

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **October 13, 2015**

AGENDA ITEM NO.: 1

CONSENT:

REGULAR:

WORK SESSION: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **City Contribution to the Academy Theatre Restoration**

RECOMMENDATION: Approve a plan to provide City support to the funding of the Academy Theatre restoration.

SUMMARY: At its meeting of August 11, 2015 Council, in response to a request from the leadership of the Academy of Fine Arts, directed staff to explore how \$3.5 million might be identified to support the renovation of the Academy Theatre and to report options to Council for further discussion.

The following plan has been developed:

Goal: \$3.5 million

<u>Sources:</u>	FY 2016 --	\$600,000 Industrial Revitalization Fund (IRF) Grant \$600,000 grant match from the Lynchburg Economic Development Authority (LEDA) \$1.2 million total
	FY 2017 --	\$0.2 million from undesignated FY 2016 General Fund balance \$0.2 million from Lodging Tax (Tourism budget)*
	FY 2018 --	\$0.2 million from Lodging Tax (Tourism budget) \$0.5 million from annual \$1.0 m. CIP Downtown Improvements funding
	FY 2019 --	\$0.2 million from Lodging Tax (Tourism budget)* \$0.5 million from annual \$1.0 m. CIP Downtown Improvements funding
	FY 2020 --	\$0.5 million from annual \$1.0 m. CIP Downtown Improvements funding Balance, if necessary with Lodging Tax and Downtown money (e.g. if the IRF grant is less than requested)
	TOTAL --	\$3.5 million

*Increase the Tourism Budget to \$1.3 million with \$0.2 million/year, plus any growth in Lodging Tax revenue above that budgeted for FY 2016, dedicated to the Academy Theatre restoration funding.

Alternative Funding Sources: increase the Meals Tax and/or Lodging Tax for a period of time to raise the \$2.3 to \$2.9 million.

Opportunity Costs: While every iteration of the downtown master plan has listed restoration of the historic Academy Theatre as an important component, the downtown money could be used for a variety of projects related to the implementation of the downtown master plan. However, a next project has not been identified at this time. Utilizing only half of the annual allotment of \$1 million for Academy Theatre restoration will provide \$0.5 million each year for three years to advance the master plan. One project of interest would be further enhancement work around the Ninth Street Bridge and historic canal interpretation to complement Amazement Square's education center.

The original idea was to structure the City's contribution as a loan or as some purchase of equity in the property. Due to the regulations related to the use of historic tax credits, however, this approach cannot be pursued. The tax credit attorneys have advised that ownership of the historic theatre will be restricted under the master lease agreement that the Academy of Fine Arts (AFA) will enter into with its federal historic tax credit investor (the historic theatre will be leased to the federal investor for a 32 year term). AFA will not be able to sell the theatre, lease the theatre, offer the theatre as collateral, or offer rights of first refusal or options to purchase the theatre during the 32 year lease term.

Another option that was considered was for the City to assume an interest in the Academy Theatre before the tax credits deal is finalized. The tax credit attorneys have advised that this would make the tax credits deals, historic and new market, prohibitively complex.

Another approach is now proposed.

The reason for seeking an equity position for the City was as insurance to protect against the property transferring and being used for a purpose inconsistent with community goals should the Academy of Fine Arts ever cease to operate as a non-profit entity. This is important particularly because the Academy of Fine Arts occupies an important piece of downtown property and serves as a gateway to the City.

The Academy of Fine Arts owns three buildings, the historic theatre, the warehouse theatre, and the "gas building." There are not the same restrictions related to the warehouse theatre or the gas building as are applicable to the historic theatre. Therefore, a covenant to fulfill the following intent is proposed:

AFA and the City shall have a written agreement wherein AFA, or its successors, will be prohibited for a period of 35 years from the date of the grant from transferring any interest in the properties located at 524 & 526 Main Street (the historic theatre, but not effective until the historic and new market tax credit partnership compliance periods terminate), 600 Main Street (the gas building) and 501 Commerce Street (the warehouse theatre) to third parties who will not be using those properties for their current purpose of being an arts and culture center for benefit of the Lynchburg community unless the AFA, or its successors, first obtains the City's written permission to make such a transfer.

It is believed that this covenant will protect the City's investment in the historic theatre by ensuring that the assets owned by the Academy of Fine Arts continue to provide community benefit as an arts and culture center. The AFA Board of Directors has unanimously agreed to this covenant.

In addition, AFA representatives have agreed that any capital funds remaining after the renovation project is completed and paid for will be placed in the organization's endowment fund to support future operations.

Mayor Gillette has proposed an alternate plan that Council may wish to consider.

\$1.5 million from the City; originally in return for ownership of the land but it would now be subject to the covenant outlined above

\$1.2 million from the Industrial Revitalization Fund Grant & LEDA match

Total \$2.7 million

The City would also agree to cover any shortfall if the IRF grant was for less than \$600,000.

The City's contribution would be a "last dollar" donation, provided only after all other funding had been secured.

PRIOR ACTION(S): August 11, 2015, Council directed staff to develop a plan for City support of Academy Theatre restoration funding.

FISCAL IMPACT: As noted.

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

ATTACHMENT(S): August 11, 2015 Council Report with Case Statement for the Academy Theatre Restoration; 2015-2016 Academy of Fine Arts Strategic Plan

REVIEWED BY: lkp

110K

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 11, 2015**

AGENDA ITEM NO.: 9

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION:

INFORMATION: **X**

ITEM TITLE: **Update on the Academy Theatre Restoration**

RECOMMENDATION: Hear an update on the Academy Theatre Restoration.

SUMMARY: At Council's July 14, 2015 Work Session, Council member Joan Foster requested an update on the Academy Theatre restoration project.

PRIOR ACTION(S): See attachment.

FISCAL IMPACT: Undetermined at this time.

CONTACT(S): Bonnie Svrcek, Deputy City Manager, 455-3987

ATTACHMENT(S): A Case Statement on the Benefits and Estimated Economic Impacts to the City of Lynchburg for the Completed Restoration of the Historic Academy of Music Theatre (June 30, 2015)

REVIEWED BY: lkp

075K

**A Case Statement on the Benefits and Estimated Economic Impacts
to the City of Lynchburg
For the Completed Restoration of the Historic Academy of Music Theatre**

June 30, 2015

When it opened in 1905 the historic Academy of Music Theatre quickly became a cornerstone of downtown Lynchburg. For decades it provided a stimulus for growth and economic development and served as a symbol of Lynchburg's vitality and progress. With the changing times and the gradual decline of downtown, the Theatre closed in 1958. Today, sitting vacant on Main Street, it is a negative influence - but offers great potential.

The purpose of this case statement is to present a 15-year projection of the economic impacts that would accrue to the City of Lynchburg from a restored Academy of Music Theatre. Campaign leadership and Academy staff have used conservative assumptions to prepare it as a prelude to entering into discussions with members of City Council about the potential for City support for the restoration project.

**City Council Recognition of
Economic Impact of the Academy Theatre.**

- The Theatre's potential as a key part of the effort to revitalize downtown was recognized by City Council when it adopted the *Downtown Riverfront Master Plan* on May 22, 2001. The first page of the plan provides **"for downtown to succeed, the historic core must be viewed within the context of the region, servicing the needs of residents, businesses, and visitors by offering unique uses in the realms of culture, entertainment, housing, retail and professional and government services."** The Plan went on to state that, "rather than embark on new endeavors such as the ice-skating rink or movie theater, **initial public investment should support initiatives that are already underway and close to achieving their goals, such as ... the Academy of Music.**"
- An independent study commissioned by the Economic Development Authority in 2013 again highlighted the restoration of the Academy Theatre as "an anchor of Lynchburg's Central Business District revitalization effort." In its report, the consulting firm Garner Economics **"encourage [d] the leadership of the City and region to not take the [Academy Theatre] project for granted, but rather continue its support of its efforts to obtain funding and complete the revitalization of the facility as a showplace for the visual and performing arts."** (*Opportunity Lynchburg: Lynchburg's Strategy for Jobs and Competitiveness*, Garner Economics, July 9, 2013).

- City Council again recognized the importance of the Theatre restoration in 2014 when it adopted the *City of Lynchburg Comprehensive Plan 2013-2030* which recommended that, the City “**Promote places to celebrate the arts through efforts such as the Academy Theater restoration.**” (HCA- 2.3)
- The Academy’s economic impact potential led City Council to approve \$1.2 million to support the formation of the Academy of Fine Arts in 2003 by the merger of the Lynchburg Fine Arts Center and the Academy of Music, Inc. And additional City support has continued through the donation of adjacent street right of ways, undeveloped property and assistance with the acquisition of the former Commonwealth Gas Building at 600 Main Street. (See Appendix A). **Thanks to support from many donors and the City, the Academy has developed facilities and programming establishing it as the region’s leading arts organization** with performance and rehearsal space, galleries, classrooms, a pottery studio, workshop, and support spaces, occupying a one and half city blocks anchoring the northwest end of Main and Commerce Streets.
- Lynchburg’s vision and support is not unique. **Many other cities have reached similar conclusions** about the importance of the arts to vibrant downtown economies. As a result they have made substantial investments to theaters and arts complexes. One example, **the Altria Theatre was included in the City of Richmond’s 2014 Capital Improvement Program at \$14 million.** (See Appendix B).

“The Last Best Chance”

While the Academy has achieved much over a relatively short period, **the restoration of the Theatre, remains a work in progress.** The basic structure has been preserved and the storm-damaged fly tower replaced. But over the years several fundraising efforts to finish the project have stalled. In 2012 the Academy initiated a Capital Campaign to raise \$16.6 million to complete the restoration. Over the next 2 and one half years \$5.1 million was raised. **In early 2015, with a new Executive Director and a determined Capital Campaign Team, the Campaign gained significant momentum raising \$4.5 million in less than 6 months. As of this date, \$9.6 million has been raised - 58% of goal. But the remaining \$7 million must be raised quickly while tax credit laws and economic conditions are favorable. This is our best – and perhaps last – opportunity to complete the restoration. Many believe it is now or never.**

An Economic Benefit Analysis of the Academy of Music Theatre

Three different methodologies have been used to calculate the economic impact of this project and each is presented below:

Method #1 - Direct Tax Benefits

The first approach uses Academy staff projections about events and attendance to project the direct impact on City taxes in four categories: Amusement, Sales, Meals, and Lodging taxes using current City tax rates and conservative attendance assumptions. Only 60 performances annually have been assumed with a total performance attendance of just 32,000.

Even with a conservative approach, direct tax benefits from these four tax categories alone are projected to be more than \$100,000 per year accumulating to more than \$1.5 million over a 15-year period.

Table 1 – Direct Tax Benefit Projections

Type of Activity	Assumptions	Overall Spending	Projected Annual Revenues			
			Amusement 7%	Sales 1%	Meals 6.5%	Lodging 5.5% + \$1
Community-based performances	Ticket sales of 24,000/year x \$18/ticket (500 seats filled 4 nights/mo)	\$432,000	\$30,240			
	20% will buy dinner at \$30	\$144,000		\$1,440	\$9,360	
National-appeal performances	Ticket sales of 8,000/year x \$38/ticket	\$304,000	\$21,280			
	20% will stay in hotel for 1 night x \$125/night	\$200,000		\$2,000		\$12,600
	40% will buy dinner at \$30	\$96,000		\$960	\$6,240	
Conventions	200 attendees 6 times/year + 600 attendees 2 times/year					
	400 hotel rooms needed for 2 nights x \$125/night	\$100,000		\$1,000		\$6,300
	100% will spend \$60/day meals	\$144,000		\$1,440	\$11,700	
Artwork, Pottery and Collateral Gift Sales	Artwork & pottery sales \$75,000/year	\$75,000		\$750		
	Theatre souvenirs \$9,000/year	\$9,000		\$90		
	Misc gifts from downtown vendors \$10,000/year	\$10,000		\$100		
Sub-Totals		\$1,514,000	\$51,520	\$7,780	\$24,960	\$18,900
Total Projected Annual Revenue			\$103,160			
Total Projected 15-Year Revenue			\$1,547,400			

Method #2 - Total Direct Economic Benefits

The second approach calculates the Total Economic Benefit derived from the Academy using an approach recommended by the City of Lynchburg Office of Economic Development. A national arts organization, Americans for the Arts, has developed an online calculator that is widely accepted for purposes of determining such benefits. Based on assumed Academy annual operating expenditures, assumed attendance estimates, and current area population statistics – the calculator was used to project the direct economic impact as well as resulting job creation and local and state resulting revenue.

The Academy’s direct economic impact is calculated at more than \$2.8 million per year – more than \$42 million over the next 15 years. It is a significant job creator – supporting the employment of nearly 100 people annually.

Table 2 – Direct Economic Impact Projections *					
Annual Economic Impact Calculations based on Americans for the Arts Calculator* (based on population between 50,000-99,000; total expenses of \$1.9M; total attendance of 45,000)					
	Total Expenditures	FTE Jobs	Household Income	Local Gov’t Revenue	State Gov’t Revenue
Academy of Fine Arts	\$1,900,000	70.3	\$1,598,508	\$66,291	\$78,071
Audiences	\$913,950	25.3	\$551,761	\$47,900	\$51,885
Total Economic Impact	\$2,813,950	95.6	\$2,150,269	\$114,191	\$129,956
Total 15-year Impact	\$42,209,250				
*See Appendix C for web citation and definitions					

Method #3 – Direct and Indirect Economic Benefits

The above projections do not include the sizeable impact on the local economy that will result from the Academy Theatre construction spending. Current projections are for construction expenses in excess of \$20 million awarded primarily to local Lynchburg contractors. In addition, architectural and engineering services are from local Lynchburg firms. Local banks reap benefits as funds flow through these organizations and as construction financing is obtained. Permitting fees and license tax benefits will accrue to the City.

The above projections also exclude Indirect Economic Benefits. Economists recognize the “multiplier effect” as dollars spent recirculating through the economy. Each direct expenditure will generate secondary expenditures. For example, a dollar spent by the Academy to construct scenery for a performance generates additional economic impact as it circulates through the local economy. **One well-documented study by an arts organization estimated that each dollar spent in support of the arts generates additional expenditures of \$1.34 from this recirculation.** (Arts, Culture & Economic Prosperity in Greater Philadelphia – 2012.)

Closer to home, the Barter Theatre in Abingdon, Virginia commissioned an independent economic impact study in 2013, which indicated a multiplier effect of \$1.63 for every dollar spent.

When the impact of the project cost is included, **the direct economic impact projections over the next 15 years exceed \$73 million and the indirect economic benefits add another \$110 million, for a total economic benefit in excess of \$183 million.**

Table 3 – Estimated Direct & Indirect Economic Impact				
Year(s)	Source	Direct Economic Impact	Indirect Economic Impact *	Total Economic Impact
2016	Construction Project Spending	\$7,000,000	\$10,500,000	\$17,500,000
2017	Construction Project Spending	\$17,000,000	\$25,500,000	\$42,500,000
2018	Construction Project Spending	\$5,000,000	\$7,500,000	\$12,500,000
2018 - 2030	Academy of Fine Arts Spending (\$1,900,000 annually)	\$24,700,000	\$37,050,000	\$61,750,000
2018 - 2030	Audience & Convention Spending (\$1,514,000 annually)	\$19,682,000	\$29,523,000	\$49,205,000
	Total 15-Year Impact	\$73,382,000	\$110,073,000	\$183,455,000
*Based on multiplier effect of 1.5 – average of studies cited above				

The Long View

The preceding economic analysis is based on a conservative approach. It is a reasonable projection of how the Academy's past programming and impact will be enhanced by the benefit of a new venue. That said, **this limited view falls far short of the potentially transformational impact that the Academy Theatre can have on the City of Lynchburg.**

The Academy of Fine Arts has often been seen as place for audiences of a certain age and culture to enjoy art and music that appeals to their interests and senses. Their support and future participation is essential to the future of the Academy Theatre. However, it is only one part of the future that many of us can imagine for ourselves and our community – **a future based on cross-cultural understanding, on economic opportunity for our children and us, and on continuous learning and growth for all of us.**

Imagine:

- An Academy - sitting at the intersection of Main Street, Martin Luther King Boulevard, Rivermont Avenue and Commerce Street - that serves to bring together all the people of our community to celebrate and appreciate each other's artistic and cultural traditions.
- An Academy where all the young professionals and college students want to gather and engage.

- An Academy that is featured in the recruitment brochures of every business and college in the region.
- An Academy that, together with sophisticated hotels and outstanding restaurants, makes Lynchburg a destination city for conventions and tourists attracting visitors regionally and beyond.
- An Academy that educates our children and their parents and grandparents about the arts and life and living together.

That is the future we imagine. It is not easily quantified but one that is very real.

Findings

- (1) This case study reaffirms the Lynchburg City Council long-standing view about the importance of the Academy of Music Theatre restoration to the downtown economy. Direct tax revenue benefits are calculated at more than \$1.5 million over a 15-year period. Over that same period, the Academy will pump more than \$73 million into the local economy and as those dollars are re-circulated the total economic impact will exceed \$183 million.**
- (2) Beyond the straight-forward economic analysis, it is easy to recognize the pivotal role that the Academy plays in the future economic and cultural development of our community. It is this recognition that has led to City support in the past and justifies continued support today.**
- (3) The Campaign to restore the Academy has momentum but is at a crucial point. Because the City of Lynchburg has a direct interest in the successful and speedy completion of this project, members of City Council should consider significant support for the project and instruct the City Manager to bring forth a specific plan for doing so.**

Academy of Fine Arts – Capital Campaign Fact Sheet

CAMPAIGN GOAL:	\$16.6 million in contributions and pledges to be paid over five years						
CAMPAIGN PROGRESS:	\$9.6 million raised to date						
CAMPAIGN PURPOSE:	To complete the dynamic multi-facility arts complex in the heart of Lynchburg that engages our community in the arts and serves as a vital contributor to the economic engine of the region. The remaining components of the campaign will deliver: • The restored historic Academy of Music Theatre • Core services required to run the theatre: the box office, lobby, restrooms, elevators and concession areas. • Phased construction began in the fall of 2014; the next major component to begin mid-2016 to be completed in 24 months						
LEADERSHIP:	Geoffrey Kershner, Executive Director (as of 5/18/15) <table><tr><td>George Dawson, Campaign Chair (retired CEO, Centra Health)</td><td>Rob Taylor, Construction Chair (retired President, Taylor Brothers)</td></tr><tr><td>Terry Babbitt, Board President (retired Engineer, Belvac)</td><td>George Zippel, Tax Credits Chair (retired CEO, Genworth)</td></tr></table>			George Dawson, Campaign Chair (retired CEO, Centra Health)	Rob Taylor, Construction Chair (retired President, Taylor Brothers)	Terry Babbitt, Board President (retired Engineer, Belvac)	George Zippel, Tax Credits Chair (retired CEO, Genworth)
George Dawson, Campaign Chair (retired CEO, Centra Health)	Rob Taylor, Construction Chair (retired President, Taylor Brothers)						
Terry Babbitt, Board President (retired Engineer, Belvac)	George Zippel, Tax Credits Chair (retired CEO, Genworth)						
PREVIOUS CAPITAL CAMPAIGNS:	Raised \$17 million						
USES OF FUNDS RAISED PREVIOUSLY:	• Purchase and renovation of the existing Price & Clements Building to create the 340-seat warehouse theatre, art studio, gallery and rehearsal rooms • Purchase and renovation of the existing Gas Company building to include two galleries, a pottery studio and the administrative offices • Reconstruction of the Academy of Music Theatre’s stage house and stage to create a state-of-the-art flytower • Extensive structural reinforcements to stabilize the historic theatre						
INITIAL CITY SUPPORT:	• Direct Contribution		\$1,200,000				
CITY SUPPORT SINCE 2003 (per valuation by City staff)	• Transfer of Mortgage at 600 Main Street (facilitating relocation of Lyn-Cag) • Vacating 6th Street • Donating parking lot at Commerce & 6th Streets • Transferring ramp from 5th Street to Commerce Street • Relocation of aged utility lines requiring replacement from 6th to 5th Street (reducing cost of future water main replacement project)		\$160,000 \$48,000 \$125,000 \$40,000 \$325,000				
TAX CREDITS:	Projection for achieving federal and state Historic Tax Credits, and New Market Tax Credits is \$12 million						

MUNICIPAL SUPPORT OF OTHER HISTORIC THEATRES/ARTS COMPLEXES

Many other cities in Virginia and around the country have invested heavily in the restoration and operation of historic theaters and other arts complexes. Such investments have been based on economic benefits, downtown revitalization projects, community quality of life improvement, and other benefits. Many of these projects have required city ownership of facilities because there was not the vision, commitment and resources available in the private sector to take on the project. Other projects have been public/private partnerships, and others have been completed by private non-profit organizations with assistance from local governmental sources.

ALTRIA THEATRE; RICHMOND, VA

- Owned by the Richmond Economic Development Authority; operated by nonprofits that oversee education programs and fundraising
- The City of Richmond contributed \$14 million to the \$63 million restoration project which was largely completed in 2014

CAROLINA THEATRE, DURHAM, NC

- Owned by the City of Durham; operated and managed by the nonprofit Carolina Theatre of Durham
- The City and County of Durham funded the \$8.8 million restoration, which was completed in 2011
- The City provides \$615,000 per year to Carolina Theatre of Durham for operations and management

PROCTOR'S THEATRE, SCHENECTADY, NY

- Owned and operated by a nonprofit
- County development agency donated \$9.5 million to the recent \$42 million renovation

GAILLARD CENTER, CHARLESTON, SC

- Owned by the City of Charleston; operated by the nonprofit Gaillard Foundation
- The City is contributing \$71 million to the \$142 million cost of the current renovation
- The City's share is being funded with accommodations and hospitality taxes and New Market Tax Credits (\$20 million); revenues from a Tax Increment Financing district (\$32 million); and general obligation bonds (\$19 million).
- The City provides \$1.1 million per year to the Gaillard Foundation to manage operations (1,800 seat theatre & 16,000 sq. ft. exhibition/banquet hall)
- The City pays major facility costs; insurance, repair & maintenance of systems, etc.

THE LINCOLN THEATRE; MARION, VA

- Owned and operated by the nonprofit Lincoln Theatre Foundation
- Town of Marion provides approximately \$65,000 per year for operations

NEWBERRY OPERA HOUSE, NEWBERRY, SC

- Owned by the City of Newberry; operated by the nonprofit Newberry Opera House Foundation
- The City created a TIF (Tax Incremental Financing) district allowing for tax revenue sharing and construction debt reductions
- The City provides \$150,000 per year to the Opera House from the approximately \$600,000 per year received in accommodations taxes

TAMPA THEATRE, TAMPA FL

- Owned by the City – operated by a non-profit
- The City donates \$100,000 per year to the operating budget and pays utilities & basic maintenance

WAYNE THEATRE, WAYNESBORO, VA

- The City of Waynesboro donated the building to the nonprofit organization
- The City's Economic Development Department donated \$200,000 upon opening

THE WOODWARD OPERA HOUSE, MOUNT VERNON, OH

- The City donated \$500,000 to the capital campaign

Definitions for Table 2 – Direct Economic Impact Projections

From the Americans for the Arts Calculator at: www.americansforthearts.org

Total Expenditures:	The total dollars spent by the Academy and its audiences; event-related spending by arts and culture audiences is estimated using the average dollars spent per person by arts event attendees in similarly populated communities.
FTE Jobs:	The total number of full-time equivalent (FTE) jobs in the community that are supported by expenditures of the Academy and/or its audiences. An FTE can be one full-time employee, two half-time employees, four employees who work quarter-time, etc.
Household Income:	The total dollars paid to community residents as a result of the expenditures made by the Academy and/or its audiences. Household income includes salaries, wages and proprietary income.
Government Revenue	The total dollars received by city and state governments (e.g. license fees, taxes) as a result of the expenditures made by the Academy and/or its audiences.



Academy of Fine Arts and Academy of Music Theatre Fact Sheet

HISTORY:	The Academy of Fine Arts was founded in 2003 as a merger of the Lynchburg Fine Arts Center and the Academy of Music Theatre Inc.
MISSION:	The Academy of Fine Arts, anchored by the historic Academy of Music Theatre, inspires, engages and educates the diverse population of Central Virginia in the performing and visual arts.
LEADERSHIP:	30-member Board of Trustees headed by President Terry Babbitt 10 FTE staff headed by Executive Director Geoffrey Kershner (as of 5/18/15)
FACILITIES:	All facilities occupy a 1.25 city block in historic downtown Lynchburg • Academy of Music Theatre, built in 1905 and closed in 1958 • Arts & Education Center housing classrooms, gallery space and a 5,000 square-foot warehouse theatre seating more than 300 • Administration building housing offices, pottery studio and two art galleries
PROGRAMS FY 2013-14:	• Performance Events: 25 events; 5119 patrons from 15 states • Education Programs: 101 classes/camps; 879 students • Gallery Exhibits: 45 exhibits; 10,195 viewers • Outreach Events: 43 events; 320 served. Outreach partners include 7 city and county schools and 3 social service organizations. • Total Program attendance exceeded 16,500 people, including 2,328 youth
OUTREACH:	• Arts Education Outreach in Public Schools: free after-school art enrichment in three city public schools is offered through the 21st Century grant program, which is designed to exclusively serve disadvantaged youth, and free enrichment classes and workshops in seven additional city and county public schools are offered as well. • Art and Theatre Class and Summer Camp Scholarships: need-based scholarships are offered to youth and adults for all of our art classes and summer camps, and discounts and scholarships are offered to seniors for art classes

OUTREACH,
CONT.:

- **Art Galleries:** free admission to our rotating exhibits of original art, and our biannual juried art and photo exhibits are offered. The galleries host multiple free events throughout the year including the monthly gallery opening receptions on “First Fridays” and artist lectures. An annual exhibit highlighting art of public school students grades K-12 is hosted by exhibiting their work in the Warehouse Theatre lobby and in lobby windows throughout downtown.
- **Performances:** outreach is made to low-income, student, and senior communities and offer free admission is offered to dress rehearsals.

COLLABORATIONS:

- Co-productions with Endstation Theatre, Opera on the James, Liberty University’s Alluvian Stage Co., Cantate Children’s and Youth Choir and Lynchburg College Theatre
- Partner with Lynch’s Landing on the annual Lynchburg City Schools Art Exhibit and Art Crawl showcasing art from over 300 K-12 students
- Provide free performance space for approximately 150 Lynchburg City Schools String students with attendance by more than 300 family members
- Reduced rental fees for local arts and nonprofit organizations including: Lynchburg Symphony Orchestra, Dance Theatre of Lynchburg, Black Theatre Ensemble, Jefferson Choral Society, Opera on the James, YMCA of Central Virginia, Lynch’s Landing, United Way of Central Virginia, Children’s Miracle Network, the Legacy Museum, Virginia Department of Health, Big Brothers/Big Sisters

A nighttime photograph of a city street. On the left, a large, ornate building with classical architectural features is illuminated. A vertical sign on its side reads 'ACADEMY'. The street is dark, but a long, bright white light trail from a moving vehicle stretches across the foreground. In the background, other buildings and trees are visible under the night sky, with some streetlights and distant building lights providing illumination.

Serving Our Community
THROUGH ARTS & CULTURE

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2015-16
STRATEGIC PLAN



introduction

This document sets out to define, with clarity, the needs and goals of the organization. It also sets out a plan for tackling a major organizational change occurring to the organization in the next 3 to 5 years: the doubling of its facility's footprint with the addition of a fully restored, 750 seat historic theatre and new adjoining lobby.

the process

This Strategic Plan is the result of a comprehensive process undertaken by the Executive Director with the help of the Board and staff of the Academy of Fine Arts. The first phase of the process consisted of his interviews and envisioning workshops with board, staff, and advisors, all of whom brainstormed about key opportunities and core issues. Coupled with this phase was the Executive Director's selection for and participation in the National Arts Strategies' Chief Executive Program. The second installment of this program (of three), took place at the University of Michigan's Ross School of Business in Ann Arbor, Michigan and was entitled Community and Culture, Leadership and Change.

The Academy must create more value in its operations for the community it serves.

The second phase of the process consisted of onsite visits to similar non-profit arts organizations. This phase also included in-depth study of similar organizations' structure, function, and financial logistics and realities. These organizations included the Count Basie Theatre in Red Bank, New Jersey, The Paramount Theatre in Charlottesville, Virginia, and the State Theatre of Culpepper in Culpepper, Virginia.

The final phase of a three-step process consisted, with consultation from the Academy Board, staff and advisors, the construction of the following plan.



PART 1:

Three-Year Strategic Plan

(THROUGH 2017/2018)

On the whole, the Academy of Fine Arts must create more value in its operations for the community it serves. The organization must execute programming that is relevant and addresses real needs of our community. The following mantra will drive our Board and staff:

SERVING OUR COMMUNITY THROUGH ARTS AND CULTURE.

This mantra will guide all future programming. We should be and must become an invaluable service organization for our community.

At the close of this fiscal year, the Executive Director will be announcing a new **Community Engagement and Outreach Initiative**. This initiative will help focus the Academy's programs towards a culture of inclusion and accessibility that will in turn strengthen the value of the organization.

AREAS OF FOCUS:

We have identified the following key areas of focus for our strategic plan.

- The Academy's educational mission and expansion;
- Constituent diversification;
- Perceived and real organizational accessibility and community engagement;
- A multi-million dollar capital campaign corresponding with a restructure of operations;
- Awareness of the value of the Academy's mission in our community;
- Ensuring long-term financial sustainability for the organization.

IMMEDIATE NEEDS:

- Maximize existing facilities (300 seat theatre/flexible event space, education center, galleries, and office space). In the short term we must expand our programming and activity. These changes will take creative thinking to utilize all existing space and re-envision how some of this space is presently used.
- Exercise fiscal prudence to assure the financial strength of the organization by targeting any operating surpluses and funding requirements each year. Recognizing the inherent financial risks of the performing and fine arts, we must work to mitigate those risks by strengthening existing programs and income streams.
- Enhance and expand donor support to transform into reality the vision of a more community-involved organization. Board, staff, and friends will need to unify to drive momentum, enthusiasm, and resources to fund and fulfill the vision.
- Attract talent across all areas of the organization - from the programming to the educational offerings, staff, and Board - to expand the Academy's appeal and reputation as a premier organization for arts and culture in our region.

**The organization must
execute programming
that is relevant and
addresses real needs
of our community.**



- Create wide recognition as a state leader for robust educational and outreach programs, deliberately, and aggressively increasing our current offerings and by expanding our reach in the community.

(I) EDUCATION

The Strategic Plan envisions the following education objectives for the coming three years:

- Raise the visibility of the Academy's educational mission and its scope as a regional center for performing arts education;
- Expand individuals impacted by Academy outreach by 200%;
- Recruit more arts instructors in our community to facilitate our courses and expand our teacher pool;
- Integrate the education programs and outreach into broader Academy programming, to create opportunities for students and the community to engage with artists;
- Identify facilities partners necessary to provide classroom space to double the numbers of classes and students taught through our programming. This is particularly needed for dance courses;
- Strengthen needs-based student outreach and recruitment, and attract new financial support to this end;
- Leverage existing educational programs into a cohesive brand and format;
- Identify new partners and foundations, both regional and national, to participate in building the Academy's educational outreach and mission.

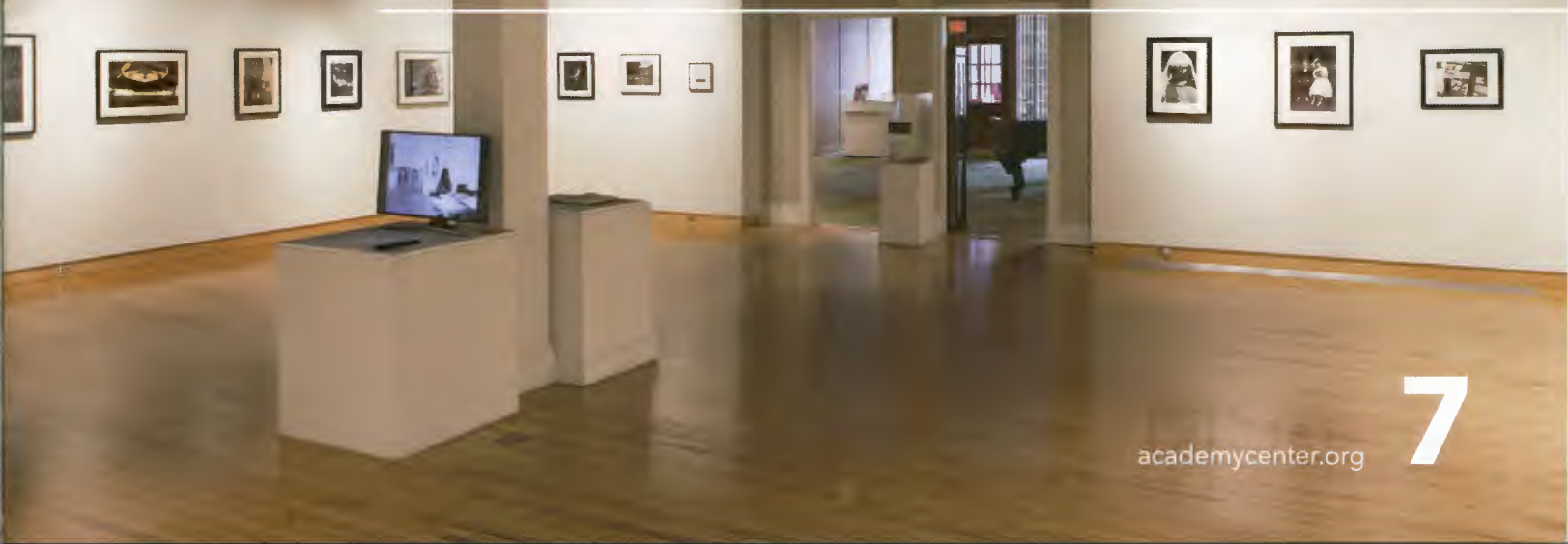
(II) PRESENTING & PROGRAMMING (*Pre theatre restoration)

Moving forward, the programming in the Warehouse Theatre will largely be focused on the following:

- Partnerships with other community organizations. This will build important relationships and provide value to our community through our facilities. This will also reduce direct costs and strengthen promotional potential through multiple organizational efforts.
- Community engaged work that strengthens and fosters the activity of area artists and community members. This effort will build value for the organization as members of our community are directly involved in our activity.
- Family and children's programming. Such programming is unifying for our specific and diverse community and is a way to draw younger audiences to our doors (both young parents and the children themselves).
- Professional artists engaged to enrich the lives of our community. Professional artist activity will be the smallest percentage of work produced in the Warehouse Theatre. When professional artists are employed we will work to underwrite their presence and ensure that tickets are being provided to needed segments of our community. An example: American Shakespeare Center will visit us in the winter. We will be providing half of the tickets to area high school students, studying Shakespeare in their course work.
- Low cost, event focused programming. Initially these programs will offer films paired with another activity to make a fun and inviting night in our facilities. Films are both low cost to show and offer a low financial risk. Example: "Dinner and a Movie Events" in which we pair a movie with a specific menu.



Renovation of the front room of our gallery will give our art and activity more visibility from the street, making the space more attractive for special events and rentals.

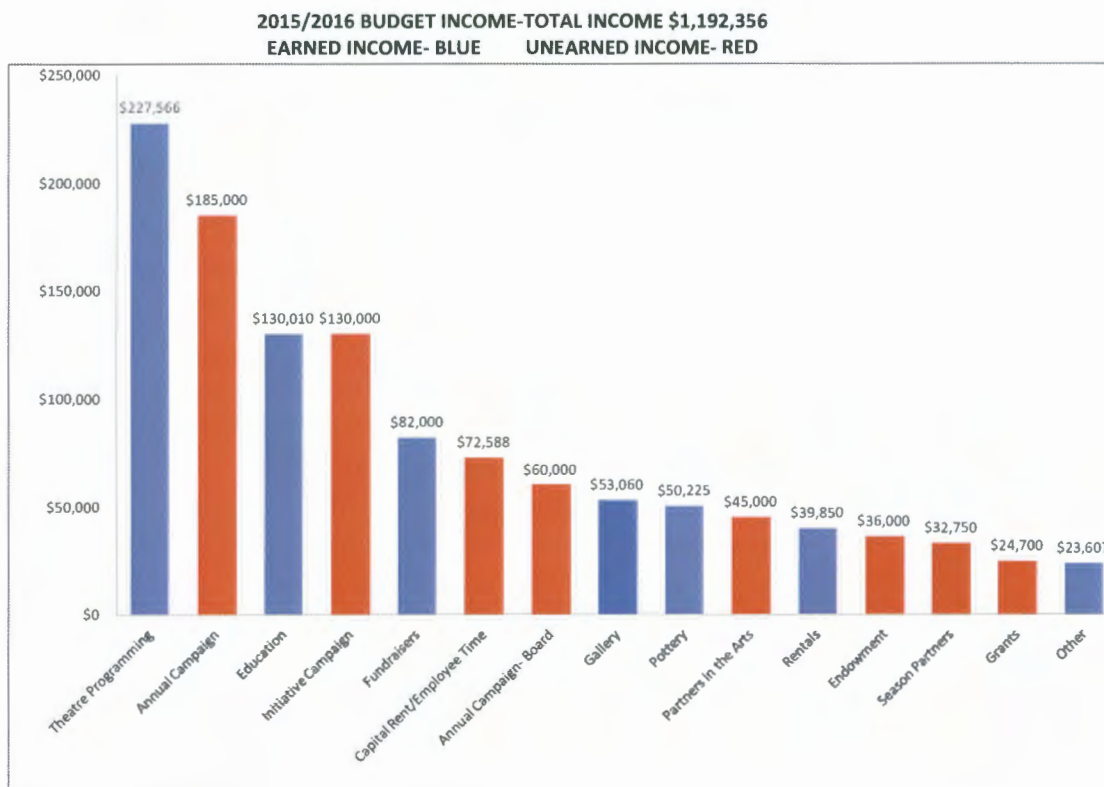
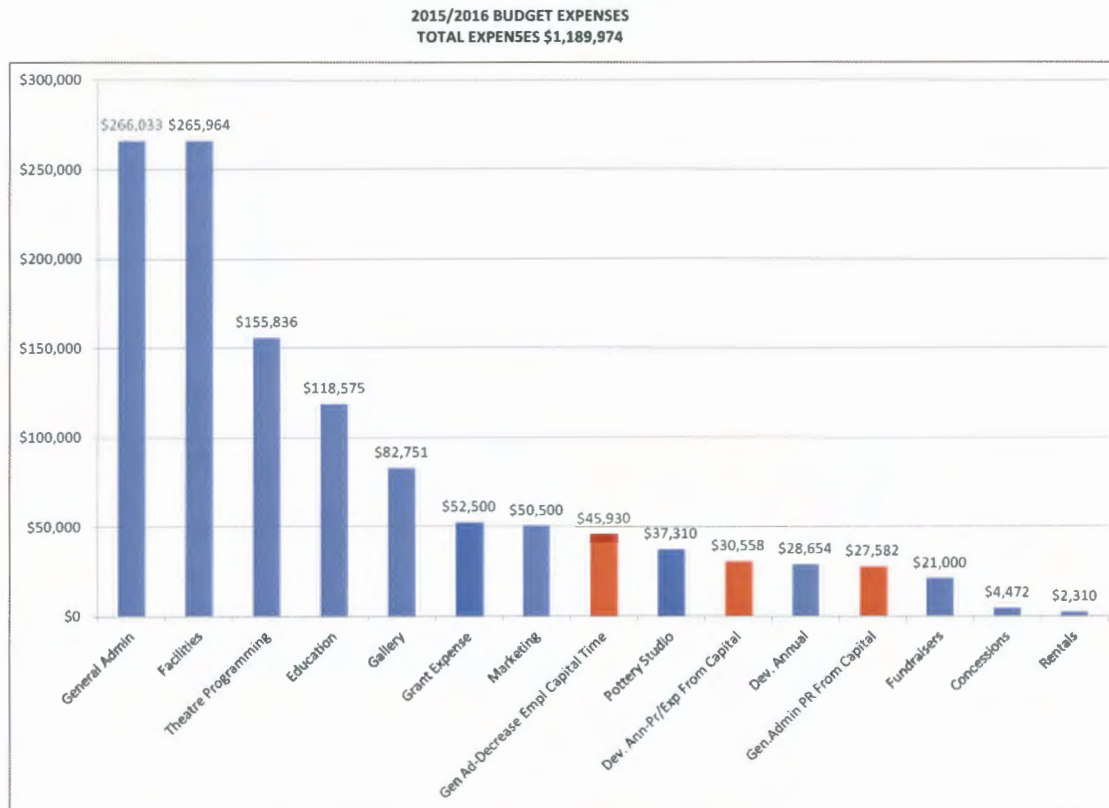


Moving forward the programming in our galleries will evolve in the following ways:

- The most successful gallery shows in past years have been local artists or work that focuses on our region. We will continue to expand and explore this curating approach.
- We will hold more special events in our galleries to draw more traffic to the art. Currently, our main traffic is through First Friday, a monthly event. We will be programing monthly wine tasting events for the general public along with a monthly "Art Drinks" event, where local artists and arts organizations gather to socialize and connect.
- We will deliberately and diligently connect our galleries to our new outreach and educational offerings.
- We will showcase and support the work of younger artists in our community. The Executive Director is going to form a "Young Creatives Advisory Panel" and will be working to help promote our emerging creative class.
- We will renovate the front room of our gallery within this planning period. This part of the gallery faces Main Street and serves as a great access point to the organization. This renovation will give our art and activity more visibility from the street and will make the space more attractive for special events and rentals.



Financial model for Income and Expenses 2016-2018:



(III) FINANCES

Given the scale of upcoming projects and fundraising, it is critical for the Academy to continue to demonstrate financial discipline. The Academy will strive for financial stability and growth:

- To the maximum extent possible, the Academy will have a balanced budget each year.
- To underwrite mission-critical programming and enhance profitability of self-presented programming, the corporate sponsorship programs will be expanded.
- To enhance profitability, the organization will maximize income from secondary sources such as concessions and rentals.
- To maximize paid attendance and revenues, the organization will review ticket pricing and fee policies.
- Through expanded programming and educational offerings, the organization will aggressively increase earned revenue.
- To increase project grant revenue, individual giving, and corporate underwriting, the organization will initiate a new Community Engagement and Public Outreach Initiative.
- The organization will aggressively eliminate existing debt.

(IV) FUNDRAISING—OPERATIONS

The Academy's must make meaningful strides to assure greater public awareness of the Academy as the leading arts non-profit organization in the greater Lynchburg community. This will be done through branding and undertaking initiatives for other charitable endeavors, such as education needs in underserved communities.

- Prioritizing the **raising of the endowment to two million dollars in the next three years**. It currently stands at about \$750,000.
- Expanding grant writing initiatives and outreach to foundations and corporate donors.
- Increasing the use of benefit events and galas, both to attract new audiences from diverse demographics as well as to broaden the Academy's cultural scope.
- Rebranding the AFA as a non-profit organization. The Academy must refer to its activity in the context of greater good. We will need to change our website to a dot org.
- Establishing public relations programs that underscore the Academy as a mission-based, not-for-profit arts organization dedicated to engaging and enriching the lives of students, youth, teachers, audiences, and the widest community possible through exposure to the arts.
- Implementing additional facility or restoration fees to ticket sales.
- Further developing social media, crowd sourcing, and other new generation fundraising strategies.
- Investing in a **Tessitura Ticketing and Admissions** system within the next year to two years and moving all of our development, patron tracking, and ticketing to one system.
- Investing in Square Space or ShopKeep for our concessions sales and development within the year.

(V) MARKETING

Audiences will want to attend shows in our historic theatre when restoration is complete, and when supporters view the Academy's historic theatre as an integral part of community development. While the historic theatre will represent a wonderful touch point for our community, the brand must be much more than that. Constituencies need to understand that the Academy is not only about a historic theatre. Rather, the daily operations and purpose of the organization also revolve around our education and outreach programs and include the Academy's dedication to bringing the arts to the underserved and under-represented. That message begins now.

- The Academy must present a coherent brand to patrons, audiences, students, friends, and community that telegraph both mission and savvy. **Within the first three months of this planning period, a name change will be implemented.** The Academy of Fine Arts will be rebranded to Academy Center of the Arts.
- Review and revamp the company website to present the Academy's message and ensure ease of use. It should also have strong design aesthetic and depict a community centric and inclusive organization. It should be mobile friendly and be easy to navigate.
- Review and modernize all marketing and media materials to better present the Academy message and make them accessible to the media and other key third-party influencers.
- Foster awareness amongst patrons, audiences, students, friends, and the community that the Academy belongs to the community and can only survive and grow with community support.
- Invest resources in marketing our expanded educational and outreach programming, making it one of the main branding tools for the organization.
- Work together with the Development team to craft an effective message for the upcoming operating campaign, capital campaign, and membership opportunities at the Academy.
- Continue to build and expand relationships with the media to tell the Academy story that goes beyond the historic theatre restoration.
- Leverage social media tools and email to improve contacts and sharing with constituencies. Although difficult, all contacts in the Theatre Manager program and E-Tix should be consolidated.
- Develop means of better educating audiences about the Academy's non-profit status and related mission. The company website and emails will be changed from ".com" to ".org."
- Regularly inform and train staff and board members in how to discuss the Academy and its activities with the public.
- Assign the marketing director the task of reviewing, assessing, and maximizing all communications opportunities with the public, whether in-house or externally.





PART 2:

Post Historic Theatre Restoration

(I) MARKET ANALYSIS

With the addition of a 750 seat historic theatre, the economics and strategies for the organization must change. First, we must examine our local landscape and what our market looks like:

(*National statistics draw from the 2015 National Endowment for the Arts Research Report #59: *When going Gets Tough: Barriers and Motivations Affecting Arts Attendance*. The local statistics are drawn from recent US Census reports.)

ECONOMICS:

The following are median household incomes in the Lynchburg greater area:

Amherst: \$44,945, Appomattox: \$50,167, Bedford: \$57,596, Campbell: \$55,105, City of Lynchburg: \$37,146

National: \$51,939

Nationally, the following percentage of people attend arts events according to class (self identified):

Lower class: 35%, Working class: 46%, Middle class: 65%, Upper class: 74%

The economics of our community is diverse and we can see that a percentage of each class, if provided the opportunity, will attend an arts event. We also see that our median household income in the area is close to the national average.

OUR MARKET:

Nationally, **45.6%** of the population attends live performances.

POPULATION:

The Greater Lynchburg area is approximately **250,000** as well as approximately **20,000** students attending Liberty University, Lynchburg College, Randolph College, and Sweet Briar College.

Lynchburg's annual rate of growth is 0.87% a year. This means that by 2018 (the opening of the theatre) the greater area population should increase by **6,525**.

- This brings the population total to **276,525**, which is our total available market (**TAM**). If we take the national average of 45.6% (individuals who will attend live performances) of our projected local population, there will be approximately **126,095** individuals who will be living in the Greater Lynchburg area that would be **prone to attend a live performance** at the Academy historic theatre.

- There are **126,095** individuals in our segmented addressable market (**SAM**).

EDUCATION:

Nationally, the most likely population that will attend a live performance are those with bachelor degrees or higher. Nationally, **69%** of those in this category are highly likely to attend a live performance.

Those with bachelor degrees or higher in the Greater Lynchburg area: Amherst: 5,280, Appomattox: 3,000, Bedford: 19,146, Campbell: 8,030, City of Lynchburg: 18,170

Total: **55,026** (2018 projection, with population growth)

If we take the national average of 69% (individuals with bachelor degrees or higher) from our local population there will be approximately 37,324 individuals in the greater area who are likely to attend a live performance at the Academy historic theatre.

- There are **37,968** individuals in our share of the market. (**SOM**)

Our Local Market:

- TAM: 276,525
- SAM: 126,095
- SOM: 37,968

Audience members beyond our community will need to be targeted for ticket sales. Discussed later in the document is a need to sell about 36,628 tickets each year. To be safe, we will target additional ticket sales from the following markets:

(In order of proximity to Lynchburg, culturally and through distance)

Greater Roanoke population: 239,000 (subtracting Bedford County, who we share)

- SAM: 108,984

Greater Charlottesville population: 206,615

- SAM: 94,216

Greater Danville population: 42,907

- SAM: 21,846

Greater Richmond population: 1,260,029

- SAM: 574,573



The Academy will also program film events in the historic theatre. In 2013, the Motion Picture Association of America reported that **68%** of the population attended films at movie theatres. Drawing this from our local population, **188,037** individuals are **prone to attend a movie event** at the Academy.

- Film SAM: 188,037

(II) PROGRAMMING

The programming that will keep the organization financially stable will need to be diverse and broad in order to reach as much of our segmented addressable market as possible. The historic theatre will produce or host national acts (music, theatre, comedy, and dance), film events, community events, conference activity, and non-traditional programming such as culinary events and industrial demonstrations. The theatre will need to program or host **150 to 180** nights of activity in the year to be financially viable and to make the theatre a hub of cultural activity for the community.

- The Academy's primary programming should appeal to our specific region. National acts will be carefully curated, taking into account regional interest in visiting artists. There will be balance of commercial and cultural programming relative to fiscal and operating objectives, as well as calendar and scheduling demands.
- The space will be made available for other area non-profits and national artist promoters through rental arrangements or co-production opportunities.
- Non-traditional theatre events will be programmed to attract a broader patron base. These will include culinary events, conference activity, and special interest presentations such as lectures and public forums.
- The Academy will acquire a "second run" film screening license that allows the theatre to earn ticket and concessions revenue during open dates. Film screenings will also aid in the continual economic impact the theatre will have on area restaurants and retail, continually drawing people to downtown for leisure and activity. A 4K DCP Projector will be a necessary investment (or whatever is the latest technology at the time of restoration completion). Films will also provide sponsorship opportunities for smaller businesses, providing free tickets to employees. VIP tickets will be created for a more expansive experience on the second balcony level.
- An investment will be made in live-streaming technology so that the Academy can show live events and programs, such as live streaming performances or even sporting events.
- The Academy will explore the potential of programming that showcases the work of the Academy's students in the educational and outreach programs.
- The Academy will explore events that are of niche and specific interest appealing to diverse, under-represented elements of the community, or that could contribute to the staging of innovative or transformational community-wide events.
- The Academy will commit to preparing an annual programming scorecard to aid management and the Board in assessing whether or not we are fulfilling our goals and mission.

(III) FINANCIAL STABILITY

The Academy will need to be very strategic to keep the theatre financially viable and open. It cannot be stressed enough that specific tools must be in place to keep the organization healthy. Running a large historic theatre is expensive in itself (utilities, upkeep, staffing) and national touring acts are seldom lucrative.

With staffing and facility increases, the budget of the organization will increase by two to two and half million dollars.

CONCLUSION:

How We Get There

TICKET, THEATRE RENTAL, AND CONCESSIONS REVENUE:

With a 750 seat theatre and 150 to 180 programmed events, 112,500-135,000 people could participate in historic theatre events. This participation will be through theatre and /or lobby rentals and through Academy produced events.

Of those events, approximately 75 a year will be Academy produced events. This means the Academy will have 56,250 tickets available for sale.

The goal will be to fill the theatre at 65% capacity (selling 36,562 tickets, *SOM is 37,698 individuals) each year with an average ticket price (plus service fees) of \$31 for Academy produced events, grossing approximately **\$1,200,000** in ticket revenue.

Approximately **\$500,000** will need to be generated in rental activity through the historic theatre and/or its adjoining lobby.

Approximately **\$100,000** will need to be generated through concessions sales.

Approximately **\$250,000** will need to be generated in membership dues and underwriting for programming.

**These projections are still in process and are isolated to operations of the historic theatre. These projections do not include AFA maintenance, activity, and staff time designated to other AFA facilities. It also does not include annual giving, grant funding, or mission oriented unearned giving. This does though give a snap shot of major financial increases we may see from the addition of the theatre.*



STRATEGIES:

- The Academy must move away from a third party ticketing system. **We will invest in a Tessitura Ticketing and Admissions system.** Currently the ticketing moves through E-Tickets, an online ticketing system. The organization must acquire its own ticketing software so all ticket revenue moves through the Academy. Ticketing fees will be key to the revenue brought in by the organization. The following ticket fees will be established:
 - A \$3 preservation fee for historic theatre maintenance.
 - A \$4 service fee for staff time dedicated to ticketing facilitation.
- The Academy will aggressively work to make concessions a large revenue source for the organization. The restored theatre's lobby will have three working concessions areas and the gallery will be used as a "members lounge" with a fourth concessions area. Alcohol (beer, wine, and liquor), non-alcoholic drinks, and food will be served.
- The Academy will establish a "membership" structure beyond normal development activity. This "membership" is strictly tied to historic theatre activity and will be in addition to other philanthropic opportunities the Academy offers for the general operations and programming of the organization.
- Ticketing will be aggressively tiered in price. The tickets pricing will reflect the financial diversity of our region.
 - Front orchestra and front balcony seating will be 75% of the ticketing revenue.
 - Back orchestra and back balcony will be 20% of the ticketing revenue.
 - Top balcony will be 5% of the ticketing revenue.
- Crucial to the organization is that it maintains its identity as a non-profit arts organization serving the public interest. There will be a perception with new facilities and commercial national acts that the organization is not in need of financial support from donors, foundations, and corporate entities. This assumption will be far from the case. A big part of the Academy's messaging must remain oriented around education and public outreach. The organization will not survive without the support provided through donors, foundations, and corporate support.

Keep in mind that special programs must be put in place to create affordable and free ticket options for those with financial restrictions. The theatre will be for everyone and will be inclusive. There is a financial reality to our ticketing structure, but we must stay true to our mission and serve as many in our community as possible.

WAREHOUSE THEATRE, EDUCATION CENTER, GALLERY, AND POTTERY STUDIO

What is clear is that the activity in these existing facilities must remain constant and evolve to pursue mission and generate revenue. The financial viability, facilitation of mission, and community identity of the Academy will be heavily dependent on the programming and rental activity that will occur in these facilities. This community and education centered activity cannot be lost as the Academy's programming expands to the historic theatre.

HISTORIC ACADEMY OF MUSIC THEATRE PROJECTED OPERATING ASSUMPTIONS

The following is for the historic theatre alone and does not include projected revenue and expenses from the existing facilities and their operations.

8/20/2015 1ST Draft

	2018/2019	2019/2020	2020/2021	2021/2022	2022/2023	2023/2024	
Revenue							
Ticket Sales	\$1,409,344	\$1,446,432	\$1,561,600	\$1,600,640	\$1,721,664	\$1,804,624	\$9,544,304
Bar/Concession Sales	\$111,264	\$114,192	\$117,120	\$120,048	\$122,976	\$125,904	\$711,504
Membership/Sponsorship	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	\$1,500,000
Theatre Rental	\$272,949	\$301,421	\$328,241	\$356,738	\$383,558	\$412,097	\$2,055,004
Total Revenue	\$2,043,557	\$2,112,045	\$2,256,961	\$2,327,426	\$2,478,198	\$2,592,625	\$13,810,812
Expenses							
Programming-Artist Fee	\$854,810	\$854,508	\$945,825	\$970,500	\$1,070,000	\$1,125,000	\$5,820,643
Programming-Payroll-Direct	\$194,673	\$207,988	\$217,988	\$231,357	\$241,357	\$255,871	\$1,349,234
Programming- Payroll-Indirect	\$114,255	\$116,411	\$116,411	\$118,096	\$118,096	\$119,811	\$703,080
Theatre Cleaning	\$11,400	\$11,700	\$12,000	\$12,300	\$12,600	\$12,900	\$72,900
Programming- Rights/Royalties	\$106,400	\$109,200	\$112,000	\$114,800	\$117,600	\$120,400	\$680,400
Programming-Amusement Tax	\$98,654	\$101,250	\$109,312	\$112,045	\$120,516	\$126,324	\$668,101
Bar Supplies/Taxes	\$50,851	\$56,530	\$57,980	\$59,430	\$60,879	\$62,329	\$347,999
Programming-Marketing	\$100,830	\$104,763	\$113,282	\$117,335	\$126,205	\$132,895	\$695,310
Programming-Contingency	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$18,000
Rental- Credit Card Fees	\$4,032	\$4,608	\$5,184	\$5,760	\$6,336	\$6,912	\$32,832
Rental-Payroll-Direct	\$234,355	\$238,438	\$238,438	\$242,586	\$242,586	\$246,835	\$1,443,238
Rental-Payroll-Indirect	\$106,513	\$108,471	\$108,471	\$110,010	\$110,010	\$112,677	\$656,152
Rental-Theatre Cleaning	\$6,300	\$7,200	\$8,100	\$9,000	\$9,900	\$10,800	\$51,300
PPD Insurance-Liability	\$20,465	\$21,488	\$22,562	\$23,690	\$24,875	\$26,119	\$139,199
PPD Insurance- Wkmns Comp	\$32,333	\$32,763	\$33,201	\$33,648	\$34,104	\$34,570	\$200,619
Water/Sewer	\$7,828	\$8,063	\$8,305	\$8,554	\$8,811	\$9,075	\$50,636
Electric	\$79,167	\$81,542	\$83,988	\$86,508	\$89,103	\$91,776	\$512,084
Waste Removal	\$1,745	\$1,745	\$1,780	\$1,780	\$1,816	\$1,816	\$10,682
Telephone	\$3,064	\$3,156	\$3,251	\$3,349	\$3,450	\$3,554	\$19,824
General Maintenance	\$2,310	\$2,426	\$2,547	\$2,674	\$2,808	\$2,948	\$15,713
Cleaning/Paper Products	\$441	\$463	\$486	\$510	\$536	\$563	\$2,999
Office Equipment Leases	\$150	\$150	\$175	\$175	\$175	\$200	\$1,025
Licenses/Fees	\$275	\$275	\$275	\$275	\$275	\$275	\$1,650
Internet	\$100	\$100	\$100	\$100	\$100	\$100	\$600
Website	\$350	\$350	\$350	\$350	\$350	\$350	\$2,100
Office Supplies	\$3,811	\$3,925	\$4,043	\$4,164	\$4,289	\$4,418	\$24,650
Total Expenses	\$2,038,112	\$2,080,513	\$2,209,054	\$2,271,996	\$2,409,777	\$2,511,518	\$13,520,970
Net Operating Income	\$5,445	\$31,532	\$47,907	\$55,430	\$68,421	\$81,107	\$289,842

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **October 13, 2015**

AGENDA ITEM NO.: 2

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

CLOSED SESSION:
(Confidential)

ACTION: INFORMATION: **X**

ITEM TITLE: **Zoning Ordinance Rewrite**

RECOMMENDATION: Review proposed changes to the Zoning Ordinance and schedule a public hearing.

SUMMARY: Lynchburg's current Zoning Ordinance was adopted in 1978. Over the last four decades, parts of the Ordinance have been updated, deleted, and added, but until now there has been no comprehensive assessment or rewrite of the document.

The update process began in 2012 when the City performed a Zoning Ordinance Diagnostic, a systematic review and assessment of the Ordinance. That process included nine community listening sessions, as well as interviews with staff, elected officials, and appointed bodies. The Diagnostic revealed existing Ordinance deficiencies and gave direction to the Ordinance update process. Following the Diagnostic, the City updated its Comprehensive Plan in a year-long process to reaffirm the land use vision of Lynchburg residents. Together, the Diagnostic and updated Comprehensive Plan, along with six additional public input sessions, an all-day open house, multiple work sessions with the Planning Commission and two joint work sessions with the Commission and Council, led to the proposed Ordinance. The proposed Zoning Ordinance reflects changes to make the Ordinance easier to use, streamlines City processes, implements many of the goals of the *Comprehensive Plan 2013-2030*, addresses new issues and trends and enhances the City's built environment.

After the approval of the proposed Ordinance by Planning Commission, business owners and staff discussed the potential to allow the manufacturing of low explosives in the I-3, Heavy Industrial District, to accommodate a possible new business in Lynchburg. The current ordinance specifically prohibits this use and the draft recommended by Planning Commission does not list this as a permitted use so it is in effect prohibited in the new ordinance. After learning the difference between the manufacturing of low explosives and high explosives, staff recommends considering adding low explosive manufacturing as a permitted use in the I-3, Heavy Industrial District.

PRIOR ACTION(S):

September 23, 2015: The Planning Division recommended approval of the revised Zoning Ordinance.

The Planning Commission recommended approval of the Zoning Ordinance (5-0 with one vacancy and one absence, Mays).

FISCAL IMPACT: N/A

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

ATTACHMENT(S):

- Planning Commission Memorandum and Minutes – September 23, 2015
- Summary of Changes
- Proposed Lynchburg Zoning Ordinance **(provided as separate attachment due to file size)**
- Speaker Signup Sheet

REVIEWED: lkp

109K



Memorandum

Planning Division • Community Development

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

To: Planning Commission

From: Tom Martin, AICP, City Planner

CC: Public

Date: September 23, 2015

Re: Zoning Ordinance Revision

On September 23, the Planning Commission will conduct a public hearing concerning the comprehensive rewrite of the Zoning Ordinance. The current Zoning Ordinance was adopted by City Council in 1978.

Starting in 2012, City Council, Planning Commission, city staff and the public started working towards revising the Ordinance to better meet the City's needs and the Goals, Strategies & Policies of the *Comprehensive Plan 2013-2030*.

On August 26, 2015, the City's Consultant Michael Lauer, Planning Works & City Staff discussed issues identified at public meetings held on August 25th & 26th. At the work session, Planning Commission directed staff to make the following changes to the draft text:

- P5 – occupancy standard effective date established as June 1, 2016, unless the property owner provides a copy of a valid lease executed prior to September 1, 2015 that allows for greater occupancy in accordance with old standards. If the lease is provided, the occupancy will be authorized for a period not to exceed 2 years from the lease execution date.
- P68 – Raising of large farm animals within R-C districts is limited to sites with 10 acres or more.
- P73, 77, and 82 – added examples of uses allowed by Conditional Use Permit in R-1, R-2, and R-3 districts that exceed occupancy limits.
- P117 – added glass and stone to the list of acceptable building materials in the B-4 district and excluded cinder block and unfinished concrete.
- P152, 160, and 168 – altered ordinance to allow dwellings and agricultural uses existing prior to December 13, 1988 by right and removed the non-conforming status for residential uses in industrial districts.

- P253 – Exemption for underground utilities for lots of record prior to the establishment of this ordinance and additions to structures existing at the time of this ordinance.
- P254 – Removed proposed provision that would have allowed detached garages in front yards.
- P257 – Reduced lot area requirement for keeping up to 2 large farm animals to 5 acres or more. 3 or more require 10 acres.
- P361 – Added definition of large farm animal to be an animal with an adult weight of 50lbs or more that may be kept for agricultural purposes (does not include dogs).

These changes are outlined in red in the September 23, 2015 draft Zoning Ordinance. Page numbers have been added for your convenience.

On September 10m, 2015, staff met with representatives from American Electric Power (AEP) to discuss the proposed lighting sections of the ordinance. Based upon this discussion staff is recommending Planning Commission consider the following changes:

- P243 – Outdoor Lighting changes
 - Allow exceptions to height standards when there is a master lighting plan in place and a qualified lighting professional has certified that the spillover lighting does not exceed ordinance requirements.
 - Changed general standards to only restrict spill over lighting at residential property lines
 - Changed measurement units from lumens per square foot to footcandles (they are equivalent units)
 - Increased brightness of spillover lighting and on-site lighting standards, but maintained prohibition on direct spillover lighting
 - Added uniformity ratio, which tends to reduce shadowing and improve safety
 - Made allowances for uplighting of signs, architectural features and landscaping provided that the lighting is angled away from property lines
 - Clarified metering and measurement standards

The proposed changes to the outdoor lighting requirements have not been included in the September 23, 2015 draft ordinance. A copy of revised Section 35.2-65 is attached for your consideration.

Another item for the consideration of the Planning Commission is related to nonconforming duplexes located within the R-1, Low Density Residential District & R-2, Low-Medium Density Residential District. Typically these duplexes were either annexed into the City or became nonconforming due to a zoning district change.

Section 35.2-41.3 (c) & 35.2-42.3 (c) state: Not more than three (3) unrelated individuals may occupy a lot unless the uses is allowed pursuant to a use authorized by conditional use permit (i.e., bed & breakfast boarding house, dormitories/sororities/fraternities and large group homes).

In instances concerning nonconforming duplexes, in which both units are rented and not owner occupied, the above provision would eliminate the ability to rent both units to any more than three (3) unrelated individuals.

In regulating the existing nonconforming duplexes, staff presents the following three (3) options:

1. Adopt the draft ordinance as is. This would result in nonconforming duplexes to no longer be occupied by more than three (3) unrelated individuals between the two (2) units.
2. Require a conditional use permit (CUP) to be obtained.
3. Allow existing nonconforming duplexes to continue by considering the following provision: “Legally established nonconforming duplexes in the R-1, Low Density Residential District and R-2, Low-Medium Density Residential District existing at the time of the adoption of this Ordinance are allowed to remain. Each unit may be rented to no more than three (3) unrelated individuals.”

It is staff’s recommendation that option #3 be included in the draft ordinance.

Planning Divisions Recommended Motion:

THAT THE PLANNING COMMISSION RECOMMENDS APPROVAL OF REPEALING TITLE 35.1 – ZONING ORDINANCE OF THE LYNCHBURG, VIRGINIA CODE OF ORDINANCES AND IN ORDER TO IMPROVE THE PUBLIC HEALTH, SAFETY, CONVENIENCE AND WELFARE OF THE CITIZENS OF LYNCHBURG AND TO PLAN FOR FUTURE DEVELOPMENT AS RECOMMENDED BY THE COMPREHENSIVE PLAN 2013-2030, THE PLANNING COMMISSION RECOMMENDS ADOPTING TITLE 35.2 – ZONING ORDINANCE WHICH REWRITES, REFORMATS, AMENDS REENACTS AND RECODIFIES THE CITY OF LYNCHBURG ZONING ORDINANCE.

The draft zoning ordinance addresses most of the issues raised in the zoning diagnostic and discussed throughout the public participation process. During the drafting and subsequent to the initial public input sessions, the following additional issues have been raised that should be addressed through subsequent efforts. Some of these involve edits to the zoning ordinance, while others will be addressed through other sections of the City’s code and various planning initiatives.

Density incentives for multiple-household developments. While the draft zoning ordinance includes a number of incentives, the inclusion of incentives for water quality enhancements are anticipated emerge from the current water quality master planning effort. Incentives for work-force and other affordable housing provisions should follow a clear delineation of the needs and target products determination.

Other water quality provisions. In addition to the incentives identified above, the City’s water quality master planning initiative may result in modifications to the zoning ordinance and/or other portions of the City’s code. These provisions may address stormwater management facility design, parking and landscaping design, stream buffers and/or use restrictions in the resource conservation zoning district.

Provisions for temporary signs. The recent Supreme Court case of *Reed v Gilbert* has raised a number of questions about the most effective ways to regulate temporary signs. Despite the fact that the decision was unanimous, it is clear that at least six of the justices disagree with significant parts of the decision, which failed to overturn any previous decisions. In short, while the court called for strict scrutiny of any content-based regulations, the fact that different types of temporary signs (e.g. election signs, special events signs, construction project signs, real estate signs) typically have distinct characteristics for the durations that they are needed, a strict reading of the majority decision would mean that all would need to be treated identically because the distinctions can only be ascertained by the content of the signs.

Flood plain regulations. The City's current provisions have significant deviations from FEMA's model regulations. A more detailed analysis and discussion should occur before determining which portions of the model regulations should be incorporated into the zoning ordinance.

Lighting requirements for single-household and duplex lots. The Planning Commission concurred with the staff finding that the City lacks the resources to effectively address lighting for these properties, which typically does not even require a permit. Yet several residents have complained about nuisance lighting from other residences that significantly degrades their quality of life and enjoyment of their property. A review of current nuisance ordinance provisions should be conducted to determine the most effective way to address nuisance lighting on a case-by-case basis.

Telecommunications tower regulations. These regulations are already subject to a separate legal review process to ensure that they comply with detailed state and federal regulations and will likely need to be updated based on the findings of that analysis.

Residences in industrial districts. When the zoning ordinance was adopted, several neighborhoods were anticipated to be redeveloped for industrial purposes, but the homes were allowed to continue as conforming uses so that people could rebuild and expand their homes without limitation. Some of these neighborhoods have remained in tact and very little industrial activity has occurred due to parcel configurations, access, terrain and other issues. While staff considered the potential for rescinding the conforming status for these properties, staff and the Planning Commission concurred that subsequent analysis of the more than 200 homes that fall within industrial zoning districts is needed to determine the most reasonable options.

MINUTES OF THE SEPTEMBER 23, 2015 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

Public Hearing on the Amendments to the Zoning Ordinance: Mr. Tom Martin remarked that this draft is the culmination of four years of work by staff, the consultants, the public, the Planning Commission and City Council. It started with the Zoning Diagnostic Study where the ordinance and *Comprehensive Plan* were reviewed. The *Comprehensive Plan* was updated first and then the draft of the Zoning Ordinance before them today was developed. Staff and the consultants believe this Zoning Ordinance will help the City implement the goals of its *Comprehensive Plan* and serve the City well for the next 20 to 30 years.

Mr. Michael Lauer began a presentation to the Planning Commission with information on where copies of the ordinance and summary can be found. They can be found on line at www.lynchburg2030.org or www.lynchburgva.gov (Community Development home page) and the downtown and main libraries.

The Zoning Ordinance was updated by using the Zoning Diagnostic recommendations, public input through 15 workshops, social media, interviews and surveys. The Planning Commission and City Council have had input. They started the process by looking at the City's existing regulations. They wanted to make sure nothing was lost and make as few substantive changes as needed but still address the comments received.

The reasons to update the Zoning Ordinance were its confusing organization, existing procedures are unclear, standards are inconsistent with the *Comprehensive Plan*, outdated, difficult to interpret and inappropriate for urban areas. Also, citizens are increasingly concerned about compatibility and design issues.

Items that are not changing are densities in residential districts, setbacks and lot sizes in the R-1 and R-2 districts, institutional district procedures and standards and staff review procedures.

The organization and layout has been improved. There are more illustrations, charts and tables. It includes hyperlinked table of contents and cross references.

One significant change to procedures is that the Board of Zoning Appeals can no longer approve conditional use permits. That is a de facto rezoning and should really go through the Planning Commission and City Council.

With regard to the Resource Conversation district, some of the intensive conditional uses have been eliminated (airports, antique stores, day care centers, convents and monasteries, large group homes, hospitals/sanatoriums, institutional uses, mobile home parks, nursing homes, offices and research development organizations, police/fire stations, planned development (PUD/TND), indoor shooting ranges and temporary fairs/carnivals). Hazardous materials and outdoor storage are being prohibited. Water quality standards have been added for some of the remaining conditional uses.

In the R-1 and R-2 districts there is a recommendation to reduce setbacks to reflect neighborhood norms. It is being recommended to limit occupancy to three unrelated individuals per lot instead of dwelling unit. Other recommendations are to allow detached accessory dwellings, to allow temporary family health care homes, to relax the home occupation standards, and to allow residential cluster development by right under certain conditions. A setback requirement of five feet has been created for accessory structures. Currently, there are no setback requirements for accessory structures, which can create problems such as fence maintenance.

The recommendation being made in terms of setting a timeline for applying the occupancy standard is to create an effective date of 6/16/16 unless original term of lease adopted before 9/1/15 extends beyond 6/1/16 but not exceeding two years (9/1/17).

Mr. Lauer discussed nonconforming duplexes. The duplexes being referred to are those that were designed to accommodate two families and are distinct from accessory dwellings. Three options are being recommended to deal with these nonconforming duplexes: to keep the proposed occupancy per lot, to allow higher occupancy by lot pursuant to a CUP or to allow occupancy by unit as a nonconforming use.

Mr. Lauer discussed the proposed neighborhood norm. The recommendation is to allow front or street side setbacks to be an average of abutting dwellings or an average of block face and facing block. All dwellings set back more than the minimum are assumed to be set back to minimum. The recommendation is to apply this provision City wide.

With regard to accessory dwellings, Mr. Lauer explained that they are currently allowed by right as long as they are attached and use a common entrance. A recommendation is being made to allow detached dwelling if it is no larger than 900 square feet and contains one bedroom, is located in the rear yard, meets all district setback requirements for the primary dwelling and has one parking space available.

There is a provision in the ordinance for temporary family health care structures. They are mandated by state law for physically or mentally impaired family members in single family districts. The requirements for one is an occupancy limit of one relative; a physician has to certify the need; the maximum area is 300 square feet; it must be removed within 30 days after there is no longer a need for it and the location has to be behind the front building line and out of the setbacks.

With regard to home occupations, it is being recommended to expand the licensed personal and medical service providers to include barbers, hairstylists and midwives (deliveries will be done at the patient's home). The recommended standards will be that it may be in the primary dwelling or an accessory structure; must be conducted by a member of the household; no more than one client at a time; no outside storage and no more than 20% of dwelling floor area may be used for the occupation.

Mr. Lauer discussed residential clusters, which can be a useful tool to allow more efficient use of property. It requires less infrastructure. It does not increase the maximum density but does allow the lot sizes and areas to be reduced by up to 50% of district standards. If it abuts a single-family or two family dwelling, the lot must be 80% of the width standard or have 50 feet of open space provided.

In terms of creating compatible transitions between multifamily and institutional developments, the recommendation is to adjust height of buildings that are next to R-1, R-2 or R-3. The height will be based on the average elevation at the building line closest to the residential district. There are also height and buffer incentives.

It is being recommended that the R-4 and R-5 districts be combined. The density of the R-4 district has been maintained but some incentives have been created that would allow a development to go up to the R-5 district density. The R-4/R-5 district issues are a limited supply of sites with high density zoning; it is difficult to find additional sites with sufficient land and street capacity and compatibility is a key concern of neighboring residents.

The recommendations are to consolidate multifamily districts and to require transitional buildings (two stories within 100 feet of R-1, R-2 or R-3 district). Another recommendation is to authorize certain neighborhood retail and services uses. Drive-throughs would be prohibited and retail would be limited to no more than 5% of the gross floor area.

The density incentives being proposed in order to get from the R-4 density of 22 units per acres to the R-5 density of 29 units per acre are building cover reduction, wider buffers, transit and pedestrian features and accessible units. There are also place holders reserved for water quality enhancements and affordable units because these items still need to be better defined.

Another item covered is dealing with farm animals in residential districts. The recommendation is to have at least ten acres to keep three or more large farm animals or more than four chickens. If you have fewer than three large farm animals, you need at least five acres.

It is being recommended that certain commercial vehicles (tractor trailers, dump trucks and hazardous materials trucks) should be prohibited in residential districts.

There is a provision in the ordinance to allow some accessory uses and signs for certain institutions that previously required a conditional use permit. Examples are cemetery, parsonage, meeting hall and electronic message centers along arterial streets. There are standards in place for the electronic signs similar to those that have been approved in the past.

It is being recommended that the B-1 and B-2 districts be combined. Currently, B-1 is limited to services and B-2 allows retail. Consolidation would allow more efficient land use and reduce transportation demands. Consolidation should better address compatibility of uses and design. The use standards would limit drive through uses; limit restaurants to 4,000 square feet; limit other businesses to 20,000 square feet and limit commercial developments to 50,000 square feet. Other standards would limit building height to 40 feet; require rear/side parking; reduce front setbacks to 0 feet with an 8 foot sidewalk and limit ground floor residences to side streets.

With regard to the B-4 and B-6 districts, it is being recommended that they be combined because they have comparable uses, identical development standards and a nonbinding design review committee process. The recommendation is to eliminate the design review process because it slowed down the development process without adding much to it. What is being recommended is to convert some of the historic design guidelines to incentive-based standards. They include brick, stone, stucco or masonry fronts or other compatible materials (glass and other modern materials now allowed). Front setbacks should be aligned with street wall (with the exception of courtyards). Entries should be oriented to the front. Windows, floors and vertical divisions should maintain proportions of adjacent structures. If you do these standards, the building would be exempt from the landscaping requirements.

In the B-3 and B-5 districts, there are provisions to allow mixed use buildings as long as at least 50% of the ground floor area is used for nonresidential purposes. A provision also eliminates front building setbacks.

With regard to industrial districts, the recommendation is for the residential uses to remain grandfathered as conforming uses. Further study may be required to see if a more appropriate zoning would be appropriate for these neighborhoods.

Recommendations regarding parking include extending the option for shared parking that exists in the Traditional Neighborhood Development (TND) ordinance to all commercial development. This allows the minimum parking requirement to be reduced if the applicant can demonstrate how uses share parking and that the proposed number of spaces is adequate to meet projected parking demand at all hours. This provides an alternative to requiring parking for each use's peak time at all times of day because often this yields a parking lot that is mostly empty most of the time. Additionally, pervious parking is now allowed and bicycle parking is required.

Changes proposed to landscaping are to allow the option to reduce the buffer in B-1 districts that abut a residential district from 20 feet to 10 feet with a six foot privacy fence.

A change to the sign ordinance is to allow a sign in a B1 and IN-1 district to be increased from 24 square feet to as much as 50 square feet based on street frontage. Another change is to allow roof signs in the B-4 district when the Historic Preservation Commission finds them consistent with historically significant signage. Industrial district signage is being proposed to match the B-3 and B-5 districts, which will allow larger wall signs. Mr. Lauer mentioned that there future changes regarding temporary signs are anticipated based on recent Supreme Court decisions.

Access management standards have been incorporated. The standards from commercial and scenic corridors have been applied to collector and arterial streets except downtown. Collector streets have driveway separations of at least 150 feet. Arterial streets have a driveway separation of at least 330 feet. There are shared access incentives. There are some lots that cannot meet these standards and they are still being allowed at least one access point.

Sidewalks are being proposed for new development based on road type except where we have extraordinary terrain or other constraints. The width is based on the district and its function.

Outdoor lighting limits are being proposed for commercial, multifamily, industrial and institutional districts. It does not apply to single-family. Suggested lighting modifications are to allow exceptions to height standards when there is a master lighting plan; general standards only restrict spillover lighting at residential property lines; change measurement units from lumens per square foot to foot candles, which are equivalent; increase brightness of spillover lighting and on-site lighting standards but maintain prohibition on direct spillover lighting.

Other suggested lighting modifications are to add uniformity ratio, which tends to reduce shadowing and improve safety; allow uplighting of signs, architectural features and landscaping provided that the lighting is angled away from property lines and clarify metering and measurement standards.

There are recommendations for underground utilities to be required for new development requiring subdivision or site plan approval. No off-site improvements are required and it is not required for existing single-family or duplex lots.

For mobile food vehicles, the standards reflect current best management practices. They are allowed in B-3, B-4, B-5, IN-2, I-1 and I-2 districts. The standards address locations, operations and licensing.

A new corporate campus development design has been added to the current development patterns.

Mr. Lauer outlined the issues not addressed in draft Zoning Ordinance: 1) Density incentives for water quality and affordable housing initiatives; 2) other water quality standards; 3) updated floodplain regulations; 4) existing residences in industrial districts; 5) amendments to temporary sign provisions; 6) nuisance lighting for single household and duplex dwellings; 7) telecommunications towers updates.

Chair Swienton asked for anyone who wished to speak in favor of the ordinance. Mr. Don Wilkinson of 705 Hayes Drive came forward to speak. He is in favor of the provision to restrict the occupancy in R-1 and R-2 districts to three unrelated people per lot. When he researched Lynchburg, he felt that Lynchburg had good zoning laws. A good neighborhood is the foundation of a good City. We want to keep Lynchburg a good place and this is one way to help.

Mr. Louis Gallaher of 1168 Sheffield Drive came forward to speak. Overall, he is pleased with the draft ordinance. He would like to see it spelled out specifically as to when the time limit is over to implement the occupancy limits. He would like the two-year period for leases to expire to be specifically

spelled so there are no loopholes for people to use to get around the ordinance. Subleasing in order to skirt the ordinance should not be allowed.

Mr. Gallaher mentioned that there is already an ordinance on the books that names seven streets where commercial vehicles are not allowed. Sheffield Drive is one of them and he has never seen a ticket written for a tractor trailer using his street. He would like assurance that the new ordinance regarding commercial vehicles in residential areas will be enforced.

Ms. Rebekah Moody of 202 Paddington Court came forward to speak in favor of the combining of the B-1 and B-2 districts. She is getting ready to locate her business on Langhorne Road and they are all excited about the potential for this area to become more pedestrian oriented and revitalized. She would really hate to see this area become vacant, particularly with all the work the City is doing in the area with the Midtown Connector. She and others are excited about the chance for there to be small restaurants and small retail and not just office space. They would like to see it be a place where the community can come together and hopes for a real sense of community to develop as a result of this proposed change.

Ms. Jane Parrish of 4404 Hilltop Drive came forward to speak in favor of the occupancy limit in R-1 and R-2 districts. There is a house in their neighborhood that has six Liberty students living in it and there have been problems because of the number of cars they have parked on the street.

Chair Swienton called for those that wished in opposition or with questions about the ordinance. Mr. Gary Case came forward to speak. He had the following comments in writing to have placed in the record. "B-4 Urban Commercial District: Need to revise language "requires" historic building materials": "requires windows, entries and cornices to be proportionate to adjacent building" and "requires large building to include architectural features so that building fronts appear in scale with adjacent storefronts." We do not need to regulate architectural styles. If the proposed regulations are adapted, then the major buildings and employment centers like the Genworth, Bank of the James, Appalachian Building, Scott & Stringfellow and BB&T could not be built as they currently exist.

Section 35.2-68 "requires" underground utilities for new subdivision lot. AEP will install overhead lines for free but the developer has to pay the net cost difference to install the utilities underground, which adds to the cost of the lots. One City goal is to create more affordable housing and increasing the lot cost increases the cost of housing.

Section 35.2-85.4(c) "requires" cluster commercial developments to be within ¼ mile of an existing or planned transit route. Not always practical and limits possible locations for this type of development. ¼ mile is only 1,320 feet or one (1) lap around a track at City Stadium.

Exhibit V111-4 Cluster Commercial Development is "required" to devote 5% of gross CCD acreage to site amenities. Code already requires landscaping and regulates amount of lot coverage but don't think having to require these types of amenities is always compatible with this type of development, adds cost for installation and upkeep, which has to be passed on to the users and 95% of the time is not used.

Section 35.2-9-85.6 Cluster Commercial "requires" parking lot be located in the middle of blocks and located behind front building lines. This creates a security issue for employees and customers especially businesses that operate at night. For example, drug stores and branch banks have to have a front entrance and only one, customers do not want to have to park in the rear and walk to the front, especially elderly customers with small children. Bad weather also will cause customers not to patronize the business and it would be dangerous for employees leaving after hours.

Occupancy Regulations: I support proposed regulations for R-1, R-2 and R-3 zones. I would like to see a zone that would allow "student based housing" near universities and colleges that would allow four

unrelated persons where appropriate buffers can be provided and not adjoining R-1, R-2 and R-3 zoned areas.

In general, I support the proposed revisions and think the City and its consultants have done an excellent job."

Mr. Rick Read came forward to speak. He has a seven acre tract and wants to know if that can be subdivided so that more than one 50,000 square foot commercial development could be built. He would also like them to rethink the height restriction in a B-1 district that abuts a residential district. We are running out of sites to develop in the City and he hates to see this limitation in a City where topography is such a challenge. It is going to push a tall building out of the picture and let's face it, commercial pays the tax bill.

Mr. Read has a duplex in an R-1 neighborhood. He would like to see it changed so that if it burns down that it can be rebuilt. He also thinks that three unrelated people on a lot is unrealistic. You could not put two unmarried couples into a duplex.

Mr. Doug Sherwood came forward to speak. He owns two properties in Lynchburg but with these rules, he is not going to buy anymore. If he has five bedrooms and five parking spaces, why shouldn't he be allowed to have five people living in it. When he bought these houses, they were dumps and they are now fixed up and maintained. He bought them to provide income for himself and affordable housing for people. If you only allow three unrelated people to live in some of these homes, there are people that cannot afford it.

Mr. Jared Kaijala of 411 Woodland Circle came forward to speak. He has a home with an apartment and he currently rents to five unrelated people. He rents his home to five people and plans to fix up the apartment for himself and his fiancé. He rents to people as a ministry, people like veterans and those that need an inexpensive place to live. If he cannot rent the home to more people, he will have to fix it up to be attractive for an entire family or be forced to sell. This rule is forcing students into large apartment complexes and generalizes them to a specific area. He pointed out that many students cannot afford the rent of a larger, newer apartment complex. He does not think this rule is good for the community.

Mr. Steve Garcia of 128 St. Johns Drive came forward to speak. He has purchased 13 properties in the City and rebuilt every one of them. He was looking for R-3 zoning so that he could turn a large home into a duplex. When you rent a large home to a family, you sometimes end up with a large family with a lot of adult children. He has had a home trashed by a large family with adult children. He would like to turn one of the homes into two one-bedroom apartments but has been told that the lot size is not large enough. It has to be 8,000 square feet. How can you do that when it was built in 1920 and is on a 5,200 square foot lot? The draft ordinance says that the lot size is being reduced to 4,000 square feet but he is being told that the 4,000 square feet is per side of the duplex. This is so each side of the duplex can be sold separately. He does not see the logic that a duplex needs 8,000 square feet and a single-family residence needs 10,000 square feet. Mr. Garcia thinks the 4,000 square feet should be for the entire lot so that a large home can be turned into affordable housing for people that cannot afford to buy their own home.

Mr. Adam Kline of 1515 Langhorne Road came forward to speak. He has an 800 square foot accessory dwelling on his property. It is a two-bedroom house and this proposed occupancy limit will restrict his ability to rent out the home. He would like to see the accessory dwelling increased to two bedrooms instead of just one. He thinks four is a better number than three unrelated people for rental units. This rule will probably keep him from buying anymore properties in Lynchburg.

Ms. Gina Smith who lives in Thaxton came forward to speak. She owns a four plex in Lynchburg and takes good care of it. She does not agree with the rule that you can only rent a home to three unrelated people when a family of five could occupy it. It will be very hard for her to keep up with her mortgage if she is restricted to only three unrelated people on the lot. She thinks this drives the market price of homes down as well. She has a house that would be worth \$50,000 elsewhere and is only worth \$20,000 here. She does not think she will buy any more properties here.

Ms. Carrie Johnson of 3225 Mayflower Drive came forward to speak. She also owns 3219 Mayflower Drive. She is confused about the nonconformity of the residences in industrial districts. She would like to have the part about now being to expand or replace the dwelling explained to her.

Mr. Nate Perrow came forward to speak about his property at 104 Whitehall Road. The neighboring developer put a fence around his property and this has cut his rental income in half. The fence has also created a safety concern for his tenant. Allowing third party owned outparcels to be encumbered by such fences causes a hardship and creates a type of leverage that can be applied to other parcels in B-5 districts. Mr. Perrow quoted several sentences from the *Comprehensive Plan*. "City policies and regulations will promote and encourage rather than impede sensitive, high quality design." "Quality of design, connectivity and accessibility for vehicles, as well as pedestrians and cyclists will become a central focus in planning for the City's commercial areas." "Newer commercial areas will be attractive and will complement surrounding development." "When addressing compatibility and connectivity between adjacent land uses, ensure that building orientation, building location, parking location and parking design, lighting, walkways and other building and site design factors provide safe and convenient access to sites for drivers, pedestrians, cyclists and transit riders."

He respectfully asks the Planning Commission to reinsert the proposed limitation on fences in areas that do not require a front yard setback. Zoning is a balance between private property rights and public good. This zoning ordinance rewrite creates an opportunity to address this issue and more fully embrace the *Comprehensive Plan*.

Mr. Todd Hall of 2636 Mayflower Drive came forward to speak. His home is in the I-3 district. Mr. Hall would like clarification that his residence will be considered a conforming use and in the event that it is destroyed, it can be repaired and rebuilt. He would also like clarification that it can be enlarged. He would like the term "with substantially the same height and exterior dimensions" to be better defined. He also notes that residences are not listed anywhere as an authorized use and he would like to know why it has been left out of the chart and the appendix.

Ms. Roberta Hargis of 157 Holmes Circle and she is the president of the homeowners association for that development. They do not understand exactly how the combining of the R-4 and R-5 district affects their complex.

Ms. Gwen Vassar came forward to speak. She lives in Virginia Beach but owns three duplexes in the R-1 and R-2 districts. She thinks the change in the occupancy limits makes it difficult for her to rent her duplexes. She also thinks it will put her in violation of state and federal fair housing laws. She thinks the rule will put a hardship on students and businesses like Centra and AREVA that bring in apprentices that may want to rent duplexes in the City.

Mr. Roy Saunders of 713 Allen Springs Road came forward to speak. He wants an explanation on the terms of the lease. He has had a tenant in a home he owns that has lived there for 19 years. What lease will he need to produce? He would also like an answer as to what is going to happen on Wards Ferry Road at Heritage High School.

There was no one else to speak in favor or in opposition to the ordinance changes. Chair Swienton closed the public hearing.

Mr. Lauer explained to Mr. Saunders that his tenants would not be subject to the occupancy limits if they are related. Mr. Saunders indicated that the property he owns has four units. Mr. Lauer indicated that it is being recommended that existing rental units in R-1 and R-2 remain legal nonconforming uses. They could continue to have up to three unrelated people per unit.

The Planning Commission took this opportunity to discuss the recommendation. The commission noted that this recommendation seemed like a fair compromise. They did not want to see owners that have existing duplexes lose their source of revenue. They did not want to change the rules in the middle of the game for people who have invested money in these buildings.

Mr. Martin indicated that staff has a good idea of where the existing duplexes are located; there are approximately 211. Mr. Martin wanted to clarify that these units are nonconforming and that fact will not change. If a dwelling is destroyed, it cannot be replaced in the R-1 and R-2 districts. (There is an exception if it is destroyed by an act of God and is rebuilt within a certain time period.) Mr. Martin noted that nonconforming uses are meant to go away at some point. He remarked that the commission has heard the concerns of neighbors that would like to maintain the character of their neighborhood and have the impacts addressed. They are implementing the goals of the *Comprehensive Plan*, which says we will protect the character of our neighborhoods. Mr. Martin acknowledged that limiting the occupancy on these properties would be pretty harsh pretty quick.

The commission was in consensus that they would make the recommendation to City Council that the occupancy in nonconforming duplexes, triplexes and quadplexes in the R-1 and R-2 districts should be up to three unrelated people per dwelling unit.

With regard to the consolidation of R-4 and R-5, Mr. Lauer clarified that R-5 is being eliminated and being combined with R-4. It does not change any development standards. If an existing development with a density over 22 units per acre burned down, they might have to make some design modifications to get up to that higher density. There has also been the addition of allowing limited commercial development in a multifamily project.

Mr. Martin addressed the questions about residences in industrial districts. In the I-2 district, residential uses existing before December 13, 1988 are allowed by right. In the I-2 district, they can be expanded. The reason residential uses are not listed in the matrix is because new residences are not allowed.

In the I-3 district, the effective date is December 12, 1978. A residence cannot be expanded but it can be rebuilt if it is destroyed. His explanation of "with substantially the same height and exterior dimensions" is that you can build a little smaller or a little larger, but you are not going to double or triple the size. Mr. Martin explained that these terms are exactly the way they are in the current ordinance and they are not changing.

With regard to Mr. Perrow's fence issue, Commissioner Light asked Mr. Martin to refresh them on what their thought process was and why this item was removed from the draft. Mr. Martin said there had been a provision in the draft that limited the height for a certain distance (20 feet) from the street in the front yard. This is because there is technically no front yard in most commercial districts. When the commission looked at the one instance where this had occurred, it did not feel it was an issue and directed them to remove the provision. Mr. Lauer reminded them that the discussion was also held at the joint session with City Council, so both bodies have discussed it and did not want it kept in the draft ordinance.

Commissioner Light said he has gone back and forth on this issue and now he is back to seeing that a hardship has been imposed on a property owner. Mr. Martin recalled that what the commission

saw was not what they would consider a spite fence. He thought they need to look at to whom it was a hardship. If you look at the particular instance in question, you had one developer that had a piece of investment property. You had another developer that had put an investment in their property and built a parking lot. That developer was concerned that this adjacent owner was going to use their lot and cross over to serve his property. He was going to be getting a benefit that was not agreed upon. They chose to construct the fence. Unless, the commission wants to put something in the ordinance that says an owner has to provide pedestrian access and visibility across your lot for the enjoyment of someone else, he is not sure you want to call that a spite fence. He could see the point in having the height restriction for a certain distance from the property line, but the commission directed them to remove it from the draft.

Commissioner Light asked if there had been any discussion that the larger property owner could have put up a chain instead of a fence. Mr. Martin said he could be speculating but he thought the issue was people walking through and using the adjoining parking lot. Mr. Martin said you would be saying to one property owner that you cannot put up a fence because you are going to share the use of your property with someone else. Is that spiteful? He cannot define that for them. Blocking the visibility from the right-of-way could be an issue.

Commissioner Light said he was not ready to make a recommendation but he appreciated Mr. Martin refreshing his memory. Chair Swienton noted that there are placeholders for further discussion for telecommunications tower and other items. He would suggest they discuss this in greater detail at another time rather than making rush modifications.

Mr. Lauer clarified for Commissioner Marion that commercial vehicles driving through a neighborhood is addressed in a different ordinance. The prohibition in the Zoning Ordinance is on trucks parking on private property in a residential district. Parking on the street is under a separate ordinance because the Zoning Ordinance does not cover the right-of-way, only private property.

With regard to the lot size for duplexes, Mr. Martin clarified that it is 4,000 square feet per side of a duplex. You have to have 8,000 square feet currently in order to have a duplex and that is not being suggested to change in the new ordinance. If you want to sell each side of a duplex to a different owner, you can strike a line down the middle and sell each side, as long as it has a 4,000 square foot lot. You can have one unit on a 4,000 square foot lot; you can also build a single-family home on a 4,000 square foot lot. Mr. Garcia would like to convert an existing home on a 5,200 square foot lot into a duplex. That is not permitted under the current ordinance or the new draft ordinance. This rule does not apply to existing nonconforming duplexes but we are not creating any new ones.

Chair Swienton asked Mr. Martin to clarify that Mr. Garcia's property rights and others within R-3 zoning are not being changed. Mr. Martin clarified that Mr. Garcia does not have the lot size to convert his home to a duplex. The only change being proposed for R-3 is that if you would like to build a new home, you can build it on a 4,000 square foot lot. Mr. Martin pointed out that there are properties that have been zoned R-3 since 1978. A person can buy additional property to get an 8,000 square foot lot or you can move into it and rent out an accessory unit.

The commission did not wish to recommend any changes to the draft ordinance as a result of the above discussion regarding duplexes and lot size.

With regard to the issue of underground utilities, Commissioner Light thought they had agreed that it could drive up the cost of a development but it is a desirable feature and they had decided to leave it in the draft.

Chair Swienton asked Mr. Martin and Mr. Lauer if the draft is regulating architectural style in the B-4 district. Mr. Lauer said an architectural style is not required. There is an incentive that the

landscaping requirement is removed if a building replicates the scale of existing development and the apportionment of windows.

Chair Swienton asked Mr. Case up to address his comments. He asked Mr. Case if he is interpreting the use of historic building materials as a requirement. Mr. Case acknowledged that glass has been added to the list, which he had brought up at a previous workshop. However, Mr. Case does not see why the building next door should dictate what you do with your entryways, cornices and windows.

Mr. Martin explained that currently a building would have to go through the Design Review Board process. It takes about a month for the board to meet and the developer can take their recommendations or choose not to do them. We are trying to provide some incentive (not a requirement) to follow those guidelines in terms of proportion. The proportion would be simple math by looking at the building size to determine the size of the window openings. This is not a requirement; it is an incentive. If you do not want to do them, then you would need to plant the required landscaping.

Mr. Case is hung up on the word “requires.” Downtown is full of zero lot line buildings where you would not be able to plant landscaping. Mr. Martin noted that the ordinance does not say “requires.” It says “should.” Mr. Martin pointed out that the landscaping ordinance is not changing and it allows for the offsite planting of 99 percent of a B-4 district’s landscaping. Mr. Case was reading from a summary and not the actual ordinance. Mr. Martin noted that there have been numerous changes to the summary and Mr. Case should refer to the code. Mr. Case concluded the issue by saying that he thinks it is overregulating and dictating architecture style and he will bring it up at the City Council public hearing.

Chair Swienton thought they had discussed Mr. Case’s concern about underground utilities and although they see his point, he thinks they have to agree to disagree.

There was discussion about the ¼ mile requirement for transit for a Cluster Commercial District (CCD). Mr. Martin pointed out that CCDs are not a by right development; it is a special district designed to allow mixed use. It gives incentives for smaller lots and reduced setbacks. There are requirements that go along with getting this flexibility. If you do not want to be near a transit stop, then do a by-right development and not a CCD. Mr. Martin asked the commission to consider why you would want to create a dense development with a lot of workers that is not near transit. That is not logical to him or how the *Comprehensive Plan* says the City should develop.

Commissioner Light thinks that ¼ mile would be a long roll in a wheelchair. Commissioner Marion pointed out that if there is not transit nearby, it would prevent people who depend on public transit from getting to it. Commissioner Perault supports leaving it in. If a number of CCDs were being stopped, then it would be revisited. The commissioners came to a consensus to leave it in the draft.

The requirement for 5% of gross CCD acreage for site amenities has been discussed previously and the commission was fine with it.

Chair Swienton explained to Mr. Case that they have previously discussed the parking lot requirement and decided to leave it in the draft. Mr. Lauer noted that this type of parking is being done all over the country. It requires special attention to lighting and surveillance cameras for the safety of patrons.

With regard to Mr. Case’s suggestion for student based housing, Chair Swienton noted he made a good point, but they were not interested in increasing the occupancy limit. Mr. Lauer pointed out that an owner of a large home can always go through the CUP process in order to have a higher occupancy limit. Chair Swienton would be interested in seeing what other localities with a high student population are doing with private sector development.

There was discussion about the parking requirement being on the rear or the side in the B-1 district. Commissioner Light reminded them of what they were trying to create with the neighborhood commercial district. Mr. Martin noted that the City needs to get something for opening up all the B-1 parcels for retail and restaurants. They are trying to create a more walkable community and not just more B-3 development. Mr. Lauer noted that the CVS and Walgreen's pharmacies tend to want to locate in the B-3 and B-5 type districts and they tend to be the pharmacies that want their parking in the front.

There was some discussion about allowing drive-throughs for banks on the side in the B-1 district. The commission did not wish to recommend any change to that provision.

Mr. Martin noted for the record that the ordinance has been reviewed by the City Attorney and two outside attorneys and there are no federal housing violations. Mr. Lauer clarified that the lease provision will end with the date of 9/1/17. That applies to any lease or sublease. Chair Swienton clarified for Mr. Gallaher that if he has any problems beyond that date that he should contact the Zoning Administrator.

To answer Mr. Read's question about subdividing a property for more than one 50,000 square foot commercial development in a B-1 district, Mr. Lauer said there would be no prohibition on subdivision.

There was some discussion about changing the draft ordinance to allow a two-bedroom accessory dwelling instead of only one bedroom. Mr. Lauer pointed out that there is the enforcement issue. If you have two bedrooms, you are more likely to have four people occupying the dwelling. Mr. Martin thought it will be an enforcement issue no matter what and pointed out that you can have two bedrooms in the accessory unit inside your home.

Commissioner Light would like to change it to two bedrooms. The guest house on Dr. Kline's property is on a large lot and is not affecting any adjoining property owners. Mr. Lauer pointed out that the accessory dwelling is only allowed for an owner occupied home, so that should help with the enforcement issue. Chair Swienton noted that the CUP process can be costly. There should be a way to simplify it. In the end, the commission decided to leave it as an accessory dwelling only being allowed one bedroom.

The new lighting standards will be added to the ordinance. There will be an exception put in that it does not apply to holiday lighting. Commissioner Light made a motion to include the outdoor lighting ordinance into the draft Zoning Ordinance. It was seconded by Commissioner Lowe and passed by the following vote:

AYES:	Light, Lowe, Marion, Perault and Swienton	5
NOES:		0
ABSTENTIONS:		0
ABSENT:	Mays	1
VACANCIES:		1

Chair Swienton read the recommended motion from Planning staff:

"That the Planning Commission recommends approval of repealing Title 35.1 – Zoning Ordinance of the Lynchburg, Virginia Code of Ordinances and in order to improve the public health, safety, convenience and welfare of the citizens of Lynchburg and to plan for future development as recommended by the Comprehensive Plan 2013-2030, the Planning Commission recommends adopting Title 35.2 – Zoning Ordinance which rewrites, reformats, amends , reenacts and recodifies the City of Lynchburg Zoning Ordinance."

