

A G E N D A
City Council Meeting of June 10, 2008
Council Chamber-----7:30 P.M.

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GENERAL POLICY REGARDING PUBLIC PARTICIPATION AT CITY COUNCIL MEETINGS

The City Council agenda is divided into three sections.

COUNCIL WILL HEAR PUBLIC DISCUSSION ON NEW BUSINESS ITEMS.

CONSENT AGENDA: This section includes routine items. All items may be approved by one vote.

PUBLIC HEARINGS: This section includes all public hearings as required by law or as Council may direct.

Procedure:

- Staff will make a presentation.
- For Zoning petitions, the applicant or his or her representative shall have ten (10) minutes to make a presentation.
- Comments will then be solicited from those in favor.
- Comments will then be solicited from those in opposition.

During the public hearing there shall be a time limit of three (3) minutes for each individual speaker. If the speaker represents a group, there shall be a time limit of five (5) minutes. A speaker representing a group shall identify that group at the beginning of his or her remarks. A group may have only one spokesperson.

After public comments have been received, for zoning petitions the applicant or the representative of the applicant, at his or her discretion, may respond with a rebuttal. There shall be a five (5) minute time limit for rebuttal.

Upon the conclusion of public comments or the applicant's rebuttal the public hearing will be closed and the matter referred to Council for deliberation.

GENERAL BUSINESS: This section includes general items of "new business" except where denoted by an asterisk (*). Person(s) may speak to items of "new business" as follows: individuals--up to 3 minutes; or group spokesperson--up to 5 minutes. A representative of a civic or governmental organization, of a Council appointed board or commission, or of a similar organization who is making a report or presentation to City Council may have up to ten (10) minutes to make such report or presentation. Once Council has heard a presentation from a citizen or organization on a particular subject, the citizen or organization may not make another presentation on the same subject within six (6) months of the first presentation, except by a majority vote of the members of Council present and voting.

After public discussion is complete on an item, City Council will go into business session and public participation will be ended.

If you are planning to speak before City Council, please state your name and address for the record. If you are uncomfortable with giving your address publicly, you can state your name, whether or not you are a resident of the City of Lynchburg, and then leave your address with the Clerk of Council after you speak.

City Council may make exceptions to these rules at its discretion.

Prior to a meeting, any questions which citizens may have regarding any item on the agenda may be addressed to City Council or the City Administration. The following numbers are provided for the convenience of the citizens:

CITY COUNCIL 455-3995

MAYOR 455-3995

CITY MANAGER 455-3990

A reasonable charge may be made for copying and other activities related to responding to long and involved inquiries.

CITIZENS OFTEN EXPRESS CONFLICTING AND DIVERSE POSITIONS REGARDING SPECIFIC ISSUES UNDER CONSIDERATION. TO ENCOURAGE CITIZEN PARTICIPATION AND TO AVOID INTIMIDATION TO PERSONS WHO MAY EXPRESS SOMETIMES UNPOPULAR OPINIONS, APPLAUSE, CHEERS, OR JEERS FROM THE AUDIENCE ARE NOT PERMITTED. WHEN APPEARING BEFORE CITY COUNCIL CITIZENS MAY NOT ENGAGE IN PERSONAL ATTACKS ON OTHERS, ENGAGE IN DISRUPTIVE BEHAVIOR, USE PROFANITY OR VULGAR LANGUAGE, PROMOTE PRIVATE BUSINESS VENTURES OR CAMPAIGN FOR PUBLIC OFFICE.

- **PREVIOUSLY DISCUSSED AND/OR CONSIDERED BY CITY COUNCIL--NO PUBLIC COMMENT WILL BE HEARD.**
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R E C O G N I T I O N S

- Miss Lynchburg – Sarah Fitzpatrick
 - 2008 Hill Climbers Recipients
-

C O N S E N T A G E N D A

- #1. Consideration of approving the minutes of the May 27 (two meetings), 2008 meetings.
- #2. Consideration of approving the minutes of the May 31, 2008 meeting.
- #3. Consideration of adopting a Resolution amending the FY 2008 General and Schools Operating Fund budgets to rescind \$250,000 appropriated to the Schools Operating Fund budget in the FY 2008 Third Quarter Adjustments, and designate the amount in the General Fund budget for the Schools Health Care Reserve.
(File: Schools – General - #1)

#R-08-_____

- #4. Consideration of introducing a Resolution amending the FY 2008 City/Federal/State Aid Fund budget and appropriating \$15,000, fully reimbursable, to purchase equipment for the Fire Department Heavy Technical Rescue (HTR) Team.
(File: Fire – General - #1) #R-08-_____
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PUBLIC HEARING

- #5. Public hearing regarding the petition of Shantae Younger to rezone 0.77 of an acre from I-2, Light Industrial District, to B-3C, Community Business District (Conditional), to allow the use of an existing building and parking area for a church at 3760 Candler Mountain Road.
(File: Community Planning – Zoning Amendments - #5) #O-08-_____
#R-08-_____
- #6. Public hearing regarding the petition of Liberty University, Inc., to amend the Future Land Use Map from Low Density Residential use to Institutional use, rezone approximately 138.84 acres at 3778, 3786, 3802 and 4000 Candler Mountain Road from B-3C, Community Business District (Conditional), to B-3C, Community Business District (Conditional), for a conditional use permit to amend the existing master plan for an increase of up to 15,000 students and construction of campus facilities, and for a conditional use permit to allow a consolidated sign plan for Liberty University.
(File: Community Planning – Zoning Amendments - #5 – Zoning - #4) #O-08-_____
#O-08-_____
#R-08-_____
#R-08-_____
- #7. Public hearing regarding amending the FY 2008 Sewer Operating and Capital Projects budgets and appropriating \$3,000,000 to the Sewer Capital Project Fund for additional capital projects.
(File: Public Works – Sewer #15) #R-08-_____
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GENERAL BUSINESS

- #8. Consideration of adopting an Ordinance to amend the City Code relating to the charging of a fuel cost surcharge by the City's Taxicabs.
(File: City Code/Taxi) #O-08-_____
- #9. Consideration of introducing a Resolution amending the FY 2008 General Fund budget and appropriating \$8,361 to fill an existing position in the Clerk of Court's Criminal Division during the State's mandatory hiring freeze and to hire a temporary wage position to assist the office while it is understaffed.
(File: Courts) #R-08-_____
- #10. Consideration of introducing a Resolution amending the FY 2008 City/Federal/State Aid Fund budget and appropriating \$33,889, fully reimbursable, to be split between the City of Lynchburg Fire and EMS Department (\$22,593), to assist with the purchase of necessary EMS-related equipment and supplies or to provide EMS within the Department and the Lynchburg Lifesaving Crew (\$11,296) to assist with general operations.
(File: Fire – General - #1/Lynchburg Lifesaving Crew) #R-08-_____
- #11. Consideration of a closed meeting to consider appointments to Council-appointed Boards and Commissions, i.e., Youth Services Citizens Board, City Employees Appeal Board, Zoning Appeals Board, Dr. Martin Luther King, Jr./Lynchburg Community Council, Industrial Development Authority Board and Historic Preservation Commission pursuant to Section 2.2-3711(A)(1) of the code of Virginia, 1950, as amended.

// A special meeting of the Council of the City of Lynchburg, recessed from May 13, was held on the 27th day of May, 2008, at 1:00 P.M., Council Chamber, City Hall, Joan F. Foster, President, presiding. The purpose of the meeting was to conduct a work session regarding several items. The following Members were present:

Present: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster 7

Absent: 0

// Meredith Richards, Chair, Piedmont Rail Coalition, informed that the Coalition is seeking support regarding expanded rail service in the US29 Corridor, which includes a direct daily service from Lynchburg to Washington, D.C. Ms. Richards explained that the National Railroad Passenger Corporation (Amtrak) has identified the US29 Corridor as a rapidly growing region of the state that is underserved by passenger rail and that with expanded availability, it is believed that substantial numbers of additional travelers would take the train, rather than drive, to and from Washington, D. C. Ms. Richards went on to say that the proposal would be to add an additional train, which would be housed at night at the Lynchburg station, that would depart from Lynchburg to Washington on time each morning. Ms. Richards stated that the Coalition is asking that you let the Virginia Department of Rail and Public Transportation know that you support (1) daily, direct passenger service in the US29 Corridor as the top priority in the State Rail Plan, (2) implementing Amtrak's proposal for direct daily service from Lynchburg to Washington, D.C. and New York, and (3) funding the rail infrastructure improvements needed by Norfolk Southern to support added passenger service for the US29 Corridor. In response to Council questioning, Ms. Richards stated that the proposal for direct rail service from Lynchburg to Washington would not affect the current train service being provided by Amtrak. Following discussion, and on motion of Council Member Johnson, seconded by Vice Mayor Dodson, Council by the following recorded vote adopted Resolution #R-08-074, as presented, supporting expanded rail service in the US29 Corridor, Amtrak's proposed new daily passenger rail service from Lynchburg to Washington, D. C., and related infrastructure improvements:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster 7

Noes: 0

// Council Member Joe Seiffert provided an overview regarding proposed changes to the City's Real Estate Rehabilitation Tax Exemption Program. Council Member Seiffert explained that under the current program (1) residential and multi family buildings must be at least 50 years old, (2) commercial and industrial buildings must be at least 25 years old, (3) residential buildings must be improved so as to increase their assessed value by at least 40% but without increasing their square footage by more than 15%, (4) commercial and industrial buildings must be improved so as to increase their assessed value by at least 60%, and (5) the improvements must be completed within two years from the date of application. Following an extensive review of the current program along with input from a number of individuals, Council Member Seiffert stated that he is proposing the following changes to the program:

1. Amend Section 36-177 (a) (1) to eliminate "...but without increasing the total square footage of such structure by more than fifteen (15) per cent".

2. Clarify Section 36-177 (a) (1) to add a paragraph that more adequately defines the requirement that any addition must be used as living area and be simultaneous to a rehabilitation or renovation to the main structure.

3. Amend Section 36-177 (b) for the residential exemption to increase from 10 to 15 years.

4. Amend Section 36-177 (d) (9) to permit multi family residential structures to be converted to single family use after rehabilitation.

5. Add Section 36-177.1 to permit a partial tax exemption, to run with the land, of 50% for 7 years for a new infill single family structure in one of the City's nine Redevelopment and Conservation Areas. The structure must have an assessed value of at least 120% of the median value of other single family residences located in the neighborhood, as determined by the City Assessor. The structure must be constructed so as to blend into and be architecturally compatible with the existing structures in a mature neighborhood.

Council Member Seiffert explained that the program does not cost the City anything since there is no lost tax revenue if a structure is not rehabilitated. Council Member Seiffert did note that it would be advantageous to encourage property owners to fix up their properties for several reasons, i.e., the City will eventually reap higher taxes when the abatement period ends, adjoining properties will not reflect a lower value because the blighted house continues to exist, and it will improve the living conditions of the resident whether the building is owner occupied or rented. Council Member Seiffert went on to say that there needs to be a concerted effort at getting the word out to owners of residential stock in the City that a partial tax exemption program exists. In response to questioning, Council Member Seiffert explained that all fixed improvements (including a basement apartment or environmental improvements) are already included in the assessed value of structures and that no additional enhancements are needed in conjunction with the tax exemption program. Following the presentation, several Council Members commended Council Member Seiffert regarding the work he did on the Real Estate Rehabilitation Tax Exemption Program. On motion of Council Member Garrett, seconded by Council Member Seiffert, Council by the following recorded vote adopted Ordinance #O-08-075, as presented, amending the City Code relating to real estate tax exemptions for certain rehabilitated or renovated real estate:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster

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Noes:

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// City Manager Kimball Payne stated that the City cab companies are seeking permission to assess a one dollar (\$1.00) surcharge per fare to offset high fuel costs. Mr. Payne explained that taxicab rates are set by Section 37-109 of the City Code, which would have to be amended to allow the surcharge. Mr. Payne went on to say that if Council wishes to consider an amendment to allow the fuel surcharge the following guidance is needed:

- What should be the effective date of the surcharge?
- Should there be a provision for the City Manager to directly repeal the surcharge?
- Should repeal of the surcharge authority be tied to some future price of gasoline? If not, should there be some other event that would trigger repeal?

Mr. Payne also noted that representatives of the cab companies are available to provide additional information. Mr. Robert E. Williams, representing the City cab companies, provided a brief summary regarding the request. Mr. Williams explained that the cab companies are seeking the \$1.00 surcharge to offset high fuel costs rather than to seek a fare increase. Council discussion focused on questions posed by the City Manager, including whether there should be a provision for an automatic repeal and/or increase of the surcharge based on future fuel prices. In response to questioning, Mr. Williams stated that the cab companies would prefer coming to City Council regarding any changes in the amount of the surcharge and/or to ask for a rate increases rather than have an automatic provision included in the City Code. Following discussion, Council agreed on a July 1 effective date and not to include an automatic repeal provision. On motion of Council Member Helgeson, seconded by Council Member Johnson, Council by the following recorded vote authorized the drafting of an amendment to Section 37-109 of the City Code to allow taxi cab operators to charge a \$1.00 surcharge per fare effective July 1, 2008:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster

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Noes:

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// City Planner Tom Martin provided a brief review regarding the petition of Tom DeWitt to amend the Future Land Use Map from Low Density Residential and Employment 2 to Medium Density Residential, to rezone 46.52 acres from I-3, Heavy Industrial District to R-3C, Medium Density, Two-Family Residential District and for a Conditional Use Permit to allow the construction of 190 townhouses (for sale) with associated parking and amenities at 903 and 903A Wiggington Road. Mr. Martin explained that the public hearing regarding this item was held on April 8, and that both the Planning Division and Planning Commission are recommending denial of the petition. City Manager Kimball Payne stated that a copy of the Lynchpin Industrial Center Master Plan has been provided for Council review along with a letter from the Lynchburg Industrial Development Authority (LIDA), who owns two industrially-zoned parcels on either side of this tract, expressing concern regarding the loss of 57 acres of industrially zoned property with the potential to support the expansion and/or attraction of new industrial or office development. City Manager Payne went on to say that if this land is rezoned from industrial to medium density residential, then City Council might want to consider updating the future land use map to change the zoning designation of the LIDA land on both sides of this tract from industrial to medium density residential. Mr. Payne explained that this would allow the LIDA to better market and sell their tracts of land. In response to Council questioning, Mr. Metz, representing the property owner, stated that the property has been vacant for approximately 15 years and that since the former caretaker left, there have been problems with people trespassing on the property. Mr. Metz also noted that the LIDA has negotiated with the property owner several times, but they only offered her two-thirds of the value of the property and that the property owner feels that the LIDA has had ample time to secure this property. In response to Council questioning, Mr. Tom DeWitt stated that over the years, Wiggington Road has not become an industrial growth corridor or industrial development area like the Lynchpin area south of Ivy Creek. In response to Council Member Garrett's question, City Planner Tom Martin stated that the City Attorney has advised that the City cannot

require the petitioner to dedicate property for public right of way and therefore condition #1 would need to be removed from the Conditional Use Permit. Council discussion focused on land use, housing need, traffic and compatibility of the proposed development with the adjoining neighborhood. In response to Vice Mayor Dodson's question, City Manager Payne stated that plans are still moving forward with Campbell County for a joint industrial park near the Airport. Several Council Members spoke in support of the petition stating that there is a need for this type of housing in the City, that Wiggington Road could not support the tractor trailer traffic that would incur with an industrial use, that the City has an adequate supply of industrial land, and that this is a low density project that is compatible with other properties in the area. Other Council Members spoke in opposition to the petition stating that they could see no compelling reason to rezone the property, that the Planning staff, Planning Commission and LIDA have recommended denial of the petition, and that the LIDA is concerned regarding the loss of industrially zoned property with the potential to support the expansion and/or attraction of new industrial or office development. Council Member Garrett stated that his only reticence is that if this rezoning is approved, then the requirements of the current zoning ordinance may be detrimental to the Industrial Development Authority's utilization of their property since it would require an additional 100' setback in those areas where effectively there is already a 100' setback with approval of this proposal. Council Member Garrett stated that his inference is that the intent of the law is to have a 100' setback to protect residences, not a 200' setback which we would in essence be imposing on the IDA should we proceed with the proposal that's in front of us. Council Member Garrett suggested that City Council may want to consider changing the zoning ordinance or changing how we look at the setbacks and the buffers for this specific property. City Attorney Walter Erwin stated that an amendment to the zoning map can be initiated by the Planning Commission or City Council. Mr. Erwin went on to say that this project would need to be acted on as this project, and once that has been taken care of, then City Council could move to ask the Planning Commission to initiate those changes. Council Member Garrett asked that the minutes reflect Council's discussion of this item. Following discussion, and on motion of Council Member Garrett, seconded by Vice Mayor Dodson, Council by the following recorded vote adopted Ordinance #O-08-076, as presented, to amend the Future Land Use Map for property located at 903 and 903A Wiggington Road from Employment 2, Resource Conservation and Low Density Residential to Medium Density Residential:

Ayes: Dodson, Garrett, Helgeson, Seiffert

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Noes: Gillette, Johnson, Foster

3

City Attorney Walter Erwin stated that the Ordinance to rezone the property needs to be amended to include a proffer that was submitted by the petitioner on April 4, 2008, i.e., "#8. That the final plat for this project will show a twenty (20) foot wide pedestrian and recreational use easement. This easement will generally follow the walking trail, in the "RC" zone along Ivy Creek, as shown on the site plan for this project by Perkins and Orrison, dated March 6, 2008. This plat and other appropriate instrument(s) to be recorded will note that this easement is for pedestrian and recreational use by Parkside Villas Property Owners and the City of Lynchburg or its assigns." On motion of Council Member Garrett, seconded by Vice Mayor Dodson, Council by the following recorded vote adopted Ordinance #O-08-077, as amended

to include proffer #8 That the final plat for this project will show a twenty (20) foot wide pedestrian and recreational use easement. This easement will generally follow the walking trail, in the "RC" zone along Ivy Creek, as shown on the site plan for this project by Perkins and Orrison, dated March 6, 2008. This plat and other appropriate instrument(s) to be recorded will note that this easement is for pedestrian and recreational use by Parkside Villas Property Owners and the City of Lynchburg or its assigns, and rezoning 46.52 acres from I-3, Heavy Industrial District, to R3C, Medium Density, Two-family Residential District (Conditional):

Ayes: Dodson, Garrett, Helgeson, Seiffert

4

Noes: Gillette, Johnson, Foster

3

Council Member Seiffert stated that in order to ensure that this is a high quality development that is comparable to other housing developments in the area, he has gotten the developer to agree that a minimum of seventy-five percent (75%) of the exterior walls of each dwelling will be finished with brick or stone, excluding windows, doors, sunrooms, and screened porches. Council Member Seiffert asked that the Conditional Use Permit be amended to add the following condition: "A minimum of seventy-five percent (75%) of the exterior walls of each dwelling will be finished with brick or stone. Windows and doors, sunrooms, screened porches shall be excluded from this area requirement calculation." Council Member Gillette along with Mayor Foster indicated that since the FLUM has been amended and the property has been rezoned, that they would support the Conditional Use Permit that includes conditions to guide the proposed development of the property. On motion of Council Member Garrett, seconded by Vice Mayor Dodson, Council by the following recorded vote adopted Resolution #R-08-078, as amended to delete condition #1 and to add a new condition #3. A minimum of seventy-five percent (75%) of the exterior walls of each dwelling will be finished with brick or stone. Windows and doors, sunrooms, screened porches shall be excluded from this area requirement calculation, and approving a Conditional Use Permit to allow the construction of 190 townhouses (for sale) with associated parking and amenities at 903 and 903A Wiggington Road:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster

7

Noes:

0

// Legislative Liaison Linda McMinimy provided an overview regarding the recently concluded General Assembly session, focusing her presentation on specific legislation that affected Lynchburg and which was included in Lynchburg's 2008 Legislative Agenda. Ms. McMinimy also briefly discussed the upcoming special session on transportation.

// Project Manager Tom Wilson provided an update regarding the status of Phase I of the Midtown Connector Project. In response to questioning, Mr. Wilson stated that the Fort Avenue Bridge recently lost to fire will not be replaced. Mr. Wilson went on to say that plans are to fill in the hole left by the bridge and to reopen the road in the future.

// Due to a time constraint, City Manager Kimball Payne suggested and City Council agreed to reschedule the FY2009 GLTC funding item to the June work session.

May 27, 2008

// Due to a time constraint, City Manager Kimball Payne suggested and City Council agreed to reschedule the CDBG/HOME Programs discussion regarding FY2009 allocations to the June work session. Director of Community Planning Charlene Montford did provide a brief status report regarding active CDBG/HOME projects as of May 1, 2008.

// The meeting was adjourned at 4:57 p.m.

Clerk of Council

May 27, 2008

133

// A regular meeting of the Council of the City of Lynchburg was held on the 27th day of May, 2008, at 5:00 P.M. in the Council Chamber, City Hall, Joan F. Foster, President, presiding. Council Member Garrett gave the Invocation, followed by the Pledge of Allegiance. The following Members were present:

Present: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster 7

Absent: 0

// City Manager Kimball Payne recognized Director of Utilities Tim Mitchell regarding his Department's recent receipt of three awards for the City's water system and commended Mr. Mitchell on his leadership of the Utilities Department.

// Copies of the minutes of the May 13, 2008 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Seiffert, seconded by Council Member Johnson, Council by the following recorded vote approved the minutes as presented:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster 7

Noes: 0

// In the matter of Commonwealth Attorney, Resolution #R-08-047 amending the City/Federal/State Aid Fund budget and appropriating \$400,000, fully reimbursable, to continue the Domestic Violence Prosecution Unit program, laid over from the May 13, 2008 meeting, was again presented and read, and on motion of Council Member Seiffert, seconded by Council Member Johnson, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster 7

Noes: 0

// In the matter of Budget FY 2008, Ordinance #O-08-054 amending the FY 2008 Budgets to implement the Third Quarter budget adjustments and appropriating funds to implement revenue, expenditure and transfer adjustments for the General Fund Operating, City/Federal/State Aid, Asset Forfeiture, Regional Airport, Airport Capital Projects, Fleet Services, Solid Waste Management, Solid Waste Capital, Water Operating, Water Capital Projects, Sewer Operating, Sewer Capital Projects, School Operating, School Capital Projects, Regional Juvenile Detention, City Capital Projects and Comprehensive Services Act Funds, laid over from the May 13, 2008 meeting, was again presented and read, and on motion of Council Member Seiffert, seconded by Council Member Johnson, Council by the following recorded vote adopted the Ordinance:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster 7

Noes: 0

// In the matter of FY2009 Budget, Budget Ordinance #O-08-059 adopting the FY 2009 Mandated and Contractual External Service Providers Budget and appropriating \$6,505,875 for this budget, laid over from the May 13, 2008 meeting, was again presented and read, and on motion of Council Member Seiffert, seconded by Council Member Johnson, Council by the following recorded vote adopted the Ordinance:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster 7

Noes: 0

May 27, 2008

// In the matter of FY2009 Budget, Budget Ordinance #O-08-060 adopting the FY 2009 Central Virginia Area Agency on Aging Budget and appropriating \$15,000 for this budget, laid over from the May 13, 2008 meeting, was again presented and read, and on motion of Council Member Seiffert, seconded by Council Member Johnson, Council by the following recorded vote adopted the Ordinance:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster 7

Noes: 0

// In the matter of FY2009 Budget, Budget Ordinance #O-08-061 adopting the FY 2009 Central Virginia Community College Board and Related Operations Budget and appropriating \$1,834 for this budget, laid over from the May 13, 2008 meeting, was again presented and read, and on motion of Council Member Seiffert, seconded by Council Member Johnson, Council by the following recorded vote adopted the Ordinance:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster 7

Noes: 0

// In the matter of FY2009 Budget, Budget Ordinance #O-08-062 adopting the FY 2009 Court Appointed Special Advocate Budget and appropriating \$12,000 for this budget, laid over from the May 13, 2008 meeting, was again presented and read, and on motion of Council Member Seiffert, seconded by Council Member Johnson, Council by the following recorded vote adopted the Ordinance:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster 7

Noes: 0

// In the matter of FY2009 Budget, Budget Ordinance #O-08-063 adopting the FY 2009 Dr. Martin Luther King, Jr./Lynchburg Community Council Budget and appropriating \$5,000 for this budget, laid over from the May 13, 2008 meeting, was again presented and read, and on motion of Council Member Seiffert, seconded by Council Member Johnson, Council by the following recorded vote adopted the Ordinance:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster 7

Noes: 0

// In the matter of FY2009 Budget, Budget Ordinance #O-08-064 adopting the FY 2009 Region 2000 Economic Development Council Budget and appropriating \$82,250 for this budget, laid over from the May 13, 2008 meeting, was again presented and read, and on motion of Council Member Seiffert, seconded by Council Member Johnson, Council by the following recorded vote adopted the Ordinance:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster 7

Noes: 0

// In the matter of FY2009 Budget, Budget Ordinance #O-08-065 adopting the FY 2009 Robert E. Lee Soil & Water Conservation District Budget and appropriating \$10,000 for this budget, laid over from the May 13, 2008 meeting, was again presented and read, and on motion of Council Member Seiffert, seconded by Council Member Johnson, Council by the following recorded vote adopted the Ordinance:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster 7

Noes: 0

// In the matter of FY2009 Budget, Budget Ordinance #O-08-066 adopting the FY 2009 Virginia Legal Aid Society Budget and appropriating \$10,000 for this budget, laid over from the May 13, 2008 meeting, was again presented and read, and on motion of Council Member Seiffert, seconded by Council Member Johnson, Council by the following recorded vote adopted the Ordinance:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster 7

Noes: 0

// In the matter of FY2009 Budget, Budget Ordinance #O-08-068 adopting the FY2009 Greater Lynchburg Transit Budget and appropriating \$6,268,268 for this budget, laid over from the May 13, 2008 meeting, was again presented and read. In response to Council questioning, City Manager Kimball Payne stated that this budget ordinance will need to be amended once City Council has reached a decision regarding the additional \$376,907 that GLTC will receive in State funding. On motion of Council Member Seiffert, seconded by Council Member Johnson, Council by the following recorded vote adopted the Ordinance:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster 7

Noes: 0

// In the matter of FY2009 Budget, Budget Ordinance #O-08-069 adopting all other FY 2009 Operating Fund Budgets and appropriating the sums for each fund, laid over from the May 13, 2008 meeting, was again presented and read, and on motion of Council Member Seiffert, seconded by Council Member Johnson, Council by the following recorded vote adopted the Ordinance:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster 7

Noes: 0

// In the matter of FY2009 Budget, Budget Ordinance #O-08-071 adopting the FY 2009 Capital Budget and appropriating \$27,881,658 for the City Capital Projects Fund; \$1,478,520 for the Schools Capital Projects Fund; \$1,300,000 for the Airport Capital Projects Fund; \$6,972,000 for the Water Capital Projects Fund; and \$18,225,000 for the Sewer Capital Projects Fund, laid over from the May 13, 2008 meeting, was again presented and read, and on motion of Council Member Seiffert, seconded by Council Member Johnson, Council by the following recorded vote adopted the Ordinance:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster 7

Noes: 0

// In the matter of FY2009 Budget, Budget Ordinance #O-08-072 approving the payment of monetary incentives, awards and bonuses to City employees under certain circumstances, laid over from the May 13, 2008 meeting, was again presented and read, and on motion of Council Member Seiffert, seconded by Council Member Johnson, Council by the following recorded vote adopted the Ordinance:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster 7

Noes: 0

// In the matter of FY2009 Budget, Budget Ordinance #O-08-073 to set the personal property tax relief rate for the fiscal year beginning July 1, 2008 through June 30, 2009 at 52.94%, laid over from the May 13,

2008 meeting, was again presented and read, and on motion of Council Member Seiffert, seconded by Council Member Johnson, Council by the following recorded vote adopted the Ordinance:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster

7

Noes:

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// In the matter of Schools – Board of Trustees, a second public hearing was held to receive input from citizens regarding appointments (or reappointments) to vacancies that will exist June 30 in each of the three (3) School Board representational districts. Mayor Foster announced that no new names have been received by the Clerk of Council since the May 13 public hearing. There was no one present who wished to speak to this item, and the public hearing was closed. Mayor Foster announced that interviews with selected candidates are scheduled for May 31.

// In the matter of Public Works - Refuse, a public hearing was held regarding City Council Report #18 regarding adopting a Resolution approving the revised Region 2000 Member Use Agreement for the Region 2000 Services Authority. Public Works Director Dave Owen along with Region 2000 Regional Service Authority Director Clark Gibson provided a brief summary regarding the request. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Gillette, seconded by Council Member Garrett, Council by the following recorded vote adopted Resolution #R-08-079, as presented, approving the revised Region 2000 Member Use Agreement for the Region 2000 Services Authority by incorporating references to add the County of Appomattox as a member of the Authority and incorporating other minor changes:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster

7

Noes:

0

// In the matter of FY2009 Budget, Budget Ordinance #O-08-058 adopting the FY 2009 General Fund Operating Budget (excluding External Service Provider expenditures) and appropriating \$138,217,888 for this budget, laid over from the May 13, 2008 meeting, was again presented and read, and on motion of Council Member Seiffert, seconded by Council Member Gillette, Council by the following recorded vote adopted the Ordinance:

Ayes: Dodson, Garrett, Gillette, Johnson, Seiffert, Foster

6

Noes: Helgeson

1

// In the matter of FY2009 Budget, Budget Ordinance #O-08-067 adopting the FY 2009 School Operating Budget and appropriating \$94,773,891 for this budget, laid over from the May 13, 2008 meeting, was again presented and read, and on motion of Council Member Johnson, seconded by Council Member Gillette, Council by the following recorded vote adopted the Ordinance:

Ayes: Dodson, Garrett, Gillette, Johnson, Foster

5

Noes: Helgeson, Seiffert

2

// In the matter of FY2009 Budget, Ordinance #O-08-070 adopting the FY 2009-2013 Capital Improvement Program, laid over from the May 13, 2008 meeting, was again presented and read, and on motion of

May 27, 2008

137

Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote adopted the Ordinance:

Ayes: Dodson, Garrett, Gillette, Johnson, Seiffert, Foster 6

Noes: Helgeson 1

// On motion of Council Member Gillette, seconded by Council Member Seiffert, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commission, i.e., School Board, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster 7

Noes: 0

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

// Council Member Johnson made the following motion:

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

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

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

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

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster 7

Noes: 0

// The meeting was recessed at 6:05 P.M. to Saturday, May 31, at 12:30 P.M., to conduct interviews with School Board candidates.

Clerk of Council

May 31, 2008

// A special meeting of the Council of the City of Lynchburg, recessed from May 27, was held on the 31st day of May, 2008, at 12:30 P.M., Council Chamber, City Hall, Joan F. Foster, President, presiding. The purpose of the meeting was to conduct interviews of candidates interested in serving on the Lynchburg School Board. The following Members were present:

Present: Dodson, Garrett, Gillette, Helgeson, Seiffert, Foster 6

Absent: Johnson 1

// On motion of Council Member Seiffert, seconded by Council Member Gillette, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions and specifically to conduct interviews of candidates seeking to serve on the Lynchburg School Board pursuant to Section 2.2-3711(A) (1) of the Code of Virginia, 1950, as amended:

Ayes: Dodson, Garrett, Gillette, Helgeson, Seiffert, Foster 6

Noes: 0

Absent: Johnson 1

// Council Member Johnson joined the closed meeting at 12:50 p.m.

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

// Council Member Johnson 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 Vice Mayor Dodson, and Council by the following recorded vote adopted the motion:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster 7

Noes: 0

// The meeting was recessed at 4:24 p.m. to June 10 at 4:30 p.m., to conduct an interview of a candidate interested in serving on the Lynchburg School Board.

Clerk of Council

// A special meeting of the Council of the City of Lynchburg, recessed from May 27, was held on the 31st day of May, 2008, at 12:30 P.M., Council Chamber, City Hall, Joan F. Foster, President, presiding. The purpose of the meeting was to conduct interviews of candidates interested in serving on the Lynchburg School Board. The following Members were present:

Present: Dodson, Garrett, Gillette, Helgeson, Seiffert, Foster 6

Absent: Johnson 1

// On motion of Council Member Seiffert, seconded by Council Member Gillette, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions and specifically to conduct interviews of candidates seeking to serve on the Lynchburg School Board pursuant to Section 2.2-3711(A) (1) of the Code of Virginia, 1950, as amended:

Ayes: Dodson, Garrett, Gillette, Helgeson, Seiffert, Foster 6

Noes: 0

Absent: Johnson 1

// Council Member Johnson joined the closed meeting at 12:50 p.m.

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

// Council Member Johnson 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 Vice Mayor Dodson, and Council by the following recorded vote adopted the motion:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster 7

Noes: 0

// The meeting was recessed at 4:24 p.m. to June 10 at 4:30 p.m., to conduct an interview of a candidate interested in serving on the Lynchburg School Board.

Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **June 10, 2008**

AGENDA ITEM NO.: 3

CONSENT: **X**

REGULAR:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Correction of Schools Third Quarter Adjustment**

RECOMMENDATION:

Adopt a resolution to amend the FY 2008 General and Schools Operating Fund budgets and rescind \$250,000 appropriated to the Schools Operating Fund budget in the FY 2008 Third Quarter Adjustments, and designate this amount in the General Fund budget for the Schools Health Care Reserve.

SUMMARY:

In the FY 2008 Third Quarter Adjustments, \$752,421 was appropriated to the Schools Operating Budget transferring the remaining FY 2007 Year-End Fund Balance from General Fund to the Schools Operating Fund. This number included \$250,000 to increase the Schools Health Care Reserve. The Schools Health Care Reserve is maintained in the General Fund and not the Schools Operating Fund.

PRIOR ACTION(S):

Finance Committee, June 3, 2008

FISCAL IMPACT:

Reduce the Schools Operating Fund by \$250,000 and increase the General Fund by \$250,000.

CONTACT(S):

Donna Witt, Director of Financial Services, 455-3968

ATTACHMENT(S):

Resolution

REVIEWED BY: BMS

Resolution:

BE IT RESOLVED that the FY 2008 General and Schools Operating Fund budgets are amended to rescind \$250,000 appropriated to the Schools Operating Fund budget in the FY 2008 Third Quarter Adjustments, and designate this amount in the General Fund budget for the Schools Health Care Reserve.

Adopted:

Certified:

Clerk of Council

072L

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **June 10, 2008**

AGENDA ITEM NO.: 4

CONSENT: **X**

REGULAR:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: FY 2007 State Homeland Security Program (SHSP) Grant from the National Preparedness Directorate, United States Department of Homeland Security (DHS) to purchase equipment for the Fire Department's Heavy Technical Rescue (HTR) Team

RECOMMENDATION:

Adopt a resolution to amend the FY 2008 City/Federal/State Aid Fund budget and appropriate \$15,000 with resources from the FY 2007 State Homeland Security Program (SHSP) grant from the National Preparedness Directorate, United States Department of Homeland Security (DHS) to purchase equipment for the Fire Department's Heavy Technical Rescue (HTR) Team.

SUMMARY:

DHS awards some grant funding to localities through the State Homeland Security Program (SHSP). The Fire Department has received notification from Virginia Department of Emergency Management (VDEM) of an allocation of \$15,000 from the 2007 State Homeland Security Program grant to use toward the purchase of HTR equipment, exercises, and training. This grant money will be used to purchase Personal Protective Equipment (PPE), detection equipment, and Chemical, Biological, Radiological, Nuclear, Explosive (CBRNE) Operational Search and Rescue Equipment for the Fire Department's HTR Team.

This grant is being distributed by the Virginia Department of Emergency Management. No local match is required; this grant is fully funded by the FY 2007 State Homeland Security Program grant from the National Preparedness Directorate, U.S. Department of Homeland Security.

PRIOR ACTION(S):

Finance Committee, June 3, 2008

FISCAL IMPACT:

None, no local match is required.

CONTACT(S):

Fire Chief S. Brad Ferguson, 455-6340

Deputy Chief Walt Bailey, 455-6351

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

ATTACHMENT(S):

Resolution

Allocation letter

REVIEWED BY: bms

Resolution:

BE IT RESOLVED That the FY 2008 City/Federal/State Aid Fund budget is amended and \$15,000 is appropriated, with resources from the FY 2007 State Homeland Security Program (SHSP) grant from the National Preparedness Directorate, United States Department of Homeland Security (DHS), to purchase equipment for the Fire Department's Heavy Technical Rescue (HTR) Team.

Introduced:

Adopted:

Certified:

Clerk of Council

073L



COMMONWEALTH of VIRGINIA
Department of Emergency Management

MICHAEL M. CLINE
State Coordinator

JANET L. CLEMENTS
Deputy Coordinator

JAMES W. KECK
Deputy Coordinator

10501 Trade Court
Richmond, Virginia 23236-3713
(804) 897-6500
(TDD) 674-2417
FAX (804) 897-6506

April 14, 2008

Mr. L. Kimball Payne
Lynchburg City
900 Church Street
Lynchburg, VA 24505

Dear Mr. Payne,

The Virginia Department of Emergency Management (VDEM) is pleased to announce the allocation of the 2007 State Homeland Security Program grant (SHSP), CFDA #97.073, from the National Preparedness Directorate, United States Department of Homeland Security (DHS). Your agency has been funded for:

- Project Title: Heavy Tactical Rescue Team Equipment, Exercise and Training
- Amount: \$15,000.00

The obligation period for this program is July 1, 2007, to June 30, 2009. Reimbursement may be requested for items procured during this period, consistent with the project intent. These funds are restricted to the purchasing of HTR equipment, exercises and training. They are to be used for the purchase, upgrade and sustainment of HTR teams. For regional coordination prior to purchasing, each team should seek technical advice from the Virginia Department of Fire Programs. As a reminder, organizations that spend more than \$500,000 in DHS funds during a fiscal year are subject to an independent audit per OMB circular A-133. If you are subject to this audit, we will contact you to obtain a copy of the report.

All subrecipients are requested to submit a project plan and comprehensive timeline along with the VDEM grant application. A quarterly report will be required 15 days after each quarter (starting 6/30/08). The quarterly report will be due until the end of the grant period or when the project is complete. An electronic copy of these documents can be found at www.vaemergency.com under grant forms. The application, project plan, and timeline will be due 30 days from the receipt of this letter. Final reports are due by September 30, 2009. These

"Working to Protect People, Property and Our Communities"

Mr. Payne
April 14, 2008
Page 2

reports should be held for at least three years after the end of the grant period and are subject to audit by DHS and/or the Commonwealth of Virginia.

Included in this package of particular importance is the Certification of Compliance, and Special Conditions, for your signature. It certifies you have read and understand Federal and State terms and conditions associated with accepting the grant.

The Commonwealth will only send grant funds to a subrecipient a maximum of 120 days prior to purchase of allowable expenditures. To accomplish this, VDEM will forward a "Request for Drawdown" form once you have completed your application process.

Please review and sign the required documents and return them to the Grants Management Office by May 12, 2008. If you have any questions regarding this award, please contact the Grant Management Office at (804) 897-6500.

Sincerely,



Michael M. Cline

MMC:CJA/bl

Enclosures

Cc: The Honorable Robert P. Crouch, Jr., Assistant to the Governor for Commonwealth Preparedness
The Honorable John W. Marshall, Secretary of Public Safety
Mr. Steve Mondul, Deputy Assistant to the Governor for Commonwealth Preparedness
Ms. Janet Clements, Chief Deputy State Coordinator
Mr. James W. Keck, Administrative Deputy State Coordinator
Ms. Susan Mongold, Statewide Grants Coordinator
Mr. Michael McAllister, Critical Infrastructure Protection Coordinator
Ms. Cheryl Adkins, Grant Manager
Mr. Mark Morton, Heavy Tactical Rescue Chief
Ms. Amanda Wood, Grant Manager



COMMONWEALTH of VIRGINIA
Department of Emergency Management

MICHAEL M. CLINE
State Coordinator

JANET L. CLEMENTS
Deputy Coordinator

JAMES W. KECK
Deputy Coordinator

10501 Trade Court
Richmond, Virginia 23236-3713
(804) 897-6500
(TDD) 674-2417
FAX (804) 897-6506

April 14, 2008

FISCAL YEAR 2007 STATE HOMELAND SECURITY PROGRAM GRANT
SUBGRANT AWARD & CERTIFICATION OF COMPLIANCE

Subgrantee:
Lynchburg City

As the duly authorized representative of the above listed organization, I hereby accept the subgrant award and certify that I have read and understand the terms and conditions presented in the following documents:

FY 2007 STATE HOMELAND SECURITY PROGRAM GRANT:
http://www.ojp.usdoj.gov/odp/docs/fy07_hsgp_guidance.pdf

Special Conditions

Non-Supplanting Certification

Grant Assurances

Certification Regarding Lobbying

VDEM Grant Application

Print Name

Print Title

Signature

Date

"Working to Protect People, Property and Our Communities"

SPECIAL CONDITIONS

1. The recipient agrees to comply with the financial and administrative requirements set forth by the Commonwealth of Virginia and the Office of Grants and Training.
2. The recipient agrees that federal funds under this award will be used to supplement, but not supplant, state or local funds for homeland security preparedness.
3. The recipients agrees that the use of funds under this grant will be in accordance with the Fiscal Year 2007 Homeland Security Program Grant Guidelines and must support the goals and objectives included in the State Homeland Security Strategy.
4. The recipient must submit a Quarterly Progress Report. Failure to provide this information may result in VDEM withholding grant funds from further obligation and expenditure.
5. The recipient agrees that all publications created with funding under this grant shall prominently contain the following statement: "This Document was prepared under a grant from the Office of Grants & Training (G&T), United States Department of Homeland Security. Points of view or opinions expressed in this document are those of the authors and do not necessarily represent the official position or policies of G&T or the U.S. Department of Homeland Security".
6. The recipient agrees that, when practicable, any equipment purchased with grant funding shall be prominently marked as follows: "Purchased with funds provided by the U.S. Department of Homeland Security."
7. The recipient agrees to cooperate with any assessments, national evaluation efforts, or information or data collection requests, including, but limited to, the provision of any information required for the assessment or evaluation of any activities within this project.
8. Approval of this award does not indicate approval of any consultant rate in excess of \$450.00 per day. A detailed justification must be submitted to and approved by G&T prior to obligation or expenditure of such funds.
9. Drawdown of Funds: Subrecipients may elect to drawdown funds up to 120 days prior to expenditure/disbursement. However, the Commonwealth strongly encourages recipients to drawdown funds as close to expenditure as possible to avoid accruing interest. Funds received by subrecipients must be placed in a interest-bearing account and are subject to the rules outlined in the Uniform Rule 6 CFR part 9, *New Restrictions on Lobbying*, and the Uniform Rule 28 CFR Part 70, *Uniform Administrative Requirement for Grants and Agreements (Including Subawards) with Institutions of Higher Education, Hospitals and other Non-profit Organizations*, at <http://www.gpoaccess.gov/cfr/index.html>.

These guidelines state that subrecipients are required to promptly, but at least quarterly, remit interest earned on advances to:

United States Department of Health and Human Services
Division of Payments Management Services
PO Box 6021
Rockville, MD 20852

Copies of all remittances must be sent to VDEM. Subrecipients may keep interest amounts up to \$100 per year for administrative expenses for all federal grants combined. Subrecipients are subject to the interest requirements of the Cash Management Improvement Act (CMIA) and its implementing regulations at 31 CFR Part 205. Interest under CMIA will accrue from the time federal funds are credited to the account until the time the funds are paid.

Jurisdiction _____

Initial _____

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: June 10, 2008		AGENDA ITEM NO.: 5
CONSENT:	REGULAR: X	CLOSED SESSION:
ACTION: X	INFORMATION:	(Confidential)
<u>ITEM TITLE:</u> REZONING – I-2, Light Industrial District to B-3C, Community Business District (Conditional) at 3760 Candler's Mountain Road		

RECOMMENDATION: Approval of the requested rezoning petition.

SUMMARY: Shantae Younger is petitioning to rezone one (1) tract totaling seventy-seven hundredths (0.77) of an acre to allow for the use of an existing nine thousand four hundred and eighty (9,480) square foot building as a church. The Planning Commission recommended approval of the rezoning petition because:

- Petition agrees with the *Zoning Ordinance* in that church uses are permitted in a B-3, Community Business District.
- Although the petition to rezone the property would allow the use of the vacant industrial building as a church use, the petitioner and the owner both acknowledge that this may not be the ultimate use of the property. Since the *Future Land Use Map (FLUM)* is not designed to be parcel specific and Institutional uses are already designated for the area surrounding the property, Planning staff and the Planning Commission recommend approval of the rezoning without amending the *FLUM* from the present Employment 2 designation.
- Economic Development and the IDA both had no objection to the proposed rezoning, noting that the properties were not of interest for industrial use (since there were no other industrially zoned properties within the vicinity of the site). They also noted that the rezoning would not negatively impact the future commercial development of the property.
- The existing building would have one hundred and thirty (130) seats, which would require forty-four (44) parking spaces. The thirty-nine (39) existing parking spaces surrounding the existing building will remain and the petitioner is proposing to supplement the balance of the required five (5) parking spaces through a shared parking agreement with Cube Enterprises. The petitioner has submitted a draft of the shared parking agreement that would be finalized if the rezoning is approved by City Council. The existing thirty-nine (39) spaces supplemented with the proposed shared parking would provide the number of spaces necessary to meet the requirements of the *Zoning Ordinance*.

