

// A regular meeting of the Council of the City of Lynchburg was held on the 25th day of September, 2012, at 7:30 P.M. in the Council Chamber, City Hall, Ceasor T. Johnson, Vice President, presiding. Council Member Cary gave the Invocation, followed by the Pledge of Allegiance. The following Members were present:

Present: Cary, Johnson, Nelson, Perrow 4

Absent: Foster, Helgeson, Gillette 3

// Copies of the minutes of the September 11, 2012 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Nelson, seconded by Council Member Cary, Council by the following recorded vote approved the minutes as presented:

Ayes: Cary, Johnson, Nelson, Perrow 4

Noes: 0

Absent: Foster, Helgeson, Gillette 3

// In the matter of Finance – General, Resolution #R-12-097 amending the FY 2013 Operating and Capital Budgets and appropriating funds to reflect the carry forward of unexpended funds in FY 2012, laid over from the September 11, 2012 meeting, was again presented and read, and on motion of Council Member Nelson, seconded by Council Member Cary, Council by the following recorded vote adopted the Resolution:

Ayes: Cary, Johnson, Nelson, Perrow 4

Noes: 0

Absent: Foster, Helgeson, Gillette 3

// In the matter of Parks and Recreation – General, Resolution #R-12-099 amending the FY 2013 City Capital Project Fund budget and appropriating \$30,000 to complete a site specific environmental assessment and remediation plan for the former Allen Morrison property, laid over from the September 11, 2012 meeting, was again presented and read, and on motion of Council Member Nelson, seconded by Council Member Cary, Council by the following recorded vote adopted the Resolution:

Ayes: Cary, Johnson, Nelson, Perrow 4

Noes: 0

Absent: Foster, Helgeson, Gillette 3

// In the matter of Parks and Recreation – General, Resolution #R-12-100 amending the FY 2013 City Capital Projects Fund budget and appropriating \$97,000 to rehabilitate 5.2 miles of existing trail from Hollins Mill to the Blackwater Creek Athletic Area and extend the trail an additional 1.5 miles from the Blackwater Creek Athletic Area through Lynchburg College, laid over from the September 11, 2012 meeting, was again presented and read, and on motion of Council Member Nelson, seconded by Council Member Cary, Council by the following recorded vote adopted the Resolution:

Ayes: Cary, Johnson, Nelson, Perrow 4

Noes: 0

Absent: Foster, Helgeson, Gillette 3

// In the matter of Police - General, Resolution #R-12-101 amending the FY 2013 City/Federal/State Aid Fund budget and appropriating \$43,266 with resources from the 2012 Edward Byrne Memorial Justice Assistance Grant to purchase Taser Electronic Control Devices and holsters, laptop computers and docking stations, and audio/video recording equipment for the Police Department, laid over from the September 11, 2012 meeting, was again presented and read, and on motion of Council Member Nelson, seconded by Council Member Cary, Council by the following recorded vote adopted the Resolution:

Ayes: Cary, Johnson, Nelson, Perrow 4

Noes: 0

Absent: Foster, Helgeson, Gillette 3

// In the matter of Fire – General, Resolution #R-12-102 amending the FY 2013 City/Federal/State Aid Fund budget and appropriating \$134,860 with resources of \$87,446 from the RSAF grant and \$47,414 transferred from the FY 2013 General Fund to purchase two (2) Physio LifePak 15 cardiac monitor/defibrillators, two (2) Stryker Power Pro ambulance cots, and ten (10) Panasonic 19 Toughbook computers for the Fire Department, laid over from the September 11, 2012 meeting, was again presented and read, and on motion of Council Member Nelson, seconded by Council Member Cary, Council by the following recorded vote adopted the Resolution:

Ayes: Cary, Johnson, Nelson, Perrow 4

Noes: 0

Absent: Foster, Helgeson, Gillette 3

// In the matter of Public Works – General/Schools, Resolution #R-12-103 amending the FY 2013 City/Federal/State Aid Fund budget and appropriating \$376,796 to improve routes for families and the community to have safe pedestrian and bicycle access to Dearington, T.C. Miller, and Perrymont Elementary Schools, laid over from the September 11, 2012 meeting, was again presented and read, and on motion of Council Member Nelson, seconded by Council Member Cary, Council by the following recorded vote adopted the Resolution:

Ayes: Cary, Johnson, Nelson, Perrow 4

Noes: 0

Absent: Foster, Helgeson, Gillette 3

// In the matter of Community Development – General, Resolution #R-12-109 amending the FY 2013 City/Federal/State Aid Fund budget and appropriating \$5,644 with resources of \$5,014 from the Virginia Department of Historic Resources, for the consideration of the properties as a potential listing within the State and National Historic Registers, laid over from the September 11, 2012 meeting, was again presented and read, and on motion of Council Member Nelson, seconded by Council Member Cary, Council by the following recorded vote adopted the Resolution:

Ayes: Cary, Johnson, Nelson, Perrow 4

Noes: 0

Absent: Foster, Helgeson, Gillette 3

// In the matter of Police – E911, City Council Report #9 was considered. On motion of Council Member Nelson, seconded by Council Member Cary, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-12-111, as presented, amending the FY 2013 City/Federal/State Aid Fund budget and appropriating \$1,000, to assist in promoting the Department of Emergency Services Ready Lynchburg Build-a-Kit initiative:

Ayes: Cary, Johnson, Nelson, Perrow

4

Noes:

0

Absent: Foster, Helgeson, Gillette

3

// In the matter of Police – General, City Council Report #10 was considered. On motion of Council Member Nelson, seconded by Council Member Cary, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-12-112, as presented, amending the FY 2013 City/Federal/State Aid Fund budget and appropriating \$9,704, with resources of \$6,316 from the Department of Motor Vehicles Highway Safety Grant, to provide selective speed related enforcement activities, attend related training, and purchase equipment:

Ayes: Cary, Johnson, Nelson, Perrow

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Noes:

0

Absent: Foster, Helgeson, Gillette

3

// In the matter of Police – General, City Council Report #11 was considered. On motion of Council Member Nelson, seconded by Council Member Cary, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-12-113, as presented, amending the FY 2013 City/Federal/State Aid Fund budget and appropriating \$44,850 with resources of \$29,900 from the Department of Motor Vehicles Highway Safety Program, to send crash team members to accident reconstruction training and to purchase equipment:

Ayes: Cary, Johnson, Nelson, Perrow

4

Noes:

0

Absent: Foster, Helgeson, Gillette

3

// In the matter of Police – General, City Council Report #12 was considered. On motion of Council Member Nelson, seconded by Council Member Cary, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-12-114, as presented, amending the FY 2013 City/Federal/State Aid Fund budget and appropriating \$52,575, with resources of \$33,520 from the Department of Motor Vehicles Highway Safety Grant, to provide selective DUI and occupant restraint enforcement activities, attend related training and purchase equipment:

Ayes: Cary, Johnson, Nelson, Perrow

4

Noes:

0

Absent: Foster, Helgeson, Gillette

3

// In the matter of Parks and Recreation – General, City Council Report #13 was considered. On motion of Council Member Nelson, seconded by Council Member Cary, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-12-115, as presented, amending

the FY 2013 City Capital Projects Fund budget and appropriating \$50,000, to assist with the remediation of the former Allen Morrison property:

Ayes: Cary, Johnson, Nelson, Perrow

4

Noes:

0

Absent: Foster, Helgeson, Gillette

3

// Mr. Craig Storrs spoke before Council regarding a constitutional amendment on Eminent Domain.

// Planning Commission Chair Laura Hamilton provided a brief overview regarding the 9th Annual Report on the activities of the Planning Commission including the Implementation of the City's Comprehensive Plan 2002-2020 for the fiscal year ending June 30, 2012. Ms. Hamilton explained that this report is also intended to supplement the Plan by suggesting priorities as City Departments determine FY 2014 – FY 2018 Capital Improvement Plan (CIP) project requests for existing and planned projects and that while approval of the Annual Report will encourage its use in the CIP and Budget development process, the report does not mandate new funds or projects.

Council unanimously approved the 9th Annual Report and thanked Ms. Hamilton for her service on the Planning Commission.

// In the matter of City Code/Police – General, City Council Report #16 was considered. On motion of Council Member Cary, seconded by Council Member Nelson, Council by the following recorded vote adopted Ordinance #0-12-116, as presented, amending the City Code relating to the reimbursement for expenses incurred from Methamphetamine Lab Cleanup costs:

Ayes: Cary, Johnson, Nelson, Perrow

4

Noes:

0

Absent: Foster, Helgeson, Gillette

3

// In the matter of Schools, City Council Report #17 was considered. On motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-12-117, as presented, amending the FY 2013 Schools Capital Fund Budget and appropriating \$3,480,000, from the General Fund Heritage High School Committed Fund Balance, for the design of Heritage High School:

Ayes: Cary, Johnson, Nelson, Perrow

4

Noes:

0

Absent: Foster, Helgeson, Gillette

3

// Vice Mayor Johnson recommended that the closed meeting for appointments to Boards and Commissions be moved to a future council meeting, with the consent of the Council Members present.

// Council Member Cary recognized Law Professor Dr. Cynthia Dunbar and Law Students from Liberty University that were in attendance at the meeting.

// Council Member Nelson announced that the Elite Football Teams will play Saturday, September 29, 2012 at the E. C. Glass Turf Field and the games will start at 4:30 p.m.

// Vice Mayor Johnson announced the Virginia Ten Miler, Saturday, September 29, 2012.

// The meeting was adjourned at 8:00 P.M.

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **October 9, 2012**

AGENDA ITEM NO.: 8

CONSENT: **X**

REGULAR:

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Safe Routes to School Grant – Budget Amendment and Appropriation Correction**

RECOMMENDATION: Adopt a resolution to amend the FY 2013 City/Federal/State Aid Fund and the City Capital Projects Fund budget to transfer a \$376,796 Safe Routes to School Grant from the City/Federal/State Aid Fund to the City Capital Projects Fund.

SUMMARY: Virginia Department of Transportation grants are normally appropriated in the City Capital Projects Fund. The Safe Routes to School Grant was appropriated in the City/Federal/State Aid Fund. City staff requests that the grant be transferred to the City Capital Projects Fund for consistency in reporting.

PRIOR ACTION(S): On September 25, 2012, Council approved resolution R-12-103 to amend the City/Federal/State Aid Fund budget and appropriate \$376,796 for the Safe Routes to School Grant with resources from the Virginia Department of Transportation (VDOT).

FISCAL IMPACT: None

CONTACT(S):

Dave Owen, Director of Public Works, 455-4469

Lee Newland, City Engineer, 455-3947

Donald DeBerry, City Traffic Engineer, 455-3935

ATTACHMENT(S): Resolution

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED that the FY 2013 City/ Federal/State Aid Fund budget is amended and \$376,796 is rescinded and the FY 2013 City Capital Projects Fund budget is amended and \$376,796 is appropriated with resources from the Virginia Department of Transportation Safe Routes to School Grant Program to improve routes for families and the community to have safe pedestrian and bicycle access to Dearington, T.C. Miller, and Perrymont Elementary Schools.

Introduced:

Adopted:

Certified:

Clerk of Council

135L

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: October 9, 2012		AGENDA ITEM NO.: 9	
CONSENT:	REGULAR: X	WORK SESSION:	CLOSED SESSION: (Confidential)
ACTION: X		INFORMATION:	
ITEM TITLE: Local Historic District Property Designation- Anne Spencer Memorial Foundation, Inc. – Pierce Street Renaissance District – 1314 Buchanan Street			

RECOMMENDATION: Approval of the petition.

SUMMARY: The Anne Spencer Memorial Foundation, Inc. is petitioning for 1314 Buchanan Street to be included within the Pierce Street Renaissance Local Historic District. The property is essentially the backyard of the Anne Spencer House. It contains Anne Spencer's garden and one room cottage known as "Edankraal". The Planning Commission recommended approval of the petition because:

- It meets Objective 1.A., of the "History, Culture, Education and the Arts" Chapter 11 of the *Comprehensive Plan 2002-2020* which states; "expand efforts to survey, document, and preserve historic sites and structures in the City."
- The historical significance of the property meets the Secretary of the Interior Standards for inclusion within the Historic District.

PRIOR ACTION(S):

August 20, 2012: Planning Division recommended approval of the petition.

Historic Preservation Commission recommended approval (5-0; 2 absent, Schneider, Smith) of the petition.

September 12, 2012: Planning Commission recommended approval (6-0; 1 absent, Sweinton) of the petition.

FISCAL IMPACT: None

CONTACT(S):

Kevin Henry, Planner II – 455-3900

Tom Martin, City Planner – 455-3900

Kent White, Director of Community Development – 455-3900

ATTACHMENT(S):

- Resolution
- Historic Preservation Minutes – August 20, 2012
- Planning Commission Report – September 12, 2012
- Planning Commission Minutes – September 12, 2012
- Zoning Map
- Future Land Use Map
- Watershed Map
- Planimetric and Topographic Map
- Petitioner letter of request
- DHR letter of support
- Historic District Map
- Aerial Map
- DHR Reconnaissance Level Survey of Anne Spencer property
- Speaker Signup Sheet

REVIEWED BY: lkp

ORDINANCE

AN ORDINANCE DESIGNATING THE PROPERTY LOCATED AT 1314 BUCHANAN STREET (THE REAR YARD OF THE ANNE SPENCER PROPERTY) AS PART OF THE PIERCE STREET RENAISSANCE LOCAL HISTORIC DISTRICT.

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

Section 35.1-76.____. Designation of the property located at 1314 Buchanan Street as part of the Pierce Street Renaissance Local Historic District.

The area embraced within the following boundaries...

The parcel of land lying and being in the City of Lynchburg, Virginia having frontage on Buchanan Street, more specifically described as:

1314 Buchanan Street also assigned as: Tax Map No. 02613012

... is hereby designated as part of the Pierce Street Renaissance Local Historic District.

And the Director of Community Development shall forthwith cause the "Historic District Map of Lynchburg" referred to in Section 35.1-44.1 of this chapter to be amended in accordance therewith.

Adopted:

Certified: _____
Clerk of Council

132L

MINUTES FROM THE AUGUST 20, 2012 HISTORIC PRESERVATION MEETING (MINUTES HAVE BEEN APPROVED):

(1) ACTION: Public hearing on the request of Anne Spencer Memorial Foundation, Inc. to include the property located at 1314 Buchanan Street (rear yard of the Anne Spencer property) into the Pierce Street Renaissance Local Historic District.

Ms. Shaun Spencer Hester and Ms. Jane White were present to represent the petition. Ms. Hester explained that they would like to include the garden in the historic district. It is the only restored garden of an African American in the United States. The reason it was omitted from the Pierce Street historic district in 2004 was that it had a Buchanan Street address and not a Pierce Street address. Ms. Hester mentioned that the garden is a Virginia landmark and on the National Register of Historic Places due to the fact that Anne Spencer's writing studio is located on the property. The garden was an important feature of Anne Spencer's life. Ms. White stated that it was a surprise to find out that the garden was not included in the historic district. That fact was discovered when a new brochure describing the historic district was designed and the boundary of the historic district was drawn.

Commissioner McDonald asked for clarification that the whole lot was always a part of the house. Ms. Hester said it was and that she could only conclude that the garden was given a different address because it backs up to Buchanan Street. Chair Bohnert asked about the property next door, 1310 Buchanan, which is also owned by the Anne Spencer Memorial Foundation. The applicants explained that the museum purchased the condemned property in order to fix it up because it is an eyesore to see from the garden and they might like to use the property for garden waste composting. They do not intend to ask to have the property included in the historic district. Chair Bohnert asked if they had approached the other property owner next door, 1316 Buchanan Street, about being included in the historic district, and the applicants stated that they had not done so.

At this point, Chair Bohnert asked for any comments from the commissioners. Commissioner McDonald and Commissioner Butterfield stated that they both felt that it was a straightforward request and seemed to be an oversight that it was not included in the district initially.

There was discussion about vacating the property line between the two properties and making it one property, however, that would not preclude the need to have this property included in the Pierce Street Renaissance District. Commissioner Harvey wondered if leaving it with a Buchanan Street address would create any problems in its being listed in the Pierce Street historic district and Mr. Henry stated that it would not be a problem. There was some discussion about this petition might start the process of other properties on Buchanan Street requesting to be included in the district.

Chair Bohnert asked for anyone else who wished to speak in favor of the petition. Mr. Hal Craddock of 10 9th Street was present and stated that he was in favor of the petition.

Chair Bohnert asked for anyone who wished to speak in opposition to the petition. Mr. Mark Brown came forward and stated that Slocum Adhesives owns property on 1409 Buchanan Street, as well as some other properties across the street from 1314 Buchanan Street. He is present in order to understand the process and to understand any potential effect it could have on Slocum Adhesives' properties in the future. To him, it looks like a potential zoning change for the street, which does create obstacles for businesses.

Chair Bohnert stated that this change to 1314 Buchanan Street has no impact on the adjoining properties. 1314 Buchanan Street has historic significance because it is connected to the Anne Spencer House on Pierce Street. Including it in the historic district will not change the zoning of the properties on Buchanan Street unless those property owners request to be included in the historic district.

Commissioner McDonald explained that the Pierce Street district boundaries are based on the significance of historic figures that lived in the homes. Other historic districts have been formed based on architectural reasons. It would be unlikely that Buchanan Street would ever be added to the district because the historic figures lived on Pierce Street.

Commissioner Harvey also pointed out that a historic district is an overlay district and adds another layer to a property's zoning but does not change the underlying zoning of a property. Mr. Henry explained that the applicant would be adding more restrictions to their own property. Mr. Brown asked for clarification that it would not add any more restrictions to other properties on Buchanan Street and was told by Mr. Henry that is correct. Mr. Brown indicated that he wanted to be sure that it would not impact Slocum Adhesives in any efforts to expand its facilities and was told that it would not impact the business at all. With these issues explained to him, Mr. Brown stated that he would be in support of the petition.

Chair Bohnert closed the public hearing portion of the petition. Commissioner McDonald made a motion, which was seconded by Commissioner Butterfield, to recommend approval of the petition of the Anne Spencer Memorial Foundation, Inc., to include the property at 1314 Buchanan Street in the Pierce Street Renaissance District. The recommendation of the HPC will be forwarded to the Planning Commission and City Council. The motion passed by the following vote:

AYES:	Bohnert, Butterfield, Harvey, McDonald and Morris	5
NOES:		0
ABSTENTIONS:		0
ABSENT:	Schneider and Smith	2

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

To: Planning Commission
From: Planning Division
Date: September 12, 2012
Re: **Local Historic District Property Designation –Anne Spencer Memorial Foundation, Inc. – Pierce Street Renaissance District – 1314 Buchanan Street**

I. PETITIONER

Anne Spencer Memorial Foundation, Inc., P.O. Box 168, Lynchburg, VA 24505

Representative: Ms. Jane Baber White, 1616 Langhorne Road, Lynchburg, VA 24503

II. LOCATION

The subject property is a tract of approximately one hundred thirty-two thousandths (.132) acres located at 1314 Buchanan Street.

Property Owner: Anne Spencer Memorial Foundation, Inc., P.O. Box 168, Lynchburg, VA 24505

III. PURPOSE

The purpose of the petition is to incorporate the subject property (backyard of the Anne Spencer property) into the Pierce Street Renaissance Local Historic District. The area was unintentionally omitted during the original designation of the Pierce Street Renaissance Historic District in 2005.

IV. SUMMARY

- The *Comprehensive Plan 2002-2020* goals for History, Culture, Education and the Arts states that the City should “preserve significant historic and cultural resources through the collaborative efforts of the City.” **(pg. 6)**
- The petition agrees with Calder Loth’s report on the Anne Spencer National Register of Historic Places nomination, dated September 1976, that recommends the property located at 1314 Buchanan Street, which is the backyard of the Anne Spencer House (1313 Pierce Street). This property also houses the study/cottage known as Edankraal and the garden of Anne Spencer.
- The petition agrees with the National Register Criteria for Evaluation:
 - o Criterion A: Properties that are associated with events that have made significant contribution to the broad patterns of our history;
 - o Criterion B: Properties that are associated with the lives of persons significant in our past;
 - o Criterion C: Properties that embody the distinctive characteristics of a type, period or method of construction or that represent a significant and distinguishable entity whose components may lack individual distinction.

- The property is currently listed within the National Register of Historic Places as well as the Virginia Landmarks Register.

The Planning Division recommends approval of the designation of 1314 Buchanan Street into the Pierce Street Renaissance Local Historic District.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Comprehensive Plan 2002-2020* goals for “History, Culture, Education and the Arts” provide:

Goal 1 is to “Preserve significant historic and cultural resources through the collaborative efforts of the City; historic and cultural groups; local schools and colleges; and other local, state and federal preservation groups and organizations.” Furthermore, Objective 1.A. is to “expand efforts to survey, document, and preserve historic sites and structures in the City.” **(pg. 11.10)**

Goal 3 is to “Ensure that future development, redevelopment, and public improvements compliment the scale and character, and respect the integrity of, designated historic districts and areas potentially eligible for designation.” **(pg. 11.11)** Designating the subject property as a local historic district would be one step in accomplishing this goal.

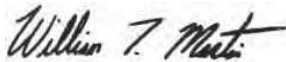
2. **Zoning.** The subject property was annexed into the City in 1870. The existing R-3, Medium Density, Two-Family Residential District was established in 1978. The adjoining Pierce Street Renaissance Local Historic District overlay was established in 2005.
3. **Board of Zoning Appeals (BZA).** N/A
4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - On February 12, 1985, Council approved the CUP petition of Greater Peaceful Zion Baptist Church for a building addition to the existing church at 1520 Fillmore Street.
 - On August 12, 1987, Council approved the rezoning petition of Lynchburg Covenant Fellowship from R-3, Medium Density, Two-Family Residential District to R-4C, Medium-High Density, Multi-Family Residential District to allow for a residential care facility at 1402 Fillmore Street.
 - On September 8, 1987, Council approved the CUP petition of Lynchburg Covenant Fellowship to allow for the operation of care facility for the mentally handicapped at 1402 Fillmore Street.
 - On July 12, 2005, Council approved the designation of a Local Historic District known as the Pierce Street Renaissance Historic District including all properties between the 1300 and 1400 blocks of Pierce Street.
 - On October 11, 2005, Council adopted the *Midtown Master Plan* as part of the *Comprehensive Plan 2002-2020*.
 - On August 14, 2007, Council approved the rezoning petition of HROK, LLC from I-2, Light Industrial District to B-3C, Community Business District to allow for a cluster commercial development at 1401, 1405, 1415, 1417, and 1501 Kemper Street.

- On August 14, 2007, Council approved the CUP petition of HROK, LLC to allow for a cluster commercial development at 1401, 1405, 1415, 1417, and 1501 Kemper Street.
 - On January 8, 2008, Council approved the rezoning petition of HROK, LLC from B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional) to allow for twenty-four (24) mixed-use residential units and commercial space at 1401, 1405, 1415, 1417, and 1501 Kemper Street.
 - On January 8, 2008, Council approved the CUP petition of HROK, LLC to allow for twenty-four (24) mixed-use residential units and commercial space at 1401, 1405, 1415, 1417, and 1501 Kemper Street.
 - On October 13, 2011, Council approved the rezoning petition of Come As You Are Ministries from I-2, Light Industrial District to B-3, Community Business District, to allow for the operation of a church and child care facility at 1713 12th Street.
5. **Site Description.** The subject property is a tract of approximately one hundred thirty-two thousandths (0.132) of an acre located at 1314 Buchanan Street. The property contains the garden of Anne Spencer, as well as the cottage/study known as Edankraal. Essentially, this property is the backyard of the Anne Spencer property located at 1313 Pierce Street.
 6. **Proposed Use of Property.** The purpose of this petition is to further preserve and recognize this property as an integral piece of the Anne Spencer properties, and more importantly incorporating it within the Pierce Street Renaissance Local Historic District. The use of the property will not be altered by this petition.
 7. **Traffic, Parking and Public Transit.** N/A
 8. **Stormwater Management.** N/A
 9. **Emergency Services.** N/A
 10. **Impact.** If approved, the subject property will comply with the City's Local Historic Districts Zoning Overlay (Section 35.1-44.1). By including 1314 Buchanan Street within the Pierce Street Renaissance Local Historic District it provides an accurate boundary for the historic district. Its omission from the original designation of the Pierce Street Renaissance Local Historic District was merely an oversight. The property contains great historical significance with the location of the Anne Spencer Garden and Edankraal, a one-room cottage/study where Anne Spencer would spend much of her time writing.
 11. **Historic Preservation Commission.** The Historic Preservation Commission (HPC) reviewed the petition on August 20, 2012. The HPC felt that the inclusion of 1314 Buchanan Street was justified given the historical significance of the property and its connection to the Pierce Street Renaissance Local Historic District. Therefore, the HPC unanimously recommended the subject property be included within the Pierce Street Renaissance Local Historic District by a vote, 5-0 (Butterfield, Bohnert, Harvey, McDonald, Morris), (2 absent: Schneider, Smith).
-

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of the Anne Spencer Memorial Foundation, Inc. to allow the property located at 1314 Buchanan Street to be included within the Pierce Street Renaissance Local Historic District.

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Ms. Bonnie M. Svrcek, Deputy City Manager
Mr. Walter C. Erwin, City Attorney
Mr. Kent L. White, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozerow, Lynchburg Police Department
Captain Thomas Mack, Acting Fire Marshal
Mr. Doug Saunders, Building Commissioner
Mr. Robert Fowler, Zoning Administrator
Mr. Kevin Henry, AICP, Planner II
Mr. Jacob Dorman, Environmental Reviewer
Ms. Jane Baber White, Anne Spencer Memorial Foundation, Inc.
Ms. Shaun Spencer-Hester, Anne Spencer Memorial Foundation, Inc.

VII. ATTACHMENTS

- 1. Zoning Map**
- 2. Future Land Use Map**
- 3. Watershed Map**
- 4. Planimetric and Topographic Map**
- 5. Petitioner letter of request**
- 6. DHR letter of support**
- 7. Historic District Map**
- 8. Aerial Map**
- 9. DHR Reconnaissance Level Survey of Anne Spencer property**

MINUTES OF THE SEPTEMBER 12, 2012 PLANNING COMMISSION MEETING (MINUTES HAVE BEEN APPROVED):

b. Petition of Anne Spencer Memorial Foundation, Inc. for the property located at 1314 Buchanan Street, more particularly Tax Map Identification Number 02613012, approximately one hundred thirty-two thousandths (0.132) of an acre, to be included in the Pierce Street Renaissance Local Historic District.

Mr. Kevin Henry commented that the property was unintentionally omitted from the Pierce Street Renaissance District when it was designated in 2005. The property is currently listed in the Virginia Landmarks Registry and the National Register of Historic Places. This property contains the Anne Spencer garden and the one-room cottage known as Edankraal. Mr. Henry commented that including this property in the local historic district furthers the goals of the *Comprehensive Plan*. The petitioner plans on continuing historic preservation of the property in keeping with historic district guidelines. Including this property in the local historic district will provide for a much more accurate account of the historic properties within the district.

The Historic Preservation Commission unanimously recommended the inclusion of the property in the local historic district. The Department of Historic Resources has also recommended its inclusion, and the Planning Division recommends approval of it as well.

Ms. Jane White and Ms. Shaun Spencer-Hester came forward to represent the petition. They commented that they found out quite accidentally that the property was not included when they were creating a brochure for the district. They would like to rectify that situation by including this property in the local district, as it is already on the state and national registers. They really do not think of this property as being a Buchanan Street property, as you enter it from the Pierce Street property.

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

Commissioner Barnes remarked that this seems like an obvious omission that should be corrected. Commissioner Barnes made the following motion, which was seconded by Commissioner Hannon:

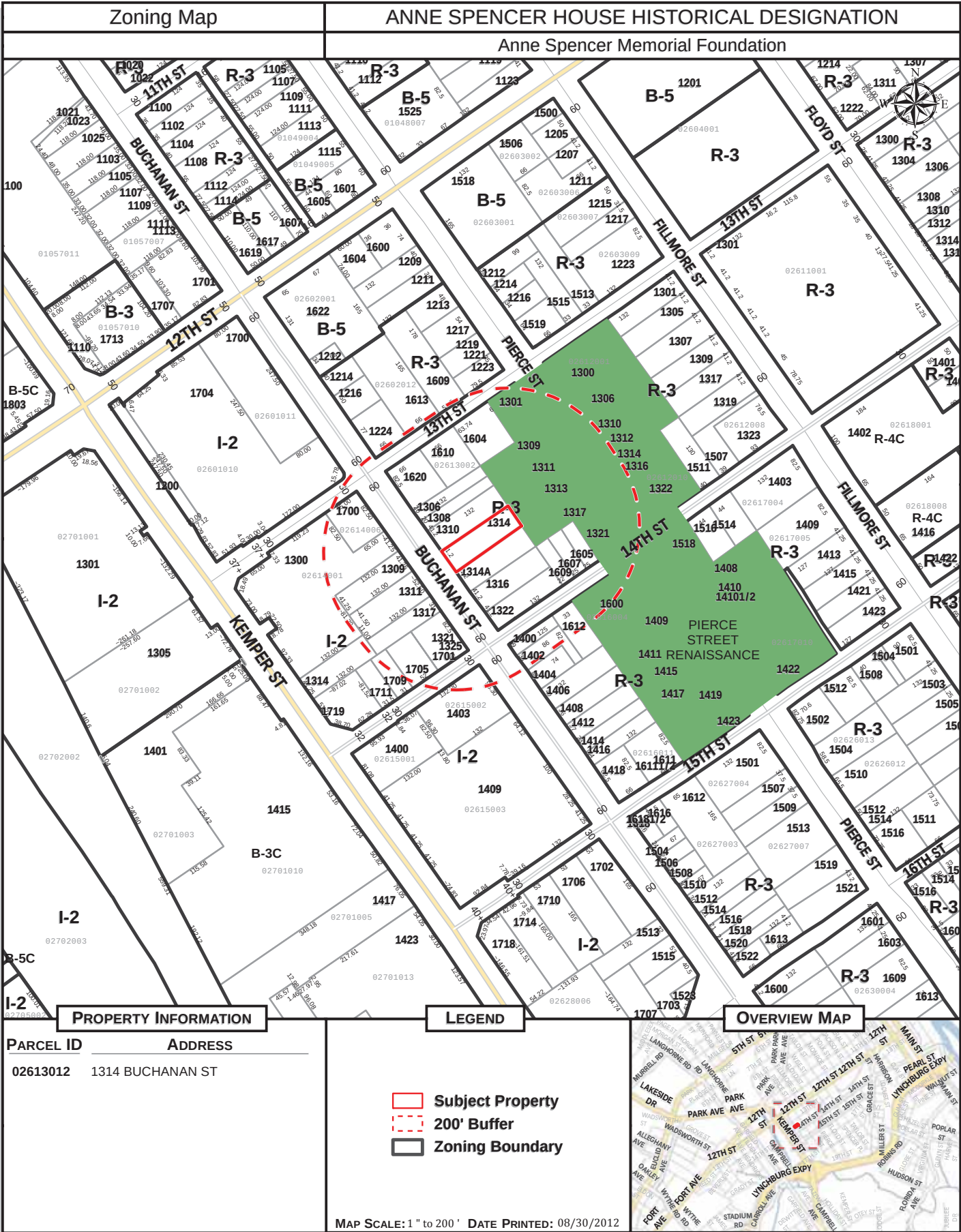
"That the Planning Commission recommends to City Council approval of the petition of the Anne Spencer Memorial Foundation, Inc. to allow the property located at 1314 Buchanan Street to be included within the Pierce Street Renaissance Local Historic District."

Commissioner Sale remarked that he is glad they are doing this because this is a significant place in Lynchburg.

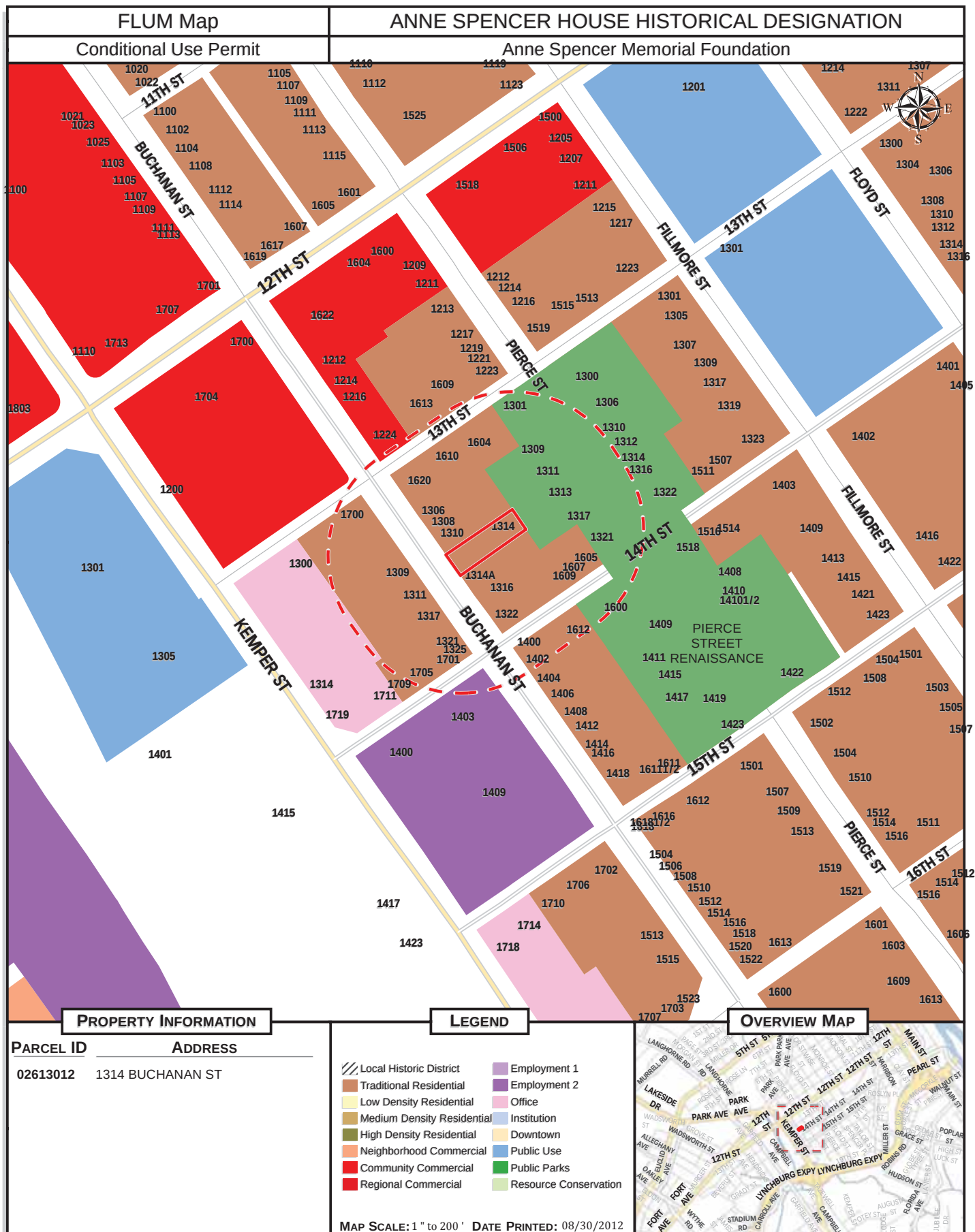
The motion passed by the following vote:

AYES:	Barnes, Coleman, Hamilton, Hannon and Sale	5
NOES:		0
ABSTENTIONS:		0
ABSENT:	Hooper and Swienton	2

Mr. Martin noted that the City has received a grant from the Department of Historic Resources and we will be looking to hire a consultant to do a nomination for the Pierce Street Renaissance District for the state and national registers.



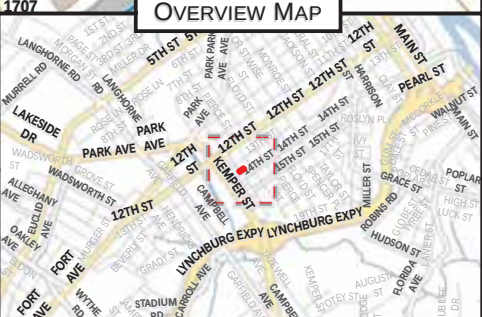
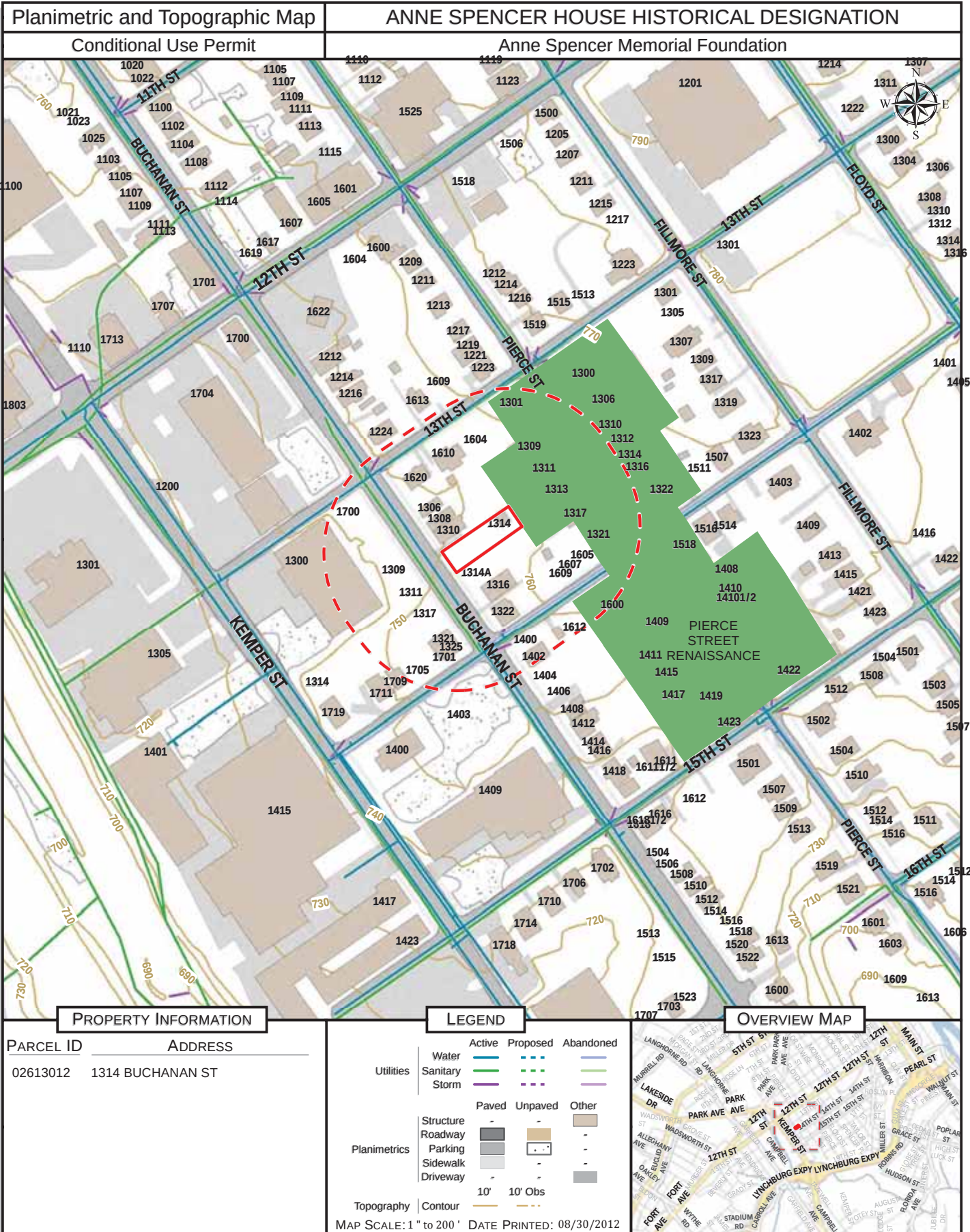
PIN	Local Address	Owner
02613009	1322 BUCHANAN ST	COLLINS, SUSIE S
02616019	1402 BUCHANAN ST	MILLER, JAMES E JR & LILLIAN J
02616001	1400 BUCHANAN ST	MILLER, JAMES E JR & LILLIAN J
02616002	1612 14TH ST	PHELPS, EMMA
02616004	1600 14TH ST	ELLIOTT, C A
02613010	1316 BUCHANAN ST	GENTRY, JOYCE D
02613018	1609 14TH ST	MORROW, KEITH T SR & SHELVA J
02613017	1607 14TH ST	MORROW, KEITH T SR & SHELVA J
02613011	1314 A BUCHANAN ST	GENTRY, JOYCE D
02613016	1605 14TH ST	MORROW, KEITH T SR & SHELVA J
02613012	1314 BUCHANAN ST	ANNE SPENCER MEMORIAL FOUNDATION INC
02613008	1321 PIERCE ST	MORROW, KEITH T & SHELVA J
02613013	1310 BUCHANAN ST	ANNE SPENCER HOUSE & GARDEN MUSEUM
02613007	1317 PIERCE ST	ELLIOTT, ALVIN D & ELLIOTT, FAYE J
02613014	1308 BUCHANAN ST	WILLIAMS, VERONICA
02613015	1306 BUCHANAN ST	FRAZIER, JOHN A
02613006	1313 PIERCE ST	ANNE SPENCER MEMORIAL FOUNDATION INC
02612010	1322 PIERCE ST	HENDRICKS, HERMINA & WALTHALL, RICKY
02613001	1620 13TH ST	EDLEY, PHILLIP
02613005	1311 PIERCE ST	PATRICK, CLARENCE E & GERALDINE R
02612011	1316 PIERCE ST	COLEMAN, MAGGIE L
02612012	1314 PIERCE ST	WILLIAMS, TAJUANA M
02613002	1610 13TH ST	RANDOLPH, FRANK & HERLINDA B
02613004	1309 PIERCE ST	WAYSIDE GOSPEL MISSION TRUSTEES
02613019	1604 13TH ST	SPENCER, ANNA M
02602013	1224 BUCHANAN ST	TWEEDY, GLORIA H ET ALS
02612013	1312 PIERCE ST	JONES, THOMAS R
02612014	1310 PIERCE ST	ENGINEERED SYSTEMS LLC
02613003	1301 PIERCE ST	SPENCER, ANNA M
02612015	1306 PIERCE ST	SPENCER, ANNA M
02602017	1223 PIERCE ST	WOOD, GERALDINE LIFE ESTATE
02602012	1613 13TH ST	FARROW, WAYNE A
02602011	1609 13TH ST	FARROW, WAYNE A
02614014	1709 14TH ST	CAMPBELL, H T JR & HELEN C
02614017	1314 KEMPER ST	SLOCUM ADHESIVES CORPORATION
02614013	1705 14TH ST	SLOCUM ADHESIVES CORPORATION
02614012	1321 BUCHANAN ST	HALL, SAMUEL E
02614011	1317 BUCHANAN ST	SLOCUM ADHESIVES CORPORATION
02614009	1311 BUCHANAN ST	CARPENTER, DONALD O & BRENDA T
02614008	1309 BUCHANAN ST	CARPENTER, DONALD O & BRENDA T
02614006	1700 13TH ST	SLOCUM ADHESIVES CORP
02615002	1403 BUCHANAN ST	SLOCUM ADHESIVES CORPORATION
02614001	1300 KEMPER ST	CARPENTER, DONALD O & BRENDA T



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August 1, 2012

Mr. Kent White, Director
Community Planning and Development
City of Lynchburg
City Hall
Lynchburg, Virginia

Re: Boundary Lines for Pierce Street Renaissance Historic District

Dear Mr. White,

We are writing to request that the boundary lines for the Pierce Street Renaissance Historic District be expanded to include the garden and the garden cottage, Edankraal, which are an integral component of the Anne Spencer House and Garden Museum, Inc.

The boundary line at present only includes the property immediately behind the Spencer home at 1313 Pierce Street, which is roughly defined as "half" of the historic site. This part closest to the rear of the house includes the driveway and a concrete pad, now covered in brick, where the garage once stood. The other "half," which we feel should have been included in the original boundaries of the historic district, extends 150 additional feet all the way to Buchanan Street. This is the garden which was a source of inspiration for the poet, as well as her retreat from the problems which she faced in her daily life.

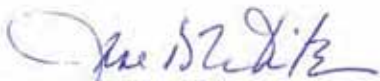
Also within the garden are important structures – the garden cottage Edankraal, the pond, the towering birdhouses, and the grape arbor and wisteria pergola. Edankraal is unaltered from its condition in 1975 when Anne Spencer died, but all the other physical components of the garden have been meticulously and lovingly restored by Hillside Garden Club, under the careful direction of historic garden professionals within the Garden Club of Virginia and the nationally known Garden Conservancy.

Since 1976 the *entire* Spencer property has been a Virginia Historic Landmark and on the National Register of Historic Places. This official designation includes the home *and* the garden cottage. The garden is the only known restored garden of an African American in existence in the United States and is a destination for visitors from across the country.

There are many publications about Anne Spencer and her garden which we can supply which verify the unity of the home and the garden. It must have been an oversight when the lines for the Pierce Street Renaissance Historic District were drawn in 2005.

We hope that this request will begin the process to correct the situation.

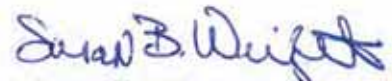
Sincerely,



Jane Baber White
Garden Restoration Chairman
Advisor to Board of Directors



Shaun Spencer-Hester
Director and Treasurer
Anne Spencer House & Garden
Museum



Susan B. Wright
Chairman,
Garden Keepers
Hillside Garden Club



COMMONWEALTH of VIRGINIA

Department of Historic Resources

2801 Kensington Avenue, Richmond, Virginia 23221

Douglas W. Domenech
Secretary of Natural Resources

Kathleen S. Kilpatrick
Director

Tel: (804) 367-2323
Fax: (804) 367-2391
TDD: (804) 367-2386
www.dhr.virginia.gov

August 16, 2012

MEMORANDUM

TO: To Whom It May Concern

FROM: Robert A. Carter, Director, Sweet Briar Satellite Office,
Department of Historic Resources (DHR) *RAC*

RE: Proposed clarification of the boundary of the City-designated
Pierce Street Renaissance Historic District

It is my understanding that a request has been made by the Anne Spencer House and Garden Museum (ASHGM) to clarify the boundary line for the Pierce Street Renaissance Historic District. For reasons that are not clear---whether by oversight or deliberation---it is my understanding that Anne Spencer's cottage, Edankraal and the Spencer garden currently fall outside the City-designated boundary of the local historic district. It is also my understanding that the ASHGM's request for clarification will be considered successively by the City's Historic Review Board, the City's Planning Commission and the Lynchburg City Council.

At the ASHGM's request, I looked into the state and federally designated acreage as well as the approved state and federal boundaries for the Anne Spencer House, Garden and Cottage in the City of Lynchburg. These important Virginia historic and cultural landmarks were first listed on the Virginia Landmarks Register and National Register of Historic Places in 1976, based on documentation prepared by an agency team led by architectural historian Calder Loth. The official nomination form shows it was the clear intent of our agency in nominating the property for listing on the state and national registers, and the clear intent of the Board of Historic Resources (then known as the Virginia Historic Landmarks Commission) and the National Park Service in approving the nomination for register listing, that the nominated acreage of the ASHGM's property includes not only the Anne Spencer House but also the Anne Spencer Garden and Cottage. This deliberate intent can be verified by reading the architectural description and statement of significance of the property in the original 1976 nomination, (found on our agency's web site). It can also be corroborated by the statement and map in the nomination indicating that the nominated acreage is less than one acre. The actual area of the property measured today is approximately 17,500 square feet or .39 acres. This same intent, sanctioned by official action and interpretation over time, can also be substantiated by reading

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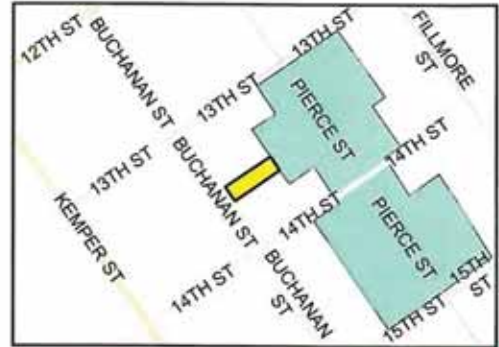
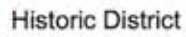
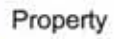
AUG 17 2012

COMMUNITY
DEVELOPMENT

the official entry on the landmark property in the 4th edition of the Virginia Landmarks Register (1999), edited by Calder Loth. That entry makes clear that the property is significant not only for the house but also for the garden and cottage. Since 1976, the documentation standards for register nominations have become much more exacting. One now finds in new nominations much clearer and more concise descriptions and justifications of register acreage and register property boundaries. Even so, the preponderance of evidence makes clear that the state and federally registered landmark property in question includes the garden and cottage as well as the Anne Spencer House.

Please be assured that DHR recognizes the City's paramount authority in matters of land use and zoning and we defer to the City Attorney in matters related to interpretation of a City historic district ordinance. We also recognize that there is no state or federal requirement in law that the City's local ordinance must designate and protect the entire area of any or every state or federally designated site or district. Nevertheless, it is reasonable to ask in this instance what public purpose is served by excluding the cottage and garden from the local district, especially when the purpose of the City's ordinance is to encourage and ensure good stewardship of significant historic resources and when an action by the City to incorporate all of the ASHGM's property in the local district can be expected to have the ASHGM's strong support.

Property to be included within
Pierce Street Renaissance District



1314 Buchanan Street

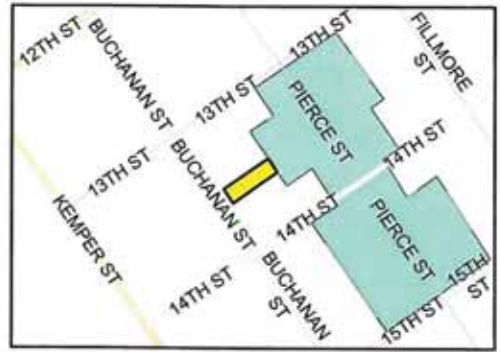
Property to be included within
Pierce Street Renaissance District



Property



Historic District



**Virginia Department of Historic Resources
Reconnaissance Level Survey**

DHR ID#: 118-0061

Other DHR ID#:

Resource Information

Resource Name(s): Anne Spencer House {Historic/Current}
Edankraal {Historic}
House, 1313 Pierce Street {Function/Location}

Date of Construction: ca 1900

Local Historic District: Pierce Street Renaissance Historic District

National Register Eligibility Status

Property has been recommended Eligible for listing or is listed in the National Register of Historic Places

This Resource is associated with the Diamond Hill South Historic District

Location of Resource

County/Independent City: Commonwealth of Virginia
Lynchburg

Magisterial District:
Town/Village/Hamlet: Lynchburg

Tax Parcel:
Zip Code: 24501

Address(s): 1314 Buchanan Street {Alternate}
1313 Pierce Street {Current}

USGS Quadrangle Name: LYNCHBURG

UTM Boundary Coordinates:

NAD	Zone	Easting	Northing
-----	------	---------	----------

UTM Center coordinates:

UTM Data Restricted?: No

Resource Description

Ownership Status: Private

Government Agency Owner:

Acreage:

Surrounding area: Urban

Open to Public: Yes

Site Description:

1976 nomination: The Anne Spencer House at 1313 Pierce Street is a medium-sized, modified Queen Anne-style dwelling located in a block of dwellings of similar size and age. Set on a relatively narrow lot of less than one acre, with little space between it and the adjacent buildings, the house blends with its neighbors and makes no special visual or architectural statement.

2012 DHR Slideshow: Behind the house is the restored Anne Spencer garden with a pergola, vines, historic plantings, and a small pond.

Secondary Resource Summary:

1976: The area immediately behind the house was once occupied by a garage. The building has since been demolished but its concrete flooring remains intact. A lattice fence separates the garage area from the garden proper. At the east end of the garden is the small, one-room, shingled cottage used by Mrs. Spencer as her study (1314 Buchanan Street). The long, narrow garden, which extends through the block to the street behind, was laid out and tended by Mrs. Spencer. The plan includes two parallel gravelled paths with beds on either side.

2012 DHR Slideshow: Pond, pergola, historic plantings, and walkways restored to the site based on historic photographs and research.

Individual Resource Information

Count	Resource Types	Resource Status
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**Virginia Department of Historic Resources
Reconnaissance Level Survey**

DHR ID#: 118-0061

Other DHR ID#:

1	Secondary Dwelling	Contributing
1	Single Dwelling	Contributing
1	Garden	Contributing

Individual Resource Detail Information

<i>Resource Type:</i>	Garden	<i>Primary Resource?</i>	No
<i>Date of Construction:</i>	ca 1937 {Site Visit/Written Data}	<i>Accessed?</i>	
<i>Architectural Style:</i>		<i>Number of Stories:</i>	0.0
<i>Form:</i>		<i>Condition:</i>	Excellent
<i>Interior Plan Type:</i>			

Threats to Resource:

The long, narrow garden, which extends through the block to the street behind, was laid out and tended by Mrs. Spencer. While it has been neglected since her death enough of the garden's basic planting remains to convey an idea of its rather individual character. The plan includes two parallel graveled paths with beds on either side. The southernmost leads straight through the garden to the rear street. The northernmost leads to a circular goldfish pond. Surrounding the pond is a relatively wide concrete bench where Mrs. Spencer used to converse with her guests. The garden's trees are primarily dogwoods and red cedars, rather formally spaced. Also in the garden is one of the many elaborate birdhouses built by Mr. Spencer as a hobby., per NRHP Inventory - Nomination Form.

