// City Council met at 6:00 p.m. at the Lynchburg City Schools Empowerment Academy located at the corner of 12th and Madison Streets. Mr. Ben Copeland, Assistant Superintendent of Operations and Administration announced the opening of a new program focused on helping struggling high school students reach the goal of graduation. The Empowerment Academy is an alternative school designed to meet the needs of high school students who are not reaching their full potential or need a specialized learning environment to obtain academic success. A tour of the school was held after the ceremony.

// A regular meeting of the Council of the City of Lynchburg was held on the 27th day of September, 2016, at 7:30 P.M. in the Council Chamber, City Hall, Joan Foster, President, presiding. Council Member Nelson gave the Invocation, followed by the Pledge of Allegiance. The following Members were present:

Present: Dolan, Helgeson, Nelson, Wilder, Foster 5

Absent: Perrow, Tweedy 2

// Mayor Foster recognized School Resource Officer (SRO) Ronnie Coleman with the Lynchburg Police Department for participating in the marching band at Heritage High School during one of their games. Officer Coleman stated he enjoyed playing the drums like he did when he attended Heritage High School.

// Copies of the minutes of the September 13, 2016 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Nelson, seconded by Council Member Helgeson, Council by the following recorded vote approved the minutes as amended:

Ayes: Dolan, Helgeson, Nelson, Wilder, Foster 5

Noes: 0

Absent: Perrow, Tweedy 2

// In the matter of Community Development – CDBG, a public hearing was held regarding City Council Report #2 on the 2015 (FY 2016) Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant (CDBG) and HOME Program. Grants Manager Melva Walker gave a summary of the request on the CAPER program and stated that there had been no comments or concerns to this date from citizens regarding the Consolidated Annual Performance and Evaluation Report and the Community Development Block Grant and HOME Program. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Nelson, seconded by Council Member Wilder, Council by the following recorded vote adopted Resolution #R-16-107, as presented, approving the submission of the 2015 (FY 2016) Consolidated Annual Performance and Evaluation Report (CAPER) to the U. S. Department of Housing and Urban Development (HUD):

Ayes: Dolan, Helgeson, Nelson, Wilder, Foster 5

Noes: 0

Absent: Perrow, Tweedy 2

// In the matter of Commonwealth Attorney, City Council Report #3 was considered. Council Member Helgeson, Chair of the Finance Committee (FC), stated that this item came before the FC which recommended approval. This motion does not require a second and Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-16-108, as presented, to

amend the FY 2017 City/Federal/State Aid Fund budget and appropriate $448,770 with resources from the FY 2017 Office on Violence Against Women (OVW) Improving Criminal Justice Response Program to meet the needs of the community regarding criminal justice responses and victim services:

Ayes: Dolan, Helgeson, Nelson, Wilder, Foster 5
Noes: 0
Absent: Perrow, Tweedy 2

// In the matter of Public Works – General, City Council Report #4 was considered. On motion of Council Member Helgeson, seconded by Council Member Nelson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-16-109, as presented, allowing Virginia Department of Transportation (VDOT) through the Department of Corrections (DOC) to use offender labor along Route 460 to assist with roadside maintenance such as litter control, brush cutting, cleaning ditches and other drainage items:

Ayes: Dolan, Helgeson, Nelson, Wilder, Foster 5
Noes: 0
Absent: Perrow, Tweedy 2

// In the matter of Public Works – General, City Council Report #5 was considered. Council Member Helgeson, Chair of the Finance Committee (FC), stated that this item came before the FC which recommended approval. This motion does not require a second and Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-16-110, as presented, to amend the FY 2017 City Capital Projects Fund budget and appropriate $168,244 with resources from a Virginia Department of Transportation (VDOT) Transportation Alternatives Program grant to install sidewalk in the Dearington neighborhood:

Ayes: Dolan, Helgeson, Nelson, Wilder, Foster 5
Noes: 0
Absent: Perrow, Tweedy 2

// In the matter of Public Works – General, City Council Report #6 was considered. Council Member Helgeson, Chair of the Finance Committee (FC), stated that this item came before the FC which recommended approval. This motion does not require a second and Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-16-111, as presented, to amend the FY 2017 City Capital Projects Fund budget and appropriate $510,000 with resources from a Highway Safety Improvement Program grant to install pedestrian and signal improvements along Rivermont Avenue from Bedford Avenue to Link Road:

Ayes: Dolan, Helgeson, Nelson, Wilder, Foster 5
Noes: 0
Absent: Perrow, Tweedy 2

// In the matter of Police – General, City Council Report #7 was considered. Council Member Helgeson, Chair of the Finance Committee (FC), stated that this item came before the FC which recommended approval. This motion does not require a second and Council by the following recorded vote introduced

and laid over to a later meeting for final action Resolution #R-16-112, as presented, to amend the FY 2017 City/Federal/State Aid Fund budget and appropriate $21,000 with resources of $14,000 from the Department of Motor Vehicles Highway Safety Grant, and an in-kind service and equipment match of $5,929 and $1,071 transferred from the FY 2017 General Fund Police Department budget to provide funds for speed enforcement activities:

Ayes: Dolan, Helgeson, Nelson, Wilder, Foster 5
Noes: 0
Absent: Perrow, Tweedy 2

// In the matter of Police – General/Sheriff/Commonwealth Attorney, City Council Report #8 was considered. Council Member Helgeson, Chair of the Finance Committee (FC), stated that this item came before the FC which recommended approval. This motion does not require a second and Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-16-113, as presented, to amend the FY 2017 City/Federal/State Aid Fund budget and appropriate $43,797 with resources from the 2016 Edward Byrne Memorial Justice Assistance Grant (JAG) to purchase law enforcement equipment for the Lynchburg Police Department, Lynchburg Sheriff's Office and the Office of the Commonwealth's Attorney:

Ayes: Dolan, Helgeson, Nelson, Wilder, Foster 5
Noes: 0
Absent: Perrow, Tweedy 2

// In the matter of Police – General, City Council Report #9 was considered. Council Member Helgeson, Chair of the Finance Committee (FC), stated that this item came before the FC which recommended approval. This motion does not require a second and Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-16-114, as presented, to amend the FY 2017 City/Federal/State Aid Fund budget and appropriate $49,459.20 with resources of $24,729.60 from the Bulletproof Vest Partnership 2016 Grant Program and $24,729.60 transferred from the FY 2017 General Fund Police Department ($20,865.60) and Sheriff's Office ($3,864) budgets to purchase 64 replacement bulletproof vests for law enforcement officers:

Ayes: Dolan, Helgeson, Nelson, Wilder, Foster 5
Noes: 0
Absent: Perrow, Tweedy 2

// In the matter of Police – General, City Council Report #10 was considered. Council Member Helgeson, Chair of the Finance Committee (FC), stated that this item came before the FC which recommended approval. This motion does not require a second and Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-16-115, as presented, to amend the FY 2017 City/Federal/State Aid Fund budget and appropriate $63,942 with resources of $42,628 from the Department of Motor Vehicles Highway Safety Grant, and an in-kind service and equipment match of $18,537 and $2,777 transferred from the FY 2017 General Fund Police Department budget to provide

selective Driving Under the Influence (DUI) and occupant restraint enforcement activities, attend related training and purchase equipment:

Ayes: Dolan, Helgeson, Nelson, Wilder, Foster 5

Noes: 0

Absent: Perrow, Tweedy 2

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

Ayes: Dolan, Helgeson, Nelson, Wilder, Foster 5

Noes: 0

Absent: Perrow, Tweedy 2

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

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

Ayes: Dolan, Helgeson, Nelson, Wilder, Foster 5

Noes: 0

Absent: Perrow, Tweedy 2

// In the matter of Appointments, and on nomination of Council Member Helgeson, seconded by Council Member Nelson, Council by the following recorded vote re-appointed Harriet B. Jefferson to serve another term on the Social Services Advisory Board for a term to expire September 30, 2020 :

Ayes: Dolan, Helgeson, Nelson, Wilder, Foster 5

Noes: 0

Absent: Perrow, Tweedy 2

On nomination of Council Member Helgeson, seconded by Council Member Nelson, Council by the following recorded vote appointed Vicky L. Bradley to serve on the Social Services Advisory Board for a term to expire September 30, 2020:

Ayes: Dolan, Helgeson, Nelson, Wilder, Foster 5

Noes: 0

Absent: Perrow, Tweedy 2

On nomination of Council Member Helgeson, seconded by Council Member Nelson, Council by the following recorded vote re-appointed Walter G. Miles and Jennipher B. Lucado to serve another term on the Board of Building Code Appeals for terms to expire September 30, 2020:

Ayes: Dolan, Helgeson, Nelson, Wilder, Foster 5

Noes: 0

Absent: Perrow, Tweedy 2

On nomination of Council Member Helgeson, seconded by Council Member Nelson, Council by the following recorded vote re-appointed Lauretta Spencer to serve another term on the Redevelopment & Housing Authority Board for a term to expire September 30, 2020:

Ayes: Dolan, Helgeson, Nelson, Wilder, Foster 5

Noes: 0

Absent: Perrow, Tweedy 2

On nomination of Council Member Helgeson, seconded by Council Member Nelson, Council by the following recorded vote re-appointed Brandon M. Baber, Michael A. Forren and Keith H. Hawkes, Jr. to serve another term on the Lynchburg Business Development Centre for terms to expire September 30, 2019:

Ayes: Dolan, Helgeson, Nelson, Wilder, Foster 5

Noes: 0

Absent: Perrow, Tweedy 2

// The meeting was adjourned at 8:32 P.M.

_____

Clerk of Council

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **October 11, 2016** AGENDA ITEM #: **9**

CONSENT: REGULAR: **X** WORK SESSION: CLOSED SESSION:
ACTION: **X** INFORMATION: (Confidential)

ITEM TITLE: Vacate a portion of Mill Ridge Road

Strategic Pillar(s) Impacted:

___Arts & Culture	___Citizen Engagement & Social Capital	___Economic Development	___Healthy & Active Living
_x_Infrastructure	_x_Land Use	___Lifelong Learning	___Natural Resources
___Neighborhoods	___Safe Community	___Social Equity	_x_Transportation
			___Administrative

RECOMMENDATION: Approval of the right-of-way vacation

SUMMARY: Piedmont Real Estate Holdings, LLC (along with Piedmont Land Holdings Co. LLC, and Piedmont Land Development Co. LLC - all under common ownership) is petitioning to vacate a portion of Mill Ridge Road, which is a developed and active street in Mill Ridge Industrial Park. The petitioner is requesting this right-of-way vacation so that Piedmont Fleet Services, Inc., the truck/trailer repair facility located at 201 Mill Ridge Road, can expand their facility to include pull-through service bays. The area proposed for vacation is approximately sixty (60) feet wide and extends approximately six-hundred eighty-four (684) feet for a total of one and seventy-nine thousandths (1.079) acres

This portion of Mill Ridge Road currently only serves the three properties at 180, 200, and 201 Mill Ridge Road, all associated with Piedmont Fleet Services, Inc., therefore the proposed vacation would have little effect on traffic flow. There is little to no potential for future connectivity, given that the properties are bound by the Lynchburg Expressway and Norfolk & Southern Railway. Staff believes that this street vacation would have minimal impact on the industrial park.

On September 13, 2016, City Council amended the ordinances dealing with the street and alley vacation process. The amendments require the street (i) be posted with a sign at least ten (10) days prior to City Council's public hearing, (ii) a legal notice run at least twice in the newspaper and (iii) a notification be mailed to the owners of all property within two hundred (200) feet of the proposed vacation not less than ten (10) days prior to the public hearing before city council. The petition has been processed in accordance with these changes.

PRIOR ACTION(S):
May 31, 2016: The Technical Review Committee [TRC] reviewed the petition. The TRC comments have been incorporated into the proposed ordinance.

FISCAL IMPACT: None

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

ATTACHMENT(S):
- Ordinance
- Application
- Right-of-way vacation plat
- Zoning Map

REVIEWED BY: bms

UNCODIFIED ORDINANCE:

AN ORDINANCE VACATING A PORTION OF RIGHT-OF-WAY ON MILL RIDGE ROAD.

WHEREAS, Piedmont Real Estate Holdings, LLC, is petitioning to vacate a portion of right-of-way on Mill Ridge Road; and

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

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

BEGINNING at a point on the northern right-of-way line of Mill Ridge Road in Lynchburg, Virginia; thence with a curve, said curve turning to the left through an angle of 05° 12' 12", having a radius of 270.00 feet, and whose long chord bears S 63° 58' 23" E for a distance of 24.52 feet; thence S 66° 34' 29" E for a distance of 554.46 feet to the beginning of a curve, said curve turning to the left through 46° 49' 35", having a radius of 35.00 feet, and whose long chord bears S 89° 59' 16" E for a distance of 27.82 feet to the beginning of a curve, said curve turning to the right through an angle of 273° 39' 10", having a radius of 60.00 feet, and whose long chord bears S 23° 25' 31" W for a distance of 82.11 feet to the beginning of a curve, said curve turning to the left through an angle of 46° 50' 06", having a radius of 35.00 feet, and whose long chord bears N 43° 09' 41" W for a distance of 27.82 feet; thence, N 66° 34' 29" W for a distance of 554.46 feet to the beginning of a curve, said curve turning to the right through an angle of 05° 12' 13", having a radius of 330.00 feet, and whose long chord bears N 63° 58' 23" W for a distance of 29.96 feet to a point; thence N 28° 37' 43" E a distance of 60.00 feet to the POINT OF BEGINNING containing 1.079 acres of land, more or less.

Said vacation is contingent upon the following: (1) that an easement to locate, relocate, repair, replace, maintain and perpetually operate all utilities currently located therein or needed by the City in the future is hereby reserved unto the City of Lynchburg, and (2) the construction of any building or structure or the use of the vacated property in any manner that could interfere with the City's right to locate, relocate, repair, replace, maintain and perpetually operate utilities is prohibited without the prior written approval of the City Manager’s Office, City Utilities Division and the City Engineering Division.

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

Adopted:

Certified: _____
Clerk of Council

142K

APPLICATION FOR THE VACATION OF

A Portion of Mill Ridge Road

LOCATED

0.5 Miles East of Old Graves Mill Road

The undersigned applicant, Piedmont Real Estate Holdings, LLC, pursuant to the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, and Section 35-71 through Section 35-77 of the City Code 1981, as amended, respectfully makes application to the Lynchburg City Council for the vacation of that certain portion of Mill Ridge Road and unnamed right-of-way described as follows:

Description of a portion of Mill Ridge Road to be vacated

BEGINNING at a point on the northern right-of-way line of Mill Ridge Road in Lynchburg, Virginia; thence with a curve, said curve turning to the left through an angle of 05° 12' 12", having a radius of 270.00 feet, and whose long chord bears S 63° 58' 23" E for a distance of 24.51 feet; thence S 66° 34' 29" E for a distance of 554.46 feet to the beginning of a curve, said curve turning to the left through 46° 49' 35", having a radius of 35.00 feet, and whose long chord bears S 89° 59' 16" E for a distance of 27.82 feet to the beginning of a curve, said curve turning to the right through an angle of 273° 39' 10", having a radius of 60.00 feet, and whose long chord bears S 23° 25' 31" W for a distance of 82.11 feet to the beginning of a curve, said curve turning to the left through an angle of 46° 50' 06", having a radius of 35.00 feet, and whose long chord bears N 43° 09' 41" W for a distance of 27.82 feet; thence, N 66° 34' 29" W for a distance of 554.46 feet to the beginning of a curve, said curve turning to the right through an angle of 05° 12' 13", having a radius of 330.00 feet, and whose long chord bears N 63° 58' 23" W for a distance of 29.96 feet to a point; thence N 28° 37' 43" E a distance of 60.00 feet to the POINT OF BEGINNING containing 1.079 acres of land, more or less.

The applicant further requests the Lynchburg City Council to hold a public hearing on this application at its meeting to be held in the Council Chamber, City Hall, 900 Church Street, Lynchburg, VA on October 11, 2016, at 7:30 p.m., or as soon thereafter as the matter may be heard, and at the conclusion of which hearing to consider whether or not to vacate the above described portion of Mill Ridge Road.

Given under my hand this 26 day of SEPT, 2016lick here to enter text..

Applicant

201 MILL RIDGE ROAD
Address

434-239-1748
Phone Number

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

OWNERS:

PARCEL ID: 24305058
PIEDMONT REAL ESTATE HOLDINGS, LLC.
201 MILL RIDGE RD.
LYNCHBURG, VIRGINIA 24502
SOURCE OF TITLE: INST# 120001790

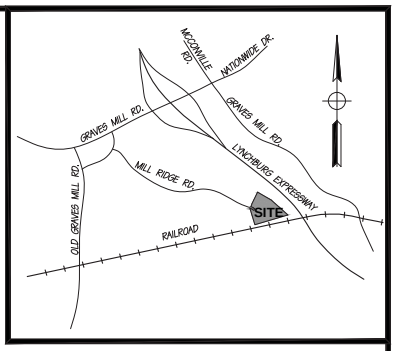
PARCEL ID: 24305057
PIEDMONT LAND HOLDINGS CO., LLC.
201 MILL RIDGE RD.
LYNCHBURG, VIRGINIA 24502

PARCEL ID: 24305056
PIEDMONT LAND DEVELOPMENT CO, LLC.
201 MILL RIDGE RD.
LYNCHBURG, VIRGINIA 24502
SOURCE OF TITLE: INST# 140005751

(SOURCES OF TITLE RECORDED IN THE CLERK'S OFFICE OF THE CITY OF LYNCHBURG)

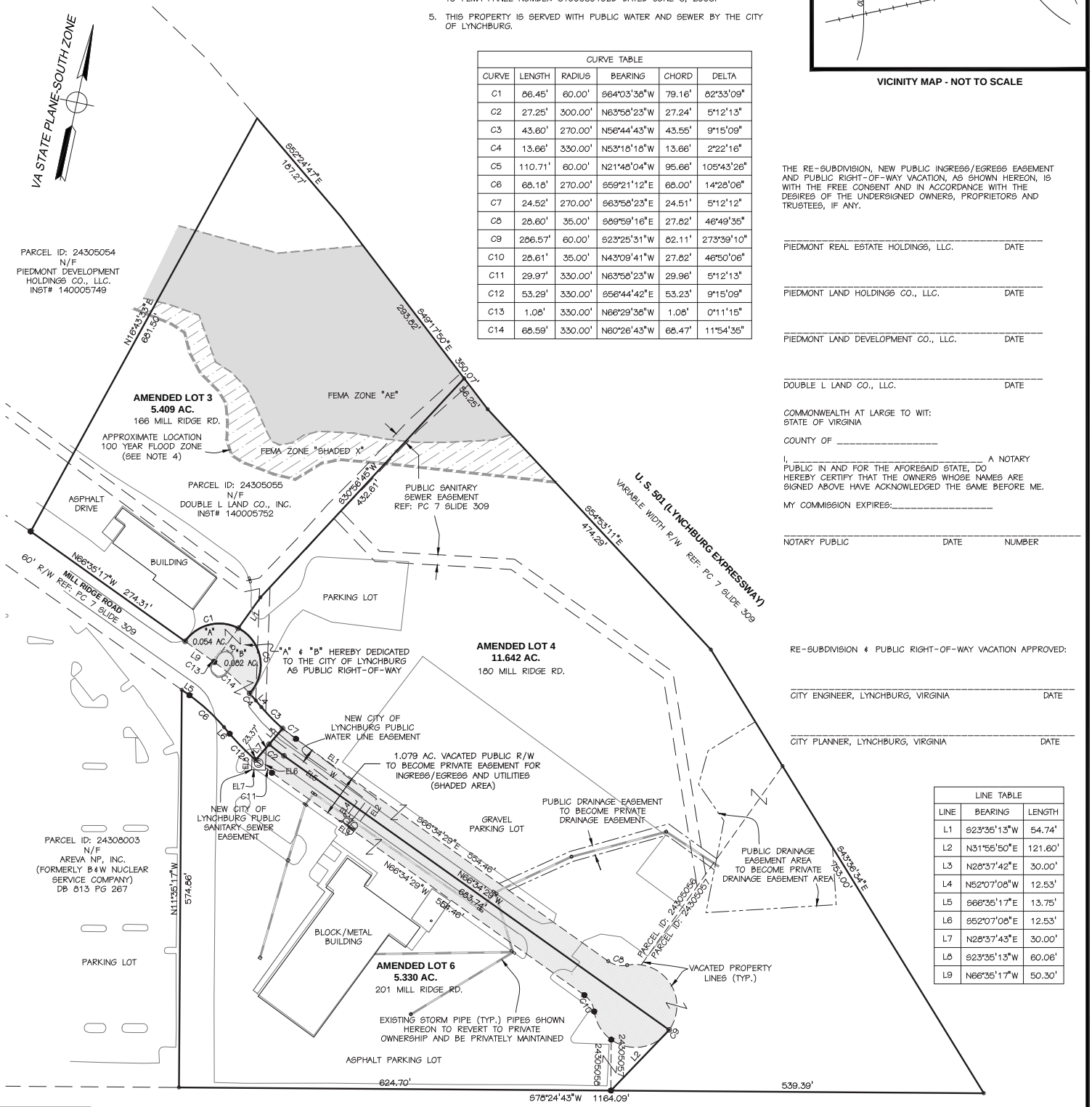
NOTES:

1. THIS PLAT HAS BEEN PREPARED FROM RECORD INFORMATION. FIELD TIES TO PLAT OF RECORD ARE INDICATED HEREON.
2. THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND MAY NOT INDICATE ALL OF THE ENCUMBRANCES UPON THE PROPERTY.
3. IRON PINS ARE TO BE SET AS INDICATED ON THIS PLAT.
4. AS DETERMINED BY GRAPHIC SCALING ONLY, A PORTION OF THIS PROPERTY IS WITHIN THE 100 YEAR FLOOD ZONE (FEMA ZONES "AE" AND "SHADED X"). THE REMAINDER OF THIS PROPERTY IS NOT WITHIN THE 100 YEAR FLOOD ZONE (FEMA ZONE "UNSHADED X"), ACCORDING TO FEMA PANEL NUMBER 5100930102D DATED JUNE 3, 2008.
5. THIS PROPERTY IS SERVED WITH PUBLIC WATER AND SEWER BY THE CITY OF LYNCHBURG.



VICINITY MAP - NOT TO SCALE

CURVE TABLE					
CURVE	LENGTH	RADIUS	BEARING	CHORD	DELTA
C1	86.45'	60.00'	S64°03'38"W	79.16'	82°33'09"
C2	27.25'	300.00'	N63°58'23"W	27.24'	5°12'13"
C3	43.60'	270.00'	N56°44'43"W	43.55'	9°15'09"
C4	13.66'	330.00'	N53°16'18"W	13.66'	2°22'16"
C5	110.71'	60.00'	N21°48'04"W	95.66'	105°43'26"
C6	68.18'	270.00'	S59°21'12"E	68.00'	14°28'06"
C7	24.52'	270.00'	S63°58'23"E	24.51'	5°12'12"
C8	28.60'	35.00'	S69°59'16"E	27.82'	46°49'35"
C9	286.57'	60.00'	S23°25'31"W	82.11'	273°39'10"
C10	28.61'	35.00'	N43°09'41"W	27.82'	46°50'06"
C11	29.97'	330.00'	N63°58'23"W	29.96'	5°12'13"
C12	53.29'	330.00'	S56°44'42"E	53.23'	9°15'09"
C13	1.08'	330.00'	N66°29'38"W	1.08'	0°11'15"
C14	68.59'	330.00'	N60°26'43"W	68.47'	11°54'35"



LINE TABLE		
LINE	BEARING	LENGTH
L1	S23°35'13"W	54.74'
L2	N31°55'50"E	121.60'
L3	N28°37'42"E	30.00'
L4	N52°07'08"W	12.53'
L5	S66°35'17"E	13.75'
L6	S52°07'08"E	12.53'
L7	N28°37'43"E	30.00'
L8	S23°35'13"W	60.06'
L9	N66°35'17"W	50.30'

EASEMENT LINE TABLE		
LINE	BEARING	LENGTH
EL1	S65°10'08"E	169.65'
EL2	S24°18'07"W	55.42'
EL3	N65°41'53"W	20.00'
EL4	N24°18'07"E	35.60'
EL5	N65°10'08"W	149.84'
EL6	S10°00'00"E	32.50'
EL7	S80°00'00"W	20.00'
EL8	N10°00'00"W	18.67'

PARCEL ID: 11601006
NORFOLK SOUTHERN RAILROAD
VARIABLE WIDTH R/W REF: PC 7 SLIDE 309

LEGEND

- IRON PIN SET
- IRON PIN FOUND
- FIRE HYDRANT
- WATER METER
- SEWER MANHOLE
- WATER LINE
- N/F NOW OR FORMERLY

THE RE-SUBDIVISION, NEW PUBLIC INGRESS/EGRESS EASEMENT AND PUBLIC RIGHT-OF-WAY VACATION, AS SHOWN HEREON, IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS, PROPRIETORS AND TRUSTEES, IF ANY.

_____
PIEDMONT REAL ESTATE HOLDINGS, LLC. DATE

_____
PIEDMONT LAND HOLDINGS CO., LLC. DATE

_____
PIEDMONT LAND DEVELOPMENT CO., LLC. DATE

_____
DOUBLE L LAND CO., LLC. DATE

COMMONWEALTH AT LARGE TO WIT:
STATE OF VIRGINIA

COUNTY OF _____

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

MY COMMISSION EXPIRES:_____

_____
NOTARY PUBLIC DATE NUMBER

RE-SUBDIVISION & PUBLIC RIGHT-OF-WAY VACATION APPROVED:

_____
CITY ENGINEER, LYNCHBURG, VIRGINIA DATE

_____
CITY PLANNER, LYNCHBURG, VIRGINIA DATE

PLAT SHOWING RE-SUBDIVISION & PUBLIC RIGHT-OF-WAY VACATION OF A PORTION OF

MILL RIDGE INDUSTRIAL PARK

CITY OF LYNCHBURG, VIRGINIA

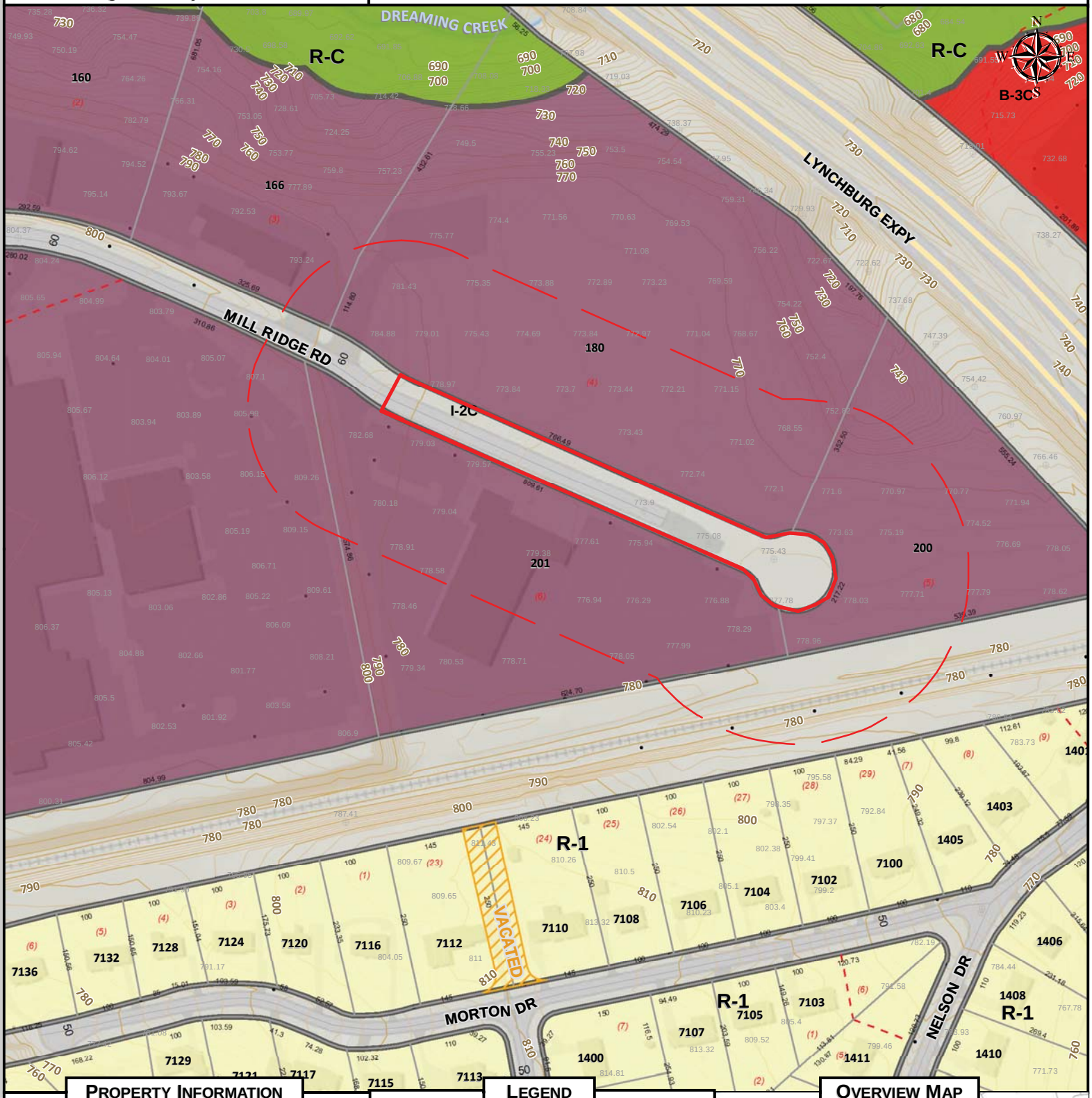
COMMONWEALTH OF VIRGINIA
AARON A. DOOLEY
Lic. No. 2948
LAND SURVEYOR
PRELIMINARY

DWN:	AAD
DATE:	5/13/2016
DWG:	V-BLA-15420
JOB:	15420

GRAPHIC SCALE 1"=100'
100 0 100

PERKINS & ORRISON
ENGINEERS ▲ PLANNERS ▲ SURVEYORS
27 GREEN HILL DRIVE, FOREST, VIRGINIA 24551
PHONE: 434-525-5985 FAX: 434-525-5956
E-Mail: pno@perkins-orrison.com WEBSITE - http://www.perkins-orrison.net

Zoning Map	MILL RIDGE ROW VACATION
Right-of-way Vacation	Fleet Services



Property Information

Parcel ID	Address
24305058	201 MILL RIDGE RD

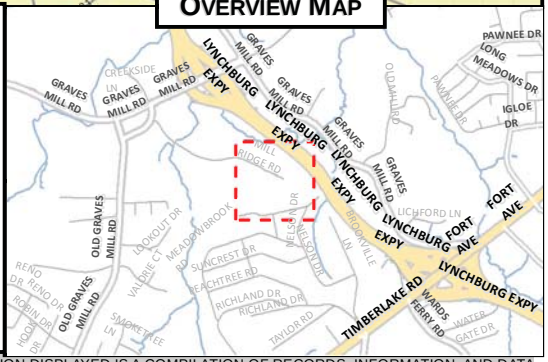
Legend

- Subject Property
- 200' Buffer

B-1	R-1	I-1	IN-1
B-3	R-2	I-2	IN-2
B-4	R-3	I-3	R-C
B-5	R-4		

Map Scale: 1 " to 200 ' **Date Printed:** 9/29/2016

Overview Map



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

Parcel ID	Address	Owner
24305057	200 MILL RIDGE RD	PIEDMONT LAND HOLDINGS CO LLC
24305055	166 MILL RIDGE RD	DOUBLE L LAND CO LLC
24305056	180 MILL RIDGE RD	PIEDMONT LAND DEVELOPMENT CO LLC
11601006	1301 NELSON DR	NORFOLK & SOUTHERN RAILWAY
24308003	155 MILL RIDGE RD	AREVA NP INC
24305058	201 MILL RIDGE RD	PIEDMONT REAL ESTATE HOLDINGS LLC

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **October 11, 2016** AGENDA ITEM #: **10**

CONSENT: REGULAR: **X** WORK SESSION: CLOSED SESSION:
ACTION: **X** INFORMATION: (Confidential)

ITEM TITLE: Future Land Use Map (FLUM) Amendment: Medium Density to High Density Residential Rezoning: R-2, Low-Medium Density Residential District to R-4C, High Density Residential District (Conditional) - 1125 Old Graves Mill Road

Strategic Pillar(s) Impacted:

___Arts & Culture	___Citizen Engagement & Social Capital	___Economic Development	___Healthy & Active Living
_X_Infrastructure	_X_Land Use	___Lifelong Learning	___Natural Resources
_X_Neighborhoods	___Safe Community	___Social Equity	_X_Transportation
			___Administrative

RECOMMENDATION: Denial of the FLUM amendment and approval of the rezoning petition.

SUMMARY: Maddox & Sons Construction, Inc. is petitioning to amend the FLUM from Medium Density Residential to High Density Residential and to rezone twelve and seventy-five hundredths (12.75) acres located at 1125 Old Graves Mill Road from R-2, Low-Medium Density Residential District, to R-4C, High Density Residential District (Conditional), to allow the construction of a ten (10) building, two hundred and forty-six (246)-unit apartment complex with accessory commercial space, offices, clubhouse, recreational amenities and parking areas. The Planning Commission recommended approval of the rezoning because of the quality of the developer's past projects and the need for density within City limits but did have a number of concerns with the proposal.

Planning Commission's concerns include: 1) the ongoing reduction of available land for future single-household residential neighborhoods; 2) the effects of a dense, characteristically different, development on an existing neighborhood; 3) the location does not provide much transportation choice or opportunity for a walkable lifestyle as called for in the *Comprehensive Plan 2013-2030* and that reflects best practices seen in current development trends; and 4) the consequences of increased traffic in the area. The installation of turn lanes on Old Graves Mill Road, while necessary for the development, will use all of the existing right-of-way. This will preclude the City from extending sidewalks without right-of-way acquisition and will make road maintenance difficult without space to work on the opposite side of the curb. Additionally, staff is concerned that Old Graves Mill Road is not designed to serve high levels of residential density. The Level of Service (LOS) of traffic at the Old Graves Mill Road intersection and the recent extension is projected to degrade. Motorists would still have the option to turn at the intersection of Graves Mill Road and Old Graves Mill Road; however, that does not reflect drivers' current practice.

PRIOR ACTION(S):

August 10, 2016: The Planning Division recommended denial of the FLUM amendment and rezoning petition.

The Planning Commission recommended denial of the FLUM amendment (3-2, with two absences, Perault and Light) and approval of the rezoning petition (3-2, with two absences, Perault and Light)

FISCAL IMPACT: Increased need for street and sidewalk improvements on Old Graves Mill Road and surrounding area.

Staff time and market price of property for right-of-way acquisition to continue sidewalks and maintain road/curb on east side of Old Graves Mill Road.

Potential need for specific area plans in the vicinity of this development.

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

ATTACHMENT(S):

- Ordinance
- Planning Commission Minutes – August 10, 2016
- Planning Commission Packet – August 10, 2016
  - Planning Commission Report
  - Zoning Map
  - Future Land Use Map
  - Watershed Map
  - Planimetric and Topographic Map
  - Concept Rezoning and Existing Conditions Plan
  - Architectural Rendering
  - Traffic Impact Analysis
  - Property Photograph
  - Neighborhood Petition
  - Speaker Signup Sheet

REVIEWED BY: bms

RESOLUTION

A RESOLUTION AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN 2013-2030 FOR A CERTAIN AREA LOCATED AT 1125 OLD GRAVES MILL ROAD FROM MEDIUM DENSITY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of Maddox & Son Construction, Inc. to amend the Future Land Use Map of the Comprehensive Plan 2013-2030 from Medium Density Residential to High Density Residential for a certain area located at 1125 Old Graves Mill Road is hereby approved.

Adopted:

Certified: _____
Clerk of Council

140K

UNCODIFIED ORDINANCE:

AN ORDINANCE CHANGING A CERTAIN AREA LOCATED AT 1125 OLD GRAVES MILL ROAD FROM R-2, LOW-MEDIUM DENSITY RESIDENTIAL DISTRICT, TO R-4C, HIGH DENSITY RESIDENTIAL 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 35.2 of the Code of the City of Lynchburg, 1981, as amended, be and the same is hereby further amended by adding thereto Section 35.2-54.4, which section shall read as follows:

Section 35.2-54._. Change of a certain area located at 1125 Old Graves Mill Road from R-2, Low-Medium Density Residential District, to R-4C, High Density Residential District (Conditional).

The area embraced within the following boundaries:

LEGAL DESCRIPTION: 1125 OLD GRAVES MILL ROAD, TAX MAP PARCEL 02505025 & 02505026

BEGINNING at the point of intersection of the southeasterly side of the property on the western right-of-way of Old Graves Mill Road and running thence along the westerly line away from Old Graves Mill Road N 79° 01' 57"W – 302.09' to corner; thence S 04° 28' 12"W – 334.85' to a corner; thence N 85° 09' 16"W – 1,068.64'; to a corner; thence N 19° 32' 32"W – 94.43' to a corner; thence S 71° 53' 16"W – 526.98' to a corner; thence S 49° 10' 23"W – 563.40'; to a corner; thence N 85° 27' 09"W – 525.82' intersecting with the right-of-way line on the western side of Old Graves Mill Road; thence turning in a southerly direction S 04° 57' 17"W – 145.93'; thence S 85° 08' 26"E – 1.73'; thence S 04° 57' 17"W – 248 to the point of BEGINNING, and encompassing 12.75 Acres as described on Plat Cabinet 13 Slide 24B of Instrument Number 16001140, as shown on the plat entitled "Plat Showing Re-Subdivision of the Property of The Estate of Lillian L. Schenkel & The Lynchburg Humane Society, Inc," made by Perkins & Orrison dated February 23, 2016.

…is hereby changed from R-2, Low-Medium Density Residential District, to R-4C, High Density Residential District (Conditional), subject to the conditions set out herein below which were voluntarily proffered in writing by the petitioner, Maddox & Son Construction, Inc., to wit:

1. A future site plan will be submitted to the City for approval prior to development of the site. The drawing submitted for rezoning is a concept intended to show the use of the site. The future site plan will be designed in substantial compliance with the layout of the concept plan.

2. There will be a buffer placed between the site and the Humane Society along the northern property line for 1,220 LF in a double staggered row of evergreens spaced to City buffer yard standards 35.2-63-10:

   The vegetative buffer shall consist of a staggered evergreen tree line with a baseline filler of medium height evergreen shrubs. The evergreen tree material shall be a minimum of four (4) feet in height at time of planting. The evergreen tree line shall be planted in rows ten (10) feet apart with tree trunks staggered fifteen (15) feet on center. In lieu of the baseline filler an earthen berm may be used. The earthen berm shall vary in width and height and shall be curvilinear in form and provide a gentle tie-in with the existing grade. Average height of earthen berms used to satisfy this requirement shall be three (3) feet in height.

3. The building elevations will comply with the renderings presented during the rezoning process. Materials will be a mix of brick, hardy plank, vinyl and wood.

4. We will add connections from our sidewalks to any trails that the neighboring Humane Society may build at our common property line along the north side of the property.

5. The dumpster area will be enclosed in a three sided brick enclosure.

6. We will build a fence from the adjoining southern property line at our corner with 104 Valleydale Drive to the middle of the common line of 114 Valleydale Drive. The fence will then be directed in a northerly direction towards our parking lot, with an emphasis of savings as many trees as possible. The entire length of fence is estimated to be 750LF. We will work with the neighbors and under the City's zoning ordinance/ Technical Review Committee to select a proper fence height, at least six feet tall, and style that is adequate for the neighbors as well.

7. As part of construction of the site, the developer will extend the sanitary sewer service through the property to within 5' of the adjoining residential properties to the south and east. The sewer main will be built within a 20' wide sanitary sewer easement and be dedicated to the City of Lynchburg. The adjoining property owners can then negotiate with the developer and/or future land owner of the development to make the connection as needed. This would give the potential sewer access to the adjoining neighbors and assist the developer/owner with recouping the costs to construct the line.

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

Adopted:

Certified: _____
Clerk of Council

141K

MINUTES OF THE AUGUST 10, 2016 PLANNING COMMISSION MEETING (MINUTES HAVE BEEN APPROVED):

Petition of Maddox & Son Construction, Inc. to amend the Future Land Use Map (FLUM) of the City's Comprehensive Plan 2013-2030 from Medium Density Residential to High Density Residential and to rezone approximately twelve and seventy-five hundredths (12.75) acres at 1125 Old Graves Mill Road from R-2, Low-Medium Density Residential District to R-4C, High Density Residential District (Conditional) to allow the construction of a two hundred and forty-six (246)-unit apartment complex with an accessory commercial space, associated offices, clubhouse, recreational amenities, and parking areas.

Ms. Anne Nygaard summarized the report for the commission. This property is currently zoned R-2, Low Medium Residential District. Those areas are typically comprised of single household dwellings on approximately 10,000 square foot lots. This petition is to rezone to R-4, High Density Residential to allow 246 apartments, a small mixed use building and amenities for the residents. The current R-2 zoning would allow approximately 55 single household homes.

The site is bordered to the north by the Lynchburg Humane Society and single or two-family households on all the other sides of the property. Ms. Nygaard noted if you are looking at the colors on the zoning map (brown being B-5 or more intense and yellow being residential), it seems like R-4 would fit perfectly. You would be going from lower density residential to higher density residential to B-5. However, the Lynchburg Humane Society is constrained by the proffers on the property and has more of a campus setting. They have a long term plan to develop the campus and it is not really an intense commercial use directly adjacent to a residential area.

The *Future Land Use Map (FLUM)* recommends Medium Density Residential as it does for much of the surrounding area. These areas include single-family homes, duplexes and townhomes with a density of up to 12 units per acre. This proposal is for 19.29 units per acre, which is the reason for the *FLUM* amendment. The petitioner is also asking for apartments; Medium Density usually equates to single-family homes or townhomes or less intense residential development.

Ms. Nygaard did want to give the developer credit where it is due. They worked together a lot over the last couple of months. The plan evolved many times and she thinks they arrived at a decent plan. The building at the front is mixed use and faces the front and interacts with the street. It would be nice if the entrance to the commercial area was off Old Graves Mill Road or at least the sides of the building to make it more publicly available and less only for the development.

They moved the amenities for the complex away from the front to the center so they are easily accessible for all the residents of the development. It is well connected by sidewalks all the way to the street. It has connections to the Humane Society where the Humane Society is thinking about putting in new trails. It will be well engrained into the surrounding area. It has the beginnings of a block form, which gives it a nice flow. It would be nice if there were some connectivity to another street but within the bounds of this property, that was not possible.

If staff were looking at just the site and not the surrounding area, they would probably be recommending approval of the petition. That makes recommending denial of this petition pretty difficult. If this plan were somewhere else in the City, staff would probably be very happy to see it. They have found that maybe this is just not the right place in the City for this type of density. There were some issues they were not able to resolve before bringing it forward for a public hearing.

The first has to do with traffic. The intersection that has the Label 2 will degrade from a level of service B to a level of service C. Typically, the City is fine with a level of service D or better. The somewhat bigger issue is the left turning movement from Old Graves Mill Road to stay on Old Graves Mill

Road. That will change from a level of service E to a level of service F. Ms. Nygaard spoke with the City's Transportation Engineer and that is not as much of a concern for Engineering as she thought it would be because travelers can come down to the light on Graves Mill Road and make a left. The Transportation Engineer was more concerned that maybe this road is not the right size and does not exactly fit for this type of density. Improving Old Graves Mill Road is not a priority for the City. We have much bigger issues elsewhere and we are not looking to turn this road into one of those issues. Ms. Maggie Cossman, the Transportation Engineer, was available to answer any questions.

Another thing to consider is that Old Graves Mill Road is not a "complete" street per the *Comprehensive Plan.* It is not designed to meet the needs of all users, pedestrians, bicyclists and transit. There is a bus route but it only runs in one direction. You would probably have to ride an hour in the other direction in order to complete a full journey by bus. With those considerations, Ms. Nygaard would ask them to consider if this a good place to put this kind of density if the street cannot really handle it or provide the opportunities for the residents of 246 units to travel by any other means than car.

The second big issue is sidewalks. The traffic study said that the development needs a left turn and a right turn lane to accommodate the traffic in and out. To accommodate those two turn lanes, you have to use all the existing right- of-way in front of the property. The City has sidewalk that stubs out in front of the property. If the turn lanes were put in, it would prevent the City from being able to put in the sidewalk unless they go through the process of taking additional property on the other side of the street. Another issue with that is road maintenance. It is difficult to maintain the road if you do not have any space on the other side of the curb to put the machinery to fix the road or the curb line. The developers are trying very hard to get the right-of-way they need for those private turn lanes. As of today, she does not think they have been able to obtain it. That is another one of the main reasons that staff is recommending denial of the petition.

