

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 11, 2009**

AGENDA ITEM NO.: 5

CONSENT: **X**

REGULAR:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Application for the Virginia Recreation Trails Program Grant**

RECOMMENDATION:

Adopt a resolution in support of an application for a Virginia Recreation Trails Program grant through the Virginia Department of Conservation and Recreation to construct the trail system in Ivy Creek Park.

SUMMARY:

Parks and Recreation intends to submit an application for a Virginia Recreation Trails Program grant through the Virginia Department of Conservation and Recreation. The funding will be used to assist with construction of the first phase of the park. Specifically, this grant will support construction of the trail system to include the main trail from the parking area to the lake, west and east lake trails, business spur trail, bridges and a boardwalk that crosses the wetlands.

Ivy Creek Park will provide unique recreational opportunities and serve as an environmental education center. The park will model principles of sustainability and green practices in park design and management. Elements of the park will provide examples of best management practices for citizens and businesses alike, displaying cost effective approaches that conserve, protect and preserve the environment and natural resources.

The trail system will provide access to the lake for fishing and environmental education programs, in addition to opportunity for walking and biking. Long range plans for development of the James River Heritage Trail system call for connecting Ivy Creek Park to Peaks View Park with both parks serving as a trail head.

The total estimated budget for the Ivy Creek Park trail system is \$255,000. The application will request \$100,000, the maximum amount of funding allowed through this grant program. Additional project funding of \$155,000 is already available in current appropriations and in-kind donations; therefore, covering the required 20% match within the current budget.

PRIOR ACTION(S):

July 14, 2009 Finance Committee

FISCAL IMPACT:

None, the required 20% match is already appropriated within the current budget.

CONTACT(S):

Kay Frazier, Director of Parks and Recreation, 455-5868
Andrew Reeder, Parks Service Manager, 455-5876

ATTACHMENT(S):

Resolution
Site plan

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED THAT City Council supports an application for a Virginia Recreation Trails Program grant through the Virginia Department of Conservation and Recreation in the amount of \$100,000 to construct the trail system in Ivy Creek Park.

Adopted:

Certified:

Clerk of Council

091L

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 11, 2009**

AGENDA ITEM NO.: 6

CONSENT: **X**

REGULAR:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) Transportation Enhancement Grant- Riverside Park

RECOMMENDATION:

Adopt a resolution to amend the FY 2010 City Capital Projects Fund budget and appropriate \$208,519 with resources from the Virginia Department of Transportation, SAFETEA-LU funding, for improvements to Riverside Park.

SUMMARY:

The City applied for \$832,000 and received \$208,519 of SAFETEA-LU funding through the Virginia Department of Transportation. To date the City has received a total of \$718,519 in SAFETEA-LU grant funding for Riverside Park.

This funding will support the preservation of the train and construction of the train shed, improvements to park amenities, installation of street signs connecting the park to the James River Heritage Trail, restoration of historical gardens, improvements to the Alpine Trail, design and installation of historical interpretative signs and displays, and pedestrian accessibility improvements.

This grant requires a 20% match of \$41,704, which will be met through in-kind donations and current appropriations. No additional funds are requested to support this grant.

PRIOR ACTION(S):

Finance Committee, September 8, 2005

Council Regular Session, public hearing and adoption of a resolution, September 13, 2005

Finance Committee, September 5, 2006

Council Regular Session, September 12, 2006

Finance Committee, approval, September 5, 2007

Finance Committee, September 23, 2008

Finance Committee, July 14, 2009

FISCAL IMPACT:

This grant requires a 20% match of \$41,704, which will be met through in-kind donations and current appropriations. No additional funds are requested to support this grant.

CONTACT(S):

Kay Frazier, Director of Parks and Recreation, 455-5868

Andrew Reeder, Parks Services Manager, 455-5876

ATTACHMENT(S):

Resolution

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED that the FY 2010 City Capital Projects Fund budget is amended and \$208,519 is appropriated with resources from the Virginia Department of Transportation, SAFETEA-LU funding, for improvements to Riverside Park.

Introduced:

Adopted:

Certified:

Clerk of Council

086L

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 11, 2009**

AGENDA ITEM NO.: 7

CONSENT: **X**

REGULAR:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: State Homeland Security Grant (SHSG) 2008 program: \$16,600 for Lynchburg Fire Department's Hazardous Materials Team's equipment, exercise, and training

RECOMMENDATION:

Adopt a resolution to amend the FY 2010 City/Federal/State Aid Fund budget and appropriate \$16,600 with resources from the FY 2008 State Homeland Security Program (SHSP) grant from the National Preparedness Directorate, U.S. Department of Homeland Security (DHS), to purchase equipment for the Fire Department's Hazardous Materials Response Team.

SUMMARY:

The Virginia Department of Emergency Management is providing this grant opportunity with funding from the Department of Homeland Security (DHS) through the State Homeland Security Grant (SHSG) program. The Fire Department was notified of a \$16,600 award to be utilized by the Hazardous Materials Response Team for equipment, exercise, and training.

This grant is 100% reimbursable; no local match is required.

PRIOR ACTION(S):

Finance Committee, May 26, 2009

Finance Committee, July 14, 2009

FISCAL IMPACT:

None, no local match required.

CONTACT(S):

Fire Chief S. Brad Ferguson, 455-6340

Battalion Chief Keith Johnson 455-6340

Ellen Davidson-Martin, Fire Administrative Manager, 455-6368

ATTACHMENT(S):

Resolution

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED That the FY 2010 City/Federal/State Aid Fund budget is amended and \$16,600 is appropriated with resources from the FY 2008 State Homeland Security Program (SHSP) grant from the National Preparedness Directorate, U.S. Department of Homeland Security (DHS), to purchase equipment for the Fire Department's Hazardous Materials Response Team.

Introduced:

Adopted:

Certified:

Clerk of Council

085L

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 11, 2009**

AGENDA ITEM NO.: 8

CONSENT: **X**

REGULAR:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: Virginia Office of Emergency Medical Services – Financial Assistance for Emergency Medical Services Grant program to purchase Panasonic Toughbook laptop/notebook computers for the Lynchburg Fire Department and Lynchburg Life Saving Crew

RECOMMENDATION:

Adopt a resolution to amend the FY 2010 City/Federal/State Aid Fund budget and appropriate \$40,150 with resources from the Financial Assistance for Emergency Medical Services (FAEMS) Grant program through the Virginia Office of Emergency Medical Services to purchase eleven Panasonic Toughbook 19 model laptop/notebook computers, nine of the computers are for the Lynchburg Fire Department and two for the Lynchburg Life Saving Crew.

SUMMARY:

The Virginia Office of Emergency Medical Services (OEMS) is providing this grant opportunity with funding from the Department of Homeland Security (DHS) through the State Homeland Security Grant (SHSG) program. OEMS was awarded this funding to provide rugged laptop/notebook computers to EMS agencies in order to encourage electronic preparation of Patient Care Reports (PCR) from the field. The computers will cost \$3,650 each.

This grant is 100% reimbursable; the City will submit the invoices to OEMS and then be reimbursed for the equipment purchases.

PRIOR ACTION(S):

Finance Committee, April 28, 2009

Finance Committee, July 14, 2009

FISCAL IMPACT:

None, no local match required.

CONTACT(S):

Fire Chief S. Brad Ferguson, 455-6340

Captain Sean Regan, 455-4139

Ellen Davidson-Martin, Fire Administrative Manager, 455-6368

ATTACHMENT(S):

Resolution

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED That the FY 2010 City/Federal/State Aid Fund budget is amended and \$40,150 is appropriated with resources from the Financial Assistance for Emergency Medical Services (FAEMS) Grant program through the Virginia Office of Emergency Medical Services to purchase eleven Panasonic Toughbook 19 model laptop/notebook computers, nine of the computers are for the Lynchburg Fire Department and two for the Lynchburg Life Saving Crew.

Introduced:

Adopted:

Certified:

Clerk of Council

087L

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 11, 2009**

AGENDA ITEM NO.: 9

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Conditional Use Permit (CUP): Peakland United Methodist Church, Columbarium Wall, 4434 Boonsboro Road**

RECOMMENDATION: Approval of the CUP petition.

SUMMARY:

Peakland Unite Methodist Church is petitioning for a CUP to allow the construction of a columbarium wall at 4434 Boonsboro Road. The property is zoned R-1, Low Density, Single-Family Residential.

The Planning Commission recommended approval of the CUP petition because:

- The petition agrees with the *Comprehensive Plan* which recommends an Institutional use in the area.
- The petition agrees with the Zoning Ordinance in that cemeteries and columbarium are permitted in an R-1, Low Density Single-Family Residential District with approval of a CUP by the City Council.
- The proposed columbarium would have limited impact on the surrounding area.

PRIOR ACTION(S):

July 8, 2009: Planning Division recommended approval of the CUP.

July 8, 2009: Planning Commission recommended approval of the CUP petition (7-0) subject to the following conditions:

1. The property shall be developed in substantial compliance with the concept plan for the "Proposed Columbarium Wall, May 29, 2009, Peakland United Methodist Church" revised June 24, 2009 and received by the Department of Community Development on June 30, 2009.
2. All exterior lighting shall be glare-shielded and non-directional to prevent direct illumination beyond the property line.

BUDGET IMPACT: None

CONTACT(S):

Bonnie Svrcek 455-3990

Tom Martin 455-3909

ATTACHMENT(S):

- Resolution
- Planning Commission Report
- Planning Commission Minutes
- Vicinity Zoning Pattern
- Vicinity Proposed Land Use
- Watershed Location Map
- Concept Plan
- Speaker Sign Up Sheet

REVIEWED BY: lkp

RESOLUTION:

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO ALLOW THE CONSTRUCTION OF A COLUMBARIUM WALL FOR PEAKLAND UNITED METHODIST CHURCH AT 4434 BOONSBORO ROAD.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of Peakland United Methodist Church to allow the construction of a columbarium wall at 4434 Boonsboro Road be, and the same is hereby, approved subject to the following conditions:

1. The property shall be developed in substantial compliance with the concept plan for the "Proposed Columbarium Wall, May 29, 2009, Peakland United Methodist Church" revised June 24, 2009 and received by the Department of Community Development on June 30, 2009.
2. All exterior lighting shall be glare-shielded and non-directional to prevent direct illumination beyond the property line.

Adopted:

Certified:

Clerk of Council

080L

The Department of Community Development

City Hall, Lynchburg, VA 24504

434-455-3900

To: Planning Commission

From: Planning Division

Date: July 8, 2009

Re: **CONDITIONAL USE PERMIT (CUP): Peakland United Methodist Church Columbarium Wall, 4434 Boonsboro Road**

I. PETITIONER

Peakland United Methodist Church, 4434 Boonsboro Road, Lynchburg, VA 24503

Representative: Elizabeth Austin, Peakland United Methodist Church Columbarium Committee, 4434 Boonsboro Road, Lynchburg, VA 24503

II. LOCATION

The subject property includes one (1) tract totaling four and one tenth (4.1) acres at 4434 Boonsboro Road.

Property Owner: Peakland United Methodist Church Trustees, 4434 Boonsboro Road, Lynchburg, VA 24503

III. PURPOSE

The purpose of this petition is to allow the construction of a columbarium wall for Peakland United Methodist Church.

IV. SUMMARY

- The Petition agrees with the *Comprehensive Plan* which recommends an Institutional use in this area.
- Petition agrees with the *Zoning Ordinance* in that cemeteries and columbariums are permitted in an R-1, Low Density Single-Family Residential District with approval of a CUP by the City Council.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends an Institutional use in this area. The plan provides that Institution areas include religious, educational and other nonprofit entities. **(page 5.3)**
2. **Zoning.** The existing R-1, Low Density Single-Family Residential District was established in 1978 with the adoption of the current *Zoning Ordinance*.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the development of the property as proposed.
4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - On November 11, 2008, City Council approved Church of the Covenant's CUP petition to allow the construction of a sanctuary building addition to the existing church in an R-1, Low Density Single-Family Residential District at 4415 Boonsboro Road.
 - On January 8, 2008, City Council indefinitely postponed action on Systematic Concepts, LLC's CUP petition to allow the construction of planned unit development including thirty-one (31) single-family attached and detached homes in an R-1, Low Density Single-Family Residential District at 2016, 2020 and 2028 Mimosa Drive.

- On May 28, 2002, City Council approved Peakland United Methodist Church's CUP petition to allow the construction of an educational building, columbarium and a parking lot in an R-1, Low Density Single-Family Residential District at 4434 Boonsboro Road.
 - On April 8, 1997, City Council approved C.F.W. Communications' CUP petition to allow the installation of telecommunications equipment in an R-1, Low Density Single-Family Residential District at 4715 Boonsboro Road.
 - On August 13, 1996, City Council approved Peakland United Methodist Church's CUP petition to allow the construction of twenty-six (26) parking spaces in an R-1, Low Density Single-Family Residential District at 4434 Boonsboro Road.
 - On November 14, 1995, City Council approved Lynchburg City Schools' CUP petition to retain an existing administratively approved Bedford Hills Elementary classroom in an R-1, Low Density Single-Family Residential District at 4330 Morningside Drive.
 - On February 9, 1993, City Council approved Peakland Swim & Tennis Club, Inc.'s CUP petition to allow the construction of tennis court restrooms, a beach volleyball court and the addition of twenty (20) parking spaces in an R-1, Low Density Single-Family Residential District at 2149 Burnt Bridge Road.
 - On February 11, 1992, City Council approved Lynchburg City Schools' CUP petition to restore an existing damaged Bedford Hills Elementary classroom and construct eight (8) additional classrooms in an R-1, Low Density Single-Family Residential District at 4330 Morningside Drive.
 - On May 14, 1991, City Council approved Lynchburg City Schools' CUP petition to allow the construction of Bedford Hills Elementary modular classrooms in an R-1, Low Density Single-Family Residential District at 4330 Morningside Drive.
 - On October 9, 1990, City Council approved St. Barnabas Episcopal Church's CUP petition to allow the construction of a porch entry way in an R-1, Low Density Single-Family Residential District at 2025 Mimosa Drive.
 - November 13, 1979, City Council approved Peakland Swim Club's CUP petition to allow the construction of tennis courts in an R-1, Low Density Single-Family Residential District at 2149 Burnt Bridge Road.
5. **Site Description.** The subject property includes an existing church with associated parking and playground area. The site is bound to the north and east by single-family homes; to the south by single-family homes, the Church of the Covenant and vacant forestall land; and to the west by single-family homes and commercial businesses.
6. **Proposed Use of Property.** The purpose of this petition is to allow the construction of a columbarium wall. Although never constructed, the columbarium was originally approved as part of a CUP for a master plan for Peakland United Methodist Church in May 2002. The applicant is proposing to adjust the layout and location of the structure as part of the current CUP petition.
- The wall would be brick and pre-cast stone that match the existing church addition and compact landscaping would be added to the sides of the wall that would be visible from Boonsboro Road and Gorman Drive. City water and sewer are available to the site; however, no utility connections are proposed for this project. Although no lighting is currently proposed for the structure, a note has been provided on the concept plan that any future lighting would be glare-shielded and non-directional.
7. **Traffic, Parking and Public Transit.** The City's Transportation Engineer had no concerns about the proposed columbarium wall.

Parking requirements for the church are set at one (1) space for every three (3) seats by the *Zoning Ordinance*. Peakland United Methodist Church has seating for approximately three hundred and twenty (320) persons and would require one hundred seven (107) parking spaces. The existing church parking lot has one hundred forty-two (142) parking spaces, thus meeting the requirements of City Code. The proposed columbarium wall would not require the church to provide additional parking.

Public transit is accessible through Greater Lynchburg Transit Company's Route 3D at the corner of the property near the intersection of Boonsboro Road and Greenway Court.

8. **Storm Water Management.** The proposed columbarium wall will not exceed the City's one thousand (1,000) square foot threshold for stormwater management; as such, a stormwater management plan would not be required for the construction. Though not required, the proposed landscaping will provide low maintenance greenspace, which will result in less runoff and an improved stormwater quality benefit from the site.
 9. **Emergency Services.** The City's Fire Marshal had no concerns about the proposed columbarium wall.
The City Police Department suggested that the wall be covered with a graffiti resistant surface to reduce damage from potential vandalism. The church is currently investigating the use of an anti-graffiti coating that would be compatible with the brick and pre-cast concrete construction.
 10. **Impact.** The proposed addition would have limited impact on the surrounding area. The church hosted an informational meeting for the neighborhood on June 22, 2009. Neighbors questioned both the scope and phasing of the construction. The church provided that no existing trees would be removed or disturbed as part of the construction and the wall work would be completed in a single construction phase. The church also responded to a question regarding the maintenance of the proposed "scatter garden". The church would wet the ashes and incorporate them into the garden area to prevent them from becoming airborne. Traffic, stormwater management and public safety concerns have all been addressed to the satisfaction of City staff, and the result is a project that would blend seamlessly into the existing church campus.
 11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary concept plan on June 16, 2009. Comments related to the proposed use were minor in nature and have or will be addressed by the developer prior to final site plan approval.
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VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of Peakland United Methodist Church's petition for a conditional use permit to allow the construction of a columbarium wall at 4434 Boonsboro Road subject to the following conditions:

1. **The project will be developed in substantial compliance with the concept plan for the "Proposed Columbarium Wall, May 29, 2009, Peakland United Methodist Church" revised June 24, 2009.**
2. **All exterior lighting will be glare-shielded and non-directional to prevent direct illumination beyond the property line.**

This matter is respectfully offered for your consideration.

William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Charlene B. Montford, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia L. Kozzerow, Lynchburg Police Department

Battalion Chief Greg Wormser, Fire Marshal
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Mr. Robert S. Fowler, Zoning Administrator
Mr. Kent L. White, Senior Planner
Ms. Erin B. Hawkins, Environmental Reviewer
Ms. Elizabeth M. Austin, Representative, Peakland United Methodist Church
Mr. Edward E. Frisa, Jr., Representative, Peakland United Methodist Church

VII. ATTACHMENTS

- 1. Vicinity Zoning Pattern**
- 2. Vicinity Proposed Land Use**
- 3. Watershed Location Map**
- 4. Concept Plan**

MINUTES FROM THE JULY 8, 2009 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

a. Petition of Peakland United Methodist Church for a conditional use permit to allow the construction of a columbarium wall at 4434 Boonsboro Road in an R-1, Low Density Single-Family Residential District.

Mr. Martin addressed the commissioners with the following comments. The property is zoned R-1, Single-Family Residential District. Churches and their associated uses require a conditional use permit in this zoning district. The columbarium was approved as part of a conditional use permit application in 2002. At that time, it was going to be within the courtyard area. The church has since decided to locate it to where it is shown on the site plan. The Planning Division has no concerns and recommends approval of the petition.

Ms. Elizabeth Austin came forward as the representative for the petition. She mentioned that when the master plan was approved before, she did not think the columbarium was approved to be within the courtyard. She believes it was approved for somewhere other than the courtyard but mentioned that it probably doesn't matter.

Ms. Austin remarked that the intention of the church is to have the wall blend within the area. She brought color pictures of the black and white photos that were provided to the commissioners. There will be some sort of low shrub in front of the wall, possibly azaleas. There is a scatter garden and there is an existing sidewalk. No trees will be disturbed.

A couple and an individual came to a neighborhood meeting that the church held. The couple was concerned, but she thinks they were put a little more at ease by the end of the meeting. Their big concern was the scatter garden. They were concerned with ashes becoming airborne and possibly ending up on their property. She assured them that if there was a scattering that the guidelines will state that someone come behind and wet the remains and work the ashes into the soil.

Chair Hamilton asked for anyone else present to speak in favor of the petition. No one came forward, but six people raised their hand in support. She asked if there was anyone present to speak in opposition to the petition, and no one came forward. She closed the public hearing portion of the petition.

Commissioner Swienton pointed out that some of address references in the report say Rivermont Avenue and they should all say Boonsboro Road. Mr. Martin will ensure that these are changed before it goes before City Council.

Commissioner Worthington asked how many spaces are available in the columbarium. Ms. Austin stated that there are around 200 spaces available right now in the center. The two sides are façade and can be opened up later. Commissioner Worthington asked what the church's plans are for when all the spaces fill up one day. Would they go any higher with the wall? Ms. Austin answered that it would make sense to put more spaces along one of the church walls. Commissioner Worthington asked if that would require the church to come back for another conditional use permit. Mr. Martin thought that if it was up against the wall, more than likely it would not. If he were still the City Planner, he would not require them to do so. Commissioner Worthington wanted to make sure the wall would not get taller, and Ms. Austin said the church would not do so because it does not want to block the front of the church.

Commissioner Oglesby commented that it is a beautiful wall. Commissioner Barnes said that he was at the site and thinks that from the street, it looks like a very nice architectural feature. Ms. Austin commented that a lot of people have said they think it will enhance the church; it softens the front of the church.

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

"That the Planning Commission recommends to City Council approval of Peakland United Methodist Church's petition for a conditional use permit to allow the construction of a columbarium wall at 4434 Boonsboro Road subject to the following conditions:

- 1. The project will be developed in substantial compliance with the concept plan for the "Proposed Columbarium Wall, May 29, 2009, Peakland United Methodist Church" revised June 24, 2009.**
- 2. All exterior lighting will be glare-shielded and non-directional to prevent direct illumination beyond the property line."**

The motion passed by the following vote:

AYES:	Barnes, Hamilton, Hannon, Oglesby, Sale, Swienton and Worthington	7
NOES:		0
ABSTENTIONS:		0
ABSENT:		0

PEAKLAND UNITED METHODIST CHURCH

4434 Boonsboro Road

PIN# 184-06-010

Conditional Use Permit Request

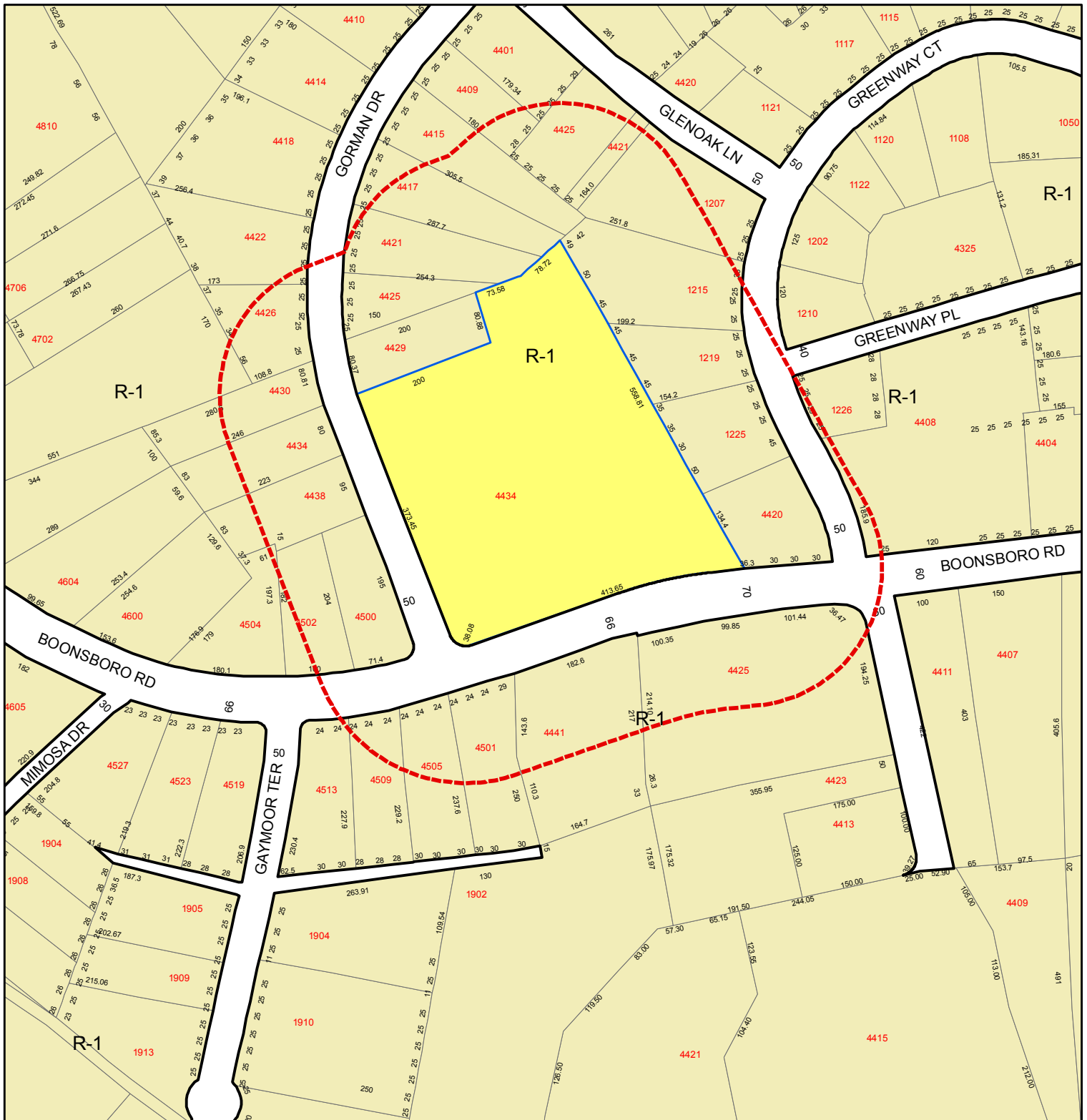
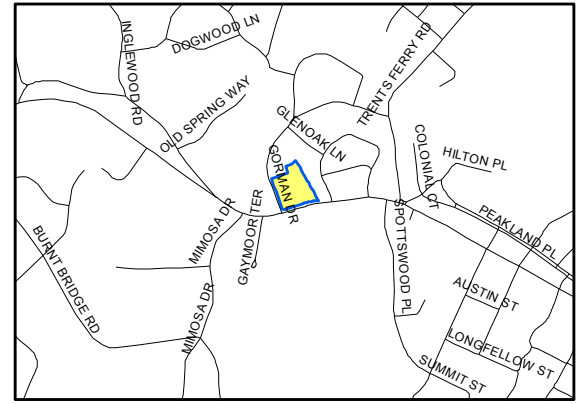
Petitioner-Peakland United Methodist Church



Subject Property

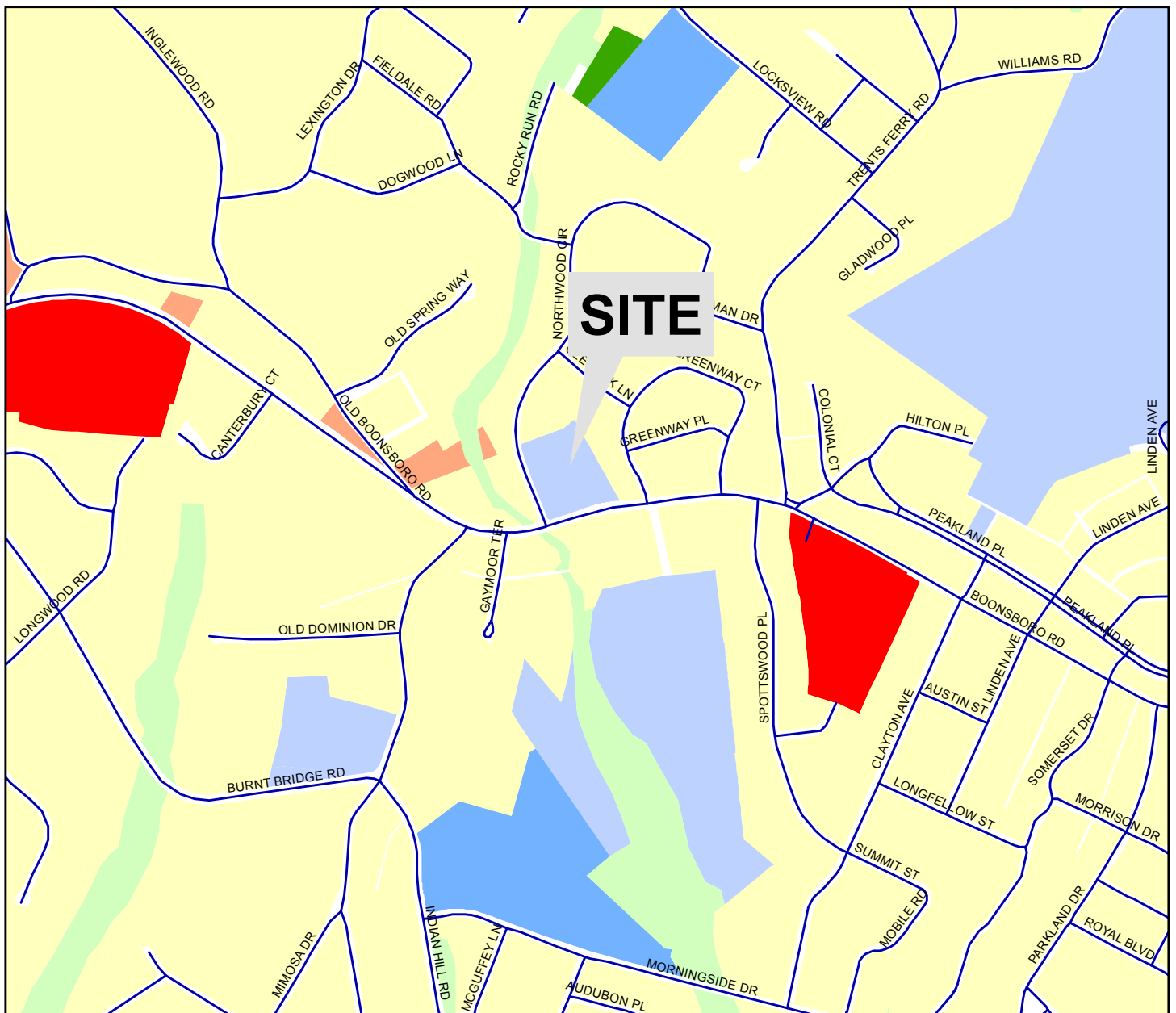


200 FT Buffer



PEAKLAND UNITED METHODIST ADJOINING OWNERS

PIN	Owner	LocAddr
18206001	HELBLING ARTHUR R	4614 BOONSBORO RD
18401001	PARIS E BURKE & VICKI N	4426 GORMAN DR
18401005	HOPKINS GLORIA F	4422 GORMAN DR
18402001	PAINTER WILLIAM E & KAREN K	4425 GORMAN DR
18402005	DILLON GLENN G	4421 GORMAN DR
18402009	CALLOWAY JULIE A M & MCCARTHY RUTH ANN	4417 GORMAN DR
18402013	NANCE JOHN G & MARY P	4415 GORMAN DR
18402017	ELLIS WESTON H & EVELYN H	4409 GORMAN DR
18402020	HANCOCK KRISTIN B	4401 GORMAN DR
18402024	WEBBER WALTER N JR ESTATE	4425 GLENOAK LN
18402028	HARRIS ANN S & C/O WALTER N WEBBER	4421 GLENOAK LN
18406001	MADAYAG DIONISO M & ESTRELLA	4504 BOONSBORO RD
18406002	LEWIS ROBERT H & MARIE P	4502 BOONSBORO RD
18406003	LEWIS ROBERT H & MARIE P	4500 BOONSBORO RD
18406004	DYE JAMES M & VALERIE H	4438 GORMAN DR
18406005	WAGNER ANN M	4434 GORMAN DR
18406006	RAMSEY CHRISTEN T & JEFFREY A	4430 GORMAN DR
18406007	PEAKLAND UNITED METHODIST CHURCH TRS	4429 GORMAN DR
18406010	PEAKLAND UNITED METHODIST CHURCH TRS	4434 BOONSBORO RD
18407001	TORBERT CHARLES R JR & GRAVELY JUDITH S	4420 BOONSBORO RD
18407005	RAMSEY WILLIAM E	1225 GREENWAY CT
18407009	BIBEE SAMUEL H & PATTI P	1219 GREENWAY CT
18407012	HUTTER HELEN C	1215 GREENWAY CT
18407016	NOWLIN CHARLES S JR	1207 GREENWAY CT
18409001	CAREY DANIEL & KIMBERLY	4408 BOONSBORO RD
18409003	WHITAKER MARGARET S	1226 GREENWAY CT
18417005	CRANK WILLIAM H & PATRICIA C	4425 BOONSBORO RD
18417008	EDMUNDS DAVID B & COURTNEY B	4441 BOONSBORO RD
18418001	WEILAND PHILIP J ETALS	4501 BOONSBORO RD
18418004	FOSSE MARGARET C KEITH LAURA C & BARKSDALE HENRIETTA C	4505 BOONSBORO RD
18418007	PACOT SKY N & LISA G	4509 BOONSBORO RD
18418010	MCLAUGHLIN JOHN F & BEVERLY A	4513 BOONSBORO RD
Owner	PEAKLAND UNITED METHODIST CHURCH TRS	
Petitioner	PEAKLAND UNITED METHODIST CHURCH TRS	
Representative	ELIZABETH AUSTIN	



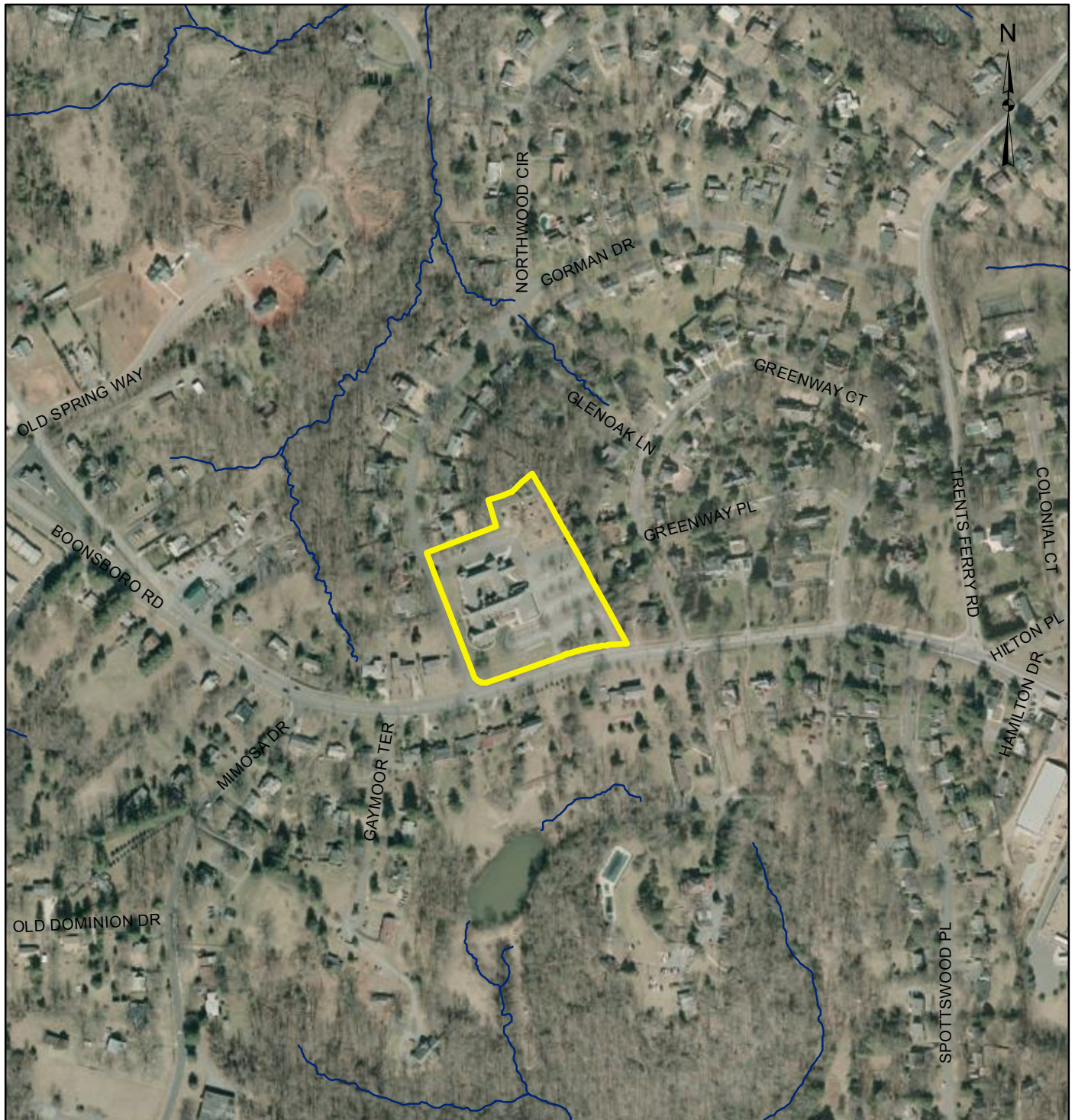
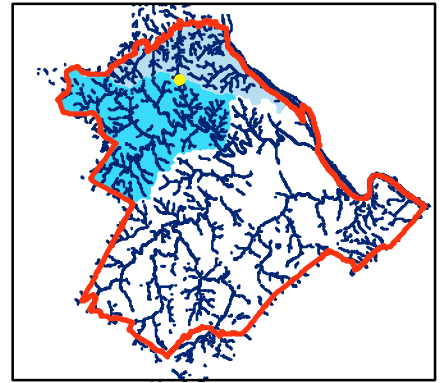
-  LocalHistoricDistrict
-  Traditional Residential
-  Low Density Residential
-  Medium Density Residential
-  High Density Residential
-  Neighborhood Commercial
-  Community Commercial
-  Regional Commercial
-  Employment 1
-  Employment 2
-  Office
-  Institution
-  Downtown
-  Public Use
-  Public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

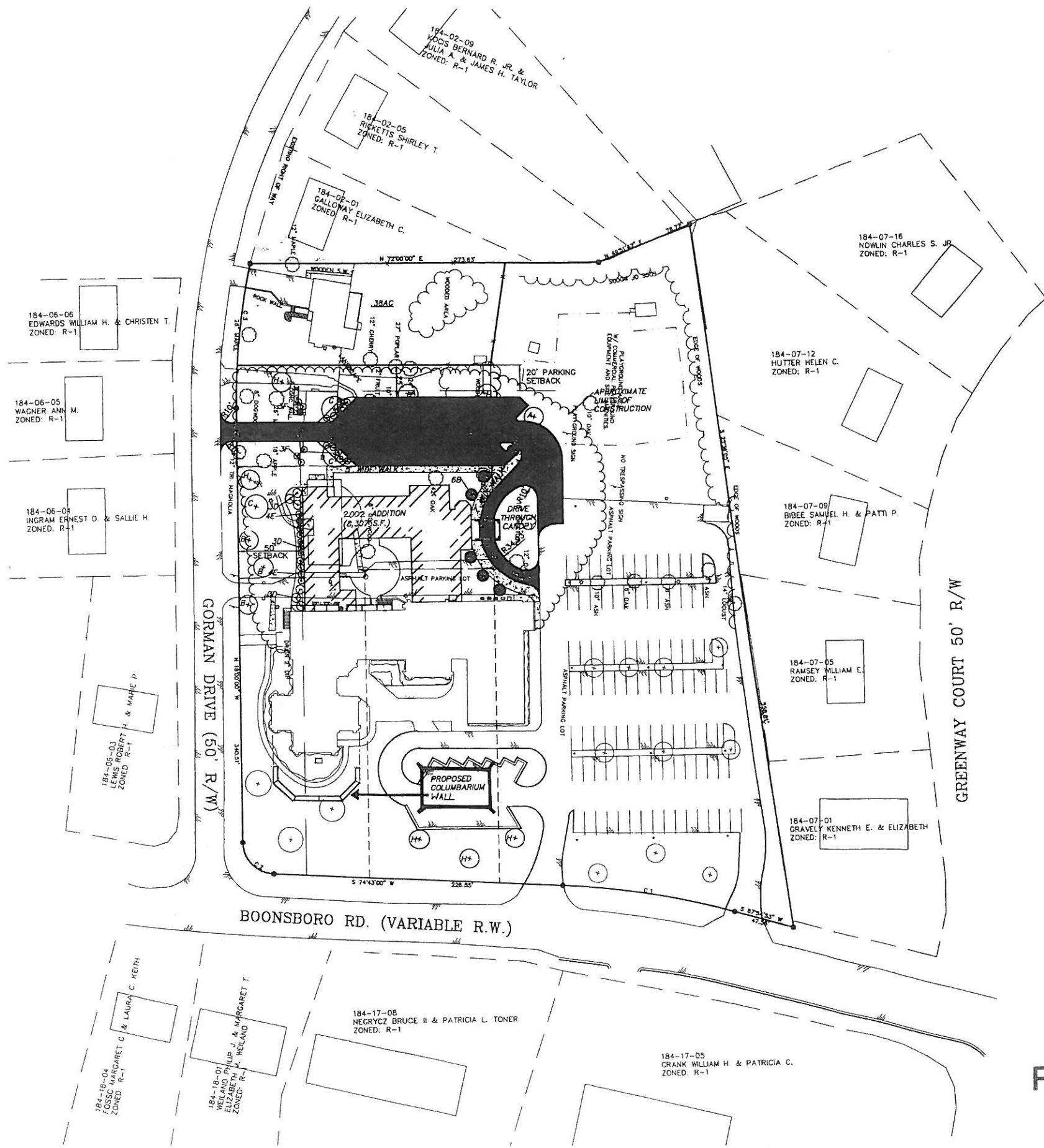
PEAKLAND UNITED METHODIST CHURCH 4434 BOONSBORO ROAD LAND USE PLAN



**Peakland United Methodist Church
Columbarium Wall**
Watershed Location Map

-  Project Site
-  Corporate Limit
-  Ivy Creek
-  Judith Creek

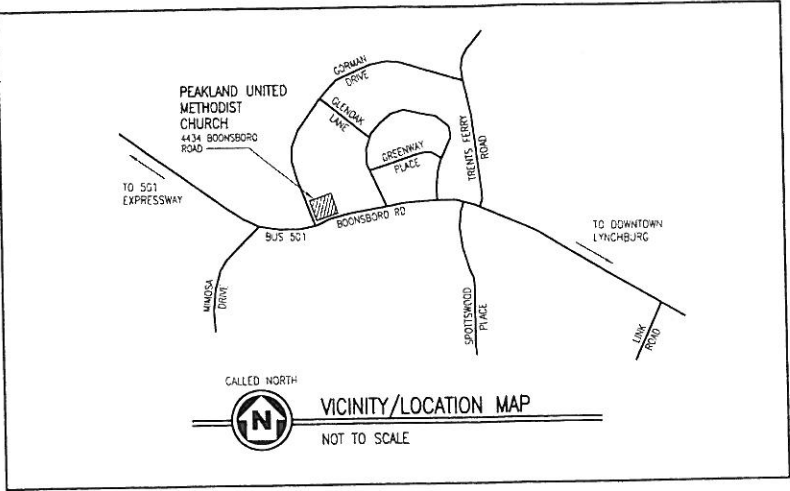




FLOOD PLAIN NOTE

This property is located in Zone "X" (not a designated flood area) according to the FEMA Flood Insurance Rate Map for the City of Lynchburg, Virginia (#5100930029D), dated June 3, 2008

**JUNE 24, 2009
RESUBMITTAL**



PLANTING/LANDSCAPING NOTE

An exact planting schedule for the front of the Columbarium Wall (side facing public view) has not been finalized, but plantings will consist of low profile shrubs such as azaleas and holly bushes, along with some blooming perennials. Height of plantings will be maintained and kept below bottom of the stone coping on the wall

- NOTES:**
- 1) SITE TW# 184-06-7-12
 - 2) SITE OWNER: PEAKLAND UNITED METHODIST CHURCH
 - 3) SITE ADDRESS: 4434 BOONSBORO RD, LYNCHBURG, VA 24503
 - 4) SITE ZONED: R-1, CONDITIONAL USE PERMIT ACQUIRED MAY 28, 2002
 - 5) PROPOSED USE: (EDUCATIONAL/OFFICE/COLUMBARIUM)
 - 6) NO INCREASE IN SANCTUARY SIZE THEREFORE NO REQUIRED INCREASE IN PARKING.

PARKING CALCULATIONS: 320 PERSON SANCTUARY * 3 = 107
PARKING SPACES REQUIRED: 142 TOTAL
EXTERIOR LIGHTING WILL BE NON-DIRECTIONAL & GLARE SHIELDED.

CURVE TABLE			
CURVE	DELTA	LENGTH	CHORD BEARING
C1	127.157	136.59	606.00 S 81.1837° W
C2	87.7700	38.08	25.00 S 41.51° E
C3	130.54	113.40	499.20 S 11.316° E

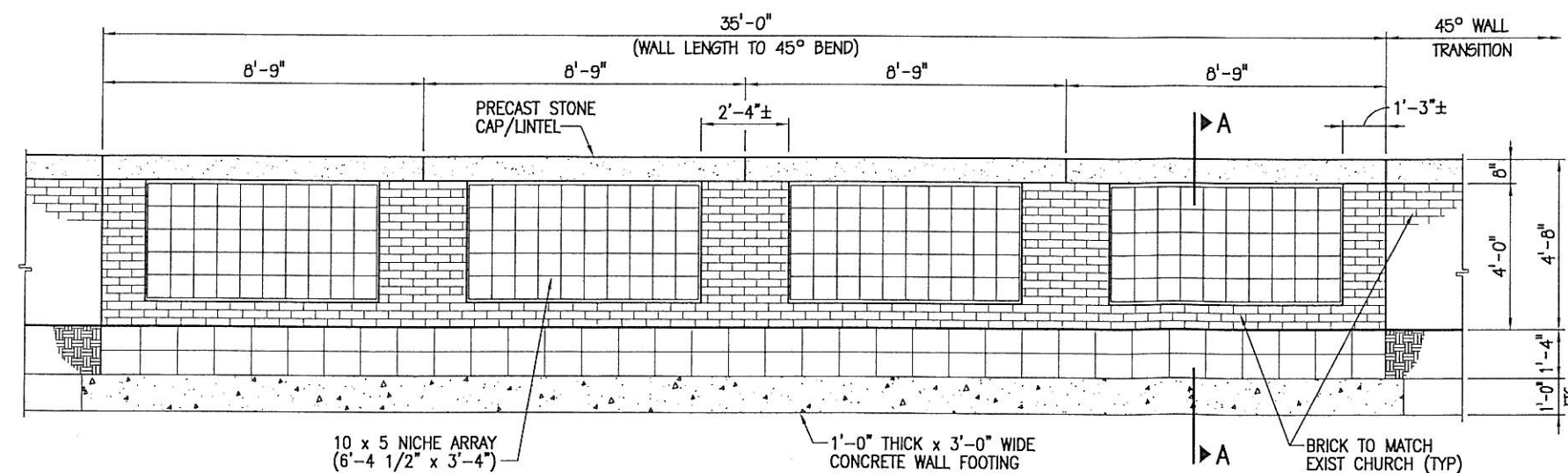
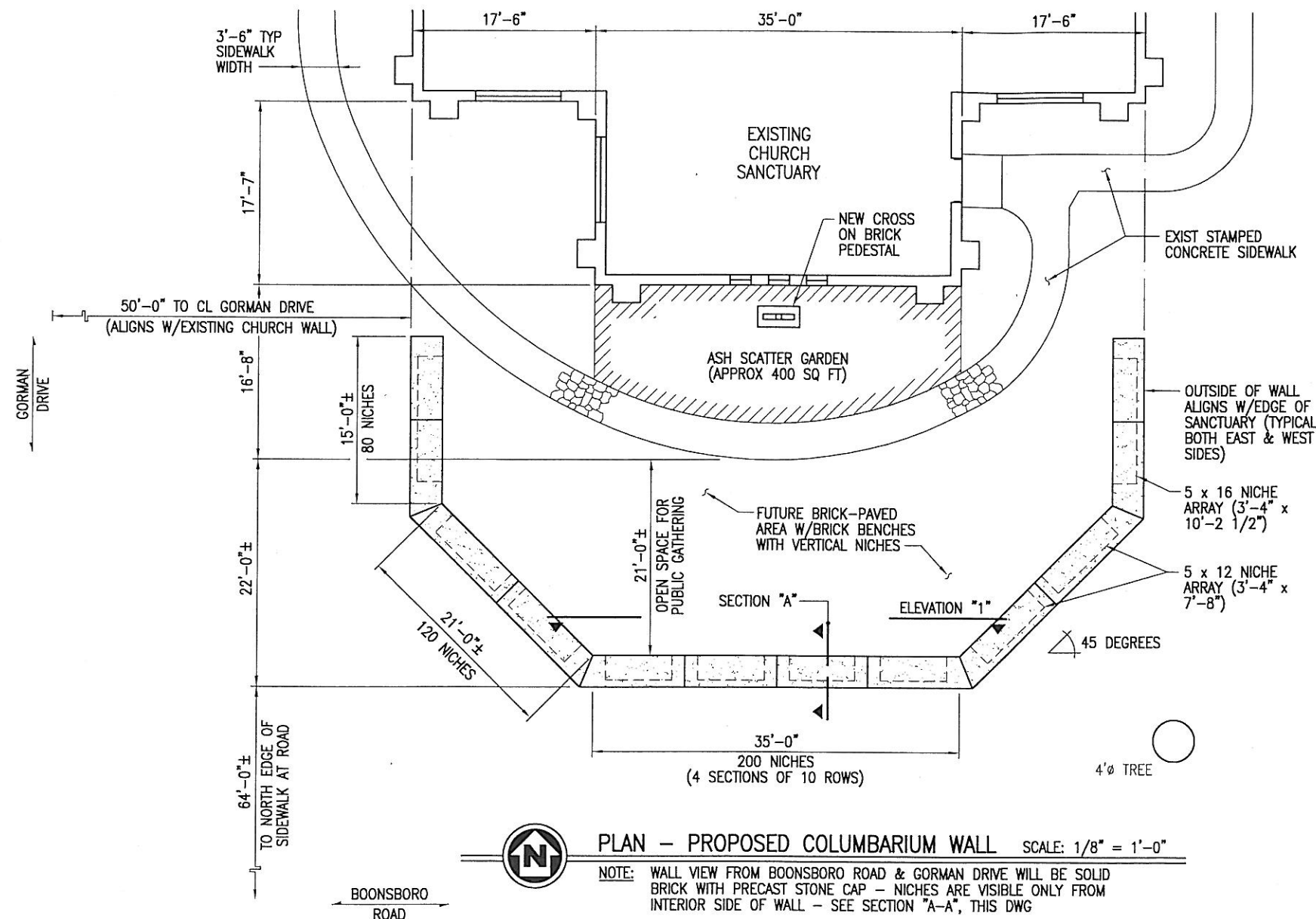
- NOTES:**
1. SITE DRAWING IS TAKEN FROM ORIGINAL DRAWING PREPARED FOR 2002 ADDITION TO CHURCH, WHICH WAS APPROVED BY THE CITY OF LYNCHBURG AND HAS BEEN CONSTRUCTION WITH CONSTRUCTION COMPLETED IN 2003. THE ADDITION IS OCCUPIED AND IN USE.
 2. THE PROPOSED NEW COLUMBARIUM WALL HAS BEEN ADDED TO THE ORIGINAL SITE DRAWING TO SHOW LOCATION. SEE ENLARGED COLUMBARIUM WALL DRAWING FOR ADDITIONAL DETAILS OF WALL.
 3. EXACT NUMBER OF NICHES AND ROW/COLUMN ARRANGEMENT WILL BE DETERMINED BASED ON VENDOR SELECTED TO PROVIDE NICHE ASSEMBLIES.
 4. THE VIEW OF THE WALL FROM PUBLIC ROADS/RIGHT-OF-WAYS WILL SHOW BRICK AND PRECAST STONE CAP ONLY—NICHE ARE VISIBLE ONLY FROM WITHIN THE WALL ZONE THAT FACES THE SOUTH WALL OF THE EXISTING CHURCH.
 5. BRICK AND PRECAST STONE WILL MATCH EXISTING CHURCH CONSTRUCTION.
 6. LOW HEIGHT LANDSCAPING, SUCH AS HOLLIES, AZALEAS AND SIMILAR PLANTINGS WILL BE ADDED TO THE OUTSIDE PUBLIC VIEW SIDE OF THE WALL AS PART OF THE WALL ADDITION.