PRIOR ACTION(S):

May 14, 2008: Planning Division recommended approval of the rezoning petition.

Planning Commission waived the twenty one (21)-day submittal requirement for proffers.

Planning Commission recommended approval (6-0, with one abstention, Swienton) of the rezoning with the following voluntarily submitted proffers:

1. The property will be developed in substantial compliance with the concept plan for "The Ramp Church" received by the Department of Community Development on May 21, 2008. Other B-3 uses will be permitted onsite.
2. The entrance closest to [the] Candler's Mountain Road/University Boulevard intersection will be closed during regular and scheduled church events.

3. The church will maintain the following hours of worship services:

Sunday at 11:45 a.m.

Tuesday at 5:00 a.m.

Wednesday at 7:00 p.m.

The regular schedule of Sunday worship strategically assists in an easier flow of traffic considering that it is placed differently than the other worship services in the vicinity.

4. Landscaping for the property will include parking area landscaping [and maintenance] of already existing trees and shrubs on the property. It will also include additional shrubs and flowers on the property frontage.
5. Shared joint-access will be provided with the adjacent property located at 3762 Candler's Mountain Road.

FISCAL IMPACT: N/A

CONTACTS: Charlene Montford/ 455-3902; Tom Martin/ 455-3909

ATTACHMENT(S):

Resolution

PC Report

PC Minutes

Vicinity Zoning Pattern

Vicinity Proposed Land Use

Watershed Location Map

Concept Plan

Proffers

DRAFT Joint Access Agreement

DRAFT Shared Parking Agreement

Speaker Sign-Up Sheet

REVIEWED BY: lkp

ORDINANCE

AN ORDINANCE CHANGING A CERTAIN AREA AT 3760 CANDLERS MOUNTAIN ROAD FROM I-2, LIGHT INDUSTRIAL DISTRICT TO B-3C, COMMUNITY COMMERCIAL BUSINESS DISTRICT (CONDITIONAL).

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG that in order to promote the public necessity, convenience, welfare and good zoning practice that Chapter 35.1-76.____ which section shall read as follows:

Section 35.1-76.____. Change of a certain area at 3760 Candlers Mountain Road from I-2, Light Industrial District to B-3C, Community Business District (Conditional).

The area embraced within the following boundaries ...

Beginning at a point on the northeast right of way line of Candlers Mountain Road, thence S46°03'00" E 136.27', thence N 53°03'00" E 225.00', thence N 36°57'00" W 100.00', thence S 53°03'00" W 32.74', thence N 45°26'00" W 65.75', thence S 44°34'00" W 206.00' to the point of beginning and containing approximately 0.77 acres.

... is hereby changed from I-2, Light Industrial District to B-3C, Community Business District (Conditional) subject to the conditions set out hereinbelow which were voluntarily proffered by the owner, namely Cube Enterprises, to wit:

1. The property will be developed in substantial compliance with the concept plan for "The Ramp Church" received by the Department of Community Development on May 21, 2008. Other B-3 uses will be permitted onsite.
2. The entrance closest to Candlers Mountain Road/University Boulevard intersection will be closed during regular and scheduled church events.
3. The church will maintain the following hours of worship services:
Sunday at 11:45 a.m.
Tuesday at 5:00 a.m.
Wednesday at 7:00 p.m.
The regular schedule of Sunday worship strategically assists in an easier flow of traffic considering that it is placed differently than the other worship services in the vicinity.
4. Landscaping for the property will include parking area landscaping [and maintenance] of already existing trees and shrubs on the property. It will also include additional shrubs and flowers on the property frontage.
5. Shared joint-access will be provided with the adjacent property, located at 3762 Candlers Mountain Road.

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

Adopted:

Certified:

Clerk of Council

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

To: Planning Commission
From: Planning Division
Date: May 14, 2008
Re: **REZONING: I-2, Light Industrial District to B-3C, Community Business District (Conditional) at 3760 Candler Mountain Road**

I. PETITIONER

Shantae Younger, 1301 Main Street, Suite 408, Lynchburg, VA 24504

Representative: Shantae Younger, 1301 Main Street, Suite 408, Lynchburg, VA 24504

II. LOCATION

The subject property includes one (1) tract totaling seventy-seven hundredths (0.77) of an acre at 3760 Candler Mountain Road.

Property Owner: Cube Enterprises, LLC, 3762 Candler Mountain Road, Lynchburg, VA 24502

III. PURPOSE

The purpose of this petition is to rezone the subject property to allow the use of an existing nine thousand four hundred and eighty (9,480) square foot building as a church with associated parking.

IV. SUMMARY

- The *Comprehensive Plan* recommends an Employment 2 use in this area. Adjacent land uses designated by the *Future Land Use Map [FLUM]* include a combination of Regional Commercial, Community Commercial, Institution and Low Density Residential uses.
- Petition agrees with the *Zoning Ordinance* in that church uses are permitted in a B-3, Community Business District.

The Planning Division recommends approval of the rezoning petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends an Employment 2 use in this area. Employment 2 uses include light and heavy manufacturing, research and development, flex space, and large-scale office uses. Restaurant, hotel and business service uses are also appropriate, if sized and designed to serve the employment area. **[page 5.4]** The subject property represents one of the last industrially zoned parcels within the area; the adjacent properties are zoned B-3(C), Community Business District (Conditional). Adjacent land uses designated by the *Future Land Use Map* include a combination of Regional Commercial, Community Commercial, Institution and Low Density Residential uses.

The Economic and Employment Area chapter of the *Comprehensive Plan* prompts staff to “identify areas of the City with the potential, through redevelopment, to support the expansion of existing and the attraction of new industrial and office development.” **[page 9.6]** Planning staff asked the Department of Economic Development and the Industrial Development Authority’s [IDA] property committee to review the project with regard to the potential land use change for the area. Economic Development and the IDA both had no objection to the proposed rezoning, noting that the properties were not of interest for industrial use (since there were no other industrially zoned properties within the vicinity of the site). They also noted that the rezoning would not negatively impact the future commercial development of the property.

Although the petition to rezone the property would allow the use of the vacant building as a church use, the petitioner and the owner both acknowledge that this may not be the ultimate use of the

property. Since the *FLUM* is not designed to be parcel specific, and Institutional uses are already designated for the area surrounding the property, Planning staff recommends approval of the rezoning without amending the *FLUM* from the present Employment 2 designation.

2. **Zoning.** The existing I-2, Light Industrial District was established in 1978 with the adoption of the current *Zoning Ordinance*.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the development of the property as proposed.
4. **Proffers.** The petitioner voluntarily submitted the following proffer(s) with the rezoning application:
 - 1) The property will be developed in substantial compliance with the concept plan for “The Ramp Church” last revised on April 30, 2008. Other B-3 uses will be permitted onsite.
 - 2) The entrance closest to Candler’s Mountain Road/University Boulevard intersection will be closed during regular and scheduled church events.
 - 3) The church will maintain the following hours of worship services:
 - Sunday at 11:45 a.m.
 - Tuesday at 5:00 a.m.
 - Wednesday at 7:00 p.m.The regular schedule of Sunday worship strategically assists in an easier flow of traffic considering that it is placed differently than the other worship services in the vicinity.
 - 4) Landscaping for the property will include parking area landscaping [and maintenance] of already existing trees and shrubs on the property. It will also include additional shrubs and flowers on the property frontage.
 - 5) Shared joint-access will be provided with the adjacent property, located at 3762 Candler’s Mountain Road.
5. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - On March 25, 2008, City Council approved Liberty University’s petition to name two existing private streets on the Liberty University campus off Candler’s Mountain Road “Regents Parkway” and “Research Lab Road.”
 - On November 13, 2007, City Council approved Liberty University’s petitions to amend the *Future Land Use Map* from Institution to Community Commercial and rezone from R-C, Conservation District to B-3C, Community Business District (Conditional) at 500 Liberty Mountain Drive, and a conditional use permit to allow the construction of a building across the City of Lynchburg and Campbell County corporate limits.
 - On January 9, 2007, City Council approved Cube Enterprises’ petition to rezone approximately two and thirty-nine hundredths (2.39) acres at 3762 Candler’s Mountain Road from I-2, Light Industrial District to B-3C, Community Business District (Conditional) to allow the demolition of existing buildings and the construction of a hotel with associated parking.
 - On November 9, 2004, City Council approved Liberty University’s petition to amend the conditions of the conditional use permit approved on December 16, 2003 related to vehicular access points to the property located at 100 Mountain View Road.
 - On December 16, 2003, City Council approved Liberty University’s petition to rezone a tract of approximately one hundred and twenty-three (123) acres on Liberty Mountain Drive from B-3, Community Business District, to B-5C, General Business District (Conditional) and a tract of eighty-three (83) acres at 100 Mountain View Road from I-2, Light Industrial District, to B-5C, General Business District (Conditional) to allow university, church and K-12 uses.

- On December 16, 2003, City Council approved Liberty University's petition for a conditional use permit to allow university and K-12 uses at 1971 University Boulevard, on Liberty Mountain Drive and 100 Mountain View Road.
- On October 14, 2003, City Council approved Liberty University, Thomas Road Baptist Church (TRBC), and GDT, CG1, LLC's petition for a conditional use permit to allow a community recreation facility at 100 Mountain View Road.
- On November 13, 2001, City Council approved Liberty University's petition for a conditional use permit petition to allow the construction of a student center and associated parking at 1971 University Boulevard.
- On October 12, 1999, City Council approved Lynchburg Lodging, Inc.'s petition to rezone approximately one and four tenths (1.4) acres from I-2, Light Industrial District, to B-3C, Community Business District (Conditional) to allow the use of the property as a motel at 3736 Candler's Mountain Road.
- On April 14, 1998, City Council approved Liberty University's petition for a conditional use permit petition to allow the construction of four (4) new dormitories, a visitor's center, additions to the DeMoss building and associated parking areas at 1971 University Boulevard.
- On September 9, 1997, City Council approved The Inn Group, Inc.'s petition to rezone approximately four and three tenths (4.3) acres from R-C, Conservation District and I-2 Light Industrial District to B-3C, Community Business District (Conditional) to allow construction of commercial buildings on University Boulevard.
- On April 13, 1993, City Council approved Brian H. Kurbjewit and Trust's petition to rezone approximately one and one quarter (1.25) acres from I-2, Light Industrial District, to B-3C, Community Business District (Conditional) to allow the establishment of a motel, parking for approximately sixty-seven (67) vehicles and other permitted B-3 uses in the 3700 Block of Candler's Mountain Road.
- On October 9, 1990, City Council approved NW Development, Inc.'s petition to rezone approximately thirty-nine hundredths (0.39) and seventy-three hundredths (0.73) of an acre at 3764 Candler's Mountain Road and 3746 Candler's Mountain Road, respectively, from I-2, Light Industrial District to B-3C, Community Business District (Conditional) and two and fifty-four (2.54) hundredths acres at 3620 Candler's Mountain Road from B-3, Community Business District and I-3, Heavy Industrial District to B-5(C), General Business District (Conditional) to allow the expansion of retail sales generally associated with Candler's Station Shopping Center.
- On July 11, 1989, City Council approved NW Development, Inc.'s petition to rezone approximately thirty and one half (30.5) acres from I-2, Light Industrial District, B-5C, General Business District (Conditional), B-3C, Community Business District (Conditional) and R-4, Medium-High Density, Multi-Family Residential District to B-3C, Community Business District (Conditional), to allow the establishment of a retail shopping center at the 3600 and 3700 block of Candler's Mountain Road.
- On March 14, 1989, City Council approved Old Time Gospel Hour/Liberty University's petition for a conditional use permit for the construction of a twelve thousand (12,000) seat football stadium and a nine thousand (9,000) seat basketball arena (the Vine Center) on the Liberty University main campus. A condition of this CUP was the construction of a secondary permanent access, subject to approval by the City.
- On April 12, 1988, City Council approved Old Time Gospel Hour's petition for the rezoning of the remaining thirty (30) acres of the Liberty University main campus from I-2, Light Industrial District to B-5, General Business District (Conditional) to allow the construction of dormitories and the expansion of other university related uses.

- On November 11, 1983, City Council approved Old Time Gospel Hour's petition to rezone one hundred thirty-three (133) acres on Liberty Mountain Drive from R-C, Conservation District to R-4, Multi-Family Residential District (Conditional) to allow the construction of four (4) four hundred (400) unit apartment buildings and a two hundred fifty (250) bed health care facility.
 - On October 12, 1982, City Council approved A.T. Williams Oil Company's petition for a conditional use permit to allow the construction of an automobile service station at 3001 Wards Road.
 - On December 12, 1978, City Council adopted the "Official Zoning Map." With this adoption, one hundred forty-two (142) acres of the Liberty University main campus was rezoned from M, Manufacturing to B-5, General Business District.
6. **Site Description.** The subject property is bound to the north by Candler's Station Shopping Center, to the east by U.S. 460 and vacant property, to the south by a combination of commercial businesses and multi-family apartments and to the west by Liberty University and commercial businesses.
 7. **Proposed Use of Property.** The purpose of this petition is to rezone the subject property to allow the use of an existing nine thousand four hundred and eighty (9,480) square foot building as a church with associated parking. No renovations are proposed for the exterior of the existing building and the site is served by City water and sewer. Since the site is a re-development, no landscaping would be required for the project; however, the petitioner has incorporated parking area screening, street trees and foundation plantings, similar to the requirements of the City's *Zoning Ordinance*.
 8. **Traffic, Parking and Public Transit.** The City's Traffic Engineer recommended that the entrance from Candler's Mountain (closest to University Boulevard) be closed so that the church members would use the rear entrance for Cube Enterprises (located at 3762 Candler's Mountain Road); a shared access agreement would be required for the joint use of this entrance. The petitioner has submitted proffers and revised the concept plan to provide for the shared joint-access for the rear entrance and will gate the entrance closest to the Candler's Mountain Road/University Boulevard to allow its use exclusively for delivery trucks and emergency vehicles. The proposed revisions are acceptable to the City's Transportation Engineer.

Parking requirements for church uses are set at one (1) space for each three (3) fixed seats by the *Zoning Ordinance*. The existing building would have one hundred and thirty (130) seats, which would require forty-four (44) parking spaces. The thirty-nine (39) existing parking spaces surrounding the existing building will remain and the petitioner is proposing to supplement the balance of the required five (5) parking spaces through a shared parking agreement with Cube Enterprises. The Cube Enterprises operation is required to provide two (2) parking spaces per three (3) employees on the main shift. Cube Enterprises has sixty-seven (67) existing parking spaces on their property; their twenty (20) employees require fourteen (14) parking spaces, thus providing for fifty-three (53) spaces that can be shared with the adjacent property. The petitioner has submitted a draft of the shared parking agreement that would be finalized if the rezoning is approved by City Council. The existing thirty-nine (39) spaces supplemented with the proposed shared parking would provide the number of spaces necessary to meet the requirements of the *Zoning Ordinance*.

The Planning Division strongly recommended that the church provide for pedestrian connections to the public sidewalk on University Boulevard and that additional walkways (sidewalks, crosswalks, etc.) be provided from the parking area to the church. Although the petitioner did not provide for these connections on the revised concept plan, the closing of the entrance closest to the Candler's Mountain Road/University Boulevard will likely reduce the potential for vehicle/pedestrian conflicts within the parking area.

Public transit is currently accessible in this area. The Greater Lynchburg Transit Company Route 4F is available at the intersection of Candler's Mountain Road and University Boulevard, directly adjacent to the site.

9. **Storm Water Management.** New impervious areas will not exceed one thousand (1,000) square feet; as such, a stormwater management plan will not be required for the construction of the parking area. Though not required, the proposed parking area screening, street trees and foundation plantings will provide new low maintenance greenspace which will result in less runoff and an improved stormwater quality benefit from the site.
 10. **Emergency Services.** The City's Fire Marshal requested additional information regarding the layout and use of the structure. Following an on-site meeting with the representative, the Fire Marshal had no comments regarding the rezoning petition.

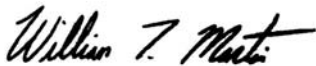
The City Police Department commented that additional parking provisions and closing off the Candler's Mountain Road entrance would help reduce the chances for accidents at the location. The petitioner will provide for both shared access and shared parking prior to final site plan approval. Additionally, the Police Department requested that the petitioner consider installing additional lighting, especially in the rear of the facility, to serve as a crime deterrent. The revised plan notes that any new lighting will be glare shielded and non-directional; the final lighting layout will be determined during site plan review.
 11. **Impact.** The proposed re-development would allow for the renovation of an existing, vacant building and parking area. Traffic, parking, stormwater management and public safety concerns have all been addressed to the satisfaction of City staff, and the result is a project that would fit with the character of the surrounding area.
 12. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary concept plan on April 22, 2008. Comments related to the proposed use were minor in nature and have or will be addressed by the developer prior to final site plan approval.
-

VI. PLANNING DIVISION RECOMMENDATION

The Planning Commission waives the twenty-one (21) day submittal requirements for proffers.

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of Shantae Younger's petition to rezone seventy-seven hundredths (0.77) of an acre at 3760 Candler's Mountain Road from I-2, Light Industrial District to B-3C, Community Business District (Conditional) with the voluntarily submitted proffers.

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Charlene B. Montford, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia L. Kozarow, Lynchburg Police Department
Battalion Chief Greg Wormser, Fire Marshal
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Mr. Keith Wright, Zoning Official

Mr. Robert S. Fowler, Zoning Administrator
Mr. Kent L. White, Senior Planner
Mrs. Erin B. Hawkins, Environmental Planner
Mr. Shantae Younger, Representative

VII. ATTACHMENTS

- 1. Vicinity Zoning Pattern**
- 2. Vicinity Proposed Land Use**
- 3. Watershed Location Map**
- 4. Concept Plan**
- 5. Proffers**
- 6. Draft Joint Access Agreement**
- 7. Draft Shared Parking Agreement**

MINUTES FROM THE MAY 14, 2008 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

a. Petition of Shantae Younger to rezone 0.77 of an acre from I-2, Light Industrial District to B-3C, Community Business District (Conditional) to allow the use of an existing building and parking area for a church at 3760 Candler's Mountain Road.

Commissioner Swienton commented that he would be abstaining from this matter due to a professional relationship. Mr. Martin addressed the commissioners with the following comments. This property is one of the last remaining industrial tracts in the area. The proposal is to use the building as a 130-seat sanctuary. There are 44 required parking spaces; 39 would be located on the property; the remainder will be provided through a shared parking agreement with the property to the east. The *Future Land Use Map* recommends an Employment 2 use for the subject property, which includes flex space, manufacturing and large scale offices. However, everything else in the area is a commercial or institutional use. The proffers adequately address concerns of the Planning Division and the Transportation Engineer really had no comments or concerns. The hours of the church will be set apart from those of Thomas Road Baptist Church, so that should help ease traffic congestion in the area. The Planning Division does recommend approval of the rezoning.

Mr. Shantae Younger of 1301 Main Street came forward to speak on behalf of the petition. He commented that he has the privilege of serving as the pastor of the Ramp Church, a local community church. They are temporarily located at the City Market Lofts in the commercial units, while they wait on the rezoning process. They had a successful Technical Review Committee meeting where the staff members were very helpful. He wished to thank them for that.

They have added additional proffers and recommendations, as requested by staff, to make this a more feasible project. He appeals ultimately to the Planning Commission that they would pass on their recommendation to City Council. He is available to answer any questions about the church ministry or the project.

Chair Hamilton asked for anyone else present to speak in favor of the petition. No one came forward to speak, but around 35 people stood in support of the petition. Chair Hamilton asked for anyone to speak in opposition and no one came forward. She closed the public hearing portion of the petition.

Commissioner Worthington asked for clarification about the ingress and egress to the property. Mr. Martin pointed out the entrance from Candler's Mountain Road, which the Transportation Engineer had recommended be gated. It will only be used for emergency vehicle access or large deliveries. The main entrance to the site will be through the existing Cube Enterprises, with which they have a shared parking agreement. Commissioner Sale asked for clarification about when the gate will be closed and when it will be open. If it will be closed during church services, how long will it be closed? Mr. Martin commented that it will be gated and that is what the site plan indicates. Commissioner Sale pointed out that what is on the site plan and what is in the proffers do not agree.

Mr. Younger explained that the Fire Marshal suggested that it stay open. Other members of the Technical Review Committee asked that it be closed. The owners of the property suggested that it be open, so this is an effort of compromise because Cube Enterprises uses that entrance for deliveries. They are saying that during church services and church events (planned or unplanned), that entrance will not be used except for emergency vehicles or during regular business hours of Cube Enterprises. Then it will be open for their delivery trucks. No matter what, the church traffic will never use that entrance.

Commissioner Sale commented that answered his question, but the site plan still does not reflect those comments. The proffer does not describe what is on the site plan, and he wants to determine what is best for traffic. Mr. Martin commented that the idea is that the entrance is very close to an intersection and that it would be better for the traffic to use the entrance further up. During church services, the gate will be closed. During the remainder of the time, traffic is not that big of an issue. Mr. Martin asked them what they would like on the site plan.

Commissioner Hannon commented that the site plan states that it will be closed except when it is open and the pastor is saying that it will open except when it is closed. That sounds funny, but that is actually an

accurate description of what is going on. The gate will be closed at such times when traffic is a problem; otherwise it will be open. Mr. Younger stated that is correct. The choice is between the gate is closed except when it is open or the gate is open except when it is closed and he votes for the latter. Mr. Younger stated that he would request the latter as well. Chair Hamilton stated that they are asking for an amendment to the site plan to make it in concert with the proffers. She asked Mr. Martin if he could make that happen, since the site plan is proffered as part of the rezoning. Mr. Younger is willing to make the change, and staff will make sure that happens before it goes to City Council.

Commissioner Sale asked for clarification as to what a conditional rezoning means. Mr. Martin explained that the petitioner and property owner are offering proffers to the City to make it more attractive for the City to rezone the property. A Conditional Use Permit (CUP) is when the Planning Commission or City Council may impose conditions that they deem appropriate, whatever those are, in approving the CUP. In a conditional rezoning, you cannot tell a petitioner what the proffers should be. In a CUP, Planning Commission can tell the petitioner what the conditions will be.

In this instance, the property next door was rezoned probably a year ago for a hotel. This is the last industrial tract. It really does not make any good land use sense to leave it zoned industrial. Staff does like the idea of the proffers being offered because it gives the ability for the church to do additional landscaping and work with us on the entrance. However, staff does not want to see the property proffered just for a church use because the church might outgrow the building. They would like to see another use be able to come in to the property in the future if that is needed. That is why the proffers were amended at staff's suggestion to say that other B-3 uses would be permitted.

Commissioner Sale asked Mr. Younger if they were leasing the building and he said they were. He asked if they were leasing to own, and he said not as of right now. Commissioner Worthington asked him if they were planning on doing other things there during the week like child care. Mr. Younger stated not at this point.

Commissioner Worthington made the following motion, which was seconded by Commissioner Oglesby and passed by the following vote:

“That The Planning Commission waives the twenty-one (21) day submittal requirements for proffers.”

AYES:	Barnes, Hannon, Hamilton, Oglesby, Sale and Worthington	6
NOES:		0
ABSTENTIONS:	Swienton	1
ABSENT:		0

Commissioner Worthington made the following motion, which was seconded by Commissioner Barnes and passed by the following vote:

“That the Planning Commission recommends to City Council approval of Shantae Younger’s petition to rezone seventy-seven hundredths (0.77) of an acre at 3760 Candler’s Mountain Road from I-2, Light Industrial District to B-3C, Community Business District (Conditional) with the voluntarily submitted proffers and with the site plan being amended to conform to the proffers.”

AYES:	Barnes, Hannon, Hamilton, Oglesby, Sale and Worthington	6
NOES:		0
ABSTENTIONS:	Swienton	1
ABSENT:		0

RECEIVED

MAY 01 2008

COMMUNITY
DEVELOPMENT

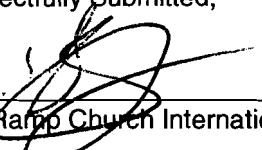
Proffers for 3700 Clanders Mountain Road
Owner: Cube Enterprises, Inc.
Tenant: Ramp Church International
REZ0804-0001

1. The property will be developed as a church in substantial compliance with the concept plan for "The Ramp Church" last revised on April 30, 2008.
2. The entrance closest to the Clanders Mountain Road/University Boulevard intersection will be closed during regular and scheduled church events.
3. The church will maintain the following hours of worship services:
Sunday at 11:45 a.m.

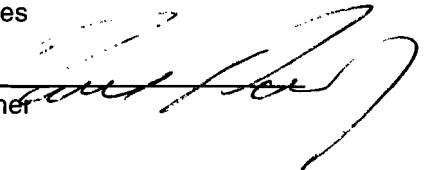
Tuesday at 5:00 a.m.

Wednesday at 7:00 p.m.
This regular schedule of Sunday worship strategically assists in an easier flow of traffic considering that it's placed differently than the other worship services in the vicinity.
4. Landscaping for the property will include parking area landscaping, a maintaining of already existing trees and shrubs on the property. It will also include additional shrubs and flowers on the property frontage.
6. Shared joint-access will be provided with the adjacent property, located at 3762 Clanders Mountain Road.

Respectfully Submitted,

By: 
The Ramp Church International

Cube Enterprises

Approved By: 
Its Owner

5/1/08
Date

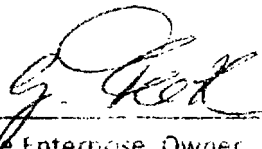
5/1/08
Date



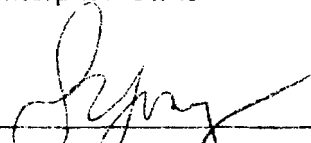
Reaching as many possible.

ADDENDUM TO PROFFERS CONTRACT

The property will be developed in substantial compliance with the concept plan for "The Ramp Church" received by the Department of Community Development on May 21, 2008. Other B-3 uses will be permitted on-site."

X 
Cube Enterprise, Owner

5/29/08
Date

X 
Pastor Shantae Younger, Representative

5/29/08
Date

THIS DECLARATION made this 1 day of May, 2008, by
Cube Enterprise a Virginia Corporation;

WITNESSETH:

WHEREAS, Delclarant is the owner of certain real estate situated within the city of Lynchburg, Virginia; and

WHEREAS, the Declarant recognizes the most favorable maintaining the long term function of arterial and collector roadways, to limit access and the number of conflict points; to promote vehicular circulation; and to promote prevention or reduction of traffic congestion and danger in the public streets; and

WHEREAS, the Declarant acknowledges the necessity to conform to the Lynchburg Code, Section 35.1-43.2.

Now, THEREFORE, in consideration of the premises, Declarant does hereby grant and declare the following rights and servitudes over the parcel:

There is hereby conveyed a non-exclusive reciprocal easement over that certain tract of land known as Cube Enterprise/Omnika, Lynchburg, Virginia, being the same property conveyed to the Declarant by deed from _____ recorded in the Clerk's Office of the Circuit Court for the City of Lynchburg, Virginia, on May 1, 2008, for shared direct access onto the arterial or collector roadway with the adjacent lot.

This non-exclusive reciprocal easement is for the benefit of the owners, agents, employees, licensees, and invitees of the tract of land immediately adjoining _____ boundary of the property encumbered by this declaration for the purpose of permitting pedestrian and vehicular (but as to trucks, only those trucks making deliveries to tenants of the adjoining tract) ingress and egress to the adjoining tract, upon development of said tract.

The foregoing easement is limited to the terms and conditions of this declaration and shall not vest any other rights or benefit on the said grantees.

Nothing herein shall create a gift or dedication of any portion of the property to the general public and nothing herein shall be deemed to require the Declarant, at its expense, to improve access to such adjoining tract beyond that shown on Declarant's site plan approved by the City of Lynchburg; however the Declarant shall blacktop that portion of Cube Enterprise property comprising the ingress and egress area to such adjoining tract up to the boundary line of such adjoining tract.

RECEIVED

MAY 01 2008

COMMUNITY
DEVELOPMENT

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DEVELOPMENT

REZ0804-0001

Off Site Parking Agreement

Following is the Off-site Parking Agreement as required by Section _____

**CITY OF LYNCHBURG
OFF-SITE PARKING AGREEMENT**

This agreement made and entered into this 1 day of May, 2008, by The RAMP CHURCH and
between Cube Enterprise, hereinafter referred to as the "Owner of the Primary Parcel(s)," and
Cube Enterprise, hereinafter referred to as the "Owner of the Secondary Parcel(s),"
and the city of Lynchburg, Virginia.

WITNESSETH:

WHEREAS, the Owner of the Primary Parcel(s) certifies that he/she/it is/are the record owner(s) of property identified as Official Tax Parcel(s) No. _____ on the records of the Commissioner of the Primary Parcel(s) by instrument recorded in the Clerk's Office of the Circuit Court of the City of Lynchburg in deed/will book _ page __, which property is hereinafter referred to as the "Primary Parcel(s)", and

WHEREAS, the Owner of the Secondary Parcel(s) certifies that he/she/it is/are the record owner(s) of property identified as Official Tax Parcel(s) No. _____ on the records of the Commissioner of the Revenue of the City of Lynchburg, and being the same property acquired by the Owner of the Secondary Parcel(s) by instrument recorded in the Clerk's Office of the Circuit Court of the City of Lynchburg in Deed/Will Book _____, page _____, which property is hereinafter referred to as the "Secondary Parcel(s)."

NOW, THEREFORE, for and in consideration of the approval of the City development plan for the Primary Parcel(s), and the mutual covenants herein, it is agreed by the parties that:

Pursuant to the terms of Section _____, Chapter _____ Zoning, of the Code of the City of Lynchburg, off street parking space requirements for the proposed use of the primary Parcel(s), are being satisfied through provision of all or a portion of all or a portion of such required parking spaces, number _____, on the Secondary Parcel(s).

The permanent availability of such parking spaces and associated pedestrian access routes for use on the Secondary Parcel in conjunction with the uses conducted on the Primary Parcel(s) has been established by execution of an appropriate legal instrument, recorded in the Clerk's Office of the Circuit Court of the City of Lynchburg in Deed Book _____, page _____.

By the signature(s) on this statement, the Owner(s) of the Primary Parcel(s), do hereby acknowledge and agree that should the parking spaces on the Secondary parcel become

unavailable for use at some time as a result of a breach in the recorded instrument, or for any other reason, that an equal number of parking spaces shall be constructed and provided either on the Primary Parcel(s) or through another off-site arrangement. Failure to provide or construct such replacement parking spaces within ninety (90) days, whether permitting, shall be deemed a violation of the City's Zoning Ordinance and shall be punishable in accordance with the penalties provided therein.

The responsibility of complying with these parking requirements shall run with title to the Primary Parcel(s) and the Secondary Parcel(s), and shall not be affected by transfer by lease or of ownership, as long as the use of the Primary Parcel(s) necessitates provision of off-site parking spaces to satisfy the applicable parking standards specified by the Zoning Ordinance. A recorded statement executed by the Owner(s) of the primary Parcel, indicating that all or portion of such parking spaces are no longer required, shall be conclusive as to any release from the requirements of this agreement by the City.

WITNESS the following signatures and seals:

TABLE INSET:

OWNER OR PRIMARY PARCEL(S)
By: <u>Paul Burke</u>
Title: <u>Manager</u>
(if signing for a corporation or a partnership)
OWNER OF SECONDARY PARCEL(S)
By: <u>Ann Parks</u>
Title: <u>Manager</u>
(if signing for a corporation or a partnership)
CITY OF LYNCHBURG
By:
(title)

Approved as to form:

City Attorney

COMMONWEALTH OF VIRGINIA

City of Lynchburg, to-wit:

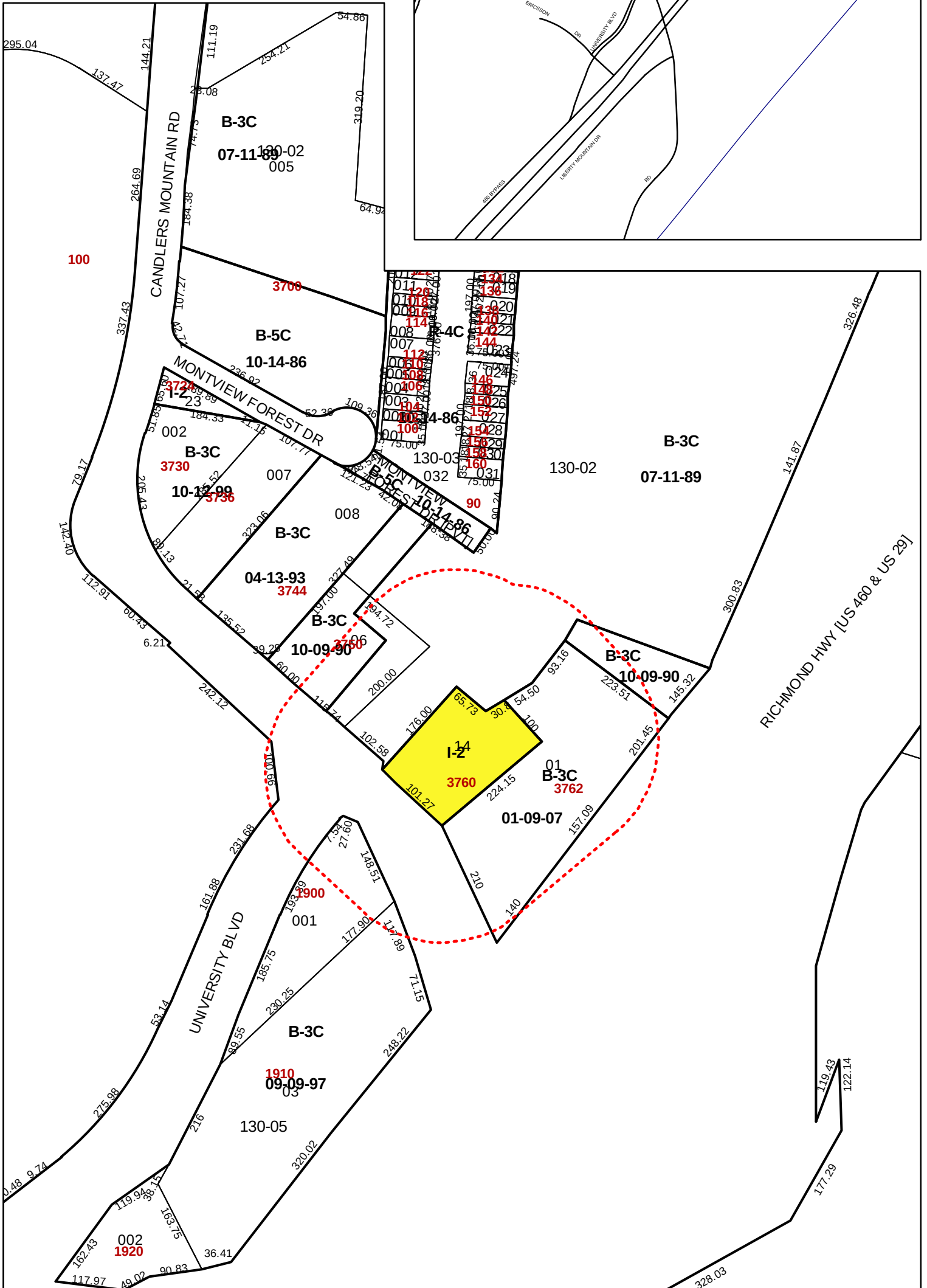
I, _____, a Notary Public for the Commonwealth of Virginia at large, do hereby certify that _____, whose name as the Owner of the Primary Parcel(s) is signed to the foregoing agreement bearing the date of the _____ day of _____, 2008, has acknowledged the same before me in the jurisdiction aforesaid.

May 14, 2008

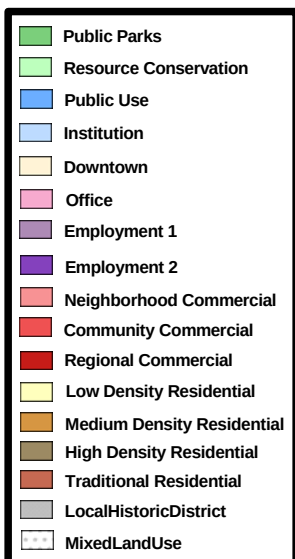
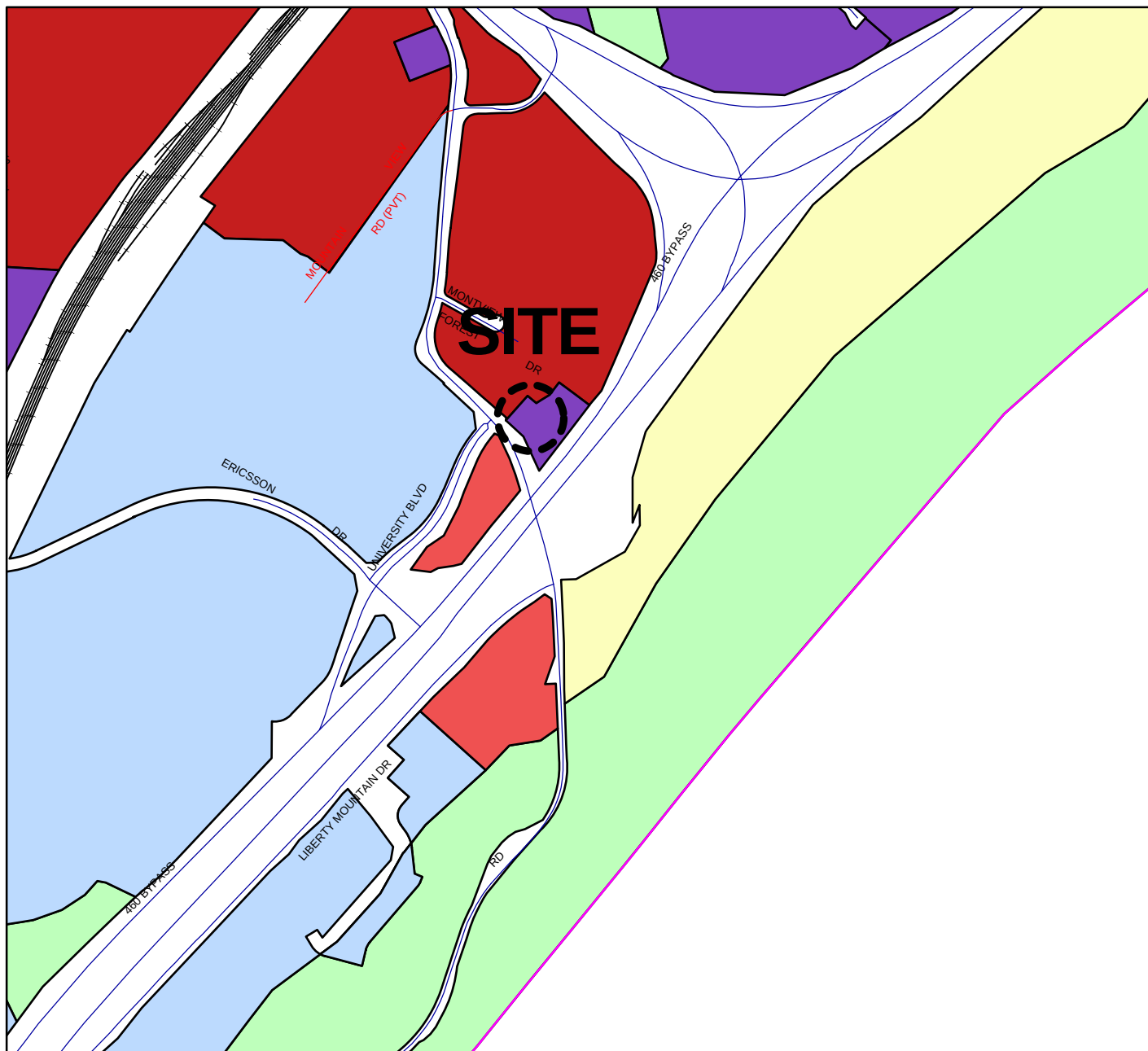
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3760 Candler's Mountain Road
Map # 130-02-014
Rezoning from I-2 to B-3C
Petitioner: Shantae Younger

200 ft Radius



PIN	OWNER	LOCADDR
13001002	THOMAS ROAD BAPTIST CHURCH	100 MOUNTAIN VIEW RD
13002001	CUBE ENTERPRISES LLC	3762 CANDLERS MOUNTAIN RD
13002004	CANDLERS STATION II LP	3700 CANDLERS MOUNTAIN RD
13002006	B N E RESTAURANT GROUP IV LL	3750 CANDLERS MOUNTAIN RD
13002014	CUBE ENTERPRISES LLC	3760 CANDLERS MOUNTAIN RD
13005001	THOMAS ROAD BAPTIST CHURCH	1900 UNIVERSITY BLVD
13005003	BRE/ESA P PORTFOLIO LLC ATTN: FRANCES PARKER	1910 UNIVERSITY BLVD
Owner	CUBE ENTERPRISES LLC	
Petitioner	SHANTAE YOUNGER	
Representative	SHANTAE YOUNGER	
Campbell County	CAMPBELL CO DEPT OF COMMUNITY DEVELOPMENT C/O PAUL HARVEY	



RAMP CHURCH INTERNATIONAL

3760 CANDLERS MOUNTAIN ROAD

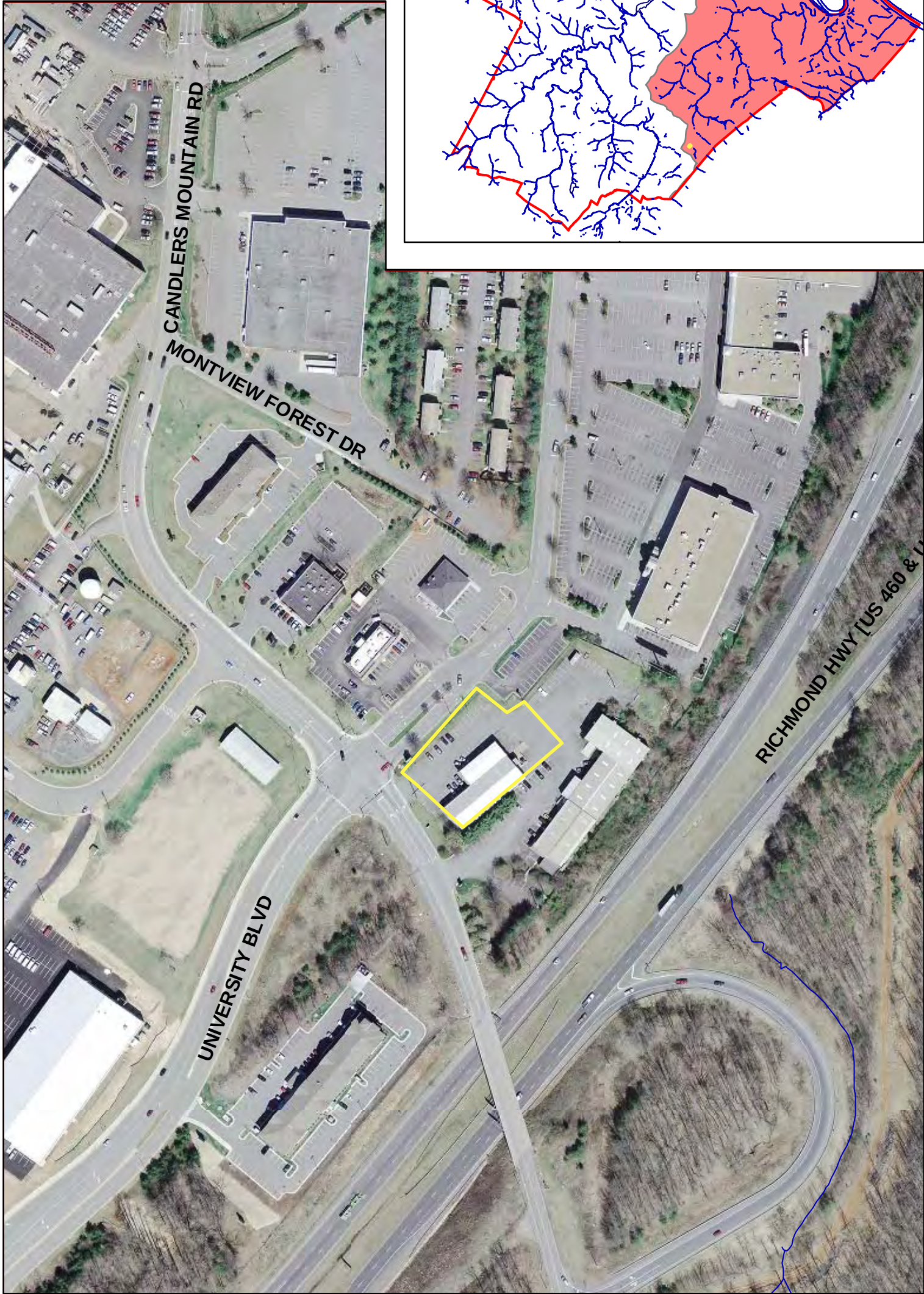
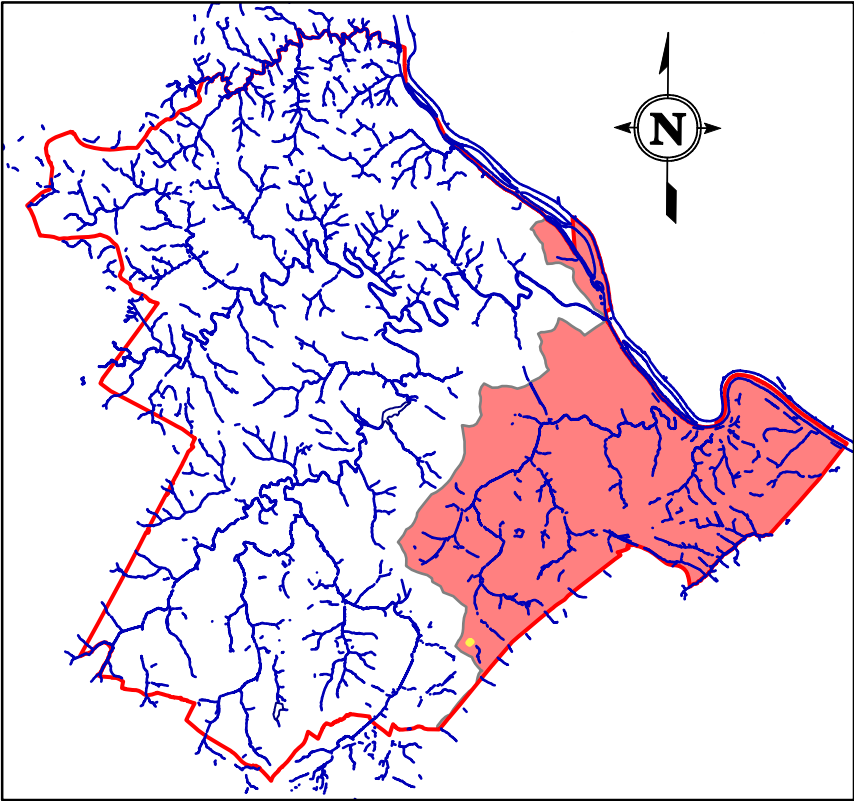
LAND USE PLAN



**Ramp Church International
Watershed Location Map**

Legend

-  Project Site
-  Corporate Limit
-  Fishing Creek Watershed



SITE INFORMATION

CURRENT ZONING: I-2 INDUSTRIAL
PROPOSED ZONING: B-3C

PROPOSED SEATING 130 PPL
PARKING REQ'D 44 SPACES
PARKING PROVIDED 39 SPACES

THE 5 ADDITIONAL PARKING SPACES WILL BE PROVIDED A SHARED PARKING AGREEMENT
WITH CUBE ENTERPRISES, 3762 CANDLERS MT RD.

