// A regular meeting of the Council of the City of Lynchburg was held on the 14th day of May, 2019 at 4:00 P.M. in the Council Chamber, City Hall, Treney Tweedy, President, presiding. The following Members were present:

Present: MaryJane Dolan, Jeff Helgeson, J. Randy Nelson, E. J. Turner Perrow, Sterling A. Wilder, Beau Wright, Treney Tweedy 7

Absent: 0

//In the matter of Public Works regarding the consideration of approving of a letter of support to the Virginia Department of Transportation (VDOT) concerning proposed limited access control changes at the 501 Off Ramp, Timberlake Road and Logan's Lane: Mayor Tweedy remarked that these items went to the Physical Development Committee (PDC) on April 9, 2019. Mr. Lee Newland commented that this area is along U.S. Route 460 in the approximate location of the new exit ramp on Logan's Lane to Timberlake Road. Councilmember Perrow noted that this is an adjustment to the boundary of the areas where driveway entrances or street entrances are allowed to be connected to the expressway. The change on Timberlake Road and Logan's Lane pulls it tighter to the asphalt as opposed to having a big swath of right-of-way that was unavailable for either public or private development. Councilmember Perrow indicated that PDC recommended approval of a letter of support and made that as a motion on behalf of the committee. Councilmember Helgeson asked for clarification about the abandoned areas mentioned in the report (7001 Timberlake Road and the abandoned Route 501 ramp) being able to be developed. Mr. Newland said the residue of 7001 Timberlake Road is approximately 1.8 acres. The right-of-way that can be added to it if we get the limited access changed will be approximately 1.18 acres. Councilmember Helgeson asked Mr. Newland if it was absolutely necessary that the City purchased this property and Mr. Newland said it was necessary. The ramp is where the building on that property was previously located. The motion passed by the following vote:

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

Noes: 0

//In the matter of Public Works - consideration of a letter of support to VDOT concerning proposed limited access control changes for Liberty University access ramps from U.S. Route 460 to Liberty Mountain Drive: Councilmember Perrow remarked this area consists of a roundabout and two tear shaped ramps to the expressway. This line of demarcation hugs the

pavement line pretty closely and stipulates where entrances can be located. Councilmember Perrow indicated that PDC recommended approval of a letter of support and made that as a motion on behalf of the committee. The motion passed by the following vote:

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

//In the matter of City Code regarding consideration of amendments to the City Code related to taxicabs: Mr. John Hughes reminded Council of the timeline of this item to this point. On June 26, 2018 Council received public comment from Dr. John Salmon on code revision. On December 11, 2019, Council received an information presentation on proposed changes to the taxicab code. On January 8, 2019, Council conducted a public hearing. Staff also conducted several meetings with the taxicab company stakeholders. The City Attorney met with the Police Department and there have also been meetings with Dr. John Salmon. Mr. Hughes commented that the City Attorney has worked diligently to provide the proposed revisions before them today. It is staff's recommendation that Council amend the language of the current taxicab ordinance to better accommodate implementation of the MoveUp application and to update outdated code verbiage.

Councilmember Perrow mentioned an email they received from Ms. Kimberly Dyke-Horsley. Councilmember Perrow asked for clarification from Mr. Walter Erwin that the code section had been changed so there could be a taximeter or a handheld device. Mr. Erwin indicated he has not seen the email Councilmember Perrow is referring to but they met with the taxicab operators and they asked staff to change the language in the ordinances before Council today. The taxicab drivers would like to stick with the requirement that a taxicab has to have a taximeter. Councilmember Perrow asked how that relates to private cars for hire. Mr. Erwin indicated Uber and Lyft and other such services do not have to have taximeters; they operate through handheld devices. Mr. Erwin indicated the City Code currently sets forth the taxicab rates and that rate is measured by a taximeter. Mr. Erwin explained that the City Code currently requires that each taxicab has to be equipped with a taximeter. The ordinance before them today (Section 37-105) would say that taxicabs could have a taximeter or an alternative method for setting the rate. The taxicab operators would like the alternative method to be stricken but keep in the language that says you can calculate the rates by either the taximeter or an electronic device.

Councilmember Wright asked Mr. Erwin if this language is adopted, could it be substantiated in a court that a rideshare driver is in fact a taxicab. Mr. Erwin explained that the amendments the General Assembly adopted make it pretty clear that Uber and Lyft are off limits. The City has no control over them. A taxicab driver must apply to the Department of Motor Vehicles (DMV) and meet all its requirements. Then the state code allows localities to regulate taxicabs. The City of Lynchburg requires taxicab operators to register with the Police Department. Uber and Lyft drivers do not have a certificate from DMV.

Councilmember Helgeson asked Mr. Erwin for clarification on the language in Section 37-28 that says "taxicabs operated within the City shall be vehicles that are designed to transport no more than six passengers, excluding the driver." Mr. Erwin stated that language comes from DMV's language. He acknowledged there is a typo that was caught yesterday and the word "six" should not have been stricken through; it should be underlined.

Councilmember Helgeson noted that the language in 37-44 puts the burden of proof on the taxicab operator if he or she refuses to give a ride to someone. The operator can be charged with a misdemeanor and lose their license. The wording puts the burden of proof on the operator to prove he or she is innocent. Mr. Erwin commented that it is the way it is currently set up. Ig someone complains to the City that an operator would not pick them up, the operator has to explain to the City why they refused. This issue was discussed and the taxicab operators did not express any concern with this language. Mr. Erwin indicated that the City might want to repeal that language and get out of the business of investigating complaints. Mr. Erwin thinks the language was originally put in the ordinance to deal with any possible discrimination issues. Councilmember Helgeson would suggest they strike Section 37-44.

Councilmember Nelson commented that he appreciates Councilmember Helgeson's comments. However, the language allows the driver to justify why he or she did not pick up the passenger. He or she just has to articulate the reasons; it does not say they have to prove those reasons. The driver will not be sanctioned unless it is found that the reasons have been fabricated. In answer to a question from Vice Mayor Dolan, Mr. Erwin said this is not an unusual type of provision.

Councilmember Perrow asked Dr. Salmon if it would be detrimental to the work he and others are trying to do if the language regarding handheld devices is stricken from the ordinance.

Councilmember Perrow wants to be sure they are keeping it open to everyone and not blocking anyone. Dr. Salmon explained that rideshare drivers and taxicab drivers are separated by law. Dr. Salmon would like to see Council open the law so that rideshare drivers could become official taxicab drivers. That really scares the taxicab drivers. In his opinion, he thinks they are afraid it will cut into their business. There are a couple of reasons why there will not be hundreds of taxicab drivers. They would have to adhere to whatever qualifications that are set by Council as well as those of the state. The one thing a rideshare driver would not have to have though is a taximeter in order to become a taxicab operator, if Council would add the language that a taxicab driver may use a handheld device to set the rate instead of just a taximeter.

Dr. Salmon indicated he is meeting to build a transportation network with businesses downtown. The business would be able to use the app to subsidize a ride. If Council does not make the adjustments, he cannot put taxis on that system. He is trying to include them in a growing world. Councilmember Perrow feels it is knocking down barriers to get into the business and opening up opportunities. In effect it is deregulating certain segments of this ordinance. Councilmember Perrow also likes that they are striking Section 37-47 which made it illegal for a taxicab to cruise for employment and made it illegal for a person to hail a ride.

Councilmember Wilder asked Mr. Hughes if he feels the concerns of the taxicab drivers have been addressed. Prior to this, there may have been some feeling on their part that they were left out of the conversation. Mr. Hughes thinks the work is still being done at this point; staff wanted to bring this item to them today for Council's discussion. Mr. Erwin reiterated that the taxicab drivers' main issue is with Council removing the provision that a cab must have a taximeter. If Council wants to expand the use of technology, they can eliminate the requirement that a taxicab has to have a taximeter. Councilmember Helgeson would suggest that Council gives its input and allow staff to meet with the taxicab drivers again before making its decision. Mr. Erwin indicated they were not expecting Council to adopt an ordinance today. They wanted to get Council's input on which direction they would like to go and there are typos in the ordinance that staff will fix before it is brought back to Council for approval.

Councilmember Wright noted there is an increased risk for competition if this new language is included. Dr. Salmon said he will build a transportation network regardless of what Council passes because it is needed. The question is whether or not taxicabs are included in that transportation network. Dr. Salmon would like to see them included because they are an

important component of the network. Mayor Tweedy asked for clarification that they can still connect on Dr. Salmon's system with a taximeter. Dr. Salmon said they could do so; he just does not want to see a taxicab driver's only option to be that they must have a taximeter. If a rideshare driver would like to use an electronic device and apply for DMV's taxicab certificate and get the proper insurance, he or she could participate in the transportation network as a taxicab driver as well.

Dr. Salmon mentioned that the rideshare rates are set by Uber or Lyft. He would like to see Council remove the language that it sets the taxicab rates so a taxicab driver can charge more for a late night fare, for instance. He would like to see the taxicab drivers be able to maintain their business but move into the future of technology.

Mayor Tweedy called Ms. Dyke-Horsley up to speak. She indicated she is glad Medicaid is expanding. The Department of Medical Assistance Services (DMAS) offers the option for anyone who qualifies through its agency to be a volunteer driver. There are also six different companies one can drive to assist Medicaid recipients. The taxicab drivers are not concerned with competition; they are concerned with service. They are not interested in rate fluctuation because it does not fit the bill of consistency. She feels as a customer that she is very safe when a car is covered by commercial insurance.

As far as Ms. Dyke-Horsley is aware, none of the local cab companies is interested in participating in the MoveUp app. She thinks there should be a little more time given to changing the current ordinance.

Councilmember Helgeson asked Ms. Dyke-Horsley if there had been any discussion about Section 37-44, which makes it a misdemeanor for a taxicab driver to refuse to pick up a passenger unless he can articulate his or her reasons for doing so. Ms. Dyke-Horsley indicated she likes the language because it makes the driver accountable for why they were not willing to pick up someone.

Councilmember Wilder asked for clarification that none of the taxicab companies would like to participate in the MoveUp app. Ms. Dyke-Horsley said it is her understanding that Allied, Grey Top, Hill City and Yellow Cab all do not wish to participate at this time. Councilmember Wilder is not sure that is the best decision for Council to make but he also does not want to push anything on the cab companies. Councilmember Wright indicated this would not preclude the

app from moving forward but the taxicabs cannot participate without this change to the ordinance.

Councilmember Perrow asked Ms. Dyke-Horsley if she is a driver as well as a passenger. She indicated she has been a driver in the past. Councilmember Perrow asked if the meters are set so the rates cannot be changed. Ms. Dyke-Horsley said that is correct and indicated there are different zones with different rates. The customer wants the rate to be set. Councilmember Perrow asked her if a taxicab company is able to negotiate a contract with an employer such as KDC to provide rides to its employees at a contracted rate. Ms. Dyke-Horsley was not sure how an arrangement like that would be negotiated. Councilmember Perrow said it seems that adding the ability to use a handheld device would open up the ability to have independent or negotiated contracts. If one has to run a taximeter with regulated rates, he is not sure how that would work for a taxicab company. Dr. Salmon assured Council that these types of negotiated contracts are exactly what he is trying to accomplish with his application. The app also allows someone to use electronic funds transfers. Ms. Dyke-Horsley said there are alternate forms of payment that can be used when paying for a taxi ride. The cab driver can also negotiate a rate with a person, for instance, giving five rides a week, but it is still run through the meter.

Councilmember Wilder thought they should focus on the taxicab language and not focus on the app at this time. Councilmember Helgeson agreed with that as well. Councilmember Helgeson would also like them to consider removing Section 37-44 because it puts the burden of proof on the taxicab driver to prove his or her innocence. Mr. Erwin suggested they could remove the language about it being a misdemeanor and leave in the language that the taxicab's certificate to operate could be revoked.

Councilmember Nelson asked Mr. Erwin if a taxicab company wants to rent out a certain number of vehicles in its fleet and enter into a negotiated contract, if they would be able to do so. Mr. Erwin was not sure if that would be possible because City Council sets the rate. He did not feel a taxicab would fall under the City Code that deals with vehicles for hire (such as a rental car or a limousine) because those types of activities are not regulated by the City. In answer to a question from Councilmember Perrow, Mr. Erwin was not sure if DMV would allow a taxicab to also be used as a vehicle for hire and not use its taximeter.

Dr. Salmon indicated that he will not be able to begin to work on issues with commercial insurance for rideshare drivers unless the ordinance is change. He cannot help the taxicab

drivers that have voiced that their insurance is too high if they do not participate in the application. He can help any drivers who have expressed that they would like his help and would like to participate in the application and indicated he is certainly fine if a driver chooses not to participate. Sometimes legislation can send a message and he thinks this will send a message that we are working together and taking control of this situation.

Councilmember Perrow asked Mr. Erwin if two versions of the ordinance (one requiring a taximeter and one without) could be drafted for its May 28th meeting. The drafts will also correct the clerical errors and address Councilmember Helgeson's concern with Section 37-44.

Ms. Dyke-Horsley wished to point out that the taxicab companies keep a phone log of each call and the location where a passenger was picked up and other details. The Lynchburg Police Department has often contacted the cab companies to inquire about those details during various investigations over the years.

Councilmember Helgeson indicated it sounds like they will be creating three "lanes." There is the current Uber or Lyft driver, there is the current taxicab driver. This app would be adding a third "lane", which is extra competition because this is creating a taxicab driver that could do rides a little or a lot.

Mayor Tweedy is not sure where she is not clear one way or the other. She would like the two different options brought back on the 28th for their consideration. There are affordability issues with both "lanes" currently. She thought the third "lane" was opening up the possibility for people that wanted to be a volunteer driver or charge lesser rates than either Uber or Lyft or a taxicab but still have some accountability and the opportunity for people to know they are available. This creates another affordability option which is why it came out of the Poverty to Progress conversation. She does not think anyone wants to hurt business or limit capitalism.

Councilmember Helgeson commented that he has brought up the City not setting the taxicab rates and letting the cab companies set their own prices. Mayor Tweedy remarked that the taxicab companies want the rates to be set by Council. Mr. Erwin indicated that he has been dealing with the taxicab ordinance during his 39 years with the City. The one thing that has always been said by the taxicab companies is that they want the City to set the rates. They do not want unregulated rates because that will lead to price wars. Mr. Erwin clarified for Councilmember Helgeson that the last time Council voted on taxicab rates was in 2008.

The item will be brought back to Council's May 28, 2019 meeting.

//In the matter of Parking, Loading Zone Ordinance Amendments for the Central Business District: Mr. Dave Malewitz commented they amended the language to allow vehicles to occupy a designated parking space for the purpose of loading or unloading if a designated loading zone is not available, as long as the vehicle complies with the posted time limits.

Councilmember Perrow noted that PDC brought this forward as a motion from PDC. Council chose to table it so it could come back at a later date. At this point, he feels that negates the motion from PDC and this item should be considered a standalone item.

Councilmember Nelson indicated that staff sent this language for his review and he made some edits, which were incorporated into what is before them today. He is satisfied the wording addresses his concerns.

Councilmember Wright made a motion to approve the ordinance with the amendments presented today. The motion was seconded by Councilmember Wilder.

Councilmember Helgeson appreciates the change but he thinks the overall element is changing the ability and the way that people load and unload their merchandise and the way they have parked for years. This change is making it more palatable for the streets to change from one-way to two-way traffic. He thinks they will be losing parking spaces and making changes in spite of lots of construction. He does not think now is the time to do it and there will have to be heavy handed enforcement. It will make it not as friendly as it once was downtown.

Councilmember Nelson thinks that if the pilot program shows that changes can and should be made, then it could facilitate two-way traffic. However, we have current problems with loading and unloading that are not acceptable even to one-way traffic. Those problems are complained about all the time. We need to correct the challenges with loading and unloading downtown in any system of travel. Once the pilot program is completed and we look at the metrics, he would like an affirmative, concentrated process of assessment in which Council actively participates. He does not want to see it rubber stamped because there are only a handful of complaints and it seems to be acceptable.

Councilmember Perrow asked staff how we will determine if this pilot program is successful. Dr. Reid Wodicka indicated they will track the number of complaints and the number of parking tickets that are issued. Hard enforcement will probably start June 1 and go through September. Ms. Svrcek indicated they will also be conducting downtown stakeholder outreach efforts to determine the effectiveness of the approach. Councilmember Perrow is trying to figure out some

physical parameters they could use to measure whether or not this is successful. For instance, where are the cars parking that are displaced by the designated loading zones? Dr. Wodicka said he did not have an answer regarding parking but they can work on that in the next couple of weeks. Councilmember Perrow would like some suggestions from Engineering and Parking as far as ways Council can quantify the success of the pilot program. Councilmember Perrow also pointed out that if this pilot program is not successful and the City cannot proceed with two-way traffic, we need to be sure we can roll back to the current ordinance. He does like the increased enforcement. He is prepared to support this through the pilot program but he really wants some good data coming back to them.

Councilmember Wilder noted it is important that we keep the stakeholders invested in this process and appreciated Ms. Svrcek mentioning they would be receiving feedback from them.

Councilmember Helgeson said it will be hard to quantify how a business is affected by the most desirable parking spaces being taken up for loading zone parking. Dr. Wodicka said the qualitative component is very important and they can reevaluate things based on what a business owner says during the pilot program. The spaces can be moved around in order to figure out their best location. Councilmember Helgeson said it is difficult to quantify someone who will not come back downtown because he got a parking ticket.

Councilmember Wilder pointed out some of the loading zones are on time limits and revert back to normal parking spaces at other times. People will need to pay attention and read the signs.

The motion passed by the following vote:

Ayes:	Dolan, Nelson, Perrow, Wilder, Wright, Tweedy	6
Noes:	Helgeson	0

//In the matter of Roll Call, Councilmember Nelson had no items.

Councilmember Perrow had no items.

Councilmember Helgeson commented it was a fabulous Police Week. There was a great service this morning and he would like to thank the officers. It is sad to see two more officers in Virginia that were killed in the line of duty. Councilmember Helgeson also wished to thank Liberty University and Vice President Pence for coming to commencement. It was a great time and a great thing for our City. He appreciated Public Works cleaning up around the area of the campus and thanked Gaynelle Hart for getting the area looking good. Councilmember Helgeson

also brought up an email he received from Rick Read. Mr. Read was unable to get a developer to come to the City because of our sidewalk ordinance. Councilmember Helgeson thinks there is some disparity between when the City makes a developer pay for a sidewalk and when it might cost share with the developer. He would like to consider looking at the sidewalk ordinance and possibly make it more equitable to everyone.

Councilmember Wright also congratulated the Police Department on a terrific event this morning and the LCA choir and the bagpipe players for their contributions.

Councilmember Wilder thanked the Police Department and mentioned the wreath laying ceremony. There are additional events this week where they can show their support for the police. Last week he attended the 27th annual classroom innovation grants award program by the school system. He thinks it always great to see what the local school system is doing and how businesses are supporting the school system with grants.

Vice Mayor Dolan did not have any items.

Mayor Tweedy mentioned that the Fire Recruit Academy graduation that was scheduled to be at Heritage High School on May 28 at 6:00 p.m. has been moved to the Virginian Hotel. Staff is working on having some boxed dinners available for Council as it will be a long evening.

There was a great meeting last night regarding the Tyreeanna/Pleasant Valley plan at Pleasant Valley Baptist Church yesterday. She thanked staff for leading the meeting. Citizens that attended were very responsive and had a lot of thoughts and ideas.

She thanked Police Chief Zuidema for the wonderful program this morning.

She mentioned that with regard to sidewalks, she thought they were supporting legislation that would allow a business that had to put a sidewalk to “nowhere” be allowed to appropriate that money to put sidewalk in an area of the City that needs it. It is good legislation to continue to ask the State about because we are not the only locality that deals with this issue. It is important for residents to understand they can contact their state representatives about this possibility.

Mayor Tweedy was able to participate in the Young Professionals of Central Virginia at a lunch gathering recently at the Lynchburg Business Alliance.

//The meeting was adjourned at 5:42.

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

The following Members were present:

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

Absent: 0

Vice Mayor Dolan gave the Invocation, followed by the Pledge of Allegiance.

// In the matter of Recognitions, Mayor Tweedy called Ms. Francoise Watts forward to introduce Mr. Anthony Fonnesu from Randolph College. He is an intern who will be visiting our Sister City Rueil-Malmaison. Ms. Watts commented that the Sister City Association is very dear to her heart because it is a way to build bridges across cultures. The Association needs the help and support of the City. Mr. Fonnesu expressed his appreciation for the opportunity to intern with Schneider Electric in France. He will also be organizing a Latin American Day for November 2019, as well as a tennis tournament with French tennis players here in Lynchburg. Mayor Tweedy thanked him for traveling on behalf of Randolph College and the Sister City Association. Councilmember Perrow mentioned he was able to travel to Rueil-Malmaison about 15 years ago with the Virginia School of the Arts. The delegation from Rueil-Malmaison was tremendous and treated them so well. He would love to find a way to reciprocate and to strengthen our bond with the Sister City. Ms. Watts mentioned that an invitation has been extended to the Mayor to attend a festival in October.

// Copies of the minutes of the April 16 and April 23, 2019 meetings, having been previously furnished Council, reading was dispensed with, and on motion of Councilmember Wilder, seconded by Vice Mayor Dolan, Council by the following recorded vote approved the minutes:

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

Noes: 0

// In the matter of Public Comment, Mayor Tweedy indicated that staff was able to resolve the citizen's issue and she will not be speaking tonight.

// In the matter of Schools, a public hearing was held regarding City Council Report #9 to receive input from citizens regarding appointments (or reappointments) to vacancies that will exist June 30, 2018, in School Board Districts 1, 2 and 3. Mayor Tweedy read into the record the names of the current School Board members whose terms will expire on June 30th: District 1, Mrs. Susan D. Morrison, who is willing to serve again; District 2, Ms. Charleta F. Mason, willing to serve again; and District 3, Dr. Michael Nilles, willing to serve again. Mayor Foster then read into the record the name of volunteers who have applied to-date to serve on the School Board:

District 1	District 2	District 3
Ms. Cameron C. Howe	Mr. Gary E. Harvey	No current volunteers
Mr. Michael Staton	Mr. Jeffrey W. Horsley	
Andrew E. Taylor	Mr. Rory P. Lee-Washington	
Roy P. Lee-Washington	Ms. Consuela M. Mosley	
	Mr. Joseph D. Tucker	
	Ms. Bethany L. White	
	Ms. Christina M. Wilson	

The following candidates spoke before City Council to communicate their interest and present their credentials and qualifications to serve on the School Board: Ms. Cameron C. Howe, Ms. Susan D. Morrison (current Board Member in District 1), Ms. Charleta F. Mason (current Board Member in District 2), Dr. Michael Nilles (current Board Member in District 3), Mr. Gary E. Harvey, Ms. Nakesha R. Moore, Ms. Consuela M. Mosley, Ms. Bethany L. White and Ms. Christina M. Wilson. Mr. Joseph Tucker was not able to attend the meeting tonight. He sent an email to Council expressing his interest in serving on the board. Two people mentioned that they had forgotten to state their addresses for the record; Mayor Tweedy said they have their applications with their addresses on them. There was no one else present who wished to speak to this item.

Councilmember Perrow mentioned that State Code requires that the names of any candidates need to be read into the record. Mayor Tweedy fulfilled that by reading the names previously. He thanked the candidates that were present to speak and mentioned that it is not necessary for candidates to attend the public hearing and it is no reflection on a candidate if he or she were not able to attend tonight's meeting. It is a significant sacrifice that current members and volunteers are willing to make and he wanted to thank those that attended and spoke. A motion was made by Councilmember Perrow, seconded by Councilmember Nelson to close the nominations and the public hearing for school board candidates. Councilmember Nelson noted that Council is scheduled to go into closed session to discuss this tonight.

Councilmember Helgeson made a friendly amendment to Councilmember Perrow's motion to keep the school board appointments open until the second meeting in May. Historically, we have always keep the nominations open to the second meeting to allow more time to receive names of volunteers. Councilmember Perrow was not opposed to that amendment as long as we

can start the process. Councilmember Nelson was concerned about delaying the process. Council has a number of items on its agenda to consider before June and the window of opportunity is very slight. Mayor Tweedy agreed with Councilmember Nelson because usually the public hearing is kept open because they do not have such a robust slate of candidates. Councilmember Perrow pointed out that the second (Councilmember Nelson) was not willing to accept Councilmember Helgeson's amendment and asked Mr. Erwin for his advice. Mr. Erwin said that a motion, once it is made and seconded, belongs to the body. Two members cannot amend it by a friendly amendment unless the majority of the body consents. Therefore, the original motion is on the floor for a vote.

The motion passed by the following vote:

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

Mayor Tweedy thanked the candidates who came tonight to speak in front of Council. She knows that is not easy to speak before and to be on camera and she appreciates them stepping up and being willing to serve.

// In the matter of Community Development, a public hearing was held regarding City Council Report #10 to receive public input and adopt the Proposed Fiscal Year (FY) 2020 Community Development Block Grant (CDBG) and HOME Programs.

Grants Manager Melva Walker provided a summary of the request of the U.S. Department of Housing and Urban Development (HUD) funds for the CDBG and HOME Programs. At the time of the Community Development Advisory Committee (CDAC)'s meeting on March 20, 2019, the final entitlement allocations for FY2020 had not been received from HUD. City staff received the final entitlement amounts and the committee's recommendations have been revised based on the guidance of CDAC. The CDBG program was reduced by $401. The HOME program was reduced by $45,908. City staff had to make a revision to CDAC's recommendation for the Main Street renewal project. The scope of work planned for the project was determined to be ineligible by HUD staff. The recommended funds for this project were reduced from available reprogrammed funds in FY2020. These funds have been approved by HUD to cover the construction shortfall cost in the FY2019 Diamond Hill and Jefferson Park Neighborhood Centers renovations. At the conclusion of the public hearing, City Council will consider the public comments made tonight, along with the CDAC recommendations. City staff has not

received any verbal or written public comments prior to this meeting. The following individuals spoke regarding the Community Development Block Grant (CDBG) and HOME Programs.

Ms. Denise Crews of Lynchburg Community Action Group (LYNCAG) spoke on behalf of Reverend William Coleman and the Board of Trustees. She thanked CDAC and City staff for their hard work and their recommendation to City Council for continued support for CBDG and HOME funding for FY2020.

Ms. Dawn Fagan, Executive Director of the Lynchburg Redevelopment and Housing Authority (LRHA), thanked the CDAC) and City Council for the opportunity to receive CDBG funding which allows them to continue providing the programs they administer to the citizens of Lynchburg. LRHA submitted three applications this year. They partner with the Central Virginia Continuum of Care to provide Coordinated Homeless Intake and Access (CHIA). They applied for assistance for the Affordable Housing Resource Center, as well as the Vacant Housing Revitalization and Rehabilitation Program.

Mr. Jeff Smith, Executive Director for Rush Lifetime Homes came forward to speak. He commented that since 2010 the HOME program has leveraged over $17 million for Rush Lifetime Homes. He is sure that number is double if you take all their partners and collaborative organizations together that do housing work. Affordable housing is not so much about the housing as it is about the stability of families. He would also like to talk to them about the process of who receives HOME and CDBG funding. This is not a denigration of the CDAC. It is difficult job to read each application. The real process he is concerned about is that years ago the City determined it wanted a housing collaborative. Three members of the Lynchburg Regional Housing Collaborative are speaking tonight. The process for CDBG and HOME is competitive. They cannot collaborate and partner and compete at the same time because it does not work. We need to figure that process out; he thanked them for their work and their support for their organizations.

There was no one else present who wished to speak to this item, and the public hearing was closed.

Mayor Tweedy deferred to Councilmember Nelson, Chair of the CDAC Committee, and Councilmember Wright, who also serves on the CDAC. Councilmember Nelson commented that there was a great deal of collegiality among all the stakeholders and after a lengthy discussion, the committee did reach a consensus on its recommendations. He would recommend

that Council accept the recommendations of the CDAC and made that as a motion. The motion was seconded by Councilmember Wright. Councilmember Nelson noted that there is conflict between the competitiveness to advocate for one's stakeholder group and the inherent collegiality and collaboration that exists between the organizations. He wondered if staff had any thoughts moving forward. That does not affect their decision tonight but he thinks they should be mindful of Mr. Smith's concern.

Councilmember Wilder thanked Ms. Walker and her staff for doing an excellent job every year. These funds are so needed for our community as they help our citizens have a better sense of self-worth and prosperity because they are able to own homes and they get the support they need.

The motion passed by the following vote:

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

// In the matter of Community Development - Zoning Amendments, a public hearing was held regarding City Council Report #11 outlining the petition of The Rebkee Company to rezone approximately ninety-three (0.93) acres located at 1503 Grace Street from B-1, Limited Business District to B-4, Urban Commercial District to allow the use of the property as fifty (50) apartment units. City Planner Tom Martin provided a brief presentation on this item. Mr. Martin noted that the planning commission recommended to City Council approval of the petition. Mr. Justin Fournier with Balzer & Associates also gave a brief presentation on behalf of the petitioner. Ms. Mary White-Smallshaw, the Vice President of the Diamond Hill Historical Foundation spoke and expressed the organization's support of this petition. There were no other speakers in favor or opposition to this matter and the public hearing was closed. Mr. Martin wished to point out that there are some parking spaces that have encroached into the City's right-of-way for years. The petitioner has submitted a vacation of right-of-way request that should come before them next month.

Councilmember Helgeson asked Mr. Martin why the zoning request is for B-4 and not for a residential zoning. Mr. Martin indicated that the minimum lot size and area requirements per unit made it unfeasible to develop these apartments in a B-1 zoning. The lot size also precludes it from being developed as R-3 or R-4. Mr. Martin explained that in the recent rewrite of the Zoning Ordinance, the B-4 district was changed from a Downtown Riverfront district to an

Urban Commercial district. The change was done so that B-4 could be applied to these large historic buildings on smaller lots to facilitate their redevelopment. It is a zone that works easily for these difficult sites. Councilmember Helgeson asked if it could be used a business in the future. Mr. Martin said it could be and the petitioner did not submit proffers to restrict it to residential uses. He has no reason to believe that the petitioner is looking to develop it as commercial. Councilmember Wilder made a motion to approve the petition, which was seconded by Councilmember Perrow. Councilmember Wilder believes the petitioner is continuing to work with the Diamond Hill neighborhood regarding its concerns, which mainly have to do with parking. The neighbors are happy to see the property being developed as it is currently an eyesore in the neighborhood. They would like to see a traffic study of Grace Street at some point in the future, as it has a bad curve and traffic travels very fast through there.

Councilmember Nelson noted that Mr. Martin had alluded to other properties that have been approved for B-4 zoning on Rivermont Avenue. That zoning allows for residential uses and commercial uses on the ground floor. Mr. Martin indicated they are the Jones Memorial Library and the former Virginia School of the Arts. Councilmember Nelson feels this is a very creative approach to this building because it could bring some retail commercial ventures into that main thoroughfare. It is a gateway to Lynchburg and the image this building currently projects is not very positive. He thinks they should support this building being revitalized and becoming an asset rather than a liability in any way they can. We often seek to find a zoning that makes a project financially affordable and he thinks the B-4 zoning does exactly that.

Councilmember Perrow sees B-4 as an urban catchall, urban “funkiness” if it does not quite fit, and we see a lot of that in our urban commercial centers. Underlying, we have a nonconforming B-1 use; by changing it to B-4, it becomes a by-right use that gets it away from a conditional use permit. He thinks that is a good thing. He is glad the petitioner has figured out a way to make it work and he is looking forward to a successful project.

Mayor Tweedy asked if this developer is also developing on Cabell Street. Mr. Fournier indicated yes. She asked what the rates will be and Mr. Fournier said they will be market rate. Mayor Tweedy wanted to get a sense of how many apartments this developer would be doing overall but Mr. Fournier indicated the Cabell Street project is not his. Mayor Tweedy indicated she would like to be informed as to the market ranges of the 1503 Grace Street apartments at some point. Councilmember Wilder commented that he had asked the developer who had

indicated that there will be some one-bedroom units that might be a little more affordable. Mayor Tweedy indicated there have been people expressing concerns about gentrification in current neighborhoods and the blend and mix. We do not currently have anything on the books policy wise to inquire with developers about the affordable housing issue. As we just heard, we are at a deficit. In answer to a question from Mayor Tweedy, Mr. Martin said there will be a petition coming to them for an additional 50 apartment units on Kemper Street. Mayor Tweedy thinks that as a Council they need to talk about whether they price people out of a community. She would like to have conversation brought back from staff on how we look at some of the policies with so many apartments going into neighborhoods. We have to meet and address the affordable housing issue at some point.

Council by the following recorded vote adopted Ordinance #0-19-026, as presented, granting the petition:

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

// In the matter of Community Development - Zoning Amendments, a public hearing was held regarding City Council Report #12 outlining the petition of First Church of Jesus for a conditional use permit at 219 Jackson Street to allow the construction of a fellowship hall and bring the existing church into conformity in an R-3, Medium Density Residential District. City Planner Tom Martin provided a brief presentation on this item. Mr. Martin noted that the planning commission recommended to City Council approval of the petition. Mr. Patrick Proffitt of Hurt & Proffitt also gave a brief presentation on behalf of the petitioner. There were no other speakers in favor or opposition to this matter and the public hearing was closed.

Councilmember Nelson mentioned he had recently represented the church in the acquisition of some of the property involved. His involvement does not rise to the level of a conflict of interest and he believes he can be unbiased in this matter. In answer to a question from Councilmember Wilder, Mr. Martin indicated the church is not increasing its seating, so there is no change in the required parking. Councilmember Wilder is glad to see this church expanding its service. We need as many positive programs for our community as possible and this church has been a long standing staple for such programs, particularly for children, for decades. Councilmember Wright agreed with those comments and said he is excited for the project.

Councilmember Helgeson asked if the church is exempt from putting in a sidewalk because of the size of the addition. Mr. Martin indicated that Jackson Street already has sidewalk. Since Jackson Street has the most traffic, that frontage is used and the church is well below the threshold requirement for building a new sidewalk. On motion of Council Member Wilder, seconded by Council Member Wright, Council by the following recorded vote adopted Ordinance #R-19-031, as presented, granting the petition:

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

// In the matter of Community Development – Zoning Amendments, a public hearing was held regarding City Council Report Item #13 outlining the request of Long Meadows, Inc., to amend the previously approved development proposal and joint development agreement for property located at 3104 and 3035 Fulton Street and 2600 Rainbow Circle, conveyed from the City of Lynchburg to Long Meadows, Inc. City Planner Tom Martin provided a brief presentation on this item. Ms. Amy Seipp of Accupoint Surveying also provided a brief presentation on behalf of the petitioner. There were no other speakers in favor or opposition to this matter and the public hearing was closed.

Councilmember Perrow indicated that PDC reviewed this item in March. Councilmember Perrow requested to see all the history behind this item and it was reviewed again this morning. The information presented in their packet is full and complete. PDC was able to see how this request relates to the original intent of Council. Council sold these lots at a reduced value with a promise of increased revenue over time and a development. Councilmember Perrow was concerned about the reduction in the number of lots. The original assessed value of the development was supposed to be $7 million; it will now be $8 million that will yield $88,000 in additional tax revenue annually. In his opinion, the development agreement as it stands now is consistent with the development agreement that Council proposed in 2008. The City would participate in extending a waterline and improving the road and participate 50/50 in the development of sidewalk. The developer is also proposing a connector street at no cost to the City that will connect to Forest Hills Circle. That will make two connections to Old Forest Road as opposed to one connection. After the review of all this information, the PDC recommended approval and Councilmember Perrow made that motion on behalf of PDC.

Councilmember Nelson mentioned he represented Long Meadows, Inc., decades ago in a development in another part of the City. His involvement does not rise to the level of a conflict of interest and he believes he can be unbiased in this matter. Also, his father owns some property downstream from this property and it sustained several hundred thousand dollars in damage from another development in this watershed. His general orientation would be opposed to any further development in the watershed but based on these plans and what he knows to be the nature of this property, if it were to be approved, it would address the issues. Councilmember Nelson said he can be objective about this petition.

Councilmember Wilder indicated that PDC has properly vetted this project. He is thankful to see some individual residential units coming to this area instead of people going outside of our area for new homes.

Councilmember Helgeson commented that he was the only councilmember that voted against the original agreement. The reason he voted against it was that they said they needed to sell this property at a reduced rate so the developer could build right away. Ten years later it is finally getting done. When you have to hurry up and do something, you usually do not have a good result. In his opinion, they are still hurrying up to give preferential treatment because the agreement says "expedited review." Mr. Martin said it may say that but he thinks City staff makes the same level of effort on every review project. Councilmember Helgeson pointed out that the cost of the waterline and road will cost more now than ten years ago. Mr. Lee Newland, the City Engineer, indicated that some of the costs have had to be adjusted because of increased constructions costs.

Councilmember Perrow said this is the reason he scrutinized this very carefully. The City is getting a 14 percent increase in revenue. He would consider it the same that came to Council in 2008/2009 except that the property is already sold. We made the commitment and he would like to see them get the revenue. Councilmember Helgeson asked if they have to do the same things they agreed to in 2008 and Councilmember Perrow said they have been modified slightly but substantially it is the same agreement. He acknowledged Councilmember Helgeson's point that if they were looking at a brand new agreement today, he thinks they would be looking at different terms.

Councilmember Wilder agreed with Councilmember Helgeson's point but he thinks they need to see how the City can thrive and grow. He thinks it is up to them to facilitate the

development of new housing so that people do not locate elsewhere. He is happy to see a new development and some more taxes coming into the City.

Mayor Tweedy mentioned that she and some others went to the local realtor association breakfast recently. There was an economist there to speak and he said Lynchburg would be a very desirable destination to move to if we had more single-family homes in the $100,000 to $200,000 range. The motion to pass Resolution #R-19-033 passed by the following vote:

Ayes:	Dolan, Nelson, Perrow, Wilder, Wright, Tweedy	6
Noes:	Helgeson	1

// In the matter of Community Development – Street Vacation, a public hearing was held outlining the petition of Long Meadows, Inc., to vacate a portion of right-of-way known as Rainbow Circle, located off Fulton Street. The area proposed for vacation is vacant/unimproved, and contains five-hundred and four thousandths (0.504) of an acre. Planner Victoria Glasgow gave a brief presentation on this item. Ms. Amy Seipp of Accupoint Surveying also provided a brief presentation on behalf of the petitioner. There were no other speakers in favor or opposition to this matter and the public hearing was closed.

Councilmember Nelson mentioned he represented Long Meadows, Inc., decades ago in a development in another part of the City. His involvement does not rise to the level of a conflict of interest and he believes he can be unbiased in this matter.

Councilmember Perrow indicated this item came before PDC and it is obviously tied to the prior item. He congratulated Ms. Glasgow on her six month anniversary with the City and her well done second proposal to Council. On behalf of the PDC, Councilmember Perrow moved to accept #O-19-027. Councilmember Helgeson asked staff if they had received consent to this street vacation from the adjoining property owners. Ms. Glasgow indicated there was one adjoining property, Ms. Georgia Stern, that needed to consent to the street vacation and her signature is on the application. The motion passed by the following vote:

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

// In the matter of Public Works, a public hearing was held outlining the request to grant a Licensee Agreement to Shentel Communications, LLC to install fiber optic cable and conduit in City-owned public right-of-way throughout the City and to maintain and operate installations under the license agreement. City Engineer Lee Newland gave a brief presentation on this item.

There was no one to present a presentation on behalf of the petitioner. There were no other speakers in favor or opposition to this matter and the public hearing was closed.

Councilmember Perrow made a motion on behalf of the PDC, which reviewed the item on April 9, 2019, to adopt #R-19-032. The motion passed by the following vote:

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

// In the matter of Zoning Amendments – Short Term Rentals, a public hearing was conducted regarding the following proposed amendments: Public hearing to consider amending Zoning Ordinance Section 35.2-113 Definitions by adding "Short Term Rental" defined as the accessory, primary or secondary use of a residential dwelling unit or a portion thereof by a host to provide room or space that is intended to be occupied for a period of fewer than thirty (30) days, adding Section 35.2-71.16 Short Term Rental which would set development standards for short term rentals by requiring an annual registration and fee of $150, set a penalty of $500 for failure to register a short term rental, limit the number of occupants in a short term rental to no more than four (4) unrelated individuals, require one (1) additional parking space per short term rental in all districts except the B-4, Urban Commercial District, require short term rentals to comply with requirements of the Uniform Statewide Building Code, require properties used as short term rental within the R-C, Conservation District, R-1, Low Density Residential District and R-2, Low-Medium Density Residential District to be owner occupied and retain the appearance of a single-house hold residence, provide that three (3) violations within a two-year period relating to the use of a property for short term rental shall result in the city revoking approval for a property to be used as a short term rental and to amend the authorized uses of Section 35.2-40, Conservation District (R-C), Section 35.2-41, Low Density Residential Districts (R-1), Section 35.2-42, Low-Medium Density Residential Districts (R-2), Section 35.2-43, Medium Density Residential Districts (R-3), Section 35.2-44, High Density Residential Districts (R-4), Section 35.2-45, Limited Business Districts (B-1), Section 35-2-46, Community Business Districts (B-3), Section 35.2-47, Urban Commercial Districts (B-4), Section 35.2-48, General Business Districts, Section 35.2-50, Institutional District 2 (IN-2) and Appendix A: Table of Authorized Land Uses to allow Short Term Rentals as a use permitted by right.

Community Development Director Kent White gave a presentation summarizing the results of several meetings conducted by the Planning Commission, as well as staff's extensive research

on the subject of short term rentals. Mayor Tweedy asked for anyone who wished to make a presentation or speak in favor of the ordinance amendments. No one came forward. Mayor Tweedy asked for anyone who wished to speak in opposition. Mr. Chris Feraldi of the Lynchburg Regional Business Alliance came forward to speak. He explained that the alliance would prefer not to say they are opposed to the ordinance amendments. It would like to continue the conversation and craft policies that are really well thought out and bring both those in favor and those trying to protect their neighborhoods to the table. He mentioned Senate Bill 416 from the 2016 session established that localities should have some form of registry for short term rentals. That legislation does not list certain policy proposals that the City is considering and the City may be overstepping the bounds that the General Assembly put forward. Mr. Feraldi mentioned there may be unintended consequences if these amendments are adopted. He gave an example of a company that does corporate short term rentals. Most of them are at around 30 days and each one would have to be registered. It would greatly hinder this person's business model. He presented letter to Council from the Government Relations Committee, which thoroughly reviewed and discussed the proposal.

Mr. Jason Phelps spoke in opposition to the amendments. Mr. Phelps does not think the $150 registration fee is reasonable. He disagrees with staff's projections for expected revenues because there was a spike in short term rentals due to graduations, as well as the fact that not everyone will comply with the registration requirement. In addition, state code exempts realtors and realtors' clients from being required to register. He also thinks there may be some data privacy issues with the City giving information to a third party host compliance service. He is also not sure it is legal for the City to use registration fees for anything other than establishing and maintaining its registry. Using a third party agency to monitor the short term rentals may not fall under that interpretation. Mr. Phelps agrees with Mr. Feraldi that Council should step back and get more input from all stakeholders.

Mr. Pat O'Hara spoke in opposition to the amendments in particular the $150 registration fee. He and other hosts are concerned with providing a quality service and it is self regulated by reviews. Short term rentals promote tourism and bring money to the City from people patronizing the local businesses and restaurants. Mr. O'Hara feels he and his wife pay enough taxes to the City and paying more taxes in the form of a registration fee is unsettling to them.

This ordinance may seek to protect single-family neighborhoods but will also target single-family households that are trying to support themselves.

Mr. Mike Hagan came forward to speak. He feels the registration fee is unreasonable because people that have short term rentals have improved their properties and added to the City's tax base. He would encourage them to work toward higher property values and not a short term, largely unenforceable fee. They host a lot of traveling nurses and he wonders if they would still accept their assignments if they had to pay more for their lodging or travel from further away because a hotel was too expensive.

Mr. Karl Miller came forward to speak. He thinks it is a myth that short term rentals that are not owner occupied somehow destabilize a neighborhood. In his opinion, that is unfounded because the properties have been renovated and are well maintained. People are likely to have more problems with long term rentals than short term rentals. There is nothing in this proposed ordinance that would address the minute number of complaints the City received last year. He thinks this legislation may be based on fear, which usually brings bad legislation. He would also encourage them to do further study before making a decision.

Ms. April Tucker came forward to speak. She presented a petition to Council signed by 35 of the 42 neighbors in her R-1 neighborhood. She does not think the proposal recommended by the Planning Commission adequately addresses the rights of existing homeowners. Her concerns center on property value degradation, invasion of privacy, quality of life issues, unfair advantage in tax treatment and loss of revenue from business income and safety, including the inability to be able to monitor potential registered criminals, neighborhood targeting for criminal activity, lack of background checks and validation on short term renters, traffic incidents, damage to personal property and safety of children. She and the people that signed the petition would like Council to prohibit any short term rentals in R-1 and R-2 neighborhoods. She would like them to consider the needs of current citizens above tourists.

Mr. Steven Dudley came forward to speak. He mentioned that Airbnb does do background checks, as well as removes hosts from the platform and puts them on probation for bad reviews.

There was no one else that wished to speak in opposition to the ordinance amendments and Mayor Tweedy closed the public hearing.

Councilmember Perrow commented that he did not know his neighbor Mr. Hagen did short term rental. During the tornado last year, Mr. Hagen's house was heavily damaged and there

was a short term renter staying there. Immediately, a neighbor of Mr. Hagen offered to put up the short term renter in his home. Councilmember Perrow would agree that the short term rental market is a community and it is about hospitality. He has no problem with someone renting out a single house or an owner occupied house. In fact, he has no problem with someone renting out their entire house and getting out of town during graduation. He has used Airbnb once and it worked out well. As a side note, he is not sure how many types of trips a person would take where there are three or less unrelated people occupying a unit. He and four friend went to play golf and he thinks those sorts of things should be allowed. What he is concerned about is the influx of business into our neighborhoods. He does not know where that threshold is and he is trying to get his around it. He is probably going to err on the side of deregulation and liberty on this but he needs to understand it a little bit more. He would like staff to find out when the last time City Council considered a conditional use permit for a bed and breakfast. He would suspect most of the bed and breakfasts in the City are now operating as Airbnb so they might want to consider deregulating those as well. Councilmember Perrow would suggest they schedule this issue for a work session.

Councilmember Helgeson said that is a good idea. He mentioned that there was a house that the City used to receive a lot of complaints about the grass not being mowed and it was at 216 Norwood Street. There are no longer any complaints on this house. It was assessed in 2017 for $22,000. It is now assessed at $227,000. A house just sold down the street and he would have loved for the same owner to be able to do what she did there as she did at 216 Norwood Street and we would be better as a City. (Mr. Helgeson mentioned the name Ms. Corbett.) He realizes there are some complaints such as in Bethel Park but he wonders how we can unleash this and get more of this. We will have more money and we will have a thriving City. He knows there are a lot of things to discuss but let's keep at the front of our minds how can we use this to make Lynchburg a better place to live, work and play?

Councilmember Nelson said he has some broad thoughts and some specific thoughts. He appreciates the Planning Commission and staff's hard work listening to a lot of people and trying to get this right. He has some fundamental principles he tries to adhere to in every decision. One is that this country is built on individual rights and one of those is to use property without undue government regulation or restriction. If it is going to restrict a right, the government needs to have a very articulated justification for the denial of that right because it is for the general

public good, some compelling state interest. If we do have a law that restricts or imposes a burden or gives a benefit, that burden or benefit should be equally enjoyed by everyone and we should not discriminate between who gets and who does not get it. When he looks at this ordinance, he sees a couple of things that run counter to those principles. The Planning Commission was not unanimous on whether or not a short term rental should be owner occupied and what that means. If we look at our own Zoning Ordinance, the definition of an owner is "any person with fee simple title." A person is defined as "a natural person or a corporation or a company or an association or a partnership." How does an owner that is a corporation occupy a residence? This definition leaves it up to interpretation and that definition bothers him. In his opinion, that is an enforcement problem. They may need a different definition of owner for the short term rentals even if it may have a different meaning as generally defined in the City Code.

The other issue that was not unanimously agreed upon by the Planning Commission was the number of unrelated persons that could occupy a short term rental. Everywhere else in the Zoning Ordinance, we say no more than three unrelated individuals may occupy a unit. If we are going to say it can be up to four unrelated individuals in a short term rental, he would like to have, as an attorney and lawmaker, a reasonable articulation as to the differentiation. It cannot be arbitrary or this ordinance may be subject to future litigation.

Councilmember Nelson feels Mr. Feraldi on behalf of the Alliance has articulated some points that have a lot of merit. He is not sure how much of consideration that was given by the Planning Commission and he would like to evaluate some of those points. In addition, the hotel/motel industry was not really in this conversation and they have some rules that apply to them as far as collecting lodging tax that the short term rentals do not have to abide by. That is not equal protection, in his opinion. Collection of taxes is not the same as verification. There are instances where we rely on self reporting with regard to rental receipts. We rely on business equipment disclosures for valuations and that is self reporting. He does not think it is a good argument that a person might not want to report and wants to go under the radar. We impose speed limits and not every person abides by them nor can we enforce them every time. You can have a law to promote a public purpose without having someone vehemently ensuring that it is enforced.

In addition, this ordinance does not have the exception for the infrequent occurrence such as someone renting out their home for a special event like they have for bake sales and yard sales.

When it does not happen that often and is incidental, he thinks the ordinance needs to allow for those special events. Our citizens should not have to comply with a registration fee if they only rent out their home a few days a year. He wanted to make some comments because he does not it appear that they are just "kicking this can down the road." There are real legitimate reasons to look at it more carefully at a work session.

Councilmember Wright acknowledged this is a complicated issue and one we are not going to resolve tonight. It merits more conversation among themselves and in the community. He thanked the people that came to speak tonight.

Councilmember Wilder thanked staff for their work and indicated he would like more time to study this personally.

Vice Mayor Dolan appreciated Councilmember Nelson's comments and it changed what she was originally going to say. She does not think they are informed enough to make any decision. She appreciated Councilmember Helgeson's comments but she is getting calls from neighborhoods where restorations are not needed and she sympathizes with Ms. Tucker's comments about her neighborhood. Vice Mayor Dolan got calls all weekend from neighbors about a home in her neighborhood where the owners have moved out. It was rented out this weekend as a short term rental and she received complaints about six to eight cars being parked at the house. There are areas in the City where we need to consider whether we are doing right by all parties.

Mayor Tweedy has concerns for all the reasons that have been stated tonight as well as emails she has received and conversations she has had over the past few months. In other cities that are tourist destinations entire blocks have become short term rentals. She does not think that bodes well for neighborhoods. One does not want to inhibit entrepreneurs and those that need to supplement their income but what is the maximum number there should be in a neighborhood. It is a complicated issue and she is for delaying the conversation. She wants people to understand there are legitimate concerns from people that do not want to see a residential neighborhood turned into a commercial area. She pointed out that if someone can buy an inexpensive home and flip it for a commercial use, then you essentially have neighborhoods that are inequitable. If we do not create a balance, then you have the less affluent areas that become short term rentals all over the neighborhoods. The character of the neighborhood would change as well.

After some discussion and consulting with various Councilmembers' schedule, Ms. Svrcek suggested placing it on the August 13, 2019 calendar. That is the next time that all Councilmembers will be present.

Councilmember Helgeson asked for clarification from Mr. Martin that B-4 zoning is exempt from parking requirements. He is asking that because they just approved 50 apartment units for B-4 zoning and those could all be turned into short term rentals. Mr. Martin said B-4 zoning is exempt from parking requirements and those 50 units could very well be turned into short term rentals.

Councilmember Wright agreed there is no rush to make a decision on these changes, however, there are people operating their businesses and they need clarity. Councilmember Perrow noted that whatever they enact, they will have to grandfather in the short term rentals for a period of maybe a year because people may have bookings out that far in advance.

// In the matter of City Code, consideration of amending Section 35-2.1 of the City Code so it will apply to buildings that were constructed after September 13, 1977: This item is coming before them at the request of a property owner in Wyndhurst. A survey showed that a few inches of the building were encroaching in the City's right-of-way. This issue has to be resolved before the sale to take place. State code allows a locality to adopt an ordinance that allows encroachments as long as it does not obstruct the public's right to use the right-of-way or constitute a safety hazard. City Council adopted such an ordinance in 1977; this one would allow it to apply to buildings constructed after 1977.

Councilmember Nelson noted that if the date the building was constructed is no longer an issue it becomes subjective as to whether or not the building is creating any issues. He is wondering who will make that determination. Mr. Erwin said that would be the responsibility of the Public Works department. Mr. Erwin said this usually comes about through a contact to him from a realtor or an attorney. He would have Public Works verify that there is no problem with the encroachment and Mr. Erwin would send a letter back to the person citing the state code section and letting them know that the City has no issue with the encroachment. Councilmember Nelson wondered if the letter can be recorded so there is no issue with the title in the future. Mr. Erwin said there has never been an issue and no one has ever recorded the letter because frankly, Council could repeal this ordinance at any time and all encroachments would be invalid. He is not sure we would want anyone to record something in the land records that gives the

impression that this is okay forever. Councilmember Nelson acknowledged he understood Mr. Erwin's explanation.

Councilmember Perrow said this item was addressed by the PDC. This is a bit of housekeeping and cleanup and Mr. Erwin explained it very well. Councilmember Perrow made a motion on behalf of the PDC to accept #O-19-044. The motion passed by the following vote:

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

// In the matter of FY2020 Budget/CIP/City Code, City Council Report #18A was considered to adopt the FY2020 General Fund Operating Budget (excluding External Service Providers and Component Units expenditures) and appropriating $194,643,036 for this budget. Councilmember Wright, seconded by Councilmember Nelson, made a motion to introduce and lay over to a later meeting for final action Resolution #R-19-035, as presented, adopting the FY 2020 General Fund Operating Budget (excluding External Service Providers and Component Units expenditures) and appropriating $194,643,036 for this budget.

Councilmember Helgeson commented that a minority of Councilmembers suggested we live within our means and not raise taxes. The majority of Councilmembers said they wanted to see where we could cut so that we did not have to raise the entire amount of taxes. But in the last several weeks, all the money got spent. He suggested they not raise the taxes on our citizens. Some people would say it is fine to raise taxes because we have such great need but this budget grew by eight percent from last year. He does not think we needed the entire $3.4 million in additional taxes on top of that to spend. The number one priority of government is to make citizens safe. If this budget made sure that there is something for all, maybe people would say that is fine. This budget raised taxes but did nothing to help recruit and keep our firefighters, police and emergency medical personnel. This budget chose, instead of focusing on real critical issues, to spend $10 million sidewalk, $4 million on a streetscape beautification project, $1.6 million more than required from last year to the school system with a declining enrollment of 2.3 percent. It took $300,000 to change the traffic flow downtown and gave $1.3 million more to all our City employees rather than focusing on where the salary study said there are needs. All the reserves from last year were spent and the reserves from this year as well. There are still 2.7 miles of our trails that will be closed until the year 2023. This was a reassessment year and if we were going to do anything for public safety, this was the year we could have done it. We will not

have that next year nor will we have the revenue from LCS Communications. He thinks they need to rein in spending so that we do not have people leaving the City. He hopes in the future they will look at building reserves, not taxing our citizens more and cutting spending. He is very disappointed in this budget. He fears for the safety of our citizens because our public safety employees are leaving and it is hard to recruit.

Councilmember Wilder appreciates this budget because it gives them a livable community. He is not saying spend all the money and he realizes they need to balance things. He is not saying spend it all but he wants to have great schools and a great downtown. If we had all said no to that, our downtown would be dead. The things they have spent money on make it more attractive for people to want to come to this community and want to live here. He is so thankful that we have said yes to things and we have grown and we have different problems now because of the growth we have in our community.

Councilmember Perrow is concerned that our City is living in the now and now thinking about where we need to be in the future. The growth in downtown and the population is fantastic but we have a daily risk of people not wanting to live in our City because of our tax rates. He like the amenities but not everyone has the same value proposition. He said we are in a rate rising environment with a significant debt load. At the time when our debt service starts increasing at a rate that is greater than our growth and revenues, we are going to have a problem. We can earn lower rates through a AAA bond rating, which we are very close to achieving. He was disappointed when we decided to fund the bare minimum in our fund balance. When our line of credit hits a certain amount, it will be converted to permanent debt for 20 years. The better interest rate we have the better off we are going to be.

Councilmember Wright will support this budget because it is a balanced budget and a common sense budget and we did not have to adjust our tax rates to do it. He thinks the budget priorities say we care our present and our future as well. It bolsters schools, improves our economy and strengthens our neighborhoods. It is not a perfect budget and if they had all year to discuss it page by page, they might be able to make more thoughtful decisions but that is just not the reality. He thinks it is a really strong budget that is really good for our City.

He noted that there has been a lot of conversation about public safety and how we are prioritizing other needs over public safety. He would suggest that the members of Council who feel that way to propose a plan. You (looking at Councilmember Helgeson) are using it as a

political chip and suggesting that others on Council do not care about public safety just as much as you do. He would like Councilmember Helgeson to tell them what he wants and they have a conversation Councilmember Wright would welcome. He thinks they need to stop playing political gamesmanship on this issue.

Councilmember Helgeson said he had suggested not spending the additional $1.6 million on schools and to use half of that to hire seven more police officers and add a medic unit. In addition, instead of $1.3 million wage increase that goes to everyone, he suggested that they focus on those that are actually doing the work such as police, fire and the trash collectors. Councilmember Helgeson said it was not just political gamesmanship or rhetoric. He has been saying it all along and he has reiterated it now. He also did not say that Councilmember Wright did not care about public safety. He voiced that we needed to prioritize and made it clear how we could pay for the public safety items.

Councilmember Nelson agreed that Councilmember Helgeson did very specifically offer solutions. He is disappointed we spent our fund reserve above the ten percent self imposed limitation. However, since it is so miniscule in the whole budget, he is going to support this resolution.

Vice Mayor Dolan said she is supporting the budget because she thinks it is the right thing for our City.

Councilmember Helgeson asked for clarification from Ms. Donna Witt because he thought it had been proposed to keep the fund balance at 10.4 percent. Then 0.2 percent was used and now the line item in the budget says 10 percent. Ms. Witt said the decision was made by Council to use the first 0.2 percent to help balance the revenue adjustments and the staff adjustments and then the sheriff's two positions and the TDO money and the temporary hours. Ms. Svrcek said when all was said and done, Council agreed as a majority to use the entire 0.4 percent above the 10 percent policy to balance all of the items that it wanted to fund in the budget leaving roughly $30,000 over the 10 percent.

Mayor Tweedy said she will be supporting this budget. She thinks that it is abhorrent that Councilmembers and folks pick and choose arguments and political points when it is advantageous or suitable to them. She believes that when we talk about the AAA bond rating, it is always very convenient that we talk about the ten percent and the balance that we need to maintain. However, we never talk about the fact that the bond agencies also said we need to

increase the wealth in our community, meaning our median income. She wants people to understand that when we talk about this information, all Councilmembers sit in on the same meetings and are given the same information. But we tend to pick and choose only points to our constituents and/or our points to be made. She likes to bring forth all the information and people can judge for themselves. She thinks when we pick and choose information brought to them by the bond agency, she thinks it is misinformation to the community and it is really undermining to the community. When you don't give it all, she thinks it gives a misrepresentation and misinformation that maybe we are not all sitting in the same information sessions. To increase our bond rating, it is not one point over another; it is a combination of different things they told us we need to do.

She thinks they limit the conversation when we do not ask all our residents and she is going to jokingly say "what have you done for me lately?" She has to ask our community to take a look around our entire City and expand the conversation beyond just downtown. Let's expand the conversation beyond just a sidewalk approved in this budget. Let's all look at our own neighborhoods because she thinks we are owe a conversation to the entire community to look at the infrastructure investments that are being made throughout the City. We are investing in certain areas but we also have a Fort Hill and a Midtown and areas in our urban core that have to ask where are the investments being made? We have potholes and crumbling sidewalks all over this City. She thinks they have to ask each ward and each at-large member "what are you doing for us?" because she lives in a neighborhood that does not have City sewage. Previous Councils wrote checks to areas that were annexed and said we are not going to cash them. We are not going to give lights, sewage or sidewalks to you but everyone pays the same taxes. She thinks we have a lot of inequity across this City. Instead of working out a plan for these communities, we have said we are not going to do it.

She wants people to know that she supports public safety but when we mention people leaving, we do not mention that eleven were let go because of bad behavior. She thinks we need to go through a very factual conversation based on all the data that is released to the public and not just make politically suitable arguments because it sounds good and we have a limited audience who may not want to hear but one or two people are saying. She thinks people need to ask bigger and broader questions of the people that represent you.

She noted that during the housing crisis of 2008 and 2009, Lynchburg was growing. She is

studying it and the economists and reports say it. We grew and people do not necessarily understand why. She would like to think it is because we did not sacrifice always saying and/or not investing at crucial times when we needed to invest for the future of Lynchburg.

She challenges people to put better plans together, to put better arguments together and to put it in a way that benefits the people we represent. She does not think that is anyone up here that would not agree to agree when all is reasonable and rational. But when you misinform and misalign the information and/or outright give incorrect information, which she has heard in numerous arguments, she thinks you undermine the public's intelligence to realize the type of community they themselves even want to live in. So when we narrow the budget down to a sidewalk here, education there, in the future we need educated citizens that contribute to the economy and buy homes. In the future, we may need sidewalks in other communities but we've always said no. When something is said no to in this community, it can also be said no to in others. It is easy to say no when we are not giving all the community. She wants an informed community and to understand the big picture and she thinks everyone up here knows that when you make public investment, private investment follows. She does not see any communities where that is not successful. To say that we are going to narrow the focus here because we only want certain ideologies and certain viewpoints to be the narrative is a very detrimental opinion and thought to this City. We would not have access if people did not make great decisions 20 years ago that were sometimes about risk and sometimes about change. She would agree the coffers look pretty good because of those decisions.

Councilmember Perrow commented that this is the lowest point he has seen this Council hit. He has never been so disappointed in a group of people sitting up here. We are the most close minded group he has been associated with. The decisions that have been made that have benefited the City so much were decisions made four years ago. The decisions we are making tonight and the decisions made last year may or may not benefit the City. They may be detrimental to the City in the next two to four years. He has never met such a close minded group that is opposed to listening to differing opinions. Each person's opinion up here has been validated by the voters of their respective ward or at large and those opinions need to be respected. To disrespect that is unfathomable and unconscionable and he is very frustrated by it.

Mayor Tweedy shares in his frustration because she is at least doing it from this dais on video as opposed to going on the radio shows tomorrow morning and other things. She is very

disappointed that Councilmembers would not talk to people directly rather than to plot, plan and be divisive on public radio. She shares his frustration but also shares this opportunity to say what needs to be said. She represents people all over the community and we all worked to get here. No opinion is any less valued than the other but she does not stand as the mayor to have people talk about Councilmembers, to have people threaten Councilmembers and to have people undermine and talk about the constituents which she represents. You cannot like her opinion or disagree with it but she is going to share it because no constituent has any more value than another.

Councilmember Helgeson says he always brings up facts and his facts are usually accurate. Hopefully, she was not referring to him when she mentioned inaccuracies. He looks at other localities and how we want to increase wealth asks how we do we increase our wealth. A lot of times it is not just taxing more. Bedford and Amherst counties gave raises to their teachers and did not raise taxes and their wealth is growing. He is looking at how they can build wealth over time. His thoughts and plans and votes have always been very direct and very open. He has said the same things since he was elected in 2004. We have to live within our means because that is how we build wealth.

Mayor Tweedy likes to make comparisons of apples to apples and oranges to oranges and comparing Bedford or Amherst County to us is comparing an apple to an orange. Mayor Tweedy suggested each member have one to two minutes of final comments and they take the vote. Councilmember Perrow said that would be out of order. He said if she wants to represent her opinion, she needs to do it in a way that is less divisive and more consensus building. As the mayor, her role is to build consensus and to work on solutions. It is not to do be the voice of whatever she needs it to be. He is asking her to do that and to either step up and be the person that builds consensus and leads Council to develop unity around ideas and to communicate with Council or step down.

She would ask him to be a person that wants to be led by persons other than himself. She would ask when they are working to have consensus and talking that they would be talked to and not talked down to. When we have the opportunity to present a plan, she would like him to present a plan and ask for the consideration of other people to understand where he is going as opposed to being oppositional and sometimes defiant to working with members. She can be a person that is not divisive. She chooses to voice her opinion from her seat rather than going

behind any Councilmember and undermining the value of their thought and their opinion on any issue in other public settings. It is not beneficial to anyone to have us divided as we have been over the issue of a sidewalk that was placed in this budget. She does not care who doesn't like what she is saying. She has waited to say anything. She was very silent when all the momentum for the opposition to this budget was being built, planned and plotted. Councilmember Perrow suggested she call the motion to question and she said she had done a couple of times. Councilmember Wilder also called the motion to question. Councilmember Perrow said he had the floor and was not properly recognized. He will yield the floor but asked her to please be mindful of what she says because he believes she is the most divisive member of Council right now and that is very disheartening. She believes she is the person that will step up and let everyone feel as though they are not threatened or not bullied. She believes that member of Council on this dais have used very bullying, demeaning and mean tactics against residents of this community through this budget. She didn't choose that to do that; others chose to do that. She didn't choose to be divisive; others chose to be divisive.

Councilmember Perrow said he resents that she is using the mayor's seat as a bullying pulpit because that is exactly what she is doing. She is disappointing that he is politically campaigning at an opportune moment. Councilmember Perrow said he loves this because it used to be that the term "political" in any context was deemed as derogatory. For the first time last Tuesday, he heard that a political decision was okay. This is not political; it is about decency. This is about respect and he has always been respectful to her. He is offering his opinion and he is doing it to her face. He hopes they can have a respectful dialogue going forward. She is glad they are bringing that forward publicly because there have been very disrespectful arguments prior to tonight in very other public venues. She is glad everyone has agreed to be respectful and is calling for the vote. The motion passed by the following vote:

Ayes:	Dolan, Nelson, Wilder, Wright, Tweedy	5
Noes:	Helgeson, Perrow	2

// In the matter of FY2020 Budget/CIP/City Code, City Council Report #18B was considered to adopt the FY2020 Mandated and Contractual External Service Providers Budget and appropriating $7,903,382 for this budget. Councilmember Wilder, seconded by Councilmember Wright, made a motion to introduce and lay over to a later meeting for final action Resolution #R-19-036, as presented, adopting the FY2020 Mandated and Contractual External Service

Providers Budget and appropriating $7,903,382 for this budget. The motion passed by the following vote:

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

// In the matter of FY2020 Budget/CIP/City Code, City Council Report #18C was considered to adopt the FY2020 Discretionary External Service Providers Budget and appropriating $29,389 for this budget. Councilmember Wilder, seconded by Vice Mayor Dolan, made a motion to introduce and lay over to a later meeting for final action Resolution #R-19-037, as presented, adopting the FY2020 Discretionary External Service Providers Budget and appropriating $29,389 for this budget. Councilmember Perrow made a motion to strike the Elizabeth Early Learning Center from this budget. Ms. Witt noted it has already been moved into the contractual budget and is listed as such in the resolution. Councilmember Perrow withdrew his motion. The motion passed by the following vote:

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

// In the matter of FY2020 Budget/CIP/City Code, City Council Report #18D was considered to adopt the FY2020 School Operating Budget and appropriating $110,491,668 for this budget. Councilmember Nelson noted his wife is a principal for the Lynchburg City Schools system. He has been informed by both the Commonwealth and City attorneys that does not constitute a legal conflict of interest and he can be objective and unbiased in this vote. Councilmember Wilder, seconded by Vice Mayor Dolan, made a motion to introduce and lay over to a later meeting for final action Resolution #R-19-038, as presented, adopting the FY2020 School Operating Budget and appropriating $110,492,668 for this budget.

Councilmember Perrow noted that he has watched this budget increase year after year and they are not getting results. He has watched it increase to a level that is not sustainable. They could have made the raise they wanted within the funds they already had.

Councilmember noted this is spending approximately $14,300 per child and the highest number of employees in the school system they have had. When you look at this budget, it is clear that more money for schools was the primary goal. He is saying openly that money went to schools and did not go to our trash collectors or public safety. You can’t have money going to two places. If you are going to say you are for something, let’s actually do it. It is

unconscionable to spend this money on schools with fewer students and less results. It is clear they have 180 fewer children, so we should be giving schools $795,000 less. We are giving them that as well as another $862,000. He is saying it should not have gone to schools and should have gone to public safety. If throwing money at it would help, he would have be all for it but he has been on Council since 2004 and seen the scores keep going down. Our poverty rate is one of the highest in the whole state. We can figure out how to tax people less or we can keep on spending hoping that we will get more result.

Councilmember Nelson said the facts are that the school budget for the last ten years has averaged an end of year fund balance of a little over $2 million. That suggests to him that the school system's analysis of its needs and revenues has not been as critical as it should be. He was in support of only supporting level funding as the City Manager had recommended and to require the school system to more critically assess its resources and needs. He cannot explain why the teachers have not been paid more for the last ten years when there has been $2 million left over each year.

Councilmember Wilder is glad that they as a community believe in our school system, our superintendent and our children, our greatest resource. He is thankful for the businesses that believe in them and support them. Of course we need to improve and fine tune areas but we understand our resources are our children and education. People want to move to a community with great schools.

Councilmember Wright agreed that the school system's fund balance over time is concerning. He, as well as other Councilmembers, has had frank conversations with the City's financial team. It is a fair and accurate statement that there was some wiggle room. That is where the school system went to get the three percent match money to match the state's three percent available for salary increases. They needed an additional two percent match from the City in order to get the state's match. This budget does not give them all that they asked for; it gives them about $180,000 less than they requested. Their plan does not include any new hires aside from new hires for a student with needs that the school system could not have anticipated. That is in response to Councilmembers' concerns about declining enrollment. He also asked them to consider a plan that would include school staff that was included in the City's compensation study so their salaries can be brought up to what is appropriate for the market. He appreciates the concerns of other Councilmembers who feel the school system does not need the

money but Councilmember Wright feels they do need it. It is important they have the best schools that they possibly can. It is a public trust and it is what we do as a community to support our families and children. Public education is the bedrock of that principle.

Mayor Tweedy agrees with several of the comments made and that is why we are working as City leadership and School Board leadership to create an education task force so that all this discussion can be evaluated. Mayor Tweedy called for the vote and it passed by the following vote:

Ayes:	Dolan, Wilder, Wright, Tweedy	4
Noes:	Helgeson, Nelson, Perrow	3

// In the matter of FY2020 Budget/CIP/City Code, City Council Report #18E was considered to adopt the FY2020 Greater Lynchburg Transit Company Budget and appropriating $8,208, 978 for this budget. Councilmember Wilder, seconded by Councilmember Wright, made a motion to introduce and lay over to a later meeting for final action Resolution #R-19-039, as presented, adopting the FY2020 School Operating Budget and appropriating $8,208,978 for this budget. The motion passed by the following vote:

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

// In the matter of FY2020 Budget/CIP/City Code, City Council Report #18F was considered to adopt the FY2020 Operating Funds Budgets for other funds and appropriating the sums of each fund. Councilmember Wilder, seconded by Councilmember Wright, made a motion to introduce and lay over to a later meeting for final action Resolution #R-19-040, as presented, adopting the FY2020 Operating Funds Budgets for other funds and appropriating the sums of each fund. The motion passed by the following vote:

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

// In the matter of FY2020 Budget/CIP/City Code, City Council Report #18G was considered to adopt a Resolution amending the FY2020-2024 Capital Improvement Program Budget. Councilmember Wilder, seconded by Councilmember Wright, made a motion to adopt and lay over to a later meeting for final action Resolution #R-19-041, as presented, amending the FY2020-2024 Capital Improvement Program.