2012 DHR Slideshow: In 1983, Anne and Edward's son, Chauncey, introduced horticulturist and landscape gardener Jane Baber White to the garden and its history and requested White's assistance in its "fixing up." Inspired immediately by its legacy and potential for renewal, White led the Hillside Garden Club on a mission to restore and recapture the spirit of Anne's sanctuary. During the next 30 years, the club worked in two separate restoration phases (1983-1991 and 2008-2011) toward that goal. One of the first decisions that had to be made was to what period in Anne's 70-year association with the garden should it be restored. Ultimately, Jane Baber White established the 1937 garden depicted in photographs as the benchmark. The first-phase restoration re-established fences, walkways, flower beds and other plantings. An Eagle Scout candidate also led fellow scouts in rebuilding Edward's grape arbor and pergola. Twenty-seven years later a second-phase restoration replaced that arbor and pergola with more historically accurate structures. The pond, originally constructed by Edward Spencer, was severely deteriorated by the time the Hillside Garden Club began its second-stage restorations beginning in 2008 (and after funding and a competent restoration firm were in place). Its underground water lines fed the fountain's center "shower head" and a cast iron African head that Anne dubbed "Prince Ebo," a gift to the Spencers from W. E. DuBois. The burgundy colored squares on the pond's raised edge had been scored into the concrete to represent Italian tiles, which Anne knew to be fashionable. The walkway to the pond terminated at a large, curved concrete bench that offered a gathering place for friends or rest and contemplation. The garden's grape arbor and wisteria pergola were built as early as the 1910s and lasted at least until 1941. Their massive turned posts were recycled by Edward from an unknown source, and he used the posts as well to support Edankraal's front porch. The 2011 restoration of the arbor and pergola was based on early images such as this one, which also happens to be the last known photograph in which the original arbor appears.

Individual Resource Detail Information

<i>Resource Type:</i>	Single Dwelling	<i>Primary Resource?</i>	Yes
<i>Date of Construction:</i>	ca 1900 {Written Data}	<i>Accessed?</i>	Yes
<i>Architectural Style:</i>	Victorian, Queen Anne	<i>Number of Stories:</i>	2.0
<i>Form:</i>		<i>Condition:</i>	Good
<i>Interior Plan Type:</i>			

Threats to Resource: None

Architecture Summary: The Anne Spencer House at 1313 Pierce Street is a medium-sized, modified Queen Anne style dwelling located in a block of dwellings of similar size and age. Set on a relatively narrow lot with little space between it and the adjacent buildings, the house blends with its neighbors and makes no special visual or architectural statement. It is a comfortable, commodious structure, well maintained, and in a good state of preservation. It has remained virtually unchanged, inside and out, since it was occupied by Mrs. Spencer.

The house's exterior walls are sheathed in shingles which vary in length from course to course. The roof is of standing seam sheet metal. Typical of its ilk, the house has an irregular plan, hence an irregular facade. The two bay facade is dominated by a slightly projecting gabled pavilion. The entrance a round headed door, is in the single bay to the left of the pavilion. The first floor

Virginia Department of Historic Resources
Reconnaissance Level Survey

DHR ID#: 118-0061

Other DHR ID#:

of the facade is shaded by a porch, supported on square wooden posts, extending the length of the facade and around the southeast corner. The porch connects at the northeast corner with a one story pergola which extends along the house's north side to the dining room projection. The concrete porch and pergola floor is given distinction by being scored in squares with the squares painted alternately black and light gray forming a checkered pattern. Except for the gabled pavilion the house is covered by a hipped roof. A single dormer is located on the rear slope. An interior end chimney stack serving the fireplaces in the parlor and dining room extends from the edge of the roof's north slope.

The side elevations of the Spencer house have few distinctive features except for the pergola. The west or rear elevation is dominated by a rectangular projection containing an informal sitting room or sun room on the first floor and a sleeping porch above. The sun room is lighted by five closely spaced windows that are shaded by a metal awning with scalloped eaves. The sleeping porch has a long, three-unit window. An exterior stair ascends from a door in the south side of the sun room.

The interior of the house is architecturally unpretentious; what little trim there is is primarily stock woodwork of the period, such as symmetrically molded architraves with turned corner blocks. The house is entered through the stair hall. The stairs ascend immediately to the left of the front door (in the southeast corner of the house). Behind the stair hall is an alcove used primarily for the storage of books. The north side of the house contains the parlor, dining room and sun room. All the rooms are connected by wide, double doorways. The kitchen is located in the southwest corner. A back stair ascends from the sun room, between the kitchen and dining room. The second floor has four bedrooms (including the sleeping porch), a bath, and laundry. The attic was once a large playroom but is now used for storage.

The primary interest of the interior is not its architecture but the fact that it contains all the decorations, furnishings, and other appointments precisely as they were in Mrs. Spencer's lifetime. Most of the items are of pre-World War II vintage, a few of the furnishings are Victorian. The interest Mrs. Spencer took in her possessions and immediate surroundings is reflected in numerous mementoes and items of personal or sentimental significance scattered about the house. The rather crowded rooms with their colorful appointments have a comfortable dignity combined with a nostalgic hominess.

The area immediately behind the house was once occupied by a garage. The building has since been demolished but its concrete flooring remains intact. A lattice fence separates the garage area from the garden proper. At the east end of the garden is the small, one room, shingled cottage used by Mrs. Spencer as her study. The front of the cottage is sheltered by a porch supported on turned posts salvaged from another house. A stone chimney with an exterior fireplace is on the front of the cottage. The cottage interior has a stone floor and walls sheathed in natural-finished plywood. The walls are virtually covered with documents and photographs of Mrs. Spencer's friends, family and associates. A simple desk is placed in front of the pair of windows overlooking the garden.

Individual Resource Detail Information

<i>Resource Type:</i>	Secondary Dwelling	<i>Primary Resource?</i>	No
<i>Date of Construction:</i>	post 1900 {Written Data}	<i>Accessed?</i>	Yes
<i>Architectural Style:</i>	No Discernable Style	<i>Number of Stories:</i>	1.0
<i>Form:</i>		<i>Condition:</i>	Good
<i>Interior Plan Type:</i>	One-room	<i>Threats to Resource:</i>	None Known

Primary Resource Exterior Component Description:

<u>Component</u>	<u>Comp Type/Form</u>	<u>Material</u>	<u>Material Treatment</u>
Porch	Porch - 1-story	Wood	other
Roof	Roof - Hipped	Metal	Roof - Standing Seam
Chimneys	Chimneys - Interior	Brick	
Windows	Windows - Sash, Double-Hung	Wood	Windows - 1/1
Structural System	Structural System - Frame	Wood	Structural System - Weatherboard

Historic Time Period(s): P- Reconstruction and Growth (1866 to 1916)
 Q- World War I to World War II (1917-1945)

Historic Context(s): Architecture/Community Planning
 Domestic
 Ethnic/Immigration
 Recreation/Arts

Virginia Department of Historic Resources Reconnaissance Level Survey

DHR ID#: 118-0061

Other DHR ID#:

Significance Statement

1976 nomination: During her long and productive life Anne Spencer (1881-1975) was recognized by her friends and associates as a lyric poet of considerable talent. Since her recent death, however, her fame, not only as a gifted writer, but as a cultural leader and humanitarian, has been increasing on a nation-wide scale. Being both a Negro and a woman, her early achievement of recognition and dedication to her craft and causes she gained respect for herself both as an individual and as a gifted representative of her race and sex. Anne Spencer openly expressed her intolerance for bigotry and oppression of blacks and women, but she rarely used her poetical works as a vehicle for social protest. Rather, her poems dwell mainly on the more universal themes of love and respect for beauty, truth, nature, and the human spirit. Because she wrote for personal enlightenment rather than monetary gain only a few of her works thus far have been published. It was at the insistence of her friend and fellow poet, James Weldon Johnson, that several of her poems including "At the Carnival," "Questing," "Lines to A Nasturtium," and "Dunbar" were submitted and subsequently appeared in major poetical anthologies. Her "oeuvre" is small; thirty-two major works are known, but others are coming to light as her papers are edited. Her personal philosophy and attitude toward her station in life were summed up when she wrote: "I write about things I love. I have no civilized articulation for the things I hate. I proudly love being a Negro Woman -- it's so involved and interesting. We are the PROBLEM -- the great national game of TABOO."

Born on a plantation in Henry County, Virginia, Anne Spencer was the daughter of a former slave, Joel Cephus Bannister, who was of mixed black, white and Indian ancestry. Her mother, Sarah Louise Scales, born in adjacent Patrick County, was the issue of a former slave and a scion of one of the area's prominent planter families. Mother and daughter lived for awhile in Bramwell, West Virginia. When her father, who was by then separated from his wife, complained that his daughter was not receiving any formal education, Anne, in 1893, was enrolled in the Virginia Seminary and Normal School in Lynchburg. She was graduated in 1899, the valedictorian of her class. In 1901 she married a classmate Edward Alexander Spencer, and in 1903 they moved into their new home at 1313 Pierce Street in Lynchburg. This commodious house, which was to remain her residence until her death seventy-two years later, was largely built by Edward Spencer. Spencer also built the one-room cottage in the garden where his wife could think and create in privacy. The cottage was named "Edankraal," an amalgam of the Spencers' first names and the African word for house.

When the Spencers' three children reached college age, Mrs. Spencer, who by that time had acquired a reputation as a poet, became the first librarian of Lynchburg's Dunbar High School. She built up the meager collection by donating many of her own books. Her devotion to the cause of cultural enlightenment for Negroes was expressed not just in her local activities as a librarian and educator, but in the lively rapport she maintained with many of the nation's most noted black leaders. Through correspondence and conversation the vigorous minds of these individuals were tempered by Anne Spencer's gentle but firm notions on the advancement of her race.

For many years 1313 Pierce Street was both a center of hospitality and pilgrimage place for prominent visitors. In the days when there were no public accommodations for Negroes in the South, homes such as the Spencers' were known as welcoming stopping places. Their sociable atmosphere made them important centers for the exchange of ideas and information in the black cultural and civil rights movements. A partial listing of the many visitors to the Spencer house forms an impressive roster of Negro worthies. Included among them are fellow poets such as James Weldon Johnson, Sterling Brown, Langston Hughes, Countee Cullen, Claude McKay, and Georgia Douglas Johnson; vocalists such as Paul Robeson and Roland Hayes; the scientist George Washington Carver; and public figures such as Thurgood Marshall and Adam Clayton Powell, Jr. Anne Spencer also maintained close association with distinguished figures including Senator Carter Glass and H.L. Mencken.

The Spencer house and the small study in the garden virtually undisturbed from the time Anne Spencer wrote her poems and expressed her thoughts with her friends and family. The furnishings, decorations, books, and mementoes all remain in place as she had them. Few of the nation's literary shrines so effectively invoke the presence of their former occupant., per NRHP Inventory - Nomination Form.

2012 DHR Slideshow: Annie Bethel Bannister, born in Henry County, and Edward Alexander Spencer met while both were students at Virginia Theological Seminary and College in Lynchburg. Edward was one of 11 children in a prominent African-American Lynchburg family whose home place was located at 1321 Pierce Street. Edward's father Warwick Spencer Sr. (far right, sitting) owned a corner store, Calloway and Spencer, on Pierce Street. Four of the Spencer brothers, including Edward, eventually built homes close together and near to the homeplace. Edward built a Queen Anne-style house after he and Anne were married in 1901. The couple moved into the new home in 1903.

Here at 1313 Pierce Street, Anne and Edward raised their family of two daughters, Bethel and Alroy, and one son, Chauncey. Their gracious hospitality and beautiful home and garden became a salon for many black intellectuals and leaders. W.E. DuBois frequently visited as well as poets James Weldon Johnson, Langston Hughes, and Sterling A. Brown; other notable guests included Martin Luther King Jr., opera singer Marion Anderson, agricultural innovator George Washington Carver, and writers H.L. Mencken, and Countee Cullen.

The Spencers also offered safe respite for African-American travelers passing through Lynchburg during an era when they were barred from "whites only" hotels and motels.

**Virginia Department of Historic Resources
Reconnaissance Level Survey**

DHR ID#: 118-0061

Other DHR ID#:

The Garden:

In the long, narrow space behind their home, Anne and Edward together created the garden. Anne early on experimented with vegetables, then flowers and the garden's design. Edward constructed the garden framework, frequently recycling interesting structural items he salvaged from customers along his U.S. parcel post route. He enclosed the garden in a fence discarded by Randolph Macon Woman's College, and used massive turned posts he acquired as supports for a grape arbor and wisteria pergola that divided the garden into "rooms." This 1937 image reveals a stylish, sophisticated cottage garden, reflecting Anne's original and creative garden palette, and a design that terminates at the focal point of a pond with two fountains.

When Anne Spencer died in 1975, at age 93 (Edward died nine years before her), it had been many years since she had gardened. By early the 1980s, the garden only hinted at its former glory. Its pathways, cottage, and pond remained but vines and weeds were rampant, smothering remnant flowers and an array of roses.

In 1987, a feature story, "The Restoration of a Poet's Garden," published in *The American Horticulturist* (the magazine of the American Horticultural Society) proved a turning point in raising national awareness of both Spencer's home and garden. To this day, the garden represents the only known historic restoration of an African American's garden. Since the *The American Horticulturist* article, feature stories about the garden have appeared in numerous newspapers, magazines, and publications of national and international circulation. One of the more touching responses to this coverage arrived from a black prisoner incarcerated in Florida. He wrote that the 1987 article had answered his "silent question" about the existence of black gardeners who might have "had treasures of wisdom."

Significant Individuals and Events

Associated Individuals: Anne Spencer, Owner

National Register Eligibility Information (Intensive Level Survey):

<u>NR Count</u>	<u>NR Resource Type</u>	<u>NR Resource Status</u>
1	Building	Contributing
Contributing: 1		

National Register Criteria: A- Associated with Broad Patterns of History

Period of Significance: 1881- 1975

Level of Significance: statewide

NR Areas of Significance: Literature
Social History

Graphic Media Documentation

<u>DHR Negative #</u>	<u>Photographic Media</u>	<u>Negative Repository</u>	<u>Photo Date</u>	<u>Photographer</u>
5678	B&W 35mm Photos		1979	
14099	B&W 35mm Photos		April 1995	
5678	B&W 35mm Photos		1979	
14099	B&W 35mm Photos		April 1995	
5678	B&W 35mm Photos		1979	
14099	B&W 35mm Photos		April 1995	

Bibliographic Documentation

Reference #: 1

Bibliographic RecordType: Book

Author: Jane Baber White

DHR CRM Report Number:

**Virginia Department of Historic Resources
Reconnaissance Level Survey**

DHR ID#: 118-0061

Other DHR ID#:

Notes:

Lessons from a Poet's Garden: The Restoration of the Historic Garden of Harlem Renaissance Poet Anne Spencer,
Lynchburg, Virginia.

Reference #: 2

Bibliographic RecordType:

Other

Author:

Randall Jones/DHR

DHR CRM Report Number:

Notes:

DHR Slideshow. "The Historic Garden of Anne Spencer
Lynchburg, Virginia, A gallery of images selected and annotated"

Date: May 2012

URL Address: <http://www.dhr.virginia.gov/SlideShows/SpencerGarden/spencerTitleSlide.html>

Cultural Resource Management (CRM) Events

CRM Event # 1,

Cultural Resource Management Event:

NRHP Nomination

Date of CRM Event:

September 1976

CRM Person:

Calder Loth

CRM Event Notes or Comments:

VHLC

CRM Event # 2,

Cultural Resource Management Event:

VLR Listing

Date of CRM Event:

September 21, 1976

CRM Person:

VHLC

CRM Event Notes or Comments:

CRM Event # 3,

Cultural Resource Management Event:

NRHP Listing

Date of CRM Event:

December 06, 1976

CRM Person:

NPS

CRM Event Notes or Comments:

CRM Event # 4,

Cultural Resource Management Event:

Grant: Federal

Date of CRM Event:

9999

CRM Person:

CRM Event Notes or Comments:

Bridge Information

Cemetery Information

Ownership Information

Name:

Shaun Spencer-Hester

Title:

Director

Company:

Anne Spencer House and Garden Museum

Address:

1313 Pierce Street

City:

Lynchburg

Zip:

24501

State: Virginia

Country:

September 12, 2012

[illegible]

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **October 9, 2012**

AGENDA ITEM NO.: **10**

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: Right-of-Way Vacation – Cornerstone Street & Hunterdale Drive Roundabout Intersection

RECOMMENDATION: Vacate a portion of Cornerstone Street and Hunterdale Drive where the rights-of-way intersect at a roundabout.

SUMMARY: The applicant, JBO, LLC, is petitioning to vacate a portion of right-of-way of the intersection of Cornerstone Street and Hunterdale Drive. The area to be vacated shortens the perimeter around the existing roundabout fifteen (15) feet in width where it adjoins private property. If the right-of-way is vacated, each parcel along these blocks would extend their boundary line fifteen (15) feet closer to the existing intersection. The acreage increase for each parcel involved in the vacation is approximately two hundredths (0.02) of an acre.

The vacation of right-of-way around the roundabout of Cornerstone Street and Hunterdale Drive is sought in order to provide more space to develop the properties located at the intersection of the roundabout. The property located at 1100 Greenview Drive (western intersection opposite Hunterdale Drive), will remain as open space in accordance with the conditions of the development.

PRIOR ACTION(S):

August 24, 2012: The Technical Review Committee (TRC) reviewed the petition. If the application is approved, the TRC comments have been incorporated into the proposed ordinance.

September 11, 2012: The Physical Development Committee (PDC) reviewed the petition and recommended it be scheduled for public hearing before City Council.

FISCAL IMPACT: None

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

ATTACHMENT(S):

- Ordinance
- Street Vacation Plat
- Technical Review Committee Report
- Application for the Vacation of a Street/Alley/Right-of-Way
- Aerial Map

REVIEWED BY: lkp

ORDINANCE:

AN ORDINANCE VACATING A PORTION OF THE INTERSECTION OF CORNERSTONE STREET AND HUNTERDALE DRIVE.

WHEREAS, JBO, LLC, is petitioning to vacate a portion of the right-of-way of the intersection of Cornerstone Street and Hunterdale Drive, which extends around the perimeter of the existing intersection approximately fifteen (15) feet in width adjoining all private property;

WHEREAS, City Council finds that no public inconvenience will result from vacating a portion of the unopened right-of-way; and

WHEREAS, City Council determined that the City has no need for the portion of public right-of-way in question and the City's continued ownership of such public right-of-way is not necessary or required to serve the best interest of the City;

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 Section 35-71 through Section 36-77 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, said point being on the right-of-way of lot "R-1", 33.32 south east of the NW corner; thence S 30°08'46" E, four and four hundredths (4.04) feet to a point; Thence, along a non-tangent curve to the right having a radius of twenty-one (21.00) feet, a central angle of 55°23'47", a tangent length of eleven and two hundredths (11.02) feet, the long chord of which bears S 02°26'54" E for a distance of nineteen and fifty-two hundredths (19.52) feet with a radial line in of S 59°51'12" W and a radial line out of S 64°45'01" E for an arc length of twenty and thirty hundredths (20.30) feet to a point; Thence, along a reverse curve to the left with a radius of sixty (60.00) feet, a tangent length of eighty-six and ninety six hundredths (86.96) feet, a central angle of 110°47'31", the radius of which bears S 64°45'01" E, the chord of which bears S 30°08'46" E for a distance of ninety-eight and seventy-seven hundredths (98.77) feet; Thence along the arc of said curve for a distance of one hundred sixteen and two hundredths (116.02) feet to a point; Thence, along a reverse curve to the right with a radius of twenty-one (21.00) feet, a tangent length of eleven and two hundredths (11.02) feet, a central angle of 55°23'43", the radius of which bears S 04°27'28" W, the chord of which bears S 57°50'40" E for a distance of nineteen and fifty-two hundredths (19.52) feet; Thence along the arc of said curve for a distance of twenty and thirty hundredths (20.30) feet to a point; thence S 30°08'46" E, four and four hundredths (4.04) feet to a point; Thence, along a non-tangent curve to the right having a radius of seventy-five (75.00) feet, a central angle of 141°03'27", a tangent length of two hundred twelve and thirteen hundredths (212.13) feet, the long chord of which bears N 30°08'46" W for a distance of one hundred forty-one and forty-two hundredths (141.42) feet with a radial line in of N 10°40'30" W and a radial line out of N 49°37'03" W for an arc length of one hundred eighty-four and sixty-four hundredths (184.64) feet to a point; the POINT OF BEGINNING

CONTAINING: Two thousand, three hundred sixty-nine (2,369) square feet or fifty-four thousandths of an acre (0.054), more or less.

BEGINNING AT A POINT, said point being along the right-of-way of lot "Q-4" fifty-three and ninety hundredths (53.90) feet southeast of the northwest corner; thence, along a curve to the right having a radius of seventy-five (75.00) feet, a central angle of 51°05'03", a tangent length of thirty-five and eighty-four hundredths (35.84) feet, the long chord of which bears S 75°07'58" E for a distance of sixty-four and sixty-eight (64.68) feet with a radial line in of S 10°40'30" E and a radial line out of N 40°24'34" E for an arc length of sixty-six and eighty-seven (66.87) feet to a point; thence S 59°24'06" W, three and eighty-four (3.84) feet to a point; thence, along a tangent curve to the right with a radius of twenty-one (21.00) feet, a tangent length of eleven and fourteen hundredths (11.14) feet, a central angle of 55°54'11", the radius of which bears N 30°35'54" W, the chord of which bears S 87°21'12" W for a distance of nineteen and sixty-nine hundredths (19.69) feet; Thence along the arc of said curve for a distance of twenty and forty-nine hundredths (20.49) feet to a point; thence, along a reverse curve to the left with a radius of sixty (60.00) feet, a tangent length of eleven and four hundredths (11.04) feet, a central angle of 20°50'49", the radius of which bears S 25°18'17" W, the chord of which bears N

75°07'07" W for a distance of twenty-one and seventy-one hundredths (21.71) feet; Thence along the arc of said curve for a distance of twenty-one and eighty-three hundredths (21.83) feet to a point; thence, along a reverse curve to the right with a radius of twenty-one (21.00) feet, a tangent length of eleven and two hundredths (11.02) feet, a central angle of 55°23'44", the radius of which bears N 04°27'28" E, the chord of which bears N 57°50'40" W for a distance of nineteen and fifty-two hundredths (19.52) feet; Thence along the arc of said curve for a distance of twenty and thirty hundredths (20.30) feet to a point; thence N 30°08'46" W, four and four hundredths (4.04) feet to a point, the POINT OF BEGINNING.

CONTAINING: Seven hundred seventy-nine (779) square feet or eighteen thousandths of an acre (0.018) of land, more or less.

BEGINNING AT A POINT, said point being along the right-of-way of lot "P-27" and Hunterdale Drive eight and ninety-three hundredths (8.93) feet from the northwest corner; thence, along a curve to the right having a radius of seventy-five (75.00) feet, a central angle of 51°01'46", a tangent length of thirty-five and eighty hundredths (35.80) feet, the long chord of which bears S 14°52'04" W for a distance of sixty-four and sixty-one hundredths (64.61) feet with a radial line in of S 79°21'11" W and a radial line out of S 49°37'03" E for an arc length of sixty-six and eighty hundredths (66.80) feet to a point; thence N 30°08'46" W, four and four hundredths (4.04) feet to a point; thence, along a tangent curve to the right with a radius of twenty-one (21.00) feet, a tangent length of eleven and two hundredths (11.02) feet, a central angle of 55°23'46", the radius of which bears N 59°51'14" E, the chord of which bears N 02°26'53" W for a distance of nineteen and fifty-two hundredths (19.52) feet; Thence along the arc of said curve for a distance of twenty and thirty hundredths (20.30) feet to a point; thence, along a reverse curve to the left with a radius of sixty (60.00) feet, a tangent length of ten and ninety-eight hundredths (10.98) feet, a central angle of 20°44'02", the radius of which bears N 64°45'01" W, the chord of which bears N 14°52'58" E for a distance of twenty-one and fifty-nine hundredths (21.59) feet; Thence along the arc of said curve for a distance of twenty-one and seventy-one hundredths (21.71) feet to a point; thence, along a reverse curve to the right with a radius of twenty-one (21.00) feet, a tangent length of ten and ninety-one hundredths (10.91) feet, a central angle of 54°53'08", the radius of which bears S 85°29'03" E, the chord of which bears N 31°57'31" E for a distance of nineteen and thirty-six hundredths (19.36) feet; Thence along the arc of said curve for a distance of twenty and twelve hundredths (20.12) feet to a point; thence N 59°24'06" E, four and twenty-four hundredths (4.24) feet to a point, the POINT OF BEGINNING.

CONTAINING: Seven hundred seventy-seven (777) square feet or seventeen thousandths of an acre (0.017) 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 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 Water Resources Division and the City Engineering Division.

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

Adopted:

Certified:

Clerk of Council

P:\2006\06208\dwg\V-BLA-12261.dwg-9/18/2012-15:54

TRC Report Date
9/18/2012

Project Number **SUB1208-0018**
Project Name **Right of Way Vacation Cornerstone Street**
Site Address 501 CORNERSTONE ST

Review Type	Contact	Notes
AEP	Tom G Woodford	(8/27/2012 2:24 PM REC) No comments.
Assessor	Steve Boyer	(8/24/2012 4:17 PM SCB) 1. Believe SUB1207-0029 should be recorded before this plat since this plat changes SUB1207-0029. 2. Needs data derived from SUB1207-0029. Thank you and best regards, Steven Boyer Steven.Boyer@LynchburgVA.gov (434) 445-3825
EngineeringDesign	Lee Newland	(8/27/2012 2:24 PM REC) No comments.
EngineeringMapRoom	Lee Newland	(8/27/2012 2:25 PM REC) No comments.
Fire	Thomas Goode	(8/27/2012 2:25 PM REC) No comments.
Neighbor Svcs	Rob Fowler	(8/27/2012 2:25 PM REC) No comments.
Planning	Kevin Henry	(8/24/2012 3:07 PM KTH) 1. An application and plat were received by the Planning Division, which proposes a right-of-way vacation for the areas surrounding the roundabout of Cornerstone St. and Hunterdale Dr. I will be your contact throughout this process, Kevin Henry, 455-3915. 2. This item is tentatively scheduled for the Physical Development Committee (PDC) meeting on September 11, 2012 at 9:00 a.m. Any comments related to this application must be addressed by August 31, 2012.
PWStreets	Dave Owen	(8/27/2012 2:25 PM REC) No comments.
Traffic	Donald A DeBerry	(8/27/2012 2:25 PM REC) No comments.
Utilities	Eric E Schrader	(8/27/2012 12:24 PM EES) Locate existing cleanouts and meters. Cleanout and water meters must be located in/on the property to be served. Detail any relocation required.

TRC Report Date
9/18/2012

Project Number **SUB1208-0018**
Project Name **Right of Way Vacation Cornerstone Street**
Site Address 501 CORNERSTONE ST

Review Type	Contact	Notes
Verizon	George Almond	(8/27/2012 2:26 PM REC) No comments.

APPLICATION FOR THE VACATION OF A

RECEIVED

RIGHT OF WAY

AUG 07 2012

LOCATED

COMMUNITY
DEVELOPMENT

Along the turnaround of Cornerstone St. and Hunterdale Dr

The undersigned applicant, JBO, LLC.

pursuant to the provisions of Section 51.1-364 of the Code of Virginia, 1950, as amended, and Sections 35-71 to 35-77, both inclusive, of the Lynchburg City Code, 1981, as amended, respectfully makes application to the Lynchburg City Council for the vacation of that certain Right of Way consisting of 3 separate parcels along the turnaround at Cornerstone St.

described as follows:

BEGINNING AT A POINT, said point being on the R/W of lot "R-1" and Cornerstone St., 33.32 south east of the NW corner; thence S 30°08'46" E, 4.04 feet to a point; Thence, along a non-tangent curve to the right having a radius of 21.00 feet, a central angle of 55°23'47", a tangent length of 11.02 feet, the long chord of which bears S 02°26'54" E for a distance of 19.52 feet with a radial line in of S 59°51'12" W and a radial line out of S 64°45'01" E for an arc length of 20.30 feet to a point; thence, along a reverse curve to the left with a radius of 60.00 feet, a tangent length of 86.96 feet, a central angle of 110°47'31", the radius of which bears S 64°45'01" E, the chord of which bears S 30°08'46" E for a distance of 98.77 feet; thence along the arc of said curve for a distance of 116.02 feet to a point; thence, along a reverse curve to the right with a radius of 21.00 feet, a tangent length of 11.02 feet, a central angle of 55°23'43", the radius of which bears S 04°27'28" W, the chord of which bears S 57°50'40" E for a distance of 19.52 feet; thence along the arc of said curve for a distance of 20.30 feet to a point; thence S 30°08'46" E, 4.04 feet to a point; thence N 63°26'06" E, 0.00 feet to a point; Thence, along a non-tangent curve to the right having a radius of 75.00 feet, a central angle of 141°03'27", a tangent length of 212.13 feet, the long chord of which bears N 30°08'46" W for a distance of 141.42 feet with a radial line in of N 10°40'30" W and a radial line out of N 49°37'03" W for an arc length of 184.64 feet to a point; the **POINT OF BEGINNING**.

CONTAINING: 2369 square feet or 0.054 acres of land, more or less.

BEGINNING AT A POINT, said point being along the R/W of lot "Q-4" and Cornerstone St. 57.94 south east of the north west corner; thence, along a curve to the

right having a radius of 75.00 feet, a central angle of $51^{\circ}05'03''$, a tangent length of 35.84 feet, the long chord of which bears $S 75^{\circ}07'58'' E$ for a distance of 64.68 feet with a radial line in of $S 10^{\circ}40'30'' E$ and a radial line out of $N 40^{\circ}24'34'' E$ for an arc length of 66.87 feet to a point; thence $S 59^{\circ}24'06'' W$, 3.84 feet to a point; thence, along a tangent curve to the right with a radius of 21.00 feet, a tangent length of 11.14 feet, a central angle of $55^{\circ}54'11''$, the radius of which bears $N 30^{\circ}35'54'' W$, the chord of which bears $S 87^{\circ}21'12'' W$ for a distance of 19.69 feet; Thence along the arc of said curve for a distance of 20.49 feet to a point; thence, along a reverse curve to the left with a radius of 60.00 feet, a tangent length of 11.04 feet, a central angle of $20^{\circ}50'49''$, the radius of which bears $S 25^{\circ}18'17'' W$, the chord of which bears $N 75^{\circ}07'07'' W$ for a distance of 21.71 feet; Thence along the arc of said curve for a distance of 21.83 feet to a point; thence, along a reverse curve to the right with a radius of 21.00 feet, a tangent length of 11.02 feet, a central angle of $55^{\circ}23'44''$, the radius of which bears $N 04^{\circ}27'28'' E$, the chord of which bears $N 57^{\circ}50'40'' W$ for a distance of 19.52 feet; Thence along the arc of said curve for a distance of 20.30 feet to a point; thence $N 30^{\circ}08'46'' W$, 4.04 feet to a point, the **POINT OF BEGINNING**.

CONTAINING: 779 square feet or 0.018 acres of land, more or less.

BEGINNING AT A POINT, said point being along the R/W of lot "P-27" and Hunterdale Dr. 13.17' from the North West corner; thence, along a curve to the right having a radius of 75.00 feet, a central angle of $51^{\circ}01'46''$, a tangent length of 35.80 feet, the long chord of which bears $S 14^{\circ}52'04'' W$ for a distance of 64.61 feet with a radial line in of $S 79^{\circ}21'11'' W$ and a radial line out of $S 49^{\circ}37'03'' E$ for an arc length of 66.80 feet to a point; thence $N 30^{\circ}08'46'' W$, 4.04 feet to a point; thence, along a tangent curve to the right with a radius of 21.00 feet, a tangent length of 11.02 feet, a central angle of $55^{\circ}23'46''$, the radius of which bears $N 59^{\circ}51'14'' E$, the chord of which bears $N 02^{\circ}26'53'' W$ for a distance of 19.52 feet; Thence along the arc of said curve for a distance of 20.30 feet to a point; thence, along a reverse curve to the left with a radius of 60.00 feet, a tangent length of 10.98 feet, a central angle of $20^{\circ}44'02''$, the radius of which bears $N 64^{\circ}45'01'' W$, the chord of which bears $N 14^{\circ}52'58'' E$ for a distance of 21.59 feet; Thence along the arc of said curve for a distance of 21.71 feet to a point; thence, along a reverse curve to the right with a radius of 21.00 feet, a tangent length of 10.91 feet, a central angle of $54^{\circ}53'08''$, the radius of which bears $S 85^{\circ}29'03'' E$, the chord of which bears $N 31^{\circ}57'31'' E$ for a distance of 19.36 feet; Thence along the arc of said curve for a distance of 20.12 feet to a point; thence $N 59^{\circ}24'06'' E$, 4.24 feet to a point, the **POINT OF BEGINNING**.

CONTAINING: 777 square feet or 0.018 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, Virginia, on October 9, 2012, 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 Right of Way.

Given under my hand this 7th day of August,
2012.

JBO LLC BY [Signature]
Applicant

104 Archway Court

LYNCHBURG, VA 24502
Address

(434) 846-8458
Telephone Number

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

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, Virginia, on October 9, 2012, 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 Right of Way.

Given under my hand this 7TH day of AUGUST,
2012.

LOD WILSON BOA 137
Applicant

101 ARCHWAY COURT

LYNCHBURG, VA 24502
Address

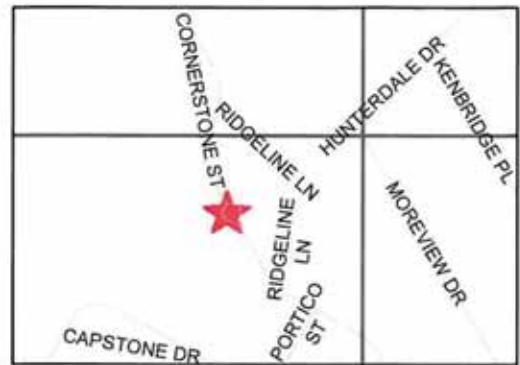
(434) 846-8458
Telephone Number

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

Cornerstone/Hunterdale Street Vacation

Right-of-Way Vacation

★ Property



LYNCHBURG CITY COUNCIL Agenda Item Summary

MEETING DATE: October 9, 2012		AGENDA ITEM NO.: 11	
CONSENT:	REGULAR: X	WORK SESSION:	CLOSED SESSION: (Confidential)
ACTION: X		INFORMATION:	
ITEM TITLE: Right-of-Way Vacation – Portion of Rotunda Street Cul-de-sac			

RECOMMENDATION: Vacate a portion of the Rotunda Street cul-de-sac.

SUMMARY: The applicant, JBO, LLC, is petitioning to vacate a portion of right-of-way of the cul-de-sac of Rotunda Street. The area to be vacated shortens the perimeter around the existing cul-de-sac fifteen (15) feet in width where it adjoins private property. If the right-of-way is vacated, each parcel along these blocks would extend their boundary line fifteen (15) feet closer to the existing cul-de-sac.

The vacation of right-of-way around the cul-de-sac of Rotunda Street is sought in order to provide more space to develop the properties located at the end of the cul-de-sac. If approved, the entire perimeter of the cul-de-sac would be vacated including the adjoining private streets.

PRIOR ACTION(S):

August 24, 2012: The Technical Review Committee (TRC) reviewed the petition. If the application is approved, the TRC comments have been incorporated into the proposed ordinance.

September 11, 2012: The Physical Development Committee (PDC) reviewed the petition and recommended it be scheduled for public hearing before City Council.

FISCAL IMPACT: None

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

ATTACHMENT(S):

- Ordinance
- Street Vacation Plat
- Technical Review Committee Report
- Application for the Vacation of a Street/Alley/Right-of-Way
- Aerial Map

REVIEWED BY: lkp

ORDINANCE:

AN ORDINANCE VACATING A PORTION OF THE CUL-DE-SAC OF ROTUNDA STREET.

WHEREAS, JBO, LLC is petitioning to vacate a portion of the right-of-way of the cul-de-sac of Rotunda Street, which extends around the perimeter of the existing cul-de-sac approximately fifteen (15) feet in width adjoining all private property;

WHEREAS, City Council finds that no public inconvenience will result from vacating a portion of the unopened right-of-way; and

WHEREAS, City Council determined that the City has no need for the portion of public right-of-way in question and the City's continued ownership of such public right-of-way is not necessary or required to serve the best interest of the City;

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 Section 35-71 through Section 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, said point being point along the right-of-way of Rotunda Street and lot 30 block "O" (Ref: PC 9, sl 201) 16.31' east of west corner lot 30; thence, along a curve to the left having a radius of thirty-five (35.00) feet, a central angle of 53°47'09", the long chord of which bears S 87°20'57" E for a distance of thirty-one and sixty-six hundredths (31.66) feet with an arc length of thirty-two and eighty-six hundredths (32.86) feet to a point; thence, along a non-tangent curve to the right having a radius of seventy-five (75.00) feet, a central angle of 287°30'34", the long chord of which bears S 29°39'42" W for a distance of eighty-eight and sixty-nine hundredths (88.69) feet with an arc length of three hundred seventy-six and thirty-five hundredths (376.35) feet to a point; thence, along a reverse curve to the left with a radius of thirty-five (35.00) feet, a central angle of 53°46'42", the chord of which bears N 33°28'22" W for a distance of thirty-one and sixty-six hundredths (31.66) feet; Thence along the arc of said curve for a distance of thirty-two and eighty-five hundredths (32.85) feet to a point; thence S 60°21'43" E, twenty-five and eighty-one hundredths (25.81) feet to a point; thence, along a non-tangent curve to the right having a radius of twenty-one (21.00) feet, a central angle of 50°58'41", the long chord of which bears S 34°52'26" E for a distance of eighteen and seven hundredths (18.07) feet with an arc length of eighteen and sixty-eight hundredths (18.68) feet to a point; thence, along a reverse curve to the left with a radius of sixty (60.00) feet, a central angle of 281°57'16", the chord of which bears N 29°38'17" E for a distance of seventy-five and fifty-six hundredths (75.56) feet; Thence along the arc of said curve for a distance of two hundred ninety-five and twenty-six hundredths (295.26) feet to a point; thence, along a reverse curve to the right with a radius of twenty-one (21.00) feet, a central angle of 50°58'38", the chord of which bears N 85°51'02" W for a distance of eighteen and seven hundredths (18.07) feet; Thence along the arc of said curve for a distance of eighteen and sixty-eight hundredths (18.68) feet to a point; thence N 60°21'43" W, twenty-five and seventy-six hundredths (25.76) feet to a point, the POINT OF BEGINNING

CONTAINING five thousand, five hundred ten (5,510) square feet or one hundred twenty-seven thousands of an acre (0.127) 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 Water Resources Division and the City Engineering Division.

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

Adopted:

Certified: _____
Clerk of Council

131L

P:\2006\06208\dwg\Y-BLA-12275.dwg-9/18/2012-16:54

TRC Report Date
9/18/2012

Project Number **SUB1208-0024**
Project Name **Right-of-way vacation Rotunda Street**
Site Address 605 ROTUNDA ST

Review Type	Contact	Notes
AEP	Tom G Woodford	(8/27/2012 2:14 PM REC) No comments.
Assessor	Steve Boyer	(8/27/2012 2:14 PM REC) No comments.
EngineeringDesign	Lee Newland	(8/27/2012 2:14 PM REC) No comments.
EngineeringMapRoom	Debbie Stinson	(8/24/2012 12:12 PM JLN) Show any easements for existing water or sewer that may be in the shaded area
Fire	Thomas Goode	(8/27/2012 2:45 PM REC) No comments.
Neighbor Svcs	Rob Fowler	(8/27/2012 2:45 PM REC) No comments.
Planning	Kevin Henry	(8/24/2012 3:19 PM KTH) 1. An application and plat were received by the Planning Division, which proposes a right-of-way vacation for the areas surrounding the roundabout of Rotunda St. and private streets within Blocks N & O. I will be your contact throughout this process, Kevin Henry, 455-3915. 2. This item is tentatively scheduled for the Physical Development Committee (PDC) meeting on September 11, 2012 at 9:00 a.m. Any comments related to this application must be addressed by August 31, 2012.
PWStreets	Dave Owen	(8/27/2012 2:46 PM REC) No comments.
Traffic	Donald A DeBerry	(8/27/2012 2:46 PM REC) No comments.
Utilities	Eric E Schrader	(8/27/2012 12:25 PM EES) Locate existing cleanouts and meters. Cleanout and water meters must be located in/on the property to be served. Detail any relocation required.
Verizon	George Almond	(8/27/2012 2:46 PM REC) No comments.

APPLICATION FOR THE VACATION OF A

RIGHT OF WAY

Located

At the cul-de-sac of Rotunda Street

RECEIVED

AUG 07 2012

COMMUNITY
DEVELOPMENT

The undersigned applicant, JBO, LLC.

pursuant to the provisions of Section 51.1-364 of the Code of Virginia, 1950, as amended, and Sections 35-71 to 35-77, both inclusive, of the Lynchburg City Code, 1981, as amended, respectfully makes application to the Lynchburg City Council for the vacation of that certain Right of Way described as follows:

BEGINNING AT A POINT, said point being point along the R/W of Rotunda St. and lot 30 block "O" (Ref: PC 9, sl 201) 16.31' east of west corner lot 30; thence, along a curve to the left having a radius of 35.00 feet, a central angle of 53°47'09", a tangent length of 17.75 feet, the long chord of which bears S 87°20'57" E for a distance of 31.66 feet with a radial line in of N 29°32'38" E and a radial line out of S 24°14'31" E for an arc length of 32.86 feet to a point; thence, along a non-tangent curve to the right having a radius of 75.00 feet, a central angle of 287°30'34", a tangent length of 54.98 feet, the long chord of which bears S 29°39'42" W for a distance of 88.69 feet with a radial line in of S 24°05'35" E and a radial line out of S 83°24'59" W for an arc length of 376.35 feet to a point; thence, along a reverse curve to the left with a radius of 35.00 feet, a tangent length of 17.75 feet, a central angle of 53°46'42", the radius of which bears S 83°24'59" W, the chord of which bears N 33°28'22" W for a distance of 31.66 feet; Thence along the arc of said curve for a distance of 32.85 feet to a point; thence S 60°21'43" E, 25.81 feet to a point; thence, along a non-tangent curve to the right having a radius of 21.00 feet, a central angle of 50°58'41", a tangent length of 10.01 feet, the long chord of which bears S 34°52'26" E for a distance of 18.07 feet with a radial line in of S 29°38'14" W and a radial line out of N 80°36'55" E for an arc length of 18.68 feet to a point; thence, along a reverse curve to the left with a radius of 60.00 feet, a tangent length of 48.63 feet, a central angle of 281°57'16", the radius of which bears N 80°36'55" E, the chord of which bears N 29°38'17" E for a distance of 75.56 feet; Thence along the arc of said curve for a distance of 295.26 feet to a point; thence, along a reverse curve to the right with a radius of 21.00 feet, a tangent length of 10.01 feet, a central angle of 50°58'38", the radius of which bears N 21°20'21" W, the chord of which bears N 85°51'02" W for a distance of 18.07 feet; Thence along the arc of said curve for a distance of 18.68 feet to a point; thence N 60°21'43" W, 25.76 feet to a point, the **POINT OF BEGINNING**.

CONTAINING: 5510 square feet or 0.126 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, Virginia, on October 9, 2012, 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 Right of Way.

Given under my hand this _____ day of _____,
20____.

JBW LLC By [Signature]
Applicant

104 Archway Court

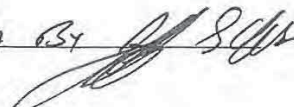
Lynchburg, VA 24502
Address

(434) 846-8458
Telephone Number

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

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, Virginia, on October 9, 2012, 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 Right of Way.

Given under my hand this _____ day of _____,
20____.

CORRECTION BOA 634 
Applicant

104 AIRWAY COURT

LYNCHBURG, VA 24502
Address

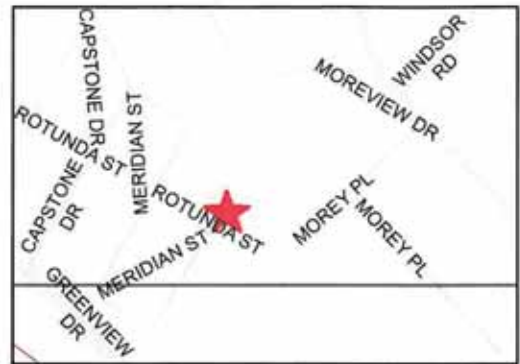
(434) 846-8458
Telephone Number

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

Rotunda Street Vacation

Right-of-Way Vacation

★ Property



LYNCHBURG CITY COUNCIL Agenda Item Summary

MEETING DATE: **October 9, 2012**

AGENDA ITEM NO.: 12

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Conditional Use Permit (CUP) – Jamerson YMCA – Modified Sign – 801 Wyndhurst Drive**

RECOMMENDATION: Approval of the CUP petition.

SUMMARY: The Young Men's Christian Association of Central Virginia (YMCA) is petitioning for a conditional use permit to allow a modified sign plan at 801 Wyndhurst Drive. The modified sign plan proposes the installation of a one hundred thirty-two (132)-square foot sign on a retaining wall facing Enterprise Drive. The Planning Commission recommended approval of the petition because:

- The *Comprehensive Plan 2002-2020's Future Land Use Map* (FLUM) indicates that the subject property is within the area designated as "Wyndhurst Mixed Use".
- The modified sign would be two and two tenths percent (2.2%) of the wall on which it is proposed.
- The *Wyndhurst TND Design Guidelines* limit signs for civic uses such as the YMCA to eighteen (18) square feet per location. The modified sign plan proposes the combining of all six (6) permitted signs into one (1) location.
- Modified signs are permitted upon approval of a CUP by Council.

PRIOR ACTION(S):

September 12, 2012: Planning Division recommended approval of the CUP petition.

Planning Commission recommended approval (5-0, 2 absent, Hooper, Swienton) of the CUP petition.

FISCAL IMPACT: None

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

ATTACHMENT(S):

- Resolution
- Planning Commission Report – September 12, 2012
- Planning Commission Minutes – September 12, 2012
- Zoning Map
- Future Land Use Map
- Watershed Map
- Planimetric and Topographic Map
- Narrative
- Sign Plan and Rendering
- Property Photograph
- Speaker Signup Sheet

REVIEWED BY: lkp

RESOLUTION:

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO THE YOUNG MEN'S CHRISTIAN ASSOCIATION OF CENTRAL VIRGINIA (YMCA) TO ALLOW A MODIFIED SIGN CONSISTING OF ONE HUNDRED THIRTY-TWO (132) SQUARE FEET AT 801 WYNDHURST DRIVE IN AN R-2, LOW-MEDIUM DENSITY, SINGLE-FAMILY RESIDENTIAL DISTRICT.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of the Young Men's Christian Association of Central Virginia (YMCA) for a conditional use permit to allow a modified sign consisting of one hundred thirty-two (132) square feet is hereby approved subject to the following conditions:

1. The total sign area for the sign shall not exceed one hundred thirty-two (132) square feet.
2. Any future wall or free standing signs shall require an amendment to this modified sign plan.

Adopted:

Certified:

Clerk of Council

134L

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

To: Planning Commission
From: Planning Division
Date: September 12, 2012
Re: **Conditional Use Permit (CUP) –Jamerson YMCA – Modified Sign Plan – 801 Wyndhurst Drive**

I. PETITIONER

Young Men's Christian Association of Central Virginia, 1315 Church Street, Lynchburg, VA 24504

Representative: Mr. Patrick Proffitt, P.E., Hurt & Proffitt, Inc., 2524 Langhorne Road, Lynchburg, VA 24501

II. LOCATION

The subject property is a tract of approximately twenty-five (25) acres located at 801 Wyndhurst Drive.

Property Owner: Young Men's Christian Association of Central Virginia, 1315 Church Street, Lynchburg, VA 24504

III. PURPOSE

The purpose of the petition is to allow a modified sign for the Jamerson YMCA.

IV. SUMMARY

- The *Comprehensive Plan 2002-2020's Future Land Use Map (FLUM)* indicates that the subject property is within the area designated as "Wyndhurst Mixed Use".
- The subject property is within the Wyndhurst Traditional Neighborhood Development (TND) and is designated as a "Civic" use on the Wyndhurst TND Plan.
- The *Wyndhurst TND Design Guidelines* limits signs for civic uses to eighteen (18) square feet. The proposed modified sign is one hundred thirty-two (132) square feet and would face Enterprise Drive.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Comprehensive Plan 2002-2020* recommends the Wyndhurst Mixed Use area for the subject property and indicates it as a Planned Development Area on the *Plan Framework Map*. These areas are intended to obtain more diverse, connected and integrated neighborhoods by being developed under Traditional Neighborhood Development principles. At the time the *Comprehensive Plan* was being drafted, the Wyndhurst TND was developing as an approved TND containing a mix of housing types, a community employment core, a YMCA, parks and a stream valley Resource Conservation Area. (pg 4.20)
2. **Zoning.** The subject property was annexed into the City in 1976. The existing R-2. Low-Medium Density, Single-Family Residential District (Conditional) zoning was established on September 12, 2000. While the property is zoned R-2, Conditional, it is regulated in terms of

use by the Wyndhurst TND Plan and Design Guidelines approved by Council on June 24, 1998 and amended July 8, 2003.

3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances are needed for the development of the property as proposed.
4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - On May 14, 1991, Council approved the CUP petition of Timberlake Dixie Youth Athletic Association to amend the existing master plan to allow the installation of additional ball fields, parking and concessions at 311 Beverly Hills Circle.
 - On June 8, 1993, Council approved the CUP petition of the Timberlake Dixie Youth Athletic Association to amend the existing master plan to allow the installation of lights on three (3) existing ball fields at 311 Beverly Hills Circle.
 - On April 8, 1997, Council approved the rezoning request of J. E. Jamerson & Sons to rezone four hundred (400) acres in the vicinity of Laxton Road and Enterprise Drive from R-1, Low Density, Single-Family Residential District to R-2, Low-Medium Density, Single-Family Residential District (Conditional), R-4, Medium-High Density, Multi-Family Residential District (Conditional), B-1, Limited Business District (Conditional), B-3, Community Business District (Conditional) and I-2, Light Industrial District (Conditional) to allow single-family homes, townhomes and apartment uses; a nursing home/assisted living /retirement village; commercial uses and an industrial park.
 - On July 14, 1998, Council approved the CUP petition of J. E. Jamerson & Sons to allow the construction of a dam and lake in a flood plain at Laxton Road and Enterprise Drive.
 - On July 14, 1998, Council approved the CUP petition of J. E. Jamerson & Sons to allow the Wyndhurst Traditional Neighborhood Development at Laxton Road and Enterprise Drive.
 - On May 9, 2000, Council approved the CUP petition of The Summit and J. E. Jamerson & Sons to allow the Summit Traditional Neighborhood Development on the west side of Enterprise Drive.
 - On September 12, 2000, Council approved the rezoning request of J. E. Jamerson & Sons to rezone one hundred sixty-seven (167) acres from R-2, Low-Medium Density, Single-Family Residential District (Conditional) and R-4, Medium-High Density, Multi-Family Residential District (Conditional) to R-2, Low-Medium Density, Single-Family Residential District (Conditional) and R-4, Medium-High Density, Multi-Family Residential District (Conditional) to amend previously approved proffers.
 - On April 8, 2008, Council approved the CUP petition of Cornerstone Community Church to allow the construction of a church and associated parking at 519, 521 and 525 Graves Mill Road.
 - On July 8, 2003, Council approved the CUP petition of Jamerson & Company to amend the Wyndhurst TND Plan to allow construction of additional apartments and Single-family uses off of Wyndhurst Drive and 1536 Lockwood Drive.

- On July 11, 2006, Council approved the CUP petition of Braxton Park, LLC, to allow the construction of a townhome across the City/County Boundary Line at 1002 Enterprise Drive.
 - On November 13, 2007, Council denied the CUP petition of S. W. Neal Development Group to construct a Planned Unit Development at 1200 and 1202 Wood Road.
 - On July 8, 2008, Council approved the CUP petition of Phillip Jamerson to allow a modified sign plan at 1301, 1601, 1627 Enterprise Drive, 100 Tradwynd Drive and 100 Hexham Drive.
5. **Site Description.** The subject property is a tract of approximately twenty-five (25) acres located at 801 Wyndhurst Drive. The property has frontage on two (2) city streets, Enterprise Drive and Wyndhurst Drive located within the Wyndhurst TND. The property contains the seventy-seven thousand, three hundred forty-five (77,345) square foot Jamerson YMCA, athletic fields and associated parking.
 6. **Proposed Use of Property.** The purpose of this petition is to allow the construction of a modified sign consisting of one hundred thirty-two (132) square feet which is proposed to be constructed as part of a retaining wall for a new patio area fronting Enterprise Drive.
 7. **Traffic, Parking and Public Transit.** The City's Transportation Engineer had no comments of concern regarding the modified sign plan.
 8. **Stormwater Management.** N/A
 9. **Emergency Services:** The City Fire Marshal and Police Department had no comments of concern regarding the modified sign plan.
 10. **Impact.** The property is part of the Wyndhurst TND that was approved by Council on June 24, 1998 and amended July 8, 2003. The requested modified sign is proposed to be one hundred thirty-two (132) square feet and would be constructed on a retaining wall for a new patio which will face Enterprise Drive. Currently the Jamerson YMCA has no signage facing Enterprise Drive or Wyndhurst Drive as the existing monument sign was removed as part of a gymnasium addition.

The property is regulated by the Wyndhurst TND Plan and Design guidelines which permits eighteen (18) square feet per sign for "civic" uses. As constructed, the Jamerson YMCA would be permitted a total of one hundred eight (108) square feet of signage:

Enterprise Drive – 18 square feet free standing

Wyndhurst Drive – 18 square feet free standing

Enterprise Drive – 18 square feet wall sign

Wyndhurst Drive – 18 square feet wall sign

Northeast parking area – 18 square feet wall sign

Northwest parking area – 18 square wall sign

The proposed sign would essentially combine all permitted signage into one sign with an additional twenty-four (24) square feet proposed.

As stated by the petitioner, the proposed sign would be two and two tenths percent (2.2%) of the five thousand nine hundred twenty (5,920) square foot wall area on which it is proposed.

The proposed sign would be of similar materials to the building and other signs located within the Wyndhurst TND. The sign is proposed to be illuminated by ground lights. No other signs for the facility are being proposed.