NOTES:

1. NO NEW WATER CONNECTION REQUIRED
2. LIGHTING WILL BE GLARE SHIELDED
3. NO EXTERIOR MODIFICATIONS ARE PLANNED

SHARED PARKING

(PER AGREEMENT WITH CUBE ENTERPRISES, 3762 CANDLERS MT RD.)

REQUIRED PARKING	14 SPACES
TOTAL AVAILABLE	67 SPACES
TOTAL AVAILABLE FOR SHARED USE	53 SPACES



1 CONCEPT SITE PLAN
SCALE: 1" = 20 FT



REV	DESCRIPTION	DATE	APPROVED
1	REVISION PER TRC COMMENTS	4/30/08	

PROJECT NAME	THE RAMP CHURCH
CLIENT NAME AND ADDRESS	THE RAMP CHURCH ELDER S. YOUNGER, PASTOR
SHEET NAME	CONCEPT PLAN
SHEET TITLE	A1.0

VECTORWORKS EDUCATIONAL VERSION

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: June 10, 2008		AGENDA ITEM NO.: 6
CONSENT:	REGULAR: X	CLOSED SESSION: (Confidential)
ACTION: X	INFORMATION:	
<u>ITEM TITLE:</u> FUTURE LAND USE MAP (FLUM) AMENDMENT – Low Density Residential to Institutional at 3794, 3778, 3786, 3802 and 4000 Candler Mountain Road		
REZONING – B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional) at 3778, 3786, 3794, 3802 and 4000 Candler Mountain Road		
CONDITIONAL USE PERMIT (CUP) – Liberty University Master Plan at 3778, 3786, 3794, 3802, 4000, 4250, 4300, 5000, 5001 Candler Mountain Road, 1000, 1001, 1005 Ericsson Drive, 100 Mountain View Road, 100, 112, 200, 212, 300 Liberty Mountain Drive, 1971, 1973, 1975, 1977 University Boulevard and 4013 Wards Road		
CONDITONAL USE PERMIT (CUP): Liberty University Consolidated Sign Plan		

RECOMMENDATION: Approval of the requested *FLUM* amendment, rezoning and conditional use permit petitions.

SUMMARY: Liberty University is petitioning to amend the *FLUM* and to rezone approximately one hundred and thirty-four (134) acres to allow for the construction of student housing and associated parking. The petitioner has also filed a conditional use permit petition that would allow for an increase of up to five thousand (5,000) students for a total of fifteen thousand (15,000) residential students and amend the existing master plan for construction of Liberty University campus facilities. Lastly, the petitioner is proposing to implement a comprehensive sign package at four (4) locations along the perimeter of the campus. The concept plans provide for additional student housing, faculty and institutional buildings, roadway improvements, pedestrian connections, transit service, recreational facilities, identity signs and other amenities for student life. Planning Commission recommended approval of these petitions because:

- The *FLUM* recommends an Institutional use for the majority of the properties encompassed within the master plan. Based on existing land use patterns, *FLUM* designations and the exclusive use of the proposed housing by Liberty University for student housing, staff recommends amending the land use map from Low Density Residential to an Institutional use for the proposed dormitories. Staff recommends that the area presently designated as Resource Conservation on the property not be amended since it would not be impacted by the proposed dorms and is shown within the limits of the "Proposed Tree Line" on the master plan.
- Petition agrees with the *Zoning Ordinance* in that school and college uses are allowed in a B-3, Community Business District, B-5, General Business District, R-1, Low Density Single-Family District and R-2, Low-Medium Density Single-Family District with the approval of a conditional use permit from City Council.
- Petition agrees with Section 35.1-23.16 of the *Zoning Ordinance*, which allows a comprehensive signage plan in all zoning districts, except historic districts, with approval of a conditional use permit from City Council.

PRIOR ACTION(S):

- April 9, 2008: Planning Division recommended approval of the *FLUM* amendment, rezoning and conditional use permit petitions.
- Planning Commission conducted the public hearing and decided to schedule a work session/Liberty University campus tour.
- April 29, 2008 Planning Commission conducted a work session with Liberty University representatives. Following the meeting, Liberty University staff provided the Planning Commission with a tour of the campus and the sites proposed for future expansion.
- May 14, 2008 Planning Commission recommended approval (3-2, with 2 absent, Sale and Worthington) of the *FLUM* amendment.
- Planning Commission recommended approval (3-2, with 2 absent, Sale and Worthington) of the rezoning with the following voluntarily submitted proffers:
1. This area shall be developed in substantial compliance with the site plan entitled Master Plan for Rezoning and Conditional Use Permit. However, further review by the Planning Commission and the City Council of any Liberty University expansion project directly relating to university use is not required, providing all conditions of the conditional use permit are met and student enrollment of Liberty University does not exceed 15,000 resident students. Signs and external building modifications not directly relating to university use are subject to approval by the City's Design Review Board.
- Planning Commission recommended approval (3-2, with 2 absent, Sale and Worthington) of the CUP to amend the master plan and allow for an increase of up to five thousand (5,000) students for a total of fifteen thousand (15,000) residential students and construction of facilities for the campus subject to the following conditions:
1. The conditional use permit is valid for a fifteen thousand (15,000) maximum student enrollment of Liberty University. Student enrollment figures shall be based on numbers reported by the State Council of Higher Education of Virginia (SCHEV). When enrollment exceeds fifteen thousand (15,000) on-campus and commuting students, Liberty University shall be required to obtain a new conditional use permit from the Planning Commission and the City Council.
 2. This area shall be developed in substantial compliance with the site plan entitled Master Plan for Rezoning and Conditional Use Permit by Perkins and Orrison dated April 3, 2008 and received by Community Development on April 4, 2008. However, further review by the Planning Commission and the City Council of any Liberty University expansion project directly relating to university use is not required providing all conditions of the conditional use permit are met and student enrollment of Liberty University does not exceed fifteen thousand (15,000) resident and commuter students. Signs and external building modifications not directly relating to university use are subject to approval by the City's Design Review Board.
 3. Minor clearing and development of one (1) to three (3)-acre parcels, not to exceed a cumulative total of seven (7) acres, and restricted to the B-3C zoned property, not designated on the site plan entitled Master Plan for Rezoning and Conditional Use Permit by Perkins and Orrison dated April 3,

2008 and received by Community Development on April 4, 2008 are permitted, however developments in excess of three (3) acres shall require a separate conditional use permit by the Planning Commission and City Council.

4. A master utilities plan shall be submitted by Liberty University, subject to the approval of the City of Lynchburg's Director of Utilities, prior to the construction of any new facilities.
5. The following traffic improvements shall be designed and constructed by Liberty University in accordance with the designated number of students (the combined total of on-campus and commuting) subject to the approval of the City Engineer, City Transportation Engineer and City Planner:
 - a. Perimeter Road Phase I – The first of two (2) phases of a road that will parallel the Norfolk and Southern railroad from the at-grade crossing near Liberty University's baseball field / Sonic Restaurant and will extend and connect to the parking lot adjacent to Thomas Road Baptist Church. Phase I of the perimeter road is currently under construction.
 - b. Close Southern At-Grade Crossing – The Norfolk and Southern railway at-grade crossing at the southern end of the Liberty University Main Campus shall be closed prior to total student enrollment exceeding 13,000 on campus and commuting students.
 - c. Vehicular Tunnel – A vehicular tunnel shall be constructed underneath the Norfolk and Southern railway and provide a connection to Wards Road at Harvard Street. The vehicular tunnel shall connect to the proposed "Perimeter Road" and improvements shall be made to the intersection of Wards Road and Harvard Street as determined by the City's Transportation Engineer. The vehicular tunnel and intersection improvements shall be constructed prior to total student enrollment exceeding 13,000 on campus and commuting students.
 - d. Close At-Grade Crossing – The Norfolk and Southern at-grade railway crossing near the Liberty University baseball field shall be closed concurrently with the construction and completion of the "Vehicular Tunnel."
 - e. Improvements required by conditions 5b, 5c and 5d are subject to Liberty University obtaining necessary approvals from Norfolk and Southern Railway.
 - f. Roundabout – A roundabout shall be constructed at the intersection of University Boulevard and Liberty University Drive prior to total student enrollment exceeding 12,000 on campus and commuting students.
 - g. U.S. Route 460 Ramp Improvements – The existing ramp from U.S. Route 460 east bound lane to access Candler's Mountain Road shall have an additional lane constructed for left (or east bound) movement to the proposed dorm and intramural field facility proposed adjacent to U.S. Route 460. The intersection with this ramp and Candler's Mountain Road shall be improved to have a dedicated right turn movement, a straight and left turn movement, and an incoming or east bound movement. Construction shall be completed prior to total student enrollment exceeding 12,000 on campus and commuting students.
 - h. Perimeter Road Phase II – The second phase of the perimeter road that will complete a loop around the Liberty University campus shall be constructed

prior to total student enrollment exceeding 13,000 on campus and commuting students.

- i. Traffic Signal – A traffic signal shall be installed at the intersection of Liberty Mountain Drive and Liberty University Drive prior to total student enrollment exceeding 13,000 on campus and commuting students.
 - j. Left Turn Lane – A dedicated left turn lane shall be constructed on Liberty Mountain Drive for the east bound traffic to turn left onto Liberty Mountain Drive prior to total student enrollment exceeding 13,000 on campus and commuting students.
 - k. Ramp, Roundabout and Connection to Liberty Mountain Drive – An off-ramp from U.S. Route 460 east bound lane to access the Crossroads Colonnade retail development and to connect to existing Liberty Mountain Drive shall be constructed prior to total student enrollment exceeding 13,500 on campus and commuting students. If the Crossroads Colonnade retail development is not constructed prior to total student enrollment exceeding 13,500 on campus and commuting students, Liberty University shall commission a traffic study to determine what road improvements are necessary. The required traffic study and road improvements are subject to the approval of the City's Transportation Engineer and the Virginia Department of Transportation (VDOT). Liberty University shall construct the required improvements at its expense prior to student enrollment exceeding 15,000 on campus and commuting students.
6. If the traffic improvements required by condition number five (5) have not been completed prior to student enrollment (the combined total of on-campus and commuting) reaching the total designated enrollment numbers, Liberty University shall be required to submit a bond or letter of credit made payable to the City of Lynchburg and commence construction on the required traffic improvements prior to any further site plan approvals, building or land disturbance permits being issued. The required bond or letter of credit shall designate a completion time, be in the amount for the full cost of improvements and shall be in a form acceptable to the City Engineer and City Transportation Engineer.
7. The following pedestrian / bicycle improvements shall be designed and constructed by Liberty University in accordance with the designated number of students (the combined total of on-campus and commuting) subject to the approval of the City Engineer, City Transportation Engineer and City Planner:
- a. Pedestrian Crossings – Liberty University shall partner with the City of Lynchburg to provide pedestrian crossings and signals at Liberty Mountain Drive and Liberty University Drive; Ericsson Drive and University Boulevard; and Candler's Mountain Road and University Boulevard prior to total student enrollment exceeding 12,000 on campus and commuting students.
 - b. Pedestrian Tunnel – A pedestrian tunnel that will contribute to the closing of an at-grade railway crossing will be constructed to provide access from the campus of Liberty University and the Wards Road area. The pedestrian tunnel shall be constructed prior to total student enrollment exceeding 13,000 on campus and commuting students. Liberty University will participate with the City in studying what pedestrian improvements may be needed in the Wards Road area.

- c. Perimeter Road Trails – Pedestrian trails shall be installed adjacent to Phase I of the perimeter road which is currently under construction. Pedestrian trails shall be constructed adjacent to Phase II of the perimeter road prior to total student enrollment exceeding 13,000 on campus and commuting students.
- d. Bicycle Lanes – Bicycle lanes shall be constructed to the access roadway for the proposed dorms / intramural fields adjacent to U.S. Route 460.
- e. Bicycle Path – The existing roadway above the baseball stadium shall be converted to a bicycle / pedestrian path in conjunction with the renovation of the baseball stadium.
- 8. If the pedestrian / bicycle improvements required by condition number seven (7) have not been completed prior to student enrollment (the combined total of on-campus and commuting) reaching the total designated enrollment numbers, Liberty University shall be required to submit a bond or letter of credit made payable to the City of Lynchburg and commence construction on the required pedestrian / bicycle improvements prior to any further site plan approvals, building or land disturbance permits being issued. The required bond or letter of credit shall designate a completion time, be in the amount for the full cost of improvements and shall be in a form acceptable to the City Engineer and City Transportation Engineer.
- 9. Liberty University shall provide new transit routes throughout campus, as detailed on the “Transit Plan” sheet of the master plan for the expansion of dorms and other Liberty University facilities.
- 10. At such time when either existing regional stormwater facility is impacted by development within the footprint of the stormwater structure, Liberty University shall submit a stormwater master plan to address the quality and quantity of stormwater for the entire campus. The plan shall be subject to the review and approval of the City’s Environmental Planner.
- 11. All streams and/or wetlands that are subject to the mitigation requirements of the Virginia Department of Environmental Quality and the United States Army Corps of Engineers and are impacted by the development designated within the Liberty University Campus Master Plan are encouraged to be mitigated within that same watershed.
- 12. Any new student housing/apartment buildings shall be similar in appearance to the existing student housing on Liberty Mountain Drive.
- 13. Adequate parking shall be provided as required by the City of Lynchburg *Zoning Ordinance*, with the exception of the 1989 variance and the twenty percent (20%) parking reduction granted by Planning Commission on January 11, 2006.

Planning Commission recommended approval (5-0, with 2 absent, Sale and Worthington) of the CUP for the consolidated sign plan with the following conditions:

- 1. All proposed identity signs shall be constructed with the same dimensions, materials and general appearance as that depicted within “Inset A” on the CUP Master Plan.

FISCAL IMPACT: N/A

CONTACTS: Charlene Montford/ 455-3902; Tom Martin/ 455-3909

ATTACHMENT(S):

FLUM Ordinance

Rezoning Ordinance

Master Plan Resolution

Consolidated Sign Plan Resolution

PC Report

PC Minutes

Vicinity Zoning Pattern

Vicinity Proposed Land Use

Watershed Location Map

Proposed Master Plan

Liberty University CUP/Rezoning Narrative

Liberty University CUP Synopsis

Liberty University Required Parking Calculation

Staff Memo/Alternate Conditions for Consideration/Changes by Impact

Liberty University 2003 Concept Plan

Speaker Sign-Up Sheet

REVIEWED BY: lkp

ORDINANCE:

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP FOR THE PROPERTY LOCATED AT 3778,3786, 3794, 3802 AND 4000 CANDLERS MOUNTAIN ROAD, FROM LOW DENSITY RESIDENTIAL TO INSTITUTIONAL.

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

Section 35.1-76._____. Amend the Future Land Use Map for the subject property at 3778, 3786, 3794, 3802 and 4000 Candlers Mountain Road from Low Density Residential to Institutional.

The area embraced within the following boundaries

BEGINNING AT A POINT, said point being on the southeastern side of the right of way of U.S. Route 460, thence N60°39'39.6"E, 329.1', thence N29°43'55.8"E, 177.3' thence N1°17'29.4"W, 121.1' thence S21°03'40.9"W, 113.5' thence N0°00'00"E, 266.5' thence N16°01'02.8"E, 277.9' thence N36°21'25.2"E, 1383.8' thence N37°42'41.5"E, 297.8' thence N48°28'40.7"E, 282.7' thence N52°25'50"E, 505.3' thence N47°55'05.4"E, 1030.9' thence N49°37'16.6"E, 1191.9' thence S49°29'01.6"E, 640.8' thence S49°04'25.1"W, 77.2' thence S40°56'55.2"W, 1390.9' thence S49°25'14.8"W, 529.4' thence S49°05'01.4"W, 1638.9' thence S38°06'44.3"W, 1700.7' thence S29°08'53.1"W, 626' thence S55°30'10.2"W, 279.4' thence N0°46'35.7"W, 356.6', thence N87°55'25.1"E, 307.6' thence N2°04'34.9"W, 371.4' thence S87°55'25.1"W, 223.2' to the point of beginning.

CONTAINING: 3,733,092 square feet or 85.7 acres of land, more or less.

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

Adopted:

Certified:

Clerk of Council

069L1

ORDINANCE:

AN ORDINANCE REZONING A CERTAIN AREA AT 3778, 3786, 3794, 3802 AND 4000 CANDLERS MOUNTAIN ROAD FROM B-3C, COMMUNITY COMMERCIAL BUSINESS DISTRICT (CONDITIONAL) TO B-3C, COMMUNITY COMMERCIAL BUSINESS DISTRICT (CONDITIONAL).

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG that in order to promote the public necessity, convenience, welfare and good zoning practice that Chapter 35.1-76.____ which section shall read as follows:

Section 35.1-76.____. Change of a certain area at 3778, 3786, 3794, 3802 and 4000 Candlers Mountain Road from B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional).

The area embraced within the following boundaries ...

Beginning at a point on the south eastern right of way line of Richmond Highway (U.S. 460), thence N 20°07'45" E 459.16', thence N 71°02'55" W 12.44', thence N 39°24'48" E 998.11', thence along a curve having a delta of 06°20'41", radius of 5648.30', arc length of 625.47', and chord of 625.15', thence N 52°16'35" E 593.81', thence N 48°38'01" E 831.13', thence N 47°37'44" E 791.68', thence N 48°01'34" E 380.80', thence N 51°55'27" W 290.54', thence S 43°51'24" E 923.79', thence S 44°59'54" W 2599.41', thence S 40°24'53" W 990.96', thence S 39°57'43" W 1842.74', thence S 86°58'51" W 701.38', thence N 02°24'39" W 196.95', thence N 87°29'03" E 307.82', thence N 02°30'57" W 371.00', thence S 87°50'17" W 218.56', thence N 63°57'43" E 322.20', thence N 28°22'15" E 188.12', thence N 01°37'11" E 122.13', thence N 20°54'16" E 109.41', thence N 69°35'42" W 165.00', to the point of beginning and containing approximately 133.84 acres.

... is hereby changed from B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional) subject to the conditions set out hereinbelow which were voluntarily proffered by the owner, namely Liberty University, to wit:

1. This area shall be developed in substantial compliance with the site plan entitled Master Plan for Rezoning and Conditional Use Permit. However, further review by the Planning Commission and the City Council of any Liberty University expansion project directly relating to university use is not required, providing all conditions of the conditional use permit are met and student enrollment of Liberty University does not exceed 15,000 resident students. Signs and external building modifications not directly relating to university use are subject to approval by the City's Design Review Board.

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

Adopted:

Certified:

Clerk of Council

069L2

RESOLUTION

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO ALLOW AN INCREASE OF UP TO FIVE THOUSAND (5,000) STUDENTS FOR A TOTAL OF FIFTEEN THOUSAND (15,000) RESIDENTIAL AND COMMUTING STUDENTS AND TO AMEND THE EXISTING MASTER PLAN FOR THE CONSTRUCTION OF LIBERTY UNIVERSITY CAMPUS FACILITIES.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of Liberty University for a Conditional Use Permit at 3778, 3786, 3794, 3802, 4000, 4250, 4300, 5000, 5001 Candler's Mountain Road, 1000, 1001, 1005 Ericsson Drive, 100 Mountain View Road, 100, 112, 200, 212, 300 Liberty Mountain Drive, 1971, 1973, 1975, 1977 University Boulevard and 4013 Wards Road to allow an increase of up to five thousand (5,000) students for a total of fifteen thousand (15,000) residential and commuting students and to amend the existing master plan for the construction of Liberty University campus facilities be, and the same is hereby, approved subject to the following conditions:

1. The conditional use permit is valid for a fifteen thousand (15,000) maximum student enrollment of Liberty University. Student enrollment figures shall be based on numbers reported by the State Council of Higher Education of Virginia (SCHEV). When enrollment exceeds fifteen thousand (15,000) on-campus and commuting students, Liberty University shall be required to obtain a new conditional use permit from the Planning Commission and the City Council.
2. This area shall be developed in substantial compliance with the site plan entitled Master Plan for Rezoning and Conditional Use Permit by Perkins and Orrison dated April 3, 2008 and received by Community Development on April 4, 2008. However, further review by the Planning Commission and the City Council of any Liberty University expansion project directly relating to university use is not required providing all conditions of the conditional use permit are met and student enrollment of Liberty University does not exceed fifteen thousand (15,000) resident and commuter students. Signs and external building modifications not directly relating to university use are subject to approval by the City's Design Review Board.
3. Minor clearing and development of one (1) to three (3)-acre parcels, not to exceed a cumulative total of seven (7) acres, and restricted to the B-3C zoned property, not designated on the site plan entitled Master Plan for Rezoning and Conditional Use Permit by Perkins and Orrison dated April 3, 2008 and received by Community Development on April 4, 2008 are permitted, however developments in excess of three (3) acres shall require a separate conditional use permit by the Planning Commission and City Council.
4. A master utilities plan shall be submitted by Liberty University, subject to the approval of the City of Lynchburg's Director of Utilities, prior to the construction of any new facilities.
5. The following traffic improvements shall be designed and constructed by Liberty University in accordance with the designated number of students (the combined total of on-campus and commuting) subject to the approval of the City Engineer, City Transportation Engineer and City Planner:
 - a. Perimeter Road Phase I – The first of two (2) phases of a road that will parallel the Norfolk and Southern railroad from the at-grade crossing near Liberty University's baseball field / Sonic Restaurant and will extend and connect to the parking lot adjacent to Thomas Road Baptist Church. Phase I of the perimeter road is currently under construction.
 - b. Close Southern At-Grade Crossing – The Norfolk and Southern railway at-grade crossing at the southern end of the Liberty University Main Campus shall be closed prior to total student enrollment exceeding 13,000 on campus and commuting students.

- c. Vehicular Tunnel – A vehicular tunnel shall be constructed underneath the Norfolk and Southern railway and provide a connection to Wards Road at Harvard Street. The vehicular tunnel shall connect to the proposed “Perimeter Road” and improvements shall be made to the intersection of Wards Road and Harvard Street as determined by the City’s Transportation Engineer. The vehicular tunnel and intersection improvements shall be constructed prior to total student enrollment exceeding 13,000 on campus and commuting students.
 - d. Close At-Grade Crossing – The Norfolk and Southern at-grade railway crossing near the Liberty University baseball field shall be closed concurrently with the construction and completion of the “Vehicular Tunnel.”
 - e. Improvements required by conditions 5b, 5c and 5d are subject to Liberty University obtaining necessary approvals from Norfolk and Southern Railway.
 - f. Roundabout – A roundabout shall be constructed at the intersection of University Boulevard and Liberty University Drive prior to total student enrollment exceeding 12,000 on campus and commuting students.
 - g. U.S. Route 460 Ramp Improvements – The existing ramp from U.S. Route 460 east bound lane to access Candler’s Mountain Road shall have an additional lane constructed for left (or east bound) movement to the proposed dorm and intramural field facility proposed adjacent to U.S. Route 460. The intersection with this ramp and Candler’s Mountain Road shall be improved to have a dedicated right turn movement, a straight and left turn movement, and an incoming or east bound movement. Construction shall be completed prior to total student enrollment exceeding 12,000 on campus and commuting students.
 - h. Perimeter Road Phase II – The second phase of the perimeter road that will complete a loop around the Liberty University campus shall be constructed prior to total student enrollment exceeding 13,000 on campus and commuting students.
 - i. Traffic Signal – A traffic signal shall be installed at the intersection of Liberty Mountain Drive and Liberty University Drive prior to total student enrollment exceeding 13,000 on campus and commuting students.
 - j. Left Turn Lane – A dedicated left turn lane shall be constructed on Liberty Mountain Drive for the east bound traffic to turn left onto Liberty Mountain Drive prior to total student enrollment exceeding 13,000 on campus and commuting students.
 - k. Ramp, Roundabout and Connection to Liberty Mountain Drive – An off-ramp from U.S. Route 460 east bound lane to access the Crossroads Colonnade retail development and to connect to existing Liberty Mountain Drive shall be constructed prior to total student enrollment exceeding 13,500 on campus and commuting students. If the Crossroads Colonnade retail development is not constructed prior to total student enrollment exceeding 13,500 on campus and commuting students, Liberty University shall commission a traffic study to determine what road improvements are necessary. The required traffic study and road improvements are subject to the approval of the City’s Transportation Engineer and the Virginia Department of Transportation (VDOT). Liberty University shall construct the required improvements at its expense prior to student enrollment exceeding 15,000 on campus and commuting students.
6. If the traffic improvements required by condition number five (5) have not been completed prior to student enrollment (the combined total of on-campus and commuting) reaching the total designated enrollment numbers, Liberty University shall be required to submit a bond or letter of credit made payable to the City of Lynchburg and commence construction on the required traffic improvements prior to any further site plan approvals, building or land disturbance permits being issued. The required bond or letter of credit shall designate a completion time,

be in the amount for the full cost of improvements and shall be in a form acceptable to the City Engineer and City Transportation Engineer.

7. The following pedestrian / bicycle improvements shall be designed and constructed by Liberty University in accordance with the designated number of students (the combined total of on-campus and commuting) subject to the approval of the City Engineer, City Transportation Engineer and City Planner:
 - a. Pedestrian Crossings – Liberty University shall partner with the City of Lynchburg to provide pedestrian crossings and signals at Liberty Mountain Drive and Liberty University Drive; Ericsson Drive and University Boulevard; and Candler's Mountain Road and University Boulevard prior to total student enrollment exceeding 12,000 on campus and commuting students.
 - b. Pedestrian Tunnel – A pedestrian tunnel that will contribute to the closing of an at-grade railway crossing will be constructed to provide access from the campus of Liberty University and the Wards Road area. The pedestrian tunnel shall be constructed prior to total student enrollment exceeding 13,000 on campus and commuting students. Liberty University will participate with the City in studying what pedestrian improvements may be needed in the Wards Road area.
 - c. Perimeter Road Trails – Pedestrian trails shall be installed adjacent to Phase I of the perimeter road which is currently under construction. Pedestrian trails shall be constructed adjacent to Phase II of the perimeter road prior to total student enrollment exceeding 13,000 on campus and commuting students.
 - d. Bicycle Lanes – Bicycle lanes shall be constructed to the access roadway for the proposed dorms / intramural fields adjacent to U.S. Route 460.
 - e. Bicycle Path – The existing roadway above the baseball stadium shall be converted to a bicycle / pedestrian path in conjunction with the renovation of the baseball stadium.
8. If the pedestrian / bicycle improvements required by condition number seven (7) have not been completed prior to student enrollment (the combined total of on-campus and commuting) reaching the total designated enrollment numbers, Liberty University shall be required to submit a bond or letter of credit made payable to the City of Lynchburg and commence construction on the required pedestrian / bicycle improvements prior to any further site plan approvals, building or land disturbance permits being issued. The required bond or letter of credit shall designate a completion time, be in the amount for the full cost of improvements and shall be in a form acceptable to the City Engineer and City Transportation Engineer.
9. Liberty University shall provide new transit routes throughout campus, as detailed on the "Transit Plan" sheet of the master plan for the expansion of dorms and other Liberty University facilities.
10. At such time when either existing regional stormwater facility is impacted by development within the footprint of the stormwater structure, Liberty University shall submit a stormwater master plan to address the quality and quantity of stormwater for the entire campus. The plan shall be subject to the review and approval of the City's Environmental Planner.
11. All streams and/or wetlands that are subject to the mitigation requirements of the Virginia Department of Environmental Quality and the United States Army Corps of Engineers and are impacted by the development designated within the Liberty University Campus Master Plan are encouraged to be mitigated within that same watershed.
12. Any new student housing/apartment buildings shall be similar in appearance to the existing student housing on Liberty Mountain Drive.

13. Adequate parking shall be provided as required by the City of Lynchburg *Zoning Ordinance*, with the exception of the 1989 variance and the twenty percent (20%) parking reduction granted by Planning Commission on January 11, 2006.

Adopted:

Certified:

Clerk of Council

069L3

RESOLUTION

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO ALLOW A CONSOLIDATED SIGN PLAN FOR LIBERTY UNIVERSITY.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of Liberty University for a Conditional Use Permit at 100 Mountain View Road, 100 and 300 Liberty Mountain Drive and 3501 Wards Road to allow consolidated sign plan that would provide for the installation of four (4) new signs to function as identity markers for pedestrian and vehicular traffic on the thresholds of the campus be, and the same is hereby, approved subject to the following conditions:

1. All proposed identity signs shall be constructed with the same dimensions, materials and general appearance as that depicted within "Inset A" on the CUP Master Plan.

Adopted:

Certified:

Clerk of Council

069L4

The Department of Community Development

City Hall, Lynchburg, VA 24504

434-455-3900

To: Planning Commission

From: Planning Division

Date: April 9, 2008

Re: **FUTURE LAND USE MAP AMENDMENT: Low Density Residential to an Institutional Use at 3794, 3778, 3786, 3802 and 4000 Candler's Mountain Road**

REZONING: B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional) at 3778, 3786, 3794, 3802 and 4000 Candler's Mountain Road

CONDITIONAL USE PERMIT (CUP): Liberty University Master Plan at 3778, 3786, 3794, 3802, 4000, 4250, 4300, 5000, 5001 Candler's Mountain Road, 1000, 1001, 1005 Ericsson Drive, 100 Mountain View Road, 100, 112, 200, 212, 300 Liberty Mountain Drive, 1971, 1973, 1975, 1977 University Boulevard and 4013 Wards Road

CONDITONAL USE PERMIT(CUP): Liberty University Consolidated Sign Plan

I. PETITIONER

Liberty University, Inc., 1971 University Boulevard, Lynchburg, VA 24502

Representatives: Jerry L. Falwell, Jr., Liberty University, Inc., 1971 University Boulevard, Lynchburg, VA 24502

Norm Walton, Perkins & Orrison, 20436 Lynchburg Highway, Unit I, Lynchburg, VA 24502

II. LOCATION

The subject properties include twenty-three (23) tracts located at 3778, 3786, 3794, 3802, 4000, 4250, 4300, 5000, 5001 Candler's Mountain Road, 1000, 1001, 1005 Ericsson Drive, 100 Mountain View Road, 100, 112, 200, 212, 300 Liberty Mountain Drive, 1971, 1973, 1975, 1977 University Boulevard and 4013 Wards Road.

Property Owners: Liberty University, Inc., 1971 University Boulevard, Lynchburg, VA 24502

Thomas Road Baptist Church, P.O. Box 542, Forest, VA 24551

Bostic Development at Lynchburg, LLC, 2101 Rexford Road, Suite 200 E, Charlotte, NC, 28211

III. PURPOSE

The petitioner is requesting a *FLUM* amendment and to rezone approximately two hundred and thirty-seven (237) acres to allow for student housing and associated parking. The petitioner has also filed a conditional use permit petition that would allow for an increase of up to five thousand (5,000) students for a total of fifteen thousand (15,000) residential students and amend the existing master plan for construction of Liberty University campus facilities. Lastly, the petitioner is proposing to implement a comprehensive sign package at four (4) locations along the perimeter of the campus. The concept plans provide for additional student housing, faculty and institutional buildings, roadway improvements, pedestrian connections, transit service, recreational facilities, identity signs and other amenities for student life.

IV. SUMMARY

- The *Future Land Use Map [FLUM]* recommends an Institutional use for the majority of the properties encompassed within the master plan. The petitioner has requested a change in the *FLUM* designation for approximately two hundred and thirty-seven (237) acres from a

Resource Conservation and Low Density Residential Use to a Medium Density Residential Use.

- Petition agrees with the *Zoning Ordinance* in that school and college uses are allowed in a B-3, Community Business District, B-5, General Business District, R-1, Low Density Single-Family District and R-2, Low-Medium Density Single-Family District with the approval of a conditional use permit from City Council.
- Petition agrees with Section 35.1-23.16 of the *Zoning Ordinance*, which allows a comprehensive signage plan in all zoning districts, except historic districts, with approval of a conditional use permit from City Council.

The Planning Division recommends approval of the future land use map amendment, rezoning and conditional use permit petitions.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends an Institutional use for the majority of Liberty University's campus. Institutions are religious, educational and other nonprofit entities in the City. Examples include churches, cemeteries, private schools and universities, private nonprofit hospitals, service clubs and organizations, and other nonprofit institutions. **[page 5.3]**

The *FLUM* also designates Resource Conservation and Low Density Residential uses for the properties on the eastern side of U.S. 460. Resource Conservation uses encompass lands with special natural characteristics that make their preservation in open space particularly important to the City's environmental health. The plan notes that the "actual boundaries of the Resource Conservation Area should be determined on a site-by-site basis using the best available environmental data and the environmental performance standards recommended in the Natural Systems element [of the plan]." **[page 5.2]** Although these standards have not yet been defined by the Natural Resources Advisory Committee, the Natural Systems chapter of the plan emphasizes "the protection of important resources" by "applying performance standards to protecting floodplains, wetlands and streamside steep slopes to development projects." **[page 12.10]** Low Density Residential areas are dominated by single-family detached housing at densities 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. **[page 5.5]**

The petitioner has requested that the *FLUM* be amended to a Medium Density Residential use to allow the construction of student housing within this area. Medium Density Residential uses are characterized by small-lot single-family detached housing, duplexes, and townhouses with densities up to twelve (12) units per acre. **[page 5.5]** The proposed residential development would be located within the Candler's Mountain Planned Development Area [PDA]. The *Comprehensive Plan* notes that "the land of this PDA is relatively steep and so the maximum gross residential density is recommended at four (4) dwelling units per acre." The plan follows that "this area can be developed in single family, townhouse, or multifamily forms, though special attention should be paid to designing the buildings and parking areas so as to minimize grading and tree removal to the greatest extent possible." **[page 4.21]** The proposed dorms would have a density of approximately two and eight tenths (2.8) units per acre.

Planning staff reviewed the petitioner's request and concurs that the proposed development falls within the density limits designated for Medium Density Residential uses and the Candler's Mountain Planned Development Area. However, since the City's *Future Land Use Map [FLUM]* is not intended to be parcel specific, staff reviewed the surrounding area, existing development, and those land uses designated by the *Comprehensive Plan* to determine if an amendment to the *FLUM* is appropriate. In this case, the majority of the adjacent land uses include university features (academic facilities, athletic fields, student housing, etc.) which are all designated as Institutional uses.

The proposed student housing would also be located adjacent to a Resource Conservation Area, as designated on the *Comprehensive Plan's* Framework Map. These areas include public parklands, rivers, streams wetlands, floodplains and/or steep slopes which serve a range of important functions – wildlife habitat, natural stormwater control, active and passive recreation – and are counted among the City's primary assets. In this case, the proposed dorms would be located adjacent to forestall lands that serve to protect the steep slopes of Candler's Mountain. The *Comprehensive Plan* recommends that "if a property [that includes] a Resource Conservation Area is proposed for rezoning ... the City will seek proffers that protect a reasonable area for resource conservation." The plan further defines protection as the "maintenance of the natural topographic and vegetative conditions with limitations on most development." Staff has reviewed the proposed project for compliance with the goals for Resource Conservation Areas and determined that the majority of the development of the dormitories and associated parking would be located outside of the Resource Conservation Area. The petitioner does propose limited development within the area to provide parking, a chairlift and an artificial ski slope to serve a future "Gravity Park" development in Campbell County. However, it is staff's opinion that the limited clearing of the "Proposed Tree Line" detailed within the concept plan and the petitioner's proffer provide the necessary protection to the adjacent steep slopes.

Based on existing land use patterns, *FLUM* designations and the exclusive use of the proposed housing by Liberty University for student housing, staff recommends amending the land use map from Low Density Residential to an Institutional use for the proposed dormitories. Staff recommends that the area presently designated as Resource Conservation on the property not be amended since it would not be impacted by the proposed dorms and is shown within the limits of the "Proposed Tree Line" on the master plan.

2. **Zoning.** The subject property was annexed into the City in 1976. The properties proposed for rezoning are currently B-3C, Community Business District (Conditional) and R-2C, Low-Medium Density Single-Family Residential (Conditional) zoning, established by City Council on September 13, 1994. The properties encompassed within the proposed conditional use permit are currently zoned B-5C General Business District (Conditional) and B-3C Community Business District (Conditional) established by City Council on December 16, 2003; R-2C, Low-Medium Density Single-Family Residential District (Conditional), established by City Council on September 13, 1994; R-1, Low Density Single-Family Residential District, established by City Council on April 9, 1996; B-3C, Community Business District (Conditional) established by City Council on September 13, 1994; B-5C, General Business District (Conditional) established by City Council on April 12, 1988; B-5 General Business District, established in 1978 with the adoption of the current *Zoning Ordinance*.
3. **Proffers.** The petitioner voluntarily submitted the following proffers with the rezoning application:
 1. This area shall be developed in substantial compliance with the site plan entitled Master Plan for Rezoning and Conditional Use Permit. However, further review by the Planning Commission and the City Council of any Liberty University expansion project directly relating to university use is not required, providing all conditions of the conditional use permit are met and student enrollment of Liberty University does not exceed 15,000 resident students. Signs and external building modifications not directly relating to university use are subject to approval by the City's Design Review Board.
4. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the development of the property as proposed.
5. **Previous Actions.** The following items in the immediate area have required City Council approval:

- On March 25, 2008, City Council approved Liberty University's petition to name two existing private streets on the Liberty University campus off Candler's Mountain Road "Regents Parkway" and "Research Lab Road."
- On November 13, 2007, City Council approved Liberty University's petition to amend the *Future Land Use Map* from Institution to Community Commercial and rezone from R-C, Conservation District to B-3C, Community Business District (Conditional) at 500 Liberty Mountain Drive, and the conditional use permit petition to allow the construction of a building across the City of Lynchburg and Campbell County corporate limit.
- On November 9, 2004, City Council approved Liberty University's petition to amend the condition of the conditional use permit approved on December 16, 2003 related to vehicular access points to the property located at 100 Mountain View Road.
- On December 16, 2003, City Council approved Liberty University's petition to rezone a tract of approximately one hundred and twenty-three (123) acres on Liberty Mountain Drive from B-3, Community Business District, to B-5C, General Business District (Conditional) and a tract of eighty-three (83) acres at 100 Mountain View Road from I-2, Light Industrial District, to B-5C, General Business District (Conditional), to allow university, church and K-12 uses.
- On December 16, 2003, City Council approved Liberty University's conditional use permit petition to allow university and K-12 uses at Liberty Mountain Drive and 100 Mountain View Road.
- On October 14, 2003, City Council approved the conditional use permit petition of Liberty University, TRBC, and GDT, CG1, LLC at 100 Mountain View Road to allow a community recreation facility.
- On November 13, 2001, City Council approved the conditional use permit petition of Liberty University at 1971 University Boulevard to allow the construction of a student center and associated parking.
- On April 10, 2001, City Council approved Wards Road Properties, LLC's conditional use permit petition to allow fill within the one hundred (100) year floodplain to allow the construction of storage inns at 2601 Old Wards Road.
- On September 12, 2000, City Council approved Back Yard Real Estate, LLC's petition to rezone approximately one and a half (1.5) acres from I-2, Light Industrial District to B-3C, Community Business District (Conditional) and a conditional use permit to fill in the floodplain at 2731 Wards Road to make the property compatible with existing commercial land uses and to allow the expansion an existing parking lot for a restaurant use.
- On April 14, 1998, City Council approved the conditional use permit petition of Liberty University at 1971 University Boulevard to allow the construction of four (4) new dormitories, a visitor's center, additions to the DeMoss building and associated parking areas.
- On September 9, 1997, City Council approved The Inn Group, Inc.'s petition to rezone approximately four and three tenths (4.3) acres on University Boulevard from R-C, Conservation District and I-2 Light Industrial District to B-3C, Community Business District (Conditional) to allow construction of commercial buildings.
- On March 14, 1989, City Council approved the conditional use permit petition of Old Time Gospel Hour/Liberty University for the construction of a twelve thousand (12,000) seat football stadium and a nine thousand (9,000) seat basketball arena (the Vine Center) on the Liberty University main campus. A condition of this CUP was the construction of a secondary permanent access, subject to approval by the City.

- On April 12, 1988, City Council approved the rezoning petition of Old Time Gospel Hour for the remaining thirty (30) acres of the Liberty University main campus from I-2, Light Industrial District to B-5, General Business District (Conditional) to allow the construction of dormitories and the expansion of other university related uses.
- On June 12, 1984, City Council approved Erwin P. Baer's conditional use permit petition to allow the construction of an outlet mall in a floodway fringe area at 3000 Wards Road.
- On April 10, 1984, City Council approved Wayne E. Newcomb's conditional use permit petition to allow the construction of a car wash and the sale of gasoline in a floodway fringe area at the corner of Glass Avenue and Wards Road.
- On January 10, 1984, City Council approved James A. Agnew's conditional use permit petition to allow the construction of a building and parking area in a floodway fringe area at 2735 Wards Road.
- On November 11, 1983, City Council approved the petition of Old Time Gospel Hour to rezone one hundred thirty-three (133) acres on Liberty Mountain Drive from R-C, Conservation District to R-4, Multi-Family Residential District (Conditional) to allow the construction of four (4) four hundred (400) unit apartment buildings and a two hundred fifty (250) bed health care facility.
- On October 12, 1982, City Council approved A.T. Williams Oil Company's conditional use permit petition to allow the construction of an automobile service station at 3001 Wards Road.
- On December 12, 1978 the City Council adopted the "Official Zoning Map". With this adoption, one hundred forty-two (142) acres of the Liberty University main campus was rezoned from M, Manufacturing to B-5, General Business District.

6. **Site Description.** The area is bound to the north by Candler's Mountain Road, U.S. 501, commercial and industrial uses, to the east by U.S. 460, forestall lands and Candler's Mountain, to the south by U.S. 29 and undeveloped property in Campbell County (designated for future development as Crossroads Colonnade shopping center) and to the west by Wards Road and commercial properties.

7. **Proposed Use of Property.** The petitioner is requesting permission to amend the master plan and allow for an increase of up to five thousand (5,000) students for a total of fifteen thousand (15,000) residential students and construction of campus facilities. The petitions provide for additional student housing, faculty and institutional buildings, roadway improvements, pedestrian improvements, mass transit system, recreational facilities and other amenities for student life.