Councilmember noted that at the beginning of this budget, we heard that there are so many strapped resources and so many needs. It is not so much that he detested that the City taxpayers are building a sidewalk but we first saw number of $1.7 million and now we see a cost of $10 million. We heard that there is $200 million that we cannot do because things are so tight in our Capital Improvement Program. There is that sidewalk project in here, as well as other projects that are beautification projects. He tried to look at the sidewalk project objectively and he really wishes we would focus on real needs and not raising taxes. We need to focus on paying off the debt because we have more debt now than we have ever had. A few years ago it was suggested that they do borrowing based on only paying back interest because times were so tight. It is a headscratcher for him as a financial planner. We have unsustainable debt and hundreds of millions of dollars in debt based on our unfunded pension liability. He mentioned that he voted against the retaining wall project by Miller Park. It is a beautiful wall but he is driving on a road in front of it that needs to be fixed. He would like them to do the maximum good for the most number of people in the City and not a special interest retaining wall. He will not be voting for this because he does not think we prioritized things in the Capital Improvement Program.

Councilmember Wilder said he believes in the management staff and the plan they have put together. He has been on Council for three years and has never seen people talk about a sidewalk so much. After waiting over 20 years though, things are finally starting to happen. We have a process of capital projects that we are currently working on and he appreciates that. The motion passed by the following vote:

Ayes:	Dolan, Nelson, Wilder, Wright, Tweedy	5
Noes:	Helgeson, Perrow	2

// In the matter of FY2020 Budget/CIP/City Code, City Council Report #18H was considered to adopt a Resolution adopting the FY2020 Capital Budget and appropriating $60,814,082 for the City Capital Projects Fund, $2,686,000 for the Schools Capital Projects Fund, $3,825,000 for the Airport Capital Projects Funds, $6,200,000 for the Water Capital Projects Fund, $7,960,000 for the Sewer Capital Projects Fund, and $2,750,000 for the Stormwater Capital Projects Fund. Councilmember Wilder, seconded by Councilmember Wright, made a motion to adopt and lay over to a later meeting for final action Resolution #R-19-042, as presented and appropriating the above fund amounts.

Councilmember Perrow noted he chose to save his comments until the actual appropriation of the CIP dollars. As a professional engineer, he likes infrastructure and building. He understands that if you do not reinvest in your infrastructure then you lose it over time. He has always supported the CIP but this year he does not support the CIP as a whole and will not support the appropriation of the CIP. The sidewalk is the only example he has seen since he has been on Council that he can truly say is wasteful spending. He offered a plan that would look at the utility of the sidewalk and see what we could get out of it in the long run. A sidewalk has negligible utility and at some point he thinks we can all say that road has to be improved. If it is a connection and corridor, it needs to be improved and when you improve a road, you put in a sidewalk. He thinks that with a little bit more funding, they could have had a road and a sidewalk. The utility we get out of a police station affects the whole City and arguably touches everybody every day. 25 percent of the cost of the police station is the same as one sidewalk. It is half the cost of the 501/221 interchange and half of the proposed elementary school improvements that we did not fund. He thinks we need to look at how we get the most utility out of every dollar we spend. He is not opposed to having a sidewalk but he would like them to fix the problem. If fixing the problem costs them $15 million but we get more value and utility out of the dollars spent, he would be supportive of it. He does not think it is a solution that addresses the problem of connection between Florida Avenue and the downtown area.

Mayor Tweedy commented that she has only been on Council for five years. For everyone that has been on there over five years, we are finally taking the prioritization of infrastructure seriously across our entire City. The motion passed by the following vote:

Ayes:	Dolan, Nelson, Wilder, Wright, Tweedy	5
Noes:	Helgeson, Perrow	2

// In the matter of FY2020 Budget/CIP/City Code, City Council Report #18I was considered to adopt a Resolution adopting the FY2020 General Fund Non-Departmental Poverty Initiative that funds may only be spent upon approval by a majority vote of City Council. Councilmember Wilder, seconded by Councilmember Wright, made a motion to adopt and lay over to a later meeting for final action Resolution #R-19-043, as presented and appropriating the above fund amounts.

Councilmember Helgeson commented that every study known to man has said that how you get people out of poverty. Do not have kids before you are married, finish high school and work

40 hours a week. You might start at minimum wage but you will work your way up. He used the example of our new Clerk of Council. She demonstrated good work as the Clerk of the Planning Commission and has been honored for that good work with a promotion. There is money in there that has not been spent.

Councilmember Perrow noted that they have been doing this for the past three years. We have approved a total of $150,000 in this reserve and we have spent $24,000. He would like them to make effective use of what they have and not put more money in it. Otherwise, we are wasting that effort. When we use it in an effective, productive manner, he would consider putting more money in it.

Councilmember Wright indicated he is all for making this a more effective pot of money. He understands the original intent. Based on its current usage, something is not working. We should not pull on the City's anti-poverty efforts, but he thinks we should rethink how people can apply for these grants and what the amounts should be. If we are going to set aside money for use on these efforts, then it ought to be used.

Councilmember Wilder noted that we had heard that they had received some additional money from grant sources, which is why some of the funds had not been spent. We need to continue to look at the process and see how we can fine tune the process.

Vice Mayor Dolan thinks one of the issues has been the reorganizational issue and people figuring out where they were in this whole thing. Those of you who are not working on this issue do not realize how much is really being done in the City in terms of eradicating poverty. If you found out what is being done in the groups, you would be more appreciative of what they are doing.

Mayor Tweedy said she would agree with all the comments. She thinks there is an additional opportunity to allow our centers to partner with the committees for application of grants. We have future ideas to put forth with Mr. Hughes and the Bridges to Progress committee to bring to Council. If you would come to a Bridges Getting Ahead graduation you would see people improving their education. It is about working and improving median incomes and career ladder opportunities. She is glad that Council has over the years unanimously decided to attack this issue of poverty. She is glad there is a collaborative effort with partners such as Beacon of Hope to come together on this issue. She called the motion to a vote and it passed by the following vote:

Ayes:	Dolan, Nelson, Wilder, Wright, Tweedy	5
Noes:	Helgeson, Perrow	2

// In the matter of FY2020 Budget/CIP/City Code, City Council Report #18J was considered to adopt a Resolution appropriating $50,000 of the FY2020 Reserve for Contingencies funding for use by the City Manager for the fiscal year beginning July 1, 2019 through June 30, 2020. Councilmember Wilder, seconded by Vice Mayor Dolan, made a motion to adopt and lay over to a later meeting for final action Resolution #R-19-044, as presented and appropriating the above amount. In answer to a question from Councilmember Helgeson, Ms. Witt indicated the $50,000 is used at the City Manager's discretion and it would not have to come to Council for a vote and it is no change to the process. The motion passed by the following vote:

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

// In the matter of FY2020 Budget/CIP/City Code, City Council Report #18K was considered to adopt a Resolution in accordance with Section 58.1-3524 of the Code of Virginia, 1950, as amended, to set the personal property tax relief rate for the fiscal year beginning July 1, 2019 through June 30, 2020 at 44.39%. Councilmember Perrow, seconded by Councilmember Wilder, made a motion to adopt and lay over to a later meeting for final action Resolution #R-19-045, as presented. In answer to a question from Councilmember Helgeson, Ms. Witt said this percentage is based on a formula that the State gives to the Commissioner of the Revenue. The motion passed by the following vote:

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

// On motion of Council Member Wilder, seconded by Council Member Wright, Council by the following recorded vote elected to hold a closed meeting to consider appointments and scheduling for Lynchburg City School Board interviews pursuant to Section 2.2-3711(A.) of the Code of Virginia:

Ayes:	Nelson, Tweedy, Wilder, Wright	4
Noes:	Dolan, Perrow	2
Abstentions:	Helgeson	1

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

// Council Member Helgeson 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 Councilmember Wilder, and Council by the following recorded vote adopted the motion:

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

// The meeting was adjourned at 12:15 P.M.

Citizen Comment from Mr. Salvatore Monastra Agenda Item #**2**

Salvatore Monastra reached out to me by telephone and requested to speak to City Council about the possibility of having the POW/MIA flag flown under all American flags flown on City buildings

Robin Craig, Clerk of Council

074R

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **June 11, 2019** AGENDA ITEM #: **3**

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

ITEM TITLE: Public Hearing Regarding a Substantial Amendment to the Fiscal Year (FY) 2019 Annual Action Plan for the Community Development Block Grant Program and HOME Program

KEY ELEMENTS:
___Economic Development ___Excellent Government _X_ Natural and Built Environment _X_Safe Community _X_Vibrant Community

RECOMMENDATION: Hold a public hearing and adopt a resolution approving the submission of a Substantial Amendment to the Fiscal Year (FY) 2019 Annual Action Plan for the Community Development Block Grant (CDBG) and HOME Program to the U. S. Department of Housing and Urban Development (HUD) and appropriate $1,250,000 of the Bluffwalk Section 108 Loan Repayment proceeds into the FY 2019 Community Development Block Grant (CDBG) Fund and FY 2019 Annual Action Plan.

SUMMARY: The Annual Action Plan sets forth the projected uses of federal entitlement funds, including CDBG and HOME Program funds for the coming program year, and addresses the available resources for program implementation, activities to be undertaken, program guidelines, and monitoring. The Plan addresses the efforts made toward accomplishing the goals and objectives included in the City's Five-Year Consolidated Plan (2015-2019). On July 10, 2018, City Council convened a public hearing approving the projects and submission of the FY 2019 Annual Action Plan to HUD.

The proposed funding modifications described below require that the Fiscal Year 2019 Annual Action Plan be amended in accordance with HUD regulations by a "Substantial Amendment" (term used by HUD). The subject Substantial Amendment was issued for public review on May 11, 2019 in *The News and Advance*, at the Lynchburg Public Library, and through social media. To date no public comments have been received regarding the Substantial Amendment.

The FY 2019 Annual Action Plan Substantial Amendment proposes to add a new CDBG project utilizing unspent Bluffwalk Section 108 Loan Repayment proceeds totaling $1,250,000 towards the design of the new Lynchburg Police Department headquarters. The new headquarters will be located at 1301 and 1305 Kemper Street and will consolidate all functions of the Police Department into one facility/location. The properties are located in CDBG targeted Census Tract 7 which contains approximately 70% low and moderate income level persons; however, the service area is Citywide which contains 51.01% low and moderate income level persons.

In June 2003 the City was awarded, from HUD, a Section 108 Loan in the amount of $3,200,000 to assist with the redevelopment of the properties located at 1312 Commerce Street. The City, in turn, loaned these funds to Bluffwalk LLC to complete the rehabilitation and construction of The Craddock Hotel, Shoemakers American Grill, and Waterstone Restaurant. In November 2018 the City received $1,608,135.82 from Bluffwalk LLC, which was the final payoff of the HUD Section 108 Loan debt owed to the City. City staff remitted to HUD $914,562 for these final payoff funds for the original Section 108 Loan that was issued to the City for the redevelopment of the noted properties. Upon the appropriation of the $1,250,000to partially fund the design of the new Lynchburg Police Department Headquarters there will be a remaining amount of $200,693.32 in the Section 108 Loan Repayment account. These remaining funds are currently planned to be used for a future affordable housing project(s).

PRIOR ACTION(S): Approval of FY 2019 CDBG and HOME Program Annual Action Plan – July 10, 2018

FISCAL IMPACT: Increase FY 2019 Community Development Block Grant (CDBG) Fund and Fiscal Year 2019 CDBG and HOME Program Annual Action Plan - $1,250,000; and decrease Bluffwalk Section 108 Loan Repayment Proceeds by $1,250,000.

CONTACT(S): Melva Walker, Grants Manager, 455-3916; Bonnie Svrcek, City Manager, 455-3987

ATTACHMENT(S): Draft FY 2019 Substantial Amendment Annual Action Plan for the CDBG and HOME Program

REVIEWED BY: bms

069R

RESOLUTION

BE IT RESOLVED that the FY 2019 Community Development Block Grant (CDBG) and HOME Program Annual Action Plan Substantial Amendment is hereby approved for submittal to the U. S. Department of Housing and Urban Development (HUD) and the FY 2019 Community Development Block Grant Fund is amended and $1,250,000is appropriated to partially fund the design of the new Lynchburg Police Department headquarters with resources from the Bluffwalk Section 108 Loan Repayment proceeds.

Introduced: Adopted:

Certified: _____
Clerk of Council

SUBSTANTIAL AMENDMENT- No. 1

Community Development Block Grant (CDBG) and HOME Program Application

Fiscal Year 2019

Annual Action Plan • July 1, 2018 – June 30, 2019

OMB Control No: 2506-0117 (exp. 06/30/2018)

The AAP 2018 is being revised to incorporate a new project utilizing unspent Bluffwalk Section 108 Loan proceeds to partially fund the design of the new Lynchburg Police Department headquarters.

Executive Summary

AP-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

1. Introduction

The City of Lynchburg receives an annual entitlement allocation of funding from the U. S. Department of Housing and Urban Development (HUD) to be used for the benefit of low-income persons or neighborhoods. The funding is based on a formula and a number of community development factors including population, the extent of poverty, housing overcrowding, and slower population growth in relationship to other metropolitan areas.

The City of Lynchburg receives two different entitlement grants from HUD, the Community Development Block Grant (CDBG) and the HOME Investment Partnerships Program Grant. The City uses these funds to leverage other public and private funding towards community development and housing projects.

The City of Lynchburg, as an entitlement jurisdiction in the CDBG and HOME Programs, is required by HUD to submit a consolidated plan every five years. The Consolidated Plan defines a specific course of action to meet the community development and housing needs for the citizens of Lynchburg. It integrates economic, physical, environmental, community and human development in a comprehensive and coordinated fashion so that the City, Lynchburg Redevelopment and Housing Authority (LRHA), and nonprofit organizations can work together to assist in meeting the needs of families and/or individuals. The strategic plan in this document also sets forth program goals, specific objectives, annual goals, and benchmarks for measuring progress. In so doing, it helps the City and citizens keep track of results and learn what works in the community.

This Consolidated Plan corresponds to the City's five fiscal years, which began July 1, 2015 and ends June 30, 2020. Once a year, City staff writes an Action Plan. The Action Plan outlines projects and the amount of funding that will go towards the goals outlined in the Consolidated Plan. At the conclusion of each fiscal year, City staff writes a final report, called the Consolidated Annual Performance and Evaluation Report (CAPER), to report the progress towards the Consolidated Plan goals and accomplishments by project.

The CDBG and HOME funding allocations have been trending downwards and that trend is expected to continue. However, this Plan takes into account the increasing importance of identifying and prioritizing the most critical needs to be addressed with CDBG and HOME Program funds.

Structure of the Plan

The Consolidated Plan consists of three major sections: a housing and community development needs assessment, a housing market analysis, and a strategic plan which identifies those priority housing and community development needs and strategies that the City plans to address with the available HUD resources over the next five years. This plan was formulated using HUD's eConPlan tool, which dictates the plan's structure and provides a series of pre-populated tables.

Data in the three major sections was drawn primarily from HUD's Comprehensive Housing Affordability Strategy (CHAS) data set, which is a special tabulation of 2007-2011 American Community Survey (ACS) data from the Census Bureau. The CHAS data is a fixed set of data in pre-populated tables. The CHAS data describes housing problems, such as overcrowding or incomplete kitchen and/or plumbing facilities, as well as cost burden, which occurs when a household pays more than 30% of its gross income on housing costs. Extreme cost burden occurs when a household pays more than 50% of its gross income on housing costs.

2. Summarize the objectives and outcomes identified in the Plan

This could be a restatement of items or a table listed elsewhere in the plan or a reference to another location. It may also contain any essential items from the housing and homeless needs assessment, the housing market analysis or the strategic plan.

The Strategic Plan within the 2015-2020 Consolidated Plan provides a framework to address the needs of the City for the five years using CDBG and HOME funds. The three overarching objectives guiding the proposed activities are:

- Providing Decent Affordable Housing
- Creating Suitable Living Environments
- Creating Economic Opportunities

Outcomes show how programs and activities benefit a community or the people served. The three outcomes that will illustrate the benefits of each activity funded by the CDBG and HOME programs are:

- Improve Availability/Accessibility
- Improve Affordability
- Improve Sustainability

Activities funded in the five year plan and the Program Year 2018 Annual Action Plan will support at least one objective and one outcome. The City's framework for realizing the objectives and outcomes include the following goals:

- Provide Decent, Affordable Housing
- Provide a Suitable Living Environment

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- Increase Homeownership
- End Chronic Homelessness

The goals listed below are intended to provide broad guidance in the allocation of CDBG and HOME Program funds granted to the City by HUD for the five years that began on July 1, 2015 and ends on June 30, 2020. The Community Development Advisory Committee (CDAC) supports the allocation of funds to achieve measurable results for both housing and non-housing goals. These goals were reviewed and reaffirmed by City Council on January 9, 2018 for the Fiscal Year (FY) 2019 (Program Year 2018) Annual Action Plan.

Housing Goals

- Increase the number of owner-occupied units.
- Rehabilitate substandard housing units. Emphasis is to be placed on programs that require an investment of funds and/or labor on the part of the owner commensurate with the owner's resources.
- Support initiatives to increase permanent affordable rental and housing ownership opportunities.
- Promote programs that assist eligible individuals in retaining their homes.

Non-Housing Goals

- Support efforts for the removal and redevelopment of dilapidated and condemned structures to eliminate neighborhood deterioration, blight and blighting influences.
- Support neighborhood partnerships that facilitate self-sufficiency and enable families and individuals to maintain their housing, remain in their neighborhoods, and age in place.
- Support economic development initiatives that improve the economic base, job skills, and health of the community.
- Promote public service activities which support the healthy development of the City's at-risk youth, adults, and families.
- Support efforts to develop, sustain, and coordinate a comprehensive, seamless system of services for homeless citizens in order to move the homeless population toward obtaining permanent housing.
- Support efforts to remove barriers to escape poverty and strengthen low-income households and families.

3. Evaluation of past performance

This is an evaluation of past performance that helped lead the grantee to choose its goals or projects.

In Program Year 2017 (FY18), the City received $662,564 in CDBG entitlement funds and $300,951 in HOME Program entitlement funds. Along with these entitlement funds,

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reprogrammed prior year funds of $25,000 and previously receipted program income of $65,500, respectively, in the CDBG Program was allocated to eligible projects. The total amount of CDBG and HOME funds the City allocated for projects and activities during the Program Year 2017 was $1,054,015.01. This represented a total of $753,064.01 in CDBG and $300,951 in HOME Program dollars. The City allocated the majority of its CDBG and HOME Program funds for projects and activities classified as housing, public facilities and infrastructure, and public services.

The following is a summary of the City's past performance as reported to HUD in the Consolidated Annual Performance Report (CAPER) for overall performance in Program Year 2016 (FY 2017). The CAPER noted that the City's performance in Program Year 2016 (FY 2017) met the regulatory expectations in regard to the following:

CDBG Program- In Program Year 2016 approximately 77% ($439,888) of the CDBG allocation was expended on activities that benefited low-to-moderate (LMI) persons within the City. With this amount the City was above the minimum threshold of 70% set in 24 CFR 570.901(a).

There was 13% ($95,094) of Lynchburg's CDBG allocation and prior years' funding expended on planning and administration, which was under the maximum of 20% allowed according to 24 CFR 570.206(g).

There was 9.00% ($60,510.63) of Lynchburg's CDBG allocation and prior years' funding expended for public service activities; therefore, the City was under the maximum of 15% mandated by 2 4CFR 570.201(e).

HOME & CDBG Program- Housing

HOME funds were used to achieve the goals of increasing the number of affordable rental units, increase the number of owner occupied units and to rehabilitate substandard housing units.

The City increased the number of owner occupied units by six (6) during PY 2016. Greater Lynchburg's Habitat for Humanity (GLHFH) provided Homebuyer Homeownership for four (4) units through its Down Payment Assistance Project to eligible clients and Lyn-CAG through its Down Payment Assistance project rehabilitated two (2) housing units for a low-moderate income first-time homebuyer and completed seven (7) owner-occupied rehabilitations on substandard housing units. There was $213,369 of the City's HOME entitlement funds expended on these units.

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Using CDBG funds, three (3) rental units were rehabilitated including a public housing unit and two (2) private rental units. LRHA expended $10,000 for the rental rehabilitation of two (2) housing units and $25,488 for the rehabilitation of a public housing unit at Langview Apartments in order to meet Section 504 of the Rehabilitation Act of 1973 accessible compliance/Americans with Disabilities Act (ADA).

4. Summary of Citizen Participation Process and consultation process

Summary from citizen participation section of plan.

The planning process for the preparation of the Five-Year Consolidated Plan and FY 2019 Annual Action Plan included the following distinct elements:

- Focus group sessions with representatives from City government (staff), non-profit organizations, and other service providers to gain stakeholder input on the identification of City needs.
- Additional meetings and telephone interviews with City departmental staff and other provider agencies and stakeholders throughout the planning process to understand the current scope of programs, issues, and concerns. The one-on-one conversations helped to develop strategies to address the community needs that were identified in the focus group sessions.
- Review of existing community development-related planning documents, including the City of Lynchburg's 2030 Comprehensive Plan (2013)
- There were two public meetings conducted by the Community Development Advisory Committee (CDAC) and three public hearings conducted by City Council for the FY 2019 Annual Action Plan to review the housing and non-housing goals and the proposed project applications. Public notices were published in the local newspaper, *The News and Advance*, along with notifying community organizations through electronic mail and social media.

SUBSTANTIAL AMENDMENT - 30-DAY COMMENT PERIOD AND PUBLIC HEARING

In accordance with the City's Citizen Participation Plan, a 30-day public comments period for the City of Lynchburg's Substantial Amendment No. 1 to the Community Development Block Grant (CDBG) Program Year 2018/Fiscal Year (FY) 2019 Annual Action Plan commenced on Saturday, May 11, 2019 to solicit citizen input regarding the substantial amendment.

City Council will conduct a public hearing on Tuesday, June 11, 2019 at 7:30 p.m. in City Hall, Council Chambers, 900 Church Street, Lynchburg, Virginia, for the purpose of soliciting citizen input regarding the proposed substantial amendment.

5. Summary of public comments

This could be a brief narrative summary or reference an attached document from the Citizen Participation section of the Con Plan.

On January 9, 2018 City Council conducted a public hearing to receive citizens' comments concerning the Community Development Block Grant (CDBG) and HOME Program housing and non-housing goals for the FY 2019 Annual Action Plan. At the public hearing, City staff gave a summary of the proposed goals. There was no one else present who wished to speak to this item, and the public hearing was closed. City Council approved the goals.

On February 22, 2018 the Community Development Advisory Committee (CDAC) held a public meeting to review submitted CDBG and HOME Program applications and formulate recommendations for consideration by City Council regarding the anticipated allocation of $665,797.70 in CDBG entitlement, program income and reprogrammable funds and $336,591 in HOME Program entitlement funds. There were representatives from the various agencies that had submitted project applications present at this meeting. CDAC members reviewed each application and asked questions of the respective agency representatives for clarifications. At the conclusion of the meeting, the Committee unanimously agreed on the recommended projects for the CDBG and HOME Program that would be submitted to City Council for approval. At the time of the CDAC meeting the City had not received final entitlement allocations from HUD. Therefore, CDAC included in their recommendations increase/decrease adjustments to the recommended projects based on the final allocations from HUD.

On March 13, 2018 City Council conducted a public hearing to receive public input and adopt the proposed FY 2019 CDBG and HOME Program projects. There were agency representatives, who had submitted applications for funding present and spoke to City Council regarding the CDAC recommendations for the projects. The representatives asked for City Council's support of the CDAC recommendations. City Council unanimously approved the CDAC recommendations for projects to be funded.

On May 2, 2018, the City received final entitlement allocation amounts for the CDBG and HOME Programs. Due to increases in the funding amounts, staff elected to reconvene the CDAC members according to our Citizen Participation Plan to make final determinations for allocations of the additional funds. On May 31, 2018 CDAC held a public meeting to formulate recommendations for the additional funds for consideration by City Council with the final CDBG entitlement, program income and reprogrammable funds of $737,146.70 and $474,412 in HOME Program entitlement and reprogrammed funds.

On July 10, 2018 City Council conducted a public meeting to accept comments regarding the draft FY 2019 Annual Action Plan. See AP-12 Participation for comments.
For additional information on public comments and public outreach efforts, including public hearing notices and minutes, please see the attachment in AD-25, Administration, Citizen Participation Comments.

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6. Summary of comments or views not accepted and the reasons for not accepting them

Comments received during the public comment period were reviewed and incorporated.

7. Summary

The public participation in the 2015-2020 Consolidated Plan, FY 2019 Annual Action Plan, and FY 2019 Substantial Amendment No. 1 Annual Acton Plan carried general themes of the need for goals that would provide for programs and activities that serve the homeless and persons in poverty; provide education awareness activities to guide persons in securing homeownership through pre and post-counseling and maintaining/retaining their homes; and provide affordable rental housing for low-to-moderate income persons and persons with disabilities. pubic improvements and facilities.

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PR-05 Lead & Responsible Agencies – 91.200(b)

1. Agency/entity responsible for preparing/administering the Consolidated Plan

Describe the agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
CDBG Administrator	Melva C. Walker	Community Development/Grants Administration
HOME Administrator	Melva C. Walker	Community Development/Grants Administration

Table 1 – Responsible Agencies

Narrative (optional)

The City of Lynchburg's Community Development Grants Administration Office is the lead agency for the preparation of the Consolidated Plan.

Consolidated Plan Public Contact Information

City of Lynchburg Department of Community Development
Grants Administration Office
900 Church Street
Lynchburg, VA 24504
Contact: Melva C. Walker, Grants Manager
Phone: 434.455.3916
Email: melva.walker@lynchburgva.gov
Website: www.lynchburgva.gov

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AP-10 Consultation – 91.100, 91.200(b), 91.215(l)

1. Introduction

The City of Lynchburg utilized an outreach effort to maximize input from stakeholders. This outreach effort included the Community Development Advisory Committee (CDAC) meeting, public meetings, and published meeting notices.

Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(l))

To ensure the participation of and coordination between public and private agencies, the Grants Administration staff sent informational material and written communication to community organizations for preliminary discussions on the Plan and the needs of the citizens of Lynchburg. Some of the agencies contacted included: Lynchburg Redevelopment and Housing Authority (LRHA), Lynchburg Health Department, Johnson Health Center, Lynchburg Department of Human Services, Miriam's House, The Gateway, Inc., Rush Homes, Central Virginia Continuum of Care, City of Lynchburg Office of Economic Development, Lynchburg Community Action Group, United Way of Central Virginia, Region 2000, and Divisions of Neighborhood Services/Code Enforcement and Inspections within the Department of Community Development.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.

The City of Lynchburg is a member of the Central Virginia Continuum of Care (CVCoC), which is a regional group of agencies that focuses on issues pertaining to homelessness. Through the participation of the members of the CVCoC the agency can more effectively address the needs of homeless individuals and families, including the following: homelessness prevention; outreach/assessment (i.e. case management); emergency services; transitional housing; and permanent supportive housing. In addition, the City along with the CVCoC has a partnership with Lynchburg Redevelopment and Housing Authority (LRHA) to fund a Homeless Intake Coordinator position to provide a coordinated intake process for homeless persons. This position and the coordinated intake process at LRHA provides a higher level of coordination with the CVCoC to address the needs of homeless persons.

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Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS

The City of Lynchburg does not receive Emergency Solutions Grant (ESG) funds.

2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdiction's consultations with housing, social service agencies and other entities

Table 2 – Agencies, groups, organizations who participated

1	**Agency/Group/Organization**	LYNCHBURG REDEVELOPMENT AND HOUSING AUTHORITY (LRHA)
	Agency/Group/Organization Type	PHA
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs Homelessness Strategy Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Lynchburg Redevelopment and Housing Authority (LRHA), the Public Housing Authority (PHA), was consulted through stakeholder interviews, telephone interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency should include: improved access to affordable housing for low-to-moderate income persons.
2	**Agency/Group/Organization**	Rush Homes
	Agency/Group/Organization Type	Services-Persons with Disabilities
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Housing needs- persons with disabilities

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	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Rush Homes was consulted through stakeholder interviews, telephone interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency should include: improved access to affordable housing for disabled, low-to-moderate income persons.
3	**Agency/Group/Organization**	GREATER LYNCHBURG HABITAT FOR HUMANITY
	Agency/Group/Organization Type	Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Anti-poverty Strategy Low-to-moderate income families
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Greater Lynchburg Habitat for Humanity (GLHFH) was consulted through stakeholder interviews, telephone interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency should include: improved access to affordable housing for low-to-moderate income persons.
4	**Agency/Group/Organization**	LYNCHBURG COMMUNITY ACTION GROUP, INC. (LYN-CAG)
	Agency/Group/Organization Type	Housing Services - Housing Services-Persons with HIV/AIDS Services-homeless Services-Education Services-Employment Service-Fair Housing

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	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs HOPWA Strategy Anti-poverty Strategy Lead-based Paint Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Lyn-CAG was consulted through stakeholder interviews, telephone interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency should include: improved access to affordable housing, rehabilitation to owner-occupied housing, and the availability of community and housing services for low-to-moderate income persons.
5	**Agency/Group/Organization**	LYNCHBURG COVENANT FELLOWSHIP
	Agency/Group/Organization Type	Housing Services - Housing Services-Elderly Persons
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Lynchburg Covenant Fellowship (LCF) was consulted through stakeholder interviews, telephone interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency should include: improved access to affordable housing and the availability of housing for low-to-moderate income persons and the elderly.

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6	**Agency/Group/Organization**	BOYS AND GIRLS CLUB OF GREATER LYNCHBURG
	Agency/Group/Organization Type	Services-Children
	What section of the Plan was addressed by Consultation?	Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Boys and Girls Club of Greater Lynchburg was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the partnership with the Lynchburg Police Department improves neighborhood organizations and the relationship with youth in the community.
8	**Agency/Group/Organization**	LYNCHBURG POLICE DEPARTMENT
	Agency/Group/Organization Type	Other government - Local Collaborate with Boys and Girls Club programs
	What section of the Plan was addressed by Consultation?	Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Lynchburg Police Department was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with the Lynchburg Police Department improves the neighborhood organizations and watches that the officers participate in for prevention of crime and provide safety to the neighborhoods and in its collaboration with the Boys and Girls Club working with youth.
9	**Agency/Group/Organization**	Lynchburg Parks and Recreation
	Agency/Group/Organization Type	Other government - Local
	What section of the Plan was addressed by Consultation?	Anti-poverty Strategy Recreational Activities

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	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The City's Parks and Recreation Department was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan include the consultation with this agency should include: access to recreational activities for youth and adults in the low-moderate income population. Public facility improvements for the Neighborhood Centers.
10	**Agency/Group/Organization**	FREE CLINIC OF CENTRAL VIRGINIA
	Agency/Group/Organization Type	Services-Health
	What section of the Plan was addressed by Consultation?	Homeless Needs - Families with children Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Free Clinic of Central Virginia was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency will include health and wellness services to offer low-moderate income persons to increase healthy living.
11	**Agency/Group/Organization**	Central Virginia Health Department
	Agency/Group/Organization Type	Services-Health Health Agency
	What section of the Plan was addressed by Consultation?	Homeless Needs - Families with children Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Central Virginia Health Department was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency will include health and wellness services to offer low-moderate income persons to increase healthy living.

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12	**Agency/Group/Organization**	Johnson Health Center
	Agency/Group/Organization Type	Services-Health Health Agency
	What section of the Plan was addressed by Consultation?	Homeless Needs - Families with children Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Johnson Health Center was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency will include health and wellness services to offer low-moderate income persons to increase healthy living.
13	**Agency/Group/Organization**	Centra Foundation
	Agency/Group/Organization Type	Services-Health Regional organization Foundation
	What section of the Plan was addressed by Consultation?	Anti-poverty Strategy Community health needs of those in poverty
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Centra Foundation was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency will include funding opportunities to the community to increase health and wellness opportunities.
14	**Agency/Group/Organization**	VIRGINIA'S REGION 2000 LOCAL GOVERNMENT COUNCIL
	Agency/Group/Organization Type	Regional organization
	What section of the Plan was addressed by Consultation?	Economic Development Anti-poverty Strategy

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	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Virginia's Region 2000 Local Government Council was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency should include improved regional partnerships to achieve the goals and objectives of the Annual Action Plan.
15	**Agency/Group/Organization**	LYNCHBURG ASSOCIATION OF REALTORS
	Agency/Group/Organization Type	Service-Fair Housing Regional organization
	What section of the Plan was addressed by Consultation?	Housing Need Assessment
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Lynchburg Association of Realtors was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency should include enhancing the opportunities for low-moderate income persons to purchase affordable housing.
16	**Agency/Group/Organization**	UNITED WAY OF CENTRAL VIRGINIA, INC.
	Agency/Group/Organization Type	Regional organization
	What section of the Plan was addressed by Consultation?	Homelessness Strategy Non-Homeless Special Needs Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The United Way of Central Virginia was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency should include improved regional partnerships to achieve the goals and objectives for the Annual Action Plan.

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17	**Agency/Group/Organization**	LYNCHBURG CITY SCHOOLS
	Agency/Group/Organization Type	Services-Children Services-Education Other government - Local
	What section of the Plan was addressed by Consultation?	Homeless Needs - Families with children Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Lynchburg City Schools was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency will include improved educational opportunities and partnerships to explore programs to offer for low-moderate income persons to obtain housing and life skills stability.
18	**Agency/Group/Organization**	Miriam's House
	Agency/Group/Organization Type	Services-Victims of Domestic Violence Services - Victims
	What section of the Plan was addressed by Consultation?	Anti-poverty Strategy Shelter
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Miriam's House was consulted through stakeholder interviews, telephone interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency will expand affordable housing opportunities for homeless women and children and assist in providing improved public services.
19	**Agency/Group/Organization**	Lynchburg Area Center for Independent Living
	Agency/Group/Organization Type	Services-Persons with Disabilities
	What section of the Plan was addressed by Consultation?	Anti-poverty Strategy

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	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Lynchburg Area Center for Independent Living (LACIL) was consulted through stakeholder interviews, telephone interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency should include: improved access to affordable housing for disabled, low-to-moderate income persons.
20	**Agency/Group/Organization**	City of Lynchburg Department of Social Services
	Agency/Group/Organization Type	Services - Housing Services-Children Child Welfare Agency Other government - Local
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The City's Division of Social Services was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency should include enhancing availability of services for low-moderate persons to enhance opportunities to bridge out of poverty.

Identify any Agency Types not consulted and provide rationale for not consulting

City staff is not aware of any agencies that were not contacted to participate in relation to the housing and community development needs for the City.

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Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	Central Virginia CoC	Information from the application provided a framework for the homeless needs section.
Analysis of Impediments to Fair Housing (AI)	City of Lynchburg	The Fair Housing Action Plan implementation recommendations from the AI were reviewed for the Annual Action Plan.
The City of Lynchburg Comprehensive Plan 2013	City of Lynchburg	The Comprehensive Plan was reviewed to match the Annual Action Plan goals.

Table 3 – Other local / regional / federal planning efforts

Narrative (optional)

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AP-12 Participation – 91.105, 91.200(c)

1. Summary of citizen participation process/Efforts made to broaden citizen participation
Summarize citizen participation process and how it impacted goal-setting

On January 9, 2018 City Council conducted a public hearing to receive comments on the housing and non-housing community development goals adopted in the Consolidated Plan for 2015-2020 by City Council on February 24, 2015 regarding the needs common to low and moderate income persons and individuals with mental illness, intellectual and physical disabilities, substance abuse or addiction, persons with HIV-Aids, persons that are homeless, and elderly persons. No public comments were received about the goals. City Council adopted the goals for the FY 2019 Annual Action Plan at the public hearing.

CDAC conducted a public meeting on February 22, 2018 to review CDBG/HOME allocations and make recommendations for allocations. In accordance with the process outlined in the City's Citizen Participation Plan, a notice was published in The News and Advance on February 5, 2018 stating the purpose of this meeting was to review submitted CDBG and HOME Program applications and formulate recommendations for consideration by City Council regarding the allocation of entitlement and reprogrammable funds.

CDAC reviewed the applications, summary allocation worksheet, and the various requirements/regulations for the allocation of the CDBG and HOME Program funds. CDAC members discussed and developed their recommendations for CDBG and HOME Program projects for Program Year 2018 (FY 2019). CDAC made recommendations to City Council for projects that they concluded would be most beneficial to the low and moderate income persons within the targeted neighborhoods and within the broad national goals established by HUD of providing decent housing, a suitable living environment, and expanding economic opportunities.

CDAC and the public were informed that City Council would hold a public hearing on March 13, 2018 on the project recommendations of the CDAC. In addition, a timetable was provided that noted the remaining public meetings that would be held to complete the allocation process and submittal of the Annual Action Plan. There were agency representatives who had submitted applications for funding present and spoke to City Council regarding the CDAC recommendations for the projects. The representatives asked for City Council's support of the CDAC recommendations. City Council unanimously approved the CDAC recommendations for projects to be funded.

Due to increases in the funding amounts, staff elected to reconvene the CDAC members according to our Citizen Participation Plan to make final determinations for allocations of the additional funds. On May 31, 2018 CDAC held a public meeting to formulate recommendations for the

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additional funds for consideration by City Council with the final CDBG entitlement, program income and reprogrammable funds of $737,146.70 and $474,412 in HOME Program entitlement and reprogrammed funds.

On July 10, 2018 City Council conducted a public meeting to accept comments regarding the draft FY 2019 Annual Action Plan. City Council adopted the FY 2019 Annual Action Plan at this meeting. See AD-25 Administration under Citizen Participation Comments for the full text.

On June 11, 2019 City Council will conduct a public meeting to accept comments regarding the Substantial Amendment No. 1 to the FY 2019 Annual Action Plan. The Substantial Amendment No. 1 will incorporate a new project utilizing unspent Bluffwalk Section 108 Loan proceeds totaling $1,250,000 to partially fund the design of the new Lynchburg Police Department headquarters. This project will create a new public facility within Goal #3 below. The project will be located in Census Tract 11 and will serve all citizens within the City of Lynchburg.

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/ attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
1	Public Hearing	Non-targeted/broad community	January 9, 2018 City Council public hearing. No comments were received.	No comments were received.	There were no public comments that were not considered by City Council in the approval of the goals for the Annual Action Plan.	www.lynchburgva.gov/city-council-meetings

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Sort Order	Mode of Outreach	Target of Outreach	Summary of response/ attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
2	Public Hearing	Non-targeted/broad community	March 13, 2018 City Council public hearing. There were three persons present representing the housing providers who had submitted CDBG and HOME Program applications from Lyn-CAG, LRHA and Rush Homes asking for support of the CDBG and HOME Program requests.	A representative from Lynchburg Community Action Group (Lyn-CAG) spoke to City Council and requested their support of the CDAC recommendations for their CDBG and HOME Program applications. A representative of the Lynchburg Redevelopment and Housing Authority (LRHA) asked that they support the CDAC recommendations for their CDBG applications-Rental Rehabilitation, Vacant Housing Revitalization & Rehabilitation program, CHIA, Affordable Housing Resource Center.	There were no public comments that were not considered by City Council.	www.lynchburgva.gov/city-council-meetings

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Sort Order	Mode of Outreach	Target of Outreach	Summary of response/ attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
3	Public Hearing	Non-targeted/broad community	July 10, 2018 City Council public hearing.	No public comments were received.	There were no public comments that were not considered by City Council.	
4	Internet Outreach	Minorities Non-English Speaking - Specify other language: All Persons with disabilities Non-targeted/broad community Residents of Public and Assisted Housing	Public notices were posted on the Grants Administration webpage and the City's front webpage for the January 9, 2018 City Council public hearing; for the March 13, 2018 City Council public hearing; and for the July 10, 2018 City Council public hearing.			www.lynchburgva.gov/grants-administration

Table 4 – Citizen Participation Outreach

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Expected Resources

AP-15 Expected Resources – 91.220(c)(1,2)

Introduction

See the Priority Table below for the anticipated resources for Fiscal Year 2019 that will be used to address housing and non-housing goals within the 2015-2020 Consolidated Plan.

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 4				Expected Amount Available Remainder of ConPlan $	Narrative Description
			Annual Allocation: $	Program Income: $	Prior Year Resources: $	Total: $		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	733,913	3,234	0	737,147	591,839	CDBG funds will support housing and non-housing community development in the City of Lynchburg.

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Program	Source of Funds	Uses of Funds	Expected Amount Available Year 4				Expected Amount Available Remainder of ConPlan $	Narrative Description
			Annual Allocation: $	Program Income: $	Prior Year Resources: $	Total: $		
HOME	public - federal	Acquisition Homebuyer assistance Homeowner rehab Multifamily rental new construction Multifamily rental rehab New construction for ownership TBRA	438,772	0	35,640	474,412	210,522	HOME Program funds will continue to support housing rehabilitation and development in the City of Lynchburg.
Other	**public - federal**	**Public Improvements**		**0**	**1,250,000**	**1,250,000**	**0**	**These funds are from the Section 108 Loan Proceeds and will be used for architectural and engineering services to partially fund the design of the Lynchburg Police Department new headquarters.**

Table 5 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

The City of Lynchburg will continue to partner with other public agencies and nonprofit organizations, when feasible, to leverage resources and maximize outcomes in housing and community development. The City plans to meet the HOME Program match requirements by utilizing

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the volunteer labor and material costs accrued from the construction of homes completed by Greater Lynchburg Habitat for Humanity.

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If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

Non Applicable

Discussion

While the overall CDBG funding was decreased from FY 2018, the entitlement allocation increased by $71,349 (10.8%) from FY 2018. The decrease is in Program Income and no reprogrammed funds.

The HOME Program funding allocation for FY 2019 has an increase of $137,821 (45.8%) from FY 2018. There is an overall increase in the HOME Program funding from the HOME Program entitlement allocation and an increase in Reprogrammed funds.

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Annual Goals and Objectives

AP-20 Annual Goals and Objectives

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Increase the Number of Owner-Occupied Units	2015	2020	Affordable Housing	Citywide	Increase homeownership Affordable Housing for Special Needs Populations	HOME: $130,412	Direct Financial Assistance to Homebuyers: 9 Households Assisted
2	Rehabilitate Substandard Housing Units	2015	2020	Affordable Housing	CENSUS TRACTS 4,5,6,7, 11, and 19	Housing Rehabilitation Affordable Housing for Special Needs Populations	CDBG: $178,760 HOME: $320,000	Rental units rehabilitated: 5 Household Housing Unit Homeowner Housing Added: 5 Household Housing Unit Homeowner Housing Rehabilitated: 15 Household Housing Unit
3	**Improve the City's Infrastructure**	**2015**	**2020**	**Non-Housing Community Development**	**CENSUS TRACTS 4,5,6,7, 11, and 19; and City Wide**	**Public Facility Improvements**	**CDBG: $350,000 Section 108 Loan Proceeds: $1,250,000**	**Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 4087 Persons Assisted**

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Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
4	Promote Public Service Activities	2015	2019	Public Services	Citywide	Homeless Housing and Services Public Services	CDBG: $110,387	Public service activities other than Low/Moderate Income Housing Benefit: 500 Persons Assisted Public service activities for Low/Moderate Income Housing Benefit: 500 Households Assisted Homelessness Prevention: 800 Persons Assisted
5	City Planning and Administration	2015	2020	Planning and Administration	Citywide	City Planning and Administration	CDBG: $98,000 HOME: $24,000	Other: 0 Other

Table 6 – Goals Summary

Goal Descriptions

1	**Goal Name**	Increase the Number of Owner-Occupied Units
	Goal Description	Develop affordable housing and then assist first-time homebuyers who are below 80% of the Area Median Income (AMI) opportunities to purchase affordable housing units.
2	**Goal Name**	Rehabilitate Substandard Housing Units
	Goal Description	Emphasis to be placed on programs that require an investment of funds and/or labor on the part of the owner commensurate with the owner's resources, revitalize and/or rehabilitate vacant properties, and rehabilitation of public housing units.

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3	**Goal Name**	Improve the City's Infrastructure
	Goal Description	Support economic development initiatives that improve the economic base, job skills, and health of the community.
4	**Goal Name**	Promote Public Service Activities
	Goal Description	Promote public service activities which support the homeless persons and healthy development of the City's at risk youth, adults, and families.
5	**Goal Name**	City Planning and Administration
	Goal Description	Provide staff for the administration and oversight of the Community Development Block Grant (CDBG) and HOME Program.

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Projects

AP-35 Projects – 91.220(d)

Introduction

The City's FY 2019 planned actions will address the City's priority housing and community development needs. The projects are outlined below.

Projects

#	Project Name
1	City Administration
2	Lynchburg Community Action Group Homeownership Substantial Rehabilitation
3	LRHA Rental Rehabilitation Program
4	LRHA/CVCoC Centralized Homeless Intake Coordinator
5	Lynchburg Community Action Group First-time Homebuyer Down Payment Assistance
6	LRHA Affordable Housing Resource Center
7	Greater Lynchburg Habitat for Humanity (GLHFH) Homeownership Program
8	Diamond Hill Neighborhood Center Rehabilitation
9	Jefferson Park Neighborhood Center Rehabilitation
10	LRHA Vacant Housing Revitalization & Rehabilitation
11	Lyn-CAG Thriving Cities: Poverty to Progress Accountability & Analysis
12	James River Housing- Rush Lifetime Homes, Inc. (CHDO)
13	**Lynchburg Police Department Headquarters - Design**

Table 7 - Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

The City will invest the majority of CDBG and HOME Program funds Citywide. Investing in affordable housing projects city-wide will also assist the City in affirmatively furthering fair housing and avoiding the concentration of low income populations. The City will target its public housing, public services and CDBG infrastructure and public improvement activities to census tracts with 51% of its residents at 80% or below the Area Median Income (AMI). In addition to the CDBG and HOME Program planned activities, the City continues to target its Code enforcement efforts in the census tracts adjacent to the City's Central Business District, where there is a higher concentration of poverty.

Please refer to Map attachments for project locations, census tracts, ethnic, low-to moderate income and racial concentration areas.

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AP-38 Project Summary

Project Summary Information

1	**Project Name**	City Administration
	Target Area	Citywide
	Goals Supported	City Planning and Administration
	Needs Addressed	City Planning and Administration
	Funding	CDBG: $98,000 HOME: $24,000
	Description	Funding to be used for personnel, operating, and training costs associated with managing the CDBG and HOME Programs.
	Target Date	06/30/2019
	Estimate the number and type of families that will benefit from the proposed activities	
	Location Description	
	Planned Activities	Administration of the CDBG and HOME Program
2	**Project Name**	Lynchburg Community Action Group Homeownership Substantial Rehabilitation
	Target Area	CENSUS TRACTS 4,5,6,7, 11, and 19
	Goals Supported	Rehabilitate Substandard Housing Units
	Needs Addressed	Housing Rehabilitation
	Funding	$225,000
	Description	Lyn-CAG's Homeowner Rehabilitation Program provides rehabilitation services to existing properties. Eligible properties are brought into Building Code compliance. The program is operated as a forgivable loan program with lien requirements and recapture restriction agreements as required by U.S. Department of Housing and Urban Development (HUD) regulations.
	Target Date	06/30/2019

	Estimate the number and type of families that will benefit from the proposed activities	10 units
	Location Description	Scattered Sites
	Planned Activities	The rehabilitation program activities provide selective rehabilitation services designed to remove health and safety hazards and Building Code violations from the homes of low-income homeowners who linve in the City of Lynchburg and meet HUD income guidelines for the HOME Program. Typical requests for services include electrical, plumgin, structural, and roof repair/replacement. All local contractors who provide the services are licensed and insured. Building materials are purchased from local businesses. Lyn-CAG anticipates providing services to ten (10) low-income households during the FY 2019 program year at an approximate cost of $11,000 per unit. In addition, Lyn-CAG staff will be coordinating resources from its Weatherization Program to ensure that homes are energy efficient. The will also make the home more affordable.
3	**Project Name**	LRHA Rental Rehabilitation Program
	Target Area	CENSUS TRACTS 4,5,6,7, 11, and 19
	Goals Supported	Rehabilitate Substandard Housing Units
	Needs Addressed	Housing Rehabilitation
	Funding	$85,000
	Description	The program provides funding to owners of rental properties who are providing accessibility improvements and or energy upgrades which benefit low income tenants. The program encourages and assists owners to provide improved living conditions when they might otherwise be unable to. LRHA maintains records of compliance for each owner based on the terms of their agreement.
	Target Date	06/30/2019
	Estimate the number and type of families that will benefit from the proposed activities	5 to 15 housing units (5 to 30 people)
	Location Description	Scattered Sites

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	Planned Activities	The program improves the quality of rental housing for the tenants, as well as improve substandards housing stock in the inner city. The Rental Rehabilitation Program is a resuorce to assist showers in coorecting the deficiencies to their property. First consideration is given to proposals for accessibility improvements, such as installation of ramps, grab bars, widening of doorways, retrofitting whoers, kitchen accessibility and similiar improvements. Additional repairs that may be considered include energy upgrades such as replacement of gas or oil furnace with an energy efficient heat pump, new windows and installation of exterior coverings.
4	**Project Name**	LRHA/CVCoC Centralized Homeless Intake Coordinator
	Target Area	Citywide
	Goals Supported	Promote Public Service Activities
	Needs Addressed	Homeless Housing and Services
	Funding	$60,702.35
	Description	This project will provide the funding for the Homeless Intake Coordinator. This staff person will assist the Continuum of Care (CVCoC) organizations by operating the Coordinated Homeless Intake and Access (CHIA) system. This centralized system provides services to households who are experiencing a housing crisis. The services include either diversion, domestic violence assistance, or emergency shelter placement. Homeless assistance programs participating in CHIA receive 100% of their referrals through CHIA to ensure that there is a fair and transparent means to access services.
	Target Date	06/30/2019
	Estimate the number and type of families that will benefit from the proposed activities	800 people
	Location Description	
	Planned Activities	The CDBG funds will provide for continuation of a full-time staff person to conduct the assessment/intake of homeless persons and coordinate the referrals to the appropriate homeless providers/agencies.
5	**Project Name**	Lynchburg Community Action Group First-time Homebuyer Down Payment Assistance
	Target Area	CENSUS TRACTS 4,5,6,7, 11, and 19

	Goals Supported	Increase the Number of Owner-Occupied Units
	Needs Addressed	Increase homeownership
	Funding	$60,412.00
	Description	HOME funds will be used to help residents become first-time homebuyers. These funds for down payment and closing costs assistance to assist low-moderate income individuals and families purchase a home within the City of Lynchburg.
	Target Date	06/30/2019
	Estimate the number and type of families that will benefit from the proposed activities	
	Location Description	Scattered Sites
	Planned Activities	Low-to-moderate income families and individuals who are attempting to purchase their first home do not have the resources to provide the 3% to 10% required for down payment basded on the mortgage they are receiving. The program serves as gap financing to bridge the loan and needed resources. This ensures the loan remains affordable and the client can be successful.
6	**Project Name**	LRHA Affordable Housing Resource Center
	Target Area	Citywide
	Goals Supported	Promote Public Service Activities
	Needs Addressed	Public Services Affordable Housing for Special Needs Populations
	Funding	$24,684.60
	Description	This project would provide for the continued funding of the Affordable Housing Resource Center (AHRC). The AHRC is staff with a Housing Navigator to provide a centralized access point to all affordable housing resources and programs available in the City. The CHIA Homeless Intake Coordinator who assists homeless persons would also be located in the AHRC. This project is a collaboration of the Lynchburg Housing Collaborative partners, the Central Virginia Continuum of Care (CVCoC), the City of Lynchburg and Lynchburg Redevelopment and Housing Authority (LRHA).
	Target Date	06/30/2019

	Estimate the number and type of families that will benefit from the proposed activities	500 households assisted/150 units
	Location Description	City-wide
	Planned Activities	This CDBG activity will provide the funds for staff, benefits, and operating costs for the AHRC. The Center provides a "Housing Navigator" who assists citizens in navigating the vast sea of affordable housing challenges, as well as opportunities, in the City.
7	**Project Name**	Greater Lynchburg Habitat for Humanity (GLHFH) Homeownership Program
	Target Area	CENSUS TRACTS 4,5,6,7, 11, and 19
	Goals Supported	Increase the Number of Owner-Occupied Units
	Needs Addressed	Increase homeownership
	Funding	$70,000.00
	Description	GLHFH develops homeownership opportunities for low-income families that would not qualify or be able to afford homeownership through conventional bank mortgages. GLHFH builds good quality, moderately appointed homes and sells them to qualified applicants.
	Target Date	06/30/2019
	Estimate the number and type of families that will benefit from the proposed activities	4 units/12 people
	Location Description	Scattered Sites
	Planned Activities	GLHFH will use HOME funds to pay for down-payment assistance which will reduce the principal balance so that the family can afford the monthly mortgage payments. GLHFH defines "payment affordability" as not more than 30% of monthly income, though GLHFH strives for 25% when possible as to make our homes affordable for families in the lower tiers of HUD AMI income.
8	**Project Name**	Diamond Hill Neighborhood Center Rehabilitation
	Target Area	CENSUS TRACTS 4,5,6,7, 11, and 19

	Goals Supported	Improve the City's Infrastructure
	Needs Addressed	Public Facility Improvements
	Funding	$175,000.00
	Description	After decades of constant use, the facility is in desperate need of basic infrastructure reinvestments. The core facility is in need of basic improvements. Plans include kitchen and bathroom renovations and general facility upgrades to flooring, ceiling, walls and window treatments. The Center provide services to the community through a variety of essential year-round programs. Reinvestment in the Diamond Hill Neighborhood Center will not only rejuvenate the facility, but also provide an economic spillover to the surrounding neighborhood where it serves as a much needed socio-economic anchor to the neighborhood.
	Target Date	06/30/2019
	Estimate the number and type of families that will benefit from the proposed activities	1 unit/1,935 people
	Location Description	1005 Seventeenth Street
	Planned Activities	The CDBG funds will provide funds for the renovations of the kitchen and bathroom areas and general facility upgrades to flooring, ceiling and walls. Improvements will also be completed on exterior elements such as park fencing, signage and lighting elements; and for amenities as picnic tables, bicyle racks, grills, benches and trash cans.
9	**Project Name**	Jefferson Park Neighborhood Center Rehabilitation
	Target Area	CENSUS TRACTS 4,5,6,7, 11, and 19
	Goals Supported	Improve the City's Infrastructure
	Needs Addressed	Public Facility Improvements
	Funding	$175,000.00

	Description	Over the years, the Center has served as a safe place for the community to engage in day-to-day programs, with a focus on education, wellness, culture, and community. The Center has served as a hub for citizen engagement and has hosted community celebrations. Plans include kitchen and bathroom renovations and general facility upgrades to flooring, ceiling, walls and window treatments; and additional site amenities are needed such as picnic tables, bicycle racks, a grill, and benches.
	Target Date	06/30/2019
	Estimate the number and type of families that will benefit from the proposed activities	1 unit/832 people
	Location Description	405 York Street
	Planned Activities	The CDBG funds will provide funds for the renovations of the kitchen and bathroom areas and general facility upgrades to flooring, ceilings, and walls.
10	**Project Name**	LRHA Vacant Housing Revitalization & Rehabilitation
	Target Area	CENSUS TRACTS 4,5,6,7, 11, and 19
	Goals Supported	Rehabilitate Substandard Housing Units
	Needs Addressed	Housing Rehabilitation
	Funding	$93,759.75
	Description	Lynchburg Redevelopment and Housing Authority (LRHA) plans to acquire and rehabilitate or demolish blighted properties that have vacant structures on them. LRHA plans to use some of the properties to rehabilitate the existing structures and then rent the properties as affordable housing. Other properties will be identified for demolition and new construction building. LRHA will partner with other housing providers in the City to determine the best locations and end use of blighted properties.
	Target Date	06/30/2019

	Estimate the number and type of families that will benefit from the proposed activities	5 units/10 people
	Location Description	Scattered Sites
	Planned Activities	LRHA will target units that can be rehabilitated within a short period of time as well as units that need to be demolished and replaced with new construction opportunities. A combination of both types of properties will provide a balanced result. The CDBG funds will be used for acquisition, demolition, and construction costs for rehabilitation.
11	**Project Name**	Lyn-CAG Thriving Cities: Poverty to Progress Accountability & Analysis
	Target Area	Citywide
	Goals Supported	Promote Public Service Activities
	Needs Addressed	Public Services
	Funding	$25,000.00
	Description	Funding will support the purchase of EmpowOR, an agency-wide client data base software system that will allow Lyn-CAG to input and track the Poverty to Progress Initiative; specifically, client demographics; case management; progress and status; outcomes and accomplishments. It will also allow Lyn-CAG to track which community partners have provided individual services to clients and their demographics. The funding will support a portion of the salary for a part-time staff person to serve as data entry/clerical support. The information gathered from these reports, on a quarterly basis, will provide the Mayor's office, as well as participating community partners, much needed information in order to pursue future grant research and funding towards benefitting and support of the Poverty to Progress Initiative.
	Target Date	06/30/2019
	Estimate the number and type of families that will benefit from the proposed activities	500 people
	Location Description	City-wide

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	Planned Activities	EmpowOR will be the key instrument by which each participating community partner will provide information to Lyn-CAG to be entered into the system. Lyn-CAG staff will be able to input data regarding a client's demographics; client case management notes; the status and progress of each client, as related to work with each of the Poverty to Progress nine (9) major target elements; the activities and involvement from participating community partners; and the formulation of supporting material and data for potential funders. EmpowOR is a state-of-the-art, user friendly, web-based participant/client services and results tracking software. EmpowOR's innovative and customizable work templates and built-in data quality reports make it easy to get accurate information in the system.
12	**Project Name**	James River Housing- Rush Lifetime Homes, Inc. (CHDO)
	Target Area	Citywide
	Goals Supported	Rehabilitate Substandard Housing Units
	Needs Addressed	Housing Rehabilitation Affordable Housing for Special Needs Populations
	Funding	$95,000.00
	Description	Rush Lifetime Homes, Inc. is a certified Community Housing Development Organization (CHDO). James River Housing is a house rehabilitation project that will provide cost effective, and affordable homes for tenant families with disabilities and low incomes. Rush Lifetime Homes, Inc. (Rush Homes) will engage primarily with Lynchburg Redevelopment and Housing Authority and local realtors to identify appropriate houses in Lynchburg that require rehabilitation and will rehabilitate those houses. Focus will be on adding accessibility/universal design features when possible in order to provide access to people with mobility and/or physical impairments. Rush Homes estimates that approximately 40% of their current tenants have mobility related disabilities; thus, many people with disabilities do not require mobility accessibility features.
	Target Date	06/30/2019
	Estimate the number and type of families that will benefit from the proposed activities	5 units/15 people
	Location Description	Citywide

	Planned Activities	By identifying housing in need of rehabilitation and turning the same into pleasing homes, Rush Homes supports community development and stable communities. Further, Rush Homes supports inclusive and diverse communities. Rush Homes' waiting list of families with disabilities needing and wanting affordable housing that meets their needs stands at 491. There is significant evidence of the housing need in Lynchburg.
13	**Project Name**	**Lynchburg Police Department Headquarters - Design**
	Target Area	**Citywide**
	Goals Supported	**Improve the City's Infrastructure**
	Needs Addressed	**Public Facility Improvements**
	Funding	**Section 108 Loan Proceeds: $1,250,000**
	Description	**This project will include using Section 108 Loan proceeds to assist with the design of the new Lynchburg Police Department headquarters. The new headquarters will be located at 1301 and 1305 Kemper Street and will consolidate all functions of the Police Department into one facility/location. The properties are located in CDBG targeted Census Tract 7 which contains approximately 70% low and moderate income level persons; however, the service area is Citywide which contains 51.01% low and moderate income level persons. The funds will be expended on architectural and engineering services.**
	Target Date	**12/31/2019**
	Estimate the number and type of families that will benefit from the proposed activities	**The headquarter will be located in CDBG targeted Census Tract 7 which contains approximately 70% low and moderate income level persons; however, the service area is Citywide which contains 51.01% low and moderate income level persons.**
	Location Description	**The new headquarters will be located at 1301 Kemper Street and will consolidate all functions of the Police Department into one facility/location.**
	Planned Activities	**The substantial amendment is to add a new project utilizing unspent Bluffwalk Section 108 Loan proceeds totaling $1,250,000 to partially fund the design of the new Lynchburg Police Department headquarters. The funds will be expended on architectural and engineering services**

AP-50 Geographic Distribution – 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

Areas of racial/ ethnic concentration are defined as census block groups where the percentage of a minority group is 10 percentage points above the Citywide average. All references to census block groups hereafter will simply be referred to as “block groups” for brevity.

Across Lynchburg in 2013, Blacks comprised 28.2% of the population, Hispanics 3.1%, and Asians 2.7%. Therefore, an area of Black concentration would include any block group where the percentage of Black residents is 38.2% or higher, a Hispanic concentration would include a block group percentage of 13.1% or higher, and an Asian concentration would include a block group percentage of 12.7% or higher.

In order to locate racially/ethnically concentrated areas that are also areas of poverty, low and moderate income (LMI) data were layered on top of racially and ethnically concentrated areas. This created racially and ethnically concentrated areas of poverty (RCAPs and ECAPs). The identified RCAPs and ECAPs are displayed in block groups. These maps are in the Unique Appendices.

Geographic Distribution

Target Area	Percentage of Funds
CENSUS TRACTS 4,5,6,7, 11, and 19	81
Citywide	51

Table 8 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

The City will invest the majority of CDBG and HOME Programfunds Citywide. Investing in affordable housing projects Citywide will also assist the City in affirmatively furthering fair housing and avoiding the concentration of low income populations. The City will target its public housing, public services and CDBG infrastructure and public improvement activities to census tracts with 51% of its residents at 80% or below the Area Median Income (AMI). In addition to the CDBG and HOME Program planned activities, the City continues to target its Code enforcement efforts in the census tracts adjacent to the City's Central Business District, where there is a higher concentration of poverty.

Discussion

In FY 2019 the project/activities allocations for the designated geographic locations are as follows:
Census Tracts 4, 5, 6, 7, 11, and 19 - 60% (CDBG Program)
Citywide - 40% (HOME Program)

Affordable Housing

AP-55 Affordable Housing – 91.220(g)

Introduction

The following are the affordable housing goals in the City of Lynchburg for this Annual Action Plan.

One Year Goals for the Number of Households to be Supported	
Homeless	800
Non-Homeless	500
Special-Needs	0
Total	1,300

Table 9 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	0
The Production of New Units	4
Rehab of Existing Units	25
Acquisition of Existing Units	5
Total	34

Table 10 - One Year Goals for Affordable Housing by Support Type

Discussion

The Coordinated Homeless Intake Access (CHIA) worker plans on serving appoximately 800 persons through diversion or placement in transitional or permanent housing. The Affordable Housing Resource Center at Lynchburg Redevelopment and Housing Authority (LRHA) plans on serving 500 people and 150 housing units during this program period. This service will be provided through a Housing Navigator who will assist citizens in navigating the vast sea of affordable housing challenges, as well as opportunities, in the City.

Greater Lynchburg Habitat for Humanity (GLHFH) is providing down-payment assistance for the production of 4 new units for low to moderate income homebuyers and Lyn-CAG is providing First-time Homebuyer Down Payment Assistance for the acquisition of 5 units for low to moderate income homebuyers.

There are 25 planned housing rehabilitation activities for this program period. These rehabilitations will be completed by Lyn-CAG, Lynchburg Redevelopment and Housing Authority (LRHA), and Rush Lifetime Homes. When these rehabilitations are completed the housing units will be safer by having Code violations corrected, and vacant properties will be rehabilitated and revitalized in to affordable, safe

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housing options. Lyn-CAG will rehabilitate ten (10) units for homeowners. Rush Lifetime Homes will acquire five (5) vacant properties for rehabilitation for an eligible, disabled homebuyers through its Community Housing Development Organization (CHDO) program. LRHA will acquire five (5) properties and rehabilitated these properties for homeownership and will rehabilitate five (5) properties for rental units.

AP-60 Public Housing – 91.220(h)

Introduction

Lynchburg Redevelopment and Housing Authority (LRHA) owns and manages 328 public housing units located throughout the City. The publicly-owned rental housing units are in four different locations: Dearington, Birchwood, Langview, and Brookside. Female-headed households represent 88.82% of all households compared to 11.18% of male-headed households. Also, non-White households comprised 89.44% of all tenant households, nearly all of which are Black households.

Actions planned during the next year to address the needs to public housing

LRHA plans to begin the predevelopment process for the 103 units at the Birchwood complex. Specifically to determine options for redevelopment, and financing that property, etc. We have another new development opportunity that we are going to explore to create new affordable housing opportunities as well. We will also be continuing to partner with Rush Homes and Habitat for Humanity to provide neighborhood revitalization in certain areas of the city.

Actions to encourage public housing residents to become more involved in management and participate in homeownership

LRHA encourages and supports programs and activities to improve the quality of life for public housing residents. These programs address needs in the following areas: drug prevention, resident participation in community organizations and activities, employment resources, housing counseling classes, homeownership opportunities, economic development, and self-sufficiency. The Authority also sponsors National Night Out using LRHA's funds to encourage residents to report crime.

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

LRHA is not designated as troubled.

Discussion

AP-65 Homeless and Other Special Needs Activities – 91.220(i)

Introduction

Most homelessness initiatives in the City are coordinated through the Central Virginia Continuum of Care (CVCoC), a recipient of funding through the U. S. Department of Housing and Urban Development's (HUD) Continuum of Care Program. The CVCoC's geographic coverage extends beyond the City of Lynchburg to the counties of Amherst, Appomattox, Bedford, and Campbell. In addition, the City is fortunate to have several resources through which services are delivered to the community to address non-homeless special needs. Some of these receive funding from public sources, such as federal and state grants. Others are private activities operating solely with donated funds from the private sector. In all cases, the City encourages this work and relies on it to complement its social service functions to City residents.

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The Central Virginia Continuum of Care (CVCoC) operates the homeless response system within Lynchburg and has a strategic plan to end homelessness. One of the identified goals is to develop access points for sheltered and unsheltered individuals. The CVCoC has developed a coordinated assessment process for homeless response services, Coordinated Homeless Intake and Access (CHIA). CHIA assesses households experiencing a housing crisis to divert, prevent homelessness, and refer to emergency assistance in an accessible manner through phone conversations or in person. Households fleeing domestic violence are identified and connected with victim service providers. Initial screening occurs for diversion and prevention. Eligible households receive prevention services; including landlord mediation, eviction payment, relocation, housing stabilization. If no other housing options exist, the household is referred to an emergency shelter that fits their needs and honors client choice (geographic location, accessibility). A Housing Barrier Assessment, Vulnerability Index (VI)-Service Prioritization Decision Assistance Tool (SPDAT) and a priority subpopulation checklist are used by CHIA and the Community Case Review Team (case conferencing) to determine severity of housing barriers and vulnerability and to connect to the appropriate level of intervention. One CVCoC goal for the upcoming year is to increase access to unsheltered persons by launching a street outreach program.

Addressing the emergency shelter and transitional housing needs of homeless persons

Once homeless households are placed in emergency shelter or domestic violence shelters through CHIA, the household's housing barriers and needs are assessed in order to make appropriate referrals for services such as rapid re-housing and permanent supportive housing. Shelter staff provide targeted housing focused case management to locate safe and affordable housing as quickly as possible. In 2017, the CVCoC's average length of time homeless persons were in emergency shelter was 43 days. This is anticipated to be reduced in 2018 through increased landlord recruitment, increased rapid re-housing and permanent supportive housing capacity, and ongoing case conferencing with homeless response providers in order to collaboratively serve households with high housing barriers. The two- year recidivism rate indicates 81% maintain housing after CVCoC discharge. This will increase through expanded housing stabilization services and use of best practices (critical time intervention and landlord/tenant mediation). Prior to discharge, staff ensure households have wraparound services in substance recovery, mental health, employment, education, healthcare, legal services, and childcare to strengthen stability. Discharged households are connected with aftercare support groups, the Affordable Housing Resource Center, and rental counseling. The Housing Barrier Assessment and VI-SPDAT assess previous homelessness to identify returns and strategically target resources. The Housing Management Information System (HMIS) Committee is analyzing aggregate HMIS data to determine risk factors for recidivism and target resources. The CVCoC collaborates with the local federally qualified health center (Johnson Health Center), Community Service Board (Horizon Behavioral Health) and the City's Division of Social Services to assess eligibility for healthcare coverage. The local Division of Social Services assesses Medicaid eligibility and enrolls clients. Johnson Health Center employs enrollment specialists who are members of the CVCoC and facilitates site visits to meet with homeless households and screen for coverage under the Affordable Care Act (ACA). Horizon Behavioral Health facilitates assessments for the Governor's Access Plan insurance which provides mental health coverage for uninsured, Medicaid ineligible adults in Virginia. For persons ineligible for health insurance, the Free Clinic of Central Virginia partners with the CVCoC to provide low barrier, free medical care to homeless persons.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

The CVCoC has identified four priority subpopulations which are chronically homeless individuals, families with children, veterans and their families and unaccompanied youth. There has been a 67% decrease in chronically homeless persons from 2015 to 2018 through concerted efforts to increase services for this population. In the past several years, HUD-VA Supportive Housing (HUD-VASH), Supportive Services for Veteran Families (SSVF), and a veteran Rapid Re-housing (RRH) project have

targeted chronically homeless veterans and provided housing and supportive services. The CVCoC has added an additional 11 units for chronically homeless individuals. The permanent supportive housing projects have reduced barriers to entry and accept referrals so that chronically homeless are prioritized for vacancies. The Homeless and Housing Services (HHS) Committee continues to work with projects to lower admission criteria thus ensuring that households are sheltered and housed in a rapid manner. Case conferencing has allowed CVCoC partners to present unsheltered households to the CVCoC to develop effective and efficient interventions which decrease the length of time homeless. CVCoC projects follow a "Housing First" approach to minimize the time households experience homelessness by lowering barriers to project entry, decreasing involuntary discharge and not predicating services on housing readiness. A priority population within the CVCoC is households with children which ensures quick admittance to rapid re-housing projects to begin housing search and placement. The CVCoC's current largest rapid re-housing project is dedicated to households with children. From 2015 to 2018 family homelessness in our CVCoC decreased by 68% according to Point-In-Time (PIT) data. The CVCoC expects to continue this progress through continued rapid re-housing expansion. The CVCoC set as a goal to have shared landlord lists across the CVCoC and to increase landlord recruitment. The CVCoC will target resources to unaccompanied youth in the coming year with the goal of decreasing youth homelessness.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.