**SITE PLAN
PROPOSED COLUMBARIUM WALL
MAY 29, 2009**

**PEAKLAND UNITED METHODIST CHURCH
4434 BOONSBORO ROAD
LYNCHBURG, VA 24503
(PH: 434 384-2791)**

RECEIVED
JUN 30 2009
**COMMUNITY
DEVELOPMENT**

NOT FOR CONSTRUCTION



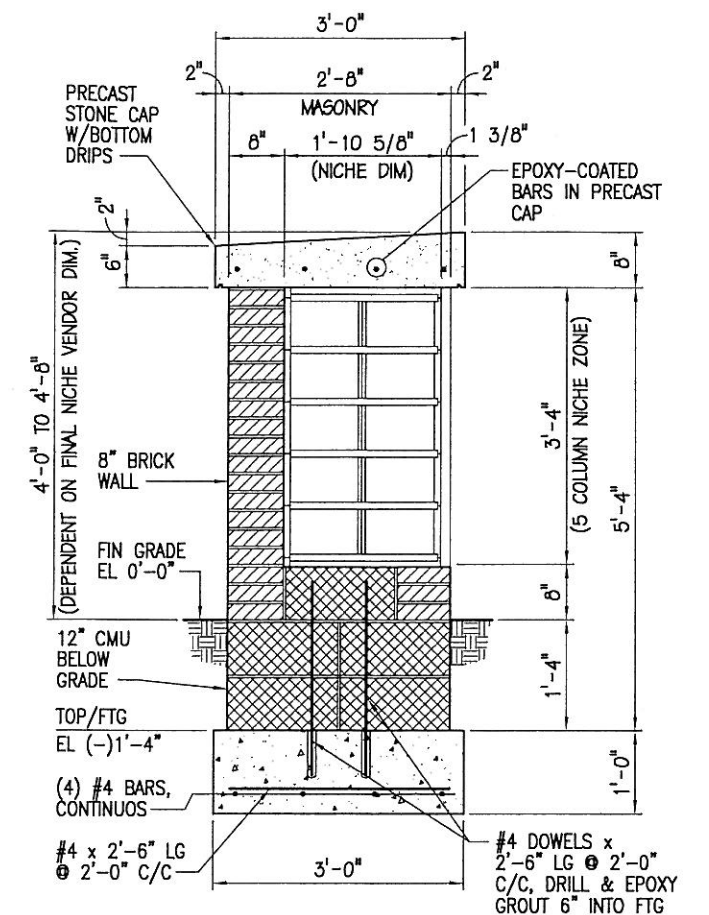
WALL ELEVATION "1" - LOOKING SOUTH (TOWARD BOONSBORO ROAD)

NOTE: BRICK AND PRECAST STONE CAP TO MATCH NEW SIGN MATERIALS

RECEIVED

JUN 26 2009

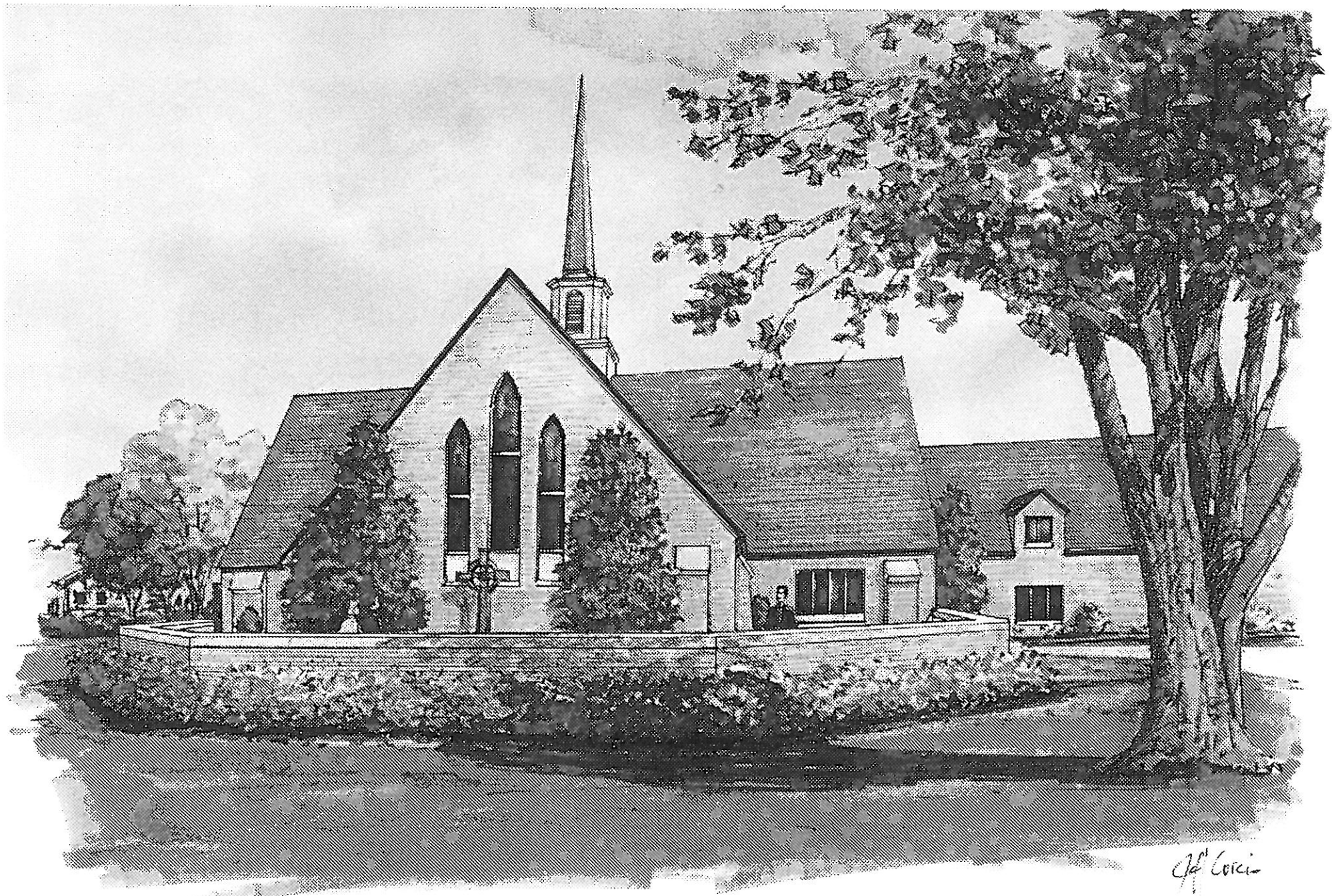
COMMUNITY DEVELOPMENT



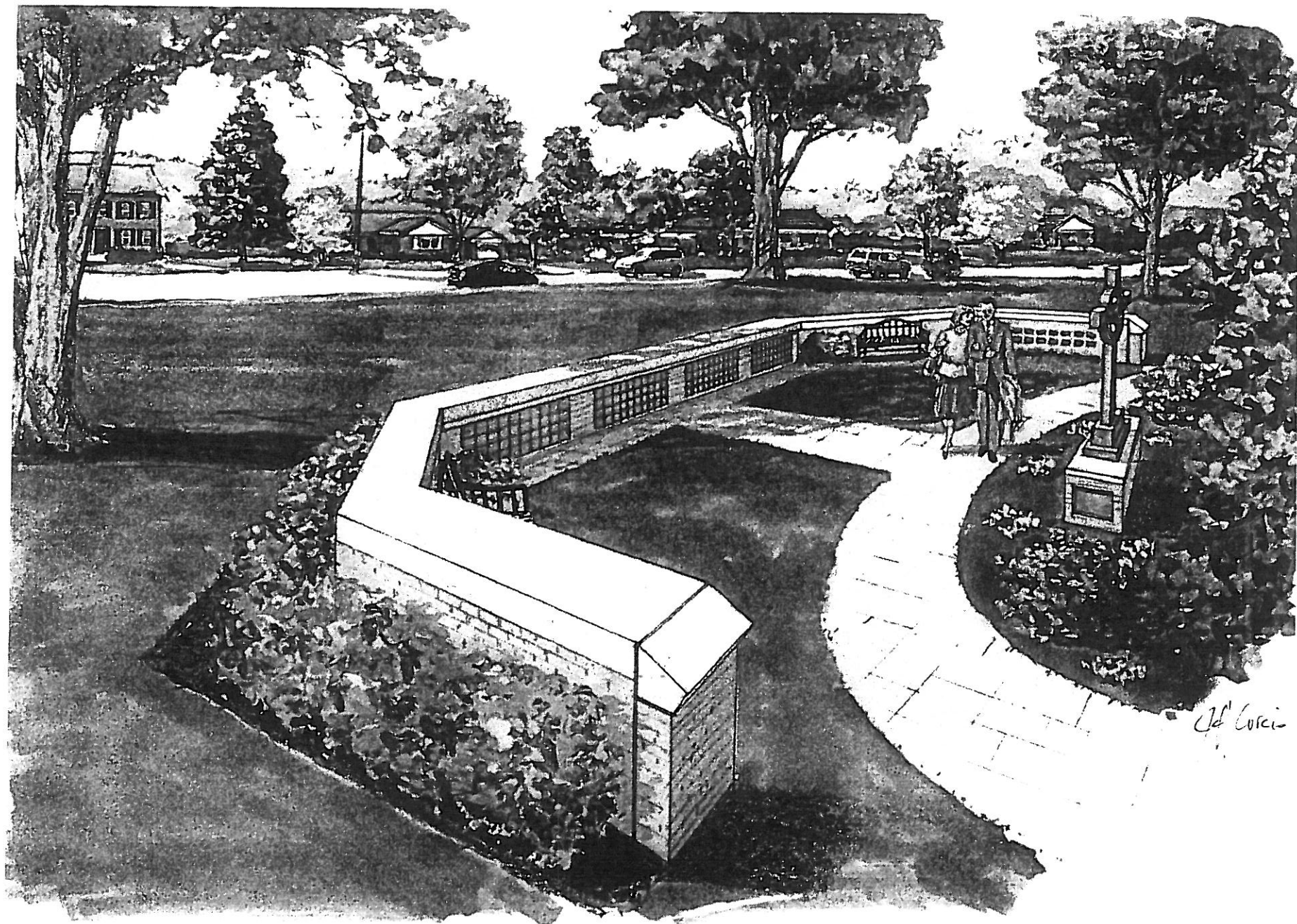
NOTE: EXACT NUMBER OF NICHE AND NICHE CONFIGURATION TO BE VERIFIED W/NICHE VENDOR.

**PROPOSED COLUMBARIUM
PEAKLAND UNITED METHODIST CHURCH
4434 BOONSBORO ROAD,
LYNCHBURG, VA 24503
CONCEPT DRAWING MAY 29, 2009**

**JUNE 24, 2009
RESUBMITTAL
NO CHANGES TO THIS DRAWING**



Ch. Corci-



LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 11, 2009**

AGENDA ITEM NO.: 10

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: Future Land Use Map (FLUM) Amendment: Office to Medium Density Residential – 1700 Graves Mill Road

Conditional Use Permit (CUP) Holly Hill Townhomes – 1700 Graves Mill Road

NOTE: This matter was mistakenly advertised for a Public Hearing on September 8, 2009, counter to Council's direction that it be reconsidered on August 11th. Once the error was discovered, the public hearing was re-advertised and notices sent advising of the August 11th consideration. Some stakeholders have indicated that they made vacation plans based on the earlier notice and will not be present on August 11th. They have been advised that any comments they wish to forward will be read into the record. While Council should proceed with the scheduled public hearing, it has at least two options for bringing this matter to closure: (1) close the public hearing after comment on August 11th and take action; (2) continue the public hearing to September 8th and then act.

RECOMMENDATION:

Approval of the *FLUM* Amendment and CUP petition.

SUMMARY:

JMU, LLC is petitioning to amend the *FLUM* to Medium Density Residential for the subject property and for a CUP to allow the construction of fifty (50) townhouses with associated parking and amenities. The City has complied with Section 15.2 -2204 of the Code of Virginia and notified Bedford County about the proposed changes within the City. Although the northernmost portion of the property is located within Bedford County, the proposed *FLUM* amendment and CUP petition would not affect Bedford's land use or zoning.

Planning Commission recommended approval of the *FLUM* amendment and CUP petition because:

- The property has not developed as a business use despite the *FLUM*'s Office designation and business zoning for the property. The proposed *FLUM* amendment and CUP petition would allow for the residential development of the property while preserving the option for commercial office uses to operate if the housing project is unsuccessful or if the property redevelops in the future.
- The petitioner has reduced the number of units from seventy-five (75) to fifty (50) total units, which is below the threshold for a traffic study and a left-turn lane warrant.
- In addition to incorporating the Scenic Corridor Overlay District standards, landscape screening and a fifty (50)-foot stream buffer along the Tomahawk Creek tributary into the design, the revised concept plan includes the preservation of approximately five (5) acres of forestal land adjacent to the single-family residential properties within the adjacent Maple Hills neighborhood.

PRIOR ACTION(S):

May 13, 2009: Planning Division recommended approval of the *FLUM* Amendment and CUP petition.

May 13, 2009: Planning Commission recommended denial of the *FLUM* Amendment (4-1, with two members absent, Hannon and Oglesby)

May 13, 2009: Planning Commission recommended denial of the CUP petition (4-1, with two members absent, Hannon and Oglesby)

June 9, 2009: City Council held a public hearing on the *FLUM* Amendment and CUP petition. The petitions were tabled until the June 23, 2009 meeting.

June 23, 2009: City Council received a revised concept plan for the project that reduced the number of proposed units from seventy-five (75) to fifty (50) townhouses; relocated the remaining units to the end of the private driveway; removed a portion of the proposed drive, a stream crossing, seventy-five (75) parking spaces, a stormwater detention basin, the townhouse units with lower level garages and the walking trail; and preserved a five (5) acre wooded portion of the property on the northern side of the Tomahawk Creek tributary. City Council determined that the proposed changes were significant and referred the petition back to Planning Commission for consideration.

June 24, 2009: Planning Commission directed Planning Division staff to advertise a public hearing for the project at their July 22, 2009 Planning Commission meeting.

July 22, 2009: Planning Division recommended approval of the *FLUM* Amendment and CUP petitions.

July 22, 2009: Planning Commission recommended approval of the *FLUM* amendment (3-1, with three members absent, Hamilton, Swienton and Oglesby)

July 22, 2009: Planning Commission recommended approval of the CUP petition (3-1, with three members absent, Hamilton, Swienton and Oglesby) with the following conditions:

1. The project will be developed in substantial compliance with the concept plan for Holly Hill Townhomes, prepared by James C. May and Associates, dated June 17, 2009 and received by the Department of Community Development on July 7, 2009.
2. The townhouses will be constructed within substantial compliance with the photographic renderings submitted by JMU, LLC as part of the concept plan and received by the Department of Community Development on May 7, 2009.
3. The requirements of the Scenic Corridor Overlay District, as defined by Section 35.1-43.3 of the City's *Zoning Ordinance*, will apply to the entire property at 1700 Graves Mill Road.
4. The petitioner will secure a twenty (20)-foot utility easement for the extension of the public sewer line from the existing public line to the property. All City reimbursements for the extension will be in accordance with City policy.

BUDGET IMPACT:

None

CONTACT(S):

Tom Martin, City Planner - 455-3990

Bonnie Svrcek, Deputy City Manager/Acting Director of Community Development - 455-3909

ATTACHMENT(S):

- Ordinance
- Resolution
- Planning Commission Report
- Planning Commission Minutes – May 13, 2009
- Planning Commission Minutes – July 22, 2009
- Vicinity Map
- Vicinity Proposed Land Use Map
- Watershed Map
- Concept Plan
- Photographic Renderings
- Speaker Sign Up Sheet

REVIEWED BY: lkp

ORDINANCE:

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP FOR THE PROPERTY LOCATED AT 1700 GRAVES MILL ROAD, FROM OFFICE TO MEDIUM DENSITY RESIDENTIAL.

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

Section 35.1-76.____. Amend the Future Land Use Map for the subject property at 1700 Graves Mill Road from Office to Medium Density Residential.

The area embraced within the following boundaries

BEGINNING AT AN IRON PIN ON THE NORTHERN RIGHT OF WAY OF GRAVES MILL ROAD, BETWEEN THE LANDS OF AGO PROPERTIES (TM# 240-13-05 AND TM# 240-14-01 RESPECTIVELY); THENCE N78°47'W 50.00' TO AN IRON PIN; THENCE N3°20'E 200.00 TO AN IRON PIN; THENCE N0°36'E 317.00' TO AN IRON PIN; THENCE N88°16'30"W 174.51' TO AN IRON PIN; THENCE N3°20'E 158.32' TO AN IRON PIN; THENCE S80°10'W 51.35' TO AN IRON PIN; THENCE N3°20'E 428.91' TO A POINT AT THE BEDFORD COUNTY LINE; THENCE N29°50'13"E 166.63' ALONG THE LINE BETWEEN BEDFORD COUNTY AND THE CITY OF LYNCHBURG TO A POINT; THENCE S53°28'E 605.88' TO AN IRON PIN; THENCE S29°51'W 95.94' TO AN IRON PIN; THENCE S30°50'20"E 178.95' TO AN IRON PIN; THENCE S3°20'W 373.94' TO A POINT; THENCE S77°30'48"W 223.90' TO A POINT; THENCE N 12°29'12"W 122.00' TO A POINT; THENCE S77°30'48"W 110.79' TO A POINT; THENCE S0°36'W 110.55' TO A POINT; THENCE S3°20'W 219.52' TO THE POINT OF BEGINNING. CONTAINING 10.04 ACRES M/L. BOUNDARY INFORMATION PER PLAT BY HURT AND PROFFITT, INC., DATED JULY 11, 1986 RECORDED IN PLAT CABINET 2 AT PAGE 273 IN THE CITY OF LYNHURG

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

Adopted:

Certified:

Clerk of Council

084L1

RESOLUTION:

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO JMU, LLC TO ALLOW THE CONSTRUCTION OF FIFTY (50) TOWNHOUSE UNITS WITH ASSOCIATED PARKING AND AMENITIES AT 1700 GRAVES MILL ROAD.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of JMU, LLC to allow the construction of fifty (50) townhouse units with associated parking and amenities at 1700 Graves Mill Road be, and the same is hereby, approved subject to the following condition:

1. The project will be developed in substantial compliance with the concept plan for Holly Hill Townhomes, prepared by James C. May and Associates, dated June 17, 2009 and received by the Department of Community Development on July 7, 2009.
2. The townhouses will be constructed within substantial compliance with the photographic renderings submitted by JMU, LLC as part of the concept plan and received by the Department of Community Development on May 7, 2009.
3. The requirements of the Scenic Corridor Overlay District, as defined by Section 35.1-43.3 of the City's *Zoning Ordinance*, will apply to the entire property at 1700 Graves Mill Road.
4. The petitioner will secure a twenty (20)-foot utility easement for the extension of the public sewer line from the existing public line to the property. All City reimbursements for the extension will be in accordance with City policy.

Adopted:

Certified:

Clerk of Council

084L2

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

To: Planning Commission

From: Planning Division

Date: July 22, 2009

Re: **FUTURE LAND USE MAP (FLUM) AMENDMENT: Office to Medium Density Residential,**
1700 Graves Mill Road
CONDITIONAL USE PERMIT (CUP): Holly Hill Townhomes, 1700 Graves Mill Road

I. PETITIONER

JMU, LLC, 316 Breezewood Drive, Lynchburg, VA 24502

Representative: Ed Ewers, James C. May and Associates, P.C., P.O. Box 718, Lynchburg, VA 24501

II. LOCATION

The subject property includes one (1) tract totaling ten and seventy-two hundredths (10.72) acres at 1700 Graves Mill Road.

Property Owner: AGO Properties, 416 Howard Drive, Lynchburg, VA 24503

III. PURPOSE

The purpose of this petition is to allow the construction of fifty (50) townhouses with associated parking and amenities.

IV. SUMMARY

- The *Comprehensive Plan* recommends an Office use in this area. Adjacent land uses as designated on the *FLUM* include a combination of Low Density Residential, Employment 2, Resource Conservation and Medium Density Residential. The petition would change the *FLUM* designation for this area from Office to a Medium Density Residential land use.
- Petition agrees with the *Zoning Ordinance* in that townhouses are permitted in a B-1, Limited Business District upon approval of a CUP by City Council.

The Planning Division recommends approval of the *FLUM* amendment and CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *FLUM* recommends an Office use for this area. Office uses are intended for small-scale office buildings with floor plans not exceeding twenty thousand (20,000) square feet and buildings not exceeding four (4) stories. **[page 5.4]** The petitioner proposes to amend the *FLUM* to Medium Density Residential for the subject property. Medium Density Residential is characterized by small-lot single-family detached housing, duplexes and townhouses at densities up to twelve (12) units per acre; the concept plan provides for a density of ten and one tenth (10.1) units per acre. The Medium Density Residential designation also provides that where neighborhoods already exist, infill development should be at a compatible density and housing type.

The Neighborhoods and Housing chapter of the *Comprehensive Plan* establishes a goal for the City to “promote the construction of new housing and rehabilitation of existing housing to satisfy the demands of an increasingly diverse local and regional housing market” **[page 10.12]**, as well as “encourage higher rates of homeownership among low- and middle-income residents.” **[page 10.14]** The plan also emphasizes the need to “promote the ... re-creation of mixed use residential communities that incorporate a mix of housing types with pedestrian oriented streets, small-scale neighborhood oriented office and commercial uses and neighborhood parks and squares” by “encourage[ing] a range of housing types in appropriate locations.” The proposed townhouse units

would be marketed as single-family attached homes “for sale,” providing a housing option not currently available within this area; adjacent residential uses include single-family detached homes, multi-family apartments, assisted living and independent living facilities. The project design provides for a buffer along the southern property line of the adjoining property that is proposed for future office developments, as well as the preservation of approximately five (5) acres of forestall land along the northeast property line adjacent to the single-family neighborhood. The project would also incorporate pedestrian features along the entrance to the property that is shared with the nearby apartments.

The Economic and Employment Area chapter of the *Comprehensive Plan* prompts staff to “identify areas of the City with the potential, through redevelopment, to support the expansion of existing and the attraction of new industrial and office development.” [page 9.6] Planning staff asked the Department of Economic Development to review the project with regard to the potential land use change for the area. Economic Development had no objection to the proposed townhouse project, noting that the CUP did not prevent an office use if the housing project is unsuccessful or if the property redevelops in the future. They also noted that the concept plan indicates the petitioner’s intent to use a portion of the property for a future office development.

Existing land uses within this area include a combination of single-family and multi-family residential units, commercial businesses and industrial properties. The adjacent zoning includes a mixture of low density residential, limited commercial and light industrial zoning for all of the neighboring properties and the *FLUM* designates Office, Low Density Residential, Employment 2, Resource Conservation and Medium Density Residential uses within the immediate vicinity. The proposed *FLUM* amendment and CUP petition would allow for the residential development of the property while preserving the option for commercial office uses to operate if the housing project is unsuccessful or if the property redevelops in the future. In addition, the proposed townhouses would provide a number of residences to support the businesses within the area, as well as provide a land use transition area between the existing single-family residential uses and the adjacent multi-family apartments and commercial businesses.

2. **Zoning.** The subject property was annexed into the City in 1976. The existing B-1, Limited Business District was established in 1978 with the adoption of the current *Zoning Ordinance*.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the development of the property as proposed.
4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - On January 11, 2005, City Council approved Millside Development, LLC’s CUP petition to allow construction of a Cluster Commercial Development (CCD) that would include approximately thirty-five thousand (35,000) square feet of office space, an independent living facility with approximately one hundred and twenty (120) units and common use parking facilities.
 - On July 13, 2004, City Council approved Home Depot’s CUP petition to allow fill within the limits of the one hundred (100)-year floodplain at 1200 Graves Mill Road.
 - On August 13, 2002, City Council approved Miller-Motte Technical College’s CUP petition to allow the petitioner to establish a technical college for up to two hundred and fifty (250) students at 1011 Creekside Drive.
 - On December 12, 2000, City Council approved Lowe’s Home Centers, Inc.’s CUP petition to allow fill within the limits of the one hundred (100)-year floodplain at Creekside Drive and Graves Mill Road.
 - On September 12, 2000, City Council approved First Assembly of God’s CUP petition to construct a church and parking area at 1208 Graves Mill Road.
 - On January 12, 1999, City Council approved Petrie, Dierman and Kughn’s petition to rezone several parcels in the Creekside area from B-5C, General Business District (Conditional) to B-5C, General Business District (Conditional), and a CUP petition to permit fill within the limits of the one hundred (100)-year floodplain to allow construction of a retail development.

- On August 12, 1986, City Council approved Hutter Associates, Inc.'s petition to rezone approximately sixty-three (63) acres in the Creekside area, from R-1, Single-Family Residential District, to B-5C, General Business District (Conditional), and R-4, Multi-family Residential District, to allow speculative development of commercial and multifamily uses.
 - On April 14, 1981, City Council approved Iseman's petition to rezone approximately eight (8) acres at the end of Omega Drive from R-1, Single Family Residential District, to R-2C, Single Family Residential District (Conditional).
5. **Site Description.** The subject tract includes just over ten and a half (10.5) acres of undeveloped forestall land, with approximately fifty (50) feet of road frontage along Graves Mill Road. The property is bound to the north by a combination of vacant commercial properties and single-family homes within the Maple Hills neighborhood; to the east by vacant commercial property and the Millside Centre CCD; to the south by multi-family apartments, commercial buildings and the Millrace Industrial Park; and to the west by multi-family apartments, commercial buildings and vacant commercial property.
6. **Proposed Use of Property.** The petitioner has submitted a revised concept plan for the construction of fifty (50) townhouse units with associated parking and private amenities. The proposal reflects a revision to the original petition for seventy-five (75) townhouses that was recommended for denial by Planning Commission at their May 13, 2009 meeting. Following City Council's review of that petition on June 9, 2009, the petitioner submitted a revised plan that reduced the number of proposed units from seventy-five (75) to fifty (50) townhouses for Council's consideration at their June 23, 2009 meeting. City Council determined that the change was significant and referred the petition back to Planning Commission for consideration. In addition to the removal of twenty-five (25) townhouses, the revised plan provides for the relocation of the remaining units to the end of the private driveway, as well as the removal of the balance of the proposed drive, a stream crossing, seventy-five (75) parking spaces, a stormwater detention basin, the townhouse units with lower level garages and the walking trail. The property on the northern side of the Tomahawk Creek tributary is shown to remain wooded.

The balance of the petition remains as originally proposed. The site is served by City water; however, public sewer is not available to the site and it will be the responsibility of the petitioner to secure the necessary easements to extend this service to the property. Once the easement is obtained, the City would extend the public line to the property and the developer would install the private service lines for the individual units. A portion of the property is within the limits of the Scenic Corridor Overlay District (SCOD) and staff recommended that the standards of the district be applied to the entire property. The petitioner's concept plan proposes two (2)-story units with basements that would be a combination of brick and vinyl. Sidewalks and crosswalks would be provided to common areas throughout the site and landscaping for the development would comply with the requirements of the City's *Zoning Ordinance*. Landscape requirements include street trees, parking area landscaping, parking area screening, vegetative buffer plantings, foundation plantings and utility area screening. In addition, the concept plan indicates a landscape buffer along the rear yard of units one (1) through thirteen (13) to screen them from the proposed future office area and Graves Mill Road. The design also includes a fifty (50)-foot stream buffer along the unnamed tributary of Tomahawk Creek.

7. **Traffic, Parking and Public Transit.** The petitioner originally proposed a seventy-five (75)-unit townhouse complex that generated four hundred forty (440) daily trips and thirty-nine (39) evening peak hour trips. Since these numbers were close to the thresholds for requiring a traffic study (which are five hundred (500) daily and fifty (50) evening peak hour trips) and, given the amount of traffic on Graves Mill Road, the City requested that the petitioner complete a traffic study for the project. The results of the traffic study showed that the capacity of the road network could handle the additional traffic, but it did suggest that a left-turn lane be constructed. However, since then the petitioner has reduced the number of units from seventy-five (75) to fifty (50) total units, a traffic study would no longer be required and a left-turn lane would not be warranted.

Parking requirements for the proposed development are set at two and one half (2.5) spaces for each residential unit by the City's *Zoning Ordinance*. The proposed fifty (50) townhouses would require a total of one hundred twenty-five (125) parking spaces. The concept plan indicates one hundred twenty-six (126) parking spaces would be provided, thus meeting the requirements of City Code.

Greater Lynchburg Transit Company's (GLTC) Route 7 runs along Graves Mill Road with a bus stop approximately five hundred (500) feet from the entrance to the site at the intersection of Millrace Drive and Graves Mill Road. However, access to the existing stop is limited since potential users would need to cross Graves Mill Road to reach the stop.

8. **Stormwater Management.** New impervious area for the townhouses and parking area exceeds the one thousand (1,000) square foot threshold for stormwater management; as such, the project would require a plan to address water quantity and quality of the surface water run-off. Stormwater from the development would be directed to a proposed detention pond before being released into the Tomahawk Creek tributary at a rate not to exceed the pre-development run-off rate. Preliminary review of the stream indicates that the channel is adequate to receive the water from the basin. Stormwater quality would be addressed through a variety of best management practice options including, but not limited to, vegetated filter strips, grassed swales and bioretention basins that will filter the surface water and promote infiltration.

9. **Emergency Services.** The petitioner's original design provided a fire lane connection between units one (1) through thirty-seven (37). The revised concept plan incorporates a fire lane connection between the two (2) respective drive aisles that serve units one (1) through fifty (50). The revision is acceptable to the Fire Marshal.

The City Police Department commented that the parking lot area surrounding the building should be well lit and recommended wall-mounted lights on the sides of the building, as well as motion sensor flood lights for the area at the end of the building to deter criminal activity. It was also noted that the pedestrian crosswalks should be clearly marked and a raised crosswalk (speed cushion) was recommended on the main drive to slow traffic entering the complex. The petitioner has incorporated a raised crosswalk into the revised concept design and the final lighting layout would be determined during the site plan review process.

10. **Impact.** The proposed reduction of twenty-five (25) townhouses from seventy-five (75) to fifty (50) residential units mitigates many potential impacts to the surrounding area that had to be considered as part of the original proposal. Although the proposed density of the project would increase from seven and nine tenths (7.9) to ten and one tenth (10.1) units per acre, the density is still within the twelve (12) units per acre density recommended by the *Comprehensive Plan*. In addition, the fifty (50) townhouses are below the threshold required for a traffic study and traffic volume warrant for the left turn lane that was originally recommended for the project.

City Code requires that the project would be served by public utilities. Although public water is available to the property at Graves Mill Road, City sewer must be extended to the property to serve the townhouses. Staff recommends that the CUP define the petitioner's responsibility to secure a twenty (20)-foot utility easement for the extension of the public sewer line from the existing public line to the property. All City reimbursements for the extension would be in accordance with City policy.

Since a portion of the property is within the limits of the SCOD, City staff discussed options with the designer that would ensure the entire project would comply with the standards of the overlay district. The final concept plan incorporates the necessary setback, underground utilities, exterior lighting and architectural treatment standards, and staff recommends that the CUP apply these standards to the entire property. In addition to incorporating the SCOD standards, the design also includes landscape screening of the units that would be visible from the public street and adjacent offices, a fifty (50)-foot stream buffer for the stabilization of the Tomahawk Creek tributary and the preservation of approximately five (5) acres of forestall land adjacent to the single-family residential properties within the adjacent Maple Hills neighborhood. Although pedestrian access to mass transit is limited from the development, the proposed sidewalks would provide connections for townhouse owners and the apartment residents (that share the common driveway) to the offices and businesses along Graves Mill Road. Parking, stormwater management and emergency services concerns have all been addressed to the satisfaction of City staff, and the result is a project that would provide an appropriate residential transition between the adjacent commercial, multi-family and single-family residential properties.

11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on April 6, 2009. Comments related to the proposed use were minor in nature and have or will be addressed by the developer 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 JMU, LLC's petition to amend the *Future Land Use Map* from Office to Medium Density Residential at 1700 Graves Mill Road.

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of JMU, LLC's petition for a conditional use permit to allow the construction of fifty (50) townhouses with associated parking and amenities in a B-1, Limited Business District at 1700 Graves Mill Road, subject to the following conditions:

- 1. The project will be developed in substantial compliance with the concept plan for Holly Hill Townhomes, prepared by James C. May and Associates, dated June 17, 2009 and received by the Department of Community Development on July 7, 2009.**
- 2. The townhouses will be constructed within substantial compliance with the photographic renderings submitted by JMU, LLC as part of the concept plan and received by the Department of Community Development on May 7, 2009.**
- 3. The requirements of the Scenic Corridor Overlay District, as defined by Section 35.1-43.3 of the City's *Zoning Ordinance*, will apply to the entire property at 1700 Graves Mill Road.**
- 4. The petitioner will secure a twenty (20)-foot utility easement for the extension of the public sewer line from the existing public line to the property. All City reimbursements for the extension will be in accordance with City policy.**

This matter is respectfully offered for your consideration.

William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Charlene B. Montford, Director of Community Development
Mr. J. Lee Newland, City Engineer
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Mr. Robert Fowler, Zoning Administrator
Battalion Chief Greg Wormser, Fire Marshal
Ms. Cynthia L. Kozerow, Lynchburg Police Department
Mr. Kent L. White, Senior Planner
Ms. Erin Hawkins, Environmental Reviewer
Mr. Uel Hartless, JMU, LLC, Petitioner
Mr. Ed Ewers, James C. May & Associates, Representative
Mr. Rick Read, Coldwell Banker Forehand & Company, Owner Representative

VII. ATTACHMENTS

- 1. Vicinity Zoning Pattern**
- 2. Vicinity Proposed Land Use**
- 3. Watershed Location Map**
- 4. Letter from Petitioner**
- 5. Concept Plan**

MINUTES FROM THE MAY 13, 2009 PLANNING COMMISSION MEETING (MINUTES HAVE BEEN APPROVED):

a. Petition of J.M.U., LLC to amend the *Future Land Use Map* from an Office use to a Medium Density Residential use and for a conditional use permit to allow the construction of 75 townhouses with associated parking and amenities in a B-1, Limited Business District at 1700 Graves Mill Road.

Mr. Martin addressed the commissioners with the following comments. The petition proposes the construction of 75 townhomes of mainly brick and vinyl. The property is currently zoned B-1, Limited Business District, which would allow townhomes upon approval of a conditional use permit (CUP). The *Future Land Use Map (FLUM)* recommends an Office use for the property. The petitioner is proposing reserving 1.16 acres on the southern portion of the development for future office development but does propose a *FLUM* amendment to Medium Density Residential for the remainder of the property to allow the townhomes to be in compliance with the *FLUM*. A Medium Density Residential designation would allow single-family homes, duplexes or townhomes with densities of up to 12 units per acre.

City water is available to the site; however, city sewer would only be available upon obtaining an easement from a private property owner most likely in the northeastern corner of the property. This would need to be obtained by the petitioner and would not be obtained by the City.

The petitioner has conducted a traffic study. It does show that the current entrance location would work and a right turn lane would not be warranted; however, a left turn lane would be warranted due to the high traffic volume on Graves Mill Road. The City's Transportation Engineer has recommended, however, that, if at all possible, an easement be obtained somewhere in this area here (Mr. Martin indicated on the site plan) to allow the alignment of the entrance with the existing traffic signal.

Stormwater management would be addressed through the use of two detention facilities located on the property and stormwater quality would be addressed through various bioretention measures.

Bus service is available on Graves Mill Road; however, it is on the opposite side of Graves Mill Road approximately five hundred feet from the entrance. It is highly unlikely residents of this property would be able to use that because of traffic volume on Graves Mill Road.

Chair Hamilton asked for the representative for the petition to come forward. Mr. Jim May and Mr. Ed Ewers of James C. May & Associates came forward, as well as Mr. Mark Hartless, the representative for J.M.U., LLC. Mr. May indicated that the Hartlesses are no strangers to this type of development in Lynchburg and surrounding areas. Mr. Ewers reiterated that it will be a 75-unit townhouse development on the property's existing wooded area. It has a creek running down through the center of it. The developers will be leaving as many of the existing trees on the site as they possibly can. The area along the creek will not be developed at all; it will be left as a natural recreation area with a walking trail. Any place where there is a residential area will be buffered with an evergreen buffer that the City requires between multi-family and residential areas, so that the people in the single-family areas will be least affected by the development. There will be a City sewer and water system put in by the developer.

The site has been vacant for six or seven years. Mr. Ewers provided some photos of what the property looks like now and what the townhomes will look like. There is trash in areas, as well as downed trees. The townhomes will be two-story townhomes. There will be landscaping. They believe it will be an improvement to the site from what is there now. As planning staff's report states, it will be a transition area from the commercial area on Graves Mill Road to the single-family residential area. All City standards will be met, as well as all fire services.

Mr. Hartless stated that they feel it will be a benefit to the community and will be an improvement over what is there now. He really wants to do something positive that fits a need that is not being met right now by trying to keep them as affordable as possible. They will not get carried away with the overall design of the product, but at the same time maybe offer some amenities in the area, such as a common area that will be beneficial to the entire site.

Mr. Rick Read of Coldwell Banker came up next to speak in favor of the petition. He represents the seller. He has had this property since August 2004. He has had numerous people look at it, none of which have looked at it for an office use or any use that is allowed in B-1. Everyone that has looked at this property has either wanted to do this type of development or multi-family for rent. He thinks that this is a good use for the property and a chance to get a property developed that has been on the market for a long time with no interest other than what is being proposed.

Mr. Read asked Mr. Martin if the left turn lane is possible without picking up some right-of-way on either side of Graves Mill Road. Mr. Martin said he was not sure. Mr. Read also wondered about the Scenic Corridor Overlay District requirement for the whole property. He asked if the entire property falls within that district because the property slopes down and away from the road. As you ride along the road, you will not be able to see down into the property. It seems to him that might be a little stringent of a requirement for something that cannot even be seen from the road.

Chair Hamilton asked for anyone else present to speak in favor of the petition. No one came forward. She asked for anyone present to speak in opposition to the petition. Ms. Ann Scott of 109 Omega Court came forward. She is here on behalf of the homeowners of the Maple Hills subdivision to read a prepared statement about the proposed project. Before reading the statement, she mentioned that the pictures that were shown by Mr. Ewers are not the view that they get from their community. The woods there are absolutely gorgeous and they have never seen anything like what is represented in the pictures.

She read the following statement: "We oppose the rezoning of the property located at 1700 Graves Mill Road from zone B-1, and we specifically oppose the granting of a *Future Land Use Map* amendment and a conditional use permit for the express purpose of building a townhome complex on the site. We consider the building of a townhome community on that site an encroachment on our quality of life, a detriment to our property values and an infringement on our right to own homes in the type of community we choose—not in a community that is forced on us.

Maple Hills is a quaint, family friendly, tree lined little community. It is truly a diamond in the rough, and we feel like we are under attack. Communities like Maple Hills are being systematically destroyed by claims of developers providing home solutions. Lynchburg has become saturated with townhome communities that promise to promote an increase in home ownership, some of which are located only four minutes from the proposed site and many of which remain unsold and have become rental units. The City may be better served by developers concentrating on the rehabilitation of existing houses and abandoned buildings, not adding more buildings to the problem.

We, the residents of Maple Hills subdivision, are vested in our community, the developers are not. The developers get to construct this unit and go home, probably to homes that don't back up to townhome complexes. Our neighborhood has barely over 100 homes; this proposed project will completely overpower this community. We love our neighborhood. We look out for each other's children and pets. We feel safe walking at any hour of the day. We respect each other's privacy, but at the same time we are there when a neighbor is in the need. Isn't that what a community should be? If approved, this project would change the dynamic of this neighborhood.

When we bought our homes in this neighborhood, we researched the surrounding properties. We knew the property located at 1700 Graves Mill Road was zoned B-1 for business and office use, so we felt safe purchasing. There is absolutely nothing wrong with communities like Wyndhurst, but if we wanted to live in a Wyndhurst-like community, we would have bought homes there. If this proposal is approved, we will fundamentally and against our will be forced to live in the very type of community that we did not wish to live in and we would literally have been forced to buy property where we did not want to own property. We neither want to live or own a home in a neighborhood with a townhome complex—in some cases, less than fifty feet away. That is not what we purchased.

Unlike the developers, we are not asking the City to change anything. The property already corresponds perfectly with the City's plan for development in the area and it meets the *Future Land Use Map* recommendation. We are trusting the City to honor the public process that allowed this area to be zoned for business and office use and are asking you not to change it. The economic and employment portion of the City's *Comprehensive Plan* supports new industries and office developments, not townhome development, in this area. Lynchburg needs businesses and industries that will supply hundreds of sustainable jobs before people can even consider buying homes. This project will not add hundreds of sustainable jobs, but it will add to the already oversaturated townhome market. There may have been a need for this type housing a few years ago. Surely that need has been met. More and more people are leaving the City to get away from this type of development. Our homes are literally one block from the Bedford County line. Many of us agree it would have been very easy to buy homes in Bedford County, but we wanted to live in Lynchburg, even with Lynchburg's higher property taxes. Many of the people who would purchase townhomes are looking outside the City because of these taxes and now those of us who can afford to pay these taxes are being driven out as well. At some point, the revenue from these developments can't be worth it and they should never be at the expense of what makes people want to live here.

We realize the owner of 1700 Graves Mill Road has a right to develop this property but only within the current zoning and certainly not to the detriment of the surrounding property. We are not lawyers. We don't have the money to fight big businesses or in some cases, we don't even have the money to move and in actuality, we shouldn't have to. Surely

democracy dictates that we the people have some rights and all these people in this small little community cannot be wrong. Why should we not expect the City to honor the current plan that it has set forth for that area and not change the zoning? If we keep going in this direction that we are going, Lynchburg is going to lose what makes it such a special place to live and one of those things that make it so special is little communities like Maple Hills. We are asking that you vote no to the desecration of our community, no to the petition to rezone the property located at 1700 Graves Mill Road, no to the *Future Land Use Map* amendment and no to the conditional use permit for the express purpose of building the townhome complex. And I thank you very much.”

Chair Hamilton thanked Ms. Scott and asked for anyone else present to speak in opposition to this petition. Mr. Sherman Thomas of 1714 Graves Mill Road came to speak next. His opposition to this plan is traffic. We already have a problem on that road with traffic. With the four lanes there already, they have a problem getting in and out of their driveway. The speed limit is high and there are speeders that come through there. The speed limit is 35 mph in front of his house, but you have cars coming through there doing 55 mph and people trying to get out of their driveways. Now you are talking about, right adjacent to his property, putting in an exit for 75 more homes that will be coming out on Graves Mill Road. He wanted to know what the City's plans are for the traffic. At the bottom of the hill with Old Graves Mill Road—the new cut behind the insurance company—you have a hydroplaning situation when it rains. You haven't looked at the real far ranging effects of what the new projects are doing as far as the roads and traffic and drainage. Where is the water going to flow? This is what he is concerned about and what about the people who have single-family homes. Are you all going to force us out? Are you all going to buy our property? We didn't want to live with townhouses. You are going to have a lot of people moving in and out with townhouses. He has known some of his neighbors for over thirty years. That is not going to be true of these townhouses. He already has problems with the townhouses directly beside him with people coming in and out. There is also a problem with the trash.

Mr. Bill Haynes of Maple Hills subdivision came up next to speak in opposition to the petition. It is very easy for him to understand how a developer would want to look at this beautiful wooded area and want to build something there. He understands the motivation and doesn't blame him. What is less easy for him to understand is why the City would go back on its promises and betray those who thought they were going to an area that was not going to change. It is a very simple question of honesty, prediction and performance of what was committed before. The *Future Land Use Map* looks very sensible to him. He questioned the comment in the report as this development being a sensible land use transition between commercial properties and single-family homes. To him, the ideal land use transition is the beautiful forest that is there. He felt that they had lost the argument with the Planning Commission and what they will do. As far as the residents are concerned, this is the opening battle of what is going to be a campaign to City Council.

Chair Hamilton thanked Mr. Haynes and told him they had not lost any argument yet. The commissioners are still hearing from everyone.

Mr. Jay Park of 107 Omega Court came forward next to speak in opposition to the petition. He has resided there for about five years and has four children. They moved there because of the wooded area. It was something that was affordable and had good school systems that provide a great education to his children. It gives them a buffer from the activity that is going on and they have wildlife as well, and they enjoy it. He has some concerns about the runoff. He has a creek that has timbers falling into it. With any more trees taken off and more runoff, which he thinks this development could cause, it would erode even more. It would do negative impact to his land. He also understands that there may be a connection road that would be hooked up to Woodbury, but he was informed that there would not be. His opposition is that he is not sure that it is the best use of the land. He thinks we have enough townhomes in our community. He sees them all over. He is not an expert at saturation levels. He would not say that it is saturated, but he feels that there are enough out there. He hates to have the amenities of where he lives taken away. He likes the City schools and doesn't want to have to move, but he will do what is best for his family if his hand is forced.

Chair Hamilton asked if anyone else wished to speak in opposition. No one came forward. She asked for a show of hands of those in opposition, and five people raised their hands. She then asked for Mr. May, Mr. Ewers and Mr. Hartless to come back up and address these concerns

Mr. Hartless commented that he has heard some valid concerns. He has also heard some reasons why people chose the Maple Hills area, such as affordability and things of that nature. That is what they are trying to extend to others as well. The City has to rely on a certain number of people for its taxes. He researched this project and pored through a lot of the City's challenges that are stemming from the millions of dollars it costs the City in sewer and water and infrastructure projects and maintenance. The revenue has to come from somewhere. If we can't increase the tax base, the burden will bear even more on those of us who already live in the City.

Mr. Ewers commented on the increase of runoff. There are City requirements that you cannot release any more runoff from the property than the predevelopment rate. The amount of water that is running off would require calculations and there will be stormwater detention ponds that will contain this water and only release the same amount of water that is running off now. Someone mentioned the photos, and these were taken just the other day. Of course, it is a nice treed area right now. It could be developed as offices or business, and they could be built right up against the property line and they wouldn't have to have the buffer that they are leaving. They are leaving a fifty-foot setback from anyone in Maple Hills and they are planting a 20-foot evergreen buffer. In the winter, they will see whatever is laying on the ground now. The buffer would keep them from seeing any of the townhomes.

A traffic impact study was done by a qualified group. It was determined that the amount of traffic coming out onto to Graves Mill Road would not be detrimental. The location of the entrance is in a place where the sight distance is okay in both directions for people coming in and out. The City is also talking about adjusting the timing of the light at Mill Race Court, so it would stop traffic for a longer period of time and allow people to get in and out of their driveways. The owner would also like to apply to VDOT or the City at some time to reduce the speed limit to serve the entire community. This has been designed so that there is no adverse effect on Maple Hills. They are directing the flow of traffic out of there and buffering it as much as they can.

Mr. May addressed the economic concerns. There are young people who have given up their single-family homes and moved back in with their parents. This is a sign of the times. We hope that we are at the bottom of this recession, but we can't live like an ostrich. We have to look ahead and the Hartless family is looking ahead. There is a need for affordable housing. The time of the \$250,000 townhouse and anything in that range is not gone, but right now, they are not selling. The proposed selling price of these townhomes is in the area of \$110,000 to \$130,000. They feel that with that goal and the \$8,000 credit that is available to first time homebuyers, this will be a facility that is not already available in Lynchburg. It could soon be available if Planning Commission and City Council agree that this is a worthwhile project. The developers have agreed to invest their money to meet what they perceive to be a real need.

Chair Hamilton invited Ms. Scott back up for a rebuttal. She commented that they had limited time to respond to this project. The developers have months to plan these types of things and what they are going to say and do. These procedures seem to be stacked against homeowners and the ordinary person because they didn't have a lot of time to research. However, there are currently about 200 townhomes for sale in the City of Lynchburg. They also researched a few things from realtors. People who would buy townhomes are leaving the City because they can't afford the taxes. Those of us who can afford to purchase homes and pay taxes want to live the way they want to live and not have projects forced on them so that we make the decision to leave the surrounding area.

She is sure they will be nice townhomes and she is sure that the intent is to put them up for sale. But in reality, they will be like the other townhomes in the City; they will turn into rental units and people are going to be coming and going. She pointed out the buffer area on the site plan and where her house is. She could sit in her kitchen and throw a biscuit across the stream, which is actually eroding from all the runoff. Runoff comes in her yard from three directions. It runs down the hill into the back of her yard. It runs from the cul-de-sac into the back of her yard and it runs from a four-foot corrugated tube that belongs to the City and is in her yard. Every time we get a heavy rain, that creek floods and she gets erosion and runoff. Her retaining wall is leaning over. There is nothing they can do about it. They bought the house knowing that the sewer is on the property, that the tube is on the property and that the stream may be eroding the land. But they bought the land for the feel of the community. They do not want to lose that feel. Just as much as the owner has a right to develop the property, they have a right to buy what they thought they were buying. They knew that this property was zoned for business. They trusted that it would not change. They live with their business neighbors on both sides. They are sandwiched on both sides by highways. They tolerate it because they love their community. She is asking them not to change it. She also pointed out that there will be foot traffic through their property to get from one highway to the other.

Chair Hamilton closed the public hearing portion of the petition. She asked for any initial questions from the commissioners.

Commissioner Swienton asked Ms. Scott to come back up for questions. He asked her if she was speaking on behalf of the neighbors and she said she is. Commissioner Swienton commented that this property is currently zoned for business and the *Comprehensive Plan* calls for it to be Office use. He asked her if it was developed according to current zoning and/or according to the *Comprehensive Plan*, would she or any of her neighbors have any objections to that. She said absolutely not. They would not try to tell the owner that he cannot develop his property. They live with businesses above them with no problem.

Commissioner Sale commented that she had mentioned a current market of 200 townhouses. How many are available for sale in a five-mile radius of this area? Ms. Scott said they had not had time to actually count how many are in the 02 zip code. They do know there are over 400 homes for sale in the 02 zip code. Ms. Scott said that she and others had driven around though, and within five minutes in any direction, you can reach a townhome development with empty units.

Commissioner Sale asked Mr. Read to come back up for questions. Commissioner Sale asked him if his testimony is that the *Future Land Use Map* for this area is wrong. Mr. Read said that is correct because it is not desirable for office use. He said that is due to the lack of visibility. It is down from Graves Mills Road. Also, the accessibility is an issue. On ten acres, you could easily put in ten different office buildings, 100,000 square feet. You could easily have 500 people working on that site, and there is no way you could handle that volume of traffic out of one entrance. He does not see it ever being an office development. That site was there long before a lot of the office development took place further to the west. This is a fairly attractively priced piece of land. If it is developed as office, you are still going to have the same amount of runoff, unless someone put in a high rise, which is not going to happen. It would have a lot of parking and he thinks you would get more runoff out of an office project.

Commissioner Sale asked him to look at the aerial photo of the surrounding area. He asked Mr. Read if he knew how much of the B-1 zoned area is in actual use. Mr. Read said all the big buildings are in the industrial park and to his knowledge, every one is occupied. The small offices along Graves Mill Road have numerous vacancies. Forest Professional Park, which has eleven buildings, probably has about 10 percent vacant of its over 100,000 square feet. It is one of the most successful projects there from an occupancy standpoint. There is not a great demand, in his opinion, for office space in that area at the present time. Commissioner Sale asked if it was overbuilt for office space. Mr. Read said that if there is a need in office space right now, it is in the larger, maybe 10,000 to 12,000 square feet range. There are a bunch of smaller office spaces. Mr. Read also pointed out that it would be difficult to get financing right now, if you did not already have a tenant. There is not much speculative financing going on right now.

Commissioner Sale asked Mr. Martin about the reference to this project being a transition from commercial to single-family residential. The *Future Land Use Map* did not see that as a need. Economic Development had stated that they did not see this property needed for economic development in the future. Commissioner Sale agrees that these units will probably become rental units. He feels that this project would have a big influence in this community, even though traffic would be coming out on Graves Mill Road. It seems to him that this is more than a transition piece. He asked Mr. Martin why a transition of this nature is important here. Mr. Martin said that the idea was that you would be transitioning from more a commercial office use into the single-family homes. A lot of what Mr. Martin has heard is that they do not mind if the property is developed commercially. The neighbors need to understand that it is not always going to remain wooded. From a planning standpoint, if you can have some transition from a more intense use to single-family, which you would have with the townhomes, it is more reasonable.

Mr. Martin also pointed out the *FLUM* was never intended to be parcel specific and that is why there is the ability to look at these things in detail. That is why you have the ability to grant conditional use permits for residential uses in these commercial zones.

Commissioner Barnes pointed out that at least two years ago, there was a rush of townhome proposals. He remembers that they were talking about how many townhomes were being built. They had a concern at that point. Since that time, there has been a Housing Policy Advisory Committee formed. He asked how this price range of townhomes fit into the City's overall strategy for developing a mix of housing types. He wondered if Mr. Martin or Ms. Montford could respond to that question.