The last issue is dealing with density in the City, smart growth and quality of life. That sounds big and fluffy; however, Ms. Nygaard thinks it is a serious issue that we really need to think about when we are approving development around the City. The City is limited to 50 square miles and we have very few vacant sites where new development can occur. We also have limited funds to provide infrastructure and do the road improvements to bring the streets adjacent to these places up to standards to support that kind of density. Some questions for the commissioners to consider are: Is this the right location for this kind of density? Is the infrastructure there to support it and are the services there to support it? It will be difficult for the residents to meet their needs in the manner that is called for in the *Comprehensive Plan.* We want to be able to provide different options for people to get around.

Ms. Nygaard mentioned that the report talks about "leapfrog density." That idea is that we are getting small isolated pockets of density scattered around the City but not getting any concentration of density that is needed to start transforming areas into vibrant neighborhoods. For a long time, we have been a somewhat sprawling City. If we are going to grow into a City of 100,000 people per the *Comprehensive Plan,* we need to grow more densely but in the right places.

Ms. Nygaard explained that the developer held three neighborhood meetings. They were held at one of their other developments in Forest, so the neighbors could see the quality of development.

The Planning Division does recommend denial of the petition based on concerns over traffic, right sizing a street for development, our ability to provide sidewalks and concerns over the density of this development, as well as improving development patterns around Lynchburg.

She reminded them that they have two issues to consider. First is the *FLUM* amendment and then the rezoning. She would encourage them to think about whether changing the *FLUM* from Medium Density to High Density is really appropriate in this case. If the commission thinks it is a good place for dense development, does the proposal actually meet the standards of what we want to see in the City?

Mr. Andy Maddox, President and CEO of Maddox & Son Construction and Grace Properties was present to represent the petition. He has done The Gables at Jefferson Commons and The Gables at Spring Creek in Forest. They enjoy building, developing and maintaining communities, which they lease. This site made sense to him and he does not really agree with the City's standpoint. The site to him is absolutely perfect. It is close to a highway and services are close by. You have Graves Mill Shopping Center within a mile. You have a Kroger on Timberlake Road within a mile and all the amenities up and down Timberlake Road and all the growth in Forest. The bus does go through here, but quite frankly, the tenants they go for do not ride the bus. They have cars and drive everywhere. It does sound nice and fluffy to think that everyone walks to the grocery store but how many times do you walk to the store to buy groceries for a week? How many times do you see people riding bikes on Old Graves Mill Road or Graves Mill Road?

They did work closely with Ms. Nygaard on the layout. He will give her credit. They have a much better layout than they did originally. He appreciates that because it does flow much nicer and the mixed use at the front is an improvement.

Mr. Maddox showed them on the diagram where the sidewalk in front of the Humane Society ends. That is where the taper for the turn lane would start. They are donating property for right-of-way so the sidewalk can continue in front of their property. Mr. Maddox indicated the five properties on the other side of the street where they are required to get right-of-way. They are currently under contract for three of the properties and are pretty close on the other two in order to be able to do sidewalk on the other side of the street. In his opinion, they are improving the intersection there. The degradation of the left turn coming out by Scott Insurance—there were some recommendations in the report to redo some striping that would help with that. Mr. Maddox explained that this type of development is what they do. They build communities and provide housing. Again, they think it is a good location and near a lot of services. They are amenable to putting in a bus stop.

In his opinion, the *Future Land Use Map* takes a broad stoke. It goes from 2013 to 2030. In real estate, rooftops generate commercial. The City has already said it only has 50 square miles. You need to be denser to bring in more revenue. One way is through multi-family situations and the second way is to have the rooftops to supply the commercial needs. Home Depot is already there and Moore's Country Store. Taylor Brothers does not necessarily need to be located there and that is a prime spot for a big box store like a neighborhood Walmart. He thinks it is short sighted to say that services are not there but when they get there, we will change our mind. What else is going to go on this site? What else is going to go on the site across the street? With the cost of development and the price on that land, 55 single-family homes is not going to happen. They would be $100,000 lots and in that area, they would not sell. It is just going to sit there until it gets approved for something like this. It does not matter that it is the Humane Society next to them; it is a business. He does see transition from the industrial park halfway up Old Graves Mill Road to single-family homes to duplexes to multi-family to business to commercial on Graves Mill Road.

He mentioned that water and sewer and utilities are there. They are going to widen the street. They are working on the right-of-way across the street. They are local; they provide jobs, housing and tax revenue.

Mr. Trent Warner of Hurt & Proffitt came forward to speak. He pointed out that you do not see the industrial zoning nearby on the map provided. This is a perfect spot similar to what they have had in Bedford County. In that case, they were wedged between single-family homes and then patio homes, which is multi-family, their site and then industrial/corporate. It worked perfectly and it is 12 to 14 acres. This development fits exactly the same way.

In terms of actual numbers at the intersection that will go to level of service F, you are looking at six cars that stack there and it will grow to ten cars. He reminded them that if it becomes a nuisance for those ten cars, they have the option of going down Graves Mill Road to the light and making the left turn on to Old Graves Mill Road.

Mr. Warner acknowledged that Old Graves Mill Road has its issues. From south of the bridge at the industrial park, there is a center turn lane. You do not have quite the issues where they are. It was an easy fix to widen the bridge. From that point on, they stopped and did not put the center turn lane through. But when the City had to do that, they made the decision to put a sidewalk in on one side. If you go from Timberlake Road all the way to Old Graves Mill Road, you will not hit sidewalk on the right side of the road until you get to the Humane Society. He pointed out that when someone goes to develop the property on the other side of the street, they are going to be required to build the sidewalk. But through the planning process, they were kind of forced to come up with the sidewalk on their own. The idea was that the City may decide to extend that sidewalk in the future. When, he is not sure that can be answered.

Mr. Rick Read of Coldwell Banker Read and Company came forward to speak. He thinks that when you start looking at the land use in the area, you have to go out further. If you look where the Kroger is on Timberlake Road, there is a transition from B-3, R-4 to R-1. He showed them other transitional areas on the other side of Timberlake Road. It is a natural progression in the area where their site is to do the same thing.

He also pointed out that all the sites in the City that are already zoned R-4 are either already developed or too small, under contract or tied up for something else. There is one on Lakeside Drive near Ford Motor. He has walked that site and you would have to put a long road in and go through a gulley. Another site on Langhorne Road is solid rock. There is another site by the Food Lion on Florida Avenue but the railroad owns most of it. Plus, he is not sure that is where this type of project would fit. He thinks they have proven that this is the ideal location for this project.

Mr. Norman Moon with Cushman & Wakefield/Thalhimer was present to speak in favor of the petition. He represents the Schenkel family in the sale of this property. It has been on the market since 2004. In 2005, they represented the Schenkels and Scott Insurance when the City wanted to straighten and extend Old Graves Mill Road. The road that now divides Scott Insurance and Taylor Brothers was put in. Over the years, they have found that the road does not function very well. The City wanted to alleviate that problem by extending Graves Mill Road. They worked with the Schenkels and Scott Insurance for the City to acquire the right-of-way. The idea was that people would use that light and it would alleviate the stacking problem. However, the existing road had to remain there to give adequate access to Scott Insurance and Taylor Brothers. His point is that there is already an excellent way to access Old Graves Mill Road and avoid the traffic stacking problem.

The Schenkels have had a number of proposals over the years. They have had some good proposals and some bad proposals. Some things they have dismissed out of hand because they did not want to see them. Maddox & Son is a local company with a good reputation. They are approached constantly by out of town multi-family developers. The City will have someone that is local and accountable and that is going to hold this project. They will be long term owners and provide a service. He mentioned that the Schenkels were also present if the commission had any questions for them.

Ms. Brenda Gray came forward to speak in favor of the petition. She is on the board of the Lynchburg Humane Society. She and the rest of the board are really in favor of this project. They think this development will make excellent neighbors. They are pet friendly, which is very nice. She thinks this is a really good use of this property. She does not think it is going to impact the traffic that much. You allow commercial vehicles to go through, large trucks and heavy equipment. She does not think a multi-family project is going to have that much impact. She really likes the fact that they are local and take a

lot of pride in their property. As far as the walking and biking issue, she mentioned that they have two other complexes. She does not see people in those complexes walking or biking because they are on Route 221. She is very much in support of this use of the property for development and she is speaking as a citizen of Lynchburg and as their neighbor.

Commissioner Lowe asked for anyone else who wished to speak in favor of the petition. No one came forward. He asked for anyone who wished to speak in opposition of the petition.

Mr. Darrell Slayton of 122 Valleydale Drive came forward to speak. He has lived there since 1996 and plans to retire there. He and the other residents of Valleydale Drive are greatly opposed to the rezoning petition because it does not fit the community at all. It does not mingle with Valleydale Drive at all. It is way too large and does not provide a reasonable transition. The project will significantly impact the beauty and quality of life for those that live on Valleydale Drive. Aside from the construction noise, after everyone has left and made their money, they will be left with the noise and all the things that you would expect from a development like this. The project has zero benefit for anyone living on Valleydale Drive or the neighborhood as a whole. You try going to Kroger now or going to Graves Mill Road now. If you add several hundred more people here, this is just not going to work. He commutes daily to Forest. It is a nightmare going to work and it is a nightmare coming home. It took him 30 minutes to get here today and that was at 3:00. Things look really good on paper but as a whole, this really is not going to work for their neighborhood. He talked to many people that did not even know about the development and he does not think it has been communicated to enough people. No one in his neighborhood wants to see this development.

Mr. Chris Stokes of 116 Valleydale Drive came forward to speak in opposition. He represents all the residents of Valleydale Drive. He had a petition to present to the commission with signature of many residents opposed to the development. He acknowledged that Mr. Maddox is a great guy and has been willing to work with the community. They offered to put up a fence and bushes to shield their development.

The residents believe, and the traffic study shows, that it is not going to work well. Adding several hundred residents and their cars is going to cause huge problems. Improving this area is not a priority for the City. What happens when Rosedale gets developed? Just because something can be rezoned does not mean that it should be rezoned. It will gravely impact their quality of life. It will be one year of construction and then there will be apartment noise and the parking lot and other things that come with a large development. They want it to remain as it is. The City is not on board with improving this area and maintaining quality of life for its residents related to traffic. Possibly the City and the developer of Rosedale and the developer of this property and the property across the street can all get together to improve the road but now is not the time. The Humane Society thinks it is great because they are a business and they want people to adopt dogs.

This is not a win-win for the neighborhood or for the community as a whole that has to use Old Graves Mill Road. Mr. Stokes also pointed out the traffic study was done when the students were gone, so there were not as many cars on the road. Mr. Stokes pointed out that the other developments Mr. Maddox owns are located on 221, which is a five-lane road.

He commends the developer for his willingness to work with the community but what is in it for everyone else? They are not going to be allowed to use the pool and the small amount of commercial space in the development is not a big attraction for neighbors. There are other parcels Mr. Maddox could buy and move to rezone that would be more adequate for this build.

Mr. Stokes mentioned that he just bought his house recently. He and all his neighbors thought that they were buying next to property that could be developed as single-family or maybe R-3 but not next to

a multi-family development. It would be a disservice to the citizens of Lynchburg for them to recommend approval of this petition.

Mr. Maddox came back for a rebuttal. He had some papers to present to the commission. He said he met with Mr. Stokes and they worked through some issues. They agreed on a fence and got the proffers right with the City. After that agreement was reached, Mr. Stokes said he and six other neighbors want to be fairly compensated. Commissioner Lowe asked how this relates to the discussion. Mr. Maddox said he is trying to discredit him. Commissioner Lowe remarked that they are only going to discuss land use. Mr. Maddox said it is just disappointing that the neighbors are for it if he pays them $30,000 each. Once he said no, now they are against it. He thinks it is extortion and he said no. In his opinion, if he had paid $210,000, Mr. Stokes would have been here speaking for it. Mr. Maddox provided them with a transcript of text messages. Commissioner Lowe indicated that it does not pertain to land use.

Mr. Stokes commented that they asked for compensatory damages. Commissioner Lowe indicated that he is going to cut it short because they need to discuss land use. Mr. Stokes explained that Mr. Maddox offered some kind of community improvements. Mr. Maddox said he meant something that everyone can enjoy but he cannot just pick seven people and give them money.

Commissioner Lowe closed the public hearing portion of the petition. Commissioner Rogers asked when the widening farther up Old Graves Mill Road was done. Mr. Martin thought it was part of the development of Stonegate Villas. Commissioner Rogers wondered if the City has a plan for widening the rest of Old Graves Mill Road in light of all the commercial development that is going and is planned in the area. Ms. Nygaard said there is really no plan to widen the rest of Old Graves Mill Road. It has not become a huge pressing issue probably because they have not seen this kind of development.

Commissioner Rogers indicated that according to the *Comprehensive Plan,* there are 49 acres identified for large rental areas in the City. Ms. Nygaard thought that sounded right but pointed out that the City needs to think about how we are going to develop. Are we only going to develop on green field sites because eventually we are going to run out of green space? We have to start thinking about redevelopment. We have a lot of underdeveloped land around the City. We are going to have to start shifting toward that way.

Mr. Martin added that is exactly why, when the City amended its Zoning Ordinance, it made mixed use developments permitted by right in its business zones to get those residential units closer to commercial areas where people can live, work and shop in the same area without having to drive everywhere. In terms of Old Graves Mill Road, Mr. Martin does not know of any further plans to widen it. It is nowhere near the top of the City's priority list.

Commissioner Bowden asked where they will be widening the road. Mr. Warner indicated that the right turn lane starts right around the entrance to the Humane Society. To build their left turn lane, they have to widen the road. In essence, if the City wants to put in a center turn lane in the future, the developer will have essentially widened the road for them. Commissioner Bowden noted that the turn lane is fairly extensive. Mr. Warner said it is essentially just north of Valleydale Drive. In essence, they are adding a lane to the right.

Commissioner Gahagan asked how wide the buffer has to be between this development and the residential neighborhood. It seems to her that there is no gradual change. There will be a massive apartment complex with a lot of lighting and then quiet residential. It does not seem like this is protecting existing communities. Ms. Nygaard explained that the new Zoning Ordinance added a transitional requirement between single-family and two-family residential and more intensive apartment complexes. You can only have two-story buildings within 100 feet of those residential areas. In the prior Zoning Ordinance, that requirement was only 50 feet. There is also a 20-foot vegetative buffer

requirement with two rows of evergreen trees. Mr. Maddox indicated that they will be Leland Cyprus trees that fill in and grow 20 to 30 feet tall within a few years.

Commissioner Gahagan noted that the trend is that people do want to be in more condensed areas where they can walk to locations. Students want to be close to their school so they do not have to rely on cars. In her opinion, when you look at the zoning map, it just looks like chaos. Some areas just should not be zoned what they are.

Commissioner Marion said she is on the fence. She thinks that the development looks like an excellent place to live. She looked at one of Mr. Maddox's other developments. The amenities are terrific. When she got into the development, she could not see the industrial park that is nearby. It seemed like its own little world and a very nice place to live. There are thousands of these types of communities all over the country and a lot of people like to live in them. She thinks that 95 percent of the people are not going to want to walk to the grocery store or bike there. If they like to walk or bike, they are probably going to go to Blackwater Creek Trail. They can also walk the sidewalks in this development and the Humane Society property. In her opinion, it is also close to very good grocery stores.

She is sympathetic with the adjacent landowners that feel this development would not be a good neighbor. It will be noisy and dusty in the short term but she feels the buffer is going to be adequate. They will miss the big field behind them but it is not their land now.

The traffic does concern her but not the intersection that will degrade to F because people can go to the light. It is not a necessary road. She is concerned with the right-of-way on the other side. She would like to see a proffer that would guarantee that all those right-of-ways have to be obtained. She does not want to leave the City with no place to build a sidewalk or nowhere for people to walk without trespassing on people's property. That is probably the thing that is most concerning to her.

For her, the transition is there. To have the higher density between the low density residential and the business seems to fit. This is a little higher density than the City staff wants, but she would imagine that without this density, you could not have the amenities. Without this density, it might not be economically feasible at all. Without the density, the apartments would be cheaper and it would probably not be as pleasant a place to live. She thinks she is leaning toward approving it.

Commissioner Bowden said this is kind of the "chicken and the egg" thing. This is the first development but once you start this, it will bring in more. There are other developments that are planned in the area. The traffic on that road is horrible and is going to get worse simply because of the growth up and down Timberlake Road. The only people that seem to making it any better are putting in the developments. He is leaning toward approving it but he does not have a clear decision on this one. He cannot feel good about either one.

Commissioner Lowe said he is on the fence about this one. He has read the *Comprehensive Plan* over and over. He has driven Old Graves Mill Road frequently and has used the Humane Society's facility a lot. He went up and down Valleydale Drive. He thought that all these people bought a house with a beautiful view. If it remained zoned R-2, it would allow for more homes. These people that bought their homes did not think they would be looking at a 246-unit apartment complex. He is looking at the *Comprehensive Plan* and what the City is are looking for. What he noted from the plan is that the City is looking out for people that want to have a house. If people want to have a house, they can have one with a little bit of land. We have 50 square miles for which we are responsible for its future growth and development. When we start constructing these large apartment complexes, we no longer have the ability for people to realize a home and that forces people out to the county. He is questioning how they create that sense of neighborhood. When he moved back to Lynchburg, it was for the ability to have a

home with a big piece of dirt underneath it. The houses and duplexes around this area are nice and blend in with the neighborhood. He does not see an apartment complex fitting in there.

Commissioner Lowe noted that the developers are widening just a portion of Old Graves Mill Road and then we are choked again. We have not solved anything. With the Rosedale complex, we already know we are going to have failing ramps on the bypass at the Chevrolet dealer and Home Depot. We are going to put more cars in an area that we know is going to fail. As he talks out loud, he realizes that he cannot support this. We have to think about whether we are going to have a place where people can build homes or is everyone going to be in an apartment complex. At what point are we going to fix that road? Our *Comprehensive Plan* says R-2 or R-3 on that property until 2030. He thinks that we need to respect that for the time being and have this as a residential place for homes.

Commissioner Marion asked Mr. Maddox how he arrived at the price of a lot being $100,000. Mr. Maddox said the price of the land is over $800,000. Thumb rule is it is one and a half times the cost of the land for development. With interest and carrying costs, it will be $2.5 to $3 million. He does not think you could get 50 lots out of this property. These would be Cornerstone lots; nothing like what they are on Valleydale Drive. Water retention would take down the number of lots as well. The days of doing a street like Valleydale Drive where you just push out the trees and put in lots like that are gone with all the regulations. Mr. Maddox pointed out that the *Comprehensive Plan* also calls for more density.

Commissioner Rogers said he thinks from the homeowner perspective if not this, then what. If you go up to Tomahawk Drive, there are duplexes that are not really attractive. Something is going to get developed here and you have to pick your poison. The question is how this will look and how will this really affect the area in the long run. People think that an apartment complex will kill their property value but he does not really see that when he drives around Lynchburg. He thinks this is really a mixed area. There is an industrial park there. The main negative point to him would be the road and the developer is going to make that better. In his opinion, there is a lot more positive than negative.

Commissioner Marion asked Mr. Maddox if he would be willing to proffer that he will obtain the right-of-way. Ms. Nygaard commented that they tossed around that idea. Staff actually does not recommend doing that because if it gets rezoned, then you are stuck with a property that is zoned R-4 but cannot be developed unless they get that land. Mr. Martin said he agreed with that whole heartedly. The decision they really need to focus on is the density and whether or not this area is appropriate for it. The cost of the land is one thing but that is not what they should be focusing on. The dollar amounts the developer is quoting are if the property is valued as an R-4 property. You have to look at what it is assessed for now as single-family residential. Mr. Martin noted that what the commission needs to focus on is whether or not they feel the *FLUM* should be amended to allow for multi-family. Mr. Martin acknowledged that the developer made a good point about the sidewalk. If the other side of the street gets developed, the sidewalk will be required.

Commissioner Gahagan asked if they had an alternate site in mind. Mr. Maddox said not in the City. He wanted to diversify himself and have property in a different school district.

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

"That the Planning Commission recommends to City Council to amend the Future Land Use Map of the *Comprehensive Plan 2013-2030* from Medium Density Residential to High Density Residential."

The motion failed by the following vote:

AYES:	Marion and Rogers	2
NOES:	Bowden, Gahagan and Lowe	3
ABSTENTIONS:		0
ABSENT:	Light and Perault	2

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

"That the Planning Commission recommends to City Council to rezone approximately twelve and seventy-five hundredths (12.75) acres at 1125 Old Graves Mill Road from R-2, Low-Medium Density Residential District to R-4C, High Density Residential District (Conditional) subject to the following voluntarily submitted proffers:

1. **A future site plan will be submitted to the City for approval prior to development of the site. The drawing submitted for rezoning is a concept intended to show the use of the site. The future site plan will be designed in substantial compliance with the layout of the concept plan.**

2. **There will be a buffer placed between the site and the Humane Society along the northern property line for 1,220 LF in a double staggered row of evergreens spaced to City buffer yard standards 35.2-63-10. The vegetative buffer shall consist of a staggered evergreen tree line with a baseline filler of medium height evergreen shrubs. The evergreen tree material shall be a minimum of four (4) feet in height at time of planting. The evergreen tree line shall be planted in rows ten (10) feet apart with tree trunks staggered fifteen (15) feet on center. In lieu of the baseline filler an earthen berm may be used. The earthen berm shall vary in width and height and shall be curvilinear in form and provide a gentle tie-in with the existing grade. Average height of earthen berms used to satisfy this requirement shall be three (3) feet in height.**

3. **The building elevations will comply with the renderings presented during the rezoning process. Materials will be a mix of brick, hardy plank, vinyl and wood.**

4. **We will add connections from our sidewalks to any trails that the neighboring Humane Society may build at our common property line along the north side of the property.**

5. **The dumpster area will be enclosed in a three sided brick enclosure.**

6. **We will build a fence from the adjoining southern property line at our corner with 104 Valleydale Drive to the middle of the common line of 114 Valleydale Drive. The fence will then be directed in a northerly direction towards our parking lot, with an emphasis of savings as many trees as possible. The entire length of fence is estimated to be 750LF. We will work with the neighbors and under the City's zoning ordinance/ Technical Review Committee to select a proper fence height, at least six feet tall, and style that is adequate for the neighbors as well."**

The motion passed by the following vote:

AYES:	Bowden, Marion and Rogers	3
NOES:	Gahagan and Lowe	2
ABSTENTIONS:		0
ABSENT:	Light and Perault	2

Mr. Martin asked the commission for clarification that they left the FLUM as it was but voted for the rezoning. They said they understood how they had voted.

The Department of Community Development

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

To: Planning Commission
From: Planning Division
Date: August 10, 2016
Re: **Future Land Use Map Amendment: Medium Density to High Density Residential**
Rezoning: R-2, Low-Medium Density Residential District to R-4C, Medium-High Density Residential District (Conditional) – 1125 Old Graves Mill Road

I. PETITIONER

Maddox & Son Construction, Inc, 1152 Gables Drive, Forest, VA 24551
Representative: Mr. Trent Warner, Hurt & Proffitt, Inc., 2524 Langhorne Road, Lynchburg, VA 24501

II. LOCATION

The subject property includes one (1) tract of approximately twelve and seventy-five hundredths (12.75) acres located at 1125 Old Graves Mill Road.
Property Owner: Estate of Lillian L. Schenkel, P.O. Box 11315, Lynchburg, VA 24506.

III. PURPOSE

The purpose of the petition is to amend the *Future Land Use Map* (*FLUM*) and rezone the property to allow the construction of a two hundred forty-six (246) unit apartment complex with accessory commercial space, associated offices, clubhouse, recreational amenities and parking areas.

IV. SUMMARY

- The *Future Land Use Map* (*FLUM*) recommends a Medium Density Residential use for the area. These areas are characterized by single-family homes, duplexes or townhomes with densities of up to twelve (12) units per acre. The petitioner is requesting an amendment to High Density Residential and a density of nineteen and twenty nine hundredths (19.29) units per acre.

- Building 1 is mixed use and includes a commercial space as encouraged by the *Comprehensive Plan 2013-2030*. The City's R-4 district encourages mixed use by allowing up to 5% of a residential development's floor area to be commercial.

- The proposed density is inappropriate for this location. It is far removed from primary commercial areas, the infrastructure to support it is minimal, and the proposed development actually hinders walkability for the existing neighborhood.

- A traffic impact study has indicated the development requires both left and right turn lanes into the development. Right-of-way exists to accommodate the required turn lanes, but the construction of those lanes would remove the City's ability to construct sidewalk on the east side of Old Graves Mill Road without the acquisition of additional right-of-way. Staff maintains the developer should acquire right-of-way for their turn lanes, so not to preclude the City's ability to build the sidewalk without right-of-way acquisition.

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

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Future Land Use Map (FLUM)* from the *Comprehensive Plan 2013-2030* recommends a Medium Density Residential use for the area. Medium Density Residential designation is characterized by small-lot single-family detached housing, duplexes, and townhouses at densities up to twelve (12) units per acre. Where neighborhoods already exist, infill development should be at a compatible density and housing type. ***(p72)***

   The petitioners have requested to amend the FLUM from Medium to High Density Residential. High Density Residential areas are typically comprised of high density townhouses or apartments with densities of up to thirty (30) units per acre. They may include public, institutional, private recreation, and private open space uses. Limited retail and service uses may be established as part of mixed-use developments and within high density residential projects. ***(p75)***

   While High Density Residential is the correct designation for the proposal, the Planning Division does not recommend amending the FLUM away from Medium Density Residential because infrastructure and services available for such a dense neighborhood are largely inadequate at this time. This proposal requires Old Graves Mill Road be widened to accommodate turn lanes into the site. This widening would remove the City's ability to construct a sidewalk along the east side of Old Graves Mill Road without acquiring additional right-of-way. The new traffic spurred by the development will also cause the intersection of Old Graves Mill Road and the Old Graves Mill Road extension to degrade in the peak PM hour. Additionally, the daily needs of residents are only met over a mile away-either on Timberlake Road or in Forest. Bus service is minimal as GLTC's route is a loop route that requires riders to ride the entire loop to complete a journey. Placing a High Density Residential Development here would be inconsistent with the policies of the *Comprehensive Plan 2013-2030* by encouraging incompatible development styles, "leapfrog" development that weakens Lynchburg's core by spreading out population across the city, and "incomplete streets," as Old Graves Mill Road will not be able to meet the needs of all users. Until adequate infrastructure and services can be provided and degradation of intersections can be avoided, this is not the proper place for High Density Residential development.

   Applicable policies of the Comprehensive Plan include:

   LU-1.4 Consider the Planning Framework, land availability, existing land use and zoning patterns, site constraints, transportation capacity, utility availability and natural systems when evaluating zoning and *Future Land Use Map* amendments.

   LU-3.1 Assess the compatibility of proposed development and land uses on adjacent properties and neighborhood character.

   LU-3.2 Coordinate site and building design with the design of streets and public facilities.

   LU-3.7 When addressing compatibility and connectivity between adjacent land uses, ensure that building orientation, building location, parking locations, parking design, lighting, walkways and other building and site design factors provide safe and convenient access to sites for drivers, pedestrians, bicyclists and transit riders.

   LU-3.10 Encourage the development of built environments that support the integration of healthy and active living in day-to-day life and foster human interaction.

   T-2.3 Coordinate street design with the density and design of adjacent residential, mixed-use and non-residential development to enhance transportation options and mobility.

2. **Zoning.** The subject property was annexed into the City in 1976. The existing R-2, Low-Medium Density Residential zoning was established in 1978 with the adoption of the previous zoning ordinance.

3. **Proffers.** The petitioner has voluntarily submitted the following proffers:

    1. A future site plan will be submitted to the City for approval prior to development of the site. The drawing submitted for rezoning is a concept intended to show the use of the site. The future site plan will be designed in substantial compliance with the layout of the concept plan.

    2. There will be a buffer placed between the site and the Humane Society along the northern property line for 1,220 LF in a double staggered row of evergreens spaced to City buffer yard standards 35.2-63-10:

        > The vegetative buffer shall consist of a staggered evergreen tree line with a baseline filler of medium height evergreen shrubs. The evergreen tree material shall be a minimum of four (4) feet in height at time of planting. The evergreen tree line shall be planted in rows ten (10) feet apart with tree trunks staggered fifteen (15) feet on center. In lieu of the baseline filler an earthen berm may be used. The earthen berm shall vary in width and height and shall be curvilinear in form and provide a gentle tie-in with the existing grade. Average height of earthen berms used to satisfy this requirement shall be three (3) feet in height.

    3. The building elevations will comply with the renderings presented during the rezoning process. Materials will be a mix of brick, hardy plank, vinyl and wood.

    4. We will add connections from our sidewalks to any trails that the neighboring Humane Society may build at our common property line along the north side of the property.

    5. The dumpster area will be enclosed in a three sided brick enclosure.

    6. We will build a fence from the adjoining southern property line at our corner with 104 Valleydale Drive to the middle of the common line of 114 Valleydale Drive. The fence will then be directed in a northerly direction towards our parking lot, with an emphasis of savings as many trees as possible. The entire length of fence is estimated to be 750LF. We will work with the neighbors and under the City's zoning ordinance/ Technical Review Committee to select a proper fence height, at least six feet tall, and style that is adequate for the neighbors as well.

4. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances would be needed for the development of the property as proposed.

5. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:

    - On February 9, 1982, City Council approved the petition of Taylor Brothers, Inc., to rezone eleven (11) acres from I-1, Restricted Industrial District to I-2, Light Industrial District to allow millwork manufacturing and retail sales at 1300 and 1304 Old Graves Mill Road and 905 Graves Mill Road.

    - On December 14, 1982, City Council approved the petition of William Burruss and Dreaming Creek Properties to rezone one hundred four (104) acres from I-1, Restricted Industrial District to I-2, Light Industrial District (Conditional) to allow industrial uses on Mill Ridge Road.

- On September 11, 1984, City Council denied the petition of W.P. Neal for a CUP to allow the construction of a sixty-three (63)-unit planned unit development at 1014 Old Graves Mill Road.
- On August 12, 1986, City Council approved the petition of Dreaming Creek Properties to rezone four and one-half (4.5) acres from I-1, Restricted Industrial District to B-5, General Business District (Conditional) and to obtain a CUP for a cluster commercial development to allow the development of office, showroom and warehouse uses at 1301 Old Graves Mill Road.
- On December 8, 1987, City Council approved the petition of Hutter Associates, Inc., to rezone thirty and one-half (30.5) acres from R-1, Single Family Low-Density Residential District to B-5, General Business District (Conditional) to allow "speculative" development at 1200 Graves Mill Road.
- On December 11, 1990, City Council approved the petition of Frank G. Davidson, III, to rezone four and one-half (4.5) acres from B-5, General Business District (Conditional) to B-5, General Business District (Conditional) to amend previously approved proffers at 1301 Old Graves Mill Road.
- On October 8, 1991, City Council approved the petition of Babcock & Wilcox for a CUP to allow the installation of a microwave transmission tower at 155 Mill Ridge Lane.
- On January 28, 1992, City Council approved the petition of Dreaming Creek Properties to rezone sixteen and one-half (16.5) acres from B-5, General Business District (Conditional) to B-5, General Business District (Conditional) to amend previously approved proffers at 1300 and 1304 Old Graves Mill Road and 905 Graves Mill Road.
- On July 13, 1999, City Council approved the petition of Paul Graves to rezone one (1) acre from R-C, Conservation District and R-1, Single Family Low-Density Residential District to B-5, General Business District (Conditional) to allow the reconstruction of the historic Graves Mill for commercial use at 1220 Graves Mill Road.
- On January 12, 1999, City Council approved the petition of Petrie, Dierman and Kughn to rezone sixty-five (65) acres from R-4, Multi-Family Residential District and B-5, General Business District (Conditional) to B-5, General Business District (Conditional) and to obtain a CUP to allow fill in the floodplain for the construction of a shopping center at 1200 Graves Mill Road.
- On September 12, 2000, City Council approved the petition of First Assembly of God for a CUP to allow the construction of a church and parking area at 1208 Graves Mill Road.
- On October 10, 2000, City Council approved the petition of L.E. Litchford, Inc., for a CUP to allow the construction of a truck refueling facility at 156, 166 and 180 Mill Ridge Lane.
- On January 11, 2005, City Council approved the petition of Millside Development, LLC, for a conditional use permit (CUP) to allow the construction of a cluster commercial development at Graves Mill Road and Lillian Lane.
- On September 13, 2011, City Council approved the petition of the Lynchburg Humane Society to rezone nine and six tenths (9.6) acres from R-2, Low-Medium Density, Single-

Family Residential District, to B-5C, General Business District (Conditional), to allow the construction of the Center for Pets.

- On April 8, 2014, City Council approved the petitions of Rosedale Farms LLC to rezone approximately forty-two (42) acres from R-1, Low Density, Single-Family Residential District to B-3C, Community Business District (Conditional) and for a conditional use permit (CUP) to allow the construction of a cluster commercial development at 1220 and 1600 Graves Mill Road.

- On March 10, 2015 City Council approved the petitions of Rosedale Farms LLC to rezone approximately twenty-eight and six tenths (28.6) acres from R-1, Low Density, Single-Family Residential District to B-3C, Community Business District (Conditional) and to amend the previously approved conditional use permit (CUP) to allow phases 3 and 4 incorporated into a cluster commercial development at 1220 and 1600 Graves Mill Road.

- On January 12, 2016, City Council approved the petition of the Lynchburg Humane Society to amend the *Future Land Use Map (FLUM)* from Medium Density Residential to Community Commercial and to rezone nine and eighty-seven hundredths (9.87) acres R-2 Low-Medium Density Residential District to B-5C, General Business District (Conditional) to allow the expansion of the Lynchburg Humane Society campus at 1211 Old Graves Mill Road.

6. **Site Description.** The subject property is one (1) tract totaling approximately twelve and seventy-five hundredths (12.75) acres. The site contains a single-family home and a garage, both of which will be demolished. The site has gentle slopes that increase moving west across the site toward a Tomahawk Creek Tributary. The property is bordered to the north by the Lynchburg Humane Society, to the west by undeveloped R-2, Low-Medium Density Residential district, to the south by existing single and two-household (duplex) houses along Valleydale Drive, and to the east by Old Graves Mill Road and single-household homes. The area is characterized by low density development and a rural quality despite being within City limits. The adjoining Humane Society property, zoned B-5C, General Business District (Conditional), is bound to proffers that guarantee its ongoing development will be as a campus-like setting that fits with the character of the neighborhood.

7. **Proposed Use of Property and Site Design.** If the rezoning petition is approved, the property will be developed with a two hundred forty-six (246) unit apartment complex and accessory commercial space, associated offices, clubhouse, recreational amenities and parking areas. The concept plan shows a compact, densely developed site that incorporates a mixed use building at the front of the property and reflects numerous *Comprehensive Plan 2013-2030* goals by providing pedestrian connectivity, mixed use and a block style layout with centrally located amenities and open space and good circulation. It will be inconsistent with the *Comprehensive Plan 2013-2030* policies however if the commercial space entrance is oriented towards parking lots and not directly accessible by the public.

8. **Parking, Traffic, Sidewalks, and Public Transit.** Parking requirements for the proposal will be one (1) space per each unit or two hundred forty-six (246) spaces and additional spaces for the small commercial tenant. That requirement will be determined by the type of business that uses the space. The submitted site plan indicates a total of three hundred and fifty-four (354) parking spaces, which far exceeds the *Zoning Ordinance* requirement and should easily accommodate any required parking for the commercial space.

The proposed apartment complex warranted a traffic impact analysis which has been conducted by the petitioner. The study indicated that both left and right turn lanes with tapers will be required to serve the development. Accommodating the right turn lane into the development can be accomplished through the dedication of additional right-of-way from the parcel being developed. Accommodating the left turn lane is more difficult and requires all of the existing right of way. As discussed below, using all of the right-of-way for the addition of turn lanes for a private development does not leave room for pedestrian facilities as is currently planned.

Additional traffic effects include a reduction in the level of service at the intersection of Old Graves Mill Road and the Old Graves Mill Road extension (LOS B to C) and cause the left turn from Old Graves Mill Road to stay on Old Graves Mill Road to reduce from a LOS E to LOS F in the afternoon. Level of Service (LOS) E is characterized by unstable flow with the roadway operating at maximum capacity, whereas LOS F is essentially gridlock.

Sidewalks are required by the City's Zoning Ordinance both across the property frontage and connecting each building to the street. Additionally, in collaboration with the Humane Society, the developer has proffered to provide connections to any future trails on the Humane Society's property, helping integrate the apartment site with its neighbor and create a walkable neighborhood. Alternatively, due to the space required for vehicular turn lanes on Old Graves Mill Road, this development would use all of the existing City right-of-way currently reserved for sidewalks. This will force anyone walking on the east side of Old Graves Mill Road to either walk in the street with moving traffic, or walk in adjoining neighbor's yards. Old Graves Mill Road should have sidewalks on both sides of the street and currently the space exists for the City to build those sidewalks. It is inappropriate for a developer to use all available public right-of-way to build turn lanes required for private development. The development adds additional people and additional traffic, degrades traffic flow and then precludes the City's ability to provide adequate infrastructure.

GLTC Route 7 serves this site with stops about 600 feet from the site entrance, only one of which is connected by sidewalks. Route 7 is a loop route which only allows riders to ride in one direction to reach and return from destinations, making the site's access to transportation questionable.

9. **Stormwater Management.** The proposed project is required to treat stormwater runoff for quantity and quality. The applicant has identified an area on the site plan for stormwater management and plans to discharge to a small existing channel at the rear of the property. Discharging to a natural channel requires that the development meet the Energy Balance Equation to control both the volume and rate of runoff from the property. Due to the small size of the existing channel, significant stormwater management will be required. Water quality will be handled through a series of grass swales and bioretentions dispersed throughout the site.

10. **Emergency Services.** The City Fire Marshal's office had comments relating to site design that can be addressed at final site plan stage. The City Police Department had comments concerning the density of the development and potential of three (3) adults per unit and the resulting increase in traffic in what is today a primarily single-household area of the City.

11. **Impact.** This petition is to amend the FLUM and rezone twelve and seventy-five hundredths (12.75) acres to allow the construction of a two hundred forty-six (246) unit apartment complex and accessory commercial space, associated offices, clubhouse, recreational amenities and parking areas. Being landlocked and limited to fifty (50) square

miles, the City needs to develop more densely than it has previously in order to grow. However, the City also needs to ensure it has the infrastructure to support density and only allow dense development in appropriate areas-those identified for new growth in the Comprehensive Plan and where services and amenities are or will be easily accessible.

The Elements at Old Graves Mill provides that important density and presents a layout that achieves *Comprehensive Plan* goals. Nevertheless, because of that density, intersections will degrade, the City will not be able to provide adequate sidewalk, and the residents of two hundred and forty-six new units will be living far from the services and amenities they need on a daily basis. The City should welcome this sort of development, but ensure that it is in the proper location before approving it.

The approval of this development will have a negative impact on the City of Lynchburg by continuing a sprawling style of development, degrading the level of service at an adjacent intersection, and actively preventing the City from installing infrastructure to support pedestrians in the area.

12. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary rezoning plan on May 17, 2016. Comments related to the proposed use and installation of turn lanes in City right-of-way have not been fully addressed by the petitioner.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council denial of the petition of Maddox & Son Construction, Inc. to:

Amend the Future Land Use Map of the *Comprehensive Plan 2013-2030* from Medium Density Residential to High Density Residential.

Rezone approximately twelve and seventy-five hundredths (12.75) acres at 1125 Old Graves Mill Road from R-2, Low-Medium Density Residential District to R-4C, High Density Residential District (Conditional) subject to the following voluntarily submitted proffers:

1. **A future site plan will be submitted to the City for approval prior to development of the site. The drawing submitted for rezoning is a concept intended to show the use of the site. The future site plan will be designed in substantial compliance with the layout of the concept plan.**
2. **There will be a buffer placed between the site and the Humane Society along the northern property line for 1,220 LF in a double staggered row of evergreens spaced to City buffer yard standards 35.2-63-10:**
   The vegetative buffer shall consist of a staggered evergreen tree line with a baseline filler of medium height evergreen shrubs. The evergreen tree material shall be a minimum of four (4) feet in height at time of planting. The evergreen tree line shall be planted

in rows ten (10) feet apart with tree trunks staggered fifteen (15) feet on center. In lieu of the baseline filler an earthen berm may be used. The earthen berm shall vary in width and height and shall be curvilinear in form and provide a gentle tie-in with the existing grade. Average height of earthen berms used to satisfy this requirement shall be three (3) feet in height.

3. **The building elevations will comply with the renderings presented during the rezoning process. Materials will be a mix of brick, hardy plank, vinyl and wood.**
4. **We will add connections from our sidewalks to any trails that the neighboring Humane Society may build at our common property line along the north side of the property.**
5. **The dumpster area will be enclosed in a three sided brick enclosure.**
6. **We will build a fence from the adjoining southern property line at our corner with 104 Valleydale Drive to the middle of the common line of 114 Valleydale Drive. The fence will then be directed in a northerly direction towards our parking lot, with an emphasis of savings as many trees as possible. The entire length of fence is estimated to be 750LF. We will work with the neighbors and under the City's zoning ordinance/ Technical Review Committee to select a proper fence height, at least six feet tall, and style that is adequate for the neighbors as well.**

This matter is respectfully offered for your consideration.

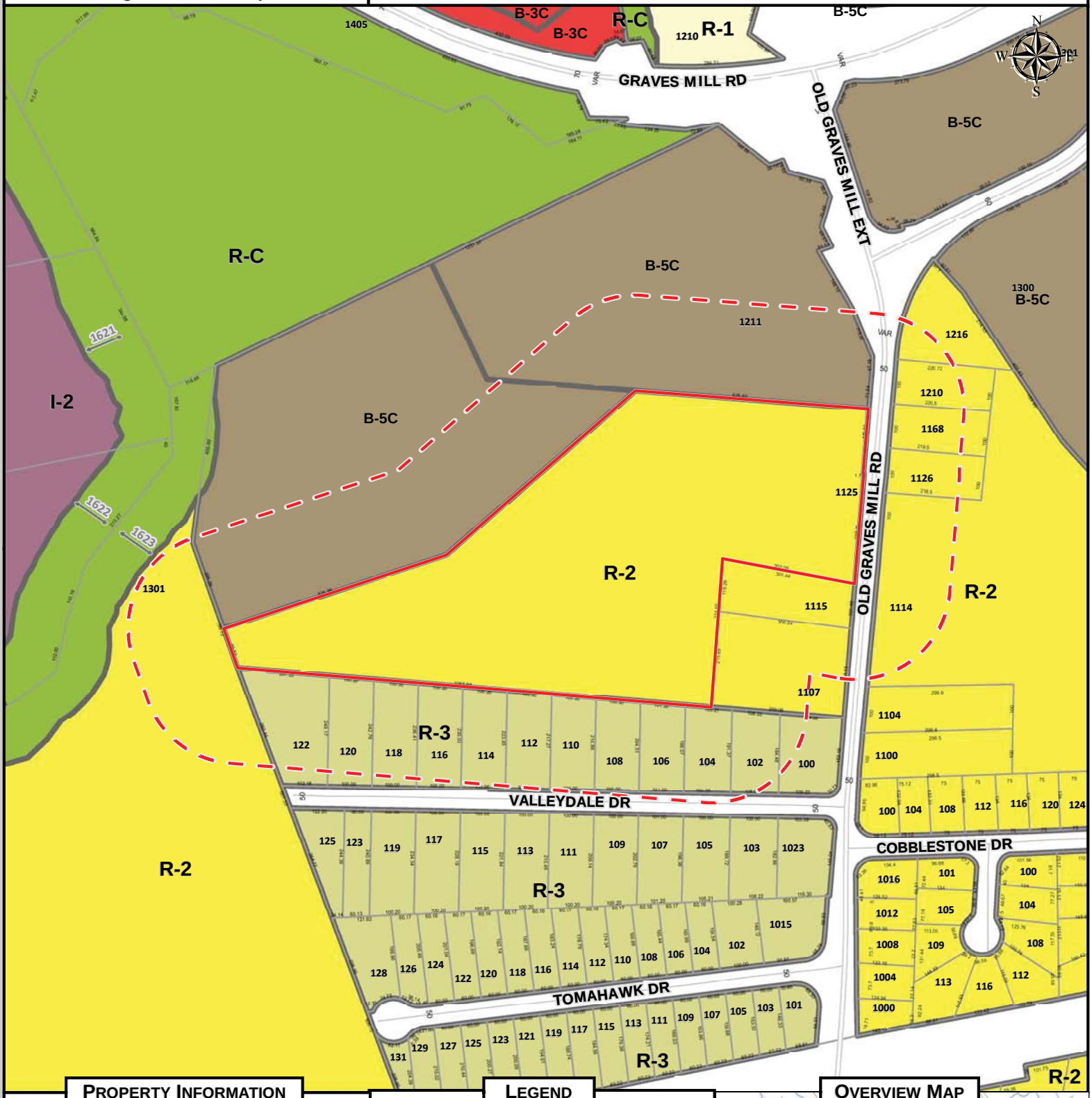
William T. Martin, AICP
City Planner

pc: Ms. Bonnie M. Svrcek, City Manager
Ms. Margaret Schmitt, Interim Deputy City Manager
Mr. Walter C. Erwin, City Attorney
Mr. Kent L. White, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozerow, Lynchburg Police Department
Battalion Chief Thomas Goode, Fire Marshal
Mr. Doug Saunders, Building Official
Mr. Kevin Henry, Zoning Administrator
Mr. Justin Stauder, Environmental Reviewer
Mr. Trent Warner, Hurt & Proffitt, Inc.

