LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **June 8, 2010** AGENDA ITEM NO.: 1

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

ACTION: **X** INFORMATION:

ITEM TITLE: **City Logo Use Policy**

RECOMMENDATION: Determine whether or not to allow the use of the City logo for commercial purposes.

SUMMARY: The logo that is currently used by the City of Lynchburg was copyrighted in 1987. Since that time, in order to maintain the integrity and graphic identity of the official City logo, it has been the practice to allow only City departments and agencies the use of the City logo for printed materials, novelties, and other items. However, exceptions to this practice have been made for non-profit agencies and some commercial entities when there is a partnership or contract with the City. For example, the Visitors' Center, which is part of the Lynchburg Convention and Visitors Bureau, sells items with the City logo on them.

Earlier this year, the owners of the Heritage Connection gift shop in the downtown Holiday Inn requested permission to use the City logo for placement on souvenir merchandise and the request was denied based on past practices. This was not the first request to use the City logo for commercial purposes and when such usage has been discovered in the past the City has acted to stop the activity. The owners of the gift shop have appealed that denial.

To staff's knowledge City Council has never adopted an official policy regarding the use of the City logo by commercial enterprises. Staff is unable to find other cities that allow the use of their logos for commercial purposes and is reluctant to recommend such for Lynchburg. Nevertheless, the appropriate use of the City logo to promote the City and to benefit local businesses may be something that Council would wish to allow.

Should City Council decide to allow commercial use of the City logo, staff recommends the establishment of a licensing process and a biennial licensing fee of $250. Non-profit organizations and commercial entities under contract or agreement with the City would be required to complete the application but would not pay the licensing fee. The Department of Communications and Marketing would process the applications and provide the logo graphic to the organization or commercial entity. A draft "Logo Use Policy" is attached if Council wishes to allow the use of the City logo under limited circumstances.

PRIOR ACTION(S): None

FISCAL IMPACT: Revenue derived from the biennial licensing fee is expected to be minimal.

CONTACT(S): JoAnn Martin, Director Communications and Marketing, 455-3801

ATTACHMENT(S): Draft Logo Use Policy; Draft Licensing Application

REVIEWED BY: lkp

068L

CITY OF LYNCHBURG LOGO USE APPLICATION

Name: _____
Name of Business/Organization: _____
Address: _____
City: _____State: _____Zip: _____
Phone: _____Fax: _____
E-Mail: _____Web Site:_____

Please detail how you wish to use City of Lynchburg logo.

_____
_____
_____

Specify the wares or document(s) the mark will be used on, and provide a proof (an illustration is acceptable).

_____
_____
_____
_____
_____
_____
_____

One Time Use: □ Ongoing Use: □

If this is for an event, date of event when the logo will be used:

Start Date:_____ End Date (must specify for review)_____

I understand the City of Lynchburg logo and mark are the Registered Trademarks of The City of Lynchburg and that I will use them only as approved by the City. Furthermore, if approved, I will use the logo in accordance with the logo use policy.

_____ _____
Applicant City of Lynchburg

_____ _____
Date Date

Application Received _____ Fee Received_____
Application Approved _____
Application Denied _____

DRAFT

City of Lynchburg Logo Usage Policy

The logo of the City of Lynchburg was copyrighted in 1987. Only the City of Lynchburg and its agencies have the legal right to use the logo within the parameters defined. While the City is generally supportive and appreciative of others utilizing its image to promote the City, it believes it is important to maintain the continuity, graphic identity and integrity of the logo. Accordingly, organizations, businesses, or individuals wishing to use the City logo must seek prior approval. Requests to use the logo must be forwarded to the City's Department of Communications and Marketing and a license to use the logo must be obtained.

Any commercial entity wishing to use the City logo for souvenir merchandising must complete a logo use application and, upon approval, pay a biennial licensing fee of $250. Non-profit organizations and commercial entities under contract or agreement with the City must complete the application but will not be required to pay the licensing fee.

The City of Lynchburg has the right to refuse any request to use its logo. Granting the use of the logo by any non-profit or business does not denote any endorsement of the licensee nor does it denote acceptance of any liability by the City of Lynchburg.

The following restrictions apply to the usage of the City logo:

1. The logo may not be used by a licensee for the advertising of any product or service, nor for any political candidate, issue or cause, nor for any public service, issue or cause, nor any religion, denomination, creed, tenet, or belief.
2. No business or organization may use the City logo to appear that it is its own logo or to indicate that the logo implies an endorsement of its products or services.

Adopted by City Council: _____

DRAFT

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **June 8, 2010** AGENDA ITEM NO.: 2

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

ACTION: **X** INFORMATION:

ITEM TITLE: **Attendance Standards for Council Appointed Boards and Commissions**

RECOMMENDATION: Direct staff to draft a policy for Council's adoption regarding expectations related to attendance by citizen members of Council appointed boards and commissions and providing a mechanism for the removal of members who do not meet attendance standards.

SUMMARY: City Council makes numerous appointments to various boards and commissions. On the application completed by volunteers for such appointments is the following statement:

"Attendance requirements: City Council requires appointees to attend at least 75% of the yearly committee meetings. Absences may be excused because of personal illness or serious illness of members of the immediate family, death of a family member, unscheduled or unforeseen business trips, and emergency work assignments only. All other absences are recorded as unexcused."

Similar language is also included in other information provided to potential appointees. To staff's knowledge, Council has not adopted an official policy regarding attendance expectations.

When considering the reappointment of individuals to boards and commissions Council routinely reviews the attendance record over the previous term, typically a three-year period, and has been reluctant to reappoint individuals with an attendance record of less than 75%.

Waiting until the end of a term of appointment to review attendance does not address the stated requirement that appointees "attend at least 75% of the yearly committee meetings." Recently, questions have been raised about individuals who have not met the yearly attendance standards and whether or not Council has the authority to remove them during their term. At least three boards or commissions have been mentioned as having this concern, including the Martin Luther King Community Council, the Planning Commission, and the Tourism Advisory Board. Undoubtedly, there are others in similar circumstances.

In response to questions from Council members, the City Attorney has provided the attached memorandum explaining City Council's authority to remove appointees with poor attendance records from boards and commissions.

Staff suggests that Council direct the drafting of a formal policy regarding attendance expectations for Council appointees to boards and commissions and providing a mechanism for the removal of individuals with poor attendance if deemed appropriate.

PRIOR ACTION(S): None

FISCAL IMPACT: None

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

ATTACHMENT(S): Memo from the City Attorney

REVIEWED BY: lkp

071L

MEMORANDUM

The City Attorney's Office

To: The Honorable City Council

From: Walter C. Erwin, City Attorney

Subject: Removal of Council Appointees

Date: May 17, 2010

Council recently asked if it has the authority to remove individuals that have been appointed to serve on various board and commissions. Council's authority to remove such individuals depends upon several factors. First, is the board or commission on which the individual serves one that was created by the City or by State law? Second, if a board or commission is created by State law, does the law creating the board or commission prescribe a specific term of office for the members or give the local governing body the authority to remove members? As outlined in this memo, Council has more authority to remove members from City created boards and commissions than it does from boards and commissions that are created by State law.

Council Created Boards and Commissions

The State Code authorizes a local governing body to create such advisory boards, committees and commissions as it deems necessary to advise the governing body on matters of local concern and provides that such members serve at the pleasure of the governing body. The City has created a number of such boards and commissions that are not required by State law, but were created to perform certain delegated functions or to advise Council on various issues. Some examples of such boards and commissions are the Airport Commission, the Community Development Advisory Committee, the Lynchburg Business Development Centre Board, the Regional Tourism Advisory Board, etc.

The Virginia Attorney General has issued opinions advising that as a general rule, the power of a local governing body to create a board or commission and appoint members to the board or commission also includes the power to remove the members of the board or commission. The members of such boards and commissions serve at the pleasure of the local governing body and may be removed whenever the local governing body decides it is appropriate to do so.

The Attorney General has also advised that State law does not require any type of notice or hearing prior to removing a member of a City created board or commission. The Attorney General suggests that some type of notice and hearing prior to removal may be advisable, but the decision of whether or not to provide notice and a hearing prior to removal rests with the local governing body.

Boards and Commissions Created by State Law

The State Code requires the creation of a number of local boards and commissions to serve the citizens of Lynchburg. Some examples of such boards and commissions are the Building Code Appeals Board, the Community Services Board of Central Virginia, the Planning Commission, the School Board, etc. While State law requires the creation of such boards and commissions, City Council appoints the members of the boards and commissions. Council's authority to remove the members of such boards and commissions depends upon whether or not the laws creating the boards and commissions prescribe a specific term of office for the members or give Council the authority to remove members

a) The Virginia Attorney General advises that when a board or commission is created by State law and the members of the board or commission have been given a specific term of office, a local governing body does not have the authority to remove a member of the board or commission before the end of his or her term of office unless the State Code gives the local governing body the power of removal. In some instances the State Code gives a local governing body the right to remove the members appointed to a State created board or commission. For example, the State Code provides that a local governing body may remove a member of the local community services board "for cause" after giving the member a written statement of the causes for removal and an opportunity for a hearing. The State Code also provides that a local governing body may remove a member of the local planning commission for "malfeasance in office" or in the event a member misses three consecutive meetings of the commission or misses four meetings in a twelve-month period.

b) However, there are other boards and commissions where the State Code provides that a member of a board or commission shall serve a specific term of office and does not give the local governing body the authority to remove the members before the end of their term. For example, the State Code provides that members of a local school board for a city or town shall serve three-year terms and does not give the local governing body the right to remove school board members prior to the end of their term.

c) In some instances the State Code requires the creation of a board or commission but does not specify a term of office for the members of the board or commission. Also, the provisions of the State Code creating the board or commission do not state whether or not the local governing body can remove the members before the end of their terms. For example, the State Code requires any county or city that imposes a tax on a coal company to create a coal road improvement advisory committee. However, the State Code does not specify a specific term of office for the members of the committee or state whether or not a local governing body has the right to remove members of the committee. In such a situation the Attorney General advises that the authority of a local governing body to appoint members to the commission also includes the implied power to remove the members of the commission if the local governing body decides it is appropriate to do so. Further, the Attorney General advises that the local governing body is not required to give notice or a hearing prior to removing a member. Some type of notice and hearing prior to removal may be advisable, but the decision of whether or not to provide notice and a hearing prior to removal rests with the local governing body.

Removal by the Circuit Court

Even if the provisions of the State Code that create a board or commission do not give a local governing body the right to remove a member of the of the board or commission, the State Code establishes a procedure by which public officers that engage in certain types of misconduct can be removed from office by the local circuit court. The types of misconduct for which a public officer may be removed from office are summarized as follows:

1. The public officer is guilty of neglect of duty, misuse of office or incompetency in the performance of his duties.

2. The public officer has been convicted of a misdemeanor offense involving the possession, distribution or sale of drugs or drug paraphernalia.

3. The public officer has been convicted of a hate crime.

If a majority of the members of the local governing body that appointed a public officer to a board or commission believe the officer has committed any of the acts of misconduct listed above, the governing body can file a petition with the circuit court asking that the public officer be removed from office. If after a trial the court determines that the public officer committed an act of misconduct the officer is removed from office.

Summary

The members of Council created boards and commissions serve at the pleasure of City Council and members may be removed whenever Council decides it is appropriate to do so. No notice or hearing is required prior to removing a member from such a board or commission. However, Council can provide notice and a hearing prior to removal if Council determines it is appropriate to do so.

When dealing with a board or commission that is created by State law it is necessary to examine the laws creating the board or commission. If the members of a board or commission that is created by State law have been given a specific term of office, City Council does not have the authority to remove the members before the end of their term of office unless State law gives Council the power of removal. If State law creates a board or commission but does not specify terms of office for the members, the members serve at Council's pleasure and Council has the right to remove the members if Council decides it is appropriate to do so.

Even if City Council does not have the authority to remove a member of a board or commission that is created by State law, the member may be removed by the circuit court if the court determines that the member committed an act of misconduct.

If any of the Members of Council have any questions concerning this matter, please do not hesitate to contact me.

Cc: Hunsdon "H" Cary, III, Council Member Elect
L. Kimball Payne, City Manager

// A regular meeting of the Council of the City of Lynchburg was held on the 25th day of May, 2010, at 7:30 P.M. in the Council Chamber, City Hall, Joan F. Foster, President, presiding. Council Member Johnson gave the Invocation, followed by the Pledge of Allegiance. The following Members were present:

Present: Dodson, Gillette, Helgeson, Johnson, Nelson, Perrow, Foster 7

Absent: 0

// Mayor Foster and Vice Mayor Dodson presented a Certificate of Recognition to the 2010 Citizens Academy graduates.

// Mayor Foster and Vice Mayor Dodson presented a Certificate of Recognition to high school seniors Derek Gale, Chelsea Giles, Alex Jennings, Christina Cosby, Talia Conner and Rachel Robertson, for serving on the Mayor's Youth Council.

// Mayor Foster and Vice Mayor Dodson presented a Certificate of Recognition to Sister City representatives, Captain Mathias Urbansky and Lieutenant Raik Haller, from Glauchau, Germany.

// Mayor Foster and Vice Mayor Dodson presented a Certificate of Recognition to Mr. Thomas M. Stephen, Jr., Program Support Specialist for the Virginia Employer Support Guard Reserve. Mr. Stephen explained the program and stated that this was the major employer outreach agency within the Department of Defense. Mayor Foster signed a Statement of Support recognizing the value that the Guard Reserve members bring to the City of Lynchburg and all the municipal departments that they work in.

// Copies of the minutes of the April 20, 2010 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Perrow, seconded by Council Member Gillette, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

// Copies of the minutes of the April 27, 2010 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Perrow, seconded by Council Member Gillette, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

// Copies of the minutes of the May 11, 2010 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Perrow, seconded by Council Member Gillette, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

// In the matter of Public Works - General, Resolution #R-10-045 amending the FY 2010 City/Federal/State Aid Fund budget and appropriating $744,000, with resources of $500,000 in Federal funding for replacement of the HVAC system at the Public Library and to perform building energy

audits/energy efficiency upgrades to City buildings, laid over from the May 11, 2010 meeting, was again presented and read, and on motion of Council Member Perrow, seconded by Council Member Gillette, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of Budget/City Council, Resolution #R-10-046 amending FY 2010 General, Fleet, Regional Juvenile Detention Center, Airport, Water and Sewer Funds Adopted budget and appropriating $509,184, for a staff bonus to be paid on the July 1, 2010 pay date, laid over from the May 11, 2010 meeting, was again presented and read, and on motion of Council Member Perrow, seconded by Council Member Gillette, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of FY 2011 Budget/CIP, Resolution #R-10-052 adopting the FY 2011 Mandated and Contractual External Service Providers Budget and appropriating $6,946,888 for this budget, laid over from the May 11, 2010 meeting, was again presented and read, and on motion of Council Member Perrow, seconded by Council Member Gillette, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of FY 2011 Budget/CIP, Resolution #R-10-053 adopting the FY 2011 Central Virginia Area Agency on Aging Budget and appropriating $15,000 for this budget, laid over from the May 11, 2010 meeting, was again presented and read, and on motion of Council Member Perrow, seconded by Council Member Gillette, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of FY 2011 Budget/CIP, Resolution #R-10-054 adopting the FY 2011 Central Virginia Community College Board and Related Operations Budget and appropriating $1,831 for this budget, laid over from the May 11, 2010 meeting, was again presented and read, and on motion of Council Member Perrow, seconded by Council Member Gillette, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of FY 2011 Budget/CIP, Resolution #R-10-055 adopting the FY 2011 Court Appointed Special Advocate Budget and appropriating $12,000 for this budget, laid over from the May 11, 2010 meeting, was again presented and read, and on motion of Council Member Perrow, seconded by Council Member Gillette, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of FY 2011 Budget/CIP, Resolution #R-10-056 adopting the FY 2011 Region 2000 Economic Development Council Budget and appropriating $82,250 for this budget, laid over from the May 11, 2010 meeting, was again presented and read, and on motion of Council Member Perrow, seconded by Council Member Gillette, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of FY 2011 Budget/CIP, Resolution #R-10-057 adopting the FY 2011 Robert E. Lee Soil & Water Conservation District Budget and appropriating $10,000 for this budget, laid over from the May 11, 2010 meeting, was again presented and read, and on motion of Council Member Perrow, seconded by Council Member Gillette, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of FY 2011 Budget/CIP, Resolution #R-10-058 adopting the FY 2011 Virginia Legal Aid Society Budget and appropriating $10,000 for this budget, laid over from the May 11, 2010 meeting, was again presented and read, and on motion of Council Member Perrow, seconded by Council Member Gillette, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of FY 2011 Budget/CIP, Resolution #R-10-059 adopting the FY 2010 Amazement Square Real Estate Tax Refund Budget and appropriating $5,302 for this budget, laid over from the May 11, 2010 meeting, was again presented and read, and on motion of Council Member Perrow, seconded by Council Member Gillette, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of FY 2011 Budget/CIP, Resolution #R-10-061 adopting the FY2011 Greater Lynchburg Transit Budget and appropriating $6,527,524 for this budget, laid over from the May 11, 2010 meeting, was again presented and read, and on motion of Council Member Perrow, seconded by Council Member Gillette, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of FY 2011 Budget/CIP, Resolution #R-10-062 adopting all other FY 2011 Operating Fund Budgets and appropriating the sums for each fund, laid over from the May 11, 2010 meeting, was again presented and read, and on motion of Council Member Perrow, seconded by Council Member Gillette, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of FY 2011 Budget/CIP, Resolution #R-10-064 approving the payment of monetary incentives, awards and bonuses to City employees under certain circumstances, laid over from the May 11, 2010 meeting, was again presented and read, and on motion of Council Member Perrow, seconded by Council Member Gillette, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of FY 2011 Budget/CIP, Resolution #R-10-065 to set the personal property tax relief rate for the fiscal year beginning July 1, 2010 through June 30, 2011 at 54.68%, laid over from the May 11, 2010 meeting, was again presented and read, and on motion of Council Member Perrow, seconded by Council Member Gillette, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of School - Board, a public hearing continued from May 11 was again held to receive input from citizens regarding appointments (or reappointments) to vacancies that will exist June 30 in each of the three (3) School Board representational districts. Mayor Foster read into the record the names of two (2) individuals who had submitted an application after the May 11 public hearing, Dierdre B. Glover, School District 2 and Lewis Lee, School District 2. Mr. Lewis Lew communicated his interest in serving on the School Board. There was no one present who wished to speak to this item, and the public hearing was closed. Mayor Foster stated that interviews will be scheduled with the selected applicants.

// In the matter of Finance - Bonds, a public hearing was held regarding City Council Report #19 regarding authorizing the issuance of not to exceed $14,410,000 Sewer Revenue Bonds pursuant to Section 15.1-227.8(a) of the Code of Virginia. Donna Witt, Financial Services Director gave a brief overview of the request. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote adopted Resolution #R-10-066, as presented, authorizing the issuance of not to exceed $14,410,000 Sewer Revenue Bonds pursuant to Section 15.1-227.8(a) of the Code of Virginia:

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

Noes: 0

// In the matter of City Code, City Council Report #20 was considered. On motion of Council Member Gillette, seconded by Council Member Nelson, Council by the following recorded vote adopted Ordinance #0-10-067, as presented, amending the City Code relating to the various exemptions to the City's Meals Tax:

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

Noes: 0

// In the matter of FY 2011 Budget/CIP, Resolution #R-10-051 adopting the FY 2011 General Fund Operating Budget (excluding External Service Provider expenditures) and appropriating $177,893,783 for this budget, laid over from the May 11, 2010 meeting, was again presented and read. Council Member Helgeson stated that he realized that this was the second reading and that he would be voting against

these items as he had mentioned on previous votes. Council Member Perrow stated that he will be supporting this as in the prior vote because what we've managed to do is cut recurring expenses by approximately 4% this year. At the same time shrunk government, have not levied any increase in revenues to the General Fund and are managing to reward city employees with a productivity bonus. On motion of Council Member Dodson, seconded by Council Member Gillette, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Gillette, Johnson, Nelson, Perrow, Foster 6

Noes: Helgeson 1

// In the matter of FY 2011 Budget/CIP, Resolution #R-10-060 adopting the FY 2011 School Operating Budget and appropriating $85,544,431 for this budget, laid over from the May 11, 2010 meeting, was again presented and read, and on motion of Council Member Johnson, seconded by Vice Mayor Dodson, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Gillette, Johnson, Nelson, Perrow, Foster 6

Noes: Helgeson 1

// In the matter of FY 2011 Budget/CIP, Resolution #R-10-063 adopting the FY 2011 Capital Budget and appropriating $9,593,736 for the City Capital Projects Fund; $1,941,733 for the School Projects Fund; $2,355,000 for the Airport Capital Projects Fund; $4,885,000 for the Water Capital Projects Fund; and $12,500,000 for the Sewer Capital Projects Fund, laid over from the May 11, 2010 meeting, was again presented and read, and on motion of Council Member Johnson, seconded by Vice Mayor Dodson, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Gillette, Johnson, Nelson, Perrow, Foster 6

Noes: Helgeson 1

// On motion of Council Member Nelson, seconded by Council Member Perrow, Council by the following recorded vote elected to hold a closed meeting for discussion and consideration of (1) the acquisition of real property for a public purpose, the Midtown Connector Project because discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the City; (2) to consider appointments to Council-appointed Boards and Commissions, i.e., School Board; and (3) for discussion and consideration of candidates for the position of the Clerk of Council, pursuant to Section 2.2-3711(A)(3)(1), respectively, Code of Virginia (1950), as amended:

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

Noes: 0

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

// Council Member Nelson made the following motion:

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

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

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

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

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

Noes: 0

// The meeting was adjourned at 9:20 P.M.

_____

Interim Clerk of Council

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **June 8, 2010** AGENDA ITEM NO.: 5

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

ACTION: **X** INFORMATION:

ITEM TITLE: **Appointment of Col. Parks H. Snead to the Central Virginia Community Services Board of Directors**

RECOMMENDATION: Appoint Col. Snead to the Central Virginia Community Services Board of Directors.

SUMMARY: The Central Virginia Community Services Board has sent the attached letter asking that Col. Snead be appointed to the Board of Directors as an "additional member." The City of Lynchburg has three designated members on the Board (two at-large and one Council member). This "additional" appointment will not affect that representation. As the letter explains, the organization's bylaws provide for the appointment of two additional members, however, the governing body of the jurisdiction in which a proposed additional member resides is asked to make the appointment.

PRIOR ACTION(S): None

FISCAL IMPACT: None

CONTACT(S): Kimball Payne, 455-3990

ATTACHMENT(S): Letter from CVCSB.

REVIEWED BY: lkp

070L

CENTRAL VIRGINIA
COMMUNITY SERVICES
Behavioral Healthcare

ADMINISTRATION

2241 LANGHORNE ROAD, LYNCHBURG, VA 24501
434-847-8050 • TDD: 434-847-8062 • FAX: 434-847-6099

May 17, 2010

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

Dear Mr. Payne:

At the April 28, 2010 Board of Directors meeting our members approved to recommend to the jurisdiction of domicile (City of Lynchburg) one additional member to our Board of Directors.