Section 35.1-26.16, Modified Signs, of the *Zoning Ordinance* states that Council may grant a conditional use permit for a modified sign upon a determination that:

1. There is good cause for deviating from a strict application of the requirements of the zoning ordinance
2. The modification(s), as proposed, will serve the public purposes and objectives set forth in the zoning ordinance at least as well, or better, than the signage that would otherwise be required under the zoning standards and requirements.

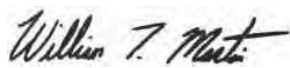
11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the conditional use permit on August 21, 2012. Comments related to the proposed use have or will be addressed prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of the Young Men's Christian Association of Central Virginia to allow a modified sign at 801 Wyndhurst Drive subject to the following conditions:

1. **The total sign area for the sign shall not exceed one hundred thirty-two (132) square feet.**
2. **Any future wall or free standing sign will require an amendment to this modified sign plan.**

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Ms. Bonnie M. Svrcek, Deputy City Manager
Mr. Walter C. Erwin, City Attorney
Mr. Kent L. White, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozzerow, Lynchburg Police Department
Captain Thomas Mack, Acting Fire Marshal
Mr. Doug Saunders, Building Commissioner
Mr. Robert Fowler, Zoning Administrator
Mr. Jacob Dorman, Environmental Reviewer
Ms. Susan Landergan, YMCA of Central VA
Mr. Patrick Proffitt, Hurt & Proffitt, Inc.

VII. ATTACHMENTS

- 1. Zoning Map**
- 2. Future Land Use Map**
- 3. Watershed Map**
- 4. Planimetric and Topographic Map**
- 5. Narrative**
- 6. Sign Plan and Rendering**
- 7. Sign Photos of Existing Signs in Wyndhurst**

MINUTES OF THE SEPTEMBER 12, 2012 PLANNING COMMISSION MEETING (MINUTES HAVE BEEN APPROVED):

a. Petition of Young Men's Christian Association of Central Virginia for a conditional use permit to allow a modified sign at 801 Wyndhurst Drive. The modified sign is proposed to be a wall sign one hundred thirty-two (132) square feet in area instead of the permitted eighteen (18) square feet.

Mr. Martin explained that the design guidelines that were approved as part of the Wyndhurst Traditional Neighborhood Development limit signs for civic uses to eighteen (18) square feet per each permitted sign location. Currently, the YMCA does not have a sign. Their previous sign was removed as part of the gymnasium addition. Mr. Martin explained that if you total the square footage of all the permitted locations for this use, it would total one hundred eight (108) square feet. This proposal is a request that the YMCA be allowed to combine all those locations into one sign and allow for an additional twenty-four (24) square feet.

The sign is to be located on a proposed new patio that will face Enterprise Drive. The sign will be up lit with ground lighting. The Planning Division recommends approval of the modified sign with the conditions outlined in the report.

Ms. Susan Landergan, the CEO of the YMCA of Central Virginia, was present to represent the petition. She explained that the Jamerson YMCA really needs a sign, as their previous sign was sacrificed to put in the new children's gymnasium. They have really been studying this for over a year trying to determine the best location for a sign. The Jamerson YMCA holds large events that draw people from all over the state and people do have trouble finding the facility. They feel that they have found the perfect opportunity to blend the sign with a program space and feel that it will blend in nicely with the TND. The proposed sign is much more traditional looking than the previous electronic sign that was removed.

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

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

"That the Planning Commission recommends to City Council approval of the petition of the Young Men's Christian Association of Central Virginia to allow a modified sign at 801 Wyndhurst Drive subject to the following conditions:

- 1. The total sign area for the sign shall not exceed one hundred thirty-two (132) square feet.**
- 2. Any future wall or free standing sign will require an amendment to this modified sign plan."**

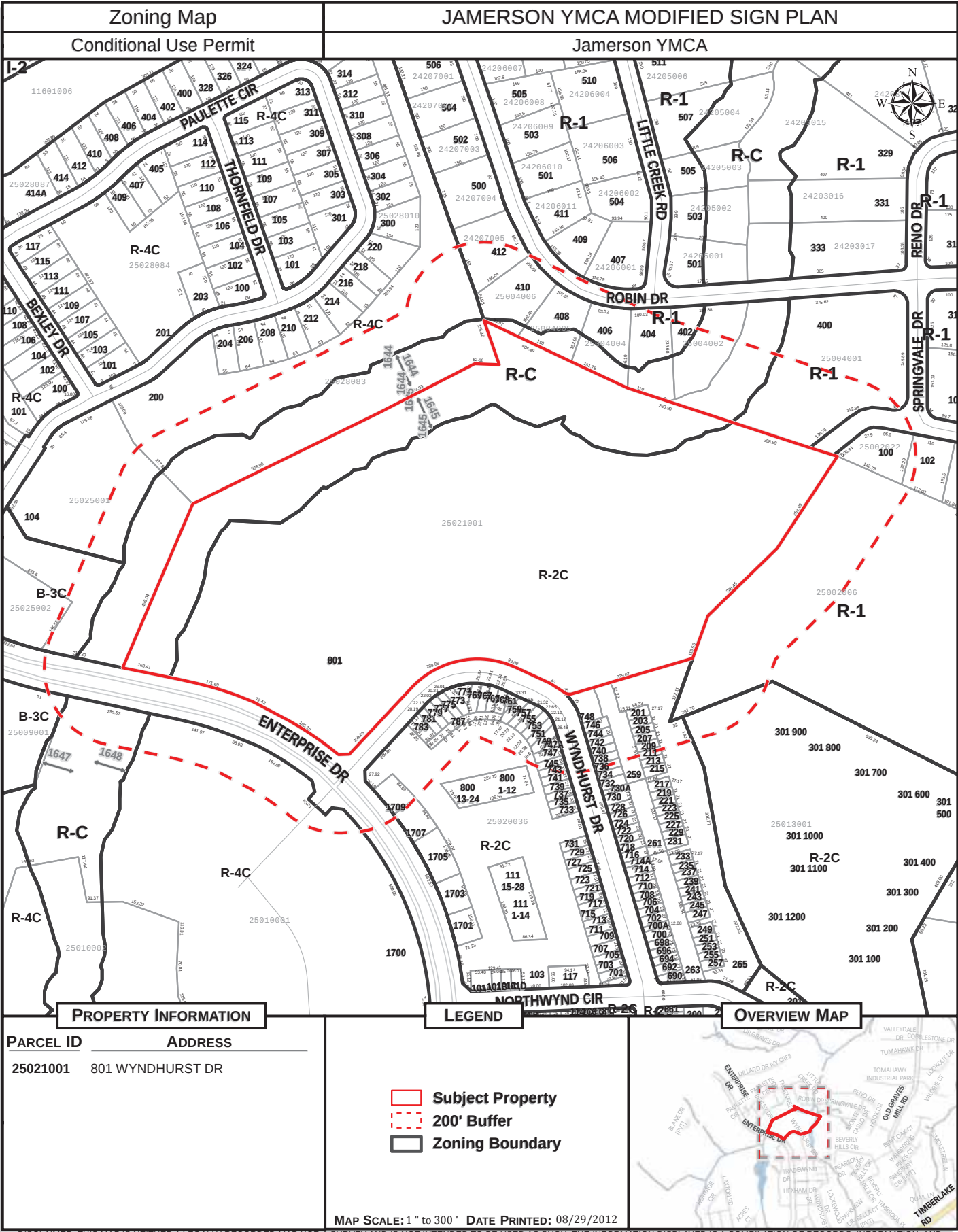
Commissioner Hannon commented that it is a beautiful sign. Commissioner Sale liked the sign and its placement and thought it would be a great addition to the Wyndhurst community. Commissioner Barnes wondered how it compared to the size of other signs at Wyndhurst, such as The Summit. Mr. Martin thought it was in keeping with the ground signs. Mr. Martin commented that the important thing to remember is that this sign is only about two percent of the size of the overall façade of the building. It really fits the scale of the building and will not look out of place

Chair Hamilton noted that with all the modified sign plan petitions that have been brought to them lately, maybe they need to revisit the sign ordinance and make some changes. Possibly, one of them

could be that the size of a sign is based on a percentage of the building size. Mr. Martin thought that was a good point but reminded them that, in this case, the eighteen square feet size limitation is from the design guidelines adopted for the Wyndhurst Traditional Neighborhood Development.

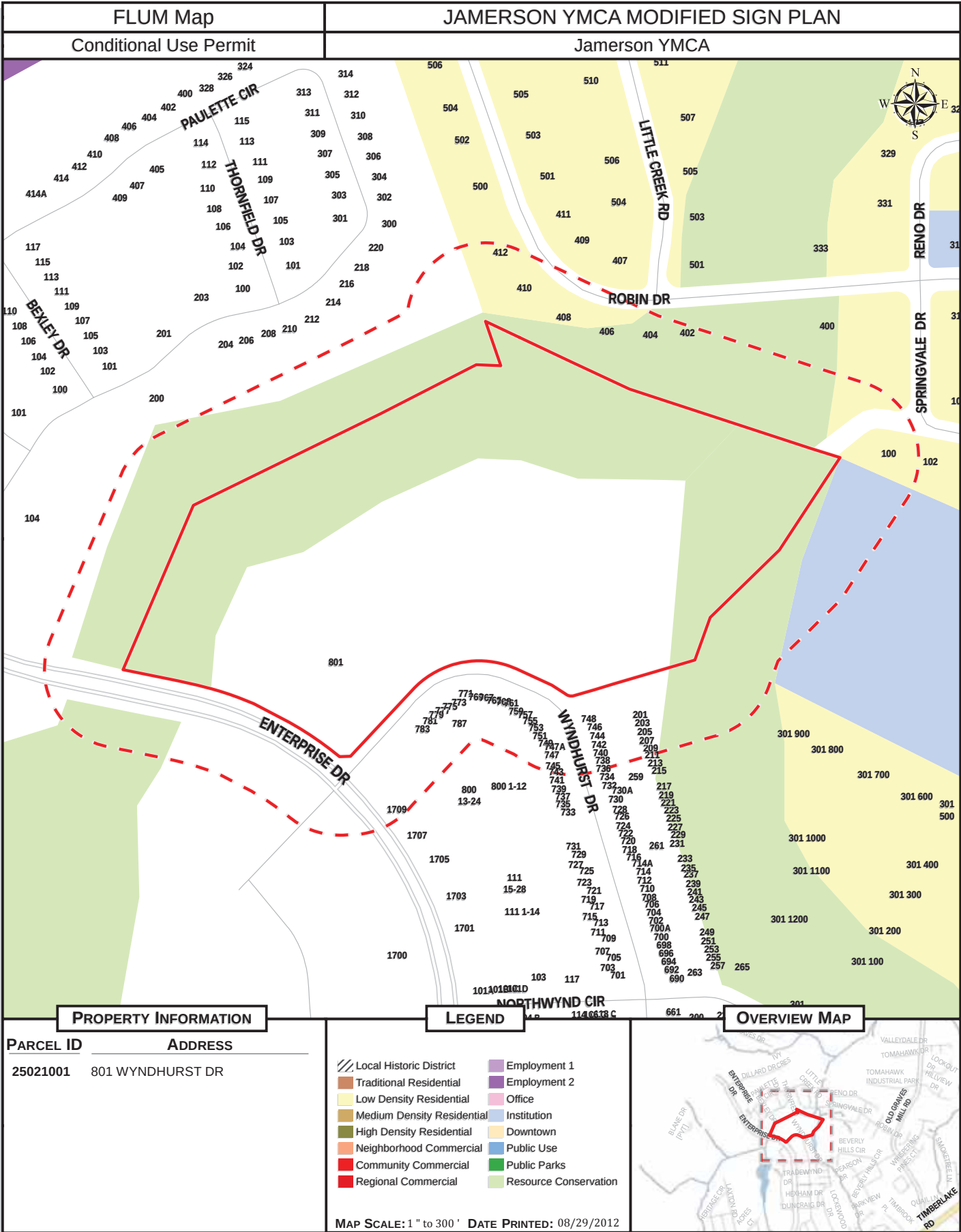
The motion passed by the following vote:

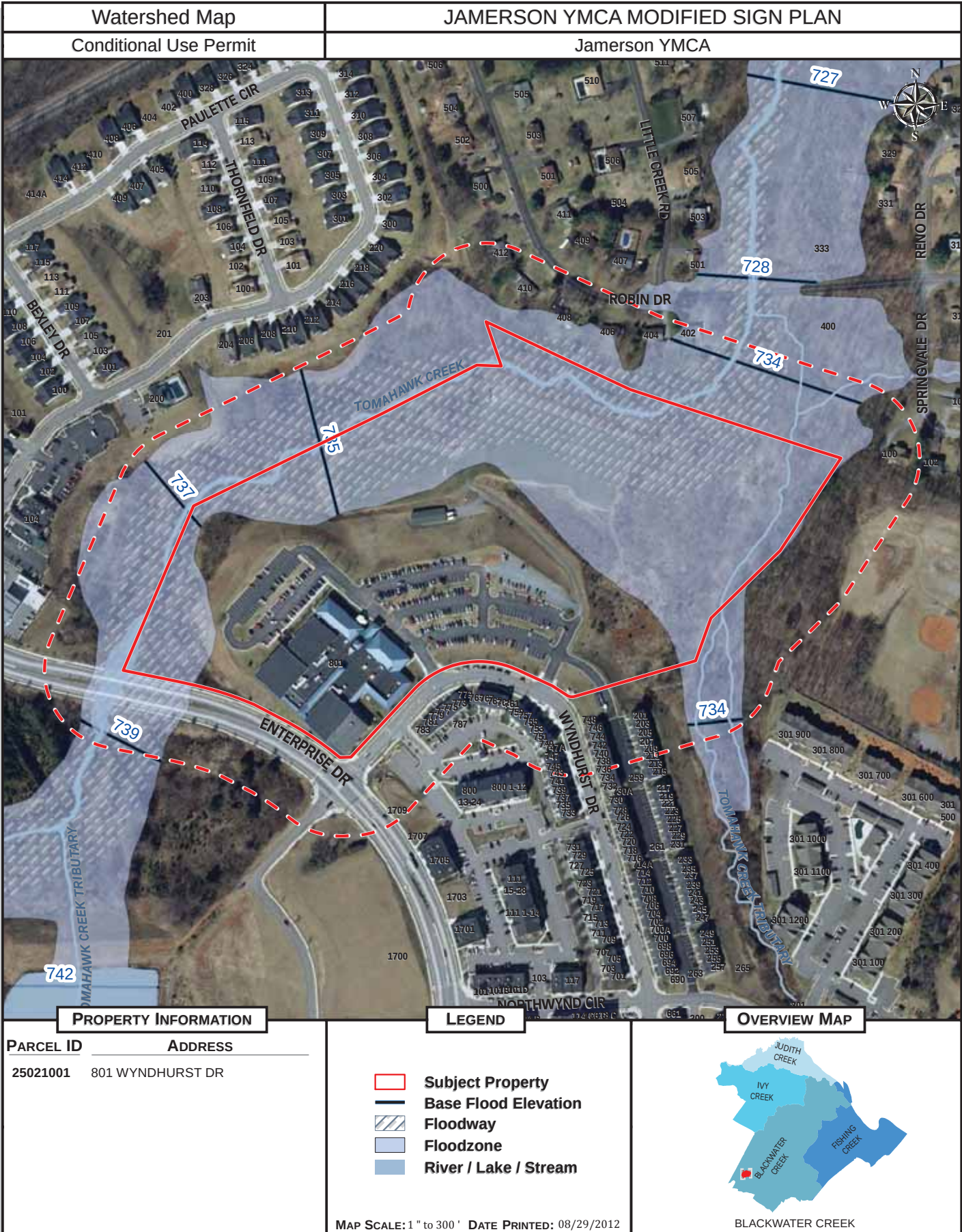
AYES:	Barnes, Coleman, Hamilton, Hannon and Sale	5
NOES:		0
ABSTENTIONS:		0
ABSENT:	Hooper and Swienton	2



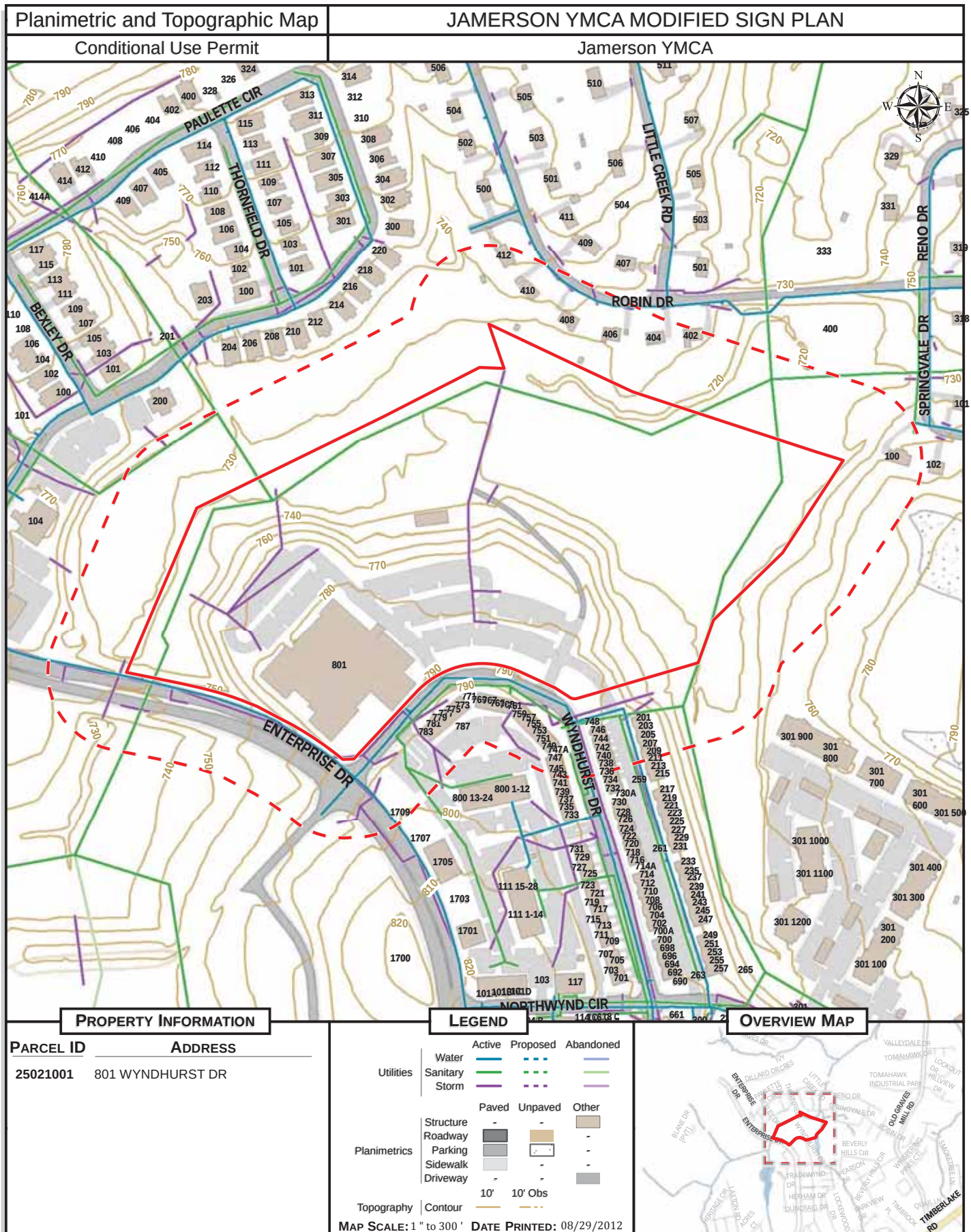
PIN	Local Address	Owner
25024007	736 WYNDHURST DR	LAMANO, ROBERT JR
25024006	738 WYNDHURST DR	PAITSEL, CHAD N & PAITSEL, JUSTIN D
25024043	211 NORTHWYND CIR	MAXWELL, RONALD S & LUNDY R
25024005	740 WYNDHURST DR	PRESTON, COURTNEY
25024042	209 NORTHWYND CIR	BARNETT, DAVID L
25024004	742 WYNDHURST DR	DZIADOSZ, DAVID
25024041	207 NORTHWYND CIR	BROWN, BARRY M
25024003	744 WYNDHURST DR	CAMPBELL, TRACEY R
25024040	205 NORTHWYND CIR	CREASY, ARLEY B & BAKER, NICHOLAS R
25024002	746 WYNDHURST DR	RANK, JENNY E
25024039	203 NORTHWYND CIR	EHRICH, HERBERT JR & RUTH
25010001	1700 ENTERPRISE DR	CENTRA HEALTH INC
25002021	102 SPRINGVALE DR	HARVEY, AMANDA L & PETTRY, STACY D
25009001	1900 ENTERPRISE DR	JEFFERSON'S POPLAR FOREST, THE
25021001	801 WYNDHURST DR	YOUNG MEN'S CHRISTIAN ASSOCIATION
25004002	402 ROBIN DR	KARPENSKE, JACK D & PEGGY C
25004003	404 ROBIN DR	TAKERIAN, PAUL
25004004	406 ROBIN DR	SACHS, KARLHEINZ D & JOYCE E
25004006	410 ROBIN DR	MURPHY, TODD W & MELANIE D
25002006	315 BEVERLY HILLS CIR	BROOKVILLE RURITAN COMMUNITY
25002022	100 SPRINGVALE DR	HABITZRUTHER, ELLEN & BRUCE E
25004001	400 ROBIN DR	JABB ASSOCIATION
25004005	408 ROBIN DR	ROY, WILLIAM A SR & DIANE L
25025001	104 PAULETTE CIR	JAMBORITA LLC
24207005	412 ROBIN DR	TORRES, PABLO & JESSICA M
25025002	102 PAULETTE CIR	WORKMAN OIL COMPANY
25028083	200 PAULETTE CIR	HERITAGE AT WYNDHURST HOMEOWNERS
25024038	201 NORTHWYND CIR	ADAMS, ERNEST W IV & LAURA JANE
25020015	741 WYNDHURST DR	HARVEY, FRANK A & KIMBERLY H
25020014	743 WYNDHURST DR	MABRY, ERICA LAUREN
25020013	745 WYNDHURST DR	FERGUSON, RYAN K
25020012	747 WYNDHURST DR	WATERS, MICHAEL C & ANGELA D
25020037	747 A WYNDHURST DR	CITY PLACE ASSOCIATION
25020001	783 WYNDHURST DR	MUSSELMAN, DAVID J SR & DEBRA L
25020046	781 WYNDHURST DR	TURNER, MATTHEW L
25020048	761 WYNDHURST DR	CITY PLACE ASSOCIATION
25020047	771 WYNDHURST DR	CITY PLACE ASSOCIATION
25013001	301 NORTHWYND CIR	WYNDHURST RIDGE ASSOCIATES LP
25024022	748 WYNDHURST DR	WELLINGTON PROPERTY OWNERS
25024010	259 NORTHWYND CIR	WELLINGTON PROPERTY OWNERS
25024001	265 NORTHWYND CIR	WELLINGTON PROPERTY OWNERS
25020039	1707 ENTERPRISE DR	V C ENTERPRISES LLC
25020038	1709 ENTERPRISE DR	V C ENTERPRISES LLC
25020011	749 WYNDHURST DR	BILLINGTON, PETER L & ERICKA
25020010	751 WYNDHURST DR	PROVENCE, MATTHEW D & TINA M

25020009	753 WYNDHURST DR	PANTANA, JOY
25020008	755 WYNDHURST DR	CREEHAN, GREGG A & CATHY J
25020006	759 WYNDHURST DR	KENNEDY, JAMES C & ALETA J
25020007	757 WYNDHURST DR	KIM, JAESHIL
25020050	779 WYNDHURST DR	ALAMINYO LLC
25020051	777 WYNDHURST DR	GAUDET, ROBERT & CHERYL
25020052	775 WYNDHURST DR	MACDOUGALL, DANIEL A & SHARON M
25020053	773 WYNDHURST DR	BIROCCO, STEVEN A
25020054	769 WYNDHURST DR	CASPER, DAVID L
25020036	103 NORTHWYND CIR	CITY PLACE ASSOCIATION
25020049	787 WYNDHURST DR	CITY PLACE ASSOCIATION
25020045	763 WYNDHURST DR	MALONE, STEVEN J & DEBRA L
25020044	765 WYNDHURST DR	COLLEY, JAMES R
25020043	767 WYNDHURST DR	DEACON, MARY M





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JAMERSON FAMILY YMCA SIGN AND PATIO NARRATIVE

Sign Description and Materials

In designing the new Sign and Patio for the Jamerson Family YMCA, the idea was to make this addition blend in with the existing building as much as possible. The sign is integrated into a retaining wall, making the construction of a new patio possible. The retaining wall will be constructed of painted concrete masonry units (cmu) and brick, both of which will match the existing masonry building. The sign itself will be constructed of architectural precast concrete so as to be durable, yet aesthetically pleasing. The proposed sign will replace the original pylon sign that was displaced when the Children's Gym was constructed a few years ago. An aluminum railing system will provide safety for those on the patio, while still fitting with the existing fabric of the facility. Shade Sails, (sunshading devices), will be implemented on the new Patio to provide a respite from the heat of the summer sun. The new Patio will be utilized year round for various activities for all ages. No other signs are proposed for the Jamerson YMCA facility at this time.

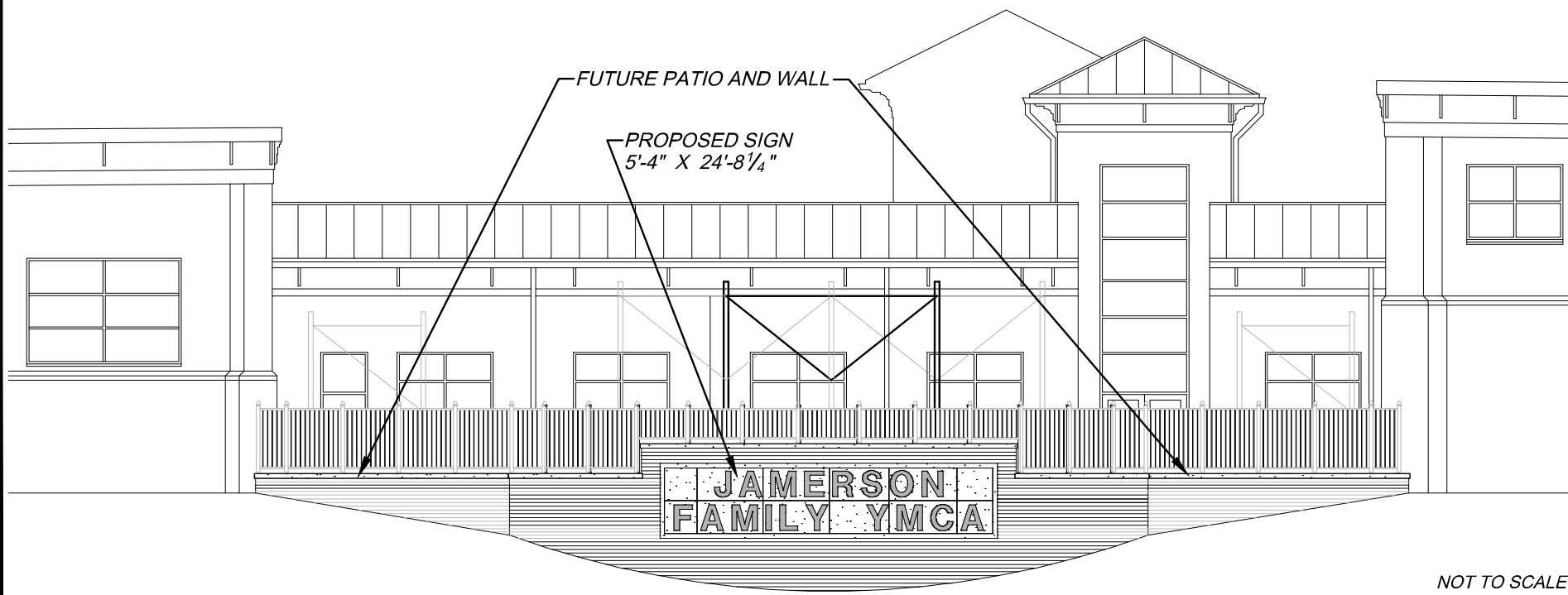
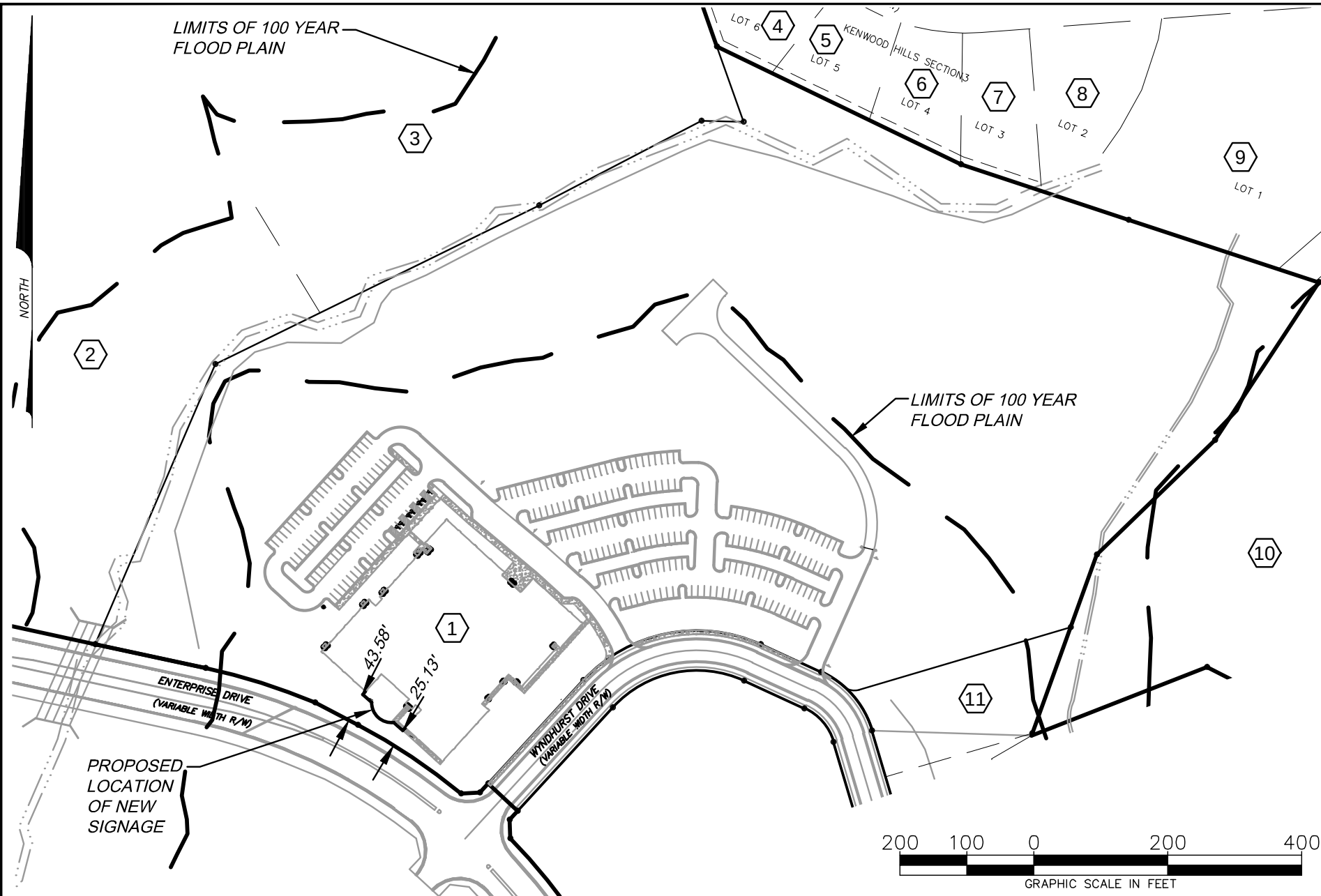
Sign to Serve the Objectives of the Neighborhood

The sign at 132 square feet is only 2.2 % of the total square footage of the southern building wall of the Y facility which has approximately 5920 of surface area. The sign as proposed is similar in size and materials to existing signage in the Wyndhurst Neighborhood especially the gateway signs of the Parks and City Place areas. Photographs of these signs are included in this report. As the Jamerson YMCA is a major focal point of the Wyndhurst Community and the surrounding region the proposed sign will announce the facility whether you visit 7 days a week or for the very first time. Therefore, the sign as proposed meets the intent of the Wyndhurst Traditional Neighborhood in the following ways:

- Identifies a major focal point for social vitality and meeting place in the community.
- Identifies a facility that is accessible by walkers, bike riders and public transit.
- Identifies a facility that creates a high quality of life and civic identity to the community.
- Locating the sign on the patio wall in environmentally friendly as it does not take up other open or natural areas.

Sign Lighting

The proposed sign will be lit by ground lighting of between 18 and 70 watts that will be glare shielding and tamper proof (cut sheets are attached to this report). The sign as proposed will not be backlit.

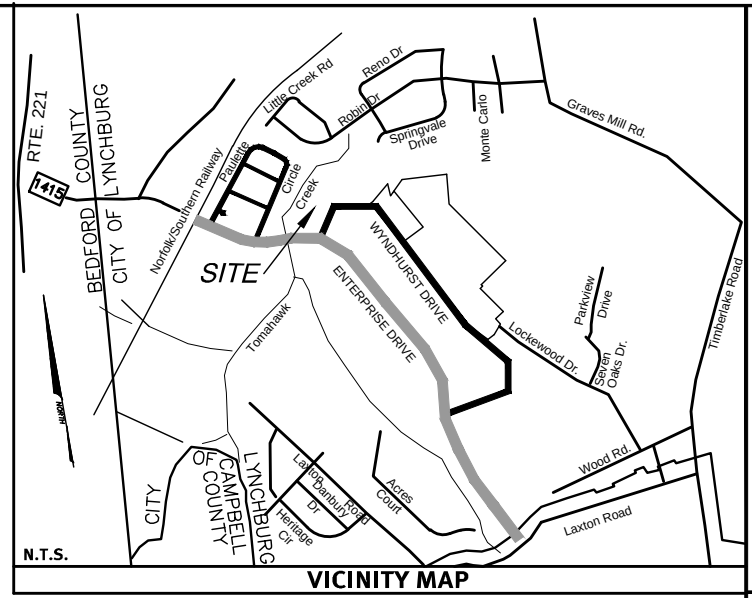


NOT TO SCALE

- | | |
|---|--|
| <p>1 YOUNG MEN'S CHRISTIAN ASSOCIATION OF CENTRAL VA
TM# 250021001
801 WYNDHURST DR
LYNCHBURG, VA 24502
ZONING: R-2C, R-C
LAND USE: COMMERCIAL</p> | <p>6 SACHS, KARLHEINZ D & JOYCE E
C/O JOYCE E SACHS
TM# 25004004
406 ROBIN DR
LYNCHBURG, VA 24502
ZONING: R-1, R-C
LAND USE: RESIDENTIAL</p> |
| <p>2 JAMBORITA LLC
TM# 25025001
104 PAULETTE CIR
LYNCHBURG, VA 24502
ZONING: R-4C, R-C, B-3C
LAND USE: COMMERCIAL</p> | <p>7 TAKERIAN, PAUL
TM# 25004003
404 ROBIN DR
LYNCHBURG, VA 24502
ZONING: R-1, R-C
LAND USE: RESIDENTIAL</p> |
| <p>3 HERITAGE AT WYNDHURST HOMEOWNERS ASSOCIATION INC
TM# 25028083
200 PAULETTE CIR
LYNCHBURG, VA 24502
ZONING: R-4C, R-C
LAND USE: RESIDENTIAL</p> | <p>8 KARPENSKY, JACK D & PEGGY C
TM# 25004002
402 ROBIN DR
LYNCHBURG, VA 24502
ZONING: R-C, R-1
LAND USE: RESIDENTIAL</p> |
| <p>4 MURPHY, TODD W & MELANIE D
TM# 25004006
410 ROBIN DR
LYNCHBURG, VA 24502
ZONING: R-1, R-C
LAND USE: RESIDENTIAL</p> | <p>9 JABB ASSOCIATION
TM# 25004001
400 ROBIN DR
LYNCHBURG, VA 24502
ZONING: R-1, R-C
LAND USE: RESIDENTIAL</p> |
| <p>5 ROY, WILLIAM A SR & DIANE L
TM# 25004005
408 ROBIN DR
LYNCHBURG, VA 24502
ZONING: R-1, R-C
LAND USE: RESIDENTIAL</p> | <p>10 BROOKVILLE RURIAN COMMUNITY
TM# 25002006
315 BEVERLY HILLS CIR
LYNCHBURG, VA 24502
ZONING: R-1
LAND USE: COMMERCIAL</p> |
| | <p>11 WELLINGTON PROPERTY OWNERS ASSOCIATION INC
TM# 25024001
265 NORTHWYND CIR
LYNCHBURG, VA 24502
ZONING: R-2C
LAND USE: RESIDENTIAL</p> |

THIS PROPERTY IS LOCATED IN ZONE 'AE' FOR A 100 YEAR FLOOD AS DETERMINED BY F.E.M.A. AND SHOWN ON THEIR MAP NUMBER 5100930101D DATED JUNE 3, 2008.

THE PURPOSE OF THE IS PLAN IS TO SHOW THE LOCATION OF A PROPOSED 132 SQUARE FOOT SIGN TO BE MOUNTED ON A FUTURE PATIO AND WALL EXPANSION. THE SIGN THAT READS "JAMERSON FAMILY YMCA" IS FROM A PLAN USED WITH PERMISSION FROM DOMINION SEVEN ARCHITECTS DATED JUNE 11, 2012.



* ENGINEERING >> SURVEYING >> PLANNING

HURT & PROFFITT
INCORPORATED

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

CONDITIONAL USE PERMIT
FOR
JAMERSON YMCA
CITY OF LYNCHBURG, VIRGINIA

PROJECT NO.	20120384
G.L. NO.	263-04-D2.3
FILE NO.	G-13664
DATE:	08/06/2012
DRAWN BY:	NRO
CHECKED BY:	PCP

SHEET NO.
1 OF 1

Existing Signage in the Wyndhurst Neighborhood



City Place at Wyndhurst



The Parks at Wyndhurst



Libbey Dental Office 206 Enterprise Drive



Building Signs at 1627 Enterprise Drive

Conditional Use Permit
Jamerson YMCA Modified Sign Plan
September 12, 2012

PLEASE PRINT

[illegible]

LYNCHBURG CITY COUNCIL Agenda Item Summary

MEETING DATE: **October 9, 2012**

AGENDA ITEM NO.: 13

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Conditional Use Permit (CUP) – The Plaza Modified Sign Plan – 2323 Memorial Avenue**

RECOMMENDATION: Approval of the CUP petition.

SUMMARY: LU Plaza Holdings, LLC is petitioning for a conditional use permit to allow a modified sign plan at 2323 Memorial Avenue. The modified sign plan proposes the installation of two (2) forty-four (44) square foot digital reader boards in lieu of the permitted sixteen (16) square feet. The Planning Commission recommended approval of the petition because:

- The *Comprehensive Plan 2002-2020* recommends a Community Commercial use for the property.
- While the *Midtown Master Plan* identifies the Plaza as a “special place” for redevelopment into an integrated in-town community with a commercial core, the goals are long term. The installation of the modified signs would insure the continued vitality of the Plaza as the area redevelops.
- Modified signs are permitted upon approval of a CUP by Council.
- All other aspects of the proposed signs would be in compliance with the *Zoning Ordinance*.

PRIOR ACTION(S):

August 22, 2012: Planning Division recommended approval of the CUP petition.

Planning Commission recommended approval (6-0, 1 absent, Swienton) of the CUP petition.

FISCAL IMPACT: None

CONTACT(S): Tom Martin, City Planner – 455-3900

Kent White, Director of Community Development – 455-3900

ATTACHMENT(S):

- Resolution
- Planning Commission Report – August 22, 2012
- Planning Commission Minutes – August 22, 2012
- Zoning Map
- Future Land Use Map
- Watershed Map
- Planimetric and Topographic Map
- CUP Sign Plan
- Sign Renderings
- Narrative
- Property Photographs
- Speaker Signup Sheet

REVIEWED BY: lkp

RESOLUTION :

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO LU PLAZA HOLDINGS, LLC TO ALLOW A MODIFIED SIGN PLAN AT 2323 MEMORIAL AVENUE CONTAINING TWO (2) FORTY-FOUR (44) SQUARE FOOT DIGITAL READER BOARDS IN A B-3, COMMUNITY BUSINESS DISTRICT.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of LU Plaza Holdings, LLC, for a conditional use permit to allow a modified sign plan containing two (2), forty-four (44) square foot digital reader boards is hereby approved subject to the following conditions:

1. The total sign area for each digital sign shall not exceed forty-four (44) square feet.
2. The digital signs shall not display running animation or displays of an intermittent light or lights.
3. The digital signs shall change their "on premises" message no more than once every six (6) seconds.
4. The digital signs shall not display an "off premises" message.
5. The digital signs shall be equipped with auto dimming features to reduce light levels during night time operation.
6. All other aspects of the signs shall be in compliance with the sign ordinance.

Adopted:

Certified: _____
Clerk of Council

133L

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

To: Planning Commission
From: Planning Division
Date: August 22, 2012
Re: **Conditional Use Permit (CUP) –The Plaza – Modified Sign Plan – 2323 Memorial Avenue**

I. PETITIONER

LU Plaza Holdings, LLC, P.O. Box 11932, Lynchburg, VA 24506

Representative: Mr. Scott Beasley, P.E., Hurt & Proffitt, Inc., 2524 Langhorne Road, Lynchburg, VA 24501

II. LOCATION

The subject property is a tract of approximately twenty-five (25) acres located at 2323 Memorial Avenue.

Property Owner: LU Plaza Holdings, LLC, P.O. Box 11932, Lynchburg, VA 24506

III. PURPOSE

The purpose of the petition is to allow modified signs for the existing shopping center.

IV. SUMMARY

- The *Comprehensive Plan 2002-2020's Future Land Use Map (FLUM)* recommends a Community Commercial use for the property.
- The *Midtown Master Plan* identified The Plaza as a "Special Place" proposed for redevelopment into a new neighborhood consisting of retail and a variety of housing options.
- The subject property is zoned B-3, Community Business District. This district permits signs up to one hundred twenty-five (125) square feet plus an additional sixteen (16) square feet of changeable copy for shopping centers in excess of two hundred thousand (200,000) square feet.
- The proposed modified signs are approximately one hundred ten (110) square feet of which forty-four (44) square feet is proposed to be a full color digital reader board.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Comprehensive Plan 2002-2020* recommends a Community Commercial use for the subject property. "Community Commercial areas contain retail, personal service, entertainment and restaurant uses that draw customers from at least several neighborhoods up to the entire City. Most community shopping centers range from 100,000 to 200,000 square feet and serve 40,000 to 70,000 people. Office, research and development and technology development uses may be permitted in Community Commercial areas as long as traffic and other impacts to the community are mitigated". (pg. 5.5)

The Plaza/Midtown area was also identified on the Plan Framework Map with the goal of "redeveloping the area into an integrated in-town community with a commercial core,

medium to high density housing, and professional offices with complementing high school and library. (pg. 5.7)

The *Midtown Master Plan* was adopted by Council on October 11, 2005. The plan identified The Plaza as a “Special Place” and provided a conceptual redevelopment vision for the property. The plan indicated the redevelopment of The Plaza into a new mixed-use neighborhood, which would include retail and a variety of housing types with the Lynchburg Library remaining as a central civic building. (pg 4.9)

The *Midtown Master Plan* is a long term vision for the redevelopment of the area. The proposed modified plans would not be detrimental to the plan goals and objectives. Ensuring the vitality of the Plaza is important as the area redevelops.

2. **Zoning.** The subject property was annexed into the City in 1926. The existing B-3, Community Commercial District was established in 1978.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances are needed for the development of the property as proposed.
4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - On August 11, 1981, Council approved the CUP petition of Euclid Christian Church to allow the operation of a child care facility at 2220 Memorial Avenue.
 - On January 24, 1984, Council approved the CUP petition of Lynchburg Cablevision to install a television antenna at 402 Oakley Avenue.
 - On May 8, 1984, Council approved the CUP petition of Parkview United Methodist Church to allow the construction of a parking area at 109, 111, and 115 Euclid Avenue.
 - On November 11, 1987, Council approved the CUP petition of Euclid Christian Church to allow the construction of a building addition, play area and parking area at 2220 Memorial Avenue.
 - On February 13, 1990, Council approved the rezoning petition of Snyder Hunt Corporation to rezone 2229 Murrell Road from R-4, Medium-High, Multi-Family Residential to B-1, Limited Business District to allow the construction of an office complex.
 - On February 13, 1990, Council approved the CUP petition of Snyder Hunt Corporation to operate an adult care facility at 2249 Murrell Road.
 - On August 13, 1996, Council approved the rezoning petition of C & C Development, LLC, to rezone 2312 Memorial Avenue from R-3, Medium Density, Two-Family Residential District and B-1, Limited Business District to B-3, Community Business District (Conditional) to allow the construction of a pharmacy.
 - On April 12, 2005, Council approved the CUP petition of the Salvation Army to allow the use of an existing building as a child day care center for up to fifty-eight (58) children at 2301 Park Avenue.
 - On October 11, 2005, Council adopted the *Midtown Master Plan* as part of the *Comprehensive Plan 2002-2020*.

- On June 12, 2007, Council approved the CUP petition of the Salvation Army for a master development plan at 805, 807 Stuart Street, 2201, 2211, 2225 and 2301 Park Avenue.
 - On October 13, 2009, Council approved the CUP petition of LU Plaza Holdings, LLC, to allow the operation of a school/college with a maximum of seven hundred (700) students at 2323 Memorial Avenue.
5. **Site Description.** The subject property is a tract of approximately twenty-five (25) acres located at 2323 Memorial Avenue. The property has frontage on four (4) city streets: Lakeside Drive, Memorial Avenue, Wadsworth Street and Judith Street. The property contains approximately three hundred thirty-seven thousand nine hundred and nineteen (337,919) square feet of retail space constructed circa 1959.
 6. **Proposed Use of Property.** The purpose of this petition is to allow the construction of two (2) modified signs which would each contain a forty-four (44)-square foot digital reader board in lieu of the permitted sixteen (16) square feet. All other aspects of the signs would be in compliance with the sign ordinance.
 7. **Traffic, Parking and Public Transit.** The City's Transportation Engineer requested that sight distance be shown on the revised site plan. The representative for the petitioner noted in written responses that the proposed signs would be located in excess of fourteen (14) feet from the curb line, negating any sight distance issues.
 8. **Stormwater Management.** N/A
 9. **Emergency Services:** The City Fire Marshal and Police Department had no comments of concern regarding the modified signage plan.
 10. **Impact.** The property is zoned B-3, Community Business District. This district permits signs up to one hundred twenty-five (125) square feet plus an additional sixteen (16) square feet of changeable copy for shopping centers in excess of two hundred thousand (200,000) square feet. Digital reader boards are permitted by right in the B-3, Community Business District.

The modified signage plan proposes the installation of two (2) signs which would each include a forty-four (44) square foot digital reader board. All other aspects of the proposed signs would be in compliance with the sign ordinance. The proposed reader boards would allow the property owner to offer additional signage to non anchor tenants. The submitted plan indicates that the digital reader boards would contain auto dimming technology to reduce light to acceptable levels at night.

The existing sign on Lakeside Drive is currently located within city right-of-way. The proposal would move the sign location to property owned by the petitioner, bringing it into compliance.

Section 35.1-26.16, Modified Signs, of the *Zoning Ordinance* states that Council may grant a conditional use permit for a modified sign upon a determination that:
 1. There is good cause for deviating from a strict application of the requirements of the zoning ordinance
 2. The modification(s), as proposed, will serve the public purposes and objectives set forth in the zoning ordinance at least as well, or better, than the signage that would otherwise be required under the zoning standards and requirements.

11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the conditional use permit on July 24, 2012. Comments related to the proposed use have or will be addressed prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of LU Plaza Holdings, LLC to allow modified signs at 2323 Memorial Avenue subject to the following conditions:

- 1. The total sign area for each digital sign shall not exceed forty-four (44) square feet.**
- 2. The digital signs shall not display running animation or displays of an intermittent light or lights.**
- 3. The digital signs shall change their “on premise” message no more than once every six (6) seconds.**
- 4. The digital signs shall not display an “off premise” message.**
- 5. The digital signs shall be equipped with auto dimming features to reduce light levels during night time operation.**
- 6. All other aspects of the signs shall be in compliance with the sign ordinance.**

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Ms. Bonnie M. Svrcek, Deputy City Manager
Mr. Walter C. Erwin, City Attorney
Mr. Kent L. White, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozzerow, Lynchburg Police Department
Captain Thomas Mack, Acting Fire Marshal
Mr. Doug Saunders, Building Commissioner
Mr. Robert Fowler, Zoning Administrator
Mr. Jacob Dorman, Environmental Reviewer
Mr. Lee Beaumont, LU Plaza Holdings, LLC
Mr. Scott Beasley, Hurt & Proffit, Inc.

VII. ATTACHMENTS

- 1. Zoning Map**
- 2. Future Land Use Map**
- 3. Watershed Map**
- 4. Planimetric and Topographic Map**
- 5. Sign Plan**
- 6. Sign Rendering**
- 7. Property Photographs**

MINUTES OF THE AUGUST 22, 2012 PLANNING COMMISSION MEETING (MINUTES HAVE BEEN APPROVED):

a. Petition of LU Plaza Holdings, LLC for a conditional use permit to allow modified signs at 2323 Memorial Avenue in a B-3, Community Business District. The modified signs would allow digital reader boards forty-four (44) square feet instead of the permitted sixteen (16) square feet.

Mr. Martin explained that this petition deals with the upper level of the Plaza which was constructed around 1959 and contains approximately 338,000 feet of commercial retail space. The *Future Land Use Map* and the *Comprehensive Plan* recommend a Community Commercial use for the subject property. These are areas of the City that draw from several neighborhoods to the entire City and serve approximately 40,000 to 70,000 people with upwards of 200,000 square feet of retail space. The Plaza is also indicated in the Midtown Master Plan as an area of redevelopment and designates it a "special place" to be redeveloped into a traditional type neighborhood.

The goals and objectives of the Midtown Master Plan are long-term and the Planning staff does not see installation of these two modified signs as being detrimental to the long-term goals of that master plan. Staff believes these signs will help the vitality of the Plaza. The property is zoned B-3, Community Business District, which by right would permit signs up to 125 square feet in addition to 16 square feet of changeable copy for this type of facility.

The proposal is to install two modified signs. The existing sign location for the sign on Lakeside Drive is within the City's right-of-way and will be removed. The second location is proposed for Memorial Avenue north of McDonald's. The proposal is to request a change in the size of the digital reader boards of these signs from 16 square feet to 44 feet. The total size of the signs (110 square feet) will still be well below the permitted 141 square feet. The reasoning for the modified signs is because normally advertising for the anchor businesses is placed on a sign permanently. The modified signs would allow the smaller tenants to have better advertising. Staff recommends approval of the conditional use permit request.

Mr. Scott Beasley of Hurt and Proffitt and Mr. Chris Doyle, of CBRE (the leasing agent for the Plaza) were present to represent the petition. Mr. Doyle explained that they have tackled the leasing of the Plaza from a dual approach. The lower level has been marketed to offices and service industries. The upper level has been marketed as a community shopping center. With this approach, The Plaza has gone from 50 percent leased to 90 percent leased. The final ten percent of the spaces are much smaller in square footage. In order to help induce tenancy, the businesses need to have visibility on the digital reader board. The 16 square feet of digital reader board will not be large enough to provide them that visibility. The anchor stores' advertising will occupy the static boards.

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

Commissioner Sale wondered if they had talked to the City about securing the right-of-way so that the sign on Lakeside Drive could remain in its location. Mr. Martin said it was discussed during TRC but the final decision was to move the sign. Mr. Beasley explained that the Traffic Engineer had been concerned about sight distance. Mr. Doyle commented that they had also considered that the new location may be better in terms of possible damage due to accidents. Cars are less likely to hit it in its new location. Mr. Doyle mentioned that the concrete "P" has been moved to a new location.

Commissioner Sale noted that one of the conditions states that there will be no "off premises" messages displayed. Commissioner Sale thought it might be helpful to put up community emergency

messages, if needed, such as during the recent storm. Mr. Doyle remarked that because the City's library is one of the Plaza tenants, it could be the vehicle that would allow those types of messages. Chair Hamilton asked if any LU messages would be displayed. Mr. Doyle said absolutely not. He stated that he is involved because this is an endowment issue and he is looking at this strictly from a business standpoint.

Chair Hamilton asked Mr. Martin if there were any special overlay districts that would be pertinent to this proposal and noted that we have always looked at this Midtown Connector as a special gateway to the City. Mr. Martin reiterated that the Midtown Master Plan designated The Plaza as a "special place," but that is a long-term plan that may or may not come to fruition anytime soon. Mr. Martin thinks that what the City is left with is making sure that the property owner can make the best use of its property as it is currently. They are well within the overall size requirements of what they could do by right. He thinks the proposal is perfectly acceptable.

Commissioner Coleman would be in favor of discussion, at the appropriate points in time, for community messaging and would like to make sure that it would be monitored in a manner that would be most beneficial to our citizens.

Commissioner Hannon made the following motion, which was seconded by Commissioner Sale:

"That the Planning Commission recommends to City Council approval of the petition of LU Plaza Holdings, LLC to allow modified signs at 2323 Memorial Avenue subject to the following conditions:

- 1. The total sign area for each digital sign shall not exceed forty-four (44) square feet.**
- 2. The digital signs shall not display running animation or displays of an intermittent light or lights.**
- 3. The digital signs shall change their "on premises" message no more than once every six (6) seconds.**
- 4. The digital signs shall not display an "off premises" message.**
- 5. The digital signs shall be equipped with auto dimming features to reduce light levels during night time operation.**
- 6. All other aspects of the signs shall be in compliance with the sign ordinance."**

Commissioner Sale wanted to compliment the management. The Plaza is a very special place to the City and all we can do to help it be a place of commerce and exchange is very important. This signage seems a very acceptable way of moving it forward. Mr. Doyle noted that saving the concrete "P" was an attempt to blend the old and the new. Commissioner Barnes stated that he appreciated Mr. Doyle's description of the strategy for redeveloping The Plaza and commended him on the success of the revitalization. In particular, Chair Hamilton commended them in bringing in a food anchor to The Plaza.