Liberty University is also requesting a conditional use permit for a consolidated sign plan. The University recently updated the internal directional signage throughout the campus and is now proposing to install four (4) new signs to function as identity markers for pedestrian and vehicular traffic on the thresholds of the campus. The signs would be brick and pre-cast concrete and stand approximately five (5) feet wide by six (6) feet high. The University currently has five (5) signs which will remain: these include two (2) running marquees (one on U.S. 460 in Campbell County and the other on Wards Road near Sonic), two (2) signs on University Boulevard adjacent to Williams Stadium and one (1) along U.S. 460 near the on-ramp for Ericsson Drive. The new signs would be situated at the intersection of the Harvard Street/Ericsson Drive future vehicular tunnel and the Norfolk and Southern Railroad, on University Boulevard in front of the LaHaye Ice Center and on Liberty Mountain Drive in front of the Campus East housing development. The fourth new sign would replace an existing sign at the intersection of Candler's Mountain Road and Liberty Mountain Drive.

The site is currently served by public sewer and public water from the City of Lynchburg's Utility Department; however, the City's Utility Department has concerns regarding water pressure zones and proposed improvement elevations for amenities built on Candler's Mountain, as well as

collector sewer capacities to the City's Burton Creek Interceptor. Staff recommends that the petitioner develop a comprehensive water and sewer capacity study for all current and proposed university facilities with the conditional use permit.

Landscaping for the site would meet the requirements of the City's *Zoning Ordinance*. These requirements include street trees, parking lot landscaping, parking lot screening, foundation plantings, utility area screening and tree canopy standards.

The proposal also calls for a future Gravity Park that would primarily be constructed in Campbell County for the exclusive use of students, faculty and staff (although the park may be open to the public at a later time). The plan would allow for the construction of an access road, a small parking area, a chair lift and an artificial ski slope. The petitioner will provide for shared parking on the lower gradient slopes adjacent to the dorms; this parking would service both the dormitories and the gravity park's chair lift. The shared parking will allow the college to significantly limit the disturbed area required for the park and reduce the overall development footprint in the *Comprehensive Plan's* Resource Conservation Area.

8. **Traffic and Pedestrian Features, Parking and Public Transit.** The petitioner has submitted a comprehensive transportation master plan for the campus including traffic improvements, pedestrian and bike facilities, additional parking, and transit service. The City's Transportation Engineer has reviewed the traffic study submitted for the conditional use permit. This revised traffic report has addressed initial comments from the City of Lynchburg and the Virginia Department of Transportation. This report analyzed the impacts of an increase of up to five thousand (5,000) students for a total of fifteen thousand (15,000) residential students. The study network in the report included trips from the Crossroads Colonnade retail development, proposed Gravity Park, the Liberty Village development, as well as the following intersections:

1. Harvard Street and Wards Road
2. Liberty Mountain Drive and Liberty University Drive
3. Liberty University Drive and University Boulevard
4. University Boulevard and Ericsson Drive
5. University Boulevard and Candler's Mountain Road
6. Candler's Mountain Road and U.S. 460 Eastbound Off-Ramp
7. Candler's Mountain Road and Entrance to Thomas Road Baptist Church
8. Candler's Mountain Road and Entrance to Thomas Road Baptist Church (by 911 Center)
9. Candler's Mountain Road and Mayflower Drive
10. Candler's Mountain Road and River Ridge Mall Entrance

Liberty University, within the last several years, has made or is proposing to make several significant transportation improvements within the area. The petitioner has added a westbound on-ramp to U.S. 460, built a pedestrian tunnel under U.S. 460 for student access to the main campus and worked with Greater Lynchburg Transit Company to implement a major transit system that not only helps traffic on campus but also helps shuttle students around to the shopping centers in the area, thus reducing vehicular traffic. It is City staff's opinion that these transportation improvements show Liberty's willingness to be an active participant in improving the transportation situation in and around campus.

According to the traffic study completed by Liberty's traffic consultant, the following improvements are necessary to accommodate the additional traffic created by the student growth:

1. Construction of a new U.S. 460 eastbound off-ramp onto Liberty Mountain Drive. This new ramp would alleviate the already congested existing off-ramp onto Candler's Mountain Road. Approximately eight hundred (800) vehicles in the morning peak hour use this ramp causing back-ups and delays. The new ramp will give motorists another way to get into the main campus area, thus providing relief to the existing ramp.

2. Construction of a vehicular tunnel to Wards Road at Harvard Street and elimination of the existing right-in/right-out entrance. Liberty University volunteered to complete this improvement even before the CUP process began. It is recommended to do this as part of this CUP.
3. Construction of a left-turn lane at Liberty Mountain Drive onto Liberty University Drive and signalization of this intersection. Queues were observed crossing the bridge during certain timeframes. New traffic control device will need to include pedestrians.
4. Construction of a roundabout or traffic signal at the intersection of University Boulevard and the main campus entrance. Motorists at this intersection experience delays and confusion due to the current traffic control. New traffic control device will need to include pedestrians.
5. Addition of pedestrian features at Candler's Mountain Road/University Boulevard and University Boulevard/Ericsson Drive.
6. Construction of pedestrian trails/sidewalks to and from all new dorms to the existing part of campus and to the proposed Gravity Park. This will need to include coordination with VDOT to make the bridge over U.S. 460 on Candler's Mountain Road pedestrian-friendly, similar to the proposed work at the bridge on Liberty University Drive.
7. Continue working with GLTC to provide transit service on- and off- campus and focus on providing incentives for students to ride the transit system off-campus instead of taking their personal vehicles. Since many of the roads are fiscally or physically constrained within the area (Candler's Mountain Road, U.S. 460, Wards Road), the transit system will be a major contributor to help reduce traffic congestion. With over one million riders its first year, it has and will be a viable option to reduce demand on the local street network.
8. Construction of a pedestrian tunnel to the Montview Commons/Wards Road area and a vehicular tunnel underneath the railroad to Wards Road at Harvard Street. These tunnels will allow for the closure of an "at grade" pedestrian railroad crossing near the Liberty Residence Halls and an inadequate right-in/right-out entrance by Sonic Restaurant.
9. Add a transit line, bike and pedestrian features to the Perimeter Road.

The petitioner has discussed the recommendations of the traffic study with the City's Transportation Engineer and Virginia Department of Transportation [VDOT] representatives and has agreed to design and construct these features. The University has also provided for pedestrian access to serve not only the main campus and student housing along Liberty Mountain Drive in Campus East but also the proposed new residential dorms that will be developed on the northeast end of Liberty Mountain Drive. The petitioner has submitted a proposal to build new sidewalks, pedestrian tunnels, bike lanes, pedestrian crossings, and increased transit options. The plan includes future recreational amenities such as hiking and biking trails, as well as a Gravity Park along Candler's Mountain. Signalized pedestrian crossings are proposed at the intersections of University Boulevard and Candler's Mountain Road, University Boulevard and Ericsson Drive, and Liberty Mountain Drive and Liberty University Drive. VDOT is scheduled to provide sidewalk facilities along the bridge crossings on Liberty University Drive and along Liberty Mountain Drive. Other pedestrian features include sidewalks along the perimeter road to provide access throughout campus, future pedestrian access to the retail area at Crossroads Colonnade from the student housing in Campus East, and hiking and biking trails on Candler's Mountain. The result provides for an increase in walkability and pedestrian movement throughout the campus.

A pedestrian tunnel under U.S. 460 currently connects Campus East housing with the main campus. Two (2) future tunnels, one for pedestrians and one for vehicular traffic, are planned to span the Norfolk and Southern railroad from the perimeter road Regents Parkway, currently under construction, to Wards Road. A portion of Ericsson Drive, which would connect the future vehicular tunnel to University Boulevard, has been dedicated to the City but has yet to be built. The construction of these tunnels will correspond with the closing of the current at-grade crossings of the railroad. This will reduce unsafe "at-grade" crossing of the train tracks by students, which

will in turn help the new adjoining property owner (Hilton Garden Inn) by reducing unnecessary sounding of the train whistle.

A bicycle path is also proposed near the University's baseball field. An existing road will be demolished with Phase I of the perimeter road; this roadway will be replaced with a bicycle path. Bicycle lanes also will be added to the access roadway for the proposed dorms adjacent to U.S. 460. Staff feels the petitioner has made a strong effort to built infrastructure in support of pedestrian and bicycle movement throughout the site.

Although not recommended as a condition of the permit, the City's Transportation Engineer concurred with a subsequent recommendation in the traffic study – that Liberty University consider replacing the right-in/right-out with a traffic signal at the intersection of Mountain View Road and Clanders Mountain Road. It is also recommend that Lynchburg Christian Academy [LCA] stagger, to the maximum extent possible, school departure times to mitigate significant queuing and congestion in the afternoon peak period. During his review, the City's Transportation Engineer noted that the University, LCA, and Thomas Road Baptist Church have quickly outgrown the right-in/right-out and need another full entrance point for ingress and egress. However, he followed that this intersection would primarily effect the internal circulation of Thomas Road Baptist Church, Lynchburg Christian Academy and Liberty University rather than posing significant problems to Clanders Mountain Road. The City's Transportation Engineer also recommended that the proposed vehicular tunnel to Wards Road (at Harvard Street) should provide pedestrian access; however, he noted that this may be a geometric impossibility due to constraints with the tunnel size and therefore did not recommend this as a condition of the permit.

The City's Transportation Engineer also noted that other public agencies should enact improvements in this area to help offset existing traffic impacts. Several of the improvements would require participation from the VDOT and the university is encouraged to work with the agency to insure the safety of the pedestrians and drivers surrounding campus. The City's Transportation Engineer recommended that the petitioner and VDOT consider a new signal timing plan on Clanders Mountain Road and widening Clanders Mountain Road to an eight (8)-lane facility with extended turn lanes. However, it is understood that there are serious fiscal constraints with this project. He also encouraged that VDOT continue to work with Liberty University around the U.S. 460 corridor to ensure that appropriate access is provided to Liberty while maintaining adequate interchange design. Finally, it is paramount that VDOT and the university ensure that pedestrians have safe access across U.S. 460 (on Liberty Mountain Drive) and that Liberty Mountain Drive and Liberty University Drive have adequate pedestrian and bicycle facilities. He noted that VDOT has obtained a grant to add a railing to the bridge on Liberty University Drive to protect pedestrians, a significant first step towards this final goal.

Staff also recommended that the City of Lynchburg participate in several improvements. The construction of a vehicular tunnel and the Ericsson Drive extension would not only provide a significant benefit to Liberty University, but the entire region. The tunnel and road extension would create another connection between U.S. 460 and Wards Road, thus relieving some of the congestion at the intersections surrounding these areas. Preliminary cost estimates put the total cost of this improvement at approximately four million (\$4,000,000.00) dollars. Also, the City should consider constructing dual left-turn lanes on Mayflower Drive. This will not only help Mayflower Drive but ultimately allow more "greenlight" time for vehicles passing through the stoplight on Clanders Mountain Road. Another recommendation was that the City provide for left-turn accommodations at the intersection of Clanders Mountain Road and University Boulevard. This would improve safety at the intersection by providing a protected left turn (using a green arrow) for vehicles turning onto University Boulevard. Lastly, the Transportation Engineer noted the importance of the City's performing a feasibility study for the addition of pedestrian features on Wards Road.

Due to major fiscal and physical constraints, the major roads around the Liberty campus most likely will not be widened in the near future (if ever). Faced with these limitations, the City Planner has recommended to the University work towards creating a denser campus layout and provide for improved internal circulation. The City's Transportation Engineer has also is imperative that the university continue to seek alternative travel options for students to include transit, pedestrian and bicycle facilities as well as other vehicle reduction measures. Liberty University has realized this and has significantly increased their pedestrian and transit capabilities. Although there is no one (1) option that would improve capacity around campus, the two (2) pronged approach of travel demand management and small capacity improvements can go a long way in making a congested situation more manageable. As a result, the proposed transportation master plan is acceptable to the City's Transportation Engineer.

Parking requirements for the entire campus including the Vines Center, stadium, Liberty University projected total enrollment of fifteen thousand (15,000) students, LU employees, LCA students, LCA employees, Thomas Road Baptist Church, and LaHaye Ice Center total thirteen thousand, four hundred and ninety-eight (13,498) spaces. This required parking is based on the projected student population and employees for Liberty University and Lynchburg Christian Academy to the year 2013. The twenty percent (20%) reduction in parking, granted by Planning Commission on January 11, 2006, reduces the required parking to ten thousand, seven hundred and ninety-eight (10,798) spaces. Information submitted by the petitioner indicates the following required number of off street parking spaces:

Use	Parking Requirement	Number	Required Spaces
Vines Center & Stadium	1989 Variance	21,000	3,900
University Enrollment up to 3,426 students	1989 Variance	3,426	571
University Enrollment up to 15,000 students	1 space / 2.5 students	11,574	4,630
University Employees	2 spaces / 3 employees	3,250	2,167
LCA HS Students	1 space / 10 students	617	62
LCA Employees	2 spaces / 3 employees	151	101
Thomas Road Baptist Church	1 space / 3 seats	5,000	1,667
LaHaye Ice Center Public Use	1 space / 10 sf spectator space	4,000	<u>400</u>
	Total Required Spaces		13,498
	-20%		<u>2,700</u>
	Proposed Requirement		10,798

Ample parking should be available based upon the submitted master plan, which includes eleven thousand, two hundred and ten (11,210) spaces. Information submitted by the petitioner indicates the following parking provided:

Location	Description	# Spaces
Main Campus	Per 11/21/05 parking survey -RT Dining Hall addition –B&N spaces - P-16 spaces w. Perimeter Rd -Demoss spaces + RD spaces by Dorm 25	4,225
P-21, Campus East	Per 11/21/05 parking survey	721
P-22, Campus East	Per 11/21/05 parking survey -Doc's Diner spaces	673
Campus North	Campus North w/ TRBC & LaHaye	2,727

P-19, Main Campus	-P-38 bus stop & medical center	
P-23, Campus East Phase 2	FOC parking lot, per design plan	108
Dorms	Per design plan	223
Proposed Parking on CUP Plan	Future parking areas	<u>2,533</u>
Total Spaces Provided		11,210

Public transit is currently accessible in this area through the Liberty University campus transit routes and the Greater Lynchburg Transit Company's Route 4D. LU Transit currently provides Blue, Green, and Red lines which follow University Boulevard, Champion Circle, U.S. 460, Liberty Mountain Drive, Ericsson Drive, and Candler's Mountain Road. Currently, the University Transit system has ten (10) bus stops, five (5) of which are covered shelters. The petitioner would add additional bus stops to coincide with the construction of future Purple and White transit routes. The Purple route would service the expansion of dorms and other future Liberty University facilities along Liberty Mountain Road and Candler's Mountain Road. The perimeter road (Regents Parkway), once completed would be serviced by the White Route, connecting the southern end of campus with Campus North and Thomas Road Baptist Church. The University also intends on providing "park and ride" services utilizing the transit system, providing local business will allow the petitioner the opportunity to use adjacent parking lots.

9. **Stormwater Management.** The proposed future buildings and parking areas will exceed one thousand (1,000) square feet; therefore, individual site plans will be required for each project to meet the City's erosion and sediment control, stormwater quantity and stormwater quality requirements. The petitioner's proposed management option is a type of low impact design development which would provide for a combination of distributed stormwater management features, a reduction in impervious surfaces (i.e. including porous and/or grass pavers) and infiltration practices located throughout the area in conjunction with existing stormwater quantity facilities. Although this strategy is preferred by the petitioner and staff, the location of practices, soil types, topography and the size of the contributing drainage area will all have a significant bearing on whether this type of design can be applied to this site. Since the plan is currently at a conceptual stage, if the rezoning and conditional use permit petitions are approved, the applicant will pursue this design as a first step in the formal site plan process.

The City's Environmental Planner also noted that the proposed parking facilities behind the Vines Center and the proposed facilities adjacent to the North Campus expansion would potentially impact the two (2) existing regional stormwater management structures that serve the campus. Staff recommends that a condition be provided as part of the conditional use permit that at such time either regional facility is impacted by development within the footprint of the stormwater structure, Liberty University would submit a "stormwater master plan" to address the quality and quantity of stormwater for the entire campus.

The City's Environmental Planner requested that the applicant consider mitigating all impacts to wetlands and streams as a result of the future construction within the Blackwater Creek watershed. Mitigation requirements set forth by the U.S. Army Corp of Engineers (USACE) and the Department of Environmental Quality (DEQ) allow the developer the option of mitigating any stream or wetland impacts on the development site, within the watershed or within an approved mitigation bank elsewhere in Virginia. Staff expressed concerns to the petitioner about the potential to impact various environmental features within the City and paying to a "bank" or mitigating these features outside of the watersheds that are most affected by the development. The petitioner has reviewed the request, and although they feel that they can likely mitigate the impacts on site, they do not wish to impose an additional requirement on the development to mitigate within the watershed. Staff maintains their recommendation that a condition be placed on the permit that would require the petitioner to mitigate any stream or wetland impacts within the same watershed.

10. **Police & Fire.** The City's Fire Marshal and the City Police Department had no comments about the proposed FLUM amendment, rezoning or conditional use permit petitions.
11. **Impacts.** The area surrounding the campus is considered a major gateway to the City. The *Comprehensive Plan* directs the City to seek proffers that ensure high aesthetic quality of development and that set aside land for gateway features. **(page 4.3)** In keeping with this policy, staff has recommended that a condition be applied to the conditional use permit that "any new student housing / apartment buildings shall be similar in appearance to the existing student housing on Liberty Mountain Drive." The University has also proposed four (4) new identity signs to be located on campus property along the perimeter of the campus. Staff recommends that a condition be provided within the permit that would provide for the signs to be similar in size and materials as noted on the master plan.

As part of the master plan, the petitioner is proposing to amend the *Future Land Use Map* and rezone a portion of property west of U.S. 460 to allow for the construction of fifteen (15) student dormitories, parking, and university facilities. Staff has evaluated the existing and proposed uses for the project in accordance with the Resource Conservation Area and Candler's Mountain Planned Development Areas designated on the *Comprehensive Plan* Framework Map. Although staff supports amending the *FLUM*, as well as the rezoning, it is staff's opinion that the Low Density Residential use should be amended to an Institutional use and the area presently designated as Resource Conservation for the property not be amended.

The petitioner has worked closely with their design team to reduce the University's impacts on the surrounding area. In addition to limiting the development within the Resource Conservation Area, the University has also agreed to develop a "master stormwater plan" for the entire campus at such time that growth impacts the footprint of the existing regional stormwater detention ponds. University staff has attended various low impact design workshops, and the design team intends to pursue various infiltration practices (including porous parking options) to satisfy stormwater quality requirements for campus development, as applicable.

Liberty University's team has also delineated all of the streams and wetlands on all of the college properties and has designed their master plan to avoid and or minimize the impacts to these natural features. Despite the University's best efforts not to impact any streams or wetlands, it is likely that some of the proposed construction would require the relocation, piping, or destruction of some of these resources. The *Comprehensive Plan* provides that "as the City reaches buildout, pressure to develop adjacent to and within sensitive areas will increase. To ensure the natural function and beauty of the City's remaining natural areas are conserved, the City should carefully evaluate development proposals and employ a range of measures to avoid, minimize and mitigate impacts." **(page 4.4)** Staff requested that the petitioner mitigate stream and wetland impacts on site or within the watershed to help offset any impacts to the streams within the City. The mitigation strategy would be similar to those adopted by Lakeside Centre, McConville South and Crossroads Colonnade shopping centers. Unfortunately, the petitioner does not wish to impose additional mitigation requirements on the development to offset the potential environmental impacts. City staff maintains the importance of mitigation within the watershed and recommends as a condition of approval that the petitioner consider mitigating any stream or wetland impacts that result from the proposed development within the same watershed.

The proposed master plan also includes concept plans to address the infrastructure necessary to ensure adequate facilities for the campus expansion. Staff has recommended that a condition be applied to the permit which would provide for the development of a "master utilities plan" to address water and sewer availability, prior to the construction of any facilities. The plans also detail the necessary transportation improvements, pedestrian and bicycle facilities and public transit opportunities to provide for the students, faculty, staff, and Lynchburg residents to not only access all parts of campus, but the City itself. Staff is supportive of Liberty University's efforts to

improve its existing infrastructure and connectivity and recommends that conditions be applied to the conditional use permit to provide for these improvements and timetables.

While the college has taken significant steps to offset impacts of the proposed expansion, it is important to note that the City may need to provide for the necessary infrastructure to assist the college with its integration of an additional five thousand (5,000) students into the community. The proposed pedestrian tunnels and sidewalks will allow students the opportunity to safely walk to neighboring businesses on Wards Road and Candler's Mountain Road; however, without the necessary walkways along these corridors, these businesses could be difficult to access and the potential for conflicts between vehicles and pedestrians may increase dramatically. Similarly, the proposed vehicle tunnel to Harvard Street has the potential to provide for a safer vehicle intersection with Wards Road for students and visitors alike; however, without the extension of Ericsson Drive, this traffic would be required to travel the private perimeter roads of campus and access Candler's Mountain Road through the Thomas Road Baptist Church parking lot.

City staff is supportive of Liberty University's long-term goal of reaching twenty-five thousand (25,000) on-campus and commuter students. Staff worked closely with Liberty University in December 2003 to master plan the campus with the goal of ensuring adequate room for the campus to expand, while helping them consolidate their operations around a centralized main campus; the current amendments further those original goals. However, while staff recommends approval of the proposed petitions (with the revision to the proposed *FLUM* amendment and the recommended conditions), it is imperative that the City determine how it can make the necessary accommodations and infrastructure connections to ensure the prosperity and safety of University residents, faculty, staff, as well as the general public.

12. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on January 2, 2008. The remaining comments related to the proposed use were minor in nature and could be addressed by the developer prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDED MOTION(S)

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of an amendment to the Future Land Use Map from Low Density Residential to Institution at 3778, 3786, 3794, 3802 and 4000 Candler's Mountain Road.

The Planning Commission waives the twenty-one (21) day submittal requirements for proffers.

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of Liberty University, Inc.'s petition to rezone two hundred and thirty-seven (237) acres located at 3794, 3778, 3786, 3802 and 4000 Candler's Mountain Road from B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional) to allow for the construction of student housing and associated parking with the voluntarily submitted proffer:

1. **This area shall be developed in substantial compliance with the site plan entitled Master Plan for Rezoning and Conditional Use Permit. However, further review by the Planning Commission and the City Council of any Liberty University expansion project directly relating**

to university use is not required providing all conditions of the conditional use permit are met and student enrollment of Liberty University does not exceed 15,000 resident students. Signs and external building modifications not directly relating to university use are subject to approval by the City's Design Review Board.

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of Liberty University, Inc.'s petition for a conditional use permit (CUP) to amend the master plan and allow for an increase of up to five thousand (5,000) students for a total of fifteen thousand (15,000) residential students and construction of facilities for the campus at 3778, 3786, 3794, 3802, 4000, 4250, 4300, 5000, 5001 Candler's Mountain Road, 1000, 1001, 1005 Ericsson Drive, 100 Mountain View Road, 100, 112, 200, 212, 300 Liberty Mountain Drive, 1971, 1973, 1975, 1977 University Boulevard and 4013 Wards Road, subject to the following conditions:

1. The conditional use permit is valid for a fifteen thousand (15,000) maximum student enrollment of Liberty University. Student enrollment figures shall be based on numbers reported by the State Council of Higher Education of Virginia (SCHEV). When enrollment exceeds fifteen thousand (15,000) on-campus and commuting students, Liberty University shall be required to obtain a new conditional use permit from the Planning Commission and the City Council.
2. This area shall be developed in substantial compliance with the site plan entitled Master Plan for Rezoning and Conditional Use Permit by Perkins and Orrison dated April 3, 2008 and received by Community Development on April 4, 2008. However, further review by the Planning Commission and the City Council of any Liberty University expansion project directly relating to university use is not required providing all conditions of the conditional use permit are met and student enrollment of Liberty University does not exceed fifteen thousand (15,000) resident and commuter students. Signs and external building modifications not directly relating to university use are subject to approval by the City's Design Review Board.
3. A master utilities plan shall be submitted by Liberty University, subject to the approval of the City of Lynchburg's Director of Utilities, prior to the construction of any new facilities. It further shall be the responsibility of Liberty University to construct all necessary improvements detailed within the plan.

4. The following traffic improvements shall be designed and constructed by Liberty University, subject to the approval of the City Engineer, in accordance with the designated timetable. The improvements shall be bonded in two (2) phases; improvements that will be constructed in the first eighteen (18) months shall be bonded within thirty (30) days of CUP approval while features that will be constructed within twenty-four (24) to thirty-six (36) months shall be bonded within two (2) years of CUP approval. The required traffic improvements include:

- a. Perimeter Road Phase I – The first of two (2) phases of the perimeter road is currently under construction. This roadway will parallel the Norfolk and Southern railroad from the at-grade crossing near Liberty University’s baseball field and shall tie into the parking lot adjacent to Thomas Road Baptist Church. (Currently under construction).**
- b. Proposed Ramp Improvements – The existing ramp from U.S. 460 east bound lane to access Candler’s Mountain Road shall have an additional lane added for left (or east bound) movement to the proposed dorm and intramural field facility proposed along U.S. 460, east of Candler’s Mountain Road. The intersection with this ramp and Candler’s Mountain Road shall be improved to have a dedicated right turn movement, a straight and left turn movement, and an incoming or east bound movement. (Construction within the next 18 months).**
- c. Proposed Signal on Liberty Mountain Drive – A signal shall be required at the intersection of Liberty Mountain Drive and Liberty University Drive (the bridge over U.S. 460). (Construction within the next 24 months).**
- d. Proposed Left Turn Lane – A dedicated left turn lane shall be required on Liberty Mountain Drive for the east bound traffic to turn left onto Liberty University Drive. (Construction within the next 24 months).**
- e. Proposed Roundabout – At the intersection of University Boulevard and Liberty University Drive, Liberty University shall install a roundabout or traffic circle to attenuate the increase in traffic at this intersection. (Construction within the next 36 months).**

- f. Ramp, Roundabout, and Connection to Liberty Mountain Dr. – An off-ramp from U.S. 460 east bound lane to access the Crossroads Colonnade retail development and to connect to existing Liberty Mountain Drive. This improvement is not on the property being rezoned, but on an adjacent parcel. (Construction within the next 36 months).**
 - g. Proposed Pedestrian Tunnel – The construction of a pedestrian tunnel for pedestrian access between the Wards Road area and campus. (Construction within the next 12 months).**
 - h. Close At-Grade Crossing – The Norfolk and Southern railway at-grade crossing on the south end of campus shall be closed. (Construction within the next 12 months).**
 - i. Close At-Grade Crossing – The Norfolk and Southern railway at-grade crossing near the Liberty University baseball field shall be closed. (Construction within the next 12 months).**
 - j. Perimeter Road Phase II – The second phase of the Perimeter Road shall complete a loop around campus. This road is considered essential to fluid campus transit movement, as well as vehicular access to campus. (Construction within the next 24 months).**
 - k. Proposed Vehicular Tunnel – This proposed vehicular tunnel shall become the primary access to the University from Wards Road. In the short term, the extension of the roadway through the tunnel shall intersect with the Perimeter Road, allowing a distribution of traffic to the Main Campus and to Campus North. An extension of Ericsson Drive, if the City will participate in the project, will be able to connect the tunnels with existing Ericsson Drive, which will provide access from Ward's Road to U.S. 460. (Construction within the next 12 months).**
- 5. The following pedestrian features shall be designed and constructed by Liberty University, subject to the approval of the City Engineer, in accordance with the designated timetable. The features shall be bonded in two (2) phases; pedestrian features that will be constructed in the first eighteen (18) months shall be bonded within thirty (30) days of CUP approval while features that will be constructed within twenty-four (24) to thirty-six (36) months shall be**

bonded within two (2) years of CUP approval. These required pedestrian features include:

- a. Pedestrian Crossings – Pedestrian crossing signals shall be added to three (3) existing intersections: Liberty Mountain Drive and Liberty University Drive; Ericsson Drive and University Boulevard; and Candler's Mountain Road and University Boulevard. (Construction within the next 24 months).**
 - b. Proposed Pedestrian Tunnel – This tunnel is for pedestrian access between the Wards Road area and campus. This tunnel will contribute to an at-grade rail crossing closure. (Construction within the next 12 months).**
 - c. Sidewalks along the Perimeter Road – Sidewalks shall be added to the perimeter road to provide pedestrian access around the campus. (Construction to coincide with the respective phases of the perimeter road).**
 - d. Future Access to Retail Area – Pedestrian access shall be provided between the student housing area and the Crossroads Colonnade retail area. (Construction within the next 36 months).**
 - e. VDOT Improvements – VDOT is scheduled to improve the pedestrian movement on the Liberty University Drive bridge and the Candler's Mountain Road Bridge. (VDOT's preliminary construction schedule is Spring of 2010).**
 - f. New Bicycle Path – A bicycle path is proposed near the Liberty University's baseball field. An existing roadway shall be demolished with Phase I of the perimeter road and replaced with a bicycle path. (Currently under construction).**
 - g. New Bicycle Lanes – Bicycle lanes shall be added to the access roadway for the proposed dorms adjacent to U.S. 460.**
- 6. Liberty University shall provide new transit routes throughout campus, as detailed on the "Transit Plan" sheet of the master plan for the expansion of dorms and other Liberty University facilities.**
 - 7. At such time when either existing regional stormwater facility is impacted by development within the footprint of the stormwater structure, Liberty University shall submit a "stormwater master plan"**

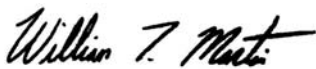
to address the quality and quantity of stormwater for the entire campus. The plan shall be subject to the review and approval of the City's Environmental Planner.

- 8. All streams and/or wetlands that are subject to the mitigation requirements of the Virginia Department of Environmental Quality and the United States Army Corps of Engineers and are impacted by the development designated within the Liberty University Campus Master Plan shall be mitigated within that same watershed.**
- 9. Any new student housing/apartment buildings shall be similar in appearance to the existing student housing on Liberty Mountain Drive.**
- 10. Adequate parking shall be provided as required by the City of Lynchburg *Zoning Ordinance*, with the exception of the 1989 variance and the twenty percent (20%) parking reduction granted by Planning Commission on January 11, 2006.**

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of Liberty University, Inc.'s petition for a Conditional Use Permit (CUP) for a consolidated sign plan, subject to the following conditions:

- 1. All proposed identity signs shall be constructed with the same dimensions, materials and general appearance as that depicted within "Inset A" on the CUP Master Plan.**

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Charlene B. Montford, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia L. Kozarow, Lynchburg Police Department
Battalion Chief Greg Wormser, Fire Marshal
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Mr. Keith Wright, Zoning Official
Mr. Robert S. Fowler, Zoning Administrator
Mr. Kent L. White, Senior Planner
Mrs. Erin B. Hawkins, Environmental Planner

Mr. Jerry Falwell, Jr., Representative, Liberty University
Mr. Norm Walton, Representative, Perkins & Orrison

VII. ATTACHMENTS

- 1. Vicinity Zoning Pattern**
- 2. Vicinity Proposed Land Use**
- 3. Watershed Location Map**
- 4. Proposed Master Plan**
- 5. Liberty University CUP/Rezoning Narrative**
- 6. Liberty University Conditional Use Permit Synopsis**
- 7. Liberty University Required Parking Tabulation**

MINUTES FROM THE APRIL 9, 2008 PLANNING COMMISSION MEETING (MINUTES HAVE BEEN APPROVED):

b. Petition of Liberty University, Inc. to amend the Future Land Use Map from a Resource Conservation and Low Density Residential use to a Medium Density Residential use, to rezone approximately 237 acres from R-2C, Low-Medium Density Single-Family Residential District (Conditional) & B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional) at 3794, 3778, 3786, 3802 and 4000 Candler's Mountain Road. Liberty University has also submitted a petition for a conditional use permit at 3778, 3786, 3794, 3802, 4000, 4250, 4300, 5000, 5001 Candler's Mountain Road, 1000, 1001, 1005 Ericsson Drive, 100 Mountain View Road, 100, 112, 200, 212, 300 Liberty Mountain Drive, 1971, 1973, 1975, 1977 University Boulevard and 4013 Wards Road to amend the existing master plan for an increase of up to 15,000 students, construction of campus facilities and the implementation of a consolidated sign plan for the area surrounding the campus.

Mr. Martin addressed the commissioners with the following comments. These petitions will facilitate the expansion of Liberty University from the existing 10,000 student enrollment up to 15,000 students on the main campus. Liberty University has been working with city staff for some time master planning its facilities and projecting out its growth. They have conducted an in-depth traffic study that has been reviewed by the City's Transportation Engineer and the Virginia Department of Transportation (VDOT). City staff sincerely thanks Liberty University for going into such detail and recognizing the need to do certain improvements. These include numerous transportation improvements, as well as pedestrian improvements. The only point of discussion, Mr. Martin believes, is with some environmental concerns that the Planning Division has with stream remediation. From the staff perspective, we are going to be taking the same approach with all the projects that are coming before Planning Commission and recommending that mediation be done within the same watershed. Mr. Martin reiterated that staff appreciates the work that Liberty has done and the Planning Division does recommend approval of the *Future Land Use Map* amendment, the rezoning and both conditional use permits.

Mr. Norm Walton of Perkins & Orrison came forward to speak on behalf of the petitioner. He said there were those present who could address the environmental and traffic study questions that they might have, as well as Liberty University personnel.

They feel that this is a true master plan for Liberty University for the next five to seven years. A lot of effort and time has gone into this. They thanked Mr. Martin and other city staff who helped them to develop this plan. There are a lot of elements on the plan that are not essential to the growth to 15,000 students, so they feel this is a true master plan for Liberty's vision. Some of those projects included are the tunnels at Harvard Street, possibly the future Ericsson Drive extension. They are showing expansion of the NCAA football stadium, expansion of the NCAA baseball field and NCAA softball field, as well as a tennis complex. They are showing Phase I of the gravity park at Candler's Mountain. There are also additions to Thomas Road Baptist Church, as well as Liberty Christian Academy.

Along U.S. 460, they are showing an intramural complex and losing the present intramural fields where Crossroads Colonnade is planned. They are addressing housing needs, faculty needs and institutional buildings. They are showing places for facilities management and operations for the university to grow. They feel this is a complex and in-depth master plan.

Liberty University is trying to show that they are minimizing impacts to streams and wetlands. They are currently working on identifying and delineating all the streams and wetlands. Liberty is currently working with the U.S. Army Corps of Engineers (USACE) and the Department of Environmental Quality (DEQ) on numerous projects within the city and Campbell County. They are coordinating an overall stream enhancement plan with DEQ and the Corps of Engineers to show protection and enhancement of streams, as well as trying to identify areas that we could mitigate for stream and wetland impact on site. Mr. Walton then read the following statement from Liberty:

"Liberty is committed to follow the letter of the law as required by USACE and DEQ for wetland and stream mitigation. Liberty does not want to limit options for mitigation practices. Liberty wants the same options available to them as any developer in the city. Liberty believes that it can mitigate any stream or wetland impacts on site, or in the watershed, but would like the same opportunity to other options as enjoyed by other developer in this area. We cannot at this time identify the exact amount or quality of stream or wetland that we are impacting, so it is impossible to know the exact amount of mitigation that may be required. This plan demonstrates a tremendous amount of development that will inevitably impact some streams and/or wetlands. Liberty will commit, and has offered a proffer, that they will work closely with DEQ and USACE to have streams and wetlands evaluated and mitigate as necessary per policies and state and federal law. LU will not accept any additional standards above that required by law. In addition, there is no provision for DEQ to seek approval of local officials when determining mitigation plans. State law is sufficient for the entire Commonwealth, and to the best of our knowledge, Lynchburg is the only local government within our region wishing to impose stricter requirements that only allows mitigation in the same watershed."

The implications of the conditions placed on this mitigation are not consistent with the future plans for the Corps and its work with the Environmental Protection Agency (EPA) in developing the new rules that will come out in publication tomorrow. The Corps' new rule will establish an order in preference for mitigation. The first option is using wetland banks as established by private entities. The second option is in lieu of fee mitigation, which is typically similar to a wetland bank, only owned by government or non-profit organizations and the third option is the normal compensatory mitigation on site that we normally see.

This is a new rule that will be published and will go into effect within the next sixty days. The basis of this decision, as far as mitigation, by the Corps' new rule, is to establish larger wetlands which will survive better and be more resilient than the small on-site mitigations. According to the EPA, they have studies to prove that. Liberty has provided conservation easement for streams in Campbell County that goes along with development within the county. Liberty is working with DEQ and the USACE on establishing permits for those projects. Liberty University is currently restoring one stream between Campus North, Campus East I and Campus East II. Liberty University has produced a comprehensive plan to delineate all streams and wetlands on all of its holdings, including this contiguous piece of property, as well as properties within the city. Liberty University has employed two top environmental work firms to assist in this area of permitting with DEQ and USACE. Currently, we have presented a plan to staff to rezone 3.5 acres of I-3 property within the City of Lynchburg to R-C, which addresses the proffer that was made by Liberty University for the Crossroads Colonnade project.

Liberty University is committed to utilizing innovative water quality elements. Within the last month, officials from Liberty University attended a seminar in Williamsburg that demonstrated the use of porous pavements and we are exploring avenues and options for using porous pavements on future projects on campus."

Mr. Walton remarked that there has been a massive transportation study for Liberty's campus and all the transportation corridors surrounding LU's campus. We have coordinated that with city's officials as well as VDOT's officials. The original scope was even expanded to take in the intersection with the mall at Candler's Mountain Road, as well as looking at the expansion of future development down Candler's Mountain Road into Campbell County. Within our traffic study, Liberty has considered vehicular, pedestrian, bicycle traffic, as well as mass transit. With the future intramural fields and dorm project that extends to the east of Candler's Mountain Road and parallel to U.S. 460, they think they are offering an adjacent bicycle lane on a city street.

They have evaluated having pedestrian access through the tunnel at Harvard Street. Mr. Harter mentioned in his comments that he thought it would be virtually impossible to get a sidewalk through there due to constraints and that is true with the restrictions of the rail and the clearance between the tunnel and the rails. At the current time, only vehicular traffic is planned through the Harvard Street tunnel. They do not think that is a detriment because there will be a pedestrian tunnel directly behind the Vines Center. That pedestrian tunnel will be closer to the congestion of campus students and would put them right in the middle of the Wards Road shopping district.

With the transit system and the parking policy that Liberty University has instituted, Liberty has seen a three percent decrease in parking permits issued this year, although the student body is growing. Their mass transit budget is approximately \$1.4 million a year. The transportation study showed improvements necessary to adjacent city streets and transportation corridors. Some of these will have to be coordinated with the City of Lynchburg and participation in construction that is required by the city. Some of the impacts would have occurred whether Liberty grew to 15,000 students or not.

They have studied utilities as well. Water and sewer capacity are both issues for the city. Liberty understands the conditions being placed on completing a public utilities study and is committed to doing so as the development occurs. Solutions to overcome the overcapacity on utilities will be considered and coordinated with the city utility department and the engineering staff. Liberty is also looking at addressing power needs of the university.

Mr. Walton commented that they have been working on this plan with the city for approximately eight months on this plan and they feel it shows a considerable amount of thought and effort. They feel they have taken all the comments from the Technical Review Committee and other written comments and addressed them all as adequately as they can at this time. They feel that this plan shows what it will take for Liberty to grow to 15,000 students and that it covers all necessary housing, faculty buildings, institutional buildings and facilities and operations buildings, as well as amenities that will attract students to campus. Universities now are competing more on student life than they are on the education that they can offer.

Mr. Jerry Falwell, Jr. came forward to speak in favor of the petition. He stated that a lot of these conditions are items that they proposed a year or a two ago—the tunnels, the perimeter road, some of the other improvements, so they were not a surprise to him. A few things were a surprise to him. He asked Mr. Martin for clarification that if the city imposes these conditions that the petitioner has to meet those conditions in order to obtain building permits for future improvements. Mr. Martin said that was correct. Mr. Falwell did not understand the need for a bonding requirement on the road improvements. He had not planned on that and he thinks it is not necessary.

The other thing was the mitigation outside the watershed. If you don't own enough property in a given watershed, you pretty much render your property unusable if you agree to that sort of condition. That is why the state allows mitigation other places. They own properties in four watersheds, and he would be willing to say that they would mitigate in one of those watersheds where they own property, if at all possible. But they do not want to go beyond what state allows requires. He commented that several years ago, there were hardly restrictions on stream and wetland impacts and he thinks that the pendulum may have swung far to the other extreme. Before, we were probably not doing enough and now we may be overprotecting streams and wetlands. Liberty is committed to abide by state and federal law.

He also asked Mr. Martin if it would be proffered that now trees could be cut anywhere on the mountain. Mr. Martin pointed out on the site plan the tree line that they are showing, and they have proffered substantial compliance with this plan. So staff would interpret that to mean that in this go around, they would not be disturbing above that tree line. Mr. Falwell thought that was something they would have a hard time living with, especially over on Candler's Mountain Road where it has been divided for future faculty housing. Mr. Martin clarified for him that they are only talking about the B-3 property and not the R-2 property. Mr. Martin pointed out to him the B-3 property on the site plan, and then Mr. Falwell thought it would not be a problem since it is steep land.

Mr. Falwell also asked for clarification on Phase II of the perimeter road. He thinks that they may find that if they tie it into the dorm circle, that it will probably be adequate, since there is very little traffic behind there. But that is something that they will not know until they look at it closer. Other than the items Mr. Falwell has mentioned, they are willing to accept the city's conditions.

Chair Hamilton asked for anyone else to speak in favor of the petition, and no one came forward. She asked for anyone wishing to speak in opposition to the petition and Dr. Tom Shahady of Lynchburg College came forward. He commented that he has not had a lot of time to look at it. He agreed that it is a complex proposal and acknowledged that all the work they are doing on campus is tremendous. He cannot say enough about things like the ice skating rink and the trails, so he does not want any of his comments to be misconstrued.

His concern is on this side of the mountain and the rezone that they are looking for. He asked for clarification about the property that they are wishing to rezone to B-3. Mr. Martin answered that it is already zoned B-3 Conditional. They are just amending proffers. Dr. Shahady's concern is with the resource conservation. He read from the *Comprehensive Plan* that resource conservation lands encompass lands with characteristics that make their preservation and open space particularly important to the city's environmental health. He also read where the *Comprehensive Plan* specifically mentions the steep slopes of Candler's Mountain. He commented that this is the only specific location that the *Comprehensive Plan* named specifically and says that it should be protected.

If you look at this area, it is extremely sloped, the most sloped property that we have in the city. He got anything from a 25 to 30 percent slope using a ruler and an old topographical map. He thinks that it will be extremely challenging to build on it. He does not doubt any engineer in this city being able to build on it, but as far as environmental concerns, he had also consulted the soil survey. These are clay soils. The soil survey actually gives some guidelines for community development and says that there are some concerns.

Dr. Shahady believes that the *Comprehensive Plan* clearly shows that Candler's Mountain is Resource Conservation, regardless of the zoning. If they contradict each other, he thinks that they should err on the side of protection. This is going to be the last area of land that we have a large forest, and we really need to be careful here. He thinks that we need to do more analysis on it and determine some things like where the steep slopes are, what are the soil conditions are, how will this particular development impact all of that resource. He knows that this is private property, but they purchased it knowing these conditions existed.

Another thing that concerns him is that a lot of retail space is going to be used by the Crossroads Colonnade. Now that that land is out of their planning for institutional uses, things will shift over to this side of mountain. He is concerned with that and other developments like Lakeside Center, Cornerstone and some other retail areas that we are building a tremendous amount of retail space and that is shifting things, certainly in Liberty's plan. If this is developed, he thinks that it will be fairly logical to develop that entire mountain, and he is very concerned about that.

He also mentioned that there are a lot of opportunities to look at alternatives that are very environmentally friendly. There is a tremendous trail system that attracts a lot of people. There are ecology things that can be studied—a lot of things that you can do to occupy students.

He reiterated that this plan needs a very careful look and that we need to be very careful with what resource conservation areas that the city has left. Every little bit approved adds up and these are tracts that are large enough that they are unique in themselves. Anyone who studies landscape ecology knows that is something that you lose in cities over time and you certainly never get it back. He does not know what the solution is, but perhaps some more dialogue.

Mr. Allen Campbell came forward next. He is a student at Lynchburg College. Mainly, he wanted to reiterate that he is opposed to the zoning change from a perspective that it complies right now with the *Comprehensive Plan*. We want to keep the slope stabilized and prevent soil erosion in addition to limiting

development through trails and other recreational facilities. That comes directly from the *Comprehensive Plan*. Mr. Campbell also read some items from the *Zoning Ordinance*. Section 15.2-2284 it stipulates that zoning ordinances should be drawn with reasonable consideration for existing use, the *Comprehensive Plan*, conservation of natural resources and conservation of floodplains. Section 15.22-2286 specifies that an owner is permitted to request a zoning change so long as the general welfare or good zoning practice requires it. Mr. Campbell is not sure that in this case that if we give away an area of resource conservation that that would necessarily constitute good zoning practice.