According to our Charter, Amendment I, (1971) and our Bylaws, ARTICLE III, Section 2 states:

> ***Two additional members may be recommended for appointment by judgment of the Board, in order to fairly represent special service organizations whom they serve. They shall be appointed by the governments of their domiciles. ... Sheriffs or their designees also shall be appointed, when practical.***

Our recommendation is Colonel Parks H. Snead, III, Chief of Police for the Lynchburg Police Department. We feel that his professionalism in the forensic and behavioral health areas will help us work together cooperatively to help our citizens.

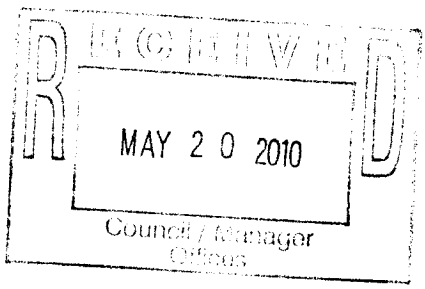
On behalf of our Board of Directors we respectfully request that the Lynchburg City Council of the City of Lynchburg consider our "additional" member recommendation at the next scheduled meeting. This member would not be counted as a representative of the City of Lynchburg.

Please let me know if I may be of any assistance to you and we look forward to working with your representative.

Sincerely,

Sandy Farmer

Sandy Farmer CAP
Executive Assistant
Recording Secretary to the Board



"Quality Care...Changed Lives!"

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **June 8, 2010** AGENDA ITEM NO.: 6

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

ACTION: **X** INFORMATION:

ITEM TITLE: **Reappointment of City Manager L. Kimball Payne, III, and Police Chief Parks Snead to the Blue Ridge Regional Jail Authority Board.**

RECOMMENDATION: Approve the above re-appointments to the Blue Ridge Regional Jail Authority Board.

SUMMARY:
The current terms of City Manager Kimball Payne and Police Chief Parks Snead on the Blue Ridge Regional Jail Authority Board will expire on June 30, 2010. Both individuals are eligible for reappointment to the Board and City Council is being asked to reappoint Mr. Payne as a member of the Board and Chief Snead as the alternate for such member, each for a term commencing July 1, 2010 and ending June 30, 2013.

PRIOR ACTION(S): N/A

FISCAL IMPACT: None

CONTACT(S): Kimball Payne, 455-3990

ATTACHMENT(S): Resolution

REVIEWED BY: lkp

Resolution:

WHEREAS, the Blue Ridge Regional Jail Authority Service Agreement dated November 10, 1994, as amended, states that members of the Authority Board (other than sheriff's) shall be elected by their respective governing bodies; and

WHEREAS, the governing body of each participating jurisdiction has appointed a member and an alternate whose terms expire June 30, 2010; and

WHEREAS, the governing body of each jurisdiction has been requested by the Authority to appoint a member and an alternate for a term commencing July 1, 2010, and ending June 30, 2013.

NOW, THEREFORE, BE IT RESOLVED by the Lynchburg City Council that L. Kimball Payne, III, City Manager, is hereby appointed as a member of the Blue Ridge Regional Jail Authority and Parks Snead, Police Chief, or his successor, is appointed as the alternate for such member, each for a term commencing July 1, 2010 and ending June 30, 2013.

Adopted:

Certified: _____
Interim Clerk of Council

062L

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE**: June 8, 2010** AGENDA ITEM NO.: **7**

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

ACTION: **X** INFORMATION**:**

ITEM TITLE**: Department of Homeland Security (DHS) Federal Emergency Management Agency's (FEMA) National Preparedness Directorate's FY 2009 Assistance to Firefighters Grant (AFG) award—Regional Training grant – Lynchburg Fire Department**

RECOMMENDATION: Adopt a resolution to amend the FY 2010 City/Federal/State Aid Fund budget and appropriate $97,974 with resources of $78,380 from the Department of Homeland Security Federal Emergency Management Agency's (DHS / FEMA) National Preparedness Directorate's FY 2009 Assistance to Firefighters Grant (AFG); $6,531 from the General Fund Reserve for Contingencies; and $13,063 from the Counties of Amherst and Campbell for a regional training initiative.

SUMMARY: DHS/FEMA awards grant funding through the Assistance to Firefighters Grant (AFG) program with the primary goal of meeting the firefighting and emergency response needs of fire departments and other agencies by assisting with the purchase of critically needed equipment, protective gear, emergency vehicles, training, and other resources needed to protect the public and emergency personnel from fire and related hazards.

This grant provides funding to support a regional training initiative involving the Lynchburg Fire Department, the County of Amherst, and the County of Campbell. This initiative will increase the knowledge, skills, and abilities of the firefighters and fire officers of the area. It will build upon some of the courses taught in FY 2009 and FY 2010 that were paid for by the AFG 2008 regional training grant. The 23 certificate courses will be taught at numerous facilities/fire stations in the area during the period of a year. Included are courses for a Firefighter Recruit school, Technical Rescue, Fire Leadership, and the development of a Swift Water Awareness and Operations program. The total request for the regional training initiative is $97,974; the Federal share is 80 percent ($78,380) with a required 20 percent local match of $19,594. The 20 percent local match of $19,594 will be divided equally among the 3 participants at approximately $6,531 each.

The Lynchburg Fire Department will serve as the host applicant. This training initiative will be a collaborative effort between the three agencies. As the host applicant, the department is responsible for collecting the total 20 percent match. Representatives from Amherst County and Campbell County have verbally agreed to pay their match portion and to provide support to the host applicant in management of the initiative by providing training facilities, submitting course requests to the State, assisting with administrative tasks, etc.

PRIOR ACTION(S): Finance Committee, May 26, 2009
Finance Committee, May 25, 2010

FISCAL IMPACT: A non-recurring appropriation of $6,531 is required from the General Fund Reserve for Contingencies

CONTACT(S): Fire Chief S. Brad Ferguson, 455-6340
Captain Ron Sanders, 455-6362
Ellen Davidson-Martin, Fire Administrative Manager 455-6368

ATTACHMENT(S): Resolution

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED That the FY 2010 City/Federal/State Aid Fund budget is amended and $97,974 is appropriated with resources of $78,380 from the Department of Homeland Security Federal Emergency Management Agency's (DHS / FEMA) National Preparedness Directorate's FY 2009 Assistance to Firefighters Grant (AFG); $6,531 from the General Fund Reserve for Contingencies; and $13,063 from the Counties of Amherst and Campbell for a Regional Training initiative.

Introduced: Adopted:

Certified: _____
Interim Clerk of Council

061L

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **June 8, 2010** AGENDA ITEM NO.: 8

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

ACTION: INFORMATION: **X**

ITEM TITLE: **PUBLIC HEARING REGARDING THE FY 2011 ALLOCATION OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME PROGRAM FUNDS**

RECOMMENDATION: Conduct a Public Hearing to receive public input regarding the FY 2011 allocation of $1,049,262.10 in Community Development Block Grant (CDBG) and $459,516.32 in HOME Program funds.

SUMMARY: The U.S. Department of Housing and Urban Development (HUD) funds the CDBG and HOME Programs. The City has available the following funds to use for eligible CDBG and HOME activities during the FY 2011 program year:

CDBG AVAILABLE FUNDING/SOURCE	**AMOUNT**
HUD Allocation	$904,817.00
Reprogrammed Funds	142,415.10
Anticipated Program Income	2,030.00
Total CDBG Funding Available	**$1,049,262.10**

HOME AVAILABLE FUNDING/SOURCE	**AMOUNT**
HUD Allocation	$467,942.00
Anticipated Program Income	(8,425.68)
Total HOME Funding Available	**$459,516.32**

The following lists of projects have been recommended for funding by the Community Development Advisory Committee (CDAC):

CDBG PROJECTS RECOMMENDED FOR FUNDING
BY THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE

Non-Public Service	**Recommendations**
Bluffwalk Section 108 Loan	$310,283.00
City Administration	$125,979.00
Fifth Street Community Development Corporation/City of Lynchburg	$100,000.00
Lynchburg Community Action Group (Lyn-CAG) Housing Improvement	$70,000.00
Lynchburg Redevelopment and Housing Authority (LRHA) - Administration	$40,000.00
LRHA - Delivery: Acquisition	$14,479.00
LRHA - Delivery: Disposition	$14,479.00
LRHA Spot Blight Abatement and Acquisition-Tinbridge Hill	$180,000.00
Rebuilding Together Lynchburg	$70,000.00
Virginia University of Lynchburg	$14,319.55
YWCA - Town Center	$4,000.00
Subtotal Non-Public Service	**$943,539.55**
Public Service	**Recommendations**
Camp Kum-Ba-Yah	$20,000.00
The Gateway House, Inc	$25,000.00
Interfaith Outreach Association	$5,000.00
Miriam's House	$20,000.00
Smart Beginnings	$10,772.55
YWCA - Domestic Violence Prevention Center	$25,000.00
Subtotal Public Service	**$105,722.55**
TOTAL CDBG PROJECTS	**$1,049,262.10**

HOME PROJECTS RECOMMENDED FOR FUNDING
BY THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE

City Administration	$16,353.00
Greater Lynchburg Habitat for Humanity	$65,000.00
Lyn-CAG CHDO - First time Homebuyer	$75,000.00
Lyn-CAG – Homeowner Substantial Rehabilitation	$150,000.00
Lynchburg Neighborhood Development Foundation (LNDF) CHDO - Hilltop Homes	$48,163.32
LNDF Tinbridge Hill New Construction	$105,000.00
TOTAL HOME PROJECTS	**$459.516.32**

Following the May 11, 2010 Community Development Advisory Committee, Edward H. McCann, Executive Director of the Lynchburg Redevelopment and Housing Authority sent a letter dated May 12, 2010 to CDAC Chairman and Councilman Michael A. Gillette and Councilman Jeff S. Helgeson, Vice Chairman noting most particularly that LRHA's request for CDBG funding was incorrect or mislabeled in their CDBG application. Following is a chart that compares the initial CDBG application request regarding Administration and Delivery Costs with what Mr. McCann states is the corrected request:

LRHA Activity	FY 2011 CDBG Application Request	FY 2011 CDAC Recommendation	May 12, 2010 Corrected Request	Difference between CDAC Recommendation and Corrected Request
Administration	$43,545	$40,000	$43,545	$3,545
Delivery Costs:				
Acquisition	14,479	14,479	107,787	93,308
Disposition	14,479	14,479	14,479	0
Rehabilitation	107,787	0	14,479	14,479
Total	**$180,290**	**$68,958**	**$180,290**	**$111,332**

Additional LRHA funds requested and considered by CDAC include the following:

LRHA Activity	FY 2011 CDBG Application Request	FY 2011 CDAC Recommendation	May 12, 2010 Corrected Request	Difference between CDAC Recommendation and Corrected Request
Spot Blight-Abatement and Acquisition: Tinbridge Hill	$293,900	$180,000	$80,000 - $100,000	($80,000-100,000)
Rental Rehab.	$75,000	$0	No correction	$0

Mr. McCann also noted in his letter that an annual allocation of $80,000 - $100,000 should be adequate to address spot blight. CDAC's recommendation for Spot Blight Abatement and Acquisition: Tinbridge Hill is $180,000. Based on a conversation on June 2, 2010 with Mr. McCann, staff recommends that City Council consider reallocating $93,308 of the Spot Blight funds in FY 2011 to Delivery Costs: Acquisition. This action would result in a revised allocation for Spot Blight - Abatement and Acquisition Tinbridge Hill of $86,692 and would meet the corrected request for LRHA Delivery Costs: Acquisition of $107,787.

All CDBG and HOME funds will be expended in accordance with primary objectives of these programs. Further, the City estimates that over 70 percent of the total funds for 2010/11 funding will benefit low/moderate income persons.

Copies of all applications submitted for funding consideration are available in the Department of Community Development, Second Floor, City Hall.

PRIOR ACTION(S): N/A

FISCAL IMPACT: N/A

CONTACTS: Bonnie Svrcek, Acting Director of Community Development and Deputy City Manager, 455-3913
Melva Walker, Grants Administrator, 455-3913

ATTACHMENT(S): Attachment A: CDBG and HOME Allocations Worksheet 2010-2011
Attachment B: Summary of CDBG and HOME Applications
Attachment C: Letter from Edward H. McCann, Executive Director, Lynchburg Redevelopment and Housing Authority to Councilman Michael A. Gillette, Chairman; Councilman Jeff S. Helgeson, Vice Chairman; Community Development Advisory Committee

REVIEWED BY: lkp

072L

CDBG and HOME Allocations Worksheet 2010-2011

5/11/2010

Total CDBG Available $1,049,262.10

CDBG
Non-Public Service
Amount Available to Award
943,539.55

NAME	NAT. OBJ.	Prior Year 09/10 Award	Amount Requested	Amount to Award	% of Amount Available
Bluffwalk Section 108		318,284.00	310,283.00	310,283.00	32.89%
City Administration		150,000.00	137,824.40	125,979.00	13.35%
LRHA Administration		24,718.00	43,545.00	40,000.00	4.24%
LRHA Delivery-Rehabilitation	LMH	0.00	107,787.00	0.00	0.00%
LRHA Delivery-Disposition	LMH	0.00	14,479.00	14,479.00	1.53%
LRHA Delivery-Acquisition	LMH	0.00	14,479.00	14,479.00	1.53%
LRHA Spot Blight	LMH	288,425.41	293,900.00	180,000.00	19.08%
LRHA Rental Rehab	LMH	100,000.00	75,000.00	0.00	0.00%
5th Street CDC - City	LMA	54,800.00	392,987.00	100,000.00	10.60%
Business Development Center	LMC	0.00	25,000.00	0.00	0.00%
Lyn-Cag Housing Improvement	LMH	70,000.00	100,000.00	70,000.00	7.42%
Lynchburg Covenant Fellowship	LMA	0.00	31,650.00	0.00	0.00%
Mary Bethune Academy	LMC	0.00	115,000.00	0.00	0.00%
PRIS,PLC	LMC	0.00	200,000.00	0.00	0.00%
Rebuilding Together	LMH	61,663.60	80,000.00	70,000.00	7.42%
Virginia Unversity	LMA	0.00	53,100.00	14,319.55	1.52%
YWCA-Town Center	LMC	0.00	12,000.00	4,000.00	0.42%
C.Street Zion Baptist Church	LMC	0.00	183,580.00	0.00	0.00%
Totals		**1,067,891.01**	**2,190,614.40**	**943,539.55**	
Available				**943,539.55**	
Balance				**0.00**	

CDBG
Public Service 15% Allocation
Amount Available to Award
105,722.55

NAME	NAT. OBJ.	Prior Year 09/10 Award	Amount Requested	Amount to Award	% of Amount Available
Camp Kum Ba Yah	LMC	0.00	20,000.00	20,000.00	18.92%
The Gateway House, Inc.	LMC	25,000.00	35,000.00	25,000.00	23.65%
Hill City Football & Cheerleading	LMC	0.00	25,000.00	0.00	0.00%
Interfaith Outreach	LMC	9,000.00	5,000.00	5,000.00	4.73%
Jubilee Development Center	LMA	20,000.00	30,000.00	0.00	0.00%
Miriams House	LMC	20,000.00	42,028.09	20,000.00	18.92%
United Way-Smart Beginnings	LMC	18,200.00	84,222.00	10,722.55	10.14%
YWCA DVPC	LMC	23,651.20	35,133.00	25,000.00	23.65%
Totals		**1,183,742.21**	**2,650,577.49**	**105,722.55**	
Available				**105,722.55**	
Balance				**0.00**	

HOME
Amount Available to Award
459,516.32

CHDO Requirement **70,191.30**

NAME	NAT. OBJ.	Prior Year 09/10 Award	Amount Requested	Amount to Award	% of Amount Available
City Administration		54,294.00	46,794.20	16,353.00	3.56%
Greater Lynch Habitat Humanity	LMH	0.00	65,000.00	65,000.00	14.15%
Lyn-Cag CHDO-Homebuyer	LMH	70,000.00	75,000.00	75,000.00	16.32%
Lyn-Cag Substantial Rehab	LMH	110,000.00	150,000.00	150,000.00	32.64%
LNDF CHDO Hilltop Homes	LMH	0.00	165,000.00	48,163.32	10.48%
LNDF Tinbridge Hill	LMH	0.00	105,000.00	105,000.00	22.85%
LNDF Home Buyer Cnsing and Ed.	LMH	0.00	25,500.00	0.00	0.00%
					#REF!
Totals		**234,294.00**	**632,294.20**	**459,516.32**	#REF!
Available				**459,516.32**	
Balance				**0.00**	

CHDO
Not HOME eligible; CDBG eligible
Prior Year ARRA (Stimulus) Funds

Legend for National Objectives	
LMA	LOW/MOD Area Benefit
LMC	LOW/MOD Limited Clientele Activities
LMH	LOW/MOD Housing Activities

ATTACHMENT A

Summary of CDBG/HOME requests FY 2011

Following is a brief summary of each of the applications received for consideration of CDBG and HOME funding. Entire applications are available and can be reviewed in the Department of Community Development.

Community Development Block Grant Non-Public Service Applicants

Bluffwalk

FY 2010 Award	FY 2011 Request	CDAC Recommendation
$318,284	$310,283	$310,283

Funding is reserved to make principal and interest payments on this property in the event the owner cannot make the payment. This is in compliance with a commitment approved by City Council on January 29, 2002.

Business Development Center

FY 2010 Award	FY 2011 Request	CDAC Recommendation
$0	$25,000	$0

Funding is requested to assist the Business Development Centre, Inc. in transitioning from a training based program with loan funding to a loan based program with development services.

C Street Zion Baptist Church

FY 2010 Award	FY 2011 Request	CDAC Recommendation
$0	$183,580	$0

C Street Zion Church proposes to use CDBG funding to create an early learning center at the Church. CDBG funds are proposed to be used to renovate existing space and purchase start-up equipment and supplies to implement the early learning program.

City Administration

FY 2010 Award	FY 2011 Request	CDAC Recommendation
$150,000	$137,824.40	$125,979

Funding is requested to fully fund the personnel, operating, and training costs associated with managing the CDBG program.

Fifth Street Community Development Corporation

FY 2010 ARRA Award	FY 2011 Request	CDAC Recommendation
$54,800	$392,987	$100,000

Funding is requested to implement Phase II of the 5th Street Master Plan. Phase II of the Master Plan mirrors many of the elements of Phase I with wider sidewalks, installation of street trees, installation of street lighting and the consolidation of overhead utility lines. Phase II includes a four block area from Harrison Street to Church Street.

Lynchburg Community Action Group (Lyn-CAG) – Housing Improvement Program

FY 2010 ARRA Award	FY 2011 Request	CDAC Recommendation
$70,000	$100,000	$70,000

The Housing Improvement Program provides eligible low-to-moderate income persons with grant funds to remove health and safety hazards in their homes. Typical requests for services include electrical, plumbing, and roof repair/replacement. This program is projected to provide housing improvement services at an average cost of $10,000 per unit.

Lynchburg Covenant Fellowship

FY 2010 Award	FY 2011 Request	CDAC Recommendation
$0	$31,650	$0

Lynchburg Covenant Fellowship, Inc. is requesting funds to complete the final phases of the brick restoration at The Western Hotel/Joseph Nichols Tavern. The focus of the work consists of masonry re-pointing to the exterior walls and the rebuilding of one chimney and the re-pointing of the remaining chimneys.

Lynchburg Redevelopment and Housing Authority (LRHA) – Administration

FY 2010 Award	FY 2011 Request	CDAC Recommendation
$24,718	$43,545	$40,000

Funding is requested for the payment of the pro-rata share of salaries, benefits, travel and operating costs attributable to duties associated with the CDBG program.

Lynchburg Redevelopment and Housing Authority Delivery (LRHA) – Acquisition

FY 2010 Award	FY 2011 Request	CDAC Recommendation
$0	$14,479	$14,479

Funding is requested for technical services associated with acquiring real property and coordinating work with appraisers and legal counsel under contract to LRHA.

Lynchburg Redevelopment and Housing Authority (LRHA): Delivery – Disposition

FY 2010 Award	FY 2011 Request	CDAC Recommendation
$0	$14,479	$14,479

Funding is requested for technical services associated with the securing and maintaining of acquired properties which are improved or unimproved. All of the improved residential properties are intended for rehabilitation as owner-occupied, re-sale or rental purposes.

Lynchburg Redevelopment and Housing Authority (LRHA): Delivery – Rehabilitation

FY 2010 Award	FY 2011 Request	CDAC Recommendation
$0	$107,787	$0

Funding is requested for technical services associated with identifying and monitoring spot blight properties and coordinating rehabilitation activities with owners.

Lynchburg Redevelopment and Housing Authority (LRHA) – Spot Blight Abatement and Acquisition: Tinbridge Hill

FY 2010 Award	FY 2011 Request	CDAC Recommendation
$288,425.41	$293,900	$180,000

Funding is requested to address seven (7) vacant, deteriorated properties within the Tinbridge Hill neighborhood. This is part of a larger collaboration of eight (8) other organizations and the City to concentrate efforts in this area to make a significant impact in the neighborhood.

Lynchburg Redevelopment and Housing Authority (LRHA) – Rental Rehabilitation

FY 2010 Award	FY 2011 Request	CDAC Recommendation
$100,000	$75,000	$0

This program issues grants to owners of rental property that have Code violations cited by a City Property Maintenance Code Inspector or have Housing Quality Standards deficiencies. The grant is a matching grant of 50% or $5,000 whichever is the lesser for the correction of all Code and/or Housing Quality deficiencies.

Mary Bethune Academy – Building Renovation/Upgrade Phase III

FY 2010 Award	FY 2011 Request	CDAC Recommendation
$0	$115,000	$0

Funding is requested to continue renovation of this City-owned building. Renovation of the laundry area, entrance, and children's bathroom ($42,900), grading and paving of a new parking area ($30,000), paving of existing driveway and parking area ($20,000), and playscape improvements ($17,400) are the primary elements of the requested funding.

PRIS, PLC

FY 2010 Award	FY 2011 Request	CDAC Recommendation
$0	$200,000	$0

Funding is requested to support site planning ($100,000) and new construction ($100,000) of a medical office for a multi-specialty practice to provide comprehensive health care in an area that is currently underserved. The total construction cost is estimated at $820,000.

Rebuilding Together Lynchburg

FY 2010 ARRA Award	FY 2011 Request	CDAC Recommendation
$61,663.60	$80,000	$70,000

Funding is requested for home repairs and/or home modifications to assist approximately 60 eligible persons. Materials and labor ($64,000) and salaries and expenses ($16,000) are requested to support this program.

Virginia University of Lynchburg (VUL) – Historic Preservation: Mary Jane Cachelin Science and Library Building Roof

FY 2010 Award	FY 2011 Request	CDAC Recommendation
$0	$53,100	$14,319.55

Funding is requested for replacement of the 64 year old roof on the historic Mary Jane Cachelin Science and Library Building at VUL.

YWCA – Town Center

FY 2010 Award	FY 2011 Request	CDAC Recommendation
$0	$12,000	$4,000

Funding is requested to repair the YWCA gymnasium. Replacement wiring and new fixtures ($4,500) and painting (7,500) are requested for this facility.