Commissioner Perault made the motion, which was seconded by Commissioner Lowe. Mr. Martin clarified and the commission understands that this motion includes the provision for nonconforming duplexes, triplexes and quadplexes, the new lighting ordinance, the exception for holiday lighting and lighting in R-1 and R-2 districts.

The motion passed by the following vote:

AYES:	Light, Lowe, Marion, Perault and Swienton	5
NOES:		0
ABSTENTIONS:		0
ABSENT:	Mays	1
VACANCIES:		1

Chair Swienton commented that this has been an excellent job done by staff, the consultants and the public. This has been a monumental process and all involved should be congratulated for their input. He believes they have done an outstanding job of attempting to address every concern of every citizen. It may not have to their satisfaction but they have kept to their role of earnestly and sincerely addressing every concern.



City of Lynchburg ZONING ORDINANCE REWRITE 2015

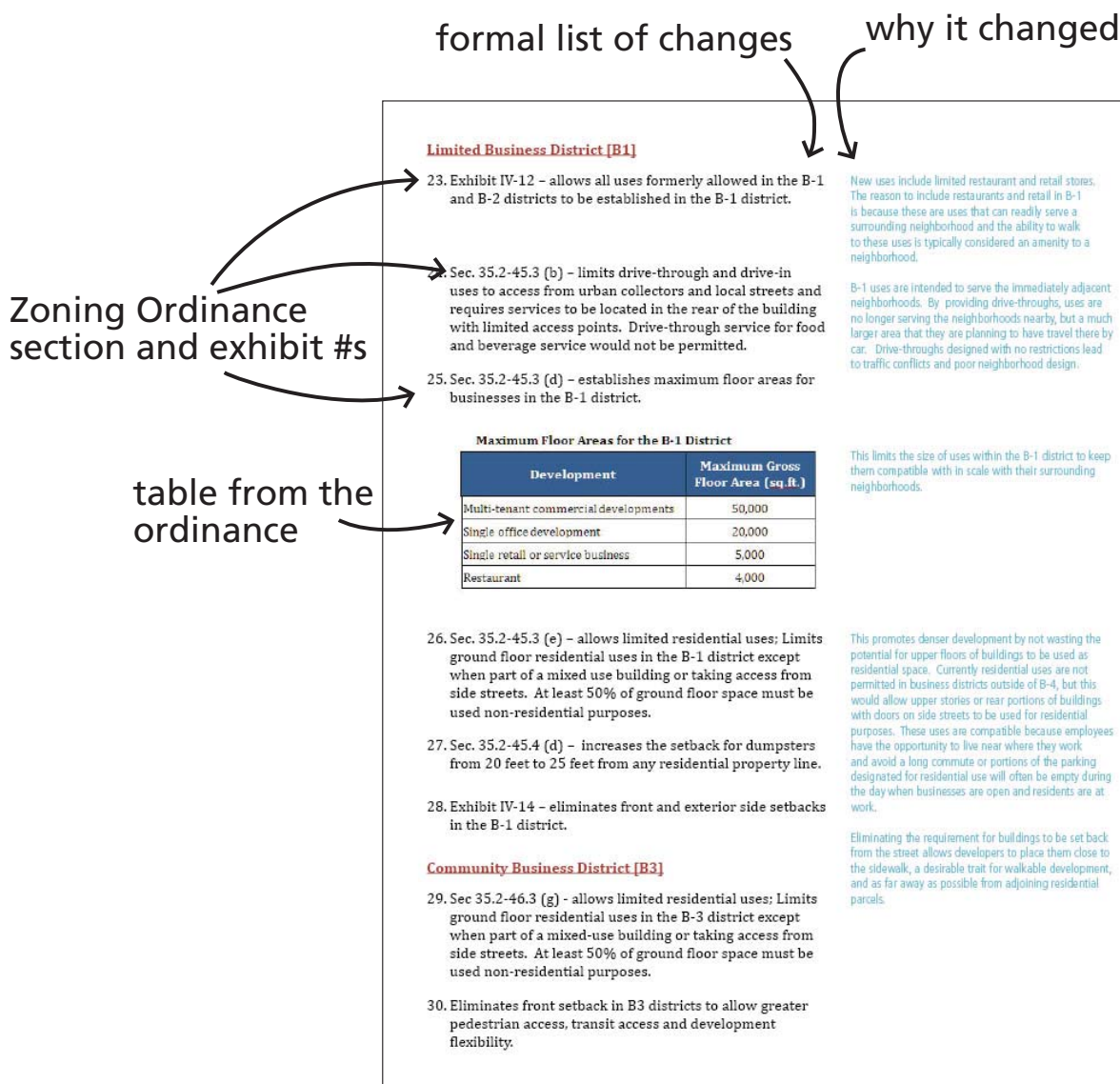
Summary of Changes

Lynchburg's Zoning Ordinance was adopted in 1978. Over the last four decades, portions have been updated, deleted, and added, but there has been no comprehensive assessment or rewrite of the document. The City has grown significantly since 1978 and the current ordinance has become increasingly difficult to use. This document outlines ordinance changes to facilitate development and create compatible land uses for both the city of today and the city we wish to become.

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DOCUMENT ORGANIZATION



REWRITE GOALS

In 2012, the City conducted a Zoning Ordinance Diagnostic, a systematic review and assessment of the current Zoning Ordinance. That process, which involved nine community listening sessions, as well as interviews with staff, elected officials and appointed bodies, revealed that the current ordinance needed updating. The following are key goals that were derived from that process.

1

Reorganize, reformat, illustrate. The numerous edits that occurred over the years made the ordinance confusing to both staff and citizens. Inserting tables, charts, and illustrations makes the ordinance easier to use, understand, and quickly answer questions.

2

Streamline City processes. Many procedural changes are included in this rewrite to remove and clarify review and approval processes.

3

Implement the *Comprehensive Plan 2013-2030*. The current comprehensive plan was adopted in early 2014. It establishes a vision for the City's future and methods for achieving that vision. Updating the ordinance as a whole is a specific task called for in the Comprehensive Plan. Equally important is making individual changes that reflect principles the citizens and decision-makers of Lynchburg established as keys to reaching the vision in the *Comprehensive Plan 2013-2030*.

4

Address emerging issues and trends. Over time, land uses, trends, and issues have evolved. An updated ordinance needs to address the concerns of housing diversity, transitions between incompatible uses, and expansions of new types of businesses. Changes include increasing housing diversity with accessory dwellings and mixed use options, creating better transitional spaces between business districts and neighborhoods, and new standards for traffic safety.

5

Enhance city design. Since 2000, the comprehensive plan has emphasized the importance of high quality city design with pedestrian friendly architecture and walkable streets. Changes to meet this goal include relaxing restrictive standards like building setbacks, allowing a mixture of uses within certain districts, providing incentives for design amenities, and creating requirements for essential design features including sidewalks, lighting and underground utilities.

GENERAL CHANGES

1. Existing text was reorganized into eleven articles:

Article I establishes the title, authority and purpose of the Zoning Ordinance, as well as describing its applicability, organization and relationship to other ordinances and plans.

Article II establishes the procedures for approval of development approvals and building permits, including generally applicable provisions for notice, hearing and approval, as well as requirements (e.g., purpose, applicability, procedures, review criteria and effect of approval) that are specific to each type of approval.

Article III establishes the zoning districts, zoning map and the table of authorized uses for each zoning district.

Article IV establishes the purpose of each base zoning district, as well as conditions applicable for site development and establishment of specified uses.

Article V establishes the purpose and conditions applicable to each of the City's special districts, which are districts that modify the conditions applicable with the underlying or base zoning districts described in Article IV.

Article VI establishes site development standards, which address building setbacks, structure heights, parking, landscaping, signs, lighting, transportation improvements and utilities.

Article VII establishes standards that are applicable to specific uses that may be allowed by right or by conditional use permit in certain zoning districts.

Article VIII provides guidance for the establishment of different development patterns, including: residential cluster, traditional neighborhood development, planned unit development, cluster commercial development, flexible space development, large-scale retail and corporate campus development.

Article IX establishes the standards for the continuation, modification and termination of uses, sites and structures that do not conform to Zoning Ordinance requirements.

Article X describes the responsibilities for administration of this Zoning Ordinance.

Article XI defines specific terms and abbreviations used in this ordinance and the rules for interpreting the ordinance's language.

These relate to document reorganization and overarching changes that do not fit into one of the new chapters as a change.

Each article is a chapter with a different purpose.

Why the ordinance exists and how it works.

The Zoning Ordinance regulates a number of different processes relating to the development of land. This article establishes those processes.

As recommended by the Zoning Diagnostic, a matrix of all land uses has been created and is described here.

Base zoning districts cover the entire city and set the minimum level of regulations that will apply to the development of land in any given area.

Special districts are overlayed on base districts to address issues specific to one area of the city. These include the Commercial Corridor, 5th Street Revitalization, Scenic Corridor, Airport Safety, Historic, and Flood Hazard Districts. The effects the shape, look, and functionality of all new development in the city.

Some uses with unique traits, such as schools, kennels, and stadiums require standards tailored to the issues associated with them.

Development patterns are districts that may contain more than one land use and style of development. Wyndhurst is an example of one that has been implemented.

"Non conforming uses" do not meet the requirements of the ordinance, but are allowed to remain under certain conditions established here.

2. In the draft document, substantive changes within each article are highlighted or identified with a highlighted and bracketed comment. Those are also summarized in this document. The reformatting of existing requirements is not mentioned except for exhibits that consolidate requirements from numerous sections.
3. Table of contents, section cross-references and exhibit references are hyperlinked to the targeted section. Note that links will allow the user to move to the link but not automatically return to the source of the link.
4. A Geographic Information System interface is being developed to help users identify applicable sections of code that apply to specific properties.
5. The Design Review Board, which previously provided non-binding guidance on development within the B-4 district, planned unit developments and traditional neighborhood developments has been eliminated from the ordinance.
6. The ordinance removes the authority for Board of Zoning Appeals to issue conditional use permits for commercial uses and residential structures built.

This was done to make it easier to flip between applicable ordinance sections.

This will allow users to see what requirements apply to a specific piece of property.

Design Review Board (DRB) guidance is currently non binding and often not followed. Key parts of the design guidelines are proposed as incentives in the new ordinance. With the incentives, DRB review would be an unnecessary process that slows down approvals. See further discussion on page 10.

While temporary uses granted by the Board of Zoning Appeals may be acceptable, the ability to create long-term use changes are de facto rezonings that should be decided by City Council.

CHANGES BY ARTICLE

Article 1 – Ordinance Overview.

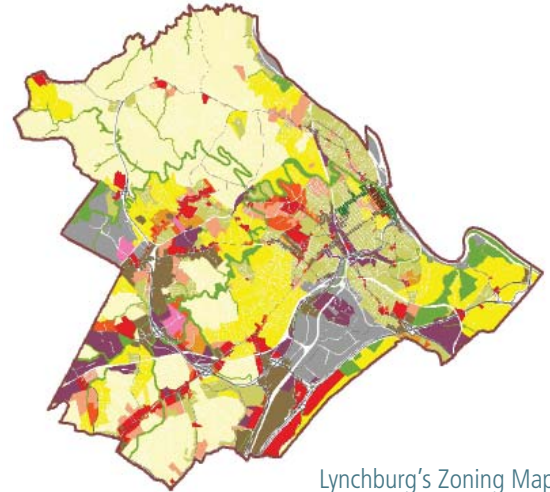
1. Describes the general organization, applicability and function of the code.
2. Sec. 35.2-7.3 – establishes rules for development under prior regulations when either a concept or final approval has been received.
3. Sec. 35.2-7.3 (f) – establishes rules for when new occupancy standards go into effect.

Standards become effective on June 1, 2016 unless there is a lease executed prior to September 1, 2015. If a lease is provided, prior occupancy regulations may apply for up to 2 years.

Article III – Zoning Districts, Maps and Boundaries

1. Sec 35.2-32 – designates the City's GIS files as the official zoning map.
2. Exhibit III-1 – highlights the consolidation of the R-4 and R-5, B-1 and B-2, and B-4 and B-6 districts
3. Sec 35.2-34.2 (b) – clarifies that the City is not subject to use limitations, but will generally comply with standards applicable to similar uses.

A Geographic Information System (GIS) is a way to keep map files digitally and makes updating the map, analyzing land use trends, and conveying complex spatial information much easier.



Lynchburg's Zoning Map

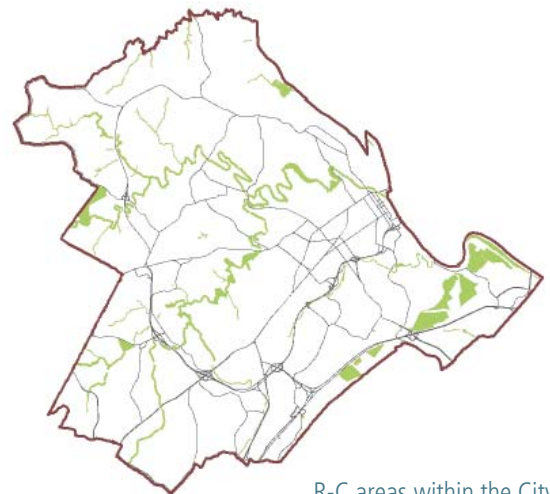
Article IV – Base Zoning Districts

1. Generally – each district section includes the district purpose, a complete list of authorized uses, district use standards, and development standards.

Resource Conservation Zoning District [R-C]

2. Exhibit IV-1 – eliminates many of the more intensive uses (e.g., hospitals, airports, manufactured home parks, boarding houses) previously allowed by conditional use permit from the R-C district. (see details at the end of this document).
3. Sec. 35.2-40.3 (a) – requires lots of 10 acres for raising large farm animals.
4. Sec. 35.2-40.3 (b) – prohibits storage of hazardous materials, outdoor storage of vehicles and parking lots within the R-C district.
5. Sec. 35.2-40.3 (c) – establishes additional criteria for conditional uses that address water quality concerns listed in the previous section.
6. Sec. 35.2-40.3 (d) – limits the occupancy of a lot in the R-C district to not more than 3 unrelated individuals excluding uses specifically identified as allowable by conditional use permit (i.e. boarding houses, bed & breakfasts).

The RC District typically falls beside streams, are narrow and particularly environmentally sensitive. Allowing those uses defeats the purpose of the district.



R-C areas within the City shown in green above

see number 7 below

Low Density Single Household Residential District [R-1]

7. 35.2-41.3 (c) – limits the occupancy of a lot in the R-1 district to not more than 3 unrelated individuals excluding uses specifically identified as allowable by conditional use permit (i.e. boarding houses, bed & breakfasts). Existing duplexes and multi-household residences will retain existing occupancy limits of 3 unrelated individuals per unit.
8. Exhibit IV-3 – allows residential cluster development by right in the R-1 district.
9. Sec 35.2-41.3 (e) – allows large day care centers to be established by right as accessories to institutional uses in the R-1 district.
10. Sec 35.2-41.4 (c) – allows for reduction of setbacks based on neighborhood norms.

At public meetings early in the process, there was significant concern from citizens about the number of unrelated people living in single family houses around the city. Issues include parking conflicts, noise, excessive trash, and a general sense that the density of potentially having six unrelated people living on one lot does not match the design of these neighborhoods.

Allowing developments to cluster does not add to the number of units a developer may build on a given parcel, but allows the same number to be developed within a smaller area. The rest of the site would be preserved and remain in a natural state. Developing in this manner is better for the city environmentally because natural areas are preserved and economically because infrastructure (roads, sewers, waterlines) is used more efficiently.

Older neighborhoods in the city that were developed before the 1978 Zoning Ordinance typically have shorter setbacks than what is required by the current Zoning Ordinance. This will allow new houses in these neighborhoods to have setbacks similar to their neighbors' setbacks.

Low-Medium Density Single Household Residential District [R-2]

11. 35.2-42.3 (c) – limits the occupancy of a lot in the R-2 district to not more than 3 unrelated individuals excluding uses specifically identified as allowable by conditional use permit (i.e. boarding houses, bed & breakfasts).
12. Exhibit IV-5 – allows residential cluster development by right in the R-2 district.
13. Sec 35.2-42.3 (e) – allows large day care centers to be established by right as accessories to institutional uses in the R-1 district.
14. Sec 35.2-42.4 (c) – allows for reduction of setbacks based on neighborhood norms.

See number 7 above.

See number 8 above.

See number 10 above.

Medium Density Two Household Residential District [R-3]

15. 35.2-43.3 (b) – limits the occupancy of a dwelling in the R-3 district to not more than 3 unrelated individuals excluding uses specifically identified as allowable by conditional use permit. This is consistent with current zoning standards.
16. Exhibit IV-7 – allows residential cluster development by right in the R-3 district.

Unlike the new requirements for R-1 and R-2 which specify residential density by lot, R-3 zones kept current practices in place, allowing up to 3 unrelated individuals in each dwelling unit.

17. Sec 35.2-43.4 (c) – allows for reduction of setbacks based on neighborhood norms.
18. Exhibit IV-8 – interior side setbacks reduced from 8 to 5 feet and minimum lot size decreased from 8,000 to 4,000 sq.ft. to be consistent with the current allowance for duplexes and semi-attached dwellings. These changes are more consistent with current development patterns in the R-3 and the Comp. Plan's recommendations to encourage greater housing diversity.

High Density Multi-Household Residential District [R4]

19. Exhibit IV-9 – allows residential cluster development by right, and traditional neighborhood and planned unit developments by conditional use permit in the R-4 district.
20. 35.2-44.4 (b) and Exhibit IV-11 – add height and density bonus provisions for the R-4 district.
21. 35.2-44.4 (c) – establishes greater setback requirements for buildings exceeding two stories in R-4 districts when within 100 feet of an R-1, R-2 or R-3 district.
22. Exhibit IV-10 – interior side setbacks reduced from 8 to 5 feet.
23. 35.2-44.3 –Allow a small percentage of non-residential uses, including retail, restaurant, service and office, as part of an apartment complex in R-4 districts. 5% of gross floor area of the entire residential development permitted [10,000 ft² commercial allowed in 200,000 ft² apartment complex].

R-4 and R-5 Zoning Districts were combined in this rewrite and the lower R-4 base density was given to all areas. A development may increase its density up to the current R-5 density if it meets certain standards that reflect principles from the Comprehensive Plan. These standards include: decreasing impervious area to reduce stormwater runoff, increasing buffers next to lower density residential districts, locating near transit service, providing pedestrian connectivity through a site, creating a commercial space in the ground floor of the building, and providing units accessible to people with disabilities. Additional standards for increasing density may be included in future ordinance revisions based on standards that improve stormwater quality above normal requirements and/or provide affordable housing units.



Apartment building with ground floor commercial.

Limited Business District [B1]

24. Exhibit IV-12 – allows all uses formerly allowed in the B-1 and B-2 districts to be established in the B-1 district.

25. Sec. 35.2-45.3 (b) – limits drive-through and drive-in uses to access from urban collectors and local streets and requires services to be located in the rear of the building with limited access points. Drive-through service for food and beverage service would not be permitted.

26. Sec. 35.2-45.3 (d) and Exhibit IV-13 – establish maximum floor areas for businesses in the B-1 district.

Maximum Floor Areas for the B-1 District

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

New uses include limited restaurant and retail stores. The reason to include restaurants and retail in B-1 is because these are uses that can readily serve a surrounding neighborhood and the ability to walk to these uses is typically considered an amenity to a neighborhood.

B-1 uses are intended to serve their adjacent neighborhoods. Drive-throughs designed with no restrictions lead to traffic conflicts with the neighborhoods they serve and reduce safety for pedestrians and bicyclists.

This limits the size of uses within this district to keep them compatible with in scale with their surrounding neighborhoods.



Development scaled to transition into neighborhoods

27. Sec. 35.2-45.3 (e) – allows limited residential uses; limits ground floor residential uses in the B-1 district except when part of a mixed use building or taking access from side streets. At least 50% of ground floor space must be used non-residential purposes.

28. Sec. 35.2-45.4 (d) – increases the setback for dumpsters from 20 feet to 25 feet from any residential property line.

29. Exhibit IV-14 – eliminates front and exterior side setbacks in the B-1 district.

This allows the potential for upper floors of buildings to be used as residential space. Currently residential uses are not permitted in business districts outside of downtown. This would allow upper stories or rear portions of buildings with doors on side streets to be used for residential purposes. These uses are compatible because portions of the parking designated for residential use will often be empty during the day when businesses are open and residents are at work. Additionally, mixing such uses allow employees the opportunity to live near where they work and avoid a long commute.

Eliminating the requirement for buildings to be set back from the street allows them close to the sidewalk, a desirable trait for walkable development.

Community Business District [B3]

30. Sec 35.2-46.3 (g) – allows limited residential uses; limits ground floor residential uses in the B-3 district except when part of a mixed-use building or taking access from side streets. At least 50% of ground floor space must be used non-residential purposes.

See number 27 above.

31. Exhibit IV-16 – Eliminates front setback in B-3 districts

This allows greater pedestrian access, transit access and development flexibility.

Urban Commercial District [B4]

- 32. Sec 35.2-47.1 – B-4 district purposes modified so that it may apply to mixed use centers throughout the City.
- 33. Exhibit IV-17 – allows all uses formerly permitted in the B-4 and B-6 in the consolidated B-4 district.
- 34. Sec 35.2-47.4 (d) – incorporates the City’s commercial design review guidelines by reference and incentivizes certain building materials (glass, stone, brick, stucco, or wood) or materials of comparable appearance and durability; entries to face the street; windows, entries and cornices to be proportionate to adjacent buildings; large buildings to include architectural features so that building fronts appear in scale with adjacent storefronts; and allows the City Planner to grant exceptions to design requirements when adjacent buildings are inconsistent with historic development patterns. If the above criteria are met, the site is exempted from the landscape ordinance.

As the city continues to grow and develop, downtown will likely not be the only place where mixed use development is appropriate. We already see it in older commercial areas and in planned areas like Cornerstone and Wyndhurst. Now the zoning ordinance has a district that can apply this type of development across the city.

The commercial design review guidelines were adopted in 2007 and while well used, they have been advisory only and the review process lengthens the time it takes to proceed with a project. This change makes certain key guidelines more attractive to implement and eliminates the extra process for approval.



Downtown Lynchburg

General Business District [B5]

- 35. Sec 35.2-48.3 (f) - allows limited residential uses; limits ground floor residential uses in the B-3 district except when part of a mixed-use building or taking access from side streets. At least 50% of ground floor space must be used non-residential purposes.

See number 27 above.

Article V. Special Zoning Districts

1. Sec. 35.2-54 – the Commercial Corridor Overlay district may be eliminated or pared back if the access management standards and compatibility standards in Article VI are adopted.
2. Exhibit V-2 – maximum front setback for Fifth Street Corridor increased from 0' to 15' for commercial properties.

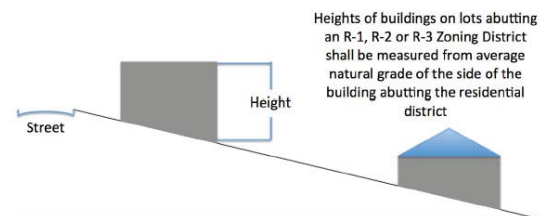
The purpose of the requirement for increased setbacks and building spacing in this district was only to ease traffic issues along this corridor. The adoption of access management (traffic safety) standards city-wide allows this district to be removed.

This gives development more flexibility and potential for better design because facades can vary more while maintaining principles adopted in the 5th Street Plan.

Article VI. Site Development Standards

1. Sec. 35.2-60.2 (b)(3) – allows for internal access for lots within commercial centers.
2. Sec. 35.2-60.2 (e) – repeats occupancy limits for residential districts.
3. Sec. 35.2-61.2 (a)(2)d. – measures height of buildings in R-4, B-3, B-5, institutional and industrial districts from the foundation closest to a R-1, R-2 or R-3 property line to soften the effects of uphill commercial development on neighborhoods.
4. Sec. 35.2-61.2 (c) – limits height of structures in R-4, B-1, B-3 and IN-1 districts adjacent to conforming residential uses in single and two-household residential districts (flattens bulk plane from 2:1 to 1:1 vertical rise to horizontal run).
5. Sec. 35.2-61.3 – requirements for increased setbacks for large buildings removed because existing landscape requirements address the same impacts.
6. Sec. 35.2-61.3 (f) – creates neighborhood norms in R-1, R-2 and R-3 residential districts that allow reduction of front and side setbacks based on the mean or mode of development on abutting or nearby lots.
7. Sec. 35.2-61.4 (e)(3) – allows consolidation of lots based on neighborhood norms (i.e. eliminates lot consolidation requirement for substandard lots under common ownership when the lot sizes are consistent with those on the same block.)

Currently outparcels in commercial lots are required to have street frontage, even if they don't have a driveway within that frontage. This eliminates that requirement for specific circumstances.



Sec. 35.2-61.2 (a)(2)d. Graphic

Currently a building in an R-4, B-1, B-3, and IN-1 district can be 2 feet taller for every 1 foot it is from the property line adjoining an R-1 or R-2 use. The new ordinance flattens this so that the building can only go 1 foot higher for every 1 foot it is from the property line.



The neighborhood norms provision allows development of vacant lots that the current ordinance prohibits without variances

8. Sec. 35.2-61.4 (e)(4) – prohibits detached accessory dwellings on lots that do not meet minimum lot area requirements.
9. Sec. 35.2-62.3 (b)(3) – allows the City Planner to approve the use of pervious or impervious surfaces for parking lots, subject to the recommendations of the TRC.
10. Sec. 35.2-62.4 (a)(2) – allows City Planner to reduce parking requirements if applicant documents lack of need or impact on future use of the site.
11. Sec. 35.2-62.4 (d) – option for shared parking for uses not located on the same lot or block is eligible for development city-wide rather than solely traditional neighborhood development.
12. Sec. 35.2-62.5 (g) – allows Zoning Administrator to waive loading berth requirements when there is no practical way to provide a rear or side yard loading berth that is consistent with applicable zoning district purposes.
13. Sec. 35.2-62.6 – requires bicycle parking racks within fifty (50) feet of every non-residential, mixed-use or multi-family structure.
14. Sec. 35.2-63.5 (e)(3) – requires mutual agreement between the City and applicant for cash payment in lieu of street tree installation.
15. Sec. 35.2-63.6 (b) – allows for planting of street trees in right-of-way with City approval.
16. Sec 35.2-63.7 (a)(1) – requires shade trees and shrubs to be planted in parking lot landscape islands, which reflects current policy.
17. Sec 35.2-63.10(d) – Allows substitution of 10’ buffer and 6’ privacy fence in lieu of 20’ buffer between B-1 and residential districts.
18. Sec. 35.2-64.2 (a)(6) – new purpose added to “facilitate safe and convenient movement of all modes of traffic.
19. Sec. 35.2-64.3 – new language allowing substitution of noncommercial speech for commercial speech added to enhance content neutrality.

Detached accessory dwellings are small residential structures on the same lot as a single-household residence. These include guest houses, caretakers’ cottages and garage apartments.

The current ordinance requires all parking areas to be paved. This allows the City Planner to approve more environmentally friendly surface treatments.

Excess parking consumes valuable land and strains the city’s stormwater system. This allows the City Planner to reduce parking requirements if an applicant demonstrates the required amount would go unused.

Actual parking demand varies for different uses and is reduced when uses with different parking needs share parking lots.

This will allow the use of development and topographically constrained lots.

All modes of transportation are equally important in a city. This requirement was added so that bicyclists have the opportunity to ride to destinations and can find designated spaces to park and lock up their bikes as easily as drivers.

The current ordinance requires street trees to be on private property, which is counterintuitive to good street design where street trees provide a buffer between sidewalks and traffic and buildings are built on or near the front property line. This will allow street trees to be placed in that buffer strip in locations where buildings are built close to the street and it is not practical to place them between the building and the sidewalk.

The addition of a fence will provide a better buffer than an extra ten feet and allow more use of the B-1 property.

20. Sec. 35.2-64.12 (d) – new section authorizes changeable copy signs for institutional uses under certain conditions.

Changeable copy signs include digital signs. These have become popular in recent years and have traditionally required a conditional use permit (CUP), but are routinely approved in appropriate locations. Making this by-right eliminates the CUP process for these and allows their installation more quickly.

21. Sec. 35.2-64.13 (a)(2) – allows signs in the B-1 and IN-1 district to be increased to 0.5 square feet per linear foot of building frontage to a maximum of 50 square feet from the current maximum of 24 square feet.

Signs look relatively smaller when placed on larger buildings. This allows signs to be scaled so they fit with the size of the building.

22. Sec. 35.2-64.14 – sign requirements for industrial districts have been adjusted to match the sign requirements for the B-3, B-5 and IN-2 districts.

Currently signs allowed industrial districts are very small compared to the typical size of industrial buildings.

23. Sec. 35.2-64.15 (b)(4) – allows roof-mounted signs in a local, state or federal historic district or property where the Historic Preservation Commission finds such signs are consistent with historically significant signage.

Roof-mounted signs were popular historically, but have gradually disappeared from downtown. When abundant, these can look like clutter, but a few, historically significant signs may be appropriate downtown.

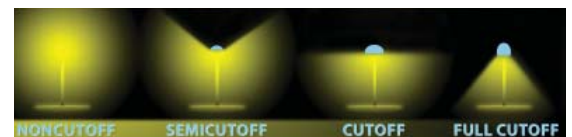
24. Sec. 35.2-64-18 – portions of section addressing modified signs deleted for greater compliance with Virginia code.

Modified signs are signs that deviate from ordinance requirements through a CUP from City Council or certificate of appropriateness from the Historic Preservation Commission. Allowing this was inconsistent with State Code.

25. Sec. 35.2-64-18 – provisions for the City Council to grant exceptions for modified signs eliminated due to inconsistency with Virginia code.

26. Sec. 35.2-65 – new section on outdoor lighting inserted to minimize glare and spillover lighting on adjacent residential properties from non-residential properties.

On projects that go through the public hearing process or are located in certain overlay districts, lighting is required to be glare shielded and non-directional. The new ordinance applies this standard city-wide. The ordinance also encourages full cutoff lighting and establishes standards for spillover lighting to protect adjoining properties and neighborhoods. Uplighting of buildings and signs angled away from property lines and holiday lighting are exempt from these standards.



27. Sec. 35.2-66.2 – Applies principles of access management from the Commercial Corridor overlay district city-wide by adding standards for driveway spacing and establishing rules for shared driveways where the property owners choose this option. Section gives the City Engineer the ability to adjust the standards for unique sites. The B-4 district is exempt from these standards due to lower speed limits and the urban nature of downtown.

'Access management' is a term used in traffic engineering to refer to regulating intersections, driveways, and median openings in a roadway-generally controlling how vehicles access a street. Using access management principles helps create safer and more efficient streets.

28. Sec. 35.2-66.2(g)(3.c.) – allows porous pavement to be used for shared access if approved by the TRC
29. Sec. 35.2-66.4 and Exhibit VI-16 – visibility at intersections redefined to reflect traffic volumes, speeds, and urban character of the downtown district.
30. Sec. 35.2-67 – new section establishing requirements for sidewalks and pedestrian connectivity consistent with Americans with Disabilities Act (ADA) requirements. Exemptions are provided when there are no sidewalks or pedestrian-oriented uses within one-quarter mile of the site, or when physical constraints make sidewalk installation unfeasible.
31. Sec 35.2-68 – new section that requires on-site utilities to be installed underground unless the City Engineer determines that existing development on the site makes underground utilities impractical. Requirement does not apply to new, redeveloped, or modified single family or duplex residences on a lot of record established prior to the adoption of this ordinance, but will apply to new subdivisions. Note that this does not affect utilities in existing rights-of-way or create off-site improvement costs.

Sidewalks are part of a complete and safe transportation system as much as roadways. This requirement provides for the incremental installation of sidewalks as individual sites (and new destinations for walkers) are developed.

This is a standard practice on new development and creates a less cluttered streetscape and leads to fewer outages.



Commercial area on Rivermont Avenue with sidewalks

Article VII: Specific Land Use Standards

1. Sec. 35.2-71.1 (c) – establishes a 5 ft. setback for accessory structures in residential districts where there are no current setback requirements.
2. Sec. 35.2-71.3 (c) – detached accessory dwellings are allowed subject to limitation of size (maximum 900 sq.ft. and 1 bedroom) and parking requirements.
3. Sec. 35.2-71.4 – Home Occupations
 - a. prohibition on midwives, barbers and hair stylists as home occupations has been eliminated;

No setback is currently required. This provision improves residents ability to maintain accessory structures.

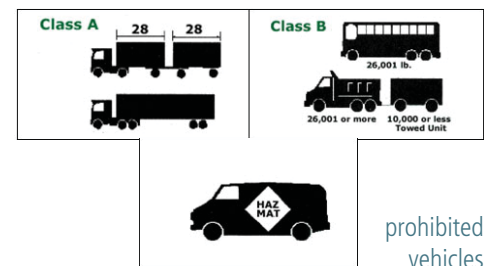
Detached accessory dwellings are small apartment units, typically found above garages that may be rented. This is added in combination with only allowing three (3) unrelated people 'per lot' as opposed to 'per dwelling unit' in R-1 and R-2 districts, adding setbacks for these structures, and requiring that lots meet area requirements for these to be established.

Home occupations are small scale businesses that are run by residents of homes. These can serve as a home base for a start-up business or long-term operations for businesses with limited impacts. Lynchburg has examples of all of the home occupations authorized in this ordinance that have been operating without complaints.

- b. artists, craftspeople and teachers are authorized;
 - c. services provided by artists, craftsmen, teachers, barbers, hairstylists and medical professionals are limited to no more than one client at a time;
 - d. services may be provided on an appointment basis only with not more than one client at a time;
 - e. outside storage for home occupation is prohibited;
 - f. not more than 20% of the dwelling's floor area may be used for the home occupation; and
 - g. incidental retail sales only allowed to customers using the primary service provided by the home occupation.
4. Sec. 35.2-71.7. – sets 5 acre lot size requirement for keeping up to 2 large farm animals and more than 4 poultry in any district outside of the R-C district. Prohibits roosters on lots smaller than 5 acres and prohibits the keeping of 3 or more large animals on parcels less than 10 acres.”
 5. Sec. 35.2-71.10 – prohibition on use of accessory building for gain has been eliminated, which allows home occupations to use accessory structures.
 6. Sec. 35.2-71.13 – prohibition on parking vehicles requiring Class A or B licenses or that carry hazardous materials on lots in residential districts.
 7. Sec 35.2-71.14 – authorizes temporary health care structures in accordance with state law
 8. Sec. 35.2-72.2 – requires arenas, auditoriums and stadiums to be located within ¼ mile of existing or planned transit facilities and exempts facilities with seating capacities of up to 1,000 people from the 200 ft. separation requirement from residential districts.
 9. Sec. 35.2-72.23 – changes made to reflect that temporary carnivals and fairs for non-profits no longer will require a conditional use permit.

Structures for housing or feeding animals must meet a 200 foot setback. R-C districts with more than 10 acres may have 3 or more large farm animals. Poultry or hog farms are prohibited throughout the city.

Accessory buildings (i.e. sheds, garages, etc.) may be used for home occupations.



This section establishes appropriate locations and standards for these temporary dwellings, which Virginia Code authorizes in all residential zoning districts.

Local colleges have existing facilities of this capacity that interact well with their surrounding neighborhood.

10. Sec 35.2-72.6 (e) – authorizes certain uses accessory to a church without modification of the conditional use permit, but retains requirement for council approval of the addition of a school or major expansions not approved in the original CUP.
11. Sec 35.2-72.8 (f) – requires pedestrian connections between child care centers and off-site recreation areas.
12. Sec. 35.2-72.10 – helipads are allowed by right as accessory uses for institutional uses in any district and for any use in non-residential districts.
13. Sec. 35.2-72.13 – prohibits the placement of mobile homes (homes that don't meet HUD manufactured standards) within the City.
14. Sec. 35.2-72.17 – intent to comply with applicable zoning district standards is conveyed for public uses.
15. Sec. 35.2-72.20 – prohibition on sanitary and solid waste facilities accepting wastes from outside the City has been removed. All facilities would only be permitted by conditional use permit and are limited to the I-3 district.
16. Sec. 35.2-72.27 – incorporates standards for mobile food vehicles currently being applied by the City for food trucks, food trailers and food carts. These regulations codify a number of best practices, including requiring that the mobile food vehicle be removed from the site after business hours.

For example, this provision would allow cemeteries, columbaria and parsonages to be constructed without requiring a new conditional use permit (CUP).

This is subject to a 200 ft. separation from the nearest residential property line.

Because it is necessary for the City to provide essential public services and projects, it is exempt from meeting ordinances that apply to the private sector. However, this section reflects current practices and establishes the intent of the City to comply with all ordinances to the extent possible.

Popularity of food trucks has risen lately and while they are a great, innovative business model, issues arise when they are stationary and act more like traditional businesses without review, approval, and inspection processes.



Mobile food vehicle

Article VIII: Development Patterns

1. Sec. 35.2-80.1 – residential cluster development is allowed by right in the R-1, R-2, R-3 and R-4 zoning districts subject to the density limits of the underlying zoning district.
2. Exhibit VIII-1 – establishes minimum lot areas for single-household and duplex units in residential clusters. Minimum open space requirements are 30% and minimum lot widths are 50% of the applicable district's minimum lot area and widths. For lots abutting conforming residential uses in single and two-household residential districts, 80% of the minimum lot width is required, unless it is separated by 50 feet of open space.

3. Sec. 35.2-82 - Traditional neighborhood development (TND) final site plans no longer require review by the design review board.
4. Exhibit VIII-3 – clarifies how residential density is calculated within a TND.
5. Sec. 35.2-82.10 – provides that appeals to City Planner or TRC actions on traditional neighborhood developments are reviewed by the Board of Zoning Appeals (BZA).
6. Sec. 35.2-83 – Planned Unit Development final site plans no longer require review by the design review board.
7. Sec. 35.2-84.3(c) – access provisions for large scale retail to be replaced by cross reference to section 35.2.66 if those access standards are adopted.
8. Sec 35.2-85.4 (c) – Cluster commercial development must be within ¼ mile of an existing or planned transit route.
9. Exhibit VIII-4 – Cluster Commercial Development (CCD) is required to devote five percent of gross CCD acreage to site amenities (defined as playgrounds, recreational facilities, parks, trails, etc.) unless Council finds the amenities are not needed.
10. Sec 35.2-85.6 (b)(2) – on-street parking is encouraged in Cluster Commercial Developments.
11. Sec 35.2-85.6 (b)(3) – parking lots are required to be located in the middle of blocks and located behind front building lines in Cluster Commercial Developments.
12. Sec 35.2-85.6 (b)(4) – shared parking is encouraged in Cluster Commercial Developments.
13. Sec. 35.2-85.6 (c)(1) – requires compliance with access standards.



Wyndhurst Concept Plan

The intent of Cluster Commercial Development is to provide dense commercial development by reducing lot restrictions while creating a well-designed district with increased amenities. As new commercial districts, it would be inappropriate to locate them out of reach of transit routes.

The existing ordinance calls for increased amenities in these districts but does not specify an amount or what would be considered an amenity. This provision gives examples to remove subjectivity from the existing ordinance by defining what facilities will be considered amenities.

The existing ordinance states that “these districts are generally characterized by a unified or planned clustering of development served by a common parking area,” but does not specify how to achieve this. This requirement specifies how Cluster Commercial Developments (CCD) will achieve this.



Large, underutilized parking lot

14. Sec. 35.2-85.6 (c)(2) – block lengths in Cluster Commercial Developments are limited to 400 feet unless the Council finds that direct pedestrian cross-block access is provided.

Clustered development and shared parking encourage people to walk between uses within a CCD. This requirement ensures that the environment people are walking in is pedestrian friendly.

15. Sec. 35.2-85.6 (c)(3) – sidewalks are required within Cluster Commercial Developments.

16. Sec. 35.2-85.6 (d) – underground utilities are required in Cluster Commercial Developments.

17. Sec. 35.2-85.6 – bonus floor area ratio provisions for increasing landscaping have been deleted.

18. Sec. 35.2-85.6 (e) – entrances along block faces are required to be separated by no more than 150 feet in Cluster Commercial Developments.

This creates a standard for how development should be clustered on a site by requiring that entrances be close to each other.

19. Sec. 35.2-87 – creates a new development Corporate Campus development pattern that allows for a limited mix of retail, services and residential development as part of an employment center.

Article X: Administration

1. Sec. 35.2-100.7 – incorporates Chapter 30, which addresses the composition, appointment and duties of the Planning Commission.
2. Sec. 35.2-102 – clarifies the procedures for providing notice of violations and establishes the rules for criminal and civil penalties.

Article XI: Definitions

1. Definitions for the commercial and residential historic design review guidelines incorporate amendments to those documents by reference.

LAND USE CHANGES

While the general intent of the update was to maintain land use authorizations currently provided by each zoning district, there were significant changes made to the R-C district and other minor changes listed below. This section outlines newly added or now removed uses from each district.

RC District

The following conditional uses were eliminated

- a. Airports
- b. Antique stores
- c. Boarding or lodging houses (bed & breakfast allowed by CUP)
- d. Small and large home care centers (home care centers still allowed)
- e. Cemeteries
- f. Religious institutions
- g. Clubs and fraternal organizations
- h. Community swimming pools
- i. Convents and monasteries
- j. Large group homes
- k. Hospitals and sanatoriums
- l. Kennels and small animal boarding
- m. Mobile home parks, trailer parks and campgrounds
- n. Museums and galleries
- o. Nursing homes
- p. Offices and research and development organizations,
- q. Planned unit developments
- r. Recreation facilities other than public parks
- s. Schools and colleges
- t. Indoor shooting ranges (outdoor allowed)
- u. Temporary fairs and carnivals
- v. Traditional neighborhood developments

The RC District typically falls beside streams and are narrow and particularly environmentally sensitive. Allowing those uses defeats the purpose of the district.



Areas Zoned R-C are typically environmentally sensitive areas that include wetlands and streams

R-1, R-2,

- a. Changed the number of residents permitted from three (3) unrelated residents per dwelling unit to three (3) unrelated residents per lot. Existing duplexes, triplexes, and quadplexes will retain existing occupancy limits of 3 unrelated individuals per dwelling unit.
- b. Allow Residential Cluster Development by right

At public meetings early in the process, there was significant concern from citizens about the number of unrelated people living in single family houses around the city. Documented issues include parking conflicts, noise, excessive trash, and a general sense that the density of potentially having six unrelated people living on one lot does not match the design of neighborhood.

R-3, and R-4 Districts

Allow Residential Cluster Development by right

Allowing developments to cluster does not add to the number of units a developer may build on a given parcel, but allows the same number to be developed within a smaller area. See page 7 for further discussion

B-3, B-4, B-5 and IN-2 Districts

Now allow large scale retail establishments by right, subject to compliance with the standards. Existing ordinance allows for CUP for developments that don't meet the standards.

B-4 District

- a. Allows establishment of an armory by conditional use permit
- b. Allows food and beverage production by right
- c. The following uses were previously allowed in the B-6 district but are not allowed within the consolidated B-4 district
 - i. Textile, leather and leather substitute manufacturing
 - ii. Wholesale trade
 - iii. Blacksmith shops
 - iv. Warehousing
 - v. Drivers education schools
 - vi. Free-standing cemeteries
 - vii. Commercial orchards
 - viii. Livery stables
 - ix. Tire retreading or rebuilding

These were originally permitted by right or by CUP in B-6 and when the two districts combined, those uses were carried over.

These uses do not fit into the Comprehensive Plan's vision for this type of area.

I-1 District

Now prohibits the following uses that currently are allowed:

- a. Cosmetic and toiletry manufacturing
- b. Cutlery manufacturing
- c. Paper manufacturing
- d. Pharmaceutical manufacturing
- e. Commercial Recreation

I-2 District

- a. Now requires a conditional use permit to establish an armory
- b. Does not allow:
 - i. Union halls and fraternal organizations
 - ii. Commercial recreation
 - iii. Drive-in theaters

PROCEDURAL CHANGES

Article 2

1. Consolidates all existing procedures and documents, as well as other current practices that are not included in the zoning ordinance.
2. Exhibit II-1 - summarizes approval processes, which follow existing procedures except that:
 - a. Council approvals of zoning map amendments and conditional use permits constitute concept plan approval. Staff approves all final site plans.
 - b. The Board of Zoning Appeals no longer approves special exceptions for non-conforming situations and on-site storage.
 - c. Temporary use permits are approved by the Technical Review Committee, including carnivals for non-profit organizations, which previously required conditional use permit approval
3. Sec. 35.2-10.6 – clarifies who has the burden of persuasion for new applications and appeals.
4. Sec. 35.2-10.10 – makes continuances requested fewer than 7 days prior to a public hearing discretionary to limit applicant's ability to circumvent public input.
5. Sec. 35.2-10.13 – requires submittal of digital copies of plans and drawings to facilitate record keeping and distribution of information.
6. Sec. 35.2-10.14 – consolidates existing notification requirements and clarifies that the City is not mandated to provide any notice not required by statute.
7. Sec. 35.2-10.15 – consolidates and clarifies provisions for establishing property owners' associations applicable to residential clusters, planned unit development and traditional neighborhood developments.
8. Sec. 35.2-11.3 – allows applicants to modify proffers without prior approval by the Planning Commission.

9. Sec. 35.2-11.4 – establishes requirements for phasing plans if an applicant chooses to develop in multiple phases.
10. Exhibit II-5 – consolidates all submittal requirements for applications requiring public hearings before the Planning Commission and City Council.
11. Exhibit II-6 – consolidates existing notice requirements.
12. Exhibit II-7 – consolidates existing development approval criteria, and added that water, sewer and transportation systems that are directly related to the development may be considered as part of conditional zoning and voluntarily submitted proffers.
13. Sec. 35.2-11.9(b) – Conditional use permits made valid for 24 months rather than for 6 months with options for extensions.

CUP extensions have been routinely approved and typically have only added an unnecessary administrative process.
14. Sec. 35.2-11.10 – Identifies minor amendments to applications that do not require renotification.
15. Sec. 35.2-11.11 –
 - a. This is the first of many sections that refers to concept plans. Note that the existing ordinance uses several different document names for what is now consistently referred to as a concept plan, which, when a public hearing is required is the primary document that will be reviewed by the applicable decision-makers.
 - b. This section identifies minor amendments to approved concept plans that will not require a new public hearing.
16. Exhibits II-9 and II-11 – incorporates statutory changes relaxing the standards for granting variances.
17. Sec. 35.2-12.9 – establishes a 12 month time period for the validity of variances in lieu of the current time period of 6 months.

18. Sec. 35.2-13.7 – increases the time of for action by the Historic Preservation Commission from 30 days to 45 days to reflect current practices.
19. Sec. 35.2-13.8 – requires posting of a certificate of appropriateness until the work is completed to facilitate monitoring of regulated development activity by the public and the City.
20. Exhibit II-16 – consolidates and standardizes the submittal requirements for concept plans and final site plans, adding:
 - a. Specific contour intervals for topography for different types of concept plans.
 - b. Locations of watercourses to concept plans.
 - c. Locations of regulatory floodplains and floodways to final site plans.
 - d. Utility information provided on the concept plan to be shown on the final site plan
21. Sec. 35.2-14.4 –
 - a. Consolidates existing minor exceptions that may be granted by staff and identifies individuals responsible for the action.
 - b. Adds Commercial Design Guidelines to the list of minor exceptions that may be granted by City Staff.
 - c. Also includes a provision for shared parking, previously only allowed within a Traditional Neighborhood Development.
22. Sec. 35.2-14.5 – temporary use approval assigned to the Zoning Administrator, with appeals going to the Board of Zoning Appeals. Circuses, carnivals and revivals previously required conditional use permits in some districts, but are now allowed by right subject to various operational conditions.

These are temporary events without lasting impacts that have historically been approved by City Council. This provision removes a time-consuming process.

Zoning Ordinance Rewrite Public Hearing
September 23, 2015

PLEASE PRINT

NAME	ADDRESS	PHONE	IN FAVOR	IN OPPOSITION	NEUTRAL
Don Wilkerson	905 Hayer		✓		
Louis Callahan	1168 Sheffield		✓		
Rebekah Moody	202 Paddington Ct.		✓		
Jane Parnell	4404 Hilltop Dr.		✓		
Gary Cox	2910 Sedgewick Dr.				✓
Ph. Parnell	101 Burt Ct East				
Tared Kaigala	411 Woodland Cir			✓	
STEVE GARCIA	128 ST. JOHNS D				
Adam Kline	1515 Langhorn Rd			✓	
Gina Smith	1141 MTN TRAIL			✓	
Cheryl Johnson	3225 Riley Place				
Pat Parnell	104 Whitehall			✓	
Todd Hall	2636 Mayflower				
Roberta Hargis	157 Holmes Cir				✓
Queen Vassell	2845 Sandpiper VIA BEACON			✓	
Rick Reed	Coldwell Banker				

204

September 22, 2015

// A regular meeting of the Council of the City of Lynchburg was held on the 22nd day of September, 2015, at 4:30 P.M. in the Council Chamber, City Hall, Ceasor Johnson, Vice President, presiding. The following Members were present:

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

6

Absent: Gillette

1

// City Manager Kimball Payne stated that he had received requests from Liberty University, Lynchburg College, and Central Virginia Community College to adopt an ordinance allowing for the operation of golf carts and utility vehicles on certain streets near the respective institutions. Mr. Payne further stated that in response, an ordinance was drafted that would establish the criteria for such operations. Mr. Payne went on to say that staff had some concerns about allowing the operation of such vehicles on City streets and discussed the matter with the Physical Development Committee (PDC). There were mixed feelings on the committee regarding the proposal and they asked staff to bring it to full Council for discussion during a work session. In response to comments made by members of the Physical Development Committee, staff conducted further review and made revisions to the draft ordinance. Council's options regarding this matter include:

- 1) Decline to allow the operation of golf carts and utility vehicles on City streets and instead encourage the use of "street legal" low speed/utility vehicles.
- 2) Allow the use of golf carts and utility vehicles under certain conditions based on speed limits, traffic volume and road character, such as:
 - the vehicles should only be allowed on roads with posted speeds of 25 mph or less unless the road is within the property limits (internal streets) of a two or four year institution.
 - VDOT approval shall be required for any designated roadway that it maintains. VDOT standards include a traffic count of less than 1000 vpd, a pavement width of seventeen feet, and truck traffic of ten percent or less.

With respect to the specific requests from the institutions, staff offers the following for consideration:

Liberty University: Allow the use of golf carts and utility vehicles on University Boulevard, on Liberty Mountain Drive and crossing Candler's Mountain Road at University Boulevard at a designated and signal controlled crosswalk. It is not appropriate for such vehicles to operate on Candler's Mountain Road.

Central Virginia Community College: Allow the use of golf carts and utility vehicles on Harvard Street (SR 368), which is maintained by VDOT.

Lynchburg College: Public streets internal to Lynchburg College are appropriate for golf carts and utility vehicles. It is not appropriate for such vehicles to operate on Lakeside Drive, Thomas Road, Oakley Avenue (except for access to a crosswalk to cross Lakeside Drive), Breckenridge Street, or Richmond Street. Such vehicles could be allowed to cross Lakeside Drive at its intersection with Oakley Avenue/Monticello Avenue; access to Oakley Avenue would be via Jubal Street and Macon Street.

- It may also be appropriate to allow for the limited operation of golf carts and utility vehicles on sidewalks leading up to crosswalks at designated intersections.

During Council discussion the majority of Council was in favor of receiving more information on the request by the three area institutions to allow golf carts and utility vehicles on certain city streets near their campuses. Council made no decision in regards to the draft golf cart ordinance, but suggested that Staff revise the draft ordinance to address concerns posed by Council such as the type of safety equipment installed on the vehicles, and which roadways would be specified in the ordinance. Based on Council's guidance at that time, staff would finalize an ordinance for future consideration.

// During roll call Council Member Foster mentioned that last week the Live Healthy Coalition in Lynchburg was invited to attend an event hosted by the White House in celebration of The First Lady Michelle Obama Initiative, Let's Move Cities, Towns and Counties. The City of Lynchburg received three gold medals, one silver and one bronze from the Let's Move Initiative. Council Member Foster stated she would like an update from the Coalition on these efforts across the nation helping communities with Economic Development as well as issues around poverty (for example food insecurities). She went on to say that the Live Healthy Lynchburg Coalition has used their collective impact to move the needle on creating a culture of health in this community.

// Council Member Helgeson mentioned that after hearing that bells are required on bicycles, he would like to have a discussion in the near future regarding the law that requires bells on bicycles.

// Council Member Perrow mentioned the crosswalk at the intersection of VES Road and Rivermont Avenue.

// Vice Mayor Johnson made three announcements; 1) unveiling the marker for Margaret Pauline Fletcher Weedon Maloney on Saturday, September 26, 2015; 2) Council Planning Session, Thursday, September 24, 2015 and 3) Artful Bike Rack Installation Ceremony, Thursday, September 24, 2015.

// On motion of Council Member Foster, seconded by Council Member Perrow, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions, i.e., Virginia Alcohol Safety Action Program (VASAP) Board, Social Services Advisory Board, Board of Building Code Appeals, Redevelopment and Housing Authority and Lynchburg Business Development Centre; pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy	6
Noes:	0
Absent: Gillette	1

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

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy	6
Noes:	0
Absent: Gillette	1

// In the matter of Appointments, and on nomination of Council Member Foster, seconded by Council Member Tweedy, Council by the following recorded vote appointed Brenda Castle Finch, to serve on the VASAP Board for a term to expire August 31, 2018:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy	6
Noes:	0
Absent: Gillette	1

On nomination of Council Member Foster, seconded by Council Member Tweedy, Council by the following recorded vote appointed Amy Clemons, Timothy P. Griffin and James B. Polk, Jr. to serve on the Social Services Advisory Board for terms to expire September 30, 2019:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy	6
Noes:	0
Absent: Gillette	1

On nomination of Council Member Foster, seconded by Council Member Tweedy, Council by the following recorded vote reappointed Barry E. Layne, Otto F. Schonfelder and Mark W. Smith to serve on the Board of Building Code Appeals for terms to expire September 30, 2019:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy	6
Noes:	0
Absent: Gillette	1

On nomination of Council Member Foster, seconded by Council Member Tweedy, Council by the following recorded vote appointed Jorge Gomez to serve on the Redevelopment & Housing Authority Board for a term to expire September 30, 2019:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy	6
Noes:	0
Absent: Gillette	1

On nomination of Council Member Foster, seconded by Council Member Tweedy, Council by the following recorded vote reappointed Kaleb Matson and John M. Stone to serve on the Lynchburg Business Development Centre Board for terms to expire September 30, 2018:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy 6

Noes: 0

Absent: Gillette 1

On nomination of Council Member Foster, seconded by Council Member Tweedy, Council by the following recorded vote appointed Holly Roark to serve on the Lynchburg Business Development Centre Board for a term to expire September 30, 2018:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy 6

Noes: 0

Absent: Gillette 1

// City Council recessed the meeting at 6:27 p.m.

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

The following Members were present:

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

Absent: Gillette 1

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

// Copies of the minutes of the September 8, 2015 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Helgeson, seconded by Council Member Nelson, Council by the following recorded vote approved the minutes as amended:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy 6

Noes: 0

Absent: Gillette 1

// In the matter of Police – General, Resolution #R-15-067 to amend the FY 2016 City/Federal/State Aid Fund budget and appropriate \$25,750 with resources of \$8,397 from the 2015 Byrne/JAG Crisis Intervention Team Grant and \$17,353 is transferred from the General Fund Police Department FY 2016 Budget to continue the Crisis Intervention program, laid over from the September 8, 2015 meeting, was again presented and read, and on motion of Council Member Helgeson, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy 6

Noes: 0

Absent: Gillette 1

// In the matter of Fire – General, Resolution #R-15-068 to amend the FY 2016 City/Federal/State Aid Fund budget and appropriate \$67,246 with resources of \$49,238 from the Virginia Office of Emergency Medical Services – Rescue Squad Assistance Fund (RSAF) and \$18,008 transferred from the FY 2016 General Fund Fire Department budget to purchase one (1) Physio LifePak 15 cardiac monitor/defibrillator,

one (1) Lucas 2 chest compression device, and (1) Panasonic H2 reporting tablet, and one (1) Stryker Power Pro XT stretcher for the Fire Department, laid over from the September 8, 2015 meeting, was again presented and read, and on motion of Council Member Helgeson, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy	6
Noes:	0
Absent: Gillette	1

// In the matter of Budget, Resolution #R-15-069 to amend the FY 2016 Operating and Capital Budgets and appropriating funds to reflect the FY 2016 First Quarter Adjustments in the General, City/Federal/State Aid, Asset Forfeiture, Technology, Fleet Services, and City Capital Projects Fund, laid over from the September 8, 2015 meeting, was again presented and read, and on motion of Council Member Helgeson, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy	6
Noes:	0
Absent: Gillette	1

// In the matter of Parks and Recreation – General, Resolution #R-15-073 to amend the FY 2015 General Fund budget and appropriate \$76,304 to the Parks and Recreation Department with resources of \$65,817 from Debt Service Payments from the Economic Development Authority of the City of Lynchburg for Miller Center and \$10,487 from the FY 2015 Unassigned Fund Balance to make lease payments to Miller Center Building, LLC as required by the Miller Center Project Lease Agreement, laid over from the September 8, 2015 meeting, was again presented and read, and on motion of Council Member Helgeson, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy	6
Noes:	0
Absent: Gillette	1

// In the matter of Community Development - Zoning, a public hearing was held regarding City Council Report #8 outlining the petition of Liberty University for a Conditional Use Permit (CUP) at 3125 Albert Lankford Drive to convert the existing one hundred twenty-four (124) unit hotel into a sixty-four unit apartment style dormitory for married and graduate students in an R-C, Resource Conservation and B-5, General Business District. Planner I Rachel Frischeisen provided a brief summary regarding the petition, explaining that both the Planning Division and Planning Commission are recommending approval of the Conditional Use Permit. Ms. Maggie Cossman, Corporate Engineer with Liberty University representing the petitioner, asked Council for approval of the CUP. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Nelson stated he previously represented Liberty University and currently represents the proposed manager of this project. His professional ethics prohibit him, as an attorney, to use his elected position to promote the interests of a client unless doing so is clearly in the public's interest. He believes the current proposal has a limited

impact and is clearly in the public's interest, so he feels comfortable participating and will support this request. On motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote adopted Resolution #R-15-076, as presented, granting the petition of Liberty University for a Conditional Use Permit at 3125 Albert Lankford Drive to convert the existing one hundred twenty-four (124) unit hotel into a sixty-four unit apartment style dormitory for married and graduate students in an R-C, Resource Conservation and B-5, General Business District:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy 6

Noes: 0

Absent: Gillette 1

// In the matter of City Council, Joseph Pallone, representing Creating Opportunities through Partnership and Education (COPE) International - USA, spoke before Council regarding their program. Mr. Pallone stated that the objective of the program is to enable Veterans to own and run a long-term sustainable, successful, indoor farming business.

// In the matter of Community Development – Zoning, City Council Report #10 was considered. On motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote adopted Resolution #R-15-077, as presented, granting a final twelve month extension of the Conditional Use Permit for the Kirkley Apartments project; such extension to expire on November 13, 2016:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy 6

Noes: 0

Absent: Gillette 1

// In the matter of City Code, City Council Report #11 was considered. On motion of Council Member Foster, seconded by Council Member Nelson, Council by the following recorded vote adopted Ordinance #0-15-078, as presented, amending Sections 26-55 and 26-57 of the City Code relating to the City's Noise Ordinance:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy 6

Noes: 0

Absent: Gillette 1

// The meeting was adjourned at 7:59 P.M.

Clerk of Council

210

September 24, 2015

// A special meeting of the Council of the City of Lynchburg was held on the 24th day of September, 2015, at 9:00 A.M. in the Second Floor Training Room, City Hall, Michael Gillette, President, presiding. The purpose of the meeting was to conduct the City Council Planning Session. The following Members were present:

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

7

Absent:

0

// Mayor Gillette gave remarks and an overview of the agenda.

// Deputy City Manager Bonnie Svrcek presented a review of City Council's 2014 ratings of the 12 pillars compared to the National Citizen Survey 2015 Ratings. A staff recommendation to reduce the twelve pillars to eight for ease of comparison from the National Citizens Survey was rejected by City Council. Council discussed the comparison of the City Council 2014 ratings with the Citizen Survey Ratings for 2015.

Ms. Svrcek also shared with City Council the outcome of the Next Steps Workshop led by National Research Center (NRC) president Tom Miller with members of the Leadership Team and the Emerging Leaders. She explained that the purpose of the workshop was to help bring focus to the next steps after the survey. City Council was asked to participate in an exercise to identify key focus areas for strategic planning. Council's three top focus areas were:

Infrastructure

- Energy
- Walkability (sidewalks/master plan)
- Merge/acceleration lanes
- Traffic flow

Economic Development

- Recruitment of Businesses
- Matching workforce with the employees
- Focus on core urban development
- Customer Service to small and larger business

Education

- Early Education Pre-K
- What models might exist
- Interconnect our resources for greater impact

The next step in using the survey as a planning tool is a proposal for community meetings that would be located in each of the City's four wards. At these meetings, the results of the survey would be discussed and citizens would be asked to identify focus areas to be considered in the FY 2017 budget.

// City Council took a break at 11:00 a.m. and reconvened at 11:10 a.m.

// Financial Services Director Donna Witt provided Council with a brief overview on the Preliminary FY 2015 Year-End Financial Results (unaudited), FY 2017 BIG Budget Items, and FY 2017 – 2021 Capital Improvement Program Outlook. Ms. Witt stated that the total actual FY 2015 General Fund Non-

Dedicated Revenues exceeded the Adopted 2015 Budget by 4.6% or 6.1 million and the Total Actual FY 2015 Expenditures were flat compared to the Adopted FY 2015 Budget. The following major Revenues were reviewed and discussed:

- Net Current Real Property
- Personal Property – Local portion
- Delinquent Personal Property Tax
- Motor Vehicle Licenses
- Public Service Corporation
- Business License Tax
- Local Sales Tax
- Meals Tax
- Lodging Tax
- Amusement Tax
- Communications Sales and Use Tax
- Consumer Utility Tax – Electric
- Bank Stock Tax
- Tobacco Tax
- School State and Local Funding

Ms. Witt went on to say that the Revenues are driven by five major revenue streams in FY 2015; however, these revenues are consumer driven and susceptible to the volatility of the economy. She also mentioned that FY 2017 is not a reassessment year, but early projections reflect a minimal increase in Real Property Tax assessments. Ms. Witt also explained Expenditure factors that will influence the FY 2017 Budget development, which are Health Insurance, Police Department/Body Cameras, Debt Service, City Schools and Infrastructure Maintenance. The Capital Improvement Projects (CIP) FY 2017 Priorities which consist of Buildings, Transportation, House Bill 2, Miscellaneous, Parks and Recreation and Schools were also discussed.

// Human Resources Director Margaret Schmitt presented to Council the City Workforce Trends.

Ms. Schmitt provided the following data on the Workforce Trends:

- Employee Type Distribution
 - o Full Time – 1130
 - o Part Time – 73
 - o Hourly – 114
 - o Constitutional – 110
- Recruitment Trends
 - o Recruitment challenges
 - Entry level pay in many jobs is problematic
 - Reduced supply of acceptable applicants willing to work in jobs/environment

- Ability to afford high skilled, experienced candidates
- Lack of resources to proactively recruit
- o Most challenging positions to fill
 - Entry level operational/CDL holders
 - IT
 - Fleet Mechanics
 - Engineers
 - Maintenance Mechanics
 - Financial Professionals
- Retention Trends
 - o Full time turnover rates outpacing last year
 - Already at higher number of full time resignations than all of 2014
 - Public Safety turnover is consistent with last few years
 - o Part time and Hourly employee turnover continues at much higher rate
 - o Highest total turnover
 - Family Services Specialist (Social Worker)
 - Grounds/Streets Maintenance
 - Police Officer
 - Firefighter
 - Utilities Line tech/Crew Leader
 - Financial Professionals
- Market Comparison Trends
 - o Too early for market comparisons in most cases
 - o Already know we are below goal of leading Police market by 10%
 - o Pay range minimums haven't increased in 15 years (except public safety)

Ms. Schmitt shared data on the first year of adjustments in Social Services position (Family Services Specialist) and Parks and Recreation positions (Recreation Specialist, Senior Recreation Specialist, and Recreation Supervisor). She went on to say that positions in Museums, Public Works, Water Resources, Juvenile Services and Financial Services are beginning to show some challenges. Ms. Schmitt further explained the upcoming and on-going issues such as the Virginia Retirement System (VRS), Medical Costs, Federal and State Mandates and Workforce Development.

// The meeting was adjourned at 1:15 P.M.

Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: October 13, 2015		AGENDA ITEM NO.: 6	
CONSENT:	REGULAR: X	WORK SESSION:	CLOSED SESSION: (Confidential)
ACTION: X	INFORMATION:		
<u>ITEM TITLE:</u>	PUBLIC HEARING AND APPROVAL OF THE 2014 (FY 2015) CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER) FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME PROGRAM		

RECOMMENDATION: Hold a public hearing to receive comments regarding the *Program Year 2014 (FY 2015) Consolidated Annual Performance and Evaluation Report (CAPER)* for the Community Development Block Grant (CDBG) and HOME Program and adopt a resolution approving the CAPER for submission to the U.S. Department of Housing and Urban Development.

SUMMARY: The U.S. Department of Housing and Urban Development (HUD) requires each jurisdiction receiving HUD-administered grants (CDBG and HOME) to draft a *CAPER* and submit it for public review and comment. The *CAPER* describes the City's progress towards the housing and community development goals established within the 2010-2015 Consolidated Plan and the 2014 Annual Action Plan. This *CAPER* is for the period of July 1, 2014 through June 30, 2015. With City Council's approval, the *CAPER*, including a summary of any public comments, will be submitted to the HUD Richmond Field Office on Thursday, October 15, 2015.

PRIOR ACTION(S): N/A

FISCAL IMPACT: N/A

CONTACTS:

Melva Walker, Grants Manager/455-3916
Bonnie Svrcek, Deputy City Manager/455-3990

ATTACHMENT(S):

Draft Program Year 2014 (FY 2015) Consolidated Annual Performance and Evaluation Report (CAPER)

REVIEWED BY: lkp

RESOLUTION

BE IT RESOLVED that City Council approves the submission of *the 2014 (FY 2015) Consolidated Annual Performance and Evaluation Report (CAPER)* to the U.S. Department of Housing and Urban Development (HUD).

Adopted:

Certified:

Clerk of Council

106K

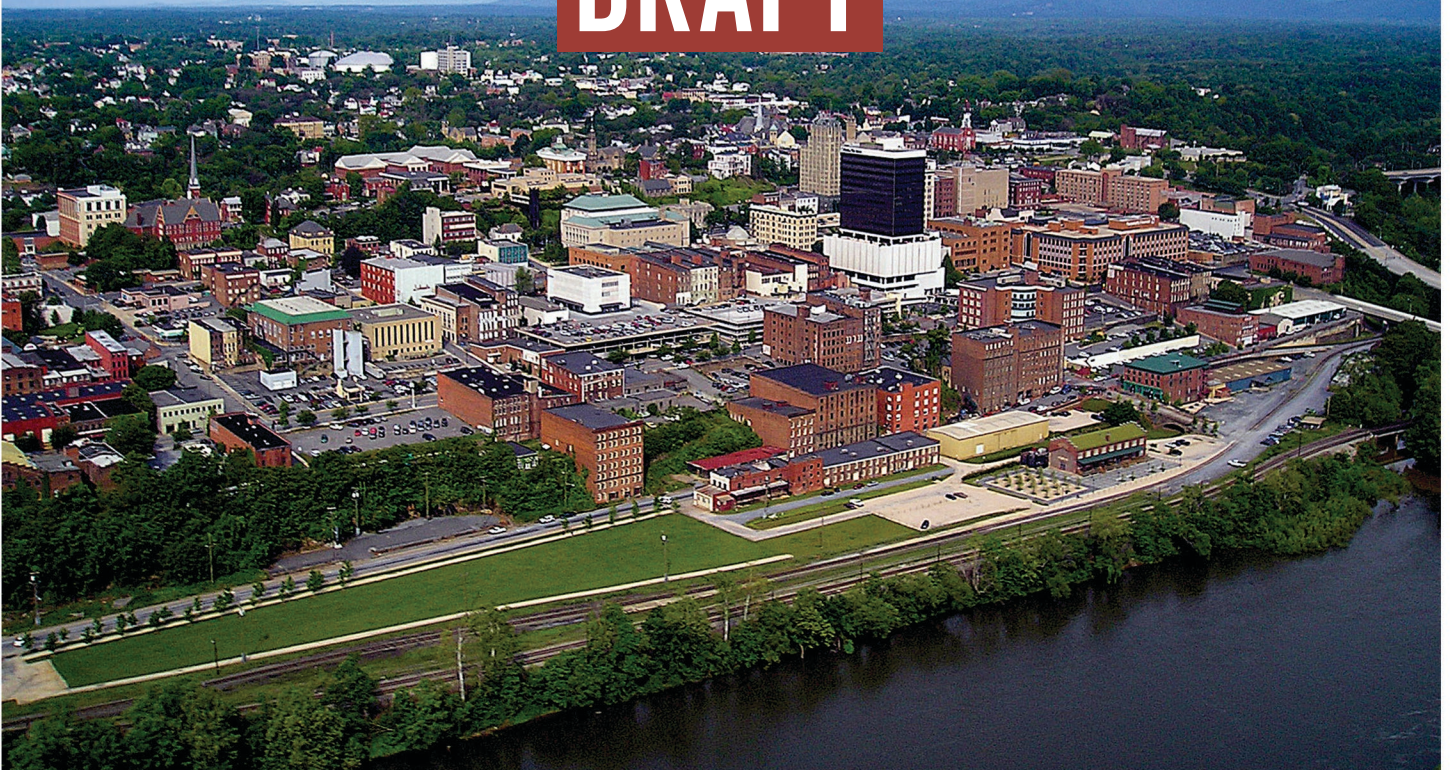


CAPER / Consolidated Annual Performance and Evaluation Report

City of Lynchburg, Virginia
Grants Administration Office

Program Year 2014
July 1, 2014 - June 30, 2015

DRAFT





Fifth Program Year (2014) CAPER

The Consolidated Plan Management Process (CPMP) Tool Consolidated Annual Performance and Evaluation Report (CAPER) includes Narrative Responses to CAPER questions that Community Development Block Grant (CDBG), HOME, Housing Opportunities for Persons with Aids (HOPWA), and Emergency Shelter Grant (ESG) grantees must respond to each year in order to be compliant with the Consolidated Planning Regulations. The Executive Summary narratives are optional.

As a grantee, the City must also submit an updated Financial Summary Report (PR26) in the Department of Housing and Urban Development (HUD) Integrated Disbursement Information System (IDIS).

GENERAL

Executive Summary

Program Year 5 CAPER Executive Summary response:

The City of Lynchburg reports annually to the U.S. Department of Housing and Urban Development (HUD) on program and project accomplishments funded through the Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) entitlement grant programs through the Consolidated Annual Performance and Evaluation Report (CAPER). The questions reflected in the CAPER are drawn from the requirements of the 1995 Consolidated Plan regulations, which were subsequently interpreted in memorandum format and submitted to all Field Directors and Entitlement Grantees in 1998. The City has provided narrative responses, tables, charts, and other supporting data to assure compliance with HUD Consolidated Planning regulations and requirements.

Lynchburg's Program Year 2014 (PY14) / Fiscal Year 2015 (FY15) CAPER is the fifth and final report for the Five-Year 2010-2015 Consolidated Plan. The report describes the City's progress towards the housing and community development goals for the period of July 1, 2014 through June 30, 2015. During this period, the City received entitlement funds in the amount of \$671,454 and \$340,925 in the CDBG and HOME Program, respectively, for programs and activities to assist our community. This funding was utilized to facilitate the City's and HUD's mutual goals of providing decent housing, creating a suitable living environment, and expanding economic opportunity for persons and families earning at or below 80% of the Area Median Income (AMI).

The City's Grants Administration Office retains the primary responsibility for the program administration of the CDBG and HOME Program.

The CAPER is prepared each year to summarize expenditures made in the previous year for the CDBG and HOME Program. The CAPER is intended to present community development accomplishments from a broad perspective, in addition to

demonstrating what has been accomplished with the programs made possible with HUD funding.

On January 14, 2014 City Council approved the goals for housing and non-housing development, which constitute the priority needs stated in the Plan. The primary objective of the CDBG is to continue to develop viable urban communities through decent housing, suitable living environments, and expanded economic opportunities for low and moderate-income persons; the City of Lynchburg supports assisting individuals with disabilities, persons who suffer from substance abuse or addiction, persons with AIDS, persons the homeless, and the elderly. The goals are to:

1. Increase the number of owner-occupied units.
2. Rehabilitate substandard housing units. Emphasis is to be placed on programs that require an investment of funds and/or labor on the part of the owner commensurate with the owner's resources.
3. Support initiatives to increase permanent affordable rental and housing ownership opportunities.
4. Promote programs that assist eligible persons in retaining their homes.
5. Eliminate neighborhood deterioration, blight and blighting influences.
6. Support the organized efforts in neighborhoods to leverage their resources to improve and sustain community livability and services.
7. Support economic development efforts which will expand job opportunities and retention.
8. Promote activities which support the healthy development of the City's at-risk youth, adults, and families.

Within the City of Lynchburg's Five-Year Consolidated Plan, the City committed to the overarching goal of undertaking activities that would result in substantial public benefit through the revitalization of depressed areas and in assistance to low and moderate-income residents. These are the central City neighborhoods that surround the downtown business district and are the six contiguous census tracts that comprise the CDBG target area: Census Tracts 4, 5, 6, 7, 11, and 19. The Census Tract Map attached to this document (Appendix A - Map 1) depicts the boundaries of the CDBG target areas in the City.

Population, demographics, and surveys of the target areas show that these neighborhoods have the highest degree of housing need and are where many of the City's very low and low-to-moderate-income persons reside. CDBG and HOME funds were allocated City-wide providing persons and/or households with assistance who met the eligibility criteria of the applicable program. The Project Map attached to this document (Appendix A -Map 2) illustrates the location of all projects funded with Program Year 2014 CDBG and HOME grant funds, with the exception of project activities conducted on a City-wide basis.

The 2014 HUD income guidelines for area median family income (AMFI) for Lynchburg is \$60,500 for a family of four. Income levels in these neighborhoods continually trend below income levels City-wide. In addition, a disproportionately greater number of non-whites live in the target market (62.8%) while the City-wide non-white population is 33.1% of the population. There is a high incidence of rental units in these tracts. Indications of housing cost-burdens, overcrowding, substandard conditions, and the presence of boarded/vacant units is predominate in these neighborhoods.

Within the City there are many public and private resources assisting residents of these neighborhoods in meeting their housing and community development needs. Current market conditions and available resources are documented in the Plan and the service and housing providers are identified. Many of these providers receive funds from the CDBG and HOME programs. The Consolidated Plan lays out specific objectives that are designed to reach the goals and that provide quantifiable benchmarks for review during the subsequent yearly process of the Action Plan.

An overriding objective stated in the Plan is to maximize existing partnerships between the private and public sector so that City funds will continue to be leveraged with outside resources. It is through such collaborative efforts that the citizens of Lynchburg can address housing and non-housing needs where they are felt the greatest. Other objectives include:

- 1) Setting an optimum balance in neighborhoods where 70% are owner-occupants;
- 2) Placing a priority on helping existing owners maintain their homes;
- 3) Coordinating services with housing, especially for persons with special needs and disabilities;
- 4) Preserving existing housing by identifying appropriate uses for existing structures and by applying available resources, such as tax credits, for low-income and for historic renovation;
- 5) Continuing the rental inspection program; and
- 6) Coordinating the City's downtown revitalization efforts with housing improvement efforts in the target area.

SUMMARY OF RESOURCES AND DISTRIBUTION OF FUNDS

In the Fifth Year of the Consolidated Plan, Program Year 2014 (FY15), the City received \$671,454 in CDBG entitlement funds and \$340,925 in HOME Program entitlement funds. Along with these entitlement funds, reprogrammed prior year funds of \$94,182 and \$163,727, respectively, in the CDBG and HOME Program were allocated to eligible projects. The City also estimated program income in the amount of \$294,234 for the CDBG Program. Therefore, the total amount of CDBG and HOME funds the City allocated for projects and activities during the Program Year 2014 was \$1,64,523. This represented a total of \$1,059,871 in CDBG and \$504,652 in HOME Program dollars.

The City allocated the majority of its CDBG and HOME funds for projects and activities classified as housing, fair housing education, public housing improvements, public facilities improvements, and public services. The details and specifics of the services, programs, and accomplishments, as well as an analysis of expenditures, are provided in this CAPER.

The following tables outline how the City allocated its CDBG and HOME funds during this reporting period.

CDBG PROGRAM PROJECTS (2014-2015)

City Administration	\$ 90,000.00
Continuum of Care- Coordinated Assessment Intake Social Worker	24,585.00
Tinbridge Hill Neighborhood Infrastructure Improvements	409,849.56
Lynchburg Community Action Group (Lyn-CAG) Fair Housing Education Initiative	6,800.00
Lynchburg Redevelopment & Housing Authority (LRHA) Admin & Delivery Costs	123,636.00
LRHA Brookside 4 Unit ADA Compliant Renovation	180,000.00
LRHA Dearington Apartments Energy-Efficient Window Replacements	125,000.00
LRHA Dearington Apartments Community Room Rehabilitation	100,000.00
Total CDBG	\$1,059,870.56

HOME PROGRAM PROJECTS (2014-2015)

City Administration	\$ 18,000.00
Lyn-CAG Substantial Rehabilitation	75,000.00
Lyn-CAG Homeownership Down Payment & Closing Cost / Education	60,000.00
Lyn-CAG First-time Homebuyer Community Housing Development Organization (CHDO)	45,000.00
Greater Lynchburg Habitat for Humanity- Homeownership Program	90,000.00
Rush Homes (CHDO)- Armstrong Place Rehabilitation	10,500.00
Lynchburg Covenant Foundation (LCF) Frank Roane Apartments	60,000.00
LRHA Homeownership Development	146,152.18
Total HOME	\$504,652.18

On September 26, 2015 a public notice was published in the *News and Advance* stating that a draft of the proposed Program Year 2014 Consolidated Annual Performance Report (CAPER) was available for public review for a 15-day public comment period. The advertisement stated that City Council would be conducting a public hearing on October 13, 2015 to receive public comments regarding the draft CAPER.

In addition to the 15-day public comment period and the public hearing held by City Council, copies of the draft CAPER were made available for public review at the following locations in and throughout the City:

- Grants Administration Office, Second Floor, City Hall, 900 Church Street, Lynchburg, Virginia 24504
- Lynchburg Public Library, 2311 Memorial Avenue, Lynchburg, Virginia
- Downtown Branch Library, City Hall, Basement Floor, 900 Church Street, Lynchburg, Virginia 24504
- City website at: <http://www.lyncburgva.gov/grants>

Citizen Comments – Any comments that are received during the public comment period will be addressed and incorporated into the CAPER.

DRAFT

General Questions

1. Assessment of the five-year goals and objectives:

- a. Describe the accomplishments in attaining the goals and objectives for the reporting period.**
- b. Provide a breakdown of the CPD formula grant funds spent on grant activities for each goal and objective.**
- c. If applicable, explain why progress was not made towards meeting the goals and objectives.**

Program Year 4 CAPER General Questions Response:

ASSESSMENT OF HOUSING GOALS AND PRIORTIES

This section of the CAPER examines the similarities and differences in the proposed and actual accomplishments of the goals identified within the 2010-2015 Consolidated Plan. These goals helped to form the priorities identified in the City's 2014 Consolidated Annual Action Plan and the strategies to be used or implemented in order to achieve the stated goals. To provide this comparison, the City has narrated the actual achievements for each program/activity in which funds were expended during the Program Year 2014, which is the fifth reporting period of the 2010-2015 Consolidated Plan.

PRIORITY #1: CREATE NEW HOMEOWNERSHIP OPPORTUNITIES FOR LOW-TO-MODERATE-INCOME FAMILIES

Goal 1: Increase the number of owner-occupied units.

To the degree that predominance of rental units in a neighborhood is seen as destabilizing, the City wants to provide incentives for qualified persons and low- and moderate-income to consider the benefits of homeownership, especially if it is more cost-effective than renting and if it builds wealth for the individual household. Several programs are supported by the City that incorporates these elements.

PRIORITY #2: REHABILITATION OF SUBSTANDARD HOUSING UNITS PRIORITY #3: SUPPORT PROGRAMS THAT ASSIST LOW-TO-MODERATE INCOME PERSONS IN RETAINING THEIR HOMES

Goal 2: Rehabilitate substandard housing units through support of public and private programs. Emphasis is to be placed on programs which require an investment of funds and/or labor on the part of the owner, which are commensurate with the owner's resources. In addition, maintenance of homes will be enforced through applicable ordinances and building code requirements, and through owner initiatives to rehabilitate existing rental properties.

To achieve the objective of making all housing units safe, decent, and affordable it is necessary to extend assistance to private property owners, particularly low and moderate-income homeowners. These goals also provide the opportunity for the homeowner to have their homes rehabilitated and retain ownership.

Goal 3: Support programs that assist persons in retaining their homes in challenging economic times.

Another important aspect of improving and sustaining community livability and services is to build on the existing assets within the various neighborhoods.

The City is accomplishing this goal by investing in existing housing stock through renovations and rehabilitation of properties in the target neighborhoods. As a direct result of these improvements, the neighborhoods retain and attract residents thereby positively affecting the stability of the neighborhood and increasing property values. Specific housing characteristics of the target area support the need for rehabilitation and revitalization. The aging homes in these beautiful older neighborhoods can be modernized and revitalized through the investment of funds and targeted community development activities.

As the majority of the City's vacant and deteriorated housing is located in the target area, the City's goal is to make its housing stock active and revive the neighborhoods, thereby increasing value and stability.

The City has made significant efforts in providing financial support for the rehabilitation of substandard housing units through partnerships with agencies and organizations such as Lynchburg Community Action Group (Lyn-CAG), Lynchburg Neighborhood Development Foundation (LNDF), Lynchburg Redevelopment and Housing Authority (LRHA), Greater Lynchburg Habitat for Humanity (GLHFH), Rebuilding Together Lynchburg (RTL), Lynchburg Covenant Fellowship (LCF), other agencies, and non-profit organizations. Some of the investments that have been made during this program year include the following:

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)

Lynchburg Community Action Group (Lyn-CAG)

Lyn-CAG through its Housing Rehabilitation Program in the Tinbridge Hill Neighborhood expended funds in the amount of \$60,750 to provide housing rehabilitation assistance to one (1) owner-occupied household. This household was comprised of one (1) African-American, female head-of-household; and was within the very low (31-50%) of the Area Median Income (AMI) level.

In addition to the CDBG and HOME funds expended for housing rehabilitation, Lyn-CAG received a total of \$290,000 from the Virginia Department of Housing and Community Development (VDHCD), for weatherization and emergency home repairs within the City and the adjoining counties. An additional 43 households were assisted with these funds.

The Lynchburg Redevelopment and Housing Authority (LRHA)

The Lynchburg Redevelopment and Housing Authority (LRHA) has approximately \$90,000 remaining in its Spot Blight Program funds allocated from a prior year's CDBG allocation to address slum and blighted properties within targeted areas and neighborhoods. The funds were allocated for the acquisition, disposition, and direct costs associated with deteriorated housing structures and/or vacant lots that impose a detrimental impact on surrounding properties and neighborhoods.

During this reporting period, LRHA expended \$62,828 of Program Year 2014 and prior years' allocations for dispositions and direct costs associated with the Spot Blight Program. Within this amount, LRHA expended \$5,244 for the disposition of 611-613 Washington Street. In addition, LRHA expended \$10,700 on the demolition of the housing structure on the property located at 70 Federal Street. LRHA is currently designing the plans for the construction of a new housing unit to be located on the property. The housing unit will be available for new homeownership to a low-to- moderate income person.

During this reporting period, LRHA continued to maintain its housing rehabilitation program in conjunction with the Spot Blight Program. The primary goal of this housing program is to encourage and increase the rehabilitation of vacant and deteriorating structures in the targeted neighborhoods. Participants, who submit an acceptable rehabilitation proposal to the Authority, must be willing to rehabilitate the properties under the program terms and conditions. The major conditions besides the normal timeframes and specifications for construction are as follows:

- 1) should the applicant who is doing the renovation desire to occupy the structure after renovations they must:
 - a) verify that their income is at or below 80 % of the median income for the area; and
 - b) agree to use the structure as their main place of residence for a period of not less than one year;
- 2) should the applicant desire to rent the structure after rehabilitation they must:
 - a) show proof that the renters income is at or below 80% of the median income for the area; and
 - b) rent the structure for a period of not less than one year; or
- 3) should the applicant desire to sell the property, the sale must benefit a family whose income is at or below 80 % of the median income for the area.

Currently, LRHA has four (4) properties under rehabilitation agreements.

[Lynchburg Redevelopment and Housing Authority \(LRHA\) – Rental Rehabilitation Program](#)

In an effort to encourage owners of substandard rental properties to make improvements to their properties, LRHA provides financial assistance through a Rental Rehabilitation Grant Program. A portion of CDBG funds that the City allocates to LRHA annually are used to support this program. In order to participate in the program the properties must be located in the designated areas or boundaries within the City of Lynchburg.

Fifty percent (50%) of the total amount of the improvements, or a maximum of \$5,000 whichever is less, is provided to the rental property owners on a matching basis only. The improvements generally include updating, replacement or conversion of heating and air systems, window and roof replacement, and other internal or external repairs.

LRHA received \$30,000 of Program Year 2014 CDBG funds and had \$9,452 remaining in previous years' allocations for the Rental Rehabilitation Program. During this reporting period, LRHA expended \$14,047 of these funds for the rehabilitation of three (3) housing units: 808 Dinwiddie Street, 1509 Monsview Place

and 1606 Monsview Place. At the completion of the rehabilitations the owners are renting these units to low-to-moderate income persons.

Note: In addition to the CDBG Program, the above goals and priorities are also related to the HOME Program. See HOME Program Narrative (Pages 40-44) for these accomplishments.

PRIORITY #4: SUPPORT AFFORDABLE PERMANENT HOUSING INITIATIVES:

Goal 4: Support initiatives to increase permanent affordable rental and housing ownership for low-income households. In addition, the City supports assisting persons with disabilities, substance abuse or addiction, persons with AIDS, persons that are homeless, and elderly persons.

This priority allocation recognizes the need to increase the availability of affordable housing for renters and for homeowners, especially housing that meets the varied needs of the City's lower-income population. With a priority for decent and affordable rental housing for the very low-income, this goal expands the City's previous position on mixed use in its older neighborhoods.

The City will continue to support and partner with housing and public service providers to meet the needs of low-to-moderate-income persons, homeless persons and families, and persons with disabilities or other special needs. The City approved CDBG and HOME funds (specifically for housing development and rehabilitation) that were used to address the need for permanent and/or long-term housing for the City's special needs population.

During this reporting period, the following permanent supportive housing programs have been administered to serve persons who were homeless and persons with disabilities:

[City of Lynchburg, Lynchburg Redevelopment and Housing Authority \(LRHA\)](#)

In addition to the CDBG funding, the City, as the recipient of a Permanent Supportive Housing (PSH), (formerly Shelter Plus Care) grant continues to work, in conjunction with LRHA, to achieve the overall goals and objective of the grant program. The PSH Program promotes the achievement of self-sufficiency for formerly homeless persons with disabilities by providing permanent supportive housing. LRHA continued, in Program Year 2014, as the supportive services provider and was responsible for provision of the permanent housing or the Tenant Rental Assistance (TRA) Program. The PSH Program grant reporting period was June 1, 2014 – May 31, 2015. During the reporting period, LRHA provided TRA to eleven (11) households for a total of \$63,976 in rental assistance, which averaged approximately \$5,331 per month. The total annual amount of the match was \$40,000 that was provided by the City as cash and CDBG program funds. This was a 54.9% match of the total expenditures.

Outlined below is a demographic breakdown of the S+C participants that received tenant rental assistance during the reporting period.

<u># OF SINGLES NOT IN FAMILIES</u>	<u># OF ADULTS IN FAMILIES</u>	<u># OF CHILDREN IN FAMILIES</u>	<u># OF FAMILIES</u>
6	6	7	11

Rush Homes of Central Virginia – Permanent Supportive Housing

Rush Homes, Inc. provides housing along with supportive services to people with disabilities who are experiencing homelessness in Central Virginia. The agency provides or employs services necessary for eligible clients to achieve self-sufficiency. Such services include case management, education, employment assistance, child care, etc. Rush Homes has three (3) housing units in Lynchburg and two (2) in Madison Heights in which they provide case management to six (6) residents. Funds received to provide operational support for this program included \$49,606 from HUD. The racial data for the persons served included five (5) White persons and one (1) African American person. All of the persons were extremely low-income persons.

As of May 1, 2015 this program was transferred to Housing First Lynchburg, a Permanent Supportive Housing program managed by Lynchburg Redevelopment and Housing Authority (LRHA). Rush Homes remains the landlord for the five (5) households but rental assistance and supportive services are provided by LRHA.

Lynchburg Neighborhood Development Foundation (LNDF) – Permanent Supportive Housing

LNDF provided through the Cornerstone project-based program, permanent housing for homeless persons with disabilities. Cornerstone has eleven (11) apartments. In addition to rental assistance the program provided supportive services through case management.

LNDF received \$68,322 of Program Year 2013 Continuum of Care Permanent Supportive Housing (PSH) Program funds. There was \$67,731 expended of the grants funds for leasing assistance and supportive services to 15 homeless persons.

As of March 1, 2015 this program was transferred to Housing First Lynchburg, a Permanent Supportive Housing program managed by Lynchburg Redevelopment and Housing Authority.

Note: This priority is also related to the HOME Program. See HOME Program Narrative (Pages 40-44) for the HOME Program accomplishments.

NON-HOUSING COMMUNITY DEVELOPMENT GOALS AND PRIORTIES

PRIORITY #5: ELIMINATE NEIGHBORHOOD BLIGHT AND BLIGHTING INFLUENCES

Goal 5: Eliminate neighborhood deterioration, blight, and blighting influences.

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)

Lynchburg Redevelopment and Housing Authority (LRHA)

LRHA continues to work with the City's designated redevelopment and conservation areas and neighborhoods to eliminate blighted and deteriorated properties and other influences to achieve the goal and objectives of a healthy neighborhood initiative.

LRHA promotes this initiative, and equally the goal of increased homeownership opportunities, by identifying and acquiring unimproved parcels and making gift conveyances to local non-profit housing agencies for the construction of first-time homebuyer units.

The City has had an ongoing funding commitment to LRHA for the support of such community development efforts and neighborhood revitalization activities as identified below. The support that the City provides to LRHA, and the other non-profit organizations previously narrated, positively contribute to:

- The rebuilding of predominately residential neighborhoods as well as areas that were historically active and flourishing commercial “hubs” of the community such as the Fifth Street Revitalization Corridor;
- Creating housing opportunities and supportive services and amenities for low and low-to-moderate-income persons; and
- The rehabilitation and improvement of deteriorating housing stock, for both owner and tenant occupied, in order to increase their functional and economic lives.

Listed below is a breakdown of the LRHA programs/activities that received and expended CDBG funds from the City during this reporting period.

Program/Activity	Amount of Funds Allocated for PY 2014	Amount of Funds Expended PY 2014*
Spot Blight/Abatement/Demolition	\$0	\$ 5,274
LRHA-Rehab Direct Costs(DC)	46,552	18,781
LRHA-Disposition (DC)	17,037	25,793
LRHA – Acquisition (DC)	0	31,761
LRHA – Administration	60,047	17,213
LRHA – Rental Rehabilitation	0	25,023
LRHA – Property Repair & Maintenance (Disposition)	0	10,700
Brookside Public Housing Apartments – 4 Units Rehabilitation for ADA Compliance	180,000	82,594
Dearington Public Housing Apartments – Window Replacements	125,000	125,000
Dearington Public Housing Apartments- Community Room Renovations	100,000	99,081
HOME Program – Housing Development (3 units)	146,152	0
Total Allocated/Expended Amounts	\$674,788	\$441,220

*The total amount of expenditures this period was from Program Year 2014 allocations and previous years’ grant allocations for rehabilitation, acquisition, and disposition delivery costs (DC). LRHA is proceeding with expending the remaining funds allocated from previous years and those allocated in Program Year 2014.

During this reporting period LRHA staff made a concerted effort to dispose of properties that remain on the City/LRHA Property Inventory. Two (2) properties were disposed of during this reporting period. The sale proceeds in the amount of \$22,000 were received as CDBG program income and have been reprogrammed in Program Year 2015 for other CDBG eligible projects.

Listed below are the properties that were disposed of during this reporting period:

PROPERTIES DISPOSED BY LRHA DURING PROGRAM YEAR 2014

611-613 Washington Street

PROPERTIES ACQUIRED BY LRHA DURING PROGRAM YEAR 2014

There were no properties acquired during this reporting period.

The acquisition and/or disposition of vacant parcels and structures have assisted in the implementation of the strategies that are necessary to accomplish many of the goals and priorities cited and addressed in this report.

PRIORITY #6: NEIGHBORHOOD SUSTAINABILITY AND LIVABILITY

Goal 6: Support the organized efforts in neighborhoods to leverage their resources to improve and sustain community livability and services.

Neighborhoods are an important foundation for improving and sustaining community livability and services. Strong neighborhoods create more active and informed citizens which, in turn, result in a stronger community. Within neighborhoods, there are shared identities, issues, concerns, and interests. Each neighborhood has its own unique priorities and character. The neighborhoods within Lynchburg's Historic Districts may be working to preserve the historical aesthetics of the neighborhood. Some neighborhoods have traffic problems while others are dealing with beautification, crime, youth, socio-economic, and/or family concerns. There are a variety of neighborhood issues; each neighborhood needs an avenue to deal with their own needs so that the community continues to be strengthened and protected.

Supporting the work of neighborhoods in order to create opportunities for citizens to take a leading role in their future is important for improving and sustaining community livability and services. The process must include citizens, government, community organizations, and other stakeholders working together to develop a common goal, mission, and vision to address neighborhood concerns. The purpose of supporting organized neighborhood efforts to leverage their resources to improve and sustain community livability and services is ultimately to develop mutual responsibility and collaboration in community building and problem solving.

Another important aspect of improving and sustaining community livability and services is to build on the existing assets within the various neighborhoods by investing in existing housing stock through revitalization and rehabilitation efforts. Also, creating opportunities to make home ownership available to qualified persons and providing assistance to help homeowners keep their homes helps to strengthen neighborhoods.

City staff is continuing the development of a formalized effort regarding the sustainability of neighborhoods. Although still under development, operating principles that are proposed to guide the City's work in neighborhoods include:

- Sustaining neighborhoods through partnerships with non-profits, developers, businesses, neighborhood groups, and citizens.
- Recognizing and preserving neighborhood identity, character, history, and diversity.
- Providing public safety that is vibrant and sustainable in neighborhoods.
- Promoting well designed neighborhoods where residents are able to work, shop, and play close to home.
- Fostering connectivity within and among neighborhoods.

Proposed Goals that support the draft operating principles for neighborhoods include:

- Supporting mixed-use neighborhoods with accessible green space.
- Encouraging innovative, safe, and affordable housing choices.
- Recognizing the uniqueness of all neighborhoods and partnering in revitalization efforts.
- Promoting neighborhood partnerships to maximize community resources and facilitate self-sufficiency.
- Connecting neighborhoods through infrastructure and public services.

Objectives and specific benchmarks will be closely linked with the goals noted above. The following neighborhood activities are underway or have been completed for the accomplishments associated with this priority/goal.

In Program Year 2014 the City supported the various neighborhood associations by having staff attend some or all of the neighborhood meetings throughout the City, particularly in the targeted areas. Those targeted area neighborhood associations that met on a consistent basis included: Tinbridge Hill, College Hill, Seminary Hill, Federal Hill, Fairview Heights, Dearington, Birchwood, Garland Hill, Dearing Street, and Diamond Hill.

Below are specific accomplishments for neighborhood activities that were supported with CDBG funds.

[Tinbridge Hill Neighborhood](#)

Within the 2010-2015 Consolidated Plan, the City moved towards focusing funds and efforts in the Tinbridge Hill Neighborhood. Several non-profit groups, churches, and the Friends of Tinbridge Hill joined together to focus on improving the quality of housing and infrastructure in this neighborhood. Tinbridge Hill is anchored by the very active Yoder Community Center.

In 2013, the City launched an initiative to prepare a Sustainable Neighborhood Plan for the area of Tinbridge Hill, to engage neighborhood residents and community leaders in a dialogue about the future of this historic area. The goal of a sustainable community in Lynchburg means a community with social, cultural, economic, and environmental vitality, now and for future generations. The Plan has been completed and is titled: *Growing Tinbridge Hill: A Sustainable Neighborhood for Tinbridge Hill*.

To complete the Plan, the City hired a consultant team, led by Clarion Associates from Chapel Hill, North Carolina, to gather information, identify neighborhood assets and needs, and develop a set of recommendations and priorities for action to achieve

community goals for the Tinbridge Hill area. The overall context for this initiative is the Plan, which offers a framework for decision-making and action, including specific strategies for the Tinbridge Hill Neighborhood.

Tinbridge Hill includes the Old City Cemetery and the area surrounding it at Taylor and Fourth Streets. The neighborhood extends to Fifth Street, Federal Street, and Hollins Mill Road. The area is primarily residential and is also home to churches, parks, community gardens, the City Cemetery, the Yoder Center, the Legacy Museum, and commercial establishments.

The preparation of the Plan was a collaborative venture, drawing upon the resources and participation of City departments, a consultant team, area organizations, local college and university interests, and the work and energy of neighborhood residents. There is a rich history and culture in Tinbridge Hill. The community has been creative in seeking ways to address issues of substandard housing, crime, employment opportunities, recreation needs, and infrastructure needs. There has been active leadership bringing residents and interested parties together to work on solutions. The Plan represents an important milestone in this ongoing process.

A Neighborhood Assessment was prepared. Drawing on community interviews, review of available data and statistics, and a visual survey of all properties, the report examined the neighborhood on a number of different aspects: people and housing, employment, physical environment, land use and zoning, property values, rehabilitation, and violations. It also included an assessment of the condition of properties and structures in the neighborhood. The report highlighted key ideas to include in the Plan.

Partnerships with organizations and agencies are in place and expanding. Faith communities, nonprofit organizations, and college resources are participating in the work: helping to improve the housing stock, mentoring young people, identifying employment and job training opportunities, and contributing spirit and energy. The Friends of Tinbridge Hill, along with community partners, have worked with the City to renovate the community's Yoder Center and the City regularly sponsors programs for young people and adults. Neighborhood revitalization is firmly underway.

Financial resources in support of neighborhood initiatives are growing increasingly scarce. Key objectives of the Plan are to identify opportunities for community-based efforts and partnerships that can keep the progress going, encourage new and emerging leadership, and achieve the goals that have been expressed. The Plan provides important information about neighborhood conditions and possibilities, and includes specific recommended strategies as an action plan, focusing on housing, safety, infrastructure, family support, and leadership.

The Tinbridge Hill Plan was adopted by City Council in March 2014. In Program Years 2012 and 2013, CDBG funds in the amount of \$55,500 were allocated and expended for the development of the Plan.

There was \$409,850 of Program Year 2014 CDBG funds allocated to the neighborhood for priority sidewalk improvements. Sidewalks will be installed in areas that lack adequate pedestrian facilities. Since walking is often a frequent mode of transportation for low-income neighborhoods it was important to connect the residents to important uses around them: Fifth Street Commercial Corridor, Johnson Health Center, Yoder Recreational Center, Hollins Mill Park and Blackwater Creek

Trail. There will be other vital improvements that will be necessary to enhance the livability of the neighborhood in coming years.

The design plans for this activity has been completed. City staff is in the process of developing the scope of work for the bidding process. This activity will be completed in Program Year 2015.

During this reporting period Lynchburg Community Action Group (Lyn-CAG) expended \$60,750 of CDBG funds for the rehabilitation of the housing unit located at 104 Federal Street.

To continue the efforts of this Plan, the housing partners of the City have been encouraged to focus their efforts in this neighborhood in order to improve the housing stock, whether it is through new construction or rehabilitation.

[Fifth Street Master Plan - Infrastructure](#)

The City of Lynchburg, in partnership with the Fifth Street Community Development Corporation (CDC), is continuing to redevelop/revitalize the Fifth Street Corridor within the scope of the Fifth Street Corridor Plan. The Plan was adopted by City Council on May 23, 2006. The purpose of the Plan is to provide a vision and a blueprint for the revitalization of the Fifth Street corridor between Main Street and the Martin Luther King, Jr. Memorial Bridge. Fifth Street serves as a gateway to the City's Downtown and the College Hill, Garland Hill and Tinbridge Hill neighborhoods which are located within CDBG targeted census tracts.