Mr. Kyle Edwards came forward next. He is a student at Lynchburg College and is from Hartford, Connecticut. He thinks that Candler's Mountain and land degradation is a microcosm of what is going on nationally. If there is anything that he can say to persuade the opposition is that by increasing the population of Liberty, increasing people into a city, you need to support the infrastructure for these people. He thinks that what Liberty is doing is great, but the City is going to need to compensate for what is going on with the population increase. This is just going to spread, and the more the city expands, when is it going to stop? This is happening nationally and globally. He thinks that this is a great spot where he gets a chance to say what he needs to say and thanked the commissioners.

Ms. Jennifer Hattan of Lynchburg College came forward next to speak in opposition to the petition. Her chief concern is the changing of the conditional use permit, the changing of the zones. If you change it down underneath the LU monogram from the R-C and the R-2 to B-3 Conditional, what will that mean for the future and future developing? Driving just about anywhere in Lynchburg, you can see the monogram and that is fine. But what happens when there is more? What happens where there is more building up on that mountain? Essentially what may happen is that you lose a mountain and that could be a problem as far as losing the beauty of the city and what attracts people to the city.

Ms. Angela Massino came forward. She is a student at Lynchburg College and is President of Alliance for Energy Awareness, which is an environmental organization at Lynchburg College. She is here to say that while Liberty is thinking about its future, she is thinking about her future and her children's futures. She pointed out that they have rezoned conservation land before. In fact, in the past thirty years, Liberty University has been approved to rezone R-C area three times before, along with filling in 100-year floodplain twice and allowing construction in floodway fringes three times. She is bringing this up because she wants to know if Liberty has exhausted all options. Because this is a big project, she really thinks that putting a condition on them about mitigation of streams and wetlands would be a very good thing to do. Although Liberty had two environmental organizations study this, we cannot just rely on those organizations. That is exactly why we have this board, to put such mitigation within this petition. She asks that the commissioners think about taking away this large piece of conservation land. What is conservation there for? She wants them to think about all these things while they make their decision because not putting mitigation conditions on developers affects everyone everywhere. They have already seen the effects at Lynchburg College.

Mr. Rick Brown from Lynchburg College came forward next. He understands that Liberty wants to expand their campus and make student life better. But he does not like the idea of putting dorms on Candler's Mountain. It seems to be one of the big landmarks of Lynchburg. Putting dorms there would be taking away the natural aesthetic value that it presents. He thinks that there are better ways that we could use this land such as resource conservation. He does not think that what Liberty is proposing by putting dorms there is a great use of the land.

Mr. Adam Bonaventura came forward next. He is a student at Lynchburg College. He had a question about the gravity park and whether that is in Campbell County. Chair Hamilton said that it is in both the county and the city. He thinks that this will be impacting the top of the mountain. The access and everything to get up to this new park is going to be taking more and more parts out of Candler's Mountain. It will be degrading the environment even more. It is picking away at it until there is really going to be nothing left but little segments and it will look like the rest of the city. He thinks that they really need to think about what the mountain will look like in thirty years.

Mr. Walton and Mr. Falwell came back to rebut these comments. Mr. Falwell commented that they are not proposing any R-C land to be rezoned or developed on the mountain. That is not part of this request. The *Comprehensive Plan* was put in place years after they bought the mountain. The intention from the beginning was to develop it for Liberty University.

Mr. Walton believes that the area shown on the *Future Land Use Map* as Resource Conservation and the proposed development adjacent to U.S. 460 pretty well coincide. The land is steep where the monogram and is steep down the hill, but then becomes relatively flat as it approaches U.S. 460. They attempted to put the majority of their grading in the flattest area along U.S. 460 that they could. When the property was purchased, it was already zoned B-3 Conditional along U.S. 460 and it was already in the proffers for a commercial development all along U.S. 460. Preliminary plans showed new ingress and egress off U.S. 460 similar to what they showed with the Crossroads Colonnade. They feel that this proposal is more pervious than a retail shopping center would be. They feel that they are following the *Comprehensive Plan* in trying to define development along U.S. 460 where it is designated on the city's *Future Land Use Map* and *Comprehensive Plan*. Even with the dorms that they have shown, the number of units proposed is 2.8 units per acre and this area is to be developed with no more than four units per acre according to the *Comprehensive Plan*.

He wanted to address the issue of the gravity park. The initial ski slope is pretty well located where the clearing on what everyone calls "the Bald Mountain." So they are not taking more trees down with the initial ski slope. They are showing a small parking lot off Candler's Mountain Road and then a chair lift. Their plan is to have parking shared at the intramural fields and the dorms so they would not have parking lots on the mountain. They are planning for bus service to come into that small parking lot and drop off visitors. The majority of the people using this will be Liberty University students, so traffic into this area will be minimal.

Dr. Shahady came back to say that he has heard Mr. Martin say many times that you do not pay attention to current zoning. You pay attention to future land use. If you look at future land use, it clearly says R-C and R-1. If you look at page three of the proposal, it says that the city's *Future Land Use Map* is not intended to be parcel specific. So he is dealing with the things that the city has told him as a citizen and trying to understand. He is asking the commissioners to look at the *Comprehensive Plan*, use the language that is in there, identify it as R-C, as it is by that definition. Therefore, they are impacting R-C. They are using the methodology that they have heard used in this room many times and he is asking the commissioners to do the same. Otherwise, as a citizen and trying to teach through this, he has no idea how this is done. If it is future land use, then he will do that. If it is current zoning, he'll do that. He would just like to know which one, based on what people have said.

Chair Hamilton closed the public hearing portion of the petition. Mr. Martin asked to clarify some points for the commissioners before they make their comments. He clarified that the area in question that they are proposing to actually have construction with dorms and athletic fields is yellow on the screen. It is designated for low density residential development. The report states that the recommendation is to only amend this portion of the *Future Land Use Map*. It is not to amend the R-C area. If you look at the actual zoning map, the B-3 Conditional zone actually extends up into the conservation area and that is where the discussion about the tree line came in. While the property is zoned B-3 Conditional, they have proffered substantial compliance with this site plan, which would limit the clearance of the trees on the steepest slope. That property was rezoned in September 1994. It was originally zoned conservation. The entire mountain was rezoned from conservation to B-3 Conditional and R-2 Conditional to allow a Cluster Commercial Development. The next step was going to be—and what the proffers stipulates—was that in order for that land to be developed, a developer would need to get a conditional use permit approved for a Cluster Commercial Development (CCD). With a CCD, there is a more in-depth look at how the property is laid out, what types of environmental impacts there are, where each building goes, etc. The remainder of campus is already indicated for Institutional type uses and that is where a lot of the other improvements are indicated.

What Dr. Shahady said was correct—that the *Future Land Use Map* is not meant to be parcel specific. Mr. Martin explained that what the Planning Commission needs to undertake and try to determine in this case is where the natural dividing line is. Mr. Martin thinks that an interpretation point for this dividing line would be where the steepest slopes begin and where the land becomes relatively flat.

Commissioner Barnes began his comments by saying that he is very sympathetic to the process Liberty is going through. He is currently chairing Randolph College's Master Plan Committee. He has been doing some reading and thinking about master planning in general. He and Commissioner Swienton went to the site and hiked the mountain. Hopefully, he can offer some alternatives that Liberty may not have thought of or thought of and rejected. There are a number of things that he can be supportive to in this plan. He likes the attention to circulation, the pedestrian tunnels, the pedestrian/bike trails, although the bike trails are not as comprehensive as he would have liked to have seen. He certainly likes the sign plan.

He has problems with the concept though. One of the primary writers on campus planning is Richard Dober. He has been writing intensively on campus planning and designing campuses for forty years. He talks about designing a campus as a community and comparing campus design with civic design. He quoted from an article: "My own view is that there is no one correct way to conduct all campus planning. I believe each college and university has something special about it--design features that deserve discovery. Good campus planning should begin with a search for that unique character. I study key buildings, libraries, administrations, student centers, main classroom structures, road systems, placement of the buildings on land, historic heritage, edifices and plantings. I look at campus postcards to see what the institution pictures about itself. I inquire about the institution's neighborhood. I search for the university's downtown. Every campus should have a downtown where students, faculty and staff can gather. Also, I believe in clustering the main facilities within a ten-minute walking distance of each other to create pedestrian zones that encourage participation in all aspects of campus life."

Commissioner Barnes pointed out that there are some iconic parts of Liberty University, and one of the most iconic things about Liberty is the mountain and the mountain is referred to a lot in campus literature. Commissioner Barnes pointed out that Princeton University has created its master plan around the concept of a downtown neighborhood. Princeton had some of the same issues of having a core campus and then expanding out from that campus. In their master plan, they have created neighborhoods and the residence halls are positioned between the neighborhoods, so that the students can be within fast walking distance of their classes.

Commissioner Barnes thought that Liberty already has the start of some interesting neighborhoods. You have the area around the DeMoss Building as the core of the historic, administrative and academic campus. You have an athletic neighborhood to the east of that. Then you have the neighborhood by Campus North. You have a residential area to the west of the Vines Center. What Commissioner Barnes would encourage Liberty to do is to think about a more compact and pedestrian friendly approach to this. The most controversial thing about this plan for Commissioner Barnes is stretching the dorms along U.S. 460. There are a lot of reasons he does not like that idea—partly environmental, but also the fact that it would remove those students from the core of the campus. It is the university version of urban sprawl. He would encourage Liberty to use this opportunity to create a campus that is attractive, compact, pedestrian friendly, efficient and can encourage close interaction with faculty and students.

He would like to see them build their residence halls up rather than out and quadruple the number of students that are accommodated in the single-story halls by the Vines Center. The students would then be closer to the facilities. Maybe some of the parking areas could be moved to the perimeter of the campus, and then residence halls could be built as infill on those parking areas.

Commissioner Barnes reiterated that he cannot support the building of the dorms along U.S. 460. He thinks that they can do better and that they have an opportunity to create a coherent campus that will serve Liberty well into the future.

Mr. Falwell commented that what drove that decision was finding a place to relocate the intramural fields. Once they identified that location, that is when the idea came about of circling the fields with residence halls. Mr. Falwell pointed out some unidentified buildings on the plan on Ericsson Drive that are another location for dorms that they were considering. He commented that only about half of the dorms Commissioner Barnes mentioned are single-story. They are seriously considering eliminating the single-story dorms to create some parking for the Vines Center.

Commissioner Barnes asked if there were height restrictions for their buildings, and Mr. Falwell did not think so. Commissioner Barnes commented that conceptually they could accommodate a number of students on campus without expanding out to build along U.S. 460. Mr. Falwell said what he is talking is something that they have discussed. If they build the dorms along the highway, he was thinking that they would need some type of bike or pedestrian trail actually on the VDOT right-of-way fenced in that goes under the bridge where Candler's Mountain Road crosses and then all the way down to the tunnel. Mr. Falwell did say that this would be their last resort for dorms, after they have exhausted all their infill sites and he could not agree with Commissioner Barnes more.

Commissioner Barnes said that he would love to see them come back with a plan that proposes a more compact and pedestrian friendly campus. Mr. Falwell said that they are certainly open to all the ideas Commissioner Barnes has suggested.

Commissioner Worthington asked how many students they expected to accommodate in the proposed dorms along U.S. 460. Mr. Falwell said approximately 2,700. Mr. Falwell explained that only about 60 percent of students live on campus and that all the residence halls shown on the plan would accommodate the percentage of students that live on campus if they grow to 5,000 students. Mr. Falwell explained that they had entertained a proposal to build a high-rise dorm, but that it was very expensive. Anything over four stories becomes cost prohibitive because you have to go to steel and concrete. Chair Hamilton asked for clarification that they would put the intramural fields where they are shown regardless of what they decide about the dorms, and Mr. Falwell said that is correct. He commented that the fields will be turf with lights so they can get triple or quadruple the use out of them as the grass fields. That cuts the number of fields they need down by about two-thirds.

Commissioner Sale echoed how important the long-range plan of Liberty is to Lynchburg. No question that Liberty is presently and will be a major piece of the life in this community. That leads him to say that he is not ready to vote on this. There are a lot of things that have been brought up in this discussion and one of them is definitely the stream mitigation issue. Commissioner Sale would first like to have Liberty officials walk the commissioners through the campus and show them visually what they are proposing. He also reiterated how important this piece of property is to the whole visage of Lynchburg. Secondly, he would like to put this into a work session. Commissioner Sale said that he would also like to discuss what their plans are for the future, like seven to twelve years from now. Commissioner Sale said that he did not see this as a time sensitive matter, and Mr. Falwell said that it is not.

Commissioner Sale thought another important piece of the next plan is what will happen with the Plaza. Mr. Falwell said that they should know something about that in the next thirty days. He thinks that they will be happy with what the developer has in mind. Mr. Falwell certainly hopes that it goes through, but the developer still has some time to change his mind.

Commissioner Swienton commented that he agrees with a lot of what Commissioner Barnes said and that he will not repeat that. He did point out that the current *Comprehensive Plan* goes out to 2020. So, when Commissioner Swienton sees that there is a reference on Liberty's website to their vision to grow to 25,000 on campus students and 25,000 distance learning students, he looks at this as being an interim step to the 25,000 on campus mark. He looks at the impact on the Candler's Mountain area and the City of Lynchburg because Commissioner Swienton has been here twenty years and he can see how the university has grown and what happens on campus also affects what happens off campus. It helps the commissioners to understand this so that they can react accordingly.

Commissioner Swienton also reiterated protecting the environment and he looks at any way they can get more students living on campus has less of an impact off campus. Mr. Falwell commented that they already have more of a percentage of students living on campus than most universities. Mr. Falwell thought that some of the answer might be to better facilitate the students living off campus. Commissioner Barnes commented that they have a better education experience if they live on campus, and Mr. Falwell agreed with that comment.

Commissioner Swienton then reiterated that he would like to hear some of Liberty's concepts for how they will grow to 25,000 students on campus.

Commissioner Hannon thanked them for their presentation. He wanted to emphasize the importance of not developing a division between the university and the city because Liberty is clearly the most important educational institution in Lynchburg and it will continue to become more important. He commented that students will live where students want to live and much of that will be market driven. As far as the integration of Liberty with Lynchburg, he does not think that it is a bad thing at all that students are living all over the town. He would not like to see "well that's Liberty up on the mountain and we're Lynchburg down here and we're going to butt heads over this thing." Commissioner Hannon sees this as what can Liberty do for Lynchburg and vice versa.

Chair Hamilton remarked that not only is Liberty offering educational opportunities; they are also offering an extraordinary amount of employment and they are part of the fabric of this community. She is impressed with the number of students who remain here after they graduate. She would ask them to look at the eco tourism that Dr. Shahady mentioned. She would like them to look at ways that they could make that an amenity for the school.

Commissioner Barnes mentioned that he had received a suggestion that Liberty charge for mountain biking on the mountain. Mr. Falwell agreed that keeping most of the property of its natural state is going to benefit them a lot more than if they sold it off to developers. Extreme sports are too popular and the outdoor opportunities are there on one side and the businesses there on the other side.

Commissioner Worthington commented that the city has to accommodate the growth of Liberty, as well as all the other colleges in the city. He thinks about where will we house all these future students and transportation. He wants to expand this idea and have some better sense of what we are trying to do with all our educational institutions.

There was some discussion about what the other colleges are doing and how they deal with students living on and off campus. Mr. Martin said that he thinks that at some point, the land is going to become so valuable that you will have to start thinking about more dense development and the high price of what that parking lot is costing you.

Commissioner Worthington made motion to take this matter to a work session and visit the campus first. Commissioner Sale seconded the motion, and it passed by the following vote:

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

MINUTES FROM THE MAY 14, 2008 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED)

b. Petition of Liberty University, Inc. to amend the Future Land Use Map from a Resource Conservation and Low Density Residential use to a Medium Density Residential use, to rezone approximately 237 acres from R-2C, Low-Medium Density Single-Family Residential District (Conditional) & B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional) at 3794, 3778, 3786, 3802 and 4000 Candler Mountain Road. Liberty University has also submitted a petition for a conditional use permit at 3778, 3786, 3794, 3802, 4000, 4250, 4300, 5000, 5001 Candler Mountain Road, 1000, 1001, 1005 Ericsson Drive, 100 Mountain View Road, 100, 112, 200, 212, 300 Liberty Mountain Drive, 1971, 1973, 1975, 1977 University Boulevard and 4013 Wards Road to amend the existing master plan for an increase of up to 15,000 students, construction of campus facilities and the implementation of a consolidated sign plan for the area surrounding the campus.

Mr. Martin addressed the commissioners with the following comments. The Planning Commission held a public hearing on this petition on April 9, 2008, and following that, there was a tour of Liberty University (LU) and the part of Candler Mountain proposed for development. This request is to bring LU up to 15,000 on-campus and commuting students. The university has provided them with some background information as to how they propose to get to 25,000 students, but the request before them now is to go to 15,000 students. At the public hearing, there were some concerns presented by the petitioner about some of the conditions. The conditions have been redrafted to try and meet some of their concerns, while still ensuring that the city's needs and concerns were met. Planning Division still maintains its recommendation for approval.

Commissioner Worthington asked for a summary from Mr. Martin as to what has changed from the previous conditions and those presented to them today. Mr. Martin said there were three main issues brought up. The first was regarding the mitigation. After talking with Liberty's attorneys and the City's attorneys, staff conceded to the fact that the City cannot require mitigation within the same watershed, although the Department of Environmental Quality (DEQ) is more than likely going to require that anyway. More than likely that will happen, but the condition was changed to encourage them to mitigate within the same watershed. Mr. Martin believes that, if at all possible, they will do so. There have been conversations about doing a local mitigation bank, so Mr. Martin thinks that this issue will take care of itself.

The second issue was on when traffic improvements would occur and bonding requirements for them. There were some meetings with Liberty staff and they tried to base the new conditions on number of students rather than a time frame. Their concern was that if they never reached the number of students in the time frame, they would still have to build the improvements. The City has the authority to require a bond for improvements based on conditions. Mr. Martin feels that since 2003 Liberty has proven that they are doing the things they say they will do. They put in a substantial amount of improvements last time. So Mr. Martin tried to word the conditions that the improvements would be done prior to reaching the number of students. If they were not, they would have to bond those improvements prior to moving on to the next phase or no building permits would be issued. The question is whether the improvements are needed before or after the enrollment

is reached. From a planning standpoint, you could argue that you should probably be building them concurrently with your growth.

The next point of discussion was with land disturbance and tree clearing in the areas that were designated as tree line. Typically, we interpret a tree line shown on a plan as an area that is not going to be disturbed. LU's concern was that they may get a project for some small townhomes or conference center where they may desire to do some clearance on the mountain. Staff tried to word the condition to give them some ability to do that to some degree.

Mr. Norm Walton of Perkins and Orrison and Ms. Gretchen Clark of Reynolds and Clark came forward to answer questions from the commissioners. Reynolds and Clark is assisting LU in acquiring environmental permits and can answer any questions about the mitigation on campus. Ms. Clark commented that they have delineated all of the 4,000 plus acres that Liberty owns in this contiguous property. That is something they were not required to do. It is something they did to aid them in their planning. It has helped Liberty in this plan to avoid and minimize the way DEQ wants them to do. She remarked that so far they have impacted 0.3 acres of wetlands. They preserved 1.15 acres and purchased 0.5 acres of wetlands as mitigation for that 0.3 acres. As far as streams, they have impacted less than 1,000 feet and they preserved 4,417 feet with 200 foot buffers on the property. Liberty has also enhanced 550 feet in sensitive areas on the campus. They have done a lot of preservation, done a lot of enhancement and bought some credits as well.

Commissioner Barnes asked Ms. Clark to point out on the site plan where the improvements were made. She showed them where most of the preservation had taken place and it was on the back side of the mountain. They preserved the headwaters of those streams, which are pristine, forested streams. Down along the new perimeter road, in the Burton Creek watershed, they preserved wetland and stream there and hope that will improve the water quality. She also pointed out another area that was preserved, an area that was disturbed a long time ago during some construction. Wetlands have been enhanced there, and that is in the headwaters of the Burton Creek watershed. Mr. Walton commented that they have talked about using some type of bottomless structure or a con span type of structure to span over the wetlands and streams when the future development of the dorms is undertaken.

Ms. Clark stated that they have totaled up the impacts that will occur with full build out, and it is expected to be less than 0.5 acres of wetland and 1,100 feet of stream. Most of the stream impact will occur around the perimeter road. There are multiple channels in this area and all are poor quality streams. Any preservation enhancement done to compensate hopefully will give the watershed a lift. That is obviously the goal of the Army Corps of Engineers.

Chair Hamilton and Commissioner Sale both commented that they appreciated the efforts and the direction that this is going. Mr. Walton commented that they are trying to work with the city and members of the community to try and set up some type of mitigation bank that Liberty and other developers in the City of Lynchburg can utilize. They have a meeting tomorrow, which they hope comes out favorably. Ms. Clark mentioned that they have shown this plan to their DEQ contact, and he thought that they did a nice job. Chair Hamilton asked if they had shared their 15,000 to 25,000 plan, and they did not think they had, but it was discussed briefly. Chair Hamilton asked what DEQ's reaction was to their plan to build up the mountain. Ms. Clark said they did not have a problem because their impact is very small comparatively. Compared to other developments in the city of this magnitude, the impact is very small. He was very pleased that they avoided and minimized impacts. Mr. Walton commented that at the top of the ridge, they are avoiding, as much as possible, the headwaters of those streams and that was a big concern of DEQ's.

Mr. Gerry Harter came forward to address questions about traffic. Chair Hamilton asked him about how he was feeling about the new conditions. One of the big concerns the commissioners had while taking the tour of Liberty was how traffic is managed on the main arteries leading away from Liberty. Mr. Harter commented that Liberty certainly has the biggest impact on traffic in the city. When they grow an additional 5,000 students, their total trip generations are going to be over Wyndhurst and Cornerstone put together. He commented that he appreciated their two-pronged approach of trying to do both travel demand management as well as capacity improvements. Travel demand management means trying to get people out of their cars and using other forms

of transportation. Liberty is surrounded by three very constrained roads, which the governmental agencies in control of them are not even thinking about the funding for improvements to them any time soon.

This is the first time that we have tied specific improvements to growth but it is done in other states like Florida. Mr. Harter assumes that the City Attorney is aware of this and that this is an acceptable method of doing things. Liberty has put a lot of significant improvements in the last three years. They have a lot of small capacity improvements in their plan that will go a long way in the road management.

Mr. Harter commented that with regard to 5d, there are some associated intersection improvements that are not in the actual condition. In other words, we are going to modify the traffic signal at Wards and Harvard and put in a left turn lane.

Mr. Harter commented that with regard to 5g and 5k, those still need to be approved by Virginia Department of Transportation (VDOT). Some verbiage might need to put in there about that because the ramps are not really maintained or controlled by the City. Mr. Walton commented that they could not be constructed without VDOT approval. Commissioner Swienton asked who paid for these improvements, and Mr. Walton answered that they will be paid for by Liberty. At this time, Mr. Martin asked Mr. Lee Beaumont to come forward to discuss paragraph 5k. Mr. Martin commented that the traffic study showed that it would be advantageous to have this ramp for 15,000 students and LU is planning on it being built as part of Crossroads Colannade. The question is what if Crossroads Colannade does not go through. The ramp might not need to be built in that configuration. You probably would not need the roundabout. Commissioner Swienton pointed out that something else would probably go in there though. The land would not likely stay vacant. Mr. Beaumont commented that the trip generation would be a lot different. If they are intramural fields, the trip generation would be a lot less than a major shopping center. Mr. Beaumont suggested that they be allowed to go back and look at the traffic numbers to see what is needed. Commissioner Swienton asked him if they would be agreeable to some language being put in that the athletic fields would not be developed unless Crossroads Colannade is built. Mr. Martin commented that Crossroads Colannade is on the hook to build those. Mr. Walton said that the timeframes would not match. The first phase of the intramural fields and the dorms is scheduled for 11,000 students, early in the plan. The build out for the ramp is planned for 12 to 24 months. They would like to build Phase I and then reevaluate where we are if the Crossroads Colannade is a no build situation. They have commitments from the developer, but the question the City raised was if the ramp would be built if Crossroads Colannade does not happen.

Commissioner Swienton asked Mr. Walton why the dorms and athletic fields are so early in the process. He thought that the dorms were going to be constructed later in the process and priority given to building dorms closer to the campus. Mr. Beaumont commented that Mr. Falwell, Jr. just mentioned the dorms, not the athletic fields. The athletic fields are a necessity as their population grows. These new fields will be turf and lit. Their current fields are grass and unlit. They do need to increase their athletic offerings in the near terms. The dorm necessities may be a little further, especially if they construct dorms along the future Ericsson Drive. Commissioner Barnes asked if it was possible to separate the athletic fields from the dorms, and Mr. Beaumont said absolutely. They may grade out the dorm pads at the same time as they do the fields but not construct them at the same time.

Commissioner Hannon asked if the improvements in 5k are driven by the Crossroads Colannade or are they driven by the dorms? Do you have to have both in order to justify this? Mr. Walton said that is the reason that they wanted to add some language. At the time that they reach 13,500 students and the ramp is not built, they would like the option to reevaluate the traffic on that side of campus to see if it is a necessity for that ramp to be built. All the traffic studies they have done have been based on 800,000 square feet of commercial retail space. Mr. Beaumont commented that they also counted Liberty Village as a complete build out in their background traffic. They accounted for quite a few different scenarios throughout the whole process at the request of VDOT and the City. Mr. Walton commented that they are not saying that they will not do the ramp; they just want the flexibility of doing the traffic analysis at 13,500 students. Chair Hamilton asked Mr. Harter if he would be satisfied with a provision like that. Mr. Harter said probably but mentioned that you are looking at 800 people getting off that ramp in the morning and he does not see that getting any less. He would be amazed if something is not triggered by the 13,500 enrollment mark. Mr. Martin commented that they are just

asking for a traffic study at that point, and the traffic study will probably show a different configuration if Crossroads Colonnade is not built. They just want to be sure that they are building the right kind of ramp. They may be able to do something without the roundabout that is shown.

Chair Hamilton commented that one of the big things that she liked about this plan is the connectivity of those roads. She wants to be sure that there is still going to be connectivity if Crossroads Colonnade does not happen. Mr. Walton said that he did not think that they would be precluding anyone from extending that ramp or reconfiguring that ramp if they built a shopping center in the future. Mr. Beaumont commented that as far as connectivity, they are committed to building the road and the bridge with an agreement to VDOT now. That project should start within the next six weeks or so. If Crossroads failed at some point, Mr. Beaumont did not think that it would be unreasonable to say that they might connect to it from either way, considering that they have such a sizable investment.

Commissioner Worthington asked if the shopping center is built, is the developer going to pay for this roundabout or Liberty? Mr. Beaumont said that the ramp and the roundabout will be done at the developer's expense. Chair Hamilton clarified that if it does not go through, the ramp and some kind of connector will be built by Liberty. Mr. Beaumont said yes, but that a direct ramp would be a lot less expensive than a ramp going to a roundabout.

There was some discussion between Mr. Harter and Mr. Martin about the pedestrian signals and whether or not the city was going to pay for those. Mr. Martin explained that at some point during the process, the City led Liberty to believe that they would put up some pedestrian facilities. In conversations with Mr. Harter, it was determined that we will, but if it includes moving mast arms and redoing entire intersections, we probably won't. One of the intersections they are talking about is Ericsson Drive and University Boulevard, and Mr. Harter did not think those improvements would be very expensive. The other intersection is at Candler's Mountain Road and University Boulevard. Mr. Harter was not sure if the city would be able to do that one because of some issues to do with the mast arm. That one will have to be looked at in more detail.

Mr. Harter went back to the bonding issue and asked for some clarification on that. Mr. Martin said that the way that this is worded, the City would not require bonding unless they had not constructed the improvement at the imposed student enrollment. Mr. Martin used 5b as an example. If they have not constructed that improvement by the time they reach 11,000 students, they would not issue any other permits until one of two things happened. Either they build it or close it or they submit a bond to cover that work. Mr. Martin said that he understood Mr. Harter's concern that typically during construction of road improvements in the city's right-of-way, there is a bond requirement. He does not know how you get around that. Mr. Harter explained that is because sometimes a developer does not finish their road improvements because the project is abandoned, and the City can use the monies from the bond or letter of credit to finish the work.

Mr. Beaumont said they do not have a problem with posting a bond when they go to construction. What Mr. Falwell, Jr. had an issue with was bonding all the improvements up front. You are talking about a lot of money. Commissioner Worthington clarified that they do not have a problem with posting a bond at the time of construction. The City requires that of everyone else, and he does not think it is fair for Liberty to be exempt. Mr. Beaumont clarified that they do not expect to be exempt from that; the university just does not want to have a massive bond required up front. Commissioner Hannon asked if they are self bonded, and Mr. Charles Spence answered that they operate mostly by a letter of credit.

Chair Hamilton commented that it still sounds like this issue might be a problem. Mr. Martin clarified for her that if Liberty reaches a certain number (whatever number they decide to put in the condition) and they have not done a particular improvement, then the City is going to do one of two things. The City will stop issuing permits or a bond will be required for those projects that should have been done before they are allowed to move forward. Mr. Beaumont said that they are pleased with this arrangement. Commissioner Hannon clarified that this does not change the standard bonding procedure, and he was assured that it did not.

Commissioner Swinton asked about the ripple effects of this for future conditional use permit petitions that come before them. Will this create a new precedent for those future petitions? Mr. Harter said that in Florida,

he came across this happening. A developer would do Phase I of a project and put all the road improvements into Phase II. Then Phase II would never happen. He did not think that this is the case here though because Liberty wants to grow and needs these road improvements. He would caution the Planning Commission about doing this type of thing in other developments. Mr. Beaumont pointed out that Liberty is planning on doing these improvements anyway. Commissioner Hannon asked how the City will know when Liberty has reached certain enrollment numbers, and Mr. Martin said that they will go on the State Council of Higher Education's website and see what Liberty is reporting to them.

Mr. Walton pointed out that this CUP is different than any other CUP because Liberty is an ongoing project. Mr. Martin agreed that this is a little different because on smaller conditional use permits, those are going to be done as part of the site plan approval process. Staff knows when the improvement is going to be needed. It is going to be done before we give them a Certificate of Occupancy. It is going to be bonded. Liberty's CUP is expanded to the point that you cannot look at it as one single project. You have to look at it as a whole. There are a lot of different improvements that are needed here. Actually, (and Mr. Martin was not certain of this), he thinks that Liberty's are the only CUPs that the City has required any type of bonding because of the magnitude of them. We have the authority to do it, but he does not think that we have bonded any conditions before.

Mr. Walton commented that most of these improvements are already under design already. The only one that he thinks is not under design is the intersection for the bridge at Liberty University Drive and Liberty Mountain Drive where there is a proposed signal and a left turn lane to go from Campus East onto campus crossing U.S. 460.

Commissioner Swienton clarified with Mr. Martin that he does not see this coming back to haunt them with another CUP petitioner. Mr. Martin said no and the reason is because the CUP process gives the Commission a chance to look at each plan and petition separately and the circumstances surrounding that petition may be the same or different. He thinks that they need to look at them on their own merit. He really struggled with these conditions, but he worded them so that the needs of the City and the needs of Liberty were met. If they don't construct the road improvements, then their construction stops.

Commissioner Swienton asked Mr. Harter to quantify how his trip down Wards Road from River Ridge Mall to U.S. 460 will change. How will the time it takes him to get there change as the build out continues—more or less, and if so, by how much? Mr. Walton said that the only change to Wards Road will be the addition of the Ericsson Drive tunnels. They will add an extra phase to that signal, so it should increase your travel time by two minutes. Mr. Harter concurred that it will increase but he is not sure how he can quantify that. Mr. Beaumont pointed out that you will see a lot less U-turns on Wards Road. Right now people do a lot of U-turns from U.S. 29 North to get to U.S. 29 South and vice versa. Commissioner Swienton wanted them to quantify it for him because a 50 percent increase in students should mean a 50 percent increase in university traffic. Mr. Walton admitted that they did not analyze Wards Road in that capacity.

Chair Hamilton said that it was her thought that if and when that connection happens from campus directly onto U.S. 460 with that additional ramp (Crossroads Colonnade or not), then you are not going to have traffic coming onto Wards Road to go onto U.S. 460. Mr. Beaumont pointed out that you will be able to take a right and take Liberty Mountain Drive, go over the bridge and totally circumvent Wards Road. You will have two avenues to get to the south side of the city once Liberty Mountain Drive is completed.

Mr. Harter commented that the two intersections at Harvard and Wards Ferry are operating at a level C and a B right now (p.m. and a.m., respectively). In 2013, with all the traffic put into it, it is projected to be operating at a level of E and C, respectively. It is going to get worse on a capacity level. On a safety level, it is going to increase significantly, but to assume that the university can grow by 5,000 students and not continue to degrade the level of service on the three main roads, he is not going to say that will not happen. It is happening now and it is going to happen in the fall. Commissioner Worthington pointed out that if the students do not live on campus and they are living elsewhere, that it will really have an impact.

Commissioner Sale wanted to know if there could be any potential condition or intention expressed with regard to mass transit agreements. Mr. Beaumont pointed out that condition 8 states that Liberty shall provide

new transit routes throughout campus. He said that not only are they looking at more routes on campus, but are aggressively pursuing off campus routes. Mr. Beaumont is on the GLTC board and they are exploring possible Park and Rides all over the city and a secondary hub. They are hoping to completely revolutionize how mass transit works here and have a bunch of smaller routes that have more frequency and carry more people. They are looking at spending money on routes that hit the major places where the students live. They are also going to deincentivize driving on campus with additional measures.

Commissioner Sale said that he still wondered if some kind of connection could be made. Mr. Beaumont said that he did not know how that could happen at this point. He thinks that things like GLTC getting another hub or another maintenance facility are beyond Liberty's control. If the City and GLTC can't handle those two things, it is kind of a moot point. Commissioner Sale said that the reason he is bringing it up is that this could have a major positive impact on Lynchburg's transit system. He is raising the question because there is more that needs to be said, but he does not know the answer. Mr. Beaumont said that it is a process and we need to be looking at this. Mass transit funding at the state and federal level is not that much, so they are really strapped. Mr. Beaumont does agree with him though that mass transit is the way of the future in Lynchburg.

Mr. Walton moved to the conditions in 5b, 5c, 5d and 5e. He pointed out that all these conditions are dependent on Norfolk & Southern Railroad. Their intent is to do all of these traffic improvements, but the timeline for these four conditions may be affected by the railroad. Mr. Beaumont said they have been engaged with the railroad for over a year and a half, but have not been able to get approval. They push as hard as they can, but the railroad moves at its own pace. Chair Hamilton asked what would happen if the student enrollment reaches the required threshold and they still have not received approval from the railroad. Mr. Martin said that the way it is written, they would have to post a bond. Mr. Martin said that they ran into this in 2003, and there is no way to force Liberty to do anything if they do not have approval from the railroad. Staff is comfortable that they will be getting the approval, but it does take time. You may want to consider some language to these conditions that Liberty will work diligently to secure approvals from Norfolk & Southern Railroad. Chair Hamilton said that she is not sure if she is comfortable with this plan without these veins of egress. She feels that this connectivity is a big piece of this. She thinks that they should have to come back with another plan if they do not have railroad approval by the time the student enrollment reaches the threshold set in these conditions.

Mr. Charles Spence reported that the railroad is very motivated to do these improvements because of a huge liability issue. When they approve the tunnels, all at-grade crossing close and a fence goes up. There is really not much of a chance of this not going through because the gain for them is great. Chair Hamilton said that she understands that, but she is a little uncomfortable with just going on the hope that they do these improvements and not putting something about this in the conditions.

There was then some discussion about changing the threshold in these conditions from 12,000 to 13,000 students. That should give them some cushion room. If they had to do these prior to hitting 12,000 students, that does not give them enough time. Commissioner Sale thought leaving it the way it is might give Liberty some leverage with the railroad. Mr. Walton said that the only leverage they have is that they closing three at-grade crossings. The railroad has cooperated with them because of this fact, but they still move very slowly. Mr. Beaumont thought that if the threshold was changed to 13,000, Liberty would be comfortable with that. That would change in conditions 5b, 5c and 5d. Condition 5e does not have an enrollment number in it because it coincides with 5d.

Commissioner Swienton said that he would go along with this reluctantly because if an accident happens anywhere between 11,000 and 13,000 students, they might look back on their judgment. Mr. Walton reminded them that Mr. Falwell, Jr. had said that he wanted to get the pedestrian tunnels open this year. Commissioner Swienton wanted to know what changes between a year and a half and another two years. Mr. Walton told them that the railroad has already told them that the complete review on these tunnels would be 78 weeks after final documents have been submitted. Commissioner Swienton asked them where they were in this process and Mr. Walton said they were getting ready to submit. Mr. Beaumont said that they are trying to move them along with this as quickly as possible because they have to live with this safety issue every day as well. It weighs on their minds every day, so it is prime on their list.

Mr. Martin pointed out that 5c is talking about the same tunnel as 6b. He would like to see them strike 5c and keep 6b and change that enrollment number to 12,000. He wanted to be clear about why he wants to keep the language of "Liberty University will participate with the city in studying what pedestrian improvements may be needed in the Wards Road area." When students are dumped out on Wards Road, we all collectively (the businesses in the area, the City and the university) have a responsibility to at least discuss what we are going to do with them when they get there. That does not say who is going to fund improvements. It just says we will at least talk with each other.

Commissioner Sale wanted to go back to the leverage issue with the railroad. Mr. Walton commented that the railroad is the most independent organization you will ever deal with. It is their property and you should be thankful to use it. That is their attitude. Commissioner Sale still wants to come up with some solution. Mr. Walton said they have worked very well with the university. They have allowed the university to buy some property behind the rail yard. Mr. Beaumont says they have also given them licenses to be on their property, so they have been amenable at times but the wheels just do not turn fast. Chair Hamilton asked that they move on in the interest of time.

Commissioner Swienton wanted to clarify the reference to the City participating in several different improvements and he wanted to be clear on the vehicular tunnel. Mr. Beaumont said that there are two tunnels being built; there may be a third at the City's expense. They do not know if that tunnel is going to happen or not. The ones in the petition are at Liberty's expense.

Commissioner Barnes commented that he appreciated the work that Liberty has done. He thinks that there is a lot of good stuff in the plan in terms of traffic and environmental issues. But it remains a sticking point for him about the dorms to be constructed along U.S. 460. What he would really like to see is a statement about phasing. He would prefer to see the dorms along U.S. 460 as a later option. He wants to see a priority placed on getting dorms closer into campus and within pedestrian access of the academic facilities and pushing off the building of the dorms along U.S. 460. Having said that, he is not necessarily opposed to the intramural fields.

Mr. Beaumont said they cannot box themselves in that way. Mr. Spence said they have to have some place to put the students. Commissioner Barnes said they may not want to hear it, but they could cap enrollment until they have the facilities to house them. Mr. Beaumont said that they have a business plan and a process and a model that has worked for the university. They are married to that plan. They build their facilities at one-third to two-thirds of the cost of what other universities build them. Mr. Spence commented that capping enrollment in the future may be something that the university would consider, but not at this point.

Commissioner Swienton remarked that at the public hearing on April 9, 2008, Mr. Falwell, Jr., seemed open to the idea of building dorms elsewhere than along U.S. 460. Commissioner Swienton asked the representatives if the plan was revised to incorporate the recommendations of Commissioner Barnes. Mr. Beaumont said that they did some revisions, but when it comes to building the dorms, they have to get with the finance people to see what cash flow looks like, see what the cost is to build and then they make their decision. They look at all options, and ideally they would like to build on main campus. But he cannot tell them that 100 percent, yes, we will do it. They can't make those promises.

Commissioner Barnes said that he was under the impression that they were willing to build in the area behind the stadium where they are putting the fill. Mr. Spence said the biggest reason driving why they can't is the utilities. There is nothing there to serve dorms. He said they really cannot tell the City that we will build there, but he could report that the site shown on the site plan already has the facilities available. Commissioner Hannon commented that after the tour and after seeing the revised site plan, he has absolutely no problem with the dorms along U.S. 460 at all. He understands that all the utilities are already there and it has been planned for that or that infrastructure wouldn't be there. He thinks that the Planning Commission cannot micromanage and determine how Liberty's phasing is going to go based upon dollar numbers that we or they have no control over. He favors the plan as it is.

Chair Hamilton commented that on this plan, there is a new building on top of the mountain. Mr. Beaumont commented that they had wanted to show everything that could possibly be built. If that does get built, it will be an alumni center type guest house. You never know when a donor is going to come in with money. That is how they got the ice center. They just wanted to show it, but they do not know if it will ever get built. In the spirit of transparency, they wanted to put it on the plan. It is on a flatter part of the mountain. There was discussion about this building, but since that building is located in R-2C, the university would have to come back for a rezoning. It would necessitate having another public hearing. Mr. Walton commented that the building does nothing to increase student population. Chair Hamilton said that it does create a significant footprint in an R-2C zone, which is under the Planning Commission's jurisdiction. Commissioner Swienton said he appreciated the transparency, and Chair Hamilton requested that it be taken off and then if they get a donor, then go through the process at that time.

Commissioner Swienton pointed out the mountain coaster, and Mr. Beaumont said that was a mistake. Since this site plan is being proffered as part of the CUP petition, they agreed to remove the building and the mountain coaster from the plan. The mountain coaster will be in the county if it is built. It is years down the road anyway. Right now their focus is on the ski area.

At this point in the minutes, it is noted that Commissioner Worthington had to leave the meeting around 6:00 p.m. and Commissioner Sale had to leave around 6:10 p.m..

Commissioner Swienton then moved on to condition 3 about the minor clearing and development of one to three acres. He stated that he is not in favor of that; neither is Chair Hamilton. Commissioner Swienton believes that can allow for spot clearing the entire mountain. Mr. Beaumont stated that they do not plan on spot clearing the mountain, but they want the ability to have some flexibility. Commissioner Swienton stated that if they are going to be in compliance with the master plan, then this is unnecessary. Mr. Beaumont said that they cannot account for every possible scenario, which is why they asked for this. Chair Hamilton said that there is no precedence for spot clearing and asked Mr. Martin to address this. He pointed out on the site plan the B-3C area and explained that the proffer says that the area will be developed in substantial compliance with the site plan. It goes on to state that further review is not required providing all conditions of the CUP are met and student enrollment does not exceed 15,000 students. What we are trying to get an understanding of is what does that tree line mean? The discussions that he has had with Liberty have indicated that they manage it as forest and they would like to maintain it as that. But if they would like to build this alumni center or some small townhomes in those areas, they would like the ability to do that. Mr. Martin tried to word a condition that did not give them full development capability of the mountain but allowed them to do some things. Mr. Martin pointed out that if they wanted to deforest the mountain today and cut down every tree on it and replant it, there is nothing that anybody in the City of Lynchburg could say about it. Mr. Martin does not think that they would ever cut down every tree because that would be contradictory to what they are trying to do. He suggested that they focus on what types of uses they would like to see on the mountain or not like to see there rather than the amount of acreage.

Commissioner Swienton offered a solution from the 2003 plan that (paraphrased) said they would maintain the land as forest lands using best timber management practices. No clear cutting or harvesting of smaller trees will be permitted. Commissioner Swienton would be in favor of something like that. Commissioner Hannon stated that it does seem to be an issue because one to three acres does not state any kind of limit. He suggested putting in a clause not to exceed a certain number of acres. Mr. Beaumont and Mr. Walton did not think that coming up with a maximum number of acres would be a problem. Mr. Beaumont assured them that they have no intent of harvesting timber. He repeated that they would like the ability to do some minor developments. Commissioner Swienton said that he does not know what minor development means. It could have different definitions for different people. Chair Hamilton asked them what their maximum number of acres would be because she would be fine with some minor development.

Commissioner Barnes commented that Mr. Falwell, Sr., had often spoken very passionately about the mountain being a symbol of the university. Since this is so visible from the university and from the City, he thinks that they need to be very careful about how they deal with it. The mountain is iconic to the university. His preference would be that it remains as conservation area and not have a bunch of development on it. He

realizes that it is valuable real estate but he thinks that Liberty needs to think about what the mountain means to the university.

Mr. Spence pointed out that there are always little pockets on the mountain where you might be able to develop something. If there is a blanket statement that they cannot develop, it is counter productive to what they are trying to do. He asked Chair Hamilton what exactly they are looking for, and she explained that they are trying to mitigate unintended consequences. This condition is really open ended and says that they are putting complete trust in the university. Mr. Spence wondered if they could take the condition out completely and follow the zoning. Mr. Martin commented that if you take this out, then anything above the tree line is fair game in the B-3C zone. Commissioner Swienton said that he interprets a tree line as being undisturbed and Mr. Martin said that is what got them to condition 3 in the first place.

