

**LYNCHBURG CITY COUNCIL
PHYSICAL DEVELOPMENT COMMITTEE**

**Tuesday, June 9, 2015
9:00 a.m.**

Information Items

Recent/Pending Contract Awards: – There were no new contracts awarded.

Update on priority projects – see attached report.

General Business

1. Vacate a Portion of Sky View Place Kevin Henry
2. Roll Call

Pc: Kimball Payne, City Manager
Bonnie Svrcek, Deputy City Manager
Council Members
Gaynelle Hart, Director of Public Works
News & Advance

Next Meeting: July 14, 2015

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

June 9, 2015

Projects of Interest		Status		Notes
Timberlake / Logan's Lane Intersection		Right of Way	November 2015	Right of Way Discussions -
Wards Road Pedestrian X-ing 2B	*	Construction	May 2015	Trail Phase 2B - Close out
Midtown Connector		Construction	December 2015	Under Construction - Working on Langhorne 95% complete & Kemper 65% Complete -
Greenview Drive Phase 2		Construction	July 2017	Construction Proposed to Start March 2016.
Kemper Street Bridge / Interchange		Construction	September 2016	Bridge Demolition
One Way Pairs @ 501/221		Preliminary	August 2014	Preliminary Design Completed to Determine Available R/W for Development - On Hold
Lower Bluffwalk Phase 2		Construction	July 2015	99% Complete
Memorial - Park - Lakeside Intersection	*	Utilities Const.	May 2015	Project Underway to Install City Utilites separate from Project then ReBid Intersection Project is Advertised
Odd Fellows Road - P3		Construction	August 2018	Construction Proposed to Start January 2016.
Lakeside Drive Improvements @ L.C.		Design	September 2014	30% Design - On Hold.
Juvenile Services Group Home		Construction	April 2016	On-going

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **June 9, 2015-PDC**

AGENDA ITEM NO.:

CONSENT: REGULAR: X WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: X INFORMATION:

ITEM TITLE: **Vacate a portion of Sky View Place**

RECOMMENDATION: Vacate the right-of-way.

SUMMARY: Winnifred C. Schenkel, the owner of 3424, 3429 Sky View Place and 2859 Link Road, is petitioning to vacate right-of-way at the end of the cul-de-sac on Sky View Place; this right-of-way is currently unopened. The total area of the proposed vacation is approximately one hundred eighty-two thousandths (0.182) of an acre. This right-of-way vacation is contingent upon a subdivision plat being approved by the TRC, which will provide for a boundary line adjustment that meets City Subdivision Ordinance standards.

The unopened portion of the cul-de-sac only serves a need if the property were to be developed for future residential use. Staff believes the steep topography of the property limits the development potential beyond the existing cul-de-sac.

PRIOR ACTION(S):

May 22, 2015: The Technical Review Committee [TRC] reviewed the petition. The TRC comments have been incorporated into the proposed ordinance.

FISCAL IMPACT: None

CONTACT(S): Kevin Henry, Zoning Administrator – 455-3900
Tom Martin, City Planner - 455-3900
Kent White, Director of Community Development – 455-3900

ATTACHMENT(S):

- Application
- Map
- Right-of-way vacation plat
- Subdivision plat (boundary line adjustment)

REVIEWED BY:

APPLICATION FOR THE VACATION OF A
PORTION OF SKYVIEW PLACE
LOCATED AT ITS NORTHERLY END

RECEIVED

MAY 05 2015

COMMUNITY
DEVELOPMENT

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

ALL THAT CERTAIN PARCEL OF LAND, BEING A PORTION OF THE RIGHT-OF-WAY OF SKYVIEW PLACE LOCATED AT ITS NORTHERLY TERMINUS IN THE CITY OF LYNCHBURG, VIRGINIA, AND FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN FOUND, WHICH IRON PIN IS THE COMMON CORNER BETWEEN LOTS 7 & 8, BLOCK 4, PANORAMA HILLS, AND WHICH IRON PIN IS LOCATED ON THE WESTERLY RIGHT-OF-WAY LINE OF SKYVIEW PLACE,

THENCE, WITH SAID LINE OF SKYVIEW PLACE AND WITH SAID LOT 8, NORTH 03 DEGREES 30 MINUTES 00 SECONDS EAST FOR A DISTANCE OF 61.17 FEET TO A POINT;

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 40.00 FEET AND AN ARC LENGTH OF 45.63 FEET, BEING SUBTENDED BY A CHORD OF NORTH 15 DEGREES 08 MINUTES 22 SECONDS WEST FOR A DISTANCE OF 43.19 FEET TO A POINT, WHICH POINT IS A COMMON CORNER WITH SAID LOT 8 AND THE PROPERTY OF WINNIFRED C. SCHENKEL;

THENCE, WITH SAID SCHENKEL, ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 40.00 FEET AND AN ARC LENGTH OF 118.14 FEET, BEING SUBTENDED BY A CHORD OF SOUTH 77 DEGREES 51 MINUTES 00 SECONDS EAST FOR A DISTANCE OF 79.65 FEET TO A POINT, WHICH POINT IS A COMMON CORNER WITH SAID SCHENKEL AND LOT 12, BLOCK 3, PANORAMA HILLS;

THENCE, WITH SAID LOT 12 ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID SKYVIEW PLACE, ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 40.00 FEET AND AN ARC LENGTH OF 33.55 FEET, BEING SUBTENDED BY A CHORD OF SOUTH 30 DEGREES 47 MINUTES 22 SECONDS WEST FOR A DISTANCE OF 32.57 FEET TO A POINT;

THENCE SOUTH 03 DEGREES 30 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 73.78 FEET TO AN IRON PIN FOUND, WHICH IRON PIN IS A COMMON CORNER WITH SAID LOT 12 AND LOT 11, BLOCK 3, PANORAMA HILLS LOCATED ON SAID EASTERLY LINE OF SKYVIEW PLACE;

THENCE, ALONG TWO NEW LINES, NORTH 59 DEGREES 44 MINUTES 01 SECONDS WEST FOR A DISTANCE OF 28.00 FEET TO AN IRON PIN SET;

THENCE NORTH 86 DEGREES 30 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING;

TOGETHER WITH AND SUBJECT TO COVENANTS, EASEMENTS, AND RESTRICTIONS OF RECORD.

SAID PROPERTY CONTAINS 0.182 ACRES MORE OR LESS.

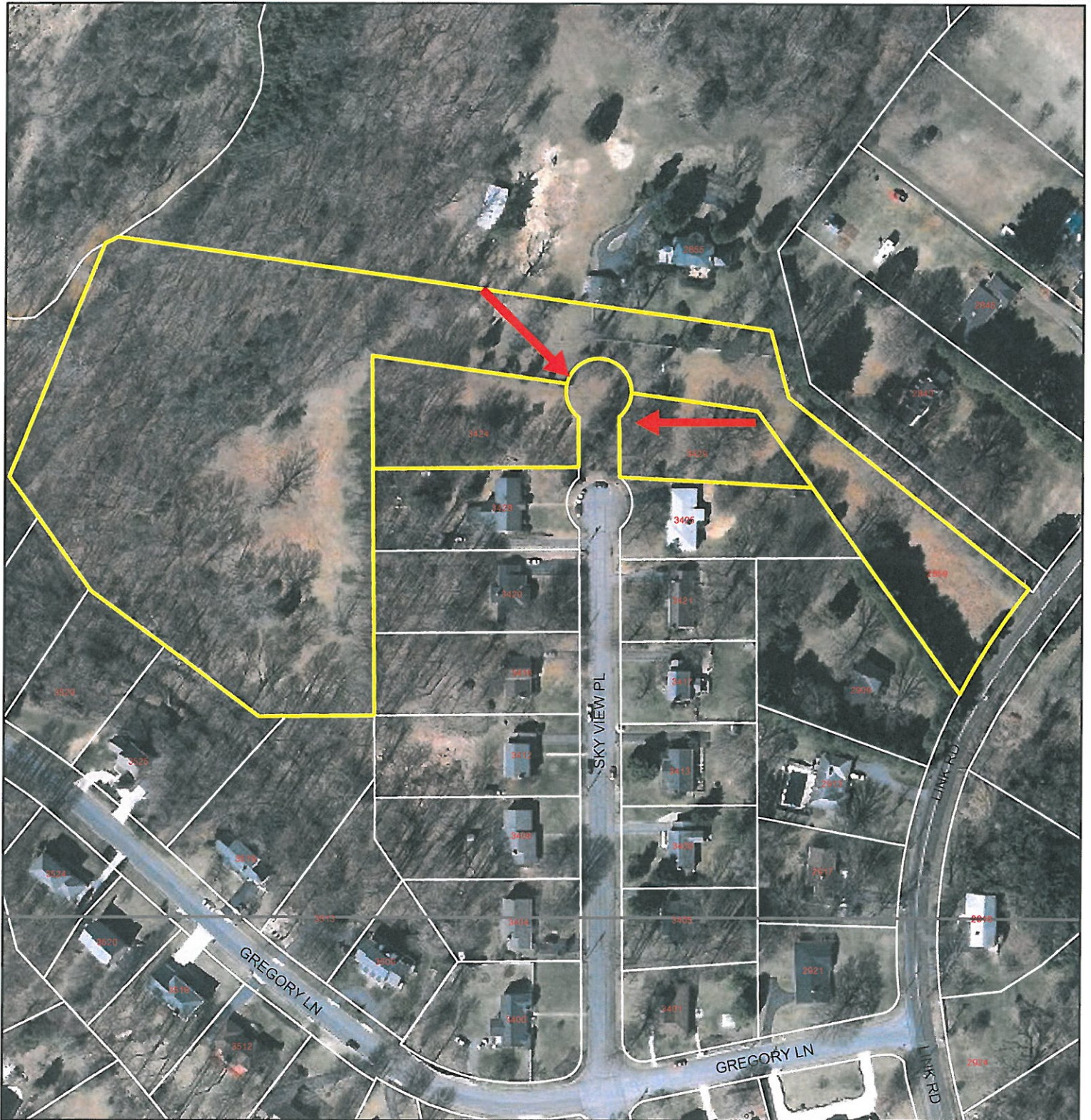
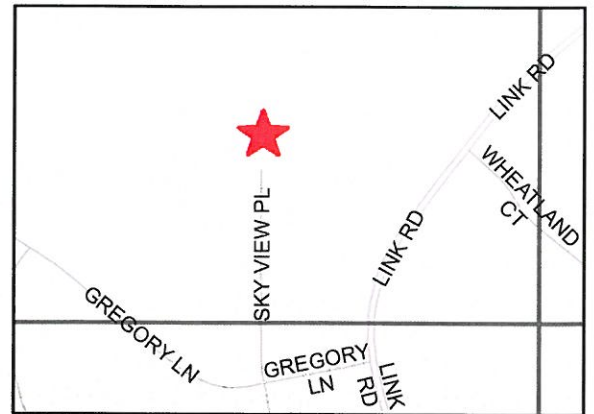
Given under my hand this 28th day of March, 2014.

501 VES Road, Apt C311
Lynchburg, VA 24503
Telephone Number: 1-434-385-0174

Sky View Place

Right-of-Way Vacation

★ Location



D.B. 341, PG. 144

PANORAMA HILLS - BLOCK 4

CURVE DATA CHART

CURVE	DELTA	RADIUS	LENGTH	CHORD	CHD BEARING
C1	282°38'08"	40.00'	197.32'	50.00'	S86°30'00"E

LOT 6

AMENDED LOT 7
GIBBS L. ARHTUR, JR
& MARTHA L. ARTHUR
D.B. 862, PG. 169
PIN: 16913007

LOT 8
WINNIFRED C. SCHENKEL
WILL INSTR #120000298
PIN: 16913008
#3424

WINNIFRED C. SCHENKEL
WILL INSTR #120000298
PIN: 16913009
#2859 LINK ROAD

SKYVIEW PLACE (50' R/W)

VACATED PARCEL
0.182 AC.

LOT 10

AMENDED LOT 11
JAMES T. & WENDY C.
BALLENLEE
INSTR #120007705
PIN: 16912011

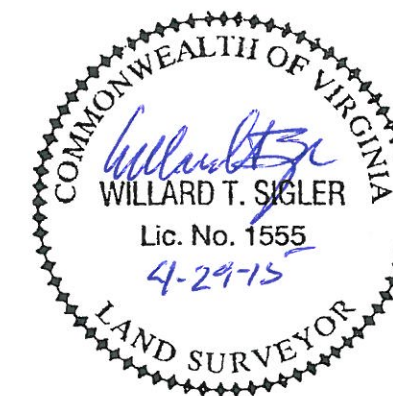
LOT 12
WINNIFRED C. SCHENKEL
WILL INSTR #120000298
PIN: 16912012
#3429

PANORAMA HILLS - BLOCK 3

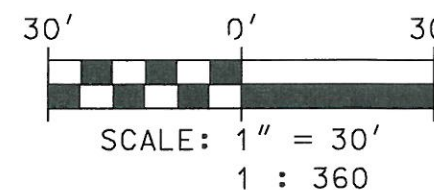
RECEIVED

MAY 05 2015

COMMUNITY
DEVELOPMENT



LEGEND	
○	CORNER NEITHER SET NOR FOUND
○	IRON PIN SET
●	IRON PIN FOUND
R/W	RIGHT-OF-WAY
WM	WATER METER



NOTES:

1. THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT NECESSARILY INDICATE ALL ENCUMBRANCES UPON THE TITLE.
2. BY GRAPHIC SCALING ONLY, THIS PROPERTY IS LOCATED IN ZONE "X" (NOT IN A DESIGNATED SPECIAL FLOOD HAZARD AREA ACCORDING TO THE F.E.M.A. FLOOD INSURANCE RATE MAP FOR THE CITY OF LYNCHBURG (#5100930037D) DATED JUNE 3, 2008. NO FIELD SURVEYING WAS PERFORMED TO MAKE THIS DETERMINATION.
3. THIS PLAT DOES NOT PURPORT TO ADDRESS THE EXISTENCE, DETECTION OR DELINEATION OF ANY ENVIRONMENTALLY SENSITIVE AREAS OR ANY ENVIRONMENTAL PROBLEMS LOCATED WITHIN THE PERIMETER OF THE PROPERTY SHOWN.
4. THIS PLAT HAS BEEN PREPARED FROM AN ACTUAL FIELD SURVEY DONE AS PER DATE OF THIS PLAT.
5. TOATAL ACREAGE TO BE VACATED - 0.182 AC.

BERKLEY-HOWELL & ASSOC., P.C.

ENGINEERS - SURVEYORS - PLANNERS

306 ENTERPRISE DRIVE, SUITE C

FOREST, VIRGINIA 24551

PHONE: (434)385-7548 FAX: (434)385-6178

PLAT OF PORTION OF R/W OF
SKYVIEW PLACE
PROPOSED TO BE VACATED

CITY OF LYNCHBURG, VIRGINIA

SCALE: 1" = 30'

DATE: MARCH 5, 2015

COMM. NO. 150023

F.B. REF. 14-3

REV. 4-29-15

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **June 9, 2015**

AGENDA ITEM NO.: 2

CONSENT:

REGULAR:

WORK SESSION: **X**

CLOSED SESSION:

(Confidential)

ACTION:

INFORMATION: **X**

ITEM TITLE: **City Football Stadium Restoration/P0083**

RECOMMENDATION: The purpose of this report is to brief City Council on the design and funding plans for the renovation of the City Football Stadium. No action is required by City Council at this time.

SUMMARY: Over the spring and summer of 2014, phase 1 of the project was completed, which included the conversion of the playing field from natural to artificial turf, installation of a new asphalt track around the field, site drainage improvements and installation of utilities infrastructure under the field in preparation of the next construction phase.

In fall of 2014, Parks & Recreation elected to seek a Construction Management at Risk contract in order to complete the second phase of the stadium renovation project. This phase is focused on the construction of a new main entrance, concession areas, restrooms, locker rooms for both home and visiting teams, a new scoreboard and PA system, and pedestrian and visitor access improvements, including ADA seating and access on the home side of the stadium. In March, 2015 Parks and Recreation entered an agreement with Jamerson -Lewis Construction for these services. Since that time we have worked with Jamerson-Lewis and VMDO Architects to finalize the design of the renovations and develop a more-defined project budget.

Through this work we have been able to eliminate nearly \$800,000 of estimated cost to the project with design changes. The two most-significant changes included the elimination of a field-entrance tunnel and a redesign of the concessions/locker room buildings. These two items alone are responsible for a savings of over \$500,000.

While these changes reduced the projected budget overage significantly, the current project budget is currently still approximately \$825,000 short. We have identified the following as funding sources for this deficit:

- Additional tax-credit monies received for the Miller Center Renovation project: \$125,000
- Funding approved for the Bikeway Bridge to Linkhorne project: \$500,000
- Carry-forward unspent funds from the Parks and Recreation FY2015 budget: \$200,000

Construction is scheduled to begin in mid/late June and be completed by August, 2016, prior to the 2016 football season. We also plan to keep the facility open throughout the construction which will include the 2015 football, soccer and lacrosse seasons. We have been working closely with Lynchburg City Schools and the Lynchburg Hillcats to work out game-day logistics for all events. We have been and will continue to communicate schedules and plans with all stakeholders as well, including: Hill City Youth Football, Lynchburg Grows and residents who live in close proximity to the site.

PRIOR ACTION(S): As noted above.

FISCAL IMPACT: Council will be asked to approve the carry forward funds unspent from FY 2015 in support of this project.

CONTACT(S): John Ramsey, 455-5869; Andrew Reeder, 455-5876; David Owen, 455-5866

ATTACHMENT(S): None

REVIEWED BY: lkp

049K

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **June 9, 2015**

AGENDA ITEM NO.: 3

CONSENT:

REGULAR:

WORK SESSION: **X**

CLOSED SESSION:

(Confidential)

ACTION:

INFORMATION: **X**

ITEM TITLE: **Consent Order with the Virginia Department of Environmental Quality**

RECOMMENDATION: No action required.

SUMMARY: After years of analysis and planning and months of negotiations, the Department of Water Resources and the Department of Environmental Quality (DEQ) have agreed on the terms of a Consent Order regarding the City's long-term water quality control plan, and specifically the combined sewer overflow control program and the wastewater treatment plant. Once the consent order is signed by the City Manager it will be published in the Virginia Register and local media for a thirty day public comment period. At the conclusion of the public comment period, DEQ or the State Water Control Board will approve the agreement.

Council has been briefed previously on the proposed revisions to the long-term water quality plan which includes a more effective approach to addressing combined sewer overflow through modifications to the wastewater treatment plant and other actions to improve overall water quality. Staff is confident that the revised plan will result in better water quality, sooner than anticipated, and at less cost than the original plan.

Director of Water Resources, Tim Mitchell, will brief Council on the terms of the Consent Order, and its benefits to the City and the environment, during Council's work session.

PRIOR ACTION(S): N/A

FISCAL IMPACT: Considerable savings in the Water Resources Sewer Fund.

CONTACT(S): Tim Mitchell, Director of Water Resources, 455-4252

ATTACHMENT(S): None

REVIEWED BY: lkp

054K

May 26, 2015

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// A regular meeting of the Council of the City of Lynchburg was held on the 26th day of May, 2015, at 4:00 P.M. in the Council Chamber, City Hall, Michael Gillette, President, presiding. The following Members were present:

Present: Foster, Helgeson, Nelson, Perrow, Tweedy, Gillette 6

Absent: Johnson 1

// Vice Mayor Johnson arrived at 4:08 p.m.

// City Manager Kimball Payne provided a presentation on Poverty with discussion to follow. He mentioned the Poverty Reduction Taskforce created by former Governor Kaine, which released a report and listed the following recommendations that will be a part of all future poverty discussions and actions. These recommendations include:

- Invest in young children and strengthen family relationships.
- Enhance workforce readiness by expanding access to career employment programs and employment supports.
- Increase the returns on work.
- Promote savings and asset accumulation.
- Expand safety-net opportunities for families in crisis.

City Manager Payne also provided a brief overview of poverty initiatives in other major Virginia cities. Following the presentation, Council discussed the items presented by the City Manager and what potential steps will be taken.

Impact Areas:

Education	Housing
Spiritual	Food
Workforce	Quality of Place
Transportation	Infrastructure
Safety	Substance Abuse
Financial	Disability
Health	Family
Health Mental	Youth
Re-entry	Elderly

Mr Payne went on to say addressing poverty is not a project or initiative, but rather Bridges Out of Poverty offers a different approach. In conclusion, it was decided that the next steps would include the following:

- Further discussion (conversation to better understand the causes and impact of poverty)
- Guidance from Council
- Gathering (Community Input/Community Engagement)
- Additional information, analysis
- Designation as a "Bridges Out of Poverty Community"

// Director of Community Development Kent White presented an overview on the City's Residential Rental Property Inspection Program. Mr. White provided a history of the Residential Rental Property Inspection Program by stating in 1991 City Council directed Community Development to develop a residential rental property inspection program. In 1993, an Ordinance was adopted creating the program and seven inspection districts with an effective date of January 1, 1994.

On March 8, 2005 the Ordinance was updated based on changes made during the 2004 Virginia Legislative Session. One of the changes allowed the City to adopt a \$50 inspection fee. The Ordinance was revised in 2008 to allow the City to revoke property compliance if issued a bad check and allow code officials to seek an inspection warrant if access is denied to the unit. Mr. White went on to say that in 2013, Council combined the seven rental inspection districts into six districts based on the 2010 Census data; the size of the inspection area remained the same. Mr. White further explained the City's Comprehensive Plan 2013-2030 highlights residents' concerns about poorly managed rental housing and the Residential Rental Property Inspection Program as a tool to protect neighborhood integrity.

The City's 2010-2015 Consolidated Plan is a plan required by the federal government that defines a strategy for our community development and housing needs. Mr. White stated the plan identifies the rental inspection program as a means to provide decent housing for low-to-moderate income neighborhoods by reducing the number of rental property code violations. Mr. White further stated how the Residential Rental Property Inspection Program works. Staff maintains a database of residential rental properties and notices are sent to the owner indicating date and time of the scheduled inspection as well as any associated fees. The cost for initial rental inspection is \$50, the first follow-up inspection is no cost, but subsequent follow-up inspections are \$50 each, and no Certificate of Compliance (CoC) is issued until the fee is paid. In conclusion, Mr. White explained the outreach efforts of the plan:

- Neighborhood Meetings
- 4 Community Code Compliance Team Neighborhood walkthroughs per year
- VA Statewide Neighborhood Conference
- Informational Brochures
- Website Resources
- Part of Lynchburg 360 on LTV in May

The summary of the Residential Rental Property Inspection Program included the following:

- Safe housing is the primary objective.
- Many of the rentals involve conversion of older and blighted homes that are repaired enough to meet basic codes and move tenants in.
- The program is proactive and provides a means to identify issues that may go unnoticed by tenants and landlords.
- Addressing violations at their onset prevents more substantial neighborhood issues, infestations and blight.
- Various reasons, including landlord retaliation, may prevent tenants from complaining.
- Staff serve as resources to landlords and tenants.

// During roll call Council Member Tweedy stated that she had graduated from the Police Academy and expressed that it was a wonderful experience.

// Vice Mayor Johnson mentioned the Memorial Day celebration at Monument Terrace and he would like for Council each year to be reminded of this wonderful event.

// On motion of Council Member Foster, seconded by Vice Mayor Johnson, Council by the following recorded vote elected to hold a closed meeting for consultation with legal counsel and briefings by staff members concerning specific legal matters requiring the provision of legal advice, specifically: the discussion of the terms and conditions of a contract between the City and the Bedford Public Service Authority for the sale of water, because discussion in an open meeting would compromise the bargaining position and negotiating strategy of the City, and a discussion of the terms and conditions of the development agreements for the Wyndhurst Traditional Neighborhood Development, pursuant to Section 2.2-3711(A)(7) of the Code of Virginia, 1950, as amended:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette

7

Noes:

0

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

// Council Member Helgeson made the following motion:

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

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

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

The Motion was seconded by Vice Mayor Johnson, and Council by the following recorded vote adopted the motion:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette

7

Noes:

0

// City Council recessed the meeting at 6:33 p.m.

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

The following Members were present:

Present: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette

7

Absent:

0

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

// Mayor Gillette and Vice Mayor Johnson recognized and presented certificates to the 2015 Citizens Academy Graduates.

// Mayor Gillette and Vice Mayor Johnson recognized the following Mayor's Youth Council Senior Students whose terms will end in June: Krista Harmann, President, Kyler Thomas, Vice President, Rachel Falwell, Treasurer, Aliah Barnhart, Clare T. Skorcz and Colin Baker.

// Mayor Gillette and Vice Mayor Johnson presented a Certificate of Recognition to the City of Lynchburg's Fleet Services, which was named the 41st best Fleet in the 100 Best Fleets in North America for 2015.

// Copies of the minutes of the May 12, 2015 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Nelson, seconded by Council Member Foster, Council by the following recorded vote approved the minutes as presented:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Noes: 0

// In the matter of FY2016 Budget/CIP, Resolution #R-15-032 adopting the FY 2016 Mandated and Contractual External Service Providers Budget and appropriating \$8,086,819 for this budget, laid over from the April 28, 2015 meeting, was again presented and read, and on motion of Council Member Nelson seconded by Council Member Foster, Council by the following recorded vote adopted the Resolution:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Noes: 0

// In the matter of FY2016 Budget/CIP, Resolution #R-15-033 adopting the FY 2016 Central Virginia Alliance for Community Living (formerly Central Virginia Area Agency) Budget and appropriating \$15,000 for this budget, laid over from the April 28, 2015 meeting, was again presented and read, and on motion of Council Member Nelson, seconded by Council Member Foster, Council by the following recorded vote adopted the Resolution:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Noes: 0

// In the matter of FY2016 Budget/CIP, Resolution #R-15-034 adopting the FY 2016 Central Virginia Community College Board and Related Operations Budget and appropriating \$1,900 for this budget, laid over from the April 28, 2015 meeting, was again presented and read, and on motion of Council Member Nelson, seconded by Council Member Foster, Council by the following recorded vote adopted the Resolution:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Noes: 0

// In the matter of FY2016 Budget/CIP, Resolution #R-15-035 adopting the FY 2016 Robert E. Lee Soil & Water Conservation District Budget and appropriating \$10,000 for this budget, laid over from the April 28, 2015 meeting, was again presented and read, and on motion of Council Member Nelson, seconded by Council Member Foster, Council by the following recorded vote adopted the Resolution:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Noes: 0

// In the matter of FY2016 Budget/CIP, Resolution #R-15-036 adopting the FY 2016 Virginia Legal Aid Society Budget and appropriating \$10,816 for this budget, laid over from the April 28, 2015 meeting, was

again presented and read, and on motion of Council Member Nelson, seconded by Council Member Foster, Council by the following recorded vote adopted the Resolution:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Noes: 0

// In the matter of FY2016 Budget/CIP, Resolution #R-15-037 adopting the FY 2016 Amazement Square Real Estate Tax Refund Budget and appropriating \$5,604 for this budget, laid over from the April 28, 2015 meeting, was again presented and read, and on motion of Council Member Nelson, seconded by Council Member Foster, Council by the following recorded vote adopted the Resolution:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Noes: 0

// In the matter of FY2016 Budget/CIP, Resolution #R-15-040 adopting the FY 2016 Greater Lynchburg Transit Company Budget and appropriating \$7,747,809 for this budget, laid over from the April 28, 2015 meeting, was again presented and read, and on motion of Council Member Nelson, seconded by Council Member Foster, Council by the following recorded vote adopted the Resolution:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Noes: 0

// In the matter of FY2016 Budget/CIP, Resolution #R-15-041 adopting the FY 2016 Operating Fund Budgets for other funds and appropriating the sums of each fund, laid over from the April 28, 2015 meeting, was again presented and read, and on motion of Council Member Nelson, seconded by Council Member Foster, Council by the following recorded vote adopted the Resolution:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Noes: 0

// In the matter of FY2016 Budget/CIP, Resolution #R-15-043 adopting the FY 2016 Capital Budget and appropriating \$20,229,637 for the City Capital Projects Fund; \$1,400,000 for the Airport Capital Projects Fund; \$3,950,000 for the Water Capital Projects Fund, \$2,320,000 for the Sewer Capital Projects Fund, and \$2,855,275 for the Stormwater Capital Projects Fund, laid over from the April 28, 2015 meeting, was again presented and read, and on motion of Council Member Nelson, seconded by Council Member Foster, Council by the following recorded vote adopted the Resolution:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Noes: 0

// In the matter of FY2016 Budget/CIP, Resolution #R-15-046 appropriating \$50,000 of the FY 2016 Reserve for Contingencies funding for use by the City Manager for the fiscal year beginning July 1, 2015 through June 30, 2016, laid over from the April 28, 2015 meeting, was again presented and read, and on motion of Council Member Nelson seconded by Council Member Foster, Council by the following recorded vote adopted the Resolution:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Noes: 0

// In the matter of School – Board, a public hearing was held regarding City Council Report #16 regarding receiving 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 Gillette stated that there were no new volunteers added to the list. Council Member Foster spoke on behalf of Tom Prest, who has offered his name as a candidate for School District 1 and spoke at the May 12 council meeting. Derek Polley candidate for School District 1, spoke before City Council to communicate his interest and present his credentials and qualifications to serve on the School Board. There was no one else present who wished to speak to this item. Mayor Gillette asked Council if they would like to continue the public hearing until June 9 to allow more time for citizens to apply. Council Members discussed and reached consensus to continue the public hearing until the June 9 meeting to allow more time for citizens to apply for the positions on the School Board.

// In the matter of Police – General, City Council Report #17 was considered. On motion of Council Member Perrow, seconded by Council Member Foster, Council by the following recorded vote adopted Resolution #R-15-050, as presented, approving the conversion of the part-time Off Duty Coordinator position to a full-time Training Assistant position.

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette

7

Noes:

0

// In the matter of Public Works - General, City Council Report #18 was considered. Council Member Perrow, Chair of the Physical Development Committee (PDC) stated that this item came before PDC, which recommended approval. The motion did not require a second, and Council by the following recorded vote adopted Resolution #R-15-051, as presented, to approve the Virginia Department of Transportation (VDOT) to reallocate Revenue Sharing Program Funds to the Downtown Streetscape Reconstruction and Improvement Project:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette

7

Noes:

0

// In the matter of Fire – General, City Council Report #19 was considered. Council Member Helgeson, Chair of the Finance Committee (FC) stated that this item came before FC which recommended approval. This motion did not require a second, and Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-15-052, as presented, to amend the FY 2015 General Fund budget and appropriate \$17,758 with resources from the Reserve for Fire Equipment Assigned Fund Balance to purchase radio equipment for two replacement Battalion Chief vehicles in the Fire Department:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette

7

Noes:

0

// In the matter of FY2016 Budget/CIP, Resolution #R-15-031 adopting the FY 2016 General Fund Operating Budget (excluding External Service Providers and Component Units expenditures) and appropriating \$202,340,575 for this budget, laid over from the April 28, 2015 meeting was again presented

May 26, 2015

175

and read, and on motion of Vice Mayor Johnson, seconded by Council Member Tweedy, Council by the following recorded vote adopted the Resolution:

Ayes: Foster, Johnson, Nelson, Perrow, Tweedy, Gillette

6

Noes: Helgeson

1

// In the matter of FY2016 Budget/CIP, Resolution #R-15-038 adopting the FY 2016 Region 2000 Local Government Council Budget and appropriating \$44,491 for this budget, laid over from the April 28, 2015 meeting, was again presented and read. Council Member Perrow stated he recently entered into a contract with the Region 2000 Local Government Council to provide engineering services, so he has a personal interest in the Region 2000 Local Government Council and under the Virginia Conflict of Interest Act, he must abstain from discussion and voting on this item. On motion of Vice Mayor Johnson, seconded by Council Member Foster, Council by the following recorded vote adopted the Resolution:

Ayes: Foster, Helgeson, Johnson, Nelson, Tweedy, Gillette

6

Noes:

0

Abstention: Perrow

1

// In the matter of FY2016 Budget/CIP, Resolution #R-15-039 adopting the FY 2016 School Operating Budget and appropriating \$100,569,860 for this budget, laid over from the April 28, 2015 meeting, was again presented and read. Council Member Nelson stated that his wife is a School Division employee but that fact would not impair his unbiased judgment in consideration of this item. Vice Mayor Johnson stated he is a part time employee of the School Division but he does not have a conflict of interest and his statement is filed with the Clerk of Council. On motion of Council Member Foster, seconded by Council Member Tweedy, Council by the following recorded vote adopted the Resolution:

Ayes: Foster, Johnson, Nelson, Perrow, Tweedy, Gillette

6

Noes: Helgeson

1

// The meeting was adjourned at 8:20 P.M.

Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **June 9, 2015**

AGENDA ITEM NO.: 8

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Continuation of the Public Hearing Regarding School Board Appointments**

RECOMMENDATION:

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.