Community Development Block Grant Public Service Applicants

Camp Kum-Ba-Yah – Outdoor Summer Day Camp Scholarships

FY 2010 Award	FY 2011 Request	CDAC Recommendation
$0	$20,000	$20,000

Camp Kum-Ba-Yah provides scholarships for low-to-moderate income children to attend a Summer Day Camp. In 2009, 404 campers attended Camp Kum-Ba-Yah; 43% of those attending were able to attend because of Campership Assistance (scholarships).

The Gateway House, Inc.

FY 2010 Award	FY 2011 Request	CDAC Recommendation
$25,000	$35,000	$25,000

The Gateway House, Inc. provides transitional housing and supportive services to homeless men in recovery from drug and/or alcohol addiction. The Gateway House serves approximately 45 men per year. Funding is requested for ongoing operating costs.

Hill City Youth Football and Cheerleading Association, Inc.

FY 2010 Award	FY 2011 Request	CDAC Recommendation
$0	$25,000	$0

Hill City Youth Football and Cheerleading Association, Inc. is requesting $25,000 to purchase new equipment ($18,070) and to provide funding for an audit ($2,500), marketing ($3,430) and storage ($1,000). The goal of this Association is to increase the level of low-to-moderate income youth participation in outside activities via football and cheerleading.

Interfaith Outreach Association

FY 2010 Award	FY 2011 Request	CDAC Recommendation
$9,000	$5,000	$5,000

Funding is requested to provide heating assistance to the elderly. Interfaith Outreach anticipates assisting up to 30 low-to-moderate income households, depending on the market price of fuel.

Jubilee Family Development Center (STEM Program)

FY 2010 Award	FY 2011 Request	CDAC Recommendation
$20,000	$30,000	$0

Funding is requested for the Science, Technology, Engineering & Mathematics (STEM) program at the Jubilee Family Development Center. This program seeks to improve basic skills in school aged youth/parents and adults by addressing the development of reading and writing skills and the development of advanced skills in STEM.

Miriam's House

FY 2010 Award	FY 2011 Request	CDAC Recommendation
$20,000	$42,028.09	$20,000

Miriam's House is a transitional and supportive housing program with a mission of empowering women to overcome obstacles and move to permanent housing. Funding is requested for operating costs associated with providing Life Skills Training for residents.

Smart Beginnings Central Virginia

FY 2010 ARRA Award	FY 2011 Request	CDAC Recommendation
$18,200	$84,222	$10,722.55

Funding is requested to support two converted school buses, Gus the Learning Bus and Rex the Resource Bus, in visiting at-risk children and parents. Gus the Learning Bus provides a completely furnished preschool classroom that children who are not enrolled in preschool can visit on a weekly basis. Rex the Resource Bus is a parent resource center with educational materials that parents can check out to use in preparation as their child's first teacher. Funds are requested for a teacher ($37,021), Assistant Teacher ($22,100), fuel/maintenance ($2,000), and materials ($3,000).

YWCA – Domestic Violence Prevention Center

FY 2010 Award	FY 2011 Request	CDAC Recommendation
$23,651.20	$35,133	$25,000

Funding is requested to support new outreach services to vulnerable populations where YWCA has determined there is an increased need for services. CDBG funding will provide expanded services particularly in the areas of teen dating violence prevention and education and services for male victims of domestic violence.

HOME Program Applicants

City Administration

FY 2010 Award	FY 2011 Request	CDAC Recommendation
$54,294	$46,794.20	$16,353

Funding is requested to fully fund the personnel, operating and training costs associated with managing the HOME program.

Greater Lynchburg Habitat for Humanity – Homeownership Program

FY 2010 Award	FY 2011 Request	CDAC Recommendation
$0	$65,000	$65,000

Funding is requested to provide the down payment or the first year and real estate taxes that are required for mortgage closing for low-to-moderate income persons.

Lynchburg Community Action Group (Lyn-CAG – CHDO) – First-time Homebuyers Program

FY 2010 Award	FY 2011 Request	CDAC Recommendation
$70,000	$75,000	$75,000

The First Time Homebuyers Program provides funds for rehabilitation of vacant properties to sell to eligible first-time homebuyers. This program provides a level of subsidy to keep the property affordable for low-to-moderate income families.

Lynchburg Community Action Group (Lyn-CAG) – Homeowner Substantial Rehabilitation

FY 2010 Award	FY 2011 Request	CDAC Recommendation
$110,000	$150,000	$150,000

The Homeowner Substantial Rehabilitation Program provides substantial rehabilitation for eligible low-to-moderate income owned properties. Funding is requested for labor/material ($135,000) and administration ($15,000). Lyn-CAG projects that four (4) low-to-moderate income homeowners will be served with substantial rehabilitation funds.

Housing 2000, Inc., c/o Lynchburg Neighborhood Development Foundation (LNDF-CHDO) – Hilltop Homes

FY 2010 Award	FY 2011 Request	CDAC Recommendation
$0	$165,000	$48,163.32

Hilltop Homes is a scattered-site, multi-family rental project that Housing 2000, Inc. has been working on for several years. It consists of 12 parcels with 13 buildings that will be completely renovated to create 24 affordable, quality rental units in the downtown neighborhoods of Lynchburg. Funding is requested for soft costs/reserves, financing and legal/syndication fees. The total projects costs are approximately $5.1 million.

Lynchburg Neighborhood Development Foundation (LNDF) – Tinbridge Hill New Construction

FY 2010 Award	FY 2011 Request	CDAC Recommendation
$0	$105,000	$105,000

Funding is requested to provide gap financing for the construction of three (3) new energy – efficient homes for sale in Tinbridge Hill along Polk and Jackson Streets as they end at Hollins Street. Funds are requested for predevelopment ($5,000), construction ($80,000), and soft costs ($20,000). The total project estimate for the three (3) new homes is $450,000 and will benefit low-to-moderate income persons.

Housing 2000, Inc. c/o Lynchburg Neighborhood Development Foundation (LNDF) – Homebuyer Counseling and Education *(NOT HOME eligible; CDBG eligible)*

FY 2010 Award	FY 2011 Request	CDAC Recommendation
$0	$25,500	$0

Funding is requested to support the delivery of homeownership education and counseling to increase the number of qualified and prepared homebuyers in the region. The proposed curriculum will include pre-purchase education, pre-purchase counseling, and post-purchase education and post-purchase counseling. Funds are requested for software ($500), one-on-one training ($20,000) and materials ($5,000).

ATTACHMENT C

LYNCHBURG
REDEVELOPMENT AND
HOUSING AUTHORITY

EDWARD H. McCANN
Executive Director

RECEIVED
MAY 12 2010
COMMUNITY
DEVELOPMENT

May 12, 2010

Councilman Michael A. Gillette, Chairman
Councilman Jeff S. Helgeson, Vice Chairman
Community Development Advisory Committee
900 Church Street
Lynchburg, Virginia 24504

Re: 2010-2011 Community Development
Block Grant application

Gentlemen:

I am writing to clarify two (2) matters concerning the Authority's application for Community Development Block Grant (CDBG) funds for the 2010-2011 fiscal year.

During yesterday's public hearing before your committee, Melva Walker correctly related our conversation in a meeting late last month concerning the Authority's Spot Blight Abatement Program. After reviewing HUD's monitoring comments, the status of properties we have been monitoring, the annual rate of expenditures and the Authority's process of obligating funds for Spot Blight properties, it was my conclusion that an annual allocation of $ 80,000 - $ 100,000 on a revolving basis should be adequate to address blighted properties. I apologize for not correctly recalling the details of this discussion yesterday.

In another matter, our staff discovered after the meeting yesterday that the cost allocation for our Administration and Delivery Costs for the CDBG program contained in our application was incorrectly listed. Enclosed is a photocopy of our Finance Director's worksheet showing the correct breakdown for Acquisition - $ 107, 787, Disposition/Maintenance - $ 14,479, Rehab - $ 14, 479, Admin. - $ 43, 545 for a total of $ 180,290. I cannot explain how these figures were mislabeled in our application.

Although I understand that your committee has finalized its recommendations for presentation to City Council, perhaps within the amount recommended for the Spot Blight Program, funds could be distributed between the program and its delivery costs - acquisition.

We appreciate the support that each of you has expressed for the Authority's Spot Blight Program over the past several years. I think this joint effort by the City Inspections Division and the Authority has made a difference in a number of neighborhoods in our City. If I can provide you with any additional information, please let me know. Thank you.

Very truly yours,

enclosure

cc: Ms. Bonnie Svrcek
Mrs. Melva Walker

CDBG ACTUAL EXPENSE JANUARY 1, 2009 - DECEMBER 31, 2009
CDBG EXPENSE ALLOCATION 2010-2011

TOTAL 2009 PROGRAM EXPENDITURES:				
Acquisition	Disposition/Maintenance	Rehab	Direct Admin	Total
$108,072.54	$14,008.95	$14,643.00	$23,938.35	$160,662.84
67%	9%	9%	15%	100%

TOTAL 2008 PERSONNEL EXPENDITURES:				
Expenditures include: Salaries, Benefits, Travel, Office Rent, W/C Insurance				$139,781.20
Personnel Expenditures Allocated by Program Percent:				
67%	9%	9%	15%	100%
$93,653.40	$12,580.31	$12,580.31	$20,967.18	$139,781.20

TOTAL 2008 EXPENDITURES:				
$201,725.94	$26,589.26	$27,223.31	$44,905.53	$300,444.04
PERCENTAGE:				
67%	9%	9%	15%	100%

CDBG ADMINISTRATION FUNDING ESTIMATE 2010-2011:				$180,290.00
Allocated by Percent:	$160,876			
67%	9%	9%	15%	100%
$107,787	$14,479	$14,479	$24,131	$160,876
*Direct Administration:			$19,414	$19,414

TOTAL FUNDING ESTIMATE:				
Acquisition	Disposition/Maintenance	Rehab	*Admin	Total
$107,787	$14,479	$14,479	$43,545	$180,290

*Direct Admin expenses include the following categories:
Dues, Publications, and Advertisements
Legal
Audit
Sundry (Printing, Stationary, Office Supplies, Telephone, Computer Maintenance, etc)
Other Insurance

CDBG Expense Allocation 2010-2011

CDBG 2010-2011 Budget	Allocated by Percent	Direct	
Salaries	$95,754		
Benefits	$38,906		
Travel/Training	$2,976		
Office Maintenance	$21,931		
W/C Insurance	$1,309		
TOTAL ALLOCATED	$160,876		
Legal		$6,187	
Audit		$1,203	
Sundry		$9,720	
Other Insurance		$468	
Contingency		$1,836	
TOTAL DIRECT		$19,414	
TOTAL CDBG FUNDING REQUEST:			$180,290

A. Use of Funds List all expenses included in your project/ program budget	B. Total Project/Program Cost List the cost of each Expense	C. Sources Identify the funding source(s) for each expense	D. FY 2008-09 Award Amount List the funding being provided by each source listed in column "C".	E. Gap Financing CDBG or HOME funds being requested for each cost
Example: Postage		United Way		
Salaries	$ 95,754	-----	-----	95,754
Employer Medicare	$ 1,014	-----	-----	$ 1,014
Unemployment Comp	$ 38	-----	-----	$ 38
Worker's Comp	$ 1,309	-----	-----	$ 1,309
Employee Insurance	$ 11,815	-----	-----	$ 11,815
Other Employee Benefits	$ 26,039	-----	-----	$ 26,039
Subtotal	**$ 135,969**	-----	-----	**$ 135,969**
Rent	$ 21,931	-----	-----	$ 21,931
Telephone	$ 427	-----	-----	$ 427
Utilities	$ 0	-----	-----	$ 0
Supplies	$ 7,408	-----	-----	$ 7,408
Maintenance	$ 0	-----	-----	$ 0
New Equipment	$ 0	-----	-----	$ 0
Insurance/Bonds	$ 468	-----	-----	$ 468
Travel & Training	$ 2,976	-----	-----	$ 2,976
Subtotal	**$ 33,210**	-----	-----	**$ 33,210**
Accounting Services	$ 0	-----	-----	$ 0
Legal Services	$ 6,187	-----	-----	$ 6,187
Audit	$ 1,203	-----	-----	$ 1,203
Other Professional Services	$ 0	-----	-----	$ 0
Subtotal	**$ 7,390**	-----	-----	**$ 7,390**
Publications	$ 14	-----	-----	$ 14
Membership Fees/Dues	$ 411	-----	-----	$ 411
Advertising	$ 854	-----	-----	$ 854
Sundry	$ 2,442	-----	-----	$ 2,442
Subtotal	**$ 3,721**	-----	-----	**$ 3,721**
Total Agency Request	**$ 180,290**	-----	-----	**$ 180,290**

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **June 8, 2010** AGENDA ITEM NO.: 9

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

ACTION: **X** INFORMATION:

ITEM TITLE: **Conditional Use Permit [CUP]: Old Forest Road Baptist Church Pavilion, 3630 Old Forest Road**

RECOMMENDATION: Approval of the CUP petition.

SUMMARY: Old Forest Road Baptist Church is petitioning for a CUP to allow the construction of an outdoor pavilion/recreational facility in an R-5, High Density Multi-Family Residential District to serve the existing church. Although the church has no immediate plans to enclose the structure, the petition would also allow the church to enclose the pavilion at a future date to serve as an enclosed recreational facility. The proposed pavilion would be located adjacent to the existing playground, either as shown on the concept plan or on the opposite side of the playground adjacent to the existing chain link fence.

The Planning Commission recommended approval of the CUP petition because:

- The petition agrees with the *Comprehensive Plan 2002-2020* which recommends an Institutional use for the area.
- The petition agrees with the *Zoning Ordinance* in that church uses are permitted in an R-5, High Density Multi-Family Residential District with approval of a CUP by City Council.

PRIOR ACTION(S):

May 12, 2010: The Planning Division recommended approval of the CUP petition.

Planning Commission recommended approval of the CUP petition (4-0, with 3 members absent, Hannon, Oglesby and Sale) subject to the following conditions:

1. The property shall be developed in substantial compliance with the concept plan received by the Department of Community Development on March 31, 2010.
2. All exterior lighting shall be controlled so that no direct illumination will occur beyond any property line.

FISCAL IMPACT: None

CONTACT(S): Tom Martin, City Planner - 455-3900; Bonnie Svrcek, Deputy City Manager/Acting Director of Community Development - 455-3900

ATTACHMENT(S):

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

REVIEWED BY: lkp

RESOLUTION:

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO OLD FOREST ROAD BAPTIST CHURCH TO ALLOW THE CONSTRUCTION OF AN OUTDOOR PAVILION/RECREATIONAL FACILITY WITHIN AN R-5, HIGH DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT AT 3630 OLD FOREST ROAD.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of Old Forest Road Baptist Church to allow the construction of an outdoor pavilion/recreational facility at 3630 Old Forest Road be, and the same is hereby approved, subject to the following conditions:

1. The property shall be developed in substantial compliance with the concept plan received by the Department of Community Development on March 31, 2010.

2. All exterior lighting shall be controlled so that no direct illumination will occur beyond any property line.

Adopted:

Certified: _____
Interim Clerk of Council

066L

The Department of Community Development

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

To: Planning Commission
From: Planning Division
Date: May 12, 2010
Re: **CONDITIONAL USE PERMIT (CUP): Old Forest Road Baptist Church Pavilion, 3630 Old Forest Road**

I. PETITIONER

Old Forest Road Baptist Church, 3630 Old Forest Road, Lynchburg, VA 24501
Representative: Charlie Hesse, Old Forest Road Baptist Church, 3630 Old Forest Road, Lynchburg, VA 24501

II. LOCATION

The subject property includes one (1) tract totaling three and five tenths (3.5) acres at 3630 Old Forest Road.
Property Owner: Old Forest Road Baptist Church Trustees, 3630 Old Forest Road, Lynchburg, VA 24501

III. PURPOSE

The purpose of this petition is to allow the construction of an outdoor pavilion/recreational facility in an R-5, High Density Multi-Family Residential District.

IV. SUMMARY

- The petition agrees with the *Comprehensive Plan 2002-2020* which recommends an Institutional use for the area.
- The petition agrees with the *Zoning Ordinance* in that church uses are permitted in an R-5, High Density Multi-Family Residential District with 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 2002-2020* **(page 5.3)** recommends an institutional use for this area. Institutional uses include religious, educational, and other nonprofit entities in the City.
2. **Zoning.** The existing R-5, High Density Multi-Family Residential District zoning was established with the amendment of the Official Zoning Map reflecting the Old Forest Road Study on May 22, 1979.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the development of the property as proposed.
4. **Surrounding Area.** There have been several projects requiring City Council approval in the immediate area:
   - On August 12, 2008, City Council approved Areva NP's petition to rezone four and eight tenths (4.8) acres from an R-3, Medium Density Two-Family Residential District to B-1C, Limited Business District (Conditional) to allow the construction of an eight hundred eighty-five (885)-space parking facility expansion at 111, 112 and 114 Kings Drive.

- On April 13, 2004, City Council approved Dawson Ford Garbee & Company's petition to rezone three (3) acres at 3631 Old Forest Road from B-1, Limited Business District and R-3, Two Family Residential District to B-1, Limited Business District (Conditional) to allow construction of an office complex.
- On July 10, 2001, City Council approved D. Scott Zechini's petition for a CUP to allow the construction of a cluster commercial development in a B-1, Limited Business District at 3712 Old Forest Road.
- On July 13, 1999, City Council approved Dr. James Stanley's petition for a CUP to allow the construction of a cluster commercial development in a B-1, Limited Business District at 3712 Old Forest Road.
- On April 13, 1999, City Council approved Milton & Neal's petition for a CUP to allow the construction of a parking lot in an R-3, Medium Density Two-Family Residential District at 3701 Old Forest Road.
- On April 14, 1998, City Council approved Thomas J. Gerdy's petition to rezone two and one-tenth (2.1) acres at 3622 Old Forest Road from R-5, Multi-Family Residential District to B-3C, Community Business District (Conditional) to allow the construction of a building for retail sales.
- On June 9, 1998, City Council approved Atlantic Star Communications' petition to rezone approximately one half (1/2) acre from B-3, Community Business District, to B-5C, General Business District (Conditional), to allow the construction of a radio transmission tower at 3305 Old Forest Road.
- On July 8, 1997, Forest Hill Animal Hospital withdrew its petition to rezone eight tenths (0.8) of an acre from B-1, Limited Business District to B-3, Community Business District (Conditional) and for a CUP to allow the construction of a veterinary practice at 3712 Old Forest Road.
- On July 14, 1992, City Council approved Old Forest Road Baptist Church's petition for a CUP at 3630 Old Forest Road to allow the construction of a new parking area.
- On January 14, 1992, City Council approved Monro Muffler Brake, Inc.'s petition for a CUP to allow the construction of an automotive park facility for sales and minor repairs in at 3201 Old Forest Road.
- On June 13, 1989, City Council approved Creeper Crawler Cribbery, Inc.'s petition for a CUP to allow the expansion of an existing child care center, including a new classroom building, expanded playground and a parking area at the rear of the property at 3601 Old Forest Road.
- On May 14, 1985, City Council approved B & W's petition to rezone seven and seven tenths (7.7) acres at 3315 Old Forest Road from R-3, Two Family Residential Districts to B-1, Limited Business District and B-5C, General Business District (Conditional) to allow the construction of an office building.
- On December 9, 1980, City Council approved Old Forest Road Baptist Church's petition for a CUP at 3630 Old Forest Road to allow the construction of an athletic field.
- On April 8, 1980, City Council approved Old Forest Road Baptist Church's petition for a CUP at 3630 Old Forest Road to allow the construction of an education building.
- On February 12, 1980, City Council approved Old Forest Road Baptist Church's petition for a CUP at 3630 Old Forest Road for the construction of a day care center.
- On May 22, 1979, City Council amended the Official Zoning Map to affect the zoning of the Old Forest Road area as shown on the map entitled "Old Forest Road Study, Recommended by the Lynchburg Planning Commission, and further Revised by City Council on May 22, 1979."

5. **Site Description.** The subject property includes an existing church, educational building and associated parking. The property is bound to the north by undeveloped forestal land, single-family attached homes and multi-family apartments; to the south by single-family homes and commercial businesses; to the east by single-

family homes and commercial businesses; and to the west by undeveloped forestal land and single-family homes.

6. **Proposed Use of Property.** The purpose of this petition is to allow the construction of an outdoor pavilion to serve the existing church. Although the church has no immediate plans to enclose the structure, the petition would also allow the church to enclose the pavilion at a future date to serve as an enclosed recreational facility. The proposed pavilion would be located adjacent to the existing playground, either as shown on the concept plan or on the opposite side of the playground adjacent to the existing chain link fence. City water and sewer are available to the site. Landscaping requirements for the pavilion would include foundation plantings, although existing vegetation will be used to satisfy the majority of this requirement.

7. **Traffic, Parking and Public Transit.** The City's Transportation Engineer had no concerns regarding the proposed pavilion/recreational facility.

   Parking requirements for the church are set at one (1) space for every four (4) seats by the *Zoning Ordinance*. Since the proposed recreation area will be for the private use of the church members and will not result in an increase in additional seating for the church, no additional parking is required.

   Public transit is currently available in this area. Greater Lynchburg Transit Company Route 8 runs along Old Forest Road with a stop at the intersection of Old Forest Road and Primrose Lane.

8. **Storm Water Management.** The proposed one thousand, three hundred and forty-four (1,344) square foot pavilion would result in a slight increase in stormwater runoff. The City's *Stormwater Management Ordinance* provides that projects with new impervious cover between one thousand (1,000) and five thousand (5,000) square feet may mitigate stormwater run off with landscaping, as long as run off from the site is discharged into an adequate receiving channel. The church proposes only minimal grading for the installation of the pavilion; as such drainage patterns for the site will not be altered from their present condition. In addition, the preservation of the existing trees and/or new landscaping may be used to satisfy the required stormwater landscaping. The proposed management strategy is acceptable to the City's Environmental Planner.

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

   The City Police Department commented that the pavilion area should be well lit and include "No Trespassing" signage to prevent unauthorized use of the facility. The final lighting layout and location of any signage will be determined during final site plan review.

10. **Impact.** The proposed pavilion/recreation facility would have limited impact on the surrounding area. Stormwater management concerns have been addressed to the satisfaction of City staff, and the result is a project that would enhance the existing church campus

11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary concept plan on April 20, 2010. Comments related to the proposed use were minor in nature and have or will be addressed by the developer prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of Old Forest Road Baptist Church's petition for a conditional use permit (CUP) to allow the construction of a pavilion/enclosed recreational facility at 3630 Old Forest Road subject to the following conditions:

1. **The property shall be developed in substantial compliance with the concept plan received by the Department of Community Development on March 31, 2010.**

2. **All exterior lighting shall be shall be controlled so that no direct illumination will occur beyond any property line.**

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/Acting Director of Community Development
Mr. Walter C. Erwin, City Attorney
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozerow, Lynchburg Police Department
Battalion Chief Greg Wormser, Fire Marshal
Mr. Gerry Harter, Transportation Engineer
Mr. Robert Drane, Building Commissioner
Mr. Robert Fowler, Zoning Administrator
Mr. Kent L. White, Senior Planner
Mrs. Erin B. Hawkins, Environmental Reviewer
Mr. Charlie Hesse, Petitioner, Old Forest Road Baptist Church Trustees

VII. ATTACHMENTS

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

MINUTES FROM THE MAY 12, 2010 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

a. Petition of Old Forest Road Baptist Church for a conditional use permit to allow the construction of a church pavilion/recreational facility in an R-5, High Density Multi-Family Residential District at 3630 Old Forest Road.