Ms. Montford came forward. She said that this is a very good question and one that they have been having a lot of debate about lately. The City Manager has charged her with developing a housing plan. That has not occurred yet, and it is going to be a focus of her work this year. The City has recently received data because of the recent round of tax credit applications. There have been a couple of market studies done and were given to the City that indicated that there is a need for low to moderate income housing and that the gap for the City of Lynchburg is about 1,600 units. She is in the process of reviewing this data and she will use some of the same methods of gathering data and doing research for the City's housing plan.

Commissioner Worthington asked her where the price break is for low to moderate housing. Ms. Montford stated, in her opinion, it is \$75,000 to \$110,000. Anything over \$110,000 to \$175,000 would be moderate to middle income. Commissioner Sale asked her if these studies make a distinction between a single-family residence and a townhouse or is it just a unit. Ms. Montford said it is a unit of that cost. Commissioner Worthington asked Ms. Montford

if the study is referring to the City of Lynchburg or the greater Lynchburg area. Ms. Montford said it is referring to the City of Lynchburg. Ms. Montford indicated that this study is public information, so if anyone would like a copy of it, she would be happy to give it to them. She reiterated that it was an independent third-party study, and it was just done in May 2009. Commissioner Sale asked for clarification that 1,600 additional low to moderate income units are needed. Ms. Montford said that is what the study shows.

Commissioner Sale wondered why there are so many on the market that are not being bought. Ms. Montford said that would be the reason that she and others strongly feel that the housing plan needs to be completed because there is a disconnect between the perception and this data. Commissioner Sale pointed out that there is housing being developed as we speak. Ms. Montford noted that City Council just approved five developments for low to moderate income, and we are still getting requests for the middle range.

Commissioner Barnes commented that they often hear, particularly with higher density proposals, that people are concerned with their quality of life and their loss of access to natural resources. One of the things that people value is the accessibility of natural areas. The problem is that a lot of those areas are privately owned and can be developed often by right. People assume that the woods behind their house will remain the same but that is perhaps a false assumption. That really highlights our need to move forward with our vacant land analysis and find out what areas should be developed and what areas should remain natural.

Mr. Martin agreed that they need to move forward with the vacant land analysis. They have actually started working on it. The bigger issue there is that we can look at areas that we may feel are appropriate for conservation but are still privately owned. The City does provide public parks and we also have to look at things like steep slopes, stream valleys and things that are perfectly reasonable to preserve. He does not think that we will be able to identify large tracts of land that could be developed that are privately owned. He is not sure that is appropriate. Commissioner Barnes said that would get into incentive programs. Mr. Martin said you could get into transfer of development rights or some other mechanism.

Commissioner Worthington stated this is his job as a Planning Commissioner to make a recommendation to City Council. Here is a piece of property that hasn't been developed as B-1. Therefore, should we recommend a different use for it? Due to current economic conditions, it appears that this development probably is the best use for the land. He is not saying that there is a need for it at this time and that there are not other issues. But if someone came to him and asked if this should be an office park or developed as described here, he would probably have to say the latter. That probably makes more sense than trying to figure out how to do an office park. He does not have the data as to whether there is too much or too little of this type of housing. That is an entirely different issue.

Commissioner Swienton thanked Mr. May for giving a very detailed site plan. Often, they do not have as much topographical information and so forth, and he wanted to thank him for a very well designed plan. He wanted to thank Mr. Martin for working it out so that a *FLUM* amendment would be a part of this proposal. He also expressed to Mr. Read that he has the highest integrity for him and that Mr. Read knows the local real estate very well. When Commissioner Swienton looks at this area and looks at the *Comprehensive Plan* and the *Future Land Use Map*, he notes that it does not say Current Land Use Map—what we would like to have today. There are vacant properties around the area. He also noticed that Forest Dental Clinic is fairly recent, as well as two banks. When he looks at that, he wonders if it is possible to have some type of office use there. Granted, it is right on the road frontage; it is not set back. It is very worthy of recognition that if it were office, it would go back quite a ways. There are office parks that he has been in where one drives in and meanders through to get to different areas. So he looks at this as it is possible, although he recognizes Mr. Read's comments that he has not had any offers on the land to do that today. Going back to the *FLUM*, in the future, could that still be a possibility?

It is also one of the last geographical locations left to capture revenues from Bedford County. He is not certain he is willing to trade that card yet. He thinks this is wonderfully designed. It is a well thought out and designed project. He remembers something from his certification training given by Michael Chandler. Are we a development review commission or are we a planning commission? If he were to review this just as a development, he would give it a thumbs up and pass it immediately. When he looks at their role as Planning Commissioners and are we supposed to be planning, then he is deciding whether or not he wants to trade the card for future office use. Right now, he is not.

Chair Hamilton asked Commissioner Swienton if he would like to make a motion. He made the following motion, which was seconded by Commissioner Sale:

“That the Planning Commission recommends to City Council denial of JMU, LLC’s petition to amend the *Future Land Use Map* from Office to Medium Density Residential at 1700 Graves Mill Road and

That the Planning Commission recommends to City Council denial of JMU, LLC’s petition for a conditional use permit to allow the construction of seventy-five (75) townhouses with associated parking and amenities in a B-1, Limited Business District at 1700 Graves Mill Road, subject to the following conditions:

- 1. The project will be developed in substantial compliance with the concept plan for Holly Hill Townhomes, prepared by James C. May and Associates, dated April 1, 2009 and received by the Department of Community Development on May 7, 2009.**
- 2. The townhouses will be constructed within substantial compliance with the photographic renderings submitted by JMU, LLC as part of the concept plan and received by the Department of Community Development on May 7, 2009.**
- 3. A left turn lane will be installed on Graves Mill Road to facilitate turns into the driveway of the site. The City will consider an alternative design that provides this directional movement in a safe and efficient manner, subject to the review and approval of the City's Transportation Engineer.**
- 4. The requirements of the Scenic Corridor Overlay District, as defined by Section 35.1-43.3 of the City's *Zoning Ordinance*, will apply to the entire property at 1700 Graves Mill Road.**
- 5. The petitioner will secure a twenty (20)-foot utility easement for the extension of the public sewer line from the existing public line to the property. All City reimbursements for the extension will be in accordance with City policy. “**

Commissioner Sale commented that he was torn about this proposal as well. With the present economic market, there are issues to consider such as how far we will travel, how far we won't, higher density versus lower density. He thinks that Commissioner Worthington's comments about the lack of information rings home for him also. He thinks that we need to have a housing policy with more intentionality than we currently have, which right now is simply responding to development proposals. At this point in time, it is very difficult for us to obtain that housing plan, but he agrees with Commissioner Swienton about being a Planning Commission rather than a development responding group. He has voted in the past for townhouses because of the ambiguity of our housing market. He thinks that this is one of those situations where it is clearly a matter of whether this property should be commercial or residential. He hates to see the trees go down unless we clearly know what we are doing. He thinks that we do need affordable housing. Developers keep pushing us with the market, but Lynchburg does not have a very good plan for how much we need, what is the market and what the market is going to be. He is uneasy about making this decision and is ready to let it sit for a little bit longer.

Commissioner Barnes commented that usually he knows before he comes to a meeting whether he is for or against a proposal. This one he had no idea. He wanted to listen to the arguments and get some questions answered and see where he stood. He has not seen the data that Ms. Montford referenced and he has some concerns about the overbuilding of townhomes. He has concerns with traffic and agrees that it might not be the time to play the card for development of this property.

Chair Hamilton agreed with these comments. She also agreed with Ms. Scott's comments that there are great opportunities to redevelop already greyfield and brownfield sites in the City. To develop this greenfield for something other than business, which is something that this City is in dire need of, seems to her to be the wrong move.

The motion was then passed by the following vote:

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

MINUTES FROM THE JULY 22, 2009 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

a. Petition of J.M.U., LLC to amend the *Future Land Use Map* from an Office use to a Medium Density Residential use and for a conditional use permit to allow the construction of 50 townhouses with associated parking and amenities in a B-1, Limited Business District at 1700 Graves Mill Road.

Vice-Chair Sale commented that this petition has been before them before, as well as City Council. It was referred back to the Planning Commission by City Council after the petitioner submitted a revised site plan.

Mr. Martin addressed the commissioners with the following comments. The Planning Commission reviewed the initial proposal on May 13, 2009. The original proposal was to construct a 75-unit townhouse development. The Planning Commission recommended denial of that petition to City Council for four main reasons. The first reason was that the Planning Commission felt that the *FLUM* Office designation was appropriate, and that offices could serve the residents of the City and the adjacent county. The second reason was that the specifics on how traffic would enter the site were not determined to the satisfaction of the Planning Commission. The third reason was that the Planning Commission had some fairly serious concerns that the construction of the townhomes may lead to a market saturation of one particular housing type. The fourth reason was that mass transit is not readily available to the site, with the closest stop being 500 feet from the property and on the opposite side of Graves Mill Road.

City Council reviewed the proposal on June 9, 2009 and then placed it on its June 23, 2009 agenda. In that time, the petitioner subsequently amended the proposed site plan by doing several things. First, 25 units were removed, mainly at the rear of the property. This, along with the *FLUM* proposed amendment to Medium Density puts the development right at 10.1 units per acre. Medium Density land use classification can go up to 12 units per acre. Also, the removal of the 25 units allowed the existing five acres in the rear to remain wooded—not to be developed to provide for a buffer between the townhomes and the existing residences. 75 parking spaces were removed. 126 spaces are currently indicated on the site plan, of which 125 are required. One stormwater detention basin was removed, as well as walking trails and a portion of a driveway. The petitioner is no longer proposing to reserve the 1.6 acres or so on the front of the site for office use, which was a part of the original plan. At the June 23rd City Council meeting, Council indicated that these were significant changes and felt that the Planning Commission should have the chance to weigh in on this again. City Council will review it again on August 11, 2009.

Mr. Rick Read of Coldwell Banker came forward to speak in favor of the petition. He thanked the commissioners for allowing them to resubmit the plan for consideration. The petitioner has made some significant sacrifices. They were done to meet the concerns of the neighborhood and to meet the concerns that City Council had with regard to traffic. The number of units has been reduced by one third and the petitioner has agreed to proffer that the rear five acres adjoining the residential neighborhood would remain undeveloped. That represents almost half of the land that was going to be used in the original design. Even though no through road was ever planned to go into Maple Hills, this new design further assures that this should not be a concern for the neighborhood.

When they went before City Council, some council members expressed some concern about the increased traffic on Graves Mill Road. At that time, the seventy-five units could have required a traffic study and possibly a turn lane. However, the Traffic Engineer stated that no traffic study would be required for the new site plan and there is no need for a turn lane. That is a major improvement with regard to any traffic concerns. Someone had mentioned about the petitioner trying to move east on the property and look more to the south and try to get an access to the light. Mr. Hartless approached the owners about that possibility, but the price quoted made it economically unfeasible.

Mr. Read addressed the concern of taking this commercial land off the books. Since that time, two of Mr. Read's competitors have sent City Council memorandums further confirming that in their opinion this land had very little, if any, potential for ever being used as commercial. They have no financial interest in this whatsoever. Mr. Read hopes that given the concessions that the petitioner has made and the fact that professionals outside of this project and knowledgeable in the market are agreeing that this has very little, if any, future commercial use that the commissioners will see fit to recommend approval of this project.

Mr. Ed Ewers was also present to speak. He remarked that with regard to the topography of the land from Graves Mill Road down to the creek that runs through here drops off thirty feet at least. That makes it very undesirable for commercial development because you don't have any visible road frontage. If you drove by there, you wouldn't see any businesses. They have designed the site to flow with the topography and allow a lot of the existing trees in the area that is being developed to be saved. When they redid the design, they kept in mind the concerns of the neighbors. The

neighbors would like to see the wooded area remain in place behind their homes, and the redesign allows for that to be left.

A unit was added at the end of the proposed access to the subdivision, so that road will never go through. That eliminated all of the concern about traffic ever coming through their neighborhood. The only way in and out of this project will be through the access shown on the site plan. That access will be upgraded so that it meets VDOT standards. It will be just like turning off any road into another. In order to put access in where you see the Zechini property, it is cost prohibitive to do at this time.

Mr. Ewers pointed out that above the access to the property, there are two existing apartment buildings, one a three-unit and one a four-unit. On Graves Mill Road in front of this project, there is an eight-unit apartment building; property in that area is already being used for multi-family housing. They feel that the project they would be putting in would be complimentary to the existing multi-family use and they are not creating anything new in this area.

The petitioners hope that with the revised plan and the reduced number of units that they have appeased the concerns of the neighbors and would hope that the conditional use permit would be approved by the Planning Commission. This project would generate some income for the City. The tax base would increase and the City would collect water and sewer fees. Otherwise, the land will sit there vacant if it remains zoned commercial. It has been for sale for seven years as business property and nobody has had any interest in buying it. They have tried to make a compromise and hope that the neighbors are willing to make this compromise with them.

Mr. John O'Keefe spoke to the request. He, along with Jim Bradley and John Armstrong, has owned this property since July 26, 1986. They have had the property on the market for the last seven years (with Rick Read for the last five years). They have never had the first interest in it for commercial use. The only interest they have had is for townhouse development. Obviously, they would have entertained any commercial interest, but there never has been any. While the City may hope that it will be developed as commercial, that has never happened and he does not think it ever will happen. He would like to point out that they pay approximately \$5,234 a year in real estate taxes. He thinks that it goes without saying that if this proposal is approved, then the taxes will significantly increase to around \$150,000 to \$175,000. Mr. O'Keefe's sole purpose in speaking today is to verify that there has never been any commercial interest and they do not anticipate any.

Vice-Chair Sale asked for anyone else present to speak in favor. No one came forward. He asked for anyone present who would like to speak in opposition of the petition. Ms. Ann Scott of 109 Omega Court came forward. She is the representative for the Maple Hills subdivision and had a prepared statement to read. She provided a picture of the area from a street view of Graves Mill Road for the commissioners to view.

"We oppose the request of the petitioner to rezone the property located at 1700 Graves Mill Road from zone B-1 and specifically the granting of a *Future Land Use Map* amendment and a conditional use permit for the express purpose of building a townhome complex on the site. We consider the building of a townhome community on that particular site an encroachment on our quality of life, a detriment to our property values and an infringement on our right to own homes in the types of community we choose.

We understand that the developer has amended their original application and reduced the number of townhomes from 75 to 50 units and although the developer says it is a compromise on their part, the site plan shows the units being built in phases, which could take years and with a new Council and a new Planning Commission, at some point a decision may be made to complete the other 25 units at which point there would be nothing preventing the developer from doing so.

Maple Hills is a diverse community of hard-working families with modest homes whose homeowners bought their properties knowing that business zoning protected the neighborhood. We applaud the original decision of the Planning Commission to recommend denial of the Holly Hill application and endorse the reasons that they gave. We further believe that the property already meets the City's *Comprehensive Plan* for land use in the area. With the numerous townhome developments in the last few years, we also believe the need for this type of housing may have already been met.

We also believe that there are still no specifics on the traffic entering safely and exiting safely from the site. We also believe that mass transit is not readily available. The closest bus stop is five hundred feet away from the property on the opposite side of the road with no sidewalk. This not only adversely affects the traffic on Graves Mill Road but risks the safety of people needing to ride the bus. I don't know if any of you live out that way and use Graves Mill Road on a

regular basis, but those of us who do have been terrified on more than one occasion to come upon pedestrians walking along that highway with no sidewalks and kids in tow. The speed limit is 45, which in and of itself is too fast for pedestrians, but when you add the fact that very few people are driving 45 miles an hour or less, it becomes a disaster waiting to happen.

We understand that there are many people who are of the mindset that the property owners should be able to do what he wants to with his land, but that is not exactly true either. I can't do what I want to do with my property and I dare to say that you can't either, especially when there are specific rules and guidelines. My mother-in-law's home is located within one of Lynchburg's historic districts. Those districts are governed by specific rules and regulations and the properties within those districts are bound by those rules and regulations. The homeowners who bought homes in those districts knew that their properties were governed by these regulations, and they knew they had to abide by them. They knew if their property didn't suit them that they couldn't tear down what was there and build something else that did suit them. They knew this when they purchased. By the same token, the owner of 1700 Graves Mill Road knew his property was zoned B-1 for business and office when he purchased it. He knew the current B-1 designation does not allow for the building of townhomes. He knew his property was governed by these zoning regulations and by the same token he shouldn't be allowed to change these regulations just because the current regulations do not suit him.

I realize that we aren't lawyers, engineers, real estate experts or developers and we don't know all the ins and outs of city planning, but we are not naïve. Our understanding of zoning is that one of its purposes is to prevent new development from interfering with existing residents or businesses and to preserve the character of a community, and while I understand that zoning can be changed, it should not be changed if it interferes with the existing residents and businesses unless it provides some unique or unusual opportunity for the City. There is nothing unique about a townhome complex on that site. The unique opportunity already exists. That opportunity is that site in question is already a prime business location and it already fits perfectly within the City's *Comprehensive Plan* for development in that area, and it is also for capturing Bedford County businesses, thereby helping to ensure that county dollars are being spent in the City. That section of Graves Mill Road is a well-traveled four-lane thoroughfare, perfectly suited for business, as evident by several new businesses being established in recent years, namely Select Bank. (Ms. Scott provided a picture of Select Bank for the commissioners.) While it is located in Bedford County, it is still in the same general area and it refutes the owner's reasoning that a business would not locate at that site at 1700 Graves Mill Road because you wouldn't be able to see it from the street. You can't see Select Bank from the street. They still chose this site knowing that you couldn't see it from the main road and so did a lot of thriving businesses in the area.

I realize that there are still prime business spots yet to develop commercially in that area, but once they do, the secondary spots will follow. Bedford County understood that, and the businesses on their side of the line are doing well. Like most things, it just needs to be given a chance to work itself out. Mr. Read stated previously that the property has been on the market for a long time, but the developer himself said the real estate market should decide if a property is going to sell, not the City. That area of town looked totally different 25 years ago, and it has taken 15 to 20 years for it to develop, but it is developing, and it is developing commercially. If the City sticks with its long-term plan, it will further develop commercially. The approval of this project will severely limit the opportunity for business in that area.

The developers also are presenting their proposal as promoting affordable home ownership. Lynchburg has numerous townhome communities that promise to promote home ownership. Many of them are less than four miles from the site, most within the same 24502 zip code. All of them have vacant or unsold townhomes, and most of them are being advertised for rent. The last time we checked there were over 400 housing units in the 24502 zip code and Lynchburg MLS listed 200 townhomes and condos for sale, not including the ones that have yet to be erected. Most of them were within the same \$100,000 price range, the same price range in which Holly Hill proposes to sell their units. The proposed project will only add to these numbers. We still feel that developers may better serve our City by concentrating on rehabilitating existing housing and abandoned buildings, not adding to more unsold and vacant buildings. There's also plenty of land in our area that's already zoned to meet the guidelines of townhome development, if they want to develop land.

We do appreciate the property owner wanting to develop this property, but only within the City's *Comprehensive Plan* for office use and limited business. A business on that site would be far less detrimental to this neighborhood. Maple Hills is a quaint, family-friendly, little neighborhood. It barely has 100 homes and it rests at the base of that site. Fifty townhomes on that site would be way too much for this community. Homes in Maple Hills don't go up for sale often. People are very happy with that neighborhood. They don't want to move, but since this happened, four neighbors have informed her that if this is approved, they will put their homes on the market that same day. More and more people are leaving the City to get away from this type of development. The revenue was mentioned. At some point, it can't be worth it, and it should never be at the expense of what makes people want to live here.

Again, we are not asking you to change anything. The property already fits the City's plan for development. We are going to continue to trust and honor that the public process that allowed this area to be zoned for business and office use will be honored. We are asking you once again to recommend that the project be denied. If we keep going in this direction that we are going, Lynchburg is going to lose everything that makes it a special place to live."

Mr. Bill Haynes came forward next to speak. He commented that he liked the decision that the Planning Commission made last time. He thought they understood their concerns and ruled in their favor. He really doesn't have much more to say this time. He does not see any great change in the nature of this project. It seems to him that whether it is 75 homes or 50 is like arguing how many deck chairs you have on the Titanic. He would like them to consider it the same way they did last time.

Mr. Michael Scott of 109 Omega Court came forward next to speak. He had some pictures for the commissioners to view. He pointed out the creek on the site plan between Lot 11 and Lot 12. That creek runs parallel and perpendicular to his property. The pictures he provided for viewing are of that creek. One of them shows what is running perpendicular to his property. There is a manhole and drainage coming from another direction as well. He had a yardstick in the picture to show how big of a gap it is. He had other pictures showing the creek in terms of his property from other angles. He stated that whenever they get rain, the creek floods. He has had his whole yard flooded. If the houses are built up behind his property, that will increase the runoff. That is what he is worried about. Every time we get a hard rain, he does not want to have to fight a flood, and he doesn't want his neighbors to have to either. He does not feel that they should have to sacrifice their property because somebody else wants to change their zoning.

Vice-Chair Sale asked for a show of hands from those in opposition to the petition. Four people raised their hands. He asked for a show of hands from those in support of the petition. Eight people raised their hands.

Vice-Chair Sale asked Mr. Read to come back for a rebuttal. Mr. Read thinks they have done an excellent job of addressing the traffic because they reduced the number of units down to where it is not even a factor. The City's Traffic Engineer says it is not a factor. Mr. Read has to go to an expert like the City's Traffic Engineer. Mr. Read can't make a judgment like that, and he thinks we all have to depend on the experts to make that type of judgment. The Traffic Engineer has looked at it and says it does not even require a turning lane. Mr. Read thinks that the traffic issue has been addressed.

As far as runoff is concerned, if that entire site was developed commercially, how much more runoff do you think that would be compared to what this project will put forth? Half of this site will not even be developed at all. During the thirty years Mr. Read has been in the real estate business, the stormwater requirements that the City has in place and the State has in place have gotten probably twenty or thirty fold more restrictive than what they were originally. There are restrictions in place that require the developer to control the runoff. Maybe the residents do not know that because they are not experienced in this type of thing, but the commissioners know this. The requirements the City and State have in place are going to control the runoff.

Mr. Read has heard many times about saturation of the market. That is not a decision for the planning department or City Council. That is a market decision. These townhomes are going to start in the \$110,000 range, which is the starter home range. That is the segment of the market that is selling today. If you look at the statistics nationwide, what is selling is the starter home. They are going after a market that is selling. They are not putting up a product that is going to sit.

Mr. Read cannot address bus service. That is up to the bus company.

It has been proven that this is not a business location. Is it fair to ask these owners to wait twenty or thirty years, when Ms. Scott thinks it will be prime for a business location? It is not fair to make them do that. Mr. Read looked at the Select Bank site and it is right up on the road. It is on Grist Mill Drive, which carries a ton of traffic. That is why that site works commercially.

As far as sidewalks along Graves Mill Road, they cannot control that either. That is something that probably should have been done when they widened Graves Mill Road. Graves Mill Road could be widened in the future, and maybe at that time, the sidewalks will be put in.

Mr. Read thinks that the petitioner has bent over backwards. Mr. Read cannot think of another project that has come before the City in recent years where the developer has basically agreed not to develop half the property. It seems to

Mr. Read that should appease the neighbors, and from an environmental standpoint, that is a big concession. If that site was ever developed commercially, the first thing they will do is to blow every tree off the site and the entire site will have to be graded to make it work. If you look at Millside down the road, when they developed their site, they blew every single tree off it and graded the whole tract and that was 7.6 acres.

Commissioner Hannon asked Mr. Read if he was familiar with this property when it was originally zoned B-1. Mr. Read said he has had the property for five years, and the property was zoned B-1 in 1978. Commissioner Hannon asked Mr. Read or Mr. Martin if they knew of any logical reason why it was originally zoned B-1. Mr. Read said they probably just looked at the whole area and thought it would develop commercially. Mr. Read said comprehensive plans are good, but they aren't always right. They do not take into consideration topography or changes in the market.

Ms. Scott came back for a rebuttal. As far as the developer making a concession in an attempt to appease them, there are no guarantees that this property will not be further developed in the future. She is not saying anything about the developers or their word. However, she does know that in recent history, there have been developers and properties in Lynchburg (Cornerstone and the property off Timberlake come to mind) where developers said they were going to do things that they did not or said they weren't going to do things that they did. Ms. Scott sees this tract as being the first phase of developing what will in time become the whole area being developed.

As far as City Council shouldn't decide whether there is enough townhomes in Lynchburg because the market should decide that, then the market should also decide as to why this property has not sold. Although it may have been zoned B-1 since 1978, it has not been on the market for 31 years. She does not think that is valid reasoning and it has not been proven that this is not a business location. There are numerous businesses along Graves Mill Road. She also thought she heard someone say something about the City widening the road to add sidewalks to accommodate these pedestrians, and these are things that the City said that they absolutely would not do.

Commissioner Barnes noted that Ms. Scott had laid out a number of concerns about the project but said that she would not object to the property being developed commercially. He is having trouble understanding from the standpoint of her quality of life and her property why a commercial development on this land would be preferable to what is being proposed. Ms. Scott said that to be honest, she does not know that it would be better as far as her quality of life and her husband's quality of life because they back right up to this property. She does not know that it would be preferable, but she is here representing her neighbors and this is what they tell her. They have lived sandwiched between two highways (221 and Graves Mill Road) and have coexisted with businesses for years. While a business would probably destroy the woods, it would not impede their quality of life because businesses at some point close down and the people go home. Her neighbors tell her that they are concerned that these properties are going to turn into rental units and in all likelihood they will. When they don't rent for the dollars that the developers want, then they will lower the price and it will become a transient community and that will affect their property and it will affect our neighborhood. People say they don't feel safe and that a business would be preferable to them over a transient neighborhood that large right at the top of that hill. They are worried about the foot traffic coming through in order to cut from one side of the highway to the other.

Commissioner Worthington remarked that he remembered from the last hearing that people said they wanted to keep the woods. The commissioners are trying to work out a balance here; the commissioners have to make a recommendation to City Council as to the best use for this land. Before the neighbors could have had someone come in and wipe out every tree in the place. Commissioner Worthington acknowledged that with a new Planning Commission and new City Council, the land could be developed at a later date. At least for a while or for the time being, it is codified that they cannot develop it unless they come back to get permission. This wooded area is being locked in, and Commissioner Worthington wondered if that was not worth anything. Ms. Scott said she can only speak from what the neighbors have told her, however, she does know that they did discuss it. Everyone in that neighborhood would hate to see those woods disappear, but that was not their primary concern. Their primary concern was the fact that the property would become a transient population, and the detrimental effect it would have on such a small neighborhood.

Commissioner Worthington asked Mr. Read if there would be a fence or any kind of a barrier. Mr. Read said that the woods are pretty thick.

Vice-Chair Sale closed the public hearing portion of the petition.

Commissioner Worthington remarked that he understands the neighbor's concerns and he had a couple of questions for Mr. Read. Commissioner Worthington asked if the stormwater detention pond currently exists. Mr. Read said that it does not but that it is required. Commissioner Worthington asked if this will make it better or worse in terms of a big rainstorm. Mr. Ewers came up to answer that question. He commented that the State requires that they not release any

more runoff than the pre-development rate. When the water is released into the creek, it cannot be any more quantity of water, and the City also has a restriction that they have to improve the quality of water. You don't get muddy water running off the site. You get water that has been treated by different types of systems so that you filter the water before it goes into the stream. There will not be an increase in the quantity and there will be an increase in the quality of water that is released into the stream. That is a provision that is required by the State of Virginia. Commissioner Worthington clarified that the Scotts' problem that they are having with stormwater will not get worse, and Mr. Ewers said that it will not get worse. That is the requirement of the State of Virginia. They work with this all the time and you have to control the flow of water. That is why these laws were passed.

Commissioner Worthington commented that he understands that the woods are thick, but they have a tendency to thin out from time to time for whatever reason. He clarified that it is not the developer's intent to have a fence between this property and the residential neighborhood. Mr. Read said there was no intention to put up a fence. The creek that divides the undeveloped tract and the other tract is difficult to cross. The banks along it are fairly steep. It could not be crossed everywhere. You have to find a place to cross it. Mr. Read commented that there are many townhome projects that about other neighborhoods, and they do not have four and a half acres of wooded area between townhomes and residential neighborhoods. Mr. Read is not aware of any really huge problems in Lynchburg with other townhomes in this price range. He mentioned the Oxford Square units that are right in the middle of a residential neighborhood off Fort Avenue. He worked in that neighborhood when those were built, and there were never any problems with people complaining. Mr. Read feels that they have done everything they can to address the issues; he is not sure that there is anything else they can do that will satisfy the neighborhood.

Commissioner Hannon asked if these units would be marketed as single-family attached. Mr. Read said that was correct. Commissioner Hannon asked if they would be on subdivided lots, and Mr. Ewers said each lot will be sold and there will be private ownership of the lot itself. There will be a homeowner's association to care for the common areas and the snow removal. Commissioner Hannon asked if the forested area would be included as a common area in the homeowner's association. There was some discussion and no one was sure, but Mr. Ewers assured them that the area will not be developed. Commissioner Hannon wondered what the status of that area would be after they started subdividing. Mr. Martin said it would have to become common area. Mr. Read thought that would further preclude the development of it at a later date. Mr. Read wanted to stress to the neighbors that the developer is proffering that this will not be developed. Once they have sold the townhouses, the association would have to come back for a rezoning or a conditional use permit to develop it a later date. When you have fifty different owners, can you imagine ever trying to put something together? Mr. Read thought that would pretty much guarantee that the woods will not be developed. Commissioner Hannon said that was what he was trying to get at.

Commissioner Barnes asked about the twenty-five buffer on each side of the stream. Will the vegetation along that buffer be existing vegetation? Mr. Ewers said that won't be touched. City staff required them to put the buffer there. The lot lines go up to that buffer, but they cannot go past it.

Vice-Chair Sale commented that it has been proffered that the woods will not be developed. The site plan says "not to be developed." That could mean now or in the future or that could mean ever. Mr. Martin explained that this is not a rezoning, so there are no proffers involved. It is a conditional use permit, and the conditions are set ultimately by City Council with the Planning Commission's recommendation. The fact that they have to be in substantial compliance with the site plan really covers that issue because the site plan indicates this area is "not to be developed." That is very clear. It means that it is not to be developed ever, unless they come back and amend the conditional use permit. Commissioner Barnes clarified that if someone wanted to develop this land in the future, they would have to come back through the whole process again, and Mr. Martin said that was correct. Commissioner Hannon said it would depend on how the title of the property is held, but he does not know how you could designate it anything other than a common area. Mr. Martin said that under the current *Subdivision Ordinance*, it couldn't be designated anything but common area. Commissioner Hannon said that if it is a common area, then the homeowner's association would have to develop it, and he has never seen that happen.

Commissioner Worthington commented that he goes back to what their job is, and their job is to make land use recommendations to City Council regardless of whether it means tax increases or not or with regard to political stuff. It is very clear to him that commercial development of this property is not going to happen. He agrees with Ms. Scott that it could be 25 years before it will happen again and he does not know that it will. Therefore, should the City continue to hold this property or should we recommend to them that they consider other uses? Commissioner Worthington is convinced that we need to recommend to them a different use if they want to develop it. We should recommend this change. As far as what the neighbors are talking about, he understands the concerns of the neighbors, but this is a whole lot better than what we saw last time. That wooded lot seemed to be very important to a lot of the neighbors and

now it looks like it is pretty well locked in. In addition to that, he would have liked to have seen a fence, but that doesn't seem to be in the offering at this point. Based on it all, he is for this, but he still understands the concerns of the neighbors.

Commissioner Hannon said he agrees with Commissioner Worthington. He would think that if it was developed as a commercial site, that the neighbors would be even more unhappy. Because these are going to be subdivided, he feels that many of them will remain owner occupied and not rental units, but there is no way of foretelling that, of course. Inasmuch as there is only one access and it is off Graves Mill Road, he does not see that there would be any traffic impact on the subdivision in the rear. It looks like a good project to him, and he is in favor of it.

Commissioner Barnes commented that it seems to him that one of the issues here is whether it is possible for the wooded lot to be developed in the future. Of course there are no guarantees, but it seems to him that it would be very difficult for someone to develop it in the future. He thinks that the proposal is significantly better than what we saw before. He voted against it last time, but he is prepared to vote for it this time.

Vice-Chair Sale remarked that the "not to be developed" is a very important phrase on the site plan as it relates to the concerns of the neighborhood. He still has concerns about the entrance and exit. He is going to have to trust the Traffic Engineer, but he sees that turn still coming out in a corner on Graves Mill Road that is faster traffic than the 45 mph stated speed limit. He is still concerned about access to mass transit. It is across the street with no place to cross the street, unless you walk down to the nearest intersection. Balancing what he thinks is safety for the people here and safety on that road, he still has traffic concerns, so he will be reluctant to vote for this.

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

"That the Planning Commission recommends to City Council approval of JMU, LLC's petition to amend the *Future Land Use Map* from Office to Medium Density Residential at 1700 Graves Mill Road."

The motion passed by the following vote:

AYES:	Barnes, Hannon and Worthington	3
NOES:	Sale	1
ABSTENTIONS:		0
ABSENT:	Hamilton, Oglesby and Swienton	3

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

"That the Planning Commission recommends to City Council approval of JMU, LLC's petition for a conditional use permit to allow the construction of fifty (50) townhouses with associated parking and amenities in a B-1, Limited Business District at 1700 Graves Mill Road, subject to the following conditions:

- 1. The project will be developed in substantial compliance with the concept plan for Holly Hill Townhomes, prepared by James C. May and Associates, dated June 17, 2009 and received by the Department of Community Development on July 7, 2009.**
- 2. The townhouses will be constructed within substantial compliance with the photographic renderings submitted by JMU, LLC as part of the concept plan and received by the Department of Community Development on May 7, 2009.**
- 3. The requirements of the Scenic Corridor Overlay District, as defined by Section 35.1-43.3 of the City's *Zoning Ordinance*, will apply to the entire property at 1700 Graves Mill Road.**
- 4. The petitioner will secure a twenty (20)-foot utility easement for the extension of the public sewer line from the existing public line to the property. All City reimbursements for the extension will be in accordance with City policy."**

The motion passed by the following vote:

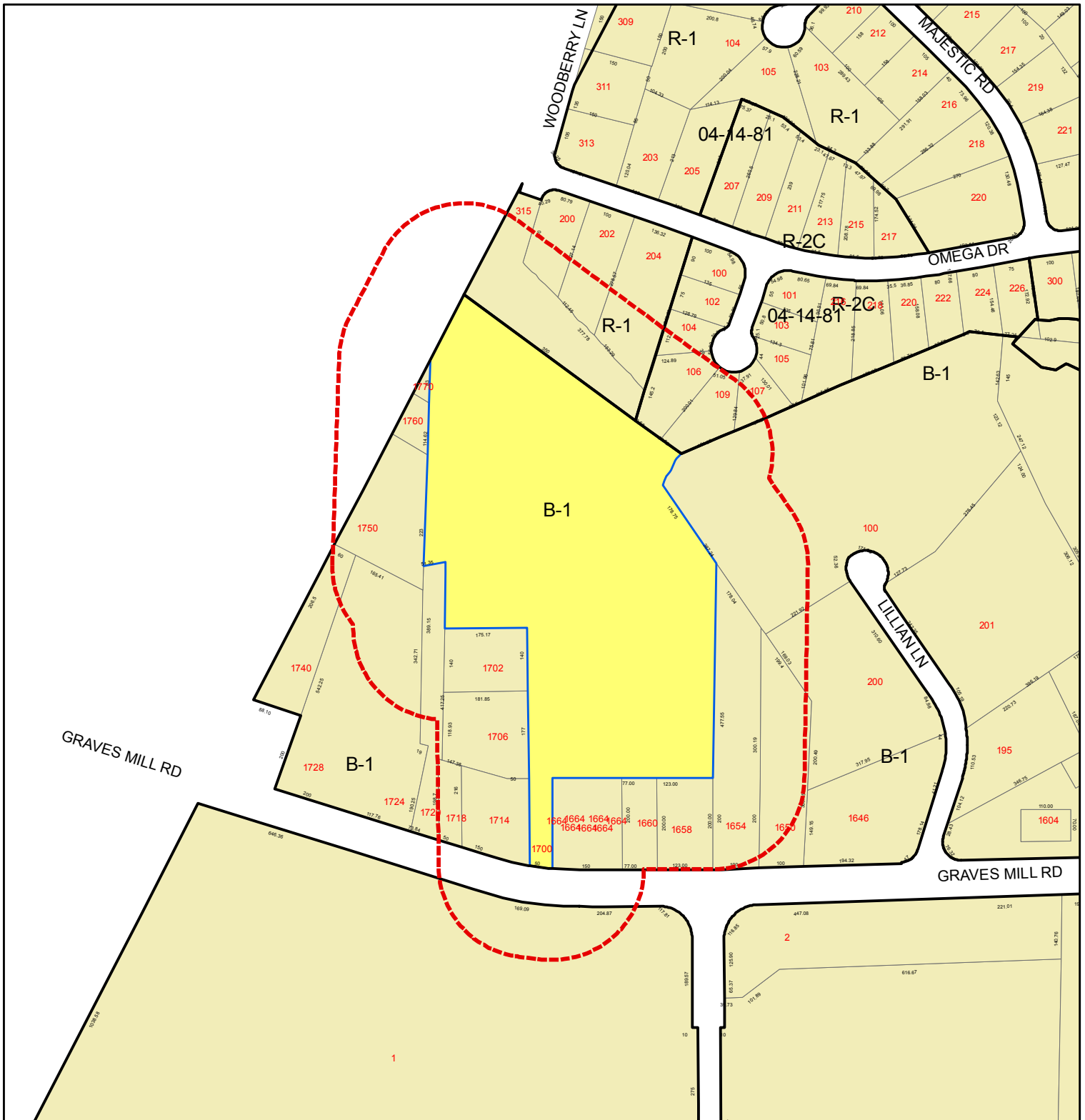
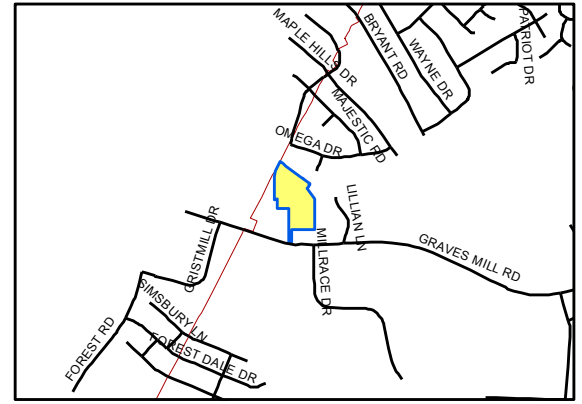
AYES:	Barnes, Hannon and Worthington	3
NOES:	Sale	1
ABSTENTIONS:		0
ABSENT:	Hamilton, Oglesby and Swienton	3

HOLLY HILL TOWNHOMES

1700 Old Graves Mill Road
PIN# 240-14-001
Conditional Use Permit Request
Petitioner-J.M.U. LLC

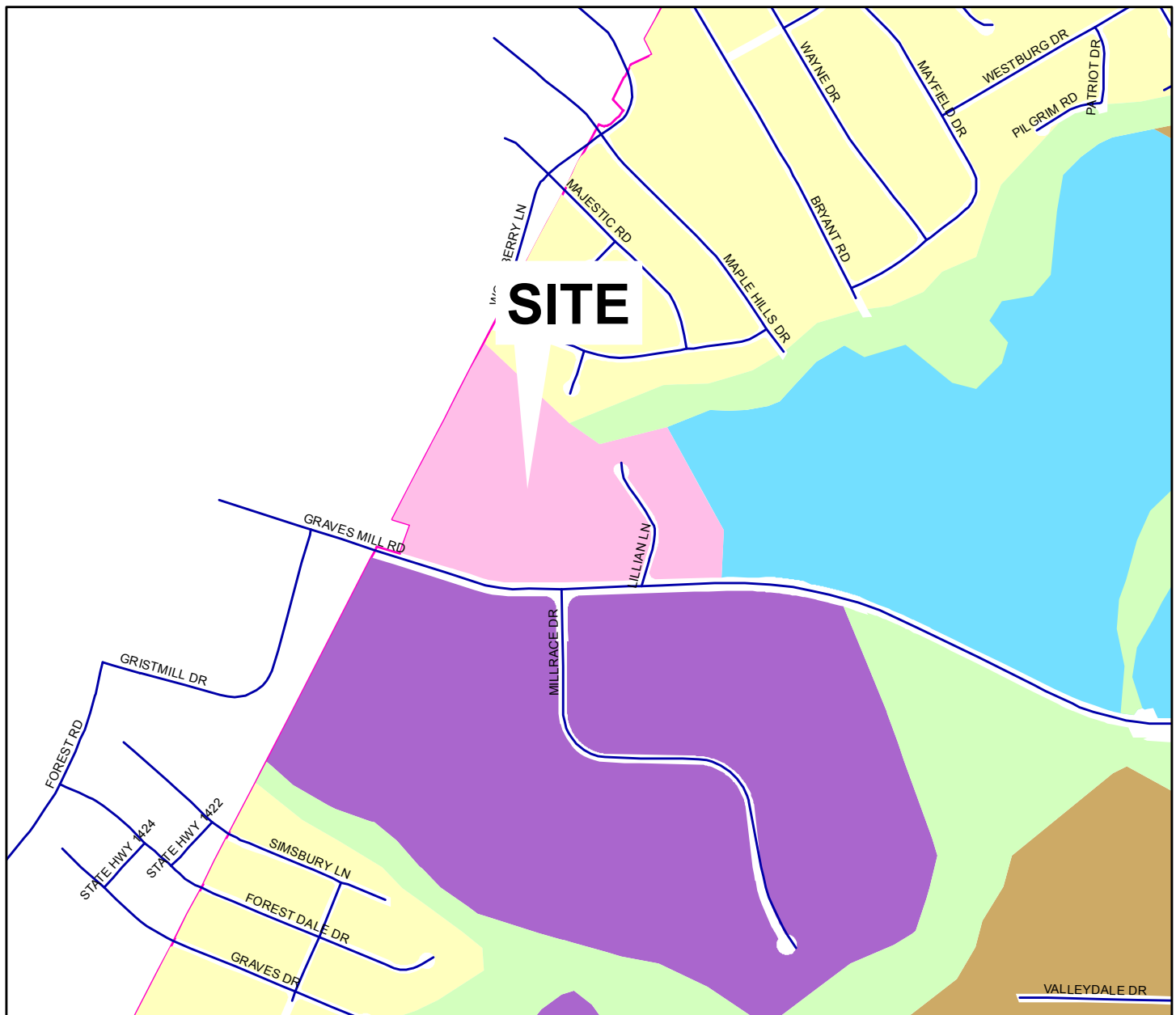
 Subject Property

 200 FT Buffer



HOLLY HILLS CUP ADJOINING OWNERS

PIN	Owner	LocAddr
24006001	HAYNES JENNY	200 OMEGA DR
24006002	SOVA WALTER H JR & KIMBERLY D	202 OMEGA DR
24006003	STEVENS LEWIS G JR	204 OMEGA DR
24006004	JOHNSON ANTHONY L & PAULA A	315 WOODBERRY LN
24007016	PARKER ELBERT J III	107 OMEGA CT
24007017	SCOTT MICHAEL L & E ANN	109 OMEGA CT
24007018	COFFLIN MICHAEL W	106 OMEGA CT
24007019	KRAL STEPHEN J & CHRISTINE A	104 OMEGA CT
24011001	THREE LYNCHBURG LLC C/O IVAN J NOVICK	100 LILLIAN LN
24012001	TWO LYNCHBURG LLC C/O LINDA HANKIN	200 LILLIAN LN
24013002	WYNNE JOHN L & WYNNE JAMES B TRS	1650 GRAVES MILL RD
24013003	ZECHINI RICHARD R	1654 GRAVES MILL RD
24013004	WEATHERHOLT O VICTOR TRUSTEE	1658 GRAVES MILL RD
24013005	AGO PROPERTIES	1664 GRAVES MILL RD
24013006	THOMAS SHERMAN L	1714 GRAVES MILL RD
24013007	HUDSON GARY D	1718 GRAVES MILL RD
24013008	BURNETTE RONALD F & SHIRLEY D & RONALD F BURNETTE JR	1720 GRAVES MILL RD
24013009	BANK BUILDING CORPORATION	1724 GRAVES MILL RD
24013013	DRY RIVER INVESTMENTS LLC	1740 GRAVES MILL RD
24013014	MARKHAM DILLARD & RUTH B	1750 GRAVES MILL RD
24013015	JWC INC	1760 GRAVES MILL RD
24013016	WEATHERHOLT O. VICTOR TRUSTEE	1660 GRAVES MILL RD
24013017	YEATTS WINFRED N SR & FRED A H	1770 GRAVES MILL RD
24014001	AGO PROPERTIES C/O JOHN O'KEEFFE	1700 GRAVES MILL RD
24014002	BROWN BRYAN W & MILLORA ROSANNA L	1702 GRAVES MILL RD
24014003	BROWN BRYAN W & MILLORA ROSANNA L	1706 GRAVES MILL RD
24015002	NORCRAFT COMPANIES LLC	1 MILLRACE DR
BEDFORD COUNTY		
101A 5 17	JOHNSON ANTHONY L & PAULA J	320 WOODBERRY LN
101 A 40A	JOHNSON ANTHONY L & PAULA J	320 WOODBERRY LN
101 A 44	GREEN DONALD & EMILY	FOREST RD
101 A 45A	BEDFORD FOUR INC	18321 FOREST RD
101 A 45A	GRAVES MILL STORAGE	18317 FOREST RD
101 A 48	MARKHAM DILLARD & RUTH B	18255 FOREST RD
101 A 54	DRY RIVER INVESTMENTS LLC	1804 GRAVES MILL RD
Owner	AGO PROPERTIES C/O JOHN O'KEEFFE	
Petitioner	J.M.U. LLC	
Representative	ED EWERS/JAMES C. MAY & ASSOCIATES	



HOLLY HILL TOWNHOMES 1700 GRAVES MILL ROAD LAND USE PLAN

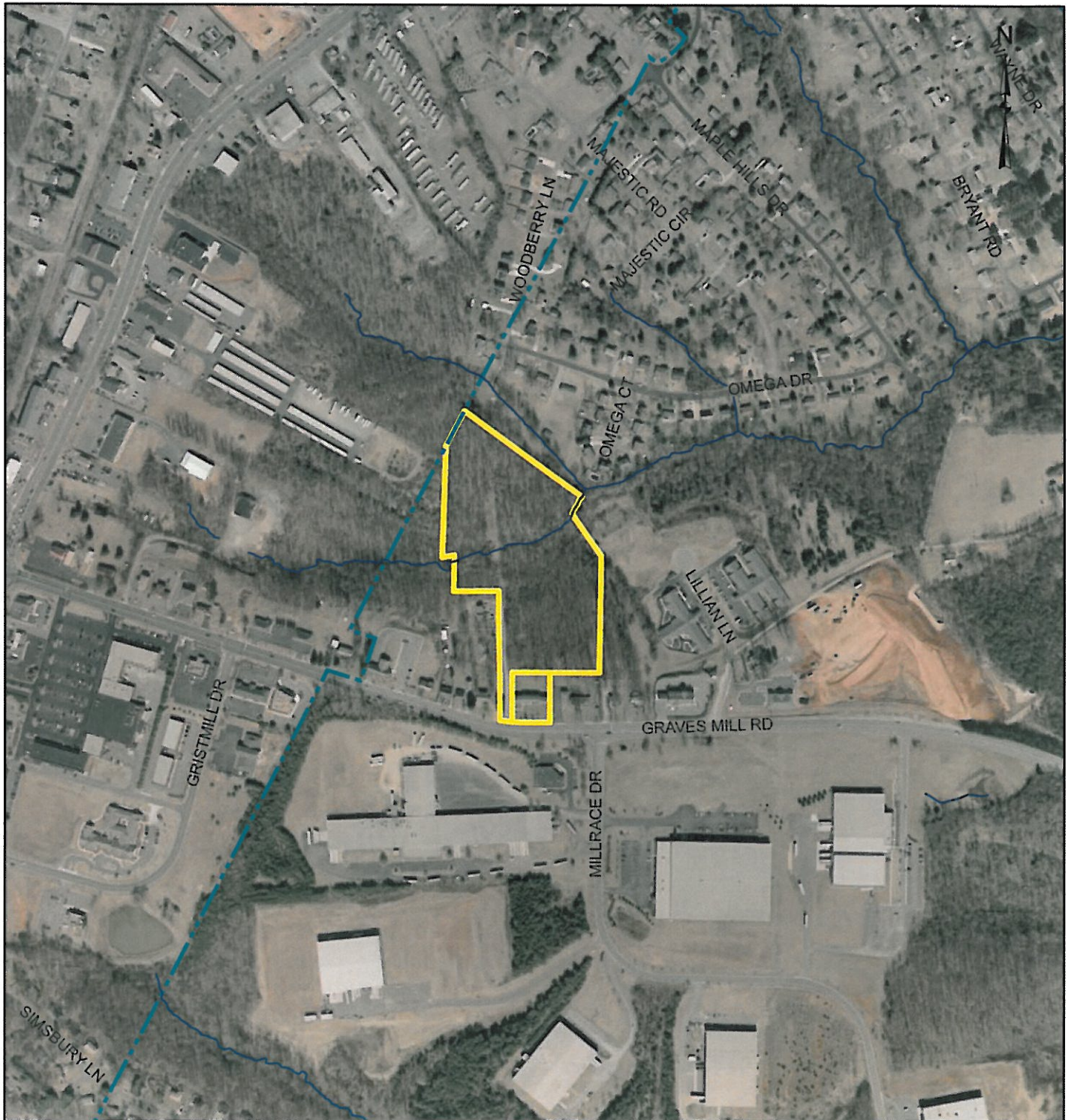
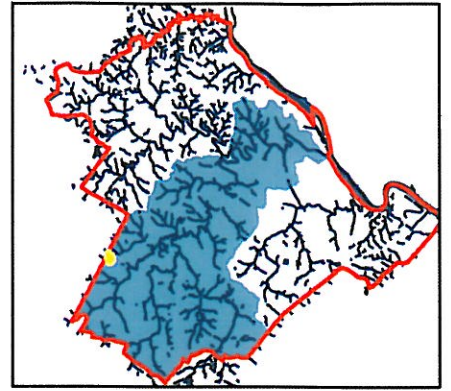
- Traditional Residential
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Neighborhood Commercial
- Community Commercial
- Regional Commercial
- Employment 1
- Employment 2
- Office
- Institution
- Downtown
- Public Use
- Public Parks
- Resource Conservation
- Residential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

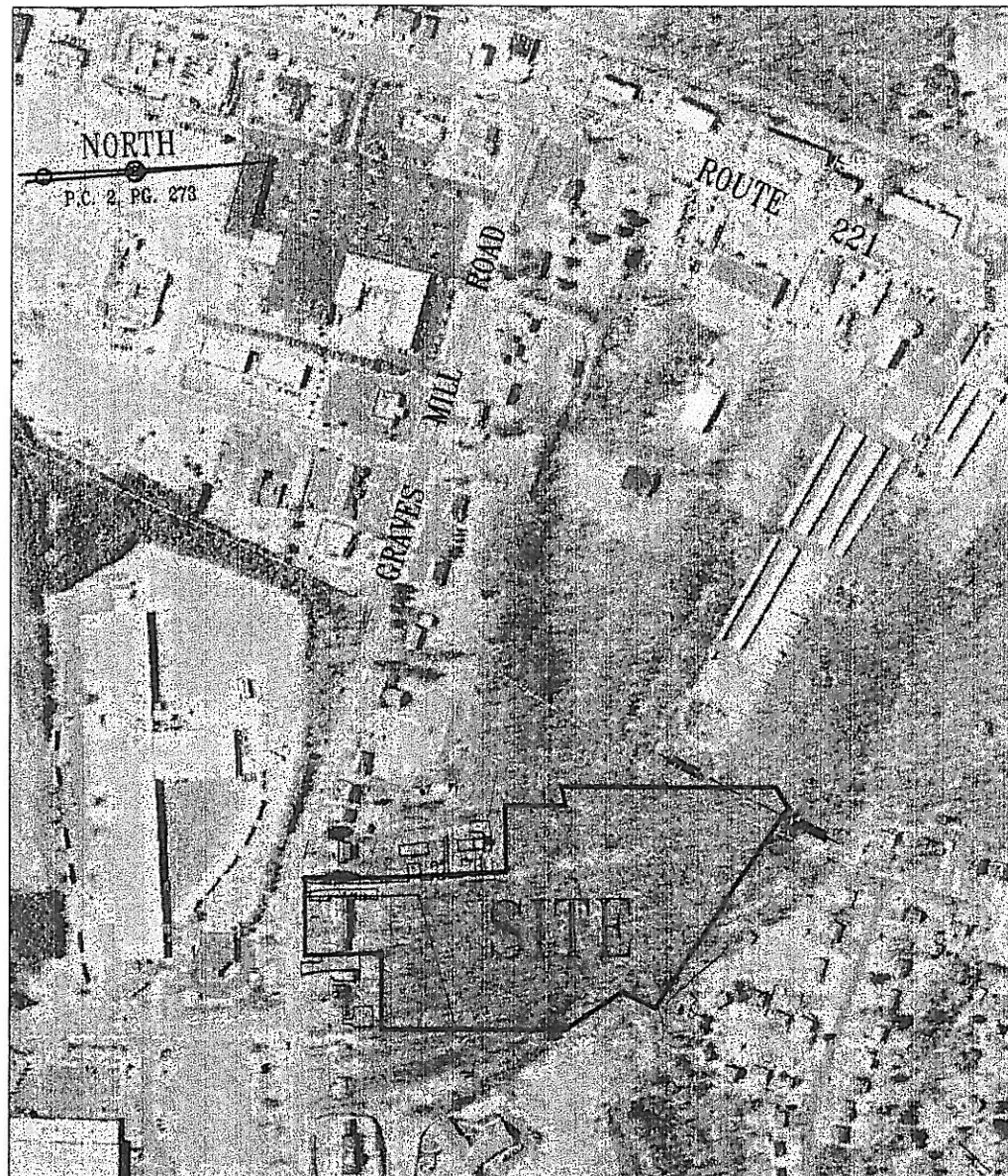


Holly Hills Townhomes

Watershed Location Map

-  Project Site
-  Blackwater Creek
-  Corporate Limit





LOCATION MAP

SCALE : 1" = 500'

DEVELOPER/PETITIONER

JMU, LLC
316 BREEZEWOOD DRIVE
LYNCHBURG, VIRGINIA
24502

CONTACT : UEL HARTLESS
PHONE : (434) 237-1072

PROPERTY OWNER

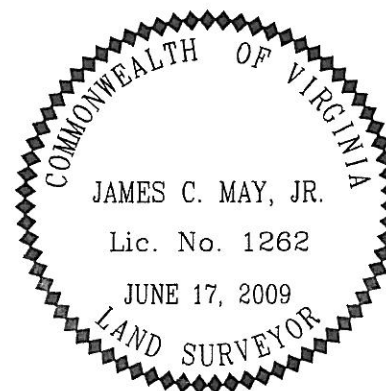
AGO PROPERTIES
C/O JOHN O'KEEFFE
416 HOWARD DRIVE
LYNCHBURG, VIRGINIA
24503

CONTACT : RICK READ
PHONE : (434) 455-3618

RECEIVED

JUL 07 2009

COMMUNITY
DEVELOPMENT



GENERAL NOTES:

1. THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE REPORT AND DOES NOT, THEREFORE, NECESSARILY INDICATE ALL ENCUMBRANCES UPON THE PROPERTY.
2. THIS PROPERTY IS NOT IN FLOOD ZONE A OR B. THIS PROPERTY IS IN FLOOD ZONE X AS SCALED FROM F.E.M.A. FLOOD INSURANCE RATE MAP #5100930038D PANEL 38 OF 131 REVISED JUNE 3, 2008.
3. BEARING AND DISTANCES SHOWN ON THIS PLAN BASED ON "PLAT SHOWING PROPERTY OF CHRISTINE S. CARPENTER" BY HURT & PROFFITT, INC. DATED JULY 11, 1986. AS SHOWN HEREON.
4. TOPOGRAPHIC INFORMATION SHOWN ON THIS PLAN TAKEN FROM CITY OF LYNCHBURG G.I.S. DATA. CONTOUR INTERVAL = 2 FEET.
5. THIS PROPERTY IS SERVED BY THE CITY OF LYNCHBURG PUBLIC WATER SYSTEM. PUBLIC SEWER IS AVAILABLE. A 20' UTILITY EASEMENT IS REQUIRED FROM THE PUBLIC SEWER TO PROPERTY LINE OF THIS SITE.
PROPOSED WATER AND SEWER SYSTEMS TO BE PUBLICLY OWNED AND MAINTAINED.
6. EXISTING ELECTRIC SERVICE IS OVERHEAD. EXISTING TELEPHONE SERVICE IS UNDERGROUND.
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7. ADDITIONAL SITE DEVELOPMENT, LANDSCAPING, WATER, SEWER, GRADING AND EROSION CONTROL PLANS WILL BE SUBMITTED UPON APPROVAL OF THE CONDITIONAL USE PERMIT.

