

**LYNCHBURG CITY COUNCIL
PHYSICAL DEVELOPMENT COMMITTEE**

**Monday, September 12, 2016
8:00 a.m.**

Information Items

Recent/Pending Contract Awards: -No new contract awards.

Update on priority projects: -See attached report.

General Business

- | | |
|---|----------------|
| 1. Request to waive curb /gutter requirements-Lockwoode Drive | Lee Newland |
| 2. Rosedale Development | Bonnie Svrcek |
| 3. Update on Downtown | Maggie Cossman |
| 4. Notice of award of VDOT Grants | Lee Newland |
| 5. Roll Call | |

Pc: Bonnie Svrcek, City Manager
Margaret Schmitt, Interim Deputy City Manager
Council Members
Gaynelle Hart, Director of Public Works
News & Advance

Next Meeting: October 11, 2016

Lynchburg Capital Projects Greater Than \$1 Million(General Fund)

September 12, 2016

Projects of Interest		Status		Notes
Timberlake / Logan's Lane Intersection		Design	December 2016	Proceeding with Design
Midtown Connector		Construction	August 2016	Punchlist work
Greenview Drive Phase 2		Construction	July 2017	Construction Underway
Kemper Street Bridge / Interchange		Construction	September 2016	* Open to Traffic
One Way Pairs @ 501/221		Preliminary	September 2016	Smart Scale Application Submittal
Main Street Bridge		Design	August 2017	Design Underway
Memorial - Park - Lakeside Intersection		Construction	October 2017	Construction Underway
Odd Fellows Road - P3		Construction	August 2018	Construction Underway
College Lake Dam		Preliminary	December 2016	* Getting Proposals from Engineer
Downtown Watermain Replacement & Streetscape		Construction	September 2017	* Construction Underway - Update in Meeting
Liberty Mountain Drive - Phase 1		Construction	October 2016	Construction Underway
Liberty Mountain Drive - Phase 2		Construction	April 2017	Construction Underway
City Stadium Renovations - Football / Soccer		Construction	October 2016	Construction Underway - 6-8 Weeks Behind Due to Wet Weather
City Stadium Field & Parking Improvements - Baseball		Design	August 2016	Design Underway - Construction to be complete by Baseball Season
Community Market Parking Deck		Design	October 2016	Replacement of Elevated Surface with Fill - Construction Beginning January 2017 and Ending May 2017
Wards Ferry Road Improvements @ Heritage		Design/ R/W	December 2016	* Acquiring Right of Way

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **September 12, 2016 PDC**

AGENDA ITEM #:

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Request to Waive Curb and Gutter Requirement – Lockewood Drive

Strategic Pillar(s) Impacted:

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

RECOMMENDATION: Approve the request to waive Curb and Gutter requirement for Lockewood Dr. and Wood Rd. due to neighborhood conditions.

SUMMARY: Bill Jamerson with Jamerson Real Estate has submitted a request to waive the required Curb and Gutter (C&G) in front of an eight (8) lot subdivision.

The current condition of Lockewood Dr. is an asphalt road with ditches to carry away the storm water. The rest of the roads in this area do not have C&G and the addition would concentrate the storm water flows.

Staff met onsite with Mr. Jamerson and reviewed the conditions and does concur with the request. The area is over 88% developed excluding this parcel which would present an extremely limited potential for other developments extending the C&G. The ditches are well maintained and street is a low volume road. The topography is also a challenge as the C&G and sidewalks would create an embankment in front of the proposed homes. While onsite, several walkers were noticed along the road and Mr. Jamerson is in agreement that sidewalks are necessary and will install these with the subdivision. They will be installed behind the ditches to get the pedestrians further from the edge of the road and will be ADA Accessible.

PRIOR ACTION(S): None

FISCAL IMPACT: None

CONTACT(S): Lee Newland, City Engineer, 455-3947
Maggie Cossman, City Transportation Engineer, 455-3935

ATTACHMENT(S): Letter of Request
Photos of area

REVIEWED BY:

Jamerson Real Estate
P. O. Box 395
Appomattox, VA 24522
434-352-8227

September 2, 2016

Mr. Lee Newland
Director of Engineering
City of Lynchburg

Dear Lee:

We are proposing the development of 8-100' frontage lots on Lockwood Dr. We plan to include side walk, but are requesting that you waive the request for curb and gutter.

We are enclosing photographs of the existing street to support this request.

Thanks for your consideration.

Sincerely,



Bill Jamerson







INTERSECTION Lockwood & Ulbode Road





SEVEN OAKS & LOCKWOOD







LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **September 13, 2016**

AGENDA ITEM #:

CONSENT:
ACTION: **X**

REGULAR:
INFORMATION:

WORK SESSION: **X**

CLOSED SESSION:
(Confidential)

ITEM TITLE: Rosedale Development (Golden Mile, LLC)

Strategic Pillar(s) Impacted:

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

RECOMMENDATION: Support the staff recommendation as noted on the attached “Comparison of Rosedale Proposals”.

SUMMARY: Golden Mile, LLC has requested the City assist with funding transportation improvements to Graves Mill Road, as well as the entrance and the internal “spine” road for the Rosedale development. Following the August 9, 2016 Finance Committee, staff was directed to negotiate further with Golden Mile, LLC to reach agreement that is more in alignment with City Council’s criteria of September 29, 2014. Council’s original conditions to consider road improvements were: 1) a time limit on the return period of 10 years; 2) connectivity to Breezewood Drive; and 3) participation by the City of no more than 50% of the cost of road improvements.

The City Manager and Golden Mile, LLC’s representative met to discuss a compromise. Compromise was made on the term of the reimbursement from the 10 years identified by City Council and the 20 years proposed by Golden Mile, LLC. The compromise reimbursement period is proposed to be 15 years as noted on the attached “Comparison of Proposals”.

City staff met with representatives of Golden Mile, LLC to review a draft Smart Scale application as promised at the August 9, 2016 Finance Committee meeting. The City Manager and Golden Mile, LLC’s representative also discussed the possibility of supporting a Smart Scale application to Virginia Department of Transportation [VDOT] for only the Graves Mill Road improvements. City staff does not support such an application as the improvements, including those to Graves Mill Road, are not identified on any transportation improvement priority list.

Golden Mile, LLC offered two alternate proposals on September 2, 2016. Details of each of these proposals are outlined on the attached “Comparison of Proposals”.

The two major points of disagreement between staff’s recommendation and Golden Mile, LLC’s September 2, 2016 Proposal #2 are:

1. Level of participation by the City in reimbursement for improvements to Graves Mill Road, entrance, and “spine” road within the Rosedale complex. City staff recommends no more than 50% of only the cost of physical road construction activities. Golden Mile, LLC proposes 100% of all costs as identified in the State Code Tax Increment Financing definition for capital costs; and,
2. Connectivity to Breezewood Drive: City requirement for Golden Mile, LLC to acquire dedicated right-of-way through the “Skinner Tract” for future connection to Breezewood Drive. Golden Mile, LLC has only provided a non-binding agreement with the owners of the “Skinner Tract” for an easement for a road or roadway up to 100 feet wide from the Rosedale property to Breezewood Drive.

The application deadline for Smart Scale funding is September 30, 2016

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

FISCAL IMPACT: To be determined.

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

ATTACHMENT(S): Comparison of Rosedale Proposals
E-mail and Letter from Jim Richards, Attorney for Golden Mile, LLC dated September 2, 2016
Key Elements for Revised Performance Agreement – August 4, 2016
Rosedale Project Historical Timeline through August 9, 2016

REVIEWED BY: bms

Comparison of Rosedale Proposals

Council Criteria September 29, 2014	Staff Recommendation September 12, 2016	Golden Mile, LLC June 21, 2016 Proposal	Golden Mile, LLC September 2, 2016 Proposal #1	Golden Mile, LLC September 2, 2016 Proposal #2
1. No reference to City support for a HB 2 (renamed Smart Scale) application to VDOT for road improvements.	1. City will not support a Smart Scale application for any component of Graves Mill Road, entrance or "spine" road improvement for Golden Mile, LLC. None of these improvements are on any transportation priority list.	1. Proposes City support for a VDOT Smart Scale grant application for all road improvements (Graves Mill Road, entrance and "spine" road).	1. Proposes City support for a Smart Scale application to VDOT for \$2.5 million for 100% of Graves Mill Road and entrance improvements.	1. Proposes no City support for a Smart Scale request from VDOT.
2. Participation by the City of no more than 50% of the cost of road improvements.	2. Participation by the City of no more than 50% of the cost of road improvements. Reimburse for physical construction activities only, including but not limited to clearing, grubbing, grading, erosion control, drainage, curb and gutter, stone base, asphalt pavement, milling, seeding and landscaping, traffic control measures, traffic signal, signage, pavement markings, water and sewer mains, construction administration and inspections and a portion of the regional stormwater detention facility within existing and/or proposed right-of-ways and easements. Staff does not support using the definition included in the State Code regarding Tax Increment Financing, which includes such things as financing costs and attorney fees.	2. Participation by the City of 100% of all road improvement costs according to State Code Tax Increment Financing Definition, including Graves Mill Road improvements and internal "spine" road improvements.	2. Participation by the City of 75% of the costs of the "spine" road based on State Code Tax Increment Financing Definition.	2. Participation by the City of 100% of all road improvement costs according to State Code Tax Increment Financing Definition, including Graves Mill Road improvements and internal "spine" road improvements
	Terms: City keeps 20% of first one-half of reimbursement and 40% of second-half of total reimbursement.1/	Terms: City keeps 20% of first one-half of reimbursement and 40% of second-half of total reimbursement.1/	Terms: City keeps 50% of new tax revenues. 1/	Terms: City keeps 20% of first one-half of reimbursement and 40% of second-half of total reimbursement. 1/
3. Connectivity to Breezewood Drive	3. Require developer to acquire dedicated right-of-way through the "Skinner Tract" for future connection to Breezewood Drive. A non-binding agreement is not consistent with City Council's criteria.	3. No connectivity to Breezewood Drive. Developer has provided a non-binding agreement with the owners of the "Skinner Tract" for an easement for a road or roadway up to 100 feet wide from the Rosedale property to Breezewood Drive.	3. No connectivity to Breezewood Drive. Developer has provided a non-binding agreement with the owners of the "Skinner Tract" for an easement for a road or roadway up to 100 feet wide from the Rosedale property to Breezewood Drive.	3. No connectivity to Breezewood Drive. Developer has provided a non-binding agreement with the owners of the "Skinner Tract" for an easement for a road or roadway up to 100 feet wide from the Rosedale property to Breezewood Drive.
4. City will only participate in reimbursement from revenues for a period of 10 years. 1/	4. City will participate in reimbursement from identified tax revenues 1/ over a 15-year period or until Graves Mill Road, entrance and "spine" road improvements are paid for, whichever comes first.	4. Reimbursement period from the City for 20 years or full reimbursement of road, whichever comes first. 1/	4. Reimbursement period from the City for 15 years or full reimbursement of road, whichever comes first. 1/	4. Reimbursement period from the City for 15 years or full reimbursement of road, whichever comes first. 1/

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

From: Jim Richards <Jrrichards@pldrllaw.com>
Sent: Friday, September 02, 2016 11:43 AM
To: Dolan, MaryJane; Foster, Joan F; Helgeson, Jeff - External; Nelson, Randy; Perrow, Turner; Tweedy, Treney; Wilder, Sterling A; Svrcek, Bonnie M
Cc: John Falcone
Subject: Rosedale Development
Attachments: DOC090216-001.pdf

Dear Madame Mayor, Madame Vice Mayor, Members of Council, and Ms. Svrcek:

Attached please find a letter to all of you regarding the above referenced project. The letter includes proposals currently in front of the City Manager, but of which we believe you all need to be aware given the constraints of time if we are to push for a September 13th resolution, which has been our goal.

We look forward to working with both City Council and the City Manager's office toward a mutually beneficial arrangement.

Very truly yours,
Jim Richards



James R. Richards
Petty, Livingston, Dawson & Richards
P. O. Box 1080
Lynchburg, Virginia 24505
Office: (434)846-2768
Fax: (434)847-0141
Direct: (434)455-5932

IRS CIRCULAR 230 DISCLOSURE

To ensure compliance with requirements imposed by the IRS, please be advised that any tax advice contained in this communication (including any attachments) was not intended or written by the practitioner to be used, and cannot be used, for the purposes of (1) avoiding penalties under the Internal Revenue Code or (2) promoting, marketing, or recommending to another party any transaction or matter addressed herein.

IMPORTANT

The information contained in this message and any attachments is confidential and may be governed by attorney/client privilege. The message and any attachments are intended only for the use of the named addressee. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copy of this communication and any attachments is strictly prohibited. If you have received this communication in error, PLEASE DO NOT READ THE MESSAGE CONTAINED HEREIN OR THE CONTENTS OF ANY ATTACHMENT; instead, please immediately notify Petty, Livingston, Dawson & Richards at (434)846-2768 or by e-mail to jrrichards@pldrllaw.com. Thank you.

**PETTY
LIVINGSTON
DAWSON
&
RICHARDS**

Individual & Corporate Counsel

JAMES R. RICHARDS
jrrichards@pldrllaw.com
TEL. 434-846-2768
FAX 434-847-0141
DIRECT 434-455-5932

www.pldrllaw.com

September 2, 2016

Mailing Address:
P.O. Box 1080
Lynchburg, VA 24505

Street Address:
725 Church Street
Suite 1200
Lynchburg, VA 24504

Ms. Mary Jane Dolan
Member of City Council
611 Heritage Drive
Lynchburg, VA 24503

Ms. Joan F. Foster, Mayor
Member of City Council
300 Woodland Avenue
Lynchburg, VA 24503

Mr. Jeff S. Helgeson
Member of City Council
100 Warren Avenue
Lynchburg, VA 24501

J. Randolph Nelson, Esquire
Member of City Council
1626 Morrison Drive
Lynchburg, VA 24503

Mr. Edgar J. T. Perrow, Jr.
Member of City Council
3620 Manton Drive
Lynchburg, VA 24503

Ms. Treney Tweedy, Vice Mayor
Member of City Council
7123 Richland Drive
Lynchburg, VA 24502

Mr. Sterling A. Wilder
Member of City Council
1418 Harrison Street
Lynchburg, VA 24504

Ms. Bonnie Svrcek
City Manager
City of Lynchburg
900 Church Street
Lynchburg, Virginia 24504

Re: Rosedale Development

Dear Madame Mayor, Madame Vice Mayor, Members of Council, and Ms. Svrcek:

The undersigned represents Golden Mile, LLC, the owner and developer of the above referenced project. I and other representatives of the owner have been in discussion with various City officials regarding the Rosedale Project for many months. Our efforts have been focused on trying to secure an agreement with the City to fund certain road improvements, both on Graves Mill Road and within the project property, in order to allow the development of the property as a mixed use project. After much discussion and negotiation with the former and current City Managers and City staff, our firm appeared on behalf of our client before the Finance Committee of City Council. Out of that meeting it was determined that the owner representatives and the City staff continue negotiations within a framework set by the committee. In order to drive the negotiation forward, my clients have asked me to communicate with you our ideas to bring this matter to a prompt conclusion. It is our hope that we can come to some agreement prior to the September 13, 2016 City Council meeting. To that end I have also been asked to request a meeting with the City Manager at her earliest convenience next week in order try to work out a recommendation to Council that would allow my client to proceed with development of the property.

We are encouraged that City staff and City Council have been willing to spend time and energy on this project. However, there is a level of discouragement on our part with the approach that has been taken to this negotiation, so far.

My client is offering to build the city a road at an estimated cost of about \$6 million. It is a road that the City will own; it is not a private road my client will retain. The road will allow development of this property and a resulting increase in tax revenue to the City. All we are asking is that City Council agree to have the City return some of its revenue as compensation for the road, but if, and only if, and only to the extent that, the development yields increased tax revenue to the City. My client is willing to accept the entire risk that the development will not yield the projected tax revenues within a limited time frame. Also, it is willing to share this revenue with the City during the course of the reimbursement period, instead of having it devoted entirely to the reimbursement. This plan allows the City to recognize immediate increased revenue.

Our difficulty in our negotiations is that the City's position seems to be married to a set of arbitrary limitations, instead of being focused on what the developer can or cannot afford in order to move forward with this development and increase the value of properties on the City's tax rolls. Therefore, my client has asked me to put forward two compromise proposals based on what it can reasonably afford to risk in order to expedite the negotiating process.

The first proposal is based on the City supporting and making a Smart Scale request of \$2.5 million (a commitment to reimburse 100% of Graves Mill Road and entrance improvements). We would in that case be seeking reimbursement of 75% of the remaining costs (the spine road) over a period of 15 years, with reimbursement being 50% of the new tax revenues each year. Under that plan the City would keep 50% of new tax revenues.

The second proposal involves the City not supporting or making a Smart Scale request. In that instance we would seek reimbursement of 100% of the road costs (Graves Mill Road improvements, entrance improvements, and spine road). This reimbursement would be over the course of 15 years with reimbursement being 80% of new tax revenues until one-half (1/2) of the costs are reimbursed (the City keeps 20%) and thereafter 60% of new tax revenues (the City keeps 40%).

Costs must include all costs previously requested, including "soft costs" such as engineering fees. The idea behind our previous request of having all costs reimbursed is that the "price" of the road to the City would be the same as if the City were paying my client to build it or as if purchasing the completed road at its full production cost. As you can see under the first scenario, my client would be significantly discounting that price, but the price would need to include all costs.

It is our preference that the chosen course would include the Smart Scale request. We believe that has a number of advantages for the City. First, it will allow faster pay down of third party loans and reduce reimbursed finance costs. Second, it will allow the City to begin collecting 100% of tax revenues sooner. Third, it allows my clients to make concessions on the total amount to be reimbursed as reflected in the first proposal.

In addition to the above, it is also our belief that limiting the City's Smart Scale proposal to a single project (as has been put forward to us) is a gamble that potentially limits the City's ability to participate in state infrastructure spending. Our information is that there are more than thirty applications chasing about \$32 million allocated to our region. The City's request is for over \$20 million on a single project. If the resulting allocations are an all or nothing proposition, then Lynchburg could lose out on getting any state funds in the next cycle.

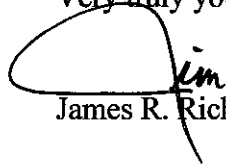
We understand City staff's argument that our road is not a transportation priority. However, we suggest that it should be an economic development priority. To our knowledge, our request is the only one currently on the table in the City that is calculated to enhance the City's revenue. It would seem a shame to have the City miss out on funding that could help with its tax revenue cash flow.

By setting forth these proposals, it is not our intention to foreclose other ideas. Rather it is an attempt to focus efforts on trying to find a way within the realm of affordable reality that will allow my client to develop this project. The City stands to benefit almost immediately from this project moving ahead. Our proposal involves absolutely no risk on the City's part, since it involves a sharing of tax revenues that do not presently exist, and will not exist unless the road is built and the property developed. The proposal is a perfect example of a public/private partnership that the General Assembly had in mind when it enacted the tax incentive financing statutes, and is a win/win proposition for the City and the developer.

I would like the opportunity to speak with as many of you as possible prior to the September 13th Council session and may be reaching out to you, or to at least a number of you, shortly.

Thank you for your consideration of our request.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jim", is written over the printed name "James R. Richards". The signature is stylized with a large loop and a trailing line.

James R. Richards

Key Elements for Amending the Proposed Performance Agreement Among the City of Lynchburg, Golden Mile, LLC and Bella Rose Plantation, LLC

1. The City will only reimburse Golden Mile LLC for related capital construction costs as follows for the improvements to Graves Mill Road, entrance and spine road within the Rosedale development: Physical construction activities, including but not limited to, clearing, grubbing, grading, erosion control, drainage, curb and gutter, stone base, asphalt pavement, milling, seeding and landscaping, traffic control measures, traffic signal, signage, pavement markings, water and sewer mains, construction administration and inspections and a portion of the regional stormwater detention facility within existing and/or proposed right of ways and easements.
2. The City is not going to request funds from the Virginia Department of Transportation (VDOT) for the proposed road improvements. The proposed road is not consistent with the City's transportation plan due to its lack of connectivity with Breezewood Drive. The City has identified the 221/501 one-way pair project as the top priority for funding in the next SmartScale (HB2) funding round. VDOT staff has advised that the City should submit only one application due to the limited funding stream for the second round of the program. The Rosedale project is not included in the Central Virginia Long Range Transportation Plan 2015.
3. The City will reserve tax revenues from commercial development for real estate, Business and Professional Licenses, Machinery and Tools, Business Personal Property, Meals, Lodging and City share (1%) of sales tax and will only reimburse Golden Mile LLC for the physical construction of the improvements to Graves Mill Road, entrance road and spine road terminating at the stub indicated on the site plan.
4. New tax revenues as stated in the Performance Agreement will begin to be reserved January 1, 2017 and the first payment will be executed upon the inspection of work by the City and receipt of an invoice for such work.
5. At no time will the reimbursement to Golden Mile, LLC exceed the amount of new tax revenue received from the sources noted and allocated as noted in the Performance Agreement.
6. The Economic Development Authority (EDA) will need to be a party to the Performance Agreement as the City has no authority to make payments to a private entity.
7. Tax revenues as stated in the Performance Agreement will be transferred to the Economic Development Authority for reimbursement to Golden Mile LLC. The City will appropriate and pay the reserved funds as noted in the proposed Performance Agreement to the Economic Development Authority and the EDA will make payments to the developer as expenditures for the road are incurred. Golden Mile LLC will submit an invoice for capital expenditures as defined above for the spine road to the EDA for reimbursement on a monthly basis. The EDA will make payments/reimbursements to Golden Mile LLC within thirty (30) days of receipt of each invoice.

Rosedale Project Historical Timeline Through August 9, 2016

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **September 12, 2016 PDC**

AGENDA ITEM #:

CONSENT:
ACTION:

REGULAR: **X**
INFORMATION: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: VDOT Grant Awards

Strategic Pillar(s) Impacted:

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

RECOMMENDATION: None

SUMMARY: Staff has been notified of two VDOT Grant Awards for FY2017.

First is a \$168,244 Transportation Alternatives Program grant to complete the sidewalk route from Dearington Heights Apartments to the Dearington Elementary School, the neighborhood market and the GLTC bus stop. This section had to be left out of the first project due to budget constraints. This is an 80/20 grant and the 20% local match of \$42,061 will come from the Public Works' General Street Funds.

Second is a \$510,000 Highway Safety Improvement Program grant for pedestrian and signal improvements to Rivermont Avenue. These improvements are from Bedford Ave. to Link Rd. This is a 100% Federal aid grant and requires no local match.

PRIOR ACTION(S): November 10, 2015, PDC and City Council

FISCAL IMPACT: Local Match of \$42,061

CONTACT(S): Lee Newland, City Engineer, 455-3947
Maggie Cossman, City Transportation Engineer, 455-3935

ATTACHMENT(S): None

REVIEWED BY:

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **September 13, 2016**

AGENDA ITEM #: **1**

CONSENT:
ACTION: **X**

REGULAR:
INFORMATION:

WORK SESSION: **X**

CLOSED SESSION:
(Confidential)

ITEM TITLE: Rosedale Development (Golden Mile, LLC)

Strategic Pillar(s) Impacted:

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

RECOMMENDATION: Support the staff recommendation as noted on the attached "Comparison of Rosedale Proposals".

SUMMARY: Golden Mile, LLC has requested the City assist with funding transportation improvements to Graves Mill Road, as well as the entrance and the internal "spine" road for the Rosedale development. Following the August 9, 2016 Finance Committee, staff was directed to negotiate further with Golden Mile, LLC to reach agreement that is more in alignment with City Council's criteria of September 29, 2014. Council's original conditions to consider road improvements were: 1) a time limit on the return period of 10 years; 2) connectivity to Breezewood Drive; and 3) participation by the City of no more than 50% of the cost of road improvements.

The City Manager and Golden Mile, LLC's representative met to discuss a compromise. Compromise was made on the term of the reimbursement from the 10 years identified by City Council and the 20 years proposed by Golden Mile, LLC. The compromise reimbursement period is proposed to be 15 years as noted on the attached "Comparison of Proposals".

City staff met with representatives of Golden Mile, LLC to review a draft Smart Scale application as promised at the August 9, 2016 Finance Committee meeting. The City Manager and Golden Mile, LLC's representative also discussed the possibility of supporting a Smart Scale application to Virginia Department of Transportation [VDOT] for only the Graves Mill Road improvements. City staff does not support such an application as the improvements, including those to Graves Mill Road, are not identified on any transportation improvement priority list.

Golden Mile, LLC offered two alternate proposals on September 2, 2016. Details of each of these proposals are outlined on the attached "Comparison of Proposals".

The two major points of disagreement between staff's recommendation and Golden Mile, LLC's September 2, 2016 Proposal #2 are:

1. Level of participation by the City in reimbursement for improvements to Graves Mill Road, entrance, and "spine" road within the Rosedale complex. City staff recommends no more than 50% of only the cost of physical road construction activities. Golden Mile, LLC proposes 100% of all costs as identified in the State Code Tax Increment Financing definition for capital costs; and,
2. Connectivity to Breezewood Drive: City requirement for Golden Mile, LLC to acquire dedicated right-of-way through the "Skinner Tract" for future connection to Breezewood Drive. Golden Mile, LLC has only provided a non-binding agreement with the owners of the "Skinner Tract" for an easement for a road or roadway up to 100 feet wide from the Rosedale property to Breezewood Drive.

The application deadline for Smart Scale funding is September 30, 2016

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

FISCAL IMPACT: To be determined.

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

ATTACHMENT(S): Comparison of Rosedale Proposals
E-mail and Letter from Jim Richards, Attorney for Golden Mile, LLC dated September 2, 2016
Key Elements for Revised Performance Agreement – August 4, 2016
Rosedale Project Historical Timeline through August 9, 2016

REVIEWED BY: bms
128V

Comparison of Rosedale Proposals

Council Criteria September 29, 2014	Staff Recommendation September 12, 2016	Golden Mile, LLC June 21, 2016 Proposal	Golden Mile, LLC September 2, 2016 Proposal #1	Golden Mile, LLC September 2, 2016 Proposal #2
1. No reference to City support for a HB 2 (renamed Smart Scale) application to VDOT for road improvements.	1. City will not support a Smart Scale application for any component of Graves Mill Road, entrance or "spine" road improvement for Golden Mile, LLC. None of these improvements are on any transportation priority list.	1. Proposes City support for a VDOT Smart Scale grant application for all road improvements (Graves Mill Road, entrance and "spine" road).	1. Proposes City support for a Smart Scale application to VDOT for \$2.5 million for 100% of Graves Mill Road and entrance improvements.	1. Proposes no City support for a Smart Scale request from VDOT.
2. Participation by the City of no more than 50% of the cost of road improvements.	2. Participation by the City of no more than 50% of the cost of road improvements. Reimburse for physical construction activities only, including but not limited to clearing, grubbing, grading, erosion control, drainage, curb and gutter, stone base, asphalt pavement, milling, seeding and landscaping, traffic control measures, traffic signal, signage, pavement markings, water and sewer mains, construction administration and inspections and a portion of the regional stormwater detention facility within existing and/or proposed right-of-ways and easements. Staff does not support using the definition included in the State Code regarding Tax Increment Financing, which includes such things as financing costs and attorney fees.	2. Participation by the City of 100% of all road improvement costs according to State Code Tax Increment Financing Definition, including Graves Mill Road improvements and internal "spine" road improvements.	2. Participation by the City of 75% of the costs of the "spine" road based on State Code Tax Increment Financing Definition.	2. Participation by the City of 100% of all road improvement costs according to State Code Tax Increment Financing Definition, including Graves Mill Road improvements and internal "spine" road improvements
	Terms: City keeps 20% of first one-half of reimbursement and 40% of second-half of total reimbursement.1/	Terms: City keeps 20% of first one-half of reimbursement and 40% of second-half of total reimbursement.1/	Terms: City keeps 50% of new tax revenues. 1/	Terms: City keeps 20% of first one-half of reimbursement and 40% of second-half of total reimbursement. 1/
3. Connectivity to Breezewood Drive	3. Require developer to acquire dedicated right-of-way through the "Skinner Tract" for future connection to Breezewood Drive. A non-binding agreement is not consistent with City Council's criteria.	3. No connectivity to Breezewood Drive. Developer has provided a non-binding agreement with the owners of the "Skinner Tract" for an easement for a road or roadway up to 100 feet wide from the Rosedale property to Breezewood Drive.	3. No connectivity to Breezewood Drive. Developer has provided a non-binding agreement with the owners of the "Skinner Tract" for an easement for a road or roadway up to 100 feet wide from the Rosedale property to Breezewood Drive.	3. No connectivity to Breezewood Drive. Developer has provided a non-binding agreement with the owners of the "Skinner Tract" for an easement for a road or roadway up to 100 feet wide from the Rosedale property to Breezewood Drive.
4. City will only participate in reimbursement from revenues for a period of 10 years. 1/	4. City will participate in reimbursement from identified tax revenues 1/ over a 15-year period or until Graves Mill Road, entrance and "spine" road improvements are paid for, whichever comes first.	4. Reimbursement period from the City for 20 years or full reimbursement of road, whichever comes first. 1/	4. Reimbursement period from the City for 15 years or full reimbursement of road, whichever comes first. 1/	4. Reimbursement period from the City for 15 years or full reimbursement of road, whichever comes first. 1/

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

September 2, 2016

Dear Madame Mayor, Madame Vice Mayor, Members of Council, and Ms. Svrcek:

Attached please find a letter to all of you regarding the above referenced project. The letter includes proposals currently in front of the City Manager, but of which we believe you all need to be aware given the constraints of time if we are to push for a September 13th resolution, which has been our goal.

We look forward to working with both City Council and the City Manager's office toward a mutually beneficial arrangement.

Very truly yours,
Jim Richards



James R. Richards
Petty, Livingston, Dawson & Richards
P. O. Box 1080
Lynchburg, Virginia 24505
Office: (434)846-2768
Fax: (434)847-0141
Direct: (434)455-5932

IRS CIRCULAR 230 DISCLOSURE

To ensure compliance with requirements imposed by the IRS, please be advised that any tax advice contained in this communication (including any attachments) was not intended or written by the practitioner to be used, and cannot be used, for the purposes of (1) avoiding penalties under the Internal Revenue Code or (2) promoting, marketing, or recommending to another party any transaction or matter addressed herein.

IMPORTANT

The information contained in this message and any attachments is confidential and may be governed by attorney/client privilege. The message and any attachments are intended only for the use of the named addressee. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copy of this communication and any attachments is strictly prohibited. If you have received this communication in error, PLEASE DO NOT READ THE MESSAGE CONTAINED HEREIN OR THE CONTENTS OF ANY ATTACHMENT; instead, please immediately notify Petty, Livingston, Dawson & Richards at (434)846-2768 or by e-mail to jrichards@pldrlaw.com. Thank you.

**PETTY
LIVINGSTON
DAWSON
&
RICHARDS**

Individual & Corporate Counsel

JAMES R. RICHARDS
jrrichards@pldrllaw.com
TEL. 434-846-2768
FAX 434-847-0141
DIRECT 434-455-5932

www.pldrllaw.com

September 2, 2016

Mailing Address:
P.O. Box 1080
Lynchburg, VA 24505

Street Address:
725 Church Street
Suite 1200
Lynchburg, VA 24504

Ms. Mary Jane Dolan
Member of City Council
611 Heritage Drive
Lynchburg, VA 24503

Ms. Joan F. Foster, Mayor
Member of City Council
300 Woodland Avenue
Lynchburg, VA 24503

Mr. Jeff S. Helgeson
Member of City Council
100 Warren Avenue
Lynchburg, VA 24501

J. Randolph Nelson, Esquire
Member of City Council
1626 Morrison Drive
Lynchburg, VA 24503

Mr. Edgar J. T. Perrow, Jr.
Member of City Council
3620 Manton Drive
Lynchburg, VA 24503

Ms. Treney Tweedy, Vice Mayor
Member of City Council
7123 Richland Drive
Lynchburg, VA 24502

Mr. Sterling A. Wilder
Member of City Council
1418 Harrison Street
Lynchburg, VA 24504

Ms. Bonnie Svrcek
City Manager
City of Lynchburg
900 Church Street
Lynchburg, Virginia 24504

Re: Rosedale Development

Dear Madame Mayor, Madame Vice Mayor, Members of Council, and Ms. Svrcek:

The undersigned represents Golden Mile, LLC, the owner and developer of the above referenced project. I and other representatives of the owner have been in discussion with various City officials regarding the Rosedale Project for many months. Our efforts have been focused on trying to secure an agreement with the City to fund certain road improvements, both on Graves Mill Road and within the project property, in order to allow the development of the property as a mixed use project. After much discussion and negotiation with the former and current City Managers and City staff, our firm appeared on behalf of our client before the Finance Committee of City Council. Out of that meeting it was determined that the owner representatives and the City staff continue negotiations within a framework set by the committee. In order to drive the negotiation forward, my clients have asked me to communicate with you our ideas to bring this matter to a prompt conclusion. It is our hope that we can come to some agreement prior to the September 13, 2016 City Council meeting. To that end I have also been asked to request a meeting with the City Manager at her earliest convenience next week in order try to work out a recommendation to Council that would allow my client to proceed with development of the property.

We are encouraged that City staff and City Council have been willing to spend time and energy on this project. However, there is a level of discouragement on our part with the approach that has been taken to this negotiation, so far.

My client is offering to build the city a road at an estimated cost of about \$6 million. It is a road that the City will own; it is not a private road my client will retain. The road will allow development of this property and a resulting increase in tax revenue to the City. All we are asking is that City Council agree to have the City return some of its revenue as compensation for the road, but if, and only if, and only to the extent that, the development yields increased tax revenue to the City. My client is willing to accept the entire risk that the development will not yield the projected tax revenues within a limited time frame. Also, it is willing to share this revenue with the City during the course of the reimbursement period, instead of having it devoted entirely to the reimbursement. This plan allows the City to recognize immediate increased revenue.

Our difficulty in our negotiations is that the City's position seems to be married to a set of arbitrary limitations, instead of being focused on what the developer can or cannot afford in order to move forward with this development and increase the value of properties on the City's tax rolls. Therefore, my client has asked me to put forward two compromise proposals based on what it can reasonably afford to risk in order to expedite the negotiating process.

The first proposal is based on the City supporting and making a Smart Scale request of \$2.5 million (a commitment to reimburse 100% of Graves Mill Road and entrance improvements). We would in that case be seeking reimbursement of 75% of the remaining costs (the spine road) over a period of 15 years, with reimbursement being 50% of the new tax revenues each year. Under that plan the City would keep 50% of new tax revenues.

The second proposal involves the City not supporting or making a Smart Scale request. In that instance we would seek reimbursement of 100% of the road costs (Graves Mill Road improvements, entrance improvements, and spine road). This reimbursement would be over the course of 15 years with reimbursement being 80% of new tax revenues until one-half (1/2) of the costs are reimbursed (the City keeps 20%) and thereafter 60% of new tax revenues (the City keeps 40%).

Costs must include all costs previously requested, including "soft costs" such as engineering fees. The idea behind our previous request of having all costs reimbursed is that the "price" of the road to the City would be the same as if the City were paying my client to build it or as if purchasing the completed road at its full production cost. As you can see under the first scenario, my client would be significantly discounting that price, but the price would need to include all costs.

It is our preference that the chosen course would include the Smart Scale request. We believe that has a number of advantages for the City. First, it will allow faster pay down of third party loans and reduce reimbursed finance costs. Second, it will allow the City to begin collecting 100% of tax revenues sooner. Third, it allows my clients to make concessions on the total amount to be reimbursed as reflected in the first proposal.

In addition to the above, it is also our belief that limiting the City's Smart Scale proposal to a single project (as has been put forward to us) is a gamble that potentially limits the City's ability to participate in state infrastructure spending. Our information is that there are more than thirty applications chasing about \$32 million allocated to our region. The City's request is for over \$20 million on a single project. If the resulting allocations are an all or nothing proposition, then Lynchburg could lose out on getting any state funds in the next cycle.

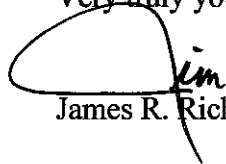
We understand City staff's argument that our road is not a transportation priority. However, we suggest that it should be an economic development priority. To our knowledge, our request is the only one currently on the table in the City that is calculated to enhance the City's revenue. It would seem a shame to have the City miss out on funding that could help with its tax revenue cash flow.

By setting forth these proposals, it is not our intention to foreclose other ideas. Rather it is an attempt to focus efforts on trying to find a way within the realm of affordable reality that will allow my client to develop this project. The City stands to benefit almost immediately from this project moving ahead. Our proposal involves absolutely no risk on the City's part, since it involves a sharing of tax revenues that do not presently exist, and will not exist unless the road is built and the property developed. The proposal is a perfect example of a public/private partnership that the General Assembly had in mind when it enacted the tax incentive financing statutes, and is a win/win proposition for the City and the developer.

I would like the opportunity to speak with as many of you as possible prior to the September 13th Council session and may be reaching out to you, or to at least a number of you, shortly.

Thank you for your consideration of our request.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jim", is written over the printed name. The signature is stylized with a large loop and a trailing flourish.

James R. Richards

Key Elements for Amending the Proposed Performance Agreement Among the City of Lynchburg, Golden Mile, LLC and Bella Rose Plantation, LLC

1. The City will only reimburse Golden Mile LLC for related capital construction costs as follows for the improvements to Graves Mill Road, entrance and spine road within the Rosedale development: Physical construction activities, including but not limited to, clearing, grubbing, grading, erosion control, drainage, curb and gutter, stone base, asphalt pavement, milling, seeding and landscaping, traffic control measures, traffic signal, signage, pavement markings, water and sewer mains, construction administration and inspections and a portion of the regional stormwater detention facility within existing and/or proposed right of ways and easements.
2. The City is not going to request funds from the Virginia Department of Transportation (VDOT) for the proposed road improvements. The proposed road is not consistent with the City's transportation plan due to its lack of connectivity with Breezewood Drive. The City has identified the 221/501 one-way pair project as the top priority for funding in the next SmartScale (HB2) funding round. VDOT staff has advised that the City should submit only one application due to the limited funding stream for the second round of the program. The Rosedale project is not included in the Central Virginia Long Range Transportation Plan 2015.
3. The City will reserve tax revenues from commercial development for real estate, Business and Professional Licenses, Machinery and Tools, Business Personal Property, Meals, Lodging and City share (1%) of sales tax and will only reimburse Golden Mile LLC for the physical construction of the improvements to Graves Mill Road, entrance road and spine road terminating at the stub indicated on the site plan.
4. New tax revenues as stated in the Performance Agreement will begin to be reserved January 1, 2017 and the first payment will be executed upon the inspection of work by the City and receipt of an invoice for such work.
5. At no time will the reimbursement to Golden Mile, LLC exceed the amount of new tax revenue received from the sources noted and allocated as noted in the Performance Agreement.
6. The Economic Development Authority (EDA) will need to be a party to the Performance Agreement as the City has no authority to make payments to a private entity.
7. Tax revenues as stated in the Performance Agreement will be transferred to the Economic Development Authority for reimbursement to Golden Mile LLC. The City will appropriate and pay the reserved funds as noted in the proposed Performance Agreement to the Economic Development Authority and the EDA will make payments to the developer as expenditures for the road are incurred. Golden Mile LLC will submit an invoice for capital expenditures as defined above for the spine road to the EDA for reimbursement on a monthly basis. The EDA will make payments/reimbursements to Golden Mile LLC within thirty (30) days of receipt of each invoice.