Mr. Martin summarized the petition and the Planning Commission report. The property is designated for Institutional Use on the *Future Land Use Map.* The proposed 24 x 48 pavilion area may be enclosed at some point in the future and is part of this request. The petitioner would like the ability to relocate the pavilion to the western side of the playground, if necessary. The pavilion is entirely within the church property and within the required setbacks. The Planning Division recommends approval of the conditional use permit petition as presented.

Mr. Charlie Hesse, one of the members of the leadership group at the church, came forward to represent the petition. He indicated that planning staff had already covered everything in its report and Mr. Martin's summary to the Planning Commission.

Chair Hamilton asked for anyone else who wished to speak in favor of the petition. No one came forward. One person raised their hand in support of the petition. She asked for anyone who wished to speak in opposition of the petition. No one came forward. She closed the public hearing portion of the petition.

Commissioner Barnes noted that the pavilion should work on either side of the playground. Mr. Hesse said the church has decided to locate the pavilion where it is indicated on the site plan. Commissioner Barnes thought that the only neighbor that might be affected by this request is directly across the street. Mr. Hesse said the church owns that house.

Commissioner Swienton noted that there is a utility pole near the proposed site and asked Mr. Hesse to comment on whether it would be moved or not. Mr. Hesse said they talked with Tom Woodford of AEP briefly about the pole. The position of the pavilion is right up to that pole and could possibly be used to their advantage, if needed. They will have the power company move it, if necessary, but Mr. Hesse feels it can probably stay where it is.

Commissioner Swienton made the following motion, which was seconded by Commission Barnes:

"That the Planning Commission recommends to City Council approval of Old Forest Road Baptist Church's petition for a conditional use permit (CUP) to allow the construction of a pavilion/enclosed recreational facility at 3630 Old Forest Road subject to the following conditions:

1. **The property shall be developed in substantial compliance with the concept plan received by the Department of Community Development on March 31, 2010.**

2. **All exterior lighting shall be shall be controlled so that no direct illumination will occur beyond any property line.**

The motion passed by the following vote:

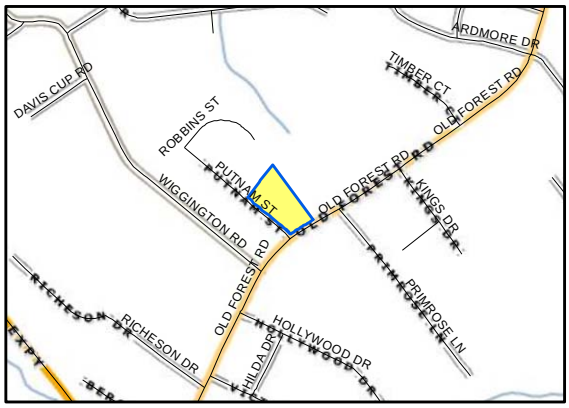
AYES:	Barnes, Hamilton, Hooper and Swienton	4
NOES:		0
ABSTENTIONS:		0
ABSENT:	Hannon, Oglesby and Sale	3

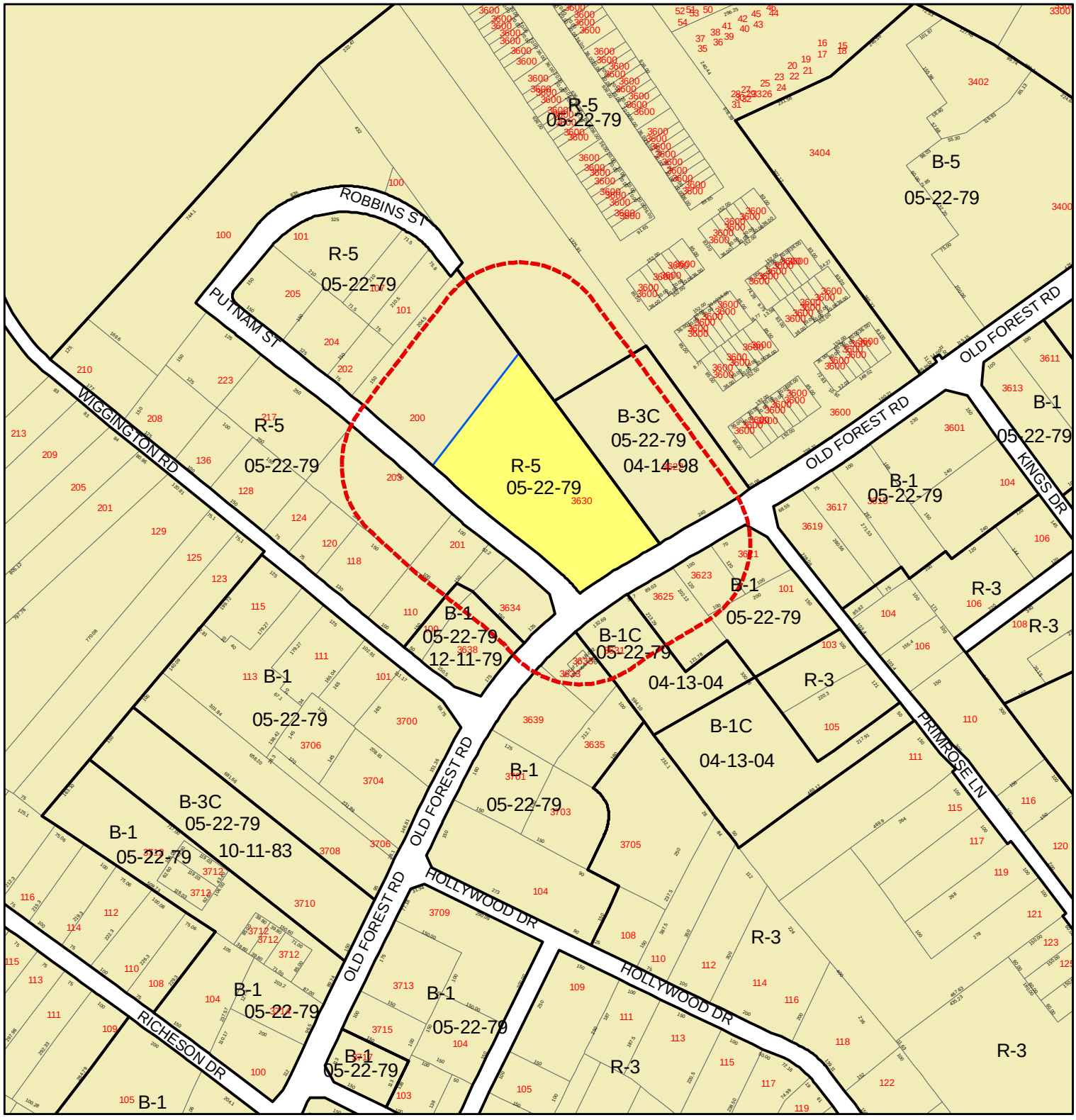
OLD FOREST ROAD BAPTIST CHURCH

3630 Old Forest Road
PIN# 22717001
Conditional UsePermit Request
Petitioner-Old Forest Road Baptist Church

Subject Property

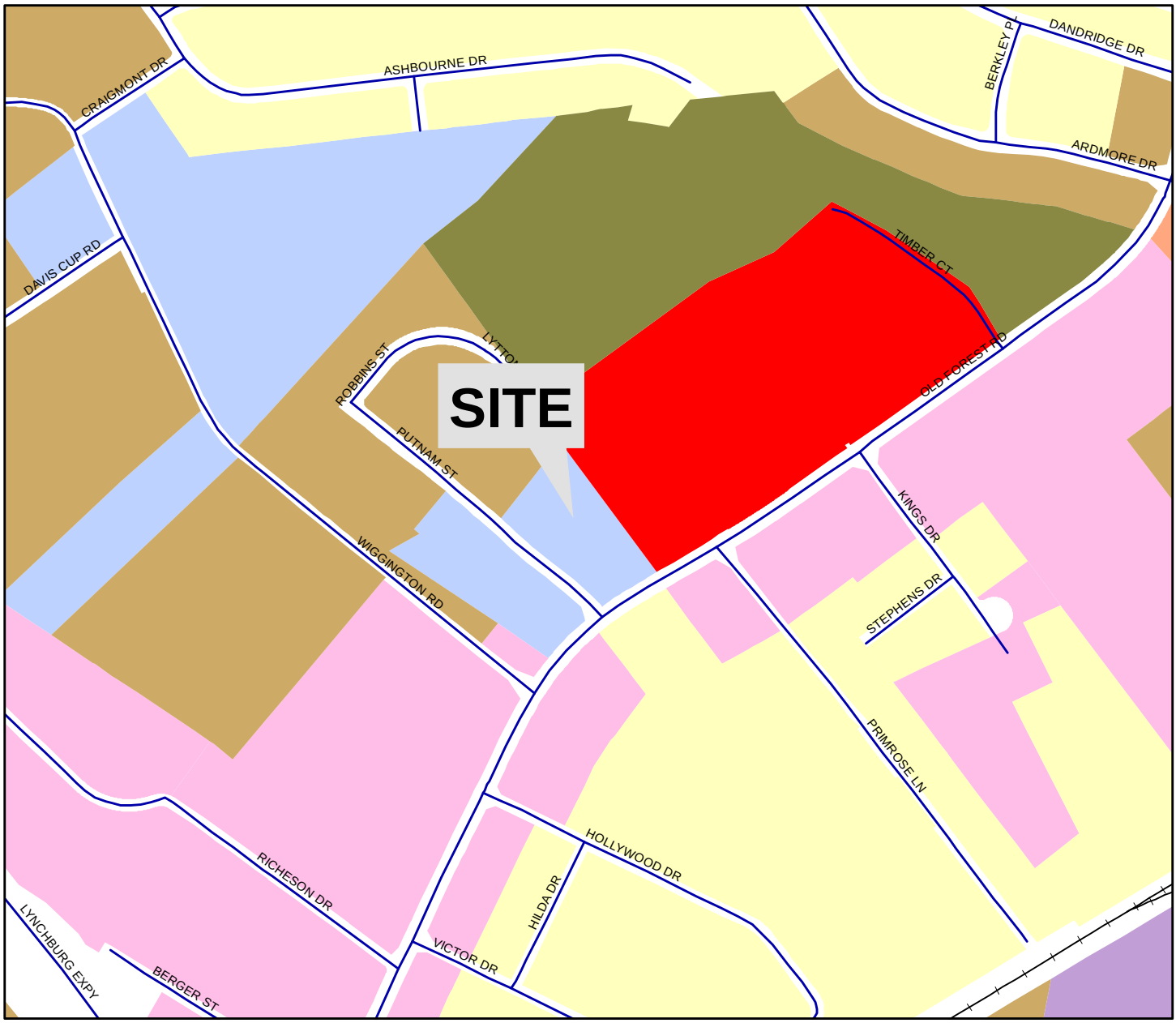
200 FT Buffer





OLD FOREST ROAD BAPTIST CHURCH ADJOINING OWNERS

PIN	Owner	LocAddr
22716005	BRADSHAW JAMES M	101 PRIMROSE LN
22716002	BROWN MARGARET A	3625 OLD FOREST RD
22612004	CAMPBELL PATRICIA W	110 WIGGINGTON RD
22716001	DAWSON ROBERT E	3631 OLD FOREST RD
22612001	ECKTOWN ASSOCIATES	3638 OLD FOREST RD
22612003	ECKTOWN ASSOCIATES	100 WIGGINGTON RD
22718001	LYNCHBURG BOARD OF REALTORS IN	3639 OLD FOREST RD
22612002	OLD FOREST ROAD BAPTIST CHURCH	3634 OLD FOREST RD
22612014	OLD FOREST ROAD BAPTIST CHURCH TRS	201 PUTNAM ST
22612013	OLD FOREST ROAD BAPTIST CHURCH TRS	203 PUTNAM ST
22717001	OLD FOREST ROAD BAPTIST CHURCH TRS	3630 OLD FOREST RD
22613001	OLD FOREST ROAD BAPTIST CHURCH TRS	200 PUTNAM ST
22717002	OLDE FOREST SHOPPE LLC	3622 OLD FOREST RD
22612005	POWELL DANNY W & BARBARA T	118 WIGGINGTON RD
22716003	SWEDLOW BARRY L	3623 OLD FOREST RD
22718846	VIRGINIA YMCA INC	3633 OLD FOREST RD
22718002	VIRGINIA YMCA INC	3633 OLD FOREST RD
22716004	VON BECHMANN JACQUES F JR ETALS C/O NORMA STEIN INC	3621 OLD FOREST RD
22612012	VOSBURG MARY I S	217 PUTNAM ST
Owner	OLD FOREST ROAD BAPTIST CHURCH TRS	
Petitioner	OLD FOREST ROAD BAPTIST CHURCH TRS	
Representative	CHARLIE HESSE	



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

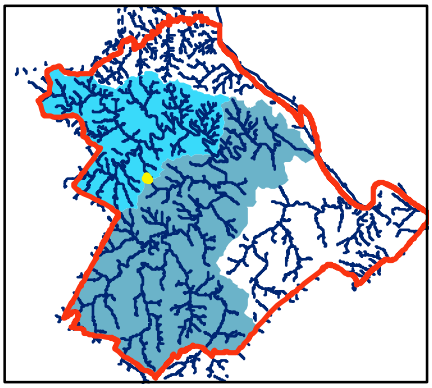
OLD FOREST ROAD BAPTIST CHURCH 3630 OLD FOREST ROAD LAND USE PLAN

N

Old Forest Road Baptist Church

Watershed Location Map

- Project Site
- Blackwater Creek
- Ivy Creek
- Corporate Limit



LEGEND:

Existing EVERGREEN 4' IN HEIGHT

Existing SILVER MAPLES

EXISTING PINES

EXISTING WOODLINE

L P = LIGHT POLE

MERCHANTS REALTY, INC.
DB 441 P. 875

WOODED AREA

CREEK

CREEK

CENTERLINE OLD FOREST

NATURAL DRAINAGE DITCH

WOODED AREA

OLD FOREST ROAD BAPTIST CHURCH
WB 66 P 133
(227-17-2)

WOODED AREA
(226-13-1)

IPF S 48°16'32" E 50.41' IPF

S 32°55'06" E 237.83'

LYTTON STREET (NOT OPEN) 30' R/W

S 33°10'57" E 466.92'

316.30'

OWNER:
OLD FOREST ROAD BAPTIST CHURCH
3630 OLD FOREST ROAD
LYNCHBURG, VIRGINIA 24501
(804) 385-7413

TAX MAP NO 226-13-1

EXISTING PARKING LOT

EXISTING EDUCATION BUILDING

CONC. WALK

EXISTING EDUCATION BUILDING

EXISTING SANCTUARY NO 3630

CONC. WALK

CONC. WALK

TAX MAP NO 227-17-1

EXISTING PARKING LOT

CHAIN LINK FENCE

Existing PARKING LOT

Existing Playground

Proposed 35'x48' Pavilion

BRASS

SCHOOL

DOUBLE MAPLE TREES

DRIVEWAY

PAVED

IRF TYP

D L P

P P

IPF

N 42°29'33" E

N 47°31'08" W 658.20

N 42°28'06" E 4.32'

N 63°34'50" W 80.36'

S 50°39'29" E 79.48'

S 42°30'00" E 165.06'

S 42°50'00" W 4.29'

S 47°31'28" E 110.72'

EXISTING PARKING LOT

TAX MAP NO 226-12-2

EDGE OF PAVEMENT

EDGE OF PAVEMENT

PUTNAM STREET 50' R/W

OLD FOREST ROAD

EXTERIOR LIGHT FIXTURES SHALL BE GLARE SHIELDED AND DIRECTED AWAY FROM ADJOINING PROPERTY.

LANDSCAPING WILL BE CO-ORDINATED WITH THE CITY OF LYNCHBURG'S HORTICULTURIST.

10@ 9X18 (TYPICAL) PROPOSED PARKING SPACES AS SHOWN
12± EXISTING PARKING SPACES AS SHOWN WITH EXISTING H/C SPACES ADJACENT TO BUILDING

SEATING CAPACITY OF EXISTING SANCTUARY IS 420

A CONTINUOUS EVERGREEN BUFFER SHALL BE PLANTED ALONG THE WEST SIDE PROPERTY LINE FOR THE FULL LENGTH OF THE PERIMETER OF THE PARKING AREA UP TO THE POINT WHERE SUFFICIENT EXISTING VEGETATION WILL REMAIN. ALL REQUIRED PLANTING WILL BE 4± FEET IN HEIGHT AT THE TIME OF PLANTING.

THE WOODED AREA AS SHOWN WILL REMAIN WITH THE EXCEPTION OF AN AREA TO BE CLEARED TO ALLOW FOR CONSTRUCTION OF PROPOSED PARKING LOT.

A CONDITIONAL USE PERMIT WAS GRANTED BY CITY COUNCIL ON NOV 4 1980.

THIS PROPERTY IS ZONED R-5 MULTI-FAMILY RESIDENTIAL DISTRICT.

NOTE: THE FOLLOWING VARIANCES WERE GRANTED BY THE LYNCHBURG BOARD OF ZONING APPEALS ON JULY 28, 1981.

1. OFFSTREET PARKING SPACES WILL BE LOCATED 124± FEET FROM THE FRONT PROPERTY LINE ABBUTTING PUTNAM STREET INSTEAD OF HAVING THE AVERAGE SETBACK FOR THE BLOCK.
2. THE PROPOSED PARKING FACILITY WILL BE GRAVEL INSTEAD OF BEING PAVED OR SURFACE TREATED.

SECRETARY

10-7-81
DATE

VICINITY MAP

RECEIVED
MAR 31 2010
COMMUNITY DEVELOPMENT

The project is located in Zone X as shown on panel 5100930036D dated June 3, 2008

SITE & LANDSCAPE PLAN
PROPOSED PARKING LOT
OLD FOREST ROAD BAPTIST CHURCH
LYNCHBURG, VIRGINIA

SCALE 1" = 30'
COMM NO. 91189

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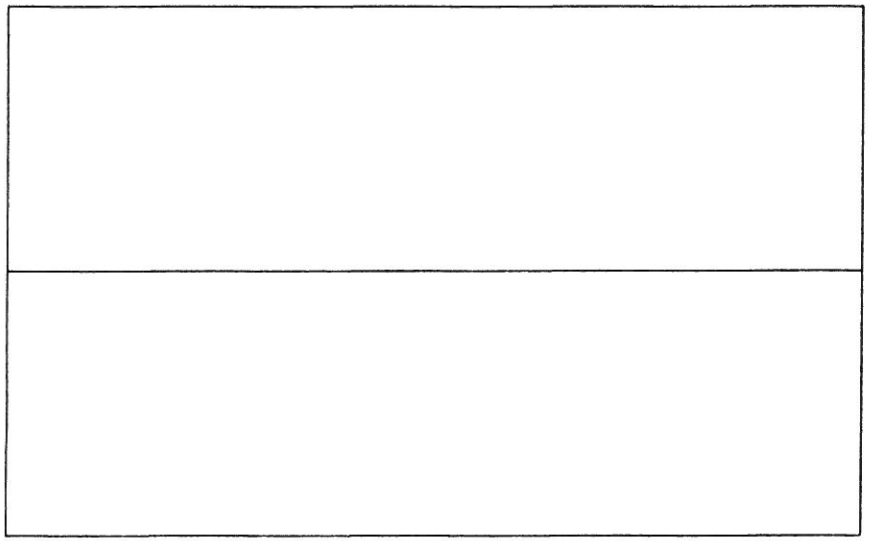
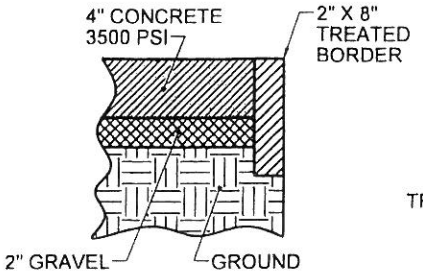
COMMUNITY
DEVELOPMENT

PAVILION
STRUCTURAL LAYOUT





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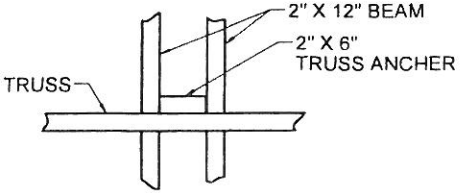
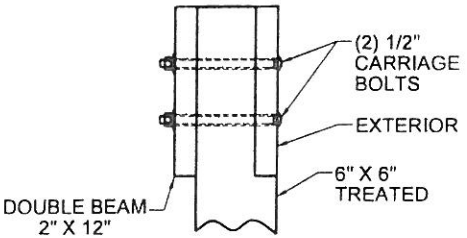
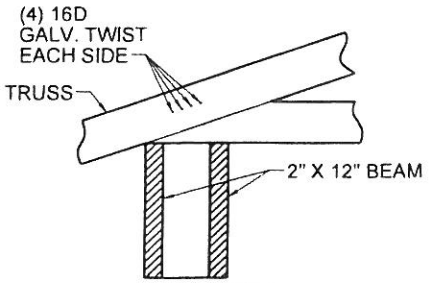
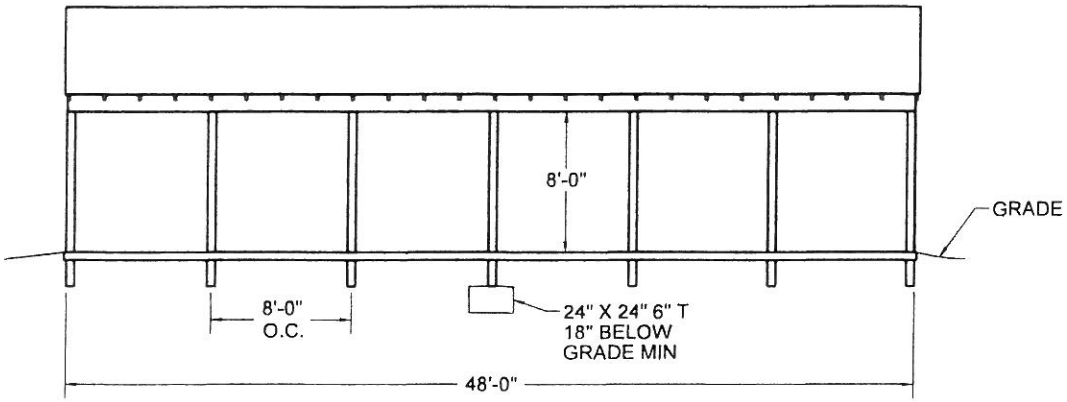


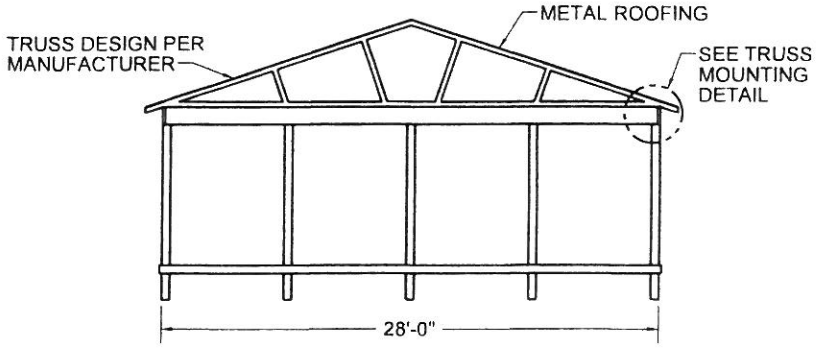


BEAM MOUNTING DETAIL



TRUSS MOUNTING DETAIL





DRAWN BY: RYAN M. WELSH
DATE: 6/23/2009

Old Forest Road Baptist Church

3630 Old Forest Road, Conditional Use Permit

May 12, 2010

PLEASE PRINT

NAME	ADDRESS	PHONE #	IN FAVOR	IN OPPOSITION	NEUTRAL
Charlie Hesse	209 Mayfield	434-660-8597			

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **June 8, 2010** AGENDA ITEM NO.: 10

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

ACTION: **X** INFORMATION:

ITEM TITLE: **Future Land Use Map [FLUM] Amendment: Resource Conservation to Office at 101 Peggy Bowen Drive and 126 Nationwide Drive**

Rezoning: R-C, Resource Conservation District to B-1C, Limited Business District (Conditional) at 101 Peggy Bowen Drive and 126 Nationwide Drive

RECOMMENDATION: Denial of the *FLUM* amendment and rezoning petition.