VII. ATTACHMENTS

1. **Zoning Map**
2. **Future Land Use Map**
3. **Watershed Map**
4. **Planimetric and Topographic Map**
5. **Concept Plan (Received August 4, 2016)**
6. **Architectural Renderings**
7. **Traffic Impact Analysis**
8. **Project Narrative**
9. **Letter from Neighbor**
10. **Property Photograph**

Zoning Map	THE ELEMENTS AT OLD GRAVES MILL ROAD
Zoning, & FLUM Request	Maddox & Son Construction, Inc.



Property Information

Parcel ID	Address
24306063	1125 OLD GRAVES MILL RD

Legend

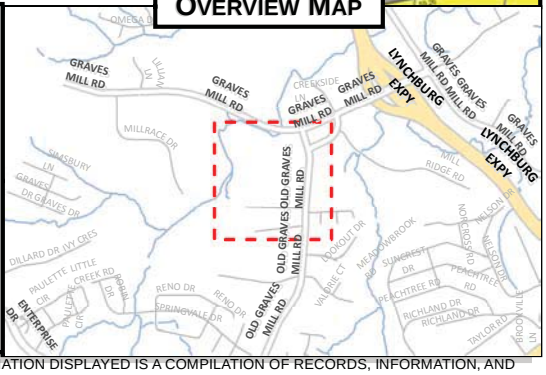
Subject Property

215' Buffer

B-1	R-1	I-1	IN-1
B-3	R-2	I-2	IN-2
B-4	R-3	I-3	R-C
B-5	R-4		

Map Scale: 1 " to 300 ' **Date Printed:** 9/1/2016

Overview Map



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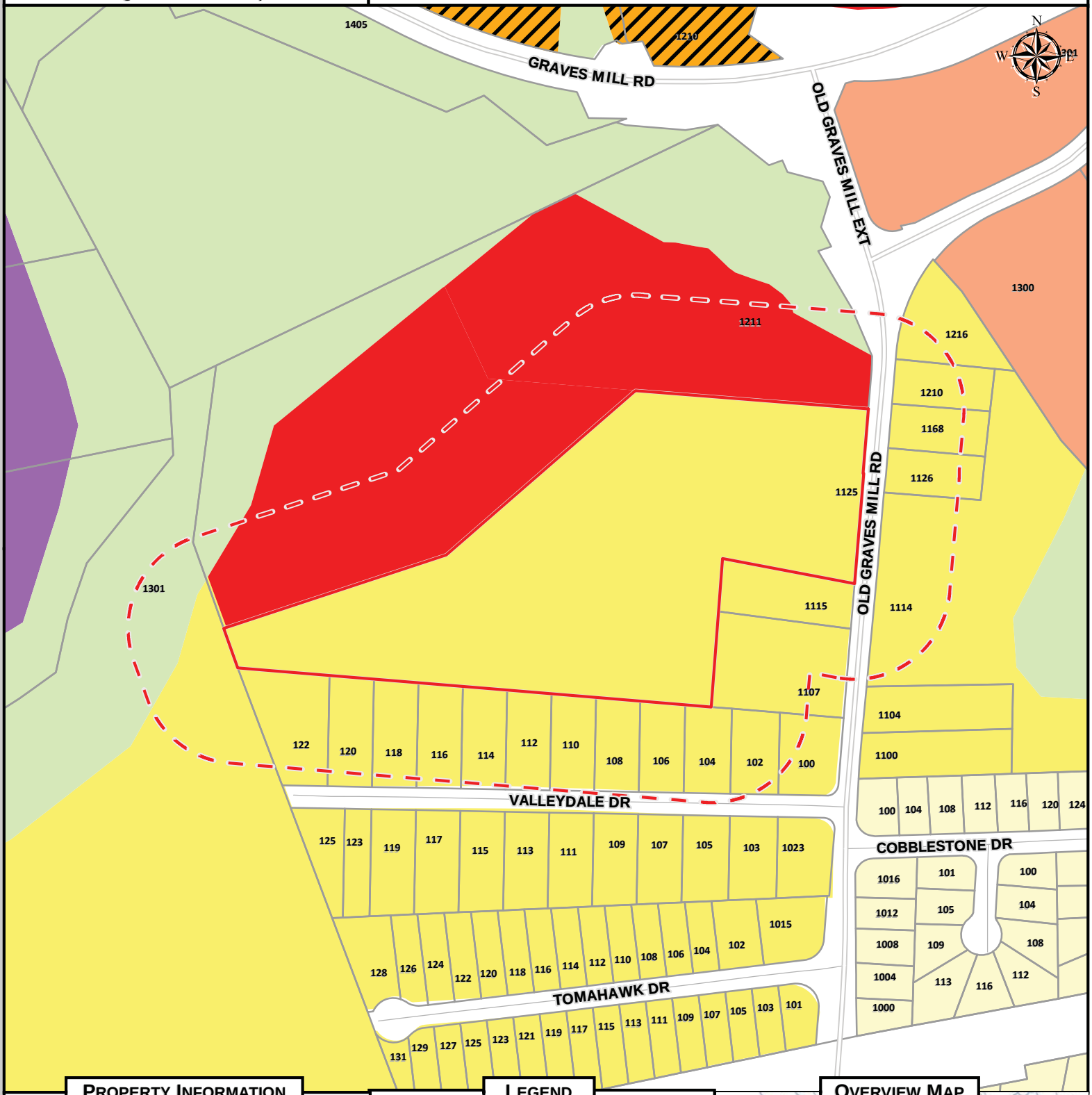
Parcel ID	Address	Owner
24306017	118 VALLEYDALE DR	MILLER, JAMIE T & GRAVES, MELANIE N
24306001	1211 OLD GRAVES MILL RD	LYNCHBURG HUMANE SOCIETY INC
24306014	112 VALLEYDALE DR	WADE, THOMAS F & LINDA T
24306007	1107 OLD GRAVES MILL RD	KENDALL SQ LLC
24306009	102 VALLEYDALE DR	ROSSER, DENNIS P & JACQUELINE W
24305005	1114 OLD GRAVES MILL RD	COLBERT, MATILDA J P
24306015	114 VALLEYDALE DR	MCCANN, JOHN H III & BARBARA A
24305001	1216 OLD GRAVES MILL RD	TUCKER, JOSEPH R & CYNTHIA MOORE
24306006	1115 OLD GRAVES MILL RD	KENDALL SQ LLC
24305002	1210 OLD GRAVES MILL RD	KENDALL SQ LLC
24306012	108 VALLEYDALE DR	RASNAKE, EMORY D & PHYLLIS
24306018	120 VALLEYDALE DR	BAILEY, DARRYL L
24306013	110 VALLEYDALE DR	OVERSTREET, CARLTON W
24213004	1301 GRAVES MILL RD	ROSEDALE FARM LLC
24306016	116 VALLEYDALE DR	STOKES, CHRISTOPHER
24306010	104 VALLEYDALE DR	HARRIS, HARRY J & JOAN G
24306011	106 VALLEYDALE DR	CRAWFORD, KENNIS R & PHYLLIS J
24306019	122 VALLEYDALE DR	SEEKINS, CELINE C
24305004	1126 OLD GRAVES MILL RD	COLBERT, MATILDA J P
24306008	100 VALLEYDALE DR	FARISS, MARSHA M
24305003	1168 OLD GRAVES MILL RD	COLBERT, MATILDA J P
24306063	1125 OLD GRAVES MILL RD	SCHENKEL, HERMAN & SCHOLES, MARIANNE

FLUM Map	THE ELEMENTS AT OLD GRAVES MILL ROAD
Zoning, & FLUM Request	Maddox & Son Construction, Inc.



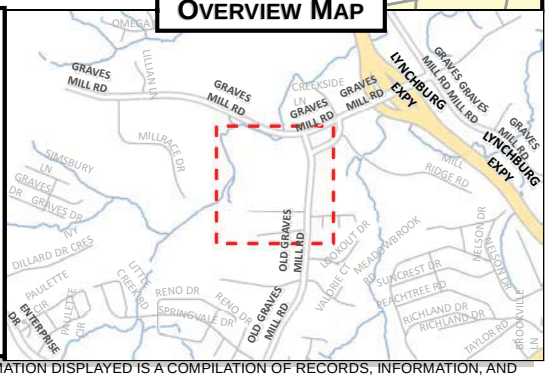
Property Information

Parcel ID	Address
24306063	1125 OLD GRAVES MILL RD

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 300 ' **Date Printed:** 9/1/2016

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Watershed Map	THE ELEMENTS AT OLD GRAVES MILL ROAD
Zoning, & FLUM Request	Maddox & Son Construction, Inc.

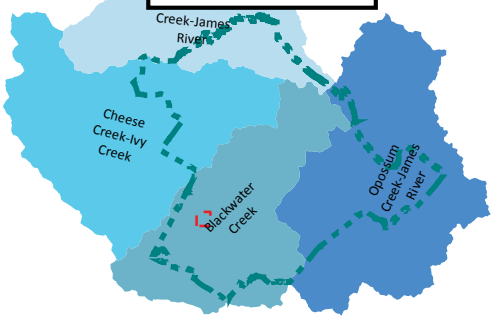
Property Information

Parcel ID	Address
24306063	1125 OLD GRAVES MILL RD

Legend

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

Overview Map



Map Scale: 1 " to 300 ' **Date Printed:** 9/1/2016

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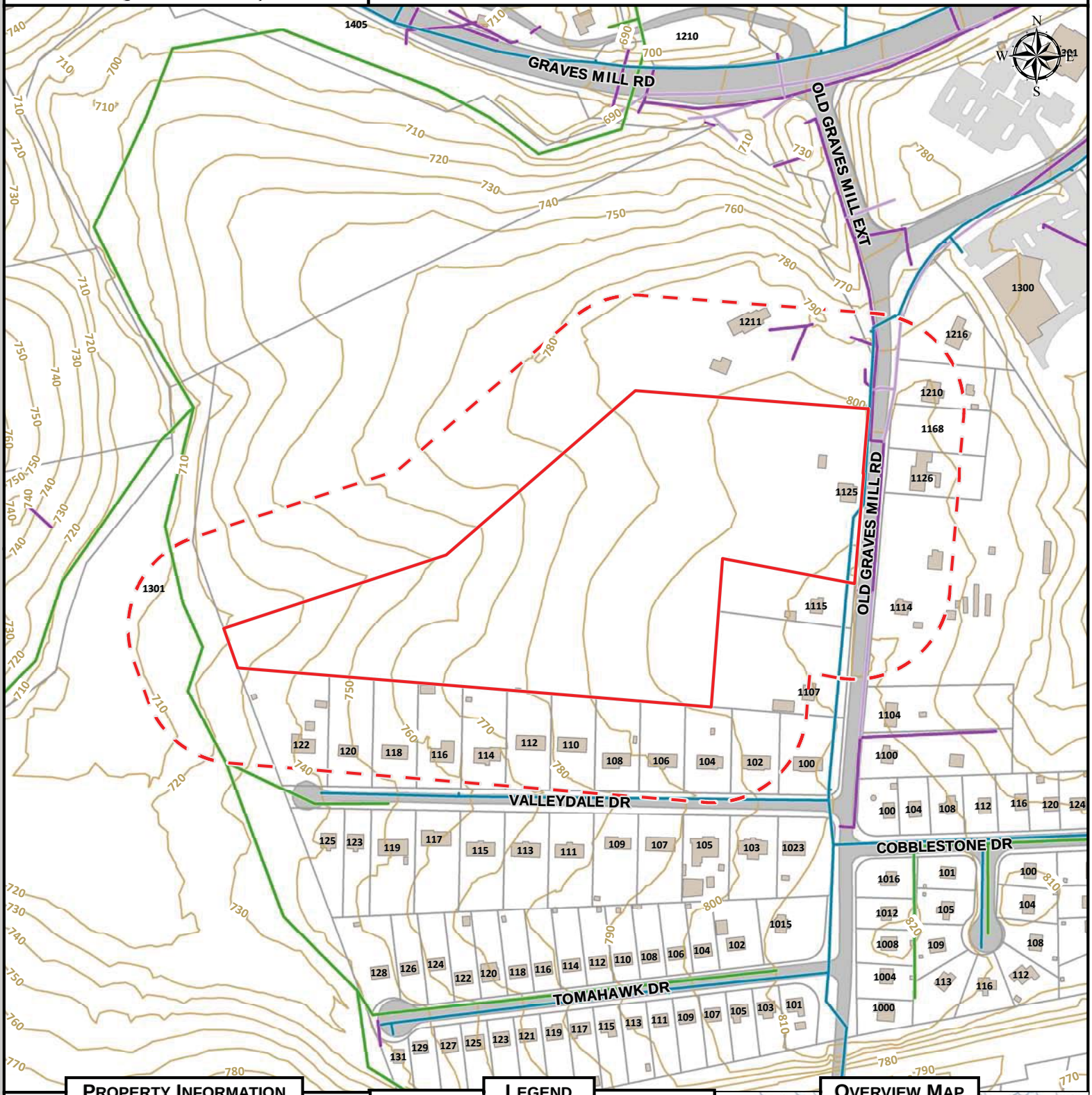
Planimetric and Topographic Map	THE ELEMENTS AT OLD GRAVES MILL ROAD
Zoning, & FLUM Request	Maddox & Son Construction, Inc.



Property Information

Parcel ID	Address
24306063	1125 OLD GRAVES MILL RD

Legend

		Active	Proposed	Abandoned
Utilities	Water			
	Sanitary			
	Storm			

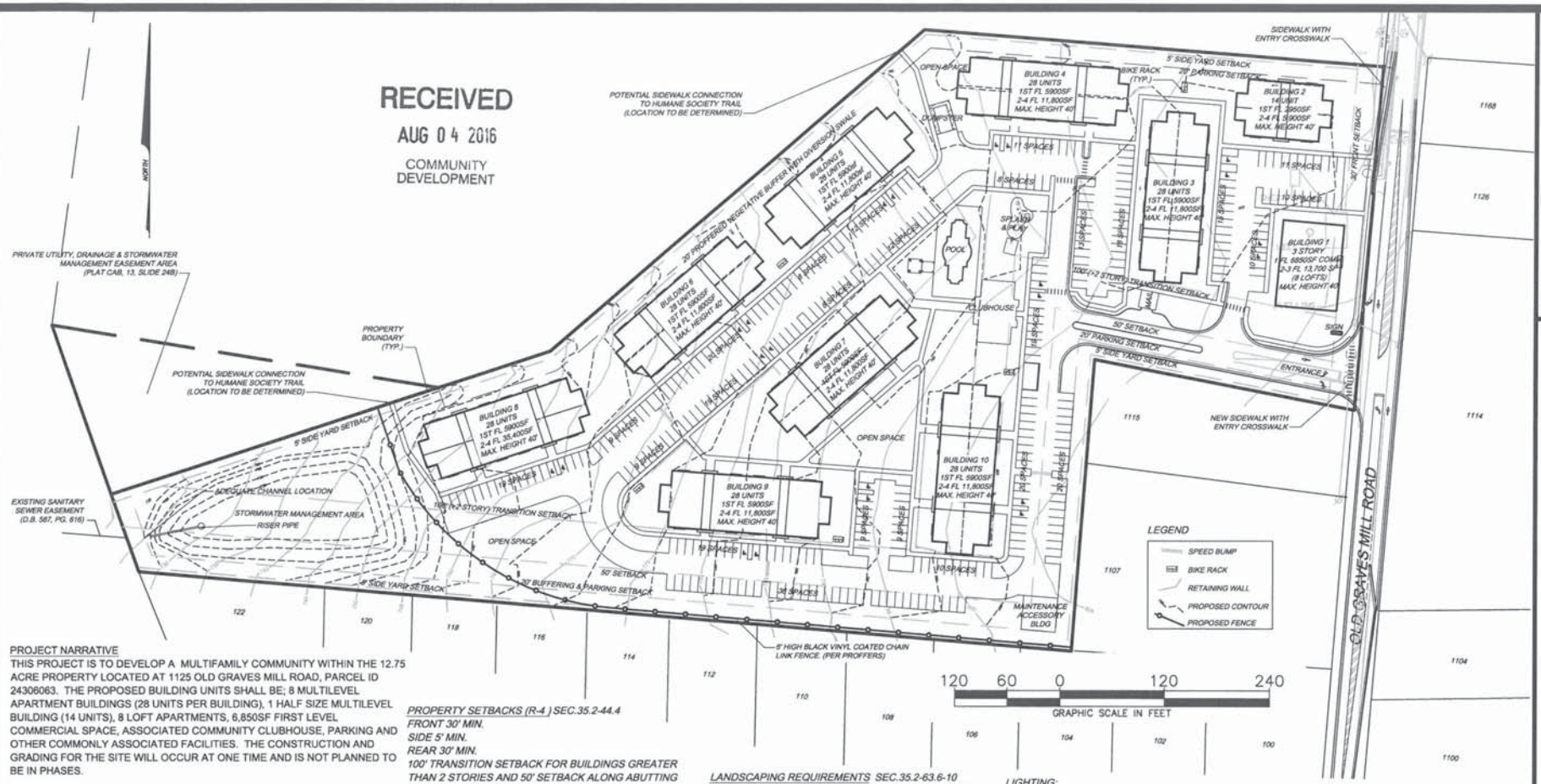
		Paved	Unpaved	Other
Planimetrics	Structure	-	-	
	Roadway			-
	Parking			-
	Sidewalk		-	-
	Driveway	-	-	

		10'	10' Obs
Topography	Contour		

Map Scale: 1 " to 300 ' **Date Printed:** 9/1/2016

Overview Map

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.



PROJECT NARRATIVE

THIS PROJECT IS TO DEVELOP A MULTIFAMILY COMMUNITY WITHIN THE 12.75 ACRE PROPERTY LOCATED AT 1125 OLD GRAVES MILL ROAD, PARCEL ID 24306063. THE PROPOSED BUILDING UNITS SHALL BE; 8 MULTILEVEL APARTMENT BUILDINGS (28 UNITS PER BUILDING), 1 HALF SIZE MULTILEVEL BUILDING (14 UNITS), 8 LOFT APARTMENTS, 6,850SF FIRST LEVEL COMMERCIAL SPACE, ASSOCIATED COMMUNITY CLUBHOUSE, PARKING AND OTHER COMMONLY ASSOCIATED FACILITIES. THE CONSTRUCTION AND GRADING FOR THE SITE WILL OCCUR AT ONE TIME AND IS NOT PLANNED TO BE IN PHASES.

ZONING

CURRENT ZONING - R-2 LOW-MEDIUM DENSITY SINGLE-FAMILY RESIDENTIAL
REQUESTED ZONING - R-4 HIGH DENSITY RESIDENTIAL DISTRICT

WATER AND SEWER

THIS SITE WILL BE SERVED BY PUBLIC WATER AND SEWER.

STORMWATER MANAGEMENT

THIS SITE WILL HAVE AN INCREASE IN RUNOFF DUE TO THE NEW IMPERVIOUS AREAS. THE MANAGEMENT OF THE STORMWATER WILL BE DESIGNED WITH BOTH QUANTITY AND QUALITY MEASURES. AN EXISTING CHANNEL TO THE WESTERN PORTION OF THE SITE WILL BE THE RECEIVING CHANNEL. DETENTION ON SITE WILL BE HANDLED BY MEANS OF A STORMWATER DETENTION POND UTILIZING THE ENERGY BALANCE EQUATION AND MEETING CRITERIA 2B OF THE FLOOD PROTECTION STANDARDS. THE WATER QUALITY MEASURES WILL LIKELY BE A SERIES OF ENGINEERED GRASS SWALES AND BIO-RETENTION FACILITIES WITHIN THE PARKING LOT AND BETWEEN BUILDINGS. THE DESIGN MEASURES WILL BE COORDINATED WITH THE CITY OF LYNCHBURG'S ENVIRONMENTAL PLANNER.

PROPERTY SETBACKS (R-4) SEC.35.2-44.4

FRONT 30' MIN.
SIDE 5' MIN.
REAR 30' MIN.
100' TRANSITION SETBACK FOR BUILDINGS GREATER THAN 2 STORIES AND 50' SETBACK ALONG ABUTTING RESIDENTIAL DISTRICTS R-1, R-2 OR R-3

PARKING SCHEDULE SEC.35.2-62.4

PROPOSED DWELLINGS ON SITE: 246 UNITS.
REQUIRED: 1 SPACE PER DWELLING - 246 SPACES
PROPOSED: 354 SPACES
354/246 = 1.44 SPACES PER DWELLING UNIT PROVIDED

LOT COVERAGE

BUILDING(S) COVERAGE:	*2.2 ACRES*	*- 16%*
IMPERVIOUS (INCLUDING BLDGS.):	*8.36 ACRES*	*- 65%*
OPEN SPACE:	*4.39 ACRES*	*- 35%*
TOTAL ACREAGE	*12.75 ACRES*	

BUILDING USE CALCULATION

RESIDENTIAL DWELLINGS	*364,750 SF*	*96.5%*
ACCESSORY BUILDINGS	*5,800 SF*	*1.5%*
COMMERCIAL	*6,850 SF*	*2%*
TOTAL SQUARE FEET	*371,200 SF*	*100%*

LANDSCAPING REQUIREMENTS SEC.35.2-63.6-10

STREET TREES: 1 SHADE/40' OR 1 ORNAMENTAL/20'
950' STREET FRONTAGE=24 SHADE OR 48 ORNAMENTAL TREES, OR A COMBINATION OF BOTH.
PARKING AREA LANDSCAPING: 1 SHADE TREE/8 SPACES AND 1 MEDIUM SHRUB/1SPACE
354 SPACES=45 SHADE TREES AND 354 MEDIUM SHRUBS
PARKING AREA SCREENING: EARTHEN BERM WITH 1 MEDIUM SHRUB AND 1 SMALL SHRUB/3' STREET FRONTAGE
102' STREET FRONTAGE=34 MEDIUM SHRUB AND 34 SMALL SHRUB
FOUNDATION PLANTINGS: 1 ORNAMENTAL TREE/50' AND 3 SMALL SHRUB/10'
5220' FOUNDATION=104 ORNAMENTAL TREES AND 1560 SMALL SHRUBS
UTILITY SCREENING: (TBD)
BUFFERING: 20' WIDTH EVERGREEN PLANTINGS 2 ROWS 10' APART AND STAGGERED 15' O.C.
1820LF ADJOINING RESIDENTIAL BOUNDARY=122 EVERGREENS
1220LF PROFFERED 20' WIDTH VEGETATIVE BUFFER=82 EVERGREENS

LIGHTING:

DETAILED LIGHTING DESIGN TO BE PROVIDED AT SITE PLAN STAGE. LIGHTING SHALL NOT EXCEED 0.5 FOOTCANDLES AT ANY RESIDENTIAL PROPERTY LINE.

EROSION CONTROL

UNLESS OTHERWISE INDICATED, ALL VEGETATIVE AND STRUCTURAL EROSION AND SEDIMENT CONTROL PRACTICES WILL BE CONSTRUCTED AND MAINTAINED ACCORDING TO MINIMUM STANDARDS AND SPECIFICATIONS OF THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK AND VIRGINIA REGULATIONS VR25-02-00 EROSION AND SEDIMENT CONTROL REGULATIONS. CONTRACTOR SHALL PROVIDE ADEQUATE DUST CONTROL TO PREVENT DAMAGING AND/ORNUISANCE AIRBORNE DUST FROM LEAVING THE SITE. ALL EROSION AND SEDIMENT CONTROL MEASURES ARE TO BE PLACED PRIOR TO OR AS THE FIRST STEP IN CLEARING.

CONTACT INFORMATION

CONTRACT PURCHASER:
MADDOX & SON CONSTRUCTION, INC.
1152 GABLES DRIVE
FOREST, VA 24551
(434) 385-6513
CONTACT: ANDY MADDOX

ENGINEER:
HURT & PROFFITT
2524 LANGHORNE ROAD,
LYNCHBURG VA 24501
(434) 847-7796
CONTACT: TRENT J. WARNER, PE.

HURT & PROFFITT
2524 LANGHORNE ROAD
LYNCHBURG VA 24501
800.242.4906 TOLL FREE
434.847.7796 MAIN
434.847.0047 FAX
ENGINEERING • SURVEYING • LAND DEVELOPMENT • ENVIRONMENTAL
GEOTECHNICAL • CONSTRUCTION TESTING & INSPECTION • CULTURAL RESOURCES

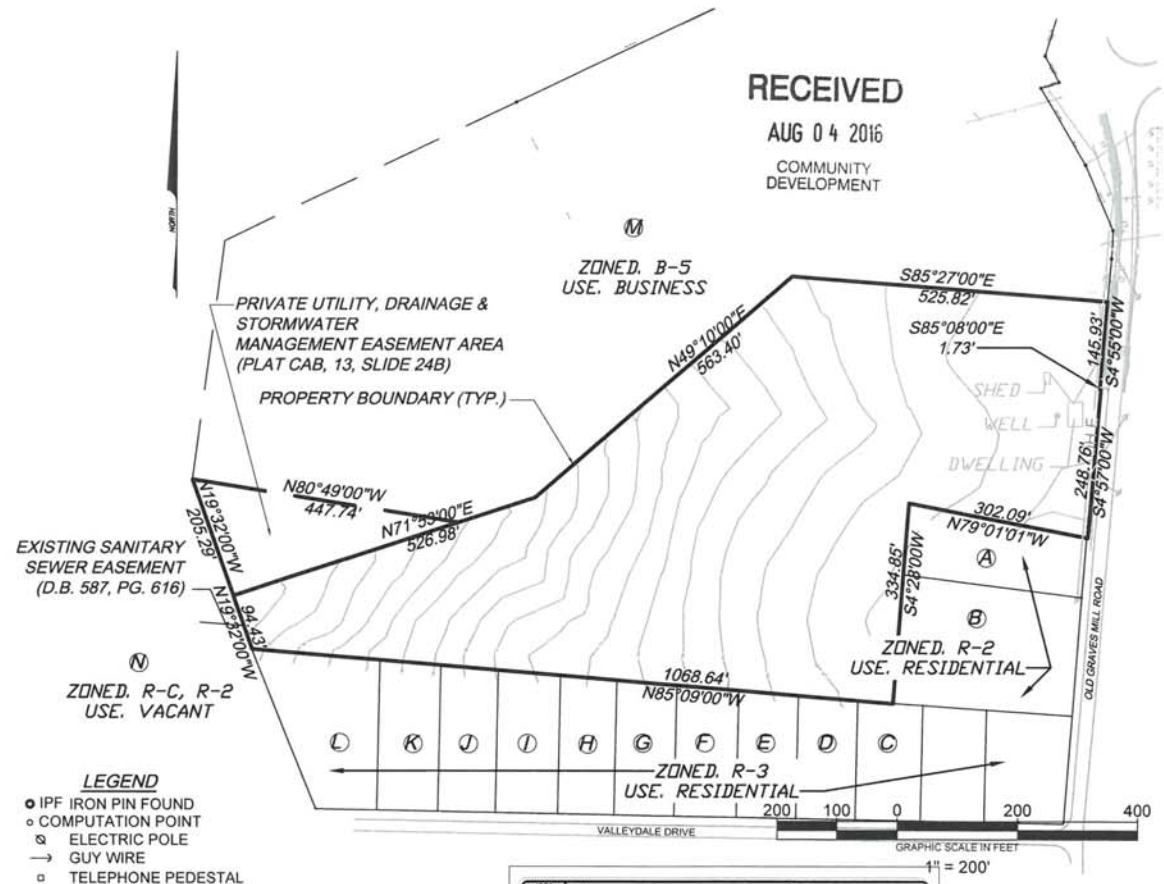
CONCEPT REZONING PLAN
THE ELEMENTS at OLD GRAVES MILL

1125 OLD GRAVES MILL ROAD
CITY OF LYNCHBURG, VA

PROJECT NO.	20160516
LAT.	37°22'19"
LONG.	79°13'40"
DATE:	07/15/16
DRAWN BY:	ELC
CHECKED BY:	TJW

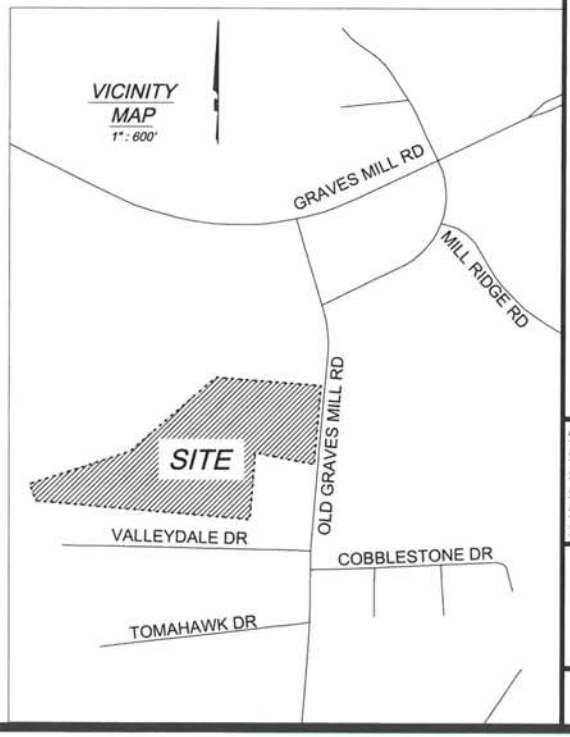
SHEET NO.
1 OF 2

Aug 04, 2016 - 1:48pm \\DATA01\Projects\2016\20160516\CAD\ELEMENTS 08-03-2016.dwg



ADJOINING PROPERTY INFORMATION:

- Ⓐ- PARCEL ID: 24306006 N/F KENDALL SQUARE, LLC
- Ⓑ- PARCEL ID: 24306007 N/F KENDALL SQUARE, LLC
- Ⓒ- PARCEL ID: 24306010 N/F HARRY j. & JOHN G. HARRIS
- Ⓓ- PARCEL ID: 24306011 N/F KENNIS R. & PHYLLIS J. CRAW
- Ⓔ- PARCEL ID: 24306012 N/F EMORY D. & PHYLLIS RASNAKE
- Ⓕ- PARCEL ID: 244306013 N/F CARLTON W. OVERSTREET
- Ⓖ- PARCEL ID: 24306014 N/F THOMAS F. & LINDA T. WADE
- Ⓗ- PARCEL ID: 24306015 N/F JOHN H., III & BARBARA A. MCCANN
- Ⓘ- PARCEL ID: 24306016 N/F CHRISTOPHER STOKES
- Ⓙ- PARCEL ID: 24306017 N/F JAMIE T. MILLER & MELANIE GRAVES
- Ⓚ- PARCEL ID: 24306018 N/F DARRYL L. BAILEY
- Ⓛ- PARCEL ID: 24306019 N/F CELINE C. SEEKINS
- Ⓜ- PARCEL ID. 24306001 LYNCHBURG HUMANE SOCIETY INC.
- Ⓝ- PARCEL ID. 24213004 ROSEDALE FARM LLC

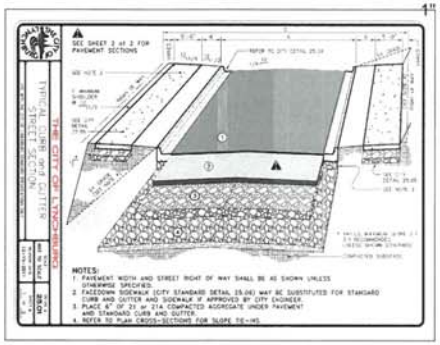


LEGEND

- IPF IRON PIN FOUND
- COMPUTATION POINT
- ELECTRIC POLE
- GUY WIRE
- TELEPHONE PEDESTAL
- WATER METER
- WATER VALVE
- SANITARY MANHOLE
- LAMPSTACK
- CLEANOUT
- FIRE HYDRANT
- LIGHT POLE
- EDGE OF PAVEMENT
- BENCHMARK
- SIGN
- EDGE OF WOODS
- OH E — OVERHEAD ELECTRIC
- OH T — OVERHEAD TELEPHONE
- SS — UG SAN. SEWER LINE
- W — UG WATER LINE

NOTES:

1. BOUNDARY, STORMWATER, SEWER AND TOPOGRAPHICAL INFORMATION FOR THE SURROUNDING PROPERTIES PROVIDED FROM SEVERAL DIFFERENT SOURCES, NOT TO BE USED FOR CONSTRUCTION.
2. PARCEL ID, STORMWATER, SANITARY SEWER AND WATER MAIN FROM THE CITY OF LYNCHBURG'S GIS INFORMATION. NOT TO BE USED FOR CONSTRUCTION.
3. THE AREA SHOWN HEREON IS LOCATED IN FLOOD HAZARD ZONE 'X' AND IS NOT LOCATED WITHIN FLOOD HAZARD ZONE 'AE' FOR A 100 YEAR FLOOD AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY AS SHOWN ON COMMUNITY-PANEL MAP #51009301010 DATED JUNE 3, 2008.



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GEOTECHNICAL • CONSTRUCTION TESTING & INSPECTION • CULTURAL RESOURCES

EXISTING CONDITIONS

THE ELEMENTS at OLD GRAVES MILL

1125 OLD GRAVES MILL ROAD
CITY OF LYNCHBURG, VA

PROJECT NO.	20160516
LAT.	37°22'19"
LONG.	79°13'40"
DATE:	07/15/16
DRAWN BY:	ELC
CHECKED BY:	TJW

SHEET NO.
2 OF 2

Jul 27, 2016 - 1:29pm \\DATA01\Projects\2016\20160516\CAD\REVISIONS TO TRC PLAN 7-12-16.dwg

EPRPC EPR, P,C. "ENGINEERING & PLANNING RESOURCES"
637 BERKMAR CIRCLE, CHARLOTTESVILLE, VA 22901

MEMORANDUM

TO: MAGGIE COSSMAN, P.E.	FROM: BILL WUENSCH, P.E., PTOE
ORGANIZATION: CITY OF LYNCHBURG	DATE: JUNE 15, 2016
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
RE: ELEMENTS AT OLD GRAVES MILL ROAD TRAFFIC IMPACT ANALYSIS	YOUR REFERENCE NUMBER:

☐ URGENT X FOR YOUR USE ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

Elements at Old Graves Mill Road Traffic Impact Analysis

1. Introduction

The purpose of this memorandum is to examine the traffic impact of the proposed Elements development on Old Graves Mill Road in Lynchburg, VA.

The proposed Elements development is located along the west side of Old Graves Mill Road between Old Graves Mill Road Cut-through and Valleydale Drive. **Figure 1** and **Figure 2** illustrate the vicinity and the location of the proposed Elements development.

The development is assumed as a one phase of build-out to be completed in 2016, including 252 apartment units and 18 townhome unites. **Figure 3** illustrates the conceptual plan of the proposed Elements development.

In this memorandum, the analysis focuses on the following intersections:

1. Old Graves Mill Road/Site Entrance (in build conditions only);
2. Old Graves Mill Road/Old Graves Mill Road Cut-through (in existing and build conditions);
3. Old Graves Mill Road/Graves Mill Road (in existing and build conditions).

Figure 4 illustrates the study intersections as listed above.

2. Existing Conditions

Traffic Volumes

Turning movement counts at the intersection of Old Graves Mill Road and Old Graves Mill Road Cut-through were conducted on Thursday, May 26th 2016, a typical weekday, while schools were in session and no special event occurred. All counts were performed between 7-9AM and 4-6PM. Turning movement counts at the intersection of Old Graves Mill Road and Graves Mill Road were obtained from the prior *Rosedale Farms Traffic Impact Analysis* prepared by EPR, P.C. in November, 2013 and factored up with 1% per year growth rate resulting the existing traffic volumes. **Figure 5** illustrates the existing traffic volumes. Original turning movement count sheets are provided in **Appendix A**.

Traffic Operation

Synchro and SimTraffic (version 9.1) were used to analyze the traffic operations at the intersection of Old Graves Mill Road and Old Graves Mill Road Cut-through and the intersection of Old Graves Mill Road and Graves Mill Road. The level of service and queue results are summarized in **Table 1**, and included in **Appendix B** (Synchro results) and **Appendix C** (SimTraffic results). Note that, Old Graves Mill Road northbound at the intersection of Old Graves Mill Road and Old Graves Mill Road Cut-through, although having no right turn lane marking, actually operates as a through lane and a right turn lane with approximately 60 feet storage and 40 feet taper (instead of a through/right turn combined lane). The Synchro and SimTraffic analysis considered this functional configuration in the models.

Table 1 Existing Traffic Operation Summary

		Storage	Build AM			Build PM		
			LOS	Delay	Queue	LOS	Delay	Queue
2. Old Graves Mill Road/Old Graves Mill Road								
Old Graves Mill	NBT		A	0	2	A	0	0
Old Graves Mill	NBR	60'	A	0	60	A	0	36
Old Graves Mill Cut-through	WBL		C	17	134	E	37.6	229
Old Graves Mill Cut-through	WBR	220'	A	9.5	28	A	9.1	54
Old Graves Mill	SBL/SBT	400'	A	2	151	A	0.2	96
Intersection			A	2.7	375	B	10.2	415
3. Graves Mill Road/Old Graves Mill Road								
Graves Mill	EBL	200'	A	0	0	E	57.2	13
Graves Mill	EBT		B	10.6	228	B	10.9	241
Graves Mill	EBR	200'	A	5.9	59	A	7.8	90
Graves Mill	WBL	300'	C	21.6	77	C	25.1	170
Graves Mill	WBT/WBR		A	3.3	96	A	5.2	108
Old Graves Mill	NBL/NBT	400'	C	20.7	98	C	25	132
Old Graves Mill	NBR	400'	A	0	58	A	0	43
Old Graves Mill	SBL/SBT/SBR		A	0	0	A	0	0
Intersection			A	9	616	B	11	797

As shown in the above Table 1, in the existing conditions –

Traffic operation of the intersection of Old Graves Mill Road and Old Graves Mill Road Cut-through are as followings:

- The intersection operates at LOS A in the morning peak hour and at LOS B in the afternoon peak hour;
- All the movements operate at LOS D or above in both the morning and afternoon peak hours with the exception that Old Graves Mill Road Cut-through westbound left turn operates at LOS E in the afternoon peak hour;
- The existing queues are well accommodated in the existing storage lanes and the existing queues on Old Graves Mill Road southbound do not extend to the intersection of Old Graves Mill Road and Graves Mill Road (the maximum queue is 151 feet);
- The total maximum overall intersection queue (sum of all movements) in the morning peak hour is 375 feet (15 vehicles) and in the afternoon is 415 feet (17 vehicles).

Traffic operations at the intersection of Old Graves Mill Road and Graves Mill Road are as followings:

- The intersection operates at LOS A in the morning peak hour and at LOS B in the afternoon peak hour;
- All the movements operate at LOS D or above in both the morning and afternoon peak hours with the exception that Graves Mill eastbound left turn operates at LOS E in the afternoon peak hour;
- The existing queues are well accommodated in the existing storage lanes and the existing queues on Old Graves Mill Road northbound do not extend to the intersection of Old Graves Mill Road and Old Graves Mill Road Cut-through (the maximum queue is 132 feet);
- The total maximum overall intersection queue (sum of all movements) in the morning peak hour is 616 feet (25 vehicles) and in the afternoon is 797 feet (32 vehicles).

3. Trip Generation, Distribution, and Assignments

Trip Generation

The proposed Elements development is assumed as one phase of build-out to be completed in 2016/17, including 252 apartment units and 18 townhome units.

In this memorandum, the Institute of Transportation Engineers (ITE) Trip Generation Manual 9th Edition was used to estimate the trips generated by the proposed Elements development. **Table 2** summarizes the land use descriptions, ITE land use code, size and anticipated trips. Per VDOT traffic study guidelines, no internal capture or pass-by rate was assumed.

Table 2 Trip Generation

Land Use	Quantity	Code	Daily Trips	AM		PM	
				In	Out	In	Out
Apartments	252	220	1,651	24	103	101	55
Townhomes	18	230	145	2	11	10	5
subtotals	270			26	114	111	60
totals			1,796	140		171	

As indicated in Table 2, approximately 1,796 new daily trips, 140 new morning peak hour trips, and 171 new afternoon peak hour trips were estimated for the proposed Elements development.

Trip Distribution and Assignment

The site trip distribution was assumed to be the same as the turning traffic at the intersection of Old Graves Mill Road and Valleydale Drive. The turning movement counts at the intersection of Old Graves Mill Road and Valleydale Drive were performed on Tuesday, June 7th 2016, a typical weekday, while schools were in session and no special event occurred. The counts are as the followings:

- The Northbound left turns coming from Old Graves Mill Road into Valleydale are 5;
- The Southbound right turns coming from Old Graves Mill Road into Valleydale are 8;
- Coming out of Valleydale, left turns onto Old Graves Mill Road are 4; and,
- Coming out of Valleydale, right turns onto Old Graves Mill Road are 2;

Inspection of the above counts indicates the distribution percentage as illustrated in **Figure 6**.

The estimated site trips shown in Table 2 were assigned to the roadway network. Site trip assignments are as shown in **Figure 7.**

4. Build Conditions

Traffic Volumes

The site trips as shown in Figure 7 were added to the existing traffic volumes as shown in Figure 5 resulting the build traffic volumes. **Figure 8** illustrates the build traffic volumes.

Turn Lane Warrants

VDOT turn lane warrants were evaluated for the Site Entrance. The turn lane warrant forms are included in **Appendix D** and the results are summarized in the below **Table 3**.

Table 3 Turn Lane Warrant Summary for Site Entrance

	Southbound Right Turn	Northbound Left Turn
Site Entrance AM	Right-Turn Radius Required	Left-Turn Storage Required
Site Entrance PM	Full-Width Right-Turn Lane and Taper Required	Left-Turn Storage Required

The results in Table 3 indicate that, at the Site Entrance, a northbound left turn storage and a southbound right turn storage and taper are required.

Access Management Analysis

An access management assessment (per VDOT criteria) was performed for the Site Entrances per the Minimum Spacing Standards for Commercial Entrances, Intersections, and Median Crossovers in VDOT Road Design Manual.

The required minimum spacing between the Site Entrance and other street connections is 330 feet, while the actual spacing between the Site Entrance and Old Graves Mill Road Cut-through is more than 400 feet and the actual spacing between the Site Entrance and Valleydale Drive is more than 700 feet.

Based on the analysis, there is no access management exception concerns for the Site Entrance.

Traffic Operation

Synchro and SimTraffic (version 9.1) were used to analyze the traffic operations at the intersection of Old Graves Mill Road and Old Graves Mill Road Cut-through and the intersection of Old Graves Mill Road and Graves Mill Road, as well as the intersection of Old Graves Mill Road and the Site Entrance with the above warranted turn lanes built in. The level of service and queue results are summarized in **Table 4**, and included in **Appendix B** (Synchro results) and **Appendix C** (SimTraffic results). Note that the same road configuration for Old Graves Mill Road northbound at the intersection of Old Graves Mill Road and Old Graves Mill Road Cut-through was built in for both the existing and build conditions.

Table 4 Build Traffic Operation Summary

		Storage	Build AM			Build PM		
			LOS	Delay	Queue	LOS	Delay	Queue
1. Old Graves Mill Road/Entrance								
Old Graves Mill	NBL	150'	A	8	38	A	9.6	54
Old Graves Mill	NBT		A	0	0	A	0	0
Site Entrance	EBL/EBR		C	23.1	98	D	30	104
Old Graves Mill	SBT		A	0	0	A	0	0
Old Graves Mill	SBR	150'	A	0	2	A	0	4
Intersection			A	2.5	138	A	1.7	162
2. Old Graves Mill Road/Old Graves Mill Road								
Old Graves Mill	NBT		A	0	0	A	0	0
Old Graves Mill	NBR	60'	A	0	52	A	0	20
Old Graves Mill	WBL		C	18.3	158	F	61.1	321
Old Graves Mill	WBR	220'	A	9.6	28	A	9.2	76
Old Graves Mill	SBL/SBT	400'	A	1.9	165	A	0.2	112
Intersection			A	2.7	403	C	16.4	529
3. Graves Mill Road/Old Graves Mill Road								
Graves Mill	EBL	200'	A	0	0	E	59.9	12
Graves Mill	EBT		A	9.3	217	B	12	272
Graves Mill	EBR	200'	A	5.8	57	A	8.5	101
Graves Mill	WBL	300'	C	28.5	97	C	26.3	202
Graves Mill	WBT/WBR		A	3.3	96	A	5.4	108
Old Graves Mill	NBL/NBT	400'	C	24.5	122	C	25	151
Old Graves Mill	NBR	400'	A	0	63	A	0	47
Old Graves Mill	SBL/SBT/SBR		A	0	0	A	0	0
Intersection			A	9.1	652	B	11.9	893

As shown in the above Table 4, in the build conditions –

Traffic operation of the intersection of Old Graves Mill Road and Old Graves Mill Road Cut-through are as followings:

- The intersection will operate at LOS A in the morning peak hour and at LOS C in the afternoon peak hour;
- All the movements will operate at LOS D or above in both the morning and afternoon peak hours with the exception that Old Graves Mill Road Cut-through westbound left turn will operate at LOS F in the afternoon peak hour;
- The queues will be well accommodated in the existing storage lanes and the queues on Old Graves Mill Road southbound will not extend to the intersection of Old Graves Mill Road and Graves Mill Road (the maximum queue will be 165 feet);
- The total maximum overall intersection queue (sum of all movements) in the morning peak hour will be 403 feet (16 vehicles) and in the afternoon will be 529 feet (21 vehicles).