Rosedale Project Historical Timeline Through August 9, 2016

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **September 13, 2016**

AGENDA ITEM #: **3**

CONSENT:
ACTION:

REGULAR:
INFORMATION: **X**

WORK SESSION: **X**

CLOSED SESSION:
(Confidential)

ITEM TITLE: Invitation to Tour the Lynchburg Circuit Court Renovations

Strategic Pillar(s) Impacted:

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

RECOMMENDATION: Accept the invitation from Judges of the Circuit Court and the Clerk of the Circuit Court to tour the Lynchburg Circuit Court renovations following the September 13, 2016 Council work session.

SUMMARY: The Lynchburg Circuit Court began renovations of the main level of the courthouse to include, lobby, hallways, Courtrooms A and B during 2015. Prior to this renovation only minimal work and repairs have been done to these areas since the courthouse was built in 1957. The renovations have been completed and the Judges of this Court and myself would like to showcase the transformation to the Council Members for the City of Lynchburg.

The renovations that have been completed addressing lighting and sound issues in courtrooms, updating and repairing furniture, replacing worn carpet and new paint. A major portion of the renovations was the addition of technology in our courtrooms that will enable the presentation of video and any other format of evidence to be presented before the court and captured as an exhibit.

PRIOR ACTION(S): None

FISCAL IMPACT: None

CONTACT(S): Eugene C. Wingfield, Clerk of Court – 455-2611

ATTACHMENT(S): None

REVIEWED BY: bms

August 9, 2016

325

// A regular meeting of the Council of the City of Lynchburg was held on the 9th day of August, 2016, at 7:30 P.M. in the Council Chamber, City Hall, Joan Foster, President, presiding. Council Member Wilder gave the Invocation, followed by the Pledge of Allegiance. The following Members were present:

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

7

Absent:

0

// Mayor Foster and Vice Mayor Tweedy recognized Steve Bozeman who made a presentation for the Order of the Purple Heart. Mr. Bozeman stated that all the surrounding counties are all dedicated as Purple Heart locations.

// Mayor Foster and Vice Mayor Tweedy recognized the City's Department of Human Resources for receiving the Best Small HR Agency by IPMA-HR.

// Mayor Foster and Vice Mayor Tweedy presented a Certificate of Recognition for the Tree City USA Designation to Gaynell Hart, Director of Public Works.

// Mayor Foster and Vice Mayor Tweedy recognized the plaque that was received from the Commonwealth Games. Sergel Troubetzkoy, Director of Tourism, Jenny Jones, Director of Parks and Recreation, Marjette Upshur, Director of Economic Development and Lisa Meriwether, Sales Manager for Tourism were recognized by the Mayor for arranging the Commonwealth Games that were held in Lynchburg.

// Council Member Perrow asked that Items #1, #2, #3 and #4 be removed from the Consent Agenda because he wanted to make a statement on the minutes. Items #5, #6, #7, and #8 would be voted on separately.

// Copies of the minutes of the June 14 (two meetings), 2016 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote approved the minutes as amended:

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

7

Noes:

0

// Copies of the minutes of the June 28, 2016 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote approved the minutes as amended:

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

7

Noes:

0

// Copies of the minutes of the July 1, 2016 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote approved the minutes as presented:

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

7

Noes:

0

// Copies of the minutes of the July 12, 2016 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Perrow, seconded by Council Member Nelson,

Council by the following recorded vote approved the minutes as amended:

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

Noes: 0

// In the matter of Court, Resolution #R-16-092 to amend the FY 2016 City/Federal/State Aid Fund budget and appropriate \$24,490 with resources from a grant from the Library of Virginia to preserve eighty-four (84) Deed books numbers 298 through 381 with records dated July 1955 through November 1963 at the Lynchburg Circuit Court Clerk's Office, laid over from the July 12, 2016 meeting, was again presented and read, and on motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of Tourism, Resolution #R-16-093 to amend the FY 2016 City/Federal/State Aid Fund budget and appropriate \$50,000 with resources from a marketing leverage grant from the Virginia Tourism Corporation, laid over from the July 12, 2016 meeting, was again presented and read, and on motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of City Council, City Council Report #7 was considered. On motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote amended and reaffirmed the City's Finance Committee Guidelines:

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

Noes: 0

// In the matter of City Council, City Council Report #8 was considered. On motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote amended and reaffirmed the Physical Development Committee Guidelines:

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

Noes: 0

// In the matter of Community Development - Zoning Amendments, a public hearing was held regarding City Council Report # 9 outlining the petition of LYNVET, LLC to amend the Future Land Use Map (FLUM) of the City's Comprehensive Plan 2013-2030 from Low Density Residential to Community Commercial and to rezone approximately one and two hundred six thousandths (1.206) acres at 806 & 808 Mercury Street from R-2, Low-Medium Density Residential District to B-3C, Community Business District (Conditional) to accommodate the construction of a parking area. Rachel Frischeisen, Planner I, provided a summary of the FLUM and the Rezoning petitions. The Planning Commission recommended approval of the petitions. Mr. Scott Beasley of Hurt & Proffitt, representing the petitioner, asked Council for approval of the petitions. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Helgeson, seconded by Council Member Nelson,

Council by the following recorded vote adopted Resolution #R-16-094, as presented, to amend the Future Land Use Map (FLUM) of the City's Comprehensive Plan 2013-2030 from Low Density Residential to Community Commercial:

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

Noes: 0

On motion of Vice Mayor Tweedy seconded by Council Member Nelson, Council by the following recorded vote adopted Ordinance #O-16-095, as presented, to rezone approximately one and two hundred six thousandths (1.206) acres at 806 & 808 Mercury Street from R-2, Low-Medium Density Residential District to B-3C, Community Business District (Conditional) to accommodate the construction of a parking area:

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

Noes: 0

// In the matter of Community Development - Zoning, a public hearing was held regarding City Council Report #10 outlining the petition of Centra Health, LLC, for a Conditional Use Permit (CUP) to use the existing home and property at 1343 Oak Lane and 1512 Fairway Drive as a group home for up to four (4) pregnant and postpartum women with infants in an R-2, Low-Medium Density Residential District. Council Member Dolan made the following statement, "In addition to serving on City Council, I also serve on the Centra Health Foundation Board. I do not receive any financial support and do not have a conflict of interest. I am able to participate in this matter fairly, objectively and in the public interest. Therefore, I will participate in the discussion of and vote on this item." Council Member Helgeson made the following statement, "I am a member of a group, the spouse of an employee of Centra Health and notwithstanding that relationship, I am able to participate in this matter fairly, objectively and in the public interest. Therefore, I will participate in the discussion of and vote on this item." City Planner Tom Martin provided an overview of the CUP petition and stated the Planning Commission recommended approval. Ms. Carolyn Jacques, representing the petitioner, asked Council for approval of the CUP. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-16-096, as presented, granting the Conditional Use Permit:

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

Noes: 0

// In the matter of Public Works – Street Vacation, a public hearing was held regarding City Council Report #11 regarding the petition of Jet Holdings LLC to vacate a portion of right-of-way located along 801 5th Street. The portion proposed for vacation is approximately six thousandths (.006) of an acre. Rachel Frischeisen, Planner I, provided a summary of the request to vacate a portion of right-of-way located along 801 5th Street. Mr. Will Seigler with Berkley Howell & Association, representing the petitioner, asked Council for approval to vacate a portion of right-of-way located along 801 5th Street. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council

Member Perrow, Chair of the Physical Development Committee (PDC), stated that this matter came before the PDC which recommended approval to vacate a portion of right-of-way located along 801 5th Street. The portion proposed for vacation is approximately six thousandths (.006) of an acre. This motion does not require a second, and Council by the following recorded vote adopted Ordinance #O-16-097, as presented, for Jet Holdings LLC C to vacate a portion of right-of-way located along 801 5th Street. The portion proposed for vacation is approximately six thousandths (.006) of an acre:

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

7

Noes:

0

// In the matter of City Council, Joy Wriston spoke before Council regarding the closing of Rives Street.

// In the matter of City Council, David Wriston spoke before Council regarding the closing of Rives Street.

// In the matter of City Council, Bernice Rudder spoke before Council regarding the closing of Rives Street.

// In the matter of City Council, Brenda Murdock spoke before Council regarding the closing of Rives Street.

// In the matter of City Council, Dennis Henson spoke before Council regarding the closing of Rives Street.

// In the matter of City Council, Deleesa Carr spoke before Council regarding concerns with Greater Lynchburg Transit Company (GLTC).

// In the matter of Economic Development – General, City Council Report #18 was considered. On motion of Council Member Perrow, seconded by Council Member Helgeson, Council by the following recorded vote adopted Resolution #R-16-098, as presented, authorizing the issuance of bonds for Westminster Canterbury Lynchburg, Inc. through the Economic Development Authority of the City of Lynchburg:

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

7

Noes:

0

// In the matter of Commonwealth Attorney, City Council Report #19 was considered. Council Member Helgeson, Chair of the Finance Committee (FC) stated that this matter came before the FC which recommended approval. This motion does not require a second. On motion of Council Member Helgeson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-16-099, as presented, to amend the FY 2017 City/Federal/State Aid Fund budget to appropriate \$133,078 with resources from the FY 2017 Victim Witness Grant Program to meet the direct victim assistance service needs in the community:

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

7

Noes:

0

// In the matter of Commonwealth – General, City Council Report #20 was considered. Council Member Helgeson, Chair of the Finance Committee (FC) stated that this matter came before the FC which recommended approval. This motion does not require a second. On motion of Council Member Helgeson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-16-100, as presented, to amend the FY 2017 General Fund budget and appropriate

\$52,545 with resources from the General Fund Reserve for Contingencies to support the purchase of a new prosecution case management system:

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

7

Noes:

0

// In the matter of Police- General, City Council Report #21 was considered. Police Chief Raul Diaz, gave a presentation regarding a web based tool that connects law enforcement with the community to reduce crime and improve public safety.

// In the matter of Water Resources – General, City Council Report #22 was considered. Vice Mayor Tweedy stated she would not be supporting this item to give an additional 30 days to the property owner because this item needs to move forward. On motion of Council Member Perrow, seconded by Council Member Helgeson, Council by the following recorded vote adopted Resolution #R-16-101, as presented, authorizing the condemnation of Permanent and Temporary easements located at 745 Custer Drive for the Burton Creek Interceptor Sewer Replacement project:

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

6

Noes: Tweedy

1

// On motion of Council Member Helgeson, seconded by Council Member Wilder, Council by the following recorded vote elected to hold a closed meeting for discussion and consideration of the disposition of publicly owned real property because discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the City, and for consultation with legal counsel and briefings by staff members regarding a legal matter requiring the provision of legal advice, specifically various legal matters relating to the Midtown Connector Project, pursuant to Section 2.2-3711(A.)(3) and (7), respectively, of the Code of Virginia, 1950:

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

7

Noes:

0

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

// Council Member Nelson made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

330

August 9, 2016

The Motion was seconded by Council Member Perrow, and Council by the following recorded vote adopted the motion:

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

Noes: 0

// The meeting was adjourned at 10:34 P.M.

Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **September 13, 2016**

AGENDA ITEM #: **7**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Rezoning: R-3, Medium Density Residential District to B-1C, Limited Business District (Conditional) - 630 & 636 Leesville Road

Strategic Pillar(s) Impacted:

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

RECOMMENDATION: Approval of the rezoning petition.

SUMMARY: Kristie Napier is petitioning to rezone nine hundred and seventy-five thousandths (0.975) of an acre located at 630 and 636 Leesville Road from R-3, Medium Density Residential District, to B-1C, Limited Business District (Conditional), to allow the reuse of an existing building as a business. The Planning Commission recommended approval of the petition because (i) the proposed zoning aligns with the *Comprehensive Plan 2013-2030's Future Land Use Map (FLUM)*; (ii) the site will be redeveloped to meet requirements of the new Zoning Ordinance and (iii) the proposal would allow for the reuse of an otherwise vacant developed site.

PRIOR ACTION(S):

June 8, 2016:

The Planning Division recommended approval of the rezoning petition.

The Planning Commission recommended approval of the rezoning petition (5-0, with two absences, Perault and Light)

FISCAL IMPACT:

N/A

CONTACT(S):

Anne Nygaard, Planner II – 455-3900

Tom Martin, City Planner – 455-3900

Kent White, Director of Community Development – 455-3900

ATTACHMENT(S):

- Ordinance
- Planning Commission Minutes – August 10, 2016
- Planning Commission Packet – August 10, 2016
 - o Planning Commission Report
 - o Zoning Map
 - o Future Land Use Map
 - o Watershed Map
 - o Planimetric and Topographic Map
 - o Concept Plan (includes Site Information and Parking Notes)
 - o Property Photograph
 - o Speaker Signup Sheet

REVIEWED BY: bms

UNCODIFIED ORDINANCE:

AN ORDINANCE CHANGING A CERTAIN AREA LOCATED AT 630 AND 636 LEESVILLE ROAD FROM R-3, MEDIUM DENSITY RESIDENTIAL DISTRICT, TO B-1C, LIMITED BUSINESS DISTRICT (CONDITIONAL).

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG that in order to promote the public necessity, convenience, welfare and good zoning practice that Chapter 35.2 of the Code of the City of Lynchburg, 1981, as amended, be and the same is hereby further amended by adding thereto Section 35.2-54.4, which section shall read as follows:

Section 35.2-54.____. Change of a certain area located at 630 and 636 Leesville Road from R-3, Medium Density Residential District, to B-1C, Limited Business District (Conditional).

The area embraced within the following boundaries:

LEGAL DESCRIPTION: 630 AND 636 LEESVILLE ROAD, TAX MAP PARCEL 02505025 & 02505026

BEGINNING AT THE IRON AT THE POINT OF INTERSECTION OF THE SOUTHEASTERN CORNER OF THE PROPERTY AS IT LIES ON THE RIGHT-OF-WAY OF LEESVILLE ROAD/ STATE ROUTE 682 HEAD IN A WESTERLY DIRECTION N 88° 04' 01"W, 221.73 FEET TO AN IRON; THENCE ALONG THE WESTERN SIDE OF THE PARCEL HEAD IN A NORTHERLY DIRECTION N 02° 13' 00"E, 50.00 FEET; THENCE IN AN EASTERLY DIRECTION TOWARDS LEESVILLE ROAD S 88° 04' 01"E, 221.73 TO THE WESTERN SIDE OF THE RIGHT-OF-WAY OF LEESVILLE ROAD; THENCE IN A SOUTHERLY DIRECTION ALONG THE WESTERN SIDE OF THE RIGHT-OF-WAY OF LEESVILLE ROAD/ST RTE 682 S 02° 13' 00"W, 50.00 FEET ENCLOSING TAX MAP NUMBER 02505025 FOR 0.255 ACRES, AS SHOWN ON A PLAT BY JAMES C. MAY AND ASSOCIATES, ENTITLED "PLAT SHOWING RESURVEY OF PARTS OF LOTS 26 & 27 (TAX MAP #255-5-25), PARTS OF LOTS 28 THRU 32 (TAX MAP #225-5-26) AND LOT 37 (TAX MAP #225-5-7), BLOCK "A" GRAND VIEW SUBDIVISION", DATED DEC. 16, 2009.

BEGINNING AT THE IRON AT THE POINT OF INTERSECTION OF THE SOUTHEASTERN CORNER OF THE PROPERTY AS IT LIES ON THE RIGHT-OF-WAY OF LEESVILLE ROAD/ STATE ROUTE 682 HEAD IN A WESTERLY DIRECTION S 82° 39' 11"W, 224.85 FEET TO AN IRON; THENCE ALONG THE WESTERN SIDE OF THE PARCEL HEAD IN A NORTHERLY DIRECTION N 02° 13' 00"E, 158.20 FEET; THENCE IN AN EASTERLY DIRECTION TOWARDS LEESVILLE ROAD S 88° 04' 01"E, 221.73 TO THE WESTERN SIDE OF THE RIGHT-OF-WAY OF LEESVILLE ROAD; THENCE IN A SOUTHERLY DIRECTION ALONG THE WESTERN SIDE OF THE RIGHT-OF-WAY OF LEESVILLE ROAD/ST RTE 682 S 02° 13' 00"W, 121.94 FEET ENCLOSING TAX MAP NUMBER 02505026 FOR 0.713 ACRES, AS SHOWN ON A PLAT BY JAMES C. MAY AND ASSOCIATES, ENTITLED "PLAT SHOWING RESURVEY OF PARTS OF LOTS 26 & 27 (TAX MAP #255-5-25), PARTS OF LOTS 28 THRU 32 (TAX MAP #225-5-26) AND LOT 37 (TAX MAP #225-5-7), BLOCK "A" GRAND VIEW SUBDIVISION", DATED DEC. 16, 2009.

...is hereby changed from R-3, Medium Density Residential District, to B-1C, Limited Business District (Conditional), subject to the conditions set out herein below which were voluntarily proffered in writing by the petitioner, Kristie Napier, to wit:

1. A future site plan will be submitted to the City for approval prior to use of the building. The drawing submitted for rezoning is a concept intended to show the use of the building for general office use.
2. The site will be built in substantial compliance with the future site plans as approved by the City's Technical Review Committee.
3. The parcel line separating 630 and 636 Leesville Road shall be vacated prior to the development of the site.

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

Adopted:

Certified: _____
Clerk of Council

122V

MINUTES OF THE AUGUST 10, 2016 MEETING OF THE PLANNING COMMISSION (MINUTES HAVE NOT BEEN APPROVED):

Petition of Kristie Napier to rezone approximately nine hundred and seventy five thousandths (0.975) of an acre at 630, 634 and 636 Leesville Road from R-3, Medium Density Residential District, to B-1C, Limited Business District (Conditional), to allow the reuse of an existing building as a business:

Ms. Anne Nygaard summarized the report for the commissioners. 636 Leesville Road contains a commercial building that was constructed in 1955. When the former Zoning Ordinance was adopted in 1979, an R-3 zoning, Low-Medium Density Residential District, was applied to the site. At that point, the business was able to legally continue to operate because it had existed prior to the application of that district. It was a nonconforming use.

Nonconforming uses can operate in perpetuity as long as they operate consistently. The Zoning Ordinance says that once a nonconforming use is shut down or does not exist for more than two years, the property needs to comply with the Zoning Ordinance. Normally, nonconforming uses are a really good planning tool used pretty often. It is used to gradually phase out uses that might not be a good idea for a specific area. In this case, staff does not think that this was an intentional use of that planning tool. It might have been from outdated planning practices where land uses are separated distinctly all over the City or it might have just been an oversight.

Ms. Nygaard explained that 636 Leesville Road had operated as a barber shop until approximately 2009. In 2011 the property lost its nonconforming status because there had been no business operating there for over two years.

The *Future Land Use Map (FLUM)* recommends a Community Commercial use for the property. Community Commercial uses do equate to a variety of business districts. Staff looked at this site, which is relatively small. They also looked at the surrounding area, which is mainly residential, and recommended a B-1, Limited Business District. Staff feels this is the appropriate district to be located in a residential area.

The petitioner has proffered to bring the site in to compliance with the current Zoning Ordinance. Those improvements will include installing sidewalk, landscaping, parking and closing one of the driveway entrances. The entrance will be left open for the neighbor at 638 Leesville Road. The Planning Division is recommending approval of the rezoning petition finding that a small scale commercial use adjacent to a neighborhood will be a benefit for the City in the long term.

Mr. Trent Warner with Hurt & Proffitt was present to represent the application. He explained that the owner inherited this property and is trying to sell it. It is difficult to sell due to its residential zoning. The owner has had some interest in the purchase of the property for commercial uses that would fit within a B-1 zoning district. Mr. Warner reiterated that the second entrance to the site will be closed and a sidewalk and landscaping will be added to bring it up to the requirements of the current Zoning Ordinance.

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

Commissioner Gahagan asked if the adjacent property at 628 Leesville Road would have its zoning changed to B-1 by default. Ms. Nygaard indicated that it will remain zoned residential unless the owner of that parcel or the City comes forward with a petition to rezone it.

Commissioner Gahagan asked if the sidewalk being built in front of the parcels involved in this rezoning might prompt the City to continue the sidewalk down Leesville Road. Ms. Nygaard indicated that it is the feeling of staff that as other parcels develop or redevelop along Leesville Road, the sidewalks will start to fill in. After a number of years, there will be very few gaps and possibly the City would fill in those gaps. Ms. Nygaard explained that the businesses farther down Leesville Road cannot be required to put in sidewalk without coming forward for redevelopment or rezoning. The City has no plans to put sidewalk in on Leesville Road at the present time.

Commissioner Rogers asked for clarification as to where the five required parking spaces are located and Ms. Nygaard indicated where they are on the concept plan.

Commissioner Gahagan made the following motion, which was seconded by Commissioner Marion and passed by the following vote:

"That the Planning Commission recommends approval of the petition of Kristie Lynn Napier to rezone approximately nine hundred and seventy-five thousandths (0.975) of an acre located at 630 and 636 Leesville Road from R-3, Medium Density Residential District to B-1C, Limited Business District (Conditional) to allow the use of the property as a business or other permitted uses, subject to the following voluntarily submitted proffers:

- 1. A future site plan will be submitted to the City for approval prior to use of the building. The drawing submitted for rezoning is a concept intended to show the use of the building for general office use.**
- 2. The site will be built in substantial compliance with the future site plans as approved by the City's Technical Review Committee.**
- 3. The parcel line separating 630 and 636 Leesville Road shall be vacated prior to the development of the site.**

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

The Department of Community Development

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

To: Planning Commission
From: Planning Division
Date: August 10, 2016
Re: Rezoning: 630, 634 and 636 Leesville Road – R-3, Medium Density Residential District to B-1C, Limited Business District (Conditional)

I. PETITIONER

Kristie Lynn Napier, 591 Woodland Drive, Madison Heights, Virginia 24572

Representative: Trent Warner, Hurt & Proffitt, Inc., 2524 Langhorne Road, Lynchburg, Virginia 24501

II. LOCATION

The subject property includes two tracts of approximately nine hundred and seventy-five thousandths (0.975) of an acre located at 630 and 636 Leesville Road. 634 Leesville Road is on the same parcel as 636 Leesville Road.

Property Owner: Kristie Lynn Napier, 591 Woodland Drive, Madison Heights, Virginia 24572

III. PURPOSE

The purpose of the petition is to rezone the property from R-3, Medium Density Residential District to B-1C, Limited Business District (Conditional) to allow the reuse of an existing building as a barber shop or other permitted B-1 use.

IV. SUMMARY

- The *Future Land Use Map (FLUM)* recommends a Community Commercial use for the property.
- The proposed B-1C, Limited Business District (Conditional) is intended to provide office, retail, restaurant and service uses that are compatible with nearby residential areas.
- The submitted proffers ensure that the site will be brought into compliance with the City's Zoning Ordinance
- Rezoning to allow appropriate commercial uses adjacent to neighborhoods is compatible with *Comprehensive Plan 2013-2030* goals.

The Planning Division recommends approval of the rezoning petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Future Land Use Map (FLUM)* of the *Comprehensive Plan 2013-2030* recommends 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, the entire City or the region. **(p.75)**

Community Commercial areas on the southern side of the City are typically limited to commercial corridors and large nodes where development is much larger in scale than the properties and building at 630 and 636 Leesville Road. However, Community Commercial districts lend themselves to a variety of business districts, including B-1, Limited Business District, which consists primarily of neighborhood-serving uses. The B-1 district is most appropriate here because of the site's relatively small size and presence within a primarily residential portion of the city. Rezoning this site is a unique opportunity to allow a suburban area of the city to start creating a walkable, neighborhood-serving commercial area.

Applicable policies of the Comprehensive Plan include:

LU-2.3 Improve access between neighborhoods and neighborhood support services, including public and private services that are compatible with neighborhood character.

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

LU-3.1 Encourage the development of built environments that support the integration of healthy and active living in day-to-day life and foster human interaction.

2. **Zoning.** The subject property was annexed into the City in 1976. The existing R-3, Medium Density Residential District zoning was established in 1979 with the adoption of the Timberlake Road Study. The commercial building was constructed in 1955 and operated as a nonconforming use under the R-3, Medium Density Residential, zoning district up until when the barber shop and beauty salon closed in 2009. After two years of closure, the site lost its nonconforming status and thus requires a rezoning to be used as a business again.
3. **Proffers.** The petitioner has voluntarily submitted the following proffers:
 1. A future site plan will be submitted to the City for approval prior to use of the building. The drawing submitted for rezoning is a concept intended to show the use of the building for general office use.
 2. The site will be built in substantial compliance with the future site plans as approved by the City's Technical Review Committee.
 3. The parcel line separating 630 and 636 Leesville Road shall be vacated prior to the development of the site.
4. **Board of Zoning Appeals (BZA).** The Zoning Administrator has determined that no variances would be needed for the development of the property as proposed.
5. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - On May 22, 1979, City Council amended the Official Zoning Map as defined by the "Timberlake Road Study, Proposed Zoning, Recommended by the Lynchburg Planning Commission, and further revised by City Council May 22, 1979."
 - On February 12, 1985, City Council approved Heritage United Methodist Church's petition for a conditional use permit (CUP) to allow the construction of a new sanctuary, education building and parking lot in an R-3, Two-Family Residential District at 594 Leesville Road.
 - On May 13, 1986, City Council approved Heritage United Methodist Church's petition for a CUP for a master plan that would allow the construction of a new church complex in an R-1, Low Density Single-Family Residential District and an R-3, Medium Density Two-Family Residential District at 582 Leesville Road.
 - On April 9, 1991, City Council approved Heritage United Methodist Church's petition for a CUP to allow the construction of a pre-school center in an R-1, Low Density Single Family Residential District and an R-3, Medium Density Two-Family Residential District at 582 Leesville Road.

- On December 13, 1994, City Council approved Heritage United Methodist Church's petition for a CUP petition to increase the number of children permitted within an existing day care center to one hundred twenty-five (125) at 582 Leesville Road.
 - On November 11, 1997, City Council approved Victory Christian Fellowship's petition for a CUP for a master development plan that would permit the construction of a church and associated uses on approximately thirty-one (31) acres in an R-1, Low Density Single Family Residential District within the 600 block of Leesville Road.
 - On January 8, 2001, City Council approved Heritage United Methodist Church's petition for a CUP to allow the construction of a multi-purpose building in an R-1, Low Density Single-Family Residential District and an R-3, Medium Density Two-Family Residential District at 582 Leesville Road.
 - On July 13, 2004, City Council denied Thomas Brooks, Sr.'s petition for a CUP for the creation of an eighteen (18)-lot planned unit development in an R-1, Low Density Single-Family Residential District at 101 Palmer Drive.
 - On October 12, 2004, City Council approved Victory Christian Fellowship's petition for a conditional use permit (CUP) to amend the master development plan to allow the construction of a single-family home, relocation of a pavilion and the addition of parking in an R-1, Low Density Single-Family Residential District at 615 Leesville Road.
 - On April 13, 2010, City Council approved the petition of SFB, LLC to amend the *Future Land Use Map* from Low Density Residential to Office (now Neighborhood Commercial) and rezone two and eighty-one hundredths (2.81) acres at 623 Leesville Road from R-1 Low Density Residential to B-2C, Neighborhood Business District (Conditional), which was combined with the B-1, Limited Business District by the adoption of the Zoning Ordinance in February 2016.
 - On November 11, 2014, City Council approved the petition of VIP, LLC for a CUP to allow the construction of one hundred and twenty-one (121) townhouses at 542, 552, 554 and 572 Leesville Road.
 - On January 12, 2016, City Council approved the petition of VIP, LLC for a CUP to allow the construction of one hundred and eight (108) townhouses at 572 Leesville Road.
6. **Site Description.** The subject property includes two tracts totaling approximately nine hundred and seventy-five thousandths (0.975) of an acre located at 630 and 636 Leesville Road. The properties contain one fourteen hundred and eighty (1,480) square foot, one-story, masonry and wood frame building that is currently vacant. The building was previously used as both a barber shop and a beauty salon. The site is bounded by a single-household residence to the south, Leesville Road to the east, a vacant R-3 zoned property to the north, and vacant R-1 zoned property to the west. Another B-1, Limited Business District, exists to the north along Leesville Road. The site is generally flat with gradual slopes down to the west.
7. **Proposed Use of Property.** If the rezoning is approved, the existing building will be marketed for reuse as a barber shop or other permitted B-1 uses. Because the site is zoned R-3, Medium Density Residential District, it cannot be used as a business, despite having a commercial building present on the property. Rezoning the property will allow the site to be

put back into use and will bring the site into conformance with the City's Zoning Ordinance in regards to access management, sidewalks, landscaping, parking and bicycle parking.

8. **Traffic, Parking, Public Transit, and Pedestrian Facilities.** Access management standards in the City's Zoning Ordinance require one of the site's two driveway entrances to be closed. The southern entrance is shared by both 636 Leesville Road and the house on 638 Leesville Road and extends in front of both parcels. The concept plan shows that the portion of the entrance in front of 636 Leesville Road will be closed with the installation of new sidewalk and required landscaping. The house at 638 Leesville Road will maintain their ability to access their parcel.

The City's Zoning Ordinance requires two (2) spaces per one thousand (1,000) square feet of floor area plus one (1) per every three (3) employees on duty at any one time for all retail sales and service uses. Five (5) parking spaces are required and are shown on the concept plan.

The area is served by the Greater Lynchburg Transit Company (GLTC) Route 6 Loop. The nearest bus stop is approximately six hundred (600) feet away across Leesville Road and not connected by pedestrian facilities. This is a difficult site to access by bus due to the presence of a Loop route here. Riders must ride the entire loop in order to make a complete trip to and from a destination.

The concept plan does show the installation of sidewalk in front of this business per Zoning Ordinance requirements. It is expected that over time sidewalks will be completed on Leesville Road and this commercial area will be easily accessible for the surrounding neighborhood.

9. **Stormwater Management.** An Erosion & Sediment control plan will be required if disturbed areas exceed one thousand (1,000) square feet. A stormwater management plan addressing quality and quantity will be required if disturbed areas exceed five thousand (5,000) square feet. Quantity will likely be addressed through a reduction in impervious area. Any new concentrated flows will be converted to sheet flow as no channel is present on site. Quality will be addressed through a grass channel, rain garden or other approved best management practice (BMP).
10. **Emergency Services.** The City Fire Marshal and Police Department had no comments of concern regarding the proposed rezoning.
11. **Impact.** This petition is to allow an existing commercial building to be used as a business. The building was legally able to operate as a business for a number of years as a "nonconforming use." A nonconforming use is an entirely lawful use of property where it does not conform to the prevailing zoning ordinance regulations because either a new district was designated or district regulations changed once the use was already established. This property lost its nonconforming status in 2011 when it had been closed for two years. In most instances, a use becomes nonconforming because it is not in the best interest of the neighborhood or the City to have that use continue in perpetuity. Gradually, over time, those nonconforming uses are phased out through attrition. In the case of 636 Leesville Road, its nonconformity was either the result of outdated planning practices of strictly separating land uses or an oversight during the 1979 Timberlake Road Study.

Good planning practices now encourage a mix of appropriate land uses in neighborhoods so that residents have easily accessible services and amenities and are not limited by their ability to drive to access their daily needs. While turning Leesville Road neighborhoods into walkable communities will take a considerable amount of time, money and planning,

rezoning this parcel will be a small step in the right direction. The parcels will be brought into compliance with the City's new Zoning Ordinance by closing one driveway entrance, providing bicycle parking, installing sidewalk across the front of the property and planting the required landscaping. Because the property was previously used as a business, the rezoning is for B-1 appropriate neighborhood-serving uses and the site will meet all Zoning Ordinance requirements, there will be no negative effects of the rezoning. Over time, decisions like this will have a positive impact on the neighborhood and Lynchburg as a whole.