The CVCoC operates a homeless prevention program that targets households imminently at risk of homelessness. The program uses a targeting tool that identifies households who will become homeless but for intervention. This program offers rental assistance, landlord mediation, housing relocation and housing stabilization services.

In relation to youth aging out of foster care, patients released from medical facilities, patients released from mental health institutions, and prisoners released from correctional institutions, the CVCoC continues to work in cooperation with individuals from local law enforcement agencies, supportive service agencies, and other interested parties to coordinate discharge.

Discussion

Foster Care (Youth Aging Out): The City's Division of Social Services meets with youth in foster care at least 90 days prior to discharge in order to plan for the impending discharge. Family partnership meetings are held to develop a transitional plan with each youth that focuses on housing. The vast majority of youth leaving the foster care system return to their families of origin and many of them

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remain with their foster families despite being discharged from the system.

Health Care: The CVCoC policies require coordination with healthcare institutions for discharge planning and prevent, when possible, discharges to homelessness. The CVCoC coordinates with the local healthcare system, CENTRA, for discharge planning. The staff at CENTRA manages discharge planning with area housing agencies, providers, and organizations in the CVCoC to ensure safe and adequate placement of those being released from the hospital system.

Mental Health: Horizon Behavioral Health is an active member and board member of the CVCoC. The CVCoC has provided ongoing training to its members with regards to accessing services from Horizon Behavioral Health. Horizon Behavioral Health has received from the CVCoC information about current and new referral options in the area through organization presentations and announcements.

Corrections: The CVCoC participates on the Blue Ridge Re-entry Council to ensure that persons exiting correctional facilities are not discharged to homelessness.

AP-75 Barriers to affordable housing – 91.220(j)

Introduction:

The City of Lynchburg completed an Analysis of Impediments to Fair Housing (AI) in 2013. The AI, in addition to identifying fair housing issues, also identified potential barriers to affordable housing.

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

The City's AI indicated that the City had a few areas that could be barriers to affordable housing. The AI suggests that HOME Program funding, which is currently tied to those census tracts which qualify as Low-Moderate Income (LMI), be used throughout the City helping offer more opportunity across the City.
The City is proceeding with the development of an Affordable Housing Resource Center (AHRC), which is designed as a "one stop shop" for accessing resources and to address and solve people's housing questions and needs. The Center would offer a "Housing Navigator" who would assist citizens in navigating the vast sea of affordable housing challenges and opportunities in the City. Information, education and training programs would be offered to provide a number of learning tools to citizens to be successful in obtaining and maintaining stable housing. These programs would include: Renter Counseling; Homebuyer Counseling; Landlord/Tenant Law Training; Energy-Saving Education; Avoiding Eviction Guidance; Home Maintenance tips, etc. Lynchburg Redevelopment and Housing Authority has hired a Housing Navigator to operate the AHRC.

Discussion:

N/A

AP-85 Other Actions – 91.220(k)

Introduction:

In FY 2019, the City of Lynchburg plans the following actions to help address the housing and community development needs of City residents, especially low/moderate income residents.

Actions planned to address obstacles to meeting underserved needs

Inadequate resources is the chief obstacle to meeting underserved needs ---both financial and human (staffing). The Central Virginia Continuum of Care (CVCoC) received $277,622 in Program Year 2017 funding to continue its efforts in providing Permanent Supportive Housing and Rapid Re-housing for homeless persons. The City allocated a total of $125,702 of Community Development Block Grant (CDBG) funds in Program Years 2017 and 2018 to support the Coordinated Homeless Intake Access (CHIA) system for persons who are homeless or about to be homeless. CHIA provides the support for these persons to access the necessary resources needed to find shelter, services, and/or permanent housing. The City of Lynchburg will continue to collaborate with human and social service agencies and the CVCoC to identify potential resources for meeting the service needs of City residents. The City will continue to support the efforts of service agencies to maximize the use of available resources and to obtain additional resources whenever possible.

Actions planned to foster and maintain affordable housing

The City of Lynchburg allocated FY 2019 HOME Program funds to rehabilitate ten (10) homeowner-occupied units; encourage eight (8) potential homeowners to purchase homes; and revitalize five (5) vacant properties. In addition, FY 2019 CDBG funds will be used to rehabilitate five (5) rental units and rehabilitate five (5) vacant homes.

Actions planned to reduce lead-based paint hazards

All City written agreements with CDBG and/or HOME Subrecipients contain provisions requiring compliance with lead-based paint rules, and are subject to procedures developed by the Grants Administration Office to ensure appropriate stages of due diligence are complete and of record prior to CDBG and/or HOME funds being disbursed. The Subrecipients and contract providers of housing rehabilitation program services will conduct risk assessments and clearance inspections for applicable rehabilitation projects, as required. All properties purchased with financial assistance provided by the CDBG and HOME Program must be inspected for lead-based paint hazards, if constructed prior to 1978, prior to final approval of application for assistance. Payment of subsidies is only issued after receipt of the inspection report revealing no lead-based paint hazard present at time of purchase.

Actions planned to reduce the number of poverty-level families

In 2016 City Council began an initiative named “Poverty to Progress”. This initiative includes a goal of facilitating the moving of 50, willing and able, hopeful, and motivated households out of poverty annually for the FY 2018-2022 period. This approach will include engaging the community through its

academic institutions, continuum of care, workforce development, community centers, faith-based community, government, business and non-profits to reach this goal and others related to poverty. The Poverty to Progress Initiatives is based on community awareness and citizen engagement. City Council has allocated $150,000 over the past three years in the FY 2017, 2018 and 2019 General Fund Operating Budgets to provide financial resources to assist with the facilitation of these activities.

Actions planned to develop institutional structure

The City's Grants Administration Office is responsible for carrying out the provisions of this Consolidated Plan. Working in conjunction with its public and private partners, City staff distributes, monitors, and executes the functions of the plan and reports on its progress. Coordination with other departments within City administration is essential to smooth delivery of services, and the achievement of desired outcomes.

Primarily, the City's strategies will be conducted in the various partnerships the City enjoys with the public and private housing developers and service providers operating in the City and in the region. These include public partners, such as the LRHA, and several private non-profits such as Lyn-CAG and Rush Homes; and the various Central Virginia Continuum of Care organizations/non-profits. These and others work separately and collectively, along with City staff, on projects that achieve the goals stated by City Council.

Actions planned to enhance coordination between public and private housing and social service agencies

As discussed in the Consolidated Plan, the City of Lynchburg actively works to coordinate community development efforts between public and private housing and social service agencies. The strategies to address the gaps include the following:

- Strengthen the intake process and procedures for CHIA to provide a clearer understanding to the partnering agencies and homeless persons;
- Creation of the Affordable Housing Resource Center to provide a centralized access point to all affordable housing resources and programs available in the City of Lynchburg; and
- Relocation of the CHIA Homeless Intake Coordinator to the Affordable Housing Resource Center.

Discussion:

N/A

Program Specific Requirements

AP-90 Program Specific Requirements – 91.220(l)(1,2,4)

Introduction:

Community Development Block Grant Program (CDBG)
Reference 24 CFR 91.220(l)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	**3,234**
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	**1,250,000**
3. The amount of surplus funds from urban renewal settlements	**0**
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	**0**
5. The amount of income from float-funded activities	**0**
Total Program Income:	**1,253,234**

Other CDBG Requirements

1. The amount of urgent need activities	0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income.Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan. **Program Years 2017, 2018, 2019**	78.00%

HOME Investment Partnership Program (HOME)
Reference 24 CFR 91.220(l)(2)

1. A description of other forms of investment being used beyond those identified in Section 92.205 is as follows:

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

2. A description of the guidelines that will be used for resale or recapture of HOME funds when used for homebuyer activities as required in 92.254, is as follows:
   In accordance with HOME Program regulations at 24 CFR Part 92, properties assisted must remain affordable during the affordability period. Under recapture provisions, this period is based on the direct HOME subsidy to the homebuyer and includes down payment assistance, "gap" financing, and interest rate buy downs, as available.

   The HOME affordability periods are as follows:
   HOME-assisted units are subject to affordability for the entirety of the affordability period. These HOME-assisted units are subject to a recapture provision in order to assure that the units either remain affordable (i.e. housing eligible clients) or that the City recovers its investment based on the terms of the agreement. Funds are recaptured only from the net proceeds of the sale or foreclosure.

   In accordance with HOME CPD 12-003 Notice "Guidance on Resale and Recapture Provision Requirements under the HOME Program" the City has submitted to the HUD Richmond Field Office the "Recapture Restriction Agreement" used by the City for homebuyer projects. This document includes the basic requirements for recapture provisions in HOME Investment Partnerships (HOME) program homebuyer projects. The document was reviewed by the HUD Richmond Field Office staff and was found to be acceptable for compliance with §92.254(a) (5) of the HOME Program regulations.

3. A description of the guidelines for resale or recapture that ensures the affordability of units acquired with HOME funds? See 24 CFR 92.254(a)(4) are as follows:

   The City of Lynchburg currently uses the recapture provision option outlined in Section 24 CFR Part 92.254 (a)(5)(ii)(A)(2) to ensure the affordability requirements for the HOME Investment Partnership (HOME) Program. The recapture provision will be used to recover the direct subsidy to the homebuyer which includes down payment, closing cost assistance, interest subsidies and any difference between fair market value and purchase price. The recapture provision will be limited to net proceeds available from the sale of the HOME assistance unit. The amount of direct subsidy subject to recapture is based on the pro-rata share of the remaining affordability period. The affordability period is determined by the amount of direct subsidy included in the deed or land covenant, which will be defined in the terms of the loan. The affordability period will apply as

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follows:

- Project under $15,000 are five-year term
- Projects from $15,001 - $40,000 are ten-year term
- Projects over $40,000 are fifteen-year term

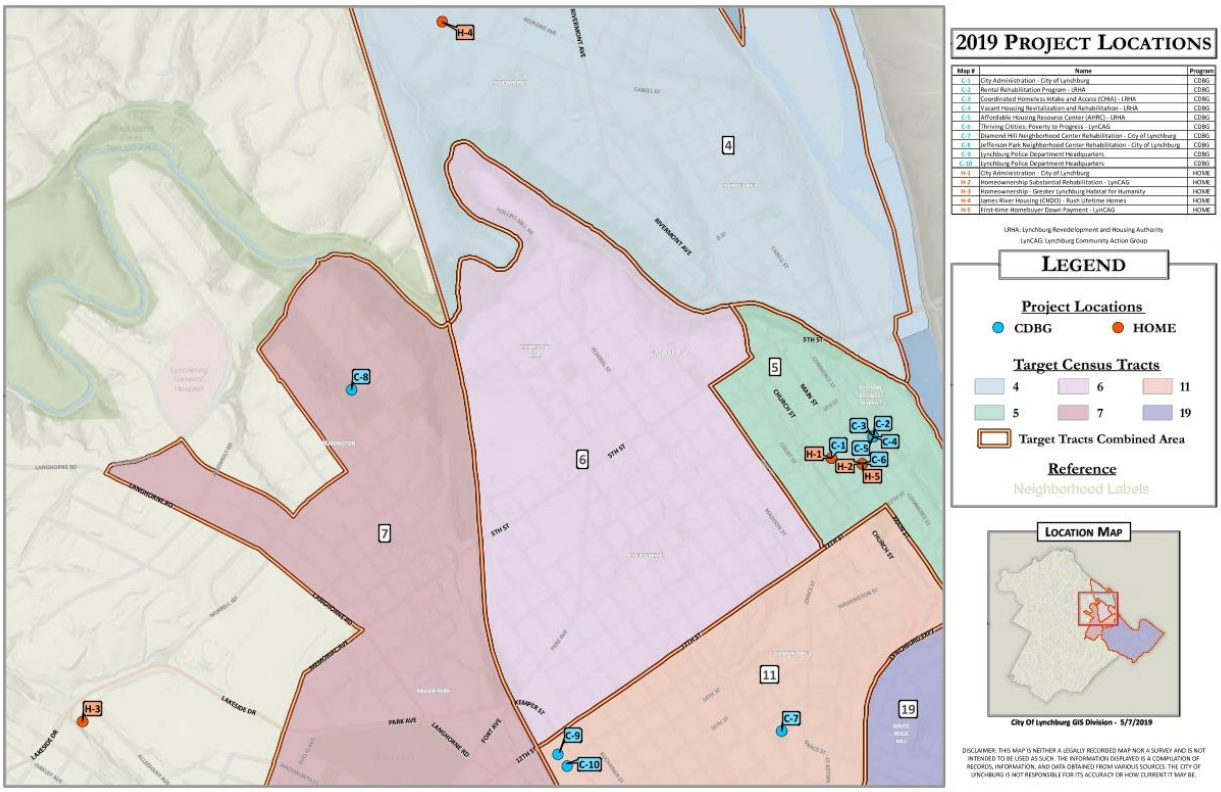
The City will enforce the recapture provision requirement in its contractual agreement with its sub-recipients and CHDOs. This recapture provision must be used by all subrecipients, and CHDOs when transactions are sale of property using HOME Investment Partnership Program. Therefore, all the sub-recipients or CHDOs will be responsible for passing the recapture provision requirement to the purchaser of the HOME assisted unit in the form of a "Recapture Restriction Agreement", deed or land covenant that runs concurrently with the affordability period.

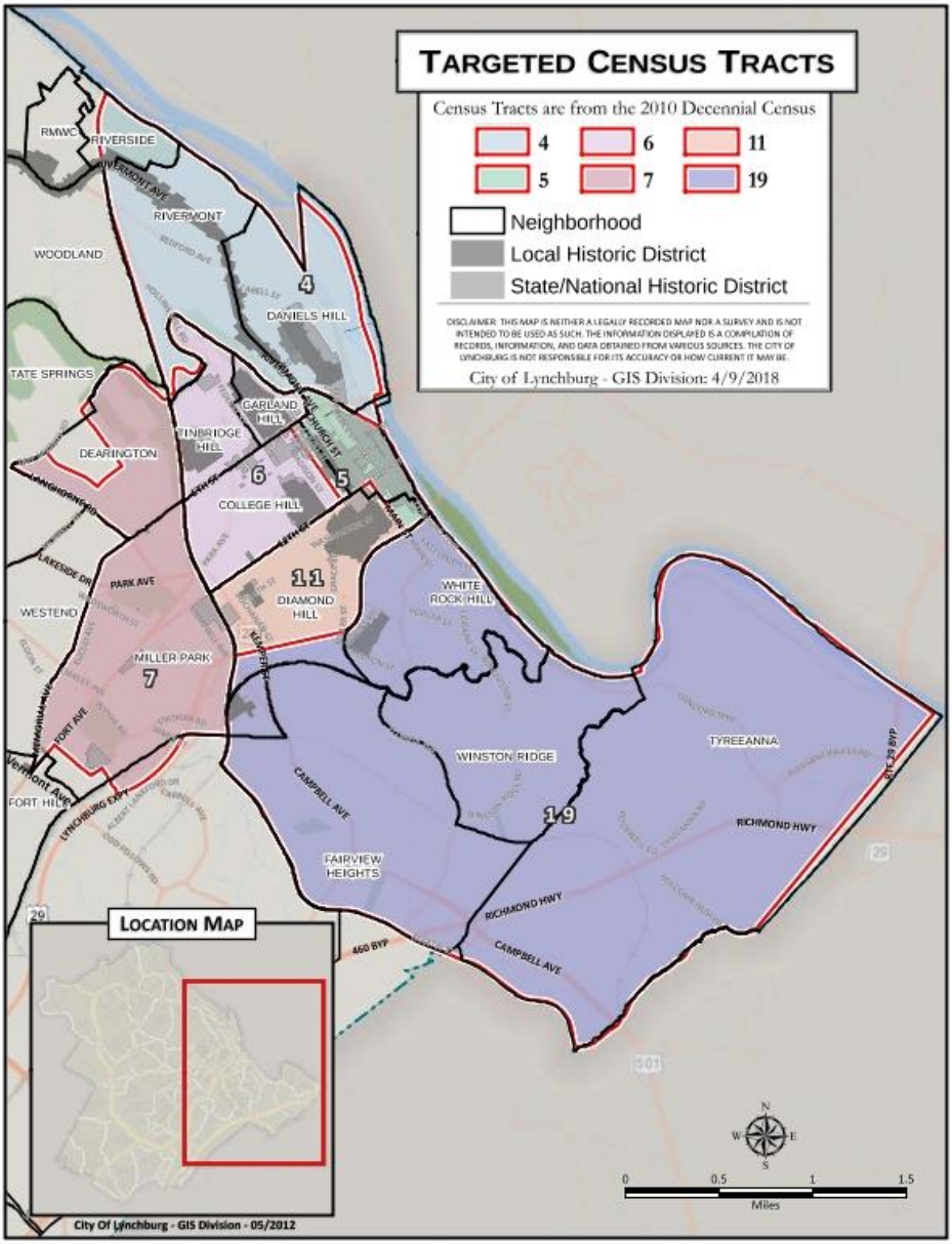
4. Plans for using HOME funds to refinance existing debt secured by multifamily housing that is rehabilitated with HOME funds along with a description of the refinancing guidelines required that will be used under 24 CFR 92.206(b), are as follows:

   Not applicable. During Program Year 2018 (FY 2019), the City of Lynchburg does not anticipate using HOME Program funds to finance or refinance debt secured by multi-family housing that is being rehabilitated with HOME funds.

Attachments

Grantee Unique Appendices





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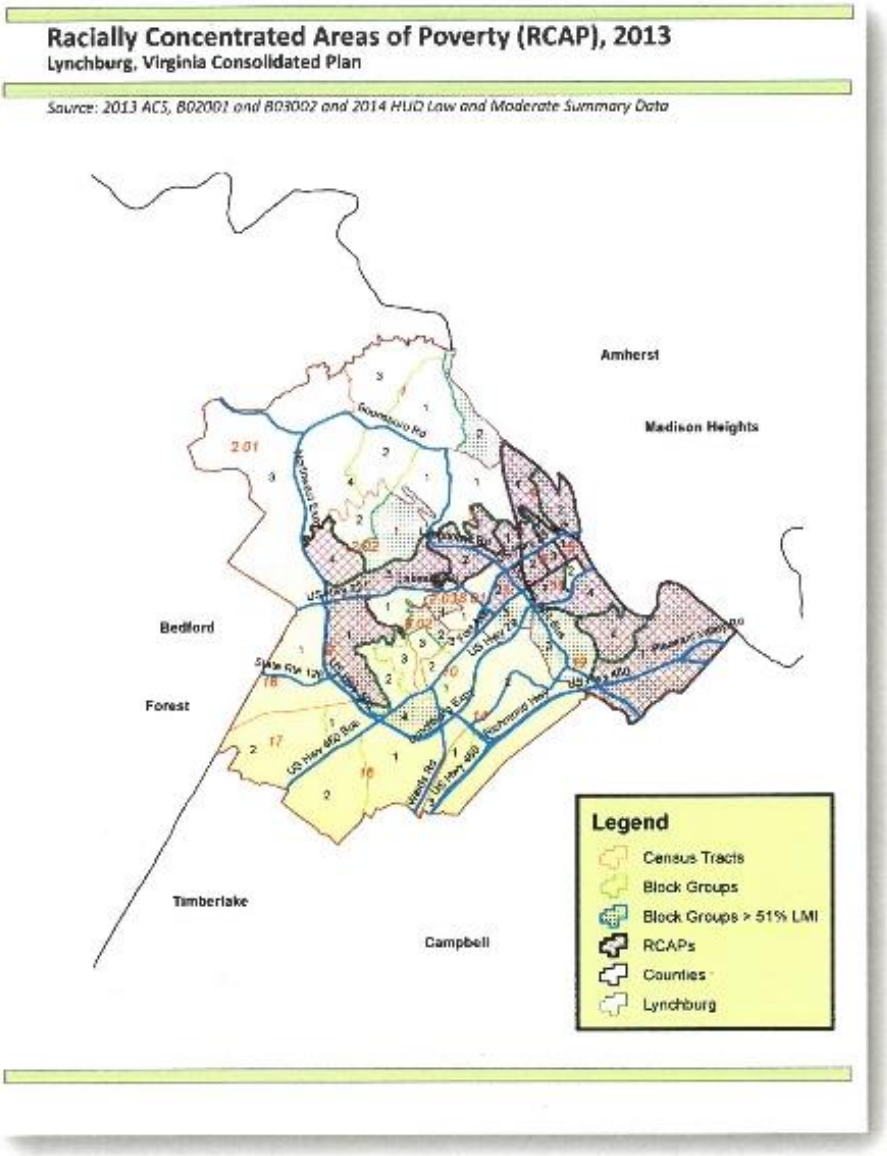

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LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **June 11, 2019** AGENDA ITEM #: **4**

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

ITEM TITLE: Vacate a portion of Jackson Street

KEY ELEMENTS:
___Economic Development ___Excellent Government _**X**_Natural and Built Environment ___Safe Community _**X**_Vibrant Community

RECOMMENDATION: Approval of the Jackson Street right-of-way vacation.

SUMMARY: The Rebkee Company is petitioning to vacate approximately ninety-two thousandths (0.092) acres of Jackson Street. The portion proposed for vacation includes an existing parking lot that encroaches into the right-of-way from the adjoining property at 1503 Grace Street.

This right-of-way vacation is related to an existing parking lot to be used by the development authorized by the rezoning of the former Grace Street Lodge, which was approved by City Council on May 14, 2019.

Pedestrian and vehicular traffic will not be impacted by the right-of-way vacation.

PRIOR ACTION(S):

April 19, 2019: The Technical Review Committee (TRC) reviewed the right-of-way vacation. The required materials have been submitted and approved by staff.

June 11, 2019: The Physical Development Committee will review this item at their meeting.

FISCAL IMPACT: Valuation of the property to be vacated is approximately $16,000 - $23,000 (assessed value range based on the proposed assessments of other properties zoned B-4 in this area)

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

ATTACHMENT(S):
- Ordinance
- Application
- Title Letter & Supporting Plats
- Vacation Plat

REVIEWED BY: raw

070R

UNCODIFIED ORDINANCE:

AN ORDINANCE VACATING A CERTAIN PORTION OF RIGHT-OF-WAY KNOWN AS JACKSON STREET.

WHEREAS, The Rebkee Company is petitioning to vacate a certain portion of right-of-way known as Jackson Street; and

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

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

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

BEGINNING AT A½" REBAR FOUND ON THE EASTERLY RIGHT OF WAY LINE OF JACKSON STREET; THENCE S54°18'35"W A DISTANCE OF 13.00'; THENCE N34°57'00"W A DISTANCE OF 307.71'; THENCE N54°18'35"E A DISTANCE OF 13.00'; THENCE S34°57'00"E A DISTANCE OF 307.71'; WHICH IS THE POINT OF BEGINNING. HAVING AN AREA OF 0.092ACRES, MORE OR LESS

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

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

Adopted:

Certified: _____
Clerk of Council

APPLICATION FOR THE VACATION OF

A portion of Jackson Street

LOCATED

The east side of Jackson St between 15th St and Grace St

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

BEGINNING AT A ½" REBAR FOUND ON THE EASTERLY RIGHT OF WAY LINE OF JACKSON STREET;THENCE S54°18'35"W A DISTANCE OF 13.00';THENCE N34°57'00"W A DISTANCE OF 307.71';THENCE N54°18'35"E A DISTANCE OF 13.00';THENCE S34°57'00"E A DISTANCE OF 307.71';WHICH IS THE POINT OF BEGINNING,HAVING AN AREA OF 0.092ACRES, MORE OR LESS

The applicant further requests the Lynchburg City Council to hold a public hearing on this application at its meeting to be held in the Council Chamber, City Hall, 900 Church Street, Lynchburg, VA on June 11, 2019, at 7:30 p.m., or as soon thereafter as the matter may be heard, and at the conclusion of which hearing to consider whether or not to vacate the above described portion of Jackson Street.

Given under my hand this 1st day of April, 2019.

The Rebkee Company
Applicant

15871 City View Drive, Suite 300
Midlothian VA 23112
Address

804-417-0740
Phone Number

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

RECEIVED
APR 0 2 2019
COMMUNITY DEVELOPMENT

From: Barbara B. Gladieux, VCTE
328 Sumpter St.
Lynchburg, Va 24503
bbglad@gmail.com

To: Victoria Glasgow
City Planning and Community Development
900 Church St.
Lynchburg, Va 24504

April 10, 2019

Dear Ms. Glasgow and to whom it may concern,

Accupoint Survey and Design, LLC secured my services to investigate the title to a portion of Jackson Street adjacent to property located at 1503 Grace Street, Parcel ID Number 02531001, being known as lot or parcel of real estate in the City of Lynchburg, Virginia, containing 0.899 acre, and being shown and described on a plat of survey entitled, PLAT SHOWING RESURVEY OF THE PROPERTY OF GRACE STREET ASSOCIATES, CITY OF LYNCHBURG, VIRGINIA, made by Armstrong Land Surveying, Inc., Richard B. Armstrong, Jr., L.S., dated August 20, 2014, and recorded in the aforesaid Clerk's Office in Plat Cabinet 10, at Slide 367, to determine ownership of the currently platted streets, to ensure future care and upkeep of the land.

Whereas, it is the desire of the future owner to vacate a portion of the city right of way along Jackson Street in order to make use of the existing physical improvements located within the city right of way, such as but not limited to parking areas.

Whereas, the title to 1503 Grace Street was researched from 1864 to present and the owners did not reserve title to land located within street right of ways.

Whereas, The City of Lynchburg annexed a certain portion of Campbell County in 1870 which contained the subject property.

Whereas, there was no subdivision plat found among the land records dedicating the right of way for Jackson Street adjacent to the subject parcel.

Whereas, there is a map of Lynchburg titled "Grays New Map of Lynchburg" drawn from special surveys 1877 (Exhibit 1) shows the width of Jackson Street to be 60 feet wide (scaled) adjacent to the subject parcel.

Whereas, there is a composite plat titled "Map City of Lynchburg" made by Demott and Magruder, Engineers (Exhibit 2) located in the Clerk's Office of the City of Lynchburg shows the width of Jackson Street to be 60 feet wide (scaled) adjacent to the subject parcel.

Whereas, there is a plat titled "PLAT SHOWING PROPERTY OF GRACE STREET ASSOCIATES LYNCHBURG, VIRGINIA" made by Erskine W. Proffitt, LS dated July 6, 1989 recorded in Deed Book 752 Page 313 (Exhibit 3) that depicts the Jackson Street public right of way to be 60 feet in width by physical measurements.

Whereas, the aforementioned survey by Richard B Armstrong, Jr. follows the same lines as the Erskine W. Proffitt survey.

Whereas, City of Lynchburg GIS records show the public right of way on Jackson Street to be 60 feet in width.

Whereas, Virginia is a Common Law State.

Whereas, the portion of Jackson Street which the abutting future land owner wishes to vacate does not contain publicly held or maintained improvements.

Therefore, it is my opinion in this matter that the title to that portion of Jackson Street in question is vested in The City of Lynchburg by a preponderance of evidence and will transfer to the abutting property owner upon completion of the street vacation process.

Please let me know if there are any questions and thank you to you and the City Attorney for helping us on this matter.

Fondly yours,

Barbara B. Gladieux

Barbara B. Gladieux, VCTE

EXHIBIT 1

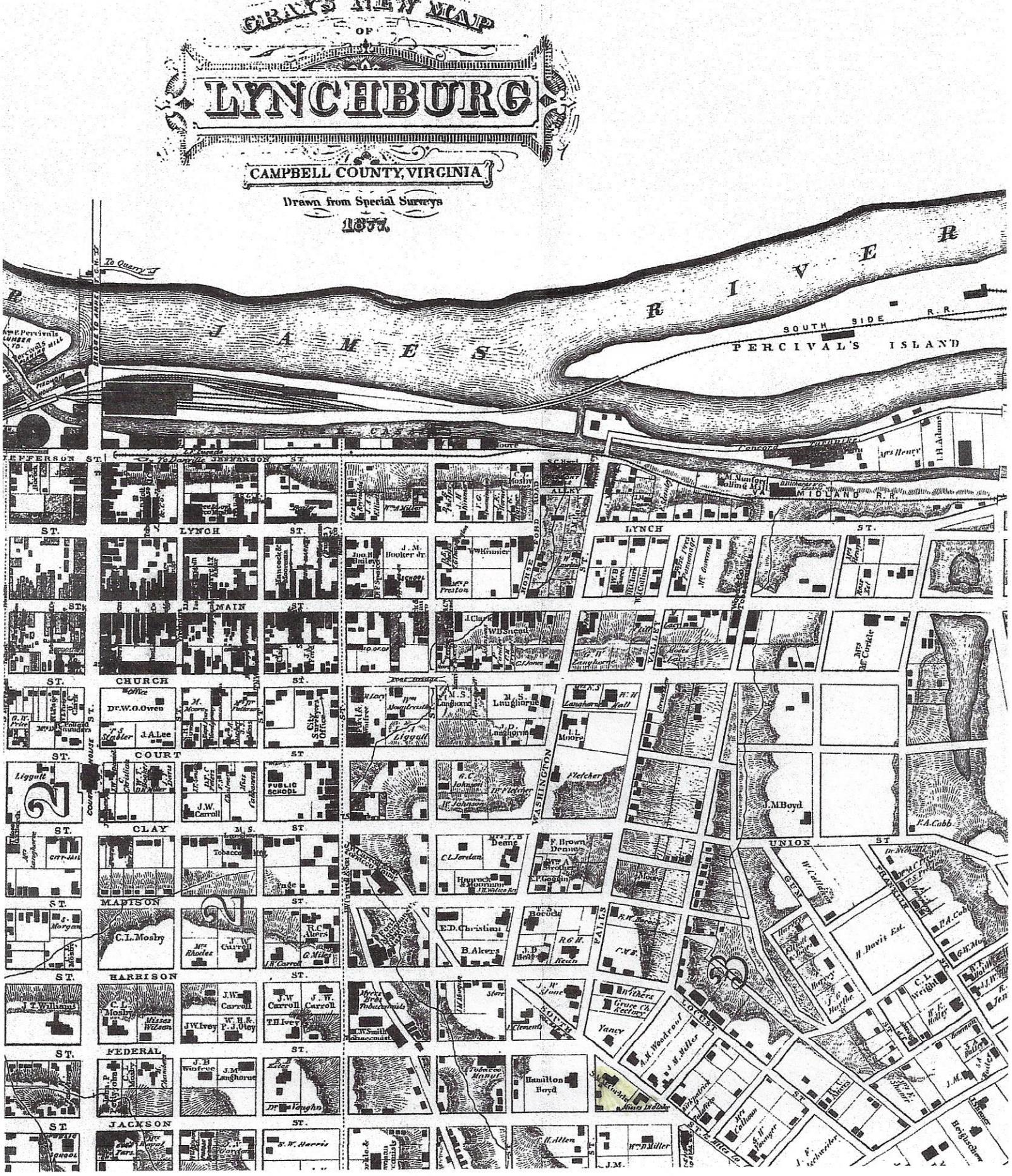

GRAY'S NEW MAP
OF
LYNCHBURG
CAMPBELL COUNTY, VIRGINIA
Drawn from Special Surveys
1877.
JAMES RIVER
SOUTH SIDE R.R.
PERCIVAL'S ISLAND
MIDLAND R.R.
JEFFERSON ST.
LYNCH ST.
MAIN ST.
CHURCH ST.
COURT ST.
CLAY ST.
MADISON ST.
HARRISON ST.
FEDERAL ST.
JACKSON ST.
UNION ST.
WASHINGTON
FRANKLIN
GLEN
FALLS
SOUTH
COURT
PUBLIC SCHOOL
Dr. W. O. Owen
J. A. Lee
J. W. Carroll
C. L. Mosby
B. Alers
E. D. Christian
Hamilton Boyd
J. M. Boyd
F. A. Cobb
H. Davis Est.
Tobacco Mfg.

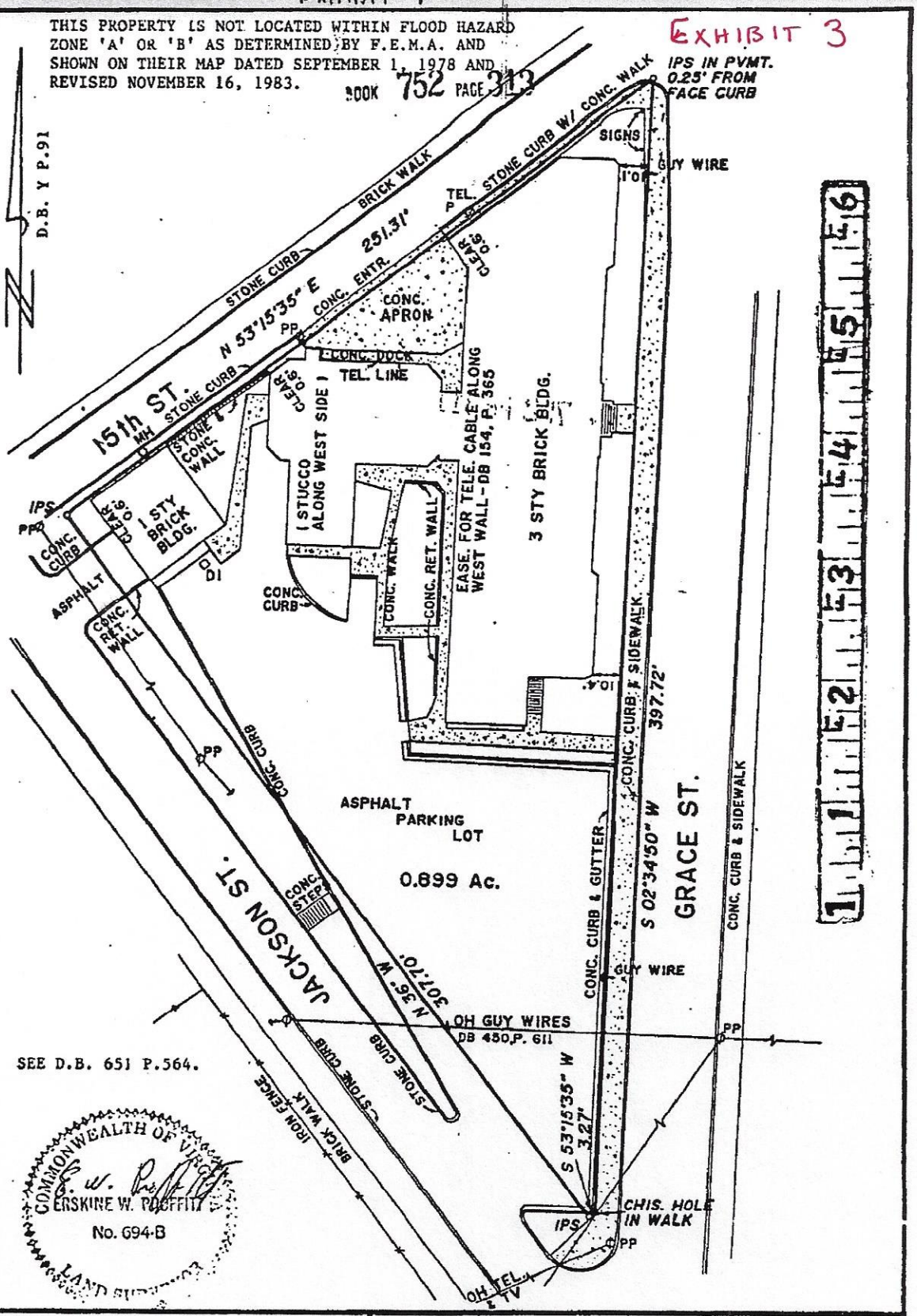
EXHIBIT 2

GRACE
EPIS. CH.
LAUREL
ST.
MOORMAN
KENT
WILLIAMS
HUTT ST.
15TH ST
HOME & RETREAT
JACKSON ST
1126
1088
1090
1098
132
132'
145
65
55
120'
234'
187.5
181.5
257.1

EXHIBIT 3

THIS PROPERTY IS NOT LOCATED WITHIN FLOOD HAZARD ZONE 'A' OR 'B' AS DETERMINED BY F.E.M.A. AND SHOWN ON THEIR MAP DATED SEPTEMBER 1, 1978 AND REVISED NOVEMBER 16, 1983.

BOOK 752 PAGE 313



0 40
GRAPHIC SCALE

Hurt & Proffitt, Inc.
Engineers • Surveyors
2524 LANGHORNE RD.
LYNCHBURG, VA 24501
Phone 804 847-7796

PLAT SHOWING PROPERTY OF

GRACE STREET ASSOCIATES

LYNCHBURG, VIRGINIA

COMM. NO. 892356	DATE: JULY 6, 1989		
REVISIONS:	G.L. NO. 229-14-D3.5	DWN BY: AGA	FILE NO. L-2596

VIRGINIA: In the Clerk's Office of the Circuit Court of the City of Lynchburg. The foregoing instrument was this day presented in the office aforesaid and is, together with the certificate of acknowledgment annexed, admitted to record this 12th day of July, 19 89 10:41 A M.

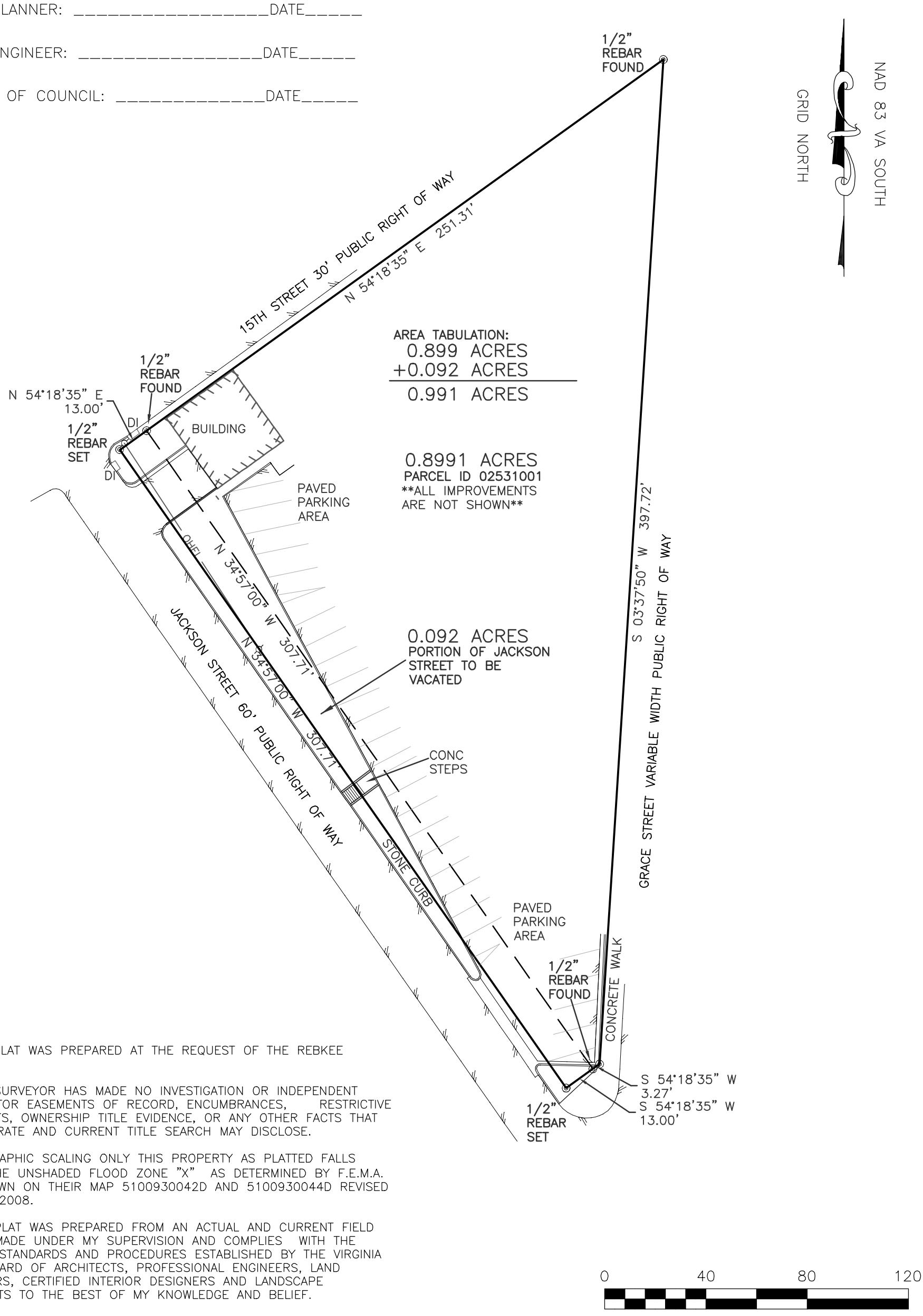
Examined and Delivered to

TESTE: Juanita E. Shields Clerk

CITY PLANNER: _____DATE_____

CITY ENGINEER: _____DATE_____

CLERK OF COUNCIL: _____DATE_____



NOTES:

1. THIS PLAT WAS PREPARED AT THE REQUEST OF THE REBKEE COMPANY.

2. THIS SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

3. BY GRAPHIC SCALING ONLY THIS PROPERTY AS PLATTED FALLS WITHIN THE UNSHADED FLOOD ZONE "X" AS DETERMINED BY F.E.M.A. AND SHOWN ON THEIR MAP 5100930042D AND 5100930044D REVISED JUNE 3, 2008.

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

COMMONWEALTH OF VIRGINIA
FRED EDWARD WILLMAN
Lic. No. 2746
05/017/19
LAND SURVEYOR

PARCEL ID# 02531001

DATE: APRIL 1, 2019 REV: MAY 7, 2019

STREET VACATION EXHIBIT

SHOWING A PORTION OF JACKSON STREET TO BE VACATED

CITY OF LYNCHURG, VIRGINIA

ACCUPOINT
SURVEYING & DESIGN
SURVEYORS ♦ ENGINEERS ♦ SOIL EVALUATORS
950 AIRPORT ROAD, LYNCHBURG, VA 24502
PH: 434-610-4334 WWW.ACCUPOINTSURVEYING.COM

SCALE:	1" = 40'
ASD JOB#	2019-147
FILE #:	2019-147.DWG

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **June 11, 2019** AGENDA ITEM #: **5**

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

ITEM TITLE: Conditional Use Permit (CUP): Lynchburg Church of God – 428 Breezewood Drive

KEY ELEMENTS:
___Economic Development ___Excellent Government _**X**_Natural and Built Environment ___Safe Community _**X**_Vibrant Community

RECOMMENDATION: Approval of the conditional use permit to allow a church office use in an R-3, Medium Density Residential District.

SUMMARY: Lynchburg Church of God Trustees are petitioning for a conditional use permit at 428 Breezewood Drive to allow the basement of an existing dwelling to be used as church offices in an R-3, Medium Density Residential District. The upper level of the dwelling would continue to be used for residential purposes.

PRIOR ACTION(S):
May 8, 2019: The Planning Division recommended approval of the CUP petition.

The Planning Commission recommended approval (7-0)

FISCAL IMPACT: Should renovation be necessary, increased valuation of this property will be determined after construction completion. However, the present use makes this property exempt from taxation.

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

ATTACHMENT(S):
- Resolution
- Planning Commission Minutes – May 8, 2019
- Planning Commission Packet – May 8, 2019
  - Planning Commission Report
  - Zoning Map with Adjoining Owners
  - Future Land Use Map
  - Watershed Map
  - Planimetric and Topographic Map
  - Concept Plan
  - Narrative
  - Property Photograph
  - Speaker Signup Sheet

REVIEWED BY: raw

071R

RESOLUTION:

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO LYNCHBURG CHURCH OF GOD TRUSTEES IN AN R-3, MEDIUM DENSITY RESIDENTIAL DISTRICT AT 428 BREEZEWOOD DRIVE TO ALLOW THE USE OF THE BASEMENT IN THE EXISTING DWELLING AS A CHURCH OFFICE.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of Lynchburg Church of God Trustees for a conditional use permit at 428 Breezewood Drive to allow the use of the basement in the existing dwelling as a church office in an R-3, Medium Density Residential District is hereby approved, subject to the following condition:

1. The property shall be developed in substantial compliance with the site plan as prepared by Accupoint Surveying & Design, dated April 26, 2019.

Adopted:

Certified: _____
Clerk of Council

MINUTES OF THE MAY 8, 2019 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

Petition of Lynchburg Church of God Trustees for a conditional use permit at 428 Breezewood Drive to allow the basement of an existing dwelling to be used as church offices in an R-3, Medium Density Residential District.

Mr. Tom Martin, City Planner provided the following summary to the commission. The property is zoned R-3 and recommended for Medium Density Residential uses on the *Future Land Use Map*. The property is owned by the church and is located on the property adjacent to the church. The proposal is to convert the basement of the existing dwelling to church offices, while maintaining a residential use associated with the church on the first floor. The Planning Division recommends approval of the conditional use permit.

Chair Tom Rogers asked who was present to speak on behalf of the petition.

Ms. Amy Seipp, Principal Engineer with AccuPoint Surveying & Design addressed the Commission. The church has seen explosive growth over the past five years. The church is visible from the Lynchburg Expressway and currently has staff members sharing offices. The church owns the property and utilizes the top floor as a residential use. It is currently occupied by a handicapped child and his family. If it were to become vacant, they would like to use it to house missionaries when they are on furlough, or for other housing needs that may arise in the church. The basement would be used for two to three offices that would be used by the pastors on a semi-regular basis.

Chair Rogers asked if there was anyone present who wished to speak in favor or opposition of the petition. When no one came forward, Chair Rogers closed the public hearing for discussion amongst the Commission.

Commissioner Perault stated that the petition was fairly straight forward.

Commissioner Lowe stated he had no problems with the petition.

Commissioner Marion made the following motion, seconded by Commissioner Lowe, and passed by the following vote:

"**That the Planning Commission recommends to City Council approval of the petition of Lynchburg Church of God Trustees for a conditional use permit at 428 Breezewood Drive to allow the use of an existing structure as church offices in an R-3, Medium-Density Residential District."**

AYES:	Bowden, Johnson, Light, Lowe, Marion, Perault and Rogers	7
NOES:		0
ABSTENTIONS:		0

The Department of Community Development

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

To: Planning Commission
From: Planning Division
Date: May 8, 2019
Re: **Conditional Use Permit (CUP) – Lynchburg Church of God – 428 Breezewood Drive**

I. PETITIONER

Lynchburg Church of God Trustees, 512 Breezewood Drive, Lynchburg, Virginia 24502
Representative: Amy Seipp, P.E., Accupoint Surveying & Design, LLC, 950 Airport Road, Lynchburg, Virginia 24502
Property Owner: Same as Petitioner.

II. LOCATION

The subject property is approximately one and six tenths (1.6) acres located at 428 Breezewood Drive.

III. PURPOSE

The purpose of the petition is to allow church offices in the basement of the existing structure.

IV. SUMMARY

- Churches and their associated uses are permitted in an R-3, Medium Density Residential District upon approval of a CUP by Council.
- The property is recommended for Medium Density Residential uses on the *Future Land Use Map* (*FLUM*).
- The main level of the structure will retain a residential use.
- The addition of a church office should have little to no impact on the surrounding area.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Comprehensive Plan 2013-2030* recommends a Medium Density Residential use for the area. These areas are characterized by small lot single-household detached housing, duplexes, and townhouses at densities up to 12 units per acre. Where neighborhoods already exist, infill development should be at a compatible density and housing type. In addition to residential uses, they may include public and institutional uses compatible in scale with single-family residential homes. Private recreation uses, including country clubs, swim and racquet clubs, and private open space are also appropriate. (p.72)
2. **Zoning.** The subject property was annexed into the City in 1976. The existing R-3, Medium Density Residential District zoning was established in 1978. Churches and their associated uses are permitted in the R-3, Medium Density Residential District upon approval of a CUP by Council.
3. **Board of Zoning Appeals (BZA).** The Zoning Administrator has determined that no variances are needed for the development of the property as proposed.

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

   - On February 12, 1980, Council approved the CUP petition of the Church of God Trustees at 512 Breezewood Drive to allow the construction of a church.

   - On September 8, 1992, Council approved the CUP petition of New Covenant Schools at 512 Breezewood Drive to allow the use of the existing Church of God Building as a K-8th grade school for up to 75 students.

   - On October 13, 1992, Council approved the Graves Mill Road / U.S. 221 Area Land Use Study & Growth Management Program which established the zoning for several properties in the area.

   - On October 11, 1994, Council approved the petition of Blue Ridge Development Corporation to rezone 126 Breezewood Drive from R-3, Medium Density Residential District to B-1C, Limited Business District (Conditional) to allow the construction of a funeral home.

   - On February 9, 1999, Council approved the petition of Richlyn, LLC to rezone 100 Stonemill Drive from R-1, Low Density Residential District to R-3C, Medium Density Residential District (Conditional) and R-4C, High Density Residential District (Conditional) and for a CUP to allow the construction of a Planned Unit Development.

   - On April 25, 2000, Council approved the petition of Uel Hartless to rezone 310-324 Breezewood Drive and 100-104 Hartless Lane from R-3, Medium Density Residential District to R-4C, High Density Residential District (Conditional) to allow the construction of apartments.

   - On October 9, 2012, Council approved the petition of Mark Hartless to rezone a portion of 428 and 512 Breezewood Drive from R-3, Medium Density Residential District to R-4C, High Density Residential District (Conditional) to allow the construction of townhome style apartments.

   - On February 12, 2013, Council approved the CUP petition of the Church of God Trustees at 512 Breezewood Drive to allow the construction of a building addition and parking area.

   - On February 9, 2016, Council approved the CUP petition of the Church of God Trustees at 512 Breezewood Drive to allow the construction of a parking area.

5. **Site Description.** The subject property is a tract of approximately one and six tenths (1.6) acres located at 428 Breezewood Drive. The property contains a one-story dwelling, constructed in 1959, with a basement, wood frame, and brick veneer.

6. **Proposed Use of Property.** If the petition is approved, the main level of the structure would be used as a residential unit associated with outreach of the church. The basement level would be converted to church offices.

7. **Traffic, Parking and Public Transit.** The submitted concept plan indicates that four (4) parking spaces are available on site to serve the proposed uses. The City Engineer had no concerns regarding the proposed use.

   The area is not served by the Greater Lynchburg Transit Company (GLTC).

8. **Stormwater Management.** A stormwater management / Erosion & Sediment Control Plan would not be required as no disturbed areas are proposed.

9. **Emergency Services:** The City's Fire Marshal and Police Department had no concerns regarding the proposal.

10. **Impact.** The existing structure is adjacent to the existing church facilities. While it is not connected by pedestrian facilities, it is not anticipated that a high number of trips would be generated between the two buildings on a daily basis. The proposed use would maintain the residential appearance of the existing building and have little to no impact on the area.

11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the petition on April 16, 2019.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the Conditional Use Permit petition of the Lynchburg Church of God Trustees to allow the basement of the existing structure at 428 Breezewood Drive to be used as church offices, subject to the following condition:

- **The property shall be developed in substantial compliance with the site plan as prepared by Accupoint Surveying & Design, dated April 26, 2019.**

This matter is respectfully offered for your consideration.

William T. Martin, AICP
City Planner

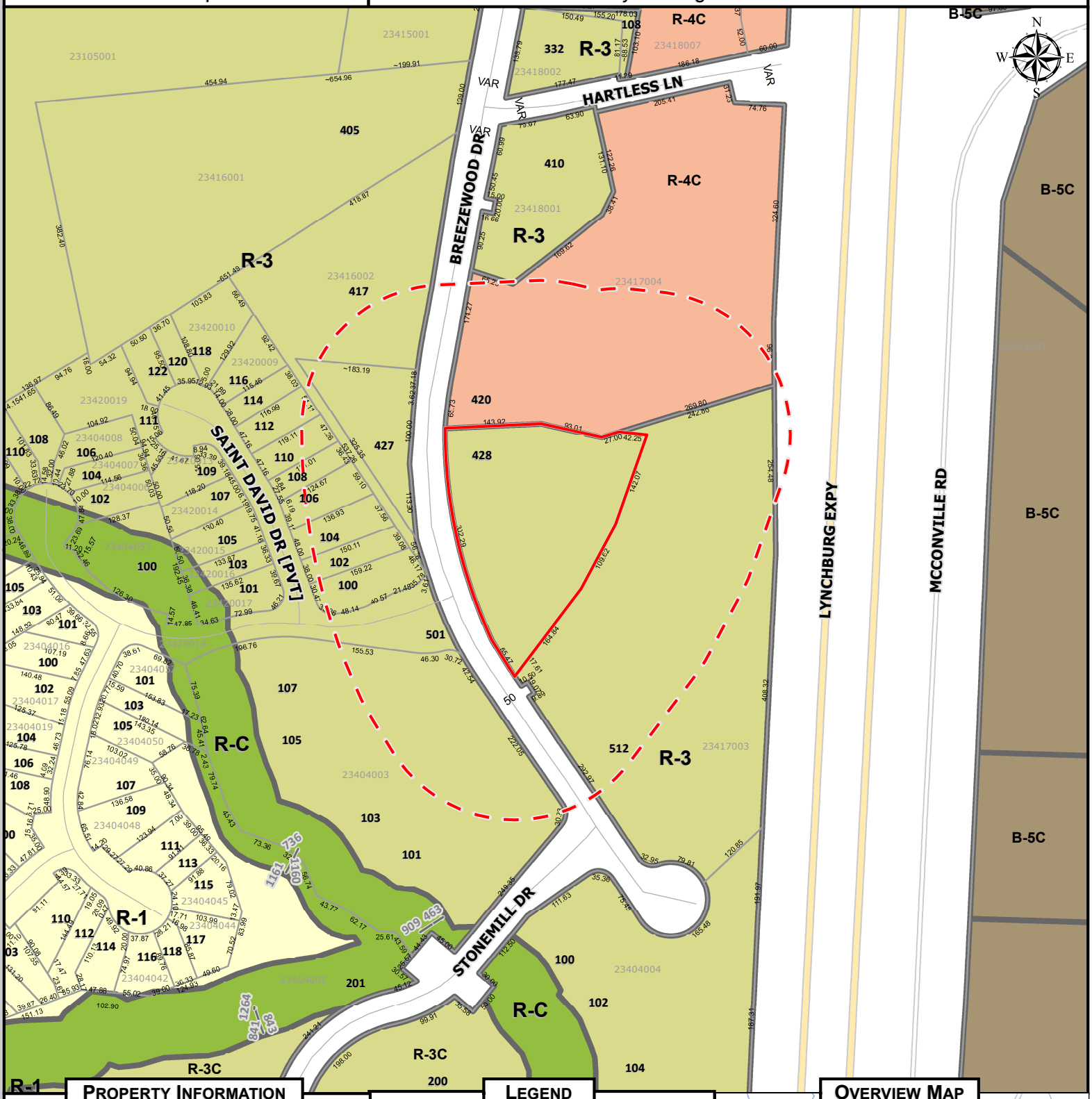
pc: Ms. Bonnie M. Svrcek, City Manager
Mr. Reid Wodicka, Deputy City Manager
Mr. Walter C. Erwin, City Attorney
Mr. Kent L. White, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozerow, Lynchburg Police Department
Battalion Chief Thomas Goode, Fire Marshal
Mr. Doug Saunders, Building Official
Mr. Kevin Henry, Zoning Administrator
Ms. Amy Seipp, P.E., Representative
Lynchburg Church of God Trustees, Petitioner

VII. ATTACHMENTS

1. **Zoning Map with Adjoining Property Owners**

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

Zoning Map	CONDITIONAL USE PERMIT
CUP Request	Lynchburg Church of God



Property Information

Parcel ID	Address
23417001	428 BREEZEWOOD DR

Legend

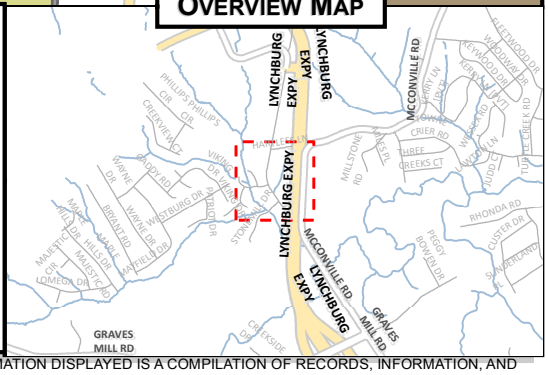
Subject Property

215' Buffer

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

Map Scale: 1 " to 200 ' **Date Printed:** 4/29/2019

Overview Map



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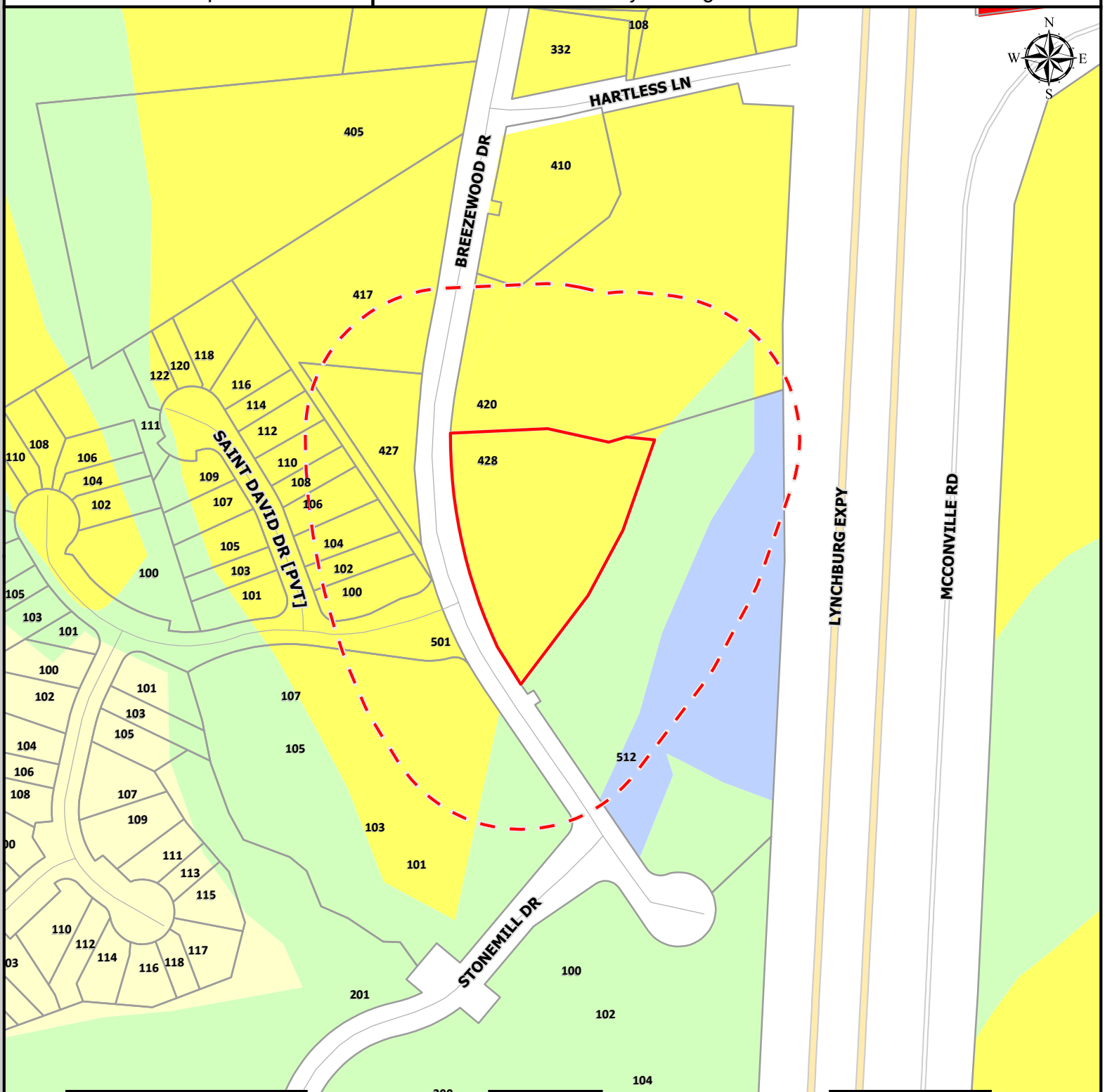
Parcel ID	Address	Owner
23417003	512 BREEZEWOOD DR	CHURCH OF GOD TRS
23420005	108 SAINT DAVID DR	DICKERSON, SAMUEL E & CYNTHIA M
23416002	417 BREEZEWOOD DR	FISHER, R F & ALMA M
23420007	112 SAINT DAVID DR	GOODWIN, FRANK D & EARLENE R
23420006	110 SAINT DAVID DR	GOSSLER, JEAN H
23418001	410 BREEZEWOOD DR	HARRIS, LESTER P & SADIE M
23417004	420 BREEZEWOOD DR	HARTLESS DEVELOPMENT LLC
23417001	428 BREEZEWOOD DR	LYNCHBURG CHURCH OF GOD TRS
23420001	100 SAINT DAVID DR	MARTIN, DONALD M & GRACY L
23420004	106 SAINT DAVID DR	MCKELLIPS, CLARA M & TERRY E
23404003	101 STONEMILL DR	OVERLOOK APARTMENTS LC
23420003	104 SAINT DAVID DR	SCHALLER, FRANCIS A & VIRGINIA A
23420002	102 SAINT DAVID DR	SHIELDS, DONNA B
23420018	501 BREEZEWOOD DR	VILLAS AT STONEMILL ASSOCIATION
23416003	427 BREEZEWOOD DR	WALDRON, VICTOR SR ESTATE & VERDIE L

FLUM Map	CONDITIONAL USE PERMIT
CUP Request	Lynchburg Church of God



Property Information

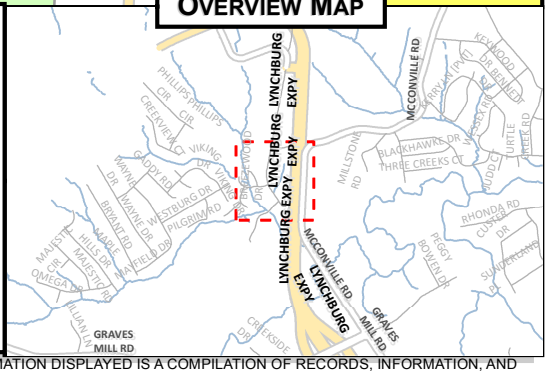
Parcel ID	Address
23417001	428 BREEZEWOOD DR

Legend

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

Map Scale: 1 " to 200 ' **Date Printed:** 4/29/2019

Overview Map



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Watershed Map	CONDITIONAL USE PERMIT
CUP Request	Lynchburg Church of God

Property Information

Parcel ID	Address
23417001	428 BREEZEWOOD DR

Legend

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

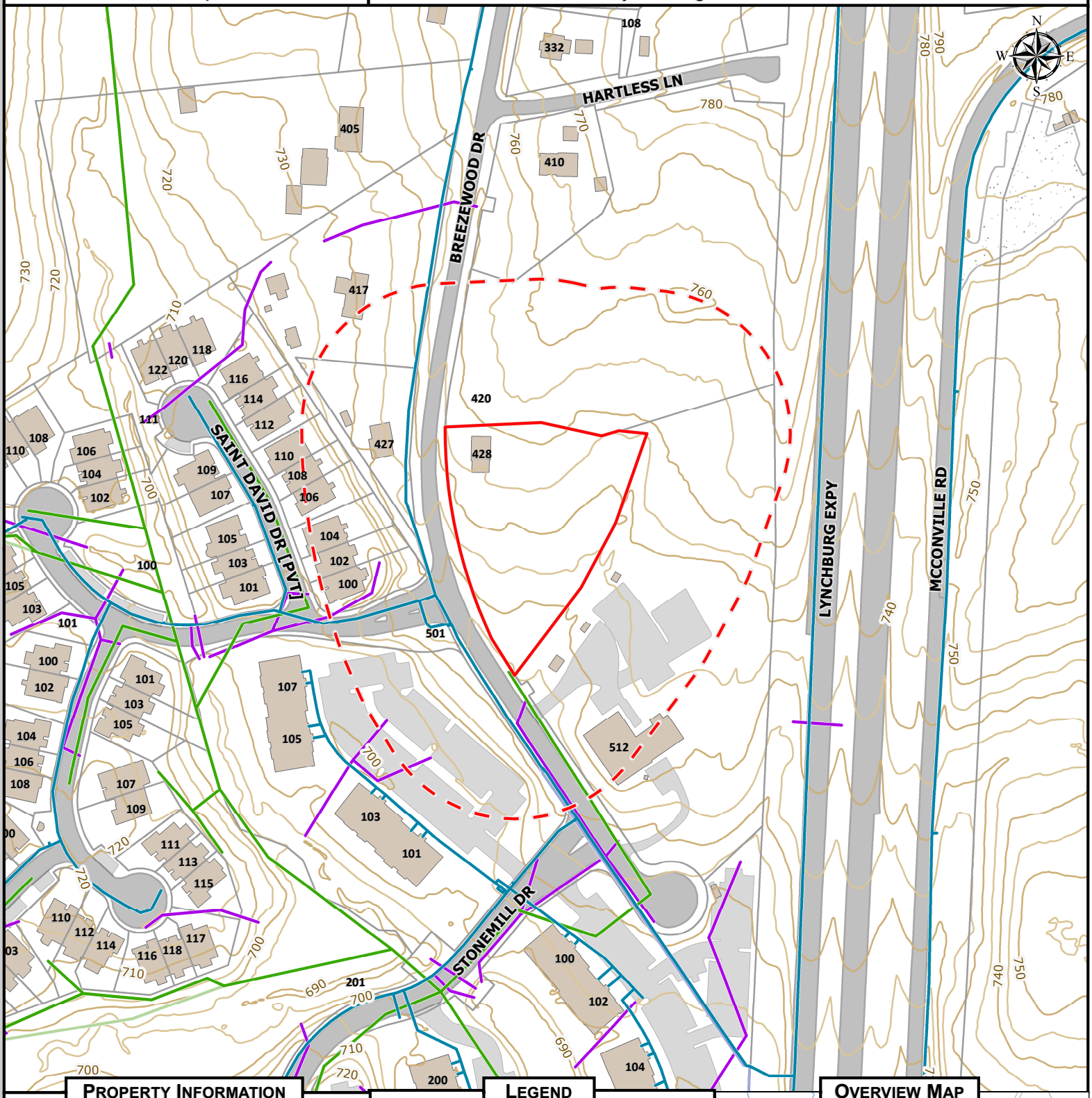
Map Scale: 1 " to 200 ' **Date Printed:** 4/29/2019

Overview Map

Blackwater Creek

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

Planimetric and Topographic Map	CONDITIONAL USE PERMIT
CUP Request	Lynchburg Church of God



Property Information

Parcel ID	Address
23417001	428 BREEZEWOOD DR

Legend

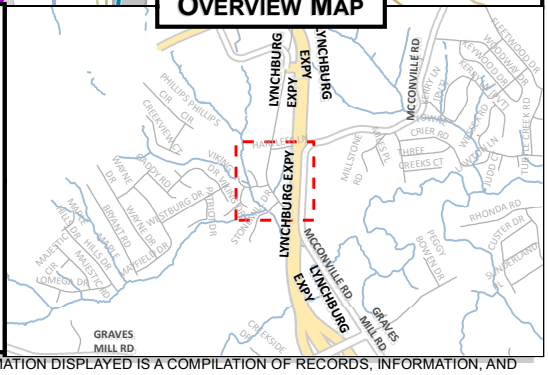
		Active	Proposed	Abandoned
Utilities	Water			
	Sanitary			
	Storm			

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

Topography	Contour	100' 50'	20' 10'	5' 1'

Map Scale: 1 " to 200 ' **Date Printed:** 4/29/2019

Overview Map



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PROPERTY OWNER:	LYNCHBURG CHURCH OF GOD TRUST 512 BREEZEWOOD DRIVE LYNCHBURG, VA 24502	EXISTING BUILDING DATA:	NUMBER OF STORIES - 1 TOTAL SQUARE FOOTAGE - 2,282 SF BUILDING HEIGHT - 12
PROPERTY ADDRESS:	428 BREEZEWOOD DRIVE LYNCHBURG, VA 24502	PROPOSED ZONING:	R-3C MEDIUM DENSITY TWO-FAMILY RESIDENTIAL CONDITIONAL
PARCEL NO:	23417001	PARKING:	TWO (2) PER ONE THOUSAND (1000) SQUARE FEET OF GROSS FLOOR AREA (OFFICE USE) 2 SPACES - OFFICE 1 SPACE - RESIDENTIAL
PROPERTY ACREAGE:	1.626 AC		
EXISTING LAND USE:	RESIDENTIAL - 2 UNITS		
PROPOSED LAND USE:	UPPER UNIT RESIDENTIAL 3 BED UNIT - 1,182 SF LOWER UNIT CHURCH OFFICE - 1,100 SF		REQUIRED PARKING: STANDARD = 3, ADA = 1 PROVIDED PARKING: STANDARD = 3, ADA = 1

EXISTING SANITARY SEWER
EXISTING WATER LINE

EXISTING SANITARY SEWER AND EXISTING WATER LINES ARE SHOWN ON THE ABOVE MAPPING. NO NEW CONNECTIONS OR SERVICES FOR WATER OR SEWER ARE PLANNED AT THIS TIME.

APRIL 26, 2019	SHEET 1 OF 1	ASD PROJECT NO: 2018-291 PARKING

ACCUPOINT
SURVEYING & DESIGN
SURVEYORS ♦ ENGINEERS ♦ SOIL EVALUATORS
950 AIRPORT ROAD, LYNCHBURG, VA 24502
PH: 434-610-4334 WWW.ACCUPOINTSURVEYING.COM

428 Breezewood Drive
Passion Community Church
Conditional Use Permit Application

The Conditional Use Permit is submitted for 428 Breezewood Drive on behalf of Passion Community Church (Lynchburg Church of God). The property is already owned by the church. The building was previously two residential units. This CUP proposes to leave the top floor as is for residential. The space is currently occupied by a handicap child and his family as an outreach for the church. The basement which was previously residential has been vacated by the tenant. Because of the renovations necessary, the church would like to use the basement as their Church offices. The basement would continue to have its own entry/exit like it does now. Sufficient parking for both uses is shown on the attached site plan.

Google

428 Breezewood Drive
Conditional Use Permit
May 8, 2019

PLEASE PRINT

NAME	ADDRESS	PHONE	IN FAVOR	IN OPPOSITION	NEUTRAL
Amy Seipp, PE	950 Airport Rd	484 610 4334	✓		

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **June 11, 2019** AGENDA ITEM #: **6**

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

ITEM TITLE: Rezoning – Preserve at Oakwood – R-3C, Medium Density Residential (Conditional) to R-3C, Medium Density Residential (Conditional) – Preserve Drive & Clopton Court

KEY ELEMENTS:
___Economic Development ___Excellent Government _**X**_Natural and Built Environment ___Safe Community _**X**_Vibrant Community

RECOMMENDATION: Approval of the rezoning for the property to remove a previously approved proffer that required the construction of a left turn lane from Link Road to Preserve Drive.

