

// A regular meeting of the Council of the City of Lynchburg was held on the 9th day of June, 2009, at 7:30 P.M. in the Council Chamber, City Hall, Joan F. Foster, President, presiding. Council Member Gillette gave the Invocation, followed by the Pledge of Allegiance. The following Members were present:

Present: Dodson, Gillette, Johnson, Perrow, Foster 5

Absent: Garrett, Helgeson 2

// Mayor Foster and Vice Mayor Dodson recognized Olivia Rebecca Fletcher, Miss Hill City's Outstanding Preteen, Mati Anderson, Miss Virginia's Outstanding Teen, and Laura Pennington, Miss Hill City.

// Ryan Neace, a member of the Lynchburg Downtown Neighborhood Advocates Steering Committee, presented Mayor Foster with a \$300 check to purchase books for the Mayor's Amazing Book Race.

// Copies of the minutes of the May 26 (two meetings), 2009 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Perrow, seconded by Council Member Gillette, Council by the following recorded vote approved the minutes as presented:

Ayes: Dodson, Gillette, Johnson, Perrow, Foster 5

Noes: 0

Absent: Garrett, Helgeson 2

// In the matter of Public Works - Water, City Council Report #2 was considered. On motion of Council Member Perrow, seconded by Council Member Gillette, Council by the following recorded vote adopted Resolution #R-09-048, as presented, supporting revisions to the George Washington Forest Management Plan and thereby improve the management of drinking water resources:

Ayes: Dodson, Gillette, Johnson, Perrow, Foster 5

Noes: 0

Absent: Garrett, Helgeson 2

// In the matter of Finance - Bonds, City Council Report #3 was considered. On motion of Council Member Perrow, seconded by Council Member Gillette, Council by the following recorded vote adopted Resolution #R-09-049, as presented, to authorize the reallocation of up to \$2,500,000 of the General Obligation Public Improvement Bonds issued for Economic Development, Parks and Recreation, Transportation and Buildings Improvement Projects:

Ayes: Dodson, Gillette, Johnson, Perrow, Foster 5

Noes: 0

Absent: Garrett, Helgeson 2

// In the matter of Police – Emergency Communications, City Council Report #4 was considered. On motion of Council Member Perrow, seconded by Council Member Gillette, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-09-050, as presented, amending the FY 2009 City/Federal/State Aid Fund budget and appropriating \$8,480, fully reimbursable, to add two wireless 911 trunk lines needed to handle increased use by the public:

Ayes: Dodson, Gillette, Johnson, Perrow, Foster 5

Noes: 0

Absent: Garrett, Helgeson 2

// In the matter of Courts - General, City Council Report #5 was considered. On motion of Council Member Perrow, seconded by Council Member Gillette, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-09-051, as presented, amending the FY 2009 General Fund budget and appropriating \$59,470, fully reimbursable, to support information technology needs in the Office of the Circuit Court Clerk:

Ayes: Dodson, Gillette, Johnson, Perrow, Foster	5
Noes:	0
Absent: Garrett, Helgeson	2

// In the matter of Recreation - General, City Council Report #6 was considered. On motion of Council Member Perrow, seconded by Council Member Gillette, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-09-052, as presented, amending the FY 2009 City Capital Projects Fund budget and appropriating \$350,000, with \$250,000 reimbursement, for construction of the Clemmons Lake Place, an access road to the Ivy Creek Nature Center:

Ayes: Dodson, Gillette, Johnson, Perrow, Foster	5
Noes:	0
Absent: Garrett, Helgeson	2

// In the matter of Community Planning - General, City Council Report #7 was considered. On motion of Vice Mayor Dodson, seconded by Council Member Perrow, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-09-053, as presented, amending the FY 2009 City Capital Projects Fund budget and appropriating \$1,000,000, fully reimbursable, to be used for improvements to the expressway retaining wall at Grace Street:

Ayes: Dodson, Gillette, Johnson, Perrow, Foster	5
Noes:	0
Absent: Garrett, Helgeson	2

// In the matter of Schools - Board, a public hearing continued from May 26 was held to receive input from citizens regarding appointments (or reappointments) to vacancies that will exist June 30 in each of the three (3) School Board representational districts. Mayor Foster announced that the Clerk has received no additional names. There was no one present who wished to speak to this item. Council Member Perrow expressed concern regarding the lack of volunteers for the District 3 vacancy and questioned whether City Council should once again continue the public hearing until the next meeting. In response to questioning, City Attorney Walter Erwin explained that the State Code requires City Council to hold a public hearing at least seven days prior to making the appointments and if the public hearing was continued to June 23, then City Council could not make the appointments at that meeting. Mr. Erwin went on to say that Virginia follows the "hold over" rule whereby an incumbent in office, if willing, can continue to hold office until a successor is appointed. Council Member Johnson also mentioned that City Council could reopen the public hearing process at a later date. On motion of Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote closed the public hearing:

Ayes: Dodson, Gillette, Johnson, Perrow, Foster	5
Noes:	0
Absent: Garrett, Helgeson	2

// In the matter of Community Planning - Zoning, Mayor Foster stated that the applicant has requested that the public hearing regarding the petition of J.M.U., LLC, to amend the Future Land Use Map (FLUM) from an Office use to a Medium Density Residential use and for a Conditional Use Permit (CUP) to allow the construction of 75 townhouses with associated parking and amenities in a B-1, Limited Business District, at 1700 Graves Mill Road be postponed until July 14. Mayor Foster explained that this petition has been advertised for a public hearing and there may be individuals present who would like to speak and that it is staff's position that once the public hearing has been advertised for a land use case, the matter is in Council's hands. Mayor Foster went on to say that Council could proceed with the public hearing and following public comment either (1) close the public hearing and vote on the petition tonight, (2) close the public hearing and delay the vote until either June 23 or July 14, or (3) continue the public hearing to July 14 to allow for additional comment from both the applicant and the public. Council Member Perrow made a motion, seconded by Vice Mayor Dodson, to open the public hearing, receive public comment, and then continue the public hearing to the July 14 meeting. Council Member Gillette stated that he would like to open the public hearing but wait until the end of the public comment to determine whether or not to close the public hearing or continue it to a later date, and offered that suggestion as a friendly amendment to the motion. Council Member Perrow and Vice Mayor Dodson accepted the friendly amendment, and Council by the following recorded vote agreed to open the public hearing:

Ayes: Dodson, Gillette, Johnson, Perrow, Foster	5
Noes:	0
Absent: Garrett, Helgeson	2

City Planner Tom Martin provided a brief summary regarding the petition, stating that the Planning Commission recommended denial of the FLUM amendment and CUP petitions for the following reasons, i.e., (1) the FLUM's office designation for the property is appropriate and is within a geographic location that would allow for an office use to serve residents of the City and adjacent county, (2) the specifics of how traffic would enter the site were not defined to the satisfaction of the Planning Commission, (3) the Planning Commission had concerns whether the approval of this project would lead to market saturation of townhouses and subsequent overbuilding of a specific housing type, and (4) although mass transit service is available on Graves Mill Road, the closest stop is on the opposite side of Graves Mill Road approximately five hundred feet from the entrance, and it is highly unlikely residents of this property would be able to use that because of traffic volume on Graves Mill Road. Mr. Jim May along with Mr. Ed Ewers, of James C. May & Associates, representing the petitioner, outlined the request and asked for approval. Mr. May informed that the development will provide affordable housing for first time homeowners. Mr. Ewers stated that the developers will be leaving as many of the existing trees on the site as they possibly can and that the area along the creek will not be developed at all and will be left as a natural recreation area with a walking trail. Mr. Ewers noted that 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 and that the development will be connected to the City's sewer and water systems. Mr. Ewers went on to say that

there are no plans to extend the road through the Maple Hills Subdivision and that all traffic flow from the development will be via Graves Mill Road. Mr. Ewers also suggested that a reduction in the speed limit on Graves Mill Road from 55 mph to 35 mph and changing the timers on the traffic lights would allow for a better flow of traffic on this road and thereby negating the need for a left turn lane into the development. Mr. Rick Read of Coldwell Banker stated that the site has been vacant for six or seven years and that he thinks that this is a good use for the property. Mr. Mark Hartless and Elizabeth Sims, a local realtor, spoke regarding the need for this type of housing in the City. Ms. Ann Scott, representing residents of the Maple Hills Subdivision, spoke in opposition to the petition stating the a townhome community on the proposed site would be an encroachment on their quality of life, a detriment to their property values, and an infringement on their right to own homes in the type of community they choose—not in a community that is forced on them. Ms. Scott went on to say that the City is already oversaturated with vacant, unsold townhomes, expressed concern regarding the future extension of the road into the Maple Hill Subdivision, and noted that the property already corresponds perfectly with the City's plan for development in the area. Eleven residents of the Maple Hills Subdivision also spoke in opposition to the proposed development citing similar concerns. There was no one else present who wished to speak to this item. Council Member Perrow made a motion, seconded by Vice Mayor Dodson, to continue the public hearing to July 14. Several Council Members stated that they would like to close the public hearing but delay the vote until the next meeting so that the full Council can have an opportunity to comment on and vote on this land use request. Council Member Gillette stated that he is prepared to vote this evening and offered a substitute motion to deny the petition in accordance with the Planning Commission's recommendations. The motion died for lack of a second. Council Members discussed further whether or not to close the public hearing and when to bring the matter back for a final vote. Council Member Gillette indicated that he would be willing to wait until the full Council was present and suggested that the public hearing be closed and that the vote be delayed until the next meeting. Council Member Perrow stated that he would like to offer an amendment to his motion, i.e., to go ahead and close the public hearing but delay the vote until the June 23 meeting so that the full Council can be present. Council Members did not object to Council Member Perrow's amendment. Several Council Members also indicated that they would like to hear from the City's Traffic Engineer regarding the suggestions offered by Mr. Ewers regarding changes to Graves Mill Road, i.e., speed limits changes, left turn lane which would require widening of the road. The vote was called on the amended motion, and Council by the following recorded vote agreed to close the public hearing and delay the vote until the June 23 Council meeting:

Ayes: Dodson, Gillette, Johnson, Perrow, Foster	5
Noes:	0
Absent: Garrett, Helgeson	2

// In the matter of Community Planning - CDBG, a public hearing was held regarding a Substantial Amendment to the 2008 Annual Action Plan to add additional Community Development Block Grant (CDBG) Funds from the American Reinvestment and Recovery Act. Community Planning Director Charlene Montford stated that the City has received notice from HUD regarding the release of an

allocation of CDBG funds through the American Reinvestment and Recovery Act and that the City is eligible to receive \$237,404 in additional CDBG funds in the current fiscal year. Ms. Montford explained that in order to be eligible to receive these funds, the City will have to submit a Substantial Amendment to our 2008 Annual Action Plan. Ms. Montford went on to say that the Community Development Advisory Committee (CDAC) met and has made the following recommendations for how the \$237,404 in CDBG Recovery Act funds should be allocated:

City Administration (10% cap)	\$ 23,740.40
LynCag Home Improvement	70,000.00
Fifth Street Corridor	54,800.00
Rebuilding Together Lynchburg	61,663.60
Interfaith Fuel Assistance for the Elderly	9,000.00
United Way/Smart Beginnings	<u>18,200.00</u>
Total	\$237,404.00

Ms. Montford explained that in order to comply with the requirements of the Recovery Act, City Council will need to approve the CDAC recommendation regarding the allocation of the \$237,404 in CDBG Recovery Act funds. Ms. Gail Lucado spoke in support of Smart Beginnings. Ms. Esther Wood requested funding for driveway paving and improvements to the playground at the Mary Bethune Academy. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Gillette, Chair of CDAC, explained that the Committee followed Council's guidelines in determining the allocations for these funds. Mayor Foster stated that she would like to see funding allocated to the Mary Bethune Academy, especially since this is a City-owned building. Council Member Gillette stated that the Committee thoroughly reviewed a lot of applications for these funds, and, unfortunately, many could not be funded. In response to questioning, Council Member Gillette stated that the public hearing regarding next year's funding will be held at a later meeting. On motion of Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote adopted Resolution #R-09-054, as presented, approving the CDAC recommendation regarding the allocation of the \$237,404 in CDBG Recovery Act funds:

Ayes: Dodson, Gillette, Johnson, Perrow	4
Noes: Foster	1
Absent: Garrett, Helgeson	2

// In the matter of Budget FY2009, a public hearing was held regarding City Council Report #11 regarding amending the FY 2009 General Fund, Fleet Fund, City Capital Projects Fund, and Solid Waste Management Fund budgets and appropriating funds in these budgets in order to transfer the remaining fund balance from the closure of the Solid Waste Management Fund. Financial Services Director Donna Witt 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 Perrow, seconded by Council Member Gillette, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-09-055, as presented, amending the FY 2009 General Fund, Fleet Fund, City Capital Projects Fund, and Solid Waste Management Fund budgets and appropriating funds in these budgets in order to transfer the remaining fund balance from the closure of the Solid Waste Management Fund:

Ayes: Dodson, Gillette, Johnson, Perrow, Foster	5
Noes:	0
Absent: Garrett, Helgeson	2

// In the matter of Finance - Bonds, a public hearing was held regarding City Council Report #12 regarding the adoption of a Resolution authorizing the issuance of not to exceed \$19,000,000 of Sewer Revenue Bonds from the Virginia Clean Water Revolving Loan Fund to provide funds to pay the cost of capital improvements to the City's sewer system. Utilities Director Tim Mitchell 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 Gillette, seconded by Council Member Perrow, Council by the following recorded vote adopted Resolution #R-09-056, as presented, authorizing the issuance of not to exceed \$19,000,000 of Sewer Revenue Bonds from the Virginia Clean Water Revolving Loan Fund to provide funds to pay the cost of capital improvements to the City's sewer system:

Ayes: Dodson, Gillette, Johnson, Perrow, Foster	5
Noes:	0
Absent: Garrett, Helgeson	2

// In the matter of Public Works - Sewer, a public hearing was held regarding City Council Report #13 regarding amending the FY 2009 Sewer Capital Projects Fund budget and appropriating \$25,360,000, fully reimbursable, for the construction of Divisions 2 and 6 of the James River Interceptor as well as the Rainleader disconnection Project for Randolph College. Utilities Director Tim Mitchell 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 Perrow, seconded by Council Member Johnson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-09-057, as presented, amending the FY 2009 Sewer Capital Projects Fund budget and appropriating \$25,360,000, fully reimbursable, for the construction of Divisions 2 and 6 of the James River Interceptor as well as the Rainleader disconnection Project for Randolph College:

Ayes: Dodson, Gillette, Johnson, Perrow, Foster	5
Noes:	0
Absent: Garrett, Helgeson	2

// The meeting was adjourned at 9:53 P.M. to June 19, 12:00 Noon, to conduct interviews with School Board candidates.