The motion passed by the following vote:

AYES:	Barnes, Coleman, Hamilton, Hannon, Hooper and Sale	6
NOES:		0
ABSTENTIONS:		0
ABSENT:	Swienton	1

Commissioner Sale wished to acknowledge Mr. Lee Beaumont's impact in putting this together and especially, the work that Thomas Road Baptist Church and Liberty University did during the aftermath of the recent derecho.

The Plaza Modified Sign Plan

LU Plaza Holdings, LLC



OVERVIEW MAP

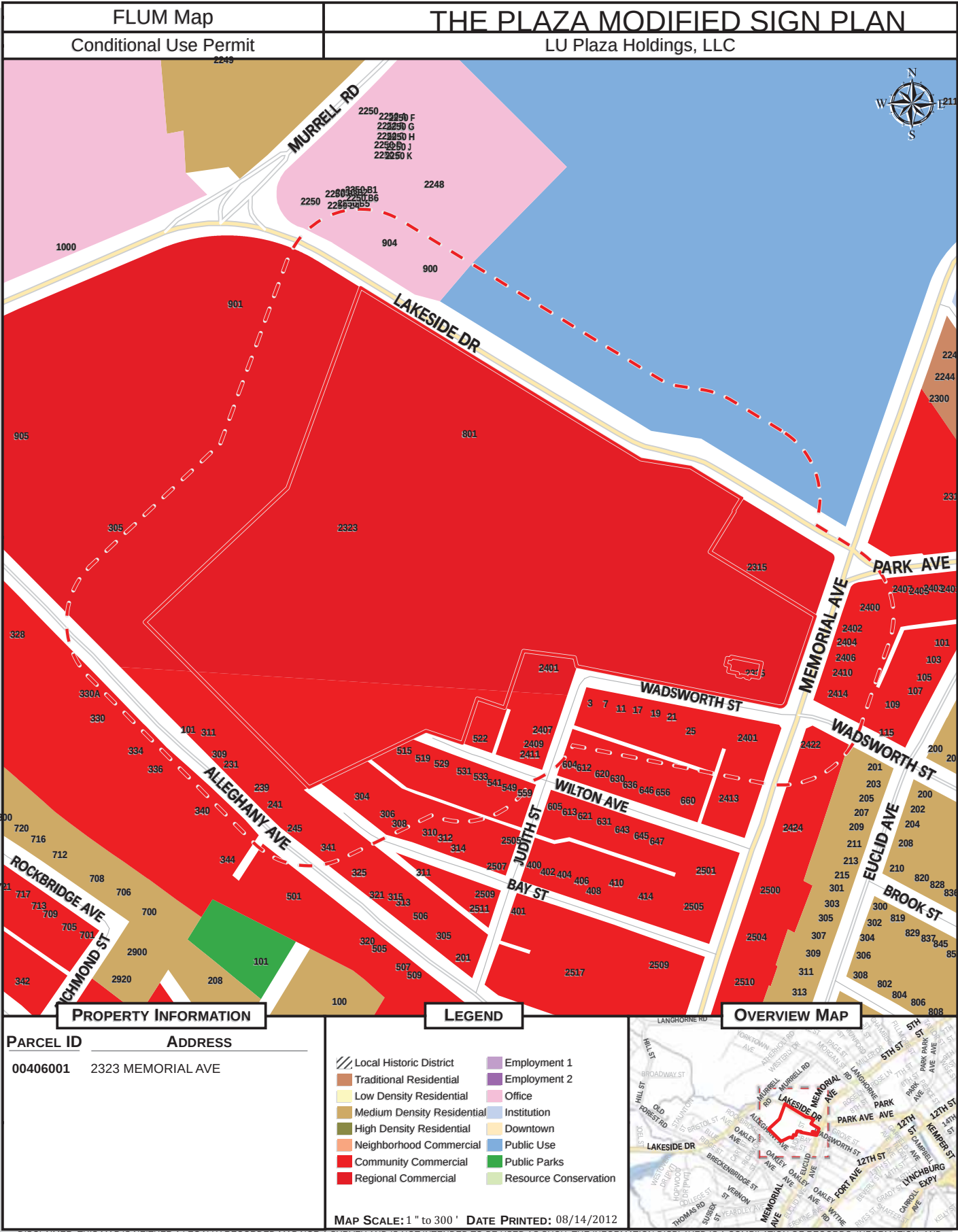
ADDRESS

 **Subject Property**
 **200' Buffer**
 **Zoning Boundary**

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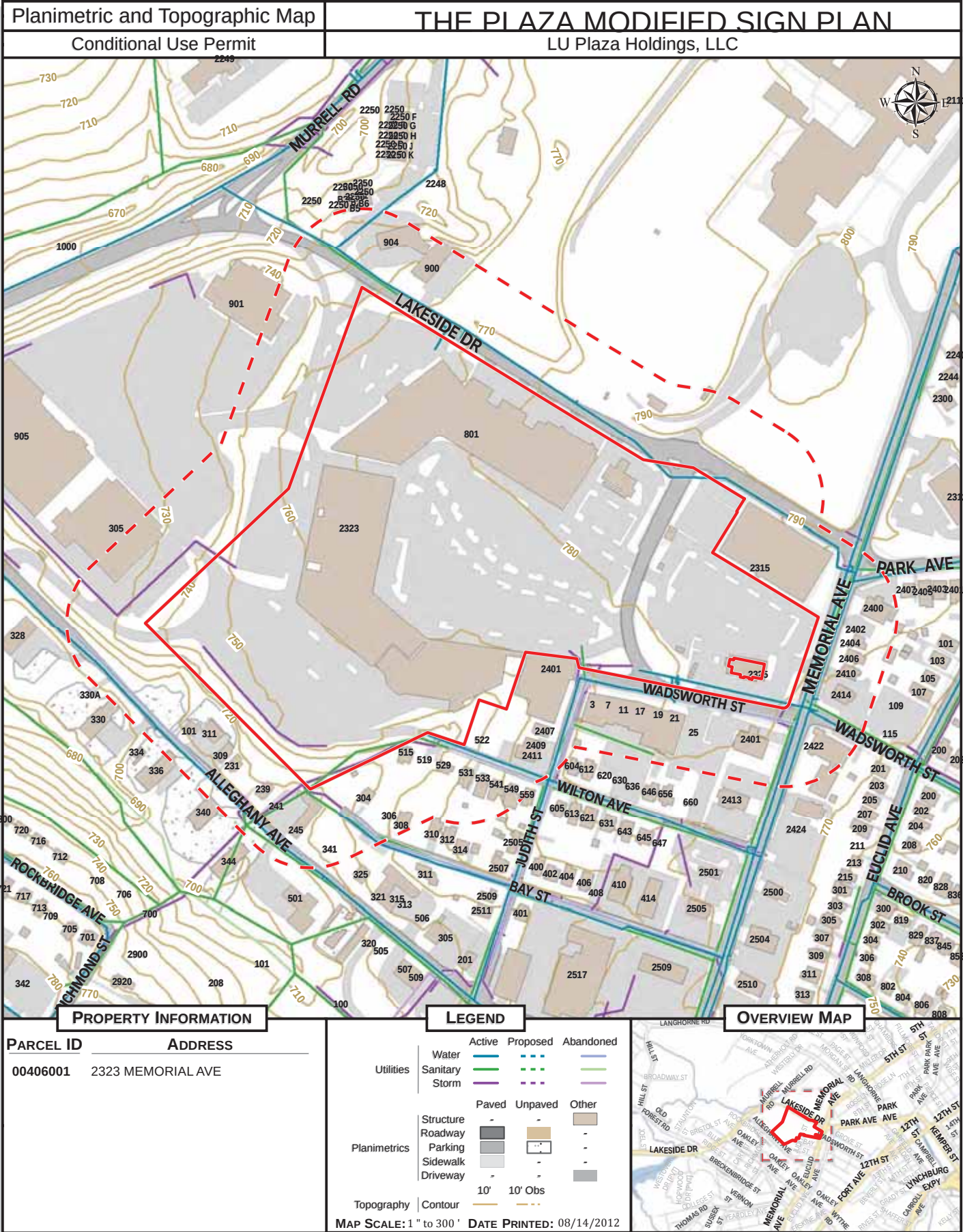
PIN	Local Address	Owner
01105015	2414 MEMORIAL AVE	BRIGGS, ROBERT O & BRIGGS, RICHARD W
00405032	245 ALLEGHANY AVE	WHITE, CAREY R & BARBARA A
00405031	ALLEGHANY AVE	WHITE, CAREY R & BARBARA A
00404015	308 BAY ST	HALE, MARY JONES
00404009	559 WILTON AVE	JAMERSON, BILL L & ALLORIA M TRS
00404016	306 BAY ST	HALE, MARY JONES
00402002	2111 MEMORIAL AVE	CITY OF LYNCHBURG
01213052	501 ALLEGHANY AVE	ZBG LLC
00405040	325 ALLEGHANY AVE	GILBERT, ISIAH
00404010	2505 JUDITH ST	JOHNSON, EARL G JR
00404012	314 BAY ST	MAYS, JEANETTE L
00405034	341 ALLEGHANY AVE	LONG, KEITH A T/A LONG'S TERMITE
00404013	312 BAY ST	SLIGH, WILLIAM L LIFE
00404014	310 BAY ST	SHULTZ, ELIZABETH
00404008	549 WILTON AVE	RODGERS, DANA M TRUSTEES
00404007	541 WILTON AVE	SCOTT, WARREN M
01113013	660 WILTON AVE	CHOPPERS INCORPORATED
00404006	533 WILTON AVE	MCCRATH, MEGAN K
01421020	340 ALLEGHANY AVE	D L BRYANT PAINT CONTRACTOR
01113015	656 WILTON AVE	BRADLEY, LAURA
01113009	2413 MEMORIAL AVE	RI CS4 LLC
00404005	531 WILTON AVE	JAMERSON, BILL L & ALLORIA M TRS
01113016	646 WILTON AVE	TUCK, LYNDA K
01113017	636 WILTON AVE	HOOKS, JERRY & DONNA F
00404003	529 WILTON AVE	CRANK, WILLIAM H & PATRICIA C
01113018	630 WILTON AVE	GILBERT, MARY P
01112002	201 EUCLID AVE	SOUTHERN PROPERTY GROUP LLC
00404002	519 WILTON AVE	JAMERSON, BILL L & ALLORIA M TRS
01421019	336 ALLEGHANY AVE	JONES, JAMES C & JOYCE W
00403006	2411 JUDITH ST	KOREAN EVANGELICAL CHURCH OF
01113019	620 WILTON AVE	HICKS REALTY & DEVELOPMENT LLC
01113020	612 WILTON AVE	CAMPBELL, GARNETT E JR & EVA K
01113021	604 WILTON AVE	BROOKS, JAMES W & BRENDA S
01112001	2422 MEMORIAL AVE	PARK VIEW UNITED METHODIST CHURCH
00403005	2409 JUDITH ST	KOREAN EVANGELICAL CHURCH OF
01421013	334 ALLEGHANY AVE	JONES, JAMES C & JOYCE W
01113022	2401 MEMORIAL AVE	CHOPPERS INCORPORATED
01113007	25 WADSWORTH ST	HICKS REALTY & DEVELOPMENT LLC
01113006	21 WADSWORTH ST	HICKS REALTY & DEVELOPMENT LLC
01113005	19 WADSWORTH ST	HOOKS, JERRY & DONNA F
01113004	17 WADSWORTH ST	GILBERT, MARY P
01113003	11 WADSWORTH ST	HICKS REALTY & DEVELOPMENT LLC
01113002	7 WADSWORTH ST	HICKS REALTY & DEVELOPMENT LLC
01421012	330 ALLEGHANY AVE	PARKER, DOUGLAS G
01113001	3 WADSWORTH ST	HICKS REALTY & DEVELOPMENT LLC

01105017	2410 MEMORIAL AVE	BRIGGS, ROBERT O & BRIGGS, RICHARD W
01421009	330 A ALLEGHANY AVE	PARKER, DOUGLAS G
00406800	2325 MEMORIAL AVE	MCDONALD'S CORPORATION
01105018	2406 MEMORIAL AVE	PHAM, SONG T V
01105019	2404 MEMORIAL AVE	PHAM, SONG T V
01105020	2402 MEMORIAL AVE	PHAM, SONG T V
01421007	328 ALLEGHANY AVE	BRYANT, DONALD L & GLORIA M
01105001	2400 MEMORIAL AVE	PHAM, THANH T & VUONG, LAI T
01105002	2407 PARK AVE	POMPPER, JOYCE M & POMPPER, RICHARD
00401006	900 LAKESIDE DR	TUPELO INVESTMENTS LLC
00401005	904 LAKESIDE DR	WAYNE COMPANY
00408007	2250 MURRELL RD	OFFICE CONDOMINIUM ASSOCIATES
01421014	344 ALLEGHANY AVE	GOODMAN, KEVIN
00402003	2315 MEMORIAL AVE	CITY OF LYNCHBURG
00405029	239 ALLEGHANY AVE	PELFREY, SHIRLEY M
00405027	231 ALLEGHANY AVE	CLARKE, JOHN P JR & MARTHA M
00405026	309 ALLEGHANY AVE	JONES, KARA G
00405025	311 ALLEGHANY AVE	JONES, JAMES C & JOYCE W
00405024	101 ALLEGHANY AVE	JONES, JAMES C & JOYCE W
00405030	241 ALLEGHANY AVE	WHITE, CAREY R & BARBARA A
00404001	515 WILTON AVE	JAMERSON, BILL L & ALLORIA M TRS
00404018	304 BAY ST	CLARK, ODELL T
00403007	522 WILTON AVE	COLEMAN-ADAMS CONSTRUCTION INC
00403004	2407 JUDITH ST	CRANK, WILLIAM H & PATRICIA C
00406004	2401 JUDITH ST	LIBERTY UNIVERSITY INC
01112027	2424 MEMORIAL AVE	NEWCOMB FAMILY LP
00405022	ALLEGHANY AVE	PARKER, DOUGLAS GARNETT
00406001	2323 MEMORIAL AVE	LU PLAZA HOLDINGS LLC
00406006	901 LAKESIDE DR	LU PLAZA HOLDINGS LLC
00406007	305 ALLEGHANY AVE	CENTRA HEALTH INC



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.







RECEIVED

AUG 07 2012

COMMUNITY
 DEVELOPMENT

RECEIVED

AUG 07 2012

COMMUNITY
 DEVELOPMENT

Client: **LIBERTY**
 UNIVERSITY.

Date:
 07/30/12

Project: **Plaza - LED / Lakeside Drive**

POC: **Chris Doyle & Lee Beaumont**

POS:

Project Overview

Double Sided Pylon Sign

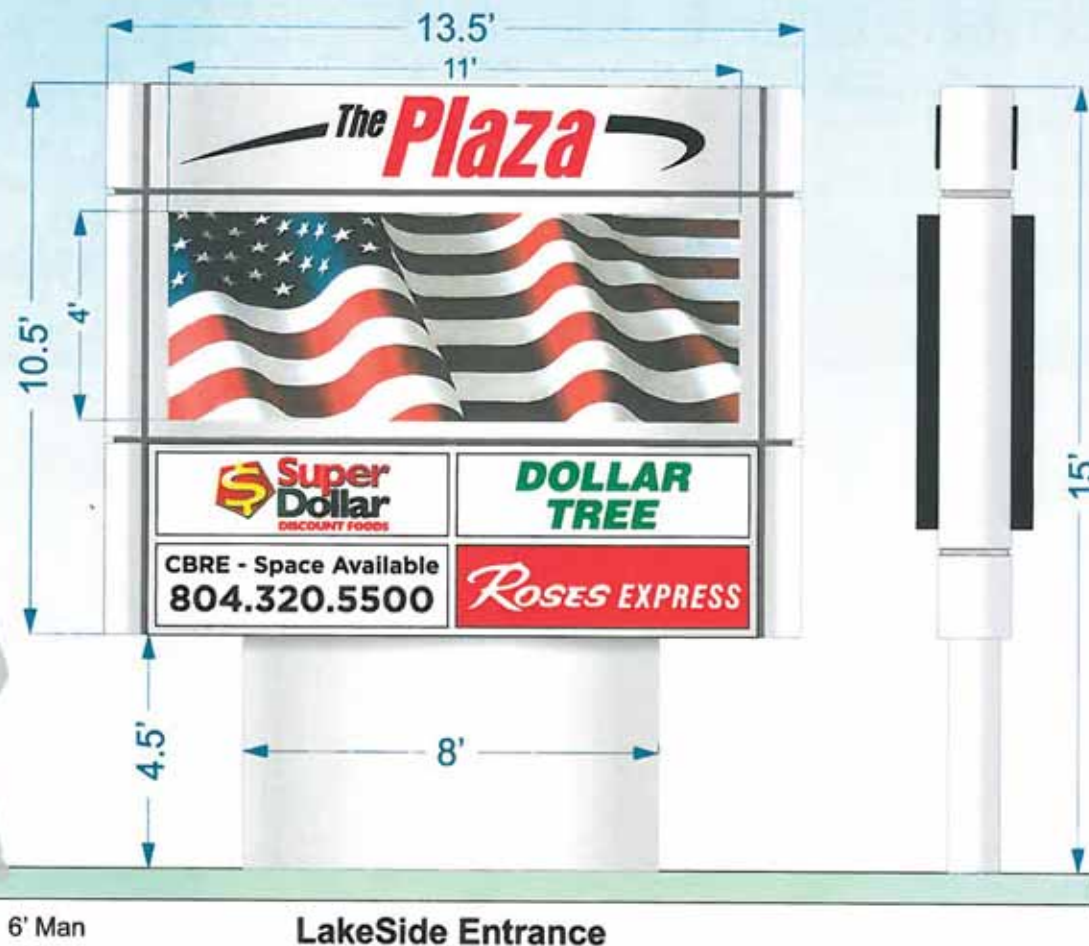
- Pole Skirt
- Lighted Header
- Full Color LED

Overall Cabinet Size - 127" x 161"

- 24" x 141" Header
- 4' x 11' Full Color LED

Overall Height - 15'

Sign Placement



RECEIVED

JUL 10 2012

COMMUNITY
 DEVELOPMENT

Client: **LIBERTY**
 UNIVERSITY

Date: 06/11/12

Project	Plaza - LED / Memorial Avenue
POC	Chris Doyle & Lee Beaumont
PO#	

Project Overview

Double Sided Pylon Sign

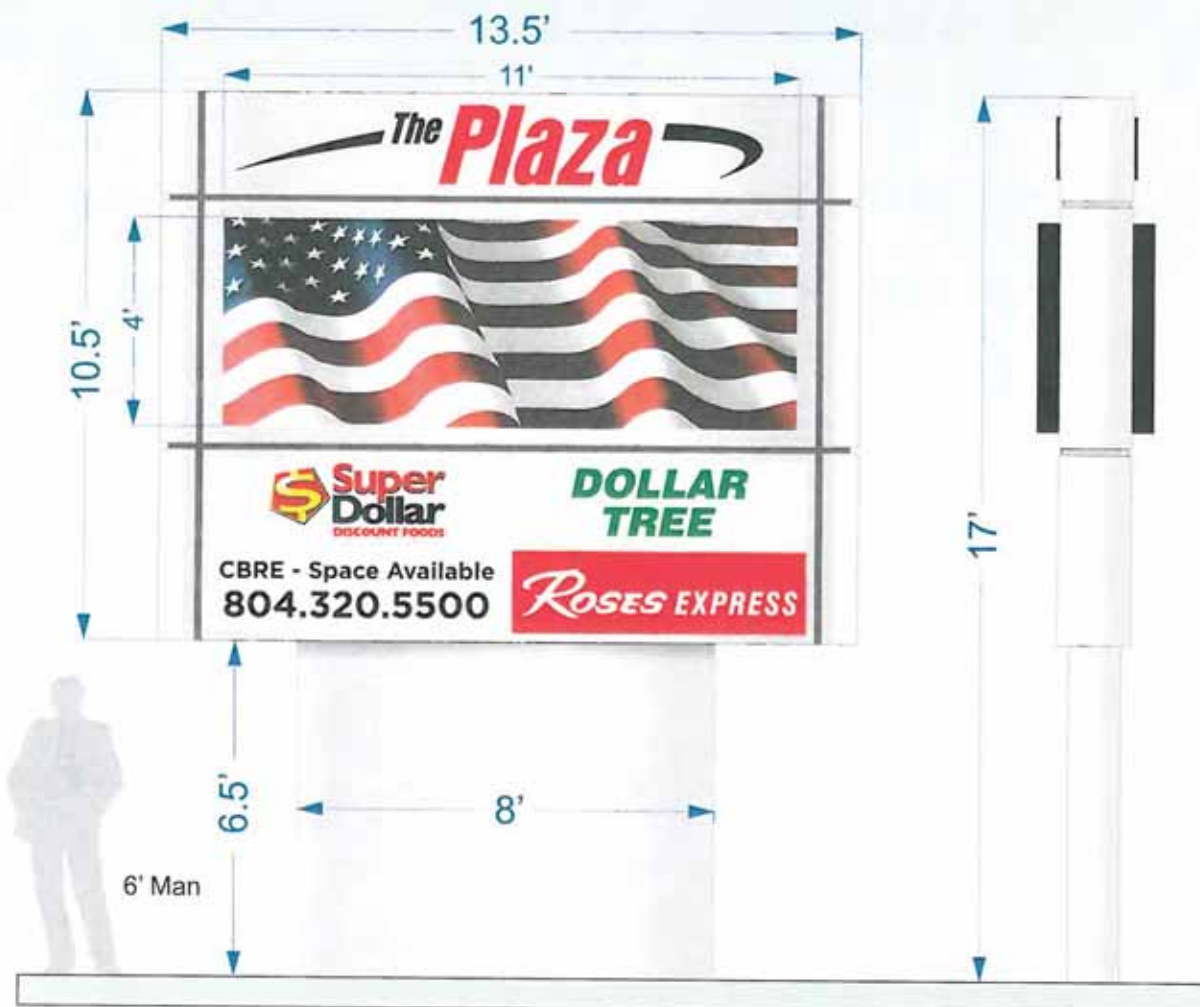
- Pole Skirt
- Lighted Header
- Full Color LED
- Lighted Lexan Panels

Overall Cabinet Size - 127" x 161"

- 24" x 141" Header
- 4' x 11' Full Color LED
- 44" x 141" Lighted Panel Section

Overall Height - 17'

Sign Placement



Plaza Sign CUP Narrative

This petition is a request for a Conditional Use Permit for modified signage at The Plaza, a large shopping center in mid-town, Lynchburg, Virginia. The Plaza contains 460,000 square feet of general retail space (540,000 counting StarTek, the library, McDonald's and SunTrust Bank). This petition specifically addresses the 2323 Memorial Avenue address.

The sign ordinance allows one sign on each street that the shopping center abuts. Two modified signs are requested at this address: one (1) on Lakeside Drive near the library and one (1) on Memorial Avenue near McDonalds. The ordinance limits the size of each sign to a maximum of 125 square feet, with only 16 square feet of changeable copy. The requested signs each measure approximately 116 square feet (10.5' high by 11' wide) and therefore meet the overall size limitation. The request for a CUP is to address the size of the changeable copy, which measures 44 square feet each (4' high x 11' wide).

Due to the large size of the shopping center and the number of retail spaces it contains, a larger digital sign is necessary to serve all of the businesses, not just the anchored tenants. The larger digital signs give the non-anchored tenants a better opportunity to be seen by traffic on the main roads abutting The Plaza. The ultimate goal of the signage is to attract more tenants, retain current tenants, create local jobs, boost retail sales in the area, and increase the city tax base in an existing facility. The size of changeable copy allowed by code is not conducive to this ultimate goal.

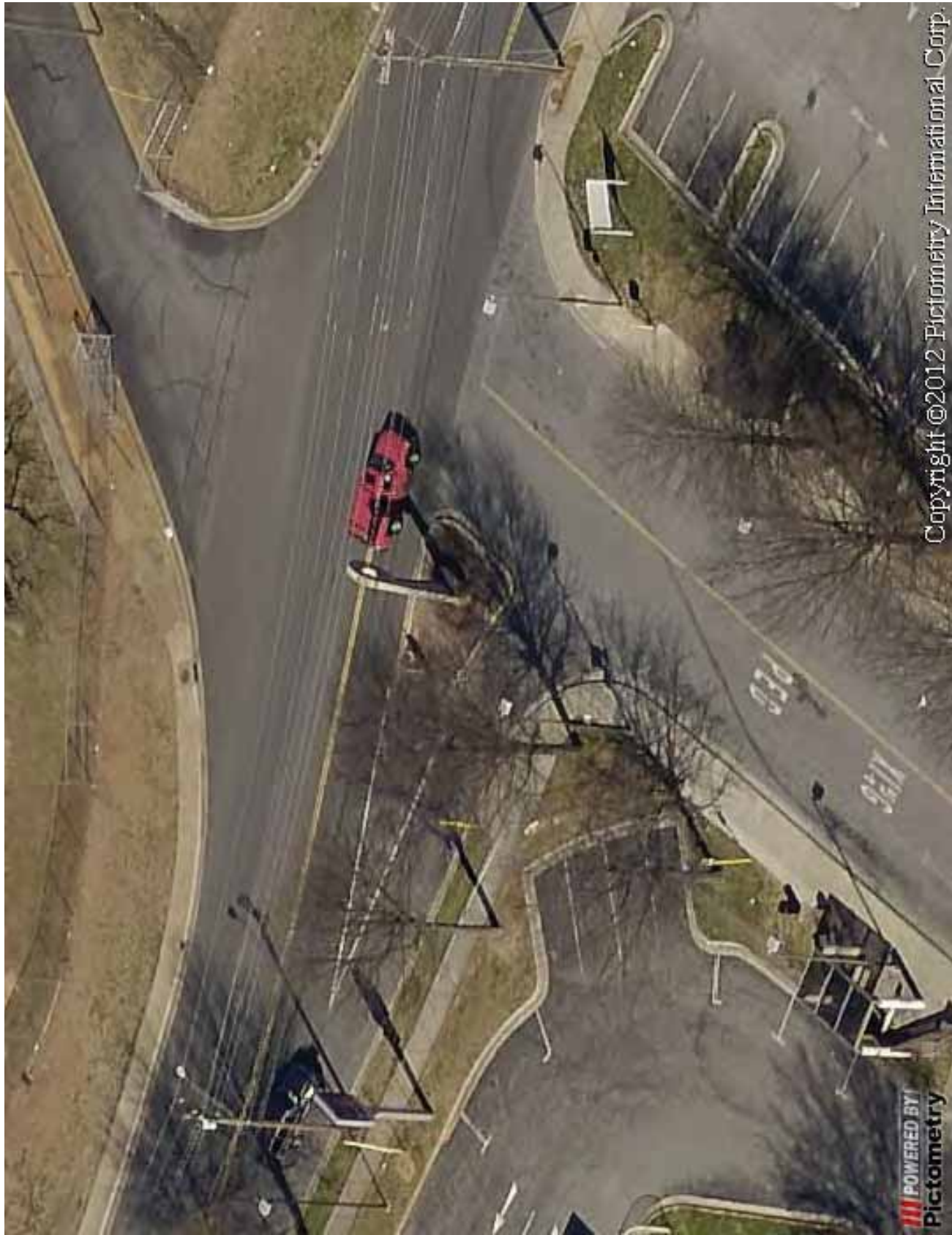
All proposed signs will adhere to the strict code requirements for operation of a changeable copy sign, including but not limited to illumination, flashing and movement. The digital portion of the signs will also have an automatic dimming feature that reduces the brightness during nighttime operation.

Specific sign information is provided on two color attachments showing the size, dimensions and placement of the two proposed signs. Another attachment shows the proposed placement of the signs on an overall plan of The Plaza property.

RECEIVED

JUL 10 2012

**COMMUNITY
DEVELOPMENT**





Conditional Use Permit
The Plaza Modified Sign Plan
August 22, 2012

PLEASE PRINT

[illegible]

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: October 9, 2012		AGENDA ITEM NO.: 14	
CONSENT:	REGULAR: X	WORK SESSION:	CLOSED SESSION: (Confidential)
ACTION: X		INFORMATION:	
ITEM TITLE: Rezoning – R-3, Medium Density Residential to R-4C, Medium-High Density, Multi-Family Residential (Conditional) – Breezewood Drive Apartments – 428 and a portion of 512 Breezewood Drive			

RECOMMENDATION: Approval of the rezoning petition, with the proffer.

SUMMARY: Mr. Mark Hartless is petitioning to rezone approximately four (4) acres from R-3, Medium Density, Two-Family Residential to R-4C, Medium-High Density Residential (Conditional) on a portion of 428 and 512 Breezewood Drive to allow the construction of a six (6)-building, fifty (50)-unit townhome style apartment development. The original petition was to amend the *Future Land Use Map (FLUM)* from Institutional to Medium Density Residential and to rezone from R-3, Medium Density Residential to R-4, Medium-High Density, Multi-Family Residential without proffers. Council conducted a public hearing on amending the *Future Land Use Map (FLUM)* and rezoning the property on August 14, 2012. After the public hearing, Council amended the *FLUM* from Institutional to Medium Density Residential and delayed action on the rezoning petition until September 11, 2012.

During the August 14, 2012, meeting Council discussed the following potential impacts related to the development:

- **Traffic conditions on Breezewood Drive:** On February 9, 1999, Council approved the rezoning and conditional use permit petitions of Richlyn, L.L.C., to allow the construction of the four hundred sixteen (416)-unit Planned Unit Development known as the Villas at Stonemill and the Overlook at Stonemill. Since approval, two hundred seventy-eight (278) units have been constructed. The City's Traffic Engineer did not require a traffic study for the development proposed by Mr. Hartless, as vehicle trips would fall below the fifty (50)-peak hour and five hundred (500)-daily trip thresholds for submitting a study. Improvements for Breezewood Drive from 131 Breezewood Drive to its southern terminus have been designed; however, funding is not included within the City's Capital Improvement Program (CIP).
- **Future Construction of Interchange:** The development, as proposed, would impede the future construction of an interchange to serve the Graves Mill and McConville Road area. This interchange was proffered as part of the rezoning for the one and one-half (1.5) million square foot Lakeside Centre approved by Council on October 3, 2006. Council subsequently requested and received a limited access control change from the Commonwealth Transportation Board (CTB) on January 16, 2008 to facilitate the construction of the interchange. Since 2008, there have been no development proposals submitted for the Lakeside Centre property and no funding sources have been identified for the potential interchange.
- **Development Density:** The proposed fifty (50)-unit development would yield approximately twelve and one half (12.5) units per acre, while the existing Medium Density Residential Future Land Use recommends densities up to twelve (12) units per acre. The R-4, Medium-High Density, Multi-Family Residential District zoning originally requested would permit up to twenty-one and seventy-eight hundredths (21.78) units per acre or approximately eighty-seven (87) units by right. **The petitioner has voluntarily submitted a proffer that the development will not exceed fifty (50) units.**

The continuance of the public hearing will allow for comment on the proffer submitted by the developer.

PRIOR ACTION(S):

July 11, 2012: Planning Division recommended approval of the *FLUM* Amendment & Rezoning petitions.
Planning Commission tabled (6-0, 1 absent, Hannon) the *FLUM* Amendment & Rezoning petitions.

August 8, 2012: Planning Commission recommended approval of the *FLUM* Amendment (4-1, with 2 members absent, Hooper, Sale)
Planning Commission recommended approval of the rezoning (3-2, with 2 members absent, Hooper, Sale)

August 14, 2012: Council approved amending the Future Land Use Map from Institutional to Medium Density Residential for 428 and a portion of 512 Breezewood Drive.
Council delayed action on the rezoning.

FISCAL IMPACT: None

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

ATTACHMENT(S):

- Ordinance
- Proffer
- Letter authorizing Uel Hartless to submit proffer
- Council Agenda Summary – August 14, 2012
- Planning Commission Memo and Attachments – August 8, 2012
- Planning Commission Minutes – August 8, 2012
- Planning Commission Report – July 11, 2012
- Planning Commission Minutes – July 11, 2012
- Zoning Map
- Future Land Use Map
- Watershed Map
- Planimetric and Topographic Map
- Concept Plan
- Concept Plan with Future Land Use
- DEQ Letter
- Interchange Options 1-3
- Property Photograph
- Speaker Signup Sheet, July 11, 2012
- Buxton Executive Summary and Site Analysis (moved from August 8th PC memo and attachments)

REVIEWED BY: lkp

ORDINANCE:

AN ORDINANCE CHANGING A CERTAIN AREA LOCATED AT 428 AND 512 BREEZEWOOD DRIVE FROM R-3, MEDIUM DENSITY, TWO-FAMILY RESIDENTIAL DISTRICT TO R-4C, MEDIUM-HIGH DENSITY, MULTI-FAMILY 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 35.1 of the Code of the City of Lynchburg, 1981, as amended, be and the same is hereby further amended by adding thereto Section 35.1-76.__, which shall read as follows:

Section 35.1-76.__. Change of a certain area located at 428 & 512 Breezewood Drive from R-3, Medium Density, Two-Family Residential District to R-4C, Medium-High Density, Multi-Family Residential District (Conditional)

The area embraced within the following boundaries...

BEGINNING AT A POINT, said point being along the western boundary of Tax Map No.: 234-17-003 at its intersection of Tax Map No.: 234-18-001 and Tax Map No.: 234-12-001 and the eastern right of way line of Breezewood Drive;

thence N 31°08'14" E, 161.18 feet to a point
thence N 71°52'57" E, 117.55 feet to a point
thence N 12°31'03" W, 149.71 feet to a point
thence N 77°34'10" E, 205.41 feet to a point
thence S 13°24'52" E, 31.22 feet to a point
thence S 87°18'55" E, 74.76 feet to a point
thence S 02°51'27" W, 324.78 feet to a point
thence S 00°27'33" E, 95.72 feet to a point
thence S 73°11'44" W, 269.45 feet to a point
thence N 77°35'37" W, 93.01 feet to a point
thence S 87°46'04" W, 146.29 feet to a point

Thence, in a northeastern direction along a non-tangent curve with a radius of 719.32 feet, for a distance of 59.66 feet to the **POINT OF BEGINNING**.

CONTAINING: 173965 square feet or 3.99 acres of land, more or less.

Perimeter: 1838.065 feet

... is hereby changed from R-3, Medium Density, Two-Family Residential District to R-4C, Medium-High Density, Multi-Family Residential District (Conditional), subject to the conditions set out herein below which were voluntarily proffered in writing, by the contract purchaser, namely Mark Hartless, to wit:

"The current site plan depicts 50 units for the 3.99 acres being rezoned. We hereby proffer that this development will not exceed 50 units".

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

Adopted:

Certified:

Clerk of Council

Uel C. Hartless
316 Breezewood Drive
Lynchburg, VA 24502

September 10, 2012

Tom Martin
City of Lynchburg
900 Church Street
Lynchburg, VA 24502

RE: Proffers for Breezewood Drive Apartments
Tax Map Number 234-17-001 & 234-17-003

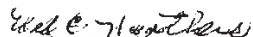
Dear Mr. Martin,

By this letter, I offer the following proffer, with the consent of the Lynchburg Church of God (also signed below):

- The current site plan depicts 50 units for the 3.99 acres being rezoned. We hereby proffer that this development will not exceed 50 units.

Should you have any questions regarding this, please feel free to contact us.

Sincerely,


Uel C. Hartless


Lynchburg Church of God

Mark Hartless Development Co., Inc.
316 Breezewood Drive
Lynchburg, VA 24502

July 12, 2012

Tom Martin
City of Lynchburg
900 Church Street
Lynchburg, VA 24502

Re: Rezoning for Breezewood Apartments - REZ1205 0001

Dear Mr. Martin:

This letter is to inform you that Uel C. Hartless is a part of the above mentioned development company and has the authority to act as an agent for this development. Mr. Uel Hartless has the authority for signature of documents, to offer proffers, and in general act on behalf of the company.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark C. Hartless", with a long, sweeping horizontal line extending to the right.

Mark C. Hartless

970-291-9665

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 14, 2012**

AGENDA ITEM NO.:

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: Future Land Use Map (FLUM) Amendment – Institutional to Medium Density Residential, Rezoning – R-3, Medium Density Residential to R-4, Medium-High Density, Multi-Family Residential – Breezewood Drive Apartments – 428 and portion of 512 Breezewood Drive

RECOMMENDATION: Approval of the *FLUM* and Rezoning petitions.

SUMMARY: Mr. Mark Hartless is petitioning to amend the *FLUM* from Institutional to Medium Density Residential and to rezone approximately four (4) acres from R-3, Medium Density, Two-Family Residential to R-4, Medium-High Density Residential on a portion of 428 & 512 Breezewood Drive to allow the construction of a six (6)-building, fifty (50)-unit townhome style apartment development. The Planning Commission recommended approval of the petitions because:

- The proposed FLUM amendment is in keeping with other proposed and existing land uses in the area.
- Apartments are a permitted use within the requested, R-4, Medium-High Density, Multi-Family Residential District.
- There are no definitive plans for the development of the surrounding area which could necessitate the construction of an interchange (a portion of the interchange proffered as part of the Lakeside Centre development would be located on the property proposed for rezoning).

PRIOR ACTION(S):

July 11, 2012: Planning Division recommended approval of the *FLUM* Amendment & Rezoning petitions.
Planning Commission tabled (6-0, 1 absent, Hannon) the *FLUM* Amendment & Rezoning petitions.

August 8, 2012: Planning Commission recommended approval of the *FLUM* Amendment (4-1, with 2 members absent, Hooper, Sale)
Planning Commission recommended approval of the rezoning (3-2, with 2 members absent, Hooper, Sale)

FISCAL IMPACT: None

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

ATTACHMENT(S):

- Resolution
- Ordinance
- Planning Commission Memo and Attachments – August 8, 2012
- Planning Commission Minutes – August 8, 2012
- Planning Commission Report – July 11, 2012
- Planning Commission Minutes – July 11, 2012
- Zoning Map
- Future Land Use Map
- Watershed Map
- Planimetric and Topographic Map
- Concept Plan
- Concept Plan with Future Land Use

- DEQ Letter
- Interchange Options 1-3
- Property Photograph
- Speaker Signup Sheet, July 11, 2012
- Buxton Executive Summary and Site Analysis (moved from August 8th PC memo and attachments)

REVIEWED BY: lkp

ORDINANCE:

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP TO CHANGE A PORTION OF THE PROPERTY LOCATED AT 428 & 512 BREEZEWOOD DRIVE FROM INSTITUTIONAL TO MEDIUM DENSITY RESIDENTIAL.

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

Section 35.1-76.__. Amend the Future Land Use Map to change a portion of the property located at 428 & 512 Breezewood Drive from Institutional to Medium Density Residential.

The area embraced within the following boundaries ...

BEGINNING AT A POINT, said point being

thence N 31°08'14" E, 161.18 feet to a point
thence N 71°52'57" E, 117.55 feet to a point
thence N 12°31'03" W, 149.71 feet to a point
thence N 77°34'10" E, 205.41 feet to a point
thence S 13°24'52" E, 31.22 feet to a point
thence S 87°18'55" E, 74.76 feet to a point
thence S 02°51'27" W, 324.78 feet to a point
thence S 00°27'33" E, 95.72 feet to a point
thence S 73°11'44" W, 269.45 feet to a point
thence N 77°35'37" W, 93.01 feet to a point
thence S 87°46'04" W, 146.29 feet to a point

Thence, along a non-tangent curve with a radius of 719.32 feet, a central angle of 04°45'07", the chord of which bears N 08°41'05" E for a distance of 59.64 feet, thence along the arc of said curve for a distance of 59.66 feet to a point;

the **POINT OF BEGINNING**.

CONTAINING: 173965 square feet or 3.99 acres of land, more or less.
Perimeter: 1838.065 feet

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

Adopted:

Certified:

Clerk of Council

105L1

ORDINANCE:

AN ORDINANCE CHANGING A CERTAIN AREA LOCATED AT 428 & 512 BREEZEWOOD DRIVE FROM R-3, MEDIUM DENSITY, TWO-FAMILY RESIDENTIAL DISTRICT TO R-4, MEDIUM-HIGH DENSITY, MULTI-FAMILY RESIDENTIAL DISTRICT.

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

Section 35.1-76.__. Change of a certain area located at 428 & 512 Breezewood Drive from R-3, Medium Density, Two-Family Residential District to R-4, Medium-High Density, Multi-Family Residential District.

The area embraced within the following boundaries...

BEGINNING AT A POINT, said point being

thence N 31°08'14" E, 161.18 feet to a point
thence N 71°52'57" E, 117.55 feet to a point
thence N 12°31'03" W, 149.71 feet to a point
thence N 77°34'10" E, 205.41 feet to a point
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thence S 87°46'04" W, 146.29 feet to a point

Thence, along a non-tangent curve with a radius of 719.32 feet, a central angle of 04°45'07", the chord of which bears N 08°41'05" E for a distance of 59.64 feet, thence along the arc of said curve for a distance of 59.66 feet to a point;

the **POINT OF BEGINNING**.

CONTAINING: 173965 square feet or 3.99 acres of land, more or less.
Perimeter: 1838.065 feet

... is hereby changed from R-3, Medium Density, Two-Family Residential District to R-4, Medium-High Density, Multi-Family Residential District.

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

Adopted:

Certified:

Clerk of Council

105L2



MEMORANDUM

The Department of Community Development

Planning

455-3900

To: Planning Commission
From: Tom Martin, AICP, City Planner
Subj: Rezoning – Breezewood Drive Apartments, 428 & 512 Breezewood Drive
Date: August 8, 2012

At its July 11, 2012 meeting, the Planning Commission conducted a public hearing concerning the request of Mark Hartless to rezone the property located at 428 and 512 Breezewood Drive from R-3, Medium Density, Two-Family Residential District to R-4, Medium-High Density, Multi-Family Residential District. The request would facilitate the construction of a fifty (50)-unit townhome style apartment complex.

After the public hearing and discussion, the Planning Commission tabled the petition for thirty (30) days and requested the following:

1. A copy of the letter from English Construction to the Church of God Trustees regarding the decline of its option to purchase the property. (A copy of the letter is attached)
2. A letter from English Construction indicating their interest in the subject property or a representative from English Construction to attend the August 8, Planning Commission meeting. (Mr. Ray Booth will attend the August 8th meeting.)
3. An opinion from the Office of Economic Development regarding a potential interchange in the area. (See attached letter and accompanying information)
4. A letter from the Virginia Department of Transportation (VDOT) regarding the interchange, any future plans or funding for the interchange or a representative from VDOT to attend the August 8, Planning Commission meeting. (Lee Newland, City Engineer has forwarded the request to VDOT and indicated that the subject interchange was never a VDOT project, nor are there future VDOT plans or funding for the interchange. The only involvement of VDOT concerning the subject interchange was a request to the Commonwealth Transportation Board (CTB) to allow a break in the limited access for the proposed interchange. (See attached CTB Resolution)
5. An opinion from the City's Transportation Engineer indicating how the proposed development would affect the interchange. (See attached e-mail correspondence from Don DeBerry, City Transportation Engineer.)

The City of Lynchburg, Virginia
Rezoning – 428 and 512 Breezewood Drive
Page Two

Marjette Upshur, Director of Economic Development, Lee Newland, City Engineer and Don DeBerry, City Transportation Engineer will be in attendance at the August 8th meeting.

Attachments:

- December 17, 2008 letter from English Construction to Lynchburg Church of God
- August 2, 2012 letter from the Office of Economic Development
- Buxton Study Executive Summary and Site Analysis
- 2010 Commercial / Industrial Assessments – Heat Map
- 2010 Residential Assessments – Heat Map
- 2010 Total Taxable Assessments – Heat Map
- 2010 Total Assessments – Heat Map
- January 16, 2008, Resolution of the Commonwealth Transportation Board
- August 1, 2012 e-mail from City Transportation Engineer

Jim



615 CHURCH STREET, LYNCHBURG, VIRGINIA 24504
P. O. BOX P-7000, LYNCHBURG, VIRGINIA 24505
(434) 845-0301 (434) 845-0306 FAX

December 17, 2008

Pastor David Metz
Lynchburg Church of God
512 Breezewood Drive
Lynchburg, VA 24502

Re: Real Estate Option Agreement – 512 Breezewood Drive

Dear Pastor Metz:

I want to personally thank you for your time and consideration that you have provided to English Construction Company under the terms of the referenced Option Agreement for your property.

On behalf of English Construction Company and under Section 3 "Terms of Option" of the Option Agreement to purchase your property, I am hereby terminating this Option effective December 31, 2008.

As you are aware, with the state of the economy and retail sales data decreasing daily, the future of the original layout and design for the use of your property in the Lakeside Centre project has had to be delayed at this time. English and Ezon (original owners of the properties) are continuing to try and determine what direction to proceed in order to continue the possible phased development of this project. If anytime in the future, the original infrastructure plans become a viable option, perhaps we can renegotiate a purchase option agreement at that time.

Again, I appreciate all of your time and patience with this project. I hope to see the reality of the project again some day soon.

My best to you during this holiday season and may you have a prosperous New Year.

Sincerely,

Raymond A. Booth
Special Projects Coordinator

RAB/mcw

pc: A. Douglas Dalton, President, English Construction Company, Inc.

Since 1909

To: City of Lynchburg Planning Commissioners
From: Marjette Upshur, Director, Office of Economic Development
Date: August 2, 2012
Subject: Breezewood Drive Apartments

Thank you for requesting the City of Lynchburg Office of Economic Development's thoughts about the potential impacts of the proposed Breezewood Drive Apartments rezoning and the proposed interchange on economic development initiatives within the area. The properties at 428 and 512 Breezewood Drive include almost four acres and are R-3, Medium Density Two Family Residential.

The proposed Lakeside Centre Project in 2007 brought to our attention the need for access to the Lynchburg Expressway to achieve a successful retail development in this area. The Lynchburg Economic Development Authority further explored retail development in the City by commissioning a site analysis study in 2008 by the Buxton Group. Buxton identified the intersection of Lakeside Drive, Old Forest Road, 501 & 221 as having the best development potential out of the four studied (9th & Church, Lakeside & Oakley, 501 & 460) on the merits of traffic count, total demand, actual sales, etc. I have attached a summary of the study for your information. The recent interest (2012) by developer, SJ Collins to purchase and develop 48,000 square feet of retail space in this area further supports the development opportunities within the vicinity of this property. Access to the Lynchburg Expressway will remain a key component for any retail development in this area.

Please let us know if we may be of further assistance in this matter.

To City Council: Please note that due to the length of the Buxton Study, it has been moved to the end of the attachments.