SUMMARY: Oaklink, LLC is petitioning to rezone approximately thirty-nine (39) acres located at Preserve Drive & Clopton Court from R-3C, Medium Density Residential (Conditional) to R-3C, Medium Density Residential (Conditional) to remove a previously approved proffer. City Council approved a rezoning of the property on April 10, 2012 with a voluntarily submitted proffer that required the construction of a left turn lane from Link Road onto Preserve Drive. The proffer was submitted in lieu of a traffic study. The petitioner is requesting to remove the proffer as a recently completed traffic study indicates that the left turn lane is not warranted.

On April 24, 2019, the Planning Commission conducted a public hearing and postponed action due to a concern with utility lines that may be left as a result of removing the proffer. On May 8, 2019, the petitioner submitted information to the Planning Commission indicating that one set of utility lines would be removed.

The petitioner has voluntarily submitted the following proffers:

1. "The property will be developed with a mix of Detached and Semi-Detached Single-Family Dwellings allowed in the R-3 Zone in substantial compliance with the "Rezoning Schematic Site Plan Phase II,III & IV, The Preserve at Oakwood" prepared by Fred C. Howell, PLS dated March 4, 2019. The total number of dwelling units or lots for the property to be rezoned (38.888) acres shall not exceed fifty-nine (59).
2. All utilities within the development will be placed underground.
3. An Architectural Review Committee (ARC) will be established to insure the aesthetic quality of the development. The character of the entire neighborhood will be enhanced by substantial landscaping, including foundation plantings and street trees. The ARC will review all house plans, including landscaping details, to insure strict Architectural Standards are met.
4. All common areas will be maintained by the Homeowner's Association (HOA). The Common Areas will have natural walking paths that connect to the adjacent property of Oakwood Country Club at multiple points to allow residents easy pedestrian access to the facilities of the Club."

The submitted proffers are identical to those approved by City Council on April 10, 2012 with the exception of removing the proffer requiring the construction of the left turn lane and reducing the number of dwelling units in phases II, III, and IV to fifty-nine (59). (The total for the entire development will be sixty-eight (68) units/lots, including the units/lots in phase I).

As required by Section 35.2-11.3 (d) 3b of the Zoning Ordinance, the petitioner has submitted the following statement indicating how the proffers address an impact that is specifically attributable to the new residential development:

"Proffer #1: The request to allow semi-detached single-family dwellings in Phases II, III & IV is in response to an ever increasing segment of the population that is either approaching retirement age or they are currently retired. This type of dwelling, in conjunction with a well-managed HOA, will allow for funds to be set aside for the maintenance and upkeep of these structures. This will alleviate the need for the occupants to maintain yards, roofs, windows, siding, etc.

Proffer #2: Underground utilities are desirable from the standpoint of aesthetics (no poles, telephone, electric, cable wires, or guy wires). From a practicable standpoint, the underground services are desirable because they are less susceptible to storm/weather damage and the attendant interruption of service.

Proffer #3: In keeping with the Rivermont area of Lynchburg, which has been developed over the last 120 some odd years, the Craftsman Style home is the favored architectural style. Our Architectural Review Committee (ARC) has been diligent in making sure that each home has followed strict architectural guidelines during construction.

Proffer #4: All common areas have been reserved/set aside to preserve the natural flora and fauna. This preservation has been accomplished to minimize disturbance of the former Oakwood Golf Course and to preserve as much of the local landscape as possible."

PRIOR ACTION(S):

April 24, 2019:	The Planning Division recommended denial of the rezoning petition.
	The Planning Commission postponed action on the rezoning petition.
May 8, 2019:	The Planning Division recommended approval of the rezoning petition.
	The Planning Commission recommended approval of the rezoning petition. (7-0)

FISCAL IMPACT: Increased real estate value to be determined upon construction completion. In addition, long-term maintenance cost of the turn lane would not be required.

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

ATTACHMENT(S):

- Ordinance
- Planning Commission Minutes – May 8, 2019
- Planning Commission Memorandum – May 8, 2019
- Planning Commission Minutes – April 24, 2019
- Planning Commission Packet – April 24, 2019
  - Planning Commission Report
  - Zoning Map with Adjoining Owners
  - Future Land Use Map
  - Watershed Map
  - Planimetric and Topographic Map
  - Concept Plan
  - Narrative
  - Traffic Impact Study
  - Property Photograph
- Speaker Signup Sheet

REVIEWED BY: raw

072R

AN ORDINANCE CHANGING A CERTAIN AREA LOCATED AT 207, 301, 305, 400, 401, 405, 408, 409, 411, 412, 415, 416, 417, 420, 421, 424, 425, 428, 429, 432 & 436 PRESERVE DRIVE, 100, 101, 102, 103, 104, 104A, 105, 106, 107, 108, 109, 110, 111 & 112 CLOPTON COURT FROM R-3C, MEDIUM DENSITY RESIDENTIAL DISTRICT (CONDITIONAL) TO R-3C, MEDIUM DENSITY RESIDENTIAL DISTRICT (CONDITIONAL).

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG that in order to promote the public necessity, convenience, welfare and good zoning practice that Chapter 35.2 of the Code of the City of Lynchburg, 1981, as amended, be and the same is hereby further amended by adding thereto Section 35.2-54.__ which shall read as follows:

Section 35.2-54.__. Change of a certain area located at 207, 301, 305, 400, 401, 405, 408, 409, 411, 412, 415, 416, 417, 420, 421, 424, 425, 428, 429, 432 & 436 Preserve Drive, 100, 101, 102, 103, 104, 104A, 105, 106, 107, 108, 109, 110, 111 & 112 Clopton Court from R-3C, Medium Density Residential District (Conditional) to R-3C, Medium Density Residential District (Conditional).

The area embraced within the following boundaries:

BEGINNING AT AN IRON PIN (IP), A COMMON CORNER WITH THE SOUTHERNMOST CORNER OF THE COMMON AREA OF THE PRESERVE AT OAKWOOD, PHASE I, SHOWN ON A PLAT OF SAME RECORDED IN PLAT CABINET 10, SLIDES 131-132

THENCE NORTH 76 DEGREES 15 MINUTES 24 SECONDS EAST FOR A DISTANCE OF 334.51 FEET TO AN IP;

THENCE NORTH 54 DEGREES 19 MINUTES 59 SECONDS EAST FOR A DISTANCE OF 239.97 FEET TO AN IP;

THENCE NORTH 24 DEGREES 24 MINUTES 19 SECONDS EAST FOR A DISTANCE OF 138.69 FEET TO AN IP;

THENCE NORTH 29 DEGREES 56 MINUTES 57 SECONDS EAST FOR A DISTANCE OF 107.22 FEET TO AN IP;

THENCE NORTH 68 DEGREES 52 MINUTES 45 SECONDS EAST FOR A DISTANCE OF 41.67 FEET TO AN IP;

THENCE NORTH 35 DEGREES 54 MINUTES 56 SECONDS EAST FOR A DISTANCE OF 256.94 FEET TO AN IP;

THENCE SOUTH 43 DEGREES 47 MINUTES 34 SECONDS EAST FOR A DISTANCE OF 72.82 FEET TO AN IP;

THENCE SOUTH 18 DEGREES 58 MINUTES 53 SECONDS WEST FOR A DISTANCE OF 162.00 FEET TO AN IP;

THENCE SOUTH 69 DEGREES 02 MINUTES 36 SECONDS EAST FOR A DISTANCE OF 236.10 FEET TO AN IP;

THENCE SOUTH 86 DEGREES 33 MINUTES 48 SECONDS EAST FOR A DISTANCE OF 113.87 FEET TO A POINT IN THE CENTER OF AN UNNAMED BRANCH;

THENCE, ALONG THE CENTER OF SAID BRANCH, SOUTH 22 DEGREES 19 MINUTES 48 SECONDS WEST FOR A DISTANCE OF 10.97 FEET TO A POINT;

THENCE SOUTH 31 DEGREES 21 MINUTES 22 SECONDS EAST FOR A DISTANCE OF 57.20 FEET TO A POINT;

THENCE SOUTH 11 DEGREES 38 MINUTES 17 SECONDS EAST FOR A DISTANCE OF 95.83 FEET TO A POINT;

THENCE SOUTH 06 DEGREES 12 MINUTES 24 SECONDS EAST FOR A DISTANCE OF 71.00 FEET TOA POINT;

THENCE SOUTH 21 DEGREES 13 MINUTES 21 SECONDS EAST FOR A DISTANCE OF 95.52 FEET TOA POINT;

THENCE SOUTH 14 DEGREES 35 MINUTES 37 SECONDS EAST FOR A DISTANCE OF 122.72 FEET TO A POINT;

TOGETHER WITH AND SUBJECT TO COVENANTS, EASEMENTS, AND RESTRICTIONS OF RECORD. SAID PROPERTY CONTAINS 38.888 ACRES MORE OR LESS.

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

1. The property will be developed with a mix of Detached and Semi-Detached Single-Family Dwellings allowed in the R-3 Zone in substantial compliance with the “Rezoning Schematic Site Plan Phase II,III & IV, The Preserve at Oakwood” prepared by Fred C. Howell, PLS dated March 4, 2019. The total number of dwelling units or lots for the property to be rezoned (38.888) acres shall not exceed fifty-nine (59).
2. All utilities within the development will be placed underground.
3. An Architectural Review Committee (ARC) will be established to insure the aesthetic quality of the development. The character of the entire neighborhood will be enhanced by substantial landscaping, including foundation plantings and street trees. The ARC will review all house plans, including landscaping details, to insure strict Architectural Standards are met.
4. All common areas will be maintained by the Homeowner’s Association. The Common Areas will have natural walking paths that connect to the adjacent property of Oakwood Country Club at multiple points to allow residents easy pedestrian access to the facilities of the Club.

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

Adopted:

Certified: _____
Clerk of Council

MINUTES OF THE MAY 8, 2019 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

Petition of Oaklink, LLC to rezone approximately thirty-nine (39) acres at 207, 301, 305, 400, 401, 405, 408, 409, 411, 412, 415, 416, 417, 420, 421, 424, 425, 428, 429, 432 & 436 Preserve Drive, 100, 101, 102, 103, 104, 104A, 105, 106, 107, 108, 109, 110, 111 & 112 Clopton Court from R-3C, Medium Density Residential (Conditional) to R-3C, Medium Density Residential (Conditional) to remove a previously approved proffer requiring the construction of a left turn lane from Link Road onto Preserve Drive.

Mr. Tom Martin provided the following overview to the Commission. There was discussion at the last meeting about what would happen if the proffer was removed without assurances that the second set of utility poles was going to be removed. Since that time, Mr. Schoew has forwarded some e-mails and has been working with Verizon. Mr. Martin believes they are actually working now to move the lines and remove the poles at their cost. This removes any concern that the Planning Division previously had, and now the Planning Division does recommend approval of the rezoning to remove the proffer.

Chair Rogers invited Mr. Dick Schoew, Oaklink, LLC to address the Commission.

Commissioner Lowe stated he noticed Verizon trucks working in the area recently to prepare the new poles to receive the cable.

Commissioner Johnson stated she was curious as to what suddenly happened that allowed them to come to an agreement to remove the poles.

Mr. Schoew stated that the local engineer said that the lines have always been too close to the road and recognized the problem with that. They have brought in experienced crews to deal with this line that is roughly seven-hundred (700) feet long, with poles along the way. It is a very expensive process. The utility companies acknowledged the issue exists regardless of The Preserve development and it would be burdensome for developers to have to move the poles. He has been working with the engineer on the project to get the issue resolved. They held informational meetings and contacted every Link Road owner from Willow Lawn Drive to the traffic light at Boonsboro Road, and all of the neighbors that have their access off of Royal Boulevard and Parkland Drive. They received about fifty (50) responses and did not have any that were opposed. A couple of neighbors that came and spoke last time said they would really like to see the second set of poles gone. The traffic study identified fourteen (14) traffic accidents, but none of them have been in the straight stretch (where the turn lane was planned). To introduce the turn lane would be creating a blind spot for people trying to leave the development via left turn. It just does not make sense to him, and they have not had any opposition. The fifty (50) neighbors that responded are in favor of it.

Chair Rogers stated he was glad it has worked out this way. The Commission tabled it last time and we can move forward now.

Commissioner Perault stated that there was strong criticism of Verizon at the last meeting, and that he did not appreciate it. He applauds them for taking care of the situation. He agrees, separate from this petition, that the stoplight (at Boonsboro Road) is a problem that needs to be addressed.

Commissioner Marion made the following motion, seconded by Commissioner Bowden:

That the Planning Commission recommends to City Council APPROVAL of the petition of Oaklink, LLC to rezone approximately thirty-nine (39) acres from R-3C, Medium Density Residential District (Conditional) to R-3C, Medium Density Residential District (Conditional) to remove the previously approved proffer requiring the construction of a turn lane from

Link Road to Preserve Drive. The petition is recommended for approval with the following voluntarily submitted proffers:

1. **"The property will be developed with a mix of Detached and Semi-Detached Single-Family Dwellings allowed in the R-3 Zone in substantial compliance with the "Rezoning Schematic Site Plan Phase II,III & IV, The Preserve at Oakwood" prepared by Fred C. Howell, PLS dated March 4, 2019. The total number of dwelling units or lots for the property to be rezoned (38.888) acres shall not exceed fifty-nine (59).**
2. **All utilities within the development will be placed underground.**
3. **An Architectural Review Committee (ARC) will be established to insure the aesthetic quality of the development. The character of the entire neighborhood will be enhanced by substantial landscaping, including foundation plantings and street trees. The ARC will review all house plans, including landscaping details, to insure strict Architectural Standards are met.**
4. **All common areas will be maintained by the Homeowner's Association (HOA). The Common Areas will have natural walking paths that connect to the adjacent property of Oakwood Country Club at multiple points to allow residents easy pedestrian access to the facilities of the Club."**

The motion passed by the following vote:

AYES:	Bowden, Johnson, Light, Lowe, Marion, Perault and Rogers	7
NOES:		0
ABSTENTIONS:		0

Memorandum

Planning Division • Community Development
900 Church Street
Lynchburg, Virginia 24504
P 434-455-3900

To: Planning Commission

From: Tom Martin, AICP, City Planner

CC: Bonnie Svrcek, City Manager; Reid Wodicka, Deputy City Manager; Walter Erwin, City Attorney; Kent White, Director Community Development; Kevin Henry, Zoning Administrator

Date: May 8, 2019

Re: Rezoning – Preserve at Oakwood

On April 24, 2019, the Planning Commission conducted a public hearing concerning the petition of Oaklink, LLC to rezone approximately thrity-nine (39) acres located on Preserve Drive and Clopton Court from R-3C, Medium Density Residential District (Conditional) to R-3C, Medium Density Residential District (Conditional). The purpose of the rezoning is to remove a previously approved proffer that indicated a left turnlane from Link Road to Preserve Drive would be constructed.

A traffic study submitted by the petitioner and reviewed by the City Engineer indicates that this turn lane is no longer warranted. As proffered, the petitioner was proceeding with the construction of the turnlane and requested American Electric Power (AEP) relocate poles and wires to facilitate the construction of the road improvement. Verizon had not relocated their lines to the new poles which resulted in two sets of utility poles and lines along this section of Link Road.

As discussed during the April 24, 2019 meeting, if the proffer was removed, it was likely that the two sets of utility lines would remain as Verizon had originally declined to move its lines at their costs. This led to the Planning Division recommending denial of the rezoning petition.

Since April 24, Verizon has indicated that they will relocate the lines and remove the utility poles. The work is anticpated to be complete within 10-14 days. If the work is completed the concern of the Planning Division is negated, and would result in a favorable recommendation concerning the rezoning.

If you have questions, please contact me at (434) 455-3909 or tom.martin@lynchburgva.gov.

MINUTES OF THE APRIL 24, 2019 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

Petition of Oaklink, LLC to rezone approximately thirty-nine (39) acres at 207, 301, 305, 400, 401, 405, 408, 409, 411, 412, 415, 416, 417, 420, 421, 424, 425, 428, 429, 432 & 436 Preserve Drive, 100, 101, 102, 103, 104, 104A, 105, 106, 107, 108, 109, 110, 111 & 112 Clopton Court from R-3C, Medium Density Residential (Conditional) to R-3C, Medium Density Residential (Conditional) to remove a previously approved proffer requiring the construction of a left turn lane from Link Road onto Preserve Drive.

Mr. Tom Martin had the following summary for the commissioners. He explained that the property was rezoned on April 10, 2012 to allow the development of the property as seventy-eight (78) single-household detached and semi-detached units. At the time of the rezoning, it was voluntarily proffered to construct a left turn lane from Link Road to Preserve Drive in lieu of conducting a traffic impact study. Since that time, the City and petitioner had been working to have the turn lane constructed with AEP relocating utility lines and poles under the City's franchise agreement. The petitioner is now requesting to not construct the turn lane due to a reduction in the number of units. A traffic impact study has been completed and indicates that due to the reduction in the number of units, the left turn lane is not warranted. Since the turn lane is not being constructed, Verizon is not willing to relocate their utility lines and remove poles at their costs as would be required by the franchise agreement. The City Attorney has offered the opinion that if the turn lane is not constructed, the city could not require Verizon to relocate the utility lines. If the rezoning is approved to remove the proffer, the turn lane would not be constructed, and two sets of poles would remain or the City would have to fund the relocation of the Verizon lines. Staff is of the opinion that the City should not be obligated to move the lines. In order to prevent the unsightliness of the two sets of utility lines, staff recommends not approving the rezoning until an acceptable solution is obtained.

Chair Rogers asked if there was anyone who wished to speak on behalf of the petition. Mr. Dick Schoew came forward to address the Commission.

Mr. Schoew explained that initially, the development was planned for eighty-four (84) lots; however, it was decided to reduce the number of lots in order to preserve open space. With the original number of lots, it was obvious that a left turn lane would be warranted as there is only one ingress / egress for the development. Mr. Schoew stated that Link Road has a lot of safety problems and construction of the turn lane is not advisable. During the five (5)-year period covered by the traffic study there were fourteen (14) accidents from Otterview to the stop light. There were zero (0) accidents anywhere along the frontage where the entrance is to the Preserve. The idea for the turn lane was that cars would be backed up trying to get into the Preserve, which is not occurring. The number of lots has been reduced to sixty-eight lots maximum and the traffic study indicates there is no warrant for the turn lane to be built now. It is a solution in search of a problem. The real problem is at the stop light at Link Road and property has been dedicated to the city for the future construction of a right turn lane at the stop light. Mr. Schoew continued by saying the issue with the poles is interesting because Verizon does not want to do what they are obligated to do. AEP did not have a problem; they came out and moved the poles. It is in City Code Section 35-27a, which states that utilities are required to bear the entire cost of relocating from a right-of-way whenever requested to do so by state or local authorities.

There was discussion about the fact that Verizon would not agree to move the lines at their own cost. The developers of The Preserve do not feel that it is their burden to bear and do not wish to see it done at the taxpayers' expense either. However, he understands that Verizon is on site moving the lines currently.

The developers of the Preserve checked to see how much it would cost and Verizon stated in the field, it would cost $15-20,000. The official statement came out to be much higher, $138,500. After further discussion, Verizon then reduced the price to $55,000. What it boils down to is it is an issue between the City and Verizon and the City should not have to pay it.

Commissioner Light asked Mr. Martin if there were still negotiations occurring related to the relocation of the lines.

Mr. Martin stated he was advised by the City Engineer that Verizon stated they would not be obligated to move the lines at their cost since the turn lane would not be constructed. The City Attorney has given the opinion that this is correct and the City cannot obligate Verizon to move the lines. If this proffer is removed, then the developer will not have any responsibility and the lines will either stay or the City will have to fund the relocation. Staff does not believe the City is obligated to fund the cost, since the moving of utility lines was related to the development.

Commission Light asked why AEP moved the poles. Mr. Martin stated that AEP moved the poles because construction of the turn lane was proceeding.

Mr. Schoew stated the poles have been a problem for decades as they are located on the edge of the pavement and have been involved in traffic accidents before. They are in the city right-of-way and the Ordinance states that if an improvement needs to be made they can do it. It is a long standing problem and not just related to the Preserve development. Land has been dedicated to allow the poles to be relocated.

Chair Rogers asked if there was anyone who wished to speak in favor or opposition of the petition.

Mr. Tim Miles of 1747 Link Road addressed the Commission. Mr. Miles stated he was against the turn lane because it would result in having to turn across two lanes in order to enter his driveway. He is supportive of not doing the turn lane, yet from an aesthetic point of view believes the double set of poles should be addressed. Also with AEP's poles being moved back, the lights over the street are shorter and his house is darker than it has been. A longer light over the street is needed. Over the years, there has been a great deal of accidents, yet safety-wise it seems to be better. Occasionally, when turning into his driveway, cars back up turning into the Preserve, so he goes to Oakwood and turns around and comes back. This problem may increase in the future.

Mr. Chuck Hurt of 1663 Link Road addressed the Commission. From a practical standpoint, there is not a need for the turn lane. Some of the streets further down have more lots than this one and they do not have a need. If two more lanes are added it is going to be confusing with people trying to turn and back out. Turn lanes do not exist anywhere else on Link Road. If this was Old Forest Road with more traffic, it may be appropriate. The one thing that is odd is that when the poles are moved back, the lights will not be over the road anymore. The section where the poles have been relocated resulted in the street being dark at night. He has spoken to AEP and they have longer arms that can be installed. The utilities that have not been moved will be awkward. He would like to see a turn lane constructed at Link Road and Rivermont Avenue / Boonsboro Road as this would help a great deal. The traffic in the morning and evenings backs up to his driveway. When workers were at this intersection reprogramming the lights, he suggested that they give additional time to the green cycle. If the City wants to improve this intersection, they should construct a right turn lane.

Mr. David Simon of 1759 Link Road addressed the Commission. He agrees with what has been said and does not see a need for a turn lane. The extra traffic from the neighborhood does not seem to be an issue, but there is a need for a turn lane at Link Road and Rivermont Avenue / Boonsboro Road. He thinks what drove AEP to get the lines moved was the tornado last year. The double poles are

unsightly and decrease everyone's property values. The spacing of the poles was changed and now one pole is directly across from his driveway. He has to back out of his driveway and has hit the pole and caused damage to personal property and it is dangerous and difficult. His biggest issue is removing the second set of poles. They are unsightly, unstable and right on the edge of Link Road. They could do serious damage to a vehicle or claim a life. He would rather have the widening of the street if it would result in removing the second set of poles from where they are currently.

Chair Rogers closed the public hearing as there was no one else who wished to address the Commission and opened discussion.

Commissioner Perault stated that a lot of good information has been presented, but does not believe the Commission needs to discuss the issue of what is occurring at Boonsboro or other items that have been discussed. They are valid issues, but they can be discussed with staff and City Council. We do not need to debate the legality of what is occurring as the City Attorney has made an opinion. Bashing Verizon is not going to solve anything.

Chair Rogers stated that since there is no project, Verizon has no legal reason to move the line. If the project starts up they will move them.

Commissioner Marion asked if public safety is not a reason enough to move them.

Chair Rogers stated that is not related to this petition and the poles have been in the same place for years. AEP moved their poles because they knew there was a proffer to construct the turn lane and they had to repair them after the storm. The crux of the argument is that the poles will not be moved unless the lane is constructed and the only other option is to arrange to have AEP move their poles back.

Commissioner Marion asked if the lines can be on the same pole.

Mr. David Simon addressed the Commission from the audience. He stated that they were on the same poles. The poles are owned by AEP. The question becomes who is going to service the old poles because AEP no longer has lines on them and Verizon is "piggy backing" on AEP. The poles are going to be unmaintained and are a safety issue as they are leaning, are weak and have been "chopped" off.

Commissioner Johnson asked if the turn lane was installed, and if the poles are not a good thing for the residents, would they rather see the poles removed or the turn lane not put in? She is not sure we can have it both ways.

Commissioner Perault does not believe you can have it both ways. Besides for the houses, he believes turn lanes are always a good idea. If the traffic study had come back saying it was necessary, it would have been put in with no question.

Commissioner Bowden stated that the issue on the table is removing the proffer for the turn lane. He grew up in this neighborhood and is aware of the issue with the poles. This particular section deserves some attention related to the turn lane and it is necessary. His concern is that in the future, the turn lane may be needed. He is hesitant to remove the proffer.

Commissioner Lowe stated that when it was first proffered, there was a reason to have the turn lane. Construction of the project was started and the developer changed the course of the project, which does not negate the need for the proffer. The City agreed to the project and the proffer needs to be fulfilled. We shouldn't change the proffer now just because at the end of the project, the developer chooses not to develop the last third of the lots, for which people have already made plans. AEP has already done their job. He feels that it is very important to keep the proffer intact and have the poles moved. What is going to happen five years from now if they choose to construct additional houses?

Commissioner Marion stated they cannot do that without coming back to the Commission.

Commissioner Johnson stated she agreed with Mr. Martin's suggestion that until this is figured out between the developer and Verizon, we should not remove the proffer. She hopes they can come to an agreement that does not cost $150,000 and once the poles have been removed, the Commission could look at removing the proffer with different eyes. She does not believe the proffer should be removed and allow the poles to remain the way they are.

Commissioner Light stated if the proffer is removed, it takes away leverage to negotiate with Verizon. He is sympathetic with Mr. Schoew and the residents. He travels the road two to three times a week and experiences everything that has been said. If the proffer is taken out, we lose any leverage that we had to get the poles removed.

Chair Rogers stated that if this had been approached a year and a half ago before the tornado, if the light poles were fixed, they would have been in the same place. Trying to solve the issue prior to looking at amending the proffers is the best thing.

Mr. Schoew addressed the Commission from the audience. The turn lane is not warranted by regulation. Let us move the poles but not build the turn lane that is not warranted and ultimately creates a safety hazard. Let us carry Verizon's lunch for them. If that is what it takes, let us do that, but don't tear up all of Link Road for something that is not worth it. The number of homes has been reduced to sixty-eight (68).

Chair Rogers stated that if there may be some type of agreement that can be worked out, the Commission may look at the request differently. If the proffer is removed the developer can walk away, and the City will have to pay for it.

Mr. Schoew requested that the proffer be removed subject to the poles being removed.

Commissioner Perault stated that's what can be worked out. It sounds like Planning would be receptive to that, but it needs to be worked out.

Commissioner Bowden made a motion, seconded by Commissioner Marion, to table the petition pending resolution of the pole issue.

Mr. Martin offered that the petition could be tabled, or if Mr. Schoew wished to amend the proffer today, he could do so.

Chair Rogers asked Mr. Schoew if he would like to amend the proffer that the developer would move the poles, the Commission could vote on that or it can be tabled for now.

Commissioner Light stated he did not want the petitioner to feel like he is being forced to submit a proffer. He likes the idea of tabling, so we are not trying to build the ship as we are sailing it.

Commissioner Johnson assumed Mr. Schoew has the legal capabilities to speak for the other members of the LLC.

Mr. Fred Howell addressed the Commission from the audience. He stated there is a problem in dealing with Verizon with regards to the cost of moving the line.

Commissioner Perault addressed Mr. Howell, stating that the Commission has not control over the pricing and that the Commission can only deal with what is front of them. If they would like more time to discuss the issue with Verizon, then it would be better to table the petition for now.

Commissioner Light stated, the Commission would be likely to accept the proffer if they knew the pole problem was going to be resolved.

Chair Rogers stated, the Commission can table the petition and bring it back to vote after an agreement with Verizon or you can make a decision if you would like.

Mr. Howell stated he did not want to commit right now.

Commissioner Bowden stated there was a motion on the table.

Chair Rogers called for the vote on the motion which was made by Commissioner Bowden and seconded by Commissioner Marion:

That the Planning Commission table the Petition of Oaklink, LLC to rezone approximately thirty-nine (39) acres at 207, 301, 305, 400, 401, 405, 408, 409, 411, 412, 415, 416, 417, 420, 421, 424, 425, 428, 429, 432 & 436 Preserve Drive, 100, 101, 102, 103, 104, 104A, 105, 106, 107, 108, 109, 110, 111 & 112 Clopton Court from R-3C, Medium Density Residential District (Conditional) to R-3C, Medium Density Residential District (Conditional) to remove a previously approved proffer requiring the construction of a left turn lane from Link Road onto Preserve Drive.

The motion passed by the following vote:

AYES:	Bowden, Johnson, Light, Lowe, Marion, Perault and Rogers	7
NOES:		0
ABSTENTIONS:		0

The Department of Community Development

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

To: Planning Commission
From: Planning Division
Date: April 24, 2019
Re: **Rezoning – Preserve at Oakwood – R-3C, Medium Density Residential (Conditional) to R-3C, Medium Density Residential (Conditional) – Preserve Drive & Clopton Court**

I. PETITIONER

Oaklink, LLC, 104 Clopton Court, Lynchburg, Virginia 24503
Representative: Fred C. Howell, Oaklink, LLC, 104 Clopton Court, Lynchburg, Virginia 24503
Property Owners:
207 Preserve Drive – Oaklink, LLC
301 Preserve Drive – Smith, Steven & Judith
305 Preserve Drive – Mowry, Christopher
400 Preserve Drive – Sykes, Nancy Forsyth, Trust
401 Preserve Drive – Roberts, Leslie
405 Preserve Drive – Webster, Kim
408 Preserve Drive – Sykes, Nancy Forsyth, Trust
409 Preserve Drive – Carrington Properties, LLC
411 Preserve Drive – Head, David & Mary
412 Preserve Drive – Sykes, Nancy Forsyth, Trust
415 Preserve Drive – Harwell, John & Linda
416 Preserve Drive – Oaklink, LLC
417 Preserve Drive – Sackett, Henry & Julie
420 Preserve Drive – Elk Valley Land Company, LLC
421 Preserve Drive – Sellari Enterprises, Inc.
424 Preserve Drive – Oaklink, LLC
425 Preserve Drive – Bowhay, Richard & Monica
428 Preserve Drive – Oaklink, LLC
429 Preserve Drive – Lawhorne, Preston & Joyce
432 Preserve Drive – Robertson, John & Julia
436 Preserve Drive – Grimes, Barney
100 Clopton Court – Morrison, Paul & Laura
101 Clopton Court – Jones, Viona
102 Clopton Court – Jones, Viona
103 Clopton Court – Lipp, Ute, Trust
104 Clopton Court – Oaklink, LLC
104A Clopton Court – Oaklink, LLC
105 Clopton Court – Mountain Trail, LLC
106 Clopton Court – Nyhof, Margaret
107 Clopton Court – Scott, Amy & Thomas
108 Clopton Court – Bowman, Peter
109 Clopton Court – Driskill, Mary, Trust

110 Clopton Court – Angus, Margaret
111 Clopton Court – Brewer, Michael & Anne
112 Clopton Court – Buhler, Jeanne, Trust

II. LOCATION

The subject property is approximately thirty-nine (39) acres located on Preserve Drive and Clopton Court.

III. PURPOSE

The purpose of the petition is to remove the voluntarily submitted proffer approved on April 10, 2012 that required the construction of a left turn lane from Link Road onto Preserve Drive in lieu of a traffic impact study.

IV. SUMMARY

- City Council rezoned the property from R-2, Low-Medium Density Residential to R-3C, Medium Density Residential (Conditional) on April 10, 2012. The rezoning facilitated the development of the property as a mix of detached and semi-detached single-household dwellings, up to seventy-eight (78) units.
- In lieu of submitting a traffic impact study in 2012, the petitioner voluntarily proffered to construct a left turn lane from Link Road onto Preserve Drive.
- The petitioner has submitted a traffic impact study indicating that a left turn lane is not needed based on the reduced number of units/lots in phases II, III, and IV. The proffered fifty-nine (59) units in these phases will bring the total number of units/lots to sixty-eight (68).
- The petitioner was originally proceeding with constructing the turn lane and requested that AEP relocate poles and wires to facilitate the construction of the road improvement. AEP moved their poles and lines and the cable company also relocated to the new poles.
- Verizon has not relocated their utility lines and will not do so unless the petitioner funds the cost of relocation. The developer has declined to fund the cost of the relocation of the Verizon lines which results in two sets of utility poles and lines on the eastside of Link Road.

<u>The Planning Division recommends denial of the rezoning petition.</u>

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Comprehensive Plan 2013-2030* recommends a Low Density Residential use for the area. These areas are characterized by single family detached housing at densities of up to four dwelling units per acre. These areas are colored light yellow on the *Future Land Use Map (FLUM)*. In addition to residential uses, they may include public and institutional uses compatible in scale with single family residential homes. Private recreation uses, including country clubs and swim and racquet clubs and private open space are also appropriate for Low Density Residential areas. (p. 72)
2. **Zoning.** The subject property was annexed into the City in 1926. The existing R-3C, Medium Density Residential District (Conditional) zoning was established on April 10, 2012 when the property was rezoned from R-2, Low-Medium Density Residential District.
3. **Proffers.** The petitioner has submitted the following voluntary proffers:

- "The property will be developed with a mix of Detached and Semi-Detached Single-Family Dwellings allowed in the R-3 Zone in substantial compliance with the "Rezoning Schematic Site Plan Phase II,III & IV, The Preserve at Oakwood" prepared by Fred C. Howell, PLS dated March 4, 2019. The total number of dwelling units or lots for the property to be rezoned (38.888) acres shall not exceed fifty-nine (59).
- All utilities within the development will be placed underground.
- An Architectural Review Committee (ARC) will be established to insure the aesthetic quality of the development. The character of the entire neighborhood will be enhanced by substantial landscaping, including foundation plantings and street trees. The ARC will review all house plans, including landscaping details, to insure strict Architectural Standards are met.
- All common areas will be maintained by the Homeowner's Association (HOA). The Common Areas will have natural walking paths that connect to the adjacent property of Oakwood Country Club at multiple points to allow residents easy pedestrian access to the facilities of the Club."

4. **Board of Zoning Appeals (BZA).** The Zoning Administrator has determined that no variances are needed for the development of the property as proposed.
5. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:

- On December 11, 1979, City Council approved the conditional use permit (CUP) petition of Virginia Baptist Hospital to allow a building addition at 3300 Rivermont Avenue.
- On July 10, 1984, City Council approved the petition of Virginia United Methodist Homes, Inc., to rezone 3021 Rivermont Avenue from R-1, Low Density, Single-Family Residential District to R-4, Medium-High Density, Multi-Family Residential District (Conditional) to allow the construction of a retirement community with up to two hundred (200) units and a health care facility.
- On August 13, 1985, City Council approved the petition of Virginia Baptist Hospital to allow the construction of a heliport at 3300 Rivermont Avenue.
- On November 11, 1986, City Council approved the CUP petition of First Christian Church to allow the construction of classrooms, offices and a parking addition at 3109 Rivermont Avenue.
- On April 14, 1987, City Council approved the CUP petition of Virginia Baptist Hospital to allow the construction of a parking lot expansion at 3350 Vassar Street.
- On September 8, 1987, City Council approved the CUP petition of Virginia Baptist Hospital to allow the construction of a parking lot expansion at 3350 Vassar Street.
- On April 12, 1988, City Council approved the petition of M. Van & Carrie Lewis to rezone 1000 Villa Road from R-4, Medium-High Density, Multi-Family Residential District (Conditional) to R-4, Medium-High Density, Multi-Family Residential District (Conditional) to amend previously approved proffers and allow the use of the property as an educational facility.

- On April 12, 1988, City Council approved the CUP petition of M. Van & Carrie Lewis to allow an educational facility with boarding capabilities at 1000 Villa Road.
- On November 8, 1988, City Council approved the CUP petition of Virginia Baptist Hospital to allow a child care facility at 1343 Oak Lane.
- On February 14, 1989, City Council approved the CUP petition of Virginia Baptist Hospital for a Master Development Plan at 3300 Rivermont Avenue.
- On December 12, 1989, City Council approved the CUP petition of Oakwood Country Club to allow the construction of a pool house and parking area at 3409 Rivermont Avenue.
- On April 10, 1990, City Council approved the CUP petition of Virginia Baptist Hospital to allow the construction of a parking lot expansion at 3350 Vassar Street.
- On February 9, 1993, City Council approved the CUP petition of Virginia Baptist Hospital to allow the construction of a two-story parking deck on Vassar Street.
- On September 14, 1993, City Council approved the CUP petition of Holy Trinity Lutheran Church to allow the construction of a columbarium wall at 1000 Langhorne Road.
- On August 9, 1994, City Council approved the CUP petition of Oakwood Country Club to allow the construction of an indoor tennis facility and parking area at 3409 Rivermont Avenue.
- On July 8, 1997, City Council approved the CUP petition of Virginia Baptist Hospital to allow the construction of a building addition and access improvements at 3300 Rivermont Avenue.
- On April 13, 1999, City Council approved the CUP petition of Oakwood Country Club to allow the conversion of existing tennis courts to an indoor tennis facility at 3409 Rivermont Avenue.
- On March 12, 2002, City Council adopted the "Rivermont" Local Historic District. On February 8, 2005, City Council approved the petition of the Williams Home to allow the construction of a building addition at 1201 Langhorne Lane
- On April 10, 2012, City Council approved the rezoning petition of Oaklink, LLC to rezone approximately thirty-nine (39) acres at 207 Preserve Drive from R-2, Low-Medium Density Residential District to R-3C, Medium Density Residential District (Conditional).
- On August 9, 2016, City Council approved the CUP petition of Centra Health, LLC to allow the conversion of an existing structure to a group home at 1343 Oak Lane and 1512 Fairway Place.
- On January 10, 2017, City Council approved the CUP petition of Centra Health, LLC, to allow the use of an existing building as a pharmacy at 1331 Oak Lane.

6. **Site Description.** The subject property is a tract of approximately thirty-nine (39) acres located at Preserve Drive and Clopton Court. The property is being developed as a mix of single-house hold detached and single-household attached dwellings.

7. **Proposed Use of Property.** If the petition is approved, the property would continue to be developed as a mixture of single household attached and detached dwellings as approved by

Council on April 10, 2012. The total number of units has been reduced from seventy-eight (78) to fifty-nine (59). The proffer requiring the construction of a left turn lane would be removed.

8. **Traffic, Parking and Public Transit.** On April 10, 2012 City Council approved the rezoning to allow the development with the voluntarily submitted proffer that a left turn lane from Link Road onto Preserve Drive would be constructed. This proffer was submitted in agreement with the City's Transportation Engineer in order to negate the submittal of a traffic impact study. The petitioner now desires to not construct the left turn lane and has submitted a traffic impact study that determines a left turn lane is not needed.

   The area is served by Greater Lynchburg Transit Company (GLTC) Route 3B with bus stops located at Link Road & Boonsboro Road and in front of Oakwood Country Club.

9. **Stormwater Management.** Not constructing the turn lane would result in a reduction of impervious area.

10. **Emergency Services:** The City's Fire Marshal and Police Department had no concerns regarding the proposal.

11. **Impact.** The proposed rezoning would remove the proffer voluntarily submitted in 2012 to construct a left turn lane from Link Road to Preserve Drive. A traffic impact study submitted to and reviewed by the City Engineer indicates that the turn lane is not warranted.

    The petitioner was originally proceeding with constructing the turn lane and requested that AEP relocate poles and wires to facilitate the construction of the road improvement. AEP moved their poles and lines and the cable company also relocated to the new poles. Verizon has not relocated their utility lines and will not do so unless the petitioner funds the cost of relocation. The developer has declined to fund the cost of the relocation of the Verizon lines which results in two sets of utility poles and lines on the east side of Link Road.

Preserve Drive & Link Road looking south.

Preserve Drive & Link Road looking north towards Boonsboro Road.

The Planning Division does not object to the removal of the proffer requiring construction of the turn lane; however the Planning Division does not support removing responsibility for relocating the remaining Verizon poles and lines from the petitioner/developer. Removing the previously approved proffer would result in two sets of utility poles remaining along this section of Link Road.

The City Attorney has opined that the City cannot require Verizon to relocate the lines and remove the poles as part of the franchise agreement since it is not part of a "City project". If the removal of the proffer is approved and the City desired to remove the unsightly utility lines from the area, it would be done at taxpayer expense.

12. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the petition on March 19, 2019.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council <u>denial</u> of the petition of Oaklink, LLC to rezone approximately thirty-nine (39) acres from R-3C, Medium Density Residential District (Conditional) to R-3C, Medium Density Residential District (Conditional) to remove the previously approved proffer requiring

the construction of a turn lane from Link Road to Preserve Drive, subject to the following conditions:

- **The property will be developed with a mix of Detached and Semi-Detached Single-Family Dwellings allowed in the R-3 Zone in substantial compliance with the "Rezoning Schematic Site Plan Phase II,III & IV, The Preserve at Oakwood" prepared by Fred C. Howell, PLS dated March 4, 2019. The total number of dwelling units or lots for the property to be rezoned (38.888) acres shall not exceed fifty-nine (59).**
- **All utilities within the development will be placed underground.**
- **An Architectural Review Committee (ARC) will be established to insure the aesthetic quality of the development. The character of the entire neighborhood will be enhanced by substantial landscaping, including foundation plantings and street trees. The ARC will review all house plans, including landscaping details, to insure strict Architectural Standards are met.**
- **All common areas will be maintained by the Homeowner's Association (HOA). The Common Areas will have natural walking paths that connect to the adjacent property of Oakwood Country Club at multiple points to allow residents easy pedestrian access to the facilities of the Club.**

This matter is respectfully offered for your consideration.

William T. Martin, AICP
City Planner

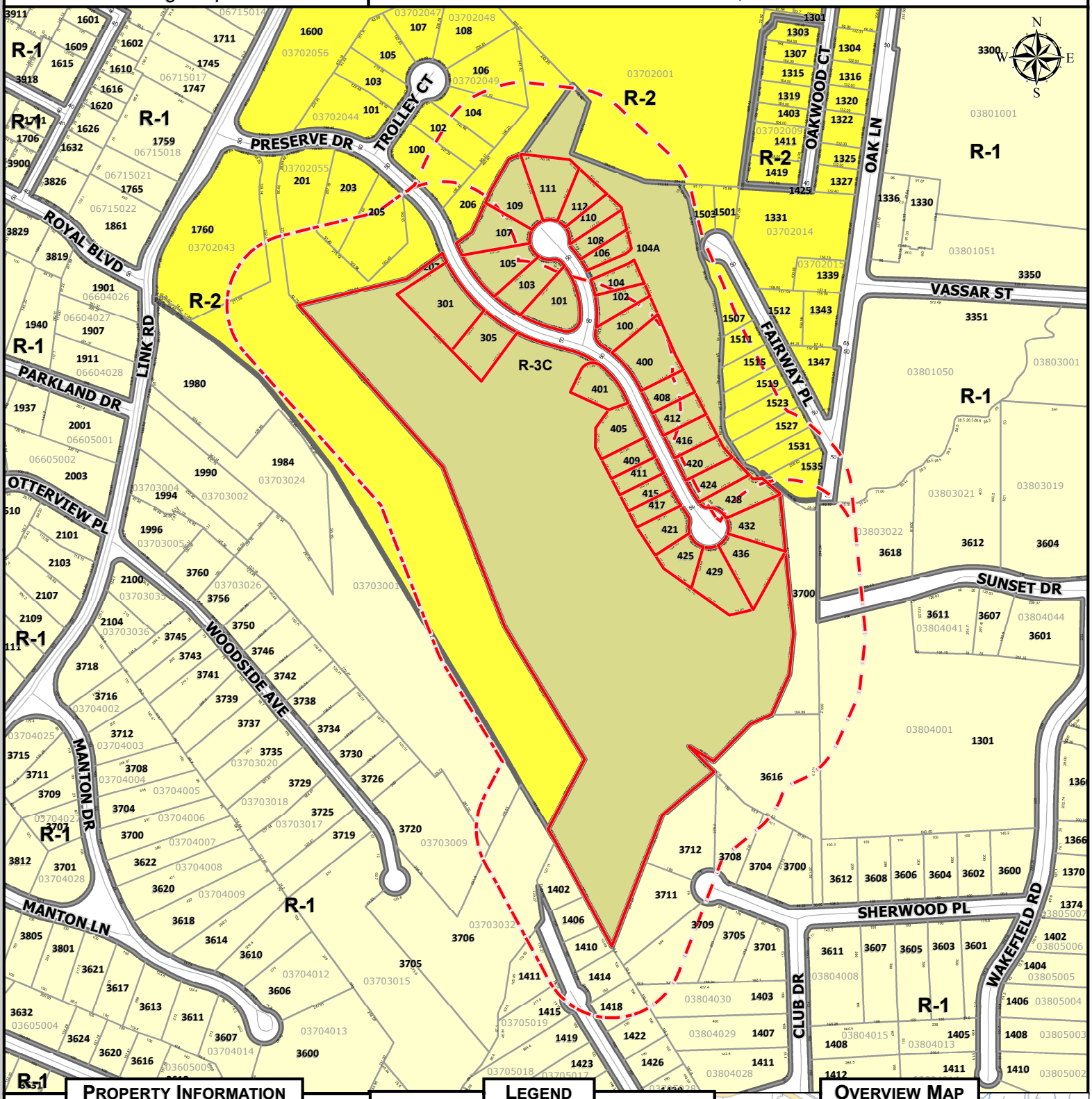
pc: Ms. Bonnie M. Svrcek, City Manager
Mr. Reid Wodicka, Deputy City Manager
Mr. Walter C. Erwin, City Attorney
Mr. Kent L. White, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozerow, Lynchburg Police Department
Battalion Chief Thomas Goode, Fire Marshal
Mr. Doug Saunders, Building Official
Mr. Kevin Henry, Zoning Administrator
Mr. Fred Howell, Petitioner / Representative

VII. ATTACHMENTS

1. **Zoning Map with Adjoining Property Owners**
2. **Future Land Use Map**

3. **Watershed Map**
4. **Planimetric and Topographic Map**
5. **Concept Plan**
6. **Narrative**
7. **Traffic Impact Study**
8. **Property Photograph**

Zoning Map	REZONING FROM R-3C TO R-3C TO AMEND PROFFERS
Zoning Request	Oaklink, LLC



Property Information

Parcel ID	Address
03702042	207 PRESERVE DR
03702057	301 PRESERVE DR
03702059	305 PRESERVE DR
03702074	400 PRESERVE DR
03702092	401 PRESERVE DR
03702091	405 PRESERVE DR
03702090	409 PRESERVE DR
03702076	408 PRESERVE DR
03702089	411 PRESERVE DR
03702077	412 PRESERVE DR
03702088	415 PRESERVE DR

Legend

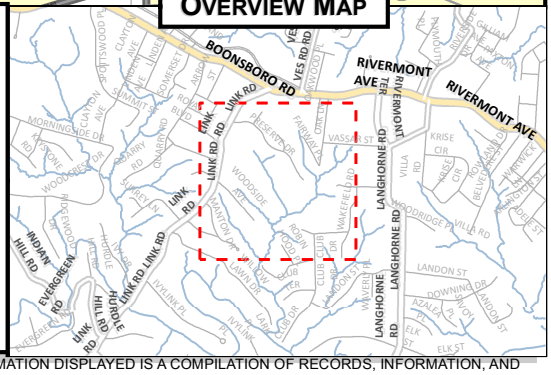
Subject Property

215' Buffer

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

Map Scale: 1 " to 400 ' **Date Printed:** 4/12/2019

Overview Map



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Parcel ID	Address	Owner
03702065	110 CLOPTON CT	ANGUS, MARGARET GAYLE
03702085	425 PRESERVE DR	BOWHAY, RICHARD & MONICA
03702064	108 CLOPTON CT	BOWMAN, PETER J
03702067	111 CLOPTON CT	BREWER, MICHAEL & ANNE
03703032	3706 WOODSIDE AVE	BRIGHT, MATTHEW A & TERRY V
03702066	112 CLOPTON CT	BUHLER, JEANNE O TRS
03804039	3616 SHERWOOD PL	BUSS, ANN N TRS & BREMER, MICHAEL &
03804034	3711 SHERWOOD PL	CANNON, DAVID R & HEIDE J
03702090	409 PRESERVE DR	CARRINGTON PROPERTIES LLC
03801050	3351 VASSAR ST	CENTRA HEALTH INC
03702052	100 TROLLEY CT	DANDAPANI, BALAMURUGAN &
03702068	109 CLOPTON CT	DRISKILL, MARY K TRS
03702036	1511 FAIRWAY PL	DROZD, MONIKA
03702079	420 PRESERVE DR	ELK VALLEY LAND COMPANY LLC
03705025	1418 ROBIN HOOD PL	FITCH, ROLAND L JR & ASHLEY A
03702030	1535 FAIRWAY PL	FRISCHEISEN, RACHEL L
03804030	1403 CLUB DR	GABATHULER, PHILLIPP URS & ANDREA S
03702032	1527 FAIRWAY PL	GILLETTE, JOHN M & KATIE H
03702083	436 PRESERVE DR	GRIMES, BARNEY A III &
03702054	203 PRESERVE DR	GUANZON, VERNA L & MATTHEW
03702088	415 PRESERVE DR	HARWELL, JOHN W & LINDA R
03702089	411 PRESERVE DR	HEAD, DAVID LEE & MARY ELIZABETH
03702050	104 TROLLEY CT	HIGGINSON, SEAN N & KATHY M
03702049	106 TROLLEY CT	HIGGINSON, SEAN TRS &
03702072	101 CLOPTON CT	JONES, VIONA S
03702061	102 CLOPTON CT	JONES, VIONA SZABO
03702084	429 PRESERVE DR	LAWHORNE, PRESTON E & JOYCE G
03702033	1523 FAIRWAY PL	LEMAITRE, LUDOVIC
03705026	1422 ROBIN HOOD PL	LEWIS, DWAYNE K & ANNE G
03702071	103 CLOPTON CT	LIPP, UTE TRS
03702037	1507 FAIRWAY PL	LIPSCOMB, DAVID W & ROBIN O
03702034	1519 FAIRWAY PL	MARKHAM, RICHARD D
03702053	205 PRESERVE DR	MARTIN, ROBERT P & SLOAN, SANDRA M
03804035	3712 SHERWOOD PL	MCCARTHY, MARY T
03702043	1760 LINK RD	MILAM, JAMES T & KIMBERLY H
03804037	3704 SHERWOOD PL	MORRIS, ANNE STEWART
03703001	1980 LINK RD	MORRIS, RICHARD C & SUSAN N
03702060	100 CLOPTON CT	MORRISON, PAUL M JR & LAURA K
03702070	105 CLOPTON CT	MOUNTAIN TRAIL LLC
03702059	305 PRESERVE DR	MOWRY, CHRISTOPHER S
03702051	102 TROLLEY CT	MOWRY, CHRISTOPHER S
03703009	3720 WOODSIDE AVE	NIMON, JOHN R & ROSENFIELD, LISA B
03702063	106 CLOPTON CT	NYHOF, MARGARET B
03702093	104 A CLOPTON CT	OAKLINK LLC
03705022	1406 ROBIN HOOD PL	OAKLINK LLC

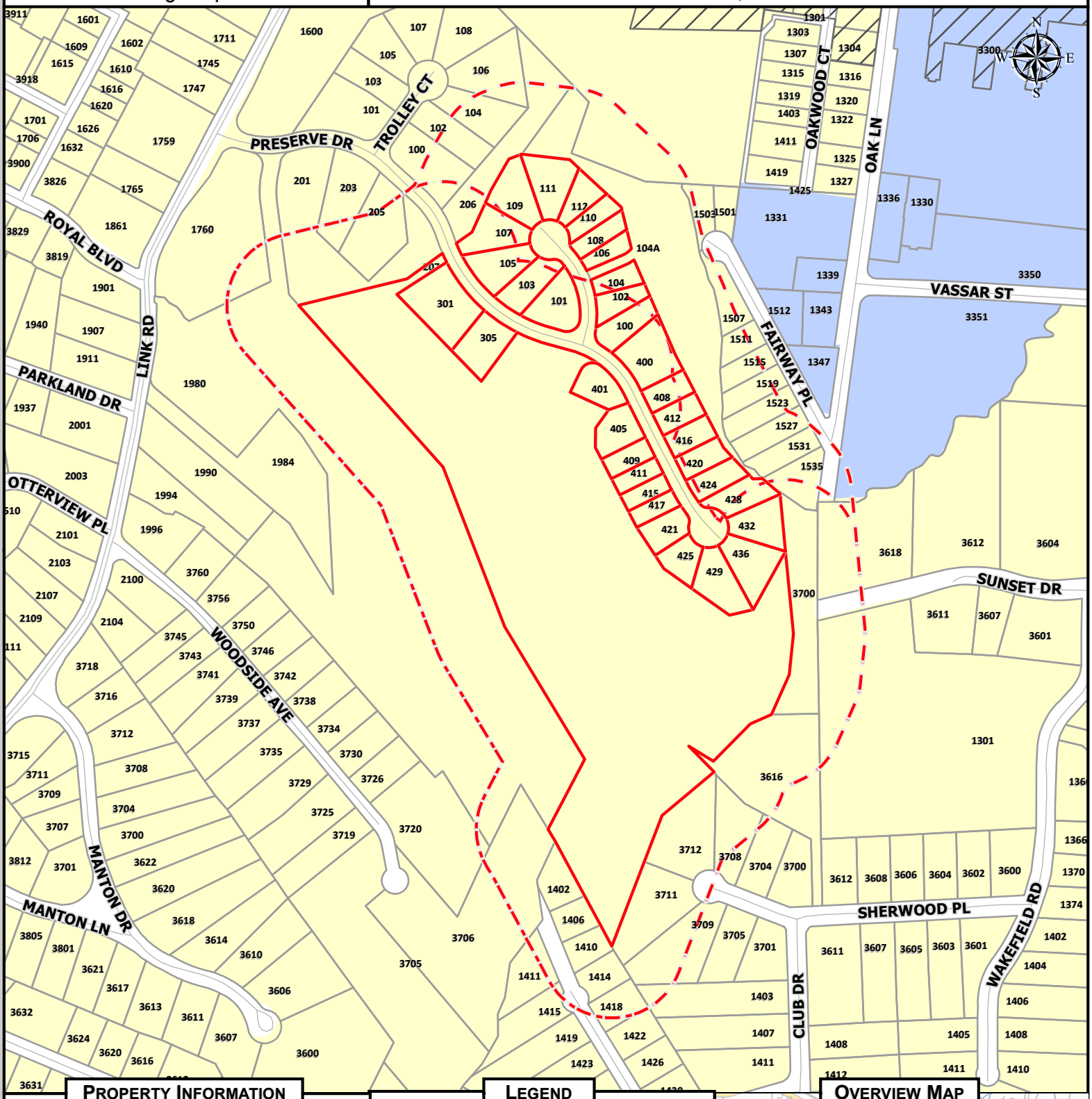
03804040	3700 SUNSET DR	OAKLINK LLC
03705021	1402 ROBIN HOOD PL	OAKLINK LLC
03702062	104 CLOPTON CT	OAKLINK LLC
03702080	424 PRESERVE DR	OAKLINK LLC
03702073	206 PRESERVE DR	OAKLINK LLC
03705020	1411 ROBIN HOOD PL	OAKLINK LLC
03702081	428 PRESERVE DR	OAKLINK LLC
03702055	201 PRESERVE DR	OAKLINK LLC
03702078	416 PRESERVE DR	OAKLINK LLC
03702042	207 PRESERVE DR	OAKLINK LLC
03702001	3409 RIVERMONT AVE	OAKWOOD FOREVER LLC
03702092	401 PRESERVE DR	ROBERTS, LESLIE S
03702082	432 PRESERVE DR	ROBERTSON, JOHN K & ROBERTSON, JULIA
03702087	417 PRESERVE DR	SACKETT, HENRY M III & JULIE B
03702069	107 CLOPTON CT	SCOTT, AMY B & THOMAS B II
03803022	3618 SUNSET DR	SELDON, ARTHUR F & SALLY C
03702086	421 PRESERVE DR	SELLARI ENTERPRISES INC
03702038	1503 FAIRWAY PL	SIGLER, JANE T
03702057	301 PRESERVE DR	SMITH, STEVEN A & JUDITH A
03804036	3708 SHERWOOD PL	SPONTARELLI, ADAM M & ELISE MARIE B
03705024	1414 ROBIN HOOD PL	SUNDHEIM, PETER J & BARBARA R
03705023	1410 ROBIN HOOD PL	SUNDHEIM, PETER J & BARBARA R
03702077	412 PRESERVE DR	SYKES, NANCY FORSYTH TRS
03702074	400 PRESERVE DR	SYKES, NANCY FORSYTH TRS
03702076	408 PRESERVE DR	SYKES, NANCY FORSYTH TRS
03702035	1515 FAIRWAY PL	TUMAS, NATHAN D
03705019	1415 ROBIN HOOD PL	VELEZ, ROBERT JR & MICHELLE W
03804033	3709 SHERWOOD PL	WALKER, LARRY B II & HARMONI N
03702091	405 PRESERVE DR	WEBSTER, KIM A
03702031	1531 FAIRWAY PL	WRANEK, JOHN J III & CATHERINE P
03804001	1301 WAKEFIELD RD	ZIPPEL, GEORGE R TRS

FLUM Map

REZONING FROM R-3C TO R-3C TO AMEND PROFFERS

Zoning Request

Oaklink, LLC



Property Information

Parcel ID	Address
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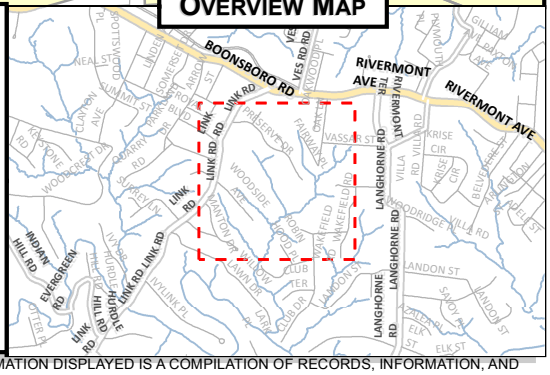
03702076	408 PRESERVE DR
03702089	411 PRESERVE DR
03702077	412 PRESERVE DR
03702088	415 PRESERVE DR

Legend

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

Map Scale: 1 " to 400 ' **Date Printed:** 4/12/2019

Overview Map



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Watershed Map	REZONING FROM R-3C TO R-3C TO AMEND PROFFERS
Zoning Request	Oaklink, LLC

Property Information

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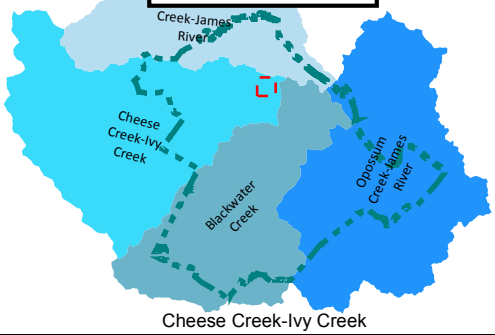
Legend

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

Map Scale: 1 " to 400 ' **Date Printed:** 4/12/2019

Overview Map



Cheese Creek-Ivy Creek

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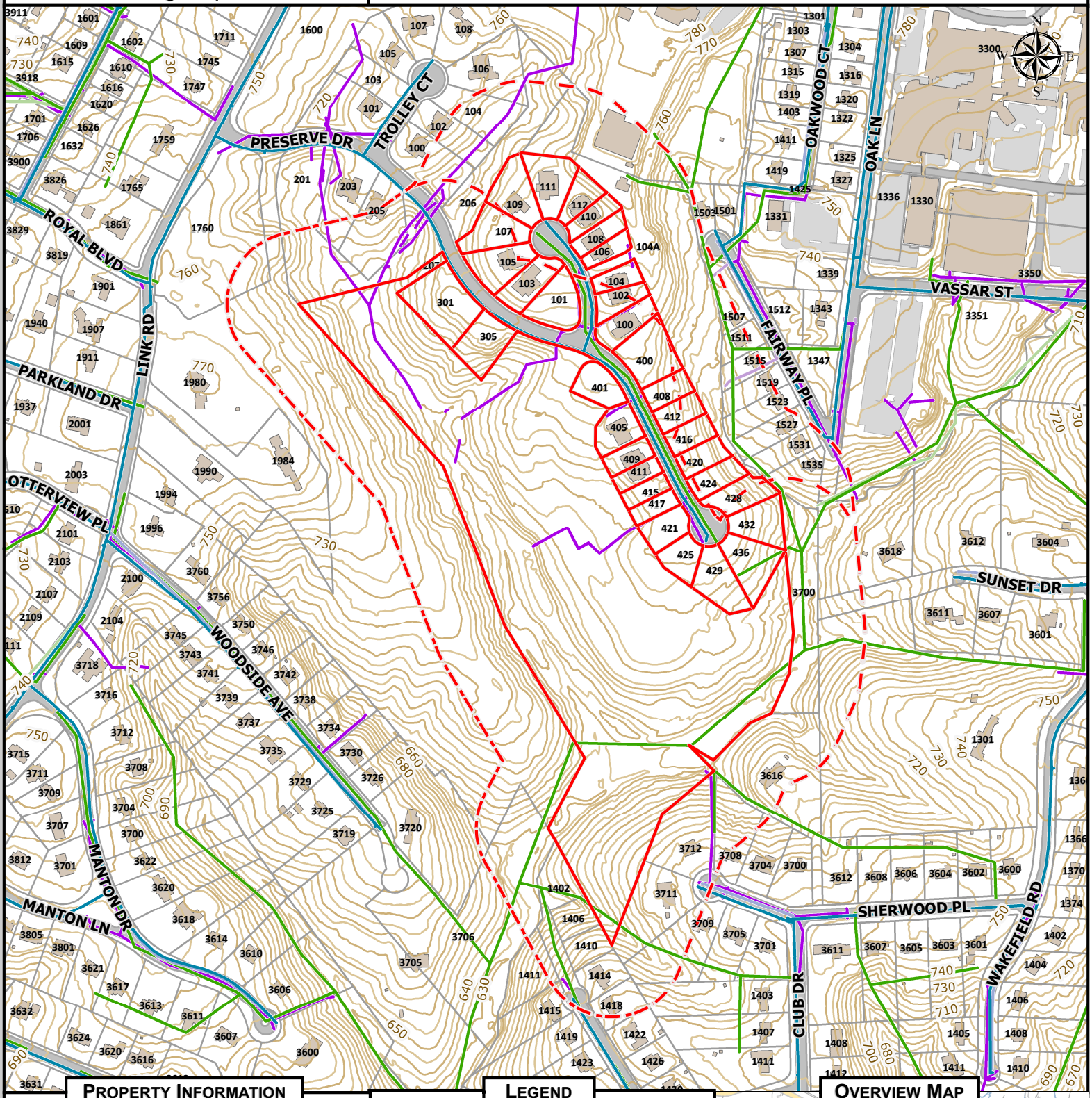
Planimetric and Topographic Map

REZONING FROM R-3C TO R-3C TO AMEND PROFFERS

Zoning Request

Oaklink, LLC



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03702076	408 PRESERVE DR
03702089	411 PRESERVE DR
03702077	412 PRESERVE DR
03702088	415 PRESERVE DR

Legend

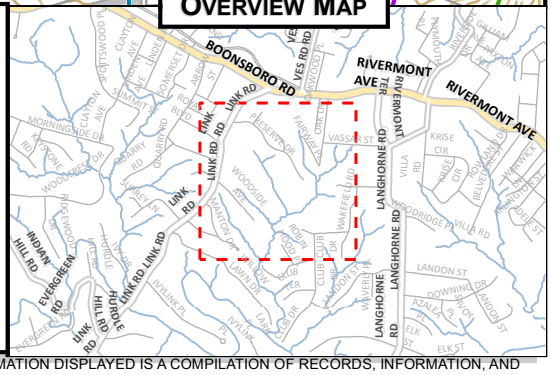
		Active	Proposed	Abandoned
Utilities	Water			
	Sanitary			
	Storm			

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

Topography	Contour	100' 50'	20' 10'	5' 1'

Map Scale: 1 " to 400 ' **Date Printed:** 4/12/2019

Overview Map



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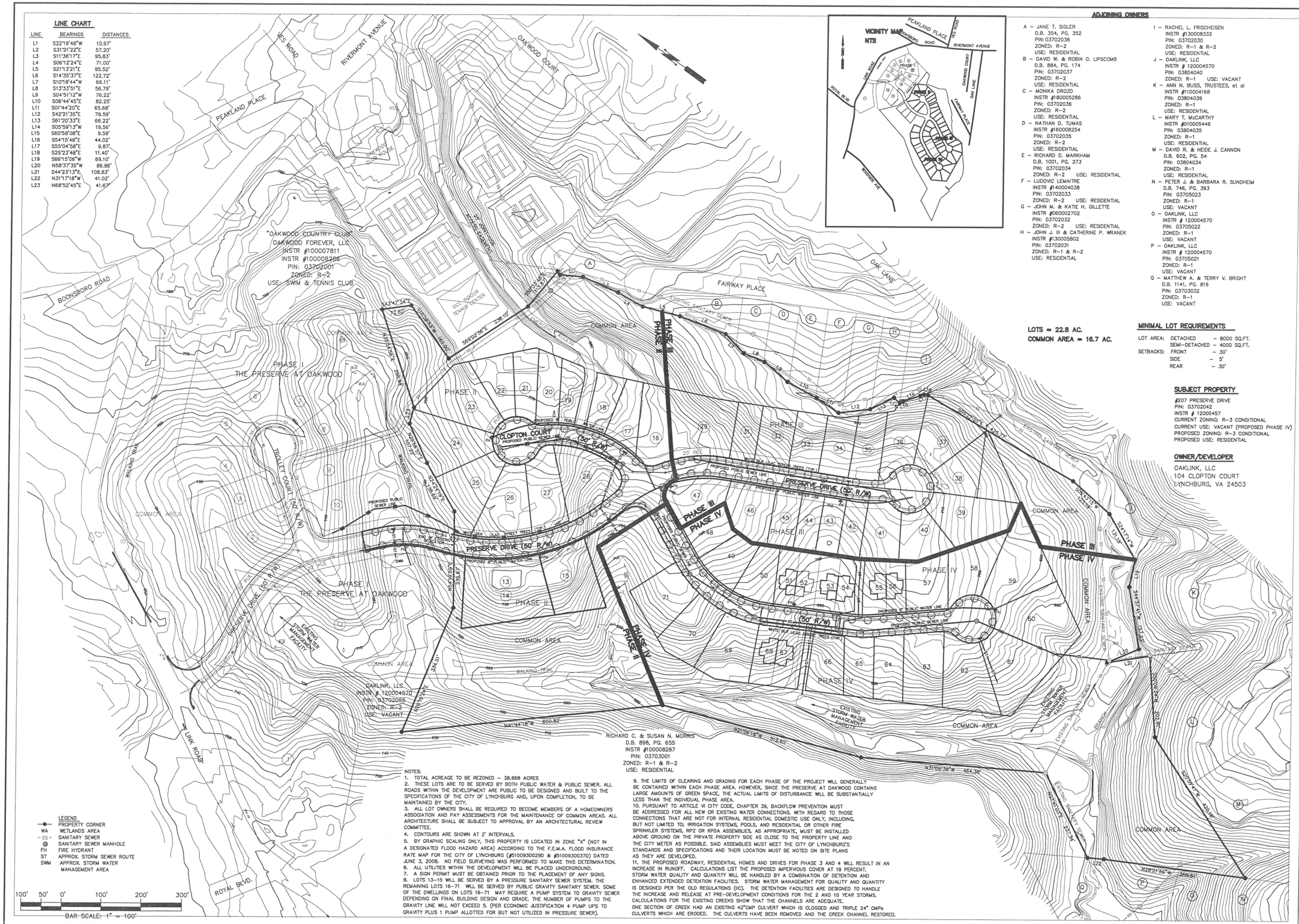
LINE CHART

LINE	BEARINGS	DISTANCES
L1	S22°19'48"W	10.97'
L2	S31°21'22"E	57.20'
L3	S11°38'17"E	95.83'
L4	S06°12'24"E	71.00'
L5	S21°13'21"E	95.52'
L6	S14°35'37"E	122.72'
L7	S10°18'44"W	66.11'
L8	S13°33'51"E	56.79'
L9	S04°51'12"W	76.22'
L10	S06°44'45"E	82.25'
L11	S01°44'20"E	65.68'
L12	S42°21'35"E	79.59'
L13	S61°20'33"E	66.22'
L14	S05°59'13"W	19.56'
L15	S60°58'08"E	9.59'
L16	S54°15'46"E	44.02'
L17	S55°04'58"E	9.87'
L18	S25°23'48"E	11.40'
L19	S66°15'06"W	69.10'
L20	N58°37'35"W	86.86'
L21	S44°23'13"E	108.83'
L22	N31°17'18"W	41.02'
L23	N68°52'45"E	41.67'



LEGEND
- PROPERTY CORNER
- WA WETLANDS AREA
- SS SANITARY SEWER
- SANITARY SEWER MANHOLE
- FH FIRE HYDRANT
- ST APPROX. STORM SEWER ROUTE
- SWM APPROX. STORM WATER MANAGEMENT AREA

NOTES:

1. TOTAL ACREAGE TO BE REZONED – 38.888 ACRES
2. THESE LOTS ARE TO BE SERVED BY BOTH PUBLIC WATER & PUBLIC SEWER. ALL ROADS WITHIN THE DEVELOPMENT ARE PUBLIC TO BE DESIGNED AND BUILT TO THE SPECIFICATIONS OF THE CITY OF LYNCHBURG AND, UPON COMPLETION, TO BE MAINTAINED BY THE CITY.
3. ALL LOT OWNERS SHALL BE REQUIRED TO BECOME MEMBERS OF A HOMEOWNERS ASSOCIATION AND PAY ASSESSMENTS FOR THE MAINTENANCE OF COMMON AREAS. ALL ARCHITECTURE SHALL BE SUBJECT TO APPROVAL BY AN ARCHITECTURAL REVIEW COMMITTEE.
4. CONTOURS ARE SHOWN AT 2' INTERVALS.
5. BY GRAPHIC SCALING ONLY, THIS PROPERTY IS LOCATED IN ZONE "X" (NOT IN A DESIGNATED FLOOD HAZARD AREA) ACCORDING TO THE F.E.M.A. FLOOD INSURANCE RATE MAP FOR THE CITY OF LYNCHBURG (#51009300290 & #51009300370) DATED JUNE 3, 2008. NO FIELD SURVEYING WAS PERFORMED TO MAKE THIS DETERMINATION.
6. ALL UTILITIES WITHIN THE DEVELOPMENT WILL BE PLACED UNDERGROUND.
7. A SIGN PERMIT MUST BE OBTAINED PRIOR TO THE PLACEMENT OF ANY SIGNS.
8. LOTS 13–15 WILL BE SERVED BY A PRESSURE SANITARY SEWER SYSTEM. THE REMAINING LOTS 16–71 WILL BE SERVED BY PUBLIC GRAVITY SANITARY SEWER. SOME OF THE DWELLINGS ON LOTS 16–71 MAY REQUIRE A PUMP SYSTEM TO GRAVITY SEWER DEPENDING ON FINAL BUILDING DESIGN AND GRADE. THE NUMBER OF PUMPS TO THE GRAVITY LINE WILL NOT EXCEED 5. (PER ECONOMIC JUSTIFICATION 4 PUMP UPS TO GRAVITY PLUS 1 PUMP ALLOTTED FOR BUT NOT UTILIZED IN PRESSURE SEWER).
9. THE LIMITS OF CLEARING AND GRADING FOR EACH PHASE OF THE PROJECT WILL GENERALLY BE CONTAINED WITHIN EACH PHASE AREA. HOWEVER, SINCE THE PRESERVE AT OAKWOOD CONTAINS LARGE AMOUNTS OF GREEN SPACE, THE ACTUAL LIMITS OF DISTURBANCE WILL BE SUBSTANTIALLY LESS THAN THE INDIVIDUAL PHASE AREA.
10. PURSUANT TO ARTICLE VI CITY CODE, CHAPTER 39, BACKFLOW PREVENTION MUST BE ADDRESSED FOR ALL NEW OR EXISTING WATER CONNECTIONS. WITH REGARD TO THOSE CONNECTIONS THAT ARE NOT FOR INTERNAL RESIDENTIAL DOMESTIC USE ONLY, INCLUDING, BUT NOT LIMITED TO; IRRIGATION SYSTEMS, POOLS, AND RESIDENTIAL OR OTHER FIRE SPRINKLER SYSTEMS, RPZ OR RPDA ASSEMBLIES, AS APPROPRIATE, MUST BE INSTALLED ABOVE GROUND ON THE PRIVATE PROPERTY SIDE AS CLOSE TO THE PROPERTY LINE AND THE CITY METER AS POSSIBLE. SAID ASSEMBLIES MUST MEET THE CITY OF LYNCHBURG'S STANDARDS AND SPECIFICATIONS AND THEIR LOCATION MUST BE NOTED ON SITE PLANS AS THEY ARE DEVELOPED.
11. THE PROPOSED ROADWAY, RESIDENTIAL HOMES AND DRIVES FOR PHASE 3 AND 4 WILL RESULT IN AN INCREASE IN RUNOFF. CALCULATIONS LIST THE PROPOSED IMPERVIOUS COVER AT 18 PERCENT. STORM WATER QUALITY AND QUANTITY WILL BE HANDLED BY A COMBINATION OF DETENTION AND ENHANCED EXTENDED DETENTION FACILITIES. STORM WATER MANAGEMENT FOR QUALITY AND QUANTITY IS DESIGNED PER THE OLD REGULATIONS (IIC). THE DETENTION FACILITIES ARE DESIGNED TO HANDLE THE INCREASE AND RELEASE AT PRE-DEVELOPMENT CONDITIONS FOR THE 2 AND 10 YEAR STORMS. CALCULATIONS FOR THE EXISTING CREEKS SHOW THAT THE CHANNELS ARE ADEQUATE. ONE SECTION OF CREEK HAD AN EXISTING 42"CMP CULVERT WHICH IS CLOGGED AND TRIPLE 24" CMPs CULVERTS WHICH ARE ERODED. THE CULVERTS HAVE BEEN REMOVED AND THE CREEK CHANNEL RESTORED.