// A called meeting of the Council of the City of Lynchburg was held on the 9th day of June, 2009, at 6:00 P.M., Council Chamber, City Hall, Joan F. Foster, President, presiding. The purpose of the meeting was to go into a closed meeting to interview a candidate interested in serving on the School Board. The following Members were present:

Present: Dodson, Gillette, Johnson, Perrow, Foster 5

Absent: Garrett, Helgeson 2

// On motion of Council Member Perrow, seconded by Council Member Johnson, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions, i.e., to interview a candidate interested in serving on the School Board pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended:

Ayes: Dodson, Gillette, Johnson, Perrow, Foster 5

Noes: 0

Absent: Garrett, Helgeson 2

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

// Council Member Perrow made the following motion:

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

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

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

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

Ayes: Dodson, Gillette, Johnson, Perrow, Foster 5

Noes: 0

Absent: Garrett, Helgeson 2

// The meeting was adjourned at 7:04 p.m.

Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **June 23, 2009**

AGENDA ITEM NO.: 8

CONSENT: **X**

REGULAR:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Central Virginia Community Services FY 2010 Performance Contract**

RECOMMENDATION:

Adopt resolution approving the Central Virginia Community Services FY 2010 Performance Contract

SUMMARY:

Section 37.2-508(B) of the Code of Virginia requires City Council approval of the Central Virginia Community Services FY 2010 Performance Contract. Localities are asked to consider such action by September 30; and if approval is not received by then, the FY 2010 Performance Contract will be deemed approved by the State.

PRIOR ACTION(S):

None

FISCAL IMPACT:

None

CONTACT(S):

Kelly Baldwin 485-8882
Beth Ludeman-Hopkins

ATTACHMENT(S):

Resolution
FY 2010 Performance Contract

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED That the Lynchburg City Council does hereby approve the Central Virginia Community Services FY 2010 Performance Contract as required by Section 37.2-508(B) of the Code of Virginia.

Adopted:

Certified:

Clerk of Council

059P



COMPLIANCE DEPARTMENT

620 COURT STREET
LYNCHBURG, VA 24504

PHONE:

• FAX: 434-485-8888

June 2, 2009

Mr. Kimball Payne, City Manager
City of Lynchburg
900 Church Street
Lynchburg, VA 24504

Dear Mr. Payne:

Enclosed please find a copy of the Central Virginia Community Services FY 2010 Performance Contract with the Department of Behavioral Health and Developmental Services, formerly called the Department of Mental Health, Mental Retardation and Substance Abuse Services.

The contract requires us to seek formal approval of this document each year from the participating local governments that we serve. Localities are asked to take a formal action of approval and to inform the CSB of the type of action-ordinance, resolution, or motion and voice vote. Localities are asked to consider such action by September 4, 2009; if approval is not received by then, it will be "deemed" approved by the State.

Thank you for your help in this matter. Please call me with any questions you may have.

Sincerely,

A handwritten signature in cursive script that reads "Kelly Baldwin".

Kelly Baldwin
Quality Development Coordinator

A handwritten signature in cursive script that reads "Beth Ludeman-Hopkins".

Beth Ludeman-Hopkins
Compliance Director

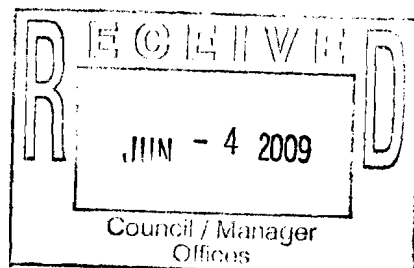


Exhibit A
Central Virginia

Consolidated Budget

Revenue Source	Mental Health	Mental Retardation	Substance Abuse	TOTAL
State Funds	313,659	336,515	1,077,420	1,727,594
State Restricted Funds	3,395,283	0	280,224	3,675,507
Local Matching Funds	845,069	0	7,366	852,435
Total Fees	20,490,391	6,093,807	707,973	27,292,171
Transfer Fees (To)/From	250,116	-48,6671	-216,128	-14,679
Federal Funds	177,088	0	1,451,089	1,628,177
Other Funds	247,845	32,882	680,258	960,9851
State Retained Earnings	22,000	01	01	22,000
Federal Retained Earnings	6,808		53,040	59,848
Other Retained Earnings	0	0	0	0
Subtotal Funds	25,748,259	6,414,537	4,041,242	36,204,038
State Funds One-Time	0			0
State Restricted Funds One-Time		0		0
Federal Funds One-Time	0		0	0
Subtotal One -Time Funds	0	01	0	0
TOTAL ALL FUNDS	25,748,259	6,414,537	4,041,242	36,204,038
Cost for MH/MRISA	22,396,155	6,125,784	4,636,825	33,158,764
Cost for Services Available Outside of a Program Area				1,863,274
Total Cost				35,022,038

Local Match Computation

Total State Restricted and State Funds	5,403,101
Total Local Matching Funds	852,435
Total State and Local Funds	6,255,536
Total Local Match %	13.63%

Administration Expenses

Total Admin. Expenses	3,129,432
Total Expenses	35,022,038
% Administration	8.94%

FY2010 Community Performallce
Central Virginia
Fil1ltncial Comments

<i>Comment1</i>	MH Other Funds - \$247,845 - consists of: \$224,918 Billing Contract Revenue,
<i>Comment2</i>	\$200 Fundraisers, \$1,000 Vending Commissions, \$1,727 Donations, \$15,000 Interest
<i>Comment3</i>	Revenue, and \$5,000 Miscellaneous Other Revenue.
<i>Comment4</i>	MR Other Funds - \$32,882 - consists of: \$28,274 Billing Contract Revenue,
<i>Comment5</i>	\$3,500 Fundraisers, and \$1,108 Donations.
<i>iComment6</i>	ISA Other Funds - \$680,258 - consists of: \$679,593 Billing Contract Revenue
<i>IComment7</i>	land \$665 Donations.
<i>IComment8</i>	
<i>iComment9</i>	
<i>iComment10</i>	
<i>Comment11</i>	
<i>!Comment12!</i>	
<i>iComment13</i>	
<i>iComment14</i>	
<i>IComment15!</i>	
<i>:Comment16</i>	
<i>Comment17</i>	
<i>IComment18!</i>	
<i>IComment19</i>	
<i>IComment20</i>	
<i>IComment21</i>	
<i>:Comment22</i>	
<i>Comment23</i>	
<i>Comment24</i>	
<i>!Comment25.</i>	

FY 2010 Community Services Performance Contract Financial Summary

Mental Health Central Virginia

Revenue Source	<u>Revenue</u>
MH Medicaid Fees	19,017,630
MH Fees: Other	<u>1,472,761</u>
Total MH Fees	20,490,391
MH Transfer Fees (To)/From	250,116
MH Net Fees	<u>20,740,507</u>
<u>Restricted Funds</u>	
Federal	
MH FBG SED C & A	152,220
MH FBG SMI	18,691
MH FBG PACT	0
MH FBG Geriatrics	0
MH FBG Consumer Services	0
MH Fed PATH	6,177
MH Other Federal - DMHMRSAS	0
MH Other Federal - CSB	<u>0</u>
Total Federal Restricted MH Funds	177,088
State	
MH Acute Care (Fiscal Agent)	0
MH Transfer In/(Out) Acute Care	114,620
MH Net Acute Care	<u>114,620</u>
MH Regional DAP (Fiscal Agent)	720
MH Transfer In/(Out) Regional DAP	<u>0</u>
MH Net Regional DAP	720
MH Facility Reinvestment (Fiscal Agent)	217,324
MH Transfer In/(Out) Facility Reinvestment	<u>0</u>
MH Net Facility Reinvestment	217,324
MH Regional DADIWintex (Fiscal Agent)	0
MH Transfer In/(Out) Regional DADIWintex	<u>0</u>
MH Net Regional DADIWintex	0
MH Crisis Stabilization (Fiscal Agent)	0
MH Transfer In/(Out) Crisis Stabilization	<u>0</u>
MH Net Crisis Stabilization	0
MH Recovery (Fiscal Agent)	0
MH Transfer In/(Out) Recovery	<u>0</u>
MH Net Recovery	0
MH Transformation (Fiscal Agent)	1,081,458
MH Transfer In/(Out) Transformation	<u>45,410</u>
MH Net Transformation	1,126,868
MH DADIWintex	0
MH PACT	700,000
MH Discharge Assistance (DAP)	524,638

FY 2010 Community Services Performance Contract Financial Summary

Mental Health Central Virginia

Revenue Source	<u>Revenue</u>
MH Child & Adolescent Services Initiative	199,524
MH Pharmacy (Blue Ridge)	0
MH Demo Proj-System of Care (Child)	0
MH Juvenile Detention	98,403
MH Jail Diversion/Service	30,000
MH Geriatrics	0
MH Law Reform	331,492
MH Children's Outpatient	51,694
Total State Restricted MH Funds	3,395,283
<u>Other Funds</u>	
MH Other Funds	247,845
MH Federal Retained Earnings	6,808
MH State Retained Earnings	22,000
MH State Retained Earnings- Regional Prog	0
MH Other Retained Earnings	0
Total Other MH Funds	276,653
<u>State Funds</u>	
MH State General Funds	288,659
MH State Regional Deaf Services	0
MH State NGRI	0
MH State Children's Services	25,000
Total State MH Funds	313,659
<u>Local Matching Funds</u>	
MH In-Kind	0
MH Contributions	0
MH Local Other	0
MH Local Government	845,069
Total Local MH Funds	845,069
Total MH Revenue	25,748,259
<u>MH One Time Funds</u>	
MH FBG SWVMH Board	0
MH FBGSMI	0
MH FBG SED C & A	0
MH FBG Consumer Services	0
MH Fed Emergency Preparedness and Response	0
MH State General Funds	0
Total One Time MH Funds	0
Total All MH Revenue	25,748,259

FY 2010 Community Services Performance Contract Financial Summary

Mental Retardation

Central Virginia

Revenue Sources	Revenue
<u>Fees</u>	
MR Medicaid Fees	4,612,957
MR Medicaid ICF/MR	1,130,000
MR Fees: Other	350,850
Total MR Fees	6,093,807
MR Transfer Fees (To)/From	-48,667
MR Net Fees	6,045,140
<u>Restricted Funds</u>	
Federal	
MR Other Federal - DMHMRSAS	0
MR Other Federal - CSB	0
Total Federal Restricted MR Funds	0
State	
MR Facility Reinvestment (Fiscal Agent)	0
MR Transfer In/(Out) Facility Reinvestment	0
MR Net Facility Reinvestment	0
MR Transformation	0
Total State Restricted MR Funds	0
<u>Other Funds</u>	
MR Workshop Sales	0
MR Other Funds	32,882
MR State Retained Earnings	0
MR Other Retained Earnings	0
Total Other MR Funds	32,882
<u>State Funds</u>	
MR State General Funds	277,170
MROBRA	59,345
MR Family Support	0
MR Children's Family Support	0
Total State MR Funds	336,515

FY 2010 Community Services Performance Contract Financial Summary

Mental Retardation

Central Virginia

Revenue Sources	Revenue
<u>Local Matching Funds</u>	
MR In-Kind	0
MR Contributions	0
MR Local Other	0
MR Local Government	0
Total Local MR Funds	0
Total MR Revenue	6,414,537
 <u>MR One Time Funds</u>	
MR Waiver-Start Up	0
Total One Time MR Funds	0
Total ALL MR Revenue	6,414,537