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TAX MAP # 240-14-01 = 10.72 ACRES+/-
(PER TAX RECORDS)

TAX MAP # 240-14-01 = 10.95 ACRES+/-
(PER HURT & PROFFITT PLAT)

0.78 ACRE+/- TO BE RESERVED FOR
FUTURE OFFICE SPACE.

5.21 ACRES+/- TO BE DEVELOPED AS A
TOWNHOUSE COMPLEX. (MULTI-FAMILY USE)

4.96 ACRES+/- EXISTING WOODED AREA
NOT TO BE DEVELOPED.

PROPOSED DEVELOPMENT:

PROPOSED 50 - 2 STY. TOWNHOMES
TO BE BUILT ON 5.21 ACRES+/-

REQUIRED PARKING : 2.5 SPACES PER UNIT
2.5 SPACES x 50 UNITS = 125 SPACES REQ'D.

PROPOSED PARKING : 126 SPACES (9'x18')

PROPOSED LIGHTING TO BE GLARE SHIELDED AND
DIRECTIONAL TO PREVENT ILLUMINATION BEYOND
THE PROPERTY LINES.

A TRAFFIC IMPACT STUDY WAS COMPLETED BY
RENAISSANCE PLANNING GROUP IN CHARLOTTESVILLE
VIRGINIA ON APRIL 29, 2009 AND SUBMITTED TO
THE CITY OF LYNCHBURG TRAFFIC DEPT. FOR REVIEW.

A PORTION OF THIS SITE IS LOCATED WITHIN THE
SCENIC CORRIDOR OVERLAY DISTRICT.

SOURCES OF TITLE :

TAX MAP #240-14-01 : DEED TO AGO PROPERTIES / D.B. 683, PG. 780
RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY
OF LYNCHBURG, VIRGINIA.

SHEET 1 of 2

JAMES C. MAY AND ASSOCIATES, P.C.
ENGINEERS-SURVEYORS-PLANNERS
P.O. BOX 718, LYNCHBURG, VA., 24501
434-528-1005 (FAX 434-846-5412)

CONCEPTUAL PLAN FOR CONDITIONAL USE PERMIT
HOLLY HILL TOWNHOMES
50 UNIT TOWNHOUSE COMPLEX
1700 GRAVES MILL ROAD
CITY OF LYNCHBURG, VIRGINIA

SOURCE OF TITLE:	SEE ABOVE		
SCALE: 1" = 100'	DATE: JUNE 17, 2009	COMM. NO.: 09033	F.B. REF.: N/A
FOR:	J M U, LLC	TAX ID.:	240-14-01

NOW OR FORMERLY
JWC, INC.
D.B. 982, PG. 104
T.M. #240-13-15
ZONED "B-1"
N 3°20' E

NOW OR FORMERLY
DONALD AND EMILY GREEN
BEDFORD COUNTY
T.M. #101-A-44
ZONED "C-2"
(GENERAL COMMERCIAL)

NOW OR FORMERLY
SHERMAN L. THOMAS
T.M. #240-13-06
ZONED "B-1"

NOW OR FORMERLY
BRYAN W. BROWN
MILLORA BROWN &
ROSANNA L. BROWN
DOC. #020004273
T.M. #240-14-03
ZONED "B-1"

NOW OR FORMERLY
BRYAN W. BROWN
MILLORA BROWN &
ROSANNA L. BROWN
DOC. #020004272
T.M. #240-14-02
ZONED "B-1"

4.96 ACRES+/-
RESIDUE

NOW OR FORMERLY
ANTHONY L. JOHNSON
AND
PAULA A. JOHNSON
D.B. 995, PG. 526
T.M. #240-06-04
ZONED "R-1"

EXISTING
WOODED AREA

NO TO BE
DEVELOPED

NOW OR FORMERLY
MICHAEL W. COFFLIN
D.B. 887, PG. 851
T.M. #240-07-18
ZONED "R-2"

LOT
12

LOT
11

NOW OR FORMERLY
MICHAEL L. & E. ANN SCOTT
DOC. #020007994
T.M. #240-07-17
— ZONED "R-2"

NOW OR FORMERLY
THREE LYNCHBURG, LLC
C/O IVAN J. NOVICK
D.B. 1044, PG. 249
T.M. #240-01-01
ZONED "R-1"

NOW OR FORMERLY
RICHARD R. ZECHIN
D.B. 918, PG. 637
T.M. #240-13-03
ZONED "B-1"

CONSTRUCTION PHASES

PHASE I CONSTRUCTION : UNITS 1 thru 20

PHASE II CONSTRUCTION : UNITS 20 thru 50

(4.97 ACRES+/- TO BE DEVELOPED AS TOWNHOMES)

NOTE : PROPOSED LANDSCAPING WILL MEET ALL
REQUIREMENTS IN CITY OF LYNCHBURG
LANDSCAPE ORDINANCE.

JAMES C. MAY AND ASSOCIATES, P.C.
ENGINEERS-SURVEYORS-PLANNERS
P.O. BOX 718, LYNCHBURG, VA., 24501
434-528-1005 (FAX 434-846-5412)

REVISED CONCEPTUAL LAYOUT FOR CONDITIONAL USE PERMIT
HOLLY HILL TOWNHOMES
 50 UNIT TOWNHOUSE COMPLEX
 1700 GRAVES MILL ROAD
 CITY OF LYNCHBURG, VIRGINIA

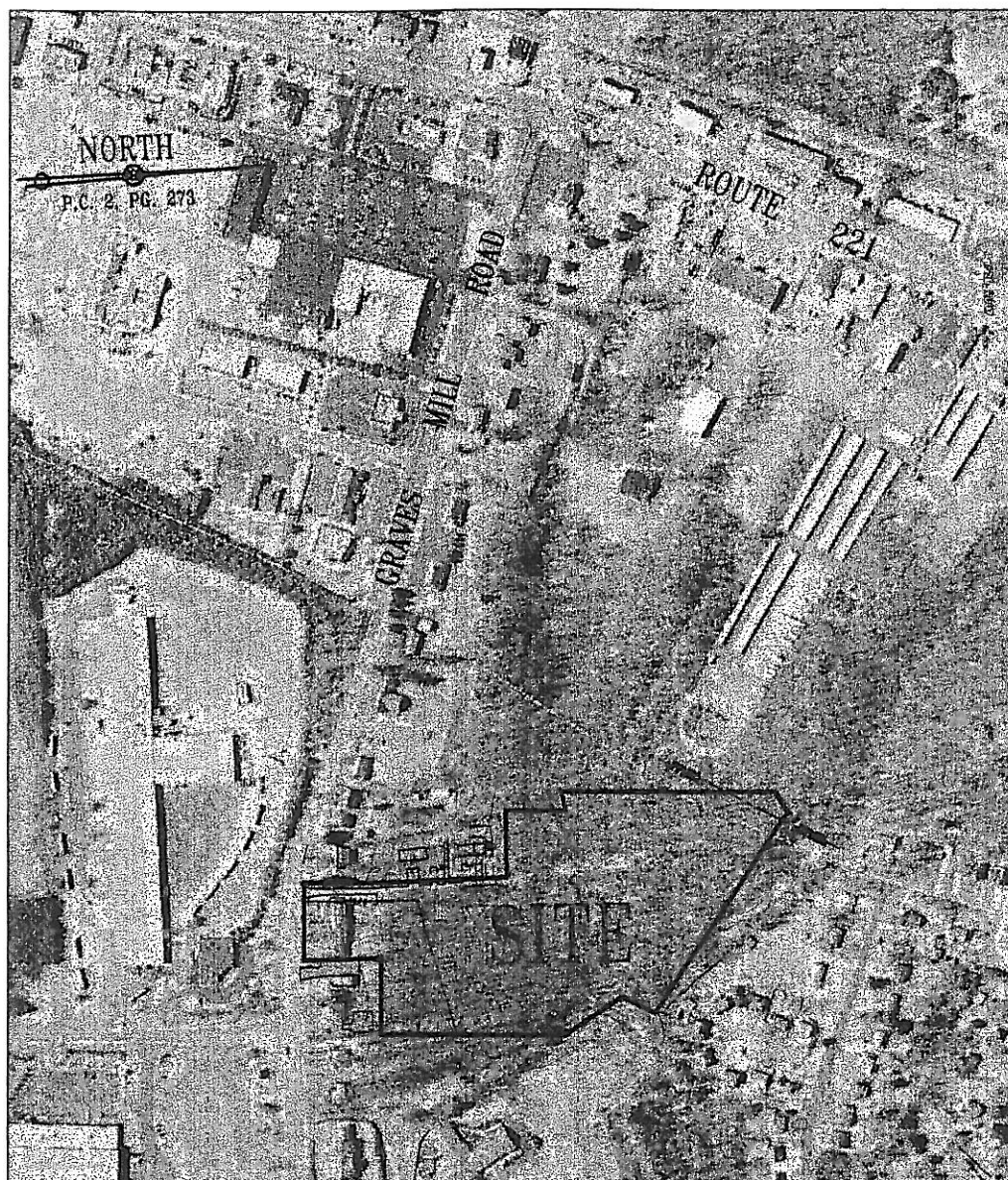
SOURCE OF TITLE:	AGO PROPERTIES	D.B. 785, PG. 780 & D.B. 683, PG. 334
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SCALE: 1" = 100'	DATE: JUNE 17, 2009	COMM. NO.: 09033	F.B. REF.: N/A
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FOR:	J M U, LLC	TAX ID.:	240-14-01
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The seal is circular with a decorative, serrated border. The text "COMMONWEALTH OF VIRGINIA" is arched across the top. In the center, it reads "JAMES C. MAY, JR." followed by "Lic. No. 1262" and "JUNE 17, 2009". The words "LAND SURVEYOR" are arched across the bottom.

SHEET 2 of 2



LOCATION MAP

SCALE : 1" = 500'

DEVELOPER/PETITIONER

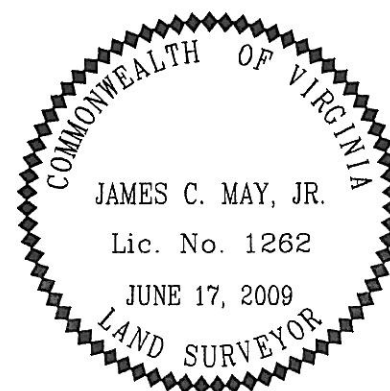
JMU, LLC
316 BREEZEWOOD DRIVE
LYNCHBURG, VIRGINIA
24502

CONTACT : UEL HARTLESS
PHONE : (434) 237-1072

PROPERTY OWNER

AGO PROPERTIES
C/O JOHN O'KEEFFE
416 HOWARD DRIVE
LYNCHBURG, VIRGINIA
24503

CONTACT : RICK READ
PHONE : (434) 455-3618



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TAX MAP # 240-14-01 = 10.72 ACRES+/-
(PER TAX RECORDS)

0.79 ACRE+/- TO BE RESERVED FOR FUTURE OFFICE SPACE.

4.97 ACRES+/- TO BE DEVELOPED AS A TOWNHOUSE COMPLEX. (MULTI-FAMILY USE)

4.96 ACRES+/- WOODED AREA TO REMAIN IN PLACE AS LANDSCAPE BUFFER.

PROPOSED DEVELOPMENT:

PROPOSED 50 - 2 STY. TOWNHOMES
TO BE BUILT ON 4.97 ACRES+/-

REQUIRED PARKING : 2.5 SPACES PER UNIT
2.5 SPACES x 50 UNITS = 125 SPACES REQ'D.

PROPOSED PARKING : 126 SPACES (9'x18')

PROPOSED LIGHTING TO BE GLARE SHIELDED AND DIRECTIONAL TO PREVENT ILLUMINATION BEYOND THE PROPERTY LINES.

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RECEIVED

JUL 13 2009

COMMUNITY
DEVELOPMENT

SOURCES OF TITLE :

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RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY OF LYNCHBURG, VIRGINIA.

SHEET 1 of 2

JAMES C. MAY AND ASSOCIATES, P.C. ENGINEERS-SURVEYORS-PLANNERS P.O. BOX 718, LYNCHBURG, VA., 24501 434-528-1005 (FAX 434-846-5412)		CONCEPTUAL PLAN FOR CONDITIONAL USE PERMIT HOLLY HILL TOWNHOMES 50 UNIT TOWNHOUSE COMPLEX 1700 GRAVES MILL ROAD CITY OF LYNCHBURG, VIRGINIA	
SOURCE OF TITLE:		SEE ABOVE	
SCALE: 1" = 100'	DATE: JUNE 17, 2009	COMM. NO.: 09033	F.B. REF.: N/A
FOR: J M U, LLC		TAX ID.: 240-14-01	

NORTH
P.C. 2 - PG. 273

GRAVES MILL ROAD

2100' +/- TO
S.R. 221

NOW OR FORMERLY
SHERMAN L. THOMAS
T.M. #240-13-06
ZONED "B-1"

NOW OR FORMERLY
BRYAN W. BROWN
MILLORA BROWN &
ROSANNA L. BROWN
DOC. #020004273
T.M. #240-14-03
ZONED "B-1"

NOW OR FORMERLY
BRYAN W. BROWN
MILLORA BROWN &
ROSANNA L. BROWN
DOC. #020004272
T.M. #240-14-02
ZONED "B-1"

NOW OR FORMERLY
DILLARD MARKHAM
AND
RUTH B. MARKHAM
T.M. #240-13-14
ZONED "B-1"

NOW OR FORMERLY
JWC, INC.
D.B. 982, PG. 104
T.M. #240-13-15
ZONED "B-1"

NOW OR FORMERLY
DONALD AND EMILY GREEN
BEDFORD COUNTY
T.M. #101-A-44
ZONED "C-2"
(GENERAL COMMERCIAL)

NOW OR FORMERLY
ANTHONY L. JOHNSON
AND
PAULA A. JOHNSON
D.B. 995, PG. 526
T.M. #240-06-04
ZONED "R-1"

NOW OR FORMERLY
MICHAEL W. COFFLIN
D.B. 887, PG. 851
T.M. #240-07-18
ZONED "R-2"

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RICHARD R. ZECHINI
D.B. 918, PG. 637
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(4.97 ACRES +/- TO BE DEVELOPED AS TOWNHOMES)

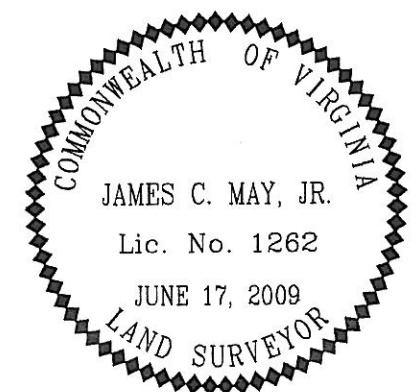
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LANDSCAPE ORDINANCE.

4.96 ACRES +/-
RESIDUE

EXISTING
WOODED AREA

NOT TO BE
DEVELOPED

EXIST. WOODED AREA



SHEET 2 of 2

JAMES C. MAY AND ASSOCIATES, P.C.
ENGINEERS-SURVEYORS-PLANNERS
P.O. BOX 718, LYNCHBURG, VA., 24501
434-528-1005 (FAX 434-846-5412)

REVISED CONCEPTUAL LAYOUT FOR CONDITIONAL USE PERMIT

HOLLY HILL TOWNHOMES

50 UNIT TOWNHOUSE COMPLEX
1700 GRAVES MILL ROAD
CITY OF LYNCHBURG, VIRGINIA

SOURCE OF TITLE:	AGO PROPERTIES	D.B. 785, PG. 780	& D.B. 683, PG. 334
SCALE: 1" = 100'	DATE: JUNE 17, 2009	COMM. NO.: 09033	F.B. REF.: N/A
FOR:	J M U, LLC	TAX ID.:	240-14-01

LYNCHBURG CITY COUNCIL Agenda Item Summary

MEETING DATE: August 11, 2009		AGENDA ITEM NO.: 11
CONSENT:	REGULAR: X	CLOSED SESSION: (Confidential)
ACTION: X	INFORMATION:	
<u>ITEM TITLE:</u> Approval of the 2009/2010 Annual Action Plan for CDBG and HOME Programs		

RECOMMENDATION: After a public hearing, approve the annual Action Plan for CDBG and HOME Programs for submission to the Department of Housing and Urban Development (HUD).

SUMMARY: The fiscal year 2009/2010 Plan describes allocations, objectives, activities, and performance measures for the City and links the goals and objectives of the 2005-2010 Consolidated Plan to the Annual Plan. This Plan also includes the proposed projects/activities to obtain these goals by measurable performance steps. The plan is presented in two parts, an executive summary and in a format required by HUD.

The annual plan reflects final allocations of CDBG and HOME funds by Council and the draft plan will be amended if necessary after Council approves the allocations at its regular Council meeting.

PRIOR ACTION(S): N/A

FISCAL IMPACT: N/A

CONTACTS: Kim Payne – 455-3990; Charlene Montford - 455-3902

ATTACHMENT(S): Draft Fiscal Year 2009/10 Annual Action Plan (2 parts)

REVIEWED BY: lkp



DRAFT DRAFT DRAFT DRAFT

Fifth Program Year Action Plan

The CPMP Fifth Annual Action Plan includes the [SF 424](#) and Narrative Responses to Action Plan questions that CDBG, HOME, HOPWA, and ESG grantees must respond to each year in order to be compliant with the Consolidated Planning Regulations. The Executive Summary narratives are optional.

Narrative Responses

GENERAL

Executive Summary

The Executive Summary is required. Include the objectives and outcomes identified in the plan and an evaluation of past performance.

Program Year 5 Action Plan Executive Summary:

EXECUTIVE SUMMARY

The City of Lynchburg is an entitlement City for the receipt of Community Development Block Grant (CDBG) and HOME Program funds. These federal programs require the City to submit an Annual Action Plan each year in order to receive its allocation of funding.

Lynchburg has been a CDBG entitlement community since 1975. Funding comes to the City in the form of an annual block grant allocation from HUD, to “develop viable urban communities by providing decent housing and a suitable living environment and expanding economic opportunities, principally for low-income and moderate-income persons.” The HOME program, also funded by HUD, was started in 1992 to provide a block grant specifically for affordable housing. HUD allocates these funds “to strengthen public/private partnerships and to expand the supply of decent, safe, sanitary, and affordable housing with primary attention to rental housing, for very low-income and low-income families.”

The Five-Year Consolidated Plan for Housing and Community Development is a prerequisite for the City’s annual funding from HUD. This Plan guides the allocation of federal resources. The City of Lynchburg’s 2005-2010 Consolidated Plan identified the City’s need for housing and non-housing community and economic development for a five-year period.

The fiscal year 2009/10 Annual Action Plan marks the fifth year of the Five-Year Consolidated Plan and outlines the projects and activities to be undertaken during program year July 1, 2009-June 30, 2010. A total of \$995,078.61 in CDBG and

\$542,941.19 in HOME funds is expected to be available for eligible projects and activities.

The City has chosen to utilize the Consolidated Plan Management Process (CPMP) tool in the preparation of this Annual Action Plan. HUD has created this tool to assist formula grantees in meeting the requirements of a Consolidated Plan – a Strategic Plan, up to five Annual Action Plans, and up to five Consolidated Annual Performance and Evaluation Reports.

As required, we have included in our Plan, the SF-424 Application for Federal Assistance, certifications, maps, charts, public hearing notices, summary of citizen comments, and all other required sections of the Annual Action Plan.

Lead Entity

The City of Lynchburg Community Development Department is the lead entity in the development of this Annual Action Plan to the Department of Housing and Urban Development. The Community Development Department is also responsible for implementing the Consolidated Plan and the CDBG and HOME Programs. General inquiries regarding the Consolidated Plan, Annual Action Plan and specific projects and activities within the CDBG and HOME programs may be directed to the Grants Administration staff at (434) 455-3900. Written correspondence regarding this Plan or the federal programs should be directed to: Grants Administration, Second Floor, 900 Church Street, City of Lynchburg ,VA 24504.

Evaluation of Prior Year(s) Performance

The 2007/08 Consolidated Annual Performance and Evaluation Report (CAPER) compared the City's performance to the goals established in the Five-Year Consolidated Plan. The CAPER described activities and actions undertaken in Lynchburg from July 1, 2007 through June 30, 2008.

The CAPER identified each priority as contained in the Consolidated Plan and provided information on the amount of CDBG and HOME funds that were expended during the program year and what was accomplished. The City provided charts that reflected the numbers of completed projects in relation to the annual and five year goals for the various categories of projects. The City also incorporated local performance measurements and accomplishments in the area of affordable housing, poverty, income, and demographics of the beneficiaries. Overall, housing and community development activities continue to target the priority needs identified in the 2005-2010 Consolidated Plan.

All CDBG funds were expended to carry out activities that benefited low and moderate income persons. Activities included funding for public service, housing, economic development and neighborhood needs, such as youth tutorial and recreation programs, fair housing activities, employment training, housing counseling, microenterprise assistance and vacant lot improvements. As in previous years, the needs within Lynchburg continue to exceed available resources.

The City also receives Shelter Plus Care funding for ten supportive housing units. Lynchburg Neighborhood Development Foundation (LNDF) received a HUD grant for the

development of these units of permanent housing for disabled persons and families. Miriam's House provides supportive services for these units. Through our Continuum of Care, the City has focused on strengthening the provision of services to all homeless individuals and to creating permanent housing opportunities.

Community Profile

Lynchburg is a City of 50 square miles and a Metropolitan Statistical Area (MSA) of 1,802 square miles. Located in the foothills of the Blue Ridge Mountains along the banks of the James River, Lynchburg is known as the "City of Seven Hills", "The Hill City" and sometimes described as "A City unto Itself" because it is not located within any county limits, but is a city in the middle of Amherst, Bedford, Campbell and Appomattox Counties. It is located approximately 180 miles southwest of the nation's capital, Washington, D.C. The community was founded in 1786 and has a rich history of civic pride, philanthropy, and development.

An active community boasting friendly residential neighborhoods, Lynchburg has a tradition of outstanding public education. Lynchburg operates one of the top school systems in the state and is recognized for its unique Partners in Education program that partners the business and government sector with the schools. The City is also home to five public/private colleges and universities.

A City with outstanding cultural, educational, and recreation opportunities, Lynchburg operates 12 parks, 24 playgrounds, eight community centers, an Olympic-size pool, 34 tennis courts and 26 baseball diamonds.

The economy in Lynchburg was for many years dependant on manufacturing industries, but the trend has moved to a broadly diversified manufacturing and service center including high-tech communications equipment, materials handling machinery, integrated products, paperboard, rubber products, and iron pipe castings. The two major employers, Genworth Financial and CentraHealth, provide financial and health services, respectively.

The City is aggressively supporting redevelopment and revitalization of its downtown area making the infrastructure, physical improvements, economic incentives, and activities accessible for all citizens. Plans include further improvements to the Riverfront Park, lower BluffWalk, and restoration of the Academy of Music Theater (c.1905). All of these items will allow all citizens, but particularly low and low-moderate income persons, opportunities to have access to new jobs, social services, recreational, and cultural activities.

Demographic Summary/Locations of Benefit

The 2000 census listed the population at 65,269 people, with White residents accounting for 66.6 percent of the City's population, African-American residents accounting for 29.7 percent, and the remaining 1.5 percent being made up of two or more races. The median household income was \$32,234 in the 2000 census and the number of persons below poverty was at 16.4 percent of the population.

Demographic and workforce data, collected by the Weldon Cooper Center at the University of Virginia, put the provisional population estimate for the City of Lynchburg at 69,738. The Weldon Cooper Center's population estimates are the official figures for the Commonwealth of Virginia. They are used by various state and local government agencies in revenue sharing, funding allocation, planning and budgeting purposes. (Weldon Cooper Center, UVA, January 28, 2008).

Also, according to the Weldon Cooper Center (2008), currently, approximately 48,495 or 68% of the City's residents are White and 20,159 or 28% are Black or African American. The remaining 4% is identified as American Indian, Asian, Hispanic or comprising two or more races.

Minorities in Lynchburg tend to be concentrated in the older portion of the City that is identified as Census Tracts 4, 5, 6, 7, 11, 12, and 13. Minority concentration is defined as a census tract with a minority population of greater than 40 percent. This area, with the addition of Census Tract 14, corresponds to the area where a majority of persons are low- and moderate-income as defined by HUD.

All proposed projects and activities will benefit eligible City of Lynchburg residents on a citywide basis.

Annual Goals

On December 12, 2006, City Council approved the goals for housing and non-housing development, which constitute the priority needs stated in the Consolidated Plan. These goals reflect the needs that historically have been the needs of the very low-, low-, and moderate-income persons living within the target census tracts. The goals are to:

- Provide priority assistance to programs designed to create new home ownership opportunities available to low- and moderate-income buyers.
- Increase the number of owner-occupied units through support of public and private homebuyer programs. Emphasis is to be placed on programs, which require an investment of funds and/or labor on the part of the buyer, which are commensurate with the buyer's resources.
- Rehabilitate substandard housing units through support of public and private programs. Emphasis is to be placed on programs, which require an investment of funds and/or labor on the part of the owner, which are commensurate with the owner's resources. In addition, maintenance of homes will be enforced through applicable ordinances and building code requirements, and through owner initiatives to rehabilitate existing rental properties.
- Support initiatives to increase permanent affordable housing opportunities for low-income households and Special Needs Populations and encourage regional cooperation of this goal throughout the Region 2000 area.
- Support the Healthy Neighborhoods Initiative by improving housing stock.

- Support economic development efforts, which will expand job opportunities and support job retention for low- and moderate-income individuals. Continue to take actions, which stimulate private, as well as public investment in designated enterprise zones.
- Eliminate neighborhood deterioration, blight and blighting influences through staged redevelopment of public infrastructure, rehabilitation activities, code enforcement, or clearance where needed.
- Support the organized efforts of neighborhood associations that seek to leverage their resources to improve infrastructure, amenities, and services.
- Support park and recreation improvements in relation to community need, particularly for low- to moderate-income persons or neighborhoods.
- Encourage the preservation of properties of special value for historic, architectural, or aesthetic reasons.
- Support public service providers in meeting the service needs for low- and moderate-income individuals and Special Needs Populations.

*Special Needs Populations include, but are not limited to, the mentally ill/mentally disabled, physically disabled persons, substance abusers/addicts, persons with AIDS, the homeless, and elderly persons in need of supportive housing.

Summary of Citizen Participation Process

It is the intent of the City of Lynchburg to encourage and facilitate the participation of residents of the City in the formulation of priorities, strategies, and funding allocations in the Consolidated Plan and Annual Action Plan. In addition to public meetings and hearings, copies of the draft Annual Action Plan were made available for public review at various locations in and throughout the City, including the Jones Memorial Library located at 2311 Memorial Avenue, the library in City Hall, the receptionist/information area in City Hall and the Community Development Office located at 900 Church Street, Second Floor of City Hall.

The Community Development Advisory Committee (CDAC) held a special meeting on April 9, 2009, to discuss the allocation of CDBG and HOME funds and to establish their priorities for the 1009/10 fiscal year. The areas of priority under consideration were as follows:

- 1) Housing Rehabilitation Activities
- 2) Public Facilities and Improvement Activities
- 3) Public Service Activities
- 4) CHDO projects

The application process for CDBG and HOME program funds for fiscal year 2009/10 began on Friday, April 17, 2009 and ended on Monday, May 18, 2009. In accordance with the process outlined in the City's Citizen Participation Plan, a notice was published in the local newspaper, indicating the acceptance of applications for funding programs,

projects and activities under the CDBG and HOME Programs. The advertisement indicated the expected amount of funding for both programs.

On Monday, May 18, 2009, the City received 15 applications for CDBG funding and 4 applications for HOME funding. Prior to the receipt of applications, the Community Development staff held a Technical Assistance Workshop on Wednesday, May 5, 2009, from 9-11am in the City Council Chambers, First Floor of City Hall. Organizations and individuals making application for funding, as well as others interested in the process, attended and received information. City staff used this opportunity to discuss the application process and the requirements for funding under both the CDBG and HOME programs.

The Community Development Advisory Committee (CDAC) met on May 27, 2009, and reviewed all project applications. The CDAC made recommendations to City Council for projects that they concluded would be most beneficial to the low and moderate income persons within the targeted neighborhoods and within the broad national goals established by HUD of providing decent housing, a suitable living environment and expanding economic opportunities. As stated earlier, funding considerations for 2009/10 were only in the areas of Housing Rehabilitation, Public Facilities and Improvements, Public Service and CHDO activities.

In accordance with the City's adopted Citizen Participation Plan, a public hearing was held on July 14, 2009, to obtain citizen comment during the Plan development. On June 2009, a public notice advertisement was placed in the local newspaper advising the public of this hearing.

Outcome Performance Measurement System

In an effort to improve the tracking of the results of federal funds, HUD developed an outcome-based performance measurement system. The purpose of this system is to make the Consolidated Plan more results-based and useful to jurisdictions in assessing their progress toward reaching goals. The outcome performance measurement system includes objectives, outcome measures and indicators that describe outputs. The objectives of this system are to:

- o Create a Suitable Living Environment;
- o Provide Decent Affordable Housing; and
- o Create Economic Opportunities.

The outcome categories for this system are 1) accessibility, 2) affordability and 3) sustainability. The City of Lynchburg has incorporated the Outcome Performance Measurement System into this Annual Action Plan.

Available Resources

The table below reflects the federal funding expected to be available during fiscal year 2009/10.

Program	FY 2009/10 Anticipated Federal Funding
Community Development Block Grant Program (CDBG)	\$ 842,849.00
Anticipated Program Income	79,596.00
Reprogrammed Funds – ReBuild Lynchburg Repayment	1,383.61
Reprogrammed Funds – BluffWalk Interest Payment	71,250.00
Total Anticipated CDBG	\$995,078.61
HOME Program	471,162.00
Anticipated Program Income	7,800.00
Reprogrammed Funds- LNDP Repayment	63,979.19
Total Anticipated HOME	542,941.19
Total Federal Resources	\$1,538,019.80

Projects and Activities for 2009/10

The following projects have been awarded funding:

CDBG PROJECTS

Project	Award Amount
Program Administration (City)	\$ 150,000.00
Program Administration (Lynchburg Redevelopment & Housing Authority)	24,718.00
Section 108 Loan (Bluff Walk)	318,284.00
Lynchburg Redevelopment & Housing Authority/Spot Blight Abatement/Acquisition	288,425.41
Lynchburg Redevelopment & Housing Authority/Rental Rehab	100,000.00
Hunton-Randolph Community Center Renovations	25,000
Jubilee Family Development Center (Public Service)	20,000
Miriam's House (Public Service)	20,000
New Land Samaritan Inns, Inc./The Gateway (Public Service)	25,000
YWCA Domestic Violence Prevention Center (Public Service)	23,651.20
TOTAL CDBG PROJECTS	\$995,078.61

HOME PROJECTS

Home Administration (City)	\$54,294.00
Lynchburg Neighborhood Development Foundation Neighborhood Stabilization Program	180,000.00
Lynchburg Community Action Group (Lyn-Cag) - (CHDO Project)	110,000.00
Lynchburg Community Action Group Homebuyer Program (CHDO)	70,000.00
Rush Lifetime Homes (Independent Housing) – CHDO Project	128,647.19
TOTAL HOME PROJECTS	\$542,941.19

All CDBG and HOME funds will be expended in accordance with primary objectives of these programs. Further, the City estimates that over 70 percent of the total funds for 2009/10 will benefit low/moderate income persons.

Summary of 2009/10 CDBG and HOME Activities

The following *Summary of Activities* provides a narrative description of each activity to be funded through the 2009/10 Annual Action Plan. The summary identifies the agency or organization to be funded, the amount of the award, the activities to be undertaken, and if known, the location of the project.

Community Development Block Grant Activities

The City of Lynchburg will have available \$995,078.61 in CDBG funds to support administrative and service delivery operations, housing, community development, economic development and public service activities for ten projects and activities.

Program Administration (City) - The City will use \$150,000 of its CDBG allocation for the payment of reasonable administrative charges related to the planning and execution of community development activities. The majority of these funds will be used to pay a percentage of the salary and benefits of Community Development staff dedicated to managing the CDBG and HOME Programs.

Program Administration (Lynchburg Redevelopment and Housing Authority) – This agency has been awarded \$24,718.00 in CDBG funds to provide technical services that consists of the collection of delinquent accounts, monitoring insurance coverage, negotiating payment plans and participating in foreclosures and deeds in lieu of foreclosure for current and prior CDBG projects. Administrative cost includes pro-rata share of salaries, benefits, travel and communication.

Section 108 Loan (Bluff Walk) - A total of \$318,284 in CDBG funds has been set aside for debt repayment on the Section 108 Loan to the Bluff Walk Center.

In June 2003, the City of Lynchburg was awarded a Section 108 Loan in the amount of \$3.2 million for the Bluff Walk Center - a boutique hotel, upscale restaurant, microbrewery, and conference center that opened in the spring of 2007. This \$23 million dollar renovation project added new permanent full-time positions to the zone, stimulated additional public and private investment, and serves as a tourist attraction in the City.

The Center is one of the major redevelopment projects included in the Downtown Riverfront Master Plan 2000. The purpose of creating the Master Plan was to restore the economic vitality and dignity of our once prosperous downtown, riverfront and surrounding neighborhoods. Our downtown and surrounding neighborhoods have significant blighting conditions and have officially been determined by HUD as a slum and blighted area since the 1970's.

Lynchburg Redevelopment & Housing Authority – Spot Blight Program - The City has allocated \$288,425.41 in CDBG funds for acquisition, disposition and soft costs related to the Spot Blight Program.

Section 36-19.5 of the Code of Virginia allows a local housing authority and a local governing body to work together in identifying structures that are deteriorated and have a detrimental influence on surrounding properties. This program also allows the enforcement of housing codes.

Lynchburg Redevelopment & Housing Authority – Renal Rehab Program - The City has allocated \$100,000 in CDBG funds for the Rental Rehabilitation Program administered by the Redevelopment and Housing Authority.

Hunton-Randolph Community Center (Public Service) - CDBG funds in the amount of \$25,000 has been awarded to this agency to provide activities and programming to area residents who attend the center.

Formerly the Hunton YMCA, this organization has been a beacon of light in the inner city community since 1919. It was a place where lives were changed and futures were guided to success.

Jubilee Family Development Center (Public Service) – The \$20,000 in CDBG funds awarded this agency will be used for staff and overhead associated with the program.

The Jubilee Family Center strives to deliver programs to promote self-sufficiency and social responsibility to young people and their families. It consists of 3 phases: Phase I- Academic Programming, Phase II-Athletic, and Phase III- Occupational Outreach Programming. Two of the newer programs include the Achievers Program and the Reentry Program.

STEM was developed to address the problem of unemployment and underemployment and expand the shrinking skilled labor pool in and around Lynchburg. The project seeks to improve participants' core academic skills so they are able to move on and master the "new literacy" skills necessary to compete in today's technology laden job market. The program is designed to steadily progress from academic training to career planning and job training and finally to internships and permanent employment. This building block program will match the target group with local employers whose labor pool has been reduced due to the lack of skilled workers in the "utilities" industry.

Miriam's House (Public Service) – This agency has been allocated \$20,000 in CDBG funds to contribute to the cost of operating their local permanent housing programs.

Miriam's House provides case management services for their residents. In returning to mainstream society, homeless persons are particularly fragile, especially those recovering from substance abuse. The services they provide include weekly visits by case managers, 24 hours-7 days a week on call support, money management, mental health assessment, medication monitoring, linkage to entitlement benefits such as Medicaid, Food Stamps and Social Security, employment counseling, parenting training and childcare, substance abuse recovery support and a host of other services specifically designed to maintain each resident into permanent housing.

New Land Samaritan Inns/The Gateway (Public Service) - The City has allocated \$25,000 in CDBG funds for staff and overhead associated with this agency.

The Gateway provides transitional housing and supportive services to homeless men in recovery from drug and alcohol addiction, holding them accountable as they learn to make better choices and rebuild their lives. Many of the clients have children and a few are married.

The Gateway is the only transitional shelter for men in Central Virginia. This organization provides housing for a maximum of 24 men at any given time. Residents must be at least 18 years of age and have successfully completed a 30 day alcohol or substance abuse treatment program or be willing to attend intensive out-patient treatment in order to be considered for enrollment.

YWCA Domestic Violence Prevention Center (Public Service) - The YWCA has been awarded \$23,651.20 in CDBG funds for staff support and overhead associated with the operation of the domestic violence prevention center.

The YWCA provides unfunded direct services to the City of Lynchburg through the police protocol for responding to domestic violence cases, the Court Services protocol during intakes, and Court Referrals to the Children's Supervised Visitation Center.

HOME Activities

The City of Lynchburg will have available \$542,941.19 in HOME program funds to support housing activities in our community during fiscal year 2009/10. Four projects have been allocated funding for HOME eligible activities and the City has set aside the allowed 10% of the award for program administration. Two of the four activities are CHDO projects.

HOME Administration (City) – The City will utilize \$54,294 of its HOME allocation for eligible administrative and planning costs. The majority of these funds will be used to pay a percentage of the salary and benefits of Community Development staff dedicated to managing the federal programs.

Lynchburg Neighborhood Development Foundation Neighborhood Stabilization Program –This organization and program has been awarded \$180,000 in HOME program funds to use for homebuyer financing, down-payment and closing costs and homeownership counseling.

The Neighborhood Stabilization Program (NSP) is a result of the Housing Recovery Act of 2008 through which federal funds were distributed to prevent communities with high foreclosure rates from physical deterioration and falling homes prices due to abandonment and neglect. The threshold for participation in NSP is that the defined neighborhood experienced foreclosures in 10% of its housing stock. The program will contribute funds for acquisition and a portion of the rehabilitation of a house for the re-sale to eligible qualified homebuyers.

NSP-Lynchburg proposes to purchase and renovate 15 foreclosed and vacant or abandoned homes in Diamond Hill and Early Street off Rivermont Avenue (targeted neighborhoods). Four non-profit housing providers – LNDF, Lyn-Cag, Habitat and Rush Homes – have worked over the past two months with the Region 2000 Local Government Council to develop the program and will participate directly in its implementation.

Lynchburg Community Action Group(Lyn-Cag) Rehabilitation Program – CHDO Project

The \$110,000 in HOME funds will be used for eligible repair and rehabilitation services. In the 2009-2010 program year, Lyn-Cag anticipates assisting four (4) eligible households with this program.

Lyn-CAG's Housing Rehabilitation Program provides major rehabilitation services to Lynchburg LMI homeowners whose homes have been identified as substandard by City Inspections and/or Lyn-CAG. Major rehabilitation services include bringing all house systems into Code Compliance. This may include: plumbing, electrical, HVAC systems, safety systems, window and door systems, roof and gutter systems, structural systems, exterior and interior finishes, handicapped systems and lead remediation.

The scope of work is developed by a rehab specialist, the work is bid out and the rehab specialist and City Inspections/Grants Administration staff performs a final inspection. The rehabilitation work is done by professional licensed local contractors. Energy conservation improvements are performed by Lyn-CAG Energy Conservation Specialists.

Lynchburg Community Action Group(Lyn-Cag) Homebuyer Program – CHDO Project

This agency has been awarded \$70,000 in HOME/CHDO funds to assist eligible households during the fiscal year.

Lyn-CAG's First-Time Homebuyer Program activities provide services designed to remove health and safety hazards and code violations from vacant homes. The agency plans to sell these homes to low-income first-time homebuyers who meet HUD income guidelines for the HOME program. Lyn-Cag provides marketing for the sale of the homes.

Rush Lifetime Homes (Victoria Ridge – CHDO Project) –

The City has awarded Rush Homes \$128,647.19 in HOME CHDO funds to assist in the development of the Victoria Ridge project.

Rush Homes, Inc. has been designated by the Virginia Department of Housing and Community Development and the City of Lynchburg as a Community Housing Development Organization (CHDO). The agency plans to develop Victoria Ridge on Victoria Avenue in Lynchburg. The development will consist of 24 apartments, including 16 one-bedroom and eight two-bedroom units for people with special needs and low incomes. Fifty percent of the apartments will be fully accessible to Section 504 standards; the remainder will be adaptable for disabilities.

General Questions

1. Describe the geographic areas of the jurisdiction (including areas of low-income families and/or racial/minority concentration) in which assistance will be directed during the next year. Where appropriate, the jurisdiction should estimate the percentage of funds the jurisdiction plans to dedicate to target areas.

Action Plan General Questions response:

According to the 2000 Census, the population in Lynchburg is 65,269 and the MSA is 223,317. White citizens account for 66.6 percent of the City's population, African-American citizens account for 29.7 percent, and the remaining 1.5 percent is made up of two or more races. The Hispanic/Latino population is at 1.3%. The median household income is \$32,234 and the number of persons below poverty is 16.4 percent of the population. The current unemployment rate is 3.5 percent. Note: This Plan references the White and Nonwhite populations.

Minorities in Lynchburg tend to be concentrated in the older portion of the City that is identified as Census Tracts 4, 5, 6, 7, 11, 12, and 13. Minority concentration is defined as a census tract with a minority population of greater than 40 percent. This area, with the addition of Census Tract 14, corresponds to the area where a majority of persons are low- and moderate-income as defined by HUD.

2. Describe the basis for allocating investments geographically within the jurisdiction (or within the EMSA for HOPWA) (91.215(a) (1)) during the next year and the rationale for assigning the priorities.

The City of Lynchburg's Consolidated Action Plan draws attention to the housing needs and services in seven contiguous census tracts that comprise the Community Development Block Grant (CDBG) targeted area: Census Tracts 4, 5, 6, 7, 11, 12, and 13. This area comprises the central city neighborhoods of Lynchburg that surround the downtown business district. Demographics and surveys in these neighborhoods indicate that this is where the highest degree of housing problems exists, where the most blight is observed, and where most of the City's low- and low-to-moderate-income persons reside.

The 2000 Census reflects median family income for a family of four in Lynchburg as \$32,234, slightly more than that of the 1990 census. This compares to an income range of \$14,000 - \$24,000 in the target census tracts. Incomes in these neighborhoods are significantly lower than incomes citywide. A disproportionate number of nonwhites live in the target market (66.6%) while the citywide nonwhite population is 33.4% of the population.

In 2000, Lynchburg had 25,477 occupied housing units (a slight increase since the 1990 census). Of these, 38% percent were rental units (10,573), and 54% were owner-occupied (14,903). The rental vacancy rate was at 8% while vacancies of units for-sale were only 2%. The Citywide median value of owner-occupied property was \$85,300, according to 2000 census data, compared to an average home value of \$42,400 in the target census tracts. Since each census tract in the target CDBG area contains at least one historic district in which property values and purchase prices are quite high, this average value is not fully reflective of actual property conditions throughout the target

census tracts. While property values are seen as relatively low for owner-occupied units in the target neighborhoods, the average rents there are higher than the City average.

African-American households experience the burden of housing problems more so than any other category of residents. A greater percent of non-white renters (45 percent) experience housing problems, when compared to the percentage of all renters (38 percent) with housing problems. A greater percentage of African-American homeowners (24 percent) experiences housing problems than do their white counterparts (13 percent).

Because of the City's desire to encourage a range of housing types throughout Lynchburg, this office has adopted some of the dynamic tools used in developing the Comprehensive Plan in which income levels and needs are identified in a housing policy matrix along with potential activities that can be taken by the public and private sector. In this way, City staff can work within small or large geographic areas of the target market and focus on housing needs of residents in the income ranges of 30%, 50%, and 80% of the Area Median Family Income (AMFI). Corresponding strategies and tools will be examined and, if appropriate, implemented to meet the housing issues observed. Community Development staff maintain the matrix and supporting information.

3. Describe actions that will take place during the next year to address obstacles to meeting underserved needs.

The City will continue to cooperate with local non-profits, neighborhood groups, and others to address obstacles to meeting undeserved need, foster and maintain affordable housing, remove barriers to affordable housing, evaluate and reduce lead based paint hazards, develop institutional structure, enhance coordination between public and private housing and social service agencies, and foster public housing improvements and resident initiatives. Agencies and groups that coordinate this effort are the Lynchburg Neighborhood Development Foundation, Housing and Homeless Coalition, Lynchburg Community Action Group, Lynchburg Redevelopment and Housing Authority, Code Enforcement Task Force, and the Lynchburg Department of Social Services.

4. Identify the federal, state, and local resources expected to be made available to address the needs identified in the plan. Federal resources should include Section 8 funds made available to the jurisdiction, Low-Income Housing Tax Credits, and competitive McKinney-Vento Homeless Assistance Act funds expected to be available to address priority needs and specific objectives identified in the strategic plan.

City Resources

Federally-funded City Programs include Shelter Plus Care and Lead Safe Lynchburg*. The City is open to applying for federal funds in those cases where partnering non-profit or other agencies cannot be recipients and the issues are relevant to the City priorities.

***The City of Lynchburg has executed a Memorandum of Understanding with HUD and the Department of Housing and Community Development to complete the 2005 Lead Safe Lynchburg Program.**

Shelter Plus Care Program

The City of Lynchburg received \$320,700 in HUD funds in 2002 for the Shelter Plus Care Program. This funding was provided for a five-year period and an extension has been granted for an additional five years. The program provides rental assistance to approximately ten housing units. The overall goal of this grant is to identify homeless persons ready for permanent housing, and offer additional time, financial assistance and services to reinforce their own resources, skills and motivation to live independently and achieve self-sufficiency. The City conducts the program in collaboration with Lynchburg Neighborhood Development Foundation (LNDF) and Miriam's House. Participants must be considered homeless, have a documented disability, and must cooperate with necessary services. LNDF secures the housing and Miriam's House provides services. Funds are received through the Supportive Housing Program.

During this Action Plan year the City, LNDF and Miriam's House will continue the operation and sustain this Program to ensure that homeless persons, ready for permanent housing, are offered the opportunity to occupy available units.

Code of Ordinances

The Code of Ordinances of the City of Lynchburg authorizes City Council to designate rehabilitation districts and to waive customer availability charges for connection to the water and sewer systems. Non-profit housing developers may petition Council for the above designation when redeveloping residential property for low- and moderate-income households. Water availability charges of \$1,670 per dwelling and sewer availability charges of \$2,400 per dwelling may be waived by a majority vote of City Council. This program is frequently used by Habitat for Humanity. Real estate tax relief is available to the elderly and persons with disabilities earning \$19,000 or less per year, with a net worth of \$60,000 or less excluding the house in which they live. The City may also exempt from real estate taxes, for 10 years, the increase in value of a house 25 years old or older, which has been rehabilitated. There are also tax incentives provided to businesses that locate within the two designated enterprise zones.

Neighborhood Services Program

The City through its Neighborhood Services Program supports neighborhood revitalization by providing code enforcement of structures in need of repair, the abandoned vehicle program, the weed enforcement/inmate labor program, and illegal dumping. The City has also implemented the Residential Rental Rehabilitation Program that addresses code issues with substandard residential dwelling units by providing for periodic inspection to ensure such units comply with the Uniform Statewide Building Code (USBC). This program will continue its focus in the CDBG targeted neighborhoods found to have blighted residential rental dwelling units or be in need of inspection to prevent deterioration.

Federal Housing Programs

The Lynchburg Redevelopment and Housing Authority operates the four Publicly-Owned Housing Complexes in the City, and as such receives Comprehensive Grant Funds from the U. S. Department of Housing and Urban Development on an entitlement basis. LRHA owns and operates 328 units in these four sites: Dearington, 100 units;

Birchwood, 103 units; Langview, 50 units; and Brookside; 75 units. The complex's units are composed of 29 one-bedroom, 152 two-bedroom, 114 three-bedroom, 28 four-bedroom, and 5 five-bedroom. There is no planned increase or decrease in the number of public housing units. All units are well maintained; all four complexes have long-term physical and social viability.

In addition to permanent housing provided by LRHA, there are several Publicly-Assisted Housing Units throughout the City. There are ten multi-family privately owned, federally assisted, and managed units in Lynchburg that provides project-based rental assistance to low-income persons, the elderly, and persons with disabilities. Some private property owners participate in LRHA's Section 8 program, accepting vouchers from assisted families.