- 12. Technical Review Committee.** The Technical Review Committee (TRC) reviewed the concept plan on July 5, 2016. Comments regarding the petition have or will be addressed prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDATION

Approval of the petition of Kristie Lynn Napier to rezone approximately nine hundred and seventy-five thousandths (0.975) of an acre located at 630 and 636 Leesville Road from R-3, Medium Density Residential District to B-1C, Limited Business District (Conditional) to allow the use of the property as a business or other permitted uses, subject to the following voluntarily submitted proffers:

- 1. A future site plan will be submitted to the City for approval prior to use of the building. The drawing submitted for rezoning is a concept intended to show the use of the building for general office use.**
- 2. The site will be built in substantial compliance with the future site plans as approved by the City's Technical Review Committee.**
- 3. The parcel line separating 630 and 636 Leesville Road shall be vacated prior to the development of the site.**

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

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

VII. ATTACHMENTS

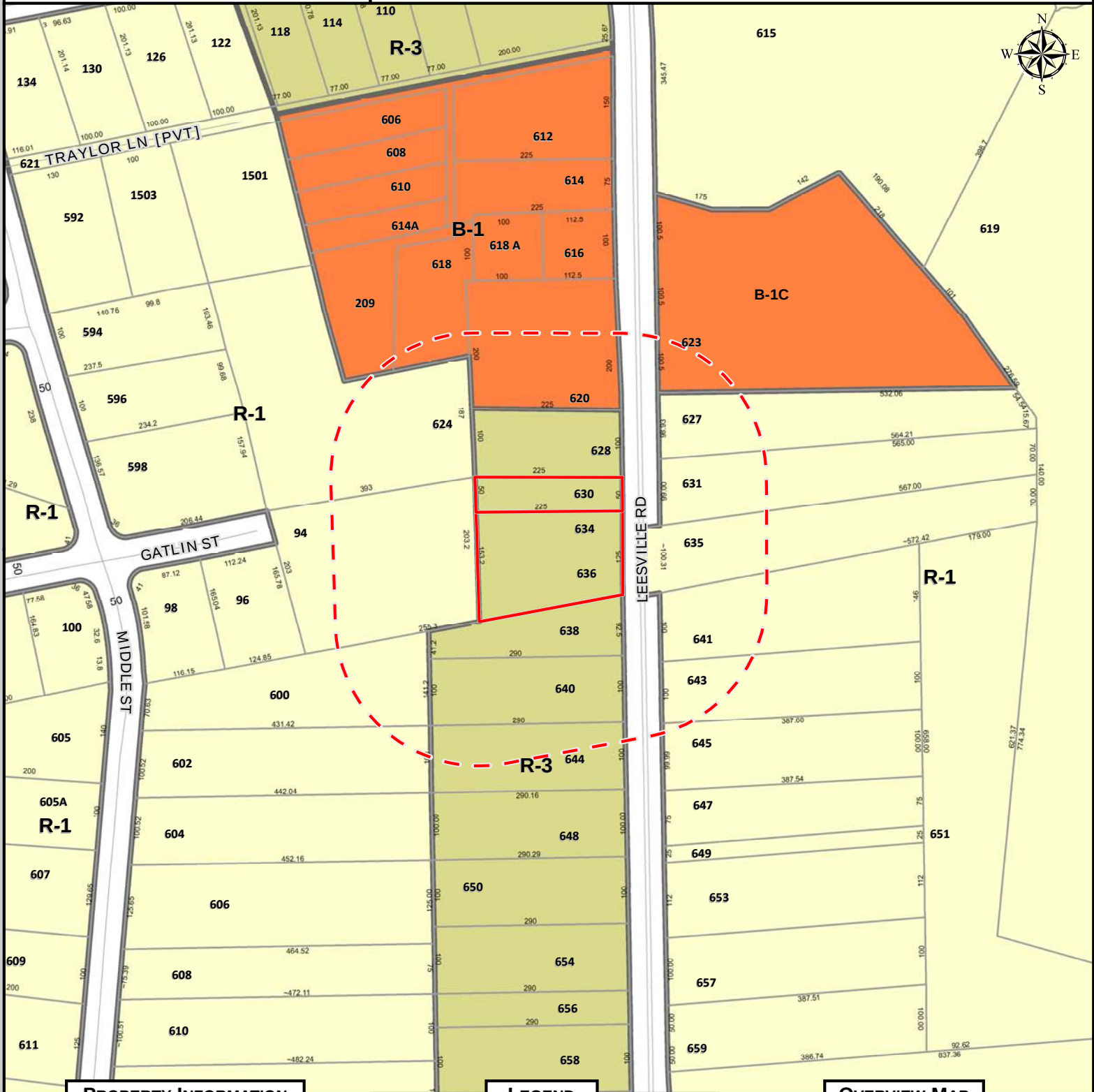
- 1. Zoning Map**
- 2. Future Land Use Map**
- 3. Watershed Map**
- 4. Planimetric and Topographic Map**
- 5. Narrative and Concept Plan**
- 6. Property Photograph**

Zoning Map

REZONING TO B-1C

Conditional Use Permit Request

Kristie Napier



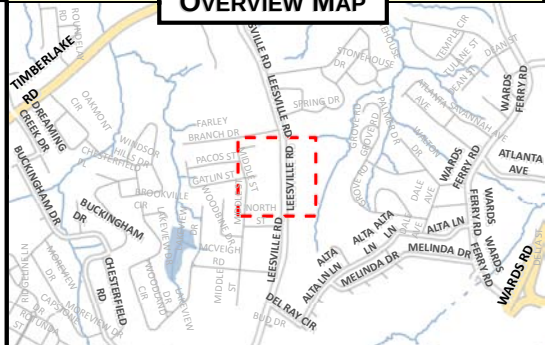
PROPERTY INFORMATION

PARCEL ID	ADDRESS
25505026	636 LEESVILLE RD
25505025	630 LEESVILLE RD

LEGEND

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

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 7/27/2016

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

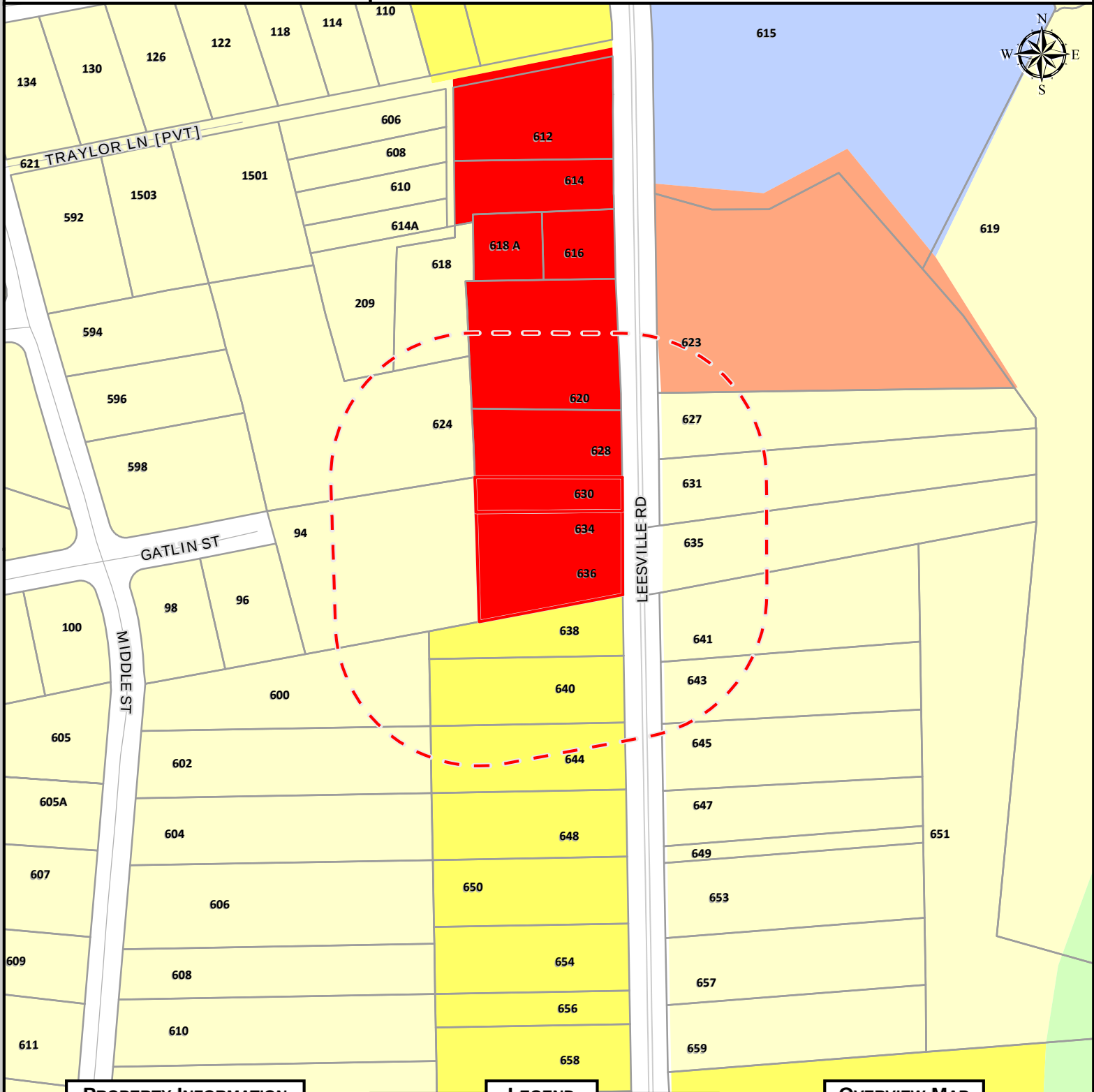
Parcel ID	Address	Owner
25506003	644 LEESVILLE RD	BURNETTE, MARSHALL L & ETHEL A
25504009	645 LEESVILLE RD	CAMPBELL, ROY D & BETTY C
25504008	643 LEESVILLE RD	DAVIS, CALVIN C & LINDA C
25504007	641 LEESVILLE RD	DAVIS, MICKEY D
25505017	618 LEESVILLE RD	HAMM, ROGER L & HAZEL S
25506001	638 LEESVILLE RD	HARVEY, MARTHA LOUISE NAPIER
25504005	631 LEESVILLE RD	JACKSON, LOUIS A
25506016	602 MIDDLE ST	JAMERSON, MELVIN D & SHARON H
25506017	600 MIDDLE ST	JAMERSON, MELVIN D & SHARON H
25505008	624 LEESVILLE RD	JOHNSTON, DAVID F
25505022	620 LEESVILLE RD	JOHNSTON, DAVID F
25505024	628 LEESVILLE RD	JOHNSTON, DAVID F
25505007	94 GATLIN ST	MORRIS, THOMAS
25505026	636 LEESVILLE RD	NAPIER, KRISTIE LYNN
25505025	630 LEESVILLE RD	NAPIER, KRISTIE LYNN
25506002	640 LEESVILLE RD	NAPIER, PHILIP R JR
25504001	623 LEESVILLE RD	SFB LLC
25504004	627 LEESVILLE RD	WHITE, GAVIN D & SHARON S
25504006	635 LEESVILLE RD	WILKERSON, SHIRLEY N & RAYMOND L TRS
25505016	209 KESTERSON DR	YOUNG, JAMES J & BERNICE

FLUM Map

REZONING TO B-1C

Conditional Use Permit Request

Kristie Napier



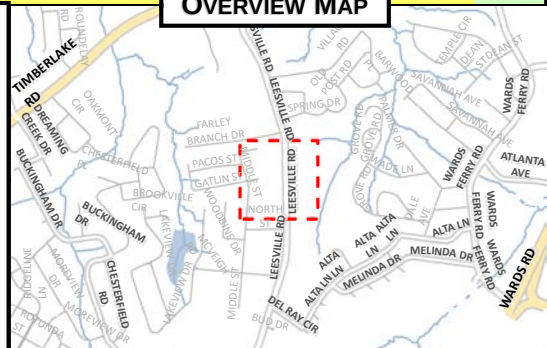
PROPERTY INFORMATION

PARCEL ID	ADDRESS
25505026	636 LEESVILLE RD
25505025	630 LEESVILLE RD

LEGEND

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

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 7/27/2016

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

Watershed Map

REZONING TO B-1C

Conditional Use Permit Request

Kristie Napier



PROPERTY INFORMATION

PARCEL ID	ADDRESS
25505026	636 LEESVILLE RD
25505025	630 LEESVILLE RD

LEGEND

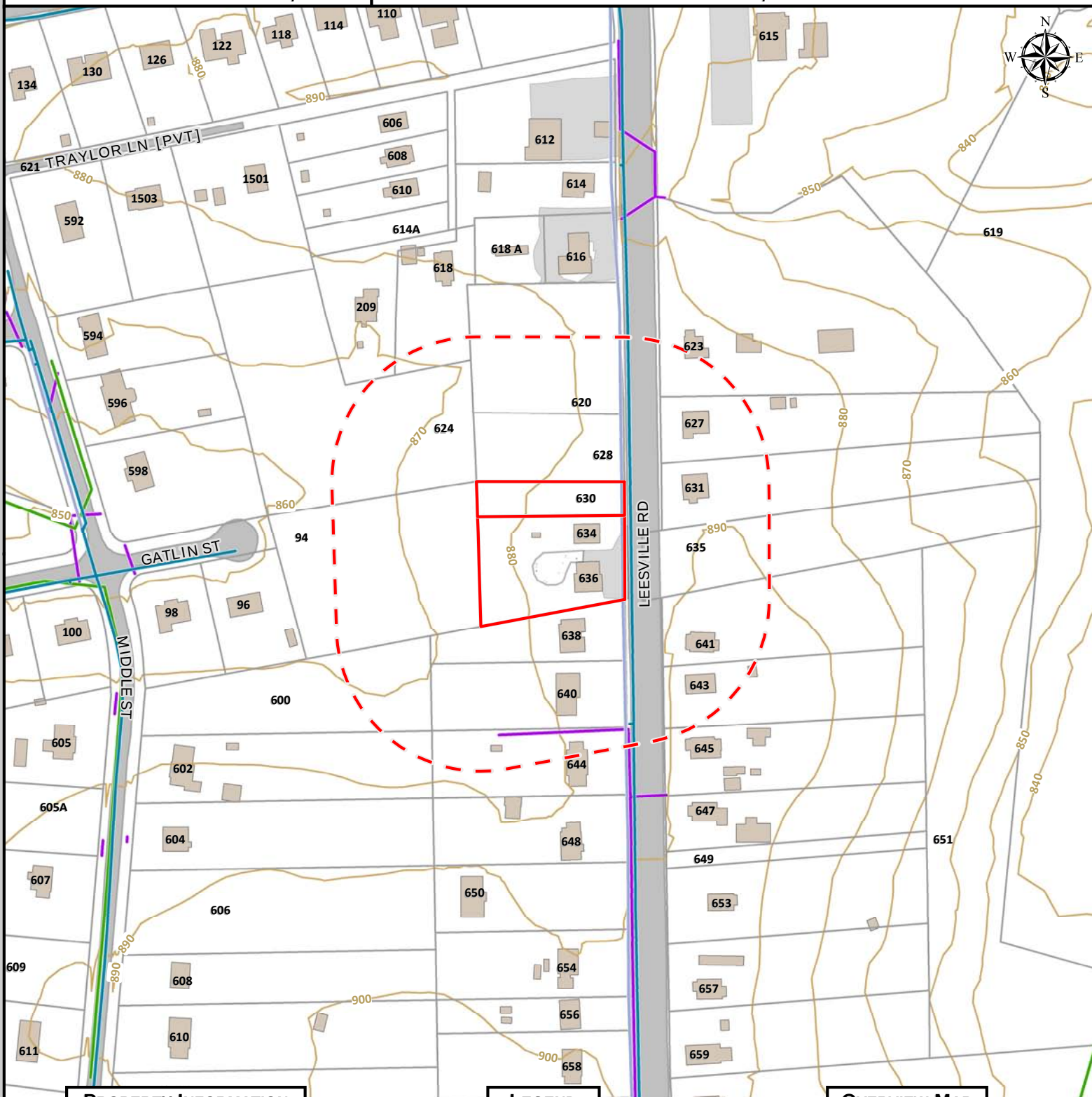
- Subject Property
- Base Flood Elevation
- Floodway
- Floodzone
- River / Lake / Stream

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 7/27/2016

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



PROPERTY INFORMATION

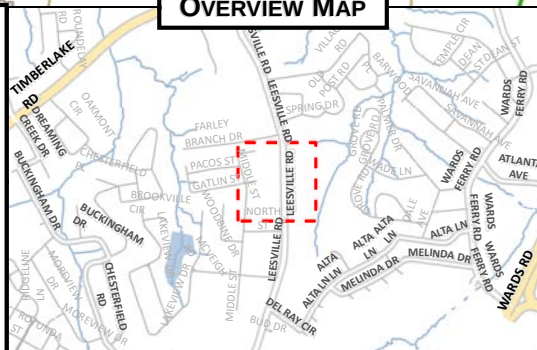
PARCEL ID	ADDRESS
25505026	636 LEESVILLE RD
25505025	630 LEESVILLE RD

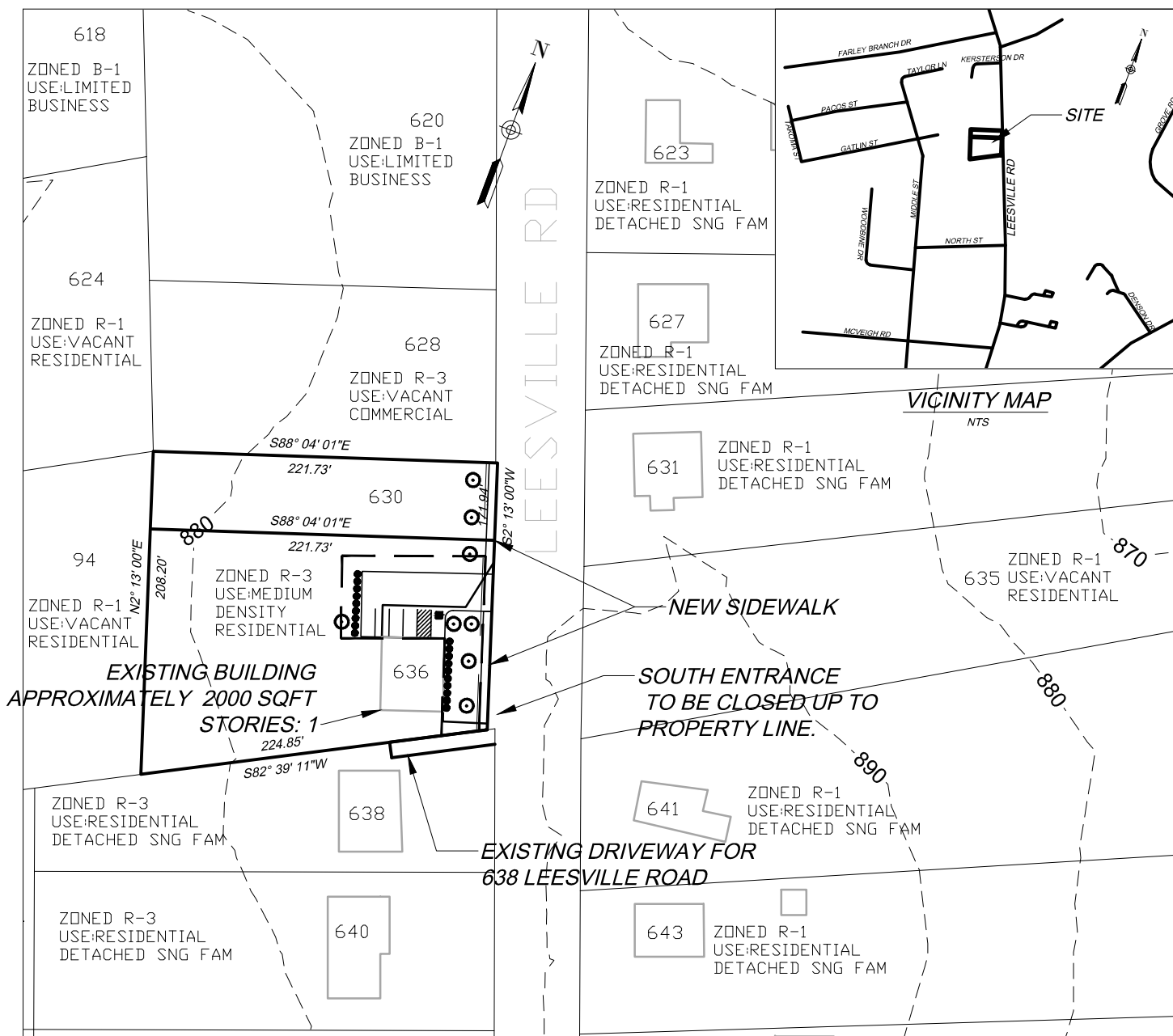
LEGEND

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

MAP SCALE: 1" to 200' DATE PRINTED: 7/27/2016

OVERVIEW MAP





PROJECT NARRATIVE AND NEW REZONING REQUEST:

THE PURPOSE OF THIS PLAN IS TO REZONE THE SITE FROM R-3 (MEDIUM DENSITY RESIDENTIAL) TO B-1 (LIMITED BUSINESS DISTRICT). THE B-1 ZONING IS REQUESTED BY THE OWNER TO ALLOW THE PROPERTY TO BE USED AS A BUSINESS INTEREST, WHICH IS WHAT IT HAD BEEN HISTORICALLY.

PROJECT NO.	20160796	LAT.	37.3496	DRAWN BY:	THM	100'	50'	0	200'
DATE:	7/26/16	LONG.	-79.2964	CHECKED BY:		GRAPHIC SCALE IN FEET			

HURT & PROFFITT



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

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

CONCEPT PLAN FOR REZONING 630/636 LEESVILLE RD

SITE AND NEIGHBORHOOD PARCEL INFORMATION

94 GATLIN ST	TMP 25505007 MORRIS, THOMAS ZONED R-1 USE: VACANT-RESIDENTIAL	631 LEESVILLE RD	TMP 25504005 JACKSON, LOUIS A ZONED R-1 USE: RESIDENTIAL- DETACHED SNG FAM
618 LEESVILLE RD	TMP 25505017 HAMM, ROGER L & HAZEL S ZONED B-1 USE: LIMITED BUSINESS	635 LEESVILLE RD	TMP 25504006 WILKERSON, SHIRLEY N & RAYMOND L ZONED R-1 USE: VACANT- RESIDENTIAL
620 LEESVILLE RD	TMP 25505022 JOHNSTON, DAVID F ZONED B-1 USE: LIMITED BUSINESS	636 LEESVILLE RD	TMP 25505026 NAPIER, KRISTIE LYNN ZONED R-3 USE: COMMERCIAL- GENERAL
623 LEESVILLE RD	TMP 25504001 SFB LLC ZONED B-1 USE: RESIDENTIAL -DETACHED SNG FAM	638 LEESVILLE RD	TMP 25506001 HARVEY, MARTHA LOUISE NAPIER ZONED R-3 USE: RESIDENTIAL- DETACHED SNG FAM
624 LEESVILLE RD	TMP 25505008 JOHNSTON, DAVID F ZONED R-1 USE: VACANT - RESIDENTIAL	640 LEESVILLE RD	TMP 25506002 NAPIER JR, PHILIP R ZONED R-3 USE: RESIDENTIAL-DETACHED SNG FAM
627 LEESVILLE RD	TMP 25504004 WHITE, GAVIN D & SHARON S ZONED R-1 USE: RESIDENTIAL -DETACHED SNG FAM	641 LEESVILLE RD	TMP 25504007 DAVIS, MICKEY D ZONED R-1 USE: RESIDENTIAL-DETACHED SNG FAM
628 LEESVILLE RD	TMP 25505024 JOHNSTON, DAVID F ZONED R-3 USE: VACANT- COMMERCIAL	643 LEESVILLE RD	TMP 25504008 DAVIS, CALVIN C & LINDA C ZONED R-1 USE: RESIDENTIAL-DETACHED SNG FAM

PROJECT NO. 20160796
DATE: 7/5/16

LAT. 37.3496
LONG. -79.2964

DRAWN BY: THM
CHECKED BY:



HURT & PROFFITT



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

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

CONCEPT PLAN FOR REZONING 630/636 LEESVILLE RD

1. *PARKING NOTES:*

ZONING SECTION 35.2-62.4

INTENDED USE OF SITE IS GENERAL BUSINESS.

REQUIRED: 2 SPACES PER 1,000 SF OF GROSS FLOOR AREA PLUS 1 PER 3 EMPLOYEES

ON DUTY AT ANY ONE TIME, 2000 SF PLUS 3 EMPLOYEES = 5 SPACES REQUIRED

PROVIDED: 5 SPACES ARE TO BE PAINTED ON SITE

2. *THE INTERNAL LOT LINES FOR THIS PARCEL ARE TO BE VACATED BY A FUTURE DEED.*

PROJECT NO.	20160796	LAT.	37.3496	DRAWN BY:	THM
DATE:	7/5/16	LONG.	-79.2964	CHECKED BY:	



HURT & PROFFITT



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

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

CONCEPT PLAN FOR REZONING 630/636 LEESVILLE RD



630, 634 and 636 Leesville Road
Rezoning: R-3 to B-1C
August 10, 2016

PLEASE PRINT

[illegible]

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **September 13, 2016**

AGENDA ITEM #: **8**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Rezoning: Westminster Canterbury of Lynchburg – 501 VES Road

Strategic Pillar(s) Impacted:

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

RECOMMENDATION: Approval of the rezoning petition.

SUMMARY: Westminster Canterbury of Lynchburg is petitioning to rezone approximately twenty and fifteen hundredths (20.15) acres at 501 VES Road from R-4, High Density Residential to IN-1, Institutional District. The *Zoning Ordinance* was amended on March 12, 2013 to allow Institutional Districts and IN-1 Districts are intended for uses such as schools, colleges, universities, senior living facilities and churches with multiple buildings contained in a campus setting and located primarily within or adjacent to residential areas.

If the IN-1 District zoning is approved, Westminster Canterbury of Lynchburg would no longer be required to obtain conditional use permit approval for future expansions provided adequate water & sewer and transportation infrastructure is provided. As required by the *Zoning Ordinance*, the petitioner has submitted a two (2)-year concept plan indicating the construction of an eighty (80) bed health care facility and an additional twenty-four (24) independent living units. The submitted traffic study indicates the proposed construction is below thresholds that would require road improvements.

PRIOR ACTION(S):

August 10, 2016: The Planning Division recommended approval of the rezoning petition.
The Planning Commission recommended approval (5-0, with 2 absences, Perault & Light) of the rezoning petition.

FISCAL IMPACT: N/A

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

ATTACHMENT(S):

- Ordinance
- Planning Commission Minutes – August 10, 2016
- Planning Commission Packet – August 10, 2016
 - o Planning Commission Report
 - o Zoning Map
 - o Future Land Use Map
 - o Watershed Map
 - o Planimetric and Topographic Map
 - o Concept Plan: Villa and IL Studies
 - o Rezoning Map for Westminster Canterbury
 - o Traffic Studies – May 24, 2016 and July 29, 2016
 - o Rezoning Narrative
 - o Speaker Signup Sheet

REVIEWED BY: bms

UNCODIFIED ORDINANCE:

AN ORDINANCE CHANGING A CERTAIN AREA LOCATED AT 501 VES ROAD FROM R-4, HIGH DENSITY RESIDENTIAL TO IN-1, INSTITUTIONAL 1 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 35.2 of the Code of the City of Lynchburg, 1981, as amended, be and the same is hereby further amended by adding thereto Section 35.2-54, which section shall read as follows:

Section 35.2-54 ___. Change of a certain area located at 501 VES Road from R-4, High Density Residential to IN-1, Institutional 1 District.

The area embraced within the following boundaries:

Beginning at an iron found in the southern right-of-way of Williams Road, thence along said right-of-way the following courses: along a curve to the right having a central angle of 16 degrees 13 minutes 03 seconds, a length of 100.00 feet, a radius of 353.31 feet, a chord of 99.67 feet and a chord bearing of South 63 degrees 30 minutes 44 seconds East to an iron found, South 56 degrees 26 minutes 53 seconds East 52.80 feet to a mag nail set, along a curve to the left having a central angle of 39 degrees 30 minutes 32 seconds, a length of 175.70 feet, a radius of 254.80 feet, a chord of 172.24 feet and a chord bearing of South 76 degrees 12 minutes 10 seconds East to an iron found, North 84 degrees 03 minutes 07 seconds East 203.48 feet to an iron found, along a curve to the right having a central angle of 5 degrees 51 minutes 35 seconds, a length of 51.56 feet, a radius of 504.18 feet, a chord of 51.54 feet and a chord bearing of South 84 degrees 58 minutes 58 seconds East to an iron found, along a curve to the right having a central angle of 92 degrees 02 minutes 52 seconds, a length of 65.06 feet, a radius of 40.50 feet, a chord of 58.29 feet and a chord bearing of South 36 degrees 01 minutes 44 seconds East to an iron found in the western right-of-way of V.E.S. Road; thence along said right-of-way the following courses: along a curve to the left having a central angle of 24 degrees 59 minutes 36 seconds, a length of 232.20 feet, a radius of 532.30 feet, a chord of 230.36 feet and a chord bearing of South 02 degrees 30 minutes 05 seconds East to an iron found, South 14 degrees 59 minutes 53 seconds East 343.24 feet to an iron found, along a curve to the left having a central angle of 3 degrees 27 minutes 00 seconds, a length of 346.81 feet, a radius of 5759.60 feet, a chord of 346.76 feet and a chord bearing of South 16 degrees 43 minutes 24 seconds East to an iron found, South 18 degrees 23 minutes 38 seconds East 142.76 feet to an iron found; thence leaving said right-of-way South 09 degrees 19 minutes 03 seconds West 240.88 feet to an iron set; thence South 17 degrees 10 minutes 57 seconds East, passing an iron found at 40.91 feet, a total distance of 58.39 feet to the center of Pigeon Creek; thence along Pigeon Creek as it meanders the following courses; North 84 degrees 08 minutes 47 seconds West 55.64 feet, South 66 degrees 30 minutes 51 seconds West 104.22 feet, North 82 degrees 13 minutes 03 seconds West 41.96 feet, South 39 degrees 02 minutes 58 seconds West 38.82 feet, South 36 degrees 05 minutes 56 seconds East 57.03 feet, South 40 degrees 27 minutes 38 seconds West 49.73 feet, North 88 degrees 25 minutes 44 seconds West 38.26 feet to the intersection with Brick Yard Branch; thence up Brick Yard Branch as it meanders the following courses; North 41 degrees 00 minutes 31 seconds West 70.02 feet, North 76 degrees 57 minutes 22 seconds West 92.86 feet, North 00 degrees 25 minutes 34 seconds West 42.47 feet, North 56 degrees 48 minutes 14 seconds West 38.38 feet, North 30 degrees 24 minutes 35 seconds East 27.86 feet, North 16 degrees 03 minutes 14 seconds West 52.00 feet, North 17 degrees 51 minutes 07 seconds West 28.97 feet, North 41 degrees 37 minutes 19 seconds West 36.74 feet, North 22 degrees 02 minutes 54 seconds West 65.55 feet, North 67 degrees 11 minutes 28 seconds West 61.46 feet, North 04 degrees 11 minutes 32 seconds East 41.89 feet, North 21 degrees 18 minutes 54 seconds East 49.38 feet, North 22 degrees 20 minutes 28 seconds West 56.04 feet, North 70 degrees 15 minutes 07 seconds West 49.25 feet, North 34 degrees 11 minutes 28 seconds West 17.94 feet, North 07 degrees 40 minutes 22 seconds East 65.05 feet, North 67 degrees 29 minutes 04 seconds West 34.66 feet, North 24 degrees 58 minutes 23 seconds West 21.95 feet, North 08 degrees 45 minutes 19 seconds West 17.34 feet, North 26 degrees 47 minutes 31 seconds West 35.84 feet, North 40 degrees 51 minutes 12 seconds West 24.21 feet, North 00 degrees 43 minutes 47 seconds East 16.58 feet, North 32 degrees 25 minutes 35 seconds West 21.91 feet, North 15 degrees 36 minutes 40 seconds West 36.29 feet, North 26 degrees 38 minutes 11 seconds West

62.12 feet, South 51 degrees 30 minutes 17 seconds West 11.94 feet, North 89 degrees 22 minutes 04 seconds West 26.37 feet, North 61 degrees 51 minutes 26 seconds West 30.57 feet, North 02 degrees 17 minutes 55 seconds East 14.48 feet, North 25 degrees 57 minutes 58 seconds East 7.30 feet, North 70 degrees 18 minutes 57 seconds West 31.88 feet, North 36 degrees 07 minutes 09 seconds West 13.61 feet, North 21 degrees 23 minutes 15 seconds West 35.25 feet, North 35 degrees 47 minutes 48 seconds West 38.41 feet, North 16 degrees 02 minutes 11 seconds West 13.95 feet, North 30 degrees 55 minutes 53 seconds West 34.72 feet, North 18 degrees 29 minutes 13 seconds West 16.48 feet, North 27 degrees 47 minutes 34 seconds West 44.56 feet, North 03 degrees 40 minutes 28 seconds East 17.18 feet; thence leaving Brick Yard Branch North 18 degrees 13 minutes 09 seconds West 66.81 feet to an iron found; thence North 05 degrees 52 minutes 25 seconds East 43.96 feet to a mag nail found; thence North 55 degrees 43 minutes 25 seconds West 22.93 feet to an iron found; thence South 52 degrees 56 minutes 27 seconds West 26.99 feet to an iron found; thence North 69 degrees 16 minutes 00 seconds West 11.91 feet to an iron found; thence North 04 degrees 29 minutes 00 seconds East 102.17 feet to an iron found; thence North 29 degrees 38 minutes 30 seconds East, passing an iron found at 70.00 feet, a total distance of 180.00 feet to an iron found; thence North 13 degrees 37 minutes 40 seconds East 206.26 feet to an iron found; thence North 31 degrees 44 minutes 10 seconds East 2.78 feet to the point of beginning and containing 20.15 acres.

..is hereby changed from R-4, High Density Residential to IN-1, Institutional 1 District.

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

Adopted:

Certified: _____
Clerk of Council

126V

MINUTES OF THE AUGUST 10, 2016 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

Petition of Westminster Canterbury of Lynchburg to rezone approximately twenty and fifteen hundredths (20.15) acres at 501 VES Road and 3801 Williams Road from R-1, Low Density Residential District and R-4, High Density Residential District to Institutional 1 District to allow the continued use and expansion of the property for Housing Services:

Mr. Martin explained that City Council passed an ordinance to allow institutions to apply for a special institutional zoning. This was after the City worked with local institutions for almost two years to draft the proposed language. These districts are meant to provide flexibility for the institutions while also identifying areas that are intended for future development without the need to obtain additional conditional use permits. One of the things that we heard from institutions is that it is difficult to plan past two years. Some institutions in the City have had to come before City Council ten or more times to seek conditional use permits.

Institutional 1 zoning is intended for institutions that are located primarily within or near residential areas. The institutional zoning provides flexibility for the institution while providing development standards to minimize the offsite impacts such as noise, traffic and the availability of water and sewer. The stance that the City took in 2013 was that the institution should be allowed the flexibility to grow within its campus boundary as long as it did not cause offsite impacts.

The property proposed for rezoning is currently zoned R-4, High Density Multi-Family Residential. Mr. Martin explained that staff had recommended Westminster Canterbury include the area zoned R-1 in the petition. However, after further consideration, Westminster Canterbury chose to withdraw this area from its petition in order to address the concerns of some of the surrounding neighbors.

The concept plan shows a new two-story, 80-bed care facility and the possibility of 24 additional units for assisted living. The petitioner conducted a traffic study that indicated that an additional 220 morning peak hour trips or 192 evening peak hour trips would be needed to lower the level of service on VES Road and the intersection of Rivermont Avenue. Mr. Martin explained that at the time an institution applies for institutional zoning, it must submit a traffic study that shows the number of trips it would take to degrade the level of service on the road serving it. Since the 80 beds they are proposing to build are really replacing beds they already have on the property, there would really be no increase in traffic. Westminster Canterbury would have to do a tremendous amount of development on their campus, which they really do not have the room to do, in order to generate that amount of daily trips.

Mr. Martin explained that the City will keep track of an institution's growth by tracking its building permits. Once it reaches the threshold of daily trips indicated by its traffic study, the institution will either have to make the necessary improvements indicated by the traffic study or stop growing.

Water Resources has indicated that there is adequate water and sewer availability for the proposed growth. The petitioner's engineer has proposed some preliminary ideas for how stormwater can be addressed. The Planning Division does recommend approval of the rezoning to institutional as it is recommended for institutional on the City's *FLUM*.

Mr. Sean Huyett, the President and CEO of Westminster Canterbury was present to represent the petition. He started off by making one correction to the summary. The new facility would actually be six stories. There are four stories of living space, a level of parking and a level separating those two areas. He explained that Westminster Canterbury started in 1980 and it serves approximately 450 residents. They have independent living, assisted living, skilled nursing and an Alzheimer's unit. He pointed out that they serve the community not just people that live at Westminster Canterbury. They employ approximately 272 people.

He explained that this project is a repositioning of the organization. There will be a brand new health care center and the existing facility will be renovated. They see the need to do this to stay relevant in their market both in the state and locally. The new building will replace 80 beds; it will not add 80 additional people. Eventually, they will build some additional assisted living space. Mr. Huyett explained that the model they are going after is a more modern design model. It is more like home where there are a lot of patios and light and the nursing stations are not prominent as they are in a typical model. Mr. Huyett summarized the rest of the development project. It will not add any new patients and possibly two additional jobs.

Mr. Huyett explained that they had conversations with Humankind and VES. They moved one of their buildings farther from Williams Road and rotated the building as a result of those conversations. They mailed out invitations to approximately 700 surrounding neighbors. Approximately 30 people attended these neighborhood meetings. As a result of those meetings, they removed the R-1 zone area from the petition to address some of the neighbor's concerns. If approved, they hope to begin in the Spring of 2017 and finish in 2019. Mr. Huyett also mentioned that they are fortunate to be able to take advantage of low interest rates and refinance some of their debt to position itself for this project.

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

Mr. Joey Sanzone came forward to speak. He lives near the property on Trents Ferry Road. He remarked that Westminster Canterbury is a good neighbor and he is in favor of its project. The opposition they have is to the rezoning of the project. Mr. Sanzone commented that Westminster Canterbury is not intending any future development beyond this project for quite some time. He does not think it is appropriate for Westminster Canterbury to have an institutional zoning when this growth can easily be done by a conditional use permit. Mr. Sanzone commented that he thinks institutional zoning is appropriate for Liberty University because they have many needs for growth in the future. Westminster Canterbury has said that what is shown on their concept plan for this rezoning will serve their needs for quite some time, so there is no demonstrated need for this zoning.

Mr. Sanzone pointed out that the City is in competition with all surrounding counties for businesses, residents and development. Right now, the most desirable homes are in Lynchburg and one of the most desirable neighborhoods is right near Westminster Canterbury. If residents do not know what may develop on this property, he doubts there will be the same level of interest in purchasing or remaining in these homes. You will be pushing people to the county.

Mr. Sanzone feels this area has been functioning very well for over a hundred years. There is no need for the City to go in and without good cause change the circumstances in the district. One of the problems with an institutional designation is that the current ownership of Westminster Canterbury might change in the future and the residents might not be dealing with the same reasonable people who have good business models. They may be people that want to take risk.

Mr. Sanzone pointed to the petitioner, James River Day School, that came before this petition. They have been growing for a number of years and have chosen to use the conditional use permit process, which serves their needs perfectly. James River Day School had a detailed plan. Mr. Sanzone believes Westminster Canterbury can come up with a detailed plan as well because they are going to need one before they go before their board to outline the project. The conditional use permit process also allows the surrounding residents an opportunity to voice their concerns about any future growth.

Mr. Sanzone has spoken with many of the surrounding residents. There are many residents that are willing to come to City Council if this petition gets approved by the Planning Commission. They feel there is no pressing need to change the zoning designation. He does not think the City wants to be in a position where an institution says we are an institution and we are entitled to an institutional designation.

We do not know what our plans are for the future but we do not want to have to come back to City Council in the future and submit our plans.

Mr. Sanzone does not think is Westminster Canterbury's intent. He does not think it was their original intent to ask for institutional zoning. Somewhere along the line, a developer or planner suggested this to them. He does not think Westminster Canterbury is trying to be sneaky. They are very nice and responsible people. Mr. Sanzone reiterated they the residents feel they should have some input because this neighborhood is one of the best assets of the City. They need input to make sure it stays that way. He does not think Institutional 1 zoning has been done anywhere else in the City and does not think this is a good thing for the City to promote.

Mr. Hershel Keller, counsel for Westminster Canterbury, came forward for a rebuttal. Mr. Keller indicated that Liberty's zoning is a much different institutional zoning. It is more relaxed and less restrictive. The IN-1 zoning was designed for campuses in a residential setting. Mr. Keller pointed out that Westminster Canterbury has institutions as its immediate neighbors (VES and Humankind). All of these institutions were represented at the institutional stakeholder meetings that were the basis for the draft of the institutional zoning. Mr. Keller thinks Mr. Martin would agree that Westminster Canterbury played a large part in developing that draft. It was thought at that time that Westminster Canterbury would eventually seek the Institutional 1 zoning designation.

Mr. Keller pointed out that the Westminster Canterbury will have to comply with all the design standards set forth in the Zoning Ordinance such as setbacks and landscaping. The problem with the conditional use permit process is that it is very restrictive and very expensive. Depending on the level of detail of the concept plan approved as part of the conditional use permit, one change may require the petitioner to come back through the public hearing process again. He is puzzled why they would throw out the Institutional 1 zoning when it was designed exactly for this particular situation.

Mr. Keller noted that he heard from some of the neighbors that it is not Westminster Canterbury's plan that they are opposed to; it is the institutional zoning. They feel that it will pave the way for its neighbor Humankind to get institutional zoning. Humankind previously expressed an interest in building gymnasiums and lighted sports facilities. That project was met with significant opposition from the neighborhood.

As a significant response to the neighbor's concerns, Westminster Canterbury withdrew 20 acres (3801 Williams Road) from its rezoning petition. Mr. Keller also pointed out that they have to make their ruling on each petition on its own merit. You cannot make a decision based on how it might impact a future petition that may or may not come before them. They are standalone projects. Mr. Keller does not think they should be afraid to approve this project because of what a neighboring property might do down the road.

Mr. Sanzone came back for a rebuttal. He indicated that it is not simply about whether another neighboring institution comes forward with a request for institutional zoning. There are no people in this area that have a stated need for future development. The City could have changed the designation of Westminster Canterbury to Institutional 1 when it changed the entire Zoning Ordinance recently. Westminster Canterbury has stated nothing that would make it fall into the category of having a future need. This is doing something in perpetuity. If you change that zoning status, you will be doing that without any idea that they would need to erect even a flagpole because they have not stated the need to do so. You are opening the floodgate for every institution in every residential area or higher restricted zoning area to come forward to ask for institutional zoning because these other institutions have gotten it. We need it because we may have a future need. Liberty University is a completely different case because of their unique growth and they are not in an R-1 neighborhood. They are in a perfect position for further expansion; it was well planned all the way through. Westminster Canterbury has made a

great detailed plan that would meet the needs of a conditional use permit petition and they just do not see the institutional zoning as a necessity.

Commissioner Lowe closed the public hearing of the petition.

Commissioner Bowden said he is looking at the map and you essentially have two entities that are going to grow. In his mind, you have kind of a landlocked situation. He would like Mr. Martin's input on what might happen down the road with traffic and infrastructure. The issue is going to be football games not how many beds they have at Westminster Canterbury. He thinks everything is tied together there in terms of traffic. Commissioner Bowden wondered what the City's plans are for that area in terms of traffic and infrastructure.