Traffic operation of the intersection of Old Graves Mill Road and Graves Mill Road are as followings:

- The intersection will operate at LOS A in the morning peak hour and at LOS B in the afternoon peak hour;
- All the movements will operate at LOS D or above in both the morning and afternoon peak hours with the exception that Graves Mill eastbound left turn will operate at LOS E in the afternoon peak hour;
- The queues will be well accommodated in the existing storage lanes and the queues on Old Graves Mill Road northbound will not extend to the intersection of Old Graves Mill Road and Old Graves Mill Road Cut-through (the maximum queue will be 151 feet);
- The total maximum overall intersection queue (sum of all movements) in the morning peak hour will be 652 feet (26 vehicles) and in the afternoon will be 893 feet (36 vehicles).

Traffic operation of the intersection of Old Graves Mill Road and Site Entrance are as followings:

- The intersection will operate at LOS A in the both the morning peak hour and afternoon peak hour;
- All the movements will operate at LOS D or above in both the morning and afternoon peak hours;
- The queues will be well accommodated with the warranted turn lanes;
- The total maximum overall intersection queue (sum of all movements) in the morning peak hour will be 138 feet (5 vehicles) and in the afternoon will be 162 feet (6 vehicles).

5. Additional Turn Lane Warrant Analysis for Old Graves Mill Road/Old Graves Mill Road Cut-through

VDOT turn lane warrants were evaluated additionally for the intersection of Old Graves Mill Road and Old Graves Mill Road Cut-through. The turn lane warrant forms are included in **Appendix D** and the results are summarized in the below **Table 5**.

Table 5 Turn Lane Warrant Summary for Old Graves Mill Road/Old Graves Mill Road Cut-through

	Northbound Right Turn	Southbound Left Turn
Old Graves Mill Existing AM	Full-Width Right-Turn Lane and Taper Required	Left-Turn Storage Required
Old Graves Mill Existing PM	Full-Width Right-Turn Lane and Taper Required	No Left-Turn Lane Required
Old Graves Mill Build AM	Full-Width Right-Turn Lane and Taper Required	Left-Turn Storage Required
Old Graves Mill Build PM	Full-Width Right-Turn Lane and Taper Required	No Left-Turn Lane Required

The results in Table 5 indicate that, at the intersection of Old Graves Mill Road and Old Graves Mill Road Cut-through, a southbound left turn storage and a northbound right turn storage and taper are warranted in both the existing and future build conditions.

It appears that for the northbound approach the widened section of through lane and taper currently function similarly to a formal right turn. For the southbound direction, consideration can be given to marking a left turn lane in place of a portion the opposing northbound left turn lane.

6. Findings and Conclusions

Based on the analysis performed in this memorandum, the findings and conclusions are as the followings:

- The generated trips of the proposed Elements development will impact the overall traffic operations at the intersection of Old Graves Mill Road and Old Graves Mill Road Cut-through, which will change from LOS B to LOS C in the afternoon peak hour and worsen the traffic operation at the Old Graves Mill Road Cut-through westbound left turn movement from LOS E to LOS F in the afternoon peak hour.

- The generated trips of the proposed Elements development will result in a total increase in queues from one-vehicle and four-vehicles longer to the total maximum overall intersection queue (sum of all movements) at the intersection of Old Graves Mill Road and Old Graves Mill Road Cut-through in the morning peak hour and the afternoon peak hour, respectively.

- The generated trips of the proposed Elements development will not degrade the overall traffic operation at the intersection of Old Graves Mill Road and Graves Mill Road or the traffic operation at any movements.

- The generated trips of the proposed Elements development will result in one-vehicle and four-vehicles longer to the total maximum overall intersection queue (sum of all movements) at the intersection of Old Graves Mill Road and Graves Mill Road in the morning peak hour and the afternoon peak hour, respectively.

- The queues on Old Graves Mill Road southbound at the intersection of Old Graves Mill Road and Old Graves Mill Road Cut-through will not extend to the intersection of Old Graves Mill Road and Graves Mill Road (the maximum queue will be 165 feet);

- The queues on Old Graves Mill Road northbound at the intersection of Old Graves Mill Road and Graves Mill Road will not extend to the intersection of Old Graves Mill Road and Old Graves Mill Road Cut-through (the maximum queue will be 151 feet);

- A northbound left turn storage and a southbound right turn storage and taper are required at the Site Entrance in the build conditions.

- The proposed entrance is in compliance with standard VDOT access management requirements (which reflect national best practices).

- The traffic operations at the new intersection of Old Graves Mill Road and Site Entrance will be at LOS A with all movements at LOS D or above.

- The queues at the new intersection of Old Graves Mill Road and Site Entrance will be very minor - the total maximum overall intersection queue (sum of all movements) will be only 5 vehicles in the morning peak hour and 6 vehicles in the afternoon peak hour.

- A southbound left turn storage and a northbound right turn storage and taper at the intersection of Old Graves Mill Road and Old Graves Mill Road Cut-through are warranted in the existing and build conditions.

The recommendations of this memorandum include the followings:

Site Entrance:

Construct a 150 feet southbound right turn storage and 150 feet taper and a 150 feet northbound left turn storage and 150 feet taper at the intersection of Old Graves Mill Road and Site Entrance in the build conditions。

Old Graves Mill Road/Old Graves Mill Road Cut-thru Road Intersection

This intersection under existing conditions would benefit from both a southbound left turn lane and a formalized right turn lane. The need for the southbound left turn lanes seems to be driven by people cutting through this route to try to advance on existing congestion. The congestion could potentially be reduced through implementation of InSync traffic adaptive technologies, and/or reconstruction of the intersection with the expressway to a divergent diamond configuration. Our recommendation is that the City needs to conduct further study of this existing and ongoing issue and perhaps pursue funding for a larger project (HB-2) to address this existing congested area.

In the nearer term, there is approximately 375' between the Graves Mill Road and Cut-thru Road intersection. The northbound approach to Graves Mill Road is marked with a long shared left / share thru turn and a right turn lane. The long left/thru lane could be re-marked to provide 175' of storage, 100' taper, which would allow for a 150' left turn lane southbound onto the cut thru road. This marking scheme should be considered whenever Old Graves Mill Road is repaved in the future

End of Memorandum

Attachments –

Figures

Figure 1 Site Vicinity
Figure 2 Site Location
Figure 3 Conceptual Plan
Figure 4 Study Intersections
Figure 5 Existing Traffic Volumes
Figure 6 Distribution Percentage
Figure 7 Site Trips
Figure 8 Build Traffic Volumes

Tables

Table 1 Existing Traffic Operation Summary
Table 2 Trip Generation
Table 3 Turn Lane Warrant Summary for Site Entrance
Table 4 Build Traffic Operation Summary
Table 5 Turn Lane Warrant Summary for Old Graves Mill Road/Old Graves Mill Road Cut-through

Appendix

Appendix A Turning Movement Count Sheets
Appendix B Synchro Analysis Outputs
Appendix C SimTraffic Analysis Outputs
Appendix D Turn Lane Warrant Forms

Figure 1 Site Vicinity

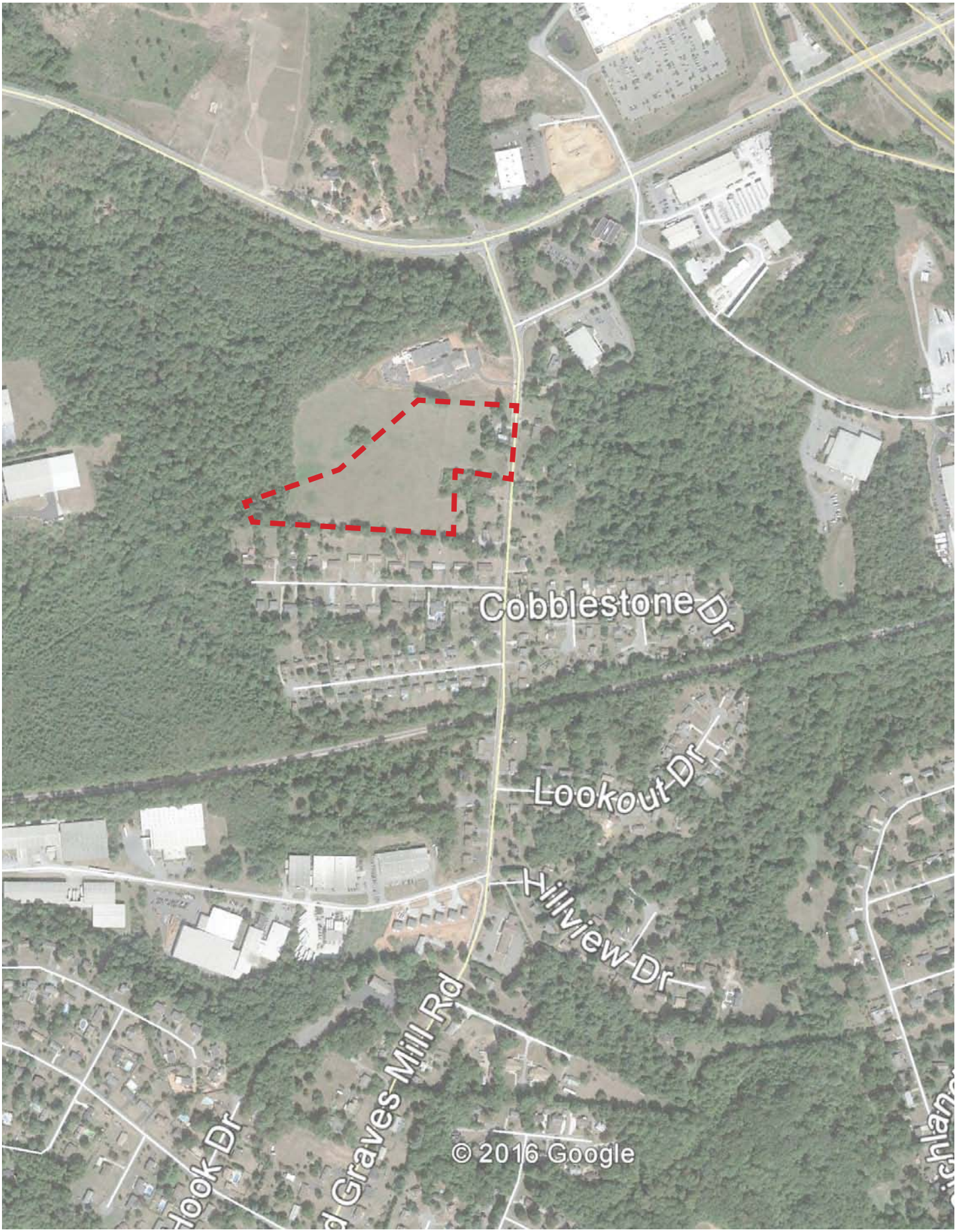

Figure 2 Site Location

Figure 3 Conceptual Plan

Figure 4 Study Intersections

Figure 5 Existing Traffic Volumes

XX/XX AM/PM

Figure 6 Distribution Percentage

XX%/XX% AM/PM
XX% IN XX% OUT

Figure 7 Site Trips

XX/XX AM/PM
XX IN XX OUT

Figure 8 Build Traffic Volumes

XX/XX AM/PM

Appendices

Appendix A
Turning Movement Count Sheets

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Turn Count Summary

Location: Old Graves Mill Road at Old Graves Mill (cut-thru) Road, Lynchburg VA
GPS Coordinates:
Date: 2016-05-26
Day of week: Thursday
Weather:
Analyst: Chad

Total vehicle traffic

Interval starts	SouthBound			Westbound			Northbound			Eastbound			Total
	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
06:59	0	1	0	0	0	0	0	1	2	0	0	0	4
07:00	5	18	0	15	0	0	0	36	51	0	0	0	125
07:15	10	37	0	24	0	0	0	40	88	0	0	0	199
07:30	11	49	0	28	0	0	0	49	117	0	0	0	254
07:45	18	57	0	31	0	0	0	58	117	0	0	0	281
08:00	16	41	0	29	0	1	0	47	86	0	0	0	220
08:15	16	36	0	39	0	2	0	57	94	0	0	0	244
08:30	10	48	0	33	0	1	0	40	77	0	0	0	209
08:45	4	43	0	36	0	0	0	54	70	0	0	0	207
09:00	0	1	0	8	0	1	0	2	0	0	0	0	12

Car traffic

Interval starts	SouthBound			Westbound			Northbound			Eastbound			Total
	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
06:59	0	1	0	0	0	0	0	1	2	0	0	0	4
07:00	5	18	0	13	0	0	0	35	50	0	0	0	121
07:15	10	34	0	23	0	0	0	38	86	0	0	0	191
07:30	11	48	0	25	0	0	0	47	116	0	0	0	247
07:45	17	53	0	30	0	0	0	56	116	0	0	0	272
08:00	16	36	0	29	0	1	0	46	82	0	0	0	210
08:15	16	36	0	36	0	2	0	55	91	0	0	0	236
08:30	10	45	0	32	0	1	0	35	74	0	0	0	197
08:45	4	41	0	32	0	0	0	54	69	0	0	0	200
09:00	0	1	0	7	0	1	0	2	0	0	0	0	11

Truck traffic

Interval starts	SouthBound			Westbound			Northbound			Eastbound			Total
	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
06:59	0	0	0	0	0	0	0	0	0	0	0	0	0
07:00	0	0	0	2	0	0	0	1	1	0	0	0	4
07:15	0	3	0	1	0	0	0	2	2	0	0	0	8
07:30	0	1	0	3	0	0	0	2	1	0	0	0	7
07:45	1	4	0	1	0	0	0	2	1	0	0	0	9
08:00	0	5	0	0	0	0	0	1	4	0	0	0	10
08:15	0	0	0	3	0	0	0	2	3	0	0	0	8
08:30	0	3	0	1	0	0	0	5	3	0	0	0	12
08:45	0	2	0	4	0	0	0	0	1	0	0	0	7
09:00	0	0	0	1	0	0	0	0	0	0	0	0	1

Pedestrian volumes

Interval starts	NE			NW			SW			SE			Total
	Left	Right	Total	Left	Right	Total	Left	Right	Total	Left	Right	Total	
06:59	0	0	0	0	0	0	0	0	0	0	0	0	0
07:00	0	0	0	0	0	0	0	0	0	0	0	0	0
07:15	0	0	0	0	0	0	0	0	0	0	0	0	0
07:30	0	0	0	0	0	0	0	0	0	0	0	0	0
07:45	0	0	0	0	0	0	0	0	0	0	0	0	0
08:00	0	0	0	0	0	0	0	0	0	0	0	0	0
08:15	0	0	0	0	0	0	0	0	0	0	0	0	0
08:30	0	0	0	0	0	0	0	0	0	0	0	0	0
08:45	0	0	0	0	0	0	0	0	0	0	0	0	0
09:00	0	0	0	0	0	0	0	0	0	0	0	0	0

Intersection Peak Hour

07:30 - 08:30

	SouthBound			Westbound			Northbound			Eastbound			Total
	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
Vehicle Total	61	183	0	127	0	3	0	211	414	0	0	0	999
Factor	0.85	0.80	0.00	0.81	0.00	0.38	0.00	0.91	0.88	0.00	0.00	0.00	0.89
Approach Factor	0.81			0.79			0.89			0.00			

Peak Hour Vehicle Summary

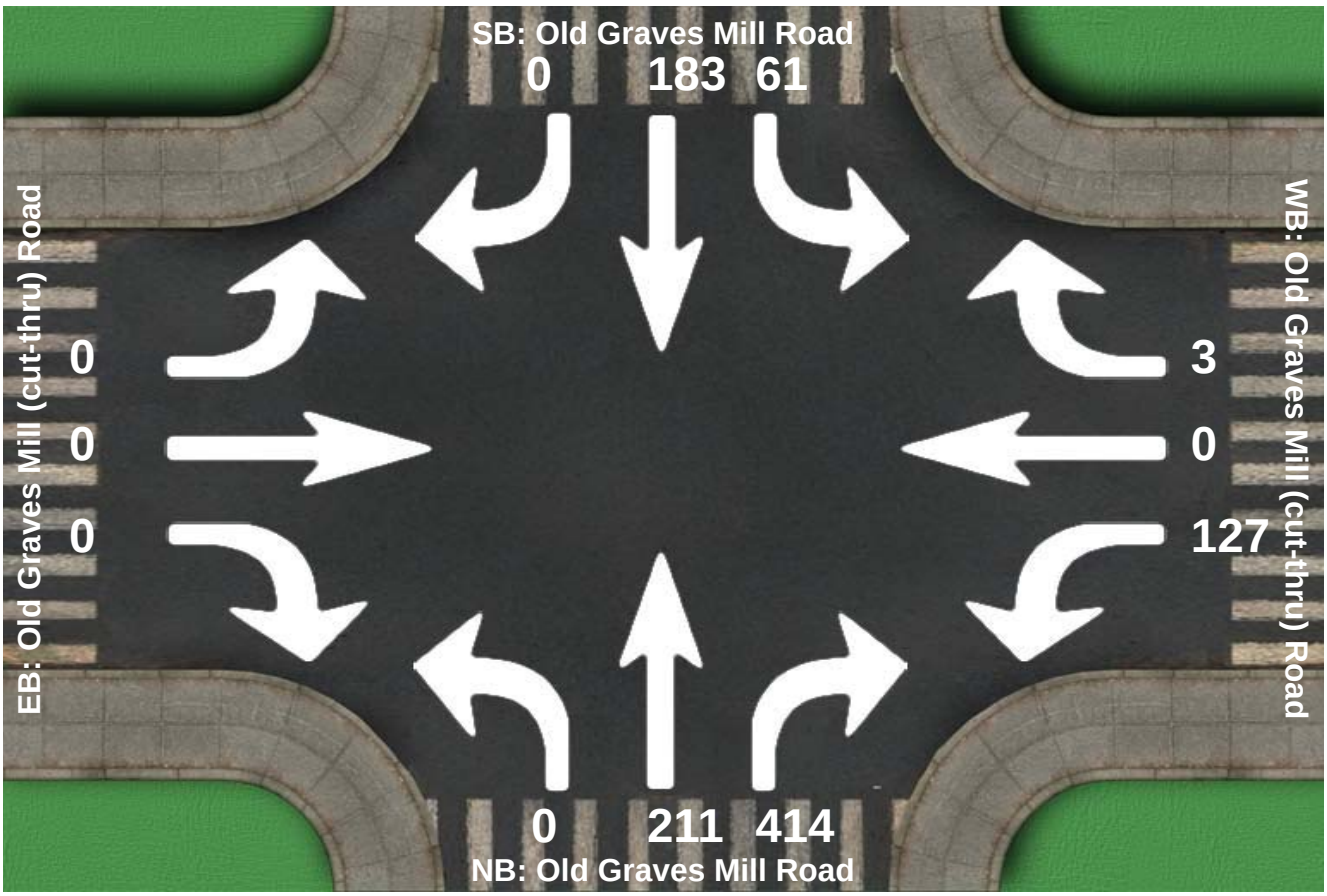
Vehicle	SouthBound			Westbound			Northbound			Eastbound			Total
	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
Car	60	173	0	120	0	3	0	204	405	0	0	0	965
Truck	1	10	0	7	0	0	0	7	9	0	0	0	34

Peak Hour Pedestrians

	NE			NW			SW			SE			Total
	Left	Right	Total	Left	Right	Total	Left	Right	Total	Left	Right	Total	
Pedestrians	0	0	0	0	0	0	0	0	0	0	0	0	0

Intersection Peak Hour

Location: Old Graves Mill Road at Old Graves Mill (cut-thru) Road, Lynchburg VA
GPS Coordinates:
Date: 2016-05-26
Day of week: Thursday
Weather:
Analyst: Chad



Intersection Peak Hour

07:30 - 08:30

	SouthBound			Westbound			Northbound			Eastbound			Total
	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
Vehicle Total	61	183	0	127	0	3	0	211	414	0	0	0	999
Factor	0.85	0.80	0.00	0.81	0.00	0.38	0.00	0.91	0.88	0.00	0.00	0.00	0.89
Approach Factor	0.81			0.79			0.89			0.00			

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Turn Count Summary

Location: Old Graves Mill Road at Old Graves Mill (cut-thru) Road, Lynchburg VA
GPS Coordinates:
Date: 2016-05-26
Day of week: Thursday
Weather:
Analyst: Chad

Total vehicle traffic

Interval starts	SouthBound			Westbound			Northbound			Eastbound			Total
	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
16:00	0	82	0	66	0	3	0	51	49	0	0	0	251
16:15	3	72	0	75	0	3	0	49	56	0	0	0	258
16:30	7	100	0	64	0	4	0	32	62	0	0	0	269
16:45	1	88	0	78	0	2	0	32	65	0	0	0	266
17:00	4	133	0	70	0	5	0	42	55	0	0	0	309
17:15	6	107	0	84	0	8	0	30	61	0	0	0	296
17:30	2	115	0	71	0	1	0	35	47	0	0	0	271
17:45	3	91	0	54	0	2	0	37	49	0	0	0	236
18:00	0	0	0	0	0	0	0	0	1	0	0	0	1

Car traffic

Interval starts	SouthBound			Westbound			Northbound			Eastbound			Total
	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
16:00	0	77	0	65	0	3	0	50	47	0	0	0	242
16:15	2	70	0	73	0	3	0	48	53	0	0	0	249
16:30	6	98	0	62	0	4	0	32	59	0	0	0	261
16:45	1	83	0	78	0	2	0	32	62	0	0	0	258
17:00	4	133	0	68	0	5	0	41	54	0	0	0	305
17:15	5	104	0	84	0	8	0	29	59	0	0	0	289
17:30	2	111	0	71	0	1	0	35	47	0	0	0	267
17:45	3	89	0	53	0	2	0	37	48	0	0	0	232
18:00	0	0	0	0	0	0	0	0	1	0	0	0	1

Truck traffic

Interval starts	SouthBound			Westbound			Northbound			Eastbound			Total
	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
16:00	0	5	0	1	0	0	0	1	2	0	0	0	9
16:15	1	2	0	2	0	0	0	1	3	0	0	0	9
16:30	1	2	0	2	0	0	0	0	3	0	0	0	8
16:45	0	5	0	0	0	0	0	0	3	0	0	0	8
17:00	0	0	0	2	0	0	0	1	1	0	0	0	4
17:15	1	3	0	0	0	0	0	1	2	0	0	0	7
17:30	0	4	0	0	0	0	0	0	0	0	0	0	4
17:45	0	2	0	1	0	0	0	0	1	0	0	0	4
18:00	0	0	0	0	0	0	0	0	0	0	0	0	0

Pedestrian volumes

Interval starts	NE			NW			SW			SE			Total
	Left	Right	Total	Left	Right	Total	Left	Right	Total	Left	Right	Total	
16:00	0	0	0	0	0	0	0	0	0	0	0	0	0
16:15	0	0	0	0	0	0	0	0	0	0	0	0	0
16:30	0	0	0	0	0	0	0	0	0	0	0	0	0
16:45	0	0	0	0	0	0	0	0	0	0	0	0	0
17:00	0	0	0	0	0	0	0	0	0	0	0	0	0
17:15	0	0	0	0	0	0	0	0	0	0	0	0	0
17:30	0	0	0	0	0	0	0	0	0	0	0	0	0
17:45	0	0	0	0	0	0	0	0	0	0	0	0	0
18:00	0	0	0	0	0	0	0	0	0	0	0	0	0

Intersection Peak Hour

16:45 - 17:45

	SouthBound			Westbound			Northbound			Eastbound			Total
	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
Vehicle Total	13	443	0	303	0	16	0	139	228	0	0	0	1142
Factor	0.54	0.83	0.00	0.90	0.00	0.50	0.00	0.83	0.88	0.00	0.00	0.00	0.92
Approach Factor	0.83			0.87			0.95			0.00			

Peak Hour Vehicle Summary

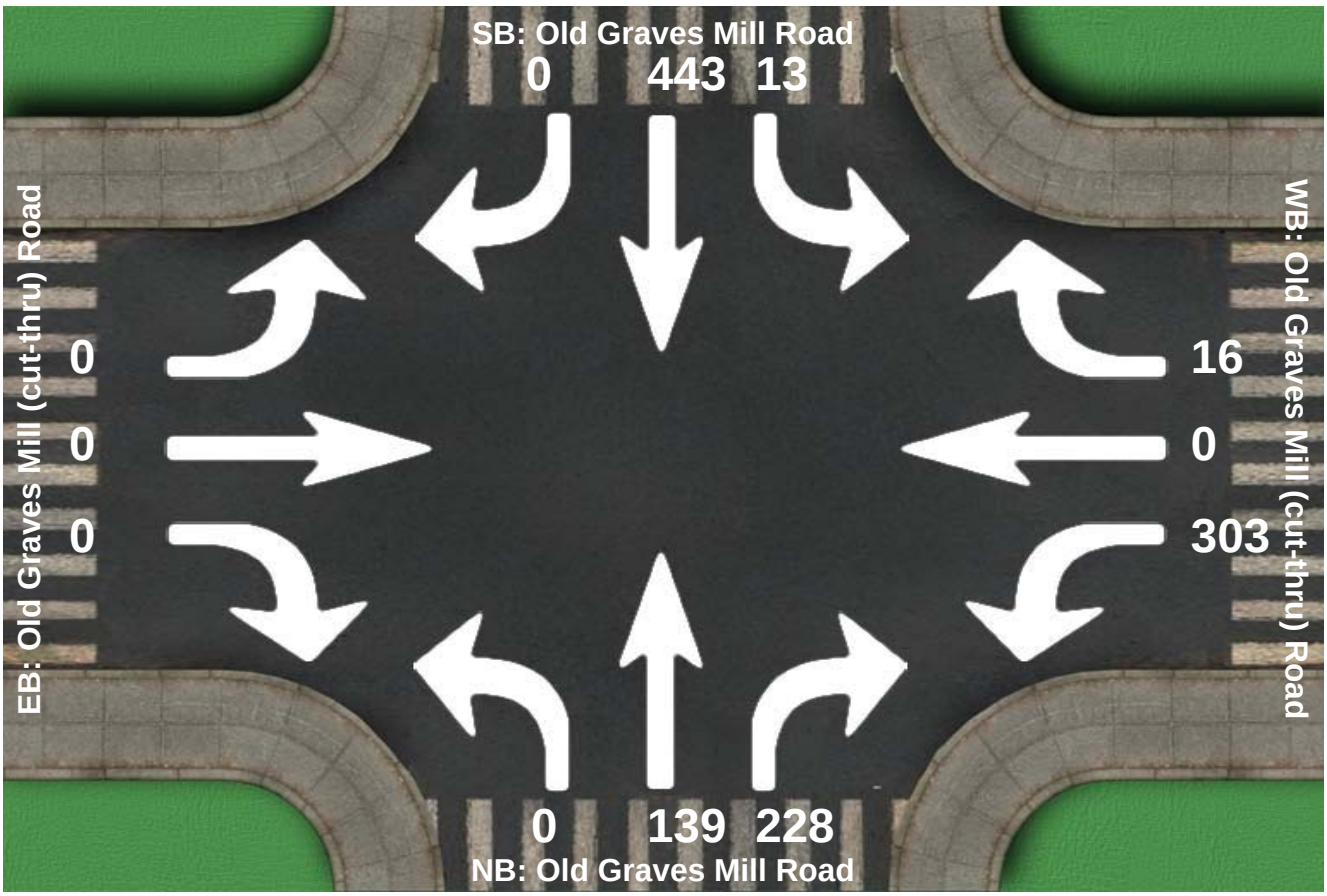
Vehicle	SouthBound			Westbound			Northbound			Eastbound			Total
	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
Car	12	431	0	301	0	16	0	137	222	0	0	0	1119
Truck	1	12	0	2	0	0	0	2	6	0	0	0	23

Peak Hour Pedestrians

	NE			NW			SW			SE			Total
	Left	Right	Total	Left	Right	Total	Left	Right	Total	Left	Right	Total	
Pedestrians	0	0	0	0	0	0	0	0	0	0	0	0	0

Intersection Peak Hour

Location: Old Graves Mill Road at Old Graves Mill (cut-thru) Road, Lynchburg VA
GPS Coordinates:
Date: 2016-05-26
Day of week: Thursday
Weather:
Analyst: Chad



Intersection Peak Hour

16:45 - 17:45

	SouthBound			Westbound			Northbound			Eastbound			Total
	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
Vehicle Total	13	443	0	303	0	16	0	139	228	0	0	0	1142
Factor	0.54	0.83	0.00	0.90	0.00	0.50	0.00	0.83	0.88	0.00	0.00	0.00	0.92
Approach Factor	0.83			0.87			0.95			0.00			

Data Collection Group
LSmith@DataCollectionGroup.net

File Name : Old Graves Mill AM
Site Code : 00001111
Start Date : 10/9/2013
Page No : 1

Groups Printed- Passenger Veh - Trucks

	Old Graves Mill From North					Graves Mill From East					Old Graves Mill From South					Graves Mill From West					
Start Time	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Int. Total
07:00 AM	0	0	0	0	0	3	92	0	0	95	28	0	5	0	33	0	181	17	0	198	326
07:15 AM	0	0	0	0	0	15	165	0	0	180	27	0	4	0	31	0	207	20	0	227	438
07:30 AM	0	0	0	0	0	10	156	2	0	168	20	0	18	0	38	0	257	26	1	284	490
07:45 AM	0	0	0	0	0	26	187	0	0	213	33	0	14	0	47	0	326	36	0	362	622
Total	0	0	0	0	0	54	600	2	0	656	108	0	41	0	149	0	971	99	1	1071	1876
08:00 AM	0	0	0	0	0	19	161	0	0	180	31	0	13	0	44	0	201	32	0	233	457
08:15 AM	0	0	0	0	0	10	150	1	0	161	33	1	12	0	46	0	195	37	0	232	439
08:30 AM	0	0	0	0	0	10	114	0	0	124	28	0	12	0	40	0	155	45	0	200	364
08:45 AM	0	0	0	0	0	8	125	0	0	133	22	0	11	0	33	0	170	30	0	200	366
Total	0	0	0	0	0	47	550	1	0	598	114	1	48	0	163	0	721	144	0	865	1626
Grand Total	0	0	0	0	0	101	1150	3	0	1254	222	1	89	0	312	0	1692	243	1	1936	3502
Apprch %	0	0	0	0		8.1	91.7	0.2	0		71.2	0.3	28.5	0		0	87.4	12.6	0.1		
Total %	0	0	0	0	0	2.9	32.8	0.1	0	35.8	6.3	0	2.5	0	8.9	0	48.3	6.9	0	55.3	
Passenger Veh	0	0	0	0	0	97	1126	3	0	1226	217	1	87	0	305	0	1659	233	1	1893	3424
% Passenger Veh	0	0	0	0	0	96	97.9	100	0	97.8	97.7	100	97.8	0	97.8	0	98	95.9	100	97.8	97.8
Trucks	0	0	0	0	0	4	24	0	0	28	5	0	2	0	7	0	33	10	0	43	78
% Trucks	0	0	0	0	0	4	2.1	0	0	2.2	2.3	0	2.2	0	2.2	0	2	4.1	0	2.2	2.2

Data Collection Group
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File Name : Old Graves Mill AM
Site Code : 00001111
Start Date : 10/9/2013

	Old Graves Mill From North					Graves Mill From East					Old Graves Mill From South					Graves Mill From West					
Start Time	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Int. Total
Peak Hour Analysis From 07:00 AM to 08:45 AM - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 07:30 AM																					
07:30 AM	0	0	0	0	0	10	156	**2**	0	168	20	0	**18**	0	38	0	257	26	**1**	284	490
07:45 AM	0	0	0	0	0	**26**	**187**	0	0	**213**	**33**	0	14	0	**47**	0	**326**	36	0	**362**	**622**
08:00 AM	0	0	0	0	0	19	161	0	0	180	31	0	13	0	44	0	201	32	0	233	457
08:15 AM	0	0	0	0	0	10	150	1	0	161	33	**1**	12	0	46	0	195	**37**	0	232	439
Total Volume	0	0	0	0	0	65	654	3	0	722	117	1	57	0	175	0	979	131	1	1111	2008
% App. Total	0	0	0	0		9	90.6	0.4	0		66.9	0.6	32.6	0		0	88.1	11.8	0.1		
PHF	.000	.000	.000	.000	.000	.625	.874	.375	.000	.847	.886	.250	.792	.000	.931	.000	.751	.885	.250	.767	.807
Passenger Veh	0	0	0	0	0	63	645	3	0	711	115	1	56	0	172	0	962	125	1	1088	1971
% Passenger Veh	0	0	0	0	0	96.9	98.6	100	0	98.5	98.3	100	98.2	0	98.3	0	98.3	95.4	100	97.9	98.2
Trucks	0	0	0	0	0	2	9	0	0	11	2	0	1	0	3	0	17	6	0	23	37
% Trucks	0	0	0	0	0	3.1	1.4	0	0	1.5	1.7	0	1.8	0	1.7	0	1.7	4.6	0	2.1	1.8

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File Name : Old Graves Mill AM
Site Code : 00001111
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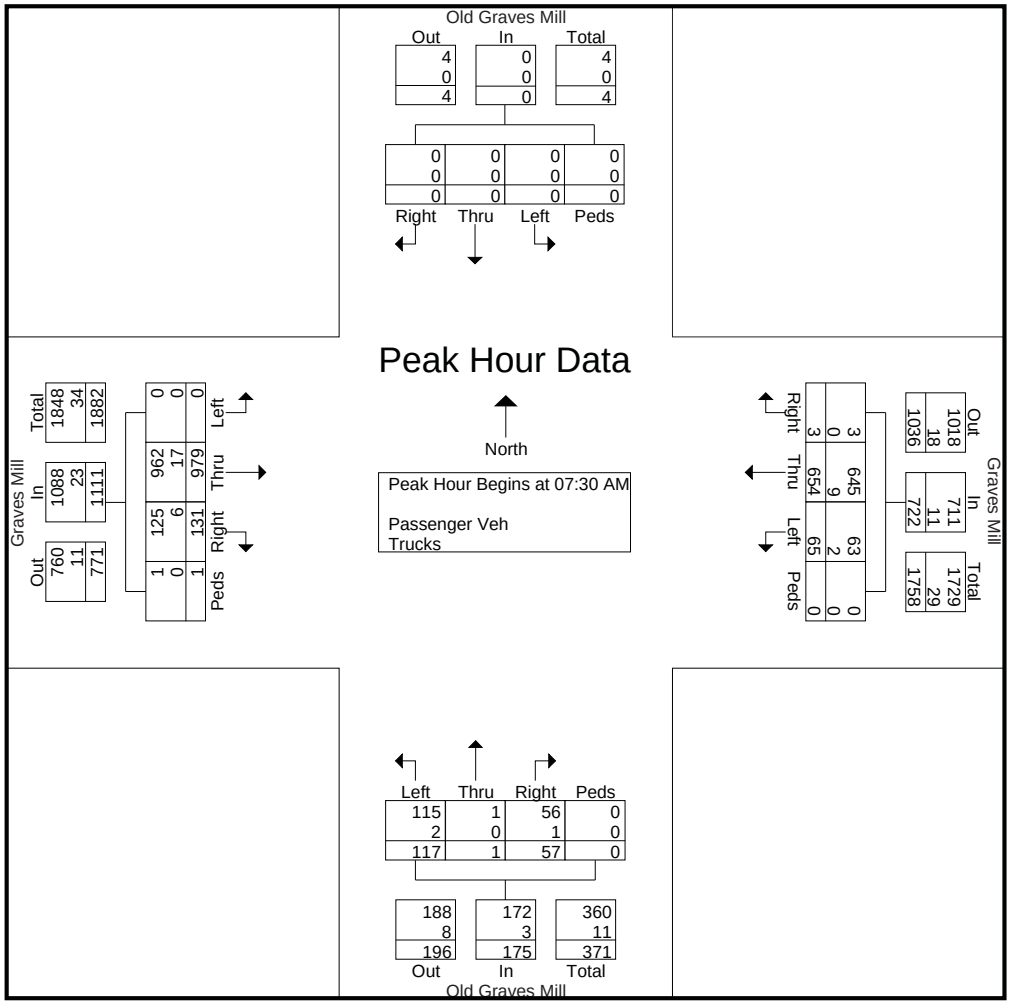

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File Name : Old Graves Mill PM
Site Code : 00000444
Start Date : 10/9/2013
Page No : 1

Groups Printed- Passenger Veh - Trucks

	Old Graves Mill From North					Graves Mill From East					Old Graves Mill From South					Graves Mill From West					
Start Time	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Int. Total
04:00 PM	0	0	0	0	0	28	184	0	0	212	25	0	5	0	30	0	191	45	0	236	478
04:15 PM	0	0	0	0	0	33	173	0	0	206	33	0	6	0	39	0	162	37	0	199	444
04:30 PM	0	0	0	0	0	35	170	0	0	205	30	0	6	0	36	0	196	47	0	243	484
04:45 PM	0	0	0	0	0	36	201	0	0	237	37	0	8	0	45	0	214	41	0	255	537
Total	0	0	0	0	0	132	728	0	0	860	125	0	25	0	150	0	763	170	0	933	1943
05:00 PM	0	0	0	0	0	66	194	0	0	260	44	0	7	0	51	1	241	56	0	298	609
05:15 PM	0	0	0	0	0	51	198	0	0	249	34	0	11	0	45	0	243	61	0	304	598
05:30 PM	0	0	0	0	0	51	204	0	0	255	24	0	7	0	31	0	220	47	0	267	553
05:45 PM	0	0	0	0	0	33	169	0	0	202	37	0	11	0	48	0	150	43	0	193	443
Total	0	0	0	0	0	201	765	0	0	966	139	0	36	0	175	1	854	207	0	1062	2203
Grand Total	0	0	0	0	0	333	1493	0	0	1826	264	0	61	0	325	1	1617	377	0	1995	4146
Apprch %	0	0	0	0		18.2	81.8	0	0		81.2	0	18.8	0		0.1	81.1	18.9	0		
Total %	0	0	0	0	0	8	36	0	0	44	6.4	0	1.5	0	7.8	0	39	9.1	0	48.1	
Passenger Veh	0	0	0	0	0	328	1477	0	0	1805	259	0	61	0	320	1	1601	372	0	1974	4099
% Passenger Veh	0	0	0	0	0	98.5	98.9	0	0	98.8	98.1	0	100	0	98.5	100	99	98.7	0	98.9	98.9
Trucks	0	0	0	0	0	5	16	0	0	21	5	0	0	0	5	0	16	5	0	21	47
% Trucks	0	0	0	0	0	1.5	1.1	0	0	1.2	1.9	0	0	0	1.5	0	1	1.3	0	1.1	1.1

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File Name : Old Graves Mill PM
Site Code : 00000444
Start Date : 10/9/2013
Page No : 2

	Old Graves Mill From North					Graves Mill From East					Old Graves Mill From South					Graves Mill From West					
Start Time	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Int. Total
Peak Hour Analysis From 04:00 PM to 05:45 PM - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 04:45 PM																					
04:45 PM	0	0	0	0	0	36	201	0	0	237	37	0	8	0	45	0	214	41	0	255	537
05:00 PM	0	0	0	0	0	**66**	194	0	0	**260**	**44**	0	7	0	**51**	**1**	241	56	0	298	**609**
05:15 PM	0	0	0	0	0	51	198	0	0	249	34	0	**11**	0	45	0	**243**	**61**	0	**304**	598
05:30 PM	0	0	0	0	0	51	**204**	0	0	255	24	0	7	0	31	0	220	47	0	267	553
Total Volume	0	0	0	0	0	204	797	0	0	1001	139	0	33	0	172	1	918	205	0	1124	2297
% App. Total	0	0	0	0		20.4	79.6	0	0		80.8	0	19.2	0		0.1	81.7	18.2	0		
PHF	.000	.000	.000	.000	.000	.773	.977	.000	.000	.963	.790	.000	.750	.000	.843	.250	.944	.840	.000	.924	.943
Passenger Veh	0	0	0	0	0	201	788	0	0	989	137	0	33	0	170	1	908	201	0	1110	2269
% Passenger Veh	0	0	0	0	0	98.5	98.9	0	0	98.8	98.6	0	100	0	98.8	100	98.9	98.0	0	98.8	98.8
Trucks	0	0	0	0	0	3	9	0	0	12	2	0	0	0	2	0	10	4	0	14	28
% Trucks	0	0	0	0	0	1.5	1.1	0	0	1.2	1.4	0	0	0	1.2	0	1.1	2.0	0	1.2	1.2

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File Name : Old Graves Mill PM
Site Code : 00000444
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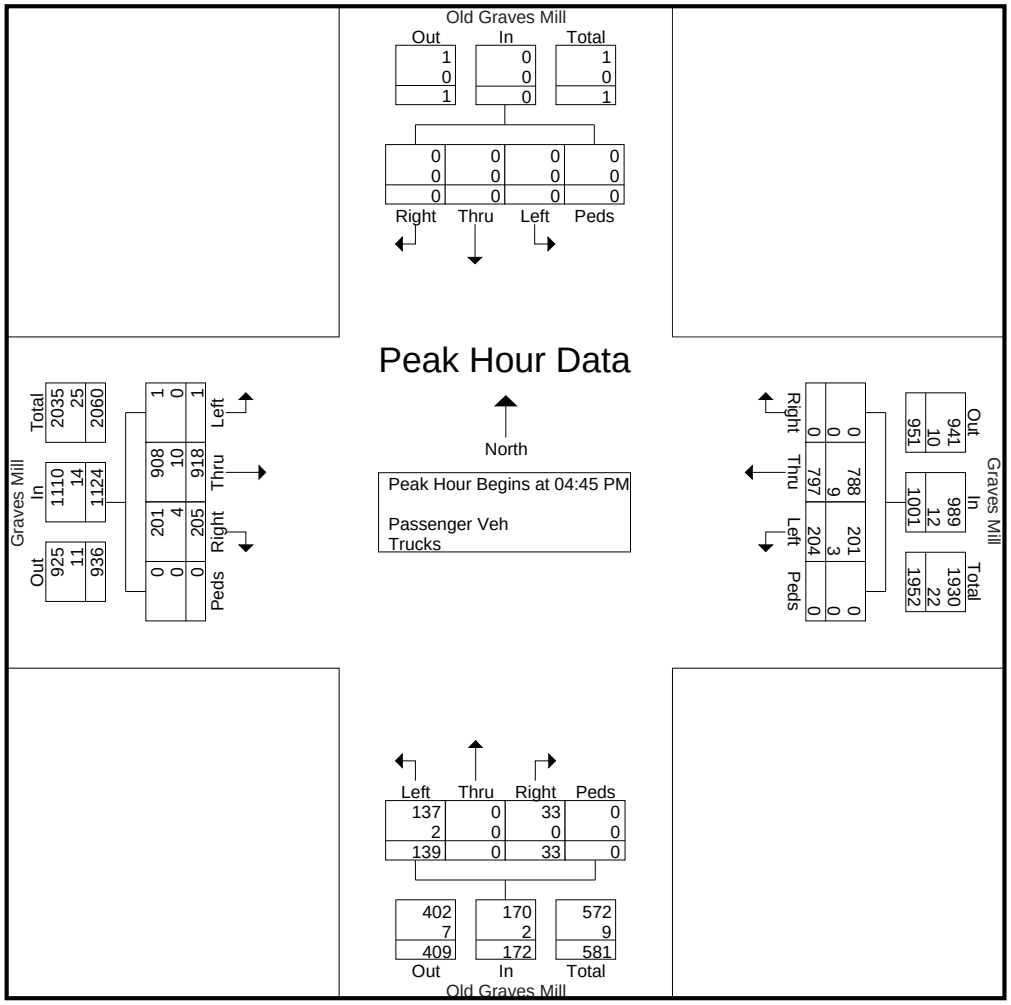