Construction of the first phase of the Fifth Street improvements was completed in September 2009 and included a two block area fronting Fifth Street between Harrison and Jackson Streets. Phase I was completed at a cost of \$1.75 million which included \$122,949 in CDBG funds.

Since completion of Phase I, benches, trash cans, bus shelters, and electrical service to the roundabout have been added to the Corridor. These additions were funded with \$54,800 in American Recovery and Reinvestment Act (ARRA) Stimulus funding.

Phase II of the Fifth Street improvement project included the blocks from Harrison to Main Street. Construction began in September 2011 and was completed in December 2013. The project included the same streetscape amenities as constructed in Phase I, but included more significant water and sewer line replacements funded by the City's utilities fund. During this reporting period, \$175,491 of CDBG funds were allocated and expended on the Phase II project. An additional \$17,000 in CDBG funding was allocated in Program Year 2011 for the purchase of street benches and identity banners upon completion of the Phase II construction. There was \$7,748 expended during this reporting period to complete the purchase of the benches and banners.

Lynchburg Neighborhood Development Foundation (LNDF), through a partnership with the Fifth Street Community Development Corporation (CDC), completed the stabilization of the structures located at 702 and 708 Fifth Street. The properties had been slated for demolition. City staff and the Fifth Street Community Development Corporation assisted LNDF with the stabilization of these properties. Through this partnership, there was \$60,000 of CDBG funds used to further stabilize the buildings for future renovation and return to use. The stabilization of these buildings was

crucial in the Fifth Street Area being placed on the State & National Register of Historic Places.

During this reporting period the Economic Development Authority (EDA) continued its contract negotiations with a national retailer to locate at 408 Federal Street and 717 Fifth Street. This would be the first significant new construction project in the corridor in over forty years.

Phase III of the Fifth Street Improvement project will include the blocks from Jackson to Taylor Street and will include the same streetscape improvements as in Phases I & II, but will have less substantial underground utility work. The availability of CDBG funds is crucial to the completion of Phase III.

The Fifth Street Corridor is one of the major gateways to Downtown Lynchburg. It encompasses at least three (3) of the seven (7) "Hills" (College Hill, Garland Hill, and Tinbridge Hill), all of which are within the CDBG-targeted census tracts.

PRIORITY #7: SUPPORT ECONOMIC DEVELOPMENT

Goal 7: Support economic development efforts, which will expand job opportunities and support job retention for low- and moderate-income persons.

The City's goal is to provide pathways to employment for all citizens by encouraging private sector business growth, supporting an entrepreneurial economy, and building an infrastructure that meets the needs of Lynchburg's business community. In the City of Lynchburg, we take a multi-faceted, comprehensive approach to economic development, believing that the best results come from investing in people and place. The City utilizes the following strategies: 1) Work in partnership with Lynchburg's educational institutions and employers to create a pipeline of talented workers; 2) Work with community partners to ensure economic prosperity is attainable for all citizens; 3) Market and promote Lynchburg to the world to attract new employers; 4) Support investments in commercial property through the Enterprise Zone, Local Redevelopment Program and other incentives; 5) Support the development of infrastructure required for people and businesses to be successful, including roads, buildings and broadband; and 6) Create an ecosystem that supports an entrepreneurial community, including educational opportunities, funding sources, networking and mentoring.

The City has continued implementation of the Downtown/Riverfront Master Plan adopted in March 2001. Sasaki & Associates and Economics Research Associates developed the twenty-year (20) plan encompassing a sixty-block (60) area. Implementation continues to focus on four (4) areas: infrastructure/public space improvements, culture and entertainment, commercial development, and government projects. City Council agreed to accelerate completion of the Lower Bluffwalk project.

Housing is a critical component of the Downtown/Riverfront Master Plan and increases demand for retail and entertainment. The City's commitment to downtown revitalization remains strong with thousands of square feet of newly renovated residential and commercial spaces coming online. More than 200 new residential units were added in 2014 and 2015, for a total of 762 residential lofts in Downtown.

New residents are driving demand downtown, spurring the establishment of new business. Since 2004, 353 businesses have opened and 706 jobs have been created. The number of downtown businesses has increased by more than 205% in ten years. State and Federal Historic Tax Credits continue to be a productive financing vehicle for downtown redevelopment.

Public downtown and Riverfront redevelopment/infrastructure projects over the past year have been totally focused on the Lower Bluffwalk Phases 2 and 3. This project consists of constructing a pedestrian walking area, pocket parks, and plazas between the buildings facing Jefferson and Commerce Streets spanning from Ninth Street to Washington Street. In January 2012 the City allocated \$5,715,420 for this project. During this reporting period \$2,468,384 was expended on this project. The expected completion date for this project is September 2015.

During Program Year 2014 the City's Office of Economic Development reported the following accomplishments within the realm of economic development for the City:

1) The Office of Economic Development expanded the City's two Enterprise Zones, providing development and job creation assistance to growing businesses in commercial areas throughout town. In the past few years, the City has made several thousand additional acres of commercial property eligible for investment grants. During calendar year 2014, Enterprise Zone grants of \$203,585 assisted Lynchburg businesses in retaining 570 jobs and creating 205 jobs. Investments in commercial real estate were even more significant. Real Property Investment Grants of nearly \$838,000 leveraged private commercial property investments of almost \$23 million.

2) The Local Enterprise Zone Redevelopment Program provides an investment overlay district corresponding to existing Enterprise Zone boundaries. Designed to support small business real property investments and expand real estate tax receipts for the City, the grant has been effective in incentivizing public-private partnerships and private investments. In fiscal year 2015, \$112,000 in grants incentivized \$4.3 million in private commercial property investments and increased valuation of property in the City.

3) The James River Arts & Cultural District has served to define the character of Lynchburg. The Arts and Cultural District Project Grant Program provides support for events and activities in the arts and humanities. In fiscal year 2015, \$33,000 in local funding combined with \$5,000 from the National Endowment for the Arts and Virginia Commission for the Arts was provided to support fourteen events or projects. Not only did the grants help to bring a variety of arts and cultural activities to Arts & Cultural District in the City of Lynchburg, they also generated \$227,011 in private investment and over \$2.3 million in total economic activity. Arts-related businesses within the district are also eligible for certain incentives.

4) Several million dollars of business financing was available to Lynchburg companies in 2014 to support existing business expansion and entrepreneurial development. Combined across programs, more than \$2.2 million of capital in the form of loans and grants was made available to industry and small business in Lynchburg. The \$1 million LEDA Revolving Loan Fund, managed by the Lynchburg Business Development Centre, has approved \$832,202 in small business loans, supporting small firms throughout the city. While these businesses have directed funds toward growth and employment, their success has generated reimbursements that can be re-loaned to other businesses. The loan fund offers up to \$250,000 for

business and development financing at fixed rates with flexible terms for capital needed to support business creation, expansion and development.

5) New business attraction from outside the local economy accelerates economic activity and drives local wealth creation. Economic development marketing and deal flow work to attract this investment. In 2014, Porter's Fabrication completed their move to the Hill City and first Virginia operation. After purchasing the former Diebold plant, Porter's invested an additional \$1.8 million to upgrade the facility to produce fabricated metal products such as safes, vaults and ATMs. Porter's retained 80 positions and created 40 new jobs.

6) New business Seven Hills Food purchased and renovated the 100-year-old former Dinner Bell Meat processing facility. Seven Hills food was awarded the largest Governor's Agriculture and Forestry Industries Development (AFID) Fund grant to date and will process 100% Virginia-grown product, investing \$3 million into the facility and creating 43 new jobs.

7) Existing business expansion continues to be the primary driver of Lynchburg's economy. Economic development efforts focus first on the growth and expansion of local business and industry. In 2014, Azdel announced a major expansion of their existing advanced manufacturing facility, investing \$21.3 million in improvements, retaining 169 jobs and creating 33 new jobs.

8) The Lynchburg Economic Development Authority launched the Housing Incentive for Professional Educators (HIPE) workforce initiative with Lynchburg City Schools to recruit and retain highly sought after math and science teachers in grades 6-12 to live and work in the City and enhance STEM education efforts.

9) Eleven businesses completed the INOV8 small business competition - a partnership with Virginia Main Street, Lynch's Landing and the Small Business Development Center - which included group training and seminars, one-on-one business consultations and the production of a business plan. Oxide Pottery, CAO Artisan Chocolates and Endstation Theatre Company were each awarded \$10,000 to expand operations in Downtown Lynchburg.

10) Along with diverse industries, the workforce has afforded Lynchburg a comparatively stable labor market. As our economy transitions, workers and employers in Lynchburg will see hurdles and opportunities as new industries emerge. Unemployment in the Hill City averaged 5.9 percent in 2014, with a seasonal spike during the summer months of 6.6 percent, down from a high of 7.0 percent the year before. Beyond the trend of a seasonal improvement in end-of-year unemployment, the 12-month low of 5.1 percent in November 2014 also signals an improving employment picture.

11) The Office of Economic Development and Economic Development Authority continues to implement the 2013 strategic plan, Opportunity Lynchburg: Lynchburg's Strategy for Jobs and Competitiveness, increasing targeted marketing efforts to attract new companies to Lynchburg focused on engineering and specialized services, advanced materials, niche headquarters and association management, and aircraft modification and repair. In 2014, the Economic Development Authority was awarded a \$20,000 grant from Appalachian Power to further marketing and business attraction efforts.

Bluffwalk Center – Economic Development Project

In the Consolidated Plan (2000-2005) the City guaranteed \$3,200,000 in HUD Section 108 loan funds for the Bluffwalk Center project. In Program Year 2013 the developer refinanced this project and the City received \$1,430,364 for repayment of the total CDBG Entitlement Funds used to make principal and interest payments for the Section 108 Loan for the Bluffwalk Center. City staff has reported these funds as program income to HUD. The City is utilizing these funds in lieu of the CDBG Entitlement Funds, in conjunction with the developer's continued payments to the City, to make the future principal and interest payments for the remaining debt obligation of the original Section 108 loan. In Program Year 2014 the City paid \$319,872 of the Section 108 principal and interest payment loan obligation to HUD.

PRIORITY #8: SUPPORT OF PROGRAMS FOR THE HEALTHY DEVELOPMENT OF THE CITY'S AT-RISK YOUTH, ADULTS AND FAMILIES

Goal 8: Promote activities which support the healthy development of the City's at-risk youth, adults and families

The City supports and will continue to serve at-risk youth, adults and families to provide comprehensive, collaborative, and quality services that empower youth and families. Goals established include: identifying the needs of youth and families and working collaboratively to meet those needs, providing high quality service and programs needed by youth and community programs that impact youth and families, and development of prevention resources and programs.

As evidenced in identifying families with children, especially those of low-income having significant housing needs, the City also recognizes that support services to these families are needed in addition to housing resources. Therefore, significant resources are invested in the City's many neighborhood and community centers which are beginning to benefit from partnerships with private sector groups and organizations to maximize the public benefit.

In addition, the City continues to support public service providers in order to meet the needs of the low-to-moderate income persons, persons with disabilities, substance abuse or addiction, persons with AIDS, persons that are homeless, and elderly persons. In addition to the services provided by the City's Division of Social Services there are many nonprofit organizations that coordinate with the City to provide services. These organizations include: Young Women's Christian Association (YWCA)-Domestic Violence Prevention Center, United Way of Central Virginia, Miriam's House, The Gateway, Lyn-CAG, and Rush Homes.

Programs/activities that received and expended CDBG funds during this reporting period for this goal included the following:

Continuum of Care Coordinated Assessment Intake Social Worker

One of the requirements of The Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act), enacted into law on May 20, 2009, was that the Continuum of Care (CoC) Program homeless providers/agencies establish and operate a centralized or coordinated assessment system that provides an initial comprehensive assessment of the needs of individuals and families for housing and services. As a result of the HEARTH Act, in July 2012 HUD published the

CoC Interim Rule that included the requirements for the establishment of a centralized or coordinated assessment system.

With this requirement, the Central Virginia Continuum of Care (CVCoc) developed the Coordinated Homeless Intake and Assessment (CHIA) to achieve compliance with these requirements. A Homeless Intake Coordinator was hired to implement and administer the intake process and work to achieve the goals for CHIA. The CVCoc developed a uniform intake tool to quickly assess individual and family needs and assure that they are either diverted from the homeless response system or expeditiously placed in the most appropriate housing program. The CHIA goals are:

- ✓ to divert households from homelessness when safe options are available
- ✓ to understand the client's need and eligibility for existing programs;
- ✓ to document the client's homelessness, housing history and barriers;
- ✓ to identify needs through consistent use of a uniform assessment tool; and
- ✓ to capture data about area homelessness to better assess and provide for community needs.

Gathering such data enables the Homeless Intake Coordinator to:

- ✓ develop a housing plan for clients;
- ✓ check availability of beds in multiple shelters;
- ✓ match the client need with existing bed space, resulting in the right program for each individual client.

Use of the HMIS (Homeless Management Information System) tracks data and documentation and provides:

- ✓ real-time knowledge of available beds;
- ✓ allows transfer of client information to the receiving program;
- ✓ provides enrollment status to the Homeless Intake Coordinator; and
- ✓ allows the Homeless Intake Coordinator to monitor the situation to ensure the client is successfully enrolled into the selected program.

As recipients of the CDBG entitlement funds, the City is highly encouraged to provide support to the CVCoc Coalition agencies and to further HUD's objective of ending homelessness. City staff coordinated with the various member organizations regarding the benefits of a centralized intake location for homeless persons and the staffing required for this service. City Council approved the funding of a part-time position that would provide the staff person to conduct the assessment/intake of homeless persons and coordinate the referrals to the appropriate homeless providers/agencies.

In Program Years 2013 and 2014 the City allocated \$30,000 and \$24,585, respectively, of CDBG funds to this activity to implement and continue the funding needed for the Homeless Intake Coordinator position. In Program Year 2014 there was \$23,444 expended for direct costs associated with the funding of the position.

During this reporting period, the CVCoc served 220 families consisting of 616 persons. Of these 616 persons, 423 were referred to emergency shelters. The CHIA Coordinator has assisted 237 clients/households in completing a Housing Barrier Assessment. This tool allows the CHIA Coordinator to assess barriers for the particular client(s) that are in emergency shelters and have not developed a housing

plan. Based upon the results the client is then referred to a CVCoC provider who can place them in a stable housing condition. Finally, there have been 98 clients referred to Lyn-CAG's Virginia Homeless Solution Prevention Program (VHSPP). This program provides clients that are housed but, are in imminent danger of losing their housing, with a possible means of mediation and financial resources to retain their housing.

2. Describe the manner in which the recipient would change its program as a result of its experiences.

The City acknowledges the challenges of producing affordable housing options and providing programs and services to low-income communities and people. The City continues to review its approach to how we administer, evaluate, make decisions, and implement the CDBG and HOME programs. We intend to address this by redefining desired outcomes for all of our programs and strategically planning a path by which to achieve these outcomes.

The City annually reviews its subrecipient agreements to update any necessary regulation changes, revisits policies and procedures, provides additional oversight and monitoring of agencies utilizing federal funds, and is available to provide training for non-profits and entities applying for and receiving CDBG and HOME Program funds. In addition to the training, recipients of federal funds are provided one-on-one technical assistance based upon their individual needs. City staff continues to take advantage of training opportunities to build internal capacity.

With these strategic and deliberate steps the City strives to continue to improve the quality of service delivery and housing in our community. However, as the housing market continues to recover from the recent global recession and increases in the cost of doing housing rehabilitation, the City will be challenged to come up with strategies to address these issues.

3. Affirmatively Furthering Fair Housing:

a. Provide a summary of impediments to fair housing choice.

In Program Year 2012 the City allocated \$30,000 to conduct an Analysis of Impediments to Fair Housing (AI). During Program Year 2013 the firm of Mullin & Lonergan Associates, Inc. (M&L) was retained as consultants to conduct the Analysis of Impediments to Fair Housing Choice.

M&L utilized a comprehensive approach to complete the AI utilizing many different data sources, City documents, and specifically conducted interviews and focus group sessions with agencies and organizations that provide housing and housing related services to members of the protected classes.

The AI included an analysis of public and private sector policies, programs and statutes which impact the development, financing, regulation and siting of housing in the City. The City has identified within the AI: (a) impediments to fair housing choice; and (b) recommended strategies/action steps that would eliminate the impediments to housing choice.

b. Identify actions taken to overcome effects of impediments identified.

For Program Year 2014, see Attachment A for accomplishments achieved towards the impediments identified in the AI.

4. Describe Other Actions in Strategic Plan or Action Plan taken to address obstacles to meeting underserved needs.

To assist in addressing the housing and community development needs of underserved citizens, the City of Lynchburg focused a significant amount of federal resources on rehabilitation, homebuyer activities, and public infrastructure in the CDBG targeted areas. Several non-profit agencies were funded with CDBG and HOME Program funds to undertake rehabilitation and homeownership activities.

Financing availability continues to be one of the main obstacles in addressing underserved needs of the City's residents. With declining government program support, the private sector will have to play a key role in making up for this loss.

The City, particularly through its partnership with local non-profits, has continued to promote the involvement of private citizens, banks, corporations, and others in community development activities. As more people become involved the proper and effective coordination of this involvement will become even more challenging.

The City of Lynchburg continues to support cooperative ventures, and initiate cooperation where it is lacking. City Council exercised a coordinating role in its allocation of CDBG and HOME Program funds to subrecipient organizations, and through the establishment of the Consolidated Plan. Other examples of coordination include the Community Code Compliance Team, where citizens and City staff meet in neighborhoods to discuss code violation issues and plan corrective actions to be taken to address the issues.

Shared responsibility also implies the open exchange of information and the combination of scarce resources. The City maintains a leadership role in this regard, while opening the process to all interested parties, including low- and moderate-income citizens.

The City continues to seek reduction in the number of households with incomes below the poverty line by 10% each year through long-term solutions such as education (including adult education and job skill training), economic development, coordinated supportive services, and Bridges Out of Poverty support program. These areas are traditionally within the local government's sphere of influence and the Lynchburg City Council has placed significant emphasis and funding in these areas through the allocation of CDBG and HOME Program funds.

City staff reviews the quarterly reports for each CDBG and HOME project that is funded to ensure that the City is meeting the goals and objectives stated in the Consolidated Plan. For projects that are not meeting the goals established in the Consolidated Plan and Annual Action Plan, City staff contacts the agency to discuss the project and the necessary action that will be needed to bring the project to a current status.

City staff reviews each CDBG and HOME project to ensure that funds are being expended in accordance with the program regulations and that the project funds are

being expended in a timely manner. If a project has not expended funds during the quarterly review, City staff contacts the agency to discuss the project status and the importance of expending the project funds in a timely manner.

For ongoing HOME Program rental projects City staff requires the agency responsible for the project to submit to the City an annual Project Compliance Report for Rental Housing, and Project Compliance Checklist. This information is reviewed for HOME Program compliance.

The City's CDBG and HOME Program funds are audited in conjunction with the City's annual audit.

5. Leveraging Resources:

a. Identify progress in obtaining "other" public and private resources to address needs.

The utilization of CDBG, HOME Program, and other federal grant funds has had a substantial impact on the City's ability to leverage other resources to redevelop economically distressed neighborhoods and provide renewed opportunities for our residents. The City of Lynchburg, particularly through the Lynchburg Economic Development Authority (LEDA), offers various incentives at the local level, and a vast array of other public and private resources are available to address the needs of our community. The section below provides details of this leverage.

b. How Federal resources from HUD leveraged other public and private resources.

Public Resources:

The City of Lynchburg operates several programs and services which contribute to community revitalization. These include the following:

- The Water Resources Department operates the Combined Sewer Overflow ("CSO") Program, the largest of all the City's capital improvement programs. This program reduces the volume and frequency of overflows from the City's combined sewer system. Thus far, the Program has spent \$33 million of local funding (provided by sewer fees); \$139 million in State funding (VCWRLF loans); \$45 million in federal and state funding (grants); and \$19 million in Federal Stimulus (ARRA) funding. The original Long Term Control Plan (LTCP) for this program was to take more than thirty (30) years and an additional \$267 million to complete. However, the Virginia Department of Environmental Quality (DEQ) approved the City's new LTCP along with a new Special Order in 2015. This new plan will allow the program to be completed in an estimated 10-15 years costing approximately \$63 million to complete assuming no new regulatory obligations. The State has provided a \$30 million grant towards the remaining \$63 million dollars.
- The Inspections Division of the Community Development Department administers a complaint-based Property Maintenance (land and structure) or Code Compliance Program. Under this Program properties are cited for various violations of the City's Property Maintenance Code where owners are

given certain deadlines for compliance. If compliance is not attained, the City takes the owner to Court for judgment and resolution of the violation(s).

- The Code Compliance Division of the Community Development Department enforces ordinances regarding abandoned vehicles, illegal dumping, and weeds.
- The City's Division of Social Services (DSS) manages twelve (12) programs that coincide with other public service activities provided by nonprofits. Many of the non-profit agencies utilize the services provided by the City for their clients. They are listed as follows:
 - Child Care Services: Provided to enable low-income families (regardless of Temporary Assistance to Needy Families (TANF) status) to be employed or to prepare for employment.
 - Prevention Services: Works with families to prevent foster care.
 - Employment Services: Provided to TANF recipients to help secure employment, education, or training. Several services are offered.
 - Services to Adults: Services to the elderly and disabled, including emergency assistance with prescription medications, food, clothing, and shelter.
 - Energy Assistance Program: Programs to offset rising costs of heating (and, if available, cooling). Also provides assistance with heating equipment and fuel.
 - Supplemental Nutrition Assistance Program (SNAP): Supplements the food purchasing power for low-income households.
 - Medicaid Assistance Program (MEDICAID): Pays for medical, dental, pharmaceutical, and optometry care for recipients of public assistance and medically needy persons.
 - Temporary Assistance to Needy Families (TANF): Monthly assistance to needy families with children ages birth to 18 years.
 - Temporary Assistance to Needy Families - Unemployed Parent (TANF-UP): Monthly assistance to needy two-parent families with children ages birth to 18 years when the primary wage-earner is unemployed.
 - Virginia Initiative for Employment not Welfare (VIEW): Clients are given up to two years of supportive services and an additional year of transitional services to obtain gainful employment. This program is required for all TANF recipients.
 - Protective Services To Children (CPS): Includes the receiving of reports of abuse/neglect, determining the validity of these reports, conducting an investigation or family assessment to determine if there is evidence to substantiate a report, identifying service needs for families who are the subject of these reports, and providing services to enhance child safety and prevent further abuse/neglect of children.
 - Foster Care/Adoption: Foster care is a temporary living arrangement providing care and parenting for children who can no longer live in their homes because of abuse, neglect or other severe family problems. Family Service Specialists help families resolve problems so that their children can return home without further incidence of abuse or neglect. When children are unable to return home safely, the agency works to identify appropriate adoptive families so that children are able to have a permanent, safe, and nurturing family.

Other HUD grants used in the community are funded through the McKinney-Vento Homeless Assistance funds and the HUD Continuum of Care Program. Recipients of these funds are: Miriam's House, Lyn-CAG, Rush Homes, and the Young Women's Christian Association (YWCA).

Quasi-Public Resources:

The non-profit subrecipients did an excellent job of gathering and utilizing other public and private financial resources to complement the investments from the entitlement allocations. Our community partners used a variety of resources from other localities, the State, United Way and private foundations to meet their matching requirements and to financially support their programs and client services.

Private Resources:

The Salvation Army and Lynchburg Daily Bread are two places in the City where people from the Greater Lynchburg area receive a hot meal every day, with no questions asked. The Salvation Army offers breakfast and supper, whereas Lynchburg Daily Bread offers lunch. The Salvation Army has been serving Lynchburg and the surrounding counties of Campbell, Bedford, Amherst, Appomattox, and Nelson for over 100 years.

In addition, at The Salvation Army there is the Center of Hope facility which offers transitional shelter, emergency shelter services, and the community meals program. There are family suites available in the transitional shelter section.

The Salvation Army also houses a day care program on its campus. Salvation Army staff offer life skills and lay-counseling to needy persons and helps them to find employment and establish credit.

Lynchburg Daily Bread receives food from businesses, churches, persons, and the USDA. Any excess is shared with other non-profit organizations. When lunch is over, the facility is used as a day shelter for persons and families.

The Gateway House, Inc. is a program for homeless men recovering from substance abuse. The Gateway receives in-kind contributions, and donations from churches, community organizations, businesses, and persons. Volunteers live at the Gateway four nights per week to assist residents.

In Program Year 2014 the United Way of Central Virginia funded forty-one (41) programs for twenty-eight (28) agencies in Central Virginia, including agencies who also received HUD grant funds. Local foundations that fund area non-profits include: Greater Lynchburg Community Trust, CENTRA Foundation, Retail Merchants Foundation, Easley Foundation, Plymale Foundation, and Food Lion Charitable Foundation.

The Free Clinic of Central Virginia envisions a community where everyone has access to quality healthcare services. The Clinic provides high-quality medical, dental, pharmacy and health education services to those in Central Virginia who do not have the resources to obtain these basic healthcare services. Since opening in 1987, the Free Clinic has served over 26,000 Central Virginians. During the period July 1, 2014 through June 30, 2015, there were over 3,100 patients served and the Clinic filled

over 15,000 prescriptions. Ninety-five percent (95%) of the patients have incomes below 100% of the Federal Poverty Level (FPL) and all of the patients have incomes below 200% FPL. The work of the Free Clinic is made possible by the generous donations of time, talent, and services provided at no charge. Over 650 medical, dental, and pharmacy professionals regularly volunteer at the Free Clinic. Last year, the Clinic received over \$3 million in donated services and supplies. The Clinic is also funded with cash donations from individuals, businesses, churches, foundations, and civic organizations. Finally, 69% of the annual operating budget comes from individuals and civic groups. Approximately 11% of the funding is from the State and 17% comes from foundation and other grants.

Lynchburg Covenant Fellowship (LCF) began as an ecumenical ministry launched by The Church of the Covenant. It has grown over the past sixty-three (63) years to become its own organization. Over the years LCF has been involved in many programs, some of which have spun off into separate 501(c) (3) organizations such as Interfaith Outreach Association, Camp Kum-Bah-Yah, Rush Homes and The Gateway. In 1970, LCF saw a need for housing for low-income individuals and families and focused its efforts on providing safe, decent and affordable housing for these individuals, disabled, elderly and families. LCF owns and/or manages several project-based Section 8 Housing communities. LCF partners with Horizon Behavioral Health Services (formerly Central Virginia Community Services) providing a group home for mentally challenged individuals in Appomattox and two group homes in Amherst. Another small project-based Section 8 apartment community in Lynchburg provides housing for mentally ill individuals who are referred by Horizon Behavioral Health Services. Other Department of Housing and Urban Development (HUD) subsidized housing communities include Lynchburg High Apartments, Shalom Apartments and Frank Roane Apartments. Lynchburg High provides affordable housing for elderly, disabled and multi-families and Shalom provides affordable housing for individuals and families. Frank Roane is an elderly community for individuals 62 years of age and older. LCF owns 26 "market rate" apartments in the City. Although these are labeled market rate, the rents are much lower than typical market rate apartments. LCF also owns the Hospice House that is rented and staffed by CENTRA.

LCF has had and continues to have housing contracts with HUD for the HUD subsidized properties. LCF also has relationships with the Virginia Housing Development Authority (VHDA), the City of Lynchburg, the Lynchburg Housing and Development Authority, Horizon Behavioral Health Services, Rush Homes, Lynchburg Neighborhood Development Foundation, Interfaith Outreach Association, CENTRA, Department of Social Services, Central Virginia Area Agency on Aging, Lynchburg Health Department, Lynchburg Presbyterian Home and Alliance for Families, Department of Housing and Community Development, Virginia Community Capital, Boston Capital and other private, local businesses along with businesses and companies located in other areas within the state and outside of Virginia.

Lyn-CAG "serves to effectively assist low-income families and persons in the Central Virginia Region 2000 community to move from economic and social dependency to self-sufficiency." Region 2000 encompasses the Cities of Lynchburg and Bedford and the counties of Amherst, Appomattox, Bedford, and Campbell. Lyn-CAG is a United Way agency. Lyn-CAG offers crisis intervention, shelters, housing, transportation, housing improvement, financial and educational training, and community reentry (for released inmates) services. The Housing Rehabilitation Program is funded by the CDBG Program. The Substantial Rehabilitation Program is funded by the HOME

Program. Lyn-CAG is one of the City's two Community Housing Development Organizations (CHDOs) and rehabilitates and/or constructs homes for first-time home buyers.

c. How matching requirements were satisfied.

The HOME program requires that participating jurisdictions (PJs) provide match funds in amounts equal to no less than 25 % of the total HOME funds drawn down from the jurisdictions HOME program account for project costs. Allowable reductions are made for PJs that experience fiscal distress or major disasters in accordance with the Stafford Act.

Fiscal distress can be categorized by the following criteria: 1) the family poverty rate is 125% or more of the national poverty rate; and 2) the per-capita income is less than 75% of the national average. When a PJ meets one of these distress criteria, it is determined to be in fiscal distress and thereby receives a 50% reduction of its match requirement. If a local jurisdiction satisfies both of the distress criteria, it is determined to be in severe fiscal distress and receives a 100% reduction of its match requirement. The City does not meet the criteria to be classified as severely distressed but has been determined to be in fiscal distress and received the 50% reduction of its match requirement for Program Year 2014.

With respect to HOME Program funds, the City began the Program Year 2014 period with \$2,161,348 in excess match carried over from the prior years. During Program Year 2014, the City accrued \$195,836 in additional match credit from Greater Lynchburg Habitat for Humanity (GLHFH) HOME-assisted units. Based on the HOME Matching Liability Report (PR33) from the HUD Integrated Disbursement and Information System (IDIS), a total of \$520,583 in HOME funds were disbursed requiring a match liability from July 1, 2014 to June 30, 2015, of which \$65,073 was subject to the 12.5% match requirement applied to the City. A balance of \$2,292,111 in excess match to carry over to Program Year 2015 remains available for future years.

Managing the Process

1. Describe actions taken during the last year to ensure compliance with program and comprehensive planning requirements.

Program Year 5 CAPER Managing the Process response:

The City of Lynchburg has a Grants Management Team within the Grants Administration Office and Department of Financial Services that is dedicated to properly administering the approved projects and monitoring expenditures of the City's HUD-dispensed federal entitlement grants. Each year the Team, at the direction of the Community Development Advisory Committee (CDAC) and City Council, oversees and ensures the completion of the approved projects for the CDBG and HOME Program. These projects are what make up our Consolidated Annual Action Plan.

City staff ensures compliance with program and local requirements by incorporating approved accounting procedures, providing internal and external audits, monitoring and following HUD regulations and requirements.

Citizens provide an additional layer of compliance monitoring through community input and the Citizen Participation Plan. Additionally, comprehensive planning with other governmental entities ensures continual adjustments to long-term statistics relative to housing, homeless and other special needs populations.

Citizen Participation

Program Year 5 CAPER Citizen Participation response:

1. Provide a summary of citizen comments.

On September 26, 2015 a public notice was published in the *News and Advance* stating that a draft of the proposed Program Year 2014 Consolidated Annual Performance Report (CAPER) was available for public review for a 15-day public comment period. The advertisement stated that City Council would be conducting a public hearing on October 13, 2015 to receive public comments regarding the draft CAPER.

In addition to the 15-day public comment period and the public hearing held by City Council, copies of the draft CAPER were made available for public review at the following locations in and throughout the City:

- Grants Administration Office, Second Floor, City Hall, 900 Church Street, Lynchburg, Virginia 24504
- Lynchburg Public Library, 2311 Memorial Avenue, Lynchburg, Virginia
- Downtown Branch Library, City Hall, Basement Floor, 900 Church Street, Lynchburg, Virginia 24504
- City website at <http://www.lyncburgva.gov/grants>

The draft report provided citizens with details concerning the federal funds made available to the City for furthering the objectives of the Consolidated Plan. The report also identified the total amount of funds available (including program income), the total amount of funds expended during the reporting period, and the geographic distribution of expenditure of funds within the various census tracts.

Citizen Comments – Any comments that are received during the public comment period will be addressed and incorporated into the CAPER.

2. In addition, the performance report provided to citizens must identify the Federal funds made available for furthering the objectives of the Consolidated Plan. For each formula grant program, the grantee shall identify the total amount of funds available (including estimated program income), the total amount of funds committed during the reporting period, the total amount expended during the reporting period, and the geographic distribution and location of expenditures. Jurisdictions are encouraged to include maps in describing the geographic distribution and location of investment (including areas of minority concentration). The geographic distribution and expenditure requirement may also be satisfied by specifying the census tracts where expenditures were concentrated.

The goal of this report is to compare the anticipated benefits projected in the City's Annual and Five-Year Plans with the actual accomplishments achieved. This report also allows local citizens and elected officials, and representatives of HUD to evaluate the City's performance and assess its status in meeting the five-year goals established in the 2010-2015 Five-Year Consolidated Plan.

The CAPER reviews how the City of Lynchburg used federal funding provided by HUD to successfully implement programs and projects that address its community development objectives during Program Year 2014 (July 1, 2014 through June 30, 2015).

Within the City of Lynchburg's Five-Year Consolidated Plan, the City committed to the overarching goal of undertaking activities that would result in substantial public benefit through the revitalization of depressed areas, and in assistance to low- and moderate-income residents. These are the central City neighborhoods that surround the downtown business district and are the seven contiguous census tracts that comprise the CDBG target area: Census Tracts 4, 5, 6, 7, 11, and 19. The Census Tract Map attached to this document (Appendix A - Map 1) depicts the boundaries of the CDBG target areas in the City. In addition, within the HOME Program, homebuyer, rental development, and homeowner rehabilitation assistance was provided to low-to-moderate income persons based on individual needs for affordable housing.

The majority of the CDBG and HOME Program funding this reporting period was allocated for activities classified as housing, public housing, parks and recreation, public improvements, and removal of blighted properties. Details of the programs, accomplishments, and an analysis of expenditures are provided throughout the CAPER and within the IDIS reports included with this CAPER. The Project Location Map (Appendix A - Map 2) depicts the locations of the funded projects.

Institutional Structure

1. Describe actions taken during the last year to overcome gaps in institutional structures and enhance coordination.

Program Year 5 CAPER Institutional Structure response:

To minimize gaps and to ensure coordination of the Federal CDBG and HOME Program funds, as well as the City's General Fund, these funds are overseen by several City committees, commissions, and City departments. The City Council, as the governing body of the City of Lynchburg, is responsible for all policy decisions and approves all City funding recommendations. Ultimately funding for housing and non-profit providers is coordinated through City Council.

Information of funding proposals and awards are advertised and distributed to non-profit entities and other interested organizations and City departments so that they are aware of available funding and funding awards. Applicants provide information on other funding sources for the project and for their organization.

The City's Community Development Advisory Committee (CDAC) reviews all funding requests and makes recommendations to the City Council on all activities proposed to be funded through the CDBG and HOME programs. City Council makes the final funding decisions. The Grants Administration Office oversees the administration of

the CDBG and HOME Program and reviews the progress of subrecipient grantees toward meeting their programmatic goals.

City of Lynchburg residents and other interested persons had several opportunities during the program year to comment and offer suggestions on funding through regular meetings and public hearings.

The Grants Administration Office is responsible for the preparation of the City's Consolidated Plan, Annual Action Plan and Consolidated Annual Performance and Evaluation Report (CAPER). The Grants Administration Office also coordinates interdepartmental discussion regarding priorities and programs which arise from or affect the City's planning process and ensures that federally funded programs are addressing the City's priority needs in compliance with its Consolidated Plan.

Monitoring

Program Year 5 CAPER Monitoring Response:

1. Describe how and the frequency with which you monitored your activities.

The Grants Administration Office is responsible for monitoring programs that receive CDBG and HOME Program funds. A subrecipient agreement is prepared for all agencies outside of the local government. This agreement contains the required HUD applicable statutory and regulatory requirements.

Monitoring of projects is done in several ways. First, subrecipients are typically reimbursed for expenses, rather than provided funds in advance. The City requires receipts, time sheets, and other relevant documentation with the reimbursement request. Also, subrecipients are required to submit quarterly performance reports, which are reviewed for consistency with the City's programs and financial records.

During this reporting period, the City's Monitoring Policy was to conduct at least four annual subrecipient on-site monitoring visits. These monitoring visits were conducted by the Grants Administration and Finance Department staff. At the on-site monitoring visits for the housing and acquisition projects, a random selection of address files were reviewed for program compliance. For all other projects a visual inspection was made of the various accomplishments completed with program funds and a narrative submitted on the benefits for low and low-to-moderate-income persons. There is a monitoring checklist that is completed at the time of the review and then summarized. The financial reviews include a selection of reimbursements from the City. The reimbursements are traced through receipt and disbursement of funds. When all staff has completed their reviews the monitoring comments are compiled and a letter written to the agencies advising them of the results of the monitoring reviews and if any corrective action is needed. Technical assistance is provided as needed, or requested.

In addition, the various CDBG and HOME Program activities are monitored remotely through quarterly performance reports and information provided with reimbursement requests.

2. Describe the results of your monitoring including any improvements.

The City has conducted on-site monitoring visits at the following agencies for the Program Year 2014 CDBG and HOME funded projects:

- 1) Greater Lynchburg Habitat for Humanity;
- 2) Lynchburg Redevelopment and Housing Authority;
- 3) Lynchburg Community Action Group;
- 4) Rush Homes; and
- 5) Lynchburg Covenant Fellowship.

City staff reviewed written agreements, agency procedures and client records with each monitoring source. The written monitoring reports will be provided to the agencies upon completion by City staff. Overall, each agency was in compliance with the CDBG and HOME program regulations and guidelines for the various programs/activities completed.

3. Self-Evaluation

a. Describe the effect programs have in solving neighborhood and community problems.

Using HUD funds, the City of Lynchburg continues to play a critical role in ensuring the sustainability and operation of activities and programs of significant benefit to our residents. The City has used CDBG funds to provide services to Lynchburg's most vulnerable populations, with programs that include facilities and services for the homeless, programs for at-risk youth, programs for persons experiencing domestic violence, and seniors. CDBG funds have also been used to improve parks, public facilities, and provide business and technical assistance for businesses located in low-income areas. HOME Program and CDBG funds have been used to improve substandard housing, provide assistance to purchase homes, and create new affordable housing. These activities directly enhanced the overall quality of life in the target areas.

b. Describe progress in meeting priority needs and specific objectives and help make community's vision of the future a reality.

The City of Lynchburg's Consolidated Plan contains goals to address community needs and improve the quality of life for its residents, especially low- and moderate-income residents. City staff annually reviews the five-year goals and priority needs as defined in the City's 2010-2015 Consolidated Plan and recommends any modifications to programs based on those reviews. Any amendments to the Consolidated Plan are presented to the Community Development Advisory Committee (CDAC) for review. If approved by CDAC, amendments are submitted to City Council for approval before submission to the HUD Richmond Office.

The City believes that it has effectively used its HUD funding to address as broad a range of community development objectives as possible. It plans to continue to support a wide range of programs and activities that will provide services, affordable housing and economic development opportunities for low-and moderate-income persons.

c. Describe how you provided decent housing and a suitable living environment and expanded economic opportunity principally for low- and moderate-income persons.

The City obligated all of its CDBG and HOME funds to specific programs, projects, and activities. Using the federal entitlements and program income Lynchburg funded: nine (9) housing projects this program year with CDBG and HOME Program funds. Specifically, within the HOME funds, two (2) CHDO projects were allocated funds to acquire and rehabilitate one housing unit for a low-to-moderate income person and to complete a rental housing development project. There was one (1) project funded in the CDBG Program for public improvements that was located in a CDBG targeted neighborhood. LRHA received CDBG funds to complete the rehabilitation of a community room at one of its public housing complexes.

The City maintained its effort in promoting the priority needs, goals, and objectives stated in its Annual Action Plan. The City did not make any changes to the program year objectives. It focused on addressing housing needs in the CDBG-targeted areas and City-wide. The City continued to evaluate ways to increase available resources, improve the strategic use of resources to leverage more non-profit and private sector activity, and increase activity that would eliminate major blighting influences that might impede the conservation and redevelopment of neighborhoods.

d. Indicate any activities falling behind schedule.

There are two (2) CDBG activities behind schedule: (1) In Program Year 2012 the City allocated funds for improvements to be made within Riverside Park. The Parks and Recreation Department has issued a contract and construction is underway. This activity will be completed in November 2015; and (2) In Program Year 2014 the City allocated funds for the Tinbridge Hill Infrastructure project. Due to unforeseen weather conditions during the winter of 2014 and the difficult terrain that was encountered for the design work, this project was delayed by several months. The design and scope of work has been completed. City staff is currently developing the bid for construction. The project is planned to be completed by December 2015.

City Grant Administration staff is closely monitoring these project for completion and draw down of funds.

e. Describe how activities and strategies made an impact on identified needs.

During the reporting period, CDBG and HOME Program funds made possible a number of activities to address the housing, economic, human and neighborhood development, and homeless services needs of the community. Under the General Questions Section (Pages 6-21) a partial list of the results achieved is provided in reaching over 8,063 persons, families and/or households. The impact on their needs was achieved through activities and strategies focused on:

- developing homeownership opportunities
- eliminating blighting structures and conditions
- repairing and rehabilitating owner-occupied housing
- maintaining and operating shelters and services for the homeless
- developing decent, affordable multi-unit rental housing
- elderly and other special needs housing assistance
- neighborhood parks and infrastructure improvements
- developing project experience for neighborhood organizations

f. Identify indicators that would best describe the results.

At the present time, the output indicator of over 8,050 people with access to improved facilities, services, and homeless shelters; and thirteen (13) units of housing assistance (homeownership, homeowner rehabilitation, and rental rehabilitation) provide reasonable indicators of the results achieved during the reporting period. For additional output indicators, see item 1.a. under the General Questions Section (Pages 6-21).

g. Identify barriers that had a negative impact on fulfilling the strategies and overall vision.

The overall economic climate and reduced funding allocations in the City's federal programs have provided barriers to the City's progress in fulfilling strategies and vision. The consistent reduction in federal funding directly impacts the ability of the City and non-profit agencies to meet low-income, underserved populations in our community.

h. Identify whether major goals are on target and discuss reasons for those that are not on target.

Major housing and non-housing goals were on target during this program year.

i. Identify any adjustments or improvements to strategies and activities that might meet your needs more effectively.

Areas to expand and improve in Program Year 2015 include:

- City staff will monitor expenditures and actively work to ensure that programs and projects are completed within a timely manner;
- Review policies, procedures, guidelines and other documents for the CDBG and HOME programs;
- Provide training opportunities for staff and subrecipients, as needed;
- Attend HUD-sponsored training offered for changes related to the HOME Program Final Rule 2013; and
- Continue to work with the Continuum of Care homeless service providers to assist homeless persons in finding shelter and/or permanent housing opportunities.

Lead-based Paint

1. Describe actions taken during the last year to evaluate and reduce lead-based paint hazards.

In Lynchburg, approximately 85% of the homes built prior to 1978 contain some lead. Children, particularly those under the age of six, are at risk of lead poisoning if living or repeatedly being in a housing unit containing lead-based paint. Research suggests that lead poisoning has societal costs that include, medical care, special education, behavioral problems, reduced long-term educational attainment, reduced long-term income attainment, increased criminal behavior, and increased hypertension in adolescents and adults.

In accordance with applicable requirements, lead-paint assessments, treatments and/or clearances are conducted on each structure built prior to 1978 in which CDBG

and HOME Program funds are expended. City staff provides each subrecipient, through the written agreements, a copy of the lead-based paint regulations and forms that are to be completed according to the scope of work for the various activities.

To protect against this risk, on April 22, 2008, EPA issued a rule requiring the use of lead-safe practices and other actions aimed at preventing lead poisoning. Under the rule, beginning April 22, 2010, contractors performing renovation, repair and painting projects that disturb lead-based paint in homes, child care facilities, and schools built before 1978 must be certified and must follow specific work practices to prevent lead contamination. Contractors are certified through the U. S. Environmental Protection Agency (EPA). This agency provides training programs across the State of Virginia and allows for contractors to submit their application for certification online. A list of the training programs offered and the application are found on the EPA website: [EPA Lead Training Programs](#)

Subrecipients are required to ensure that all contractors obtain the proper certification prior to completing a renovation or repair project utilizing CDBG and HOME Program funds. During this reporting period Lyn-CAG utilized four (4) contractors and all had current certifications to conduct lead-based paint renovation, repair, and painting activities pursuant to 40 CFR Part 745.89 for the homeowner rehabilitation projects.

HOUSING

Housing Needs

Program Year 5 CAPER Housing Needs response:

1. Describe Actions taken during the last year to foster and maintain affordable housing.

Preserving existing housing and promoting the production of new affordable housing is a primary mission of the City of Lynchburg. To that end, the City funded a number of programs aimed at addressing this issue. Agencies funded included Lynchburg Redevelopment and Housing Authority (LRHA), Lynchburg Community Action Group (Lyn-CAG), Lynchburg Covenant Fellowship (LCF), Rush Homes, and Greater Lynchburg Habitat for Humanity (GLHFH).

A strong emphasis remains on citizen participation through public hearings, technical assistance, and public notices in the newspaper. City staff also works continuously with persons and agencies to assess housing needs, identify plans of action, and ensure projects that are funded with federal funds meet those needs.

Specific Housing Objectives

1. Evaluate progress in meeting specific objective of providing affordable housing, including the number of extremely low-income, low-income, and moderate-income renter and owner households comparing actual accomplishments with proposed goals during the reporting period.

It is extremely difficult to commit to serving a specific number of households at given income levels, because these numbers tend to change due to the financial structure of a development or situation. Housing development is generally a multi-year process that is dependent on many funding sources and is often vulnerable to delays and cost increases. A housing development or project proposed to serve extremely low-income families is often not awarded the amount of subsidy needed to reach the targeted income scale. Also, this type of project may need to be restructured to serve higher income families because there is insufficient subsidy to make the rents or payments low enough to pay operating costs, mortgages, and other expenses.

There are a variety of housing types starting to become available to low-moderate income families. An enhanced importance of handicap accessibility (Section 504 compliance) has been placed on low-income projects. For example, the Lynchburg Redevelopment & Housing Authority has undertaken converting several low income units into accessible units.

The City has formed a Housing Collaborative which consists of various non-profit housing partners of the City, as well as larger institutions and stakeholders from around the City. The Collaborative has reviewed and commented on various housing initiatives including but not limited to, Analysis of Impediments to Fair Housing Choice, Tinbridge Hill Neighborhood Plan, the City's update of the Comprehensive Plan, and the State & National Historic District designation of the Pierce Street Historic District.

The City worked to provide affordable housing assistance to owners and renters at various income levels throughout the program year. The City allocated \$429,585 in CDBG funding and \$486,652 in HOME Program funds for housing projects and activities that will ultimately benefit primarily extremely low-income, low-income, and moderate-income renter and owner households.

2. Evaluate progress in providing affordable housing that meets the Section 215 definition of affordable housing for rental and owner households comparing actual accomplishments with proposed goals during the reporting period.

The Section 215 definition of affordable housing relates to units assisted with HOME funds. Please see 1.a. under "HOME / American Dream Downpayment Initiative (ADDI)" for detailed discussions of the projects involved and the income levels of beneficiaries (Pages 40-44).

3. Describe efforts to address "worst-case" housing needs and housing needs of persons with disabilities.

"Worst case" housing needs involved persons, often (but not exclusively) renters, with very low-incomes who spend more than half of their gross income on housing costs or who live in severely inadequate housing. The City's efforts to address this circumstance is through assistance for rehabilitation of owner-occupied housing, assistance to homebuyers, and assistance for the development of low-income rental housing. During the reporting period, owner-occupied rehabilitation activities were conducted by Lyn-CAG, and Lynchburg Redevelopment and Housing Authority (LRHA) through its Rental Rehabilitation Program. These activities assist with substantial and minor repairs that often resolve substandard conditions. Homeownership assistance during the reporting period was conducted by Habitat for Humanity.

Suggesting to owners of substandard rental units to rehabilitate their property is never an easy matter. The City has a Rental Inspection Program which encourages owners to make improvements to meet Code. However, because of the federal rules involved with the use of CDBG and HOME Program funds, owners of substandard rental property often choose not to avail themselves of assistance that may be available. Most progress that is made, therefore, is as a result of Code compliance due to rental inspections. LRHA awarded Rental Rehabilitation funds to five (5) property owners who were able to complete rehabilitation improvements to their properties. These rehabilitations in return, provided housing for five (5) low income persons, mostly former public housing residents, who moved from public housing to a private rental housing unit by converting to a housing choice voucher.

With respect to addressing the housing needs of the disabled, Rush Homes has completed the rehabilitation of the former Armstrong School building located at 1721 Monsview Place. When fully leased and occupied, the development will provide 28 one-and two-bedroom apartment units known as Armstrong Place. All of the apartments will be accessible to people with physical disabilities and 50% of the units will conform to HUD's interpretation of the accessible design requirements of Section 504 of the Rehabilitation Act of 1973. The City contributed \$185,500 in HOME Program Community Housing Development Organization (CHDO) funds to this project during Program Years 2012 and 2014. The project should be completed in Program Year 2015 and all units occupied by October 2015.

During this reporting period, LRHA completed rehabilitations meeting the Americans with Disabilities Act (ADA) requirements of two (2) public housing units for persons with disabilities. In Program Year 2015 LRHA plans to complete the rehabilitation of one additional ADA accessible unit.

The City has enhanced its ability to address the housing needs of the disabled through policy and educational initiatives. These involve establishing a focus on the requirements of Section 504 of the Rehabilitation Act, the Americans with Disabilities Act and the Fair Housing Act as they pertain to the use of the City's CDBG and HOME Program funds by housing providers.

In some cases, homeownership may be a feasible alternative to substandard rental housing, even for very-low-income families. In worst case situations, such families may be spending more for rent than may be arranged for homeownership. In such instances, a combination of downpayment and closing cost assistance from the City, a reduced purchase price (made possible by HOME development subsidies) and low-interest financing from such sources as Virginia Housing Development Authority (VHDA) and private lending institutions, may be packaged and offer an appropriate path out of inadequate housing.

Public Housing Strategy

1. Describe actions taken during the last year to improve public housing and resident initiatives.

Program Year 5 CAPER Public Housing Strategy response:

During the past year the Lynchburg Redevelopment & Housing Authority (LRHA) has completed several capital fund projects. Two (2) more public housing units were renovated to meet Section 504/Americans with Disabilities Act (ADA) accessible compliance. The Dearington Community Room and Birchwood Community Room were renovated to meet Section 504/ADA compliance requirements. We have started Phase I of the replacement of doors and windows at Dearington Apartments. The Public Housing Flat Rents were reviewed and updated to be set at 80% of Fair Market Rent as required by the 2014 Appropriations Act. Flat Rents will be updated annually with the publication of Fair Market Rents to assure continued compliance.

Public Housing Tenant Maintenance Charges were reviewed and updated to adopt a "time & materials" charge structure for any tenant caused damages outside of normal wear and tear.

LRHA has implemented an Annual Inspection/Housekeeping Inspection process that looks at each unit from:

- an "asset" perspective – generating work orders for unit repair needs;
- the "lease" perspective – generating counseling discussions and subsequent action for lease violations;
- the "tenant" perspective – positively impacting tenant living conditions and attitudes;
- the "HUD" perspective – increasing our REAC Physical Inspection Score

The Utility Allowances were updated for Public Housing and Section 8 and were adopted by the Board of Commissioners in December, 2014 with an effective date of January 1, 2015.

In addition, LRHA assumed administration responsibilities for the Permanent Supportive Housing grants for the Central Virginia Continuum of Care. There are currently 3 grants which were being administered by 3 separate entities. Initially, the Shelter Plus Care grant was transferred to LRHA in August 2014. Subsequently, the Cornerstone grant, administered by Lynchburg Neighborhood Development Foundation (LNDF), and the Rush Homes grant, administered by Rush Homes, was transferred to LRHA in March 2015 and May 2015 respectively. Bringing these grants to one administrator will provide more effective and efficient administration of the grants and further enhance the coordination of housing and services for the homeless and low income residents. In the next grant cycle, LRHA will apply as one grant to provide Rental Assistance under the program for assisting in Ending Homelessness in the City of Lynchburg.

Barriers to Affordable Housing

1. Describe actions taken during the last year to eliminate barriers to affordable housing.

Program Year 5 CAPER Barriers to Affordable Housing response:

A primary barrier to affordable housing in the target area is the very low property values in the targeted census tracts. This is a large disincentive to development through renovation because the cost of repair typically exceeds the value of the renovated property. Therefore, only non-profit organizations that can access soft costs funds (i.e. finance and construction related costs) and grant funds are able to conduct rehabilitation projects in these areas. The for-profit developers are unable to conduct the extensive renovations necessary to make the houses in the target market amenable to modern housing demands. However, the City did allocate CDBG and HOME Program funds to non-profit entities to address the needs of extremely low and low-income families and persons. Agencies funded included the Lynchburg Redevelopment and Housing Authority, Greater Lynchburg Habitat for Humanity, Rush Homes, Lynchburg Community Action Group, and Lynchburg Covenant Fellowship.

Lynchburg is a City of relatively low housing costs. Therefore, average income and cost-of-living reflect these somewhat lower housing costs. Recently, there has been a resurgence of housing development, primarily in the outlying areas of the City closest to a local university. Development in the CDBG target areas remain limited to non-profit and subsidized activity. This is due in part to the very low property values in these census tracts and a greater value being placed on improvements to property than to the land itself. In the target areas, this high value on improvements, or buildings, had the effect of costing more than clearing land outside of the target areas, and thereby, negating the opportunities of redevelopment. This is also a large disincentive to development through renovation because the cost of repair typically exceeds the value of the renovated property.

The usual barriers, zoning, building code, and density issues for the targeted census tracts have been interpreted to encourage appropriate development in these areas. This is especially true in the development by non-profit housing providers where the

City has waived or offset utility and other fees for making the project more affordable for the very low and low-income residents.

The City has also undertaken rewriting its Zoning Ordinance which is over 35 years old and promotes suburban style development. One of the main goals of the rewrite is to allow for a variety of housing types and densities. Such criteria related to affordable housing that is being reviewed as part of the rewrite is a reduction in building setbacks to allow for denser development and housing unit density bonuses for locating near transit, pedestrian facilities, or dedicating a portion of the development as affordable units. The ordinance is planned to be finalized in late 2015.

Despite the cost-to-value disparity, there are several incentives that the City offers to private and corporate entities interested in development in the targeted census tracts. Businesses located in the Enterprise Zone benefit from tax exemptions on improvements and other tax incentives. Developers may be given incentives if access to public transportation is located at the development site.

In order to assist in addressing barriers to affordable housing, City Council has taken the appropriate role of supporting cooperative ventures and initiate cooperation where it is needed. City Council has also exercised this coordinating role in its allocation of CDBG and HOME Program funds to nonprofit organizations for housing related projects. All of the homeownership programs funded with federal dollars include an educational component for potential homebuyers about mortgage financing, credit and budgeting issues, and the responsibilities of homeownership.

HOME/ American Dream Down Payment Initiative (ADDI)

Program Year 5 CAPER HOME/ADDI response:

1. Assessment of Relationship of HOME Funds to Goals and Objectives

- a. Evaluate progress made toward meeting goals for providing affordable housing using HOME funds, including the number and types of households served.**

On January 14, 2014, City Council approved the goals for housing and non-housing development, which constitute the priority needs stated in the Plan for the reporting period of July 1, 2014 through June 30, 2015. These goals reflect the needs that historically have been the needs of the very low-, low-, and moderate-income persons living within the target census tracts and the City. Four (4) of those goals apply to the HOME Program.

PRIORITY #1: CREATE NEW HOMEOWNERSHIP OPPORTUNITIES FOR LOW-TO-MODERATE-INCOME FAMILIES

PRIORITY #2: REHABILITATION OF SUBSTANDARD HOUSING UNITS

PRIORITY #3: SUPPORT PROGRAMS THAT ASSIST LOW-TO-MODERATE INCOME PERSONS IN RETAINING THEIR HOMES

Goal 1: Increase the number of owner-occupied units.

To the degree that predominance of rental units in a neighborhood is seen as destabilizing, the City wants to provide incentives for qualified persons and low- and moderate-income to consider the benefits of homeownership, especially if it is more cost-effective than renting and if it builds wealth for the individual household. Several programs are supported by the City that incorporate these elements.

[Greater Lynchburg Habitat for Humanity \(GLHFH\)](#)

The Greater Lynchburg Habitat for Humanity (GLHFH) used HOME Program funds to provide assistance for down payment and closing costs to its program participants, and to finance some of the pre-construction costs associated with site development.

In Program Year 2014, GLHFH was allocated \$90,000 of HOME Program funds to provide assistance to eligible first-time homebuyers. During this reporting period GLHFH expended \$30,000 of HOME funds from Program Year 2013 and provided assistance to two (2) homebuyers with down payment and closing costs. Additionally, there was \$110,916 in private funding used for the rehabilitation and construction of these two (2) housing units. Because of these new homeownership opportunities, the homeownership rate in the targeted neighborhoods was increased. These projects were located in Census Tract 11. The beneficiaries included seven (7) persons, of which all were African-American. One household was within the 30-50% area median income level and the other household was within the 50-60% area median income level.

[Lynchburg Community Action Group \(Lyn-CAG\) – Homeownership Program](#)

Lyn-CAG has been a long-time advocate of providing affordable homeownership in the City of Lynchburg. In Program Year 2014, Lyn-CAG was allocated \$60,000 in

HOME funds to help financially by providing down payment assistance to low-income home buyers. In addition each client receives homeownership education through Lyn-CAG's Housing Counseling Department. Pre-and Post-purchase education is a part of the criteria to qualify for receipt of the HOME Program funds.

During Program Year 2014 Lyn-CAG expended \$10,000 and provided down payment assistance to one homebuyer. There was one (1) White person in the household who was within the 50-60% area median income level. Lyn-CAG staff continues to work with the area financial institutions to qualify other eligible persons for this program.

Goal 2: Rehabilitate substandard housing units through support of public and private programs. Emphasis is to be placed on programs which require an investment of funds and/or labor on the part of the owner, which are commensurate with the owner's resources. In addition, maintenance of homes will be enforced through applicable ordinances and building code requirements, and through owner initiatives to rehabilitate existing rental properties.

Goal 3: Rehabilitate substandard housing units through support of public and private programs. Emphasis is to be placed on programs which require an investment of funds and/or labor on the part of the owner and which are commensurate with the owner's resources.

Note: These two goals are directly related, therefore, the accomplishments for them are combined.

[Lynchburg Community Action Group \(Lyn-CAG\) - Substantial Rehabilitation Program](#)

Lyn-CAG received \$75,000 in HOME funds for Program Year 2014 to finance its "Substantial Homeowner Rehabilitation Program". The Substantial Rehabilitation Program targets low-to-moderate-income homeowners who are in need of assistance to make extensive repairs and/or address significant building code related problems.

Through this Program, Lyn-CAG expended HOME Program funds in the amount of \$259,041 from Program Year 2014 and prior program years for substantial rehabilitation assistance for five (5) households. These properties were located at: 1701 Monroe Street; 412 Floyd Street; 615 Madison Street; 1100 Pierce Street; and 1712 Union Street. These assisted households consisted of ten (10) African-American persons and the incomes were within the 50-60% of the Area Median Income (AMI) level.

[Lynchburg Community Action Group \(Lyn-CAG\) - CHDO Homeownership Project](#)

In Program Year 2014 Lynchburg Community Action Group (Lyn-CAG), as a certified Community Housing Development Organization (CHDO), was allocated \$45,000 of HOME Program CHDO funds for the acquisition and rehabilitation of a housing unit for resale to a first-time homebuyer. Lyn-CAG has acquired the property located at 5916 Quaker Parkway and is currently rehabilitating the housing unit. Once the rehabilitation is completed, the housing unit will be sold to an eligible homebuyer. There was \$69,505 of HOME Program funds expended for the acquisition and rehabilitation construction costs during Program Year 2014. This activity will be completed in Program Year 2015.

Lyn-CAG expended \$38,032 of CHDO proceeds and assisted three (3) homeowners with housing rehabilitations and HOME Program training for Lyn-CAG staff.

PRIORITY #4: SUPPORT AFFORDABLE PERMANENT HOUSING INITIATIVES:

Goal 4: Support initiatives to increase permanent affordable rental and housing ownership for low-income households. In addition, the City supports assisting persons with disabilities, substance abuse or addiction, persons with AIDS, persons that are homeless, and elderly persons.

Rush Homes of Central Virginia (Rush Homes) – HOME CHDO

Rush Homes, as a designated HOME Program Community Housing Development Organization (CHDO), is a nonprofit organization that provides affordable and accessible housing opportunities to people with disabilities and low incomes in the greater Lynchburg region.

As a CHDO project, Rush Homes has completed the rehabilitation of the former Armstrong School building located at 1721 Monsview Place and is in the process of leasing the units to eligible clients. This development is an adaptive reuse of the Armstrong Elementary School and new construction. The housing units within the project are fully accessible units designed for individuals with disabilities whose rents will be affordable at the Low Income Housing Tax Credit (LIHTC) and HOME Program limits, whichever is the least amount. Construction consisted of historic rehabilitation for the adaptive reuse of a vacant elementary school (Armstrong Elementary School) into 16 apartments. An additional 12 new construction units were developed on the site. In addition, Rush Homes renovated the gymnasium and it is available to the City of Lynchburg and the Monsview/Bedford Avenue area community for community activities.

The City allocated \$175,000 and \$10,500 of Program Year 2012 and Program Year 2014, respectively, of Home Program funds for this project and all funds have been drawn down. The occupancy data will be available in Program Year 2015 as the units are leased.

2. HOME Match Report

- a. Use HOME Match Report HUD-40107-A to report on match contributions for the period covered by the Consolidated Plan program year.**

The HOME Match Report (HUD Form 40107-A) is included in the CAPER as Appendix E.

3. HOME MBE and WBE Report

- a. Use Part III of HUD Form 40107 to report contracts and subcontracts with Minority Business Enterprises (MBEs) and Women's Business Enterprises (WBEs).**

The HOME MBE and WBE Report (HUD Form 40107) is included in the CAPER as Appendix E.

4. Assessments

a. Detail results of on-site inspections of rental housing.

In Program Year 2014 there were eighty-seven (87) annual inspections completed by the Management Agency, Community Housing Partners (CHP), for the Hilltop Homes, Central City and College Hill rental units. In addition to these annual inspections, periodic monthly inspections are completed.

City Rental Inspections Program staff conducted thirty-nine (39) inspections of the above rental housing units in Program Year 2013. The next scheduled inspections are to be completed in Program Year 2015.

There were nine (9) annual inspections completed by CHP for the Cornerstone rental units.

b. Describe the HOME jurisdiction's affirmative marketing actions.

The City of Lynchburg requires HOME Program recipients, who develop more than five housing units, to submit affirmative marketing plans. The City monitors HOME rental housing projects annually to ensure that projects are in compliance with affirmative marketing policies and meet minimum housing quality standards.

c. Describe outreach to minority and women owned businesses.

Programs and projects conducted or assisted by the City are expected to make a good faith effort to engage minority- and women-owned business enterprises when procuring construction-related and other services. To enhance the capacity to do so, the City has made efforts to update its listings of such vendors.

Where federal grants or monies are involved, it is the policy of the City through its agents and employees to comply with the requirements set forth - Standards Governing State and Local Grantee Procurement - of the U.S. Office of Management and Budget Circular N. A-102, Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments, as they pertain to small and minority business utilization.

During this reporting period, Lyn-CAG successfully provided three (3) minority business enterprises (MBE) owned contracts for HOME projects. These contracts totaled approximately \$113,360.

5. Recapture Provisions

In accordance with HOME program regulations at 24 CFR Part 92, properties assisted must remain affordable during the affordability period. Under recapture provisions, this period is based on the direct HOME subsidy to the homebuyer and includes down payment assistance, "gap" financing, and interest rate buy-downs, as available.

The HOME affordability periods are as follows:

HOME Investment Per Unit	Length of the Affordability Period
Less than \$15, 000 subsidy	5 years
\$15, 000 - \$40,000 subsidy	10 years
More than \$40,000 subsidy	15 years
New construction of rental housing	20 years

HOME-assisted units are subject to affordability for the entirety of the affordability period. These HOME-assisted units are subject to a recapture provision in order to assure that the units either remain affordable (i.e. housing eligible clients) or that the City recovers its investment based on the terms of the agreement. Funds are recaptured only from the net proceeds of the sale or foreclosure. Please see specific HOME Program details for recapture provision specifics.

HOMELESS

Homeless Needs

Program Year 5 CAPER Homeless Needs response:

1. Identify actions taken to address the needs of homeless persons.

During Program Year 2014 the Central Virginia Continuum of Care (CVCoc) continued its efforts in addressing the homeless persons' needs in the areas of: homeless prevention and diversion, coordinated homeless intake and assessment, emergency shelters, domestic violence shelters, rapid re-housing programs, transitional housing and permanent supportive housing.

In addition to the above, the following programs/activities were conducted to meet the needs of the homeless persons.

The Homeless and Housing Services (HHS) Committee comprised of representatives from homeless service providers, mental health clinicians, healthcare social workers, local city and county DSS providers, substance abuse treatment providers, faith-based organizations and housing providers worked to gather from homeless providers their admission criteria for homeless response services. The HHS Committee is tasked with identifying ways to streamline and improve the homeless response system. Once all admission criteria were received from the providers, the Committee worked to identify barriers that exist within the homeless response system. There were a number of access issues identified within the system that made it difficult and sometimes impossible for the most vulnerable of the homeless population to receive the assistance that is needed. In light of these barriers to access homeless services, the Committee provided recommendations to homeless services providers on ways to improve the admission criteria.

A Community Case Review (CCR) Planning Team was created. The CCR is a planning team staffed by anchor agencies within the Central Virginia CoC. The CCR process develops and reviews plans for individuals and families experiencing homelessness or at risk of homelessness to identify and secure services and support that will lead to stable housing. CCR team members help problem solve difficult cases and determine prioritization for permanent supportive housing.

For the past two years, the CVCoc in partnership with the City of Lynchburg has staffed and operated the Coordinated Homeless Intake and Assessment (CHIA) tool in order to quickly assess homeless and potentially homeless individuals and families to insure that they are expeditiously placed in the most appropriate housing for their unique situation. The staff position has been located at the City's Department of Human Services. Beginning in Program Year 2015, the CVCoc in partnership with Lynchburg Redevelopment and Housing Authority (LRHA) relocated the CHIA staff person and function of this assessment process to LRHA. After several discussions with the homeless response partners as well as the Housing Collaborative and City of Lynchburg staff, it was agreed that this position would provide greater access to housing services and it would be more appropriately housed at LRHA than at its present location with the City's Department of Human Services. HUD's Continuum of Care Program regulations require a coordinated intake process in order for a community to be eligible for federal grants to assist with homeless response. The

CVCoC developed CHIA to achieve compliance with these requirements. The CVCoC has worked to develop a uniform intake tool to quickly assess individual and family needs and assure that they are either diverted from the homeless response system or expeditiously placed in the most appropriate housing program.

In Program Years 2013 and 2014 the City allocated \$30,000 and \$24,585, respectively, of CDBG funds to this activity to implement and continue the funding needed for the Homeless Intake Coordinator position. In Program Year 2014 there was \$23,444 expended for direct costs associated with the funding of the position.

In addition to the CDBG funds, the City of Lynchburg utilized \$72,806 of its Program Year 2013 (June 1, 2014 - May 31, 2015) annual allocation for the Permanent Supportive Housing (formerly known as Shelter Plus Care) Program to provide rental assistance to eleven (11) households with a total of nineteen (19) homeless persons for permanent housing. The City has received its renewal grant in the amount of \$98,618 for Program Year 2014.

In addition, the following agencies received \$284,669 of Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act) funds through the HUD Continuum of Care Program for Program Year 2014.

Applicant	Project	Amount
Lynchburg Community Action Group	The Family Living Center	\$ 44,665
Lynchburg Neighborhood Development Foundation (LNDF)	The Cornerstone	\$ 73,373
Miriam's House	Homeless Management Information System(HMIS)	\$ 21,357
Miriam's House	Supportive Housing	\$ 87,252
Rush Homes, Inc.	Rush Homes	\$ 58,022
	Total:	\$ 284,669

2. Identify actions taken to help homeless persons make the transition to permanent housing and independent living.

During this reporting period, the CVCoC continued the coordinated intake process into the homeless response system. All CVCoC funded programs participate in this process to ensure that households are experiencing decreased lengths of time homelessness through receiving appropriate resources. Persons experiencing homelessness in this community contact the Coordinated Homeless Intake and Access (CHIA) in order to be assessed for whether or not they can be prevented from becoming homeless or diverted from the homeless response system. If neither of these options are possible, homeless persons are referred to one of two local emergency shelters. Once in shelter, the household works with a case manager to establish a housing plan. This process occurs within the first two weeks of entering shelter. If the housing case manager and homeless household are unable to identify a housing plan, the household is referred back to CHIA for a more thorough assessment. This second step assessment identifies which next step resources (rapid re-housing, transitional housing, permanent supportive housing) are necessary in order for the household to transition to independent living. The CHIA coordinator makes the appropriate referral based upon the household's barriers to housing.

Households with low to moderate barriers are referred to rapid re-housing, ones with moderate to high barriers are referred to transitional housing and ones with highest barriers are referred to permanent supportive housing. By matching households with the appropriate services, it is expected that there will be less recidivism and more success in households gaining permanent housing.

A Veterans Affairs Outpatient Clinic is able to meet the needs of homeless veterans in the area.

3. Identify new Federal resources obtained from Homeless SuperNOFA.

The Continuum of Care (CoC) is in a Hold Harmless Renewal status.

Specific Homeless Prevention Elements

1. Identify actions taken to prevent homelessness.

Program Year 5 CAPER Specific Housing Prevention Elements response:

Lyn-CAG's Homeless Solutions Prevention Program targets low-income individuals and families who are eligible for services. The primary objective of the Program is to prevent displacement of households who are potentially homeless; to assist homeless persons in securing permanent housing; and to assist high risk homeless persons with rental arrears. Clients who are in danger of high risk arrears must provide verification of potential arrearage. This will be done through written documentation from reliable sources not limited to employment, medical and benefit services (namely unlawful detainer). Clients must submit documentation that verifies that the household lacks the financial resources and support networks needed to obtain immediate housing or remain in its existing housing. The Virginia Department of Housing and Community Development (DHCD) awarded a grant in the amount of \$82,969 to Lyn-CAG. During this reporting period, 60 households were served and a total of 120 individuals were within those households.

2. Identify actions taken to help homeless persons make the transition to permanent housing and independent living

The ultimate objective of the homeless response system is to prevent homelessness, decrease the length of time households experience homelessness, increase exits from homelessness into permanent housing and decrease recidivism. All homeless response programs continue to work closely with community agencies to rapidly move homeless persons and families into permanent housing. This is accomplished through building relationships with local subsidized housing agencies and private landlords. Participants in homeless assistance programs receive regular case management to identify housing attainment plans. Attaining housing is possible through partnerships with service providers in the community. These linkages are to agencies in the areas of mental health, healthcare, financial assistance, education, employment, substance abuse, and children's services. The CVCoC agencies continue to work with local governments and other policy making entities to advocate for increases in assistance for rental subsidies and the availability of support services to increase the number of persons who can successfully transition to permanent housing.

Emergency Shelter Grants (ESG)

Program Year 5 CAPER ESG response:

Not applicable to the City of Lynchburg.

- 1. Identify actions to address emergency shelter and transitional housing needs of homeless persons and families (including significant subpopulations such as those living on the streets).**
- 2. Assessment of Relationship of ESG Funds to Goals and Objectives**
 - a. Evaluate progress made in using ESG funds to address homeless and homeless prevention needs, goals, and specific objectives established in the Consolidated Plan.**
 - b. Detail how ESG projects are related to implementation of comprehensive homeless planning strategy, including the number and types of persons and persons in households served with ESG funds.**
- 3. Matching Resources**
 - a. Provide specific sources and amounts of new funding used to meet match as required by 42 USC 11375(a)(1), including cash resources, grants, and staff salaries, as well as in-kind contributions such as the value of a building or lease, donated materials, or volunteer time.**
- 4. State Method of Distribution**
 - a. States must describe their method of distribution and how it rated and selected its local government agencies and private non-profit organizations acting as sub-recipients.**
- 5. Activity and Beneficiary Data**
 - a. Completion of attached Emergency Shelter Grant Program Performance Chart or other reports showing ESGP expenditures by type of activity. Also describe any problems in collecting, reporting, and evaluating the reliability of this information.**
 - b. Homeless Discharge Coordination**
 - i. As part of the government developing and implementing a homeless discharge coordination policy, ESG homeless prevention funds may be used to assist very-low-income persons and families at risk of becoming homeless after being released from publicly funded institutions such as health care facilities, foster care or other youth facilities, or corrections institutions or programs.**
 - c. Explain how your government is instituting a homeless discharge coordination policy, and how ESG homeless prevention funds are being used in this effort.**

COMMUNITY DEVELOPMENT

Community Development

Program Year 4 CAPER Community Development response:

1. **Assessment of Relationship of CDBG Funds to Goals and Objectives**
 - a. **Assess use of CDBG funds in relation to the priorities, needs, goals, and specific objectives in the Consolidated Plan, particularly the highest priority activities.**
 - b. **Evaluate progress made toward meeting goals for providing affordable housing using CDBG funds, including the number and types of households served.**
 - c. **Indicate the extent to which CDBG funds were used for activities that benefited extremely low-income, low-income, and moderate-income persons.**

COMMUNITY DEVELOPMENT

1. a, b, & c. ASSESSMENT OF CDBG FUNDS TO PRIORITIES, GOALS AND OBJECTIVES IDENTIFIED IN THE 2010-2015 CONSOLIDATED PLAN

The summary below depicts the City's progress in meeting its stated annual goals in relation to the five-year Consolidated Plan.

Housing Ownership, Rehabilitation and Rental

PROGRAM	FIVE-YEAR GOALS					ANNUAL ACTUAL ACCOMPLISHMENTS				
	2010 (FY11)	2011 (FY12)	2012 (FY13)	2013 (FY14)	2014 (FY15)	2010 (FY11)	2011 (FY12)	2012 (FY13)	2013 (FY14)	2014 (FY15)
Homeownership- Owner-occupied (CHDO)	1	2	1	1	1	1	2	1	1	1
Homeownership- Homebuyer	10	10	10	10	10	15	10	3	5	3
Homeownership- Retention/ Housing Rehabilitation	5	5	5	5	30	48	20	34	13	10
Rental Units	0	24	24	28	0	0	49	1*	**	29***

*FY 13 goal was achieved ahead of schedule in FY 12

**FY 14 goal has not been achieved. Rush Homes is currently developing Armstrong Place which will provide the 28 rental units for this goal.

***Rush Homes has completed the Armstrong Place Apartments project; however, all leases have not been executed and units fully occupied; Lynchburg Covenant Fellowship has completed the renovation of the Frank Roane Apartments and occupancy of the HOME-designated unit will be completed in September 2015.

The City's goal in the Consolidated Plan is to make every housing unit safe, decent, and affordable. Assistance programs also extend to eligible rental activities. Another goal and important aspect of improving and sustaining community livability and services is to build on the existing assets within the various neighborhoods through

revitalization and rehabilitation efforts. The City's plans also include creating opportunities to make home ownership available to qualified persons and providing assistance to help homeowners keep their homes. This in turn will help strengthen neighborhoods.

Lynchburg Community Action Group (Lyn-CAG) completed the occupancy requirements for 714 Pierce Street. This property was acquired and rehabilitated with the use of CHDO funds previously allocated from HOME Program funds. The housing unit was sold and is occupied by a low-to-moderate income family.

A total of \$40,000 in HOME funds was expended for Homeownership Homebuyer projects this program year by providing down payment assistance to three (3) households. These funds were expended by Greater Lynchburg Habitat for Humanity (GLHFH) and Lyn-CAG. Additionally, GLHFH utilized \$110,916 in private funding for the construction and rehabilitation of two (2) housing units where down payment assistance was provided to the homebuyers.

Of the ten (10) housing units that were rehabilitated, there was \$394,701 in CDBG and HOME Program funds expended for these properties. These funds were expended by Lyn-CAG and Lynchburg Redevelopment and Housing Authority (LRHA). Lyn-CAG completed five (5) homeowner rehabilitations and LRHA completed three (3) rental rehabilitations through landlords and two (2) rehabilitations for accessibility of two public housing units. These rehabilitation efforts in our CDBG-targeted neighborhoods helped to increase the property values as well as improve the overall aesthetics of the neighborhoods.

Support of Neighborhoods

PROGRAM	FIVE-YEAR GOALS					ANNUAL ACTUAL ACCOMPLISHMENTS				
	2010 (FY11)	2011 (FY12)	2012 (FY13)	2013 (FY14)	2014 (FY15)	2010 (FY11)	2011 (FY12)	2012 (FY13)	2013 (FY14)	2014 (FY15)
Neighborhood/ Community Meetings	5	5	5	5	5	96	88	97	59	58*
Infrastructure Improvements	1	1	1	1	1	1	1	1	1	*

*Includes neighborhood meetings in Tinbridge Hill, Federal Hill, Fairview Heights, Dearington, Birchwood, Garland Hill, Dearing Street, Diamond Hill, College Hill, Seminary Hill, White Rock Hill, Richland Hills, Three Fountains, Georgetown Forest, Fort Hill, Walden Pond, Lakeview, Willow Lawn, McGurk House, Dearing Street, Gates Street, and Edley Addition.

*The Tinbridge Hill Infrastructure project funded in Program Year 2014 is underway. The design plan for this activity has been completed. City staff is in the process of developing the scope of work for the bidding process. This activity will be completed in Program Year 2015.

Neighborhoods are an important foundation for improving and sustaining community livability and services. Strong neighborhoods help to create more active and informed citizens which in turn result in a stronger community. Within neighborhoods there are shared identities, issues, concerns, and interests. Each neighborhood has its own unique priorities and character. The neighborhoods within Lynchburg's Historic Districts may be working to preserve the historical aesthetics of the neighborhood. Some neighborhoods have traffic problems while others are dealing with beautification, crime, youth, socioeconomic, and/or family concerns. Each

neighborhood needs an avenue to deal with its individual needs so that the community continues to be strengthened and protected.

During this reporting period, the City's Code Compliance Team and other neighborhood groups met and conducted four (4) "walk-throughs" in CDBG targeted areas to review housing and Code related issues. These "walk-throughs" occurred on Diamond Hill South, Diamond Hill Historic District, Dearington Neighborhood, and Easton Avenue Neighborhood.

During this reporting period, the neighborhood associations met monthly and discussed their accomplishments and concerns related to issues within the neighborhood (i.e. crime, safety, aesthetics). City representatives from different departments attended these meetings and assisted the residents in resolving their concerns. A total of fifty-eight (58) neighborhood meetings were held in Tinbridge Hill, Federal Hill, Fairview Heights, Dearington, Birchwood, Garland Hill, Dearing Street, Diamond Hill, College Hill, Seminary Hill, White Rock Hill, Richland Hills, Three Fountains, Georgetown Forest, Fort Hill, Walden Pond, Lakeview, Willow Lawn, McGurk House, Dearing Street, Gates Street, and Edley Addition.

The City's Public Works Department utilized \$591,909 in City funds during the reporting period of July 1, 2014 through June 30, 2015 on various maintenance projects located in the low/mod areas. These projects included repairs to sidewalk, paving, and guardrails.

Economic Development Efforts

PROGRAM	FIVE-YEAR GOALS					ANNUAL ACTUAL ACCOMPLISHMENTS				
	2010 (FY11)	2011 (FY12)	2012 (FY13)	2013 (FY14)	2014 (FY15)	2010 (FY11)	2011 (FY12)	2012 (FY13)	2013 (FY14)	2014 (FY15)
Enterprise Zone	2	2	2	2	2	2	2	2	2	2
Downtown Redevelopment Improvements	1	1	1	1	1	1	2	1	1	1

The City's goal is to encourage more commercial and industrial development in order to provide more employment opportunities in the inner city.

The City has two Enterprise Zones: Enterprise Zone Number 2 - Downtown and Enterprise Zone Number 46 - Lynchpin. Downtown redevelopment and commercial development increases the number of jobs and wages available for low-to-moderate-income persons, decreases vacant and/or dilapidated non-revenue producing properties, increases business sales volume in the revitalized neighborhoods, and increases small business loans in targeted neighborhoods.

During this reporting period, the Office of Economic Development expanded the City's two Enterprise Zones, providing development and job creation assistance to growing businesses in commercial areas throughout town. In the past few years, the City has made several thousand additional acres of commercial property eligible for investment grants. During calendar year 2014, Enterprise Zone grants of \$203,585 assisted Lynchburg businesses in retaining 570 jobs and creating 205 jobs.

Investments in commercial real estate were even more significant. Real Property Investment Grants of nearly \$838,000 leveraged private commercial property investments of almost \$23 million.

Public downtown and Riverfront redevelopment/infrastructure projects have been totally focused on the Lower Bluffwalk Phases 2 and 3. This project consists of constructing a pedestrian walking area, pocket parks, and plazas between the buildings facing Jefferson and Commerce Streets spanning from Ninth Street to Washington Street. In January 2012 the City allocated \$5,715,420 for this project. During this reporting period \$2,468,384 was expended on this project. The expected completion date for this project is September 2015.

Public Service Providers for At-risk Youth, Adults and Families

PROGRAM	FIVE-YEAR GOALS					ANNUAL ACTUAL ACCOMPLISHMENTS				
	2010 (FY11)	2011 (FY12)	2012 (FY13)	2013 (FY14)	2014 (FY15)	2010 (FY11)	2011 (FY12)	2012 (FY13)	2013 (FY14)	2014 (FY15)
Housing for Homeless Agencies	2	2	2	2	2	2	2	1	1	1
Public Service Providers (Youth Activities-Recreation and Education, Senior Program, Domestic Violence)	2	2	2	2	2	2	2	**	1**	1**

**In Program Year 2010 City Council updated its Citizen Participation Plan (CPP) and restructured programs and activities that would be funded with CDBG funds. This restructuring provided for public service activities to be conducted in partnership with City department projects. During Program Years 2013 and 2014 there was one public service activity funded with CDBG funds. This activity was provided \$30,000 and \$25,585, respectively of CDBG funds to provide staff support within the Division of Social Services to implement the Coordinated Homeless Intake and Access (CHIA), homeless response system. CHIA allows for an assessment to be completed determining whether or not the client can be prevented from becoming homeless or diverted from the homeless response system. If neither of these options is possible, homeless persons are referred to one of two local emergency shelters. There was \$23,444 expended for the operation of this activity.

The City continues to support public service providers in order to meet the needs of the low-to-moderate income persons, persons with disabilities, substance abuse or addiction, persons with AIDS, persons that are homeless, and elderly persons. In addition to the services provided by the City's Division of Social Services, there are many nonprofit organizations that coordinate with the City to provide the services needed.

The City was awarded the Continuum of Care Permanent Supportive Housing Program funds (formerly known as Shelter Plus Care Grant) during Program Year 2014. This grant provided assistance to eleven (11) households consisting of nineteen (19) persons that were homeless and was in need of permanent housing.

During this reporting period, the City allocated \$24,585 for the Continuum of Care Coordinated Assessment Intake Social Worker public service activity. There was \$23,444 expended and 616 potentially homeless and/or homeless persons served at the central intake office.

Residential Rental Property Inspections Program and Property Maintenance Inspections

PROGRAM		FIVE-YEAR GOALS					ANNUAL ACTUAL ACCOMPLISHMENTS				
	2010 (FY11)	2011 (FY12)	2012 (FY13)	2013 (FY14)	2014 (FY15)	2010 (FY11)	2011 (FY12)	2012 (FY13)	2013 (FY14)	2014 (FY15)	
Rental Property Inspections	462	450	450	450	450	760	394	436	305	324	
Property Maintenance Inspections	2400	2300	2200	2100	2000	5078	5033	2465	3506	3895	

The City continues to provide support for the Rental Inspection Program by reducing the number of rental properties that have Code violations and are health, safety, and public welfare concerns. While there were no HUD funds specifically expended on the Residential Rental Inspection Program, the City utilized General Operating funds to continue the enforcement of Property Maintenance Code violations in the rental housing stock in the CDBG-targeted neighborhoods. There were 324 rental inspections completed during this reporting period.

The Property Maintenance Code inspections that were completed during this reporting period include: pre-court inspections, court ordered inspections, initial inspections, and follow-up inspections. This Code enforcement effort provides a reduction in blighted properties and makes rental properties safer, more decent, and affordable for low-to-moderate-income persons. There were 3,895 Property Maintenance Inspections completed during this reporting period.

Demolition and Code Enforcement

PROGRAM	FIVE-YEAR GOALS					ANNUAL ACTUAL ACCOMPLISHMENTS				
	2010 (FY11)	2011 (FY12)	2012 (FY13)	2013 (FY14)	2014 (FY15)	2010 (FY11)	2011 (FY12)	2012 (FY13)	2013 (FY14)	2014 (FY15)
Demolitions	2	2	2	2	2	3	2	3	2	0
Weed Ordinance-Property Clearance	200	250	250	250	250	905***	896***	1529***	1512***	1779***
Removal of Abandoned Vehicles	60	85	100	125	135	***	***	***	***	***

***The TrakIt Data System categorizes the data for weed ordinance/property clearance and abandoned vehicles in one database; therefore, this data is reported as a combined accomplishment.

The City's goal is to continue to eliminate neighborhood deterioration, blight, and blighting influences through staged redevelopment of public infrastructure, rehabilitation activities, code enforcement, or clearance where needed. The Code Compliance Team completed 1,779 inspections during this reporting period.

While the City did not expend any local funds for the demolition of structures in the CDBG-targeted neighborhoods, the demolition and Code enforcement efforts continued to address derelict properties and further enhance the living environment within the targeted neighborhoods.

2. Changes in Program Objectives

- a. Identify the nature of and the reasons for any changes in program objectives and how the jurisdiction would change its program as a result of its experiences.**

There were no changes in the City's program goals and objectives during the program year. Activities were consistent with the goals specified in the 2010-2015 Consolidated Plan.

3. Assessment of Efforts in Carrying Out Planned Actions

- a. Indicate how grantee pursued all resources indicated in the Consolidated Plan.**

The City pursued all resources available to the grantee. Funds received from a variety of federal, state, and local sources significantly leveraged Consolidated Plan grants. The CAPER section on leveraging provides an overview of the additional funds and in-kind contributions received by the City during the program year.

- b. Indicate how grantee provided certifications of consistency in a fair and impartial manner.**

The City of Lynchburg provided Certifications of Consistency with the Consolidated Plan to all agencies that met the test of consistency. Grant Administration staff reviews each project application and certify that the proposed activity is consistent with the City's Consolidated Plan. Certification requests are reviewed to determine that the project location is within the City's jurisdiction; that the project's scope of services is consistent with the City's Consolidated Plan priorities; and that the project's services are received primarily by City residents.

During the Program Year 2014, the City processed certifications in the areas of public housing, competitive homeless grant programs, and transitional housing providers.

- c. Indicate how grantee did not hinder Consolidated Plan implementation by action or willful inaction.**

The City did not knowingly hinder Consolidated Plan implementation by action or willful inaction, and affirmatively pursued the goals, priorities, and strategies outlined in the Consolidated Plan. The City adhered to all requirements and certifications contained within the grant agreement executed with HUD for the CDBG and HOME Program.

4. For Funds Not Used for National Objectives

- a. Indicate how use of CDBG funds did not meet national objectives.**
- b. Indicate how did not comply with overall benefit certification.**

CDBG and all federal funds were used only in connection with the three National Objectives set forth in the regulations governing the CDBG grant, and the City fully complied with the requirement to expend at least 70% of federal funds received to benefit low-to-moderate-income persons over a three-year period. The City, as in years past, exceeded this requirement during this program year as detailed in the PR

26 (Financial Summary) report. The City fully complied with the overall benefit certification during the reporting period.

5. Anti-displacement and Relocation – for activities that involve acquisition, rehabilitation or demolition of occupied real property

- a. Describe steps actually taken to minimize the amount of displacement resulting from the CDBG-assisted activities.
- b. Describe steps taken to identify households, businesses, farms or non-profit organizations who occupied properties subject to the Uniform Relocation Act or Section 104(d) of the Housing and Community Development Act of 1974, as amended, and whether or not they were displaced, and the nature of their needs and preferences.
- c. Describe steps taken to ensure the timely issuance of information notices to displaced households, businesses, farms, or non-profit organizations.

The City has adopted and follows an Anti-Displacement and Relocation Policy as part of the Citizen Participation Plan. It is the policy of the City of Lynchburg to minimize the displacement of families and persons from their homes and neighborhoods as a result of activities assisted with funds provided under the HOME and CDBG programs.

There were no temporary or permanent displacements that occurred during the reporting period.

6. Low/Mod Job Activities – for economic development activities undertaken where jobs were made available but not taken by low or moderate-income persons.

- a. Describe actions taken by grantee and businesses to ensure first consideration was or will be given to low/mod persons.
- b. List by job title of all the permanent jobs created/retained and those that were made available to low/mod persons.
- c. If any of jobs claimed as being available to low/mod persons require special skill, work experience, or education, provide a description of steps being taken or that will be taken to provide such skills, experience, or education.

There were no economic development projects funded in this program period.

7. Low/Mod Limited Clientele Activities – for activities not falling within one of the categories of presumed limited clientele low- and moderate-income benefit

- a. Describe how the nature, location, or other information demonstrates the activities benefit a limited clientele at least 51% of whom are low- and moderate-income.

The one CDBG funded activity that had a Broad National Objective (BNO) as low-to-moderate income area was located within the CDBG-targeted Census Tracts 5 and 6. Both of these Tracts have more than 51% of the residents who are low to-moderate income.

8. Program income received.

- a. Detail the amount of program income reported that was returned to each individual revolving fund, e.g., housing rehabilitation, economic development, or other type of revolving fund.

N/A

- b. Detail the amount repaid on each float-funded activity.

N/A

- c. Detail all other loan repayments broken down by the categories of housing rehabilitation, economic development, or other.

N/A

- d. Detail the amount of income received from the sale of property by parcel.

Lynchburg Redevelopment and Housing Authority disposed of the following properties during this reporting period:

Real Estate Disposed of Between July 1, 2014 - June 30, 2015			Amount Program Income Received
Property	Deed Date	Sold/Conveyed to:	
611-613 Washington Street	9/22/2014	Blue Paradise LLC	\$22,000

9. Prior period adjustments – where reimbursement was made this reporting period for expenditures (made in previous reporting periods) that have been disallowed, provide the following information:

- a. The activity name and number as shown in IDIS;

N/A

- b. The program year(s) in which the expenditure(s) for the disallowed activity(ies) was reported;

- c. The amount returned to line-of-credit or program account; and

- d. Total amount to be reimbursed and the time period over which the reimbursement is to be made, if the reimbursement is made with multi-year payments.

10. Loans and other receivables

- a. List the principal balance for each float-funded activity outstanding as of the end of the reporting period and the date(s) by which the funds are expected to be received.

N/A

- b. List the total number of other loans outstanding and the principal balance owed as of the end of the reporting period.**

Bluffwalk - One loan with outstanding principal of \$1,245,053 – Appendix G

- c. List separately the total number of outstanding loans that are deferred or forgivable, the principal balance owed as of the end of the reporting period, and the terms of the deferral or forgiveness.**

N/A

- d. Detail the total number and amount of loans made with CDBG funds that have gone into default and for which the balance was forgiven or written off during the reporting period.**

N/A

- e. Provide a List of the parcels of property owned by the grantee or its sub-recipients that have been acquired or improved using CDBG funds and that are available for sale as of the end of the reporting period.**

The Real Property Inventory is included as Appendix F in the CAPER report.

Lump sum agreements

- f. Provide the name of the financial institution.**
- g. Provide the date the funds were deposited.**
- h. Provide the date the use of funds commenced.**
- i. Provide the %age of funds disbursed within 180 days of deposit in the institution.**

N/A

11. Housing Rehabilitation – for each type of rehabilitation program for which projects/units were reported as completed during the program year.

- a. Identify the type of program and number of projects/units completed for each program.**
- b. Provide the total CDBG funds involved in the program.**
- c. Detail other public and private funds involved in the project.**

This information is included in Section 1 of this CAPER.

12. Neighborhood Revitalization Strategies – for grantees that have HUD-approved neighborhood revitalization strategies describe progress against benchmarks for the program year. For grantees with Federally-designated EZs or ECs that received HUD approval for a neighborhood revitalization strategy, reports that are required as part of the EZ/EC process shall suffice for purposes of reporting progress.

The City does not have an approved Neighborhood Revitalization Strategy.

13. Returned Funds

N/A

Antipoverty Strategy

1. Describe actions taken during the last year to reduce the number of persons living below the poverty level.

Program Year 5 CAPER Anti-poverty Strategy response:

During this program year, the City Manager presented City Council with a report that identified the myriad of organizations that are serving persons living in poverty. In addition, Council was advised that City staff had more questions than answers on how to lower the poverty rate in Lynchburg. Council directed that staff first analyze the data behind the City's poverty rate. As such, the City has contracted with the University of Virginia Demographics Group to provide an analysis of data based on many relevant factors of what is behind the City's poverty rate.

With this data analysis underway, the City, with its many partners, offers the following accomplishments on how Lynchburg is working together to reduce the number of persons living below the poverty level.

- In December 2014, Lynchburg hosted Jodi Pfarr, national presenter with aha! Processes, Inc. for a day-long seminar addressing the issues of Understanding Poverty and strategies for working with citizens in poverty. There was over 450 attendees, including City Council members, City Government employees, members of the faith community, and workers from many community agencies whose missions are to alleviate poverty. Lynchburg Department of Social Services (DSS) continues to incorporate education and activities from the series "Getting Ahead in a Just Gettin' By World" into the job readiness classes which prepare DSS clients for success in employment.

- The Lynchburg Community Market began two initiatives. These initiatives centered on outreach, accessibility, and education opportunities for Supplemental Nutrition Assistance Program (SNAP) beneficiaries at the Market. The first involved outreach work as supported by the Market's United States Department of Agriculture (USDA) Farmer's Market Promotion Program (FMPP) Grant to promote and increase the usage of SNAP benefits at the Market. These efforts included an intensive communication plan of 20,000 water bill inserts, 11,000 dedicated mailers, updated website with dedicated SNAP information and recipes, social media promotions, how to video, bus wraps, interior bus signage, and usage rack cards widely distributed throughout the City. Market staff held meetings with stakeholders to determine outreach efforts. Staff attended meetings and functions to further the outreach program including engagements for Neighborhood Centers, food justice committees, faith based organizations, National Night out, and Miler Center welcome back to school. The Market also partnered with Virginia Cooperative Extension to offer weekly Green Market Wednesdays Summer workshops dedicated to SNAP education. Each week, an extension agent offered an hour demonstration that utilized local goods available for purchase through SNAP benefits. Programming was built to include a variety of demonstrations that would accommodate the underserved youth and senior populations with recipes that were fun, easy, affordable, and able to repeat for one person. Efforts were coordinated to allow for neighborhood centers summer camps, who each reside in our Food Desert, to attend these workshops. On the first Wednesday of July and August, an all-day event was held dedicated to this SNAP education to include five (5) workshop stations that included samples and recipes, demonstrations, building gardens on the go, and how to assemble your

plate. At each workshop as well as on the Lynchburg Community Market website, recipes are available for beneficiaries. To date, the Market has now increased the number of local market vendors that accept SNAP to 41. They have dispensed approximately \$42,000 in SNAP tokens since July of 2013.

- United Way of Central Virginia - In September 2014, the United Way of Central Virginia (UWCV) Board of Directors voted to designate a minimum of \$500,000 over three years to Education Readiness, which refers to a set of skills children need by the time they begin kindergarten as a foundation to future learning. In addition, an "Education Readiness Initiative" brochure and "Education Readiness in Central Virginia" checklist were created and 40,000 and 45,000, respectively, were printed and distributed in all 2014 UWCV Campaign presentation packets and have begun to be distributed to libraries, pediatricians, child care agencies, churches, etc. The Education Readiness Initiative Campaign was launched and was branded "Meet Jamie." A "Meet Jamie" 5-minute video was put on the front page of the United Way of Central Virginia website, and was presented as part of all campaign presentations. Similar marketing materials with "Meet Jamie" were also launched, including billboards, roadside signs, and commercials and a "Meet Jamie" social media campaign was created. UWCV submitted a Letter of Intent to join the national Campaign for Grade-Level Reading Network, a powerful convener of like-minded organizations in the issue of Education Readiness and Early Childhood Education. UWCV was accepted as an official Prospective Community and United Way staff participated in the regional Campaign for Grade-Level Reading Conference in Roanoke, Virginia. A 32-page "United Way of Central Virginia – Education Readiness Initiative" informational presentation booklet and a 10-page "United Way of Central Virginia's Education Readiness Initiative – An Investment in Our Future" presentation booklet for potential donors was created to help convey the message of Education Readiness and the role UWCV is taking towards Community Impact. UWCV attended several Lynchburg City Schools Summits and United Way staff has been invited to be a part of a breakout Lynchburg City Schools 'Mental Health Summit.' At the Mental Health Summit, talks have begun on how UWCV's Request For Proposals (RFP), as well as Smart Beginnings of Central Virginia's (SBCV's) literacy buses can assist in helping tackle many of the mental health and behavioral issues of our area's young children. In October 2014, United Way staff met with the staff of the Altavista Dolly Parton Imagination Library to begin the planning stages of incorporating a Dolly Parton Imagination Library in all of Central Virginia. United Way staff met with Leadership Lynchburg participants to help create the EZ-Partner Portal for Lynchburg City Schools. The EZ-Partner is a virtual community building tool which pairs needs of LCS with those of its Business Partners in Education. R.S. Payne Elementary was one of the first to use this tool, when food for its backpack program was running so low; it was going to be forced to suspend the program. Through the EZ-Partner Portal, R.S. Payne was able to quickly and confidentially solicit donations of food and continue to feed needy children of the school. Finally, as a result of the designation of the Education Readiness funds, there was \$166,666 awarded to three (3) Education Readiness Initiative Programs funded for FY 2015-2016. The goals of two of these programs in the Counties of Appomattox and Campbell are to: strengthen kindergarten readiness by creating parent education programs, enhance literacy play at home, and encouraging early childhood education programs to be a part of the Virginia Star Quality Initiative (VSQI). The third program, in collaboration with Lynchburg City Schools (LCS), HumanKind will offer a multigenerational program entitled *Bridging the Achievement Gap: Connecting Families to Schools through Home Visiting*. This program will reach area pre-K students and their families in which parents will be armed with the resources, practical tools, and knowledge to

become stable and self-sufficient, thereby enabling their children to become successful across all school performance measures.

- The Lynchburg Public Library began two initiatives: (1) a partnership was established with Central Virginia Community College (CVCC) by providing the College space for a regular presence in the Library for contact with potential students; and (2) a partnership was established with Region 2000 Workforce Development to use the Library as a site for their classes and programs. Along with these initiatives, there are 81,000 public computer sessions that are available and are utilized for persons conducting job searches, resume preparations, and continuing education classes.

- Lynchburg City Schools - With more than 60% of our community's public school students living in poverty, Lynchburg City Schools strives to reach not just the student but the family as well. By supporting students' families, we can collectively reach their mission of Every Child, By Name and by Need to Graduation. Recent LCS initiatives that support LCS families in poverty include the addition of three school social workers, three behavioral specialists, more frequent home visits to pre-K families through a partnership with HumanKind and the establishment of the Community Eligibility Program to provide free breakfast and lunch to every child at 10 elementary schools and sites with high poverty rates.

- Greater Lynchburg Transit Company (GLTC) has continued to foster job access to those in need, specifically with the opening of a new Transfer Station which is located in a disadvantaged area of the City. GLTC provided more prompt and efficient access to all routes in the bus system, while providing a badly needed facility in the heart of the City's most needy populations.

- The City has worked with community organizations to identify food deserts and community gardens in order to improve access to fresh foods and healthier eating among low income persons.

- The City continued the funding of the Coordinated Homeless Intake and Access (CHIA) centralized system for intake assessment of the homeless population.

- The City funded, through the FY 2016 CDBG allocation, the establishment of a "one stop" Housing Resource Center.