SUMMARY: Gary Case is petitioning to rezone twenty-five and four hundredths (25.04) acres at 101 Peggy Bowen Drive and 126 Nationwide Drive from R-C, Resource Conservation District to B-1(C), Limited Business District (Conditional) to allow the use of the property as a professional business park, including offices and similar uses allowed in a B-1, Limited Business District. The applicant originally petitioned to rezone thirty-one and eighty-five hundredths (31.85) acres to a B-1(C) District. The Planning Commission recommended denial of this petition.

After the Planning Commission public hearing, the petitioner met with members of the Sandusky neighborhood and City representatives. The applicant voluntarily revised the rezoning area and amended the submitted proffers as a result of this meeting. The petitioner is requesting that City Council consider the revised rezoning area and amended proffers. This information was not considered by the Planning Commission. Section 35.1-43.1 of the Zoning Ordinance provides that "City council may consider additional proffers, deletions, and/or amendments to all such conditions provided same have been voluntarily proffered in writing by the owner of the property which is the subject of the rezoning request".

The Planning Commission recommended denial of the *FLUM* amendment and rezoning petition because:

- The *Comprehensive Plan 2002-2020* **(page 5.2)** recommends Resource Conservation uses in this area. "Resource conservation areas … encompass lands with special natural characteristics that make their preservation in open space particularly important to the City's environmental health. The mapped resource conservation areas include … steep slopes … as well as the City's stream valleys."
- The proposed office park would not include provisions that promote transit-oriented development.
- The Planning Commission determined that the Resource Conservation District does not prohibit development, just certain types of development. It was also noted that the existence of a Resource Conservation Zoning District implies not every parcel of land in the City should be densely developed. The Planning Commission did not feel that there was a compelling argument to allow for the development of the site as proposed.

PRIOR ACTION(S):

February 10, 2010: The Planning Division recommended approval of the proposed *FLUM* amendment and the rezoning petition.

Planning Commission recommended denial of the proposed *FLUM* amendment and rezoning petition (4-1, with one member absent, Oglesby and one vacancy).

FISCAL IMPACT: None

CONTACT(S): Tom Martin, City Planner - 455-3900; Bonnie Svrcek, Deputy City Manager/Acting Director of Community Development - 455-3900

ATTACHMENT(S):

- Ordinances
- Memo – Amendments/Additions to Proffers 5-26-2010
- Proffer Amendments and Conservation Easement Map 5-26-2010
- Rezoning Map 5-25-2010
- Planning Commission Memo
- Additional Proffers 2-10-2010
- Rezoning Presentation (with Buildings)
- Rezoning Presentation (without Buildings)
- Land Summary
- Planning Commission Report
- Planning Commission Minutes
- Vicinity Map
- Vicinity Proposed Land Use Map
- Watershed Location Map
- Concept Plan
- Proffers
- Narrative and Photo Renderings
- Speaker Sign Up Sheet

REVIEWED BY: lkp

ORDINANCE:

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP FOR THE PROPERTIES LOCATED AT 101 PEGGY BOWEN DRIVE AND 126 NATIONWIDE DRIVE, FROM RESOURCE CONSERVATION TO OFFICE.

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

Section 35.1-76.____. Amend the Future Land Use Map for the subject properties at 101 Peggy Bowen Drive and 126 Nationwide Drive from Resource Conservation to Office.

The area embraced within the following boundaries . . . .

Area 1 – T.M. #235-02-001 (101 Peggy Bowen Drive)
Beginning at a point near the future right-of-way of Peggy Bowen Drive, said point lying approximately 22 feet southeast of said right-of-way and also lying on the centerline of a 100' wide A.E.P. electrical easement, thence along said easement N 53°54'55" W 1,231.05' to its intersection with the western property line of T.M. 235-02-001, thence N 82°24'27" E 836.82', thence N 18°36'32" W 82.12', thence N 38°53'13" E 119.07', thence N 27°38'05" E 269.37', thence S 88°08'41" E 218.08', thence N 67°41'32" E 181.77', thence N 43°09'07" E 119.61', thence S 66°27'37" E 166.92', thence S 14°12'47" E 117.08', thence S 20°21'26" W 172.81', thence S 40°26'29" E 41.34', thence S 27°04'11" W 48.04', thence N 62°55'49" W 171.67', thence N 86°13'18" W 94.84', thence S 47°07'49" W 141.68', thence S 13°56'31" W 144.88', thence N 89°30'53" W 189.08', thence S 45°29'07" W 56.57', thence S 00°29'07" W 69.24', thence S 44°30'53" E 56.65', thence S 89°30'53" E 157.34', thence S 04°09'09" E 498.66' to a point on the centerline of a City of Lynchburg sanitary sewer line route, thence along said sanitary sewer line S 87°59'48" W 149.42', thence S 22°03'14" W 187.03' to the point of beginning and containing 18.13 acres.

Area 2 – T.M. #238-06-001 (126 Nationwide Drive)
Beginning at a point on a property line shared by T.M. 235-02-004 (127 Nationwide Drive) and T.M. 238-06-001 (126 Nationwide Drive), said point being in the centerline of a 100' wide A.E.P. electrical easement, thence along said line N 53°54'55" W 345.46' to a point on the centerline of said easement, thence N 36°05'05" E 363.89' toward Burton Creek, thence S 53°54'55" E 623.37', thence S 26°00'58" E 140.10', thence S 09°59'26" W 191.84', thence S 76°25'28" W 316.31' to a point on the centerline of a 100' wide A.E.P. electrical easement, thence along said easement N 31°40'28" W 303.97' to the point of beginning and containing 6.91 acres.

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

Adopted:

Certified: _____
Interim Clerk of Council

064L1

ORDINANCE:

AN ORDINANCE CHANGING A CERTAIN AREA LOCATED AT 101 PEGGY BOWEN DRIVE AND 126 NATIONWIDE DRIVE FROM R-C, RESOURCE CONSERVATION DISTRICT TO B-1C, LIMITED 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 101 Peggy Bowen Drive and 126 Nationwide Drive from R-C, Resource Conservation District to B-1C, Limited Business District (Conditional).

Area 1 – T.M. #235-02-001 (101 Peggy Bowen Drive)
Beginning at a point near the future right-of-way of Peggy Bowen Drive, said point lying approximately 22 feet southeast of said right-of-way and also lying on the centerline of a 100' wide A.E.P. electrical easement, thence along said easement N 53°54'55" W 1,231.05' to its intersection with the western property line of T.M. 235-02-001, thence N 82°24'27" E 836.82', thence N 18°36'32" W 82.12', thence N 38°53'13" E 119.07', thence N 27°38'05" E 269.37', thence S 88°08'41" E 218.08', thence N 67°41'32" E 181.77', thence N 43°09'07" E 119.61', thence S 66°27'37" E 166.92', thence S 14°12'47" E 117.08', thence S 20°21'26" W 172.81', thence S 40°26'29" E 41.34', thence S 27°04'11" W 48.04', thence N 62°55'49" W 171.67', thence N 86°13'18" W 94.84', thence S 47°07'49" W 141.68', thence S 13°56'31" W 144.88', thence N 89°30'53" W 189.08', thence S 45°29'07" W 56.57', thence S 00°29'07" W 69.24', thence S 44°30'53" E 56.65', thence S 89°30'53" E 157.34', thence S 04°09'09" E 498.66' to a point on the centerline of a City of Lynchburg sanitary sewer line route, thence along said sanitary sewer line S 87°59'48" W 149.42', thence S 22°03'14" W 187.03' to the point of beginning and containing 18.13 acres.

Area 2 – T.M. #238-06-001 (126 Nationwide Drive)
Beginning at a point on a property line shared by T.M. 235-02-004 (127 Nationwide Drive) and T.M. 238-06-001 (126 Nationwide Drive), said point being in the centerline of a 100' wide A.E.P. electrical easement, thence along said line N 53°54'55" W 345.46' to a point on the centerline of said easement, thence N 36°05'05" E 363.89' toward Burton Creek, thence S 53°54'55" E 623.37', thence S 26°00'58" E 140.10', thence S 09°59'26" W 191.84', thence S 76°25'28" W 316.31' to a point on the centerline of a 100' wide A.E.P. electrical easement, thence along said easement N 31°40'28" W 303.97' to the point of beginning and containing 6.91 acres.

… is hereby changed from R-C, Resource Conservation District to B-1C, Limited Business District (Conditional) subject to the conditions set out hereinbelow which were voluntarily proffered in writing by the owner, namely Rock Castle Partners and Ellen P. Jamerson, to wit:

a. The following uses are the only uses that shall be permitted within the B-1 portion of the development for which this rezoning application is being filed (all other uses permitted by right in B-1 are excluded):

- Offices, provided that no merchandise, material or equipment is stored or kept on the premises, either inside or outside of the building, for sale, demonstration or repair.
- Care centers.
- Clubs and fraternal organizations.
- Computer centers.
- Libraries, museums and similar institutions of noncommercial nature.

- Police stations, fire stations and public offices providing decentralized services to surrounding residential areas.
- Schools for general education that do not exceed a maximum enrollment of twenty-five (25) students.
- Telephone exchanges and dial centers.

b. Deed Restrictions:

- Building exterior must be finished to grade.
- No exposed unfinished block above grade (fluted block is acceptable).
- No metal buildings.
- Driveway to be either asphalt or concrete with curb and gutter.
- Dumpster pad and HVAC equipment pad to be screened from public view.
- No exposed outside storage shall be permitted; storage areas to be screened from public view.
- Off street parking shall be provided.
- The rear buffer along any adjoining creek shall be designated as a natural buffer area and comply with the R-C district requirements, the floodplain requirements and/or a fifty (50) foot setback, whichever is the more restrictive requirement.

c. No connection will be made from the subject property to Rhonda Road.

d. Building height permitted will be four (4) stories or a maximum of fifty-five (55) feet measured from the main, first floor level, floor plate. Calculation will not include any level(s) below the first floor.

e. Place a conservation easement on eighteen and eighty-eighty hundredths (18.88) acres (Rock Castle Partners – 10.82 acres/Ellen P. Jamerson – 8.06 acres) to be held by the City of Lynchburg. (See Attached Map) Said easement will prohibit any use(s) permitted in an R-C zoned area. Petitioner, its successors or assigns shall retain the right to access utilities or discharge storm water drainage. Conservation Easement will allow for stream mitigation in the Conservation Area.

f. Ellen P. Jamerson will include Tax Map Parcel 235-02-003, approximately four and twenty-three hundredths (4.23) acres, in the area to be subject to the Conservation Easement.

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: _____
Interim Clerk of Council

064L2

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

To: Planning Commission
From: Planning Division
Date: February 10, 2010
Re: **FUTURE LAND USE MAP [FLUM] AMENDMENT: Resource Conservation and Employment 1 to Office at 101 Peggy Bowen Drive and 126 Nationwide Drive**

REZONING: R-C, Resource Conservation District to B-1C, Limited Business District (Conditional) at 101 Peggy Bowen Drive and 126 Nationwide Drive

I. PETITIONER

Gary Case, 307 Brook Park Place, Lynchburg, VA 24503
Representative: P. Scott Beasley, Hurt & Proffitt, Inc., 2524 Langhorne Road, Lynchburg, VA 24501

II. LOCATION

The subject properties include two (2) tracts totaling thirty-one and eighty-five hundredths (31.85) acres at 101 Peggy Bowen Drive and 126 Nationwide Drive.

Property Owners: Rock Castle Partners, 127 Snooty Fox Road, Goode, VA 24556
Ellen P. Jamerson, 1540 Confederate Boulevard, Appomattox, VA 24522

III. PURPOSE

The purpose of this petition is to allow the use of the property as a professional business park, including offices and similar uses allowed in a B-1, Limited Business District.

IV. SUMMARY

- The petition would amend the *Comprehensive Pl*an *2002-2020*'s *FLUM* designation for the subject properties from Resource Conservation and Employment 1 uses to Office use.
- Petition agrees with the *Zoning Ordinance* in that professional offices, care centers, clubs and fraternal organizations, computer centers, libraries and museums, public offices, schools, telecommunications towers, telephone exchanges and similar uses are permitted in a B-1, Limited Business District.

The Planning Division recommends approval of the FLUM amendment and rezoning petitions.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Comprehensive Plan 2002-2020* recommends Resource Conservation and Employment 1 uses in this area. Resource Conservation Areas "encompass lands with special natural characteristics that make their preservation in open space particularly important to the City's environmental health. The mapped Resource Conservation Areas include … steep slopes of greater than twenty-five percent (25%) as well as the City's stream valleys (including streams and rivers, their one hundred (100)-year floodplains, connected wetlands and adjacent steep slopes)." **(page 5.2)** Employment 1 areas "offer uses that provide a

significant number of jobs. These areas are intended for large-scale office, … small-scale office, research and development, and light manufacturing uses. Restaurant, hotel and business service (e.g., copy shop, computer sales and service) uses that support the office/industrial uses can be constructed in Employment 1 areas, though shopping centers are not recommended." **(page 5.4)** The petitioner is requesting an amendment to the *FLUM* to provide for an Office use; the FLUM amendment would only apply to the area that would be rezoned such that the designated buffer area adjacent to Burton Creek would remain as a Resource Conservation use. "Office uses are … intended for small-scale office buildings with building floorplates not exceeding twenty thousand (20,000) square feet and building heights not exceeding four (4) stories. Such offices provide adequate space for professional and service uses, such as medical, legal, insurance, real estate, engineering, architectural, software development, and information management uses. Office uses are generally located in lower density areas of the City, often adjacent to low density residential areas, and therefore are intended to be more compatible in scale with single family homes than the urban office uses of downtown or the office parks of employment areas." **(page 5.4)**

The project is also within a Business/Technology Employment Area, as designated by the City's *Plan Framework Map*. The *Plan Framework Map* provides that "land use decisions made by the City will take into account not only … (the) … map, but also the *FLUM* and the policies presented in the text of the *Comprehensive Plan*. The property is part of the Graves Mill Business/Technology Area, which "is generally centered on the intersection of Graves Mill Road, Nationwide Drive, and the Lynchburg Expressway. The area includes … several large tracts of developable land … located east of the Expressway at the existing end of Nationwide Drive." The Comprehensive Plan indicates that "significant changes in future land use are recommended for this area … [and] …recommends light industrial, office, and technology uses for the areas along Graves Mill Road north of Fort Avenue. The area is surrounded on all sides by stable single family neighborhoods, including the Sandusky neighborhood east of Burton Creek. In order to preserve this area as a location for these uses (i.e., light industrial, office, and technology), the City … [should] avoid development of smaller retail establishments that could be more effectively located in other areas. In addition, concerted efforts should be made to protect sensitive natural and historic features, incorporate natural areas and trails in plans for new development, and protect adjacent residential areas through the conservation of forested areas and stream valleys." (**pages 4.24-4.25)**

The proposed rezoning area is also located in a Resource Conservation Area, as designated on the *Plan Framework Map*. These areas include public parklands, rivers, streams, wetlands, floodplains and/or steep slopes which serve a range of important functions – wildlife habitat, natural stormwater control, active and passive recreation – and are counted among the City's primary assets. The *Comprehensive Plan 2002-2020* recommends that "if a property [that includes] a Resource Conservation Area is proposed for rezoning … the City will seek proffers that protect a reasonable area for resource conservation." The plan further defines protection as the "maintenance of the natural topographic and vegetative conditions with limitations on most development." The plan indicates "as the City reaches buildout, pressure to develop adjacent to and within sensitive areas will increase. To ensure that the natural function and beauty of the City's remaining natural areas are conserved, the City should carefully evaluate development proposals and employ a range of measures to avoid, minimize, and mitigate impacts." (**page 4.5)**

The proposed FLUM amendment and B-1, Limited Business District zoning would permit the development of the property as an office park. The petitioner's concept plan includes a grading schematic with an option for the ultimate division of lots. The plan indicates that the grading of the site would be limited by the steep slopes and rock outcrops, ultimately reducing the land available for development and allowing for the preservation of much of the steep terrain on the properties. In addition, approximately one hundred (100) feet of the existing vegetative buffer along the northern boundary of the property (adjacent to Burton Creek) would remain zoned as Resource Conservation District. Although the revised limits of the Resource Conservation zoning would not completely encompass the limits of the one hundred (100)-year floodplain, the grading plan option indicates that the development need not impact these areas to allow for the development of the property.

2. **Zoning.** The subject property was annexed into the City in 1976. The existing R-C, Resource Conservation District was established in 1978 with the adoption of the current *Zoning Ordinance*.

3. **Proffers.** The petitioner voluntarily submitted the following proffers with the rezoning application:

   a. The following uses are the only uses that shall be permitted within the B-1 portion of the development for which this rezoning application is being filed (all other uses permitted by right in B-1 are excluded):
      - Offices, provided that no merchandise, material or equipment is stored or kept on the premises, either inside or outside of the building, for sale, demonstration or repair.
      - Care centers.
      - Clubs and fraternal organizations.
      - Computer centers.
      - Libraries, museums and similar institutions of noncommercial nature.
      - Police stations, fire stations and public offices providing decentralized services to surrounding residential areas.
      - Schools for general education that do not exceed a maximum enrollment of twenty-five (25) students.
      - Telecommunications towers and facilities.
      - Telephone exchanges and dial centers.
      - Other uses determined by the city council to be of similar character to and compatible with the above uses.

   b. Deed Restrictions:
      - Building exterior must be finished to grade.
      - No exposed unfinished block above grade (fluted block is acceptable).
      - No metal buildings.
      - Driveway to be either asphalt or concrete with curb and gutter.
      - Dumpster pad and HVAC equipment pad to be screened from public view.
      - No exposed outside storage shall be permitted; storage areas to be screened from public view.
      - Off street parking shall be provided.
      - The rear buffer along any adjoining creek shall be designated as a natural buffer area and comply with the R-C district requirements, the floodplain requirements and/or a fifty (50) foot setback, whichever is the more restrictive requirement.

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

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

   - On December 11, 2007, City Council approved Anderson Mediation Services' petition to rezone approximately two and three tenths (2.3) acres from R-4, Medium-High Density Multi-Family Residential District to B-1(C), Limited Business District (Conditional) and a conditional use permit (CUP) to allow the construction of a cluster commercial development at 434 Graves Mill Road.

   - On August 14, 2007, City Council approved EE, LLC's petition to rezone seventy-two and eleven hundredths (72.11) acres from R-C, Conservation District, R-1, Low-Medium Density Single-Family Residential District, R-3, Medium Density Two-Family Residential District, I-1, Restricted Industrial District and I-2, Light Industrial District to B-5C, General Business District (Conditional) to allow for the development of a commercial shopping center, offices, a fuel station, a restaurant, parking and road improvements at 512, 522, 526, 530, 534, 538, 610, 630, 1002 McConville Road, 110 Miles Road and 120 Millstone Road.

- On June 14, 2005, City Council approved Jerry Brammer's petition to rezone sixty-three hundredths (0.63) of an acre from R-4, Medium-High Density Multi-Family Residential District to B-1C, Limited Business District (Conditional) to allow the use of an existing building as a real estate office.
- On October 10, 2000, City Council approved L.E. Lichford, Inc.'s CUP petition to allow a truck refueling facility in an I-2, Light Industrial District.
- On June 8, 1999, City Council approved Rock Castle Partners' petition to rezone approximately twenty (20) acres from I-1, Restricted Industrial District to B-3C, Community Business District (Conditional) to allow speculative office, restaurant and retail sales uses in the 700 Block of Graves Mill Road.
- On May 11, 1999, City Council approved D. Scott and Richard Zechini's petition to rezone three and seven tenths (3.7) acres from R-4, Medium-High Density Multi-Family Residential District to B-1C, Limited Business District (Conditional) and for a CUP petition for a Cluster Commercial Development in the 400 block of Graves Mill Road.
- On December 9, 1997, City Council approved William Overacre's petition to rezone nine and seven hundredths (9.07) acres from I-1, Restricted Industrial District to B-3C, Community Business District (Conditional) to allow the construction and operation of businesses for commercial service and retail uses at 427 and 427A Graves Mill Road.
- On December 12, 1995, City Council approved James and Cynthia Anderson's petition to rezone two and ninety-five hundredths (2.95) acres from I-1, Restricted Industrial District to B-5C, General Business District (Conditional) to allow the expansion of an existing commercial amusement facility.
- On November 14, 1995, City Council approved Sports Capital of Virginia's petition for a CUP to allow the construction of a sports complex in an I-1, Limited Industrial District and an R-C, Resource Conservation District at the intersection of Graves Mill Road and Nationwide Drive.
- On March 9, 1993, City Council approved Obaugh Cheverolet, Geo & Cadillac's petition to rezone approximately seventeen and four tenths (17.4) acres from B-5C, General Business District (Conditional) to B-5C, General Business District (Conditional) to amend the proffers for the property and allow the expansion of an automobile body shop.
- On January 12, 1993, City Council approved Lynchburg Pediatric Associates petition to rezone approximately one and five tenths (1.5) acres from I-2, Light Industrial District to B-5C, General Business District (Conditional) at 1120 McConville Road to allow the construction of an office building with associated parking.
- On October 13, 1992, City Council approved the Graves Mill Road/US 221 Area Growth Management Study to re-evaluate the current land use guidance controls for the area. As part of the effort, a portion of the property at 434 Graves Mill Road was rezoned from an R-3, Medium Density Two-Family Residential District to R-4, Medium-High Density Multi-Family Residential District.
- On June 14, 1988, City Council approved J.W. Wood's petition to rezone approximately five (5) acres at the intersection of Nationwide Drive and Graves Mill Road from I-1, Restricted Industrial District to B-5C, General Business District (Conditional) to allow the construction of a wholesale/retail warehouse and food distribution center.
- On December 8, 1987, City Council approved Graves Mill Associates' petition to rezone approximately eight (8) acres from I-2, Light Industrial District and R-C, Resource Conservation District to B-5C, General Business District (Conditional), I-2, Light Industrial District (Conditional) and R-C(C), Resource Conservation District (Conditional) at 1030 McConville Road to allow the use of the property for retail sales and speculative development.