Mr. Martin explained that when the *Future Land Use Map (FLUM)* was adopted as part of the update of the *Comprehensive Plan*, the City said it saw this area developing as Institutional. There was some thought put into what the future zoning of this area should be. Mr. Martin summarized the difference between IN-1 and IN-2 districts and emphasized that the biggest difference is that IN-2 allows for any use by right that is allowed in the B-5 district in addition to the institutional uses. They can do this development without any traffic studies.

The IN-1 district zoning was drafted so that when an institution comes forward, it must submit a traffic study. The traffic study has to show how much growth can occur before the institution will degrade the level of service. In this instance, Westminster Canterbury generates a very small amount of traffic. With the other institutions like VES or if there were sport fields proposed somewhere else, we kind of know how many trips it will take to degrade the level of service. They will have to improve the road or they are not going to be able to build it.

Commissioner Bowden asked if, regardless of what is there, they look at the IN-1 zoning from the capacity and expectations of the tenant or the stakeholders in that area. Mr. Martin said that the driving factor in this instance is traffic. You are not going to be able to generate a use that is going to create an exorbitant amount of traffic and degrade that level of service without putting a lot of funding into improving the road network.

Commissioner Bowden can remember when this was field. He has been impressed—and he has heard others say the same--by what that area has added to Lynchburg, specifically Westminster Canterbury. He was concerned initially when he did not know how this area was going to develop but the way that it has been built and the connections it has in the neighborhood have been phenomenal all the way around. It has helped everybody. He understands Mr. Sanzone's concerns but he thinks it has been more of a plus than a minus. He understands Mr. Sanzone's concern about free range, but based on what Mr. Martin has said, he does not think they have free opportunity to do what they want. At this point, Commissioner Bowden was speaking directly to Mr. Sanzone and asked Mr. Sanzone if he had missed something.

Mr. Sanzone replied that everything that has gone on there has been done on R-1 or R-4 property through the conditional use permit process. The institutional zoning might have been a thought in someone's mind, but they had the opportunity when the Zoning Ordinance was presented to propose any change they had in mind, and there would have been significant opposition. He does not think it was appropriate. He thinks the City recognized that it was not appropriate and did not attempt to even include it. We are contemplating a change that did not exist ten years ago. Ten years from now, IN-1 might be a lot different than it is now and we are not going to go back and revisit those properties if we change the definition of an institutional use. His point is if this has worked well and we have allowed all this development appropriately all these years, why change it?

Mr. Martin pointed out an inaccuracy in Mr. Sanzone's statement. The City did not choose to change the zoning to Institutional 1 for a very specific reason because the important piece of the IN-1 petitions is the traffic studies. The City was not prepared to go out and conduct traffic studies for every institution. It was always intended that each institution would come on its own merit and request a zoning change.

When an institution comes to the City to talk about potential growth, staff talks to them about the conditional use permit process and the institutional rezoning process and goes over the pros and cons of each approach. The smaller institutions that generally do not have the funding to pay for a traffic study typically do the conditional use permit route. Larger institutions that are looking a little further down the road have chosen to do the institutional district route. It was designed that way to give an institution a choice on which way they would like to go.

Mr. Sanzone pointed out that the City could have chosen to do the traffic studies. He also pointed out that James River Day School has to put in sidewalks on three streets and he is sure that is going to cost a lot more than a traffic study. Also, Westminster Canterbury says they have 12 fewer beds than they did a number of years ago. That is not expansion. They are consolidating their position, which is very appropriate. VES has not come forward and said they are expanding because they may be consolidating their position. His point is that until you have demonstrated the need for future growth, IN-1 is really not appropriate.

Commissioner Marion asked Mr. Huyett what the villas are that are shown in the middle of the parking lot. Mr. Huyett said they are potential locations of three-story independent living complexes. The villa shown in orange is probably the best potential for them, which is on the far left. Commissioner Marion wondered where the parking would be for the additional villas. Mr. Huyett said there will be parking on the first level of those buildings. They are looking to add a little additional parking with this plan.

Mr. Keller explained that the IN-1 zoning requires the applicant to look ahead a few years in terms of a concept plan. This is in order for them to do the traffic study and in order for Planning Commission and City Council to be able to make the appropriate decision in terms of whether or not IN-1 zoning is the appropriate designation based on future traffic impacts.

Commissioner Marion speculated that there are not a lot of daily peak hour trips generated by either the residents or the employees due to the fact that the employees do not work a nine to five shift and there are not many residents that leave to go to work each day. Mr. Huyett indicated that is a correct assessment of the situation.

Commissioner Gahagan asked for clarification that if Westminster Canterbury gets this zoning designation and later VES gets the same designation, both entities can expand without any neighborhood input. Mr. Martin explained that once the institutional zoning is established, the institutional use becomes allowed by right. There would be no more public meetings for any expansion that they want to do. What would control the amount of growth would be the amount of trips that they generate that would degrade the road network. That is the way the ordinance was designed, written and adopted by City Council.

Commissioner Gahagan noted that this could allow for a drastic change in the neighborhood without residents having any further input. Mr. Martin thought that on other properties, it probably could but on these properties, probably not. That is why each one is coming forward on its own request. There is a 20 percent open space requirement. If you look at Westminster Canterbury's parcel, they are probably very close to that, so that is going to control their expansion. If you look adjacent to it, that might be a hard decision because of the amount of vacant land.

Commissioner Gahagan asked for clarification that if the conditional use permit process is used, the residents and the institution can grow together without a negative impact on the community. Mr. Martin said the way the ordinance was designed was to address the negative impacts moving forward. It is not based on whether the community likes it or does not like it. It is based on what impact the institution is generating. Impacts are noise, lighting and traffic. When it was adopted, the intent was to allow the institutions to grow within their development boundaries while addressing offsite impacts.

Westminster Canterbury has done four conditional use permits between 1990 and 2001. If you look at another institution, it probably has twenty or thirty. Lynchburg College had to come before Planning Commission and City Council when they wanted a batting cage. Planning Commission and City Council felt that was not the way they wanted to treat their institutions. They wanted to come up with a zoning category just for them. Mr. Martin explained that there are definitely two routes that an institution can choose to take. In this case, Westminster Canterbury chose the institutional zoning route and the *FLUM* recommends an Institutional use for this area. It is purely a decision for Planning Commission to make on whether or not they think Institutional 1 is an appropriate zoning designation that will allow Westminster Canterbury to grow while addressing offsite impacts that are dictated by the ordinance.

Mr. Keller wanted to amplify one point. That was the key to Westminster Canterbury to drop off the back twenty acres of its property because there is that 20 percent open space requirement. The remaining piece is so restricted now that their concern that they would do development that would drastically change the neighborhood is not going to come true because a lot of the open space was dropped off the request. That was the big concession that Westminster Canterbury made by removing the back parcel to address some of the concerns of the neighbors.

Commissioner Marion asked Mr. Sanzone if he wished to comment. Mr. Sanzone indicated that the original zoning for this area that allowed for Westminster Canterbury to be built did not include a discussion that this would ultimately become an institutional parcel and that they would be free to do whatever they wanted within a twenty acre parcel. He acknowledged that Westminster Canterbury is a good neighbor and responsible people. This is about concepts of zoning. He guarantees that there would have been such significant opposition to the rezoning (had it been proposed years ago) that this would not have been allowed. So to say that this is the way that it is--certainly no one back then ever considered that this would ever be a possibility. They do not have a demonstrated need. No one has said that they are going to expand. In fact, they are contracting just a little bit and consolidating, so he does not think it fits.

Commissioner Rogers asked what the trigger for the traffic is—who determines the impact of the traffic. If they build all the villas shown on this concept plan, who goes back and checks the traffic numbers. Mr. Martin said that would be City staff, mainly the City's Transportation Engineer. Each time Westminster Canterbury comes in with a site plan, staff would look at the amount of trips that would be generated from that use and would keep track of it. When they reach the thresholds in their traffic study, it would put a stop to their growth. In this instance, what would really stop it would be the amount of open space that is required because they just do not have the room to expand any more.

Commissioner Lowe asked for clarification from Mr. Martin on how staff would handle site plan approval for this site. Mr. Martin explained that staff will be looking to see if they meet the open space requirement, have adequate parking, are within the thresholds of their traffic study and meet all the other standards of the Zoning Ordinance. If the site plan meets all these standards, staff is going to approve it. If it does not or if it will trigger traffic over the thresholds of the traffic study, staff will not approve the site plan. Westminster Canterbury will have to address the offsite impacts or stop growing.

Commissioner Marion asked if sidewalks will have to be installed as a part of this rezoning. After looking at the aerial view of the property, it was determined that there are already sidewalks along the frontage of Westminster Canterbury's property.

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

"That the Planning Commission recommends to City Council approval of the petition of Westminster Canterbury of Lynchburg to rezone approximately twenty (20) acres located at 501 VES Road from R-4, High Density Residential District to Institutional 1 (IN-1) District."

The motion passed by the following vote:

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

Commissioner Rogers indicated that he understands the concerns about other facilities around Westminster Canterbury, but it seems like the way it is written, it is really a restricted area by R-4 zoning and another institution. Everybody will be able to weigh their case out if they decide to come to Planning Commission and City Council for IN-1 zoning on another property.

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

To: Planning Commission

From: Planning Division

Date: August 10, 2016

Re: **Rezoning – Westminster Canterbury of Lynchburg – R-4, High Density Residential to IN-1, Institutional 1 District, 501 VES Road**

I. PETITIONER

Westminster Canterbury of Lynchburg, Attention Sean Huyett, 501 VES Road, Lynchburg, Virginia 24503

Representative: Mr. Patrick Proffitt, Hurt & Proffit, Inc., 2524 Langhorne Road, Lynchburg, Virginia 24501

II. LOCATION

The subject property consists of one (1) tract of approximately twenty (20) acres located at 501 VES Road.

Property Owner: Westminster Canterbury of Lynchburg, Attention Sean Huyett, 501 V.E.S. Road, Lynchburg, Virginia 24503

III. PURPOSE

The purpose of the petition is to rezone the campus of Westminster Canterbury of Lynchburg from R-4, High Density Residential to IN-1, Institutional 1 District. The Institutional District Zoning would allow the development of the property provided adequate water/sewer and transportation infrastructure are available. Approval of the IN-1, Institutional 1 District zoning would negate the need for future conditional use permit approvals as is required in the current R-4, High Density Residential District.

IV. SUMMARY

- The *Comprehensive Plan 2013-2030 Future Land Use Map (FLUM)* recommends Institutional and Resource Conservation uses for the property.
- Housing Services are a use permitted by right in an IN-1, Institutional 1 District.
- IN-1 Districts are intended for institutional uses such as schools, colleges, universities, senior living facilities, medical facilities and churches with multiple buildings contained in a campus setting and located primarily within or adjacent to residential areas.
- The submitted concept plan with two (2) year projection indicates the construction of a four (4) story, eighty (80) bed replacement health care facilities; and a possible additional twenty-four (24) independent living units.
- The submitted traffic study indicated that an additional two hundred twenty (220) AM trips and one hundred ninety-two (192) PM trips would need to be generated prior to a degradation of Level of Service Standards (LOS) at the intersection of VES Road and Rivermont Avenue. Proposed improvements would not generate high level of AM & PM trips and would fall well below the thresholds requiring improvements.

The Planning Division recommends approval of the rezoning petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Comprehensive Plan 2013-2030* recommends an Institutional use for the majority of the property. There is a small area recommended for Resource Conservation use along the Tributary of Pigeon Creek. Areas recommended for Institutional uses include the City's institutions such as religious, educational, and other nonprofit entities. Examples include churches, cemeteries, private schools and universities, private nonprofit hospitals, service clubs and organizations and other nonprofit institutions. (*p. 76*) Resource Conservation Areas include rivers, streams, wetlands, floodplains and adjacent steep slopes. These areas serve a range of important functions – wildlife habitat, natural stormwater control, active and passive recreation – and are counted among the City's primary assets. The conservation of these environmentally sensitive areas is one of the primary goals of the Plan (*p. 61*)
2. **Zoning.** The subject property was annexed into the City in 1926. The existing R-4, High Density Residential zoning was established in 1978. The facility is operating under conditional use permits approved by City Council in 1990, 1995, 1999 and 2001.
3. **Board of Zoning Appeals (BZA).** The Zoning Administrator has determined that no variances would be required if the property were rezoned to IN-1.
4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - On June 10, 1980, City Council approved the conditional use permit (CUP) request of Virginia Episcopal School for a master development plan at 400 VES Road.
 - On October 8, 1985, City Council approved the CUP request of Virginia Episcopal School to allow the construction of a gymnasium addition at 400 VES Road.
 - On December 10, 1985, City Council approved the CUP petition of Virginia Episcopal School to allow the construction of an athletic field at 340 VES Road.
 - On May 5, 1986, City Council approved the CUP petition of Virginia Episcopal School to allow the construction of a dormitory at 400 VES Road.
 - On April 10, 1990, City Council approved the CUP petition of Virginia Episcopal School to allow the construction of a maintenance building and driveway improvements at 400 VES Road.
 - On June 12, 1990, City Council approved the CUP petition of Westminster Canterbury to allow building and parking additions at 501 VES Road.
 - On September 25, 1990, City Council approved the CUP petition of Presbyterian Home and Family Services to allow the construction of a group home at 150 Linden Avenue.
 - On October 9, 1990, City Council approved the CUP petition of Virginia Episcopal School to allow revisions to the Master Plan at 400 VES Road.
 - On November 14, 1995, City Council approved the CUP petition of Westminster Canterbury to allow the addition of a cottage program at 501 VES Road.
 - On August 11, 1998, City Council approved the CUP petition of Presbyterian Homes and Family Services to allow the construction of a student activity center and parking area at 150 Linden Avenue.

- On July 13, 1999, City Council approved the CUP petition of Westminster Canterbury to allow the construction of a wellness center and swimming pool at 501 VES Road.
 - On January 9, 2001, City Council approved the CUP petition of Westminster Canterbury to allow building and parking additions at 501 VES Road.
 - On March 9, 2010, City Council approved the CUP petition of Cole Brothers Circus to allow a temporary Circus at 150 Linden Avenue.
 - On July 8, 2014, City Council approved the CUP request of Virginia Episcopal School to allow the construction of a parking area at 400 VES Road.
5. **Site Description.** The subject property consists of one (1) tract comprising approximately twenty (20) acres located at 501 VES Road. The property at 501 VES Road contains the main campus of Westminster Canterbury which began operations in 1980. The property adjacent and located at 3801 Williams Road contains twenty-four independent living cottages constructed in 1998. This property is not proposed as part of the rezoning.
6. **Proposed Use of Property.** The purpose of the petition is to rezone the property from R-4, High Density Residential to allow expansion of Westminster Canterbury of Lynchburg facilities without the need for continuous conditional use permit approval. As required by the *Zoning Ordinance*, the petitioner has submitted a concept plan with a two (2) year projection. The plan indicates the construction of a four (4) story, eighty (80) bed health care building. The construction of this facility would not increase the current capacity of Westminster Canterbury as other areas of the campus are being remodeled to provide larger living spaces. Also indicated on the concept plan are areas indicated as “independent living expansion”, “Villa Study One”, “Villa Study Two” and “Villa Study Two – Alternate”. The petitioner has indicated that one of these areas could be selected for an additional twenty-four (24) independent living units in the future.
7. **Traffic, Parking and Public Transit.** The City’s Transportation Engineer requested that a traffic study be provided.

As required by Section 35.2-49.3b of the Zoning Ordinance a traffic study indicating the existing Level of Service (LOS) for City Streets and intersections serving the campus and the anticipated amount of growth that would need to occur that would result in a lower LOS. A traffic study was prepared by Mr. Bill Wuensch, P.E., PTOE, Engineering & Planning Resources. The submitted study indicates that the facilities at Westminster Canterbury would need to generate an additional two hundred twenty (220) AM Peak trips to reduce the LOS from D to E and one hundred ninety-two (192) PM Peak trips to reduce the LOS from E to F. Submitted analysis indicates that the proposed eighty bed health care facility would generate twelve (12) AM Peak trips and eighteen (18) PM Peak Trips. It is important to note that the proposed eighty (80) bed facility will not be increasing the total number of residents at Westminster Canterbury, due to the renovation of existing facilities to create larger living areas.

The concept plan indicates proposed improvements over existing parking areas. Parking calculations have not been provided; however, the property would be required to comply with parking requirements of the *Zoning Ordinance* prior to any final site plan approvals.

The property is served by Greater Lynchburg Transit Company (GLTC) Route 3A with bus stops located on both sides of VES Road adjacent to the Westminster Canterbury of Lynchburg campus.

8. **Stormwater Management.** A stormwater management/erosion and sediment control plan will be required prior to final site plan approval. The representative for the petitioner was requested to provide a description of how stormwater management would be provided and if the downstream receiving channel was adequate. This information was not provided to staff. Response provided by the representative only indicated that these determinations would be made prior to final site plan approval and would comply with the land development standards of the City of Lynchburg.
9. **Emergency Services:** The City Fire Marshal and Police Department had no comments of concern regarding the rezoning.
10. **Impact.** IN-1 Districts are intended to provide for institutional uses such as schools, colleges, universities, senior living facilities, medical facilities and churches with multiple buildings contained in a campus setting. This district provides flexibility for institutions while identifying areas intended for future development. IN-1 districts are for institutional campuses located primarily within or adjacent to residential areas. While providing flexibility, the IN-1 District creates development procedures and standards to minimize off site impacts such as noise, lighting, traffic and availability / capacity of water and sanitary sewer associated with the development.

The following are the development standards for an IN-1 District as provided in the *Zoning Ordinance*:

Exhibit IV-22: Summary of IN-1 Development Standards

Design Element	Standards	Section Cross-Reference
Minimum Land Area for District	5 acres	35.2-61.2
Maximum Height	See paragraph (b) above	35.2-61.3
Minimum front setback from right-of-way (dimension A)	40'	35.2-61.3
Minimum Setback from a Residential District (dimension B)	50'	35.2-61.3
Minimum Side Setback, Interior (dimension C)	50'	35.2-61.3
Minimum Side Setback, Street Side (dimension D)	50'	35.2-61.4
Minimum Rear Setback (dimension E)	50'	35.2-61.4
Minimum Open Space	20% of campus	

The submitted concept plan meets or exceeds these standards. The submitted traffic study indicates that the traffic generated by the improvements for the required two (2) year window fall well below thresholds that would require road improvements. The proposed rezoning would allow flexibility for Westminster Canterbury growth while indicating the point at which off-site impacts would need to be mitigated.

11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the conditional use permit on July 19, 2016. 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 Westminster Canterbury of Lynchburg to rezone approximately twenty (20) acres located at 501 VES Road from R-4, High Density Residential District to Institutional 1 (IN-1) District.

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Ms. Bonnie M. Svrcek, City Manager
Ms. Margaret Schmitt, Interim Deputy City Manager
Mr. Walter C. Erwin, City Attorney
Mr. Kent L. White, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozerow, Lynchburg Police Department
Battalion Chief Thomas Goode, Fire Marshal
Ms. Maggie Cossman, Transportation Engineer
Mr. Doug Saunders, Building Official
Mr. Kevin Henry, Zoning Administrator
Mr. Sean Huyett, Petitioner
Mr. Patrick Proffitt, Representative

VII. ATTACHMENTS

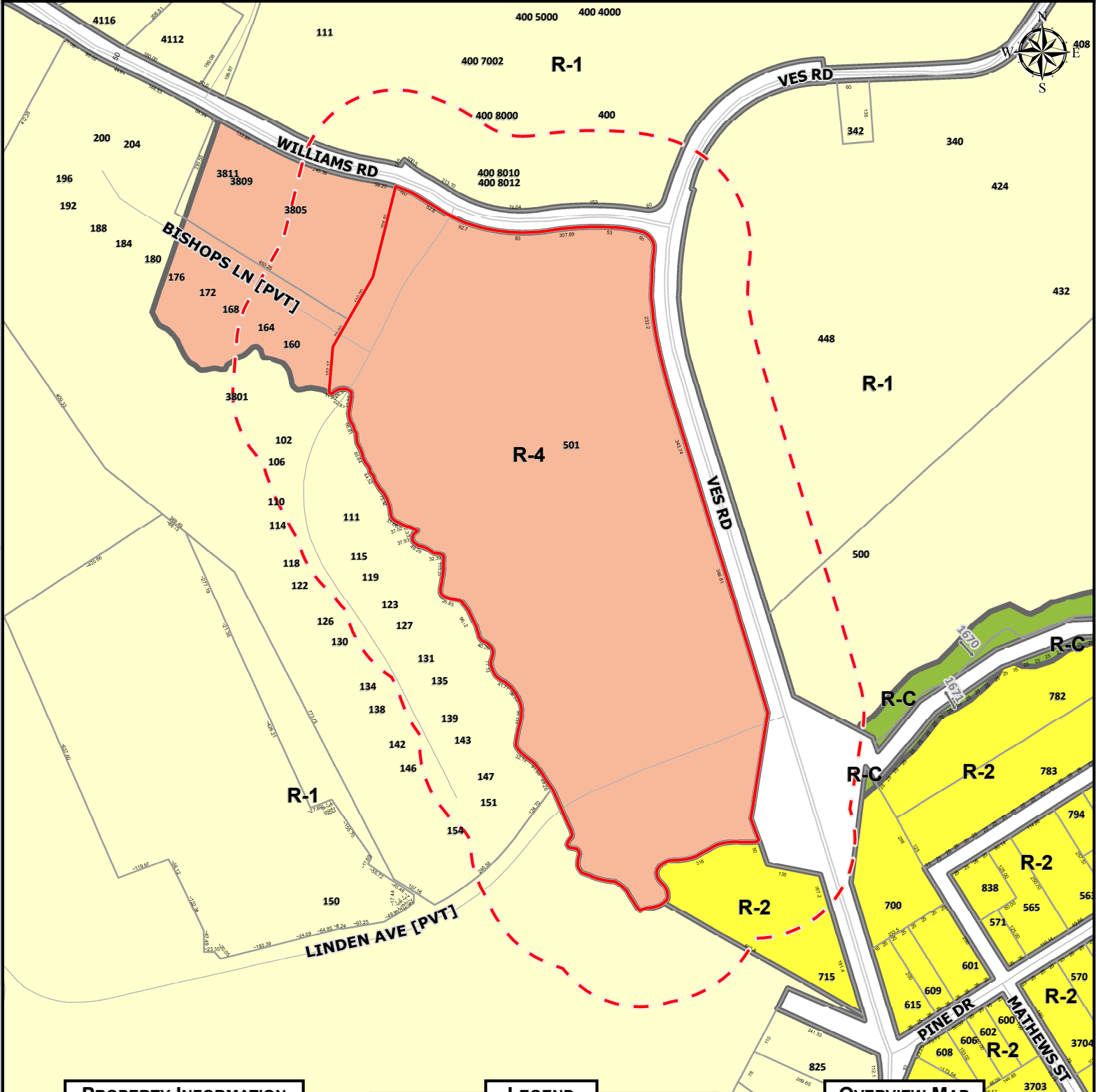
- 1. Zoning Map**
- 2. Future Land Use Map**
- 3. Watershed Map**
- 4. Planimetric and Topographic Map**
- 5. Concept Plan – Villa and IL Studies**
- 6. Rezoning Map for Westminster Canterbury**
- 7. Traffic Studies – May 24, 2016 and July 19, 2016**
- 8. Narrative**

Zoning Map

REZONING FROM R-4 TO IN-1

Zoning Request

Westminster Canterbury



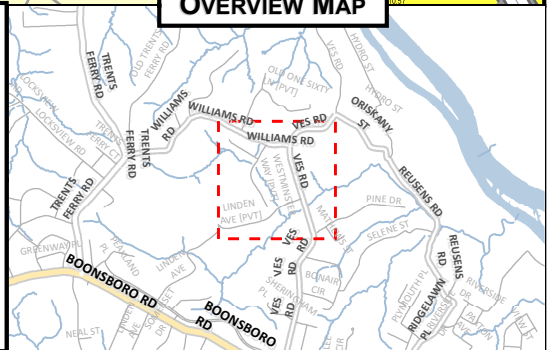
PROPERTY INFORMATION

PARCEL ID	ADDRESS
06801003	501 VES RD

LEGEND

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

OVERVIEW MAP



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

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

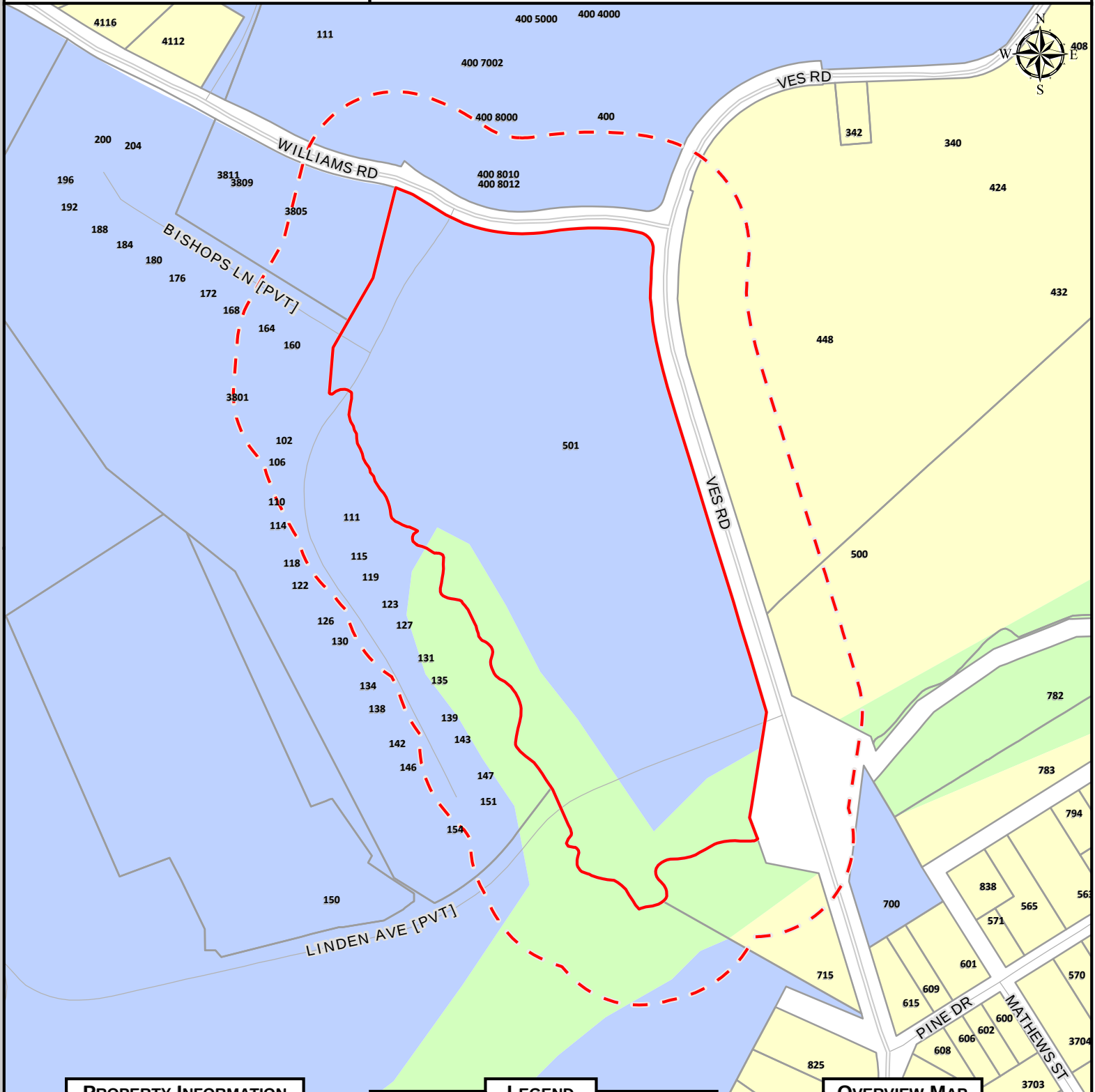
Parcel ID	Address	Owner
10001039	4116 WILLIAMS RD	FARMER, JAMES S
10001038	4112 WILLIAMS RD	JUDD, CHARLES & WANDA
06801005	150 LINDEN AVE	PRESBYTERIAN HOME
06801004	715 VES RD	PRESBYTERIAN HOMES & FAMILY SERVICES
18507001	4301 WILLIAMS RD	PRESBYTERIAN ORPHANS HOME
06801800	150 LINDEN AVE	PRESBYTERIAN ORPHANS HOME ACCT DEPT
10001040	4120 WILLIAMS RD	QUINN, MICHAEL J & AMY F
07003011	340 VES RD	VIRGINIA EPISCOPAL SCHOOL
10001036	190 OLD ONE SIXTY LN	VIRGINIA EPISCOPAL SCHOOL
07003010	500 VES RD	VIRGINIA EPISCOPAL SCHOOL
06801002	3805 WILLIAMS RD	VIRGINIA EPISCOPAL SCHOOL
10001024	400 VES RD	VIRGINIA EPISCOPAL SCHOOL
06801018	3801 WILLIAMS RD	WESTMINSTER CANTERBURY OF LYNCHBURG
06801003	501 VES RD	WESTMINSTER CANTERBURY OF LYNCHBURG

FLUM Map

REZONING FROM R-4 TO IN-1

Zoning Request

Westminster Canterbury



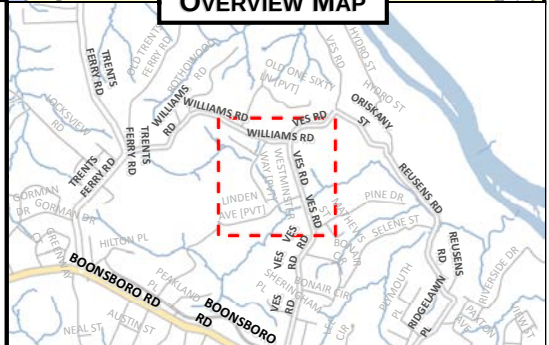
PROPERTY INFORMATION

PARCEL ID	ADDRESS
06801003	501 VES RD

LEGEND

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

OVERVIEW MAP



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

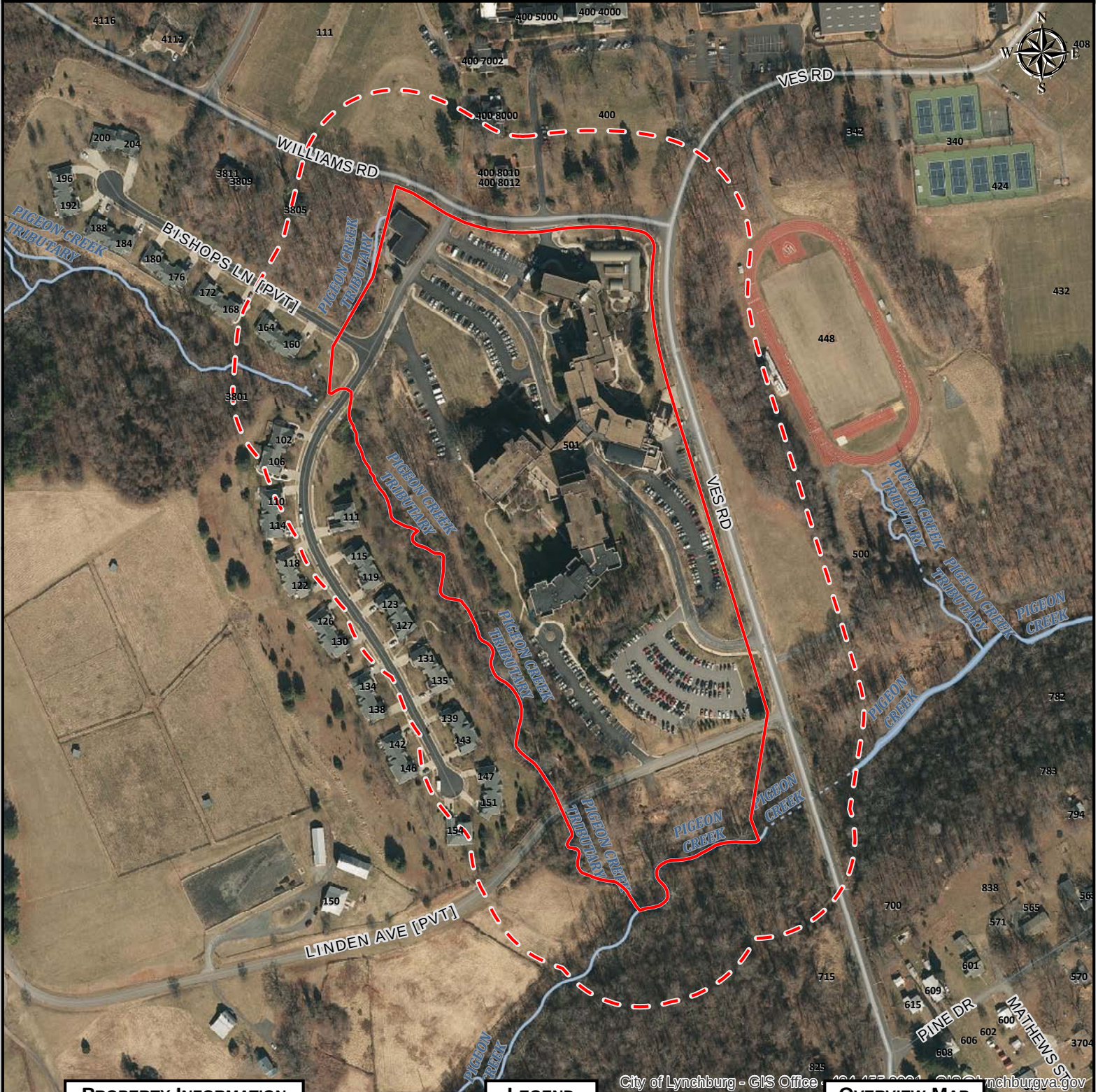
DISCLAIMER: THIS MAP IS NEITHER A LEGALLY RECORDED MAP NOR A SURVEY AND IS NOT INTENDED TO BE USED AS SUCH. THE INFORMATION DISPLAYED IS A COMPILATION OF RECORDS, INFORMATION, AND DATA OBTAINED FROM VARIOUS SOURCES. THE CITY OF LYNCHBURG IS NOT RESPONSIBLE FOR ITS ACCURACY OR HOW CURRENT IT MAY BE.

Watershed Map

Zoning Request

REZONING FROM R-4 TO IN-1

Westminster Canterbury



PROPERTY INFORMATION

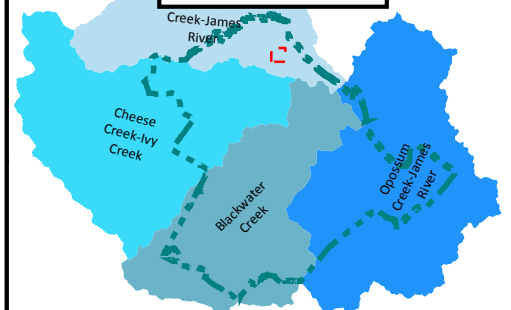
PARCEL ID	ADDRESS
06801003	501 VES RD

LEGEND

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

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

OVERVIEW MAP



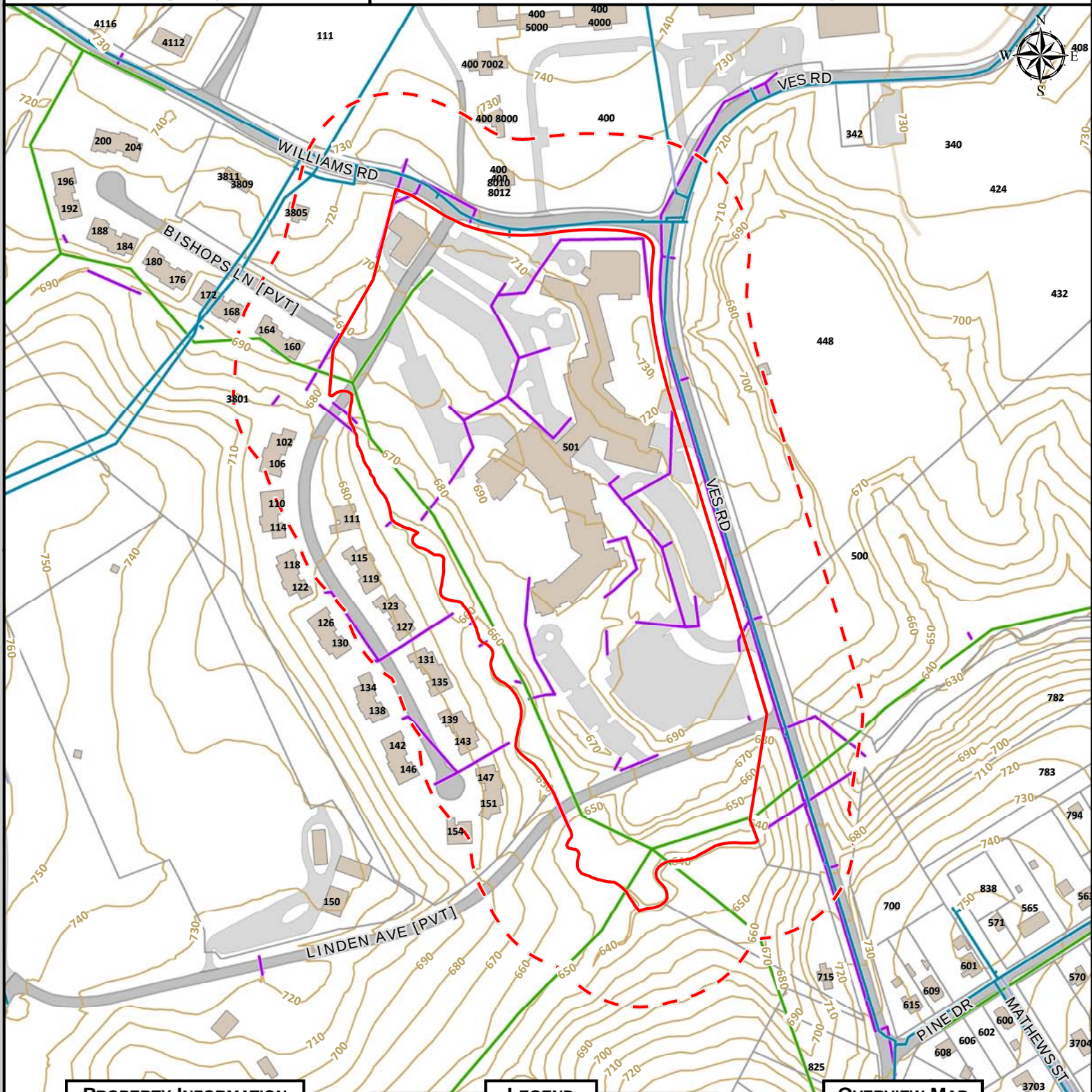
DISCLAIMER: THIS MAP IS NEITHER A LEGALLY RECORDED MAP NOR A SURVEY AND IS NOT INTENDED TO BE USED AS SUCH. THE INFORMATION DISPLAYED IS A COMPILATION OF RECORDS, INFORMATION, AND DATA OBTAINED FROM VARIOUS SOURCES. THE CITY OF LYNCHBURG IS NOT RESPONSIBLE FOR ITS ACCURACY OR HOW CURRENT IT MAY BE.