ADJOINING OWNERS

A – JANE T. SIGLER
D.B. 354, PG. 352
PIN: 03702038
ZONED: R-2
USE: RESIDENTIAL

B – DAVID W. & ROBIN O. LIPSCOMB
D.B. 884, PG. 174
PIN: 03702037
ZONED: R-2
USE: RESIDENTIAL

C – MONIKA DROZD
INSTR #180005286
PIN: 03702036
ZONED: R-2
USE: RESIDENTIAL

D – NATHAN D. TUMAS
INSTR #160008254
PIN: 03702035
ZONED: R-2
USE: RESIDENTIAL

E – RICHARD D. MARKHAM
D.B. 1001, PG. 273
PIN: 03702034
ZONED: R-2 USE: RESIDENTIAL

F – LUDOVIC LEMAITRE
INSTR #140004038
PIN: 03702033
ZONED: R-2 USE: RESIDENTIAL

G – JOHN M. & KATIE H. GILLETTE
INSTR #060002702
PIN: 03702032
ZONED: R-2 USE: RESIDENTIAL

H – JOHN J. III & CATHERINE P. WRANEK
INSTR #130005802
PIN: 03702031
ZONED: R-1 & R-2
USE: RESIDENTIAL

I – RACHEL L. FRISCHEISEN
INSTR #130008332
PIN: 03702030
ZONED: R-1 & R-2
USE: RESIDENTIAL

J – OAKLINK, LLC
INSTR # 120004570
PIN: 03804040
ZONED: R-1 USE: VACANT

K – ANN N. BUSS, TRUSTEES, et al
INSTR #110004168
PIN: 03804039
ZONED: R-1
USE: RESIDENTIAL

L – MARY T. McCARTHY
INSTR #010005446
PIN: 03804035
ZONED: R-1
USE: RESIDENTIAL

M – DAVID R. & HEIDE J. CANNON
D.B. 602, PG. 54
PIN: 03804034
ZONED: R-1
USE: RESIDENTIAL

N – PETER J. & BARBARA R. SUNDHEIM
D.B. 746, PG. 393
PIN: 03705023
ZONED: R-1
USE: VACANT

O – OAKLINK, LLC
INSTR # 120004570
PIN: 03705022
ZONED: R-1
USE: VACANT

P – OAKLINK, LLC
INSTR # 120004570
PIN: 03705021
ZONED: R-1
USE: VACANT

Q – MATTHEW A. & TERRY V. BRIGHT
D.B. 1141, PG. 816
PIN: 03703032
ZONED: R-1
USE: VACANT

LOTS = 22.8 AC.
COMMON AREA = 16.7 AC.

MINIMAL LOT REQUIREMENTS

LOT AREA:	DETACHED	– 8000 SQ.FT.
	SEMI-DETACHED	– 4000 SQ.FT.
SETBACKS:	FRONT	– 30'
	SIDE	– 5'
	REAR	– 30'

SUBJECT PROPERTY

#207 PRESERVE DRIVE
PIN: 03702042
INSTR # 12000457
CURRENT ZONING: R-3 CONDITIONAL
CURRENT USE: VACANT (PROPOSED PHASE IV)
PROPOSED ZONING: R-3 CONDITIONAL
PROPOSED USE: RESIDENTIAL

OWNER/DEVELOPER

OAKLINK, LLC
104 CLOPTON COURT
LYNCHBURG, VA 24503

FRED C. HOWELL, PLS
104 CLOPTON COURT
LYNCHBURG, VIRGINIA 24503
PHONE: (434) 568-0054 EMAIL: FCHTLSC@GMAIL.COM

REZONING SCHEMATIC SITE PLAN

PHASES II, III & IV
THE PRESERVE AT OAKWOOD

CITY OF LYNCHBURG, VIRGINIA

DATE: 03-04-2019
DRAWN:
CHECKED:

REVISIONS

NO.	DATE

SCALES
HORIZ: AS SHOWN
VERT: AS SHOWN

COMM. NO.

SHEET NO.
1 OF 2

The Preserve
at Oakwood

Project Narrative for the Preserve At Oakwood rezoning application

Going back nearly a decade, as developer of The Preserve At Oakwood neighborhood, Oaklink LLc has consistently been a leading advocate for the preservation of its uniquely long and iconic frontage bordering Link Road.

At a time when our local economy was feeling the brunt of the economic downturn now referred to as 'The Great Recession', and at a time when Oakwood Country Club (OCC) was headed to Federal Bankruptcy Court, we were the ones that stood-up for preservation and the idea of 'under-developing' the prized acreage of OCC's defunct golf course. We did it in the face of naysayers and competing developers whose mission was 'development to the max' with little consideration for the impact of higher density development on the character of the surrounding 'old Lynchburg' neighborhoods.

Our vision was one of protecting the green space of the old golf course all along Link Road while providing a variety of building and living options that would make for a neighborhood that would be attractive to new residents of all ages. Our vision was of a neighborhood anchored in early 1900s Craft home designs that would over time be viewed as a natural evolution of our surrounding historic Rivermont neighborhoods.

At the time of Oaklink Llc's purchase of the OCC golf course property at bankruptcy auction, with all of its acrage and long frontage along Link Road in the balance, we set forth a site plan identifying a maximum of (84) residential lots designed for a combination of attached and detached single-family residences. At that time we had accepted that this number of potential residences being served by a single point of ingress and egress off Link Road would require (by VDOT regulation) a left-turn lane in the path of Link Road at our entrance. At the time we simply felt that this unwanted expansion of Link Road would be unavoidable.

Fast forwarding from 2010 to the present, Oaklink Llc has followed its mandate of preservation in the development of the property to the extent that where lots could have been developed 'by-right' all along its Link Road frontage, and where as many as (84) residential lots could have been planned for developed (both decisions that would have benefited the developer's bottom line), we have instead made the better choices in favor of protecting all of our Link Road green spaces from further development and reducing the overall development of the property down to a maximum density of (68) lots.

As a result of reducing our maximum lot count and with the support of an accredited traffic study, it has now been confirmed that the previously proffered left-turn-lane in the path of Link Road at our entrance is simply no longer warranted. (by VDOT regulation or by common sense)

Although previously mandated by (VDOT) regulation, a left-turn-lane located in the path of this unique stretch of Link Road that has remained 100% accident-free over the entire history of our development never did really have a lick of common sense attached to it ... not in terms of improving pedestrian and motorist safety at our entrance, not in terms of addressing the obvious problems that exist at the intersection of Link Road and Boonsboro Road, and not in terms of preserving the charm of our architecturally iconic surrounding neighborhoods.

(continued)

Approval of Oaklink Llc's request for the removal of this proffer will prevent the unwanted and unwarranted expansion of lanes in the path of Link Road at our entrance and that will certainly be appreciated by our surrounding area neighbors and our residents of The Preserve At Oakwood. Regreattably, there will still be additional issues the City will ultimately need to resolve before the larger body of safety and traffic flow concerns along this section of Link Road can be considered to be fully addressed.

In our view these remaining issues are two-fold;

1. The first of these remaining issues relates to traffic safety and can be addressed with a request from the City for Verizon to follow suit with APCO who has already begun (at their own expense) relocating their lines and utility poles embedded in our hedges. Under their franchise agreement with the City Of Lynchburg overhead utility providers like APCO and Verizon are obligated to provide these services upon receiving a reasonable request from our City government. These services were requested and provided without question by APCO in the spring of 2018 and now their work in addressing these long-standing safety hazards has been completed. To the best of our knowledge, these same services have not yet been requested of Verizon.

2. The second of these remaining issues relates to traffic-flow at the stop light located at the intersection of Link Road and Boonsboro Road. Engineering and implementing a solution to the congestion at this light will require City funding and the setting aside of additional land for a right-turn-only lane for the line of vehicles exiting Link onto Boonsboro Road in the direction of Oakwood Country Club. The land necessary to meet the additional land requirements was transferred to the City by Oaklink Llc. and Oakwood Forever Llc at the outset of our project.

We thank you for your consideration of this rezoning request.

Jud C. Powell

Respectfully,
Oaklink Llc.

EPRPC EPR, P,C. "ENGINEERING & PLANNING RESOURCES"
902 E JEFFERSON ST. UNIT 101, CHARLOTTESVILLE, VA 22902

MEMORANDUM

TO: WILLIAM O. BERKLEY, JR., P.E.	FROM: BILL WUENSCH, P.E., PTOE; MIKE CALLAHAN, AICP
ORGANIZATION: BERKLEY-HOWELL & ASSOCIATES, PC	DATE: FEBRUARY 4, 2019
PHONE NUMBER: (434) 385-7548	SENDER'S REFERENCE NUMBER:
RE: PRESERVE AT OAKWOOD TRAFFIC STUDY	YOUR REFERENCE NUMBER:

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

Preserve at Oakwood Traffic Study

1. Introduction

Berkley-Howell & Associates, PC requested assistance from EPR, P.C. to conduct traffic study for the Preserve at Oakwood development on Link Road in Lynchburg, Virginia. The development is partially complete on the site of a former golf course, on the east side of Link Road. Figure 1 illustrates the site location for the future development. The site is about 3 miles northwest of downtown Lynchburg.

Figure 1 – Preserve at Oakwood Development Location. Source: City of Lynchburg Parcel Viewer

About 30 housing units are complete or nearing completion as of January 2019. The full build out of 68 housing units is anticipated by 2025. The 68 housing units are expected to consist of 48 single family detached and 20 units in duplexes (10 total duplexes). The site's sole access/egress point is from Link Road, about 0.20 miles south of Boonsboro Road/Rivermont Avenue.

The purpose of the traffic study was to determine if the traffic generated by the site development, as well as traffic volumes on Link Road, necessitate dedicated turning lanes onto Preserve Drive. This memorandum presents the findings of the analysis.

2. Existing Conditions

Land uses on Link Road in the vicinity of the site are mostly low to medium density residential. Virginia Baptist Hospital is less than a mile northeast of the site on Rivermont Avenue. Link Road is classified by VDOT as a minor arterial, and provides a key north-south connection in northwest Lynchburg. The road consists of one through lane in each direction. There is a sidewalk on the west side of Link Road in the vicinity of Preserve Drive. Link has a posted speed limit of 30 miles per hour. Preserve Drive provides access to the development site.

The average daily weekday traffic volume on Link Road between Cranehill Road and Rivermont Avenue was 7,400 vehicles per day in 2017. Preserve Drive is within the limits of this link. The vehicular traffic volume on Link Road increased by about 6 percent over the last 10 years. VDOT is the source for these traffic counts. The traffic volumes for the AM and PM peak hour are described in the figure below. These volumes are based on counts conducted by EPR on Thursday, January 17, 2019.

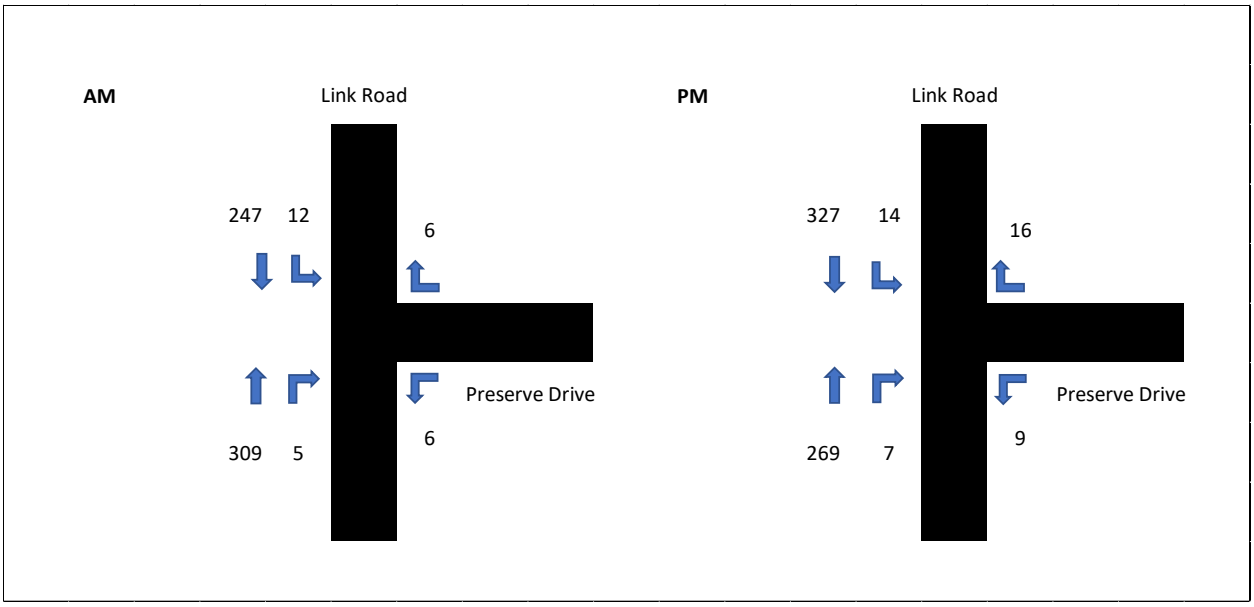


Figure 2 - 2017 Peak Hour Traffic Volumes

3. Development Program

The proposed site use is 48 single family detached homes and 20 housing units in duplexes (10 duplexes). EPR, P.C. used the Institute of Transportation Engineers (ITE) Trip Generation Manual 10th Edition to estimate the number of trips the development will generate each day and during the peak hours. Table 1 contains the land use descriptions, ITE land use code, size, and anticipated trips. EPR used

the multifamily housing (low rise) land use category to estimate trip generation by the duplex units in the development. The anticipated development is expected to generate about 639 trips per day, with 49 falling in the morning peak hour and 64 in the evening peak hour.

Table 1 - Anticipated Trip Generation

				Daily		AM		PM	
Use	**LU Code**	**Unit**	**Quantity**	**In**	**Out**	**In**	**Out**	**In**	**Out**
Single Family Detached	210	D.U.	48	264	265	10	29	31	19
Multifamily Housing (low rise)	220	D.U.	20	55	55	2	8	9	5
Total				639		49		64	

4. Future Conditions Analysis

The future conditions analysis used 2025 as the horizon year because the development is expected to be complete by then. EPR, P.C. collected traffic volume data for Link Road for each year between 2008 and 2017 to calculate an average annual growth rate over the last 10 years. Traffic volume on Link Road between Cranehill Road and Rivermont Avenue grew from about 7,000 vehicles per day to 7,400 over this time period. The simple average growth rate was 0.69% per year while the compound growth rate was 0.56%. EPR, P.C. therefore assumed a conservative future growth rate of 0.69% between 2018 and 2025. The future traffic volumes presented in Figure 3 below include the assumed underlying rate of growth for Link Road. Underlying growth was not calculated for Preserve Drive because it has no outlets and traffic to and from the site will only be driven by the development of the site. Therefore, the no-build traffic volumes for Preserve Drive simply indicate the observed 2019 traffic volumes

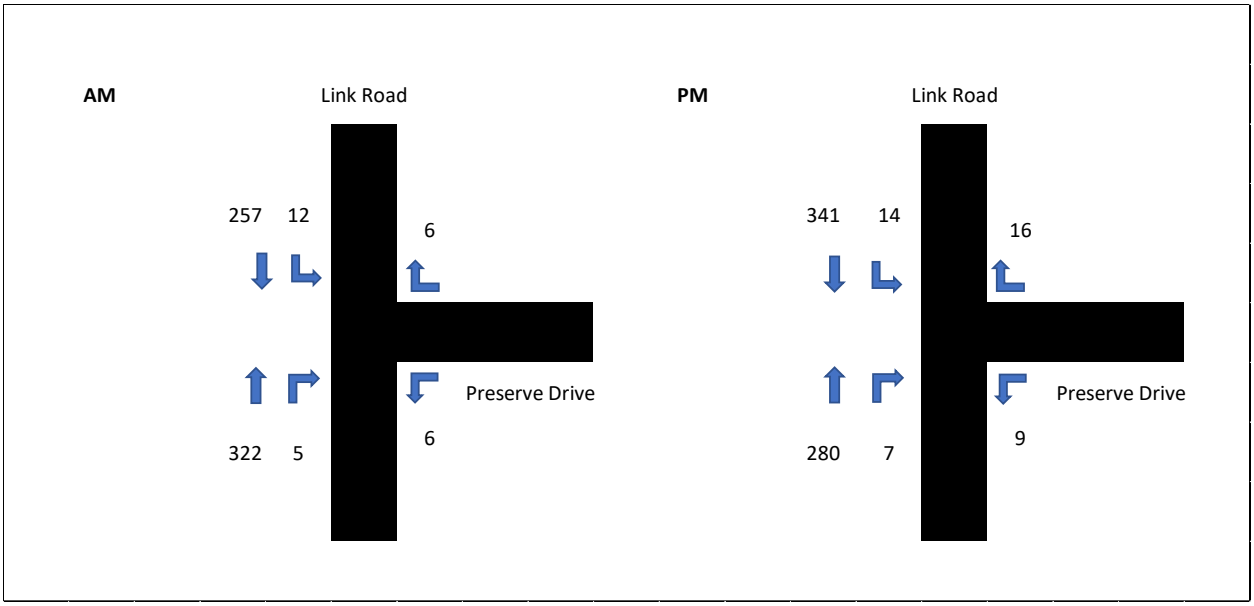


Figure 3 - 2025 No Build Traffic Volumes

Next EPR, P.C. distributed future trips generated by the development among the intersection movements, based on observed traffic patterns. The estimated distribution of movements during the AM and PM peak periods are shown in the figure below.

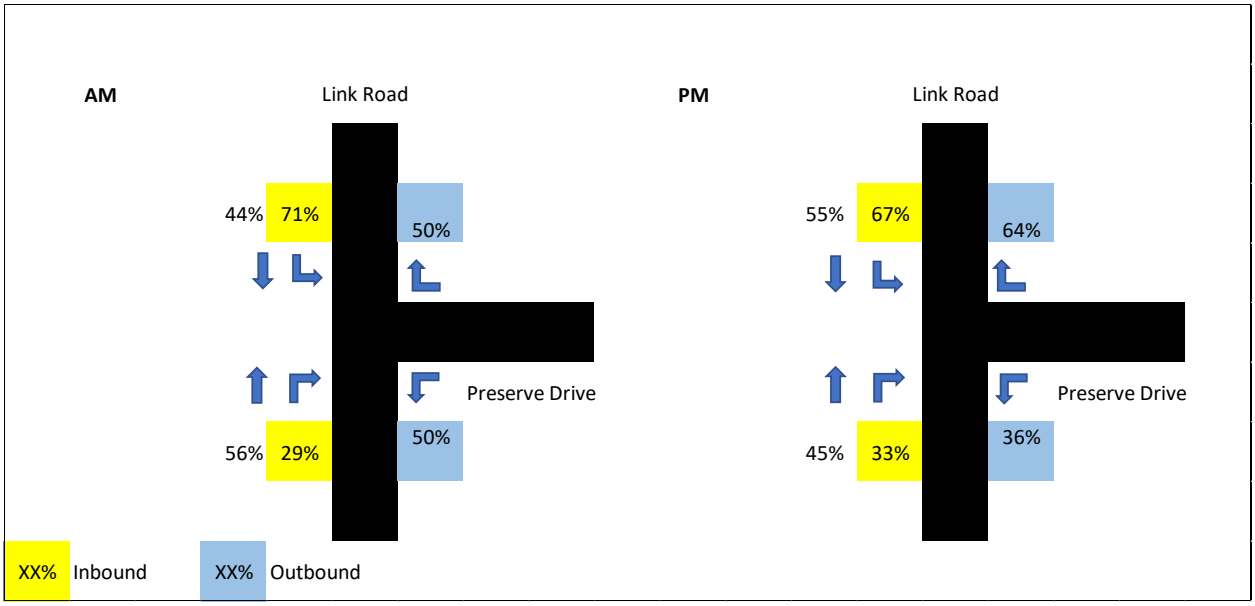


Figure 4 - Anticipated Distribution of Peak Hour Trips to and from Site

Figure 5 shows the number of trips generated by the built out development. The turning movement volumes assume the distribution percentages shown in Figure 4 will hold in the future.

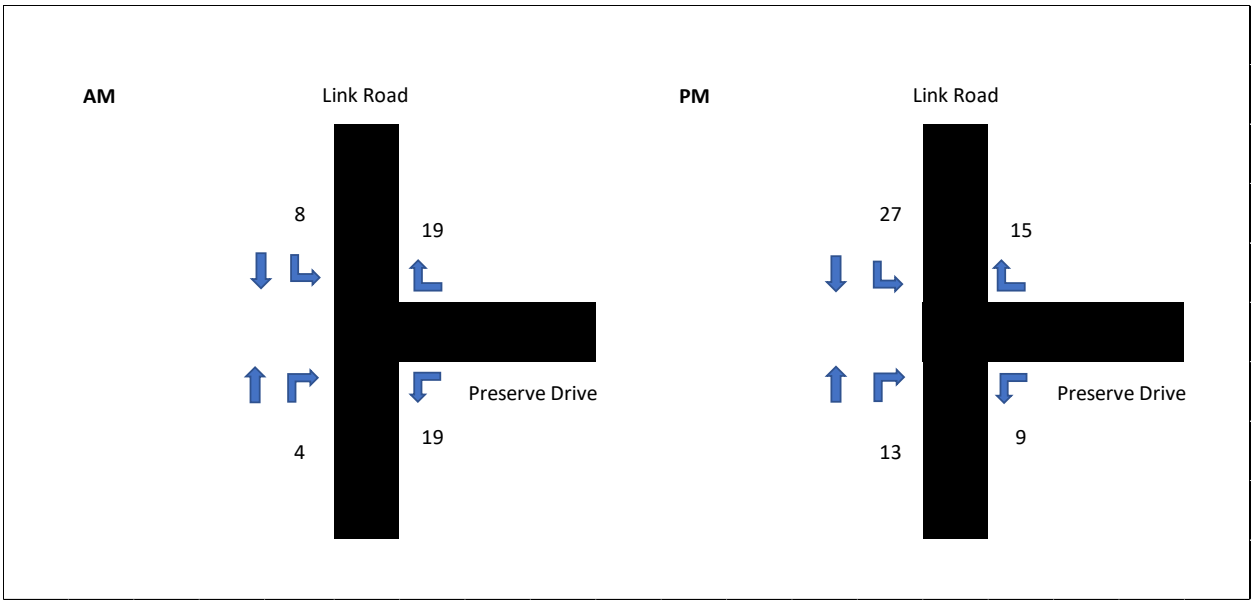


Figure 5 - Assignment of Peak Hour Trips

EPR, P.C. then added the estimated trips from the development to the underlying traffic. The assumed future traffic volumes for the morning and evening peak periods are shown below.

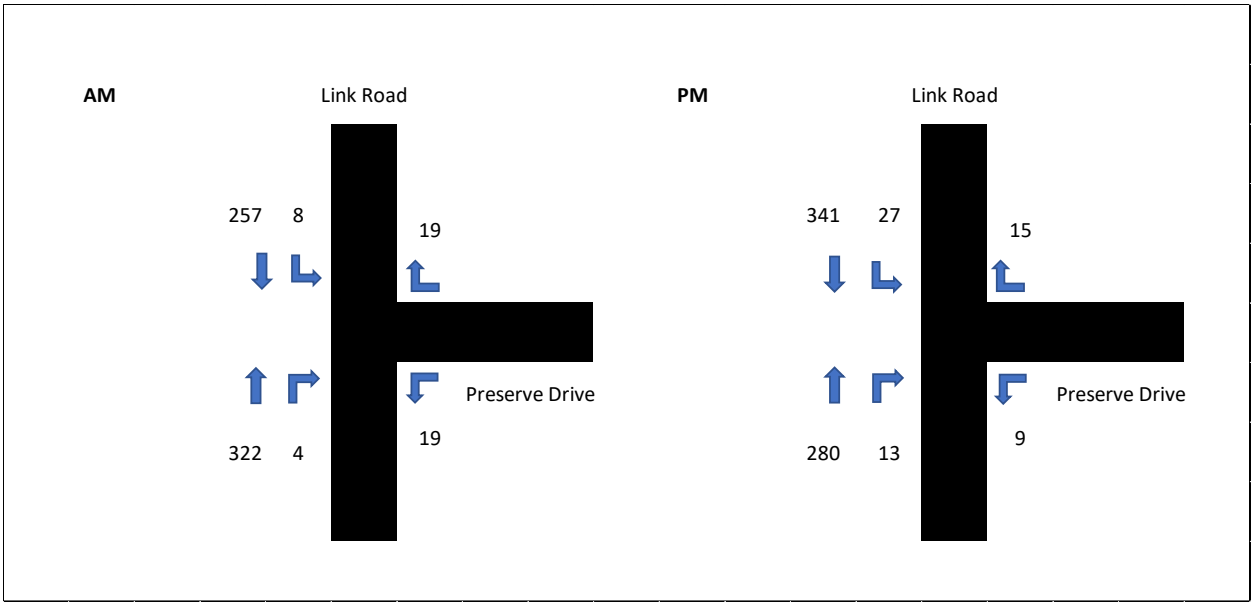


Figure 6 - Estimated 2025 Traffic Volumes for the AM and PM Peak Period

EPR, P.C. then input the future traffic volumes into a Synchro model to analyze the expected level of service and delay at the intersection after the development is completed in 2025. EPR, P.C. also used SimTraffic to document anticipated future traffic queues at the intersections. The results are described in the table below. The development is anticipated to have fairly limited traffic impacts on Link Road.

		2025 Build AM			2025 Build PM		
Approach	**Movement**	Synchro LOS	Synchro Delay	SimTraffic Queue	Synchro LOS	Synchro Delay	SimTraffic Queue
Link NB	Thru/Right	A	0	0'	A	0	0'
Link SB	Thru/Left	A	0.2	45'	A	0.6	78'
Preserve WB	Right/Left	B	12.6	53'	B	11.8	50'
Overall		*A*	*0.8*	*N/A*	*A*	*0.7*	*N/A*

Figure 7 – Link Road at Preserve Drive Estimated LOS, Delay, and Queue

5. Crash Analysis

Crashes are another important consideration for determining whether turn lanes on Link Road would be beneficial. VDOT data indicate there were 14 crashes on Link Road between Rivermont Avenue and Otterview Place between 2013 and 2018. However, none of the crashes were at the intersection of Link Road and Preserve Drive. A map showing the location of crashes is provided in the appendix.

6. Turn Warrant & Access Management Analysis

EPR, P.C. used the anticipated future traffic volumes to determine whether turn lanes from Link Road northbound or southbound to Preserve Drive are warranted. The original development plan indicated they may be needed upon build out of the project. EPR, P.C. used the updated development plan, and anticipated future traffic volumes, to analyze whether turn lanes are warranted. The turning movement most likely to meet a turn lane warrant is southbound left turns from Link Road to Preserve Drive during

the evening peak period. However, as the figure below shows, the anticipated traffic volumes do not rise to the level of the turn lane warrant.

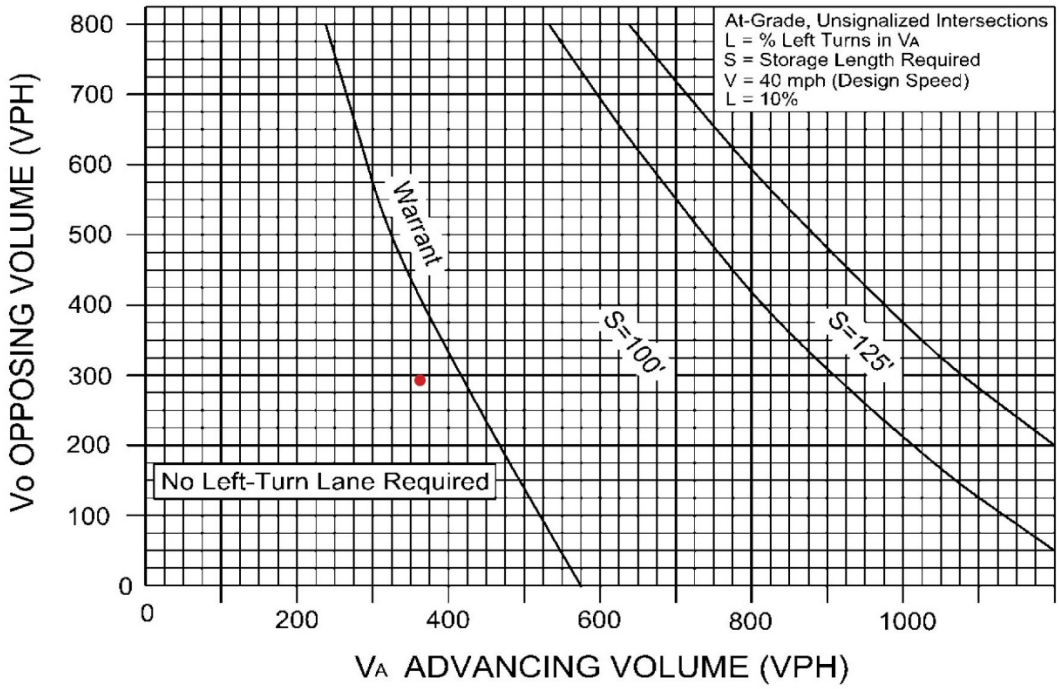


Figure 8 - Warrant Chart for Link Road Southbound Left Turn during 2025 PM Peak Hour

The southbound left turn movement in the morning peak period also fell below the threshold of the turn lane warrant, as did the northbound right turns onto Preserve Drive during both the morning and evening peak hours. These findings are based on VDOT's Road Design Manual Appendix F Access Management Design Standards for Entrances and Intersections. All of the warrant charts are provided as an appendix.

7. Findings and Conclusions

EPR, P.C.'s analysis of anticipated future traffic conditions led to the following principal findings:

- The anticipated traffic volumes and turning movements in 2025 do not rise to the level of meeting any of the turn lane warrants.
- Traffic operation for vehicles is satisfactory now and is expected to remain satisfactory upon build out of the development. The level of service for all approaches is B or better, indicating that the project will cause little delay during peak hours and little to no delay during non-peak hours.
- Crashes have not been an issue in the vicinity of the intersection of Link Road and Preserve Drive. While there were 14 crashes over a 5-year period on Link Road between Rivemont and Otterview, there were no crashes at the specific location of Link and Preserve.
- Although this analysis shows that turn lanes will not be warranted based on the development program and volume growth through year 2025, it is advisable to reserve land across the

frontage for a potential right-of-way dedication in the future should the background volumes increase beyond the warranting conditions in the distant future.

Appendix A – Synchro/SimTraffic Documentation

Intersection	
Int Delay, s/veh	0.4

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	6	6	309	5	12	247
Future Vol, veh/h	6	6	309	5	12	247
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	86	86	86	86	86	86
Heavy Vehicles, %	17	0	3	0	25	2
Mvmt Flow	7	7	359	6	14	287

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	677	362	0	0	365	0
Stage 1	362	-	-	-	-	-
Stage 2	315	-	-	-	-	-
Critical Hdwy	6.57	6.2	-	-	4.35	-
Critical Hdwy Stg 1	5.57	-	-	-	-	-
Critical Hdwy Stg 2	5.57	-	-	-	-	-
Follow-up Hdwy	3.653	3.3	-	-	2.425	-
Pot Cap-1 Maneuver	396	687	-	-	1077	-
Stage 1	673	-	-	-	-	-
Stage 2	707	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	390	687	-	-	1077	-
Mov Cap-2 Maneuver	390	-	-	-	-	-
Stage 1	673	-	-	-	-	-
Stage 2	696	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	12.4	0	0.4
HCM LOS	B		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	SBL	SBT
Capacity (veh/h)	-	-	498	1077	-
HCM Lane V/C Ratio	-	-	0.028	0.013	-
HCM Control Delay (s)	-	-	12.4	8.4	0
HCM Lane LOS	-	-	B	A	A
HCM 95th %tile Q(veh)	-	-	0.1	0	-

Intersection	
Int Delay, s/veh	0.6

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	9	16	269	7	14	327
Future Vol, veh/h	9	16	269	7	14	327
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	96	96	96	96	96	96
Heavy Vehicles, %	0	0	0	14	0	1
Mvmt Flow	9	17	280	7	15	341

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	655	284	0	0	287	0
Stage 1	284	-	-	-	-	-
Stage 2	371	-	-	-	-	-
Critical Hdwy	6.4	6.2	-	-	4.1	-
Critical Hdwy Stg 1	5.4	-	-	-	-	-
Critical Hdwy Stg 2	5.4	-	-	-	-	-
Follow-up Hdwy	3.5	3.3	-	-	2.2	-
Pot Cap-1 Maneuver	434	760	-	-	1287	-
Stage 1	769	-	-	-	-	-
Stage 2	702	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	428	760	-	-	1287	-
Mov Cap-2 Maneuver	428	-	-	-	-	-
Stage 1	769	-	-	-	-	-
Stage 2	692	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	11.3	0	0.3
HCM LOS	B		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	SBL	SBT
Capacity (veh/h)	-	-	594	1287	-
HCM Lane V/C Ratio	-	-	0.044	0.011	-
HCM Control Delay (s)	-	-	11.3	7.8	0
HCM Lane LOS	-	-	B	A	A
HCM 95th %tile Q(veh)	-	-	0.1	0	-

Intersection	
Int Delay, s/veh	0.4

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	6	6	322	5	12	257
Future Vol, veh/h	6	6	322	5	12	257
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	88	88	88	88	88	88
Heavy Vehicles, %	17	0	3	0	25	2
Mvmt Flow	7	7	366	6	14	292

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	689	369	0	0	372	0
Stage 1	369	-	-	-	-	-
Stage 2	320	-	-	-	-	-
Critical Hdwy	6.57	6.2	-	-	4.35	-
Critical Hdwy Stg 1	5.57	-	-	-	-	-
Critical Hdwy Stg 2	5.57	-	-	-	-	-
Follow-up Hdwy	3.653	3.3	-	-	2.425	-
Pot Cap-1 Maneuver	390	681	-	-	1071	-
Stage 1	668	-	-	-	-	-
Stage 2	703	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	384	681	-	-	1071	-
Mov Cap-2 Maneuver	384	-	-	-	-	-
Stage 1	668	-	-	-	-	-
Stage 2	692	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	12.5	0	0.4
HCM LOS	B		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	SBL	SBT
Capacity (veh/h)	-	-	491	1071	-
HCM Lane V/C Ratio	-	-	0.028	0.013	-
HCM Control Delay (s)	-	-	12.5	8.4	0
HCM Lane LOS	-	-	B	A	A
HCM 95th %tile Q(veh)	-	-	0.1	0	-

Intersection	
Int Delay, s/veh	0.6

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	9	16	280	7	14	341
Future Vol, veh/h	9	16	280	7	14	341
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	96	96	96	96	96	96
Heavy Vehicles, %	0	0	0	14	0	1
Mvmt Flow	9	17	292	7	15	355

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	681	296	0	0	299	0
Stage 1	296	-	-	-	-	-
Stage 2	385	-	-	-	-	-
Critical Hdwy	6.4	6.2	-	-	4.1	-
Critical Hdwy Stg 1	5.4	-	-	-	-	-
Critical Hdwy Stg 2	5.4	-	-	-	-	-
Follow-up Hdwy	3.5	3.3	-	-	2.2	-
Pot Cap-1 Maneuver	419	748	-	-	1274	-
Stage 1	759	-	-	-	-	-
Stage 2	692	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	413	748	-	-	1274	-
Mov Cap-2 Maneuver	413	-	-	-	-	-
Stage 1	759	-	-	-	-	-
Stage 2	682	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	11.5	0	0.3
HCM LOS	B		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	SBL	SBT
Capacity (veh/h)	-	-	579	1274	-
HCM Lane V/C Ratio	-	-	0.045	0.011	-
HCM Control Delay (s)	-	-	11.5	7.9	0
HCM Lane LOS	-	-	B	A	A
HCM 95th %tile Q(veh)	-	-	0.1	0	-

Intersection	
Int Delay, s/veh	0.8

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	19	19	322	4	8	257
Future Vol, veh/h	19	19	322	4	8	257
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	88	88	88	88	88	88
Heavy Vehicles, %	0	0	3	0	0	2
Mvmt Flow	22	22	366	5	9	292

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	679	369	0	0	371	0
Stage 1	369	-	-	-	-	-
Stage 2	310	-	-	-	-	-
Critical Hdwy	6.4	6.2	-	-	4.1	-
Critical Hdwy Stg 1	5.4	-	-	-	-	-
Critical Hdwy Stg 2	5.4	-	-	-	-	-
Follow-up Hdwy	3.5	3.3	-	-	2.2	-
Pot Cap-1 Maneuver	420	681	-	-	1199	-
Stage 1	704	-	-	-	-	-
Stage 2	748	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	416	681	-	-	1199	-
Mov Cap-2 Maneuver	416	-	-	-	-	-
Stage 1	704	-	-	-	-	-
Stage 2	741	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	12.6	0	0.2
HCM LOS	B		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	SBL	SBT
Capacity (veh/h)	-	-	516	1199	-
HCM Lane V/C Ratio	-	-	0.084	0.008	-
HCM Control Delay (s)	-	-	12.6	8	0
HCM Lane LOS	-	-	B	A	A
HCM 95th %tile Q(veh)	-	-	0.3	0	-

Intersection	
Int Delay, s/veh	0.7

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	9	15	280	13	27	341
Future Vol, veh/h	9	15	280	13	27	341
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	96	96	96	96	96	96
Heavy Vehicles, %	0	0	0	0	0	1
Mvmt Flow	9	16	292	14	28	355

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	710	299	0	0	306	0
Stage 1	299	-	-	-	-	-
Stage 2	411	-	-	-	-	-
Critical Hdwy	6.4	6.2	-	-	4.1	-
Critical Hdwy Stg 1	5.4	-	-	-	-	-
Critical Hdwy Stg 2	5.4	-	-	-	-	-
Follow-up Hdwy	3.5	3.3	-	-	2.2	-
Pot Cap-1 Maneuver	403	745	-	-	1266	-
Stage 1	757	-	-	-	-	-
Stage 2	674	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	392	745	-	-	1266	-
Mov Cap-2 Maneuver	392	-	-	-	-	-
Stage 1	757	-	-	-	-	-
Stage 2	655	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	11.8	0	0.6
HCM LOS	B		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	SBL	SBT
Capacity (veh/h)	-	-	557	1266	-
HCM Lane V/C Ratio	-	-	0.045	0.022	-
HCM Control Delay (s)	-	-	11.8	7.9	0
HCM Lane LOS	-	-	B	A	A
HCM 95th %tile Q(veh)	-	-	0.1	0.1	-

Intersection: 1: Link Road & Preserve Drive

Movement	WB	NB	SB
Directions Served	LR	TR	LT
Maximum Queue (ft)	47	2	60
Average Queue (ft)	10	0	5
95th Queue (ft)	36	2	31
Link Distance (ft)	456	602	1007
Upstream Blk Time (%)			
Queuing Penalty (veh)			
Storage Bay Dist (ft)			
Storage Blk Time (%)			
Queuing Penalty (veh)			

Network Summary

Network wide Queuing Penalty: 0

Intersection: 1: Link Road & Preserve Drive

Movement	WB	SB
Directions Served	LR	LT
Maximum Queue (ft)	38	51
Average Queue (ft)	16	5
95th Queue (ft)	41	27
Link Distance (ft)	456	1007
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Network Summary

Network wide Queuing Penalty: 0

Intersection: 1: Link Road & Preserve Drive

Movement	WB	SB
Directions Served	LR	LT
Maximum Queue (ft)	47	66
Average Queue (ft)	10	5
95th Queue (ft)	37	33
Link Distance (ft)	456	1007
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Network Summary

Network wide Queuing Penalty: 0

Intersection: 1: Link Road & Preserve Drive

Movement	WB	SB
Directions Served	LR	LT
Maximum Queue (ft)	40	53
Average Queue (ft)	16	5
95th Queue (ft)	41	27
Link Distance (ft)	456	1007
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Network Summary

Network wide Queuing Penalty: 0

Intersection: 1: Link Road & Preserve Drive

Movement	WB	SB
Directions Served	LR	LT
Maximum Queue (ft)	53	45
Average Queue (ft)	22	3
95th Queue (ft)	47	21
Link Distance (ft)	456	1007
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Network Summary

Network wide Queuing Penalty: 0

Intersection: 1: Link Road & Preserve Drive

Movement	WB	SB
Directions Served	LR	LT
Maximum Queue (ft)	50	78
Average Queue (ft)	18	9
95th Queue (ft)	44	40
Link Distance (ft)	456	1007
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Network Summary

Network wide Queuing Penalty: 0

Appendix B – Turn Warrant Documentation

Warrant for Left-Turn Storage Lanes on Two-Lane Highway

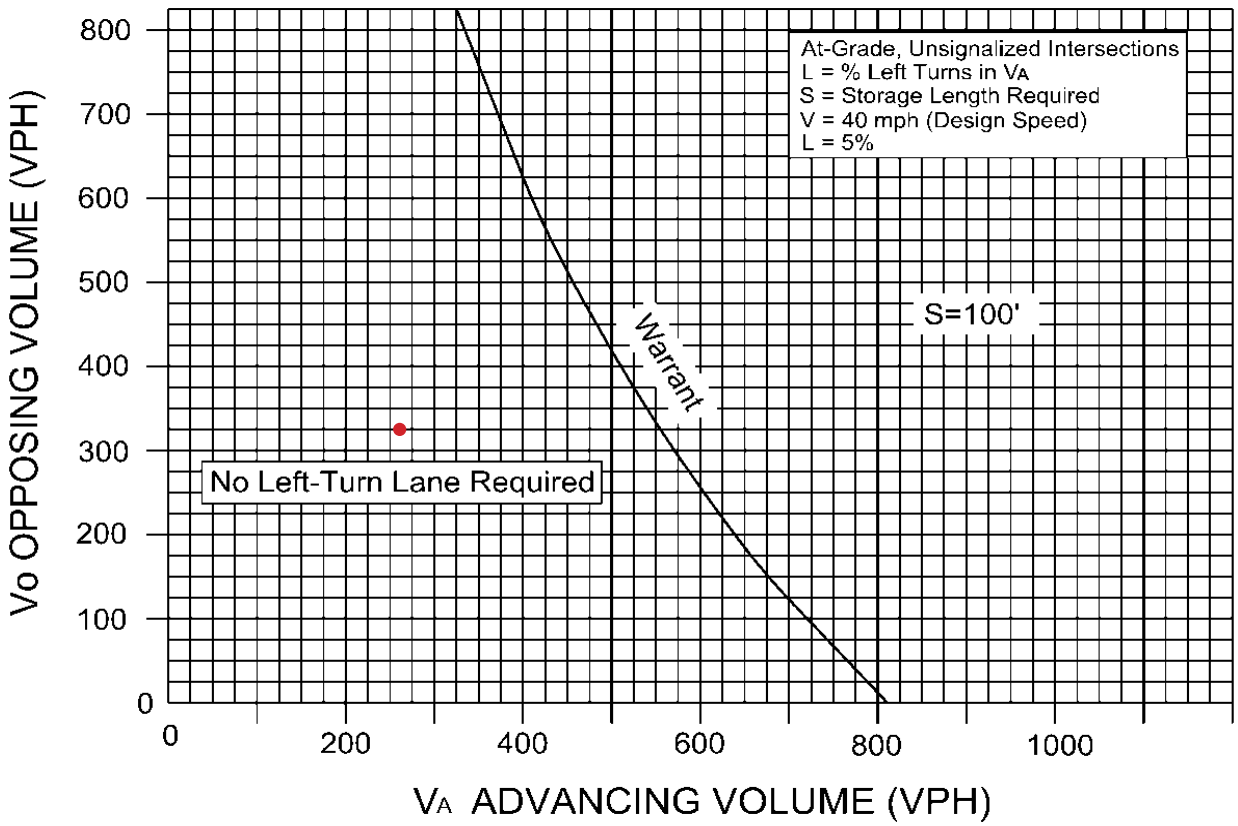
Project: Preserve at Oakwood
Intersection: Link Rd/Preserve Dr

Approach Direction: Southbound
Peak Hour: AM

Peak Hour Left Turns (V_L): 8 vph
Advancing Volume (V_A): 265 vph
Opposing Volume (V_O): 326 vph
Operating/Design Speed (V): 40 mph (Posted Speed Limit 30mph)

% Left Turns in V_A (L): 5% (Calculated Value: 3.0%)
% Trucks in V_L: 0%

<u>Conclusion: No Left Turn Lane Required</u>



Warrant for Left-Turn Storage Lanes on Two-Lane Highway

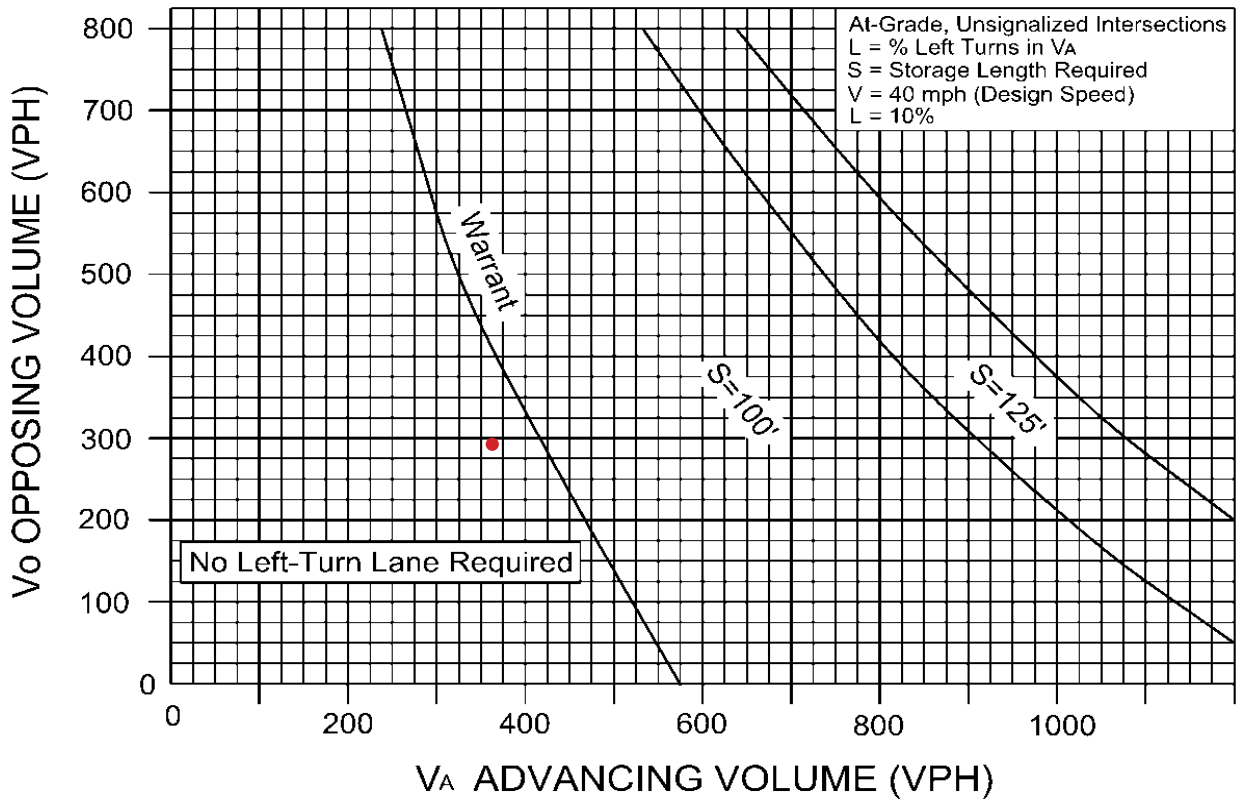
Project: Preserve at Oakwood
Intersection: Link Rd/Preserve Dr

Approach Direction: Southbound
Peak Hour: PM

Peak Hour Left Turns (V_L): 27 vph
Advancing Volume (V_A): 368 vph
Opposing Volume (V_O): 293 vph
Operating/Design Speed (V): 40 mph (Posted Speed Limit 30mph)

% Left Turns in V_A (L): 10% (Calculated Value: 7.3%)
% Trucks in V_L: 0%

<u>Conclusion: No Left Turn Lane Required</u>



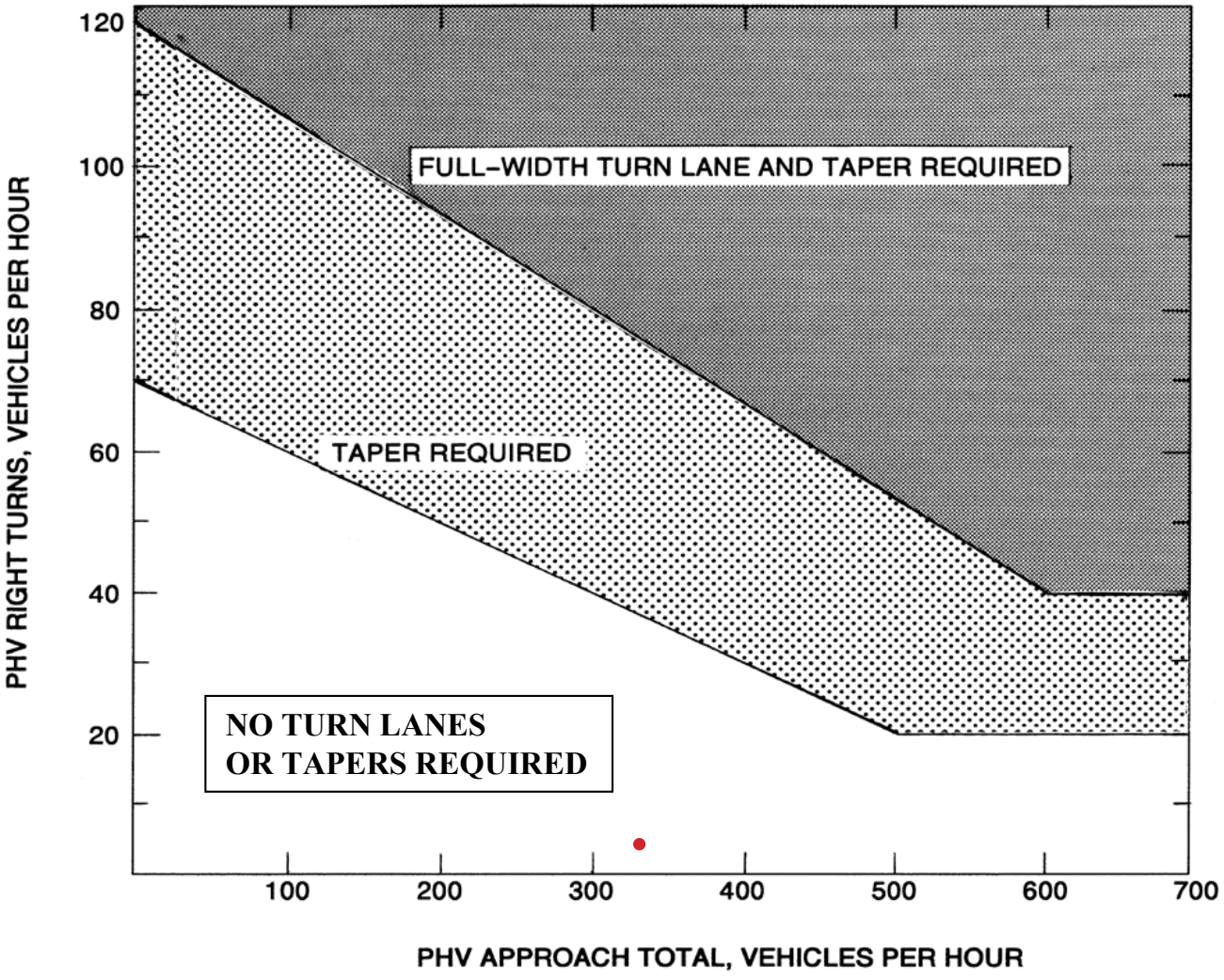
Warrant for Right-Turn Storage Lanes on Two-Lane Highway

Project: Preserve at Oakwood
Intersection: Link Rd/Preserve Dr

Approach Direction: Northbound
Peak Hour: AM

PHV Approach Total: 326 vph
PHV Right Turns: 4 vph

Conclusion: No Turn Lane or Taper Required



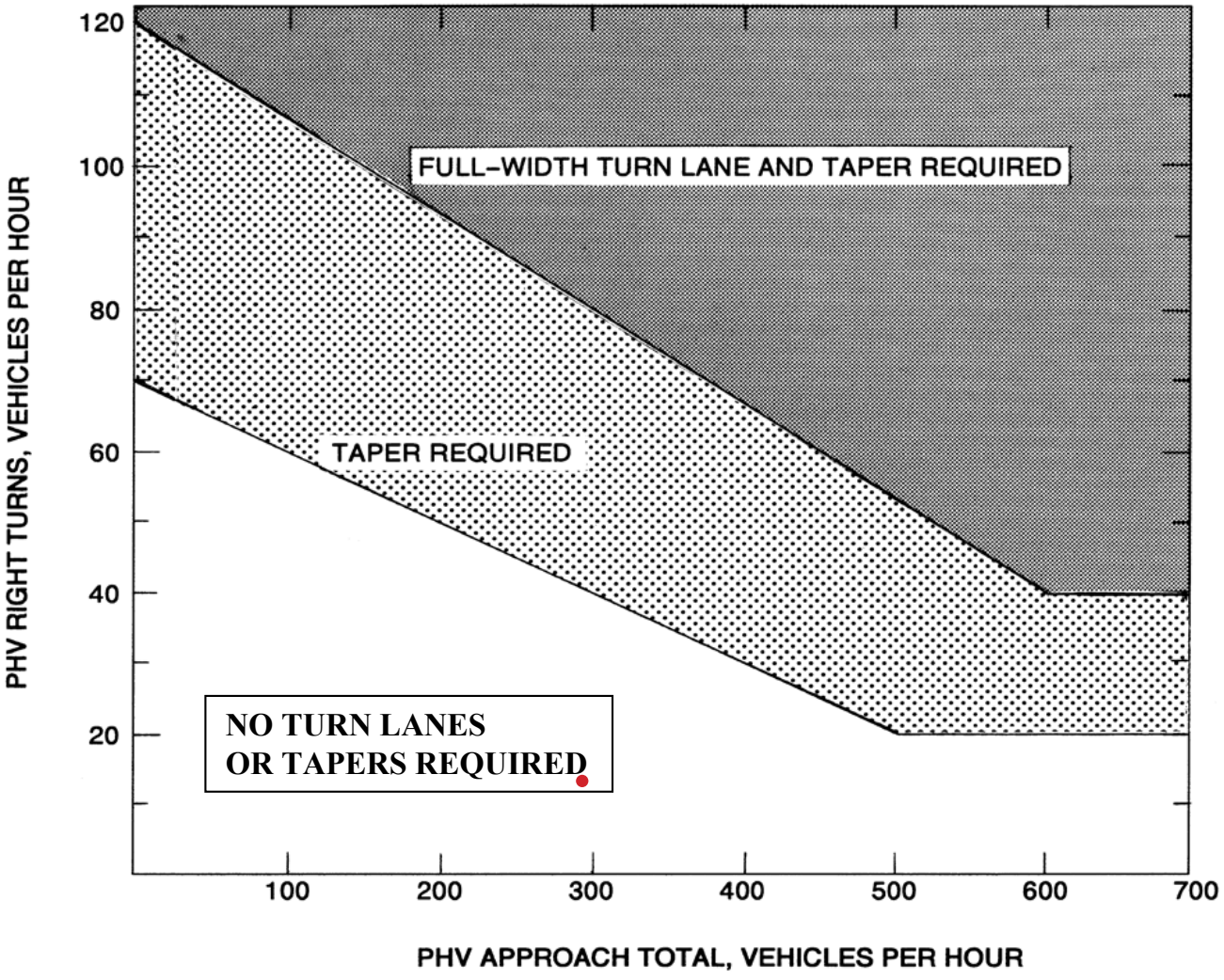
Warrant for Right-Turn Storage Lanes on Two-Lane Highway

Project: Preserve at Oakwood
Intersection: Link Rd/Preserve Dr

Approach Direction: Northbound
Peak Hour: PM

PHV Approach Total: 293 vph
PHV Right Turns: 13 vph

<u>Conclusion: No Turn Lane or Taper Required</u>



Appendix C – Crash Analysis

Date	Document#	Severity	Type	Light	Weather	Bike	Ped	Latitude	Longitude
9/16/2017	172625088	A.Severe Injury	1. Rear End	2. Daylight	1. No Adverse Condition (Clear/Cloudy)	N	N	37.43444	-79.19677
8/15/2015	152305111	PDO.Property Damage Only	1. Rear End	2. Daylight	1. No Adverse Condition (Clear/Cloudy)	N	N	37.43452	-79.19676
7/28/2014	142115246	PDO.Property Damage Only	8. Non-Collision	4. Darkness - Road Lighted	1. No Adverse Condition (Clear/Cloudy)	N	N	37.43641	-79.19646
11/9/2018	183185408	C.Non-visible Injury	3. Head On	3. Dusk	1. No Adverse Condition (Clear/Cloudy)	N	N	37.43599	-79.19638
3/14/2016	160775197	PDO.Property Damage Only	1. Rear End	2. Daylight	5. Rain	N	N	37.43535	-79.19653
10/30/2013	133315266	B.Visible Injury	9. Fixed Object - Off Road	4. Darkness - Road Lighted	5. Rain	N	N	37.439303	-79.193722
12/11/2015	153505066	PDO.Property Damage Only	9. Fixed Object - Off Road	5. Darkness - Road Not Lighted	1. No Adverse Condition (Clear/Cloudy)	N	N	37.43927	-79.19381
1/9/2018	180235371	PDO.Property Damage Only	9. Fixed Object - Off Road	2. Daylight	9. Other	N	N	37.43884	-79.19503
3/17/2013	130805086	PDO.Property Damage Only	9. Fixed Object - Off Road	4. Darkness - Road Lighted	1. No Adverse Condition (Clear/Cloudy)	N	N	37.438802	-79.195058
9/11/2013	132615169	PDO.Property Damage Only	1. Rear End	2. Daylight	1. No Adverse Condition (Clear/Cloudy)	N	N	37.434637	-79.19673
8/5/2016	162225244	PDO.Property Damage Only	9. Fixed Object - Off Road	4. Darkness - Road Lighted	5. Rain	N	N	37.43933	-79.19373
5/4/2013	131615319	PDO.Property Damage Only	9. Fixed Object - Off Road	2. Daylight	1. No Adverse Condition (Clear/Cloudy)	N	N	37.438913	-79.194872
1/25/2013	130425218	PDO.Property Damage Only	2. Angle	2. Daylight	6. Snow	N	N	37.436611	-79.196412
4/22/2013	131215107	C.Non-visible Injury	8. Non-Collision	1. Dawn	1. No Adverse Condition (Clear/Cloudy)	N	N	37.43859	-79.195111

Link Rd
Rivermont Ave
Rivermont Ave
Oakwood Country Club
Oakwood Ct
Oak Ln
Virginia Baptist Hospital
Parkland Dr
Arrow St
Morrison Dr
Wallace St
Link Rd
Trolley Ct
Preserve Dr
Preserve Dr
Royal Blvd
Seven Hills Urology Center
Oak Ln
Royal Blvd
Vassar St
Vassar St
Link Rd
Preserve Dr
Fairway Pl
The Williams Home
Parkland Dr
Parkland Dr
Google

207 Preserve Drive
Rezoning from R-3C to R-3C to Amend Proffers
April 24, 2019

PLEASE PRINT

NAME	ADDRESS	PHONE	IN FAVOR	IN OPPOSITION	NEUTRAL
Richard Schoew	417 Sherwood Rd 24503	434 841-3217			
Tim Miles	1747 Link Rd	434 384 7762			
Chuck Hurt	1663 Link Rd	434 229-6591			
David Simon	1759 Link				

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **June 11, 2019** AGENDA ITEM #: **7**

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

ITEM TITLE: Future Land Use Map (FLUM) Amendment: Low Density Residential to Medium Density Residential
Rezoning: R-1, Low Density Residential to R-3C, Medium Density Residential (Conditional)
Conditional Use Permit: Laxton Ridge Townhomes, 1306 Laxton Road

KEY ELEMENTS:
_**X**_Economic Development __Excellent Government _**X**_Natural and Built Environment _**X**_Safe Community ___Vibrant Community

RECOMMENDATION: Denial of the *Future Land Use Map (FLUM)* amendment from Low Density Residential to Medium Density Residential and denial of the rezoning from R-1, Low Density Residential to R-3C, Medium Density Residential (Conditional).

SUMMARY: Josh Lee, Troutspring, is petitioning for a *FLUM* amendment, rezoning, and Conditional Use Permit (CUP) to allow the construction of a townhome development at 1306 Laxton Road. The total acreage of the property is seven and nine hundredths (7.09) acres, with five and ninety-one hundredths (5.91) acres located within the City of Lynchburg. The portion within the City is currently zoned R-1, Low Density Residential and is proposed to be rezoned to R-3C, Medium Density Residential (Conditional). The *Zoning Ordinance* permits townhouse developments in the R-3 district upon approval of a CUP by City Council.

Planning Commission recommended denial of the *FLUM* and rezoning petitions, citing concerns about the increased traffic in the area and the development's impact on the character of the neighborhood. Planning Commission did not take action on the CUP petition, given the denial recommendations on the *FLUM* and rezoning petitions.

On December 11, 2018, City Council conducted a public hearing concerning the petitions. After discussion, City Council voted to table (postpone indefinitely) the petitions, citing concerns with access, traffic and land use. The petitioner has revised the concept plan, reducing the number of units from fifty (50) to forty (40) and added an additional access point to Enterprise Drive and is requesting City Council to reconsider the petitions.

PRIOR ACTION(S):

November 14, 2018: The Planning Division recommended approval of the *FLUM*, rezoning and CUP petitions.

The Planning Commission recommended denial of the *FLUM* and rezoning petitions (4-3).

December 11, 2018: City Council conducted a public hearing and postponed action on the *FLUM*, rezoning and CUP petitions (6-1).

FISCAL IMPACT: Increased real estate value to be determined upon construction completion.

CONTACT(S): Tom Martin, City Planner – 434-455-3900
Kent White, Community Development Director – 434-455-3900

ATTACHMENT(S):
- Resolutions A and B (FLUM amendment)
- Ordinance (Rezoning)
- Resolution C (CUP)
- Concept Plan Revised – April 12, 2019
- City Council Minutes – December 11, 2018
- City Council Agenda Summary – December 11, 2018
- Planning Commission Minutes– November 14, 2018

- Planning Commission Packet – November 14, 2018
  - Planning Commission Report
  - Zoning Map with Adjoining Owners
  - Future Land Use Map
  - Watershed Map
  - Planimetric and Topographic Map
  - Concept Plan
  - Profiles from Enterprise Drive and Sublett Court
  - Narrative
  - VDOT letter regarding Traffic Study
  - Traffic Study
  - Property Photograph
  - Speaker Signup Sheet

REVIEWED BY: raw

073R

RESOLUTION A:

A RESOLUTION DENYING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN 2013-2030 FOR A CERTAIN AREA LOCATED AT 1306 LAXTON ROAD FROM LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of Josh Lee, Troutspring LLC, to amend the Future Land Use Map of the Comprehensive Plan 2013-2030 from Low Density Residential to Medium Density Residential for a certain area located at 1306 Laxton Road is hereby denied.

Adopted:

Certified: _____
Clerk of Council

RESOLUTION B:

A RESOLUTION AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN 2013-2030 FOR A CERTAIN AREA LOCATED AT 1306 LAXTON ROAD FROM LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of Josh Lee, Troutspring LLC, to amend the Future Land Use Map of the Comprehensive Plan 2013-2030 from Low Density Residential to Medium Density Residential for a certain area located at 1306 Laxton Road is hereby approved.

Adopted:

Certified: _____
Clerk of Council

UNCODIFIED ORDINANCE:

AN ORDINANCE CHANGING A CERTAIN AREA LOCATED AT 1306 LAXTON ROAD FROM R-1, LOW DENSITY RESIDENTIAL DISTRICT TO R-3C, MEDIUM DENSITY RESIDENTIAL DISTRICT (CONDITIONAL).

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG that in order to promote the public necessity, convenience, welfare and good zoning practice that Chapter 35.2 of the Code of the City of Lynchburg, 1981, as amended, be and the same is hereby further amended by adding thereto Section 35.2-54.__ which shall read as follows:

Section 35.2-54.__. Change of a certain area located at 1306 Laxton Road from R-1, Low Density Residential District to R-3C, Medium Density Residential District (Conditional).

The area embraced within the following boundaries:

Beginning at a point on the City of Lynchburg and Campbell County line being the southwestern corner of the hereon described parcel and being the point of beginning; thence north 00 degrees 40 minutes 26 seconds west +/- 229 feet to a point; thence north 07 degrees 54 minutes 41 seconds east 560.51 feet to a point; thence south 84 degrees 47 minutes 52 seconds east 24.03 feet to a point; thence south 64 degrees 04 minutes 25 seconds east 98.81 feet to a point; thence south 44 degrees 49 minutes 20 seconds east 100.00 feet to an iron pin found; thence south 64 degrees 49 minutes 20 seconds east 212.00 feet to a planted stone found; thence south 08 degrees 02 minutes 00 seconds west +/- 517 feet to a point on the City of Lynchburg and Campbell County line; thence along the City of Lynchburg and Campbell County line in a southwesterly direction to the point of beginning and containing +/- 5.91 acres.

.. is hereby changed from R-1, Low Density Residential District to R-3C, Medium Density Residential District (Conditional) subject to the conditions set out herein below which were voluntarily proffered in writing by the petitioner, Josh Lee, Troutspring LLC, to wit:

1. The property will be developed in substantial compliance with the concept plan entitled “Rezoning Concept Plan – Laxton Ridge Townhouse Development” as prepared by Hurt & Proffitt, revised on April 12, 2019.

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

Adopted:

Certified: _____
Clerk of Council

RESOLUTION C:

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO JOSH LEE, TROUTSPRING LLC, IN AN R-3C, MEDIUM DENSITY RESIDENTIAL DISTRICT (CONDITIONAL) AT 1306 LAXTON ROAD TO ALLOW THE CONSTRUCTION OF A FORTY (40) UNIT TOWNHOME DEVELOPMENT.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the Conditional Use Permit petition of Josh Lee, Troutspring LLC in an R-3C, Medium Density Residential District (Conditional) at 1306 Laxton Road to allow the construction of a forty (40) unit townhome development is hereby approved subject to the following conditions:

1. The property will be developed in substantial compliance with the concept plan entitled "Rezoning Concept Plan – Laxton Ridge Townhouse Development" as prepared by Hurt & Proffitt, revised on April 12, 2019.
2. All requirements of the Virginia Department of Transportation (VDOT) for access shall be met prior to final site plan approval.

Adopted:

Certified: _____
Clerk of Council

The City of Lynchburg, VA

Legend

- Street Labels
- Legal Lot Lines
- Vacated Right of Way
- Parcels
- Owner Unknown
- Survey Gap
- Assessed By County

VICINITY MAP 1" = 500'

DISCLAIMER:This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records,information, and data obtained from various sources, and the City of Lynchburg is not responsible for its accuracy or how current it may be.

LEGAL DESCRIPTION: TM #25311026 (CITY OF LYNCHBURG)

BEGINNING AT A POINT ON THE CITY OF LYNCHBURG AND CAMPBELL COUNTY LINE BEING THE SOUTHWESTERN CORNER OF THE HEREON DESCRIBED PARCEL AND BEING THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 40 MINUTES 26 SECONDS WEST +/- 229 FEET TO A POINT; THENCE NORTH 07 DEGREES 54 MINUTES 41 SECONDS EAST 560.51 FEET TO A POINT; THENCE SOUTH 84 DEGREES 47 MINUTES 52 SECONDS EAST 24.03 FEET TO A POINT; THENCE SOUTH 64 DEGREES 04 MINUTES 25 SECONDS EAST 98.81 FEET TO A POINT; THENCE SOUTH 44 DEGREES 49 MINUTES 20 SECONDS EAST 100.00 FEET TO AN IRON PIN FOUND; THENCE SOUTH 64 DEGREES 49 MINUTES 20 SECONDS EAST 212.00 FEET TO A PLANTED STONE FOUND; THENCE SOUTH 08 DEGREES 02 MINUTES 00 SECONDS WEST +/- 517 FEET TO A POINT ON THE CITY OF LYNCHBURG AND CAMPBELL COUNTY LINE; THENCE ALONG THE CITY OF LYNCHBURG AND CAMPBELL COUNTY LINE IN A SOUTHWESTERLY DIRECTION TO THE POINT OF BEGINNING AND CONTAINING +/- 5.91 ACRES.