- On March 13, 1984, City Council approved Vaughan Chevrolet's petition to rezone approximately twelve and one hundredth (12.01) acres from I-1, Limited Industrial District o B-5C, General Business District (Conditional) to allow for the operation of an automobile dealership at the intersection of Graves Mill Road and the Lynchburg Expressway.
- On December 14, 1982, City Council approved Burruss/Dreaming Creek Properties' petition to rezone approximately one hundred four and forty-nine hundredths (104.49) acres from I-1, Limited Industrial District to I-2C, Light Industrial District (Conditional) to allow for the development of an industrial park at the intersection of Route 126 and the Lynchburg Expressway.

6. **Site Description.** The subject properties are undeveloped and include forested slopes and stream valleys; Burton Creek establishes the northeastern property line. The site is bound to the north by single-family homes and vacant forestal land; to the east by single-family homes; and to the south and west by commercial and industrial businesses, as well as the U.S. 501 Expressway.

7. **Proposed Use of Property.** The petitioner proposes to develop the two (2) tracts into four (4) commercial lots. The proposed development would be limited to offices and select B-1, Limited Business District. The development would maintain a consistent architectural style similar to the previous phases of the development, including the medical offices along Nationwide Drive and the recent addition of the Wiley and Wilson office building. The project would be served by City water and sewer and all utilities that serve the site would be located underground. Landscaping for the development would comply with the requirements of the City's *Zoning Ordinance* and include street trees, parking area landscaping, parking area screening, foundation plantings and utility area screening.

8. **Traffic, Parking and Public Transit.** The City's Transportation Engineer had no concerns regarding the proposed rezoning.

   Parking requirements for the proposed development are defined based on use within the City's *Zoning Ordinance* and the Technical Review Committee would confirm each lot's compliance with City Code.

   Greater Lynchburg Transit Company's Route 7 would serve the development. A bus stop is located at the intersection of Graves Mill Road and Nationwide Drive approximately two thousand (2,000) feet from the subject properties.

9. **Stormwater Management.** The construction of the proposed buildings and parking facilities would exceed the one thousand (1,000) square foot threshold for stormwater management; as such, a plan to address water quantity and quality of the surface water run-off would be required for the construction. Although specifics of the stormwater plan would not be determined until actual site design, extended-detention basins would be used on lots where space permits and underground detention and manufactured best management practices may be used in lieu of above ground features where the sites are constrained. Preliminary review of the site indicates that Burton Creek is adequate to receive stormwater outfalls from quantity and/or quality measures.

10. **Emergency Services.** The City's Fire Marshal had no concerns about the proposed rezoning.

    The City Police Department had no concerns about the proposed rezoning.

11. **Impact.** The proposed development of a business park on the subject property would have limited impact on the surrounding area. A one hundred (100)-foot buffer would be provided adjacent to Burton Creek at the base of the slope and the limits of clearing and grading would not impact the one hundred (100)-year floodplain. The City's Transportation Engineer and emergency services representatives had no concerns about the proposed rezoning; parking and stormwater management requirements would be addressed during the site plan review process. The result is a project that would provide for additional business development that achieves the *Comprehensive Plan 2002-2020*'s goals for the Graves Mill Business/Technology Area.

12. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on December 15, 2009. Comments related to the proposed use were minor in nature and have or will be addressed by the developer prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of Gary Case's petition to amend the Future Land Use Map for thirty-one and eighty-five hundredths (31.85) acres located 101 Peggy Bowen Drive and 126 Nationwide Drive from Resource Conservation and Employment 1 uses to Office use.

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

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of Gary Case's petition to rezone thirty-one and eighty-five hundredths (31.85) acres located 101 Peggy Bowen Drive and 126 Nationwide Drive from R-C, Resource Conservation District to B-1(C), Limited Business District (Conditional) with the voluntarily submitted proffers.

This matter is respectfully offered for your consideration.

William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Ms. Bonnie M. Svrcek, Deputy City Manager/Acting Director of Community Development
Mr. Walter C. Erwin, City Attorney
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozerow, Lynchburg Police Department
Battalion Chief Greg Wormser, Fire Marshal
Mr. Gerry Harter, Transporation Engineer
Mr. Robert Drane, Building Commissioner
Mr. Robert Fowler, Zoning Administrator
Mr. Kent L. White, Senior Planner
Ms. Erin Hawkins, Environmental Reviewer
Mr. Gary Case, Applicant, Gary Case and Company
Mr. P. Scott Beasley, Representative, Hurt & Proffitt, Inc.

VII. ATTACHMENTS

1. **Vicinity Zoning Pattern**
2. **Vicinity Proposed Land Use**
3. **Watershed Location Map**

4. **Concept Plan**
5. **Proffers**
6. **Narrative and Photo Renderings**

MINUTES FROM THE FEBRUARY 10, 2010 PLANNING COMMISSION MEETING (MINUTES HAVE BEEN APPROVED):

a. Petition of Gary Case to amend the Future Land Use Map from Resource Conservation to Employment 1 use and to rezone 31.85 acres from R-C, Resource Conservation District to B-1C, Limited Business District (Conditional) to allow the construction of office buildings and other uses permitted in a B-1, Limited Business District at 101 Peggy Bowen Drive and 126 Nationwide Drive.

Mr. Martin summarized the petition and Planning Commission report. The petition was changed to rezone 15.85 acres from R-C, Resource Conservation District to B-1C, Limited Business District (Conditional). After meeting with staff and neighbor representatives on February 5, 2010, the petitioner voluntarily amended the site plan and submitted proffers to indicate the revisions to the area to be rezoned and the *Future Land Use Map* classifications. Proffer amendments include that the buildings will not exceed four stories and a maximum height of 70 feet, there will be no connections made to Rhonda Road, telecommunication towers and facilities would not be permitted within the rezoned area and other uses as determined by City Council would be excluded.

The justification for the proposed amendment to the *Future Land Use Map* is based on several items—the location of the proposed development is within or adjacent to the Graves Mill business technology area, as indicated on the Plan Framework Map, a portion of the *Future Land Use Map* does indicate that a portion of the property be Employment 1 and it is also adjacent to Employment 1 designations. In addition, the majority of this property has slopes that are less than 25 percent.

The City's Transportation Engineer, Fire Marshal and Police Department all had no concerns with the project as proposed. The Planning Division has reviewed both the *Future Land Use Map* amendments and the rezoning petition and recommends approval of both petitions.

Mr. Gary Case came forward as the representative for the petitioners, Rock Castle Partners, LLC and Ellen P. Jamerson. Mr. Case reiterated the additional proffers and self imposed deed restrictions that the owners are submitting after meeting with the neighbors. Mr. Case said that with the topography of the land, only around 37 percent of the land is developable. The reason for the petition is to build additional buildings similar to the present ones. Mr. Case mentioned that this is really the only office park in this area that has a real campus-like setting. It has excellent access to the expressway and is located in the geographic center of the Lynchburg area. Mr. Case listed the current tenants of the office park, all of whom are good corporate citizens and employers.

Mr. Case mentioned that city staff's position is that the problems which the residents have experienced along the creek are not due to this development. They are due to off-site developments that were developed before new stormwater regulations went into place or are in the county, which does not have the same stormwater requirements of the City. The Landscape Ordinance also has regulations which help address stormwater runoff that this development will have to follow.

Mr. Mark Schmidt of 610 Westwood Avenue came forward to speak in favor of the petition. He attends Lynchburg College. He is in support of the petition because the present office park is thriving. He suggests that the petitioner hire an outside source, such as an environmental surveyor, to minimize any environmental damages during the development phase.

There were no others to speak in favor of the petition. Chair Hamilton asked for a representative for those in opposition to the petition. Dr. Tom Shahady came forward. He feels that this is the most alarming proposal he has seen to date. All three major drainages, Burton Creek, Tomahawk Creek and Dreaming Creek come to a confluence on this property. It would cause the isolation of these three greenways if office buildings were put on this site. If the City would like to have a greenway that will travel along our streams, this petition cannot go through.

Dr. Shahady pointed out that there is a watershed management plan for the entire Blackwater Creek watershed. There are 96 acres out of 2,893 that are resource conservation in Burton Creek. Tomahawk Creek has 144 acres out of 2,622 that are designated resource conservation. There are 105 acres out of 2,163 in Dreaming Creek that are resource conservation. The middle Blackwater Creek watershed, where this property is located, has 231 acres out of 3912 acres designated resource conservation. These lands are part of the public trust.

Erosion and sediment control is always a big concern. He does not argue that some of the problems started in Campbell County, but there is connectivity here. Dr. Shahady pointed out that there is currently about 17 percent impervious area in this watershed; this proposal would push it up to 18 percent. Water quality degradation is seen at 10 percent.

Dr. Shahady feels that the work they are trying to do on College Lake would be seriously jeopardized by this development. Dr. Shahady pointed out that there will be stricter regulations soon for the Chesepeake Bay. He feels it would be best to leave these protective buffers in place rather than to go back and try to retrofit. Dr. Shahady also mentioned that during annexation, it was promised to the residents of Sandusky that this land would remain resource conservation. In summary, he asked that they follow two environmental guidelines that he teaches "Where there is an absence of clear guidelines in environmental priorities and ecosystem approaches to planning, always favor the side of protection. Where there is clear guidance, don't change it to appease those who only profit from that change."

The following citizens all spoke in opposition of the petition: Ms. Desi Justis of Lynchburg College, Mr. Joe DiCerbo of Lynchburg College, Mr. Stuart Schwartz of 6041 Rhonda Road, Ms. Beth Lindsay of 719 Custer Drive, Ms. Shayvonne Moxey-Bonamy of the Nassau Bahamas, Ms. Margorie Dunn of 5924 Rhonda Road, Ms. Amber Santayo of Lynchburg College, Ms. Susan White of 715 Custer Drive, Ms. Alison Pettit of 6009 Rhonda Road, Ms. Hannah Cameron of Lynchburg Col;lege, Ms. Amamda DArcy of Lynchburg College, Mr. Fred White of 715 Custer Drive, Mr. Bev Jordan or 616 Custer Drive, Ms. Chelsea Lindsay of 719 Custer Drive, Ms. Marie Colligan of 723 Custer Drive, Mr. Jim Whitaker of 6012 Modac Place and Mr. Jim Glaudemans of 723 Chinnok Place.

Mr. Glaudemans presented a detailed topographical layout of the land, as well as gave a synopsis of the zoning history for the land. In 1978, a zoning compromise was reached that the steeply sloped property beyond the power line and facing Sandusky would be zoned resource conservation. It provided a shield for the Sandusky neighborhood as well as prevented large-scale construction on the environmentally sensitive slopes and wetlands bordering the creeks. The residents feel there are compelling reasons to sustain this compromise.

Other speakers presented concerns about the environmental impacts on College Lake, the continued encroachment of development on the sparse resource conservation area that is left in the area and how this proposed project goes against many of the goals and objectives of the *Comprehensive Plan.* There was also a concern expressed by a citizen that he did not know enough about what the developer plans to do and has been unable to find out from the developer. Another concern raised was the amount of clear cutting already done by the developer on the land in order to build the current office buildings. An international student from the Bahamas pointed out that one of the reasons she chose to come to Lynchburg was because of its beauty and the fact that it was picked as one of the 50 best small towns by National Geographic Adventure magazine. She pointed out the area being requested for rezoning is about three percent of the resource conservation land that is left in the four watershed areas that Dr. Shahady outlined. Many of the citizens expressed that they would like to see the rehabilitation of sites that are already developed and/or continued participation by developers in the revitalization of downtown.

Ms. Susan White presented a petition from 190 citizens requesting that the proposal be denied. They plan on getting more signatures before the City Council meeting in March. Ms. White pointed out that we teach the children in our elementary schools about protecting the watersheds and approving this proposal would be a contradiction of that teaching. Mr. Fred White commented that Burton Creek rises over two feet for every one inch of rain. He has calculated the speed of the water during a heavy rain to be six to seven miles an hour, which is enough to endanger people's property. When FEMA revised its map in 2008, Mr. White's entire house is now in the floodplain. It was not in the floodplain when he purchased the home. The citizens also pointed out that there has been a steady decline in the wildlife around the creek as well as the water quality of the creek.

Mr. Jim Whitaker asked if anyone was monitoring the runoff from a large pile of dirt behind Wiley & Wilson. He also pointed out that every time we have a heavy run, the residents of the apartments at the bottom of Sandusky hill have to be evacuated. He and another citizen reminded the commissioners that the pool in Sandusky had to be closed due to the high maintenance costs due to flooding.

Mr. Bill Jamerson and Mr. Gary Case came back to rebut these comments. Mr. Jamerson did not know when his property had been zoned R-C either or why it had been zoned that way; it was not zoned R-C when he purchased the land. Mr. Jamerson assured them that the buildings would not be concrete boxes. Mr. Case said that this development will not affect the runoff problems or creek problems because of the stormwater regulations that this development will

have to follow. Mr. Case assured the commission and the residents that a connection to Rhonda Road will not be made. Mr. Case stated that businesses that are attracted to this development are not going to go to the Plaza or downtown. Mr. Case also pointed out that the *Comprehensive Plan* is a broad document and not parcel specific.

Dr. Shahady came back to say that we must value land beyond the structure we can put on it. It costs $550 a linear foot to mitigate streams and an acre of wetlands is valued at $75,000. Dr. Shahady also pointed out that we cannot rely on the erosion and sediment control regulations because he can cite 19 minimum standards that he sees violated on every site he goes to in some form or another.

Chair Hamilton closed the public hearing portion of the petition. In response to a question from Commissioner Sale as to how many sites are in the area for sale that can be developed by right, Mr. Case said there are three. However, the flat sites have already been developed. In response to a question from Commissioner Sale if these proposed sites are part of a development plan, Mr. Case said they are. Previous sites in the area have already been rezoned to B-1. Mr. Case also addressed the pile of dirt mentioned. It is top soil that might be used for grading in the future and it is protected by barriers.

Commissioner Hannon asked Mr. Case what the economic value was of the R-C land, and Mr. Case said there really was none. Commissioner Hannon asked him how much of the subject property is currently zoned R-C and Mr. Case said it was approximately 50 acres; the rest is either I-1 or B-1C. If only that property were developed, the property owners by deed restrictions are pretty much limited to office buildings. Mr. Case pointed out that the deed restrictions are self imposed and the owners want to see the land developed attractively. The owners had been approached about building a packing plant on some of the property and they chose not to allow it. I-1 zoning does not have many restrictions, and it was pointed out that this rezoning would impose more restrictive design standards.

In response to a question from Commissioner Swienton about the placement of the notification signs and the lack of one for the Three Creeks Court residents, Mr. White explained that the *Zoning Ordinance* requires notification along the frontage of the property on public streets. When the individual notifications are sent out to property owners, a radius of 200 feet is used and city streets are not followed.

Commissioner Swienton asked what would prevent the property indicated in yellow on the site plan from being retitled in the future and developed. Mr. Case said that it is being proffered to remain R-C. In order for it to be developed, the property would have to go through the rezoning process again.

Commissioner Swienton asked Mr. Case why he did not bring up this possible rezoning when Mr. Case was on the committee that did the five-year review of the *Comprehensive Plan.* Mr. Case said that he was not on the committee to be self-serving. The whole city was being looked at in a general broad brush approach. He did not think it was his position to only talk about properties in which he had direct involvement. The committee had been told that the City would look at parcel specific issues when a rewrite of the *Zoning Ordinance* is done.

Commissioner Barnes received clarification from Mr. White that GLTC service to this site would require a citizen to walk approximately 1/3 of a mile down Nationwide Drive, which has no sidewalks. Commissioner Barnes pointed out that the commission tries to encourage development that has access to multi-modal forms of transportation.

In response to a question from Commissioner Hannon as to what can be done by right on R-C property, Mr. White stated that trees could be harvested (trees can be harvested anywhere in the City), a single-family home could be built (one per ten acres), agriculture, parking areas that are not for business use (truck gardens) and telecommunication facilities. A permit would be required from the Department of Forestry to harvest trees to ensure that best management practices are in place during the harvest.

Mr. White gave some history on the zoning of the property. It was annexed in 1976. By law, the property came in as R-1. In 1978, it was converted but there are no records of any changes or any petitions to change. Chair Hamilton pointed out that since that time both the 2002 *Comprehensive Plan* and the 2007-2008 revision to the *Comprehensive Plan* were done and both kept the property zoned R-C. Mr. White pointed out that there were two previous revisions as well.

In response to a question from Commissioner Swienton as to the extent of the site plan required for a rezoning, Mr. White said that the code allows for the use of a concept plan. Planned Unit Developments and Cluster Commercial

Developments require more extensive detail. The site plan submitted by the petitioner for this rezoning met the basic elements of the *Zoning Ordinance.* Commissioner Swienton received clarification from Mr. White that the commissioners are being asked to consider the original site plan. Since that time, the petitioner has requested amendments to the proffers and the commissioners can consider the site plan submitted with the amended proffers as a portion of the original site plan. The revised site plan is not being proffered; it is a concept of the proposed layout. Commissioner Swienton asked how he could tell someone where the stormwater retention pond would be, and Mr. White said he did not believe Commissioner Swienton could answer that. Mr. White is not certain that anyone knows. That is not a requirement of a concept plan for rezoning and stormwater management is clarified at the time of final site plan review.

Mr. White remarked that the convergence of the three creeks makes the contribution to this site less than one percent of the entire watershed. By state law, there is a provision that would allow direct discharge to the stream without detention. The City's stormwater ordinance is more restrictive. The City can require retention but provides the option to discharge directly into the stream with supporting data that says that direct discharge would be better. When there are large volumes of water and significant flooding, there is a school of thought that says detaining immediately adjacent to the creek is not productive. The idea is to let the volume of water continue downstream before the peak storm event comes. The idea is that if the water is held and discharged with the peak, the duration of the peak is extended and there is an increase in the water surface elevation. The water quality requirements for this site would be in place regardless of what method is chosen.

Commissioner Swienton received clarification from Mr. White that the concept plan, if approved, would create a by-right development. Mr. White pointed out that the proffers would accompany the site plan and be applied as restrictions to the site. Mr. White agreed that there would be significant freedom as far as the location of parking and buildings, etc. Commissioner Swienton received clarification from Mr. White that the four-story building height does not include anything below the first floor level floorplate. Those residents facing the creek could actually see what looks like a five-story building but is only considered a four-story building because of the basement. They could also see the parking lot although Mr. White pointed out that the parking area would require screening. Commissioner Swienton received clarification from Mr. White that the screening is required to be six feet wide and three feet tall.

Chair Hamilton asked Mr. Case if he had public meetings during any the different phases of this development. Mr. Case said when the rezoning was done for the sports complex, there was a big meeting at Sandusky School. Mr. Case offered to be at the meeting that Councilman Perrow had with the residents recently but was declined. Chair Hamilton asked if thought was given to proffer easements along the streams. Mr. Case reminded them that there is a lot of land on both sides of the creeks. If the trail system wants to come through and easements are required, the owners would be happy to accommodate them. No liability would be accepted.

Commissioner Hannon asked Dr. Shahady if the other uses permitted in an R-C district would be acceptable to him. He said they would not be acceptable uses from his perspective. Commissioner Hannon asked Dr. Shahady what he means by this property being part of the public trust. Dr. Shahady feels that the way the entire community is zoned and developed is part of the public trust. The uses have to be identified on a land use map and the citizens trust their public officials to zone the City in a way that is beneficial to everyone. Dr. Shahady clarified that he would like to see resource conservation land conserved in a pristine condition; that is his personal feeling. Commissioner Hannon asked Dr. Shahady if he felt the City should seize private property, and Dr. Shahady said that he feels the City should reflect the idea of resource conservation that is in the *Comprehensive Plan.* Currently, the *Zoning Ordinance* and the *Comprehensive Plan* are not in agreement for resource conservation areas. The land may not be valuable to someone who wants to develop it, but it could be valuable to someone who just wants to enjoy the land. In response to a question from Commissioner Hannon if Dr. Shahady would like to see a building moratorium instituted in the City, Dr. Shahady said he would like to see absolute infill and redevelopment encouraged. New construction could be accomplished by tearing down old buildings.

Commission Swienton asked Mr. Stuart Schwartz of 6041 Rhonda Road if he had ever asked what might happen to the property behind him when he was considering buying his home. Mr. Schwartz said that the answer given him by everyone was that basically nothing would happen to the property behind him; it is a conservation area. They bought the lot next door to them so they would have more undeveloped property, do not want to build on it and have turned down offers to build on it.

Commissioner Barnes commented that we need to decide what kind of balance we want between developed land and natural land in order to preserve the quality of life in Lynchburg. In previous discussions, the commissioners have said

they want to encourage redevelopment and leave development on greenfields as a last resort. In previous discussions, the commissioners have also expressed a desire to have transit-oriented development. For these reasons, he opposes the petition.

Commissioner Hannon thinks this is a good project and he supports it. It seems to be a very reasonable and responsible development. It is the kind of development we need in Lynchburg. It will bring jobs. He believes there have been plenty of provisions made to protect the environment and the site plan still has to go through the stormwater ordinance requirements. The kind of people who will go into this type of development will not go downtown; they will go out to Campbell County and build there.

Commissioner Swienton remarked that the concept of having development is very complicated. He knows that business is very important to any municipality. He tries to balance wanting economic development in Lynchburg rather than the county with the goals of the *Comprehensive Plan.* He believes the key part of the *Comprehensive Plan* to consider here is "protect sensitive natural areas." He believes this is a sensitive area. Commissioner Swienton believes that our *Zoning Ordinance* translates into a belief by the City that it will not build densely on every parcel in the City. He also looks at the fact that although no one knows how it got zoned R-C, that zoning has never changed for over 30 years. He also believes that the compromise agreed to in 1978 should be honored in some form. He is opposed to the petition.

Commissioner Sale thanked Mr. Case for his contribution to the City as someone who is measuring these issues all the time in development. Commissioner Sale wished to acknowledge Mr. Case for his service on many committees. Commissioner Sale also wanted to acknowledge the work that is being done in the office park; he thinks it is beautiful. However, he echoes the fact that we have to balance development with maintaining Lynchburg's natural beauty. He does not hear a compelling economic argument for developing this land. We now have a great deal of sensitivity to these natural areas and how important these natural conservation areas are to those downstream. He will have to vote in favor of natural preservation and vote against the petition.

Chair Hamilton agreed that the *Future Land Use Map* is not parcel specific but this is not a one- to two-acre parcel that might not be appropriate for the 1978 zoning. This is an almost 32-acre parcel in conjunction with hundreds of acres in an area that was delineated partly as employment and partly as resource conservation. It was designated this way strictly because of the grade of the slopes and proximity to the streams. She feels that it is important that the steep grades be protected and that the watershed is protected. The R-C zoning does not eliminate development; it eliminates this kind of development.