Commissioner Swienton asked what the area of the monogram is and was told that it was 4.9 acres. There was more discussion in an attempt to arrive at a solution. Commissioner Hannon thought if there are going to be five instances of clearing one to three acres, then we need to see them. He understands that they need some flexibility, but this may be too much wiggle room. Commissioner Swienton remarked that one of the things they need to look at as part of the *Comprehensive Plan* is maintaining the scenic aspect of Lynchburg. It is a gateway area and we need to preserve the features of it as a quality gateway area. Commissioner Barnes remarked that they are not landlocked; they have 5,000 acres. Mr. Beaumont commented that they own around 5,700 acres and they are basically asking to utilize about 600 of those acres. Mr. Beaumont further commented that it seems like a lot of people have a lot of plans for their property. They want to work with these people. They want to be a responsible partner, but at some point where do you draw the line between community property and private property? Chair Hamilton thought that it was a point well taken. Mr. Beaumont also pointed out that the university has made their natural areas open to anyone who wants to use them.

Chair Hamilton asked again if they could come to a compromise. Commissioner Swienton said that for him a tree line is a tree line and should not be disturbed. Mr. Beaumont made the point that they could clear the whole mountain if they wanted. Commissioner Swienton said that the development does not occur by right though. He said that they are trying to maintain that what they do is on their master plan. There was more discussion about what constitutes substantial compliance with the site plan. The representatives then discussed what number they would be comfortable with. Commissioner Hannon said that in his point of view he would like them to give some idea of the types of usage or some dotted lines on the site plan. He would ask for that for informational purposes. Mr. Beaumont said that they just want to maintain some flexibility. Chair Hamilton said that she does not necessarily need to see where they are going to put things, but she does not want a loophole that could be used in the future. There was some discussion about what their time frame was for getting this through City Council. Mr. Martin commented that if they delay this today, it would not go to City Council until the July meeting. Right now it is scheduled for the June 10th meeting.

At this point, Commissioner Oglesby said she would like to see them come up with a number now. She thinks it is a good plan and she knows that Liberty is going to do the right thing. They have so far. They bring a lot to the City of Lynchburg.

At this point, the representatives of Lynchburg arrived at offering seven acres as the maximum number of acres to be cleared under condition 3. Commissioner Swienton asked for purposes of comparison how much acreage is in the B-3C area beyond the tree line. A best guess estimate was given at around 100 acres. Commissioner Swienton asked which area of that was designated by the *Comprehensive Plan* as Resource Conservation. He was told that it is defined differently according to what map you look at, but it is pretty much in the R-2C area. Commissioner Swienton is trying to protect what he believes is an environmentally precious resource. Chair Hamilton asked the representatives how they intend to protect that valuable resource.

Commissioner Swienton suggested that one way to do this is to break down the plan into sections. Mr. Beaumont commented that it would no longer be a master plan. Commissioner Swienton made a motion, which was seconded by Commissioner Barnes, to break down the master plan into parts and vote on it that way. Chair Hamilton was not sure that they could vote on it this way without knowing what the actual parts were.

At this point, someone from the public asked if he would be allowed to speak. Chair Hamilton explained to him that the public hearing had been held already, but that he could speak at the City Council public hearing on June 10th.

Commissioner Swienton then defined breaking up the master plan into four portions: (1) the area of U.S. 460, U.S. 501 and the Norfolk and Southern railway; (2) the athletic fields; (3) the future dorms behind the athletic fields carrying over on a linear line west on the south side of U.S. 460 and (4) clearing of the mountain, which would include the mountain coaster and the proposed gravity park/ski slope.

The motion failed by the following vote:

AYES:	Barnes and Swienton	2
NOES:	Hannon, Hamilton & Oglesby	3
ABSTENTIONS:		0
ABSENT:	Sale & Worthington	2

Chair Hamilton then asked for any additional questions. Mr. Martin asked if they had reached an agreement about condition 3. There was some discussion that the representatives had offered a total of seven acres maximum. Commissioner Swienton asked that it also be defined that development also be limited to slopes less than 25 percent. He would assume that the pockets that could be developed would fall outside the definition of Resource Conservation. Mr. Beaumont pointed out that the property is not actually zoned R-C but that the Resource Conservation land is designated that way in the *Comprehensive Plan*. Commissioner Swienton made his case that the *Comprehensive Plan* is considered a very strong document, the first place the commissioners should look, and a good chunk of that land is designated by the *Future Land Use Map* and the *Comprehensive Plan* as Resource Conservation. Chair Hamilton asked them if the representatives would be willing to add some type of language to that effect to the condition. The representatives were hesitant to do so without consulting a topographical map and were not willing to do so. Mr. Walton did not think that Liberty is going to build all the way up to the monogram, but they could definitely put a building on the south side of that roadway with a basement and develop in grades steeper than 25 percent. They would not be able to grade and put a mass parking lot there. It would be too cost prohibitive. Chair Hamilton asked Commissioner Swienton what he thought and he said that his opinion still remained it should be on a grade of less than 25 degree slope.

Mr. Walton suggested adding to the condition that development be limited to slopes of 25 percent or less or as deemed appropriate by planning staff. Commissioner Swienton asked Mr. Martin if he felt comfortable in that role. Mr. Martin said it wouldn't be him; it probably would be the Environmental Planner. Mr. Walton commented that his suggestion would give them an opportunity to build a structure where it would not be a mass grading--huge retaining wall; the structure itself would end up being the retaining wall. Mr. Martin commented that he understood what Mr. Swienton was trying to do, but that the commissioners already seem okay with the seven acres offered. Commissioner Swienton said that he wasn't saying that seven acres was okay, and that this is an attempt to compromise. Mr. Spence said that they were not sure what part of the gravity park that might need a slope of greater than 25 percent.

Chair Hamilton asked Commissioner Swienton if he wanted to offer an amendment and they would vote on it. Mr. Walton commented that they can do responsible development in slopes greater than 25 percent. Commissioner Swienton commented that Commissioner Barnes had said that at the public hearing that he is confident in their professional abilities to build virtually anywhere; that is not his concern. We clearly have a *Comprehensive Plan* that has clearly written the definition of Resource Conversation, and he is trying to adhere to the *Comprehensive Plan*. That is the responsibility of the Planning Commission. Chair Hamilton agreed that she wants to preserve the mountain as much as possible as well, but the fact remains that this is private property. She is personally comfortable with the limit of seven acres as a compromise. Commissioner Swienton commented that based on that logic, anytime anyone wants to build anywhere that is Resource Conservation, do we just say that it is private property? Chair Hamilton did not think that there was a precedent being set for other smaller developments. This is really an entity all to itself. The petitioner owns 5,000 acres of property

and has made a fair effort to compromise in terms of their development and clear cutting of timber. This does not necessarily set precedence for other developments.

Mr. Walton pointed out that this development would be dependent on a rezoning. If there is another parcel in the City that is zoned B-3 or any other developable zoning and it happens to be on the *Comprehensive Plan* as R-C, the City would not have any say. They don't have to come to the Planning Commission to submit a site plan. Mr. Martin commented at this point that this property is zoned B-3C and the proffers state that Liberty would have to come back for approval of a Cluster Commercial Development to develop that property. So there were subsequent Council and Planning Commission approvals built into the zoning.

There was some more discussion about condition 3 for clarification purposes. There was discussion about it being one to three acre parcels not to exceed a total of seven acres. Mr. Martin pointed out that this could mean adjacent parcels. At this point, Commissioner Swienton made a motion that the following language be put into condition 3: "not to exceed a cumulative total of seven acres, and limited to the B-3C zoned property" should be added after the words "one (1) to (3) acres:"

The motion passed by the following vote:

AYES:	Barnes, Hannon, Hamilton & Oglesby & Swienton	5
NOES:		0
ABSTENTIONS:		0
ABSENT:	Sale & Worthington	2

At this point, Mr. Martin made some clarifications. With regard to paragraphs 5b, 5c, 5d and 5e, we are striking 5c. We are changing the number to 13,000 students. With reference to 5d, Mr. Harter referenced some intersection improvements that were also needed because of the tunnels that is not referenced. Commissioner Oglesby made a motion, which was seconded by Commissioner Hannon, to add those necessary improvements, to strike paragraph 5c and to change the enrollment threshold number to 13,000 in 5b and 5d.

The motion passed by the following vote:

AYES:	Barnes, Hannon, Hamilton & Oglesby & Swienton	5
NOES:		0
ABSTENTIONS:		0
ABSENT:	Sale & Worthington	2

With reference to paragraph 5k, Mr. Martin asked for the following wording referring to the ramp: "If it is not constructed prior to total student enrollment exceeding 13,500 on campus and commuting students, Liberty University shall commission a traffic study subject to the approval of the City's Transportation Engineer, to determine what road improvements are necessary. Liberty University will construct improvements as recommended by the traffic study prior to enrollment exceeding 15,000 students."

Commissioner Oglesby made a motion for that wording to be added to paragraph 5k, which was seconded by Commissioner Hannon.

The motion passed by the following vote:

AYES:	Barnes, Hannon, Hamilton & Oglesby & Swienton	5
NOES:		0
ABSTENTIONS:		0
ABSENT:	Sale & Worthington	2

With regard to paragraph 6a (numbered incorrectly, but referring to the Pedestrian Crossings), Mr. Martin suggested the following wording be added: "The City of Lynchburg and Liberty University will partner in these improvements."

Commissioner Oglesby made a motion for that wording to be added to paragraph 5k, which was seconded by Commissioner Hannon.

The motion passed by the following vote:

AYES:	Barnes, Hannon, Hamilton & Oglesby & Swienton	5
NOES:		0
ABSTENTIONS:		0
ABSENT:	Sale & Worthington	2

With regard to condition 4, Mr. Martin reported that Greg Poff, Assistant Director of Utilities, is not comfortable with saying that Liberty would be responsible for all the improvements. That would be something that would need to be negotiated once the study is completed. Mr. Martin suggested striking the last sentence. Mr. Martin explained that after the study is completed, Utilities and Liberty are going to have to negotiate who is responsible for what, and that is typical of any development in the city. Mr. Poff did not feel comfortable with the complexity of the university and how much land is there that the City could show that the university is the sole need for all the improvements.

Commissioner Oglesby made a motion to strike the second sentence from condition 4, which was seconded by Commissioner Hannon.

The motion passed by the following vote:

AYES:	Barnes, Hannon, Hamilton & Oglesby & Swienton	5
NOES:		0
ABSTENTIONS:		0
ABSENT:	Sale & Worthington	2

At this point, Commissioner Hannon made the following motion, which was seconded by Commissioner Oglesby:

“That the Planning Commission recommends to City Council approval of an amendment to the Future Land Use Map from Low Density Residential to Institution at 3778, 3786, 3794, 3802 and 4000 Candler’s Mountain Road.”

Commissioner Swienton asked for clarification that if he voted yes to this, he would also be in favor of the dorms being built along U.S. 460. Chair Hamilton explained that he would just be changing a piece of this property from Low Density Residential to Institution. Commissioner Swienton asked when he would be voting on the master plan, and Chair Hamilton said that would be during a later vote:

The motion passed by the following vote:

AYES:	Hannon, Hamilton & Oglesby	3
NOES:	Barnes & Swienton	2
ABSTENTIONS:		0
ABSENT:	Sale & Worthington	2

Commissioner Hannon made the following motion, which was seconded by Commissioner Oglesby.

“That the Planning Commission recommends to City Council approval of Liberty University, Inc.’s petition to rezone two hundred and thirty-seven (237) acres located at 3794, 3778, 3786, 3802 and 4000 Candler’s Mountain Road from B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional) to allow for the construction of student housing and associated parking with the voluntarily submitted proffer:

2. This area shall be developed in substantial compliance with the site plan entitled Master Plan for Rezoning and Conditional Use Permit. However, further review by the Planning Commission and the City Council of any Liberty University expansion project directly relating to university use is not required providing all conditions of the conditional use permit are met and student enrollment of Liberty University does not exceed 15,000 resident students. Signs and external building modifications not directly relating to university use are subject to approval by the City's Design Review Board."

The motion passed by the following vote:

AYES:	Hannon, Hamilton & Oglesby	3
NOES:	Barnes & Swienton	2
ABSTENTIONS:		0
ABSENT:	Sale & Worthington	2

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

"That the Planning Commission recommends to City Council approval of Liberty University, Inc.'s petition for a conditional use permit (CUP) to amend the master plan and allow for an increase of up to five thousand (5,000) students for a total of fifteen thousand (15,000) residential students and construction of facilities for the campus at 3778, 3786, 3794, 3802, 4000, 4250, 4300, 5000, 5001 Candler's Mountain Road, 1000, 1001, 1005 Ericsson Drive, 100 Mountain View Road, 100, 112, 200, 212, 300 Liberty Mountain Drive, 1971, 1973, 1975, 1977 University Boulevard and 4013 Wards Road, subject to the following conditions:

14. The conditional use permit is valid for a fifteen thousand (15,000) maximum student enrollment of Liberty University. Student enrollment figures shall be based on numbers reported by the State Council of Higher Education of Virginia (SCHEV). When enrollment exceeds fifteen thousand (15,000) on-campus and commuting students, Liberty University shall be required to obtain a new conditional use permit from the Planning Commission and the City Council.
15. This area shall be developed in substantial compliance with the site plan entitled Master Plan for Rezoning and Conditional Use Permit by Perkins and Orrison dated April 3, 2008 and received by Community Development on April 4, 2008. However, further review by the Planning Commission and the City Council of any Liberty University expansion project directly relating to university use is not required providing all conditions of the conditional use permit are met and student enrollment of Liberty University does not exceed fifteen thousand (15,000) resident and commuter students. Signs and external building modifications not directly relating to university use are subject to approval by the City's Design Review Board.
16. Minor clearing and development of one (1) to three (3) acres, not to exceed a cumulative total of seven acres and limited to the B-3C zoned property, not designated on the site plan entitled Master Plan for Rezoning and Conditional Use Permit by Perkins and Orrison dated April 3, 2008 and received by Community Development on April 4, 2008 are permitted, however developments in excess of three (3) acres shall require a separate conditional use permit by the Planning Commission and City Council.
17. A master utilities plan shall be submitted by Liberty University, subject to the approval of the City of Lynchburg's Director of Utilities, prior to the construction of any new facilities.
18. The following traffic improvements shall be designed and constructed by Liberty University, subject to the approval of the City Engineer, in accordance with the designated timetable. The improvements shall be bonded in two (2) phases; improvements that will be constructed in the first eighteen (18) months shall be bonded within thirty (30) days of CUP approval while features that will be constructed within twenty-four (24) to thirty-six (36)

months shall be bonded within two (2) years of CUP approval. The required traffic improvements include:

- l. Perimeter Road Phase I – The first of two (2) phases of a road that will parallel the Norfolk and Southern railroad from the at-grade crossing near Liberty University’s baseball field/Sonic Restaurant and will extend and connect to the parking lot adjacent to Thomas Road Baptist Church. Phase I of the perimeter road is currently under construction.**
- m. Close Southern At-Grade Crossing – The Norfolk and Southern railway at-grade crossing at the southern end of the Liberty University Main Campus shall be closed prior to total student enrollment exceeding 13,000 on campus and commuting students.**
- n. Vehicular Tunnel – A vehicular tunnel shall be constructed underneath the Norfolk and Southern railway and provide a connection to Wards Road at Harvard Street. The vehicular tunnel shall connect to the proposed “Perimeter Road” and shall be constructed prior to total student enrollment exceeding 13,000 on campus and commuting students.**
- o. Close At-Grade Crossing – The Norfolk and Southern at-grade railway crossing near the Liberty University baseball field shall be closed concurrently with the construction and completion of the “Vehicular Tunnel”.**
- p. Roundabout – A roundabout shall be constructed at the intersection of University Boulevard and Liberty University Drive prior to total student enrollment exceeding 12,000 on campus and commuting students.**
- q. U.S. Route 460 Ramp Improvements – The existing ramp from U.S. Route 460 east bound lane to access Candler’s Mountain Road shall have an additional lane constructed for left (or east bound) movement to the proposed dorm and intramural field facility proposed adjacent to U.S. Route 460. The intersection with this ramp and Candler’s Mountain Road shall be improved to have a dedicated right turn movement, a straight and left turn movement, and an incoming or east bound movement. Construction shall be completed prior to total student enrollment exceeding 12,000 on campus and commuting students.**
- r. Perimeter Road Phase II – The second phase of the perimeter road that will complete a loop around the Liberty University Campus shall be constructed prior to total student enrollment exceeding 13,000 on campus and commuting students.**
- s. Traffic Signal – A traffic signal shall be installed at the intersection of Liberty Mountain Drive and Liberty University Drive prior to total student enrollment exceeding 13,000 on campus and commuting students.**
- t. Left Turn Lane – A dedicated left turn lane shall be constructed on Liberty Mountain Drive for the east bound traffic to turn left onto Liberty Mountain Drive prior to total student enrollment exceeding 13,000 on campus and commuting students.**
- j. Ramp, Roundabout and Connection to Liberty Mountain Drive – An off ramp from U.S. Route 460 east bound lane to access the Crossroads Colonnade retail development and to connect to existing Liberty Mountain Drive shall be constructed prior to total student enrollment exceeding 13,000 on campus and commuting students. If it is not constructed prior to total student enrollment exceeding 13,500 on campus and commuting students, Liberty University shall commission a traffic study subject to the approval of the City’s Transportation Engineer, to determine**

what road improvements are necessary. Liberty University will construct improvements as recommended by the traffic study prior to enrollment exceeding 15,000 students.”

6. If the traffic improvements required by condition number four (4) have not been completed prior to student enrollment (rather on campus or commuting) reaching the total designated enrollment numbers, Liberty University shall be required to submit a bond or letter of credit made payable to the City of Lynchburg and commence construction on the required traffic improvements prior to any further building or land disturbance permits being issued. The required bond or letter of credit shall designate a completion time, be in the amount for the full cost of improvements and shall be in a form acceptable to the City Engineer and City Transportation Engineer.
7. The following pedestrian features shall be designed and constructed by Liberty University in accordance with the designated number of students (rather on campus or commuting) subject to the approval of the City Engineer, City Transportation Engineer and City Planner:
 - h. Pedestrian Crossings – Pedestrian crossing and signals shall be installed at L: Liberty Mountain Drive and Liberty University Drive; Ericsson Drive and University Boulevard; and Candler's Mountain Road and University Boulevard prior to total student enrollment exceeding 12,000 on campus and community students. The City of Lynchburg and Liberty University will partner in these improvements.
 - i. Pedestrian Tunnel – A pedestrian tunnel that will contribute to the closing of an at-grade railway crossing will be constructed to provide access from the campus of Liberty University and the Wards Road area. The pedestrian tunnel shall be constructed prior to total student enrollment exceeding 13,000 on campus and commuting students. Liberty University will participate with the City in studying what pedestrian improvements may be needed in the Wards Road area.
 - j. Perimeter Road Trails – Pedestrian trails shall be installed adjacent to Phase I of the perimeter road which is currently under construction. Pedestrian trails shall be constructed adjacent to Phase II of the perimeter road prior to total student enrollment exceeding 13,000 on campus and commuting students.
 - k. Bicycle Lanes – Bicycle lanes shall be constructed to the access roadway for the proposed dorms/intramural fields adjacent to U.S. Route 460.
 - l. Bicycle Path – The existing roadway above the baseball stadium shall be converted to a bicycle/pedestrian path in conjunction with the renovation of the baseball stadium.
8. If the pedestrian/bicycle improvements required by condition number four (4) have not been completed prior to student enrollment (rather on campus or commuting) reaching the total designated enrollment numbers, Liberty University shall be required to submit a bond or letter of credit made payable to the City of Lynchburg and commence construction on the required traffic improvements prior to any further building or land disturbance permits being issued. The required bond or letter of credit shall designate a completion time, be in the amount for the full cost of improvements and shall be in a form acceptable to the City Engineer and City Transportation Engineer.
9. Liberty University shall provide new transit routes throughout campus, as detailed on the “Transit Plan” sheet of the master plan for the expansion of dorms and other Liberty University facilities.
10. At such time when either existing regional stormwater facility is impacted by development within the footprint of the stormwater structure, Liberty University shall submit a

“stormwater master plan” to address the quality and quantity of stormwater for the entire campus. The plan shall be subject to the review and approval of the City’s Environmental Planner.

- 11. All streams and/or wetlands that are subject to the mitigation requirements of the Virginia Department of Environmental Quality and the United States Army Corps of Engineers and are impacted by the development designated within the Liberty University Campus Master Plan are encouraged to be mitigated within that same watershed.**
- 12. Any new student housing/apartment buildings shall be similar in appearance to the existing student housing on Liberty Mountain Drive.**
- 13. Adequate parking shall be provided as required by the City of Lynchburg *Zoning Ordinance*, with the exception of the 1989 variance and the twenty percent (20%) parking reduction granted by Planning Commission on January 11, 2006.”**

Before the vote was taken, Commissioner Swienton made the following comments. He is fully supportive of Liberty’s growth. He does not believe that we should be in the role of limiting any organization in its membership. He feels that a concern of he and Commissioner Barnes’ has been largely ignored though. He respects their right to plan and design the campus as they feel best fits their institution. What occurs on the mountain though affects what occurs off the mountain, as well as the environmental impacts.

He thinks that they have done a great job on the pedestrian access and routing. He thinks that what they are doing with mass transit can literally change mass transit in Lynchburg. This has the ability to change the perception that mass transit is for the working poor. If that becomes all a freshman knows, that becomes a wonderful tool. He thinks that they have done an exemplary job on the mitigation issue.

But there are some things that he wants City Council to keep in mind as they consider this matter. There are approximately 1,700 townhomes in the city now. If there are 5,000 more students and 38 percent of them live off campus, that is 1,900 students. Assuming 2.5 students per dwelling, that is 760 additional units needed—not all of those in the city. Assuming 75 percent are in the city, that is an additional 570 units. If that is townhomes, that is 43 percent more townhomes than we have today. What Council shared with them at the joint work session was the proliferation of townhomes. As this plan takes the student population to a larger number, they get what they don’t want. That is something that they need to consider and discuss.

The part on greater density, as Commissioner Barnes brought up, is that there is a lot that can be on the main part of campus to increase density. He respects their concerns on cost. He believes there is a financial cost to student growth. The environmental impact to Candler’s Mountain should not be a tradeoff to save the university money on construction costs. As you grow, there is more cost that comes with the growth.

Commissioner Swienton commented that unfortunately, they had not had a discussion about the cell tower shown on the site plan. He would love to hear more about that.

After the last meeting, he and other members received an e-mail about some items that needed some attention environmentally. He sent an e-mail to Mr. White which said “During the April 29, 2008 work session one of the Liberty representatives talked about the positive record they had regarding environmental protection. “The information sent in this e-mail combined with their comments might indicate that the recent “Notice to Comply” could be a one time type of a thing. Therefore, it would be great if you could pull me E & S report history. I would like their stated strong history of compliance to be made available at our work session for public record—the last five to seven years should be sufficient.”

What Commissioner Swienton did not expect was the twenty “Notices to Comply” and four stop work orders. Some of the “Notices to Comply” could be the equivalent of parking tickets. That is in the past, but stop work orders are hard to get. He would like to think that in the future the positive comments that were made about environmental work—that going forward Liberty would intend to work with contractors/sub contractors. Mr. Spence wanted him to consider only the time since he took over because the statement was

made about the time since he has taken over. When he walked in, there were stop work orders. Commissioner Swienton pointed out though that there were "Notices to Comply" from just a few weeks ago. He did not want to get into a timeline of who was in charge, etc. Going forward, he wanted to them to continue to do the great work Mr. Spence is claiming, and we won't have to worry about these ever appearing again.

Mr. Spence did not know if you would ever see a total elimination. They had received the "Notice to Comply" but were actually in compliance. Mr. Spence thinks that this is a debatable issue. Commissioner Swienton concluded by saying that he looks forward to there being no problems in the future. That would be a positive improvement.

He thinks that the growth of Liberty Christian Academy was omitted and how much that can impact the campus. He is fully supportive of them growing as well.

He feels that as far as traffic is concerned, we have a report that it is going to get worse. We don't have a solution. With all of these things combined, he feels that we are making a decision not based on the best planning principles, but one that is based on a fall enrollment deadline. That concerns him.

Commissioner Hannon commented, with all due respect, that Commissioner Swienton's housing figures were off. Just because the student population goes up does not mean that we need more housing. We already have very high vacancy numbers. When served on the Housing Policy Committee, he became painfully aware that one of the problems that the city has is that the rental rates have been low. He thinks that we have plenty of existing housing units to accommodate the growth that Liberty is foreseeing without the necessity of constructing more. He feels that very strongly.

He has never felt that the decision here is being driven by fall student enrollment. Liberty has taken great pains to do this planning very thoroughly. At our last hearing, Jerry Falwell, Jr. suggested the on campus visit. Any development that happens in this city is going to affect traffic. Traffic is going to get worse when anything is built. The thoroughness of the traffic study and the review and the conditions that are attached to the CUP adequately address his concerns. A lot of these solutions are within the purview of the state and we have no control over that whatsoever. We can't let the state basically throttle all future development in the City of Lynchburg.

Commissioner Barnes stated that he supports Commissioner Swienton's comments and thought they were very well stated. There are a number of things that he can support in this plan. There has been a lot of good work done on the traffic and environmental issues, but overall, he does not think that this reflects the best principles of campus planning.

Commissioner Oglesby commented that Liberty has done a lot for the City of Lynchburg. There are a lot of things that the citizens of Lynchburg are allowed to use that Liberty allows. She feels that they will look at saving as much as they can of the mountain as it is developed. She feels that they will make the campus a pretty place to be as well as provide a good education. She supports the plan and thinks that it will be a good thing to see the growth for the city.

Chair Hamilton has struggled with this plan. On a separate issue, she thinks that the cell tower would have to come before them as a rezoning issue. Mr. Beaumont commented that it is not necessarily a cell tower. It is going to be a TV and radio tower. Chair Hamilton said that did not make any difference but thanked him for the clarification. She does think that the compromise they have come to will be a positive one for the city. She thinks that they are making sure that there will not be great clearing on the mountain, so that will be deliberate. She really appreciates the connectivity and that it will improve the traffic situation. She appreciates Liberty taking on some of those burdens, whether it is in their best interest or not. The mountain is the piece that she has struggled with, but she appreciates that they are willing to limit the cutting and developing. She hopes that they don't build the dorms on U.S. 460 right away but she thinks that realistically, it is an inevitable thing when they grow to 25,000 students. We may have a very different discussion if they are back here in four years with another 10,000 students. She thinks that this is the right compromise for now.

The motion then passed by the following vote:

The motion passed by the following vote:

AYES:	Hannon, Hamilton & Oglesby	3
NOES:	Barnes & Swienton	2
ABSTENTIONS:		0
ABSENT:	Sale & Worthington	2

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

“That the Planning Commission recommends to City Council approval of Liberty University, Inc.’s petition for a Conditional Use Permit (CUP) for a consolidated sign plan, subject to the following conditions:

- 1. All proposed identity signs shall be constructed with the same dimensions, materials and general appearance as that depicted within “Inset A” on the CUP Master Plan.”**

The motion passed by the following vote:

AYES:	Barnes, Hannon, Hamilton & Oglesby & Swienton	5
NOES:		0
ABSTENTIONS:		0
ABSENT:	Sale & Worthington	2

Mr. Walton thanked the commissioners for their consideration and their compromise. He hoped that they realized that they have compromised as well. He expressed appreciation for the process. Mr. Beaumont hoped that they had come across with their best foot forward.

LEXINGTON

Wes Perkins, LS
Russ Orrison, PE, LS
Susan Perkins
Pierson Hotchkiss, LS
Dave Walsh

**LYNCHBURG**

Kenneth Knott, LS
Norman Walton, PE
Maggie Cossman, PE

March 28, 2008

Tom Martin, Senior Planner
City of Lynchburg
Department of Community Development
900 Church Street,
Lynchburg, VA 24504 :

RECEIVED

MAR 28 2008

COMMUNITY
DEVELOPMENT

Re: Liberty University CUP and Rezoning.

Mr. Martin,

We are providing plans for consideration at the next Planning Commission Meeting (April 9, 2008). these plans depict improvements to Liberty University's campus for the increase in the resident student population from 10,000 to 15,000. Also, we have included the rezoning of parcel 267-01-001 (4000 Candler's Mtn Rd.) from B-3C with proffers to B-3C with amended proffers.

Liberty University CUP

This CUP provides master planning for additional student housing, faculty and institutional buildings, roadway improvements, pedestrian movements, mass transit system, recreational facilities, and other amenities for student life. This plan is for the sole purpose of expanding Liberty University's enrollment from 10,000 students to 15,000 students. (we do have a minor church expansion & LCA expansion – should we say something about this?)

We have attempted to show in as much detail as possible at this time where new buildings will be located, where new roadways will be built, parking expansion, new athletic fields and other additions throughout campus and on the south side of Route 460. We have also attempted to show tree clearing limits on the mountain facing the city for all proposed improvements as best we can at this time.

17 W. Nelson Street • P. O. Box 1567
Lexington, Virginia 24450

540-464-9001 Fax: 540-464-5009

20436 Lynchburg Highway • Unit I
Lynchburg, Virginia 24502

434-525-5985 Fax: 434-239-8271

email: dno@perkins-orrison.com

This plan has been compiled with careful consideration from Liberty University officials, VDOT, the FAA (where applicable), and City staff (Planning and Engineering). We believe that we have accounted for comments from all parties involved to produce a master plan that considers the growth of the University over the next five to ten years. We have considered traffic impacts to the campus and all major roadways and highways surrounding campus. We have considered environmental impacts to streams and wetlands.

Rezoning

The rezoning of parcel 267-01-001 changes the zoning from B-3C with proffers to B-3C with amended proffers. The University would like to utilize this land for intramural athletic fields and student housing. The current proffers prohibit the use of this land for student housing.

We have provided to you, preliminary site plans to show the conceptual layout of the site. We have produced this layout to avoid impacts to streams as much as possible and to minimize impacts to wetlands. The site will be designed for the earthwork to balance onsite. A gravity sewer line is available that crosses 460 at the 460 and 501 interchange. A waterline extension will be required from Candler's Mtn Road along the proposed new roadway for this site.

We are also modifying the existing loop that allows 460 east traffic to exit to Candler's Mtn. Road, to allow a left movement onto this new road from the loop. This concept plan has been provided to VDOT and to the City Traffic Engineer for review.

Proffer

The following proffer is being offered for the rezoning:

This area shall be developed in substantial compliance with the site plan entitled Master Plan for Rezoning and Conditional Use Permit. However, further review by the Planning Commission and the City Council of any Liberty University expansion project directly relating to university use is not required providing all conditions of the Conditional Use Permit are met and student enrollment of Liberty University does not exceed 15,000

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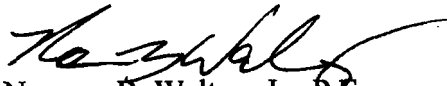
434-525-5985 Fax: 434-239-8271

email: pno@perkins-orrison.com

resident students. Signs and external building modifications not directly relating to university use are subject to approval by the City's Design Review Board

Should you have any questions or comments regarding these submissions, please feel free to contact me.

Sincerely,



Norman B. Walton, Jr., P.E.
Perkins & Orrison, Inc.

PERKINS & ORRISON

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Lexington, Virginia 24450

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4/8/08

Kent White

RE: Synopsis of Projects Highlighted in the CUP Drawings

Mr. White,

Thank you to you, Tom and Rebecca for meeting with us on Tuesday and providing constructive comments for improvements to our plan. By this letter, I am providing to you a brief synopsis for the traffic improvements shown on the plan and for the pedestrian improvements, with estimated times of construction.

Proposed Traffic Improvements

The proposed traffic improvements are shown based on needs from the traffic study our developments need from Liberty University. All of the items listed will be necessary for the expansion of campus from 10,000 resident students to 15,000 resident students. These items listed are only improvements being made by Liberty. There may be other improvements not listed on public streets around campus that will be made by others (VDOT or the City) during similar timeframes.

- **Perimeter Road (Under Construction)** Liberty has the first of two phases of the perimeter road under construction. This roadway will parallel the NS railroad from the at-grade crossing near LU's baseball field and Sonic and will tie into the parking lot adjacent to Thomas Road Baptist Church. (Under construction now)
- **Proposed Ramp Improvements** – The existing ramp to exit Rte 460 EBL to access Candler's Mountain Road will have an additional lane added for left (or east bound) movement to the proposed dorm and intramural field facility proposed along 460 East of Candler's Mountain Road. The intersection with this ramp and Candler's Mountain Road will be improved to have a dedicated right turn movement, a straight and left turn movement; and an incoming or east bound movement. (construction to begin within the next 12 to 18 months)
- **Proposed Signal on Liberty Mountain Drive** – A signal will be required at the intersection of Liberty Mountain Drive and Liberty University Drive (the bridge over 460). (construction within the next 12 to 24 months)
- **Proposed Left Turn Lane** – A dedicated left turn lane will be required on Liberty Mountain Drive for the east bound traffic to turn left onto Liberty University Drive. (construction within the next 12 to 24 months)

- **Proposed Roundabout** – At the intersection of University Boulevard and Liberty University Drive, we are proposing to install a roundabout or traffic circle to attenuate the increase in traffic at this intersection. (construction within the next 24 to 36 months)
- **Ramp, Roundabout, and connection to Liberty Mountain Dr.** – The Crossroads Colonnade project is proposing an off-ramp from Rte 460 EBL to access the retail development and to connect to existing Liberty Mountain Drive. This access is shown in that it is advantageous for traffic management for the 15,000 student goal of this CUP. This improvement is not on the property being rezoned, but on an adjacent parcel. (construction within the next 24 to 36 months)
- **Close At-Grade Crossing** – The NS railway at-grade crossing on the south end of campus is proposed to be closed. (construction within the next 12 months)
- **Proposed Pedestrian Tunnel** – This tunnel is for pedestrian access between the Wards Road area and campus. This tunnel will contribute to the at-grade closing mentioned above. (construction within the next 12 months)
- **Perimeter Road (proposed)** – This is the second phase of the Perimeter Road and will complete a loop around campus. This road is considered essential to fluid campus transit movement, as well as vehicular access to campus. (construction within the next 12 to 24 months)
- **Close At-Grade Crossing** – The NS railway at-grade crossing near the LU baseball field and Sonic is proposed to be closed. (construction within the next 12 months)
- **Proposed Vehicular Tunnel** – This proposed vehicular tunnel will become the primary access to the University from Wards Road. This will allow the closing of the at-grade crossing at LU's baseball field. In the short term, the extension of the roadway through the tunnel will intersect with the Perimeter Road, allowing a distribution of traffic to the Main Campus and to Campus North. An extension of Ericsson Drive, if the City will participate in the project, will be able to connect the tunnels with existing Ericsson Drive., which will provide access from Ward's Road to Route 460. (construction within the next 12 months)

Proposed Pedestrian, Bicycle and Transit Improvements

Pedestrian, Bicycle and Transit improvements are proposed with the CUP plan. Additional Bicycle lanes are proposed, along with sidewalks and bus stops. Transit routes will also be added as the campus population grows.

- **Pedestrian Crossings** – There are three intersections that pedestrian crossing signals will be added: Liberty Mountain Drive and Liberty University Drive; Ericsson Drive and University Boulevard; and Candler's Mountain Road and University Boulevard. (construction within the next 12 to 24 months)

- Proposed Pedestrian Tunnel – This tunnel is for pedestrian access between the Wards Road area and campus. This tunnel will contribute to an at-grade rail crossing closure. (construction within the next 12 months)
- Sidewalks along the Perimeter Road – sidewalks will be added to the perimeter road to provide pedestrian access to encircle campus. (coincide with construction of the perimeter road phases)
- Future Access to Retail Area – as the Crossroads Colonnade is constructed, pedestrian access will be provided between the student housing area and the retail area. (construction within the next 20 to 36 months)
- VDOT Improvements – VDOT is scheduled to improve the pedestrian movement on the Liberty University Drive bridge and the Candler's Mountain Road Bridge. (VDOT's preliminary construction schedule is Spring of 2010)
- New Bicycle Path – A bicycle path is proposed near the University's baseball field. There is an existing road there now, that will be demolished with Phase I of the perimeter road. This roadway will be replaced with a bicycle path.
- New Bicycle Lanes – Bicycle lanes will be added to the access roadway for the proposed dorms adjacent to 460.
- New Transit Routes – There are new transit routes proposed throughout campus and for the expansion of dorms and other Liberty University facilities. The University intends on providing "park and ride" services utilizing the transit system, providing local business will allow this opportunity. The perimeter road, once completed, will provide circular movement for the transit system around campus, connecting the southern end of campus with Campus North and Thomas Road Baptist Church.

Please note that the dates and timeframes are approximate and based on the best information that we have today, and are subject to change. Should you need any additional information, please let me know.

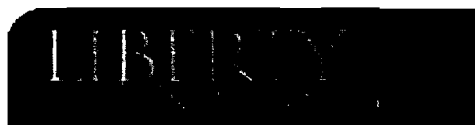
Sincerely,



Norman B. Walton, Jr., P. E.
Perkins & Orrison, Inc.

**Liberty University
Overall Parking Tabulation**

4/4/2008



**Liberty University
Required Parking Tabulation**



Required Parking

Required parking based on 2013 projected student population and employees for LU

Required parking based on 2013 projected student population and staff for LCA

Use	Parking Requirement	Number*	Required Spaces	
Vines Center & Stadium	1989 Variance	12,000	3,900	(per 1989 Variance)
University Total Enrollment(as of 1989)	1 space / 6 students	3,426	571	(per 1989 Variance)
(15,000 projected students)	1 space / 2.5 students	11,574	4,630	(current zoning ordinance)
University Employees	2 spaces / 3 employees	3,250	2,167	
LCA High School Students	1 space / 10 students	617	62	(projected growth to 2013)
LCA Employees	2 spaces / 3 employees	151	101	(projected growth to 2013)
TRBC	1 spaces / 3 seats	5,000	1,667	
LaHaye Ice Center.	1 space / 3 spectator seat (no seats)	0	0	
	1 space / 10 sf for spectator space	4,000	400	
	1 spaces / employee (no additional employees)	0	0	

13,498 Total Required Spaces

2,700 20% Reduction

**10,798 Total Required Spaces
with 20% reduction**

Parking Provided

Location	Description	# Spaces
Main Campus	Per 11/21/05 parking survey-R.T.Dining Hall addition -B&N spaces-P-16 spaces w. Perimeter Rd -Demoss spaces+ RD spaces by Dorm 25	4,225
P-21, Campus East	Per 11/21/05 parking survey	721
P-22, Campus East	Per 11/21/05 parking survey-Doc's Diner spaces	673
Campus North	Campus North w. TRBC & LaHaye -P-38 bus stop & medical center	2,727
P-19, Main Campus	FOC parking lot, per design plan	108
P-23, Campus East Phase 2 Dorms	Per design plan	223
Proposed Parking on CUP Plan	Future parking areas	2,533

11,210 Total Spaces Provided



MEMORANDUM

The Department of Community Development

Planning Division

455-3900

To: Planning Commission
From: Tom Martin, AICP, City Planner
Subj: Liberty University Rezoning / Conditional Use Permits
Date: May 14, 2008

At the April 9, 2008 Planning Commission meeting, the Planning Division submitted a list of recommended conditions for the requested conditional use permit. Based upon requests from the petitioners, I am drafting a revised list of conditions for the Planning Commission to review.

The substantial changes to the conditions will be related to required traffic improvements, tree clearance in areas not designated for construction and stream mitigation. The required traffic improvements would be based upon number of on site and commuting students and bonding requirements would be relaxed. Tree clearance would not be prohibited in areas not designated for construction on the master plan but a condition would be worded to minimize negative effects. Based upon Federal and State Law, the condition for mitigating stream impacts within the same watershed will be removed.

I am still waiting on information from the petitioner to finalize a draft of revised conditions for the Planning Commission to consider. I will forward the draft to you by e-mail as soon as completed.

Also attached please find the master plan that was approved by the City Council for the expansion of Liberty University to 10,000 students in 2003 and a map of conditions as they existed in 2003.

If you have questions regarding this matter, please contact me at 455-3909.

Alternate Conditions for Consideration

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of Liberty University, Inc.'s petition for a conditional use permit (CUP) to amend the master plan and allow for an increase of up to five thousand (5,000) students for a total of fifteen thousand (15,000) residential students and construction of facilities for the campus at 3778, 3786, 3794, 3802, 4000, 4250, 4300, 5000, 5001 Candler's Mountain Road, 1000, 1001, 1005 Ericsson Drive, 100 Mountain View Road, 100, 112, 200, 212, 300 Liberty Mountain Drive, 1971, 1973, 1975, 1977 University Boulevard and 4013 Wards Road, subject to the following conditions:

- 1. The conditional use permit is valid for a fifteen thousand (15,000) maximum student enrollment of Liberty University. Student enrollment figures shall be based on numbers reported by the State Council of Higher Education of Virginia (SCHEV). When enrollment exceeds fifteen thousand (15,000) on-campus and commuting students, Liberty University shall be required to obtain a new conditional use permit from the Planning Commission and the City Council.**
- 2. This area shall be developed in substantial compliance with the site plan entitled Master Plan for Rezoning and Conditional Use Permit by Perkins and Orrison dated April 3, 2008 and received by Community Development on April 4, 2008. However, further review by the Planning Commission and the City Council of any Liberty University expansion project directly relating to university use is not required providing all conditions of the conditional use permit are met and student enrollment of Liberty University does not exceed fifteen thousand (15,000) resident and commuter students. Signs and external building modifications not directly relating to university use are subject to approval by the City's Design Review Board.**
- 3. Minor clearing and development of (one (1) to three (3) acres not designated on the site plan entitled Master Plan for Rezoning and Conditional Use Permit by Perkins and Orrison dated April 3, 2008 and received by Community Development on April 4, 2008 are permitted, however developments in excess of three (3) acres shall require a separate conditional use permit by the Planning Commission and City Council.**

- 4. A master utilities plan shall be submitted by Liberty University, subject to the approval of the City of Lynchburg's Director of Utilities, prior to the construction of any new facilities. It further shall be the responsibility of Liberty University to construct all necessary improvements detailed within the plan.**
- 5. The following traffic improvements shall be designed and constructed by Liberty University in accordance with the designated number of students (rather on campus or commuting) subject to the approval of the City Engineer, City Transportation Engineer and City Planner:**
 - a. Perimeter Road Phase I – The first of two (2) phases of a road that will parallel the Norfolk and Southern railroad from the at-grade crossing near Liberty University's baseball field / Sonic Restaurant and will extend and connect to the parking lot adjacent to Thomas Road Baptist Church. Phase I of the perimeter road is currently under construction.**
 - b. Close Southern At-Grade Crossing – The Norfolk and Southern railway at-grade crossing at the southern end of the Liberty University Main Campus shall be closed prior to total student enrollment exceeding 11,000 on campus and commuting students.**
 - c. Pedestrian Tunnel – A pedestrian tunnel for pedestrian access between the Wards Road area and the campus of Liberty University shall be constructed prior to total student enrollment exceeding 12,000 on campus and commuting students.**
 - d. Vehicular Tunnel – A vehicular tunnel shall be constructed underneath the Norfolk and Southern railway and provide a connection to Wards Road at Harvard Street. The vehicular tunnel shall connect to the proposed "Perimeter Road" and shall be constructed prior to total student enrollment exceeding 12,000 on campus and commuting students.**
 - e. Close At-Grade Crossing – The Norfolk and Southern at-grade railway crossing near the Liberty University baseball field shall be closed concurrently with the construction and completion of the "Vehicular Tunnel".**
 - f. Roundabout – A roundabout shall be constructed at the intersection of University Boulevard and Liberty University**

Drive prior to total student enrollment exceeding 12,000 on campus and commuting students.

- g. U.S. Route 460 Ramp Improvements – The existing ramp from U.S. Route 460 east bound lane to access Candler's Mountain Road shall have an additional lane constructed for left (or east bound) movement to the proposed dorm and intramural field facility proposed adjacent to U.S. Route 460. The intersection with this ramp and Candler's Mountain Road shall be improved to have a dedicated right turn movement, a straight and left turn movement, and an incoming or east bound movement. Construction shall be completed prior to total student enrollment exceeding 12,000 on campus and commuting students.**
 - h. Perimeter Road Phase II – The second phase of the perimeter road that will complete a loop around the Liberty University Campus shall be constructed prior to total student enrollment exceeding 13,000 on campus and commuting students.**
 - i. Traffic Signal – A traffic signal shall be installed at the intersection of Liberty Mountain Drive and Liberty University Drive prior to total student enrollment exceeding 13,000 on campus and commuting students.**
 - j. Left Turn Lane – A dedicated left turn lane shall be constructed on Liberty Mountain Drive for the east bound traffic to turn left onto Liberty Mountain Drive prior to total student enrollment exceeding 13,000 on campus and commuting students.**
 - k. Ramp, Roundabout and Connection to Liberty Mountain Drive – An off-ramp from U.S. Route 460 east bound lane to access the Crossroads Colonnade retail development and to connect to existing Liberty Mountain Drive shall be constructed prior to total student enrollment exceeding 13,500 on campus and commuting students.**
- 5. If the traffic improvements required by condition number four (4) have not been completed prior to student enrollment (rather on campus or commuting) reaching the total designated enrollment numbers, Liberty University shall be required to submit a bond or letter of credit made payable to the City of Lynchburg and commence construction on the required traffic improvements prior**

to any further site plan approvals, building or land disturbance permits being issued. The required bond or letter of credit shall designate a completion time, be in the amount for the full cost of improvements and shall be in a form acceptable to the City Engineer and City Transportation Engineer.