NOTES:

1. DEVELOPER:
   TROUTSPRING
   JOSH LEE
   2915 HUNTER MILL ROAD UNIT 19
   OAKTON, VA 22124
2. PARCEL ADDRESS: 1306 LAXTON ROAD, LYNCHBURG, VA 24502
3. PARCEL ID: 25311026
4. PARCEL AREA: 5.91 ACRES
5. EXISTING ZONING: R-1
   PROPOSED ZONING: R-3C
6. EXISTING FLUM DESIGNATION: LOW-DENSITY RESIDENTIAL
   PROPOSED FLUM DESIGNATION: MEDIUM-DENSITY RESIDENTIAL
7. PROPOSED BUILDINGS:
   USE: TOWNHOUSE
   MIN. DISTANCE BETWEEN BUILDINGS: 32'
   NO. OF STORIES: 2
   MAX. AREA OF EACH FLOOR: 6,688 SF (8-UNIT BUILDING)
   TOTAL NUMBER OF DWELLING UNITS: 40 (3)
   MAX. HEIGHT: 40 FT
8. EXISTING BUILDINGS AND DRIVES WILL BE REMOVED.
9. PROPOSED DENSITY: 40 UNITS / 5.91 ACRE = 6.77 UNITS / ACRE
10. MINIMUM SETBACKS:

	R-3	TOWNHOUSES
FRONT:	30'	10'
SIDE:	5'	16'
REAR:	30'	25'

MINIMUM LOT DIMENSIONS:

	R-3	TOWNHOUSES
AREA:	4,000 SF	1,200 SF
WIDTH:	30' (1)	16'

NOTE: A MINIMUM 50' SIDE & REAR SETBACK REQUIRED WHEN ABUTTING A SINGLE HOUSEHOLD DISTRICT.

10. PARKING CALCULATIONS:
    REQUIRED: 1 SPACE PER UNIT = 40 SPACES (3)
    PROVIDED: 96 SPACES
11. PROPOSED TOWNHOUSES WILL BE SERVED BY NEW PUBLIC WATER AND SEWER CONNECTIONS. THERE ARE NO KNOWN CAPACITY ISSUES IN THE EXISTING SYSTEMS.
12. REFUSE WILL BE MANAGED BY ONSITE DUMPSTERS.
13. PROPOSED LANDSCAPING IS SHOWN FOR SCHEMATIC PURPOSES. PARKING AREA LANDSCAPING, PARKING AREA SCREENING, FOUNDATION PLANTINGS, UTILITY SCREENING, AND BUFFERING WILL BE PROVIDED IN ACCORDANCE WITH THE CITY'S LANDSCAPE ORDINANCE. EXISTING VEGETATION WILL BE UTILIZED TO THE EXTENT FEASIBLE. STREET TREES WILL BE PROVIDED ALONG ENTERPRISE DRIVE WHERE EXISTING VEGETATION DOES NOT MEET THE MINIMUM LANDSCAPING REQUIREMENTS. STORMWATER MANAGEMENT AND EXTERIOR HVAC UNITS WILL BE SCREENED FROM VIEW FROM THE PUBLIC R/W. EXISTING VEGETATION MAY BE USED TO PROVIDE THIS SCREENING. (1)
14. PROPOSED LIGHTING IS SHOWN FOR SCHEMATIC PURPOSES. ALL EXTERIOR LIGHTING FIXTURES SHALL BE DESIGNED, LOCATED, AND ARRANGED SO AS NOT TO DIRECT GLARE ON ADJOINING STREETS OR RESIDENTIAL PROPERTIES.
15. DUST CONTROL AND EROSION CONTROL WILL BE IN ACCORDANCE WITH THE VIRGINIA EROSION & SEDIMENT CONTROL HANDBOOK.
16. STORMWATER MANAGEMENT WILL BE IN ACCORDANCE WITH STATE AND LOCAL REQUIREMENTS. IT IS ANTICIPATED THAT ONSITE DETENTION WILL BE PROVIDED FOR QUANTITY CONTROL, AND OFFSITE NUTRIENT CREDITS WILL BE PURCHASED FOR QUALITY CONTROL. STORMWATER MANAGEMENT SHOWN IS SCHEMATIC.
17. THE AREA SHOWN HEREON IS NOT LOCATED WITHIN A 100 YEAR FLOOD PLAIN AS DETERMINED BY FEMA. SEE COMMUNITY PANEL MAP #5100930101D DATED 6/3/2008.

(1) REV #1: 10/2/2018
(2) REV #2: 11/19/2018
(3) REV #3: 4/12/2019

HURT & PROFFITT INCORPORATED
*ENGINEERING >> SURVEYING >> PLANNING
2524 LANGHORNE ROAD
LYNCHBURG VA 24501
800.242.4906 TOLL FREE
434.847.7796 MAIN
434.847.0047 FAX

REZONING CONCEPT PLAN
LAXTON RIDGE TOWNHOUSE DEVELOPMENT
1306 LAXTON ROAD
CITY OF LYNCHBURG, VIRGINIA

PROJECT NO: 20180700
DATE: 8/6/2018

SHEET NO.
1 OF 2

EXISTING HYDRANT (TYP)

PID: 25311027
LAXTON SQUARE OWNERS ASSOCIATION
ZONING: R-2C
USE: TOWNHOUSE

PID: 25010003
CENTRA HEALTH INC
ZONING: R-2C AND B-1C
USE: VACANT

EXISTING SIGNALIZED INTERSECTION

CITY OF LYNCHBURG
CAMPBELL COUNTY

ENTERPRISE DRIVE
(STATE ROUTE 1415)

PID: 25311026
EXISTING ZONING: R-1
PROPOSED ZONING: R-3C

N00°40'26"W ±229'

N07°54'41"E 560.51'

STORMATER MANAGEMENT

POWER LINE EASEMENT

30' SETBACK

8-UNIT BUILDING

SIDEWALK

DUMPSTERS AND ENCLOSURE

LIGHT (TYP)

PROPOSED LOT LINE (TYP)

TM: 12-A-46F
(CAMPBELL COUNTY)
ZONING: B-LC
USE: VACANT

5' SETBACK

5-UNIT BUILDING

8-UNIT BUILDING

8-UNIT BUILDING

6-UNIT BUILDING

5-UNIT BUILDING

EXISTING LEFT TURN LANE

LAXTON ROAD
(STATE ROUTE 1520)

PROPOSED LEFT TURN LANE

COMMON AREA

SIDEWALK

WOODS TO REMAIN

S84°17'52"E 24.03'

98.81'

S64°04'25"E

100.00'

S44°49'20"E

212.00'

S64°49'20"E

50' SETBACK

COMMON AREA

PULLIAM DRIVE
(PRIVATE)

50' SETBACK

PROPOSED SIGN

S08°02'00"W ±517'

PID: 25022015
PARKS PROPERTY OWNERS ASSOC
ZONING: R-2C
USE: SINGLE-HOUSEHOLD DETACHED

PID: 25315024
TYRONE & KIMBERLY GAFFORD
ZONING: R-1
USE: SINGLE-HOUSEHOLD DETACHED
108 SUBLETT CT.

TM: 12F-1-A
(CAMPBELL COUNTY)
ZONING: B-LC
USE: COMMERCIAL

PID: 25315025
MARGARET AYERS
ZONING: R-1
USE: SINGLE-HOUSEHOLD DETACHED
106 SUBLETT CT.

PID: 25311016
PATRICK MORRIS
ZONING: R-3
USE: SINGLE-HOUSEHOLD DETACHED
435 LAXTON RD.

SUBLETT COURT

PRINCIPAL COURT

NORTH

80 40 0 80 160
GRAPHIC SCALE IN FEET
1" = 80'

EXISTING FEATURES, UTILITIES, AND TOPOGRAPHY OBTAINED FROM CITY OF LYNCHBURG AND CAMPBELL COUNTY GIS DATA.

1 REV #1: 10/2/2018
2 REV #2: 11/19/2018
3 REV #3: 4/12/2019

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REZONING CONCEPT PLAN
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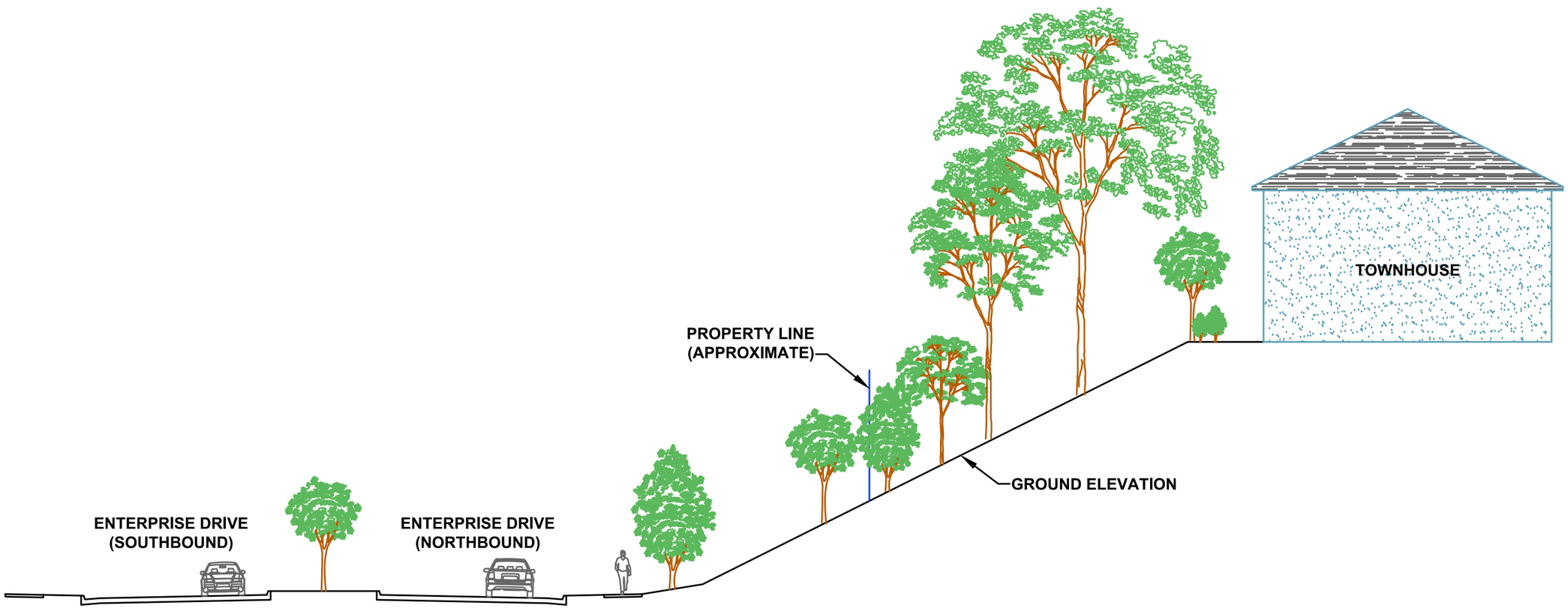
1306 LAXTON ROAD
CITY OF LYNCHBURG, VIRGINIA

PROJECT NO: 20180700
DATE: 8/6/2018

SHEET NO.
2 OF 2



15 7.5 0 15 30

GRAPHIC SCALE IN FEET

1" = 15'

1 REV #1: 10/2/2018

2 REV #2: 11/19/2018

3 REV #3: 4/12/2019

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PROFILE FROM ENTERPRISE DRIVE

LAXTON RIDGE TOWNHOUSE DEVELOPMENT

1306 LAXTON ROAD

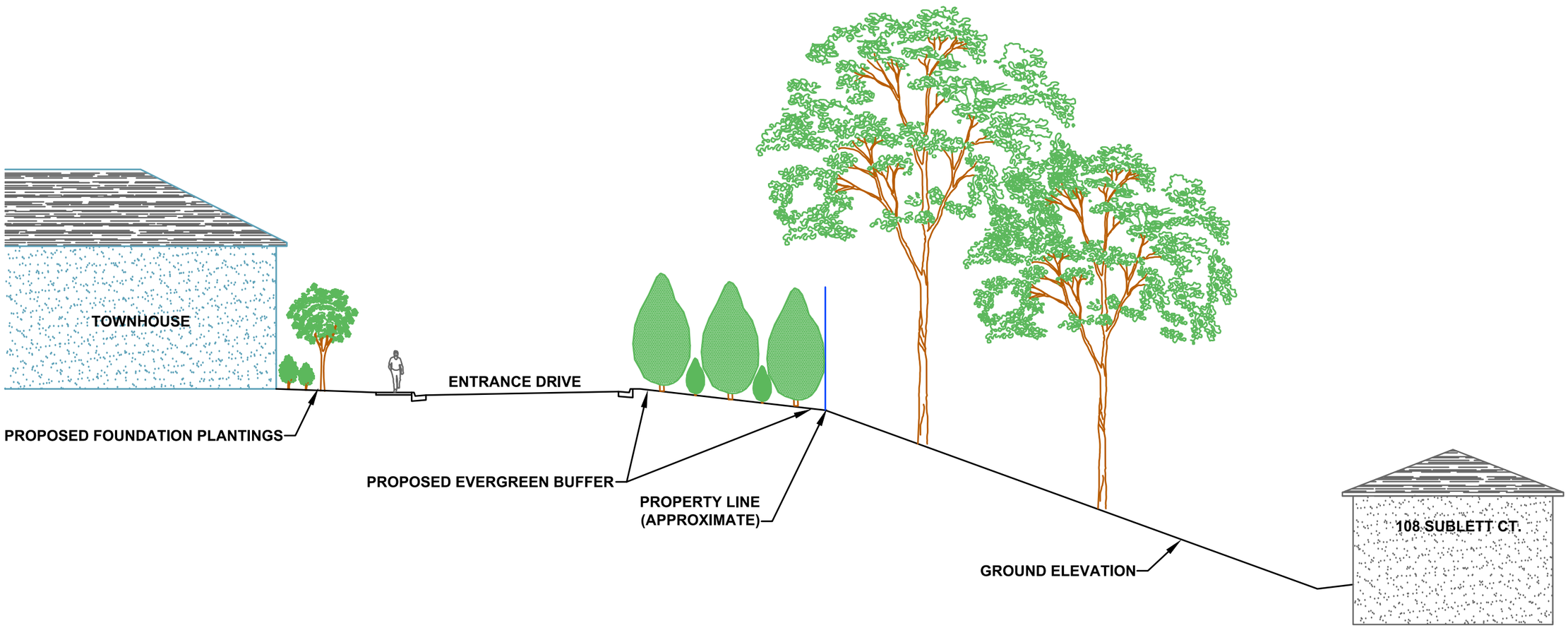
CITY OF LYNCHBURG, VIRGINIA

PROJECT NO: 20180700

DATE: 8/6/2018

SHEET NO.

1 OF 1



15 7.5 0 15 30

GRAPHIC SCALE IN FEET

1" = 15'

1 REV #1: 10/2/2018
2 REV #2: 11/19/2018
3 REV #3: 4/12/2019

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PROFILE FROM SUBLETT COURT 2

LAXTON RIDGE TOWNHOUSE DEVELOPMENT

1306 LAXTON ROAD

CITY OF LYNCHBURG, VIRGINIA

PROJECT NO: 20180700

DATE: 8/6/2018

SHEET NO.

1 OF 1

December 11, 2018 City Council Minutes

// In the matter of Community Development- Zoning, a public hearing was held regarding City Council Report #7 outlining the petition of Josh Lee, Troutspring, to amend the Future Land Use Map from Low Density Residential to Medium Density Residential and to rezone approximately 5.91 acres located at 1306 Laxton Road from R-1, Low-Density Residential to R-3C, Medium-Density Residential (Conditional) and for a Conditional Use Permit (CUP) to allow the development of the property as 50 townhomes. City Planner Tom Martin presented background information on the petition. He stated that the Planning Commission had recommended denial of the petition due to the impact on traffic and the impact to the existing homes. Mr. Scott Beasley of Hurt & Proffit, representing the petitioner, asked Council for approval. He stated that he had completed the traffic study. He said that there would be no significant impact to traffic during peak hours. He said they found that a left turn lane was warranted but not a right turn lane. He further stated that the developer had offered to put in additional screening and buffers.

The developer, Josh Lee, stated that they saw the development as a gateway to the area. He stated that they wanted to preserve the character of the area and that they want to be responsible developers and take an abandoned property and improve it by building a beautiful townhome community and add value to the City. Ricky Reed with Coldwell Banker Commercial spoke in favor of the petition. He said that the property had been listed for over two years and the developer was the only offer. He said the topography limited the use of the property. He stated that it was only generating $3,700 in tax revenue. If it was developed the townhomes would generate considerably more revenue. Several individuals spoke in opposition. David Mann spoke in opposition to the petition. He said the property in question was zoned R-1 , that it was zoned for low-density and that all properties that abutted the property in the petition were all single family homes. He also said that traffic would be significantly impacted and would attract lots of renters and cars. He asked Council to leave the zoning designation as is. Kim Gafford spoke in opposition to the petition. She stated in the 18 years of living in the area she had witnessed a lot of growth. She asked Council to stop the growth within the two miles of their home and noted multiple new developments in that footprint. She stated that she was concerned about drainage, loss of property, and that she owned the woods the developer spoke of maintaining. She noted the Planning Commission voted no and asked Council to do the same. During rebuttal, Mr. Beasley reiterated that there would be no significant impact to traffic. He also said that the woods belonged to someone else and could be developed by someone else by right and the viewshed was not guaranteed. He also stated by City Code and State Code they were bound by law to manage all stormwater. The developer said they wanted to have responsible development and provide a great gateway for the City as well as improve the tax base.

There was no one else present to speak to this item and the public hearing was closed. Council discussed this item. Council Member Wilder asked for clarification regarding the CUP. Mr. Martin said that the petitioner had revised their original petition regarding buffers. Council Member Helgeson said that the property was currently zoned R-1 for single family homes. He went on to say that it seemed strange to have more density near single family homes in Wyndhurst and he could appreciate the developer's desire to develop the property. He asked staff if anyone had looked at a planned unit development. Mr.

Martin stated that the petitioner had offered a townhome development and clarified that Wynd hurst was a traditional neighborhood development. Council Member Helgeson asked what else could be done on the property. Mr. Martin said there was a clustering option that would allow for smaller lot sizes. Council Member Wilder asked the developer if it was feasible to build single family homes on the property. The developer stated that it would be difficult and that trees would need to be removed. Council Member Perrow stated that there would be a good buffer between the homeowners and the development. He said he had concern that the same problems with the Paulette Circle intersection would exist with this development. He said that a couple years from now there would be a need for a traffic signal. He stated that the VDOT letter said that the information provided was acceptable but could not be recommended for approval without further information regarding access management. He suggested that the developer reconsider the access and bring the request back to Council at a future date. Council Member Perrow made a motion, seconded by Council Member Nelson, to table the item until the developer could offer more options. Council Member Wilder asked for clarification regarding access management. Mr. Beasley noted that access off of Enterprise Drive would be challenging. He also noted concerns regarding the VDOT comments. Council Member Wright asked if VDOT approval was required. Mr. Beasley noted more work would need to be done for a VDOT recommendation. Council Member Helgeson said he thinks it would be a good idea to table it and take this item to a Work Session. Mayor Tweedy said she supported the motion to table the petition and that she understood the concerns about traffic in the area. She said she had recently attended a local realtors meeting and the speaker, an economist, had recommended that the City encourage more single family homes. Council Member Wilder said he would not support the motion to delay the development of the property, since there is an interested developer in the property and the property has been idle for some time. City Attorney Walter Erwin stated that Council can table the item but that Council had 12 months to act on the petition according to state law. Council Member Nelson noted his concerns with the proposed density and asked this to be addressed in the future. Council by the following recorded vote agreed to table this item:

Ayes: Dolan, Helgeson, Nelson, Perrow, Wright, Tweedy 6

Noes: Wilder 1

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **December 11, 2018** AGENDA ITEM #: **7**

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

ITEM TITLE: Future Land Use Map (FLUM) Amendment: Low Density Residential to Medium Density Residential
Rezoning: R-1, Low Density Residential to R-3C, Medium Density Residential (Conditional)
Conditional Use Permit: Laxton Ridge Townhomes, 1306 Laxton Road

KEY ELEMENTS:
___Economic Development __Excellent Government _X_Natural and Built Environment _X_Safe Community _X_Vibrant Community

RECOMMENDATION: Denial of thr *Future Land Use Map (FLUM)* amendment from Low Density Residential to Medium Density Residential and denial of the rezoning from R-1, Low Density Residential to R-3C, Medium Density Residential (Conditional).

SUMMARY: Josh Lee, Troutspring, is petitioning for a *FLUM* amendment, rezoning, and Conditional Use Permit (CUP) to allow the construction of a fifty (50) unit townhouse development at 1306 Laxton Road. The total acreage of the property is seven and nine hundredths (7.09) acres, with five and ninety-one hundredths (5.91) acres located within the City of Lynchburg. The portion within the City is currently zoned R-1, Low Density Residential and is proposed to be rezoned to R-3C, Medium Density Residential (Conditional). The *Zoning Ordinance* permits townhouse developments in the R-3 district upon approval of a CUP by City Council.

Planning Commission recommended denial of the *FLUM* and rezoning petitions, citing concerns about the increased traffic in the area and the development's impact on the character of the neighborhood.
Planning Commission did not take action on the CUP petition, given the denial recommendations on the *FLUM* and rezoning petitions.

There was significant discussion at the Planning Commission meeting about additional landscape buffering, and the petitioner has since updated the concept plan to reflect the neighbors' requests.

PRIOR ACTION(S):

November 14, 2018: The Planning Division recommended approval of the FLUM, rezoning and CUP petitions.

The Planning Commission recommended denial of the FLUM and rezoning petitions (4-3).

FISCAL IMPACT: N/A

CONTACT(S): Tom Martin, City Planner – 434-455-3900
Kent White, Community Development Director – 434-455-3900

ATTACHMENT(S):
- Resolutions A and B (FLUM amendment)
- Ordinance (Rezoning)
- Resolution C (CUP)
- Planning Commission Minutes– November 14, 2018
- Planning Commission Packet – November 14, 2018
  - Planning Commission Report
  - Zoning Map with Adjoining Owners
  - Future Land Use Map
  - Watershed Map
  - Planimetric and Topographic Map
  - Concept Plan
  - Profiles from Enterprise Drive and Sublett Court
  - Narrative

- VDOT letter regarding Traffic Study
- Traffic Study
- Property Photograph
- Speaker Signup Sheet

REVIEWED BY: raw

RESOLUTION ‘A’

A RESOLUTION DENYING AN AMENDMENT OF THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN 2013-2030 FOR A CERTAIN AREA LOCATED AT 1306 LAXTON ROAD FROM LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of Josh Lee, Troutspring LLC, to amend the Future Land Use Map of the Comprehensive Plan 2013-2030 from Low Density Residential to Medium Density Residential for a certain area located at 1306 Laxton Road is hereby denied.

Adopted:

Certified: _____
Clerk of Council

141K_A

RESOLUTION ‘B’

A RESOLUTION AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN 2013-2030 FOR A CERTAIN AREA LOCATED AT 1306 LAXTON ROAD FROM LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of Josh Lee, Troutspring LLC, to amend the Future Land Use Map of the Comprehensive Plan 2013-2030 from Low Density Residential to Medium Density Residential for a certain area located at 1306 Laxton Road is hereby approved.

Adopted:

Certified: _____
Clerk of Council

141K_B

UNCODIFIED ORDINANCE

AN ORDINANCE CHANGING A CERTAIN AREA LOCATED AT 1306 LAXTON ROAD FROM R-1, LOW DENSITY RESIDENTIAL DISTRICT TO R-3C, MEDIUM DENSITY RESIDENTIAL DISTRICT (CONDITIONAL).

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG that in order to promote the public necessity, convenience, welfare and good zoning practice that Chapter 35.2 of the Code of the City of Lynchburg, 1981, as amended, be and the same is hereby further amended by adding thereto Section 35.2-54.__ which shall read as follows:

Section 35.2-54.__. Change of a certain area located at 1306 Laxton Road from R-1, Low Density Residential District to R-3C, Medium Density Residential District (Conditional).

The area embraced within the following boundaries:

Beginning at a point on the City of Lynchburg and Campbell County line being the southwestern corner of the hereon described parcel and being the point of beginning; thence north 00 degrees 40 minutes 26 seconds west +/- 229 feet to a point; thence north 07 degrees 54 minutes 41 seconds east 560.51 feet to a point; thence south 84 degrees 47 minutes 52 seconds east 24.03 feet to a point; thence south 64 degrees 04 minutes 25 seconds east 98.81 feet to a point; thence south 44 degrees 49 minutes 20 seconds east 100.00 feet to an iron pin found; thence south 64 degrees 49 minutes 20 seconds east 212.00 feet to a planted stone found; thence south 08 degrees 02 minutes 00 seconds west +/- 517 feet to a point on the City of Lynchburg and Campbell County line; thence along the City of Lynchburg and Campbell County line in a southwesterly direction to the point of beginning and containing +/- 5.91 acres.

.. is hereby changed from R-1, Low Density Residential District to R-3C, Medium Density Residential District (Conditional) subject to the conditions set out herein below which were voluntarily proffered in writing by the petitioner, Josh Lee, Troutspring LLC, to wit:

1. The property will be developed in substantial compliance with the submitted site plan.

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

Adopted:

Certified: _____
Clerk of Council

142K

RESOLUTION

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO JOSH LEE, TROUTSPRING LLC, IN AN R-3C, MEDIUM DENSITY RESIDENTIAL DISTRICT (CONDITIONAL) AT 1306 LAXTON ROAD TO ALLOW THE CONSTRUCTION OF A FIFTY (50)-UNIT TOWNHOME DEVELOPMENT.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the Conditional Use Permit petition of Josh Lee, Troutspring LLC in an R-3C, Medium Density Residential District (Conditional) at 1306 Laxton Road to allow the construction of a fifty (50) unit townhome development is hereby approved subject to the following conditions:

1. The property will be developed in substantial compliance with the concept plan entitled "Rezoning Concept Plan – Laxton Ridge Townhouse Development" as prepared by Hurt & Proffitt, revised on November 19, 2018.
2. All requirements of the Virginia Department of Transportation (VDOT) for access shall be met prior to final site plan approval.

Adopted:

Certified: _____
Clerk of Council

143K

MINUTES OF THE NOVEMBER 14, 2018, PLANNING COMMISSION MEETING:

Petition of Josh Lee, Troutspring to amend the Future Land Use Map from Low Density Residential to Medium Density Residential and to rezone approximately 5.91 acres located at 1306 Laxton Road from R-1, Low-Density Residential to R-3C, Medium-Density Residential (Conditional) and for a conditional use permit to allow the development of the property as 50 townhomes.

Ms. Rachel Frischeisen had the following summary for the commissioners. The property is designated for Low Density Residential use on the *Future Land Use Map (FLUM).* Low Density Residential areas are dominated by single-family detached housing at densities of up to four dwelling units per acre and may include other public and institutional uses as appropriate. Medium Density Residential is proposed for the property. These areas are characterized by "small lot single-family detached duplexes and townhouses at densities up to 12 units per acre." The *Comprehensive Plan* states that "Where neighborhoods already exist, infill development should be at a compatible density and housing type."

The property is zoned R-1, Low Density Residential, in accordance with the current *FLUM* designation. The proposed R-3C zoning would allow a conditional use permit to be granted for a townhouse use on the property.

The proposed 50-unit townhome development would be accessed from Laxton Road in Campbell County. As such, a study was required by the Virginia Department of Transportation (VDOT). The traffic study was prepared by Hurt & Proffitt and has received preliminary approval from VDOT.

This site is suited for a higher density than is currently allowed by the existing zoning and recommended by the existing *FLUM* designation. As indicated by the traffic study, the surrounding streets can adequately handle the increased traffic with the additional improvements outlined in the Planning Commission packet.

The proposed townhome development is consistent with the townhouse use of the neighboring property to the west and will create a transition from the business areas of Laxton Road to the low-density residential component of the Wyndhurst development to the north. The Planning Division recommends approval of the petition.

Mr. Andy Klepac of Hurt & Proffit was present to represent the petition. Mr. Klepac noted that staff's summary is very thorough. He highlighted the fact that they went through a fairly rigorous process with VDOT and got its approval of the traffic analysis report for the development. He also wanted to touch on the buffering for the property. The main reason they did not connect to Enterprise Drive is due to a grade differential. There is a pretty significant change in grade from Enterprise Drive up to the proposed development. That fact also helps the development because it creates a topographic buffer from drivers and pedestrians. It also allows a pretty significant area where existing vegetation on that slope, plus the foundation plantings required by code, will buffer that side. On the north side, there is a pretty significant slope and buffer between the property and the Wyndhurst single-family development. There is no incentive for the developer to tear any of that down. On the east side of the development, they are proposing the City standard evergreen buffer between this property and the neighboring single-family residential development. They have also provided a profile view from Enterprise Drive up to the site.

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

Ms. Kim Gafford of 108 Sublett Court came forward to speak. Her property touches the proposed development and she has lived there for 18 years. The notice she received from the City last week was

the first she had heard of this project. She was not approached by the developer to discuss this project or invited to a neighborhood meeting. She is a teacher for Lynchburg City Schools and she chose to live in the City because she wanted her children to attend the City school system.

She has watched 24502 grow and a lot of that growth has been very responsible. The growth she has seen in the public school system seems to be occurring on one side of town and that is very concerning. She feels like other parts of town have not experienced as much growth and have still been able to maintain their character. On her way to Heritage High School, she passes Wyndhurst with over 1,000 residential units. She passes Cornerstone with another 1,000 residential units. She passes Legacy at Linden Park, the Vistas at Dreaming Creek, Timber Ridge and Kendall Square. In the immediate area, she passes 1125 Old Graves Mill Road Apartments and Candlewood Court and The Gardens at Timberlake. She passes the site for the proposed development they just recommended for approval (The Lofts at Midtown). She also understands there are another proposed 160 apartments units near the roundabout at Heritage High School. She also passes the Grand Vistas. That is an awful lot of growth that has really changed the character of where Ms. Gafford lives. She loves to see more children coming into the school system. But when you are looking at changing the character of a community, you have to be responsible.

You will notice that this property sits up on a hill. She sits below this hill. She already has a view of Wyndhurst and now she may have a view of 50 townhome units. The property in question was a family home. She thinks it would be very irresponsible of us as a community to change the character of that area. It would absolutely change the character of her neighborhood. There are already concerns with runoff. With this development being at the top of that contour map, she is concerned with additional runoff onto her property.

She has talked to her neighbors. She is disappointed that more of them are not there today but understands that a week notice is not enough time to make plans. She is within 200 feet of this property; this is her property and she has significant concerns.

Mr. David Mann of 206 Wyndpark Circle, which also adjoins this property, came forward to speak. As proposed, he is opposed to this development. With the exception of the townhouse community across four lanes of traffic, all the neighborhoods that abut this property are single-family homes. None of them abut any multifamily development. He is not opposed to growth but feels that this proposed development changes the character of the area. The buffering proposed on this plan is not adequate. The wooded area between Wyndpark Circle and the townhouse community is far from mature trees. They are all deciduous and there is a clear view of that full property when the trees are bare. Perhaps with some more double evergreen buffering, this could be acceptable from that direction. It would probably take some significant changes to change his opposition to affirmative.

Chair Perault asked for anyone else who wished to speak in opposition to the petition. No one came forward. He mentioned that there was another letter from someone named Tammy Day. She was present at the meeting but did not come up to speak. Chair Perault closed the public hearing portion of the petition.

Commissioner Lowe indicated that he visited the site and drove around some of the surrounding neighborhoods. He did not go into Ms. Gafford's neighborhood. His biggest concern is the traffic by Brookville High School. He noted that the traffic study does not show a lot of accidents in this area but he is still concerned with adding at least 50 more cars to the traffic in this area, especially during peak hours of school related traffic.

Ms. Frischeisen indicated that Hurt & Proffitt did the traffic study so they may want to call Mr. Klepac back up to address their questions. Commissioner Marion questions the traffic study because it says there will only be 19 a.m. trips and nine p.m. trips. That sounds very low for 50 units. Mr. Klepac

commented that the methodology is the Institute of Transportation Engineers (ITE) trip generation method. It is widely accepted by both the federal and state Departments of Transportation. Hurt & Proffitt used the numbers that they have compiled over years of data. Mr. Klepac recognizes that there are additional trips being generated as a result of this proposed development. Based on the volumes on Laxton Road, those trips are a blip. He clarified that the study shows there will be a projected 23 a.m. peak hour trips and a projected 28 p.m. peak hour trips generated by this project. Based on the total volumes on Laxton Road, that is a really small amount. When they went through the process of getting VDOT's approval, the left turn lane was warranted and it would be provided regardless because it is a safety item. There is no requirement for any right turn lane into the development. In the interest of safety, they are proposing a right taper.

Commissioner Marion understands that the traffic counts might be a blip on Laxton Road, but her question is always where does the number of trips finally trip the scale? Commissioner Marion noted that if the developer wanted to build a couple hundred feet to the left, he would be in Campbell County. She does not know what the county might let him do. She thinks if he built in Campbell County, he could probably build a lot denser than the City is allowing and you would get a whole lot more traffic on Laxton Road. That is not to say that this development needs to go here. Mr. Klepac noted that they would have to go back to VDOT for approval if they amended the plan. Commissioner Marion does agree that this is a good transition between the high density and the business use to the lower density of Wyndhurst. Right across on Enterprise Drive, it is very high density. This looks like it will look a lot better than that. She would like to see more of a buffer on the east (right) side of this plan between Wyndhurst and this development.

Mr. Frischeisen explained that during site plan approval, staff would ask for supplemental evergreen buffering anyway. The petitioner is asking for a conditional use permit, so Planning Commission can recommend additional conditions if the commission feels strongly about adding an evergreen buffer on the Wyndhurst side. Commissioner Marion would like to see it wrap around the bottom right hand side where there is no buffer. Commissioner Lowe indicated he would support that condition. He noted that he thinks this project would be a great transition because you really have to strain your neck to see it up there.

Commissioner Lowe is concerned with the traffic on Laxton Road. Chair Perault noted that left turns into the development will not be easy, especially in the morning. Commissioner Lowe noted he went in the mid-morning and there was a fair amount of traffic. Chair Perault thinks the people who live in this development will feel the traffic impacts more than the people around the development but that is a decision they make buying into it.

There was some discussion about where Ms. Gafford's property is located in relation to this property. She indicated that her property is below Enterprise Drive and that is why she is concerned with water runoff. Commissioner Bowden noted that there are a lot of stormwater measures being shown on the Enterprise Drive side of the property but he does not see that much on the back side. Mr. Klepac said the plan is to treat all water runoff on the south side of the property. In reality, there will be even less runoff going to the north mostly because it is impractical and probably unfeasible to try and treat runoff on the slope. Commissioner Bowden asked for clarification that the whole area that is down in the corner of Enterprise Drive and Laxton Road will stay pretty much wooded or planted and the area by Wyndhurst Park as well. Mr. Klepac said that is the current plan. Whatever can be maintained in the middle will be maintained. Ms. Gafford pointed out that the only trees that will be a buffer for her are her own trees.

Commissioner Light noted that the stormwater runoff will be handled by the current stormwater regulations. Ms. Gafford should actually see an improvement post development. Ms. Frischeisen noted that they will have to manage their stormwater quantity on site. They are proposing a stormwater management pond.

Chair Perault noted the businesses on Laxton Road on an aerial map of the City. There is a gas station and the other businesses are really residences being used for commercial purposes. The townhouses on the Enterprise Drive are a very small part of the surrounding area. To him, this is an R-1 area. There are some townhouses zoned R-2 across Enterprise Drive but the rest of the area is single-family homes. He does not see a transition being needed. This does change the character of Ms. Gafford's neighborhood and he feels they have to serve the people that have bought into an area and maintain that area. The traffic is less of an issue for him. He feels they are changing an area that is not creating a good transition.

Commissioner Johnson asked how often they are asked to change the *FLUM* and how often it is actually done. Mr. Martin thinks that when an amendment is proposed, there has to be good reason. Mr. Martin does not think that this property would be developed as single-family homes. You would end up with less density but you would end up with less landscaping. If it is developed as single-family, the land will be completely graded and all the trees will be gone. There is no buffer requirement and they will put in as many lots as they can. Staff does think it serves as a good transition between Laxton Road and Enterprise Drive. Ms. Frischeisen noted that staff always supports density where it is appropriate. In this case, the infrastructure exists and there is commercial nearby. Chair Perault asked for clarification as to what R-2 would allow. Mr. Martin said it would allow smaller lots but no townhomes. There was some discussion about how many single-family homes could go in there. It would be around 16 to 18 if it were R-1 and around 24 if it were rezoned to R-2.

Commissioner Light said he is very sensitive to the character of communities and he has very mixed feelings on both sides of this petition. The access here is different than what they were struggling with their decisions regarding the recent petition for townhomes on Wood Road because this is Laxton Road. Laxton Road is a more substantial road to support this type of development. Laxton Road is such a mess right now; quite candidly, what are a few more cars going to do to Laxton Road. Commissioner Bowden said he might agree with that if this traffic had not been shoved all toward an intersection where people are already trying to set themselves up to turn on to Enterprise Drive. Chair Perault thinks that the traffic backed up at the light on Enterprise Drive would block the entrance to this property at some times of the day. It will affect the people living there more than the people around it.

Commissioner Rogers noted that the change in character for him is along Sublett Court. He does not think it impacts the rest of the area and that the townhomes on Enterprise Drive are similar. He was supportive of the proposed development on Wood Road and he feels this is a lot like that proposal. For him, this is more of a buffer issue than a traffic issue. He leans more toward supporting this since there will be a buffer. In an R-1 development, there might not be that opportunity to get a vegetative buffer. Commissioner Lowe noted that a single-family development could potentially get 16 homes in here. It would be bulldozed and there would be no trees left. Something commercial can go on the lot in Campbell County. What is the lesser of two evils? They explained to Ms. Gafford that they could cut down all their trees by right and they could put up a retaining wall to hold the hill back right next to Ms. Gafford's property.

Mr. Mann wished to point out that all the homeowners here today live in single-family homes and are surrounded by single-family homes. If this were developed as single-family homes, it would not change the character of the neighborhood in any way. Townhomes would completely change the character of the neighborhood. Commissioner Rogers noted that if it is developed as townhomes, they can keep some of the wooded areas.

Ms. Gafford thinks the green line shown on the concept plan is a creek so it would make it very difficult to plant any additional trees. Ms. Gafford also noted that there is no buffer from the back decks on some of the townhomes. They would be elevated over the hillside. Ms. Gafford thinks it would be hard for a developer to come in and get that many single-family homes in there and if a developer is willing to put that kind of money into the property, she will take her chances on that developer being

responsible. They bought into an R-1 neighborhood. She also thinks it is a little irresponsible for us to say that Laxton Road is already a cluster. It is already a mess. It is not our road and it is irresponsible of us to put that problem on the county. Maybe there should be a joint group when there are properties that are this close to a line so that we are not burdening a county. That is not what we teach our children and that would not be bad for us to do.

Ms. Gafford asked what the distance from the top of her property is to the road. Mr. Klepac said it is about 25 feet. Ms. Gafford pointed out how close the road that will be bringing at least 50 cars a day will be to her property and the buffer will not be enough. The commissioners did point out the green line on the concept plan is a buffer not a creek. The creek is actually at the bottom of the hill.

Commissioner Rogers asked Ms. Frischeisen if they could require a fence as a condition instead of an additional vegetative buffer. Mr. Martin said it is their call. That buffer is not required so they can put in any condition they want to recommend. Mr. Martin would think that in terms of maintenance and longevity, the trees would be a better solution. Mr. Martin pointed out to them they can put in a condition for additional buffering. They could also put in a condition that reduces the number of units.

The commissioners indicated they would like to discuss a condition for additional buffering. Ms. Frischeisen suggested it could be something like "the evergreen buffer will be extended along the northwestern property line adjacent to existing vegetation." Commissioner Rogers indicated he would like to see more along the Gafford's property. Ms. Gafford had a picture on her phone to show the commissioners of how this property looks from her property and how close her property is to the proposed road. Ms. Frischeisen noted that the property will be graded and that the uphill view from Ms. Gafford's property is not going to be quite as dramatic as what they are thinking.

Commissioner Bowden noted that the main thing the neighbors will lose is the view. The other big issue for him is the traffic; he is still struggling with that issue.

Chair Perault called up Ms. Tammy Day. She did not speak during the public hearing. They own a townhome at 1002 Enterprise Drive. They mentioned traffic and the possibility of increased crime in their email to the commissioners. This is a lot of townhomes in a pretty small area. She would like them to consider reducing the number of units from fifty to thirty, which is roughly the number of townhomes across the street. She mentioned that they were very attracted to this area because of the character of the neighborhood.

Mr. Martin mentioned that Campbell County was notified and their only comment is that there might be a land disturbance permit required for the road work. Obviously the developer went through a very stringent review with VDOT. He thinks they are kind of left with the issues of density and view shed protection. If the commission decides to amend the *FLUM,* it would allow the developer up to 72 units and he is proposing 50. Commissioner Marion asked if they have to amend the *FLUM.* Mr. Martin said if they are going to recommend townhomes, they would want the *FLUM* to match.

Chair Perault was not sure how they could play around with the number of units that would make both parties happy. Commissioner Light said he felt completely inadequate to determine a lower number of units. Commissioner Light pointed out that when they were discussing the number of apartments at the former Seven Hills School, the developer said she could not change the number of units for financial reasons. By the time she got to City Council, she had reduced the number of units from 22 to 20. Chair Perault thinks that if they are not comfortable with the number of units, they would recommend denial and let that number be worked out outside of this room. If you are comfortable with that number, then you would recommend approval.

Mr. Martin suggested they start with deciding if they think it is appropriate to amend the *FLUM.* Commissioner Marion thinks it is appropriate because of what is across the street and what is right beside

it in Campbell County. She thinks it is a transition. Commissioner Lowe asked Mr. Martin to tell them how many units a developer could do if the *FLUM* is changed from Low Density Residential to Medium Density Residential. In theory, Mr. Martin said it could be up to 12 units per acre. Commissioner Lowe said if they are going to recommend approval for the *FLUM* change, they should handle the other petitions carefully. The developer would be able to kick up the number of units to a higher figure. Mr. Martin pointed out they would have to go back through the conditional use permit process if the developer changed the number of units.

Mr. Martin suggested they can start by thinking about whether or not a Low Density Residential use is right for this area. It only allows single-family homes up to four units per acre. This developer is suggesting that because this property is adjacent to Wyndhurst, there are townhomes across the street and the property in the county is zoned commercial and because this is a transition area, a Medium Density Residential use would be more appropriate. If you agree with that, then you are saying that townhomes up to 12 units per acre is appropriate here. Then you start considering what is the right density for the area. If you get to townhomes are appropriate, then you start thinking about how they can address the impacts from the townhomes like the evergreen buffer.

Commissioner Marion made the following motion, which was seconded by Commissioner Rogers. It failed by the following vote:

"That the Planning Commission recommends to City Council to amend the *Future Land Use Map* from Low Density Residential to Medium Density Residential at 1306 Laxton Road."

AYES:	Light, Marion and Rogers	3
NOES:	Bowden, Johnson, Lowe and Perault	4
ABSTENTIONS:		0
ABSENT:		0

Commissioner Rogers made the following motion, which was seconded by Commissioner Marion. It failed by the following vote:

"That the Planning Commission recommends to City Council to rezone the property located at 1306 Laxton Road from R-1, Low Density Residential to R-3C, Medium Density Residential (Conditional) subject to the following condition:

1. **The property will be developed in substantial compliance with the submitted site plan.**

AYES:	Light, Marion and Rogers	3
NOES:	Bowden, Johnson, Lowe and Perault	4
ABSTENTIONS:		0
ABSENT:		0

Mr. Martin noted that they do not need to vote on the conditional use permit. Chair Perault noted for the record that if it had moved forward, there were concerns about the buffering.

The Department of Community Development

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

To: Planning Commission
From: Planning Division
Date: November 14, 2018
Re: **Future Land Use Map (FLUM) Amendment: Low Density Residential to Medium Density Residential**
Rezoning: R-1, Low Density Residential to R-3C, Medium Density Residential (Conditional)
Conditional Use Permit (CUP): Laxton Road Townhomes – 1306 Laxton Road

I. PETITIONER

Josh Lee, Troutspring, 2915 Hunter Mill Road, Unit 19, Oakton, Virginia 22124
Representative: Mr. Andy Klepac, PE, Hurt & Proffitt, 2524 Langhorne Road, Lynchburg, Virginia 24501

II. LOCATION

The subject property is along the City of Lynchburg/Campbell County boundary line, with approximately five and ninety-one hundredths (5.91) acres on the city side, and one and eighteen hundredths (1.18) acres on the county side. The address of the property is at 1306 Laxton Road.
Property Owner(s): Carter Bank & Trust (c/o Randy Sayre), 1300 Kings Mountain Drive, Martinsville, Virginia, 24112

III. PURPOSE

The purpose of the petition is to allow the construction of a fifty (50) unit townhouse development at 1306 Laxton Road.

IV. SUMMARY

- The *Comprehensive Plan 2013-2030's Future Land Use Map* (*FLUM*) currently recommends a Low Density Residential use for the property.
- Townhouse Developments are permitted in the R-3, Medium Density Residential District upon approval of a conditional use permit by Council.
- The proposed unit density is eight and forty-six hundredths (8.46) units per acre.
- The proposed use is consistent with nearby developments, and will create a transition from the business areas of Laxton Road to the lower density residential area of Wyndhurst.

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

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Comprehensive Plan 2013-2030* currently recommends a Low Density Residential use for the property at 1306 Laxton Road.

   Low Density Residential areas are dominated by single family detached housing at densities of up to four (4) dwelling units per acre. In addition to residential uses, they may include public and institutional uses compatible in scale with single family residential homes. Private

recreation uses, including country clubs and swim and racquet clubs, and private open space are also appropriate for Low Density Residential areas.

Medium Density Residential is proposed for the property. These areas are characterized by "small-lot single-family detached housing, duplexes and townhouses at densities up to twelve (12) units per acre. Where neighborhoods already exist, infill development should be at a compatible density and housing type." (p. 72)

2. **Zoning.** The subject property was annexed into the City in 1976. The existing R-1, Low Density Residential zoning was established in 1978.
3. **Proffers.** The petitioner has voluntarily submitted the following proffers related to the development of the property:

    1. The property will be developed in substantial compliance with the submitted site plan.

4. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances are needed for the development of the property as proposed.
5. **Surrounding Area.** There have been several items requiring Council approval in the immediate area:

    - On May 22, 1979 City Council approved the Timberlake Road Land Use Study, rezoning a number of properties in the area. One of the subject properties, 8129 Timberlake Road was rezoned to B-3, Community Business District along with adjacent properties: 8123 to the City limits.
    - On April 13, 1982, City Council approved the CUP petition of Ronnie D. Vaughan to operate a commercial recreation center at 8131 Timberlake Road.
    - On September 11, 1984, City Council approved the petition of D.W.B. Associates to rezone four (4) acres 8117 Timberlake Road from R-1, Low Density, Single-Family Residential District and B-3, Community Business District to B-5C, General Business District (Conditional) to allow the use of the property as a mini-storage facility.
    - On April 8, 1997, City Council approved the petition of JE Jamerson & Sons, Inc. to rezone approximately four hundred (400) acres from R-1 to R-2(C), R-4(C), B-1(C), B-3(C), and I-2(C) to allow single family residential, townhouse, apartment, nursing home/assisted living/retirement village complex, various commercial uses and an industrial park in the vicinity of Laxton Road and Enterprise Drive.
    - On July 14, 1998, City Council approved J.E. Jamerson and Son's conditional use permit petition for the construction of a dam and a lake within the 100-year floodplain at Laxton Road and Enterprise Drive.
    - On July 14, 1998, City Council approved J.E. Jamerson and Son's conditional use permit petition to create Wyndhurst Traditional Neighborhood Development at Laxton Road and Enterprise Drive.
    - On May 9, 2000, City Council approved The Summit and J.E. Jamerson and Son's petition to rezone one hundred forty three (143) acres on both sides of Enterprise Drive between Laxton Road and Norfolk & Southern Railroad to create the Summit

Traditional Neighborhood Development and to extend Wyndhurst Traditional Neighborhood Development along Enterprise Drive.

- On May 9, 2000, City Council approved LIDA, The Summit and J.E. Jamerson and Son's conditional use permit petition to create the Summit Traditional Neighborhood Development and to extend Wyndhurst Traditional Neighborhood Development along Enterprise Drive.
- On September 12, 2000, City Council approved the petition of JE Jamerson & Sons, Inc. to rezone one hundred sixty-seven (167) acres from R-2C, Single Family Residential (Conditional) and R-4C, Multi-family Residential (Conditional) to R-2C, Single Family Residential (Conditional) and R-4C, Multi-family Residential (Conditional) to amend previously approved proffers to allow for the Wyndhurst development.
- On July 8, 2003, City Council approved Jamerson and Company's conditional use permit petition to amend the Wyndhurst Traditional Neighborhood Development Plan to allow for construction of apartments and additional single family uses off Wyndhurst Drive and 1536 Lockewood Drive.
- On July 11, 2006, City Council approved Braxton Park, LLC's conditional use permit petition to allow the construction of a townhouse across the City of Lynchburg/Campbell County boundary line at 1002 Enterprise Drive.
- On November 13, 2007, City Council denied S.W. Neal Development Group's conditional use permit petition to allow the construction of a Planned Unit Development for single family homes and townhouses at 1200 and 1202 Wood Road
- On February 13, 2018, City Council denied the CUP petition of Danny Tyree for a forty-three (43) unit townhouse development at 1002 Wood Road and 8129 Timberlake Road.

6. **Site Description.** The subject property consists of approximately five and ninety-one hundredths (5.91) acres. The property contains one (1) residential structure, which will be demolished during the construction of the proposed townhome development. The remainder of the parcel is located in Campbell County and consists of one and eighteen hundredths (1.18) acres, for a total of seven and nine hundredths (7.09) acres. With the exception of the existing residential structure, the property is undeveloped and covered in woods.

   The property is bound to the west by Enterprise Drive, to the south by Laxton Road, to the east by single-household residences, and the north by single-household residences, which are part of the Wyndhurst Traditional Neighborhood Development.

7. **Proposed Use of Property.** The site will be used for a fifty (50) unit townhouse development and associated parking as illustrated on the concept plan. Access to the development would be from Laxton Road in Campbell County.

8. **Transportation & Parking.** A traffic study was required by the Virginia Department of Transportation (VDOT) since the development will take access from Laxton Road (located in Campbell County). The traffic study was prepared by Hurt & Proffitt and has received preliminary approval from VDOT.

   Based on the study, no appreciable impacts are caused by traffic associated with the construction of the 50-unit townhouse development. A left turn lane warrant is met for the PM peak period at the new entrance. Therefore, an eastbound left turn lane on Laxton Road

is recommended. Although right turn lane warrants were not met for either the AM or the PM peak at the new entrance, a right turn taper is recommended to enhance safety and allow right-turning vehicles to get out of the continuous right turn lane adjacent to the site.

GLTC Route 7 runs once an hour at a stop adjacent to the proposed development.

The *Zoning Ordinance* requires one (1) parking space per unit; fifty (50) parking spaces for the development are required. The concept plan indicates a total of one hundred nineteen (119) parking spaces.

9. **Stormwater Management.** A stormwater management plan will be required prior to final site plan approval. The submitted concept plan proposes to treat stormwater quality with off-site nutrient credits and stormwater quantity with a detention facility. The onsite facility is located on the southwestern corner of the property.

10. **Emergency Services:** The City Fire Marshal provided comments on the concept plan pertaining to Site Design Requirements that will be addressed at final site plan review. The City's Police Department had no comments of concern with the petition.

11. **Impact.** This site is suited for a higher density than is currently allowed by the existing zoning and recommended by the existing FLUM designation. As indicated by the traffic study, the surrounding streets can adequately handle the increased traffic with the additional improvements.

    The development is located roughly a half mile from both the Wyndhurst and Timberlake Road retail areas. Sidewalks do exist between the proposed townhomes and Wyndhurst. There are no sidewalks between the development and Timberlake Road, except for the proposed sidewalk located along Laxton Road. Timberlake Road has been designed and built primarily for automobile travel, while Wyndhurst has a more suitable scale for bicycle or pedestrian traffic.

    The proposed townhome development is consistent with the townhouse use of the neighboring property to the west, and will create a transition from the business areas of Laxton Road to the low-density residential component of the Wyndhurst development to the north. It is also anticipated that the proposed development will support the commercial establishments of the Wyndhurst development.

12. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the petition on August 21, 2018. Comments have or will be addressed by the petitioner prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Josh Lee, Troutspring, to:

A. Amend the Future Land Use Map from Low Density Residential to Medium Density Residential at 1306 Laxton Road.

B. Rezone the property located at 1306 Laxton Road from R-1, Low Density Residential to R-3C, Medium Density Residential (Conditional) subject to the following voluntarily submitted proffer:

1. **The property will be developed in substantial compliance with the submitted site plan.**

C. Approval of a Conditional Use Permit at 1306 Laxton Road to allow the construction of a fifty (50) unit townhouse development subject to the following conditions:

1. **The property will be developed in substantial compliance with the concept plan entitled "Rezoning Concept Plan – Laxton Ridge Townhouse Development" as prepared by Hurt & Proffitt dated August 6, 2018.**
2. **All requirements of the Virginia Department of Transportation (VDOT) for access shall be met prior to final site plan approval.**

This matter is respectfully offered for your consideration.

William T. Martin, AICP
City Planner

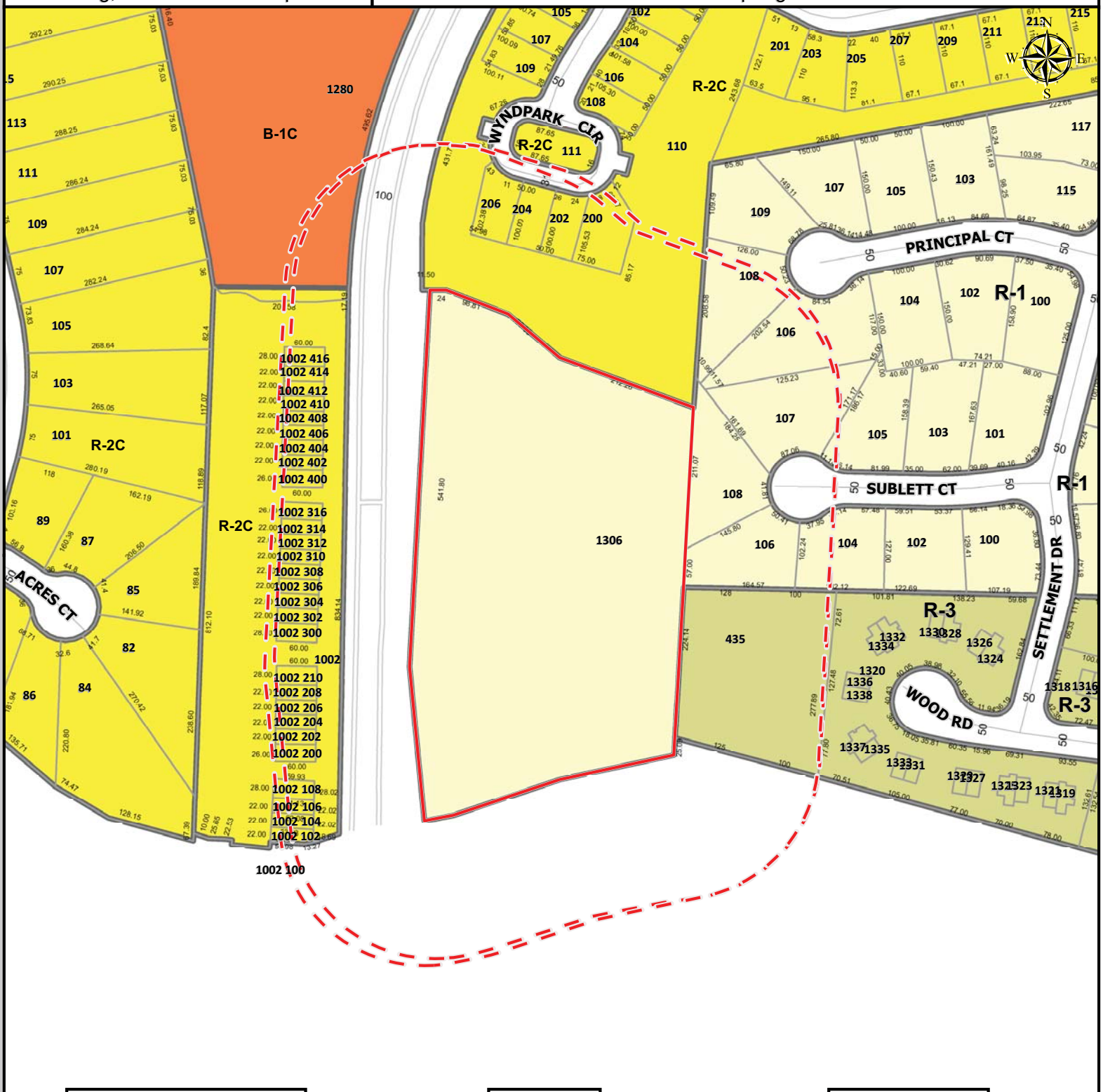
pc: Ms. Bonnie M. Svrcek, City Manager
Mr. Reid Wodicka, Deputy City Manager
Mr. Walter C. Erwin, City Attorney
Mr. Kent L. White, Director of Community Development
Mr. J. Lee Newland, City Engineer
Mr. Don DeBerry, Transportation Engineer
Ms. Cynthia Kozerow, Lynchburg Police Department
Captain Thomas Goode, Fire Marshal
Mr. Doug Saunders, Building Commissioner
Mr. Kevin Henry, Zoning Administrator
Mr. Josh Lee, Petitioner
Mr. Andy Klepac, Representative

VII. ATTACHMENTS

1. **Zoning Map**
2. **Future Land Use Map**
3. **Watershed Map**
4. **Planimetric and Topographic Map**
5. **Concept Plan**
6. **Narrative**
7. **VDOT letter regarding Traffic Study**

8. **Traffic Study**
9. **Property Photograph**

Zoning Map	LAXTON ROAD TOWNHOMES
Zoning, FLUM & CUP Request	Troutspring



Property Information

Parcel ID	Address
25311026	1306 LAXTON RD

Legend

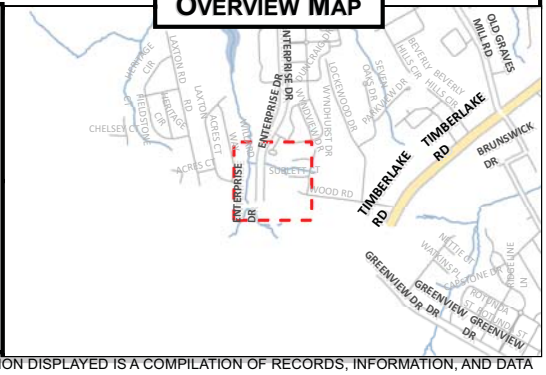
Subject Property

215' Buffer

B-1	I-1	R-4
B-2	I-2	R-5
B-3	I-3	R-C
B-4	R-1	IN-1
B-5	R-2	IN-2
B-6	R-3	

Map Scale: 1 " to 200 ' **Date Printed:** 11/5/2018

Overview Map



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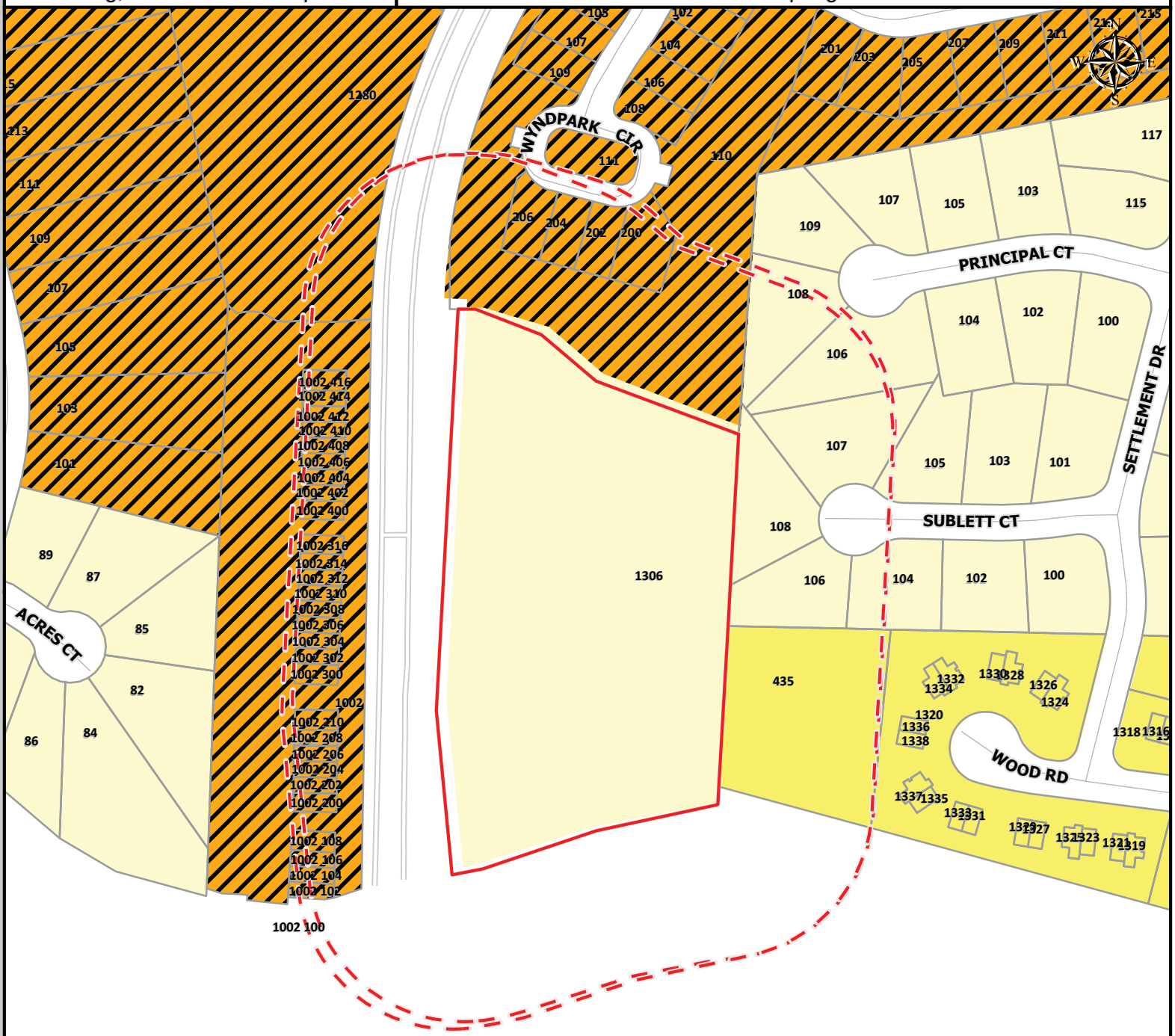
Parcel ID	Address	Owner
25311032	1002 ENTERPRISE DR 408	ALAMINYO LLC
25022007	204 WYNDPARK CIR	ALDER, JEFFREY T & LORI M
25311028	1002 ENTERPRISE DR 416	ALSHAIKH, AYMAN N & SALEM, ANBARA N
25315015	108 PRINCIPAL CT	ANDERSON, JAMES III &
25315025	106 SUBLETT CT	AYERS, MARGARET A
25311044	1002 ENTERPRISE DR 302	BBC PROPERTIES LLC
25311042	1002 ENTERPRISE DR 306	BBC PROPERTIES LLC
25311038	1002 ENTERPRISE DR 314	BRAXTON PARK LLC
25311048	1002 ENTERPRISE DR 206	BROWN, JOSHUA A
25311026	1306 LAXTON RD	CARTER BANK & TRUST
25010003	1280 ENTERPRISE DR	CENTRA HEALTH INC
25311034	1002 ENTERPRISE DR 404	CHEN, MENG
25311031	1002 ENTERPRISE DR 410	CHENAULT, MELANIE H TRS
25311053	1002 ENTERPRISE DR 106	CHOU, EUCLID
25311039	1002 ENTERPRISE DR 312	CUDD, GORDON & BEHNKE, STEVEN H &
25311040	1002 ENTERPRISE DR 310	CUDD, GORDON & BEHNKE, STEVEN H &
25315023	107 SUBLETT CT	DARBY, ROSAMARY K
25311045	1002 ENTERPRISE DR 300	DAY, THOMAS J JR & TAMMY A
25311055	1002 ENTERPRISE DR 102	EASTER, ELDON HENRY JR TRS &
25315022	105 SUBLETT CT	FLOOD, PATRISHA ANN
25315024	108 SUBLETT CT	GAFFORD, TYRONE W & KIMBERLY L
25022006	206 WYNDPARK CIR	GRIFFIN, DEBRA H & MANN, DAVID A
25311051	1002 ENTERPRISE DR 200	HADDEN, DAVID T & TERESA L
25311037	1002 ENTERPRISE DR 316	HALE, NICHOLAS J &
25022008	202 WYNDPARK CIR	HAROLD, SUSAN S
25311046	1002 ENTERPRISE DR 210	HOARE, JAYNE E
25311030	1002 ENTERPRISE DR 412	KINNAIRD, MICHAEL W
25311041	1002 ENTERPRISE DR 308	KUDOJA, MARY
25311049	1002 ENTERPRISE DR 204	LACEY, JUSTIN
25311033	1002 ENTERPRISE DR 406	LACOY, JOHN J & CHRISTINE M
25311029	1002 ENTERPRISE DR 414	LANCENESE, BRIAN JOSEPH & BRANDY M
25311027	1002 ENTERPRISE DR	LAXTON SQUARE OWNERS ASSOCIATION
25022009	200 WYNDPARK CIR	LOPEZ, ARTURO F
25311047	1002 ENTERPRISE DR 208	MEDINA, OSMAN J & CHARITY A
25311016	435 LAXTON RD	MORRIS, PATRICK W
25311050	1002 ENTERPRISE DR 202	OHAI, PAUL C & BERNADETTE G
25311043	1002 ENTERPRISE DR 304	OLSON, LAUREN D
25022015	110 WYNDPARK CIR	PARKS PROPERTY OWNERS ASSOC
25315026	104 SUBLETT CT	RIDDLE, DAVID W
25311035	1002 ENTERPRISE DR 402	ROWLETT, JEREMY & ROWLETT, MELISSA &
25311036	1002 ENTERPRISE DR 400	SHAIKH, MUSTAFA N & SALEM, ABEER N
25311052	1002 ENTERPRISE DR 108	SMITH, MARCKEM A
25311054	1002 ENTERPRISE DR 104	THOMAS, GREGORY P & BRITTANY R
25315016	106 PRINCIPAL CT	WHITE, FRANKIE L & ALEXIS L

FLUM Map

Zoning, FLUM & CUP Request

LAXTON ROAD TOWNHOMES

Troutspring



Property Information

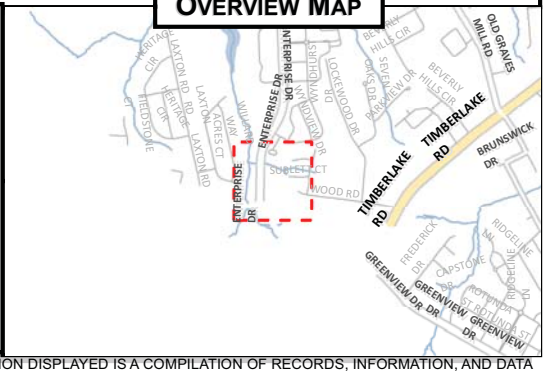
Parcel ID	Address
25311026	1306 LAXTON RD

Legend

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

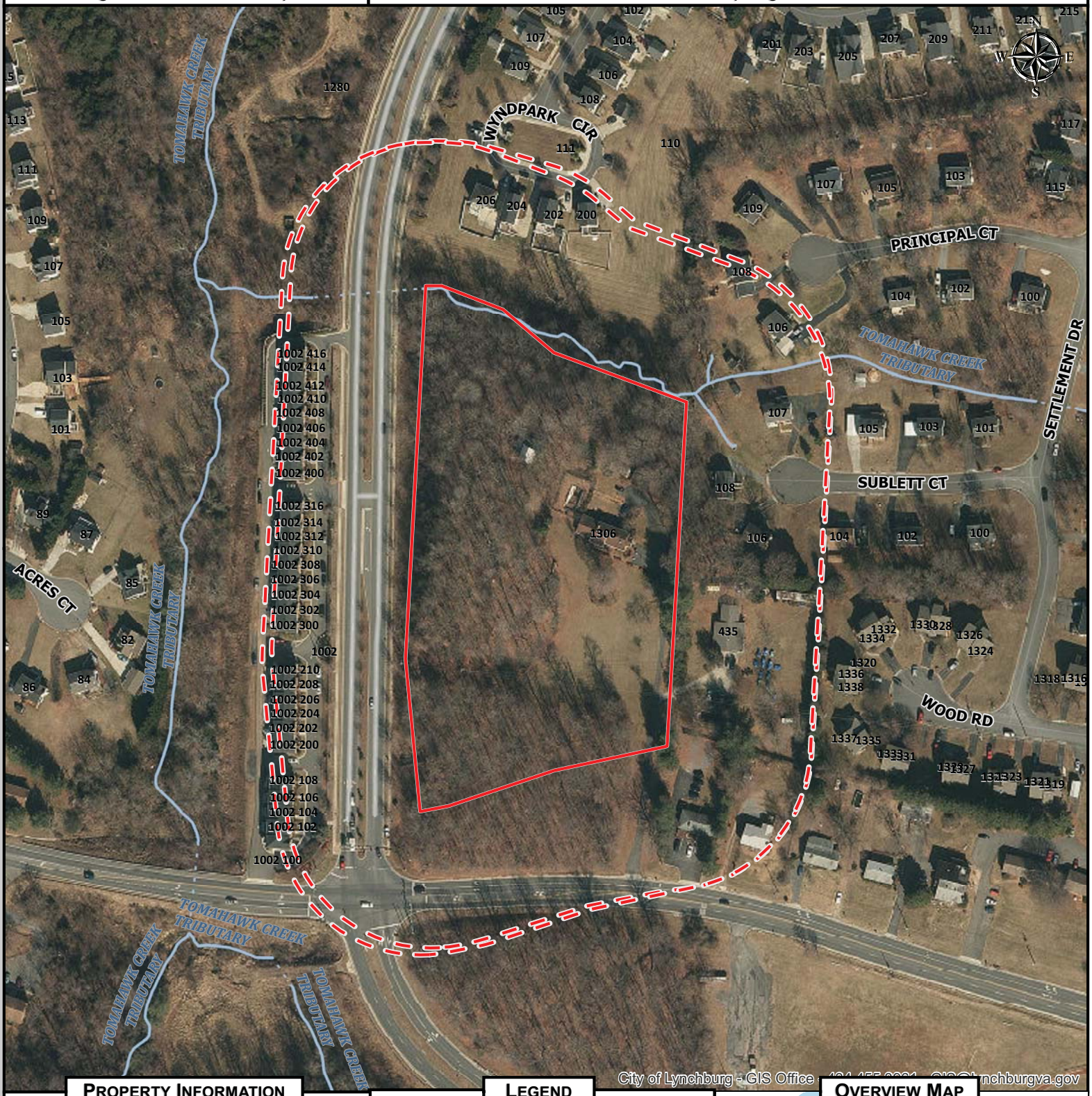
Map Scale: 1 " to 200 ' **Date Printed:** 11/5/2018

Overview Map



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

Watershed Map	LAXTON ROAD TOWNHOMES
Zoning, FLUM & CUP Request	Troutspring



Property Information

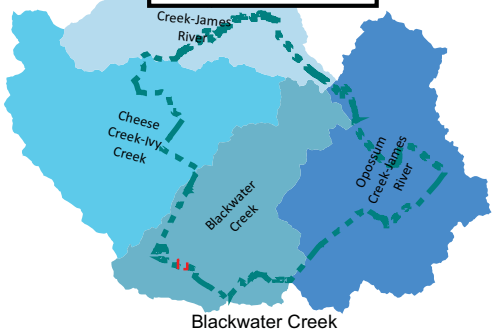
Parcel ID	Address
25311026	1306 LAXTON RD

Legend

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

Map Scale: 1 " to 200 ' **Date Printed:** 11/5/2018

Overview Map



Blackwater Creek

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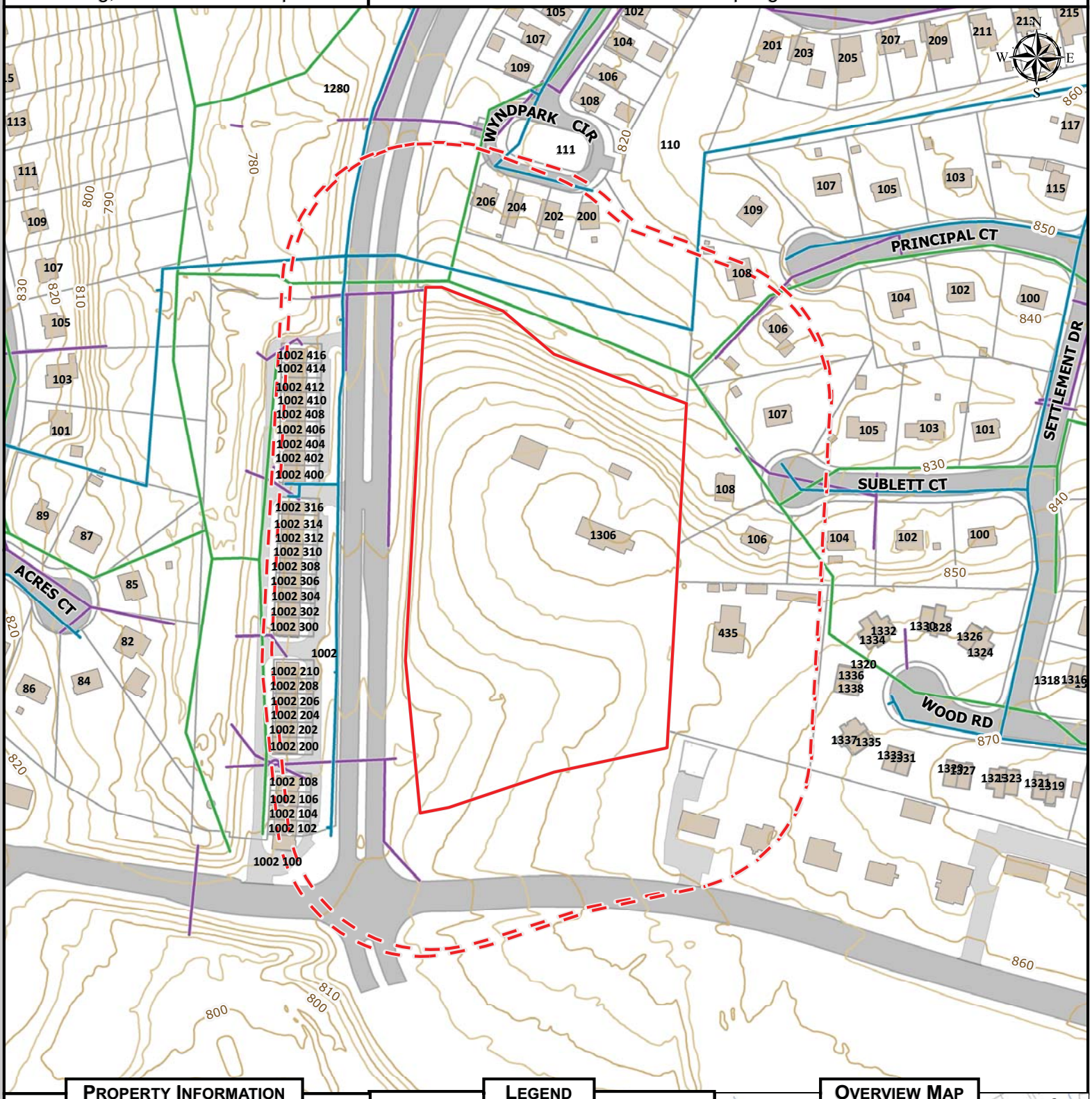
Planimetric and Topographic Map

Zoning, FLUM & CUP Request

LAXTON ROAD TOWNHOMES

Troutspring



Property Information

Parcel ID	Address
25311026	1306 LAXTON RD

Legend

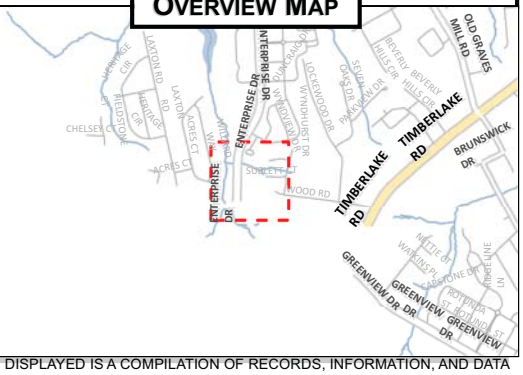
		Active	Proposed	Abandoned
Utilities	Water			
	Sanitary			
	Storm			

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

Topography	Contour	100'	20'	5'
		50'	10'	1'

Map Scale: 1 " to 200 ' **Date Printed:** 11/5/2018

Overview Map



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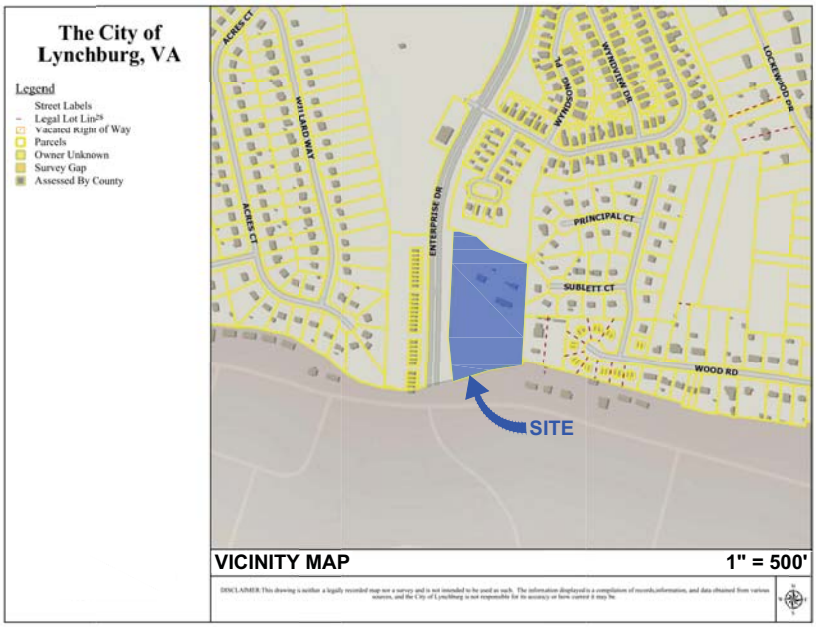

LEGAL DESCRIPTION: TM #25311026 (CITY OF LYNCHBURG)

BEGINNING AT A POINT ON THE CITY OF LYNCHBURG AND CAMPBELL COUNTY LINE BEING THE SOUTHWESTERN CORNER OF THE HEREON DESCRIBED PARCEL AND BEING THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 40 MINUTES 26 SECONDS WEST +/- 229 FEET TO A POINT; THENCE NORTH 07 DEGREES 54 MINUTES 41 SECONDS EAST 560.51 FEET TO A POINT; THENCE SOUTH 84 DEGREES 47 MINUTES 52 SECONDS EAST 24.03 FEET TO A POINT; THENCE SOUTH 64 DEGREES 04 MINUTES 25 SECONDS EAST 98.81 FEET TO A POINT; THENCE SOUTH 44 DEGREES 49 MINUTES 20 SECONDS EAST 100.00 FEET TO AN IRON PIN FOUND; THENCE SOUTH 64 DEGREES 49 MINUTES 20 SECONDS EAST 212.00 FEET TO A PLANTED STONE FOUND; THENCE SOUTH 08 DEGREES 02 MINUTES 00 SECONDS WEST +/- 517 FEET TO A POINT ON THE CITY OF LYNCHBURG AND CAMPBELL COUNTY LINE; THENCE ALONG THE CITY OF LYNCHBURG AND CAMPBELL COUNTY LINE IN A SOUTHWESTERLY DIRECTION TO THE POINT OF BEGINNING AND CONTAINING +/- 5.91 ACRES.