Commissioner Sale made the following motions, which were seconded by Commissioner Barnes:

"That the Planning Commission recommends to City Council denial of Gary Case's petition to amend the Future Land Use Map for thirty-one and eighty-five hundredths (31.85) acres located at 101 Peggy Bowen Drive and 126 Nationwide Drive from Resource Conservation and Employment 1 uses to Office use.

That the Planning Commission recommends to City Council denial of Gary Case's petition to rezone thirty-one and eighty-five hundredths (31.85) acres located at 101 Peggy Bowen Drive and 126 Nationwide Drive from R-C, Resource Conservation District to B-1(C), Limited Business District (Conditional) with the voluntarily submitted proffers."

The motions passed by the following vote:

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

Gary W. Case and Company, Inc.
307 Brook Park Place
Forest, VA 24551
OFFICE: (434) 847-6692 • **FAX :** (434) 847-0125
E-MAIL ADDRESS: Gary Case: gary@garycaseco.com

Memo

To: **Tom Martin, City of Lynchburg, Planning Div.**
From: **Gary W. Case**
Date: **May 26, 2010**
RE: **Rock Castle Partners/Ellen P. Jamerson Rezoning Petition**
VIA: **E-mail: tom.martin@lynchburgva.gov &**
Hand Delivery

Please find enclosed a list setting forth amendments and additions to the proffers for the above referenced rezoning petition and a site plan showing the R-C area that will be subject to the Conservation Easement.

Please let me know if you have any questions or need any additional information on this matter.

ROCK CASTLE PARTNERS/ELLEN P. JAMERSON

PROFFERS

Amend: Number of acres requested for rezoning to B1-C from 15.85 to 25.04.

Amend: Proffer addressing the maximum building height reducing it from seventy (70) feet to fifty-five (55) feet.

Add: Place a Conservation Easement on 18.88 acres (Rock Castle Partners 10.82 acres/Ellen P. Jamerson 8.06 acres) to be held by the City of Lynchburg. (See attached map). Said easement will prohibit any use(s) permitted in an R-C zoned area.

Petitioner, its successors or assigns shall retain the right to access utilities or discharge storm water drainage.

Conservation Easement will allow for stream migration in the Conservation Area.

Add: Ellen P. Jamerson will include Tax Map Parcel 235-02-003, approximately 4.23 acres, in the area to be subject to the Conservation Easement.

ROCK CASTLE PARTNERS,
A VA GEN. PARTNERSHIP

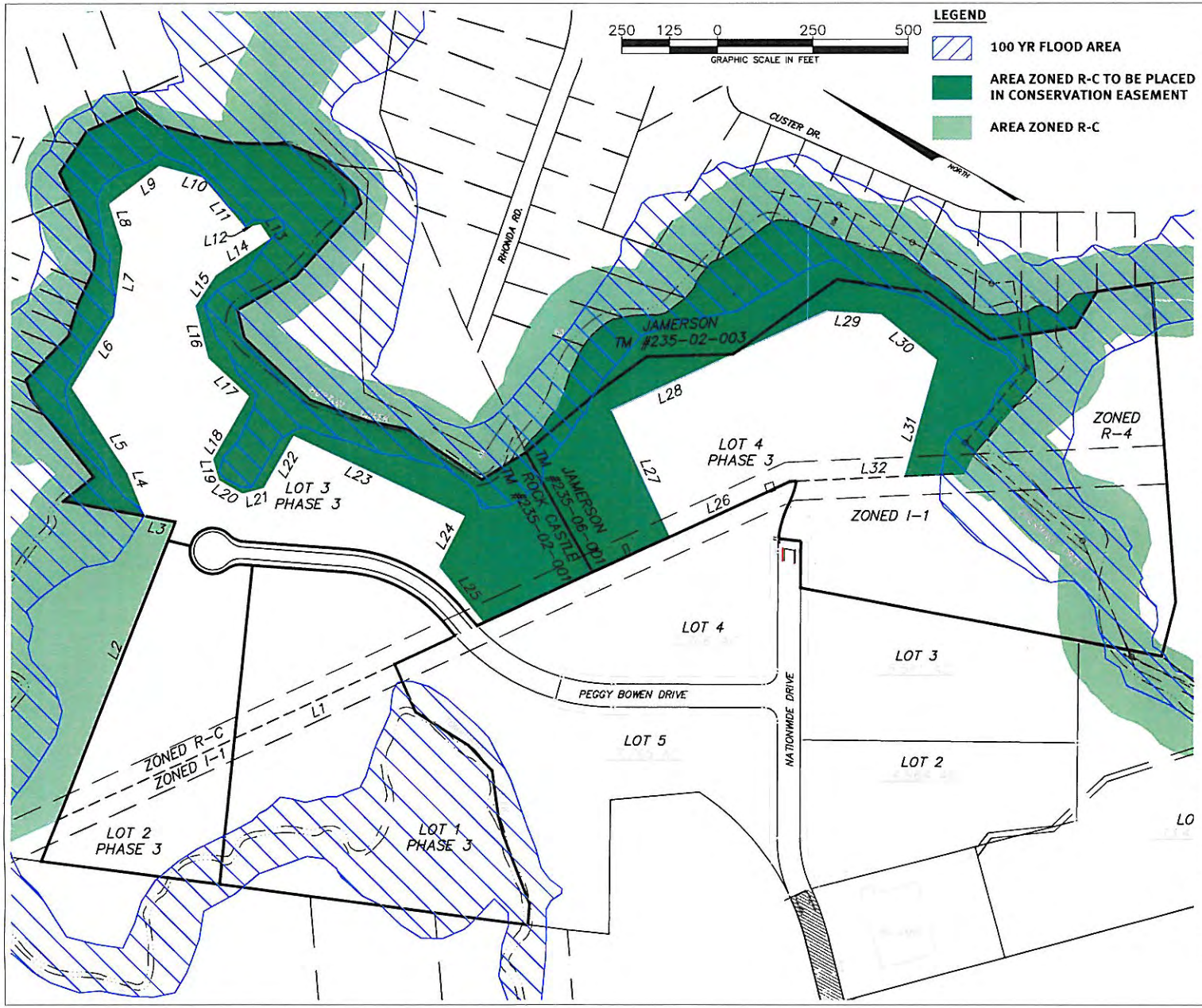
Ellen P. Jamerson
Ellen P. Jamerson

By: William P. Bowen
William P. Bowen

Date: 5/26/10

Its: General Partner

Date: May 26, 2010



LINE TABLE		
NO.	BEARING	DISTANCE
L1	N53°54'55"W	1231.05'
L2	N82°24'27"E	836.82'
L3	N18°36'32"W	82.12'
L4	N38°53'13"E	119.07'
L5	N27°38'05"E	269.37'
L6	S88°08'41"E	218.08'
L7	N67°41'32"E	181.77'
L8	N43°09'07"E	119.61'
L9	S66°27'37"E	166.92'
L10	S14°12'47"E	117.08'
L11	S20°21'26"W	172.81'
L12	S40°26'29"E	41.34'
L13	S27°04'11"W	48.04'
L14	N62°55'49"W	171.67'
L15	N86°13'18"W	94.84'
L16	S47°07'49"W	141.68'
L17	S13°56'31"W	144.88'
L18	N89°30'53"W	189.08'
L19	S45°29'07"W	56.57'
L20	S0°29'07"W	69.24'
L21	S44°30'53"E	56.65'
L22	S89°30'53"E	157.34'
L23	S4°09'09"E	498.66'
L24	S87°59'48"W	149.42'
L25	S22°03'14"W	187.03'
L26	N53°54'55"W	345.46'
L27	N36°05'05"E	363.89'
L28	S53°54'55"E	623.37'
L29	S26°00'58"E	140.10'
L30	S9°59'26"W	191.84'
L31	S76°25'28"W	316.31'
L32	N31°40'28"W	303.97'

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REZONING DRAWING
FOR
ROCK CASTLE PHASE 3
CITY OF LYNCHBURG, VIRGINIA

PROJECT NO.	20080540
G.L. NO.	229-13-C5.7
FILE NO.	G-12502
DATE:	5/25/2010
DRAWN BY:	ASK
CHECKED BY:	PSB

SHEET NO.
1 OF 1

MEMORANDUM

The Department of Community Development

Planning Division

455-3900

To: Planning Commission

From: Tom Martin, AICP, City Planner

Subject: Revisions to Rock Castle Park Phase 3 Future Land Use Map/Rezoning

Date: February 8, 2010

On February 5, 2010, the petitioners for the Rock Castle Park Phase 3 project met with members of the Sandusky neighborhood and City representatives. At the meeting, the petitioners proposed revisions to their Future Land Use Map [FLUM] amendment and rezoning request. Earlier today, those revisions were submitted to City staff for inclusion in the information that will be considered by Planning Commission at the February 10, 2010 meeting. The proposed changes include:

- Reduction of the area that would be rezoned from R-C, Resource Conservation District to B-1C, Limited Business District (Conditional) from thirty-one and eighty-five hundredths (31.85) acres to fifteen and eighty-five hundredths (15.85) acres.
- Removal of the "telecommunication towers and facilities" use that would be permitted "by right" within the proposed B-1, Limited Business District.
- Removal of the designation "Other uses determined by the City Council to be of similar character to and compatible with the above uses (that would be permitted "by right" within the proposed B-1, Limited Business District)".
- Addition of a proffer that "No connection will be made from the subject property to Rhonda Road.
- Addition of a proffer that "Building height permitted will four (4) stories or a maximum of seventy (70) feet measured from the main, first floor, floor plate. Calculation will not include any level(s) below the first floor."

Although hardcopies of the proposed revisions will be provided at the meeting, electronic copies of the attachments are attached for your review.

Attachments:
Letter from Petitioner with Revised Proffers
(2) Concept Layouts (with and without buildings)
Land Summary

GARY W. CASE
AND COMPANY, INC.

307 Brook Park Place
Forest, VA 24551
Phone: (434) 847-6692 • FAX: (434) 847-0125
Email: gary@garycaseco.com

February 8. 2010

Tom Martin
City Planner
City of Lynchburg
900 Church Street
Lynchburg, VA 24505

Re: Rock Castle Partners & Ellen P. Jamerson Rezoning Petition

Via: E-mail & Hand Delivery

Dear Tom:

Per our meeting last Friday. February 5th with Kim Payne, Bonnie Svrcek, Kent White, yourself and Jim Gloudemans and Danny Fore, representatives of the Sandusky neighborhood. Bill Bowen. Rock Castle Partners and myself. I have attached on a separate sheet the amendments to the above referenced rezoning petition.

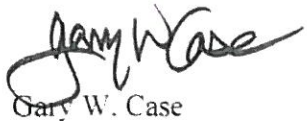
I revised the proffers (see attached sheet) and reduced the number of acres to be rezoned from 31.85 to 15.85 leaving 16.0 acres zoned R-C (see H&P sheet), a reduction of fifty (50) percent.

Please note the Future Land Use Map amendment will be revised from Employment 1 to Office. I have instructed Manley Signs to change the three (3) public notice signs.

I appreciate your continued cooperation on this matter.

If you need any additional information or have any questions, please contact me immediately.

Sincerely,



Gary W. Case
Authorized Agent for
Rock Castle Partners and
Ellen P. Jamerson

GWC/bs

Enclosures

Cc: via email: Kim Payne - kpayne@ci.lynchburg.va.us
Bonnie Svrcek - bonnie.svrcek@lynchburgva.gov
Turner Perrow - turner.perrow@lynchburva.gov
Kent White - kent.white@lynchburgva.gov
Jim Gloudemans - glouds@gmail.com
Danny Fore - dannyfore@earthlink.com
Bill Bowen - BowenBK@verizon.net
Bill Jamerson - slair@jejamerson.com

Amend Proffers:

Delete: the following uses permitted by right:

- Telecommunication towers and facilities
- Other uses determined by the City Council to be of similar character to and compatible with the above uses.

Add:

- No connection will be made from the subject property to Rhonda Road.
- Building height permitted will be four (4) stories or a maximum of seventy (70) feet measured from the main. first floor level, floor plate. Calculation will not include any level(s) below the first floor.

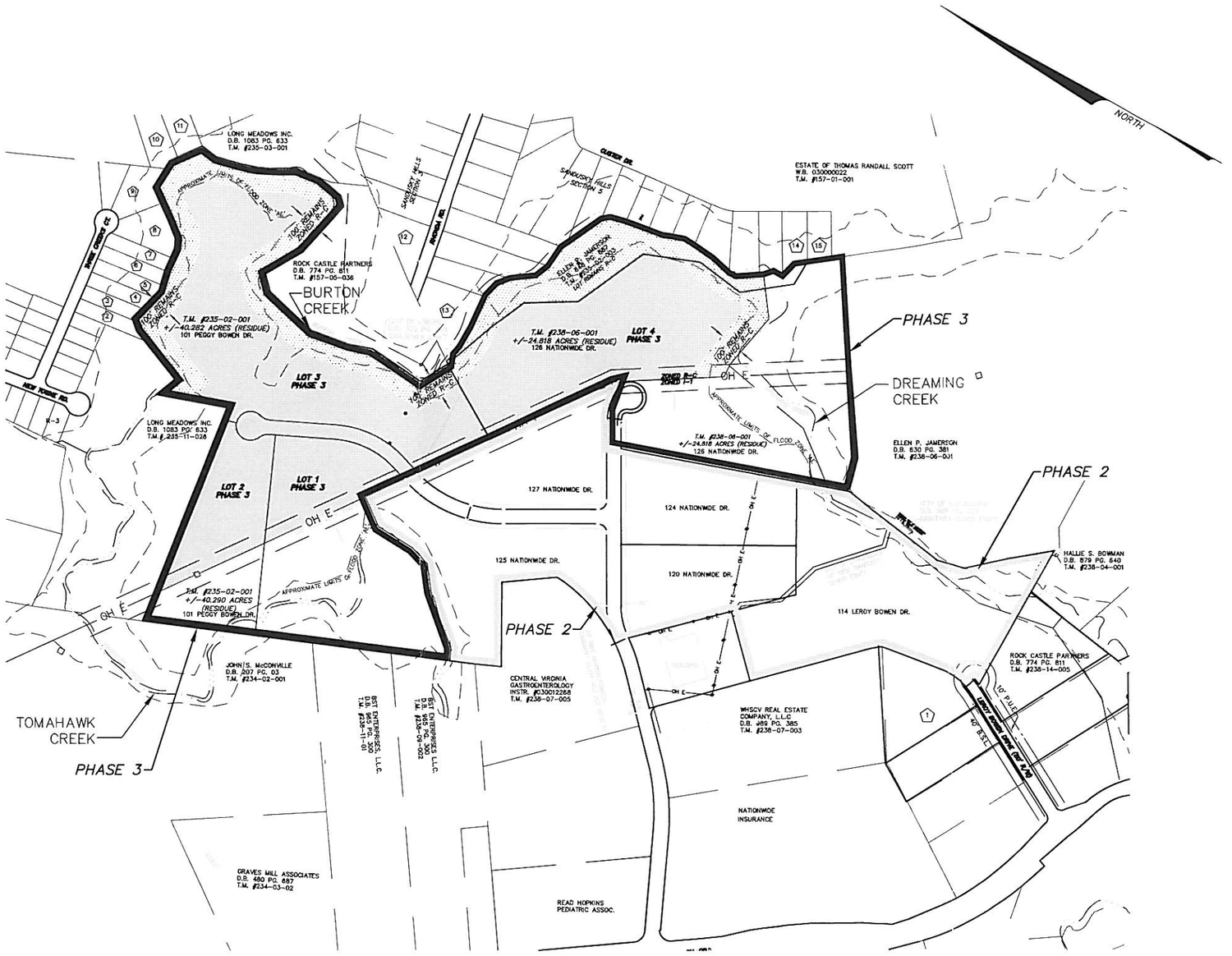
Amend: - Future Land Use Map from Employment 1 to Office

Amend: - Number of acres being requested for rezoning to B1-C from 31.85 to 15.85.

NOTES:

1. TAX MAP #235-02-001, #238-06-001
   CURRENT ZONING: R-C
   PROPOSED ZONING: B-1C
2. OWNERS: ROCK CASTLE PARTNERS
   127 SNOOTY FOX RD
   GOODE, VA 24556-1008
   AND ELLEN JAMERSON
   PO BOX 92
   APPOMATTOX, VA 2455
3. APPLICANT: GARY CASE
   307 BROOK PARK PLACE
   LYNCHBURG, VA 24503
   CONTACT: GARY CASE, 434-847-6692
4. EXISTING USE: UNDEVELOPED
   PROPOSED USE: B-1C; FUTURE USES TO CONFORM WITH ZONING REGULATIONS AND PROFFERS.
5. SITE AREA (PHASE 3): 67.85 ACRES
   PROPOSED REZONED AREA: 31.85 ACRES
6. EXTERIOR LIGHTING SHALL BE CONTROLLED SO THAT NO DIRECT ILLUMINATION WILL OCCUR BEYOND ANY PROPERTY LINE.
7. ADJACENT PROPERTY LINES ARE SHOWN IN APPROXIMATE LOCATIONS. NO FIELD WORK HAS BEEN CONDUCTED TO VERIFY THE LOCATIONS. ADJOINING PROPERTY LINES SHOWN FOR INFORMATION ONLY.
8. A PORTION OF THE AREA SHOWN HEREON IS LOCATED WITHIN FLOOD HAZARD ZONE 'AE' FOR A 100 YEAR FLOOD AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY AS SHOWN ON MAP #51009339 D DATED JUNE 3, 2008. THE APPROXIMATE LIMITS OF FLOOD HAZARD ZONE 'AE' ARE SHOWN HEREON FROM THE DETAILED FLOOD STUDY DERIVED FROM SAID MAP.
9. ALL UTILITIES TO BE LOCATED UNDERGROUND.

ROCK CASTLE PARK PHASE 3		
LOT	AREA (AC)	APPROX. PAD SIZE (AC)
1	11.84	3.10
2	6.77	3.60
3	20.08	3.67
4	16.26	2.00



LEGEND	
	AREA TO BE REZONED TO B-1
	AREA TO REMAIN R-C

RECEIVED
JAN 04 2010
COMMUNITY DEVELOPMENT

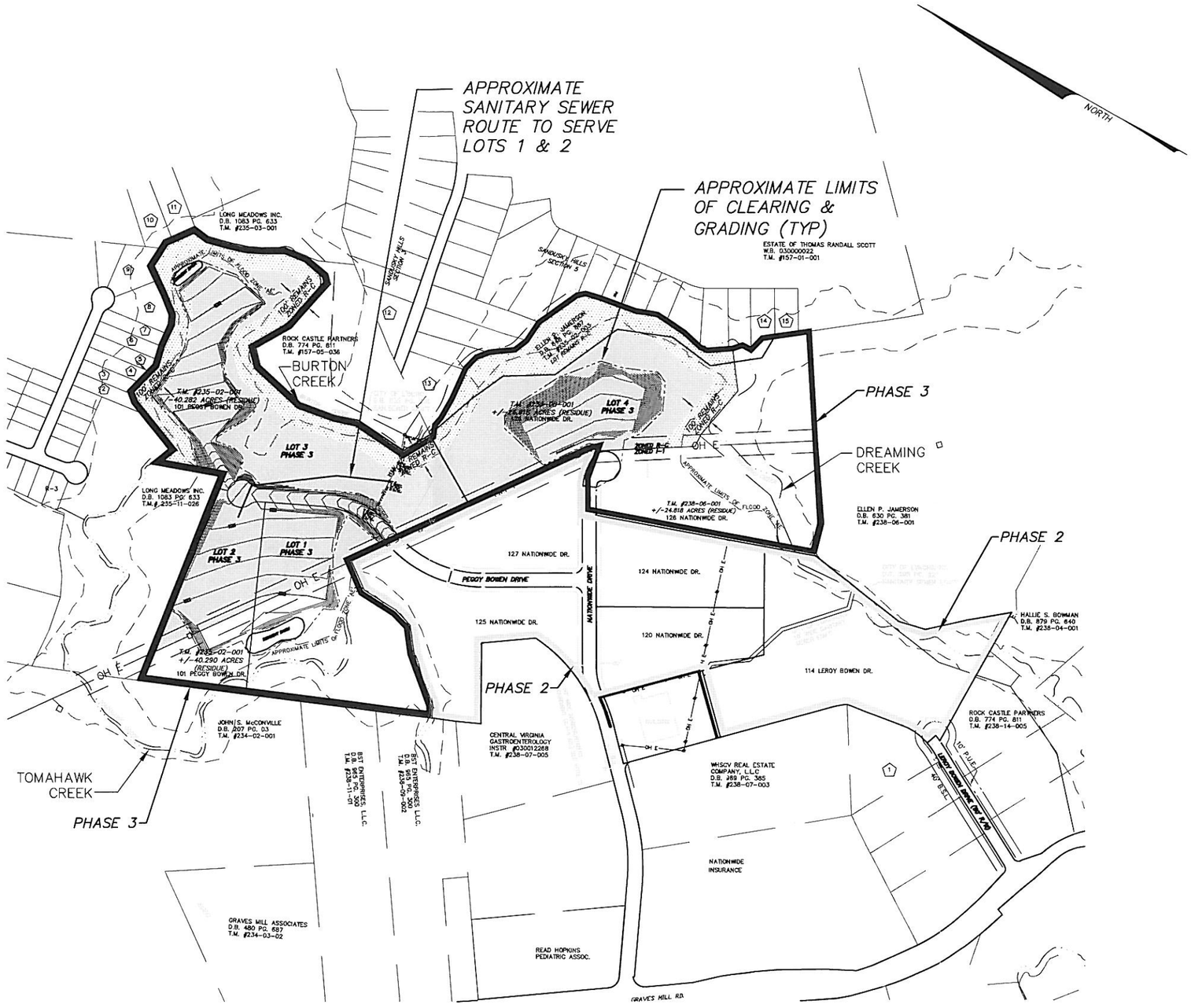
500 250 0 500 1000
GRAPHIC SCALE IN FEET
1" = 500'

HURT PROFFITT INCORPORATED
ENGINEERING >> SURVEYING >> PLANNING
2524 LANGHORNE ROAD
LYNCHBURG VA 24501
800.242.4906 TOLL FREE
434.847.7796 MAIN
434.847.0047 FAX

REZONING PLAN
FOR
ROCK CASTLE PHASE 3
CITY OF LYNCHBURG, VIRGINIA

PROJECT NO.	20080540
G.L. NO.	229-13-C5.7
FILE NO.	G-12502
DATE:	01/04/2010
DRAWN BY:	ALB
CHECKED BY:	PSB

SHEET NO.
1 OF 2



LEGEND	
	AREA TO BE REZONED TO B-1
	AREA TO REMAIN R-C

500 250 0 500 1000

GRAPHIC SCALE IN FEET

1" = 500'

HURT & PROFFITT
INCORPORATED
2524 LANGHORNE ROAD
LYNCHBURG VA 24501
800.242.4906 TOLL FREE
434.847.7796 MAIN
434.847.0047 FAX

* ENGINEERING >> SURVEYING >> PLANNING

GRADING PLAN FOR ROCK CASTLE PHASE 3

CITY OF LYNCHBURG, VIRGINIA

PROJECT NO.	20080540
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SHEET NO.
2 OF 2

Jan 04, 2010 - 2:56pm V:\LandProjects\20080540\dwa\REZONING.dwa

ROCK CASTLE PARK – PHASE 3
PROFFESSIONAL & INDUSTRIAL PARK
NATIONWIDE DRIVE AND PEGGY BOWEN DRIVE

12. PROFFERS:

1. The following uses are the only uses that shall be permitted within the B-1 portion of the development for which this rezoning application is being filed (all other uses permitted by right in B-1 are excluded):
   - Offices, provided that no merchandise, material or equipment is stored or kept on the premises, either inside or outside of the building, for sale, demonstration or repair.
   - Care centers.
   - Clubs and fraternal organizations.
   - Computer centers.
   - Libraries, museums and similar institutions of noncommercial nature.
   - Police stations, fire stations and public offices providing decentralized services to surrounding residential areas.
   - Schools for general education that do not exceed a maximum enrollment of twenty-five (25) students.
   - Telecommunications towers and facilities.
   - Telephone exchanges and dial centers.
   - Other uses determined by the city council to be of similar character to and compatible with the above uses.