FY 2010 Community Services Performance Contract Financial Summary

Substance Abuse

Central Virginia

Revenue Sources	Revenue
SA Medicaid Fees	317,522
SA Fees: Other	390,451
Total SA Fees	707,973
SA Transfer Fees (To)/From	-216,128
SA Net Fees	491,845
<u>Restricted Funds</u>	
Federal	
SA FBG Alcohol/Drug Trmt	796,856
SA FBG Women (Includes L1NK-6 CSBs)	74,115
SA FBG Prevention-Women (LINK)	0
SA FBG SARPOS	132,797
SA FBG Facility Diversion	54,451
SA FBG Jail Services	0
SA FBG Crisis Intervention	200,000
SA FBG Prevention	192,870
SA FBG Co-occurring	0
SA FBG Prev-Strengthening Families	0
SA FBG New Directions	0
SA FBG Recovery	0
SA Fed VASIP/COSIG (Fiscal Agent)	0
SA Fed Transfer In/(Out) VASIP/COSIG	0
SA Net VASIP/COSIG	0
SA Fed Project REMOTE	0
SA Fed Project TREAT	0
SA Other Federal - DMHMRSAS	0
SA Other Federal - CSB	0
Total Federal Restricted SA Funds	1,451,089
State	
SA Facility Reinvestment (Fiscal Agent)	0
SA Transfer In/(Out) Facility Reinvestment	0
SA Net Facility Reinvestment	0
SA Facility Diversion	235,000
SA Women (Includes LINK - 4 CSBs)	0
SA Crisis Stabilization	0
SA MAT	0
SA Transformation	0
SASARPOS	45,224
SA Recovery	0
SA HIV/AIDS	0
Total State Restricted SA Funds	280,224

FY 2010 Community Services Performance Contract Financial Summary

Substance Abuse

Central Virginia

Revenue Sources	Revenue
<u>Other Funds</u>	
SA Other Funds	680,258
SA Federal Retained Earnings	53,040
SA State Retained Earnings	0
SA State Retained Earnings-Regional Prog	0
SA Other Retained Earnings	0
Total Other SA Funds	733,298
<u>State Funds</u>	
SA State General Funds	1,058,520
SA Region V Residential	0
SA Postpartum - Women	18,900
SA Jail Services/Juv Detention	0
Total State SA Funds	1,077,420
<u>Local Matching Funds</u>	
SA In-Kind	0
SA Contributions	0
SA Local Other	0
SA Local Government	7,366
Total Local SA Funds	7,366
Total SA Revenue	4,041,242
<u>SA One Time Funds</u>	
SA FBG Alcohol/Drug Trmt	0
SA FBG Women	0
SA FBG Prevention	0
Total One Time SA Funds	0
Total ALL SA Revenue	4,041,242

FY 2010 Community Services Performance Contract

Local Government Tax Appropriations

Central Virginia

City/County	Tax Appropriation
Lynchburg City	444,003
Campbell County	157,404
Bedford County	104,3&6
Bedford City	5,604
Appomattox County	3&,555
Amherst County	102,4&3
Total Local Government Tax Funds:	&52,435

FY 2010 Community Services Performance Contract

Supplemental Information

Reconciliation of Financial Report and Utilization Data (Core Services) Expenses

Central Virginia

	MH	MR	SA	Services Outside Prog. Area	Total
Financial Report Revenue	25,748,259	6,414,537	4,041,242		36,204,038
Utilization Data Expenses	22,396,155	6,125,784	4,636,825	1,863,274	35,022,038
Difference	3,352,104	288,753	-595,583	-1,863,274	1,182,000

Difference results from

Other	1,182,000
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Explanation of Other: Contributions to the Reserve Fund, as directed by the CVCS Board of Directors.

FY 2010 Community Services Performance Contract
CSB 100 Mental Health Services
Central Virginia

Report for Form]]

Core Services Code

	Costs
250 Acute Psychiatric or SA Inpatient Services	\$254,448
310 Outpatient Services	\$6,063,157
350 Assertive Community Treatment	\$1,121,315
320 Case Management Services	\$5,038,836
410 Day Treatment/Partial Hospitalization	\$6,246,081
425 Rehabilitation/Habilitation	\$567,037
510 Residential Crisis Stabilization Services	\$523,520
1551 Supervised Residential Services	\$1,003,215
1581 Supportive Residential Services	\$1,460,743
1610 Prevention Services	\$117,803
Total Costs	\$22,396,155

FY 2010 Community Services Performance Contract
CSB 200 Mental Retardation Services
Central Virginia

Report for Form 2]

Core Services Code

	Costs
320 Case Management Services	\$1,624,753
501 Highly Intensive Residential Services	\$1,489,434
521 Intensive Residential Services	\$2,896,933
581 Supportive Residential Services	<u>\$114,664</u>
Total Costs	<u>\$6,125,784</u>

FY 2010 Community Services Performance Contract
CSB 300 Substance Abuse Services
Central Virginia

Report for Form 3]

Core Services Code

	Costs
310 Outpatient Services	\$1,804,129
320 Case Management Services	\$705,370
501 Highly Intensive Residential Services	\$1,536,638
610 Prevention Services	\$590,688
Total Costs	\$4,636,825

FY 2010 Community Services Performance Contract
CSB 400 Services Available Outside of a Program Area
Central Virginia

Report for Form 01

Core Services Code

	Costs
100 Emergency Services	\$881,932
318 Motivational Treatment Services	\$67,165
<u>390 Consumer Monitoring Services</u>	<u>\$38,885</u>
720 <u>Assessment and Evaluation Services</u>	\$63,631
620 Early Intervention Services	\$739,661
730 Consumer Run Services	\$72,000
Total Costs	\$1,863,274

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: ~~June 9, 2009~~ June 23, 2009

AGENDA ITEM NO.: 9

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 Hills Townhomes – 1700 Graves Mill Road

RECOMMENDATION:

Denial of the *FLUM* Amendment and CUP petitions.

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 seventy-five (75) townhouses with associated parking and amenities. The proposed CUP would not prevent a limited business use if the housing project is unsuccessful or if the property redevelops in the future. 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 propose *FLUM* amendment and CUP petition would not effect Bedford's land use or zoning.

Planning Commission recommended denial of the *FLUM* amendment and CUP petitions because:

- The *FLUM*'s Office designation for the property is appropriate and is within a geographic location that would allow for an office use to serve residents of the City and adjacent county.
- The specifics of how traffic would enter the site were not defined to the satisfaction of the Planning Commission.
- The Planning Commission had concerns whether the approval of this project would lead to market saturation of townhouses and subsequent overbuilding of a specific housing type.
- Although mass transit service is available on Graves Mill Road, the closest stop 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.

PRIOR ACTION(S):

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

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)

BUDGET IMPACT:

None

CONTACT(S):

Charlene Montford 455-3902
Tom Martin 455-3990

ATTACHMENT(S):

- Ordinance
- Resolution

- Planning Commission Report
- Planning Commission Minutes
- Vicinity Map
- Vicinity Proposed Land Use Map
- Watershed Map
- Concept Plan
- 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 560.65' TO A STONE; THENCE N63°30'E 62.00' TO AN IRON PIN; THENCE S53°28'E 630.47' 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 256.29' TO A POINT; THENCE S77°31'59"W 369.74' TO A POINT; THENCE S 0°36'W 120.92' TO A POINT: THENCE S3°20'W 200.00' TO THE POINT OF BEGINNING. CONTAINING 9.56 ACRES +/- 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

058L1

RESOLUTION:

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO JMU, LLC TO ALLOW THE CONSTRUCTION OF SEVENTY-FIVE (75) 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 seventy-five (75) 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 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.

Adopted:

Certified:

Clerk of Council

058L2

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

To: Planning Commission
From: Planning Division
Date: May 13, 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 seventy-five (75) 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 petitions.

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 seven and nine tenths (7.9) 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 development, as well as 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* and CUP petitions 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 a 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 petition for a CUP 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 proposes the construction of seventy-five (75) townhouse units with associated parking and private amenities. 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 that would be a combination of brick and vinyl. The building options would provide for some of the townhouses to have basements; in addition, units fourteen (14) through twenty-five (25) would provide for a private drive and lower level garage in lieu of a basement. Sidewalks and crosswalks will be provided to common areas throughout the site and a private recreation area with walking trails would be incorporated into the layout. Landscaping for the development will 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 that bisects the property.

7. **Traffic, Parking and Public Transit.** The City's Transportation Engineer required a traffic study to determine what improvements, if any, would be required to handle additional traffic from the proposed residential development. Following his review of the study, he determined the following:
 - 1) From a capacity standpoint, the driveway intersection with Graves Mill and the intersection at Graves Mill Road and Millrace will operate satisfactorily with traffic from the project.
 - 2) A right-turn lane into the site is not warranted.
 - 3) Due to the high traffic volumes on Graves Mill Road, a left-turn turn lane is warranted; the left-turn lane would be on Graves Mill Road turning into the project driveway. The City recommends that the petitioner acquire an easement through 1658 Graves Mill Road such that access would then be available at the traffic signal. The City will consider an alternative to a left-turn lane that provides this directional movement in a safe and efficient manner; however, this option must be approved by the City.
 - 4) Sight distance is adequate in both directions.

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 seventy-five (75) townhouses would require a total of one hundred eighty-eight (188) parking spaces. The concept plan indicates one hundred eighty-nine (189) surface parking spaces and twelve (12) garage spaces would be provided for a total of two hundred one (201) total spaces, 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 project exceeds the one thousand (1,000) square foot threshold for stormwater management; as such, a plan to address water quantity and quality of the surface water run-off would be required for the construction. Stormwater from the development would be

directed to two proposed detention ponds 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 basins. 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 City's Fire Marshal noted the original design provided for driveways to units one (1) through thirty-seven (37) that exceed the length permitted by fire code. The concept plan has been revised to provide a fire lane connection between the two (2) respective drive aisles. 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, as well as painted crosswalks, into the revised concept design and final lighting layout would be determined during the site plan and building plan review processes, respectively.

10. **Impact.** The proposed addition of seventy-five (75) residential units has potential impacts to the surrounding area that must be considered. The petitioner's traffic study noted even though the number of trips generated by the development is relatively slight, the additional trips coupled with the existing traffic volume on Graves Mill Road would require a left turn lane for the project. Although staff would prefer that this turn lane be aligned with the stoplight at the Graves Mill Road and Millrace Drive intersection, staff recommends that a condition of the permit allow for alternatives that provide for this turn movement in a safe and efficient manner, subject to the approval of the City's Transportation Engineer.

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 insure 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 vegetative buffering of 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 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.**

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
Mr. 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. 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 townhomes 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:

- 6. 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.**
- 7. 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.**
- 8. 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.**
- 9. 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.**
- 10. 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.

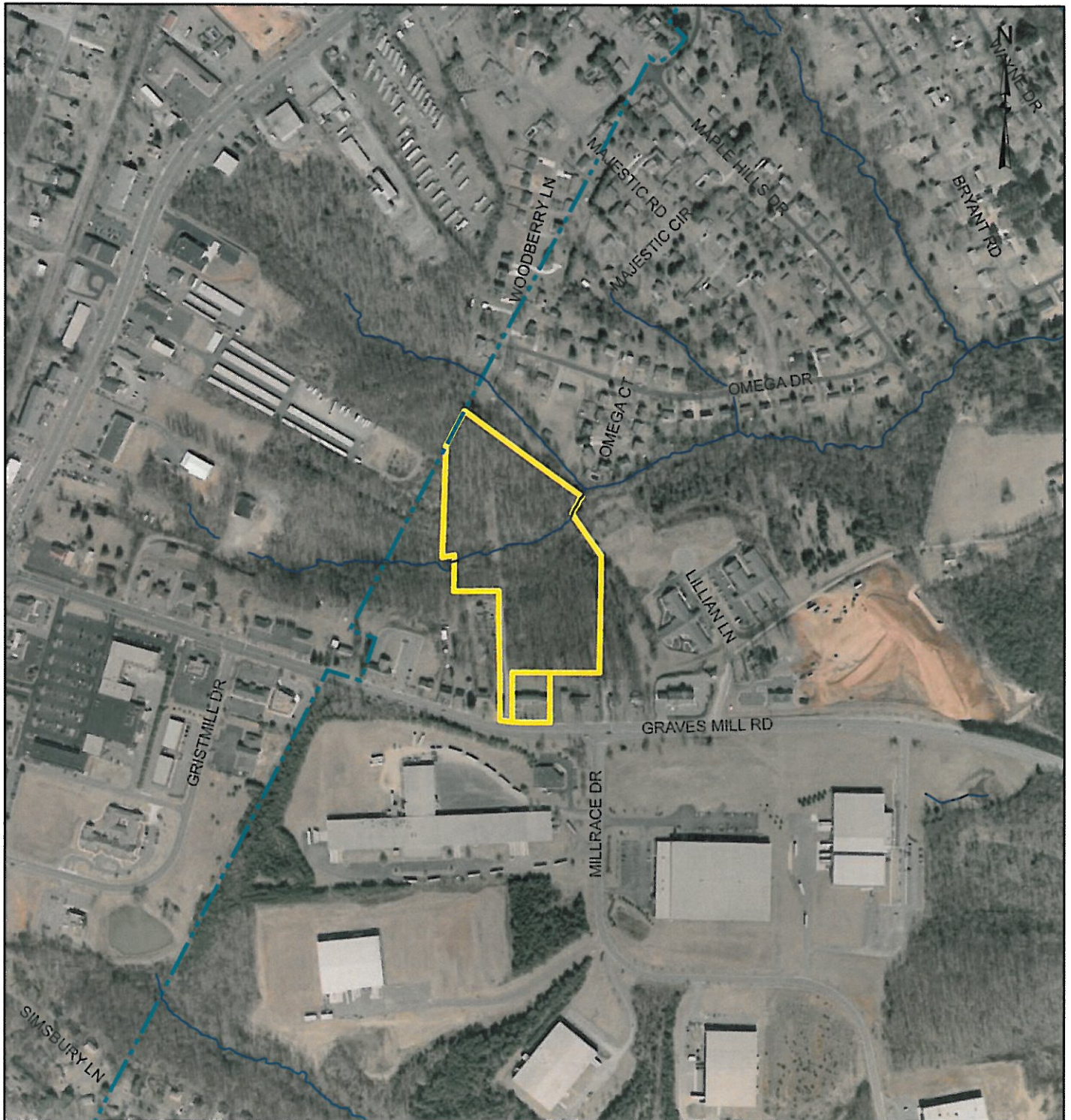
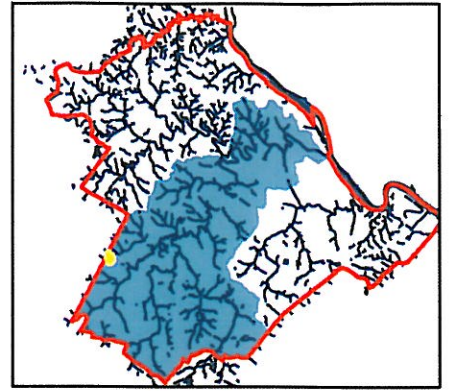
The motion was then passed by the following vote:

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

Holly Hills Townhomes

Watershed Location Map

-  Project Site
-  Blackwater Creek
-  Corporate Limit



PATRICIA W. KOST
CLERK OF COUNCIL
CITY OF LYNCHBURG

JUNE 2, 2009

CLERK OF COUNCIL;

THE PETITIONER FOR "HOLLY HILL TOWNHOMES", APPLYING FOR A CONDITIONAL USE PERMIT TO CONSTRUCT 75 TOWNHOMES AT 1700 GRAVES MILL ROAD ON PROPERTY THAT IS PRESENTLY ZONED "B-1" AND WAS ORIGINALLY SCHEDULED TO BE HEARD BY THE LYNCHBURG CITY COUNCIL AT THE JUNE 9, 2009 MEETING, IS REQUESTING THAT THE PETITION WOULD BE HEARD AT THE MEETING OF LYNCHBURG CITY COUNCIL ON JULY 14, 2009.

THIS REQUEST BY THE PETITIONER WILL ALLOW TIME FOR THE DEVELOPER TO ACQUIRE ADDITIONAL INFORMATION CONCERNING THIS PROJECT THAT WOULD BE VALUABLE TO THE MEMBERS OF CITY COUNCIL IN MAKING THEIR DECISION ON THE PETITION.

THIS REQUEST BY THE PETITIONER WILL ALSO ALLOW TIME FOR THE DEVELOPER TO ACQUIRE ADDITIONAL SIGNATURES FROM PROPERTY OWNERS IN ADJOINING SUBDIVISIONS IN SUPPORT OF THE PROPOSED TOWNHOUSE DEVELOPMENT.

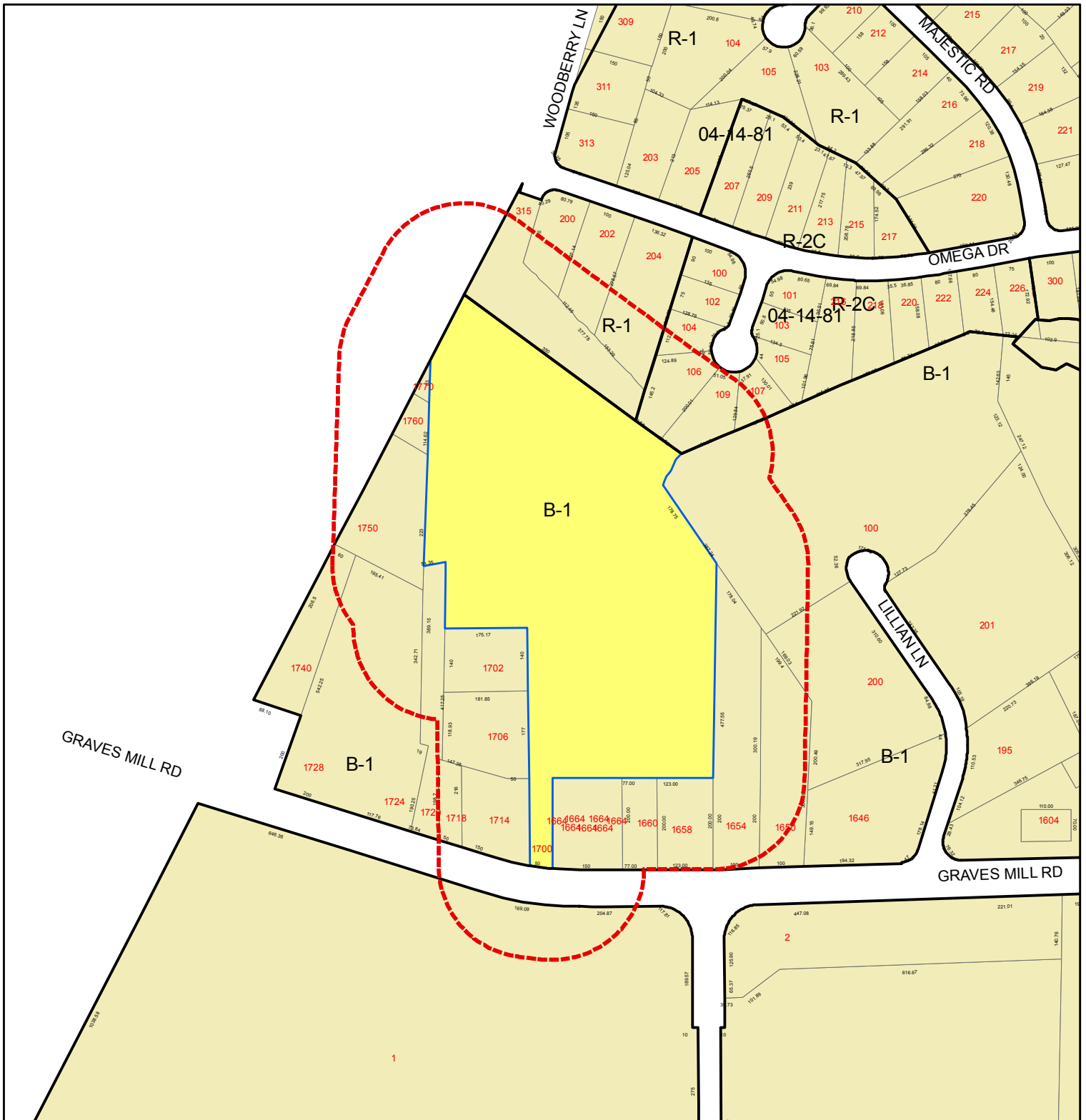
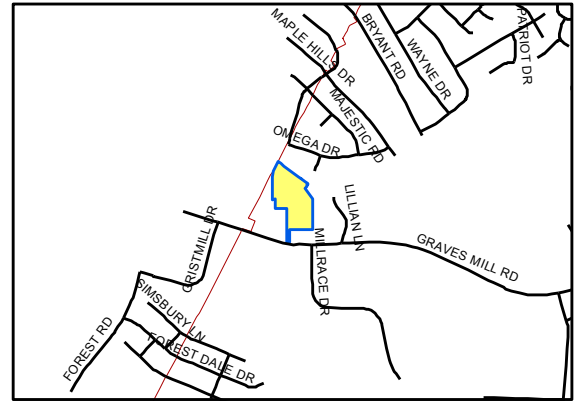
THANK YOU FOR YOUR CONSIDERATION OF THIS REQUEST BY THE PETITIONER.


UEL HARTLESS, JMU, LLC

HOLLY HILL TOWNHOMES

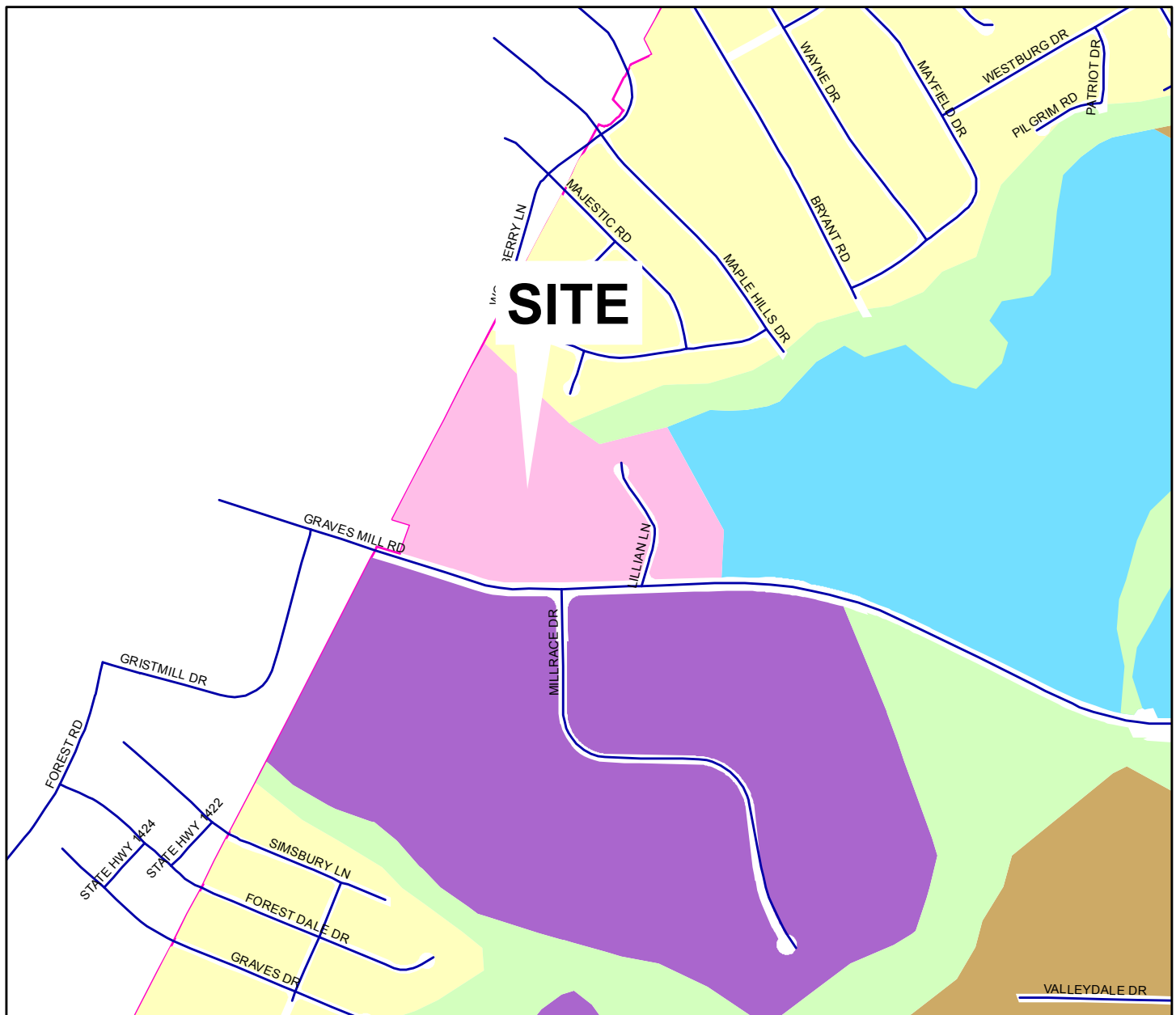
1700 Old Graves Mill Road
PIN# 240-14-001
Conditional Use Permit Request
Petitioner-J.M.U. LLC