SUMMARY:

The Code of Virginia stipulates that Council may appoint only those nominees or applicants whose names have been considered at a public hearing. Following the public hearing City Council may either conclude the public hearing or continue it to the next meeting to allow more time for citizen input. The City Code requires that these appointments be made during the month of June; so therefore, no action may be taken on this matter except at the June 10 or June 24 meetings.

PRIOR ACTION(S): May 12, and 26, 2015, Public Hearing

FISCAL IMPACT:

None

CONTACT(S):

Valeria P. Chambers – 455-3983

ATTACHMENT(S):

School Board Appointment List

REVIEWED BY: lkp

055K

NEW NAMES ADDED TO LIST WITH (*)

June 9, 2015

School Board Appointment List –

Current School Board Members to be Reappointed/Replaced.

Charles B. White, School District 1 (Not willing to serve again)

Thomas Webb, School District 2 (Not eligible to serve again)

Katie Snyder, School District 3 (Willing to serve again) (spoke on 5/12/15)

CURRENT VOLUNTEERS

SCHOOL DISTRICT 1 -

Charleta F. Mason (spoke on 5/12/15)

*Derek L. Polley (spoke on 5/26/15)

Tom Prest (spoke on 5/12/15)

SCHOOL DISTRICT 2 –

*Sharon Y. Carter

*Tami Tice Jacob

Lewis Lee, Jr. (spoke on 5/12/15)

*James W. Tolbert, Jr

SCHOOL DISTRICT 3-

Gregory J. Belisle (spoke on 5/12/15)

~~Leslie D. King (withdrew application 5-27-15)~~

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **June 9, 2015**

AGENDA ITEM NO.: 9

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Change the Zoning to Allow Construction of a Car Dealership – 2634 Lakeside Drive**

RECOMMENDATION: Approval of the rezoning petition.

SUMMARY: Chief Investments, LLC, is petitioning to rezone thirteen and eight hundred fifty-four thousandths (13.854) acres at 2634 Lakeside Drive from B-3, Community Business District to B-5C, General Business District (Conditional). The rezoning would facilitate the use of the property for automobile sales, leasing and service. Outparcels not associated with the automobile dealership would be restricted to uses allowed under the current B-3 zoning such as restaurants, offices or retail. The petition is consistent with *the Comprehensive Plan 2013-2030's Future Land Use Map* which recommends a Community Commercial land use for the area and the voluntarily submitted proffers adequately address impacts associated with the proposed development.

PRIOR ACTION(S):

May 13, 2015: The Planning Division recommended approval of the rezoning petition.

The Planning Commission recommended approval of the rezoning petition (5-0-1, with one vacancy, and one member absent, Light.)

FISCAL IMPACT: N/A

CONTACT(S):

Tom Martin, City Planner - 455-3900

Kent White, Director of Community Development – 455-3900

ATTACHMENT(S):

- Ordinance
- Planning Commission Report and Minutes – May 13, 2015
- Zoning Map
- FLUM Map
- Watershed Map
- Planimetric and Topographic Map
- Rezoning Plan
- Traffic Study
- Property Photographs
- Speaker Signup Sheet

REVIEWED BY: lkp

UNCODIFIED ORDINANCE:

AN ORDINANCE CHANGING A CERTAIN AREA LOCATED AT 2634 LAKESIDE DRIVE FROM B-3, COMMUNITY BUSINESS DISTRICT TO B-5C, GENERAL 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 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__. Change of a certain area located at 2634 Lakeside Drive from B-3, Community Business District to B-5C, General Business District (Conditional).

The area embraced within the following boundaries:

BEGINNING at a point, said point being on the right-of-way for Lakeside Drive (Route 221) at the common corner for parcel id's 23111002 and 23111001; Thence, S 67° 23' 42" W for a distance of 580.98 feet to a point; thence, S 81° 09' 34" W for a distance of 75.00 feet to a point; thence, N 44° 57' 32" W for a distance of 420.39 feet to a point; thence, N 40° 41' 19" E for a distance of 1029.50 feet to a point; thence, S 49° 17' 18" E for a distance of 174.97 feet to a point; thence, N 40° 42' 42" E for a distance of 34.55 feet to a point; thence with a curve turning to the right through an angle of 18° 57' 52", having a radius of 1370.44 feet, and whose long chord bears S 34° 51' 09" E for a distance of 451.54 feet to a point; thence, S 65° 04' 04" W for a distance of 311.18 feet to a point; thence S 22° 32' 52" E a distance of 274.60 feet to the POINT OF BEGINNING; CONTAINING 13.854 acres of land, more or less.

...is hereby changed from B-3, Community Business District to B-5C, General Business District (Conditional), subject to the conditions set herein below which was voluntarily proffered in writing by the petitioner, Chief Investments, LLC (Kendall Craft) to wit:

1. Petitioner will be allowed to use the property for uses allowed by right under the B-5, General Business District classification relating to automobile, truck and trailer sales, leasing, storage and related products and services.
2. All other uses will be uses permitted by right under the B-3, Community Business District classification.
3. And sales of any outparcels will have a provision in the deed requiring cross access and pedestrian connections.
4. Petitioner will agree to make the improvements recommended in the traffic study dated May 1, 2015 by Bill Wuensch, P.E., PTOE, with ERPC, submitted to Don DeBerry, P.E., Traffic Engineer with the City of Lynchburg and shown on the site plan, a copy of the recommendations from the report is attached hereto.
5. The entrance shown closest to Outparcel "A" shall be for the benefit of Outparcel "A" and further no new entrances shall be provided for Outparcel "A" along Lakeside Drive, Route 221.

And the Director 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

052K

The Department of Community Development

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

To: Planning Commission
From: Planning Division
Date: May 13, 2015
Re: **Rezoning: 2634 Lakeside Drive - B-3, Community Business District to B-5C, General Business District (Conditional)**

I. PETITIONER

Chief Investments, LLC, Attention Kendall Craft, 3914 Old Forest Road, Lynchburg, VA 24501
Representative: Gary Case & Company, Gary Case, 307 Brook Park Place, Forest, VA 24551

II. LOCATION

The subject property includes one tract of approximately thirteen and eight hundred fifty-four thousandths (13.854) acres located at 2634 Lakeside Drive.

Property Owner: Lakeside Land LLC, 455 2nd Street, Charlottesville, VA 22902

III. PURPOSE

The purpose of the petition is to rezone the property from B-3, Community Business District to B-5C, General Business District (Conditional) to allow automobile sales, leasing and service. Outparcels not associated with the automobile dealership would be limited to uses allowed in the B-3, Community Business District such as restaurant, retail sales or office.

IV. SUMMARY

- The *Future Land Use Map (FLUM)* recommends a Community Commercial land use for the area.
- The property is located in the area covered by the Route 221 Corridor Plan - Bedford County/City of Lynchburg.
- The rezoning would allow for the construction of an automobile dealership, but limit out parcels to uses allowed in the B-3, Community Business District.

The Planning Division recommends approval of the rezoning petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Future Land Use Map (FLUM)* of the *Comprehensive Plan 2013-2030* recommends a Community Commercial use for the area. Community Commercial areas contain retail, personal service, entertainment, and restaurant uses that draw customers from at least several neighborhoods, the entire City or the region. Community Commercial areas contain clusters of businesses, often at major intersections, and shopping centers. (p. 75) Community Commercial areas are the most intense retail category designated on the *FLUM*. Automobile sales and other retail uses are appropriate in these areas.

Lakeside Drive is a primary travel corridor and was the focus of the Route 221 Corridor Plan – Bedford County/City of Lynchburg. This plan was adopted by Council on November 11, 2014. The plan provides recommendations for signal coordination, pedestrian, bicycle and transit facility improvements, intersection improvements, road widening and access management improvements from Cloverhill Boulevard in Bedford County to Forest Brook Road in the City of Lynchburg.

2. **Zoning.** The subject property was annexed into the City in 1976. The existing B-3, Community Business District zoning was established on October 13, 1992 upon adoption of the Graves Mill Road/U.S. 221 Area Land Use Study.
3. **Proffers.** The petitioner has voluntarily submitted the following proffers:
 - Petitioner will be allowed to use the property for uses allowed by right under the B-5, General Business District classification relating to automobile, truck and trailer sales, leasing, storage and related products and services.
 - All other uses will be uses permitted by right under the B-3, Community Business District classification.
 - Any sales of outparcels will have a provision in the deed requiring cross access and pedestrian connections.
 - Petitioner will agree to make the improvements recommended in the traffic study dated May 1, 2015 by Bill Wuensh, P.E., PTOE, with EPRC, submitted to Don DeBerry, P.E., Traffic Engineer with the City of Lynchburg and shown on the site plan.
4. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances would be needed for the development of the property as proposed.
5. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - On September 28, 1982, Council approved the conditional use permit petition of A.T. Williams Oil Company to allow the construction of an auto service station at 2501 Lakeside Drive.
 - On October 14, 1986, Council approved the petition of Elizabeth T. Hammersley to rezone 2643 Lakeside Drive from R-3, Medium Density, Two-Family Residential District and I-2, Light Industrial District to B-5, General Business District.
 - On May 14, 1991, Council adopted the petition of Southern Air to rezone 2652 Lakeside Drive from I-3, Heavy Industrial District to B-5C, General Business District (Conditional).
 - On May 26, 1992, Council adopted the Graves Mill Road / U.S. 221 Area Land Use Study.
 - On October 13, 1998, Council approved the conditional use permit petition of Pavilion Development to allow the construction of a single bay carwash at 2625 Lakeside Drive.
 - On March 11, 2011, Council approved the petition of Chief Investments, Kendall Craft to rezone 101 Breezewood Drive from B-3, Community Business District to B-5, General Business District.
 - On March 12, 2013, Council approved the rezoning petition of Clarion Investments, LLC to rezone 2625 Lakeside Drive from B-3, Community Business District to B-5, General Business District.
 - On November 11, 2014, Council adopted the Route 221 Corridor Plan – Bedford County / City of Lynchburg as part of the City's *Comprehensive Plan*.
6. **Site Description.** The subject property includes one tract totaling approximately thirteen and eight hundred fifty-four thousandths (13.854) acres. The property is currently vacant but does contain an access road extending from Lakeside Drive to Jefferson Ridge Parkway.

The site is adjacent to the Norfolk Southern Railroad to the north, a convenience store and a Lynchburg Fire Station (across Jefferson Ridge Parkway) to the east, automobile dealerships and storage warehouses to the south (across Lakeside Drive) and a home improvement center to the west.

7. **Proposed Use of Property.** If the rezoning petition is approved, the property would be developed as an automobile dealership and associated uses. Outparcels not associated with the dealership would be developed as uses permitted in B-3, Community Business Districts. These uses would most likely include restaurants, office retail sales.
8. **Traffic, Parking and Public Transit.** The City's Traffic Engineer has reviewed the Traffic Study prepared by EPRPC. Recommendations of the traffic study have been proffered and indicated on the submitted rezoning plan.

The traffic study recommends the following improvements:

- Northernmost site entrance to be shared with Sheetz. If sharing the entrance is not feasible then the northern entrance should be relocated one hundred fifty (150) feet to the south and provide for a one hundred (100) foot taper.
- The northern most entrance should be right in/right out only.
- The southernmost entrance may be full access but should be located directly across from the entrance located (across) at 2643 Lakeside Drive or to the south of the entrance. A right turn taper should be provided. During final site plan design, further study may indicate the need for a full right turn lane based upon site uses.

The traffic study noted that “if, when fully developed, a safety concern develops as a result of congestion in the two-way left turn lane, or angle crashes, then the City may need to pursue a project to modify the median”. (Comment 8, p. 3 of EPRPC study). This comment is consistent with the recommendations and findings of the Route 221 Corridor Plan – Bedford County / City of Lynchburg adopted by Council on November 11, 2014. It should be noted that a future modification of the median could involve preventing left turn movements into the site.

While the petitioner has proffered that “any sales of outparcels will have a provision in the deed requiring cross access and pedestrian connections”, the petitioner has chosen to not proffer the site plan. Staff is concerned that future development of outparcel “A” may request additional access onto Lakeside Drive. The Planning Commission may wish to consider seeking further clarification that an additional entrance will not be sought onto Lakeside Drive.

The submitted site plan also indicates a potential left turn lane into a shared connection with Sheetz. As indicated on the site plan, the turn lane as drawn would essentially eliminate the landscaped median on Jefferson Ridge Parkway and the entrance into the Lynchpin Industrial Park. Economic and Community Development staff would not support the destruction of this median. If a left turn lane is warranted it should be accomplished by lane striping or a widening of Jefferson Ridge Parkway to the north. Economic Development is currently developing plans to construct sidewalks in and new signage for the industrial park. The petitioner should work with Economic Development staff to coordinate need improvements on Jefferson Ridge Parkway.

The development would be not be directly served by the Greater Lynchburg Transit Company. The closest stop of new Route 7 is located adjacent to 2625 Lakeside Drive on Breezewood Drive.

9. **Stormwater Management.** A stormwater management and erosion and sediment control plan will be required prior to final site plan approval and development of the property as proposed. The property currently contains a detention facility in the northwest corner of the property. This facility will need to be redesigned in order to meet current water quality and quantity requirements.
 10. **Emergency Services.** The City Fire Marshal and Police Department had no comments of concern regarding the proposed development.
 11. **Impact.** The petition proposes the rezoning of the property to allow for the development of an automobile dealership. Outparcels would be limited to those uses currently allowed in the existing B-3, Community Business District. The property is immediately adjacent to and directly across from other areas currently zoned B-5, General Business District. The area contains other automobile dealerships and the proposal would not be out of character with the area.

The primary impacts of the proposal are related to traffic. The petitioner has proffered to make improvements as recommended in the submitted traffic study. Internal vehicle and pedestrian connections to outparcels have also been proffered.

While staff would have preferred a more detailed and proffered site plan, the site should develop with little impact to the area.
 12. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary rezoning plan on April 21, 2015. Comments related to the proposed use have or will be addressed by the petitioner prior to final site plan approval.
-

VI. PLANNING DIVISION RECOMMENDATION

Waive the twenty-one (21) day submittal requirement for proffers.

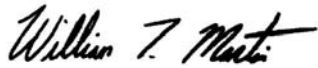
Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Chief Investments, LLC to:

Rezone approximately thirteen and eight hundred fifty-six thousandths (13.856) acres at 2634 Lakeside Drive from B-3, Community Business District to B-5C, General Business District (Conditional) subject to the following voluntarily submitted proffers:

- **Petitioner will be allowed to use the property for uses allowed by right under the B-5, General Business District classification relating to automobile, truck and trailer sales, leasing, storage and related products and services.**
- **All other uses will be uses permitted by right under the B-3, Community Business District classification.**
- **Any sales of outparcels will have a provision in the deed requiring cross access and pedestrian connections.**

- **Petitioner will agree to make the improvements recommended in the traffic study dated May 1, 2015 by Bill Wuensh, P.E., PTOE, with EPRC, submitted to Don DeBerry, P.E., Traffic Engineer with the City of Lynchburg and shown on the site plan.**

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Ms. Bonnie M. Svrcek, Deputy City Manager
Mr. Walter C. Erwin, City Attorney
Mr. Kent L. White, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozarow, Lynchburg Police Department
Battalion Chief Thomas Goode, Fire Marshal
Mr. Don DeBerry, Transportation Engineer
Mr. Doug Saunders, Building Commissioner
Mr. Kevin Henry, Zoning Administrator
Mr. Kendall Craft, Petitioner
Mr. Gary Case, Representative

VII. ATTACHMENTS

- 1. Zoning Map**
- 2. FLUM Map**
- 3. Watershed Map**
- 4. Planimetric and Topographic Map**
- 5. Rezoning Plan**
- 6. Traffic Study**
- 7. Property Photograph**

MINUTES OF THE MAY 13, 2015 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED.):

Petition of Chief Investments, LLC to rezone approximately thirteen and eight hundred fifty-four thousandths (13.854) acres at 2634 Lakeside Drive from B-3, Community Business District to B-5C, General Business District (Conditional) to allow automobile sales, leasing and service:

Chair Swienton noted that he owns a business that has a lease agreement with a business owned by Mr. Gary Case. The amount involved over the next few months was agreed upon almost two years ago and it is not dependent upon this hearing. Chair Swienton feels that he can act fairly and impartially in this petition.

Mr. Tom Martin remarked that this property is designated as a Community Commercial use on the *Future Land Use Map*. Community Commercial uses are the most intensive land designation for commercial purposes on the *FLUM*. These areas are to contain clusters of businesses or shopping centers and are quite often located at major intersections. An automobile dealership and the associated uses would be an appropriate use in these areas. The subject property was annexed into the City in 1976. The existing B-3, Community Business District zoning was established on October 13, 1992 upon adoption of the Graves Mill Road/U.S. 221 Area Land Use Study. Mr. Martin noted that many of the properties in the area have been rezoned to B-5C from Jefferson Ridge Parkway west toward the City limits.

A more recent study that has been done is the Route 221 Corridor Plan for Bedford County/City of Lynchburg done by Region 2000. That study was adopted by Council on November 11, 2014. It made several recommendations for this corridor such as access management, signal timing and pedestrian improvements. The petitioner did their own traffic study which recommended that the northernmost entrance be shared with Sheetz. If sharing the entrance could not be accomplished, it was recommended that this entrance be limited to a right in/right out only. The petitioner has proffered these recommendations will be implemented.

The study also recommended that the southernmost entrance should be located directly across from 2643 Lakeside Drive or to the south of that property to try and reduce conflicts in turning movements. The study also recommended that there be tapers or turn lanes at both entrances and the locations of those tapers or turn lanes would be determined at final site plan approval. Mr. Martin wished to note that both the corridor study and the petitioner's traffic study indicate that if left turn movements become a problem in the future, the City may be required to alter this median. Most likely, altering the median would restrict left turns both in and out of the site.

Mr. Martin noted that the concept plan shows a left turn lane into a shared entrance with Sheetz from Jefferson Ridge Parkway. Although both the Planning staff and Economic Development support this rezoning, neither would support the destruction of the existing landscaped median. Since Economic Development has plans for sidewalk improvements and new signage in this area, it is staff's recommendation that the petitioner work closely with the City with its plans for this left turn lane. It is staff's belief that there are some other ways to accommodate the left turn lane without destroying the landscaped median. The median is important as a part of the entrance into the City's industrial park.

Mr. Martin remarked that although the petitioner has proffered many traffic improvements, staff is concerned with Outparcel A. It is staff's concern that the future owner or lessee of Outparcel A may seek to have an entrance onto Lakeside Drive. Neither the traffic study nor City staff would support another access onto Lakeside Drive. Planning Commission may seek to clarify this issue as it considers making a recommendation on this petition.

Stormwater management would be accomplished with the redesign of an existing detention facility in the northwest corner of the site. At final site plan approval, a stormwater management plan to address both water quantity and quality will be required. Although staff would have liked a more detailed concept plan, they believe that the proffers submitted go a long way to ensuring that the site will be developed adequately. Staff does recommend approval of the rezoning as long as consideration is given to the issues outlined in staff's report and summary today.

Mr. Gary Case was present to represent the petition. Mr. Kendall Craft and Mr. Norm Walton (Perkins & Orrison) were also available to answer any questions. Mr. Case mentioned that the second entrance from Jefferson Ridge Parkway is already on the subject property. It is not on Sheetz property. He brings that up to indicate that they will have no problem working with staff on developing the left turn lane into the entrance. He also pointed out that there is a right turn out of the property that will bring vehicles to the light on Jefferson Ridge Parkway. In initial discussions with Sheetz, they have been receptive to the joint entrance, but they cannot do any further negotiations until they own the property. Mr. Case pointed out that the dealership is the only B-5 use they are requesting. Any uses on the outparcels would be limited to B-3 uses. Any development of the outparcels will require by deed that there be cross access for vehicles and pedestrian access as well.

Mr. Case pointed out the property could be developed by right as a shopping center. They feel that a shopping center would be a more intensive use and create more traffic and impact on the surrounding area than the dealership and its accessory uses. Mr. Case pointed out that the other four dealerships owned by the Crafts are attractive and well maintained and an asset to the area. The Crafts conduct reputable businesses and provide many jobs to the City. This is the only large parcel still within the City in this area where the Crafts could locate this type of development. Letters of support from True Value Hardware, Southern Air and the Office of Economic Development have been provided to the Planning Commission.

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

Commissioner Perault noted that he has no problem with the proposed use. He wanted to make sure that it is a goal of the petitioner to work with Sheetz on the shared entrance. Mr. Case said it would be their first goal; however, they cannot really negotiate with Sheetz until the Crafts own the property.

Commissioner Perault asked for clarification about what can happen with the outparcels—can they be leased or sold in the future? Mr. Martin said that is correct but they can only be sold or leased for B-3 purposes and have to be developed in substantial compliance with this concept plan. Mr. Martin does not believe it is the intent of the petitioner that Outparcel A have an entrance onto Lakeside Drive; however, staff would like some assurance that this does not occur in the future after the parcel is sold or leased. Commissioner Perault asked if this is something that can be made explicit. Mr. Martin said it could be very easy to do so, if the petitioner is willing to do it. Mr. Martin believes that is the petitioner's intent but it is just not spelled out.

Chair Swienton asked if an entrance onto Lakeside Drive (at a future time) would be by right or subject to the purview of the Technical Review Committee and the Traffic Engineer. Mr. Martin explained that if the parcel were subdivided and met all the requirements of the City's subdivision ordinance, it would be entitled to an entrance onto Lakeside Drive. Mr. Don DeBerry stated that if there was a subdivision in the future, he would try to require that it be a joint access but he is not sure if he would have that authority. Commissioner Marion asked if the southernmost entrance is being moved to line up with the driveway across the street. Mr. DeBerry said that is correct. At this point in the discussion, Mr. Craft indicated that he would be willing to proffer that it be required to be a joint access if the parcel is subdivided in the future. Mr. Craft and Mr. Orrison will work on some language for the proffer.

Commissioner Perault asked for clarification that the left turn movement from Lakeside Drive is being assigned a level of service of F by the traffic study. It concerns him that there is the potential for this to degrade even further and that the City will have to take care of it. It always concerns him that they are doing something that the taxpayer may have to pay the penalty for down the road. Mr. DeBerry stated that they have tried to balance what you are looking at from a development perspective. The traffic study engineer was asked to count the peak trips of the other dealerships in the area. Their peak hour trips are just not that high. It makes sense the way it is proposed with the alignments switched a little bit. The traffic could increase depending on the uses of the outparcels. If something with the traffic of a McDonald's were put on that parcel, the traffic could become a problem. The result would be the installation of a median. In the meantime, the dealership will not generate that type of traffic. Mr. DeBerry also indicated that there has only been one crash of any significance at this location in the past four years.

Commissioner Marion asked for clarification as to what can go on the outparcels. Mr. Martin said it would have to be limited to B-3 uses. The car dealership could expand to those outparcels if it chose to under this conditional zoning. Mr. Case explained that the Crafts do not need that much acreage for a car dealership. They need five to six acres but they have to buy the entire 13 plus acres. Mr. Craft is going to be very particular about what goes on the outparcels because it will impact his business and his investment. Customers will not want to frequent this site if it unsafe. Most people know that they should use Jefferson Ridge Parkway and go to the light if they want to go back to Lynchburg. Mr. Case also pointed out they will want cross access with all the parcels. You lose people if they have to leave your site and come back in to go to another business.

Commissioner Mays asked if it is an aesthetic reason why they do not want to give up the landscaped median. Mr. Martin said it is definitely a gateway into the Lynchpin Industrial Park. Mr. Martin pointed out that there may be other ways to accomplish the left turn movement such as lane striping or shifting the lane. All of that needs to be coordinated and that is why staff would like the petitioner to work with them during site plan approval. Mr. Martin pointed out that staff had just wanted to make them aware of the possibility of a median being installed in the future, if it becomes necessary. This development would more than pay for the cost of a median. Staff had just wanted to make Planning Commission and City Council aware of this as a consideration in its discussion. Commissioner Mays indicated that he likes the project, thinks it fits with the *Comprehensive Plan* and would like to move forward with it.

At this point, Mr. Kendall Craft presented a fifth proffer. "The entrance shown closest to Outparcel "A" shall be for the benefit of Outparcel "A", and further, no new entrances shall be provided for Outparcel "A" along Lakeside Drive, Route 221. The commission accepted the fifth proffer as submitted.

Commissioner Lowe indicated that he thinks this is a good idea but shares the concerns about the traffic. The left hand turn coming back into Lynchburg is a devil to make unless you go to the light. Unfortunately, he sees a median having to go in there at some point or another. Mr. Case indicated that if this site did not have the tie in to the light, they would not be doing this project.

Chair Swienton indicated that any development here is going to have an impact on traffic. This development is likely to have a lower impact. He thinks there are some scenarios that could have an extremely high impact on traffic. Commissioner Perault remarked that they were asked to consider access in its deliberations to help with the implementation of the Route 221 Corridor Plan. He appreciates Mr. Craft responding so quickly to the one concern. He is comfortable with the access at the light and even the City absorbing the cost of a median down the road.

Commissioner Lowe made the following motion, which was seconded by Commissioner Perault:

"That the Planning Commission waive the twenty-one (21) day submittal requirement for proffers and recommend to City Council approval of the petition of Chief Investments, LLC to rezone approximately thirteen and eight hundred fifty-six thousandths (13.856)

acres at 2634 Lakeside Drive from B-3, Community Business District to B-5C, General Business District (Conditional) subject to the following voluntarily submitted proffers:

1. Petitioner will be allowed to use the property for uses allowed by right under the B-5, General Business District classification relating to automobile, truck and trailer sales, leasing, storage and related products and services.
2. All other uses will be uses permitted by right under the B-3, Community Business District classification.
3. Any sales of outparcels will have a provision in the deed requiring cross access and pedestrian connections.
4. Petitioner will agree to make the improvements recommended in the traffic study dated May 1, 2015 by Bill Wuensh, P.E., PTOE, with EPRC, submitted to Don DeBerry, P.E., Traffic Engineer with the City of Lynchburg and shown on the site plan.
5. The entrance shown closest to Outparcel "A" shall be for the benefit of Outparcel "A", and futher, no new entrances shall be provided for Outparcel "" along Lakeside Drive, Route 221."

The motion passed by the following vote:

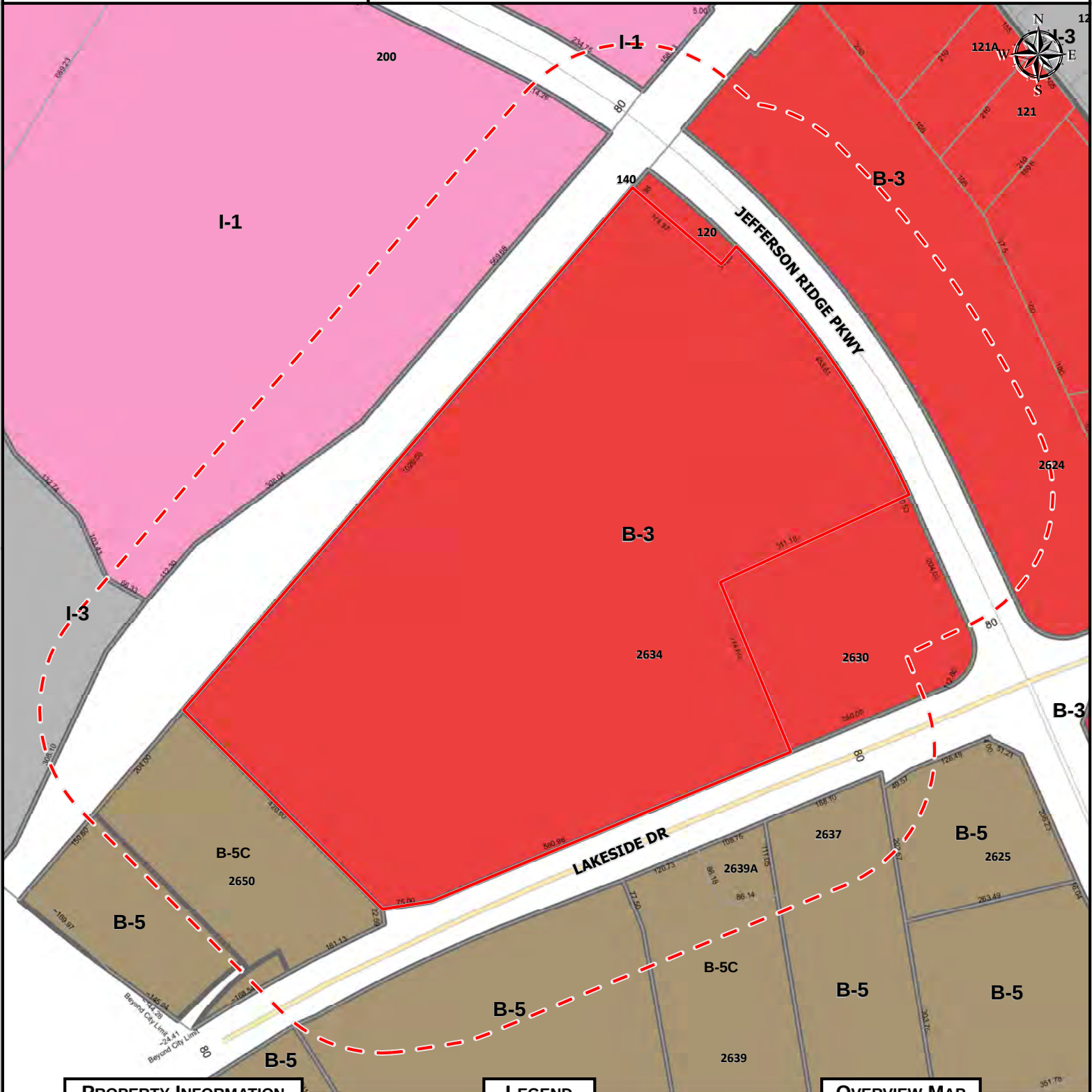
AYES:	Lowe, Marion, Mays, Perault and Swienton	5
NOES:		0
ABSTENTIONS:		0
ABSENT:	Light	1
VACANCIES:		1

Zoning Map

REZONING FOR CAR DEALERSHIP

Zoning Request

Lakeside Land, LLC



PROPERTY INFORMATION

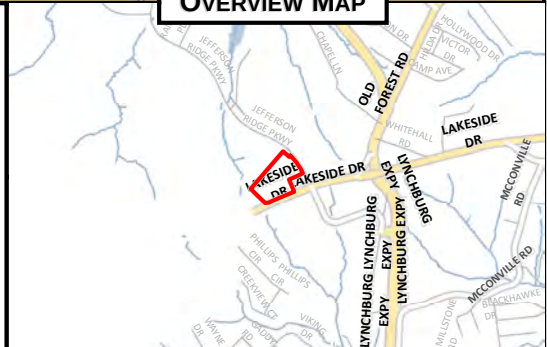
PARCEL ID	ADDRESS
23111002	2634 LAKESIDE DR

LEGEND

 Subject Property		
 215' Buffer		
 B-1	 B-6	 R-2
 B-2	 I-1	 R-3
 B-3	 I-2	 R-4
 B-4	 I-3	 R-5
 B-5	 R-1	 R-C