Appendix B
Synchro Analysis Outputs

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	0	1009	135	67	674	3	121	1	59	0	0	0
Future Volume (veh/h)	0	1009	135	67	674	3	121	1	59	0	0	0
Number	5	2	12	1	6	16	3	8	18	7	4	14
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow, veh/h/ln	1900	1863	1810	1845	1881	1900	1900	1863	1863	1900	1900	1900
Adj Flow Rate, veh/h	0	1246	26	83	832	3	149	1	0	0	0	0
Adj No. of Lanes	1	2	1	1	2	0	0	1	1	0	1	0
Peak Hour Factor	0.81	0.81	0.81	0.81	0.81	0.81	0.81	0.81	0.81	0.81	0.81	0.81
Percent Heavy Veh, %	0	2	5	3	1	1	0	0	2	0	0	0
Cap, veh/h	5	1596	694	135	2359	9	208	1	187	0	5	0
Arrive On Green	0.00	0.45	0.45	0.08	0.65	0.65	0.12	0.12	0.00	0.00	0.00	0.00
Sat Flow, veh/h	1810	3539	1538	1757	3653	13	1763	12	1583	0	1900	0
Grp Volume(v), veh/h	0	1246	26	83	407	428	150	0	0	0	0	0
Grp Sat Flow(s),veh/h/ln	1810	1770	1538	1757	1787	1879	1775	0	1583	0	1900	0
Q Serve(g_s), s	0.0	11.4	0.4	1.7	4.0	4.0	3.1	0.0	0.0	0.0	0.0	0.0
Cycle Q Clear(g_c), s	0.0	11.4	0.4	1.7	4.0	4.0	3.1	0.0	0.0	0.0	0.0	0.0
Prop In Lane	1.00		1.00	1.00		0.01	0.99		1.00	0.00		0.00
Lane Grp Cap(c), veh/h	5	1596	694	135	1154	1213	210	0	187	0	5	0
V/C Ratio(X)	0.00	0.78	0.04	0.62	0.35	0.35	0.72	0.00	0.00	0.00	0.00	0.00
Avail Cap(c_a), veh/h	237	1950	847	230	1154	1213	838	0	748	0	897	0
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	0.00	1.00	1.00	1.00	1.00	1.00	1.00	0.00	0.00	0.00	0.00	0.00
Uniform Delay (d), s/veh	0.0	8.9	5.8	17.1	3.1	3.1	16.2	0.0	0.0	0.0	0.0	0.0
Incr Delay (d2), s/veh	0.0	1.7	0.0	4.5	0.2	0.2	4.5	0.0	0.0	0.0	0.0	0.0
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	0.0	5.7	0.2	1.0	2.0	2.1	1.8	0.0	0.0	0.0	0.0	0.0
LnGrp Delay(d),s/veh	0.0	10.6	5.9	21.6	3.3	3.3	20.7	0.0	0.0	0.0	0.0	0.0
LnGrp LOS		B	A	C	A	A	C					
Approach Vol, veh/h		1272			918			150			0	
Approach Delay, s/veh		10.5			4.9			20.7			0.0	
Approach LOS		B			A			C				

Timer	1	2	3	4	5	6	7	8
Assigned Phs	1	2		4	5	6		8
Phs Duration (G+Y+Rc), s	7.4	21.7		0.0	0.0	29.1		9.0
Change Period (Y+Rc), s	4.5	4.5		4.5	4.5	4.5		4.5
Max Green Setting (Gmax), s	5.0	21.0		18.0	5.0	21.0		18.0
Max Q Clear Time (g_c+I1), s	3.7	13.4		0.0	0.0	6.0		5.1
Green Ext Time (p_c), s	0.0	3.8		0.0	0.0	10.8		0.6

Intersection Summary	
HCM 2010 Ctrl Delay	9.0
HCM 2010 LOS	A

Intersection	
Int Delay, s/veh	2.7

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Traffic Vol, veh/h	127	3	211	414	61	183
Future Vol, veh/h	127	3	211	414	61	183
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	250	-	100	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	89	89	89	89	89	89
Heavy Vehicles, %	6	0	3	2	2	5
Mvmt Flow	143	3	237	465	69	206

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	580	237	0	0	237	0
Stage 1	237	-	-	-	-	-
Stage 2	343	-	-	-	-	-
Critical Hdwy	6.46	6.2	-	-	4.12	-
Critical Hdwy Stg 1	5.46	-	-	-	-	-
Critical Hdwy Stg 2	5.46	-	-	-	-	-
Follow-up Hdwy	3.554	3.3	-	-	2.218	-
Pot Cap-1 Maneuver	470	807	-	-	1330	-
Stage 1	793	-	-	-	-	-
Stage 2	710	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	442	807	-	-	1330	-
Mov Cap-2 Maneuver	442	-	-	-	-	-
Stage 1	793	-	-	-	-	-
Stage 2	668	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	16.8	0	2
HCM LOS	C		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	WBLn2	SBL	SBT
Capacity (veh/h)	-	-	442	807	1330	-
HCM Lane V/C Ratio	-	-	0.323	0.004	0.052	-
HCM Control Delay (s)	-	-	17	9.5	7.9	0
HCM Lane LOS	-	-	C	A	A	A
HCM 95th %tile Q(veh)	-	-	1.4	0	0.2	-

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	1	946	211	210	821	0	143	0	34	0	0	0
Future Volume (veh/h)	1	946	211	210	821	0	143	0	34	0	0	0
Number	5	2	12	1	6	16	3	8	18	7	4	14
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow, veh/h/ln	1900	1881	1863	1863	1881	1900	1900	1881	1900	1900	1900	1900
Adj Flow Rate, veh/h	1	1006	62	223	873	0	152	0	0	0	0	0
Adj No. of Lanes	1	2	1	1	2	0	0	1	1	0	1	0
Peak Hour Factor	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94
Percent Heavy Veh, %	0	1	2	2	1	1	0	0	0	0	0	0
Cap, veh/h	4	1578	699	281	2140	0	210	0	189	0	4	0
Arrive On Green	0.00	0.44	0.44	0.16	0.60	0.00	0.12	0.00	0.00	0.00	0.00	0.00
Sat Flow, veh/h	1810	3574	1583	1774	3668	0	1792	0	1615	0	1900	0
Grp Volume(v), veh/h	1	1006	62	223	873	0	152	0	0	0	0	0
Grp Sat Flow(s),veh/h/ln	1810	1787	1583	1774	1787	0	1792	0	1615	0	1900	0
Q Serve(g_s), s	0.0	10.4	1.1	5.8	6.2	0.0	3.9	0.0	0.0	0.0	0.0	0.0
Cycle Q Clear(g_c), s	0.0	10.4	1.1	5.8	6.2	0.0	3.9	0.0	0.0	0.0	0.0	0.0
Prop In Lane	1.00		1.00	1.00		0.00	1.00		1.00	0.00		0.00
Lane Grp Cap(c), veh/h	4	1578	699	281	2140	0	210	0	189	0	4	0
V/C Ratio(X)	0.26	0.64	0.09	0.79	0.41	0.00	0.72	0.00	0.00	0.00	0.00	0.00
Avail Cap(c_a), veh/h	190	1834	813	427	2321	0	676	0	609	0	716	0
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	0.00	1.00	0.00	0.00	0.00	0.00	0.00
Uniform Delay (d), s/veh	23.8	10.4	7.7	19.3	5.1	0.0	20.3	0.0	0.0	0.0	0.0	0.0
Incr Delay (d2), s/veh	33.4	0.6	0.1	5.8	0.1	0.0	4.7	0.0	0.0	0.0	0.0	0.0
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	0.0	5.2	0.5	3.2	3.1	0.0	2.2	0.0	0.0	0.0	0.0	0.0
LnGrp Delay(d),s/veh	57.2	10.9	7.8	25.1	5.2	0.0	25.0	0.0	0.0	0.0	0.0	0.0
LnGrp LOS	E	B	A	C	A		C					
Approach Vol, veh/h		1069			1096			152			0	
Approach Delay, s/veh		10.8			9.3			25.0			0.0	
Approach LOS		B			A			C				

Timer	1	2	3	4	5	6	7	8
Assigned Phs	1	2		4	5	6		8
Phs Duration (G+Y+Rc), s	12.1	25.6		0.0	4.6	33.1		10.1
Change Period (Y+Rc), s	4.5	4.5		4.5	4.5	4.5		4.5
Max Green Setting (Gmax), s	11.5	24.5		18.0	5.0	31.0		18.0
Max Q Clear Time (g_c+I1), s	7.8	12.4		0.0	2.0	8.2		5.9
Green Ext Time (p_c), s	0.2	8.6		0.0	0.0	13.6		0.5

Intersection Summary	
HCM 2010 Ctrl Delay	11.0
HCM 2010 LOS	B

Intersection	
Int Delay, s/veh	10.2

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Traffic Vol, veh/h	303	16	139	228	13	443
Future Vol, veh/h	303	16	139	228	13	443
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	250	-	100	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	1	0	1	3	8	3
Mvmt Flow	329	17	151	248	14	482

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	661	151	0	0	151	0
Stage 1	151	-	-	-	-	-
Stage 2	510	-	-	-	-	-
Critical Hdwy	6.41	6.2	-	-	4.18	-
Critical Hdwy Stg 1	5.41	-	-	-	-	-
Critical Hdwy Stg 2	5.41	-	-	-	-	-
Follow-up Hdwy	3.509	3.3	-	-	2.272	-
Pot Cap-1 Maneuver	429	901	-	-	1394	-
Stage 1	879	-	-	-	-	-
Stage 2	605	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	423	901	-	-	1394	-
Mov Cap-2 Maneuver	423	-	-	-	-	-
Stage 1	879	-	-	-	-	-
Stage 2	597	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	36.2	0	0.2
HCM LOS	E		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	WBLn2	SBL	SBT
Capacity (veh/h)	-	-	423	901	1394	-
HCM Lane V/C Ratio	-	-	0.779	0.019	0.01	-
HCM Control Delay (s)	-	-	37.6	9.1	7.6	0
HCM Lane LOS	-	-	E	A	A	A
HCM 95th %tile Q(veh)	-	-	6.7	0.1	0	-

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	0	1009	142	70	674	3	137	1	67	0	0	0
Future Volume (veh/h)	0	1009	142	70	674	3	137	1	67	0	0	0
Number	5	2	12	1	6	16	3	8	18	7	4	14
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow, veh/h/ln	1900	1863	1810	1845	1881	1900	1900	1863	1863	1900	1900	1900
Adj Flow Rate, veh/h	0	1246	44	86	832	3	169	1	0	0	0	0
Adj No. of Lanes	1	2	1	1	2	0	0	1	1	0	1	0
Peak Hour Factor	0.81	0.81	0.81	0.81	0.81	0.81	0.81	0.81	0.81	0.81	0.81	0.81
Percent Heavy Veh, %	0	2	5	3	1	1	0	0	2	0	0	0
Cap, veh/h	4	1832	796	125	2491	9	232	1	208	0	4	0
Arrive On Green	0.00	0.52	0.52	0.07	0.68	0.68	0.13	0.13	0.00	0.00	0.00	0.00
Sat Flow, veh/h	1810	3539	1538	1757	3653	13	1764	10	1583	0	1900	0
Grp Volume(v), veh/h	0	1246	44	86	407	428	170	0	0	0	0	0
Grp Sat Flow(s),veh/h/ln	1810	1770	1538	1757	1787	1879	1775	0	1583	0	1900	0
Q Serve(g_s), s	0.0	12.6	0.7	2.3	4.5	4.5	4.4	0.0	0.0	0.0	0.0	0.0
Cycle Q Clear(g_c), s	0.0	12.6	0.7	2.3	4.5	4.5	4.4	0.0	0.0	0.0	0.0	0.0
Prop In Lane	1.00		1.00	1.00		0.01	0.99		1.00	0.00		0.00
Lane Grp Cap(c), veh/h	4	1832	796	125	1219	1281	233	0	208	0	4	0
V/C Ratio(X)	0.00	0.68	0.06	0.69	0.33	0.33	0.73	0.00	0.00	0.00	0.00	0.00
Avail Cap(c_a), veh/h	188	2276	989	182	1219	1281	663	0	591	0	709	0
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	0.00	1.00	1.00	1.00	1.00	1.00	1.00	0.00	0.00	0.00	0.00	0.00
Uniform Delay (d), s/veh	0.0	8.7	5.8	21.9	3.2	3.2	20.1	0.0	0.0	0.0	0.0	0.0
Incr Delay (d2), s/veh	0.0	0.6	0.0	6.6	0.2	0.2	4.3	0.0	0.0	0.0	0.0	0.0
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	0.0	6.2	0.3	1.4	2.2	2.3	2.5	0.0	0.0	0.0	0.0	0.0
LnGrp Delay(d),s/veh	0.0	9.3	5.8	28.5	3.3	3.3	24.5	0.0	0.0	0.0	0.0	0.0
LnGrp LOS		A	A	C	A	A	C					
Approach Vol, veh/h		1290			921			170			0	
Approach Delay, s/veh		9.1			5.7			24.5			0.0	
Approach LOS		A			A			C				

Timer	1	2	3	4	5	6	7	8
Assigned Phs	1	2		4	5	6		8
Phs Duration (G+Y+Rc), s	7.9	29.5		0.0	0.0	37.4		10.8
Change Period (Y+Rc), s	4.5	4.5		4.5	4.5	4.5		4.5
Max Green Setting (Gmax), s	5.0	31.0		18.0	5.0	31.0		18.0
Max Q Clear Time (g_c+I1), s	4.3	14.6		0.0	0.0	6.5		6.4
Green Ext Time (p_c), s	0.0	10.3		0.0	0.0	15.3		0.6

Intersection Summary	
HCM 2010 Ctrl Delay	9.1
HCM 2010 LOS	A

Intersection	
Int Delay, s/veh	2.7

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Traffic Vol, veh/h	134	3	235	461	61	193
Future Vol, veh/h	134	3	235	461	61	193
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	250	-	100	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	89	89	89	89	89	89
Heavy Vehicles, %	6	0	3	2	2	5
Mvmt Flow	151	3	264	518	69	217

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	618	264	0	0	264	0
Stage 1	264	-	-	-	-	-
Stage 2	354	-	-	-	-	-
Critical Hdwy	6.46	6.2	-	-	4.12	-
Critical Hdwy Stg 1	5.46	-	-	-	-	-
Critical Hdwy Stg 2	5.46	-	-	-	-	-
Follow-up Hdwy	3.554	3.3	-	-	2.218	-
Pot Cap-1 Maneuver	446	780	-	-	1300	-
Stage 1	771	-	-	-	-	-
Stage 2	702	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	419	780	-	-	1300	-
Mov Cap-2 Maneuver	419	-	-	-	-	-
Stage 1	771	-	-	-	-	-
Stage 2	660	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	18.1	0	1.9
HCM LOS	C		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	WBLn2	SBL	SBT
Capacity (veh/h)	-	-	419	780	1300	-
HCM Lane V/C Ratio	-	-	0.359	0.004	0.053	-
HCM Control Delay (s)	-	-	18.3	9.6	7.9	0
HCM Lane LOS	-	-	C	A	A	A
HCM 95th %tile Q(veh)	-	-	1.6	0	0.2	-

Intersection	
Int Delay, s/veh	2.5

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Traffic Vol, veh/h	71	43	9	625	310	17
Future Vol, veh/h	71	43	9	625	310	17
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	150	-	-	150
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	89	89	89	89	89	89
Heavy Vehicles, %	0	0	0	2	5	0
Mvmt Flow	80	48	10	702	348	19

Major/Minor	Minor2		Major1		Major2	
Conflicting Flow All	1070	348	348	0	-	0
Stage 1	348	-	-	-	-	-
Stage 2	722	-	-	-	-	-
Critical Hdwy	6.4	6.2	4.1	-	-	-
Critical Hdwy Stg 1	5.4	-	-	-	-	-
Critical Hdwy Stg 2	5.4	-	-	-	-	-
Follow-up Hdwy	3.5	3.3	2.2	-	-	-
Pot Cap-1 Maneuver	247	700	1222	-	-	-
Stage 1	719	-	-	-	-	-
Stage 2	485	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	245	700	1222	-	-	-
Mov Cap-2 Maneuver	245	-	-	-	-	-
Stage 1	719	-	-	-	-	-
Stage 2	481	-	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	23.1	0.1	0
HCM LOS	C		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	1222	-	325	-	-
HCM Lane V/C Ratio	0.008	-	0.394	-	-
HCM Control Delay (s)	8	-	23.1	-	-
HCM Lane LOS	A	-	C	-	-
HCM 95th %tile Q(veh)	0	-	1.8	-	-

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	1	946	232	230	821	0	155	0	37	0	0	0
Future Volume (veh/h)	1	946	232	230	821	0	155	0	37	0	0	0
Number	5	2	12	1	6	16	3	8	18	7	4	14
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow, veh/h/ln	1900	1881	1863	1863	1881	1900	1900	1881	1900	1900	1900	1900
Adj Flow Rate, veh/h	1	1006	67	245	873	0	165	0	0	0	0	0
Adj No. of Lanes	1	2	1	1	2	0	0	1	1	0	1	0
Peak Hour Factor	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94
Percent Heavy Veh, %	0	1	2	2	1	1	0	0	0	0	0	0
Cap, veh/h	4	1524	675	305	2134	0	227	0	204	0	4	0
Arrive On Green	0.00	0.43	0.43	0.17	0.60	0.00	0.13	0.00	0.00	0.00	0.00	0.00
Sat Flow, veh/h	1810	3574	1583	1774	3668	0	1792	0	1615	0	1900	0
Grp Volume(v), veh/h	1	1006	67	245	873	0	165	0	0	0	0	0
Grp Sat Flow(s),veh/h/ln	1810	1787	1583	1774	1787	0	1792	0	1615	0	1900	0
Q Serve(g_s), s	0.0	11.0	1.2	6.5	6.4	0.0	4.3	0.0	0.0	0.0	0.0	0.0
Cycle Q Clear(g_c), s	0.0	11.0	1.2	6.5	6.4	0.0	4.3	0.0	0.0	0.0	0.0	0.0
Prop In Lane	1.00		1.00	1.00		0.00	1.00		1.00	0.00		0.00
Lane Grp Cap(c), veh/h	4	1524	675	305	2134	0	227	0	204	0	4	0
V/C Ratio(X)	0.27	0.66	0.10	0.80	0.41	0.00	0.73	0.00	0.00	0.00	0.00	0.00
Avail Cap(c_a), veh/h	184	1733	768	441	2258	0	657	0	592	0	697	0
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	0.00	1.00	0.00	0.00	0.00	0.00	0.00
Uniform Delay (d), s/veh	24.5	11.2	8.4	19.5	5.3	0.0	20.6	0.0	0.0	0.0	0.0	0.0
Incr Delay (d2), s/veh	35.4	0.8	0.1	6.8	0.1	0.0	4.4	0.0	0.0	0.0	0.0	0.0
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	0.0	5.5	0.6	3.8	3.1	0.0	2.4	0.0	0.0	0.0	0.0	0.0
LnGrp Delay(d),s/veh	59.9	12.0	8.5	26.3	5.4	0.0	25.0	0.0	0.0	0.0	0.0	0.0
LnGrp LOS	E	B	A	C	A		C					
Approach Vol, veh/h		1074			1118			165			0	
Approach Delay, s/veh		11.8			10.0			25.0			0.0	
Approach LOS		B			A			C				

Timer	1	2	3	4	5	6	7	8
Assigned Phs	1	2		4	5	6		8
Phs Duration (G+Y+Rc), s	12.9	25.4		0.0	4.6	33.8		10.7
Change Period (Y+Rc), s	4.5	4.5		4.5	4.5	4.5		4.5
Max Green Setting (Gmax), s	12.2	23.8		18.0	5.0	31.0		18.0
Max Q Clear Time (g_c+I1), s	8.5	13.0		0.0	2.0	8.4		6.3
Green Ext Time (p_c), s	0.2	7.9		0.0	0.0	13.5		0.6

Intersection Summary		
HCM 2010 Ctrl Delay		11.9
HCM 2010 LOS		B

Intersection	
Int Delay, s/veh	16.4

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Traffic Vol, veh/h	331	16	154	253	13	484
Future Vol, veh/h	331	16	154	253	13	484
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	250	-	100	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	1	0	1	3	8	3
Mvmt Flow	360	17	167	275	14	526

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	721	167	0	0	167	0
Stage 1	167	-	-	-	-	-
Stage 2	554	-	-	-	-	-
Critical Hdwy	6.41	6.2	-	-	4.18	-
Critical Hdwy Stg 1	5.41	-	-	-	-	-
Critical Hdwy Stg 2	5.41	-	-	-	-	-
Follow-up Hdwy	3.509	3.3	-	-	2.272	-
Pot Cap-1 Maneuver	396	882	-	-	1375	-
Stage 1	865	-	-	-	-	-
Stage 2	577	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	390	882	-	-	1375	-
Mov Cap-2 Maneuver	390	-	-	-	-	-
Stage 1	865	-	-	-	-	-
Stage 2	569	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	58.7	0	0.2
HCM LOS	F		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	WBLn2	SBL	SBT
Capacity (veh/h)	-	-	390	882	1375	-
HCM Lane V/C Ratio	-	-	0.923	0.02	0.01	-
HCM Control Delay (s)	-	-	61.1	9.2	7.6	0
HCM Lane LOS	-	-	F	A	A	A
HCM 95th %tile Q(veh)	-	-	9.9	0.1	0	-

Intersection	
Int Delay, s/veh	1.7

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Traffic Vol, veh/h	40	20	42	367	746	69
Future Vol, veh/h	40	20	42	367	746	69
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	150	-	-	150
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	0	0	0	2	2	0
Mvmt Flow	43	22	46	399	811	75

Major/Minor	Minor2		Major1		Major2	
Conflicting Flow All	1301	811	811	0	-	0
Stage 1	811	-	-	-	-	-
Stage 2	490	-	-	-	-	-
Critical Hdwy	6.4	6.2	4.1	-	-	-
Critical Hdwy Stg 1	5.4	-	-	-	-	-
Critical Hdwy Stg 2	5.4	-	-	-	-	-
Follow-up Hdwy	3.5	3.3	2.2	-	-	-
Pot Cap-1 Maneuver	179	383	824	-	-	-
Stage 1	440	-	-	-	-	-
Stage 2	620	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	169	383	824	-	-	-
Mov Cap-2 Maneuver	169	-	-	-	-	-
Stage 1	440	-	-	-	-	-
Stage 2	585	-	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	30	1	0
HCM LOS	D		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	824	-	208	-	-
HCM Lane V/C Ratio	0.055	-	0.314	-	-
HCM Control Delay (s)	9.6	-	30	-	-
HCM Lane LOS	A	-	D	-	-
HCM 95th %tile Q(veh)	0.2	-	1.3	-	-

Appendix C
SimTraffic Analysis Outputs

Intersection: 1: Old Graves Mill & Graves Mill

Movement	EB	EB	EB	WB	WB	WB	NB	NB
Directions Served	T	T	R	L	T	TR	LT	R
Maximum Queue (ft)	228	207	59	77	96	58	98	58
Average Queue (ft)	99	58	19	28	33	11	44	20
95th Queue (ft)	180	139	44	60	74	36	79	44
Link Distance (ft)	727	727			716	716	340	340
Upstream Blk Time (%)								
Queuing Penalty (veh)								
Storage Bay Dist (ft)			250	325				
Storage Blk Time (%)	0	0						
Queuing Penalty (veh)	0	0						

Intersection: 2: Old Graves Mill

Movement	WB	WB	NB	NB	SB
Directions Served	L	R	T	R	LT
Maximum Queue (ft)	134	28	2	60	151
Average Queue (ft)	48	3	0	7	40
95th Queue (ft)	100	18	2	33	99
Link Distance (ft)	665		612		340
Upstream Blk Time (%)					
Queuing Penalty (veh)					
Storage Bay Dist (ft)		250		100	
Storage Blk Time (%)				0	
Queuing Penalty (veh)				0	

Network Summary

Network wide Queuing Penalty: 0

Intersection: 1: Old Graves Mill & Graves Mill

Movement	EB	EB	EB	EB	WB	WB	WB	NB	NB
Directions Served	L	T	T	R	L	T	TR	LT	R
Maximum Queue (ft)	13	241	217	90	170	108	80	132	43
Average Queue (ft)	0	133	85	32	79	38	20	61	15
95th Queue (ft)	6	207	169	63	138	79	57	106	34
Link Distance (ft)		727	727			716	716	340	340
Upstream Blk Time (%)									
Queuing Penalty (veh)									
Storage Bay Dist (ft)	300			250	325				
Storage Blk Time (%)		0							
Queuing Penalty (veh)		0							

Intersection: 2: Old Graves Mill

Movement	WB	WB	NB	SB
Directions Served	L	R	R	LT
Maximum Queue (ft)	229	54	36	96
Average Queue (ft)	97	13	1	9
95th Queue (ft)	182	44	14	52
Link Distance (ft)	665			340
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)		250	100	
Storage Blk Time (%)	0	0		
Queuing Penalty (veh)	0	0		

Network Summary

Network wide Queuing Penalty: 0

Intersection: 1: Old Graves Mill & Graves Mill

Movement	EB	EB	EB	WB	WB	WB	NB	NB
Directions Served	T	T	R	L	T	TR	LT	R
Maximum Queue (ft)	217	170	57	97	96	73	122	63
Average Queue (ft)	96	51	19	31	33	11	54	21
95th Queue (ft)	170	119	42	69	72	38	99	46
Link Distance (ft)	727	727			716	716	340	340
Upstream Blk Time (%)								
Queuing Penalty (veh)								
Storage Bay Dist (ft)			250	325				
Storage Blk Time (%)	0	0						
Queuing Penalty (veh)	0	0						

Intersection: 2: Old Graves Mill

Movement	WB	WB	NB	SB
Directions Served	L	R	R	LT
Maximum Queue (ft)	158	28	52	165
Average Queue (ft)	53	3	8	44
95th Queue (ft)	109	17	30	114
Link Distance (ft)	665			340
Upstream Blk Time (%)				0
Queuing Penalty (veh)				0
Storage Bay Dist (ft)		250	100	
Storage Blk Time (%)	0		0	
Queuing Penalty (veh)	0		0	

Intersection: 3: Old Graves Mill & Entrance

Movement	EB	NB	SB
Directions Served	LR	L	R
Maximum Queue (ft)	98	38	2
Average Queue (ft)	40	3	0
95th Queue (ft)	75	19	2
Link Distance (ft)	361		
Upstream Blk Time (%)			
Queuing Penalty (veh)			
Storage Bay Dist (ft)		150	150
Storage Blk Time (%)			
Queuing Penalty (veh)			

Network Summary

Network wide Queuing Penalty: 0

Intersection: 1: Old Graves Mill & Graves Mill

Movement	EB	EB	EB	EB	WB	WB	WB	NB	NB
Directions Served	L	T	T	R	L	T	TR	LT	R
Maximum Queue (ft)	12	272	242	101	202	108	72	151	47
Average Queue (ft)	0	144	94	39	90	36	19	70	14
95th Queue (ft)	6	225	188	76	158	79	50	122	35
Link Distance (ft)		727	727			716	716	340	340
Upstream Blk Time (%)									
Queuing Penalty (veh)									
Storage Bay Dist (ft)	300			250	325				
Storage Blk Time (%)		0	0						
Queuing Penalty (veh)		0	0						

Intersection: 2: Old Graves Mill

Movement	WB	WB	NB	SB
Directions Served	L	R	R	LT
Maximum Queue (ft)	321	76	20	112
Average Queue (ft)	132	14	1	12
95th Queue (ft)	259	57	9	59
Link Distance (ft)	665			340
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)		250	100	
Storage Blk Time (%)	3	0		
Queuing Penalty (veh)	1	0		

Intersection: 3: Old Graves Mill & Entrance

Movement	EB	NB	SB
Directions Served	LR	L	R
Maximum Queue (ft)	104	54	4
Average Queue (ft)	35	21	0
95th Queue (ft)	74	48	2
Link Distance (ft)	361		
Upstream Blk Time (%)			
Queuing Penalty (veh)			
Storage Bay Dist (ft)		150	150
Storage Blk Time (%)			
Queuing Penalty (veh)			

Network Summary

Network wide Queuing Penalty: 1

Appendix D
Turn Lane Warrant Forms

WARRANT FOR LEFT-TURN STORAGE LANES ON TWO-LANE HIGHWAYS

Project:	Elements at OGM	Analysis Date:	2016
Intersection:	Entrance	Data Date:	2016
Approach Direction:	Northbound	Projection Year:	Build
Peak Hour:	AM Peak		

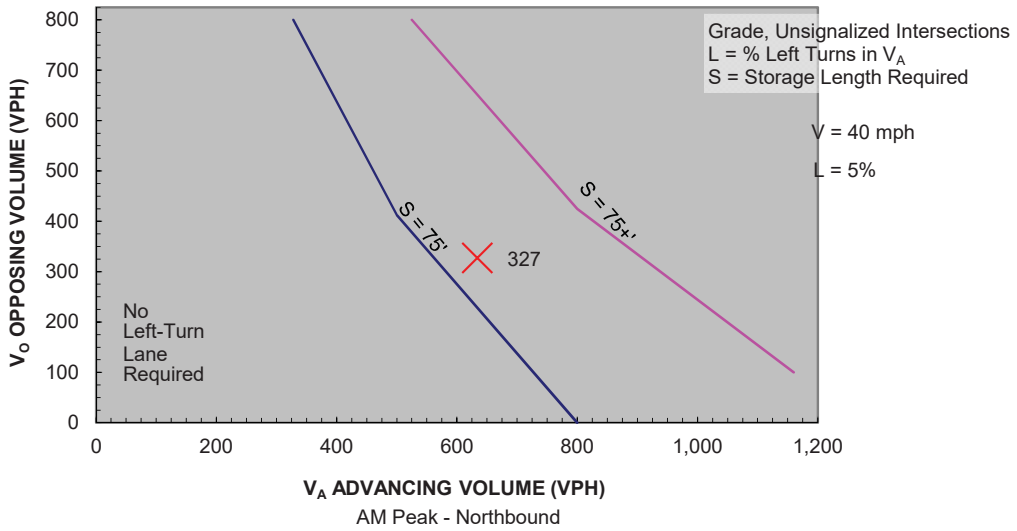
Peak Hour Left Turns (V_L):	9	vph
Advancing Volume (V_A):	634	vph (Northbound Approach)
Opposing Volume (V_O):	327	vph (Southbound Approach)
Operating/Design Speed (V):	**40**	mph

% Left Turns in V_A (L):	**5%**	(Calculated Value: 1.4%)
Optional % Left Turn Override:		
		(75' storage required based on chart)
% Trucks in V_L:	0%	(0' additional storage for trucks)

CONCLUSION: **75' LEFT-TURN STORAGE REQUIRED**

WARRANT FOR LEFT-TURN STORAGE LANES ON 2-LANE HIGHWAYS Figure 2

Elements at OGM - Entrance



AM Peak - Northbound

Source: Highway Research Record Number 211 - Figure 2

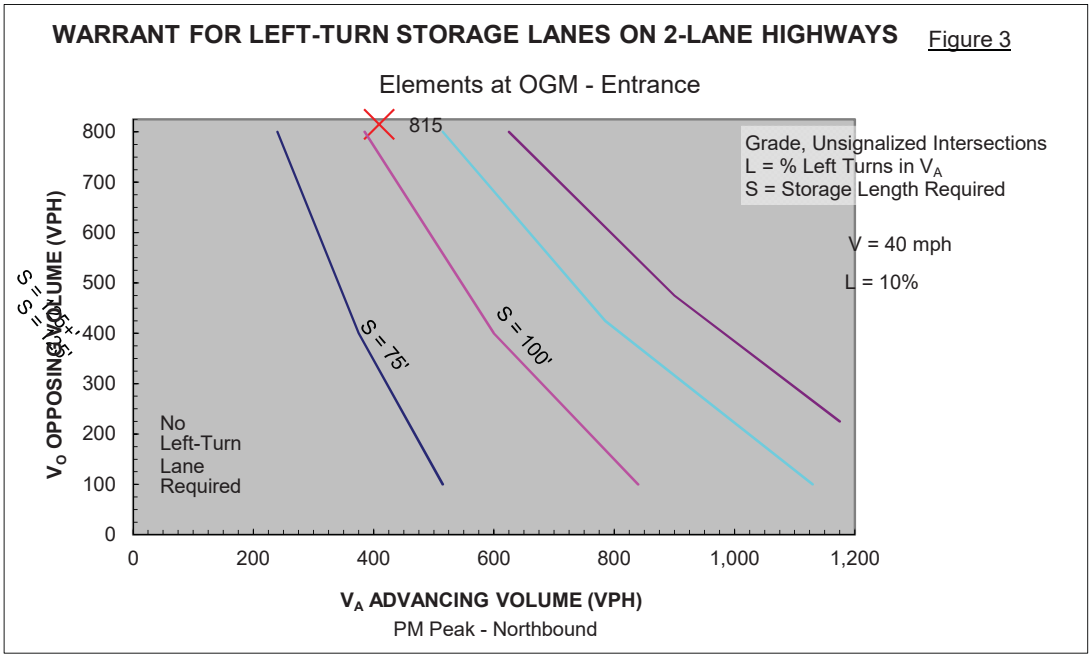
WARRANT FOR LEFT-TURN STORAGE LANES ON TWO-LANE HIGHWAYS

Project:	Elements at OGM	Analysis Date:	2016
Intersection:	Entrance	Data Date:	2016
Approach Direction:	Northbound	Projection Year:	Build
Peak Hour:	PM Peak		

Peak Hour Left Turns (V_L):	42	vph
Advancing Volume (V_A):	409	vph (Northbound Approach)
Opposing Volume (V_O):	815	vph (Southbound Approach)
Operating/Design Speed (V):	**40**	mph

% Left Turns in V_A (L):	**10%**	(Calculated Value: 10.3%)
Optional % Left Turn Override:		
		(100' storage required based on chart)
% Trucks in V_L:	0%	(0' additional storage for trucks)

CONCLUSION: **100' LEFT-TURN STORAGE REQUIRED**

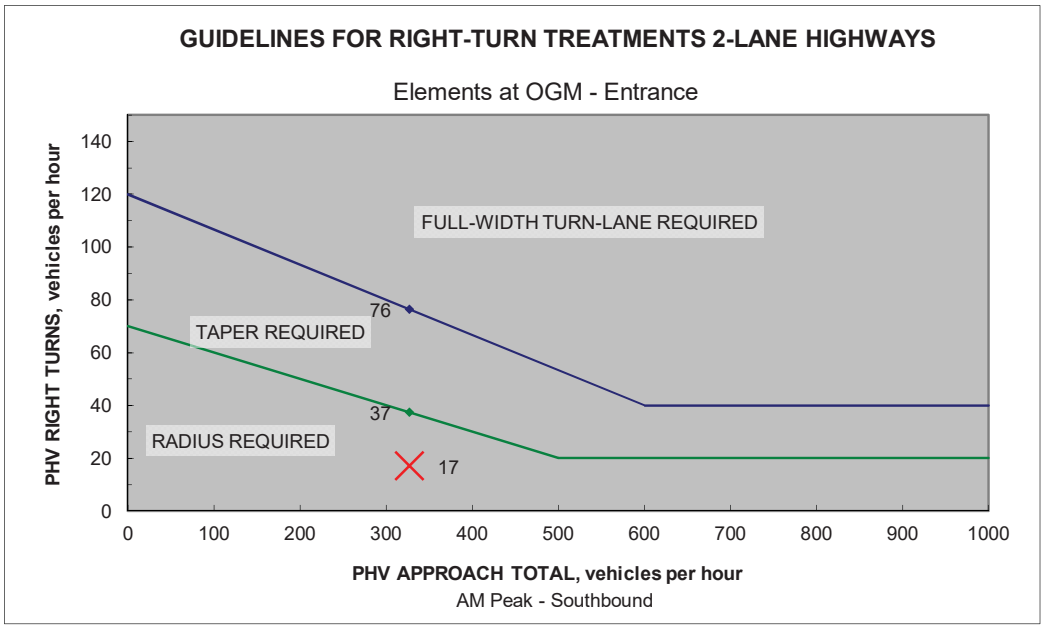


Source: Highway Research Record Number 211 - Figure 3

GUIDELINES FOR RIGHT-TURN TREATMENTS ON 2-LANE HIGHWAYS

Project:	Elements at OGM			
Intersection:	Entrance			
Approach Direction:	Southbound		Analysis Date:	2016
Peak Hour:	AM Peak		Data Date:	2016
PHV Right Turns:	17	vph	Projection Year:	Build
PHV Approach Total:	327	vph		

CONCLUSION: **RIGHT-TURN RADIUS REQUIRED**

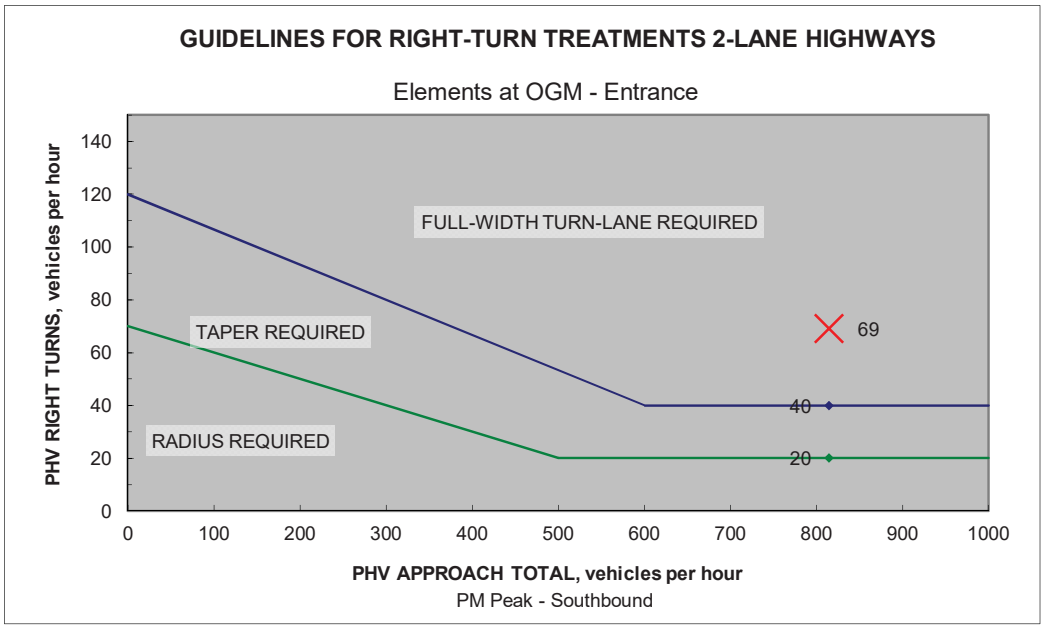


Source: VDOT Minimum Standards of Entrances to State Highways - Figure 5

GUIDELINES FOR RIGHT-TURN TREATMENTS ON 2-LANE HIGHWAYS

Project:	Elements at OGM			
Intersection:	Entrance			
Approach Direction:	Southbound		Analysis Date:	2016
Peak Hour:	PM Peak		Data Date:	2016
PHV Right Turns:	69	vph	Projection Year:	Build
PHV Approach Total:	815	vph		

CONCLUSION: **FULL-WIDTH RIGHT-TURN LANE AND TAPER REQUIRED**

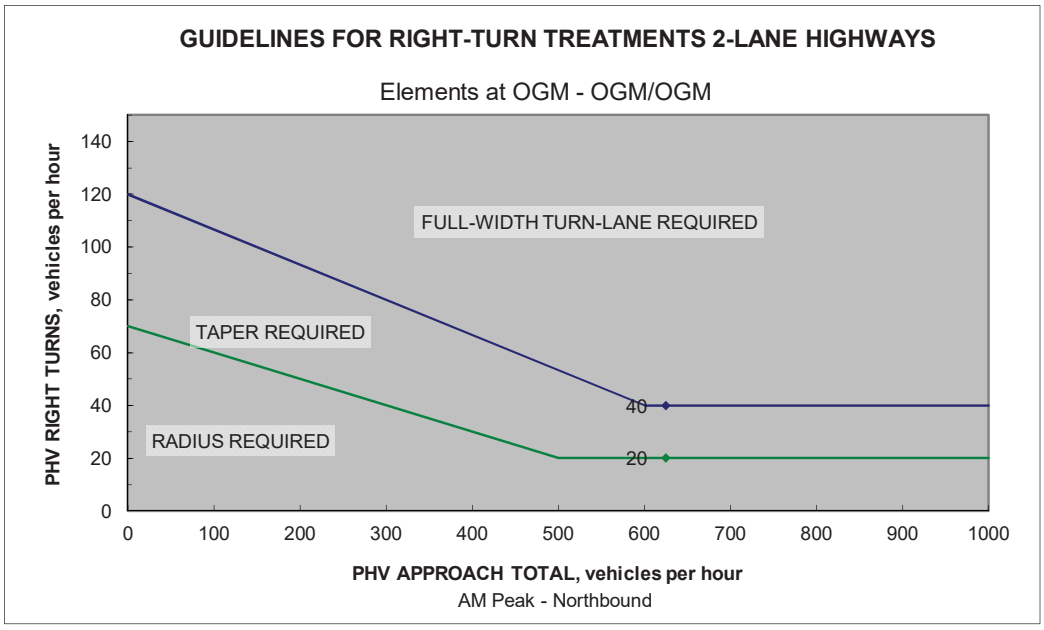


Source: VDOT Minimum Standards of Entrances to State Highways - Figure 5

GUIDELINES FOR RIGHT-TURN TREATMENTS ON 2-LANE HIGHWAYS

Project:	Elements at OGM			
Intersection:	OGM/OGM			
Approach Direction:	Northbound		Analysis Date:	2016
Peak Hour:	AM Peak		Data Date:	2016
PHV Right Turns:	414	vph	Projection Year:	Existing
PHV Approach Total:	625	vph		

CONCLUSION: **FULL-WIDTH RIGHT-TURN LANE AND TAPER REQUIRED**

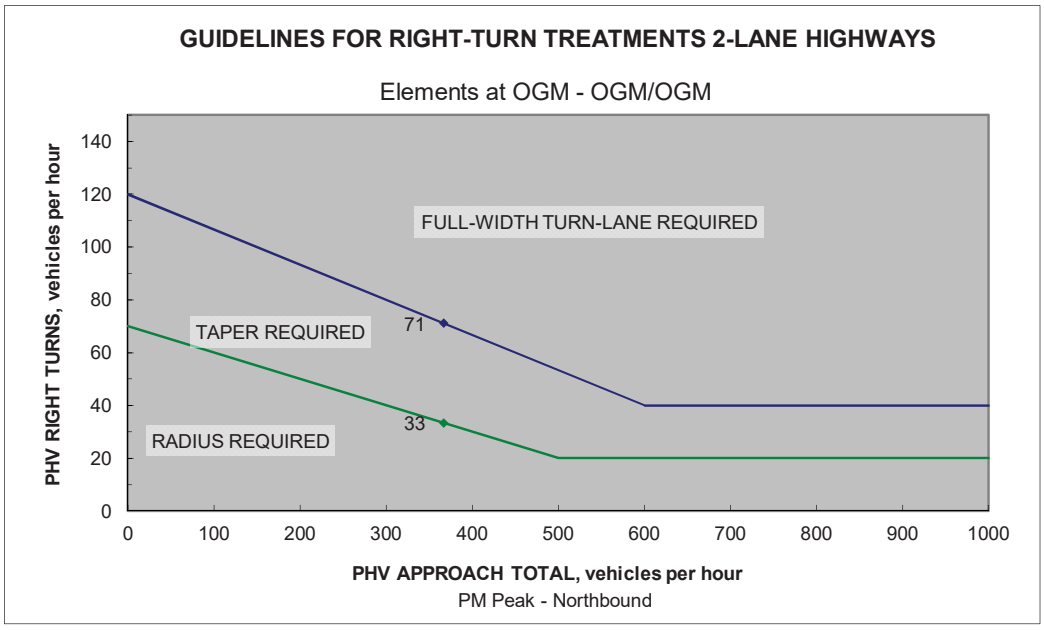


Source: VDOT Minimum Standards of Entrances to State Highways - Figure 5

GUIDELINES FOR RIGHT-TURN TREATMENTS ON 2-LANE HIGHWAYS

Project:	Elements at OGM			
Intersection:	OGM/OGM			
Approach Direction:	Northbound		Analysis Date:	2016
Peak Hour:	PM Peak		Data Date:	2016
PHV Right Turns:	228	vph	Projection Year:	Existing
PHV Approach Total:	367	vph		

CONCLUSION: **FULL-WIDTH RIGHT-TURN LANE AND TAPER REQUIRED**



Source: VDOT Minimum Standards of Entrances to State Highways - Figure 5

WARRANT FOR LEFT-TURN STORAGE LANES ON TWO-LANE HIGHWAYS

Project:	Elements at OGM	Analysis Date:	2016
Intersection:	OGM/OGM	Data Date:	2016
Approach Direction:	Southbound	Projection Year:	Existing
Peak Hour:	AM Peak		