Planimetric and Topographic Map

REZONING FROM R-4 TO IN-1

Zoning Request

Westminster Canterbury



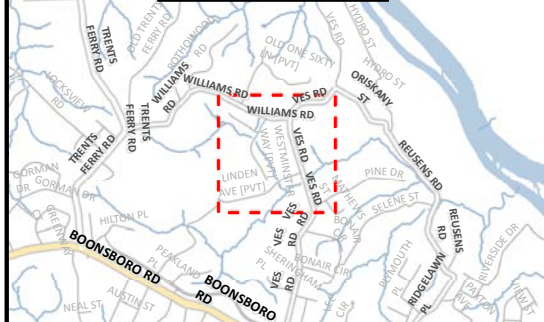
PROPERTY INFORMATION

PARCEL ID	ADDRESS
06801003	501 VES RD

LEGEND

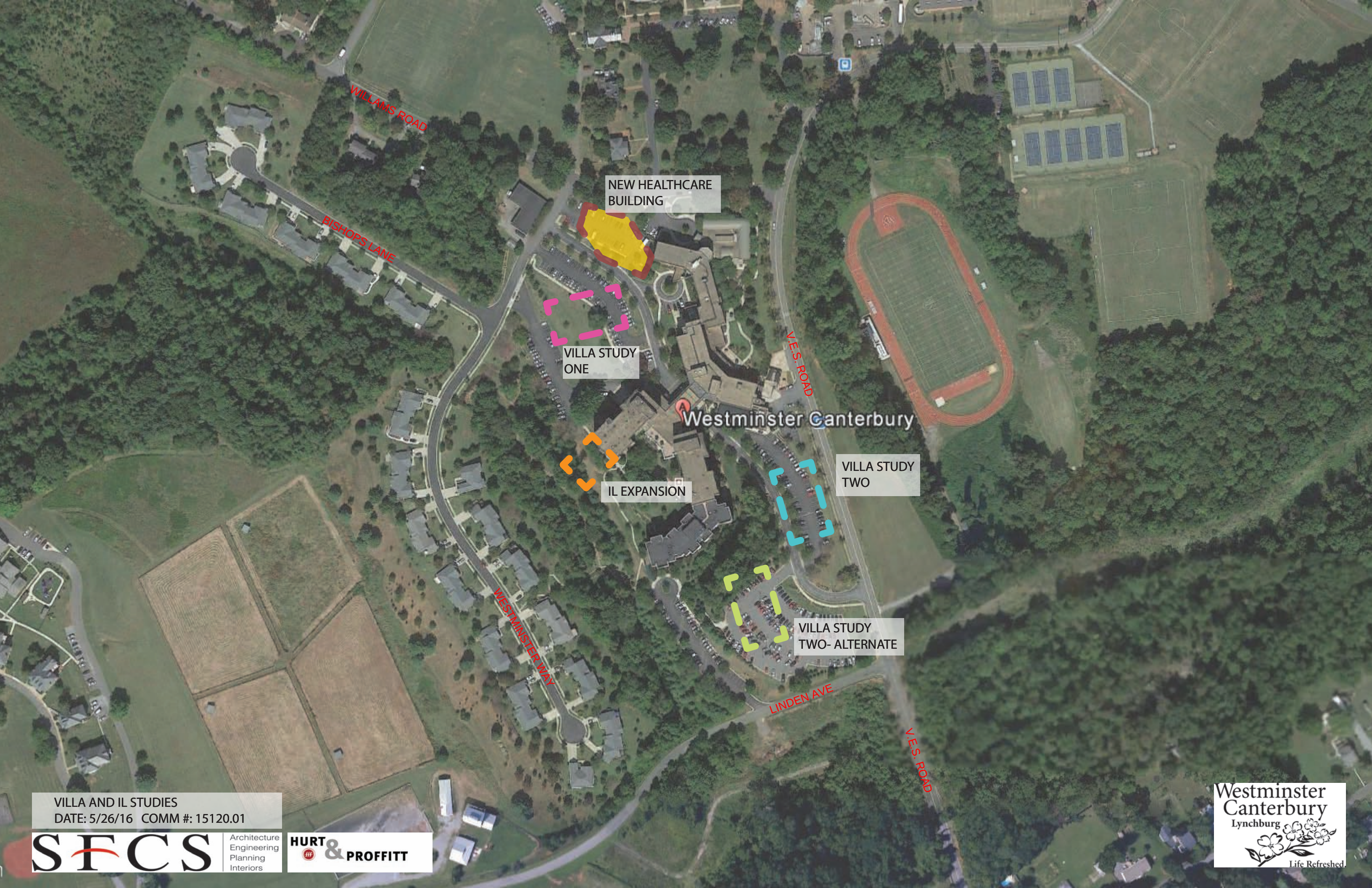
	Active	Proposed	Abandoned
Utilities			
Water			
Sanitary			
Storm			
Planimetrics			
Structure			
Roadway			
Parking			
Sidewalk			
Driveway			
Topography			
Contour			

OVERVIEW MAP



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

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



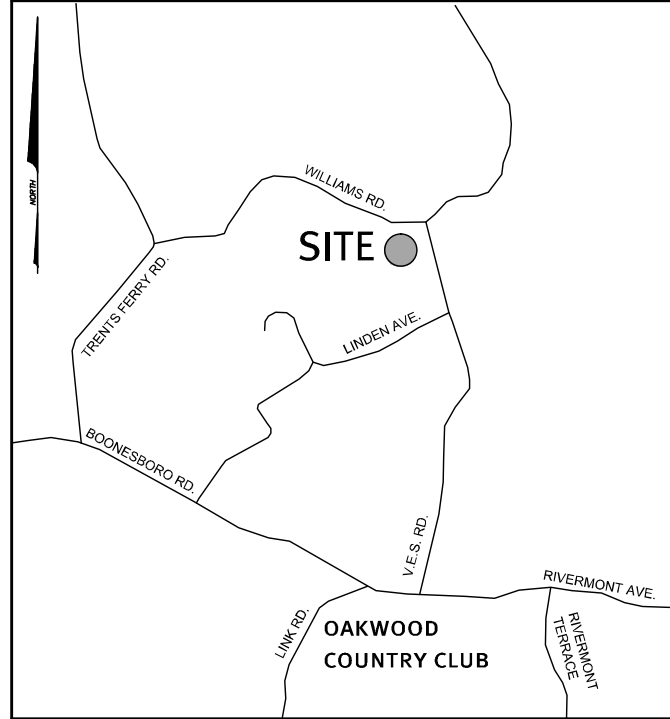
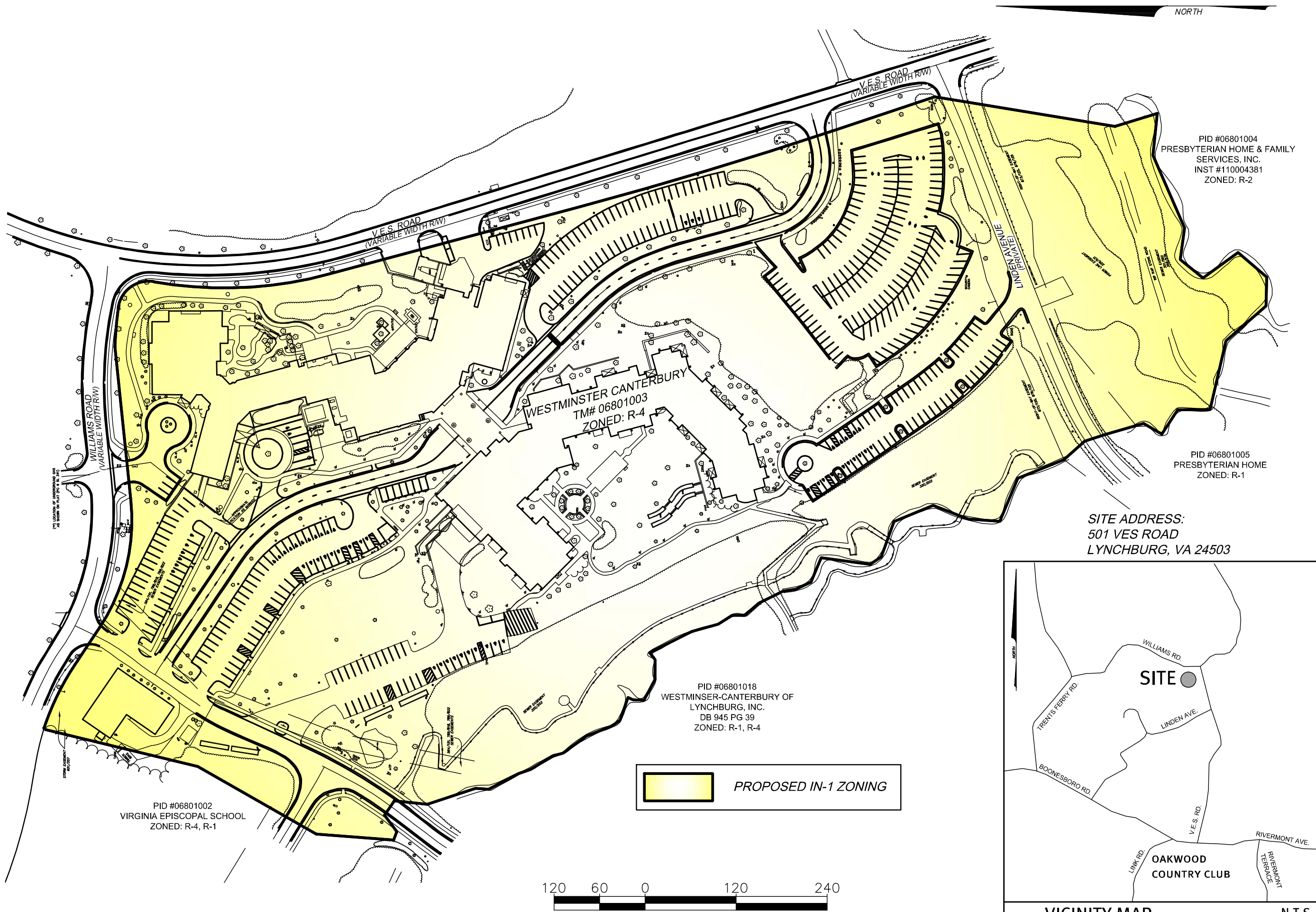
VILLA AND IL STUDIES
DATE: 5/26/16 COMM #: 15120.01



Architecture
Engineering
Planning
Interiors



Jun 30, 2016 -- 5:29pm \\Data01\projects\2016\20160242\CAD\REZONING\REZONING.dwg



HURT & PROFFITT

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

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

REZONING MAP

FOR

WESTMINSTER CANTERBURY

CITY OF LYNCHBURG, VIRGINIA

PROJECT NO. 20160242

LAT. 37° 27' 02" N

LONG. 79° 11' 25" W

DATE: 06/24/2016

DRAWN BY: NRO

CHECKED BY: PCP

SHEET NO. 1 OF 1

MEMORANDUM

TO: MAGGIE COSSMAN, P.E.

FROM: BILL WUENSCH, P.E., PTOE

ORGANIZATION: CITY OF LYNCHBURG

DATE: MAY 24, 2016

PHONE NUMBER:

SENDER'S REFERENCE NUMBER:

RE: WESTMINSTER CANTERBURY TRAFFIC ANALYSIS

YOUR REFERENCE NUMBER:

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

Westminster Canterbury Traffic Analysis

1. Introduction

The purpose of this memorandum is to examine the traffic impact of the expansion of the Westminster Canterbury facility on the intersection of Rivermont Avenue and VES Road in Lynchburg VA.

The Westminster Canterbury development is assumed as a net new 84 assisted living beds. The facility is located along VES Road to the north of the intersection of Rivermont Avenue and VES Road.

The study intersection in this memorandum is the intersection of Rivermont Avenue and VES Road. **Figure 1** illustrates the study intersection and the assumed Westminster Canterbury development.

2. Existing Conditions

Traffic Volumes

Existing traffic volumes at the intersection of Rivermont Avenue and VES Road were obtained from a prior traffic study that EPR performed for the City in 2013 when examining conversion of standalone signals to coordinated signals. **Figure 2** illustrates the existing traffic volumes.

Traffic Operation

Synchro and SimTraffic (version 9.1) were used to analyze the traffic operations at the study intersection. The level of service and queue results are summarized in **Table 1**, and included in **Appendix A** (Synchro results) and **Appendix B** (SimTraffic results). Note that for the signal timings we pivoted off of the recommended coordinated timings, which were designed to hold a long green band on the mainline with shorter green splits for the sidestreet. This is why it appears that the sidestreet has fairly long delays while the mainline operates at LOS A.

Table 1 Existing Traffic Operation Summary

		Existing AM			Existing PM		
		LOS	Delay (s)	Queue (ft)	LOS	Delay (s)	Queue (ft)
Rivermont Ave/VES Rd							
Rivermont EB	EBL	A	3.5	82	A	6.5	87
Rivermont EB	EBT	A	4.5	239	A	3.8	194
Rivermont WB	WBT	A	5.6	236	A	8.3	411
Rivermont WB	WBR	A	0.0	0	A	0.0	116
VES SB	SBL	D	50.3	146	E	57.1	207
VES SB	SBR	D	44.5	106	E	60.1	125
Intersection		A	9.0	809	B	13.7	1140

As shown in the above Table 1, in the existing conditions, the traffic operation of the intersection of Rivermont Avenue and VES Road are as followings:

- The intersection operates at LOS A in the morning peak hour and at LOS B in the afternoon peak hour;
- Rivermont Avenue movements operate at LOS A in both the morning peak hour and the afternoon peak hour;
- VES Road movements operate at LOS D in the morning peak hour and at LOS E in the afternoon peak hour (due to using coordinated timing scheme that includes a 95s cycle in the AM with the sidestreet having 25s max, and 115s cycle in the PM with the sidestreet having 25s max ;
- The total maximum overall intersection queue (sum of all movements) in the morning peak hour is 809 feet and in the afternoon is 1140 feet.

3. Trip Generation, Distribution, and Assignments

Trip Generation

The Westminster Canterbury development is assumed as 84 (net new) assisted living bed along VES Road to the north of the intersection of Rivermont Avenue and VES Road to be completed at the same year.

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

Table 2 Trip Generation

					AM			PM		
Use	L. U. Code	Unit	Quantity	Daily	in	out	total	in	out	total
Assisted Living	254	bed	84	223	8	4	12	8	10	18

As indicated in Table 2, approximately 223 new daily trips, 12 new morning peak hour trips, and 18 new afternoon peak hour trips were estimated for the assumed Westminster Canterbury development. This is a very minor amount of new trips to/from the site in the peak hours.

Trip Distribution and Assignment

In this memorandum, all the site trips generated by the assumed Westminster Canterbury development were assumed to be via the intersection of Rivermont Avenue and VES Road.

Inspection of the existing traffic pattern at the intersection of Rivermont Avenue and VES Road indicates the distribution percentage as illustrated in **Figure 3**.

The estimated site trips shown above were assigned to the roadway network. Site trip assignments are as shown in **Figure 4**.

4. Build Conditions

Traffic Volumes

The site trips as shown in Figure 4 were added to the existing traffic volumes as shown in Figure 2 resulting the build traffic volumes. **Figure 5** illustrates the build traffic volumes.

Traffic Operation

Synchro and SimTraffic (version 9.1) were used to analyze the traffic operations at the study intersection. The level of service and queue results are summarized in **Table 3**, and included in **Appendix A** (Synchro results) and **Appendix B** (SimTraffic results). Note that the same signal timings were used for both existing and build conditions.

Table 3 Build Traffic Operation Summary

			Existing AM			Existing PM		
			LOS	Delay (s)	Queue (ft)	LOS	Delay (s)	Queue (ft)
Rivermont Ave/VES Rd								
Rivermont EB	EBL	A		3.6	86	A	6.7	87
Rivermont EB	EBT	A		4.6	242	A	3.9	197
Rivermont WB	WBT	A		5.7	231	A	8.6	414
Rivermont WB	WBR	A		0.0	0	A	0.0	118
VES SB	SBL	D		50.2	153	E	56.6	212
VES SB	SBR	D		44.3	114	E	59.9	125
Intersection			A	9.1	826	B	14.1	1153

As shown in the above Table 3, in the build conditions, the traffic operation of the intersection of Rivermont Avenue and VES Road will be almost the same as in the existing conditions:

- The intersection will operate at LOS A in the morning peak hour and at LOS B in the afternoon peak hour;
- Rivermont Avenue movements will operate at LOS A in both the morning peak hour and the afternoon peak hour;
- VES Road movements will operate at LOS D in the morning peak hour and at LOS E in the afternoon peak hour;
- The total intersection sum of maximum queues in the morning peak hour is 826 feet and in the afternoon is 1140 feet, less than 1 car longer than the total maximum queues in the existing morning peak hour and afternoon peak hour.

5. Findings and Conclusions

Based on the analysis performed in this memorandum, the impact of the assumed Westminster Canterbury development on the intersection of Rivermont Avenue and VES Road will be minimal. The levels of service for the intersection and movements will not change, the total maximum queue will be less than 1 car longer than the total maximum queues in the existing conditions.

End of Memorandum

Attachments –

Figures

Figure 1	Study Intersection & Assumed Development Location
Figure 2	Existing Traffic Volumes
Figure 3	Distribution Percentage
Figure 4	Site Trips
Figure 5	Build Traffic Volumes

Tables

Table 1	Existing Traffic Operation Summary
Table 2	Trip Generation
Table 3	Build Traffic Operation Summary

Appendix

Appendix A	Synchro Analysis Outputs
Appendix B	SimTraffic Analysis Outputs

Figure 1 Study Intersection & Assumed Development Location

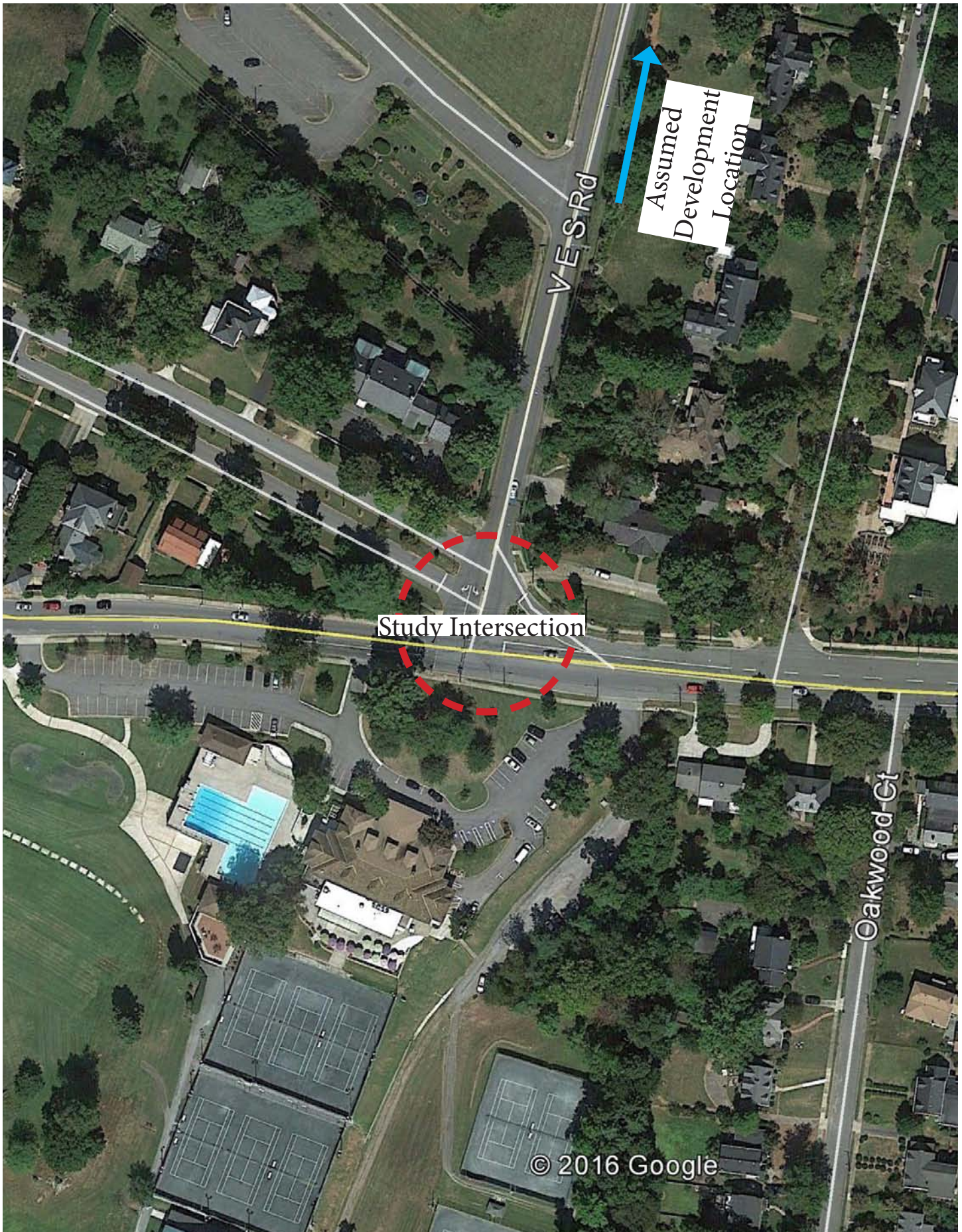


Figure 2 Existing Traffic Volumes

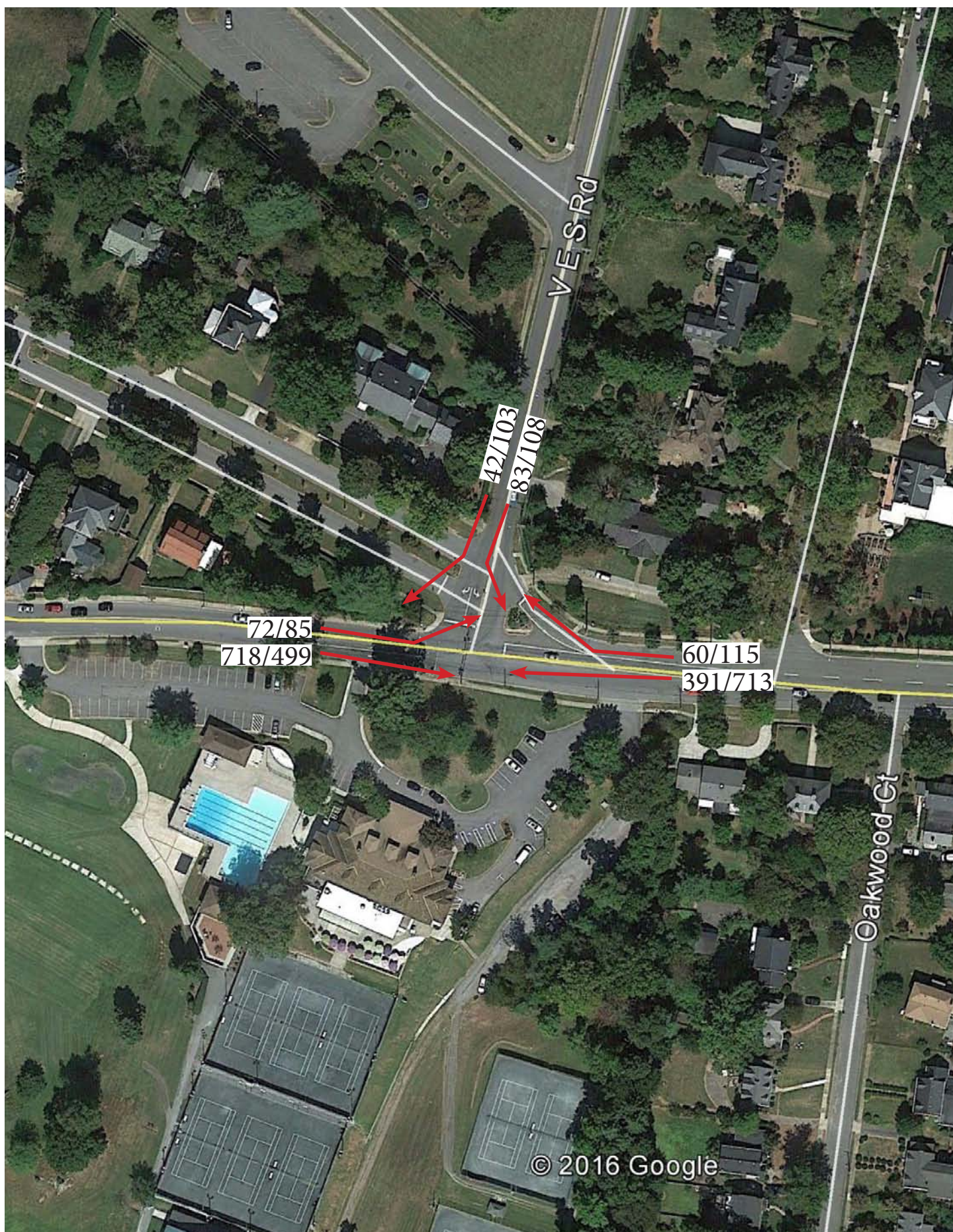


Figure 3 Distribution Percentage

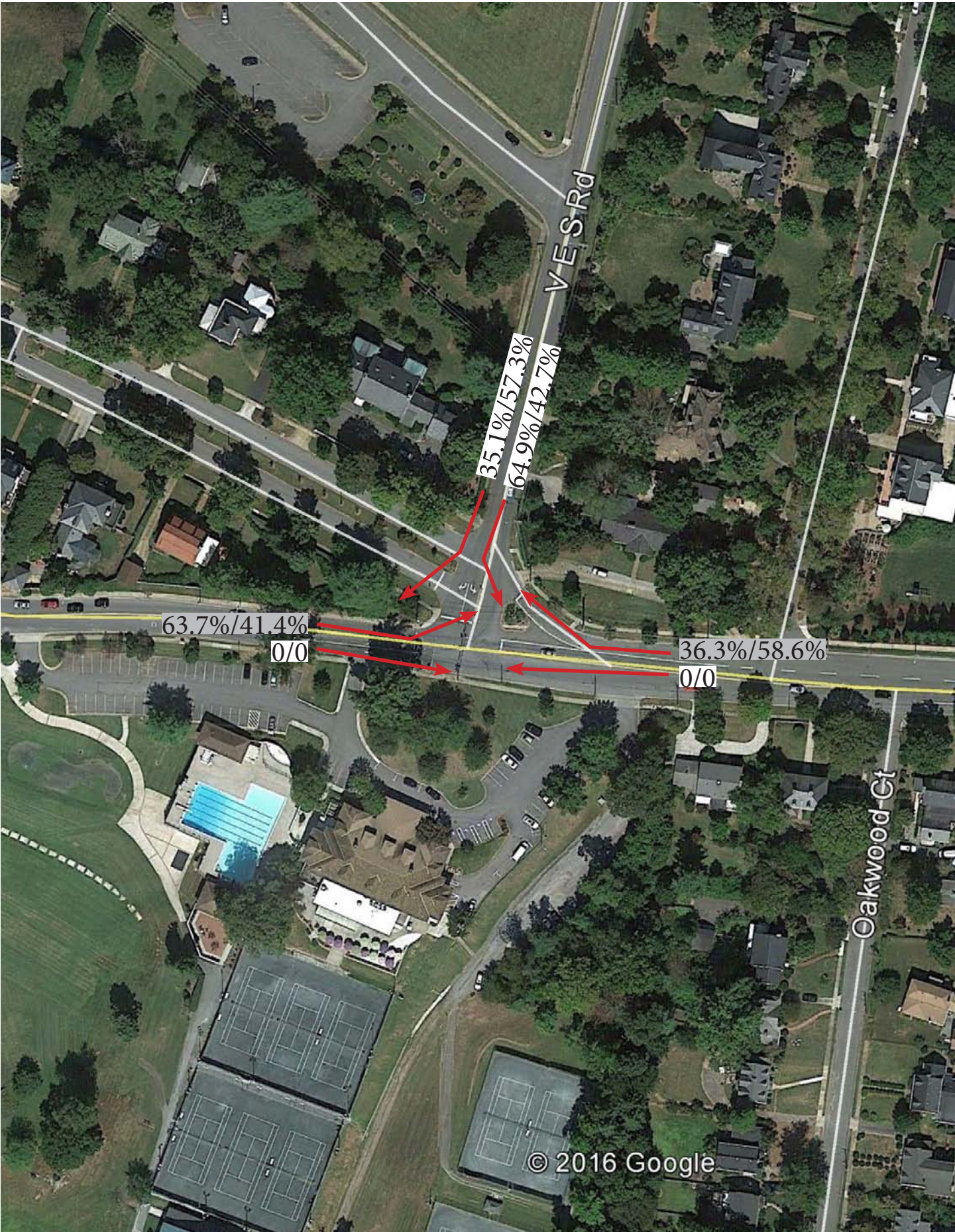


Figure 4 Site Trips

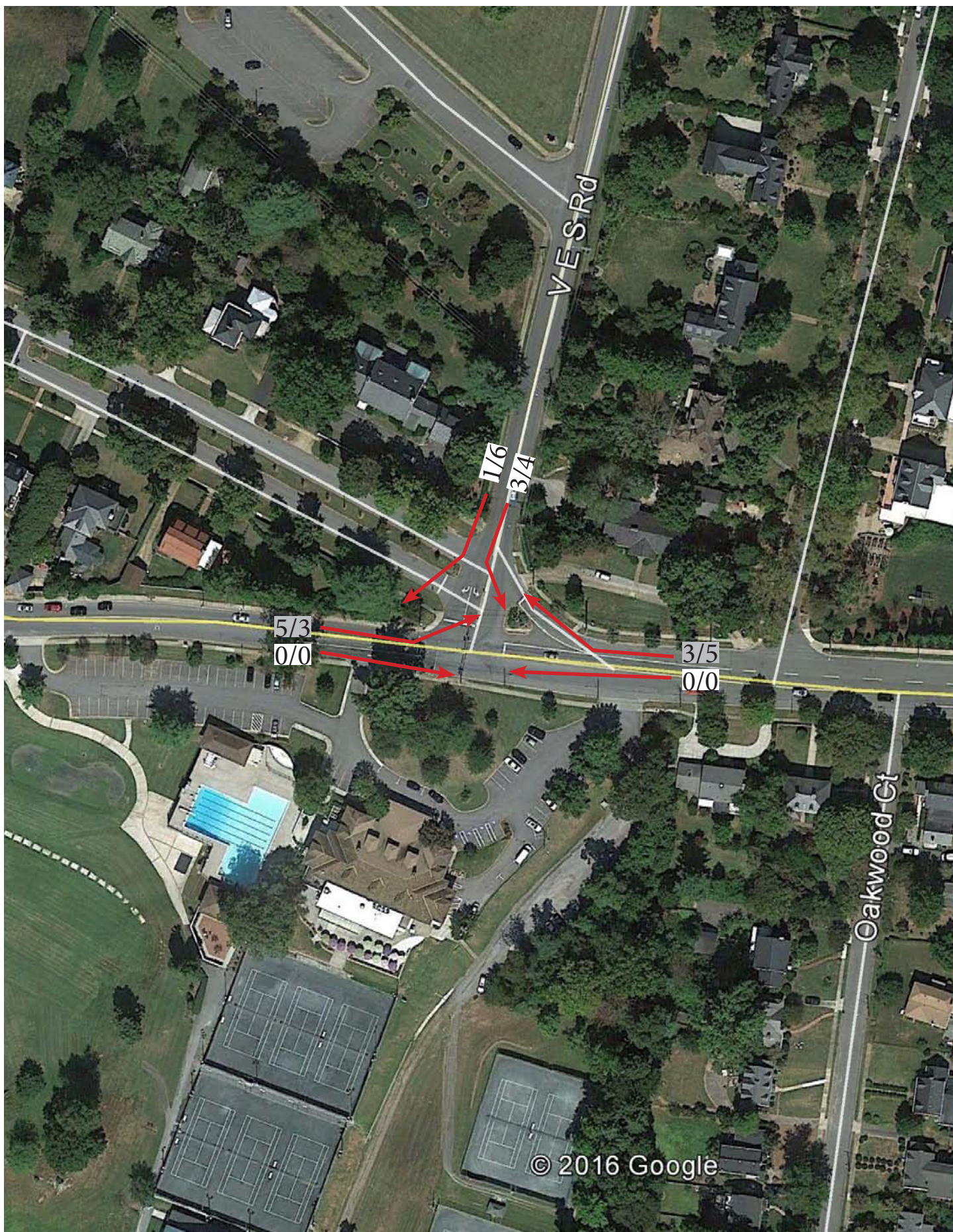
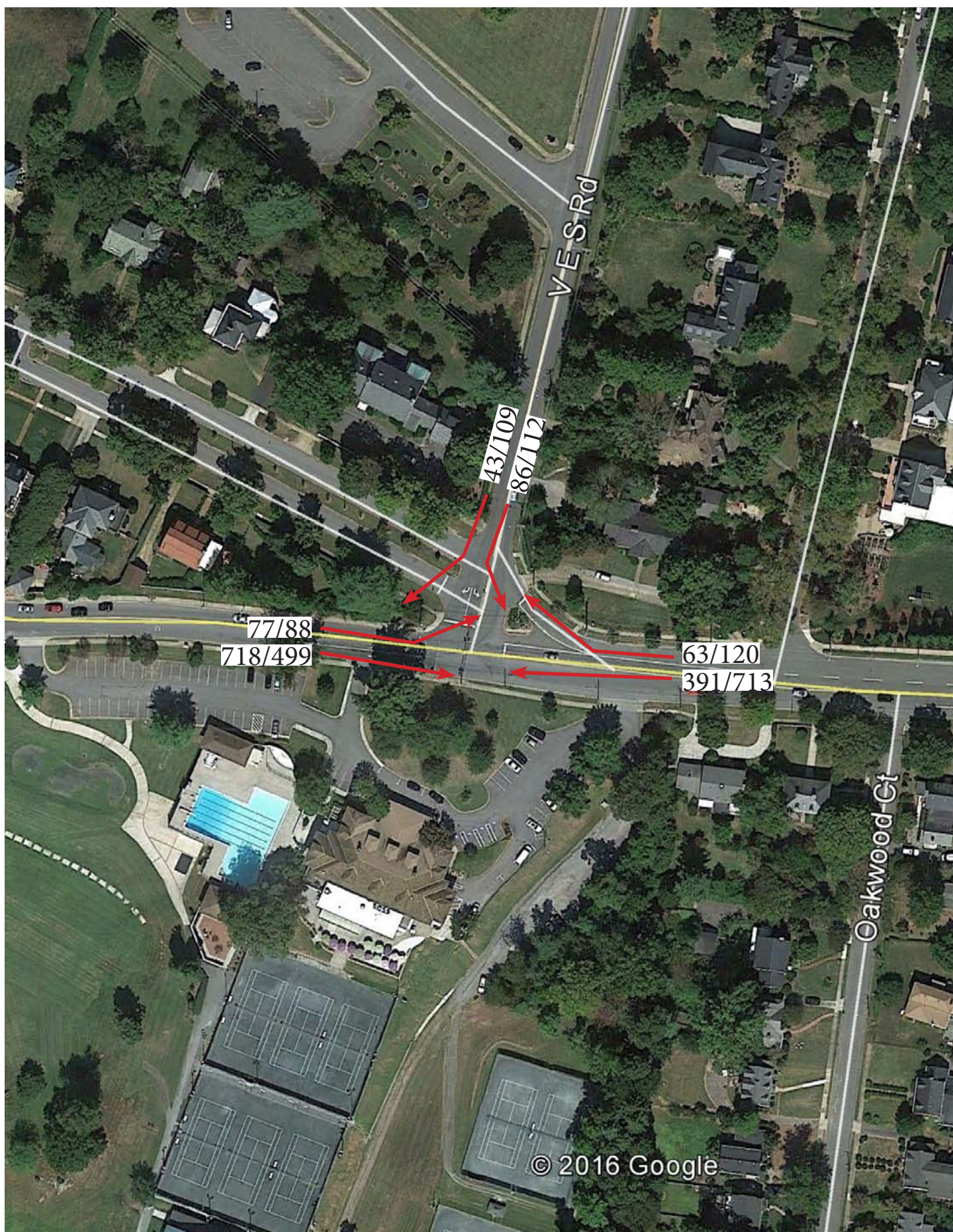