MAP SCALE: 1" to 200' DATE PRINTED: 5/1/2015

OVERVIEW MAP



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

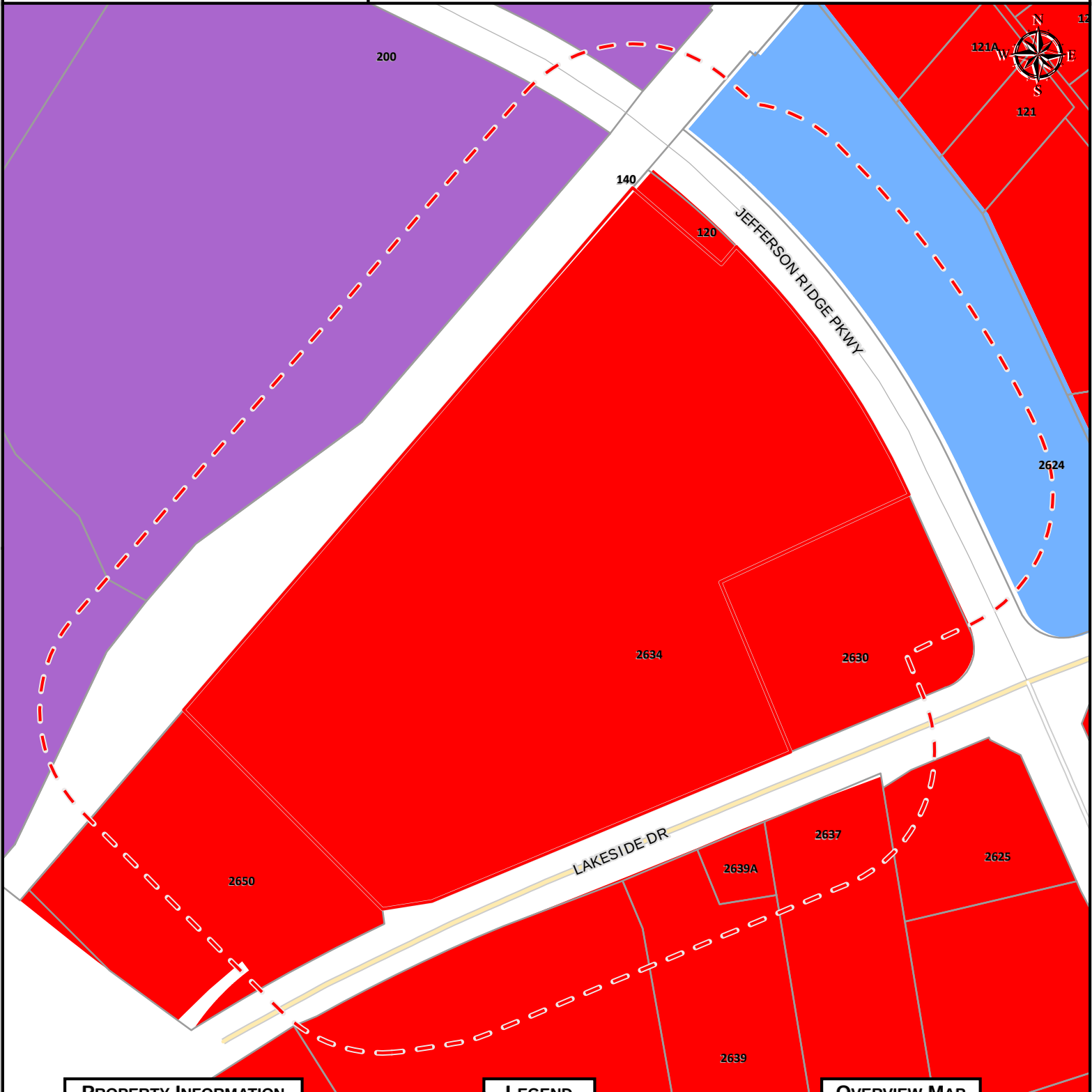
Parcel ID	Address	Owner
23111005	120 JEFFERSON RIDGE PKWY	CITY OF LYNCHBURG
23201002	200 JEFFERSON RIDGE PKWY	ECONOMIC DEVELOPMENT AUTHORITY
22502004	201 JEFFERSON RIDGE PKWY	HARRIS CORPORATION
23111001	2630 LAKESIDE DR	WALKER, REGINALD C ET AL
23111003	140 JEFFERSON RIDGE PKWY	NORFOLK & SOUTHERN RAILWAY
23110003	2643 LAKESIDE DR	2643 LAKESIDE ASSOCIATES LLC
22502002	230 JEFFERSON RIDGE PKWY	FRITO LAY INC
23110008	2639 A LAKESIDE DR	CLARION INVESTMENTS LLC
23111004	2624 LAKESIDE DR	CITY OF LYNCHBURG
23109001	2625 LAKESIDE DR	CLARION INVESTMENTS LLC
23110001	2637 LAKESIDE DR	SOVRAN ACQUISITION LIMITED PARTNERSH
23111002	2634 LAKESIDE DR	LAKESIDE LAND LLC
23112002	2650 LAKESIDE DR	OVERSTREET, CHARLES P & KATHRYN T
23110002	2639 LAKESIDE DR	CLARION INVESTMENTS LLC

FLUM Map

REZONING FOR CAR DEALERSHIP

Zoning Request

Lakeside Land, LLC



PROPERTY INFORMATION

PARCEL ID	ADDRESS
23111002	2634 LAKESIDE DR

LEGEND

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

MAP SCALE: 1" to 200' DATE PRINTED: 5/1/2015

OVERVIEW MAP



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PROPERTY INFORMATION

PARCEL ID

ADDRESS

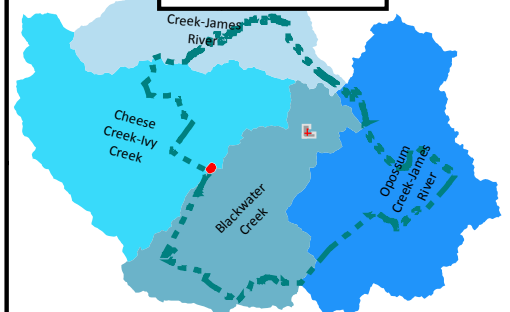
23111002

2634 LAKESIDE DR

LEGEND

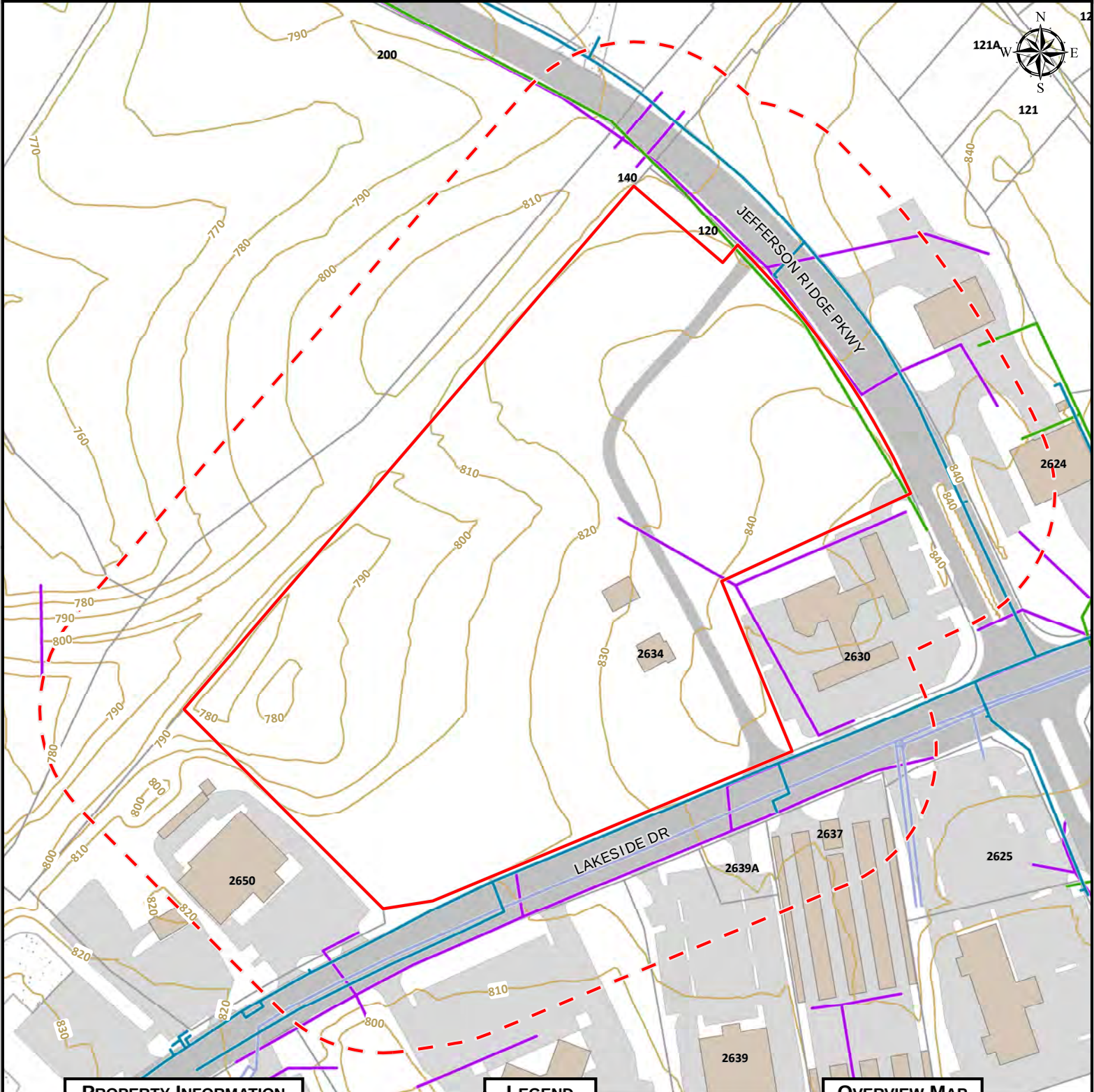
- Subject Property
- Base Flood Elevation
- Floodway
- Floodzone
- River / Lake / Stream

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 5/1/2015

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



PROPERTY INFORMATION

PARCEL ID	ADDRESS
23111002	2634 LAKESIDE DR

LEGEND

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

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 5/1/2015

1. THIS PLAN ORIGINALLY SUBMITTED BY BOWMAN CONSULTING, ENTITLED "PROPOSED DEVELOPMENT, CHIEF INVESTMENTS, LLC", DATED APRIL 4, 2015.
2. LINE WORK AND TEXT IN RED DEPICTS REVISIONS MADE BY PERKINS & ORRISON, INC.



27 GREEN HILL DRIVE
FOREST, VIRGINIA 24551
PHONE: 434-525-5985 FAX: 434-525-5986

SITE INFORMATION

ZONING: B-3 COMMUNITY BUSINESS
LEGAL ACRES: 13.854
DS ACRES: 13.828
PARCEL ID: 23111002
PROPERTY ADDRESS: 2634 LAKESIDE DR
LYNCHBURG, VA 24501

PARKING STALL MIN. REQUIREMENT: 5'x18' W/24' DRIVE ISLE
PARKING PROVIDED: ~~348~~-(404-1080)-352
PARKING REQUIRED: 21 SPACES
LOADING BERTH REQUIRED: 1 PER FIRST 4,000 S.F. +
1 PER EACH ADDITIONAL 10,000 S.F. = 0

6' WIDE PLANNING SCREEN REQUIRED AT PUBLIC STREET USE BUFFER - NOT REQUIRED.

BUILDING SETBACK:
20' FRONT YARD
10' SIDE YARD
0' REAR YARD
MAX BUILDING HEIGHT = 40' - 125'

REZONING PLAN FOR 2634 LAKESIDE DR

CHIEF INVESTMENTS, LLC

MARK	DATE	DESCRIPTION
ISSUE:		05/07/15
CONTOUR INTERVAL:		2'
DRAWN BY:		MJD/NBW
CHECKED BY:		NBW

GRAPHIC SCALE

0 120 240

1"=120'

JOB NO	15151	SHEET NO	1 OF 1
--------	-------	----------	--------



EPR, P.C. "ENGINEERING & PLANNING RESOURCES"
637 BERKMAR CIRCLE, CHARLOTTESVILLE, VA 22901

TO: DON DEBERRY, P.E.

FROM: BILL WUENSCH, P.E., PTOE

ORGANIZATION: CITY OF LYNCHBURG

DATE: MAY 1, 2015

PHONE NUMBER:

SENDER'S REFERENCE NUMBER:

RE: CRAFT SITE AT JEFFERSON RIDGE PKWY
AND LAKESIDE DRIVE

YOUR REFERENCE NUMBER:

MEMORANDUM

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

EPR was retained by Kendall Craft to provide an analysis of traffic per the proposed concept site plan for the parcel of land adjacent to the Scheetz at Lakeside Drive and Jefferson Ridge Parkway. See attached **Figure 1** for the site location. The purpose of the study was to an assessment of trip generation and feasibility of having access onto Lakeside Drive. AS shown on the site concept, there are two entrances on Jefferson Ridge Parkway which gives motorists an opportunity to use the signalized intersection to access Lakeside Drive. Thus the study focused on the commercial entrances directly onto Lakeside Drive. The study methodology generally entailed the following steps:

1. Become familiar with the site concept plan. The concept plan illustrates the intention to construct a mix of car dealership, restaurant, and either office or specialty retail depending on market conditions. See attached **Figure 2** for an approximate overlay of the concept site plan on an aerial image.
2. Assemble traffic data for the intersection of Breezewood/Jefferson Ridge and Lakeside Drive per the recent traffic study for Aldi. This included the PM traffic count for the subject intersection. The PM peak hour seems to be the critical time period given that car dealership and restaurant traffic is minimal in the AM peak hour of the day. **Figure 3** summarizes the traffic data that was provided in the Aldi study.
3. Observe and count turning movements from adjacent business from the Scheetz south to the Volvo dealership. The turns to and from each of the eight entrances was counted

and summarized. The observations were performed between the hours of 4PM and 6PM on Tuesday April 28th. See the summary of traffic counts in the attachments to this memorandum, and also **Figure 4** for a summary of peak hour turning movements within the 4-6PM time for each entrance. **Figure 5** combines that data with the existing background traffic using the counts from the intersection and balancing those through the corridor. **Figure 6** is similar to Figure 5 though includes the projected Aldi traffic. Critical observations include the following:

- a. The traffic from the adjacent sites are all very minimal. See slide 5. However, the traffic at the Scheetz entrance is significant. There were minimal amount of left turns (to north on Lakeside Drive) from Scheetz, however when these occurred there was significant delay that caused queuing of other vehicles looking to make a right out of the site. Also, it appeared that drivers were choosing to accept a minimal gap in traffic.
 - b. The left turns from Lakeside onto Jefferson Ridge were minimal and queuing was minimal, generally only one car per signal cycle.
 - c. Northbound queues were generally past the Scheetz entrance, and on a few occasions within the two hours of observations the queues extended back to the Volvo dealership, though this was not the norm.
4. Estimate future traffic volumes for the future site uses. As discussed, the mix of uses includes a car dealership, restaurant, and office or specialty retail. The trip generation estimates are shown in **Figures 7 and 8**. The ITE Trip Generation Manual allows for estimating trips using either building square footage, or number of employees. At this time we only have the building square footage. Comparing the volume produced by this calculation to that observed at the adjacent three dealerships it was apparent that this methodology was producing numbers that were not in scale with the other development. The proposed site concept is showing a building that is approximately twice the size of the adjacent car dealership buildings, yet the trips estimated by the ITE methodology were 10 to 20 times that actually observed in the field. Therefore the ITE trip estimates were reduced by 50% to make some allowance for actual conditions expected in comparison with the other dealerships. Two trip generation scenarios were considered, one with office and the other with specialty retail. The results were not that different, thus the higher of the two was utilized for this analysis.
5. Examine available crash records from the City. Per the records examined, there was one serious crash at the Scheetz entrance and rear end type crashes along the study area.

However there were no reported crashes that seemed to point to the two way left turn lane as being an issue. Anecdotally, per the observed volumes, there are relatively few turns, except for at Scheetz, using the two way left turn lane.

6. Estimate trip distribution and assign the site trips to the road network. This information is shown on **Figures 9 and 10**. The trip distribution generally follows that utilized for the Aldi site. The build condition traffic estimates are provided in **Figure 11**. This assumes that the southerly entrance is full access and the northerly entrance is restricted to right-in/out only.
7. Perform an analysis of delay for left turning vehicles leaving the site. Based on the assumption that there would be 30 left turns out of the southerly site driveway, the level of service is in the F range with over 90 seconds of delay. However, the traffic model does not fully account for gaps in traffic caused by the upstream signal, though given the volume of southbound traffic in the afternoons in the peak hour we would expect significant delay to make that movement. A Synchro model output is provided in the attachments to this memorandum.
8. Provide recommendations relative to driveway configurations and turn lanes. The recommendations for access along Lakeside Drive are shown on **Figure 12**. While reconstruction of the median to a configuration that controls access is always a safer condition, it was our understanding that this option was not on the table for this development. It should be noted that if, when fully developed, a safety concerns develops as a result of congestion in the two way left turn lane, or angle crashes, then the City may need to pursue a project to modify the median.

Conclusions and Recommendations

Lakeside Drive is obviously a very heavily traveled corridor of regional and local importance. Ideally in the future the two way left turn lane would be reconstructed to better control all turning movements. However, at present it is fortunate that most of the uses in this area of Lakeside Drive are light traffic generators, with exception of the Scheetz, thus there is little congestion in the two way left turn lane and the crash history does not reveal significant safety issues.

The proposed site concept has a connection over to Jefferson Ridge Parkway, which provides an ability for motorists to use that road and the signal at Lakeside Drive to make lefts to head

north. In PM peak hour of the day, this is an important option to avoid delay. This also provides a means for effective access to Lakeside Drive should a median ever get constructed in place of the two way left turn lane on Lakeside Drive.

Ideally, the northerly site entrance would be shared with Scheetz, and become a right in/out. If this is not feasible, then the site entrance should be relocated to provide approximately 150 feet to create a buffer and 100' taper. The northerly entrance needs to be a right-in/out configuration. Since there is no traffic separator in the median of Lakeside Drive, the design of the right-out feature will have to be well designed and signed.

The southerly entrance can provide for full access. However, the entrance should be located either across from the entrance on the other side of Lakeside, or to the south of the entrance. This configuration will help with driver expectancy as motorists have to share the two way left turn lane for the opposing turns. Similar to the northerly entrance, a right turn taper should be provided. Once more specifics are known about the proposed site uses, at the site plan phase of plans submittals there may be a need to provide a full right turn depending on the actual final proposed uses. i.e. if higher trip generators will be constructed then that will impact the turn lane warrants.

END OF MEMORANDUM

ATTACHMENTS:

- Figures
- Driveway counts
- Right turn lane evaluation worksheets
- Synchro output showing delay for left turning vehicles

Craft Site Traffic Study

Figure 1



Figure 2

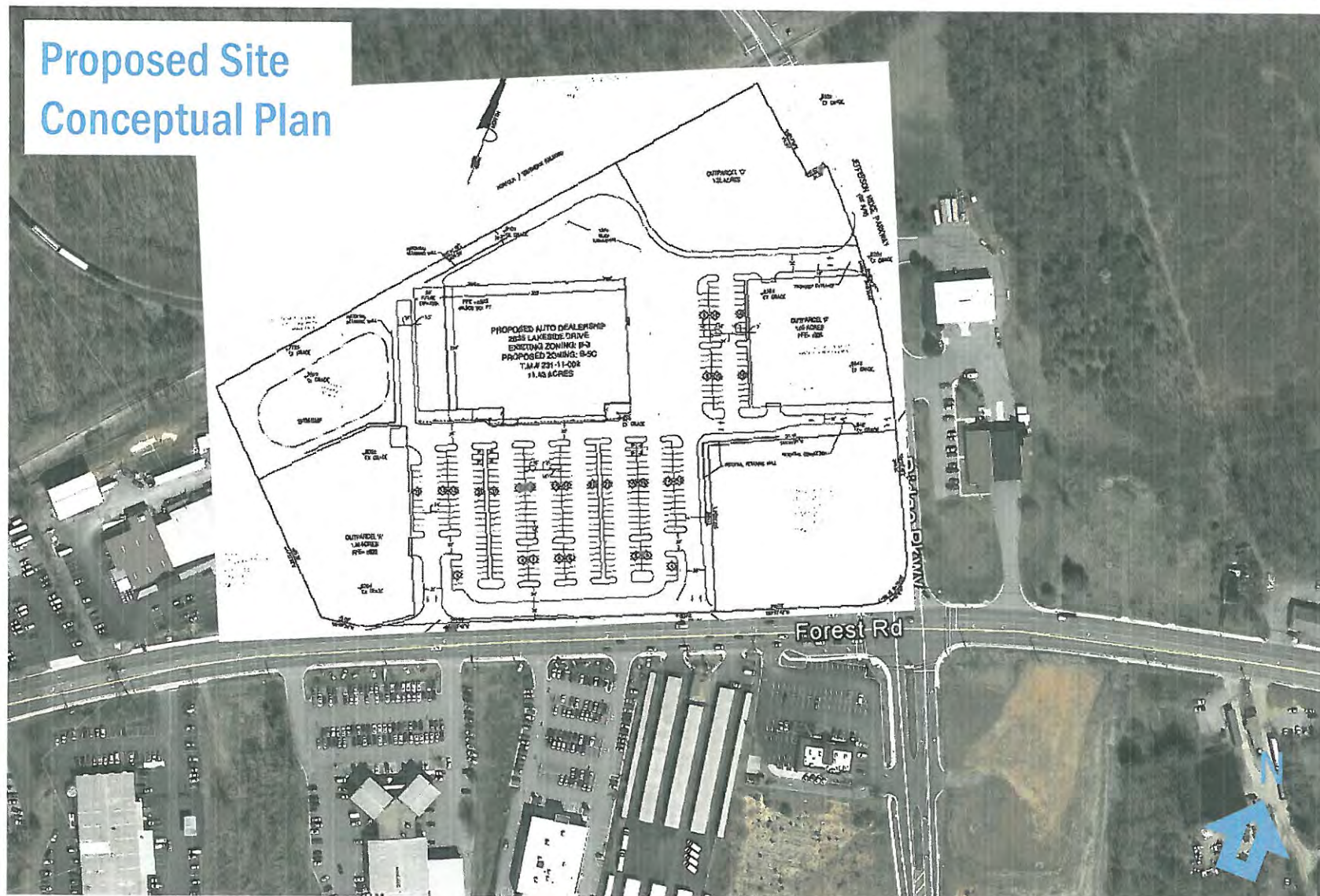
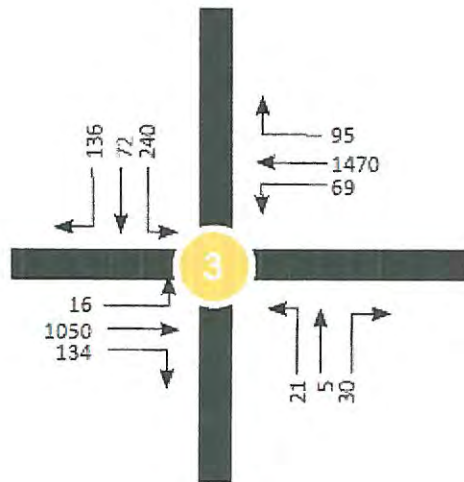


Figure 3

Existing PM Traffic Volumes & Aldi Traffic Volumes

Existing PM Traffic Volumes
Lakeside &
Jefferson Ridge / Breezewood



Projected Traffic (once Aldi is open)
Lakeside &
Jefferson Ridge / Breezewood

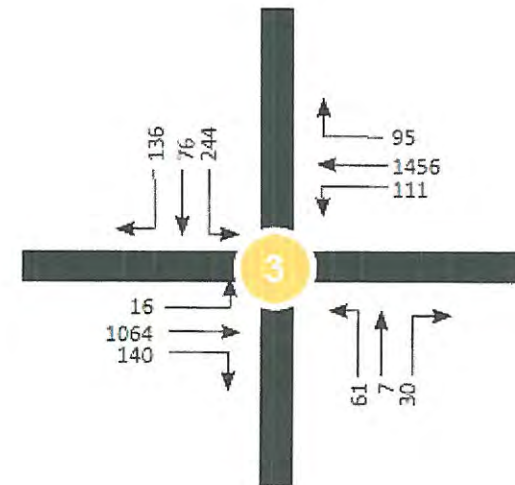


Figure 4

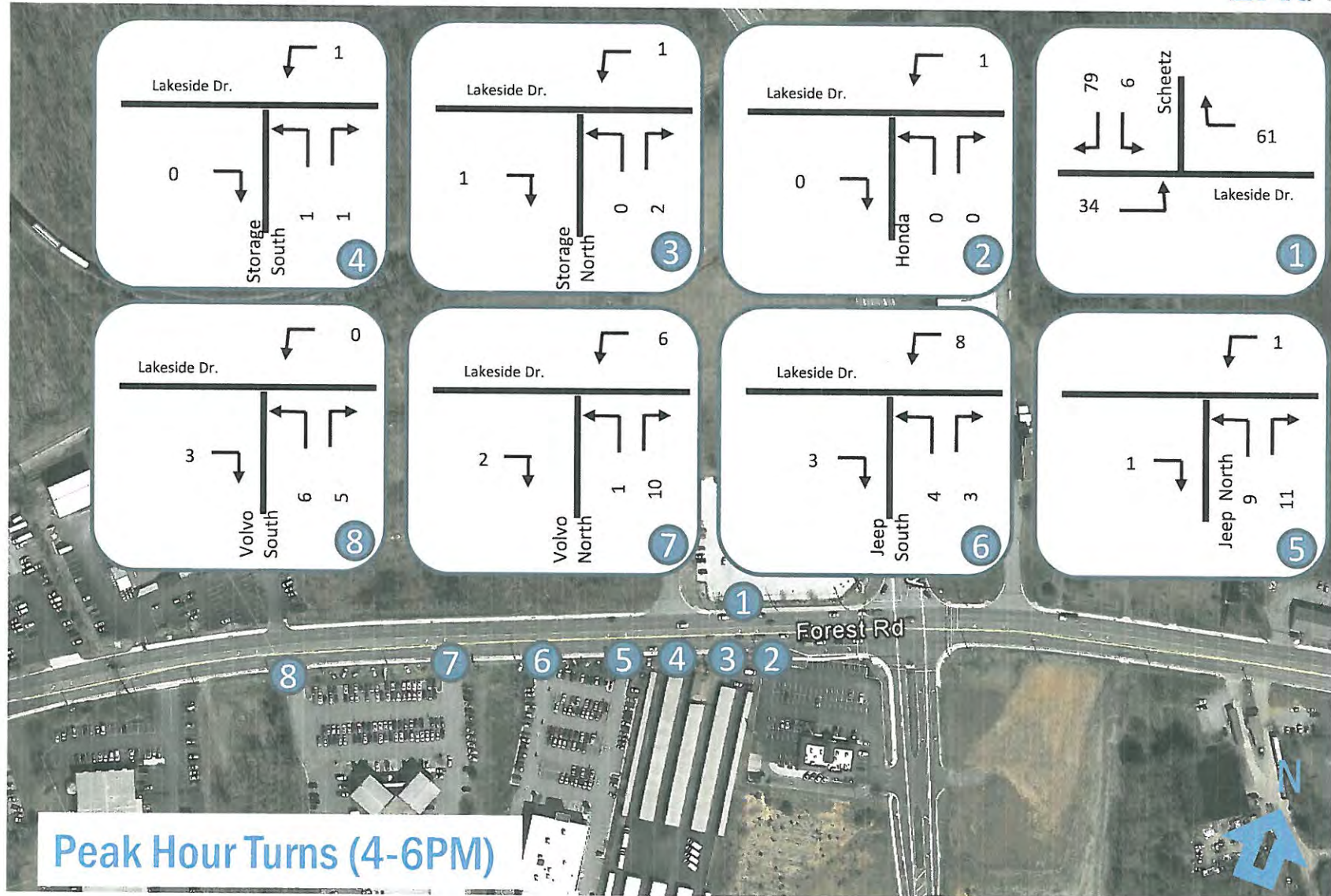


Figure 5

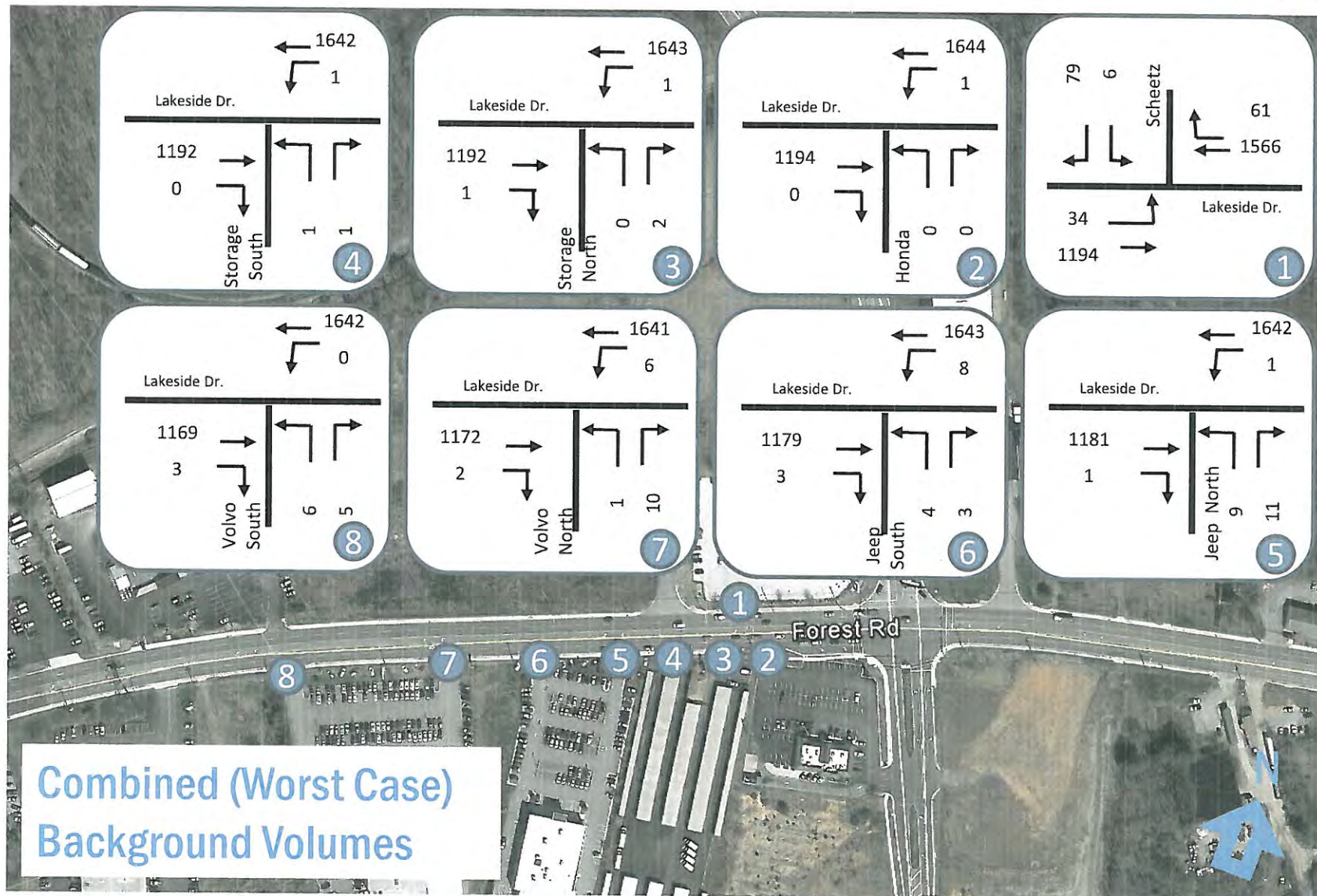


Figure 6

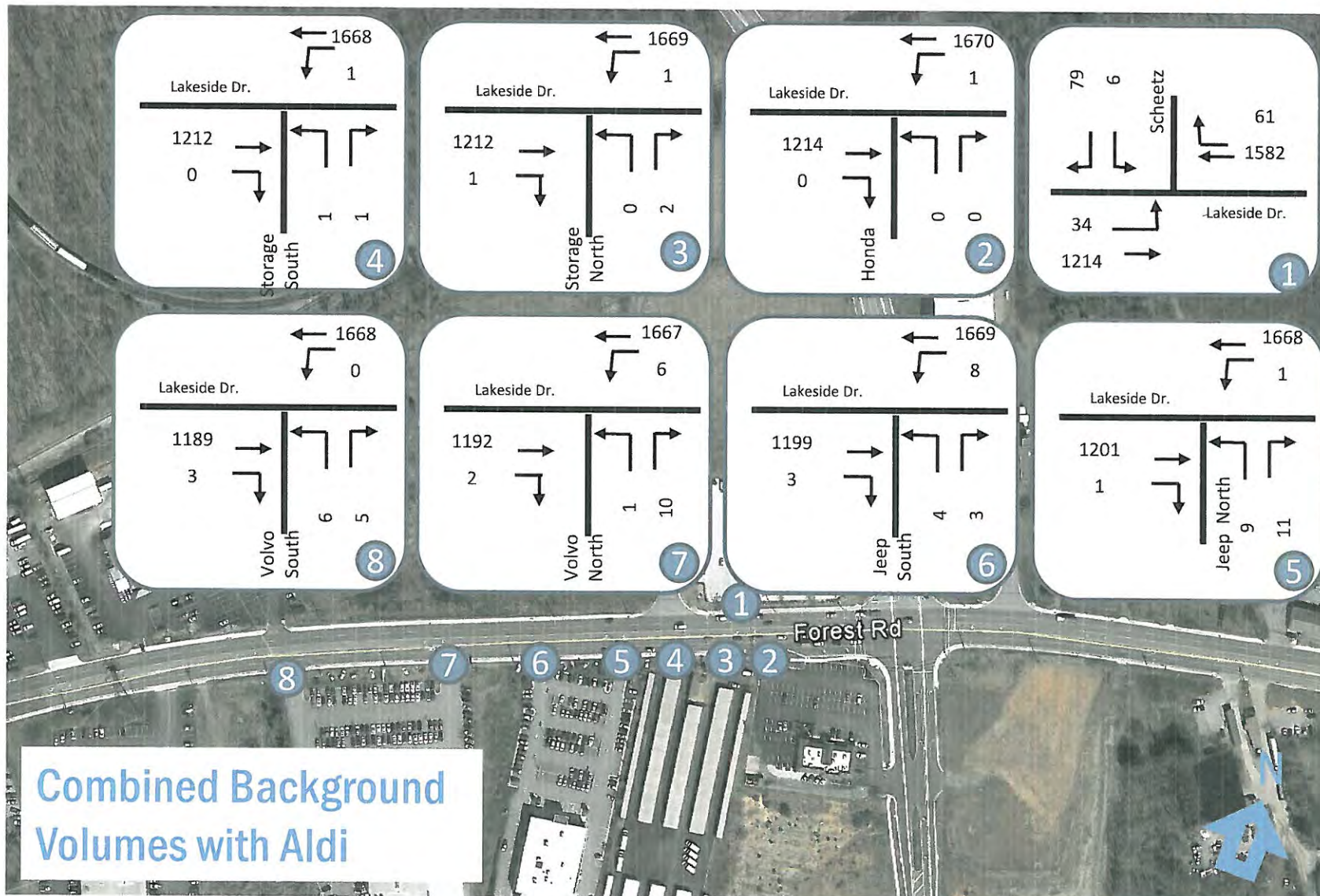


Figure 7

Trip Generation Scenarios

Scenario 1					AM		PM	
Use	Land Use Code	Unit	Quantity	Daily	in	out	in	out
Auto Sales	841	s.f.	66500	2148	96	32	70	105
High Turnover Sit Down Restaurant	932	s.f.	4000	509	24	19	24	16
Quality Restaurant	931	s.f.	5000	450	2	2	25	12
General Office	710	s.f.	10000	228	27	4	15	74
Total			85500	3334	148	57	134	207

Scenario 2					AM		PM	
Use	Land Use Code	Unit	Quantity	Daily	in	out	in	out
Auto Sales	841	s.f.	66500	2148	96	32	70	105
High Turnover Sit Down Restaurant	932	s.f.	4000	509	24	19	24	16
Quality Restaurant	931	s.f.	5000	450	2	2	25	12
Specialty Retail Center	826	s.f.	10000	443	0	0	20	25
Total			85500	3550	122	53	138	158

Two development scenarios are somewhat close in volumes. Based on observations of other car dealerships, the projected trips seem very high. To “tune them in” per the field observations, suggest cutting in half. ITE offers a calculation based on number of employees though we don’t have that estimate currently.