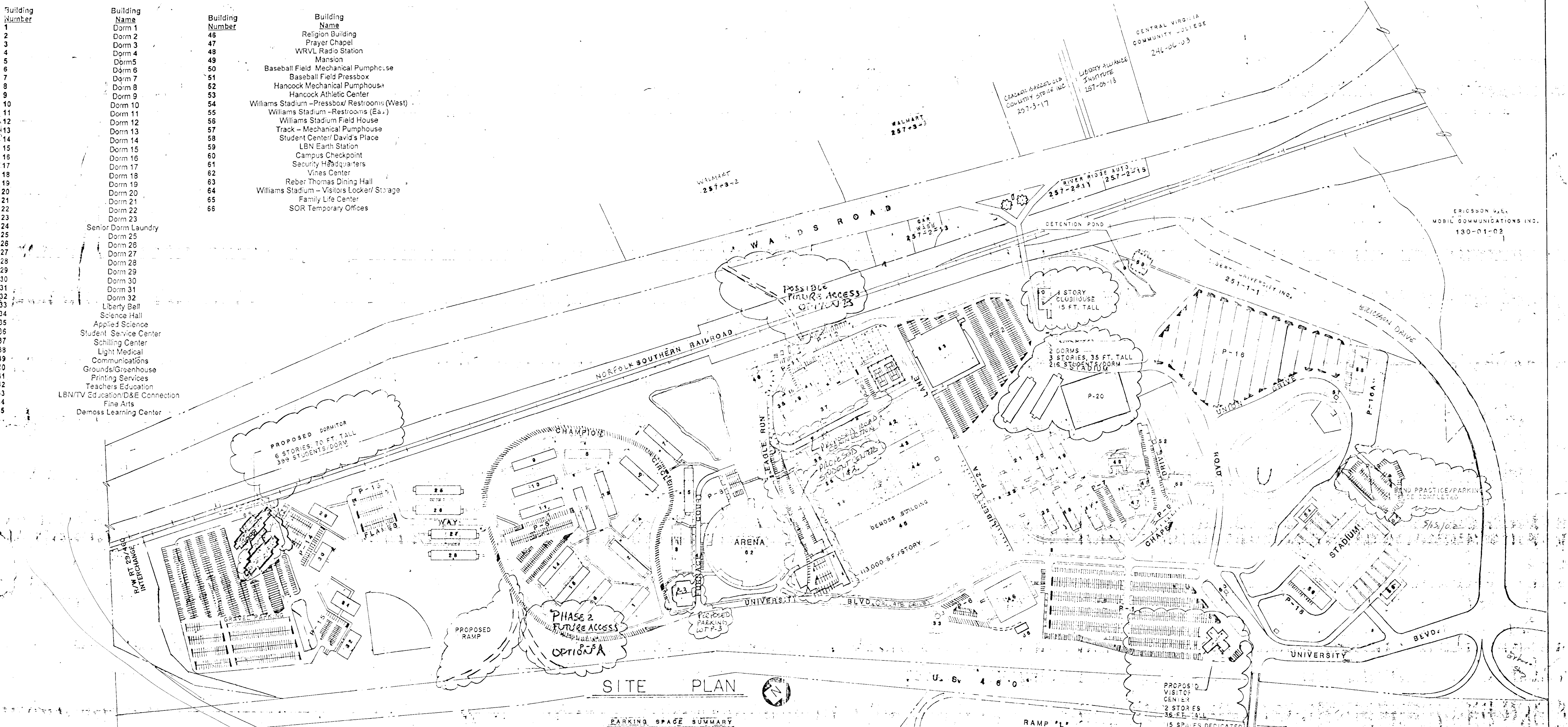
6. The following pedestrian / bicycle improvements shall be designed and constructed by Liberty University in accordance with the designated number of students (rather on campus or commuting) subject to the approval of the City Engineer, City Transportation Engineer and City Planner:
 - a. **Pedestrian Crossings** – Pedestrian crossings and signals shall be installed at Liberty Mountain Drive and Liberty University Drive; Ericsson Drive and University Boulevard; and Candler Mountain Road and University Boulevard prior to total student enrollment exceeding 12,000 on campus and commuting students.
 - b. **Pedestrian Tunnel** – A pedestrian tunnel that will contribute to the closing of an at-grade railway crossing will be constructed to provide access from the campus of Liberty University and the Wards Road area. The pedestrian tunnel shall be constructed prior to total student enrollment exceeding 12,000 on campus and commuting students. Liberty University will participate with the City in studying what pedestrian improvements may be needed in the Wards Road area.
 - c. **Perimeter Road Trails** – Pedestrian trails shall be installed adjacent to Phase I of the perimeter road which is currently under construction. Pedestrian trails shall be constructed adjacent to Phase II of the perimeter road prior to total student enrollment exceeding 13,000 on campus and commuting students.
 - d. **Bicycle Lanes** – Bicycle lanes shall be constructed to the access roadway for the proposed dorms / intramural fields adjacent to U.S. Route 460.
 - e. **Bicycle Path** – The existing roadway above the baseball stadium shall be converted to a bicycle / pedestrian path in conjunction with the renovation of the baseball stadium.

- 7. If the pedestrian / bicycle improvements required by condition number six (6) have not been completed prior to student enrollment (rather on campus or commuting) reaching the total designated enrollment numbers, Liberty University shall be required to submit a bond or letter of credit made payable to the City of Lynchburg and commence construction on the required pedestrian / bicycle improvements prior to any further site plan approvals, building or land disturbance permits being issued. The required bond or letter of credit shall designate a completion time, be in the amount for the full cost of improvements and shall be in a form acceptable to the City Engineer and City Transportation Engineer.**
- 8. Liberty University shall provide new transit routes throughout campus, as detailed on the "Transit Plan" sheet of the master plan for the expansion of dorms and other Liberty University facilities.**
- 9. At such time when either existing regional stormwater facility is impacted by development within the footprint of the stormwater structure, Liberty University shall submit a "stormwater master plan" to address the quality and quantity of stormwater for the entire campus. The plan shall be subject to the review and approval of the City's Environmental Planner.**
- 10. All streams and/or wetlands that are subject to the mitigation requirements of the Virginia Department of Environmental Quality and the United States Army Corps of Engineers and are impacted by the development designated within the Liberty University Campus Master Plan are encouraged to be mitigated within that same watershed.**
- 11. Any new student housing/apartment buildings shall be similar in appearance to the existing student housing on Liberty Mountain Drive.**
- 12. Adequate parking shall be provided as required by the City of Lynchburg *Zoning Ordinance*, with the exception of the 1989 variance and the twenty percent (20%) parking reduction granted by Planning Commission on January 11, 2006.**

April 9, 2008

[illegible]

Building Number	Building Name	Building Number	Building Name
1	Dorm 1	46	Religion Building
2	Dorm 2	47	Prayer Chapel
3	Dorm 3	48	WRVL Radio Station
4	Dorm 4	49	Mansion
5	Dorm 5	50	Baseball Field - Mechanical Pumphouse
6	Dorm 6	51	Baseball Field Pressbox
7	Dorm 7	52	Hancock Mechanical Pumphouse
8	Dorm 8	53	Hancock Athletic Center
9	Dorm 9	54	Williams Stadium - Pressbox/ Restrooms (West)
10	Dorm 10	55	Williams Stadium - Restrooms (East)
11	Dorm 11	56	Williams Stadium Field House
12	Dorm 12	57	Track - Mechanical Pumphouse
13	Dorm 13	58	Student Center/ David's Place
14	Dorm 14	59	LBN Earth Station
15	Dorm 15	60	Campus Checkpoint
16	Dorm 16	61	Security Headquarters
17	Dorm 17	62	Vines Center
18	Dorm 18	63	Reber Thomas Dining Hall
19	Dorm 19	64	Williams Stadium - Visitors Locker/ Storage
20	Dorm 20	65	Family Life Center
21	Dorm 21	66	SOR Temporary Offices
22	Dorm 22		
23	Dorm 23		
24	Senior Dorm Laundry		
25	Dorm 25		
26	Dorm 26		
27	Dorm 27		
28	Dorm 28		
29	Dorm 29		
30	Dorm 30		
31	Dorm 31		
32	Dorm 32		
33	Liberty Bell		
34	Science Hall		
35	Applied Science		
36	Student Service Center		
37	Schilling Center		
38	Light Medical		
39	Communications		
40	Grounds/Greenhouse		
41	Printing Services		
42	Teachers Education		
43	LBN/TV Education/D&E Connection		
44	Fine Arts		
45	Demoss Learning Center		



SITE PLAN

PARKING SPACE SUMMARY

PARKING LOCATION	EXISTING PARKING	POST CONSTRUCTION PARKING
P-1	949	960
P-2	1,430	990
P-2A	14	14
P-3	0	42
P-4	149	25
P-5	187	187
P-5A	304	304
P-6	56	56
P-7	41	41
P-8	52	59
P-9	69	69
P-10	10	10
P-11	34	34
P-12	33	33
P-13	108	108
P-14	64	64
P-15	58	58
P-16	939	939
P-16A	93	93
P-17	875	875
P-18	12	12
P-19	0	110
P-20	0	158
TOTAL	4542	4739

OVERALL PARKING TABULATION
 1939 VARIANCE - 3300 PS FOR VINES/STADIUM
 571 PS FOR STUDENT POPULATION OF 3426
 (1/4 STUDENTS)
 4471 PS REQUIRED
 2001 PARKING - 4739 PS PROPOSED
 3426 1939 STUDENT POPULATION
 3236 2001 STUDENT POPULATION
 LESS STUDENTS THAN 1939 POPULATION, THEREFORE
 PARKING SPACES OF 4542 OR 4739 AFTER CONSTRUCTION
 DO NOT EXCEED 4471 REQUIRED.

REVISIONS

1	ADD P-19
2	ADD P-20
3	ADD P-18
4	ADD P-17
5	ADD P-16
6	ADD P-15
7	ADD P-14
8	ADD P-13
9	ADD P-12
10	ADD P-11
11	ADD P-10
12	ADD P-9
13	ADD P-8
14	ADD P-7
15	ADD P-6
16	ADD P-5
17	ADD P-4
18	ADD P-3
19	ADD P-2
20	ADD P-1

LIBERTY UNIVERSITY
 3765 CANDLER'S MOUNTAIN ROAD
 LYNCHBURG, VIRGINIA 24506
 BUILDING NO. 1 THRU 66

LIBERTY UNIVERSITY
 FIELD OPERATIONS DIVISION - ENGINEERING DEPARTMENT
 R.D. BOX 1378
 LYNCHBURG, VA 24506-1378, (804) 522-7633

SITE PLAN-BUILDING & PARKING LOT INDEX
 SCALE: 1"=200' DATE: 8/21/93 PROJECT: 19527
 DRAWN: WHM, DESIGNED: APP: WHM

REV: 9/2001 10-7-01
 3/11/98 REV: 3/27/93
 45-7599 4/1/98

RECEIVED
 OCT 03 2001
 COMMUNITY PLANNING
 & DEVELOPMENT

[illegible]

EXISTING	
MAIN CAMPUS (1990-1995 ADDITION)	= 4811 SPACES
CAMPUS EAST	= 700 SPACES
PROPOSED PARKING LOT A	= 600 SPACES
EXISTING PARKING LOT B	= 1690 SPACES
EXISTING GRAVEL AREA TO BE USED AS PARKING LOT C	= 549 SPACES
PROPOSED PARKING LOT D	= 02 SPACES
PROPOSED PARKING LOT E	= 101 SPACES
TOTAL SPACES = 8000 SPACES	



VICINITY MAP



- LÄSUNG/LÖSUNG PROZESS
- PROZESS BEWERTUNG
- PROZESS DER PROZESS BEWERTUNG
- PROZESS BEWERTUNG
- PROZESS BEWERTUNG



JOURNAL OF TITLE PAPER 1 (00.01 (Aa.) (120-01-00)
 OFF. COV. 120
 DATE 00.00000000

SOURCE OF TITLE: PARCEL 4 (17-21166-1) (31) 412 ONE
 OFF OFF, LLC
 (UNIT 40) (00000000)

JOURNAL OF TITLE FIDELITY (1.00100) (100-00-00)
 JEFF (11), 110
 JEFF (11), 110

SOURCE OF TITLE: MAIN CAMPAIGN (100.0014a) (2071-1, 2, 3 & 4) &
(2002-1-1002)
LIBERTY UNIVERSITY, INC
ONE 774 E. 2ND

SOURCE OF TITLE: MAIN CAMPUS (1.00000) (101-0-1)
LIBERTY UNIVERSITY, INC.

LIBRARY OF THE
LIBERTY UNIVERSITY, INC.
2501 N. 19TH AVE. SUITE 100
FARMINGTON, CT 06030-3209

SOURCE OF TITLE: D. 601A6, 1390-01-00
 FOREIGN LIBRARY PARTNERS
 100-100-10-100

SOURCE OF TITLE: SI.SINGA.1000-1-1
 FREEDOM LIBERTY PATRONS!
 THE YEAR IS 1940

LIBRARY UNIVERSITY, INC.
200 N. 10TH ST. #2
MINNEAPOLIS, MN 55401

SOURCE OF TITLE: 14-8433a (2001-1-2)
LIBRARY UNIVERSITY, INC
DOI: 10.2590/2001-1-2

SOURCE OF TITLE: (2003-1-1)
 SUBJECT INVOLVEMENT AT LYNCHBURG, LEO
 INTL NO. 00000000

PROPERTY OF
GDT COI, LLC,
LIBERTY UNIVERSITY, INC.,
FREEDOM LIBERTY PARTNERS
& HOSTIC DEVELOPMENT AT
LYNCHBURG, LLC
CITY OF LYNCHBURG,
VIRGINIA

MAKING ATE PLAN FOR ADDRESSING
A CHRONICAL IRR FRUSTRATION

CHIRRE 2013 : 0000407
 DATE: 20070820
 FILE NO: AR-000407
 SYSTEM: CUB
 RELEASE: 1 * = END
 DATA CULL: 00000000



ACRES OF VIRGINIA, INC.
SURVEYORS-ENGINEERS-PLANNERS & SOIL CONSULTANTS
404 CLAY STREET LYNCHBURG, VIRGINIA, 24504
OFFICE (434) 520-4074 FAX (434) 845-1045
EMAIL: SERVIC@ACV.COM
WEB ADDRESS:
WWW.ACVIRGINIA.COM

	非货币性资产	公允价值
1	OTHER RECEIVABLES	100/100/100
2	INVENTORY	100/100/100
3	ACCOUNTS	100/100/100
4	PROPERTY, PLANT AND EQUIPMENT	100/100/100



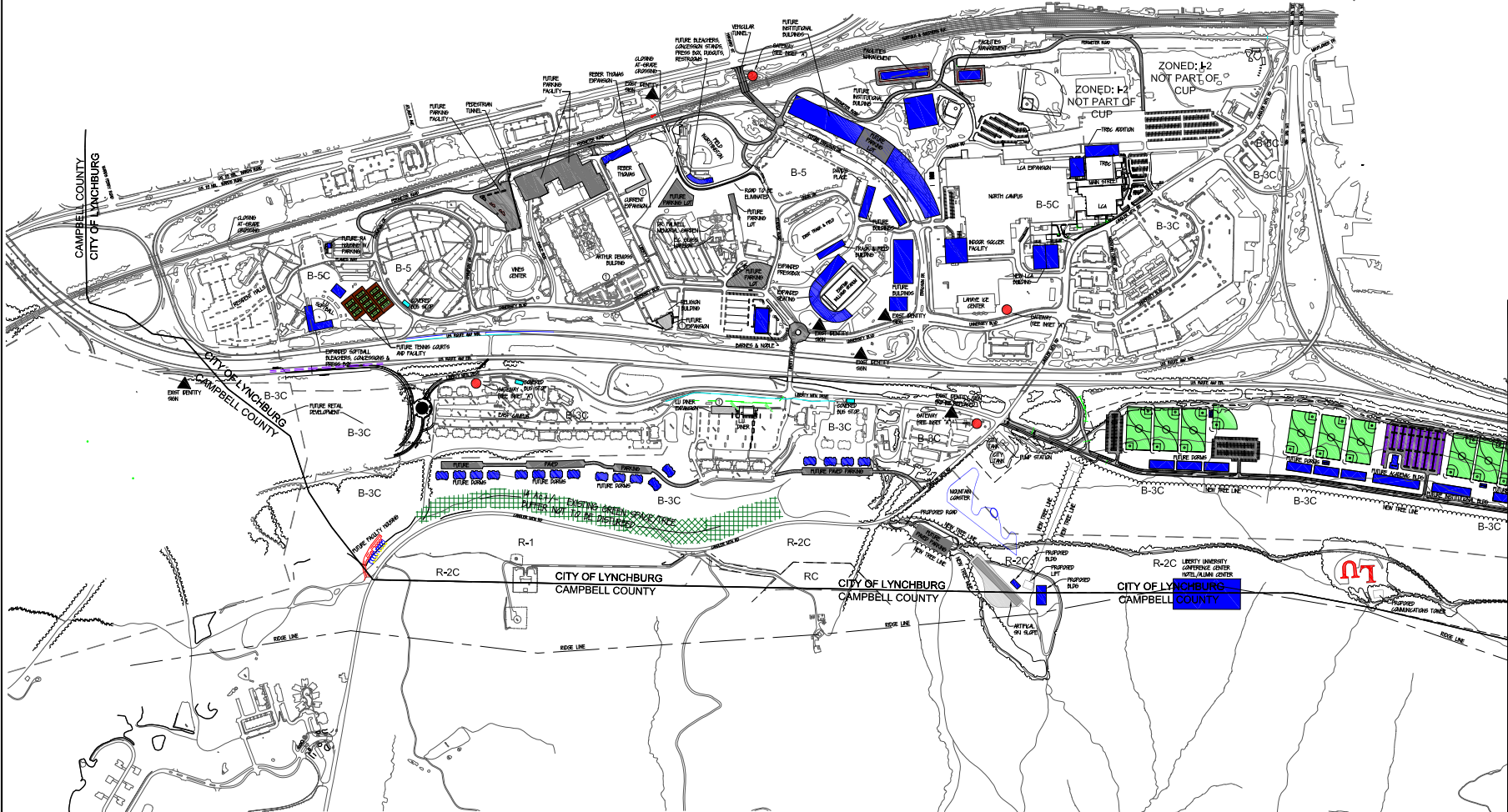
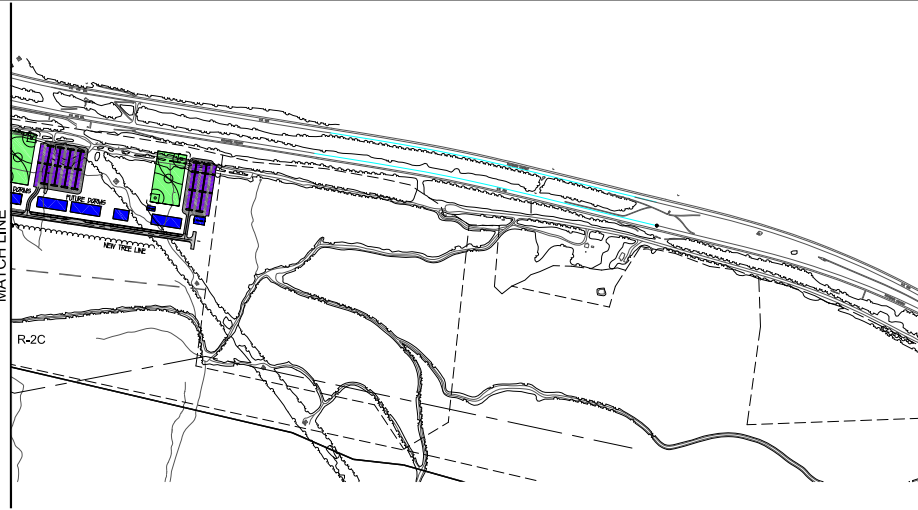
INSET "A"
NOT TO SCALE

- PRECAST CONCRETE SLABS
- PRECAST CONCRETE W/LETTERING
- BRICK COLUMNS
- CONCRETE BASE

LEGEND

- PROPERTY LINES
- CITY/COUNTY LINE
- PROPOSED BUILDINGS/STRUCTURES
- PROPOSED PAVED AREAS
- TREE BUFFER (NOT TO BE DISTURBED)
- UNDER CONSTRUCTION
- CITY OF LYNCHBURG
- CAMPBELL COUNTY

MATCH LINE



MASTER PLAN - CONDITIONAL USE PERMIT
SCALE: 1" = 100'

MATCH LINE



CONSULTANTS



JOB:

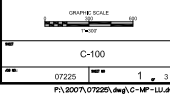
FUTURE LAND USE MAP
LIBERTY UNIVERSITY CUP
CITY OF LYNCHBURG, VIRGINIA

CLIENT:



4/14/05	PER CITY COMMENTS
5/28/05	PER CITY COMMENTS
12/03/07	ISSUE
CONTOUR INTERVAL:	
DESIGNED BY:	NBW
DRAWN BY:	RAF
CHECKED BY:	NBW

MASTER PLAN
CONDITIONAL USE PERMIT



PROPERTY LINES	
CITY/COUNTY LINE	
PROPOSED BUILDINGS/STRUCTURES	
PROPOSED PAVED AREAS	



JOB:

CONCEPTUAL PLAN - 15,000 TO 25,000 STUDENTS
LIBERTY UNIVERSITY CUP
CITY OF LYNCHBURG, VIRGINIA

CLIENT:

LIBERTY
UNIVERSITY

	4/14/06	PER CITY COMMENTS
	3/28/06	PER CITY COMMENTS
MARK	DATE	DESCRIPTION
ISSUE:		12/03/07
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DRAWN BY:	RAF	
CHECKED BY:	NBW	

CONCEPTUAL MASTER PLAN

0 SCALE 600

-100

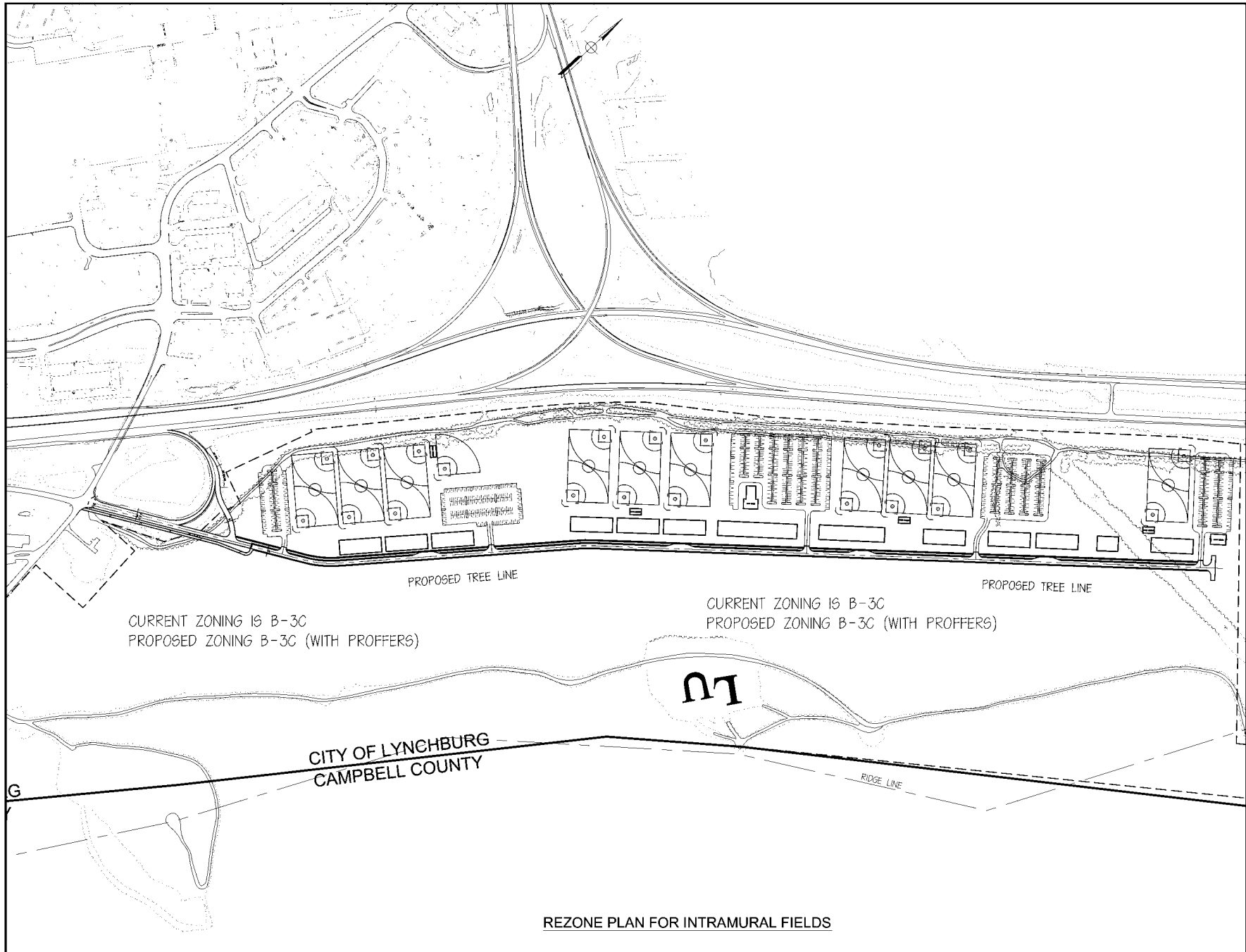
2007\07225\dwg\C-MP-LU.dwg

2007\07225\dwg\C-MP-LU.dwg

CONCEPTUAL PLAN - 15,000 TO 25,000 STUDENTS

$$\frac{N = 15,000}{\text{SCALE } \Gamma = 100}$$

EXISTING LIBERTY RIDGE (40 ACRES)
STUDENT HOUSING
-GRADUATE
-WARRIOR
-PROFESSIONAL



PERKINS & ORRISON
ENGINEERS ▲ PLANNERS ▲ SURVEYORS

30430 LYNCHBURG HIGHWAY, UNIT 1, LYNCHBURG, VIRGINIA 24502
PHONE: 434-525-0885 FAX: 434-525-0271
EMAIL: pro@perkinsorrison.com

CONSULTANTS

JOB:
REZONE PLAN
LIBERTY UNIVERSITY
CITY OF LYNCHBURG, VIRGINIA

CLIENT:
LIBERTY
UNIVERSITY

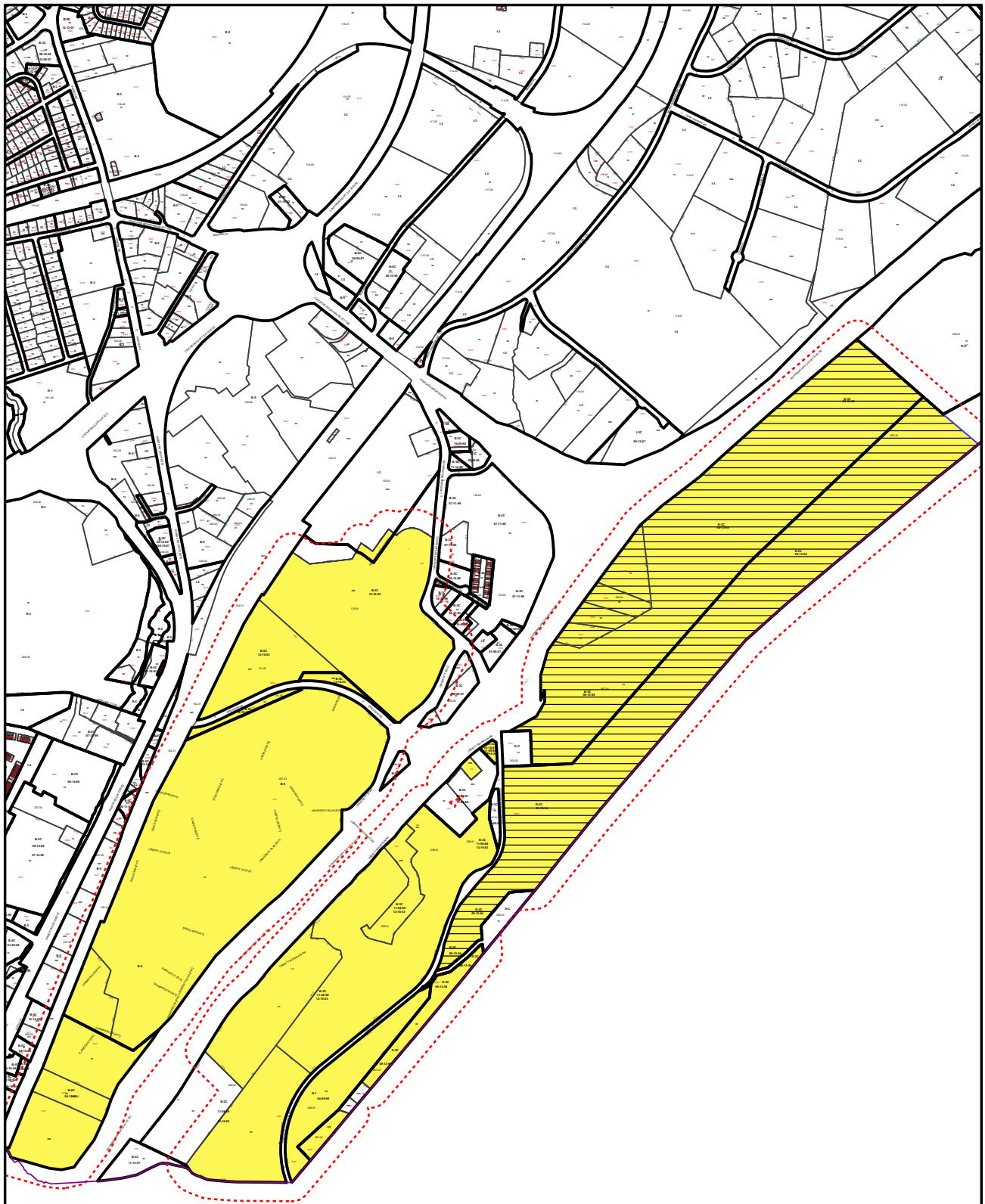
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SHEET TITLE
REZONE PLAN

C-100

07225 1 1

REZONE PLAN FOR INTRAMURAL FIELDS



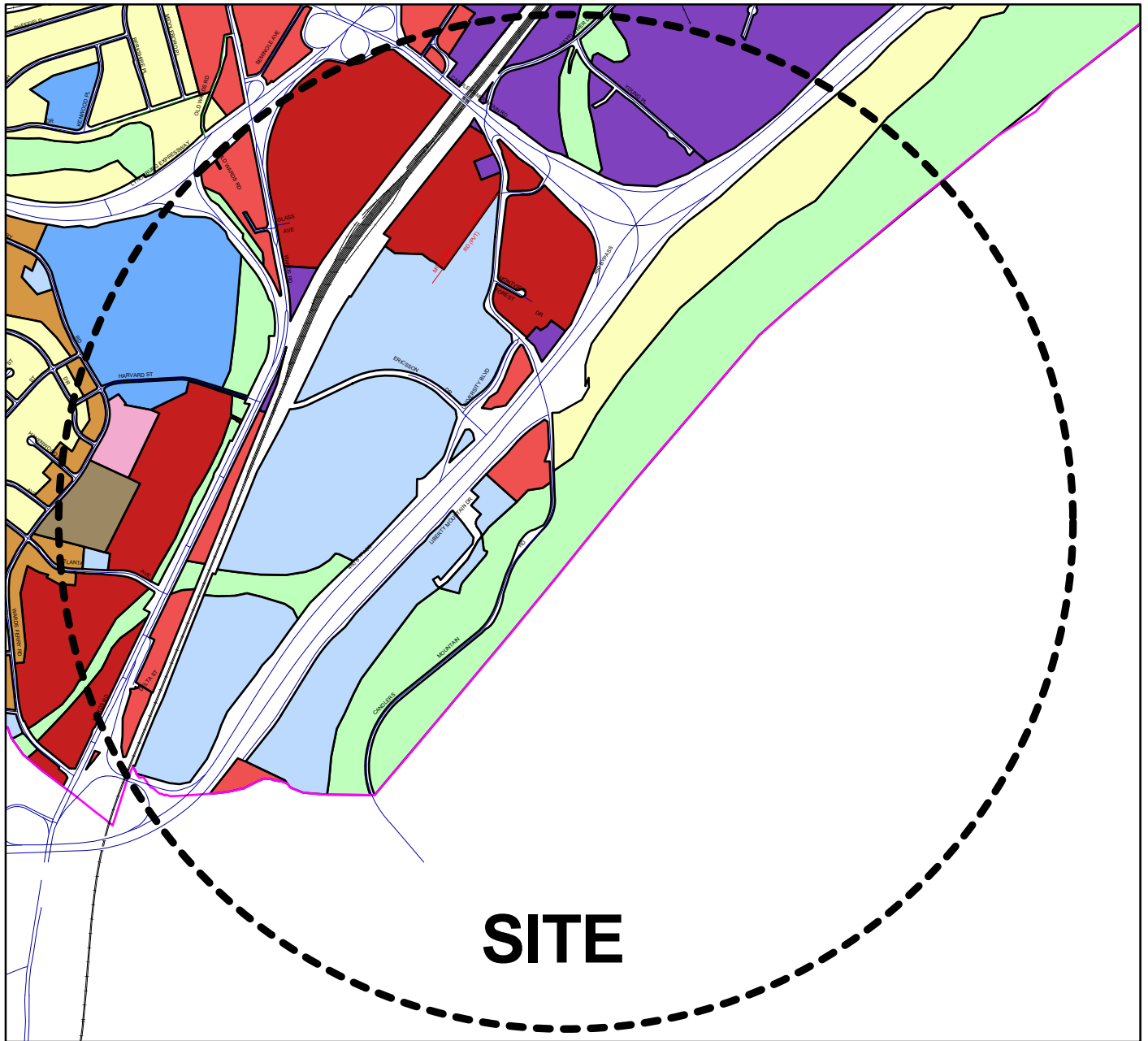
LIBERTY UNIVERSITY
Candlers Mountain Road, Ericsson Drive, Mountain View Road
University Boulevard, Wards Road
Rezoning from R-2C & B-3C to B-3C
Conditional Use Permit Request
Petitioner: Liberty University

MAP PREPARED BY
THE DEPARTMENT OF COMMUNITY DEVELOPMENT

 Proposed Rezoning
 Proposed CUP
 200 ft Radius

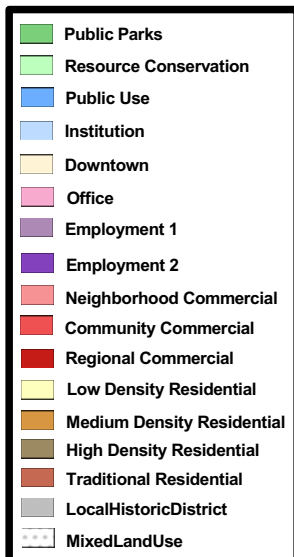
LIBERTY UNIVERSITY ADJOINING OWNERS

PIN	OWNER	LOCADDR
13001002	THOMAS ROAD BAPTIST CHURCH	100 MOUNTAIN VIEW RD
13001003	THOMAS ROAD BAPTIST CHURCH	1001 ERICSSON DR
13001004	THOMAS ROAD BAPTIST CHURCH	3701 CANDLERS MOUNTAIN RD
13002002	LYNCHBURG LODGING INC	3730 CANDLERS MOUNTAIN RD
13002004	CANDLERS STATION II LP	3700 CANDLERS MOUNTAIN RD
13002005	TRU 2005 RE I LLC	3700 CANDLERS MOUNTAIN RD
13002006	B N E RESTAURANT GROUP IV LL	3750 CANDLERS MOUNTAIN RD
13002007	LYNCHBURG LODGING INC	3736 CANDLERS MOUNTAIN RD
13002008	LYNCHBURG INVESTMENTS LLC	3744 CANDLERS MOUNTAIN RD
13002014	CUBE ENTERPRISES LLC	3760 CANDLERS MOUNTAIN RD
13002023	J D N REALTY CORPORATION C/O DDRC - PROPERTY TAX DEPT	3724 CANDLERS MOUNTAIN RD
13005001	THOMAS ROAD BAPTIST CHURCH	1900 UNIVERSITY BLVD
13005002	THOMAS ROAD BAPTIST CHURCH	1920 UNIVERSITY BLVD
13005003	BRE/ESA P PORTFOLIO LLC ATTN: FRANCES PARKER	1910 UNIVERSITY BLVD
13101001	THOMAS ROAD BAPTIST CHURCH	1005 ERICSSON DR
13102001	LIBERTY UNIVERSITY INC C/O TERRY LANHAM	1000 ERICSSON DR
16231003	NORFOLK/SOUTHERN CORP C/O LLOYD CLINGENPEEL	3429 CANDLERS MOUNTAIN RD
25701001	LIBERTY UNIVERSITY INC C/O TERRY LANHAM	1971 UNIVERSITY BLVD
25702001	ESC RESTAURANTS INC	4005 WARDS RD
25702003	CFA-NC TOWNRIDGE SQUARE LLC	4003 WARDS RD
25702005	WARDS ROAD PROPERTY LLC	3927 WARDS RD
25702006	MID-ATLANTIC LYNCHBURG LLC	3919 WARDS RD
25702007	SWIFT CREEK CAPITOL LLC	3901 WARDS RD
25702008	GACOMB LLC	3813 WARDS RD
25702009	LIBERTY UNIVERSITY INC C/O TERRY LANHAM	3801 WARDS RD
25702010	LIBERTY UNIVERSITY INC C/O TERRY LANHAM	3761 WARDS RD
25702011	SANDROF NIGEL P & TAMERA Y	3725 WARDS RD
25702013	JAEGER LISA A TRUSTEE C/O JAEGER F/T-D/B/A WASH-N-GO	3809 WARDS RD
25702016	AOG INC	3805 WARDS RD
25801001	LIBERTY UNIVERSITY INC C/O TERRY LANHAM	200 LIBERTY MOUNTAIN DR
25801002	OFFICE PARKS OF LYNCHBURG LLC	3777 CANDLERS MOUNTAIN RD
25801003	LIBERTY UNIVERSITY INC C/O TERRY LANHAM	100 LIBERTY MOUNTAIN DR
25801004	THOMAS ROAD BAPTIST CHURCH INC	124 LIBERTY MOUNTAIN DR
25801005	LIBERTY UNIVERSITY INC C/O TERRY LANHAM	212 LIBERTY MOUNTAIN DR
25801006	LIBERTY MOUNTAIN PROPERTIES LLC	112 LIBERTY MOUNTAIN DR
25802001	CITY OF LYNCHBURG C/O STEVE LAWSON	3770 CANDLERS MOUNTAIN RD
25803001	CREAD LLC	4100 CANDLERS MOUNTAIN RD
25804001	LIBERTY UNIVERSITY INC C/O TERRY LANHAM	1930 UNIVERSITY BLVD
26001001	BOSTIC DEVELOPMENT AT LYNCHBURG LLC C/O DEE DEE LEELOU	300 LIBERTY MOUNTAIN DR
26001002	LIBERTY UNIVERSITY INC C/O TERRY LANHAM	400 LIBERTY MOUNTAIN DR
26001003	LIBERTY UNIVERSITY INC C/O TERRY LANHAM	500 LIBERTY MOUNTAIN DR
26001004	LIBERTY UNIVERSITY INC C/O TERRY LANHAM	5000 CANDLERS MOUNTAIN RD
26001005	LIBERTY UNIVERSITY INC C/O TERRY LANHAM	5001 CANDLERS MOUNTAIN RD
26002001	LIBERTY UNIVERSITY INC C/O TERRY LANHAM	1973 UNIVERSITY BLVD
26002002	LIBERTY UNIVERSITY INC C/O TERRY LANHAM	1975 UNIVERSITY BLVD
26002003	LIBERTY UNIVERSITY INC C/O TERRY LANHAM	1977 UNIVERSITY BLVD
26003001	LAMONDS FRED T & CHARLOTTE M	109 DELTA ST
26003003	WARDS ROAD CORRIDOR LLC	4025 WARDS RD
26003010	BOB EVANS FARMS INC	4011 WARDS RD
26003011	TCB FOODS INC	4017 WARDS RD
26701001	LIBERTY UNIVERSITY INC C/O TERRY LANHAM	4000 CANDLERS MOUNTAIN RD
26701002	UNITED STATES OF AMERICA FEDERAL AVIATION ADMN-ATTN PROPERTY	4530 CANDLERS MOUNTAIN RD
26701003	LIBERTY UNIVERSITY INC C/O TERRY LANHAM	4300 CANDLERS MOUNTAIN RD
26701004	LIBERTY UNIVERSITY INC C/O TERRY LANHAM	4250 CANDLERS MOUNTAIN RD
26701005	LIBERTY UNIVERSITY INC C/O TERRY LANHAM	3797 CANDLERS MOUNTAIN RD
26701006	CITY OF LYNCHBURG	4520 CANDLERS MOUNTAIN RD
26801001	LIBERTY UNIVERSITY INC	800 TOP RIDGE DR
28501001	LIBERTY UNIVERSITY INC C/O TERRY LANHAM	3802 CANDLERS MOUNTAIN RD
28501002	LIBERTY UNIVERSITY INC C/O TERRY LANHAM	3794 CANDLERS MOUNTAIN RD
28501003	LIBERTY UNIVERSITY INC C/O TERRY LANHAM	3778 CANDLERS MOUNTAIN RD
28501004	LIBERTY UNIVERSITY INC C/O TERRY LANHAM	3786 CANDLERS MOUNTAIN RD
Campbell County	LIBERTY UNIVERSITY INC C/O TERRY LANHAM	3786 CANDLERS MOUNTAIN RD
	CAMPBELL CO DEPT OF COMMUNITY DEVELOPMENT C/O PAUL HARVEY	
Owner	LIBERTY UNIVERSITY INC	
Petitioner	LIBERTY UNIVERSITY INC	
Representative	NORM WALTON/PERKINS & ORRISON	



SITE

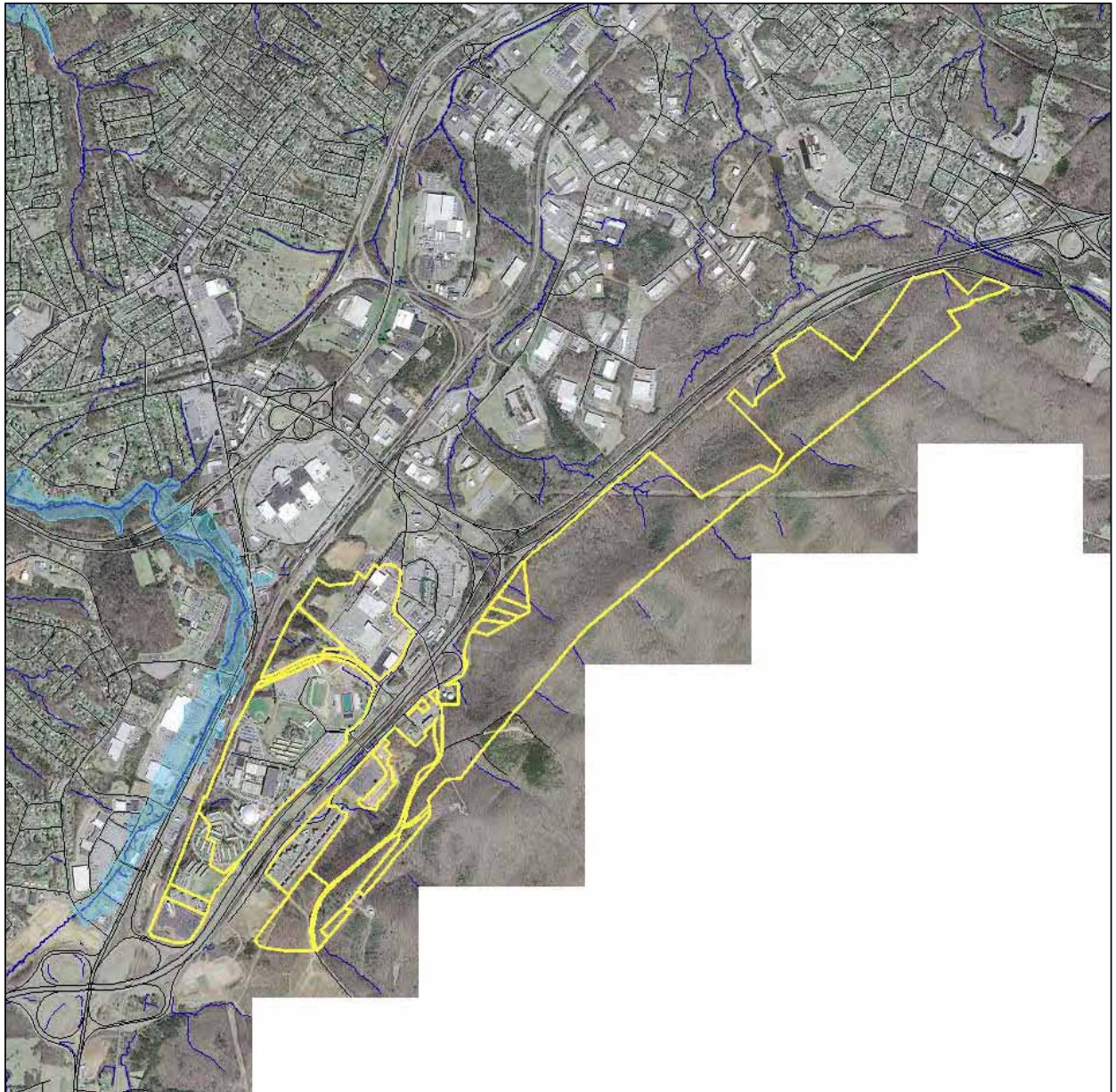
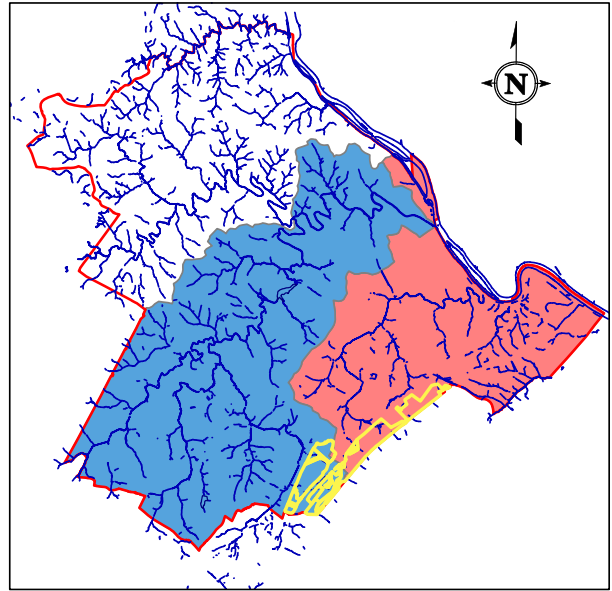
LIBERTY UNIVERSITY CANDLERS MOUNTAIN ROAD, ERICSSON DRIVE, MOUNTAIN VIEW ROAD, UNIVERSITY BOULEVARD, WARDS ROAD LAND USE PLAN