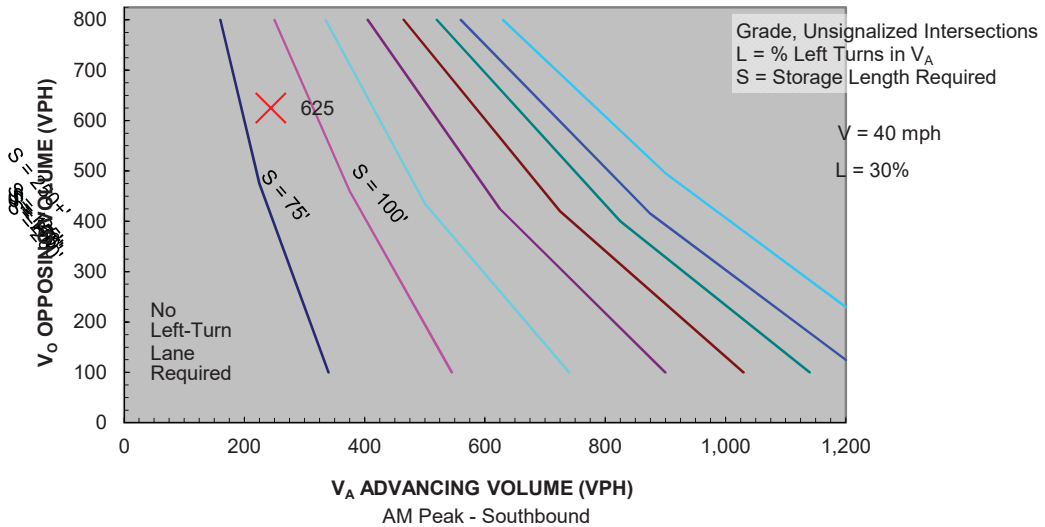
Peak Hour Left Turns (V_L):	61	vph
Advancing Volume (V_A):	244	vph (Southbound Approach)
Opposing Volume (V_O):	625	vph (Northbound Approach)
Operating/Design Speed (V):	**40**	mph

% Left Turns in V_A (L):	**30%**	(Calculated Value: 25%)
Optional % Left Turn Override:		
		(75' storage required based on chart)
% Trucks in V_L:	0%	(0' additional storage for trucks)

CONCLUSION: **75' LEFT-TURN STORAGE REQUIRED**

WARRANT FOR LEFT-TURN STORAGE LANES ON 2-LANE HIGHWAYS Figure 6

Elements at OGM - OGM/OGM



Source: Highway Research Record Number 211 - Figure 6

WARRANT FOR LEFT-TURN STORAGE LANES ON TWO-LANE HIGHWAYS

Project:	Elements at OGM	Analysis Date:	2016
Intersection:	OGM/OGM	Data Date:	2016
Approach Direction:	Southbound	Projection Year:	Existing
Peak Hour:	PM Peak		

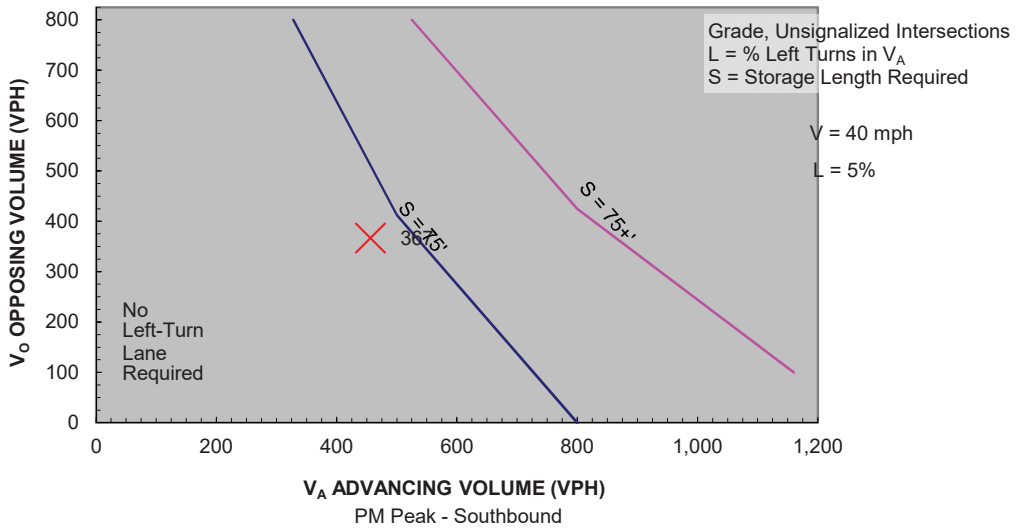
Peak Hour Left Turns (V_L):	13	vph
Advancing Volume (V_A):	456	vph (Southbound Approach)
Opposing Volume (V_O):	367	vph (Northbound Approach)
Operating/Design Speed (V):	**40**	mph

% Left Turns in V_A (L):	**5%**	(Calculated Value: 2.9%)
Optional % Left Turn Override:		
		(0' storage required based on chart)
% Trucks in V_L:	0%	(0' additional storage for trucks)

CONCLUSION: **No Left-Turn Lane Required**

WARRANT FOR LEFT-TURN STORAGE LANES ON 2-LANE HIGHWAYS Figure 2

Elements at OGM - OGM/OGM

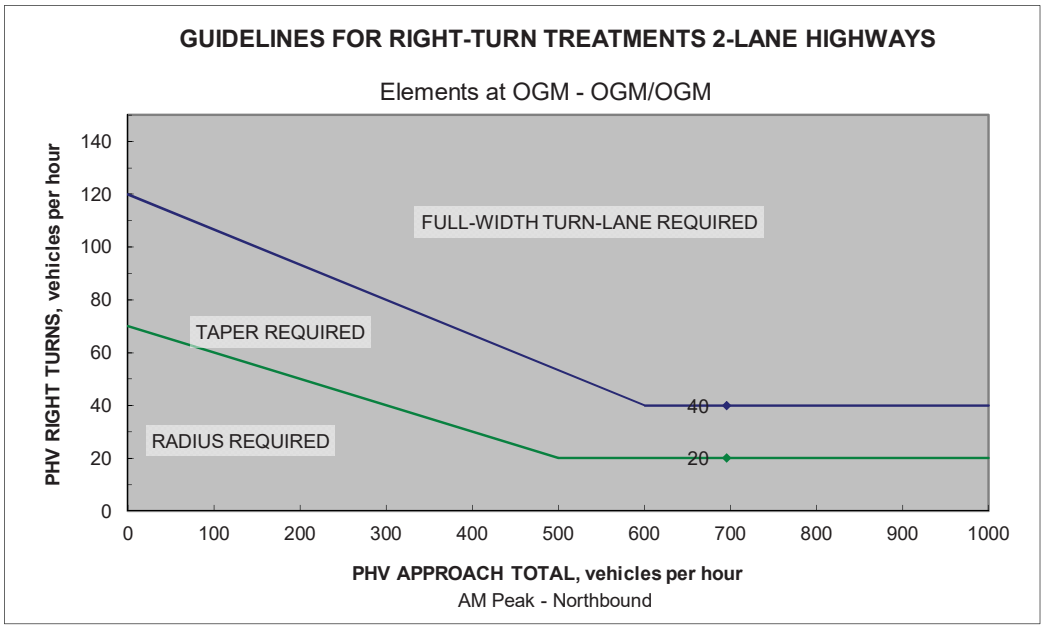


Source: Highway Research Record Number 211 - Figure 2

GUIDELINES FOR RIGHT-TURN TREATMENTS ON 2-LANE HIGHWAYS

Project:	Elements at OGM			
Intersection:	OGM/OGM			
Approach Direction:	Northbound		Analysis Date:	2016
Peak Hour:	AM Peak		Data Date:	2016
PHV Right Turns:	461	vph	Projection Year:	Build
PHV Approach Total:	696	vph		

CONCLUSION: **FULL-WIDTH RIGHT-TURN LANE AND TAPER REQUIRED**

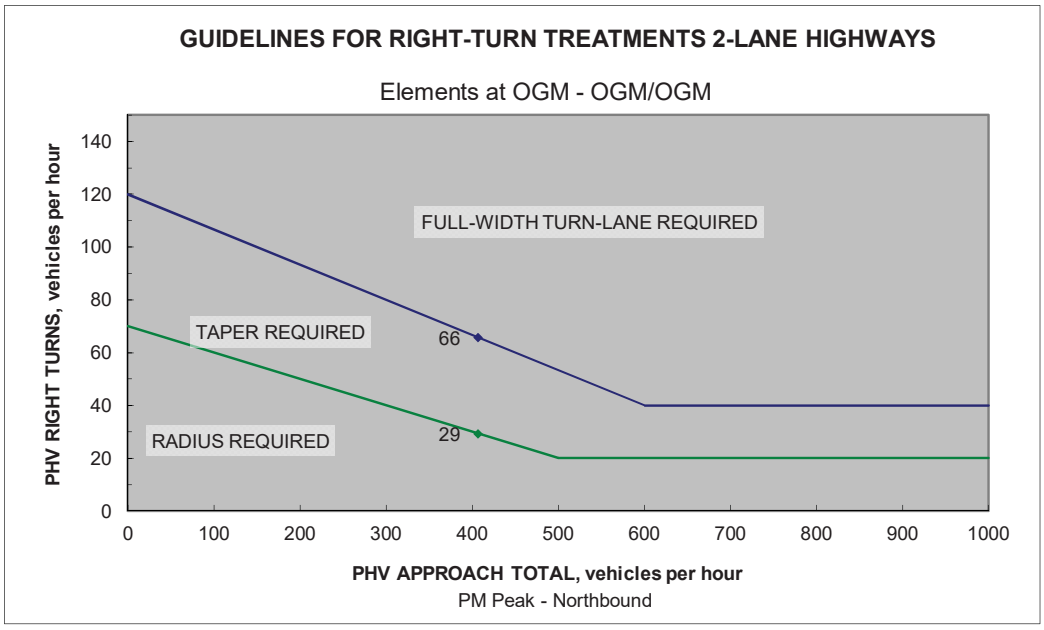


Source: VDOT Minimum Standards of Entrances to State Highways - Figure 5

GUIDELINES FOR RIGHT-TURN TREATMENTS ON 2-LANE HIGHWAYS

Project:	Elements at OGM			
Intersection:	OGM/OGM			
Approach Direction:	Northbound		Analysis Date:	2016
Peak Hour:	PM Peak		Data Date:	2016
PHV Right Turns:	253	vph	Projection Year:	Build
PHV Approach Total:	407	vph		

CONCLUSION: **FULL-WIDTH RIGHT-TURN LANE AND TAPER REQUIRED**



Source: VDOT Minimum Standards of Entrances to State Highways - Figure 5

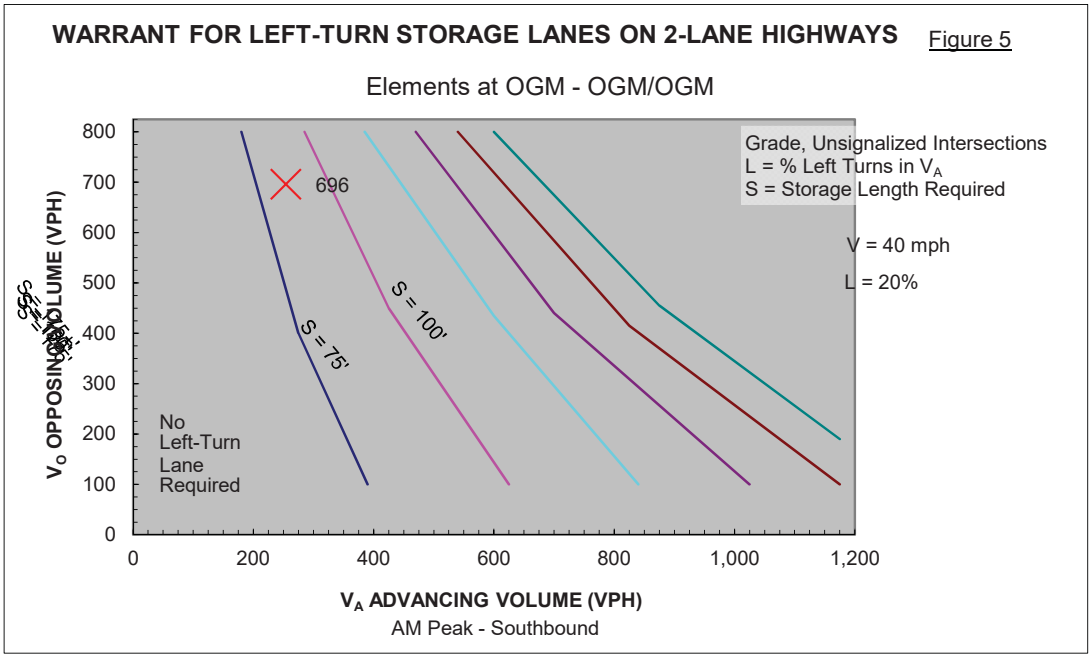
WARRANT FOR LEFT-TURN STORAGE LANES ON TWO-LANE HIGHWAYS

Project:	Elements at OGM	Analysis Date:	2016
Intersection:	OGM/OGM	Data Date:	2016
Approach Direction:	Southbound	Projection Year:	Build
Peak Hour:	AM Peak		

Peak Hour Left Turns (V_L):	61	vph
Advancing Volume (V_A):	254	vph (Southbound Approach)
Opposing Volume (V_O):	696	vph (Northbound Approach)
Operating/Design Speed (V):	**40**	mph

% Left Turns in V_A (L):	**20%**	(Calculated Value: 24%)
Optional % Left Turn Override:		
		(75' storage required based on chart)
% Trucks in V_L:	0%	(0' additional storage for trucks)

CONCLUSION: **75' LEFT-TURN STORAGE REQUIRED**



Source: Highway Research Record Number 211 - Figure 5

WARRANT FOR LEFT-TURN STORAGE LANES ON TWO-LANE HIGHWAYS

Project:	Elements at OGM	Analysis Date:	2016
Intersection:	OGM/OGM	Data Date:	2016
Approach Direction:	Southbound	Projection Year:	Build
Peak Hour:	PM Peak		

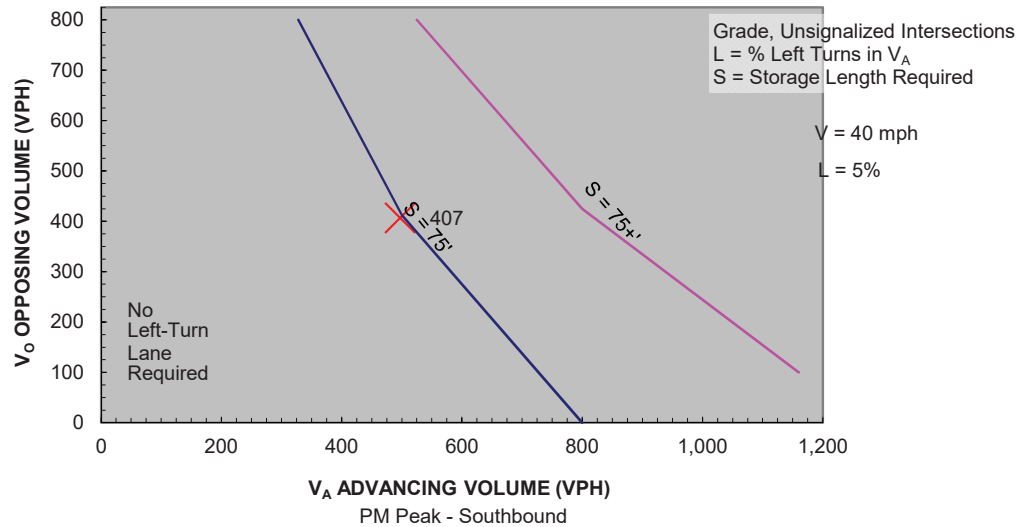
Peak Hour Left Turns (V_L):	13	vph
Advancing Volume (V_A):	497	vph (Southbound Approach)
Opposing Volume (V_O):	407	vph (Northbound Approach)
Operating/Design Speed (V):	**40**	mph

% Left Turns in V_A (L):	**5%**	(Calculated Value: 2.6%)
Optional % Left Turn Override:		
		(0' storage required based on chart)
% Trucks in V_L:	0%	(0' additional storage for trucks)

CONCLUSION: **No Left-Turn Lane Required**

WARRANT FOR LEFT-TURN STORAGE LANES ON 2-LANE HIGHWAYS Figure 2

Elements at OGM - OGM/OGM



Source: Highway Research Record Number 211 - Figure 2

Nygaard, Anne Leslie

From: Darrell Slayton <dslayton@interconinc.com>
Sent: Monday, July 11, 2016 12:47 PM
To: Nygaard, Anne Leslie
Cc: darrellslayton@yahoo.com; cseekins@comcast.net
Subject: Rezoning Petition at 1125 Old Graves Mill Road, Project Number REZ1605-0002

Anne,

We will be unable to attend the scheduled Planning Commission public hearing at City Hall on July 13th. We would like to notify the Planning Commission of our concerns however. Our home is located at 122 Valleydale Drive and our property directly boarders the property petitioned for rezoning.

Our home was purchased in 1996.The home provided a suitable location to raise children and provided the privacy and quality of life we were looking for. We always thought it would be ideal for retirement and never thought a development of this size would ever be considered. After many years of hard work paying down our mortgage we are now forced to reconsider the possibility of retirement here.

Our back yard directly boarders the proposed Storm Water Management Area. This area is wooded and provides privacy as well as a noise buffer from Graves Mill Road traffic. It also attracts various forms of wildlife which we enjoy watching from our back porch. The natural water channel in this area has handled storm water run-off for many, many years and needs no modification which would require the removal of existing trees. Our children and grandchildren enjoy family activities in our back yard. To see this destroyed would be heartbreaking.

Reasons <u>Rezoning is opposed</u>:

-The proposed project will be too large to provide a reasonable transition. The development does not fit with the neighborhood and does not provide a benefit to the neighborhood.
- Dust and construction noise will make living on Valleydale Drive and the surrounding area impossible.
--Proposed project will significantly impact the beauty and quality of life for those of us living on Valleydale Drive.
-Property values will likely decline.
-Traffic will increase substantially throughout the day and weekends on an already congested Old Graves Mill Road.
-The developers plan calls for a 5 foot side yard setback behind our home with a few small evergreens planted for landscaping. This will do little to provide privacy and noise reduction,
-Fencing around the entire Storm Water Management Area is not mentioned? What keeps people out?
-Fencing of the backyard property lines of all Valleydale Drive property owners is not mentioned? Nothing to prevent trespassing is provided?
-The project simply has no benefit to anyone living in the neighborhood.

Please reject this rezoning request. A small animal hospital next to the new Humane Society building would be a better use of the land and provide a real benefit to the area. Just a thought.

Respectfully,
Darrell and Celine Slayton
122 Valleydale Drive
Lynchburg Va.

1125 Old Graves Mill Rd
© 2016 Google
1994
Google earth
37°22'18.11" N 79°13'36.24" W elev 859 ft eye alt 2472 ft

8/10/16 Received at Planning Commission

WE Citizens of Lynchburg City OPPOSE THE REZONING of 1125 Old Graves Mill Rd for the following but not limited to: (23)

TRAFFIC CONGESTON, WIDENING OF ALL ROADS NEEDED, NO SIDEWALKS PRESENT, DAMAGE TO WILDLIFE, DEPRECIATION OF NEIGHBORHOOD PROPERTY VALUES		
NAME (PRINT)	ADDRESS	SIGNATURE
CHRIS STOKES	1116 VALLEYDALE DR	
Samantha Stokes	116 VALLEYDALE DR	
Lynne Weaver	117 VALLEYDALE DR	
David Weaver	117 VALLEYDALE DR	
John McCann	114 VALLEYDALE DR	
Barb McCann	114 VALLEYDALE DR	
Jillian Grant	112-2 VALLEYDALE DR	
Katie Perdieu	112-1 VALLEYDALE DR	
Steven Perdieu	112-1 VALLEYDALE DR	
Kendra Williams	110 VALLEYDALE DR	
Ashley Boyd	110 A VALLEYDALE DR	
Rebnard C. Phelps	111-A VALLEYDALE DR	
Edelbraut C. Phelps	111 - A VALLEYDALE DR	
Judith T. Knowles	111-B VALLEYDALE DR	
Shelley Beverly	106 A VALLEYDALE DR	
FRANK LODDERER JR	105 VALLEYDALE DR	
Joan Harris	104 VALLEYDALE DR	
Harry Harris	104 VALLEYDALE DR	
Scott Harris	104 VALLEYDALE DR	
Mark Harris	104 VALLEYDALE DR	
Bob BARBOUR	103A VALLEYDALE DR	
Russell Christian	100 Cobblestone Dr. ~~VALLEYDALE DR~~	
OMA N. Berry	100 Valleydale DR. ~~VALLEYDALE DR~~	
DARRELL W SLAYTON	122 Valley Dale Dr VALLEYDALE DR	
	VALLEYDALE DR	
	VALLEYDALE DR	

WE Citizens of Lynchburg City OPPOSE THE REZONING of 1125 Old Graves Mill Rd for the following but not limited to:

(12)

TRAFFIC CONGESTON, WIDENING OF ALL ROADS NEEDED, NO SIDEWALKS PRESENT, DAMAGE TO WILDLIFE, DEPRECIATION OF NEIGHBORHOOD PROPERTY VALUES		
NAME (PRINT)	ADDRESS	SIGNATURE
DERRICK Alexander	101 TOMAHAWK DR	Derrick Alexander
Anne Alexander	101 TOMAHAWK DR	A. Alexander
Todd Colinger	102 TOMAHAWK DR	Todd Colinger
melissa P Leger	104 TOMAHAWK DR	melissa P Leger
William Leger	104 TOMAHAWK DR	
JAE Phelps	105 TOMAHAWK DR	Jae Phelps
GREG COLEMAN	107 TOMAHAWK DR	
Linda B Carroll	108 TOMAHAWK DR	Linda B Carroll
JERRY MILES	108 TOMAHAWK DR	Jerry L Miles
RENATE SCHIEFER	115 TOMAHAWK DR	R. Schiefer
DARLUS PHELPS	120 TOMAHAWK DR	D Phelps
Veronica L Phelps	120 TOMAHAWK DR	V Phelps
	TOMAHAWK DR	
	TOMAHAWK DR	
	TOMAHAWK DR	
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	TOMAHAWK DR	
	TOMAHAWK DR	
	TOMAHAWK DR	
	TOMAHAWK DR	

The Elements at Old Graves Mill Road
Rezoning: R-2 to R-4C
August 10, 2016

PLEASE PRINT

NAME	ADDRESS	PHONE	IN FAVOR	IN OPPOSITION	NEUTRAL
ANDY MADDOX			✓		
TREAT WARNOCK			✓		
RICK BROOKS			✓		
Norma Mae			✓		
Brenda Gray				✓	
Darrell Slayton					
Chris Stokes				✓	

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **October 11, 2016** AGENDA ITEM #: **11**

CONSENT: REGULAR: **X** WORK SESSION: CLOSED SESSION:
ACTION: **X** INFORMATION: (Confidential)

ITEM TITLE: Sale of City Owned property at 712 5th Street

Strategic Pillar(s) Impacted:

___Arts & Culture	___Citizen Engagement & Social Capital	_X_Economic Development	___Healthy & Active Living
___Infrastructure	_X_Land Use	___Lifelong Learning	___Natural Resources
_X_Neighborhoods	___Safe Community	___Social Equity	__ Transportation
			___Administrative

RECOMMENDATION: Authorize City Manager to sell the subject property.

SUMMARY: Mr. William R. Parr has offered to purchase City owned property consisting of one hundred ninety-eight thousandths (0.198) acre located at 712 5th Street. The property was acquired by the City in July 1981 and is currently vacant. The current assessed value of the property is $14,900.

If Council decides to sell the property, Mr. Parr proposes to begin development of a three (3) story, twelve thousand (12,000) square foot mixed use building within three (3) years of the sale. The building would consist of six (6) commercial units and ten (10) residential units. The property sale would also facilitate the construction of a parking area to support other redevelopment efforts underway in the 700 block of 5th Street. Mr. Parr has offered to purchase the property for $16,000.

PRIOR ACTION(S):
October 4, 2016: The Technical Review Committee (TRC) reviewed the potential sale.

FISCAL IMPACT: $16,000 in revenue to the General Fund

CONTACT(S): Tom Martin, City Planner - 455-3900
Marjette Upshur, Economic Development – 455-4492

ATTACHMENT(S):
- Resolution
- Offer Letter
- Building Rendering
- Concept Plan

REVIEWED BY: bms

RESOLUTION:

A RESOLUTION TO CONVEY THE PROPERTY LOCATED AT 712 5th Street TO WILLIAM R. PARR.

WHERAS, the City of Lynchburg owns the property located at 712 5th Street (Tax Parcel #02423002) consisting of approximately one hundred ninety-eight thousandths (0.198) acre;

WHEREAS, the property was transferred to the City of Lynchburg by Martha W. Logwood on July 10, 1981;

WHEREAS, the property is vacant and the development of the property would further the goals and objectives of the Fifth Street Master Plan;

WHEREAS, William R. Parr is requesting to purchase the property from the City for the sum of $16,000 in order to construct a three (3) story, twelve thousand (12,000) square foot mixed use building, consisting of six (6) commercial units and ten (10) residential units with associated parking within three (3) years of the purchase;

NOW, THEREFORE, BE IT RESOLVED that City Council determines that the City has no need for the land located at 712 5th Street (Tax Parcel #02423002) and finds the City's continued ownership of the property is no longer necessary or required for the best interests of the City; and

BE IT FURTHER RESOLVED that the City Council hereby vacates any public purpose in the property located at712 5th Street; approves the conveyance of the property to William R. Parr for the sum of $16,000; and authorizes the City Manager to execute a deed and any other documents that may be needed to convey said property to William R. Parr.

Introduced: Adopted:

Certified: _____
Clerk of Council

143K

P. O. Box 1175
24505

OFFER LETTER

August 29, 2016

City of Lynchburg
City Manager's Office
900 Church Street
Lynchburg Va, 24504

RE: 712 5th Street, Lynchburg VA

To whom it may concern,
This letter is to express our interest in the purchase of the above referenced property currently owned by the City of Lynchburg. We would like to offer $16,000.00 for the parcel located at:

712 5th Street, Lynchburg Va.
Legal Description: New Parcel "B", 0.198 acres, 5th Street, Lynchburg Va. 24504

We intend to develop this parcel to include the following attributes:

- Infill of empty lot that has no vehicular access to either 5th St. or Federal St.
- Addition of a 3 story building with approximately 12,000 square foot mixed use consisting of 6 commercial spaces and 10 residential units
- Proposed rendering attached
- Additional parking (approx. 20 spaces)
- Begin development within 3 years

We feel this offer is a fair comparative, considering:

1. The adjacent lot at 504 Federal St. has a 2016 land value assessment of $4,700.00 (0.093 acres)
2. The adjacent lot at 510 Federal St. has a 2016 land value assessment of $3,800.00 (0.076 acres)
3. The adjacent lot at 710 5th Street has a 2016 land value assessment of $5,100.00 (0.068 acres)
4. The most recent land sale on that block at 509 Harrison St. has a 2016 land value assessment value of $3,000.00 (.197 acres)
5. The current 2016 land value assessment of 712 5th Street of $14,500.00 (.198 acres)
6. 712 5th Street has no curb cuts or direct access to any streets nearby.

Respectfully submitted,

W. R Parr

William R. Parr

PURCHASE AGREEMENT

THIS IS A LEGALLY BINDING CONTRACT BETWEEN PURCHASER AND SELLER.
IF YOU DO NOT UNDERSTAND IT, SEEK LEGAL ADVICE.

1. **PARTIES TO CONTRACT - PROPERTY.** Purchaser and Seller acknowledge that Broker is_____ is not X the limited agent of both parties to this transaction as outlined in Section III of the Agency Agreement Addendum as authorized by Purchaser and Seller.

   William R. Parr, or LLC to be determined, hereinafter referred to as

   Purchaser, offers and agrees to purchase from City of Lynchburg, hereinafter referred to as Seller, upon the terms and conditions set forth, the property legally described as: Empty lot located at the following address:

   New parcel "B", 0.198 acres, 5th Street, Lynchburg Va. 24504

   also known as 712 5th Street, Lynchburg Va. 24504

2. **EARNEST MONEY DEPOSIT.** Earnest Money in the amount of ($ 0.00) DOLLARS Cash____ Check____, unless otherwise noted herein, shall be deposited into the trust account of the listing ____ selling ____ broker on the next legal banking day after acceptance of this offer.

   Other earnest money provisions: _____

3. **PURCHASE PRICE.** The total purchase price is to be ($ 16,000.00) Sixteen Thousand DOLLARS

   After earnest money herein is credited, the remaining balance is to be paid by Purchaser at closing.

4. **F INANCING.**

   ☐ **New Mortgage**. This offer is contingent upon Purchaser obtaining a new

   ☐ VA, ☐ FHA, ☐ SDHDA, ☐ Conventional, or☐_____ type of loan.
   A letter of Purchaser's loan status from _____
   ☐ is attached or ☐ will be delivered by _____(date).

   Within ____ legal banking days after acceptance of this Agreement, Purchaser will make application for and diligently and in good faith endeavor to secure a new loan, pay all application fees, and to sign all financing documents without delay. Purchaser reserves the right to obtain alternative financing as long as there are no increased costs to Seller.

   ☐ **Assumption.** See attached Addendum.

   ☐ **Contract for Deed/Private Mortgage.** See attached Addendum.

   ☒ **Cash.** This is a cash offer. The remaining balance of $16,000.00 will be paid at closing by certified check. A letter of verification from

   _____
   regarding the availability of funds ☐ is attached ☐will be delivered by _____ (date) or this agreement, at the option of Seller without notice to Purchaser may be voided.

INITIALS: PURCHASER_____/_____ SELLER_____/_____

5. **APPRAISAL.** This offer is _____ is not X subject to the property appraising for at least the purchase price. If the appraisal reveals repairs, which must be made, Purchaser and Seller will negotiate which party will complete those repairs for any re-inspection fees. If the appraisal is less than the agreed purchase price, Purchaser and Seller may renegotiate the purchase price.

Appraisal ☐ will / ☒ will not be ordered prior to removal of home inspection contingency.

6. **SALE OF PURCHASER'S PROPERTY**

A. ☒ **This offer is not contingent** upon the sale or close of property owned by Purchaser.

B. ☐ **This offer is contingent** upon the sale and close of Purchaser's property located at

(address, including city & state)_____

_____

☐ within _____ days or ☐ within the time specified for closing the Seller's property. Seller shall have the right to continue to offer the property for sale and accept any offers subject to the rights of Purchaser. If Seller accepts another offer, Seller will give Purchaser written notice of that fact. Within _____ days of receipt of the notice, Purchaser will provide a written waiver of the contingency on the sale and close of Purchaser's property or this agreement will terminate without further notice and deposits will be returned according to paragraph 15 of this agreement. Upon waiver of this contingency, Purchaser warrants and will provide proof that the funds needed for closing will be available and Purchaser's ability to obtain financing is not contingent upon the sale and/or close of any property.

7. **SELLER'S PROPERTY DISCLOSURE.** Purchaser acknowledges receipt of Seller's property condition disclosure statement dated _____ as required by SDCL 43-4-38 through 43-4-57 prior to signing this agreement. (initials)_____/_____
Purchaser acknowledges that no disclosure statement is required by reason of the following:

Purchaser will be paying cash

8. ~~**LEAD-BASED PAINT DISCLOSURE.**~~ Purchaser acknowledges receipt of the pamphlet "Protect Your Family From Lead In Your Home" and the Seller's lead-based paint and lead-based paint hazards form according to the Residential Lead-Base Hazard Reduction Act of 1992. This applies only to properties built prior to 1978. (initials)_____/_____

9. ~~**INSPECTION OF PHYSICAL CONDITION OF PROPERTY.**~~ Purchaser acknowledges that it has been recommended that Purchaser engage, at Purchaser's expense, the services of a professional inspector acting within the scope of the inspector's professional license to inspect the property (initials)_____/_____.

Purchaser and Seller understand the purpose of a property inspection is to inform and educate Purchaser of conditions and future maintenance of property and is not designed to be a point of renegotiation of the purchase price.

This offer ☐ is / ☒ is not contingent upon Purchaser, at Purchaser's expense, obtaining a property inspection(s) and report(s) which may include, but not be limited to the physical, structural, mechanical, pest, geological and environmental contamination conditions relating to the property. These inspection options will be completed and written notice of the results given to Seller or Seller's agent within ____ business days of acceptance of this agreement. If the inspection(s) has not been completed within the specified time, Purchaser's option to have the inspection(s) shall expire and all other terms of this Purchase Agreement will continue unaffected.

INITIALS: PURCHASER_____/_____SELLER_____/_____

9. ~~***INSPECTION OF PHYSICAL CONDITION OF PROPERTY***~~ ***(continued from page 2)***
If any inspection(s) reveals conditions unsatisfactory to Purchaser or unknown to Seller, the parties to this Agreement will have the following options: Purchaser will accept the existing condition; Seller will correct the existing condition and provide certification from an inspector that the condition has been remedied; or Purchaser and Seller will negotiate a settlement. If no written agreement can be reached on the results of the Inspection Report(s) within _____ business days of the date and time Seller is notified of the results of the inspection(s), this Agreement may be deemed null and void in its entirety at the option of Buyer within _____ hours after the negotiation deadline.

☐ Purchaser hereby waives the option to have an independent home inspector assess the condition of the property. _____(Purchaser's initials)

10. ~~**HOME PROTECTION PLAN.**~~ Seller _____ has / _____ has not provided a home protection plan. By initialing, Purchaser elects _____ to purchase _____ to not purchase a home protection plan. Purchaser and Seller acknowledge that Broker selling the home protection plan will receive compensation from the home protection plan provider.

11. **SURVEY.** Purchaser acknowledges that it has been recommended to obtain a survey by initialing one of the following:
_____ new location survey depicting all improvements on the property.
__X__ existing location survey depicting all improvements on the property.
_____ new boundary survey marking all property corners before closing.
_____ other _____.

Cost of survey, if any, will be paid as follows: _____Seller _____Purchaser

Purchaser waives survey (Initial, if applicable) _____

12. **TAXES/PRORATIONS.** Purchaser is aware that property taxes may or may not be based upon "Owner Occupied Status". Any and all Special Assessments are to be paid by Seller unless otherwise specified in this agreement.

Taxes, rents, road maintenance, water, sewer, and homeowner's association fees, if any are:
☐ To be prorated to _____
☒ Not to be prorated

Tax proration will be based upon the: ☐ previous year's taxes / ☐ agreed upon amount of _____ / ☐ most current county information / ☐ new construction estimate ☐ other _____
_____

13. **TITLE.** Merchantable title shall be conveyed by Warranty Deed or other sufficient conveyance instrument, acceptable to Purchaser, subject to conditions, zoning, restrictions, and easements of record, if any, which do not interfere with or restrict the existing use of the property. An owner's policy of Title Insurance in the amount of the purchase price will be furnished with cost to be distributed: Purchaser_____ Seller_____.

INITIALS: PURCHASER_____/_____SELLER_____/_____

14. **CLOSING/POSSESSION.** Closing date will be on or before To be determined with possession to be given Purchaser at time of closing. Seller agrees to maintain the property in a condition comparable to its present condition and agrees that Purchaser will have the opportunity for a personal inspection prior to closing. Seller agrees to maintain all existing insurance coverage on property until time of closing.

Closing service fees, if any, cost to be distributed as follows: Purchaser_____ Seller_____.

All personal property, including refuse, not included in the purchase price, shall be removed by Seller prior to closing.

15. **~~EARNEST MONEY/DEPOSITS.~~** The broker, as specified in Section 2, shall deposit and hold all earnest money and other deposits until sale is closed. If an accepted offer and agreement to purchase does not close, regardless of the circumstances, both Purchaser and Seller must agree in writing prior to release of earnest money or in the alternative, pursuant to court order in accordance with SDCL 36-21A-81.

16. **AGREEMENT TO MEDIATE.** Any dispute or claim arising out of or relating to this contract will be submitted to mediation, if available, in accordance with the rules and procedures of the Sellers/Purchasers Dispute Resolution System. Otherwise, mediation will be submitted to a private mediation service. Any costs of mediation will be shared equally between Purchaser and Seller.
Yes X No_____ Purchaser_____/_____ (initials)

17. **PERSONAL PROPERTY.** Any personal property, free of liens and without warranty of condition, shall be transferred to Purchaser by a separate bill of sale. Purchaser ☐ will / ☐ will not compensate seller for fuel oil/propane remaining on date of closing.

18. **OTHER PROVISIONS:** Purchaser agrees to begin development of proposed future site and building plan, within 3 years, from purchase date.

18. **ADDENDA TO THIS AGREEMENT.** The following documents are addenda to this contract and are attached and become part of this contract by reference. If none, so state.
Proposed new building rendering (10 residential,6 commercial)
Proposed site plan

19. This agreement is void if not accepted by Seller by the _____ day of _____, _____ by _____ a.m./p.m.

20. ~~The laws of South Dakota govern this transaction~~.

INITIALS: PURCHASER_____/_____SELLER_____/_____

21. TIME IS OF THE ESSENCE OF THIS CONTRACT.

Dated this 29 day of August, 2016 at _____ a.m./p.m.

W. R. PARR _____

Purchaser Purchaser

On this _____ day of A _____, _____ the foregoing offer is:

(Initial) **ACCEPTED**_____/_____

NOT ACCEPTED_____/_____

COUNTERED_____/_____

_____ _____

Seller Seller

****

THE FOLLOWING IS FOR INFORMATION PURPOSES ONLY:

_____ _____

Selling Company Selling Licensee

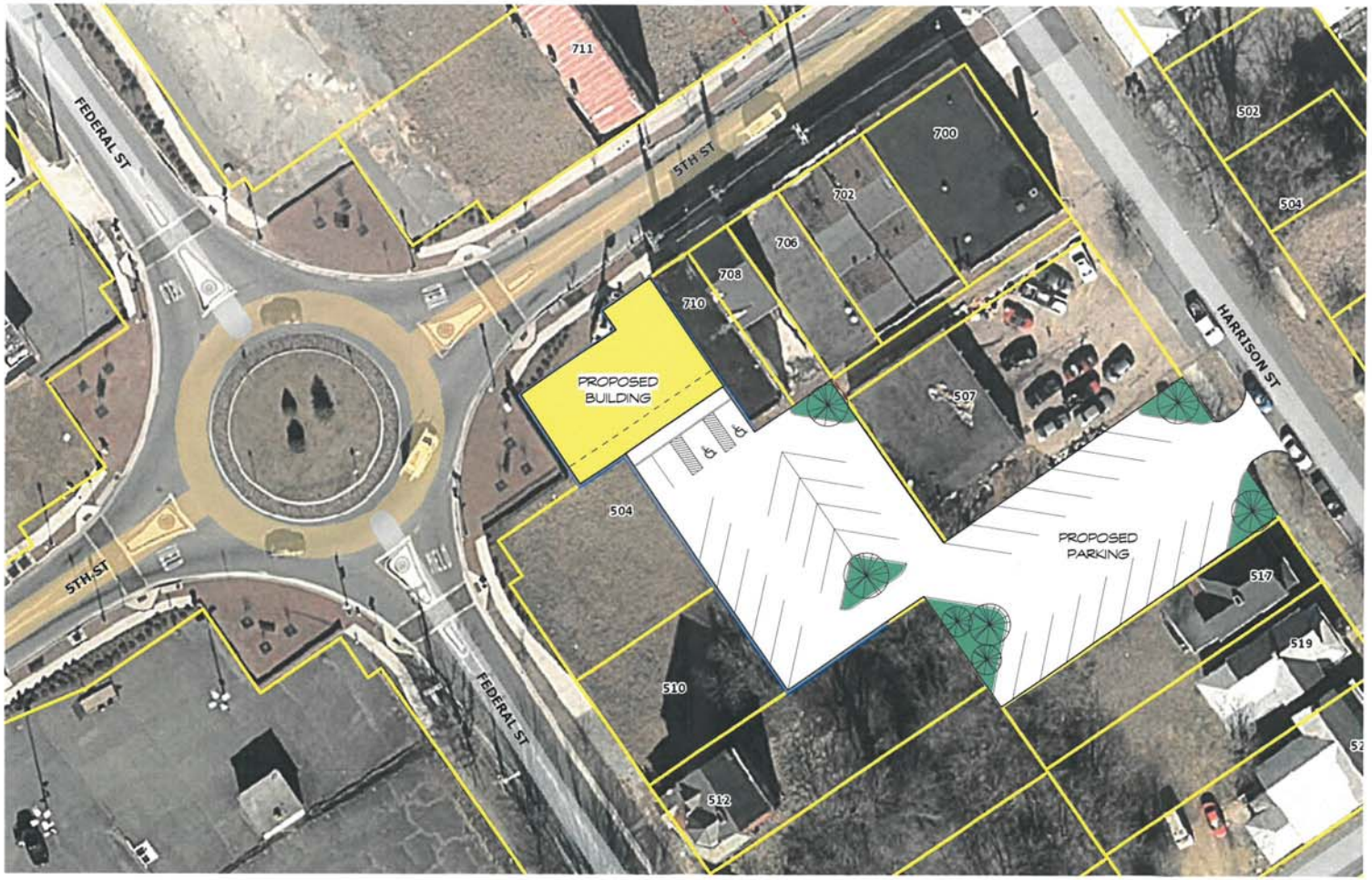
_____ _____

Listing Company Listing Licensee

22. ADDITIONAL INFORMATION: Offer letter
Rendering of proposed building

712 Fifth Street
Business Development
Lynchburg, Virginia

ARCHITECTURAL PARTNERS



712 Fifth Street
Business Development
Lynchburg, Virginia

ARCHITECTURAL PARTNERS

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **October 11, 2016** AGENDA ITEM #: **12**

CONSENT: REGULAR: **X** WORK SESSION: CLOSED SESSION:
ACTION: **X** INFORMATION: (Confidential)

ITEM TITLE: FY 2017 First Quarter Adjustments

Strategic Pillar(s) Impacted:

___Arts & Culture	___Citizen Engagement & Social Capital	___Economic Development	___Healthy & Active Living
___Infrastructure	___Land Use	___Lifelong Learning	___Natural Resources
___Neighborhoods	___Safe Community	___Social Equity	___Transportation
			_X_Administrative

RECOMMENDATION: After a public hearing adopt a resolution amending the FY 2017 Operating and Capital Budgets and appropriating funds to reflect the FY 2017 First Quarter Adjustments as listed in Attachment A.

SUMMARY: The General, City/Federal/State Aid, Forfeited Assets, Children's Services Act (CSA), Home Investment Trust, Technology, Risk Management, and Fleet Operating Budgets, as well as the City Capital Projects and Stormwater Capital Projects Fund are amended to reflect the FY 2017 First Quarter Adjustments.

Details of these adjustments can be found on Attachment A. The adjustments include the carry forward of some funds appropriated but unspent in the FY 2016 Budget.

Council policy requires a minimum Unassigned General Fund Balance of 10% of General Fund revenues. The unaudited Unassigned Fund Balance is projected to be approximately $25.6 million, or 14.2%, of General Fund revenues as of June 30, 2016.