NOTES:

1. DEVELOPER:
   TROUTSPRING
   JOSH LEE
   2915 HUNTER MILL ROAD UNIT 19
   OAKTON, VA 22124
2. PARCEL ADDRESS: 1306 LAXTON ROAD, LYNCHBURG, VA 24502
3. PARCEL ID: 25311026
4. PARCEL AREA: 5.91 ACRES
5. EXISTING ZONING: R-1
   PROPOSED ZONING: R-3C
6. EXISTING FLUM DESIGNATION: LOW-DENSITY RESIDENTIAL
   PROPOSED FLUM DESIGNATION: MEDIUM-DENSITY RESIDENTIAL
7. PROPOSED BUILDINGS:
   USE: TOWNHOUSE
   MIN. DISTANCE BETWEEN BUILDINGS: 32'
   NO. OF STORIES: 2
   MAX. AREA OF EACH FLOOR: 6,688 SF (8-UNIT BUILDING)
   TOTAL NUMBER OF DWELLING UNITS: 50
   MAX. HEIGHT: 40 FT
8. EXISTING BUILDINGS AND DRIVES WILL BE REMOVED.
9. PROPOSED DENSITY: 50 UNITS / 5.91 ACRE = 8.46 UNITS / ACRE
10. MINIMUM SETBACKS:

	R-3	TOWNHOUSES
FRONT:	30'	10'
SIDE:	5'	16'
REAR:	30'	25'

MINIMUM LOT DIMENSIONS:

	R-3	TOWNHOUSES
AREA:	4,000 SF	1,200 SF
WIDTH:	30' 1	16'

NOTE: A MINIMUM 50' SIDE & REAR SETBACK REQUIRED WHEN ABUTTING A SINGLE HOUSEHOLD DISTRICT.

10. PARKING CALCULATIONS:
    REQUIRED: 1 SPACE PER UNIT = 50 SPACES
    PROVIDED: 119 SPACES
11. PROPOSED TOWNHOUSES WILL BE SERVED BY NEW PUBLIC WATER AND SEWER CONNECTIONS. THERE ARE NO KNOWN CAPACITY ISSUES IN THE EXISTING SYSTEMS.
12. REFUSE WILL BE MANAGED BY ONSITE DUMPSTERS.
13. PROPOSED LANDSCAPING IS SHOWN FOR SCHEMATIC PURPOSES. PARKING AREA LANDSCAPING, PARKING AREA SCREENING, FOUNDATION PLANTINGS, UTILITY SCREENING, AND BUFFERING WILL BE PROVIDED IN ACCORDANCE WITH THE CITY'S LANDSCAPE ORDINANCE. EXISTING VEGETATION WILL BE UTILIZED TO THE EXTENT FEASIBLE. STREET TREES WILL BE PROVIDED ALONG ENTERPRISE DRIVE WHERE EXISTING VEGETATION DOES NOT MEET THE MINIMUM LANDSCAPING REQUIREMENTS. STORMWATER MANAGEMENT AND EXTERIOR HVAC UNITS WILL BE SCREENED FROM VIEW FROM THE PUBLIC R/W. EXISTING 1 VEGETATION MAY BE USED TO PROVIDE THIS SCREENING.
14. PROPOSED LIGHTING IS SHOWN FOR SCHEMATIC PURPOSES. ALL EXTERIOR LIGHTING FIXTURES SHALL BE DESIGNED, LOCATED, AND ARRANGED SO AS NOT TO DIRECT GLARE ON ADJOINING STREETS OR RESIDENTIAL PROPERTIES.
15. DUST CONTROL AND EROSION CONTROL WILL BE IN ACCORDANCE WITH THE VIRGINIA EROSION & SEDIMENT CONTROL HANDBOOK.
16. STORMWATER MANAGEMENT WILL BE IN ACCORDANCE WITH STATE AND LOCAL REQUIREMENTS. IT IS ANTICIPATED THAT ONSITE DETENTION WILL BE PROVIDED FOR QUANTITY CONTROL, AND OFFSITE NUTRIENT CREDITS WILL BE PURCHASED FOR QUALITY CONTROL. STORMWATER MANAGEMENT SHOWN IS SCHEMATIC.
17. THE AREA SHOWN HEREON IS NOT LOCATED WITHIN A 100 YEAR FLOOD PLAIN AS DETERMINED BY FEMA. SEE COMMUNITY PANEL MAP #5100930101D DATED 6/3/2008.

1 REV #1: 10/2/2018
2 REV #2: 11/19/2018

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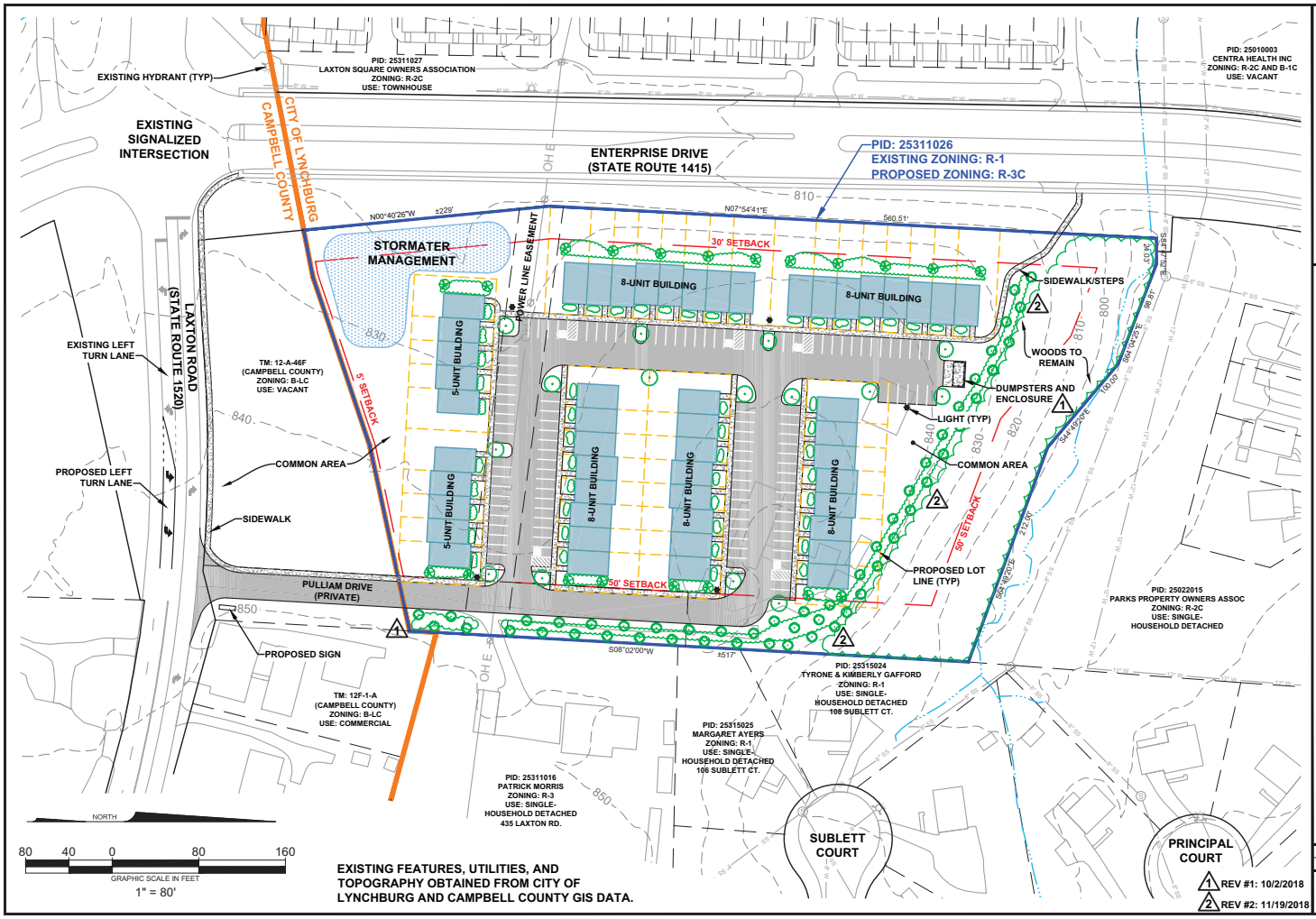
2524 LANGHORNE ROAD
LYNCHBURG VA 24501
800.272.9800 TOLL FREE
434.847.7796 MAIN
434.847.0047 FAX

REZONING CONCEPT PLAN
LAXTON RIDGE TOWNHOUSE DEVELOPMENT
1306 LAXTON ROAD
CITY OF LYNCHBURG, VIRGINIA

PROJECT NO: 20180700
DATE: 8/6/2018
SHEET NO.
1 OF 2



EXISTING FEATURES, UTILITIES, AND TOPOGRAPHY OBTAINED FROM CITY OF LYNCHBURG AND CAMPBELL COUNTY GIS DATA.

1 REV #1: 10/2/2018
2 REV #2: 11/19/2018

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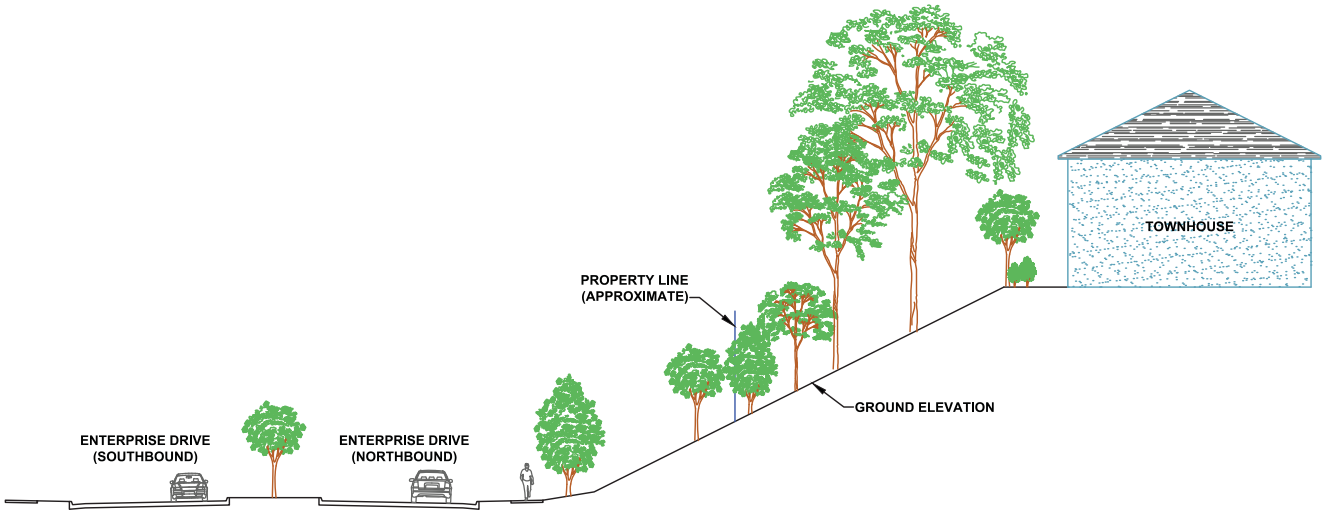
SHEET NO.
2 OF 2



15 7.5 0 15 30

GRAPHIC SCALE IN FEET

1" = 15'

1 REV #1: 10/2/2018

2 REV #2: 11/19/2018

ENGINEERING >> SURVEYING >> PLAN

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INCORPORATED
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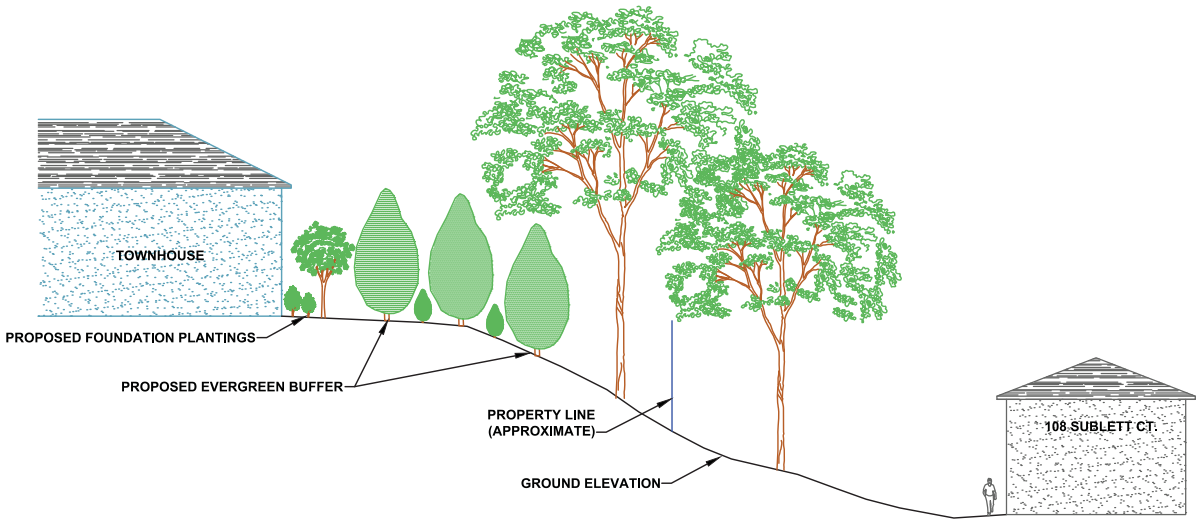
LYNCHBURG VA 24501
800.234.0832 TOLL FREE
434.847.7796 MAIN
434.847.0047 FAX

PROFILE FROM ENTERPRISE DRIVE
LAXTON RIDGE TOWNHOUSE DEVELOPMENT
1306 LAXTON ROAD
CITY OF LYNCHBURG, VIRGINIA

PROJECT NO: 20180700

DATE: 8/6/2018

SHEET NO.
1 OF 1



15 7.5 0 15 30

GRAPHIC SCALE IN FEET

1" = 15'

REV #1: 10/2/2018

REV #2: 11/19/2018

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PROFILE FROM SUBLETT COURT

LAXTON RIDGE TOWNHOUSE DEVELOPMENT

1306 LAXTON ROAD

CITY OF LYNCHBURG, VIRGINIA

PROJECT NO: 20180700

DATE: 8/6/2018

SHEET NO.

1 OF 1

Laxton Ridge Townhouse Development

Project Narrative for Rezoning and Future Land Use Map Amendment

Project Narrative

This project is for the development of a community of townhouse buildings within the 5.91 acre property located at 1306 Laxton Road, Parcel ID 25311026. The intent is to construct seven (7) townhouse buildings totaling fifty (50) units on the site. The zoning for the site is currently R-1 (Low-Density Residential). In order to construct the proposed improvements, Troutspring is requesting to rezone the site to R-3 (Medium-Density Residential) with a conditional use permit to allow for the construction of townhouses in an R-3 district. In addition, Troutspring is requesting an amendment to the Future Land Use Map (FLUM) from Low-Density Residential to Medium-Density Residential.

This site is adjoined by Laxton Road to the south, single family homes to the east, a Wyndurst development common area to the north, and Enterprise Drive and a townhouse community to the west. We believe that the proposed development is consistent with the townhouse use of the neighboring property to the west, and will create a transition from the business areas of Laxton Road to the low-density residential component of the Wyndhurst development to the north. It is also anticipated that the proposed development will support the commercial establishments of the Wyndhurst development.

Landscaping and Buffering

Due to the grade difference between the site and Enterprise Drive, the development will be accessed off of Laxton Road in Campbell County. This will allow for a vegetative buffer between Enterprise Drive and the development, in addition to the foundation plantings that will be required by City Code to be planted behind the townhouses. A graphic has been provided that illustrates this topographic difference, and how existing and proposed vegetation can be utilized as a buffer along the Enterprise Drive frontage. To the north, existing woods will remain to provide a buffer from the adjoining community, and an evergreen buffer is also proposed to provide additional screening. To the east, existing woods and a proposed evergreen buffer will provide screening from adjoining residences (a graphic has been provided that illustrates the profile view from Sublett Court). This evergreen buffer will be expanded beyond the minimum width required by the City to provide additional vegetative screening. HVAC units and stormwater management features will be screened from view from the public right-of-way.

Traffic and Pedestrian Connectivity

A Traffic Impact Study & Turn Lane Warrant Analysis was conducted for the development, and has been reviewed and approved by VDOT. Based on the analysis, no appreciable impacts are caused by traffic associated with the construction of the 50-unit townhouse development. A left turn lane warrant is met for the PM peak period at the new entrance. Therefore, an eastbound left turn lane on Laxton Road is recommended. Although right turn lane warrants were not met for either the AM or the PM peak at the new entrance, a right turn taper is recommended to enhance safety and allow right-turning vehicles to get out of the continuous right turn lane adjacent to the site.

A new sidewalk is proposed adjacent to Laxton Road, which will connect to the existing sidewalk along Enterprise Drive. In addition, a sidewalk/steps are proposed to directly connect the development to the Enterprise Drive sidewalk. This will allow for pedestrian connectivity to Enterprise Drive and the Wyndhurst Community.

COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
4219 CAMPBELL AVENUE
LYNCHBURG, VIRGINIA 24501

STEPHEN C. BRICH, P.E.
COMMISSIONER

October 16, 2018

Andy Klepac, PE
Hurt & Proffitt Inc.
2524 Langhorne Rd
Lynchburg, VA 25501

RE: Laxton Ridge Town House Development - Traffic Impact Study & Turn Lane Warrant Analysis
Signed and sealed by P. Scott Beasley, P.E., LEED, AP on 10/3/2018

Dear Mr Klepac:

VDOT finds the information provided in the Traffic Impact Statement dated July 2018(revised October 2018), and received October 3, 2018, acceptable. However, proposed design details within the report cannot be recommended for approval until such time as an application for an Access Management Exception is reviewed, along with the appropriate engineering plan.

I hope this provides you the information you need for your rezoning. We look forward to working with your team once the project moves toward design.

Should you have any further questions or need additional guidance, please let me know.

Sincerely,

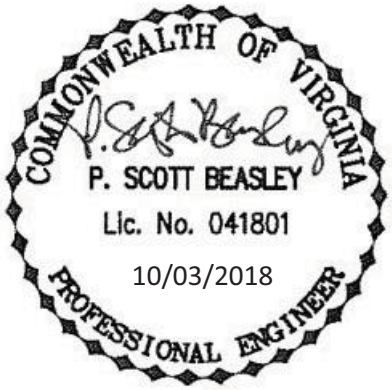
Kimberly R. McMahan

Kimberly R. McMahan, P.E.
Area Land Use Engineer
VDOT-Lynchburg District
Appomattox Residency
Office 434-352-6693
Cell 434-942-2168

Traffic Impact Study & Turn Lane Warrant Analysis
For
Laxton Ridge Townhouse Development

Laxton Road – Campbell County/Lynchburg, Virginia

Submitted to:
VDOT – Lynchburg District Office



Submitted by:

P. Scott Beasley, PE, LEED AP
Sr. Project Manager

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EXECUTIVE SUMMARY

Hurt & Proffitt, Inc. conducted a Traffic Impact Analysis (TIS) for the proposed Laxton Ridge Townhouse Development. The proposed residential development consists of 50 townhouse units (ITE Land Use #220) to be constructed in one phase. It will be located in the northeast corner of the intersection of Laxton Road and Enterprise Drive. One entrance, located east of the intersection, is proposed.

The main purpose of the study was to determine what the impacts of the development are on the local street network and if any improvements are recommended. The study was conducted using Synchro version 9, which utilizes the methodology and standards contained in the 2000 update to the 1998 "Highway Capacity Manual" published by the Transportation Research Board. A more recent version of Synchro is available (Synchro 10). Synchro 10 uses the most recent edition of the "Highway Capacity Manual," which is the 6th edition, published in 2017. Because the development generates a small amount of trips (22 vehicles in the AM peak and 26 vehicles in the PM peak), and because we are interested only in the relative impact of those trips (comparison of capacity/delay before and after the trips are added), changing the methodology from HCM 2000 to HCM 2017 would not likely change the relative impact. While Hurt & Proffitt is currently investigating the acquisition of Synchro 10, VDOT has indicated that the use of Synchro 9 is acceptable for this study.

Based on the analysis, no appreciable impacts are caused by traffic associated with the construction of the 50-unit townhouse development. A left turn lane warrant is met for the PM peak period at the new entrance. Therefore, an eastbound left turn lane on Laxton Road is recommended. To maximize the storage for the new left turn lane, the existing taper for the WB left turn lane at the Laxton Road/Enterprise Drive intersection could be shortened to 50 feet. This would provide approximately 90 feet of left turn storage for vehicles entering the new development. Although right turn lane warrants were not met for either the AM or the PM peak at the new entrance, a right turn taper is recommended to allow right-turning vehicles to get out of the continuous right turn lane adjacent to the site. A conceptual plan showing the recommended improvements is attached to this report.

1. INTRODUCTION

1.1. Site Location and Study Area

The development is proposed to be constructed in the northeast corner of the intersection of Laxton Road and Enterprise Drive. One access point will be provided on Laxton Road, approximately 315 feet east of the intersection, measured from the stop bar of the eastbound approach. The development site is located primarily in the City of Lynchburg, Virginia but access to the site is provided through Campbell County. Hurt & Proffitt, Inc. conducted field observations on July 10-11, 2018 and subsequently performed capacity analyses to determine the existing traffic conditions at the following intersections:

- Laxton Road (Route 1520) and Enterprise Drive (Route 1415)

1.2. Existing Roadways

Laxton Road (State Route 1520)

Laxton Road is a four-lane minor arterial on the east side of its intersection with Enterprise Drive. On the west side of the intersection the roadway is a two-lane local street. The posted speed limit is 35 mph in the study area and the roadway is under the Virginia Department of Transportation's jurisdiction.

Enterprise Drive (State Route 1415)

Enterprise Drive is a four lane divided roadway in the study area. On the north side of its intersection with Laxton Road, it is classified as a minor arterial. The intersection of Enterprise Drive and Laxton Road is signalized. The posted speed limit is 35 mph in the study area and the roadway is under the Virginia Department of Transportation's jurisdiction.

1.3. Proposed Entrance Location

The proposed entrance to the Laxton Ridge Townhouse Development is located on Laxton Road, east of its intersection with Enterprise Drive. It is adjacent to a continuous right turn lane (WB right turn lane at the intersection of Laxton Road and Enterprise Drive). The proposed entrance is currently an access drive serving two City of Lynchburg properties. The centerline to centerline distance from Enterprise Drive to the proposed entrance is approximately 405 feet. The minimum spacing for a commercial entrance to a full access on a minor arterial is 470 feet (see Table 2-2 on page F-26 in Appendix F of the VDOT Road Design Manual). Therefore, an access management exception will be required for the proposed entrance.

Sight distance at the proposed entrance was observed on October 3, 2018. The sight distance to the left exceeds the minimum required sight distance for a 3-Lane or 4-Lane Major Road with a 35 mph speed limit (required sight distance = 415 feet). Sight distance to the left was estimated to exceed 1,500 feet. The sight distance to the right exceeds the distance to the intersection with Enterprise Drive, which is the limiting measurement, though the actual sight distance along Laxton Road exceeds the minimum required sight distance for a 3-Lane or 4-Lane Major Road with a 35 mph

speed limit (440 feet). Sight distance to the right was estimated to exceed 650 feet. See **Photos 1 and 2** below for a view of the sight distance in each direction. Note that sight distance to the right will be improved when the required sidewalk is constructed along the north side of the road by removing the existing overhanging vegetation.

Photo 1: Sight Distance to the Left

Photo 2: Sight Distance to the Right

1.4. Crash Data

See the Appendix for the most recent available FR300 Police crash reports and Crash Summary report from June 1, 2013 to May 31, 2018.

2. ANALYSIS OF EXISTING CONDITIONS

2.1. Peak Hour Traffic Volumes

Hurt & Proffitt conducted field observation and manual turning movement traffic counts on July 10, 2018 from 7:00 AM to 9:00 AM and on July 11, 2018 from 4:00 PM to 6:00 PM at the following intersections:

1. Laxton Road (Route 1520) and Enterprise Drive (Route 1415)

In addition to the turning movement counts, general information was collected on roadway geometrics, signal phasing and traffic flow characteristics. A review of the existing traffic count data indicated the AM and PM peak periods were as follows:

1. Laxton Road (Route 1520) and Enterprise Drive (Route 1415)
   - AM Peak Hour: 7:30 to 8:30 AM
   - PM Peak Hour: 5:00 to 6:00 PM

Existing AM and PM peak period traffic volumes are illustrated in **Figure 1** and **Figure 2**. The raw count data is provided in the **Appendix**.

2.2. Existing Conditions Capacity Analyses

Synchro/SimTraffic 9 software was used to determine Level of Service (LOS) and delay in seconds at each of the intersections in the study area using existing intersection geometric data and collected turning movement counts. **Table 1** below summarizes the results of the capacity analysis. Copies of the capacity analyses are provided in the **Appendix**.

Table 1. Existing Conditions

Intersection	Peak Hour	Northbound		Southbound		Eastbound		Westbound	
		LOS	Delay (sec.)	LOS	Delay (sec.)	LOS	Delay (sec.)	LOS	Delay (sec.)
1. Laxton Rd & Enterprise Dr	AM	C	22.6	C	21.1	B	16.6	A	5.6
	PM	C	32.0	C	30.7	B	18.5	B	15.0

3. ANALYSIS OF FUTURE CONDITIONS WITHOUT DEVELOPMENT (NO-BUILD)

3.1. Future (2023) No-Build Peak Hour Traffic Volumes

It is assumed that the development will be completed within the next two years. However, for purposes of this study, a five (5) year build out period was used. Thus, the future conditions analyses (both No-Build and Build Conditions) take place in the year 2023. To determine No-Build volumes, a growth rate of 2.0% per year, compounded, was applied to the existing conditions (2018) traffic volumes.

A growth factor of 1.104 [$(1 + 0.02)^5 = 1.104$] was used in the Synchro program input to generate the future no-build traffic volumes.

Figure 3 and **Figure 4** illustrate the 2023 No-Build AM and PM peak traffic volumes.

3.2. Future (2023) No-Build Capacity Analyses

Synchro/SimTraffic 9 software was also used to determine Level of Service (LOS) and delay in seconds at each of the intersections in the study area using existing intersection geometric data and the calculated 2023 No-Build AM and PM peak period traffic volumes. **Table 2** below summarizes the results of the capacity analysis. Copies of the capacity analyses are provided in the **Appendix**.

Table 2. 2023 No-Build Conditions

Intersection	Peak Hour	Northbound		Southbound		Eastbound		Westbound	
		LOS	Delay (sec.)	LOS	Delay (sec.)	LOS	Delay (sec.)	LOS	Delay (sec.)
1. Laxton Rd & Enterprise Dr	AM	C	23.3	C	22.5	B	18.0	A	7.1
	PM	C	32.7	D	39.9	B	19.5	B	17.0

The analyses indicate that the intersection is operating at an acceptable level of service in both the AM and the PM peak period. However, compared to existing conditions (2018), delays have increased one or two seconds on all approaches except for the southbound approach during the PM peak, which sees a 9.2 second increase.

4. TRIP GENERATION

The proposed Laxton Ridge Townhouse Development consists of a 50-unit townhouse development [ITE Land Use #220 Multifamily Housing (Low-Rise)]. The development will be built in one phase. The estimated number of trips generated by the development were determined using the ITE Trip Generation Manual, 10th edition. The proposed residential development will generate 366 daily trip ends with 23 occurring during the AM peak hour and 26 during the PM peak hour. **Table 3** provides a summary.

Table 3. Trip Generation Summary – Laxton Ridge Townhouse Development

Period	Rate	Total Trip Ends	Entering		Exiting	
			Percent	Trips	Percent	Trips
Multifamily Housing (Low-Rise) (ITE Land Use #220), 50 Units						
Weekday	7.32/d.u.	366	50	**183**	50	**183**
Weekday AM Peak Hour	0.46/d.u.	23	23	**5**	77	**18**
Weekday PM Peak Hour	0.56/d.u.	28	63	**18**	37	**10**

5. SITE TRAFFIC DISTRIBUTION AND TRAFFIC ASSIGNMENT

The projected trip generation traffic volumes were distributed to the roadway network in accordance with the arrival/departure percentages shown in Table 4 below. These percentages are based on the actual volumes counted on each approach to the intersection. The trips were distributed to the proposed development using the most logical paths. The trip generation volumes were then combined with the 2023 No-Build traffic volumes to generate the 2028 Build Condition traffic volumes. **Figure 5** and **Figure 6** illustrate the 2023 Build Condition AM and PM peak traffic volumes.

Table 4. Arrival/Departure Percentages

To/From	Roadway	Percent (AM/PM)
North	Enterprise Drive	37/44%
South	Enterprise Drive	26/31%
East	Laxton Road	23/13%
West	Laxton Road	14/12%
	Total	**100/100%**

Using the preceding distribution, the trips shown in Table 3 above can be distributed to the proposed entrance as follows:

AM Peak: Left Turns In = 4, Right Turns In = 1, Left Turns Out = 4, Right Turns Out = 14
PM Peak: Left Turns In = 12, Right Turns In = 5, Left Turns Out = 1, Right Turns Out = 9

6. ANALYSIS OF FUTURE CONDITIONS WITH DEVELOPMENT

6.1. Future (2023) Build Condition Peak Hour Traffic Volumes

The 2023 Build Condition AM and PM traffic volumes are shown in **Figure 5** and **Figure 6**. The projected traffic volumes were assigned to the roadway network in accordance with the procedures described in the previous section of the report.

6.2. Future (2023) Build Condition Capacity Analyses

Synchro/SimTraffic 9 software was also used to determine Level of Service (LOS) and delay in seconds at each of the intersections in the study area using existing intersection geometric data and the calculated 2023 Build Condition AM and PM peak period traffic volumes. **Table 5** below summarizes the results of the capacity analysis. Copies of the capacity analyses are provided in the **Appendix**. Note that

Table 5. 2023 Build Conditions

Intersection	Peak Hour	Northbound		Southbound		Eastbound		Westbound	
		LOS	Delay (sec.)	LOS	Delay (sec.)	LOS	Delay (sec.)	LOS	Delay (sec.)
1. Laxton Rd & Enterprise Dr	AM	C	23.4	C	22.8	B	17.9	A	7.4
	PM	C	32.6	D	41.4	B	19.5	B	17.1
2. Laxton Rd & Site Entrance	AM	--	--	B	11.9	A	8.1	--	--
	PM	--	--	C	19.1	A	9.5	--	--

- **Laxton Road & Enterprise Drive:** When site generated trips are added, this intersection experiences a minor increase in delay in the southbound movement during the PM peak. Level of service remains the same for all approaches in both the AM and PM peak periods.
- **Laxton Road & Site Entrance:** The eastbound left turn operates at LOS A during the AM and PM peaks and the southbound approach operates at LOS B during the AM peak and LOS C during the PM peak.

6.3. Queue Lengths

SimTraffic 9 was used to model the operation of the road network to obtain queue lengths for both of the study intersections. Queue lengths are summarized in **Table 6** below. Results of the analysis indicate that queues from the WB approach to the intersection of Laxton Road and Enterprise Drive do not extend to the proposed entrance. Westbound left turn storage at the intersection is significantly underutilized. Further, queues on the EB approach to~~to~~ the proposed entrance are significantly less than the available storage.

Table 6. 2023 Build Conditions – Queue Lengths (in feet)

Intersection	Peak Hour	Eastbound L		Westbound L		Westbound T		Westbound R	
		95th	Storage	95th	Storage	95th	Storage	95th	Storage
1. Laxton Rd & Enterprise Dr	AM	--	--	17	150	64	323	145	323
	PM	--	--	26	150	150	323	214	323
2. Laxton Rd & Site Entrance	AM	11	90	--	--	--	--	--	--
	PM	38	90	--	--	--	--	--	--

7. TURN LANE WARRANTS

A turn lane warrant analysis was conducted to determine if turn lanes should be constructed for left and right turning vehicles at the proposed entrance to the development. Using turning movement counts conducted at the intersection of Laxton Road and Enterprise Drive on July 10/11, 2018, the peak hour roadway volumes were determined. Laxton Road has an AM peak traffic count of 702 vehicles (390 EB, 312 WB) and a PM peak traffic count of 1,119 vehicles (488 EB, 631 WB). The roadway volumes were projected to the future analysis year, 2023, and used in the turn lane warrant analyses along with the trips generated by the new development. See **Table 7** for a summary of the volumes used in the analysis. The existing volumes were projected forward to the year 2023 using a growth rate of 2%/year, compounded [$(1 + 0.02)^5 = 1.104$], as described in a previous section of this report.

Table 7. Warrant Volume Summary

	Laxton Rd – Westbound			Laxton Rd - Eastbound		
Peak Period	**Existing**	**Projected**	**Right Turns In**	**Existing**	**Projected**	**Left Turns In**
AM Peak	312	343	1	390	429	4
PM Peak	631	694	2	488	537	16

7.1. Warrant for Left Turn Lane on Four-Lane Highways

Using the methodology on page F-57 (Figure 3-3) in Appendix F of the VDOT Road Design Manual, the left turns and opposing volumes were plotted on a left turn warrant graph (see **Figure 7**).

AM Peak

Left turning volume = 4, Opposing volume = 344. The left turn lane warrant is not met in the AM period (see attached figure)

PM Peak

Left turning volume = 16, Opposing volume = 696. The left turn lane warrant appears to be met for the PM peak period.

7.2. Warrant for Right Turn Lane on Four-Lane Highways

Using the methodology on page F-80 (Figure 3-27) in Appendix F of the VDOT Road Design Manual, the right turns and approach volumes were plotted on a right turn warrant graph (see **Figure 8**).

AM Peak

With a total approach volume of 344 and a right turn volume of 1, no turn lanes or tapers are required.

PM Peak

With a total approach volume of 696 and a right turn volume of 2, no turn lanes or tapers are required.

8. RECOMMENDED IMPROVEMENTS

8.1. Proposed Improvements

No adverse impacts are caused by the traffic generated by the proposed development. Therefore, no improvements are required. The turn lane analyses indicate a left turn lane warrant is met for the PM peak period. Right turn lane warrants are not met for either the AM or the PM peak at the new entrance. However, it is recommended that a right turn taper is provided to allow right-turning vehicles to get out of the continuous right turn lane adjacent to the site. Further, an eastbound left turn lane on Laxton Road is recommended for vehicles entering the development.

The minimum recommended storage length for a left turn lane is 100 feet. Typical turn lane tapers are also a minimum of 100 feet. The existing westbound turn lane on Laxton Road measures approximately 150 feet with a taper length of 75 feet. However, the distance between the stop bar for the westbound left turn lane at Enterprise Drive and the proposed entrance is roughly 290 feet, which leaves only 65 feet of storage for the new turn lane if the 75-foot taper is shared. Based on the queueing analysis, a 65-foot turn lane and 75-foot taper is adequate. However, it is recommended that the existing westbound 75-foot turn lane taper be shortened to 50 feet and shared with the eastbound turn lane to maximize the storage lengths for both turn lanes. This results in a 150-foot turn lane with a 50-foot taper for the westbound left turn lane and a 50-foot taper and a 90-foot turn lane for the eastbound turn lane. Queuing analysis supports this recommendation. A conceptual plan showing the recommended turn lane improvements is attached to this report.

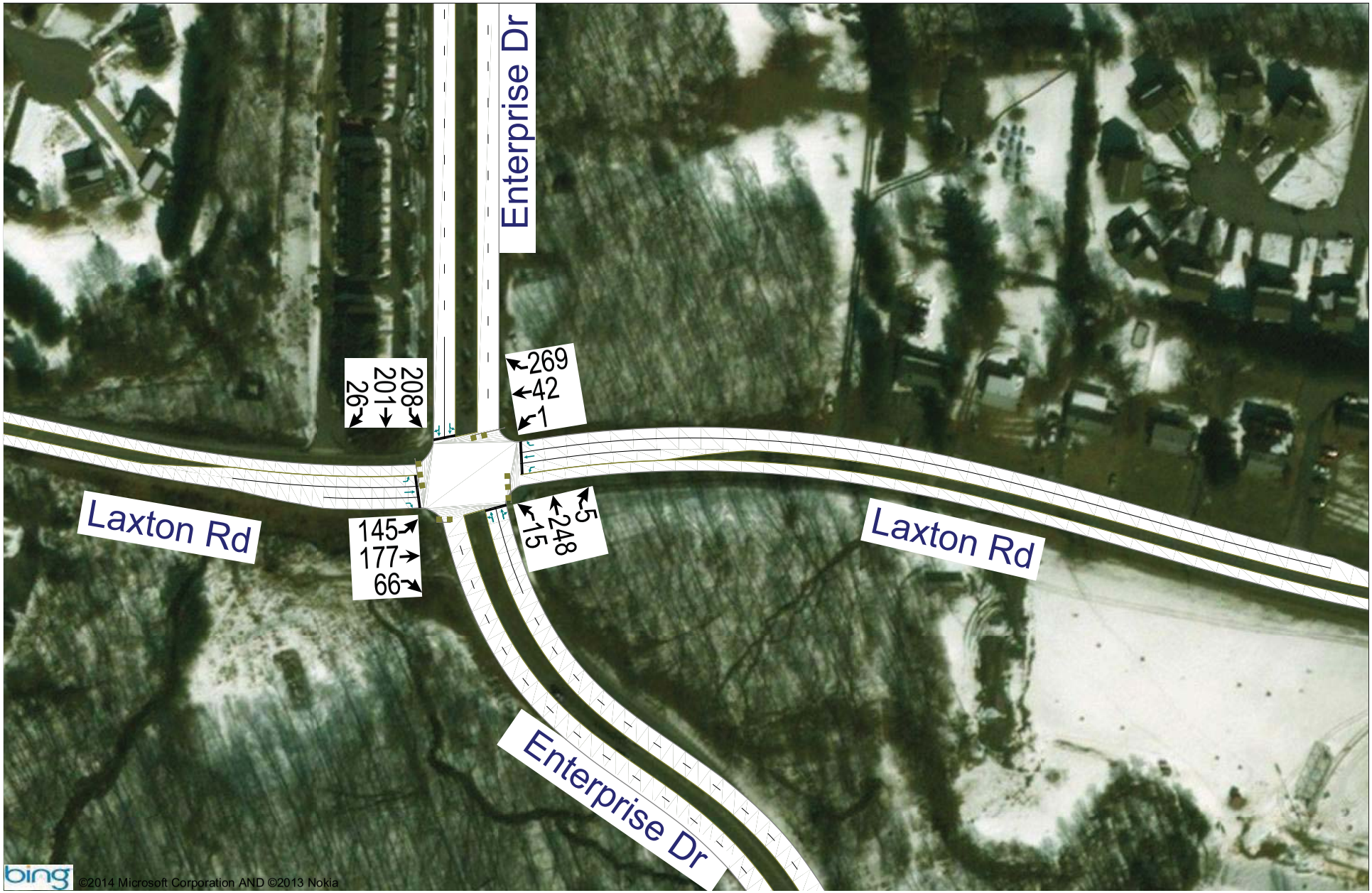
The addition of the eastbound left turn lane and shortening of the taper length will require eradication of the existing pavement markings. This work can be addressed during the site design phase of the project.

REPORT FIGURES

Figure 1

Map - Existing Conditions - AM Peak Volumes

07/18/2018



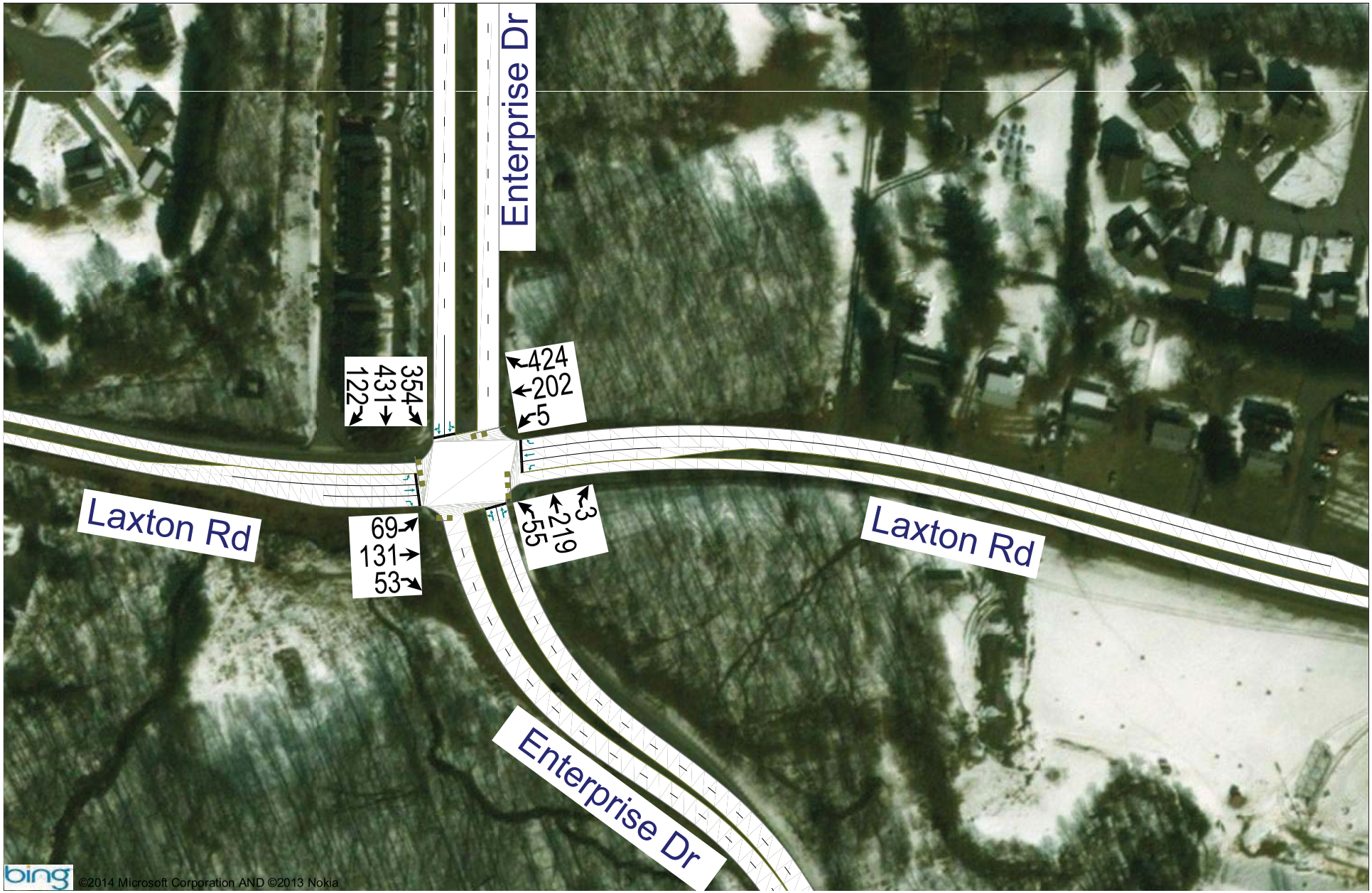
Existing Conditions - AM Peak Baseline

\\data01\projects\2018\20180700\Engineering\Traffic\Analysis\Existing AM Peak.syn

Figure 2

Map - Existing Conditions - PM Peak Volumes

07/18/2018



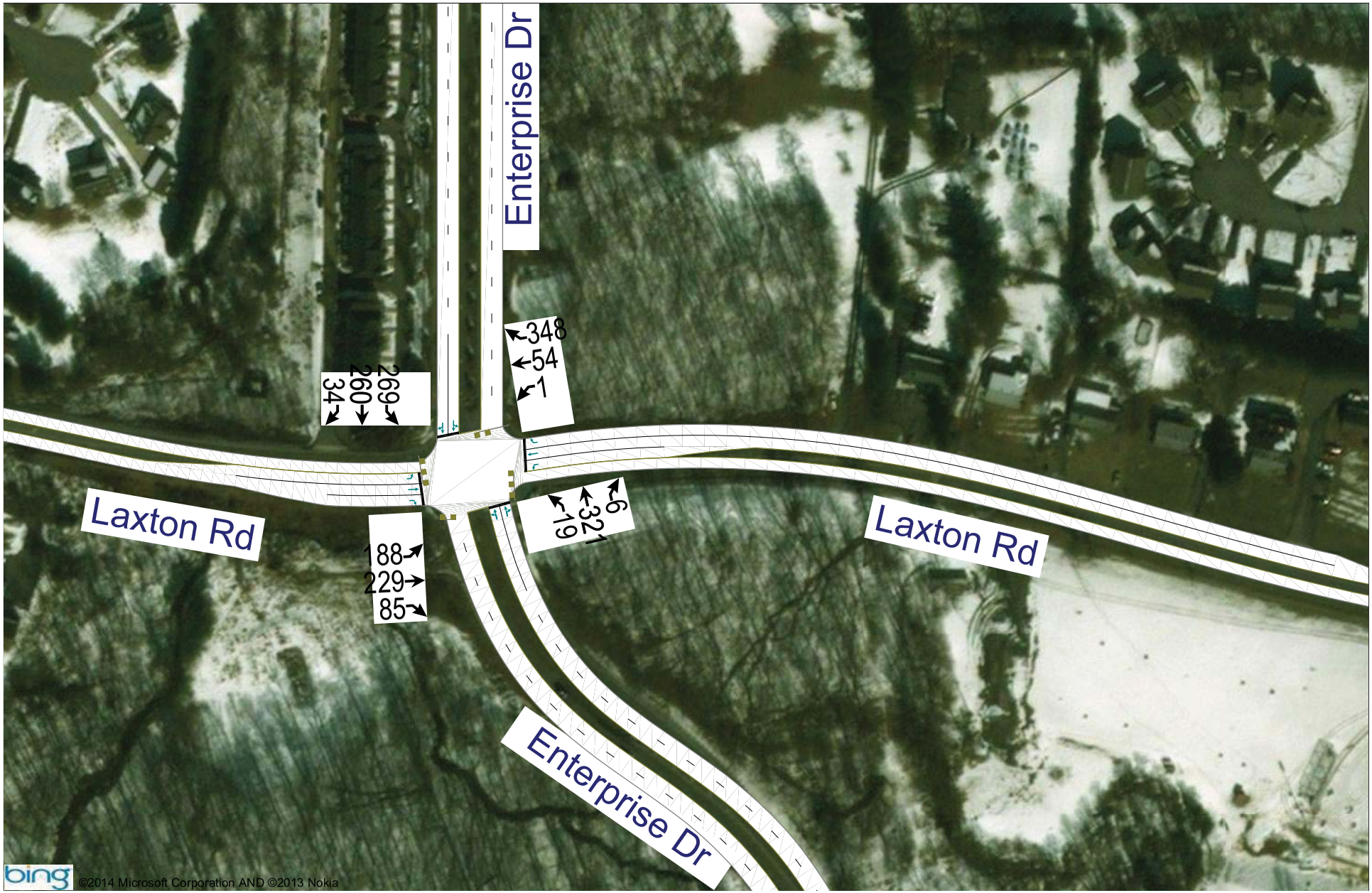
Existing Conditions - PM Peak Baseline

\\data01\projects\2018\20180700\Engineering\Traffic\Analysis\Existing PM Peak.syn

Figure 3

Map - 2023 No-Build Condition - AM Peak

07/18/2018



2023 No-Build Condition - AM Peak 2023 No-Build AM

\\data01\projects\2018\20180700\Engineering\Traffic\Analysis\2023 NB - AM Peak.syn

Figure 4

Map - 2023 No-Build Condition - PM Peak

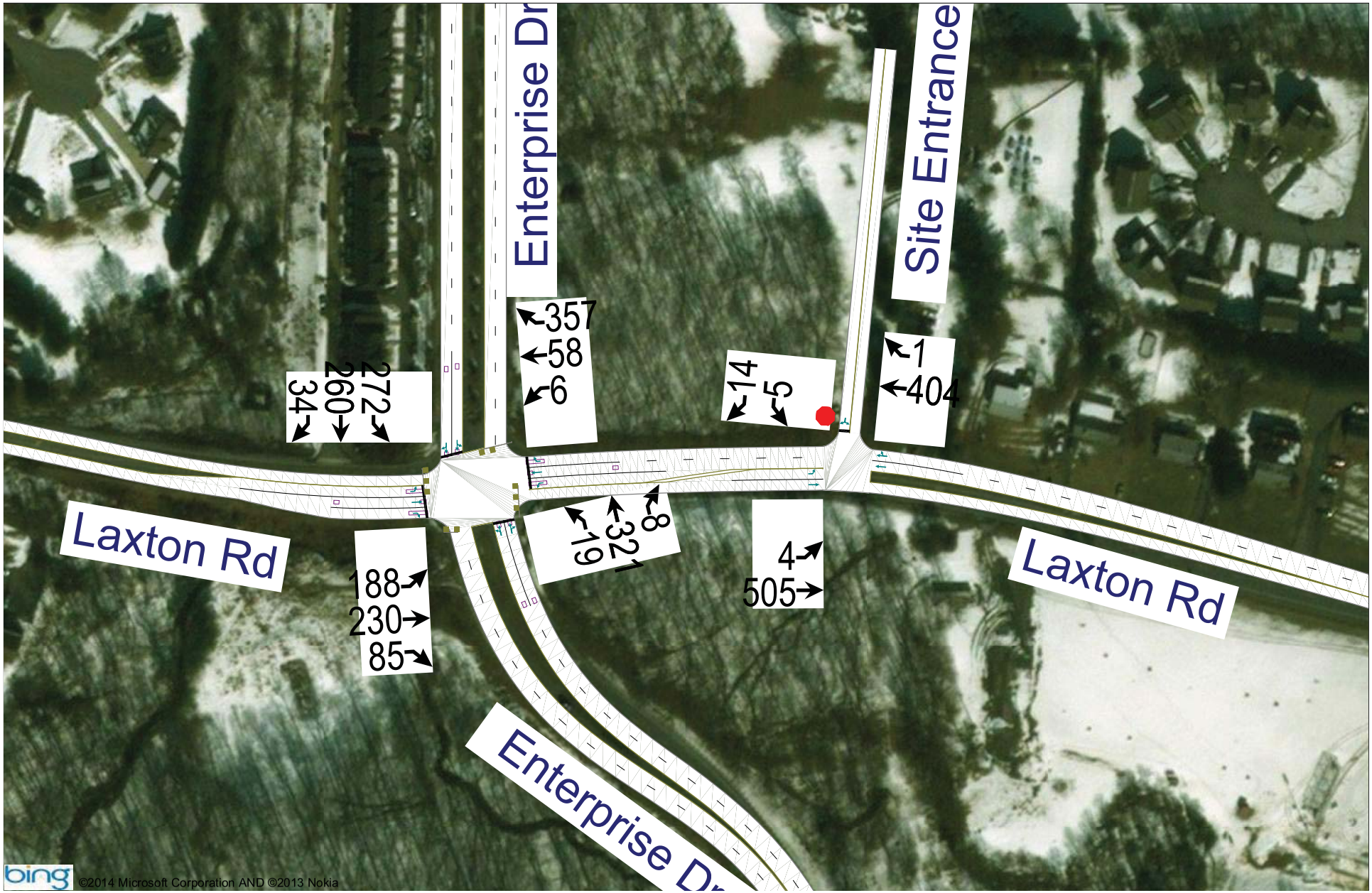
07/18/2018

2023 No-Build Condition - PM Peak 2023 No-Build - PM Peak **\\data01\projects\2018\20180700\Engineering\Traffic\Analysis\2023 NB - PM Peak.syn**

Figure 5

Map - 2023 Build Condition - AM Peak

08/24/2018

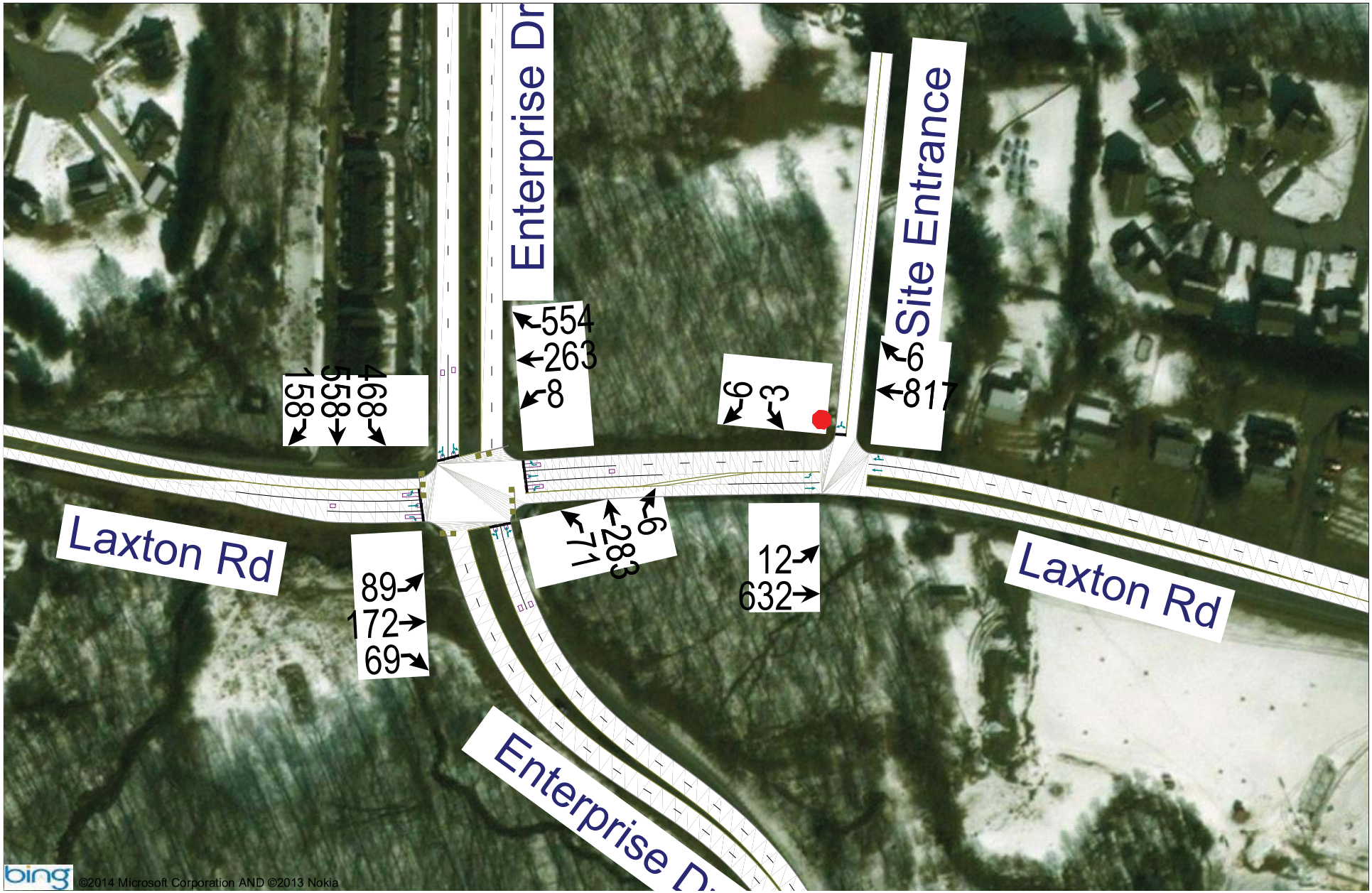


2023 Build Condition - AM Peak 2023 Build - AM\Data01\projects\2018\20180700\Engineering\Traffic\08-24-2018 Update\Analysis\TIA - AM-08242018 Update.syn

Figure 6

Map - 2023 Build Condition - PM Peak

08/24/2018



2023 Build Condition - PM Peak 2023 Build Condition - PM Peak

\\Data01\Projects\2018\20180700\Engineering\Traffic\08-24-2018 Update\Analysis\TIA - PM-08242018 Update.syn

Figure 7

Warrants for Left Turn Storage Lanes on Four-Lane Highways

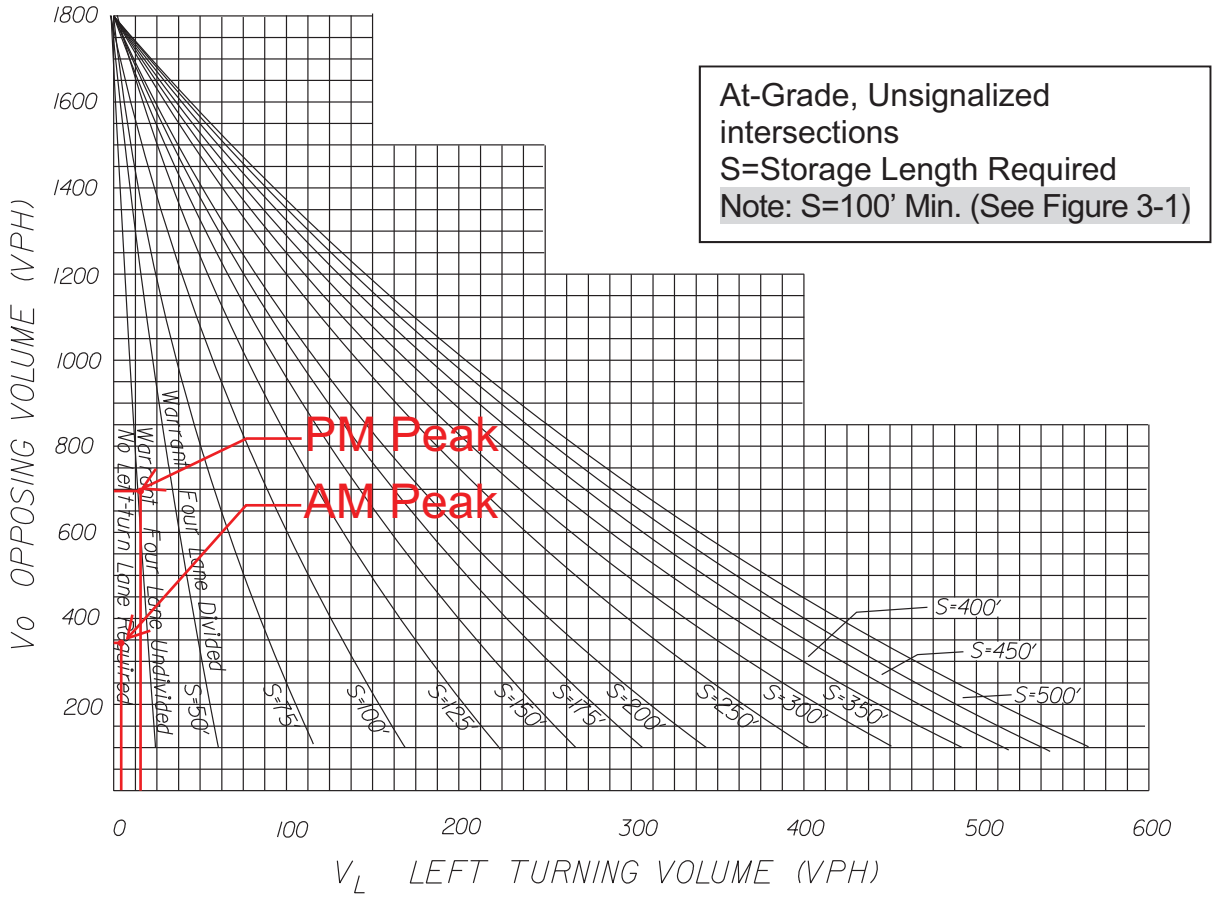


FIGURE 3-3 WARRANTS FOR LEFT TURN STORAGE LANES ON FOUR-LANE HIGHWAYS*

Figure 3-3 was derived from *Highway Research Report No. 211*.