NON-HOMELESS SPECIAL NEEDS

Non-homeless Special Needs

Program Year 5 5 CAPER Non-homeless Special Needs response:

1. Identify actions taken to address special needs of persons that are not homeless but require supportive housing, (including persons with HIV/AIDS and their families).

The facilities currently available for persons with supportive housing needs are limited to those offered by the ARC of Central Virginia, Horizon Behavioral Health, Central Virginia Training Center, Rush Homes, L'ARCHE Blue Ridge Mountains, Heart Haven, DePaul Family Services, Humankind, Lynchburg Covenant Fellowship (LCF), and selected housing facilities with units restricted for use by elderly or persons who are disabled. There are other for-profit companies that provide group homes, support services, and foster care for adults with intellectual disability. Some of these include Laury Homes Residential Services, Lamano Agency, and Creative Family Solutions.

LCF owns and/or manages over 200 housing units for low-income, disabled, and elderly households. LCF has helped Horizon Behavioral Health develop 60 units for persons who have developmental disabilities in Lynchburg. Rush Homes (RLH) currently owns twelve (12) homes that provide permanent housing for adults with significant mental and physical disabilities that prevent them from owning and maintaining their own home.

Specific HOPWA Objectives

Program Year 5 CAPER Specific HOPWA Objectives response:

The City of Lynchburg does not receive HOPWA funds.

1. Overall Assessment of Relationship of HOPWA Funds to Goals and Objectives

Grantees should demonstrate through the CAPER and related IDIS reports the progress they are making at accomplishing identified goals and objectives with HOPWA funding. Grantees should demonstrate:

- a. That progress is being made toward meeting the HOPWA goal for providing affordable housing using HOPWA funds and other resources for persons with HIV/AIDS and their families through a comprehensive community plan;**
- b. That community-wide HIV/AIDS housing strategies are meeting HUD's national goal of increasing the availability of decent, safe, and affordable housing for low-income persons living with HIV/AIDS;**
- c. That community partnerships between State and local governments and community-based non-profits are creating models and innovative strategies to serve the housing and related supportive service needs of persons living with HIV/AIDS and their families;**
- d. That through community-wide strategies Federal, State, local, and other resources are matched with HOPWA funding to create comprehensive housing strategies;**
- e. That community strategies produce and support actual units of housing for persons living with HIV/AIDS; and finally,**
- f. That community strategies identify and supply related supportive services in conjunction with housing to ensure the needs of persons living with HIV/AIDS and their families are met.**

2. This should be accomplished by providing an executive summary (1-5 pages) that includes:

a. Grantee Narrative

i. Grantee and Community Overview

- (1) A brief description of your organization, the area of service, the name of each project sponsor and a broad overview of the range/type of housing activities and related services**
- (2) How grant management oversight of project sponsor activities is conducted and how project sponsors are selected**
- (3) A description of the local jurisdiction, its need, and the estimated number of persons living with HIV/AIDS**

- (4) A brief description of the planning and public consultations involved in the use of HOPWA funds including reference to any appropriate planning document or advisory body**
- (5) What other resources were used in conjunction with HOPWA funded activities, including cash resources and in-kind contributions, such as the value of services or materials provided by volunteers or by other persons or organizations**
- (6) Collaborative efforts with related programs including coordination and planning with clients, advocates, Ryan White CARE Act planning bodies, AIDS Drug Assistance Programs, homeless assistance programs, or other efforts that assist persons living with HIV/AIDS and their families.**

ii. Project Accomplishment Overview

- (1) A brief summary of all housing activities broken down by three types: emergency or short-term rent, mortgage or utility payments to prevent homelessness; rental assistance; facility based housing, including development cost, operating cost for those facilities and community residences**
- (2) The number of units of housing which have been created through acquisition, rehabilitation, or new construction since 1993 with any HOPWA funds**
- (3) A brief description of any unique supportive service or other service delivery models or efforts**
- (4) Any other accomplishments recognized in your community due to the use of HOPWA funds, including any projects in developmental stages that are not operational.**

iii. Barriers or Trends Overview

- (1) Describe any barriers encountered, actions in response to barriers, and recommendations for program improvement**
- (2) Trends you expect your community to face in meeting the needs of persons with HIV/AIDS, and**
- (3) Any other information you feel may be important as you look at providing services to persons with HIV/AIDS in the next 5-10 years**

b. Accomplishment Data

- i. Completion of CAPER Performance Chart 1 of Actual Performance in the provision of housing (Table II-1 to be submitted with CAPER).**
- ii. Completion of CAPER Performance Chart 2 of Comparison to Planned Housing Actions (Table II-2 to be submitted with CAPER).**

OTHER NARRATIVE

Include any CAPER information that was not covered by narratives in any other section.

Program Year 5 CAPER Other Narrative response:

INTEGRATED DISBURSEMENT AND INFORMATION SYSTEM (IDIS) REPORTS

The Integrated Disbursement Information System (IDIS) is sponsored by the Office of Community Planning and Development (CPD) within the U. S. Department of Housing and Urban Development (HUD). The reporting system allows grantees who receive formula grant programs, Community Development Block Grant (CDBG) and HOME Program, to provide HUD with performance results related to their Consolidated Plan and Annual Action Plans. The required IDIS Reports are being submitted along with the CAPER narrative to HUD in the final document.

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **October 13, 2015**

AGENDA ITEM NO.: 7

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Truck Storage Yard and Repair Facility – 5205 Pleasant Valley Road**

RECOMMENDATION: Denial of both the *Future Land Use Map (FLUM)* amendment and rezoning petition.

SUMMARY: D & D Trucking, LLC is petitioning to allow the use of the property as a truck storage yard and the construction of a truck repair facility. The property owner has been notified that the current use of the property for truck storage is not in compliance with the current zoning, which is B-3C, Community Business District (Conditional). To allow the use, the petitioner is requesting to amend the *FLUM* from Neighborhood Commercial to Community Commercial and to rezone approximately five and four hundred twenty-three (5.423) acres from R-2, Low-Medium Density, Single-Family Residential and B-3C, Community Business District (Conditional) to B-5C, General Business District (Conditional) to allow the use of the property as a truck storage yard and the construction of a truck repair facility.

The property owner has been notified that the current use of the property for truck storage is not in compliance with the current B-3C, Community Business District (Conditional) zoning.

Planning Commission recommended denial of both the *FLUM* amendment and rezoning petitions finding that while the proposal may be a good short term use, it would be detrimental to the surrounding neighborhood in the long term. Additionally, the Planning Commission found that the current *FLUM* designation is appropriate for the property, as outlined in the Tyreeanna/Pleasant Valley Neighborhood Plan, which was adopted in 2003.

PRIOR ACTION(S):

September 9, 2015: The Planning Division recommended denial of the FLUM amendment and the rezoning petition.

The Planning Commission waived the twenty-one (21)-day submittal requirement for proffers (6-0, with one vacancy).

The Planning Commission recommended denial of the FLUM amendment and rezoning petition (6-0 with one vacancy).

FISCAL IMPACT: N/A

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

ATTACHMENT(S):

- Ordinance and Resolution
- Planning Commission Report and Minutes – September 9, 2015
- Zoning Map
- *FLUM* Map
- Watershed Map
- Planimetric and Topographic Map
- Rezoning Plan
- Narrative
- Property Photograph
- Speaker Signup Sheet

REVIEWED BY: lkp

UNCODIFIED ORDINANCE:

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP TO CHANGE THE PROPERTY LOCATED AT 5205 PLEASANT VALLEY ROAD FROM NEIGHBORHOOD COMMERCIAL TO COMMUNITY COMMERCIAL.

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__. Amend the Future Land Use Map for the subject property located at 5205 Pleasant Valley Road from Neighborhood Commercial to Community Commercial.

The area embraced within the following boundaries:

Beginning at a concrete highway monument at the corner of U.S. 460 and Concord Turnpike;
Thence, S 75° 51' 07" W for a distance of 6.56 feet to a point on a line;
Thence, N 41° 28' 48" W for a distance of 35.33 feet to a point on a line;
Thence, N 31° 12' 20" W for a distance of 35.11 feet to a point on a line;
Thence, N 82° 56' 29" W for a distance of 19.56 feet to a point on a line;
Thence, N 54° 16' 26" W for a distance of 103.38 feet to the beginning of a curve,
Said curve turning to the right through an angle of 04° 34' 00", having a radius of 606.62 feet, and whose long chord bears N 51° 59' 26" W for a distance of 48.34 feet to a point of intersection with a non-tangential line;
Thence, N 47° 10' 18" W for a distance of 89.28 feet to a point on a line;
Thence, N 54° 18' 48" W for a distance of 40.72 feet to a point on a line;
Thence, N 42° 51' 27" E for a distance of 261.78 feet to a point on a line;
Thence, N 52° 38' 33" W for a distance of 100.42 feet to a point on a line;
Thence, N 42° 51' 27" E for a distance of 324.81 feet to a point on a line;
Thence, S 80° 26' 11" E for a distance of 15.50 feet to a point on a line;
Thence, S 66° 14' 27" E for a distance of 40.92 feet to a point on a line;
Thence, S 45° 34' 25" E for a distance of 48.35 feet to a point on a line;
Thence, S 31° 40' 29" E for a distance of 421.39 feet to a point on a line;
Thence, S 56° 52' 40" W for a distance of 25.15 feet to a point on a line;
Thence, S 37° 39' 15" W for a distance of 29.01 feet to a point on a line;
Thence, S 50° 17' 51" W for a distance of 51.11 feet to a point on a line;
Thence, S 64° 24' 48" W for a distance of 26.11 feet to a point on a line;
Thence, S 48° 55' 29" W for a distance of 102.53 feet to a point on a line;
Thence, S 46° 27' 37" W for a distance of 80.10 feet to a point on a line;
Thence, S 43° 33' 12" W for a distance of 149.14 feet to a point on a line.

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

Adopted:

Certified: _____
Clerk of Council

102K

UNCODIFIED ORDINANCE:

AN ORDINANCE CHANGING A CERTAIN AREA LOCATED AT 5205 PLEASANT VALLEY ROAD FROM R-2, LOW-MEDIUM DENSITY, SINGLE-FAMILY RESIDENTIAL AND B-3C, COMMUNITY BUSINESS DISTRICT (CONDITIONAL) TO B-5C, GENERAL BUSINESS DISTRICT (CONDITIONAL).

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

Section 35.1-76__. Change of a certain area located at 5205 Pleasant Valley Road from R-2, Low-Medium Density, Single-Family Residential District and B-3C, Community Business District (Conditional) to B-5C, General Business District (Conditional).

The area embraced within the following boundaries:

Beginning at a concrete highway monument at the corner of U.S. 460 and Concord Turnpike;
Thence, S 75° 51' 07" W for a distance of 6.56 feet to a point on a line;
Thence, N 41° 28' 48" W for a distance of 35.33 feet to a point on a line;
Thence, N 31° 12' 20" W for a distance of 35.11 feet to a point on a line;
Thence, N 82° 56' 29" W for a distance of 19.56 feet to a point on a line;
Thence, N 54° 16' 26" W for a distance of 103.38 feet to the beginning of a curve,
Said curve turning to the right through an angle of 04° 34' 00", having a radius of 606.62 feet, and whose long chord bears N 51° 59' 26" W for a distance of 48.34 feet to a point of intersection with a non-tangential line;
Thence, N 47° 10' 18" W for a distance of 89.28 feet to a point on a line;
Thence, N 54° 18' 48" W for a distance of 40.72 feet to a point on a line;
Thence, N 42° 51' 27" E for a distance of 261.78 feet to a point on a line;
Thence, N 52° 38' 33" W for a distance of 100.42 feet to a point on a line;
Thence, N 42° 51' 27" E for a distance of 324.81 feet to a point on a line;
Thence, S 80° 26' 11" E for a distance of 15.50 feet to a point on a line;
Thence, S 66° 14' 27" E for a distance of 40.92 feet to a point on a line;
Thence, S 45° 34' 25" E for a distance of 48.35 feet to a point on a line;
Thence, S 31° 40' 29" E for a distance of 421.39 feet to a point on a line;
Thence, S 56° 52' 40" W for a distance of 25.15 feet to a point on a line;
Thence, S 37° 39' 15" W for a distance of 29.01 feet to a point on a line;
Thence, S 50° 17' 51" W for a distance of 51.11 feet to a point on a line;
Thence, S 64° 24' 48" W for a distance of 26.11 feet to a point on a line;
Thence, S 48° 55' 29" W for a distance of 102.53 feet to a point on a line;
Thence, S 46° 27' 37" W for a distance of 80.10 feet to a point on a line;
Thence, S 43° 33' 12" W for a distance of 149.14 feet to a point on a line.

...is hereby changed from R-2, Low-Medium Density, Single-Family Residential District and B-3C, Community Business District (Conditional) to B-5C, General Business District (Conditional) with conditions set out herein below which have been voluntarily proffered in writing by the petitioner, D & D Trucking, LLC, to wit:

1. The site shall be built in substantial conformance to the site plan submitted for the rezoning.
2. Screening shall be provided along Concord Turnpike and Pleasant Valley Road and along the rear property lines to screen truck and trailer parking from view. The rear property line is mostly screened; vegetation or landscaping may need to be supplemented to adequately screen the site from view. We will work with Lynchburg Community Development Planning Department to assure that the screening is adequate.
3. Any site lighting will not illuminate adjacent properties. This can be accomplished by directional shielding or buffering.

4. The following uses shall not be allowed on this property by this proffer:

- a. Armories
- b. Rebuilding and retreading establishments
- c. Bottling plants
- d. Billboards
- e. Dairies, pasteurizing plants, or ice cream manufacture
- f. Dance halls
- g. Drive-in theaters
- h. Custom furniture manufacture
- i. Commercial kennels for dogs and other pets
- j. Printing plants

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

103K

The Department of Community Development

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

To: Planning Commission

From: Planning Division

Date: September 9, 2015

**Re: Future Land Use Map (FLUM) Amendment: 5205 Pleasant Valley Road -
Neighborhood Commercial to Community Commercial
Rezoning: 5205 Pleasant Valley Road- R-2, Low-Medium Density, Single-Family
Residential & B-3C, Community Business District (Conditional) to B-5C, General
Business District (Conditional)**

I. PETITIONER

D & D Trucking, LLC, 1402 Dogwood Hills Road, Goode, VA 24556

Representative: Norm Walton, Perkins & Orrison, Inc., 27 Green Hill Drive, Forest, VA 24551

II. LOCATION

The subject property includes one tract of approximately five and four hundred twenty-three (5.423) acres located at 5205 Pleasant Valley Road.

Property Owner: Lynchburg, LLC, 5788 Kathryn Drive, Roanoke, VA 24014

III. PURPOSE

The purpose of the petition is to amend the Future Land Use Map from Neighborhood Commercial to Community Commercial and to rezone the property from R-2, Low-Medium Density, Single-Family Residential and B-3C, Community Business District (Conditional) to B-5C, General Business District (Conditional) to allow the use of the property as a truck storage yard.

IV. SUMMARY

- The *Future Land Use Map (FLUM)* recommends a Neighborhood Commercial land use for the area.
- The property is located in the area covered by the Tyreeanna /Pleasant Valley Neighborhood Plan.
- The property is located at a “minor” gateway into the City. Minor gateways are designated in locations where secondary roads cross City boundaries.
- The property is located in the Tyreeanna Development /Redevelopment area. These areas encourage smart growth techniques on key grayfield and greenfield sites.
- The Tyreeanna / Pleasant Valley Neighborhood Plan specifically states that the parcel at 5205 Richmond Highway (now Pleasant Valley Road) will continue to be suitable for neighborhood serving commercial and will also serve travelers along Route 460. (p.39)
- The property owner has been notified that the current use of the property for truck storage is not in compliance with the current B-3C, Community Business District (Conditional) zoning.

The Planning Division recommends denial of the Future Land Use Map amendment and rezoning petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Future Land Use Map (FLUM)* of the *Comprehensive Plan 2013-2030* recommends a Neighborhood Commercial use for the property. Neighborhood Commercial areas are sized and designed to serve their immediate neighborhood. Patrons can walk, bike or take a short drive to reach them. They are comprised of individual businesses, clusters of businesses, or small shopping centers. They meet the day-to-day needs of a limited residential trade area of 2,500 to 10,000 people and average 50,000 square feet of space. A grocery store or drug store is often the anchor for a neighborhood shopping center. (p.75)

The Tyreeanna / Pleasant Valley Neighborhood Plan was adopted by Council on July 8, 2003. The plan specifically states that the parcel at 5205 Richmond Highway (now Pleasant Valley Road) will continue to be suitable for neighborhood serving commercial and will also serve travelers along Route 460. (p.39) With the closure of the Landfill, the Tyreeanna / Pleasant Valley Neighborhood Plan will be updated to determine post closure uses and to revisit other planned aspects of the area. The plan is scheduled for update in early 2016 after the completion of the Zoning Ordinance rewrite. It is not recommended to amend the future land use or zoning in the area until after this update has been completed.

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. Community Commercial areas contain clusters of businesses, often at major intersections, and shopping centers. Most community shopping centers range from 100,000 to 200,000 square feet and serve 40,000 to 70,000 people. Regional shopping centers would be at least as large as Community Commercial ones, 100,000 to 200,000 square feet, possibly larger, if parcels of sufficient size can be found or assembled. They are intended to serve 70,000 to 100,000 people. Office, research and development, and technology development uses may be permitted in Community Commercial areas as long as traffic and other impacts to the community are mitigated. In particular, conversion of existing vacant retail space to these uses may be appropriate in areas where there is sufficient retail to serve the community and space for employment uses is needed. Residential uses may be established on the upper floors of commercial structures or as transitional structures between residential and commercial buildings. (pp. 75-76)

2. **Zoning.** The subject property was annexed into the City in 1976. The existing B-3C, Community Business District (Conditional) zoning was established on July 9, 1996. At this time, Council rezoned the property from R-2, Low-Medium Density, Single-Family Residential District to B-3C, Community Business District (Conditional) to allow the construction of a convenience store/restaurant. The remaining R-2, Low-Medium Density, Single-Family Residential District was established in 1978 with the adoption of the current Zoning Map.
3. **Proffers.** The petitioner has voluntarily submitted the following proffers:
 1. The site shall be built in substantial conformance to the site plan submitted for the rezoning.
 2. Screening shall be provided along Concord Turnpike and Pleasant Valley Road and along the rear property lines to screen truck and trailer parking from view. The rear property line is mostly screened, vegetation or landscaping may need to be supplemented to adequately screen the site from view. We will work with Lynchburg Community Development Planning Department to assure that the screening is adequate.

3. Any site lighting will not illuminate adjacent properties. This can be accomplished by directional shielding or buffering.
4. The following uses shall not be allowed on this property by this proffer:
 - a. Armories
 - b. Rebuilding and retreading establishments
 - c. Bottling plants
 - d. Billboards
 - e. Dairies, pasteurizing plants, or ice cream manufacture
 - f. Dance halls
 - g. Drive-in theaters
 - h. Custom furniture manufacture
 - i. Commercial kennels for dogs and other pets
 - j. Printing plants
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 May 14, 1985, Council approved the Conditional Use Permit (CUP) petition of Tyreeanna United Methodist Church to allow the construction of a building addition at 5219 Tyreeanna Road.
 - On July 9, 1996, Council approved the rezoning request of P.M. Properties to rezone the property at 5205 Richmond Highway (Pleasant Valley Road) from R-2, Low-Medium Density, Single-Family Residential District to B-3C, Community Business District (Conditional) to allow the use of the property as a convenience store / restaurant.
 - On July 9, 1996, Council approved the CUP petition of P.M. Properties to allow fuel pumps (including diesel fuel) as an accessory use to the convenience store at 5205 Richmond Highway (Pleasant Valley Road). Condition #5 of Resolution #R-96-205 specifically states that the property is not to be used as storage or transfer facility.
 - On May 13, 1997, Council approved the CUP petition of C.F.W. Communications to allow the installation of telecommunications equipment at 5715 Richmond Highway (Pleasant Valley Road).
 - On February 24, 1998, Council approved the petition of Roy Templeton to rezone 4928 Richmond Highway from R-2, Low-Medium Density, Single-Family Residential District to B-3C, Community Business District (Conditional) to allow the construction of a convenience store.
 - On May 14, 2000, Council approved the CUP petition of Pleasant Valley Baptist Church to allow the construction of a new sanctuary, parking area, child care facility and gymnasium at 5517 Richmond Highway (Pleasant Valley Road).
 - On July 8, 2003, Council adopted the Tyreeanna / Pleasant Valley Neighborhood Plan as part of the City's Comprehensive Plan.
 - On April 13, 2004, Council approved the petitions of Truck Enterprises, Inc. to amend the Future Land Use Map from Low Density Residential to Employment 1 and to rezone the property from R-2, Low-Medium Density, Single-Family Residential to B-5C,

General Business District (Conditional) at 5605 Richmond Highway (Pleasant Valley Road) to allow the construction of a truck dealership, repair and parts facility.

- On June 11, 2013, Council approved the CUP petition of Cellco Partnership (Verizon Wireless) to install telecommunications equipment at 5700 Pleasant Valley Road.

6. **Site Description.** The subject property includes one tract totaling approximately five and four hundred twenty-three (5.423) acres located at 5205 Pleasant Valley Road. The property is predominantly level. The property contains a one (1) story, two thousand, four hundred sixty-eight (2,468)-square foot, fire resistant, commercial structure constructed in 1980 and a seven hundred thirty-two (732) square foot vacant “cabin” constructed in 1900.
7. **Proposed Use of Property.** If the FLUM amendment and rezoning are approved, a three thousand six hundred (3,600) square foot addition containing three truck bays would be constructed on the northeast corner of the building. In addition to the truck bays, a one thousand three hundred eighty (1,380) square foot shed roof would be constructed. The remainder of the property would be used for truck and trailer storage.
8. **Traffic, Parking and Public Transit.** The City’s Traffic Engineer made the comment that driveway entrances should be consolidated to the entrances furthest from the intersection of Concord Turnpike & Pleasant Valley Road. A total of four (4) entrances exist to the site; two (2) each on Concord Turnpike & Pleasant Valley Road. The submitted site plan indicates for the entrances to be consolidated by adding striping over existing entrances. This is not an acceptable approach to consolidate the entrances.

A total of fourteen (14) parking spaces would be required for the development as proposed. Fourteen (14) spaces are indicated on the preliminary site plan. There are seven (7) existing parking spaces and seven (7) are proposed.

The area is not served by the Greater Lynchburg Transit Company (GLTC).

9. **Stormwater Management.** A stormwater management plan would not be required as disturbed areas are not proposed to exceed five thousand (5,000) square feet.
10. **Emergency Services.** The City Fire Marshal had no concerns regarding the proposed rezoning. The City’s Police Department made recommendations for security purposes for consideration by the petitioner.
11. **Impact.** The petition proposes to amend the *Future Land Use Map* from Neighborhood Commercial to Community Commercial and to rezone the property to B-5C, General Business District (Conditional) to allow the use of the property from truck maintenance, office use and a truck and trailer storage area.

The property has been recommended for Neighborhood Commercial land use since 2003 when the *Tyreeanna/Pleasant Valley Neighborhood Plan* was adopted. This recommended land use was reaffirmed with the recent adoption of the City’s *Comprehensive Plan 2013-2030*. The recommended land use is consistent with the current zoning which allows the use of the property as a convenience store with fueling capabilities.

The subject property is directly adjacent to and across the street from properties zoned and used for R-2, Low-Medium Density, Single-Family & R-3, Medium Density, Two-Family Residential uses.

The proposed use of the property for truck and trailer storage combined with a building addition for truck maintenance is not in keeping with the *Tyreeanna /Pleasant Valley Neighborhood Plan* or the *Comprehensive Plan 2013-2030*. While the petitioner has made attempts

on the submitted site plan to screen the storage area from Concord Turnpike and Pleasant Valley Road, the indicated material will not adequately screen the use. The petitioner proposes to construct the proposed building and clad the existing building in metal.

The proposed zoning of B-5, despite the proffers to limit certain uses, is the most intense commercial zoning classification in the city. The proposed use would do little to enhance this gateway into the city, fulfill the goals and objectives of the Tyreeanna /Pleasant Valley Neighborhood Plan, the City's *Comprehensive Plan 2013-2030* and would be incompatible with the neighborhood.

With the closure of the Landfill, the Tyreeanna /Pleasant Valley Neighborhood Plan is proposed to be updated; however, it is unlikely that the proposed use would be in keeping with future updates.

12. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary rezoning plan on August 18, 2015.

VI. PLANNING DIVISION RECOMMENDATION

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

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council denial of the petition of D & D Trucking, LLC to:

Amend the *Future Land Use Map (FLUM)* for approximately five and four hundred twenty-three thousandths (5.423) acres located at 5205 Pleasant Valley Road from Neighborhood Commercial to Community Commercial.

Rezone approximately five and four hundred twenty-three thousandths (5.423) acres located at 5205 Pleasant Valley Road from B-3, Community Business District (Conditional) to B-5C, General Business District (Conditional) subject to the following voluntarily submitted proffers:

1. **The site shall be built in substantial conformance to the site plan submitted for the rezoning.**
2. **Screening shall be provided along Concord Turnpike and Pleasant Valley Road and along the rear property lines to screen truck and trailer parking from view. The rear property line is mostly screened; vegetation or landscaping may need to be supplemented to adequately screen the site from view. We will work with Lynchburg Community Development Planning Department to assure that the screening is adequate.**
3. **Any site lighting will not illuminate adjacent properties. This can be accomplished by directional shielding or buffering.**

- 4. The following uses shall not be allowed on this property by this proffer:**
- a. Armories**
 - b. Rebuilding and retreading establishments**
 - c. Bottling plants**
 - d. Billboards**
 - e. Dairies, pasteurizing plants, or ice cream manufacture**
 - f. Dance halls**
 - g. Drive-in theaters**
 - h. Custom furniture manufacture**
 - i. Commercial kennels for dogs and other pets**
 - j. Printing plants**

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 Thomas Goode, Fire Marshal
Mr. Don DeBerry, Transportation Engineer
Mr. Doug Saunders, Building Commissioner
Mr. Kevin Henry, Zoning Administrator
Mr. Norm Walton, Representative
Mr. Tim Phelps, Property Owner
Mr. Dennis Gardner, Petitioner

VII. ATTACHMENTS

- 1. Zoning Map**
- 2. FLUM Map**
- 3. Watershed Map**
- 4. Planimetric and Topographic Map**
- 5. Rezoning Plan**
- 6. Narrative**
- 7. Property Photograph**

MINUTES OF THE SEPTEMBER 9, 2015 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

Petition of D&D Trucking, LLC to amend the Future Land Use Map (FLUM) from Neighborhood Commercial to Community Commercial and to rezone approximately five and four hundred twenty-three thousandths (5.423) acres at 5205 Pleasant Valley Road from R-2, Low-Medium Density, Single-Family Residential District and B-3C, Community Business District Conditional to B-5, General Business:

Mr. Martin reminded the commission that the B-5 district is the most intensive of the commercial districts in the City. The property is located at what is designated as a minor gateway to the City. Minor gateways are basically where two-lane roads cross over into the City limits. The property was rezoned and granted a conditional use permit (CUP) in 1996 to allow the construction of a convenience store and accessory fueling facilities. A specific condition of that CUP was that there should be no storage of trucks on the property. The petitioner has been informed that the current truck storage at this location is not permitted.

Mr. Martin explained that planning staff is recommending denial of both petitions mainly due to the Tyreeanna plan. City Council has noted that this is probably the next major area of development. Staff does not believe that there have been any changes in the area that would incline staff to recommend approval of a rezoning to a very intensive use. This business would not be serving the community in the way that the Tyreeanna plan calls for. It may be an improvement in the short term but the commission should remember that zoning decisions are long term.

Staff encouraged the petitioner to look at the construction of the proposed building addition. It is staff's understanding that the petitioner is proposing a new metal building, as well as using metal to clad the existing building. Staff encouraged them to use materials for the buildings other than metal. Staff also talked to them about screening the truck storage area but the landscaping the petitioner is proposing will not be adequate.

Mr. Martin reiterated that staff cannot in good conscience recommend the FLUM amendment and rezoning, especially since one of the next things planned is to update the Tyreeanna plan due to the closure of the landfill.

Mr. Norm Walton of Perkins & Orrison was present to represent the petition. Mr. Dennis Gardner, the operator of D & D Trucking, and Mr. Tim Phillips, the owner of the property, were present as well. Mr. Gardner would like to continue operating at this location due to the close proximity to both 460 and 29. Mr. Gardner would like to expand his business, however, when he approached the City with a site plan, he found out that the zoning was not right for his business. He is proposing a new 60 x 60 foot building, which would be a three-bay truck maintenance facility with a 23-foot shed roof off of it. The facility would employ 35 to 40 people.

Mr. Walton explained that they have attempted to show screening along Tyreeanna Road and Pleasant Valley Road. The petitioner has proffered to work with the City to provide additional screening, specifically in the rear, as necessary. Mr. Walton pointed out that Truck Enterprises is down the road on Pleasant Valley Road. There are several industrial sites down Concord Turnpike and the landfill is located nearby. There is a fair amount of truck traffic on Concord Turnpike now.

Mr. Walton noted that the petitioner has proffered out some of the worst B-5 uses that could have the most impact on the neighborhood. Mr. Walton also noted that the petitioner has made improvements to the property, such as lighting and police patrolling the property. There used to be a lot of loitering at this property. Mr. Walton feels the petitioner has done a lot to clean up this corner.

The building elevations for the proposed addition are not available yet. Currently, the building is concrete. They did take staff's comments to heart and will consider using other materials than metal but no decisions have been made at this point.

Mr. Gardner has spoken to surrounding neighbors and has not met with any opposition to the proposal. People seem to be glad that the property is well lit and clean.

Mr. Joseph Berryman of 5433 Pleasant Valley Road was present to speak in favor of the petition. He has been there since 1962. Mr. Berryman likes that the property is well lit and no one is loitering on the property. He also likes the fact that the company will be employing people and that some of the people may settle in Lynchburg. He does not see the legitimacy of considering this entrance to be a gateway to the City because he thinks that people generally do not want to use it. People coming this way are thinking about business not going on a tour of the City.

Mr. Dennis Garnder came to speak in favor of the petition. It is a family owned business operated by his son. They moved their business there thinking it was zoned for a trucking terminal. They are leasing the property with the option to buy. They have cleaned up the property and they plan to continue improving the site. They have listened to staff's comments and are considering using stucco on the existing building, as well as the new building. Mr. Gardner noted that the people they employ and the site improvements will bring revenue to the City. Although he acknowledged that this is a gateway to the City, he pointed out that you go past the landfill and the waste water treatment plant. It has good access to 460 and 29 and is well suited to their business. He personally does not see any other type of business going in here that could survive.

Mr. Tim Phelps, the owner of the property, came forward to speak. He has owned the property since 1996. When 460 was moved, the convenience store left. He then leased it to TMC Trucking Company for approximately ten years. He had no idea that an office could not park a few trucks on this property or he would not have leased it to D & D Trucking. Before this company came to the property, the building was being vandalized regularly and trucks were being parked there without Mr. Phelps' permission. With the B-2 zoning on the property, you can have a U-Haul rental place. He does not know how that would look for the gateway. Mr. Phelps does not know how you can build a City and not be business friendly.

There was no one else to speak either in favor or in opposition to the petition. Chair Swienton closed the public hearing portion of the petition.

Commissioner Marion asked Mr. Martin if this is a gateway to the City or to the Tyreeanna neighborhood. Mr. Martin said it is classified as a minor gateway on the City's *Comprehensive Plan*. Mr. Martin thinks it is functioning as a gateway to Tyreeanna, downtown and to some extent the City. Granted the landfill is there, but it is closed. You have to keep in mind that there has been a plan in place for this area since 2003 and there have been no changes in the area with the exception of the landfill, which just recently happened. The other change that needs to happen is the extension of sewer to the area. There was nothing for Mr. Martin to use to support this rezoning other than that it would improve the appearance of the site for the short term.

Commissioner Marion asked what the changes are that are planned for the Tyreeanna area. Mr. Martin said one is to find a post closure use for the landfill. They hope to get input from the Tyreeanna neighborhood and the City on that topic. He could not imagine that there would be any recommendations to put a truck terminal facility on this key corner. That would not come from staff; it would have to come from the community. Commissioner Marion asked what type of use could be made of the landfill; Mr. Martin thought it would have to be some type of green space. Commissioner Marion commented that she does think this is a nice gateway to the City. You get a nice view of the mountains and a beautiful sunset coming this way.

Chair Swienton asked if this site is served by sewer; Mr. Walton indicated that it is not. Chair Swienton asked if the cost of the sewer extension would be borne by the private sector or by the City. Mr. Martin was not sure. Chair Swienton asked him what would be the highest probability since it is a key to the development of this area. Mr. Martin commented that as land diminishes in the City, there is a lot of available land in the Tyreeanna area. Eventually there is going to be a need for development in that area and he thinks it would be a combination of the City and the developers looking at ways to get sewer there. That will be one of the items that will need to be discussed at the time of the Tyreeanna plan update.

Chair Swienton asked if this would be classified as a nonconforming use. Mr. Martin thought it would be classified as an illegal use because it is not zoned for it. The previous CUP specifically said there was to be no truck storage on the property. Chair Swienton asked where a more appropriate location would be for this facility. Mr. Martin indicated that it should be in an industrial area or somewhere away from this intersection. Mr. Martin also clarified that Mr. Phelps had probably meant to say the property is zoned B-3 not B-2 and that a U-Haul rental facility would also require a B-5 zoning. Chair Swienton noted the close proximity of a four-lane highway; it would seem appropriate to him to have a use like this near a highway. Chair Swienton asked where the nearest industrial properties are to this one; Mr. Martin thought they would be around the Falwell Airport or there might be some up further on Concord Turnpike.

Chair Swienton asked Mr. Kevin Henry what will happen to this business if this rezoning is denied. Mr. Henry agreed with Mr. Martin's assessment that this is an illegal business and it would not be allowed on the property. Chair Swienton asked for clarification that it is just the truck storage that would not be allowed. Mr. Henry said he would have to check the proffers but he knows the proffers were very specific for the existing B-3C zoning. Mr. Martin indicated that it could be used for office use but the truck maintenance and storage would definitely not be allowed. Chair Swienton asked if there have been any complaints. Mr. Henry did not know of any complaints. Chair Swienton asked Mr. Henry if he would have the unpleasant task of enforcing the zoning ordinance in a way that would negatively impact this business. Mr. Henry said he is required to uphold the laws of the City even if it is unfortunate for a business or individual.

Commissioner Light said this is a difficult situation; the petitioner did a nice job presenting his situation. Commissioner Light thinks the commission tries to be practical and business oriented. Commissioner Light also uses this road quite frequently. The difficult part is that he does not want to see the business and employees hurt. He acknowledges that the property does look better but he sees problems. From an emotional viewpoint, they try to be supportive of business and they can identify with the petitioner's situation. That is the hard part of his decision but the easy part of his decision is that the *FLUM* has for a number of years (pre-existing their use of this building) called for this property to be moved in a different direction. The Planning Commission is charged with trying to take a long-term view of what is going to happen with properties. The Tyreeanna area is probably the single biggest tract of undeveloped and changeable land in the City. Number one, the business is out of conformity with how the property is supposed to be used now. That is something that cannot continue. Secondly, from a long range viewpoint, he thinks it would be a disservice, at least in terms of keeping options open, to allow the rezoning to go forward. Even though it is a difficult decision for him, he cannot vote in favor of it.

Commissioner Mays said it is difficult for him as well; he is a business owner. He wants to see the property used. Right now, there is the landfill, the wastewater treatment plant and Rock Tenn already on Concord Turnpike. Should they prohibit someone from doing something on the basis of something coming down the pike? They are obliged to look out for the greater good and this property is not zoned for what it is being used for. He is really torn and this is a difficult decision for him.

Chair Swienton asked Mr. Walton about staff's comment that "this is not an acceptable approach to consolidate the entrances." Mr. Walton acknowledged that he does not know if the plan to deal with entrance is appropriate or not. The planning staff, as well as the outgoing Traffic Engineer, made a comment that the entrance needed to be closed. Mr. Walton talked with someone in the Traffic Engineer's absence, and the striping was offered as an option. Mr. Walton and Mr. Martin have had a subsequent conversation and it is probably not going to be adequate to address the City's desire to limit the width of that entrance.

Chair Swienton asked Mr. Walton if he had anything to add. Mr. Walton noted that they are all aware that this area will not develop without utility infrastructure, especially sewer. If the infrastructure is put in an area, sometimes a use like this relocates. When there is infrastructure in place in the future, there may be a buyer for the property that makes sense for the owner of the property to sell it. If we are going to hypothesize, then we should hypothesize everything. Maybe Mr. Gardner could relocate the truck storage to the rear of the property and make the corner lot more in line with the Tyreeanna plan in the future. One of the limiting factors to the development of this property for any type of well-planned project is the lack of infrastructure.

Commissioner Marion asked Mr. Martin if the truck storage could be moved to a back corner of the property, if just a piece of the property could be rezoned for that use. Mr. Martin said you could but there would be several issues. You need room for the trucks to maneuver and there would be an enforcement issue to keep the trucks in the right location. Also, once this moves to B-5 zoning with very few uses proffered out, this is what it is going to be. A used car lot, U-Haul rental, etc., is what this property is going to be used for. Commissioner Marion asked if it could be a CUP instead. Mr. Martin said that for this intense of a use, the property would have to be up zoned. Mr. Martin said it was very difficult for him as well. Planning staff very rarely recommends denial of a petition; they try to make it work. Long term, they do not feel that this is the best solution for this neighborhood and the City.

Chair Swienton asked if they could come forward with a CUP petition that might roll over every two years. Mr. Martin did not know; land use decisions are long lasting. He does not believe that you could do a truck storage facility in a B-3 district with a conditional use permit. Chair Swienton said he was trying to come up with an interim solution because when he drives down that road, it did not have a negative impact on him. He also sees that going forward there is a vision for that area and he does not want to inhibit that either.

Commissioner Lowe acknowledged that this is a difficult decision. When he thinks of a gateway to the City, he wonders what is the difference between seeing a truck storage facility coming from 460 or seeing five hotels and strip shopping on 29 South. When you come in from the west, there are how many car dealerships? Look at what you have at the gateway to the City when you come down 29 Business from Amherst. If we are talking aesthetics, we do not have it. The only nice one we have left is Boonsboro Road and we are losing that. Mr. Martin commented that is probably because wrong decisions were made in the past where there was not enough attention paid to the gateways and the commission has an opportunity to not make the same mistake. He reminded them zoning is long term.

Commissioner Lowe asked if this could be tabled in order for Mr. Martin to find out if a time period conditional use permit be recommended instead. Mr. Martin said it could be tabled but he knew of no way. If they would like the City Attorney to come and tell them that, he could arrange that. Commissioner Lowe thought there had to be a temporary solution to this situation. It seems to be a logical place for this business and Truck Enterprises is right down the road. He knows they have to plan for the future, but right now, we do not know what that plan is going to be or whether or not they are going to get sewer out there. Mr. Martin said one of the unknowns was when the landfill would close and that has happened. Plans are a long term vision and we try not to make wrong decisions to prohibit implementation of plans in the interim.

Chair Swienton is asking himself how he would vote for these petitions if he did not know the current conditions of the property. Commissioner Perault noted that the *FLUM* is their “go to” document and changes to it are not taken lightly, although they have certainly picked it apart at times. The deciding factors for him are that there is a neighborhood plan in place for this region and there is no going back if they were to make these changes. They rarely get recommendations of denial from planning staff. That is not to shift the responsibility from the commission or City Council, but that is something that he strongly takes into account. In his mind, it is tough to allow this to move forward.

Commissioner Lowe agreed that this is the City's last piece of real estate. If they do have a plan, he certainly hopes the plan does allow for what they have at other access points to the City.

Commissioner Light made a motion, which was seconded by Commissioner Marion, to waive the 21-day requirement for proffers. The motion passed by the following vote:

AYES:	Light, Lowe, Marion, Mays, Perault and Swienton	6
NOES:		0
ABSTENTIONS:		0
ABSENT:		0
VACANCIES:		1

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

“That the Planning Commission recommends to City Council denial of the petition of D & D Trucking, LLC to amend the *Future Land Use Map (FLUM)* for approximately five and four hundred twenty-three thousandths (5.423) acres located at 5205 Pleasant Valley Road from Neighborhood Commercial to Community Commercial.”

Commissioner Marion noted that she wants to support the *FLUM* and she wants to support the future of the Tyreeanna neighborhood. Although this use may be better in the short term than the business closing, she thinks it will be better in the long range not to change the *FLUM*.

Chair Swienton noted that amendments to the *FLUM* have to be taken very seriously. There has to be a strong compelling reason to do it. He is not convinced accommodation is one of them, sadly.

The motion passed by the following vote:

AYES:	Light, Lowe, Marion, Mays, Perault and Swienton	6
NOES:		0
ABSTENTIONS:		0
ABSENT:		0
VACANCIES:		1

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

“That the Planning Commission recommends to City Council denial of the petition of D & D Trucking, LLC to rezone approximately five and four hundred twenty-three thousandths (5.423) acres located at 5205 Pleasant Valley Road from B-3, Community Business District (Conditional) to B-5C, General Business District (Conditional):”

The motion passed by the following vote:

AYES:	Light, Lowe, Marion, Mays, Perault and Swienton	6
NOES:		0
ABSTENTIONS:		0
ABSENT:		0
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Chair Swienton noted that the commission would like to see if there is any way an amicable solution could be worked out; that would definitely be welcome. Chair Swienton noted this is a complex solution with ramifications that he does not think any of them enjoy.

Chair Swienton asked if this site is served by sewer; Mr. Walton indicated that it is not. Chair Swienton asked if the cost of the sewer extension would be borne by the private sector or by the City. Mr. Martin was not sure. Chair Swienton asked him what would be the highest probability since it is a key to the development of this area. Mr. Martin commented that as land diminishes in the City, there is a lot of available land in the Tyreeanna area. Eventually there is going to be a need for development in that area and he thinks it would be a combination of the City and the developers looking at ways to get sewer there. That will be one of the items that will need to be discussed at the time of the Tyreeanna plan update.

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Commissioner Light made a motion, which was seconded by Commissioner Marion, to waive the 21-day requirement for proffers. The motion passed by the following vote:

AYES:	Light, Lowe, Marion, Mays, Perault and Swienton	6
NOES:		0
ABSTENTIONS:		0
ABSENT:		0
VACANCIES:		1

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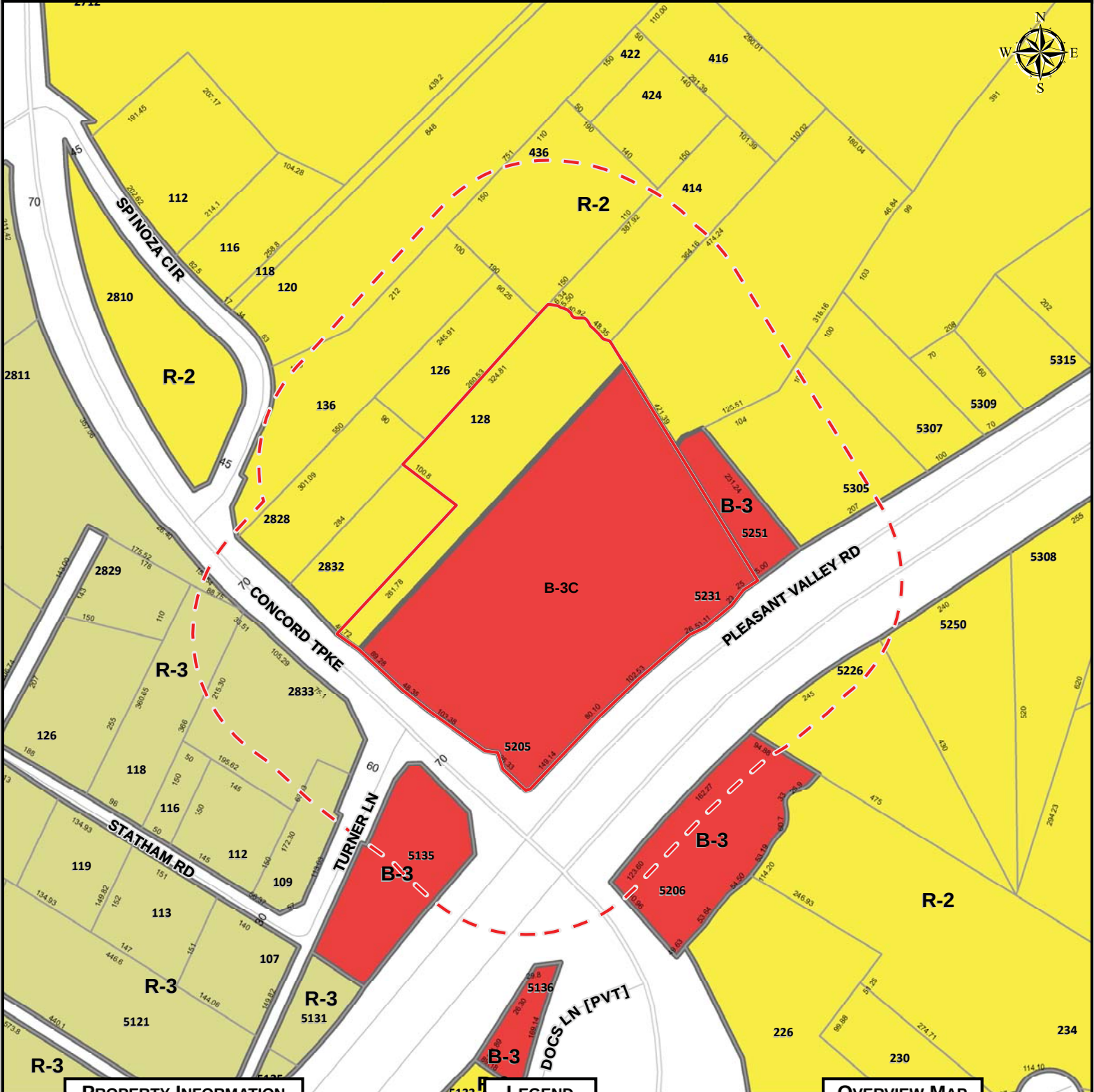
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Zoning Map

TRUCKING COMPANY

Multiple Requests

D & D Trucking, LLC



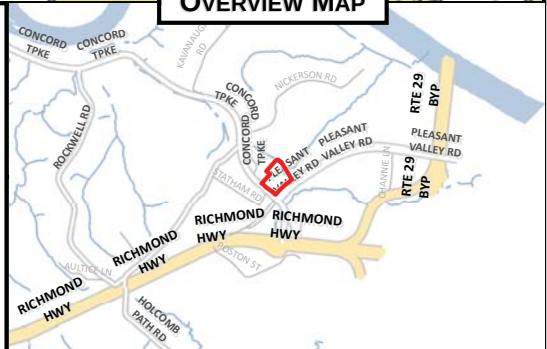
PROPERTY INFORMATION

PARCEL ID	ADDRESS
27702009	5205 PLEASANT VALLEY RD

LEGEND

- Subject Property
- 215' Buffer
- B-1
- B-2
- B-3
- B-4
- B-5
- B-6
- I-1
- I-2
- I-3
- R-1
- R-2
- R-3
- R-4
- R-5
- R-C

OVERVIEW MAP



MAP SCALE: 1" = 4,000' DATE PRINTED: 9/4/2015

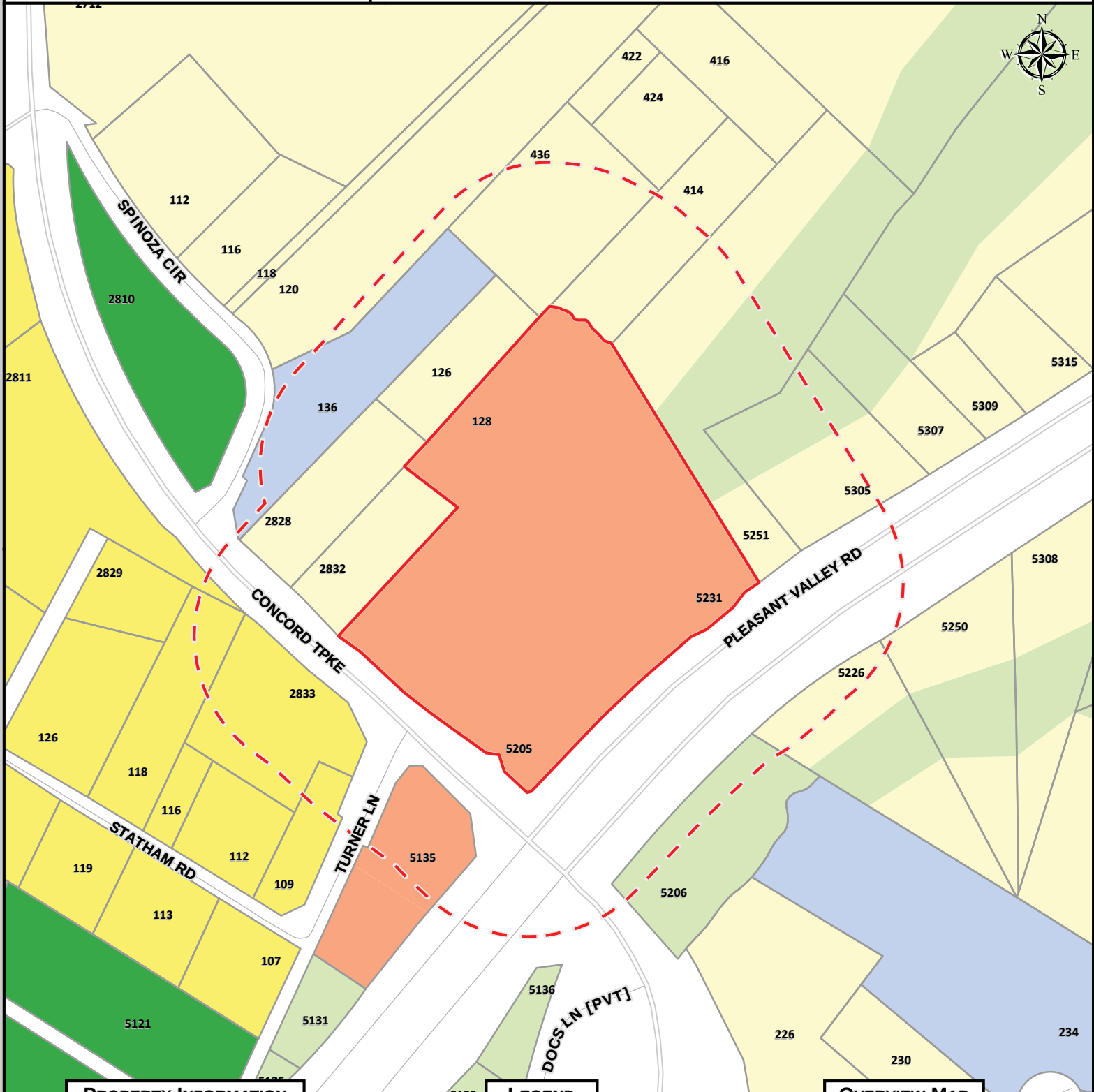
DISCLAIMER: THIS MAP IS NEITHER A LEGALLY RECORDED MAP NOR A SURVEY AND IS NOT INTENDED TO BE USED AS SUCH. THE INFORMATION DISPLAYED IS A COMPILATION OF RECORDS, INFORMATION, AND DATA OBTAINED FROM VARIOUS SOURCES. THE CITY OF LYNCHBURG IS NOT RESPONSIBLE FOR ITS ACCURACY OR HOW CURRENT IT MAY BE.

FLUM Map

TRUCKING COMPANY

Multiple Requests

D & D Trucking, LLC



PROPERTY INFORMATION

PARCEL ID

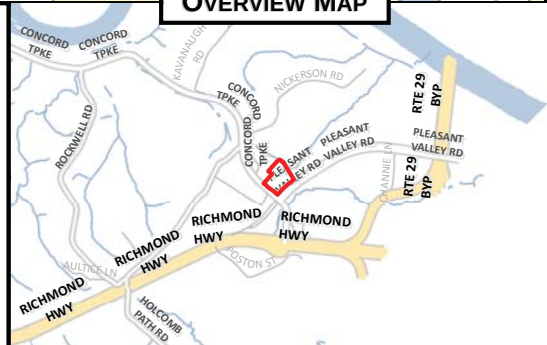
ADDRESS

27702009 5205 PLEASANT VALLEY 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 4,000' DATE PRINTED: 9/4/2015

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Watershed Map

Multiple Requests

TRUCKING COMPANY

D & D Trucking, LLC



PROPERTY INFORMATION

PARCEL ID

ADDRESS

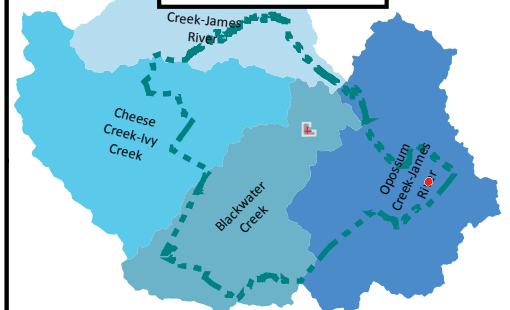
27702009

5205 PLEASANT VALLEY RD

LEGEND

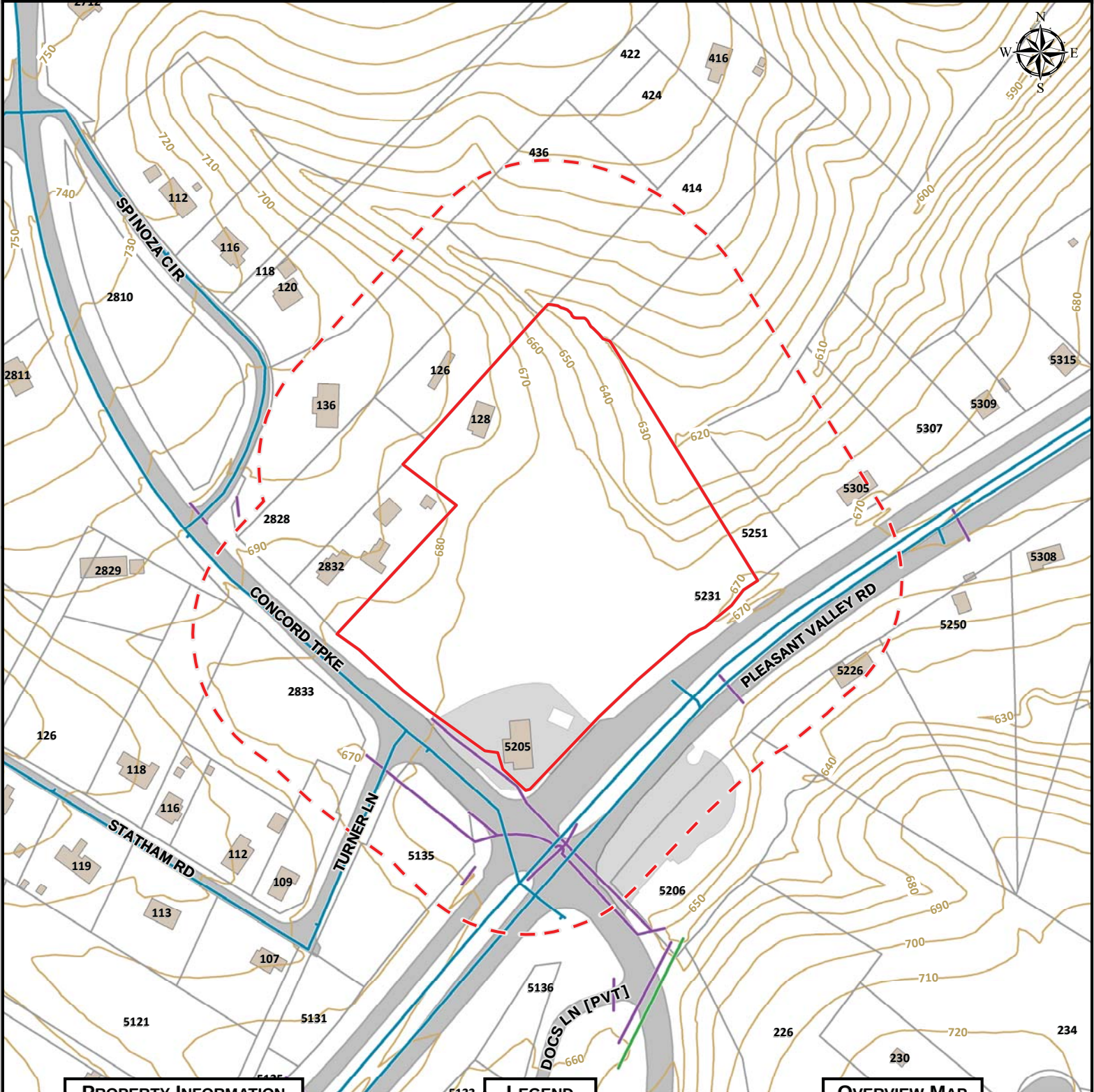
- Subject Property
- Base Flood Elevation
- Floodway
- Floodzone
- River / Lake / Stream

OVERVIEW MAP



MAP SCALE: 1" to 33,333' DATE PRINTED: 9/4/2015

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.



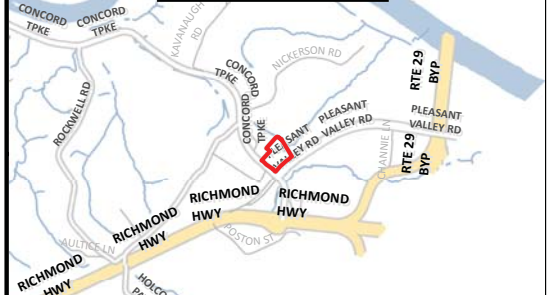
PROPERTY INFORMATION

PARCEL ID	ADDRESS
27702009	5205 PLEASANT VALLEY RD

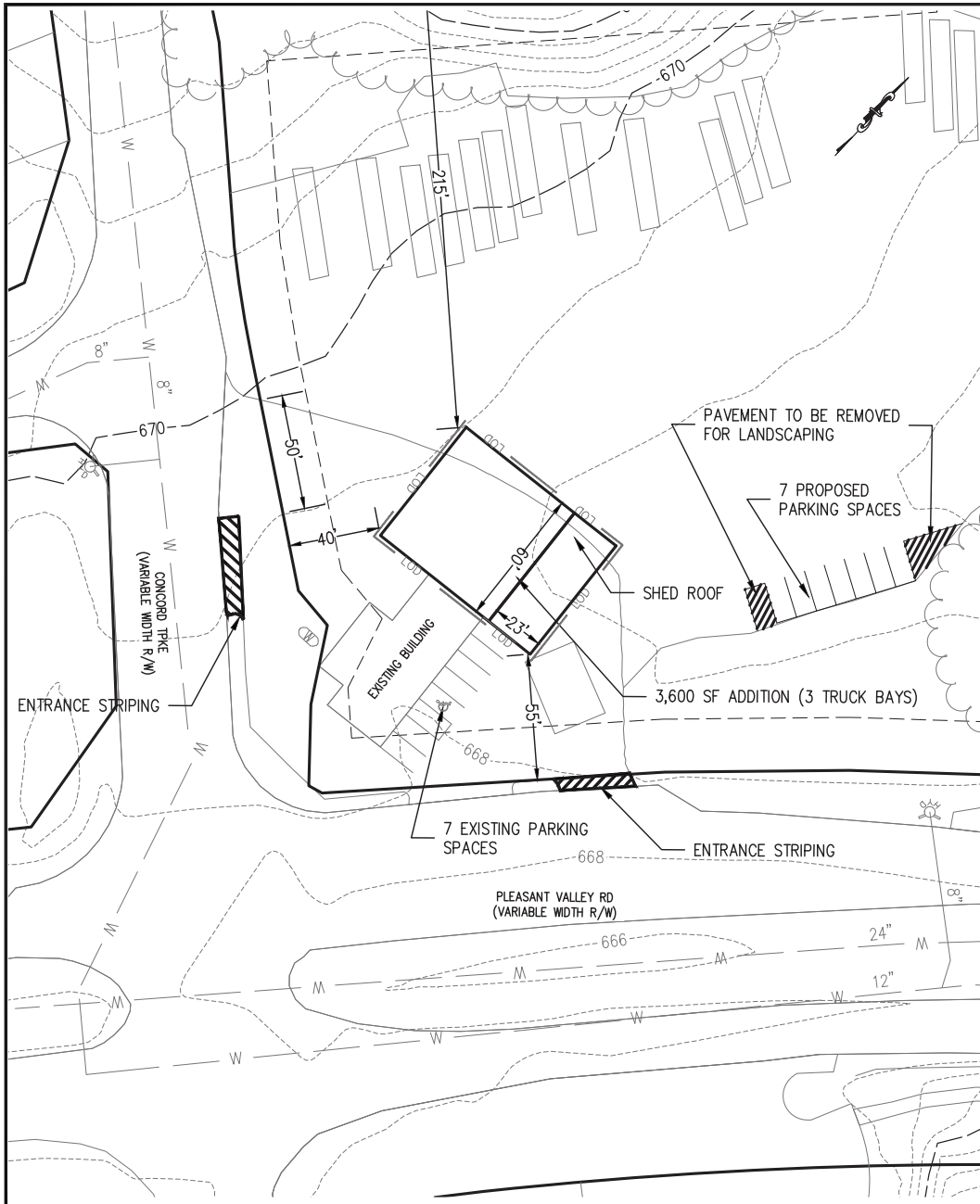
LEGEND

	Active	Proposed	Abandoned
Utilities	Water (solid blue)	Sanitary (dashed blue)	Storm (dotted blue)
Structure	Roadway (solid grey)	Parking (dashed grey)	Sidewalk (dotted grey)
Planimetrics	Driveway (solid light grey)	10' (dashed light grey)	10' Obs (dotted light grey)
Topography	Contour (solid brown)		

OVERVIEW MAP

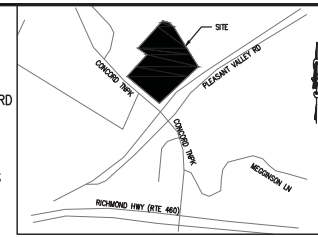


MAP SCALE: 1" to 4,000' DATE PRINTED: 9/4/2015



PROPERTY INFORMATION:

PARCEL ID: 277-02-009
PROPERTY ADDRESS: 5205 PLEASANT VALLEY RD
OWNER: LYNCHBURG LLC
REZONING APPLICANT: DD&D TRUCKING, LLC
TOTAL ACREAGE: APPROXIMATELY 5.423 ACRES
TOTAL AREA TO BE REZONED: 5.423 AC.



VICINITY MAP
NTS

CURRENT ZONING: B-3C (COMMUNITY BUSINESS CONDITIONAL)
R-2 (LOW-MEDIUM DENSITY SINGLE-FAMILY RESIDENTIAL)
B-5
CURRENT USE: FORMER GAS STATION
PROPOSED USE: TRUCKING COMPANY

LOT REQUIREMENTS:
LOT SIZE: 6,000 SQ FT
FRONT YARD 40 FT REQ'D
SIDE YARD 8 FT REQ'D
REAR YARD 35 FT

SHEET INDEX:

SHEET NO.	SHEET TITLE
1 OF 3	COVER/SITE LAYOUT SHEET
2 OF 3	BOUNDARY
3 OF 3	LANDSCAPE PLAN

PARKING CALCS:

OFFICE USE: 2 SPACE PER 1,000 SF
 $3,000 \text{ SF} / 1,000 = 3 * 2 = 6 \text{ SPACES REQUIRED}$
AUTOMOBILE SERVICE STATIONS: 2 SPACES PER 1 SERVICE BAY
& 2 SPACES PER 3 EMPLOYEES ON MAIN SHIFT
3 SERVICE BAYS * 2 = 6 SPACES REQUIRED
3 EMPLOYEES = 2 SPACES REQUIRED
7 EXISTING SPACES PROVIDED INCLUDING 1 HC SPACE
7 NEW SPACES PROVIDED

NOTES:

1. THE PURPOSE OF THIS PLAN IS TO SHOW A PRELIMINARY LAYOUT FOR THE REZONING PROCESS. THE ACTUAL LAYOUT MAY CHANGE SLIGHTLY WHEN ACTUAL CONSTRUCTION PLANS ARE SUBMITTED TO THE CITY FOR REVIEW, BUT SHALL REMAIN IN GENERAL CONFORMANCE TO THIS PLAN.
2. THE AREA OF LAND DISTURBANCE WILL BE LESS THAN 5,000 SF, THEREFORE NO STORMWATER MANAGEMENT/QUALITY WILL BE REQUIRED. A SEPARATE EROSION AND SEDIMENT CONTROL PLAN WILL BE SUBMITTED.
3. THE PROPERTY SHOWN HEREON IS NOT WITHIN A FEMA 100 YEAR FLOOD PLAIN. SEE PANEL# 51009300630, UNSHADED ZONE "X", DATED JUNE 3, 2008.
4. LANDSCAPING WILL BE PROPOSED PER THE CITY OF LYNCHBURG'S LANDSCAPE ORDINANCE. LANDSCAPING SHOWN HEREIN IS SHOWN TO BE IN CONFORMANCE WITH THE LANDSCAPING ORDINANCE.
5. EROSION AND SEDIMENT CONTROL MEASURES WILL BE USED IN ACCORDANCE WITH THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK. E&S MEASURES ARE NOT SHOWN ON THIS PLAN, BUT WILL BE INCLUDED WITH THE ACTUAL SITE PLAN WHEN SUBMITTED. THE DEVELOPER IS RESPONSIBLE FOR OBTAINING ALL NECESSARY STATE, FEDERAL, AND LOCAL PERMITS REQUIRED FOR THE DEVELOPMENT OF THIS SITE.
6. THIS SITE IS SERVED BY PUBLIC WATER & PRIVATE SEPTIC.
7. BACKFLOW PREVENTION SHALL BE INSTALLED AT METER.
8. WASH WATER SHALL NOT BE DISCHARGED TO GRADE.
9. THIS SITE IS SERVED BY PUBLIC WATER & PRIVATE SEPTIC
- 10.

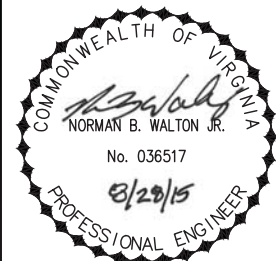
LEGEND

PROPOSED PAVED PARKING



PO BOX 1567 17 W. NELSON STREET
LEXINGTON, VIRGINIA 24450
PHONE: 540-464-9001 FAX: 540-464-5009
EMAIL: PNO@PERKINS-ORRISON.COM

27 GREEN HILL DRIVE
FOREST, VIRGINIA 24551
PHONE: 434-525-5985 FAX: 434-525-5986



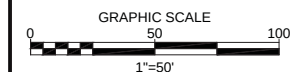
JOB:
**REZONING PLAN FOR
5205 PLEASANT VALLEY RD**

LYNCHBURG, VA

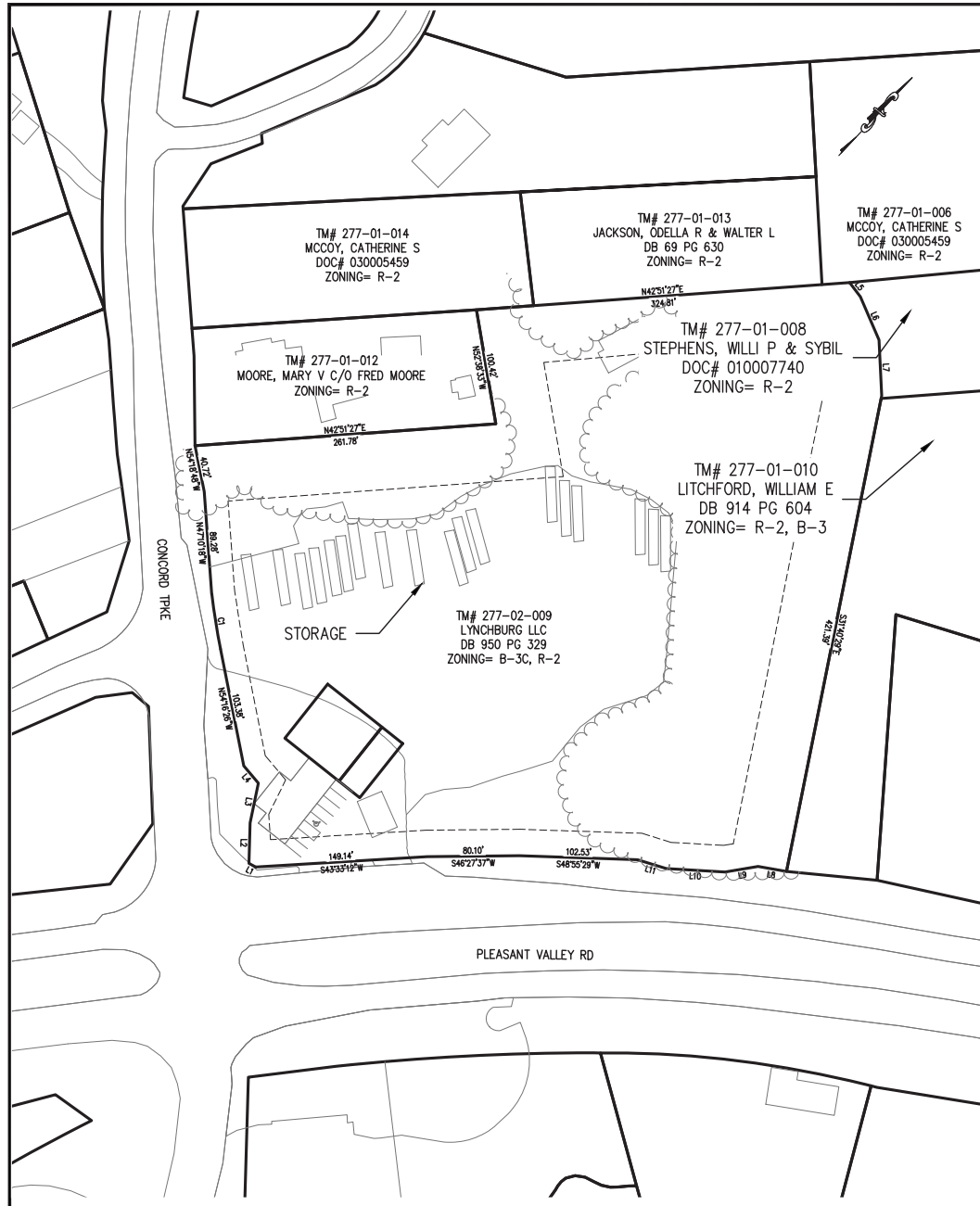
CLIENT:
DD&D TRUCKING, LLC

MARK	DATE	DESCRIPTION
1	08/28/15	REV PER CITY COMMENTS
ISSUE: 08/04/15		
CONTOUR INTERVAL: 2'		
DRAWN BY: MJD		CHECKED BY: NBW

**COVER SHEET
SITE LAYOUT SHEET**



JOB NO 15278 SHEET NO 1 OF 3



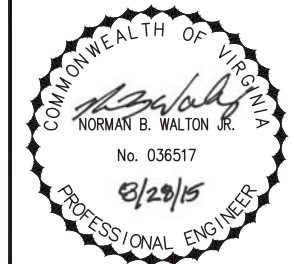
CURVE TABLE					
CURVE	LENGTH	RADIUS	BEARING	CHORD	DELTA
C2	48.35'	606.62'	S51°59'26"E	48.34'	4°34'00"

LINE TABLE		
LINE	BEARING	LENGTH
L1	S75°51'07"W	6.56'
L2	N41°28'48"W	35.33'
L3	N31°12'20"W	35.11'
L4	N82°56'29"W	19.56'
L5	S80°26'11"E	15.50'
L6	S66°14'27"E	40.92'
L7	S45°34'25"E	48.35'
L8	S56°52'40"W	25.15'
L9	S37°39'15"W	29.01'
L10	S50°17'51"W	51.11'
L11	S64°24'48"W	26.11'



PO BOX 1567 17 W. NELSON STREET
LEXINGTON, VIRGINIA 24450
PHONE: 540-464-9001 FAX: 540-464-5009
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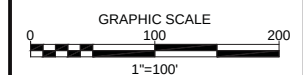
JOB:
**REZONING PLAN FOR
5205 PLEASANT VALLEY RD**

LYNCHBURG, VA

CLIENT:
DD&D TRUCKING, LLC

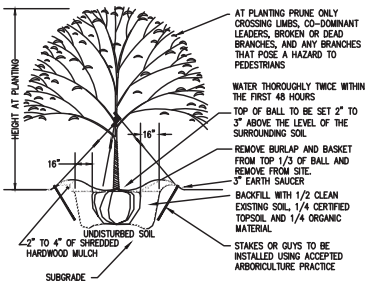
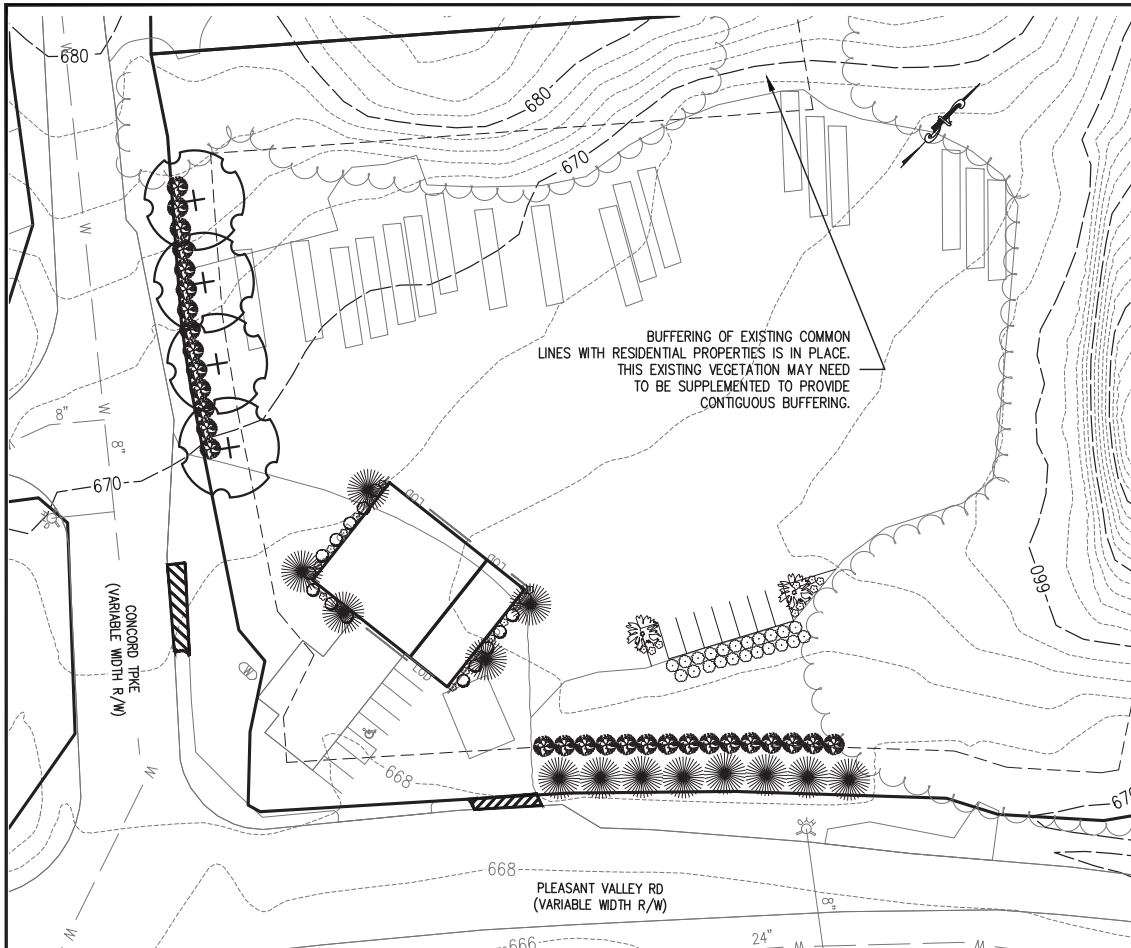
MARK	DATE	DESCRIPTION
1	08/28/15	REV PER CITY COMMENTS
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BOUNDARY SHEET

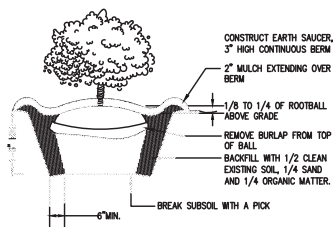


JOB NO 15278 SHEET NO 2 of 3

P:\2015\15278-5205 PLEASANT VALLEY RD REZONING.DWG (C-RZ-15278.dwg 8/28/2015 2:36 PM



TREE PLANTING DETAIL
DECIDUOUS TREE
NO SCALE



SHRUB PLANTING DETAIL
NO SCALE

SEC. 35.1-25.1.7. PARKING AREA LANDSCAPING.

PARKING AREAS ARE SUBJECT TO THE FOLLOWING LANDSCAPING STANDARDS:

(B) PARKING AREAS WITH LESS THAN TWO HUNDRED (200) PARKING SPACES.

(1) ONE (1) SHADE TYPE TREE FOR EVERY EIGHT (8) PARKING SPACES, PLANTED WITHIN LANDSCAPE ISLANDS, REASONABLY DISPERSED WITHIN THE PARKING AREA SO THAT NO MORE THAN FIFTEEN (15) TO TWENTY (20) PARKING SPACES EXIST BETWEEN LANDSCAPE ISLANDS.

(2) ONE (1) MEDIUM SHRUB FOR EVERY ONE (1) PARKING SPACE SHALL BE PLANTED WITHIN LANDSCAPE ISLANDS CONTAINING REQUIRED TREES.

7 PARKING SPACES = 1 SHADE TREE AND 7 MEDIUM SHRUBS REQUIRED / 2 SHADE TREES AND 9 MEDIUM SHRUBS PROVIDED

(E) PARKING AREA SCREENING.

(1) IN ALL INSTANCES WHERE PARKING AREAS ARE ADJACENT TO PUBLIC OR PRIVATE STREETS, A SCREEN WITH A MINIMUM HEIGHT OF THREE (3) FEET AT TIME OF INSTALLATION SHALL BE PROVIDED ALONG THE ENTIRE LENGTH OF THE PARKING AREA EXCLUSIVE OF DRIVEWAYS AND ENTRANCES. THE MINIMUM PLANTING WIDTH FOR THE SCREEN SHALL BE SIX (6) FEET.

(2) FOR THE PURPOSES OF THIS SECTION, ANY OF THE FOLLOWING COMBINATION OF LANDSCAPING AND BERMS MAY BE USED TO FULFILL THIS REQUIREMENT:

(A) ONE (1) LARGE SHRUB PER THREE (3) FEET OF STREET FRONTAGE.

+ 62 FEET OF STREET FRONTAGE = 21 LARGE SHRUBS REQUIRED / 22 LARGE SHRUBS PROVIDED

SEC. 35.1-25.1.8. STREET TREES FOR MULTI-FAMILY, COMMERCIAL, INSTITUTIONAL AND INDUSTRIAL DISTRICTS.

(A) FOR ALL MULTI-FAMILY, COMMERCIAL, INSTITUTIONAL AND INDUSTRIAL DEVELOPMENTS, STREET TREES ARE REQUIRED AT THE RATE OF ONE (1) SHADE TREE FOR EACH FORTY (40) FEET OF STREET FRONTAGE OR IN THE CASE WHERE OVERHEAD UTILITY LINES PROHIBIT THE PLANTING OF SHADE TREES ONE (1) ORNAMENTAL TREE FOR EACH TWENTY (20) FEET OF STREET FRONTAGE.

+ 300 FEET OF STREET FRONTAGE (PLEASANT VALLEY RD) = 8 SHADE TREES REQUIRED / 160 LF ± EXISTING TREELINE AND 8 PROPOSED TREES PROVIDED

+ 300 FEET OF STREET FRONTAGE (CONCORD TRPK) = 15 SHADE TREES REQUIRED / 60 LF ± EXISTING TREELINE AND 4 PROPOSED TREES PROVIDED

(A) REQUIRED STREET TREES SHALL BE PLANTED ALONG THE PROPERTY LINE THAT FRONTS THE STREET AND SHALL NOT BE PLANTED WITHIN THE PUBLIC RIGHT-OF-WAY OR WITHIN ANY UTILITY EASEMENTS.

(B) STREET TREES WITHIN THE SITE DISTANCE TRIANGLE MAY BE RAISED TO ALLOW FOR VISIBILITY. (ORD. OF 6-13-06, #0-06-070; ORD. NO. 0-13-034, 3-12-13)

SEC. 35.1-25.1.9. FOUNDATION PLANTINGS.

ALL SIDES OF MULTI-FAMILY, COMMERCIAL, INSTITUTIONAL OR INDUSTRIAL BUILDINGS, WHICH FRONT ON A PUBLIC OR PRIVATE STREET OR ARE VISIBLE FROM AN ADJACENT RESIDENTIAL DISTRICT, SHALL BE LANDSCAPED WITH FOUNDATION PLANTINGS AS FOLLOWS:

(1) ONE (1) ORNAMENTAL TREE PER FIFTY (50) LINEAR FEET OF BUILDING, AND

(2) ONE (1) LARGE SHRUB PER TEN (10) LINEAR FEET OF BUILDING, OR

(3) ONE (1) MEDIUM SHRUB AND ONE (1) SMALL SHRUB PER TEN (10) LINEAR FEET OF BUILDING, OR

(4) THREE (3) SMALL SHRUBS PER TEN (10) LINEAR FEET OF BUILDING, OR

(5) ANY COMBINATION OF 2, 3 OR 4 ABOVE.

(B) FOUNDATION PLANTINGS MAY BE PLACED IN COLLECTIVE GROUPINGS ALONG THE PERIMETER OF THE BUILDING FOR WHICH REQUIRED.

+ 150 LINEAR FEET OF BUILDING = 3 ORNAMENTAL TREES, 15 MEDIUM SHRUBS, AND 15 SMALL SHRUBS REQUIRED / 5 ORNAMENTAL TREES, 15 MEDIUM SHRUBS, AND 15 SMALL SHRUBS PROVIDED

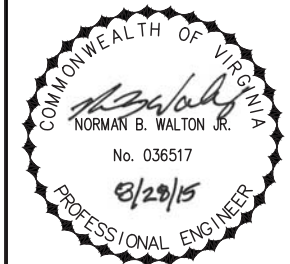
LANDSCAPE LEGEND

	SYM	QUANTITY	BOTANIC NAME	COMMON NAME	PLANTING SIZE	ULT. SIZE
A		29	EUONYMUS ALATA "COMPACTUS"	"BURNING BUSH"	36" CONTAINER**	5'x5'
B		13	LAGERTRÖEMIA I. BILOXI	CREPEMYRTLE	8"-10" B&B	20'x20'
C		4	ACER RUBRUM "OCTOBER GLORY"	"MAPLE OCTOBER GLORY"	1.5"-1.75" CALIPER B&B	40'x30'
D		24	LIRIOPE MUSCARI "EVERGREEN GIANT"	EVERGREEN GIANT LIRIOPE	3.5" POT	1.5'x1'
E		22	JUNIPERUS CHINENSIS X PRITZERIANA "GOLD TIP"	"GOLD TIP" JUNIPER	2'-3" B&B	4'x6'
F		2	BETULA PLATYPHYLLA	"JAPANESE WHITE BIRCH"	10'-12" B&B	40'x25'
G		15	JUNIPERUS SQAMATA "BLUE STAR"	BLUE STAR JUNIPER	5'-6" B&B	2'x4'



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JOB:

REZONING PLAN FOR
5205 PLEASANT VALLEY RD

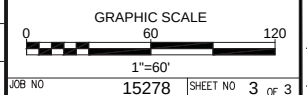
LYNCHBURG, VA

CLIENT:

DD&D TRUCKING, LLC

MARK	DATE	DESCRIPTION
1	08/28/15	REV PER CITY COMMENTS
ISSUE: 08/04/15		
CONTOUR INTERVAL: 2'		
DRAWN BY: MJD		
CHECKED BY: NBW		

LANDSCAPE PLAN



JOB NO 15278 SHEET NO 3 of 3

Lexington

Wes Perkins, LS
Russ Orrison, PE, LS

Pierson Hotchkiss, LS
Gavin Worley, PE

**Lynchburg**

Kenneth Knott, LS
Norman Walton, PE

Aaron Dooley, LS

August 28, 2015

Tom Martin
City of Lynchburg
900 Church Street
Lynchburg, VA 24502

RE: Rezoning Narrative – B-3C and R-2 to B-5
TM# - 277-02-009

Dear Mr. Martin

On behalf of Lynchburg LLC, we are submitting a request to rezone the above referenced property from B-3C (Community Business, Conditional) and R-2 (Low-Medium Density Single-Family Residential) to B-5 (General Business District) to allow the property to be used as a Truck Storage Yard. The FLUM will also need to be revised from Neighborhood Commercial to Employment 1.

This property was once a gas station and convenience store prior to the construction of the Madison Heights Bypass completion, and realignment of Route 460. The property remained vacant for some time. There are residential properties bordering this property to the North and East. The West and South boundaries are bound by Concord Turnpike and Pleasant Valley Road.

There is a similar business in the vicinity. At 5605 Pleasant Valley Road is Truck Enterprises. Also, in this vicinity is the City's Landfill. Concord Turnpike is the main thoroughfare for traffic to access the industrial development along the James River. It is, therefore, pretty common to have truck traffic through this intersection.

We do recognize that this site is at the entrance of the Tyreeanna community. The owner and the occupant of the property (DD&D Trucking) understands the significance of this property. The owner and the occupant are planning to improve the current structure for DD&D Trucking, as well as provide necessary landscaping and screening to operate a Truck Storage Yard at this site.

The facility will store trucks and trailers onsite. Normally there will be very few trucks and trailers onsite, as DD&D Trucking is a long and medium haul trucking company, therefore most of the trucks are on the road. This facility will also be used as the business office and dispatch office for DD&D Trucking.

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

27 Green Hill Drive
Forest, Virginia 24551

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

Email: pno@perkins-orrison.com

434-525-5985 Fax: 434-525-5986

DD&D Trucking is not a truck terminal. There will not be storage of goods, any warehousing or transfer of freight at this facility.

The proposed development on this site is less than 5,000 square feet, which would not require a stormwater management plan for quality and quantity. We will prepare an appropriate erosion and sediment control plan for the construction.

I do not foresee traffic being a major concern for this facility.

Should you have any questions regarding this information, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "N. Walton, Jr.", written in a cursive style.

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



NOTICE TO RECORD & FUTURE LAND
USE MAP AMENDMENT

APPLICANT:	JAVA TRUCKING, LLC
PHONE:	404-442-4400
ADDRESS:	1000 PLEASANT VALLEY RD.
PROPOSED ZONING:	D-20, D-2
PROPOSED CHANGES:	D-5
PROPOSED USE:	TRUCK STORAGE, PAVED
PROPOSED LOT SIZE:	COMMUNITY COMMERCIAL
PROPOSED LOT USE:	COMMUNITY COMMERCIAL

FOR FURTHER INFORMATION, CALL PLANNING DEPT. OF
CITY OF ATLANTA, 404-442-4400

**NOTICE TO REZONE & FUTURE LAND
USE MAP AMENDMENT**
APPLICANT: ROAD TRUCKING, LLC
PHONE: 434-847-4363
ADDRESS: 5205 PLEASANT VALLEY RD.
PROPOSED ZONING: B-2C, B-2
PROPOSED ZONING: B-5
PROPOSED USE: TRUCK STORAGE, YARD
FUTURE LAND USE MAP: COMMUNITY COMMERCIAL
ADDITIONAL INFORMATION: CALL PLANNING DEPT.
OF COLUMBIA CO., 435-1000

**HAULEY
SIGNS**
EAST PLEASANT VALLEY, VA
434-846-2000



5205 Pleasant Valley Road
Rezoning for Trucking Company

PLEASE PRINT

[illegible]

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **October 13, 2015**

AGENDA ITEM NO.: 8

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Conditional Use Permit: 130' Telecommunications Tower – 315 Beverly Hills Circle**

RECOMMENDATION: Approval of the conditional use permit (CUP) petition.

SUMMARY: Blue Ridge Towers, Inc. is petitioning to construct a one hundred and thirty (130) foot cell tower at 315 Beverly Hills Circle with athletic field lighting. The lighting will be placed at a height of fifty (50) feet and provide for the removal of two (2) existing wooden poles with lights at the same height. The lighting was previously approved by City Council in 1993. The proposed tower is two hundred and seventy-four (274) feet from the closest residential property line.

The Planning Commission recommended approval of the petition because the tower would have little negative impact on the surrounding area. The petition is consistent with the *Zoning Ordinance* which permits cell towers by CUP in the R-1, Low Density Residential Districts.

PRIOR ACTION(S):

September 9, 2015: The Planning Division recommended approval of the CUP petition.

The Planning Commission recommended approval of the CUP petition (6-0, with one vacancy)

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 – September 9, 2015
- Zoning Map
- *FLUM* Map
- Watershed Map
- Planimetric and Topographic Map
- Concept Plan
- Narrative
- Photo Simulation
- Resolution #R-93-152
- Property Photograph
- Speaker Signup Sheet

REVIEWED BY: lkp

RESOLUTION:

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT FOR BLUE RIDGE TOWERS, INC. TO ALLOW THE CONSTRUCTION OF A STEALTH ONE HUNDRED AND THIRTY (130) FOOT TELECOMMUNICATIONS TOWER AND ASSOCIATED EQUIPMENT IN A R-1, LOW DENSITY RESIDENTIAL DISTRICT.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of Blue Ridge Towers, Inc for a conditional use permit to allow the construction of a stealth one hundred and thirty (130) foot telecommunications tower and associated equipment is hereby approved subject to the following conditions:

1. The property shall be developed in substantial compliance with the site plan entitled "Proposed Site Plan-Blue Ridge Towers, 315 Beverly Hills Circle, Lynchburg, VA" dated August 31, 2015.
2. The property shall be developed in compliance with the submitted photo renderings.
3. All conditions of Resolution #R-93-152, approved by Council on June 8, 1993 shall be complied with.

Adopted:

Certified: _____
Clerk of Council

104K

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

To: Planning Commission
From: Planning Division
Date: September 9, 2015
Re: **Conditional Use Permit (CUP): 130' Telecommunications Tower – 315 Beverly Hills Circle**

I. PETITIONER

Blue Ridge Towers, Inc., 401 Gainesboro Road, Roanoke, VA 24016

Representative: Anthony Smith, Blue Ridge Towers, Inc., 401 Gainesboro Road, Roanoke, VA 24016

II. LOCATION

The subject property is located at 315 Beverly Hills Circle and contains approximately twenty-seven and one hundred fifty-nine thousandths (27.159) acres.

Property Owner:

Brookville Ruritan Community, P.O. Box 4336, Lynchburg, VA 24502

III. PURPOSE

The purpose of the construction of a one hundred thirty (130) foot stealth telecommunications tower.

IV. SUMMARY

- The *Comprehensive Plan 2013-2030* recommends an Institutional use for the property.
- Telecommunications towers are permitted within an R-1, Low-Medium Density, Single-Family Residential District upon approval of a CUP by Council.
- The proposed tower would replace two (2) existing wooden poles containing athletic field lighting.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg Comprehensive Plan 2013-2030 recommends an Institutional use for the property. Institutional uses include the 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. (p.76)

The Brookville Ruritan Club and ballfields were in use on the property when the area was annexed into the city in 1976. Subsequent CUP's were approved by Council on April 24, 1991 and June 8, 1993 to allow the expansion of the facilities and lighting of three (3) ballfields.

2. **Zoning.** The subject property was annexed into the City in 1976. The existing R-1, Low-Density, Single-Family Residential District was established in 1978. The petition would not change the underlying zoning.

3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances would be needed for the development of the property as proposed.
4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - On May 14, 1991, Council approved the CUP petition of Timberlake Dixie Youth Athletic Association to allow the installation of additional ball fields, parking and concessions at 311 Beverly Hills Circle.
 - On June 8, 1993, Council approved the CUP petition of Timberlake Dixie Youth Athletic Association to allow the installation and usage of lights on three (3) ballfields at 311 Beverly Hills Circle.
 - On April 8, 1997, Council approved the petition of J. E. Jamerson & Sons to rezone four hundred (400) acres from R-1, Low Density-Single-Family Residential District to R-2C, Low-Medium Density, Single-Family Residential District (Conditional), R-4C, Medium-High Density, Multi-Family Residential District (Conditional), B-1C, Limited Business District (Conditional), B-3C, Community Business District (Conditional) and I-2C, Light Industrial District (Conditional) at Laxton Road & Enterprise Drive.
 - On July 14, 1998, Council approved the CUP petition of J. E. Jamerson & Sons to allow the construction of a Traditional Neighborhood Development at Laxton Road & Enterprise Drive.
 - On September 12, 2000, Council approved the petition of J. E. Jamerson & Sons to rezone one hundred sixty-seven (167) acres from R-2C, Low-Medium Density, Single-Family Residential District (Conditional) and R-4C, Medium-High Density, Multi-Family Residential District (Conditional) to R-2C, Low-Medium Density, Single-Family Residential District (Conditional) and R-4C, Medium-High Density, Multi-Family Residential District (Conditional) to amend previously approved proffers on Enterprise Drive.
 - On July 8, 2003, Council approved the CUP petition of Jamerson & Company to amend the existing Traditional Neighborhood Development Plan to allow the construction of apartments and additional single-family uses at 301 Northwynd Circle.
 - On April 8, 2008, Council approved the CUP petition of Cornerstone Community Church to allow the construction of a church and parking area at 519, 521 & 525 Old Graves Mill Road.
 - On July 8, 2008, Council approved the CUP petition of Phillip Jamerson to allow a consolidated sign plan for properties located at 1301, 1601, 1627 Enterprise Drive, 100 Tradewynd Drive & 100 Hexham Drive.
 - On October 9, 2012, Council approved the CUP petition of Jamerson YMCA to allow a modified sign at 801 Wyndhurst Drive.
5. **Site Description.** The subject property includes a tract of approximately twenty-seven (27) acres and contains the Brookville Ruritan Club, parking and baseball fields. The property is bound to the north by single-family homes and vacant land, to the south by single-family homes and apartments, to the east by an institutional use (Cornerstone Community Church) and to the west by an institutional use (vacant land owned by the Jamerson Family YMCA).

6. Proposed Use of Property. The purpose of the CUP petition is to allow the construction of a one hundred thirty (130) foot telecommunications tower. The telecommunications tower would be stealth in design, in that no antennas would be visible from the exterior to the mono-pole structure. If approved lighting on two (2) existing wooden poles associated with the ballfields would be installed at fifty (50) feet on the new structure. The wooden poles would be removed.

7. Traffic, Parking and Public Transit. N/A

8. Stormwater Management. An Erosion & Sediment Control plan would be required prior to final site plan approval. A Stormwater Management Plan would be required if disturbed areas exceed five thousand (5000) square feet. The submitted site plan indicates a lease area of three thousand eight hundred (3800) square feet.

9. Emergency Services. The City's Fire Marshal had no concerns regarding the CUP.

The City Police Department recommended measures for the general security of the facility.

10. Impact. The proposed construction of the telecommunications tower should have minimal impact on the area. The proposed tower would allow the removal of two (2) existing wooden light poles. New lighting would be placed on the telecommunications tower at a height of fifty (50) feet.

The proposed tower would be a minimum of two hundred seventy-four (274) feet from the northern property line and three hundred forty-six (346) feet from the southern property line which are the closest residential uses.

11. Technical Review Committee. The TRC reviewed the concept plan on August 4, 2015. Comments related to the proposed use were minor in nature and have or will be addressed by the petitioner prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of Blue Ridge Tower, Incorporated's petition for a conditional use permit (CUP) at 315 Beverly Hills Circle to allow the construction of a stealth one hundred thirty (130) foot telecommunications tower and associated equipment subject to the following conditions:

- 1. The property shall be developed in substantial compliance with the site plan entitled "Proposed Site Plan-Blue Ridge Towers, 315 Beverly Hills Circle, Lynchburg, VA" dated August 31, 2015.**
- 2. The property shall be developed in compliance with the submitted photo renderings.**
- 3. All conditions of Resolution #R-93-152, approved by Council on June 8, 1993 shall be complied with.**

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 Thomas Goode, Fire Marshal
Mr. Doug Saunders, Building Commissioner
Mr. Kevin Henry, Zoning Administrator
Mr. Anthony Smith, Petitioner

VII. ATTACHMENTS

- 1. Zoning Map**
- 2. FLUM Map**
- 3. Watershed Map**
- 4. Planimetric and Topographic Map**
- 5. Concept Plan**
- 6. Narrative**
- 7. Photo Simulation**
- 8. Resolution #R-93-152**
- 9. Property Photograph**

MINUTES OF THE SEPTEMBER 9, 2015 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

Petition of Blue Ridge Towers, Inc. for a conditional use permit at 315 Beverly Hills Circle to install a one hundred thirty (130) foot monopole telecommunications tower with athletic lighting installed on the tower at fifty (50) feet in an R-1, Low Density, Single-Family Residential District:

Mr. Tom Martin commented that the property is zoned R-1 but is recommended for an Institutional use on the *FLUM*. This site has been used for ball fields associated with the Brookville Ruritan Club since 1976. The City has previously approved two conditional use permits for the property in April 1991 for ball fields and in 1993 to expand the ball field and add lighting. Since the lighting was previously approved and the height of the lighting will not be raised, those conditional use permits are not related to this request.

The proposed 130-foot tower would be located in approximately the center of the property, approximately 700 feet from both property lines. The submitted photo renderings show that the antenna structure would be outside of the pole and the lighting would be at the height of 50 feet, which is the height of the current lighting. These poles would actually eliminate two existing wooden light poles. The Planning Division does recommend approval of the conditional use permit with the conditions outlined in the report.

Mr. Anthony Smith of Blue Ridge Towers was present to represent the petition. They were asked by Ntelos and T-Mobile to study this area where both have poor coverage. This site was large enough to meet the setback requirements of a tower in a residential area. Mr. Smith met with Mr. Martin and took his advice on how best to fit a tower into a residential area. They feel they have a project that will be pleasing to the neighboring residents and give the City of Lynchburg better cell tower infrastructure. Mr. Smith also feels that the new poles will benefit the ball fields and aid the programs that go on at the Ruritan Club. The tower will not be seen from Timberlake Road or Old Graves Mill Road nor will it have a visual impact on the nearby homeowners.

Mr. Smith mentioned that he met directly with one of the closest neighbors to make sure that the lighting would not shine into his home. He thinks they have taken every step over the past year to address everyone's concerns.

Mr. Barrie Buck came forward to speak in favor of the petition. He and his wife live at 319 Beverly Hills Circle and own four other lots adjacent to the site that is named in the petition. He was initially concerned with the proposed lighting but since meeting with the Ruritan Club and Mr. Smith, he realizes that the new lighting will actually be an improvement. The lights will be LED and the glare from the lights that currently affects him sounds like it is going to lessen. The Ruritan Club and Blue Ridge Towers are also going to work with Mr. Buck to improve some screening of his property. He is very relieved and he thinks it will be an improvement to the neighborhood. He is in favor of the project.

Mr. Vance Driskill, the president of the Brookville Ruritan Club, came forward to speak in favor of the project. They are excited about the tower because it will allow the club to do other things for the community. It will also allow them to improve the facilities that they offer to the Timberlake Dixie Youth.

Mr. Jerry Shores came forward to speak in favor of the petition. He would like to point out that the current lighting is not up to what it should be and is not safe for the children that use the fields. The new lighting will improve safety.

Mr. Stan Norwood, a representative for the Timberlake Dixie Youth board of directors, came forward to speak in favor of the petition. They are looking forward to this project being approved because it will

improve safety for the children, as well as make the facilities available for a longer season. They have had to turn people away for events in the past because of the poor lighting.

There was no one else to speak in favor of the petition. There was no one to speak in opposition to the petition. Chair Swienton closed the public hearing portion of the petition.

Commissioner Lowe asked for clarification that this is a stealth tower; all antennae and components are internal to the pole. Mr. Smith said this is called a concealment pole. A typical monopole is all steel. This pole from 130 feet down to roughly 65 feet is slimmer on inside than it is on the outside. It has a fiberglass casing, so all the wireless equipment is encased in the pole. The only thing seen is the lighting fixture. Commissioner Lowe asked if they foresee in the future a need to put anything external to the pole. Mr. Smith stated that would not take place. Mr. Smith indicated that the top half will be blue and the bottom half will be grey. This helps the pole to blend into the skyline.