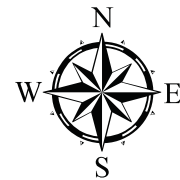
LYNCHBURG 2010 COMMERCIAL AND INDUSTRIAL ASSESSMENTS - HEAT MAP



2010 VALUES



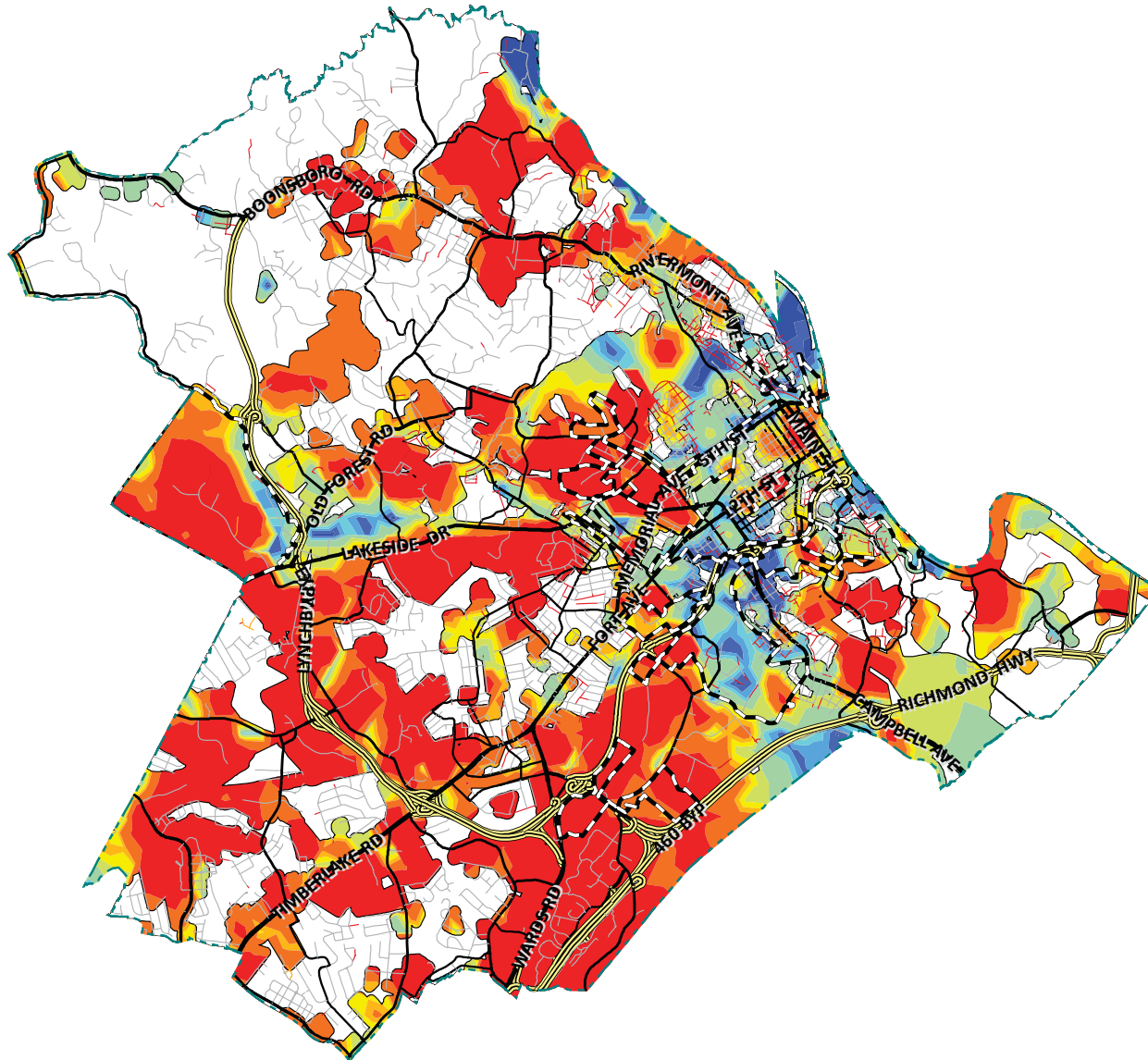
11/11/2010



City Assessor's Office
900 Church Street
Lynchburg, Virginia 24504

(434) 455-3830
(434) 847-1452 [FAX]

E-Mail: Assessor@LynchburgVa.gov
WEB: www.LynchburgVa.gov/Assessor



LYNCHBURG 2010 RESIDENTIAL ASSESSMENTS - HEAT MAP

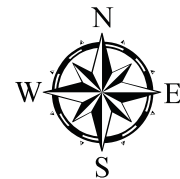


LEGEND

2010 VALUES

- 0 - 25,000
- 25,000 - 50,000
- 50,000 - 75,000
- 75,000 - 100,000
- 100,000 - 200,000
- 200,000 - 300,000
- 300,000 - 400,000
- 400,000 - 500,000
- 500,000 - 1,000,000
- \$1,000,000 +
- Corporate Limit

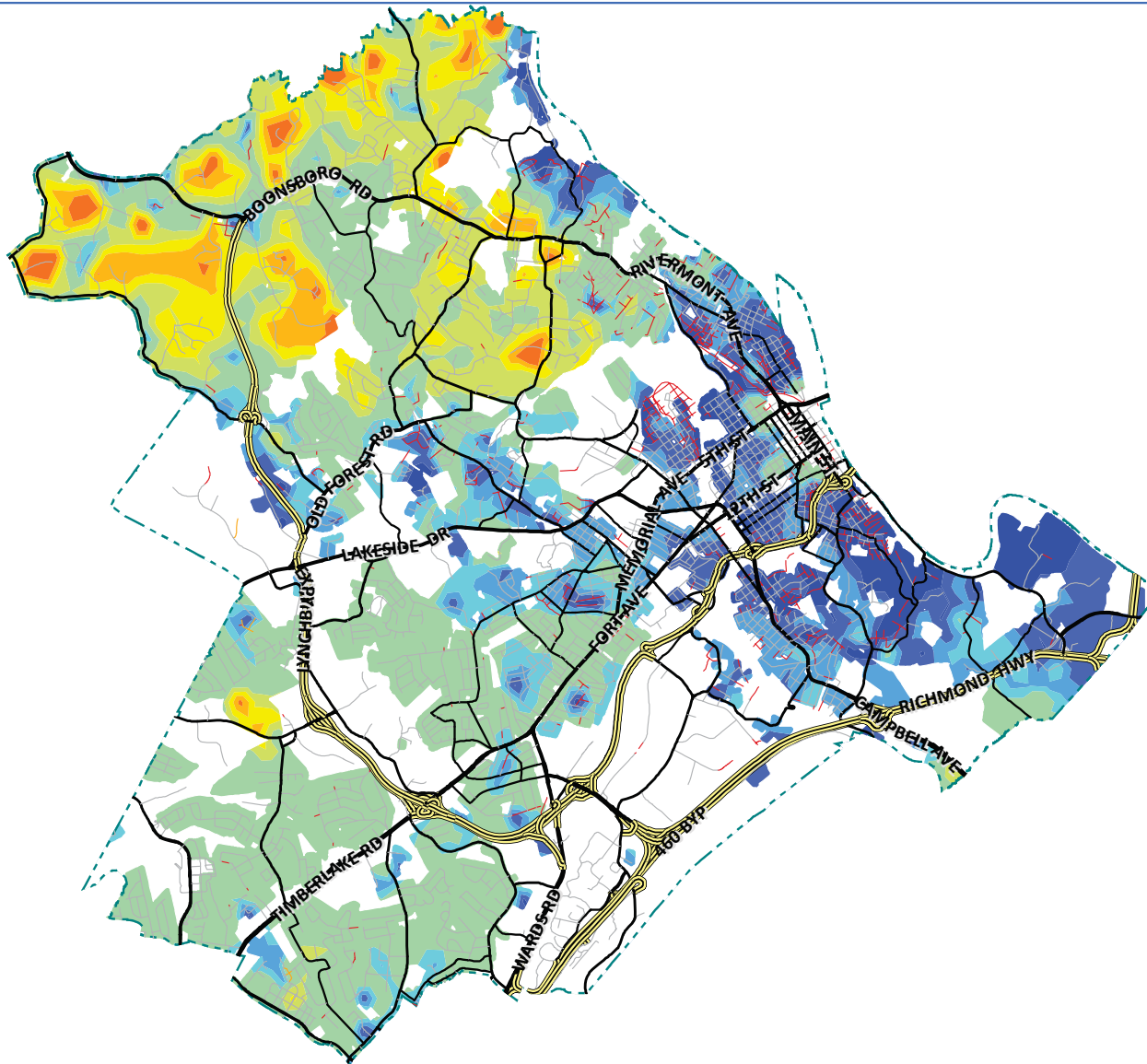
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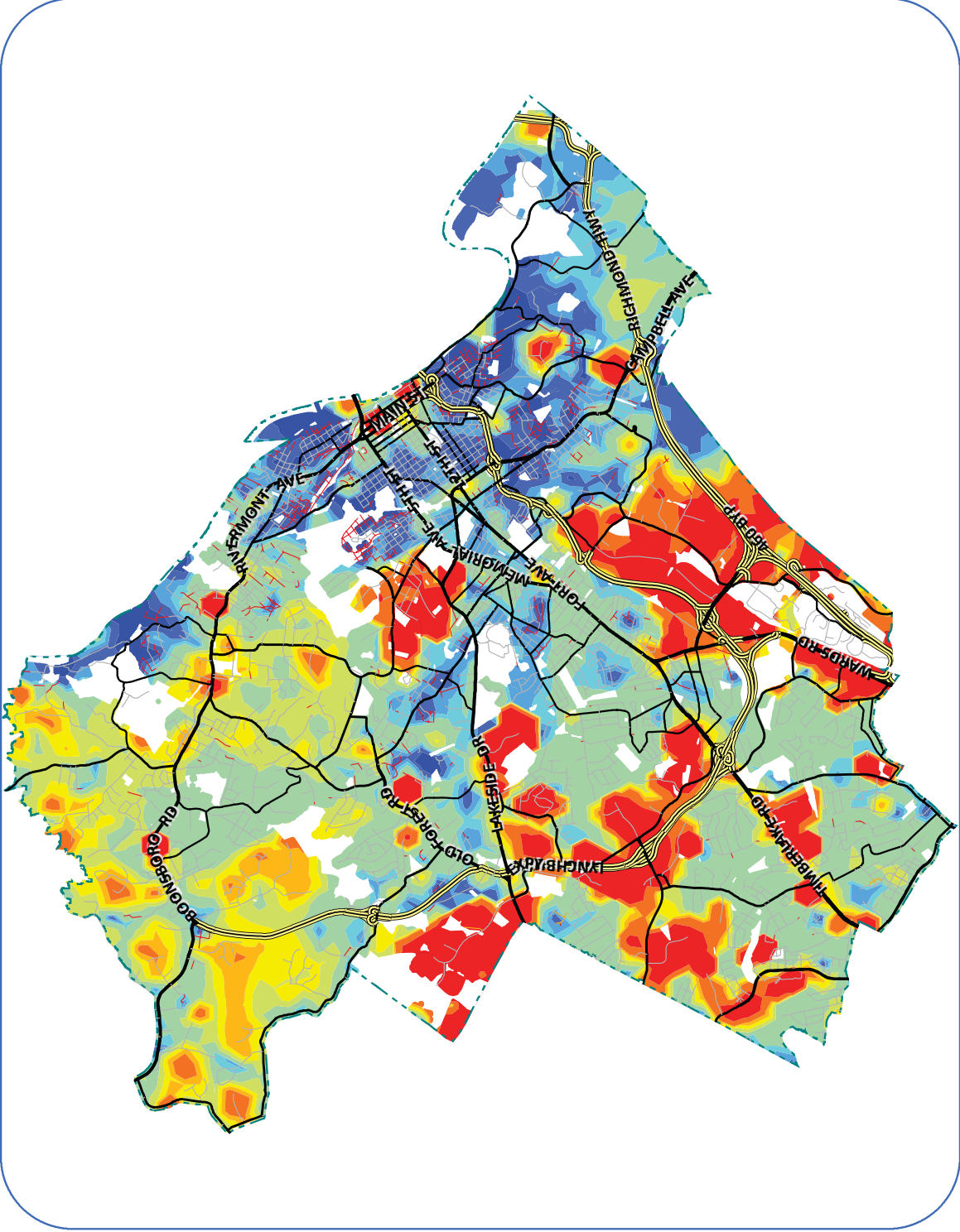
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LYNCHBURG 2010 TOTAL TAXABLE ASSESSMENTS - HEAT MAP

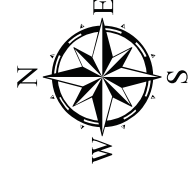


LEGEND

2010 VALUES

- \$0 - \$24,999
- \$25,000 - \$49,999
- \$50,000 - \$74,999
- \$75,000 - \$99,999
- \$100,000 - \$199,999
- \$200,000 - \$299,999
- \$300,000 - \$399,999
- \$400,000 - \$499,999
- \$500,000 - \$999,999
- \$1,000,000 +
- Corporate Limit

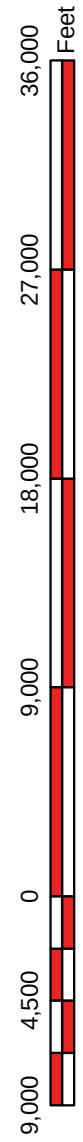
11/17/2010



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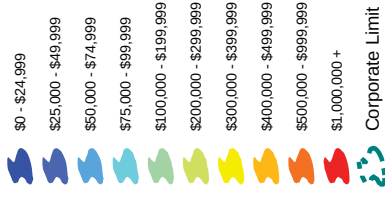


LYNCHBURG 2010 TOTAL ASSESSMENTS - HEAT MAP

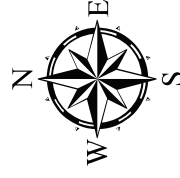


LEGEND

2010 VALUES



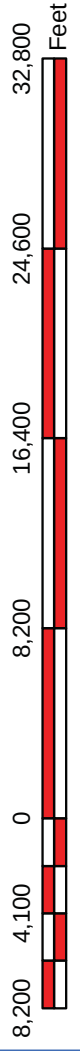
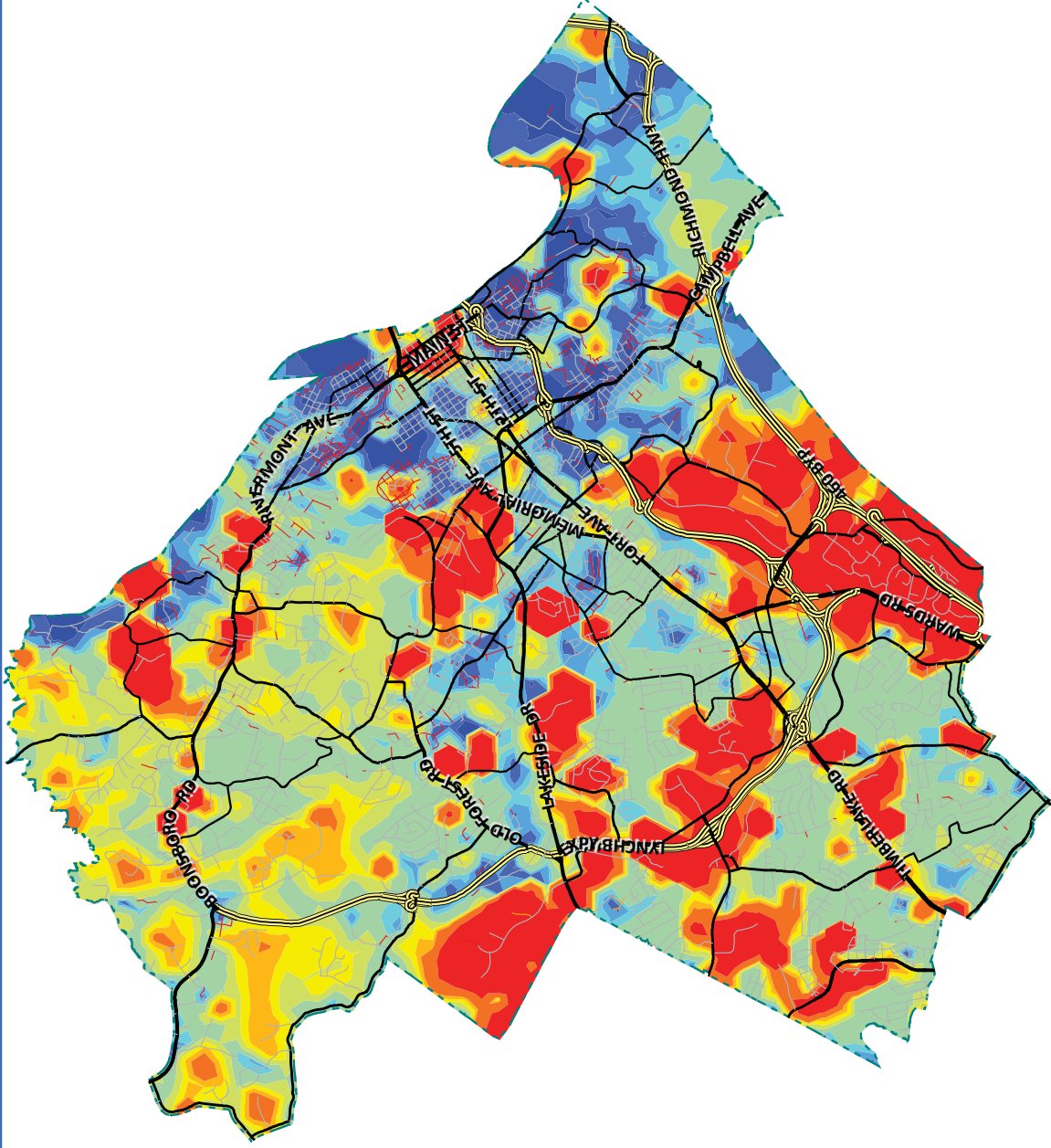
11/15/2010



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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Pierce R. Homer
Chairman

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

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

Agenda item # 6-C

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

January 16, 2008

MOTION

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

Title: Limited Access Control Changes
Route 291 (Northwest Expressway) renumbered to Route 501
and Lakeside Center Parkway
City of Lynchburg

WHEREAS, Route 291, between Route 297 and Route 460, in Campbell County, was designated as a Limited Access Highway by the State Highway Commission, predecessor to the Commonwealth Transportation Board (CTB), on January 29, 1970; and

WHEREAS, in connection with a section of Route 291, State Highway Project 0291-015-102, RW-201, which is located between the aforesaid locations, the Commonwealth acquired certain lands and limited access easements from various landowners; and

WHEREAS, Route 291 (Northwest Expressway) was subsequently renumbered to Route 501; and

WHEREAS, a portion of Campbell County was annexed by the City of Lynchburg (City), which includes a portion of Route 291 (Northwest Expressway) subsequently renumbered to Route 501; and

WHEREAS, the lands on both the east and west sides of the east and west proposed right of way and limited access lines of the said Route 501, as shown on the plans for State Highway Project 0291-015-102, RW-201, have been identified for a grade separated Single Point Urban Interchange (SPUI) with proposed Lakeside Center Parkway by the City to serve future economic development and enhance the level of service for the said Route 501 corridor; and

WHEREAS, the City has identified and requested limited access control changes on both the east and west sides of the said Route 501 east and west proposed right of way and limited access lines between Station 515+00 (Route 501 westbound lane centerline) and Station 535+00 (Route 501 westbound lane centerline) as shown on said plans for the said SPUI with proposed Lakeside Center Parkway, being a signalized interchange with turn lanes, ramps, taper lanes as required; and

WHEREAS, the City, by resolution dated September 11, 2007, approved that the changes in the said Route 501 limited access controls be requested for the design alignment of said SPUI with proposed Lakeside Center Parkway; and

WHEREAS, VDOT and the City have determined that the said proposed limited access control changes on both the east and west sides of the said Route 501 east and west proposed right of way and limited access lines being between Station 515+00 (Route 501 westbound lane centerline) and Station 535+00 (Route 501 westbound lane centerline) as shown on said plans for the said SPUI with proposed Lakeside Center Parkway, being a signalized interchange with turn lanes, ramps and taper lanes, as required, are appropriate from a design standpoint subject to further review and approval; and

WHEREAS, VDOT and the City have determined that the said proposed Route 501 limited access control changes for the said SPUI with proposed Lakeside Center Parkway are appropriate from a safety and traffic control standpoint subject to further review and approval; and

WHEREAS, all right of way, engineering, construction, and necessary safety improvements shall meet all VDOT standards and requirements; and

WHEREAS, VDOT and the City staff have determined there will be no adverse environmental impacts; and

WHEREAS, all costs for engineering and construction, including all necessary safety improvements, will be borne by the City; and

Resolution of the Board
Limited Access Control Changes – Route 291 (Northwest Expressway) renumbered to
Route 501 and Lakeside Center Parkway
City of Lynchburg
January 16, 2008
Page Three

WHEREAS, no compensation shall be due to the Department in consideration of the proposed limited access control changes; and

WHEREAS, a public notice was posted and closed September 11, 2007, with no adverse comment received; and

WHEREAS, the proposed limited access changes are in compliance with the Commonwealth Transportation Board Policy; and

WHEREAS, upon completion of the proposed SPUI by the City and subsequent acceptance by VDOT, all work, roadway construction, improvements and equipment within the Route 501 right of way and limited access control will become the property of the Commonwealth.

NOW, THEREFORE, BE IT RESOLVED, in accordance with the provisions of Section 33.1-58 of the *Code of Virginia* (1950), as amended, the CTB hereby approves the said limited access changes for public street purposes as set forth and subject to the above referred to conditions. The Commonwealth Transportation Commissioner is hereby authorized to execute any and all documents needed to comply with this resolution.

###



Breezewood Rezoning
Donald A DeBerry to: Tom Martin
Cc: Lee Newland

08/01/2012 04:27 PM

Tom,

As we discussed yesterday I looked at the location of the proposed interchange for the future commercial project and found that the ramp separation distance back towards Graves Mill is already below the AASHTO minimum for the current proposed location (figure 10-68 in the 2011 Green Book). That would likely preclude relocating the interchange towards Graves Mill. Relocating the interchange towards Lakeside is possible but would likely entail more impact on existing residences and or businesses.

A signalized at grade intersection on the expressway would not be a preferred alternative based on my knowledge of the location. A comparison we discussed to visualize a similar existing ramp interaction was the 460 ramp down onto Wards Rd. Not a situation you would create if you had a choice.

Please let me know if you need further information.

Donald DeBerry, P.E.
City Transportation Engineer
900 Church St.
Lynchburg Va. 24501
434-455-3935
donald.deberry@lynchburgva.gov

MINUTES FROM THE AUGUST 8, 2012 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

Mr. Martin reminded the commissioners that they had tabled this item from their July 11, 2012 meeting and requested several pieces of information from City staff and others. Mr. Ray Booth of English Construction was available to answer questions about the Lakeside Centre development and the proffered interchange. He explained that originally they had been in partnership with a company in Florida that has since given up on the project. At best, English Construction would see them building only Phase 1 of the project and that would be in 2015 at the earliest.

Mr. Booth explained that at the time they had proffered to construct a portion of the interchange, it seemed economically feasible. Since then, the cost of that proffer was estimated to be over 26 million dollars and it became cost prohibitive. The City went back to VDOT and was told verbally that they would allow the at grade signalized intersection. However, based on what the current predictions are for retail in Lynchburg, English Construction still does not see building even Phase 1 of this development at this time. He explained that there were only three new centers built in the United States last year. Most developers are rehabilitating existing centers. In addition, retailers are doing business with Tier 1 retailers and Lynchburg is considered to draw Tier 3 retailers. It is Mr. Booth's opinion that the interchange will only be needed when all the property on their side is developed for retail as well as all the vacant property on the church's side is developed for retail. He does not see that happening for quite some time, if ever.

Commissioner Swienton asked why a large specialty grocer would be interested in coming to this area. Mr. Booth explained that this is still a valuable intersection. However, the retailers they had interested in locating to the Lakeside Centre were businesses that would be relocating from elsewhere in the City. That would not generate any new tax revenue. They could possibly develop the front of the property for small retail but are not inclined to do so for economic reasons.

Mr. Lee Newland and Mr. Donald DeBerry were called up to answer some questions. Mr. Newland explained that this project was never a VDOT project. It is a City maintained road. When making his comments for the Technical Review Committee, he had simply wanted to point out that the interchange could not be developed, as approved by City Council, if this development were to be built.

Chair Hamilton asked Mr. DeBerry how he sees traffic flow changing if the area is developed piecemeal. Mr. DeBerry said it is difficult to speculate because it would depend on what types of businesses locate there. Many smaller strip centers rely on existing traffic that passes by and do not generate any significant new traffic. There are other types of new businesses that will draw more traffic to this area. If there is not a significant amount of new traffic generated, Mr. DeBerry feels they can handle the traffic flow with the timing of traffic controls. The conditions are not likely to improve but they should stay at their current level.

Commissioner Swienton asked if they feel that area of the City and its traffic problems are a situation that should be brought to VDOT for action. Mr. DeBerry did not feel he could offer an opinion on that because VDOT priorities are based on a lot of factors. Mr. Newland pointed out that the City is responsible for urban construction. VDOT works on primary roads such as Odd Fellows Road and Route 460.

Mr. DeBerry was asked why an at grade signalized intersection is not the best option, in his opinion. He said it is due to the distance between the intersection and the ramps. He gave the example of Wards Road and where the light is located in relation to the entrance to 29/460. That is not the ideal situation.

Marjette Upshur was not available from Economic Development but the commissioners noted that she had given her opinion in the form of a memo. Commissioner Coleman expressed concern that the

environmental issues related by the neighbors at the public hearing need to be considered. Mr. Martin explained that the current state and City codes are very capable of addressing these concerns. Mr. Norm Walton has designed a plan that will handle these concerns. Mr. Martin feels the environmental issues are easily mitigated but the commission and City Council still need to deal with the issue of future development and how it ties in to this entire area.

Mr. Walton of Perkins and Orrison came forward to address the environmental concerns. He reiterated that he and DEQ were on the site and feel very strongly that there is no stream on the property. Even if it was determined that there is a stream, the project would not impact it in such a way that there would have to be any stream mitigation measures. He summarized again his stormwater management plan and reiterated that he believes their plan will meet all state and City codes.

Mr. Mark Hartless came forward to address how this project will be phased. He summarized again how he plans to begin with buildings one and two near Breezewood Drive and have the construction entrance from Hartless Lane. He has not worked out all the fine details but he assured the commission that the construction will be done in a way that will bring the least impact to the neighborhood.

Chair Hamilton commented that she is uncomfortable with the development and making a decision that would impact one of the last prime developable pieces of property left in the City. She would suggest that they rezone only the property that is not affected by the proposed interchange.

Commissioner Swienton clarified that this type of proposal would in no way prohibit the by-right use of the property. Commissioner Coleman asked Mr. Hartless how this would affect the project. Mr. Hartless said it would cause him to abandon the project because it would not be economically feasible. He has done the research and crunched the numbers and this is the number of units that he needs to build in order to make a profit. He actually looked at this area a few years ago when the church had offered to sell approximately 2.5 acres to him and he found that he could not do enough units to make the project economically feasible.

Commissioner Barnes stated that he does not share Chair Hamilton's concern. What he has heard leads him to conclude that the likelihood of building the interchange anytime in the near future is extremely remote. Not rezoning the entire piece of property would render it virtually undevelopable. Commissioner Barnes made the following motion, which was seconded by Commissioner Hannon:

"That the Planning Commission recommends to City Council approval of Mark Hartless to amend the Future Land Use Map from Institutional to Medium Density Residential."

Commissioner Hannon commented that they have to strike a balance between a highly speculative project that might be built sometime in the future and a project that is before them today. He does not see any rational basis for denying this rezoning. If they deny it, based on something that the City might like to do in the future, that comes close to a taking of the property. They are going to have to rezone this property at some point in order for it to be developed and they might as well do it now.

Commissioner Coleman commented that he would have supported Chair Hamilton's suggestion if it were economically feasible for the developer. However, he trusts what Mr. Hartless has stated about it not being economically viable for him to do the project that way. He will support this project because he believes in Mr. Hartless' integrity and believes he will do the project as he has promised.

Commissioner Swienton stated that he can support the *Future Land Use Map* amendment but he cannot support the rezoning because the density will exceed the 12 units allowed by the *FLUM* amendment. As a matter of precedence, he does not think they would support an increase in units in some other type of residential zoning. He pointed out that if the City had wanted this piece of property for the interchange, they should have purchased it by now. It may end up costing the City more to purchase it in the future if

this project is approved and developed, but the issue of dollars and cents is not in the purview. That is a decision for City Council.

The motion to amend the *FLUM* passed by the following vote:

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

Commissioner Barnes made the following motion, which was seconded by Commissioner Hannon:

“That the Planning Commission recommends to City Council approval of Mark Hartless to rezone the property at 428 and 512 Breezewood Drive from R-3, Medium Density, Two-Family Residential District to R-4, Medium-High Density, Multi-Family Residential District.

It passed by the following vote:

AYES:	Barnes, Coleman and Hannon	3
NOES:	Hamilton and Swienton	2
ABSTENTIONS:		0
ABSENT:	Hooper and Sale	2

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

To: Planning Commission
From: Planning Division
Date: July 11, 2012
Re: **Future Land Use Map (FLUM) Amendment – Institutional to Medium Density Rezoning – R-3, Medium Density, Two-Family Residential to R-4, Medium-High Density, Multi-Family Residential - Breezewood Drive Apartments – 428 & 512 Breezewood Drive (Portion)**

I. PETITIONER

Mr. Mark Hartless, 316 Breezewood Drive, Lynchburg, VA 24502

Representative: Mr. Norm Walton, P.E., Perkins & Orrison, Inc., 27 Green Hill Drive, Forest, VA 24551

II. LOCATION

The subject property is a portion of 428 and 512 Breezewood Drive comprising approximately four (4) acres.

Property Owner: Church of God Trustees, P.O. Box 4159, Lynchburg, VA 24502

III. PURPOSE

The purpose of the petition is to allow the construction of a fifty (50)-unit apartment complex.

IV. SUMMARY

- The *Comprehensive Plan 2002-2020's Future Land Use Map (FLUM)* recommends Resource Conservation, Institutional and Medium Density Residential use for the area.
- The petition would facilitate the construction of a six (6) building, fifty (50)-unit townhome style apartment development.
- Construction of the development would impede the future construction of an interchange serving the Breezewood Drive/McConville Road area.

The Planning Division recommends approval of the rezoning petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Comprehensive Plan 2002-2020* recommends Resource Conservation, Institutional and Medium Density Residential uses for the area. Resource Conservation areas encompass lands that make their preservation in open space particularly important to the city's environmental health and includes steep slopes, stream valleys, 100-year flood plains and wetlands. (*pg. 5.2*) Institutional areas include educational and other non profit entities of the city such as churches, cemeteries, private schools, universities, hospitals and service clubs. (*pg 5.3*) Medium Density Residential areas include small-lot single-family housing, duplexes and townhouses at densities up to twelve (12) units per acre. (*pg. 5.6*)

The petition requests to amend the Institutional land use to Medium Density Residential. The area has developed as a mixture of institutions (Church of God and Heritage Baptist Church), apartments (Overlook Apartments and Hartless Apartments) and single-family homes. While

the preliminary site plan proposes slightly higher units per acre (12.5) than is proposed by the Medium Density future land use (12), the proposed use should fit well into the area.

The existing Resource Conservation land use indicated on the *Future Land Use Map (FLUM)* appears to have been intended to follow what is mapped as a stream. A preliminary investigation of the area by the Department of Environmental Quality (DEQ) indicates that there is not a stream located on the property. The official existence of a stream or “jurisdictional waters” will need to be made by the US Army Corps of Engineers. The DEQ investigation indicated that a “bed and bank, or an ordinary high water mark was not observed and no primary or secondary hydrology indicators” were observed. The *FLUM* is not intended to be parcel specific. Land use decisions should incorporate not only what is indicated on the *FLUM*, but also the Plan Framework Map policies contained within the *Comprehensive Plan* and on site observations.

2. **Zoning.** The subject property was annexed into the City in 1976. The existing R-3, Medium Density, Two-Family Residential District was established in 1978.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances are needed for the development of the property as proposed.
4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - On February 12, 1980, Council approved the CUP petition of the Church of God to operate a church at 512 Breezewood Drive.
 - On September 8, 1992, Council approved the CUP petition of New Covenant Schools to operate a school for K-8th grade at 512 Breezewood Drive.
 - On October 13, 1992, Council approved the Graves Mill Road/US 221 Area Land Use Study.
 - On October 11, 1994, Council approved the rezoning petition of Blue Ridge Development Corporation, Inc., to rezone 126 Breezewood Drive from R-3, Medium Density, Two-Family Residential District to B-1, Limited Business District (Conditional).
 - On February 9, 1999, Council approved the CUP petition of Richlyn, LLC., for a Planned Unit Development (PUD) at the southern end of Breezewood Drive.
 - On April 25, 2000, Council approved the rezoning petition of Uel Hartless to rezone 310-324 Breezewood Drive from R-3, Medium Density, Two-Family Residential District to R-4, Medium-High Density Residential District (Conditional).
 - On October 3, 2006, Council approved the rezoning petition of EE, LLC to rezone 129, 305, 317, 415, 509 and 607 McConville Road from R-C, Resource Conservation District, R-3, Medium Density, Two-Family Residential District and R-4, Medium-High Density, Multi-Family Residential District to B-5, General Business District (Conditional).
 - On August 14, 2007, Council approved the rezoning petition of EE, LLC, to rezone 512, 522, 526, 530, 534, 538, 610, 630, 1002 McConville Road, 110 Miles Place and 120 Millstone Road from R-C, Resource Conservation District, R-1, Low Density, Single-Family Residential District, R-3, Medium Density, Two-Family Residential District, I-1, Restricted Industrial District and I-2, Light Industrial District to B-5, General Business District (Conditional).

- On December 14, 2010, Council approved the CUP petition of Heritage Baptist Church for a comprehensive sign plan at 219 Breezewood Drive. (There have been several CUPs approved for Heritage Baptist Church facilities since 1985.)
- 5. **Site Description.** The subject property is four (4) acre portion of a larger tract located at 428 and 512 Breezewood Drive. The property is wooded with a gentle slope to the south. It is bordered to the north across Hartless Lane by a single-family detached home and apartments, to the east by the Lynchburg Expressway, to the south by an institutional use and vacant land and to the west by a single-family detached home.
- 6. **Proposed Use of Property.** The purpose of this petition is to allow the construction of a six-(6) building, fifty (50)-unit apartment complex and associated parking.
- 7. **Traffic, Parking and Public Transit.** The City's Transportation Engineer did not require a traffic study since the projected trip generation is less than the fifty (50) peak hour trips and five hundred (500) daily trip thresholds.

The City Engineer noted that, if approved, the project would impede the construction of an interchange to serve the Breezewood Drive and McConville Road area. This interchange would serve a commercial shopping center for which a rezoning was approved by Council on October 3, 2006 and August 14, 2007. Proffer number two (2) of Ordinance #O-07-103 approved August 14, 2007 states "Route 501/Lakeside Parkway Interchange: Upon request by the City Council and approval by the Virginia Department of Transportation, the applicant proffers to dedicate right-of-way, engineer, design and construct a grade-separated interchange and related improvements with the design configuration and at the location generally depicted on the Zoning Master Plan prepared by The Cox Company". There have been several iterations of the interchange, all of which would have an effect on the property proposed for rezoning. All versions of the interchange made available by the Engineering Division indicated that at least one (1) and most likely two (2) of the proposed apartment buildings would be impacted by the construction of a future interchange. On September 11, 2007, Council approved Resolution R-07-123 which requested a limited access control change on Route 501 to allow the construction of a single point urban interchange (SPUI). Since that time, plans for the commercial shopping center have been put on hold due to the economic downturn with no anticipated construction date. There is no Capital Improvement Program (CIP) item for the interchange. (See Attachments Breezewood Drive Interchange Option 1-3.)

At question is whether development of the area for apartments should be denied or revisions sought to facilitate the construction of a future interchange, construction of which is questionable. Approving the rezoning would facilitate the construction of an apartment complex of which at least two (2) buildings would be impacted with the future construction of the interchange or which would negate the construction of the interchange. The inability to construct the interchange in this area would most likely result in the construction of a signalized at grade interchange to facilitate the future development of the commercial shopping center. The impacts of a signalized interchange at this location are not known.

Section 35.1-25, Off Street Parking and Loading of the *Zoning Ordinance* requires one (1) space for each unit or a total of fifty (50) parking spaces. The site plan indicates a total of one hundred (100) parking spaces proposed.

- 8. **Stormwater Management.** A stormwater management plan will be required prior to building permits being issued. A stormwater narrative submitted by the petitioner indicates that parking and rooftop drainage will be collected in an onsite storm system and discharge

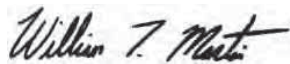
into an above ground bioretention facility to address both quantity and quality of the stormwater.

9. **Emergency Services:** The City Fire Marshal requested that the fire department access road and hydrant locations be identified on the plan. The petitioner had indicated that the twenty-four (24)-foot drive aisle will serve as the fire department access road and at least one (1) and potentially two (2) hydrants will be added on site. The City's Police Department offered suggestions regarding lighting and security which are being considered by the petitioner.
10. **Impact.** The petitioner is requesting to amend the *FLUM* and rezone the property to facilitate the construction of a six (6)-building, fifty (50)-unit apartment complex. While the unit yields per acre are slightly higher (12.5) than what is recommended by the *Comprehensive Plan* (12), the development, as proposed, is in keeping with other development in the area. The largest impact of the development would be on the construction of a future interchange. Since there is no anticipated construction date for the interchange or the shopping center it would serve, it is questionable as to whether the rezoning of the property should be withheld. The property could be developed by right as duplexes at a density of ten and eighty-nine hundredths (10.89) units per acre.
11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the conditional use permit on June 5, 2012. Comments related to the proposed use have or will be addressed prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of Mark Hartless to amend the Future Land Use Map from Institutional to Medium Density Residential and to rezone the property at 428 and 512 Breezewood Drive from R-3, Medium Density, Two-Family Residential District to R-4, Medium-High Density, Multi-Family Residential District.

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Ms. Bonnie M. Svrcek, Deputy City Manager
Mr. Walter C. Erwin, City Attorney
Mr. Kent L. White, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozerow, Lynchburg Police Department
Captain Thomas Mack, Acting Fire Marshal
Mr. Doug Saunders, Building Commissioner
Mr. Robert Fowler, Zoning Administrator
Mr. Jacob Dorman, Environmental Reviewer
Mr. Mark Hartless, Petitioner
Mr. Norm Walton, Representative

VII. ATTACHMENTS

1. Zoning Map
2. Future Land Use Map
3. Watershed Map
4. Planimetric and Topographic Map
5. Concept Plan
6. Concept Plan with Future Land Use
7. DEQ Letter
8. Interchange Options 1-3
9. Property Photograph

MINUTES FROM THE JULY 11, 2012 PLANNING COMMISSION MEETING (MINUTES HAVE BEEN APPROVED):

b. Petition of Mark Hartless to amend the Future Land Use Map (FLUM) from Institutional to Medium Density Residential and to rezone approximately three and ninety-nine hundredths (3.99) acres from R-3, Medium Density, Two-Family Residential District to R-4, Medium-High Density Residential District to allow the construction of fifty (50) townhome style apartments at 512 Breezewood Drive.

Mr. Henry had the following comments for the commissioners. The rezoning from R-3 to R-4 would allow for 50 townhouse style apartments housed in six separate buildings. The *FLUM* designates this area as Medium Density Residential, Institutional and Resource Conservation. The *FLUM* amendment proposes to make the entire area Medium Density Residential. The proposed density would be 12.5 units per acre, which is slightly higher than the density allowed in R-3, which is 12 units per acre. Staff feels the proposed density should be compatible with the surrounding area. The Resource Conservation *FLUM* designation seems to have been misappropriated as there are no signs of a stream, creek or environmentally sensitive area on this property. DEQ has visited the property and saw no signs of a creek. The Army Corps of Engineers still needs to make the final determination.

Access to the property would be achieved through Hartless Lane to the north and Breezewood Drive to the west. The City's Traffic Engineer did not require a traffic study as the anticipated trips generated by this development would be below the minimum threshold. The City Engineer noted that this development would impede the development of an interchange on the expressway to serve Breezewood Drive and McConville Road. The interchange was intended to serve a shopping center which was part of a rezoning approved by Council in August 2007. Proffer 2 of that rezoning states that "Route 501/Lakeside Drive interchange: "Upon request by the City Council, and approved by VDOT, the applicant proffers to dedicate right of way, engineer, design and construct a grade separated interchange and related improvements with the design configuration and at the location generally depicted on the zoning master plan prepared by the Cox Company."

There have been several iterations of the interchange, all of which would have an impact on this proposed rezoning. It is likely to impact one or possibly two of the buildings proposed for this project. On September 11, 2007, City Council requested a limited access control change on 501 to allow a single point urban interchange. Since then plans for the shopping center have been put on hold due to the economic downturn. The interchange is also not in any of the City's CIP plans. The inability to construct the interchange in this area would also likely result in the construction of a signalized at grade interchange to facilitate the future development of the commercial space across the road. The impacts of such an interchange are not known, although it is a significant deviation from something that would not be signalized.

Mr. Henry noted that since there is no proposed date for the construction of the shopping center or the interchange, it is questionable whether a rezoning of the property should be withheld. Because the proposed development fits with the surrounding land uses, staff recommends approval of the *FLUM* amendment and rezoning petitions.

Mr. Norm Walton of Perkins and Orrison and Mr. Mark Hartless were present to represent the petition. Mr. Walton noted that the interchange became a big topic during TRC review. Mr. Walton pointed out that the interchange was proffered for Phase 2 of the shopping center development. All the properties for Phase 1 have been purchased and some of the properties for Phase 2. The option to purchase this property as part of Phase 2 has been allowed to expire. The proffer for the interchange does not affect this property in particular.

Mr. Walton outlined the plans for providing water and sewer to the property. He also mentioned that he went out with DEQ when they investigated the property. The blue line on the aerial photo of the property is a swale rather than a stream.

Ms. Michelle Andrews, a realtor from Dawson Ford Garbee representing the Church of God in the sale of the property came forward to speak in favor of the petition and noted that the pastor of the church will be available to answer questions as well.

Ms. Jan Gray of 122 St. David Drive came forward to speak with concerns about the project. She indicated on the aerial photo where her property is and where Tomahawk Creek is located. Her property has been eroded severely from stormwater from Tomahawk Creek. The Army Corps of Engineers has been there to help address the issues that she feels are caused by Heritage Baptist Church. She feels there will be further erosion caused by the proposed car dealership. She adds that the stormwater from this proposed development will also come down the hill to her property,

Mr. Marty Kirzch expressed concerns about traffic on Breezewood Drive. Mr. Kirzch pointed out that Breezewood Drive is an antiquated two-lane road with only two access points. When entering Lakeside Drive, you can go either way. When entering 501, you can only go one way. There used to be a crossover at 501, which has been removed. He feels the City needs to consider improvements to the road. Mr. Kirsch stated that there are currently 437 families living on Breezewood Drive. With the additional cars from this development, he estimates there will be approximately 700 to 750 cars traveling this road daily.

Ms. Gray stated that people are using Breezewood Drive as a cut through from 221, and the City is there frequently to replace the "Do Not Enter" sign. There is also a problem getting onto 221, especially in the evening. The traffic problems are compounded by the heavy traffic generated by the church and the funeral home. Ms. Gray needed an ambulance for her husband and it had trouble getting past the traffic. She pointed out that there are many people living in the townhomes that are over the age of 50; many are over the age of 80. The conditions on Breezewood Drive make it hazardous driving for them. An additional issue is that people do not observe the 25 mile per zone. Most are going at least 45 miles per hour.

There were two others in attendance in opposition to the petition. Mr. Kirzch noted that he was not necessarily in opposition to the proposal, nor were the others, if the issues they have brought forward are corrected.

Mr. Walton came back to address these concerns. He noted that by state law they are not allowed to release any more stormwater from the site than what is being released currently. They have identified an area on site for stormwater quality and quantity management. He pointed out on the aerial photo where the stormwater from this site will be discharging. It is not in the direction of Ms. Gray's property.

Mr. Walton reiterated that the Traffic Engineer had determined that the anticipated traffic from this project did not warrant a traffic study. Mr. Walton noted that at one point, the City had plans to improve Breezewood Drive in this area but those plans have been put on hold due to budget constraints. Mr. Walton does not think this project will have any additional impact on the connection to 501. Mr. Hartless agreed with the neighbors' concerns about traffic. He thinks it was a terrible mistake by the City to close off the crossover on 501. However, he thinks that is a separate issue. Mr. Hartless mentioned that he has called the police on numerous occasions to ask for increased patrol to address speeding on Breezewood Drive.

Mr. Hartless assured the neighbors that there will be no issues with stormwater runoff. He has developed many properties across the City and is proud of the fact that they are nice looking projects that do not cause any grief for the City. They make it a point to be good neighbors.

Ms. Gray asked how long it has been a policy about stormwater runoff not being allowed to be greater than was originally coming off the site and why has Heritage Baptist Church not abided by that policy. She reiterated the excessive erosion that she has seen since moving into her townhome. It seems to her that any time you create more parking you create more stormwater that cannot be absorbed by the little Tomahawk Creek.

Chair Hamilton closed the public hearing portion of the petition. She asked Mr. Hartless to come up and show them the proposed building elevations for the project. Mr. Hartless showed them some that he had drawn himself, as well as some photos of existing townhomes on Breezewood Drive. He had photos of apartments they had recently done on Logans Lane. He had in mind to do a townhome style apartment but with a more contemporary look with rock on the bottom and different styles of siding in varying colors.

Mr. Jacob Dorman, the Environmental Reviewer, was available to address Ms. Gray's concerns. Mr. Dorman explained that it is a state regulation that post-construction runoff cannot be greater than pre-construction runoff. He further explained that they are normally able to get the post-construction runoff below the pre-construction runoff through best management practices. Commissioner Barnes pointed out that paved areas increase the speed of stormwater runoff. Mr. Dorman agreed but remarked that the rate going to the detention facility is one issue, however, the rate of outflow at the discharge point has to be equal to or less than the pre-construction rate.

Mr. Dorman explained that the City has stormwater management agreements. With the new stormwater utility fee, the City will have greater ability to enforce those agreements through a yearly inspection. In addition, the new regulations proposed for 2014 are substantially more stringent. Chair Hamilton asked him to address Ms. Gray's concern about potential runoff from this project affecting her property further. Mr. Dorman stated that he would have to look at the drainage areas in more detail during the site plan review process and reiterated that post-construction runoff cannot be greater than pre-construction runoff. The City's ordinance does not allow them to require anything more stringent than the state's regulations.

In answer to Ms. Gray's earlier question, Mr. Dorman stated that the state's regulations have been in place for at least ten years and City staff enforces the regulations. Mr. Dorman will make plans to meet with Ms. Gray.

Mr. Walton pointed out on the concept plan where the stormwater detention pond will be located. He stated that they will do additional rain gardens for stormwater quality, if necessary. They are sizing the pond for all anticipated impervious area, as the community center may not be built initially. Commissioner Hooper asked if they will sheet flow to the pond or will it be captured in a storm system. Mr. Walton stated that he is going to try to keep it all on the surface. He would hate to burden this four acre parcel with a lot of underground stormwater facilities.

Commissioner Swienton asked Mr. Dorman if he has the power to inspect a stormwater pond or does he have to rely on an inspection report provided by the landowner. Mr. Dorman stated that staff has the authority to inspect stormwater facilities but the ordinance was written so that the landowner can submit yearly inspection reports. Mr. Dorman stated that a letter is normally sent during the final third of the year to serve as a reminder that an inspection report is needed. Technically, up to that point, staff could do an inspection at any point. Mr. Dorman would estimate that there are approximately 150 maintenance agreements that have to be reviewed. That could be an agreement that has multiple stormwater components to it. Water Resources is currently hiring someone who will oversee some of maintenance agreements. As the stormwater utility fee continues to be a player, the inspection aspect is going to ramp up because you will not get credit toward your fee unless your facility is working properly. Commissioner Swienton asked for further clarification that City staff can inspect a stormwater facility at any time, for example, after a storm and Mr. Dorman said that is correct.

In answer to a question about the overhead utility lines, Mr. Hartless stated that he will work with either AEP or the phone company to reposition those lines and run them underground.

In answer to a question about whether the project would be built all at once, Mr. Hartless stated that he will grade the property all at once and then stabilize it while building the first units. He anticipates a couple of years for total buildout. Commissioner Barnes asked if the buildings that might interfere with an interchange could be done last. Mr. Hartless thought he would start with buildings one and two closest to Breezewood Drive and then go up toward Hartless Lane. He would do that so that the construction entrance could be from Hartless Lane. Mr. Walton pointed out that all the utility access is from Breezewood Drive, so it makes sense to develop from that point.

Commissioner Sale asked Mr. Hartless how he felt about the possibility of the interchange being closed off. Mr. Hartless said he cringes at the thought of this bridge and bringing that kind of traffic onto Breezewood Drive. He thinks it is a horrible idea whether or not he ever does this project. He feels the shopping center should be able to stand on its own in terms of handling traffic and problems have been exacerbated by the closing off of the crossover. We have sort of choked off Breezewood Drive and are now going to feed it with a large amount of traffic from 501.

At this point, the pastor of the church mentioned that he has a letter from English Construction dated about three years ago stating that they are not interested in purchasing the property at this time and have no proposed date when they might be interested in exercising that option. The church has received no compensation from English Construction in the form of a stipend for over three years.

Commissioner Sale clarified that there is no one to speak today for English Construction and asked if anyone from the City contacted them to ask their intent. Mr. Henry did not believe anyone from the City had done so. Chair Hamilton wondered where VDOT was with regard to all of this as well. Mr. Henry was not sure if the Traffic Engineer or City Engineer had contacted VDOT during the TRC review process. Mr. Henry pointed out that the expressway is a City maintained road. Mr. Walton reported that he has contacted Mr. Booth with English Construction. Mr. Booth stated that they own the properties for Phase I. Even Phase I is several years down the road from being constructed. Based on Mr. Booth's input, Mr. Walton feels that the likelihood of Lakeside Center being developed as it was planned five years ago anytime in the near future is pretty remote.

At this point in the discussion, the commissioners were inclined to wait for further input from VDOT and possibly Economic Development as well. Mr. Henry pointed out that the property, even if it is not developed for Lakeside Center, is proposed to be developed as a regional commercial land use. Commissioner Sale noted that this proposed development would preclude the development of the interchange as proposed. That is not to say that another design could not be developed and built with this project in place. Commissioner Sale stated that he is concerned with how their decision on the project today could impact the future development of the property designated for regional commercial use. He pointed out that it is one of the largest green pieces of property designated for commercial use left in the City. He would hate for them to profoundly restrict options that may be available to them for the development of that land without knowing it upfront. Mr. Henry pointed out that the intersection would not necessarily be completely lost because there is the option of a signalized entrance, although that is probably not the favored option.

Chair Hamilton asked Mr. Hartless if the commission were to postpone its decision until they could get more information if that would impact him in a way that is unrecoverable. Mr. Hartless said it would not impact him in a way that is unrecoverable but it would definitely have an effect. Mr. Hartless feels like it is not right for a municipality to hold a person's property at bay while it decides whether it has a better use for it. If English Construction wants to develop this property, they should buy it and do so immediately. Mr. Hartless also pointed out that if he were to develop this property, the City could exercise its right of eminent domain and force him to sell it at fair market value at such time as it wants to put in an interchange. This happened to his family when the City wanted to put the highway through

some of their property. Mr. Hartless also indicated that English Construction could purchase the property from him in the future if it decides to develop Lakeside Center and the interchange as planned.

Mr. Walton reminded them that this property was not mentioned in any of the Lakeside Center rezonings. It is unfortunate that this property is being hindered because of a rezoning on another piece of property.

Commissioner Swienton stated that he agrees with the first part of what Mr. Hartless said, however, they are not denying him any by-right use of his property. Mr. Hartless is asking for a rezoning of the property to a more intensive use. At that point, Commissioner Swienton believes they have the responsibility to look into any issues more thoroughly. Commissioner Swienton further pointed out that they are typically asked to do a rezoning to fit the *Comprehensive Plan*. In this case, they are being asked to first change the *Comprehensive Plan* and then rezone the property. He would like to have more information before proceeding.

Commissioner Hooper agreed with those comments and would like to know first if there are options to modify the plans for the interchange if this project is approved such as moving it further north. However, he is not sure how they can get the type of information they are seeking about the interchange as it requires speculation. Chair Hamilton would like some time to get input from VDOT as to whether or not certain properties are germane to the design of the interchange. For them to speculate one way or the other is probably not the right way to operate, in her opinion.

Commissioner Swienton thinks that the Lakeside Drive/221/501 area is a major chokepoint for the City. Although this decision is only about a few units, many hundreds of units could be affected and he would like to get it right. Commissioner Sale agreed that he would like a comprehensive idea of what is planned for the area, including Breezewood Drive.

Commissioner Barnes would be in favor of postponing their decision if they can get this information quickly. At any rate, they should vote at the August 8th meeting so the petitioner can move his project along. All commissioners agreed that it is unfair for the City or VDOT to keep this property in limbo.

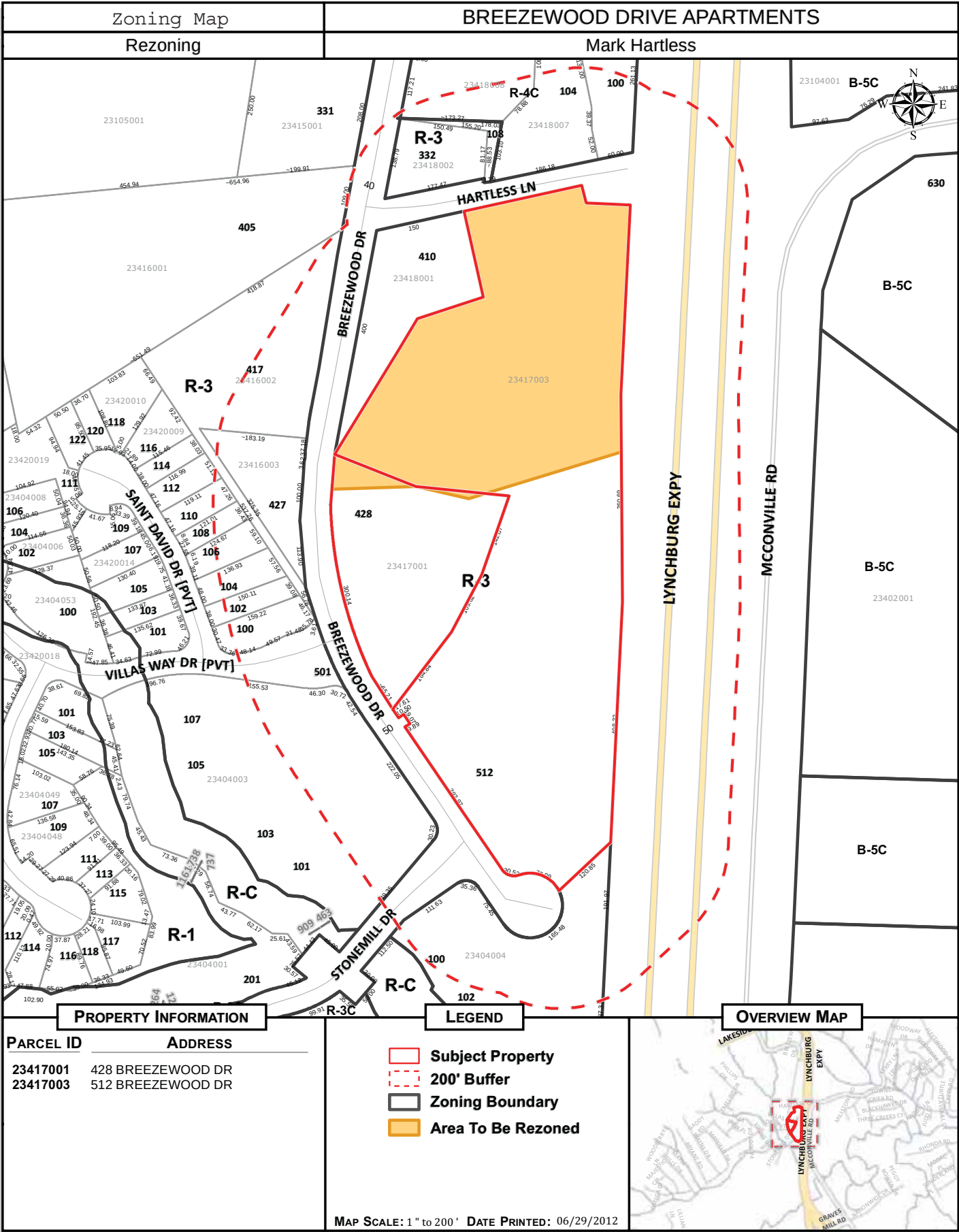
The commissioners requested the following items for their August 8th meeting:

1. Letter from English Construction to the church declining the option to purchase church property;
2. An opinion from Marjette Upshur with Economic Development regarding the interchange;
3. A letter from VDOT regarding the interchange and whether or not they have plans for the interchange or funding set aside.
4. Request City Engineer and Traffic Engineer be at August 8, meeting;
5. A letter to the City from English Construction as to their intent for the Lakeside Center and the proffered interchange.
6. An opinion from the Traffic Engineer as to how this development could affect Lakeside Drive/501 interchange.
7. If not a letter from English Construction, the commissioners request that someone from English Construction attend the meeting;
8. If not a letter from VDOT, the commissioners request that a representative attend the meeting.

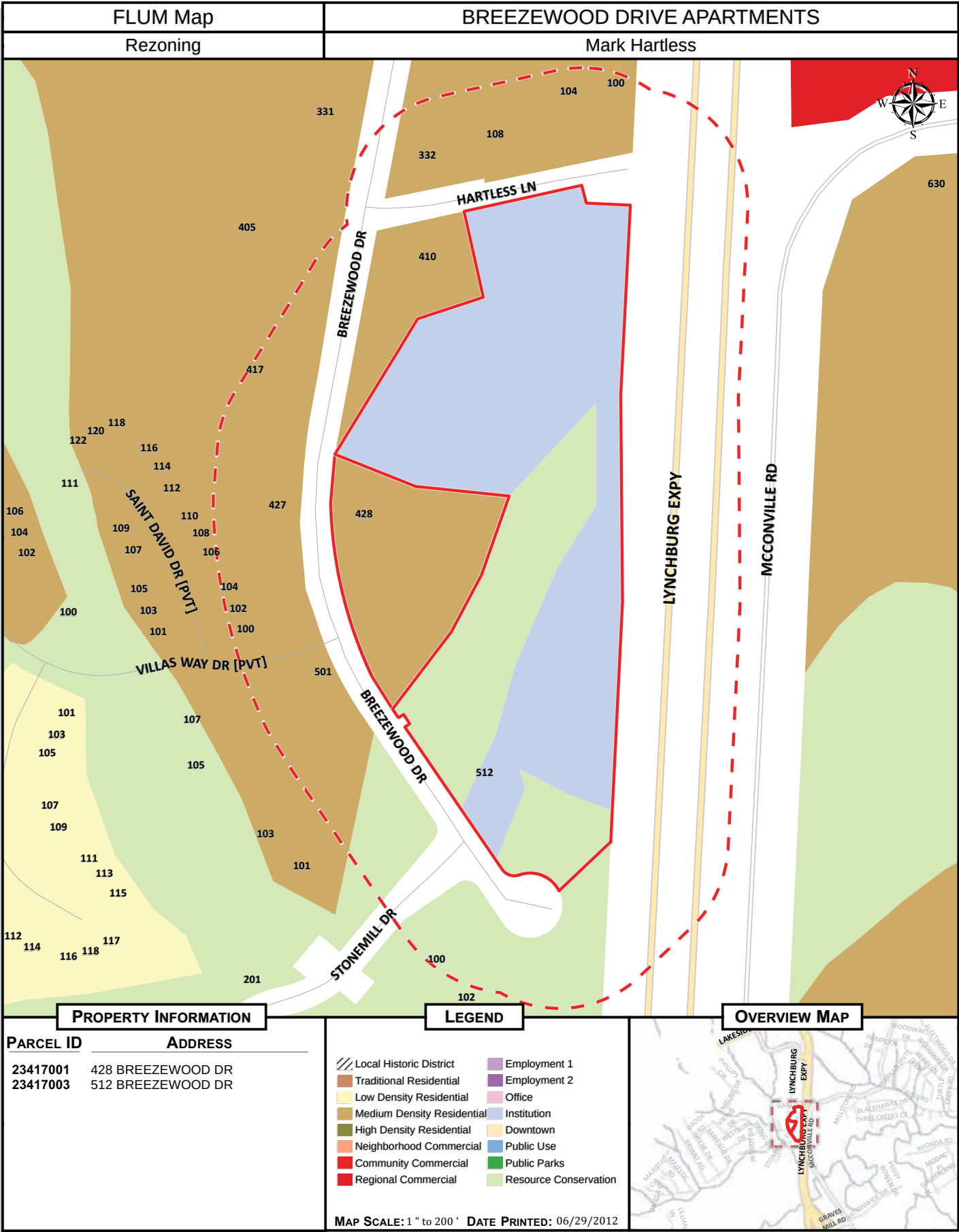
Commissioner Coleman agreed with wanting to get additional information for the August 8th meeting. He addressed Mr. Hartless and stated that he believes in his integrity. Commissioner Coleman also trusts in staff's recommendation to them. He is concerned, however, that there seem to be places where a traffic study is not required because the conditions fall under the threshold but Commissioner Coleman would consider the areas to be unsafe. Ms. Craig mentioned to the citizens that the Engineering Division has a program in place to study areas such as Breezewood Drive called the Neighborhood Traffic Management Plan. The citizens would need to get together a petition and if deemed appropriate, the Engineering Division would study the area and determine if traffic calming measures or stiffer speeding fines might help alleviate the situation. She will get them the information about the program. The commissioners indicated to the citizens that this would probably be a good route to go since the plans for improvements to Breezewood Drive are postponed indefinitely due to budget constraints.