With the maturation of the Central Virginia Homeless and Housing Coalition (HHC), several area non-profit housing developers have been assisted with HUD funds through the Supportive Housing Program (SHP) to develop transitional and permanent housing opportunities for disabled homeless. The transitional housing providers include Miriam's House, a transitional facility for homeless women and children, and Lynchburg Community Action Group's Family Living Center for homeless families. Permanent housing providers are Rush Homes with five new units for disabled homeless in the region, and LNDF with ten units at Cornerstone. In all cases, case management is provided to residents so that they continue with necessary services while they work to join mainstream activity.

Because of adopting methods to specifically identify the chronically homeless persons in the City, the HHC membership has initiated a shift in focus to provide services to meet the specific needs of these individuals and families. It is a topic regularly discussed at the bi-monthly meetings of the directors of the emergency shelter and transitional living (TL) facilities. As a participating member of HHC, the City maintains awareness of the issue of chronic homelessness and supports and engages in the strategies employed by the other members of HHC in meeting the needs of this portion of the homeless population.

LNDF was awarded \$412,000 from HUD's Supportive Housing Program, along with matching funds from the State, to provide 10 units of affordable permanent rental housing for disabled homeless persons and families. Two buildings in Lynchburg were acquired and renovated for the project, called the Cornerstone. The project includes eight one-bedroom units and two two-bedroom units. The partners are LNDF as owner/developer, Miriam's House as service provider and Community Housing Partners Corp (CHPC) as property manager.

Rush Homes has five housing units in their program that provide permanent affordable homes with support services for homeless adults with disabilities. The purpose of the Supportive Housing Program is to assist people with disabilities who are experiencing homelessness in the transition to permanent housing, and to enable them to live as independently as possible. Rush Homes provides a fully furnished home and clients pay an affordable rent based on income. Rush Homes provides case management services and links clients with other needed services such as budgeting, childcare, employment services, and health care.

The U.S. Treasury has supported the development of financial institutions that primarily operate in distressed communities and offer credit to low- and moderate-income households. These Community Development Financial Institutions (CDFIs) then qualify for consideration in annual, competitive funding rounds for funds that match the terms and amounts of funds raised through the private sector. This program has the potential to provide considerable leverage for local funds.

Lynchburg Community Loan Fund (LCLF) is a CDFI that provides housing loans in the form of subordinate mortgages for the purchase and repair of homes. The investment area includes the more blighted areas of the City of Lynchburg, and the target population is borrowers earning at or below 80% of the Area Median Income (AMI). In operation for many years, LCLF received seed funds from CDBG and has provided loans in excess of \$90,000 to the target population.

Historically, the larger banking community has been the major investors in CDFIs. This has been seen in Lynchburg as several local banks offered long-term pledges of contributions to LCLF for its loans. As a non-profit CDFI, LCLF can obtain grant funds to reduce the costs of funds and further spread its resources. As it grows, LCLF will consider additional loan products, such as facilities lending, and expanding the territory it serves under Treasury certification.

State Housing Program

State program funds are funneled to the City through other non-profit organizations, which assist with homeownership and weatherization of homes for low-income residents.

Central Virginia Regional Loan Fund: Lynchburg Neighborhood Development Foundation receives approximately \$800,000 per year in regional loan funds from the Commonwealth of Virginia. These funds can be used for first-time buyers in the form of low-interest loans, either in rehabilitation or new construction in the Central Virginia Planning District. These funds are available to persons under 60 percent AMFI who can qualify for low-interest mortgage funds. City HOME dollars and other private agencies supplement these funds with subordinate, forgivable loans to cover down payment and closing costs.

Weatherization and Emergency Assistance Programs: Lynchburg Community Action Group (Lyn-CAG) participates in programs that provide funds to weatherize homes of low-income persons; they usually involve improving the heating systems, doors and windows, and insulating the structure. This program also receives support from the City through the CDBG program. In addition, they receive Virginia Department of Social Services and other State share grants to assist in their varied housing programs.

Lyn-CAG also administers a Paint Program, utilizing the state's Neighborhood Assistance Program (NAP), through which paint products are made available to low-income homeowners who can provide the labor to complete their painting projects.

Affordable Housing Preservation Program: Funds from this flexible source distributed by the Virginia Department of Housing and Community Development (DHCD) have been used by several housing development agencies including Rush Homes and LNDF. Coupling these funds with other funds specifically directed to projects serving

special needs populations has resulted in a significant increase in the number of accessible houses available in Lynchburg.

Investment Equity through Tax Credit Programs

Federal Low Income Housing Tax Credits

This source of financing affordable housing development has been used in Lynchburg since the program's inception in the mid 1980s. Several groups have used this program, including: New Land Samaritan Inns that operates the Gateway. The Gateway serves as transitional housing for up to 23 men who were formerly homeless, and who agree to undergo treatment for substance abuse and/or training to improve work skills. Miriam's House is a similar program for women and their children.

Other, scattered site projects have been developed for affordable rental housing throughout the City using a combination of private equity investment and federal rental assistance programs. Most recently, two projects, College Hill Homes and Central City Homes, have used LIHTC to develop 65 affordable rental units through renovation and adaptive re-use of existing houses and building throughout Lynchburg's central city neighborhoods. In some cases, buildings were donated to the projects from LRHA. The City invested HOME funds in both projects.

Federal and State Historic Preservation Tax Credits

Lynchburg is a historic city and one that, over a century ago, was the second wealthiest city in the country on a per-capita basis. It was a port and distribution center on the James River and its leadership was comprised of wealthy merchants. Therefore, the housing stock, especially in the older city, is of excellent quality and unusual design and architecture. Preserving these buildings has not always been a City priority but in recent years has taken on major significance. The Lynchburg Historical Foundation (LHF) is a non-profit organization that supports preservation efforts and works with local professionals and residents to maintain this important part of the City's history. LHF also applies City CDBG funds as a match to funds it provides to residents of historic districts interested in preserving their homes. LHF also works with other organizations such as Lynchburg College's Center for the History and Culture of Central Virginia to research and develop the record of Lynchburg's past. As revitalization of the City's downtown gains momentum, preservation will be a critical issue in terms of construction and in terms of funds. Many local residents, businesses and non-profit organizations have begun to use the federal and state historic tax credits and enterprise zone tax credits. The amount of investment from the sale of these credits has increased substantially since the State credits have become effective.

The investment opportunities in the development of historic properties in Virginia are two-fold. In addition to credits against federal income tax liability, investors can also seek credits against state income tax liability. A combined maximum of 25% of the cost of approved basis is available for tax credits under the state program and 20% is available under the federal program. This incentive for investors to participate in the revitalization of the City, its downtown, and its residential neighborhoods is a positive boost to the City's plans for the future.

Private Resources

Greater Lynchburg Habitat for Humanity provides new single-family housing for purchase by low- and moderate-income families. Habitat has constructed close to 300 such houses to date using mostly private donations and significant support from the churches and faith communities. The City has provided some CDBG funds to cover the costs of water and sewer connection fees and land acquisition. Habitat serves the low- and very low-income population able to purchase a home. The City continues to encourage Habitat to renovate historic homes in the CDBG eligible area. This preserves the fabric of our historic neighborhoods and prevents further deterioration and vacancy in these areas.

Managing the Process

1. Identify the lead agency, entity, and agencies responsible for administering programs covered by the consolidated plan.
2. Identify the significant aspects of the process by which the plan was developed, and the agencies, groups, organizations, and others who participated in the process.
3. Describe actions that will take place during the next year to enhance coordination between public and private housing, health, and social service agencies.

Action Plan Managing the Process response:

The Department of Community Development, Grants Administration Division, is the lead agency and is responsible for the administration of the CDBG and HOME Programs.

The Grants Administration staff used local news media and non-profit agencies serving the low-to-moderate income persons to broaden public participation in the development of the Action Plan, including outreach to minorities and non-English speaking persons and persons with disabilities.

Primarily, the City's strategies will be conducted in the various partnerships the City enjoys with the public and private housing developers, health, and social service providers operating in the City and in the region. These include public partners, such as the Lynchburg Neighborhood Development Foundation (LNDF), Lynchburg Redevelopment and Housing Authority (LRHA), Lynchburg Health Department, and several private non-profits such as Lynchburg Community Action Group (Lyn-CAG), and Miriam's House. These and others work separately and collectively, along with City staff, on projects that achieve the goals stated by City Council.

Citizen Participation

1. Provide a summary of the citizen participation process.

Action Plan Citizen Participation response:

The Grants Administration Division ensured that City Council was kept advised of the annual consolidated planning process, in accordance with the City's adopted, Citizen Participation Plan.

It is the intent of the City of Lynchburg to encourage and facilitate the participation of residents of the City in the formulation of priorities, strategies, and funding allocations in the Consolidated Plan and Annual Action Plan. In addition to public meetings and hearings, copies of the draft Annual Action Plan were made available for public review at various locations in and throughout the City, including the Jones Memorial Library located at 2311 Memorial Avenue, the library in City Hall, the receptionist/information area in City Hall and the Community Development Office located at 900 Church Street, Second Floor of City Hall.

The Community Development Advisory Committee (CDAC) held a special meeting on April 9, 2009, to discuss the allocation of CDBG and HOME funds and to establish their priorities for the 1009/10 fiscal year. The areas of priority under consideration were as follows:

- 5) Housing Rehabilitation Activities
- 6) Public Facilities and Improvement Activities
- 7) Public Service Activities
- 8) CHDO projects

The application process for CDBG and HOME program funds for fiscal year 2009/10 began on Friday, April 17, 2009 and ended on Monday, May 18, 2009. In accordance with the process outlined in the City's Citizen Participation Plan, a notice was published in the local newspaper, indicating the acceptance of applications for funding programs, projects and activities under the CDBG and HOME Programs. The advertisement indicated the expected amount of funding for both programs.

On Monday, May 18, 2009, the City received 15 applications for CDBG funding and 4 applications for HOME funding. Prior to the receipt of applications, the Community Development staff held a Technical Assistance Workshop on Wednesday, May 5, 2009, from 9-11am in the City Council Chambers, First Floor of City Hall. Organizations and individuals making application for funding, as well as others interested in the process, attended and received information. City staff used this opportunity to discuss the application process and the requirements for funding under both the CDBG and HOME programs.

The Community Development Advisory Committee (CDAC) met on May 27, 2009, and reviewed all project applications. The CDAC made recommendations to City Council for projects that they concluded would be most beneficial to the low and moderate income persons within the targeted neighborhoods and within the broad national goals established by HUD of providing decent housing, a suitable living environment and expanding economic opportunities. As stated earlier, funding considerations for 2009/10 were only in the areas of Housing Rehabilitation, Public Facilities and Improvements, Public Service and CHDO activities.

In accordance with the City's adopted Citizen Participation Plan, a public hearing was held on July 14, 2009, to obtain citizen comment during the Plan development. On June

2009, a public notice advertisement was placed in the local newspaper advising the public of this hearing.

*Please note that Citizen Comments and Responses may be included as additional files within the CPMP Tool.

Institutional Structure

1. Describe actions that will take place during the next year to develop institutional structure.

Action Plan Institutional Structure response:

The City's Department of Community Development is responsible for carrying out the provisions of this Plan. Working in conjunction with its public and private partners, City staff will distribute, monitor, and execute the functions of the Plan and reports on its progress. Coordination with other departments within City administration is essential to smooth delivery of services and the achievement of desired outcomes.

Monitoring

1. Describe actions that will take place during the next year to monitor its housing and community development projects and ensure long-term compliance with program requirements and comprehensive planning requirements.

Action Plan Monitoring response:

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

Monitoring of projects is done in several ways. First, subrecipients are reimbursed for expenses, rather than provided funds up-front. The City requires receipts, time sheets, and other relevant documentation with the reimbursement request. In addition, subrecipients are required to submit quarterly performance reports, which are reviewed for consistency with the City's program and financial records. All subrecipients are visited on-site at least once per year by Community Development and Financial Services Department staff for monitoring. At the on-site monitoring visits for the housing and acquisition projects, a random selection of address files are reviewed for program compliance. For all other projects, a visual inspection is made of the various accomplishments completed with program funds and a narrative submitted on the benefits for low and low-to-moderate income persons. There is a monitoring checklist that is completed at the time of the review and then summarized. The financial reviews include a selection of reimbursements from the City. They are traced through receipt and disbursement of funds. When all staff has completed their reviews, the monitoring comments are compiled and a letter written to the agencies advising them of the results of the monitoring reviews and if any corrective action is needed. Technical assistance is provided as needed, or requested.

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

City staff will review each CDBG and HOME project to ensure that funds are being expended in accordance with the program regulations, and that the project funds are being expended in a timely manner. If a project has not expended funds during the quarterly review, City staff will contact the agency to discuss the project status and the importance of expending the project funds in a timely manner.

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

The City's CDBG and HOME funds are audited in conjunction with the City's annual audit. City Council reviews on an annual basis the remaining project funds and determines if funds will be retrieved from agencies and reprogrammed to other projects.

Lead-based Paint

1. Describe the actions that will take place during the next year to evaluate and reduce the number of housing units containing lead-based paint hazards in order to increase the inventory of lead-safe housing available to extremely low-income, low-income, and moderate-income families, and how the plan for the reduction of lead-based hazards is related to the extent of lead poisoning and hazards.

Action Plan Lead-based Paint response:

The City was awarded a \$2.9 million dollar Lead Hazard Control Grant from HUD in 2005. One of the goals of that grant was to reduce the incidence of lead poisoning in targeted areas and make older housing lead-safe through affordable, cost-effective methods. The City also had a goal of continuing to pursue education, intervention and sustainability. Over a nine year period, Lead-Safe Lynchburg delivered services to hundreds of families.

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

In July of 2007, the U.S. Department of Housing and Urban Development temporarily suspended the City's Lead Safe Lynchburg Program. During fiscal year 2008/09, the City entered into a Memorandum of Understanding with HUD and the Department of Housing and Community Development in Richmond to complete the 2005 Lead Safe Lynchburg program.

HOUSING

Specific Housing Objectives

*Please also refer to the Housing Needs Table in the Needs.xls workbook.

1. Describe the priorities and specific objectives the jurisdiction hopes to achieve during the next year.
2. Describe how Federal, State, and local public and private sector resources that are reasonably expected to be available will be used to address identified needs for the period covered by this Action Plan.

Action Plan Specific Objectives response:

The goals identified by City Council form the housing priorities for this plan, and guide the direction of City funds and other available resources. The following are the priorities and strategies to reach them.

Create new home ownership opportunities for low- and low-to-moderate-income families

The City agrees with the national priority to increase the homeownership rate, particularly for low- or moderate-income families. Homeownership promotes stable neighborhoods and an increased sense of community along with personal financial investment. Owning a home is usually the largest investment, and largest asset, of most households. The data reveals that homeowners are less likely to experience housing problems (substandard conditions, cost-burdens) than renting families. There are several public and private efforts ongoing in the city to attract more first-time buyers by offering various incentives. The City's Comprehensive Plan states that the City will foster and expand relationships with local lenders to develop partnerships for first-time homebuyers.

In order to increase homeownership, we must be prepared to assist families who are unable to meet the entrance profiles for conventional lending but are still credit-worthy and able to meet their financial obligations. This will mean that the City will need to partner with lenders and/or support alternative lending opportunities, by investing subsidies into the financing. The following are strategies that have been successful in Lynchburg and other places in meeting this priority: (1) continued and increased collaboration with area non-profit agencies, through the distribution of HOME and CDBG program funds; (2) expanded partnerships in the private sector, including corporate and banking sponsorship of homebuyer initiatives; and (3) new incentives to support private developers who build/renovate affordable single-family homes.

These strategies include exploring other public and private funding programs throughout the country to see if they can form models for us to maximize the available loan programs for first-time homebuyers. The use of CDBG and HOME funds to adjust market factors that sometime prohibit credit-worthy homebuyers from access to mainstream lending programs will make a difference in making new homeowners.

Moderate-income renters are an obvious target market for some of these programs. Most moderate-income persons could purchase a suitable house through programs that provide assistance in the form of lower interest rates and flexible loans for down payments and closing costs. City partners, such as Lynchburg Neighborhood Development Foundation (LNDF), Lynchburg Redevelopment and Housing Authority (LRHA), Lynchburg Community Action Group (LynCAG), and Habitat for Humanity, share this goal and offer several homeownership programs to meet the needs of the City's low income families.

Increase owner-occupied housing units: focus on distressed neighborhoods

The City's Comprehensive Plan states that a range of housing options is desirable but a greater proportion of owner-occupied is determined to create more stable neighborhoods as personal investment in long-range trends is stronger.

The 2000 Census reported 58.5 percent of the City's occupied housing units were owner-occupied, compared with 41.5 percent rental units. This represents a slight increase in the owner-occupied units citywide. A corresponding increase was also identified in the census tracts that make up the target market. However, the ratio of owner-occupied units to rental units is lower than in more stable areas of the city, or than in other parts of the country. Efforts to build attractive markets for homeownership in the neighborhoods surrounding downtown is a necessary part of this undertaking.

In order to achieve long-term stability and investment in the City neighborhoods, we must encourage homebuyers to purchase here. This will entail incremental strategies that include working with developers, banks, and others to take collaborative action to achieve the goal of improving and retaining owner-occupancy and housing conditions for existing homeowners. With limited government resources, the City believes the participation of the private, for-profit sector will be necessary, with government involvement limited to leveraging other resources with CDBG and HOME dollars for those low- and moderate-income households, which require more assistance in order to become owners.

Additional strategies include: (1) support of new and rehabilitated housing for ownership in a wide range of prices; (2) encourage developers, banks, and homeowners to take individual action in this regard; and (3) provide incentives for buyers and homeowners to invest a portion of personal funds into the project; and (4) assisting service providers to develop full-service housing counseling programs, including a homebuyers' club to develop qualified new purchasers. As a related matter, the City believes that the buyer should enter the process with some equity to minimize the need for subsidy and to spread City investment as broadly as possible.

Rehabilitate substandard housing units

The City's Comprehensive Plan identified housing problems in nearly 3,500 rental properties and 1,460 owner-occupied properties. The City's goal to make all housing safe, decent, and affordable will require that a variety of strategies be implemented simultaneously over the next five years. One strategy is to support financial mechanisms and incentives that encourage individuals in their efforts to repair and keep their homes and properties in good condition. To the extent feasible, owners should provide their own resources so that limited government funds will be spread to the maximum number of houses.

Another strategy is to extend some assistance programs to private property owners as well as homeowners. As business owners, these property owners are responsible for providing a quality product to the public, i.e. renting out only those properties, which comply with the Building Code. Property owners who do not correct code violations within a thirty-day period will be denied a certificate of occupancy for those units, and therefore, cannot legally rent them out. Potential loss of rental income provides a direct incentive for the property owner to correct the problems. The City is taking a proactive rather than a reactive approach to prevent the further decline of the targeted neighborhoods. The LRHA Rental Rehabilitation Program has received CDBG funds to address observed and eligible repairs according to this strategy.

Clearly, collaboration with other public and private resources will be necessary. The primary home-repair agencies, Lyn-CAG and LNDF, will continue their owner-occupied home repair programs in order to assist this City in achieving its goal.

Strategies will include City support of resident education and training programs that: (1) identify rights and responsibilities of residents; (2) provide skills in home maintenance and upkeep; and (3) support individuals seeking to improve their housing situations. The City's Residential Rental Property Inspections Program will continue to be a key strategy through the routine inspections of all rental properties throughout the City. The City's Comprehensive Plan states that it will explore the effectiveness of incentives that encourage the rehabilitation of older rental properties, or possibly develop an awards program to recognize quality rehabilitation and maintenance of rental properties.

City funds will be made available for other housing providers, combining these with investment resources, such as the Low Income Tax Credits program, which can be expanded to increase the stock of safe and affordable housing. However, the City's support of such equity investment for low-income rental units is limited to renovation of existing buildings so that our current stock of housing and structures appropriate for adaptive reuse can be exhausted before new units are constructed.

Acquisition and donation of vacant, blighted properties, by the City and LRHA, and the subsequent transfer to non-profits to develop affordable housing, both rental and owner-occupied, will continue.

Support affordable permanent housing initiatives: regional focus

The City will continue to support regional housing activity designed to increase the stock of affordable housing and meet the needs of low-income persons in the surrounding counties. The City will work with the other localities to meet the needs of low and low-to-

moderate income persons, homeless individuals and families, and persons with disabilities and other special needs. Transportation initiatives that increase access to services and resources throughout the region will be supported, as well as coordinated, regional requests for public funds (i.e., through HUD and other public federal agencies) so that limited local resources can be leveraged and maximized. The City will continue to direct CDBG and HOME funds to projects within the City, that assist low-income, the homeless and persons with disabilities, working in conjunction with local and regional service providers.

The need for permanent housing for homeless, the disabled, and those with special needs is documented in the Continuum of Care. The scope of the Continuum is regional and therefore, the City's desire is to support permanent housing development throughout the Central Virginia Planning district (Planning District 11). All persons in the region should have housing choices and assistance available.

Special needs populations include, but are not limited to, persons who are mentally ill, mentally disabled, physically disabled, substance abusers/addicts, have AIDS, are homeless, and are elderly and in need of supportive housing. This population is spread throughout the region, but many of the supportive resources are located in the City of Lynchburg. Increased support of regional homeless and special needs facilities and services, such as the regional Disabilities Services Board, will continue to be specific objectives of the City. Another objective will be to improve regional transportation, especially for persons with special needs to maximize access to limited resources.

Support the Healthy Neighborhoods Initiative by improving housing stock

The City is continuing the process of developing a Healthy Neighborhoods Initiative Program. The mission statement for this initiative is "The City Government will partner with an inspired community to develop and sustain healthy neighborhoods." Five elements will be used to serve as the basis for the development of goals, objectives and strategies. They are: (i) neighborhood identity and pride; (ii) safety and security; (iii) institutions and services; (iv) family and youth development; and (v) economic opportunity. One goal of this Initiative is to provide support to existing nonprofit organizations in the CDBG-targeted neighborhoods to advance the mission and goals of Healthy Neighborhoods.

Some of the strategies will be to conduct joint meetings with City and nonprofit representatives to define goals and criteria for citywide neighborhood initiatives, expand the role of the community-based nonprofits groups beyond neighborhood watches, assist with leadership within the nonprofits, create an interdepartmental team of City staff to work on an ongoing basis with the nonprofits, improve coordination of city services, and focus on specific neighborhoods as needed.

2. Housing Strategies: Interaction with Other Housing Resources

The overarching strategy for accomplishing the housing goals of the City is to conduct activities that complement and enhance the work being done by City departments and their partners using the various sources of public and private funding available.

City of Lynchburg Housing Programs

The City of Lynchburg is an entitlement community under the Community Development Block Grant (CDBG) and HOME Programs of the U. S. Department of Housing and Urban Development. These Programs allows federal resources to be funneled into various CDBG and HOME-eligible projects. The City receives approximately \$900,000 per year from HUD in CDBG funds; approximately two-thirds of these funds go directly to housing, economic development and community related services. An additional one-third goes to ancillary services in the community to support housing, enrich social development, and improve communities and neighborhoods. The City also receives HOME Program funds of approximately \$400,000 per year. These funds go to housing rehabilitation, assistance to first-time homebuyers, and new housing construction or rehabilitation for low-income residents.

Federally-funded City Programs

Federally-funded City Programs include Shelter Plus Care and Lead Safe Lynchburg.* (This program is temporarily suspended). The City is open to applying for federal funds in those cases where partnering non-profit or other agencies cannot be recipients and the issues are relevant to the City priorities.

Neighborhood Initiatives Program

The City through its Neighborhood Initiatives Program supports neighborhood revitalization by providing code enforcement of structures in need of repair, the abandoned vehicle program, the weed enforcement/inmate labor program, and illegal dumping. The City has also implemented the Residential Rental Rehabilitation Program that will address code issues with substandard residential dwelling units by providing for periodic inspection to ensure such units comply with the Uniform Statewide Building Code (USBC). This program will be focused the CDBG targeted neighborhoods found to have blighted residential rental dwelling units or be in need of inspection to prevent deterioration

Needs of Public Housing

1. Describe the manner in which the plan of the jurisdiction will help address the needs of public housing and activities it will undertake during the next year to encourage public housing residents to become more involved in management and participate in homeownership.
2. If the public housing agency is designated as "troubled" by HUD or otherwise is performing poorly, the jurisdiction shall describe the manner in which it will provide financial or other assistance in improving its operations to remove such designation during the next year.

Action Plan Public Housing Strategy response:

The Lynchburg Redevelopment and Housing Authority (LRHA) has been operating in the City for almost 50 years. LRHA operations address the housing needs of lower income residents of Lynchburg through the HUD Public Housing and Section 8 Rental Assistance Program. LRHA has developed and currently maintains 327 publicly owned

rental-housing units in four different locations: Dearington, Birchwood, Langview, and Brookside. Three of these complexes are located outside of the target area in an effort to avoid adverse impact. All have been undergoing improvement through HUD's Capital Grant Program with upgrades of roofing, siding, heating and air conditioning systems and management improvements. LRHA maintains a virtual 100% occupancy for apartments. The current public housing waiting list numbers 48 households.

The housing needs assessment by the LRHA in its Five-Year Plan indicates that extremely low-income families are in the greatest need of housing assistance and elderly households represent the largest category of household type.

LRHA hopes to address the housing needs of those not eligible for Public or Section 8 housing by working with other agencies of the City including the Department of Human Services and the Alliance for Families and Children. During the Annual Action Plan, LRHA plans to offer homeownership opportunities by utilizing Section 8 rental assistance payments to be used for the purchase of a home.

The Section 8 Housing Choice Voucher Program provides housing assistance resources to close to 900 families that live in privately owned scattered site housing throughout the community. Normal utilization of vouchers is approximately 98 % per month. LRHA maintains a rental assistance waiting list of over 200 households, which is almost five times larger than that for public housing, indicating the interest of applicants in seeking to reside in privately-owned rather than government-owned housing

In addition to tenant-based rent assistance offered through the Section 8 Voucher program, there are ten privately owned and managed federally assisted, multi-family units in Lynchburg that provide project-based rental assistance to low-income persons, the elderly, and persons with disabilities. Despite these efforts to serve lower income residents, the waiting list for housing assistance continues to increase. Seventy-five percent of these families had incomes that did not exceed 30 percent of the area median income. Many of these families now occupy substandard housing or spend a large amount of their income to provide for their shelter needs. Many other families who have applied for housing assistance have been found to have problematic financial or behavioral histories, which would preclude them from participating in these programs.

One of the major providers of privately owned assisted housing is Lynchburg Covenant Fellowship (LCF), the oldest non-profit housing development corporation in the Commonwealth of Virginia. LCF has developed and maintains more than 400 units of assisted housing in Lynchburg. Most units were developed using the Low Income Housing Tax Credit. LCF manages multi-family rental properties for the low- and moderate-income, as well as providing some grants to improve single-family housing.

For those families that are on the waiting list at LRHA and other affordable housing opportunities offered through Lynchburg Neighborhood Development Foundation (LNDF) and Community Housing Partners Corporation (CHPC) their acquisition and renovation of buildings in the central city neighborhoods will provide more than 70 rental units for low to low-to-moderate income persons. Many of these renovated buildings were transferred to LRHA and CHPC, at little or no cost, by LRHA.

Barriers to Affordable Housing

1. Describe the actions that will take place during the next year to remove barriers to affordable housing.

Action Plan Barriers to Affordable Housing response:

To address the affordable housing needs City Council has taken the appropriate role for the City to continue supporting cooperative ventures, to initiate cooperative ventures, and to initiate cooperation where it is lacking. Council has exercised this coordinating role in its allocation of CDBG and HOME funds to subrecipient organizations that provide housing opportunities for homeless, non-homeless, and special-needs households.

The annual housing goals for this Action Plan are as follows:

- Provide priority assistance to programs designed to create new home ownership opportunities available to low- and moderate-income buyers.
- Increase the number of owner-occupied units through support of public and private homebuyer programs. Emphasis is to be placed on programs, which require an investment of funds and/or labor on the part of the buyer, which are commensurate with the buyer's resources.
- Rehabilitate substandard housing units through support of public and private programs. Emphasis is to be placed on programs, which require an investment of funds and/or labor on the part of the owner, which are commensurate with the owner's resources. In addition, maintenance of homes will be enforced through applicable ordinances and building code requirements, and through owner initiatives to rehabilitate existing rental properties.
- Support initiatives to increase permanent affordable housing opportunities for low-income households and Special Needs Populations and encourage regional cooperation of this goal throughout the Region 2000 area.
- Support the Healthy Neighborhoods Initiative by improving housing stock.
- Support economic development efforts, which will expand job opportunities and support job retention for low- and moderate-income individuals. Continue to take actions, which stimulate private, as well as public investment in designated enterprise zones.
- Eliminate neighborhood deterioration, blight and blighting influences through staged redevelopment of public infrastructure, rehabilitation activities, code enforcement, or clearance where needed.
- Support the organized efforts of neighborhood associations that seek to leverage their resources to improve infrastructure, amenities, and services.

- Support park and recreation improvements in relation to community need, particularly for low- to moderate-income persons or neighborhoods.
- Encourage the preservation of properties of special value for historic, architectural, or aesthetic reasons.
- Support public service providers in meeting the service needs for low- and moderate-income individuals and Special Needs Populations.

*Special Needs Populations include, but are not limited to, the mentally ill/mentally disabled, physically disabled persons, substance abusers/addicts, persons with AIDS, the homeless, and elderly persons in need of supportive housing.

To meet these goals the following programs will be funded during this program year.

New Homeownership Assistance: Seeks to provide decent housing through activities that provide affordability for low-to-moderate income persons. The activities include first-time homebuyer downpayment assistance (Lynchburg Homeownership Program) and Affordable Housing Loans by writing down the interest rate for clients to obtain private financing.

Housing Rehabilitation: This program will provide decent housing through activities that provide affordability for low-to-moderate income persons. The activities include owner-occupied housing rehabilitation, energy efficient weatherization, rental rehabilitation, housing development, and minor repair rehabilitations. The activities include CDBG Housing Rehabilitation, HOME Owner-occupied Rehabilitation and CHDO Housing Ownership Opportunities.

Housing Acquisition: This program will provide decent housing through activities that provide sustainability to the low-to-moderate income neighborhoods to eliminate slums or blighted areas within the CDBG-targeted neighborhoods. The activities include Spot Blight Acquisition and acquisition of substandard housing units in other target area census tracts.

Residential Rental Property Inspection Program: This program will provide decent housing through activities that provide sustainability to the low-to-moderate income neighborhoods. The City will support these activities through code enforcement to reduce the number of rental properties that have code violations and are health, safety and public welfare concerns.

Affordable Housing for Special Needs Population: This program will provide decent housing through activities that makes availability/accessibility opportunities (i.e. housing, shelter accessibility) for low-to-moderate income persons including those with disabilities. The Homeless and Housing Coalition has submitted the Continuum of Care, which outlines the objectives and strategies to provide permanent housing for the homeless/persons with disabilities. The CDBG program public service funds are used to assist the non-profit agencies in providing the services for the clients to obtain and maintain permanent housing.

HOME/ American Dream Down payment Initiative (ADDI)

1. Describe other forms of investment not described in § 92.205(b).
2. If the participating jurisdiction (PJ) will use HOME or ADDI funds for homebuyers, it must state the guidelines for resale or recapture, as required in § 92.254 of the HOME rule.

The City disburses HOME funds for both owner-occupied projects and for rental projects. Funds are usually provided in the form of forgivable loans, directly and indirectly to the borrower. The City places a lien on the property in the amount of the HOME investment, recording a deed of trust and a deed of trust note in cases where investment is outside of the target market. In projects within the target market, the City holds a note for the period of recapture or forgiveness. Recapture of HOME is in accordance with program regulations. If the eligible buyer ceases to occupy the unit and does not transfer to an eligible purchaser under HOME guidelines (80% AMFI), recapture will occur for the remainder of the loan period. The recapture period can extend for the life of the primary loan, but is usually for a period determined by the amount of funds borrowed, from five to fifteen years.

3. If the PJ will use HOME funds to refinance existing debt secured by multifamily housing that is that is being rehabilitated with HOME funds, it must state its refinancing guidelines required under § 92.206(b). The guidelines shall describe the conditions under which the PJ will refinance existing debt. At a minimum these guidelines must: **(N/A)**
 - a. Demonstrate that rehabilitation is the primary eligible activity and ensure that this requirement is met by establishing a minimum level of rehabilitation per unit or a required ratio between rehabilitation and refinancing.
 - b. Require a review of management practices to demonstrate that disinvestments in the property has not occurred; that the long-term needs of the project can be met; and that the feasibility of serving the targeted population over an extended affordability period can be demonstrated.
 - c. State whether the new investment is being made to maintain current affordable units, create additional affordable units, or both.
 - d. Specify the required period of affordability, whether it is the minimum 15 years or longer.
 - e. Specify whether the investment of HOME funds may be jurisdiction-wide or limited to a specific geographic area, such as a neighborhood identified in a neighborhood revitalization strategy under 24 CFR 91.215(e)(2) or a federally designated Empowerment Zone or Enterprise Community.
 - f. State that HOME funds cannot be used to refinance multifamily loans made or insured by any federal program, including CDBG.
4. If the PJ is going to receive American Dream Down payment Initiative (ADDI) funds, please complete the following narratives: **(N/A)**
 - a. Describe the planned use of the ADDI funds.

- b. Describe the PJ's plan for conducting targeted outreach to residents and tenants of public housing and manufactured housing and to other families assisted by public housing agencies, for the purposes of ensuring that the ADDI funds are used to provide down payment assistance for such residents, tenants, and families.
- c. Describe the actions to be taken to ensure the suitability of families receiving ADDI funds to undertake and maintain homeownership, such as provision of housing counseling to homebuyers.

Action Plan HOME/ADDI response:

HOME SUBMISSION REQUIREMENTS

1. Recapture Provisions

The City disburses HOME funds for both owner-occupied projects and for rental projects. Funds are usually provided in the form of forgivable loans, directly and indirectly to the borrower. The City places a lien on the property in the amount of the HOME investment, recording a deed of trust and a deed of trust note. Additionally, the City requires a recorded deed restriction for the period of recapture or forgiveness. Recapture of HOME is in accordance with program regulations. If the eligible buyer ceases to occupy the unit and does not transfer the unit to an eligible purchaser under HOME guidelines (80% AMFI), recapture will occur for the remainder of the loan period. The recapture period can extend for the life of the primary loan, but is usually for a period determined by the amount of funds borrowed, from five to fifteen years.

2. HOME Matching Requirements

HOME matching requirements are met by volunteer hours committed through non-profit agencies.

3. HOME Assistance

The City of Lynchburg expects to utilize HOME funding for homeownership, rehabilitation, new construction, and development of rental assistance projects.

4. Tenant-based Rental Assistance

The HOME funds are not used for tenant-based rental assistance. Tenant assistance is provided through the Shelter Plus Care Program.

5. Other Forms of Investment

The City of Lynchburg does not intend to use other forms of investment.

6. Affirmative Marketing

The City's affirmative marketing procedures are included as Appendix A.

HOMELESS

Specific Homeless Prevention Elements

*Please also refer to the Homeless Needs Table in the Needs.xls workbook.

1. Sources of Funds—Identify the private and public resources that the jurisdiction expects to receive during the next year to address homeless needs and to prevent homelessness. These include the McKinney-Vento Homeless Assistance Act programs, other special federal, state, local, and private funds targeted to homeless individuals and families with children, especially the chronically homeless, the HUD formula programs, and any publicly owned land or property. Please describe, briefly, the jurisdiction's plan for the investment and use of funds directed toward homelessness.
2. Homelessness—In a narrative, describe how the action plan will address the specific objectives of the Strategic Plan and, ultimately, the priority needs identified. Please also identify potential obstacles to completing these action steps.
3. Chronic homelessness—The jurisdiction must describe the specific planned action steps it will take over the next year aimed at eliminating chronic homelessness by 2012. Again, please identify barriers to achieving this.
4. Homelessness Prevention—The jurisdiction must describe its planned action steps over the next year to address the individual and families with children at imminent risk of becoming homeless.
5. Discharge Coordination Policy—Explain planned activities to implement a cohesive, community-wide Discharge Coordination Policy, and how, in the coming year, the community will move toward such a policy.

Action Plan Special Needs response:

The Homeless and Housing Coalition of Central Virginia (HHC), formed in May of 1997 is charged with the responsibility of coordinating efforts to end homelessness through a variety of active committees. HHC members contribute voluntarily to maintain the HHC and Continuum of Care. There is no paid staff or designated entity devoted to convening the Coalition's activities or process. However, Miriam's House, a private non-profit, transitional living center, has assumed the lead in facilitating meetings, coordinating notices, and moving the HHC along a path to meet the standards set by HUD and the needs of the Planning District 11 community.

The Homeless and Housing Coalition is committed to a Continuum of Care (CoC) that is a strategic plan involving all stakeholders, and providing a seamless system of service delivery to all homeless families and individuals within Central Virginia. The CoC is a dynamic work in progress, open to review by the entire Coalition as well as HHC committees. Lynchburg City Council has approved the CoC as a cornerstone of its Consolidated Plan.

The HHC regularly publicizes its mission, which is to develop, sustain and coordinate a comprehensive, seamless system of services for homeless citizens of the cities of

Bedford and Lynchburg and the Counties of Amherst, Appomattox, Bedford and Campbell, in order to move the homeless population toward self-sufficiency and ultimately to end homelessness. The HHC recruits new members and advocates continuously, seeking to diversify its membership and include public and private organizations whose work affects the Central Virginia homeless population

The Continuum of Care lists the objectives articulated by the Housing and Homeless Coalition, created in 1996 to define the scope of services available for low-income persons, ranging from the homeless to those ready to enter into home purchase. The various degrees of homeless shelters and housing services ranging from prevention efforts to permanent housing programs are identified and listed in this document.

Currently, the Homeless and Housing Coalition (HHC) is focusing on developing a more comprehensive plan to end chronic homelessness. The HHC has progressed in producing additional outreach strategies and programs aimed at rural homelessness. This includes the formation of a Homelessness Work Team in Amherst County and a strengthened relationship between the HHC and Appomattox Department of Social Services.

The HHC has conducted a Point-in-Time survey of homeless individuals each year from 1997 to 2006. including an inventory of homeless beds. On January 26, 2008, the City of Lynchburg conducted the first ever actual homeless street count. The results of that street count should be available during the fiscal year.

The HHC believes that the percentage of chronically homeless has always been between 10 and 20 percent of the homeless population based on anecdotal information from emergency shelter and Transitional Living (TL) program directors. Identifying the chronically homeless and their needs is regularly discussed at the bi-monthly Shelter/TL Director's meetings.

More detailed analysis of need and gaps in services to the homeless and for homeless prevention is contained in the Continuum of Care.

In addition, the HHC has focused on strengthening the provision of services to all homeless individuals and to creating permanent housing opportunities for those identified in the annual Point-in-Time survey. The City has received Shelter Plus Care funding for ten supportive housing units.

Virginia: Sharing a Common Wealth to End Homelessness is a comprehensive plan developed as part of a Policy Academy initiative supported by Virginia Governor Mark Warner. The plan, which is Virginia's Ten Year Plan, includes increasing housing units by 300 units annually, expanding use of mainstream resources, initiating rental assistance for homeless families and increasing state funding to shelters and transitional living programs. Furthermore, the plan places emphasis on the needs of the chronically homeless through the creation of new funding streams directed at increasing rental assistance and reducing barriers to mainstream resources.

In conjunction with the State's comprehensive plan, the HHC has developed a plan to end homelessness by 2012 and it represents the HHC's efforts at building congruence with the statewide plan while being specifically responsive to our local needs. The Continuum of Care provides the objectives and strategies for of this Plan.

Emergency Shelter Grants (ESG)

(States only) Describe the process for awarding grants to State recipients, and a description of how the allocation will be made available to units of local government.

Action Plan ESG response: **N/A**

COMMUNITY DEVELOPMENT

Community Development

*Please also refer to the Community Development Table in the Needs.xls workbook.

1. Identify the jurisdiction's priority non-housing community development needs eligible for assistance by CDBG eligibility category specified in the Community Development Needs Table (formerly Table 2B), public facilities, public improvements, public services and economic development.
2. Identify specific long-term and short-term community development objectives (including economic development activities that create jobs), developed in accordance with the statutory goals described in section 24 CFR 91.1 and the primary objective of the CDBG program to provide decent housing and a suitable living environment and expand economic opportunities, principally for low- and moderate-income persons.

*Note: Each specific objective developed to address a priority need, must be identified by number and contain proposed accomplishments, the time period (i.e., one, two, three, or more years), and annual program year numeric goals the jurisdiction hopes to achieve in quantitative terms, or in other measurable terms as identified and defined by the jurisdiction.

Action Plan Community Development response:

Support Economic Development

The City's goal is to encourage more commercial and industrial development in order to provide more jobs in the inner city. We will use the following strategies: (1) increase Community Development Division participation in downtown redevelopment and revitalization especially to support the majority of residents who are low- and moderate-income; (2) review and seek to continue to provide financial assistance for facade improvement grants to businesses in the downtown census tract to further redevelopment in this area and instill pride in our Main Street; (3) encourage continued support from the area banks in the privately-funded Enterprise Zone Loan Pool, which provides reduced rate loans to eligible businesses; (4) continue to support the Business Development Centre, a non-profit organization which provides Small Business Administration loans, other loans, and technical assistance to emerging businesses; and (5) continue participation in the Welfare to Work program that encourages welfare recipients to take advantage of job opportunities that will promote work and encourage the formation and maintenance of stable families. The City will also support projects that recruit and train low income persons and assist them in obtaining employment. The City will continue its efforts to establish a third enterprise zone and continue implementation of the downtown master plan for the redevelopment of downtown. Finally, a strategy to

accomplish the City's objective is to bank on its entitlement resources through the Section 108 guaranteed loan program and HUD's economic development initiatives.

Eliminate neighborhood deterioration and blight

The City will continue its coordinated and aggressive code enforcement of dealing with weeds, abandoned motor vehicles, litter, and vacant buildings in an effort to improve the safety and appearance of neighborhoods, in which people live, work and play. The City will continue to use supervised inmate labor from the local jail to secure abandoned buildings against illegal entry, clean illegal dumpsites, and cut weeds on neglected properties. The Community Planning and Development staff will continue to involve the Police Department, Fire Marshall, and Lynchburg Redevelopment and Housing Authority in determining the priority for demolition of substandard housing. The above is part of the City's ongoing Neighborhood Initiatives Program, and is a high priority activity.

Another segment of this program is the continued support of the Code Enforcement Task Force, a group of City employees whose job responsibilities relate to enforcement and/or quality of life issues. This Task Force will continue to focus on enforcing codes in a fair and effective manner; devise new strategies to address neighborhood/citizen concerns; and walk neighborhood streets as a group so that they can see and hear concerns first-hand and respond with their own observations.

The City will continue its selective demolition program in the targeted neighborhoods. The program is focused on demolition of non-historic structures and site preparation for the collaboration with non-profit housing providers to offer the sites for housing construction and the waiver of fees for landfill and demolition costs.

Public infrastructure in the downtown area is being addressed by the Combined Sewer Overflow (CSO) project and street improvements as part of the downtown redevelopment. The City will *seek to complete the CSO project within the next three to five years*. The Riverfront Park will meet recreational and entertainment needs for the City and region, in particular the targeted neighborhoods.

Support organized neighborhood association efforts

The City plans to work with neighborhood organizations, particularly those in the CDBG-targeted areas, to become more livable by addressing quality of life issues such as infrastructure, housing redevelopment, and services needed by the residents. In addition, the neighborhood organizations are going to be encouraged to support this goal by providing community volunteers and seeking financial resources to leverage the activities proposed for the neighborhood. Building on the recommendation of the Comprehensive Plan for neighborhood partnerships this goal has been added and will be a major focus of the multi-discipline areas.

Support Park and recreation improvements

The City is moving forward on plans to further develop and upgrade the Blackwater Creek Natural Area access, Kemper Street Bike/Hike Trail, the Community Market, and Riverside Park for recreational purposes using a combination of local, state, and federal funding which has already been approved. The City's goal is to have these projects substantially completed by the end of the five-year period.

Encourage Preservation of properties

The City, being over 200 hundred years old, has many historic commercial and residential properties. There are also six (6) locally designated historic districts, as well as the Downtown, which is an historic advisory area. The City will continue to financially support the Historical Foundation matching Repair Assistance Program; expand the museum system; and place a priority on renovation of old structures such as The Legacy of African American History Museum and Amazement Square. The City is aware of the advantages of historic preservation in relation to economic development and tourism and will continue to support activities in these areas.

Support public service providers

The City will continue to support public service providers in order to meet the needs of the low-to-moderate income persons, homeless, persons with disabilities and special needs population. In addition to the services provided by the City's Human Services Department, there are many nonprofit organizations that coordinate with the City to provide the services needed.

Other Supportive Resources

Several more resources are available for assisting low-income persons achieve reasonable social and economic goals as the following list indicates.

Education and employment training

- Adult Learning Center,
- Westminster Presbyterian Church (literacy program)
- New Land Jobs
- Lynchburg City School System's R.O.D.E.O. program.
- Region 2000 Workforce Investment Board

Health Care

- Central Virginia Community Services Board
- Free Clinic of Central Virginia
- Central Virginia Public Health District

Transportation Services

- Greater Lynchburg Transit Company (city bus service)
- Lyn-CAG through its HOPWA funds offers transportation to its clients

Child Care

- Elizabeth' Early Learning Center
- Bethune Nursery School

Legal Services

- The Virginia Legal Aid Society
- Public Defenders' Office

Homeownership counseling

- Share HIP, Homebuyers Club (LynCAG)
- LNDF Borrowers' Services

Case management and general community support
 Central Virginia Community Services Board
 The Daily Bread Day Shelter
 The Lynchburg Area Food Bank
 Crisis Line, a crisis intervention hotline
 Central Virginia Area Agency on Aging

Numerous civic groups such as the Kiwanis provide gifts of volunteer time and money to assist the low-income persons. The YWCA-Downtown Branch offers transitional housing for battered women, along with permanent housing above their offices, located in downtown. The ARC of Central Virginia provides enhanced physical and occupational therapy, supported employment, communication facilitation, and nursing care to individuals with mental retardation. The Lynchburg Area Center for Independent Living Inc. is a private non-profit, non-residential consumer driven organization that promotes the efforts of persons with disabilities to live independently in the community and supports the efforts of the community to be open and accessible to all citizens.

In addition to the multiple public and private agencies providing supportive services to low-income citizens, the City currently employs a 24-hour citizen service phone contact that coordinates with the United Way-sponsored Information and Referral Hot Line to inform citizens of the available services.

Identified Objectives/Benchmarks and Performance Measures

The charts below illustrate the various benchmarks the City plans to meet during each Annual Action Plan of the 2005-2010 Consolidated Plan.

New Homeownership Assistance

PROGRAM	FIVE-YEAR GOALS					ANNUAL ACTUAL ACCOMPLISHMENTS				
	2005	2006	2007	2008	2009	2005	2006	2007	2008	2009
Homeownership	15	15	15	15	15					

The City's goal in the Consolidated Plan is to promote stable neighborhoods and increase a sense of community along with personal financial investment. To achieve this goal the City would provide support of potential homebuyer programs through investment of HOME and CDBG dollars that could assist low-income families in purchasing their first home.

Housing Rehabilitation and Weatherization/Emergency Home Repairs

PROGRAM	FIVE-YEAR GOALS					ANNUAL ACTUAL ACCOMPLISHMENTS				
	2005	2006	2007	2008	2009	2005	2006	2007	2008	2009
Housing Rehabilitation	25	25	25	25	25					
Weatherization/ Emergency Repair	40	40	40	40	40					

The City's goal in the Consolidated Plan is to make every housing unit safe, decent, and affordable regardless of the service. In addition, the City assistance programs would extend to eligible rental activities.

Residential Rental Property Inspections Program

PROGRAM		FIVE-YEAR GOALS					ANNUAL ACTUAL ACCOMPLISHMENTS				
	2005	2006	2007	2008	2009		2005	2006	2007	2008	2009
Rental Inspections	1,000	1,000	1,000	1,000	1,000						

The City's goal in the Consolidated Plan in addition to the Residential Rental Property Inspections Program was to continue support for the Code Enforcement Program to reduce the number of rental properties that have code violations and are health, safety, and public welfare concerns.

Initiatives to Increase Affordable Housing for Low-income Households and Initiatives to Increase Affordable Housing for Special Needs Population. The Homeless and Housing Coalition under the leadership of Miriam's House submitted the Continuum of Care.

Lead Based Paint Initiatives

PROGRAM		FIVE-YEAR GOALS					ANNUAL ACTUAL ACCOMPLISHMENTS				
	2005	2006	2007	2008	2009		2005	2006	2007	2008	2009
Lead Remediation	70	70	70	70	70						

The City's goal with the Lead-Based Hazard Control Grant was to reduce the incidence of lead poisoning and to make older housing in Lynchburg lead-safe through affordable, cost-effective methods, while continuing to pursue the goals of education, intervention, and sustainability.

Economic Development Efforts

PROGRAM		FIVE-YEAR GOALS					ANNUAL ACTUAL ACCOMPLISHMENTS				
	2005	2006	2007	2008	2009		2005	2006	2007	2008	2009
Enterprise Zone	2	2	2	2	2						
Façade Improvements	5	5	5	5	5						
Downtown Redevelop.	5	5	5	5	5						

The City's goal was to encourage more commercial and industrial development in order to provide more jobs in the CDBG-targeted neighborhoods and will use the following strategies: (1) continue participation in downtown redevelopment and revitalization especially to support the majority of residents who are low- and moderate-income; (2) review and seek to continue to provide financial assistance for facade improvement grants to businesses in the downtown census tract to further redevelopment in this area and instill pride in our Main Street; (3) encourage continued support from the area banks in the privately-funded Enterprise Zone Loan Pool, which provides reduced rate loans to

eligible businesses; (4) continue to support the Business Development Centre, a non-profit organization which provides Small Business Administration loans, other loans, and technical assistance to emerging businesses; and (5) continue participation in the Welfare to Work program that encourages welfare recipients to take advantage of job opportunities that will promote work and encourage the formation and maintenance of stable families. The City will also support projects that recruit and train low income persons and assist them in obtaining employment. The City will continue its efforts to implement the downtown master plan for the redevelopment of downtown. Finally, a strategy to accomplish the City's objective is to rely on its entitlement resources through the Section 108 guaranteed loan program and HUD's economic development initiatives.

Demolition and Code Enforcement

PROGRAM	FIVE-YEAR GOALS					ANNUAL ACTUAL ACCOMPLISHMENTS				
	2005	2006	2007	2008	2009	2005	2006	2007	2008	2009
Demolitions	2	2	2	2	2					
Weed Ordinance-Property clearance	125	125	125	125	125					
Abandoned Vehicles-Removal of	450	450	450	450	450					

The City's goal was to continue to eliminate neighborhood deterioration, blight and blighting influences through staged redevelopment of public infrastructure, rehabilitation activities, code enforcement, or clearance where needed.

Healthy Neighborhoods Initiative and Support of Neighborhood Associations

PROGRAM	FIVE-YEAR GOALS					ANNUAL ACTUAL ACCOMPLISHMENTS				
	2005	2006	2007	2008	2009	2005	2006	2007	2008	2009
Neighborhood Meetings	5	5	5	5	5					
Infrastructure Improvements	1	1	1	1	1					

The City's goals are to support the Healthy Neighborhoods Initiative by improving housing stock in the targeted neighborhoods and support the organized efforts of neighborhood associations that seek to leverage their resources to improve infrastructure, amenities, and services.

Park and Recreation Improvements

PROGRAM	FIVE-YEAR GOALS					ANNUAL ACTUAL ACCOMPLISHMENTS				
	2005	2006	2007	2008	2009	2005	2006	2007	2008	2009
Park and/or Recreation Improvements	1	1	1	1	1					

The City's goal is to support park and recreation improvements in relation to community need, particularly for low-to-moderate income persons.

Preservation of Properties of special value for historic, architectural, or aesthetic reasons

PROGRAM	FIVE-YEAR GOALS					ANNUAL ACTUAL ACCOMPLISHMENTS				
	2005	2006	2007	2008	2009	2005	2006	2007	2008	2009
Preservation of historic properties	5	5	5	5	5					

The City's goal was to support and encourage the preservation of properties of special value for historic, architectural, or aesthetic reasons.

