grant (\$222,137).
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Police	\$65,334	Appropriate Byrne/Justice Assistance Grant funds for the Crisis Intervention Program with \$32,667 from the Department of Justice, \$10,000 from Horizon Behavioral Health, \$1,742 from a citizen donation, \$4,592 from Asset Forfeiture Treasury funds, and \$16,333 from the General Fund.
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Fire	\$74,960	Appropriate additional funding for the FY 2014 Fire Programs grant (\$24,953) as well as local funding for the SAFER grant (\$50,007).
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Workforce Investment Grant	\$886,841	Appropriate additional grant funds based on grant award. The City serves as the Fiscal Agent for the Workforce Investment Grant.
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Circuit Court Clerk	\$9,084	Appropriate grant funds from the Library of Virginia.
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CITY/FEDERAL/STATE AID FUND TOTAL	\$844,261	
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TECHNOLOGY FUND

AMOUNT

PURPOSE

Information Technology - all projects were appropriated in FY 2014; projects took longer than anticipated to complete	\$13,088	Service Management Application for tracking and managing Information Technology projects.
	\$5,000	Consulting funds for scripting capability in Trak-it application.
	\$16,000	Building security application (C-Cure) update/upgrade.

FY 2015 FIRST QUARTER ADJUSTMENT DETAILS

TECHNOLOGY FUND (Continued)	AMOUNT	PURPOSE
	\$99,649	Document management for map room and other departments not yet identified.
	\$376,397	New World Systems .NET project.
	\$9,796	Replacement of Disaster Recovery application.
	\$15,630	Facility related needs, computer training center, conference center equipment, etc.
	\$15,000	Training for new employees.
	\$42,432	Upgrades for Cisco Call Manager and Unity voicemail maintenance.
	\$30,000	Comcast circuit.
	\$109,000	Ongoing network infrastructure upgrades.
Transfer from Information Technology General Fund Operating Budget to Technology Fund	\$48,044	Carry forward from the General Fund per June 2000 Council approved Information Technology Policy.

TECHNOLOGY FUND TOTAL	\$780,036
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	AMOUNT	PURPOSE
ASSET FORFEITURE FUND	\$287,504	Appropriate revenue received for Commonwealth Attorney's Office (\$30,000), and Police Department (\$257,504) expenditures.

FLEET SERVICES FUND	\$251,559	Appropriate auction proceeds to purchase vehicle and equipment replacements.
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WATER OPERATING	\$427,616	True up Debt Service based on actual July 2014 bond sale.
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SEWER OPERATING	\$262,252	True up Debt Service based on actual July 2014 bond sale.
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FY 2015 FIRST QUARTER ADJUSTMENT DETAILS

CITY CAPITAL PROJECTS FUND

PROJECT	AMOUNT	PURPOSE
Street Overlay	\$296,101	Additional highway maintenance revenue received from VDOT.
Juvenile Services Group Home	\$84,906	Transfer from General Fund Human Services Department - Juvenile Services Division operating budget to City Capital Projects Fund for Juvenile Services Group Home project. \$415,094 of the \$500,000 transfer was appropriated in the FY 2015 Adopted Budget.
Human Resources Computer Lab Renovations	\$6,000	Transfer from General Fund Human Resources Department operating budget to City Capital Projects Fund.
Transfer to General Fund	\$249,861	Transfer FY 2014 Snow, Street and Bridge Reserve to General Fund to purchase salt for the upcoming winter season.
Downtown Riverfront Development	\$269,054	Appropriate Bluffwalk repayment and interest to Downtown Riverfront Development project.
Main Street Bridge Over Expressway	\$95,934	Appropriate funds from FY 2015 bond issue for construction expenses.
Midtown Parking Deck Level D	\$40,345	Appropriate insurance proceeds received for Midtown Parking Deck Level D repairs from fire damage.
Greenview Drive Phase II	\$8,000	Appropriate Commonwealth Transportation Board formula funds received for Greenview Drive Phase II project.
General Street Improvements	\$50,603	Appropriate insurance proceeds received for damages to University/Evans Traffic Signal. General Street Improvement funds were used to complete necessary repairs.
Jefferson Park	\$76,100	Appropriate funding for consultant services and legal fees for Jefferson Park project.