 Subject Property

 200 FT Buffer

HOLLY HILLS CUP ADJOINING OWNERS

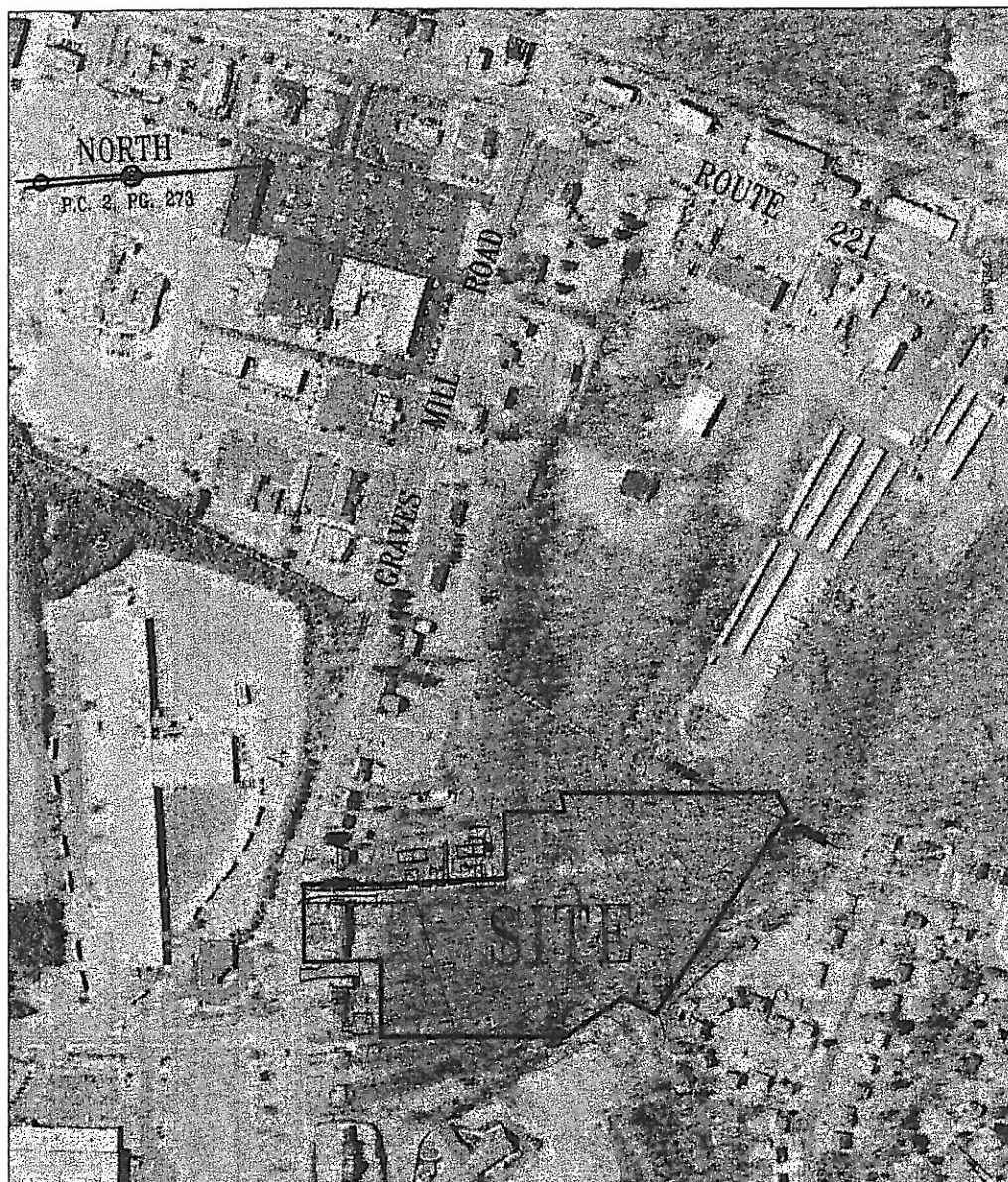
PIN	Owner	LocAddr
24006001	HAYNES JENNY	200 OMEGA DR
24006002	SOVA WALTER H JR & KIMBERLY D	202 OMEGA DR
24006003	STEVENS LEWIS G JR	204 OMEGA DR
24006004	JOHNSON ANTHONY L & PAULA A	315 WOODBERRY LN
24007016	PARKER ELBERT J III	107 OMEGA CT
24007017	SCOTT MICHAEL L & E ANN	109 OMEGA CT
24007018	COFFLIN 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





LOCATION MAP

SCALE : 1" = 500'

DEVELOPER/PETITIONER

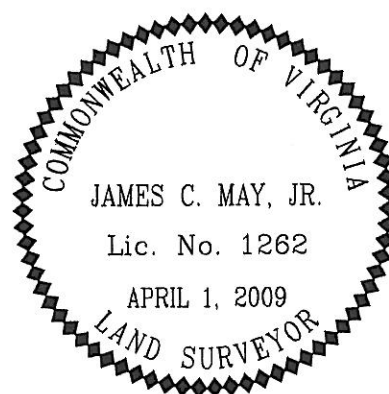
JMU, LLC
316 BREEZEWOOD DRIVE
LYNCHBURG, VIRGINIA
24502

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

PROPERTY OWNER

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

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



REVISED : MAY 1, 2009 PER T.R.C.
COMMENTS DATED APRIL 27, 2009.

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. PROPOSED ELECTRIC SERVICE AND TELEPHONE SERVICE TO BE UNDERGROUND.
7. ADDITIONAL SITE DEVELOPMENT, LANDSCAPING, WATER, SEWER, GRADING AND EROSION CONTROL PLANS WILL BE SUBMITTED UPON APPROVAL OF THE CONDITIONAL USE PERMIT.

DEVELOPMENT NOTES:

THIS SITE IS ZONED : "B-1". THE DEVELOPER HAS SUBMITTED AN APPLICATION FOR A C.U.P. DEVELOPER IS ALSO APPLYING TO AMEND THE FUTURE LAND USE MAP FOR THE PROPERTY TO MEDIUM DENSITY RESIDENTIAL.

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

1.16 ACRES+/- TO BE RESERVED FOR FUTURE OFFICE SPACE.

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

PROPOSED DEVELOPMENT:

PROPOSED 75 - 2 STY. TOWNHOMES
TO BE BUILT ON 9.56 ACRES+/-

REQUIRED PARKING : 2.5 SPACES PER UNIT
2.5 SPACES x 75 UNITS = 188 SPACES REQ'D.

PROPOSED PARKING : 189 SPACES (9'x18')
GARAGE PARKING : 12 SPACES (UNITS 14 thru 25)
PROPOSED PARKING : 201 SPACES (TOTAL)

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.

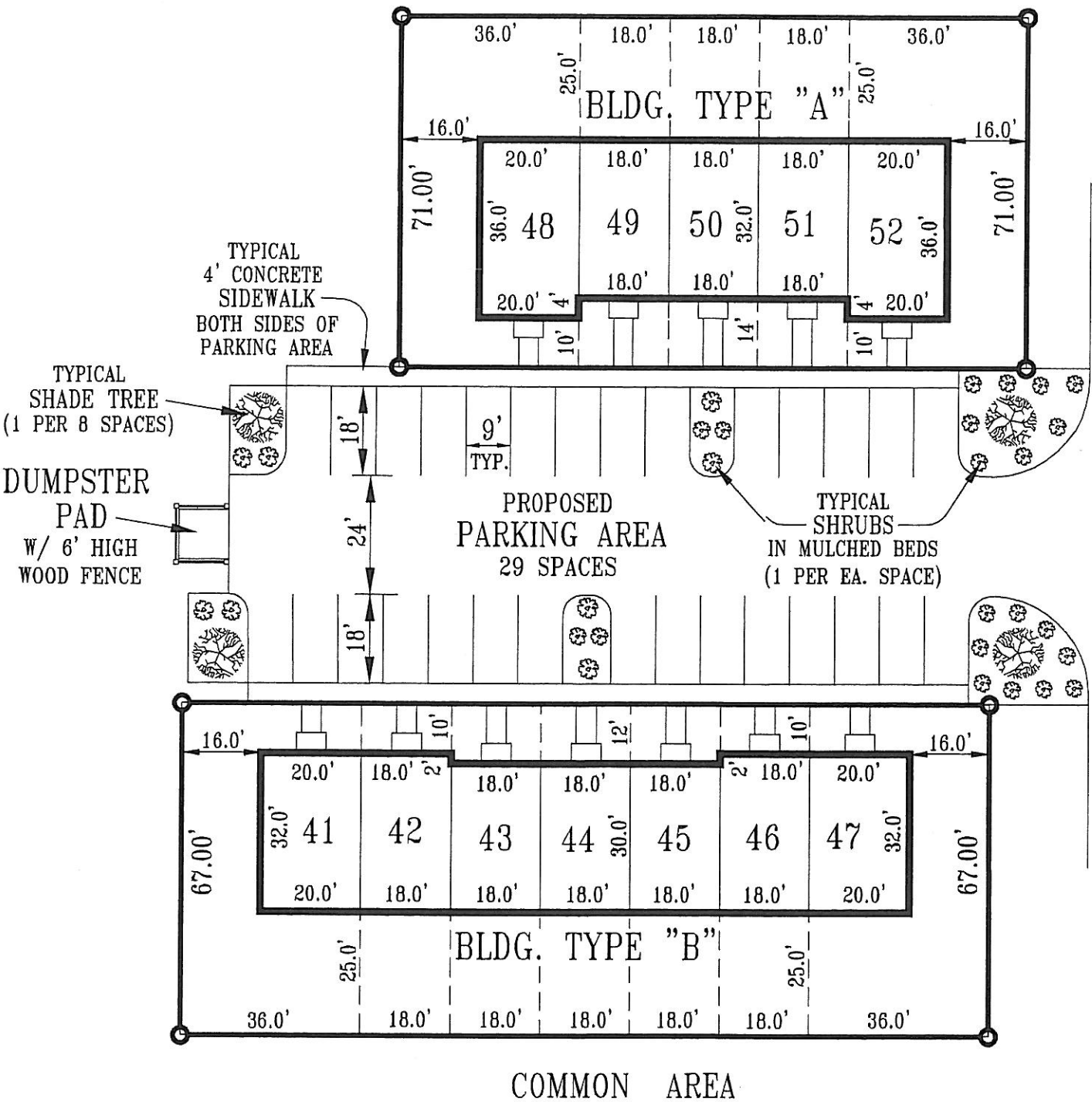
JAMES C. MAY AND ASSOCIATES, P.C.
ENGINEERS-SURVEYORS-PLANNERS
P.O. BOX 718, LYNCHBURG, VA., 24501
434-528-1005 (FAX 434-846-5412)

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

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

SHEET 1 of 4

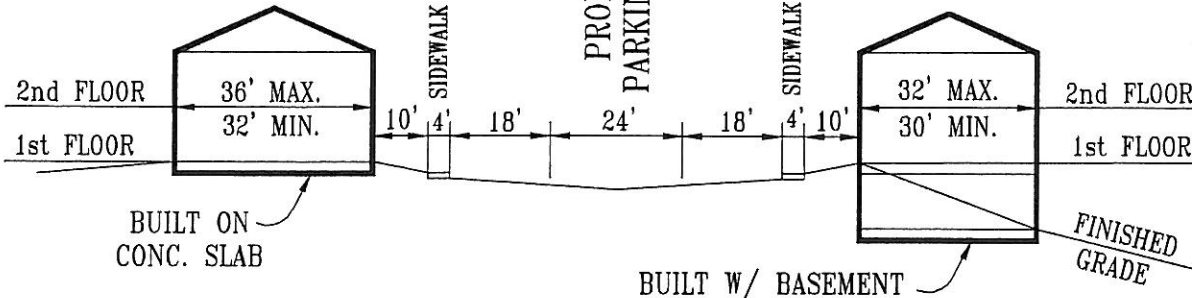
NOTE : PROPOSED LANDSCAPING WILL MEET ALL REQUIREMENTS IN CITY OF LYNCHBURG LANDSCAPE ORDINANCE.



TYPICAL BUILDING AND PARKING LAYOUT

SCALE : 1" = 30'

BLDG. TYPE "A" BLDG. TYPE "B"

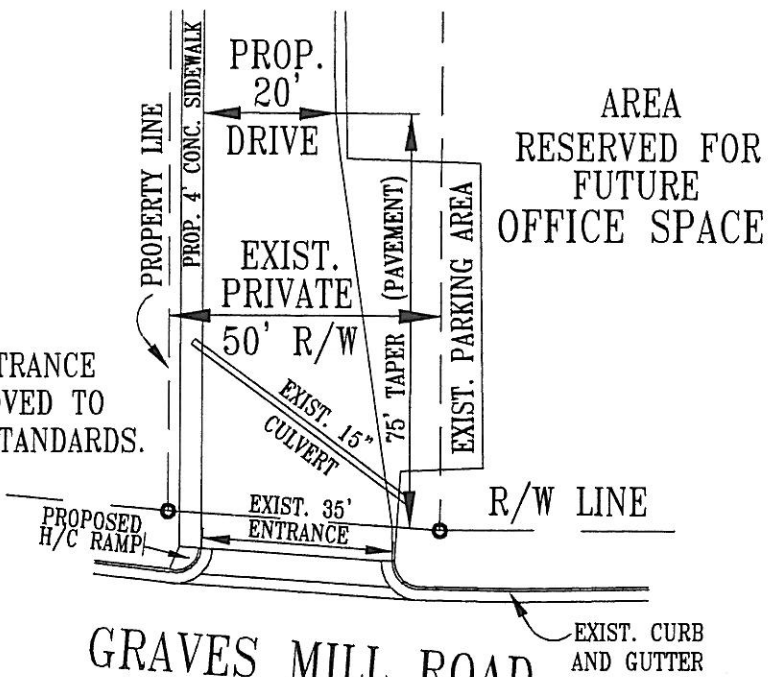


TYPICAL CROSS SECTION

NOT TO SCALE

NOTE:

EXISTING ENTRANCE TO BE IMPROVED TO MEET CITY STANDARDS.