Public Service Providers

PROGRAM	FIVE-YEAR GOALS					ANNUAL ACTUAL ACCOMPLISHMENTS				
	2005	2006	2007	2008	2009	2005	2006	2007	2008	2009
Housing for Homeless	2	2	2	2	2					
Education, Youth Activities, Senior Programs, Job Training	5	5	5	5	5					

The City's goal is to support public service providers in meeting the service needs for low and moderate-income individuals and Special Needs Population.

Performance Measurement

In March 2006, HUD issued the "Notice of Outcome Performance Measurement System for Community Planning and Development Formula Grant Programs." This notice implements a performance measurement and reporting system that the City of Lynchburg will continue during the 2009/10 Annual Action Plan. The HUD Outcome Measurement System includes Objectives, Outcome Measures and Indicators. The City must choose one of the three objectives for each activity. The objectives are:

1. **Creating Suitable Living Environment.** Relates to activities that are designed to benefit communities/neighborhoods, families, or individuals by addressing issues in their living environment. This objective relates to activities that are intended to address a wide range of issues faced by low- and moderate-income persons, from physical problems with their environment, such as poor quality infrastructure to social issues such as crime prevention, literacy, or elderly health services.
2. **Provide Decent Housing.** Activities that are categorized in this objective are designed to cover the wide range of housing activities under CDBG and HOME. The objective focuses on housing programs where the purpose of the program is to meet individual family or community needs.
3. **Creating Economic Opportunities.** Applicable to activities that are related to economic development, commercial revitalization or job creation.

Once an Objective is chosen, the City then chooses which of the three Outcome categories best reflects what is to be achieved by funding the activity. The three Outcome categories are:

1. **Availability/Accessibility**. Applies to activities that make service, infrastructure, public service, public facilities, housing, or shelter available or accessible to low and moderate-income persons, including persons with disabilities. Accessibility does not only refer to physical barriers, but also to making the basic of daily living available and accessible to low- and moderate-income persons who live in the housing unit or use the facility.
2. **Affordability**. Applies to activities that provide affordability in various ways in the lives of low- and moderate-income persons. It may include the creation or maintenance of affordable housing, basic infrastructure hook-ups, or services such as transportation or day care.
3. **Sustainability**. Promoting Livable or Viable Communities. Applies to activities that focus on improving communities or neighborhoods, helping to make them livable or viable by providing benefit to low- and moderate-income or by removing or eliminating slums or blighted areas, through multiple activities or services that sustain the communities or neighborhoods.

After the grantee (the City) has established the program purpose (Objective) and intended result (Outcome) the next step is to identify how to measure progress toward achieving the intended results. The City will report in the IDIS system the indicators that are applicable to the individual activities that are funded. Four common indicators are relevant for most activities. They are:

1. Amount of money leveraged from other Federal, state, local and private sources per activity.
2. Number of persons, household, businesses, units or beds assisted, as appropriate.
3. Income levels of persons or households by: 30 percent, 50 percent, 60 percent or 80 percent of area median income.
4. Race, ethnicity, disability data for activities that currently report these data.

In addition to the common indicators that are used for all program activities, 18 major activity-specific indicator categories will be selected in the IDIS system after the common indicators are chosen as activity progress is reported.

The project sheets list the Objective and Outcome for each of the projects for the 2009/10 Annual Action Plan.

In identifying the outcome/objective, HUD has developed a numbering system that ties to the CPD Performance Measurement System (PMS). The outcome/objective numbers are as follows:

	Availability/Accessibility	Affordability	Sustainability
Decent Housing	DH-1	DH-2	Dh-3
Suitable Living Environment	SL-1	SL-2	SL-3
Economic Opportunity	EO-1	EO-2	EO-3

Antipoverty Strategy

1. Describe the actions that will take place during the next year to reduce the number of poverty level families.

Action Plan Antipoverty Strategy response:

The City seeks to reduce the number of households with incomes below the poverty line this year by continuing with the long-term solutions such as education (including adult education and job skill training), economic development, and coordinated supportive services. These areas are traditionally within the local government's sphere of influence, and the Lynchburg City Council has placed significant emphasis and funding in these areas.

NON-HOMELESS SPECIAL NEEDS HOUSING

Non-homeless Special Needs (91.220 (c) and (e))

*Please also refer to the Non-homeless Special Needs Table in the Needs.xls workbook.

1. Describe the priorities and specific objectives the jurisdiction hopes to achieve for the period covered by the Action Plan.
2. Describe how Federal, State, and local public and private sector resources that are reasonably expected to be available will be used to address identified needs for the period covered by this Action Plan.

Action Plan Specific Objectives response:

The City is fortunate to have several resources through which services are delivered to the community. Some of these receive funding from the public sources, such as federal and state grants. Others are private activities operating solely with donated funds from the private sector. In all cases, the City encourages this work and relies on it to complement its social service functions to City residents. The following describes a few programs and lists others that are active in the City.

The Lynchburg Commonwealth Attorney's Office engages in a Community Prosecution Program, which incorporates a grass-roots approach to justice, involving a partnership between citizens, law enforcement and other government agencies in problem-solving efforts to address the safety and quality of life concerns in a defined geographic target area. The key element to this Program is the neighborhood involvement. The people in a neighborhood must invest themselves emotionally and be energized to come together and make a difference and have a safer community to raise their families. When the community has an emotional investment in the improvement of its quality of life, then each neighbor is actively engaged in crime prevention.

The Johnson Community Health Center (JCHC), a full-service medical facility has been designated a Federally-Qualified Community Health Center and recipient of significant federal grants. Several years ago, CentraHealth, created JCHC with funds from its Foundation, to meet the observed and severe primary health care needs of the

community, especially those of low-income. Centra has invested more than \$1 million to build and staff JCHC and provided ongoing support through the Foundation to continue its progress. When seeking the federal qualifications, JCHC split from Centra Health and established itself as a separate organization with more than 50% of its Board of Directors coming from patients at JCHC. The goals of JCHC have been met and it continues to expand to meet health needs in the Lynchburg and surrounding community.

Security concerns in multi-family housing are addressed by LRHA who employs a Security Company to provide security to all four complexes. The Security Guards who are employed work closely with the Lynchburg Police Department to make sure all Police Department Policies are followed. This successful collaboration has allowed LRHA to quickly respond to illegal activity and enforce the "One Strike You're Out" policy and stop undesirable tenants' activity.

Numerous civic groups such as the Kiwanis provide gifts of volunteer time and money to assist the low-income persons. The YWCA-Downtown Branch offers transitional housing for battered women, along with permanent housing above their offices, located in downtown. The ARC of Central Virginia provides enhanced physical and occupational therapy, supported employment, communication facilitation, and nursing care to individuals with mental retardation. The Lynchburg Area Center for Independent Living Inc. is a private non-profit, non-residential consumer driven organization that promotes the efforts of persons with disabilities to live independently in the community and supports the efforts of the community to be open and accessible to all citizens.

In addition to the multiple public and private agencies providing supportive services to low-income citizens, the City currently employs a 24-hour citizen service phone contact that coordinates with the United Way-sponsored Information and Referral Hot Line to inform citizens of the available services.

Housing Opportunities for People with AIDS (N/A)

*Please also refer to the HOPWA Table in the Needs.xls workbook.

1. Provide a Brief description of the organization, the area of service, the name of the program contacts, and a broad overview of the range/ type of housing activities to be done during the next year.
2. Report on the actions taken during the year that addressed the special needs of persons who are not homeless but require supportive housing, and assistance for persons who are homeless.
3. Evaluate the progress in meeting its specific objective of providing affordable housing, including a comparison of actual outputs and outcomes to proposed goals and progress made on the other planned actions indicated in the strategic and action plans. The evaluation can address any related program adjustments or future plans.
4. Report on annual HOPWA output goals for the number of households assisted during the year in: (1) short-term rent, mortgage and utility payments to avoid homelessness; (2) rental assistance programs; and (3) in housing facilities, such as community residences and SRO dwellings, where funds are used to develop and/or operate these facilities. Include any assessment of client outcomes for

achieving housing stability, reduced risks of homelessness and improved access to care.

5. Report on the use of committed leveraging from other public and private resources that helped to address needs identified in the plan.
6. Provide an analysis of the extent to which HOPWA funds were distributed among different categories of housing needs consistent with the geographic distribution plans identified in its approved Consolidated Plan.
7. Describe any barriers (including non-regulatory) encountered, actions in response to barriers, and recommendations for program improvement.
8. Please describe the expected trends facing the community in meeting the needs of persons living with HIV/AIDS and provide additional information regarding the administration of services to people with HIV/AIDS.
9. Please note any evaluations, studies or other assessments that will be conducted on the local HOPWA program during the next year.

Action Plan HOPWA response:

Specific HOPWA Objectives

Describe how Federal, State, and local public and private sector resources that are reasonably expected to be available will be used to address identified needs for the period covered by the Action Plan.

Specific HOPWA Objectives response: **N/A**

Other Narrative

Include any Action Plan information that was not covered by a narrative in any other section.

Low/Mod Benefit (91.220(1)(1)(iv):

One hundred percent (100%) of the CDBG and HOME funds will be used for activities that benefit persons of low- and moderate income. The activities include housing rehabilitation, acquisition, public facilities, and public services. The project detail sheets identify the location of each project, which includes the CDBG-targeted areas (Census Tracts 4, 5, 6, 7, 11, 12 and 13).

Fair Housing

An Analysis to the Impediments to Fair Housing (AI) was developed in 1996. This document, while describing possible barriers to integration at the time, is out of date. The City has prepared a *draft* Impediments to Fair Housing and submitted it to HUD.

City staff has prepared a draft document and is in the review process with the FH Task Force. The State Office of Fair Housing and Equal Opportunity has been apprised of Lynchburg's intentions for this update. State staff has provided implementation technical assistance.

During this Annual Action Plan the following actions will be taken to further affirmative fair housing:

- Fair Housing brochures will be available to the public through the CDBG subrecipients and to persons visiting City Hall, the public libraries and the Community Development Department.
- City staff will participate in the Homeless and Housing Coalition, composed of service providers who prepare the Continuum of Care to address the needs of homeless persons and the special needs of persons that are not homeless but require supportive housing.
- The equal housing opportunity logo will be included on all newspaper ads placed by the Grant Administration Office.
- Provide fact sheets for bulletin boards within work areas and public common area.
- Lynchburg Redevelopment and Housing Authority (LRHA) will continue to post in every building for which Section 8 occupants are located a Federal Fair Housing Poster. There is also a poster in each staff person's office located at 918 Commerce Street.
- A public notice will be published on two separate dates in the display section of the local newspaper regarding fair housing rights and telephone numbers for concerned individuals to call if they felt their fair housing rights have been violated, or they wanted additional information.
- Information regarding fair housing and Fair Housing month (April 2009) will be posted on the City of Lynchburg web site.
- In addition to the web site and newspaper advertisements, City staff ensured that all

bid documents and contract solicitation for City, Federal and State projects include solicitation of minority-owned and women-owned businesses. All non-profits that receive CDBG and HOME funds also have their own marketing policy that indicates recruitment and solicitation of minority-owned and women-owned businesses where possible.

- City staff will assist contractors in obtaining the certified list of minority-owned and women-owned businesses. The vendor/contractor list provided on the State of Virginia's web site will be distributed to contractors, as requested.

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 11, 2009**

AGENDA ITEM NO.: 12

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Public Hearing Regarding Vacating an Unopened Portion of Price Street**

RECOMMENDATION:

Vacate an unopened portion of Price Street between Kemper Street and Tazewell Avenue.

SUMMARY:

Thomas Brooks, Sr., representative for St. Augustine Properties, LLC, is petitioning to vacate an unopened portion of Price Street located between Kemper Street and Tazewell Avenue. The portion of Price Street begins at the intersection of Price Street and Tazewell Avenue and extends in a southwesterly direction approximately one hundred and fifteen (115) feet to the intersection of Price Street and Kemper Street. The Technical Review Committee comments have been incorporated into the proposed ordinance.

PRIOR ACTION(S):

June 16, 2009: Technical Review Committee Administrative review

July 14, 2009: Physical Development Committee review

BUDGET IMPACT:

None

CONTACT(S):

Bonnie Svrcek 455-3990

Tom Martin 455-3990

ATTACHMENT(S):

- Ordinance
- Vicinity Map
- Subdivision Plat
- Technical Review Committee Report
- Application

REVIEWED BY: lkp

AN ORDINANCE VACATING AN UNOPENED PORTION OF PRICE STREET BETWEEN KEMPER STREET AND TAZEWEEL AVENUE

WHEREAS, St. Augustine Properties, LLC is petitioning to vacate an unopened portion of Price Street located at the intersection of Price Street and Tazewell Avenue and extending in a southwesterly direction approximately one hundred and fifteen (115) feet to the intersection of Price Street and Kemper Street; and

WHEREAS, the adjoining property owners, St. Augustine Properties, LLC and the City of Lynchburg, are in agreement to the vacation of an unopened portion of Price Street; and

WHEREAS, City Council finds that no public inconvenience will result from vacating an unopened portion of Price Street;

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

The portion of Price Street beginning at the intersection of Price Street and Tazewell Avenue and extending in a southwesterly direction approximately one hundred and fifteen (115) feet to the intersection of Price Street and Kemper Street.

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

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

Adopted:

Certified:

Clerk of Council

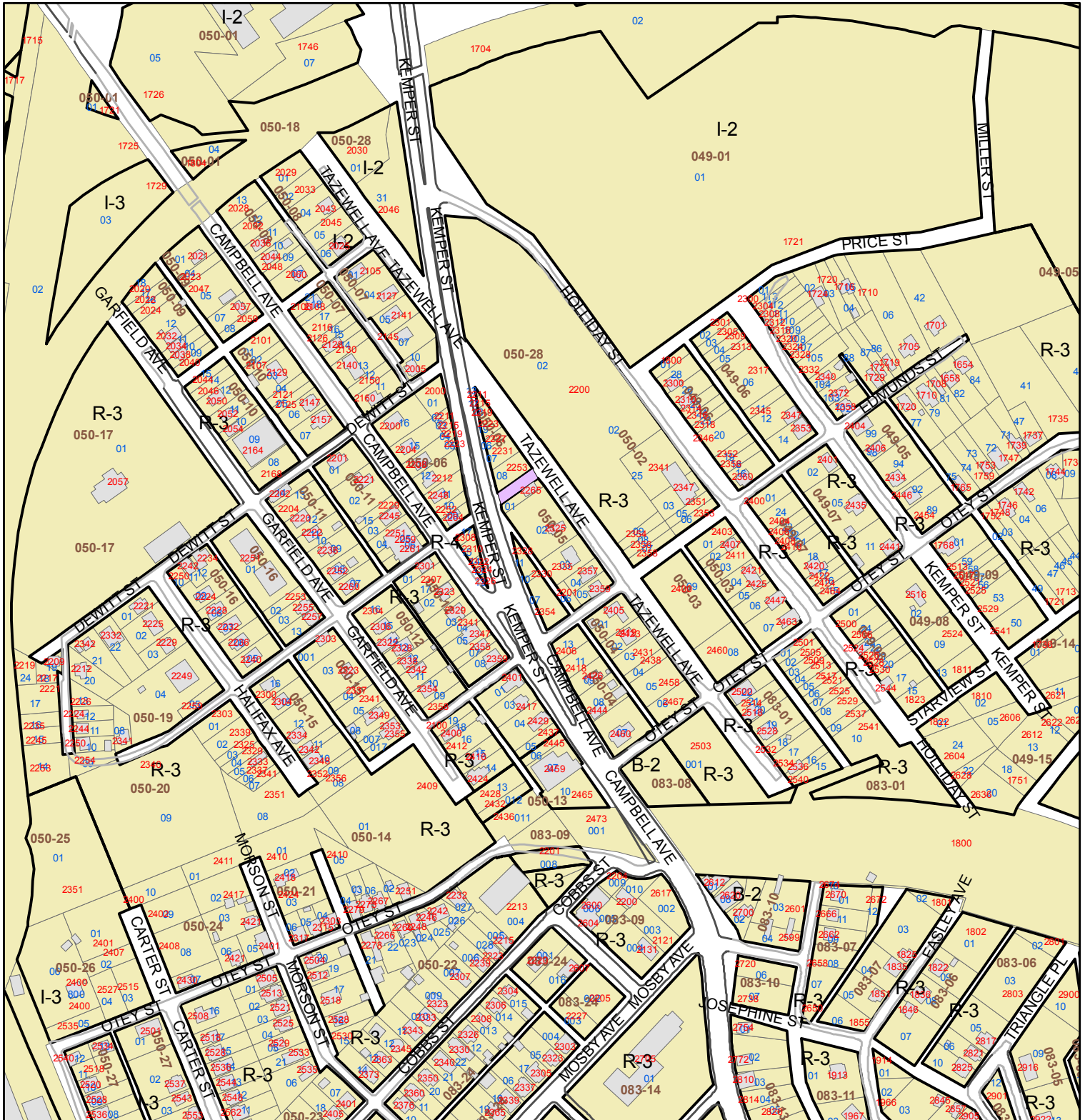
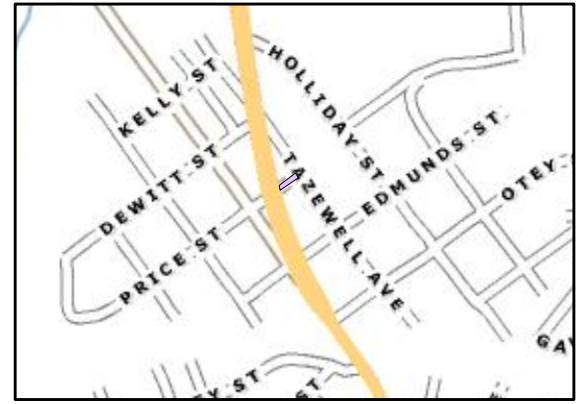
079L

PRICE STREET STREET VACATION

MAP PREPARED BY
THE DEPARTMENT OF COMMUNITY DEVELOPMENT



 Proposed Street Vacation



Project Number **SUB0906-0007**
Project Name **Price Street Partial Vacation**
Site Address

Review Type	Contact	Notes
AEP	Tom G Woodford	No comments.
Assessor	Steve Boyer	Believe legal lot number should be Lot 1 - in reference to the original South Lynchburg Plat.
EngineeringAdm	Lee Newland	No comments.
EngineeringDesign	James Talian	The City does not vacate one half of a street. The entire width must be vacated.
EngineeringMapRoom	Debbie Stinson	No comments.
Fire	Greg Wormser	No comments.
Neighbor Svcs	Keith Wright	No comments.
Planning	Rebecca McCharen	The Subdivision Ordinance (Section 24.1 of the City Code) requires that every owner or proprietor of any tract of land who subdivides such tract prepare a subdivision plat in accordance with the regulations of this Ordinance. A copy of the plat must be recorded within six (6) months from the date of approval in the office of the Clerk of the Circuit Court where deeds conveying such land are required by law to be recorded. If the approved plat is not recorded within six (6) months, it will be voided. The Subdivision Ordinance requires that the following additional information be included on the plat: 1. The subject preliminary plat proposes vacating a portion of Price Street and combining that with one (1) tax lot into one (1) lot. The application will be reviewed by the Physical Development Committee on July 14, 2009 and City Council on August 11, 2009. Applicant will need to attend. 2. The surveyor must endorse all final copies of the plat with his/her original signature. 3. All adjoining property owners of Price Street must be in agreement to vacation. All adjoining property owners must be an applicant or sign the application form or file a separate statement indicating that they are not opposed to the vacation. If all adjoining property owners are not in agreement, applicant must send certified letters to all adjoining property owners notifying them of the date of the public hearing before City Council (applicant pays costs of these notices). Applicant will need to return to Planner the green cards showing that the adjoining property owners received notice prior to

Project Number **SUB0906-0007**
Project Name **Price Street Partial Vacation**
Site Address

Review Type **Contact** **Notes**

-
- the public hearing. In addition to the notices, a statement that a sign, required by law, stating 'a notice of application for vacation of a street within the city' has been posted and the date it was posted.
4. The City does not guarantee the vesting of title to any portions of a public right-of-way that is vacated. In vacating a public right-of-way, the City is only giving up its interest in the public right of way. Virginia State law determines disposition of vacated right of way.
5. If the right-of-way was dedicated for public use prior to 1928, all the City owns is an easement to use the right-of-way for public purposes. The title to the right- of-way remains with the person that dedicated the right-of-way, his heirs or assigns. When a right-of-way is vacated, the City is simply giving up its right to use the property for public purposes. The vacation of a public right-of-way by the City does not convey title of the right-of-way to abutting property owners because the City never owned the right-of-way. If the abutting property owners want to acquire title to the right-of-way property, they have to acquire title from the original owner, or his heirs or assigns.
6. If the right-of-way was dedicated for public use after 1928, State law provides that when the right-of-way is vacated, title to the property encompassed in the right-of-way is divided in half and title passes to the abutting property owners.
7. The city does not vacate half of a street. The vacation must be the entire width of the street.
8. All lots bounding this street have frontage on other public streets. Therefore, the Planning Division has no concerns with the proposed street vacation.
9. If there are utilities in the street, contact the Engineering Division for information on whether easements should be reserved.
10. Include the tax map number on the lot.
11. TOM: Does this parcel need 60' of street frontage on Tazewell? It is in an R-3 zone. It also has street frontage on Kemper, and the unopened Price Street.
12. Is the lot served by public or private water and sewer? Include this in a note on the plat.
13. If there are restrictions associated with the subdivision, add a note as to where they can be found.
14. When the approved plat is recorded in the Clerk's Office (see the first paragraph above), submit a copy of the receipt verifying that

Project Number **SUB0906-0007**
Project Name **Price Street Partial Vacation**
Site Address

Review Type	Contact	Notes
		the plat was recorded to me. 15. If you make additional changes to the revised plat that TRC did not review on the subject plat, submit a cover letter with the revised plat stating the changes.
PWStreets	Dave Owen	No comments.
Traffic	Gerry Harter	The City does not vacate only half of the right-of-way.
Utilities	Eric E Schrader	No comments.
Verizon	George Almond	No comments.

APPLICATION FOR THE VACATION OF A

Price Street
(Street/Alley)

LOCATED BETWEEN

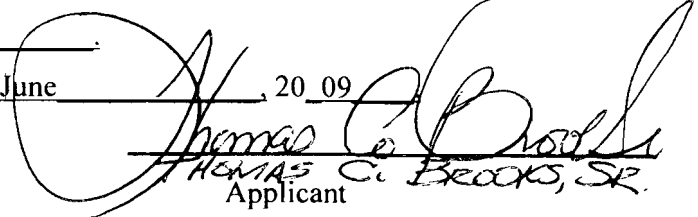
Campbell Avenue & Tazewell Street

The undersigned applicant, St. Augustine Properties, LLC/Mike Craghead, Pursuant to the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, and Section 35-71 through Section 36-77 of the City Code, 1981, as amended, respectfully makes application to the Lynchburg City Council for the vacation of that certain street described as follows:

Beginning at an IRS at the northwestern corner of Lot 14, at the right of way line of Kemper Street, thence along a curve have a radius of 32°75'30" and a length of 16.00' to an IRS at the center line of Price Street (not open) and the right of way line of Kemper Street, thence N 56°15'00" E 115.78' to an IRS at the western right of way line of Tazewell Street and the center of Price Street (not open), thence S 33°45'00" E along the western right of way Tazewell Avenue, 15.00' to the northeast corner of Lot 14, South Lynchburg, thence S 56°15'00" W 121.36' to the point of Beginning. The area contained within the vacated portion of the is 0.041 acres.

The applicant further requests the Lynchburg City Council to hold a public hearing on this application at its meeting to be held in the Council Chambers, City Hall, 900 Church Street, Lynchburg, Virginia, on June 16, 2009, at 7:30 p.m., or as soon thereafter as the matter may be heard, and at the conclusion of which hearing to consider whether or not to vacate the above described street and alleyway.

Given under my hand this 1st day of June, 2009


Applicant

RECEIVED

JUN 01 2009

COMMUNITY
DEVELOPMENT

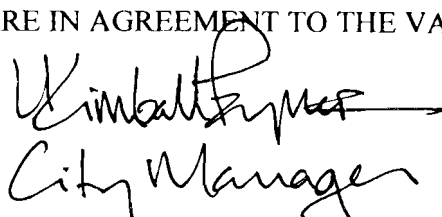
c/o Acres of Virginia, Inc. 404 Clay Street
Lynchburg, VA 24504

Address

434-528-4674

Telephone Number

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


City Manager

900 Church Street Lynchburg, VA 24504

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 11, 2009**

AGENDA ITEM NO.: 13

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Public Hearing Regarding Vacating and Dedication of a Portion of Kings Drive**

RECOMMENDATION:

Vacate and dedicate a portion of Kings Drive at the terminus of Kings Drive at 114 Kings Drive.

SUMMARY:

As a component of the Kings Drive Improvement Project, the City of Lynchburg, in partnership with Areva NP, Inc, is petitioning to vacate and dedicate a portion of Kings Drive, located at the terminus of Kings Drive at 114 Kings Drive for roadway purposes. The portion of Kings Drive to be vacated is a cul-de-sac that extends from Kings Drive in a southeasterly direction approximately one hundred (100) feet to terminate at 114 Kings Drive. The portion of Kings Drive to be dedicated is a new cul-de-sac that extends from Kings Drive in an easterly direction approximately one hundred and thirty six (136) feet to terminate at 114 Kings Drive. The Technical Review Committee comments have been incorporated into the proposed ordinance. This project is a component of the economic development incentives associated with the expansion of AREVA's facility located on Old Forest Road and Kings Drive.

PRIOR ACTION(S):

June 16, 2009: Technical Review Committee Administrative review

July 14, 2009: Physical Development Committee review

BUDGET IMPACT:

None

CONTACT(S):

Bonnie Svrcek 455-3990

Tom Martin 455-3990

J. P. Morris, P.E. 455-3918

ATTACHMENT(S):

- Ordinance
- Resolution
- Vicinity Map
- Subdivision Plat
- Technical Review Committee Report
- Application

REVIEWED BY: lkp

AN ORDINANCE VACATING A PORTION OF KINGS DRIVE AT THE TERMINUS OF KINGS DRIVE AT 114 KINGS DRIVE.

WHEREAS, Areva NP, INC is petitioning to vacate a portion of Kings Drive that extends from Kings Drive in a southeasterly direction approximately one hundred (100) feet to terminate at 114 Kings Drive; and

WHEREAS, the adjoining property owner, Areva NP, INC, is in agreement to the vacation of a portion of Kings Drive; and

WHEREAS, City Council finds that no public inconvenience will result from vacating a portion of Kings Drive;

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

A portion of Kings Drive that extends from Kings Drive in a southeasterly direction approximately one hundred (100) feet to terminate at 114 Kings Drive.

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

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

Adopted:

Certified:

Clerk of Council

082L1

A RESOLUTION APPROVING THE DEDICATION OF A PORTION OF KINGS DRIVE CONTAINING 0.162 ACRES AT THE TERMINUS OF KINGS DRIVE AT 114 KINGS DRIVE.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the dedication of 0.162 acres for right-of-way for a portion of the public street, "Kings Drive," located on the east side of Kings Drive by, and hereby is, approved. A portion of Kings Drive would extend from Kings Drive in an easterly direction approximately one hundred and thirty six (136) feet to terminate at 114 Kings Drive.

BE IT FURTHER RESOLVED THAT the dedication of a portion of Kings Drive and its acceptance as a public street is contingent on Areva NP, INC and the City of Lynchburg filing a properly executed subdivision plat to be recorded among the land records in the Office of the Clerk of the Circuit Court; the filing of approved street and utility plans and the necessary construction bonds with the City; and the construction of the street in accordance with City standards. The failure to fully comply with these conditions shall render the City's acceptance of a portion of Kings Drive as a public street null and void.

Adopted:

Certified:

Clerk of Council

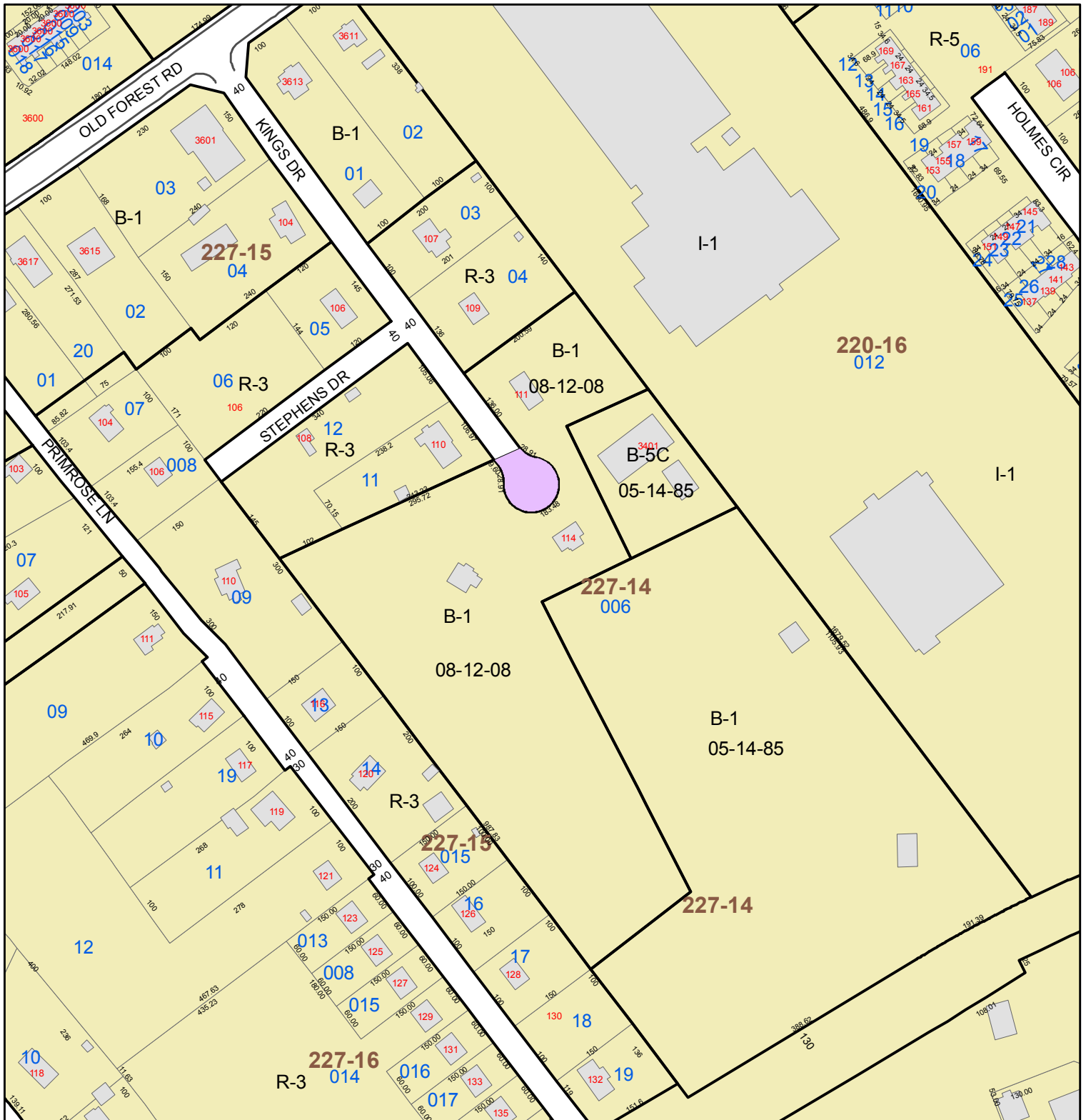
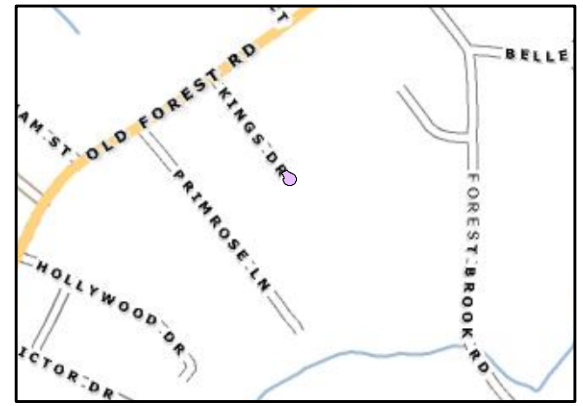
082L2

KINGS DRIVE STREET VACATION

MAP PREPARED BY
THE DEPARTMENT OF COMMUNITY DEVELOPMENT



 Proposed Street Vacation

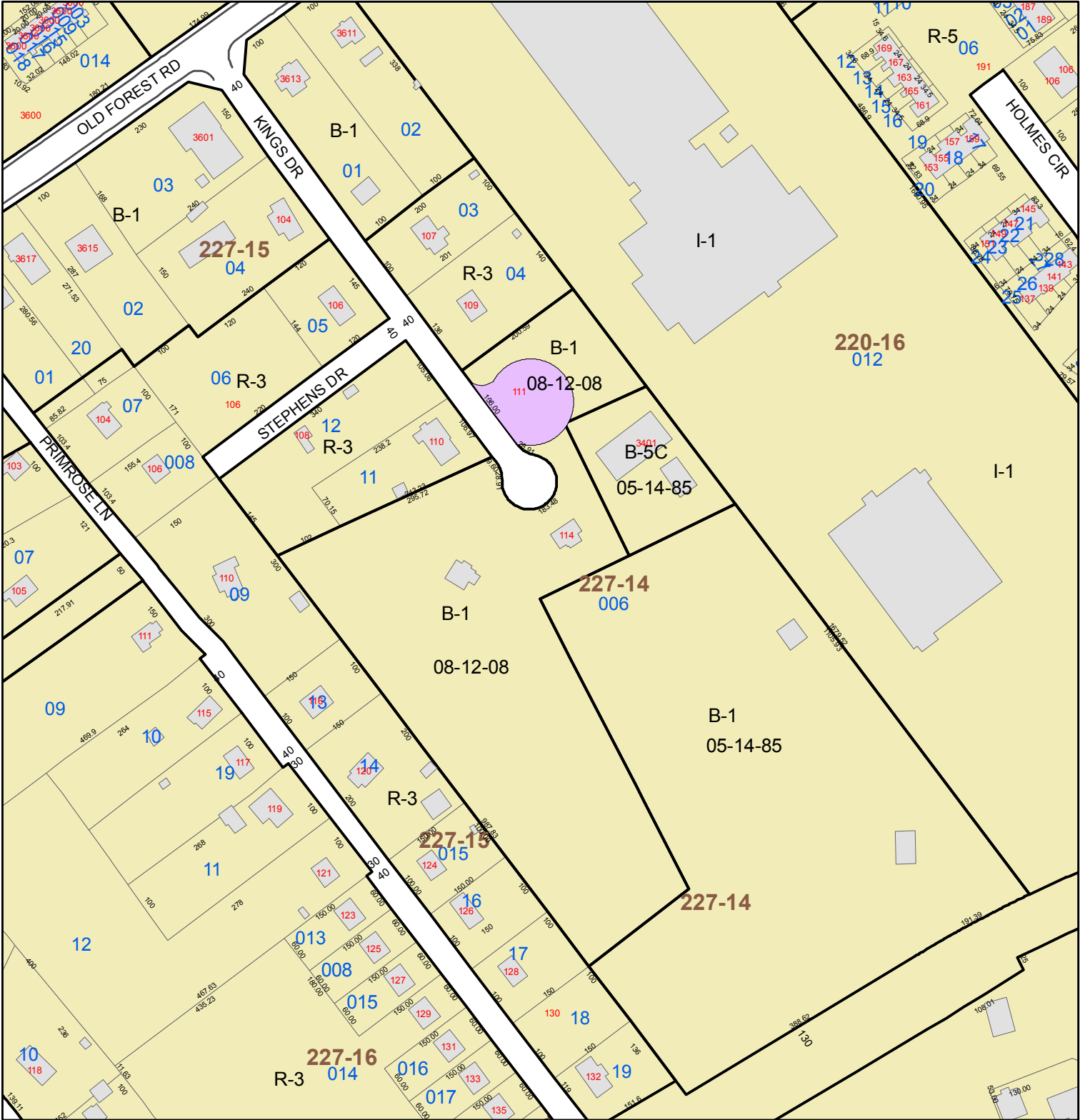
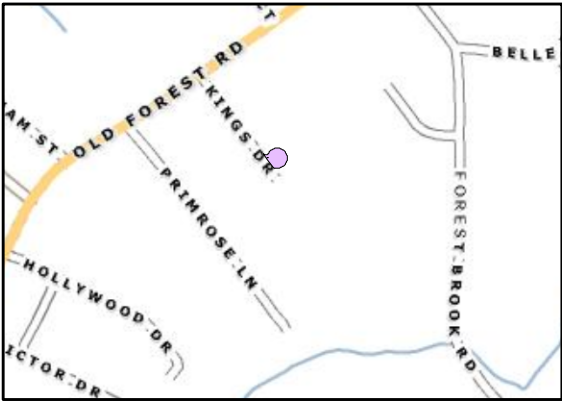


KINGS DRIVE STREET DEDICATION

MAP PREPARED BY
THE DEPARTMENT OF COMMUNITY DEVELOPMENT



Proposed Street Dedication

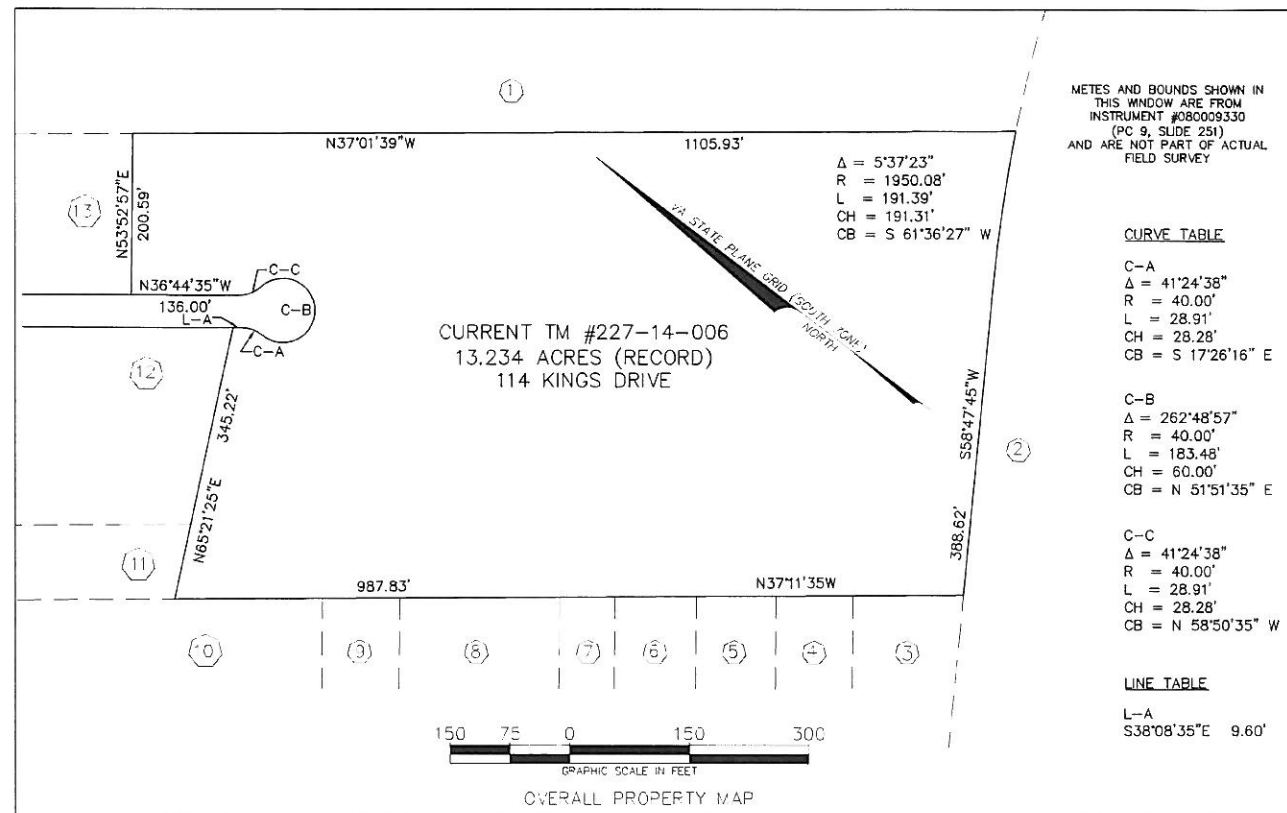


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SOURCE OF TITLE

AREVA NP, INC. INSTRUMENT #080005497
FRAMATOME ANP, INC. (NOW KNOWN AS AREVA NP, INC.) INSTRUMENT #010008382
B & W NUCLEAR SERVICE COMPANY (NOW KNOWN AS AREVA NP, INC.) DB 807 PG 836
AREVA NP, INC. INSTR. #080006701

SEE INSTRUMENT #080009330 AND PC 9, SLIDE 251 FOR SUBDIVISION PLAT OF PARCELS LISTED ABOVE.



ADJOINING OWNER INFORMATION

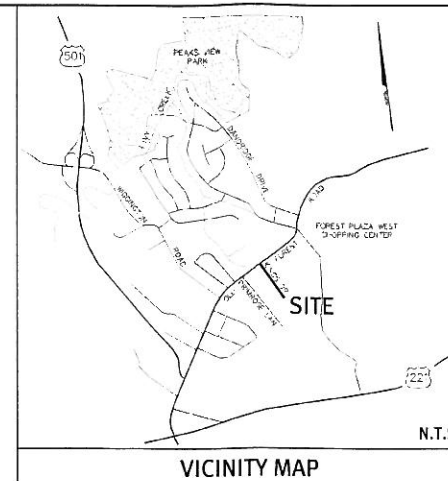
- | | |
|--|---|
| ① TM #220-16-012
B&W NUCLEAR SERVICE COMPANY
(NOW KNOWN AS AREVA NP, INC.)
DB 807, PG 836 | ⑦ TM #227-15-015
N/F HAI PHUOC HUYNH
DB 935, PG 92 |
| ② TM #227-08-015
NORFOLK & SOUTHERN RAILWAY
SOURCE NOT CONFIRMED | ⑧ TM #227-15-014
N/F PHYLLIS SANDIDGE
INSTR. #080009248 |
| ③ TM #227-15-019
N/F PATRICIA E. RICHARDSON
INST. #010007202 | ⑨ TM #227-15-013
LARRY W. MARTIN, JR.
DB 776, PG 824 |
| ④ TM #227-15-018
N/F PATRICIA E. RICHARDSON
INST. #050004451 | ⑩ TM #227-15-009
MAYNIE E. MILNER, LIFE ESTATE
DB 834, PG 146 |
| ⑤ TM #227-15-017
N/F RAYMOND J. LYNN
INST. #040013277 | ⑪ TM #227-14-012
N/F RONALD L. GILLISPIE &
BRENDA G. GILLISPIE
DB 768, PG 815 |
| ⑥ TM #227-15-016
N/F STEVEN MAWYER
INST. #050010586 | ⑫ TM #227-14-011
N/F RONALD L. GILLISPIE &
BRENDA G. GILLISPIE
DB 510, PG 386 |
| | ⑬ TM #227-14-004
N/F WILLIAM S. ROBERTSON &
YVONNE H. ROBERTSON
DB 338, PG 307
(CAMPBELL CO.) |

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JUN 30 2009

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ENGINEERING & SURVEYING & PLANNING

PROFFITT
INCORPORATED

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

HURT

PLAT SHOWING
DIVISION OF THE PROPERTY OF
AREVA NP, INC
CITY OF LYNCHBURG, VIRGINIA

THE SUBDIVISION OF THE LAND DESCRIBED HEREIN IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS, PROPRIETORS, AND TRUSTEES. THE OWNERS CERTIFY THAT THEY ARE THE FEE SIMPLE OWNERS OF SAID LAND AND ARE LEGALLY ENTITLED TO SUBDIVIDE THE SAME.

OWNER _____ DATE _____

COMMONWEALTH AT LARGE TO WIT:
STATE OF VIRGINIA
COUNTY/CITY OF _____

I, _____, A NOTARY PUBLIC IN
AND FOR THE STATE AFORESAID, DO HEREBY CERTIFY THAT THE
OWNERS/REPRESENTATIVES WHOSE NAMES ARE SIGNED HEREON HAVE
ACKNOWLEDGED THE SAME BEFORE ME THIS _____ DAY
OF _____, 20____ MY COMMISSION
EXPIRES _____

NOTARY PUBLIC

PLAT APPROVED:

CITY ENGINEER, LYNCHBURG, VIRGINIA _____ DATE _____

CLERK OF COUNCIL, LYNCHBURG, VIRGINIA _____ DATE _____

CITY PLANNER, LYNCHBURG, VIRGINIA _____ DATE _____

CITY MANAGER, LYNCHBURG, VIRGINIA _____ DATE _____

NOTES:

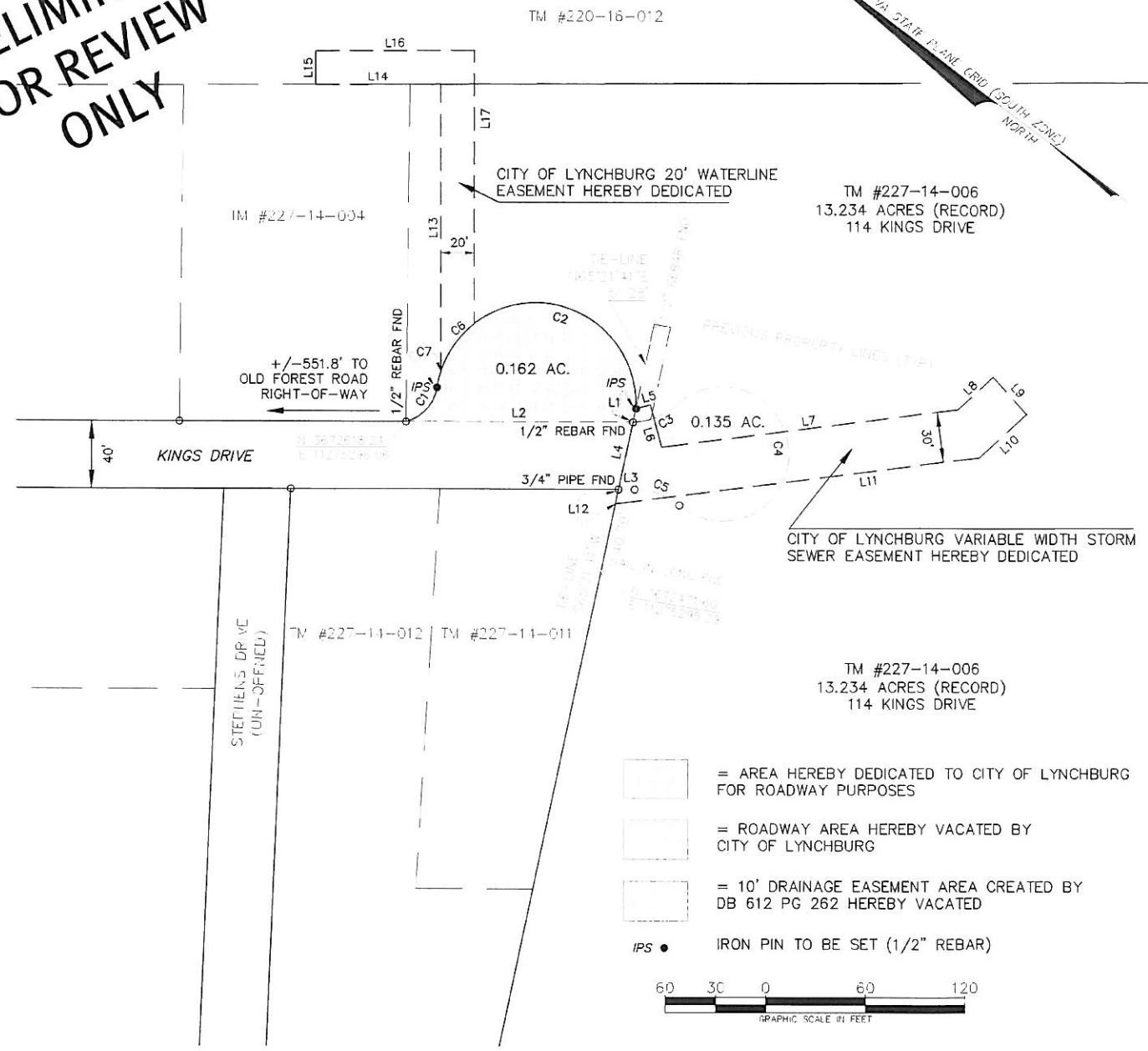
1. THIS PLAT HAS BEEN PREPARED FROM A COMBINATION OF RECORD INFORMATION AND ACTUAL FIELD SURVEY. FIELD SURVEY WORK AS NOTED HEREON WAS COMPLETED AS PART OF A TOPOGRAPHIC SURVEY RELATED TO CONSTRUCTION DOCUMENTS FOR THE KINGS DRIVE IMPROVEMENTS PROJECTS. SAID TOPO WORK WAS DATED 9/10/08. NO NEW FIELD WORK HAS BEEN COMPLETED.
2. THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT, THEREFORE, NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.
3. THE AREA SHOWN HEREON IS LOCATED IN FLOOD HAZARD ZONE 'X' AND IS NOT LOCATED WITHIN FLOOD HAZARD ZONE 'A' FOR A 100 YEAR FLOOD AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY AS SHOWN ON COMMUNITY-PANEL MAP #5100930037D & #5100930039D DATED 'REVISED JUNE 3, 2008'.
4. PROPERTY IS SERVED BY WATER FROM THE CITY OF LYNCHBURG.
5. THIS PLAT IS FOR SHOWING CITY OF LYNCHBURG RIGHT-OF-WAY DEDICATION/VACATION, CITY OF LYNCHBURG PROPOSED WATER EASEMENT AND PROPOSED STORM SEWER EASEMENT, AND IS NOT INTENDED FOR ANY OTHER PURPOSE.
6. IRON PINS TO BE SET AT CORNERS, (AT END OF CONSTRUCTION OF KINGS DRIVE ROAD IMPROVEMENT PROJECT) WHERE POSSIBLE, AS SHOWN HEREON.