Commissioner Perault noted that you can see two of the older type cell towers from this location, so he cannot see how this is changing the overall area. He see lots of pros and no cons.

Commissioner Swienton commended Mr. Smith for meeting with the neighbors. It is welcoming to see a petition where the surrounding neighbors are in support and their concerns have been addressed before coming to public hearing.

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

“That the Planning Commission recommends to City Council approval of Blue Ridge Tower, Incorporated’s petition for a conditional use permit (CUP) at 315 Beverly Hills Circle to allow the construction of a stealth one hundred thirty (130) foot telecommunications tower and associated equipment subject to the following conditions:

- 1. The property shall be developed in substantial compliance with the site plan entitled “Proposed Site Plan-Blue Ridge Towers, 315 Beverly Hills Circle, Lynchburg, VA” dated August 31, 2015.**
- 2. The property shall be developed in compliance with the submitted photo renderings.**
- 3. All conditions of Resolution #R-93-152, approved by Council on June 8, 1993 shall be complied with.**

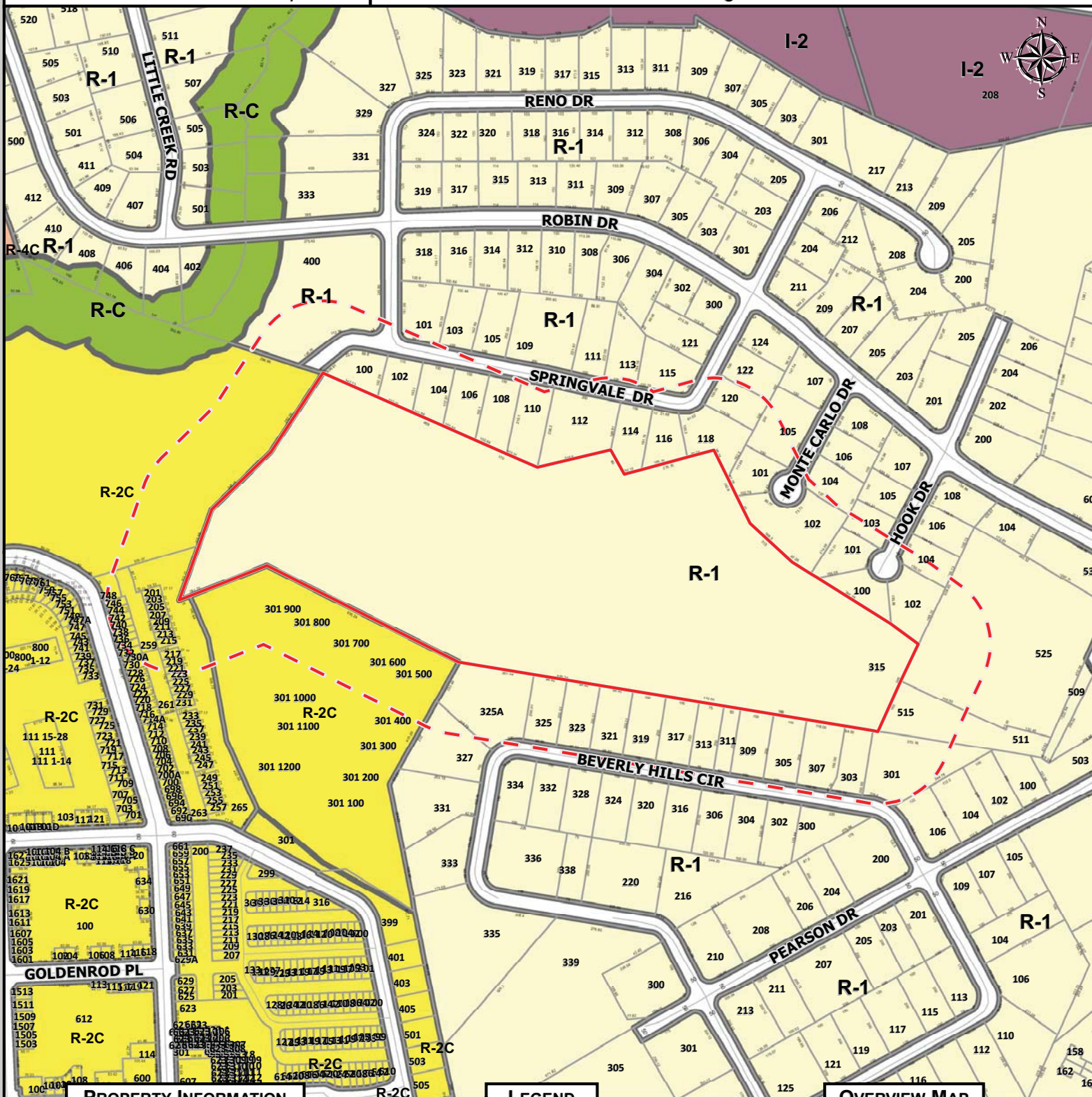
AYES:	Light, Lowe, Marion, Mays, Perault and Swienton	6
NOES:		0
ABSTENTIONS:		0
ABSENT:		0
VACANCIES:		1

Zoning Map

TELECOMMUNICATIONS TOWER

Conditional Use Permit Request

Blue Ridge Towers



PROPERTY INFORMATION

PARCEL ID

ADDRESS

25002006 315 BEVERLY HILLS CIR

LEGEND

 Subject Property

 215' Buffer

 B-1	 B-6	 R-2
 B-2	 I-1	 R-3
 B-3	 I-2	 R-4
 B-4	 I-3	 R-5
 B-5	 R-1	 R-C

OVERVIEW MAP



MAP SCALE: 1" to 4,000' DATE PRINTED: 8/13/2015

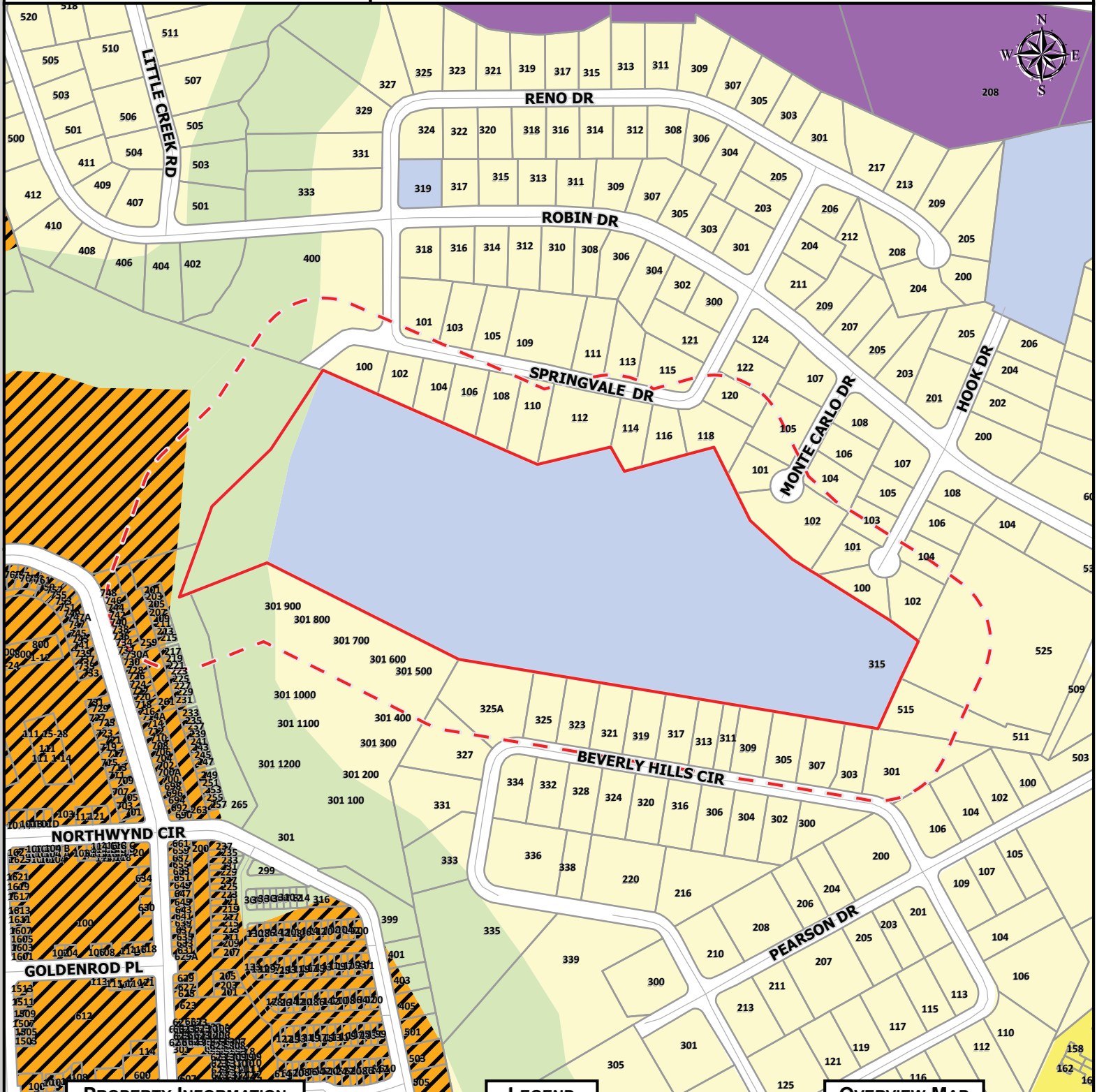
DISCLAIMER: THIS MAP IS NEITHER A LEGALLY RECORDED MAP NOR A SURVEY AND IS NOT INTENDED TO BE USED AS SUCH. THE INFORMATION DISPLAYED IS A COMPILATION OF RECORDS, INFORMATION, AND DATA OBTAINED FROM VARIOUS SOURCES. THE CITY OF LYNCHBURG IS NOT RESPONSIBLE FOR ITS ACCURACY OR HOW CURRENT IT MAY BE.

FLUM Map

TELECOMMUNICATIONS TOWER

Conditional Use Permit Request

Blue Ridge Towers



PROPERTY INFORMATION

PARCEL ID

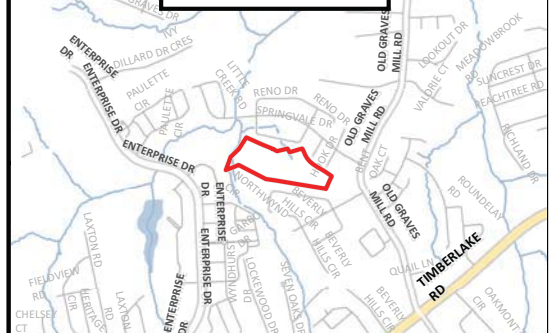
ADDRESS

25002006 315 BEVERLY HILLS CIR

LEGEND

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

OVERVIEW MAP



MAP SCALE: 1" to 4,000' DATE PRINTED: 8/13/2015

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.

Watershed Map

TELECOMMUNICATIONS TOWER

Conditional Use Permit Request

Blue Ridge Towers



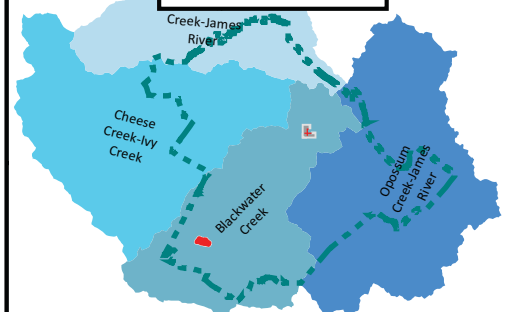
PROPERTY INFORMATION

PARCEL ID	ADDRESS
25002006	315 BEVERLY HILLS CIR

LEGEND

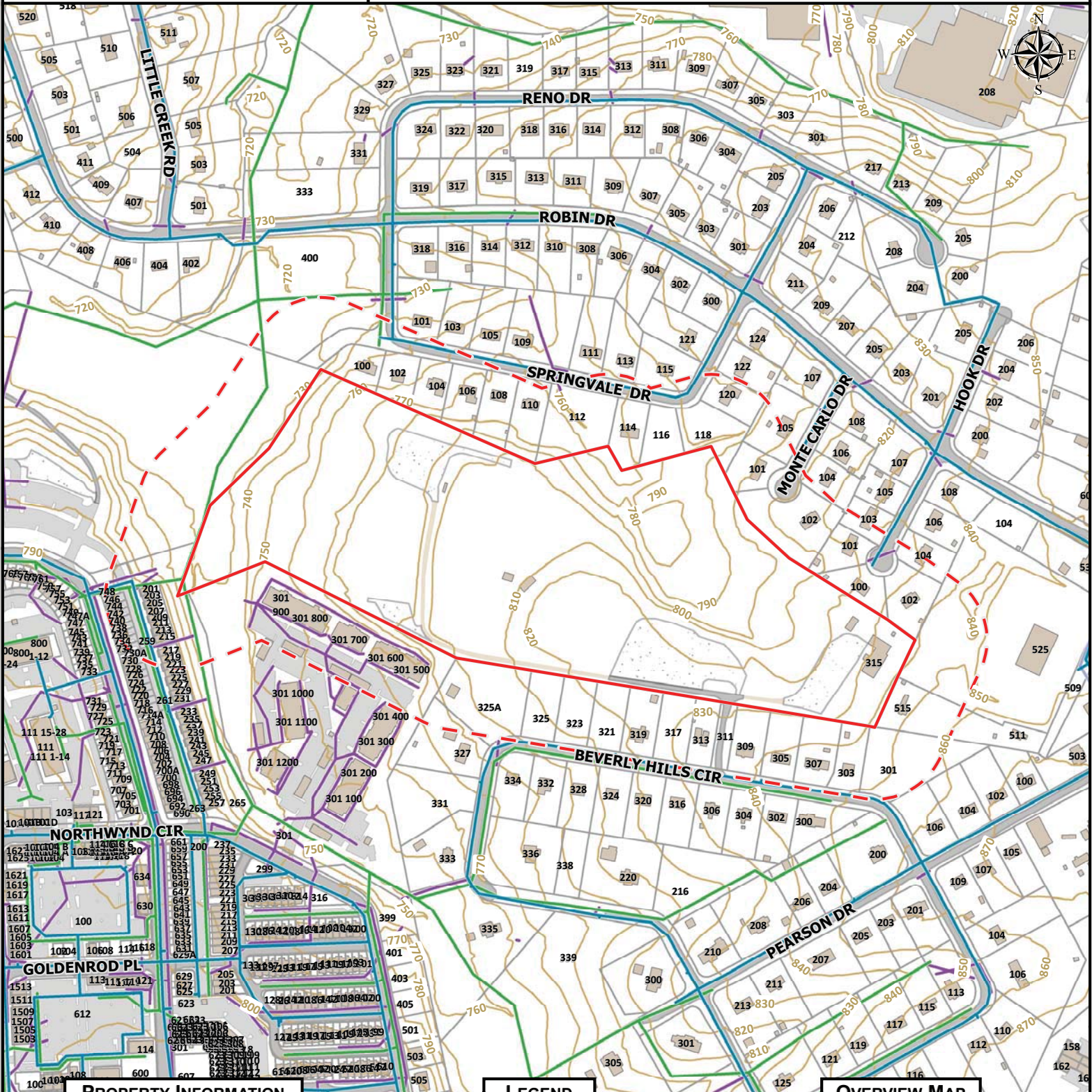
- Subject Property
- Base Flood Elevation
- Floodway
- Floodzone
- River / Lake / Stream

OVERVIEW MAP



MAP SCALE: 1" to 33,333' DATE PRINTED: 8/13/2015

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PROPERTY INFORMATION

PARCEL ID	ADDRESS
25002006	315 BEVERLY HILLS CIR

LEGEND

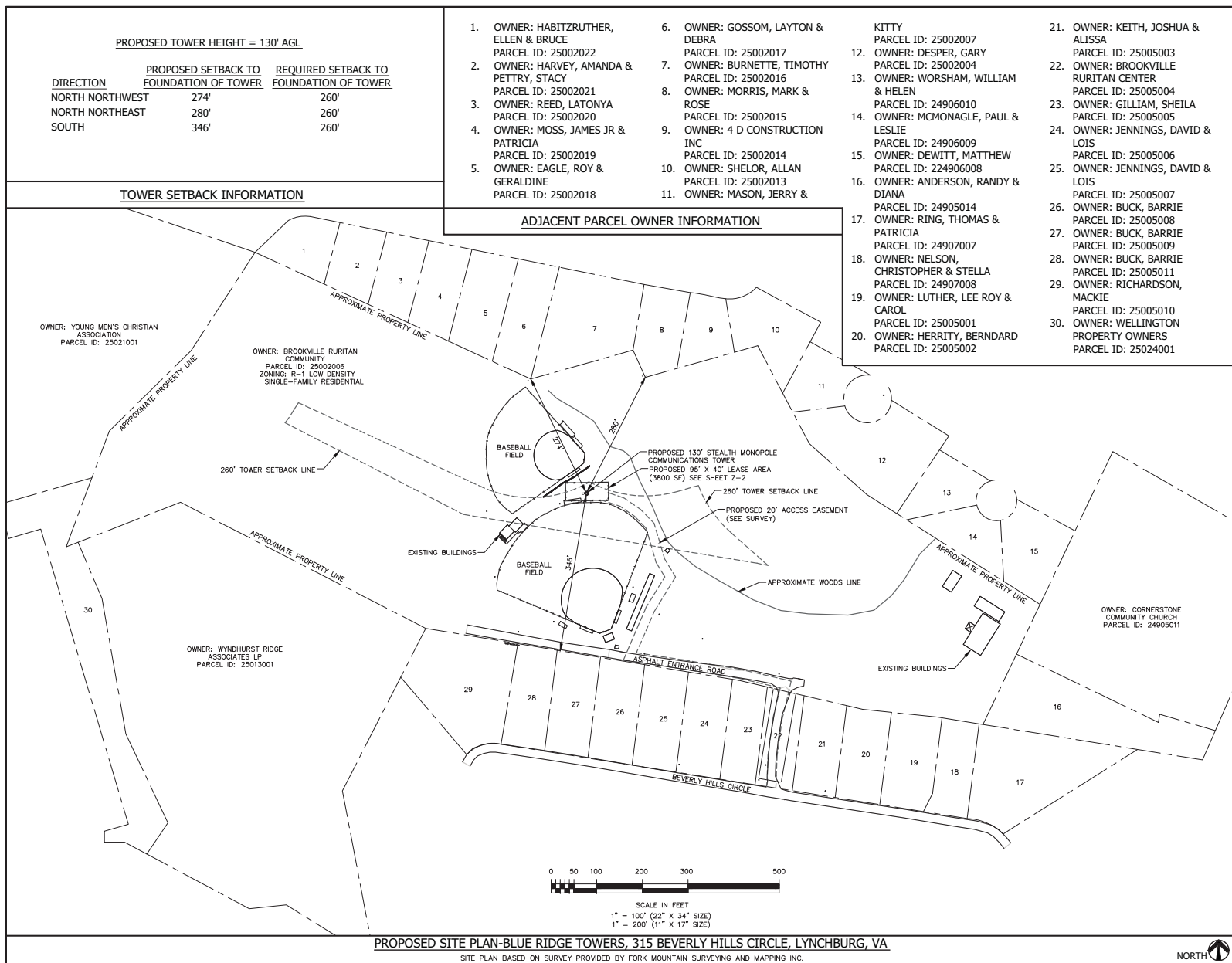
	Active	Proposed	Abandoned
Utilities	Water	Sanitary	Storm
Structure	Roadway	Parking	Sidewalk
Planimetrics	Driveway		
Topography	Contour		

OVERVIEW MAP



MAP SCALE: 1" to 4,000' DATE PRINTED: 8/13/2015

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APPLICANT/OWNER:

**401 GAINSBORO ROAD
ROANOKE, VA 24016**

PROJECT NAME AND LOCATION:

**LYNCHBURG
315 BEVERLY HILLS CIRCLE
LYNCHBURG, VA 24502**

PROJECT ENGINEER

RUSSELL C. MORRISON, P.E.
820 W. INDIANTOWN ROAD, #105
JUPITER, FLORIDA 33458

ENGINEER SEAL

RUSSELL C. MORRISON, P.E.
VIRGINIA P.E. #0402051265

DATE OF ISSUE

AUGUST 31, 2015

ISSUED FOR

ZONING PLANS

SUBMITTALS

REV.	DATE	DESCRIPTION

PROJECT NUMBER

L201501-07

DRAWN BY **CHECKED** **APPROVED**

RCM RCM RCM

APPROVING AGENCY

CITY OF LYNCHBURG, VIRGINIA

BUILDING CODE

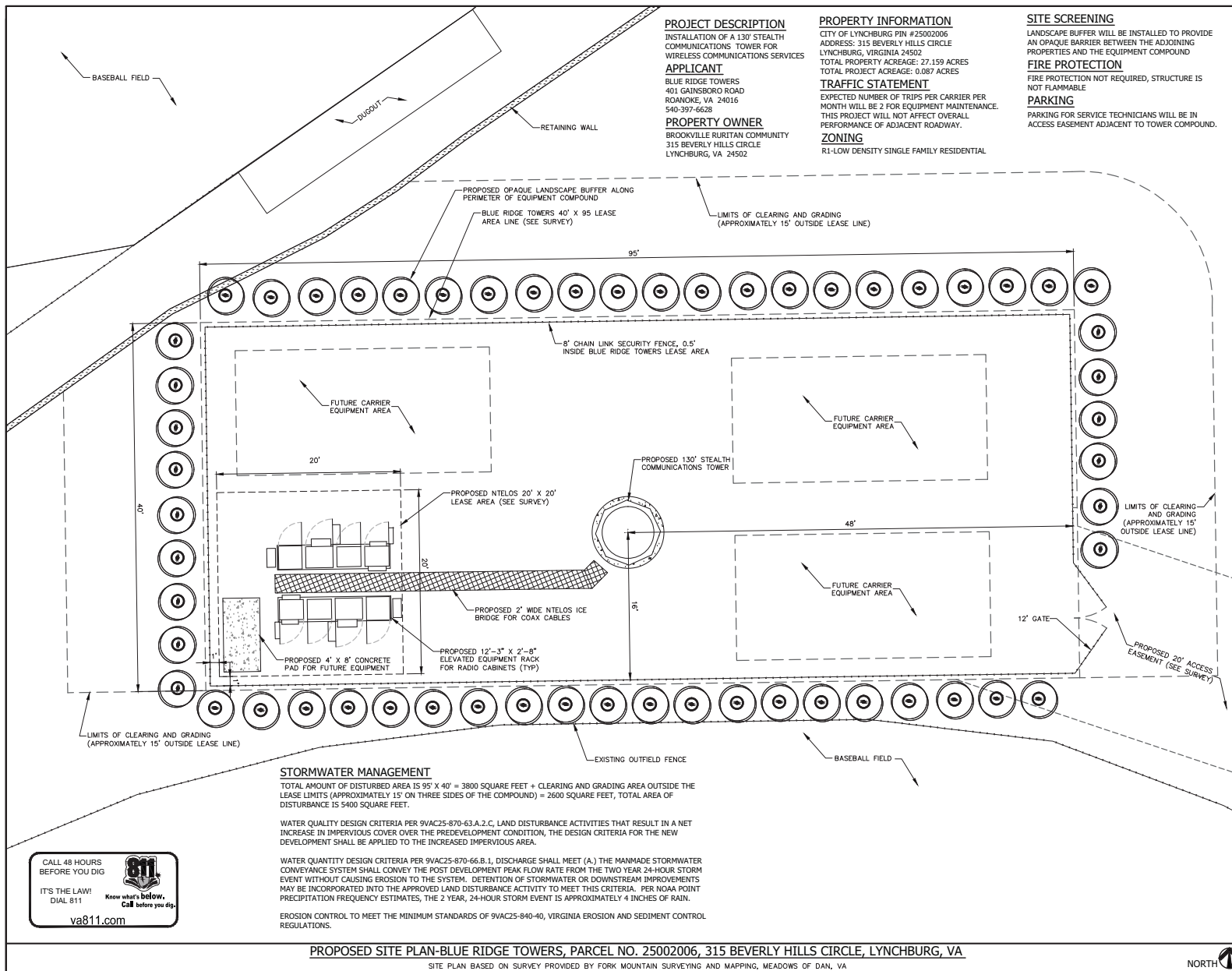
VIRGINIA UNIFIED STATEWIDE BUILDING CODE

SHEET TITLE

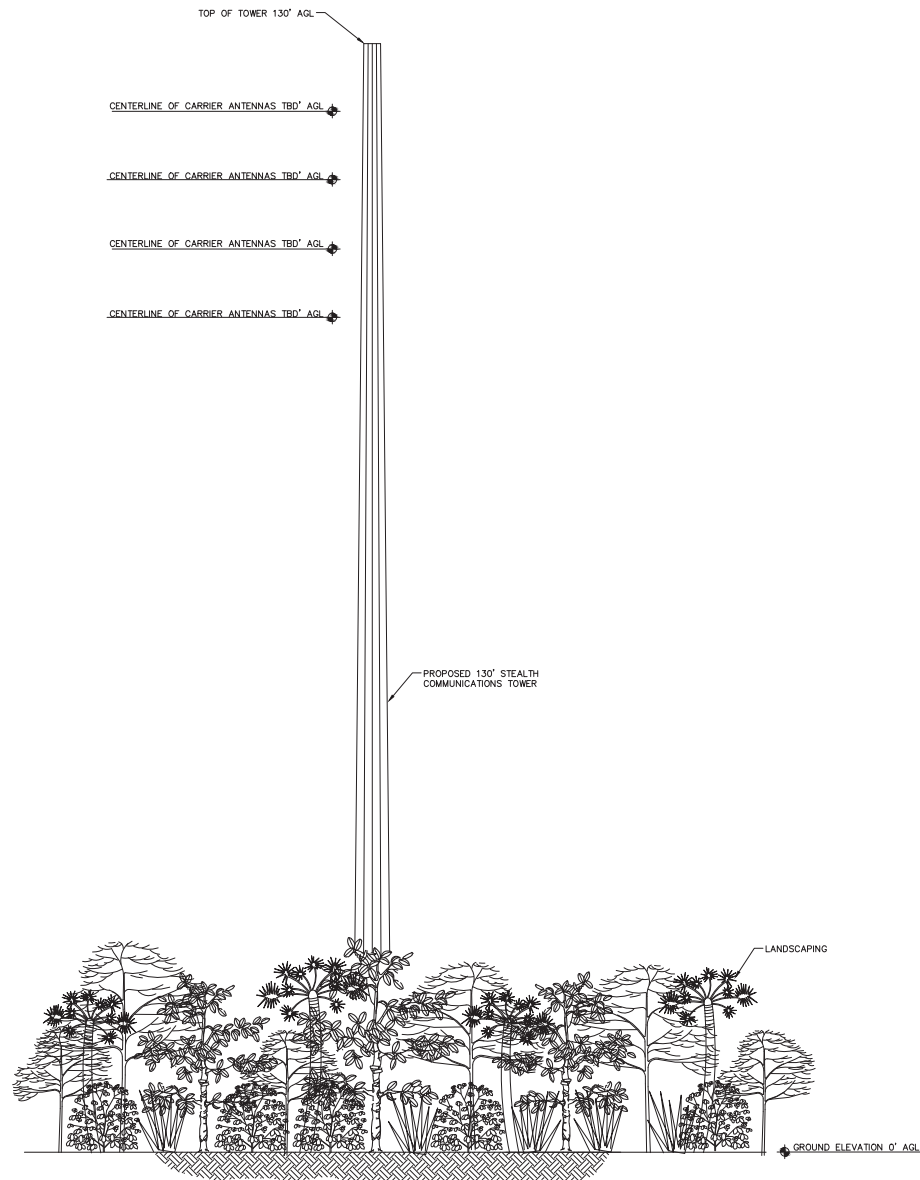
OVERALL SITE PLAN

SHEET NUMBER

Z-1



APPLICANT/OWNER:		
 401 GAINSBORO ROAD ROANOKE, VA 24016		
PROJECT NAME AND LOCATION:		
LYNCHBURG 315 BEVERLY HILLS CIRCLE LYNCHBURG, VA 24502		
PROJECT ENGINEER		
RUSSELL C. MORRISON, P.E. 820 W. INDIANTOWN ROAD, #105 JUPITER, FLORIDA 33458		
ENGINEER SEAL		
RUSSELL C. MORRISON, P.E. VIRGINIA P.E. #0402051265		
DATE OF ISSUE		
AUGUST 31, 2015		
ISSUED FOR		
ZONING PLANS		
SUBMITTALS		
REV.	DATE	DESCRIPTION
PROJECT NUMBER		
L201501-07		
DRAWN BY	CHECKED	APPROVED
RCM	RCM	RCM
APPROVING AGENCY		
CITY OF LYNCHBURG, VIRGINIA		
BUILDING CODE		
VIRGINIA UNIFIED STATEWIDE BUILDING CODE		
SHEET TITLE		
NTELOS SITE PLAN		
SHEET NUMBER		
Z-2		



TOWER ELEVATION
SEE TOWER AND FOUNDATION PLANS BY OTHERS

APPLICANT/OWNER:



401 GAINSBORO ROAD
ROANOKE, VA 24016

PROJECT NAME AND LOCATION:

LYNCHBURG
315 BEVERLY HILLS CIRCLE
LYNCHBURG, VA 24502

PROJECT ENGINEER

RUSSELL C. MORRISON, P.E.
820 W. INDIANTOWN ROAD, #105
JUPITER, FLORIDA 33458

ENGINEER SEAL

RUSSELL C. MORRISON, P.E.
VIRGINIA P.E. #0402051265

DATE OF ISSUE

AUGUST 31, 2015

ISSUED FOR

ZONING PLANS

SUBMITTALS

REV. DATE DESCRIPTION

PROJECT NUMBER

L201501-07

DRAWN BY CHECKED APPROVED

RCM RCM RCM

APPROVING AGENCY

CITY OF LYNCHBURG, VIRGINIA

BUILDING CODE

VIRGINIA UNIFIED STATEWIDE BUILDING CODE

SHEET TITLE

TOWER ELEVATION

SHEET NUMBER

Z-3

8/26/2015

• • •

Anthony Smith
Blue Ridge Towers
401 Gainesboro Rd
Roanoke, Va 24016

Tom Martin
900 Church Street
2nd Floor
Lynchburg, Va. 24504

Mr. Martin,

Please see this summary of events for the development of the cell tower located at 300 Beverley Hills Circle Lynchburg, Va.

Blue Ridge Towers was approached by NTELOS and asked to develop a cell tower along the Graves Mill Rd and Timberlake Drive corridor.

Blue Ridge Towers sought out several locations but finally settled on the Ruritan Club Property identified in the Conditional Use Permit application. We selected this property due to its expansive width and depth.

In September 2014, Anthony Smith of Blue Ridge Towers and Tom Martin met in person and discussed Blue Ridge Towers plans to build a 150' monopole on the property. Tom Martin rejected the idea to build a 150' monopole but suggested that we look at the expanding on the existing Conditional Use Permit for the ball field lights.

After receiving such outstanding guidance from Mr. Tom Martin, Blue Ridge Towers proceeded with creating a concealment pole that would replace the existing ballfield lights with a 130' lightpole that would eliminate the two existing ballfield lights and replace them with 1 new lightpole. This would not only provide this heavily populated area with the essential wireless infrastructure that is needed in today's world, it would also update the ballfield lights.

In June of 2015 Blue Ridge Towers attended the Dixie Youth Baseball League where over 500 members of the community attended. Blue Ridge Towers was allowed to make a presentation at this event. Your State Senator was in attendance and offered his support.

Blue Ridge Towers



We also brought out presentation materials to this event and answered questions for more than 1 hour.

Blue Ridge Towers has taken every opportunity to make certain that all concerns have been addressed as best reasonably possible.

On 8/28/15 Anthony Smith of Blue Ridge Towers spoke telephonically with Mr. Barrie Buck of 319 Beverly Hills Circle. We discussed the project in depth and assured him that the ballfield lights would not cast any light onto his property.

Blue Ridge Towers will have a final community meeting on Wednesday 8/2/15 to discuss the project with all adjoining property owners.

Sincerely,

Anthony Smith
President
Blue Ridge Towers
540-397-6628



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stealthconcealment.com

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Beverly Hills Ruritan Pole - A
NT15-00534W-17

Simulation is an approximate representation
of our proposed concealment solution.
Actual concealment(s) may vary.



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FIRST IN CONCEALMENT[™]

800.755.0689

stealthconcealment.com

Beverly Hills Ruritan Pole - B
NT15-00534W-17

Simulation is an approximate representation
of our proposed concealment solution.
Actual concealment(s) may vary.

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A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO THE TIMBERLAKE DIXIE YOUTH ATHLETIC ASSOCIATION TO AMEND THE MASTER DEVELOPMENT PLAN TO ALLOW INSTALLATION OF LIGHTING ON THREE (3) EXISTING BALL FIELDS AT BROOKVILLE RURITAN AT 311 BEVERLY HILLS CIRCLE, SUBJECT TO CERTAIN CONDITIONS.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG, That the petition of the Timberlake Dixie Youth Athletic Association for a Conditional Use Permit to amend the Master Development Plan to allow installation of lighting on three (3) existing ball fields at the Brookville Ruritan property, 311 Beverly Hills Circle be, and the same is hereby, approved, subject to the following conditions:

1. The maximum number of ball fields shall be restricted to nine (9);
2. All previously-existing parking spaces shall be moved back to at least twenty (20) feet from any property lines;
3. Parking shall be prohibited along both sides of the entire two hundred (200) feet length of the paved entrance drive from Beverly Hills Circle;
4. Evergreen landscaping at least four (4) feet in height at the time of planting shall be planted as approved by the City Horticulturist and maintained in the following locations:
 - (A) Along both sides of the entire two hundred (200) feet length of the paved entrance drive;
 - (B) From the western corner of field #2 along the southern property line of the Brookville Ruritan property to the entrance gate;
 - (C) Along the southern property line adjacent to field #6 when the undeveloped wooded land to the south is developed for residential use;
 - (D) Along the northern property line adjacent to field #4; and
 - (E) Along the northern property line adjacent to fields #8 and #9 when the fields are installed;
5. The ball field lights shall be turned off by 10:00 p.m. unless a postseason tournament is being hosted, in which case on Friday and Saturday nights, the lights may remain on until midnight;
6. In the event the use of the fields should create a nuisance to the community, the use of the fields may be restricted or the CUP may be revoked by City Council;
7. The area shall be developed and used in substantial compliance with the Master Development Plan as revised on April 15, 1993; and
8. Particular attention shall be given in the future to the grading of fields #s 8 and 9 to direct stormwater runoff in a westerly direction toward the wooded tract.

Adopted: June 8, 1993

Certified:

Dorinda W. Rost
Clerk of Council

A-16.1



**Fill in the Floodplain
3809 Wards Road
Conditional Use Permit**

PLEASE PRINT

[illegible]

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **October 13, 2015**

AGENDA ITEM NO.: 9

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Conditional Use Permit: Fill-in the 100-year floodplain – 3809 Wards Road**

RECOMMENDATION: Approval of the conditional use permit (CUP) petition.

SUMMARY: Lynchburg 104 Venture, LLC, is petitioning for a CUP to fill-in the 100-year floodplain at 3809 Wards Road to facilitate the redevelopment of the site for retail use. The property is zoned B-5, General Business District. The CUP would allow fill to be placed in a manner not to exceed the “base flood elevation” for Rock Castle Creek at this location. The proposed building would be flood-proofed to meet building code requirements.

The Planning Commission recommended approval of the CUP petition because the proposed fill would not result in a net rise of the floodplain elevation and no impacts would occur within the floodway.

PRIOR ACTION(S):

September 9, 2015: The Planning Division recommended approval of the CUP petition.

The Planning Commission recommended approval of the CUP petition (6-0 with one vacancy.)

FISCAL IMPACT: N/A

CONTACT(S):

Rachel Frischeisen, Planner I – 455-3900

Tom Martin, City Planner - 455-3900

Kent White, Director of Community Development – 455-3900

ATTACHMENT(S):

- Resolution
- Planning Commission Report and Minutes – September 9, 2015
- Zoning Map
- *FLUM* Map
- Watershed Map
- Planimetric and Topographic Map
- Concept Plan
- Conditional Letter of Map Revision [CLOMR] application
- Flood-proofing Narrative
- Property Photograph
- Speaker Signup Sheet

REVIEWED BY: lkp

RESOLUTION:

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO VAN FIRST, LLC., TO ALLOW FILL WITHIN THE 100-YEAR FLOODPLAIN AT 3809 WARDS ROAD IN A B-5, GENERAL BUSINESS DISTRICT.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition by Van First, LLC., for a conditional use permit to allow fill within the floodplain at 3809 Wards Road is hereby approved subject to the following conditions:

1. The site will be developed in substantial compliance with the Wards Road Retail concept plan received by the Department of Community Development on September 3, 2015.
2. A Letter of Map Revision (LOMR) will be filed with the Federal Emergency Management Association (FEMA).

Adopted:

Certified: _____
Clerk of Council

105K

The Department of Community Development

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

To: Planning Commission
From: Planning Division
Date: September 9, 2015
Re: **Conditional Use Permit: Fill-in the 100-year floodplain- 3809 Wards Road**

I. PETITIONER

Lynchburg 104 Venture, LLC, 1322 Main Street, Suite 30, Columbia, SC, 29201

Representative: Mr. Mark Ayles, Hughes Associates Architects & Engineers, 656 Elm Avenue, Roanoke, VA 24016

II. LOCATION

The subject property includes one (1) tract totaling approximately forty hundredths (0.40) of an acre located at 3809 Wards Road.

Property Owners:

Van First, LLC [Debbie & Virgil Naff], 1101 Kemper Street, Lynchburg, VA 24501

III. PURPOSE

The purpose of the conditional use permit petition is to allow for the floodplain to be filled in to facilitate the redevelopment of the site for retail use.

IV. SUMMARY

- The *Future Land Use Map (FLUM)* recommends a Community Commercial use for these properties. Limited retail and service uses may be established in these areas.
- The property is developed and was previously used commercially as a car wash.
- The CUP would allow fill to be placed in a manner not to exceed the “base flood elevation” for Rock Castle Creek at this location. The building would also be flood-proofed to meet building code requirements.

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 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. In particular, conversion of existing vacant retail space to these uses may be appropriate in areas where there is sufficient retail to serve the community and space for employment uses where needed.” (*pg. 75-76*)

The plan also recommends the City “limit new development in the floodplain in the future and seek to protect existing development that may be affected by flooding.” (*pg. 113*). In this case the site has been previously developed and the petitioner has submitted documentation that the proposed fill will not exceed the 100-year floodplain elevation so as not to cause an increase in the water surface level upstream or downstream of the site.

2. **Zoning.** The subject property was annexed into the City in 1976. The existing B-5, General Business District zoning was established in 1978 with the approval of the zoning ordinance.

3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances would be needed for the development of the property as proposed.
4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - On 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 B&H Holdings' petition to rezone 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) and a CUP petition to allow the redevelopment of the site as a car wash.
5. **Site Description.** The subject property is comprised of one (1) tract totaling approximately forty hundredths (0.40) of an acre located at 3809 Wards Road. The property was previously used as a car wash and will be demolished if the CUP is approved. The property slopes to the northwest towards Wards Road and a tributary of Rock Castle Creek. The majority of the property is located within the limits of the 100-year flood plain for Rock Castle Creek.
6. **Proposed Use of Property.** If the CUP petition is approved, the property would be redeveloped as a retail use with associated parking.
7. **Traffic, Parking and Public Transit.** The proposed redevelopment did not warrant a Traffic Impact Study (TIS) and the City's Transportation Engineer had no comments about the CUP petition. Zoning requirements for parking would require six (6) spaces; the project would provide sixteen (16) spaces with associated landscaping. Sidewalk would be extended along the frontage of the property and the Greater Lynchburg Transit Route 4A serves this corridor.
8. **Stormwater Management.** The proposed project is required to treat stormwater runoff for quantity and quality. The concept design indicates the stormwater flow rate will be reduced through site design and water quality will also be addressed through the use of a filter system. Preliminary design indicates the downstream channel is adequate to handle stormwater from the site.
9. **Emergency Services.** The City Fire Marshal provided comments regarding site design requirements of the City of Lynchburg and the Virginia Statewide Fire Prevention Code which will be addressed by the petitioner prior to final site plan approval. The City's Police Department had no comments.
10. **Impact.** The CUP petition proposes filling in the floodplain to allow for the redevelopment of the property as a retail use. This particular area of Wards Road calls for Community Commercial uses on the FLUM and the proposed use is compatible with the adjoining land uses.

The proposed structure and parking area would be located completely within the limits of the 100-year floodplain. The petitioner has submitted information documenting that the proposed fill would not result in a net-rise of the floodplain elevation and no impacts will occur within the floodway. Portions of the building below the required floodplain elevation will be flood-proofed in accordance with building code requirements. Although caution should be taken when altering any floodplain, the impact from this proposal should be minimal.

- 11. Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary CUP concept plan on August 18, 2015. 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 Lynchburg 104 Venture, LLC, to allow filling in the floodplain at 3809 Wards Road in accordance with the following conditions:

- 1. The site will be developed in substantial compliance with the Wards Road Retail concept plan received by the Department of Community Development on September 3, 2015.**
- 2. 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 Kozzerow, Lynchburg Police Department
Battalion Chief Thomas Goode, Fire Marshal
Mr. Doug Saunders, Building Commissioner
Mr. Kevin Henry, Zoning Administrator
Mr. Mark Ayles, Hughes Associates Architects and Engineers

VII. ATTACHMENTS

- 1. Vicinity Zoning Pattern Map**
- 2. Vicinity Proposed Land Use Map**
- 3. Watershed Location Map**
- 4. Planimetric and Topographic Map**
- 5. Concept Plan**
- 6. Conditional Letter of Map Revision [C-LOMR] application**
- 7. Flood-proofing Narrative**
- 8. Property Photograph**

MINUTES OF THE SEPTEMBER 9, 2015 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

Petition of Lynchburg 104 Venture, LLC for a conditional use permit at 3809 Wards Road to allow fill in the 100 Year Flood Plain in a B-5, General Business District:

Mr. Tom Martin noted that the property is currently zoned B-5C and contains a car wash. The area is recommended for a Community Commercial use on the *Future Land Use Map*. A retail use is proposed for the property. The entire property is in the 100-year flood plain. Removing the building and constructing a new one would constitute fill. Analysis conducted by the petitioner's engineer has indicated that construction would not create a rise either up or downstream of the proposed development. Any areas of the property that would fall below the base elevation would be flood proofed as required by ordinance. Planning staff recommends approval of the conditional use permit with the conditions outlined in the report.

Mr. Mark Ayles of Hughes Associates was present to represent the petition. He remarked that they tried to get the building above the base elevation but they want a nice entrance and a nice, relatively flat parking area. The developer has gone through the process of a Conditional Letter of Map Revision (CLOMR) with FEMA. The developer is currently responding to FEMA's comments. Once the CLOMR and the conditional use permit process are complete, they will go through the official Letter of Map Revision (LOMR) with FEMA.

Mr. Ayles explained that the base elevation is 785 and the building is at 783.5. They will flood proof the building up to 786. Mr. Ayles explained that the CLOMR is a conditional letter. Once FEMA accepts the CLOMR and the project starts to go through, the LOMR will be finalized and the FEMA map revision will be done.

There was no one else to speak in favor of the petition. Mr. Bill Hinton, the owner of 3805 Wards Road, came forward to speak. He wanted clarification of where the building will be located, how tall the building will be and if there are any other structures that might affect his property.

Ms. Gayle Guthrie, the owner of 3813 Wards Road, came to speak. She is concerned with how the water will flow. She wants to know how much they plan to fill in and what will happen with the back flow of the water.

Mr. Ayles stated that the building is going to be 22 feet high. The front of the building is pretty much in line with the development on the right. There will be no impact on Mr. Hinton's property. Mr. Ayles explained that the 785 elevation extends up and down Wards Road, which means that the water is pretty stagnant. The water from this site is not really moving. Of course, the site would be flooded in the event of a 100-year flood. The water would first come across under the culvert adjacent to this property. It would come over the road eventually but is not really moving. Chair Swienton closed the public hearing portion of the petition.

Commissioner Light asked if there is any concern that the water will back up because it is not moving. Mr. Ayles clarified that he meant to say that the water is not really moving because the velocity is in the main channel bay, which is across the road. It will be moving pretty good down the road. On the site, it will be relatively slow moving water. Once the water goes into Rock Castle Creek from the road, the water from this site will flow right behind it.

Commissioner Mays thought there were two issues to consider—the 100-year flood and the water that comes off this site from the impervious area and the roof during a regular rain event. Commissioner Mays would like reassurance that the site will be able to disperse the water effectively. Mr. Ayles explained that the water will move from right to left off the site. When the development is done, it will

have less runoff than it did previously. They are required by code to have no additional downstream flooding. There will be less impervious area after construction and there will also be a structural best management practice installed (a Filterra system). All the roof drains tie into it and are then dumped into a riprap swale.

Commissioner Mays noted that if the water will be moving from right to left, there should be an improvement in the amount of runoff to Ms. Guthrie's property. The water will go toward Mr. Hinton's property but he is up higher, so it will not affect his property. Mr. Ayles pointed out that this property and Mr. Hinton's property are at the low point in the road and the water from both properties drains to a riprap swale and culvert located in that point.

Chair Swienton asked how much of an area they are filling in. Mr. Ayles indicated that it is approximately five feet of depth toward the lower parking area.

In response to Ms. Guthrie's question about backflow, Mr. Ayles remarked that everyone will be flooded in a 100-year flood. This development will not hinder or increase the magnitude or the frequency of the flooding or anything of that nature. There should be no backflow on to Ms. Guthrie's property. Mr. Ayles also pointed out that they will be putting in a storm sewer and curb and gutter on Wards Road in front of this property. They will pick up and direct the water to the riprap channel.

Chair Swienton noted that there has been a great deal of analysis done for a small but important parcel. He would agree that there will be some improvement post development. Commissioner Perault agreed with that assessment. In this case, Commissioner Perault thinks there are solid reasons for allowing the fill, as there will be improvement in both water quantity and quality. It will also improve the site in terms of attractiveness.

Mr. Ayles clarified for the commission that one of the two current access points will be closed. There was some discussion at the Technical Review Committee meeting about cross access between adjacent parcels, but the elevations made that unfeasible.

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

"That the Planning Commission recommends to City Council approval of the conditional use permit petition of Lynchburg 104 Venture, LLC, to allow filling in the floodplain at 3809 Wards Road in accordance with the following conditions:

- 1. The site will be developed in substantial compliance with the Wards Road Retail concept plan received by the Department of Community Development on September 3, 2015.**
- 2. A Letter of Map Revision (LOMR) will be filed with the Federal Emergency Management Association (FEMA).**

The motion passed by the following vote:

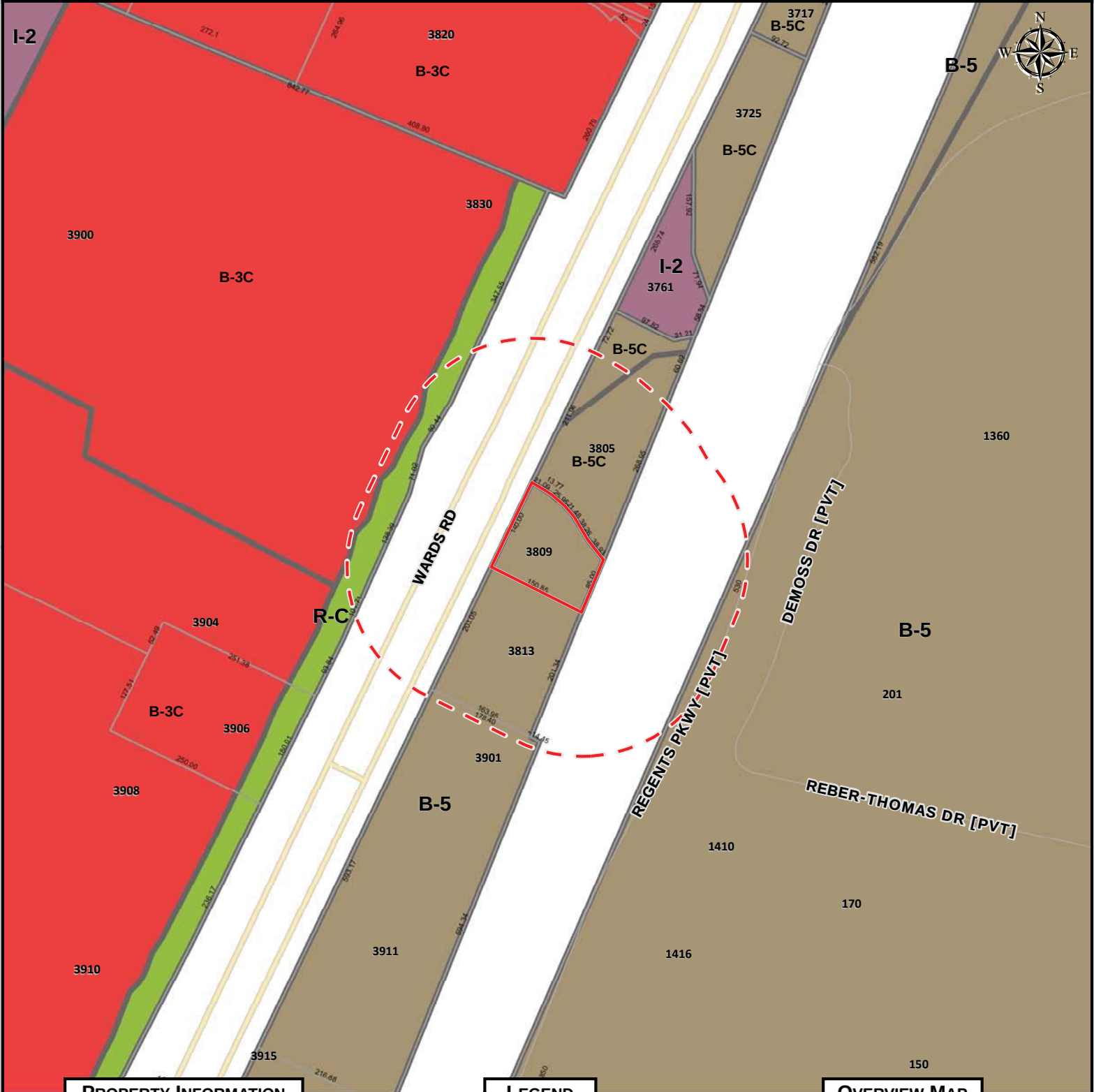
AYES:	Light, Lowe, Marion, Mays, Perault and Swienton	6
NOES:		0
ABSTENTIONS:		0
ABSENT:		0
VACANCIES:		1

Zoning Map

FILL IN THE FLOODPLAIN

Conditional Use Permit Request

3809 Wards Road



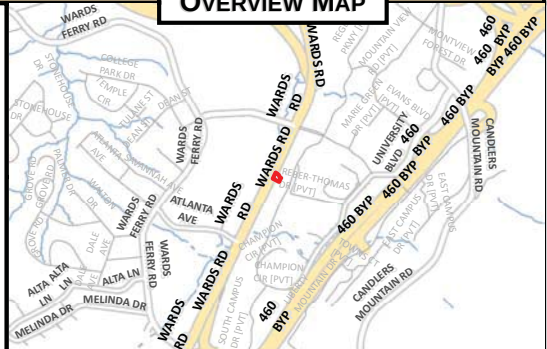
PROPERTY INFORMATION

PARCEL ID	ADDRESS
25702013	3809 WARDS RD

LEGEND

 	Subject Property
 	215' Buffer
	B-1
	B-2
	B-3
	B-4
	B-5
	B-6
	I-1
	I-2
	I-3
	R-1
	R-2
	R-3
	R-4
	R-5
	R-C

OVERVIEW MAP



MAP SCALE: 1" to 4,000' DATE PRINTED: 8/28/2015

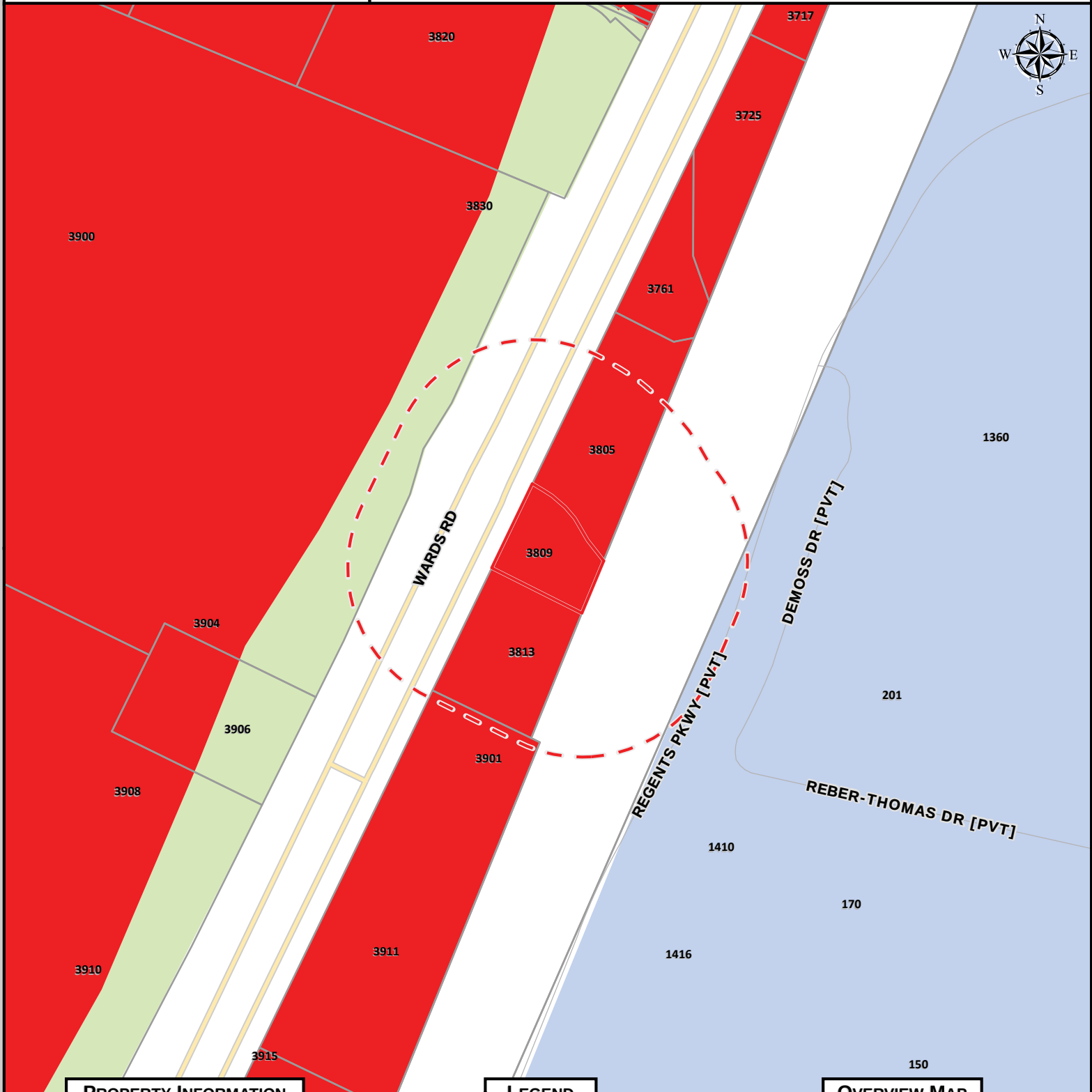
DISCLAIMER: THIS MAP IS NEITHER A LEGALLY RECORDED MAP NOR A SURVEY AND IS NOT INTENDED TO BE USED AS SUCH. THE INFORMATION DISPLAYED IS A COMPILATION OF RECORDS, INFORMATION, AND DATA OBTAINED FROM VARIOUS SOURCES. THE CITY OF LYNCHBURG IS NOT RESPONSIBLE FOR ITS ACCURACY OR HOW CURRENT IT MAY BE.

FLUM Map

FILL IN THE FLOODPLAIN

Conditional Use Permit Request

3809 Wards Road



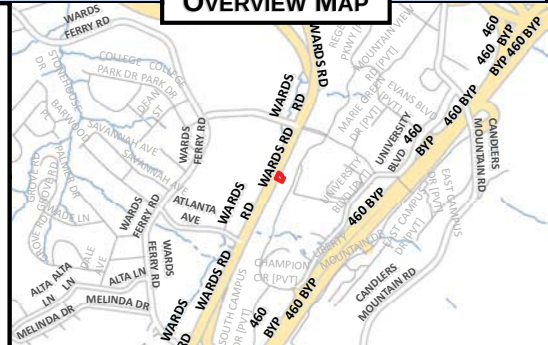
PROPERTY INFORMATION

PARCEL ID	ADDRESS
25702013	3809 WARDS RD

LEGEND

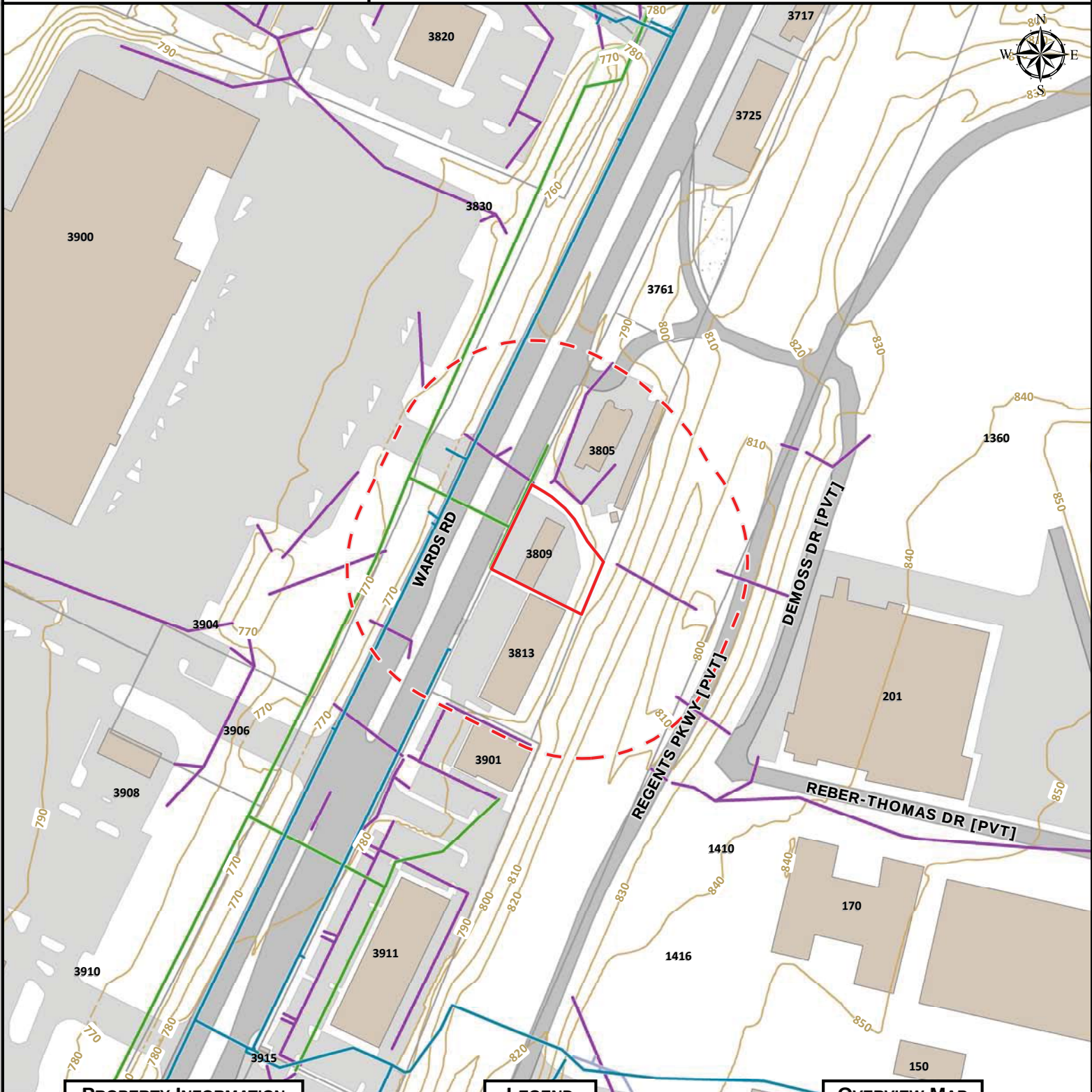
- | | |
|----------------------------|-----------------------|
| Local Historic District | Employment 1 |
| Traditional Residential | Employment 2 |
| Low Density Residential | Downtown |
| Medium Density Residential | Institution |
| High Density Residential | Public Use |
| Neighborhood Commercial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

OVERVIEW MAP



MAP SCALE: 1" to 4,000' DATE PRINTED: 8/28/2015

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.



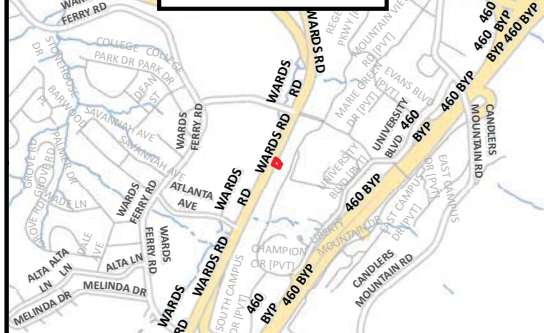
PROPERTY INFORMATION

PARCEL ID	ADDRESS
25702013	3809 WARDS RD

LEGEND

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

OVERVIEW MAP



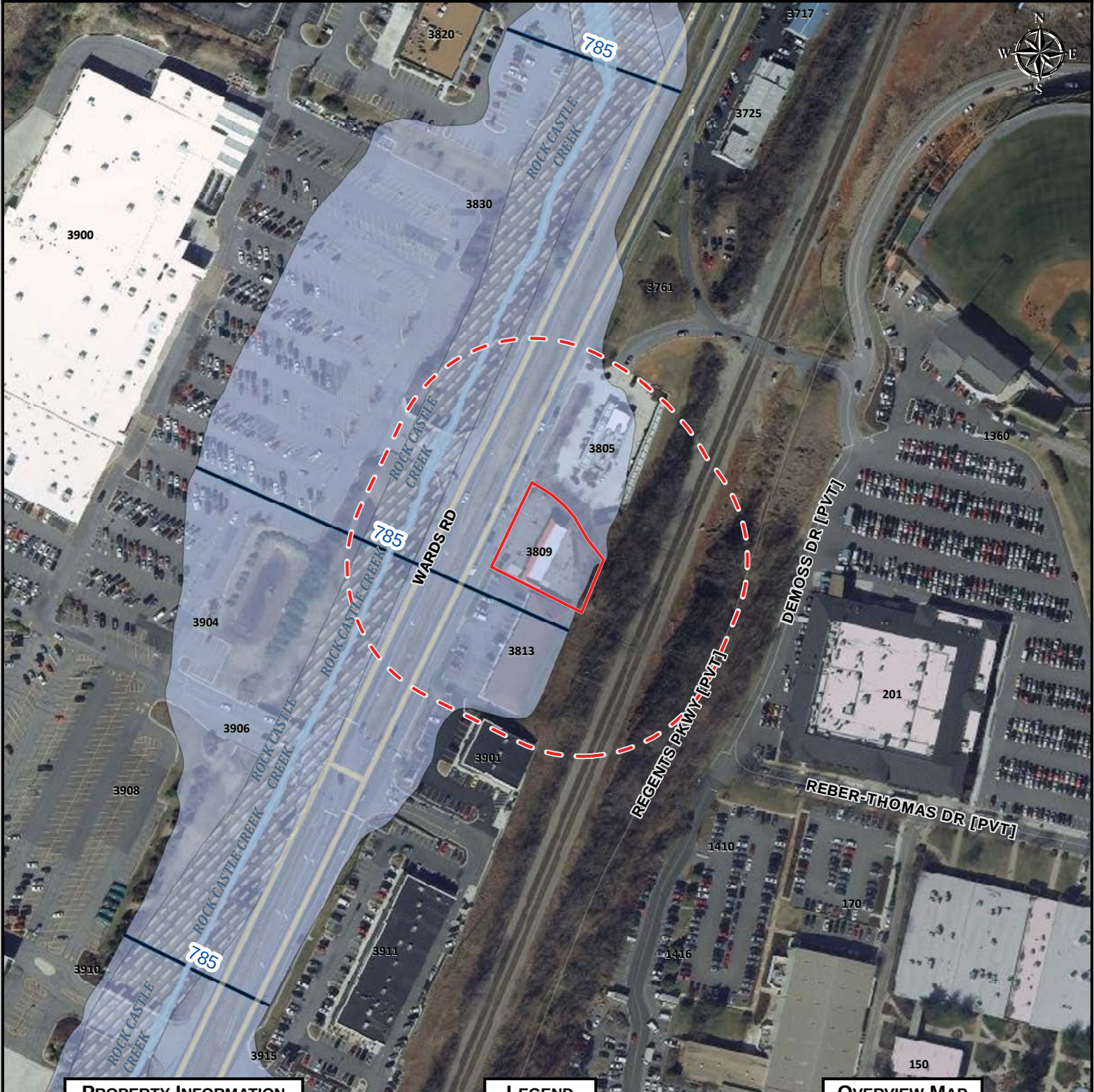
MAP SCALE: 1" to 4,000' DATE PRINTED: 8/28/2015

Watershed Map

FILL IN THE FLOODPLAIN

Conditional Use Permit Request

3809 Wards Road



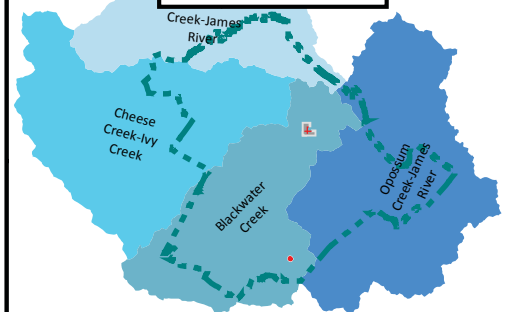
PROPERTY INFORMATION

PARCEL ID	ADDRESS
25702013	3809 WARDS RD

LEGEND

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

OVERVIEW MAP



MAP SCALE: 1" = 33,333' DATE PRINTED: 8/28/2015

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.

GENERAL SITE CONSTRUCTION NOTES

GENERAL

1. THE CONTRACTOR SHALL CALL "MISS UTILITY" AT 811 A MINIMUM OF 12 HOURS PRIOR TO CONSTRUCTION AND REQUEST ALL UTILITIES TO BE LOCATED.
2. THE CONTRACTOR SHALL CONTACT THE CITY ENVIRONMENTAL REVIEWER AND THE CITY CONSTRUCTION COORDINATOR 48 HOURS IN ADVANCE OF ANY CONSTRUCTION ACTIVITY.

SITEWORK

3. THE LOCATION OF EXISTING UTILITIES ACROSS, ALONG OR IN THE VICINITY OF PROPOSED WORK ARE NOT NECESSARILY SHOWN ON THE PLANS, AND WHERE SHOWN, ARE APPROXIMATE. THE CONTRACTOR SHALL LOCATE ALL UNDERGROUND LINES AND STRUCTURES AS NECESSARY.
4. THE CONTRACTOR IS TO PROVIDE FOR THE SAFETY OF THE GENERAL PUBLIC DURING ALL PHASES OF CONSTRUCTION. PROVIDE CHAIN LINK FENCE AND/OR SAFETY FENCE AS NEEDED.
5. THE CONTRACTOR IS RESPONSIBLE FOR ANY AND ALL DAMAGE TO THE EXISTING BUILDINGS, SIDEWALKS, PAVEMENT, UTILITY POLES AND PEDESTALS, ABOVE AND BELOW GROUND UTILITIES ETC, IF THOSE ITEMS ARE NOT DESIGNATED AS TO BE REMOVED.
6. ALL UNDERGROUND UTILITIES ARE TO BE CLEARLY MARKED PRIOR TO BEGINNING CONSTRUCTION. ANY POTENTIAL CONFLICTS AS A RESULT OF THE MARKINGS SHALL BE MADE KNOWN TO THE ARCHITECT/ENGINEER IMMEDIATELY.
7. UTILITY LINES, UTILITY POLES AND PEDESTALS, ABOVEGROUND AND BELOW GROUND SHALL BE PROTECTED FROM DAMAGE IN ACCORDANCE WITH THE UTILITY OWNERS INSTRUCTIONS. THE CONTRACTOR IS RESPONSIBLE FOR CONTACTING ALL UTILITY OWNERS TO OBTAIN THE PROPER PROTECTIVE MEASURES FOR EACH INDIVIDUAL UTILITY AND FOR PROTECTING UTILITIES FROM DAMAGE. ANY AND ALL DAMAGE CAUSED BY THE CONTRACTOR OR BY THE CONTRACTOR'S CONSTRUCTION OPERATIONS SHALL BE CORRECTED BY THE CONNECTOR AT THEIR EXPENSE.
8. THE CONTRACTOR SHALL NOTIFY THE ENGINEER/ARCHITECT SHOULD DISCREPANCIES BE DISCOVERED AT THE SITE OR ON THE DRAWINGS.
9. THE CONTRACTOR SHALL NOTIFY THE CITY OF LYNCHBURG OF ANY FIELD REVISIONS AND/OR CORRECTIONS TO THE APPROVED PLANS PRIOR TO CONSTRUCTION.
10. THE CONTRACTOR SHALL MAINTAIN THE INTEGRITY OF ALL EXCAVATED DITCHES AND SHALL FURNISH AND INSTALL ALL NECESSARY BARRICADES FOR THE SAFETY OF THE PUBLIC.
11. ALL AREAS NOT COVERED WITH PAVEMENT, SIDEWALK, OR STRUCTURES SHALL RECEIVE LANDSCAPING AND PERMANENT SEEDINGS OR SO2, AS SHOWN ON THE PLANS.
12. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING THE MOST RECENT REVISION DATE OF THE PLANS PRIOR TO COMMENCING WITH CONSTRUCTION.
13. ALL LINES TO BE STAKED PRIOR TO CONSTRUCTION.
14. ITEMS TO BE SALVAGED SHALL BE STORED IN A PROTECTED AREA.
15. REMOVE ALL CONCRETE CURBING, ASPHALT, AND CONCRETE FROM SITE AS SHOWN ON THE PLANS AND DISPOSE OF OFF-SITE AT AN APPROVED LANDFILL AT NO ADDITIONAL EXPENSE TO THE OWNER.
16. REMOVE CURBING AND SIDEWALKS TO THE NEAREST EXPANSION JOINT TO PROVIDE A STRAIGHT, CLEAN, AND NEAT JOINT WITH THE NEW CURBING AND SIDEWALKS.
17. THE CONTRACTOR SHALL PROVIDE DETAILED AND ACCURATE AS-BUILT DRAWINGS. NO TRENCHES SHALL BE BACKFILLED UNTIL THE AS-BUILT DRAWINGS ARE UPDATED. THE CONTRACTOR SHALL PROVIDE ELEVATIONS AND LOCATIONS OF ALL UNDERGROUND UTILITIES, DRAINAGE STRUCTURES, AS WELL AS ANY ADDITIONAL ITEMS REQUIRED BY THE JURISDICTION. THE CONTRACTOR IS RESPONSIBLE FOR CREATING AND SUBMITTING AS-BUILT DRAWING TO THE CITY OF LYNCHBURG AS REQUIRED BY THE LYNCHBURG CITY CODE. AN ELECTRONIC COPY AND A HARD COPY SHALL BE PROVIDED TO THE OWNER AS WELL.

EARTHWORK

18. THE CONTRACTOR SHALL SUBMIT TO THE ENGINEER, FROM A QUALIFIED GEOTECHNICAL ENGINEER, MATERIAL TESTING REPORTS FOR ALL AGGREGATES, FILL, AND BACKFILL. THESE REPORTS SHALL STATE THEIR COMPLIANCE WITH THE FOLLOWING:
CLASSIFICATION TO ASTM D 2487
LABORATORY COMPACTION CURVE ACCORDING TO ASTM D 698
LABORATORY COMPACTION CURVE ACCORDING TO ASTM D 1585
19. THE EARTHWORK IS CONSIDERED AS UNCLASSIFIED AND NO ADDITIONAL COMPENSATION WILL BE PROVIDED TO THE CONTRACTOR FOR UNFORESEEN CONDITIONS.
20. THE CONTRACTOR SHALL COMPLY WITH THE LATEST REVISIONS OF THE VIRGINIA OCCUPATIONAL SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION AS ADOPTED BY THE SAFETY AND HEALTH CODES COMMISSION OF VIRGINIA.
21. THE CONTRACTOR SHALL PERFORM MINOR, INVESTIGATIVE EXCAVATIONS TO VERIFY LOCATION OF VARIOUS EXISTING UNDERGROUND FACILITIES AT SUFFICIENT LOCATIONS TO ASSURE THAT NO CONFLICT WITH THE PROPOSED WORK EXISTS AND SUFFICIENT CLEARANCE IS AVAILABLE TO AVOID DAMAGE TO EXISTING FACILITIES.
22. SUBSEQUENT TO THE CLEARING AND ROUGH GRADING OPERATIONS AND PRIOR TO THE PLACEMENT OF THE FILL, THE EXPOSED SUBGRADE SOLS SHALL BE CAREFULLY INSPECTED. ANY UNSUITABLE MATERIAL THIS EXPOSED SHALL BE REMOVED AND REPLACED WITH WELL COMPACTED, AND SUITABLE MATERIAL. THE INSPECTION OF THESE PHASES SHALL BE PERFORMED BY A GEOTECHNICAL ENGINEER OR THEIR REPRESENTATIVE. DENSITY TESTING AT THE DISCRETION OF THE SOLS ENGINEER SHALL BE PERFORMED AT THIS TIME.
23. CUT OFF TREES, SHRUBS, BRUSH, AND VEGETATIVE GROWTH TWELVE INCHES MAXIMUM ABOVE GROUND. GRUB OUT STUMPS AND ROOTS 12 INCHES MINIMUM BELOW ORIGINAL GROUND SURFACE. EXCEPT UNDER BUILDINGS, REMOVE ROOTS ONE INCH AND LARGER ENTIRELY AND ENTIRELY REMOVE ROOTS OF PLANTS THAT NORMALLY SHOOT FROM ROOTS.
24. DO NOT PULL UP OR RIP OUT ROOTS OF TREES AND SHRUBS THAT ARE TO REMAIN. IF EXCAVATION THROUGH ROOTS IS REQUIRED, EXCAVATE BY HAND AND CUT ROOTS WITH SHARP AXES. MAKE CLEAN, SMOOTH, SLOPING CUTS.
25. STRIP EXISTING VEGETATION LAYER SIX INCHES DEEP FROM AREAS OF SITE TO RECEIVE BUILDINGS, LANDSCAPING AND PAVING AND STORE ON SITE FOR LATER USE.
26. BEFORE MAKING CUTS AND TRENCHES, REMOVE TOPSOIL OVER AREAS TO BE CUT AND FILLED THAT WERE NOT PREVIOUSLY REMOVED. STOCKPILE THIS ADDITIONAL TOPSOIL WITH PREVIOUSLY STRIPPED TOPSOIL.
27. THE EXISTING STOCKPILED TOPSOIL IS PROPERTY OF CONTRACTOR WITH RESTRICTION THAT TOPSOIL IS TO BE USED FIRST FOR PROJECT LANDSCAPE TOPSOIL REQUIREMENTS AND SECOND FOR NON-STRUCTURAL FILL AND BACKFILL. AFTER PROJECT FILL, BACKFILL, AND LANDSCAPE TOPSOIL REQUIREMENTS ARE SATISFIED, REMOVE EXCESS EXISTING TOPSOIL FROM SITE. DO NOT REMOVE EXISTING TOPSOIL FROM SITE WITHOUT ARCHITECTS / ENGINEERS WRITTEN APPROVAL.
28. THE EMBANKMENT FOUNDATIONS AND ABUTMENTS SHALL BEAR ON FIRM AND STABLE EXISTING SUBGRADE WHICH HAS BEEN PREPARED SO AS TO REMOVE ALL ORGANIC, LOOSE, AND GENERALLY UNSUITABLE MATERIAL.
29. DURING GRADING OPERATIONS, THE CONTRACTOR SHALL GRADE ALL AREAS TO DRAIN TO PREVENT THE SATURATION OF SOILS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING THE STOCKPILES FROM RAIN IF THE SOIL IS NEEDED FOR BACKFILL MATERIAL.
30. THE CONTRACTOR SHALL PROOF-ROLL THE CONSTRUCTION AREA WITH HEAVY-PNEUMATIC EQUIPMENT. ALL UNSUITABLE MATERIAL SHALL BE UNDERCUT AND RECOMPACTED WITH APPROVED STRUCTURAL FILL MATERIAL.
31. EARTHWORK SHALL BE TO THE LINES AND GRADES SHOWN. PROOF-ROLLING AND COMPACTION TESTS SHALL BE ACCOMPLISHED IN THE FIELD TO ALL GRADED AREAS. THE GRADING SHALL CONFORM TO ELEVATIONS AND DIMENSIONS SHOWN TO WITHIN A TOLERANCE OF PLUS OR MINUS 0.10 FEET.

MISCELLANEOUS DATA

THE SITE USAGE WILL CHANGE FROM A CARWASH TO A RETAIL MATTRESS STORE. SEE SHEET SP-6 FOR DETAILED LANDSCAPING INFORMATION.

PARKING SPACES:

BASED ON 1 SPACE PER THREE STAFF ON DUTY AND 2 SPACES PER 1,000 SQUARE FEET
(4361 SF/1000) X 2 =
(4 STAFF/3 PER STAFF ON DUTY) =
12 REQUIRED
11 PROVIDED

TREE CANOPY REQUIREMENTS:

B-5 DISTRICT
10% REQUIRED/16% PROVIDED

PARKING AREA TREE REQUIREMENTS:

ONE SHADE TREE PER EIGHT PARKING SPACES
ONE SHRUB PER SPACE
PLANTED IN LANDSCAPE ISLANDS
REQUIRED/ TWO SHADE TREES AND 20 SHRUBS PROVIDED FOR THE NEW PARKING AREA.

PLANTINGS FOR RETAINING WALLS LESS THAN 6' IN HEIGHT:

ONE LARGE EVERGREEN SHRUB PER 3 LINEAR FEET OF WALL
50 WALL ALONGS R/W AT 1 TREE PER 3' = 11 SHRUBS REQUIRED. 53 EVERGREEN SHRUBS ARE PROVIDED ALONG THE FRONT.

FOUNDATION PLANTINGS:

ONE LARGE SHRUB PER 10' OF BUILDING FRONTING RESIDENTIAL + ONE ORNAMENTAL TREE PER 10' OF BUILDING REQUIRED. 280' BUILDING 10'/10' LARGE SHRUBS REQUIRED 280/10 = 28 ORNAMENTAL TREES REQUIRED/ ALL PROVIDED

REFUSE SCREENING:

6' HIGH DOW EARED FENCE IV GATE

PARKING SETBACK:

6' LANDSCAPE STRIP REQUIRED

DESIGNER:

MARK J. AYLES, P.E.
655 ELM AVENUE, ROANOKE, VA 24016
MAYLES@HUGHESAS.COM

SITE DATA

SITE ADDRESS:

3808 WARDS ROAD

TAX PARCEL:

25102019

ZONING:

B-5

LOT SIZE:

0.40 ACRES

FRONTAGE:

135' WARDS ROAD

BUILDING SETBACKS:

FRONT

NONE IF BLOCK IS IN B-5

REAR

NONE IF BLOCK DOES NOT ADJUT RESIDENTIAL. IF IT DOES ADJUT RESIDENTIAL PROPERTY, THEN USE THAT SETBACK.

THIS PROPERTY IS SURROUNDED BY:

B-5 DISTRICT

STRUCTURE COVER: 24.7%

STRUCTURE HEIGHT: 24'

PROPOSED STRUCTURE: 4,362 SF

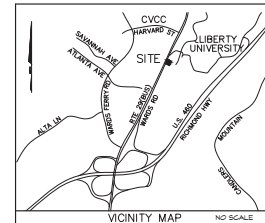
DISTURBED AREA: 0.40 AC.

PARKING SPACES PROPOSED: 16 SPACES

IV.1 RESERVED HG

SURVEY NOTES:

1. THE GROUND SURVEY PORTION OF THIS TOPOGRAPHIC SURVEY WAS COMPLETED UNDER THE DIRECT AND RESPONSIBLE CHARGE OF MICHAEL D. NOLSON FROM AN ACTUAL GROUND SURVEY. THE ORIGINAL DATA WAS RELEASED IN MARCH 2015. THIS MAP MEETS MINIMUM ACCURACY STANDARDS UNLESS OTHERWISE NOTED.
2. THE SURVEY WAS PROVIDED TO HUGHES ASSOCIATES ARCHITECTS S ENGINEERS BY THE OWNER.
3. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT AND ENCUMBRANCES MAY EXIST THAT AFFECT THE SUBJECT PROPERTY THAT ARE NOT SHOWN HEREON.
4. THE PROPERTY IS LOCATED WITHIN FLOOD HAZARD ZONE "AE" AS DESIGNATED BY FEMA. THIS OPINION IS BASED ON AN INSPECTION OF THE FLOOD INSURANCE RATE MAPS AND HAS BEEN VERIFIED BY ACTUAL FIELD ELEVATIONS. SEE FIRM PANEL 5100830106D.
5. THE BASE FLOOD ELEVATION IS 105.0' AND BASED ON THE FEMA FIRM PANEL 5100830106D. THE BFE IS CONSTANT FOR THE ENTIRE SITE.
6. THIS SURVEY DOES NOT GUARANTEE THE EXISTENCE OR LOCATION OF ANY UNDERGROUND UTILITIES AND ALL LOCATED UTILITIES SHOWN ARE BASED ON THE PHYSICAL EVIDENCE. ALL UTILITY LOCATIONS SHALL BE CONSIDERED APPROXIMATE.
7. HORIZONTAL CONTROL IS BASED ON BOUNDARY INFORMATION IN A DRAWING CREATED BY HURT & PROFFITT.
8. THIS SURVEY IS INTENDED FOR USE IN CONSTRUCTION DOCUMENTS RELATED TO SITE DESIGN OF THE RETAIL STORE.



VICINITY MAP NO SCALE

SHEET INDEX

- SP-1 EXISTING SITE LAYOUT AND NOTES
- SP-2 DEMOLITION PLAN
- SP-3 DIMENSIONAL LAYOUT
- SP-4 GRADING AND DRAINAGE
- SP-5 EROSION AND SEDIMENT CONTROL
- SP-6 LANDSCAPING
- SP-7 UTILITY DETAILS
- SP-8 DETAILS
- SP-9 NOTES AND DETAILS
- SP-10 E&S NOTES AND DETAILS
- SP-11 EXIST. ON-SITE DRAINAGE DIVIDES
- SP-12 NEW ON-SITE DRAINAGE DIVIDES
- SP-13 WATER QUALITY SUMMARY TABLES
- SP-14 OFFSITE DRAINAGE DIVIDES

OWNER:

VAN FIRST LLC

111 KEMPER ST.

LYNCHBURG, VA 24501

DEVELOPER:

LYNCHBURG 104, LLC

BECKY WRIGHT, P.E.

becky@colandryhughesgroup.com

1832 MAIN STREET

SUITE 30

COLUMBIA, SC 29201

(252) 251-8508

DATE: June 26, 2015

REVISIONS
1
2
3
4
5

HUGHES ASSOCIATES ARCHITECTS & ENGINEERS
Architects • Engineers • Consulting

655 ELM AVENUE, S.W.
P.O. BOX 1034
ROANOKE, VIRGINIA 24005-1034

TEL (804) 342-4002
FAX (804) 342-2000
www.HughesArchitects.com

NEW CONSTRUCTION FOR
WARDS ROAD RETAIL
3808 Wards Road
Lynchburg, Virginia 24020

DRAWN BY: [Signature]

CHECKED BY: [Signature]

EXISTING SITE LAYOUT AND NOTES



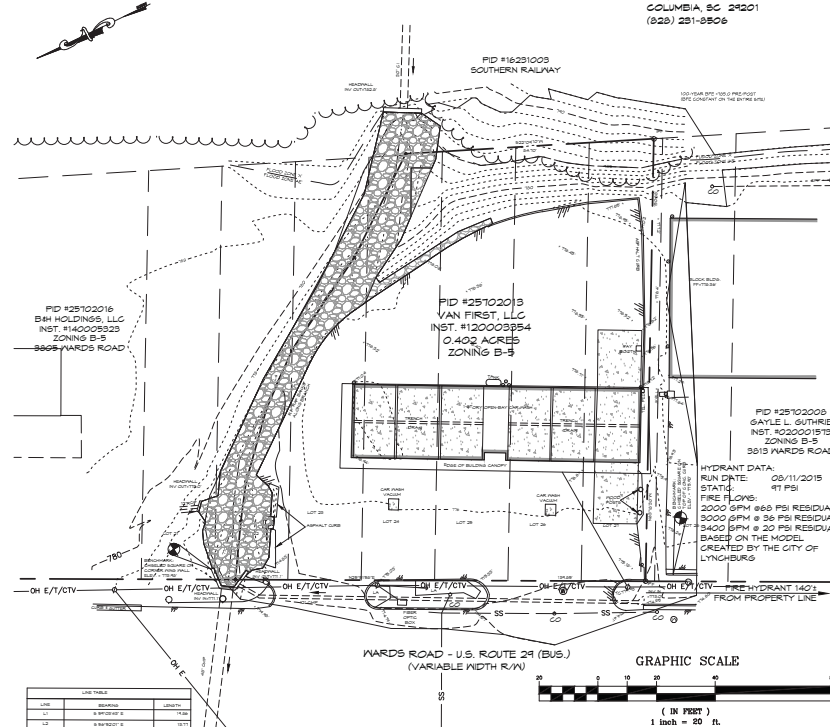
COMMISSION No.

15021

SHEET

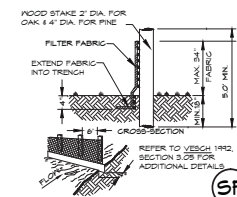
SP-1

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HUGHES ASSOCIATES
ARCHITECTS & ENGINEERS

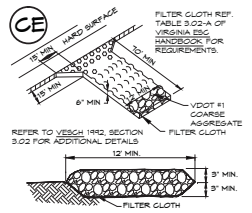


DEMOLITION NOTES:

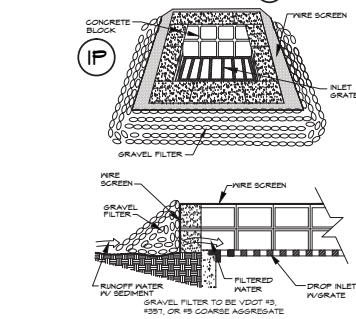
1. THE CONTRACTOR SHALL CONTACT THE CITY ENVIRONMENTAL REVIEWER AND THE CITY CONSTRUCTION COORDINATOR 48 HOURS IN ADVANCE OF ANY CONSTRUCTION ACTIVITY.
2. THE CONTRACTOR SHALL CONTACT MISS UTILITY (811) 72 HOURS PRIOR TO CONSTRUCTION TO HAVE ALL UTILITY LINES MARKED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL UTILITIES ON PRIVATE PROPERTY AS NEEDED.
3. REFER TO THE ARCHITECTURAL, MECHANICAL, ELECTRICAL AND PLUMBING PLANS FOR ACTUAL UTILITY ENTRY LOCATIONS. SEE BUILDING PLANS FOR CONTINUATION OF UTILITIES INTO THE BUILDING.
4. REFER TO THE ARCHITECTURAL PLANS FOR ACTUAL BUILDING DIMENSIONS AND CORNERS.
5. THE CONTRACTOR SHALL VERIFY ALL EXISTING UTILITY ELEVATIONS AND LOCATIONS PRIOR TO ANY UTILITY INSTALLATIONS OR CONNECTIONS.
6. THE CONTRACTOR SHALL DISPOSE OF ALL REMOVED ITEMS OFF-SITE AT AN APPROVED LANDFILL AT NO EXPENSE TO THE OWNER.
7. THE CONTRACTOR SHALL COORDINATE ALL UTILITY WORK WITH THE UTILITY OWNER.
8. ALL PROPERTY CORNERS AND MARKERS DESTROYED OR DISTURBED DURING CONSTRUCTION SHALL BE REPLACED/ADJUSTED AT NO COST TO THE OWNER.
9. ALL OF THE EXISTING ASPHALT AND CONCRETE SHALL BE SAW CUT WHERE SHOWN. THE SAW CUT SHALL PROVIDE A NEAT, CLEAN, AND STRAIGHT EDGE ADJOINING THE NEW ASPHALT. THE NEW ASPHALT SHALL BE A MINIMUM OF 1" DEEP AT ALL INTERFACES.
10. THE CONTRACTOR SHALL SAW CUT TOWARDS ROAD 1.0' PAST THE PROPOSED CURB & GUTTER TO PROVIDE A NEAT, CLEAN, AND STRAIGHT EDGE ADJOINING THE NEW ASPHALT. THE PAVEMENT PATCH SHALL MATCH THE ORIGINAL PAVEMENT MATRIX OR 8 INCHES 2 1/2" BASE AGGREGATE 3 INCHES OF 5/8" 20" BASE ASPHALT AND 2 INCHES OF 5/8" 20" SURFACE ASPHALT IF THIS MATRIX IS GREATER THAN THE EXISTING ASPHALT MATRIX.
11. THE CONTRACTOR SHALL REMOVE THE CURBING AND SIDEWALKS TO AN EXISTING JOINT IF THE PROPOSED SAW CUT IS WITHIN FOUR (4) FEET OF THE JOINT.
12. THE CONTRACTOR SHALL REMOVE ALL TREES AND TOPSOIL AS NEEDED WITHIN THE CONSTRUCTION LIMITS.
13. THE CONTRACTOR SHALL REMOVE THE ASPHALT/CONCRETE PAVEMENTS AND THE BASE MATERIAL WHERE SHOWN AND DISPOSE OF OFF-SITE.



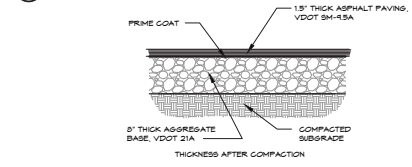
(A) SILT FENCE DETAIL
NOT TO SCALE



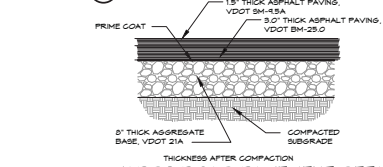
(B) CONSTRUCTION ENTRANCE
NOT TO SCALE



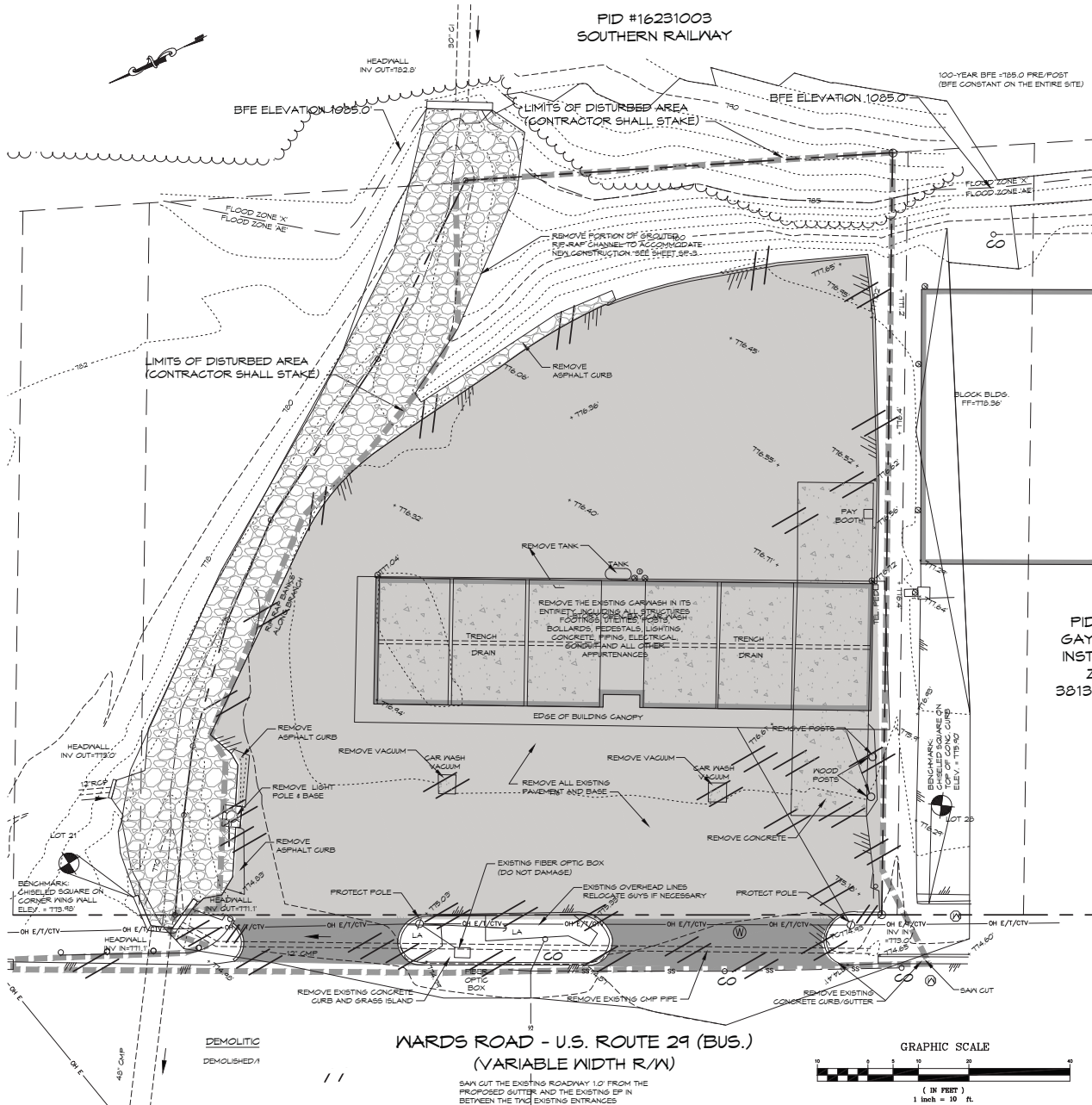
(C) BLOCK & GRAVEL INLET SEDIMENT FILTER
NOT TO SCALE



(D) ASPHALT PAVEMENT DETAIL
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(E) WARDS ROAD PAVEMENT DETAIL
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DEMOLITION PLAN AND NOTES



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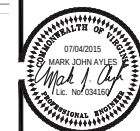
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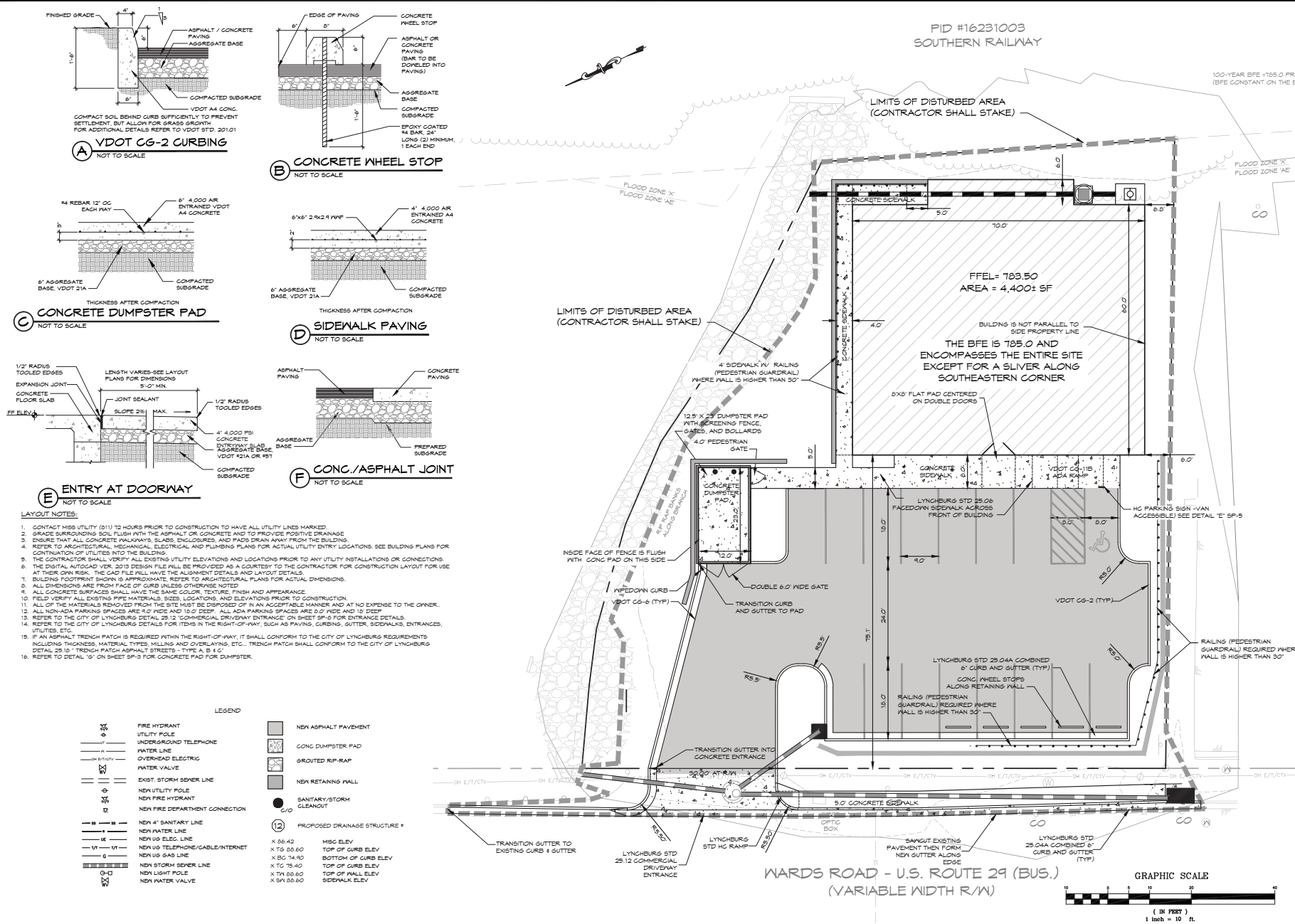
PROPOSED SITE LAYOUT AND NOTES



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1. ALL CONCRETE PIPE SHALL BE ADD N-10 OR EQUIVALENT APPROVED BY THE ARCHITECT
2. ALL HOPE PIPE SHALL BE REINFORCED VDOT CLASS II
3. ALL PIPING SHALL BE INSTALLED PER VDOT STD. 101 - METHOD A
4. VERIFY ALL ELEVATIONS FROM TO ORDERING MATERIALS
5. VERIFY ALL ELEVATIONS FROM TO ORDERING MATERIALS. STRUCTURE HEIGHTS ARE FOR CONTRACTOR'S CONVENIENCE. VERIFY
6. CONTACT THE ARCHITECT/ENGINEER IF ROCK IS ENCOUNTERED
7. PIPE LENGTHS ARE FROM A STRUCTURE TO STRUCTURE AND BASED ON PLAN VIEW
8. ALL ELEVATIONS ARE TO 0.1 METER OR 10 INCHES ON THE PLANS
9. ALL STRUCTURES 42" HIGH OR MORE SHALL HAVE STEPS VDOT STD. 101 FOR DETAILS
10. ALL SHAPING SHALL CONFORM TO VDOT STANDARD 302
11. GULFUT PROTECTION SHALL CONFORM WITH VDOT STANDARD EG-1130.113.01, GULFUT PROTECTION, GEOTEKILE REQUIRED
12. ALL PIPING SHALL BE PROTECTED PER NYS DOT STANDARD 101-101.01, PROTECT PIPING
13. CONTRACTOR SHALL VERIFY ALL ELEVATIONS AND ADJUST TO CONFORM WITH ORDERING MATERIALS

[illegible]

THE DRAINAGE SYSTEMS ARE REVISED AND THE DESCRIPTIONS WILL BE UPDATED WHEN THE PLANS ARE SUBMITTED FOR A CONSTRUCTION PERMIT REVIEW.