FY 2015 FIRST QUARTER ADJUSTMENT DETAILS

CITY CAPITAL PROJECTS FUND (Continued)

PROJECT	AMOUNT	PURPOSE
Kemper Street Bridge	\$106,111	Appropriate \$78,357 revenue sharing proceeds received from VDOT along with \$27,754 of the local match being transferred from the General Fund. The remaining \$50,603 local match will come from General Street Improvements.
GLTC Maintenance and Operations Center	\$360,431	Transfer remaining FY 2014 GLTC funds from Committed Fund Balance for GLTC to the City Capital Projects fund for Maintenance and Operations Center Furniture, Fixtures, and Equipment.
Tourism Department Office space	\$356,633	Transfer Tourism FY 2014 unspent funds to the Monument Terrace Building Office Space Renovations project.
Transportation Projects	(\$89,866)	Adjustments to match amounts awarded by the Virginia Department of Transportation for Rivermont Bridge (\$311) and Intersection Improvements at Memorial/Park/Lakeside (\$22,384); Adjustments to Lakeside/Old Forest Road at Lynchburg College - project complete (\$67,171).
CITY CAPITAL PROJECTS FUND TOTAL	\$1,910,213	
SCHOOL CAPITAL PROJECTS FUND	(\$3,458,000)	Rescind appropriations for Heritage High School based on construction contract.

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: October 14, 2014		AGENDA ITEM NO.: 16	
CONSENT:	REGULAR: X	WORK SESSION:	CLOSED SESSION: (Confidential)
ACTION: X	INFORMATION:		
<u>ITEM TITLE:</u> Naming of the Lynn Dodge Story Time Room			

RECOMMENDATION: Adopt a resolution naming the new addition at the Main Library the "Lynn Dodge Story Time Room".

SUMMARY: The Story Time Room addition to the Main Library is expected to be complete by the end of the year. This space will be a welcome addition for the many activities that support early childhood reading and education.

The Library received a naming application from the Friends of the Lynchburg Public Library to name the addition in honor of Ms. Lynn Dodge. Ms. Dodge served the City for nearly 40 years as the City Librarian and chose in her retirement to leave a lasting legacy to the City through a donation of over \$100,000 for the construction of the new Story Time Room.

In 2012, St. John's Episcopal Church chose the Story Time Reading Room project for a major gift in honor of its 100th Anniversary. The Friends of the Library agreed to partner in this project to raise the balance of the funds. Land for the project was graciously donated by Liberty University and a grant was awarded by the Greater Lynchburg Community Trust to help fund the project. The City contributed \$10,000. With St. Johns contribution of \$150,000, the Friends committed to match that amount. It was Ms. Dodge's generous personal donation to the Friends that brought the fundraising over the top. Construction on the approximate \$480,000 project began in late Spring 2014 and is expected to be complete by year-end.

Staff wholeheartedly recommends that City Council approve a resolution officially naming the new addition the "Lynn Dodge Story Time Room".

PRIOR ACTION(S): None

FISCAL IMPACT: None

CONTACTS: Bonnie Svrcek, Deputy City Manager, 455-3990
Marilyn Martin, Director of Libraries, 455-6301

ATTACHMENT(S): Resolution; City Naming Policy; Naming of City Owned Properties, Facilities, Streets & Structures Application Form

REVIEWED BY: lkp

RESOLUTION

BE IT RESOLVED that the new addition at the Lynchburg Main Library be named the "Lynn Dodge Story Time Room".

Adopted:

Certified:

Clerk of Council

138K



A POLICY FOR THE NAMING OF CITY OWNED PROPERTIES, FACILITIES, STREETS & STRUCTURES



Adopted March 2001

Table of Contents:

Overview	pp. 2
Policy	pp. 3
Addendum A (Application Form)	pp. 5

Overview

In an effort to formalize a cohesive naming policy and make that policy more understandable, the City of Lynchburg has established a series of guidelines and an application to assist the general public, City employees, and local government members.





A POLICY FOR THE NAMING OF CITY OWNED PROPERTIES, FACILITIES, STREETS & STRUCTURES

The City of Lynchburg has a comprehensive program to safeguard City owned properties, facilities, and structures while satisfying the economic, recreation, and transportation needs of the community. It is important that suitable names be chosen for City Owned properties or facilities. The following guidelines shall serve as policy on this matter.