Commissioner Coleman made a motion to table this item to the August 8th meeting and to gather the above items for that meeting. The motion was seconded by Commissioner Sale and it passed by the following vote:

AYES:	Barnes, Coleman, Hamilton, Hooper, Sale and Swienton	6
NOES:		0
ABSTENTIONS:		0
ABSENT:	Hannon	1

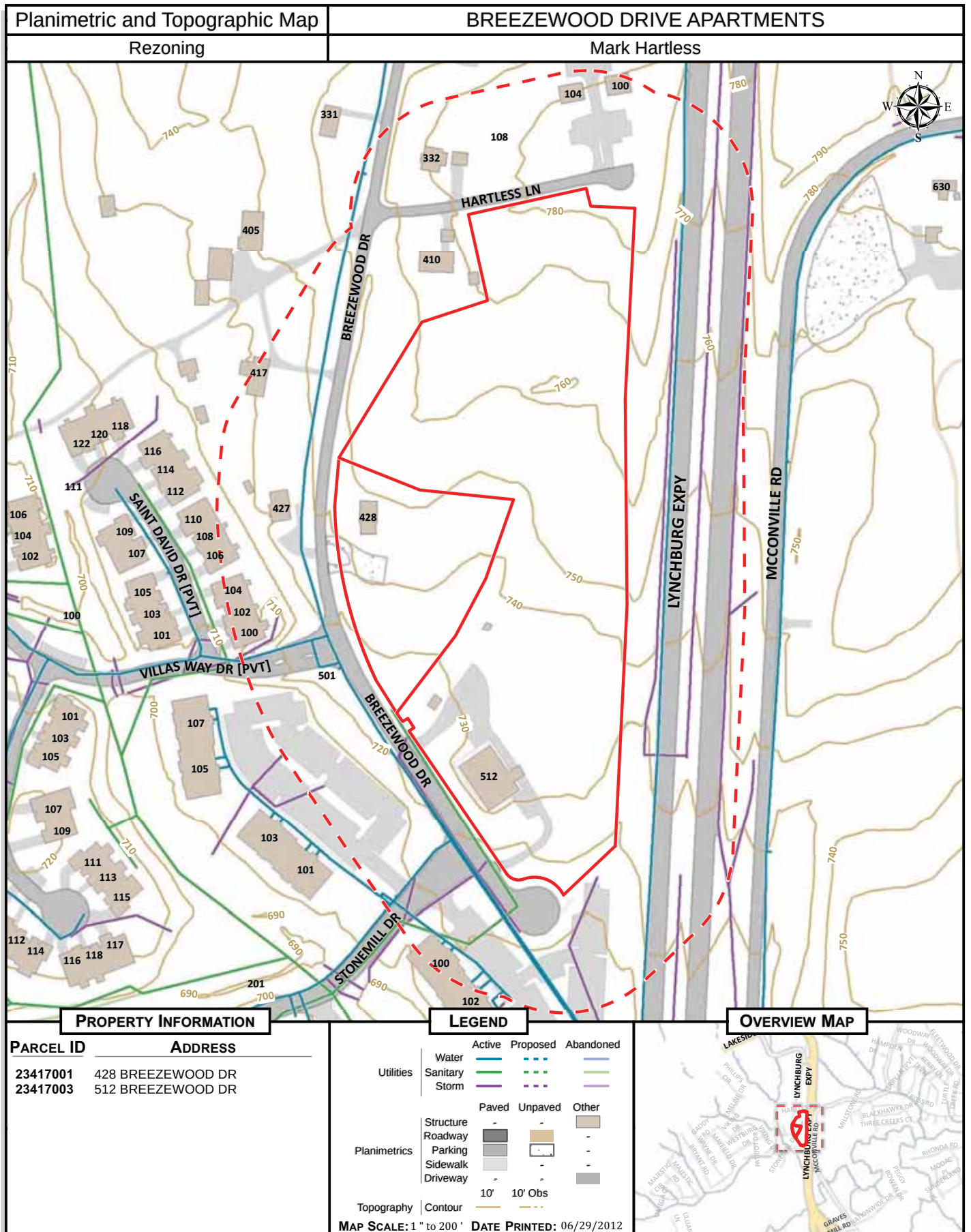


PIN	Local Address	Owner
23416001	405 BREEZEWOOD DR	ANDRUS, DORIS F
23420006	110 SAINT DAVID DR	CAREY, RONALD E & JOAN H
23417003	512 BREEZEWOOD DR	CHURCH OF GOD TRUSTEES
23420005	108 SAINT DAVID DR	COLLERAN, DANIEL P
23416002	417 BREEZEWOOD DR	FISHER, R F & ALMA M
23420001	100 SAINT DAVID DR	FORSLUND, COURTNEY B
23420003	104 SAINT DAVID DR	GARDNER, SANDRA M
23420007	112 SAINT DAVID DR	GOODWIN, FRANK D & EARLENE R
23418001	410 BREEZEWOOD DR	HARRIS, LESTER P & SADIE M
23418007	104 HARTLESS LN	HARTLESS, MARK C & JOYCE H
23418008	324 BREEZEWOOD DR	HARTLESS, MARK C & JOYCE H
23418011	108 HARTLESS LN	HARTLESS, UEL C & HAZEL M
23418006	100 HARTLESS LN	HARTLESS, UEL C & HAZEL M
23420002	102 SAINT DAVID DR	HERMAN, SARAH J
23417001	428 BREEZEWOOD DR	LYNCHBURG CHURCH OF GOD TRS
23420004	106 SAINT DAVID DR	MCKELLIPS, CLARA M & TERRY E
23418002	332 BREEZEWOOD DR	MURPHY, WANDA T
23404004	100 STONEMILL DR	OVERLOOK APARTMENTS LC
23404003	101 STONEMILL DR A	OVERLOOK APARTMENTS LC
23420018	501 BREEZEWOOD DR	VILLAS AT STONEMILL ASSOCIATION
23416003	427 BREEZEWOOD DR	WALDRON, VICTOR SR ESTATE & VERDIE L
Representative	27 Green Hill Drive	Norm Walton/Perkins & Orrison

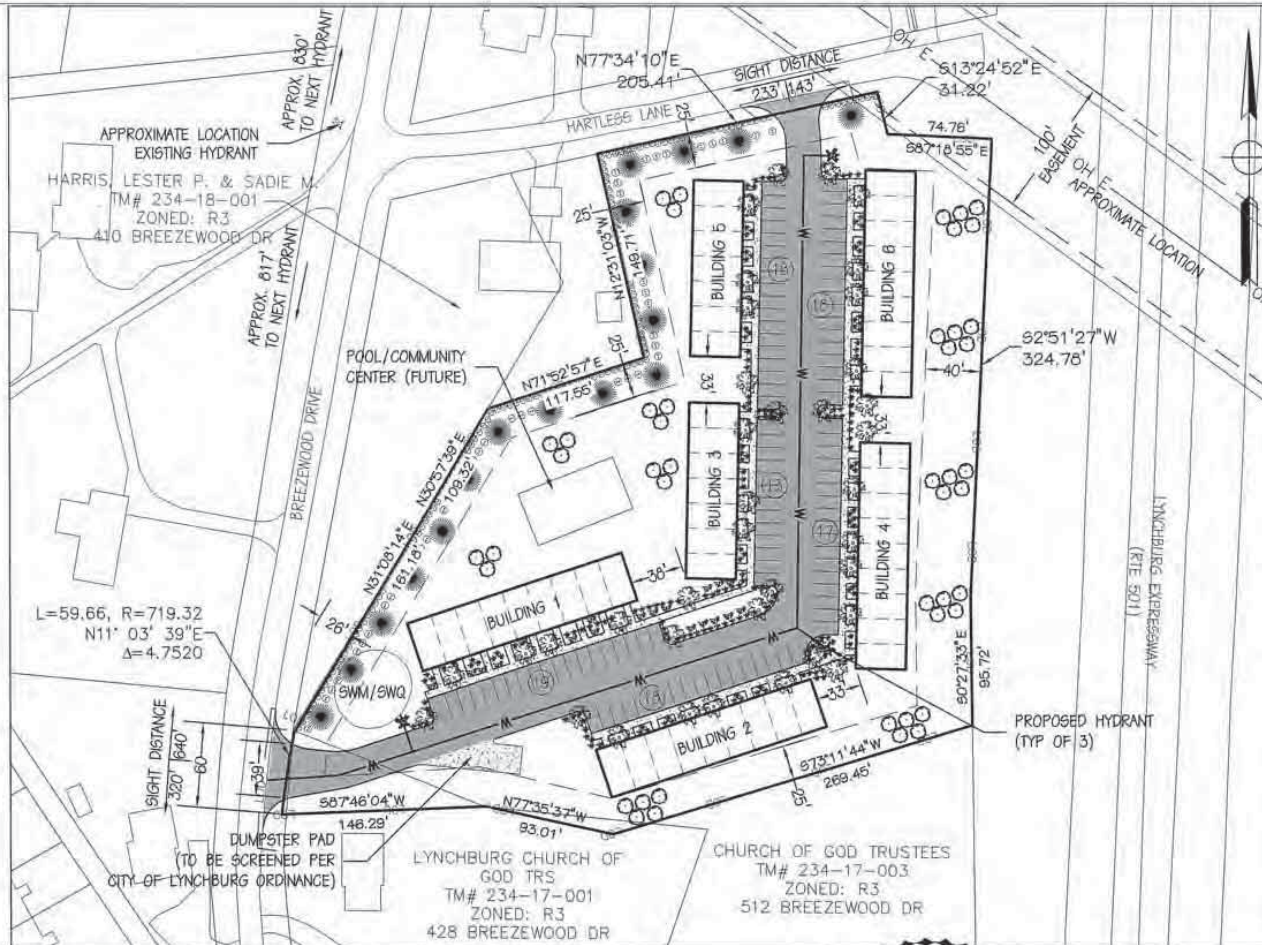


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PROPERTY INFORMATION:

PARCEL ID: 234-17-003
234-17-001

PROPERTY ADDRESS: 512 BREEZEWOOD DRIVE
LYNCHBURG, VA 24502

OWNER/ REZONING APPLICANT: MARK HARTLESS

TOTAL ACREAGE: APPROXIMATELY 0.13 ACRES (234-17-003)
APPROXIMATELY 1.74 ACRES (234-17-001)

TOTAL AREA TO BE REZONED: 4.00 AC
(3.88 TM# 234-17-003)
(0.12 TM# 234-17-001)

CURRENT ZONING: R3 (MEDIUM DENSITY RESIDENTIAL)

PROPOSED ZONING: R4 (MEDIUM-HIGH DENSITY RESIDENTIAL)

CURRENT USE: CHURCH (TM# 234-17-001)
RESIDENTIAL (TM# 234-17-003)

PROPOSED USE: APARTMENTS (TM# 234-17-003)
CHURCH (TM# 234-17-001)

NOTES:

1. THE PURPOSE OF THIS PLAN IS TO SHOW A PRELIMINARY LAYOUT FOR THE REZONING PROCESS. THE ACTUAL LAYOUT MAY CHANGE SLIGHTLY WHEN ACTUAL CONSTRUCTION PLANS ARE SUBMITTED TO THE CITY FOR REVIEW, BUT SHALL REMAIN IN GENERAL CONFORMANCE TO THIS PLAN.
2. ANY INCREASE IN IMPERVIOUS AREA WILL BE ATTENUATED VIA THE STORMWATER MANAGEMENT POND PROPOSED ON THIS SITE.
3. THE PROPERTY SHOWN HEREON IS NOT WITHIN A FEMA 100 YEAR FLOOD PLAIN. (SEE PANEL# 51009300360, ZONE "X", DATED JUNE 3, 2008.
4. IF EXTERIOR LIGHTING IS TO BE INSTALLED BY THE OWNER, SHIELDING SHALL BE USED TO CONTROL THE LIGHT SO THAT NO DIRECT ILLUMINATION WILL OCCUR BEYOND ANY PROPERTY LINE.
5. TWO ROADWAY ENTRANCES ARE PROPOSED BY THIS PLAN FOR THIS PROPERTY. THE ONE ENTRANCE OFF OF BREEZEWOOD DRIVE AND ONE ENTRANCE OFF OF HARTLESS LANE.
6. LANDSCAPING WILL BE PROPOSED PER THE CITY OF LYNCHBURG'S LANDSCAPE ORDINANCE.
7. EROSION AND SEDIMENT CONTROL MEASURES WILL BE USED IN ACCORDANCE WITH THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK. E4S MEASURES ARE NOT SHOWN ON THIS PLAN, BUT WILL BE INCLUDED WITH THE ACTUAL SITE PLAN WHEN SUBMITTED.
8. THE DEVELOPER IS RESPONSIBLE FOR OBTAINING ALL NECESSARY STATE, FEDERAL, AND LOCAL PERMITS REQUIRED FOR THE DEVELOPMENT OF THIS SITE.
9. THIS SITE IS SERVED BY PUBLIC WATER. A SANITARY SEWER EXTENSION WILL BE DESIGNED TO SERVE THE SITE.
10. DUMPSTER SHALL BE SCREENED IN ACCORDANCE WITH CITY ORDINANCE.
11. THE POOL/COMMUNITY CENTER IS NOT PART OF THIS DEVELOPMENT AND WILL BE DEVELOPED IN THE FUTURE.
12. THE SPEED LIMIT ON BREEZEWOOD DRIVE IS 25MPH.

PARKING CALC:

2 SPACES PER UNIT
50 UNITS * 2 = 100 SPACES REQUIRED
103 SPACES PROVIDED

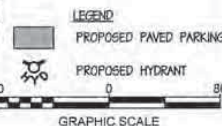
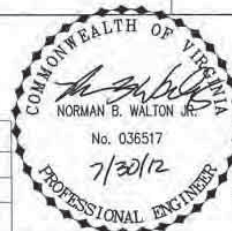
REV: 07/30/2012
REV: 06/22/2012

ISSUE: 5/17/2012

CONTOUR INTERVAL: 2'

DRAWN BY: NBW/MJD

CHECKED BY: NBW

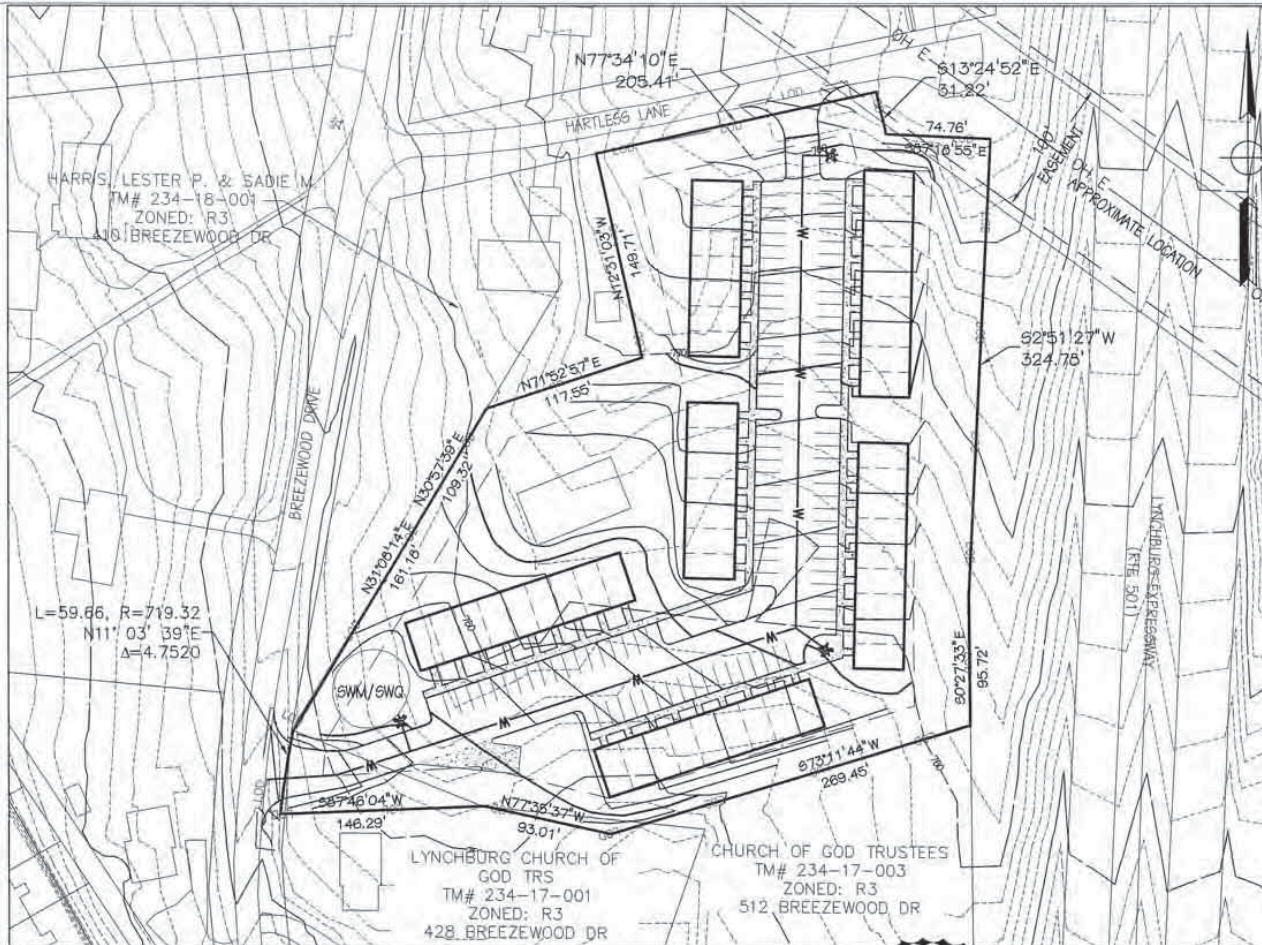


27 GREEN HILL DRIVE, FOREST, VIRGINIA 24551
PHONE: 434-525-5985 FAX: 434-525-5985
EMAIL: pno@perkins-orrison.com

REZONING PLAN BREEZEWOOD
APARTMENTS
FOR MARK HARTLESS LYNCHBURG,
VIRGINIA

JOB NO 11093 SHEET NO 1 OF 2

P:\2011\11093 Breezewood Townhome.dwg C-RZ-11093-C30.dwg



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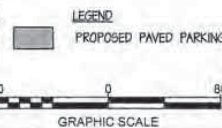
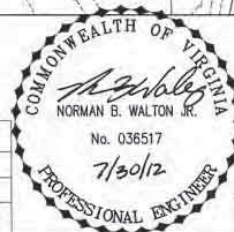
1. BASED UPON THE CONCEPT SITE PLAN AND GRADING PLAN, THIS SITE BALANCES. NO OFFSITE AREAS ARE PLANNED TO BE DISTURBED FOR BENEFIT OF THIS PROJECT.

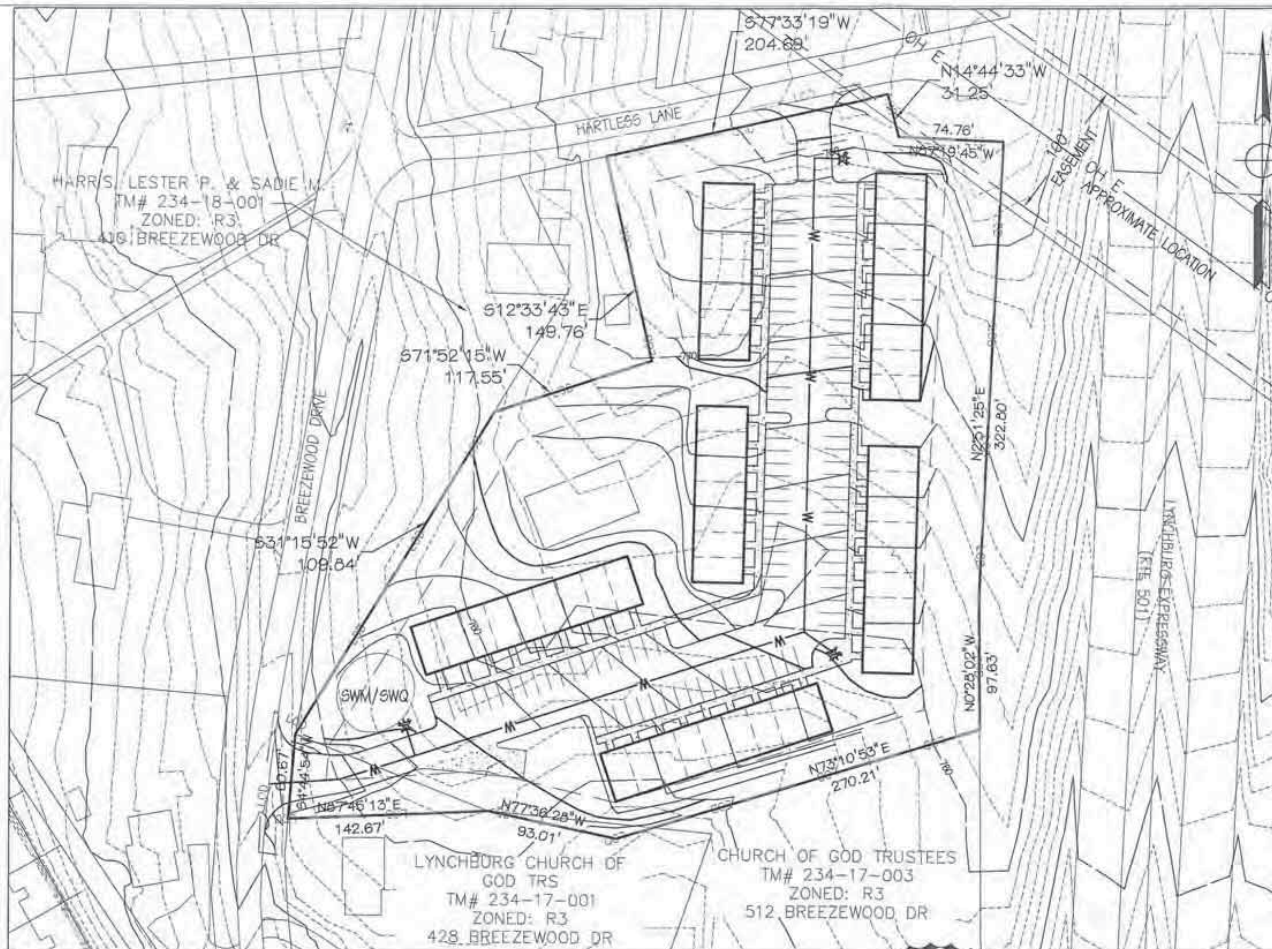


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 EMAIL: pno@perkins-orrison.com

REZONING PLAN BREEZEWOOD APARTMENTS
 FOR MARK HARTLESS LYNCHBURG, VIRGINIA

REV: 07/30/2012
 REV: 06/22/2012
 ISSUE: 5/17/2012
 CONTOUR INTERVAL: 2'
 DRAWN BY: NBW/MJD
 CHECKED BY: NBW





NOTES:

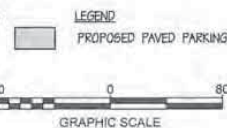
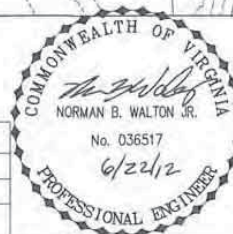
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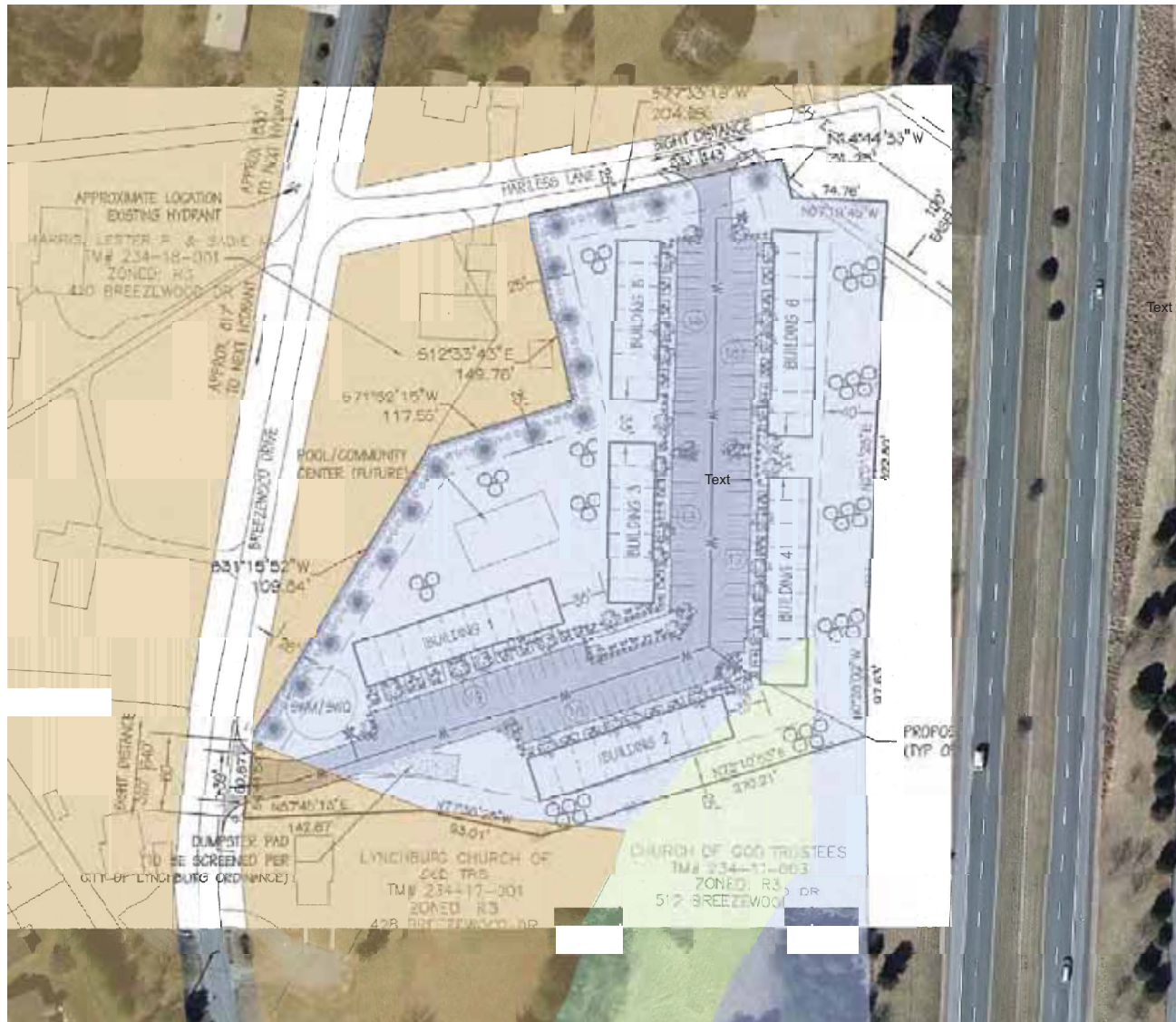


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REZONING PLAN BREEZEWOOD APARTMENTS
FOR MARK HARTLESS LYNCHBURG, VIRGINIA

REV: 06/22/2012
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Legend

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

Future Land Use
428 & 512 Breezewood Drive





COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY Blue Ridge Regional Office

www.deq.virginia.gov

Douglas W. Domenech
Secretary of Natural Resources

David K. Paylor
Director

Steven A. Dietrich
Regional Director

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(434) 582-5120
Fax (434) 582-5125

Roanoke Office
3019 Peters Creek Road
Roanoke, Virginia 24019
(540) 562-6700
Fax (540) 562-6725

June 13, 2012

Norman Walton, PE
Perkins & Orrison, Inc
nwalton@perkins-orrison.com

RE: 6/12/12 Site visit; Possible Stream on property near 512 Breezewood Drive, Lynchburg, Virginia

Dear Norm:

I received your request to look at the above mentioned property on Breezewood Drive in Lynchburg, Virginia on May 31, 2012. As I mentioned in my email on June 11, 2012, in accordance with state regulations it is the US Army Corps of Engineers that must make the determination if there is indeed jurisdictional Waters of the US (WOUS) on the property.

With that regard, on June 12, 2012, I walked the property with you to look at the area in question. I did not observe a bed and bank, or a ordinary high water mark. The area was heavily vegetated and even though we had nearly an inch of rain in the previous 24 hours, I did not observe any primary or secondary hydrology indicators.

I have also looked at the USGS Topo (Lynchburg) for this area, and there is no indication of a stream on that property.

In my opinion, there is no stream in this wooded, depression. Again, in order to get a determination in accordance with state regulations, please call the local USACOE Jeanne Richardson and have her confirm this area.

Please contact me at 434-582-6240 or mfbushing@deq.virginia.gov if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink that reads "Mark F. Bushing".

Mark F. Bushing
VWP Permit Writer
DEQ BRRO-L

Attachments: Permit Application Fee Form

cc: Jeanne Richardson, U. S. Army Corps of Engineers





Breezewood Drive Interchange Option 2



Breezewood Drive Interchange Option 3



Breezewood Drive Apartments

Rezoning

July 11, 2012

PLEASE PRINT

[illegible]

Buxton

Executive Summary

Buxton was selected to assist the City in developing tools necessary for a successful Retail Recruitment Strategy. Buxton, based in Fort Worth, Texas has assisted over 1,700 retailers and 400 municipalities on one purpose – retail expansion. Buxton's client cities have successfully recruited more than 20 million square feet of development/re-development using the proven CommunityID process.

With some variations, the CommunityID process is outlined as follows:

Trade Area Delineation – Trade areas are defined, using proprietary drive time software. Factors used to determine the trade area are 1) the type of market the sites are in, 2) where within market are the sites, 3) the existing retail in the area, and 4) the population density around the sites.

Retail Site Assessment – Households within the trade areas are examined: 1) The household segmentation, or psychographic profiles, (this profile forms that basis for the retail matching in the next step), 2) the demographic information of the households in each trade area, and 3) dollar demand of the households to the actual retail sales within the trade areas.

Retail Matching – This step of the project uses the psychographic profile and market type and density of the site to determine which national retailers would be the best fit for a location within the trade area. We compare the market type and density of the site to the locations of over 5,000 retailers within our database to determine which retailers commonly locate in similar markets. We then take each retailer's locations in similar markets and create an average psychographic profile for that retailer. These profiles are then compared to the psychographic profile of the site and only those retailers that pass all of the mathematical filters are considered to be matching retailers. We then go and find the nearest location of each matching retailer to determine whether or not a new location at the proposed site would cannibalize the sales of the existing stores. The Retail Match List is a list of all matching retailers, but broken into two lists: retailers that are far enough away and retailers that are too close.

Retail Recruitment – Once the list of retailers who fit is identified, it is important that the client city then select those that 1) meet their goals for the community, 2) complement existing business, 3) fit in existing sites, 4) and elevate the cities retail efforts. Once those opportunities are finalized, Buxton will prepare the marketing materials to assist in the recruitment efforts. This information is not stand-alone and

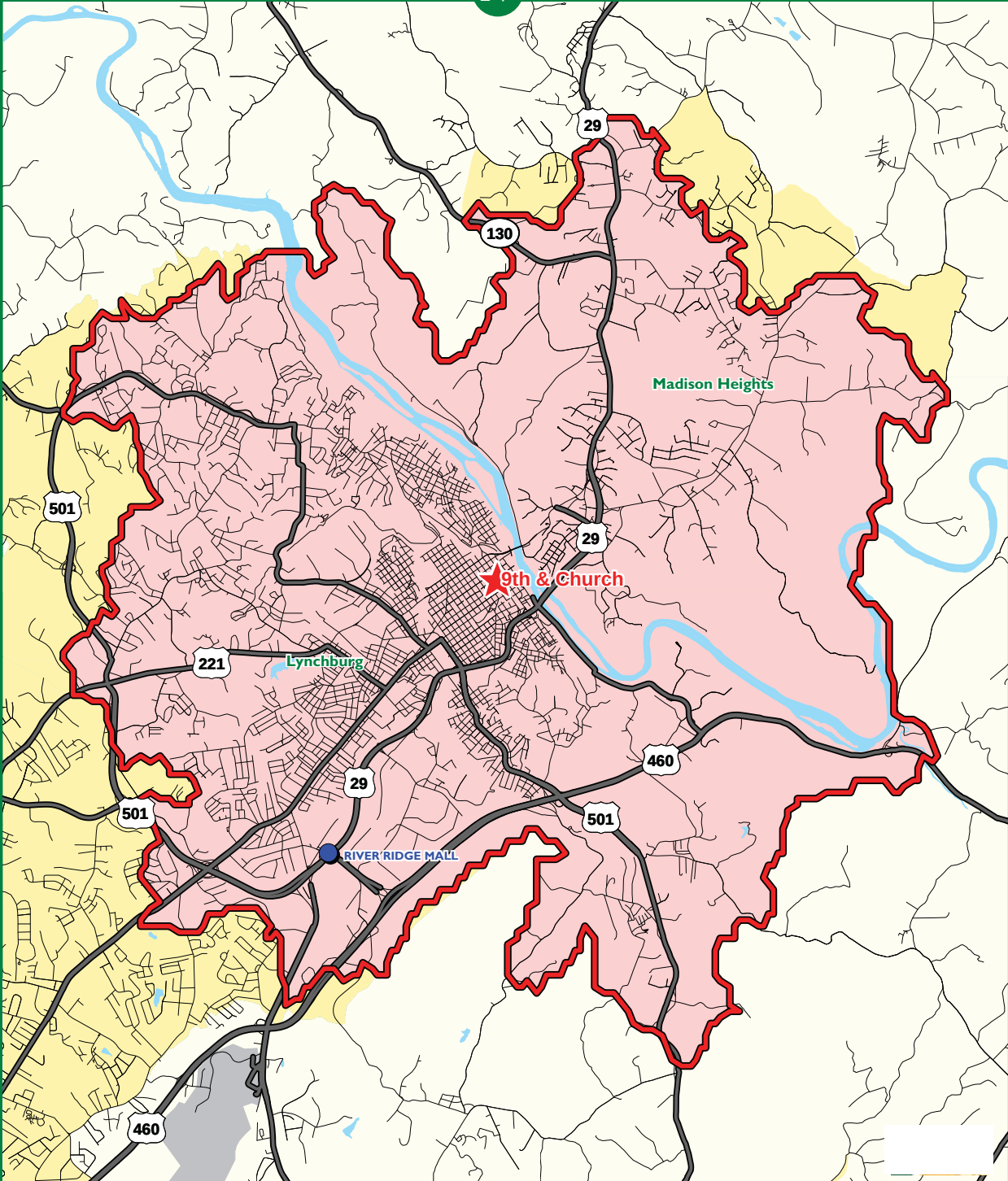
should be included with overall site-specific recruitment materials. Buxton will also contact these retailers on the City's behalf, to assist in opening a dialogue with the targeted retailers/contacts.

Follow On Activities – In this process, Buxton is providing the information necessary for recruitment, but it is only that – information. It is critical that the City implement a long-term process for recruitment of retail and follow on marketing activities must be undertaken. Buxton will assist the City to understand and define this process along with providing other marketing opportunities based on the successful activities other communities have used to meet their retail goals.

Buxton Executive Summary Lynchburg, VA

- About Buxton
 - o Based in Ft. Worth, TX
 - o Specializes in data to assist with retail expansion
 - o Has assisted over 1700 retailers
 - o Has assisted over 400 municipalities
 - o Clients have recruited over 20 million sq. ft. of development/re-development
- Study Process
 - o Trade Area defined using proprietary drive time software
 - Type of market the sites are in
 - Where within the market the sites are located
 - Existing retail in area
 - Population density around sites
 - o Household Assessment for retail site
 - Segmentation or psychographic profiles
 - Demographics
 - Dollar demand to actual retail sales
 - o Best fit retailers
 - Compare market type and site density to 5000 retailers
 - Create average psychographic profile for retailer's locations
 - Compare psychographic profiles to site
 - Mathematically filter to identify matching retailers
 - Identify nearest location of matching retailers
 - Provides Retail Match List
 - Far enough away
 - Too close (cannibalization)
 - o Retail Recruitment
 - Client city's selects retail opportunities
 - Meet community's goals

- Complement existing business
 - Fit in existing sites
 - Elevate city's retail efforts
 - Buxton
 - Contacts retailers on City's behalf
- Follow Up Activities
 - o Buxton provides information necessary for recruitment
 - o City implements long-term process
 - Recruitment
 - Marketing activities 9/17/2008



Lynchburg, Virginia: Trade Area

Shopping Centers

GLA in thousands



□ 12 Minute Drive Time

★ Site 1

Miles



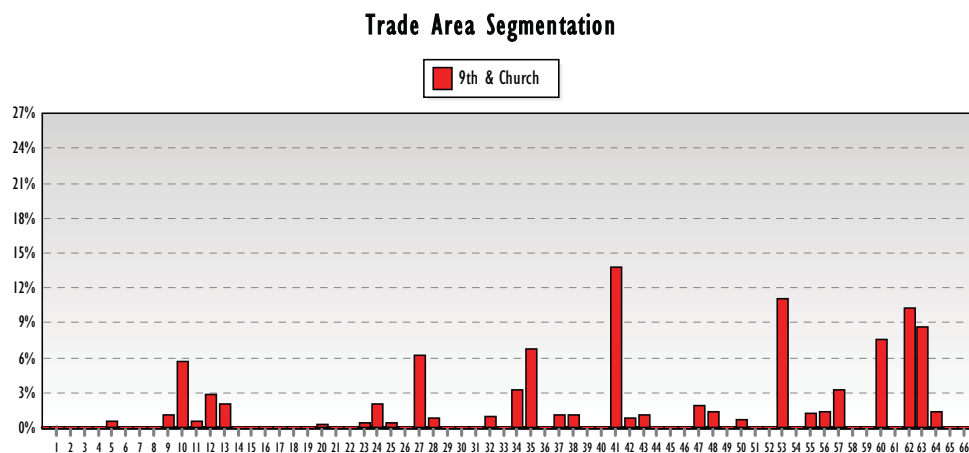
Site I Analysis: 9th & Church

Drive-Time Trade Area

The map on the opposite page depicts the primary trade area for Site I. The primary trade area consists of a twelve-minute polygon, determined by Buxton's proprietary drive-time technology.

Psychographics

The psychographic profile of the households within a twelve-minute drive-time of Site I is presented below.



Source: Claritas, Inc. PRIZM® NE, © 2008

Dominant Segments

A segment that represents at least three percent of a trade area is a dominant segment. Following is a description of the dominant segments for Site I.

Dominant Segments	Description	Households	% of All Households
10	SECOND CITY ELITE	1,357	5.62%
27	MIDDLEBURG MANAGERS	1,512	6.27%
34	WHITE PICKET FENCES	781	3.24%
35	BOOMTOWN SINGLES	1,626	6.74%
41	SUNSET CITY BLUES	3,320	13.76%
53	MOBILITY BLUES	2,664	11.04%
57	OLD MILLTOWNS	772	3.20%
60	PARK BENCH SENIORS	1,813	7.51%
62	HOMETOWN RETIRED	2,486	10.30%
63	FAMILY THRIFTS	2,089	8.66%

Source: Claritas, Inc. PRIZM® NE, © 2008

Site I Analysis (continued)

Leakage Analysis

The following table represents an overview by store type of the leakage or surplus within the studied trade area. This is represented by an index with 1.0 being the baseline. A leakage is reflected by an index less than 1.0 and a surplus is reflected by an index greater than 1.0. Please see Appendix A for detailed demand and actual sales by category.



*GAFO refers to discount retailers that typically include the following departments: general merchandise; clothing and clothing accessories; furniture and home furnishings; electronics and appliances; sporting goods, hobby, books and music; and office supplies

Source: Claritas, Inc, RETAIL MARKET POWER, © 2008

The following table presents the trade potential variables for Site I:

Trade Potential Variables	Site
Estimated Household Count	24,130
Number of Households in Dominant Segments	18,420
Traffic Count	6,200
Total Demand	\$987,568,372
Actual Sales	\$1,888,655,249
Estimated Leakage/Surplus Amount	\$901,086,877

Source: Claritas, Inc, RETAIL MARKET POWER, PRIZM® NE, © 2008

Household Segmentation – Site One

Brief Descriptions

- 10 SECOND CITY ELITE™ – There's money to be found in the nation's smaller cities, and you're most likely to find it in Second City Elite™. The residents of these satellite cities tend to be prosperous executives who decorate their \$200,000 homes with multiple computers, large-screen TV sets and an impressive collection of wines. With more than half holding college degrees, Second City Elite™ residents enjoy cultural activities—from reading books to attending theater and dance productions.
- 27 MIDDLEBURG MANAGERS™ – Middleburg Managers™ arose when empty-nesters settled in satellite communities which offered a lower cost of living and more relaxed pace. Today segment residents tend to be middle-class and over 55 years old with solid managerial jobs and comfortable retirements. In their older homes, they enjoy reading, playing musical instruments, indoor gardening and refinishing furniture.
- 34 WHITE PICKET FENCES™ – Midpoint on the socioeconomic ladder, residents in White Picket Fences™ look a lot like the stereotypical American household of a generation ago: young, middle-class, married with children. But the current version is characterized by modest homes and ethnic diversity—including a disproportionate number of Hispanics and African-Americans.
- 35 BOOMTOWN SINGLES™ – Affordable housing, abundant entry-level jobs and a thriving singles scene— all have given rise to the Boomtown Singles™ segment in fast-growing satellite cities. Young, single and working-class, these residents pursue active lifestyles amid sprawling apartment complexes, bars, convenience stores and laundromats.
- 41 SUNSET CITY BLUES™ – Scattered throughout the older neighborhoods of small cities, Sunset City Blues™ is a segment of lower-middle-class singles and couples who have retired or are getting close to retirement. These empty-nesters tend to own their homes but have modest educations and incomes. They maintain a low-key lifestyle filled with newspapers and television by day, and family-style restaurants at night.

Household Segmentation

Brief Descriptions

- 53 MOBILITY BLUES™ – Young singles and single parents make their way to Mobility Blues™, a segment of working-class neighborhoods in America's satellite cities. Racially mixed and under 25 years old, these transient Americans tend to have modest lifestyles due to their lower-income blue-collar jobs. Surveys show they excel in going to movies, playing basketball and shooting pool.
- 57 OLD MILLTOWNS™ – America's once-thriving mining and manufacturing towns have aged—as have the residents in Old Milltowns™ communities. Today, the majority of residents are retired singles and couples living on downscale incomes in pre-1960 homes and apartments. For leisure they enjoy gardening, sewing, socializing at veterans clubs or eating out at casual restaurants.
- 60 PARK BENCH SENIORS™ – Park Bench Seniors™ are typically retired singles living in the racially mixed neighborhoods of the nation's satellite cities. With modest educations and incomes, these residents maintain low-key, sedentary lifestyles. Theirs is one of the top-ranked segments for TV viewing, especially daytime soaps and game shows.
- 62 HOMETOWN RETIRED™ – With three-quarters of all residents over 65 years old, Hometown Retired™ is one of the oldest segments. These racially mixed seniors tend to live in aging homes—half were built before 1958—and typically get by on social security and modest pensions. Because most never made it beyond high school and spent their working lives at blue-collar jobs, their retirements are extremely modest.
- 63 FAMILY THRIFTS™ – The small-city cousins of inner-city districts, Family Thrifts™ contain young, ethnically diverse parents who have lots of children and work entry-level service jobs. In these apartment-filled neighborhoods, visitors find the streets jam-packed with babies and toddlers, tricycles and basketball hoops, Daewoos and Hyundais.

Buxton utilizes the Nielsen Claritas® PRIZM® segmentation system in this analysis. PRIZM® is a registered trademark of Nielsen Claritas. PRIZM segment names (Blue Blood Estates™, Big Sky Families™, Country Squires™, etc.) are trademarks of Nielsen Claritas.



Demographics

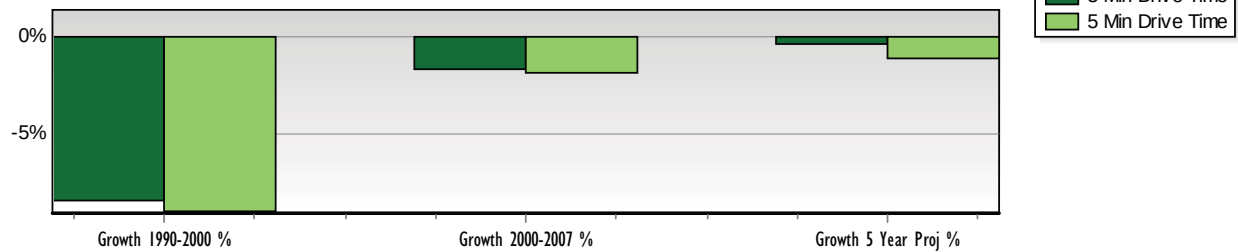
Analysis Geography: 9th & Church
Lynchburg, VA

Date: 2/9/2009

Population Profile

	3 Min Drive Time	5 Min Drive Time
2012 Projection	10,501	20,356
2007 Estimate	10,549	20,603
2000 Census	10,736	21,021
1990 Census	11,745	23,126

Population Change



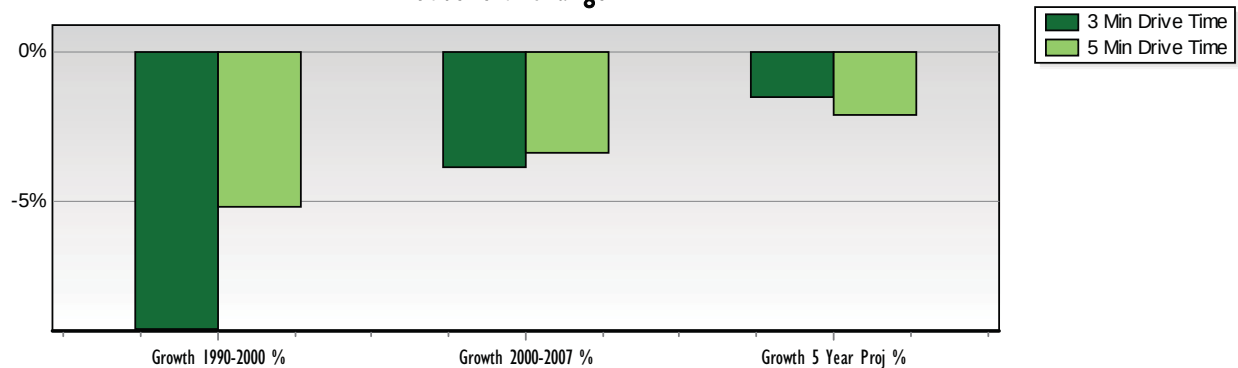
Work Place Population

	3 Min Drive Time	5 Min Drive Time
Total	10,320	27,289

Household Profile

2012 Projection	3,879	7,780
2007 Estimate	3,941	7,951
2000 Census	4,101	8,233
1990 Census	4,521	8,688

Household Change





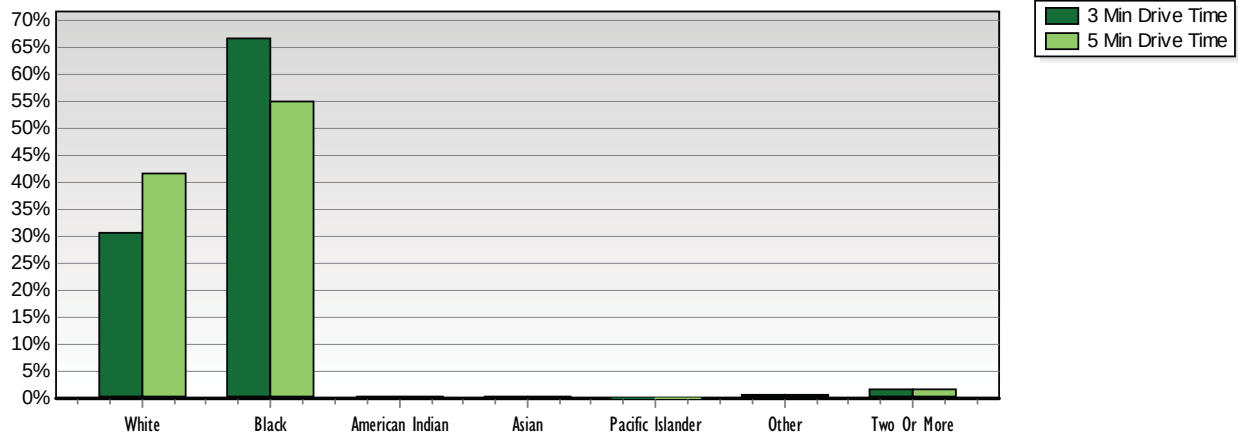
Demographics

Analysis Geography: 9th & Church
Lynchburg, VA

Date: 2/9/2009

	3 Min Drive Time	5 Min Drive Time
Population By Race (Current)		
White	3,226	8,598
Black	7,031	11,341
American Indian	33	92
Asian	29	99
Pacific Islander	4	4
Other	60	124
Two Or More	166	345
Total Population By Race	10,549	20,603

Population By Race (Current)



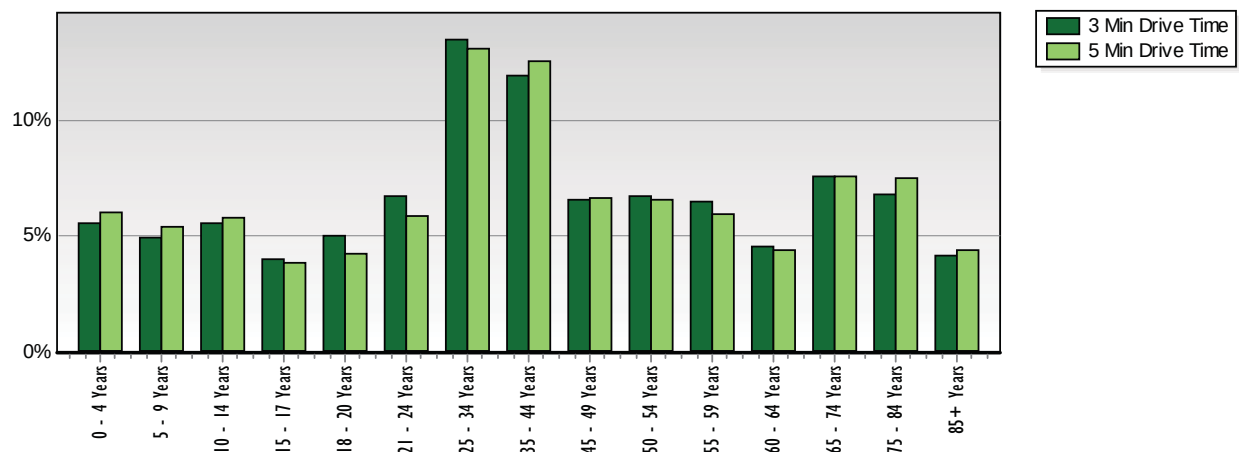
	3 Min Drive Time	5 Min Drive Time
Population By Hispanic Origin (Current)		
Hispanic Origin	155	281
Non Hispanic Origin	10,394	20,322

Analysis Geography: 9th & Church
Lynchburg, VA

Date: 2/9/2009

Population By Age (Current)	3 Min Drive Time	5 Min Drive Time
0 to 4 years	584	1,243
5 to 9 years	519	1,120
10 to 14 years	584	1,199
15 to 17 years	425	804
18 to 20 years	528	874
21 to 24 years	708	1,208
25 to 34 years	1,420	2,695
35 to 44 years	1,254	2,584
45 to 49 years	697	1,367
50 to 54 years	708	1,349
55 to 59 years	687	1,226
60 to 64 years	482	912
65 to 74 years	798	1,569
75 to 84 years	717	1,542
85+ Years	438	911
Total Population By Age	10,549	20,603
Average Age	40.8	41.1
Median Age	39.8	39.6

Population By Age (Current)