ENTRANCE DETAILS

NOT TO SCALE

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
BUILDING AND ENTRANCE DETAILS
HOLLY HILL TOWNHOMES
1700 GRAVES MILL ROAD
CITY OF LYNCHBURG, VIRGINIA

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

REVISED : MAY 1, 2009 PER T.R.C.
COMMENTS DATED APRIL 27, 2009.

GRAVES MILL ROAD

2100' +/- TO
S.R. 221

NORTH
P.C. 2 - PG. 273

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

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

NOW OR FORMERLY
BRYAN W. BROWN
MILORA 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"

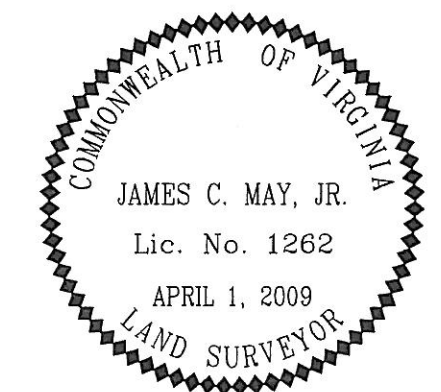
NOW OR FORMERLY
MICHAEL L. & E. ANN SCOTT
DOC. #020007994
T.M. #240-07-17
ZONED "R-2"

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

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

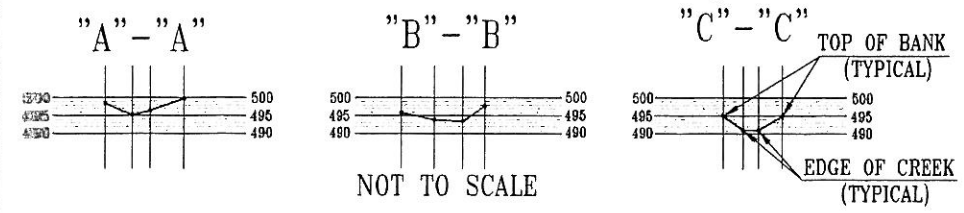
STORMWATER NARRATIVE :

THIS SITE CONTAINS 10.72+/- ACRES. THE PROPOSED TOWNHOUSE DEVELOPMENT WILL BE LOCATED ON 9.56+/- ACRES OF THE SITE. THE 1.16+/- ACRES RESIDUE OF T.M. #240-14-01 WILL BE RESERVED FOR FUTURE OFFICE SPACE. THE SITE SLOPES AWAY FROM GRAVES MILL ROAD TO A CREEK FLOWING THRU THE SITE AND ALSO SLOPES FROM THE REAR OF THE CREEK. STORMWATER RUNOFF FROM THE TOWNHOUSE DEVELOPMENT WILL BE CHANNLED INTO THE TWO STORMWATER DETENTION PONDS SHOWN ON THE CONCEPTUAL PLAN. THE STORMWATER RUNOFF WILL BE RELEASED INTO THE CREEK AT RATE NOT TO EXCEED THE PRE-DEVELOPMENT RUNOFF RATE. STORMWATER QUALITY AND QUANTITY WILL BE ADDRESSED THROUGH VEGETATED FILTER STRIPS, GRASSED SWALES, BIOTRETENTION AND DETENTION STRUCTURES. AN ADEQUATE CHANNEL WILL BE PROVIDED FOR THE PROJECT.



SHEET 4 of 4

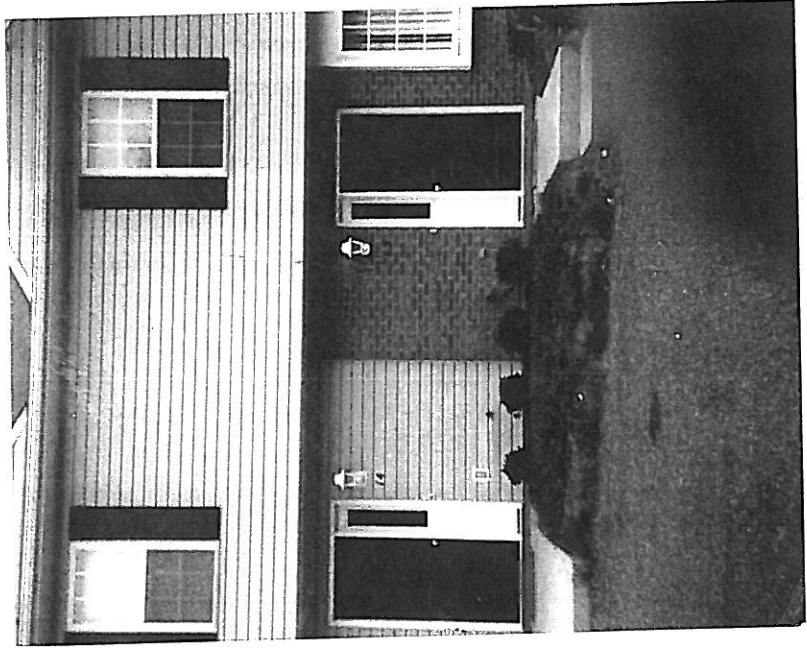
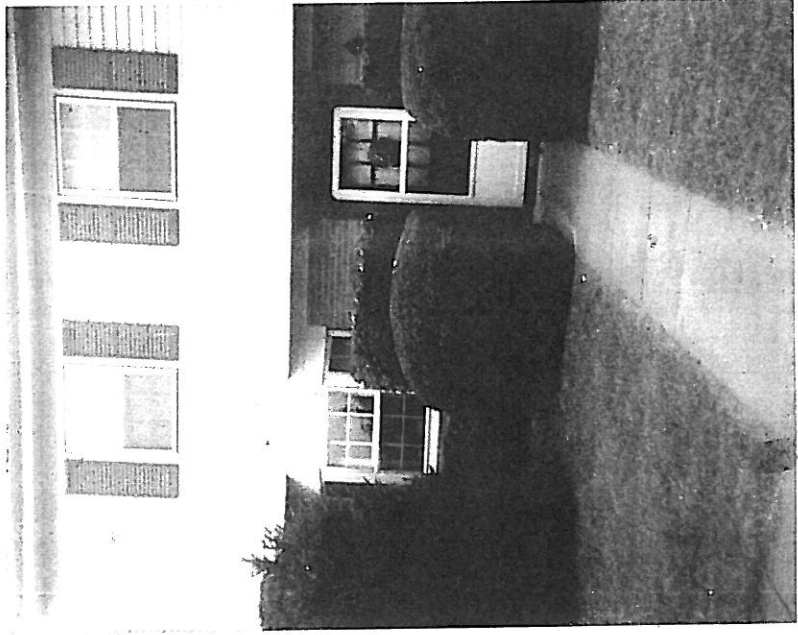
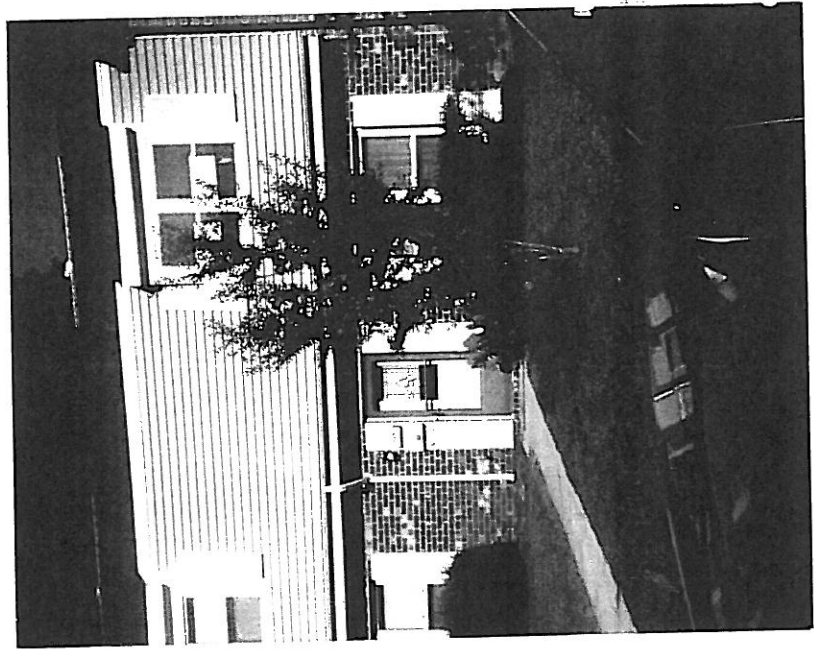
CROSS-SECTIONS FOR CHANNEL ADEQUACY



--- DENOTES LIMITS OF
CLEARING AND GRADING

--- DENOTES WOODED AREAS
TO REMAIN IN PLACE

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 EROSION CONTROL PLAN HOLLY HILL TOWNHOMES 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: APRIL 1, 2009	COMM. NO.: 09033	F.B. REF.: N/A
FOR:	J M U, LLC	TAX ID.:	240-14-01



"ALTERNATE "
BRICK AND VINYL FACADES



MEMORANDUM

The Department of Community Development

Planning Division

455-3900

To: City Council
From: Tom Martin, AICP, City Planner
Subject: Holly Hills Townhomes – *Future Land Use Map [FLUM]* Amendment and Conditional Use Permit [CUP] Petitions
Date: June 18, 2009

At its June 9, 2009 meeting, City Council delayed their decision on the proposed Holly Hills Townhomes project until the June 23, 2009 meeting. The petitioner originally proposed the construction of seventy-five (75) townhouses on nine and fifty-six hundredths (9.56) acres. On June 17, 2009, the petitioner submitted a revised plan and a response letter as part of their request for approval of a *FLUM* amendment and a CUP to allow the construction of fifty (50) townhouses on four and ninety-seven hundredths (4.97) acres in a B-1, Limited Business District. The revised plan provides for:

- The removal of twenty-five (25) townhouses and the relocation of the remaining units to the end of the private driveway. The revised layout would provide for a density of ten and one tenth (10.1) units per acre. The proposed *FLUM* amendment to a Medium Density Residential use is characterized by small-lot single-family detached housing, duplexes and townhouses at densities up to twelve (12) units per acre.
- The removal of seventy-five (75) parking spaces. The proposed fifty (50) townhouses would require one hundred and twenty-five (125) parking spaces; the revised concept plan includes one hundred and twenty-six (126) spaces.
- The removal of a stormwater detention basin, a walking trail and the balance of the driveway. The property on the northern side of the Tomahawk Creek tributary is shown to remain wooded.

Attachments:

Petitioner's Letter to City Council

Revised Concept Plan – June 17, 2009

Revised Resolution

Holly Hills Townhomes – Agenda Summary (with attachments) – June 9, 2007



Holly Hill Townhome CUP- Graves Mill Rd.

Rick Read joan.foster, Michael.Gillette, scott.garrett, jeff,
 bert.dodson, turner.perrow, ceasor.johnson
 mark, tom.martin, jgravely, lcarroll, robin.craig

06/17/2009 02:08 PM

Dear Council:

In an effort to meet the concerns of the Maple Hills subdivision and address the traffic concerns (turning lane question), the developer of the above project has made a significant change in the site plan (a reduced copy is attached to this email). The number of units has been reduced to 50 and no development is taking place across the small stream .

In addition Mr. Hartless went by to see Mr. and Mrs. Scott (leader of the neighborhood opposition) of 109 Omega Ct. this morning to see if we could schedule a neighborhood meeting at my office either Thursday night or Saturday morning to review this plan with the residents. According to Mr. Hartless the Scotts indicated they had no interest in seeing a revised plan and it did not matter as they were still opposed to the project. Mr. Hartless then proceeded to speak with Mr. Bill Haynes at 200 Omega Ct. and received the same response. Given the neighbors reception and reaction it is obvious to me that they are not interested in seeing anything take place on this property

The sellers have reduced their contract price in an effort to make the project feasible with less units, and the developer has reduced his expectations in an effort to appease the neighbors. Surely this demonstrates a true spirit of cooperation on everyone's part, except the neighbors, to reach a compromise.

As I stated in the council meeting I strongly believe this is the highest and best use for this property. Given the modifications in the plan I hope everyone can see the benefits of this project and will vote to approve the CUP. As always I appreciate your consideration and willingness to serve.

Rick Read
Vice President
Coldwell Banker Forehand & Co.
Commercial Division
(Licensed in the State of Virginia)
2508 Langhorne Rd.
Lynchburg, VA 24501
Office: (434) 455-3618
Fax: (434) 847-7746
Email: rread@realestatelynchburg.com



Assistant:
Tracy Travis
Office: (434) 847-7731 x210
Fax: (434) 847-7746
Email: ttravis@realestatelynchburg.com



50UNITSREV 50UNITS (1).pdf

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 June 17, 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.

Adopted:

Certified:

Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **June 23, 2009**

AGENDA ITEM NO.: 10

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **City Schools Allocation; FY 2010 Budget Amendment**

RECOMMENDATION: Adopt a resolution to amend the FY 2010 Adopted General Fund and City Schools Budgets to reduce the allocation to City Schools by \$500,000 and increase the Non-Departmental budget by \$500,000.