Figure 8

Trip Generation Design Scenario

<i>Adjusted Scenario</i>					AM		PM	
Use	Land Use Code	Unit	Quantity	Daily	in	out	in	out
Auto Sales (adjusted)	841	s.f.	66500	1075	48	16	35	25
High Turnover Sit Down Restaurant	932	s.f.	4000	509	24	19	24	16
Quality Restaurant	931	s.f.	5000	450	2	2	25	12
General Office	710	s.f.	10000	228	27	4	15	74
Total			85500	2261	100	41	99	128
Internal Capture - 15% (office to high turnover restaurant)					4	3	4	2
Final Driveway Trips					96	38	95	126
Passby Credit - 25% of restaurant uses					6	5	12	7
Adjusted Primary Trips					90	33	83	119

Adjusted trip generation estimates – suggested for design purposes for this application.

EPR_{PC}

Figure 10

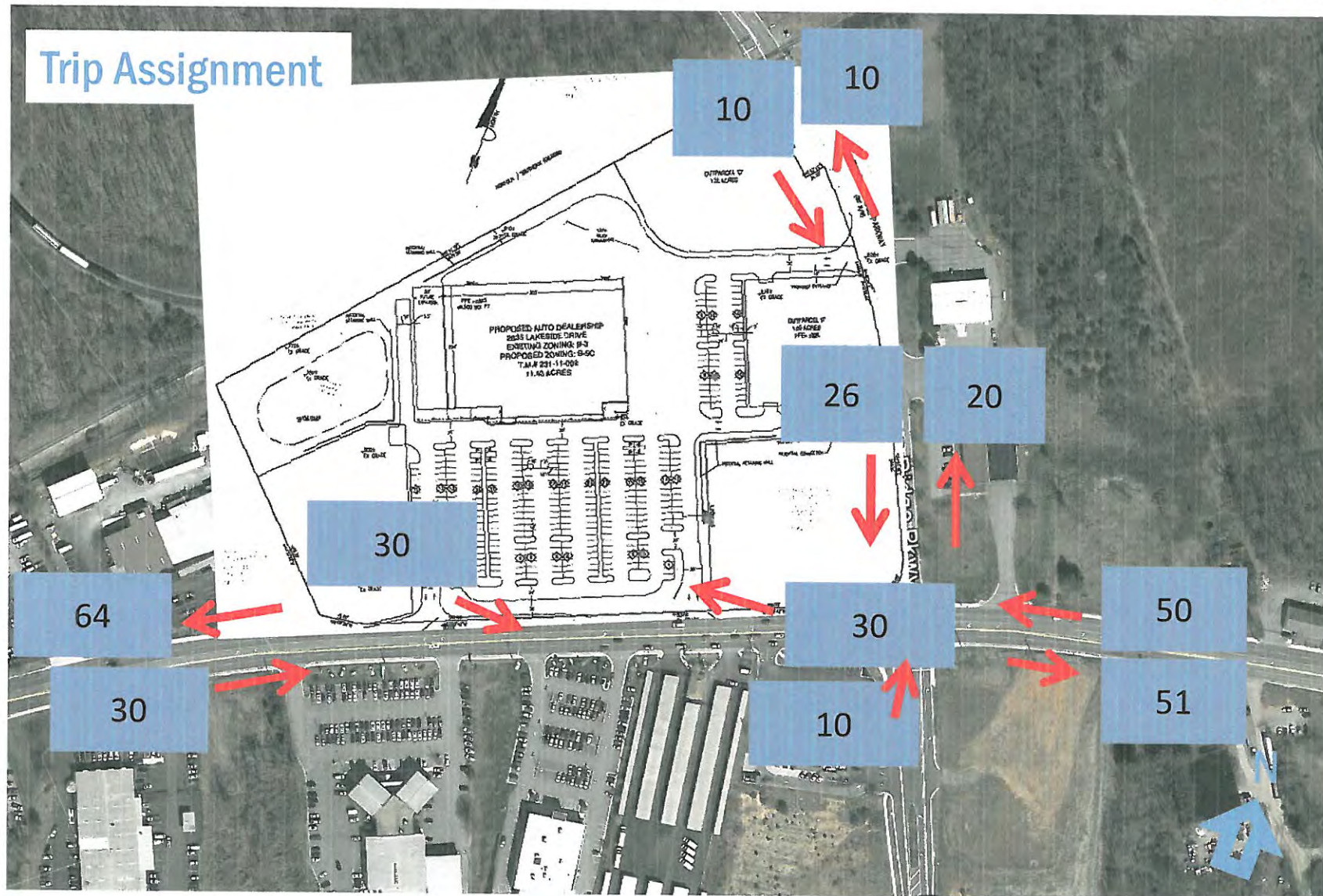


Figure 11

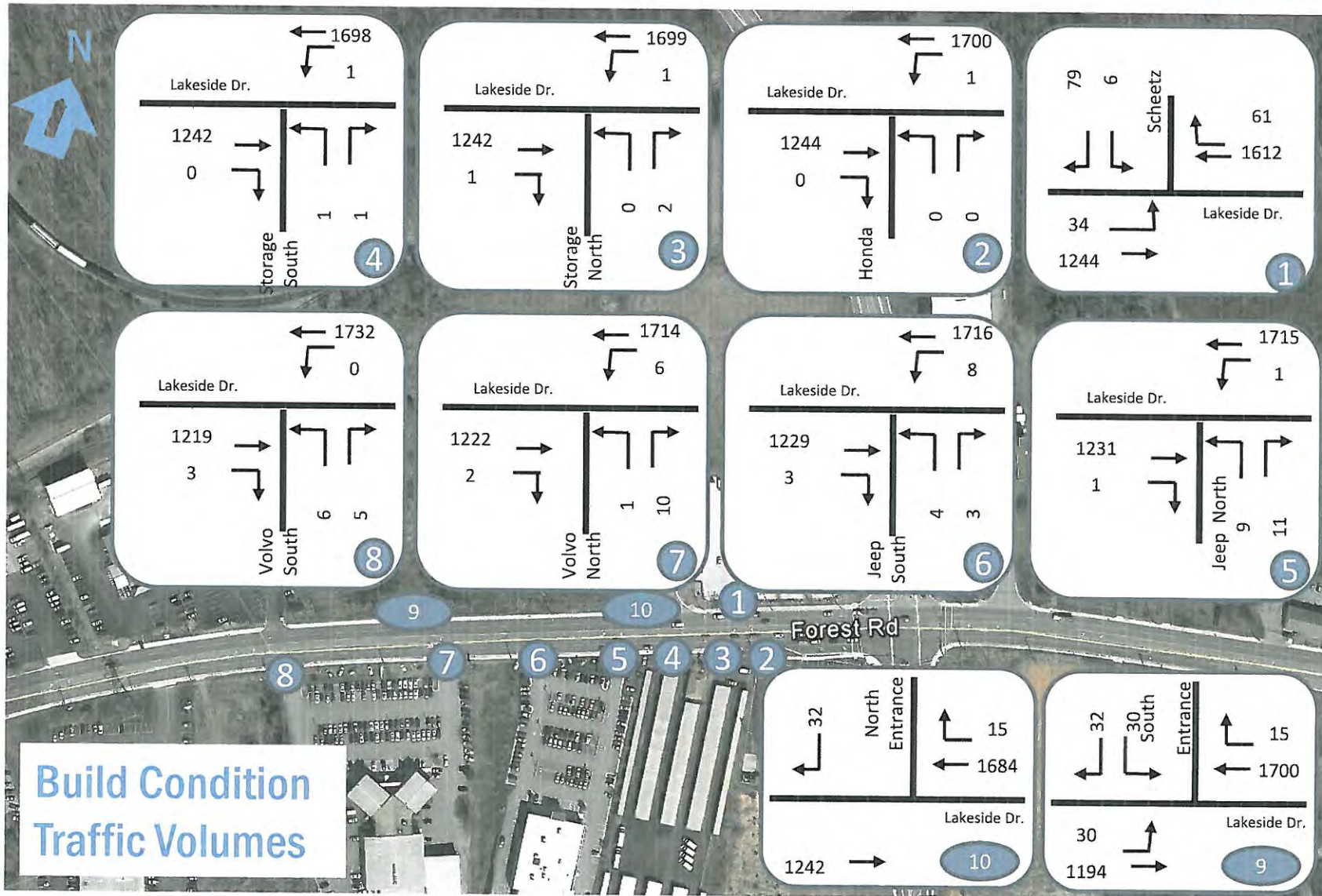
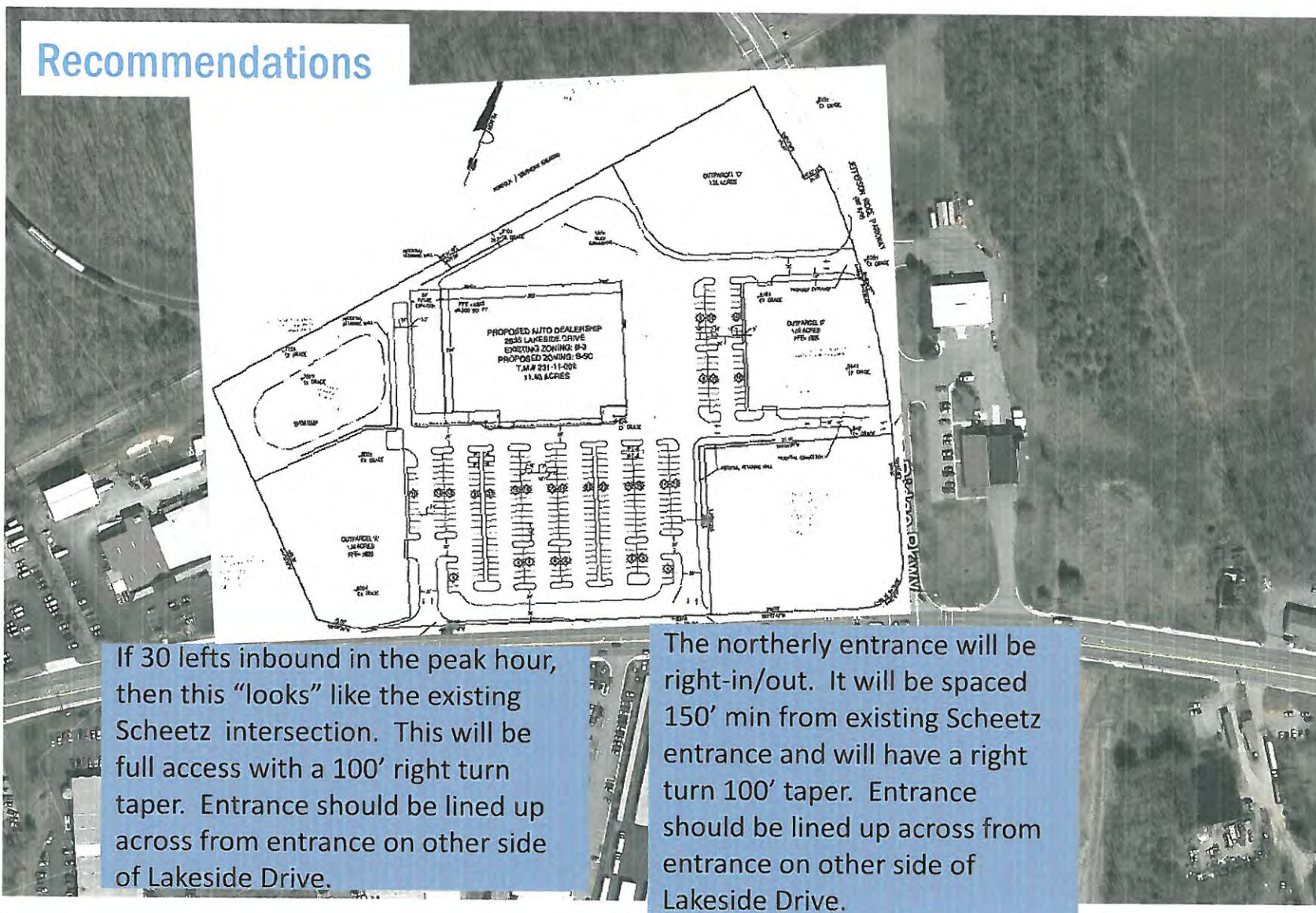


Figure 12

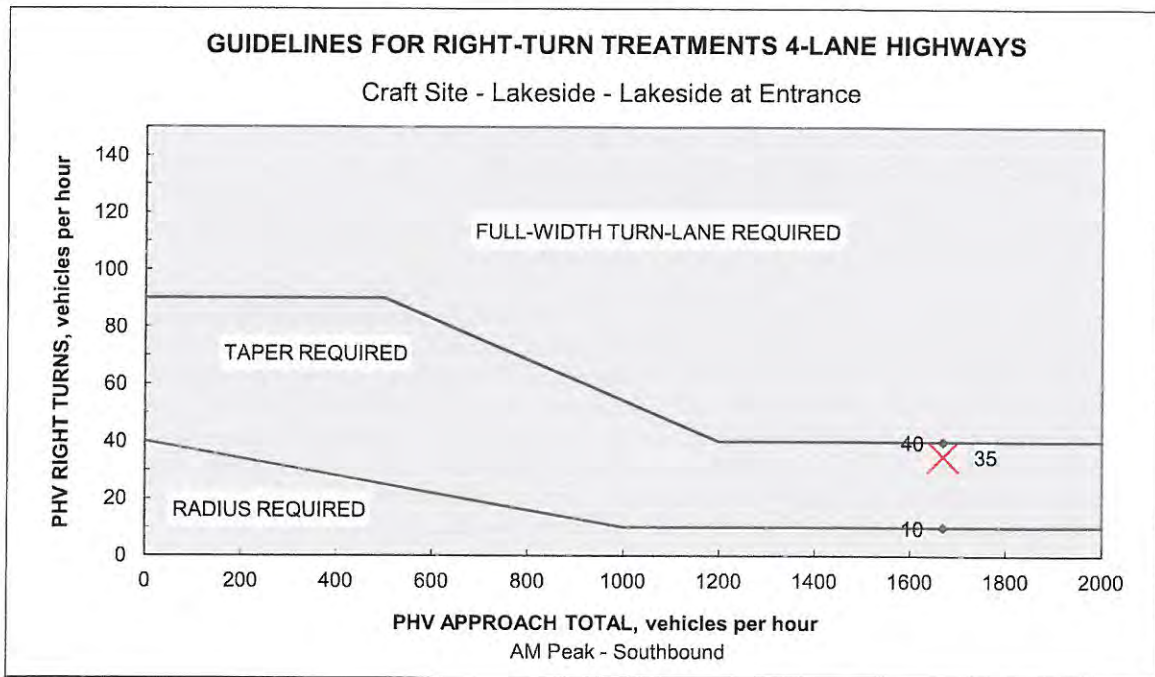


DRIVEWAY COUNT - 221 SOUTH OF BREEZEWOOD TO VOLVO DEALER										2-Hr Movemnt	Peak Hr Movemnt	2-Hr TWLTL	Peak Hr TWLTL
Scheetz		4-4:15	4:15-4:30	4:30-4:45	4:45-5	5-5:15	5:15-5:30	5:30-5:45	5:45-6	Total			
in	SBR	4	9	14	9	15	16	16	14	97	61		
	NBL	8	5	6	11	8	12	7	7	64	34	64	34
out	EBL	1	2	2	1	1	2	0	3	12	6	12	6
	EBR	18	17	15	17	27	21	18	13	146	79		
Total										319		76	40
Craft Honda		4-4:15	4:15-4:30	4:30-4:45	4:45-5	5-5:15	5:15-5:30	5:30-5:45	5:45-6	Total			
in	NBR	0	0	0	0	0	0	0	0	0	0		
	SBL	1	0	0	0	1	0	0	0	2	1	2	1
out	WBL	0	0	0	0	0	0	0	0	0	0	0	0
	WBR	0	0	0	0	0	0	0	0	0	0		
Total										2		2	1
Storage (north)		4-4:15	4:15-4:30	4:30-4:45	4:45-5	5-5:15	5:15-5:30	5:30-5:45	5:45-6	Total			
in	NBR	0	0	1	0	0	0	0	0	1	1		
	SBL	1	0	0	0	0	0	0	0	1	1	1	1
out	WBL	0	0	0	0	0	0	0	0	0	0	0	0
	WBR	0	1	0	1	0	0	0	0	2	2		
Total										4		1	1
Storage (south)		4-4:15	4:15-4:30	4:30-4:45	4:45-5	5-5:15	5:15-5:30	5:30-5:45	5:45-6	Total			
in	NBR	0	0	0	1	0	0	0	0	1	1		
	SBL	0	0	0	0	1	0	0	0	1	1	1	1
out	WBL	0	0	0	0	0	1	0	0	1	1	1	1
	WBR	0	0	1	1	0	0	0	0	2	0		
Total										5		2	2
Jeep (north)		4-4:15	4:15-4:30	4:30-4:45	4:45-5	5-5:15	5:15-5:30	5:30-5:45	5:45-6	Total			
in	NBR	0	0	1	0	0	0	0	0	1	1		
	SBL	1	0	0	0	1	0	0	0	2	1	2	1
out	WBL	0	5	3	1	0	1	0	0	10	9	10	9
	WBR	1	1	1	1	8	1	3	0	16	11		
Total										29		12	10
Jeep (south)		4-4:15	4:15-4:30	4:30-4:45	4:45-5	5-5:15	5:15-5:30	5:30-5:45	5:45-6	Total			
in	NBR	1	0	1	1	1	0	1	0	5	3		
	SBL	3	2	2	1	3	1	2	0	14	8	14	8
out	WBL	3	1	0	0	0	1	0	1	6	4	6	4
	WBR	0	2	1	0	2	2	0	0	7	3		
Total										32		20	12
Volvo (north)		4-4:15	4:15-4:30	4:30-4:45	4:45-5	5-5:15	5:15-5:30	5:30-5:45	5:45-6	Total			
in	NBR	0	1	1	0	1	1	0	0	4	2		
	SBL	3	0	0	0	3	2	0	1	9	6	9	3
out	WBL	1	1	2	1	0	0	0	1	6	1	6	5
	WBR	1	0	2	3	3	3	3	1	16	10		
Total										35		15	8
Volvo (south)		4-4:15	4:15-4:30	4:30-4:45	4:45-5	5-5:15	5:15-5:30	5:30-5:45	5:45-6	Total			
in	NBR	1	1	2	0	1	0	1	0	6	3		
	SBL	0	0	0	0	0	0	0	0	0	0	0	0
out	WBL	0	0	0	2	3	1	0	0	6	6	6	6
	WBR	2	1	3	0	2	0	0	0	8	5		
Total										20		6	6

GUIDELINES FOR RIGHT-TURN TREATMENTS ON 4-LANE HIGHWAYS

Project:	Craft Site - Lakeside		
Intersection:	Lakeside at Entrance		
Approach Direction:	Southbound	Analysis Date:	2015
Peak Hour:	AM Peak	Data Date:	2015
PHV Right Turns:	35	vph	Projection Year: 2015
PHV Approach Total:	1,669	vph	

CONCLUSION: **RIGHT-TURN TAPER REQUIRED**



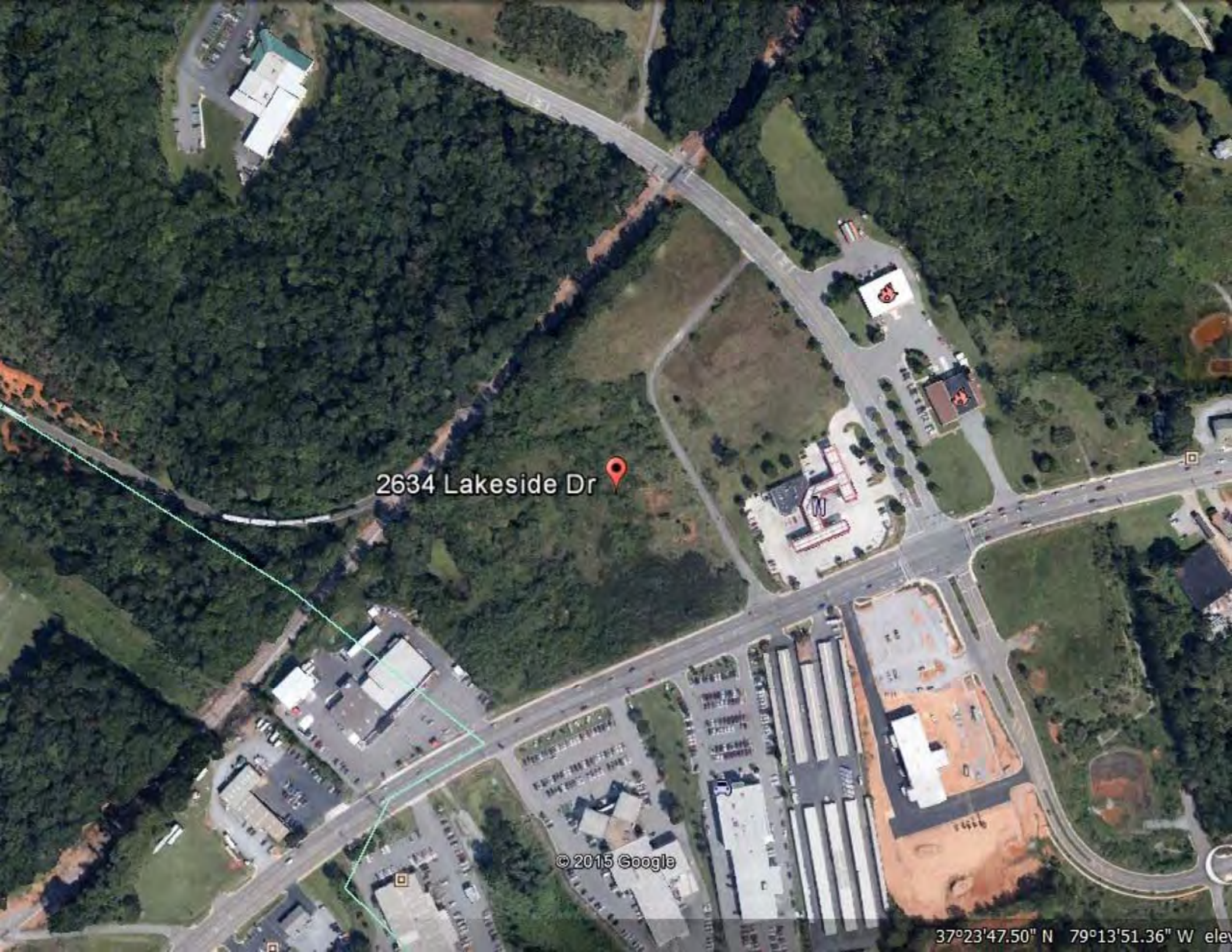
Source: VDOT Minimum Standards of Entrances to State Highways - Figure 6

HCM Unsignalized Intersection Capacity Analysis

2: Craft Site & Lakeside

5/1/2015

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Volume (veh/h)	30	0	32	5	0	5	30	1250	5	5	1700	5
Sign Control		Stop			Stop			Free			Free	
Grade		0%			0%			0%			0%	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	33	0	35	5	0	5	33	1359	5	5	1848	5
Pedestrians												
Lane Width (ft)												
Walking Speed (ft/s)												
Percent Blockage												
Right turn flare (veh)												
Median type								TWLT			TWLT	
Median storage (veh)								2			2	
Upstream signal (ft)												
pX, platoon unblocked												
vC, conflicting volume	2611	3291	927	2396	3291	682	1853			1364		
vC1, stage 1 conf vol	1861	1861		1427	1427							
vC2, stage 2 conf vol	750	1429		970	1864							
vCu, unblocked vol	2611	3291	927	2396	3291	682	1853			1364		
tC, single (s)	7.5	6.5	6.9	7.5	6.5	6.9	4.1			4.1		
tC, 2 stage (s)	6.5	5.5		6.5	5.5							
tF (s)	3.5	4.0	3.3	3.5	4.0	3.3	2.2			2.2		
p0 queue free %	54	100	87	95	100	99	90			99		
cM capacity (veh/h)	71	94	270	104	75	392	323			500		
Direction, Lane #	EB 1	EB 2	WB 1	NB 1	NB 2	NB 3	SB 1	SB 2	SB 3			
Volume Total	33	35	11	33	906	458	5	1232	621			
Volume Left	33	0	5	33	0	0	5	0	0			
Volume Right	0	35	5	0	0	5	0	0	5			
cSH	71	270	164	323	1700	1700	500	1700	1700			
Volume to Capacity	0.46	0.13	0.07	0.10	0.53	0.27	0.01	0.72	0.37			
Queue Length 95th (ft)	46	11	5	8	0	0	1	0	0			
Control Delay (s)	93.4	20.3	28.4	17.4	0.0	0.0	12.3	0.0	0.0			
Lane LOS	F	C	D	C			B					
Approach Delay (s)	55.7		28.4	0.4			0.0					
Approach LOS	F		D									
Intersection Summary												
Average Delay			1.4									
Intersection Capacity Utilization			63.8%		ICU Level of Service				B			
Analysis Period (min)			15									



2634 Lakeside Dr

© 2015 Google

37°23'47.50" N 79°13'51.36" W elev

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **June 9, 2015**

AGENDA ITEM NO.: 10

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Lynchburg College Student Housing - 307 Stafford Street**

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

SUMMARY: Lynchburg College is petitioning to add the property at 307 Stafford Street to their master plan and allow the conversion of the existing single-family dwelling to student housing for up to four (4) graduate students. The petition is consistent with the *Zoning Ordinance* as well as the *Comprehensive Plan 2013-2030* which provides institutional uses compatible in scale with residential homes are appropriate in Low Density Residential districts. Parking would be available in an existing driveway on the property, as well as along Stafford Street and within the college's parking lot across the street.

PRIOR ACTION(S):

May 13, 2015: The Planning Division recommended approval of the CUP petition.

The Planning Commission recommended approval of the CUP petition (4-0, with one abstention (Perault), one vacancy and one member absent (Light)).

FISCAL IMPACT: N/A

CONTACT(S):

Rachel Frischeisen, Planner I – 455-3900

Tom Martin, City Planner - 455-3900

Kent White, Director of Community Development – 455-3900

ATTACHMENT(S):

- Ordinance
- Planning Commission Report and Minutes – May 13, 2015
- Zoning Map
- FLUM Map
- Watershed Map
- Planimetric and Topographic Map
- Revised Master Plan
- Site Plan
- Narrative
- Neighborhood Notification Letter
- Request and Approval of Building Code Waiver
- Property Photographs
- Speaker Signup Sheet

REVIEWED BY: lkp

RESOLUTION:

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT FOR LYNCHBURG COLLEGE TO ADD THE PROPERTY AT 307 STAFFORD STREET TO THE LYNCHBURG COLLEGE MASTER PLAN AND ALLOW THE CONVERSION OF THE EXISTING DWELLING TO STUDENT HOUSING FOR FOUR (4) STUDENTS IN AN R-2, LOW-MEDIUM DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition by Lynchburg College for a conditional use permit to add the property at 307 Stafford Street to the Lynchburg College Master Plan and allow the conversion of the existing dwelling to house four (4) students is hereby approved subject to the following conditions:

1. The property will be developed in substantial compliance with the "Lynchburg College Revised Master Plan for Conditional Use Permit" received on April 30, 2015.
2. A maximum of four (4) students will reside in the structure.
3. All exterior lighting shall be controlled so that no direct illumination will occur beyond any property line.
4. Parking will be available in the existing space on the property, on-street parking and the parking lot across the street.

Adopted:

Certified: _____
Clerk of Council

051K

The Department of Community Development

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

To: Planning Commission
From: Planning Division
Date: May 13, 2015
Re: **Conditional Use Permit: Amend the Lynchburg College Master Plan to Convert a Single-Family Dwelling to Student Housing – 307 Stafford Street**

I. PETITIONER

Lynchburg College, 1501 Lakeside Drive, Lynchburg, VA 24501

Representative: John C. Lewis, Lynchburg College, 1501 Lakeside Drive, Lynchburg, VA 24501

II. LOCATION

The subject property is located at 307 Stafford Street, totaling two-hundred seventy-six thousandths (0.276) of an acre.

Property Owner:

Lynchburg College, 1501 Lakeside Drive, Lynchburg, VA 24501

III. PURPOSE

The purpose of this petition is to add the property at 307 Stafford Street to the Lynchburg College Master Plan and to allow the conversion of the existing single-family dwelling to housing for a total of four (4) students.

IV. SUMMARY

- The *Comprehensive Plan 2013-2030* recommends Low Density Residential land uses in this area.
- The petition agrees with the Zoning Ordinance in that schools and colleges are allowed in an R-2, Low-Medium Density Single-Family Residential District upon approval of a CUP by City Council.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg Comprehensive Plan 2013-2030 recommends Low Density Residential uses for the area. Low Density Residential areas are dominated by single-family homes at densities of up to four (4) dwelling units per acre. Institutional uses that are compatible in scale with residential homes are appropriate in these areas. (p. 72)

The Comprehensive Plan also states that quality education opportunities must be provided for youth at the secondary school level and college level and for adults as part of continuing education. The City places a high value on its colleges and will continue to support their presence within the City and to work with them in coordinating City planning with campus master planning.

2. **Zoning.** The subject property was annexed into the City in 1926. The existing R-2, Low-Medium Density Single-Family Residential District was established in 1978 with the adoption of the Zoning Ordinance. The petition would not change the underlying zoning.

3. Board of Zoning Appeals (BZA). The Zoning Official has determined that no variances would be needed for the development of the property as proposed.

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

- On October 28, 1980, City Council approved Lester Heyer's petition for a CUP to allow a Family Amusement Center in an R-2, Low-Medium Density Two-Family Residential District off Lakeside Drive.
- On September 25, 1984, City Council approved Lynchburg College's petition for a CUP to allow the development of an alumni house in an R-2, Low-Medium Density Two-Family Residential District off Lakeside Drive.
- On October 9, 1984, City Council approved Pinesbrook Buick, Inc.'s petition to rezone one (1) acre at 1311 and 1325 Lakeside Drive from B-3, Community Business District, to B-5 (Conditional), General Business District, to allow the construction and operation of a new and used car dealership with repair work.
- On August 13, 1985, City Council approved Lynchburg College's petition for a CUP to allow the conversion of an existing residence hall to offices and construction of new classrooms/parking in an R-2, Low-Medium Density Two-Family Residential District on College Street.
- On June 10, 1986: City Council approved Knight Gallery LTD's petition for a CUP to allow the construction of a building and parking lot addition in an R-2, Low-Medium Density Two-Family Residential District at 2034 Lakeside Drive.
- On October 14, 1986, City Council approved Lynchburg College's petition for a CUP to allow the construction of three (3) athletic practice fields, parking area and a restroom/storage building in an R-2, Low-Medium Density Two-Family Residential District at the intersection of Lakeside Drive and Faculty Drive.
- On April 12, 1988, City Council approved Don Gay's petition to rezone approximately two tenths (0.2) of an acre at 2018 Lakeside Drive from B-3, Community Business District, to B-5C, General Business District (Conditional), to allow the operation of an automobile sales and rental business in an existing structure.
- On July 12, 1988, City Council approved Lynchburg College's petition for a CUP to allow the construction of office space in an R-2, Low-Medium Density Two-Family Residential District at 185 Vernon Street and 500 Westwood Avenue.
- On August 9, 1988, City Council approved Lynchburg College's petition for a CUP to allow the construction of a dormitory and office in an R-2, Low-Medium Density Two-Family Residential District at 349 College Street.
- On November 8, 1988, City Council approved Farris and Iseman's petition for a CUP to allow the expansion of a mobile home park in an R-2, Low-Medium Density Two-Family Residential District at 2134 Lakeside Drive.
- On February 14, 1989, City Council approved Lynchburg College's petition for a CUP to allow the development of faculty offices in an R-2, Low-Medium Density Two-Family Residential District at 505 Brevard Street.
- On August 1, 1989, City Council approved Lynchburg College's petition for a CUP to allow the development of college offices and student housing in an R-2, Low-Medium

Density Two-Family Residential District on College, McCausland Street and Brevard Street.