PRIOR ACTION(S): None

FISCAL IMPACT: As noted above

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

ATTACHMENT(S): Resolution; Attachment A: FY 2017 First Quarter Adjustments – Summary and Detail

REVIEWED BY: bms

RESOLUTION:

BE IT RESOLVED That the FY 2017 Adopted Budget is amended and funds are appropriated to reflect the First Quarter Adjustments in the General, City/Federal/State Aid, Forfeited Assets, Children's Services Act (CSA), Home Investment Trust, Technology, Risk Management, and Fleet Operating Budgets, as well as the City Capital Projects and Stormwater Capital Projects Fund as follows:

	Adopted FY 2017	Recommended Adjustment	Amended FY 2017
General Fund			
Operations	$102,780,759	$1,035,140	$103,815,899
Non-Departmental	6,444,802		6,444,802
External Service Providers	8,279,169		8,279,169
Transfers To/From Other Funds	674,732	174,221	848,953
Transfers To Capital	4,409,635		4,409,635
Debt Service	17,923,738	56,000	17,979,738
Reserves	2,131,851		2,131,851
Schools - Operations	40,854,039		40,854,039
Schools - School Buses	500,000		500,000
Greater Lynchburg Transit Company	1,675,805		1,675,805
Ending Balance (Unassigned Fund Balance)	19,491,586		19,491,586
Total	**$205,166,116**	**$1,265,361**	**$206,431,477**
City/Federal/State Aid Fund			
Operations	$3,140,441	$242,091	$3,382,532
Ending Balance	0		0
Total	**$3,140,441**	**$242,091**	**$3,382,532**
Forfeited Assets Fund			
Operations	$0	$51,581	$51,581
Ending Balance	136,812		136,812
Total	**$136,812**	**$51,581**	**$188,393**
Children's Services Act (CSA) Fund			
Beginning Balance	$14,557		$14,557
Miscellaneous	55,000	$500	55,500
Transfer from General Fund	1,616,816		1,616,816
Lynchburg City School Transfer	196,541		196,541
Revenue from the Commonwealth	4,130,165		4,130,165
Total	**$6,013,079**	**$500**	**$6,013,579**
HOME Investment Trust Fund			
Operations	$316,176	$1,717	$317,893
Ending Balance	0		0
Total	**$316,176**	**$1,717**	**$317,893**
Technology Fund			
Operations	$708,805	$506,741	$1,215,546
Capital Outlay	264,800		264,800
Ending Balance	1,455,761	62,249	1,518,010
Total	**$2,429,366**	**$568,990**	**$2,998,356**

	Adopted FY 2017	Recommended Adjustment	Amended FY 2017
Risk Management Fund			
Operations	$289,748	$16,795	$306,543
Insurance and Claims	674,300		674,300
Ending Balance	2,393,573		2,393,573
Total	**$3,357,621**	**$16,795**	**$3,374,416**
Fleet Services Fund			
Operations	$5,868,690	$250,000	$6,118,690
Debt Service	456,918		456,918
Ending Balance	333,322		333,322
Total	**$6,658,930**	**$250,000**	**$6,908,930**
City Capital Projects Fund			
Capital Outlay	$31,744,850	($3,041,346)	$28,703,504
Ending Balance	0		0
Total	**$31,744,850**	**($3,041,346)**	**$28,703,504**
Stormwater Capital Projects Fund			
Capital Outlay	$1,125,000	$50,000	$1,175,000
Ending Balance	0		0
Total	**$1,125,000**	**$50,000**	**$1,175,000**

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

Introduced: Adopted:

Certified: _____
Clerk of Council

146K

ATTACHMENT A

FY 2017 First Quarter Adjustment
SUMMARY BY FUND

	Expenditures	Additional Revenues	Use of Unassigned Fund Balance	Transfer or Use of Committed/ Assigned Fund Balance
GENERAL FUND	1,265,361	72,167	1,087,432	105,762
CITY/FEDERAL/STATE AID FUND	242,091	242,091	-	-
FORFEITED ASSETS FUND	51,581	-	-	51,581
CHILDREN'S SERVICES ACT (CSA) FUND	500	500	-	-
HOME INVESTMENT TRUST FUND	1,717	1,717	-	-
TECHNOLOGY FUND	506,741	62,249	-	506,741
CITY CAPITAL PROJECTS FUND	(3,041,346)	233,107	-	(3,274,453)
STORMWATER CAPITAL PROJECTS FUND	50,000	50,000	-	-
RISK MANAGEMENT FUND	16,795	-	-	16,795
FLEET SERVICES FUND	250,000	-	-	250,000
TOTALS	**($656,560)**	**$661,831**	**$1,087,432**	**($2,343,574)**

FY 2017 First Quarter Adjustment Details

ATTACHMENT A

Department/Division	Amount	Source of Funding: Additional Revenues	Source of Funding: Use of Unassigned Fund Balance	Source of Funding: Transfer or Use of Committed/ Assigned Fund Balance	Purpose
GENERAL FUND					
Circuit Court Clerk	43,222		43,222		Request to authorize a NEW 1.0 Full-Time Equivalent (FTE) City funded position dedicated to the Criminal Division.
City Attorney	25,377		25,377		Request funds to cover a market adjustment.
Council/Manager Offices	5,363		5,363		Funding to cover expenses for technology upgrade in Council/Manager Offices conference room in FY 2016; unable to complete project before fiscal year end.
Council/Manager Offices	579		579		Remaining funds from fundraiser in FY 2012 for United Way Campaign expenses.
Economic Development	17,387		17,387		Enterprise Zone grant and Technology Zone grant for FY 2016 which are paid in FY 2017.
Emergency Services	18,000		18,000		Request to partially fund over hire positions for FY 2017. Additional funds to fully fund over hires are estimated to be available in the department managed vacancy savings for FY 2017.
Financial Services/ Procurement	3,880		3,880		Request to carry forward unspent training funds due to hiring two new employees who will need to obtain state certification.
Fire	2,408			2,408	Request for City Council to appropriate the Fire Restitution Liability account into the Fire Department FY 2017 General Fund budget to purchase ammunition for the Fire Marshal and his staff.
Fire	136,225		136,225		Request to purchase PowerLoad systems, a cot fastener system that lifts and lowers the cot into and out of the ambulance, reducing spinal loads and the risk of cumulative trauma injuries, for six ambulances. Such systems are now mandated by the State Office of Emergency Medical Services. The department applied for a grant and was unsuccessful.
Fire	12,000		12,000		Request to pay for an external instructor to conduct Diversity and Implicit Bias training for approximately 180 employees.

FY 2017 First Quarter Adjustment Details

ATTACHMENT A

Department/Division	Amount	Source of Funding: Additional Revenues	Source of Funding: Use of Unassigned Fund Balance	Source of Funding: Transfer or Use of Committed/ Assigned Fund Balance	Purpose
Fire	50,000		50,000		Request to implement the PulsePoint program which consists of PulsePoint respond and Automated External Defibrillator (AED) mobile apps. CPR-trained citizens can download the free apps and when a sudden cardiac arrest event occurs, they receive an alert with the location of the event as well as the location of the nearest AED. This program is the next step in the department's plan to improve cardiac arrest resuscitation efforts by further decreasing the amount of time between when a citizen collapses and when he/she receives lifesaving chest compressions and CPR. The PulsePoint program implementation fee is $10,000 and the annual licensing fee is $40,000 ($8,000 for five years). The department applied for a grant and was unsuccessful.
Human Resources	10,000		10,000		Request to print new employee policies and procedures manuals.
Human Resources	6,000		6,000		Request for training/travel funds for the Human Resources Public Safety Coordinator position originally Adopted in FY 2017 to the Police department budget. The position was transferred to Human Resources as of July 1, 2016. Only the salary and benefits were budgeted by Police.
Human Services/Social Services	122,370	36,711	85,659		Request for continuation of funding for 3 Benefits Program Specialists in the Less Than Full Time Benefit Program Specialist Program; a similar request was made in FY 2013, FY 2014 and FY 2015 for the program.
Human Services/Social Services	100,000	30,000	70,000		Request funding for overtime due to the conversion of 40 service workers from Exempt to Non-Exempt employees, and thus subjecting them to the limitations of Fair Labor Standards Act (FLSA), the department is anticipating there will be some overtime required to maintain the caseloads that were previously managed without regard to a 40-hour work week.
Library	25,000		25,000		Funds needed to secure a consulting firm to develop a master plan to design and re-imagine the interior space for the Main Library to better meet modern library needs. The bidding and review process proved to be lengthy. Negotiations with the successful bidder continued into the current fiscal year; additional funding had to be secured. The contract has been signed.
Library	4,456	4,456			Increase the Adopted FY 2017 State Aid grant award for the Public Library to $156,415.
Museum	1,500		1,500		To fund Wi-Fi installation at the Museum and the monthly charge for the remainder FY 2017.

FY 2017 First Quarter Adjustment Details

ATTACHMENT A

Department/Division	Amount	Source of Funding: Additional Revenues	Source of Funding: Use of Unassigned Fund Balance	Source of Funding: Transfer or Use of Committed/ Assigned Fund Balance	Purpose
Police	41,105			41,105	Reassign estimated personnel savings from the Adopted FY 2017 Police Department budget and create a Reserve for Future Police Building.
Police	108,200		108,200		Request to purchase ballistic protective equipment (vest and helmets) for each vehicle; breaching gear for each patrol vehicle; and replacement sights/optics for rifles for the Tactical Team.
Police - Range	2,068	1,000	1,068		To appropriate additional FY 2016 Range Operations revenue for law enforcement supplies.
Public Works	100,000		100,000		Request to contract with a vendor to perform building condition assessments on City-owned facilities to better develop and prioritize the Major Building Repair Capital Improvement Program.
Public Works	200,000		200,000		Request to pay for the FY 2017 salt purchase. Use of these funds allows the current FY 2017 Snow, Street, and Bridge Reserve to remain intact at $250,000. Historically, funds from the previous year's reserve would carryforward to assist with this purchase but the reserve was depleted in FY 2016.
Debt Service	56,000		56,000		Increase the FY 2017 Debt Service budget to fully cover costs related to the May 19, 2016 Bond Issue.

FY 2017 First Quarter Adjustment Details

ATTACHMENT A

Department/Division	Amount	Source of Funding: Additional Revenues	Source of Funding: Use of Unassigned Fund Balance	Source of Funding: Transfer or Use of Committed/ Assigned Fund Balance	Purpose
TRANSFERS					
Transfer to City Capital Projects Fund from General Fund	100,000		100,000		*Transfer from FY 2016 Fire Operating Budget Year End Fund Balance to City Capital Projects Fund* for the emergency generator at Fire Station 2 on Grace Street. Funding was originally requested in the CIP for FY 2016 for the generator; however, it was pushed to FY 2018. Installing generators at the Fire Stations was identified as a priority during the after-action review of the Derecho response in June/July 2012.
Transfer to City/Federal/State Aid Fund from General Fund Operating Budget	11,972		11,972		*Transfer from General Fund to City/Federal State Aid Fund* to appropriate the amount collected from a percentage of Amusement Tax in the Arts and Cultural District that relates to the Arts Grant. The decision was made to true up the total for FY 2015 and FY 2016 as of June 30, 2016.
Transfer from Information Technology General Fund Operating Budget to Technology Fund	62,249			62,249	*Transfer from General Fund to Technology Fund* of non-personnel unexpended funds to the Technology Fund per June 2000 Council approved Information Technology Policy.

GENERAL FUND

FY 2017 Additional Revenues	$ 72,167
Amount Funded with Use of FY 2016 Unassigned Year End Fund Balance	1,087,432
Amount Funded with a Transfer of Use of Committed or Assigned Fund Balance	105,762
GENERAL FUND Appropriation Total	$ 1,265,361

FY 2017 First Quarter Adjustment Details

ATTACHMENT A

Department/Division	Amount	Source of Funding: Additional Revenues	Source of Funding: Use of Unassigned Fund Balance	Source of Funding: Transfer or Use of Committed/ Assigned Fund Balance	Purpose
CITY/FEDERAL/STATE AID FUND					
Community Corrections and Pre-Trial Services	1,060	1,060			True-up the FY 2017 grant award from Department of Criminal Justice Services (DCJS); during the City budget process $495,762 was appropriated, $496,822 was awarded in July 2016.
Economic Development	(5,000)	(5,000)			True-up the Arts and Cultural District grant to reflect the loss of FY 2016 State funding.
Economic Development	11,972	11,972			*Transfer to City/Federal State Aid Fund from General Fund* to appropriate the amount collected from a percentage of Amusement Tax in the Arts and Cultural District that relates to the Arts Grant. The decision was made to true up the total for FY 2015 and FY 2016 as of June 30, 2016.
Fire	9,504	9,504			True-up the Fire Program Grant funding, during the FY 2016 budget process $230,000 was appropriated, $239,504 was received in June 2016.
Police	10,115	10,115			True-up the FY 2016 grant award from Department of Criminal Justice Services (DCJS); during the City budget process $84,685 was appropriated, $94,800 was awarded in June 2015.
Police	748	748			True-up the FY 2017 grant award from Department of Criminal Justice Services (DCJS); during the City budget process $94,800 was appropriated, $95,548 was awarded in June 2016.
Police	213,692	213,692			To appropriate and correctly record the FY 2016 "In-Kind" portion of the Body-Worn Cameras grant award. This amount was not included in the original appropriation request. The grant documents specify that there will be an In-Kind element in this project.
CITY/FEDERAL/STATE AID FUND Total			$ 242,091		
FORFEITED ASSETS FUND					
Commonwealth's Attorney Office	14,927			14,927	To appropriate Asset Forfeiture revenues received.
Police Department	36,654			36,654	To appropriate Asset Forfeiture revenues received.
FORFEITED ASSETS FUND Total			$ 51,581		

FY 2017 First Quarter Adjustment Details

ATTACHMENT A

Department/Division	Amount	Source of Funding: Additional Revenues	Source of Funding: Use of Unassigned Fund Balance	Source of Funding: Transfer or Use of Committed/ Assigned Fund Balance	Purpose
CHILDREN'S SERVICES ACT (CSA) FUND					
Human Services - Juvenile Services	500	500			To correct the FY 2017 Miscellaneous Revenue budget appropriation; during the City budget process $55,000 was appropriated, $55,500 should have been appropriated.

CHILDREN'S SERVICES ACT (CSA) FUND	$	500

HOME INVESTMENT TRUST FUND					
Community Development	1,717	1,717			True-up the FY 2017 grant award from Housing and Urban Development (HUD); during the City budget process $316,176 was appropriated, $317,893 was awarded in June 2016.

HOME INVESTMENT TRUST FUND Total	$	1,717

TECHNOLOGY FUND					
Information Technology	34,487			34,487	TechHire funding for two positions
Information Technology	20,000			20,000	Wage & taxes for hourly work for Human Resources module in Logos.Net
Information Technology	30,000			30,000	Furniture replacements in Computer Training Lab
Information Technology	9,500			9,500	Partition & furniture upgrades for GIS Office
Information Technology	150,000			150,000	Architectural design & structural evaluation for facility modifications - I.T. Building
Information Technology	30,000			30,000	Logos.Net modifications and Governmental Reporting
Information Technology	6,463			6,463	Building maintenance needs
Information Technology	78,291			78,291	Document Management Project
Information Technology	50,000			50,000	Trak-it upgrade
Information Technology	83,000			83,000	GIS share of costs for Pictometry oblique imagery update and a complete new capture of planimetrics/impervious surfaces
Information Technology	15,000			15,000	vSphere upgrade, software used for virtualization of servers
Information Technology		62,249			*Transfer to Technology Fund from General Fund* for non-personnel unexpended General Fund balance.

FY 2017 Additional Revenues	$	62,249
Amount Funded with a Transfer of Use of Committed or Assigned Fund Balance		506,741
TECHNOLOGY FUND Total	$	568,990

FY 2017 First Quarter Adjustment Details

ATTACHMENT A

Department/Division	Amount	Source of Funding: Additional Revenues	Source of Funding: Use of Unassigned Fund Balance	Source of Funding: Transfer or Use of Committed/ Assigned Fund Balance	Purpose
CITY CAPITAL PROJECTS FUND					
Transfer to City Capital Projects Fund from General Fund	100,000	100,000			*Transfer funds to City Capital Projects Fund from FY 2016 Fire Operating Budget Year End Fund Balance* for the emergency generator at Fire Station 2 on Grace Street. Funding was originally requested in the CIP for FY 2016 for the generator; however, it was pushed to FY 2018. Installing generators at the Fire Stations was identified as a priority during the after-action review of the Derecho response in June/July 2012.
Public Works - Engineering	29,600	29,600			To appropriate additional Federal Grants from the Virginia Department of Transportation (VDOT) for the Safe-Routes-To-Schools Program at Bass and Linkhorne Elementary Schools.
Public Works - Engineering	79,194	79,194			To appropriate funds received from English Construction for inspections related to repair of damage to a bridge on Timberlake Road.
Public Works	24,313	24,313			To appropriate insurance proceeds from damage caused to the Fort Early archway entrance by a private vehicle.
Greater Lynchburg Transit Company (GLTC)	(3,274,453)			(3,274,453)	To correct the FY 2017 budget appropriation; during the City budget process $3,274,453 of GLTC's State and federal grants were appropriated and did not need to be as this money does not flow through the City.

FY 2017 Additional Revenues	$	233,107
Amount Funded with a Transfer of Use of Committed or Assigned Fund Balance		(3,274,453)
CITY CAPITAL PROJECTS FUND Total	$	(3,041,346)

STORMWATER CAPITAL PROJECTS FUND					
Stormwater	50,000	50,000			To correct the FY 2017 budget appropriation; during the City budget process $1,125,000 was appropriated, $1,175,000 should have been appropriated.

FY 2017 Additional Revenues	$	50,000
STORMWATER CAPITAL PROJECTS FUND	$	50,000

RISK MANAGEMENT FUND					
Risk Management Fund	16,795			16,795	To request changing a 0.8 FTE to a 1.0 FTE and fund the difference between the budgeted amount and the amount needed for the Risk Manager.

Amount Funded with a Transfer of Use of Committed or Assigned Fund Balance		16,795
RISK MANAGEMENT FUND Total	$	16,795

FY 2017 First Quarter Adjustment Details

ATTACHMENT A

Department/Division	Amount	Source of Funding: Additional Revenues	Source of Funding: Use of Unassigned Fund Balance	Source of Funding: Transfer or Use of Committed/ Assigned Fund Balance	Purpose
FLEET SERVICES FUND					
Fleet Services	200,000			200,000	To purchase a 5-ton tandem axle dump truck for Public Works - Streets originally budgeted in FY 2016 but not purchased. This truck will replace a 2001 GMC dump truck.
Public Works	50,000			50,000	Request to purchase an Automatic Vehicle Locator system with savings from the Fleet Fund. Cost includes the initial equipment purchase as well as a monthly software fee for approximately 40 vehicles. By implementing this pilot program Public Works expects to increase efficiency and customer service.
	250,000	**-**	**-**	**250,000**	

Amount Funded with a Transfer of Use of Committed or Assigned Fund Balance	250,000
FLEET SERVICES FUND Total	$ 250,000

Agenda Item #13

RECEIVED
OCT - 5 2016
Council/Manager Offices

RESOLUTION ON STREET NAMING

Whereas: Virginians love their history and struggle to keep it accurately.

Whereas: Lynchburg was settled around 1750 by many Quakers who were very active along the James River water front and whose meeting house is located at the end of Fort Ave connected by 12th street and Fort Ave and whose beliefs were suppressed or ignored leading to much hardship and therefore should be recognized, honored, and practiced

Whereas: The drill field and organizing point for the soldiers and citizens was the Miller Park area before and during The Civil War and Memorial Avenue connects fairly closely this area and the Civil War Fort located at the junction of Memorial and Fort Avenue

Whereas: Martin Luther King spent his whole life studying and trying to relate positively races to one another and Lynchburg is now completing a street or boulevard known as the "cross town connector"

Whereas: President Hayes of Virginia Seminary and College, now Virginia University of Lynchburg, was a recognized outstanding educator and Lynchburg now is principally an education center

Therefore let it be resolved that:

1. That 12th street and Fort Avenue be renamed QUAKER LANE
2. Memorial Avenue be renamed Fort Avenue
3. That the new "cross town connector" be named the Martin Luther King Cross-town Connector
4. That Fifth Street recently named Martin Luther King Memorial Avenue be renamed President Hayes Memorial Avenue

144K

Dr. Baldwin

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **October 11, 2016** AGENDA ITEM #: **14**

CONSENT: REGULAR: **X** WORK SESSION: CLOSED SESSION:
ACTION: **X** INFORMATION: (Confidential)

ITEM TITLE: Rosedale Development (Golden Mile, LLC) Performance Agreement

Strategic Pillar(s) Impacted:

___Arts & Culture	___Citizen Engagement & Social Capital	_X_Economic Development	___Healthy & Active Living
_X_Infrastructure	_X_Land Use	___Lifelong Learning	___Natural Resources
___Neighborhoods	___Safe Community	___Social Equity	_X_Transportation
			___Administrative

RECOMMENDATION: Approve a resolution authorizing the City Manager to sign the attached Performance Agreement with Golden Mile, LLC.

SUMMARY: At the September 13, 2016 work session Council approved a motion adopting the summary of elements listed under the Physical Development Committee Summary on the attached Comparison of Rosedale Proposals with City Manager Recommendation (Updated 10-11-2016). Following are the summary points and the outcome of negotiations with the developer; note that the outcome of the negotiations with the developer are in italics:

1. The Physical Development Committee (PDC) does not support the City endorsing a Smart Scale application for funding from the Virginia Department of Transportation (VDOT). *A Smart Scale application was not submitted.*
2. Regarding participation by the City in the cost of road improvements, the City Manager was directed to negotiate the reimbursement percentage and a cap on reimbursement with the developer. The PDC agreed that the City should fund the soft and hard costs of construction such as engineering, financing, legal, environmental, utility and right-of-way acquisition. *The City Manager recommends that the City's participation in reimbursement for the capital costs be 100% of the developer's total project estimate or a cap of $5,879,794. The developer recommended a cap of $8,000,000 and a reimbursement of 95% or $7,600,000. The developer could not articulate a justification for a cap of $8,000,000.*
3. PDC suggested further negotiation between the City and the developer to realize more revenue due to reimbursement of hard and soft costs. *The City Manager and developer negotiated a split in "new revenue" of 75% developer/25% City up to the first $3,000,000 of reimbursement and a 55% developer/45% City split of revenues up to the cap of $5,879,794 or 15 years, whichever comes first.*
4. PDC determined that the internal spine road will provide opportunity for connection to Breezewood Drive in the future and that no further discussion was necessary regarding connectivity. *No change.*
5. PDC agreed with a 15 year term for a to be determined percentage of reimbursement of defined costs up to a determined cap, whichever comes first. *15 year term beginning January 1, 2017 with a 100% reimbursement of total project estimate of $5,879,794 as recommended by the City Manager.*

The Economic Development Authority has agreed to serve as the conduit for making payments from "New Revenue" as defined in the Performance Agreement to Golden Mile, LLC.

PRIOR ACTION(S): City Council, September 13, 2016
Finance Committee, August 9, 2016; Physical Development Committee, September 12, 2016
See attached historical timeline through August 9, 2016

FISCAL IMPACT: Revenue sharing from Certain New Tax Revenues generated by commercial development in Rosedale and revenue generated by Bella Rose

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

ATTACHMENT(S): Resolution authorizing the City Manager to sign the Performance Agreement
Performance Agreement and Schedules A, B, C, D
Comparison of Rosedale Proposals with City Manager Recommendation (Updated 10-11-16)
Historical Timeline through August 9, 2016

REVIEWED BY: bms

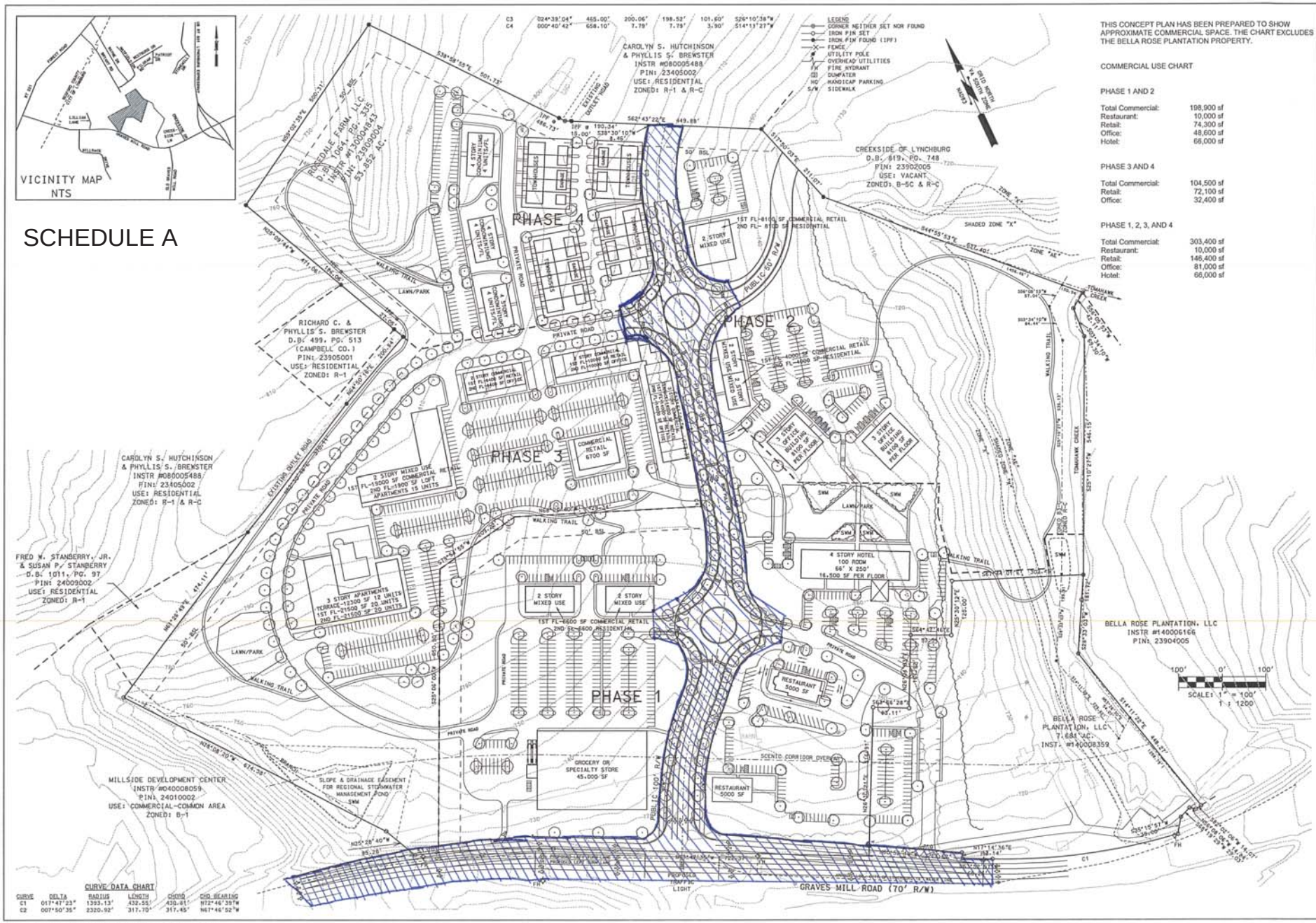
RESOLUTION

BE IT RESOLVED that City Council authorizes the City Manager to sign a Performance Agreement with Golden Mile, LLC regarding the reimbursement of capital costs for road improvements associated with the development of Rosedale on Graves Mill Road.

Adopted:

Certified: _____
Clerk of Council

145K



BERKLEY HOWELL & ASSOC., P.C.
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FOREST, VIRGINIA 24551
PHONE: (434)385-7548 FAX: (434)385-6178

CONCEPT PLAN
PHASES 1, 2, 3 & 4
ROSEDALE
FOR ROSEDALE FARM, LLC
CITY OF LYNCHBURG, VIRGINIA

COMMERCIAL SPACE
MASTER PLAN

DATE: 2-17-16
DRAWN:
CHECKED:

REVISIONS

NO.	DATE

SCALES
HORIZ: AS SHOWN
VERT: AS SHOWN

COMM. NO. 120012

SHEET NO. 1 OF 1

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SCHEDULE B

L E G A L D E S C R I P T I O N

ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATE ON GRAVES MILL ROAD NEAR TOMAHAWK CREEK AND THE OLD GRAVES MILL IN THE CITY OF LYNCHBURG, VIRGINIA, BEING A PORTION OF THE PROPERTY BELONGING TO GOLDEN MILLE, LLC, A PORTION OF THE PROPERTY BELONGING TO BELLA ROSE PLANTATION, LLC AND A PORTION OF THE RIGHT-OF-WAY OF GRAVES MILL ROAD, AND FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF GRAVES MILL ROAD, WHICH POINT IS LOCATED AT A POINT OF CURVATURE (PC) IN SAID RIGHT-OF-WAY LINE, APPROXIMATLEY 525 FEET WEST OF TOMAHAWK CREEK,

THENCE, ACROSS THE RIGHT-OF –WAY OF GRAVES MILL ROAD, SOUTH 26 DEGREES 07 MINUTES 02 SECONDS WEST FOR A DISTANCE OF 70.00 FEET TO A POINT;
THENCE NORTH 63 DEGREES 52 MINUTES 57 SECONDS WEST FOR A DISTANCE OF 78.66 FEET TO A POINT;
THENCE NORTH 63 DEGREES 47 MINUTES 35 SECONDS WEST FOR A DISTANCE OF 927.59 FEET TO A POINT;
THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 2250.92 FEET AND AN ARC LENGTH OF 558.26 FEET, BEING SUBTENDED BY A CHORD OF NORTH 70 DEGREES 58 MINUTES 01 SECONDS WEST FOR A DISTANCE OF 556.83 FEET TO A POINT;
THENCE, CROSSING BACK OVER GRAVES MILL ROAD, NORTH 20 DEGREES 26 MINUTES 31 SECONDS WEST FOR A DISTANCE OF 83.10 FEET TO A POINT;
THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 2343.54 FEET AND AN ARC LENGTH OF 584.50 FEET, BEING SUBTENDED BY A CHORD OF SOUTH 74 DEGREES 49 MINUTES 52 SECONDS EAST FOR A DISTANCE OF 582.99 FEET TO A POINT;
THENCE SOUTH 63 DEGREES 41 MINUTES 21 SECONDS EAST FOR A DISTANCE OF 229.88 FEET TO A POINT;
THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 50.00 FEET AND AN ARC LENGTH OF 78.49 FEET, BEING SUBTENDED BY A CHORD OF NORTH 71 DEGREES 20 MINUTES 25 SECONDS EAST FOR A DISTANCE OF 70.67 FEET TO A POINT;
THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1142.61 FEET AND AN ARC LENGTH OF 137.65 FEET, BEING SUBTENDED BY A CHORD OF NORTH 29 DEGREES 49 MINUTES 16 SECONDS EAST FOR A DISTANCE OF 137.57 FEET TO A POINT;
THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 550.00 FEET AND AN ARC LENGTH OF 128.20 FEET, BEING SUBTENDED BY A CHORD OF NORTH 39 DEGREES 56 MINUTES 59 SECONDS EAST FOR A DISTANCE OF 127.91 FEET TO A POINT;
THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 800.00 FEET AND AN ARC LENGTH OF 55.37 FEET, BEING SUBTENDED BY A CHORD OF NORTH 44 DEGREES 38 MINUTES 39 SECONDS EAST FOR A DISTANCE OF 55.36 FEET TO A POINT;
THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 100.00 FEET AND AN ARC LENGTH OF 81.28 FEET, BEING SUBTENDED BY A CHORD OF NORTH 19 DEGREES 22 MINUTES 39 SECONDS EAST FOR A DISTANCE OF 79.06 FEET TO A POINT;
THENCE NORTH 49 DEGREES 43 MINUTES 39 SECONDS WEST FOR A DISTANCE OF 67.75 FEET TO A POINT;
THENCE NORTH 24 DEGREES 48 MINUTES 59 SECONDS EAST FOR A DISTANCE OF 60.00 FEET TO A POINT;
THENCE NORTH 87 DEGREES 40 MINUTES 55 SECONDS EAST FOR A DISTANCE OF 96.17 FEET TO A POINT;
THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 100.00 FEET AND AN ARC LENGTH OF 87.25 FEET, BEING SUBTENDED BY A CHORD OF NORTH 47 DEGREES 26 MINUTES 09 SECONDS EAST FOR A DISTANCE OF 84.51 FEET TO A POINT;
THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 807.50 FEET AND AN ARC LENGTH OF 121.04 FEET, BEING SUBTENDED BY A CHORD OF NORTH 18 DEGREES 08 MINUTES 46 SECONDS EAST FOR A DISTANCE OF 120.93 FEET TO A POINT;

THENCE NORTH 13 DEGREES 51 MINUTES 06 SECONDS EAST FOR A DISTANCE OF 307.25 FEET TO A POINT;

THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 100.00 FEET AND AN ARC LENGTH OF 149.57 FEET, BEING SUBTENDED BY A CHORD OF NORTH 28 DEGREES 59 MINUTES 52 SECONDS WEST FOR A DISTANCE OF 136.01 FEET TO A POINT;

THENCE NORTH 13 DEGREES 51 MINUTES 06 SECONDS EAST FOR A DISTANCE OF 81.23 FEET TO A POINT;

THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 100.00 FEET AND AN ARC LENGTH OF 149.57 FEET, BEING SUBTENDED BY A CHORD OF NORTH 56 DEGREES 42 MINUTES 04 SECONDS EAST FOR A DISTANCE OF 136.01 FEET TO A POINT;

THENCE NORTH 13 DEGREES 51 MINUTES 06 SECONDS EAST FOR A DISTANCE OF 94.05 FEET TO A POINT;

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 467.50 FEET AND AN ARC LENGTH OF 201.14 FEET, BEING SUBTENDED BY A CHORD OF NORTH 26 DEGREES 10 MINUTES 38 SECONDS EAST FOR A DISTANCE OF 199.59 FEET TO A POINT;

THENCE NORTH 38 DEGREES 30 MINUTES 10 SECONDS EAST FOR A DISTANCE OF 7.96 FEET TO A POINT;

THENCE SOUTH 62 DEGREES 43 MINUTES 22 SECONDS EAST FOR A DISTANCE OF 86.66 FEET TO A POINT;

THENCE SOUTH 38 DEGREES 30 MINUTES 10 SECONDS WEST FOR A DISTANCE OF 24.83 FEET TO A POINT;

THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 382.50 FEET AND AN ARC LENGTH OF 164.57 FEET, BEING SUBTENDED BY A CHORD OF SOUTH 26 DEGREES 10 MINUTES 38 SECONDS WEST FOR A DISTANCE OF 163.30 FEET TO A POINT;

THENCE SOUTH 13 DEGREES 51 MINUTES 06 SECONDS WEST FOR A DISTANCE OF 101.55 FEET TO A POINT;

THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 85.00 FEET AND AN ARC LENGTH OF 127.27 FEET, BEING SUBTENDED BY A CHORD OF SOUTH 29 DEGREES 02 MINUTES 38 SECONDS EAST FOR A DISTANCE OF 115.71 FEET TO A POINT;

THENCE SOUTH 05 DEGREES 36 MINUTES 19 SECONDS EAST FOR A DISTANCE OF 63.87 FEET TO A POINT;

THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 150.00 FEET AND AN ARC LENGTH OF 184.68 FEET, BEING SUBTENDED BY A CHORD OF SOUTH 49 DEGREES 07 MINUTES 24 SECONDS WEST FOR A DISTANCE OF 173.24 FEET TO A POINT;

THENCE SOUTH 13 DEGREES 51 MINUTES 06 SECONDS WEST FOR A DISTANCE OF 294.00 FEET TO A POINT;

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 892.50 FEET AND AN ARC LENGTH OF 159.02 FEET, BEING SUBTENDED BY A CHORD OF SOUTH 18 DEGREES 57 MINUTES 22 SECONDS WEST FOR A DISTANCE OF 158.81 FEET TO A POINT;

THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 100.00 FEET AND AN ARC LENGTH OF 70.42 FEET, BEING SUBTENDED BY A CHORD OF SOUTH 03 DEGREES 53 MINUTES 08 SECONDS WEST FOR A DISTANCE OF 68.98 FEET TO A POINT;

THENCE SOUTH 30 DEGREES 42 MINUTES 45 SECONDS EAST FOR A DISTANCE OF 89.72 FEET TO A POINT;

THENCE SOUTH 38 DEGREES 53 MINUTES 11 SECONDS WEST FOR A DISTANCE OF 60.00 FEET TO A POINT;

THENCE SOUTH 88 DEGREES 29 MINUTES 55 SECONDS WEST FOR A DISTANCE OF 84.26 FEET TO A POINT;

THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 100.00 FEET AND AN ARC LENGTH OF 65.38 FEET, BEING SUBTENDED BY A CHORD OF SOUTH 59 DEGREES 46 MINUTES 57 SECONDS WEST FOR A DISTANCE OF 64.23 FEET TO A POINT;

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 900.00 FEET AND AN ARC LENGTH OF 87.58 FEET, BEING SUBTENDED BY A CHORD OF SOUTH 43 DEGREES 50 MINUTES 21 SECONDS WEST FOR A DISTANCE OF 87.55 FEET TO A POINT;

THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 450.00 FEET AND AN ARC LENGTH OF 160.38 FEET, BEING SUBTENDED BY A CHORD OF SOUTH 36 DEGREES 25 MINUTES 01 SECONDS WEST FOR A DISTANCE OF 159.53 FEET TO A POINT;

THENCE SOUTH 26 DEGREES 12 MINUTES 25 SECONDS WEST FOR A DISTANCE OF 57.49 FEET TO A POINT;

THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 50.00 FEET AND AN ARC LENGTH OF 75.99 FEET, BEING SUBTENDED BY A CHORD OF SOUTH 17 DEGREES 19 MINUTES 57 SECONDS EAST FOR A DISTANCE OF 68.89 FEET TO A POINT;

THENCE SOUTH 60 DEGREES 52 MINUTES 19 SECONDS EAST FOR A DISTANCE OF 545.33 FEET TO A POINT;

THENCE SOUTH 17 DEGREES 14 MINUTES 36 SECONDS WEST FOR A DISTANCE OF 13.14 FEET TO A POINT;

THENCE SOUTH 63 DEGREES 52 MINUTES 57 SECONDS EAST FOR A DISTANCE OF 68.25 FEET TO A POINT;

THENCE NORTH 34 DEGREES 27 MINUTES 25 SECONDS WEST FOR A DISTANCE OF 0.00 FEET TO THE POINT OF BEGINNING;

TOGETHER WITH AND SUBJECT TO COVENANTS, EASEMENTS, AND RESTRICTIONS OF RECORD.

SAID PROPERTY CONTAINS 7.929 ACRES MORE OR LESS.

SCHEDULE C

Berkley-Howell & Associates, P.C.

William O. Berkley, PE
Willard T. Sigler, LS

306 Enterprise Dr., Suite C
Forest, VA 24551
(434)385-7548
Fax: (434)385-6178

ROSEDALE INFRASTRUCTURE COST ESTIMATE

October 3, 2016

DESCRIPTION	PHASE 1	PHASE 2	TOTAL
Roadway	$ 184,900.00	$ 421,400.00	$ 606,300.00
Roundabout	$ 200,000.00	$ 200,000.00	$ 400,000.00
Turn Lanes	$ 477,500.00	$ 387,500.00	$ 865,000.00
Grading, E&S, Stormwater	$ 262,400.00	$ 161,500.00	$ 423,900.00
Stoplight	$ 200,000.00		$ 200,000.00
Environmental Impact	$ 350,000.00		$ 350,000.00
Utilities	$ 467,500.00	$ 476,000.00	$ 943,500.00
Engineering / Surveying	$ 96,000.00	$ 96,000.00	$ 192,000.00
Consulting / Legal	$ 100,000.00	$ 60,000.00	$ 160,000.00
Subtotal	$ 2,338,300.00	$ 1,802,400.00	$ 4,140,700.00
			$ -
Cost of Funds (6%)	$ 280,596.00	$ 216,288.00	$ 496,884.00
Contingency (20%)	$ 467,660.00	$ 360,480.00	$ 828,140.00
Site Management (10%)	$ 233,830.00	$ 180,240.00	$ 414,070.00
TOTAL	**$ 3,320,386.00**	**$ 2,559,408.00**	**$ 5,879,794.00**

Schedule D

Baseline for Calculating “New Revenues"
(July 1, 2015 - June 30, 2016)

Actual Combined Base Taxes including real estate tax, the City's portion of general sales tax, business, professional, and occupational license tax, taxes on tangible business personal property, machinery and tools tax, meals and beverage tax, and lodging tax.

	FY 2016 Total
Golden Mile, LLC	$ 24,205.77
Bella Rose Plantation, LLC	$ 12,239.18
Total	$ 36,444.95

Comparison of Rosedale Proposals and City Manager Recommendation (Updated 10-11-16)

Council Criteria **September 29, 2014**	**Staff Recommendation** **September 12, 2016**	**Golden Mile, LLC** **September 2, 2016** **Proposal #2**	**Physical Development Committee Summary** **September 12, 2016**	**City Manager Recommendation** **October 11, 2016**
1. No reference to City support for a HB 2 (renamed Smart Scale) application to VDOT for road improvements.	1. City will not support a Smart Scale application for any component of Graves Mill Road, entrance or "spine" road improvement for Golden Mile, LLC. None of these improvements are on any transportation priority list.	1. Proposes no City support for a Smart Scale request from VDOT.	1. Committee does not support the City endorsing a Smart Scale application for funding from the Virginia Department of Transportation (VDOT).	1. No application for Rosedale for Smart Scale funding was submitted.
2. Participation by the City of no more than 50% of the cost of road improvements.	2. Participation by the City of no more than 50% of the cost of road improvements. Reimburse for physical construction activities only, including but not limited to clearing, grubbing, grading, erosion control, drainage, curb and gutter, stone base, asphalt pavement, milling, seeding and landscaping, traffic control measures, traffic signal, signage, pavement markings, water and sewer mains, construction administration and inspections and a portion of the regional stormwater detention facility within existing and/or proposed right-of-ways and easements. Staff does not support using the definition included in the State Code regarding Tax Increment Financing, which includes such things as financing costs and attorney fees.	2. Participation by the City of 100% of all road improvement costs according to State Code Tax Increment Financing Definition, including Graves Mill Road improvements and internal "spine" road improvements	2. City staff to negotiate the reimbursement percentage and a cap on reimbursement with the developer. Committee agreed that the City fund soft and hard costs of construction such as engineering, financing, legal, environmental, utility and right-of-way acquisition.	2. The City Manager recommends that the City's participation in reimbursement for the capital costs be 100% of the developer's total project estimate or a cap of $5,879,794. The developer recommended a cap of $8,000,000 and a reimbursement of 95% or $7,600,000. The developer could not articulate a justification for a cap of $8,000,000.
Terms	Terms: City keeps 20% of first one-half of reimbursement and 40% of second-half of total reimbursement.1/	Terms: City keeps 20% of first one-half of reimbursement and 40% of second-half of total reimbursement. 1/	Terms: Committee suggests further negotiation for City to realize more revenue due to reimbursement of hard and soft costs.	Terms: The City Manager and developer negotiated a split in "new revenue" of 75% developer/25% City up to the first $3,000,000 of reimbursement and a 55% developer/45% City split of revenues up to the cap of $5,879,794 or 15 years, whichever comes first.

Comparison of Rosedale Proposals and City Manager Recommendation (Updated 10-11-16)

3. Connectivity to Breezewood Drive	3. Require developer to acquire dedicated right-of-way through the "Skinner Tract" for future connection to Breezewood Drive. A non-binding agreement is not consistent with City Council's criteria.	3. No connectivity to Breezewood Drive. Developer has provided a non-binding agreement with the owners of the "Skinner Tract" for an easement for a road or roadway up to 100 feet wide from the Rosedale property to Breezewood Drive.	3. Committee acknowledges that the Rosedale spine road will provide opportunity to connection to Breezewood Drive in the future. No further discussion needed regarding connectivity.	3. No change.
4. City will only participate in reimbursement from revenues for a period of 10 years. 1/	4. City will participate in reimbursement from identified tax revenues 1/ over a 15-year period or until Graves Mill Road, entrance and "spine" road improvements are paid for, whichever comes first.	4. Reimbursement period from the City for 15 years or full reimbursement of road, whichever comes first. 1/	4. City and developer agree with a 15 year term for a to be determined % reimbursement of defined costs up to a to be determined cap, whichever comes first. 1/	4. 15 year term beginning January 1, 2017 with a 100% reimbursement of total project estimate of $5,879,794 as recommended by the City Manager.

1/Per June 13, 2016 meeting between City and Golden Mile, LLC, tax revenues to be used for reimbursement are Real Estate, Business and Professional Licenses, Machinery and Tools, Business Personal Property, Meals, Lodging, and City share of sales tax for commercial development only.

Rosedale Project Historical Timeline Through August 9, 2016

March 27, 2012, May 14, 2012 and June 19, 2012 – Initial meetings among City staff and Rosedale project team. Request was for City to build road and signal in exchange for donation of the right-of-way. Later modified to request for City to build the road and development group would install the signal and donate right-of-way. City's response was there was no funding available for this project; request would require Council approval and funding. Development group estimated costs at $650,000.

August 7, 2012 – Meeting among City staff and Rosedale project team. Rosedale team indicated they were having some trouble with the property owners.

October 3, 2012 - Dick Schoew wrote an "Open Letter to Tom Martin" with copies to Kim Payne, Bonnie Svrcek & City Council. Kim responded.

August 8, 2013 – Rosedale project team met with City staff for pre-Technical Review Committee meeting. Rosedale team indicated they would move forward with a traffic study and expanded residential component.

April 8, 2014 – City Council rezoned the property, approved the Rosedale Cluster Commercial Development and determined the Bella Rose outdoor venue was a compatible use.

April 29, 2014 – Meeting among City staff and Rosedale project team about project infrastructure. Development team would assist with road costs and City would receive reimbursement through taxes. Initial discussions of using Revenue Sharing funds for project. Cost estimates increased to $3.0 M.

May 29, 2014 – Economic Development prepared tax revenue estimate with Commissioner of Revenue's assistance based Rosedale's examples of revenues generated from existing businesses of $950,000.

August 25, 2014 – Meeting among City staff and Rosedale project team to discuss project infrastructure cost proposal.

September 23, 2014 – Dick Schoew wrote City Council to advise them of the project's efforts to finalize a revenue sharing proposal.

September 24, 2014 – The Rosedale project team requested a six-month extension for their conditional use permit.

September 29, 2014 – City Council discussed the possibility of a tax incentive scenario for the Rosedale road improvements. Marjette Upshur emailed Dick Schoew the next day to let him know the 3 conditions – (i) a time limit on the return period; (ii) no more than 50% of the cost of the improvements; and (iii) the road connects to Breezewood Drive. Requested proposal from Rosedale project team.

November 24, 2014 – Office of Economic Development received an email from Dick Schoew stating City did not support their project. Marjette Upshur replied asking again when the team would submit a formal proposal.

March 11, 2015 – Meeting among City Assessor, Office of Economic Development and Rosedale project team to discuss Virginian Hotel agreement and possible Tax Incentive Financing- like structure for road funding.

July 20, 2015 – Kim Payne, Greg Daniels, Bonnie Svrcek and Marjette Upshur met with Jim Richards, Attorney for the developers, to discuss requirements for a formal request for funding of the road (economic impact, letters of intent).

January 5, 2016 – Technical Review Committee (City staff) reviewed amendment for Bella Rose to add event center. No recent activity.

March 14, 2016 – Staff meeting with Dick Schoew. He stated commitment to provide connection to Breezewood Drive and his intent to submit Fiscal Impact Study. Also indicated they were seeking to partner with English Construction.