Figure 5 Build Traffic Volumes



Appendices

Appendix A
Synchro Analysis Outputs

HCM 2010 Signalized Intersection Summary

4: rivermont & ves

5/19/2016

								
Movement	EBL	EBT	WBT	WBR	SBL	SBR		
Lane Configurations								
Traffic Volume (veh/h)	72	718	391	60	83	42		
Future Volume (veh/h)	72	718	391	60	83	42		
Number	7	4	8	18	1	16		
Initial Q (Qb), veh	0	0	0	0	0	0		
Ped-Bike Adj(A_pbT)	1.00			1.00	1.00	1.00		
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00		
Adj Sat Flow, veh/h/ln	1863	1863	1863	1863	1863	1863		
Adj Flow Rate, veh/h	78	780	425	0	90	46		
Adj No. of Lanes	1	1	1	1	1	1		
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92		
Percent Heavy Veh, %	2	2	2	2	2	2		
Cap, veh/h	730	1494	1308	1112	127	113		
Arrive On Green	0.04	0.80	0.70	0.00	0.07	0.07		
Sat Flow, veh/h	1774	1863	1863	1583	1774	1583		
Grp Volume(v), veh/h	78	780	425	0	90	46		
Grp Sat Flow(s),veh/h/ln	1774	1863	1863	1583	1774	1583		
Q Serve(g_s), s	1.0	13.5	8.4	0.0	4.7	2.6		
Cycle Q Clear(g_c), s	1.0	13.5	8.4	0.0	4.7	2.6		
Prop In Lane	1.00			1.00	1.00	1.00		
Lane Grp Cap(c), veh/h	730	1494	1308	1112	127	113		
V/C Ratio(X)	0.11	0.52	0.32	0.00	0.71	0.41		
Avail Cap(c_a), veh/h	777	1494	1308	1112	355	317		
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00		
Upstream Filter(I)	1.00	1.00	1.00	0.00	1.00	1.00		
Uniform Delay (d), s/veh	3.5	3.2	5.5	0.0	43.1	42.2		
Incr Delay (d2), s/veh	0.1	1.3	0.1	0.0	7.1	2.3		
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0		
%ile BackOfQ(50%),veh/ln	0.5	7.3	4.3	0.0	2.6	2.4		
LnGrp Delay(d),s/veh	3.5	4.5	5.6	0.0	50.3	44.5		
LnGrp LOS	A	A	A		D	D		
Approach Vol, veh/h		858	425		136			
Approach Delay, s/veh		4.4	5.6		48.3			
Approach LOS		A	A		D			
Timer	1	2	3	4	5	6	7	8
Assigned Phs				4		6	7	8
Phs Duration (G+Y+Rc), s				82.2		12.8	9.5	72.7
Change Period (Y+Rc), s				6.0		6.0	6.0	6.0
Max Green Setting (Gmax), s				64.0		19.0	6.0	52.0
Max Q Clear Time (g_c+I1), s				15.5		6.7	3.0	10.4
Green Ext Time (p_c), s				10.8		0.3	0.0	10.6
Intersection Summary								
HCM 2010 Ctrl Delay			9.0					
HCM 2010 LOS			A					

HCM 2010 Signalized Intersection Summary

4: rivermont & ves

5/19/2016

								
Movement	EBL	EBT	WBT	WBR	SBL	SBR		
Lane Configurations								
Traffic Volume (veh/h)	85	499	713	115	108	103		
Future Volume (veh/h)	85	499	713	115	108	103		
Number	7	4	8	18	1	16		
Initial Q (Qb), veh	0	0	0	0	0	0		
Ped-Bike Adj(A_pbT)	1.00			1.00	1.00	1.00		
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00		
Adj Sat Flow, veh/h/ln	1863	1863	1863	1863	1863	1863		
Adj Flow Rate, veh/h	92	542	775	0	117	112		
Adj No. of Lanes	1	1	1	1	1	1		
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92		
Percent Heavy Veh, %	2	2	2	2	2	2		
Cap, veh/h	482	1500	1341	1140	160	143		
Arrive On Green	0.03	0.81	0.72	0.00	0.09	0.09		
Sat Flow, veh/h	1774	1863	1863	1583	1774	1583		
Grp Volume(v), veh/h	92	542	775	0	117	112		
Grp Sat Flow(s),veh/h/ln	1774	1863	1863	1583	1774	1583		
Q Serve(g_s), s	1.4	9.2	22.9	0.0	7.4	8.0		
Cycle Q Clear(g_c), s	1.4	9.2	22.9	0.0	7.4	8.0		
Prop In Lane	1.00			1.00	1.00	1.00		
Lane Grp Cap(c), veh/h	482	1500	1341	1140	160	143		
V/C Ratio(X)	0.19	0.36	0.58	0.00	0.73	0.78		
Avail Cap(c_a), veh/h	516	1500	1341	1140	293	262		
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00		
Upstream Filter(I)	1.00	1.00	1.00	0.00	1.00	1.00		
Uniform Delay (d), s/veh	6.3	3.1	7.7	0.0	50.9	51.2		
Incr Delay (d2), s/veh	0.2	0.7	0.6	0.0	6.2	8.9		
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0		
%ile BackOfQ(50%),veh/ln	0.7	4.9	11.9	0.0	3.9	7.2		
LnGrp Delay(d),s/veh	6.5	3.8	8.3	0.0	57.1	60.1		
LnGrp LOS	A	A	A		E	E		
Approach Vol, veh/h		634	775		229			
Approach Delay, s/veh		4.2	8.3		58.6			
Approach LOS		A	A		E			
Timer	1	2	3	4	5	6	7	8
Assigned Phs				4		6	7	8
Phs Duration (G+Y+Rc), s				98.6		16.4	9.8	88.8
Change Period (Y+Rc), s				6.0		6.0	6.0	6.0
Max Green Setting (Gmax), s				84.0		19.0	6.0	72.0
Max Q Clear Time (g_c+I1), s				11.2		10.0	3.4	24.9
Green Ext Time (p_c), s				12.9		0.4	0.0	12.3
Intersection Summary								
HCM 2010 Ctrl Delay			13.7					
HCM 2010 LOS			B					

HCM 2010 Signalized Intersection Summary

4: rivermont & ves

5/19/2016

								
Movement	EBL	EBT	WBT	WBR	SBL	SBR		
Lane Configurations								
Traffic Volume (veh/h)	77	718	391	63	86	43		
Future Volume (veh/h)	77	718	391	63	86	43		
Number	7	4	8	18	1	16		
Initial Q (Qb), veh	0	0	0	0	0	0		
Ped-Bike Adj(A_pbT)	1.00			1.00	1.00	1.00		
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00		
Adj Sat Flow, veh/h/ln	1863	1863	1863	1863	1863	1863		
Adj Flow Rate, veh/h	84	780	425	0	93	47		
Adj No. of Lanes	1	1	1	1	1	1		
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92		
Percent Heavy Veh, %	2	2	2	2	2	2		
Cap, veh/h	728	1491	1303	1108	130	116		
Arrive On Green	0.04	0.80	0.70	0.00	0.07	0.07		
Sat Flow, veh/h	1774	1863	1863	1583	1774	1583		
Grp Volume(v), veh/h	84	780	425	0	93	47		
Grp Sat Flow(s),veh/h/ln	1774	1863	1863	1583	1774	1583		
Q Serve(g_s), s	1.1	13.7	8.4	0.0	4.9	2.7		
Cycle Q Clear(g_c), s	1.1	13.7	8.4	0.0	4.9	2.7		
Prop In Lane	1.00			1.00	1.00	1.00		
Lane Grp Cap(c), veh/h	728	1491	1303	1108	130	116		
V/C Ratio(X)	0.12	0.52	0.33	0.00	0.72	0.40		
Avail Cap(c_a), veh/h	773	1491	1303	1108	355	317		
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00		
Upstream Filter(I)	1.00	1.00	1.00	0.00	1.00	1.00		
Uniform Delay (d), s/veh	3.5	3.3	5.5	0.0	43.0	42.0		
Incr Delay (d2), s/veh	0.1	1.3	0.1	0.0	7.1	2.3		
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0		
%ile BackOfQ(50%),veh/ln	0.6	7.3	4.3	0.0	2.6	2.4		
LnGrp Delay(d),s/veh	3.6	4.6	5.7	0.0	50.2	44.3		
LnGrp LOS	A	A	A		D	D		
Approach Vol, veh/h		864	425		140			
Approach Delay, s/veh		4.5	5.7		48.2			
Approach LOS		A	A		D			
Timer	1	2	3	4	5	6	7	8
Assigned Phs				4		6	7	8
Phs Duration (G+Y+Rc), s				82.0		13.0	9.6	72.5
Change Period (Y+Rc), s				6.0		6.0	6.0	6.0
Max Green Setting (Gmax), s				64.0		19.0	6.0	52.0
Max Q Clear Time (g_c+I1), s				15.7		6.9	3.1	10.4
Green Ext Time (p_c), s				10.8		0.3	0.0	10.6
Intersection Summary								
HCM 2010 Ctrl Delay			9.1					
HCM 2010 LOS			A					

HCM 2010 Signalized Intersection Summary

4: rivermont & ves

5/19/2016

								
Movement	EBL	EBT	WBT	WBR	SBL	SBR		
Lane Configurations								
Traffic Volume (veh/h)	88	499	713	120	112	109		
Future Volume (veh/h)	88	499	713	120	112	109		
Number	7	4	8	18	1	16		
Initial Q (Qb), veh	0	0	0	0	0	0		
Ped-Bike Adj(A_pbT)	1.00			1.00	1.00	1.00		
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00		
Adj Sat Flow, veh/h/ln	1863	1863	1863	1863	1863	1863		
Adj Flow Rate, veh/h	96	542	775	0	122	118		
Adj No. of Lanes	1	1	1	1	1	1		
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92		
Percent Heavy Veh, %	2	2	2	2	2	2		
Cap, veh/h	477	1493	1334	1134	167	149		
Arrive On Green	0.03	0.80	0.72	0.00	0.09	0.09		
Sat Flow, veh/h	1774	1863	1863	1583	1774	1583		
Grp Volume(v), veh/h	96	542	775	0	122	118		
Grp Sat Flow(s),veh/h/ln	1774	1863	1863	1583	1774	1583		
Q Serve(g_s), s	1.5	9.4	23.3	0.0	7.7	8.4		
Cycle Q Clear(g_c), s	1.5	9.4	23.3	0.0	7.7	8.4		
Prop In Lane	1.00			1.00	1.00	1.00		
Lane Grp Cap(c), veh/h	477	1493	1334	1134	167	149		
V/C Ratio(X)	0.20	0.36	0.58	0.00	0.73	0.79		
Avail Cap(c_a), veh/h	511	1493	1334	1134	293	262		
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00		
Upstream Filter(I)	1.00	1.00	1.00	0.00	1.00	1.00		
Uniform Delay (d), s/veh	6.5	3.2	7.9	0.0	50.7	51.0		
Incr Delay (d2), s/veh	0.2	0.7	0.6	0.0	6.0	9.0		
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0		
%ile BackOfQ(50%),veh/ln	0.8	5.0	12.1	0.0	4.0	7.5		
LnGrp Delay(d),s/veh	6.7	3.9	8.6	0.0	56.6	59.9		
LnGrp LOS	A	A	A		E	E		
Approach Vol, veh/h		638	775		240			
Approach Delay, s/veh		4.3	8.6		58.3			
Approach LOS		A	A		E			
Timer	1	2	3	4	5	6	7	8
Assigned Phs				4		6	7	8
Phs Duration (G+Y+Rc), s				98.2		16.8	9.8	88.3
Change Period (Y+Rc), s				6.0		6.0	6.0	6.0
Max Green Setting (Gmax), s				84.0		19.0	6.0	72.0
Max Q Clear Time (g_c+I1), s				11.4		10.4	3.5	25.3
Green Ext Time (p_c), s				12.9		0.5	0.0	12.2
Intersection Summary								
HCM 2010 Ctrl Delay			14.1					
HCM 2010 LOS			B					

Appendix B

SimTraffic Analysis Outputs

Queuing and Blocking Report Existing AM

5/19/2016

Intersection: 4: rivermont & ves

Movement	EB	EB	WB	SB	SB
Directions Served	L	T	T	L	R
Maximum Queue (ft)	82	239	236	146	106
Average Queue (ft)	25	89	67	56	27
95th Queue (ft)	59	181	157	110	66
Link Distance (ft)		645	562	882	
Upstream Blk Time (%)					
Queuing Penalty (veh)					
Storage Bay Dist (ft)	200				100
Storage Blk Time (%)		0		2	0
Queuing Penalty (veh)		0		1	0

Network Summary

Network wide Queuing Penalty: 1

Queuing and Blocking Report

Existing PM

5/19/2016

Intersection: 4: rivermont & ves

Movement	EB	EB	WB	WB	SB	SB
Directions Served	L	T	T	R	L	R
Maximum Queue (ft)	87	194	411	116	207	125
Average Queue (ft)	37	68	135	5	85	54
95th Queue (ft)	71	140	283	92	159	113
Link Distance (ft)		645	562	562	882	
Upstream Blk Time (%)			0	0		
Queuing Penalty (veh)			0	0		
Storage Bay Dist (ft)	200					100
Storage Blk Time (%)		0			6	0
Queuing Penalty (veh)		0			6	0

Network Summary

Network wide Queuing Penalty: 7

Intersection: 4: rivermont & ves

Movement	EB	EB	WB	SB	SB
Directions Served	L	T	T	L	R
Maximum Queue (ft)	86	242	231	153	114
Average Queue (ft)	28	91	69	58	27
95th Queue (ft)	63	181	157	113	70
Link Distance (ft)		645	562	882	
Upstream Blk Time (%)					
Queuing Penalty (veh)					
Storage Bay Dist (ft)	200				100
Storage Blk Time (%)		0		2	0
Queuing Penalty (veh)		0		1	0

Network Summary

Network wide Queuing Penalty: 1

Intersection: 4: rivermont & ves

Movement	EB	EB	WB	WB	SB	SB
Directions Served	L	T	T	R	L	R
Maximum Queue (ft)	87	197	414	118	212	125
Average Queue (ft)	38	70	138	3	88	57
95th Queue (ft)	73	144	283	74	165	117
Link Distance (ft)		645	562	562	882	
Upstream Blk Time (%)			0	0		
Queuing Penalty (veh)			0	0		
Storage Bay Dist (ft)	200					100
Storage Blk Time (%)		0			7	0
Queuing Penalty (veh)		0			8	0

Network Summary

Network wide Queuing Penalty: 8

MEMORANDUM

TO: MAGGIE COSSMAN, P.E.

FROM: BILL WUENSCH, P.E., PTOE

ORGANIZATION: CITY OF LYNCHBURG

DATE: JULY 19, 2016

PHONE NUMBER:

SENDER'S REFERENCE NUMBER:

RE: WESTMINSTER CANTERBURY TRAFFIC ANALYSIS
SUPPLEMENT

YOUR REFERENCE NUMBER:

☐ URGENT☒ FOR YOUR USE☐ PLEASE COMMENT☐ PLEASE REPLY☐ PLEASE RECYCLE**Westminster Canterbury Traffic Analysis Supplement****1. Introduction**

The purpose of this memorandum is to supplement the prior *Westminster Canterbury Traffic Analysis* (the prior study) prepared by EPR, P.C. in May of 2016. The objective of the analysis is to identify a threshold for how many additional vehicles, beyond those generated by the Westminster facility expansion, can be processed by the Rivermont Avenue / VES Road intersection before the level of service at the intersection is diminished. By diminished we are referring to a drop in LOS rating, i.e. C to D, or D to E, etc....

2. Analysis**Level of Service in Build Condition**

The level of service results at the intersection of Rivermont Avenue and VES Road in build the condition were obtained from the prior study and are shown in the below **Table 1**.

Table 1 Level of Service in Build Condition

		AM LOS	PM LOS
Rivermont EB	EBL	A	A
Rivermont EB	EBT	A	A
Rivermont WB	WBT	A	A
Rivermont WB	WBR	A	A
VES SB	SBL	D	E
VES SB	SBR	D	E
Intersection		A	B

Test by Adding Traffic Volumes

Synchro (version 9.1) was used for the analysis. Traffic volumes were added to the build condition in the prior study to assess the number of vehicles coming out from VES Road beyond the Westminster Canterbury development build condition can be processed by the intersection before a change the level of service occurred at the intersection of Rivermont Avenue and VES Road. The result of the test leads to following findings:

- In the morning peak hour, 220 vehicles coming out from VES Road beyond the Westminster Canterbury development build condition will change the level of service at the intersection of Rivermont Avenue and VES Road. The change will be on southbound left turn on VES Road, which changes level of service from LOS D to LOS E.
- In the afternoon peak hour, 192 vehicles coming out from VES Road beyond the Westminster Canterbury development build condition will change the level of service at the intersection of Rivermont Avenue and VES Road. The change will be on southbound right turn on VES Road, which is from LOS E to LOS F.

The level of service results at the intersection of Rivermont Avenue and VES Road with above described traffic volumes are summarized in the below **Table 2**. The synchro output reports are attached at the end of this memorandum.

Table 2 Level of Service with 220 Vehicles in AM and 192 Vehicles in PM

		AM LOS	PM LOS
Rivermont EB	EBL	A	A
Rivermont EB	EBT	A	A
Rivermont WB	WBT	A	A
Rivermont WB	WBR	A	A
VES SB	SBL	E	E
VES SB	SBR	D	F
Intersection		B	C

3. Findings and Conclusions

Based on the analysis performed in this memorandum:

- In the morning peak hour, 220 vehicles coming out from VES Road beyond the Westminster Canterbury development build condition will change the level of service at the intersection of Rivermont Avenue and VES Road. The change will be on southbound left turn on VES Road, which is from LOS D to LOS E.

- In the afternoon peak hour, 192 vehicles coming out from VES Road beyond the Westminster Canterbury development build condition will change the level of service at the intersection of Rivermont Avenue and VES Road. The change will be on southbound right turn on VES Road, which is from LOS E to LOS F.

End of Memorandum

Attachment: Synchro Output Reports

HCM 2010 Signalized Intersection Summary

4: rivermont & ves

7/19/2016

								
Movement	EBL	EBT	WBT	WBR	SBL	SBR		
Lane Configurations								
Traffic Volume (veh/h)	77	718	391	63	229	120		
Future Volume (veh/h)	77	718	391	63	229	120		
Number	7	4	8	18	1	16		
Initial Q (Qb), veh	0	0	0	0	0	0		
Ped-Bike Adj(A_pbT)	1.00			1.00	1.00	1.00		
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00		
Adj Sat Flow, veh/h/ln	1863	1863	1863	1863	1863	1863		
Adj Flow Rate, veh/h	84	780	425	0	249	130		
Adj No. of Lanes	1	1	1	1	1	1		
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92		
Percent Heavy Veh, %	2	2	2	2	2	2		
Cap, veh/h	617	1324	1137	966	289	258		
Arrive On Green	0.04	0.71	0.61	0.00	0.16	0.16		
Sat Flow, veh/h	1774	1863	1863	1583	1774	1583		
Grp Volume(v), veh/h	84	780	425	0	249	130		
Grp Sat Flow(s),veh/h/ln	1774	1863	1863	1583	1774	1583		
Q Serve(g_s), s	1.6	19.8	10.9	0.0	13.0	7.1		
Cycle Q Clear(g_c), s	1.6	19.8	10.9	0.0	13.0	7.1		
Prop In Lane	1.00			1.00	1.00	1.00		
Lane Grp Cap(c), veh/h	617	1324	1137	966	289	258		
V/C Ratio(X)	0.14	0.59	0.37	0.00	0.86	0.50		
Avail Cap(c_a), veh/h	662	1324	1137	966	355	317		
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00		
Upstream Filter(I)	1.00	1.00	1.00	0.00	1.00	1.00		
Uniform Delay (d), s/veh	6.4	6.8	9.4	0.0	38.7	36.3		
Incr Delay (d2), s/veh	0.1	1.9	0.2	0.0	16.4	1.5		
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0		
%ile BackOfQ(50%),veh/ln	0.8	10.7	5.6	0.0	7.7	6.4		
LnGrp Delay(d),s/veh	6.5	8.8	9.6	0.0	55.1	37.8		
LnGrp LOS	A	A	A		E	D		
Approach Vol, veh/h		864	425		379			
Approach Delay, s/veh		8.5	9.6		49.2			
Approach LOS		A	A		D			
Timer	1	2	3	4	5	6	7	8
Assigned Phs				4		6	7	8
Phs Duration (G+Y+Rc), s				73.5		21.5	9.6	64.0
Change Period (Y+Rc), s				6.0		6.0	6.0	6.0
Max Green Setting (Gmax), s				64.0		19.0	6.0	52.0
Max Q Clear Time (g_c+I1), s				21.8		15.0	3.6	12.9
Green Ext Time (p_c), s				10.6		0.5	0.0	10.4
Intersection Summary								
HCM 2010 Ctrl Delay			18.0					
HCM 2010 LOS			B					

HCM 2010 Signalized Intersection Summary

4: rivermont & ves

7/19/2016

								
Movement	EBL	EBT	WBT	WBR	SBL	SBR		
Lane Configurations								
Traffic Volume (veh/h)	88	499	713	120	194	219		
Future Volume (veh/h)	88	499	713	120	194	219		
Number	7	4	8	18	1	16		
Initial Q (Qb), veh	0	0	0	0	0	0		
Ped-Bike Adj(A_pbT)	1.00			1.00	1.00	1.00		
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00		
Adj Sat Flow, veh/h/ln	1863	1863	1863	1863	1863	1863		
Adj Flow Rate, veh/h	96	542	775	0	211	238		
Adj No. of Lanes	1	1	1	1	1	1		
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92		
Percent Heavy Veh, %	2	2	2	2	2	2		
Cap, veh/h	394	1361	1201	1021	293	261		
Arrive On Green	0.03	0.73	0.64	0.00	0.17	0.17		
Sat Flow, veh/h	1774	1863	1863	1583	1774	1583		
Grp Volume(v), veh/h	96	542	775	0	211	238		
Grp Sat Flow(s),veh/h/ln	1774	1863	1863	1583	1774	1583		
Q Serve(g_s), s	2.0	12.7	29.1	0.0	13.0	17.0		
Cycle Q Clear(g_c), s	2.0	12.7	29.1	0.0	13.0	17.0		
Prop In Lane	1.00			1.00	1.00	1.00		
Lane Grp Cap(c), veh/h	394	1361	1201	1021	293	261		
V/C Ratio(X)	0.24	0.40	0.65	0.00	0.72	0.91		
Avail Cap(c_a), veh/h	427	1361	1201	1021	293	262		
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00		
Upstream Filter(I)	1.00	1.00	1.00	0.00	1.00	1.00		
Uniform Delay (d), s/veh	9.5	5.9	9.4	0.0	45.5	47.2		
Incr Delay (d2), s/veh	0.3	0.9	1.2	0.0	8.3	33.0		
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0		
%ile BackOfQ(50%),veh/ln	1.0	6.8	9.3	0.0	7.0	16.3		
LnGrp Delay(d),s/veh	9.8	6.8	9.6	0.0	55.8	80.2		
LnGrp LOS	A	A	A		E	F		
Approach Vol, veh/h		638	775		449			
Approach Delay, s/veh		7.4	9.6		67.8			
Approach LOS		A	A		E			
Timer	1	2	3	4	5	6	7	8
Assigned Phs				4		6	7	8
Phs Duration (G+Y+Rc), s				90.0		25.0	9.8	80.2
Change Period (Y+Rc), s				6.0		6.0	6.0	6.0
Max Green Setting (Gmax), s				84.0		19.0	6.0	72.0
Max Q Clear Time (g_c+I1), s				14.7		19.0	4.0	31.1
Green Ext Time (p_c), s				12.8		0.0	0.0	11.9
Intersection Summary								
HCM 2010 Ctrl Delay			24.5					
HCM 2010 LOS			C					



REZONING NARRATIVE

Westminster Canterbury – Lynchburg
501 VES Road
TM# 06801003
Lynchburg, Virginia
Hurt & Proffitt Project # 20160242

PROJECT DESCRIPTION

This petition consists of a request to rezone 20.15 acres owned by Westminster Canterbury of Lynchburg Inc. from its current R-4 (High Density Residential) to IN-1 (Institutional District In-1). The purpose is to provide flexibility for the future development of the property while creating development procedures and standards to minimize off site impacts such as noise, lighting, traffic and availability/capacity of water and sanitary sewer infrastructure associated with the development of their development (Section 35.2-49.1 City of Lynchburg Zoning Ordinance).

The use of the property is best described as Housing Services per Section 35.2-49.2 of the ordinance and all anticipated existing and proposed uses are consistent with the description. Both the existing and future development uses would be a permitted use by right in the IN-1 zoning district.

Any future proposed development on the property will be designed per the IN-1 District Development Standards of Section 35.2-49.5 of the zoning ordinance.

TWO YEAR (2) FUTURE DEVELOPMENT PROJECTION

Potential development in the next two years is expected to consist of one new 80 to 84 bed Skilled Nursing Building over parking adjacent to the existing Hearthside Building. In addition there will potentially be a 20 – 40 unit Independent Living facility, whose exact location is to be determined. The location of the Skilled Nursing building and Independent Living options are shown on the attached proposed development exhibit.

TRAFFIC IMPACT ANALYSIS

A traffic impact analysis was performed on May 24, 2016 by EPR, P.C. and is part of this submittal.

**Westminster Canterbury
Rezoning to Institutional 1
August 10, 2016**

PLEASE PRINT

[illegible]

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **September 13, 2016**

AGENDA ITEM #: **9**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Conditional Use Permit: James River Day School – 5039 Boonsboro Road and 110 Bon Ton Circle

Strategic Pillar(s) Impacted:

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

RECOMMENDATION: Approval of the conditional use permit (CUP) petition.

SUMMARY: James River Day School is petitioning for a CUP at 5039 Boonsboro Road and 110 Bon Ton Circle to allow the construction of a six thousand two hundred (6200) square foot building addition, the construction of recreation and playground areas and to allow the use of an existing structure as storage. The petition is consistent with the *Zoning Ordinance* which permits schools and associated uses in R-1, Low Density Residential Districts upon approval of a conditional use permit and the *Comprehensive Plan 2013-2030* which recommends an Institutional use for the property.

PRIOR ACTION(S):

August 10, 2016: The Planning Division recommended approval of the CUP petition.
The Planning Commission recommended approval (5-0, with 2 members absent, Perault, Light) of the CUP petition.

FISCAL IMPACT: N/A

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

ATTACHMENT(S):

- Resolution
- Planning Commission Minutes – August 10, 2016
- Planning Commission Packet – August 10, 2016
 - o Planning Commission Report
 - o Zoning Map
 - o Future Land Use Map
 - o Watershed Map
 - o Planimetric and Topographic Map
 - o Concept Plan – Conditional Use Plan and Existing Conditions for James River Day School
 - o Conditional Use Permit Narrative
 - o Property photographs
 - o Speaker Signup Sheet

REVIEWED BY: bms

RESOLUTION:

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO JAMES RIVER DAY SCHOOL TO ALLOW THE CONSTRUCTION OF A SIX THOUSAND TWO HUNDRED (6200) SQUARE FOOT ADDTION AND THE CONSTRUCTION OF RECREATION AND PLAYGROUND AREAS AT 5039 BOONSBORO ROAD AND TO ALLOW THE USE OF THE EXISTING STRUCTURE AT 110 BON TON CIRCLE AS STORAGE.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of James River Day School to allow the construction of a six thousand two hundred (6200) square foot addition and the construction of recreation and playground areas at 5039 Boonsboro Road and to allow the use of the existing structure at 110 Bon Ton Circle as storage is approved subject to the following conditions:

1. The property shall be developed in substantial compliance with the concept plan entitled "Conditional Use Plan for James River Day School dated July 30, 2016.
2. There will be no increase in enrollment.

Adopted:

Certified: _____
Clerk of Council

123V

MINUTES OF THE AUGUST 10, 2016 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

Petition of James River Day School for a conditional use permit at 5039 Boonsboro Road and 110 Bon Ton Circle to allow the construction of a two-story addition for educational purposes, the construction of a basketball court, playgrounds and the use of an existing structure for storage in an R-1, Low Density Residential District.

Mr. Martin summarized the report for the commission. The properties are currently zoned R-1, Low Density Single-Family Residential and are indicated for Institutional uses on the City's *Future Land Use Map (FLUM)*. Institutional uses can include churches, schools, nonprofit hospitals or other nonprofit entities. James River Day School petitioned the Board of Zoning Appeals on June 28, 2016 to allow a 61-foot setback for the basketball court and playground rather than the required 200-foot setback and to allow a 12-foot vegetative buffer rather than the required 20-foot buffer. Both requests were approved.

The proposed building addition and additional recreational areas should have little impact on the surrounding neighborhood as there are no additional students proposed. The building addition will be used for classrooms and office space and the existing house at 110 Bon Ton Circle will be used for storage.

Since no new students are proposed, a traffic study was not required. Stormwater management is shown to be handled through the use of a detention facility in the southwestern corner of the property and also a rain garden adjacent to the new building.

As required by the Zoning Ordinance, the petitioner will be installing sidewalk along all three street frontages on Boonsboro Road, Bon Ton Road and Bon Ton Circle. The Planning Division recommends approval of the conditional use permit.

Mr. Scott Beasley of Hurt and Proffitt was present to represent the petitioner. He explained that the petition is to request a 6,200 square foot, two-story building addition, the modification and addition of some playground areas and the use of 110 Bon Ton Circle as a storage area. Mr. Beasley summarized the features of the concept plan for the commission.

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

Commissioner Bowden noted that the field on site tends to get wet after a good rain. He asked if the site is going to be able to handle the addition of more impervious area. Mr. Beasley indicated that the new impervious areas will drain to the new detention facility.

Commissioner Marion noted that the concept plan was difficult to read because the existing buildings are not shown on it.

Commissioner Rogers asked if this will change the existing flow of traffic. Mr. Beasley indicated that there is no increase in students proposed as part of this petition and there will be no change in traffic flow. Commissioner Marion made the following motion, which was seconded by Commissioner Rogers and passed by the following vote:

"That the Planning Commission recommends to City Council approval of the petition of James River Day School to allow the construction of a building addition, playground and basketball court at 5039 Boonsboro Road and to allow the use of the property at 110 Bon Ton Circle as storage subject to the following conditions:

1. The property will be developed in substantial compliance with the concept plan entitled "Conditional Use Plan for James River Day School dated July 30, 2016.

2. There will be no increase in enrollment."

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

The Department of Community Development

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

To: Planning Commission
From: Planning Division
Date: August 10, 2016
Re: **Conditional Use Permit (CUP) – James River Day School – 5039 Boonsboro Road and 110 Bon Ton Circle**

I. PETITIONER

James River Day School Inc., 5039 Boonsboro Road, Lynchburg, Virginia 24503
Representative: Mr. Scott Beasley, Hurt & Proffit, Inc., 2524 Langhorne Road, Lynchburg, Virginia 24501

II. LOCATION

The subject property consists of two (2) tracts totaling approximately eleven acres located at 5039 Boonsboro Road and 110 Bon Ton Circle.

Property Owner: James River Day School, Inc., 5039 Boonsboro Road, Lynchburg, Virginia 24503

III. PURPOSE

The purpose of the petition is to allow the construction of a six thousand two hundred (6,200) square foot, two (2)-story building addition at the southeast corner of the existing school, the construction of recreation and playground areas and to allow the use of the existing structure at 110 Bon Ton Circle as storage.

IV. SUMMARY

- The *Comprehensive Plan 2013-2030 Future Land Use Map (FLUM)* recommends Institutional and Low Density Residential uses for the properties.
- Schools and their associated uses are permitted in R-1, Low Density Residential Districts upon approval of a Conditional Use Permit by City Council.
- No new students are proposed as a result of the building addition.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Comprehensive Plan 2013-2030* recommends an Institutional use for the majority of the property. 108 Bon Ton Road and 110 Bon Ton Circle are indicated as Low Density Residential uses but are currently owned by the petitioner. Areas recommended for Low Density Residential may include public and institutional uses compatible in scale with single family residential homes. *(p72)* Institutional land uses include religious, educational, and other nonprofit entities. Examples include churches, cemeteries, private schools and universities, private nonprofit hospitals, service clubs and organizations and other nonprofit institutions. *(p. 76)*
2. **Zoning.** The subject property was annexed into the City in 1976. The existing R-1, Low Density Residential zoning was established in 1978. The school is currently operating under conditional use permits approved by City Council in 1987, 1996, 1998 and 2013.

3. **Board of Zoning Appeals (BZA).** The Board of Zoning Appeals (BZA) granted variances on June 28, 2016. The variances would allow the construction of a basketball court and playground sixty-one (61) feet from the nearest residential zoned lot instead of the required two hundred (200) feet and allow a twelve (12)-foot buffer in lieu of the required twenty (20)-foot buffer.
4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - On May 8, 1984, City Council approved the CUP petition of Carriage Associates to allow the construction of a forty (40) unit Planned Unit Development at 5021 Boonsboro Road.
 - On March 3, 1987, City Council approved the CUP petition of Lynchburg Day School (James River Day School) to allow the construction of a building addition at 5039 Boonsboro Road.
 - On September 12, 1989, City Council approved the Comprehensive Growth Management Program for the Northwest Expressway Area. This study established zoning for several surrounding parcels.
 - On April 9, 1996, City Council approved the CUP petition of Lynchburg Day School (James River Day School) to allow the construction of a media center, classrooms, gym and entrance from Boonsboro Road, parking and playing fields at 5039 Boonsboro Road.
 - On April 14, 1998, City Council approved the CUP petition of James River Day School to allow the construction of additions to the gym, classrooms, offices, food services drive and additional parking at 5039 Boonsboro Road.
 - On June 9, 1998, City Council denied the CUP Petition of Manorhouse Retirement Centers to allow the construction of an assisted living and retirement center at 5040 Boonsboro Road.
 - On September 11, 2007, City Council denied the CUP petition of McKenna Farms, LLC to allow the construction of a Cluster Commercial Development at 5040 Boonsboro Road.
 - On October 22, 2013, City Council approved the CUP petition of James River Day School to allow the use of a modular building to be used as a classroom at 5039 Boonsboro Road and to allow the dwelling located at 108 Bon Ton Road to be used for educational purposes.
5. **Site Description.** The subject property consists of two (2) tracts comprising approximately eleven (11) acres located at 5039 Boonsboro Road and 110 Bon Ton Circle. The property contains a thirty-nine thousand two hundred fifty-nine (39,259) square foot school building, a thirteen thousand three hundred thirty-two (13,332) square foot gymnasium, athletic fields, playground areas and parking. The property also contains a one-story wood frame, brick veneer structure formally known as 108 Bon Ton Road. The property located at 110 Bon Ton Circle contains a one-story, wood frame, vinyl sided structure containing one thousand five hundred thirty-five (1,535) square feet.

6. **Proposed Use of Property.** The purpose of the petition is to allow the construction of a six thousand two hundred (6,200) square foot, two (2) story building addition at the southeast corner of the existing school, the construction of recreation and playground areas and to allow the use of the existing structure at 110 Bon Ton Circle as storage.

7. **Traffic, Parking and Public Transit.** The City's Transportation Engineer had no comments of concern regarding the proposed use.

The property contains seventy-four (74) parking spaces. Since the proposed uses would not add additional employees or students, additional parking will not be required.

The property is not currently served by the Greater Lynchburg Transit Company. The closest route (Route 3B) is located at 4925 Boonsboro Road (Boonsboro Shopping Center) approximately one-half mile from the property.

As part of the development, sidewalks will be constructed along the property frontages on Boonsboro Road, Bon Ton Road and Bon Ton Circle.

8. **Stormwater Management.** A stormwater management/erosion and sediment control plan will be required prior to final site plan approval. The submitted plan indicates a stormwater management facility will be located in the southwestern corner of the development area and a rain garden is proposed adjacent to the proposed building addition.

9. **Emergency Services:** The City Fire Marshal requested that fire flow calculations be submitted and fire access be provided to the rear of the proposed building addition. Fire access has been indicated on the submitted plan and fire flow calculations will be provided prior to final site plan approval.

The Police Department had no comments of concern.

10. **Impact.** The proposed improvements should have minimal negative impact on the surrounding area. The proposed two (2) story building addition will be used as four (4) classrooms, office, storage and meeting space. The exterior of the addition will match the existing structure. The playground areas will allow better access to the existing athletic fields and need to be relocated as a result of the building addition.

The main campus (5039 Boonsboro Road) is currently served by city water and sewer. The structure located at 108 Bon Ton Road is served by public water; however, it is on a private septic system. The property proposed for storage at 110 Bon Ton Circle is served by private water and septic system.

The petitioner was granted variances from the BZA on June 28, 2016 to allow the construction of a basketball court and playground sixty-one (61) feet from the nearest residential zoned lot instead of the required two hundred (200) feet and allow a twelve (12)-foot buffer in lieu of the required twenty (20)-foot buffer. The petitioner currently owns two (2) of the three parcels on the southern side of Bon Ton Circle (110 Bon Ton Road and 110 Bon Ton Circle).

Planning staff received one inquiry concerning the proposed improvements from the owner of 5059 Boonsboro Road. The primary concern was tree clearance on the southwestern corner of the property (none proposed) and students going into this area during athletic events. It is recommended that the petitioner contact the property owner to alleviate concerns.