PROJECT NO. 20080640
G.L. NO. 229-13-83.6
FILE NO. SL-012622
DATE: 4/20/09
DRAWN BY: MWC
CHECKED BY: MWC

HURT & PROFFITT

SHEET NO.
1 OF 2

PRELIMINARY
FOR REVIEW
ONLY



PLAT APPROVED:

CITY ENGINEER, LYNCHBURG, VIRGINIA	DATE
CLERK OF COUNCIL, LYNCHBURG, VIRGINIA	DATE
CITY PLANNER, LYNCHBURG, VIRGINIA	DATE
CITY MANAGER, LYNCHBURG, VIRGINIA	DATE

ACREAGE TABLE

TM #227-14-006

13.234	ACRES ORIGINAL (RECORD)
- 0.162	ACRES - 7066.162 SQ. FT. - NEW RIGHT-OF-WAY
+ 0.135	ACRES - 5879.195 SQ. FT. - OLD RIGHT-OF-WAY
= 13.207	ACRES RESIDUE (RECORD)

WATERLINE EASEMENT HEREBY DEDICATED BY CITY OF LYNCHBURG

LINE	BEARING	LENGTH
L13	N 53°14'11" E	170.68
L14	N 37°01'23" W	75.27
L15	N 53°26'21" E	20.00
L16	S 37°01'24" E	95.20
L17	S 53°14'11" W	162.47

CURVE TABLE

CURVE	DELTA	LENGTH	RADIUS	CHORD	CHORD BEARING
C6	33°34'24"	35.16	60.00	34.66	S 88°28'54" W

STORM SEWER EASEMENT HEREBY
DEDICATED BY CITY OF LYNCHBURG

LINE	BEARING	LENGTH
L4	N 65°21'41" E	40.91
L1	N 65°21'41" E	8.31
L5	S 51°37'51" E	8.95
L6	S 38°22'09" W	26.05
L7	S 44°03'36" E	179.28
L8	S 78°50'34" E	29.23
L9	S 11°09'26" W	30.00
L10	N 78°50'34" W	38.63
L11	N 44°03'36" W	220.25
L12	N 65°21'41" E	8.72

NEW RIGHT-OF-WAY HEREBY DEDICATED TO CITY OF LYNCHBURG

CURVE	DELTA	LENGTH	RADIUS	CHORD	CHORD BEARING
C1	66°49'26"	29.16	25.00	27.53	S 84°23'59" E
C2	173°47'58"	182.00	60.00	119.82	S 30°54'43" E

LINE TABLE

LINE	BEARING	LENGTH
L1	S 65°21'41" W	8.31
L2	N 36°45'49" W	136.01

RIGHT-OF-WAY HEREBY VACATED BY CITY OF LYNCHBURG

CURVE	DELTA	LENGTH	RADIUS	CHORD	CHORD BEARING
C3	41°24'35"	28.91	40.00	28.28	S 58°50'36" E
C4	262°49'09"	183.48	40.00	60.00	S 51°51'41" W
C5	41°24'35"	28.91	40.00	28.28	N 17°26'02" W

LINE TABLE

LINE	BEARING	LENGTH
L3	N 36°49'56" W	9.55
L4	N 65°21'41" E	40.91

ENGINEERING & SURVEYING & PLANNING

HURT

PROFFITT
INCORPORATED

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

PLAT SHOWING
DIVISION OF THE PROPERTY OF
AREVA NP, INC.
CITY OF LYNCHBURG, VIRGINIA

PROJECT NO. 20080640
G.L. NO. 229-13-83.6
FILE NO. SL-012622
DATE: 4/20/09
DRAWN BY: MWC
CHECKED BY: MWC

HURT **PROFFITT**

SHEET NO.
2 OF 2

PRELIMINARY
FOR REVIEW
ONLY

NOTES:

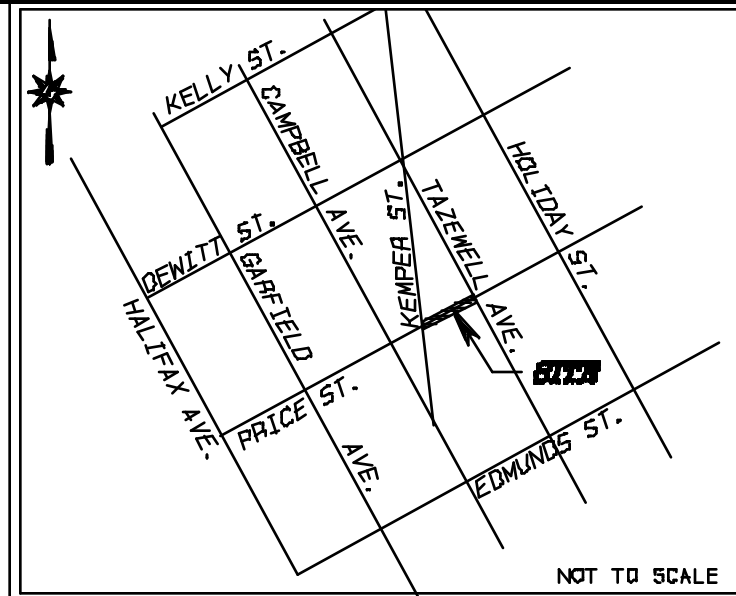
1. THIS PLAT WAS PREPARED FOR PRICE STREET VACATION.
2. NO DETERMINATION OF WETLANDS WAS REQUESTED OF, NOR WAS ANY DETERMINATION/DELINEATION MADE BY ACRES OF VIRGINIA, INC. OF THIS SURVEYOR. THIS PLAT DOES NOT ADDRESS THE EXISTENCE OR DELINEATION OF ANY ENVIRONMENTALLY SENSITIVE AREAS IN OR AROUND THE BOUNDARIES OF THIS PROPERTY.
3. SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT SURVEYED OR EXAMINED OR CONSIDERED AS PART OF THIS SURVEY. NO EVIDENCE OR STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONDITIONS, CONTAINERS OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS PROPERTY.
4. THIS SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT THEREFORE NECESSARILY INDICATE ALL ENCUMBRANCES OR IMPROVEMENTS ON THIS PROPERTY. ALL ADJOINING OWNERS ARE NOW OR FORMER OWNERS.
5. THIS PROPERTY AS PLATTED FALLS WITHIN THE FLOOD ZONE "X" AS DETERMINED BY F.E.N.A. AND SHOWN ON THEIR MAP PANEL NO. 51009300440 DATED REVISION JUNE 3, 2008. NO CERTIFICATION BY THIS SURVEYOR IS MADE TO THE ACCURACY OF THE FLOOD INSURANCE RATE MAP.
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10. PRIOR TO THE IMPROVEMENT OR DISTURBANCE OF ANY LOT IN THE COUNTY BY ANY PERSON(S) OR ENTITY THE PLANNING DEPARTMENT SHALL BE CONTACTED CONCERNING, BUT NOT LIMITED TO, THE CURRENT ZONING, BUILDING SETBACK REQUIREMENTS, WATER OR SEWER SYSTEMS, HEALTH DEPARTMENT REQUIREMENTS, EROSION AND SEDIMENT CONTROL REQUIREMENTS, AND PRIVATE STREETS, PERMITS, ETC. STATE AND FEDERAL AGENCIES SHALL ALSO BE CONTACTED PRIOR TO ANY IMPROVEMENT OR DISTURBANCE TO THE PROPERTY, BY ANY PERSON OR ENTITY, CONCERNING BUT NOT LIMITED TO ALL OF THE AFOREMENTIONED REASONS AND TO INSURE THAT THEY COMPLY WITH THE CURRENT LAWS GOVERNING THE DISTURBANCE OR IMPROVEMENT OF THE PROPERTY. THE AFOREMENTIONED TASKS ARE NOT THE RESPONSIBILITY OF ACRES OF VIRGINIA, INC. OR THIS SURVEYOR BUT ARE SOLELY THE RESPONSIBILITY OF THE PERSON(S) OR ENTITY CONDUCTING THE IMPROVEMENT OR DISTURBANCE. WE WILL NOT BE HELD RESPONSIBLE OR LIABLE FOR ANY DAMAGES, FINES OR OTHER MONETARY/CIVIL/CRIMINAL PENALTIES RESULTING FROM NON-COMPLIANCE WITH LOCAL, STATE OR FEDERAL LAWS AND REGULATIONS.
11. NOTICE IS GIVEN TO ANY PERSON(S) OR ENTITY THAT BY USING THIS PLAT OR ANY PORTION THEREOF YOU ACKNOWLEDGE THAT YOU HAVE READ, REVIEWED AND UNDERSTAND THE NOTES AND CONTENTS SHOWN ON THIS PLAT AND AGREE TO HOLD HARMLESS AND FREE FROM ANY LIABILITY ACRES OF VIRGINIA, INC. ITS EMPLOYEES AND THIS SURVEYOR FOR INFORMATION NOT SHOWN OR PROVIDED BEYOND THE SERVICES REQUESTED. IT IS UNDERSTOOD THAT THIS PLAT SHOWS AND REPRESENTS THE EXTENT OF SERVICES AS REQUESTED. THIS INCLUDES BUT IS NOT LIMITED TO ANY CONTRACT PURCHASER AND PERSON(S) OR ENTITY THAT REQUESTED OR RENDERED PAYMENT FOR THE SERVICES.

CURVE DATA:

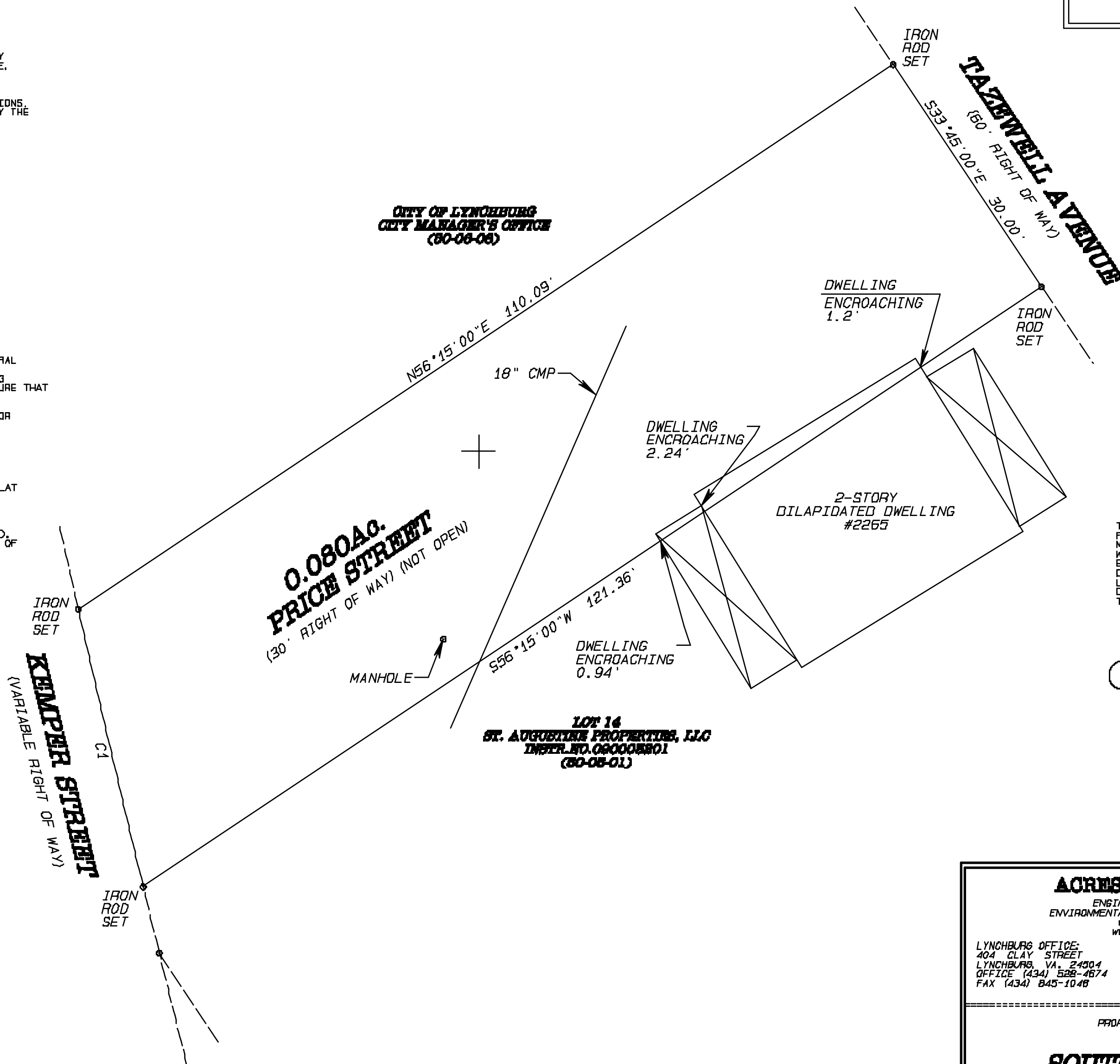
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DEED BOOK 765 PAGE 208

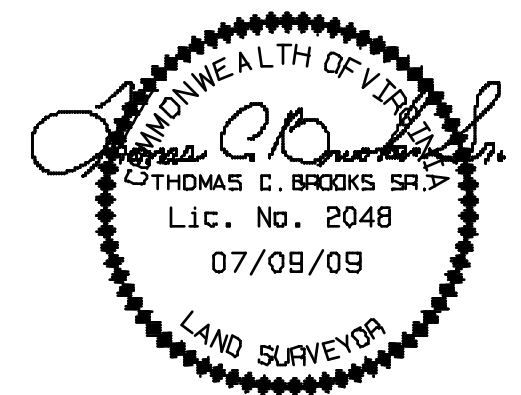
RECORD NUMBER



VICINITY MAP



THIS PLAT WAS PREPARED (JULY 9, 2009) FROM AN ACTUAL AND CURRENT FIELD SURVEY MADE UNDER MY SUPERVISION AND COMPLIES WITH THE MINIMUM STANDARDS AND PROCEDURES ESTABLISHED BY THE VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS TO THE BEST OF MY KNOWLEDGE AND BELIEF.



THOMAS C. BROOKS, SR., L.S. NO. 2048
[VIRGINIA ASSOCIATION OF SURVEYORS
CONTINUING EDUCATION PROFESSIONAL]

ACRES OF VIRGINIA, INC.

ENGINEERS/SURVEYORS/PLANNERS
ENVIRONMENTAL/SOIL CONSULTANTS/GEOTECHNICAL
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FAX (434) 845-1048



AMHERST OFFICE:
SURVEYING AND PLANNING
357 SOUTH MAIN STREET
AMHERST, VA. 24521
OFFICE (434) 946-5540

PLAT SHOWING
PROPOSED STREET VACATION
PRICE STREET
BLOCK 14

SOUTH LYNCHBURG

LYNCHBURG, VIRGINIA

SCALE: 1"=10' DATE: JULY 9, 2009

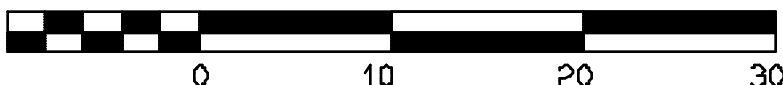
COMM. NO. 09730/STREET09730-SERVER-NEWJOB52009

TAX MAP 50-08-08 & 50-05-01

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GRAPHIC SCALE

1"=10'



Project Number **SUB0904-0009**
Project Name **Areva R/W & Esmt Dedication & Vacation**
Site Address 114 KINGS DR

Review Type	Contact	Notes
AEP	Tom G Woodford	No comments.
Assessor	Steve Boyer	
Assessor	Steve Boyer	Please provide a Northing & Easting along Kings Road.
EngineeringAdm	Lee Newland	No comments.
EngineeringDesign	James Talian	No comments.
EngineeringMapRoom	Debbie Stinson	No comments.
EngineeringMapRoom	Debbie Stinson	
Fire	Greg Wormser	No comments.
Neighbor Svcs	Rob Fowler	1. Correct signature space for City Engineer. 2. Show all improvements on the parcel. 3. Address will remain 114 Kings Drive.
Neighbor Svcs	Rob Fowler	
Planning	Rebecca McCharen	
Planning	Rebecca McCharen	1. The subject preliminary plat proposes dedicating and vacating a right-of-way and easements. Public right-of-way dedications require City Council review and approval. JP Morris, Engineering Project Manager, at 455-3918 will be your contact for the City Council process. 2. The surveyor must endorse all final copies of the plat with his/her original signature. 3. Show only current parcel data. Do not show previous Tax Map #s or lot lines in the source of title or on the plat. 4. The property is over ten (10) acres, which means it is not necessary to show all adjoining property owners. 5. Show metes and bounds for entire affected parcel of TM#227-14-006. 6. Change the municipal signature title of City Engineering to City Engineer.

Project Number **SUB0904-0009**
Project Name **Areva R/W & Esmt Dedication & Vacation**
Site Address 114 KINGS DR

Review Type	Contact	Notes
		7. Our city GIS Webmap shoes the adjoining property owner #8 to be Phyllis Sandidge, not Marshall Dandidge. Verify. 8. Show the right-of-way width for Kings Drive. 10. If there are restrictions associated with the subdivision, add a note as to where they can be found. 11. When the approved plat is recorded in the Clerk's Office (see the first paragraph above), submit a copy of the receipt verifying that the plat was recorded to me. 12. If you make additional changes to the revised plat that TRC did not review on the subject plat, submit a cover letter with the revised plat stating the changes.
PWStreets	Dave Owen	No comments.
Traffic	Gerry Harter	No comments.
Utilities	Greg Poff	
Utilities	Scott J Parkins	
Verizon	George Almond	No comments.

APPLICATION FOR THE VACATION OF A

A Portion of Kings Drive
(Street/Alley)

LOCATED BETWEEN

at the terminus of Kings Drive and 114 Kings Drive.

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

The portion of Kings Drive to be vacated is a cul-de-sac that extends from Kings Drive
in a southeasterly direction approximately one hundred (100) feet to terminate at 114
Kings Drive. _____

The applicant further requests the Lynchburg City Council to hold a public
hearing on this application at its meeting to be held in the Council Chambers, City Hall,
900 Church Street, Lynchburg, Virginia, on August 11, 2009, at 7:30 p.m., or as
soon thereafter as the matter may be heard, and at the conclusion of which hearing to
consider whether or not to vacate the above described street.

Given under my hand this 10th day of July, 20 09.

SMBlickenstaff, VP, HR & Facilities
Applicant AREVA

3315 Old Forest Rd Lynchburg, VA
Address

434-832-2333
Telephone Number

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

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 11, 2009**

AGENDA ITEM NO.: 14

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: Public Hearing Regarding Vacation of Approximately 0.43 acres of Right-of-Way at the Intersection of Breezewood Dr. and Lakeside Dr.

RECOMMENDATION: Adopt an ordinance vacating approximately 0.43 acres of public right-of-way and authorizing the execution of a deed to convey the City's interest in said vacated right-of-way to WCI, L.C.

SUMMARY: On March 11, 2008 City Council, after holding a Public Hearing, authorized a deed of exchange to be executed to convey to WCI, L.C. property owned by the City of Lynchburg, Tax Map No. 231-09-08, 2617 Lakeside Drive, containing approximately 1.06 acres in exchange for a portion of Tax Map No. 231-09-001, 2625 Lakeside Drive, containing approximately 3.14 acres owned by WCI, LLC. In researching the title it was found there was a dedication of approximately .43 acres of the 1.06 acres being exchanged to WCI, LLC to be used as a stormwater detention pond. We are requesting the vacation of approximately .43 acres of right-of-way to finalize the exchange as previously approved.

PRIOR ACTION(S): March 11, 2008 – Council adopted a resolution authorizing a deed of exchange.

FISCAL IMPACT: None.

CONTACT(S): Lee Newland, PE City Engineer, 455-3947; Steve Lawson, Real Estate Manager, 455-3945

ATTACHMENT(S): Drawing showing approximately .43 acres to be vacated
Minutes from March 11, 2008 meeting
Ordinance

REVIEWED BY: lkp

ORDINANCE

AN ORDINANCE VACATING A PORTION OF THE PUBLIC RIGHT-OF-WAY LOCATED AT THE NORTHERN CORNER OF 2617 LAKESIDE DRIVE AND TO RELINQUISH ANY INTEREST THE CITY MAY ACQUIRE BY VIRTUE OF SAID VACATION TO WCI., L.C.

WHEREAS, on March 11, 2008 the Lynchburg City Council adopted a resolution approving the exchange of certain real estate owned by the City of Lynchburg at 2617 Lakeside Drive, Tax Map No. 231-09-08, containing approximately 1.06 acres, for real estate owned by WCI., L.C. at 2625 Lakeside Drive, Tax Map No. 231-09-001, containing 3.14 acres, the exchange was being made because the City needed the property that was being acquired from WCI, L.C. for right-of-way construction for the Breezewood Drive road project; and

WHEREAS, after City Council adopted the March 11, 2008 resolution, City staff discovered that a portion of the 1.06 acre parcel (approximately .43 acre) had been dedicated a public right-of-way; and

WHEREAS, the Virginia Code requires that a public right-of-way must be vacated before it can be conveyed; and

WHEREAS, in order to complete the exchange of property between the City and WCI., L.C. it is necessary for the City to vacate the .43 acre parcel of property at the northern corner of 2617 Lakeside Drive that was dedicated as of the public right-of-way and to relinquish any interest the City may acquire by virtue of said vacation to WCI., L.C.; and

WHEREAS, the City is not currently using this portion of the public right-of-way, that no public inconvenience that will result from vacating this portion of the public right-of-way and the City has no plans to use this portion of the public right-of-way; and

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Lynchburg, on its own motion and in accordance with the provisions of Title 15.2 of the Code of Virginia, 1950, as amended, and Sections 35-71 through 35-77 of the Code of the City of Lynchburg, 1981, as amended, that the following described portion of the public right-of-way located at the northern corner of 2617 Lakeside Drive be, and the same is hereby vacated, namely:

Beginning at a point in the northeastern corner of the property currently owned by WCI, L.C., being Tax Map No. 231-09-001, at its intersection with the northwestern corner of the property of the City of Lynchburg, Virginia, and the southern right-of-way line of Lakeside Drive, U.S. Route 221, thence along the southerly right-of-way line of Lakeside Drive, U. S. Route 221, along a curve to the right with a central angle of 4° 25' 24", a radius of 1870.00', a curve length of 144.37', a chord bearing of N 89° 28' 49" E, and a chord distance of 144.33 feet to a point on the westerly right-of-way line of a 30' private road; thence S 3° 19' 27" E 136.08 feet to a point; thence N 82° 38' 02" W 89.54 feet to a point; thence N 75° 43' 46" W 50.23 feet to a point; thence N 74° 30' 49" W 20.05 feet to a point; thence N 02° 29' 36" E 105.43 feet to the point of beginning, containing 0.43 acre, more or less.

Provided, however, that any easement to locate, relocate, repair, replace, maintain and perpetually operate all utilities currently located therein or needed by the City in the future is hereby reserved unto the City of Lynchburg and the construction of a permanent structure over any utility line without the prior written approval of the City is prohibited.

BE IT FURTHER ORDAINED that the City of Lynchburg relinquishes any interest it may have acquired in the vacated right-of-way to WCI., L.C.; that the City Manager is authorized to execute any documents

that may be needed to complete the exchange of property between the City and WCI., L.C.; and, that the Clerk of Council is hereby authorized and directed to deliver a duly certified copy of this ordinance to the Clerk of the Circuit Court for the City of Lynchburg so that said certified copy of this ordinance may be recorded as deeds are recorded and indexed in the name of the City of Lynchburg.

Adopted:

Certified:

Clerk of Council

078L

DRAWING SHOWING APPROXIMATELY .43 ACRES TO BE VACATED

LAKESIDE DRIVE

R/W
TO LYBG. EXPRESSWAY

$\Delta = 4^{\circ}25'24''$
 $R = 1870.00'$
 $L = 144.37'$
 $CB = N89^{\circ}28'49''E$
 $CH = 144.33'$

R/W AREA
TO BE VACATED
0.43 AC.±

30' PRIVATE R/W
R/W

0.63 AC.±

CITY OF LYNCHBURG
D.B. 1095, PG. 101
2617 Lakeside Drive

SCALE: 1" = 50'

WCI, L.C.
D.B. 994, PG. 529
T.M. # 231-09-001

WCI, L.C.
D.B. 994, PG. 529
T.M. # 231-09-001
2625 Lakeside Drive

R/W
N02°29'36"E
105.43'

N74°30'49"W
20.05'

N75°43'46"W
50.23'

N82°38'02"W
89.54'

R/W

N11°08'27"E
185.00'

N87°37'45"W
182.98'

C.C.

MARCH 11, 2008 CITY COUNCIL MEETING

// In the matter of Community Planning - General, a public hearing was held regarding City Council Report #10 regarding adoption of a Resolution to approve the exchange of real estate owned by the City of Lynchburg at 2617 Lakeside Drive for real estate owned by WCI, L.C. at 2625 Lakeside Drive along with various sanitary sewer and temporary construction easements. Real Estate Manager Steve Lawson provided a brief summary regarding the request. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Johnson, seconded by Council Member Gillette, Council by the following recorded vote adopted Resolution #R-08-028, as presented, approving the exchange of real estate owned by the City of Lynchburg at 2617 Lakeside Drive for real estate owned by WCI, L.C. at 2625 Lakeside Drive along with various sanitary sewer and temporary construction easements:
Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster 7
Noes: 0

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 11, 2009**

AGENDA ITEM NO.: 15

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Discussion and consideration of the disposition of the City's interest in the Galleria Property located at 915 Main Street**

RECOMMENDATION: After a public hearing, adopt a resolution to relinquish the City's interest in the Galleria property with respect to the repurchase option.

SUMMARY: The land on which the Galleria was built was donated by the City to the developer of the project. The deed contains two provisions whereby the City retained certain rights with respect to the property. The relevant pages of the deed are attached for reference. The first provision provides for a "first right of refusal" to the City in the event that someone makes an offer to purchase the property. The City has 30 days to respond. Council waived this right in 2005 with respect to an earlier purchase. (See attached resolution.)

The second provision in the deed allows the City to repurchase the property for \$75 after seventy-five years. Twenty-five years have elapsed. Potential purchasers of the building have found that this is an impediment to financing and to maintaining or improving the building by an owner.

Lyn-CAG has purchased the property and has asked that the repurchase provision be waived. They have explained that the repurchase provision is an issue raised by the bank and that at some point it will provide a disincentive for an owner to provide routine maintenance to the building.

We have attempted to determine a value for the repurchase provision and believe it to be no more than \$15,000 once the time value of money is calculated.

In return for waiver of the repurchase provision, Lyn-CAG has proposed that the City's annual contribution to the maintenance of the Galleria property be reduced by \$2000.

PRIOR ACTION(S): October 11, 2005

FISCAL IMPACT: N/A

CONTACT(S): Kimball Payne, 455-3990; Walter Erwin, 455-3973

ATTACHMENT(S): As noted above.

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED THAT the Lynchburg City Council hereby waives its rights granted under paragraph (10) of a contract for sale between the City and J. E Jamerson & Sons, Inc., dated March 28, 1984, (page 12) whereby the City was granted a right to repurchase the property at 915 Main Street for \$75 seventy-five years after the date of sale.

Adopted:

Certified:

Clerk of Council

093L

the use and occupancy of the premises.

(e) Payment of Taxes. Buyer shall pay when due all real estate taxes assessed against the premises.

(f) Transfer or Sale. No interest or right in and to this contract or the premises may be assigned, transferred, sold, leased, mortgaged or conveyed by Buyer to any other entity without the prior written consent of City (which consent shall not be arbitrarily withheld), except in accordance with other provisions of this contract.

In the event of any proposed sale of the premises as a whole, Buyer shall disclose the proposed terms, conditions and consideration of such sale by written notice to City, and City shall have the right to purchase the premises from Buyer upon the same identical terms, conditions and consideration. Said right to purchase shall be exercised by City giving written notice thereof to Buyer within thirty (30) days after receiving notice of such proposed sale from Buyer as aforesaid. If City does not exercise its said right to purchase within said 30 day period, Buyer may sell the premises, subject to all provisions of this contract. In the event Buyer sells or conveys the premises on terms, conditions or consideration not identical to those contained in any notice of proposed sale given to City pursuant to this Paragraph, City shall have the absolute and unconditional right to declare such sale void and cause the same to be rescinded and canceled without any liability on the part of City to the purchase of the premises.

(g) Anti-discrimination. During the term of this lease, Buyer agrees that it will not discriminate against any lessee in its offering of the premises for lease because of race, color, religion, sex or national origin.

(6) City's Right of Ingress and Egress. As additional consideration for the aforesaid conveyance, City specifically reserves a perpetual right of ingress and egress from Main Street through the premises to its present City Hall as set forth in the plans and specifications herein referred to as the "Public Area".

(a) Buyer shall provide access to Main Street, Monday through Friday from 8:00 a.m. to 5:30 p.m. plus at such other additional times for City Council meetings and

of City, its agents, servants, and/or employees, or are the responsibility of City pursuant to any other provision of this contract; and

(ii) Any act or omission whatsoever or negligence of Buyer and/or its agents, servants or employees and/or any of the tenants, concessionaires and/or licensees of Buyer with respect to the premises or elsewhere on or within any part of the premises when acting within the scope of their employment.

(10) Repurchase option. In further consideration of the aforesaid conveyance, any time after the expiration of seventy-five (75) years computed from the date of recordation of a deed from City to Buyer conveying the premises, City shall have the absolute and unconditional right to purchase and reacquire the premises and all improvements thereon and appurtenances thereunto belonging for the price of Seventy-five Dollars (\$75.00). The said option shall be exercised by written notice to the then owner of the premises and any mortgagee and tender of the purchase price aforesaid.

Within thirty (30) days after the exercise of such option by City, the owner of the premises shall deliver to City a deed conveying title to the premises to City, free of all liens or encumbrances, other than any liens, encumbrances, leases or easements which may have been consented to by City in writing.

Any lien, encumbrance, lease or easement imposed upon the premises contemporaneously with or subsequent to the conveyance of the premises to Buyer by City, not expressly permitted or provided for by this contract or consented to by City in writing shall be invalid and not binding on the premises or city as of the exercise of such option by City.

(11) Mortgage of Premises.

(a) It is understood and agreed by and between City and Buyer that all or a substantial part of the cost of construction of the improvements on the premises pursuant to Paragraph (4) of this contract shall be financed by a loan to be made to Buyer by the Lynchburg Redevelopment and Housing Authority, Lynchburg, Virginia (the "Authority"), repayment of which will be secured by a mortgage or deed of trust lien upon the premises and the improvements thereon and a security interest in or assignment of all leases of

August 4, 2009

Patricia W. Kost, MMC
Clerk of Council

I am writing to make a formal request to speak in front of City Council on August 11, 2009. I will only need 2 to 3 minutes and as I told you the purpose is to personally invite them to our Age Wage Summit on Aging scheduled this fall. This event will be sponsored jointly by Lynchburg College, the Central Virginia Area Agency on Aging and the Consortium on Aging, a partnership of area companies serving the aged. We will send personal invitations to the Summit once the final arrangements have been made.

If you need to reach me my personal information is listed below. I will be out of town until Sunday.

Thank you.

Tulane Patterson

P. Tulane Patterson, 1303 Langhorne Road, Lynchburg, VA 24503, 434-384-0964

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: August 11, 2009		AGENDA ITEM NO.: 17
CONSENT:	REGULAR: X	CLOSED SESSION:
ACTION: X	INFORMATION:	(Confidential)
<u>ITEM TITLE:</u> City of Lynchburg Comprehensive Plan 2002-2020 Amendment – Chapter 12, Natural Resources		

RECOMMENDATION: Approval of the amendments to Chapter 12 of the City of Lynchburg *Comprehensive Plan 2002-2020*.

SUMMARY: The City of Lynchburg *Comprehensive Plan 2002-2020* recommends the establishment of “a Natural Systems/Environmental Resources Advisory Committee [NRAC] of local experts to monitor trends in environmental science.” **(12.8)** The Planning Commission appointed representatives to the Committee on June 14, 2006 and the group has met regularly since August 15, 2006. NRAC has submitted recommendations for the update of Chapter 12 of the *Comprehensive Plan 2002-2020*. These include the deletion of goals that have been completed or are no longer applicable, as well as amendments to reflect the current status of other existing City programs. The revisions also include the addition of a goal to prioritize open space, a goal to promote water conservation and drinking water source protection and a goal to promote the conservation of energy and natural resources. Planning Commission recommended approval of the amendments because:

- The City’s *Comprehensive Plan 2002–2020* provides that “one of the most important aspects of implementation is being certain that each strategy is moving forward; that this Plan has not simply been ‘put on the shelf’.” **(17.8)**
- The proposed revisions would more accurately reflect the status of the City’s current initiatives, as well as provide for additional goals to help the City become a more sustainable community.

PRIOR ACTION(S):

October 8, 2008: Planning Division recommended approval of the City of Lynchburg *Comprehensive Plan 2002-2020* Chapter 12 amendments.
Planning Commission recommended approval (6-0, 1 Absent - Oglesby) of the amendments to Chapter 12 of the City of Lynchburg *Comprehensive Plan 2002–2020*.

November 11, 2008: City Council referred the City of Lynchburg *Comprehensive Plan 2002-2020* Chapter 12 amendments back to Planning Commission.

June 24, 2009: Zoning and Natural Resources Division recommended approval of the City of Lynchburg *Comprehensive Plan 2002-2020* Chapter 12 amendments.
Planning Commission recommended approval (6-0, 1 Absent - Oglesby) of the amendments to Chapter 12 of the City of Lynchburg *Comprehensive Plan 2002–2020*.

BUDGET IMPACT: None

CONTACTS:

Bonnie Svrcek	455-3990
Tom Martin	455-3909
Erin Hawkins	455-3869

ATTACHMENT(S):

Ordinance
PC Report – October 8, 2008
PC Minutes – October 8, 2008
PC Report – June 24, 2009
PC Minutes – June 24, 2009
Speaker Sign-up Sheet

REVIEWED BY: lkp

081L

ORDINANCE

AN ORDINANCE AMENDING CHAPTER 12, NATURAL SYSTEMS, OF THE CITY'S COMPREHENSIVE PLAN 2002-2020.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG that in order to promote the public necessity, convenience, general welfare, and good zoning practice Chapter 12, Natural Systems, of the City's Comprehensive Plan 2002-2020, be amended and reenacted as follows:

Introduction

Lynchburg residents attach a high value to preserving and enhancing their natural and environmental resources. For many residents, the beauty of the City is an essential part of their quality of life. The City is known for its hills and steep ravines that harbor rich woodlands, wildlife, and rare plants. The James River, Lynchburg's most prominent natural feature, provided the City's early reason for being—a source of water, power and a transportation vehicle. Now the James River is becoming the focus for downtown revitalization.

~~As the City has developed, pressures have increased to build on sensitive natural lands. Citizens have expressed a desire to increase efforts to protect natural and environmental resources and to move toward a more sustainable community. Using such cities as Chattanooga, Tennessee, and Boulder, Colorado, as models, Lynchburg embraces sustainable development, defined as “meeting the needs of the present without compromising the ability of future generations to meet their needs.” The goals, objectives and strategies identified in this element strive to lead Lynchburg towards a more sustainable future by protecting and promoting the City's outstanding natural resources.~~

As the City has developed, pressures have increased to build on sensitive natural lands. Citizens have expressed a desire to increase efforts to protect natural and environmental resources and to move towards a more sustainable community. Lynchburg embraces sustainability and recognizes that elements such as environmental stewardship, financial responsibility, economic development and social impact must serve as a filter for the City's decision making and development of policy. Only through appropriate consideration of these principles will Lynchburg provide its residents with the opportunity to meet the needs of the present without compromising the ability of future generations to meet their needs. The goals, objectives and strategies identified in this element strive to lead Lynchburg towards a more sustainable future by protecting, ~~and~~ promoting and restoring the City's outstanding natural resources.

Context & Recommendations

Geology, Topography & Soils

The natural features of Lynchburg, including the geology, topography, and soils, have a significant impact on the suitability of the land for development. The variable rock types underlying the City have formed the hills and steep ravines of the central city, the imposing

Candlers Mountain along the City's southern border, and the foothills of the Blue Ridge Mountains that begin in the Reusens area along the northwest border. Those areas of the City that feature a highly dissected landscape of narrow ridges and steep-sided valleys present a challenge to developers, especially for large retail and industrial buildings needing large areas for parking. Grading of steep slopes can result in significant soil erosion and sedimentation of streams, though to accomplish much additional development in Lynchburg, some steep areas will likely need to be graded.

Some areas of the City are so steep that they remain wooded and relatively natural today. Many steep-sided stream valleys harbor a rich diversity of plant and animal life. The amount and extent of forested areas is quite unusual for a city of Lynchburg's size and age. Large areas of woodland remain on Candlers Mountain, in the Tyreeanna area, in the vicinity of the Blackwater Creek Natural Area and Peaks View Park, and in the Cheese Creek and Judith Creek watersheds. These areas have the potential to be connected to create a natural greenways system that builds on the success of the Blackwater Creek Natural Area.

Water Resources

Lynchburg is drained by ~~11~~ eleven streams. Judith, Pigeon, Blackwater, Fishing, and Opossum Creeks all drain directly to the James River, while Ivy, Cheese, Tomahawk, Burton, and Dreaming Creeks are tributaries of Blackwater Creek. By far, Blackwater Creek has the largest watershed area affecting the City and extending into neighboring Bedford and Campbell counties.

Over the years, City staff and citizens have noticed an increase in flood levels in the City streams, both the frequency of bank overflow and flood elevations. The increased impact of floods appears to be due to increased urbanization of stream watersheds, not only in the City, but also in neighboring counties. City engineers and planners have noted that the City's FEMA 100-year floodplain maps, published in 1983, are no longer accurate and recommend that they be updated. This has resulted in an update of the City's floodplain mapping with new FEMA 100-year floodplain maps being adopted by the City, effective June 3, 2008. While the City has permitted development to occur in the 100-year floodplain in the past, it should limit new development in the floodplain in the future and seek to protect existing development that may be affected by flooding. The City should also review and study dam break inundation zones and potential impacts to downstream properties as resources allow.

The water quality of several streams, including Blackwater, Burton, Fishing, Ivy, Judith and Fishing Tomahawk Creeks and the James River, is in violation of ~~has been found to violate the~~ state and federal water quality standard for Escherichia coli (E. coli), a type of fecal coliform, which indicates contamination from human or animal wastes. E. coli ~~Fecal coliform~~ levels exceed the standards to the extent that the Virginia Department of Environmental Quality (DEQ) has placed these streams on the priority list of impaired waters pursuant to Section 1313(d) (1) of the Federal Clean Water Act. As a result, the DEQ has performed a study called Total Maximum Daily Load (TMDL) to determine the total amount of a pollutant from point and non-point sources that the streams can handle daily and still meet water quality standards for their designated uses. The study, "Bacteria TMDL for the James River Basin" dated August 2007 identifies Lynchburg's Combined Sewer Overflows as a major point source contributor to the total fecal coliform load. The study also states that the majority of the fecal coliform originates from non-point sources, which primarily include: agriculture, residential and forested areas. Non-agriculture anthropogenic non-point sources include loadings from straight pipes, leaking sanitary sewers, failing septic

systems and pet waste. An Implementation Plan of the TMDL, which looks at all sources of bacteria loadings, should be developed through collaboration with DEQ and other stakeholders. Lynchburg's combined sewer system overflows (CSOs) have been identified as the primary source of this contamination. The City's project to separate sewage from stormwater flows, the Combined Sewer Overflow (CSO) project, is designed to address the problem. The DEQ has performed a special study will be performing special studies, called Total Maximum Daily Load (TMDL) studies, to determine actions that are necessary to address this problem if there are any other actions that will need to be taken to reduce fecal coliform counts. Implementation of this TMDL should be a priority to bring watershed/water quality in to compliance. But beyond these efforts, other water quality concerns will need to be addressed in the future

The EPA, DEQ and DCR are implementing various regulations and requirements related to reducing is seeking voluntary cooperation from localities in the effort to reduce nutrient (phosphorus and nitrogen) and sediment pollution as part of the James River Tributary Strategy. The James River Tributary Strategy is one element of a multi-state effort to improve the water quality and to protect the important living resources of the Chesapeake Bay. Lynchburg will continue working with these and other agencies towards the goal of water pollution reduction. For communities above the fall line like Lynchburg, the focus will be on the reduction of erosion and sedimentation.

The EPA and the DEQ will also require The City by 2003 to adopted standards and implemented mitigation measures to address stormwater quality, the so-called Phase II National Pollution Discharge Elimination System stormwater requirements. In response to the Phase II National Pollution Discharge Elimination System stormwater requirements from EPA and DCR, the City has adopted standards and implemented mitigation measures to address stormwater quality. as required by the EPA and DCR.

The City and Bedford County have completed obtained a regional stormwater management grant that will explore efficient methods for controlling stormwater quantities and for meeting these new stormwater quality requirements. It is likely that The City's efforts to address stormwater quality will reduce sediment pollution and therefore assist the DEQ in fulfilling the goals for the James River Tributary Strategy.

As a result of these water quality challenges, the City should work towards the development of an effective and efficient strategy to address overall water quality needs and comply with regulatory requirements, while ensuring other needs of the community continue to be met.

Air Quality & Noise Issues

The DEQ indicates that Lynchburg is in compliance with federal ambient air quality standards. However, not all regulated air pollutants are monitored in the City, particularly those resulting from non-point sources such as automobiles. If the DEQ were to monitor air quality more comprehensively, it may be determined that Lynchburg is not meeting the standard for some pollutants, such as ground-level ozone. In this event, the City will have to prepare and implement a plan to address air pollution issues. Also, existing and forthcoming regulation, such as that outlined by the Climate Action Plan issued by the Governor's Commission on Climate Change, will eventually require the City to address emissions of greenhouse gases such as carbon dioxide. Noise, odors, and light pollution are other environmental concerns for some citizens, but detailed data on these pollutants are not readily available.

~~The DEQ indicates that Lynchburg's air quality meets federal standards, though not all regulated air pollutants are monitored in the City. The EPA revised the standard for ozone in 2000, making it more difficult to meet. If the DEQ places an ozone monitor in Lynchburg in the future, there is a possibility that the City will not meet the standard and will have to prepare and implement a plan to address ozone pollution.~~

~~Noise, odors, and light emissions are environmental concerns for some citizens, though detailed data on these pollutants is not readily available.~~

Understanding the Value of Natural Systems

There is a keen interest among citizens in improving the environmental quality of Lynchburg and protecting its natural resources. The first step in protecting these resources is to understand their value in providing a healthy environment. Monitoring and managing the environmental resources within the City can require a significant amount of resources. As stated in Chapter 5, Citywide Land Use & Development, the City needs to improve its capacity to monitor, analyze, and report on local conditions, including environmental and natural resources. The City should develop a natural systems/environmental database to understand existing conditions and monitor future environmental health. Many cities and counties across Virginia are developing environmental databases in their GIS systems to help them plan sustainable, environmentally sensitive communities. Most cities map topography, soils, water bodies, floodplains and parks.

The City should also designate a City staff person to serve as an Environmental Management Coordinator, to maintain and monitor the environmental database and to prepare annual reports on the state of the City's environmental health, for distribution to City officials, staff, residents, and others in the region. Initial environmental reports could be based on existing data and expanded as the GIS and other data systems are improved. City officials and citizens could benefit from more comprehensive information about effective environmental protection techniques. City staff, including the Environmental Management Coordinator, should be kept abreast of environmental trends and practices through training, conferences, workshops, and other educational forums. The City ~~needs to~~ has established a Natural Systems/Environmental Resources Advocacy Advisory Committee of local experts to monitor trends in environmental science. The advisory group ~~could be~~ is composed of representatives from the Robert E. Lee Soil and Water Conservation District, ~~Friends of Lynchburg Stream Valleys~~ Region 2000 Local Government Council, local colleges and universities, and others.

Evaluating Human Activities

Currently, the City does not have an effective tool for evaluating the impacts of development proposals on environmental resources. Residents have expressed a strong desire for a mechanism to evaluate development impacts. One possible method would be for the staff to develop a simple environmental checklist to be applied to all public and private development proposals including rezonings, conditional use permits, site plans, and subdivision plans. The checklist would help evaluate the potential positive and negative effects of development proposals. More detailed evaluations may be required on projects that have a significant impact on environmental resources. Staff should, therefore, develop a process for reviewing these types of impacts more closely. The completed environmental checklists and detailed environmental analyses should be compared to economic and fiscal impact reports and incorporated into staff

reports to the Planning Commission and City Council. The environmental checklists and analyses should also be used to update the natural systems/environmental database.

The City needs to establish a set of environmental performance standards for private and public development activities. The standards should be based upon adopted local, state, and federal requirements and cover such issues as air emissions; pollutant discharges; stormwater, erosion, and sediment controls; light, noise, and odor emissions; steep slopes; floodplains; and wetlands; among others. By having environmental performance standards in place, the City can require the modification, redesign, or replanning of proposed development projects.

Resource Management & Protection

The City desires to improve the protection and management of its natural systems in order to create a truly sustainable community. There are a number of approaches that the City may choose to pursue, including environmental performance standards, incentives for private actions, education and awards programs, and direct City actions.

As described above, it is important for the City to consider environmental performance standards for new development and redevelopment, not only to ensure compliance with state and federal standards, but also to address the protection and management of important natural resources. Through the application of reasonable standards limiting the development of floodplains, wetlands and streamside steep slopes, these important resources could be preserved. Standards for the construction and maintenance of stormwater management facilities would ensure that flooding levels are kept in check and that the water quality of stormwater discharges is addressed. A major concern raised by citizens is the design, quality, and upkeep of stormwater management facilities. During the Community Character Survey, poorly functioning stormwater management facilities received some of the lowest rankings. Maintenance and upkeep of such facilities are directly linked to their effectiveness in managing stormwater.

Incentives, rather than codified standards, may be more appropriate for other efforts to achieve sustainable development. For example, the City should continue to promote the recycling and re-use of existing buildings and offer incentives for the cleanup and redevelopment of brownfield sites, including tax abatement, density/intensity increases, and contributions to infrastructure and public amenities. Density increases or other incentives for private developers should be available in a variety of zoning districts, not just the Traditional Neighborhood Development and Planned Unit Development zones, in exchange for the preservation of significant wooded open space, unique species areas or critical habitats, and for green building design.

The City should also employ softer techniques for natural resource protection such as educational programs and programs to recognize private environmental initiatives. The City is planning to develop an environmental education center at Lynchpin Nature Center that would demonstrate environmental protection and green building techniques. The City should also install interpretive signage along the trail systems of the James River and Blackwater Creek to educate the public about water, wetlands, and riparian land protection. Education and awareness programs should be used to promote the eradication of invasive plant species, such as kudzu, Japanese honeysuckle, and purple loosestrife. The City's park naturalists could work with landowners, community groups (e.g., Boy Scouts and Girl Scouts), and others, as well as offering special awards for eradication efforts. Developers who make special efforts to incorporate green building techniques, protect stream valley woodlands, or otherwise build sustainably could be recognized

through an annual awards program. A number of communities in Virginia use awards programs to promote green development.

Finally, the City itself could become actively involved in natural resource protection and management. When the City constructs a building, a parking lot, a road, or a park, for example, it should strive to protect wooded areas, steep slopes, and floodplains to the extent feasible. The City should use green building techniques and demonstrate well-landscaped stormwater management facilities that not only serve as best management practices, but also provide visually pleasing amenities. The construction of the new Juvenile and Domestic Relations Courthouse and Sandusky Middle School projects will be the first City buildings built to sustainable building guidelines. Citizens in public meetings voiced a great deal of support for City establishment of a greenway program to expand the James River Heritage Trail and the Blackwater Creek Natural Area and to establish similar areas along other City streams. The greenway program should promote the purchase and accept donations of open space for resource protection along streams. The City could also use environmental performance standards to obtain the dedication of stream valley open space for the greenway program in developing and redeveloping areas. The Resource Conservation Areas identified on the Future Land Use Map and described in Chapter 5, Citywide Land Use & Development, outline what a fully implemented greenway system might look like.

A Regional Approach

Since nature does not respect political boundaries, regional cooperation is essential in addressing environmental problems and managing natural systems. The expansion of existing partnerships should be encouraged to address regional environmental issues such as stormwater (in progress), greenways, scenic resources, water and air quality, and invasive species. Collaboration between state agencies, local and regional environmental groups, and colleges and universities may prove more effective in addressing resource protection and management. The regional stormwater management effort is a good example of environmental planning that extends across jurisdictions and utilizes grant funds from the Virginia Department of Conservation and Recreation. The City should continue to pursue other funding opportunities to monitor and manage environmental resources.

Information about the health of the natural systems in the City and region is dispersed among various groups, and data collection is currently a cooperative effort. There is no local repository for information. Information-sharing responsibilities and data collection protocols should be established between the various groups so that an annual report on the state of the City's and region's natural systems and environmental health can be produced.

Chapter 12 – Natural Systems, Comprehensive Plan Goals, Objectives & Strategies

Goal 1. Promote an understanding of the value of natural systems (geology, landforms, vegetation, wildlife, air, water, noise, and energy, among others) in providing a pleasant, healthy, and safe environment for human activity.

Objective 1.A. Education. Increase awareness of environmental health issues, including those associated with the region's air and water quality, among City officials, staff, and citizens—both individual and corporate.

- 1) Designate a City staff person (the Environmental Management Coordinator) to prepare and maintain the natural systems/environmental databases and prepare reports and coordinate efforts of other City Departments.
- 2) Publish an annual report on the state of the City's and regions natural systems and environmental health for distribution to City officials, staff, residents, and others in the region. The initial reports should be based on existing data and expanded as the GIS and other databases are improved. Use of the Internet and other technologies to distribute the report should be maximized to the greatest extent possible to reduce paper waste.
- 3) Demonstrate effective environmental protection and "green" building techniques at the proposed environmental education center at Lynchpin Nature Center and/or at other venues.
- 4) Provide environmental education opportunities that highlight the James River through interpretive signage and programs along the James River Heritage Trail and in the downtown riverfront parks.

Goal 2. Evaluate the potential effects, both positive and negative, of human activities (such as new development, redevelopment, installation of infrastructure, and resource use and disposal, among others) on natural systems.

Objective 2.A. Training & Education. Keep abreast of trends in environmental science to better understand the potential effects of development on natural systems.

- 1) ~~Establish a Natural Systems/Environmental Resources Advisory Committee of local experts to monitor trends in environmental science.~~ Maintain the Natural Resources Advisory Committee and its support of the Planning Commission regarding environmental issues.
- 2) Provide training and conference opportunities for the City's Environmental Management Coordinator.
- 3) Offer workshops and training sessions for City officials, staff, developers, and citizens on effective environmental protection and "green" building techniques.

Objective 2.B. Environmental Impact Methodologies. Improve methodologies, practices, and procedures for assessing the environmental impacts of development proposals.

- 1) Develop a simple environmental checklist for ~~screening~~ evaluating proposed projects for potentially significant environmental effects. Apply this checklist to all rezonings, conditional use permits, site plans, and subdivision plans.
- 2) Establish methodologies for more detailed evaluation of potentially significant environmental impacts identified through use of the checklist.
- 3) Require private developers to prepare more detailed analyses for significant environmental impacts identified through use of the checklist.
- 4) Prepare detailed analyses for City projects that show potentially significant environmental impacts through use of the checklist.

5) Incorporate the environmental checklists and detailed environmental analyses in staff reports to the Planning Commission and City Council so that environmental impacts can be directly compared with economic and fiscal impact reports on projects.

~~6) Pursue the development of more accurate maps of the City's 100-year floodplains so that the impacts of development on floodplains can be assessed more accurately.~~

Goal 3. Temper and refine human activities to promote and enhance the value of natural systems.

Objective 3.A. Development Standards. Improve environmental standards for private and public development activities.

1) With input from the Natural ~~Systems/Environmental~~ Resources Advisory Committee, prepare a set of environmental performance standards for private and public development projects that address such issues as:

- Air emissions, based on state standards and local plans.
- Pollutant discharges into water resources, based on state standards and regional and local plans.
- Phase II National Pollution Discharge Elimination System Stormwater Program.
- James River Tributary Strategy.
- Total Maximum Daily Load Impaired Waters Plans.
- Erosion and sediment controls based on state and local standards.
- Noise exposure limits based on Federal Highway Administration standards.
- Light emissions, odors, energy use and efficiency, water consumption and solid waste disposal, based on local standards.
- Natural features, including steep slopes, floodplains, and tree cover, based on local standards.
- Wetlands, based on U.S. Army Corps of Engineers standards.

2) Consider adoption of the environmental performance standards as either policies or regulations after public input.

Objective 3.B. Analyses. Use environmental analyses to modify, redesign, or replan entirely proposed developments to ensure the City's environmental health.

1) Apply environmental performance standards to reduce negative environmental effects.

2) If environmental analyses show significant adverse effects even after application of standards, then modify, redesign, or replan projects to reduce the effects, based on the recommendations of the analyses.

3) Consider environmental tradeoffs or offsets for economic development projects deemed essential to the City.

Goal 4. Manage natural systems to improve the health and enjoyment of future generations.

Objective 4.A. Incentives. Develop incentive programs for the private preservation of important environmental resources.

~~1) Offer density/intensity increases and/or other incentives to private developers for the preservation of significant wooded open space, unique species areas, and critical habitats; for "green" building design; and for environmental remediation within not only the Planned Unit Development and Traditional Neighborhood Development zoning districts, but also other zoning districts.~~

Offer density/intensity increases and/or other incentives to private developers for the following:

- Preservation of significant wooded open space
- Preservation of unique species areas
- Preservation of critical habitats
- Implementation of "Green" Building design (ex: LEED, Earth Craft)
- Environmental remediation within Planned Unit Development, Traditional Neighborhood Development zoning districts and all other zoning districts

2) Continue to promote the adaptive re-use of existing buildings, ~~as a form of recycling through a variety of incentives.~~

3) Offer incentives for the redevelopment of “grey field” sites and cleanup and redevelopment of “brownfield” sites, for example, density/intensity increases, tax abatements, and City contributions of infrastructure and public amenities.

4) Establish a program to promote the donation of open space easements to the City or a private land trust, showing the tax benefits that apply. The program should ~~address only target~~ land recommended for open space preservation on the Future Land Use Map and/or identified through future land resource plans/studies.

5) Promote the eradication of invasive plant species through education and awards programs or other incentives.

Objective 4.B. Protection. Protect and manage important environmental resources.

1) Establish a greenway program to expand the James River Heritage Trail and Blackwater Creek Natural Area and to establish similar areas along other City streams:

- Apply performance standards protecting floodplains, wetlands, and streamside steep slopes to development projects.
- Organize a program to purchase and accept donations of open space land for natural resource protection and passive recreational use along streams.