March 29, 2016 – Meeting with Dick Schoew in City Manager's Office. Initial discussions about HB2 funding with estimate of $5.9M. Staff explained that Council priorities were One-way Pairs and Odd Fellows Road. Discussion of road improvements led to meeting with Virginia Department of Transportation.

April 6, 2016 – Kim Payne and Marjette Upshur met with Jim Richards. City staff received the Market & Fiscal Impacts Analyses for Rosedale Farms.

April 13, 2016 – Meeting among Virginia Department of Transportation staff, City staff, Rosedale project team, Lynchburg Regional Transportation Group and Commonwealth Transportation Board representative. Discussed possible HB2 funding for Rosedale. Rosedale project team would hire Maynard Jones to complete the application for City's consideration. There was no commitment on the part of the City to submit an HB2 application for Rosedale. Follow up discussion of one-way pair and Dick Schoew's proposed alternative.

May 9, 2016, May 11, 2016 and May 16, 2016 – Jim Richards sends Office of Economic Development the draft request for Kim Payne to take to City Council. Jim follows up with Letter of Intent for the Skinner Tract Easement and Letter of Support from Runk & Pratt.

May 13, 2016 – Office of Economic Development requests Retail Strategies, Inc. review Rosedale's proposal. Questions referred to Dick Schoew who in turn referred them to Stu Patz who conducted the economic impact analyses. Marjette Upshur followed up to clarify Retail Strategies' questions were related to the design of the project and phasing. No response from Rosedale project team.

May 24, 2016 – Dick Schoew emails the Office of Economic Development that Lynchburg's Golden Mile is opening its doors to the public despite the lack of support from City administration.

May 31, 2016 – Dick Schoew emails Office of Economic Development to request they attend a "tour" of the property; Mr. Schoew also indicates he has invited City Council. Economic Development staff toured the Bella Rose site with Councilman Perrow.

June 13, 2016 – Meeting among City staff, Jim Richards and Rosedale project team. Kim Payne invited the developer team to make a presentation to City Council at the June 28 Council meeting. Due to scheduling conflicts, the presentation was moved to the July 12. Further scheduling conflicts moved consideration to the Finance Committee for review and recommendation on August 9, 2016.

August 9, 2016 – Finance Committee meets to discuss financial components of the Rosedale proposal. Staff is directed to meet with developers to discuss alignment of developer proposal with Council's September 29, 2014 criteria for consideration of participation in the Rosedale project.

PERFORMANCE AGREEMENT

This Performance Agreement (the "Agreement") is dated as of _____, 2016, by, between and among the **CITY OF LYNCHBURG, VIRGINIA** (the "City"), the **ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF LYNCHBURG** (the "Authority"), **GOLDEN MILE, LLC** (the "Owner"), and **BELLA ROSE PLANTATION, LLC** ("Bella Rose") (all of which together constitute the "parties" and each a "party").

RECITALS

R1. The Owner has proposed the improvement and development of the property known as Rosedale located on Graves Mill Road in Lynchburg, Virginia, for a mixed use development with related amenities, site improvements, and public infrastructure (the "Project"). In order to develop the Project it is necessary that Owner build within the Project a main corridor road serving the Project and accessing adjacent developable land as shown on the attached **Schedule A** (the "Road"). The metes and bounds of the road improvement project area is shown on the attached **Schedule B**.

R2. The Owner has acquired the Rosedale property identified as City of Lynchburg Tax Map Number 239-04-004 (the "Rosedale Property"), as part of the development of the Project.

R3. Bella Rose is the owner of property adjacent to the Project to be developed in conjunction therewith, which Bella Rose intends to be included as a part of and subject to this Agreement, which property is identified as City of Lynchburg Tax Map Numbers 239-04-001 and 239-04-005 (the "Bella Rose Property").

R4. The City and the Authority recognize that the development of the Project will require significant costs for infrastructure improvements, which improvements include the Road.

R5. The Owner will design and construct the Road consistent with the City's standard specifications for street improvements. The Owner will diligently proceed with the design and construction of the Road. Upon the satisfactory completion of construction, the City will accept the dedication of the Road according to the City's standard street specifications and this Agreement. Upon the completion of construction, the Owner will dedicate the Road to the City.

R6. Owner will pay for the construction of the Road with the understanding and agreement of the City and the Authority that the Authority will make economic development grants to the Owner in accordance with the terms of this Agreement. The City will make annual appropriations to the Authority pursuant to this Agreement to allow the Authority to make the economic development grants to the Owner. The amounts and duration of the economic development grants will be as stated in this Agreement. The Owner has requested economic development grants through the Authority to assist in the cost of constructing the Road

R7. The City and the Authority wish the Project to proceed and have determined that the Project will promote economic development in the City and the region. The Project will provide additional tax revenues, additional employment opportunities, new transportation infrastructure improvements, and new amenities and will contribute to the continued vitality of Lynchburg.

R8. The City and the Authority recognize that the Property is strategically located for development of currently underutilized land in the Graves Mill Road, Lakeside Drive, and Route 221 areas and that the Road will allow access to adjacent developable land to spur even further growth.

R9. The Authority, based on the undertakings of the Owner, has determined to make economic development grants (the "Grants") to the Owner for a period of fifteen years (January 1, 2017 through December 31, 2031) in accordance with the terms of this Agreement for the Eligible Road Construction Costs (as defined below), up to a maximum amount of Five Million, Eight Hundred and Seventy-Nine Thousand, Seven Hundred and Ninety-Four Dollars ($5,879,794).

R10. The Authority, shall make such Grants only from funds to be provided for such purposes to the Authority by the City, all in accordance with the terms of this Agreement.

R11. The City, based on the undertakings of the Owner, has determined to make appropriations to the Authority in accordance with the terms of this Agreement from the New Tax Revenues (as defined below), up to a maximum of Five Million, Eight Hundred and Seventy-Nine Thousand, Seven Hundred and Ninety-Four Dollars ($5,879,794).

NOW, THEREFORE, the parties, in consideration of the promises and obligations contained herein, mutually agree as follows:

ARTICLE I

INCORPORATION OF RECITALS

1.1 The recitals stated above shall be part of this Agreement.

ARTICLE II

DEFINITIONS

The terms defined in this Article II shall for all purposes of this Agreement have the meanings specified unless the context expressly or by necessary implication otherwise requires:

2.1 **"Agreement"** means this Performance Agreement by, between and among the City, the Authority, the Owner, and Bella Rose, as the same may be amended, supplemented, or modified from time to time, and all amendments.

2.2 **"Appropriation"** means the appropriation by the City to the Authority each Fiscal Year pursuant to this Agreement.

2.3 **"Authority"** means the Economic Development Authority of the City of Lynchburg.

2.4 **"Bella Rose Property"** means the land, buildings, structures and improvements identified as City of Lynchburg Tax Map Numbers 239-04-001 and 239-04-005.

2.5 **"City"** means the City of Lynchburg, Virginia.

2.6 **"Eligible Road Construction Costs"** means actual expenditures by the Owner to construct the Road including, but not limited to, costs of improvements (including pubic water, sewer, and stormwater infrastructure), construction, labor, materials, machinery, equipment, financing charges, interest, plans, surveys, professional services including engineering, legal, consulting, administrative, and other professional services (which consulting, administrative and other professional services include, but are not limited to, traffic studies, environmental mitigation, accounting, reporting, site inspection, city inspection interface, soil/rock testing, right of way acquisition, project supervision, and miscellaneous site consulting) and any and all other expenses necessary or incident to the construction or financing of the Road. A Total Project Estimate of these costs is attached hereto as **Schedule C**. Eligible Road Construction Costs shall not include the cost of the Property.

2.7 **"Fiscal Year"** means the financial reporting period from July 1 through June 30 of each year.

2.8 **"Grants"** means the economic development cash grants by the Authority to the Owner in accordance with the terms of this Agreement.

2.9 **"New Tax Revenues"** means all new tax revenues and new tax benefits the City actually receives from the Property or the Project, and any new taxes generated by the Project, the Property or any business located on the Property, including revenues from commercial real estate taxes, the City's portion of general sales tax, business, professional, and occupational license tax, taxes on tangible business personal property, machinery and tools tax, meals and beverage tax, and lodging tax, to the extent that such tax revenues and benefits exceed Thirty-Six Thousand, Four Hundred and Forty-Five Dollars ($36,445) in a Fiscal Year (or prorated for any period shorter than a Fiscal Year). The existing baseline tax revenues for the Property are shown on **Schedule D**.

2.10 **"Owner"** means Golden Mile, LLC.

2.11 **"Owner Portion"** means that portion of the New Tax Revenues to be used to calculate the amount of Grants in accordance with the Terms of this Agreement. Such portions are as follows:

a) Until such time as the Authority has made Grants to the Owner totaling Three Million Dollars ($3,000,000), the Owner Portion shall be seventy-five percent (75%) of the New Tax Revenues.

b) Subsequent to the date on which the Authority has made Grants totaling Three Million Dollars ($3,000,000) to the Owner pursuant to this Agreement, the Owner Portion shall be fifty-five percent (55%) of the New Tax Revenues.

c) Such Grants shall continue until the sooner to occur of; (i) the Authority has made Grants to the Owner in accordance with the terms of this Agreement equal to the Eligible Road Construction Costs; (ii) the Authority has made Grants to the Owner of totaling Five Million, Eight Hundred and Seventy-Nine Thousand, Seven Hundred and Ninety-Four Dollars ($5,879,794) pursuant to this Agreement; or (iii) July 31, 2032.

2.12 **"Project"** means the improvement and development of the Property for a mixed use development with related amenities, site improvements and public infrastructure improvements.

2.13 **"Property"** means the land, buildings, structures, and improvements identified as City of Lynchburg Tax Map Numbers 239-04-001, 239-04-004, and 239-04-005, which include the Rosedale Property and the Bella Rose Property.

2.14 **"Road"** shall mean the Graves Mill Road improvements and the improvements to the as yet named spine road, all as outlined or shaded in red on the attached Schedule A and as more particularly described by metes and bounds on the attached **Schedule B**. In the case of any disparity between **Schedules A** and **B, Schedule B** shall govern.

ARTICLE III

CONSTRUCTION OF THE ROAD

3.1 **Construction**.

3.1.1. The Owner shall diligently proceed with the design and construction of the Road.

3.1.2. The approximate location and configuration of the Road are shown on **Schedule A**.

3.1.3. The metes and bounds of the road construction project area is shown on **Schedule B**.

3.1.4. A total project cost estimate for the road construction project is shown on **Schedule C**.

3.1.5. The baseline tax revenues for the Property are shown on **Schedule D**.

3.2 **Compliance with City Street Specifications.** The Owner shall design and construct the Road in compliance with the City's standard street specifications.

3.3 **Review, Inspection, and Approvals**.

3.3.1. **Design**. The City shall review, comment, and approve the design consistent with the City's standard street specifications and review practices.

3.3.2. **Construction**. The City shall review and inspect the construction of the Road consistent with the City's standard street specifications and review practices.

3.4 **Dedication and Acceptance**. Upon the satisfactory completion of construction, the City shall inspect the Road for compliance with the City's standard street specifications. Upon the City's approval of the construction, the Owner shall dedicate the Road to the City and the City shall accept such dedication.

3.5 **Continued Progress**. The Owner shall diligently pursue and continue the construction of the Road. In the event that the Owner suspends or terminates work on the Road for a period exceeding sixty (60) days, the Owner shall

give the Authority and the City written notice that the Owner has suspended work on the Road. The Owner shall advise the Authority and the City why the Owner suspended work on the Road and when the Owner expects work to resume.

3.5.1. The Authority shall not be obligated to make any Grants to the Owner pursuant to this Agreement during any period in which the Owner has suspended work on the Road for a period exceeding sixty (60) days or if the Owner has failed to diligently pursue the construction and completion of the Road.

3.5.2. In the event the Owner suspends work on the Road and then recommences such work, the Owner shall give the Authority and the City written notice that the Owner has recommenced work on the Road.

3.5.3. The Authority's right to suspend making Grants if the Owner fails to diligently pursue the construction and completion of the Road shall be based on the actual status of the Owner's continued progress on the work. The Authority's right to suspend making Grants shall not be conditioned on the Owner's compliance with the notice provisions in this section.

ARTICLE IV

ECONOMIC DEVELOPMENT GRANTS

4.1 **Annual Grants/Amount**. Subject to the terms of this Agreement, the Authority shall make the Grant for each Fiscal Year to the Owner in an amount equal to the Appropriation.

4.2 **Commencement of Grants**.

4.2.1. The Authority shall make the first annual Grant on or before July 31, 2017, based on the Owner's Eligible Road Construction Costs incurred by the Owner after January 1, 2017 and prior to July 1, 2017.

4.2.2. The amount of the first annual Grant shall be equal to the lesser of: (i) the New Tax Revenues actually received by the City in Fiscal Year 2016-2017; or (ii) the Owner's Eligible Road Construction Costs incurred after January 1, 2017 and prior to July 1, 2017. The Authority shall not be obligated to make any Grant payment until construction of the Road has begun.

4.2.3. At such time as construction on the Road has begun, the Authority will release Grant funds from an Appropriation, as requested by the Owner, based on the Eligible Road Construction Costs incurred by the Owner through the date construction on the Road actually began.

4.2.4. The Owner shall provide the Authority with adequate documentation of the Eligible Road Construction Costs incurred by the Owner.

4.3 **Date of Grants**. The Authority shall make annual Grants to the Owner on or before July 31 of each year in an amount up to and including the Eligible Road Construction Costs incurred by the Owner prior to July 1 of each year

and reported to the Authority and the City in accordance with the terms of this Agreement. The Authority shall hold any part of an Appropriation by the City to the Authority that is not granted to the Owner. The Authority shall make grants from such held Appropriation amount to the Owner based on future Eligible Road Construction Costs incurred by the Owner, as and when such Eligible Road Construction Costs are incurred by the Owner and reported to the Authority and the City.

4.4 **Maximum Amount of Grants.** The maximum amount of Grants to be made pursuant to this Agreement shall not exceed Five Million, Eight Hundred and Seventy-Nine Thousand, Seven Hundred and Ninety-Four Dollars ($5,879,794). All obligations of the Authority and the City pursuant to this Agreement shall be ended when the Authority has made Grants totaling Five Million, Eight Hundred and Seventy-Nine Thousand, Seven Hundred and Ninety-Four Dollars ($5,879,794).

4.5 **Final Annual Grant.** The final annual Grant shall be made no later than July 31, 2032.

4.6 **Terms.** The Authority shall make Grants to the Owner in accordance with the terms of this Agreement based on the Owner Portion of New Tax Revenues for the period beginning on January 1, 2017 and continuing until the sooner of: (i) December 31, 2031; or (ii) the Authority has made Grants to the Owner pursuant to this Agreement totaling Five Million, Eight Hundred and Seventy-Nine Thousand, Seven Hundred and Ninety-Four Dollars ($5,879,794).

4.7 **Early Termination of Grants.** Notwithstanding any other provision of this Agreement, no Grants shall be made once the Authority has made Grants for the total Eligible Road Construction Costs incurred by the Owner or the Authority has made Grants totaling Five Million, Eight Hundred and Seventy-Nine Thousand, Seven Hundred and Ninety-Four Dollars ($5,879,794). No Grants shall be made after July 31, 2032.

4.8 **Itemization and Reporting of Eligible Road Construction Costs.** The Owner shall provide the Authority and the City adequate documentation to establish the Eligible Road Construction Costs incurred by the Owner for each Fiscal Year.

4.9 **Limited Obligation**. The obligations of the Authority hereunder are not general obligations of the Authority, but are limited obligations of the Authority limited to those funds which are provided by the City for such purposes and received by the Authority under the terms set forth in this Agreement.

ARTICLE V

CITY APPROPRIATIONS

5.1 **Budget.** The City shall budget each Fiscal Year for the appropriation of funds to the Authority to allow it to make Grants to the Owner in accordance with the terms of this Agreement. The first Appropriation shall include all amounts to be granted to Owner pursuant to Section 4.2 of this Agreement. Each subsequent year, the City shall budget for the Appropriation in the amount of the Owner Portion of the New Tax Revenues the City actually received in the prior Fiscal Year.

5.2 **Calculation of New Tax Revenues.** The City shall make reasonable efforts to calculate the New Tax Revenues for each Fiscal Year. In the event the New Tax Revenues cannot be determined with precision, the City shall make a good faith estimate of any portion of New Tax Revenues that cannot be determined with precision. The City and the Owner shall cooperate in resolving any uncertainty or disagreement concerning the calculation of New Tax Revenues for each Fiscal Year.

5.3 **Appropriation.** The City shall make the Appropriation each Fiscal Year to allow the Authority to make the Grants in accordance with the terms of this Agreement. The City shall make the transfer of the funds to the Authority by July 31 of each Fiscal Year.

5.4 **Nature of the Obligation of the City.** The City, the Authority, and the Owner recognize that the City may not have the power to make a legally enforceable obligation to make the Appropriations beyond the current Fiscal Year. It is the intention of the Council of the City to make sufficient annual appropriations during the term of this Agreement to satisfy the City's obligations under this Agreement.

5.4.1 The City Council will direct the City Manager (or other officer charged with responsibility for preparing the City's budget) to include in the budget for each Fiscal Year of the City during the term of this Agreement a request that the Council appropriate the amount of the Owner Portion of the New Tax Revenues in order to satisfy the City's obligations pursuant to this Agreement. If the Council fails to appropriate the amount of the actual New Tax Revenues to the Authority before July 31 in each year, the City Manager (or other officer charged with the responsibility of preparing the City's budget) shall:

5.4.1.1 Submit to the Council at its next scheduled meeting, or as promptly as possible, but in any event within 45 days, a request for a supplemental appropriation sufficient to satisfy the City's obligation pursuant to this Agreement; and

5.4.1.2 Give the Owner and the Authority written notice of the Council's failure to appropriate the amount of the actual New Tax Revenues prior to July 31 in the year in question and give notice to the Owner and the Authority of the request for the supplemental appropriation pursuant to this Section.

5.5 **Appropriation of Funds.** All obligations for funding undertaken by the City or the Authority in connection with the Road or this Agreement are subject to the appropriation of such funds by City Council as may be necessary for such funding.

5.6 **Term.** The City shall make Appropriations for the period beginning January 1, 2017 through December 31, 2031.

5.7 **Failure to Appropriate**. If the City fails to make an Appropriation in accordance with this Agreement in a Fiscal Year, then the City shall make an Appropriation of the amount provided for in accordance with this Agreement in the following fiscal years to reconcile the underpayment.

ARTICLE VI

ADDITIONAL OWNER'S OBLIGATIONS

6.1 **Development of the Project**. The Owner shall prosecute diligently and continuously the construction of the Road for the development of the Project.

6.2 **Conditions Precedent**. The obligations of the Owner to construct the Road shall be subject to the timely availability of construction financing and permanent financing for construction of the improvements contemplated by this Agreement at reasonable rates and terms then prevalent in the institutional commercial loan marketplace.

6.3 **Use of Grants Proceeds**. The Owner shall use the Grants solely to pay for the Eligible Costs for Transportation Improvements or to reimburse itself for such Eligible Cost for Transportation Improvements already expended.

6.4 **Pledge of Grants**. The Owner may pledge the Grants to secure the payment of third party financing for the Road.

6.5 **Use of Local Contractors**. Owner understands and agrees that in calculating the City's return on investment, the use of local contractors from the City of Lynchburg, Virginia shall be considered by Owner for construction of the Road. Owner shall use commercially reasonable efforts to use such local contractors if Owner's general contractor determines in its sole discretion that such local contractors are the most qualified to provide services for the Project and at a competitive cost.

6.6 **Compliance with Applicable Ordinances**. Owner agrees to comply with all applicable City ordinances regarding the bonding of the Road, regarding sewer, water, and stormwater management improvements, and regarding review and approval by appropriate City departments and staff of infrastructure improvements.

ARTICLE VII

EVENTS OF DEFAULT

7.1 **Events of Defaults**. The occurrence of any of the following events shall constitute an Event of Default under this Agreement:

7.1.1 The Owner shall breach or fail to perform any term, covenant, warranty or agreement herein and such default shall continue for thirty (30) days after written notice thereof has been given to the Owner by the Authority or by the City.

7.1.2 The Owner shall (i) voluntarily commence any proceeding or file any petition seeking relief under Title 11 of the United States Code or any other federal, state or foreign bankruptcy, insolvency or similar law, (ii) consent to the institution of, or fail to controvert in a timely and appropriate manner, any such proceeding or the filing of any such petition, (iii) apply for or consent to the appointment of a receiver, trustee, custodian, sequestrator or similar official for it or for a substantial part of its property, (iv) file an answer admitting the material allegations of a petition filed against it in any such proceeding, (v) make a general assignment for the benefit of creditors, (vi) become unable, admit in writing its inability or fail generally to pay its debts as they become due, or (vii) with respect to the Owner, take partnership action for the purpose of effecting any of the foregoing.

7.1.3 An involuntary proceeding shall be commenced or an involuntary petition shall be filed in a court of competent jurisdiction seeking (i) relief in respect of the Owner or of a substantial part of its property, under Title 11 of the United States Bankruptcy Code or any other federal, state or foreign bankruptcy, insolvency or similar law, (ii) the appointment of a receiver, trustee, custodian, sequestrator or similar official for the Owner or for a substantial part of its property or (iii) the winding-up or liquidation of the Owner and such proceeding or petition shall continue un-dismissed for 60 days or an order or decree approving or ordering any of the foregoing shall continue unstayed and in effect for 30 days.

7.2 **Remedies**. Upon the occurrence of an Event of Default the City or the Authority may, without notice to the Owner, take either or both of the following actions, at the same or different times: (i) terminate this Agreement and with it all future obligations of the parties hereunder; or (ii) exercise any other rights or remedies available to the City or the Authority under the applicable law.

ARTICLE VIII

ADDITIONAL PROVISIONS

8.1 **Reports to the Authority and to the City**. During the term of this Agreement, the Owner agrees to report to and provide the Authority and to the City on a semi-annual basis, on or before June 30 and December 31 of each year, sufficient information related to the Owner's compliance with the conditions of this Agreement and to provide appropriate documentation to support such compliance. In addition, the Owner will provide

documentation to the City and to the Authority of all Eligible Road Construction Costs associated with constructing the Road to justify the Appropriations and Grants, including an estimation of the percentage of completion of the Road. The Owner also agrees to allow the City and/or the Authority and the representatives of each to inspect, audit, copy, or examine any of the Owner's books, documents, or other relevant material in connection therewith, to the extent necessary to administer this Agreement, upon written request by the City or by the Authority. All such documents, information (including electronic data), or access shall be provided or made available within thirty (30) days of a written request from the City or from the Authority at no cost to the City or the Authority. Any information provided to the City or to the Authority pursuant to this agreement shall be deemed to be proprietary and confidential information and will be held in confidence by the City and the Authority to extent allowed by Section 2.2-3705.6 of the Code of Virginia.

8.2 **Compliance with the Laws**. The Owner agrees to comply with all applicable federal, state, and local laws, rules, and regulations.

8.3 **Cooperation**. Each party agrees to cooperate with the others in a reasonable manner to carry out the intent and purpose of this Agreement.

8.4 **Severability**. If any term of this Agreement is found to be void or invalid, such invalidity shall not affect the remaining terms of this Agreement, which shall continue in full force and effect, unless such term is essential to effectuating the purposes of this Agreement.

8.5 **Authority to Sign**. The persons who have executed this Agreement on behalf of the parties represent and warrant they are duly authorized to execute this Agreement on behalf of their respective entity.

8.6 **Counterpart Copies**. This Agreement may be executed in any number of counterpart copies, each of which shall be deemed an original, but all of which together shall constitute a single instrument.

8.7 **Successors**. The terms, conditions, provisions and undertakings of this Agreement shall be binding upon and inure to the benefit of each of the parties and their respective successors and assigns.

8.8 **Assignment**. Owner may assign this agreement to any third party contractually obligated to fulfill its obligations to construct the Road and that can meet the bonding requirements necessary for bonding the completion of the Road. No such assignment shall relieve Owner from any of its obligations under this Agreement. Owner shall further be allowed to assign or transfer some or all of its rights under this Agreement for the purpose of furthering the development of the Project for financing purposes or for the development of specific portions of the Project.

8.9 **Responsibility of the Parties.** To the extent permitted by applicable law, each party to this Agreement will be responsible for the actions, inactions, or violations of its officers, employees, and agents in connection with the Project or the Property, and the activities provided for in this Agreement, but nothing contained herein shall be construed as a waiver of the City's sovereign immunity.

8.10 **Forum Selection And Choice Law/Disputes.**

8.10.1 By virtue of entering into this Agreement, Owner, the Authority, and the City agree to submit themselves to the jurisdiction of the Circuit Court of the City of Lynchburg, Virginia, and further agree this Agreement is controlled by the laws of the Commonwealth of Virginia, with the exception of Virginia's choice of law provisions which shall not apply; and all claims, disputes, and other matters shall be decided only by such court according to the laws of the Commonwealth of Virginia as aforesaid. Nothing in this paragraph shall be construed as a waiver of the City's sovereign immunity.

8.10.2 Prior to the initiation of any litigation, the parties agree to seek to resolve any and all claims, disputes, and other matters utilizing mediation in accordance with the dispute provisions provided in this Section.

8.10.2.1 If a dispute arises out of or relates to this Agreement, or a claimed breach of this Agreement, the parties first to try in good faith to resolve the dispute through negotiation among the parties and by nonbinding mediation. In the event of any such dispute, a party may give the other parties a written description of the dispute and the relief requested. The parties shall promptly attempt to resolve the dispute by negotiation involving senior managers. If the dispute is not promptly resolved by negotiation, any party may demand in writing that all of the parties involved in the dispute participate in a formal mediation presided over by a third-party neutral mediator. If the parties cannot agree on a mediator, then McCammon Mediation Group, 6641 West Broad Street, Richmond, Virginia 23230, or its successor, shall have the power to select the mediator. The parties shall share in the cost of the mediation proceedings equally.

8.10.2.2 If mediation is unsuccessful, the parties shall be free to initiate litigation or take other appropriate action as they deem appropriate. However, no party shall initiate any litigation or action against any other party to this Agreement with respect to the performance or enforcement of this Agreement without first complying with the dispute resolution provisions of this section except for the sole and limited purpose of tolling a statute of limitations or similar laws that would otherwise impair a party's legal rights, or for enforcing this Dispute Section.

8.11 **Non-waiver.** Each party agrees that any party's waiver or failure to enforce or require performance of any term or condition of this Agreement or any party's waiver of any particular breach of this Agreement by any other party extends to that instance only. Such waiver or failure is not and shall not be a waiver of any of the terms or conditions of this Agreement or a waiver of any other breaches of the Agreement by any party and does not bar the non-defaulting party from requiring the defaulting party to comply with all the terms and conditions of this Agreement and does not bar the non-defaulting party from asserting any and all rights and/or remedies it has or might have against the defaulting party under this Agreement by law.

8.12 **Captions and Headings**. The section captions and headings are for convenience and reference purposes and shall not affect in any way the meaning or interpretation of this Agreement.

8.13 **Dedicated Easements and Rights of Way**. Owner shall grant and dedicate to the City all reasonably necessary easements and rights of way on its Property for the construction of infrastructure improvements needed for or benefiting the Project or surrounding areas, including, but not limited to, storm drainage, sanitary sewers, and/or water, all without compensation to Owner from the City.

8.14 **Performance**. If Owner fails to comply with any of the obligations of this Agreement, Owner shall not be entitled to be eligible for and/or receive and/or continue to be eligible for and/or receive any such Reimbursements as referred to above or in this Agreement. In the event the City or the Authority believe that Owner has failed to comply with any of the obligations of this Agreement, except as noted below, the City or the Authority shall give Owner written notice identifying how Owner is not in compliance, with reasonable specificity. Owner shall then have a 30 day period to reasonably cure the identified noncompliance issue. If the identified noncompliance issue cannot reasonably be cured within the 30 day period, Owner shall have an additional reasonable time to cure, not exceeding an additional 60 days, provided Owner acts diligently to accomplish the cure.

8.15 **Notices**. All notices hereunder must be in writing and shall be deemed validly given if sent by certified mail, return receipt requested, or by a nationally recognized overnight courier, addressed as follows (or any other address the party to be notified may have designated to the sender by like notice):

If to City, to:

City of Lynchburg, Virginia

Attn: Bonnie Svrcek, City Manager

900 Church Street, 3rd Floor

Lynchburg, VA 24504

(434) 455-3990

With a copy to:

City of Lynchburg, Virginia

Attn: Walter C. Erwin, III, City Attorney

900 Church Street, 3rd Floor

Lynchburg, VA 24504

(434) 455-3973

Fax: (434) 847-2067

If to Owner, to:

Golden Mile, LLC

1621 Link Road

Lynchburg, Virginia 24503

Attn: Edward S. Graves, II, Manager

With a copy to:

James R. Richards, Esq.

Petty, Livingston, Dawson & Richards

P. O. Box 1080

Lynchburg, VA 24505

Fax No. (434) 847-0141

If to the Authority, to:

Economic Development Authority of the City of Lynchburg

Attn: Michael Lucado

900 Church Street

Lynchburg, Virginia 24504

(434) 455-4490

With a copy to:

Theodore J. Craddock, Esquire

Caskie & Frost, P.C.

2306 Atherholt Road

Lynchburg, Virginia 24501

(434) 846-2731

Notice shall be deemed delivered upon the date of personal service, two days after deposit in the United States mail, or the day after delivery to a nationally recognized overnight courier.

8.16 **Force Majeure**. A delay in or failure of performance by any party shall not constitute a default, nor shall Owner, the Authority, or the City be held liable for loss or damage, or be in breach of this Agreement, if and to the extent that such delay, failure, loss or damage is caused by an occurrence beyond the reasonable control of such party and its agents, employees, contractors, subcontractors and consultants, which results from Acts of God or the public enemy, compliance with any order of or request of any governmental authority or person authorized to act therefore, acts of declared or undeclared war, public disorders, rebellion, sabotage, revolution, earthquake, floods, riots, strikes, labor or employment difficulties, delays in transportation, inability of party to obtain necessary materials or equipment or permits due to existing or future laws, rules, or regulations of governmental authorities or any other causes, whether direct or indirect, and which by the exercise of reasonable diligence said party is unable to prevent. For purposes of this Agreement any one delay caused by any such occurrence shall not be deemed to last longer than 6 months and all delays caused by any and all such occurrences under any circumstances shall not be deemed to last longer than a total of 9 months. Any party claiming a force majeure occurrence shall give the other parties written notice of the same within 30 days after the date such claiming party learns of or reasonably should have known of such occurrence, or any such claim of force majeure shall be deemed waived. Notwithstanding anything else set forth above, after a total of 9 months of delay or failure of performance of any type has been claimed by a party as being subject to force majeure, no further delays or claims of any type shall be claimed by such party as being subject to force majeure and/or being an excusable delay.

8.17 **Entire Agreement.** This Agreement, together with any exhibits, attachments, and referenced items, constitutes the entire agreement of the parties and supersedes all prior agreements between the parties. No amendment to this Agreement shall be valid unless made in writing and signed by the appropriate parties.

IN WITNESS WHEREOF, the parties have executed this Agreement by their authorized representatives.

CITY OF LYNCHBURG, VIRGINIA

By:_____

Bonnie Svrcek, City Manager

GOLDEN MILE, LLC

By:_____

Its: Manager

BELLA ROSE PLANTATION, LLC

By: _____

Its: Manager

ECONOMIC DEVELOPMENT AUTHORITY
OF THE CITY OF LYNCHBURG, VIRGINIA

By: _____
_____, Chair

SCHEDULE A

(Drawing of location and characteristics of the Road)

SCHEDULE B

Metes and Bounds of Road Construction Project Area

SCHEDULE C

Total Project Cost Estimate for Road Construction Project

SCHEDULE D

Baseline Tax Revenues for the Property

Tax Map Number

239-04-001

239-04-004

236-04-005

Total: Thirty-Six Thousand, Four Hundred and Forty-Five Dollars ($36,445).

// A regular meeting of the Council of the City of Lynchburg was held on the 11th day of October, 2016, at 7:30 P.M. in the Council Chamber, City Hall, Joan Foster, President, presiding. Council Member Wilder gave the Invocation, and the Pledge of Allegiance was led by Cub Scout Pack 180, Den 2. The following Members were present:

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

Absent: 0

// Mayor Foster welcomed the Sister City of Lynchburg Plus/Sister City of Glauchau, Germany Firefighters to Lynchburg. The Glauchau, Germany Volunteer Firefighters were:

Uwe Clemens - Chief of Volunteer Fire Department

Jochen Glös - Club Chairman of Volunteer Fire Department

Robby Puttin – Machinist Member of the Board

Marcus Steinhart – City Head of Department of Civil Services/School/Youth

Uwe Clemens presented a letter to Mayor Foster from the Lord Mayor P. Dressler (Glauchau, Germany) and presented gifts to Council Members.

// Mayor Foster recognized the City of Lynchburg for achieving the Silver Award status from Virginia Municipal League (VML) “Go Green Award.”

// Mayor Foster recognized the Department of Community Development (Kent White, Director and Staff) for being named the 2016 Organization of the Year by the Virginia Association of Zoning Officials.

// Mayor Foster recognized that the Virginia Department of Emergency Management has awarded the City of Lynchburg over $150,000 in grants.

// Mayor Foster recognized Dr. Rachel Gagan with Live Healthy Lynchburg and “Let’s Move”! which was held in Washington, D.C. with First Lady Michelle Obama. Two students from Perrymont Elementary School attended with Mayor Foster.

// Mayor Foster recognized Morgan Gafford, a Sophomore at E.C. Glass with the Mayor’s Youth Council.

// Copies of the minutes of the September 27, 2016 meeting, having been previously furnished Council, reading was dispensed with. Council Member Perrow abstained because he was not present at the September 27, 2016 Council meeting. On motion of Council Member Nelson, seconded by Council Member Dolan, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

Abstain: Perrow 1

// In the matter of Commonwealth Attorney, Resolution #R-16-108 to amend the FY 2017 City/Federal/State Aid Fund budget and appropriate $448,770 with resources from the FY 2017 Office on Violence Against Women (OVW) Improving Criminal Justice Response Program to meet the needs of the community regarding criminal justice responses and victim services, laid over from the September 27, 2016 meeting, was again presented and read, and on motion of Council Member Nelson, seconded by Council Member Helgeson, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of Public Works – General, Resolution #R-16-110 to amend the FY 2017 City Capital Project Fund budget and appropriate $168,244 with resources from a Virginia Department of Transportation (VDOT) Transportation Alternatives Program grant to install sidewalk in the Dearington neighborhood, laid over from the September 27, 2016 meeting, was again presented and read, and on motion of Council Member Nelson, seconded by Council Member Helgeson, Council by the following recorded vote adopted the Resolution:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7
Noes: 0

// In the matter of Public Works – General, Resolution #R-16-111 to amend the FY 2017 City Capital Project Fund budget and appropriate $510,000 with resources from a Highway Safety Improvement Program grant to install pedestrian and signal improvements along Rivermont Avenue from Bedford Avenue to Link Road, laid over from the September 27, 2016 meeting, was again presented and read, and on motion of Council Member Nelson, seconded by Council Member Helgeson, Council by the following recorded vote adopted the Resolution:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7
Noes: 0

// In the matter of Police – General, Resolution #R-16-112 to amend the FY 2017 City/Federal/State Aid Fund budget and appropriate $21,000 with resources of $14,000 from the Department of Motor Vehicles Highway Safety Grant, and an in-kind service and equipment match of $5,929 and $1,071 transferred from the FY 2017 General Fund Police Department budget to provide funds for speed enforcement activities, laid over from the September 27, 2016 meeting, was again presented and read, and on motion of Council Member Nelson, seconded by Council Member Helgeson, Council by the following recorded vote adopted the Resolution:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7
Noes: 0

// In the matter of Police – General/Sheriff/Commonwealth Attorney, Resolution #R-16-113 to amend the FY 2017 City/Federal/State Aid Fund budget and appropriate $43,797 with resources from the 2016 Edward Byrne Memorial Justice Assistance Grant (JAG) to purchase law enforcement equipment for the Lynchburg Police Department, Lynchburg Sheriff's Office and the Office of the Commonwealth's Attorney, laid over from the September 27, 2016 meeting, was again presented and read, and on motion of Council Member Nelson, seconded by Council Member Helgeson, Council by the following recorded vote adopted the Resolution:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7
Noes: 0

// In the matter of Police – General, Resolution #R-16-114 to amend the FY 2017 City/Federal/State Aid Fund budget and appropriate $49,459.20 with resources of $24,729.60 from the Bulletproof Vest Partnership 2016 Grant Program and $24,729.60 transferred from the FY 2017 General Fund Police

Department ($20,865.60) and Sheriff's Office ($3,864) budgets to purchase 64 replacement bulletproof vests for law enforcement officers, laid over from the September 27, 2016 meeting, was again presented and read, and on motion of Council Member Nelson, seconded by Council Member Helgeson, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of Police – General, Resolution #R-16-115 to amend the FY 2017 City/Federal/State Aid Fund budget and appropriate $63,942 with resources of $42,628 from the Department of Motor Vehicles Highway Safety Grant, and an in-kind service and equipment match of $18,537 and $2,777 transferred from the FY 2017 General Fund Police Department budget to provide selective Driving Under the Influence (DUI) and occupant restraint enforcement activities, attend related training and purchase equipment, laid over from the September 27, 2016 meeting, was again presented and read, and on motion of Council Member Nelson, seconded by Council Member Helgeson, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of Public Works – Street Vacation, a public hearing was held regarding City Council Report #9 regarding the petition of Piedmont Real Estate Holdings LLC, Piedmont Land Holdings Co. LLC, and Piedmont Land Development Co. LLC to vacate a portion of Mill Ridge Rd., which is approximately sixty (60) feet wide and extends approximately six hundred eighty-four (684) feet. The portion proposed for vacation is located at the end of a developed and active street, including the cul-de-sac, and contains approximately one and seventy-nine thousandths (1.079) acres. City Planner Tom Martin gave an overview of the street vacation. Mr. Walton, representing the petitioner gave a presentation and asked Council to approve the street vacation. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Nelson, seconded by Council Member Perrow, Council by the following recorded vote adopted Ordinance #0-16-116, as presented, regarding the petition of Piedmont Real Estate Holdings LLC, Piedmont Land Holdings Co. LLC, and Piedmont Land Development Co. LLC to vacate a portion of Mill Ridge Rd., which is approximately sixty (60) feet wide and extends approximately six hundred eighty-four (684) feet.

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

Noes: 0

// In the matter of Community Development - Zoning Amendments, a public hearing was held regarding City Council Report #10 outlining the petition of Maddox & Son Construction, Inc. to amend the Future Land Use Map (FLUM) of the City's Comprehensive Plan 2013-2030 from Medium Density Residential to High Density Residential and to rezone approximately twelve and seventy-five hundredths (12.75) acres at 1125 Old Graves Mill Road from R-2, Low-Medium Density Residential District to R-4C, High Density Residential District (Conditional) to allow the construction of a two hundred and forty-six (246)-unit apartment complex with an accessory commercial space, associated offices, clubhouse, recreational

amenities, and parking areas. Planner II Anne Nygaard gave an overview of the FLUM and the rezoning petition. Ms. Nygaard stated that the Planning Commission recommended denial of the FLUM amendment and approval of the rezoning petition. Mr. Andy Maddox with Maddox & Son Construction and Mr. Warner Trent with Hurt & Proffitt asked Council to approve the FLUM and the rezoning petition because they felt that the development is at a good location, noting access to the Lynchburg Expressway and the site is a good location for this development. Three individuals spoke in favor of the rezoning petition asking Council to consider rezoning this petition. There were several individuals that spoke in opposition of the rezoning petition which included concerns about the increase of traffic in the area and changes to the character of the neighborhood. There was no one else present who wished to speak to this item, and the public hearing was closed. Several Council Members expressed concerns that the development is better suited for R-2 low –medium density residential than R-4 high-density residential district conditional, with increased traffic and emergency vehicles. On motion of Council Member Nelson, seconded by Council Member Helgeson, Council by the following recorded vote adopted Resolution #R-16-117, as amended, amending the Future Land Use Map (FLUM) of the City's Comprehensive Plan 2013-2030 from Medium Density Residential to High Density Residential:

Ayes: Dolan, Helgeson, Nelson, Tweedy, Foster 5

Noes: Perrow, Wilder 2

Council Member Perrow and Council Member Wilder voiced theirs concerns regarding the Proffers, knowing that the Proffers are in place and will protect the neighborhood as much as possible. On motion of Council Member Nelson, seconded by Council Member Helgeson, Council by the following recorded vote adopted Ordinance #0-16-118, as amended, to rezone approximately twelve and seventy-five hundredths (12.75) acres at 1125 Old Graves Mill Road from R-2, Low-Medium Density Residential District to R-4C, High Density Residential District (Conditional) to allow the construction of a two hundred and forty-six (246)-unit apartment complex with an accessory commercial space, associated offices, clubhouse, recreational amenities, and parking areas:

Ayes: Dolan, Helgeson, Nelson, Tweedy, Foster 5

Noes: Perrow, Wilder 2

// In the matter of Community Development – General, a public hearing was held regarding City Council Report #11 regarding the selling of city owned property located at 712 5th Street (Tax Parcel 02423002) consisting of one hundred ninety-eight thousandths (0.198) of an acre. City Planner Tom Martin gave an overview of the request. Mr. William R. Parr, the petitioner asked Council to support the selling of City owned property located at 712 5th Street in the amount of $16,000 to him. One individual spoke in support of the selling of City owned property located at 712 5th Street. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Nelson disclosed the following statement. "I do not represent Mr. Parr in this project, but in the past represented him in other projects. I know nothing about this project. I felt it would not be a conflict of interest and needed to disclose that statement. I am able to participate in this matter fairly, objectively and in the public interest. Therefore, I

will participate in the discussion and the vote on this item". On motion of Council Member Perrow, seconded by Council Member Wilder, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-16-119, as presented, regarding the selling of city owned property located at 712 5th Street (Tax Parcel 02423002) consisting of one hundred ninety-eight thousandths (0.198) of an acre in the amount of $16,000:

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

Noes: 0

// In the matter of Budget, a public hearing was held regarding City Council Report #12 regarding amending the FY 2017 Operating and Capital Budgets and appropriating funds to reflect the FY 2017 First Quarter Adjustments. Director of Financial Services Donna Witt provided an overview of the FY 2017 First Quarter Adjustments. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Nelson, seconded by Council Member Perrow, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-16-120, as presented, amending the FY 2017 Operating and Capital Budgets and appropriating funds to reflect the FY 2017 First Quarter Adjustments:

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

Noes: 0

// In the matter of City Council, Dr. Monroe Baldwin spoke before Council regarding the name of the Cross-Town Connector.

// In the matter of City Council Report #14 was considered. City Manager Bonnie Svrcek provided a summary of the Performance Agreement with Golden Mile, LLC regarding the capital costs of road improvement associated with the development of Rosedale on Graves Mill Road. City Council asked the City Manager to engage in further negotiations with the developer to discuss reimbursement percentage and a cap on reimbursement. Ms. Svrcek recommended the City reimburse the capital costs at 100% of the developer's total cost estimate or a cap at $5,879,794. The developer requested a cap of 8 million dollars, yet they were unable to justify such a cap, which caused a bit of disagreement. An agreement was reached as the developer agreed to a 75% - developer, 25%-City split of revenues up to the first three million dollars of reimbursement and a 55%-developer, 45%-City split of revenues up to the proposed cap of $5,879,794 or fifteen years; whichever comes first. After the presentation from the City Manager Bonnie Svrcek, Council Member Nelson made a motion to approve the Performance Agreement with Golden Mile, LLC. Council Member Perrow, seconded the motion stating several changes to the Agreement. Section #8; add language regarding Breezewood Drive, Section 4.6; term of this Agreement at 15 years or full expenditures and possibly have a performance bond associated with this project. Several Council Members made suggestions regarding the Performance Agreement, which will be incorporated into the final amendments to the Performance Agreement.

- Council Member Nelson – would like the cap to meet the developers' initial request of eight million dollars due to unknown increased costs, which is impossible to predict.

- Council Member Perrow wants to ensure that the City is only paying for the road. He believes the City can fund a road over fifteen years based solely on new revenue based on this development.
- Council Member Helgeson disagreed with the new agreement, stating it is drastically different than initially proposed two years ago. He went on to say, it is not the City taxpayers problem to pay for poor financial planning projections and this is $5.8 million you cannot cut from our heavy tax burden on our citizens.
- Several Council Members agreed to stay the course by supporting the proposed performance plan with amendments to generate revenues for the City, free up traffic, and access to Graves Mill Road.

On motion of Council Member Nelson, seconded by Council Member Perrow, Council by the following recorded vote adopted Resolution #R-16-121, as amended, authorizing the City Manager to sign a Performance Agreement with Golden Mile, LLC regarding the reimbursement of capital costs for road improvements associated with the development of Rosedale on Graves Mill Road:

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

Noes: Helgeson 1

// The meeting was adjourned at 11:30 P.M.

_____

Clerk of Council