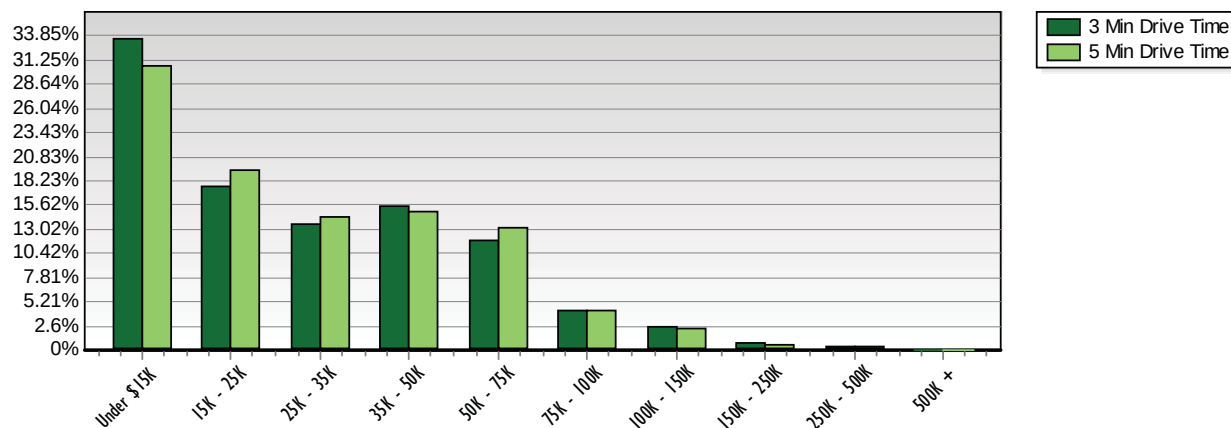
Demographics

Analysis Geography: 9th & Church
Lynchburg, VA

Date: 2/9/2009

Households By Income (Current)	3 Min Drive Time	5 Min Drive Time
Under \$15,000	1,322	2,431
\$15,000 to \$24,999	692	1,542
\$25,000 to \$34,999	532	1,141
\$35,000 to \$49,999	614	1,192
\$50,000 to \$74,999	467	1,046
\$75,000 to \$99,999	165	338
\$100,000 to \$149,999	103	179
\$150,000 to \$249,999	27	49
\$250,000 to \$499,999	17	29
\$500,000 +	2	4
Total Households By Income	3,941	7,951
Average Household Income	\$33,761	\$34,028
Per Capita Income	\$14,429	\$14,980
Median Household Income	\$24,505	\$25,283

Households By Income (Current)





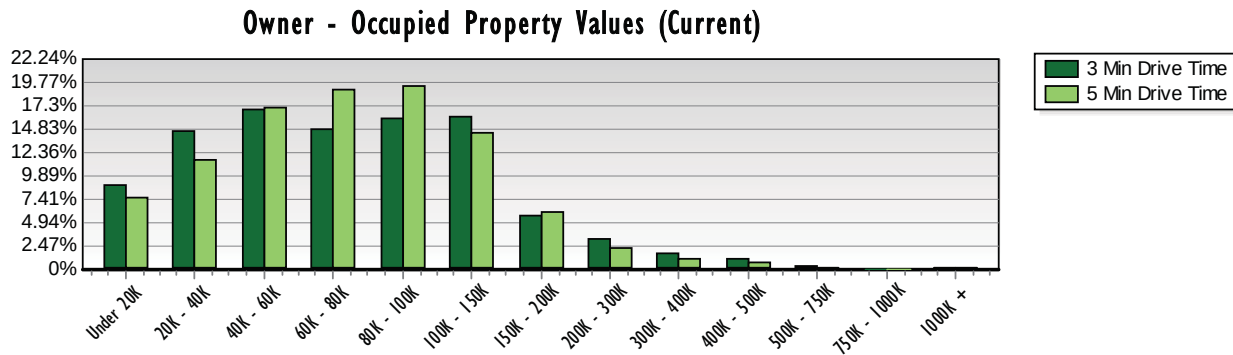
Demographics

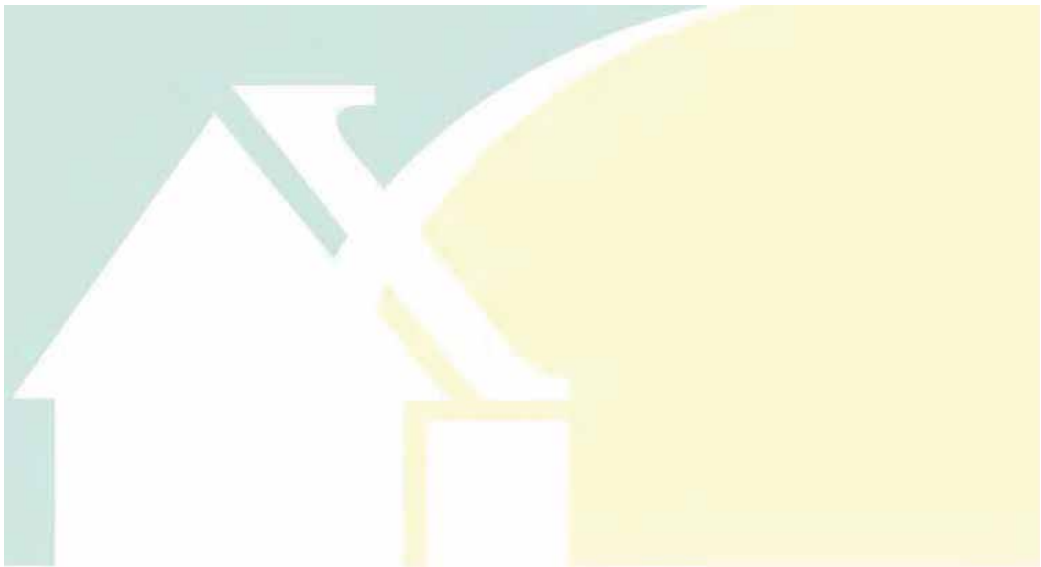
Analysis Geography: 9th & Church
Lynchburg, VA

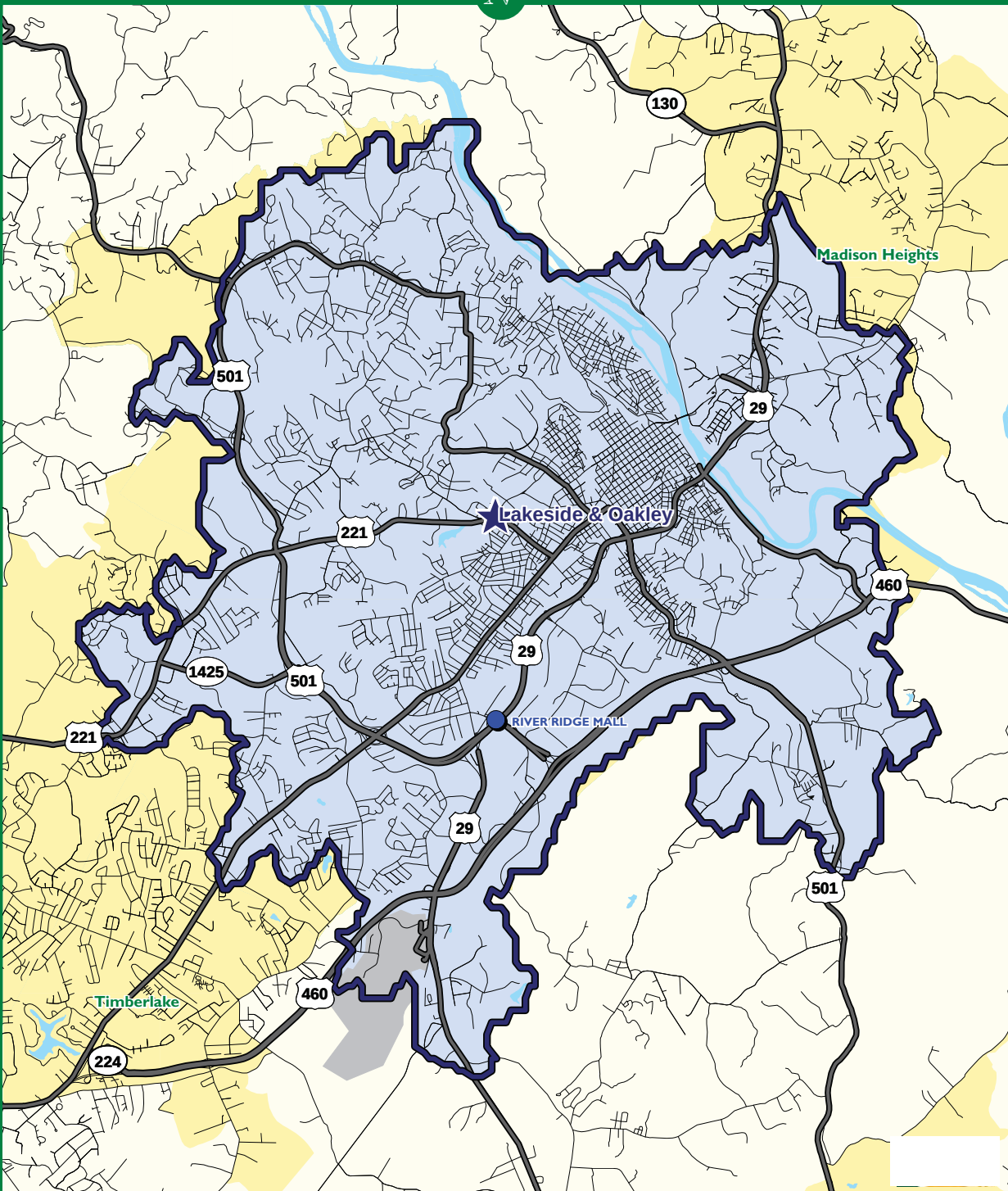
Date: 2/9/2009

Housing Units By Occupancy (Current)	3 Min Drive Time	5 Min Drive Time
Owner - Occupied	40.3%	41.0%
Renter - Occupied	40.4%	44.3%
Vacant	19.3%	14.7%

Owner - Occupied Property Values (Current)	3 Min Drive Time	5 Min Drive Time
Under \$20,000	176	289
\$20,000 to \$39,999	289	446
\$40,000 to \$59,999	335	655
\$60,000 to \$79,999	293	729
\$80,000 to \$99,999	313	741
\$100,000 to \$149,999	320	554
\$150,000 to \$199,999	113	231
\$200,000 to \$299,999	64	86
\$300,000 to \$399,999	33	42
\$400,000 to \$499,999	22	32
\$500,000 to \$749,999	6	9
\$750,000 to \$999,999	0	2
\$1,000,000 +	5	5
Total Owner - Occupied Property Values	1,969	3,821
Median Property Value	70,815	77,440







Lynchburg, Virginia: Trade Area



Shopping Centers

GLA in thousands



□ 12 Minute Drive Time

★ Site 2

Miles



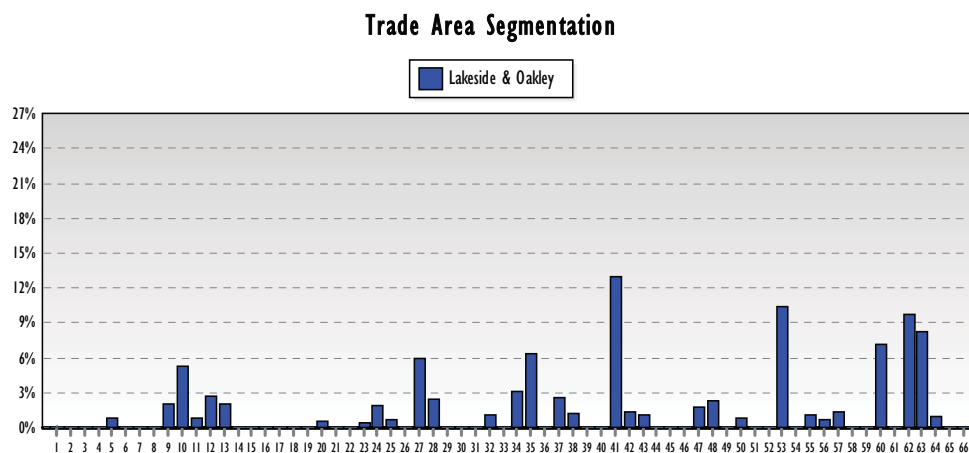
Site 2 Analysis: Lakeside & Oakley

Drive-Time Trade Area

The map on the opposite page depicts the primary trade area for Site 2. The primary trade area consists of a twelve-minute polygon, determined by Buxton's proprietary drive-time technology.

Psychographics

The psychographic profile of the households within a twelve-minute drive-time of Site 2 is presented below.



Source: Claritas, Inc, PRIZM® NE, © 2008

Dominant Segments

A segment that represents at least three percent of a trade area is a dominant segment. Following is a description of the dominant segments for Site 2.

Dominant Segments	Description	Households	% of All Households
10	SECOND CITY ELITE	1,357	5.33%
27	MIDDLEBURG MANAGERS	1,512	5.93%
34	WHITE PICKET FENCES	781	3.07%
35	BOOMTOWN SINGLES	1,626	6.38%
41	SUNSET CITY BLUES	3,320	13.03%
53	MOBILITY BLUES	2,664	10.46%
60	PARK BENCH SENIORS	1,813	7.12%
62	HOMETOWN RETIRED	2,486	9.76%
63	FAMILY THRIFTS	2,089	8.20%

Source: Claritas, Inc, PRIZM® NE, © 2008

Site 2 Analysis (continued)

Leakage Analysis

The following table represents an overview by store type of the leakage or surplus within the studied trade area. This is represented by an index with 1.0 being the baseline. A leakage is reflected by an index less than 1.0 and a surplus is reflected by an index greater than 1.0. Please see Appendix A for detailed demand and actual sales by category.



*GAFO refers to discount retailers that typically include the following departments: general merchandise; clothing and clothing accessories; furniture and home furnishings; electronics and appliances; sporting goods, hobby, books and music; and office supplies

Source: Claritas, Inc, RETAIL MARKET POWER, © 2008

The following table presents the trade potential variables for Site 2:

Trade Potential Variables	Site 2
Estimated Household Count	25,479
Number of Households in Dominant Segments	17,648
Traffic Count	17,000
Total Demand	\$1,096,444,728
Actual Sales	\$1,949,507,788
Estimated Leakage/Surplus Amount	\$853,063,060

Source: Claritas, Inc, RETAIL MARKET POWER, PRIZM® NE, © 2008

Household Segmentation – Site Two

Brief Descriptions

- 10 SECOND CITY ELITE™ – There's money to be found in the nation's smaller cities, and you're most likely to find it in Second City Elite™. The residents of these satellite cities tend to be prosperous executives who decorate their \$200,000 homes with multiple computers, large-screen TV sets and an impressive collection of wines. With more than half holding college degrees, Second City Elite™ residents enjoy cultural activities—from reading books to attending theater and dance productions.
- 27 MIDDLEBURG MANAGERS™ – Middleburg Managers™ arose when empty-nesters settled in satellite communities which offered a lower cost of living and more relaxed pace. Today segment residents tend to be middle-class and over 55 years old with solid managerial jobs and comfortable retirements. In their older homes, they enjoy reading, playing musical instruments, indoor gardening and refinishing furniture.
- 34 WHITE PICKET FENCES™ – Midpoint on the socioeconomic ladder, residents in White Picket Fences™ look a lot like the stereotypical American household of a generation ago: young, middle-class, married with children. But the current version is characterized by modest homes and ethnic diversity—including a disproportionate number of Hispanics and African-Americans.
- 35 BOOMTOWN SINGLES™ – Affordable housing, abundant entry-level jobs and a thriving singles scene— all have given rise to the Boomtown Singles™ segment in fast-growing satellite cities. Young, single and working-class, these residents pursue active lifestyles amid sprawling apartment complexes, bars, convenience stores and laundromats.
- 41 SUNSET CITY BLUES™ – Scattered throughout the older neighborhoods of small cities, Sunset City Blues™ is a segment of lower-middle-class singles and couples who have retired or are getting close to retirement. These empty-nesters tend to own their homes but have modest educations and incomes. They maintain a low-key lifestyle filled with newspapers and television by day, and family-style restaurants at night.

Household Segmentation

Brief Descriptions

- 53 MOBILITY BLUES™ – Young singles and single parents make their way to Mobility Blues™, a segment of working-class neighborhoods in America's satellite cities. Racially mixed and under 25 years old, these transient Americans tend to have modest lifestyles due to their lower-income blue-collar jobs. Surveys show they excel in going to movies, playing basketball and shooting pool.
- 60 PARK BENCH SENIORS™ – Park Bench Seniors™ are typically retired singles living in the racially mixed neighborhoods of the nation's satellite cities. With modest educations and incomes, these residents maintain low-key, sedentary lifestyles. They are one of the top-ranked segments for TV viewing, especially daytime soaps and game shows.
- 62 HOMETOWN RETIRED™ – With three-quarters of all residents over 65 years old, Hometown Retired™ is one of the oldest segments. These racially mixed seniors tend to live in aging homes—half were built before 1958—and typically get by on social security and modest pensions. Because most never made it beyond high school and spent their working lives at blue-collar jobs, their retirements are extremely modest.
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Buxton utilizes the Nielsen Claritas® PRIZM® segmentation system in this analysis. PRIZM® is a registered trademark of Nielsen Claritas. PRIZM segment names (Blue Blood Estates™, Big Sky Families™, Country Squires™, etc.) are trademarks of Nielsen Claritas.



Demographics

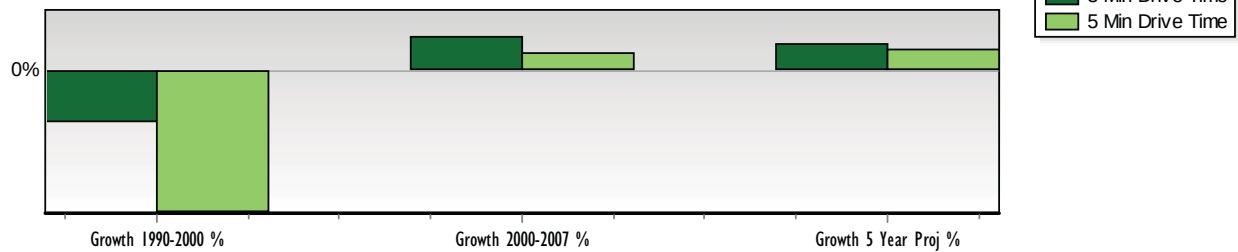
Analysis Geography: Lakeside & Oakley
Lynchburg, VA

Date: 2/9/2009

Population Profile

	3 Min Drive Time	5 Min Drive Time
2012 Projection	12,238	23,634
2007 Estimate	12,143	23,492
2000 Census	12,028	23,375
1990 Census	12,197	24,311

Population Change



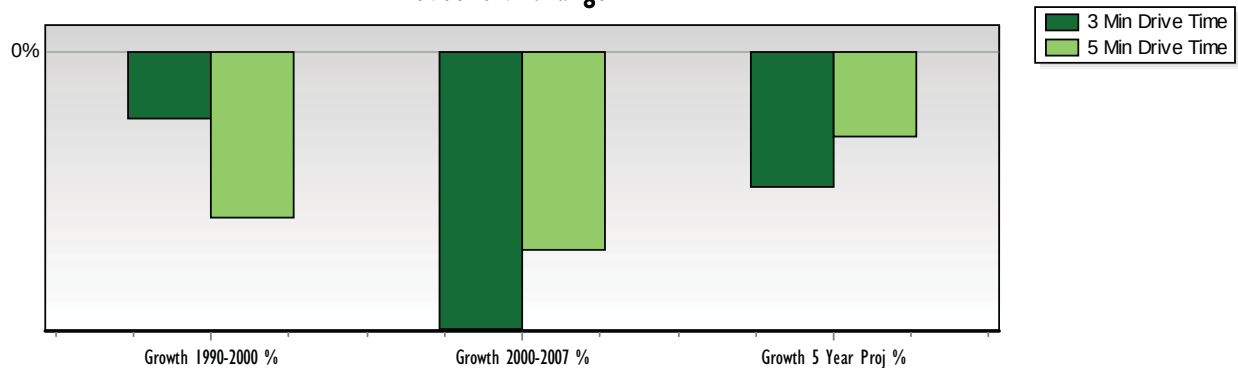
Work Place Population

	3 Min Drive Time	5 Min Drive Time
Total	15,953	20,312

Household Profile

2012 Projection	4,402	8,997
2007 Estimate	4,487	9,105
2000 Census	4,667	9,364
1990 Census	4,712	9,587

Household Change





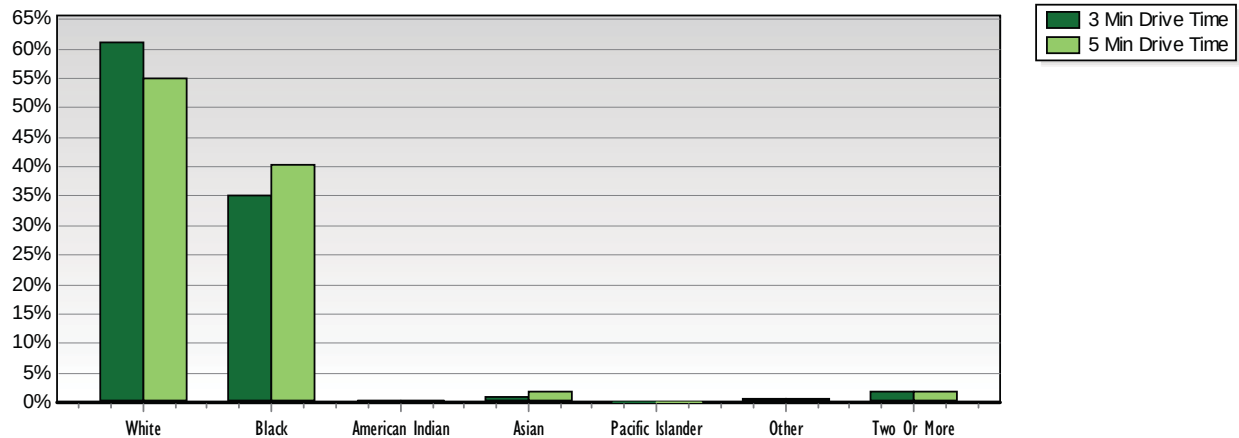
Demographics

Analysis Geography: Lakeside & Oakley
Lynchburg, VA

Date: 2/9/2009

	3 Min Drive Time	5 Min Drive Time
Population By Race (Current)		
White	7,422	12,956
Black	4,271	9,465
American Indian	34	59
Asian	104	440
Pacific Islander	3	8
Other	70	124
Two Or More	239	440
Total Population By Race	12,143	23,492

Population By Race (Current)



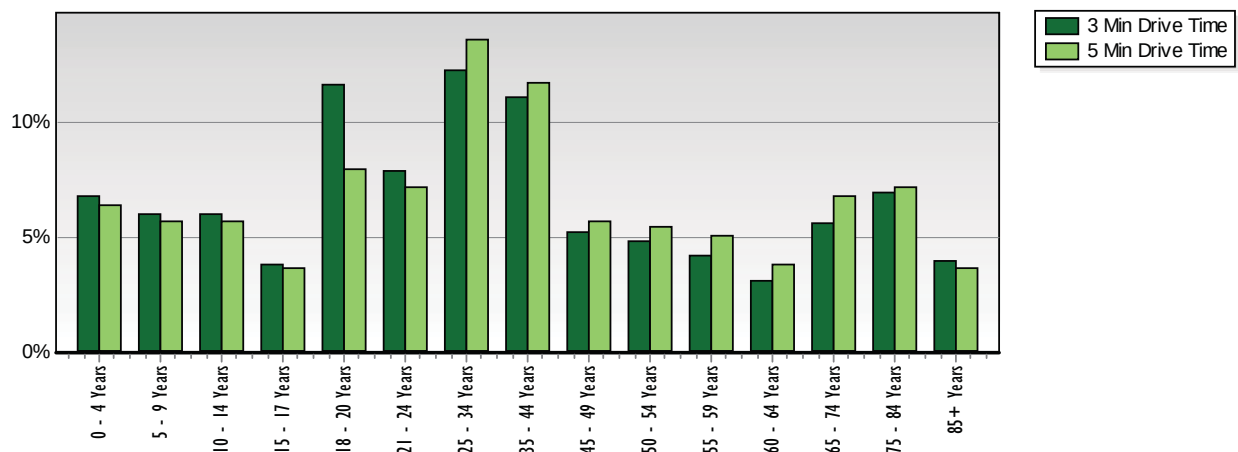
	3 Min Drive Time	5 Min Drive Time
Population By Hispanic Origin (Current)		
Hispanic Origin	168	320
Non Hispanic Origin	11,975	23,172

Analysis Geography: Lakeside & Oakley
Lynchburg, VA

Date: 2/9/2009

Population By Age (Current)	3 Min Drive Time	5 Min Drive Time
0 to 4 years	827	1,514
5 to 9 years	736	1,350
10 to 14 years	730	1,343
15 to 17 years	469	874
18 to 20 years	1,422	1,871
21 to 24 years	958	1,695
25 to 34 years	1,493	3,202
35 to 44 years	1,354	2,765
45 to 49 years	642	1,336
50 to 54 years	591	1,289
55 to 59 years	517	1,198
60 to 64 years	381	896
65 to 74 years	687	1,605
75 to 84 years	849	1,694
85+ Years	487	860
Total Population By Age	12,143	23,492
Average Age	36.8	38.6
Median Age	34.4	36.7

Population By Age (Current)

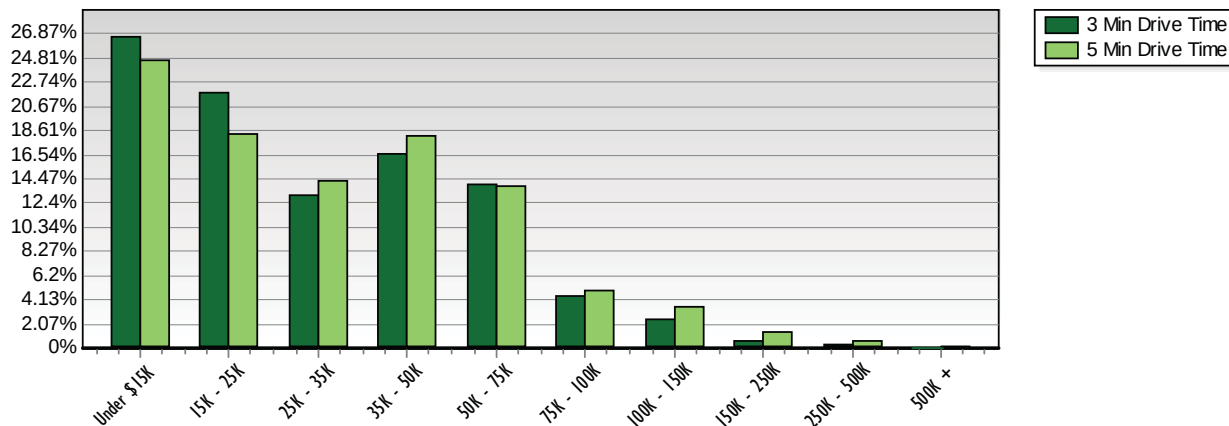


Analysis Geography: Lakeside & Oakley
Lynchburg, VA

Date: 2/9/2009

Households By Income (Current)	3 Min Drive Time	5 Min Drive Time
Under \$15,000	1,195	2,239
\$15,000 to \$24,999	978	1,670
\$25,000 to \$34,999	585	1,301
\$35,000 to \$49,999	749	1,651
\$50,000 to \$74,999	626	1,265
\$75,000 to \$99,999	198	448
\$100,000 to \$149,999	113	327
\$150,000 to \$249,999	28	126
\$250,000 to \$499,999	13	59
\$500,000 +	2	19
Total Households By Income	4,487	9,105
Average Household Income	\$35,267	\$40,758
Per Capita Income	\$15,662	\$20,153
Median Household Income	\$27,382	\$30,491

Households By Income (Current)



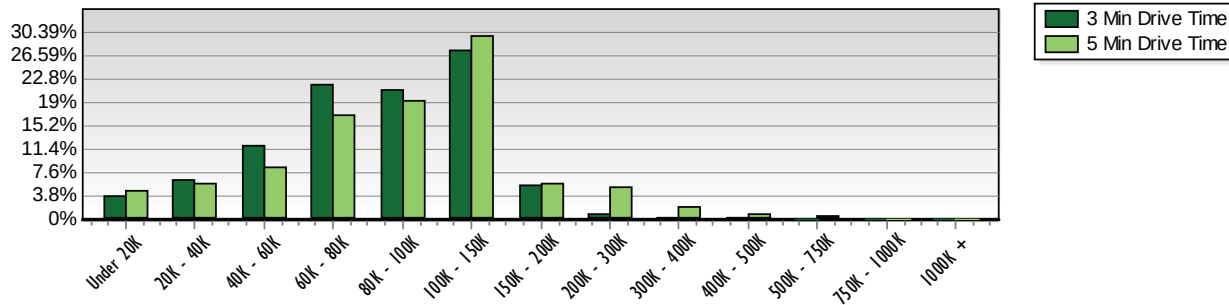
Analysis Geography: Lakeside & Oakley
Lynchburg, VA

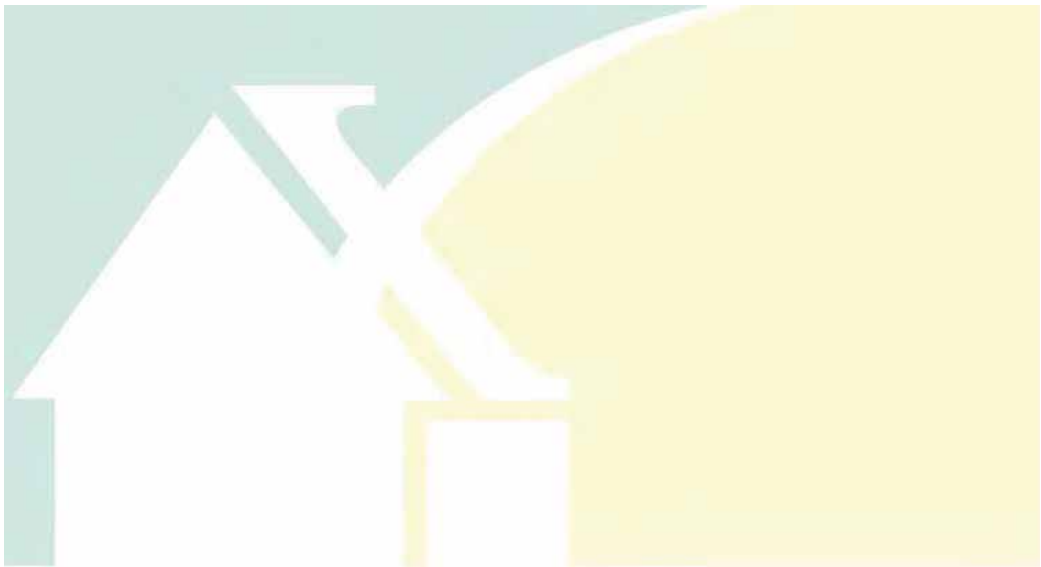
Date: 2/9/2009

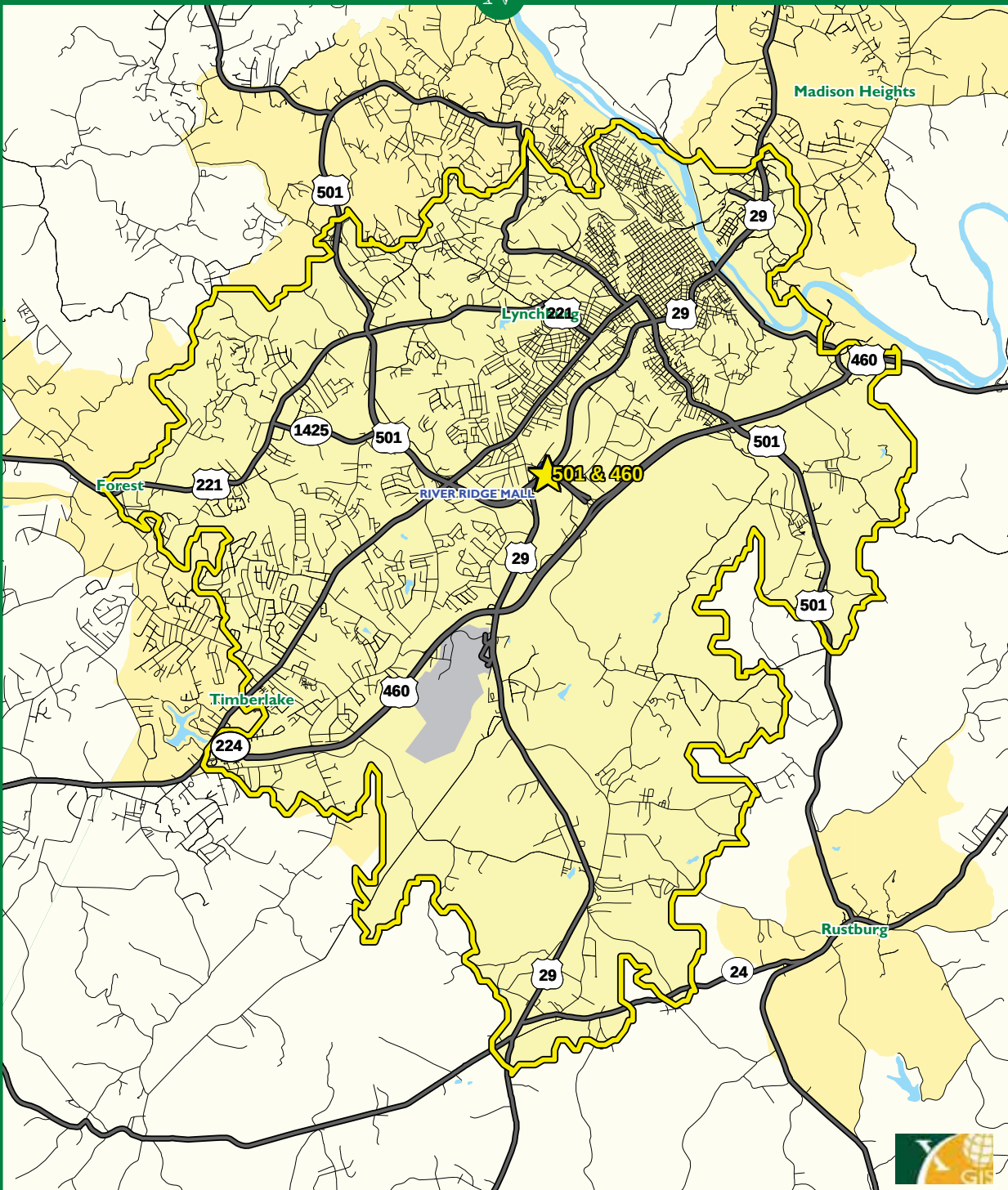
Housing Units By Occupancy (Current)	3 Min Drive Time	5 Min Drive Time
Owner - Occupied	43.3%	44.1%
Renter - Occupied	48.3%	43.8%
Vacant	8.4%	12.1%

Owner - Occupied Property Values (Current)	3 Min Drive Time	5 Min Drive Time
Under \$20,000	78	212
\$20,000 to \$39,999	139	270
\$40,000 to \$59,999	257	385
\$60,000 to \$79,999	467	776
\$80,000 to \$99,999	445	885
\$100,000 to \$149,999	584	1,362
\$150,000 to \$199,999	115	265
\$200,000 to \$299,999	16	245
\$300,000 to \$399,999	7	96
\$400,000 to \$499,999	6	39
\$500,000 to \$749,999	3	27
\$750,000 to \$999,999	2	2
\$1,000,000 +	0	5
Total Owner - Occupied Property Values	2,119	4,569
Median Property Value	87,948	98,673

Owner - Occupied Property Values (Current)







Lynchburg, Virginia: Trade Area



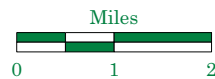
Shopping Centers

GLA in thousands



□ 12 Minute Drive Time

★ Site 3



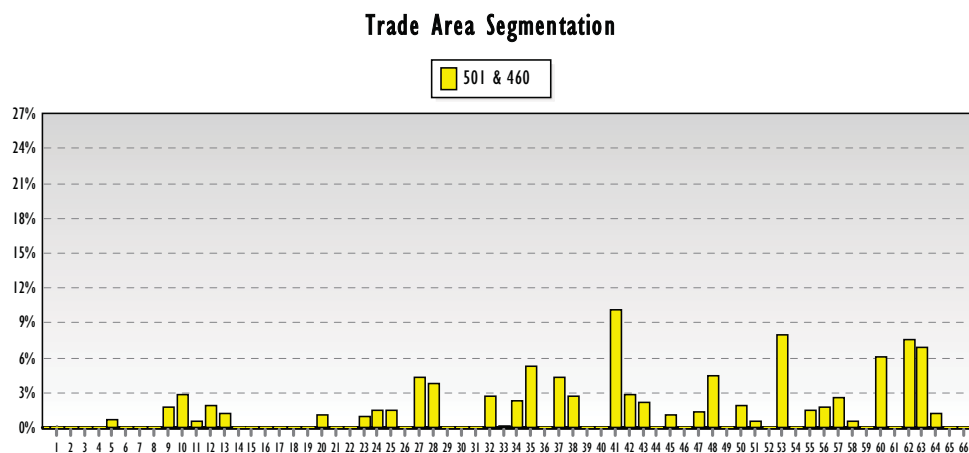
Site 3 Analysis: 501 & 460

Drive-Time Trade Area

The map on the opposite page depicts the primary trade area for Site 3. The primary trade area consists of a twelve-minute polygon, determined by Buxton's proprietary drive-time technology.

Psychographics

The psychographic profile of the households within a twelve-minute drive-time of Site 3 is presented below.



Source: Claritas, Inc. PRIZM® NE, © 2008

Dominant Segments

A segment that represents at least three percent of a trade area is a dominant segment. Following is a description of the dominant segments for Site 3.

Dominant Segments	Description	Households	% of All Households
27	MIDDLEBURG MANAGERS	1,259	4.29%
28	TRADITIONAL TIMES	1,092	3.72%
35	BOOMTOWN SINGLES	1,562	5.32%
37	MAYBERRY-VILLE	1,273	4.33%
41	SUNSET CITY BLUES	2,971	10.11%
48	YOUNG & RUSTIC	1,298	4.42%
53	MOBILITY BLUES	2,350	8.00%
60	PARK BENCH SENIORS	1,770	6.03%
62	HOMETOWN RETIRED	2,241	7.63%
63	FAMILY THRIFTS	2,029	6.91%

Source: Claritas, Inc. PRIZM® NE, © 2008

Site 3 Analysis (continued)

Leakage Analysis

The following table represents an overview by store type of the leakage or surplus within the studied trade area. This is represented by an index with 1.0 being the baseline. A leakage is reflected by an index less than 1.0 and a surplus is reflected by an index greater than 1.0. Please see Appendix A for detailed demand and actual sales by category.



*GAFO refers to discount retailers that typically include the following departments: general merchandise; clothing and clothing accessories; furniture and home furnishings; electronics and appliances; sporting goods, hobby, books and music; and office supplies

Source: Claritas, Inc, RETAIL MARKET POWER, © 2008

The following table presents the trade potential variables for Site 3:

Trade Potential Variables	Site 3
Estimated Household Count	29,374
Number of Households in Dominant Segments	17,845
Traffic Count	43,000
Total Demand	\$1,212,838,382
Actual Sales	\$2,057,239,525
Estimated Leakage/Surplus Amount	\$844,401,143

Source: Claritas, Inc, RETAIL MARKET POWER, PRIZM® NE, © 2008

Household Segmentation – Site Three

Brief Descriptions

- 27 MIDDLEBURG MANAGERS™ – Middleburg Managers™ arose when empty-nesters settled in satellite communities which offered a lower cost of living and more relaxed pace. Today segment residents tend to be middle-class and over 55 years old with solid managerial jobs and comfortable retirements. In their older homes, they enjoy reading, playing musical instruments, indoor gardening and refinishing furniture.
- 28 TRADITIONAL TIMES™ – Traditional Times™ is the kind of lifestyle where small-town couples nearing retirement are beginning to enjoy their first empty-nest years. Typically in their fifties and sixties, these middle-class Americans pursue a kind of granola-and-grits lifestyle. On their coffee tables are magazines with titles ranging from *Country Living* and *Country Home* to *Gourmet* and *Forbes*. But they're big travelers, especially in recreational vehicles and campers.
- 35 BOOMTOWN SINGLES™ – Affordable housing, abundant entry-level jobs and a thriving singles scene— all have given rise to the Boomtown Singles™ segment in fast-growing satellite cities. Young, single and working-class, these residents pursue active lifestyles amid sprawling apartment complexes, bars, convenience stores and laundromats.
- 37 MAYBERRY-VILLE™ – Like the old Andy Griffith Show set in a quaint picturesque berg, Mayberry-ville™ harks back to an old-fashioned way of life. In these small towns, middle-class couples and families like to fish and hunt during the day, and stay home and watch TV at night. With lucrative blue-collar jobs and moderately priced housing, residents use their discretionary cash to purchase boats, campers, motorcycles and pickup trucks.
- 41 SUNSET CITY BLUES™ – Scattered throughout the older neighborhoods of small cities, Sunset City Blues™ is a segment of lower-middle-class singles and couples who have retired or are getting close to retirement. These empty-nesters tend to own their homes but have modest educations and incomes. They maintain a low-key lifestyle filled with newspapers and television by day, and family-style restaurants at night.

Household Segmentation

Brief Descriptions

- 48 YOUNG & RUSTIC™ – Like the soap opera that inspired its nickname, Young & Rustic™ is composed of young, restless singles. Unlike the glitzy soap denizens, however, these folks tend to be lower income, high school-educated and live in tiny apartments in the nation's exurban towns. With their service industry jobs and modest incomes, these folks still try to fashion fast-paced lifestyles centered on sports, cars and dating.
- 53 MOBILITY BLUES™ – Young singles and single parents make their way to Mobility Blues™, a segment of working-class neighborhoods in America's satellite cities. Racially mixed and under 25 years old, these transient Americans tend to have modest lifestyles due to their lower-income blue-collar jobs. Surveys show they excel in going to movies, playing basketball and shooting pool.
- 60 PARK BENCH SENIORS™ – Park Bench Seniors™ are typically retired singles living in the racially mixed neighborhoods of the nation's satellite cities. With modest educations and incomes, these residents maintain low-key, sedentary lifestyles. Theirs is one of the top-ranked segments for TV viewing, especially daytime soaps and game shows.
- 62 HOMETOWN RETIRED™ – With three-quarters of all residents over 65 years old, Hometown Retired™ is one of the oldest segments. These racially mixed seniors tend to live in aging homes—half were built before 1958—and typically get by on social security and modest pensions. Because most never made it beyond high school and spent their working lives at blue-collar jobs, their retirements are extremely modest.
- 63 FAMILY THRIFTS™ – The small-city cousins of inner-city districts, Family Thrifts™ contain young, ethnically diverse parents who have lots of children and work entry-level service jobs. In these apartment-filled neighborhoods, visitors find the streets jam-packed with babies and toddlers, tricycles and basketball hoops, Daewoos and Hyundais.

Buxton utilizes the Nielsen Claritas® PRIZM® segmentation system in this analysis. PRIZM® is a registered trademark of Nielsen Claritas. PRIZM segment names (Blue Blood Estates™, Big Sky Families™, Country Squires™, etc.) are trademarks of Nielsen Claritas.



Demographics

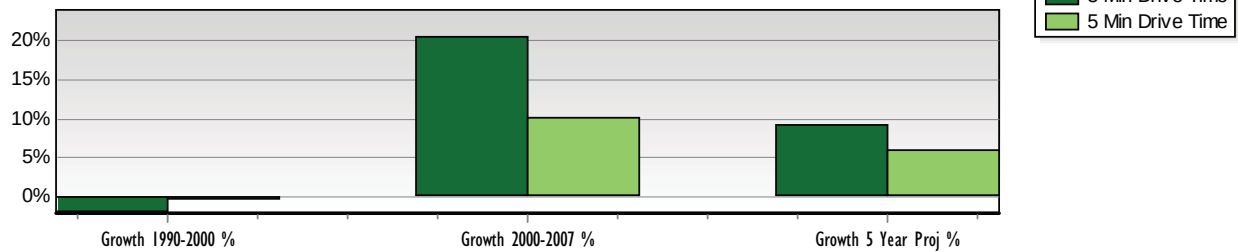
Analysis Geography: 501 & 460
Lynchburg, VA

Date: 2/9/2009

Population Profile

	3 Min Drive Time	5 Min Drive Time
2012 Projection	8,431	15,473
2007 Estimate	7,726	14,603
2000 Census	6,411	13,269
1990 Census	6,549	13,329

Population Change



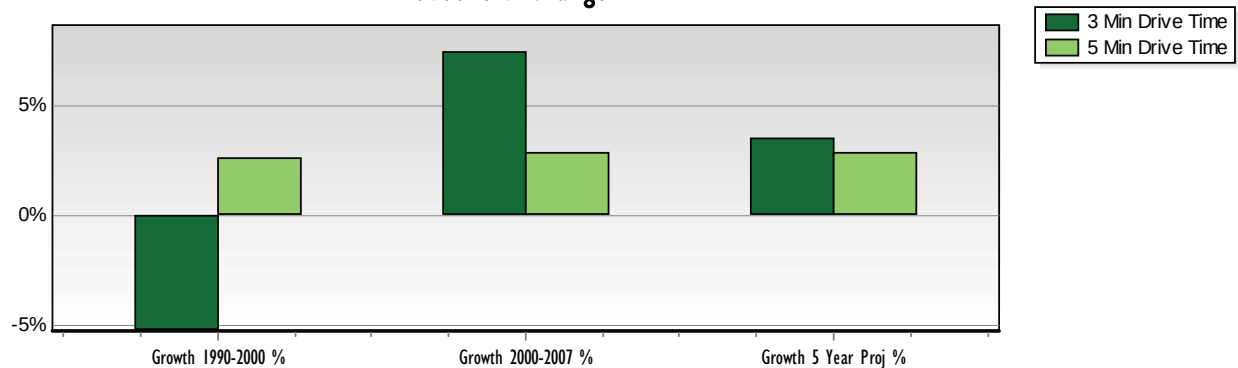
Work Place Population

	3 Min Drive Time	5 Min Drive Time
Total	5,868	13,290

Household Profile

2012 Projection	1,680	4,815
2007 Estimate	1,623	4,683
2000 Census	1,511	4,553
1990 Census	1,594	4,436

Household Change





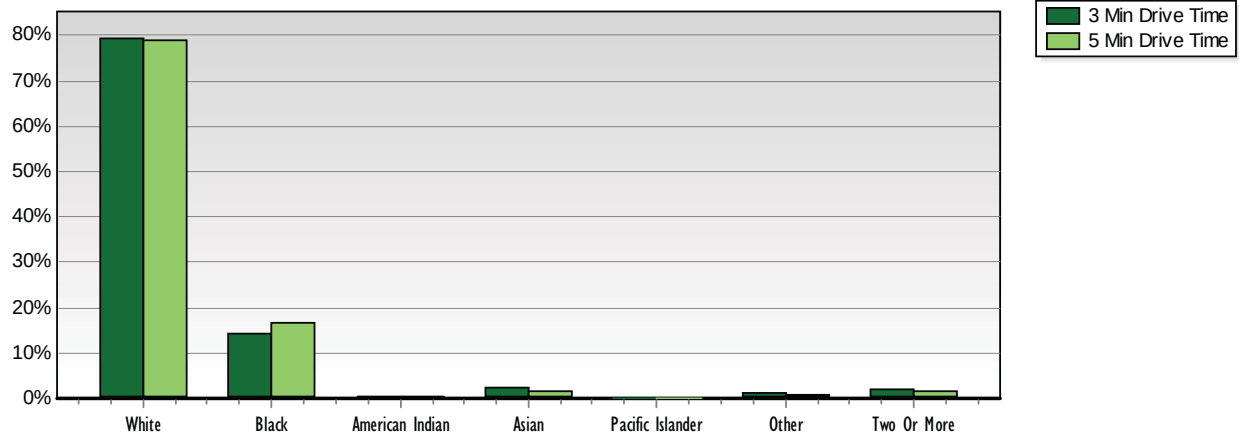
Demographics

Analysis Geography: 501 & 460
Lynchburg, VA

Date: 2/9/2009

Population By Race (Current)	3 Min Drive Time	5 Min Drive Time
White	6,132	11,505
Black	1,118	2,411
American Indian	28	33
Asian	188	246
Pacific Islander	6	15
Other	99	134
Two Or More	155	259
Total Population By Race	7,726	14,603

Population By Race (Current)



Population By Hispanic Origin (Current)	3 Min Drive Time	5 Min Drive Time
Hispanic Origin	274	382
Non Hispanic Origin	7,452	14,221



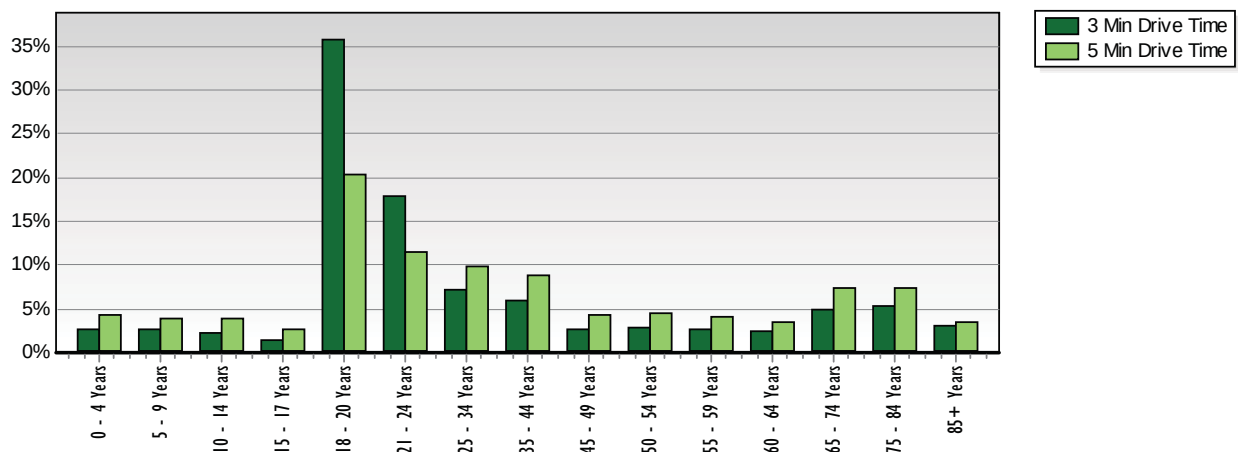
Demographics

Analysis Geography: 501 & 460
Lynchburg, VA

Date: 2/9/2009

Population By Age (Current)	3 Min Drive Time	5 Min Drive Time
0 to 4 years	213	620
5 to 9 years	202	575
10 to 14 years	179	576
15 to 17 years	112	388
18 to 20 years	2,765	2,984
21 to 24 years	1,377	1,696
25 to 34 years	561	1,427
35 to 44 years	461	1,278
45 to 49 years	211	635
50 to 54 years	215	648
55 to 59 years	202	595
60 to 64 years	190	511
65 to 74 years	384	1,077
75 to 84 years	413	1,076
85+ Years	241	517
Total Population By Age	7,726	14,603
Average Age	32.7	37.5
Median Age	30.5	36.3

Population By Age (Current)



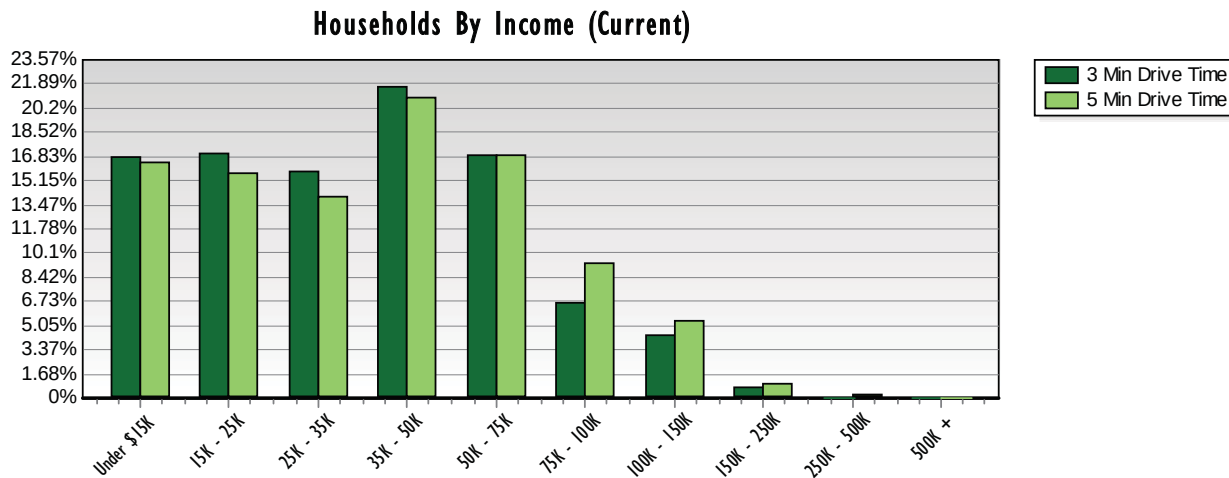


Demographics

Analysis Geography: 501 & 460
Lynchburg, VA

Date: 2/9/2009

Households By Income (Current)	3 Min Drive Time	5 Min Drive Time
Under \$15,000	272	769
\$15,000 to \$24,999	276	732
\$25,000 to \$34,999	257	660
\$35,000 to \$49,999	352	980
\$50,000 to \$74,999	274	793
\$75,000 to \$99,999	107	439
\$100,000 to \$149,999	72	251
\$150,000 to \$249,999	13	45
\$250,000 to \$499,999	0	12
\$500,000 +	0	2
Total Households By Income	1,623	4,683
Average Household Income	\$41,286	\$45,255
Per Capita Income	\$16,202	\$20,103
Median Household Income	\$36,338	\$38,466



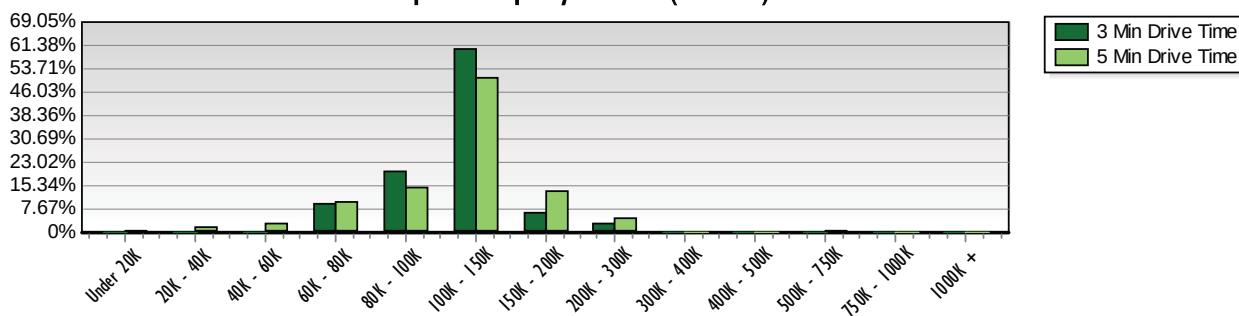
Analysis Geography: 501 & 460
Lynchburg, VA