SUMMARY: After the adoption of the budget, City Schools reviewed the funding budgeted for COBRA and Unemployment and determined the allocation from the City can be reduced by \$500,000. This reduction was possible due to employees in reduction in force status filling open positions from retirements. The City Schools amended revenues and expenditures are provided on the attached spreadsheets and reflect the net change between the Adopted 2008-2009 and Amended 2009-2010 Budgets. The \$500,000 will be transferred to the General Fund Non-Departmental Budget where, if approved by Council, it can be used to partially fund the replacement of the 3% salary cut.

	FY 2010 Adopted Budget	FY 2010 Amended Budget
General Fund		
School Allocation	\$32,442,103	\$31,942,103
Non-Departmental	\$3,007,895	\$3,507,895
City Schools		
Operating Budget	\$92,991,629	\$92,491,629

PRIOR ACTION(S): FY 2010 Budget Adoption May 26, 2009

FISCAL IMPACT: \$500,000 is transferred from the City Schools allocation to the General Fund Non-Departmental Budget.

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

ATTACHMENT(S):

Lynchburg City Schools FY 2009 – 2010 Operating Fund Budget Revenue Summary

Lynchburg City Schools FY 2009 – 2010 Operating Fund Expenditure Summary by Object Code

Lynchburg City Schools FY 2009 – 2010 Operating Fund Expenditures by Major Category

REVIEWED BY: lkp

RESOLUTION:

Be it Resolved that the FY 2010 Adopted General Fund and City Schools Budgets be amended and \$500,000 is transferred from the City Schools allocation to the General Fund Non-Departmental Budget as follows:

	FY 2010 Adopted Budget	FY 2010 Amended Budget
General Fund		
School Allocation	\$32,442,103	\$31,942,103
Non-Departmental	\$3,007,895	\$3,507,895
City Schools		
Operating Budget	\$92,991,629	\$92,491,629

Adopted:

Certified:

Clerk of Council

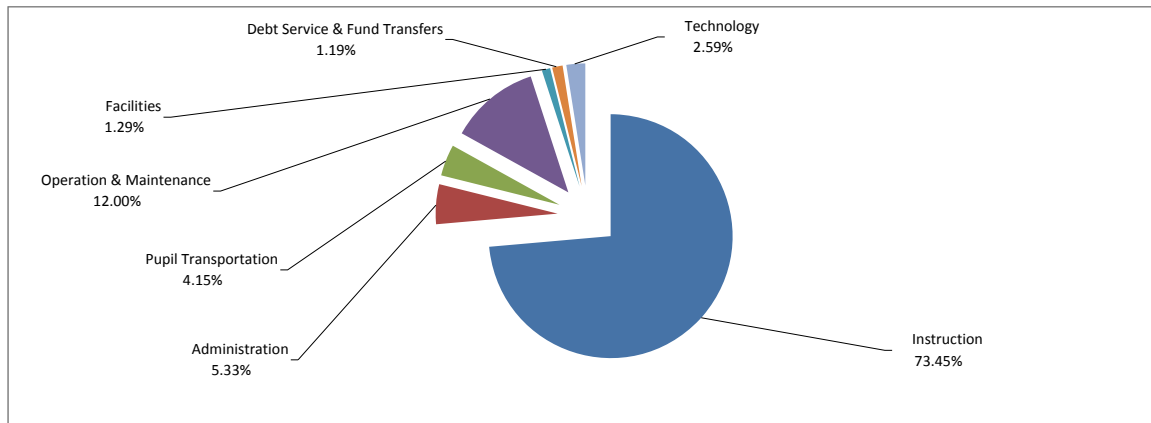
061L

**LYNCHBURG CITY SCHOOLS
FY 2009-2010 OPERATING FUND
EXPENDITURES BY MAJOR CATEGORY**

	2007-2008 Adopted Budget	2007-2008 Actual Expenditures	2008-2009 Adopted Budget	2009-2010 Adopted Budget	2009-2010 Amended Budget	CHANGE	
						Dollar	Percent
INSTRUCTION							
Personnel Services	42,299,869	43,048,827	44,819,469	42,831,751	42,831,751	(1,987,718)	-4.43%
Employee Benefits	14,691,969	14,110,627	14,161,704	15,848,391	15,348,391	1,186,687	8.38%
Purchased Services	2,338,393	2,846,485	1,760,799	1,514,164	1,514,164	(246,635)	-14.01%
Internal Services	213,523	216,927	197,448	164,743	164,743	(32,705)	-16.56%
Other Charges	265,443	677,715	607,657	582,735	582,735	(24,922)	-4.10%
Materials and Supplies	1,205,103	861,603	1,320,654	1,435,860	1,435,860	115,206	8.72%
Debt Service & Fund Transfers	358,297	365,509	890,234	1,514,854	1,514,854	624,620	70.16%
Capital Outlay	329,216	245,245	227,742	167,987	167,987	(59,755)	-26.24%
TOTAL INSTRUCTION	61,701,813	62,372,938	63,985,707	64,060,485	63,560,485	(425,222)	-0.66%
ADMINISTRATION							
Personnel Services	2,656,627	2,669,612	2,891,681	2,851,466	2,851,466	(40,215)	-1.39%
Employee Benefits	952,811	884,567	1,291,521	1,281,021	1,281,021	(10,500)	-0.81%
Purchased Services	291,973	276,005	319,462	255,942	255,942	(63,520)	-19.88%
Internal Services	16,500	10,266	14,700	12,700	12,700	(2,000)	-13.61%
Other Charges	104,675	89,951	101,575	94,575	94,575	(7,000)	-6.89%
Materials and Supplies	117,650	91,107	105,885	102,073	102,073	(3,812)	-3.60%
Capital Outlay	-	-	13,500	13,500	13,500	-	0.00%
TOTAL ADMINISTRATION	4,140,236	4,021,508	4,738,324	4,611,277	4,611,277	(127,047)	-2.68%
PUPIL TRANSPORTATION							
Personnel Services	2,125,757	2,397,561	2,027,854	1,907,854	1,907,854	(120,000)	-5.92%
Employee Benefits	793,538	712,668	631,869	631,869	631,869	-	0.00%
Purchased Services	58,647	18,254	51,147	37,500	37,500	(13,647)	-26.68%
Internal Services	4,000	1,896	4,000	2,000	2,000	(2,000)	-50.00%
Other Charges	581,400	691,452	115,500	115,500	115,500	-	0.00%
Materials and Supplies	813,471	876,390	776,022	881,268	881,268	105,246	13.56%
Capital Outlay	17,000	4,000	592,000	13,000	13,000	(579,000)	-97.80%
TOTAL PUPIL TRANSPORTATION	4,393,813	4,702,221	4,198,392	3,588,991	3,588,991	(609,401)	-14.52%
OPERATION & MAINTENANCE							
Personnel Services	3,432,175	3,774,739	3,625,728	3,255,115	3,255,115	(370,613)	-10.22%
Employee Benefits	1,172,976	1,192,968	1,292,321	1,292,321	1,292,321	-	0.00%
Purchased Services	723,712	858,898	736,320	562,320	562,320	(174,000)	-23.63%
Internal Services	-	-	-	-	-	-	-
Other Charges	3,690,785	2,965,776	3,933,539	4,122,661	4,122,661	189,122	4.81%
Materials and Supplies	1,064,000	1,046,189	1,069,299	991,740	991,740	(77,559)	-7.25%
Capital Outlay	407,865	69,365	192,865	155,865	155,865	(37,000)	-19.18%
TOTAL OPERATION & MAINTENANCE	10,491,513	9,907,935	10,850,072	10,380,022	10,380,022	(470,050)	-4.33%
FACILITIES							
Personnel Services	-	2,271	67,660	67,660	67,660	-	0.00%
Employee Benefits	-	235	5,176	5,176	5,176	-	0.00%
Other Charges	-	34,967	37,000	37,000	37,000	-	0.00%
Capital Outlay	1,177,100	906,476	996,622	956,190	956,190	(40,432)	-4.06%
TOTAL FACILITIES	1,177,100	943,949	1,106,458	1,066,026	1,066,026	(40,432)	-3.65%
DEBT SERVICE & FUND TRANSFERS							
Debt Service & Fund Transfers	873,190	927,900	906,817	1,027,410	1,027,410	120,593	13.30%
TOTAL DEBT SERVICE & FUND TRANSFERS	873,190	927,900	906,817	1,027,410	1,027,410	120,593	13.30%
TECHNOLOGY							
Personnel Services	1,140,694	1,184,203	1,254,124	1,254,124	1,254,124	-	0.00%
Employee Benefits	372,169	373,874	505,315	505,315	505,315	-	0.00%
Purchased Services	223,880	199,365	174,566	104,566	104,566	(70,000)	-40.10%
Internal Services	3,000	2,657	3,000	3,000	3,000	-	0.00%
Other Charges	36,410	40,407	38,550	38,550	38,550	-	0.00%
Materials and Supplies	272,700	295,531	288,141	271,141	271,141	(17,000)	-5.90%
Capital Outlay	460,000	554,118	490,659	65,659	65,659	(425,000)	-86.62%
TOTAL TECHNOLOGY	2,508,853	2,650,155	2,754,355	2,242,355	2,242,355	(512,000)	-18.59%

**LYNCHBURG CITY SCHOOLS
FY 2009-2010 OPERATING FUND
EXPENDITURES BY MAJOR CATEGORY**

	2007-2008 Adopted Budget	2007-2008 Actual Expenditures	2008-2009 Adopted Budget	2009-2010 Adopted Budget	2009-2010 Amended Budget	CHANGE Dollar	Percent
OPERATING FUND							
Personnel Services	51,655,122	53,077,213	54,686,516	52,167,970	52,167,970	(2,518,546)	-4.61%
Employee Benefits	17,983,463	17,274,939	17,887,906	19,564,093	19,064,093	1,176,187	6.58%
Purchased Services	3,636,605	4,199,007	3,042,294	2,474,493	2,474,493	(567,801)	-18.66%
Internal Services	237,023	231,746	219,148	182,443	182,443	(36,705)	-16.75%
Other Charges	4,678,713	4,500,268	4,833,821	4,991,021	4,991,021	157,200	3.25%
Materials and Supplies	3,472,924	3,170,820	3,560,001	3,682,082	3,682,082	122,081	3.43%
Debt Service & Fund Transfers	1,231,487	1,293,409	1,797,051	2,542,264	2,542,264	745,213	41.47%
Capital Outlay	2,391,180	1,779,204	2,513,388	1,372,201	1,372,201	(1,141,187)	-45.40%
TOTAL OPERATING FUND	85,286,517	85,526,606	88,540,127	86,976,567	86,476,567	(2,063,560)	-2.33%



Lynchburg City Schools
FY 2009-2010 Operating Fund Budget

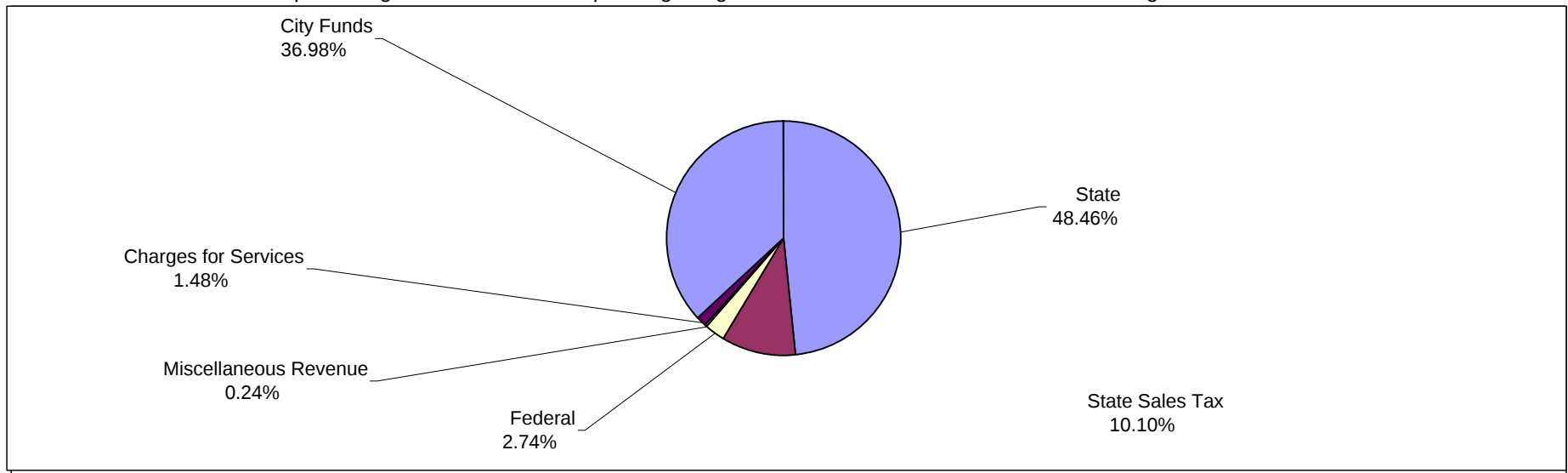
REVENUE SUMMARY

The following table shows how the school division's operating revenue will decrease. Revenue from the Commonwealth of Virginia will be \$1,357,655 less than in FY 2008-2009. The Charges for Services account shows an increase to reflect the non-center based revenue from the LAUREL Regional Program. City's contribution will decrease by \$500,000. All other categories of revenue show level funding, with minor corrections made to Federal and Other Revenue. The net decrease in revenue from FY 2008-2009 to FY 2009-2010 is \$2,063,560.