- On June 11, 1991, City Council approved James Mitchel's petition to rezone approximately one and three tenths (1.3) acres at 2022 Lakeside Drive from B-5C, General Business District (Conditional), to B-5C, General Business District (Conditional), to amend a previously approved proffer to allow general equipment rental, sales, service and outside storage.
- On January 12, 1993, City Council approved Lynchburg College's petition for a CUP to amend its master plan to allow the construction of the School of Business in an R-2 Low-Medium Density Two-Family Residential District within the 300 Block of College Street.
- On December 12, 1995, City Council approved Lynchburg College's petition for a CUP to amend its master plan to allow conversion of an existing residence for supervised student housing in an R-2, Low-Medium Density Two-Family Residential District at 511 Brevard Street.
- On May 14, 1997, City Council approved Robert Kerr's petition to rezone seventy-five hundredths (0.75) of an acre at 2108 Lakeside Drive from I-2, Light Industrial District, to B-5C, General Business District (Conditional), to allow construction of a building for auto parts sales and commercial uses.
- On July 8, 1997, City Council approved The Salvation Army's petition to rezone one and one tenth (1.1) acres at 2108 Lakeside Drive from I-2, Light Industrial District, to B-5C, General Business District (Conditional), to allow construction and use of a thrift store.
- On May 12, 1998, City Council approved Lynchburg College's petition for a CUP to allow the development of special interest student housing in an R-2, Low-Medium Density Two-Family Residential District at 512 Brevard Street.
- On June 9, 1998, City Council approved Lynchburg College's petition for a CUP to amend its master plan to allow the construction of a gym and physical plant storage building in an R-2, Low-Medium Density Two-Family Residential District at 1501 Lakeside Drive.
- On August 11, 1998, City Council approved Lynchburg College's petition for a CUP to allow the use of an existing residence for student housing in an R-2, Low-Medium Density Two-Family Residential District at 215 Vernon Street.
- On September 8, 1998, City Council approved Otis and Jean Brent's petition to rezone one and two tenths (1.2) acres at 2108 Lakeside Drive from B-5C, General Business District (Conditional), to B-5C, General Business District (Conditional), to amend a previously approved proffer to allow the use of an existing building for office and retail use.
- On July 13, 1999, City Council approved Lynchburg College's petition for a CUP to allow the development of a college office and student housing in an R-2, Low-Medium Density Two-Family Residential District at 341 College Street, 504 Brevard Street and 245 Vernon Street.
- On March 14, 2000, City Council approved Lynchburg College's petition for a CUP to amend its master development plan to allow the construction of student townhomes in an R-2, Low-Medium Density Two-Family Residential District at 1501 Lakeside Drive.

- On June 12, 2001, City Council approved Lynchburg College's petition for a CUP to allow the development of student housing in an R-2, Low-Medium Density Two-Family Residential District at 511 Brevard Street, 312, 420, 425 Lakewood Street and 504 Westwood Avenue.
- On June 8, 2004 City Council approved Lynchburg College's petition for a CUP to allow the conversion of existing residences to student housing in an R-2, Low-Medium Density Two-Family Residential District at 191, 225, 235, 246, 302, 310, 311, 331, 348 Vernon Street, 316 and 426 Lakewood Street.
- On October 12, 2004, City Council approved Lynchburg College's petition for a CUP to allow the construction of student housing and associated parking areas in an R-2, Low-Medium Density Two-Family Residential District at 1501 Lakeside Drive.
- On December 12, 2004, City Council approved Lynchburg College's petition for a CUP to allow the conversion of existing residences to student housing in an R-2, Low-Medium Density Two-Family Residential District at 201 Bell Street, 224, 350 Vernon Street, 1123 McCausland Street, 121 Thomas Road, 310, 416, 432 Lakewood Street and 333 College Street.
- On January 11, 2005, City Council approved C&G Properties' request to rezone one and nine hundredths (1.09 acres) at 1400 Lakeside Drive from B-3, Community Business District, and R-3, Medium Density Two-Family Residential District, to B-5C, General Business District (Conditional) to allow the operation of a thrift shop and related parking.
- On July 12, 2005, City Council approved Lynchburg College's petition for a CUP to allow the conversion of existing residences to student housing in an R-2, Low-Medium Density Two-Family Residential District at 404, 428 Lakewood Street., 185, 307 Vernon Street and 214 Bell Street.
- On June 13, 2006, City Council approved DSZ Properties' petition to rezone three and eighty-seven hundredths (3.87) acres at 2009 Lakeside Drive from R-2, Low-Medium Density Single-Family Residential District, to R-4C, Medium-High Density Multi-Family Residential District (Conditional) to allow the construction of a thirty-six (36)-unit townhouse complex with associated parking.
- On June 13, 2006, City Council approved Lynchburg College's petition for a CUP to allow college-supervised student housing in an R-2, Low-Medium Density Two-Family Residential District at 217 Bell Street, 209 Amelia Street, 317 College Street, 402, 417, 419 Lakewood Street, 1115 McCausland Street, 518 Brevard Street and 324 Vernon Street.
- On November 14, 2006, City Council approved Milton & Neal Properties' petition to rezone one and fourteen hundredths (1.14) acres from B-5C, General Business District (Conditional) to B-3C, Community Business District (Conditional) at 2108 Lakeside Drive to allow the construction of a U.S. Armed Forces Recruiting Center.
- On February 13, 2007, City Council approved Lynchburg College's petition for a CUP to allow a consolidated sign package for nine (9) way-finding signs in an R-2, Low-Medium Density Two-Family Residential District at 1501 Lakeside Drive and 503 Brevard Street.
- On July 10, 2007, City Council approved Milton & Neal Realty's petition to rezone two and two tenths (2.2) acres from R-2, Low-Medium Density, Single-Family Residential

- District to B-1C, Limited Business District (Conditional) at 1600, 1604 and 1608 Lakeside Drive to allow the construction of a Veteran's Administration Clinic and a future office building.
- On February 12, 2008, City Council approved Lynchburg College's petition for a CUP to allow the construction of a three thousand (3,000) square foot addition to Thompson Hall and the construction of a four hundred and eighty (480)-square foot press box for baseball on Fox Field in an R-2, Low-Medium Density Two-Family Residential District at 1501 Lakeside Drive.
 - On March 10, 2009, City Council approved Lynchburg College's petition for a CUP to amend the previously approved master plan to allow the construction of a softball batting cage for "Moon" field at 1501 Lakeside Drive and the conversion of an existing single-family dwelling to housing for seven (7) students at 408 Lakewood Street in an R-2, Low-Medium Density Two-Family Residential District.
 - On August 12, 2008, City Council approved William and Darlene Brown's petition to rezone one and thirty-eight hundredths (1.38) acres from B-5C, General Business District (Conditional) to B-5C, General Business District (Conditional) at 2022 Lakeside Drive to amend the proffers for the subject property to allow additional retail uses within the existing Aztec Rental building.
 - On July 13, 2010, City Council approved Lynchburg College's petition for a CUP to amend the previously approved master plan to allow the conversion of two (2) existing single-family dwellings at 315 College Street and 431 Lakewood Street to housing for a total of thirteen (13) students.
5. **Site Description.** The subject property includes a two-story, wood frame, vinyl sided house consisting of two thousand three hundred and twenty-six (2,326) square feet. The structure was constructed in 1911. The property is bound to the north (across Stafford Street and Thomas Road) by a parking area associated with Lynchburg College, to the east by vacant land, and to the south and west by single-family homes.
6. **Proposed Use of Property.** The purpose of the CUP petition is to amend the existing master plan to allow the addition of the property at 307 Stafford Street. The existing single-family dwelling would be converted to housing for four (4) students. The current R-2 zoning (low-medium density residential, single-family district) would not allow this use, as the Zoning Ordinance defines a family as "not more than three (3) unrelated persons occupying a dwelling, living together, and maintaining a household."
- The College currently requires that "traditional" aged students live in college-owned housing until their senior year. During their senior year, a student may live in off-campus housing; however, the housing must be in an area zoned R-4 or R-5. These requirements have eliminated the ability of the students to rent single-family dwellings not under the ownership of the college. This has greatly reduced the potential for students to generate noise or cause other disruptive activities.
7. **Traffic, Parking and Public Transit.** The City's Transportation Engineer had no concerns regarding the CUP petition.
- Section 35.1-25 of the City's Zoning Ordinance provides that the parking need for colleges exceeding one hundred (100) on campus and commuting students shall be determined by the petitioner and approved as part of a CUP. Lynchburg College's current student population is two thousand, seven hundred thirty-six (2,736) students, with seven hundred

and six (706) faculty and staff. The college has determined that this would require one thousand, five hundred and sixty-five (1,565) parking spaces. The Lynchburg College Master Plan provides for one thousand, eight hundred and seventy-eight (1,878) parking spaces, three hundred and thirteen (313) more than required.

The subject property contains one (1) parking space. On-street parking is available in the area and a parking lot owned by Lynchburg College is in the immediate vicinity.

The Greater Lynchburg Transit Company Bus Route 67 has two (2) stops located approximately two hundred (200) feet from the proposed student housing on both sides of Thomas Road at its intersection with Westwood Avenue.

8. **Stormwater Management.** An Erosion & Sediment Control / Stormwater Management Plan is not required.

9. **Emergency Services.** The City's Fire Marshal had no concerns regarding the CUP.

The City Police Department recommended specifications about lighting, signage, door/window security, and general safety.

The College requested a modification to Building Code Section USBC 903.2.8 to be exempt from the sprinkler requirement for the dwelling. The College has replaced the electrical wiring and installed an electric heat pump system in the dwelling, and provides fire extinguishers at all properties. In addition, the dwelling will have a hardwired fire alarm connected to the College security system, which is monitored constantly by security officers. Given this, the Building Commissioner granted this modification to eliminate the sprinkler system requirement.

10. **Impact.** The proposed conversion of the residence to student housing would have limited impact on the surrounding area. The narrative indicates that parking options include the parking space on the property, on-street parking, and in an existing parking lot (across the street between Thomas Road, Westwood Avenue, and College Street) which is owned and operated by Lynchburg College to prevent the overflow of cars into the adjacent residential neighborhood.

The proposed conversion of the single-family home should have limited impact on the area. While past conversions of single-family homes have served the needs of the college and stabilized the neighborhood, staff is concerned with the extension of student housing further from the main campus. The College sent a project notification letter to the surrounding property owners and hosted a neighborhood meeting on April 9, 2015.

11. **Technical Review Committee.** The TRC reviewed the concept plan on April 21, 2015. Comments related to the proposed use were minor in nature and have or will be addressed by the petitioner prior to final site plan approval.

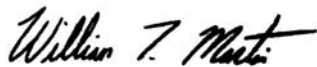
VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of Lynchburg College's petition for a conditional use permit (CUP) to amend the existing master plan to include the property at 307 Stafford Street within an

R-2, Low-Medium Density, Single Family Residential District, and to allow the conversion of the existing single-family dwelling to housing for four (4) students, subject to the following conditions:

- 1. The property will be developed in substantial compliance with the “Lynchburg College Revised Master Plan for Conditional Use Permit” received on April 30, 2015.**
- 2. A maximum of four (4) students will reside in the structure.**
- 3. All exterior lighting shall be controlled so that no direct illumination will occur beyond any property line.**
- 4. Parking will be available in the existing space on the property, on-street parking and the parking lot across the street.**

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Ms. Bonnie M. Svrcek, Deputy City Manager
Mr. Walter C. Erwin, City Attorney
Mr. Kent L. White, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozarow, Lynchburg Police Department
Battalion Chief Thomas Goode, Fire Marshal
Mr. Don DeBerry, Transportation Engineer
Mr. Doug Saunders, Building Commissioner
Mr. Kevin Henry, Zoning Administrator
Mr. John C. Lewis, Petitioner, Lynchburg College

VII. ATTACHMENTS

- 1. Zoning Map**
- 2. FLUM Map**
- 3. Watershed Map**
- 4. Planimetric and Topographic Map**
- 5. Master Plan**
- 6. Site Plan**
- 7. Narrative**
- 8. Neighborhood Letter**
- 9. Request for Building Code Waiver**
- 10. Building Code Waiver Approval**
- 11. Property Photograph**

MINUTES OF THE MAY 13, 2015 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

Petition of Lynchburg College for a conditional use permit at 307 Stafford Street to allow graduate student housing for up to four (4) students in an R-2, Low-Medium Density, Single-Family Residential District:

Ms. Rachel Frischeisen explained that the *Future Land Use Map* recommends a Low Density Residential use in this area. Low Density Residential uses are generally comprised of single-family homes with a density of four units per acre. Institutional uses, such as the use proposed by this petition, are also appropriate in these areas provided they are compatible in scale with residential homes. The proposed use would be compatible given that the dwelling will continue to blend in with the fabric of this neighborhood. There are no major exterior modifications to the home planned at this time.

The proposed housing is intended for graduate students and ample parking is available on the property as well as across the street. There have been similar requests for conditional use permits for student housing in the area that have been approved in recent years; many of them have been from Lynchburg College. While staff is concerned with the further expansion of student housing away from the campus, the results of other petitions have been generally positive, helping to improve and stabilize the surrounding neighborhood as well as serving the needs of the college. Staff's conclusion is that the conversion of the single-family dwelling to student housing should have limited impact on the surrounding area. The Planning Division recommends approval of this petition with the conditions outlined in the report.

Mr. John Lewis of Lynchburg College was present to represent the petition. He explained that there has not been a request like this one from the college in about five years because they had thought they had sufficient off campus housing available for its students. They acquired this house and were going to rent it to faculty and staff. They did not have any prospective tenants until he was approached by a group of graduate assistants in the athletics program. The college would like to be able to offer it to them because the college supports its athletics program as a central part of college activities. The graduate assistants do not make a lot of money, so it will be more affordable for them to split the costs between four of them rather than three, as the Zoning Ordinance allows. The college has renovated the interior and put in a hard wired fire alarm system. The college feels comfortable renting to the graduate assistants and hopes the Planning Commission will recommend approval to City Council.

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

Commissioner Perault indicated that he would be abstaining from the discussion and vote as he is employed by Lynchburg College. Commissioner Lowe wondered about the four unrelated persons being allowed to reside in the home. There was a lot of discussion in recent months in the Zoning Ordinance public meetings and it was clear that citizens would like the number of unrelated persons allowed to reside together to remain at three. Mr. Martin explained that the reason staff feels this is acceptable is because this property will be owned and controlled by the college. It has the hard wired fire alarm system and campus police have the authority to go into the house. In other instances, where the housing is not controlled by the institution, the congregation of more than three unrelated people in a dwelling often times becomes an issue for the neighborhood. Mr. Martin noted that the student housing owned and monitored by Lynchburg College has served the surrounding neighborhood very well.

Commissioner Lowe indicated that this addressed his concerns. He definitely supports Lynchburg College's efforts to accommodate its students and graduate assistants' housing needs. He believes they have adequately addressed the parking issue.

Commissioner Marion asked Mr. Lewis if the college has a house with ten students living in it. Mr. Lewis stated that 511 Brevard Street has the capacity to house ten students. That house is their Westover Honors house. She asked about the number of neighbor complaints. Mr. Lewis said that when he used to come to these meetings years ago, it was not a pleasant experience. Planning Commission and City Council were trying to protect the interests of the surrounding neighbors. The college has worked to address these concerns in recent years. They added substantial student housing on campus for upper class students. They bought a number of the surrounding homes and remodeled them. They made a policy that students can only live off campus in properties zoned R-4 or R-5 (or owned by the college). Prior to the college buying the properties, they really had no recourse other than to expel a student if there were issues with their living off campus. Now the properties are patrolled four nights a week and if there is an issue, it is addressed immediately. Currently, there are no significant issues to report. Commissioner Marion noted that there is no one here today to object to this petition.

Chair Swienton noted the difference from previous public hearings. There has been tremendous work by the college to improve the neighborhood and its relations with the neighbors. They have done an outstanding job of accommodating students in a residential area.

Commissioner Mays asked Mr. Lewis how many single-family homes the college owns. He said they own approximately 100 properties. A number of the homes were in such bad shape they had to be demolished and are now green space. They own approximately 75 homes with students living in them. Commissioner Mays asked if he felt that the college has adequate housing moving forward. Mr. Lewis indicated that they feel they do and are not looking toward growing their residential population.

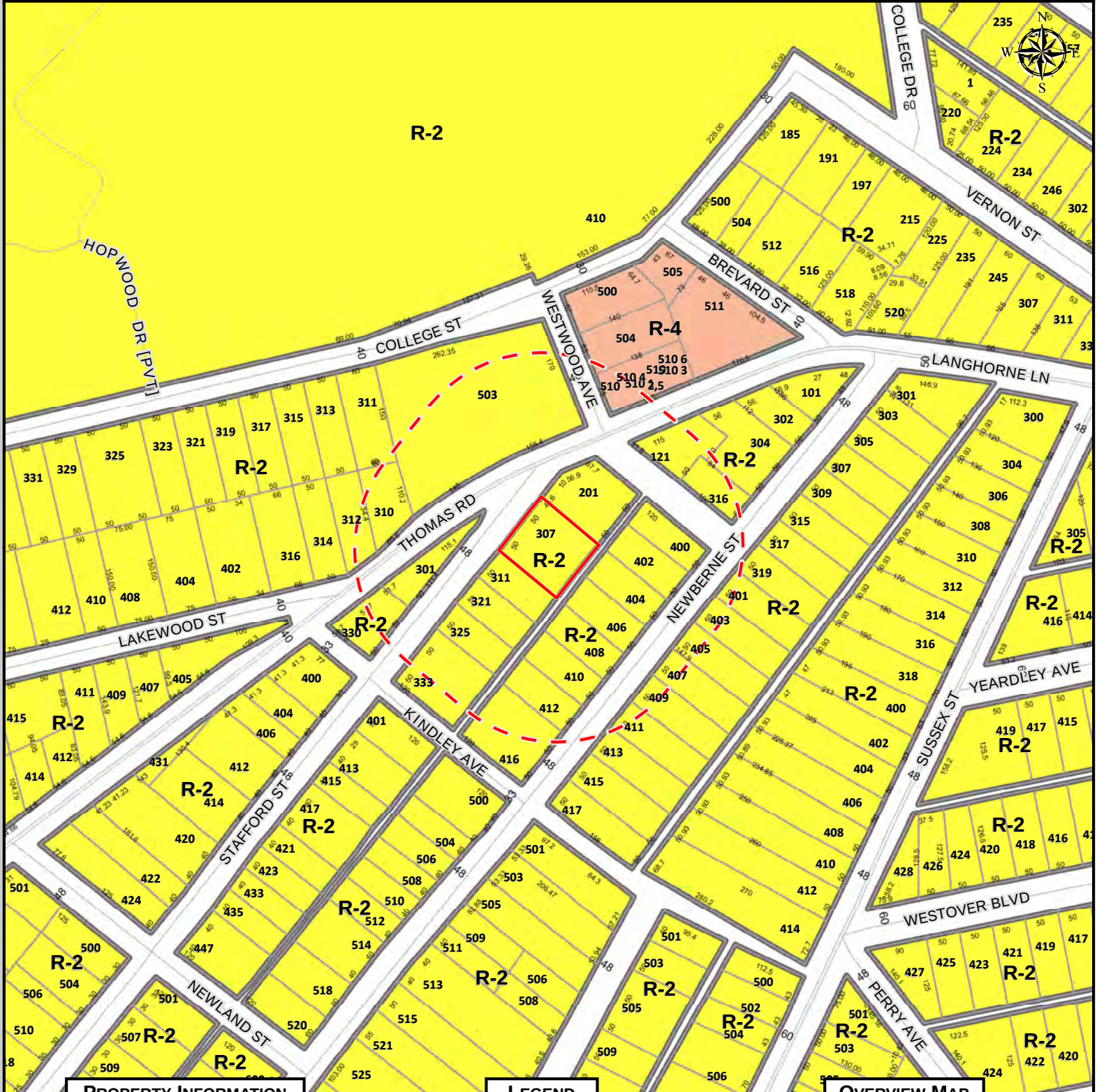
Commissioner Marion made the following motion, which was seconded by Commissioner Lowe, and passed by the following vote:

“That the Planning Commission recommends to City Council approval of Lynchburg College’s petition for a conditional use permit (CUP) to amend the existing master plan to include the property at 307 Stafford Street within an R-2, Low-Medium Density, Single Family Residential District, and to allow the conversion of the existing single-family dwelling to housing for four (4) students, subject to the following conditions:

- 1. The property will be developed in substantial compliance with the “Lynchburg College Revised Master Plan for Conditional Use Permit” received on April 30, 2015.**
- 2. A maximum of four (4) students will reside in the structure.**
- 3. All exterior lighting shall be controlled so that no direct illumination will occur beyond any property line.**
- 4. Parking will be available in the existing space on the property, on-street parking and the parking lot across the street.”**

The motion passed by the following vote:

AYES:	Lowe, Marion, Mays and Swienton	4
NOES:		0
ABSTENTIONS:	Perault	1
ABSENT:	Light	1
VACANCIES:		1



PROPERTY INFORMATION

PARCEL ID	ADDRESS
01325016	307 STAFFORD ST

LEGEND

- Subject Property
- 215' Buffer
- B-1
- B-2
- B-3
- B-4
- B-5
- B-6
- I-1
- I-2
- I-3
- R-1
- R-2
- R-3
- R-4
- R-5
- R-C

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 5/1/2015

Parcel ID	Address	Owner
01325011	333 STAFFORD ST	PENN, ROBERT F JR & LORI F
01326001	301 THOMAS RD	CITY OF LYNCHBURG
01323006	316 NEWBERNE ST	UTTERBACK, JEFFERY &
03102001	311 COLLEGE ST	SIMOPOULOS, KANELLA K IRREV TR
01323004	304 NEWBERNE ST	STEELE, ROBERT & STEELE, CATHY
01322004	510 WESTWOOD AVE	LYNCHBURG COLLEGE
01325014	321 STAFFORD ST	ALLEY, FREDRICK J II &
03102043	503 WESTWOOD AVE	LYNCHBURG COLLEGE
01325016	307 STAFFORD ST	LYNCHBURG COLLEGE
01325015	311 STAFFORD ST	HUNTER, ANTHONY C
01325007	410 NEWBERNE ST	LYLE, JOSEPH W & SHERRY R
01325013	325 STAFFORD ST	GIER, WILLIAM E & CHERYL A
01324025	407 NEWBERNE ST	GARBEE, NELLIE W
03102042	310 LAKEWOOD ST	LYNCHBURG COLLEGE
01325009	416 NEWBERNE ST	ALEXANDER, PAUSANIAS & WENDY L
01325008	412 NEWBERNE ST	FOSTER, WALTER L & DEBRA JO
01325004	404 NEWBERNE ST	ZEGARELLI, BRENDA H
01324029	319 NEWBERNE ST	ROBBINS, JARED
01322005	504 WESTWOOD AVE	LYNCHBURG COLLEGE
01325005	406 NEWBERNE ST	SELLERS, JENNA S
01325006	408 NEWBERNE ST	DUMMINGER, JAMES C JR & JACKI D
01324026	405 NEWBERNE ST	LEECH, MATTHEW M & LYNDSEY B
01325003	402 NEWBERNE ST	ZEGARELLI, BRENDA H
03102041	312 LAKEWOOD ST	LYNCHBURG COLLEGE
01324028	401 NEWBERNE ST	FLORES, WANDA W
01325001	201 THOMAS RD	LYNCHBURG COLLEGE
01324022	413 NEWBERNE ST	GOULDER, JORDAN W
01323007	121 THOMAS RD	LYNCHBURG COLLEGE
01326002	330 STAFFORD ST	DOOLEY, TIMOTHY L JR & HEATHER F
01324027	403 NEWBERNE ST	LEECH, MATTHEW M & LYNDSEY B
01325002	400 NEWBERNE ST	VIAR VENTURES L L C
01324024	409 NEWBERNE ST	GARBEE, NELLIE W
01324023	411 NEWBERNE ST	MORRIS, DUSTIN L & MASSIE, KIMBERLY

FLUM Map

GRADUATE STUDENT HOUSING

Conditional Use Permit Request

Lynchburg College



PROPERTY INFORMATION

PARCEL ID

ADDRESS

01325016 307 STAFFORD ST

LEGEND

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

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 5/1/2015

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

Watershed Map

GRADUATE STUDENT HOUSING

Conditional Use Permit Request

Lynchburg College



PROPERTY INFORMATION

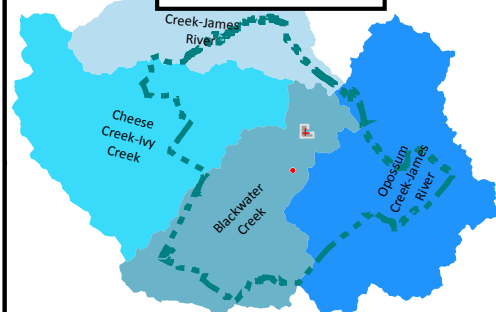
PARCEL ID ADDRESS

01325016 307 STAFFORD ST

LEGEND

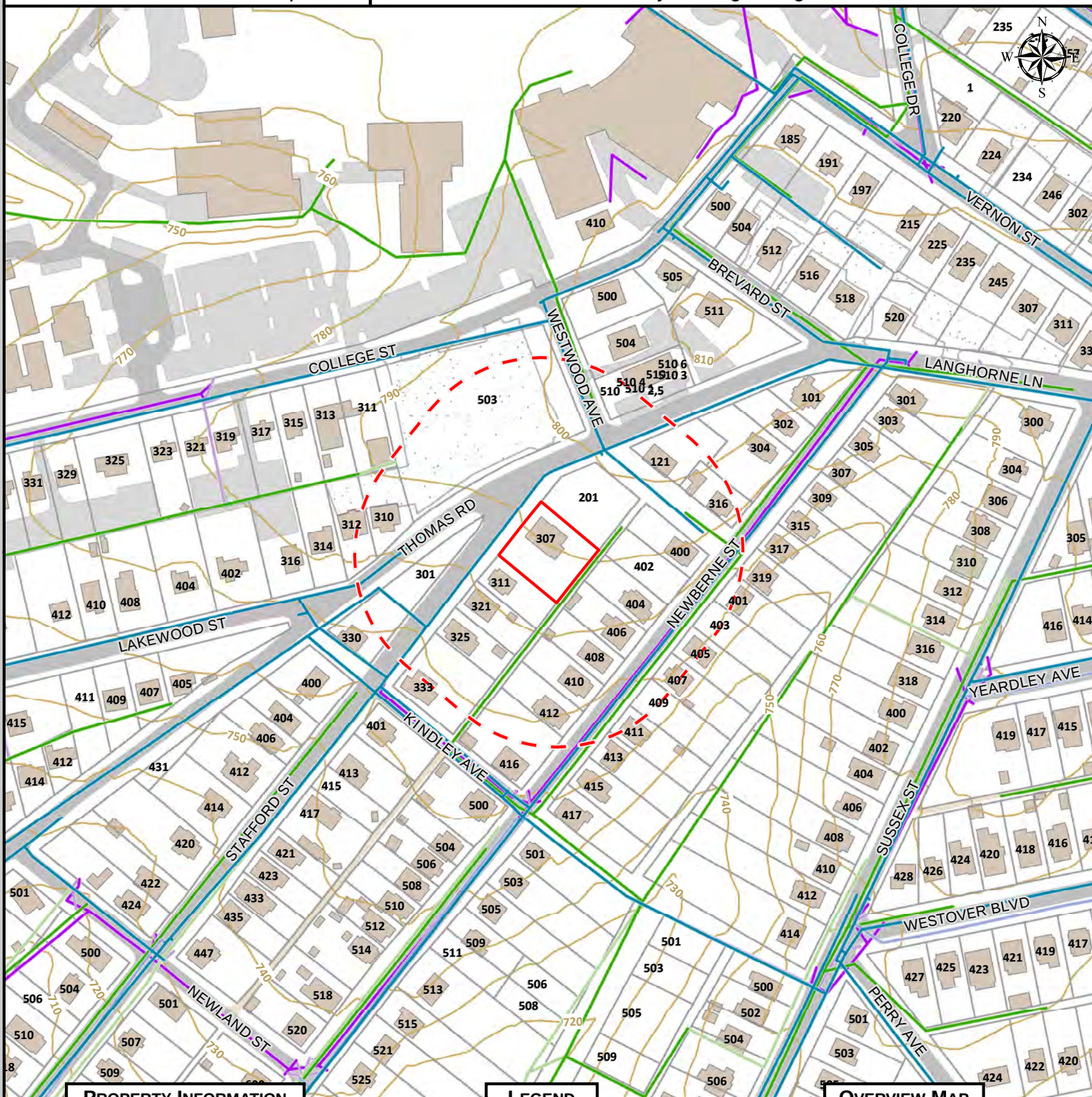
- Subject Property
- Base Flood Elevation
- Floodway
- Floodzone
- River / Lake / Stream

OVERVIEW MAP



MAP SCALE: 1" = 33,333' DATE PRINTED: 5/8/2015

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



PROPERTY INFORMATION

PARCEL ID	ADDRESS
01325016	307 STAFFORD ST

LEGEND

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

OVERVIEW MAP

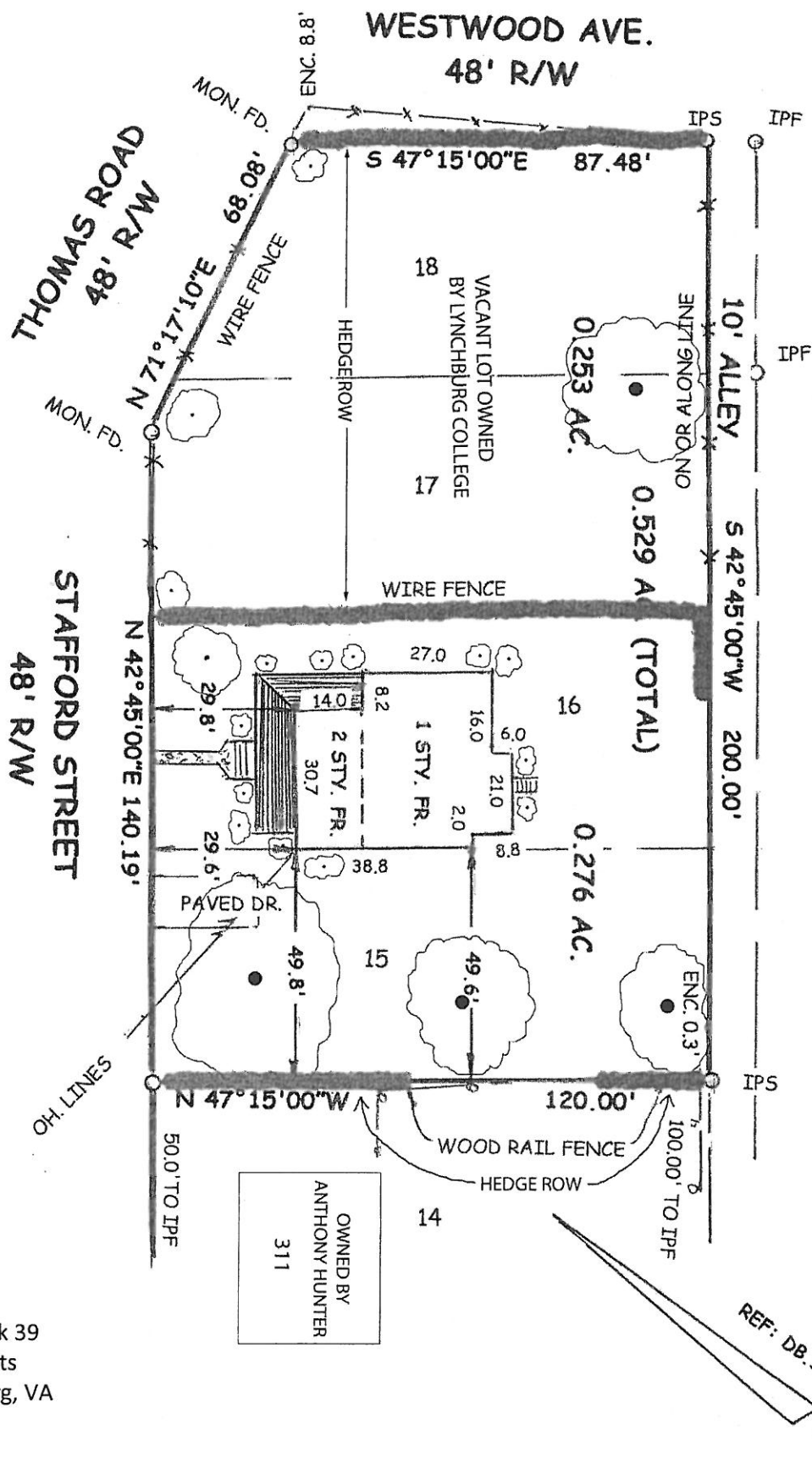


MAP SCALE: 1" to 200' DATE PRINTED: 5/1/2015

LYNCHBURG COLLEGE
Revised Master Plan for
Conditional Use Permit



Petitioner and Owner: Lynchburg College, 1501 Lakeside Drive; Lynchburg, VA 24501
Location: 307 Stafford Street **Existing Zoning:** R-2
Proposed Use: Student Residence in Existing Structure (for 4 graduate students)



Lots 15-16, Block 39
Westover Heights
City of Lynchburg, VA
Scale 1"=30'
April 1, 2015

RECEIVED

APR 30 2015

**COMMUNITY
DEVELOPMENT**

Revised

**LYNCHBURG COLLEGE
UPDATE TO MASTER PLAN**

Conditional Use Permit Application

Lynchburg College is applying for a Conditional Use Permit to update its Master Plan to request permission to convert the single family dwelling at 307 Stafford Street to graduate student housing.