1. Requests to name or rename City owned properties, facilities, and structures shall be made in writing to the Department of Community Planning & Development, whereupon a Naming Request Application shall be transferred to the individual, organization, and/or corporation.
2. The person(s) who submitted the request shall provide background information into the rationale behind the request, including biographical information (if to be named after a person). Any letters from appropriate organizations and individuals, which provide evidence of substantial local support for the proposal, shall be submitted at that time.
3. All suggestions for the naming of City owned properties, facilities, streets & structures shall be submitted to the Director of the Department of Community Planning & Development (or their designee) for cursory review and distribution. Furthermore, the Director of Community Planning & Development shall forward all applications to the Director of the Department responsible for management/operation of that particular area, for initial acceptance or rejection, with a recommendation being transmitted to the City Council for approval.
4. As a general policy, City owned properties, facilities, streets & structures shall be named in accordance with geographical, cultural, historical, or ecological features indigenous to the site or to the immediate vicinity of the site. Facilities may be named for an individual or corporation under the following conditions:
 - Where the individual or corporation has made a significant gift of land or money to the City, or
 - For an individual, living or deceased, who has made a significant contribution to the City of Lynchburg.

5. Recreational facilities or designated areas within a park (i.e., trails, bridges, etc.) may be named for a corporation, organization, or an individual(s), living or deceased, who:
 - Has made a significant contribution to the protection and/or enrichment of a natural, cultural, educational, or horticultural resources of the City of Lynchburg, or
 - Has substantially contributed to the advancement of commensurate types of recreational opportunities within the City of Lynchburg, or
 - Has made a significant contribution to the betterment of a specific park, consistent with currently accepted best management practices and standards for the individual property in question.
6. In support of this policy, nominations for naming of City owned properties, facilities, streets & structures shall be evaluated on the basis of the above criteria and upon appropriate documentation.
7. To request the renaming of a City street, by anyone other than the City, the procedure for naming or renaming any street within the city limits on or after the twenty-sixth day of July, 1977, shall be as provided in the City ordinance
8. All costs associated with the naming, including the cost of any recording necessary and the cost of signage shall be paid by the person(s), organization, and/or corporation submitting the request. This cost may be waived by the City Council.
9. As a general policy, a named facility will retain that name as long as it exists. However, if a name is designated for a facility associated with a specific activity and that activity is subsequently changed, the name may be applied to a similarly used facility, if possible, and if not, to another facility
10. Lynchburg City Council shall have the right to make decisions that support the best interests of the City of Lynchburg, and shall either approve or reject the recommendation.



ADDENDUM: A



**NAMING OF CITY OWNED PROPERTIES, FACILITIES,
STREETS & STRUCTURES
APPLICATION FORM**

1. Applicants General Information

Name: Marilyn K. Martin on behalf of the Friends of the Library Date: Aug 12, 2014

Address: 2315 Memorial Avenue, Lynchburg State: VA

Zip Code: 24501 Telephone: 434 455-6330

Does the Applicant Represent an Organization? ☒ Yes ☐ No

If Yes, Name of Organization: Friends of the Lynchburg Public Library

2. Facility Information

Name of City of Lynchburg Facility:

☐ Biggers Playlot	☐ Fire Station	☐ Sandusky Park
☐ Blackwater Creek Athletic Area	☐ Fleet Services	☐ Younger Park
☐ Blackwater Creek Natural Area	☐ Fort Avenue Playlot	☐ Westover Playlot
☐ Buildings & Grounds Facility	☐ Grove Street Facility	☐ Yoder Community Center
☐ Chambersville Playlot	☐ Gateway	☒ Other: Library Story Room
☐ City Hall	☐ Heritage Park	☐ The Merritt Hutchinson Stadium
☐ City Market	☐ High School	☐ Middle School
☐ College Hill Community Center	☐ Human Services	☐ Miller Park
☐ College Park	☐ Jackson Heights Community Center	☐ Open Space
☐ Daniels Hill Community Center	☐ Jefferson Park	☐ Peaks View Park
☐ Diamond Hill Community Center	☐ Jefferson Park Community Center	☐ Percival's Island Natural Area
☐ Elementary School	☐ Kemper Street Station/Facilities	☐ Perrymont Park
☐ Fairview Community Center	☐ Riverside Park	☐ Perrymont Park
	☐ Retention/Retaining Pond	☐ Police Station
		☐ Public Services

3. Nature of Naming Opportunity:

- | | | |
|---|---|---|
| ☐ Park | ☒ Building (Addition) | ☐ Entrance |
| ☐ Athletic Field | ☐ Trail | ☐ Aquatic Facility |
| ☐ Community Center | ☐ Bridge | ☐ Interpretive Feature |
| ☐ Tennis Facility | ☐ Overlook | ☐ Other |
| ☐ Playground | ☐ Park Structure | |
| ☐ Street | ☐ Landscape Bed | |

Explain Other:

Story Room in the Lynchburg Public Library

4. Renaming Opportunity (Street)

☐ Yes ☒ No Current Name: _____

No. of Residents on Street: _____ Percentage In Favor: _____

Petition Submitted: ☐ Yes ☐ No

5. Exact Location (if necessary): 2315 Memorial Avenue

6. Proposed Name of Facility:

Lynn Dodge Story Time Room

(Print the Name)

7. Naming Justification:

☐ Geographical Feature	☐ Ecological Feature	☒ Significant Contribution
☐ Historical Feature	☒ Monetary Gift	☐ Land Gift
☐ Cultural	☐ Other	

- Please note: See above policies for the definition of Significant Contributions.

◆◆◆◆◆◆◆◆◆◆

Please Explain Justification (Attach Additional Information If Necessary):

Lynn Dodge has made significant contributions to the City of Lynchburg throughout her career at the Lynchburg Public Library. Not only was Ms. Dodge *the City Librarian* for 38+ years, but she chose in retirement to leave a lasting legacy to her beloved City Library. Her personal donation to the Friends of the Library Story Time Reading Room project of over \$100,000 exemplifies her continued commitment to quality Library service in Lynchburg.

Lynn Dodge was hired in 1974 as only the third Director of the Library. Under her leadership, library services expanded greatly in both number and scope. In 1984, the Library moved from its original location at 914 Main Street to the remodeled former Sears store at the Plaza. The Downtown Branch and Public Law Library opened in 1987 in City Hall. In 1990, the Library was invited to join a consortium of Lynchburg College, Randolph Macon Woman's College and Sweet Briar College to found LION, Lynchburg Information On-Line Network, a shared automated library system. In 2005, LC withdrew from LION, but Amherst County Public Library joined. Amherst and Lynchburg library users have since had free access to each other's holdings and a daily courier to carry materials to each of their library branches.

In 2002, the community reading program Lynchburg Reads was initiated in partnership with the Friends of the Library. Partnerships with the Holocaust Education Foundation, Lynchburg College, Lynchburg City Schools, and especially Randolph College, brought authors such as James McBride, David Baldacci, Gerda Weissmann Klein, and Carrie Brown to speak at free public programs. This program continues to this day.

In 2001, a \$75,000 grant from the Bill and Melinda Gates Foundation provided 8 computers to the Main and Branch Libraries as well as an 11-computer lab at the Main Library. This funding enabled the Library to become a key provider of free computer access to the community. There are now over 81,000 computer user sessions annually.

In 2012, St. John's Episcopal Church chose the Library Story Time Reading Room project for a major gift in honor of its 100th anniversary. The Friends of the Library voted to partner in this project to raise the balance of the funds. Land for the project was donated by Liberty University, and a grant was awarded by the Greater Lynchburg Community Trust. The City contributed \$10,000. With St. John's contribution of \$150,000, the Friends committed to match that amount. It was Lynn's generous and large personal donation to the Friends that brought the fundraising over the top. Construction on the \$480,000+project begins in April 2014.

In 2013, Lynn Dodge was honored with the Elizabeth M. Lewis Award by the Virginia Public Library Directors Association. This award recognizes the qualities of enthusiasm, a nurturing spirit, and a love of libraries that characterized Lewis, a long time public library consultant at the Library of Virginia.

Since her retirement in July of 2013, Lynn Dodge continues to be an engaged citizen, and a credit to her profession. She continues to find ways to support and be engaged with the Library Community.

Prepared by Marilyn K. Martin

*additional recommendation letters attached



8. **City of Lynchburg Comments:**

Reviewed By: 

Director, Department of Community Planning & Development

☒ Recommended ☐ Not Recommended

Date: 9-25-14

Comments:

Reviewed By: See Next Page for Public Works Approval

Director, Division of: ☐ Parks & Recreation or ☒ Buildings & Grounds or
☐ Public Services

☒ Recommended ☐ Not Recommended

Date: _____

Comments:

Reviewed By: Daynelle Hart ♦♦♦♦♦♦♦♦♦♦

Director, Department of: Human Services ☐ or ☒ Public Works
☒ Recommended ☐ Not Recommended

Date: 9-22-2014

Comments:

Courtesy Copies Sent To:

- ☐ City Attorney's Office
- ☐ City Manager's Office
- ☐ Other

City Council Review Date: _____

Naming Opportunity Status:

- ☐ Approved ☐ Disapproved ☐ Tabled

Additional Comments:

♦♦♦♦♦♦♦♦♦♦