11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the conditional use permit on May 3, 2016. 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 James River Day School to allow the construction of a building addition, playground and basketball court at 5039 Boonsboro Road and to allow the use of the property at 110 Bon Ton Circle as storage subject to the following conditions:

1. **The property will be developed in substantial compliance with the concept plan entitled “Conditional Use Plan for James River Day School dated July 30, 2016.**
2. **There will be no increase in enrollment.**

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Ms. Bonnie M. Svrcek, City Manager
Ms. Margaret Schmitt, Interim Deputy City Manager
Mr. Walter C. Erwin, City Attorney
Mr. Kent L. White, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozarow, Lynchburg Police Department
Battalion Chief Thomas Goode, Fire Marshal
Ms. Maggie Cossman, Transportation Engineer
Mr. Doug Saunders, Building Official
Mr. Kevin Henry, Zoning Administrator
Mr. Peter York, Petitioner
Mr. Scott Beasley, Representative

VII. ATTACHMENTS

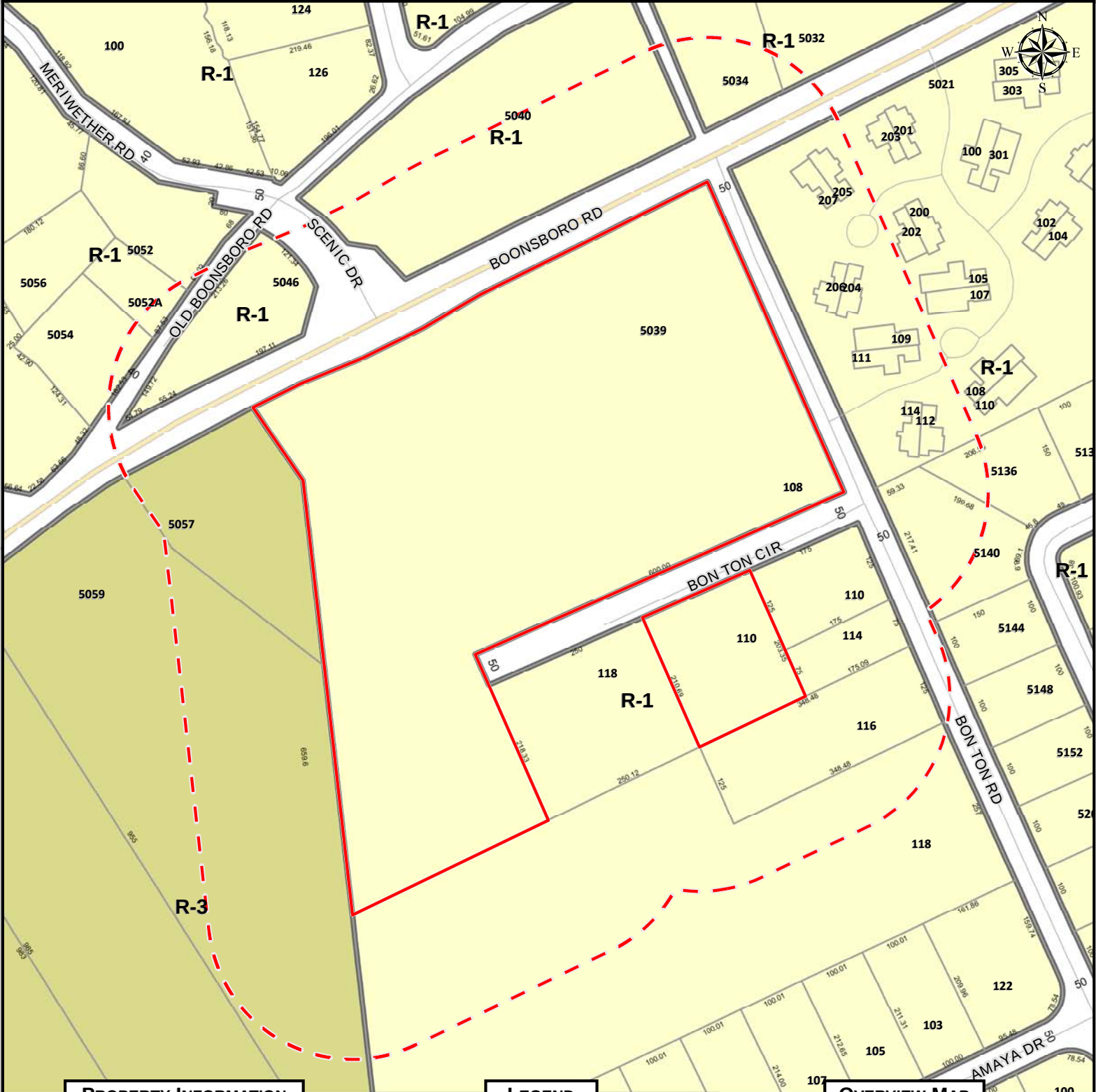
1. **Zoning Map**
2. **Future Land Use Map**
3. **Watershed Map**
4. **Planimetric and Topographic Map**
5. **Concept Plan**
6. **Narrative**
7. **Property Photographs**

Zoning Map

JAMES RIVER DAY SCHOOL ADDITION

Conditional Use Permit Request

James River Day School



PROPERTY INFORMATION

PARCEL ID	ADDRESS
20314002	5039 BOONSBORO RD
21001016	110 BON TON CIR

LEGEND

Subject Property

215' Buffer

B-1

R-1

I-1

IN-1

B-3

R-2

I-2

IN-2

B-4

R-3

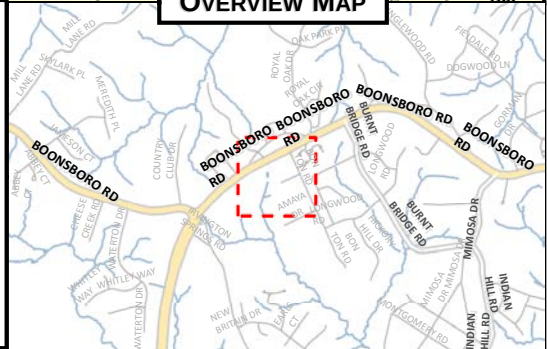
I-3

R-C

B-5

R-4

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 7/27/2016

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

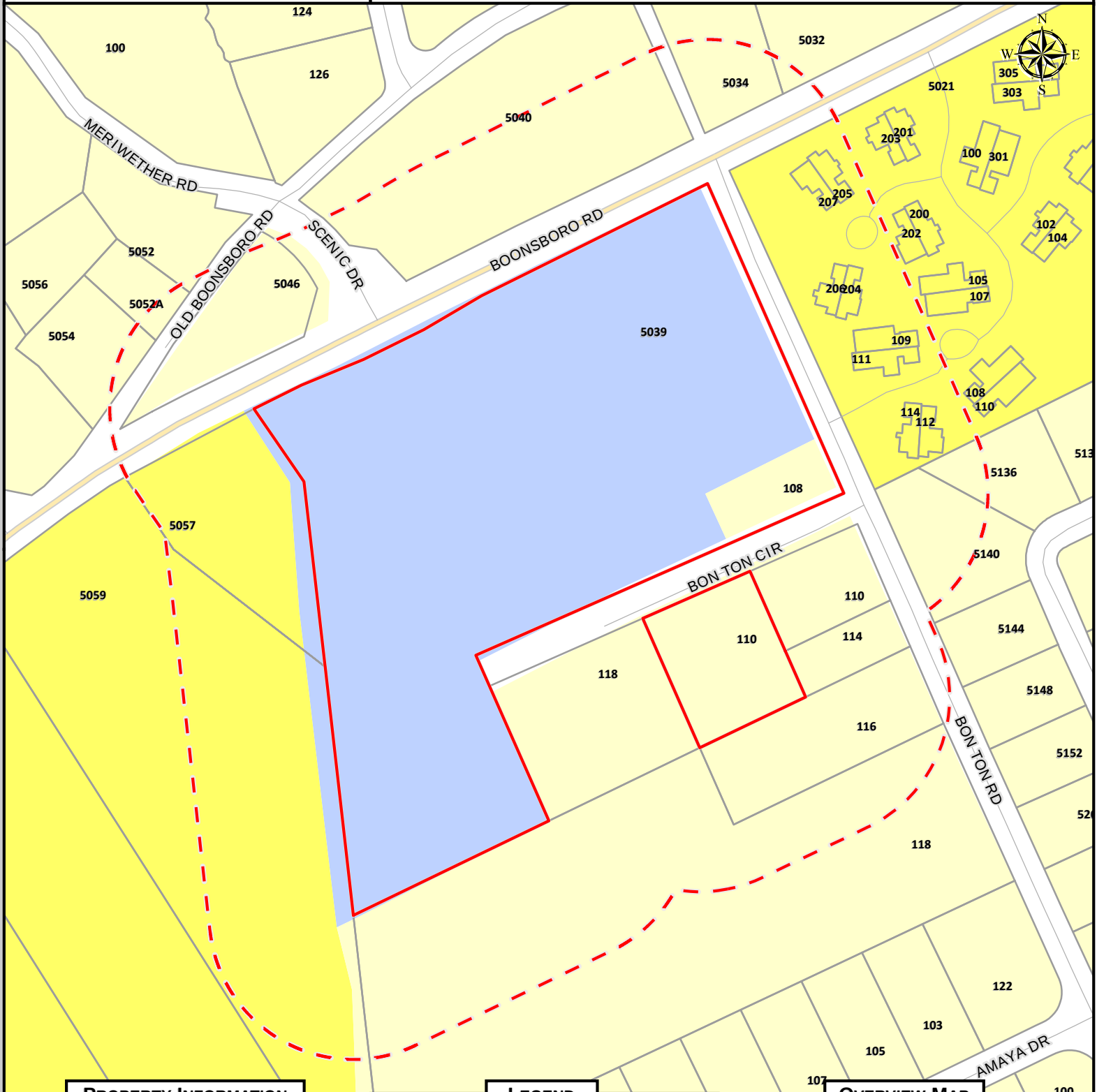
Parcel ID	Address	Owner
20309001	5032 BOONSBORO RD	ROBERTSON, ELIZABETH B TRS
21001014	116 BON TON RD	TINSLEY, EDWARD F & MARY W
20312004	5054 BOONSBORO RD	MARTIN, CATHERINE M TRS
20309003	5040 BOONSBORO RD	MCKENNA, WALLACE JR & JOHN H &
20314004	110 BON TON RD	JAMES RIVER DAY SCHOOL
18301015	5136 WEDGEWOOD RD	DOUGLAS, PATRICIA H
20309002	5034 BOONSBORO RD	CASH, MARY-MARGARET P
18308008	204 SAINT JAMES PL	MATTHEWS, JOHN F & VERONIQUE J H
18308007	206 SAINT JAMES PL	SPARKS, CAROLYN C
18308032	111 CARRIAGE WAY	TAURMAN, BERTRAM O JR & JANE R
21001013	118 BON TON RD	TINSLEY, FRANK N & GRACIE D
21003001	5059 BOONSBORO RD	HUBBARD, SAMUEL M JR
20314008	5057 BOONSBORO RD	NORTON, MATTHEW R & MICHELLE B
21001017	118 BON TON CIR	GRANDSTAFF, TIMOTHY F & THERESA G
20309004	5046 BOONSBORO RD	BARTLETT, GEORGE E & LOIS J
18308006	207 SAINT JAMES PL	MATTHEWS, JOHN S & SHIRLEY M
18301016	5140 WEDGEWOOD RD	SMITH, JERRY B & MARTHA C
18308027	112 CARRIAGE WAY	MERIWETHER, MARY S
18308031	109 CARRIAGE WAY	DODD, LEIGHTON B & MARYANN
20314002	5039 BOONSBORO RD	LYNCHBURG DAY SCHOOL INC
20312001	5052 BOONSBORO RD	REID, BETTY M
18308033	5021 BOONSBORO RD	CARRIAGE ASSOCIATES
18308028	114 CARRIAGE WAY	RICHARDS, ALEXIS V TRS
21001015	114 BON TON RD	PLOTT, JANE O
18308005	205 SAINT JAMES PL	DANIEL, DAWN S
21001016	110 BON TON CIR	JAMES RIVER DAY SCHOOL INC
20312002	5052 A BOONSBORO RD	REID, BETTY M

FLUM Map

JAMES RIVER DAY SCHOOL ADDITION

Conditional Use Permit Request

James River Day School



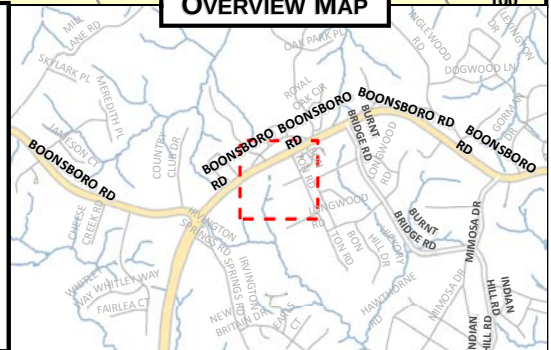
PROPERTY INFORMATION

PARCEL ID	ADDRESS
20314002	5039 BOONSBORO RD
21001016	110 BON TON CIR

LEGEND

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

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 7/27/2016

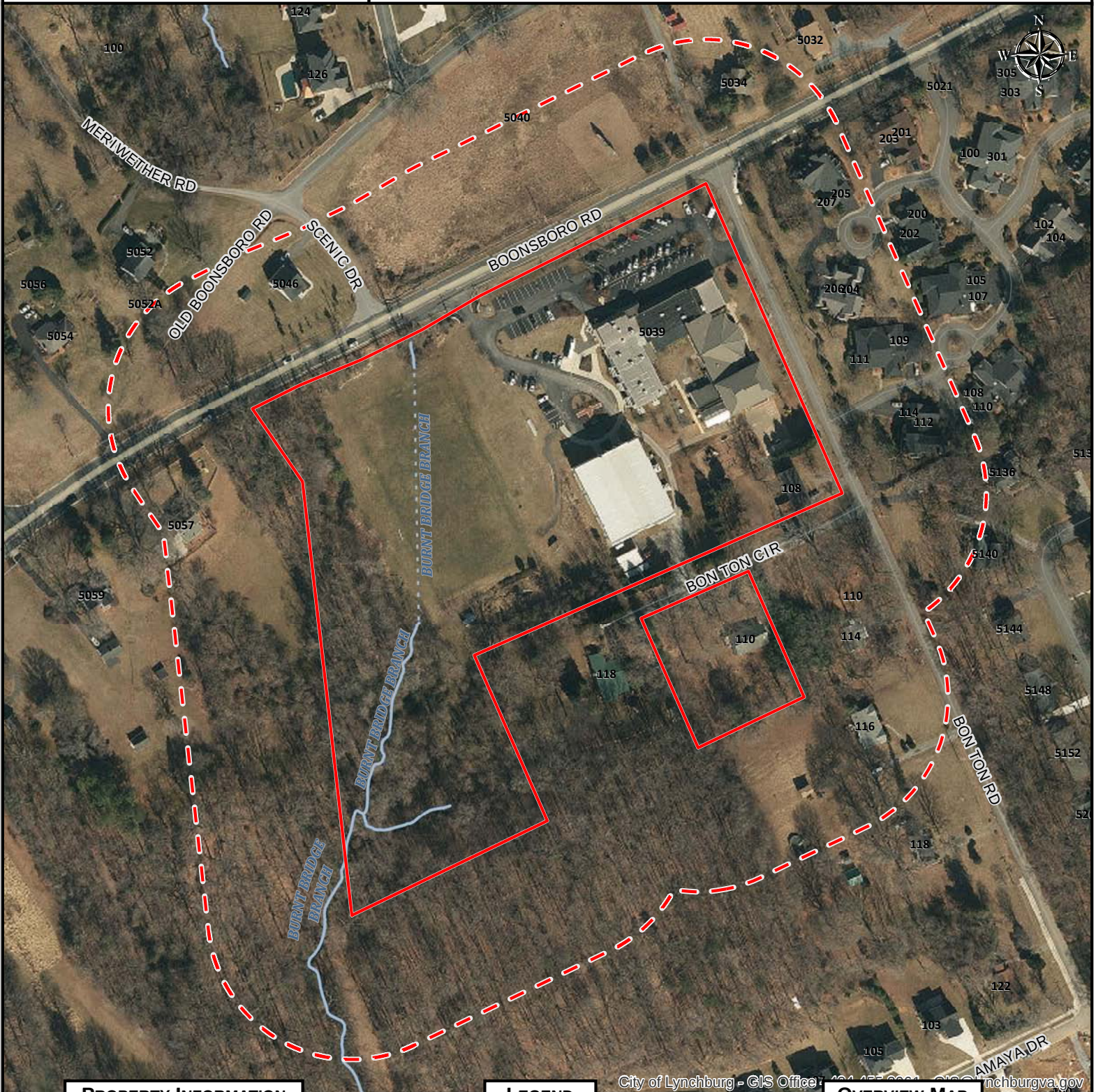
DISCLAIMER: THIS MAP IS NEITHER A LEGALLY RECORDED MAP NOR A SURVEY AND IS NOT INTENDED TO BE USED AS SUCH. THE INFORMATION DISPLAYED IS A COMPILATION OF RECORDS, INFORMATION, AND DATA OBTAINED FROM VARIOUS SOURCES. THE CITY OF LYNCHBURG IS NOT RESPONSIBLE FOR ITS ACCURACY OR HOW CURRENT IT MAY BE.

Watershed Map

JAMES RIVER DAY SCHOOL ADDITION

Conditional Use Permit Request

James River Day School



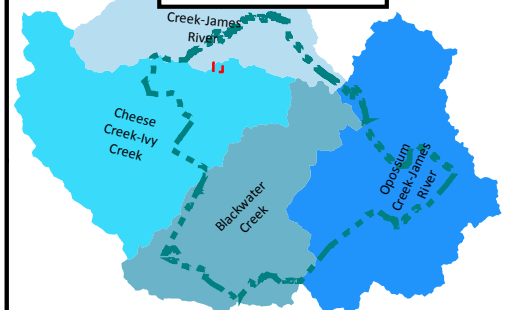
PROPERTY INFORMATION

PARCEL ID	ADDRESS
20314002	5039 BOONSBORO RD
21001016	110 BON TON CIR

LEGEND

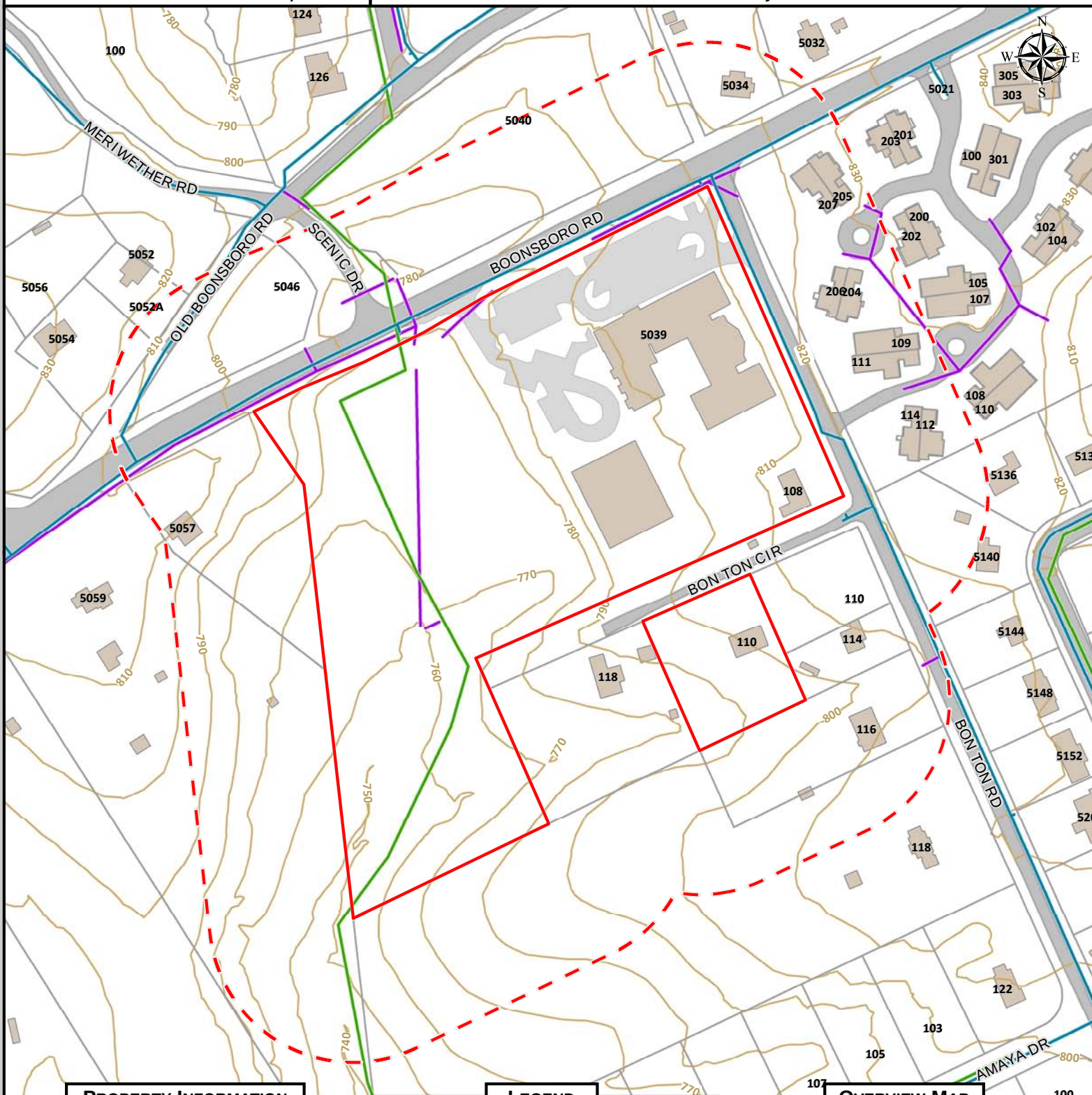
- Subject Property
- Base Flood Elevation
- Floodway
- Floodzone
- River / Lake / Stream

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 7/27/2016

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



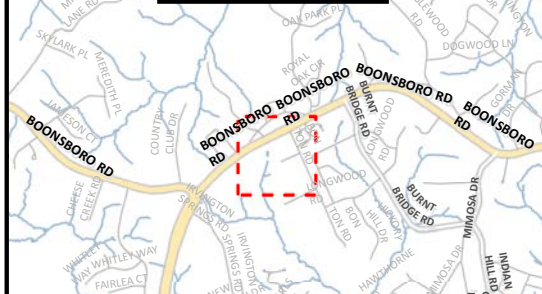
PROPERTY INFORMATION

PARCEL ID	ADDRESS
20314002	5039 BOONSBORO RD
21001016	110 BON TON CIR

LEGEND

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

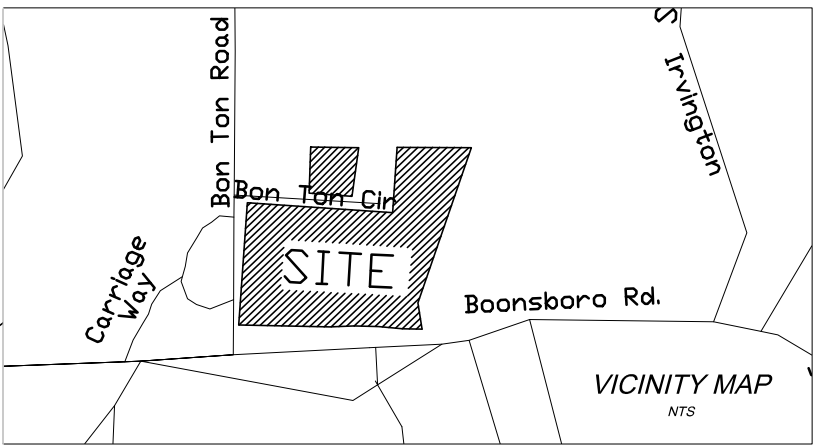
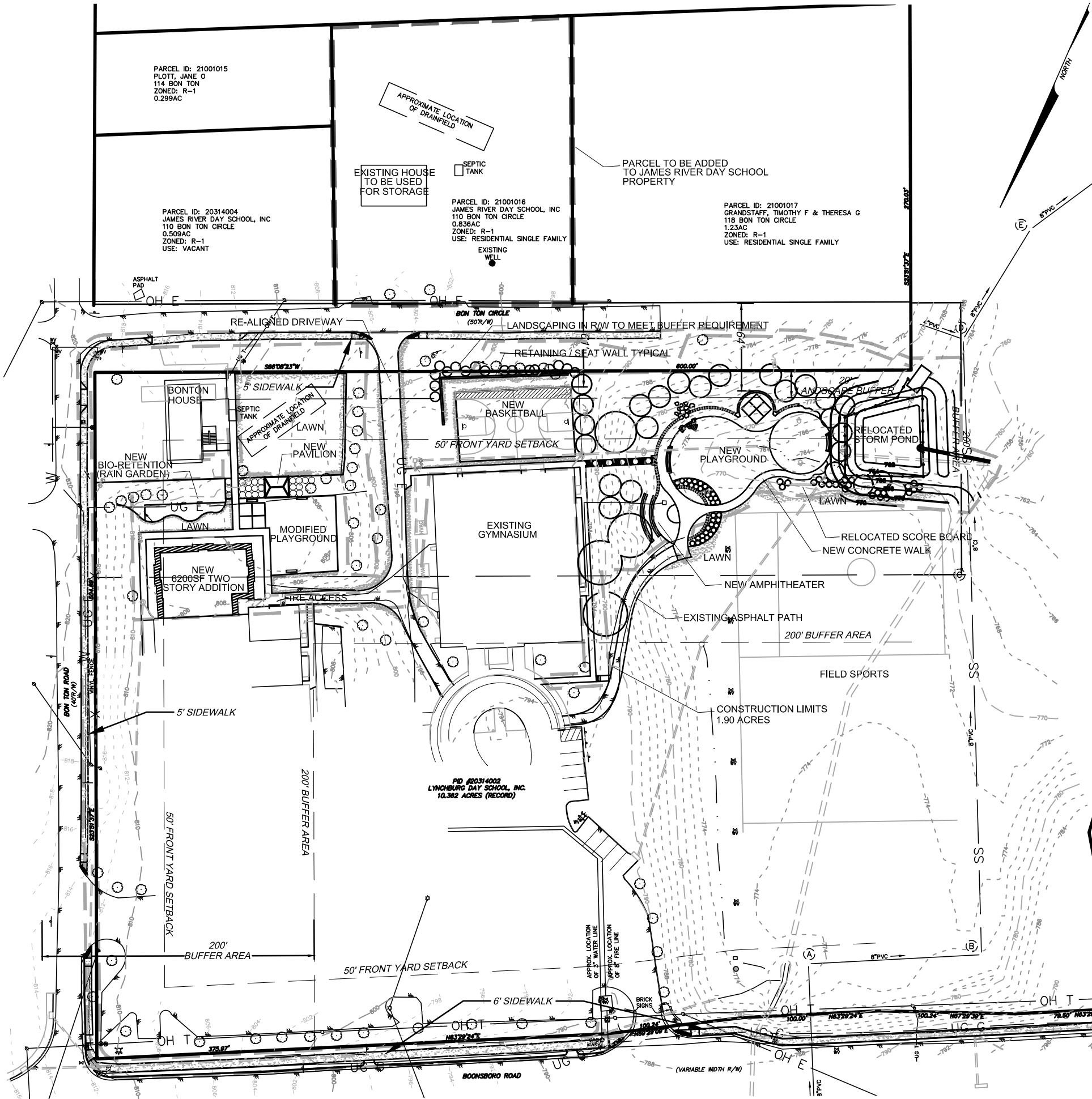
OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 7/27/2016

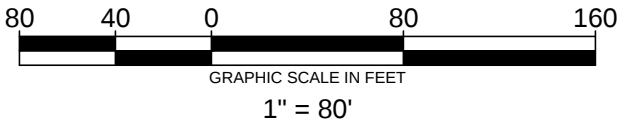
DISCLAIMER: THIS MAP IS NEITHER A LEGALLY RECORDED MAP NOR A SURVEY AND IS NOT INTENDED TO BE USED AS SUCH. THE INFORMATION DISPLAYED IS A COMPILATION OF RECORDS, INFORMATION, AND DATA OBTAINED FROM VARIOUS SOURCES. THE CITY OF LYNCHBURG IS NOT RESPONSIBLE FOR ITS ACCURACY OR HOW CURRENT IT MAY BE.

Jul 28, 2016 5:34pm \\Data01\projects\2015\20150317\CAD\CUP.dwg



- NOTES:
1. PARCEL ID#21314002, 21001016
SITE OWNER: JAMES RIVER DAY SCHOOL (LYNCHBURG DAY SCHOOL INC)
ADDRESS: 5039 BOONSBORO RD. & 110 BON TON CIRCLE, LYNCHBURG, VA 24503
 2. SITE PROPOSED USE: EXEMPT EDUCATIONAL
 3. SITE ZONING: R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL.
 4. APPROXIMATE DISTURBED AREA: 1.90 AC.
 5. REQUIRED PARKING: <40
EXISTING PARKING: 74.
* NO CHANGE IN STUDENT BODY,
NO ADDITIONAL PARKING NEEDED.
 6. PROPOSED INCREASE IN IMPERVIOUS AREAS 0.18 ACRES.
 7. EXISTING, PROPOSED, AND TEMPORARY WATER SERVICE CONNECTIONS SHALL NOT BE USED FOR DEMOLITION, CONSTRUCTION, OR LANDSCAPING PURPOSES UNTIL THE APPROPRIATE BACKFLOW PROTECTION HAS BEEN INSTALLED, TESTED AND APPROVED.
 8. THE AREA SHOWN HEREON IS LOCATED IN FLOOD ZONE 'X' AND IS NOT LOCATED WITHIN FLOOD HAZARD ZONE 'AE' FOR A 100 YEAR FLOOD AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY AS SHOWN ON COMMUNITY-PANEL MAP #5100930028D DATED JUNE 3, 2008.
 9. EXTERIOR LIGHTING SHALL BE CONTROLLED SO THAT LIGHTING SHALL NOT EXCEED 0.5 FOOTCANDLES AT ANY RESIDENTIAL PROPERTY LINE. LIGHTING DESIGN TO BE PROVIDED AT SITE PLAN STAGE.
 10. LOCATION OF RE-ALIGNED DRIVEWAY ON BON TON CIRCLE IS GREATER THAN 40' FROM THE NEAREST RESIDENTIAL PROPERTY NOT OWNED BY JAMES RIVER DAY SCHOOL.
 11. REQUIRED BUFFER FOR NUISANCE FACTORS: 200FT.
ACTUAL BUFFER:
61 FT. (BASKETBALL COURT)
64 FT. (PLAYGROUND)
- VARIANCE APPROVAL:**
BOARD OF ZONING APPEALS APPROVED THE REQUEST #BZA1606-0001 ON JUNE 28, 2016 TO ALLOW THE CONSTRUCTION OF A BASKETBALL COURT & PLAYGROUND 61' FROM THE NEAREST RESIDENTIAL LOT INSTEAD OF THE 200' BUFFER REQUIRED BY SECTION 35.2-72.21 (A)(6). THE APPROVAL ALSO ALLOWS A 12' LANDSCAPE BUFFER ALONG A PORTION OF BON TON CIRCLE INSTEAD OF THE REQUIRED 20' BUFFER.

 = BASKETBALL ENCROACHMENT IN 20' LANDSCAPE BUFFER



HURT & PROFFITT

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

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

CONDITIONAL USE PLAN
FOR
JAMES RIVER DAY SCHOOL
CITY OF LYNCHBURG, VIRGINIA

PROJECT NO.	20150317
LAT.	37°26'39.48"
LONG.	79°13'37.60"
DATE:	07/30/2016
DRAWN BY:	ELC
CHECKED BY:	PSB



PROJECT NO.	20150317
LAT.	37°26'39.48"
LONG.	79°13'37.60"
DATE:	07/30/2016
DRAWN BY:	ELC
CHECKED BY:	PSB

SHEET NO.
2 OF 2

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



Hurt & Proffitt, Inc.

*Engineering • Surveying • Environmental
Materials Testing • Geotechnical
Site Planning*

2524 Langhorne Road • Lynchburg, VA 24501
(434) 847-7796 • FAX (434) 847-0047

CONDITIONAL USE PERMIT NARRATIVE

April 19, 2016

James River Day School
5039 Boonsboro Road
Lynchburg, Virginia 24503
Hurt & Proffitt Project #20150317

PROJECT DESCRIPTION

The James River Day School proposes to construct a building addition in the southeast corner of their campus, located at 5039 Boonsboro Road (PID #20314002). Several site improvements will also be made, including a new playground, basketball court, pedestrian walkways, stormwater improvements and modifications, and other amenities. In addition, the parcel at 110 Bon Ton Circle (PID #21001016), which was purchased by the school in 2015, will be added to the school property. The construction of the building addition and incorporation of the Bon Ton Circle parcel into school property requires a Conditional Use Permit as permitted uses in a residential zone.

PROPOSED ADDITION AND SITE IMPROVEMENTS

The work will consist of a two-story addition to the existing classroom building, which includes four new classrooms, offices, miscellaneous storage, a meeting/multi-purpose room, a new stair, an elevator, and accompanying mechanical spaces. The addition will be constructed of concrete block walls with an exterior brick veneer painted to match the existing building, dark bronze metal roofing and soffit trim, and dark bronze aluminum storefront. Building accents include wall protrusions located where storefront windows occur in the classrooms and offices, two continuous rowlock courses that align with the storefront window head courses, and decorative trellises. Interior finishes to match existing materials where possible, including vinyl tile, base, acoustical ceilings, and paint.

The existing school playground will be impacted by the proposed science addition. The remaining playground area will be reconfigured into a smaller playground for K-1 graders. A lawn area for play will be established on the south side of this new playground and will extend toward Bon Ton Circle. A new playground for 2-8 grades will be developed at the south end of the existing playing / sports field in an area made available by reworking the existing stormwater pond. This playground location will provide students with a variety of options for activities and will also allow them to spill out on the playing field for activities requiring more space. The existing evergreen screening trees between the south end of campus and Bon Ton Circle will be retained. A new basketball court will be constructed on the south end of the field house in the

area vacated by a temporary classroom. Sidewalks / paths will serve the new features by facilitating pedestrian circulation.

STORMWATER MANAGEMENT

Runoff from the site is conveyed overland and in a stormwater conveyance system in a westerly direction to the existing stormwater pond. The existing pond will be relocated to allow construction of the new playground adjacent to the existing multi-purpose sports field. The site will be designed to meet or exceed the state's requirements for water quality (using the runoff reduction method for redeveloped sites) and water quantity (using the energy balance method).

Approximately 0.18 acres of new impervious area will be added with the new project. Management of water quality and quantity will be required for the disturbed area and added impervious surface. It is anticipated that a small bioretention basin will be placed south of the new science addition. The bioretention basin will provide management of water quality and quantity. Additional storage could be provided with the relocation of the existing stormwater detention pond. If additional water quality is required, smaller, low impact design methods will be preferred.

The property is located in Flood Zone "X" and is not located in the 100-year floodplain.

Water Quantity

Management of stormwater quantity will be provided via a redesigned stormwater detention pond and the proposed bioretention filter (rain garden). Other runoff reduction methods may be employed if additional management is needed.

Water Quality

A small bioretention area is planned south of the proposed addition. If additional stormwater quality treatment is needed, other small bioretention basins will be used, if possible.

PARKING

The project must meet the current City of Lynchburg parking requirements. The City of Lynchburg's ordinance requires two (2) parking space per three (3) teachers and other employees. With approximately 50 teachers and employees, 34 parking spaces are required. The school provides approximately 75 parking spaces on the campus, including 4 handicap accessible spaces. No additional students will be added following construction of the science addition. Therefore, no additional parking spaces are required for this project.

Proposed Parking:

Required:

50 teachers/employees x 2 spaces/3 teachers/employees = 34 spaces

Provided:

75 spaces (includes 4 handicap spaces)

LANDSCAPING/OTHER

The CUP plan shows the approximate limits of disturbance. This area will be refined as the project becomes more clearly defined. Grading will be limited to what is needed to construct the building addition, stormwater management, playground and other amenities, and the relocated stormwater detention pond.

Landscape plantings will be as provided per the landscape ordinance. Foundation plantings will be provided as required as well as screening of any mechanical areas.

Exterior lighting shall be controlled so that no direct illumination will occur beyond any property line. A note is provided on the attached plan.



5039 Boonsboro Rd

© 2016 Google

37°26'38.40" N 79°13'36.92" W e



110 Bon Ton Road

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **September 13, 2016**

AGENDA ITEM #: **10**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Public Hearing – Authorizing a Utility Easement and Right of Way Agreement with Appalachian Power Company

Strategic Pillar(s) Impacted:

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

RECOMMENDATION:

After a Public Hearing, adopt a resolution authorizing a utility easement and right of way agreement with Appalachian Power Company (APCo) allowing the construction, installation and maintenance of an electric transmission line on City-owned property in Campbell County and authorize the City Manager to execute the Easement and Right of Way agreement on behalf of the City.

SUMMARY:

As part of a project to expand and provide backup for its electric service capabilities in the northern part of Campbell County and the southern part of the City of Lynchburg, APCo is constructing a new 138 kilovolt transmission line approximately 9.3 miles long between several existing substations. To connect the new lines with the existing APCo George Street substation, APCo has built a new Lynbrook Substation near Waterlick Road just south of the airport. A section of the new transmission line route crosses a portion of airport property located just south of the approach end of Runway 35 at Lynchburg Regional Airport. Accordingly, APCo has requested that a utility easement and right of way agreement be granted in order to allow the construction, installation and maintenance of the electric transmission line on City-owned property. The new line extends from the property of Quarry Road Properties, LLC on the airport's southern property line to the property of 351 Rangoon St., LLC, on the northeast property line, and measures 100 feet in width by 2,343.75 feet in length.

As compensation for the granting of the easement to APCo, and in compliance with Federal Aviation Administration (FAA) requirements, the airport has negotiated to be paid a fair-market, lump-sum amount of \$31,350.00 for the 40-year term of the agreement. Prior to installation, APCo will submit its plans to the Airport Director of the Lynchburg Regional Airport for approval in order to coordinate the potential impact on aviation activities with the FAA.

PRIOR ACTION(S):

None

FISCAL IMPACT:

\$31,350 for a 40-year term based on fair-market value.

CONTACT(S):

Mark Courtney 455-6089 Airport Director

ATTACHMENT(S):

- 1) Resolution
- 2) Location Drawings

REVIEWED BY: bms

RESOLUTION:

BE IT RESOLVED That the Lynchburg City Council authorizes the City Manager to execute a utility easement and right of way agreement with Appalachian Power Company allowing the construction, installation and maintenance of an electric transmission line on City-owned property in Campbell County, said transmission line extending from the property of Quarry Road Properties, LLC on the southern property line to the property of 351 Rangoon St., LLC, on the northeast property line. The purpose of the electric transmission line is to connect Appalachian Power Company's George Street Substation to the Lynbrook Substation in order to provide backup electric service to portions of the City of Lynchburg and to Campbell County.