- | | |
|-----|--|
| ① | VDDT STD D1-2A, H4-B5
TOP ELEV. 778.55
INV. ELEV. 775.00 ("12" HOFPE) |
| ② | GROUDED RFP-RAP CHANNEL
INV. ELEV. 772.00 ("12" HOFPE) |
| ①-② | 5X4 LF-12" HOFPE PIPE, S/S 6-8/8
INV. ELEV. 773.00 ("12" HOFPE) INV. ELEV. 772.00 ("12" HOFPE) |
| ③ | 6X4 ROOFDRAIN FILTERBA UNIT
TOP ELEV. 784.00
INV. ELEV. 778.55 ("6" PVC ROOFDRAIN)
INV. ELEV. 778.55 ("6" PVC SCH 40) |
| ④ | VDDT STD D1-1, H4-B5
TOP ELEV. 783.00
INV. ELEV. 778.55 (8" IN)
INV. ELEV. 774.19 ("12" OUT) |
| ⑤ | 7.50 LF-6" PVC SCH40
S/S 6-4/8
INV. ELEV. 778.55 INV. OUT 778.55 |
| ⑥ | GROUDED RFP-RAP CHANNEL
ELEV. 775.00 |
| ④-⑤ | 6.57 LF-12" ANHYA GDS PRESSURE PIPE
SLEEVED IN DUCTILE IRON UNDER BUILDING
FOOTING
INV. N. 777.55 INV. 775.00 |

	FIRE HYDRANT		NEX ASPHALT PAVEMENT
	UTILITY POLE		GONG DUMPSTER PAD
	UNDERGROUND TELEPHONE		GROUTED RIP-RAP
	WATER LINE		
	OVERHEAD ELECTRIC		
	WATER VALVE		
	EXIST. STORM SEWER LINE		NEX RETAINING WALL
	NEX UTILITY POLE		
	NEX FIRE HYDRANT		SANITARY STORM CLEANOUT
	NEX FIRE DEPARTMENT CONNECTION		PROPOSED STRUCTURE =
	NEX 4" SANITARY LINE		MISC ELEV
	NEX WATER LINE		TOP OF CURB ELEV
	NEX W ELEC. LINE		BOTTOM OF CURB ELEV
	NEX Ws TELEPHONE/CABLE/INTERNET		TOP OF GROUND ELEV
	NEX Ws GAS LINE		TOP OF GROUND ELEV
	NEX STORM SEWER LINE		TOP OF GROUND ELEV
	NEX LIGHT POLE		SIGNAL ELEV
	NEX WATER VALVE		

PID #16231003
SOUTHERN RAILWAY

BFE ELEVATION 1085.0'

100-YEAR BFE 171' (BFE CONSTANT C)

FFEL = 783.50
AREA = 4,375 SF

LIMITS OF DISTURBED AREA (CONTRACTOR SHALL STAKE)

REPAIR/REPLACE GROUTED RIP-RAP DISTURBED DURING STORMDRAIN INSTALLATION

ADD NEW GROUTED RIP-RAP TO PROTECT MALL

THIS SLOPE IS 3:1 AT THE PINPOINT WITH THE DUMPER PAD, BUT IS 2.5:1 OR 3:1 ELSEWHERE

REPAIR/REPLACE GROUTED RIP-RAP DISTURBED DURING STORMDRAIN INSTALLATION

BENCHMARK: CHISELED SQUARE ON CORNER PILING WALL ELEV. = 773.45'

ENSURE THAT GUTTER FLOWLINE HAS POSITIVE DRAINAGE AND DOES NOT TRAP WATER

GRAPHIC SCALE

WARDS ROAD - U.S. ROUTE 29 (BUS.)
(VARIABLE WIDTH R/W)

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LANDSCAPING/LANDSCAPING DATA

FOUNDATION PLANTINGS

1 ORNAMENTAL TREE PER 50 FEET OF BUILDING AND 1 LARGE SHRUB PER 10 FEET OF BUILDING ALONG ALL SIDES OF BUILDINGS THAT FRONT ON A PUBLIC OR PRIVATE STREET AND ARE VISIBLE FROM A RESIDENTIAL DISTRICT.
TO LP BUILDING: 2 ORNAMENTAL TREES LABELED T2 ARE PROVIDED AND 1 LARGE SHRUBS LABELED S2 ARE PROVIDED.

PARKING AREA LANDSCAPING

INTERIOR PARKING AREAS

REQUIREMENTS:
1 SHADE TREE FOR EVERY 6 PARKING SPACES
18 18" PARKING SPACES - 2 REQUIRED; 2 SHADED TREES LABELED T1 PROVIDED AT END OF PARKING ROWS/DRIVEWAY

1 SHRUB OR EVERY PARKING SPACE PLANTED WITHIN LANDSCAPE ISLANDS DISPERSED SO THAT NO MORE THAN 15 TO 20 PARKING SPACES EXIST BETWEEN LANDSCAPED ISLANDS - 18 REQUIRED; 20 SHRUBS PROVIDED AND LABELED S1 IN LANDSCAPE ISLANDS / AREAS

PARKING AREA SCREENING

1 SHRUB OF AT LEAST 3' IN HEIGHT PER 3 FEET OF ROAD FRONTAGE REQUIRED PLANTED WITHIN A 6' STRIP ON THE SITE SIDE OF THE PROPERTY LINE

140' ROAD FRONTAGE X 1 TREE PER 3' = 47 SHRUBS REQUIRED. 53 SHRUBS ARE PROVIDED.

PLANTINGS FOR RETAINING WALLS LESS THAN 6' IN HEIGHT

ONE LARGE EVERGREEN SHRUB PER 3 LINEAR FEET OF WALL FACING RIGHT OF WAY (R/W)
50' WALL ALONG R/W AT 1 TREE PER 3' = 17 EVERGREEN SHRUBS REQUIRED
53 EVERGREEN SHRUBS ARE PROVIDED ALONG THE FRONT RETAINING WALL AS PART OF THE PARKING AREA SCREENING.

DIVIDED AREA LANDSCAPING

REQUIREMENTS:
NO ADDITIONAL TREES REQUIRED FOR CUT/FILL SLOPES AS THEY ARE MINIMAL OR WILL BE LANDSCAPED UNDER OTHER ORDINANCES.

TREE CANOPY

THE SITE REQUIRES 10% CANOPY, (17,600 X 10% = 1,760 SF). THE PROPOSED TREES PROVIDE 6,604 SF.

STREET TREES

1 ORNAMENTAL SHADE TREE PER 20' OF FRONTAGE, 128/20=6.3, THEREFORE 7 TREES PLANTED IN THE RIGHT OF WAY

ALL PLANT MATERIAL MUST MEET AMERICAN ASSOCIATION OF NURSERYMEN SPECIFICATIONS FOR NO. 1 GRADE. NATIVE PLANTINGS ARE ENCOURAGED WHEN COMPATIBLE WITH THE SURROUNDING LAND USE. EVERY EFFORT SHOULD BE MADE TO INCORPORATE HEALTHY EXISTING TREES INTO THE LANDSCAPE.

CONTRACTOR TO COORDINATE PLANT SPECIES WITH OWNER AND VERIFY APPLICABILITY AND PLANTING LOCATION WITH CITY OF LYNCHBURG'S ZONING ADMINISTRATOR.

ALL PLANT SPECIES CHOSEN SHALL BE SUITABLE FOR PLANTING AND GROWTH WITHIN THE PROPOSED ENVIRONMENT AND SHALL MEET THE SIZE REQUIREMENTS IN THE TABLE BELOW.

NOTES

- MULCH ALL LANDSCAPED AREAS AS NOTED ON THE PLANS, INCLUDING ALL LANDSCAPED ISLANDS AND LANDSCAPED BUFFERS.
- MULCH SHALL BE HARDWOOD AND BE SPREAD IN A 4" LAYER THROUGHOUT PLANTING BEDS AS DESIGNATED ABOVE.
- PERMANENTLY REMOVE ALL VEGETATION PRIOR TO INSTALLING MULCH.
- REFER TO THE ELECTRICAL PLANS FOR SIGHT LIGHTING DETAILS, INCLUDING BASE DETAIL, WIRE TYPE & LOCATIONS, ETC.
- EXTERIOR LIGHTING SHALL BE CONTROLLED SO THAT NO DIRECT ILLUMINATION WILL OCCUR BEYOND ANY PROPERTY LINE SHARED WITH A RESIDENTIAL DISTRICT.
- CONTRACTOR SHALL TEST THE SOIL PRIOR TO PLANTING ANY LANDSCAPING TO DETERMINE PROPER SOIL AMENDMENTS. CONTRACTOR SHALL AMEND THE SOIL AS NEEDED.
- ALL TREES OUTSIDE OF DESIGNATED MULCH PLANTING AREAS SHALL RECEIVE A 4" THICK LAYER OF MULCH 24 INCHES OR TWICE THE DIAMETER OF THE ROOT BALL, THE LARGER OF THE TWO, DIAMETER CENTERED ON THE TREE.

SHRUB/TREE WATERING SCHEDULE

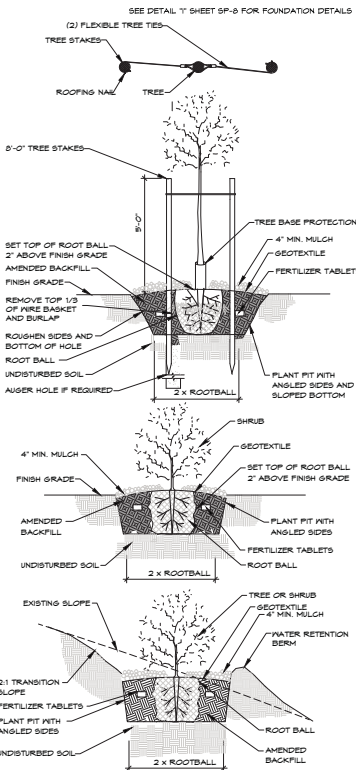
- WATER DAILY FOR THE FIRST 14 DAYS, SLOWLY SATURATE THE ROOT BALL AND THE SURROUNDING SOIL TO A DEPTH OF 12".
- WATER WEEKLY AFTER THE FIRST 14 DAYS IN THE SAME MANNER PRESCRIBED ABOVE.
- AFTER THE SECOND MONTH, REGULARLY MONITOR THE SOIL SURROUNDING THE TREES AND SHRUBS TO PREVENT DRYING OUT. IF THE RAINFALL IS INADEQUATE AND THE SOIL 8" TO 4" BELOW THE SURFACE IS DRY, WATER AS ABOVE.
- CONTINUE MONITORING THE SOIL FOR THE NEXT ONE TO TWO YEARS AND WATER AS NEEDED.
- REDUCE WATERING FREQUENCY IF THE TREES AND SHRUBS ARE DORMANT.

(A) LANDSCAPE REQUIREMENTS

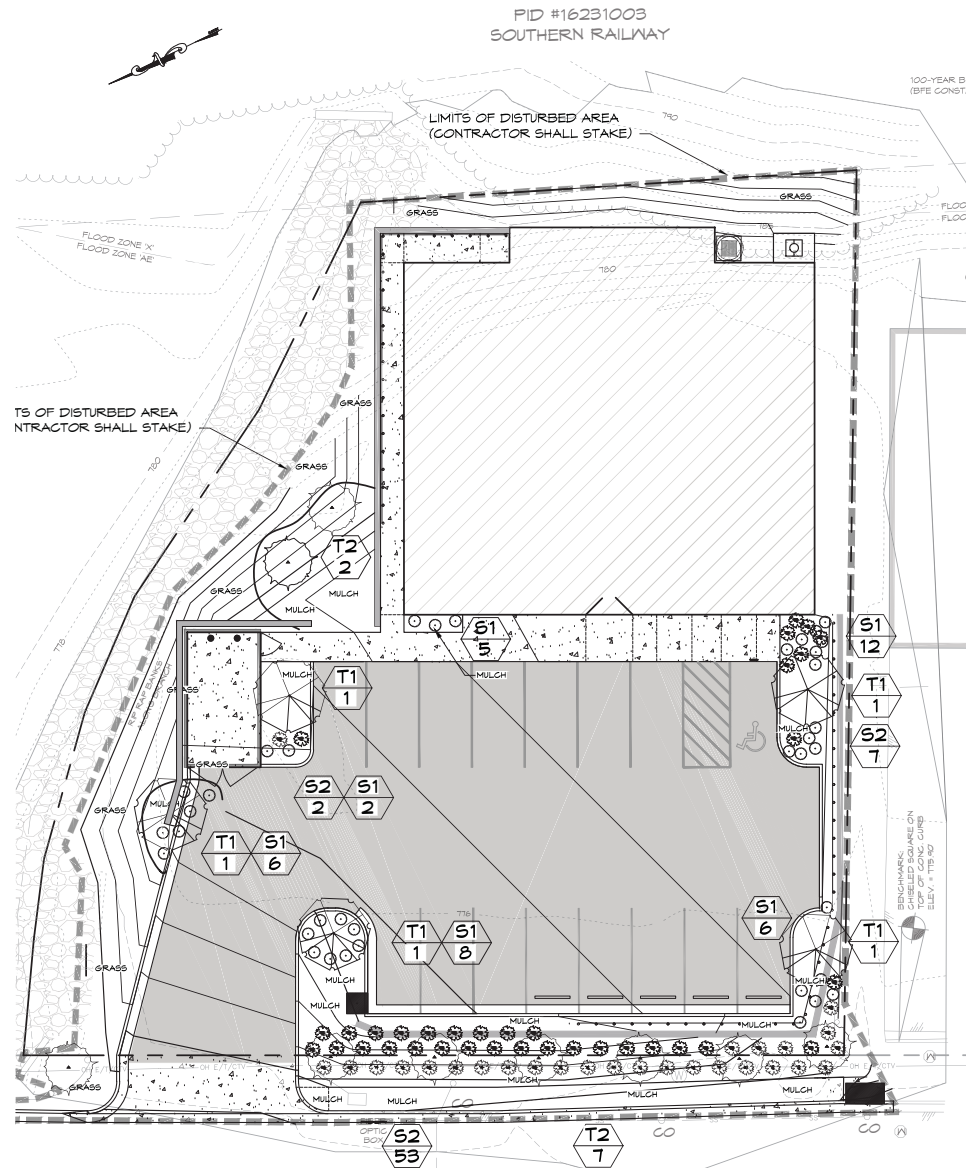
Symbol	Plant Type	Quantity	Scientific Name	Common Name	Planting Size	Height	Canopy Allowance	Canopy Total Sq. Ft.	ID
	Tree	5	<i>Lilja cordata</i>	Little Leaf Linden	2" Cal.	24'	1,250	6,250	T1
	Tree	4	<i>cornus florida</i>	Flowering dogwood	2" Cal.	3'	171	354	T2
Total Proposed Tree Canopy - (1 dogwoods are street trees in the right-of-way 1 per 20' frontage)									6,604
	Shrub	25	<i>nandina domestica</i> "Firepower"	Firepower Dwarf Nandina	3-6"	24"			S1
	Shrub	80	<i>chamaecyparis thuyoides</i>	Heather Bun	3-6"	36"			S2

*THE LANDSCAPING PLAN WILL BE REVISED AS NEEDED TO MEET THE LANDSCAPING CODE. THIS PLAN IS BASED ON A CONCEPT PLAN.

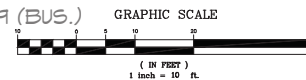
(C) LANDSCAPE SCHEDULE



(B) TREE/SHRUB PLANTING DETAILS
NOT TO SCALE



WARDS ROAD - U.S. ROUTE 29 (BUS.)
(VARIABLE WIDTH R/W)



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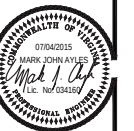
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NEW CONSTRUCTION FOR
WARDS ROAD WAREHOUSE RETAIL
8505 WARD ROAD
LYNCHBURG, VIRGINIA 24002

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LANDSCAPE PLAN

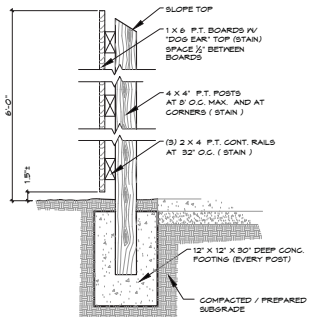
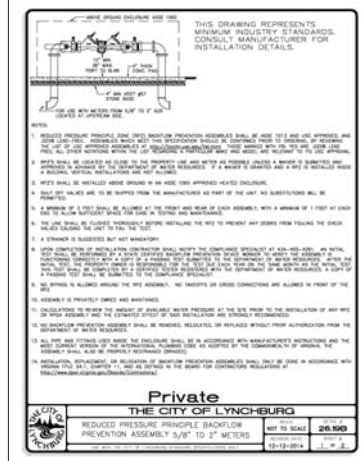
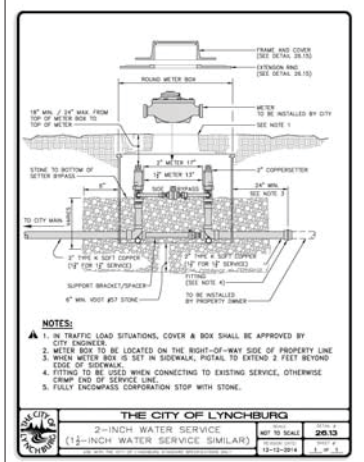


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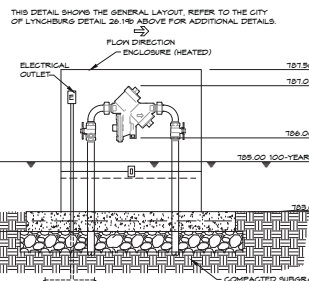
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UTILITY NOTES:

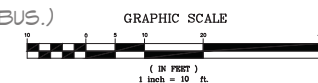
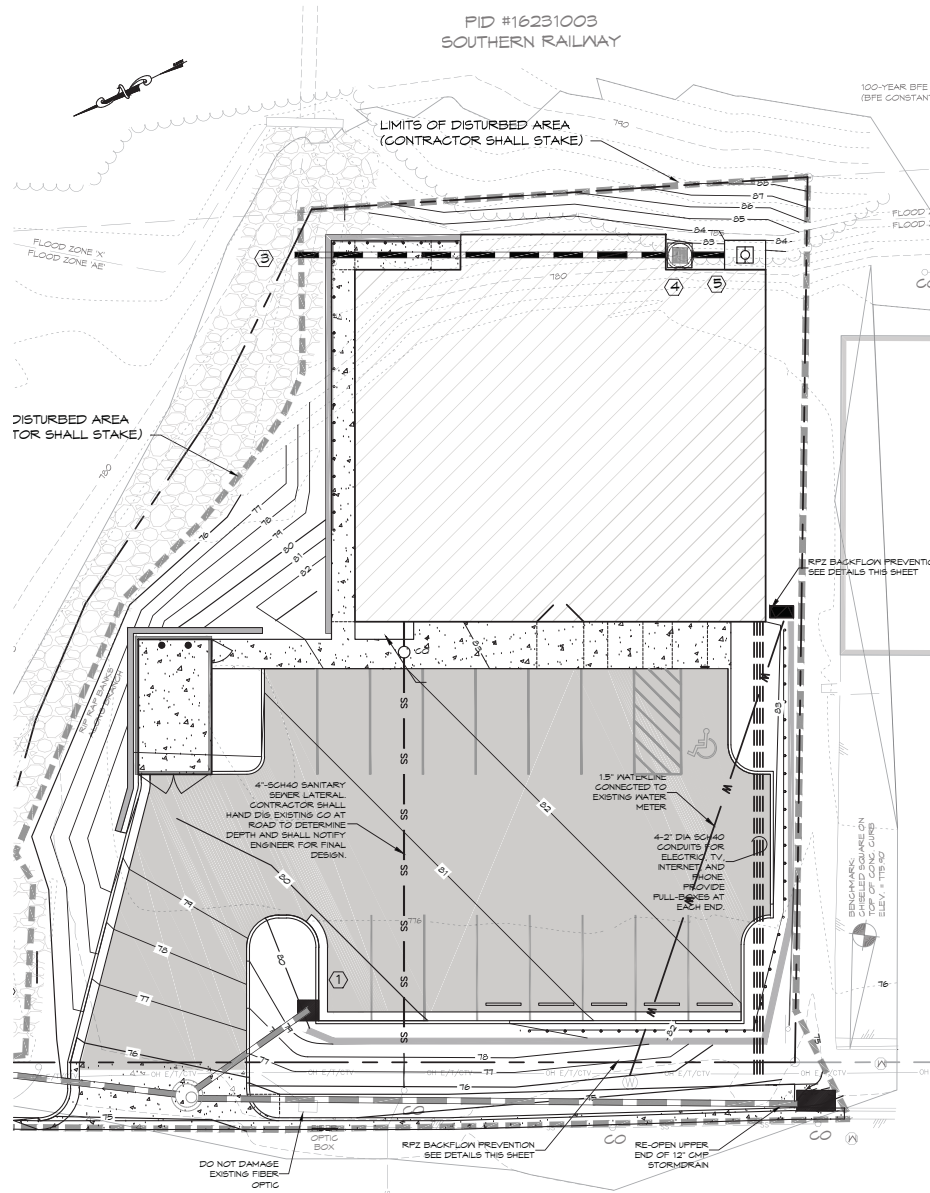
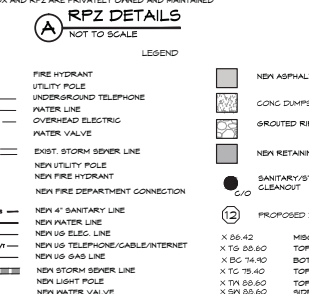
1. THE CONTRACTOR SHALL CONTACT MISS UTILITY (811) TO HAVE THE UTILITIES LOCATED. THE CONTRACTOR SHALL EMPLOY A PRIVATE UTILITY CONTRACTOR TO LOCATE ALL UTILITIES NOT LOCATED BY MISS UTILITY.
2. ALL WATER LINES AND INSTALLATION SHALL CONFORM TO THE CITY OF LYNCHBURG - MANUAL OF SPECIFICATIONS AND STANDARD DETAILS. APPENDIX A WATER LINES DESIGN.
3. ALL WATER LINES SHALL HAVE A MINIMUM OF 3' 0" OF COVER.
4. COORDINATE ALL WORK IN THE RIGHT OF WAY WITH THE CITY OF LYNCHBURG UTILITIES DEPARTMENT.
5. COORDINATE THE CONNECTION WITH THE CITY OF LYNCHBURG UTILITY DEPARTMENT. THE DEPTH OF THE EXISTING WATER MAIN IS NOT KNOWN.
6. THE BANTARY LINES SHALL BE 8 INCHES OR LARGER P.V.C. SDR-35 BANTARY PIPE.
7. THE 18-INCH WATER SUPPLY LINES SHALL BE ENJOINT INDUSTRIES ENDOGO, 1" PE 4710 OR EQUAL.
8. THE CITY OF LYNCHBURG WILL INSTALL THE WATER METER VAULT AND THE WATER METER. THE CITY WILL INSTALL AN 18" LONG STUBOUT FROM THE NEW METER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REST OF THE WATER LINE.
9. THE CITY OF LYNCHBURG WILL REMOVE THE EXISTING WATER METERS.



- NOTES:
1. STAIN COLOR TO BE SELECTED BY THE ARCHITECT
 2. GATE SHALL OPEN A MINIMUM OF 120°
 3. THE HINGES AND LATCHES SHALL BE HEAVY DUTY WITH A MINIMUM OF THREE HINGES ON EACH GATE
 4. THE GATE SHALL LATCH SECURELY WHEN OPEN AND WHEN CLOSED
 5. THE GATES SHALL HAVE DIAGONAL BRACING AND SHALL BEAR THEIR OWN WEIGHT WITHOUT SAGGING



- NOTES:
1. LEAD-FREE RPZ SHALL BE A 2" ZURN/VALKS MODEL #18X12U OR EQUAL
 2. ENCLOSURE SHALL BE HOTBOX HB13 OR EQUAL
 3. SEE SIDEWALK DETAIL FOR SLAB REQUIREMENTS
 4. SLAB SHALL BE A MINIMUM OF 4" THICK AND EXTEND 4" BEYOND THE HOTBOX
 5. CONTRACTOR TO ENSURE RPZ AND PIPING WILL FIT INSIDE THE BOX WHEN THE LID IS CLOSED AND LOCKED
 6. ELECTRICAL OUTLET (E) SHALL BE 18" ABOVE SLAB
 7. SEE ABOVE FOR ADDITIONAL DETAILS, LYNCHBURG CITY DETAIL 28-116
 8. HOTBOX AND RPZ ARE PRIVATELY OWNED AND MAINTAINED



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NEW CONSTRUCTION FOR WARDS ROAD RETAIL
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UTILITY PLAN



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NEW CONSTRUCTION FOR
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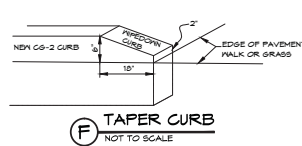
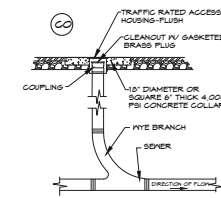
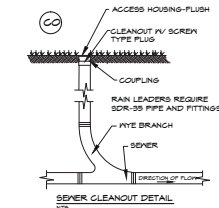
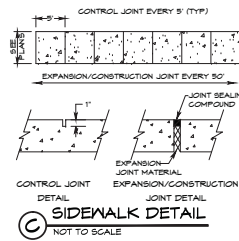
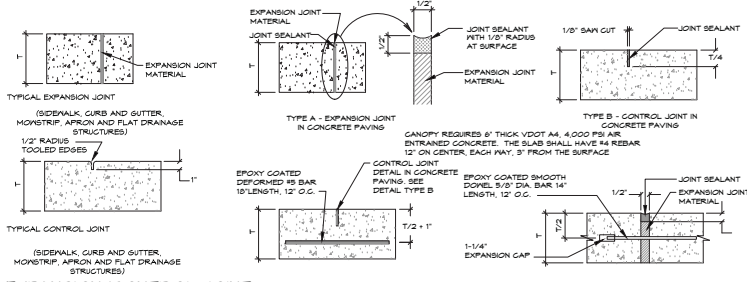
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EROSION & SEDIMENT CONTROL DETAILS AND SUMMARIES



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K-31 FESCUE @ 9 LB / 1000 SF
 BORDO PINKY RYE @ 1/2 LB / 1000 SF
 1 FEBRUARY TO 1 JUNE
 K-31 FESCUE @ 9 LB / 1000 SF
 ANNUAL RYE @ 1/2 LB / 1000 SF
 1 JUNE TO 1 SEPTEMBER
 K-31 FESCUE @ 9 LB / 1000 SF
 GERMAN MILLET @ 1/2 LB / 1000 SF
 1 SEPTEMBER TO 15 OCTOBER
 K-31 FESCUE @ 9 LB / 1000 SF
 ANNUAL RYE @ 1/2 LB / 1000 SF
 15 OCTOBER TO 15 NOVEMBER
 K-31 FESCUE @ 9 LB / 1000 SF
 ANNUAL RYE @ 1/2 LB / 1000 SF

RED TOP GRASS 2 LBS./ACRE
 SEASONAL NURSE CROP 20 LBS./ACRE
 CROWN VETCH 20 LBS./ACRE
 TOTAL 150 LBS./ACRE

SEASONAL NURSE CROP SEEDING DATES:
 MARCH, APRIL - 15 MAY ANNUAL RYE
 16 MAY - 15 AUGUST FOXTAIL MILLET
 16 AUGUST - OCTOBER ANNUAL RYE
 NOVEMBER - FEBRUARY PINKY RYE

LIME 2 TONS/ACRE (40 LBS./1000 SF) PULVERIZED AGRICULTURAL LIMESTONE
 FERTILIZER 10-20-10 OR EQUIVALENT NUTRIENTS
 RATE 1000 LBS./ACRE (25 LBS./1000 SF.)

MULCH: STRAW OR FIBER MULCH SHALL BE USED OVER ALL SEEDING AREAS AND SHALL BE APPLIED IN ACCORDANCE WITH SECTION 1.7B OF THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK, LATEST EDITION.

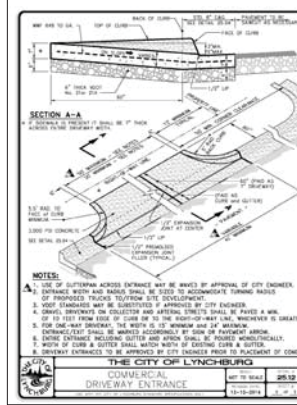
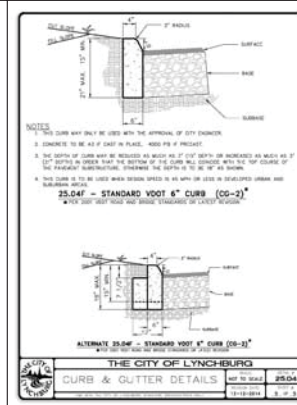
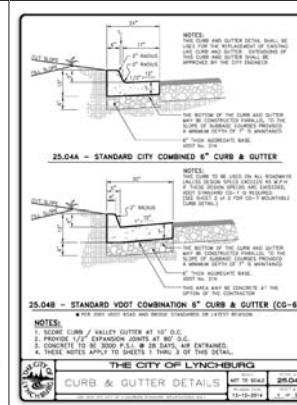
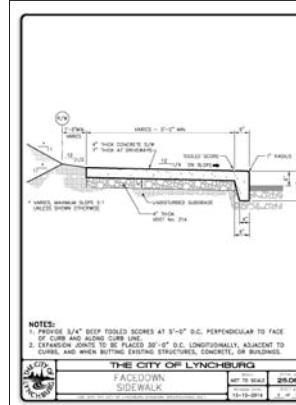
MULCHING RATE: STRAW OR HAY: 15-2 TONS/ACRE (40-80 LBS./1000 SF.)
 FIBER MULCH: 1500 LBS./ACRE (375 LBS./1000 SF.)
 ANCHOR MULCH BY KRAMPER TOOL OR MULCH NETTING
 FIBER MULCH MAY BE USED TO TACK (ANCHOR) STRAW MULCH.

SOIL CONDITIONING:
 INCORPORATION OF LIME AND FERTILIZER, SELECTION OF CERTIFIED SEED, MULCHING, MAINTENANCE OF NEW SEEDINGS, AND RESEEDING SHALL BE IN ACCORDANCE WITH SPECIFICATIONS CONTAINED WITHIN THE VIRGINIA SOIL EROSION AND SEDIMENT CONTROL HANDBOOK, LATEST EDITION, ADDITIONAL SEEDING TO BE PERFORMED AS REQUIRED BY THE INSPECTOR.

SEED APPLICATION: APPLY SEED UNIFORMLY WITH A CYCLONE SEEDER, DRILL, GULTPACKER SEEDER OR HYDROSEEDER ON A FIRM, FINABLE, SEEDBED. MAXIMUM SEEDING DEPTH SHALL BE 1/4 INCH.

PERMANENT SEEDING
 NOT TO SCALE

CITY OF LYNCHBURG DETAILS
 NOT TO SCALE



GENERAL SITE CONSTRUCTION NOTES

CONTINUED FROM SHEET SP-1

TOPSOIL MATERIAL AND PREPARATION

44. TOPSOIL, EITHER FURNISHED BY THE CONTRACTOR OR REUSED FROM THE SITE SHALL CONSIST OF A NATURAL FRIABLE SURFACE SOIL WITHOUT ADVERTISEMENTS OF UNDESIRABLE SUBSOIL, REFUSE, OR FOREIGN MATERIALS. IT SHALL BE FREE FROM ROOTS, HARD CLAY, COARSE GRAVEL, STONES LARGER THAN ONE INCH IN ANY DIMENSION, PEEDS, SEEDS, TALL GRASS, BRUSH, OR OTHER MATERIALS WHICH WOULD BE DETRIMENTAL TO THE PROPER DEVELOPMENT OF THE DESIRED VEGETATIVE GROWTH.

45. ALL TOPSOIL SHALL BE TESTED AND ANALYZED. THE TOPSOIL REPORT SHALL BE REVIEWED AND APPROVED BY THE ARCHITECT PRIOR TO PLACEMENT. THE SOIL SHALL BE AMENDED WITH FERTILIZER, LIME AND ANY OTHER NUTRIENTS AS REQUIRED.

46. TOPSOIL SHALL BE OBTAINED FROM NATURALLY WELL DRAINED SITES WHERE TOPSOIL OCCURS AT LEAST 4-INCHES DEEP. TOPSOIL SHALL NOT BE OBTAINED FROM BOGS OR MARSHES.

47. TOPSOIL SHALL CONTAIN NOT MORE THAN 3% OR MORE THAN 20% ORGANIC MATTER, BY WEIGHT AS DETERMINED BY LOSS-ON-IGNITION OF OVEN-DRIED SAMPLES IN ACCORDANCE WITH ASTM 7-9. ORGANIC MATERIAL SHALL BE DECOMPOSED AND FREE OF WOOD.

48. TOPSOIL SHALL CONFORM TO THE FOLLOWING GRADING SIEVE SIZES PERCENTAGE PASSING:

1-INCH 100%
1/2-INCH 95% - 100%
NO. 4 75% - 100%
NO. 10 60% - 100%
NO. 20 10% - 60%

49. TOPSOIL SOURCES LACKING ORGANIC MATTER MAY BE USED IF, PRIOR TO DELIVERY TO THE PROJECT, SUFFICIENT ORGANIC MATTER IN THE FORM OF PULVERIZED PAST WOOD OR HIGH ORGANIC SOILS IS THOROUGHLY MIXED WITH THE TOPSOIL TO PROVIDE A PRODUCT MEETING THE ABOVE REQUIREMENTS. ORGANIC MATERIAL FOR INCORPORATION INTO TOPSOIL, IF REQUIRED, SHALL BE PARTIALLY DECOMPOSED FIBROUS OR CELLULAR STEMS AND LEAVES OF ANY OF SEVERAL SPECIES OF SPERMATOPHYTES, OR ROTTED MANURE, ORGANIC MATERIAL MAY REQUIRE CHOPPING TO SHREDDING TO INSURE THOROUGH MIXING WITH THE TOPSOIL.

50. THE TOPSOIL SHALL BE TESTED TO DETERMINE THE APPROPRIATE AMENDMENTS REQUIRED FOR THE INTENDED USE. THE CONTRACTOR SHALL AMEND THE SOIL WITH NITROGEN, PHOSPHORIC ACID, POTASSIUM, AND LIMESTONE AT NO EXPENSE TO THE OWNER.

51. A 4-INCH LAYER OF TOPSOIL IS REQUIRED FOR ALL AREAS RECEIVING LANDSCAPING, GRASS OR SOO.

LANDSCAPING

52. IN GRASS, SOO AND LANDSCAPED AREAS, PLACE THE TOPSOIL TO A MINIMUM DEPTH OF 4-INCHES. REMOVE EXISTING SOIL, IF NEEDED. RAKE THE AREAS TO REMOVE ALL ROOTS, CLUMPS, STONES AND DEBRIS 3/4" OR GREATER IN ANY DIRECTION. TRUE UP ALL OF THE DEPRESSIONS, RUTS, MOUNDS AND EDGES. SCARIFY SUBSOIL TO A DEPTH OF 2-INCHES WHERE TOPSOIL IS TO BE PLACED. ESTABLISH A SMOOTH GRADE READY TO RECEIVE LANDSCAPING, SEED AND SOO. FINISH GRADE MUST BE ACCEPTABLE TO THE OWNER OR ARCHITECT.

53. SOO THE SEED AS SPECIFIED AND DISTRIBUTE EVENLY. DO NOT LAP SEED INTO THE SHRUBS AND PLANTING BEDS. RAKE THE SEED LIGHTLY INTO THE TOP 1/4-INCH OF THE TOPSOIL. ROLL LIGHTLY, APPLY MULCH AND WATER WITH A FINE SPRAY.

54. WATERING AND MAINTENANCE OF ALL TREES, SHRUBS, GRASS, SOO AND PLANTINGS IS THE RESPONSIBILITY OF THE CONTRACTOR. THE SEEDBED SHALL BE KEPT MOIST FOR A MINIMUM OF TWO TO THREE WEEKS TO ALLOW FOR GERMINATION. LONGER IF NEEDED. THE CONTRACTOR SHALL WATER LANDSCAPING AS RECOMMENDED BY THE SUPPLIER OR AS NEEDED BASED ON THE WEATHER CONDITIONS AND SEASON.

55. REPLACE LANDSCAPING, INCLUDING GRASS, THAT IS DEAD OR APPEARS NON-VIGOROUS AS DIRECTED BY THE ARCHITECT OR OWNER WITHIN 10-DAYS OF NOTIFICATION.

56. THE CONTRACTOR SHALL APPLY FERTILIZER AND WEED KILLERS AS NECESSARY TO PROMOTE THE GRASS GROWTH.

57. ALL GRASS AREAS SHALL BE THICK, UNIFORM AND FREE OF PENDED AREAS AND WEEDS.

58. THE CONTRACTOR SHALL REPLACE/REHABILITATE ALL DEAD/DYING TREES AND SHRUBS WITHIN ONE YEAR OF SUBSTANTIAL COMPLETION. WHEN THESE TREES ARE REPLACED, THE WARRANTY PERIOD SHALL BE EXTENDED BY SIX MONTHS FROM THE TIME OF RE-PLANTING OR SOOING.

59. THE CONTRACTOR IS RESPONSIBLE FOR MAINTAINING, INCLUDING WATERING, THE SOO AND GRASS UNTIL PROJECT COMPLETION. THE OWNER WILL ALLOW THE CONTRACTOR ACCESS TO THE EXTERIOR SPACES AS LONG AS THE USAGE IS REASONABLE.

60. SEEDING / SOOED AREAS WILL BE ACCEPTED AT PROJECT CLOSEOUT IF:
a. SEEDING / SOOED AREAS ARE PROPERLY ESTABLISHED.
b. LAWN IS FREE OF BARE AND DEAD SPOTS AND IS WITHOUT WEEDS.
c. NO SURFACE SOIL IS VISIBLE WHEN GRASS HAS BEEN GUT TO HEIGHT OF 2 INCHES.
d. SEEDING AREAS HAVE BEEN MOVED A MINIMUM OF TWICE, 141 DAYS APART.

61. ALL LANDSCAPED AREAS REQUIRE A 4" LAYER OF HARDWOOD MULCH. THE MULCH SHALL BE INSTALLED ABOVE A LAYER OF BLACK NOVEN NEEDLE PUNDED GEOTEXTILE FABRIC. HANES PRO PLATINUM 20-YEAR FABRIC OR EQUAL. ALL SEAMS SHALL OVERLAP A MINIMUM OF 12 INCHES.

PAVEMENT, CURBS, AND GUTTER

62. ALL ASPHALT INTERFACES BETWEEN OLD AND NEW PAVEMENT MUST BE SAW CUT TO NEAT STRAIGHT LINES AND A TACK COAT SHALL BE APPLIED AT A RATE OF 0.1 GALLON PER SQUARE YARD OF RC-250 IMMEDIATELY PRIOR TO PLACING THE ASPHALT.

63. AGGREGATE BASE AND PAVING MUST BE PLACED BEFORE ANY MOISTURE OR SEASONAL CHANGES OCCUR TO SUBGRADE THAT WOULD CAUSE COMPACTION TESTS PREVIOUSLY PERFORMED TO BE ERRONEOUS. RECOMPACT AND RETEST SUBGRADE SOILS THAT HAVE BEEN LEFT EXPOSED TO WEATHER.

64. ASPHALT PAVEMENT FOR THE NEW PARKING LOT SHALL BE CONSTRUCTED WITH 8" COMPACTED AGGREGATE BASES: TYPE B, BASE MATERIAL, TYPE 1, SIZE NO. 21A OR B AND 1.5" BITUMINOUS CONCRETE SURFACE COURSE, TYPE SM-4.5, (THICKNESS AFTER COMPACTION). ALL PAVEMENT SHALL COMPLY WITH VDOT SUPERPAVE SPECIFICATIONS AND STANDARDS.

65. THE CONCRETE CURB SHALL BE VDOT STANDARD CG-2 AND CONSTRUCTED TO VDOT SPECIFICATIONS.

66. THE CONCRETE CURB AND GUTTER SHALL BE CITY OF LYNCHBURG STANDARD 25.04A AND CONSTRUCTED TO LYNCHBURG'S SPECIFICATIONS.

67. ALL WORK SHALL COMPLY WITH VDOT SPECIFICATIONS IN ACCORDANCE WITH THE LATEST REVISION OF THE VDOT ROAD AND BRIDGE SPECIFICATIONS.

RETAINING WALL

68. THE RETAINING WALL MUST BE DESIGNED BY A LICENSED PROFESSIONAL ENGINEER. THE ENGINEER/CONTRACTOR MUST SUBMIT SEALED AND SIGNED DRAWINGS TO THE CITY OF LYNCHBURG COMMUNITY DEVELOPMENT DEPARTMENT FOR APPROVAL. OBTAIN APPROVAL PRIOR TO ORDERING MATERIALS.

SIDEWALK CONSTRUCTION

69. CONCRETE SIDEWALKS SHALL BE 4-INCHES THICK, 1-INCHES WHERE THE DRIVE LANES CROSS, VDOT STANDARD A-4 (4000 PSI) AIR-ENTRAINED (A/E) CONCRETE. INSTALLED IN ACCORDANCE WITH SECTION 504 OF THE LATEST REVISION OF THE VDOT ROAD AND BRIDGE SPECIFICATIONS.

70. SPACINGS FOR EXPANSION JOINTS SHALL BE THE SAME FOR SIDEWALKS AS THAT FOR ADJACENT CURB & GUTTER OR CURBING, 3/4" DEEP AND 9.0' ON CENTER.

71. SIDEWALK FINISH: SIDEWALK SHALL FIRST BE SMOOTH TROWELED, THEN FINISH WITH A "LIGHT BROOM FINISH" UNLESS OTHERWISE NOTED.

72. WHEN SIDEWALK ABUTS CURB OR BUILDING, A 1/2" PREMOULDED EXPANSION JOINT IS TO BE USED.

73. CURING SHALL BE ACCOMPLISHED IN ACCORDANCE WITH SECTION 220 OF THE LATEST REVISION OF THE VDOT ROAD AND BRIDGE SPECIFICATIONS.

GENERAL UTILITY NOTES

74. ALL UTILITIES REQUIRE DETECTABLE MARKING TAPE, ACID AND ALKALI RESISTANT POLYETHYLENE FILM MARKING TAPE MANUFACTURED FOR MARKING AND IDENTIFYING UNDERGROUND UTILITIES, MINIMUM SIX INCHES WIDE AND FOUR MILLS THICK, CONTINUOUSLY INScribed WITH A DISCRETE IDENTIFICATION OF THE UTILITY, WITH A METALLIC CORE ENCASED IN A PROTECTIVE JACKET FOR CORROSION PROTECTION, DETECTABLE BY A METAL DETECTING PROBE. TAPE IS BURIED THIRTY INCHES DEEP AND COLOR CODED TO THE AMERICAN PUBLIC WORKS ASSOCIATION STANDARDS.

75. EXCAVATE TO PROPER ALIGNMENT, DEPTH, AND GRADE. EXCAVATE TO SUFFICIENT WIDTH TO ALLOW ADEQUATE SPACE FOR PROPER INSTALLATION AND INSPECTION OF UTILITY PIPES.

76. IF TRENCHES ARE EXCAVATED DEEPER THAN REQUIRED, BACKFILL UNTIL TRENCH BOTTOM IS PROPER DEPTH WITH PROPERLY COMPACTED NATIVE MATERIAL.

77. WHERE ROCK EXCAVATIONS ARE REQUIRED, EXCAVATE ROCK WITH MINIMUM OVER-DEPTH OF 4 INCHES. BELOW REQUIRED TRENCH DEPTH AND BACKFILL WITH THOROUGHLY COMPACTED MATERIAL.

78. IN CONFINED AREAS SUCH AS UTILITY TRENCHES, PORTABLE COMPACTION EQUIPMENT AND TIGHT LIFTS OF 5 TO 4 INCHES MAY BE REQUIRED TO ACHIEVE THE SPECIFIED DEGREE OF COMPACTION.

79. WATER AND SEWER SERVICE OR CONFLICTS SHALL BE COORDINATED WITH THE CITY OF LYNCHBURG UTILITY DEPARTMENT, (434) 459-4250.

80. NATURAL GAS SERVICE OR CONFLICTS SHALL BE COORDINATED WITH COLUMBIA GAS OF VIRGINIA, (800) 943-0411.

81. TELEPHONE SERVICE OR CONFLICTS SHALL BE COORDINATED WITH VERIZON (800) 891-4966.

82. ELECTRICAL SERVICE OR CONFLICTS SHALL BE COORDINATED WITH APPALACHIAN POWER (AEP) (800) 271-2171.

83. INTERNET/CABLE SERVICE OR CONFLICTS SHALL BE COORDINATED WITH THE COMCAST (800) 228-2278.

84. INTERNET/CABLE/TELEPHONE SERVICE OR CONFLICTS SHALL BE COORDINATED WITH THE TELCO (877) 460-3567.

SEWER NOTES

85. A MINIMUM OF THREE (3) FEET OF COVER IS REQUIRED OVER ALL SEWER LINES.

86. ALL SANITARY SEWER WORK SHALL BE CONSTRUCTED TO THE LINES AND GRADES INDICATED. PIPE BEDDING AND BACKFILL SHALL BE CAREFULLY CONTROLLED. ALL WORK SHALL COMPLY WITH ALL LOCAL, CODES AND REQUIREMENTS.

87. ALL TRENCHES SHALL BE THOROUGHLY COMPACTED TO PREVENT SETTLEMENT AND DAMAGE TO FUTURE PAVEMENT, STRUCTURES AND UTILITIES.

88. BURIED SANITARY SEWER PIPE SHALL BE SDR-35 PVC DUCTILE IRON PIPE, CLASS 52 SHALL BE USED IN APPROVED LOCATIONS WHERE COVER IS 3 FEET OR LESS.

89. CONTRACTOR IS RESPONSIBLE FOR LOCATING AND UNCOVERING ALL CLEANS, MANHOLES, ETC., AFTER PAVING AND ADJUSTING TO FINAL GRADE.

WATER NOTES

90. A MINIMUM COVER OF THREE (3) FEET IS REQUIRED OVER PROPOSED WATER LINES.

91. ALL WATER LINES SHALL BE INSTALLED AS SHOWN ON THE PLANS, ALL PIPES, VALVES, AND FITTINGS SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE AWWA STANDARDS AND ALL LOCAL CODES AND THEIR STANDARDS.

92. THE CONTRACTOR SHALL PROVIDE ALL MATERIALS, EQUIPMENT, AND NECESSARY TAPS AND SHALL PERFORM ALL WORK REQUIRED FOR STERILIZATION, TESTING, AND FLUSHING.

93. IF TRENCHES SHALL BE THOROUGHLY COMPACTED TO PREVENT SETTLEMENT AND DAMAGE TO FUTURE PAVEMENT AND STRUCTURES.

94. CONTRACTOR IS RESPONSIBLE FOR LOCATING AND UNCOVERING ALL VALVE VAULTS, METERS, ETC., AFTER PAVING AND ADJUSTING TO FINAL GRADE.

95. BURIED WATER LINES GREATER THAN 2 INCHES SHALL BE CLASS 50 DUCTILE IRON PIPE MECHANICALLY RESTRAINED JOINTS. 2-INCH TYPE K COPPER PIPE SHALL BE USED FOR SERVICE CONNECTIONS FROM THE MAIN MAN TO THE NEW METER.

MATERIAL NOTES

96. PVC PLASTIC PRESSURE PIPE 4 INCHES THROUGH 15" SHALL MEET SDR-35 REQUIREMENTS FOR ASTM D2034, AND 18 INCHES THROUGH 21 INCHES ASTM-F691. FITTINGS AND PIPE SHALL BE OF A GASKET TIGHT JOINT TYPE MEETING ASTM D2312. FITTINGS SHALL CONFORM TO THE REQUIREMENTS OF ASTM D2034.

97. WATER LINES 2 INCHES OR LESS SHALL BE HIGH DENSITY POLYETHYLENE (HDPE) PE401, PRESSURE RATED FOR 160 PSI, SHALL MEET ALL APPLICABLE STANDARDS OF ASTM D2550, ASTM D2551 OR ASTM D2552. ALL FITTINGS SHALL BE APPROVED COMPRESSION FITTING RECOMMENDED BY THE PIPE MANUFACTURER. ENDOT INDUSTRIES ENDOPOLY OR EQUAL.

98. PVC PLASTIC PRESSURE PIPE GREATER THAN 2 INCHES TO 4 INCHES IN DIAMETER SHALL MEET DR21PC REQUIREMENTS FOR ASTM D2241.

99. DUCTILE IRON SEWER PIPE SHALL BE MANUFACTURED IN ACCORDANCE WITH SPECIFICATIONS AWWA C151/ANSI 2151. WALL THICKNESS SHALL BE CLASS 50.

EROSION CONTROL NOTES

100. ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE ACCOMPLISHED IN STRICT ACCORDANCE WITH THE STANDARDS AND SPECIFICATIONS OF THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK, LATEST EDITION.

101. THE APPROVING AUTHORITY MAY ADD TO, DELETE, RELOCATE, OR OTHERWISE MODIFY CERTAIN MEASURES WHERE FIELD CONDITIONS WARRANT. EROSION CONTROL MEASURES SHOWN ARE NOT NECESSARILY ALL THAT WILL BE REQUIRED.

102. EROSION CONTROL MEASURES SHALL BE INSTALLED IN ADVANCE OF WORK BEING PERFORMED, AS FAR AS PRACTICAL.

103. IN NO CASE DURING CONSTRUCTION SHALL WATER RUNOFF BE DIVERTED OR ALLOWED TO FLOW TO LOCATIONS WHERE ADEQUATE PROTECTION HAS NOT BEEN PROVIDED.

104. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO LEAVE THE SITE ADEQUATELY PROTECTED AGAINST EROSION, SEDIMENTATION, OR ANY DAMAGE TO ANY ADJACENT PROPERTY AT THE END OF EACH DAY'S WORK.

105. THE CONTRACTOR SHALL INSPECT ALL EROSION CONTROL MEASURES DAILY AND AFTER EVERY ERODIBLE RAINFALL. ANY NECESSARY REPAIRS OR CLEANUP SHALL BE MADE IMMEDIATELY AND AT NO EXTRA COST TO THE OWNER.

STORM-SEWER SYSTEMS & CULVERTS

106. ALL CULVERTS AND STORM-SEWER SYSTEMS SHALL BE INSTALLED IN STRICT ACCORDANCE WITH THE STANDARDS AND SPECIFICATIONS OF THE VDOT ROAD AND BRIDGE SPECIFICATIONS, LATEST EDITION AND THE VDOT ROAD AND BRIDGE STANDARDS, LATEST EDITION/REVISION. PIPES SHALL BE BEDDED AND BACKFILLED PER PER-1 METHOD A.

107. UNLESS INDICATED OTHERWISE WHERE PIPES OR STRUCTURES OF DIFFERING MATERIALS ARE CONNECTED, PROVIDE AN AS CONCRETE ENCASED BLOCK THAT IS 12" LARGER THAN THE OUTSIDE DIAMETER OF THE PIPES AND EXTENDS 15" ONTO EACH PIPE OR STRUCTURE.

108. WHERE SPECIFIED, ALL INLET SHAPING SHALL CONFORM TO THE VDOT ROAD AND BRIDGE STANDARD 106.05, S-1.

MISCELLANEOUS NOTES

109. ALL PAVEMENT MARKINGS SHALL BE MADE WITH TRAFFIC RAISED PAINT, VDOT TYPE A PAINT AND REQUIRES TWO COATS OF PAINT. ALL LINES SHALL BE CRISP AND CLEAR.

110. ALL PARKING SPACES, ADA ACCESSIBLES AND NO PARKING AREAS REQUIRE 4-INCH WIDE WHITE LINE. THE DIAGONAL LINES (CAROUSEL HATCHING) FOR ACCESSIBLES AND NO PARKING AREAS SHALL BE SPACED 18 INCHES ON CENTER.

111. THE HANDICAPPED PARKING SYMBOL SHALL BE EITHER 24 INCHES WIDE AND 28 INCHES HIGH OR 36 INCHES WIDE AND 41 INCHES HIGH AND BE THE INTERNATIONAL SYMBOL OF ACCESSIBILITY. PARKING SPACE MARKINGS WITH BLUE BACKGROUND AND WHITE BORDER, ADA COMPLIANT.

112. ALL PARKING SPACES AND NO PARKING AREAS REQUIRE 4" WHITE LINES.

113. ALL LANDSCAPED BUFFERS AND PARKING ISLANDS SHALL BE COVERED WITH A 4" LAYER OF HARDWOOD MULCH.

FENCING

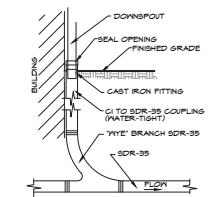
114. SAFETY FENCE, GUARDRAIL, SHALL BE INSTALLED ABOVE ALL RETAINING WALLS AS REQUIRED BY THE APPLICABLE BUILDING CODES.

115. ALL SAFETY FENCING FOR THE RETAINING WALLS SHALL MEET OR EXCEED ALL REQUIREMENTS OF THE IRC, IRC AND ALL STATE & LOCAL CODES FOR FENCES AND GUARDS.

116. ALL FENCE POSTS SHALL BE INSTALLED WITH THE "SLEEVE-IT" 1244R SYSTEM BY STRATA OR AN ARCHITECT APPROVED EQUAL.

117. THE SAFETY FENCING SHALL BE A BLACK 4.0 FEET HIGH ORNAMENTAL STEEL FENCE. MONTAGE PLUS THREE RAIL MAJESTIC STEEL FENCE BY AMERISTAR.

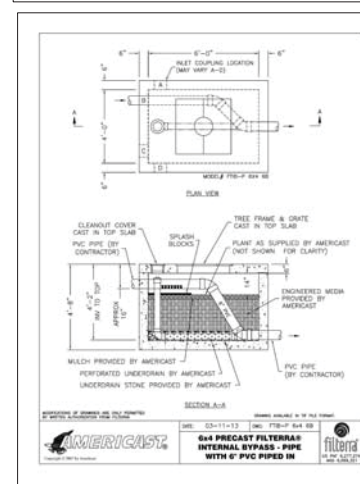
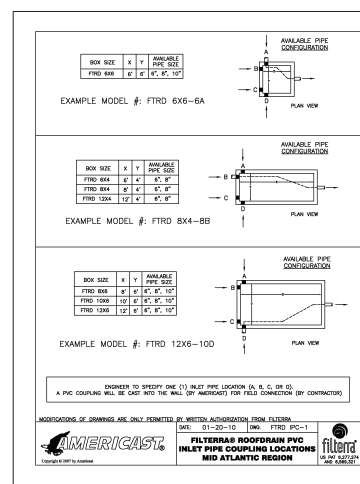
118. CONTRACTOR SHALL USE MONTAGE PLUS SWIVEL BRACKETS ON NON-LINEAR RUNS. ADJUST POST SPACING TO ENSURE THE SPACING BETWEEN POST AND ADJOINING PANELS MEETS APPLICABLE CODES. THIS WILL REQUIRE TRIMMING ONE OR BOTH ENDS OF THE PANEL PER THE MANUFACTURER'S RECOMMENDATIONS.



TOP OF COUPLING SHALL BE 4 INCHES ABOVE THE FINISHED GRADE OR SIDEWALK. CAST IRON FITTING-MEDIUM R-421A OR APPROVED EQUAL. PRIME AND PAINTED TO MATCH DOWNSPOUT.

DOWNSPOUT CONNECTION

NO SCALE



Filterra DETAILS

NO SCALE

DATE: June 26, 2019

REVISIONS:
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3
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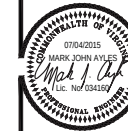
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NEW CONSTRUCTION FOR
WARDS ROAD WARETAIL
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NOTES AND DETAILS



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DATE: June 26, 2015

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NEW CONSTRUCTION FOR
WARD ROAD
WARD RETAIL
9304 Wards Road Lynchburg, Virginia 24023

DRAWN BY: ms
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NOTES AND
DETAILS



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MINIMUM STANDARDS MS-19

- PERMANENT OR TEMPORARY SOIL STABILIZATION SHALL BE APPLIED TO DENuded AREAS WITHIN SEVEN DAYS AFTER FINAL GRADE IS REACHED ON ANY PORTION OF THE SITE. TEMPORARY SOIL STABILIZATION SHALL BE APPLIED WITHIN SEVEN DAYS TO DENuded AREAS THAT HAVE NOT BEEN AT FINAL GRADE BUT WILL REMAIN DENuded FOR LONGER THAN 10 DAYS. PERMANENT STABILIZATION SHALL BE APPLIED TO AREAS THAT ARE TO BE LEFT DENuded FOR MORE THAN ONE YEAR. THE LOCATION OF TEMPORARY AND PERMANENT SEEDING/SEEDINGS IS SHOWN ON THE EROSION CONTROL PLAN SHEET AND SPECIFIED ON THE WITH EROSION CONTROL DETAILS WITHIN THE PLAN SET.
- DURING CONSTRUCTION OF THE PROJECT, SOIL STOCKPILES AND BORROW AREAS SHALL BE STABILIZED OR PROTECTED WITH SEDIMENT TRAPPING MEASURES. THE APPLICANT IS RESPONSIBLE FOR THE TEMPORARY PROTECTION AND PERMANENT STABILIZATION OF ALL SOIL STOCKPILES ON SITE AS WELL AS BORROW AREAS AND SOIL INTENTIONALLY TRANSPORTED FROM THE PROJECT SITE. THE ENTIRE DENuded AREA WILL BE COVERED IN FULL MATERIAL. OFFSITE BORROW AREAS HAVE NOT BEEN IDENTIFIED. THE CONTRACTOR SHALL CONTACT THE CITY OF LYNCHBURG DEPARTMENT OF COMMUNITY DEVELOPMENT FOR OFFSITE EROSION REQUIREMENTS AND PERMITTING.
- A PERMANENT VEGETATIVE COVER SHALL BE ESTABLISHED ON DENuded AREAS NOT OTHERWISE PERMANENTLY STABILIZED. PERMANENT VEGETATION SHALL NOT BE CONSIDERED ESTABLISHED UNTIL A BROAD COVER HAS BEEN ACHIEVED THAT IS UNIFORM, MATURE ENOUGH TO SURVIVE AND FULL INHIBIT EROSION. ALL DISTURBED AREAS, NOT PERMANENTLY STABILIZED, SHALL RECEIVE PERMANENT SEEDINGS / SEEDINGS AS SHOWN ON THE EROSION CONTROL PLAN SHEET.
- SEEDMENT BASINS AND TRAPS, FERMETTER DICES, SEDIMENT BARRIERS AND OTHER MEASURES INTENDED TO TRAP SEDIMENT SHALL BE CONSTRUCTED AS A FIRST STEP IN ANY LAND-DISTURBING ACTIVITY AND SHALL BE MADE FUNCTIONAL BEFORE UPOUSE AND LAND DISTURBANCE TAKES PLACE. THE CONTRACTOR IS INSTRUCTED TO INSTALL CERTAIN MEASURES AS THE FIRST STEP IN THE CONSTRUCTION PROCESS. INLET PROTECTION IS SHOWN ON THE EROSION CONTROL PLAN SHEET 1 EXPLAINED IN THE EIS NARRATIVE.
- STABILIZATION MEASURES SHALL BE APPLIED TO EARTHEN STRUCTURES SUCH AS DAMS, DIKES AND DIVERSIONS IMMEDIATELY AFTER INSTALLATION. ALL DENuded AREAS INCLUDING BUT NOT LIMITED TO EARTHEN STRUCTURES, ARE TO RECEIVE SEEDINGS. SEDIMENT TRAPS AND SEDIMENT BASINS SHALL BE DESIGNED AND CONSTRUCTED BASED UPON THE TOTAL DRAINAGE AREA TO BE SERVED BY THE TRAP OR BASIN. NOT APPLICABLE AS NO SEDIMENT TRAPS OR BASINS ARE REQUIRED OR PROVIDED.
- CUT AND FILL SLOPES SHALL BE DESIGNED AND CONSTRUCTED IN A MANNER THAT WILL MINIMIZE EROSION. SLOPES THAT ARE FOUND TO BE ERODING EXCESSIVELY WITHIN ONE YEAR OF PERMANENT STABILIZATION SHALL BE PROVIDED WITH ADDITIONAL SLOPE STABILIZATION MEASURES UNTIL THE PROBLEM IS CORRECTED. NOT CUT/FILL SLOPES ARE SPECIFIED AS 3:1 MINIMUM BUT A COUPLE OF SMALL AREAS ARE 2.5:1 OR 2:1 AND WILL RECEIVE PERMANENT SEEDINGS OR SOO IMMEDIATELY AFTER CONSTRUCTION OF THE TIER. IF THE EROSION IS ERODING AFTER PERMANENT STABILIZATION IS INSTALLED, CORRECTIVE SLOPE STABILIZATION MEASURES ARE REQUIRED.
- CONCENTRATED RUNOFF SHALL NOT FLOW DOWN CUT OR FILL SLOPES UNLESS CONTAINED WITHIN AN ADEQUATE TEMPORARY OR PERMANENT CHANNEL, FLUME, OR SLOPE DRAIN STRUCTURE. ALL CONCENTRATED FLOWS ARE CONTAINED IN DITCHES AND PIPES. IF CONCENTRATED RUNOFF CAUSES EROSION DOWN A CUT OR FILL SLOPE, THE CONCENTRATED FLOW IS TO BE CAPTURED AND CONTAINED IN A FLOW DITCH OR A DRAINAGE CHANNEL, AND THE SLOPE REPAIRED AND STABILIZED BY THE CONTRACTOR AT NO ADDITIONAL COST TO THE OWNER.
- UNDER EARTH PIPES FROM A FLOW DITCH OR A DRAINAGE CHANNEL, ADEQUATE DRAINAGE OR OTHER PROTECTION SHALL BE PROVIDED. NOT APPLICABLE AS NO UNDERGROUND WATER HAS BEEN ENCOUNTERED WITHIN THE EXISTING CATCHWAY.
- ALL STORM SEWER INLETS THAT HAVE BEEN OPERABLE DURING CONSTRUCTION SHALL BE PROTECTED SO THAT SEDIMENT-LADEN WATER CANNOT ENTER THE CONVEYANCE SYSTEM WITHOUT FIRST BEING FILTERED OR OTHERWISE TREATED TO REMOVE SEDIMENT. INLET PROTECTION AND OTHER MEASURES ARE SHOWN ON THE EROSION CONTROL PLAN SHEET.
- EXISTING NEWLY CONSTRUCTED STORMWATER CONVEYANCE CHANNELS OR PIPES ARE MADE OPERATIONAL. ADEQUATE OUTLET PROTECTION AND ANY REQUIRED TEMPORARY OR PERMANENT CHANNEL LININGS SHALL BE INSTALLED IN BOTH THE CONVEYANCE CHANNEL AND RECEIVING CHANNEL AS NO CHANNELS ARE REQUIRED.
- WHEN WORK IN A LIVE WATERCOURSE IS PERFORMED, PRECAUTIONS SHALL BE TAKEN TO MINIMIZE ENCROACHMENT. CONTROL SEDIMENT TRANSPORT AND STABILIZE THE WORK AREA TO THE GREATEST POSSIBLE DURING CONSTRUCTION. NONERODIBLE MATERIAL SHALL BE USED FOR THE CONSTRUCTION OF CALENDARS AND COFFERDAMS. EARTHEN FILL MAY BE USED FOR THESE STRUCTURES IF ANCHORED BY NONERODIBLE CORE MATERIALS. NOT APPLICABLE AS WORK IN A LIVE WATER COURSE IS NOT ANTICIPATED.
- WHEN A LIVE WATERCOURSE MUST BE CROSSED BY CONSTRUCTION VEHICLES MORE THAN TWICE IN ANY SIX-MONTH PERIOD, A TEMPORARY BRIDGING OR SYSTEM CROSSING CONSTRUCTION OF NONERODIBLE MATERIAL SHALL BE PROVIDED. NOT APPLICABLE AS WORK IN A LIVE WATER COURSE IS NOT ANTICIPATED.
- ALL APPLICABLE FEDERAL, STATE AND LOCAL REGULATIONS PERTAINING TO WORKING IN OR CROSSING LIVE WATERCOURSES SHALL BE MET. NOT APPLICABLE AS WORK IN A LIVE WATER COURSE IS NOT ANTICIPATED.
- BED AND BANKS OF A WATERCOURSE SHALL BE STABILIZED IMMEDIATELY AFTER WORK IN THE WATERCOURSE IS COMPLETED. NOT APPLICABLE.
- UNDERGROUND UTILITY LINES SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING STANDARDS IN ADDITION TO OTHER SET APPLICABLE CRITERIA. THE CONTRACTOR IS INSTRUCTED TO FOLLOW ALL MS-19 REQUIREMENTS AS NOTED IN THE PLAN SET.
 - NO MORE THAN 500 LINEAR FEET OF TRENCH MAY BE OPENED AT ONE TIME.
 - EXCAVATED MATERIAL SHALL BE PLACED ON THE UPRILL SIDE OF THE TRENCH.
 - EFFLUENT FROM DRAINAGING OPERATIONS SHALL BE FILTERED OR PASSED THROUGH AN APPROVED SEDIMENT TRAPPING DEVICE, OR BOTH, AND DISCHARGED IN A MANNER THAT DOES NOT ADVERSELY AFFECT FLOWING STREAMS OR OFF-SITE PROPERTY.
 - MATERIAL USED FOR BACKFILLS/TRENCHES SHALL BE PROPERLY COMPACTED IN ORDER TO MINIMIZE EROSION AND PROMOTE STABILIZATION.
 - REESTABLISHMENT SHALL BE ACCOMPLISHED IN ACCORDANCE WITH THESE REGULATIONS.
- APPLICABLE SAFETY REGULATIONS SHALL BE COMPLIED WITH.
- WHERE CONSTRUCTION VEHICLE ACCESS ROUTES INTERSECT PAVED OR PUBLIC ROADS, PROVISIONS SHALL BE MADE TO MINIMIZE THE TRANSPORT OF SEDIMENT INTO THE PAVED SURFACES WHERE SEDIMENT IS TRANSPORTED TO A SEDIMENT CONTROL, DISPOSED PAVED OR PUBLIC ROAD SURFACE. THE ROAD SURFACE SHALL BE CLEANED THOROUGHLY AT THE END OF EACH DAY. SEDIMENT SHALL BE REMOVED FROM THE ROADS BY SHOVELING OR SWEEPING AND TRANSPORTED TO A SEDIMENT CONTROL, DISPOSED AREA. STREET PAVING SHALL BE ALLOWED ONLY AFTER SEDIMENT IS REMOVED IN THIS MANNER. THIS PROVISION SHALL APPLY TO INDIVIDUAL DEVELOPMENT LOTS AS WELL AS TO LARGER LAND-DISTURBING ACTIVITIES. A CONSTRUCTION ENTRANCE SHALL BE SHOWN ON THE EROSION CONTROL PLAN SHEET. THE CONSTRUCTION ENTRANCE SHALL BE MAINTAINED AS FOR THE VESSEL AND KEPT IN PLACE UNTIL THE SITE IS STABILIZED AND ALL HALTING OPERATION CEASED.
- ALL TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES SHALL BE REMOVED WITHIN 30 DAYS AFTER FINAL SITE STABILIZATION OR AFTER THE TEMPORARY MEASURES ARE NO LONGER NEEDED, UNLESS OTHERWISE AUTHORIZED BY THE LOCAL PROGRAM AUTHORITY. TRAPPED SEDIMENT AND THE DISTURBED SOIL AREAS RESULTING FROM THE DISPOSITION OF TEMPORARY MEASURES SHALL BE PERMANENTLY STABILIZED TO PREVENT FURTHER EROSION AND SEDIMENTATION. THE CONTRACTOR IS INSTRUCTED TO REMOVE ALL ABOVE ITEMS AS NOTED ABOVE.
- PROPERTIES AND WATERWAYS DOWNSTREAM FROM DEVELOPMENT SITES SHALL BE PROTECTED FROM SEDIMENT DEPOSITION, EROSION AND DAMAGE DUE TO INCREASES IN VOLUME, VELOCITY AND PEAK FLOW RATE OF STORMWATER RUNOFF FOR THE STATED FREQUENCY STORM OF 24-HOUR DURATION IN ACCORDANCE WITH THE FOLLOWING STANDARDS AND CRITERIA.
 - CONCENTRATED STORMWATER RUNOFF LEAVING A DEVELOPMENT SITE SHALL BE DISCHARGED DIRECTLY INTO AN ADEQUATE NATURAL OR MAN-MADE RECEIVING CHANNEL, PIPE OR STORM SEWER SYSTEM. FOR THOSE SITES WHERE RUNOFF IS DISCHARGED INTO A PIPE OR PIPE SYSTEM, DOWNSTREAM STABILITY ANALYSES AT THE OUTFALL OF THE PIPE OR PIPE SYSTEM SHALL BE PERFORMED.
 - ADEQUACY OF ALL CHANNELS AND PIPES SHALL BE VERIFIED IN THE FOLLOWING MANNER:
 - THE APPLICANT SHALL DEMONSTRATE THAT THE TOTAL DRAINAGE AREA TO THE POINT OF ANALYSIS WITHIN THE CHANNEL IS ONE HUNDRED TIMES GREATER THAN THE CONTRIBUTING DRAINAGE AREA OF THE PROJECT IN QUESTION.
 - (8) NATURAL CHANNELS SHALL BE ANALYZED BY THE USE OF A TWO-YEAR STORM TO VERIFY THAT STORMWATER WILL NOT OVERTOP CHANNEL BANKS NOR CAUSE EROSION OF CHANNEL BED OR BANKS.
 - ALL PREVIOUSLY CONSTRUCTED MAN-MADE CHANNELS SHALL BE ANALYZED BY THE USE OF A TEN-YEAR STORM TO VERIFY THAT STORMWATER WILL NOT OVERTOP ITS BANKS AND BY THE USE OF A TWO-YEAR STORM TO DEMONSTRATE THAT STORMWATER WILL NOT CAUSE EROSION OF CHANNEL BED OR BANKS.
 - (6) PIPES AND STORM SEWER SYSTEMS SHALL BE ANALYZED BY THE USE OF A TEN-YEAR STORM TO VERIFY THAT STORMWATER WILL BE CONTAINED WITHIN THE PIPE OR SYSTEM.
 - IF EXISTING NATURAL RECEIVING CHANNELS OR PREVIOUSLY CONSTRUCTED MAN-MADE CHANNELS OR PIPES ARE NOT ADEQUATE, THE APPLICANT SHALL:
 - IMPROVE THE CHANNEL TO A CONDITION WHERE A TEN-YEAR STORM WILL NOT OVERTOP THE BANKS AND A TWO-YEAR STORM WILL NOT CAUSE EROSION OF THE CHANNEL BED OR BANKS; OR
 - IMPROVE THE PIPE OR PIPE SYSTEM TO A CONDITION WHERE THE TEN-YEAR STORM IS CONTAINED WITHIN THE APPURTENANCES; OR
 - DEVELOP A SITE DESIGN THAT WILL NOT CAUSE THE PRE-DEVELOPMENT PEAK RUNOFF RATE FROM A TWO-YEAR STORM TO INCREASE WHEN RUNOFF OUTFALLS INTO A NATURAL CHANNEL, OR WILL NOT CAUSE THE PRE-DEVELOPMENT PEAK RUNOFF RATE FROM A TEN-YEAR STORM TO INCREASE WHEN RUNOFF OUTFALLS INTO A MAN-MADE CHANNEL; OR
 - PROVIDE A COMBINATION OF CHANNEL IMPROVEMENTS, STORMWATER DETENTION OR OTHER MEASURES WHICH IS SATISFACTORY TO THE PLAN APPROVING AUTHORITY TO PREVENT DOWNSTREAM EROSION.
 - THE APPLICANT SHALL PROVIDE EVIDENCE OF PERMISSION TO MAKE THE IMPROVEMENTS.
 - (6) ALL HYDROLOGICAL ANALYSES SHALL BE BASED ON THE EXISTING WATERSHED CHARACTERISTICS AND THE ULTIMATE DEVELOPMENT OF THE SUBJECT PROJECT.
 - IF THE APPLICANT CHOOSES AN OPTION THAT INCLUDES STORMWATER DETENTION HE SHALL OBTAIN APPROVAL FROM THE LOCALITY OF A PLAN FOR MAINTENANCE OF THE DETENTION FACILITIES. THE PLAN SHALL SET FORTH THE MAINTENANCE REQUIREMENTS OF THE FACILITY AND THE PERSON RESPONSIBLE FOR PERFORMING THE MAINTENANCE.
 - OUTFALL FROM A DETENTION FACILITY SHALL BE DISCHARGED TO A RECEIVING CHANNEL, AND ENERGY DISSIPATORS SHALL BE PLACED AT THE OUTFALL OF ALL DETENTION FACILITIES AS NECESSARY TO PROVIDE A STABILIZED TRANSITION FROM THE FACILITY TO THE RECEIVING CHANNEL.
 - ALL ON-SITE CHANNELS MUST BE VERIFIED TO BE ADEQUATE.
 - (6) INCREASED VOLUMES OF SHEET FLOWS THAT MAY CAUSE EROSION OR SEDIMENTATION OF ADJACENT PROPERTY SHALL BE DIVERTED TO A STABLE OUTLET, ADEQUATE CHANNEL, PIPE OR PIPE SYSTEM, OR TO A DETENTION FACILITY.
 - (3) IN APPLYING THESE STORMWATER RUNOFF CRITERIA, INDIVIDUAL LOTS OR PARCELS IN A RESIDENTIAL, COMMERCIAL OR INDUSTRIAL USE CATEGORY SHALL NOT BE CONSIDERED TO BE A SINGLE DEVELOPMENT PROJECT. HYDROLOGICAL PARAMETERS THAT REFLECT THE ULTIMATE DEVELOPMENT CONDITION SHALL BE USED IN ALL ENGINEERING CALCULATIONS.
 - (4) ALL MEASURES USED TO PROTECT PROPERTIES AND WATERWAYS SHALL BE EMPLOYED IN A MANNER WHICH MINIMIZES IMPACTS ON THE PHYSICAL, CHEMICAL AND BIOLOGICAL INTEGRITY OF RIVERS, STREAMS AND OTHER NATURAL PARTS OF THE STATE.

THE SITE DRAINS TO AN ADEQUATE OUTFALL (48" CMP GULVERT UNDER WARD ROAD) AS DEMONSTRATED IN THE ATTACHED CALCULATIONS.

MS-19 STANDARDS
NOT TO SCALE

EROSION AND SEDIMENT CONTROL NARRATIVE

PROJECT DESCRIPTION

THE PURPOSE OF THIS PROJECT IS TO CONSTRUCT A MATTRESS RETAIL SALES STORE. THIS PROJECT REMOVES AN EXISTING CARPASH, PAVEMENT, ETC. AND ADDS THE NEW MATTRESS STORE. THE EXISTING SITE HAS APPROXIMATELY 0.35 ACRES OF IMPERVIOUS AREA AND THE NEW SITE WILL HAVE APPROXIMATELY 0.30 ACRES OF IMPERVIOUS AREA. THE EXISTING IMPERVIOUS AREA IS PAVED, WHEREAS THE NEW IMPERVIOUS AREA IS GRASS.

EARTHWORK OPERATIONS INCLUDE THE REMOVAL OF THE EXISTING ASPHALT, CONCRETE, AND EXISTING VEGETATION AND MAY REQUIRE THE IMPORTING ADDITIONAL STRUCTURAL FILL. THE AMOUNT OF SURPLUS/BORROW SOIL IS DIRECTLY DEPENDANT ON THE SOIL BENEATH THE SURFACE AND THEIR CHARACTERISTICS. APPROXIMATELY 0.40 ACRES WILL BE DISTURBED AS A RESULT OF CONSTRUCTION. THE POST-DEVELOPMENT STORMWATER DISCHARGE RATE WILL BE DECREASED BY VIRTUE OF THE PROPOSED CONDITION HAVING LESS IMPERVIOUS AREA THAN THE EXISTING CONDITION. IT IS ANTICIPATED THAT THE SITE CONSTRUCTION WILL TAKE 6 TO 4 MONTHS, DEPENDENT ON THE WEATHER.

EXISTING SITE CONDITIONS

WITHIN THE PROJECT AREA THE MAJORITY OF THE EXISTING GROUND IS COVERED BY IMPERVIOUS SURFACES CONSISTING OF ASPHALT AND CONCRETE. THE REAR OF THE SITE IS VERY STEEP AND COVERED IN A NARROW STRIP OF SMALL TREES AND UNDERGROWTH AS IT RISES TO A SET OF RAILROAD TRACKS. THE EXISTING SITE HAS APPROXIMATELY 0.35 ACRES OF IMPERVIOUS AREA. THE ENTIRE PARCEL, DRAINS INTO A GROUTED RIMP-PAV CHANNEL ON THE NORTH SIDE OF THE SITE AND THE CHANNEL DISCHARGES TO BURTON CREEK THROUGH AN EXISTING 48" GULVERT. THE GULVERT'S ENTRANCE IS CONSIDERED THE SITES POINT OF ANALYSIS FOR OUTFALL PERFORMANCE. THE SITE LIES WITHIN A DEMA DESIGNATED FLOODPLAIN. THE DRAINAGE AREA MAP ON SHEET SP-11 IDENTIFIES AND ANNOTATES THE POST-DEVELOPMENT ONSITE DRAINAGE AREAS WHILE THE MAPS ON SP-11 SHOW THE OVERALL AREA CONTRIBUTING TO THE EXISTING 48" GULVERT. THE SITE DOES NOT CURRENTLY HAVE EROSION ISSUES.

ADJACENT PROPERTY

THE PROJECT SITE IS BORDERED BY A NEW CARPASH TO THE NORTH, A SET OF RAILROAD TRACKS TO THE EAST, A STRIP MALL TO THE SOUTH AND FARMS ROAD TO THE WEST. THERE IS NO POTENTIAL FOR OFF SITE DAMAGE OR SENSITIVE AREAS ON-SITE. THE PROPOSED EIS PLANS PROTECT THE SURROUNDING AREAS, INCLUDING THE ROADWAYS. REFER TO THE EIS SHEET FOR DETAILS.

OFF-SITE AREAS

IF NEEDED, OFF-SITE AREAS WILL BE DISTURBED TO PROVIDE STRUCTURAL FILL FOR THE SITE. AN EROSION AND SEDIMENT PLAN SHALL BE REQUIRED FOR ALL OFF-SITE BORROW AREAS. THIS PLAN SHALL BE SUBMITTED TO THE CITY OF LYNCHBURG FOR REVIEW AND APPROVAL. IF THE SITE IS OUTSIDE OF THE CITY LIMITS, A COPY OF THE PERMIT FOR THE BORROW AREA MUST BE SUBMITTED TO THE CITY OF LYNCHBURG. AN OFF-SITE AREA FOR FILL MAY BE REQUIRED, BUT HAS NOT BEEN CONFIRMED.

SOILS

IT IS ANTICIPATED THAT ALL SOILS ENCOUNTERED WOULD BE CONSIDERED GIES (GULLEN LOAM, 19 TO 35 PERCENT SLOPES, ERODED) AS INDICATED IN THE USDA SOIL MAPS FOR CAMPBELL COUNTY AND THE CITY OF LYNCHBURG. A MAP IS INCLUDED IN THE CALCULATION PACKET. THE CONTRACTOR IS DIRECTED TO RETAIN THE EXISTING TOPSOIL, TEST AND AMEND AS REQUIRED PRIOR TO SPREADING.

CRITICAL EROSION AREAS

THE EXISTING SLOPE AT THE REAR OF THE SITE IS 2:1. THE STEEPEST PROPOSED SLOPE ON-SITE IS 2.5:1. THEREFORE, THERE ARE NO CRITICAL EROSION CONTROL AREAS ASSOCIATED WITH THIS PROJECT. ALL AREAS WILL BE PROTECTED AS NEEDED TO ENSURE NO SEDIMENT IS TRANSPORTED OFF SITE.

EROSION AND SEDIMENT CONTROL MEASURES

UNLESS OTHERWISE STATED, ALL VEGETATIVE AND STRUCTURAL EROSION AND SEDIMENT CONTROL PRACTICES WILL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH THE MINIMUM STANDARDS AND SPECIFICATIONS OF THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK, (1992 EDITION). IF DURING CONSTRUCTION, ADDITIONAL EROSION CONTROL DEVICES ARE DEEMED NECESSARY, THEY WILL BE INSTALLED AS DIRECTED BY THE SITE DESIGNER OR CITY OF LYNCHBURG PERSONNEL, AT NO ADDITIONAL COST TO THE OWNER.

PERMANENT STABILIZATION

ALL DENuded AREAS WILL RECEIVE STRUCTURES, ASPHALT, CONCRETE, OR VEGETATION. THE PLANS SPECIFY THE TYPE OF PERMANENT SEEDINGS AS WELL AS THE TYPE OF MULCH AND TREES/SHRUBS. THE GENERAL NOTES DIRECT THE CONTRACTOR REGARDING TOPSOIL, SEED AND SOO REQUIREMENTS AS WELL AS THE NECESSARY TESTS.

STORMWATER RUNOFF CONSIDERATIONS

THIS PROJECT WILL ACTUALLY DECREASE THE PEAK RUNOFF RATE AND VOLUME. ADDITIONALLY, THE SITE OUTFALLS INTO AN EXISTING 48" GULVERT UNDER FARMS ROAD WHICH IS ADEQUATE ACCORDING TO THE INCLUDED CALCULATIONS. A FILTERED BORESTATION FILTER SYSTEM IS REQUIRED FOR WATER QUALITY. IT WILL INTERCEPT FLOW FROM THE STRUCTURE'S ROOF. THE FILTERED BMP SHALL BE MAINTAINED BY THE OWNER AS REQUIRED BY THE BMP MAINTENANCE AGREEMENT.

MAINTENANCE REQUIREMENTS

- CONSTRUCTION SHOULD BE SEQUENCED SO THAT GRADING OPERATIONS CAN BEGIN AND END AS QUICKLY AS POSSIBLE
- EROSION AND SEDIMENT CONTROL DEVICES WILL BE INSTALLED AS A FIRST STEP OF CONSTRUCTION
- THE GRADING CONTRACTOR SHALL BE RESPONSIBLE FOR THE INSTALLATION AND MAINTENANCE OF ALL EROSION AND SEDIMENT CONTROL MEASURES. INSPECTIONS ARE TO BE MADE PERIODICALLY AND AFTER EVERY ERODIBLE RAINFALL.
- THE GRADING INSPECTION PERSONNEL WILL MAKE REPAIRS TO DAMAGED OR DEFICIENT CONTROL MEASURES IMMEDIATELY UPON DISCOVERY OF DAMAGE OR UPON NOTIFICATION OF THE DEFICIENCY.

REMOVAL OF CONTROL MEASURES

ALL TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES MUST BE REMOVED WITHIN THIRTY DAYS AFTER FINAL SITE STABILIZATION OR AFTER THE TEMPORARY MEASURES ARE NO LONGER NEEDED, UNLESS OTHERWISE DIRECTED BY THE LOCAL PROGRAM ADMINISTRATOR.

DRAINAGE CONSIDERATIONS

THE SITE HAS A SINGLE OUTFALL WHICH IS THE EXISTING 48" GULVERT UNDER FARMS ROAD DISCHARGING INTO BURTON CREEK. THIS POINT OF ANALYSIS INTERCEPTS THE ENTIRE SITE, PLUS A CONSIDERABLE OFFSITE AREA, FOR A TOTAL OF APPROXIMATELY 241 ACRES AS SHOWN IN THE INCLUDED DRAINAGE SHED MAPS.

EIS NARRATIVE
NOT TO SCALE

REVISIONS:

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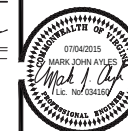
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NEW CONSTRUCTION FOR
**WARDS ROAD
RETAIL**
5504 Wards Road Lynchburg, Virginia 24502

DRAWN BY: mjs
CHECKED BY: mjs

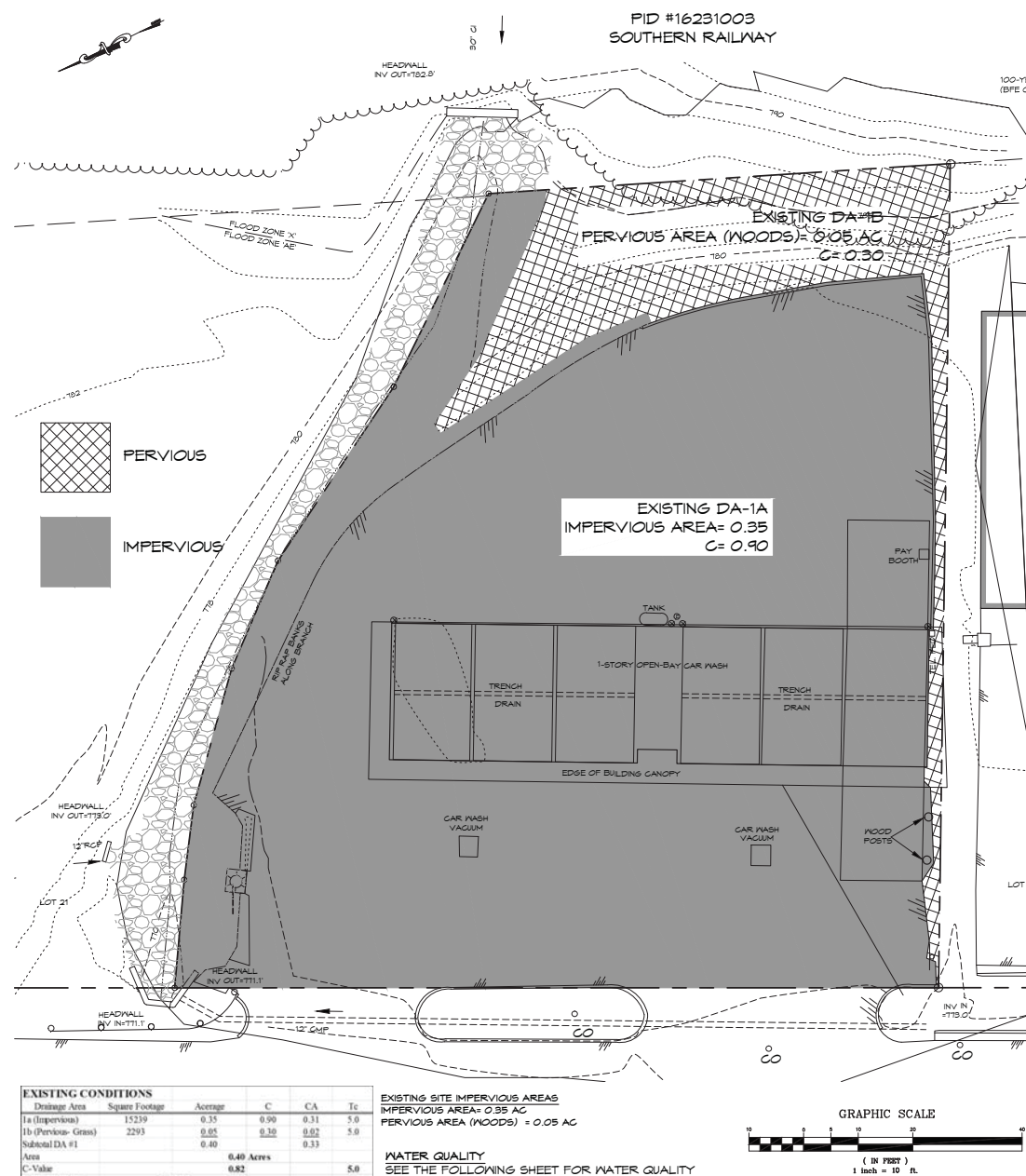
2 EXISTING
ONSITE
DRAINAGE
DIVIDES



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15031

SHEET
SP-11

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EXISTING CONDITIONS					
Drainage Area	Square Footage	Average	C	CA	Tc
1a (Impervious)	15239	0.35	0.90	0.31	5.0
1b (Pervious- Grass)	2293	0.05	0.30	0.02	5.0
Subtotal DA #1		0.40		0.33	
Area			0.40 Acres		
C-Value			0.82		5.0
ii0 for given Tc=	5.67 in/hr				
Q10= CIA=	1.87 CFS				

EXISTING SITE IMPERVIOUS AREAS
 IMPERVIOUS AREA= 0.35 AC
 PERVIOUS AREA (WOODS) = 0.05 AC

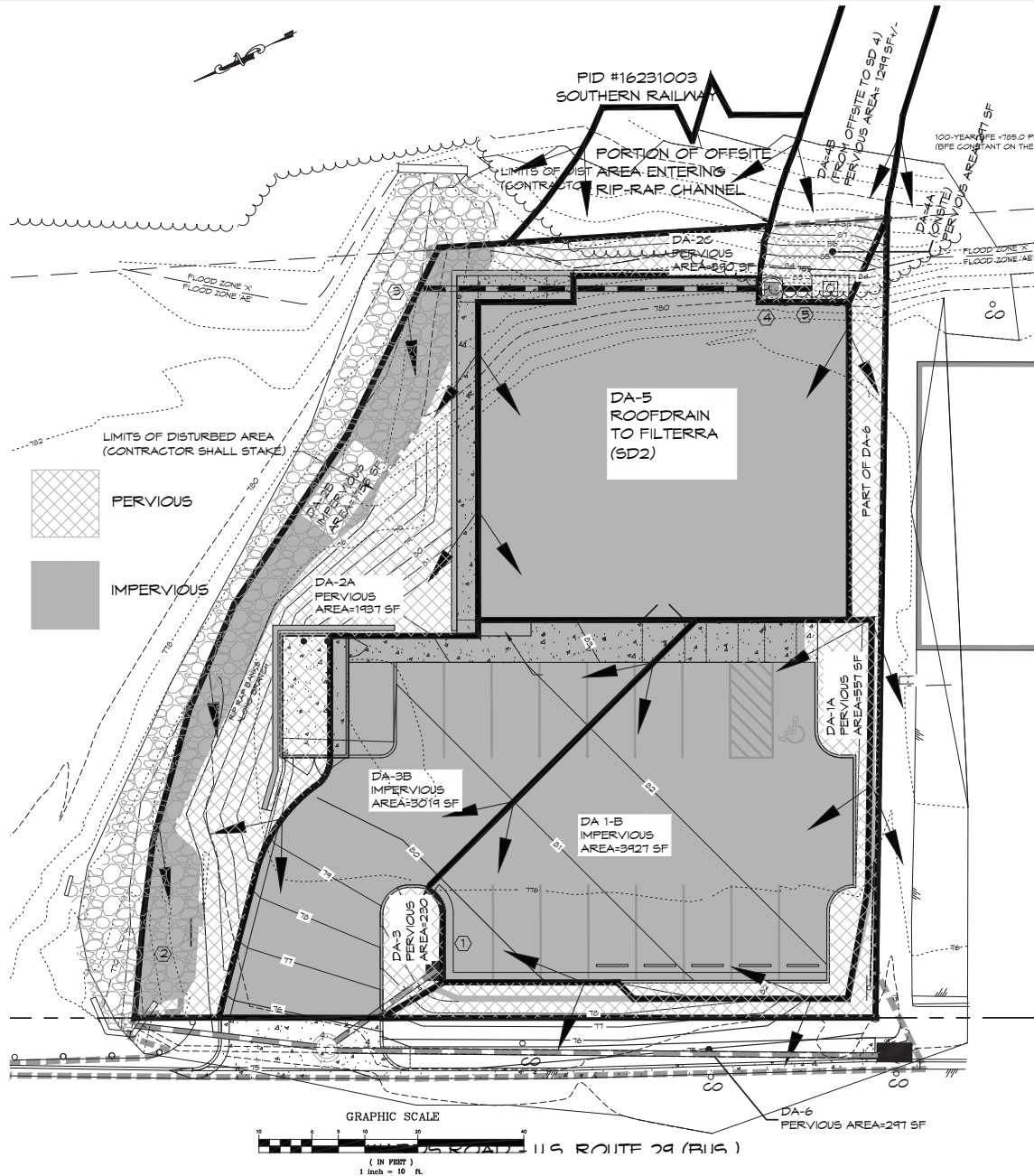
WATER QUALITY
SEE THE FOLLOWING SHEET FOR WATER QUALITY
CALCULATION SHEETS AND SUMMARY.

PROPOSED CONDITIONS					
Drainage Area	Square Footage	Average	C	CA	Tc
1a	557	0.01	0.30	0.00	5.0
1b	3927	0.09	0.90	0.08	5.0
Subtotal DA #1					
Area		0.10 Acres			
C-Value		0.83			
2a	1937	0.04	0.3	0.01	5.0
2b	1755	0.04	0.9	0.04	5.0
2c	390	0.01	0.3	0.00	
Subtotal DA #2					
Area		0.09 Acres			
C-Value		0.53			
3a	230	0.01	0.30	0.00	5.0
3b	3019	0.07	0.9	0.06	5.0
Subtotal DA #1					
Area		0.07 Acres			
C-Value		0.86			
4a	297	0.01	0.30		
C-Value					
5	4373	0.10 Acres			
C-Value		0.90			
6	1045	0.02 Acres			
C-Value		0.30			
Totals:					
Pervious Area (Grass), C= 0.30		0.10 Acres			
Impervious Area (Pavement), C= 0.90		0.30 Acres			
Total Area=		0.40 Acres (check)			
C-Value (Average)=		0.75			
Q10 for given Tc=	5.67 in/hr				
Q10= C/A=	1.71 CFS				

Design Flow Summary			
ID	Analysis Point (40' Culvert under Wards Road)		
Pre Development	Design Event Frequency 2 years	Design Event Frequency 10 years	
Rainfall Intensity	4.99 in/hr	5.61 in/hr	
Time of Concentration	5	5	
C-Value	0.82	0.82	
Drainage Area (Acres)	0.4	0.4	
Design Flow (cfs)	1.64	1.84	
Post Development	Design Event Frequency 2 years	Design Event Frequency 10 years	
Rainfall Intensity	4.99 in/hr	5.61 in/hr	
Time of Concentration	5	5	
C-Value	0.75	0.75	
Drainage Area (Acres)	0.4	0.4	
Design Flow (cfs)	1.50	1.65	

PROPOSED SITE IMPERVIOUS AREAS
 IMPERVIOUS AREA= 0.30 AC
 PERVIOUS AREA (GRASS) = 0.10 AC
 PERVIOUS AREA (WOODS) = 0.00 AC

WATER QUALITY
 SEE THE FOLLOWING SHEET FOR
 WATER QUALITY CALCULATION SHEETS
 AND SUMMARY.



DATE: June 26, 2015	
REVISIONS	
1	
2	
3	
4	
5	

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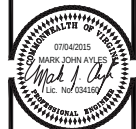
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NEW CONSTRUCTION FOR
WARDS ROAD RETAIL
 8908 Wards Road Lynchburg, Virginia 24002

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 CHECKED BY: [Signature]

PROPOSED
 ONSITE
 DRAINAGE
 DIVIDES



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Post Development Treatment Volume (cf)	34
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	Impervious areas draining to device	(% runoff volume reduction)	0.00	0.00	0.00	0	345	100	0.00	0.27	0.11	0.11
Filices - Roof drain	Roof areas draining to device	(% runoff volume reduction)	0.00	0.00	0.00	0	0	0	0.00	0.00	0.00	0.00
	TOTAL IMPERVIOUS COVER TREATED (ac)		0.10									
	TOTAL TURF AREA TREATED (ac)		0.00									
	AREA CHECK OK.											
	PHOSPHORUS REMOVAL BY PRACTICES THAT DO NOT REDUCE RUNOFF VOLUME IN D.A. A											
	TOTAL PHOSPHORUS REMOVAL IN D.A. A (lb/yr)											
	SEE WATER QUALITY COMPLIANCE TAB FOR SITE COMPLIANCE CALCULATIONS											
	NITROGEN REMOVAL BY PRACTICES THAT DO NOT REDUCE RUNOFF VOLUME IN D.A. A											

	D.A.A	D.A.B	D.A.C	D.A.D	D.A.E	AREA CHECK
IMPERVIOUS COVER	0.10	0.08	0.08	0.00	0.00	OK
IMPERVIOUS COVER TREATED	0.10	0.08	0.08	0.00	0.00	OK
TURF AREA	0.00	0.00	0.00	0.00	0.00	OK
TURF AREA TREATED	0.00	0.00	0.00	0.00	0.00	OK
	Fail	Fail	Fail	Fail	Fail	

TOTAL PHOSPHOROUS LOAD REDUCTION REQUIRED (LB/YR)	0.81
RUNOFF REDUCTION (PT)	0
PHOSPHOROUS LOAD REDUCTION ACHIEVED (LB/YR)	0.51
ADJUSTED POST-DEVELOPMENT PHOSPHOROUS LOAD (TP) (LB/YR)	0.30
REMAINING PHOSPHOROUS LOAD REDUCTION (LB/YR) NEEDED: CONGRATULATIONS! YOU EXCEEDED THE TARGET REDUCTION BY 1.1 LB/YR	

BIOMASS REDUCTION (t)	0
NITROGEN LOAD REDUCTION ACHIEVED (kg/d)	0.00
ADJUSTED POST DEVELOPMENT NITROGEN LOAD (TPY 2600)	0.00

THE EXISTING SITE IS 0.40 ACRES WITH THE FOLLOWING CHARACTERISTICS:
IMPERVIOUS AREA= 0.35 ACRES
PERVIOUS AREA (TREES)= 0.05 ACRES

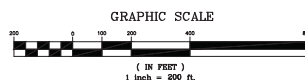
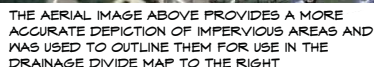
THE PROPOSED SITE IS 0.40 ACRES WITH THE FOLLOWING CHARACTERISTICS
IMPERVIOUS AREA= 0.30 ACRES
PERVIOUS AREA (TREES)= 0.10 GRASS

SINCE THIS SITE IS CLASSIFIED AS REDEVELOPMENT, THAT SPREADSHEET WAS USED TO DETERMINE THE WATER QUALITY REQUIREMENTS.

BASED UPON THE SPREADSHEET CALCULATIONS, THE SITE WILL BE REQUIRED TO REMOVE 0.01 LB OF PHOSPHOROUS PER YEAR. THIS IS ACCOMPLISHED BY USING A ROOFDRAIN FILTERRA UNIT PLACED AT THE SOUTHWEST CORNER OF THE BUILDING.