Liberty University Watershed Location Map

Legend

-  Project Site(s)
-  Streets
-  Streams
-  100-Year Floodplain Zone AE
-  Corporate Limits
-  Blackwater Creek Watershed
-  Fishing Creek Watershed



CONSULTANTS

JOB:

FUTURE LAND USE MAP
LIBERTY UNIVERSITY CUP
CITY OF LYNCHBURG, VIRGINIA

CLIENT:

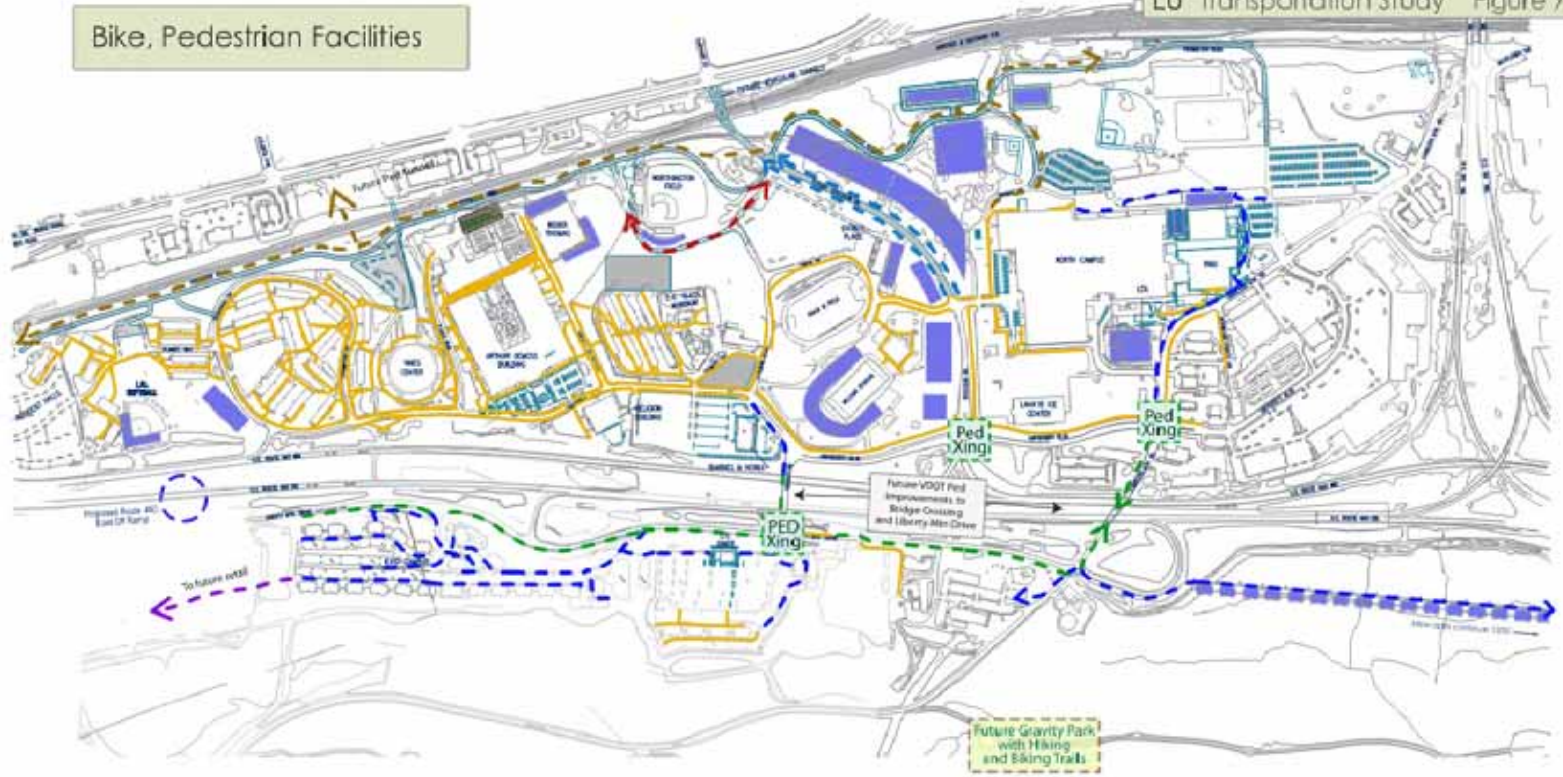
**LIBERTY
UNIVERSITY**

WORK DATE DESCRIPTION
ISSUE: 03/26/06
CONTOUR INTERVAL:
DESIGNED BY:
DRAWN BY:
CHECKED BY:

BIKE & PEDESTRIAN FACILITIES
CONDITIONAL USE PERMIT

Bike, Pedestrian Facilities

LU Transportation Study Figure 7



LEGEND

- Future Development (see Figure 4 for latest future land use plan)
- Future Element
- Future Parking Roads

Bicycle and Pedestrian Facilities- Existing and Future

- Existing Sidewalk / Pedestrian Facilities (approximated, not field surveyed)
- Future Pedestrian Trail along Perimeter Rd.
- Future Sidewalk or Desirable Pedestrian Connections (Future Sidewalk along Bicason Rd. if constructed)
- Future Bike Path
- Future VDOT Sidewalk Facilities (primarily bridge crossings and Liberty Mtn Drive)
- Future Facilities by Others



Add Pedestrian Signal



RENAISSANCE PLANNING GROUP
March 2006

CONSULTANTS

JOB:

FUTURE LAND USE MAP
LIBERTY UNIVERSITY CUP
CITY OF LYNCHBURG, VIRGINIA

CLIENT:

**LIBERTY
UNIVERSITY**

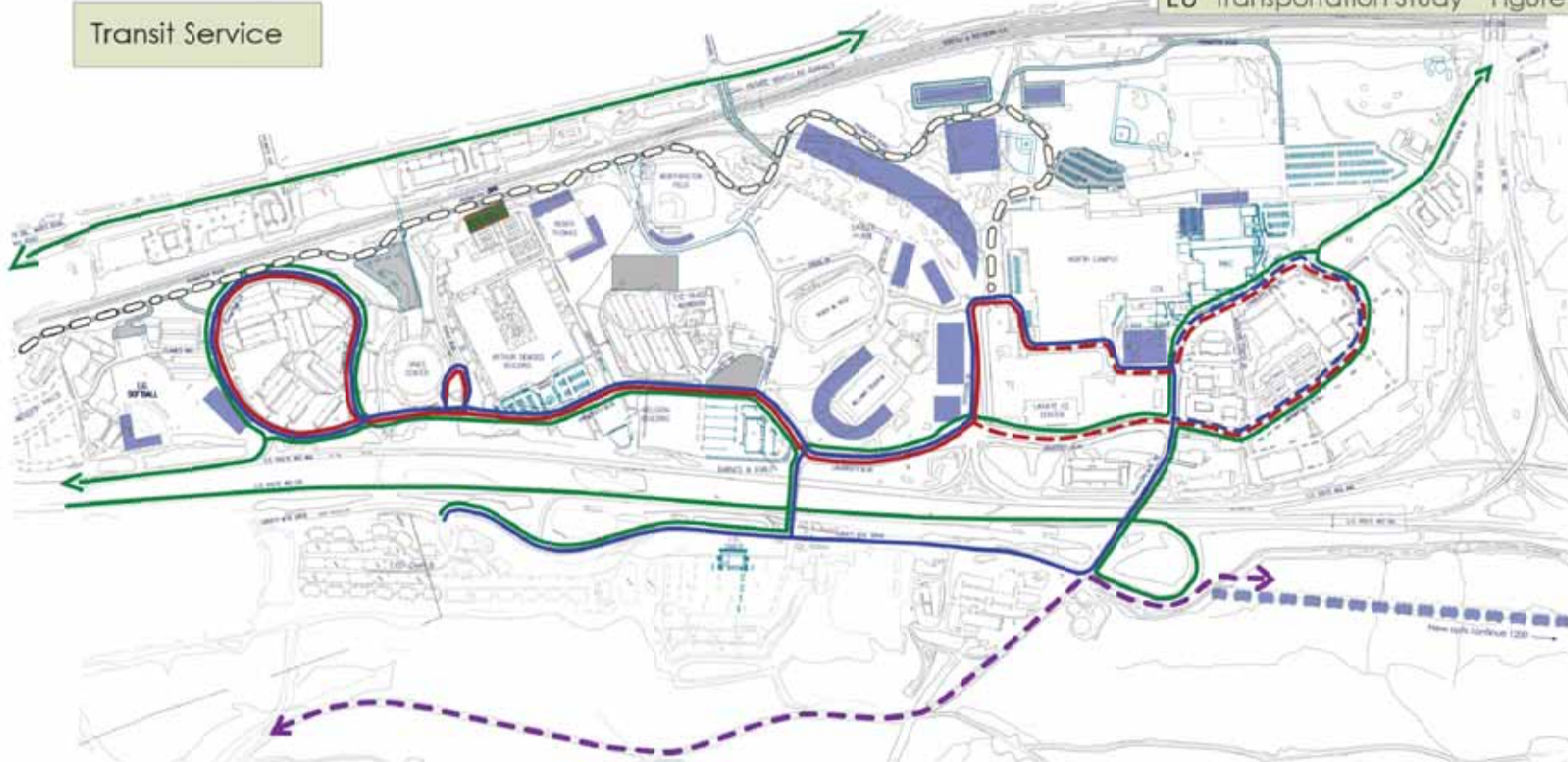
MARK	DATE	DESCRIPTION
ISSUE:	03/26/06	
CONTOUR INTERVAL:		
DESIGNED BY:		
DRAWN BY:		
CHECKED BY:		

TRANSIT SERVICE
CONDITIONAL USE PERMIT

C-100

Transit Service

LU Transportation Study Figure 8



LEGEND

- Future Development (see Figure 4 for latest future land use plan elements)
- Future Element
- Future Parking

Transit Service - Existing and Future

- LU Transit - Existing Blue Line (dashed indicates different time schedules).
- LU Transit - Existing Red Line (dashed indicates different time schedules).
- LU Transit - Existing Green Line.
- LU Transit - Future Purple Line (follows green with extension south).
- LU Transit - Future White line (follows future Perimeter Road).



LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **June 10, 2008**

AGENDA ITEM NO.: 7

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Public Hearing to Transfer Funds from the Sewer Operating Fund to the Sewer Capital Project Fund**

RECOMMENDATION:

Hold a public hearing and adopt a resolution to amend the FY 2008 Sewer Operating and Capital Projects Fund budgets and appropriate up to \$3,000,000 from the Sewer Operating Fund to the Sewer Capital Projects Fund for additional capital projects.

SUMMARY:

Based on current financial projections for fiscal year end, the transfer of excess revenues from the Sewer Operating Fund to the Sewer Capital Project Fund for additional capital projects is needed. A transfer of up to \$3,000,000 is required to meet the Combined Sewer Overflow Special Order requirement of no more than 25% in the fund reserve. State Code requires a public hearing for budget amendments in excess of 1% of the total adopted budget; the FY 2008 total adopted budget is \$294 million.

PRIOR ACTION(S):

Finance Committee, May 6, 2008

Finance Committee, June 3, 2008

FISCAL IMPACT:

Increase in Capital Project spending in the Sewer Fund.

CONTACT(S):

Tim Mitchell, Director of Utilities, 455-4252

ATTACHMENT(S):

Resolution

REVIEWED BY: bms

Resolution:

BE IT RESOLVED that the FY 2008 Sewer Operating and Capital Projects Fund budgets are amended and up to \$3,000,000 appropriated from the Sewer Operating Fund to the Sewer Capital Projects Fund for additional capital projects.

Introduced:

Adopted:

Certified:

Clerk of Council

075L

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **June 10, 2008**

AGENDA ITEM NO.: 8

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Amendment to Section 37-109 of the City Code to Authorize a Taxicab Fuel Surcharge**

RECOMMENDATION: Adopt an amendment to Section 37-109 of the City Code to provide for a one dollar (\$1.00) fuel surcharge to offset the high costs of gasoline.

SUMMARY: As directed by Council during its May 27 Work Session, attached is a proposed amendment to the City Code authorizing a one dollar (\$1.00) surcharge on each taxicab fare to offset the high costs of gasoline. The proposed amendment provides no provision for automatic repeal. Also attached is a copy of the May 27 Council Agenda Item Summary.

PRIOR ACTION(S): Fares were last amended by Council on August 9, 2005; the proposed surcharge was discussed at Council's May 27, 2008 Work Session.

FISCAL IMPACT: None

CONTACT(S): Kimball Payne, 455-3990

ATTACHMENT(S): Agenda Item Summary from the May 27, 2008 Work Session; Proposed Ordinance; Information sheet from cab companies regarding average miles

REVIEWED BY: lkp

ORDINANCE

AN ORDINANCE TO AMEND AND REENACT SECTION 37-109 OF THE CODE OF THE CITY OF LYNCHBURG, 1981, THE AMENDED SECTION RELATING TO THE CHARGING OF A FUEL COST SURCHARGE BY THE CITY'S TAXICABS.

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

1. That Section 37-109 of the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted as follows:

Sec. 37-109. Rates.

The rates to be charged passengers by owners or drivers of taxicabs shall be as provided in this section and it shall be unlawful for an owner to permit or a driver to make any greater or lesser charges for the transportation of passengers and luggage than the following charges:

(a) Trip rates.

(1) Mileage basis.

For the first one-ninth mile, or fraction thereof--\$1.80

For each succeeding one-ninth mile, or fraction thereof--0.25

(2) Waiting time. For each minute of waiting time, or fraction thereof, after the first three (3) minutes--0.50 or \$30.00 per hour waiting time

(b) Hourly rates. When hired on an hourly basis for one (1) or more passengers, per hour--30.00

(c) Trunks or footlockers. For transporting trunks or footlockers along with passengers, each piece--1.00

(d) Hand luggage.

(1) For each hand baggage in excess of two (2) bags per passenger, each additional bag--0.10

(2) For packages without a passenger, each--1.00

(e) Bags weighing one hundred (100) pounds, or over.

For each piece of baggage weighing one hundred (100) pounds, or over--1.00

(f) For transporting pets, other than seeing-eye dogs, an additional charge for each pet--1.50

(g) Two (2) or more passengers. An extra charge of twenty cents (\$0.20) per passenger shall be made for each additional passenger traveling together and discharged along the route or at the same destination.

(1) Should the first person taken into a taxicab for transportation permit the driver to allow another or others traveling in the same direction to be transported in the same taxicab with him, pursuant to Section 37-24, the passenger first arriving at his destination shall pay in accordance with the meter charge at that point, plus an extra charge of twenty cents (\$0.20) for each additional passenger transported and discharged at that destination, whereupon the driver of the taxicab shall immediately clear his meter and set the same for immediate operation for the next passenger, who shall pay the meter charge upon arrival at his destination, plus an extra charge of twenty cents (\$0.20) for each additional passenger transported and discharged at that destination. The same method shall be followed for each succeeding passenger.

(2) When two (2) or more passengers are bona fide traveling together and engage a taxicab to different destinations, the charge shall be made as if the taxicab were hired for one (1) passenger for the last destination, plus an extra charge of twenty cents (\$0.20) for each additional passenger transported.

(h) Passengers to points beyond city limits. For transportation of passengers from the city to points beyond the city limits, the rates set out in this section shall be applicable only to so much of such trip as is within the city limits.

(i) In order to ensure payment of fares, drivers may request a security deposit of no more than five dollars (\$5.00) prior to accepting a passenger. The difference between such deposit and the actual fare shall be refunded to the passenger.

(j) Fuel cost surcharge. Effective July 1, 2008, a surcharge of one dollar (\$1.00) shall be added to the current meter charge for each trip.

2. That this ordinance shall become effective July 1, 2008.

Adopted:

Certified:

Clerk of Council

070L

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 27, 2008, Work Session**

AGENDA ITEM NO.: **3**

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: Request From Taxi Cab Operators for a One Dollar per Fare Surcharge to Offset High Fuel Costs

RECOMMENDATION: Authorize the drafting of an amendment to Section 37-109 of the City Code to authorize taxi cab operators to charge a one dollar (\$1.00) surcharge per fare, in addition to the customary rates, to offset high fuel costs.

SUMMARY: The attached letter from Mr. Robert E. Williams, representing City cab companies seeks permission to assess a one dollar (\$1.00) surcharge per fare to offset high fuel costs. Taxicab rates are set by Section 37-109 of the City Code (copy attached) which would have to be amended to allow the surcharge.

Attached is a copy of the relevant section of the Roanoke City Code that was provided as an example of the authority being sought by the cab operators. Paragraph (g) (4) at the bottom of the page is the relevant section.

If Council wishes to consider an amendment to allow the fuel surcharge the following guidance is needed:

- What should be the effective date of the surcharge?
- Should there be a provision for the City Manager to direct repeal of the surcharge?
- Should repeal of the surcharge authority be tied to some future price of gasoline? If not, should there be some other event that would trigger repeal?

Representatives of the cab companies plan to attend Council's work session and may provide additional information.

PRIOR ACTION(S): Fares were last amended by Council on August 9, 2005.

FISCAL IMPACT: None

CONTACT(S): Kimball Payne, 455-3990

ATTACHMENT(S): Letter from cab operators, Section 37-109 of the City Code, Excerpt from the Roanoke City Code

REVIEWED BY: lkp

April 30, 2008

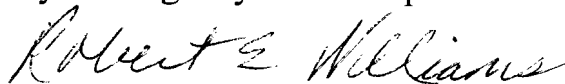
Robert E. Williams
T/A Gray Top Cab Company
1618 Floyd Street
Lynchburg, VA 24501
(434) 845-7269

I, Robert Williams, am representing all Lynchburg City Cab Companies. Namely, Allied Cab Company, City Cab Company, Hill City Cab Company and Gray Top Cab Company. Representatives from these companies met on April 29, 2008 to discuss the high price of gas. These prices are putting a tremendous burden on us and we are requesting a \$1.00 (one dollar) surcharge on each fare to help ease this burden.

We are bringing this request to the City Managers Office to get it on the City Council's docket as soon as possible.

Thank you for your timely attention to this matter.

Lynchburg City Cab Companies

A handwritten signature in cursive script that reads "Robert E. Williams".

Robert E. Williams, Representative

Excerpt from the Lynchburg City Code re Taxicabs

Sec. 37-109. Rates.

The rates to be charged passengers by owners or drivers of taxicabs shall be as provided in this section and it shall be unlawful for an owner to permit or a driver to make any greater or lesser charges for the transportation of passengers and luggage than the following charges:

(a) Trip rates.

(1) Mileage basis.

For the first one-ninth mile, or fraction thereof--\$1.80

For each succeeding one-ninth mile, or fraction thereof--0.25

(2) Waiting time. For each minute of waiting time, or fraction thereof, after the first three (3) minutes--0.50 or \$30.00 per hour waiting time

(b) Hourly rates. When hired on an hourly basis for one (1) or more passengers, per hour--30.00

(c) Trunks or footlockers. For transporting trunks or footlockers along with passengers, each piece--1.00

(d) Hand luggage.

(1) For each hand baggage in excess of two (2) bags per passenger, each additional bag--0.10

(2) For packages without a passenger, each--1.00

(e) Bags weighing one hundred (100) pounds, or over.

For each piece of baggage weighing one hundred (100) pounds, or over--1.00

(f) For transporting pets, other than seeing-eye dogs, an additional charge for each pet--1.50

(g) Two (2) or more passengers. An extra charge of twenty cents (\$0.20) per passenger shall be made for each additional passenger traveling together and discharged along the route or at the same destination.

(1) Should the first person taken into a taxicab for transportation permit the driver to allow another or others traveling in the same direction to be transported in the same taxicab with him, pursuant to Section 37-24, the passenger first arriving at his destination shall pay in accordance with the meter charge at that point, plus an extra charge of twenty cents (\$0.20) for each additional passenger transported and discharged at that destination, whereupon the driver of the taxicab shall immediately clear his meter and set the same for immediate operation for the next passenger, who shall pay the meter charge upon arrival at his destination, plus an extra charge of twenty cents (\$0.20) for each additional passenger transported and discharged at that destination. The same method shall be followed for each succeeding passenger.

(2) When two (2) or more passengers are bona fide traveling together and engage a taxicab to different destinations, the charge shall be made as if the taxicab were hired for one (1) passenger for the last destination, plus an extra charge of twenty cents (\$0.20) for each additional passenger transported.

(h) Passengers to points beyond city limits. For transportation of passengers from the city to points beyond the city limits, the rates set out in this section shall be applicable only to so much of such trip as is within the city limits.

(i) In order to ensure payment of fares, drivers may request a security deposit of no more than five dollars (\$5.00) prior to accepting a passenger. The difference between such deposit and the actual fare shall be refunded to the passenger. (Ord. of 7-22-75, § 31-72; Ord. of 6-26-79; Ord. No. O-82-213, § 1, 10-12-82; Ord. No. O-90-284, 9-11-90; Ord. No. O-99-091, 5-11-99, eff. 6-1-99; Ord. No. O-05-103, 8-9-05)

DIVISION 4. FARES

Sec. 34-129. "Waiting time" defined.

For the purposes of this division, "waiting time" shall include the time a public vehicle is stopped in traffic or at the direction of the passenger or whenever the vehicle slows to a speed at which the charges under the distance rates prescribed in this division are less than the charge for the time rate, but shall not include the first three (3) minutes of the time of arrival at the place to which the vehicle has been called or time of waiting caused by a premature response to a call.

(Code 1956, Tit. XIX, Ch. 1, § 18; Ord. No. 23382, 12-13-76)

Sec. 34-130. Rate schedule.

(a) The rates for taxicab and for-hire automobile service within the city shall be such as are established from time to time by ordinance of the council of the city. No different rates shall be charged or collected for such service.

(b) The rates to be charged and collected for taxicab service shall be determined by accurate taximeters.

(c) The rates to be charged and collected for for-hire automobile service shall be determined by accurate odometers.

(d) Waiting time shall include the time the vehicle is stopped in traffic or stopped at the direction of the passenger. It shall also include time when the vehicle slows to a speed at which the charges under the distance rates are less than the charge for the time rates.

Waiting time shall not include the first three (3) minutes after the vehicle has arrived at the destination to which it was called.

(e) When calls to a place of pick up are made to a taxicab or for-hire vehicle located at a stand, no charge shall be made until the taxicab or for-hire automobile arrives at the point of pickup.

(f) When a charge is made for waiting time, there shall be no charge for mileage.

(g) The rates for services rendered by taxicabs and for-hire automobiles shall be as follows:

(1) *Distance rates:*

a. For the first one-eighth (1/8) mile or fraction thereof, two dollars and eighty cents (\$2.80).

b. For each additional one-eighth (1/8) mile or fraction thereof, twenty cents (\$0.20).

(2) *Time rates:* For each forty (40) seconds of waiting time, twenty cents (\$0.20). While a charge is made for waiting time, there shall be no charge for mileage under the foregoing distance rates.

(3) *Extra passengers:* For each additional passenger, thirty cents (\$0.30).

(4) Effective May 1, 2006, a surcharge of one dollar (\$1.00) may be added to the current meter charge for each trip. Such surcharge shall be included on the rate card posted in each public vehicle. Such surcharge may remain in effect until such time as the city manager notifies holders of permits for taxicab and for-hire service that the surcharge is to be removed, in which case no surcharge shall be charged or included on the rate card after the first day of the following month. The city manager shall send such notice at such time as the city manager determines that the average cost per gallon of regular unleaded

self-service gasoline in the city as published by the American Automobile Association drops below two dollars (\$2.00) per gallon for a consecutive six-month period.

(h) A schedule of rates of those providing van service shall be filed with the city manager. These rates shall be subject to review by city council, from time to time at its discretion.

(Code 1956, Tit. XIX, Ch. 1, § 18; Ord. No. 23382, 12-13-76; Ord. No. 24749, §§ 1, 2, 7-23-79; Ord. No. 25362, 11-10-80; Ord. No. 25868, § 3, 12-28-81; Ord. No. 27230, 10-8-84; Ord. No. 27713, § 1, 8-12-85; Ord. No. 27774, § 1, 8-26-85; Ord. No. 30270, § 1, 10-15-90; Ord. No. 34847, § 1, 6-5-00; Ord. No. 36697, § 1, 5-20-04; Ord. No. 37361, § 1, 4-17-06)

Charter references: Authority of city to regulate rates charged by taxicabs, § 2(12).

Sec. 34-131. No charge until vehicle arrives at pickup point.

When calls are made by a public vehicle from the stand to a residence or other place of pickup, no charge shall be made until the vehicle arrives at the point of pickup.

(Code 1956, Tit. XIX, Ch. 1, § 18; Ord. No. 23382, 12-13-76)

Sec. 34-132. Posting.

There shall be posted in a conspicuous place inside each public vehicle, printed in legible type, a card showing the rates of fare prescribed to be charged for the use thereof.

(Code 1956, Tit. XIX, Ch. 1, § 19)

Sec. 34-133. Prepayment may

6. REPORTS OF OFFICERS:

a. CITY MANAGER:

BRIEFINGS:

- Status Report – Affirmative Action – 15 minutes
and Diversity Initiatives for Calendar Year 2006
 - Fiscal Year 2007 Recommended Budget – 30 minutes
- File #60-184**

ITEMS RECOMMENDED FOR ACTION:

1. Acceptance of Fireman's Fund Heritage Program Grant funds, in the amount of \$50,000.00, from the Fireman's Fund Insurance Company; and appropriation of funds.
Adopted Budget Ordinance No. 37359-041706 and Resolution No. 37360-041706. (7-0)
File #60-70-236
2. Amendment of the City Code to provide for the addition of a \$1.00 fuel surcharge to the current meter price charged for taxicab and for-hire automobile service, effective May 1, 2006.
Adopted Ordinance No. 37361-041706. (7-0)
File #24-47
3. Execution of an Agreement with the Western Virginia Workforce Development Board to provide grant funded employee status, including benefits for full time employees, to staff the Western Virginia Workforce Development Board.
Adopted Resolution No. 37362-041706. (7-0)
File #60-72-236

June 2008

Odometer Readings

Trips	Pd. Miles	Total Miles
(1) 17	42.70 Av. 2.51 miles	96.03 Av. 5.64 miles
(2) 19	47.95 Av. 2.52 miles	118.01 Av. 6.21 miles
(3) 24	40.71 Av. 1.69 miles	91.67 Av. 3.82 miles
(4) 25	46.66 Av. 1.86 miles	129.81 Av. 5.19 miles
(5) 19	39.64 Av. 2.08 miles	95.72 Av. 5.03 miles
(6) 16	32.49 Av. 2.03 miles	78.86 Av. 4.92 miles
(7) 19	52.40 Av. 2.76 miles	113.26 Av. 5.96 miles
(8) 18	36.39 Av. 2.02 miles	79.83 Av. 4.43 miles

(9) 15	41.87 Av. 2.79 miles	89.32 Av. 5.95 miles
(10) 28	53.69 Av. 1.91 miles	116.76 Av. 4.17 miles
(11) 19	38.49 Av. 2.02 miles	104.86 Av. 5.51 miles
(12) 15	35.60 Av. 2.37 miles	95.17 Av. 6.34 miles
(13) 13	35.31 Av. 2.71 miles	72.42 Av. 5.57 miles
(14) 12	33.11 Av. 2.75 miles	83.17 Av. 6.93 miles

Average distance of each trip 2.09 miles, variables to miles and gas

1. Dispatcher gives driver a trip, when driver arrives at destination, it is a dead head.
2. Dispatcher gives driver a trip, then when driver gets close to or at destination, trip is cancelled.
3. Dispatcher gives driver a trip a good distance away (Timberlake, Old Forest Rd, etc.) when driver gets to address, passenger goes Somewhere close in the area.

This information is representing all cab companies.

Robert Williams

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **June 10, 2008**

AGENDA ITEM NO.: 9

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Clerk of Court Request to Overfill a Position and Hire a Temporary Wage Position**

RECOMMENDATION:

Adopt a resolution to amend the FY 2008 General Fund budget and appropriate \$8,361 with resources from the General Fund Reserve for Contingencies to fill an existing position in the Clerk of Court's Criminal Division during the State's mandatory hiring freeze and to hire a temporary wage position to assist the office while it is understaffed.

SUMMARY:

Currently, 45% of the staff in the Clerk of Court's Office is either off the payroll or will not be available for an indefinite period of time. Moreover, at present only one of three employees in the Criminal Division is available and will be out on extended leave within three months.

One position is vacant due to a resignation, but falls under the State's three-month hiring freeze. A request to the State Compensation Board to fill this position immediately has been denied. Funding in the amount of \$5,841 will allow this position to be filled at once. After the required three-month freeze on this position, it will once again be compensated by the State.

Additionally, funding is requested for a temporary wage position to assist the office while it is understaffed. It is expected this position will be needed approximately 30 hours per week for 6 weeks at \$14 per hour – a total cost of \$2,520.

PRIOR ACTION(S):

Finance Committee, June 3, 2008

FISCAL IMPACT:

A one-time appropriation of \$8,361.

CONTACT(S):

Larry Palmer, Clerk of Court, 455-2620

ATTACHMENT(S):

Resolution

Request letter

REVIEWED BY: bms

Resolution:

BE IT RESOLVED that the FY 2008 General Fund budget is amended and \$8,361 is appropriated with resources from the General Fund Reserve for Contingencies to fill an existing position in the Clerk of Court's Criminal Division during the State's mandatory hiring freeze and to hire a temporary wage position to assist the office while it is understaffed.

Introduced:

Adopted:

Certified:

Clerk of Council

071L



LARRY B. PALMER, CLERK

CLERK'S OFFICE

LYNCHBURG CIRCUIT COURT

900 Court Street

P. O. Box 4

Lynchburg, Virginia 24505

Telephone 434-455-2620

Facsimile 434-847-1864

J. SAMUEL JOHNSTON, JR., JUDGE

MOSBY G. PERROW, III, JUDGE

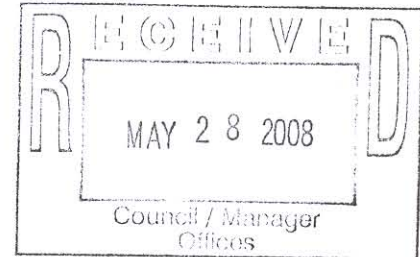
J. MICHAEL GAMBLE, JUDGE

JAMES W. UPDIKE, JUDGE

J. LEYBURN MOSBY, JR., JUDGE

Mr. L. Kimball Payne, Jr.
City Manager
City of Lynchburg
Lynchburg, VA. 24505

May 27, 2008



Dear Mr. Payne:

Thank you very much for meeting with me this morning to discuss some very serious staffing issues.

As I indicated, the State has a three (3) month hiring freeze on all vacancies. Ms. Robin Green, formerly the Supervisor in the Criminal Division, resigned effective May 23rd to become Judge Mosby's secretary. Her vacancy leaves one employee with only five months of experience, and one other employee who is 6 months pregnant and due to be on maternity leave in only three months.

This issue is further complicated by the fact that my Chief Deputy, Ron Irvine, underwent 6-way by-pass surgery a couple of weeks ago, and, due to his diabetic condition, is not healing properly. He will be out an extended period of time, plus he has announced his retirement plans, effective October 1, 2008, and has accumulated annual leave to take before that time.

I should also point-out the State did not fund one position, leaving me only 12 positions.

Another 42- year employee plans to retire Feb. 1, 2009, and is expected to take her accumulated annual leave during the next few months.

Due to the circumstances outlined above, on May 13th I submitted a request to the Compensation Board for an exception to the 3-month hiring freeze to allow us to fill Ms. Green's position immediately. During their May 21st meeting, the Compensation Board denied my request.

Yesterday, on Memorial Day, I received a call from my newest employee in the Criminal Division, who advised she was involved in an accident in West Virginia on Sunday evening. While they are still evaluating her situation, she knew at that point she suffered a fractured back (in 3 places), a fractured shoulder, a broken pelvis, broken sternum and several broken ribs. Obviously, her hospital stay and subsequent recovery will require an extensive absence.

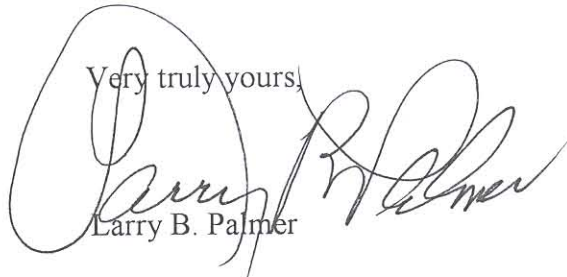
The net results of all of these occurrences means that 45% of my staff (5 of 12 the employees) are either off the payroll, or will not be available for indefinite periods of time. And, most significantly, only one of the normal 3 employees in the Criminal Division is available now, and she will be taking maternity leave in (3) months. It is extremely critical that I be allowed to fill the existing vacancy in Criminal immediately.

Accordingly, I respectfully request funding in the amount of \$5,841 in order to fill the existing vacancy in Criminal immediately and temporary funding in the amount of \$14.00 per hour, for 20-30 hours per week for 4-6 weeks. The monthly salary for the vacancy is \$1,946, for a total of \$5,841. It should be noted that recruiting and interviewing, etc., would probably take several weeks, so that entire amount will probably not be used, although I would like to advertise the vacancy immediately.

Should you have any questions or comments, please do not hesitate to contact me.

With kind personal regards and best wishes

Very truly yours,

A handwritten signature in black ink, appearing to read "Larry B. Palmer", is written over the typed name. The signature is fluid and cursive, with a large initial "L" and "P".

Larry B. Palmer

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **June 10, 2008**

AGENDA ITEM NO.: 10

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: FY 2008 VA Office of Emergency Medical Services 4-for-Life Funding – Additional FY 2008 Appropriation

RECOMMENDATION:

Adopt a resolution to amend the FY 2008 City/Federal/State Aid Fund Budget and appropriate \$33,889 with resources from the Virginia Office of Emergency Medical Services 4-for-Life Programs Fund to be split between the City of Lynchburg Fire and EMS Department (\$22,593) to assist with the purchase of necessary EMS-related equipment and supplies or to provide EMS training within the Department and the Lynchburg Lifesaving Crew (\$11,296) to assist with general operations.

SUMMARY:

As part of the annual budget adoption process, City Council appropriates funding in anticipation of selected grant awards to be realized during the upcoming fiscal year. In this way, repetitive grant awards are not required to be appropriated individually upon actual receipt of such funds during the budget year. Because the exact amount of these awards is not normally available prior to the annual budget adoption process, any funding received in excess of the initially appropriated amount must subsequently be officially appropriated.

In this case, the VA Office of Emergency Medical Services has changed the disbursement process for 4-for-Life funding beginning with FY 2008. In transitioning to this new disbursement process, localities will receive two FY 2008 allocations. Henceforth, localities will be notified of their allocation around the first of April instead of July. The Fire Department was recently notified that its second FY 2008 allocation is \$33,889. Thus, this additional balance must be officially appropriated prior to its utilization by the Fire Department and the Lynchburg Lifesaving Crew.

No local match is required for this grant.

PRIOR ACTION(S):

Finance Committee, June 3, 2008

FISCAL IMPACT:

None, no local match is required for this grant.

CONTACT(S):

Fire Chief S. Brad Ferguson, 455-6340

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

ATTACHMENT(S):

Resolution

Award letter from the VA Office of Emergency Medical Services

REVIEWED BY: bms

Resolution:

BE IT RESOLVED That the FY 2008 City/Federal/State Aid Fund budget is amended and \$33,889 is appropriated, with resources from the Virginia Office of Emergency Medical Services 4-for-Life Programs Fund to be split between the City of Lynchburg Fire and EMS Department (\$22,593), to assist with the purchase of necessary EMS-related equipment and supplies or to provide EMS training within the Department and the Lynchburg Lifesaving Crew (\$11,296) to assist with general operations.

Introduced:

Adopted:

Certified:

Clerk of Council

074L



COMMONWEALTH of VIRGINIA

Department of Health

Office of Emergency Medical Services
P.O. Box 2448
Richmond, VA 23218-2448

109 Governor St., Suite UB-55
Richmond, VA 23219

1-800-523-6019 (VA only)
804-864-7600
FAX: 804-864-7580

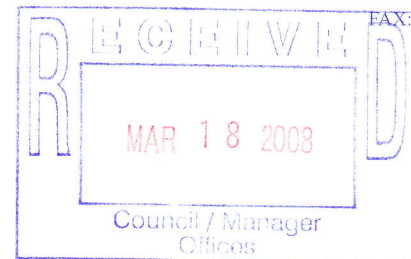
Karen Remley, MD, MBA, FAAP
State Health Commissioner

Gary R. Brown
Director

P. Scott Winston
Assistant Director

March 14, 2008

CITY OF LYNCHBURG
Post Office Box 60
900 Church Street
Lynchburg VA 24505



Dear City/County Administrator:

IMMEDIATE ATTENTION REQUIRED Please return this report within 30 days

Due to procedural changes your locality will be receiving a second **Fiscal Year 2008 Four-For-Life** payment for Emergency Medical Services (EMS) in the amount of **\$33,888.92**. **IMPORTANT, please see attachment on Changes to Disbursements.** Guidelines for the use of these funds are attached. Prior to distribution of these funds, this office must receive your **Report of Expenditures** on the previous distribution. The total amount that must be reported for the previous distribution is annotated on the report.

The **Four-For-Life** program, as amended in 2000, stipulates that four additional dollars be charged and collected at the time of registration of each passenger vehicle, pickup and panel truck. The funds collected, pursuant to **Section 46.2-694, Code of Virginia**, shall be used only for emergency medical services. The law further states that the Department of Health shall return twenty-six percent (26%) of the registration fees collected to the locality wherein such vehicle is registered to provide funding for:

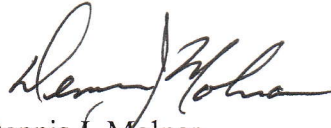
- (1) Training of volunteer or salaried emergency medical service personnel of licensed, nonprofit emergency medical service agencies; or
- (2) for the purchase of necessary equipment and supplies for licensed, nonprofit emergency medical service agencies.

It is important to recognize two clauses in the **Four-For-Life** legislation: (1) nonsupplanting funds and (2) failure to report the use of funds by any local governing body will result in funds being retained. Carol Nance, Assistant Attorney General, at our request has offered the following interpretation for use of the funds. *"Any funds received from Section 46.2-694 by a non-state agency cannot be used to match any other funds derived from Section 46.2-694 by that same non-state agency"* Simply put, funds returned to localities cannot be used as the matching share of any grants offered using **Four-For-Life** funds.

*"Each local governing body shall report to the Board of Health on the use of **Four-For-Life** funds, which were returned to it. In any case in which the local governing body grants the funds to a regional emergency medical council to be distributed the licensed, nonprofit emergency medical and rescue services, the local governing body shall remain responsible for the proper use of the funds. If, at the end of any fiscal year, a report on the use of **Four-For-Life** funds for that year has not been received from a local governing body, any funds due to that local governing body for the next fiscal year shall be retained until such time as the report has been submitted to the Board."*

If you have any questions or need additional information, please do not hesitate to call us at (804) 864-7600.

Sincerely,



Dennis J. Molnar
Business Manager

Encl.:

Guidelines for Expenditures of EMS Funds
Four-For-Life Report of Expenditures Form
Changes to Disbursements of Funds

GUIDELINES FOR THE EXPENDITURE OF THE 26% RETURN TO LOCALITY SHARE OF EMS FOUR-FOR-LIFE FUNDS

Purpose of the Fund

To provide funding for **training** of volunteer or salaried emergency medical service personnel of licensed, nonprofit emergency medical services agencies and for the purchase of necessary **equipment and supplies** for use in such locality for licensed, non-profit emergency medical and rescue services.

Such funds shall be in addition to any local appropriations and local governing bodies shall not use these funds to supplant local funds.

If the local governing body grants the funds to a regional emergency medical services council to be distributed to the licensed, nonprofit emergency medical service agencies and rescue squads, the local governing body shall remain responsible for the proper use of the funds. If a report on the use of these funds has not been received from a local governing body, any funds due to that local governing body for the next fiscal year shall be retained until such time as the report has been submitted.

Expenses associated with training programs include:

- textbooks and workbooks
- supplies (used in practice), bandages, etc.
- equipment (manikins, films, videotapes, etc.)
- expenses associated with state certification programs
- expenses associated with specialty training programs
- regional training activities

Purchase of necessary equipment and supplies needed to:

- gain access to a patient
- assess the patient's medical condition
- provide immediate medical care
- transport the patient to a medical facility
- communicate with the dispatcher and medical facility

Items that do NOT conform to the intent:

- furnishings or appliances for squad building
- vehicle or building maintenance items
- capital improvements
- special use equipment for fire suppression
- fund raising or public relations
- office management
- law enforcement
- Items purchased with RSAF Grant Funds (see below note)

Note: *"Any funds received from Section 46.2-694 by a non-state agency cannot be used to match any other funds derived from Section 46.2-694 by that same non-state agency."* Simply put, funds returned to localities cannot be used as the matching share of any grants offered using **Four-For-Life** funds.

Changes to Disbursement of Funds
FOUR FOR LIFE
Return to Locality

Historically, the Office of Emergency Medical Services (OEMS) has distributed funding under this program after the close of the fiscal year. As you may know, at year end this shows a significant cash balance as funds are accumulated and held throughout the fiscal year. This, in and of itself, gives the perception to legislatures and other governmental managers that cash is available to redistribute to programs in financial distress. OEMS has been directed to develop a plan that will decrease the year end cash balances without causing an increase in administrative costs.

After examining various alternatives, OEMS has determined that it will shift the collection period and payment processing. Beginning with the fiscal year 2008 collections, OEMS will continue to accumulate funds from July 2007 through February 2008. In mid-March DMV will forward their report to OEMS and we will then send you the standard letter advising you of the amount collected and request you complete the Report of Expenditures on the prior year funding. In effect, you will be receiving 2 payments this fiscal year. It is imperative that you return the completed Report of Expenditures within 30 days. This will enable OEMS to process and electronically transfer the funds before the fiscal year end.

Future payments (Fiscal Year 2009 and beyond) is as follows:

- Automobiles are registered at DMV and monthly DMV forwards funds to OEMS throughout the year (March – February).
- Mid-March DMV provides OEMS a download of the data, which provides the number of vehicles registered and amount collected by a locality.
- On or before April 1st OEMS sends a letter to the locality's administrator. This letter provides them with the:
 - o Amount of funding to be forwarded based upon the collections reported by DMV;
 - o Guidelines on the use of those funds; and,
 - o Report form that needs to be completed on how last year's funding was spent.
- Upon receipt of the required report, OEMS will process the payment of funds noted in the letter above. The locality can normally expect payment through electronic transfer within 30 days of our processing the payment voucher.

Hope this helps. Call me if any further questions, 804-864-7601.

Thanks,
Dennis J. Molnar
OEMS Business Manager