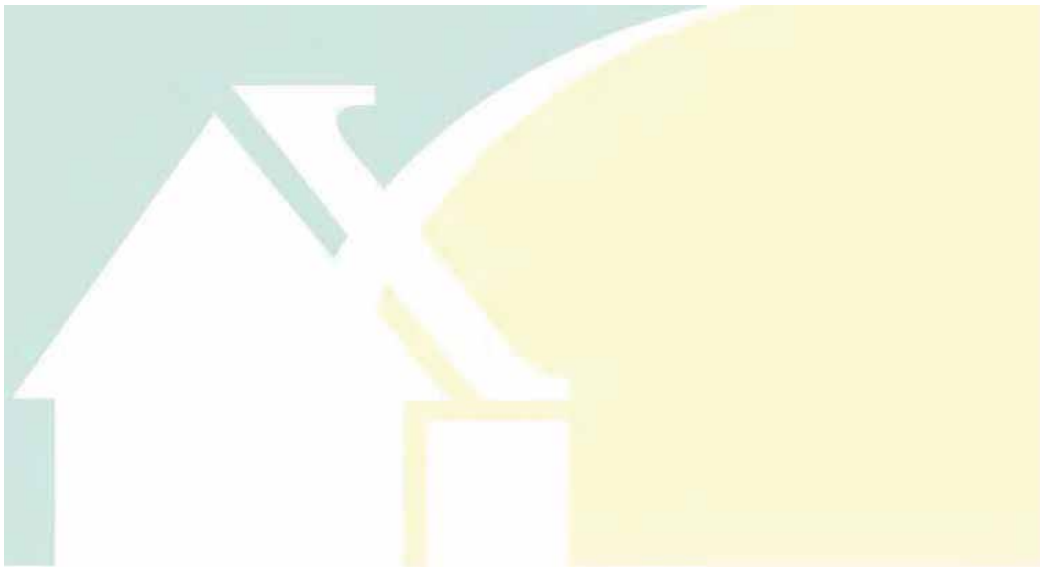
Date: 2/9/2009

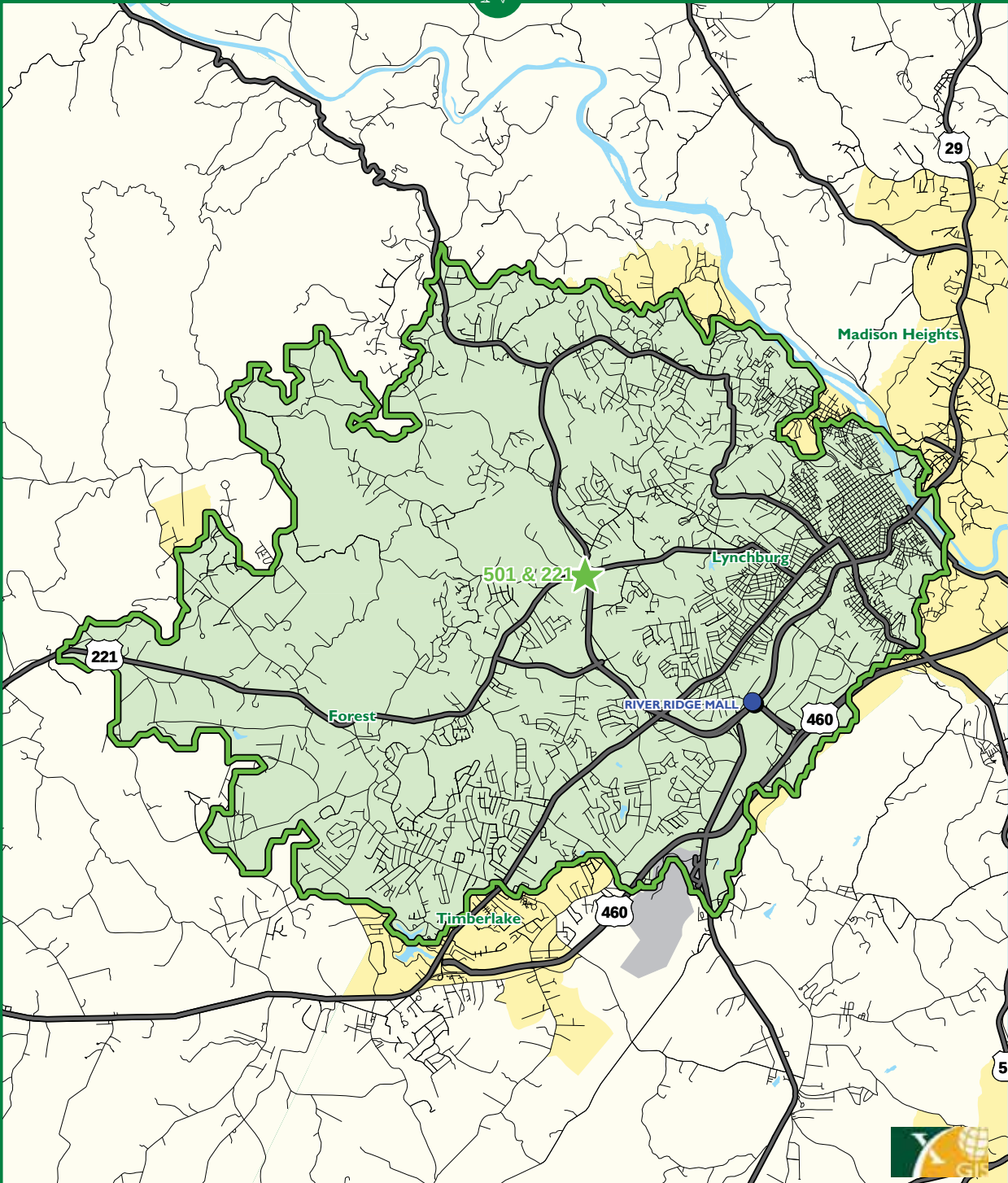
Housing Units By Occupancy (Current)	3 Min Drive Time	5 Min Drive Time
Owner - Occupied	64.4%	64.8%
Renter - Occupied	29.5%	28.8%
Vacant	6.1%	6.4%

Owner - Occupied Property Values (Current)		
Under \$20,000	0	19
\$20,000 to \$39,999	0	62
\$40,000 to \$59,999	3	95
\$60,000 to \$79,999	108	325
\$80,000 to \$99,999	223	484
\$100,000 to \$149,999	670	1,644
\$150,000 to \$199,999	75	437
\$200,000 to \$299,999	34	157
\$300,000 to \$399,999	0	3
\$400,000 to \$499,999	0	5
\$500,000 to \$749,999	0	10
\$750,000 to \$999,999	0	2
\$1,000,000 +	0	0
Total Owner - Occupied Property Values	1,113	3,243
Median Property Value	110,826	114,102

Owner - Occupied Property Values (Current)







Lynchburg, Virginia: Trade Area



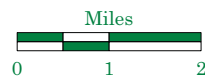
Shopping Centers

GLA in thousands



12 Minute Drive Time

★ Site 4



Site 4 Analysis: 501 & 221

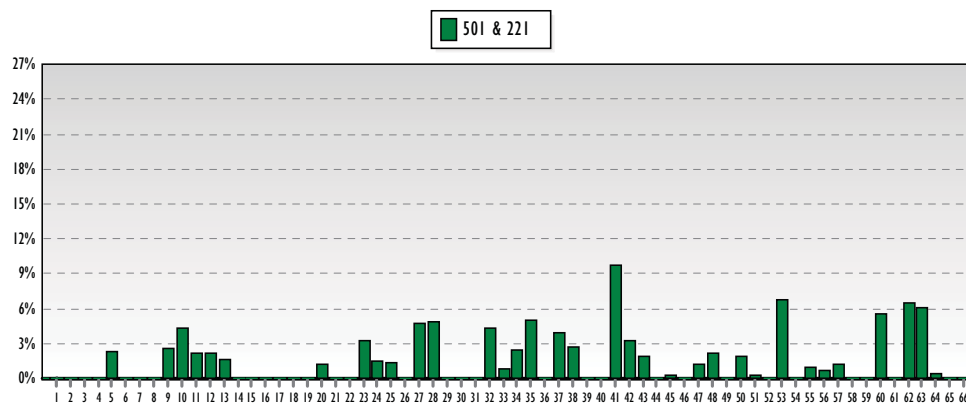
Drive-Time Trade Area

The map on the opposite page depicts the primary trade area for Site 4. The primary trade area consists of a twelve-minute polygon, determined by Buxton's proprietary drive-time technology.

Psychographics

The psychographic profile of the households within a twelve-minute drive-time of Site 4 is presented below.

Trade Area Segmentation



Source: Claritas, Inc. PRIZM® NE, © 2008

Dominant Segments

A segment that represents at least three percent of a trade area is a dominant segment. Following is a description of the dominant segments for Site 4.

Dominant Segments	Description	Households	% of All Households
10	SECOND CITY ELITE	1,350	4.39%
23	GREENBELT SPORTS	979	3.18%
27	MIDDLEBURG MANAGERS	1,451	4.72%
28	TRADITIONAL TIMES	1,502	4.88%
32	NEW HOMESTEADERS	1,340	4.36%
35	BOOMTOWN SINGLES	1,525	4.96%
37	MAYBERRY-VILLE	1,200	3.90%
41	SUNSET CITY BLUES	2,995	9.74%
42	RED, WHITE & BLUES	987	3.21%
53	MOBILITY BLUES	2,079	6.76%
60	PARK BENCH SENIORS	1,692	5.50%
62	HOMETOWN RETIRED	2,008	6.53%
63	FAMILY THRIFTS	1,881	6.12%

Source: Claritas, Inc. PRIZM® NE, © 2008

Site 4 Analysis (continued)

Leakage Analysis

The following table represents an overview by store type of the leakage or surplus within the studied trade area. This is represented by an index with 1.0 being the baseline. A leakage is reflected by an index less than 1.0 and a surplus is reflected by an index greater than 1.0. Please see Appendix A for detailed demand and actual sales by category.



*GAFO refers to discount retailers that typically include the following departments: general merchandise; clothing and clothing accessories; furniture and home furnishings; electronics and appliances; sporting goods, hobby, books and music; and office supplies

Source: Claritas, Inc, RETAIL MARKET POWER, © 2008

The following table presents the trade potential variables for Site 4:

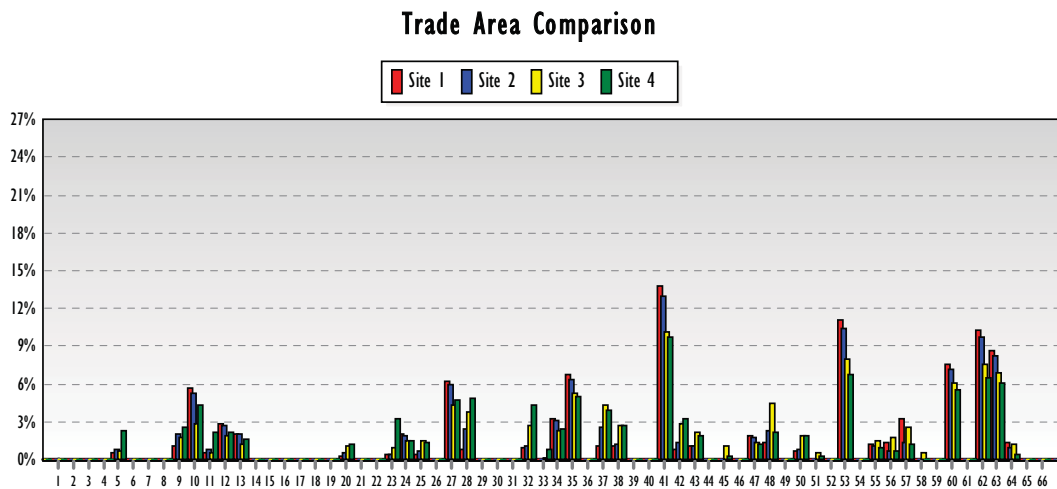
Trade Potential Variables	Site 4
Estimated Household Count	30,754
Number of Households in Dominant Segments	20,989
Traffic Count	23,000
Total Demand	\$1,379,088,004
Actual Sales	\$2,063,297,783
Estimated Leakage/Surplus Amount	\$684,209,779

Source: Claritas, Inc, RETAIL MARKET POWER, PRIZM® NE, © 2008

Site Comparison

Trade Area Segmentation

This side by side comparison of the four trade areas shows the compositions and characteristics of the households to be very similar. This is not unusual and can be expected in an area with potential sites in close proximity.



12- Minute Trade Area Statistics with Trade Area Rank

Trade Potential Variables	Site	Site 2	Site 3	Site 4
Estimated Household Count	24,130	25,479	29,374	30,754
Number of Households in Dominant Segments	18,420	17,648	17,845	20,989
Traffic Count	6,200	17,000	43,000	23,000
Total Demand	\$987,568,372	\$1,096,444,728	\$1,212,838,382	\$1,379,088,004
Actual Sales	\$1,888,655,249	\$1,949,507,788	\$2,057,239,525	\$2,063,297,783
Estimated Leakage/Surplus Amount	\$901,086,877	\$853,063,060	\$844,401,143	\$684,209,779

Source: Claritas, Inc, RETAIL MARKET POWER, PRIZM® NE, © 2008

Household Segmentation – Site Four

Brief Descriptions

- 10 SECOND CITY ELITE™ – There's money to be found in the nation's smaller cities, and you're most likely to find it in Second City Elite™. The residents of these satellite cities tend to be prosperous executives who decorate their \$200,000 homes with multiple computers, large-screen TV sets and an impressive collection of wines. With more than half holding college degrees, Second City Elite™ residents enjoy cultural activities—from reading books to attending theater and dance productions.
- 23 GREENBELT SPORTS™ – A segment of middle-class exurban couples, Greenbelt Sports™ is known for its active lifestyle. Most of these middle-aged residents are married, college-educated and own new homes; about a third have children. And few segments have higher rates for pursuing outdoor activities such as skiing, canoeing, backpacking, boating and mountain biking.
- 27 MIDDLEBURG MANAGERS™ – Middleburg Managers™ arose when empty-nesters settled in satellite communities which offered a lower cost of living and more relaxed pace. Today segment residents tend to be middle-class and over 55 years old with solid managerial jobs and comfortable retirements. In their older homes, they enjoy reading, playing musical instruments, indoor gardening and refinishing furniture.
- 28 TRADITIONAL TIMES™ – Traditional Times™ is the kind of lifestyle where small-town couples nearing retirement are beginning to enjoy their first empty-nest years. Typically in their fifties and sixties, these middle-class Americans pursue a kind of granola-and-grits lifestyle. On their coffee tables are magazines with titles ranging from *Country Living* and *Country Home* to *Gourmet* and *Forbes*. But they're big travelers, especially in recreational vehicles and campers.
- 32 NEW HOMESTEADERS™ – Young, middle-class families seeking to escape suburban sprawl find refuge in New Homesteaders™, a collection of small rustic townships filled with new ranches and Cape Cods. With decent-paying jobs in white-collar and service industries, these dual-income couples have fashioned comfortable, child-centered lifestyles, their driveways filled with campers and powerboats, their family rooms with PlayStations and Game Boys.

Household Segmentation

Brief Descriptions

- 35 **BOOMTOWN SINGLES™** – Affordable housing, abundant entry-level jobs and a thriving singles scene— all have given rise to the Boomtown Singles™ segment in fast-growing satellite cities. Young, single and working-class, these residents pursue active lifestyles amid sprawling apartment complexes, bars, convenience stores and laundromats.
- 37 **MAYBERRY-VILLE™** – Like the old Andy Griffith Show set in a quaint picturesque berg, Mayberry-ville™ harks back to an old-fashioned way of life. In these small towns, middle-class couples and families like to fish and hunt during the day, and stay home and watch TV at night. With lucrative blue-collar jobs and moderately priced housing, residents use their discretionary cash to purchase boats, campers, motorcycles and pickup trucks.
- 41 **SUNSET CITY BLUES™** – Scattered throughout the older neighborhoods of small cities, Sunset City Blues™ is a segment of lower-middle-class singles and couples who have retired or are getting close to retirement. These empty-nesters tend to own their homes but have modest educations and incomes. They maintain a low-key lifestyle filled with newspapers and television by day, and family-style restaurants at night.
- 42 **RED, WHITE & BLUES™** – The residents of Red, White & Blues™ typically live in exurban towns rapidly morphing into bedroom suburbs. Their streets feature new fast-food restaurants, and locals have recently celebrated the arrival of chains like Wal-Mart, Radio Shack and Payless Shoes. Middle-aged, high school educated and lower-middle class, these folks tend to have solid, blue-collar jobs in manufacturing, milling and construction.
- 53 **MOBILITY BLUES™** – Young singles and single parents make their way to Mobility Blues™, a segment of working-class neighborhoods in America's satellite cities. Racially mixed and under 25 years old, these transient Americans tend to have modest lifestyles due to their lower-income blue-collar jobs. Surveys show they excel in going to movies, playing basketball and shooting pool.

Household Segmentation

Brief Descriptions

- 60 PARK BENCH SENIORS™ – Park Bench Seniors™ are typically retired singles living in the racially mixed neighborhoods of the nation's satellite cities. With modest educations and incomes, these residents maintain low-key, sedentary lifestyles. Theirs is one of the top-ranked segments for TV viewing, especially daytime soaps and game shows.
- 62 HOMETOWN RETIRED™ – With three-quarters of all residents over 65 years old, Hometown Retired™ is one of the oldest segments. These racially mixed seniors tend to live in aging homes—half were built before 1958—and typically get by on social security and modest pensions. Because most never made it beyond high school and spent their working lives at blue-collar jobs, their retirements are extremely modest.
- 63 FAMILY THRIFTS™ – The small-city cousins of inner-city districts, Family Thrifts™ contain young, ethnically diverse parents who have lots of children and work entry-level service jobs. In these apartment-filled neighborhoods, visitors find the streets jam-packed with babies and toddlers, tricycles and basketball hoops, Daewoos and Hyundais.

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Demographics

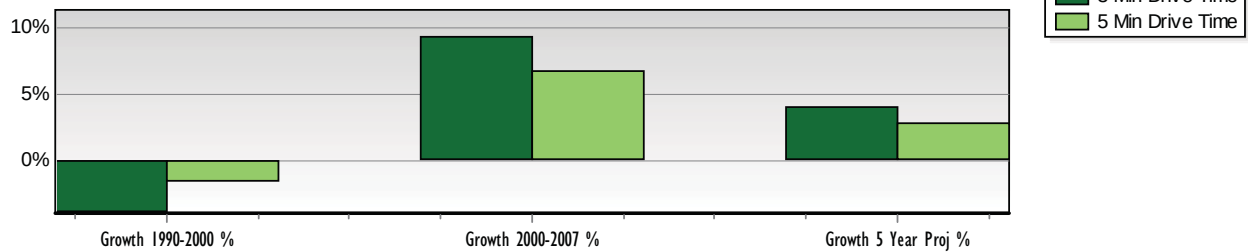
Analysis Geography: 501 & 221
Lynchburg, VA

Date: 2/9/2009

Population Profile

	3 Min Drive Time	5 Min Drive Time
2012 Projection	7,291	9,920
2007 Estimate	7,005	9,640
2000 Census	6,405	9,032
1990 Census	6,669	9,186

Population Change



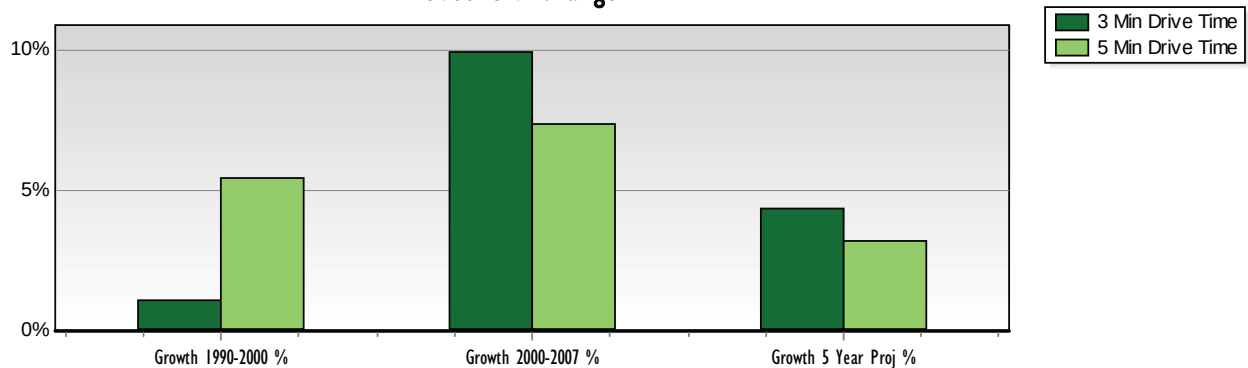
Work Place Population

	3 Min Drive Time	5 Min Drive Time
Total	4,786	5,829

Household Profile

2012 Projection	3,223	4,503
2007 Estimate	3,088	4,362
2000 Census	2,809	4,062
1990 Census	2,778	3,852

Household Change





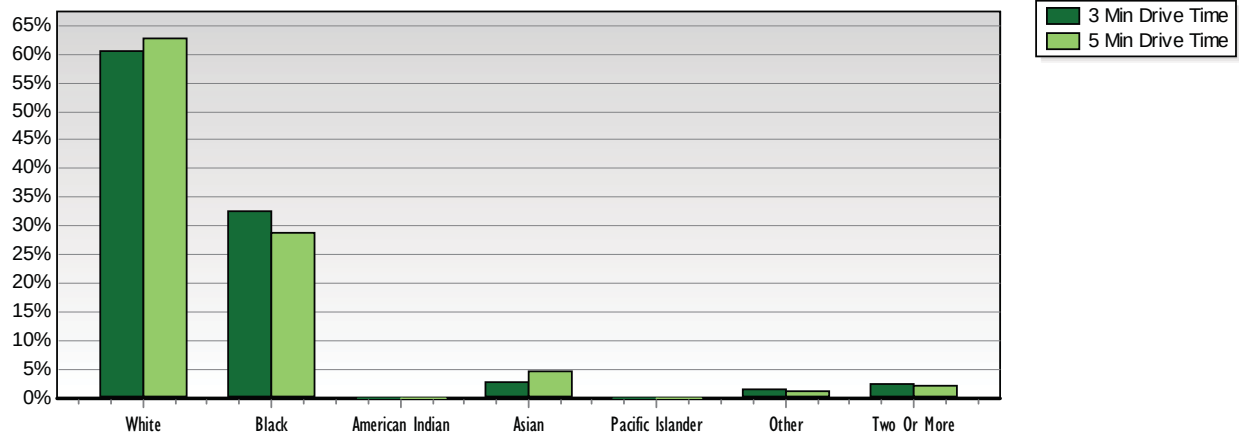
Demographics

Analysis Geography: 501 & 221
Lynchburg, VA

Date: 2/9/2009

Population By Race (Current)	3 Min Drive Time	5 Min Drive Time
White	4,243	6,045
Black	2,285	2,769
American Indian	8	13
Asian	187	465
Pacific Islander	4	4
Other	100	120
Two Or More	178	224
Total Population By Race	7,005	9,640

Population By Race (Current)



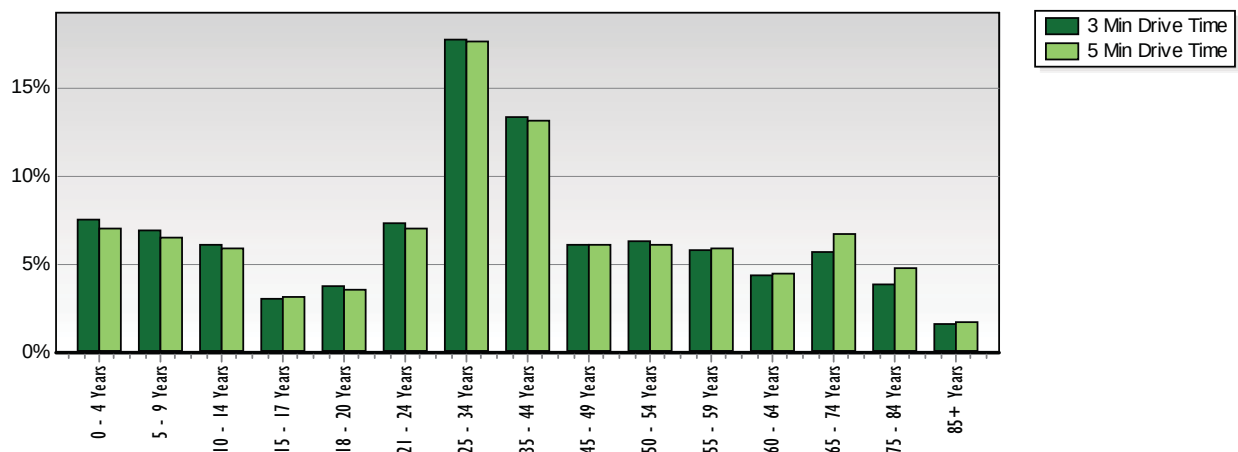
Population By Hispanic Origin (Current)	3 Min Drive Time	5 Min Drive Time
Hispanic Origin	150	191
Non Hispanic Origin	6,855	9,449

Analysis Geography: 501 & 221
Lynchburg, VA

Date: 2/9/2009

Population By Age (Current)	3 Min Drive Time	5 Min Drive Time
0 to 4 years	526	675
5 to 9 years	487	628
10 to 14 years	430	571
15 to 17 years	217	306
18 to 20 years	268	346
21 to 24 years	518	677
25 to 34 years	1,244	1,705
35 to 44 years	938	1,265
45 to 49 years	432	595
50 to 54 years	441	595
55 to 59 years	409	570
60 to 64 years	306	433
65 to 74 years	401	645
75 to 84 years	273	458
85+ Years	115	171
Total Population By Age	7,005	9,640
Average Age	35.9	37.1
Median Age	34.9	36.0

Population By Age (Current)



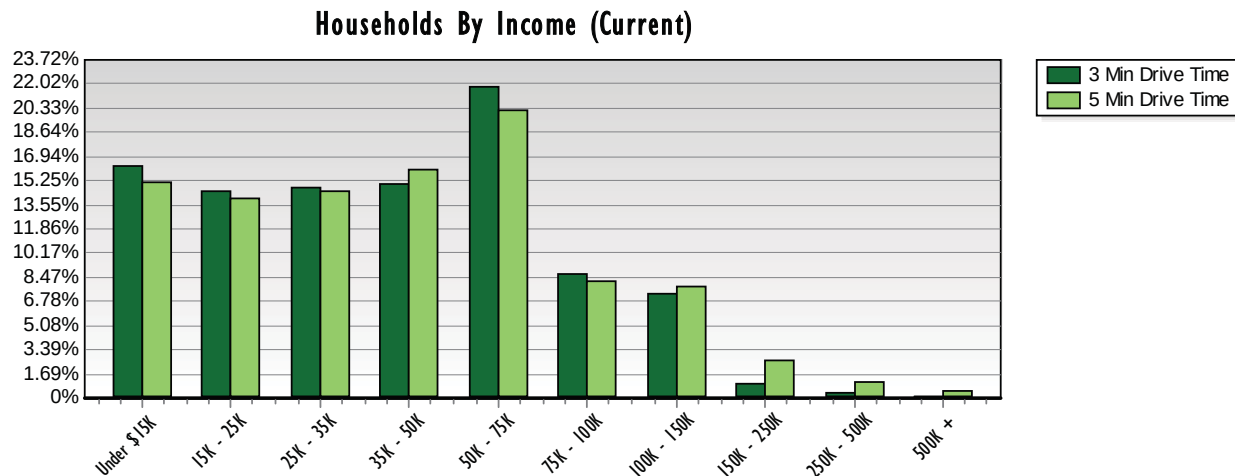


Demographics

Analysis Geography: 501 & 221
Lynchburg, VA

Date: 2/9/2009

Households By Income (Current)	3 Min Drive Time	5 Min Drive Time
Under \$15,000	503	663
\$15,000 to \$24,999	447	612
\$25,000 to \$34,999	456	632
\$35,000 to \$49,999	462	700
\$50,000 to \$74,999	674	878
\$75,000 to \$99,999	270	355
\$100,000 to \$149,999	227	342
\$150,000 to \$249,999	33	113
\$250,000 to \$499,999	12	47
\$500,000 +	4	20
Total Households By Income	3,088	4,362
Average Household Income	\$48,744	\$55,296
Per Capita Income	\$21,993	\$26,985
Median Household Income	\$39,520	\$41,113





Demographics

Analysis Geography: 501 & 221
Lynchburg, VA

Date: 2/9/2009

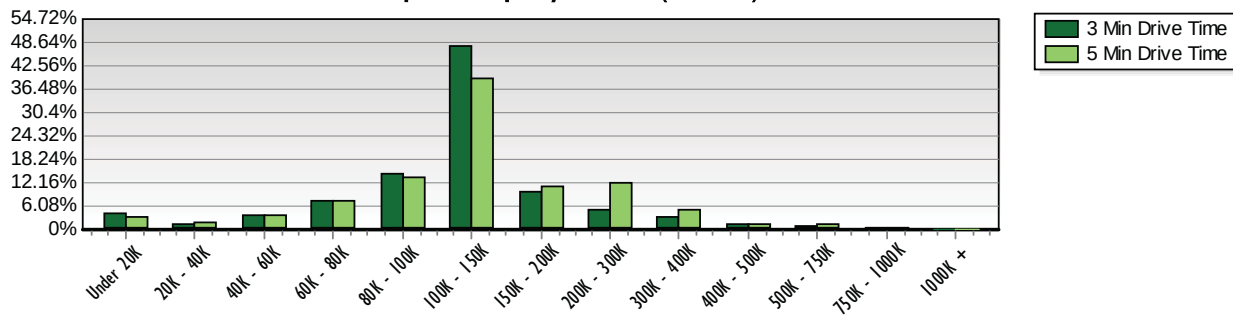
Housing Units By Occupancy (Current)

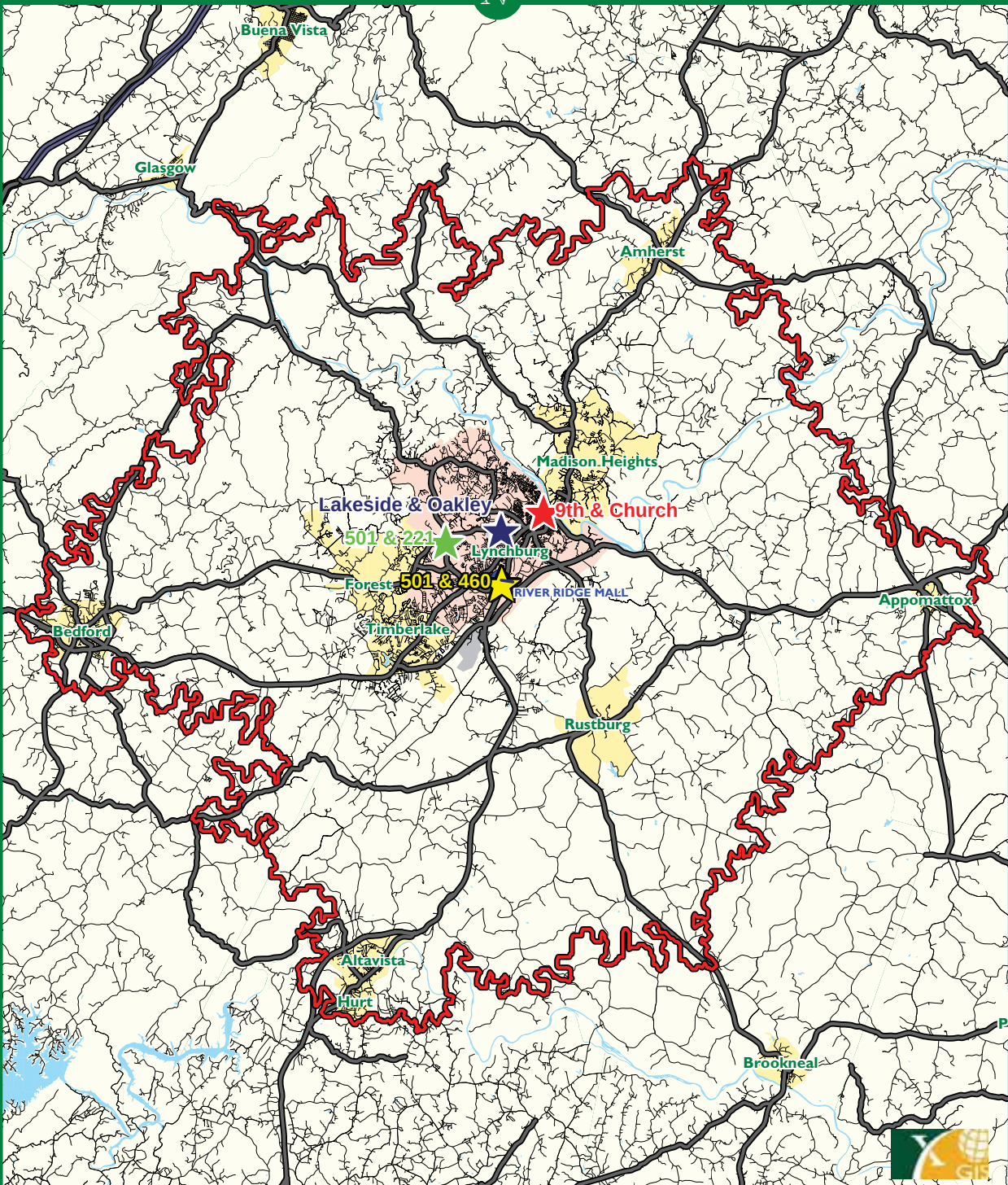
	3 Min Drive Time	5 Min Drive Time
Owner - Occupied	45.5%	43.5%
Renter - Occupied	46.6%	47.8%
Vacant	8.0%	8.7%

Owner - Occupied Property Values (Current)

Under \$20,000	64	64
\$20,000 to \$39,999	21	36
\$40,000 to \$59,999	58	74
\$60,000 to \$79,999	116	151
\$80,000 to \$99,999	221	285
\$100,000 to \$149,999	728	816
\$150,000 to \$199,999	153	229
\$200,000 to \$299,999	75	249
\$300,000 to \$399,999	52	108
\$400,000 to \$499,999	19	30
\$500,000 to \$749,999	14	32
\$750,000 to \$999,999	5	5
\$1,000,000 +	0	0
Total Owner - Occupied Property Values	1,526	2,079
Median Property Value	118,670	131,979

Owner - Occupied Property Values (Current)





Lynchburg, Virginia: Overview



Shopping Centers

GLA in thousands



City Limits

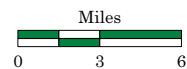
Site 1

Site 2

Site 3

Site 4

Secondary Trade Area



Secondary Trade Area Analysis

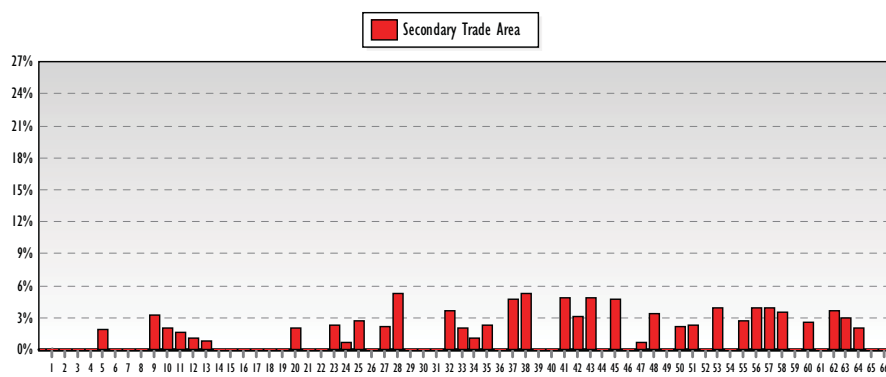
Drive-Time Trade Area

The map on the opposite page depicts the trade area for Lynchburg. The trade area consists of a thirty five-minute polygon, determined by Buxton's proprietary drive-time technology.

Psychographics

The psychographic profile of the households within a thirty-five-minute drive-time of Lynchburg is presented below.

Trade Area Segmentation



Source: Claritas, Inc. PRIZM® NE, © 2008

Dominant Segments

A segment that represents at least three percent of a trade area is a dominant segment. Following is a description of the dominant segments for Lynchburg.

Dominant Segments	Description	Households	% of All Households
9	BIG FISH, SMALL POND	2,233	3.22%
28	TRADITIONAL TIMES	3,681	5.30%
32	NEW HOMESTEADERS	2,540	3.66%
37	MAYBERRY-VILLE	3,331	4.80%
38	SIMPLE PLEASURES	3,625	5.22%
41	SUNSET CITY BLUES	3,339	4.81%
42	RED, WHITE & BLUES	2,152	3.10%
43	HEARTLANDERS	3,343	4.81%
45	BLUE HIGHWAYS	3,266	4.70%
48	YOUNG & RUSTIC	2,375	3.42%
53	MOBILITY BLUES	2,683	3.86%
56	CROSSROADS VILLAGERS	2,713	3.91%
57	OLD MILLTOWNS	2,699	3.89%
58	BACK COUNTRY FOLKS	2,432	3.50%
62	HOMETOWN RETIRED	2,510	3.61%
63	FAMILY THRIFTS	2,111	3.04%

Source: Claritas, Inc. PRIZM® NE, © 2008

Secondary Trade Area Analysis (continued)

Leakage Analysis

The following table represents an overview by store type of the leakage or surplus within the studied trade area. This is represented by an index, with 1.0 being the baseline. A leakage is reflected by an index less than 1.0, and a surplus is reflected by an index greater than 1.0. Please see Appendix A for detailed demand and actual sales by category.



*GAFO refers to discount retailers that typically include the following departments: general merchandise; clothing and clothing accessories; furniture and home furnishings; electronics and appliances; sporting goods, hobby, books and music; and office supplies

Source: Claritas, Inc, RETAIL MARKET POWER, © 2008

The following table presents the trade potential variables for Lynchburg:

Trade Potential Variables	Secondary Trade Area
Estimated Household Count	69,446
Number of Households in Dominant Segments	45,033
Total Demand	\$2,906,351,652
Actual Sales	\$3,105,576,833
Estimated Leakage/Surplus Amount	\$199,225,181

Source: Claritas, Inc, RETAIL MARKET POWER, PRIZM® NE, © 2008

Household Segmentation – Site Four 35 minute drive time

Brief Descriptions

- 9 BIG FISH, SMALL POND™ – Older, upper-class, college-educated professionals, the members of Big Fish, Small Pond™ are often among the leading citizens of their small-town communities. These upscale, empty-nesting couples enjoy the trappings of success, belonging to country clubs, maintaining large investment portfolios and spending freely on computer technology.
- 28 TRADITIONAL TIMES™ – Traditional Times™ is the kind of lifestyle where small-town couples nearing retirement are beginning to enjoy their first empty-nest years. Typically in their fifties and sixties, these middle-class Americans pursue a kind of granola-and-grits lifestyle. On their coffee tables are magazines with titles ranging from *Country Living* and *Country Home* to *Gourmet* and *Forbes*. But they're big travelers, especially in recreational vehicles and campers.
- 32 NEW HOMESTEADERS™ – Young, middle-class families seeking to escape suburban sprawl find refuge in New Homesteaders™, a collection of small rustic townships filled with new ranches and Cape Cods. With decent-paying jobs in white-collar and service industries, these dual-income couples have fashioned comfortable, child-centered lifestyles, their driveways filled with campers and powerboats, their family rooms with PlayStations and Game Boys.
- 37 MAYBERRY-VILLE™ – Like the old Andy Griffith Show set in a quaint picturesque berg, Mayberry-ville™ harks back to an old-fashioned way of life. In these small towns, middle-class couples and families like to fish and hunt during the day, and stay home and watch TV at night. With lucrative blue-collar jobs and moderately priced housing, residents use their discretionary cash to purchase boats, campers, motorcycles and pickup trucks.
- 38 SIMPLE PLEASURES™ – With more than two-thirds of its residents over 65 years old, Simple Pleasures™ is mostly a retirement lifestyle: a neighborhood of lower-middle-class singles and couples living in modestly priced homes. Many are high school-educated seniors who held blue-collar jobs before their retirement, and a disproportionate number served in the military; no segment has more members of veterans clubs.

Household Segmentation

Brief Descriptions

- 41 SUNSET CITY BLUES™ – Scattered throughout the older neighborhoods of small cities, Sunset City Blues™ is a segment of lower-middle-class singles and couples who have retired or are getting close to retirement. These empty-nesters tend to own their homes but have modest educations and incomes. They maintain a low-key lifestyle filled with newspapers and television by day, and family-style restaurants at night.
- 42 RED, WHITE & BLUES™ – The residents of Red, White & Blues™ typically live in exurban towns rapidly morphing into bedroom suburbs. Their streets feature new fast-food restaurants, and locals have recently celebrated the arrival of chains like Wal-Mart, Radio Shack and Payless Shoes. Middle-aged, high school educated and lower-middle class, these folks tend to have solid, blue-collar jobs in manufacturing, milling and construction.
- 43 HEARTLANDERS™ – America was once a land of small middle-class towns, which can still be found today among Heartlanders™. This widespread segment consists of middle-aged couples with working-class jobs living in sturdy, unpretentious homes. In these communities of small families and empty-nesting couples, Heartlanders pursue a rustic lifestyle where hunting and fishing remain prime leisure activities along with cooking, sewing, camping and boating.
- 45 BLUE HIGHWAYS™ – On maps, blue highways are often two-lane roads that wind through remote stretches of the American landscape. Among lifestyles, Blue Highways is the standout for lower-middle-class couples and families who live in isolated towns and farmsteads. Here Boomer men like to hunt and fish; the women enjoy sewing and crafts, and everyone looks forward to going out to a country music concert.
- 48 YOUNG & RUSTIC™ – Like the soap opera that inspired its nickname, Young & Rustic™ is composed of young, restless singles. Unlike the glitzy soap denizens, however, these folks tend to be lower income, high school-educated and live in tiny apartments in the nation's exurban towns. With their service industry jobs and modest incomes, these folks still try to fashion fast-paced lifestyles centered on sports, cars and dating.

Household Segmentation

Brief Descriptions

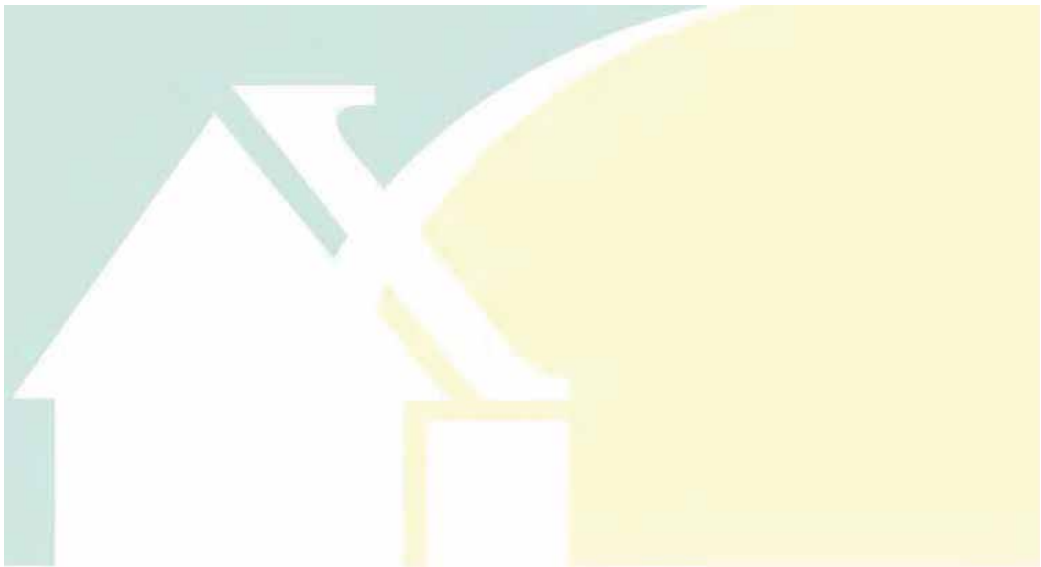
- 53 MOBILITY BLUES™ – Young singles and single parents make their way to Mobility Blues™, a segment of working-class neighborhoods in America's satellite cities. Racially mixed and under 25 years old, these transient Americans tend to have modest lifestyles due to their lower-income blue-collar jobs. Surveys show they excel in going to movies, playing basketball and shooting pool.
- 56 CROSSROADS VILLAGERS™ – With a population of middle-aged, blue-collar couples and families, Crossroads Villagers™ is a classic rural lifestyle. Residents are high school-educated with lower-middle incomes and modest housing; one-quarter live in mobile homes. There's an air of self-reliance in these households as Crossroads Villagers™ help put food on the table through fishing, gardening and hunting.
- 57 OLD MILLTOWNS™ – America's once-thriving mining and manufacturing towns have aged—as have the residents in Old Milltowns™ communities. Today, the majority of residents are retired singles and couples living on downscale incomes in pre-1960 homes and apartments. For leisure they enjoy gardening, sewing, socializing at veterans clubs or eating out at casual restaurants.
- 58 BACK COUNTRY FOLKS™ – Strewn among remote farm communities across the nation, Back Country Folks™ are a long way away from economic paradise. The residents tend to be poor, over 55 years old and living in older, modest-sized homes and manufactured housing. Typically, life in this segment is a throwback to an earlier era when farming dominated the American landscape.
- 62 HOMETOWN RETIRED™ – With three-quarters of all residents over 65 years old, Hometown Retired™ is one of the oldest segments. These racially mixed seniors tend to live in aging homes—half were built before 1958—and typically get by on social security and modest pensions. Because most never made it beyond high school and spent their working lives at blue-collar jobs, their retirements are extremely modest.

Household Segmentation

Brief Descriptions

- 63 FAMILY THRIFTS™ – The small-city cousins of inner-city districts, Family Thrifts™ contain young, ethnically diverse parents who have lots of children and work entry-level service jobs. In these apartment-filled neighborhoods, visitors find the streets jam-packed with babies and toddlers, tricycles and basketball hoops, Daewoos and Hyundais.

Buxton utilizes the Nielsen Claritas® PRIZM® segmentation system in this analysis. PRIZM® is a registered trademark of Nielsen Claritas. PRIZM segment names (Blue Blood Estates™, Big Sky Families™, Country Squires™, etc.) are trademarks of Nielsen Claritas.



LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **October 9, 2012**

AGENDA ITEM NO.: **15**

CONSENT:

REGULAR: X

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Towing and Vehicle Recovery Services Contract**

RECOMMENDATION: Approve award of the City's Towing and Vehicle Recovery contract to Bee Line Transport, Inc.

SUMMARY: The State Code allows local governing bodies to contract for police initiated towing services. The City's contract for such services has traditionally also included the towing of City-owned vehicles and inoperative or abandoned vehicles.

After Council approval of the RFP document during the February Work Session, the Procurement office issued the Request for Proposals for Towing and Vehicle Recovery Services. Proposals were received from three companies: Automotive Concepts Services dba Concept Towing, Bee Line Transport, and Glenn A. Trent. An evaluation committee of six City staff reviewed all proposals independently then met to discuss. The committee agreed to recommend award to Bee Line Transport. This was a group consensus with no dissenting votes.

PRIOR ACTION(S): February 14, 2012 Work Session

FISCAL IMPACT: Annual contract value is dependent on usage. The City's FY12 expenses for towing totaled \$14,143.32 between Glenn A. Trent and Bee Line Transport.

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

ATTACHMENT(S): Committee Evaluation and Pricing Summaries

REVIEWED BY: lkp

136L

Towing Proposal Evaluations

Evaluation Committee: Bill Aldrich, Randy Houck, Blake Isley, Keith Johnson, John McCorkhill, Stephanie Suter

Bee Line Transport

Favorable Observations:

- Mission: provide rapid response while offering competitive pricing; important to present professional image
- Policies: Alcohol and Drug Abuse Policy, Company Rules, compliance with highway and traffic safety regulations
- Training and certification: Drivers required to have certain levels of training to operate the proper equipment (classroom and field trainings); Cross train with police and fire in recovery and extrication procedures;
- Staff - Kevin (Level 8 Wreckmaster), Listing of staff, experience, and training provided
- Awards: Governor's Transportation Safety Award; American Towman Award
- References: Various business owners, dealerships, and the Police and Fire Department
- Equipment: Substantial, modern fleet and equipment; computer dispatch GPS radio system; special built tow bars for use on fire trucks have proven successful in the past (10 tows in past 2 years with no damage).
- Office Hours: M-F, 7:30 AM – 6 PM, with 24/7 answering service, including holidays and weekends.
- Storage Facility: 6-foot barbed wire fence, 1.5 acre paved, lit lot, 14 surveillance cameras. Has 50' x 100' inside storage area, if needed. Additional 1.5 acre lot across the street from main location

Unfavorable Observations:

- Current lot is just outside the City limits near the airport. Bee Line has agreed to provide a secondary storage lot if awarded the contract to provide a more central location for citizens and operations.
- Pricing is higher for Police initiated tows.

Glenn A. Trent

Favorable Observations:

- Mission: Fast, friendly, and professional service at a fair price; respect all customers; support and service the community
- Policies: Drug Free Workplace Policy, Safety/Training program
- Training and Certification: Member of TRAA; Weekly staff meetings and in-services to review safety procedures and updated materials from TRAA, roadside assistance companies, automobile

and equipment manufacturers; Conduct on-site hands on practice maneuvers for accident recovery; Attend industry trade shows and conferences; Formal training classes and certification exams

- Staff: 19 employees, 6 full-time towing and recovery operators, additional 6 are trained and experienced in the use of towing and recovery equipment
- References: Various business owners, dealership, and Police
- Equipment: Substantial fleet; Contract crane and hazmat services; Drivers have smart phones and GPS for communication with dispatch
- Office Hours: M-F, 8 AM – 6 PM, Sat, 8 AM-12 PM, 24/7 answering service
- Storage Facility: 81/2 foot barbed wire fence, 150' x 150' lit lot, 9 surveillance cameras; Has 80' x 40' inside storage facility which can hold 5-6 vehicles; Central City location.

Unfavorable Observations:

- Past performance issues (details can be provided if necessary)

Automotive Concepts Service dba Concept Towing

Favorable Observations:

- References: Local business owners, USPS, Fleet Services
- Wrecker able to manage the parking garages
- Office Hours: M-F, 8 AM – 6 PM
- Storage Facility: 125' x 100' fenced-in, lit lot on Leesville Road within the City limits; 14'x30' inside storage area

Unfavorable Observations:

- Primarily interested in vehicle removal from inner levels of parking decks
- No mention of safety procedures or training
- Not capable of towing Class 3 vehicles. Willing to purchase a 25-ton wrecker, but no mention of experience with these types of vehicles or heavy duty towing.

**Towing and Vehicle Recovery Services
RFP Pricing Summary**

Police Initiated Tows: Disabled or Impounded Vehicles

	Class I	Class II	Class III
Bee Line (7 AM-6 PM)	\$85	\$150	\$200
Bee Line (6 PM-7 AM)	\$95		
Trent (8 AM - 5 PM)	\$50	\$70	\$90
Trent (5 PM - 12 AM)	\$60	\$80	\$100
Trent (12 AM - 8 AM)	\$70	\$90	\$110
Automotive Concepts Service (Base Fee - 7 AM - 6 PM)	\$85		
Automotive Concepts Service (Base Fee - 6 PM - 7 AM)	\$125		

Police Initiated Tows: Accident Recovery

	Class I	Class II	Class III
Bee Line	\$125/HR	\$200/HR	\$225/HR
Trent (8 AM - 5 PM)	\$70/HR	\$80/HR	\$90/HR
Trent (5 PM - 12 AM)	\$85/HR	\$95/HR	\$105/HR
Trent (12 AM - 8 AM)	\$95/HR	\$105/HR	\$115/HR
Automotive Concepts Service (Base Fee - 7 AM - 6 PM)	\$125		
Automotive Concepts Service (Base Fee - 6 PM - 7 AM)	\$225		

City Code Initiated Tows: Derelict or Abandoned Vehicles

	Class I	Class II	Class III
Bee Line	\$0	Refund \$50/vehicle back to the City for all derelict and abandoned vehicles that Bee Line takes possession of through the DMV process.	
Trent (8 AM - 5 PM)	\$50	\$70	\$90
Trent (5 PM - 12 AM)	\$60	\$80	\$100
Trent (12 AM - 8 AM)	\$70	\$90	\$110
Automotive Concepts Service (7 AM - 5 PM)	\$55		
Automotive Concepts Service (5 PM - 11 PM)	\$65		
Automotive Concepts Service (11 PM - 7 AM)	\$75		

**Towing and Vehicle Recovery Services
RFP Pricing Summary**

City Owned Vehicle Tows

	Class I	Class II	Class III	
Bee Line	\$0	\$85	\$115	
Trent (8AM - 5 PM)	\$28	\$40	\$65	Rate based on 10 miles, \$.80/mile over
Trent (5 PM - 8 AM)	\$33	\$45	\$72	Rate based on 10 miles, \$.90/mile over
Automotive Concepts Service	\$35	\$65		

Additional Charges

	Storage (after 1st 24 hours)	Show-up Fee	Open Office After Hours Charge
Bee Line	\$50/day	\$0 (7 AM - 6 PM) \$25 (6 PM - 7 AM)	\$35
Glenn A. Trent	\$30/day	\$20	\$30
Automotive Concepts Service	\$40/day	\$35	\$35