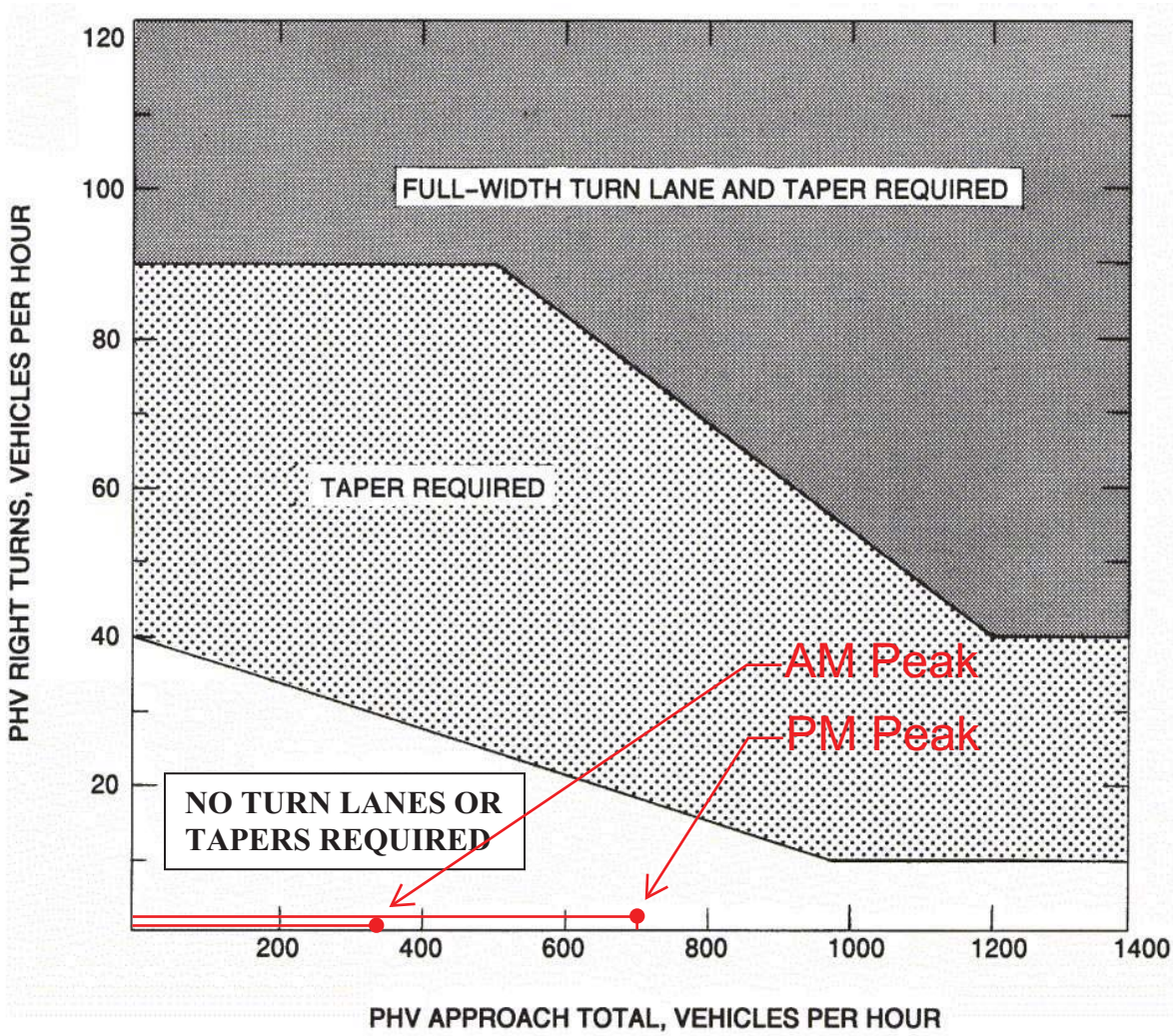
Opposing volume and left turning volume in vehicles per hour (VPH) are used for left turn storage lane warrants on four-lane highways.

For plan detail requirements when curb and/or gutter are used, see VDOT's *Road Design Manual*, Section 2E-3 on the VDOT web site: *http://www.virginiadot.org/business/locdes/rdmanual-index.asp*.

Left-turn lanes shall also be established on two-lane highways where traffic volumes are high enough to warrant them.

* Rev. 1/18

Figure 8



Appropriate Radius required at all Intersections and Entrances (Commercial or Private).

LEGEND

PHV- - Peak Hour Volume (also Design Hourly Volume equivalent)

Adjustment for Right Turns

If PHV is not known use formula: PHV = ADT x K x D

K = the percent of AADT occurring in the peak hour
D = the percent of traffic in the peak direction of flow

Note: An average of 11% for K x D will suffice.

When right turn facilities are warranted, see Figure 3-1 for design criteria.*

FIGURE 3-27 WARRANTS FOR RIGHT TURN TREATMENT (4-LANE HIGHWAY)

* Rev. 1/15

APPENDIX

HURT & PROFFITT
2524 Langhorne Rd
Lynchburg, VA 24503
(434) 847-7796

File Name: Enterprise Dr/Laxton Rd
Site Code: Laxton Ridge Townl
Start Date: 7/10/2018
Page No: 1

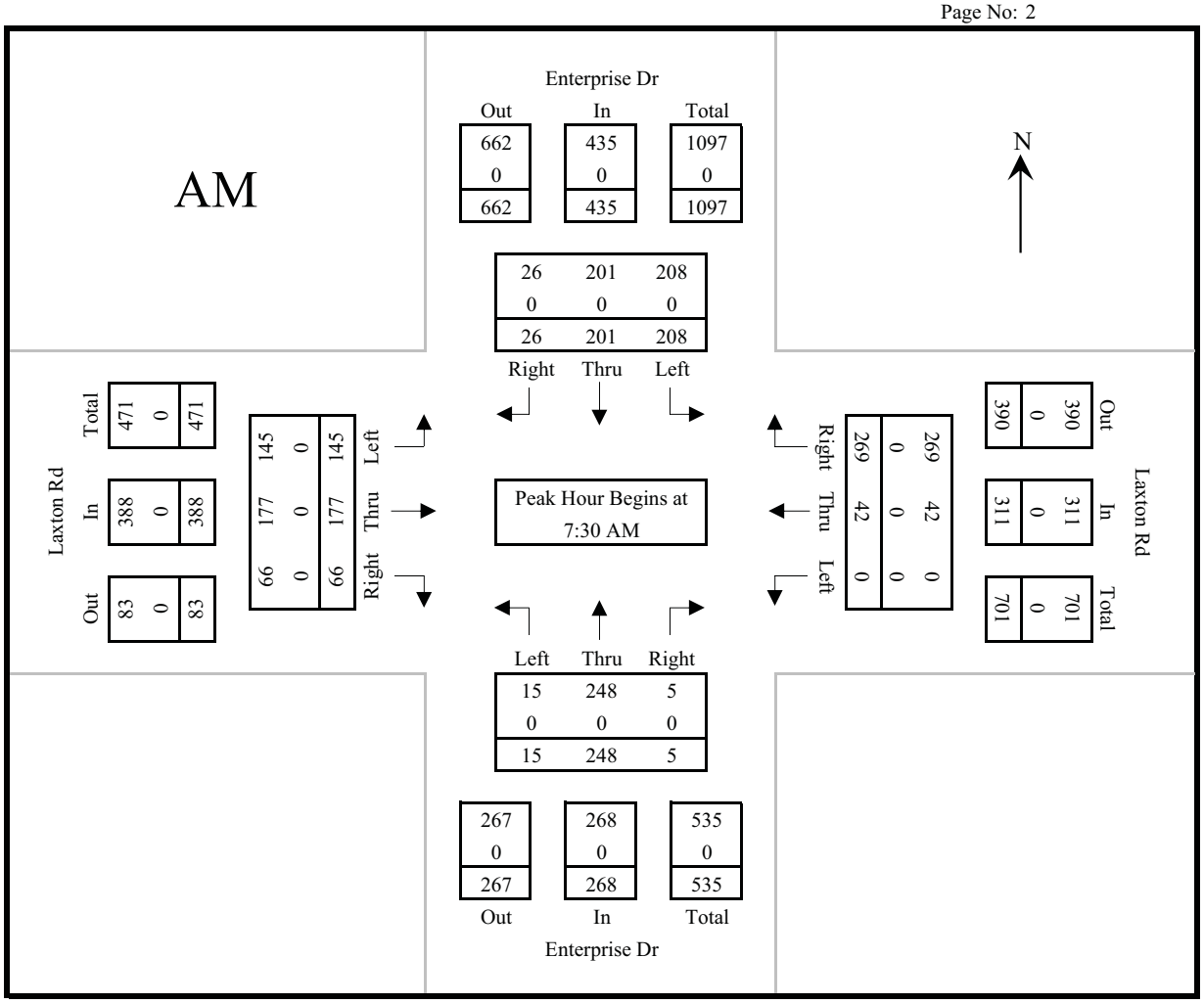
Groups Printed - Vehicles-Trucks

	Enterprise Dr Southbound				Laxton Rd Westbound				Enterprise Dr Northbound				Laxton Rd Eastbound				
Start Time	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Int. Total
7:00 AM	44	37	4	85	1	6	46	53	4	37	0	41	10	27	8	45	224
7:15 AM	54	31	4	89	0	10	44	54	2	39	1	42	28	32	9	69	254
7:30 AM	51	44	10	105	0	8	64	72	3	62	0	65	35	55	18	108	350
7:45 AM	63	64	2	129	0	10	87	97	1	66	0	67	52	45	19	116	409
Total	212	176	20	408	1	34	241	276	10	204	1	215	125	159	54	338	1237
8:00 AM	53	47	10	110	0	13	48	61	5	59	3	67	25	34	19	78	316
8:15 AM	41	46	4	91	0	11	70	81	6	61	2	69	33	43	10	86	327
8:30 AM	60	35	8	103	2	22	69	93	5	51	0	56	24	32	8	64	316
8:45 AM	59	45	8	112	0	17	94	111	4	53	0	57	15	46	13	74	354
Total	213	173	30	416	2	63	281	346	20	224	5	249	97	155	50	302	1313
BREAK																	
4:00 PM	88	79	22	189	2	46	88	136	8	40	3	51	16	23	8	47	423
4:15 PM	69	73	29	171	0	44	94	138	9	63	0	72	17	24	8	49	430
4:30 PM	64	80	27	171	0	42	87	129	9	33	1	43	21	29	6	56	399
4:45 PM	70	70	24	164	1	56	112	169	9	58	1	68	18	29	14	61	462
Total	291	302	102	695	3	188	381	572	35	194	5	234	72	105	36	213	1714
5:00 PM	106	127	22	255	2	45	101	148	9	63	1	73	16	36	9	61	537
5:15 PM	91	111	40	242	2	61	114	177	15	47	1	63	18	25	14	57	539
5:30 PM	82	87	33	202	1	49	110	160	20	65	0	85	19	30	15	64	511
5:45 PM	75	106	27	208	0	47	99	146	11	44	1	56	16	40	15	71	481
Total	354	431	122	907	5	202	424	631	55	219	3	277	69	131	53	253	2068
Grand Total	1070	1082	274	2426	11	487	1327	1825	120	841	14	975	363	550	193	1106	6332
Approach %	44.1	44.6	11.3		0.6	26.7	72.7		12.3	86.3	1.4		32.8	49.7	17.5		
Total %	16.9	17.1	4.3		0.2	7.7	21.0		1.9	13.3	0.2		5.7	8.7	3.0		
Vehicles	1070	1082	274	2426	11	487	1327	1825	120	841	14	975	363	550	193	1106	6332
%Vehicles	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Trucks	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
%Trucks																	

HURT & PROFFITT

2524 Langhorne Rd
Lynchburg, VA 24503
(434) 847-7796

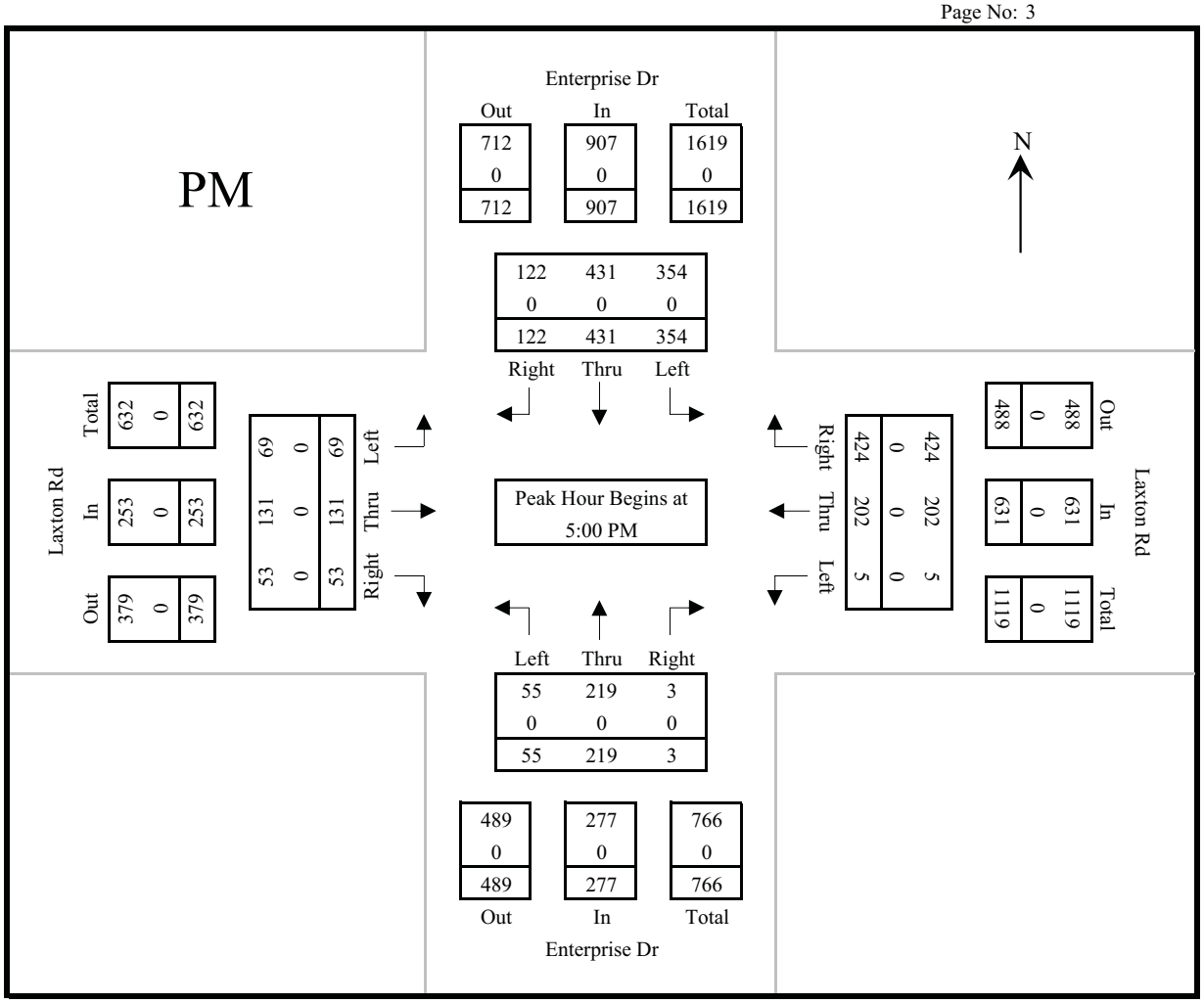
File Name: Enterprise Dr/Laxton Rd
Site Code: Laxton Ridge Townl
Start Date: 7/10/2018
Page No: 2



	Enterprise Dr Southbound				Laxton Rd Westbound				Enterprise Dr Northbound				Laxton Rd Eastbound				
Start Time	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Int. Total
Peak Hour Analysis From 7:00 AM to 11:45 AM - Peak 1 of 1																	
Peak Hour for Entire Intersection Begins at 7:30 AM																	
7:30 AM	51	44	10	105	0	8	64	72	3	62	0	65	35	55	18	108	350
7:45 AM	63	64	2	129	0	10	87	97	1	66	0	67	52	45	19	116	409
8:00 AM	53	47	10	110	0	13	48	61	5	59	3	67	25	34	19	78	316
8:15 AM	41	46	4	91	0	11	70	81	6	61	2	69	33	43	10	86	327
Total Volume	208	201	26	435	0	42	269	311	15	248	5	268	145	177	66	388	1402
% App Total	47.8	46.2	6.0			13.5	86.5		5.6	92.5	1.9		37.4	45.6	17.0		
PHF	0.825	0.785	0.650	0.843		0.808	0.773	0.802	0.625	0.939	0.417	0.971	0.697	0.805	0.868	0.836	0.857
Vehicles	208	201	26	435	0	42	269	311	15	248	5	268	145	177	66	388	1402
%Vehicles	100.0	100.0	100.0	100.0		100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Trucks	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
% Trucks																	

HURT & PROFFITT
2524 Langhorne Rd
Lynchburg, VA 24503
(434) 847-7796

File Name: Enterprise Dr/Laxton Rd
Site Code: Laxton Ridge Townl
Start Date: 7/10/2018
Page No: 3



	Enterprise Dr Southbound				Laxton Rd Westbound				Enterprise Dr Northbound				Laxton Rd Eastbound				
Start Time	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Int. Total
Peak Hour Analysis From 12:00 PM to 5:45 PM - Peak 1 of 1																	
Peak Hour for Entire Intersection Begins at 5:00 PM																	
5:00 PM	106	127	22	255	2	45	101	148	9	63	1	73	16	36	9	61	537
5:15 PM	91	111	40	242	2	61	114	177	15	47	1	63	18	25	14	57	539
5:30 PM	82	87	33	202	1	49	110	160	20	65	0	85	19	30	15	64	511
5:45 PM	75	106	27	208	0	47	99	146	11	44	1	56	16	40	15	71	481
Total Volume	354	431	122	907	5	202	424	631	55	219	3	277	69	131	53	253	2068
% App Total	39.0	47.5	13.5		0.8	32.0	67.2		19.9	79.1	1.1		27.3	51.8	20.9		
PHF	0.835	0.848	0.763	0.889	0.625	0.828	0.930	0.891	0.688	0.842	0.750	0.815	0.908	0.819	0.883	0.891	0.959
Vehicles	354	431	122	907	5	202	424	631	55	219	3	277	69	131	53	253	2068
%Vehicles	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Trucks	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
% Trucks																	

Lanes, Volumes, Timings
3: Enterprise Dr & Laxton Rd

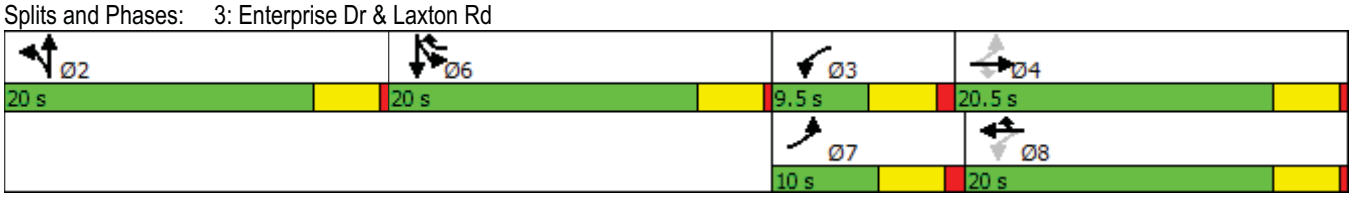
07/13/2018

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	145	177	66	1	42	269	15	248	5	208	201	26
Future Volume (vph)	145	177	66	1	42	269	15	248	5	208	201	26
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	200		100	150		900	150		150	150		150
Storage Lanes	1		1	1		1	0		0	0		0
Taper Length (ft)	100			100			25			25		
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	0.95	0.95	0.95	0.95	0.95	0.95
Frt			0.850			0.850		0.997			0.991	
Flt Protected	0.950			0.950				0.997			0.977	
Satd. Flow (prot)	1770	1863	1583	1770	1863	1583	0	3518	0	0	3427	0
Flt Permitted	0.561			0.628				0.997			0.977	
Satd. Flow (perm)	1045	1863	1583	1170	1863	1583	0	3518	0	0	3427	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			148			248		2			9	
Link Speed (mph)		35			35			35			35	
Link Distance (ft)		574			1039			703			728	
Travel Time (s)		11.2			20.2			13.7			14.2	
Peak Hour Factor	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85
Adj. Flow (vph)	171	208	78	1	49	316	18	292	6	245	236	31
Shared Lane Traffic (%)												
Lane Group Flow (vph)	171	208	78	1	49	316	0	316	0	0	512	0
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		12			12			24			24	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		20			20			16			16	
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Turn Type	pm+pt	NA	Perm	pm+pt	NA	pt+ov	Split	NA		Split	NA	
Protected Phases	7	4		3	8	8 6	2	2		6	6	
Permitted Phases	4		4	8								
Detector Phase	7	4	4	3	8	8 6	2	2		6	6	
Switch Phase												
Minimum Initial (s)	5.0	1.0	1.0	5.0	4.0		4.0	4.0		4.0	4.0	
Minimum Split (s)	9.5	20.0	20.0	9.5	20.0		20.0	20.0		20.0	20.0	
Total Split (s)	10.0	20.5	20.5	9.5	20.0		20.0	20.0		20.0	20.0	
Total Split (%)	14.3%	29.3%	29.3%	13.6%	28.6%		28.6%	28.6%		28.6%	28.6%	
Yellow Time (s)	3.5	3.5	3.5	3.5	3.5		3.5	3.5		3.5	3.5	
All-Red Time (s)	1.0	0.5	0.5	1.0	0.5		0.5	0.5		0.5	0.5	
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0			0.0			0.0	
Total Lost Time (s)	4.5	4.0	4.0	4.5	4.0			4.0			4.0	
Lead/Lag	Lead	Lag	Lag	Lead	Lag							
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes							
Recall Mode	None	None	None	None	None		Min	Min		Min	Min	
Act Effct Green (s)	14.9	14.6	14.6	11.8	8.6	23.4		10.4			13.6	
Actuated g/C Ratio	0.28	0.28	0.28	0.22	0.16	0.44		0.20			0.26	
v/c Ratio	0.46	0.40	0.14	0.00	0.16	0.38		0.46			0.57	

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Control Delay	19.6	20.0	1.2	14.0	22.5	3.0		22.6			21.1	
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0		0.0			0.0	
Total Delay	19.6	20.0	1.2	14.0	22.5	3.0		22.6			21.1	
LOS	B	B	A	B	C	A		C			C	
Approach Delay		16.6			5.6			22.6			21.1	
Approach LOS		B			A			C			C	
Queue Length 50th (ft)	41	50	0	0	14	6		47			71	
Queue Length 95th (ft)	84	124	3	3	39	26		90			137	
Internal Link Dist (ft)		494			959			623			648	
Turn Bay Length (ft)	200		100	150		900						
Base Capacity (vph)	375	622	627	322	594	1076		1123			1099	
Starvation Cap Reductn	0	0	0	0	0	0		0			0	
Spillback Cap Reductn	0	0	0	0	0	0		0			0	
Storage Cap Reductn	0	0	0	0	0	0		0			0	
Reduced v/c Ratio	0.46	0.33	0.12	0.00	0.08	0.29		0.28			0.47	

Intersection Summary	
Area Type: Other	
Cycle Length: 70	
Actuated Cycle Length: 52.6	
Natural Cycle: 70	
Control Type: Actuated-Uncoordinated	
Maximum v/c Ratio: 0.57	
Intersection Signal Delay: 16.7	Intersection LOS: B
Intersection Capacity Utilization 44.6%	ICU Level of Service A
Analysis Period (min) 15	

Splits and Phases: 3: Enterprise Dr & Laxton Rd



Lanes, Volumes, Timings
3: Enterprise Dr & Laxton Rd

07/13/2018

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	69	131	53	5	202	424	55	219	3	354	431	122
Future Volume (vph)	69	131	53	5	202	424	55	219	3	354	431	122
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	200		100	150		900	150		150	150		150
Storage Lanes	1		1	1		1	0		0	0		0
Taper Length (ft)	100			100			25			25		
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	0.95	0.95	0.95	0.95	0.95	0.95
Frt			0.850			0.850		0.998			0.980	
Flt Protected	0.950			0.950				0.990			0.981	
Satd. Flow (prot)	1770	1863	1583	1770	1863	1583	0	3497	0	0	3403	0
Flt Permitted	0.363			0.659				0.990			0.981	
Satd. Flow (perm)	676	1863	1583	1228	1863	1583	0	3497	0	0	3403	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			130			281		1			23	
Link Speed (mph)		35			35			35			35	
Link Distance (ft)		574			1039			703			728	
Travel Time (s)		11.2			20.2			13.7			14.2	
Peak Hour Factor	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85
Adj. Flow (vph)	81	154	62	6	238	499	65	258	4	416	507	144
Shared Lane Traffic (%)												
Lane Group Flow (vph)	81	154	62	6	238	499	0	327	0	0	1067	0
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		12			12			24			24	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		20			20			16			16	
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Turn Type	pm+pt	NA	Perm	pm+pt	NA	pt+ov	Split	NA		Split	NA	
Protected Phases	7	4		3	8	8 6	2	2		6	6	
Permitted Phases	4		4	8								
Detector Phase	7	4	4	3	8	8 6	2	2		6	6	
Switch Phase												
Minimum Initial (s)	5.0	1.0	1.0	5.0	4.0		4.0	4.0		4.0	4.0	
Minimum Split (s)	9.5	20.0	20.0	9.5	20.0		20.0	20.0		20.0	20.0	
Total Split (s)	9.6	20.1	20.1	9.5	20.0		20.4	20.4		30.0	30.0	
Total Split (%)	12.0%	25.1%	25.1%	11.9%	25.0%		25.5%	25.5%		37.5%	37.5%	
Yellow Time (s)	3.5	3.5	3.5	3.5	3.5		3.5	3.5		3.5	3.5	
All-Red Time (s)	1.0	0.5	0.5	1.0	0.5		0.5	0.5		0.5	0.5	
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0			0.0			0.0	
Total Lost Time (s)	4.5	4.0	4.0	4.5	4.0			4.0			4.0	
Lead/Lag	Lead	Lag	Lag	Lead	Lag							
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes							
Recall Mode	None	None	None	None	None		Min	Min		Min	Min	
Act Effct Green (s)	19.6	19.2	19.2	17.0	13.7	40.8		12.0			26.0	
Actuated g/C Ratio	0.28	0.27	0.27	0.24	0.19	0.57		0.17			0.37	
v/c Ratio	0.30	0.31	0.12	0.02	0.66	0.49		0.56			0.85	

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Control Delay	22.2	23.9	0.5	18.6	37.7	4.1		32.0			30.7	
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0		0.0			0.0	
Total Delay	22.2	23.9	0.5	18.6	37.7	4.1		32.0			30.7	
LOS	C	C	A	B	D	A		C			C	
Approach Delay		18.5			15.0			32.0			30.7	
Approach LOS		B			B			C			C	
Queue Length 50th (ft)	26	52	0	2	102	25		75			243	
Queue Length 95th (ft)	57	114	0	10	171	57		107			#356	
Internal Link Dist (ft)		494			959			623			648	
Turn Bay Length (ft)	200		100	150		900						
Base Capacity (vph)	266	558	565	331	429	1067		826			1287	
Starvation Cap Reductn	0	0	0	0	0	0		0			0	
Spillback Cap Reductn	0	0	0	0	0	0		0			0	
Storage Cap Reductn	0	0	0	0	0	0		0			0	
Reduced v/c Ratio	0.30	0.28	0.11	0.02	0.55	0.47		0.40			0.83	

Intersection Summary	
Area Type: Other	
Cycle Length: 80	
Actuated Cycle Length: 71.2	
Natural Cycle: 80	
Control Type: Actuated-Uncoordinated	
Maximum v/c Ratio: 0.85	
Intersection Signal Delay: 24.6	Intersection LOS: C
Intersection Capacity Utilization 62.4%	ICU Level of Service B
Analysis Period (min) 15	

95th percentile volume exceeds capacity, queue may be longer.
Queue shown is maximum after two cycles.

Splits and Phases: 3: Enterprise Dr & Laxton Rd

Lanes, Volumes, Timings
3: Enterprise Dr & Laxton Rd

07/13/2018

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	145	177	66	1	42	269	15	248	5	208	201	26
Future Volume (vph)	145	177	66	1	42	269	15	248	5	208	201	26
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	200		100	150		900	150		150	150		150
Storage Lanes	1		1	1		1	0		0	0		0
Taper Length (ft)	100			100			25			25		
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	0.95	0.95	0.95	0.95	0.95	0.95
Frt			0.850			0.850		0.997			0.991	
Flt Protected	0.950			0.950				0.997			0.977	
Satd. Flow (prot)	1770	1863	1583	1770	1863	1583	0	3518	0	0	3427	0
Flt Permitted	0.529			0.616				0.997			0.977	
Satd. Flow (perm)	985	1863	1583	1147	1863	1583	0	3518	0	0	3427	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			148			212		2			9	
Link Speed (mph)		35			35			35			35	
Link Distance (ft)		574			1039			703			728	
Travel Time (s)		11.2			20.2			13.7			14.2	
Peak Hour Factor	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85
Growth Factor	110%	110%	110%	110%	110%	110%	110%	110%	110%	110%	110%	110%
Adj. Flow (vph)	188	229	85	1	54	348	19	321	6	269	260	34
Shared Lane Traffic (%)												
Lane Group Flow (vph)	188	229	85	1	54	348	0	346	0	0	563	0
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		12			12			24			24	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		20			20			16			16	
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Turn Type	pm+pt	NA	Perm	pm+pt	NA	pt+ov	Split	NA		Split	NA	
Protected Phases	7	4		3	8	8 6	2	2		6	6	
Permitted Phases	4		4	8								
Detector Phase	7	4	4	3	8	8 6	2	2		6	6	
Switch Phase												
Minimum Initial (s)	5.0	1.0	1.0	5.0	4.0		4.0	4.0		4.0	4.0	
Minimum Split (s)	9.5	20.0	20.0	9.5	20.0		20.0	20.0		20.0	20.0	
Total Split (s)	9.6	20.1	20.1	9.5	20.0		20.4	20.4		20.0	20.0	
Total Split (%)	13.7%	28.7%	28.7%	13.6%	28.6%		29.1%	29.1%		28.6%	28.6%	
Yellow Time (s)	3.5	3.5	3.5	3.5	3.5		3.5	3.5		3.5	3.5	
All-Red Time (s)	1.0	0.5	0.5	1.0	0.5		0.5	0.5		0.5	0.5	
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0			0.0			0.0	
Total Lost Time (s)	4.5	4.0	4.0	4.5	4.0			4.0			4.0	
Lead/Lag	Lead	Lag	Lag	Lead	Lag							
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes							
Recall Mode	None	None	None	None	None		Min	Min		Min	Min	
Act Effct Green (s)	16.8	16.5	16.5	12.8	8.2	22.7		10.9			14.5	
Actuated g/C Ratio	0.30	0.30	0.30	0.23	0.15	0.41		0.20			0.26	

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
v/c Ratio	0.51	0.42	0.15	0.00	0.20	0.45		0.50			0.63	
Control Delay	21.9	20.8	1.6	14.0	23.5	4.5		23.3			22.5	
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0		0.0			0.0	
Total Delay	21.9	20.8	1.6	14.0	23.5	4.5		23.3			22.5	
LOS	C	C	A	B	C	A		C			C	
Approach Delay		18.0			7.1			23.3			22.5	
Approach LOS		B			A			C			C	
Queue Length 50th (ft)	48	59	0	0	16	13		53			80	
Queue Length 95th (ft)	96	141	6	3	42	41		96			155	
Internal Link Dist (ft)		494			959			623			648	
Turn Bay Length (ft)	200		100	150		900						
Base Capacity (vph)	370	561	580	320	546	1015		1057			1010	
Starvation Cap Reductn	0	0	0	0	0	0		0			0	
Spillback Cap Reductn	0	0	0	0	0	0		0			0	
Storage Cap Reductn	0	0	0	0	0	0		0			0	
Reduced v/c Ratio	0.51	0.41	0.15	0.00	0.10	0.34		0.33			0.56	

Intersection Summary

Area Type: Other
Cycle Length: 70
Actuated Cycle Length: 55.7
Natural Cycle: 70
Control Type: Actuated-Uncoordinated
Maximum v/c Ratio: 0.63
Intersection Signal Delay: 18.0 Intersection LOS: B
Intersection Capacity Utilization 47.4% ICU Level of Service A
Analysis Period (min) 15

Splits and Phases: 3: Enterprise Dr & Laxton Rd

Lanes, Volumes, Timings
3: Enterprise Dr & Laxton Rd

07/13/2018

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	69	131	53	5	202	424	55	219	3	354	431	122
Future Volume (vph)	69	131	53	5	202	424	55	219	3	354	431	122
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	200		100	150		900	150		150	150		150
Storage Lanes	1		1	1		1	0		0	0		0
Taper Length (ft)	100			100			25			25		
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	0.95	0.95	0.95	0.95	0.95	0.95
Frt			0.850			0.850		0.998			0.980	
Flt Protected	0.950			0.950				0.990			0.981	
Satd. Flow (prot)	1770	1863	1583	1770	1863	1583	0	3497	0	0	3403	0
Flt Permitted	0.322			0.650				0.990			0.981	
Satd. Flow (perm)	600	1863	1583	1211	1863	1583	0	3497	0	0	3403	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			130			242		1			23	
Link Speed (mph)		35			35			35			35	
Link Distance (ft)		574			1039			703			728	
Travel Time (s)		11.2			20.2			13.7			14.2	
Peak Hour Factor	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85
Growth Factor	110%	110%	110%	110%	110%	110%	110%	110%	110%	110%	110%	110%
Adj. Flow (vph)	89	170	69	6	261	549	71	283	4	458	558	158
Shared Lane Traffic (%)												
Lane Group Flow (vph)	89	170	69	6	261	549	0	358	0	0	1174	0
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		12			12			24			24	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		20			20			16			16	
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Turn Type	pm+pt	NA	Perm	pm+pt	NA	pt+ov	Split	NA		Split	NA	
Protected Phases	7	4		3	8	8 6	2	2		6	6	
Permitted Phases	4		4	8								
Detector Phase	7	4	4	3	8	8 6	2	2		6	6	
Switch Phase												
Minimum Initial (s)	5.0	1.0	1.0	5.0	4.0		4.0	4.0		4.0	4.0	
Minimum Split (s)	9.5	20.0	20.0	9.5	20.0		20.0	20.0		20.0	20.0	
Total Split (s)	9.6	20.1	20.1	9.5	20.0		20.4	20.4		30.0	30.0	
Total Split (%)	12.0%	25.1%	25.1%	11.9%	25.0%		25.5%	25.5%		37.5%	37.5%	
Yellow Time (s)	3.5	3.5	3.5	3.5	3.5		3.5	3.5		3.5	3.5	
All-Red Time (s)	1.0	0.5	0.5	1.0	0.5		0.5	0.5		0.5	0.5	
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0			0.0			0.0	
Total Lost Time (s)	4.5	4.0	4.0	4.5	4.0			4.0			4.0	
Lead/Lag	Lead	Lag	Lag	Lead	Lag							
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes							
Recall Mode	None	None	None	None	None		Min	Min		Min	Min	
Act Effct Green (s)	20.1	19.7	19.7	17.5	14.2	41.7		12.6			26.4	
Actuated g/C Ratio	0.28	0.27	0.27	0.24	0.20	0.57		0.17			0.36	

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
v/c Ratio	0.36	0.34	0.13	0.02	0.72	0.54		0.59			0.94	
Control Delay	23.7	24.6	1.3	18.8	41.1	5.5		32.7			39.9	
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0		0.0			0.0	
Total Delay	23.7	24.6	1.3	18.8	41.1	5.5		32.7			39.9	
LOS	C	C	A	B	D	A		C			D	
Approach Delay		19.5			17.0			32.7			39.9	
Approach LOS		B			B			C			D	
Queue Length 50th (ft)	30	59	0	2	115	40		83			~287	
Queue Length 95th (ft)	61	125	3	10	#188	83		117			#420	
Internal Link Dist (ft)		494			959			623			648	
Turn Bay Length (ft)	200		100	150		900						
Base Capacity (vph)	249	550	559	330	417	1049		803			1252	
Starvation Cap Reductn	0	0	0	0	0	0		0			0	
Spillback Cap Reductn	0	0	0	0	0	0		0			0	
Storage Cap Reductn	0	0	0	0	0	0		0			0	
Reduced v/c Ratio	0.36	0.31	0.12	0.02	0.63	0.52		0.45			0.94	

Intersection Summary

Area Type: Other
Cycle Length: 80
Actuated Cycle Length: 72.7
Natural Cycle: 80
Control Type: Actuated-Uncoordinated
Maximum v/c Ratio: 0.94
Intersection Signal Delay: 29.4 Intersection LOS: C
Intersection Capacity Utilization 66.9% ICU Level of Service C
Analysis Period (min) 15
~ Volume exceeds capacity, queue is theoretically infinite.
Queue shown is maximum after two cycles.
95th percentile volume exceeds capacity, queue may be longer.
Queue shown is maximum after two cycles.

Splits and Phases: 3: Enterprise Dr & Laxton Rd

Lanes, Volumes, Timings
3: Enterprise Dr & Laxton Rd

08/24/2018

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	145	177	66	1	42	269	15	248	5	208	201	26
Future Volume (vph)	145	178	66	5	45	276	15	248	6	210	201	26
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	200		100	150		0	150		150	150		150
Storage Lanes	1		1	1		1	0		0	0		0
Taper Length (ft)	100			100			25			25		
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	0.95	0.95	0.95	0.95	0.95	0.95
Frt			0.850			0.850		0.997			0.991	
Flt Protected	0.950			0.950				0.997			0.977	
Satd. Flow (prot)	1770	1863	1583	1770	1863	1583	0	3518	0	0	3427	0
Flt Permitted	0.530			0.615				0.997			0.977	
Satd. Flow (perm)	987	1863	1583	1146	1863	1583	0	3518	0	0	3427	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			148			212		3			9	
Link Speed (mph)		35			35			35			35	
Link Distance (ft)		574			404			703			728	
Travel Time (s)		11.2			7.9			13.7			14.2	
Peak Hour Factor	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85
Growth Factor	110%	110%	110%	110%	110%	110%	110%	110%	110%	110%	110%	110%
Adj. Flow (vph)	188	230	85	6	58	357	19	321	8	272	260	34
Shared Lane Traffic (%)												
Lane Group Flow (vph)	188	230	85	6	58	357	0	348	0	0	566	0
Turn Type	pm+pt	NA	Perm	pm+pt	NA	pt+ov	Split	NA		Split	NA	
Protected Phases	7	4		3	8	8 6	2	2		6	6	
Permitted Phases	4		4	8								
Detector Phase	7	4	4	3	8	8 6	2	2		6	6	
Switch Phase												
Minimum Initial (s)	5.0	1.0	1.0	5.0	4.0		4.0	4.0		4.0	4.0	
Minimum Split (s)	9.5	20.0	20.0	9.5	20.0		20.0	20.0		20.0	20.0	
Total Split (s)	9.6	20.1	20.1	9.5	20.0		20.4	20.4		20.0	20.0	
Total Split (%)	13.7%	28.7%	28.7%	13.6%	28.6%		29.1%	29.1%		28.6%	28.6%	
Yellow Time (s)	3.5	3.5	3.5	3.5	3.5		3.5	3.5		3.5	3.5	
All-Red Time (s)	1.0	0.5	0.5	1.0	0.5		0.5	0.5		0.5	0.5	
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0			0.0			0.0	
Total Lost Time (s)	4.5	4.0	4.0	4.5	4.0			4.0			4.0	
Lead/Lag	Lead	Lag	Lag	Lead	Lag							
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes							
Recall Mode	None	None	None	None	None		Min	Min		Min	Min	
Act Effct Green (s)	17.0	16.7	16.7	13.1	8.5	23.0		11.0			14.5	
Actuated g/C Ratio	0.30	0.30	0.30	0.23	0.15	0.41		0.20			0.26	
v/c Ratio	0.50	0.41	0.15	0.02	0.21	0.46		0.50			0.63	
Control Delay	21.7	20.7	1.6	14.6	23.5	4.7		23.4			22.8	
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0		0.0			0.0	
Total Delay	21.7	20.7	1.6	14.6	23.5	4.7		23.4			22.8	
LOS	C	C	A	B	C	A		C			C	
Approach Delay		17.9			7.4			23.4			22.8	
Approach LOS		B			A			C			C	
Queue Length 50th (ft)	48	60	0	1	18	14		54			81	

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Queue Length 95th (ft)	96	142	6	8	45	43		96			156	
Internal Link Dist (ft)		494			324			623			648	
Turn Bay Length (ft)	200		100	150								
Base Capacity (vph)	373	567	585	323	543	1011		1053			1005	
Starvation Cap Reductn	0	0	0	0	0	0		0			0	
Spillback Cap Reductn	0	0	0	0	0	0		0			0	
Storage Cap Reductn	0	0	0	0	0	0		0			0	
Reduced v/c Ratio	0.50	0.41	0.15	0.02	0.11	0.35		0.33			0.56	

Intersection Summary

Area Type: Other
Cycle Length: 70
Actuated Cycle Length: 56
Natural Cycle: 70
Control Type: Actuated-Uncoordinated
Maximum v/c Ratio: 0.63
Intersection Signal Delay: 18.0 Intersection LOS: B
Intersection Capacity Utilization 47.4% ICU Level of Service A
Analysis Period (min) 15

Splits and Phases: 3: Enterprise Dr & Laxton Rd

Intersection	
Int Delay, s/veh	0.3

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	0	390	312	0	0	0
Future Vol, veh/h	4	390	312	1	5	14
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	100	-	-	-	-	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	100	85	85	100	100	100
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	4	505	404	1	5	14

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	405	0	-	0	917	202
Stage 1	-	-	-	-	404	-
Stage 2	-	-	-	-	513	-
Critical Hdwy	4.13	-	-	-	6.63	6.93
Critical Hdwy Stg 1	-	-	-	-	5.83	-
Critical Hdwy Stg 2	-	-	-	-	5.43	-
Follow-up Hdwy	2.219	-	-	-	3.519	3.319
Pot Cap-1 Maneuver	1152	-	-	-	286	806
Stage 1	-	-	-	-	644	-
Stage 2	-	-	-	-	600	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	1152	-	-	-	285	806
Mov Cap-2 Maneuver	-	-	-	-	285	-
Stage 1	-	-	-	-	644	-
Stage 2	-	-	-	-	598	-

Approach	EB	WB	SB
HCM Control Delay, s	0.1	0	11.9
HCM LOS			B

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1152	-	-	-	544
HCM Lane V/C Ratio	0.003	-	-	-	0.035
HCM Control Delay (s)	8.1	-	-	-	11.9
HCM Lane LOS	A	-	-	-	B
HCM 95th %tile Q(veh)	0	-	-	-	0.1

Intersection: 3: Enterprise Dr & Laxton Rd

Movement	EB	EB	EB	WB	WB	WB	NB	NB	SB	SB
Directions Served	L	T	R	L	T	R	LT	TR	LT	TR
Maximum Queue (ft)	153	222	200	30	72	204	162	159	245	196
Average Queue (ft)	94	82	33	3	32	80	98	50	163	87
95th Queue (ft)	148	147	90	17	64	145	147	119	245	194
Link Distance (ft)		519			323	323	661	661	678	678
Upstream Blk Time (%)										
Queuing Penalty (veh)										
Storage Bay Dist (ft)	200		100	150						
Storage Blk Time (%)		3								
Queuing Penalty (veh)		8								

Intersection: 7: Laxton Rd & Site Entrance

Movement	EB	SB
Directions Served	L	LR
Maximum Queue (ft)	31	53
Average Queue (ft)	1	18
95th Queue (ft)	11	46
Link Distance (ft)		424
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)	100	
Storage Blk Time (%)		
Queuing Penalty (veh)		

Network Summary

Network wide Queuing Penalty: 8

Lanes, Volumes, Timings
3: Enterprise Dr & Laxton Rd

08/24/2018

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	69	131	53	5	202	424	55	219	3	354	431	122
Future Volume (vph)	69	133	53	6	203	428	55	219	5	362	431	122
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	200		100	150		0	150		150	150		150
Storage Lanes	1		1	1		1	0		0	0		0
Taper Length (ft)	100			100			25			25		
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	0.95	0.95	0.95	0.95	0.95	0.95
Frt			0.850			0.850		0.997			0.980	
Flt Protected	0.950			0.950				0.990			0.981	
Satd. Flow (prot)	1770	1863	1583	1770	1863	1583	0	3493	0	0	3403	0
Flt Permitted	0.320			0.649				0.990			0.981	
Satd. Flow (perm)	596	1863	1583	1209	1863	1583	0	3493	0	0	3403	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			130			242		2			23	
Link Speed (mph)		35			35			35			35	
Link Distance (ft)		574			404			703			728	
Travel Time (s)		11.2			7.9			13.7			14.2	
Peak Hour Factor	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85
Growth Factor	110%	110%	110%	110%	110%	110%	110%	110%	110%	110%	110%	110%
Adj. Flow (vph)	89	172	69	8	263	554	71	283	6	468	558	158
Shared Lane Traffic (%)												
Lane Group Flow (vph)	89	172	69	8	263	554	0	360	0	0	1184	0
Turn Type	pm+pt	NA	Perm	pm+pt	NA	pt+ov	Split	NA		Split	NA	
Protected Phases	7	4		3	8	8 6	2	2		6	6	
Permitted Phases	4		4	8								
Detector Phase	7	4	4	3	8	8 6	2	2		6	6	
Switch Phase												
Minimum Initial (s)	5.0	1.0	1.0	5.0	4.0		4.0	4.0		4.0	4.0	
Minimum Split (s)	9.5	20.0	20.0	9.5	20.0		20.0	20.0		20.0	20.0	
Total Split (s)	9.6	20.1	20.1	9.5	20.0		20.4	20.4		30.0	30.0	
Total Split (%)	12.0%	25.1%	25.1%	11.9%	25.0%		25.5%	25.5%		37.5%	37.5%	
Yellow Time (s)	3.5	3.5	3.5	3.5	3.5		3.5	3.5		3.5	3.5	
All-Red Time (s)	1.0	0.5	0.5	1.0	0.5		0.5	0.5		0.5	0.5	
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0			0.0			0.0	
Total Lost Time (s)	4.5	4.0	4.0	4.5	4.0			4.0			4.0	
Lead/Lag	Lead	Lag	Lag	Lead	Lag							
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes							
Recall Mode	None	None	None	None	None		Min	Min		Min	Min	
Act Effct Green (s)	20.2	19.8	19.8	17.5	14.3	41.7		12.6			26.4	
Actuated g/C Ratio	0.28	0.27	0.27	0.24	0.20	0.57		0.17			0.36	
v/c Ratio	0.36	0.34	0.13	0.02	0.72	0.55		0.59			0.95	
Control Delay	23.8	24.7	1.3	18.9	41.3	5.6		32.6			41.4	
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0		0.0			0.0	
Total Delay	23.8	24.7	1.3	18.9	41.3	5.6		32.6			41.4	
LOS	C	C	A	B	D	A		C			D	
Approach Delay		19.5			17.1			32.6			41.4	
Approach LOS		B			B			C			D	
Queue Length 50th (ft)	30	59	0	3	116	41		84			~295	

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Queue Length 95th (ft)	61	126	3	11	#192	85		117			#425	
Internal Link Dist (ft)		494			324			623			648	
Turn Bay Length (ft)	200		100	150								
Base Capacity (vph)	249	550	559	330	416	1048		801			1250	
Starvation Cap Reductn	0	0	0	0	0	0		0			0	
Spillback Cap Reductn	0	0	0	0	0	0		0			0	
Storage Cap Reductn	0	0	0	0	0	0		0			0	
Reduced v/c Ratio	0.36	0.31	0.12	0.02	0.63	0.53		0.45			0.95	

Intersection Summary

Area Type: Other
Cycle Length: 80
Actuated Cycle Length: 72.8
Natural Cycle: 80
Control Type: Actuated-Uncoordinated
Maximum v/c Ratio: 0.95
Intersection Signal Delay: 30.1 Intersection LOS: C
Intersection Capacity Utilization 66.9% ICU Level of Service C
Analysis Period (min) 15
~ Volume exceeds capacity, queue is theoretically infinite.
Queue shown is maximum after two cycles.
95th percentile volume exceeds capacity, queue may be longer.
Queue shown is maximum after two cycles.

Splits and Phases: 3: Enterprise Dr & Laxton Rd

Intersection	
Int Delay, s/veh	0.2

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	0	488	631	0	0	0
Future Vol, veh/h	12	488	631	6	3	6
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	100	-	-	-	-	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	100	85	85	100	100	100
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	12	632	817	6	3	6

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	823	0	-	0	1476	411
Stage 1	-	-	-	-	820	-
Stage 2	-	-	-	-	656	-
Critical Hdwy	4.13	-	-	-	6.63	6.93
Critical Hdwy Stg 1	-	-	-	-	5.83	-
Critical Hdwy Stg 2	-	-	-	-	5.43	-
Follow-up Hdwy	2.219	-	-	-	3.519	3.319
Pot Cap-1 Maneuver	805	-	-	-	128	591
Stage 1	-	-	-	-	394	-
Stage 2	-	-	-	-	515	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	805	-	-	-	126	591
Mov Cap-2 Maneuver	-	-	-	-	126	-
Stage 1	-	-	-	-	394	-
Stage 2	-	-	-	-	507	-

Approach	EB	WB	SB
HCM Control Delay, s	0.2	0	19.1
HCM LOS			C

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	805	-	-	-	265
HCM Lane V/C Ratio	0.015	-	-	-	0.034
HCM Control Delay (s)	9.5	-	-	-	19.1
HCM Lane LOS	A	-	-	-	C
HCM 95th %tile Q(veh)	0	-	-	-	0.1

Intersection: 3: Enterprise Dr & Laxton Rd

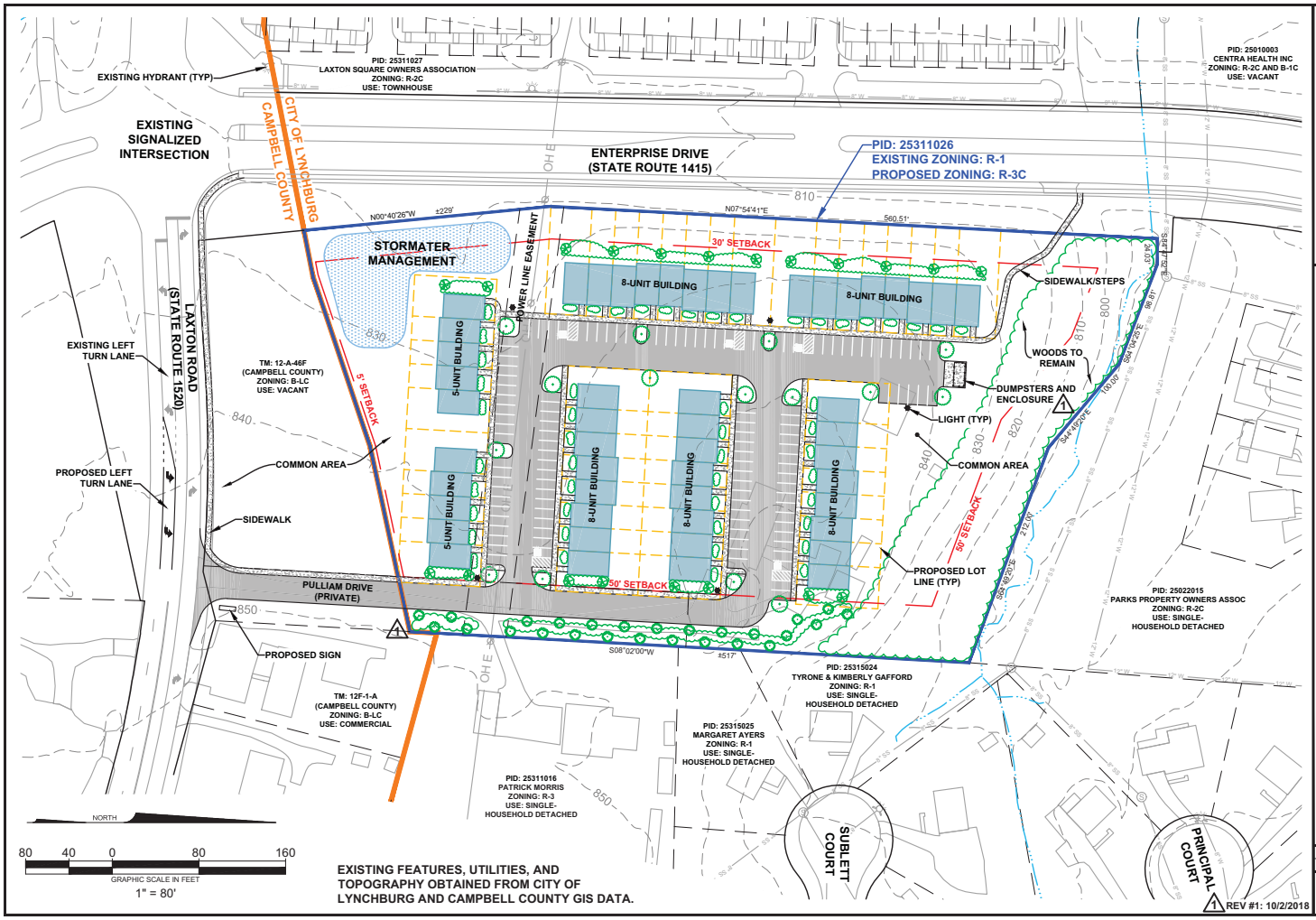
Movement	EB	EB	EB	WB	WB	WB	NB	NB	SB	SB
Directions Served	L	T	R	L	T	R	LT	TR	LT	TR
Maximum Queue (ft)	73	162	49	30	183	252	212	157	693	665
Average Queue (ft)	40	75	21	6	100	123	137	63	415	331
95th Queue (ft)	76	127	49	26	150	214	208	147	623	546
Link Distance (ft)		519			323	323	661	661	678	678
Upstream Blk Time (%)									1	0
Queuing Penalty (veh)									0	0
Storage Bay Dist (ft)	200		100	150						
Storage Blk Time (%)		4			1					
Queuing Penalty (veh)		6			0					

Intersection: 7: Laxton Rd & Site Entrance

Movement	EB	SB
Directions Served	L	LR
Maximum Queue (ft)	48	31
Average Queue (ft)	12	8
95th Queue (ft)	38	29
Link Distance (ft)		424
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)	100	
Storage Blk Time (%)		
Queuing Penalty (veh)		

Network Summary

Network wide Queuing Penalty: 6



EXISTING FEATURES, UTILITIES, AND TOPOGRAPHY OBTAINED FROM CITY OF LYNCHBURG AND CAMPBELL COUNTY GIS DATA.

REV #1: 10/2/2018

ENGINEERING >> SURVEYING >> PLAN
HURT & PROFFITT
INCORPORATED
2524 LANGHORNE ROAD
LYNCHBURG VA 24501
800.272.4960 TOLL FREE
434.847.7796 MAIN
434.847.0047 FAX

REZONING CONCEPT PLAN
LAXTON RIDGE TOWNHOUSE DEVELOPMENT
1306 LAXTON ROAD
CITY OF LYNCHBURG, VIRGINIA

PROJECT NO: 20180700
DATE: 8/6/2018
SHEET NO.
2 OF 2

Accident Summary Analysis

Date: 9/17/2018 11:15:11

Length In Miles: 0.00 DVMT: (not available) Crash Rate: Death Rate: Injury Rate:

	Total	2013	2014	2015	2016	2017
Total Crashes	17	3	7	1	3	3
Fatal Crashes	0	0	0	0	0	0
Injury Only Crashes	3	0	2	0	0	1
Prop. Damage Only Crashes	14	3	5	1	3	2
Property Damage Amount	76700	14500	26600	2500	21000	12100
Persons Killed	0	0	0	0	0	0
Persons Injured	3	0	2	0	0	1
Pedestrians Killed	0	0	0	0	0	0
Pedestrians Injured	0	0	0	0	0	0
Collision Type						
Not Provided	0	0	0	0	0	0
1. Rear End	8	2	4	1	1	0
2. Angle	3	0	1	0	0	2
3. Head On	2	0	0	0	1	1
4. Sideswipe - Same Direction	2	0	1	0	1	0
5. Sideswipe - Opposite Direction	0	0	0	0	0	0
6. Fixed Object in Road	0	0	0	0	0	0
7. Train	0	0	0	0	0	0
8. Non-Collision	0	0	0	0	0	0
9. Fixed Object - Off Road	1	0	1	0	0	0
10. Deer	1	1	0	0	0	0
11. Other Animal	0	0	0	0	0	0
12. Ped	0	0	0	0	0	0
13. Bicyclist	0	0	0	0	0	0
14. Motorcyclist	0	0	0	0	0	0
15. Backed Into	0	0	0	0	0	0
16. Other	0	0	0	0	0	0
Not Applicable	0	0	0	0	0	0
Total	17	3	7	1	3	3

Vehicle Type	Total	2013	2014	2015	2016	2017
Not Provided	0	0	0	0	0	0
1. Passenger car	20	6	6	1	2	5
2. Truck - Pick-up/Passenger Truck	5	0	4	0	1	0
3. Van	2	0	1	0	1	0
4. Truck - Single Unit Truck (2-Axles)	0	0	0	0	0	0
7. Motor Home, Recreational Vehicle	0	0	0	0	0	0
8. Special Vehicle - Oversized (Veh/Earthmover/Road Equip.)	0	0	0	0	0	0
9. Bicycle	0	0	0	0	0	0
10. Moped	0	0	0	0	0	0
11. Motorcycle	1	1	0	0	0	0
12. Emergency Vehicle (Regardless of Veh Type)	0	0	0	0	0	0
13. Bus - School Bus	0	0	0	0	0	0
14. Bus - City Transit Bus/Privately Owned Church Bus	0	0	0	0	0	0
15. Bus - Commercial Bus	0	0	0	0	0	0
16. Other (Scooter, Go-cart, Hearse, Bookmobile, Golf Cart, etc.)	0	0	0	0	0	0
18. Special Vehicle - Farm Machinery	0	0	0	0	0	0
19. Special Vehicle - ATV	0	0	0	0	0	0
21. Special Vehicle - Low Speed Vehicle	0	0	0	0	0	0
22. Truck - Sport Utility Vehicle (SUV)	6	0	2	1	2	1
23. Truck - Single Unit Truck (3 Axles or More)	0	0	0	0	0	0
25. Truck - Truck Tractor (Bobtail-No Trailer)	0	0	0	0	0	0
Not Applicable	0	0	0	0	0	0
Total	34	7	13	2	6	6

	Total	2013	2014	2015	2016	2017
Fixed Object						
Not Provided	0	0	0	0	0	0
1. Bank Or Ledge	0	0	0	0	0	0
2. Trees	0	0	0	0	0	0
3. Utility Pole	0	0	0	0	0	0
4. Fence Or Post	0	0	0	0	0	0
5. Guard Rail	0	0	0	0	0	0
6. Parked Vehicle	0	0	0	0	0	0
7. Tunnel, Bridge, Underpass, Culvert, etc.	0	0	0	0	0	0
8. Sign, Traffic Signal	0	0	0	0	0	0
9. Impact Cushioning Device	0	0	0	0	0	0
10. Other	0	0	0	0	0	0
11. Jersey Wall	0	0	0	0	0	0
12. Building/Structure	0	0	0	0	0	0
13. Curb	1	1	0	0	0	0
14. Ditch	0	0	0	0	0	0
15. Other Fixed Object	0	0	0	0	0	0
16. Other Traffic Barrier	0	0	0	0	0	0
17. Traffic Sign Support	0	0	0	0	0	0
18. Mailbox	0	0	0	0	0	0
Total	1	1	0	0	0	0
Lighting						
Not Provided	0	0	0	0	0	0
1. Dawn	1	0	0	0	1	0
2. Daylight	10	2	5	1	1	1
3. Dusk	0	0	0	0	0	0
4. Darkness - Road Lighted	3	0	1	0	1	1
5. Darkness - Road Not Lighted	3	1	1	0	0	1
6. Darkness - Unknown Road Lighting	0	0	0	0	0	0
7. Unknown	0	0	0	0	0	0
Not Applicable	0	0	0	0	0	0
Total	17	3	7	1	3	3

	Total	2013	2014	2015	2016	2017
Surface Condition						
Not Provided	0	0	0	0	0	0
1. Dry	15	3	5	1	3	3
2. Wet	2	0	2	0	0	0
3. Snowy	0	0	0	0	0	0
4. Icy	0	0	0	0	0	0
5. Muddy	0	0	0	0	0	0
6. Oil/Other Fluids	0	0	0	0	0	0
7. Other	0	0	0	0	0	0
8. Natural Debris	0	0	0	0	0	0
9. Water (Standing, Moving)	0	0	0	0	0	0
10. Slush	0	0	0	0	0	0
11. Sand, Dirt, Gravel	0	0	0	0	0	0
Not Applicable	0	0	0	0	0	0
Total	17	3	7	1	3	3
Weather Condition						
Not Provided	0	0	0	0	0	0
1. No Adverse Condition (Clear/Cloudy)	14	3	5	1	2	3
3. Fog	1	0	0	0	1	0
4. Mist	1	0	1	0	0	0
5. Rain	1	0	1	0	0	0
6. Snow	0	0	0	0	0	0
7. Sleet/Hail	0	0	0	0	0	0
8. Smoke/Dust	0	0	0	0	0	0
9. Other	0	0	0	0	0	0
10. Blowing Sand, Soil, Dirt, or Snow	0	0	0	0	0	0
11. Severe Crosswinds	0	0	0	0	0	0
Not Applicable	0	0	0	0	0	0
Total	17	3	7	1	3	3

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Unknown
00:00 - 00:59	0	0	0	0	0	0	0	0
01:00 - 01:59	0	0	0	0	0	1	0	0
02:00 - 02:59	0	0	0	0	0	0	0	0
03:00 - 03:59	0	0	0	0	0	0	0	0
04:00 - 04:59	0	0	0	0	0	0	0	0
05:00 - 05:59	0	0	0	0	0	1	0	0
06:00 - 06:59	0	1	0	0	0	0	0	0
07:00 - 07:59	0	1	0	1	1	0	0	0
08:00 - 08:59	0	1	0	0	0	1	0	0
09:00 - 09:59	0	0	0	0	0	0	0	0
10:00 - 10:59	0	0	0	0	0	1	0	0
11:00 - 11:59	0	0	0	0	0	0	0	0
12:00 - 12:59	0	0	0	0	1	0	0	0
13:00 - 13:59	0	0	0	0	0	0	0	0
14:00 - 14:59	0	0	0	0	0	0	0	0
15:00 - 15:59	1	0	0	0	0	0	0	0
16:00 - 16:59	0	0	0	0	0	0	0	0
17:00 - 17:59	0	0	0	0	1	0	0	0
18:00 - 18:59	0	0	0	0	0	0	1	0
19:00 - 19:59	0	1	1	0	0	0	0	0
20:00 - 20:59	0	0	0	0	0	0	0	0
21:00 - 21:59	0	0	0	1	0	0	0	0
22:00 - 22:59	0	0	0	0	0	0	0	0
23:00 - 23:59	0	0	1	0	0	0	0	0
Unknown	0	0	0	0	0	0	0	0
Total	1	4	2	2	3	4	1	0

1306 Laxton Road
Rezoning from R-1 to R-3C and FLUM Amendment
November 14, 2018

PLEASE PRINT

NAME	ADDRESS	PHONE	IN FAVOR	IN OPPOSITION	NEUTRAL
Andy Klepac	2524 Langhorn	847-7796	✓		
Kim Gafford	108 Sublett	941 5533		✓	
David [illegible]	226 W. [illegible]park	434-401-0952		X	
Tammy Doy	1802 Enterprise	336-504-177		✓	

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: June 11, 2019 AGENDA ITEM #: **8**

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

ITEM TITLE: Amend the City's Animal Care and Control Ordinances

KEY ELEMENTS:
__ Economic Development _X_ Excellent Government ___Natural and Built Environment ___Safe Community ___Vibrant Community

RECOMMENDATION: Adopt an ordinance amending Sections 7-7, 7-33, and 7-34 of the City Code.

SUMMARY: During its 2019 Session the General Assembly amended several sections of the state code dealing with animal care and control. The amendments: (i) expand the definition of what constitutes animal cruelty, (ii) make it an offense for dogs to run at large in packs, and (iii) in addition to a fine, impose a civil penalty on an owner who allows a dog to run at large in a pack. The sections of the city code dealing with cruelty to animals, dogs running at large, and the penalties for allowing a dog to run at large need to be amended so the city code will be consistent with the state code.

PRIOR ACTION(S): Sections 7-7, 7-33, and 7-34 of the City Code were previously amended on November 25, 2003, September 18, 2001, and August 14, 1979, respectively.

FISCAL IMPACT: None

CONTACT(S): Walter Erwin, 455-3973

ATTACHMENT(S): An ordinance amending Sections 7-7, 7-33, and 7-34 of the City Code.

REVIEWED BY: bms

075R

AN ORDINANCE TO AMEND AND REENACT SECTIONS 7-7, 7-33, AND 7-34 OF THE CODE OF THE CITY OF LYNCHBURG, 1981, THE AMENDED SECTIONS RELATING TO CRUELTY TO ANIMALS, DOGS RUNNING AT LARGE IN A PACK, AND THE PENALTIES FOR ALLOWING A DOG TO RUN AT LARGE IN A PACK.

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

1. That Sections 7-7, 7-33, and 7-34 of the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted as follows:

Sec. 7-7. - Cruelty to animals.

(a) Any person who (i) overrides, overdrives, overloads, ~~tortures,~~ ill-treats, or abandons any animal, whether belonging to himself or another; (ii) tortures any animal, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation, or cruelly or unnecessarily beats, maims, mutilates, or kills any animal, whether belonging to himself or another; or (ii) deprives any animal of necessary sustenance, food, drink or shelter or emergency veterinary treatment; or (~~iii~~iv) sores any equine for any purpose or administers drugs or medications to alter or mask such soring for the purpose of sale, show, or exhibition of any kind unless such administration of drugs or medications is within the context of a veterinary client-patient relationship and solely for therapeutic purposes; (v) ropes, lassoes, or otherwise obstructs or interferes with one or more legs of an equine in order to intentionally cause it to trip or fall for the purpose of engagement in a rodeo, contest, exhibition, entertainment, or sport unless such actions are in the practice of accepted animal husbandry or for the purpose of allowing veterinary care; (vi) willfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal; or (vii) carries or causes to be carried in or upon any vehicle, vessel or otherwise any animal in a cruel, brutal, or inhumane manner so as to produce torture or unnecessary suffering; or (viii) causes any of the above things, or being the owner of such animal permits such acts to be done by another, shall be guilty of a class 1 misdemeanor. Prosecution for violations of this subsection shall commence within five years after commission of the offense. Prosecution of this subsection regarding agricultural animals, as defined in Section ~~3.1-796.66~~ 3.2-5900 of the Code of Virginia, shall commence within one year after commission of the offense.

(b) Any person who abandons any dog, cat or other companion animal on public property, including the right-of-way of any public highway, right-of-way, property adjacent to such highway or right-of-way, or on the property of another without the written consent of the owner thereof or his agent shall be guilty of a misdemeanor punishable by a fine of not less than $250.00 or more than $2,500.00, either or both.

(c) Nothing in this section shall be construed to prohibit the dehorning of cattle.

(d) For the purposes of this section the word animal shall be construed to include birds and fowl.

(e) It is unlawful for any person to kill a domestic dog or cat for the purpose of obtaining the hide, fur, or pelt of the dog or cat. A violation of this subsection shall be a class 1 misdemeanor.

(f) This section shall not prohibit authorized wildlife management activities or hunting, fishing or trapping as regulated under the Code of Virginia or the City Code, or to farming activities.

(g) In addition to the penalties provided in this section, the court may, in its discretion, require any person convicted of violating paragraph (a) to attend an anger management or other appropriate treatment program or obtain psychiatric or psychological counseling. The court may impose the costs of such program or counseling upon the person convicted.

(h) For the purposes of this section the word person shall be held to include firms and corporations as well as individuals.

(i) Any person convicted of violating this section may be prohibited by the court from possession or ownership of companion animals.

(j) In addition to the penalties provided in this subsection, the court may, in its discretion, require any person convicted of a violation of subsection (a) to attend an anger management or other appropriate treatment program or obtain psychiatric or psychological counseling. The court may impose the costs of such a program or counseling upon the person convicted.

Sec. 7-33. - Definitions.

The following words, terms and phrases when used in this article shall have the meanings ascribed to them in this section:

Cat: Every cat regardless of age.

Dog: Every dog regardless of age.

Destructive dog or cat: For the purpose of this article a destructive dog or cat shall be:

(1) Any dog or cat that frequently or habitually injures or destroys property of any person other than the owner or custodian thereof: or

(2) Any dog or cat that frequently or habitually turns over garbage cans, when constructed and covered in strict accordance with chapter 21.2, of any person other than the owner or custodian thereof.

Own and owner: Includes any person having a right of property in a dog or cat, and any person who keeps or harbors a dog or cat or has it in his care, or who acts as its custodian, and any person who permits a dog or cat to remain on or about any premises occupied by him.

Public nuisance: For the purposes of this article a public nuisance dog or cat shall be:

(1) Any dog that molests passersby or passing vehicles;

(2) Any dog that attacks other animals;

(3) Any dog that trespasses on school grounds;

(4) Any dog that is in violation of section 7-36 on three or more occasions;

(5) Any dog that damages private or public property; or

(6) Any dog or cat that barks or meows, whines, howls or cries, in an excessive, continuous or untimely fashion, that disturbs the peace and quiet of any person or neighborhood shall be deemed a public nuisance.

(7) Any cat that damages public or private property.

Run at large: A dog shall be deemed to run at large while roaming~~,~~ or running ~~or self-hunting~~ off the property of its owner or custodian and not under its owner's or custodian's immediate physical or voice control; physical control shall include confinement of the animal by a fence, chain, leash or some other means of physical restraint or the owner's or custodian's physical presence; provided, that this section shall not apply where the owner, custodian or trainer has put down a dog for the express purpose of hunting game in an area where it is lawful to hunt, compete in field trial or train, and such dog becomes temporarily out of control of such owner, custodian or trainer or is returning to the place of release after the hunt or chase.

Run at large in a pack: A dog shall be deemed to be running at large in a pack if it is running at large in

the company of one or more other dogs that are also running at large.

Sec. 7-34. - Penalties.

The following acts shall be unlawful acts and constitute class 4 misdemeanors:

(a) License application: For any person to make a false statement in order to secure a dog license to which he is not entitled.

(b) License tax: For any dog owner to fail to pay the license tax required by this chapter before February 1 for the year in which it is due. In addition, the court may order confiscation and the proper disposition of the dog.

(c) Leash ordinance: For any dog owner to allow a dog to run at large in violation of section 7-36. In addition to being guilty of a class 4 misdemeanor, any dog owner that allows a dog to run at large in a pack, shall also be subject to a civil penalty in an amount not to exceed $100 per dog so found and any civil penalty collected pursuant to this section shall be deposited in the same account in which the monies that are collected for dog licenses are deposited and used for the same purposes.

(d) Rabies regulations: For any person to fail to obey an ordinance passed pursuant to section 7-95;

(e) Dead dogs: For any owner to fail to dispose of the body of his dog in accordance with section 7-8.

(f) Diseased dogs: For the owner of any dog with a contagious or infectious disease to permit such dog to stray from its premises if such disease is known to the owner.

(g) Removing collar and tag: For any person except the owner or custodian to remove a legally-acquired license tag from a dog.

(h) Concealing a dog: For any person to conceal or harbor any dog on which the license tax has not been paid, or to conceal a rabid dog to keep the same from being killed.

(i) Any other violation of this article for which specific penalty is not provided.

2. That this ordinance shall become effective upon July 1, 2019.

Adopted:

Certified: _____
Clerk of Council