Lynchburg College, founded in 1903, is one of the oldest coeducational colleges in Virginia. Since its founding, the College has maintained strong commitments to the liberal arts as the basis for education, to a church relationship, to coeducation, and to being a residential community. We have completed a strategic plan and a campus facilities master plan. Our plans call for our enrollment of approximately 2,600 to remain constant. Currently about 1,800 of these students are full-time traditional age undergraduates with the remaining 800 consisting of older adult (over 25) students, part-time students, and graduate students. All traditional age students are required to live in College-owned housing until their senior year unless they are living at home with their parents. Seniors must apply to live off-campus and they can only live in areas zoned R4 or R5, areas designated as multi-family dwellings, i.e., apartment complexes. Our students are no longer allowed to rent single-family dwellings throughout the neighborhood surrounding the campus. We project that approximately 1,600 of our students will live in College-owned housing. Our current capacity for housing traditional age students is 1,760. To reach this level, we completed new construction on campus to house 246 students. In addition to the new construction, we have utilized College-owned and supervised residential properties to house students.

In order to have more resident space for graduate students, we need to convert the dwelling that we recently purchased at 307 Stafford Street to student housing for four graduate students. In addition to the parking space on the property and available on-street parking, we will provide adequate parking for the residents in the College's large parking lot across the street (located between Thomas Road, Westwood Avenue and College Street). The renovations to the property include replacing the old knob and tube wiring, replacing the heating and cooling system and the installation of a hardwired fire alarm system that is connected to the College's system that is monitored continuously by our Security force.

The College has been and wants to continue to be a responsible entity within the City of Lynchburg. We currently employ over 700 individuals and have a regional economic impact of over \$100 million on an annual basis.

We will send a letter to all individuals that own property near the College so that we can invite them to an Information Session to share with them our plans and respond to their concerns, if any.

Prepared by:

John C. Lewis
Associate Vice President for
Business and Finance



LYNCHBURG
COLLEGE EST. 1903

FILE COPY

Business Office

RECEIVED

APR 07 2015

COMMUNITY
DEVELOPMENT

April 1, 2015

Dear Neighbors:

Lynchburg College would like to take this opportunity to share some information with you about a proposed change to the College's Master Plan and our Conditional Use Permit (CUP) Application. The CUP Application is a request to convert a single family residence located at 307 Stafford Street to student housing. We intend to use the house as rental property for graduate students who are working at the College. The enclosed document, which is part of our CUP Application with the City, describes this change.

In addition to the enclosed information, we would like to invite you to an Information Session on Thursday, April 9, 2015, at 5:30 p.m. at the house at 307 Stafford Street. Since about half of the property owners live in the neighborhood, we thought this would be a convenient location. (Parking is available in the gravel lot across the street.)

Hope to see you there. If you have any questions or concerns, please call me at 434.544.8212 or email me at lewis@lynchburg.edu.

Sincerely,

John C. Lewis
Associate Vice President for
Business and Finance

JCL/lbw
Enclosure

From: Lewis, John
Sent: Wednesday, April 22, 2015 3:37 PM
To: 'doug.saunders@lynchburgva.gov'
Cc: 'mike.mckinney@lynchburgva.gov'; Key, Carol; Bright, Steve
Subject: Modification request related to 307 Stafford Street

Good afternoon, Doug

Lynchburg College has applied to the City for a Conditional Use Permit (CUP) related to the single family dwelling that we recently acquired and renovated at 307 Stafford Street. The College intends to use the house as rental property for faculty and staff of the College. At the current time, we have a group of four graduate assistants who are working for the College and want to rent the house as a group because of their limited finances. Since the City has an ordinance that says "no more than three unrelated persons can occupy a single family dwelling", we are applying for the CUP to allow the four persons to rent the house.

In the Technical Review Committee (TRC) meeting yesterday, Mike McKinney expressed his concern about the house falling under the Building Code definition of a "dormitory" where a sprinkler system would be required. For the CUP we are calling our use "student housing", since the potential renters are also students.

The College is hereby requesting a modification to Code Section USBC 903.2.8 to be exempt from the sprinkler system requirement at this location. We feel that the sprinkler system would be cost prohibitive for this property. The College is very serious about the safety and well-being of our students, faculty and staff. All of our residential properties have a hard-wired fire alarm system that sounds at our Security Desk that is manned 24 x 7 and our Security officers are able to respond to any emergency. We also provide fire extinguishers in all properties and the extinguishers are checked and serviced annually. At this particular house, we replaced the old (knob and tube) wiring and installed a new all electric heat pump system to further lower the risk of a fire happening at this property. In addition to the above items, the College's Security staff routinely patrol the entire campus including the houses that we own. For all of the above reasons, the College is comfortable making this request and appreciates your consideration.

Please let me know that you received this email.

Thanks,

John Lewis
Associate Vice President for Business & Finance
434-544-8212
lewis@lynchburg.edu

RECEIVED

APR 30 2015

COMMUNITY
DEVELOPMENT



Inspections Division • Community Development

900 Church Street • Lynchburg • Virginia • 24504

www.lynchburgva.gov • P 434-455-3910 • F 434-845-7630

April 30, 2015

Mr. John Lewis
Lynchburg College
Associate Vice President for Business & Finance

Mr. Lewis

In regards to your modification request dated April 22, 2015 on the elimination of the sprinkler requirement for 307 Stafford Street, the modification has been granted.

It is not a practice of this office to grant a modification to any Building Code based solely on its cost prohibitions, but with the other life safety practices that the College is applying to this project I don't have a problem with making the modification.

Thank you for your time and I look forward to working with you on this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Doug Saunders", is written over the printed name.

Doug Saunders
Building Official
City of Lynchburg Inspections Division



307 Stafford Street
Conditional Use Permit
May 13, 2015

PLEASE PRINT

[illegible]

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **June 9, 2015**

AGENDA ITEM NO.: 11

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **License Agreement to Install Aerial Fiber Optic Cable on Holcomb Path Road, Richmond Highway and Pleasant Valley Road**

RECOMMENDATION: After a public hearing, adopt a resolution granting Centurylink a License Agreement to place aerial fiber optic cable in city owned right-of-way along Holcomb Path Road, Richmond Highway, and Pleasant Valley Road as indicated on the attached route map.

SUMMARY: Centurylink has submitted a request to install approximately 12,700 feet of aerial fiber optic cable in city right-of-way. The city portion of the route begins on Holcomb Path Road (at city limits) and extends along Holcomb Path Road to its intersection at Richmond Highway. It then extends along Richmond Highway to Pleasant Valley Road. The route extends along Pleasant Valley Road to the city limits. There will be no underground installation of fiber cable within the city limits.

Centurylink's overall plan is to build a fiber ring leaving Rustburg, Virginia on Route 24 to a cell tower on Cabin Field Rd and leaving Rustburg, Virginia on Route 501 to the cell tower on Cabin Field Rd. The attached overview map indicates that portion within the city limits.

PRIOR ACTION(S):

Physical Development Committee (PDC) – May, 2015;
Technical Review Committee (TRC) – April, 2015

FISCAL IMPACT:

None

CONTACT(S):

Lee Newland, City Engineer – 455-3947;
Gaynelle Hart, Director of Public Works – 455-4406

ATTACHMENT(S):

Resolution;
Overview Map

REVIEWED BY: lkp

RESOLUTION

BE IT RESOLVED That the City Manager is hereby authorized to execute a nonexclusive license agreement with Centurylink for the installation, maintenance, and operation of aerial fiber optic cable in City owned right-of-way along Holcomb Path Road, Richmond Highway, and Pleasant Valley Road. Centurylink's authority to install, maintain, and operate aerial fiber optic cable in the City's public ways is subject to applicable law.

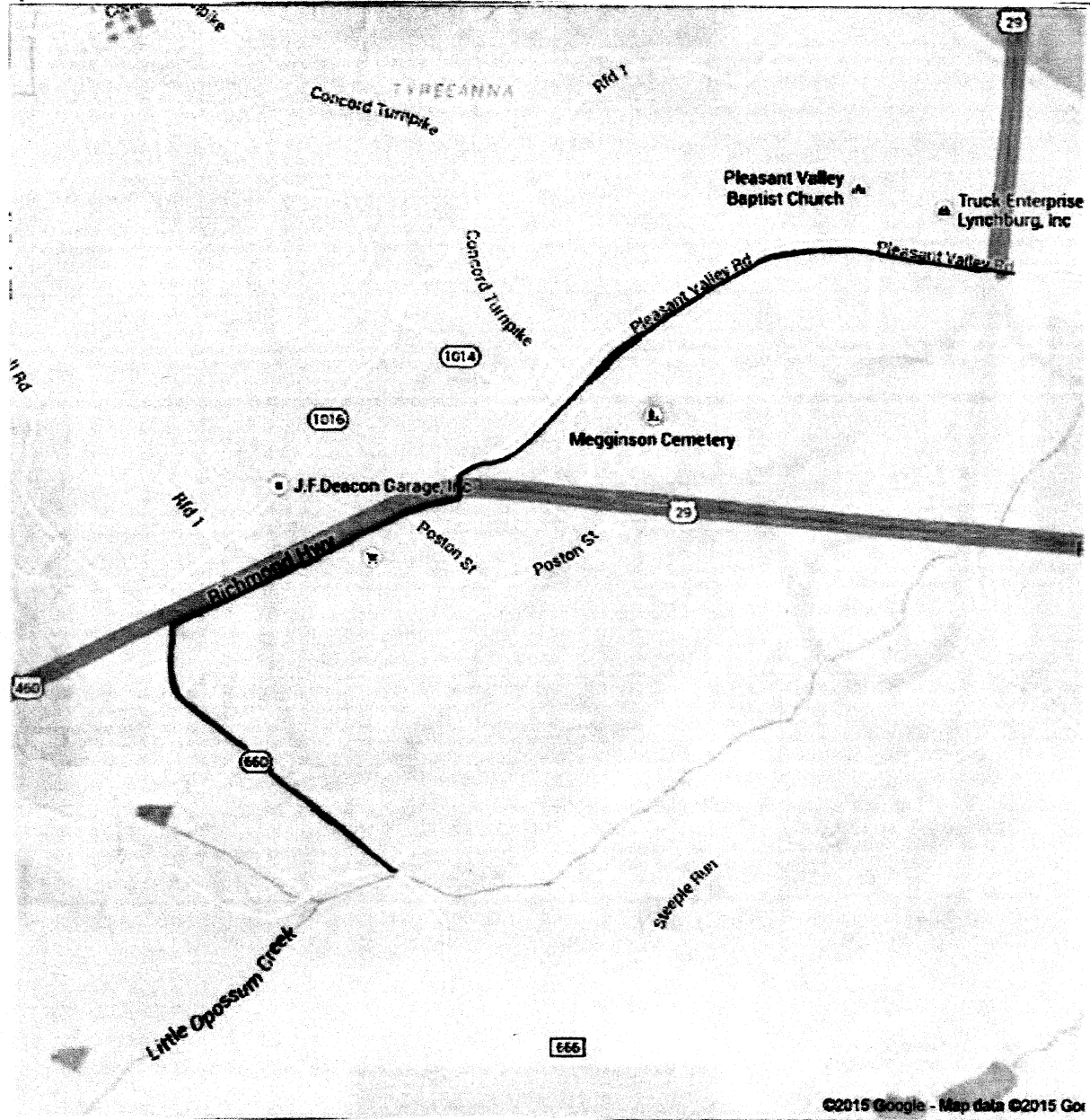
Adopted:

Certified:

Clerk of Council

050K

LOCATION MAP



LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **June 9, 2015**

AGENDA ITEM NO.: 12

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: Change Zoning to Allow the Construction of a Housing Complex – 2516 Old Forest Road

RECOMMENDATION: Approval of the rezoning petition.

SUMMARY: Rush Lifetime Homes is petitioning to rezone approximately five and one hundred sixty-six thousandths (5.166) acres at 2516 Old Forest Road from R-2, Low-Medium Density, Single-Family Residential & R-3, Medium Density, Two-Family Residential to R-4C, Medium-High Density, Multi-Family Residential (Conditional) to construct a twenty-eight (28)-unit accessible and affordable housing development with associated parking. The quad-unit layout allows for accessible units for persons with special needs and, although this housing style is not specifically referenced in the *Comprehensive Plan 2013-2030*, the Medium Density Residential land use category has been applied to other similarly designed projects and the proposed density is below the maximum twelve (12) units per acre that category recommends for this property. The proffered site plan proposes a pedestrian connection to a Greater Lynchburg Transit Company (GLTC) bus stop on Old Forest Road, allowing a reduction in the required amount of off-street parking and minimizing any increase in traffic that comes with development.

PRIOR ACTION(S):

April 22, 2015:

The Planning Division recommended approval of the rezoning petition.

The Planning Commission recommended approval of the rezoning petition (6-0, with one vacancy)

FISCAL IMPACT:

N/A

CONTACT(S):

Anne Nygaard, Planner II – 455-3900

Tom Martin, City Planner - 455-3900

Kent White, Director of Community Development – 455-3900

ATTACHMENT(S):

- Ordinance
- Planning Commission Report and Minutes – April 22, 2015
- Zoning Map
- FLUM Map
- Watershed Map
- Planimetric and Topographic Map
- Rezoning Plan with Narrative
- Statement of Need and Information on Traffic/Parking for Similar Projects
- Neighborhood Petitions
- Property Photographs
- Speaker Signup Sheet

REVIEWED BY: lkp

UNCODIFIED ORDINANCE:

AN ORDINANCE CHANGING A CERTAIN AREA LOCATED AT 2516 OLD FOREST ROAD FROM R-2, LOW-MEDIUM DENSITY, SINGLE-FAMILY RESIDENTIAL & R-3, MEDIUM DENSITY, TWO-FAMILY RESIDENTIAL TO R-4C, MEDIUM-HIGH DENSITY, MULTI-FAMILY RESIDENTIAL (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 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__. Change of a certain area located at 2516 Old Forest Road from R-2, Low-Medium Density, Single-Family Residential & R-3, Medium Density, Two-Family Residential to R-4C, Medium-High Density, Multi-Family Residential (Conditional).

The area embraced within the following boundaries:

LEGAL DESCRIPTION: TM# 16614040 PARCEL "A"

BEGINNING AT AN IRON REBAR FOUND AT THE SOUTHWEST CORNER 136.62' SOUTHWEST OF THE RIGHT OF WAY OF ANTHONY PLACE; THENCE N41°18'37"E 136.63' TO AN IRON REBAR FOUND AT THE RIGHT OF WAY OF ANTHONY PLACE; THENCE ALONG THE RIGHT OF WAY OF ANTHONY PLACE N41°32'44"E 50.57' TO AN IRON REBAR FOUND; THENCE LEAVING THE RIGHT OF WAY OF ANTHONY PLACE N42°28'23"E 131.32' TO AN IRON REBAR FOUND; THENCE N43°05'31"E 186.37' TO AN IRON REBAR FOUND; THENCE S54°19'58"E 455.53' TO AN IRON REBAR FOUND; THENCE S24°20'02"W 309.74' TO AN IRON REBAR FOUND; THENCE N66°41'32"W 200.00' TO AN IRON REBAR FOUND; THENCE S24°20'02"W 117.64' TO AN IRON REBAR FOUND; THENCE N59°57'17"W 404.36' TO THE POINT OF BEGINNING. BEING PARCEL "A" AND CONTAINING 5.166 ACRES.

...is hereby changed from R-2, Low-Medium Density, Single-Family Residential & R-3, Medium Density, Two-Family Residential to R-4C, Medium-High Density, Multi-Family Residential (Conditional), subject to the condition set herein below which was voluntarily proffered in writing by the petitioner, Rush Lifetime Homes to wit:

The developer proffers to build this project in substantial compliance with the preliminary site plan. This project will meet all State of Virginia and City of Lynchburg Codes.

And the Director 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

053K

The Department of Community Development

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

To: Planning Commission
From: Planning Division
Date: April 22, 2015
Re: Rezoning: R-2, Low-Medium Density, Single-Family Residential & R-3, Medium Density, Two-Family Residential to R-4C, Medium-High Density, Multi-Family Residential (Conditional) - 2516 Old Forest Road

I. PETITIONER

Rush Lifetime Homes, 1022 Commerce Street, Lynchburg, Virginia 24504

Representative: Russ Nixon, Nixon Land Surveying, LLC, 1063C Airport Road, Lynchburg, VA 24502

II. LOCATION

The subject property includes one tract of approximately five and one hundred sixty-six thousandths (5.166) acres at 2516 Old Forest Road. The property has an Old Forest Road address, however; it is only accessible from Anthony Place.

Property Owner:

WJS LLC, P.O. Box 691, Forest, Virginia 24551

III. PURPOSE

The purpose of the petition is to rezone the property from R-2, Low-Medium Density, Single-Family Residential & R-3, Medium Density, Two-Family Residential to R-4C, Medium-High Density, Multi-Family Residential (Conditional) to allow the construction of a twenty-eight (28) unit development for people with special physical needs.

IV. SUMMARY

- The *Future Land Use Map (FLUM)* recommends a Medium Density Residential use for the subject property.
- The Comprehensive Plan recommends up to twelve (12) units per acre in areas designated for Medium Density Residential uses. The proposed residential development would yield five and four tenths (5.4) units per acre.
- The petition would rezone the property to R-4C, Medium-High Density Residential.
- The rezoning would facilitate the construction of a twenty-eight (28) unit residential development for people with special physical needs.
- The submitted site plan indicates a pedestrian connection to a Greater Lynchburg Transit Company (GLTC) bus stop on Old Forest Road. This connection allows a reduction in the required amount of off-street parking.
- The petitioner has proffered to develop the property in substantial compliance with the site plan. The site plan indicates the construction of twenty-eight affordable units for people with special physical needs, reduced parking and a pedestrian connection to Old Forest Road.

The Planning Division recommends approval of the rezoning petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *FLUM* of the *Comprehensive Plan 2013-2030* recommends a Medium Density Residential use for the property. These areas are characterized by small lot

single family detached housing, duplexes, and townhouses at densities up to 12 units per acre. Where neighborhoods already exist, infill development should be at a compatible density and housing type. In addition to residential uses, they may include public and institutional uses compatible in scale with single family residential homes. Private recreation uses, including country clubs, swim and racquet clubs, and private open space are also appropriate. (p. 72)

The proposed development would yield five and four tenths (5.4) dwellings per acre which is below the twelve (12) units per acre recommended by the *Comprehensive Plan*. The unit type is not technically in keeping with what is recommended by the plan. The plan recommends single-family homes, duplexes or townhomes. There are other similar style developments currently located in the city and in less intensive zoning districts. Stonegate is located on Old Graves Mill Road. Stonegate is zoned R-1, Low Density, Single-Family Residential and was approved by a conditional use permit (CUP) for a planned unit development (PUD) on February 13, 2001. This development was approved for eighty-eight (88) units consisting of four (4) units per building.

2. **Zoning.** The subject property was annexed into the City in 1958. The existing, R-2, Low-Medium Density, Single-Family Residential District and R-3, Medium Density, Two-Family Residential District were established in 1978 with adoption of the current *Zoning Ordinance*.
3. **Proffers.** The petitioner has voluntarily submitted the following proffer:
 - The developer proffers to build this project in substantial compliance with the preliminary site plan. This project will meet all State of Virginia and City of Lynchburg codes.
4. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances would be needed for the development of the property as proposed.
5. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - On December 10, 1985, City Council approved the CUP petition of George T. Stewart to rezone approximately one and nine tenths (1.9) acres at 2909 and 2913 Old Forest Road and an unopened portion of Confederate Avenue from R-3, Two-Family Residential District, and B-1, Limited Business District, to R-3, Community Business District to allow the construction of an addition to an existing restaurant at 3009 Old Forest Road, the future construction of several retail/office buildings, and the construction of additional parking areas.
 - On October 10, 1989, Council approved the petition of William Riley to rezone 2278 Old Forest Road from B-1, Limited Business District to B-3C, Community Business District (Conditional) and from R-2, Medium Density, Single-Family Residential District to B-1C, Limited Business District (Conditional).
 - On February 13, 2001, City Council approved the petition of John Grier to (1) rezone approximately fourteen (14) acres at 2713 Old Forest Road from R-4 (Conditional), Multi-Family Residential District, to R-3, Two-Family Residential District, to remove the restriction of previously approved proffers and allow the construction of a Planned Unit Development (PUD), and (2) for a CUP to construct a PUD, Legacy Oaks Villas, with eighty-seven (87) single family detached dwelling units.

- On May 9, 2006, City Council approved the petition of Rick Krason (1) to rezone approximately seven tenths (0.7) of an acre located at 2901 Old Forest Road and (2) for a CUP to construct an animal medical facility.
 - On May 8, 2007 Council adopted “Locust Thicket” as an individually designated historic property. Locust Thicket is located at 2627 Old Forest Road.
 - On July 8, 2014, Council approved the petition of CDDI Development Group, LLC to rezone 2627 Old Forest Road, 2624 & 2700 Confederate Avenue from R-3, Medium Density, Two-Family Residential District to B-3C, Community Business District (Conditional).
6. **Site Description.** The subject property includes one tract totaling approximately five and one hundred sixty-six thousandths (5.166) acres at 2516 Old Forest Road. The property has an Old Forest Road address, however; it is only accessible from Anthony Place. The property is mostly wooded and slopes towards the northeast. Approximately one-third of the property will remain undisturbed and undeveloped.
7. **Proposed Use of Property.** If the rezoning petition is approved, the property would be developed as twenty-eight (28) affordable units for people with special physical needs.
8. **Traffic, Parking and Public Transit.** The City’s Traffic Engineer had no comments of concern regarding this development.

The Zoning Ordinance requires one (1) parking space for each residential unit. The Zoning Ordinance provides that where mass transit is available and facilities are provided in the form of shelters and/or benches are adjacent or within one thousand (1000) feet of a development and connected to the building entrance by pedestrian facilities the city planner in accordance with the technical review committee (TRC) may reduce the minimum requirements (parking) by a suitable amount. The submitted site plan indicates twenty-two (22) parking spaces. Twenty-eight (28) spaces are required, however; the site plan indicates a sidewalk connection to a bus stop on Old Forest Road.

The development would be served by Greater Lynchburg Transit Company (GLTC) Route 8A.

9. **Stormwater Management.** A stormwater management & erosion & sediment control plan will be required prior to final site plan approval and development of the property as proposed.
10. **Emergency Services.** The City Fire Marshal and Police Department had no comments of concern regarding the proposed development.
11. **Impact.** The petition would allow the construction of twenty-eight (28) affordable units for people with special physical needs. Access to the proposed development would be from Anthony Place; however, a pedestrian connection in the form of a sidewalk is proposed to connect to Old Forest Road and GLTC Route 8A. The development is not expected to generate a significant amount of traffic and the City’s Transportation Engineer had no comments of concern regarding the proposed development. The petitioner has indicated that the majority of residents would drive infrequently or not at all.

The proposed development is below the unit yields recommend by the *Comprehensive Plan*, and should fit well into an area that is dominated by duplexes. Single-Family homes to the north should be adequately protected by the area that would remain undisturbed.

- 12. Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary rezoning plan on March 31, 2015. Comments related to the proposed use have or will be addressed by the petitioner prior to final site plan approval.
-

VI. PLANNING DIVISION RECOMMENDATION

Waive the twenty-one (21) day submittal requirement for proffers.

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Rush Lifetime Homes to:

Rezone approximately five and one hundred sixty-six thousandths acres from R-2, Medium Density, Single-Family Residential District and R-3, Medium Density, Two-Family Residential District to R-4C, Medium-High Density, Multi-Family District (Conditional) at 2516 Old Forest Road subject to the following voluntarily submitted proffer:

- **The developer proffers to build this project in substantial compliance with the preliminary site plan. This project will meet all State of Virginia and City of Lynchburg codes.**

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Ms. Bonnie M. Svrcek, Deputy City Manager
Mr. Walter C. Erwin, City Attorney
Mr. Kent L. White, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozarow, Lynchburg Police Department
Battalion Chief Thomas Goode, Fire Marshal
Mr. Don DeBerry, Transportation Engineer
Mr. Doug Saunders, Building Commissioner
Mr. Kevin Henry, Zoning Administrator
Mr. Jeff Smith, Petitioner
Mr. Russ Nixon, Representative

VII. ATTACHMENTS

- 1. Zoning Map**
- 2. FLUM Map**
- 3. Watershed Map**
- 4. Planimetric and Topographic Map**

5. Site Plan for Rezoning/Narrative

6. Property Photograph

MINUTES OF THE APRIL 22, 2015 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

Petition of Rush Lifetime Homes to rezone approximately five and one hundred and sixty-six thousandths (5.166) acres at 2516 Old Forest Road from R-2, Low-Medium Density, Single-Family Residential District, and R-3, Medium Density, Two-Family Residential District, to R-4, Medium-High Density, Multi-Family Residential District to allow construction of twenty-eight affordable and accessible residential units, a sidewalk connection to Old Forest Road, a community room and associated parking.

Ms. Anne Nygaard explained that the subject property has a split zoning between R-2 and R-3. The *Future Land Use Map (FLUM)* recommends a Medium Density Residential use. Medium density is characterized typically by small lot single-family detached housing, duplexes and townhouses with a recommended density of up to 12 units per acre. The proposed units do not fit exactly into these housing categories, but that is partially because they need to be accessible to serve the specific need.

There are similar developments in the City in similar *FLUM* areas and less intense zoning districts (Stonegate on Old Graves Mill Road has a density of 5.67 units per acre and is in an R-1). It was approved through the Planned Unit Development (PUD) process. The proposed density would only be 5.4 units per acre (less than half the maximum recommended). The developers have proffered substantial compliance with the proposed site plan, which proposes fewer than the normally required number of parking spaces due to the limited need of the proposed residents and provides a sidewalk connection to a bus stop on Old Forest Road. Regardless of the parking reduction, traffic was not a concern of the City's Traffic Engineer. The Planning Division recommends approval of the petition.

Mr. Russ Nixon of Nixon Land Surveying and Mr. Jeff Smith of Rush Lifetime Homes were present to represent the petition. Mr. Nixon explained that Rush Homes needs to meet certain earmarks and credits in order to qualify for the state and federal tax credits. Rush Homes has done a successful project called Victoria Ridge already. This concept plan's layout and design and the architectural design are based on state and federal guidelines.

The current zoning and *FLUM* would allow 66 units by right. Rush Homes is proposing 28. They need to have access to mass transit, which is why the sidewalk along Anthony Place is proposed. The need for parking is also reduced because most of the residents will not be driving vehicles. They will have care staff that visit and take them to appointments. Mr. Nixon pointed out that the project allows ample buffering. They do not want to take down all the trees because it will provide a buffer between this development and the single-family homes, as well as give them credit toward stormwater management.

They are aware that residents are concerned about traffic; however, based on Victoria Ridge, traffic should not be a major issue. The plan currently does not show any traffic calming measures, but Rush Homes is willing to put them at the property line entrance from Anthony Place, if recommended by Planning Commission. Mr. Nixon showed them pictures of the Victoria Ridge development. He wanted the commissioners to see that there are many empty parking spaces. That is because the parking spaces are not utilized not because the occupants were at work. The residents of Victoria Ridge and this development will not have jobs.

Mr. Nixon showed them a picture of the entrance to 2516 Old Forest Road. There are cars parked in the cul-de-sac and on the street. If recommended by the Planning Commission, Rush Homes is willing to put in some on street parking because they are putting in a sidewalk anyway. He showed a picture of the unopened street to Old Forest Road where the sidewalk will be installed. He wanted them to see how much work has to be done to meet the credits for the state and federal mandates.

Rush Homes is involved in several projects and have done a lot to help people being displaced at the training center. Hundreds of people are on waiting lists for this type of housing. Mr. Nixon believes in this project and believes Rush Homes will do everything they say they will do. As a designer, he will follow all the state and City ordinances and work with the City's laws and ordinances to fulfill every need for this property.

Mr. Jeff Smith of Rush Homes gave a presentation. He said Rush Homes has been doing this type of work since 1996. They provide housing opportunities for those with disabilities and low incomes. They currently have 71 units available in Madison Heights and Lynchburg. Many of the residents have incomes as low as \$8,500 per year and need affordable housing. They have a fair amount of experience with the tenant population that will reside in this project based on their experience with Victoria Ridge. This development will be fairly similar. They will have a high level of accessibility and affordability due to a partnership with Lynchburg Redevelopment and Housing Authority. They will provide vouchers to at least 50 percent of the tenants.

Mr. Smith explained that they chose this site because it is close to a lot of amenities, such as a grocery store, pharmacy, urgent care facility and mass transit. They will work with Greater Lynchburg Transit Company (GLTC) to try to move the bus stop up to the new sidewalk. The price of the land is also affordable. The R-4 land left in Lynchburg is really expensive. This site is relatively inexpensive and buildable. Some of their funding sources do not pay for acquisition and Rush Homes has to come up with that money. It is also located where there are existing rental properties. They also felt that the dense wooded buffer will make this development mesh well with the community.

Mr. Smith explained that there are currently 365 people on their waiting list. Many on the waiting list are there because their current units are either not affordable or do not meet their accessibility needs. They will also reserve seven units for those with intellectual and developmental challenges. This is a state goal from Virginia Housing Development Authority (VHDA) to try and accommodate the 3,000 people at training centers who will need housing. If they cannot lease those units within 60 days, they will be opened up. Seven units will be reserved for permanent supportive housing to house homeless people with disabilities. Again, if they cannot be rented within 60 days, they will be opened up to the target population.

Rush Homes held two community meetings. Neighbors were concerned with traffic and parking. He thinks they came to a somewhat amicable agreement to provide additional parking and traffic calming measures on Anthony Place.

Mr. Bruce Gallier came to speak in favor of the petition. He owns Lynchburg Renting and owns four out of five of the duplexes on Anthony Place directly before this property. He was not able to come to the community meetings and was not sure how he felt about the rezoning before hearing from the representatives. Now he thinks it may enhance his properties. If Rush Homes puts the sidewalks in and cleans up this cul-de-sac and puts in some more parking, he thinks this may be a good thing for the City and the neighborhood. He thinks this will be a low impact development. If they were townhomes or apartments, that would be a different matter.

Mr. Reggie Herndon came to represent the Lynchburg Area Center for Independent Living. Two major concerns they deal with are transportation and accessible affordable housing. They applaud and support the efforts of Rush Homes. As the population ages in the area, the need continues to grow. If Rush Homes is not willing to do it, then who? He thinks they have a very well thought out plan. He sees no reason why this plan should not be given serious consideration.

Mr. Nick Pontius of 3036 Cardinal Place came forward to speak in favor. If you tour Rush Homes' other sites, you can see that Rush Homes is doing quality work. He is in education and has worked with students with disabilities. Many families have talked to him about their challenges with housing that was not accessible. Rush Homes is local, they meet a local need and really do quality work. He thinks it may

help the neighborhood. The Kroger on Linkhorne Road has closed. Maybe businesses will see that people are coming into the area and it will have a positive impact on the area as a whole in terms of economic development.

Mr. Gary DePriest spoke in favor of the petition. He has been associated with Rush Homes for about eight years and is on its board. He thinks Rush Homes is a real good program. When they say they will do something, they do it and do it the way it should be done.