SOIL DATA



RATIONAL METHOD-TIME OF CONCENTRATION AND PEAK DISCHARGE

AREA = 34.10 ACRES

STORMS: N 2 Year
 N 5 Year
 N 10 Year
 N 25 Year
 N 50 Year
 N 100 Year

PRI N POST DEVELOPMENT

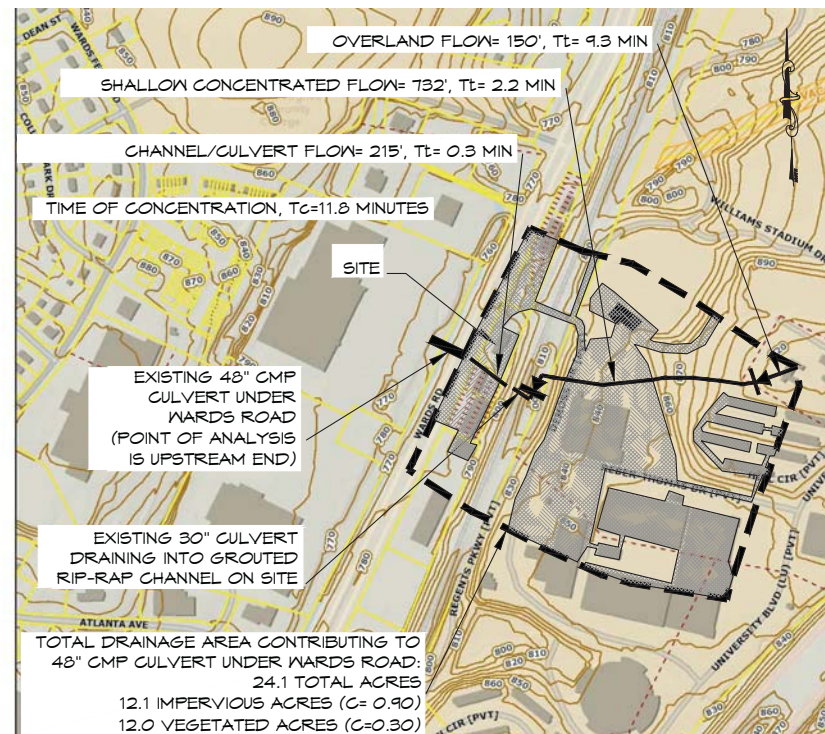
STRUCTURE LOCATION: N 50 Year

STA OFFSET B LT RT 100 Year

RUNOFF COEFFICIENT:

C FACTOR	DESCRIPTION	AREA	C'S A
C = 0.30	Paved	17.08 AC	10.890
C = 0.45	Sleep Grass (Cut Fall)	0.00 AC	0.000
C = 0.35	Grass (Good)	17.00 AC	4.200
C =		0.00 AC	0.000
	TOTAL:	34.08 AC	15.090

OVERLAND FLOW:					
MAX LENGTH OF TRAVEL		% SLOPE	C FACTOR	Ts	
END	FT	10%	0.35	0.3 MIN	
0	FT			0.00000 MIN	
0	FT			0.00000 MIN	
0	FT			0.00000 MIN	
TIME OF CONCENTRATION =		0.3 MIN.			
SHALLOW CONCENTRATION FLOW:					
MAX LENGTH OF TRAVEL		% SLOPE	PAVED	VELOCITY	Ts
0.55	FT	17%		8.302 FT/S	0.9 MIN
207	FT	2%	yes	4.604 FT/S	0.8 MIN
80	FT	2%		3.627 FT/S	0.8 MIN
0	FT			0 FT/S	0.00000 MIN
TIME OF CONCENTRATION =		2.2 MIN.			
CHANNEL FLOW:					
REQUEST OF MOST REMOTE PT		MAX LENGTH OF TRAVEL	PAVED	Ts	
0.0	FT	0 FT	yes	0.3 MIN	
0.0	FT	0 FT		0.00000 MIN	
0.0	FT	0 FT		0.00000 MIN	
0.0	FT	0 FT		0.00000 MIN	
TIME OF CONCENTRATION =		0.3 MIN.			
Ts = SUM(TIME OF CONCENTRATION) =					11.7 MIN
PEAK DISCHARGE:		% ADJUST FOR GROUND SATURATION			
RAINFALL INTENSITY					
102.2 y+1	3.53 IN/H	0.02 y+1	48.08	CFPS	
103.2 y+1	3.37 IN/H	0.03 y+1	50.01	CFPS	
104.2 y+1	3.22 IN/H	0.04 y+1	52.04	CFPS	
105.2 y+1	4.93 IN/H	0.05 y+1	108.14	CFPS	
106.2 y+1	5.34 IN/H	0.06 y+1	96.06	CFPS	
1100.2 y+1	5.75 IN/H	0.00 y+1	10.14	CFPS	

[illegible]

THE RETAIL STORE SITE IS DRAINED BY AN EXISTING 48" CMP CULVERT UNDER WARDS ROAD. THIS CULVERT INTERCEPTS ALL FLOW FROM THE EXISTING AND PROPOSED SITE, PLUS A SIGNIFICANT OFFSITE AREA AS SHOWN HEREON. THE TOTAL SITE AREA DRAINING TO THE CULVERT IS APPROXIMATELY 24.1 ACRES.

THERE IS AN EXISTING 30" CULVERT UPSTREAM OF THE SITE WHICH DRAINS INTO AN EXISTING ONSITE GROUTED RIP-RAP CHANNEL. THIS CHANNEL ENDS AT THE ENTRANCE TO THE 48" CULVERT UNDER WARDS ROAD.

THE HYDROLOGIC ANALYSIS WAS DIVIDED INTO AREAS OF OVERLAND (SHEET) FLOW, SHALLOW CONCENTRATED FLOW, AND CHANNEL/CULVERT FLOW. EACH OF THESE HAD ITS RESPECTIVE TRAVEL TIME CALCULATED USING THE SPREADSHEET AT THE FAR LEFT. THESE WERE THEN SUMMED TO DETERMINE THE DRAINAGE SHED'S TIME OF CONCENTRATION (T_c) WHICH WAS CALCULATED TO BE 11.8 MINUTES.

THE DRAINAGE AREA WAS ALSO EXAMINED TO DETERMINE ITS PERVIOUS/IMPERVIOUS AREAS.

THE TIME OF CONCENTRATION AND ASSOCIATED DRAINAGE AREAS WITH PERVIOUS/IMPERVIOUS AREAS WERE THEN USED BY THE SPREADSHEET TO CALCULATE THE FLOWS FOR EACH RETURN PERIOD OF INTEREST. SINCE THIS IS AN ADEQUATE OUTFALL ANALYSIS INTO A CULVERT, ONLY THE Q10 FLOWS WERE USED.

THE Q10 VALUE OF 64.46 CFS WAS THEN ENTERED INTO THE CULVERT CALCULATION SPREADSHEET AT THE LEFT. IT DETERMINED THAT THE HW/D RATIO IS 0.9 AND THE HEADWATER DEPTH IS ONLY 3.59'. SINCE 3.59' IS LESS THAN THE CULVERT'S 4' DIAMETER, THE CULVERT IS ADEQUATE.

DATE: June 26, 2015

REVISIONS

Δ	_____
Δ	_____
Δ	_____
Δ	_____
Δ	_____

HUGHES
ASSOCIATES
ARCHITECTS
& ENGINEERS
Architecture • Engineering • Consulting

656 ELM AVENUE, S.W.
P.O. BOX 1034
ROANOKE, VIRGINIA 24005-1034

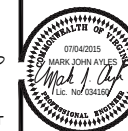
TEL (540) 342-4002
FAX (540) 342-2060
www.HughesArchitects.com

NEW CONSTRUCTION FOR
**WARDS ROAD
RETAIL**
15504 Wards Road Lynchburg, Virginia 24502

DRAWN BY: mjs

CHECKED BY: mjs

OFFSITE DRAINAGE DIVIDES



COMMISSION No
15031

SHEET
SP-14

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HUGHES ASSOCIATES
ARCHITECTS & ENGINEERS
A PROFESSIONAL CORPORATION

DEPARTMENT OF HOMELAND SECURITY - FEDERAL EMERGENCY MANAGEMENT AGENCY
PROPERTY INFORMATION FORM

O.M.B. NO. 1660-0015
Expires February 28, 2014

PAPERWORK BURDEN DISCLOSURE NOTICE

Public reporting burden for this data collection is estimated to average 1.63 hours per response. The burden estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the needed data, and completing and submitting the form. This collection is required to obtain or retain benefits. You are not required to respond to this collection of information unless a valid OMB control number is displayed on this form. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing this burden to: Information Collections Management, Department of Homeland Security, Federal Emergency Management Agency, 1800 South Bell Street, Arlington, VA 20598-3005, Paperwork Reduction Project (1660-0015). **NOTE: Do not send your completed form to this address.**

This form may be completed by the property owner, property owner's agent, licensed land surveyor, or registered professional engineer to support a request for a Letter of Map Amendment (LOMA), Conditional Letter of Map Amendment (CLOMA), Letter of Map Revision Based on Fill (LOMR-F), or Conditional Letter of Map Revision Based on Fill (CLOMR-F) for existing or proposed, single or multiple lots/structures. In order to process your request, all information on this form must be completed **in its entirety**, unless stated as optional. **Incomplete submissions will result in processing delays.** Please check the item below that describes your request:

☐ LOMA	A letter from DHS-FEMA stating that an existing structure or parcel of land that has not been elevated by fill (natural grade) would not be inundated by the base flood.
☐ CLOMA	A letter from DHS-FEMA stating that a proposed structure that is not to be elevated by fill (natural grade) would not be inundated by the base flood if built as proposed.
☐ LOMR-F	A letter from DHS-FEMA stating that an existing structure or parcel of land that has been elevated by fill would not be inundated by the base flood.
☒ CLOMR-F	A letter from DHS-FEMA stating that a parcel of land or proposed structure that will be elevated by fill would not be inundated by the base flood if fill is placed on the parcel as proposed or the structure is built as proposed.

Fill is defined as material from any source (including the subject property) placed that raises the ground to or above the Base Flood Elevation (BFE). The common construction practice of removing unsuitable existing material (topsoil) and backfilling with select structural material is not considered the placement of fill if the practice does not alter the existing (natural grade) elevation, which is at or above the BFE. **Fill that is placed before the date of the first National Flood Insurance Program (NFIP) map showing the area in a Special Flood Hazard Area (SFHA) is considered natural grade.**

Has fill been placed on your property to raise ground that was previously below the BFE?

☐ Yes ☐ No

If yes, when was fill placed?

/
month/year

Will fill be placed on your property to raise ground that is below the BFE?

☒ Yes* ☐ No

If yes, when will fill be placed?

06/01/2015
month/year

* If yes, Endangered Species Act (ESA) compliance must be documented to FEMA prior to issuance of the CLOMR-F determination (please refer page 4 to the MT-1 instructions).

1. Street Address of the Property (if request is for multiple structures or units, please attach additional sheet referencing each address and enter street names below):

3809 Wards Road Lynchburg, VA 24502

2. Legal description of Property (Lot, Block, Subdivision or abbreviated description from the Deed):

Montview Farm

3. Are you requesting that a flood zone determination be completed for (check one):

- ☐ Structures on the property? What are the dates of construction? _____ (MM/YYYY)
- ☒ A portion of land within the bounds of the property? (A certified metes and bounds description and map of the area to be removed, certified by a licensed land surveyor or registered professional engineer, are **required**. For the preferred format of metes and bounds descriptions, please refer to the MT-1 Form 1 Instructions.)
- ☐ The entire legally recorded property?

4. Is this request for a (check one):

- ☐ Single structure
- ☒ Single lot
- ☐ Multiple structures (How many structures are involved in your request? List the number: _____)
- ☐ Multiple lots (How many lots are involved in your request? List the number: _____)

In addition to this form (MT-1 Form 1), please complete the checklist below. **ALL** requests must include one copy of the following:

- ☒ Copy of the effective FIRM panel on which the structure and/or property location has been accurately plotted (property inadvertently located in the NFIP regulatory floodway will require Section B of MT-1 Form 3)
- ☐ Copy of the Subdivision Plat Map for the property **(with recordation data and stamp of the Recorder's Office)**
OR
- ☒ Copy of the Property Deed **(with recordation data and stamp of the Recorder's Office)**, **accompanied by** a tax assessor's map or other certified map showing the surveyed location of the property relative to local streets and watercourses. The map should include at least one street intersection that is shown on the FIRM panel.
- ☒ Form 2 – Elevation Form. If the request is to remove the structure, and an Elevation Certificate has already been completed for this property, it may be submitted in lieu of Form 2. If the request is to remove the entire legally recorded property, or a portion thereof, the lowest lot elevation must be provided on Form 2.
- ☒ Please include a map scale and North arrow on all maps submitted.

For LOMR-Fs and CLOMR-Fs, the following must be submitted in addition to the items listed above:

- ☒ Form 3 – Community Acknowledgment Form

For CLOMR-Fs, the following must be submitted in addition to the items listed above:

- ☒ Documented ESA compliance, which may include a copy of an Incidental Take Permit, an Incidental Take Statement, a "not likely to adversely affect" determination from the National Marine Fisheries Service (NMFS) or the U.S. Fish and Wildlife Service (USFWS), or an official letter from NMFS or USFWS concurring that the project has "No Effect" on proposed or listed species or designated critical habitat. Please refer to the MT-1 instructions for additional information.

Please do *not* submit original documents. Please retain a copy of all submitted documents for your records.

DHS-FEMA encourages the submission of all required data in a digital format (e.g. scanned documents and images on Compact Disc [CD]). Digital submissions help to further DHS-FEMA's Digital Vision and also may facilitate the processing of your request.

Incomplete submissions will result in processing delays. For additional information regarding this form, including where to obtain the supporting documents listed above, please refer to the MT-1 Form Instructions located at http://www.fema.gov/plan/prevent/fhm/dl_mt-1.shtm.

Processing Fee (see instructions for appropriate mailing address; or visit http://www.fema.gov/fhm/frm_fees.shtm for the most current fee schedule)

Revised fee schedules are published periodically, but no more than once annually, as noted in the **Federal Register**. Please note: single/multiple lot(s)/structure(s) LOMAs are fee exempt. The current review and processing fees are listed below:

Check the fee that applies to your request:

- ☐ \$325 (single lot/structure LOMR-F following a CLOMR-F)
- ☐ \$425 (single lot/structure LOMR-F)
- ☒ \$500 (single lot/structure CLOMA or CLOMR-F)
- ☐ \$700 (multiple lot/structure LOMR-F following a CLOMR-F, or multiple lot/structure CLOMA)
- ☐ \$800 (multiple lot/structure LOMR-F or CLOMR-F)

Please submit the Payment Information Form for remittance of applicable fees. Please make your check or money order payable to:

National Flood Insurance Program.

All documents submitted in support of this request are correct to the best of my knowledge. I understand that any false statement may be punishable by fine or imprisonment under Title 18 of the United States Code, Section 1001.

Applicant's Name (required): **Becky Wright**

Company (if applicable): **Crossland Barnes Group**

Mailing Address (required): **1332 Main Street, Suite 30
Columbia, SC 29201**

Daytime Telephone No. (required): **828-231-8506**

E-Mail Address (optional): ☐ By checking here you may receive correspondence electronically at the email address provided:

Fax No. (optional):

Date (required)

Signature of Applicant (required)

DEPARTMENT OF HOMELAND SECURITY - FEDERAL EMERGENCY MANAGEMENT AGENCY
ELEVATION FORM

O.M.B. NO. 1660-0015
Expires February 28, 2014

PAPERWORK BURDEN DISCLOSURE NOTICE

Public reporting burden for this data collection is estimated to average 1.25 hours per response. The burden estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the needed data, and completing and submitting the form. This collection is required to obtain or retain benefits. You are not required to respond to this collection of information unless a valid OMB control number is displayed on this form. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing this burden to: Information Collections Management, Department of Homeland Security, Federal Emergency Management Agency, 1800 South Bell Street, Arlington, VA 20598-3005, Paperwork Reduction Project (1660-0015). **NOTE: Do not send your completed form to this address.**

This form must be completed for requests and must be completed and signed by a registered professional engineer or licensed land surveyor. **A DHS - FEMA National Flood Insurance Program (NFIP) Elevation Certificate may be submitted in lieu of this form for single structure requests.**

For requests to remove a structure on natural grade OR on engineered fill from the Special Flood Hazard Area (SFHA), submit the lowest adjacent grade (the lowest ground touching the structure), **including an attached deck or garage**. For requests to remove an entire parcel of land from the SFHA, provide the lowest lot elevation; or, if the request involves an area described by metes and bounds, provide the lowest elevation within the metes and bounds description. All measurements are to be rounded to nearest tenth of a foot. In order to process your request, all information on this form must be completed **in its entirety**. **Incomplete submissions will result in processing delays.**

- NFIP Community Number: 510093 Property Name or Address: 3809 Wards Road Lynchburg, VA 24502
- Are the elevations listed below based on ☐ **existing** or ☒ **proposed** conditions? (Check one)
- For the existing or proposed structures listed below, what are the types of construction? (check all that apply)
☐ crawl space ☒ slab on grade ☐ basement/enclosure ☐ other (explain)
- Has DHS - FEMA identified this area as subject to land subsidence or uplift? (see instructions) ☐ Yes ☒ No
If yes, what is the date of the current re-leveling? / (month/year)
- What is the elevation datum? ☐ NGVD 29 ☒ NAVD 88 ☐ Other (explain)
If any of the elevations listed below were computed using a datum different than the datum used for the effective Flood Insurance Rate Map (FIRM) (e.g., NGVD 29 or NAVD 88), what was the conversion factor?
Local Elevation +/- ft. = FIRM Datum
- Please provide the Latitude and Longitude of the most upstream edge of the **structure** (in decimal degrees to the nearest fifth decimal place):
Indicate Datum: ☐ WGS84 ☒ NAD83 ☐ NAD27 Lat. 37.35262 Long. 79.18319
Please provide the Latitude and Longitude of the most upstream edge of the **property** (in decimal degrees to the nearest fifth decimal place):
Indicate Datum: ☐ WGS84 ☒ NAD83 ☐ NAD27 Lat. 37.35253 Long. 79.18297

Address	Lot Number	Block Number	Lowest Lot Elevation*	Lowest Adjacent Grade To Structure	Base Flood Elevation	BFE Source
3809 Wards Road Lynchburg, VA 24502			772.27	783.0	785	FIRM panel 0106 D

This certification is to be signed and sealed by a licensed land surveyor, registered professional engineer, or architect authorized by law to certify elevation information. All documents submitted in support of this request are correct to the best of my knowledge. I understand that any false statement may be punishable by fine or imprisonment under Title 18 of the United States Code, Section 1001.

Certifier's Name: Michael D. Wilson	License No.: VA 44203	Expiration Date: 11/30/2015
Company Name: Hurt & Proffitt, Inc.	Telephone No: 434-847-7796	
Email: mdw@handp.com	Fax No: 434-847-0047	
Signature: 	Date: 3/26/15	

* For requests involving a portion of property, include the lowest ground elevation within the metes and bounds description.
Please note: If the Lowest Adjacent Grade to Structure is the only elevation provided, a determination will be issued for the structure only.

Seal (optional)

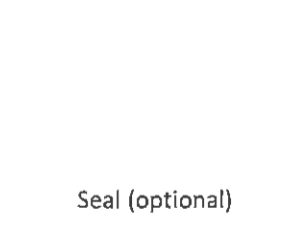
Continued from Page 1.

[illegible]

This certification is to be signed and sealed by a licensed land surveyor, registered professional engineer, or architect authorized by law to certify elevation information. All documents submitted in support of this request are correct to the best of my knowledge. I understand that any false statement may be punishable by fine or imprisonment under Title 18 of the United States Code, Section 1001.

Certifier's Name:	License No.:	Expiration Date:
Company Name:	Telephone No.:	
Email:	Fax No.	
Signature:	Date:	

* For requests involving a portion of property, include the lowest ground elevation within the metes and bounds description.
Please note: If the Lowest Adjacent Grade to Structure is the only elevation provided, a determination will be issued for the structure only.



Seal (optional)

DEPARTMENT OF HOMELAND SECURITY - FEDERAL EMERGENCY MANAGEMENT AGENCY
COMMUNITY ACKNOWLEDGMENT FORM

O.M.B. NO. 1660-0015
Expires February 28, 2014

PAPERWORK BURDEN DISCLOSURE NOTICE

Public reporting burden for this data collection is estimated to average 1.38 hours per response. The burden estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the needed data, and completing and submitting the form. This collection is required to obtain or retain benefits. You are not required to respond to this collection of information unless a valid OMB control number is displayed on this form. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing this burden to: Information Collections Management, Department of Homeland Security, Federal Emergency Management Agency, 1800 South Bell Street, Arlington, VA 20598-3005, Paperwork Reduction Project (1660-0015). NOTE: Do not send your completed form to this address.

This form must be completed for requests involving the existing or proposed placement of fill (complete Section A) **OR** to provide acknowledgment of this request to remove a property from the SFHA which was previously located within the regulatory floodway (complete Section B).

This form must be completed and signed by the official responsible for floodplain management in the community. **The six digit NFIP community number and the subject property address must appear in the spaces provided below. Incomplete submissions will result in processing delays.** Please refer to the MT-1 instructions for additional information about this form.

Community Number: 510093

Property Name or Address: 3809 Wards Road Lynchburg, VA 24502

A. REQUESTS INVOLVING THE PLACEMENT OF FILL

As the community official responsible for floodplain management, I hereby acknowledge that we have received and reviewed this Letter of Map Revision Based on Fill (LOMR-F) or Conditional LOMR-F request. Based upon the community's review, we find the completed or proposed project meets or is designed to meet all of the community floodplain management requirements, including the requirement that no fill be placed in the regulatory floodway, and that all necessary Federal, State, and local permits have been, or in the case of a Conditional LOMR-F, will be obtained. For Conditional LOMR-F requests, the applicant has or will document Endangered Species Act (ESA) compliance to FEMA prior to issuance of the Conditional LOMR-F determination. For LOMR-F requests, I acknowledge that compliance with Sections 9 and 10 of the ESA has been achieved independently of FEMA's process. Section 9 of the ESA prohibits anyone from "taking" or harming an endangered species. If an action might harm an endangered species, a permit is required from U.S. Fish and Wildlife Service or National Marine Fisheries Service under Section 10 of the ESA. For actions authorized, funded, or being carried out by Federal or State agencies, documentation from the agency showing its compliance with Section 7(a)(2) of the ESA will be submitted. In addition, we have determined that the land and any existing or proposed structures to be removed from the SFHA are or will be reasonably safe from flooding as defined in 44CFR 65.2(c), and that we have available upon request by DHS-FEMA, all analyses and documentation used to make this determination. For LOMR-F requests, we understand that this request is being forwarded to DHS-FEMA for a possible map revision.

Community Comments:

Community Official's Name and Title: *(Please Print or Type)*

Telephone No.:

Community Name:

Community Official's Signature: (required)

Date:

B. PROPERTY LOCATED WITHIN THE REGULATORY FLOODWAY

As the community official responsible for floodplain management, I hereby acknowledge that we have received and reviewed this request for a LOMA. We understand that this request is being forwarded to DHS-FEMA to determine if this property has been inadvertently included in the regulatory floodway. We acknowledge that no fill on this property has been or will be placed within the designated regulatory floodway. We find that the completed or proposed project meets or is designed to meet all of the community floodplain management requirements.

Community Comments:

Not Applicable

Community Official's Name and Title: *(Please Print or Type)*

Telephone No.:

Community Name:

Community Official's Signature (required):

Date:

**FEDERAL EMERGENCY MANAGEMENT AGENCY
PAYMENT INFORMATION FORM**

Community Name: City of Lynchburg
Project Identifier: 510093

THIS FORM MUST BE MAILED, ALONG WITH THE APPROPRIATE FEE, TO THE ADDRESS BELOW OR FAXED TO THE FAX NUMBER BELOW.

Please make check or money order payable to the National Flood Insurance Program.

Type of Request:

☒ MT-1 application }
☐ MT-2 application }

LOMC Clearinghouse
847 South Pickett Street
Alexandria, VA 22304-4605
Attn.: LOMC Manager

☐ EDR application }

FEMA Project Library
847 South Pickett Street
Alexandria, VA 22304-4605
FAX (703) 212-4090

Request No. (if known): _____ Check No.: _____ Amount: _____

☐ INITIAL FEE* ☐ FINAL FEE ☐ FEE BALANCE** ☐ MASTER CARD ☐ VISA ☐ CHECK ☐ MONEY ORDER

*Note: Check only for EDR and/or Alluvial Fan requests (as appropriate).

**Note: Check only if submitting a corrected fee for an ongoing request.

COMPLETE THIS SECTION ONLY IF PAYING BY CREDIT CARD

CARD NUMBER

EXP. DATE

				—					—					—				
1	2	3	4		5	6	7	8		9	10	11	12		13	14	15	16

		—		
Month			Year	

Date Signature

NAME (AS IT APPEARS ON CARD): _____
(please print or type)

ADDRESS: _____
(for your
credit card
receipt—please
print or type)

DAYTIME PHONE: _____

PROPERTY ADDRESS

3809 WARDS ROAD
LYNCHBURG, VA 24502

LEGAL DESCRIPTION:

BEGINNING AT A REBAR FOUND ON THE EASTERN RIGHT-OF-WAY OF WARDS ROAD, BEING THE POINT OF BEGINNING; THENCE ALONG SAID RIGHT-OF-WAY NORTH 25 DEGREES 51 MINUTES 58 SECONDS EAST 139.85 FEET TO A POINT, PASSING THROUGH A PUNCH HOLE SET IN A CONCRETE WING WALL AT 137.92 FEET; THENCE LEAVING SAID RIGHT-OF-WAY ALONG THE CENTERLINE OF A BRANCH THE FOLLOWING COURSES AS IT MEANDERS SOUTH 59 DEGREES 03 MINUTES 43 SECONDS EAST 19.86 FEET, SOUTH 56 DEGREES 52 MINUTES 01 SECONDS EAST 13.77 FEET, SOUTH 48 DEGREES 35 MINUTES 19 SECONDS EAST 25.95 FEET, SOUTH 40 DEGREES 54 MINUTES 27 SECONDS EAST 21.48 FEET, SOUTH 30 DEGREES 27 MINUTES 31 SECONDS EAST 38.26 FEET, SOUTH 37 DEGREES 58 MINUTES 41 SECONDS EAST 39.40 FEET TO A POINT; THENCE LEAVING SAID CENTERLINE OF BRANCH SOUTH 22 DEGREES 09 MINUTES 10 SECONDS WEST 84.70 FEET TO A REBAR FOUND, PASSING THROUGH A REBAR SET AT 15.00 FEET; THENCE NORTH 63 DEGREES 18 MINUTES 30 SECONDS WEST 150.88 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.402 ACRES.

PLAT OF REFERENCE:

PLAT BY HURT & PROFFITT, INC. TITLED "PLAT SHOWING LOTS 25 THROUGH 35, INCLUSIVE AND PART OF LOTS 22, 23 & 24 MONTVIEW BUSINESS AND INDUSTRIAL LOTS" AND DATED JAN. 24, 1978. RECORDED IN D.B. 550, PG. 406 OF THE CIRCUIT COURT CLERK'S OFFICE OF THE CITY OF LYNCHBURG.

Parcel ID No. 25702013
Sales Price: \$377,500.00
Assessed Value: \$568,300.00
Company Providing Title Insurance: Old Republic National Title
Prepared by and Return to the law office
of Hugh J. Jones, III, P.C.
Post Office Box 4461
Lyndhurst, Virginia 24502
File No. L120023
(Sales) (Deeds) (Mortgages) - Jaeger to Van First, LLC

THIS DEED, dated this 7th day of May, 2012, by and between LISA A. JAEGER,
Trustee under Jaeger Family Trust Agreement dated April 9, 1986, party of the
first part, (Grantor); and VAN FIRST, LLC, a Virginia limited liability company, party of
the second part, (Grantee):

WITNESSETH:

That for and in consideration of the sum of Five Dollars (\$5.00), cash in hand paid,
and other valuable considerations, receipt of which is hereby acknowledged, the party of the
first part does hereby grant, bargain, sell and convey, with General Warranty and English
Covenants of Title, unto the party of the second part, in fee simple absolute, the following
described real estate, to-wit:

<SEE ATTACHMENT "A">

L 12023

WITNESS the following signatures and seals:

JAEGER FAMILY TRUST

By *Lisa A. Jaeger, TTE* (SEAL)
 LISA A. JAEGER, Trustee under Jaeger Family
 Trust Agreement dated April 9, 1986

STATE OF Virginia TO-WIT:
 CITY/COUNTY OF Bedford

The foregoing deed was acknowledged before me in my said State and City/County
 aforesaid on this 22nd day of May, 2012, by Lisa A. Jaeger, Trustee under
 Jaeger Family Trust Agreement dated April 9, 1986, pursuant to due authority.

My commission expires 10-31-2014

(SEAL)



Dwaine M. Huffman
 Notary Public

706 3046
 Notary Registration Number

ATTACHMENT "A"

PARCEL 1:

All that certain tract or parcel of land, together with the buildings and improvements thereon and privileges and appurtenances thereunto belonging, lying, situate, and being in the City of Lynchburg, Virginia, along the easterly line of U.S. Route 29, containing 0.403 acre, consisting of a part of Lots 22, 23, 24, all of Lots 25 and 26, and a part of Lot 27, Montview Business and Industrial Lots, all as shown upon a plat entitled "Plat Showing Lots 25 through 35, Inclusive and Parts of Lots 22, 23 & 24 Montview Business and Industrial Lots Lynchburg, Virginia", dated January 24, 1978, made by E. W. Proffitt, C.L.S., a copy of which plat is attached to that certain deed dated March 16, 1978, and recorded in the Clerk's office of the Circuit Court for the City of Lynchburg, Virginia, in Deed Book 550, at Page 402.

It being a portion of the same property conveyed unto Lisa A. Jaeger, Trustee, under Jaeger Family Trust Agreement dated April 9, 1986, by a deed of correction dated January 17, 2002 of record in the aforesaid Clerk's Office at Instrument Number 020000765.

The real estate hereinabove described and conveyed and the warranties herein contained are expressly subject to all easements, rights of way, conditions, restrictions, and reservations affecting said real estate, whether recorded or unrecorded, or apparent from a visual inspection of the premises.

INSTRUMENT #120003354
RECORDED IN THE CLERK'S OFFICE OF
LYNCHBURG ON
MAY 24, 2012 AT 10:49AM
\$568.50 GRANTOR TAX WAS PAID AS
REQUIRED BY SEC 58.1-802 OF THE VA. CODE
STATE: \$284.25 LOCAL: \$284.25

EUGENE C. WINGFIELD, CLERK
RECORDED BY: JAK



March 25, 2015

Becky Wright
Crosland Barnes Group
1332 Main Street
Columbia, SC 29201

HURT & PROFFITT
INCORPORATED

**RE: Proposed Mattress Firm Project
Environmental Review
3809 Wards Road
Lynchburg, Virginia
H&P Project 20141228**

Dear Becky,

We have reviewed potential environmental effects of the proposed Mattress Firm Project at 3809 Wards Road in Lynchburg, Virginia. The 0.41-acre subject property is currently developed as the Wash-N-Go self-service car wash. It is zoned as B-5 General Business, and is listed as Lynchburg tax parcel ID #25702013. According to Lynchburg Geographic Information System (GIS) records, the property was annexed from Campbell County in 1976, and the on-site brick and metal structure was constructed in approximately 1978. The 2015 total tax assessment value of the property (including improvements) is \$458,600. The majority of surrounding properties within 1,000-2,000 feet of the site have been previously developed for commercial, industrial, or institutional/education (Liberty University) purposes.

The previous disturbance, existing commercial land use, and relative absence of high-quality natural resources on-site suggest that the proposed project should have few significant environmental impacts. If on-site stormwater management measures are required for the proposed development, then this project may ultimately provide a net environmental benefit (by improving stormwater runoff treatment).

This letter provides a brief summary of our review, and subsequent conclusions. Additional information can be provided regarding specific questions, if necessary.

Proposed Project

The proposed project will likely involve demolition and removal of the existing pavement, mechanical/pumping equipment, structure, and vehicle washing bays. We understand that new development activities will include construction of a commercial structure, along with parking, landscaping, utilities, and potential stormwater management improvements.

Existing Conditions

The existing site is approximately 78% impervious, including pavement (90% asphalt + 10% concrete) and an estimated 3,000 sf (30'x100') of impervious roof area over six vehicle washing bays (five self-service, and one automated). There is a pump/mechanical room centrally located between the northern three vehicle bays and the southern three vehicle bays. The site also contains two commercial vehicle vacuums and a small landscaped street yard/parking lot island near Wards Road. The western edge of the subject property



has frontage on the northbound lanes of Wards Road, while the eastern boundary of the site is a steep slope topped by scrub-shrub and mixed hardwood/coniferous vegetation (and bordered by railroad right-of-way [ROW]) further to the east.

Water Quality

The proposed project should have no significant negative impacts on water quality. Erosion and sediment control best management practices (BMP's) should be implemented during project construction, to help prevent downstream sediment impacts. Current stormwater management regulations will likely require improved on-site stormwater management measures, which should reduce the volume of stormwater runoff leaving the site, and should improve stormwater quality (thereby helping to lessen downstream water quality impacts).

Wetlands

No potential wetland areas were observed on the subject property. Jurisdictional wetlands require the presence of hydrophytic vegetation, hydric soils, and wetland hydrology indicators. None of these were found to be present. This is likely due to the extensive on-site impervious cover, previous land development activities, steep eastern slope, and stormwater conveyance channel/drainage ditch (to the north). The U.S. Fish and Wildlife Service (USFWS) online Wetlands Mapper system shows no mapped wetlands within 1,000 feet of the site.

Streams

An existing stormwater conveyance channel/drainage ditch is located along the northern boundary of the subject property. This channel is lined with riprap, and contains no apparent evidence of aquatic habitat, persistent pools, or other natural stream channel features. It is unlikely that regulatory agencies (the U.S. Army Corps of Engineers and the Virginia Department of Environmental Quality) would consider this a jurisdictional stream. No other apparent channels were observed on-site. Therefore, it is unlikely that the proposed project will result in any jurisdictional stream impacts.

Protected Species

If a federal permit is required for a proposed land development project, then the federal permitting agency is typically required to ensure compliance with Section 7 of the Endangered Species Act (ESA). In order to document the potential presence of protected species nearby, records from three databases were reviewed. These included the U.S. Fish and Wildlife Service (USFWS) ECOS-iPAC online system, the Virginia Department of Game and Inland Fisheries (VDGIF) VAFWIS online system, and the Virginia Department of Conservation and Recreation (VDCR) Natural Heritage (NH) online system. These databases indicated the potential presence of the following species in the surrounding area:



<i>USFWS-ECOS (common name)</i>	<i>Scientific name</i>	<i>Organism</i>	<i>Classification</i>
No listed species	N/A	N/A	N/A
<i>VDGIF VAFWIS (common name)</i>	<i>Scientific name</i>	<i>Organism</i>	<i>Classification</i>
Loggerhead, Roanoke	<i>Percina rex</i>	Fish	FESE
Spiny mussel, James	<i>Pleurobema collina</i>	Mussel	FESE
Supercoil, spirit	<i>Paravitrea hera</i>	Snail	FSSE
Falcon, peregrine	<i>Falco peregrinus</i>	Bird	ST
Sandpiper, upland	<i>Bartramia longicauda</i>	Bird	ST
Shrike, loggerhead	<i>Lanius ludovicianus</i>	Bird	ST
Sparrow, Henslow's	<i>Ammodramus henslowii</i>	Bird	ST
Darter, Carolina	<i>Etheostoma collis</i>	Fish	ST
Madtom, orange fin	<i>Noturus gilberti</i>	Fish	FSST
Floater, green	<i>Lasmigona subviridis</i>	Mussel	ST
Pigtoe, Atlantic	<i>Fusconaia masoni</i>	Mussel	FSST
Shrike, migrant loggerhead	<i>Lanius ludovicianus migrans</i>	Bird	ST
Bat, northern long-eared	<i>Myotis septentrionalis</i>	Mammal	FP
<i>VDCR NH (common name)</i>	<i>Scientific name</i>	<i>Organism</i>	<i>Classification</i>
No data available	N/A	N/A	N/A

Since the subject property offers so little natural habitat already, and the proposed project will involve the replacement of one commercial use (existing car wash) with a different commercial use of similar extent (retail building), no significant protected species impacts are anticipated. At present, approximately 78% of the small 0.41-acre site is paved (or is covered by a commercial structure). Since there is no aquatic habitat on-site, the fish and freshwater mussel species listed above should not be affected by the proposed activities. The listed avian (bird) species are also not typically found in urbanized landscapes. The noted snail species is only found along stream channels, and the single bat species is in decline primarily due to disease (not loss of habitat).

Habitat

Since the vast majority of the subject property has been previously covered by pavement and commercial structures/improvements, there is very little natural habitat remaining on-site. The scrub-shrub and forested habitat in the eastern and northeastern portions of the subject property is narrow (averaging less than 30' in width), and is adjacent to an active railroad track. However, the continuity of the forest cover on the adjacent railroad ROW and other nearby properties (in a general north-south direction) may provide some limited habitat connectivity for avian and small mammal species. It is unlikely that the proposed project will have significant negative impacts on high-quality natural habitats.

Cultural Resources

Available records from the Virginia Department of Historic Resources (VDHR) V-CRIS system were evaluated as part of this environmental review effort. The eastern boundary of the subject property is located adjacent to one mapped cultural resource, the Lynchburg and Danville Railroad Historic District (VDHR ID #118-5286). This historic district includes approximately 70 miles of track, but was recommended by VDHR staff in 2014 as "Not Eligible for Listing" on the National Register of Historic Places (NRHP). No other mapped cultural resources were noted in close proximity to the subject property.



Soils

According to the U.S. Department of Agriculture (USDA) Web Soil Survey (WSS), the entire subject property is underlain by Cullen loam (CuE2) soils, with 15-25% slopes (eroded). This well-drained soil series has a depth to water table of more than 80 inches. Cullen loam (CuE2) is not considered a hydric (wetland) soil, but is listed as a Farmland of Statewide Importance. In this specific instance, the agricultural suitability of the site has been significantly altered by previous land development activities.

Air Quality

The proposed project has only minimal potential to impact air quality. Due to the proposed change in land use (from automobile-oriented services to commercial/retail sales), there may actually be a reduction in overall vehicular traffic to/from the subject property. This could result in a reduction of long-term localized air quality impacts. However, construction activities may still result in temporary (short-term) increases in air quality impacts.

Noise

The proposed project is unlikely to create significant noise impacts. During construction, daytime localized noise levels may be higher, due to operation of construction equipment and vehicles. However, these should only be temporary (short-term) effects. Since the proposed land use (commercial/retail sales) may generate fewer vehicle trips per day, and will typically be active only during normal business hours (in contrast to the potential 24-hour operation of a self-service car wash), the Mattress Firm Project may actually result in lower long-term noise levels than the current land use (particularly late at night).

Floodplains

According to Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map 5100930106D (Panel 106 of 131, dated June 3, 2008), the subject property is located within the 100-year floodplain (Zone A) of Rock Castle Creek (located west of the site). The Base Flood Elevation (BFE) established for this portion of Rock Castle Creek is approximately 785' mean sea level (MSL). As a result, a flood study, No-Rise Certification, or Conditional Letter of Map Revision (C-LOMR) may be required prior to the construction of the proposed land development project. The project sponsor should contact the City of Lynchburg floodplain administrator, to discuss the proposed project and determine what steps and permits may be necessary.

Coastal Zone Management Act

The subject property is located more than 100 miles west of the nearest coastal county, and should therefore have no Coastal Zone Management Act compliance issues.

Permitting

Since no streams or wetlands should be affected by the proposed project, no Clean Water Act (CWA) Section 404/401 permit should be required. Due to the extent of anticipated land disturbance, a Virginia Stormwater Management Program (VSMP) permit will likely be required, along with a local Land Disturbance (LD) permit. The project sponsor should also



contact the Virginia Department of Transportation (VDOT), to determine if a new driveway permit will be necessary. Since the subject property is located within a FEMA 100-year floodplain, permitting through this agency may be required. To determine if other permits will be needed, the project sponsor should coordinate construction drawing review through City of Lynchburg Community Development staff.

Conclusions

Based on our observations, the proposed Mattress Firm Project is unlikely to have significant environmental impacts. Please contact us with any questions regarding this letter. We can be reached at 540.520.1533 or via email (at bl@handp.com).

Sincerely,
HURT & PROFFITT, INC.

A handwritten signature in black ink, appearing to read 'Ben Leatherland', is written over a horizontal line.

Ben Leatherland, PWD, PWS, CPESC
Sr. Environmental Scientist

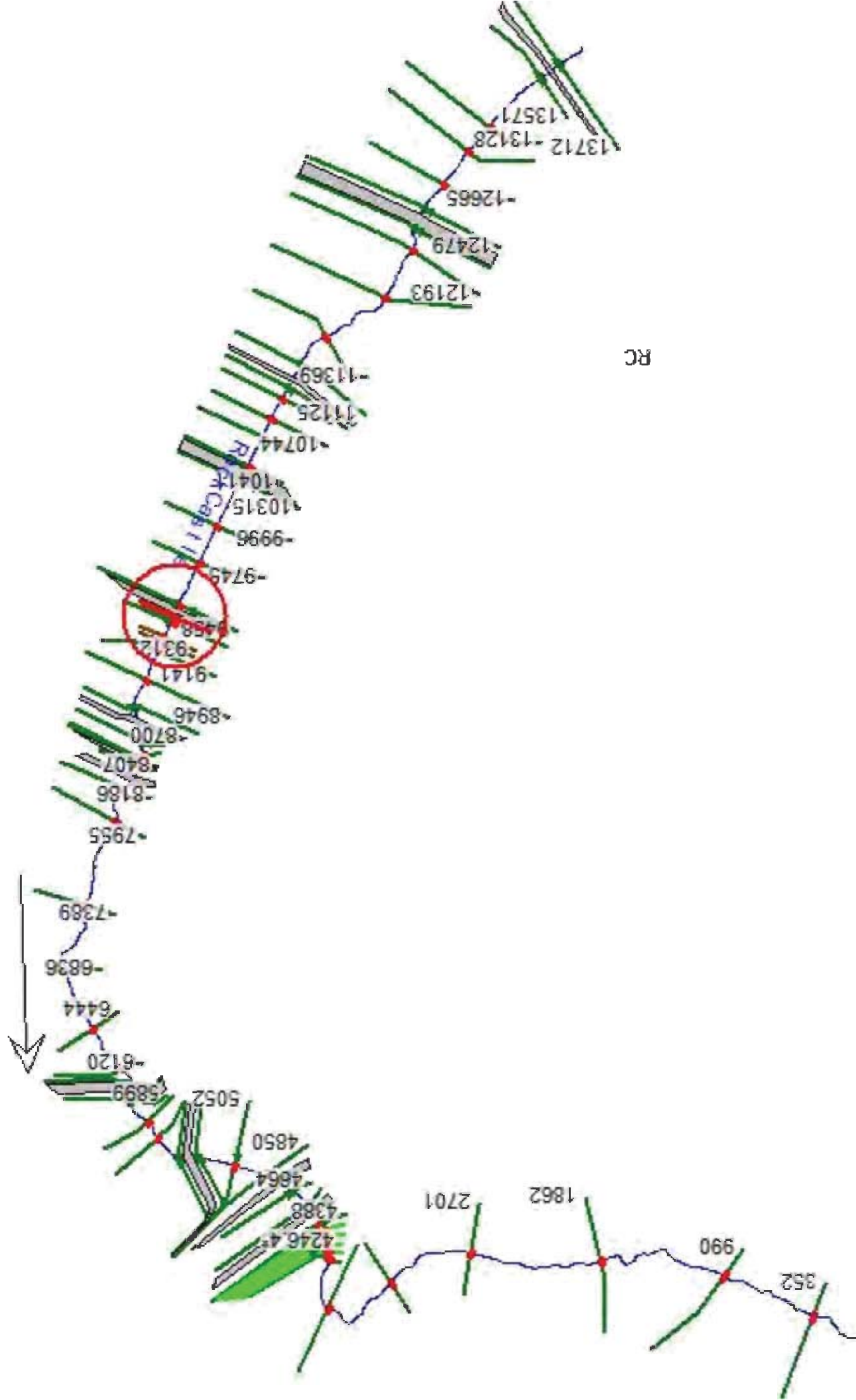
cc: Doyle Allen, Mike Wilson, H&P
File

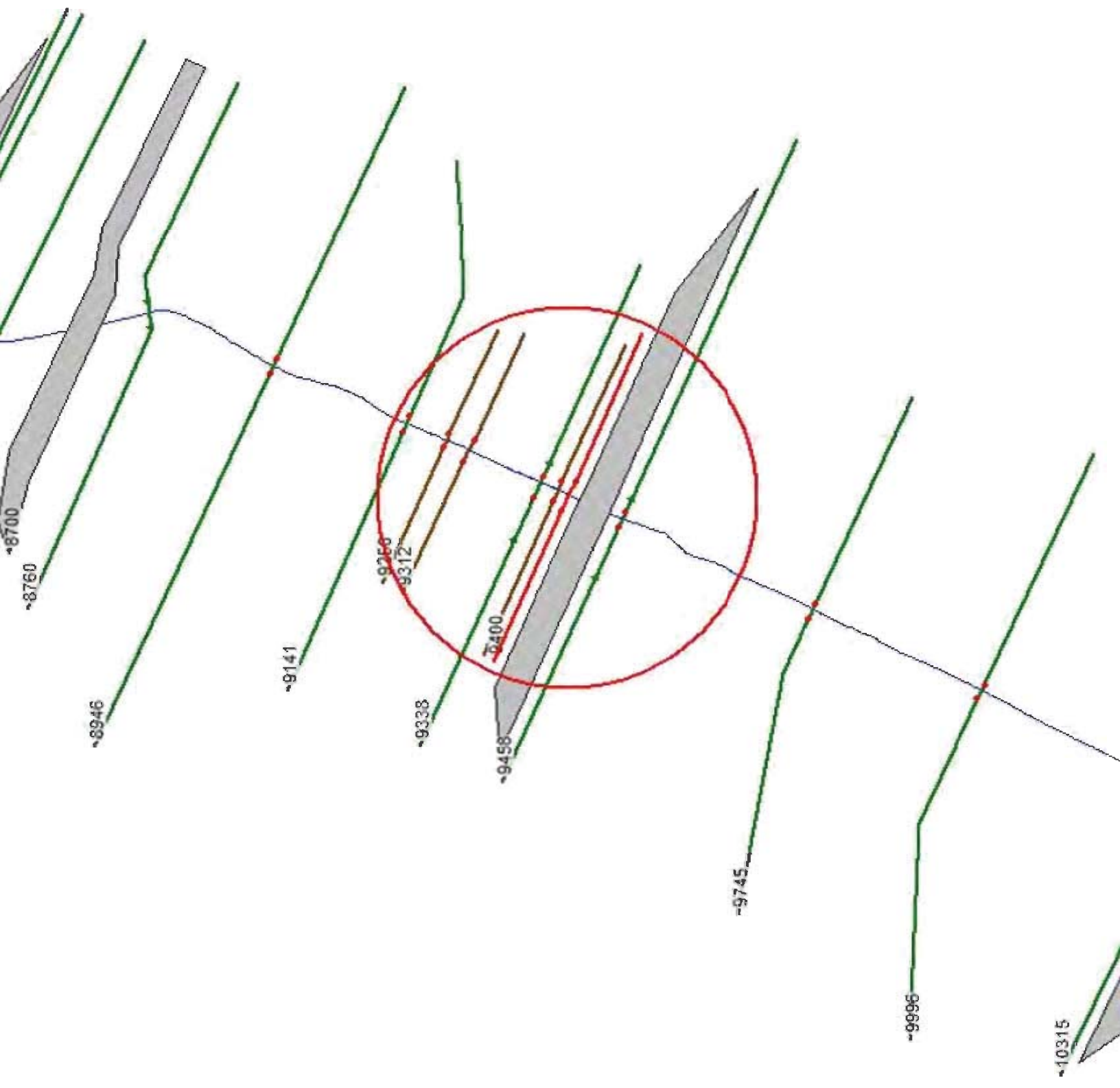


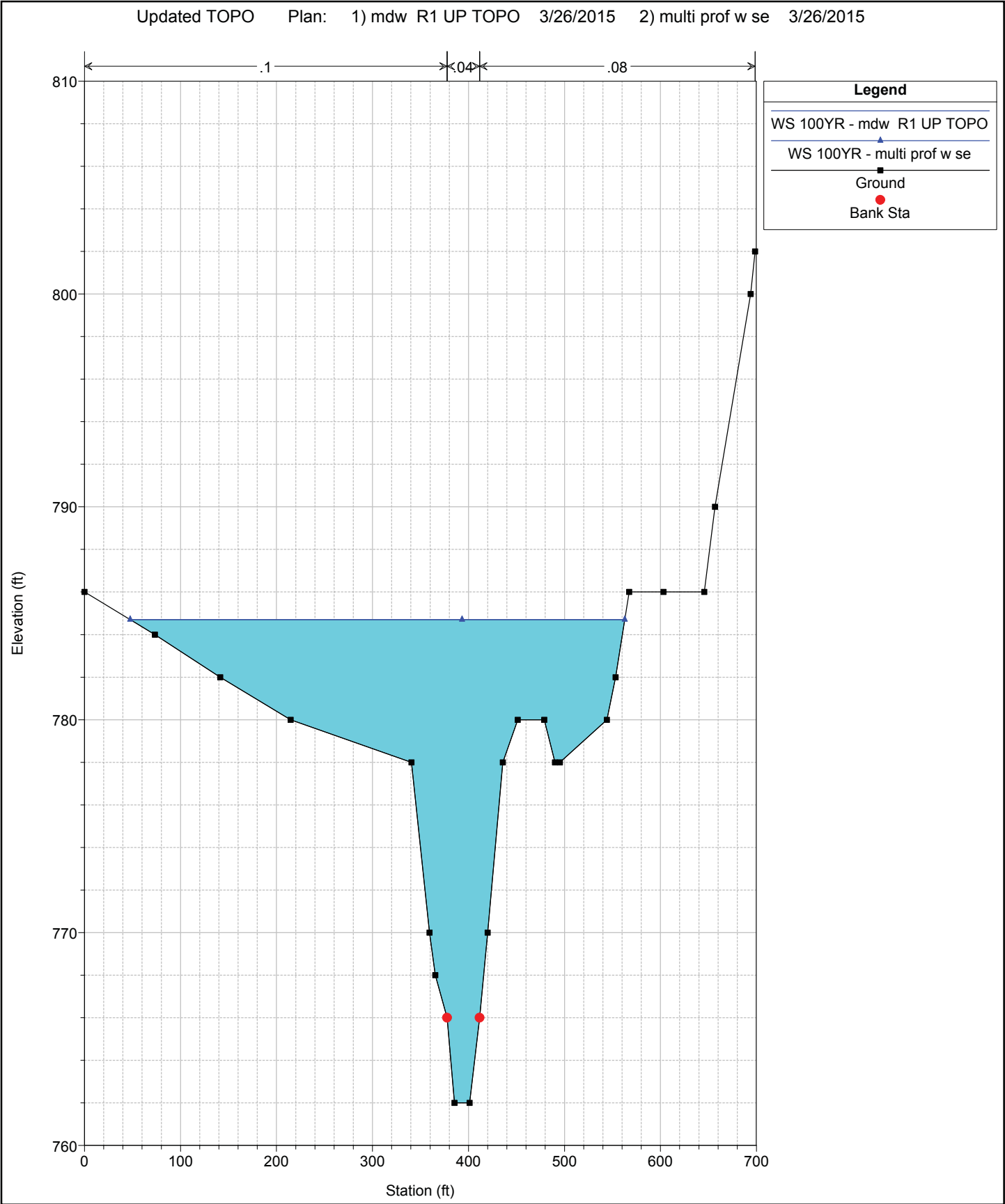
Figure 1: Subject property (note railroad track to east, Wards Road to west)



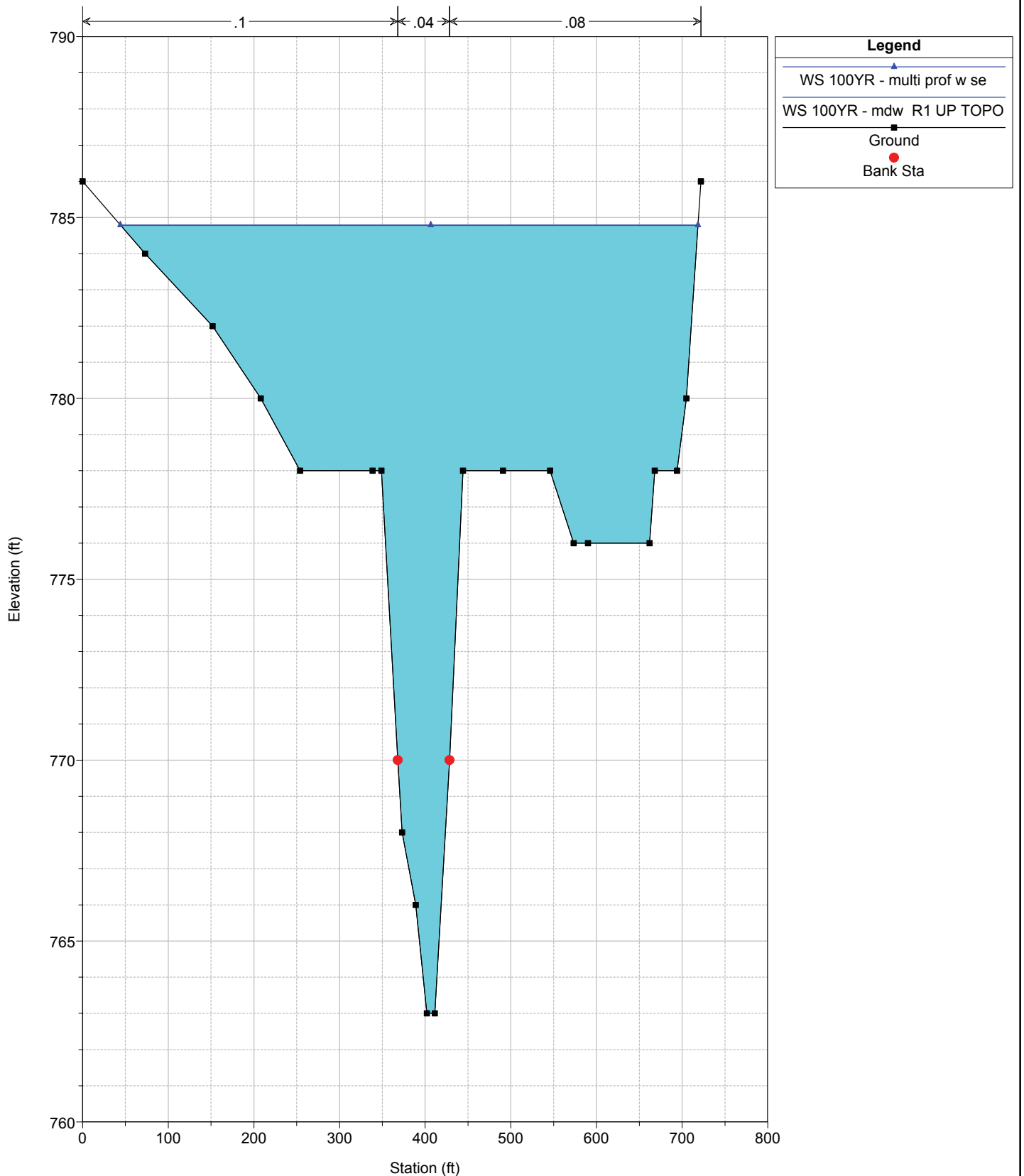
Figure 2: Existing *Wash-N-Go* self-serve car wash on-site (view east, from Wards Road)





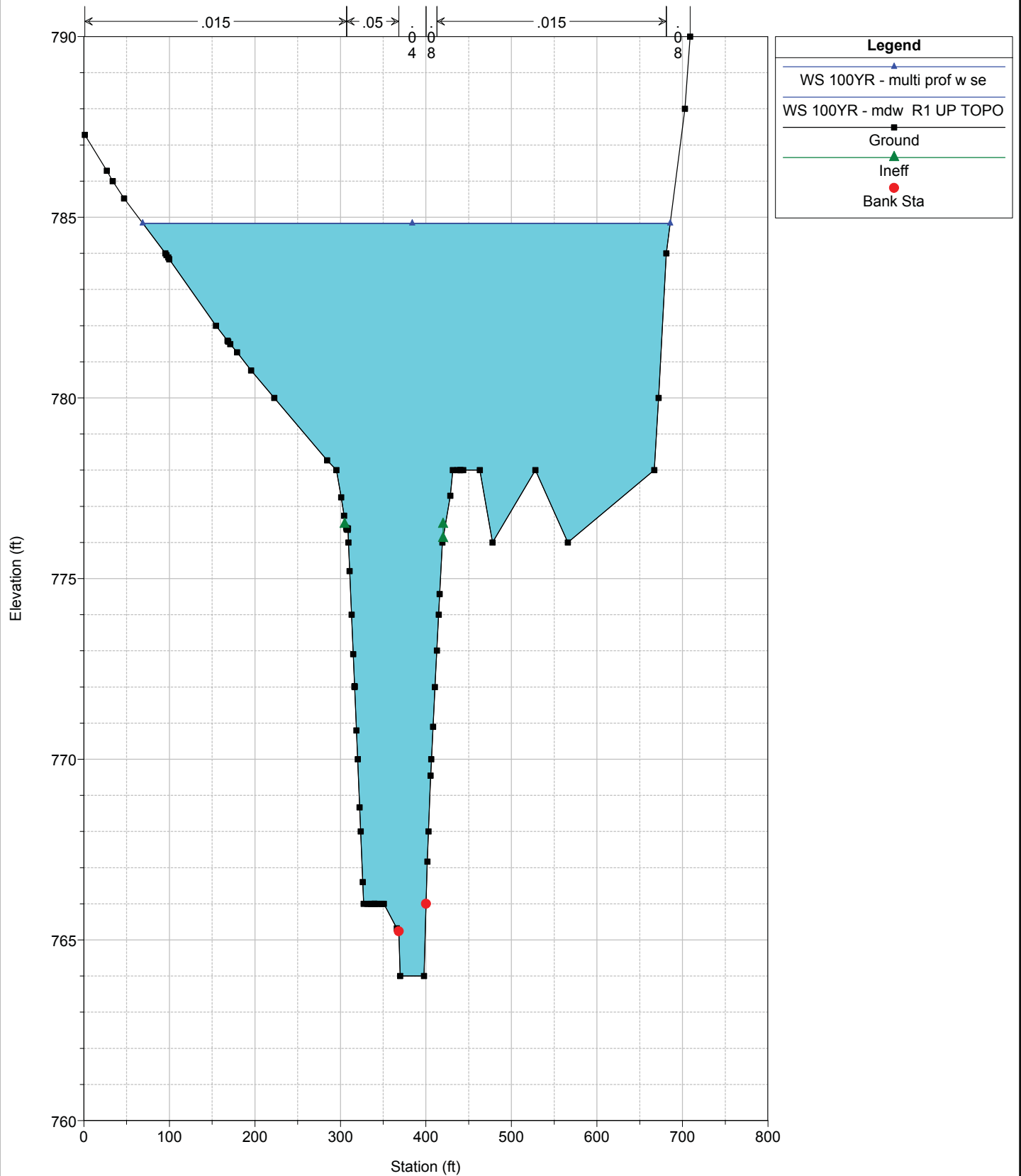


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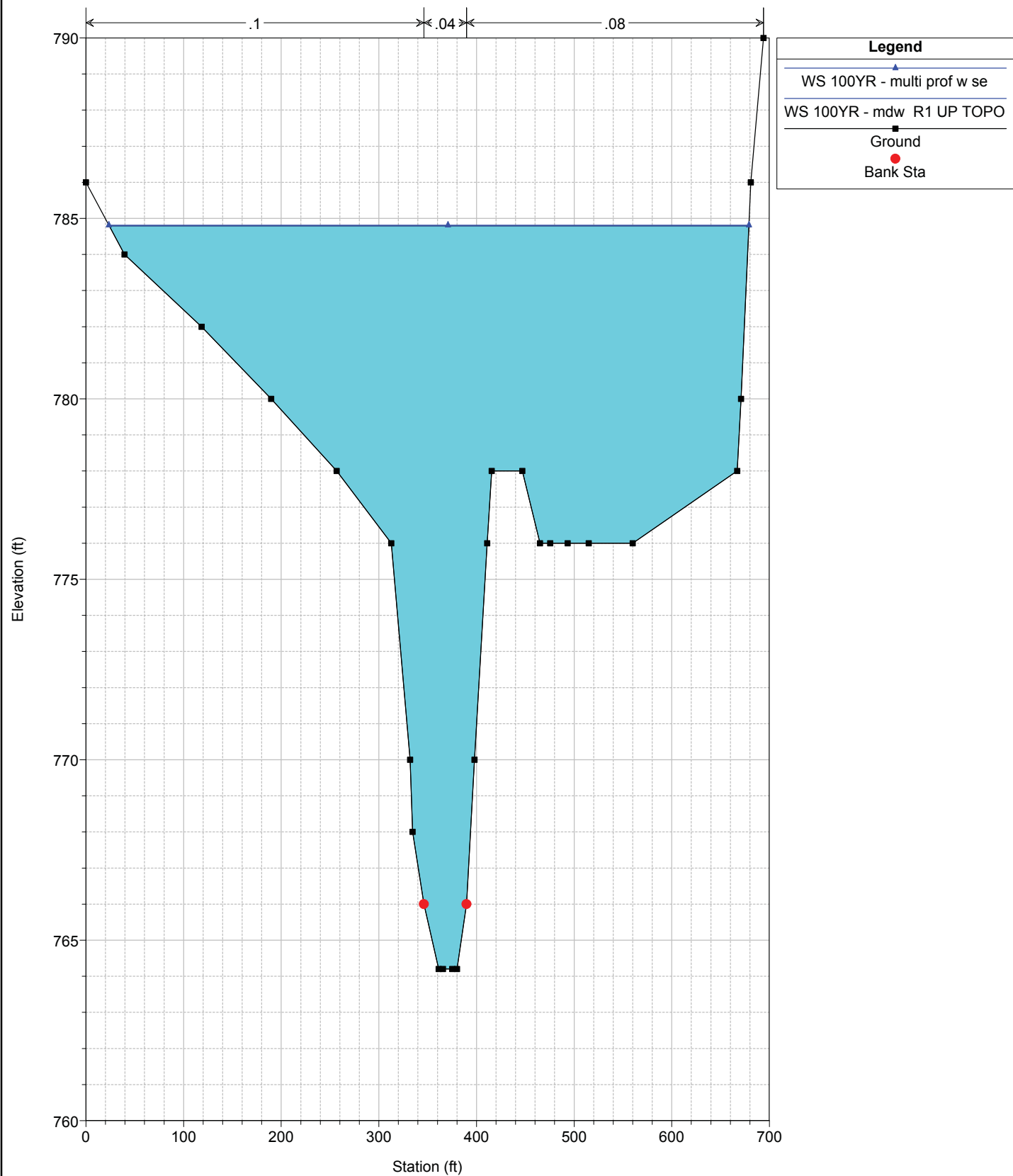
XS 9338

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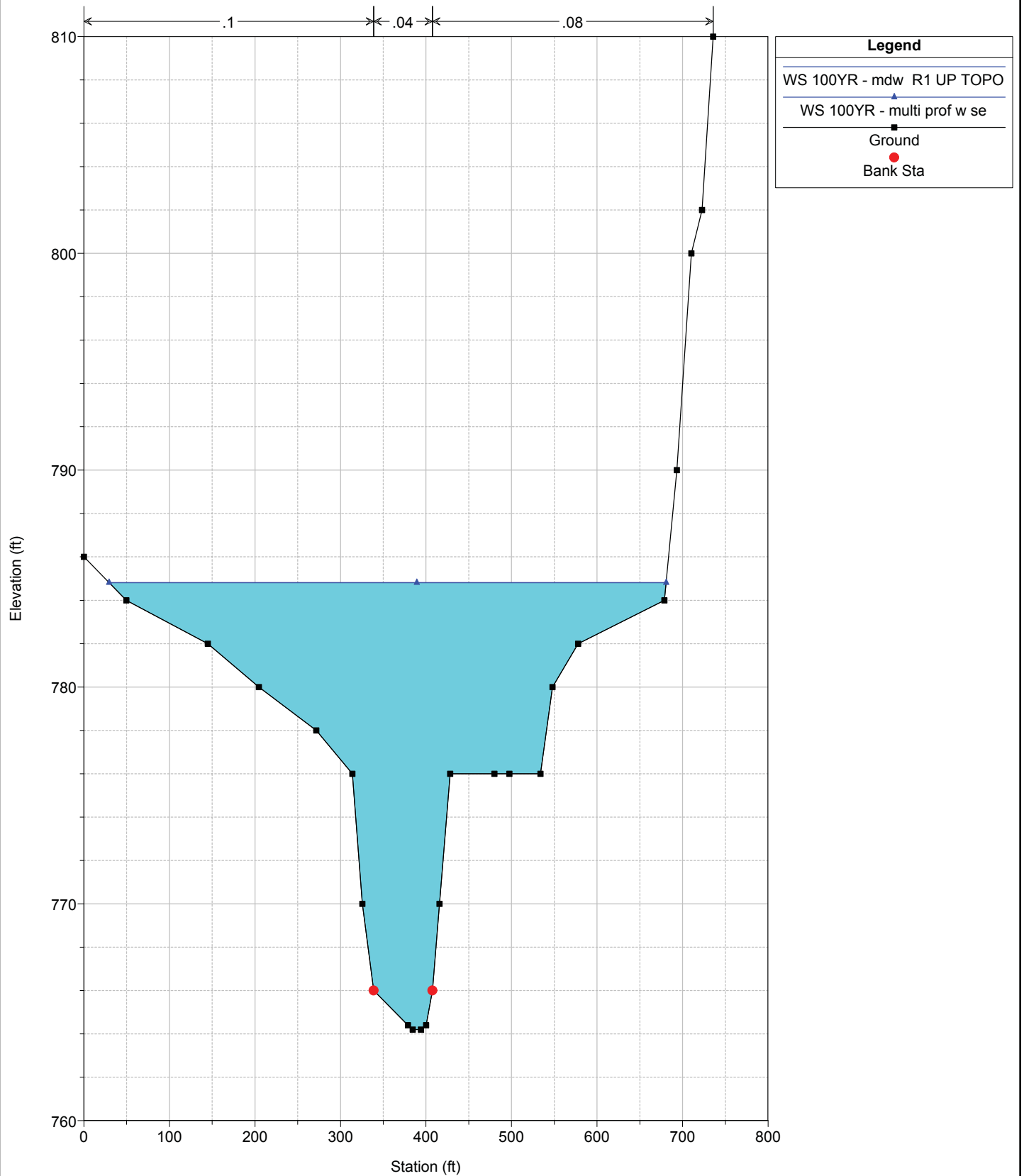
XS 9376

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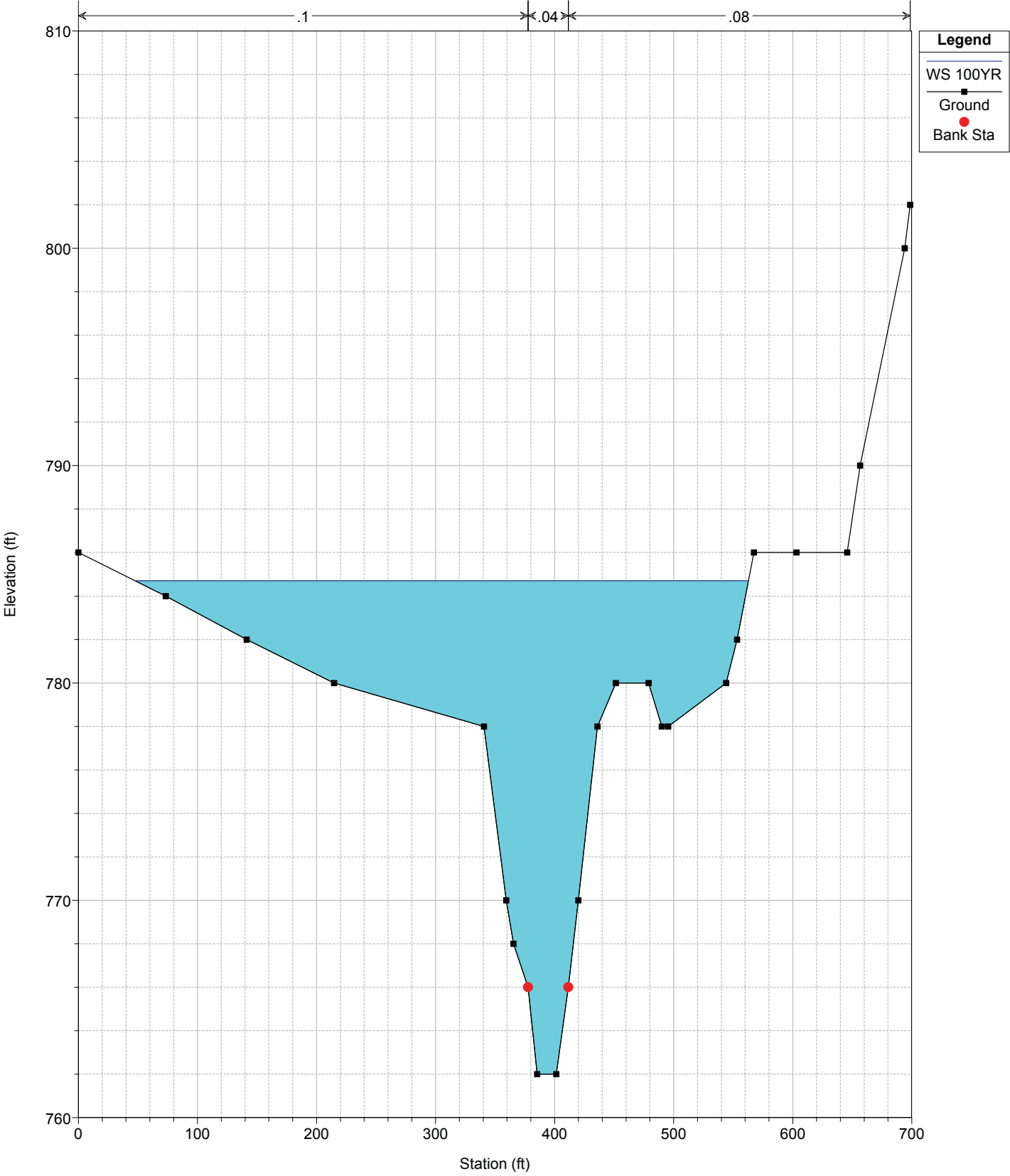


XS 9400

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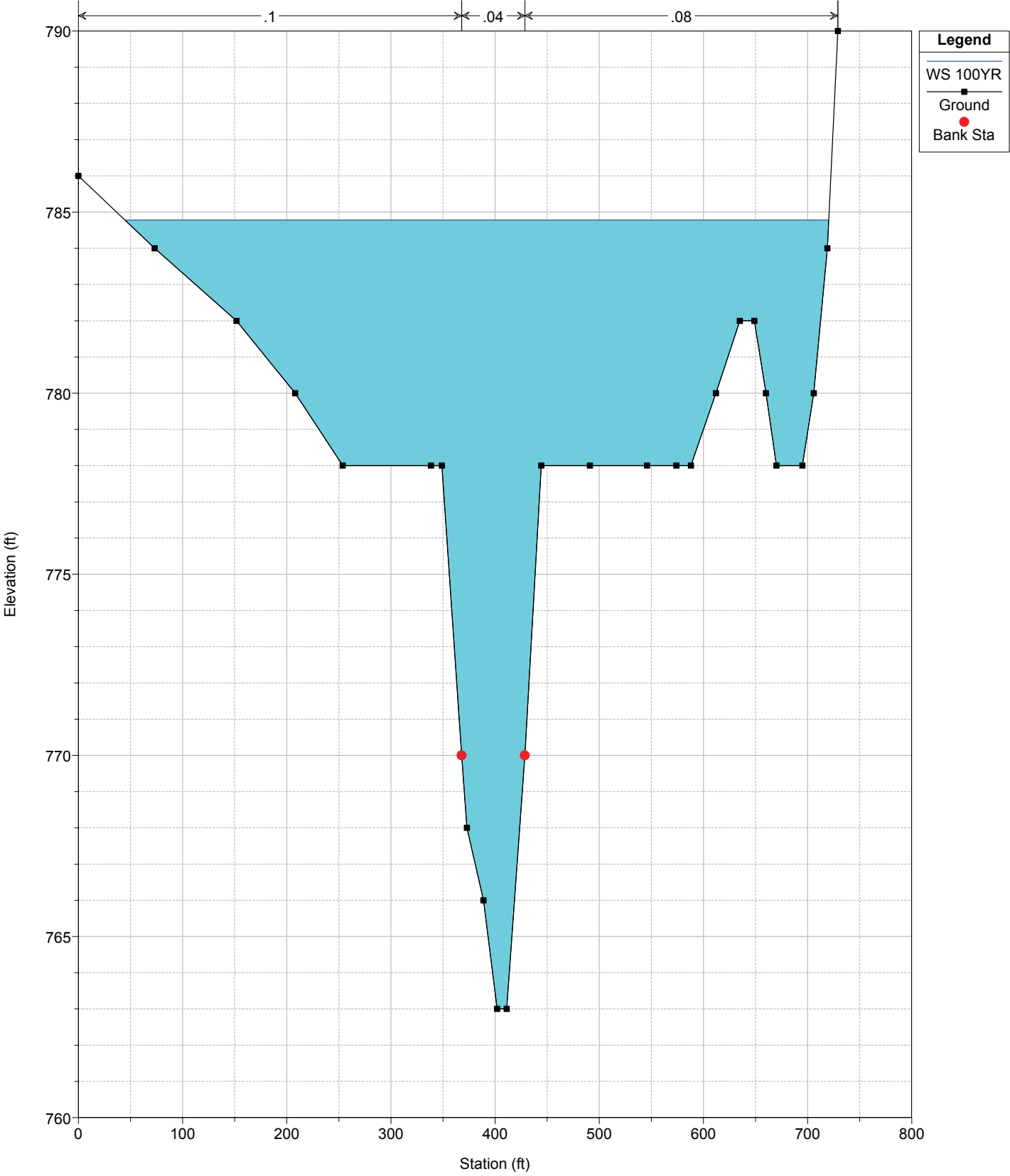


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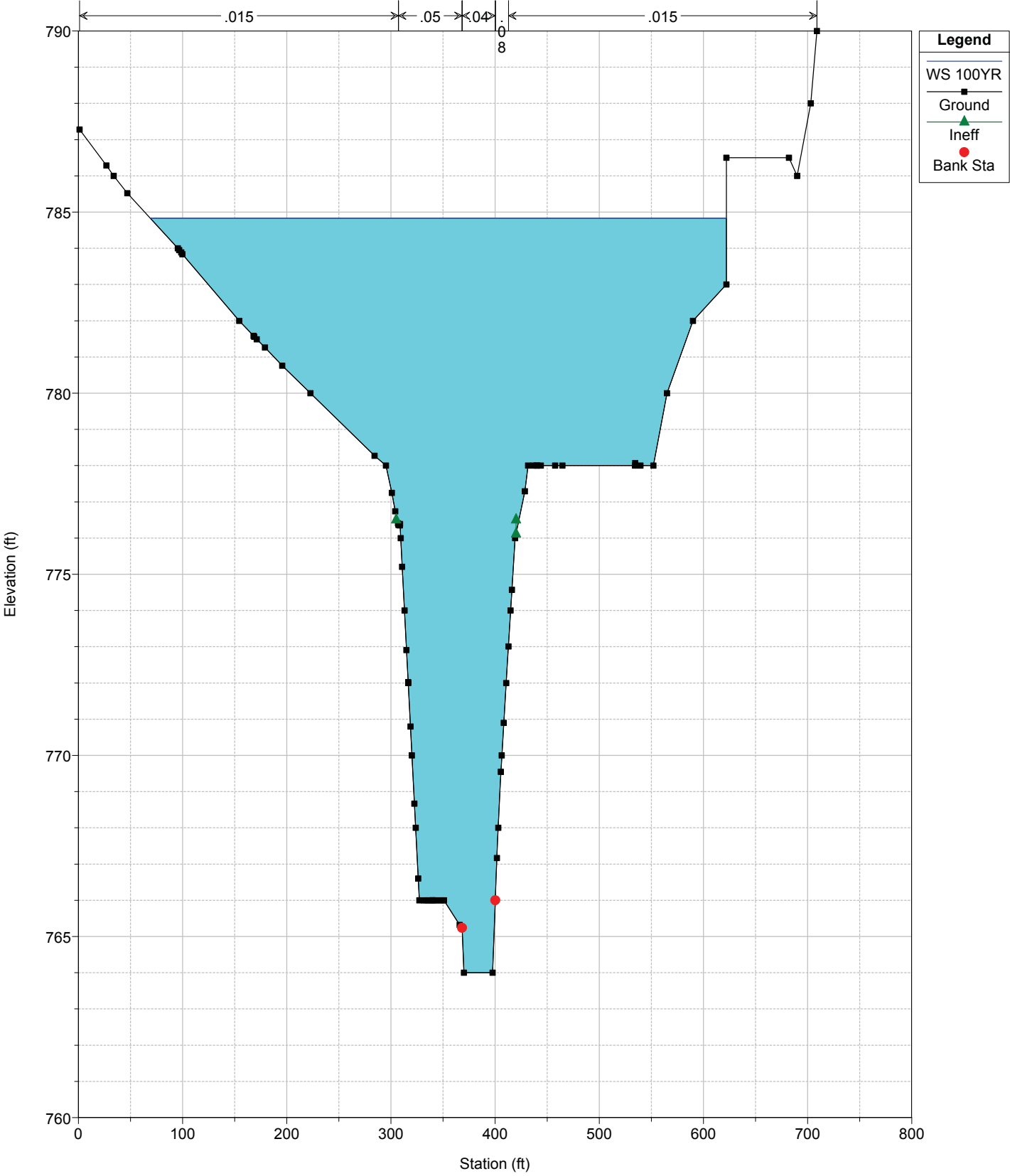
XS 9312

Updated TOPO Plan: mdw add xs R1 UPDATE TOPO 3/26/2015



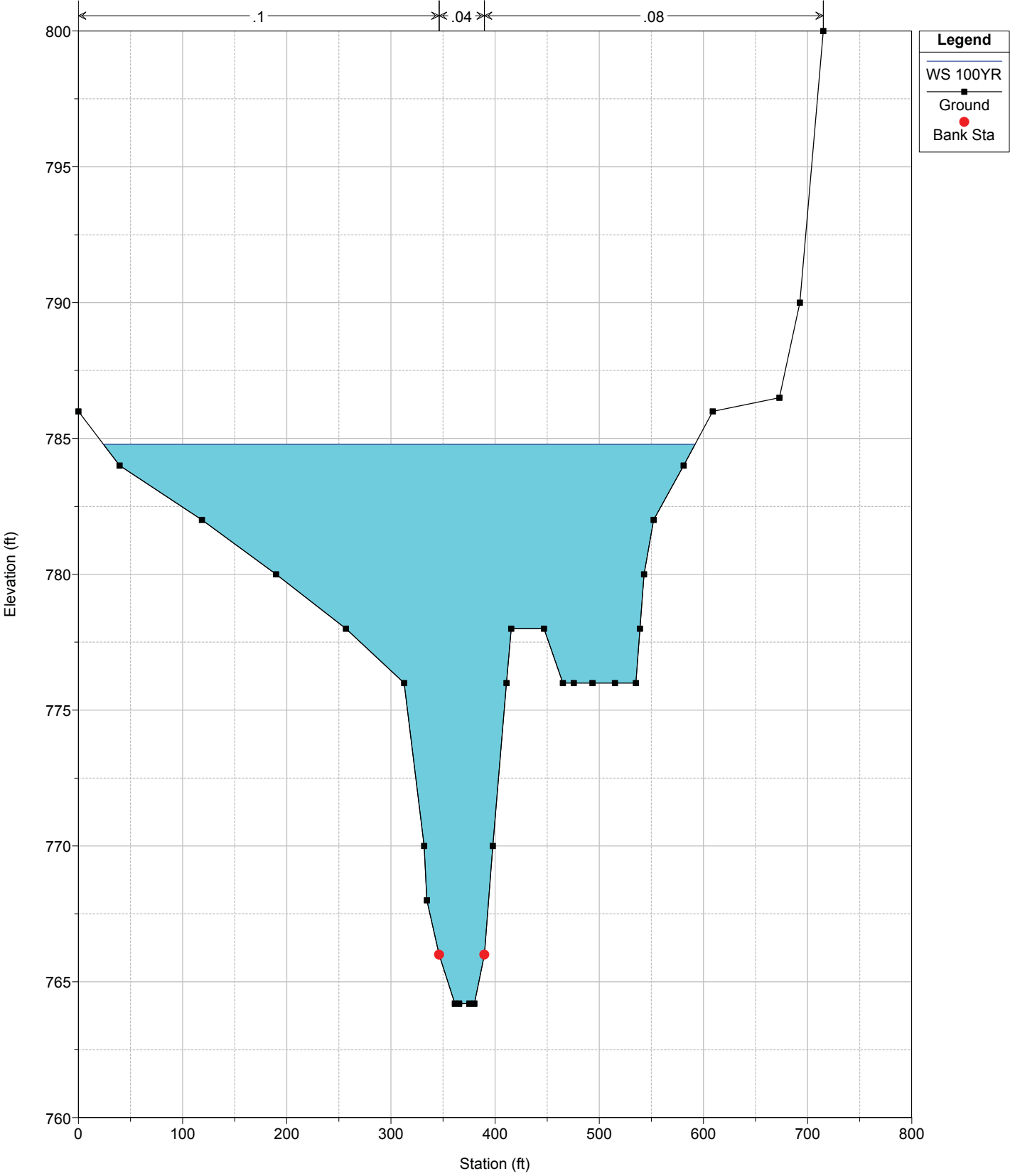
XS 9338

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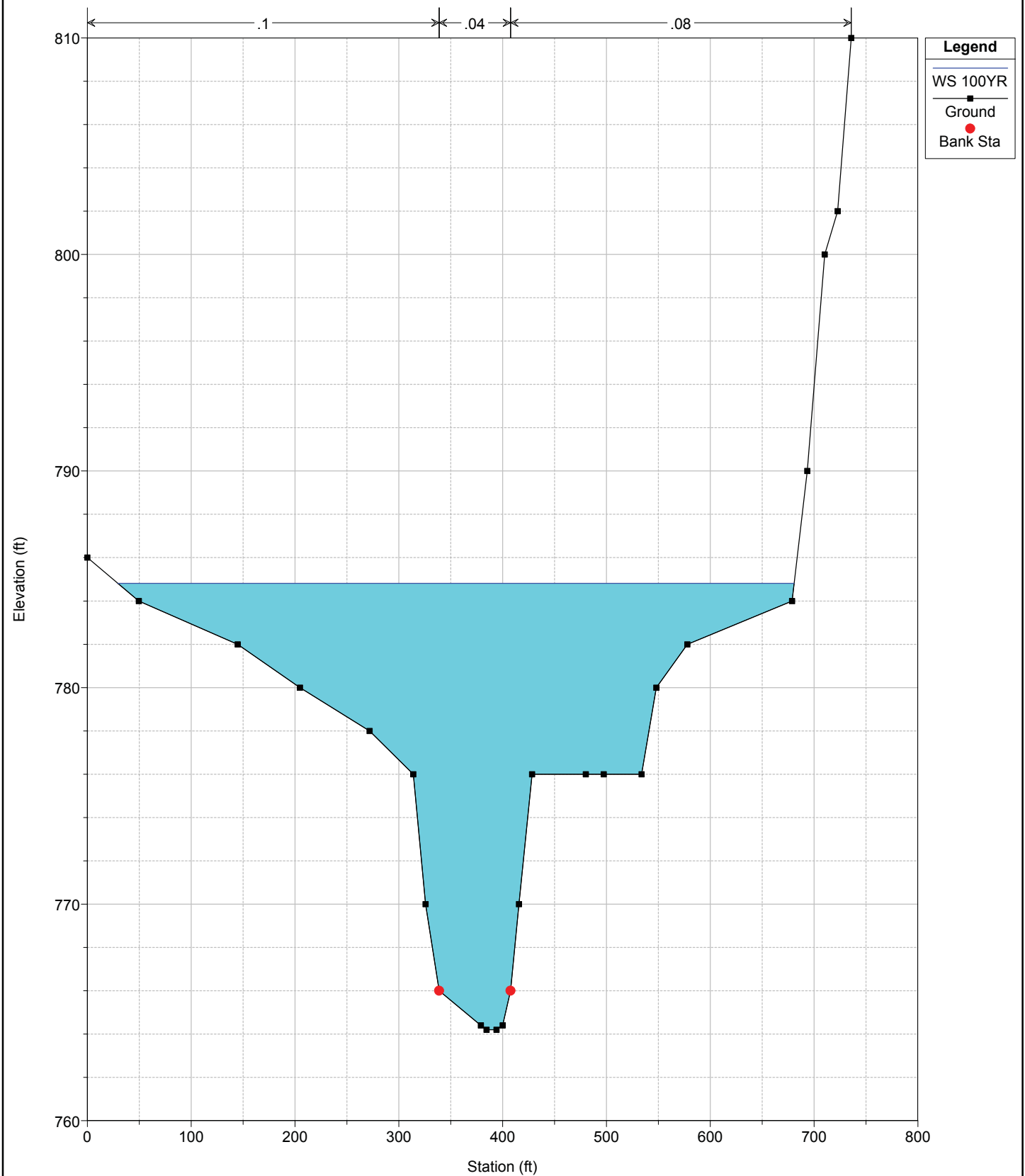


XS 9376

Updated TOPO Plan: mdw add xs R1 UPDATE TOPO 3/26/2015



Updated TOPO Plan: mdw add xs R1 UPDATE TOPO 3/26/2015



3809 Wards Road
HEC-RAS Floodplain Evaluation (XS 9400 - XS 9141)

Reach	River Sta	Profile	Plan	Q Total (cfs)	Min Ch El (ft)	W.S. Elev (ft)
RC	11070			Culvert		
RC	10962	100YR	Proposed Site	3388	774.1	785.43
RC	10962	100YR	Existing Conditions	3388	774.1	785.43
RC	10884	100YR	Proposed Site	3388	773.4	785.11
RC	10884	100YR	Existing Conditions	3388	773.4	785.1
RC	10744	100YR	Proposed Site	3388	772	785.14
RC	10744	100YR	Existing Conditions	3388	772	785.13
RC	10615	100YR	Proposed Site	3913	771.3	785.06
RC	10615	100YR	Existing Conditions	3913	771.3	785.05
RC	10411	100YR	Proposed Site	3913	770	785.05
RC	10411	100YR	Existing Conditions	3913	770	785.04
RC	10400			Culvert		
RC	10315	100YR	Proposed Site	3913	769.4	784.87
RC	10315	100YR	Existing Conditions	3913	769.4	784.86
RC	9996	100YR	Proposed Site	4105	767.5	784.84
RC	9996	100YR	Existing Conditions	4105	767.5	784.83
RC	9745	100YR	Proposed Site	4105	765.6	784.86
RC	9745	100YR	Existing Conditions	4105	765.6	784.85
RC	9458	100YR	Proposed Site	4105	764.4	784.86
RC	9458	100YR	Existing Conditions	4105	764.4	784.86
RC	9440			Culvert		
RC	9400	100YR	Proposed Site	4105	764.2	784.82
RC	9400	100YR	Existing Conditions	4105	764.2	784.81
RC	9376	100YR	Proposed Site	4105	764.2	784.79
RC	9376	100YR	Existing Conditions	4105	764.2	784.81
RC	9338	100YR	Proposed Site	4105	764	784.83
RC	9338	100YR	Existing Conditions	4105	764	784.83

RC	9312	100YR	Proposed Site	4105	763	784.78
RC	9312	100YR	Existing Conditions	4105	763	784.79
RC	9250	100YR	Proposed Site	4105	762	784.71
RC	9250	100YR	Existing Conditions	4105	762	784.71
RC	9141	100YR	Proposed Site	4105	761.8	784.75
RC	9141	100YR	Existing Conditions	4105	761.8	784.75
RC	8946	100YR	Proposed Site	4105	761.1	784.49
RC	8946	100YR	Existing Conditions	4105	761.1	784.49
RC	8760	100YR	Proposed Site	4105	759.37	784.51
RC	8760	100YR	Existing Conditions	4105	759.37	784.51



Date: April 20, 2015
Comm. No. : 15021
Project: Crosland Barnes Group – Mattress Firm Store
Report Title: Floodproofing Narrative
Location: 3809 Wards Road
Lynchburg, VA 24502
Prepared By: Hughes Associates Architects & Engineers

Page: 1 of 2

This Narrative Report is written regarding a piece of property located at 3809 Wards Road, Lynchburg, Virginia. New construction of a retail mattress store is being planned at this location. The new building will be approximately 56'-0" x 81'-0" and approximately 22' -0" in height. In accordance with the International Construction Code (ICC) 2012 the store will be classified as Mercantile Group (M) occupancy.

The proposed finish floor elevation of the building will be 783.50 feet; the base flood elevation for this property is 785.00 feet. This property is in the 100 year flood plain and is classified Zone A of Rock Castle Creek; the proposed structure is Category II per ASCE 24-14. The building will be equipped with dry flood proofing measures as required in accordance with ASCE 24-14.

Site Design

The proposed retail store will have a finished floor elevation of 783.5 feet. The flood elevation certificate prepared by Hurt & Proffitt of Lynchburg, Virginia shows the base flood elevation to be 785.00 feet. The site was designed to increase the finished floor elevation as much as practical while still making the site functional. The existing entrance elevation is 775.00 which is the controlling factor of the finished floor elevation.

To reach this elevation, the site will require structural fill to be placed on-site. All fill slopes will be 2:1 or flatter and will be armored for scour and erosion protection and prolonged inundation. Prior to foundation and site design, the site will be evaluated by a geotechnical engineer and soil borings will be taken. These soil borings will be evaluated by the engineer to determine the soils' characteristics. The site will be designed appropriately for the site conditions and the potential for flooding.

A flood Certificate will be submitted to the City of Lynchburg when the finished floor is complete. With the significant surface area of the 785' contour and the site outside of the main channel of the Rock Castle Creek (on the opposite side of Wards Road) a high water velocity is not anticipated.

The proposed building will have an appropriate backflow device to prevent the floodwaters from entering the municipal sanitary-sewer system.

Building Design

Exterior walls extending below Base Flood Elevation + 1 foot (freeboard) will be constructed of concrete masonry units on concrete footings, the floor will be a concrete slab on grade. All door openings and window openings below BFE + 1' will be protected with dry flood proofing methods in accordance with ASCE 24-14.

Inspection of lowest floor elevation will be performed following placement of the lowest floor. Elevation certificate will be submitted to the building official before there is further vertical construction on the building.

Spaces around utilities entering the building will be sealed to prevent water entry. Backflow prevention valves will be used on piping systems vulnerable to floodwater penetration. Underground plumbing system elements will be buried to a depth sufficient to prevent movement, separation or loss due to flooding and erosion.

At least one exit door will be provided above the BFE + 1'.

A flood emergency plan will be posted in at least two conspicuous locations; the plan will address specific elements and actions.

Respectfully submitted,

Martha J. Chester, NCARB, AIA, LEED AP

Mark J. Ayles PE





**Fill in the Floodplain
3809 Wards Road
Conditional Use Permit**

PLEASE PRINT

[illegible]

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **October 13, 2015**

AGENDA ITEM NO.: 10

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Atlanta Avenue Corridor Study**

RECOMMENDATION: Adopt the Atlanta Avenue Corridor Study as part of the *Comprehensive Plan*

SUMMARY: Region 2000 Local Government Council, AECOM and the City of Lynchburg collaborated to complete a study of Atlanta Avenue from Wards Ferry Road to Wards Road. The study was recommended by the Wards Road Pedestrian & Bicycle Study (adopted 2009), the Wards Ferry Road Corridor Study (adopted 2014), and the transportation goals of the *Comprehensive Plan*, to address capacity, speed, and safety issues (for both vehicles and pedestrians/bicyclists). The study recommends:

1. The installation of a mini, urban roundabout at the intersection of Badcock Place & Atlanta Avenue.
2. The installation of traffic calming measures on Atlanta Avenue.
3. The installation of a multi-use trail along Atlanta Avenue from Wards Ferry Road to Wards Road.

In the spring of 2015, the consultants hosted two public meetings at the Church of the Brethren on Atlanta Avenue where a number of nearby residents were in attendance. There was significant concern over speeding and pavement drop-offs on Atlanta Avenue, general support for all the improvements and strong support (especially from Atlanta Avenue residents) for pedestrian accommodations along the corridor.

The Planning Commission recommended adopting the study as part of the *Comprehensive Plan* because the study is consistent with the *Comprehensive Plan* which recommends that the City “prioritize improvements to the transportation system based on safety considerations; existing deficiencies; multimodal and environmental considerations; physical, economic, and policy constraints; contribution to quality urban design; required right of way needs; level of service; and appropriate system continuity.” *Comprehensive Plan*, p. 30

The vehicular portion of the roundabout is moving forward for construction this fall because it can be constructed without right-of-way acquisition and the cost is relatively minimal. The pedestrian connections across Atlanta would be made with the next phase of the Wards Road pedestrian improvements.

PRIOR ACTION(S):

August 12, 2015: Planning Commission heard a presentation on the study at a work session.

September 9, 2015: The Planning Division recommended approval of the *Atlanta Avenue Study*.

The Planning Commission held a public hearing and recommended approval of the study (6-0, with one vacancy).

FISCAL IMPACT: None associated with adoption of the *Atlanta Avenue Study*

Study estimates included on pages 18 and 28 of the study provide cost estimates for each recommendation. These estimates are preliminary and may vary based on timing, the engineering design, as well as any efficiency gained from working concurrently with other projects in the area.

- Atlanta Avenue and Badcock Place mini-roundabout -- \$300,000 (study estimate p. 28)
- Traffic calming measures along Atlanta Avenue (speed table) -- \$9,000
- 10' multiuse trail along north side of Atlanta Avenue -- \$380,000 (study estimate p. 28)

CONTACT(S):

Tom Martin, City Planner – 455-390

Kent White, Director of Community Development – 455-3900

ATTACHMENT(S):

- Atlanta Avenue Corridor Study – Final Report - July 2015
- Planning Commission Minutes – August 12, 2015

- Planning Commission Memo, Minutes and Sign-in Sheet – September 9, 2015
- Interim Roundabout Plan

REVIEWED BY: lkp

RESOLUTION:

A RESOLUTION ADOPTING THE ATLANTA AVENUE CORRIDOR STUDY INTO THE CITY’S COMPREHENSIVE PLAN 2013-2030.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the Atlanta Avenue Corridor Study be, and the same is hereby approved and adopted as part of the City’s Comprehensive Plan 2013-2030.

Adopted:

Certified: _____
Clerk of Council

DRAFT Final Report

Atlanta Avenue Corridor Study

City of Lynchburg, Virginia



Prepared on:
June 2015

Prepared for:
Central Virginia Metropolitan Planning Organization



AECOM

277 Bendix Road, Suite 500
Virginia Beach, VA 23452
757-499-4224
AECOM.com

ATLANTA AVENUE CORRIDOR STUDY DRAFT FINAL REPORT

JULY 2015

Prepared for:

City of Lynchburg

**Central Virginia
Metropolitan Planning Organization**

Lynchburg, Virginia

Prepared by:

AECOM

Virginia Beach, Virginia

The contents of this report reflect the view of the author(s) who are responsible for the facts and accuracy of the data presented herein. The contents do not necessarily reflect the views or policies of the Federal Highway Administration and/or the Commonwealth of Virginia Transportation Board. This report does not constitute a standard, specification or regulation. FHWA acceptance of this report as evidence of fulfillment of the objectives of this planning study does not constitute endorsement/approval of the need for any recommended improvements nor does it constitute approval of their location and design or a commitment to fund any such improvements. Additional project level environmental studies of alternatives may be necessary.

EXECUTIVE SUMMARY

The Region 2000 Local Government Council (Region 2000) in partnership with the City of Lynchburg engaged AECOM to conduct a corridor analysis along Atlanta Avenue in Lynchburg, Virginia. The Atlanta Avenue corridor connects Wards Road (U.S. Route 29 Business) in the east with Wards Ferry Road in the west.

Purpose

The purpose of this study is to develop and evaluate enhancements for both traveler safety (vehicular and non-vehicular) and pedestrian and bicycle connections on Atlanta Avenue between Wards Ferry Road and retail activities along Wards Road. The need for addressing these issues previously has been identified both in the *Wards Ferry Road Corridor Study* and in the *Wards Road Area Pedestrian & Bicycle Concept Plan*. Both documents identify the Atlanta Avenue corridor as exhibiting deficiencies in pedestrian and bicycle access as well as safety issues. To develop a recommended set of measures to address deficiencies, this study begins by defining them.

The measure of success of the implementation of the recommendations of this study is reflected in the attainment of goals articulated in the *Comprehensive Plan* and in the two supporting documents identified in the paragraph above. The key goals are:

1. Extending pedestrian and bicyclists access west along Atlanta Avenue to Wards Ferry Road; and,
2. Provide for safety in transportation in the design of facilities.

Planning Process

The corridor study process involved a coordinated effort that included staff from the City of Lynchburg, the Region 2000 Local Government Council and the consultant. Existing conditions were defined and forecasted conditions were developed and analyzed; deficiencies were detailed and a range of mitigative measures were considered. Key stakeholders and the public were engaged in two community meetings and improvement recommendations were finalized and documented.

Existing Conditions

To define vehicular deficiencies on Atlanta Avenue, daily directional traffic counts, an analysis of crash data and a speed study were conducted, and the key findings were:

- **Speed:** The average vehicle speed was **36 mph** and the posted speed limit is 25 mph.
- **Safety:** In the past 3 years, a total of **24 crashes** occurred at the intersection of Atlanta Avenue and Badcock Place. Roughly 20 of these may have been eliminated by the installation of a mini-roundabout
- **Capacity:** Traffic conditions at the intersection of Atlanta Avenue with Badcock Place in the PM peak hour display a Level of Service (**LOS**) **F** conditions, with average vehicle delays of approximately 120 seconds. In contrast, the intersection of Atlanta Avenue with Wards Ferry Road operates with good service level conditions. (A Level of Service is the measure of the relationship between service capacity and

service demand for the transportation network. LOS range from A, best to F, worst conditions)

- **Pedestrian & Bicyclist Access:** The roadway west of Badcock Place is a narrow, section providing **two lanes – each with of 10 feet pavement width** - and earthen shoulders with an open drainage ditches. It does not meet current standards for lane widths (12 feet), and no accommodations are provided for pedestrians or bicyclists. The ditches present a hazard for all travelers who may run off the roadway.

Improvement Measures

Traffic Calming: To address the problem with excess vehicular speed on Atlanta Avenue, a traffic calming study was conducted in accordance with the City's Neighborhood Traffic Management Program (NTMP). Atlanta Avenue meets the requirements to be eligible for traffic management techniques. Feasible traffic calming measure that could be used would be the installation of a **speed hump** and establishing an **increased fine zone**.

Safety and Capacity: To address the issue of excessive average vehicle delay on the Badcock Place and Wards Crossing Shopping Center driveway approaches to Atlanta Avenue, the intersection was evaluated as a potential candidate for a **mini-roundabout**. The analysis results show that with a mini-roundabout, the overall delay at the intersection of Atlanta Avenue with Badcock Place improves, particularly for motorists on the minor streets. In addition, installing the proposed mini-roundabout likely will result in a reduction in the number of crashes.

Pedestrian & Bicyclist Access: The recommended improvements address two existing gaps in access that were identified in the *Wards Road Area Pedestrian & Bicycle Concept Plan*. First, on its eastern leg the mini-roundabout includes a **pedestrian crossing of Atlanta Avenue** that will connect the existing trail from the north to the proposed multiuse trail planned to extend south to Wards Ferry Road. Second, the proposed **multi-use trail on the north side of Atlanta Avenue** from Badcock Place in the east to Wards Ferry Road in the west addresses the issue of pedestrian and bicycle access addressed in the *Wards Ferry Road Corridor Study*.

Public Involvement

The Atlanta Avenue public involvement process was comprised of two public meetings held at the Church of the Brethren. The first was held April 23, 2015 and the second on May 21, 2015. Sixteen people attended the first public meeting including several residents of Atlanta Avenue and eleven people attended the second meeting. Attendees' opinions generally favored the proposed mini-roundabout and the speed table. There was strong support (especially from residents of homes fronting onto Atlanta Avenue) for pedestrian accommodations running the entire length of Atlanta Avenue. Most of the residents of Atlanta Avenue stated that speeding was a major problem on the road. Additionally, several residents of Atlanta Avenue complained of pavement edge drop-offs on the segments that have a significant vertical curve to the west of the Church of the Brethren.

Cost Estimates

Planning level cost estimates¹ were developed for the two main infrastructure improvements:

- The cost for the **mini-roundabout** is estimated at **\$300,000**. Installation of elements of the mini-roundabout may be installed in phases.
- The cost of **the multiuse trail along Atlanta Avenue** is estimated at **\$380,000**. These recommendations are detailed in the *Wards Road Area Pedestrian and Bicycle Concept Plan*.

Recommendations

1. Install Mini-roundabout at Atlanta Avenue and Badcock Place.

- Address capacity and safety deficiencies at the intersection; and,
- Include a crosswalk on Badcock Place and a crosswalk on the east side of the intersection on Atlanta Avenue.

2. Install a temporary speed hump immediately west of Church of the Brethren.

- Evaluate on a trial basis to reduce excessive vehicular speeds on Atlanta Avenue;
- If the speed hump is effective and it receives a positive resident response then a permanent speed hump could be evaluated; and,
- The possibility of adding increased fine zone to provide greater enforcement activity also should be evaluated.

3. Install multiuse trail (10 feet in width) on the north side of Atlanta Avenue from Badcock Place to Wards Ferry Road.

- Provide safe pedestrian and bicyclist access from the existing and planned Wards Road corridor trails to planned trail on Wards Ferry Road;
- Address safety issues associated with narrow pavement and ditches on Atlanta Avenue; and,
- Multiuse trail improvement to include installation of curb and gutter (north side of Atlanta Avenue only), with trail set immediately adjacent to the back of curb.

¹ Cost estimates that are not based on detailed surveys and engineering drawings.