2) Protect important natural resources on City-owned land:

- Refrain from filling or developing in the 100-year floodplain and in wetlands, except as required for water resource and passive recreational projects. For the latter type of project, impacts on floodplains and wetlands should be minimized to the greatest extent possible.
- Limit development of steep slopes adjacent to streams, floodplains, and wetlands.
- Protect wooded areas, unique vegetation areas, and critical habitats to the greatest extent possible.
- Protect and enhance scenic resources, such as City parks and trails, the Old City Cemetery, the Riverfront and Point of Honor.
- Eradicate invasive plant species on City-owned properties.

3) Apply “green” building techniques to new and renovated City buildings.

4) ~~Continue to work with neighboring jurisdictions to address both water quality and quantity (flooding) within watersheds develop through a regional stormwater management program and watershed management plan that addresses both water quality and quantity (flooding) within watersheds, and to design stormwater facilities to be attractive visual assets rather than eyesores.~~

5) Monitor the water quality impacts of the CSO ~~project program, and other water quality initiatives,~~ and implement water quality improvement plans for other TMDL impaired streams as they are designated.

6) ~~Seek Take advantage of water quality improvement fund (WQIF) grants that are available from the Virginia Department of Conservation and Recreation (e.g., the recently approved regional stormwater management grant for the City of Lynchburg and Bedford County). Federal, State, Local, and private grants that are available for the purpose of protecting land and water resources.~~

7) Monitor the air quality standard attainment status of the City and the region, as determined by the state, particularly with respect to ozone, and develop an appropriate nonattainment plan as necessary.

8) Expand public/private clean-up programs to remove trash and debris from stream valleys and ravines.

9) Utilize GIS and other tools, such as the Virginia Conservation Lands Needs Assessment, to guide prioritization of conservation of current city open spaces and in assessing impact of new development on surrounding natural systems.

10) Promote protection and conservation of drinking-water resources throughout the City and region through educational outreach, encouragement of conservation practices and through land use conservation/protection. Implement strategies that are being developed in the Region 2000 Local Government Council Regional Water Supply Plan.

Goal 5. Promote regional cooperation in managing natural systems.

Objective 5.A. Partnerships. Build partnerships in managing natural systems.

1) Continue to expand partnerships with the following agencies, governments, and groups to address regional environmental issues:

- ~~Region 2000 Regional Commission~~ Virginia's Region 2000 - Local Government Council
- Robert E. Lee and Peaks of Otter Soil and Water Conservation District
- Adjoining counties
- State agencies, including DEQ, DCR and VDOT
- Colleges and universities
- Local and regional environmental groups
- Citizen and business volunteers
- Central Virginia Erosion & Sediment Control Committee (CVESCC)

2) Identify issues that are best addressed on a regional basis, such as:

- Stormwater management and watershed management ~~(Grant in progress)~~
- Greenways and Blueways ~~(James River Heritage Trail planning in progress)~~
- Air quality
- Invasive plant species eradication
- Scenic resources protection

Objective 5.B. Information Collection. Improve methods for collecting and sharing environmental information.

1) Work with regional partners to establish responsibilities and protocols for environmental data collection.

2) Distribute the annual report on the state of the City's and region's natural systems and environmental health to regional partners.

3) Use the Internet and other technologies to broadcast information widely and to minimize paper waste.

4) Promote conservation of energy and natural resources.

~~Objective 5.C. Regional Cooperation. Initiate regional cooperative efforts with demonstration projects.~~

~~1) Support current regional stormwater management planning and greenways efforts.~~

~~2) Expand regional environmental planning efforts to other topic areas, such as air quality, invasive plant species eradication, and scenic resource protection, over time as success is demonstrated.~~

Adopted:

Certified: _____
Clerk of Council

081L

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

To: Planning Commission
From: Zoning & Natural Resources Division
Date: June 24, 2009
Re: City of Lynchburg *Comprehensive Plan 2002-2020* Amendment – Chapter 12, Natural Systems

I. PETITIONER

City of Lynchburg, Zoning & Natural Resources Division, 900 Church Street, Lynchburg, VA 24504
Representative: Erin Hawkins, Environmental Reviewer, Zoning & Natural Resources Division, 900 Church Street, Lynchburg, VA 24504
Dr. Karin Warren, Chair, Natural Resources Advisory Committee [NRAC], Randolph College, 2500 Rivermont Avenue, Lynchburg, VA 24503

II. LOCATION

N/A

Property Owner: N/A

III. PURPOSE

The purpose of this petition is to consider the NRAC recommended updates to Chapter 12, Natural Systems, of the City of Lynchburg *Comprehensive Plan 2002-2020*.

IV. SUMMARY

- The City's *Comprehensive Plan 2002-2020* recommends establishing "a Natural Systems/Environmental Resources Advisory Committee of local experts to monitor trends in environmental science." (12.8)
- The NRAC's recommendations include revisions to the text, goals and objectives of the Natural Systems chapter of the City of Lynchburg *Comprehensive Plan 2002-2020*.

The Zoning & Natural Resources Division recommends approval of the amendments to Chapter 12, Natural Systems, of the *Comprehensive Plan 2002-2020*.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan 2002-2020* recommends the establishment of "a Natural Systems/Environmental Resources Advisory Committee of local experts to monitor trends in environmental science." (12.8) The Planning Commission appointed representatives to the committee on June 14, 2006 and the group has met regularly since August 15, 2006. In addition to revisions to the *Stormwater Management Ordinance* and an evaluation of climate change initiatives, the committee was also charged with the review and update of Chapter 12 of the plan. NRAC has submitted recommendations for the Planning Commission's review; these include the deletion of goals that have been completed or are no longer applicable, as well as amendments to reflect the current status of other existing City programs. The revisions also include the addition of a goal to prioritize open space, a goal to promote water conservation and drinking water source protection and a goal to promote the conservation of energy and natural resources.
2. **Zoning.** N/A

3. **Board of Zoning Appeals (BZA).** N/A
4. **Surrounding Area.** N/A
5. **Site Description.** N/A
6. **Proposed Use of Property.** N/A
7. **Traffic and Parking.** N/A
8. **Stormwater Management.** The proposed revisions highlight the City's ongoing work to implement mitigation measures that address stormwater quality as part of the Phase II National Pollution Discharge Elimination System. NRAC also recommended language to clarify Objective 4.B.3 to reflect the City's desire to work with neighboring jurisdictions to ensure consistent standards as part of a regional stormwater management program.
9. **Emergency Services.** N/A
10. **Impact.** The City's *Comprehensive Plan 2002–2020* provides that “one of the most important aspects of implementation is being certain that each strategy is moving forward; that this Plan has not simply been ‘put on the shelf.’” (17.8) The proposed revisions would more accurately reflect the status of the City's current initiatives, as well as provide for additional goals to help the City become a more sustainable community.
11. **Technical Review Committee.** N/A

VI. ZONING & NATURAL RESOURCES DIVISION RECOMMENDATION:

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of amendments to Chapter 12, Natural Systems, of the City of Lynchburg *Comprehensive Plan 2002-2020*.

This matter is respectfully offered for your consideration.



Erin B Hawkins
Environmental Reviewer

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Charlene B. Montford, Director of Community Development
Mr. J. Lee Newland, City Engineer
Mr. William T. Martin, City Planner
Ms. Cynthia Kozerow, Lynchburg Police Department
Battalion Chief Greg Wormser, Fire Marshal
Mr. Gerry Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Mr. Keith Wright, Zoning Official
Mr. Robert Fowler, Zoning Administrator
Mr. Kent White, Senior Planner

VII. ATTACHMENTS

- 1. Proposed Revisions – Chapter 12, Natural Systems, City of Lynchburg Comprehensive Plan 2002-2020**

MINUTES FROM THE JUNE 24, 2009 PLANNING COMMISSION MEETING (MINUTES HAVE BEEN APPROVED):

b. Changes to Chapter 12, Natural Systems of the *Comprehensive Plan*: Ms. Hawkins reminded them that in October 2008, the revisions to this chapter were forwarded to City Council from the Planning Commission. At that meeting, the Utilities Department and the Greater Lynchburg Environmental Network had brought forward some items to be included in Chapter 12. The matter was referred back to the Natural Resources Advisory Committee (NRAC). Today, Ms. Hawkins is presenting the latest version of the revisions to Chapter 12 for the commissioners' review. These revisions include the comments and concerns that were brought forward at the previous City Council meeting.

The majority of the revisions were done in the Water Resources section. They did not change the content of the document. The changes clarified and brought up to date the section, mostly regarding the CSO separation and the findings of the Total Maximum Daily Load (TMDL) reports. TMDLs are findings that the Department of Environmental Quality (DEQ) has put out. We have TMDLs in the City that we are working to improve. These revisions changed two of the goals 4.B.4) and 4.B.5).

There were no other major changes to the document. Since this had gone through the public hearing process already, Ms. Hawkins clarified with the City Attorney that it was not necessary to have another public hearing, unless the commissioners feel that the document has substantially changed.

Commissioner Worthington referred to page three and commented that he is still trying to understand how we manage pet waste and the bacteria that is in the water supply when it comes from farming and some septic systems. Lynchburg's CSO was previously identified as the primary source, and that has now been crossed out. Commissioner Worthington asked if that is no longer a source of contamination. Ms. Hawkins answered that there are still active overflow points within the combined sewer system. It is Ms. Hawkins' understanding that they are continuing the separation of the system, but there are still several overflow points existing. We are still a contributor to the total fecal coliform within the impaired watersheds in Lynchburg. The TMDL looks at the total contribution, not just one point source. What the City is currently moving into is the implementation plan phase of the TMDL and has been doing so along with the Region 2000 Local Government Council. They will be addressing the wide array of sources that were found within the TMDL.

Commissioner Worthington asked if the implementation plan addresses the other sources of contamination, such as pet waste, wild animal waste and septic tanks. Ms. Hawkins answered that when we have complete separation with our system and do not have those overflow points anymore, you would be solely looking at the nonpoint sources. Commissioner Worthington asked what the plans are for addressing these nonpoint sources. Ms. Hawkins stated that there are several things you can do for each of the sources. You can exclude animals from rivers, streams and ponds. There are programs that help farmers do that kind of exclusion. Other communities work with people who are still on septic systems to understand the proper maintenance of them and clean out of them or the possibility of hooking into a sewer system. These are issues that the City will be looking at long term; there are not definitive answers right now. But we are a stakeholder and vested in the TMDL process.

Commissioner Hannon commented that Lynchburg cannot clean up Blackwater Creek or the James River on its own. As far as nonpoint sources are concerned, identifying those in the City and eliminating all of them may still not solve the problem because we are downstream from a lot of sources that we have no control over. This could wind up imposing significant cost on the City for no purpose.

Chair Hamilton asked if the implementation plan would eventually go through City Council. Ms. Hawkins said that she did not know the answer to that question, but she would assume that it would be brought before City Council. The City is working with Region 2000 since we are dealing with headwaters in Bedford and Campbell Counties. All of those stakeholders are at the table for this process. It is something to look at watershed wise, not just jurisdictionally. They are looking at the big picture, so she would imagine that

it would be brought before City Council so that the City would fully understand the plan and how we can address these issues.

Commissioner Hannon commented on the introduction and the language about sustainability. As far as he knows, sustainability has never been defined. It's one of those words that he has problem with because he has only seen it used to stop things. It seems to him that it introduces a lot of uncertainty in this whole approach because he doesn't know what it is. On a case by case basis, someone is going to come in and say they don't think that is sustainable because of the needs of future generations. We don't know what the needs of future generations are going to be. He thinks that the City is not omniscient and cannot foresee what the needs of future generations are going to be. On a policy level, from his perspective, he trusts the stewardship of property owners not City administrators to determine what is sustainable for their property. As far as the Planning Commission is concerned and the impact of this document on planning decisions, he has significant problems with it. It is going in a direction which he thinks will stifle growth in Lynchburg and have an adverse economic impact on the City. It can be used in the future to justify significant new regulations that he would undoubtedly oppose.

Commissioner Hannon also asked what the term "social equity" means. Commissioner Barnes suggested that it might be things like where you locate the landfill—that people of lower income are not disproportionately exposed to environmental hazards. It might be in terms of affordable housing. Commissioner Hannon still did not understand the term. Social equity would be having a landfill in Boonsboro somewhere. Commissioner Hannon did not understand how it is used to guide the City's decision making and development process.

Chair Hamilton asked Ms. Hawkins if she had any historical information from NRAC and what some of their thoughts were as they came up with this language. Ms. Hawkins said that one of the issues brought forward was the inclusion of some of the sustainability initiatives that the City has been working on and including some of that in the introduction and the overall feel of the document. It is not specific in any regard but that we should embrace the sustainability issues within the City. As far as social equity, she cannot say that they have specific references to that; some of the language was brought from the sustainability initiative that was taken before City Council.

Commissioner Barnes noted that the language is not really new; it echoes language that is earlier in the *Comprehensive Plan*. On page two, it talks about how the City embraces sustainability. With the Sustainable City Initiative, the City has already gone on record as far as supporting sustainability. Commissioner Hannon stated that he knows it is not new but feels that he needs to say something when he sees that language.

Commissioner Swienton commented that when he sees the concept of environmental stewardship, financial responsibility, economic development and social equity, always in equal application, he is trying to put this into a formula. If something comes to them, how do they apply equal application? Ms. Hawkins said that would be one of the issues they will have to look at is how do you apply that fairly and equitably to all types of development or is it just a principle or policy. Commissioner Swienton asked if that is always going to be 25 percent to each category, since it says "equal?" He was wondering if that could be reworded or if that was the intent, to have "equal" really be 25 percent applied to each category. Ms. Hawkins said she did not think that was the intent. It was just the idea that each of these items should be considered equally. Commissioner Worthington said he concurred with Commissioner Swienton. "Equally" has all kinds of connotations. All of these need to be considered, and he thinks each case may make one rise above the other, depending on the circumstances. You may need to give more weight to one than the other. Then this passage would have no meaning. Commissioner Swienton suggested striking "equal application" and replacing it with "equal consideration." Commissioner Hannon suggested "appropriate consideration" and everyone agreed with that phrase.

Commissioner Hannon suggested changing "social equity" to "social impact." The commissioners agreed with that change.

Commissioner Sale brought up a discussion of Goal 4.B.2) and suggested adding "trails" after "City parks" because the City's trails (such as Blackwater Creek) are an important scenic resource as much as the others

listed. Ms. Hawkins said that protection of the Blackwater Creek trail is probably mentioned in the Parks and Recreation section of the *Comprehensive Plan* and there was no reason why it was intentionally left out of this goal. The commissioners agreed with the change to add "trails" after "City parks."

Commissioner Swienton brought up a discussion of the section on Resource Management & Protection. In the second paragraph of that section, it talks about state and federal standards and he wondered if we should add the word "local" to that sentence or "City?" Chair Hamilton clarified for him that this document says that as a local government we will make sure that we comply with state and federal standards, as opposed to just local. Commissioner Swienton appreciated that clarification.

Commissioner Swienton brought up Objective 4.B.2) and the sentence about limiting development on steep slopes. He has no idea how to define the words "limit development." "Steep slopes" gets defined. Commissioner Barnes asked if we don't already do that when a slope exceeds a certain amount. Commissioner Swienton said that a project got through that he was vocal about. He said there is a key difference between "prevent" and "limit." He is trying to clarify if we want the word "limit" or the word "prevent." Chair Hamilton commented that if she is thinking of the same project Commissioner Swienton is referring to, there was some degree of applying Best Management Practices (BMPs) to developing. There are BMPs for developing on steeper slopes. If you prohibit the development of steep slopes, you may be cutting off your nose to spite your face. Commissioner Swienton agreed with that but was trying to figure out why it is in the document, if we are just going to say they can develop on steep slopes if they use BMPs. Chair Hamilton commented that is why you have a conditional use permit process, so that each case is looked at individually. Commissioner Swienton pointed out that it could be in a by-right development. Commissioner Hannon pointed out that this section is talking about city-owned land. Commissioner Swienton asked what their intent would be then on city land. Chair Hamilton asked Ms. Hawkins what the City's practice is right now in terms of developing steep slopes. She said that we do not have anything that says that development on steep slopes is prohibited. One of the things they do look at is ways that the amount of grading could be minimized. Where on a piece of property could you locate development to try and stay away from steep slopes. Sometimes it is just unavoidable. It can be very challenging on some projects.

Commissioner Worthington pointed out that the City has to approve the development of City owned property. He asked if we are talking about IDA land when we talk about City land and Chair Hamilton said that was a good question. Commissioner Worthington said he would like to hear that input before he said IDA can't do something with their land. Commissioner Barnes commented that he is more comfortable with the word "limit" and Commissioner Worthington said he was as well. Although you definitely want to avoid developing on steep slopes, if at all possible, it is certainly possible to do certain kinds of building that do not have an adverse impact on the slopes or the wetlands, if it is done in an environmentally sensitive way. Commissioner Barnes would not want to rule out the possibility that you might be able to develop on a steep slope in a responsible way.

Commissioner Swienton commented that he was not trying to change the word to "prohibit." He wanted to get everyone's thoughts on the issue. This way we have a reference down the road should it be needed; he appreciated everyone's comments.

Commissioner Swienton remarked that this can be an extremely positive document. Chair Hamilton agreed. Commissioner Swienton remarked that it can help promote residents wanting to locate into the City, as well as residents wanting to stay in the City. The part that he thinks makes it even stronger is if there were a goal added (perhaps Goal 6), which would be something similar to "promoting a policy for existing and new residents of ensuring high quality environmental living through an environmental enforcement policy." He commented that we put these standards in place, we put our goals in, but he is not convinced that we have a policy of active enforcement of new development that helps create an enjoyable place to live. Chair Hamilton asked him to clarify if that is in the process of development or once it is developed, and he said it is during the process.

Commissioner Sale asked Ms. Hawkins how that fits with the implementation plan. He wondered if it would lead to some of the things Commissioner Swienton is referencing. Ms. Hawkins asked what type of environmental enforcement Commissioner Swienton was referencing. There is enforcement in terms of

stormwater management and erosion and sediment control. Would it be over and beyond those types of things or within the floodplain ordinance? Commissioner Swienton said it would be a commitment to actively enforce those. He is basing this on people's comments from various parts of the City from citizens asking him to go and look at a site because of something. He has heard comments that they have called the City and nothing has been done. He is not looking to cite any developer or implicate anyone on City staff. He is looking to make certain that we have a reputation and image that a development will be top quality and they will take care of it and the City is going to make certain that they double check to see that everything is fine in terms of environmental concerns. He would like to see enforcement being put in the *Comprehensive Plan* as a policy and objective to enhance the document.

Chair Hamilton asked whose jurisdiction enforcement is currently, and Ms. Hawkins said it is Community Development. Chair Hamilton asked her what their enforcement mechanism is currently. Ms. Hawkins stated that through regular inspections, deficiencies are cited. They will give someone an opportunity to correct them. We are required by law to give them an opportunity to correct them. If they do not do so within the time period, they can be issued a notice to comply and then a stop work order can be issued if they do not comply. Chair Hamilton asked if Community Development check sites that under development or do they have to wait for a citizen to call. Ms. Hawkins said they are out regularly at least every two weeks, if not more frequently, depending on weather. They are inspecting the sites to determine if measures have been maintained or other work needs to be done.

Commissioner Barnes commented that Objective 4.A. talks about incentives. He thinks that is the main approach that this document takes. The City wants to encourage people through incentives to do environmentally appropriate development. Objective 4.B deals with protection. He suggested inserting some language in that section about actively supporting the enforcement of existing environmental codes. Commissioner Swienton remarked that he would like to turn it into a positive aspect because the average citizen does not know the process that Ms. Hawkins just described. They can find the regulations on line, but maybe there could be a separate web link that translates the objective to something as eloquent as what Ms. Hawkins just said. They could be reassured that it occurs. Commissioner Swienton would like to turn this into a positive that promotes what the City does to make certain that the compliance is there. Chair Hamilton asked Ms. Hawkins if the department might be able to do a link like that, and Ms. Hawkins said they could certainly do that at a staff level.

Commissioner Worthington commented that he would not have a problem with including some type of language, but he is not sure of the point that Commissioner Swienton is trying to make. Commissioner Swienton said that he wants to reassure citizens that the City is enforcing development standards because he does not think they are enforcing them 100 percent. He is not fault finding, but because of the comments he hears, he is not sure where the breakdown is. Commissioner Barnes suggested the language could be something like "strengthen the enforcement of existing development standards." Commissioner Swienton said he would fine with that but he would also like there to be a communication with the public as to how this process works. Commissioner Sale suggested something like "provide clear access for citizen participation in the enforcement and management of development standards." That could be done at a staff level but put in here as an objective as well. Commissioner Sale would support encouraging our citizens to be a part of a community consciousness of the standards we have and it is important to provide them the access to participate in the process.

Chair Hamilton asked if this needs to be in the *Comprehensive Plan* or is it something that can be done at a staff level. Commissioner Worthington said one is a concept and one is a practical application of it. It sounds like Commissioner Swienton's concern is what is happening more at the City level. Commissioner Hannon remarked that he understands the concern, but any enforcement action is a legal action. If standards have to be interpreted by staff and applied to circumstances on the ground, he thinks what we don't want is a good faith decision on the part of City staff to be second guessed by a committee of irate citizens. That could potentially expose the City to a legal liability because it will be an issue between the developer, the property owner and the City. Enforcement of standards can involve liability and he thinks there has to be some flexibility built into the system. It could create a potential liability issue if the standards aren't equally applied. Chair Hamilton agreed that a citizen participatory process does not make sense. The citizen participation is during the

public hearing portion and once the rules are set and not adhered to, a citizen has a cause for action. Whether people know about the process of reporting problems is most likely the problem, but she does not think this document is the place for it. Commissioner Barnes said he understands the problem Commissioner Swienton is addressing, but he is not sure the *Comprehensive Plan* is the place to put it.

Commissioner Swienton said he was wrestling with that problem himself. Commissioner Barnes thought it relates more to the communication between citizens and the City on all sorts of issues, so it might go in a section on citizen participation. Commissioner Sale said that citizens need to understand the process, so they feel that the City did something about their complaint. Commissioner Hannon pointed out that once a developer goes through the approved process and has a building permit, the developer has a vested right to build a building a certain way. If a citizen comes into the process late, that might be an invitation for grief. Commissioner Swienton asked what his recommendation would be if a citizen has a high degree of certainty that there is an environmental issue or violation. Commissioner Hannon said it would depend on the violation, but he guessed you would call the City. Commissioner Swienton said he is fine with somehow there being a policy on the City website that describes the procedure for citizen complaint. He would like to make certain that the City has a reputation for the highest quality standards being maintained.

Mr. Martin suggested adding a sentence like “increase citizen awareness of the City’s environmental regulations and strengthen their enforcement.” Chair Hamilton said she was not convinced it was necessary. Commissioner Sale said he thought it was because it is not just the reputation of the City. He thinks that it is an invitation for the citizens to participate in something that is a community concern. To be sensitive to that is a *Comprehensive Plan* issue. If there are ways that the citizens can participate in the process, he thinks that is encouraging and something he would support.

Commissioner Sale made the following motion, which was seconded by Commissioner Swienton, to add the following language as number 11 in Objective 4.B: “Increase citizen awareness of the City’s environmental regulations and strengthen their enforcement.”

Commissioner Sale remarked that he understands what Commissioner Hannon is saying that the City has to defend itself in situations, but Commissioner Sale would like to invite citizen participation in that conversation and provide them the information in a clear and accurate and understandable way. To him, all of that, as well as to be held accountable to the standards the City has already set forth is a *Comprehensive Plan* issue, particularly in issues of natural resources.

Commissioner Hannon commented that the way it is phrased would involve the expenditure of funds. You can’t increase a public awareness of anything without spending money. To strengthen enforcement would involve the expenditure of funds. He is not certain that sort of thing is what we want to put in this document.

Commissioner Barnes commented that other things in the document also involve the expenditure of funds, but this is intended as a set of goals to work toward. The City will only accomplish the things that it can afford.

The motion failed by the following vote:

AYES:	Barnes, Sale and Swienton	3
NOES:	Hamilton, Hannon and Worthington	3
ABSTENTIONS:		0
ABSENT:	Oglesby	1

Commissioner Sale commented to Ms. Hawkins that he hopes that the implementation plan will address this direction. We want a clear partnership with our citizens as we move forward. Ms. Hawkins agreed.

Commissioner Barnes made a motion, which was seconded by Commissioner Worthington, to forward this document on to City Council with the noted corrections.

Commissioner Swienton thought the document was very well crafted. Chair Hamilton noted that the committee had put a lot of work into it and thanked Ms. Hawkins for it. Commissioner Sale thinks it is a better document than the first draft. He is glad it is updated to the point of mentioning dates and current law. He thinks it is very helpful to put us where we presently are and where we hope to go.

The motion passed by the following vote:

AYES:	Barnes, Hamilton, Hannon, Sale, Swienton and Worthington	6
NOES:		0
ABSTENTIONS:		0
ABSENT:	Oglesby	1

MINUTES FROM THE OCTOBER 8, 2008 PLANNING COMMISSION MEETING (MINUTES HAVE BEEN APPROVED):

a. Consideration of amending Chapter 12, Natural Systems of the *City of Lynchburg Comprehensive Plan 2002-2020*, to reflect the Natural Resources Advisory Committee's recommended updates to the text, goals and objectives. The revisions include the addition of a goal to prioritize the conservation of open space, a goal to promote water conservation and drinking water source protection and a goal to promote the conservation of energy and natural resources. Additional updates also propose to delete goals that have been completed or are no longer applicable as well as amendments to reflect the current status of other existing City programs.

Mr. Martin addressed the commissioners with the following comments. These amendments to Chapter 12, Natural Systems of the *Comprehensive Plan* are an item that was identified by the Planning Commission that needed to be worked on during the five-year review of the plan. The Natural Resources Advisory Committee (NRAC) has completed its work on those revisions and the chair of NRAC, Dr. Karin Warren, is here to speak to the commission about them today. Planning staff has reviewed the proposed revisions. There are really no major changes, and staff does recommend approval.

Dr. Karin Warren came forward, as well as Dr. Thomas Shahady, the co-chair of NRAC, to address the commission. Chair Hamilton thanked them for their work on this committee and these revisions. Dr. Warren explained that when the committee started reviewing Chapter 12, the first thing they wanted to do was to see what progress had been made on its goals and which ones needed to be addressed. It is a testament to how thorough the original chapter was in that a lot of good goals were already laid out in this chapter. A lot of the changes that the commission sees in this document are places where progress has been made. One is the very existence of NRAC. Another goal is the work on the environmental development checklist project that they are working on currently. The committee is hoping to bring more information on that in the spring. Finally, the committee wanted to see what is not in Chapter 12 that they felt should be in there. Most of those identified already fit into existing goals. The revisions are further strategies to accomplish those goals.

Commissioner Swienton asked a question regarding the section "Geology, Topography & Soils" and how the grading of steep slopes can result in significant soil erosion and sedimentation of streams. Commissioner Swienton noticed that there was no commentary as to whether or not the grading of steep slopes is recommended, but there was a part about limiting development in floodplains. He was curious what the committee's opinion was as to whether or not there should be any recommendation on limiting grading of steep slopes. Dr. Warren commented that, in general, steep slope development is something they hope to discourage through various incentives and to adopt methods that--if that type of development is unavoidable--can minimize the impact. They are looking at this issue in the environmental development checklist that the committee is developing--incentives that can reduce steep slope development or providing information about alternatives to it--recognizing that Lynchburg is a very hilly city and it is something that the City has to deal with it.

Commissioner Swienton asked Dr. Warren to clarify that this issue would not be addressed through a statement in the *Comprehensive Plan* but rather through the environmental development checklist. Dr. Warren explained that the checklist will be used to assess where impacts might be and then look for ways to incentivize reducing the impact of that development. Commissioner Swienton asked if the checklist will have any definition of a steep slope. Dr. Warren explained that they are developing a glossary to go with the checklist. The glossary will also be a companion to Chapter 12. There will be a definition of a steep slope based on the degree of it.

Commissioner Swienton asked about the paragraph on the next page which talks about limiting development in the floodplain in the future. He asked Dr. Warren if the committee had any

recommendation on how much should be limited because this sentence is very open ended. He asked if this issue would also be handled through the checklist. Dr. Warren stated that they have not had extensive discussion about this issue yet. They look to city staff on the committee to give advice about how this links with other ordinances, such as the *Stormwater Ordinance* and the *Zoning Ordinance*. The committee plans on addressing this issue when they get to that point.

Commissioner Swienton asked about the next paragraph, which talks about violations given to the City by the Department of Environmental Quality (DEQ) for federal and state water quality standards. He was not sure when these violations occurred and he asked if the City is still in violation of those. Dr. Shahady commented that the Total Maximum Daily Load (TMDL) has been performed and completed. The City is really looking toward implementation of the TMDL. Dr. Shahady stated that the City is still in violation of the E. coli standard. Dr. Shahady commented that this paragraph should be changed to reflect that the TMDL has been done. Dr. Shahady suggested putting in some language reflecting that implementation of the TMDL should bring water quality standards into compliance.

Commissioner Swienton asked about the ozone monitor mentioned in the section "Air Quality and Noise Issues." Commissioner Swienton wondered if either Dr. Shahady or Dr. Warren had ever placed an ozone monitor in the City. Dr. Warren commented that she had just recently purchased an ozone monitor, but the class that will use it does not begin until next fall. It is not one that you can place permanently. They would have to take samples and analyze them separately. They want to check a few spots around Lynchburg where there is possible concern, such as congested areas. If the commission has suggestions for areas of town that they are particularly curious about, she could arrange for those to be tested. Commissioner Swienton stated that he was curious because the reference is to DEQ monitoring this and if they do not get around to it, the City could still have an issue that might need addressing. Dr. Warren agreed that DEQ is not monitoring this, but there is some question. We believe that we are not in violation, but we would like reassurance. They were thinking that this would be a good opportunity to use their college partners to get that done.

Chair Hamilton asked what would happen if they did find that the City was in violation of some clean air standards. What kind of means would they suggest to clean up the air? Dr. Warren explained that if their data indicated that they were violating the ozone standards, then they would probably have to notify DEQ and DEQ would have to verify the data. You have to violate it a couple of times before you are classified as "non attainment." But in terms of dealing with air quality, it would be linked directly to mobile sources. Making sure that everyone's emissions tests are up to date, making sure that people are keeping their cars tuned up and getting their inspections can go a long way toward helping air quality. Dealing with congestion issues would also help air quality issues. Dr. Shahady commented that we do not want to be classified "non attainment." All the rules change, and that would not be in our best interest. Dr. Warren commented that if their research indicated that there was a concern, they would bring it to the commission sooner rather than later. Commissioner Worthington commented that a lot of the cars that travel up and down Timberlake Road are not people that live in Lynchburg, and you can't deal with them. Commissioner Worthington asked Commissioner Hannon how California dealt with their pollution problems. Commissioner Hannon said that it has been such a long time since he lived in California that there were no such standards when he was there.

Dr. Warren stated that many urban cities deal with it in different ways. You can put restrictions on what kind of cars you are allowed to drive or provide incentives for people to use more public transportation. Some cities are adding a fine if you come into the city to disincentive people from opting to use their cars. Dr. Warren thought that the issue needs to be dealt with on a regional level and how we can address this is through vehicle standards or looking for alternatives to vehicles and trying to reduce congestion. Lots of cars standing and idling builds up the kind of conditions for this kind of pollution. Dr. Warren mentioned that Lynchburg is lucky in that our air quality is probably pretty good because of the kind of weather patterns we have. Pollution doesn't get stuck here like it does in other

cities. Good planning can help though, in terms of where future development occurs, where our traffic is going to be and making sure that the City can deal with traffic in a way that doesn't create backups.

Commissioner Hannon asked to go back to the issue of water quality. If he understands it correctly, the combined sewer system overflows (CSOs) have been identified as the primary source of the contamination. That implies that these contaminations are periodic and tied to some event like a rainstorm of a certain magnitude. Commissioner Hannon asked how periodic the contaminations occur and what they are triggered by? Dr. Shahady explained that you have to look at it in two ways. There are also sanitary sewer overflows (SSOs), and those happen whether it rains or not due to system failures. He explained that a very small amount of rainfall would cause CSOs. These violations were with no rainfall event and a CSO. Commissioner Hannon asked if there are choke points or holding ponds. Is the City doing anything? These overflows must be point specific and what is being done to address that? Dr. Shahady explained that we are trying to disconnect—that project is going on—and that is going to take money and time. There are also overflow points that are identified in the consent order that the City is under presently. There are specific overflow points where it runs directly into the stream and there is no other way to handle those overflows. When we get a three or four-inch rain, we have a lot of sewage going into the streams.

Commissioner Hannon asked what the other sources of contamination are. Dr. Shahady commented that agriculture is a big one and we are looking at this on a watershed wide basis. Livestock, wildlife and pets also contribute, as well as runoff from parking lots. Dr. Warren commented that some of the sites where her students test are near where the CSO project has gone on and separation has occurred. It does make a difference. You can tell in the years after the separation that the results are better. They are still getting positives for coliform, but the results are not as dramatic as they were before separation.

Commissioner Hannon asked if a number of the other sources are natural sources, then that must mean that there is a background level of coliform. Commissioner Hannon asked if they had any numbers as to what the background level is and how far off our violations are in comparison to those numbers. Dr. Shahady commented that it spikes. It is very, very high, number wise. He is thinking ten fold at some of these spots. He explained that you also have to identify the use of the water. Swimming waters are a certain level versus drinking water sources. They are looking at the recreational levels and that is the standard the City is violating. Some of the numbers are tremendous and a lot of it has to do with our CSO system. Commissioner Hannon asked how the James River is in terms of the coliform, since that is an area that the City cannot control. Dr. Shahady stated that the James River has been in violation, but does not have the spikes they are seeing in Blackwater Creek. The James is maintaining a pretty steady level of violation and Blackwater Creek is contributing to that due to upstream discharges and some of the agriculture issues and failing septic systems. Ultimately, the state is managing this as the James River Basin, trying to control the middle James and, of course, Blackwater Creek is a contributor to it.

Commissioner Worthington asked if they monitor the creek at the borders of the counties to try and find out what is coming into Lynchburg versus what the City is contributing. Dr. Shahady explained that they do monitor in Bedford quite a bit. What you get is a transition, a primarily agricultural watershed that urbanizes into Lynchburg. The urbanization does degrade the water further but he would never say that is not degraded coming in either. Dr. Shahady stated that they do monitor what comes in versus what goes out. He stated that they try and manage this watershed with non-point agricultural techniques at the top and do urban best management practices in the City. We have a unique watershed in that we have to deal with both.

There was discussion about how to change the paragraph dealing with the water quality and TMDL. Dr. Shahady suggested changing it to say that the City has water quality violations, that the TMDL has been done and that we are going to recommend that implementation of the TMDL take place in order to bring the waters into compliance. Chair Hamilton said there would be time for them to reword it after all questions had been asked.

Chair Hamilton had a question regarding the section "Understanding the Value of Natural Systems." It talks about initial environmental reports based on data in GIS. Chair Hamilton had some recollection of Bob Flint, when he was a commissioner, always looking for that type of information on the GIS. This type of information would be valuable to the commissioners, as well as developers. Chair Hamilton asked what kind of form that would take. Dr. Warren thought that Mr. Martin might be better able to address that question. Mr. Martin commented that the only environmental information in the GIS is the floodplain information. Commissioner Barnes asked if the green infrastructure project is based on GIS. Mr. Martin said they have given them a lot of GIS data. Mr. Martin thought that the person who would end up managing that would be Erin Hawkins or J. P. Morris. Chair Hamilton asked Mr. Martin why he thought it was important that environmental information be part of the GIS. Mr. Martin thought that you could use that information for the overall health of the City, but at a project specific level, we could see what the topography is and identify potential issues. Mr. Martin reminded the commission that the *Comprehensive Plan* has to have a balance. The City has to develop, but we also have to maintain a level of environmental responsibility. Any information that we have that allows us to do that would be helpful. Commissioner Barnes pointed out that this information might help them find areas that are less environmentally sensitive and more appropriate for development. Dr. Shahady did not know how coordinated the college is with the City's GIS, but they have been dealing with land use databases, which the college does have it in GIS. The college is looking at putting together some grants that will hopefully identify conservation areas on a bigger scale, on a watershed scale. There was some discussion about how the city is moving to Arc View (a different type of GIS) and Dr. Shahady thought that once the City moves to that type of platform, it should help. Translating each other's data has been slowing things down a little.

Chair Hamilton moved to Objective 4.A. and establishing a program to promote the donation of open space easements or land trusts to the City. Chair Hamilton asked if NRAC has looked at areas that the City would target for that type of gifting. As a Planning Commission, they are looking at working with the IDA and City Council to figure out the areas that would be prime for higher density development and which areas should be left for open space. Dr. Shahady commented that this is going on in California a lot. They are developing natural conservation plans that look at it on a watershed scale and say the specific things Chair Hamilton is asking. NRAC has not done that yet, but he thinks it is really where they have to move in their thinking, particularly as people move out to Bedford. We really have to pay attention to that because it affects our watershed. The college has some money now to model the watershed and is looking at nutrients and how they are flowing through the system. He thinks that we need to continue to develop these tools and as more information becomes available make it a useful tool for decision makers and planners. Dr. Warren said that it is on their radar as something they would like to do and they are excited about the green infrastructure study that is going on because they see how that will segue into the ultimate goal of identifying areas that would be most appropriate for high density and what areas would be most appropriate for conservation.

Mr. Martin brought up a discrepancy in the use of "designate" and "create" in two places. One is in the section "Understanding the Value of Natural Resources" where it says to "designate" a staff person (an Environmental Management Coordinator) and Objective 1.A. number 1) says to "create" a staff person. There was discussion about which one to use. After some discussion, it was decided that "designate" should be used because "create" sounds like you are creating a new position, whereas "designate" carries the possibility of reallocating someone's time rather than creating a new position. There was consensus among the commissioners to use the word "designate."

Dr. Shahady and Dr. Warren took some time to redraft the section about water quality and TMDL. Chair Hamilton asked if there was anyone else present to speak either in favor or opposition to this petition. No one came forward and she closed the public hearing portion. Commissioner Barnes commented that the conversation they have been having today really points out the original purpose of

forming this committee, which was to connect the planning process by connecting people in the business community with those in the academic community to address environmental issues.

Commissioner Sale commented that he is very pleased with both where we were and where we are going and how we are getting there. It shows the dynamic quality of what we are doing. The document includes some nice “tweaks” to keep us updated. Chair Hamilton commented that she was interested to see the incentives that would be in the environmental checklist.

Dr. Shahady then offered the following changes to the paragraph about water quality: “The water quality of Blackwater, Ivy, and Fishing Creeks, and the James River is in violation of ~~has been found to violate~~ the state and federal water quality standard for E. coli fecal coliforms, which indicates contamination from human or animal wastes. E. coli fecal coliform levels exceed the standards to the extent that the Virginia Department of Environmental Quality (DEQ) has placed these streams on the priority list of impaired waters pursuant to Section 13123 (d)(1) of the Federal Clean Water Act. Lynchburg’s combined sewer system overflows (CSOs) have been identified as the primary source of this contamination. The City’s project to separate sewage from stormwater flows, the Combined Sewer Overflow (CSO) project, is designed to address the problem. The DEQ has performed a special study ~~will be performing special studies~~, called Total Maximum Daily Load (TMDL) studies determining actions that are needed to address this problem in the future ~~to determine if there are any other actions that will need to be taken to reduce fecal coliform counts~~. Implementation of the TMDL should be a priority to bring the watershed water quality into compliance. ~~But beyond these efforts, other water quality concerns will need to be addressed in the future.~~

Commissioner Barnes made a motion, which was seconded by Commissioner Sale, to approve the above amendment, as proposed by Dr. Shahady. It passed by the following vote:

AYES:	Barnes, Hamilton, Hannon, Sale, Swienton and Worthington	6
NOES:		0
ABSTENTIONS:		0
ABSENT:	Oglesby	1

Commissioner Sale made a motion, which was seconded by Commissioner Hannon, to approve all other changes to Chapter 12 of the *Comprehensive Plan*. It passed by the following vote:

AYES:	Barnes, Hamilton, Hannon, Sale, Swienton and Worthington	6
NOES:		0
ABSTENTIONS:		0
ABSENT:	Oglesby	1

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

To: Planning Commission
From: Zoning & Natural Resources Division
Date: June 24, 2009
Re: City of Lynchburg *Comprehensive Plan 2002-2020* Amendment - Chapter 12, Natural Systems

I. PETITIONER

City of Lynchburg, Zoning & Natural Resources Division, 900 Church Street, Lynchburg, VA 24504

Representative: Erin Hawkins, Environmental Reviewer, Zoning & Natural Resources Division, 900 Church Street, Lynchburg, VA 24504

Dr. Karin Warren, Chair, Natural Resources Advisory Committee [NRAC], Randolph College, 2500 Rivermont Avenue, Lynchburg, VA 24503

II. LOCATION

N/A

Property Owner: N/A

III. PURPOSE

The purpose of this petition is to consider the NRAC recommended updates to Chapter 12, Natural Systems, of the City of Lynchburg *Comprehensive Plan 2002-2020*.

IV. SUMMARY

- The City's *Comprehensive Plan 2002-2020* recommends establishing "a Natural Systems/Environmental Resources Advisory Committee of local experts to monitor trends in environmental science." (12.8)
- The NRAC's recommendations include revisions to the text, goals and objectives of the Natural Systems chapter of the City of Lynchburg *Comprehensive Plan 2002-2020*.

The Zoning & Natural Resources Division recommends approval of the amendments to Chapter 12, Natural Systems, of the *Comprehensive Plan 2002-2020*.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan 2002-2020* recommends the establishment of "a Natural Systems/Environmental Resources Advisory Committee of local experts to monitor trends in environmental science." (12.8) The Planning Commission appointed representatives to the committee on June 14, 2006 and the group has met regularly since August 15, 2006. In addition to revisions to the *Stormwater Management Ordinance* and an evaluation of climate change initiatives, the committee was also charged with the review and update of Chapter 12 of the plan. NRAC has submitted recommendations for the Planning Commission's review; these include the deletion of goals that have been completed or are no longer applicable, as well as amendments to reflect the current status of other existing City programs. The revisions also include the addition of a goal to prioritize open space, a goal to promote water conservation and drinking water source protection and a goal to promote the conservation of energy and natural resources.
2. **Zoning.** N/A
3. **Board of Zoning Appeals (BZA).** N/A

4. **Surrounding Area.** N/A
5. **Site Description.** N/A
6. **Proposed Use of Property.** N/A
7. **Traffic and Parking.** N/A
8. **Stormwater Management.** The proposed revisions highlight the City's ongoing work to implement mitigation measures that address stormwater quality as part of the Phase II National Pollution Discharge Elimination System. NRAC also recommended language to clarify Objective 4.B.3 to reflect the City's desire to work with neighboring jurisdictions to ensure consistent standards as part of a regional stormwater management program.
9. **Emergency Services.** N/A
10. **Impact.** The City's *Comprehensive Plan 2002-2020* provides that "one of the most important aspects of implementation is being certain that each strategy is moving forward; that this Plan has not simply been 'put on the shelf'." (17.8) The proposed revisions would more accurately reflect the status of the City's current initiatives, as well as provide for additional goals to help the City become a more sustainable community.
11. **Technical Review Committee.** N/A

VI. ZONING & NATURAL RESOURCES DIVISION RECOMMENDATION:

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of amendments to Chapter 12, Natural Systems, of the City of Lynchburg *Comprehensive Plan 2002-2020*.

This matter is respectfully offered for your consideration.



Erin B Hawkins
Environmental Reviewer

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Charlene B. Montford, Director of Community Development
Mr. J. Lee Newland, City Engineer
Mr. William T. Martin, City Planner
Ms. Cynthia Kozerow, Lynchburg Police Department
Battalion Chief Greg Wormser, Fire Marshal
Mr. Gerry Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Mr. Keith Wright, Zoning Official
Mr. Robert Fowler, Zoning Administrator
Mr. Kent White, Senior Planner

VII. ATTACHMENTS

1. **Proposed Revisions - Chapter 12, Natural Systems, City of Lynchburg Comprehensive Plan 2002-2020**

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 11, 2009**

AGENDA ITEM NO.: **18**

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: Virginia Office of Emergency Medical Services – Rescue Squad Assistance Fund Grant
Spring 2009 award to purchase a Physio LifePak 15 cardiac monitor/defibrillator for the Lynchburg Fire Department

RECOMMENDATION:

Adopt a resolution to amend the FY 2010 City/Federal/State Aid Fund budget and appropriate \$24,125 with resources of \$11,226 from the Virginia Office of Emergency Medical Services – Rescue Squad Assistance Fund Grant and \$12,899 from the General Fund Reserve for Contingencies to purchase a Physio LifePak 15 cardiac monitor/defibrillator for the Lynchburg Fire Department.

SUMMARY:

The Virginia Office of Emergency Medical Services (EMS) periodically awards grant funding to assist career and volunteer EMS agencies in obtaining/maintaining emergency vehicles and equipment; providing EMS management, leadership, and advanced life support training; and achieving other goals that support the enhancement of citizen and community EMS services. This grant request is a continuation of such endeavors.

The Fire and EMS Department has received notification of Rescue Squad Assistance funding to purchase a Physio LifePak 15 cardiac monitor/defibrillator. The monitor/defibrillator will replace one in-service LifePak 12 unit that has reached its useful life cycle. The department had requested funding in the FY 2010 budget for the monitor/defibrillator; however, due to budget constraints, the funding will not be available. The LifePak 15 is an upgrade from the LifePak 12; it has carboxyhemoglobin monitoring capability and is more ruggedly constructed. It will integrate seamlessly with the current supply of LifePak 12 monitors.

The grant requires 50 percent of the total project cost be provided by the submitting agency. The total project cost is \$24,125; however, RSAF will pay only \$11,266. Therefore, the department is respectfully requesting that the City pay the additional \$399 to cover the full cost of the LifePak 15. This would require a one-time appropriation of \$12,899 from the General Fund Reserve for Contingencies to cover the local match.

PRIOR ACTION(S):

Finance Committee, February 24, 2009

Finance Committee, July 14, 2009

FISCAL IMPACT:

A one-time appropriation of \$12,899 from the General Fund Reserve for Contingencies is required.

CONTACT(S):

Fire Chief S. Brad Ferguson, 455-6340

Captain Sean Regan, 455-4139

Ellen Davidson-Martin, Fire Administrative Manager, 455-6368

ATTACHMENT(S):

Resolution

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED That the FY 2010 City/Federal/State Aid Fund budget is amended and \$24,125 is appropriated with resources of \$11,226 from the Virginia Office of Emergency Medical Services – Rescue Squad Assistance Fund Grant and \$12,899 from the General Fund Reserve for Contingencies to purchase a Physio LifePak 15 cardiac monitor/defibrillator for the Lynchburg Fire Department.

Introduced:

Adopted:

Certified:

Clerk of Council

088L

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 11, 2009**

AGENDA ITEM NO.: 19

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: Edward Byrne Justice Assistance Grant funding for three additional Communication Specialist positions in the Emergency Communications Center

RECOMMENDATION:

Adopt a resolution to amend the FY 2010 City/Federal/State Aid Fund budget and appropriate \$235,915 with resources from the Edward Byrne Justice Assistance Grant (JAG) program to add three new Communication Specialist positions to the Emergency Communications Center.

SUMMARY:

Recent staffing studies show the Emergency Communications Center in need of additional staff to handle current workload. Through the Federal Recovery Act, the JAG program will fully fund three additional positions for a period of two years; funding of \$235,915 will be available for the positions during this time. Beginning in FY 2012, it is anticipated the General Fund will need to support a cost of \$120,000 per year to continue to fund these positions.

PRIOR ACTION(S):

April 7, 2009, Council authorized the grant application

May 12, 2009, Council received public comment concerning the grant application

July 14, 2009, Finance Committee

FISCAL IMPACT:

\$235, 915 over two years in Federal Recovery Act funds. The City will be responsible for picking up the costs of the three Communication Specialist positions in the third year at a cost of approximately \$120,000 a year in the General Fund.

CONTACT(S):

William A. Aldrich, Director of Emergency Communications, 455-4285

Melissa Foster, Deputy Director of Emergency Communications, 455-4285

ATTACHMENT(S):

Resolution

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED That the FY 2010 City/Federal/State Aid Fund budget is amended and \$235,915 is appropriated with resources from the Edward Byrne Justice Assistance Grant (JAG) program to add three new Communication Specialist positions to the Emergency Communications Center.

Introduced:

Adopted:

Certified:

Clerk of Council

089L

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 11, 2009**

AGENDA ITEM NO.: 20

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Donation from Junior League of Lynchburg- Riverside Park Sprayground**

RECOMMENDATION:

Adopt a resolution to amend the FY 2010 City Capital Projects Fund budget and appropriate \$125,000 with resources from a donation from the Junior League of Lynchburg to construct a sprayground in Riverside Park.

SUMMARY:

The City of Lynchburg received a donation from the Junior League of Lynchburg in the amount of \$125,000 to construct a sprayground in Riverside Park. The sprayground will be the first phase construction of the play core area as designated in the recently completed Riverside Park Master Plan. Construction will begin this summer with a tentative late fall opening.

The Junior League of Lynchburg is playing a leading role in combating childhood obesity in the Lynchburg region and as a part of the campaign the Junior League is funding the construction of the sprayground in partnership with the City. A sprayground will encourage families and children to move, play, and increase activity levels. The sprayground will stand as a symbol of the commitment of the Junior League of Lynchburg to improve the health of children and curb childhood obesity.

PRIOR ACTION(S):

June 26, 2007, Work session

July 14, 2009, Finance Committee

FISCAL IMPACT:

None

CONTACT(S):

Kay Frazier, Director of Parks and Recreation, 455-5868

Andrew Reeder, Parks Services Manager, 455-5876

ATTACHMENT(S):

Resolution

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED that the FY 2010 City Capital Projects Fund budget is amended and \$125,000 is appropriated from a donation from the Junior League of Lynchburg to provide funding to construct a sprayground in Riverside Park.

Introduced:

Adopted:

Certified:

Clerk of Council

090L

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 11, 2009**

AGENDA ITEM NO.: 21

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Amendment to City Council's Rules of Procedure Regarding Meeting Times**

RECOMMENDATION: Adopt the attached resolution amending City Council's Rules of Procedure to change meeting times.

SUMMARY: During its work session on July 14th Council discussed changing the times of its meetings to facilitate full attendance by Council members. The attached resolution reflects the direction given to staff regarding this matter. The new meeting times would be effective with the first meeting in September.

PRIOR ACTION(S): July 14, 2009, Work Session

FISCAL IMPACT: None

CONTACT(S): Kimball Payne, 455-3990; Walter Erwin, 455-3973; Pat Kost, 455-3982

ATTACHMENT(S): Proposed resolution.

REVIEWED BY: lkp

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED by the Lynchburg City Council that pursuant to Section 8-4 of the City Council's Rules of Procedure, Council does hereby amend Section 2-1 of Council's Rules of Procedure relating to regular meetings and work sessions as follows:

1. That Section 2-1 of the Lynchburg City Council's Rules of Procedure be and the same is hereby amended and reenacted as follows:

SECTION 2 -- MEETINGS

Section 2-1. When and Where Regular Meetings are Held

The time and place of regular meetings of the Lynchburg City Council (hereinafter referred to as the Council) shall be established at each organizational meeting. Meetings shall be held in the City Council Chambers, on the first floor in City Hall, as follows:

Second Tuesday of the month, 5:00 p.m. – Work Session

Second Tuesday of the month, 7:30 p.m. – Regular meeting

Fourth Tuesday of the month, ~~15:00~~ 5:00 p.m. – Work Session

Fourth Tuesday of the month, ~~57: 3000~~ 7:30 p.m. – Regular meeting

There will be no regular meeting or work session on the fourth Tuesdays during the months of July, August, and December. ~~The work session scheduled on the fourth Tuesday of the months of July, August and December will be rescheduled to the second Tuesday of those same months.~~

The Council may hold additional meetings or work sessions at other locations and times, or may change the locations and times of regularly scheduled meetings or work sessions as it deems appropriate to do so. Notice of such additional meetings or changes to the location or time of regularly scheduled meetings or work sessions shall be provided to the public and the press as required by State Code. Additional meetings shall be referred to as "additional scheduled meetings" and shall be approved by Council during a regularly scheduled meeting or work session.

2. That this resolution shall become effective upon its adoption.

Adopted:

Certified:

Clerk of Council

092L