Mr. Michael Parker of 2604 Anthony Place spoke in favor of the petition. He was initially skeptical. Jeff Smith has been very forward with everything and has mitigated their concerns (if Rush Homes does the parking on Anthony Place and the speed bumps). As long as those concerns are addressed, they support the project. He mentioned that it would be nice to have some signage installed indicating that there are children at play. His daughter has mild cerebral palsy and knowing how it could have been with her, they fully support this project.

Chair Swienton called for those that wished to speak in opposition. Ms. Marjorie Paris of 2712 Westhaven Place came forward and presented the Planning Commission with a petition signed by numerous residents in opposition to the rezoning. She read the following statement: "Submittal of request for the property known as 2432 Old Forest Road to be purchased by Rush Homes in addition to the land they already own known as 2516 Old Forest Road. The property at 2432 Old Forest Road is badly dilapidated and is an eyesore to the neighborhood around it. The 2432 lot is located at the corner of the Rush Homes' property and would make the perfect entrance/exit.

A dedicated entrance/exit for the complex would add integrity and beauty as well as safety for residents, emergency, delivery, work vehicles and visitors to enter/exit safely. The Rush Homes' residents would have access to the city bus, a safe and level place to walk or use wheelchairs.

We do not oppose the building of Rush Homes' homes for the disabled on the land behind Anthony Place and Windemere Place. What we do oppose is the entrance/exit off Anthony Place or Westbrook Circle. Both Anthony Place and Westbrook Circle are narrow streets. This opening would leave people without parking spaces, children that now ride their bikes and skateboards on the dead end street and the children on Windemere Place with no place to play. The added traffic would be detrimental to the walkers and pets getting their exercise, children that play in the neighborhood. The entrance/exit is not compatible with the existing neighborhood.

The additional trucks, during the building phase and future daily deliveries, ambulances and fire trucks are all heavy oversized vehicles and would ruin the streets. Westhaven Place and Circle Road are used as cut through streets to get to Linkhorne Drive and Old Forest Road. Cars speed through too fast as they cut through. There is also a problem with speed when cars come down Westhaven Place and turn on Windemere Place thinking it is a cut through street. The safety problem would increase because these cars would also be circling the complex for the disabled if this entrance/exit is created on Anthony Place.

I went to an open house on Monsview Place on April 15, 2015 for the dedication of the Rush Homes complex. A lady spoke telling why she was impressed and happy to have a beautiful and safe place to live. She said that she felt safe, the apartment was pleasant and affordable and it was a joy to have this available to her. That is the atmosphere that Rush Homes' developers want their houses and complexes to convey to their renters. It is safe, it is cared for and is home.

The people that live on Anthony Place, Windemere Place, Westbrook Circle and Westhaven Place ask no less for their community. The comments expressed by that lady are exactly what we have in our neighborhood. We have single, affordable homes and duplexes that we the taxpayers take care of; we are a mixed neighborhood where people talk to each other are friends, work in the City of Lynchburg and make donations to organizations such as Rush Homes to be able to provide other people with needed,

affordable homes and help to be able to live comfortably in a safe environment. We do not want our neighborhood to change or be rezoned in any way, shape or form. The homeowners bought their homes here in good faith for the safe family element and the beauty of the neighborhood as a whole. People that are renters also chose to live here for the same reasons. We feel the incompatibility of the entrance/exit and added traffic would not be in the best interest for our neighborhood or the disabled.

We would greatly appreciate your consideration of this proposal for the entrance/exit to be accessed from Old Forest Road and hope that City Council will help make this possible for all concerned. Thank you."

Ms. Ann Morris of 3429 Westbrook Place came forward to speak in opposition. She talked about the existing traffic. No one observes the speed limit sign. It is not wide enough for any more traffic. She is totally against this project.

Mr. Dennis Power of 3424 Westbrook Place came forward to speak in opposition. He presented a petition with 26 signatures. He does not like it that there will be a dumpster where there is currently a wooded area. He did not buy his property to have a complex overwhelm his neighborhood. He has been there 15 years. To have this thrown on him with no warning and no notice is just wrong. He is all for homes being built for people with disabilities but this is just not the place. He would not have bought his home 15 years ago if this complex had been there.

Ms. Allethia Ingram of 2712 Anthony Place came forward. She has lived on Anthony Place since 1980. She feels there is an existing traffic problem. It is difficult to maneuver already around parked cars. They are one of the last streets to get snow removal. She is not opposed to the project but would like it to have an entrance from Old Forest Road. She is also concerned about the impact on Anthony Place during construction. She also pointed out that emergency vehicles and trash collection vehicles cannot turn around on Anthony Place.

Mr. Bob Gibson of 2616 Westhaven Place came forward to speak. He reiterated that he does not think the entrance on Anthony Place makes any sense. There should be an entrance to the property from Old Forest Road. He thinks the sidewalk to Old Forest Road is too long for people in wheelchairs. He thinks changing the zoning of this property will change the character of the neighborhood.

Mr. Russ Nixon came back for rebuttal. He said they really looked at a build out scenario that would not hurt the community. Right now, you are looking at 22 parking spaces. That is less than the unit count for the complex. Rush Homes is willing to work on traffic calming measures and more on street parking on Anthony Place. Mr. Nixon clarified that this project will not have an entrance/exit on Westbrook Circle.

As far as the 2432 Old Forest Road property is concerned as an entrance/exit, his client does not own that property. The walk to Old Forest Road on the sidewalk is less than 500 feet and they hope to move the current bus stop to the intersection with the new sidewalk. There is currently an additional 115 feet of sidewalk to travel to the current bus stop. Mr. Nixon remarked that a by right development could go in here that could have 66 units. That is not the smart development that you want. He cautioned them that a by right development could have a very negative impact on this neighborhood. If they want something positive to go on this property, he would recommend that they support this project. What Rush Homes will do for this neighborhood, he thinks will be awesome. He thinks it will increase the property values of the existing homes.

Ms. Paris came back with further comments. She works in a nursing home and she thinks there will be a lot of traffic from caregivers and visitors. She thinks it could be 50 to 60 cars each day. When they send an ambulance, they also send a fire truck. She does not know how they will make the turns. Anytime you have R-4 in a neighborhood where there is R-1, it will cause the property values to drop.

Mr. Dennis Power came back with further comments. He commented that this is a nice forested area and he hopes that it does not get destroyed. This is his lifetime investment and he would hate to see it decrease. If he finds that it is decreasing, then he will seek legal counsel to redeem those losses.

Chair Swienton closed the public hearing portion of the petition. Commissioner Marion wondered why there was not talk about opening up another access to Windemere Place. Ms. Nygaard said that the City was not in a position to offer it and has no plans to open it at this time. During discussions of this project, it was discussed but the cost of doing so for the petitioner would be detrimental to the project.

Commissioner Marion asked about the conditional zoning. Ms. Nygaard said it is conditional upon the improvements shown on the rezoning plan. Commissioner Marion asked if there were income limits for this housing. Mr. Smith said that fifty percent of average median income (AMI) is their income limit but most of their residents live on less than 30 percent of AMI.

Mr. Smith went into more detail for Commissioner Marion about the two different populations for which they would set aside 25 percent of the units. Both deal with different programs and he went into detail about how the programs work. However, he reiterated that if those units are not rented to those populations within 60 days, they will be opened up to Rush Homes' target population.

Commissioner Marion asked if the property will be fenced. Mr. Smith said it would not be but there is a vegetative buffer around the entire property. Commissioner Marion asked if their proffers prevent them from building on the buffer. Mr. Smith said they are presenting the site plan as a proffer and it does not show any development on this property. They have no desire to build on the buffered area. They do not develop large complexes in Lynchburg because that is not the right fit for their residents. Since they have to be in substantial compliance with the site plan, they would have to come back in the future if they ever wanted to develop the wooded area. To assuage concerns, Mr. Smith said that is not easily developable back there and that is not the type of development Rush Homes does. Mr. Smith says he likes to preserve trees and they will try not to cut down a tree unless absolutely necessary.

Commissioner Lowe asked where it says that the sidewalk will definitely be done. Mr. Smith and Mr. Nixon clarified that the sidewalk has to be built because it is on the site plan.

Commissioner Light noted that it is beyond the purview of this commission but the ideal solution would be to open up Windemere Place. That is not their responsibility at this commission hearing. The points that were made about the by right development of this property are very valid. There are many examples where a petition has not been approved and a by right development has been built that had more impact on a neighborhood. He believes Mr. Nixon has made a very good point for everyone to consider. Commissioner Light noted that he has worked with Mr. Smith on a conservation group and Mr. Smith might be called a "tree hugger." Mr. Smith is a man of the highest integrity. When he makes statements about what he wants to see in a development, there is not a doubt in his mind that Mr. Smith will be behind it 110 percent. Commissioner Light will be voting in favor of this rezoning.

Mr. Smith said he has heard comments both ways as far as opening up Windemere Place. First of all, they do not own the property and it would be very expensive. Doing so would render this project undoable. Some on Anthony Place said they did not want an extension because they thought people would use it as a cut through to Linkhorne Drive. Commissioner Marion would like City Council to consider it and hear both sides of it.

Commissioner Perault is concerned about the speed of vehicles and the traffic calming measures mentioned. In the past, they have often addressed those issues at the Planning Commission level to try and obtain proffers to make the residents feel better. Mr. Smith said they are willing to look at all of the suggestions but they are limited by VHDA to a per unit cost. It cannot go over \$195,000 per unit. They do not know at this time how much the project will cost. The neighbors they met with on Anthony Place are clear on that point and understand it. He is willing to do whatever he can within the per unit cost.

He is also talking with VHDA to see if the offsite costs can be excluded from the per unit cost so they are able to do more of them. Right now, he has to count them but they need it calm for their residents as well. Mr. Smith said he can make proffers but if they render the project unfeasible, then they would want to look at other options. He reiterated that they want the street calm for their folks as well everyone in the neighborhood. Everything he says now is off the cuff but if it renders the project unfeasible, it would kill the project. Chair Swienton noted that the commission can make suggestions but they cannot require proffers of a petitioner. Commissioner Perault stated that he would like to see more traffic calming measures articulated.

Chair Swienton asked Ms. Ingram to come back to speak for the residents. He clarified that the residents' primary goal would be to have the entrance/exit coming off Old Forest Road. She said that would be correct.

Chair Swienton asked Mr. Smith for references from the *Comprehensive Plan* for affordable housing. Mr. Smith said there are references on both pages 94 and 95. These have been reaffirmed by the Community Development Advisory Committee (CDAC) this year.

Chair Swienton asked them why they did not try to have this property access to Old Forest Road. Mr. Nixon explained that this property has an Old Forest Road address but really does not have frontage on Old Forest Road. It will likely be readdressed as addresses on Anthony Place if this rezoning is approved. Rush Homes does not own any of the other properties that the residents have mentioned and therefore have no way to access Old Forest Road. Their only in and out to this property is from Anthony Place. Mr. Smith said that acquiring another property on Old Forest Road and putting in a road would be prohibitively expensive. It would render this project unfeasible.

Chair Swienton commented that they get a 100 out of 100 for the social merits of this project. As far as access, it is somewhere in the "C" category. While it is cost prohibitive, he believes access should be off Old Forest Road. Mr. Nixon reminded them that 66 units could go in here by right. Chair Swienton asked him if that could actually be engineered. Mr. Nixon said he would certainly give it a heck of a try. He could guarantee him that it would be more than 28 units.

Mr. Smith indicated that six duplexes could go on the R-3 and at least two single-family homes could go on the R-1. That would mean approximately 30 cars going in and out of this site every day (assuming each unit has two cars, which is typical for a household today). That is a lot of potential traffic. At Victoria Ridge, there are very few cars (approximately half of the units have cars). Based on their past experience, there will only be cars at half of these 28 units. Chair Swienton asked if their funding sources will be comfortable with no access to a major street. Mr. Smith said if the City is comfortable, their funding sources will be comfortable. The property just has to have the proper zoning for their applications.

Chair Swienton asked about the maximum height of the structures. The architect, Mike Griffin, came forward. He said they will be similar to a ranch style house.

Chair Swienton noted that there are discrepancies between the legal notice and the recommendation that the Planning Commission is being asked to make to City Council. Should the proffer say something about these units being restricted to those with special needs? Mr. Nixon said the narrative is on the site plan and is proffered on the site plan. Mr. Smith noted that the narrative should say "special needs" rather than "special physical needs." Mr. Nixon will make that change on the site plan before the City Council meeting.

Chair Swienton asked about the emergency vehicle access. Mr. Nixon said they have designed a hammerhead turnaround and pointed out where it is on the site plan. They will not have any issue with vehicles turning around in their site. It will actually improve emergency vehicle access turnaround for Anthony Place.

Commissioner Lowe noted that he has been to the Victoria Ridge site as well as the Anthony Place site. He thinks getting in and out of this site is better than it is on Victoria Ridge (referring to vehicles parked on the street on Victoria Avenue).

Chair Swienton asked about the range of occupants per unit. Mr. Nixon said there will be eighteen one-bedroom units and ten that will be two-bedroom units. They use 1.5 people per bedroom for occupant limits. The theoretical limit would be a total of 40 possible residents but he would highly doubt that it would get that high. Chair Swienton noted that is 40 people on a five-acre parcel.

Commissioner Marion thinks this R-4 project is so modest and so much better than what it could be that she is discounting the general belief that an R-4 project will decrease the property values of the R-1 properties. Rush Homes' current projects look as good as or better than their neighboring properties.

A motion was made by Commissioner Marion and seconded by Commissioner Perault:

"That the Planning Commission recommends to City Council approval of the petition of Rush Lifetime Homes to rezone approximately five and one hundred sixty-six thousandths acres from R-2, Medium Density, Single-Family Residential District and R-3, Medium Density, Two-Family Residential District to R-4C, Medium-High Density, Multi-Family District (Conditional) at 2516 Old Forest Road subject to the following voluntarily submitted proffer:

- The developer proffers to build this project in substantial compliance with the preliminary site plan. This project will meet all State of Virginia and City of Lynchburg codes."**

Chair Swienton noted that he did some math and he is very sensitive to what goes into an R-1 neighborhood. He thinks the impact will be low and will be lower than what could go in by right. Another type of development would add substantially more traffic than this project. The residents will lend themselves to a low level of traffic. He will be voting for it after extensive analysis of both the pros and cons.

The motion passed by the following vote:

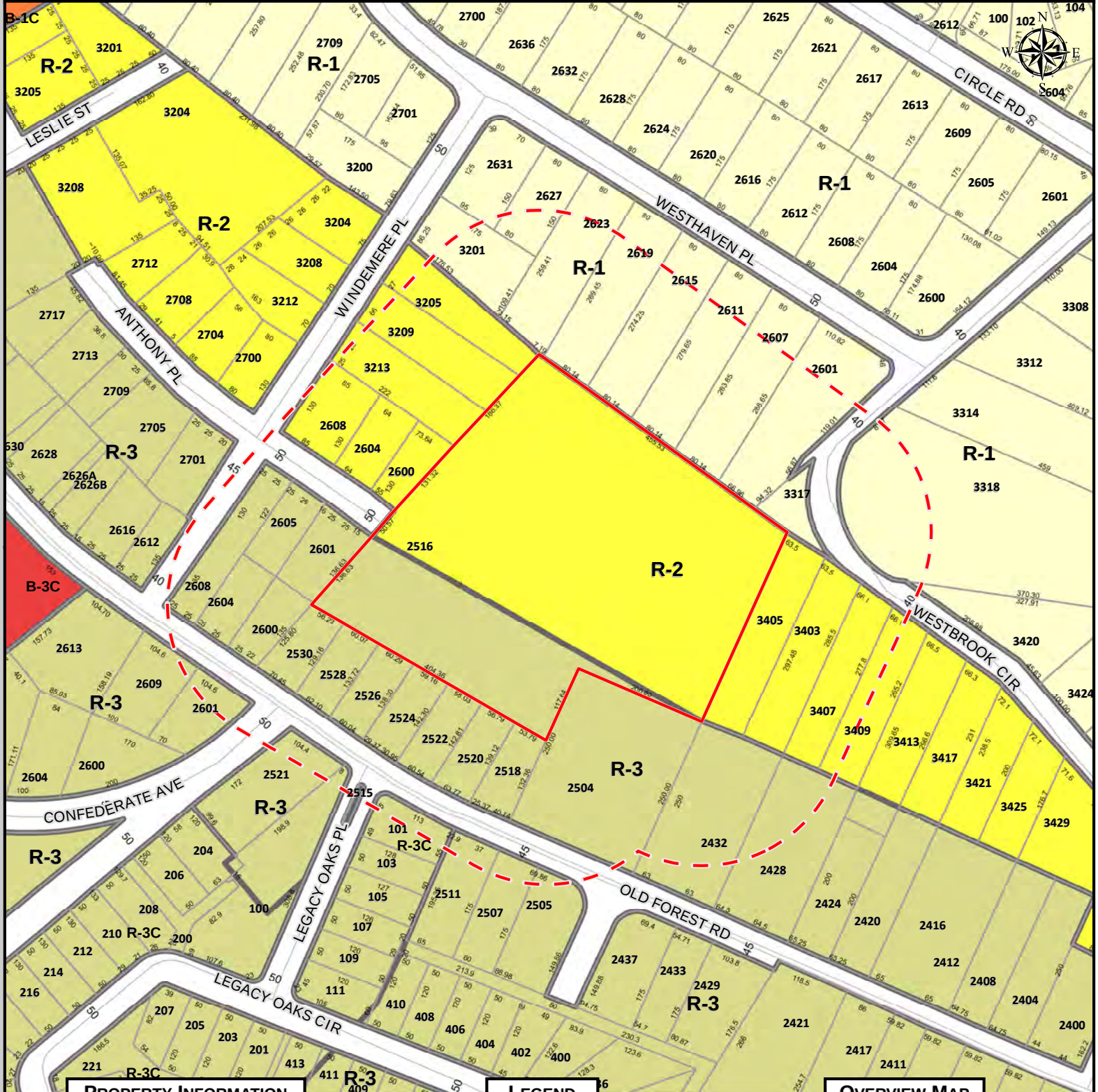
AYES:	Light, Lowe, Marion, Mays, Perault and Swienton	6
NOES:		0
ABSTENTIONS:		0
ABSENT:		0
VACANCIES:		1

Zoning Map

RUSH LIFETIME HOMES TOWNHOMES

Conditional Use Permit Request

Rush Lifetime Homes



PROPERTY INFORMATION

PARCEL ID	ADDRESS
16614040	2516 OLD FOREST RD

LEGEND

Subject Property

215' Buffer

B-1

B-2

B-3

B-4

B-5

B-6

I-1

I-2

I-3

R-1

R-2

R-3

R-4

R-5

R-C

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 4/10/2015

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Parcel ID	Address	Owner
16614045	2605 ANTHONY PL	GALLIER, BRUCE E & CAROLE T
16614037	2504 OLD FOREST RD	BOOTH, JOHN H & VIRGINIA T
16614046	2601 ANTHONY PL	GALLIER, BRUCE E & CAROLE T
16625089	2515 OLD FOREST RD	LEGACY OAKS HOMEOWNERS ASSOCIATION
16615001	3318 WESTBROOK CIR	SWCQ LLC
16614042	2604 OLD FOREST RD	FRANKLIN, RICK A
16614017	3409 WESTBROOK CIR	LIPSCOMB, LAURA R
16613022	2507 OLD FOREST RD	RICE, LILLIAN H
16614004	3209 WINDEMERE PL	MOSS, DALLAS B
16612013	2521 OLD FOREST RD	MAYBERRY, BARBARA A
16626001	2530 OLD FOREST RD	SAJO PROPERTIES LLC
16625090	100 LEGACY OAKS CIR	LEGACY OAKS HOMEOWNERS ASSOCIATION
16614003	3213 WINDEMERE PL	JOYNER, NANCY J
16614010	2615 WESTHAVEN PL	HADDOX, STEPHEN G
16614043	2608 OLD FOREST RD	WITT, LEWIS S JR
16615012	3420 WESTBROOK CIR	SPINNER, BRENDA W
16626006	2520 OLD FOREST RD	WMV PROPERTIES LLC
16614041	2600 OLD FOREST RD	GARNER, GARY R & MARGARET L R
16626004	2524 OLD FOREST RD	D & E PROPERTIES LLC
16614002	2608 ANTHONY PL	GALLIER, BRUCE E & CAROLE T
16613023	2511 OLD FOREST RD	LONG, KEVIN J
16626003	2526 OLD FOREST RD	NADEEM, ASIYA
16614005	3201 WINDEMERE PL	MCSHERRY, DAVID A & REBEKAH M
16610004	2601 OLD FOREST RD	NEW DAY INVESTMENTS INC
16614013	3317 WESTBROOK CIR	CITY OF LYNCHBURG
16614040	2516 OLD FOREST RD	WJS LLC
16626007	2518 OLD FOREST RD	FORD, ROBERT A & ALLEN, VERONICA E
16614011	2611 WESTHAVEN PL	HARDY, PRESTON
16626002	2528 OLD FOREST RD	STOVILLE PROPERTIES LLC
16614015	3403 WESTBROOK CIR	BARKER, KEITH W & NANCY L
16614049	2601 WESTHAVEN PL	WRIGHT, KENNETH W & PATRICIA N
16610003	2609 OLD FOREST RD	DRISKILL, D VANCE & WINIFRED T
16614009	2619 WESTHAVEN PL	BANKS, CLARENCE A & REVA C
16626005	2522 OLD FOREST RD	WMV PROPERTIES LLC
16614006	2631 WESTHAVEN PL	LOVING, VICTORIA T
16614008	2623 WESTHAVEN PL	MEHAFFEY, AUBREY M JR & REBECCA ANN
16614016	3407 WESTBROOK CIR	SEWARD, EVA L
16625088	101 LEGACY OAKS PL	LEGACY OAKS HOMEOWNERS ASSOCIATION
16614033	2428 OLD FOREST RD	RAMSEY, LISA P
16614001	2604 ANTHONY PL	GALLIER, BRUCE E & CAROLE T
16614007	2627 WESTHAVEN PL	HUNTER, CALVIN T & SHIRLEY M
16614047	2600 ANTHONY PL	ANDERSON, LARRY D & NANCY A
16614035	2432 OLD FOREST RD	BUTCHER, CHARLES R & BETHANY C
16614048	3205 WINDEMERE PL	GUIEB, PRISCILA D
16613021	2505 OLD FOREST RD	HARRIS, LISA A

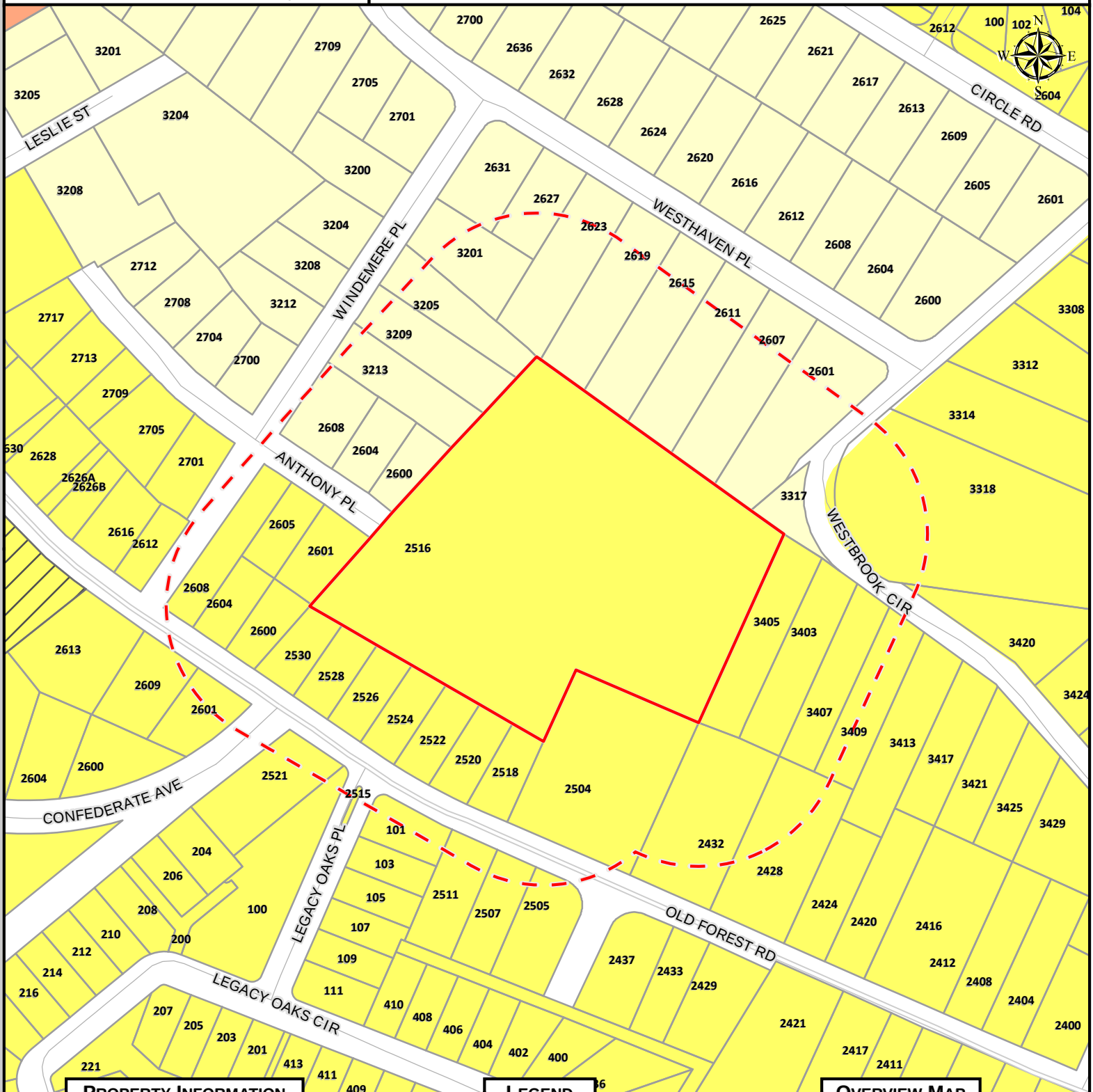
16614014	3405 WESTBROOK CIR	BARKER, KEITH W & NANCY L
16614012	2607 WESTHAVEN PL	WOOD, JAMES C JR & MARY W

FLUM Map

RUSH LIFETIME HOMES TOWNHOMES

Conditional Use Permit Request

Rush Lifetime Homes



PROPERTY INFORMATION

PARCEL ID	ADDRESS
16614040	2516 OLD FOREST RD

LEGEND

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

MAP SCALE: 1" to 200' DATE PRINTED: 4/10/2015

OVERVIEW MAP



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Watershed Map

RUSH LIFETIME HOMES TOWNHOMES

Conditional Use Permit Request

Rush Lifetime Homes



PROPERTY INFORMATION

PARCEL ID	ADDRESS
16614040	2516 OLD FOREST RD

LEGEND

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

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 4/10/2015

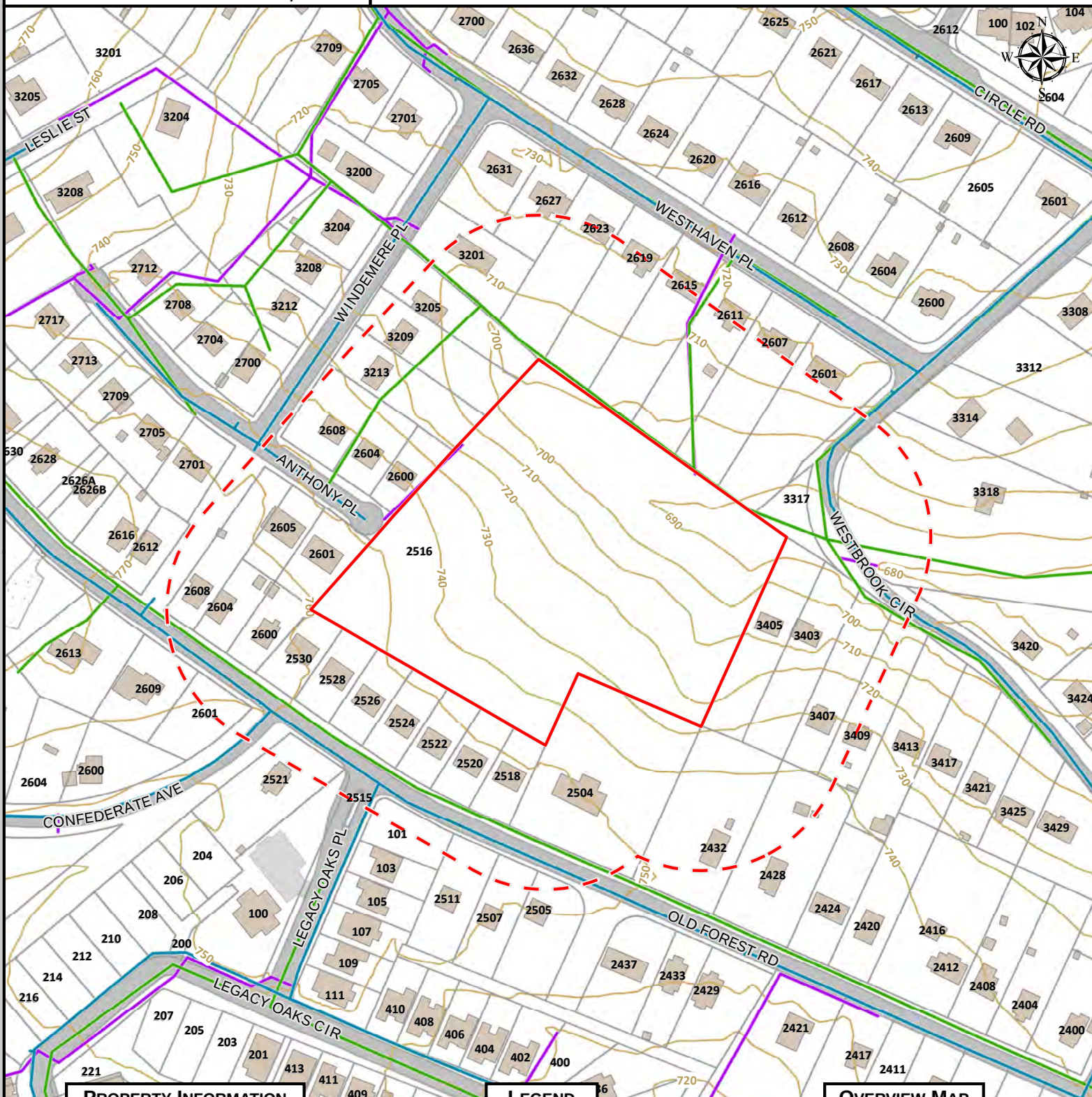
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Planimetric and Topographic Map

RUSH LIFETIME HOMES TOWNHOMES

Conditional Use Permit Request

Rush Lifetime Homes



PROPERTY INFORMATION

PARCEL ID

ADDRESS

16614040 2516 OLD FOREST RD

LEGEND

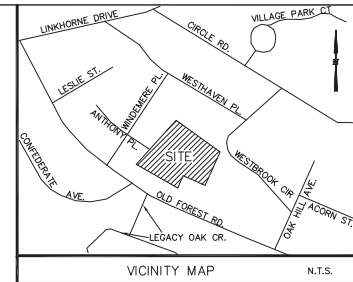
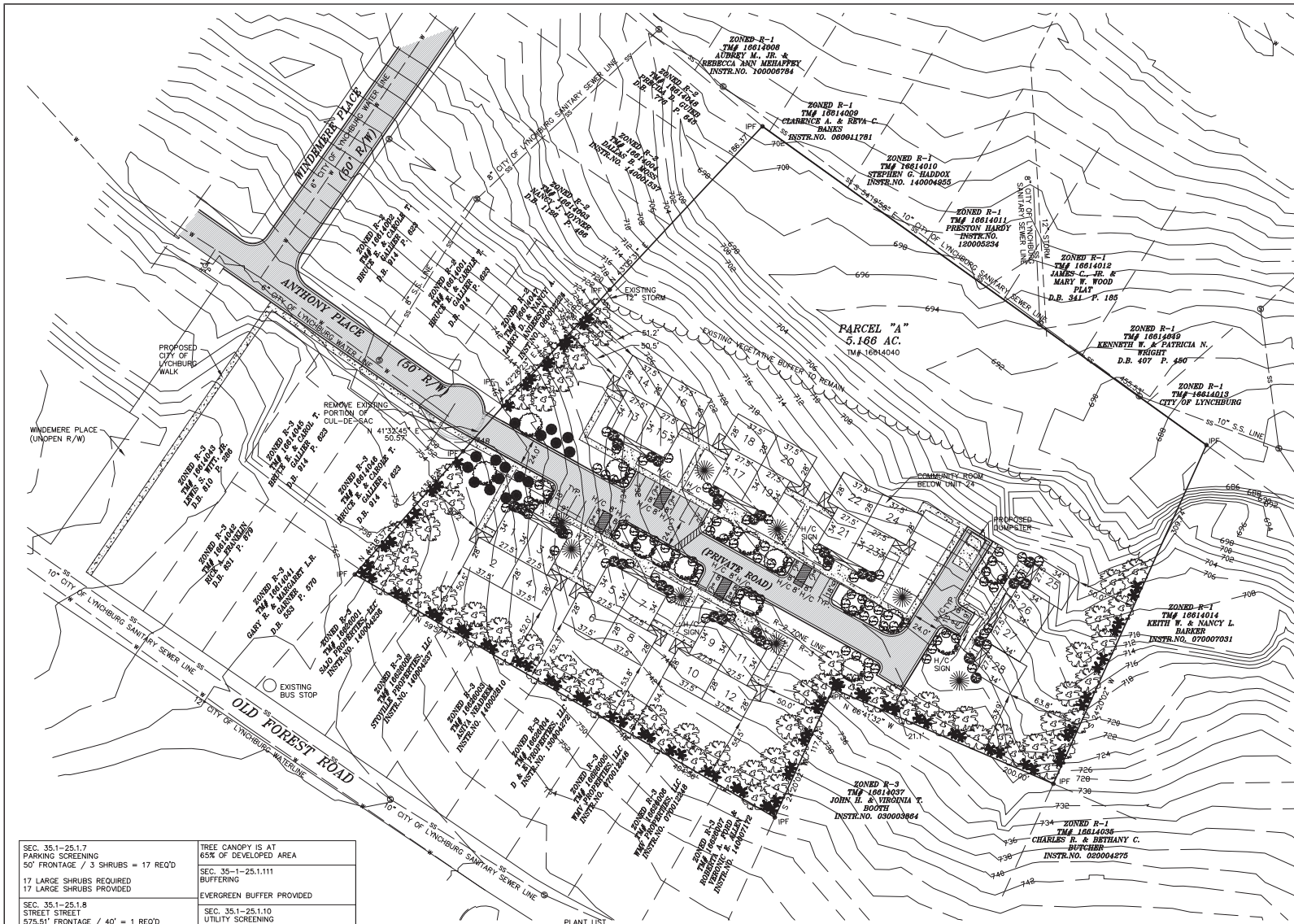
	Active	Proposed	Abandoned
Utilities			
Water			
Sanitary			
Storm			
Planimetrics			
Structure			
Roadway			
Parking			
Sidewalk			
Driveway			
Topography			
Contour			

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 4/10/2015

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



NARRATIVE:

THE PURPOSE OF THIS PROJECT IS TO DEVELOP A 28 DWELLING UNIT (ONE AND TWO BEDROOM) APARTMENT COMPLEX TO MEET THE AFFORDABLE HOUSING NEEDS OF INDIVIDUALS WITH DEVELOPMENTAL, INTELLECTUAL, AND PHYSICAL DISABILITIES. ALLOWING THEM AN INDEPENDENT LIFESTYLE. THE PROPOSED SITE IS A PRIME LOCATION FOR THIS PROJECT ITS CLOSE PROXIMITY TO THE EXISTING OLD TRANSIT BUS STOP AND TO OLD FOREST ROAD ALLOW EASY AND CONVENIENT ACCESS FOR RESIDENTS TO HAVE TRANSPORTATION, DINING, AND SHOPPING. THIS CONTINUING THE INDEPENDENT LIFESTYLE DESIRED.