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I. INTRODUCTION

In partnership with the City of Lynchburg, the Region 2000 Local Government Council (Region 2000) engaged AECOM to conduct a corridor analysis along Atlanta Avenue in Lynchburg, Virginia. The Atlanta Avenue corridor connects to Wards Road (U.S. Route 29 Business) in the east with Wards Ferry Road in the west (See **Figure 1: Corridor Study Area**).

The purpose of this study is to develop and evaluate enhancements for both traveler safety (both vehicular and non-vehicular) and pedestrian and bicycle access connections on Atlanta Avenue from Wards Ferry Road to Wards Road and also to retail commercial activities located along the Wards Road corridor. The need for addressing these issues previously has been identified both in the *Wards Ferry Road Corridor Study* and in the *Wards Road Area Pedestrian & Bicycle Concept Plan*. Both documents identify the Atlanta Avenue corridor as exhibiting deficiencies in pedestrian and bicycle access as well as safety issues. To develop a recommended set of measures to address deficiencies, they must first be defined in detail and then mitigative measures can be evaluated and recommended.



Planning Basis for Corridor Study

The overarching basis for the Atlanta Avenue Corridor Study is found in the *Lynchburg 2030 Comprehensive Plan*. In expanding of the first transportation goal – T1.0 Supportive Transportation System — the document articulates two sub-goals that apply directly to the issues confronting this corridor:

T-1.4 Prioritize improvements to the transportation system based on safety considerations; existing deficiencies; multimodal and environmental considerations; opportunities to improve street connectivity; physical, economic and policy constraints; contribution to neighborhood character; impact on historic and environmental resources; required right-of-way; target levels of service (see policy T-1.3); public safety access; regional connectivity; and system continuity.

T-1.5 Manage access to promote safety and convenience of (sic) along streets and on abutting properties for all modes of transportation.¹

The *Comprehensive Plan* further expands on the multi-modal aspects of transportation goals under the section detailing Goal T-2: Better Streets and Enhanced Mobility. The applicable sub-goal specifically identifies the intent to involve residents:

T-2.4 Coordinate with private property owners and neighborhood groups to identify opportunities to better connect streets, pedestrian and bicycle facilities.²

Additional planning studies have further detailed the vision for multi-modal facilities in the corridor area. *The Wards Road Area Pedestrian & Bicycle Concept Plan* focused on improvements to be pursued along the commercial area south of Harvard Street, but it also provided for these planned north-south facilities along Wards Road to be connection to adjacent residential areas:

Signed connector bicycle routes from adjoining neighborhoods west of the study area along Wards Ferry Road, Atlanta Avenue and Harvard Street.³

Finally, in defining the needs on the Wards Ferry Road, the *Wards Ferry Road Corridor study* evaluated measures for providing pedestrian and bicycle access, but the limitations of the pavement section on Atlanta Avenue was seen as a challenge. In response the study recommended:

Atlanta Avenue merits a separate access management and multimodal (bike/pedestrian) study between Wards Ferry Road and the trail that is planned to end at the intersection of Atlanta Avenue and the driveway to Sam's Club.⁴

¹ *Lynchburg 2030 Comprehensive Plan*. pp. 30-31.

² *Lynchburg 2030 Comprehensive Plan*. p. 32.

³ *The Wards Road Area Pedestrian & Bicycle Concept Plan*. p. 15.

II. EXISTING AND FORECASTED CONDITIONS

Existing Conditions

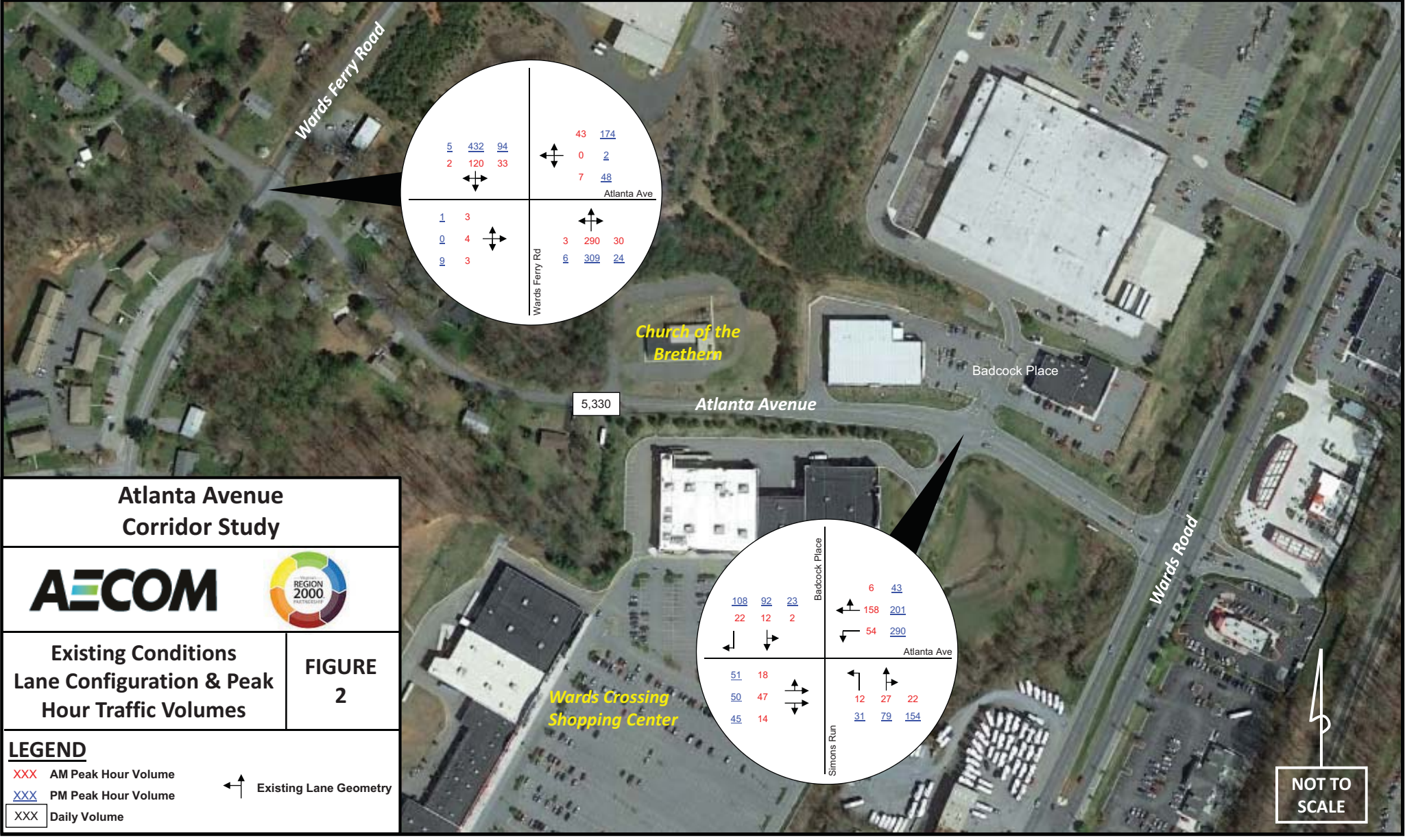
Daily directional traffic counts and measurements of vehicle speeds on Atlanta Avenue were recorded by Peggy Malone & Associates from November 5, 2014 through November 8, 2014. The location of the data collection was approximately 0.15 mile west of the Church of the Brethren driveway. Peak period turning movement counts (including pedestrian and bicycle movements) at the intersection of Atlanta Avenue with Badcock Place were conducted on November 6 & 8, 2014. The results of the traffic counts are documented in the Technical Appendix. Existing lane geometry and peak hour (8:00 – 9:00 AM and 4:30 – 5:30 PM) traffic volumes can be found in **Figure 2 - Existing Conditions Lane Configuration & Peak Hour Traffic Volumes**.

Existing land use data was compiled with the use of City of Lynchburg GIS resources. **Figure 3 – Key Land Use Features** depicts land use characteristics in the study area, including roadways and hydrographic features, in addition to topography. **Figure 4 – Zoning Districts** defines the current mapping by zoning district⁵, and **Figure 5 – Future Planned Land Use** shows planned land uses as recommended in the City of Lynchburg's *2030 Comprehensive Plan*.

The roadway along the Atlanta Avenue corridor starts at the Wards Road intersection as a four-lane facility with a pavement width of 48 feet and curb and gutter drainage. Beginning at the Church of the Brethren the roadway section transitions to a two-lane section with a pavement width of 20 feet and earthen shoulders and an open drainage system (ditches), and this section continues west to the intersection with Wards Ferry Road. Atlanta Avenue is approximately 0.36 miles in length and exhibits a steep increase in elevation (approximately 90 feet at an average grade of 4.7%). No bicycle or pedestrian accommodations are currently provided west of Badcock Place.

⁴ *Wards Ferry Road Corridor Study*. p.36.

⁵ For a complete description of each zoning district, see the City of Lynchburg Zoning Ordinance.

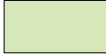


Atlanta Avenue Corridor Study

Figure 3 - Key Land Use Features

Region 2000 Local Government Council
Lynchburg, Virginia

Legend

-  Stream Area
-  Stream
-  10' Contour Index
-  Floodzone
-  Roadway

June 2015

0 0.025 0.05 0.1 Miles



AECOM



Atlanta Avenue Corridor Study

Figure 4 - Zoning Districts

Region 2000 Local Government Council
Lynchburg, Virginia

Legend

Zoning Districts

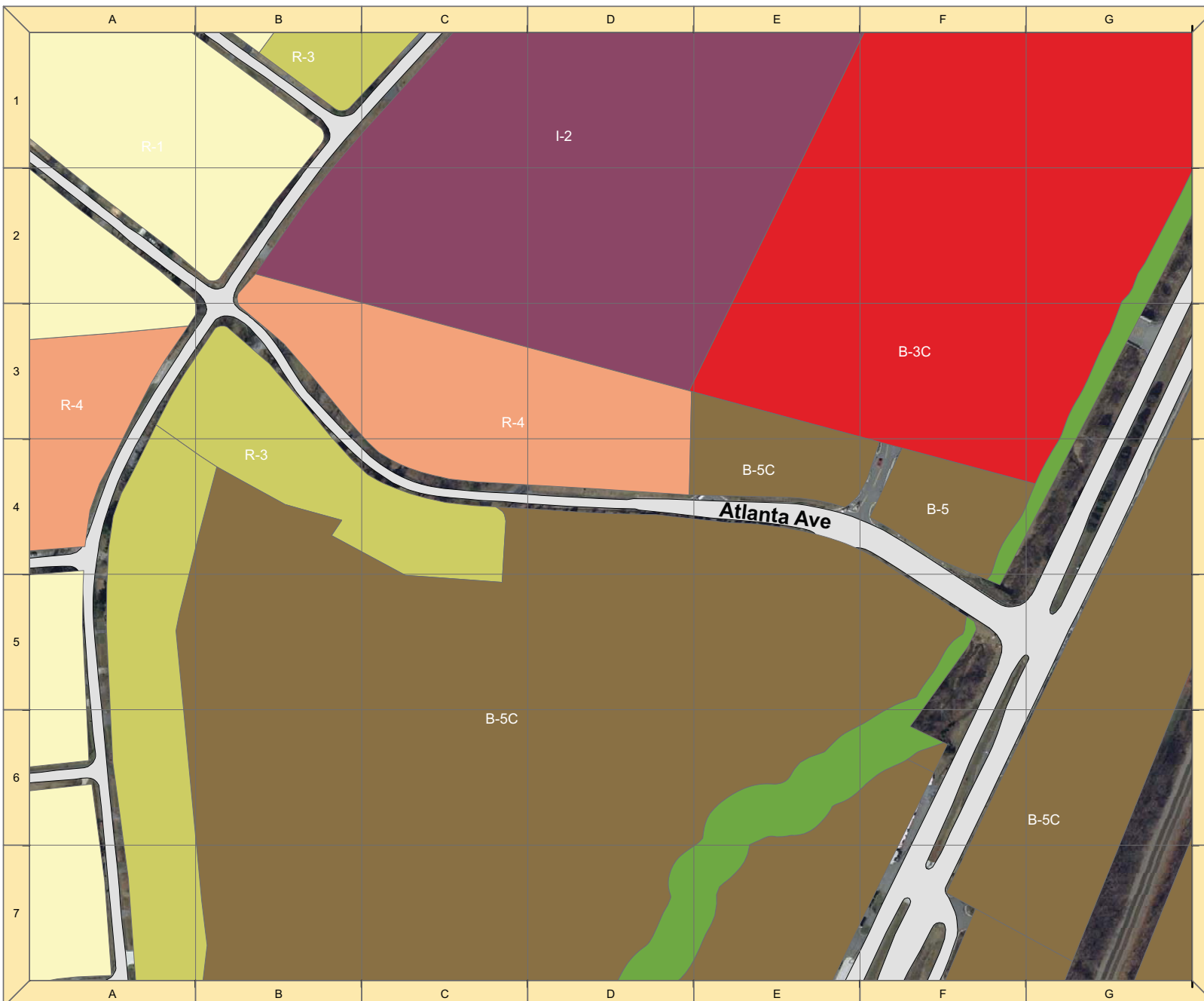
- B1
- B2
- B3
- B5
- I2
- R1
- R2
- R3
- R4
- RC

June 2015

0 0.025 0.05 0.1 Miles



AECOM



Atlanta Avenue Corridor Study

Figure 5 - Future Planned Land Use

Region 2000 Local Government Council
Lynchburg, Virginia

Legend

Future Planned Land Use

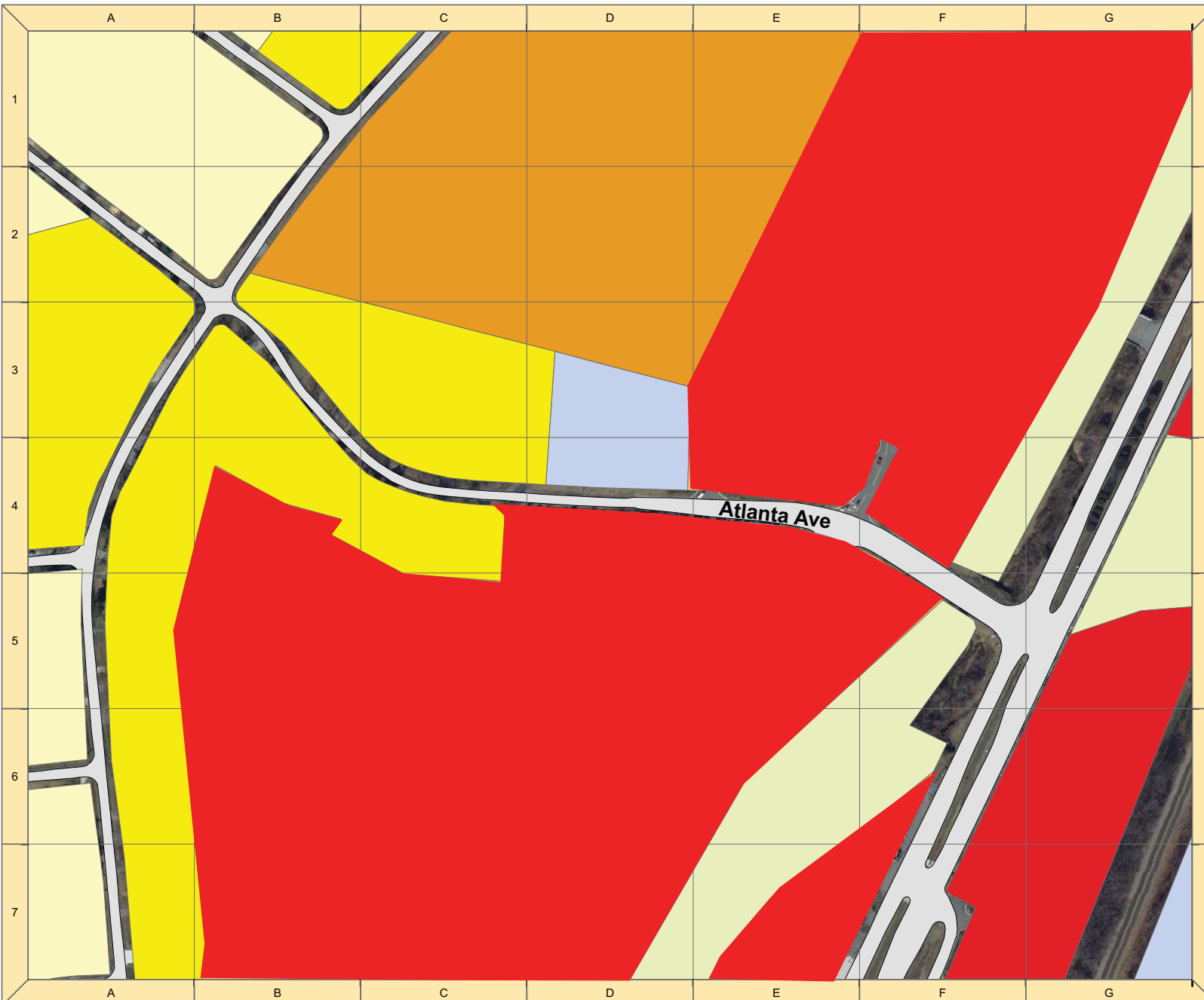
- Resource Conservation
- Public Use
- Institution
- Office
- Employment 2
- ~~Regional Commercial~~
- Community Commercial
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Roadway

June 2015

0 0.025 0.05 0.1 Miles



AECOM



Capacity Analysis of Existing Conditions

Using the peak hour traffic volumes shown in **Figure 2 - Existing Lane Configuration & Peak Hour Traffic Volumes**, capacity analysis was conducted. The intersection capacity analyses were performed using Synchro 8 software, which computes estimates of service levels using the methodology developed in the *Highway Capacity Manual* (HCM 2010).

Capacity analysis is used to determine a Level of Service (LOS) for a given intersection, and the analysis procedures differ depending upon the type of traffic control at the intersection - signalized or unsignalized. In general, LOS A and B indicate little or no delay, LOS C indicates modest delay, LOS D indicates delay is increasing and noticeable, LOS E indicates the limit of acceptable delay and LOS F is characteristic of over-saturated conditions.

The capacity analysis results of existing conditions are documented in **Table 1**, which shows that the intersection of Atlanta Avenue with Badcock Place operates with good service level conditions in the AM peak hour – service levels no worse than B. The PM peak hour, however, displays poor service levels for the north and southbound movements: the side street left turns displays LOS F, with average vehicle delays of approximately 120 seconds.

Table 1 Existing Conditions Average Unsignalized Vehicle Delay and Service Levels Synchro HCM 2010 Methodology				
Approach	AM Peak Hour		PM Peak Hour	
	Delay (sec.)	LOS	Delay (sec.)	LOS
Atlanta Avenue @ Badcock Place				
EB Left/Through	7.6	A	7.9	A
EB Right	0.0	A	0.1	A
WB Left	7.4	A	8.1	A
WB Through/Right	0.0	A	0.0	A
NB Left	12.3	B	114.7	F
NB Through/Right	10.9	B	34.4	D
SB Left/Through	12.3	B	126.4	F
SB Right	9.3	A	10.3	B
Atlanta Avenue @ Wards Ferry Road				
EB Left/Through/Right	12.5	B	13.8	B
WB Left/Through/Right	11.0	B	23.7	C
NB Left/Through/Right	0.1	A	0.1	A
SB Left/Through/Right	1.7	A	1.5	A

Also shown in **Table 1**, the results of the analysis of the intersection of Atlanta Avenue and Wards Ferry Road indicate service levels on all approaches are adequate - exhibiting LOS C or better.

Next, SimTraffic 8.0 simulation software was used to run a microsimulation, and the results of these simulation runs are included in **Table 2**. The simulations show that motorists on the side streets still experience delay, but on the order of 15 to 20 seconds, rather than approximately 120 seconds as shown in the results in Table 1. This lower average vehicle delay is consistent with observed field conditions.

Table 2 Existing Conditions Average Vehicle Delay and Service Levels SimTraffic Microsimulation				
Approach	AM Peak Hour		PM Peak Hour	
	Delay (sec.)	LOS	Delay (sec.)	LOS
Atlanta Avenue @ Badcock Place				
EB Left/Through	2.6	A	2.6	A
EB Right	0.1	A	0.3	A
WB Left	1.8	A	3.1	A
WB Through/Right	0.3	A	0.9	A
NB Left	5.9	A	18.3	C
NB Through/Right	8.0	A	16.3	C
SB Left/Through	6.4	A	17.3	C
SB Right	6.5	A	13.6	B

As previously documented in the report, *Wards Ferry Road Corridor Study*, the intersection of Atlanta Avenue with Wards Ferry Road operates with good service level conditions, with no worse than LOS C conditions in both peak hours.⁶

Crash Analysis

Crash records from the most recent 3-year period (2011-2014) were evaluated to identify patterns in crash histories. **Table 3** displays a summary of all crashes along the Atlanta Avenue corridor. In the past 3 years, there were a total of 24 crashes; of these, 22 (92%) involved angle collisions, 1 (4%) involved a rear-end collision, and 1 (4%) involved a collision with an off-road fixed object. Generally, more than 5 crashes annually indicate a potential intersection safety issue.

⁶ *Wards Ferry Road Corridor Study*. June 2013. p.6.

Table 3 Atlanta Avenue 3-Year Crash Summary				
Intersection	Rear End	Angle	Fixed Object – Off Road	Total
Wards Rd @ Atlanta Ave	1	-	1	2
Badcock Pl @ Atlanta Ave	-	20	-	20
Wards Ferry Rd @ Atlanta Ave	-	2	-	2
Total	1	22	1	24

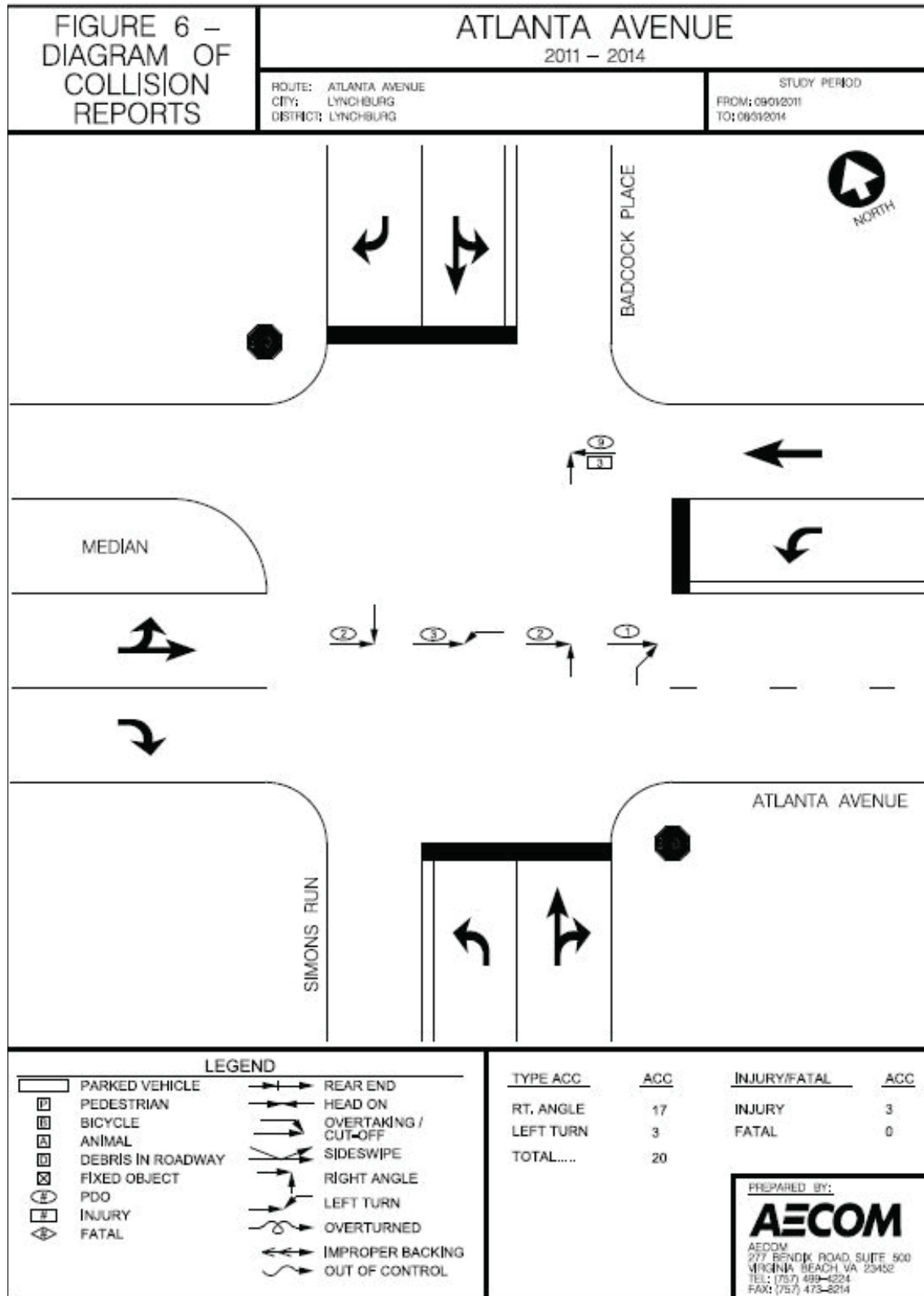
The majority of crashes (20 of 24, or 84%) occurred at the intersection of Atlanta Avenue and Badcock Place. Speed was not determined to be a factor in any of these crashes. Darkness was the prevailing lighting condition in 4 of 20 (20%) crashes; the pavement was wet in 2 of 20 (10%) crashes; and other vehicles obstructing drivers' views were a factor in 6 of 20 (30%) crashes. There were 3 crashes resulting in personal injuries, 17 resulting in property damage only, and none resulting in a fatality. From the analysis of crash causes and conditions, neither weather nor darkness is a significant factor, and the high frequency of crashes is most likely related to the intersection configuration. **Figure 6 – Diagram of Collision Reports** displays the crash patterns for the intersection of Badcock Place with Atlanta Avenue.

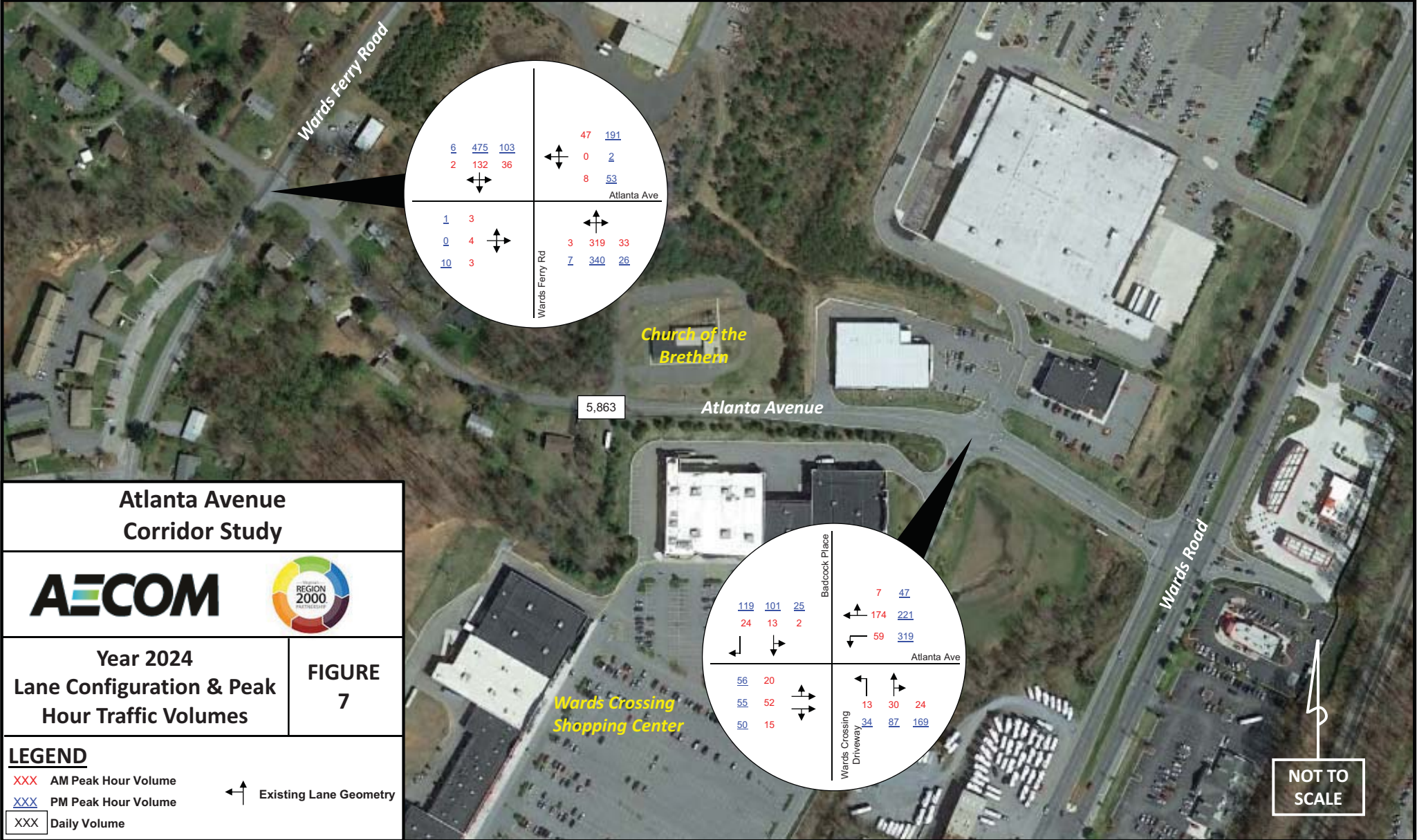
Forecasted Conditions

Background traffic volume growth – traffic not related to site development on the corridor - on all study area roads has been accounted for by applying a 1% annual growth rate to existing volumes. The 1% annual growth rate is consistent with that used and documented in the *Wards Ferry Road Corridor Study*, which was conducted in 2013.

The design year for this project was set at 2024 - ten years beyond the existing conditions. **Figure 7 - Year 2024 Lane Configuration & Peak Hour Traffic Volumes** presents the design year traffic volumes.

Using the peak hour traffic volumes found in **Figure 7**, capacity analysis of year 2024 forecasted conditions was conducted. Synchro 8 software was used for the analysis to calculate results based on *2010 Highway Capacity Manual* procedures. **Table 4** summarizes the results of the Build Alternative analysis.





Similar to the existing conditions results, the intersection of Atlanta Avenue with Badcock Place is forecast to operate with good service levels in the AM peak hour with no worse than LOS B conditions. The PM peak hour continues to display poor service levels for the northbound and southbound approach movements: the side street left turns display LOS F conditions, with average vehicle delays in excess of 400 seconds.

Table 4 also shows that, in contrast with the Badcock Place intersection, the intersection of Atlanta Avenue with Wards Ferry Road is forecast to operate with adequate service levels during both peak periods.

Table 4 Build Alternative Average Vehicle Delay and Service Levels HCM 2010 Methodology				
Approach	AM Peak Hour		PM Peak Hour	
	Delay (sec.)	LOS	Delay (sec.)	LOS
Atlanta Avenue @ Badcock Place				
EB Left/Through	7.7	A	8.0	A
EB Right	0.0	A	0.1	A
WB Left	7.5	A	8.2	A
WB Through/Right	0.0	A	0.0	A
NB Left	13.0	B	419.0	F
NB Through/Right	11.2	B	62.7	F
SB Left/Through	12.8	B	316.3	F
SB Right	9.4	A	10.6	B
Atlanta Avenue @ Wards Ferry Road				
EB Left/Through/Right	13.1	B	15.1	C
WB Left/Through/Right	11.4	B	33.5	D
NB Left/Through/Right	0.1	A	0.2	A
SB Left/Through/Right	1.7	A	1.5	A

As with the analysis of existing conditions, SimTraffic 8 software was again used to run a microsimulation using forecasted year 2024 volumes; the results of these simulations may be found in **Table 5**. The simulations again show that on average motorists using the side streets still experience approximately 15 to 21 seconds of delay, rather than over 400 seconds as shown in the HCM results in Table 4.

Table 5 Build Alternative Average Vehicle Delay and Service Levels SimTraffic Microsimulation				
Approach	AM Peak Hour		PM Peak Hour	
	Delay (sec.)	LOS	Delay (sec.)	LOS
Atlanta Avenue @ Badcock Place				
EB Left/Through	2.3	A	3.3	A
EB Right	0.0	A	0.2	A
WB Left	2.5	A	2.9	A
WB Through/Right	0.3	A	1.0	A
NB Left	4.4	A	14.3	C
NB Through/Right	7.1	A	18.6	C
SB Left/Through	7.3	A	21.6	C
SB Right	3.1	A	6.6	C

III. NEIGHBORHOOD TRAFFIC CALMING

In response to complaints received by the City of Lynchburg from corridor residents, a traffic calming study was initiated by Lynchburg and supported by AECOM. Traffic calming consists of physical design and other measures, including narrowed roads and speed humps, put in place on roads for the intention of slowing down or reducing motor-vehicle traffic as well as to improve safety for pedestrians and cyclists.

The guide for completing traffic calming study process is defined in the City of Lynchburg document, *Neighborhood Traffic Management Program (NTMP)* dated December 2005. It provides a step-by-step process to identify, evaluate and prioritize traffic management measures.

Residential collector streets such as Atlanta Avenue, although classified as collector roads, may have characteristics of a local residential street. These streets may be considered for traffic management techniques if they meet all the following conditions:

1. Posted speed of 25 mph
2. Two-lane roadway
3. Does not serve as the primary access to commercial, educational, or industrial sites.
4. Minimum of 12 dwelling units fronting the street per 1,000 feet of roadway, including both sides.
5. The volume of traffic is greater than 1,000 vehicles per day.
6. Documented Speed Problem – the average speed is greater than 5 mph over the speed limit based on documented speed studies (greater than 30 mph).

Atlanta Avenue has a posted speed limit of 25 mph and is a two lane roadway west of Badcock Place. While it provides direct access to residential units, motorists also use it as a cut-through connection between Wards Ferry Road and Wards Road and the commercial areas along Wards Road.

There are 10 residences fronting the street, however those residences only span an 800-foot length of roadway. Extrapolating this ratio out, a similar roadway of 1,000 feet would meet the 12-residence criterion. As documented by the traffic counts, the average daily traffic on Atlanta Avenue is 5,330 vehicles. And as documented in the speed study, the average speed on Atlanta Avenue is 36.2 mph. Based on all of these analysis measures, Atlanta Avenue meets the requirements to be eligible for traffic management techniques.

Since Atlanta Avenue meets the eligibility for traffic management, the next step according to the NTMP is to rank it as a prioritized need. Requests for traffic management measures scoring less than 40 points – as shown in **Table 6** - will automatically be considered a low priority and not considered further for physical measures. Based on the results of **Table 6** with a score of 85 out of a possible 100 points, Atlanta Avenue is qualified to move on to more detailed scoring.

Table 7 shows the results of this detailed analysis, which shows that Atlanta Avenue scores 70 out of a possible 105 points. Based on the results of the traffic calming investigation, it is recommended that physical measures be instituted to aid in traffic calming along Atlanta Avenue. A majority of crashes are located in the eastern end of the corridor - particularly at the intersection of Badcock Place with Atlanta Avenue. At this location, pedestrians may periodically cross Atlanta Avenue to move between shopping centers. Considering these corridor characteristics and as shown in Table 7 the score of 70, the list of potential traffic calming measures at this intersection is presented in **Table 8**.

Table 6 Atlanta Avenue Traffic Management Techniques Priority Calculation Basic Scoring				
Criteria	Points	Basis for Point Assignment	Atlanta Avenue Value	Atlanta Avenue Score
Speed	0 to 50	85 th percentile traffic speeds more than 5 mph above the posted speed limit (5 points assigned for every mph over)	37.1 mph	35
Volume	0 to 50	Average daily traffic volumes (2 points assigned for every 100 vehicles per day)	5,330	50
Total Points Possible	100	Must have at least 40 points to move on to Table 7	-	85

Table 7 Atlanta Avenue Traffic Management Techniques Priority Calculation Detailed Scoring				
Criteria	Points	Basis for Point Assignment	Atlanta Avenue Value	Atlanta Avenue Score
Speed	0 to 50	Percentage of vehicles traveling 10 mph over the posted speed (1 point assigned for every 1 percentage point)	66.6%	50
Volume	0 to 5	Average daily traffic volumes (1 point assigned for every 100 cars over 500 vehicles per day)	5,330	5
Elementary Schools	0 to 10	5 points assigned for each school zone in study area	None	0
Pedestrian Generators	0 or 5	5 points assigned for public facilities (such as parks, community centers, and high schools) that generate a significant number of pedestrians on the street	None	0
Bicycle Route	0 or 10	10 points assigned if any part of the street is a designated bicycle route	No bicycle route	0
Transit Streets	0 or 10	10 points assigned if any part of the street is a designated transit route	No transit	0
Pedestrian Facility	0 or 10	10 points assigned if there is no continuous sidewalk on at least one side of the street	No facilities	10
Crash Frequency	0 to 5	5 points for injury accidents, 1 point for property damage (last 3 years)	3 injury accidents 21 PDO accidents	5
Total Points Possible	105	-	-	70

Table 8 Atlanta Avenue Traffic Calming Measures Atlanta Avenue @ Badcock Place			
Traffic Calming Measure	Description	Drawbacks	Cost
Traffic Circle	An elevated area in the middle of an intersection	May reduce parking spaces and require additional right-of-way	\$3,500 to \$15,000
Raised Crosswalk	A raised hump with a 10-foot wide flat top	Slows emergency vehicles Potential drainage problems Increased noise Increased maintenance cost	\$2,500 to \$8,000
Raised Median Island	An elevated area in the middle of a roadway	Drainage problems Increased maintenance cost	\$5,000 to \$15,000
Crosswalk Refuge	A raised median in the middle of a roadway with a cut for the crosswalk	Increased maintenance cost	\$5,000 to \$15,000

The *NTMP* also present a series of traffic calming measures for consideration.⁷ Comparing these measures and focusing on pedestrian and bicycle safety and access recommendations in *The Wards Road Area Pedestrian & Bicycle Concept Plan - Signed connector bicycle routes from adjoining neighborhoods west of the study area along Wards Ferry Road, Atlanta Avenue* – the narrow pavement section along the western segment of Atlanta Avenue presents an implementation challenge. Specifically, encouraging the pedestrian and bicycle use with signing on such a narrow roadway is not consistent with promoting traveler safety. Either the pavement section would need to be widened or a separate pedestrian and bicycle facility would need to be installed.

Turning to the speeding issues on Atlanta Avenue, along the western segment of the corridor horizontal and vertical curves tend to slow, and only earthen shoulders with open drainage (ditches – no curbs) are provided. Therefore, the only feasible traffic calming measures that could be used would be a speed hump and/or increased fine zone enhanced enforcement. Speed humps force emergency vehicles to slow, may cause drainage problems, and may impose increased noise and maintenance costs. However, they will also slow other vehicles traveling the roadway. They cost \$2,000 to \$3,000 each to install. Installation of a temporary device would allow further evaluation of this technique and would still leave the option for increased fine zone as a further measure.

⁷ *Neighborhood Traffic Management Program* .pp. B-1 & B-2.

The preferred location for the speed hump is shown in **Figure 8: Multiuse Trail and Speed Hump**, presented in the next section of this report.

Later in this report, Section V presents an analysis of a mini-roundabout at this intersection. With no medians on the pavement section, the next possible traffic calming measure would be a raised crosswalk or speed humps, which would give pedestrians a set point to cross Atlanta Avenue and would further reduce the speed of traffic at this location.

IV. PEDESTRIAN AND BICYCLE INFRASTRUCTURE

A number of pedestrian improvements were recommended in the *Wards Road Area Pedestrian & Bicycle Concept Plan* (2009), and some have been installed along the Wards Road corridor. Many of the improvements are intended to increase pedestrian access and mobility to and from nearby Liberty University. These improvements include a pedestrian tunnel under the railroad from the east side of Wards Road to the Liberty University campus, a pedestrian bridge crossing Wards Road, and the extension of sidewalks and/or trails throughout the area. The recently installed sidewalk network (Phase 1 of plan implementation) terminates at the northeast corner of the intersection of Atlanta Avenue with Badcock Place. From this location, no crosswalk is currently provided across Atlanta Avenue, and no pedestrian facility currently extends along Atlanta Avenue.

Connections to Existing Facility

Based on the current sidewalk location on the northeast corner of the intersection of Badcock Place with Atlanta Avenue, it is recommended that the adopted plan for the area be implemented by installing a crosswalk on the eastern approach to the intersection as well as continuing the multiuse trail along the east side of the driveway from Atlanta Avenue to the Wards Crossing shopping center – part of Phase III of plan implementation. This multiuse trail would eventually run the length of shopping center driveway - from Atlanta Avenue south to Wards Ferry Road. Placing the multiuse trail on the east side of the road would allow access to the businesses located between the shopping center driveway and Wards Road. To gain access to the businesses located on the west side of the Wards Crossing shopping center driveway, crosswalks would be installed at the eastern and western end of the commercial complex and additional crosswalks may also be considered at appropriate locations.

Neighborhood Improvements

To the west of Badcock Place, Atlanta Avenue narrows and becomes exclusively residential – west of the Church of the Brethren. The typical section is 20 feet of pavement width with earthen shoulders and open drainage (ditches). The distance from the edge of pavement to any of the structures is approximately 55 feet. To add any bicycle or pedestrian improvements along the roadway would require right of way acquisition. However, corridor residents who have attended one of the two community meetings have expressed support for a multiuse trail, even if it would impact private property. In response, **Figure 8 – Wards Ferry Road Connection, Multiuse Trail and Speed Hump** displays the proposed pedestrian improvements along Atlanta Avenue.



V. MINI-ROUNDBABOUT

Moving the study focus from the residential to the commercial segment of the corridor, due to its relatively low speeds and high crash frequency, the intersection of Badcock Place with Atlanta Avenue is a potential candidate for a mini-roundabout. A mini-roundabout is an intersection configuration that can be used at physically-constrained locations to mitigate safety issues and reduce excessive delays on minor approaches. Mini-roundabouts operate in the same manner as larger roundabouts, with yield control on all entries and counterclockwise circulation around a mountable central island. Some benefits of mini-roundabouts include its compact size, which eliminates right of way acquisition, traffic safety, traffic calming, and operational efficiency.

Common site applications for mini-roundabouts are at locations where space is constrained, and approach speeds are 30 mph or less. They are useful in and near residential areas as they constrain vehicle speeds, and when compared with a traffic signal, they require lower maintenance costs. Mini-roundabouts are typically designed with a central island no larger than 90 feet in diameter, and they use a mountable central island in order to accommodate turning movements of larger vehicles with turning radii that may necessitate over-running the island.

To accommodate pedestrian improvements as previously discussed at the intersection of Badcock Place with Atlanta Avenue, the splitter island on the eastern approach (from Wards Road) to the intersection will include a crosswalk cut-through and pedestrian refuge. This will allow pedestrians to cross Atlanta Avenue from the existing sidewalk on the northeast corner to the proposed multiuse trail on the southeast corner. **Figure 9 – Mini-Roundabout** displays a concept for the design of a mini-roundabout at the intersection of Badcock Place with Atlanta Avenue.

Using the peak hour traffic volumes previously shown in **Figure 7** a capacity analysis of the Mini-roundabout Alternative was conducted. Synchro 8 software was used for the analysis using *2010 Highway Capacity Manual* procedures. **Table 9** summarizes the results of the analysis.

By installing a mini-roundabout, the overall delay at the intersection of Atlanta Avenue with Badcock Place improves. HCM analysis indicates that all vehicle movements in the AM peak hour exhibit decreases in delay, while the westbound left movement slightly increases in delay in the PM peak hour; however, this delay increase only results in a better than adequate LOS B. All other movements are forecast to retain or improve their respective service levels. To further analyze the intersection, SimTraffic 8 software was again used to run a microsimulation; the results of these simulations are shown in **Table 10**. The simulations show that the westbound left movement retains its LOS B, but that the side streets decrease their delay further still.



**Atlanta Avenue
Corridor Study**

AECOM

Mini-Roundabout

**FIGURE
9**

Table 9 Roundabout Alternative Average Vehicle Delay and Service Levels HCM 2010 Methodology				
Approach	AM Peak Hour		PM Peak Hour	
	Delay (sec.)	LOS	Delay (sec.)	LOS
Atlanta Avenue @ Badcock Place				
EB Left/Through	4.2	A	7.4	A
EB Right	0.0	A	0.0	A
WB Left/Through	5.8	A	14.1	B
WB Right	0.0	A	0.0	A
NB Left/Through/Right	4.2	A	7.3	A
SB Left/Through/Right	4.8	A	13.5	B

Table 10 Roundabout Alternative Average Vehicle Delay and Service Levels SimTraffic Microsimulation				
Approach	AM Peak Hour		PM Peak Hour	
	Delay (sec.)	LOS	Delay (sec.)	LOS
Atlanta Avenue @ Badcock Place				
EB Left/Through	3.5	A	4.0	A
EB Right	2.1	A	2.4	A
WB Left/Through	3.3	A	14.2	B
WB Right	1.8	A	2.6	A
NB Left/Through/Right	3.4	A	4.7	A
SB Left/Through/Right	2.9	A	4.6	A

Cost Estimates

Planning level cost estimates were developed for the two recommended improvements.

The cost for the 10 foot wide multiuse trail along the north side of Atlanta from Badcock Place to Wards Ferry Road is \$380,000.

The cost estimate for the mini-roundabout at the intersection of Atlanta Avenue and Badcock Place is \$300,000. The mini-round-about and associated pedestrian improvements could be installed in phases.

VI. PUBLIC INVOLVEMENT PROCESS

The Atlanta Avenue public involvement process was comprised of two public meetings. The first meeting was held April 23, 2015 from 3:00 PM to 6:00 PM at the Church of the Brethren located at 200 Atlanta Avenue. At this meeting preliminary findings and preliminary recommendations were presented using display boards in a town-hall style meeting. Additionally, a Federal Highway Administration (FHWA) video explaining mini-roundabouts, which can be accessed at (www.youtube.com/watch?v=94h1TCK-yNs) was played during the meeting. The public was notified of the first meeting through mailings to residences on Atlanta Avenue, advertisements in the local paper, and through the use of variable message boards placed on Atlanta Avenue a week in advance of the meeting.

Sixteen people attended the first public meeting including several residents of Atlanta Avenue. Attendees also included the manager of Badcock Furniture, located in the northwest quadrant of the intersection) and the owner of the Wards Road shopping center, located in the northeast quadrant of the intersection. Material presented at the first public meeting included the following:

- Speed study on Atlanta Avenue displaying average and 85th percentile speeds
- Existing traffic volumes
- Crash diagram of the intersection of Badcock Place and Atlanta Avenue
- Summary of existing capacity analysis and forecasted capacity analysis of the intersection of Badcock Place and Atlanta Avenue
- Diagram of speed hump
- Diagram of roundabout including pedestrian connections

As expressed by attendees, opinions generally favored the proposed mini-roundabout and the speed hump. Most residents and others at the meeting agreed that making left turns from southbound Badcock Place to eastbound Atlanta Avenue was difficult, unsafe and slow during the PM peak period. There was strong public support (especially from residents of Atlanta Avenue) for pedestrian accommodations running the entire length of Atlanta Avenue. Most of the residents of Atlanta Avenue stated that speeding was a major problem on the road. Additionally, several residents of Atlanta Avenue complained of pavement edge drop-offs on the segments that have a significant vertical curve to the west of the Church of the Brethren. The pavement edge drop off-claims were verified and found to be significant - drop-offs as large as 12 inches were found.

The second public meeting was held May 21, 2015 also at the Church of the Brethren from 3:00 p.m. to 6:00 p.m. Eleven people attended the second meeting. Many of the people whom attended the first meeting attended the second meeting. The material presented at the second meeting was the same as the first with multiuse trail added to the figures displaying it along the entire length of Atlanta Avenue. Attendees reiterated

many of the comments made at the first meeting. The only additional significant comment that was received was support for moving the speed humps to the west of the location shown at the meetings. At the meetings the display board had the speed humps located directly in front of Church of the Brethren. Residents wanted the speed humps to the hill where speeding was an issue in front of their homes. Eight residents signed a petition in support of the speed humps.

VII. FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

Findings & Conclusions

This study has evaluated the safety and capacity of the Atlanta Avenue corridor from Wards Road to Wards Ferry Road. Additionally, this study examined potential multi-modal accommodations along the corridor. Three issues became apparent in conducting the analysis: 1) speeding is excessive; 2) the intersection with Badcock Place exhibits capacity and safety issues; and, 3) pedestrian and bicyclist accommodations or linkages are not provided.

The intersection of Badcock Place and Atlanta Avenue exhibits a poor crash history with 20 crashes in the most recent 3 years of recorded crashes. Additionally, capacity analysis results indicate poor service levels for both the side street left turn movements on the minor street (Badcock Place) approaches. A mini-roundabout is recommended to mitigate the crash frequency and severity as well as the poor service levels.

Turning to the residential neighborhood corridor issues, a speed study was conducted just west of Church of the Brethren, and average speeds were 5-8 MPH and 85th percentile speeds were 10-13 MPH over the posted 25 MPH speed limit. The City of Lynchburg has a traffic calming program in place (*NTMP*) which outlines the specific requirements for the installation of traffic calming measures. Atlanta Avenue scores fairly high in both the basic scoring and detailed scoring. Based on the scoring Atlanta Avenue is eligible for traffic calming measures with approval of 66% of the residents of the street, which requires seven of the ten residents to sign a petition. At the second public meeting eight residents signed a petition in favor of the installation of a speed hump.

Currently Atlanta Avenue does not provide for any pedestrian or bicyclist accommodations either along the length of the corridor or south to planned linkages. Most of the residents attending the two community meetings stated that there was significant pedestrian traffic on the corridor. In response, pedestrian accommodations are recommended on the north side of Atlanta Avenue west of Badcock Place. The preferred accommodation is a 10 foot wide multiuse trail, and installation would include curb and gutter on the edge of the existing pavement with the multiuse trail located immediately adjacent back of curb.

In addition, to link to an existing trail to the Atlanta Avenue trail and to planned facilities to the south, pedestrian crossings should also be accommodated in the mini-roundabout

Two public meetings were held on this study, one on April 23, 2015 and the other on May 21, 2015. Both meetings were held at the Church of the Brethren on Atlanta Avenue from 3-6 PM. Generally most of the meeting attendees were concerned about speeding on the corridor, safety at the Badcock Place intersection, and the lack of

pedestrian accommodations. Moreover, most of the attendees were in favor of the proposed recommendations to address their concerns for the corridor - a mini-roundabout, a speed humps, and a multiuse trail along the length of Atlanta Avenue.

The cost for the 10 foot wide multiuse trail along the north side of Atlanta Avenue from Badcock Place to Wards Ferry Road is \$380,000.

The cost estimate for the mini-roundabout at the intersection of Atlanta Avenue and Badcock Place is \$300,000. The mini-round-about and associated pedestrian improvements could be installed in phases.

Recommendations

1. Install Mini-roundabout at Atlanta Avenue and Badcock Place.

- Address capacity and safety deficiencies at the intersection; and,
- Include a crosswalk on Badcock Place and a crosswalk on the east side of the intersection over Atlanta Avenue.

2. Install a temporary speed hump immediately west of Church of the Brethren.

- Evaluate on a trial basis to reduce excessive vehicular speeds on Atlanta Avenue;
- If the speed hump is effective and it receives a positive resident response, then a permanent speed hump could be evaluated; and,
- The possibility of adding increased fine zone to provide greater enforcement activity also should be evaluated.

3. Install multiuse trail (10 feet in width) on the north side of Atlanta Avenue from Badcock Place to Wards Ferry Road.

- Provide safe pedestrian and bicyclist access from the existing and planned Wards Road corridor trails to planned trail on Wards Ferry Road;
- Address safety issues associated with narrow pavement and ditches on Atlanta Avenue; and,
- Multiuse trail improvement to include installation of curb and gutter (north side of Atlanta Avenue only), with trail set immediately adjacent to the back of curb.

MINUTES OF THE AUGUST 12, 2015 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

Mr. Tom Martin explained that he will be presenting a joint study conducted by Region 2000, the City of Lynchburg and consulting engineers AECOM. The study area is Atlanta Avenue as it extends from Wards Ferry Road to Wards Ferry Road running east to west. The study was recommended by the Wards Road Pedestrian and Bicycle Study (adopted September 8, 2009), the Wards Ferry Road Corridor Study (adopted January 14, 2015) and the transportation goals of the *Comprehensive Plan*.

One of the recommendations of the Ward Road Pedestrian and Bicycle Study was to look at ways to connect the adjacent neighborhoods into the retail areas with pedestrian and bicycle facilities. The study specifically mentioned Atlanta Avenue. The Wards Ferry Road study recommended putting in a left turn lane at Atlanta Avenue. There were two public meetings conducted on April 23 and May 21, 2015, and the plan was well received by the neighborhood and the stakeholders in the area.

The study looked at capacity, safety, speed and bicycle and pedestrian amenities. The two major intersections studied were Atlanta Avenue and Badcock Place and Atlanta Avenue and Wards Ferry Road. The intersection at Atlanta Avenue and Badcock Place has levels of service of D and F. The intersection of Wards Ferry Road and Atlanta Avenue is functioning well with the lowest level of service being a C.

The next thing looked at was a no build alternative. The traffic counts were grown by one percent for ten years. In this scenario, the intersection at Atlanta Avenue and Badcock Place would have all three turning movements at a level of service of F. The intersection of Atlanta Avenue and Wards Ferry Road would have one turning movement at a level of service of D.

The crash data was looked at and there have been 24 accidents at Atlanta Avenue and Badcock Place in a three-year period. The City could look at a four-way stop or a light and there are pros and cons to each of these solutions.

Speed in the area was studied. 85 percent of the traffic speeds more than five miles over the speed limit. People are using it as a cut through from Wards Road to Wards Ferry Road. These were not unknown issues but the study did document them.

The plan recommends a ten-foot multiuse trail running from Wards Ferry Road to Wards Road, a speed table and a mini urban roundabout at Badcock Place and Atlanta Avenue. Mr. Martin presented a video that demonstrates how a mini roundabout functions. Mr. Martin explained that it is being recommended at this intersection because it can increase capacity and be installed within the existing right-of-way. The levels of service at this intersection would improve to A and B with the installation of the mini roundabout.

The cost estimates are \$380,000 for the multiuse trail, \$300,000 for the mini roundabout and \$9,000 for the speed table. Examples of existing speed tables are on Roundeley Road and Harvard Street.

Commissioner Marion noted that the multiuse trail is being shown on both sides of Atlanta Avenue but does not get you anywhere. Mr. Martin commented that it does not yet but if you go back to Phase 3 of the Wards Road plan, you can see that there are plans for pedestrian connections along the frontage.

Commissioner Light commends staff on exploring this option. He has traveled in Europe and encountered many roundabouts and mini roundabouts. He has not found them difficult to maneuver and has found them to be a great enhancement. He has found some in Maryland and again, the same results. Commissioner Light also noted that all the safety studies he is familiar with are supportive of this type of approach. He would encourage the City to continue to look for opportunities to do this at other intersections.

Commissioner Light asked if residents from the area attended the public meetings. Mr. Martin indicated that they had and they were supportive of the plan even if they had to give up yard area for the multiuse trail. Commissioner Lowe commented that he attended one of the meetings and the residents wanted the speed table that has been mentioned. Commissioner Lowe is glad to see the sidewalk all the way from Wards Ferry Road to Wards Road.

Commissioner Mays asked if there is an existing multiuse trail on Harvard Street going from Wards Ferry Road to Wards Road. Mr. Martin said the existing multiuse trail stops at the parking lot on the left hand side across from the main entrance to CVCC. There have been conversations with CVCC about extending that to Wards Ferry Road. That may be something that the college does on its own. They have been doing some campus master planning and are not sure if this is the right location.

Commissioner Mays asked if these improvements are in the City's budget. Mr. Martin said we have an idea of how the mini roundabout can be funded at this time. We have to look for grant and partnership opportunities.

Commissioner Mays asked if the pedestrian and bicycle access is being pushed all over the City or are there target areas. Mr. Martin thinks that these amenities make sense but obviously as we go into neighborhood specific areas, that is one of the first things examined.

Commissioner Mays noted that he likes the mini roundabout at this intersection because of its proximity to Wards Road. You would not want a stop light there. Commissioner Lowe asked if it would be flat or raised. Mr. Martin said the preliminary conversations have been that it would be raised. It was noted that roundabouts are also cheaper to maintain than a traffic light.

Chair Swienton thought that the benefits of traffic flow and safety are rather clear. Chair Swienton would like the consultants to address the impact of the roundabout on pedestrian safety at the public hearing. He would like some assurance from the consultants that the mini roundabout will enhance pedestrian safety. Chair Swienton also asked if there is a maximum traffic count that starts to diminish the safety of a roundabout. Mr. Martin will ask the consultant to address these questions at the public hearing.



Memorandum

Planning Division • Community Development

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

To: Planning Commission

From: Tom Martin, AICP, City Planner

CC: Bob White, Region 2000

Date: September 9, 2015

Re: Atlanta Avenue Corridor Study

The Planning Commission conducted a work session on the Atlanta Avenue Corridor Study on August 12, 2015. At this work session city staff discussed the recommendations of the plan which include:

1. The installation of a mini, urban roundabout at the intersection of Badcock Place & Atlanta Avenue.
2. The installation of traffic calming measures on Atlanta Avenue.
3. The installation of a multi-use trail along Atlanta Avenue from Wards Ferry Road to Wards Road.

As discussed the study was recommended by the *Wards Road Pedestrian & Bicycle Study*, the *Wards Ferry Road Corridor Study* and the Transportation Goals of the *Comprehensive Plan 2013-2030*.

Two public meetings were held on April 23 & May 21, 2015, where the recommendations of the plan were well received.

At your September 9, 2015 meeting, representatives from AECOM, Region 2000 and city staff will be available to further discuss the plan recommendations with you.

After conducting a public hearing, Planning Staff proposes you recommend Council adopt the Atlanta Avenue Corridor Plan as part of the City's Comprehensive Plan 2013-2030.

MINUTES OF THE SEPTEMBER 9, 2015 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

Petition of the City of Lynchburg to adopt the Atlanta Avenue Corridor Study as part of the City Comprehensive Plan 2013-2030. The Atlanta Avenue Corridor Study recommends traffic calming measures, a multi-use trail and pedestrian crossings to be installed on Atlanta Avenue. The plan also recommends the installation of a “mini urban roundabout” at the intersection of Atlanta Avenue & Badcock Place.

Mr. Chris Lawrence from AECOM was present to answer questions. Mr. Martin gave the commission a refresher of the summary given to them at the work session on August 12, 2015. He reminded them that the first recommendation of the study is a mini roundabout at the intersection of Badcock Place and Wards Ferry Road. This recommendation will be moved forward if this study is approved by City Council. The study shows that the roundabout will improve the level of service delays at Badcock Place and Atlanta Avenue.

The next recommendation is a speed table to slow traffic on Atlanta Avenue. The third recommendation is a 10-foot multiuse trail extending from Wards Ferry Road along the northern side of Atlanta Avenue all the way to Wards Road.

The commission had requested information as to when the roundabout would begin to fail. Mr. Martin noted that the intersection is currently failing and anything we can do to improve capacity and safety will greatly enhance the area. The commission had also wanted to know how this would improve pedestrian safety for those crossing Atlanta Avenue at this intersection. Mr. Martin noted that there is a concrete pad shown on the plan that would serve as a pedestrian refuge. The roundabout will most likely be constructed first. The raised median and sidewalk improvements would be done at a later date as funding becomes available.

Mr. Lawrence remarked that they did not explicitly study when the roundabout might fail. It worked very well under conditions projected for ten years with a ten percent growth. With a cursory analysis, he thinks it could handle a 50 percent growth before it would begin to fail.

With regard to how the roundabout might affect pedestrian safety, Mr. Lawrence commented that there are no pedestrian accommodations at this intersection currently. The pedestrian feature will allow pedestrians to cross Atlanta Avenue one lane at a time. The roundabout will also slow traffic down in the vicinity, which will improve pedestrian safety. The traffic entering and exiting the roundabout would be traveling approximately 15 mph; currently, speeds are around 35 mph.

There was no one else present to speak in favor or in opposition to the study. Chair Swienton closed the public hearing.

Commissioner Marion asked how a roundabout fails. Mr. Lawrence said the delays would become unacceptable and the queues would become very long. The replacement would likely be a two-lane or a hybrid roundabout. It would require additional right-of-way acquisition.

In answer to a question from Commissioner Perault, Mr. Lawrence noted that the public was generally supportive of the plan. Commissioner Perault noted that was the feeling he got from the public meeting he had attended.

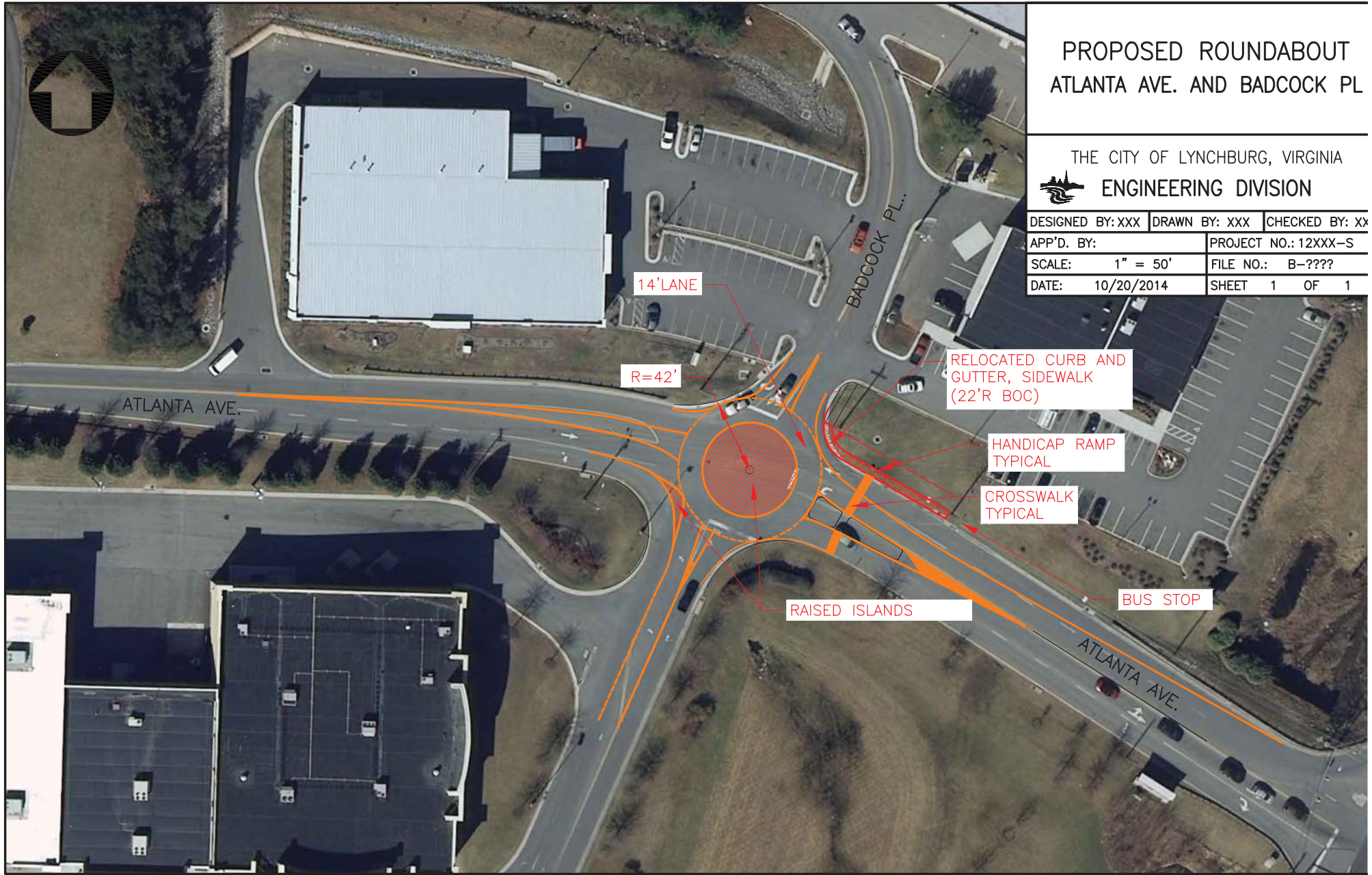
Commissioner Lowe made a motion, which was seconded by Commissioner Light, to recommend approval of the Atlanta Avenue study. Chair Swienton thinks this is a great improvement and will be very worthwhile to the area. He pointed out to the other commissioners that they should keep this study in mind as future proposals come before them. The motion was approved by the following vote:

AYES:	Light, Lowe, Marion, Mays, Perault and Swienton	6
NOES:		0
ABSTENTIONS:		0
ABSENT:		0
VACANCIES:		1

Atlanta Avenue Study

PLEASE PRINT

[illegible]



PROPOSED ROUNDABOUT ATLANTA AVE. AND BADCOCK PL

THE CITY OF LYNCHBURG, VIRGINIA
 ENGINEERING DIVISION

DESIGNED BY: XXX	DRAWN BY: XXX	CHECKED BY: XY
APP'D. BY:	PROJECT NO.: 12XXX-S	
SCALE: 1" = 50'	FILE NO.: B-????	
DATE: 10/20/2014	SHEET 1	OF 1

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **October 13, 2015**

AGENDA ITEM NO.: 11

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **License Agreement to Install Aerial Fiber Optic Cable on Enterprise Drive and Dillard Drive**

RECOMMENDATION: After a public hearing, adopt a resolution granting Shentel Communications LLC a License Agreement to place aerial fiber optic cable in city owned right-of-way along Enterprise Drive and Dillard Drive as indicated on the attached route map.

SUMMARY:

Shentel Communications LLC has submitted a request to install approximately 2,500 feet of aerial fiber optic cable in city right-of-way. The city portion of the route begins on Enterprise Drive (at city limits) and extends along Enterprise Drive to its intersection at Dillard Drive. It then extends along Dillard Drive to the last power pole on Dillard Drive. There will be no underground installation of fiber cable within the city limits.

PRIOR ACTION(S):

Technical Review Committee (TRC) – August, 2015

FISCAL IMPACT:

None

CONTACT(S):

Lee Newland, City Engineer – 455-3947

Gaynelle Hart, Director of Public Works – 455-4406

ATTACHMENT(S):

Resolution

Route Map

REVIEWED BY: lkp

RESOLUTION

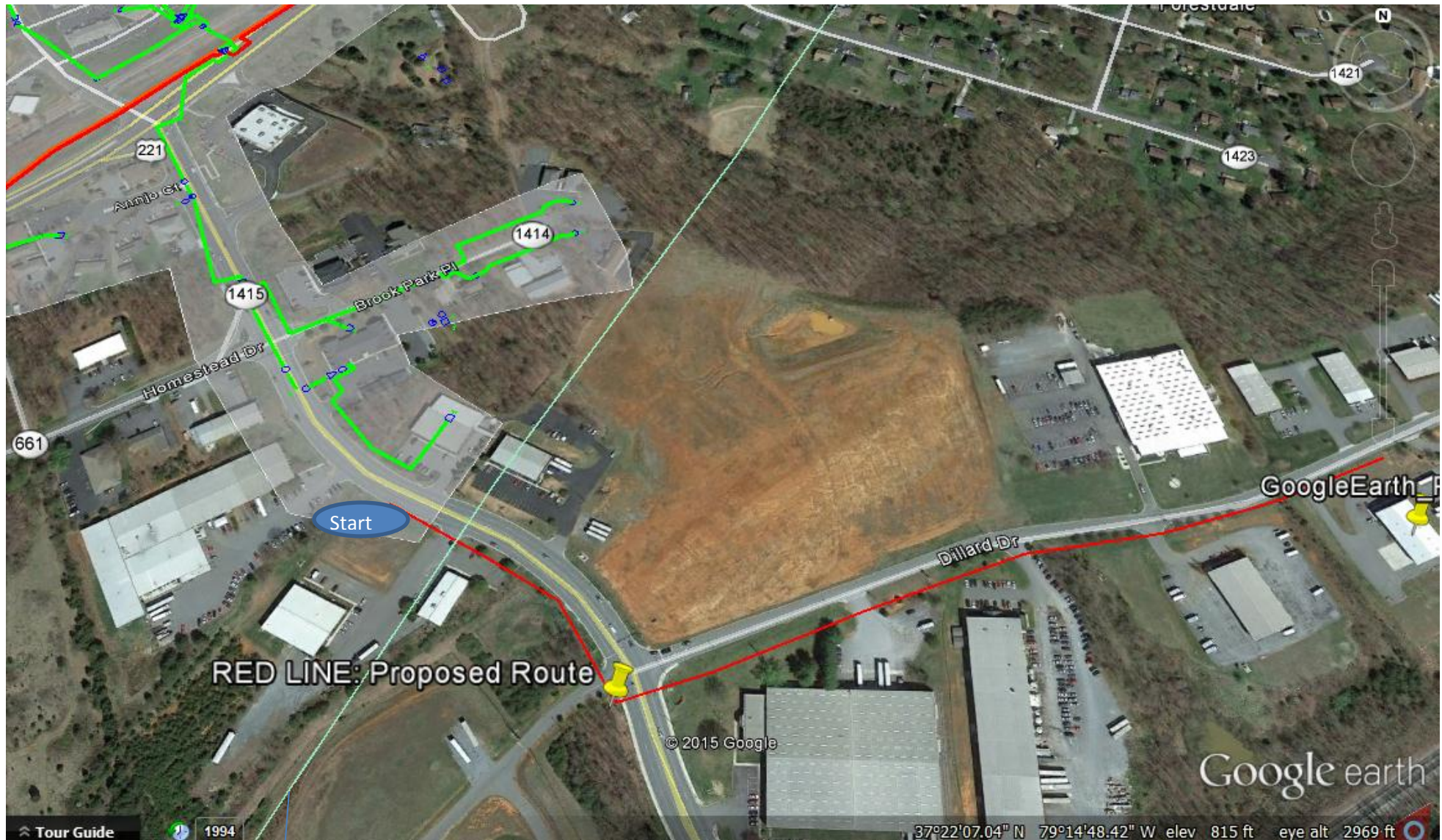
BE IT RESOLVED That the City Manager is hereby authorized to execute an interim license agreement with Shentel Communications LC to install approximately 2,500 feet of aerial fiber optic cable in the City's right-of-way. The route of the fiber optic cable that is to be installed in the City begins on Enterprise Drive (at the City limits) and extends along Enterprise Drive to its intersection at Dillard Drive. It then extends along Dillard Drive to the last power pole on Dillard Drive. There will be no underground installation of fiber cable within the City limits.

Adopted:

Certified:

Clerk of Council

100K



Notes:

Lynchburg City Boundary

1. All plant construction will be Aerial.
2. Green denotes existing Shentel plant
3. Red highlights proposed route to Dillard Drive (service will terminate at last power pole on Dillard Drive)

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **October 13, 2015**

AGENDA ITEM NO.: 12

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Lease of Property at 300 Rutherford Street**

RECOMMENDATION: After a public hearing, approve the lease of property at 300 Rutherford Street to COPE International-USA.

SUMMARY: The City has received the attached proposal from Mr. Joseph Pallone, President of COPE International-USA to lease a portion of the former Allen Morrison property at 300 Rutherford Street for the purpose of establishing a training program for veterans and others to develop commercial indoor farming businesses.

The long-term plan for the former Allen Morrison property is for its development as a City park, with the building at 300 Rutherford Street to be utilized for the Parks & Recreation Department's maintenance operations. At this time, however, the resources necessary to renovate the building have not been programmed into the Capital Improvement Plan. Staff is willing to allow Mr. Pallone to renovate the building and use it as an incubator for his program for a three year period. If the program is successful, the City will work with Mr. Pallone to help him find a permanent location.

The City Assessor has indicated that a fair market rent for the 3,750 square foot building with approximately one acre of land (from a total acreage of 3.556 ac.) would be \$4/sq. ft. This equates to an annual rent of \$15,000. The proposed lease provides for an abatement of the annual rent in return for a capital investment in the building. Mr. Pallone proposes to establish water, sewer, and electrical service to the building and to otherwise make it habitable in compliance with applicable building codes.

A preliminary evaluation by the Zoning Administrator indicates that the proposed use is consistent with the current zoning of the property. Mr. Pallone will be responsible for securing a final zoning determination and all applicable permits related to improvement of the property.

PRIOR ACTION(S): Mr. Pallone gave a presentation on his organization to City Council on September 22, 2015.

FISCAL IMPACT: The City will avoid the capital cost of renovating the building.

CONTACT(S): Kimball Payne, City Manager, 455-3990

ATTACHMENT(S): Resolution; Proposal; Draft Lease; Photo of site

REVIEWED BY: lkp

RESOLUTION

BE IT HEREBY RESOLVED THAT, the Lynchburg City Council authorizes the City Manager to enter a lease agreement with COPE International-USA to rent a portion of City property at 300 Rutherford Street for the purpose of establishing a training program for commercial indoor farming.

Adopted:

Certified:

Clerk of Council

108K

COPE International-USA
Creating Opportunities through Partnership and Education

September 5, 2015

L. Kimball Payne, City Manager
City of Lynchburg
900 Church Street
Lynchburg, VA 24504

Dear Mr. Payne,

Attached please find an unsolicited proposal to the City of Lynchburg for use of the building located at 300 Rutherford St.

We are currently conducting a program in Lynchburg that is focused on creating jobs, particularly in areas where unemployment is high or endemic, and where brownfields and unused buildings often burden a municipality. We would like to move our program to 300 Rutherford from a building we are leasing at 1503 Rutherford.

The COPE-USA program is funded by a private donor and we are not seeking funds from the City.

In brief, the program does not train people for employment in trades or existing businesses, but rather combines practical training and a college certificate in business management to enable individuals to start and operate their own business in a new industry. In other words, we do not train people to compete for existing jobs but rather we create new jobs in a new sector, commercial indoor farming.

The concept of commercial indoor farming may seem radically new and risky at first glance; it is not. Essentially, we apply proven technologies to grow first-quality fresh produce, year-round, in a soil-based growth medium, inside old and unused buildings. Our approach overcomes the problems and constraints currently faced by agriculture in the Commonwealth, specifically: the short growing season (typically 3-4 months); the need for chemical fertilizers and controls; pollutants and runoff; high operating costs; and high levels of energy and water use. We use a system that is comprised of a 4' x 8' steel grow table (manufactured for us in Lynchburg), a 100% natural super compost growing medium (from Bedford), drip irrigation, and magnetic induction lamps (made in the USA). The system is totally "green," uses minimal water and electricity, and does not pollute or discharge into municipal water or waste facilities. Virginia Cooperative Extension (VCE) has been involved in system development and we grew commercially-viable strawberries year-round in 2014.

The objective of the program is to create business ownership and employment. The core of the program is to provide individuals with real-world business skills and capabilities to operate a successful business. We are partnered with Central Virginia Community College (CVCC) which has put together an accredited business certificate curriculum. We teach two of the courses and their focus is on practical horticulture and

COPE International-USA
Creating Opportunities through Partnership and Education

indoor production. We have lined up buyers, including a company in Lynchburg, who will take all of the fresh produce we and our graduates can grow.

The demand for fresh produce is currently being serviced by importing products out of season from California, Florida, and outside the USA; our system obviates the costs for transportation, cold storage, and trans-shipment. Further, the objectives of Virginia programs like Buy Fresh Buy Local and the Department of Agriculture and Consumer Services farm-to-table effort (Farm Fresh Go!) cannot be met without the capability to grow fresh local produce outside the 3-4 month growing season; our program results would remedy that otherwise unavoidable deficiency.

Also, the needs for fresh produce in Lynchburg are currently not being met. This is most apparent in the food deserts that exist in the city. I would be happy to go into detail about how our program will address food security and nutrition in Lynchburg, to include partnering with school lunch programs, the Lynchburg Area Food Council, and the community-supported agriculture (CSA) program at Lynchburg Grows, and the outreach and education programs we will conduct with VCE and others.

A primary focus of our program is on Veterans but the program is open to non-Veterans as well. Twelve Veteran men and one non-Veteran woman are enrolled in the semester that just began at CVCC. One of the Veterans is diagnosed with TBI and others have disability ratings. I expect another Veteran and two non-Veteran women will enroll this semester. The certificate program costs and a living allowance are funded by Department of Veterans Affairs. Non-Veterans are eligible for similar funding.

Allowing the program to locate at 300 Rutherford would strengthen Lynchburg Grows and its CSA program, and complement the City's plan to develop the adjacent parcel as a concert venue. This is consistent with Region 2000 goals and the purposes for which the property was acquired. Part of our proposal is to manage a "Food Forest" on the acreage with VCE, and a community garden or cooperative (possibly with Living Water Harvesters). We would partner with VCE in a certificate program to train juniors and seniors at E.C. Glass and another to enhance SNAP. We would improve the building by bringing in water and electricity.

We agree with Mayor Gillette's vision, expressed at the Urban Ag Summit last year, that Lynchburg will become a hub for food and a center for innovative agriculture technology. We believe Lynchburg could also become the model for commercial indoor farming in the Commonwealth, as well as nationally and internationally.

Sincerely yours,



Joseph Pallone
President

PROPOSAL

for the use of
300 Rutherford Street

COPE International -USA, a 501(C)3 nonprofit based in Virginia, proposes the following to the City of Lynchburg in order to use the property known as 300 Rutherford Street.

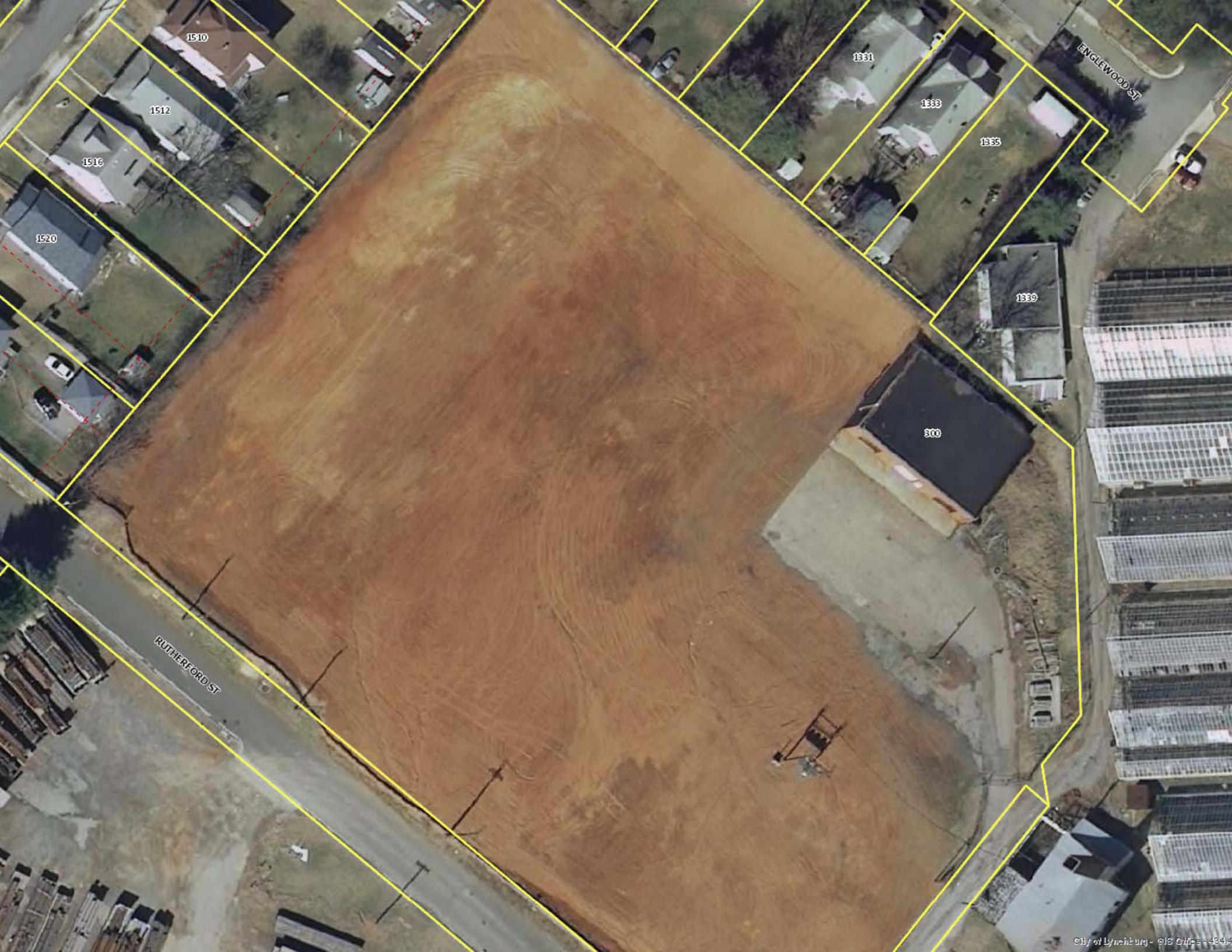
1. COPE would use the existing building to establish an education and training facility for indoor farming. The primary focus of this effort is to create long-term sustainable jobs by training and preparing individuals, especially Veterans, to start and/or operate a successful business in commercial indoor farming.

2. COPE would, at no cost to the City of Lynchburg:

- a. Occupy the building;
- b. Establish water and electrical service, and pay for the utilities in the building;
- c. Construct an ADA-compliant bathroom;
- d. Establish an indoor farm as a working education and training facility;
- e. Commit to create and fund at least two new jobs;
- f. Work with the City of Lynchburg, Virginia Cooperative Extension, and others to develop the acreage as a model, functioning "Food Forest" and a community garden or cooperative;
- g. Manage the operations on the acreage;
- h. Partner with the City of Lynchburg, Lynchburg Grows, Virginia Cooperative Extension, and others to enhance the achievement of their mission objectives, without duplicating their efforts or competing with their programs.

3. City of Lynchburg would:

- a. Retain title but turn over control of the building and acreage for three years to COPE, at a cost of \$1.00 per year, with an option to negotiate terms for additional three-year increments;
- b. Cooperate with COPE to seek public and private sector grants and similar resources.



THIS LEASE AGREEMENT made and dated this ____ day of _____, 2015, by and between the CITY OF LYNCHBURG, a municipal corporation of the Commonwealth of Virginia, party of the first part, hereinafter referred to as the “City”, and COPE INTERNATIONAL-USA, party of the second part, hereinafter referred to as “COPE.”

W I T N E S S E T H

WHEREAS, the City is the owner of certain land and a building located at 300 Rutherford Street, in the City of Lynchburg, hereinafter referred to as the “premises;” and,

WHEREAS, COPE desires to lease the premises from the City for use as a working indoor farm education and training business for the purpose of providing veterans and others with the skills and capabilities to start up, own, and operate their own successful indoor farming businesses under the following terms and conditions;

NOW, THEREFORE, for and in consideration of the premises and the mutual covenants and agreements hereinafter contained, the parties hereto agree as follows:

(1) Premises--City does hereby lease to COPE, for the sole use as a working indoor farm education and training business for the purpose of providing veterans and others with the skills and capabilities to start up, own, and operate their own successful indoor farming businesses, approximately one acre of land and the building (containing 3,750 square feet) located at 300 Rutherford Street, in the City of Lynchburg, Lynchburg, Virginia. A sketch showing the location of the land and building being leased to COPE is attached hereto as “Exhibit A.”

(2) Term--The lease shall be for a term of three years commencing on November 1, 2015, and ending at midnight on October 31, 2018.

(3) Rent--The rent for the term shall be \$15,000.00 per year, payable without the need for billing by the City, at the following times and under the following conditions:

- (a) The rent for the period from November 1, 2015 through December 31, 2016, in the amount of \$17,500.00 shall be due and payable on or before December 31, 2016.
- (b) The rent for the period from January 1, 2016 through December 31, 2017, in the amount of \$15,000.00 shall be due and payable on or before December 31, 2017.
- (c) The rent for the period from January 1, 2018 through October 31, 2018, in the amount of \$12,500.00 shall be due and payable on or before October 31, 2018.
- (d) The rental payments shall be made to the City's Billings and Collections Division, City Hall Building, 900 Church Street, Lynchburg, VA 24504, attn. Susan Hargis or to such other person and location as the City may designate in writing from time to time.
- (e) The parties agree that COPE will have to make a number of improvements and renovations to the premises in order to be able to use them as a working indoor farming education and training business. The parties further agree that COPE, after obtaining written approval from the City to make any proposed improvements and renovations as provided in paragraph (5) of this lease agreement, shall be solely responsible for making and paying for such improvements and renovations, but it is agreed that the money COPE spends making such improvements and renovations shall be offset against the rent due to the City. If COPE wishes to offset the cost of any improvements and renovations it makes to the premises against the rent, than no later than thirty days before the rent is due, COPE must send the Director of the City's Public Works Department satisfactory documentation showing the improvements and renovations that were made to the premises and the costs COPE incurred in making such improvements and renovations. The Public Works Department will review the documents provided by COPE, and if the nature and costs of the improvements and renovations have been properly documented, will advise the Billings and Collections Division how much of the rent is to be offset against the cost of the improvements and renovations COPE made to the premises.

(4) Maintenance--COPE agrees that throughout the term of this lease it will assume responsibility for the repair and maintenance of the premises. COPE shall at its sole cost and expense maintain the premises in a safe and presentable condition. COPE shall repair all damages to said premises caused by its agents, employees, guests, and students. All repairs and maintenance must comply with federal, state and local building codes, regulations and ordinances. COPE shall keep the premises in good order and repair, as is reasonably required in order to preserve and maintain the value of the premises.

The City reserves the right to inspect the premises at all reasonable times and to develop a maintenance schedule that COPE shall follow to properly maintain the premises. In the event COPE fails to follow the maintenance schedule and make the necessary repairs, the City shall have the right to enter the premises, make such repairs and bill COPE for the repair costs.

In order to preserve the general appearance of the premises the City shall have the right to approve the outside display or storage of equipment, materials, supplies, etc. on the premises.

Throughout the term of the lease COPE also agrees to maintain the one acre of land surrounding the building in a good condition. Such maintenance shall include but shall not be limited to removal of snow and ice, grass cutting and landscaping, parking lot repairs, picking up and removing trash and litter, etc.

(5) Improvements, Additions or Alterations--No improvements, renovations, additions or alterations will be made to the premises without the City's prior written approval. COPE shall be solely responsible for the cost of any improvements, renovations, additions or alterations and must comply with federal, state and local building codes, regulations and ordinances. All improvements, renovations, additions, alterations and fixtures made to or placed on the property by COPE will become the property of the City.

(6) Utilities--COPE shall arrange for and pay for all heating, sewer, gas, water, electricity, telephone and other utility services which its use of the premises may require, including all deposits and installation costs of meters and utility services.

(7) Insurance and Indemnity—COPE agrees to indemnify, hold harmless and defend the City, its employees and officials, from and against any claim, loss, lawsuit, damage or liability occasioned by, growing out of or arising or resulting in any manner whatsoever from the COPE's use and occupancy of the premises. COPE further agrees to:

(a) Insure its furnishings and contents against fire loss and losses commonly insurable by extended coverage to the extent COPE deems necessary.

(b) COPE agrees to secure tenant's liability insurance in an amount of not less than \$1,000,000.00, combined single-limit coverage against general public liability for injuries to or death of persons or damage to property. Such insurance policy shall also name the City of Lynchburg, its employees and officials, as insured parties.

The insurance required of COPE herein shall be primary and any insurance or self-insurance maintained by the City are secondary and apply only in excess of and shall not contribute with the insurance obtained by COPE. Any deductibles or self-insurance retention applicable to the required coverage shall be paid by COPE and the City shall not be required to participate therewith. COPE shall deliver to the City a copy of said insurance policy or certificate of insurance with the necessary endorsements to the City's Risk Management Division showing the same to be in full force and effect before occupying the premises; upon each renewal of the lease; and, at other times throughout the term of the lease when the City requests confirmation of insurance coverage. COPE must give the City ten calendar days advance written notice of any cancellation, nonrenewal, or modification of coverage, and a binder or certificate verifying new coverage in accordance with the requirements herein prior to any change, cancellation or nonrenewal date. In the event of such cancellation or nonrenewal notice, COPE shall obtain, pay all premiums for the renewal or replacement of the insurance required hereunder. COPE shall, at least sixty days prior to the expiration of the policies, furnish City with renewals or "binders" for the policies, or City may order the required insurance and charge the cost to COPE.

Notwithstanding the provisions of Section 12 of this lease, the failure of COPE to maintain such insurance coverage throughout the term of this lease shall be grounds for the

immediate termination hereof. COPE's responsibility to the City hereunder is not limited to the amount of such insurance coverage. All insurance will be obtained by COPE from insurance companies authorized by Virginia's State Corporation Commission to do business in Virginia.

(8) Expiration of Lease--Upon the expiration of this lease, COPE's authority to use the premises and facilities herein granted shall cease, and COPE shall, upon such expiration, surrender the same to the City, promptly and in good condition, ordinary wear and tear excepted.

(9) Destruction of Premises--If the premises shall be damaged or destroyed by a fire, the elements, a public enemy or other casualty to the extent that the premises becomes untenable, either the City or COPE may cancel this agreement without further obligation to the other or the parties may reach an agreement concerning the repair of the premises and its continued occupancy by COPE. However, COPE shall be responsible for repairing or replacing any damages to the premises caused by the acts or omissions of COPE, its employees, representatives or agents or any other persons the COPE permits to be on the property.

(10) Damage to or Loss of COPE's Property--The City shall not be liable for any damage to or loss of any of COPE's property or any of its agents, employees, or students which is brought onto the premises, regardless of how such damage or loss may occur. It is expressly agreed and understood that COPE, its agents, employees, or students in placing property in and on the premises, do so at their own risk.

(11) Late Fees and Interest--Any and all payments of rent or other sums due under this lease shall be paid on the due date. If a payment is not made within ten days of the due date, COPE shall pay a five percent (5%) late penalty on the amount of the delinquent payment and shall pay interest on the amount of the principal and the penalty at the rate of ten percent (10%) per annum. In the event it becomes necessary for the City to initiate legal proceedings to collect any of the rent and fees payable under this lease, COPE agrees to pay reasonable and

necessary expenses incurred by the City in such legal proceedings, including reasonable attorney fees.

(12) Failure to Comply with the Lease--If COPE shall fail to comply with any of the terms and conditions of the lease or any notices given hereunder, and such failure shall continue for a period of not less than 30 days after notice in writing, or if COPE shall become insolvent, or shall make an assignment for the benefit of its creditors, or if any of its property to be attached and attachment not promptly released, or if an execution be issued against it, or, if a petition be filed by or against it to have it adjudicated a bankrupt, or if a trustee or receiver shall be created and appointed to take charge of its assets, then or at any time thereafter, the City, may at its option, enter onto the premises and remove any and all persons therefrom and take and retain possession thereof either with or without process of law.

(13) Assignment--COPE shall not assign this lease or sublease the property or any part thereof without the prior written consent of the City.

(14) Notices--Notices to COPE provided for herein shall be sufficient if sent by registered mail, postage prepaid, addressed to COPE International--USA, attn: Joseph Pallone, President, 630 Old Rectory Lane, Fork Union, VA 23055, or such other representative as COPE may designate.

Notices to the City shall be sufficient if sent by registered mail, postage prepaid, addressed to the Lynchburg City Manager, City Hall Building, 900 Church Street, Lynchburg, VA 24504, or to such other persons as the City may designate in writing from time to time.

(15) General Provisions--COPE agrees to the following conditions concerning the use of the premises:

- (a) This lease shall be governed and construed in accordance with the laws of the Commonwealth of Virginia. Any legal action filed by either party to this lease arising out of the performance or non-performance of the terms of this lease shall be filed in

the courts of the City of Lynchburg, Virginia and in no other forum.

- (b) COPE shall assume responsibility for the security of the premises.
- (c) In the event any provision of this lease shall be found to be invalid or unenforceable, the remaining portions shall remain in full force and effect.
- (d) COPE agrees to observe and obey during the term of this lease all federal, state and local laws, ordinances, rules and regulations, currently in force or subsequently adopted that may apply to its use of the premises as a working indoor farm education and training business.
- (e) COPE agrees to use the premises in a non-discriminatory manner.
- (f) COPE shall keep the premises free of all environmental, health or safety hazards and/or nuisances of any kind whatsoever.
- (g) The City reserves the right to enter upon the premises at any time in case of emergency and reserves the right to enter upon the premises at any reasonable time for the purpose of conducting inspections to determine if COPE is complying with the terms and conditions of this lease.
- (h) COPE shall be permitted to enter the premises prior to November 1, 2015, if COPE provides the City's Risk Management Division with proper evidence of the insurance coverage required by Section 7 of this lease.
- (i) All terms and conditions with respect to this lease are expressly contained herein, and both parties agree that no representative or agent of City or of COPE has made any representation or promise with respect to this lease not expressly contained herein.

IN TESTIMONY WHEREOF, the City of Lynchburg has caused its name to be hereunto subscribed by L. Kimball Payne, III, its City Manager, and its seal affixed and attested by its Clerk of Council; and Joseph Pallone, the president of COPE International--USA hereunto subscribed their names, all of the day and year first above written.

CITY OF LYNCHBURG

By: _____

L. Kimball Payne, III, City Manager

ATTEST:

Clerk of Council

COPE INTERNATIONAL--USA

By: _____

Joseph Pallone, President

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **October 13, 2015**

AGENDA ITEM NO.: 13

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION:

INFORMATION: **X**

ITEM TITLE: **Group representative to talk about Lynchburg Symphony Orchestra**

RECOMMENDATION: For information

SUMMARY: The Board President for the Lynchburg Symphony Orchestra will speak on behalf of the organization.

PRIOR ACTION(S): n/a

FISCAL IMPACT: n/a

CONTACT(S): Valeria Chambers, Clerk of Council
434-455-3990

REVIEWED BY:

101K

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **October 13, 2015**

AGENDA ITEM NO.: 14

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Police Department Participation in the DMV Highway Safety Grant – Speed Enforcement**

RECOMMENDATION: Adopt a resolution to amend the FY 2015 City/Federal/State Aid Fund budget and appropriate \$15,750 with resources of \$10,500 from the Department of Motor Vehicles Highway Safety Grant, an in-kind service and equipment match of \$4,217, and \$1,033 transferred from the FY 2016 General Fund Police Department budget to provide funds for speed enforcement activities.

SUMMARY: The Department of Motor Vehicles Highway Safety Program has awarded the City a \$10,500 grant. The funds will be used for speed enforcement activities.

The grant excludes reimbursement of FICA (Medicare and Social Security) benefit costs associated with the allotted overtime; however, funding of \$1,033 is available for transfer from the FY 2016 Police Department budget to cover this expense.

An in-kind match of \$4,217 in police equipment and services is part of the grant agreement.

PRIOR ACTION(S):

Finance Committee, April 28, 2015; Application Approval

FISCAL IMPACT:

The grant requires the Police Department to pay the FICA (Medicare and Social Security) benefits associated with the allotted overtime funds; \$1,033 from the FY 2016 General Fund Police Department budget will be used to cover this expense.

CONTACT(S):

Captain M.L. Jamison, 455-6168

ATTACHMENT(S):

Resolution

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED that the FY 2016 City/Federal/State Aid Fund budget is amended and \$15,750 is appropriated with resources of \$10,500 from the Department of Motor Vehicles Highway Safety Grant, an in-kind service and equipment match of \$4,217, and \$1,033 transferred from the FY 2016 General Fund Police Department budget to provide funds for speed enforcement activities.

Introduced:

Adopted:

Certified:

Clerk of Council

097K

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **October 13, 2015**

AGENDA ITEM NO.: 15

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Police Bulletproof Vest Partnership 2015 Grant Funding**

RECOMMENDATION: Adopt a resolution to amend the FY 2016 City/Federal/State Aid Fund budget and appropriate \$36,449.46 with resources of \$18,224.73 from the Bulletproof Vest Partnership 2015 Grant Program and \$18,224.73 transferred from the FY 2016 General Fund Police Department (\$17,064.73) and Sheriff's Office (\$1,160) budgets to purchase 48 replacement bulletproof vests for law enforcement officers.

SUMMARY: Total vest replacement costs are \$36,449.46. The grant requires a 50% local match; these funds are available in the FY 2016 General Fund Police Department and Sheriff's Office operating budgets.

PRIOR ACTION(S):

FISCAL IMPACT:

The required local match is budgeted in the FY 2016 General Fund Police Department and Sheriff's Office operating budgets; therefore, no additional funds are required.

CONTACT(S):

Captain M.L. Jamison, 455-6168

Sheriff Ron Gillispie, 847-1301

Chief Deputy D.T. Sloan, 847-1301

ATTACHMENT(S):

Resolution

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED that the FY 2016 City/Federal/State Aid Fund budget and appropriate \$36,449.46 with resources of \$18,224.73 from the Bulletproof Vest Partnership 2015 Grant Program and \$18,224.73 transferred from the FY 2016 General Fund Police Department (\$17,064.73) and Sheriff's Office (\$1,160) budgets to purchase 48 replacement bulletproof vests for law enforcement officers.

Introduced:

Adopted:

Certified:

Clerk of Council

096K

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **October 13, 2015**

AGENDA ITEM NO.: 16

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **2015 Edward Byrne Memorial Justice Assistance Grant (JAG)**

RECOMMENDATION: Adopt a resolution to amend the FY 2016 City/Federal/State Aid Fund budget and appropriate \$36,964 with resources from an Edward Byrne Memorial Justice Assistance Grant (JAG) to purchase law enforcement software, flashlights and holsters, targets, desktop computer, and a laptop computer.

SUMMARY: The City is eligible to receive \$36,964 in Edward Byrne Memorial Justice Assistance Grant (JAG) funding. Funding will be utilized to purchase law enforcement software for the Police Department (\$29,376), flashlights, flashlight holsters and targets for the Sheriff's Department (\$4,477) and a desktop and laptop computer for the Office of the Commonwealth's Attorney (\$3,111). Total equipment cost is \$36,964, which is fully reimbursable by the grant. No local matching funds are required.

PRIOR ACTION(S):

City Council, June 23, 2015 – Approval of application submission

FISCAL IMPACT:

None, no local match is required.

CONTACT(S):

Captain M.L. Jamison, Police Department, 455-6168

ATTACHMENT(S):

Resolution

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED that the FY 2016 City/Federal/State Aid Fund budget is amended and \$36,964 is appropriated with resources from the 2015 Edward Byrne Memorial Justice Assistance Grant (JAG) to purchase law enforcement software, flashlights and holsters, targets, desktop computer, and a laptop computer.

Introduced:

Adopted:

Certified:

Clerk of Council

099K

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **October 13, 2015**

AGENDA ITEM NO.: 17

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Police Department Participation in the DMV Highway Safety Grant – DUI Enforcement**

RECOMMENDATION: Adopt a resolution to amend the FY 2016 City/Federal/State Aid Fund budget and appropriate \$67,541 with resources of \$45,027 from the Department of Motor Vehicles Highway Safety Grant, an in-kind service and equipment match of \$19,760, and \$2,754 transferred from the FY 2016 General Fund Police Department budget to provide selective DUI and occupant restraint enforcement activities, attend related training, and purchase equipment.

SUMMARY: The Department of Motor Vehicles Highway Safety Program has awarded the City a \$67,541 grant. The funds will be used for selective DUI and speed enforcement activities, to attend related training and to purchase equipment for DUI enforcement.

This grant excludes reimbursement of FICA (Medicare and Social Security) benefit costs associated with the allotted overtime; however, funding of \$2,754 is available for transfer from the FY 2016 General Fund Police Department budget to cover this expense.

An in-kind match of \$19,760 in police equipment and services is part of the grant agreement.

PRIOR ACTION(S):

Finance Committee, April 28, 2015; Application Approval

BUDGET IMPACT:

The grant requires the Police Department to pay the FICA (Medicare and Social Security) benefits associated with the allotted overtime funds; \$2,754 from the FY 2016 General Fund Police Department budget will be used to cover this expense.

CONTACT(S):

Captain M.L. Jamison, 455-6168

ATTACHMENT(S):

Resolution

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED that the FY 2016 City/Federal/State Aid Fund budget is amended and \$67,541 is appropriated with resources of \$45,027 from the Department of Motor Vehicles Highway Safety Grant, an in-kind service and equipment match of \$19,760, and \$2,754 transferred from the FY 2016 General Fund Police Department budget to provide selection DUI and occupant restraint enforcement activities, attend related training, and purchase equipment.

Introduced:

Adopted:

Certified:

Clerk of Council

098K