Adopted:

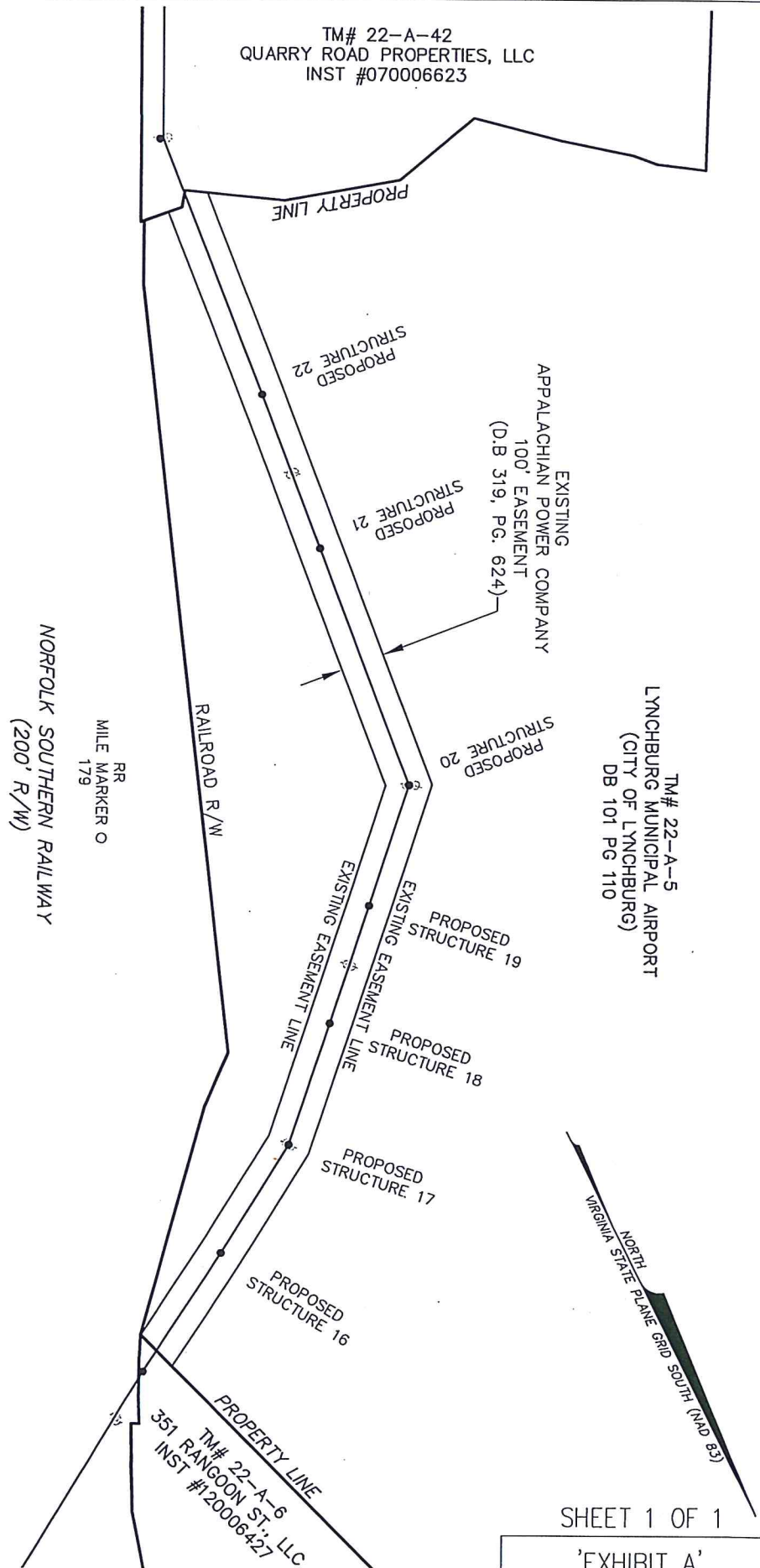
Certified:

Clerk of Council

121V



◊ **LEGEND**
 ELECTRIC POLE
 • PROPOSED STRUCTURE



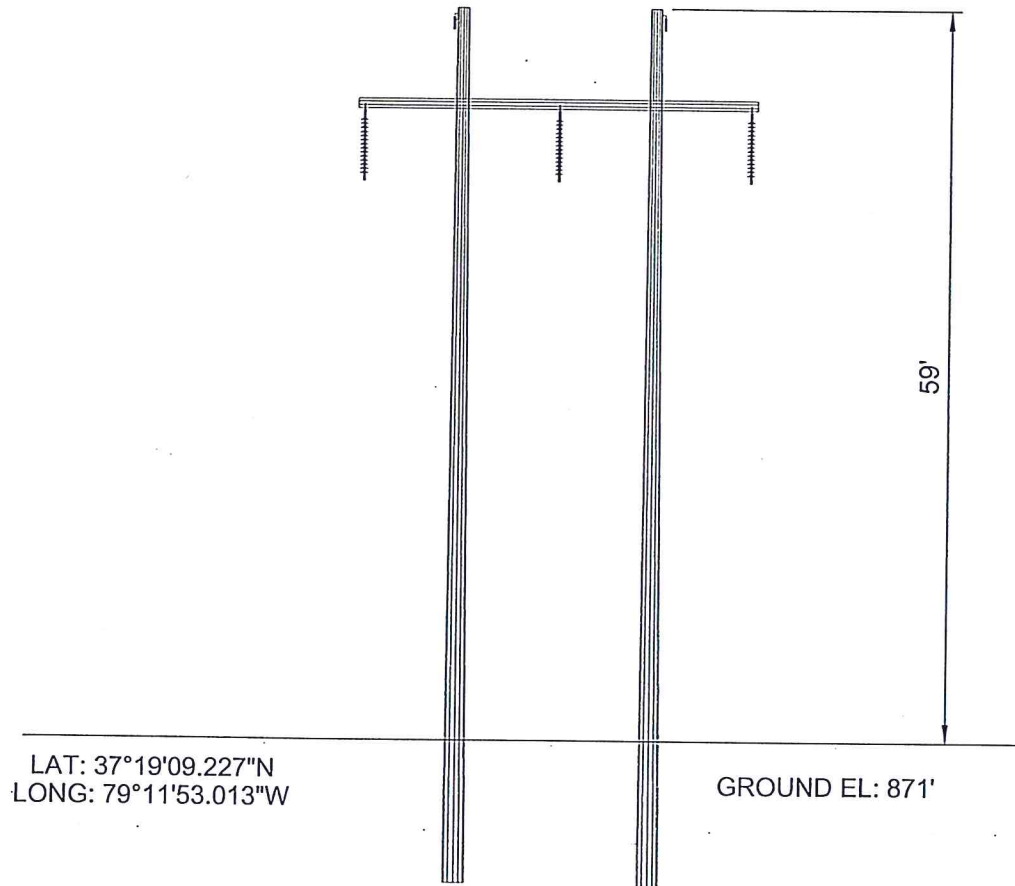
SHEET 1 OF 1

'EXHIBIT A'

DATE: 04-12-16	AEP-GEORGE STREET TO LYNBROOK 138kV LINE	APPALACHIAN POWER COMPANY
SCALE: 1"=300'	PROPOSED STRUCTURES 16-22	T.L.P.E. - R/W ROANOKE, VA
DRAWN BY: MCM	ACROSS THE PROPERTY OF	EAS NO. :
APPROVED BY: TDW	LYNCHBURG MUNICIPAL AIRPORT	DWG. NO. :
	CAMPBELL COUNTY VIRGINIA	

STRUCTURE NO:	1059-22
STRUCTURE TYPE:	CS45-2474
STRUCTURE DESCRIPTION:	H-FRAME/TANGENT
RUNWAY ELEVATION (FT):	916.0
DISTANCE TO RUNWAY (FT):	1780

STR 22
POLE TIP EL: 930'



AMERICAN ELECTRIC POWER COMPANY, INC. DISCLAIMS ANY AND ALL WARRANTIES WITH RESPECT TO THE ACCURACY OR USE OF THIS DRAWING WHETHER EXPRESSED OR IMPLIED, INCLUDING SPECIFICALLY THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. THIS DRAWING IS PROVIDED "AS IS", AND THE USER AGREES THAT IT ASSUMES ALL RISKS OF ITS USE, QUALITY, AND PERFORMANCE.



ENGR: AJD 3/4/2016
DRAWN: JCT 3/4/2016

CHECKED: AJD
DATE: 3/4/2016



**GEORGE STREET-LYNBROOK
138kV FAA CRITERIA ANALYSIS
STRUCTURE 22**

REV	DESCRIPTION	BY	DATE
1	ISSUE FOR REVIEW	AJD	4/1/2016

APPROVED: AJD DATE: 4/1/2016

DRAWING No.

GS-FAA-22

SHEET No. 1

REV. No. 1

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **September 13, 2016**

AGENDA ITEM #: **11**

CONSENT:
ACTION:

REGULAR: **X**
INFORMATION: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: M. W. Thornhill, Jr. Statue – 5th Street (Martin Luther King, Jr. Memorial Boulevard) Roundabout

Strategic Pillar(s) Impacted:

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

RECOMMENDATION: Hear presentation from the 5th Street Community Development Corporation (CDC).

SUMMARY: The 5th Street CDC is undertaking fund raising efforts to place a statue of the late M. W. “Teedy” Thornhill Jr., in the 5th Street Roundabout. Mr. Thornhill served on City Council from 1976 until 1992. He was elected as the City’s first African American Mayor in 1990. Mr. Thornhill was a businessman, a civil rights leader, was active in the Lynchburg Chapter of the National Association for the Advancement of Colored People (NAACP) and a past president of the Lynchburg Voters League. Mr. Thornhill passed away on Saturday, July 2, 2016.

The 5th Street CDC started discussing honoring a person with a statue in the 5th Street Roundabout in January 2016. Criteria for selection included: 1. African American. 2. Ties to 5th Street. 3. Worked towards bettering the lives (civil rights) of everyone. After developing an extensive list of candidates, the 5th Street CDC decided to work towards honoring M.W. Thornhill, Jr. at its April 2016 business meeting. The concept of a statue honoring Mr. Thornhill has been presented to and given approval by the Thornhill family.

Mr. Ken Faraoni, nationally recognized sculptor, has been chosen to render the nine foot tall bronze image of Mr. Thornhill. Mr. Faraoni has received recognition for work locally through his repair to the “Listening Post” (Doughboy) at the base of Monument Terrace and his rendering of the “Water Bearer” on the City’s Lower Bluffwalk.

Once completed, the statue of Mr. Thornhill would be displayed in accordance with the provisions of the City of Lynchburg, Guidelines for Acquisition and Display of Art in Public Spaces located within the James River Arts & Cultural District (Public Art Policy) as established July 1, 2014. Under this policy, the City Manager may allow the display of public art within public rights-of-way and on City-owned property after the execution of a Memorandum of Understanding (MOU) by the entity desiring to display the public art and the City of Lynchburg.

PRIOR ACTION(S): N/A

FISCAL IMPACT: N/A

CONTACT(S): Tom Martin, City Planner -- 455-3900
Bonnie Svrcek, City Manager – 455-3990

ATTACHMENT(S): None

REVIEWED BY: bms

COPE International-USA
Creating Opportunities through Partnership and Education

September 6, 2016

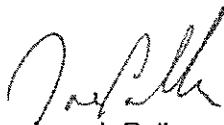
Ms. Valeria P. Chambers
Clerk of Council
City of Lynchburg

Dear Ms. Chambers,

This is a request to appear before the City Council at its meeting on September 13.

The purpose is: to update the Council on our use of the building at 300 Rutherford St.; advise the Council on the progress and status of our program, and how it benefits the City; and explain some details about the dedication that is planned for October 7.

Thank you.


Joseph Pallone
President

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **September 13, 2016**

AGENDA ITEM #: **13**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Amend City Code Regarding the Vacation of Streets and Alleys

Strategic Pillar(s) Impacted:

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

RECOMMENDATION: Adopt an ordinance to amend several sections of the City Code dealing with the vacation of streets and alleys.

SUMMARY: On July 12, 2016 City Council directed the City Attorney to prepare amendment(s) to the City Code dealing with the process for the vacation of streets and alleys. Proposed amendments to the ordinance include all of the provisions in the City Code dealing with the vacation of streets and alleys. In addition, even though the City has not used viewers in 20 years, since the use of viewers is still authorized by state law, such sections in the City Code remain in case there is ever a situation in which Council would want to appoint viewers.

PRIOR ACTION(S): July 12, 2106 – City Council directs staff to prepare amendments to the City Code regarding the vacation of streets and alleys.

FISCAL IMPACT: None

CONTACT(S): Walter Erwin, City Attorney, 455-3973

ATTACHMENT(S): Ordinance amending City Code regarding the vacation of streets and alleys

REVIEWED BY: bms

ORDINANCE:

AN ORDINANCE TO AMEND AND REENACT SECTIONS 35-72, 35-74, 35-75, AND 35-77 OF THE CODE OF THE CITY OF LYNCHBURG, 1981, AND TO AMEND AND REENACT THE CODE OF THE CITY OF LYNCHBURG BY ADDING THERETO A NEW SECTION NUMBERED 35-74.1, THE AMENDED SECTIONS AND NEW SECTION RELATING TO THE ALTERATION AND VACATION OF STREETS AND ALLEYS .

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG:

1. That Sections 35-72, 35-74, 35-75, and 35-77 of the Code of the City of Lynchburg, 1981, be and the same are hereby amended and reenacted as follows, and the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted by adding thereto a new section numbered 35-74.1 as follows:

Sec. 35-71. Authority of council.

The city council, on its own motion or on application of any person, may alter or vacate streets and alleys within the city.

Sec. 35-72. Application.

Any person making application to council to alter or vacate a street shall file with the planning division clerk of council an application, ~~copy of notice, draft of a resolution appointing viewers, draft of an ordinance~~ of vacation and a filing fee.

Sec. 35-73. Filing fee.

The filing fee for an application for the alteration or vacation of a street or alley within the city shall be seventy-five dollars (\$75.00).

Sec. 35-74. Notice of application when the city is appointing viewers.

(a) When the city is appointing viewers, A notice of the application for alteration or vacation of a street or alley that has been opened to and is being used by the public as a public street or alley within the city shall be posted on a sign on the premises to be altered or vacated, in size and form approved by the city traffic engineer, at least ten (10) days prior to the appointment of viewers by council, and shall be published at least twice, with at least six (6) days elapsing between the first and second publication, in a newspaper published or having general circulation in the city, prior to the appointment of viewers by the council. The sign shall remain posted until final action has been taken by city council, or the application has been withdrawn. The cost of posting the sign and the cost of publishing the notice shall be paid by the applicant.

(b) In addition to the advertising required by paragraph (a), the planning division shall notify the owners of all property within two hundred (200) feet of the proposed alteration or vacation not less than ten (10) days prior to the public hearing before city council. Notification shall be by first class mail to the last known address of such owner as shown on the current real estate tax

assessment book, and the cost of the notification shall be charged to the applicant, unless waived by the city, at the standard postal rate as determined by the United States Postal Service for each written notice. If the public hearing is continued, notice shall be re-mailed.

Sec. 35-74.1. Notice of application when the city is not using viewers.

(a) If the city is not appointing viewers, notice of the application for alteration or vacation of a street or alley that has been opened to and is being used by the public as a public street or alley within the city shall be posted on a sign on the premises to be altered or vacated, in size and form approved by the city traffic engineer, at least ten (10) days prior to city council's public hearing on the application, and shall be published at least twice, with at least six (6) days elapsing between the first and second publication, in a newspaper published or having general circulation in the city, prior to the public hearing. The sign shall remain posted until final action has been taken by city council, or the application has been withdrawn. The cost of posting the sign and the cost of publishing the notice shall be paid by the applicant.

(b) In addition to the advertising required by paragraph (a), the planning division shall notify the owners of all property within two hundred (200) feet of the proposed alteration or vacation not less than ten (10) days prior to the public hearing before city council. Notification shall be by first class mail to the last known address of such owner as shown on the current real estate tax assessment book, and the cost of the notification shall be charged to the applicant, unless waived by the city, at the standard postal rate as determined by the United States Postal Service for each written notice. If the public hearing is continued, notice shall be re-mailed.

Sec. 35-75. Notice to alter or vacate a "paper" street or alley land proprietors.

(a) The person making an application for the alteration or vacation of a street or alley in the city that has not been opened to and is not being used by the public as a public street or alley, shall cause the ~~adjacent property owners and proprietors~~ affected thereby along the street or alley proposed to be altered or vacated to be notified by first class mail ~~certified~~ mail of the public hearing meeting when the council shall consider such proposed alteration or vacation. Notification shall be mailed to the last known address of such owner as shown on the current real estate tax assessment book. If the public hearing is continued, the applicant shall re-mail the notice. It shall not be necessary for the applicant to send an adjacent property owner notice of the proposed alteration or vacation of a street or alley if the adjacent property owner has signed the application expressing their support for the proposed alteration or vacation.

(b) In addition to the advertising required by paragraph (a), notice of the public hearing on the proposed alteration or vacation of a street or alley that has not been opened to and is not being used by the public as a public street or alley, shall be published at least twice, with at least six (6) days elapsing between the first and second publication, in a newspaper published or having general circulation in the city, prior to the public hearing.

Sec. 35-76. Viewers.

Upon application of any person for the alteration or vacation of a street or alley in the city, the council may appoint, from an approved listing, not less than three (3) nor more than five (5) viewers who shall view such street or alley and report in writing to the council whether in their opinion any, and if any, what, inconvenience would result from discontinuing the same. The

council shall allow such viewers the sum of twenty-five dollars (\$25.00) for their services, to be paid by the person making the application to alter or vacate the street or alley.

Sec. 35-77. Action by council.

From the report of the city's technical review committee and city council's physical development committee, and viewers, if viewers be appointed, of a street or alley to be altered or vacated under the provisions of this article, the recommendation from the city manager, and other evidence, if any, the council may alter or vacate ~~discontinue~~ such street or alley. The clerk of council shall cause a certified copy of the ordinance of vacation to be recorded in the clerk's office of the circuit court of the city, which shall be indexed in the name of the city. Any appeal of city council's decision to alter or vacate a street or alley shall be filed within sixty (60) days of the adoption of the ordinance with the circuit court.

3. That this ordinance shall become effective upon its adoption.

Adopted:

Certified: _____

Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **September 13, 2016**

AGENDA ITEM #: **14**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Lynchburg Police Department Providing Mutual Aid to Longwood University Police Department

Strategic Pillar(s) Impacted:

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

RECOMMENDATION: Authorize the Chief of Police to sign a mutual aid agreement between the Lynchburg Police Department (LPD) and Longwood University Police Department (copy attached).

SUMMARY: Longwood University's Police Department has requested assistance from the Lynchburg Police Department in providing security for the vice-presidential debate scheduled for October 2-5, 2016 on Longwood University's campus. The LPD has agreed to send 3 officers (included within that number is a supervisory-level officer) for all 4 days requested. Longwood University Police Department will be responsible for radio communications, event planning, etc. LPD officers will offer assistance in a support capacity and their responsibilities will ideally be limited to security within the scope of the event (debate) only. LPD officers will be granted authority to enforce all laws of the Commonwealth of Virginia outside the scope of the event but will only act in such instances wherein an apparent, immediate threat to public safety precludes the option of deferring action to the local law enforcement agencies (emergencies).

All pensions, relief, disability, worker's compensation, life and health insurance and other benefits will remain the responsibility of the City of Lynchburg. Longwood University is not responsible for injuries to LPD officers or personnel, or damage to equipment incurred with traveling to and returning from Farmville, VA.

LPD officers will be working 12-hour shifts during this event. Longwood will provide lodging and meals.

PRIOR ACTION(S): None

FISCAL IMPACT: Minimal. Longwood University is providing lodging and meals. The only costs involved are vehicles and fuel. To avoid the costs of overtime, participating officers will flex their time for this assignment.

CONTACT(S): Major K.T. Swisher, 455-6154

ATTACHMENT(S): Mutual Aid Agreement is attached.

REVIEWED BY: bms

Law Enforcement Mutual Aid Agreement

THIS AGREEMENT, made this ____ day of _____ by and among **Longwood University Police Department** and the _____.

WHEREAS, **CODE** of Virginia § 15.2-1736 authorizes sheriff's, local governments, police departments, and institutions of higher learning having a police department to enter into reciprocal agreements for mutual aid for emergency purposes, for maintenance of peace and good order and for cooperation in the furnishing of law enforcement services; and

WHEREAS, **Longwood University Police Department** and _____ have determined that the provision of law enforcement aid across jurisdictional lines will increase their ability to maintain peace and good order and preserve the safety and welfare of the entire area; and

WHEREAS, the parties hereto desire that the terms and conditions of this Law Enforcement Mutual Aid Agreement be established;

NOW, THEREFORE, for and in consideration of the mutual benefits to be derived from a Law Enforcement Mutual Aid Agreement, the parties hereto covenant and agree as follows:

1. Each party will endeavor to provide law enforcement support to the other party to this Agreement within the capabilities available at the time the request for such support is made and within the terms of this Agreement.
2. Requests for assistance pursuant to the terms and conditions of this Agreement shall be made by the requesting jurisdiction's Site Manager, Chief of Police or Sheriff, whichever is applicable, or their respective designee. The requesting party shall be responsible for designating a radio communications system for use by the requested party.
3. The personnel of the requested party shall render such assistance under the direction of the Chief of Police, Sheriff, Site Manager, or the respective designee of the requesting party.
4. All law enforcement officers and personnel shall be duly trained and currently certified through DCJS for the position provided.
5. Nothing contained in this Agreement should in any manner be construed to compel any of the parties hereto to respond to a request for law enforcement

support when the personnel of the party to whom the request is made are, in the opinion of the requested party, needed or are being used within the boundaries of that party, nor shall any request compel the requested party to continue to provide law enforcement support to another party when its personnel or equipment, in the opinion of the requested party, are needed for other duties within the boundaries of its own jurisdiction.

6. In those situations not involving the provision of mutual aid upon request, law enforcement officers and personnel, and other employees of the department or Sheriff hereunder, may also enter the other's jurisdiction in furtherance of a law enforcement purpose concerning any offense in which the entering law enforcement agency may have a valid interest; provided that the entering personnel shall, as soon as practicable, make such presence known to the Site Manager, Chief of Police or Sheriff of the entered jurisdiction, or his designated representative.
7. The responsibility for investigation of any criminal offense shall remain with the law enforcement agency initiating the investigation. Entering law enforcement personnel shall promptly notify the law enforcement agency of the entered jurisdiction upon discovery of a crime within the entered jurisdiction.
8. Officers acting pursuant to this Agreement shall be granted authority in conformance with **CODE** of Virginia § 15.2-1736 to enforce the laws of the Commonwealth of Virginia and to perform the other duties of a law enforcement officer; however, law enforcement officers of any party who might be casually present in any other jurisdiction shall have power to apprehend and make arrests only in such instances wherein an apparent, immediate threat to public safety precludes the option of deferring action to the local law enforcement agency.
9. All law enforcement officers, agents, and other employees of the parties to this Agreement who are performing duties pursuant to this Agreement shall have the same powers, rights, benefits, and privileges, including the authority to make arrests, as they have in the jurisdiction where they were appointed.
10. The services performed and expenditures made under this Agreement shall be deemed to be for public and governmental purposes and all immunities from liability enjoyed by the parties within their boundaries shall extend to their participation in rendering assistance outside their boundaries. It is understood

that for the purposes of this Agreement, the responding party is rendering aid once it has entered the jurisdictional boundaries of the party receiving assistance.

11. All pensions, relief, disability, worker's compensation, life and health insurance, and other benefits enjoyed by said law enforcement officers or personnel as employees of the parties shall extend to the services they perform under this Agreement outside their respective jurisdictions. Each party agrees that provision of these benefits shall remain the responsibility of the employing party.
12. Each party agrees that, in activities involving the rendering of assistance to another party pursuant to this Agreement, each party shall waive any and all claims against the other party thereto which may arise out of their activities outside their respective jurisdictions. It is expressly understood that the provisions of this paragraph shall not apply to entry of law enforcement officers or other personnel into another jurisdiction pursuant to Paragraph 8 of this Agreement. Nothing herein shall be deemed to be an express or implied waiver of the sovereign immunity of the Commonwealth of Virginia, nor Longwood University, nor _____.
13. The parties shall not be liable to each other for reimbursement for injuries to law enforcement officers or personnel, or damage to equipment incurred when going to or returning from another jurisdiction, except to the extent that reimbursement for such expenses may be or is received from the Federal Emergency Management Agency (FEMA) or other governmental agency. Neither shall the parties hereto be liable to each other for any other costs associated with, or arising out of, the rendering of assistance pursuant to this Agreement, except to the extent that reimbursement for such expenses may be or is received from FEMA or other governmental agency.
14. This Agreement rescinds and supersedes any and all previous written agreements and oral understanding relating to the provision of mutual law enforcement services between the parties.
15. Any of the parties hereto may withdraw from this Agreement for any reason by giving thirty (30) days' written notice to that effect to the other party hereto.

IN WITNESS WHEREOF, and pursuant to 15.2-1736, the parties hereto have caused this Agreement to be executed by the Longwood University Police Department Office Farmville, Virginia, County of Prince Edward and the _____ **Virginia, County** _____.

Robert R. Beach
Chief of Police
Longwood University Police Department

Chief / Sheriff

COMMONWEALTH OF VIRGINIA

City/county of _____ to wit:
The foregoing signature was acknowledged before me this ____ day of _____,
20____ by _____

My commission expires _____

NOTARY PUBLIC

Other Party(s)
Department Name: _____

COMMONWEALTH OF VIRGINIA

City/County of _____ to wit:
The foregoing signature was acknowledged before me this ____ day of _____,
20____ by _____

My commission expires _____

NOTARY PUBLIC

// A regular meeting of the Council of the City of Lynchburg was held on the 13th day of September, 2016, at 4:00 P.M. in the Council Chamber, City Hall, Joan Foster, President, presiding. The following Members were present:

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

Absent: Perrow 1

// City Manager Bonnie Svrcek provided information regarding the Rosedale Performance Agreement.

Ms. Svrcek stated Golden Mile, LLC has requested the City assist with funding transportation improvements to Graves Mill Road, as well as the entrance and the internal "spine" road for the Rosedale development. Following the August 9, 2016 Finance Committee, staff was directed to negotiate further with Golden Mile, LLC to reach agreement that is more in alignment with City Council's criteria of September 29, 2014. Council's original conditions to consider road improvements were:

- 1) a time limit on the return period of 10 years;
- 2) connectivity to Breezewood Drive; and
- 3) participation by the City of no more than 50% of the cost for road improvements.

Ms. Svrcek went on to say that Golden Mile, LLC's representative met to discuss a compromise. A compromise was made on the term of the reimbursement from the 10 years identified by City Council and the 20 years proposed by Golden Mile, LLC. The compromise reimbursement period is proposed to be 15 years. City Manager Bonnie Svrcek and Golden Mile, LLC's representative also discussed the possibility of supporting a Smart Scale application to Virginia Department of Transportation [VDOT] for only the Graves Mill Road improvements. The City staff does not support such an application as the improvements, including those to Graves Mill Road, are not identified on any transportation improvement priority list. On September 2, 2016 Golden Mile, LLC offered two alternate proposals:

- 1) Proposes no City support for a Smart Scale request from VDOT.
- 2) Participation by the City of 100% of all road improvement costs according to State Code Tax Increment Financing Definition, including Graves Mill Road improvements and internal "spine" road improvements.

Ms. Svrcek went on to say that the two major points of disagreement between staff's recommendation and Golden Mile, LLC's September 2, 2016 Proposal #2 are:

- 1) Level of participation by the City in reimbursement for improvements to Graves Mill Road, entrance, and "spine" road within the Rosedale complex. City staff recommends no more than 50% of only the cost of physical road construction activities. Golden Mile, LLC proposes 100% of all costs as identified in the State Code Tax Increment Financing definition for capital costs; and, proposes no City support for a Smart Scale request from VDOT.
- 2) Connectivity to Breezewood Drive: City requirement for Golden Mile, LLC to acquire dedicated right-of-way through the "Skinner Tract" for future connection to Breezewood Drive. Golden Mile, LLC has only provided a non-binding agreement with the owners of the "Skinner Tract" for an easement for a road or roadway up to 100 feet wide from the Rosedale property to Breezewood Drive.

Vice Mayor Tweedy provided a summary of the discussion that was held at the Physical Development Meeting on September 12, 2016 regarding Golden Mile, LLC performance agreement. After Vice Mayor Tweedy's summary, she made a motion, seconded by Council Member Wilder to offer three options on the Golden Mile, LLC performance agreement:

- 1) adopt the summary of elements listed
- 2) ask staff to go back and negotiate the performance agreement
- 3) bring back the performance agreement to the October 11, 2016 Council Meeting

Council Member Helgeson made a substitute motion on the following options:

- 1) A time limit on the return period of 10 years
- 2) Connectivity to Breezewood Drive
- 3) Participation by the City of no more than 50% of the cost of road improvements

This motion died for a lack of a second. Mayor Foster called for a vote on the original motion made by Vice Mayor Tweedy and seconded by Council Member Wilder, and Council by the following recorded voted on the three options for Golden Mile, LLC:

Ayes: Dolan, Nelson, Tweedy, Wilder, Foster	5
Noes: Helgeson	1
Absent: Perrow	1

// During roll call Council Member Nelson thanked Lynch's Landing, all the downtown resources, sponsors and city staff for the wonderful Get!Downtown event on September 9, 2016.

// Council Member Wilder thanked sponsors and city staff for the wonderful Get!Downtown event and also thanked the universities, colleges and families for attending this event. He thanked Parks and Recreation for all the summer activities that they held. He also mentioned that he wanted to thank the city department directors for the time they spent in educating him and Council Member Dolan about the city departments.

// Mayor Foster thanked Parks and Recreation for all they do for the community and the booklet that was sent out to all the families in the City.

// City Council recessed the meeting at 4:58 p.m. in Council Chamber and proceeded to tour of the Lynchburg Circuit Court Renovations.

// Clerk of Court Eugene Wingfield provided a tour for City Council. Mr. Wingfield gave background information on the Lynchburg Circuit Court which began renovations of the main level of the courthouse to include, lobby, hallways, Courtrooms A and B during 2015. Prior to this renovation only minimal work and repairs had been done to these areas since the courthouse was built in 1957. The renovations have been completed and the Judges of this Court along with Mr. Wingfield showed the transformation to City Council. Mr. Wingfield went on to say that some of the renovations that have been completed included addressing lighting and sound issues in courtrooms, updating and repairing furniture, replacing worn carpet and new paint. A major portion of the renovations was the addition of technology in the courtrooms that will enable the presentation of video and any other format of evidence to be presented before the court and captured as an exhibit.

// City Council recessed from the Lynchburg Circuit Court tour at 5:30 p.m.

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

The following Members were present:

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

Absent: Perrow 1

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

// Copies of the minutes of the August 9, 2016 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Nelson, seconded by Council Member Helgeson, Council by the following recorded vote approved the minutes as amended:

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

Noes: 0

Absent: Perrow 1

// In the matter of Commonwealth Attorney, Resolution #R-16-099 to amend the FY 2017

City/Federal/State Aid Fund budget to appropriate \$133,078 with resources from the FY 2017 Victim Witness Grant Program to meet the direct victim assistance service needs in the community, laid over from the August 9, 2016 meeting, was again presented and read, and on motion of Council Member Nelson, seconded by Council Member Helgeson, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

Absent: Perrow 1

// In the matter of Commonwealth – General, Resolution #R-16-100 to amend the FY 2017 General Fund budget and appropriate \$52,545 with resources from the General Fund Reserve for Contingencies to support the purchase of a new prosecution case management system, laid over from the August 9, 2016 meeting, was again presented and read, and on motion of Council Member Nelson, seconded by Council Member Helgeson, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

Absent: Perrow 1

// In the matter of Community Development - Zoning Amendments, a public hearing was held regarding City Council Report # 7 outlining the petition of Kristie Napier to rezone approximately nine hundred and seventy five thousandths (0.975) of an acre at 630, 634 and 636 Leesville Road from R-3, Medium Density Residential District, to B-1C, Limited Business District (Conditional), to allow the reuse of an existing building as a business. Planner II Anne Nygaard provided a summary of the rezoning petition. Ms. Nygaard stated the Planning Commission recommended approval of the rezoning petition. Mr. Trent Warner with Hurt & Proffitt was present to represent the petitioner. He explained that the owner inherited this property and is trying to sell it. It is difficult to sell due to its residential zoning. The owner has had

some interest in the purchase of the property for commercial uses that would fit with a B-1 zoning district. Mr. Warner reiterated that the second entrance to the site will be closed and a sidewalk and landscaping will be added to bring it up to the requirements of the current Zoning Ordinance. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Nelson, seconded by Vice Mayor Tweedy, Council by the following recorded vote adopted Ordinance #0-16-102, as presented, granting the petition:

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

Noes: 0

Absent: Perrow 1

// In the matter of Community Development - Zoning Amendments, a public hearing was held regarding City Council Report # 8 outlining the petition of Westminster Canterbury of Lynchburg to rezone approximately twenty and fifteen hundredths (20.15) acres at 501 VES Road from R-1, Low Density Residential District and R-4, High Density Residential District to Institutional 1 District to allow the continued use and expansion of the property for Housing Services. Before the discussion on this item the following statements were made by Mayor Foster and Council Member Nelson: "My mother is currently a resident of Westminster Canterbury; however, I do not have a conflict of interest because neither my mother nor I will experience a reasonably foreseeable benefit or detriment as a result of City Council's action on Westminster Canterbury's rezoning petition. Even though my mother is a resident of Westminster Canterbury I am able to participate in the discussion of, and to vote on Westminster Canterbury's rezoning petition fairly, objectively, and in the public interest. Therefore, I will participate in the discussion of and vote on this matter." Council Member Nelson made the following statement. "My father is currently a resident of Westminster Canterbury; however, I do not have a conflict of interest because neither my father nor I will experience a reasonably foreseeable benefit or detriment as a result of City Council's action on Westminster Canterbury's rezoning petition. Even though my father is a resident of Westminster Canterbury I am able to participate in the discussion of, and to vote on Westminster Canterbury's rezoning petition fairly, objectively, and in the public interest. Therefore, I will participate in the discussion of and vote on this matter." City Planner Tom Martin provided a summary of the rezoning petition. Mr. Martin stated that the Planning Commission recommended approval of the rezoning petition. Mr. Sean Huyett, the petitioner for Westminster Canterbury asked Council for approval of the rezoning petition. Two individuals spoke in favor of the rezoning petition. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Helgeson, seconded by Council Member Wilder, Council by the following recorded vote adopted Ordinance #0-16-103, as presented, granting the petition:

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

Noes: 0

Absent: Perrow 1

// In the matter of Community Development - Zoning, a public hearing was held regarding City Council Report #9 outlining the petition of James River Day School for a Conditional Use Permit (CUP) at 5039

Boonsboro Road and 110 Bon Ton Circle to allow the construction of a two-story addition for educational purposes, the construction of a basketball court, playgrounds and the use of an existing structure for storage in an R-1, Low Density Residential District. City Planner Tom Martin provided a summary of the request for the CUP for James River Day School. The Planning Commission also recommended approval of the CUP petition. Mr. Scott Beasley with Hurt & Proffitt was present to represent the petitioner. Mr. Beasley explained the purpose of the petition is to allow the construction of a six thousand two hundred (6,200) square foot, two (2) story building addition at the southeast corner of the existing school, the construction of recreation and playground areas and to allow the use of the existing structure at 100 Bon Ton Circle as storage. He explained that the petition is to request a 6,200 square foot, two-story building addition, with the modification and addition of some playground areas and the use of 110 Bon Ton Circle as a storage area. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Helgeson, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-16-104, as amended, (Condition #2. There will be no more than a 7.5% increase in enrollment) granting the Conditional Use Permit:

Ayes: Dolan, Helgeson, Nelson, Tweedy, Wilder, Foster	6
Noes:	0
Absent: Perrow	1

// In the matter of Airport – General, a public hearing was held regarding City Council Report #10 authorizing the City Manager to execute a utility easement and right-of-way agreement with Appalachian Power Company. There was no one present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Nelson, seconded by Vice Mayor Tweedy, Council by the following recorded vote adopted Resolution #R-16-105, as presented, authorizing the City Manager to execute a utility easement and right-of-way agreement with Appalachian Power Company:

Ayes: Dolan, Helgeson, Nelson, Tweedy, Wilder, Foster	6
Noes:	0
Absent: Perrow	1

// In the matter of City Council, City Council Report #11 was considered. City Planner Tom Martin provided background information on the 5th Street Community Development Corporation (CDC) which is undertaking fundraising efforts to place a statue of the late M. W. “Teedy” Thornhill, Jr., in the 5th Street Roundabout. Rev. C. W. Dunning spoke on behalf of CDC asking Council for their support. The concept of a statue honoring Mr. Thornhill has been presented to and given approval by the Thornhill family. Rev. Dunning stated that Mr. Thornhill was elected as the City's first African American Mayor in 1990. Mr. Thornhill was a businessman, a civil rights leader, was active in the Lynchburg Chapter of the National Association for the Advancement of Colored People (NAACP) and a past president of the Lynchburg Voters League. Mr. Thornhill passed away on Saturday, July 2, 2016. The 5th Street CDC started discussing honoring a person with a statue in the 5th Street Roundabout in January 2016. Criteria for selection included: 1. African American. 2. Ties to 5th Street. 3. Worked towards bettering the lives

(civil rights) of everyone. After developing an extensive list of candidates, the 5th Street CDC decided to work towards honoring Mr. M. W. Thornhill, Jr., at its April 2016 Business meeting. Rev. Dunning introduced Mr. Ken Faraoni, a nationally recognized sculptor, who has been chosen to render the nine foot tall bronze image of Mr. Thornhill. Mr. Faraoni has received recognition for work locally through his repair to the "Listening Post" (Doughboy) at the base of Monument Terrace and his rendering of the "Water Bearer" on the City's Lower Bluffwalk. Once completed, the statue of Mr. Thornhill would be displayed in accordance with the provisions of the City of Lynchburg, Guidelines for Acquisition and Display of Art in Public Spaces located within the James River Arts & Cultural District (Public Art Policy) as established July 1, 2014. Under this policy, the City Manager may allow the display of public art within public rights-of-way and on City-owned property after the execution of a Memorandum of Understanding (MOU) by the entity desiring to display the public art and the City of Lynchburg.

// In the matter of City Council, Mr. Joseph Pallone, representing Creating Opportunities through Partnership and Education (COPE) International – USA provided Council with an update of the COPE International-USA located at 300 Rutherford Street in Lynchburg, VA, to enable Veterans and others to own and operate a viable commercial business by growing produce for which there is a significant current and projected market demand, year-round, using a tested and proven, innovative, remarkable, profitable system for indoor food production. Mr. Pallone stated the program objective is to focus on Veterans starting their own business; food production is the business. The program is open to non-Veterans. The program is to provide the capability to enable Veterans to own and run a long-term sustainable, successful, indoor farming business.

// In the matter of City Code, City Council Report #13 was considered. On motion of Council Member Nelson, seconded by Council Member Dolan, Council by the following recorded vote adopted Ordinance #0-15-106, as presented, to amend several sections of the City Code dealing with the Vacation of Streets and Alleys:

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

Noes:	0
-------	---

Absent: Perrow	1
----------------	---

// In the matter of Police – General, City Council Report #14 was considered. On motion of Council Member Nelson, seconded by Council Member Dolan, Council by the following recorded vote authorized the Chief of Police to sign a Mutual Aid Agreement (MOU) between the Lynchburg Police Department (LPD) and Longwood University Police Department:

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

Noes:	0
-------	---

Absent: Perrow	1
----------------	---

// The meeting was adjourned at 8:52 P.M.