THE EXISTING NEIGHBORHOOD IS ALREADY INCLUSIVE OF DUPLEX DWELLINGS KEEPING THE PROJECT CONSISTENT WITH THE CURRENT USES IN THE NEIGHBORHOOD. RUSH LIFETIME HOMES IS A CONCERNED ADVOCATE LANDLORD THAT PROVIDES AFFORDABLE EFFICIENT HOUSING AND HAS COMPLETED SEVERAL SIMILAR SUCCESSFUL PROJECTS IN THE CITY OF LYNCHBURG. ARMSTRONG PLACE LOCATED AT 1721 MONKNEW PLACE AND VICTORIA RIDGE LOCATED AT 840 VICTORIA AVENUE MAKING THEM MORE THAN QUALIFIED TO DEVELOP A PROJECT SUCCESSFULLY OF THIS NATURE.

A ZONING REQUEST IS BEING MADE TO CHANGE THIS PROPERTY FROM THE CURRENT MULTI-ZONE OF R-2 AND R-3 TO A ZONE CHANGE OF R-4 FOR THE ENTIRE PROPERTY. THE ZONE CHANGE TO R-4 WILL ALLOW FOR THE TYPE OF DWELLING UNITS PROPOSED FROM WHAT IS ALLOWABLE BY THE CURRENT BY RIGHTS USE. THIS PROPERTY WILL BE SERVED BY CITY OF LYNCHBURG WATER AND SEWER. STORMWATER QUALITY AND QUANTITY WILL BE ADDRESSED ON COMPLETION OF THE CONSTRUCTION PLANS UPON THE APPROVAL OF THE REZONING REQUEST.

- GENERAL NOTES:**
- 1.) THIS PLAN HAS BEEN PREPARED FROM AN ACTUAL FIELD SURVEY AND THERE ARE NO VISIBLE EASEMENTS OR ENCROACHMENTS EXCEPT AS SHOWN HEREON.
 - 2.) THIS PLAN HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT, THEREFORE, NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.
 - 3.) THE AREA SHOWN IS LOCATED IN ZONE "X" AND DOES NOT FALL WITHIN FLOOD HAZARD ZONE FOR A 100 YEAR FLOOD AS SHOWN ON A MAP PANEL NO. 5100930037D DATED JUNE 3, 2008 BY F.E.M.A.
 - 4.) THIS PROPERTY IS ZONED R-2 RESIDENTIAL AND R-3 RESIDENTIAL. PROPOSED ZONE CHANGE TO R-4 RESIDENTIAL.
 - 5.) ALL LIGHTING WILL BE GLARE SHIELDED AND NON-DIRECTIONAL TO PREVENT ILLUMINATION ACROSS THE PROPERTY LINES.
 - 6.) LANDSCAPING SHALL BE IN COMPLIANCE WITH CITY OF LYNCHBURG LANDSCAPE ORDINANCE. ALL ABOVE GROUND UTILITIES SUCH AS HVAC UNITS AND RPZ'S SHALL HAVE LANDSCAPE SCREENING.
 - 7.) THIS PROPERTY WILL UTILIZE PUBLIC WATER AND SEWER. BEFORE A BUILDING PERMIT WILL BE ISSUED, WATER AND SEWER APPLICATIONS MUST BE COMPLETED WITH THE CITY OF LYNCHBURG.
 - 8.) CONTRACTOR SHALL CONTACT "MISS UTILITY" A MINIMUM OF 48 HOURS PRIOR TO EXCAVATION.
 - 9.) OWNER/CONTRACTOR WILL PRIOR TO FINAL SITE STABILIZATION, TO DETERMINE FERTILIZER APPLICATION RATES FOR THE ESTABLISHMENT OF GRASS ON SITE. THE VIRGINIA COOPERATIVE EXTENSION OR A GEOTECHNICAL FIRM (WITH SOIL TESTING FACILITIES) WILL BE CONTACTED TO OBTAIN A SOILS REPORT FOR NUTRIENT APPLICATION.
 - 10.) THE PROPOSED USE OF THE BUILDING WILL BE OFFICE SPACE AND LIGHT RETAIL.
 - 11.) PARKING REQUIRED:
RESIDENTIAL UNITS: 1 PER UNIT X 28 UNITS = 28 SPACES REQ'D
RECREATIONAL FACILITY: 1 PER 4 PERSON X 50 = 12.5 (13) REQ'D
TOTAL PARKING REQUIRED = 41 SPACES
A REDUCTION IN THE REQUIRED PARKING IN BEING GRANTED BY THE CITY OF LYNCHBURG DUE TO THE SIDEWALK EXTENSION.
 - 12.) PARKING PROVIDED:
13 TYPICAL 9'x18' SPACES
+9 ADA HANDICAP SPACES
62 TOTAL SPACES PROVIDED

Legal Description: Tm# 16614040 Parcel "A"
Beginning at DIV on iron rebar found at the southwest corner 136.62' southwest of the right of way of Anthony Place; Thence N41°18'37"E 136.63' to an iron rebar found at the right of way of Anthony Place; Thence along the right of way of Anthony Place N41°32'44"E 50.57' to an iron rebar found; Thence leaving the right of way of Anthony Place N42°28'23"E 131.32' to an iron rebar found; Thence N43°05'31"E 186.37' to an iron rebar found; Thence S54°19'58"E 455.53' to an iron rebar found; Thence S24°20'02"W 309.74' to an iron rebar found; Thence N66°41'32"W 200.00' to an iron rebar found; Thence S24°20'02"W 117.64' to an iron rebar found; Thence N59°21'17"W 404.36' to the point of beginning. Being Parcel "A" and containing 5.166 acres.



SEC. 35.1-25.1.7 PARKING SCREENING 50' FRONTAGE / 3 SHRUBS = 17 REQ'D 17 LARGE SHRUBS REQUIRED 17 LARGE SHRUBS PROVIDED	TREE CANOPY IS AT 65% OF DEVELOPED AREA SEC. 35.1-25.1.11 BUFFERING EVERGREEN BUFFER PROVIDED
SEC. 35.1-25.1.8 STREET STREET 575.51' FRONTAGE / 40' = 1 REQ'D 1 SHADE TREES REQUIRED 2 SHADE TREES PROVIDED	AROUND ANY EXISTING AND PROPOSED LOCATION OF HVAC UNITS & ABOVE GROUND UTILITIES
SEC. 35.1-25.1.8 FOUNDATION PLANTINGS 450' FOUNDATION / 50' = 9 TREES REQ'D 450' FOUNDATION / 10 SHRUBS = 45 REQ'D 9 ORNAMENTAL TREE REQUIRED 9 ORNAMENTAL TREE PROVIDED 45 LARGE SHRUBS REQUIRED 60 LARGE SHRUBS PROVIDED	SEC. 35.1-25.1.7 PARKING AREA LANDSCAPING 22 SPACES / 8 TREES = 3 REQ'D 22 SPACES / 1 SHRUB = 22 REQ'D 3 SHADE TREES REQUIRED 15 SHADE TREES PROVIDED 22 MEDIUM SHRUBS REQUIRED 66 MEDIUM SHRUBS PROVIDED

KEY	QTY	COMMON NAME	BOTANICAL NAME	SIZE	HEIGHT AT PLANTING	REMARKS
	16	RED MAPLE	ACER RUBRUM	1-1/2" CAL	4'	WELL BRANCHED
	16	FLOWERING CHERRY	PRUNUS SERRULATA 'SHIRAZEN'	1-1/2" CAL	4'	WELL BRANCHED
	98	JAPANESE HOLLY	ILEX CRENATA	N/A	3'	FULL PLANT
	30	WINTER RED HOLLY	ILEX VERTICILLATA	N/A	3'	FULL PLANT
	17	CRIMSON PYGMY BACCERRY	BERBERIS THUNBERGII	N/A	2'	FULL PLANT
	72	TILIA GREEN GIANT	TILIA STANOSHI X PULICATA 'GREEN GIANT'	1-1/2" CAL	4'	WELL BRANCHED
	78	SAYBROOK GOLD JUNIPER	JUNIPERUS CHINENSIS 'SAYBROOK GOLD'	N/A	3'	FULL PLANT

SOURCE OF TITLE:
TAX MAP: 16614040
W.S. LLC
INSTR.NO. 13000861

SURVIVED FOR:
Nixon Land Surveying, LLC
10000 Airport Road
Lynchburg, VA 24502
Phone: (434) 237-3800
Fax: (434) 237-0090
Email: res@nixonllc.com
www.nixonllc.com

W.S. LLC
SITE PLAN FOR REZONING
FOR
OLD FOREST VILLAGE
CITY OF LYNCHBURG, VIRGINIA
COMM. NO.: 2015012
SCALE: 1"=40'
SHEET: 1 OF 1

REV: APRIL 28, 2015
REV: APRIL 14, 2015
REV: APRIL 13, 2015
DATE: 04/01/15
DATE: 05/18/15
CHK. BY: REV. DR. NME. SITE

Need for Old Forest Village

Rush Homes' current waiting list of people with disabilities and low incomes, the population to be served by Old Forest Village, immediately after an annual update stands at 365. The waiting list continues to expand on average each year.

The American Community Survey (ACS) 2009 – 2013 estimates 1,733 disabled (noninstitutionalized) individuals age 16 and over in the City of Lynchburg who are employed and another 6,621 disabled individuals not in the labor force. These estimates also report disparate median earnings in the past 12 months (in 2013 inflation adjusted dollars) for persons with a disability in the City of Lynchburg, versus without a disability. For those with a disability, median earnings equal \$12,086; for those without a disability, median earnings equal \$19,483. Moreover, while poverty is a persistent challenge for residents of the City of Lynchburg overall, it is an even greater challenge for disabled individuals as shown in the following table:

Poverty Status in the Past 12 Months – City of Lynchburg, VA				
	With a Disability		No Disability	
	Estimate	Margin of Error	Estimate	Margin of Error
Population Age 16 and Over for whom Poverty Status is Determined	8,331	+/- 497	45,740	+/- 834
Below 100 Percent of Poverty Level	27.1%	+/- 3.4	22.0%	+/-1.9
100 to 149 Percent of Poverty Level	15.6%	+/- 2.4	8.5%	+/-1.4
At or Above 150 Percent of Poverty Level	57.4%	+/-3.8	69.5%	+/-2.3

2009 – 2013 American Community Survey 5-Year Estimates; Selected Economic Characteristics for the Civilian Noninstitutionalized Population by Disability Status

These numbers and levels of income as well as Rush Homes' waiting list indicate substantial immediate need for accessible and affordable housing.

Further, a past market study performed in 2012 regarding the need for Armstrong Place, a 28 unit development for people with disabilities and low incomes, indicated an overall comparable market housing occupancy rates in the primary market area (a portion of Lynchburg and southern Amherst County) is 98.1 percent for families from 60 percent to 40 percent of the AMI (p. A-4). These rates indicated that very few vacancies existed for lower income levels and that additional affordable housing was needed to meet the need. Taking into account the special needs population and highly probable pent-up demand, the need was obviously even greater. Since very little if any affordable housing stock for people with disabilities has been added since 2012 except for Armstrong Place in a growing Lynchburg, the occupancy rates have likely worsened creating an even greater demand.

Rush Homes will also set aside seven apartments for people with intellectual/development disabilities and, separately, people/families who need Permanent Supportive Housing (people with disabilities who are homeless). In 2010, the Virginia Coalition to End Homelessness, a Virginia state-wide organization dedicated to preventing and ending homelessness in the Commonwealth concluded that the Commonwealth's 1,784 then existing units of Permanent Supportive Housing (PSH:

housing for people with disabilities who are homeless in a program that provides case management support) are far short of the more than total 8,600 units needed in Virginia. While the organization was reporting on need throughout the Commonwealth of Virginia, they noted this need is felt in every part of the state, urban, suburban, and rural. The Central Virginia Continuum of Care (CoC) presently includes a total of 29 units of PSH. This number of units has not increased since 2006 when the last eleven units of PSH were placed in service despite population gains in the City. Permanent Supportive Housing is a proven method to reduce homelessness in communities. If apartments are not rented to PSH eligible tenants in the first 60 days after a vacancy, the apartments may be rented to anyone with a disability and low income who qualifies. The same 60 day criteria applies to apartments set aside for people with intellectual and developmental disabilities, prioritized due to the Department of Justice Settlement that led to closing of state training centers.

Local issues with occupancy rates, Rush Homes' waiting list, Permanent Supportive Housing needs, and census numbers show the clear and urgent need for affordable housing for people with disabilities and low incomes. Exemplifying the need is the recent closure of The Virginian and the imminent renovation of The Arlington, two apartment buildings located in Lynchburg, Virginia, that offered a combined total of 121 units of affordable housing. Families formerly living in The Virginian have now relocated, predominantly to other housing units located in the Central Virginia area they can afford. This required a concerted community effort over a six month period primarily due to the difficulty in finding housing. We understand some of these households are again struggling with their housing due to poor housing not meeting required standards.

Anecdotally, I share the following email from a tenant with a significant disability who has just leased an Armstrong Place apartment: "I love my gift basket thank u so much Chris's I love living here thank u my life is amazing thanks to all of u." She is finally safe and secure in her own home.

Traffic/Parking at Victoria Ridge and Armstrong Place:

1. Victoria Ridge

- a. Current number of vehicles: 11 vehicles out of 24 total apartments. Of the 11 vehicles, two belong to live-in aides and one belongs to a daily aide.
- b. Parked in back parking lot (16 apartments): to date, 2 to 6 vehicles, daily. (Front parking not considered because spaces are also used by the neighborhood).

2. Armstrong Place

- a. Current number of vehicles: Nine vehicles out of 17 total apartments. One parked vehicle is an accessible van that requires a tenant family member or designee (outside of Armstrong Place) to drive. The van is simply parked at Armstrong.
- b. Parked in parking lot: No figures available as Armstrong Place is still undergoing lease-up.

Planning Meeting – Rush Homes

Submittal of request for the property known as 2432 Old Forest Road be purchased by Rush Homes in addition to the land they already own known as 2516 Old Forest Road. The property at 2432 Old Forest Road is badly dilapidated and is an eye sore to the neighborhood around it. The 2432 lot is located at the corner of the Rush Homes property and would make the perfect **entrance/exit**. (Attached are pictures and information.)

A dedicated **entrance/exit** for the complex would add integrity and beauty as well as safety for residence, emergency, delivery, work vehicles, and visitors to enter/exit safely. The Rush Homes residents would have access to the city bus, a safe and level place to walk or use wheelchairs.

We do not oppose the building of Rush Homes-Home for the Disable on the land behind Anthony Place and Windemere Place. What we do oppose is the **entrance/exit** off Anthony Place or Westbrook Circle. Both Anthony Place and Westbrook Circle are narrow streets. This opening would leave people without parking spaces, children that now ride their bikes and skate boards on the dead end street, and the children on Windemere Place with no place to play. The added traffic would be detrimental to the walkers and pets getting their exercise, children that play in the neighborhood. The **entrance/exit** is not compatible with the existing neighborhood.

The additional trucks, during the building phase and future daily deliveries, ambulances, and fire trucks, are all heavy oversized vehicles and would ruin the streets. Westhaven Place and Circle Road are used as cut through streets to get to Linkhome Drive and Old Forest Road. Cars speed through too fast as they cut through. There is also a problem with speed when cars come down Westhaven Place and turn on Windemere Place thinking it is a cut through street. The safety problem would increase because these cars would also be circling the complex for the disabled if this **entrance/exit** is created on Anthony Place.

I went to an open house on Monsview Place on April 15, 2015 for the dedication of the Rush Homes Complex. A lady spoke telling why she was impressed and happy to have a beautiful and safe place to live. She said that she felt safe, the apartment was pleasant and affordable, and it was a joy to have this available to her. That is the atmosphere that Rush Homes developers want their houses and complexes to convey to their renters: It is safe, it is cared for, and is home.

The people that live on Anthony Place, Windemere Place, Westbrook Circle, and West Haven Place asked no less for their community. The comments expressed by that lady are exactly what we have in our neighborhood. We have single affordable homes and duplexes that we the tax payers take care of, we are a mixed neighborhood where people talk to each other and are friends, work in the city of Lynchburg, and make donations to organizations such as Rush Homes to able to provide other people with needed, affordable homes, and help to be able to live comfortably in a safe environment. We do not want our neighborhood to change or rezoned in way shape or form. The home owners bought their homes here in good faith for the safe family element and the beauty of the neighborhood as a whole. People that are renters also chose to live here for the same reasons. **We feel the incompatibility of the entrance/exit and added traffic would not be in the best interest for our neighborhood or the disabled.**

We would greatly appreciate your consideration of this proposal for the **entrance/exit** to be accessed from Old Forest Road and hope the city council will help make this possible for all concerned. Thank you.

PETITION TO REQUEST ENTRANCE {ENTER/EXIT} ACCESS FOR 2516 OLD FOREST VILLAGE (RUSH HOMES) BE FROM FROM OLD FOREST ROAD.

Petition summary: Anthony Place is a narrow street, children play in area, has multiple cars for each home, traffic is already heavy. Windemere has children that play in street area, has multiple cars for each home, traffic is already heavy. Westhaven Place, Westbrook Circle, and Circle Road are already cut through streets for traffic, have children that ride bikes, skateboards, and play in area. Drivers speed down Westhaven Place and Circle Road. With the addition of heavy trucks that will be entering and exiting during the building phase, normal daily traffic, and then the added traffic of visitors, ambulance, and firetrucks is not in the best interest of the people that live on the streets listed above. Our streets will be damaged from heavy trucks and it would be a hazard to children, drivers, walkers, bike riders, and the community in general to have this entrance off of Anthony Place. Also, we believe that a ~~single driveway~~ ^{2 lane Road} access to ~~the~~ ^{The} home for citizens with disabilities would be safer with less access to the area they live in and would keep traffic to a lower profile in Old Forest Village.

Action Petition for: To request entrance (enter/exit driveway) for Old Forest Village(Rush Homes) at 2516 Old Forest Road be accessed from Old Forest Road not Anthony Place.

PRINT NAME	ADDRESS	SIGNATURE	DATE
Margaret Paris	2712 Westhaven Pl	Margaret Paris	4/23/15
Zach Willis	2708 Anthony Pl.	Zach Willis	3/22/15
Ashley Willis	2708 Anthony Pl.	Ashley Willis	3/22/15
Michah DeVries	2704 Anthony Pl.	Michah DeVries	3/22/15
Danny Ferguson	2713 Anthony Pl	Danny Ferguson	3/22/15
Gary Gisdale	2705 Anthony Pl	Gary Gisdale	3/20/15
Mary Sullivan	2700 Anthony Pl	Mary Sullivan	3/22/15
Anthony Wimbush	2717 Anthony Pl	Anthony Wimbush	3-22-15

Name	Address	Signature	Date
Jessy Anderson	2604 Anthony Pl Unit B	Jessy Anderson	3/22/15
Katherine Anderson	2604 Anthony Pl. Unit B	Katherine Anderson	3/22/15
Wende & Michael Parker	2604 Anthony Pl Apt A	Wende Parker	3/22/15
Michael Parker	2604 Anthony Place Apt A	Michael Parker	3/22/15
Taylor Wills	2600 Anthony Pl Apt B	Taylor Wills	3/22/15
Omar Sannell	2400 Anthony Pl Apt A	Omar Sannell	3/22/15
Lydell Hubbard Jr.	2605 Anthony Pl apt b	Lydell Hubbard Jr.	3/22/15
DAVID GRACE	2601 ANTHONY PL APT B	David Grace	3/22/15
Joan Vila	2601 Anthony Place Unit A	Joan Vila	3/22/15
Nancy Joyner	3213 Windemere Place	Nancy Joyner	3/22/15
Lucille M. Martin	3212 Windemere pl.	Lucille M. Martin	3/22/15
Jimmie & Eric Johnson	3208 Windemere pl.	Jimmie & Eric Johnson	3/22/15
Wendy Lucas	3201 Windemere Pl.	Wendy Lucas	3/22/15
Tracy Lemon	3200 Windemere pl. #11	Tracy Lemon	3/22/15
Dallas Moss	3209 Windemere Pl	Dallas Moss	3/22/15

William H. Clingenpeel	2604 Westhaven Pl.	W H Clingenpeel	3/22/15
Julia Clingenpeel Julia Clingenpeel	2604 Westhaven Pl.	Julia Clingenpeel	3/22/15
Christie Ripley	2608 Westhaven Pl.	Christie C. Ripley	3/22/15
Robert Ripley	2608 Westhaven Pl.	Robert H. Ripley	3/22/15
Mary Thornhill	2612 Westhaven Pl.	Mary F. Thornhill	3/22/15
Mekale Thornhill	2612 Westhaven Pl.	Mekale L. Thornhill	3-22-15
Carolyn Hardy	2611 Westhaven Pl.	C. H.	3-22-15
Emma Smith	2717 Westhaven Pl.	E H S	3-23/15
Bernard Nash	2628 Westhaven Pl.	BERNARD NASH	3/23/15
George J. Mullin	2624 Westhaven Pl.	GEORGE MULLIS	3/23
Clarence Banks	2619 Westhaven Pl.	Clarence Banks	3/23/15
Bob Gibson	2616 Westhaven Pl.	Bob Gibson	3/23/15
Macon S. Gibson	2616 Westhaven Pl.	Macon S. Gibson	3/23/15
Reva Banks	2619 Westhaven Pl.	Reva Banks	3/23/15
Mr & Mrs Thomas J. Cregar	3314 Westbrook Circle	THOMAS J. CREGER	3/23/15

Joan R Wagner	2600 Westhaven Pl. Lynchburg, VA 24501	Joan R Wagner	3/23/15
Megan Bishop	2701 Westhaven Pl Lynchburg, VA 24501	Megan Bishop	3/23/15
Donald S. Paris	2712 Westhaven Pl Lynchburg, VA 24501	Donald S. Paris	3/23/15
Fred L. Fauber	2716 Westhaven Pl Lynchburg, VA 24501	Fred L. Fauber	3/28/15
Dolores D. Fauber	2714 Westhaven Pl. Lynchburg, VA 24501	Dolores D. Fauber	3-28-15
Valton R. Hammersley	2709 Westhaven Pl Lynchburg, VA 24501	Valton R. Hammersley	4/8/15
Stephen Haddox	2615 Westhaven Pl. Lynchburg, VA	Stephen Haddox	4/15/15
Patricia N. Wright	2601 Westhaven Pl Lynchburg, VA 24501	Patricia N. Wright	4-17-15
JAMES C. Wood Jr	2607 Westhaven Pl Lynchburg, VA 24501	James C. Wood Jr	4-17-15
Priscilla Grier	3205 Winderup place	Priscilla Grier	4/17
Joyce C. Hammersley	2709 Westhaven Pl	Joyce C. Hammersley	4/17/15
Jeff CASHWELL	2713 Westhaven Pl	Jeffrey CASHWELL	4-17-15
Travis J Caldwell	2725 Westhaven Pl.	Travis J Caldwell	4-17-15
Walt Winfrey	2721 Westhaven Pl	Walt Winfrey	4/17/15
H. Wayne Wright	2601 Westhaven Pl	H. Wayne Wright	4/17/15





1 inch = 200 feet

THE INFORMATION DISPLAYED IS A COMPILED FROM VARIOUS SOURCES. THE CITY OF LYNCHBURG IS NOT RESPONSIBLE FOR ITS ACCURACY OR HOW CURRENT IT MAY BE.
City of Lynchburg - GIS Division, March 25, 2015

\$52,870
LOW
\$62,200 ?
\$71,530
HIGH

VALUE ESTIMATE

Value Estimate

\$62,200 ?

Beds

--

Heating

Forced Air

Payment Estimate

-- ?

Baths Full

1

Foundation

Crawlspace

Rent Estimate

\$710 ?

Baths Half

--

Stories

1

Tax Estimate

\$702 ?

Sq Ft

1,062

Address Stories

1

 HomeScore

59 ?

Lot Size

--

Roof

Composition Shingle

 InvestorScore

60 ?

Construction

Frame

Last Sale Date

04/22/2002

Style

--

Last Sale Price

\$30,000

Year Built

1920

[Mortgage Rates](#) [Get Pre-Approved](#) [Edit Home Facts](#) [Share Home](#)

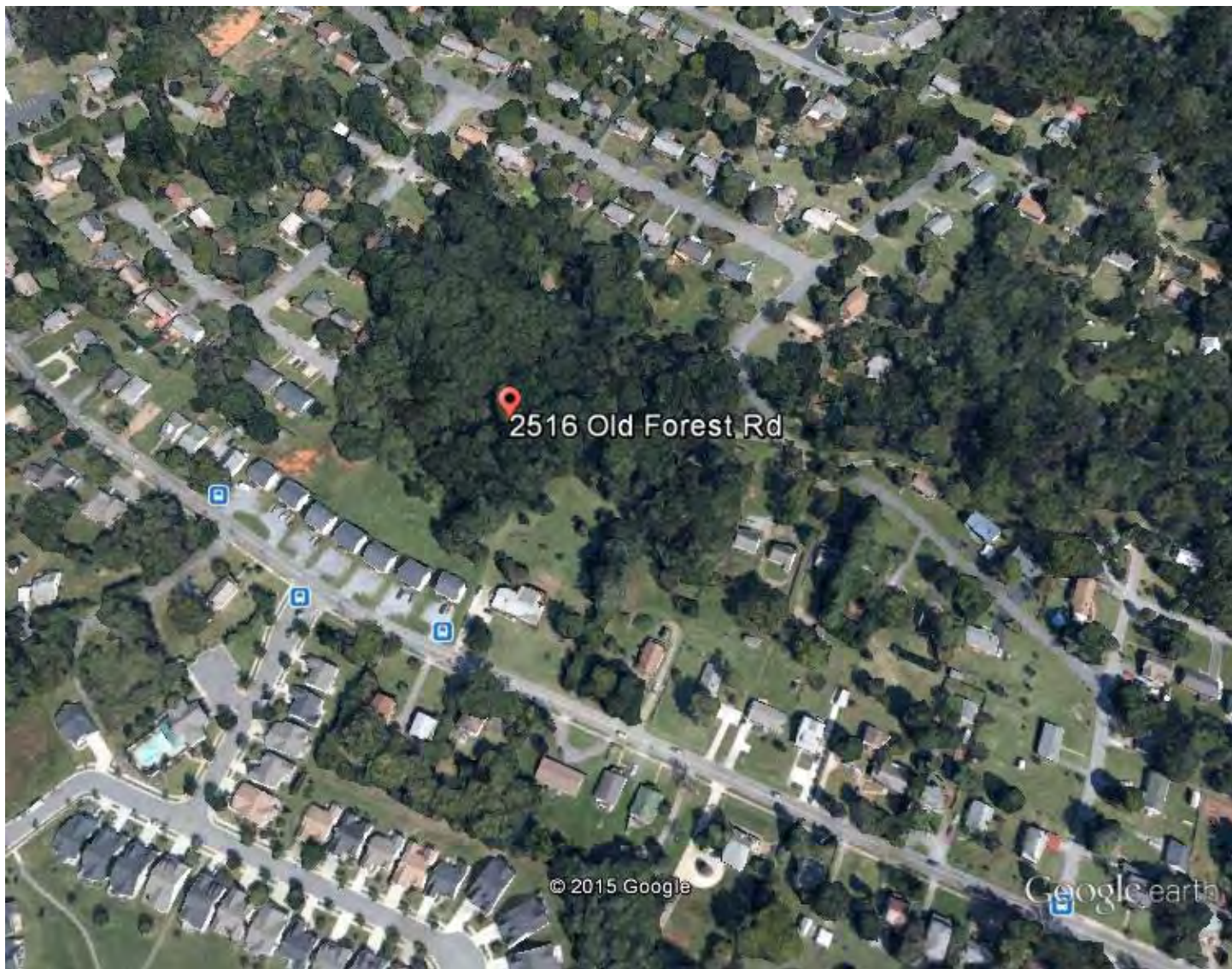
 [Share](#)
 [Tweet](#)

2432 Old Forest Road is located in the Linkhorne area of Lynchburg, VA. At this time, the property has an estimated value of \$62,200 and yearly taxes of \$702. This home has 1 bathroom and approximately 1,062 sqft of living space. The property was built in 1920. Similar homes nearby have 1 bath and sell for around \$60,000.

**Petition of Opposition
for Proposed Subsidized Housing Project and
Re-zoning. Into a single family residential zoned property
located from Anthony Place to Westbrook Circle
(28 Unit Project)**

**Residents of : Westbrook Circle, Oakhill Drive, Acorn St.,
Westhaven Rd. Windimere Place, Anthony Place, and Circle Rd.**

1. Dennis W. Power Jr.	3424 Westbrook Cir.
2. Inna M. Power	3424 Westbrook Cir.
3. Rudy Power	3424 Westbrook Cir.
4. Julia Power	3424 Westbrook Cir.
5. Eric Morris	3429 Westbrook Circle
6. Betty Trent	3428 Westbrook Cir.
7. Paul Trent	3428 Westbrook Cir.
8. Lisa Trent	3428 Westbrook Cir.
9. Inez Camden	3201 Oak Hill Ave City
10. Bang R. Hunt	3129 Oak Hill Ave City
11. Ewanne Hunt	3129 Oak Hill Ave City
12. Linda Zaney	3121 Oak Hill Ave
13. Doug Brown	3425 Westbrook Cir.
14. Susan Brown	3425 Westbrook Cir.
15. Lisa Haythe	2325 Acorn St
16. George Haythe	2325 Acorn St
17. Philip Wright	3204 Oak Hill Ave
18. Lorrie Weigand	3421 Westbrook Cir.
19. Mike Weigand	3421 Westbrook Cir.
20. Jason Newman	2308 Acorn St



Google earth

feet
meters



2516 Old Forest Road – Rush Lifetime Homes Townhomes
Conditional Use Permit
April 22, 2015

PLEASE PRINT

[illegible]