The 2009-2010 budget is based on Virginia Department of Education projected ADM of 8,130.

REVENUE CATEGORY	2007-08 Adopted Budget	2007-2008 Actual	2008-09 Adopted Budget	2009-10 Adopted Budget	2009-10 Amended Budget	Change Dollar	Percent
State	38,833,970	38,182,336	42,746,562	39,013,024	39,013,024	(3,733,538)	-8.73%
State Sales Tax	9,283,994	8,883,897	9,253,060	8,736,195	8,736,195	(516,865)	-5.59%
Federal Stimulus Funds	-	-	-	2,892,748	2,892,748	2,892,748	0.00%
Total State	48,117,964	47,066,233	51,999,622	50,641,967	50,641,967	(1,357,655)	-2.61%
Federal	2,153,000	2,293,013	2,333,000	2,373,000	2,373,000	40,000	1.71%
Miscellaneous Revenue	125,000	208,542	125,000	210,000	210,000	85,000	68.00%
Charges for Services	606,775	1,380,153	606,775	1,275,870	1,275,870	669,095	110.27%
Use of Money	-	34,279	-	-	-	-	-
Total Other	731,775	1,622,974	731,775	1,485,870	1,485,870	754,095	103.05%
Total Non-City	51,002,739	50,982,220	55,064,397	54,500,837	54,500,837	(563,560)	-1.02%
City Funds	32,567,730	33,070,151	32,442,103	32,442,103	31,942,103	(500,000)	-1.54%
City - School Debt Service	33,627	33,627	33,627	33,627	33,627	-	0.00%
Lease Purchase Proceeds	1,000,000	1,000,000	1,000,000	-	-	(1,000,000)	-100.00%
TOTAL OPERATING BUDGET	84,604,096	85,085,998	88,540,127	86,976,567	86,476,567	(2,063,560)	-2.33%

The chart below illustrates the percentage of FY 2009-2010 operating budget revenue to be received from each funding source:

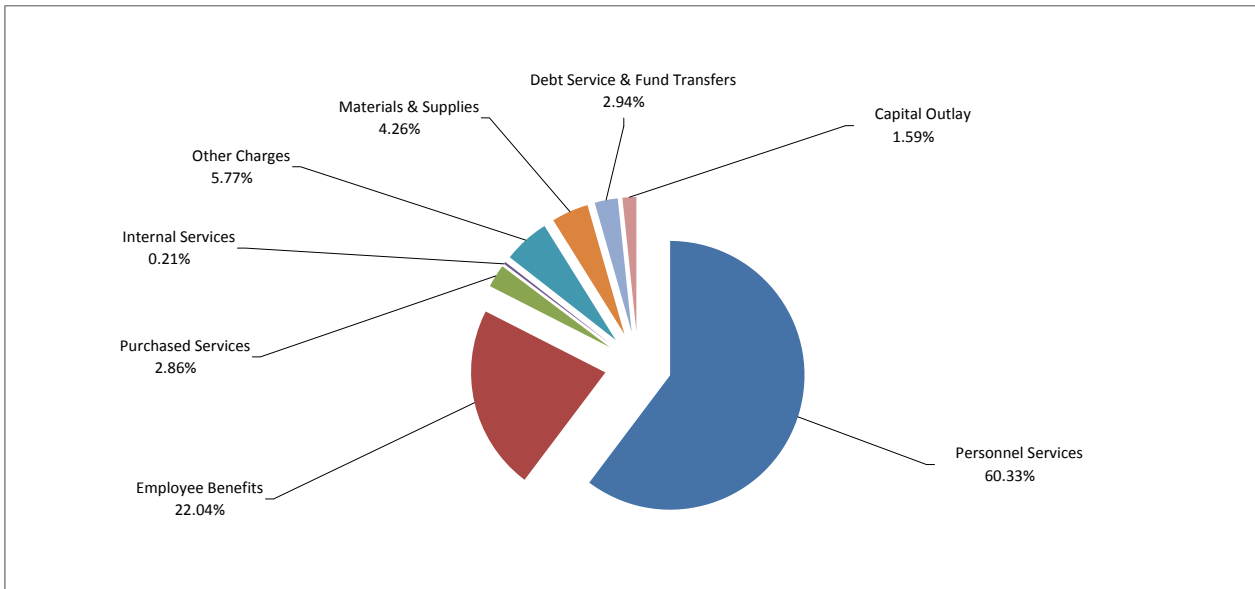


Lynchburg City Schools
FY 2009-2010 Operating Fund Budget
REVENUE SUMMARY

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**LYNCHBURG CITY SCHOOLS
FY 2009-2010 OPERATING FUND BUDGET
EXPENDITURE SUMMARY BY OBJECT CODE**

	<u>2007-2008 Adopted Budget</u>	<u>2007-2008 Actual Expenditures</u>	<u>2008-2009 Adopted Budget</u>	<u>2009-2010 Adopted Budget</u>	<u>2009-2010 Amended Budget</u>	<u>CHANGE BUDGET</u>	<u>%</u>
Total Personnel Services	\$ 51,655,211	53,077,214	\$ 54,686,516	\$ 52,167,970	\$ 52,167,970	\$ (2,518,546)	-4.61 ^d
Total Employee Benefits	\$ 17,983,374	17,274,940	\$ 17,887,907	\$ 19,564,094	\$ 19,064,094	\$ 1,176,187	6.58 ^d
<i>Total Personnel Services & Employee Benefits</i>	<i>\$ 69,638,585</i>	<i>70,352,154</i>	<i>\$ 72,574,423</i>	<i>\$ 71,732,064</i>	<i>\$ 71,232,064</i>	<i>\$ (1,342,359)</i>	<i>-1.85</i>
Total Purchased Services	\$ 3,636,606	4,199,007	\$ 3,042,294	\$ 2,474,492	\$ 2,474,492	\$ (567,802)	-18.66 ^d
Total Internal Services	\$ 237,023	231,774	\$ 219,148	\$ 182,443	\$ 182,443	\$ (36,705)	-16.75 ^d
Total Other Charges	\$ 4,103,713	3,811,221	\$ 4,833,821	\$ 4,991,021	\$ 4,991,021	\$ 157,200	3.25 ^d
Total Materials and Supplies	\$ 3,504,548	3,351,662	\$ 3,560,001	\$ 3,682,082	\$ 3,682,082	\$ 122,081	3.43 ^d
Total Debt Service & Fund Transfers	\$ 1,231,487	1,293,409	\$ 1,797,051	\$ 2,542,264	\$ 2,542,264	\$ 745,213	41.47 ^d
Total Capital Outlay	\$ 2,934,556	2,287,380	\$ 2,513,388	\$ 1,372,201	\$ 1,372,201	\$ (1,141,188)	-45.40 ^d
<i>Total Non-Personnel Accounts</i>	<i>\$ 15,647,933</i>	<i>85,526,606</i>	<i>\$ 15,965,703</i>	<i>\$ 15,244,503</i>	<i>\$ 15,244,503</i>	<i>\$ (721,200)</i>	<i>-4.52</i>
TOTAL OPERATING FUND	\$ 85,286,517	85,526,606	\$ 88,540,127	\$ 86,976,567	\$ 86,476,567	\$ (2,063,560)	-2.33



LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **June 23, 2009**

AGENDA ITEM NO.: 11

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Joint Procurement Activities with City Schools**

RECOMMENDATION: Adopt the attached amendment to the City Code regarding the provision of procurement services to City Schools by the Procurement Office of the City's Department of Financial Services.

SUMMARY: One of the first fruits of discussions between City and Schools staff regarding the consolidation of activities is in the area of procurement. The propose code amendment memorializes that City and Schools procurement activities will be jointly handled out of the Procurement Office in Financial Services. That office will be responsible for issuing bid documents and requests for proposals on behalf of City Schools and managing other aspects of the procurement process under the City Code. In addition, Procurement will be providing training to Schools staff on the State's electronic purchasing program (EVa), seeking economies of scale through the bulk purchase of products used by both entities, sharing preferred vendor and annual contract lists with both organizations, and exploring the consolidation of purchasing cards under one vendor for both organizations.

The School Board is expected to adopt a resolution acknowledging the City's role in Schools' procurement activities at its June 16th meeting.

PRIOR ACTION(S): N/A

FISCAL IMPACT: The position responsible for procurement activities in Schools was eliminated in the FY 2010 Budget. Savings are anticipated through bulk purchases, the use of EVa and other jointly managed activities.

CONTACT(S): Kimball Payne, 455-3990; Donna Witt, 455-3968

ATTACHMENT(S): Proposed amendment to the City Code.

REVIEWED BY: lkp

ORDINANCE

AN ORDINANCE TO AMEND AND REENACT SECTIONS 18.1-1 AND 18.1-13 OF THE CODE OF THE CITY OF LYNCHBURG, 1981, THE AMENDED SECTIONS RELATING TO THE PROCUREMENT OF GOODS AND SERVICES.

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

1. That Sections 18.1-1 and 18.1-13 of the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted as follows:

Sec. 18.1-1. Title, purposes.

(a) This ordinance may be cited as the Lynchburg public procurement code.

(b) The city and the Lynchburg school system agree that the city's procurement division will oversee the procurement of goods and services for the Lynchburg public schools as well as the city. Accordingly, the word "city" when used in the Lynchburg public procurement code shall be construed to also mean the Lynchburg public schools, unless such construction would be inconsistent with the intent or the context of the public procurement code.

~~(b)~~ The purposes of this ordinance are (i) to prescribe how the city is to conduct procurements from nongovernmental sources; (ii) to prescribe policies and procedures based on competitive principles generally applicable to the city's procurement of goods and services that the city adopts as alternatives to certain provisions of the Virginia public procurement act, as allowed by Va. Code § 2.2-4343; and (iii) to adopt and supplement other provisions of the Virginia public procurement act.

Sec. 18.1-13. Delegations of authority and responsibilities.

(a) Subject to the restrictions in Sec. 18.1-13(d) and (e), the city manager is delegated authority to take all actions for the city pursuant to this Lynchburg public procurement code.

(b) Subject to the restrictions in Sec. 18.1-13(c)(d) & (e) and to the procedures adopted by the city manager pursuant to Sec. 18.1-12, the city manager, city attorney, and procurement administrator may delegate any of their duties and authority they have under this Lynchburg public procurement code to other city officials and employees.

(c) The city school superintendent, or his designee, shall have the authority to sign contracts and other documents and to take all actions for the procurement of goods and services for the public schools pursuant to this Lynchburg public procurement code.

~~(e)~~ The following authority may not be delegated:

(1) The authority under Sec. 18.1-3 of the city manager and city attorney to approve procurements from nongovernmental sources when such procurements are to be done other than pursuant to the Lynchburg public procurement code or the Lynchburg PPTA/PPEA procedures.

(2) The city manager's authority to approve binding arbitration pursuant to Sec. 18.1-7(e).

(3) The city manager's authority under Sec. 18.1-10(d) to take final action on a debarment.

(4) The authority given in Sec. 18.1-13(d) to approve payment for changes and claims.

~~(d)~~ Provided that the change or claim will not cause total expenditures for a contract to exceed the amount budgeted for that contract, authority to approve changes and claims is delegated as follows:

(1) The city manager may approve a change or claim that increases the amount of a contract by no more than fifty thousand dollars (\$50,000.00).

(2) The procurement administrator may approve a change or claim that increases the amount of a contract by no more than fifty thousand dollars (\$50,000.00).

(3) The city school superintendent or his designee may approve a change or claim that increases the amount of a contract for the public schools by no more than fifty thousand dollars (\$50,000.00).

~~(34)~~ Any city official or employee to whom the city manager has specifically delegated authority in writing may approve a change or claim that increases the amount of a contract by no more than fifty thousand dollars (\$50,000.00).

~~(e)~~ (f) Approval of changes or claims that increase a contract amount by more than fifty thousand dollars (\$50,000.00) or that will cause total expenditures for a city contract to exceed the amount budgeted for that contract may only be made by the city council. Approval of changes or claims that increase a contract amount by more than fifty thousand dollars (\$50,000.00) or that will cause total expenditures for a public school contract to exceed the amount budgeted for that contract may only be made by the school board.

~~(fg)~~ The city manager may place such conditions and restrictions as he deems appropriate on the exercise of any authority granted to the procurement administrator by this Lynchburg public procurement code and on the exercise of any authority delegated to any city official or employee pursuant to this Lynchburg public procurement code.

~~(gh)~~ Nothing in this Sec. 18.1-13 shall be construed as granting authority to any person to incur any contract obligation on behalf of the city or the city schools beyond appropriations available for that purpose.

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

Adopted:

Certified:

Clerk of Council

062L