2. Deed Restrictions:
   - Building exterior must be finished to grade.
   - No exposed unfinished block above grade (fluted block is acceptable).
   - No metal buildings.
   - Driveway to be either asphalt or concrete with curb and gutter.
   - Dumpster pad and HVAC equipment pad to be screened from public view.
   - No exposed outside storage shall be permitted; storage areas to be screened from public view.
   - Off street parking shall be provided.
   - The rear buffer along any adjoining creek shall be designated as a natural buffer area and comply with the r-c district requirements, the floodplain requirements and/or a fifty (50) foot setback, whichever is the more restrictive requirement.

Hurt & Proffitt, Inc.
Engineering • Surveying • Environmental
Materials Testing • Geotechnical
Site Planning
2524 Langhorne Road • Lynchburg, VA 24501
(434) 847-7796 • FAX (434)847-0047

REZONING NARRATIVE

RECEIVED
JAN 04 2010
COMMUNITY
DEVELOPMENT

Rock Castle Park-Phase 3
101 Peggy Bowen Drive
Lynchburg, Virginia

CITY PROJECT #REZ0912-0001
HURT & PROFFITT PROJECT #20080540

PROJECT DESCRIPTION

The project consists of the rezoning of two areas from R-C to B-1C.

ARCHITECTURAL STYLE

The architectural style of the buildings will be in keeping with structures that were constructed in previous phases of the development. See attached photos.

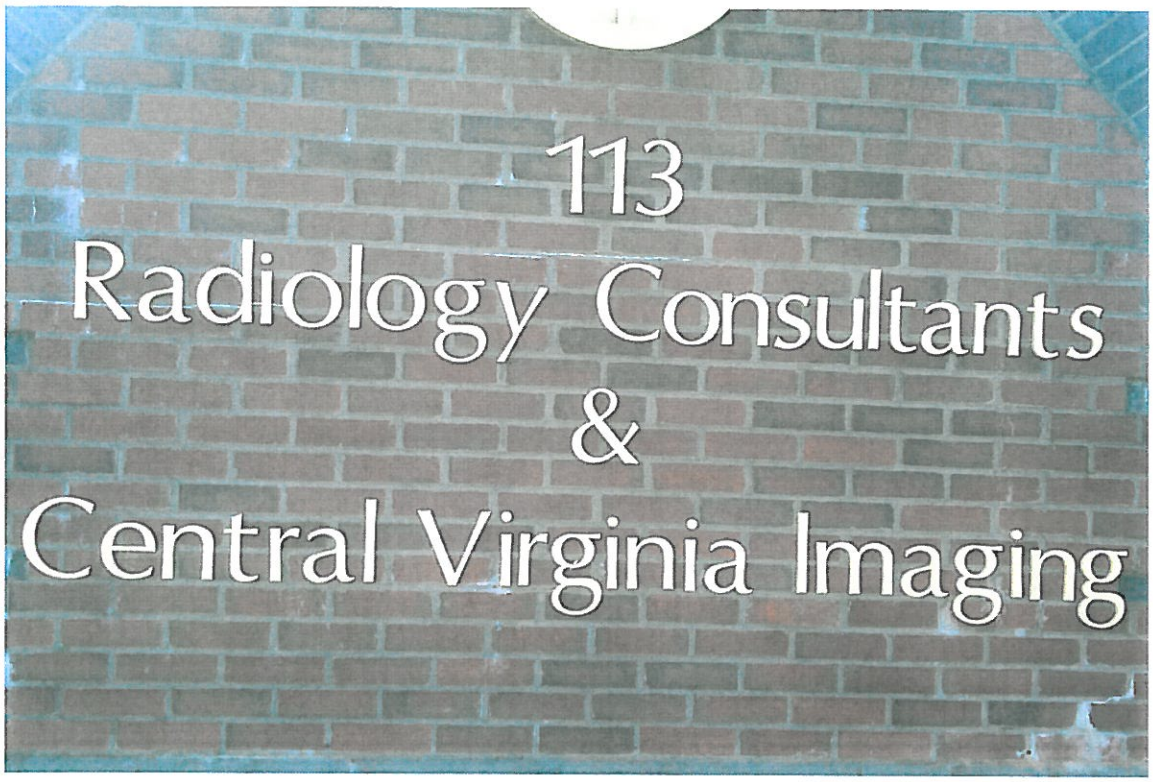
STORM WATER MANAGEMENT / WATER QUALITY

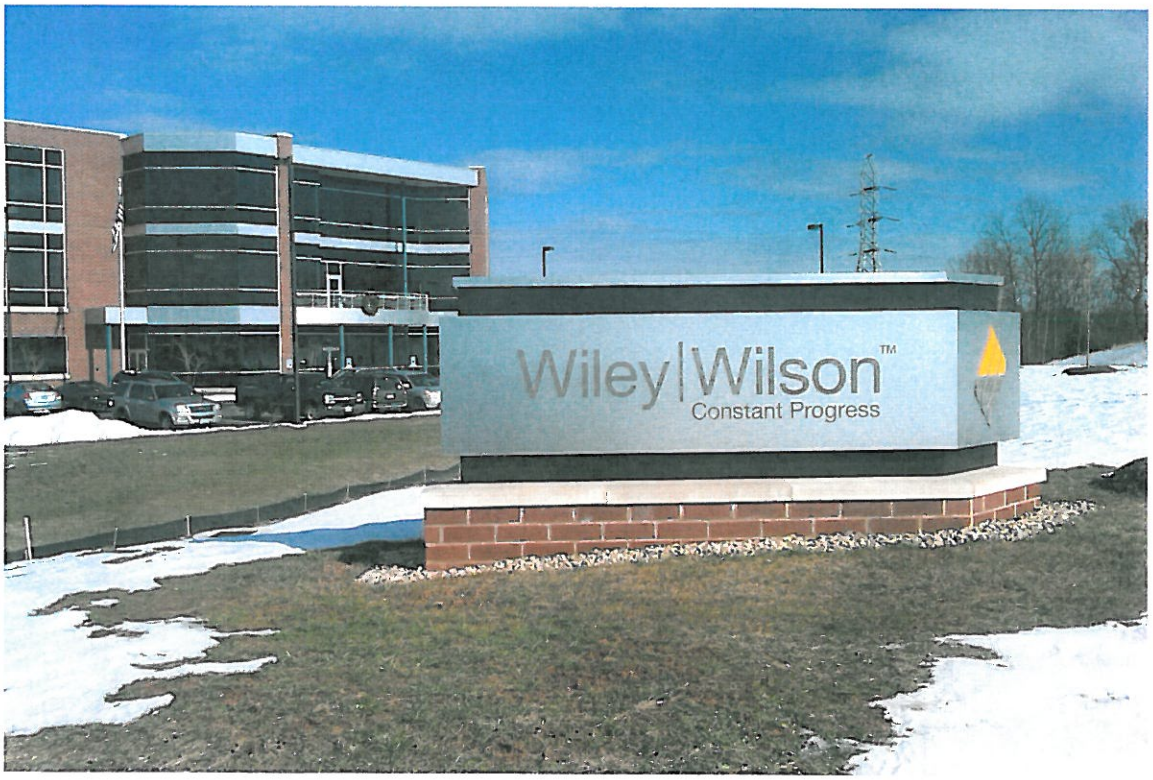
Stormwater runoff from this site will be managed by extended-detention basins on lots where space permits and drainage can easily be directed to a low point. Site constraints may require the use of manufactured quality treatment devices and underground storage; quality and quantity treatment will be handled on a by-lot basis as the site is developed.

ADEQUATE CHANNEL

Each lot will provide adequate conveyance to the nearest creek. Adequate conveyance is verified for these creeks by the "one-percent rule."

121
GASTROENTEROLOGY
ASSOCIATES
ENDOSCOPY


113
Radiology Consultants
&
Central Virginia Imaging


Wiley|Wilson™
Constant Progress

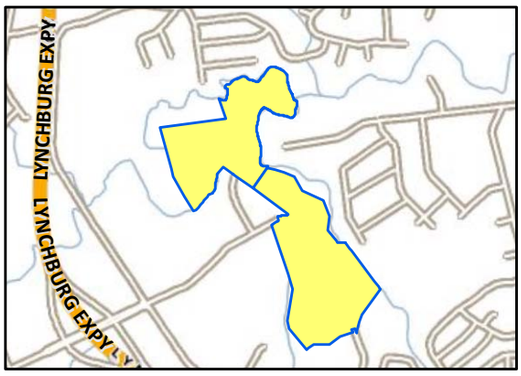
ROCK CASTLE PARK-PHASE 3

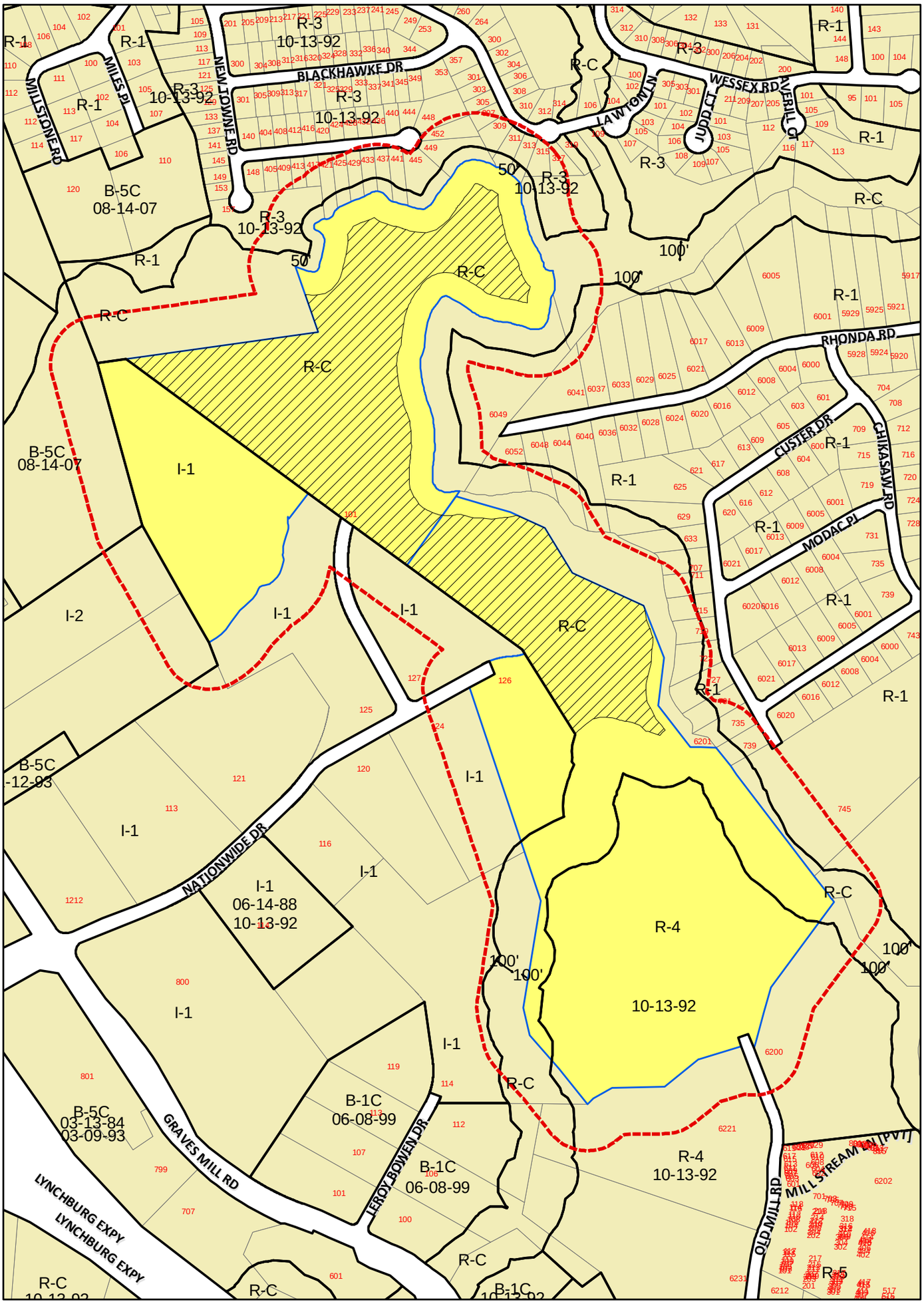
101 Peggy Bowen Drive, 126 Nationwide Drive
PIN# 23502001, 23806001
Rezoning from R-C to B-1C
Petitioner-Rock Castle Partners

Subject Property

ProposedRezoning

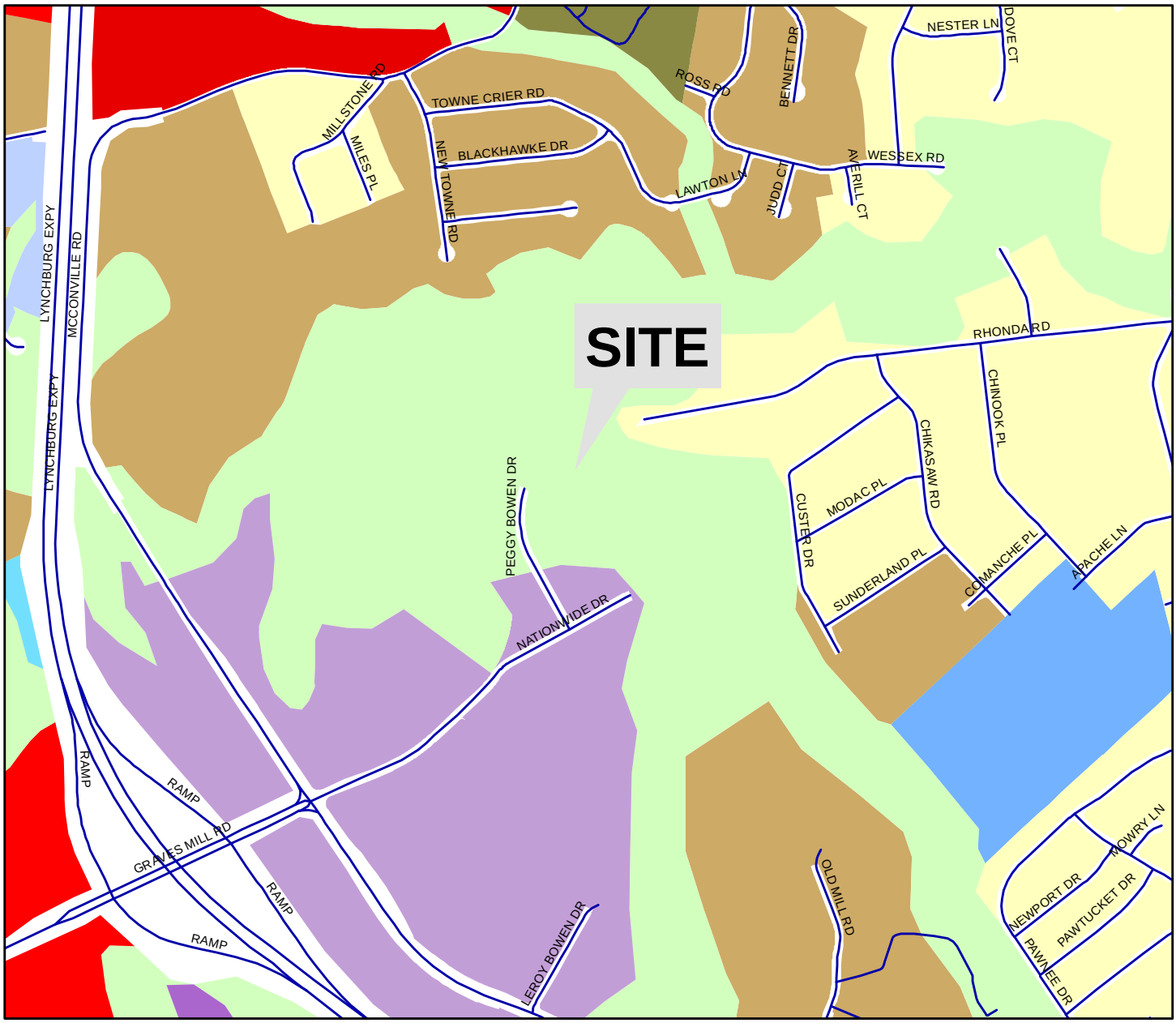
200FT Buffer





ROCK CASTLE PARK REZONING ADJOINING OWNERS

PIN	Owner	LocAddr
23502001	ROCK CASTLE PARTNERS	101 PEGGY BOWEN DR
23503050	LONG MEADOWS INC	109 LAWTON LN
23811001	BST ENTERPRISES LLC	1104 MCCONVILLE RD
23809002	BST ENTERPRISES LLC	1110 MCCONVILLE RD
23814005	ROCK CASTLE PARTNERS	112 LEROY BOWEN DR
23807008	ROCK CASTLE PARTNERS	114 LEROY BOWEN DR
23807005	CENTRAL VIRGINIA GASTROENTEROLOGY	121 NATIONWIDE DR
23807007	NATIONWIDE MOB INVESTMENT PROPERTIES LLC	124 NATIONWIDE DR
23502002	ROCK CASTLE PARTNERS	125 NATIONWIDE DR
23806001	JAMERSON ELLEN P	126 NATIONWIDE DR
23502004	ROCA INVESTMENTS LLC	127 NATIONWIDE DR
23511026	LONG MEADOWS INC	157 NEW TOWNE RD
23503017	WHITTAKER TRAVIS J & JENNIFER K	305 TOWNE CRIER RD
23503016	DAVIS CALVIN O & VONNIE J	307 TOWNE CRIER RD
23503015	EGGLESTON JAMIE L	309 TOWNE CRIER RD
23503014	NEEB JENNIFER E	311 TOWNE CRIER RD
23503013	DUPIN JON C & TAMMY P	313 TOWNE CRIER RD
23503012	LIBERATORE JOSEPH T & LIBERATORE CHERYL M	315 TOWNE CRIER RD
23503011	KUNKLE MICHAEL R	317 TOWNE CRIER RD
23511024	NUCKOLS JASON Y & BILLIE W	409 THREE CREEKS CT A
23511023	HUDSON CHARLES S & CYNTHIA A	413 THREE CREEKS CT A
23511022	LYN-TUCK ENTERPRISES LLC	417 THREE CREEKS CT A
23511021	LYN-TUCK ENTERPRISES LLC	421 THREE CREEKS CT A
23511020	SANDERS C NEWELL & CATHERINE F	425 THREE CREEKS CT A
23511019	GARNETT L EDWARD	429 THREE CREEKS CT A
23511018	RUDD JAMES T & KAREN H	433 THREE CREEKS CT A
23511017	SANDERS C NEWELL & CATHERINE F	437 THREE CREEKS CT A
23511016	SANDERS C NEWELL & CATHERINE F	441 THREE CREEKS CT A
23511015	SANDERS C NEWELL & CATHERINE F	445 THREE CREEKS CT A
23511012	WJS LLC	448 THREE CREEKS CT A
23511014	SANDERS C NEWELL & CATHERINE F	449 THREE CREEKS CT A
23511013	SANDERS C NEWELL & CATHERINE F	452 THREE CREEKS CT A
15609005	CITY OF LYNCHBURG C/O STEVE LAWSON	5828 APACHE LN
15705032	MITCHELL ERNEST W FAMILY TRUST	6037 RHONDA RD
15706004	GANNON OLIVIA N	6040 RHONDA RD
15705033	SCHWARTZ STUART H & SHARON H	6041 RHONDA RD
15706003	ROBERTS MALCOLM J & VICKIE M	6044 RHONDA RD
15706002	WARD DUSTIN M & WENDY T	6048 RHONDA RD
15705036	ROCK CASTLE PARTNERS	6049 RHONDA RD
15706001	GILBERT WALLACE C & NANCY H TRUSTEE	6052 RHONDA RD
23801001	JAMERSON ELLEN P	6200 OLD MILL RD
23502003	JAMERSON ELLEN P	6201 OLD MILL RD
23804001	BOWMAN HALLIE S TRUSTEE OF THE HALLIE S BOWMAN REVOCABLE LIVING TRS	6221 OLD MILL RD
23402001	ENGLISH CONSTRUCTION CO INC & MCCONVILLE JOHN S	630 MCCONVILLE RD
15706025	BEIMLER RUSSELL L & GERALD E SWIENTON TRUSTEES	707 CUSTER DR
15706026	BEIMLER JOAN J TRUSTEE UNDER THE JOAN J BEIMLER REVOCABLE T	711 CUSTER DR
15706027	WHITE FREDERICK E & SUSAN A	715 CUSTER DR
15706028	LINDSAY NEAL R & ELIZABETH A	719 CUSTER DR
15706029	COLLIGAN MARIE L	723 CUSTER DR
15706030	DAVIS NEALY C & MILDRED C	727 CUSTER DR
15706031	OLMSTEAD DONALD E & ZONA G	731 CUSTER DR
15706032	CLEAVER KENNETH G & AMY K	735 CUSTER DR
15706033	SON BOK SOON	739 CUSTER DR
15701001	SCOTT LINDA D	745 CUSTER DR
Owner	ROCK CASTLE PARTNERS	
Petitioner	ROCK CASTLE PARTNERS	
Representative	SCOTT BEASLEY/HURT & PROFFITT	



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

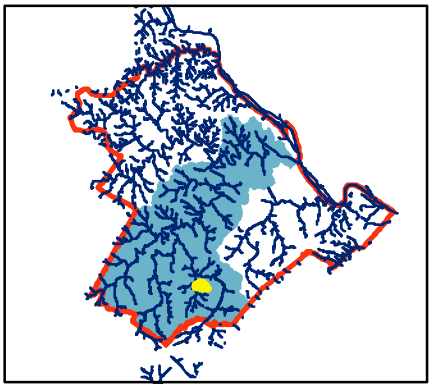
ROCK CASTLE PARK-PHASE 3
101 PEGGY BOWEN DRIVE
126 NATIONWIDE DRIVE
LAND USE PLAN

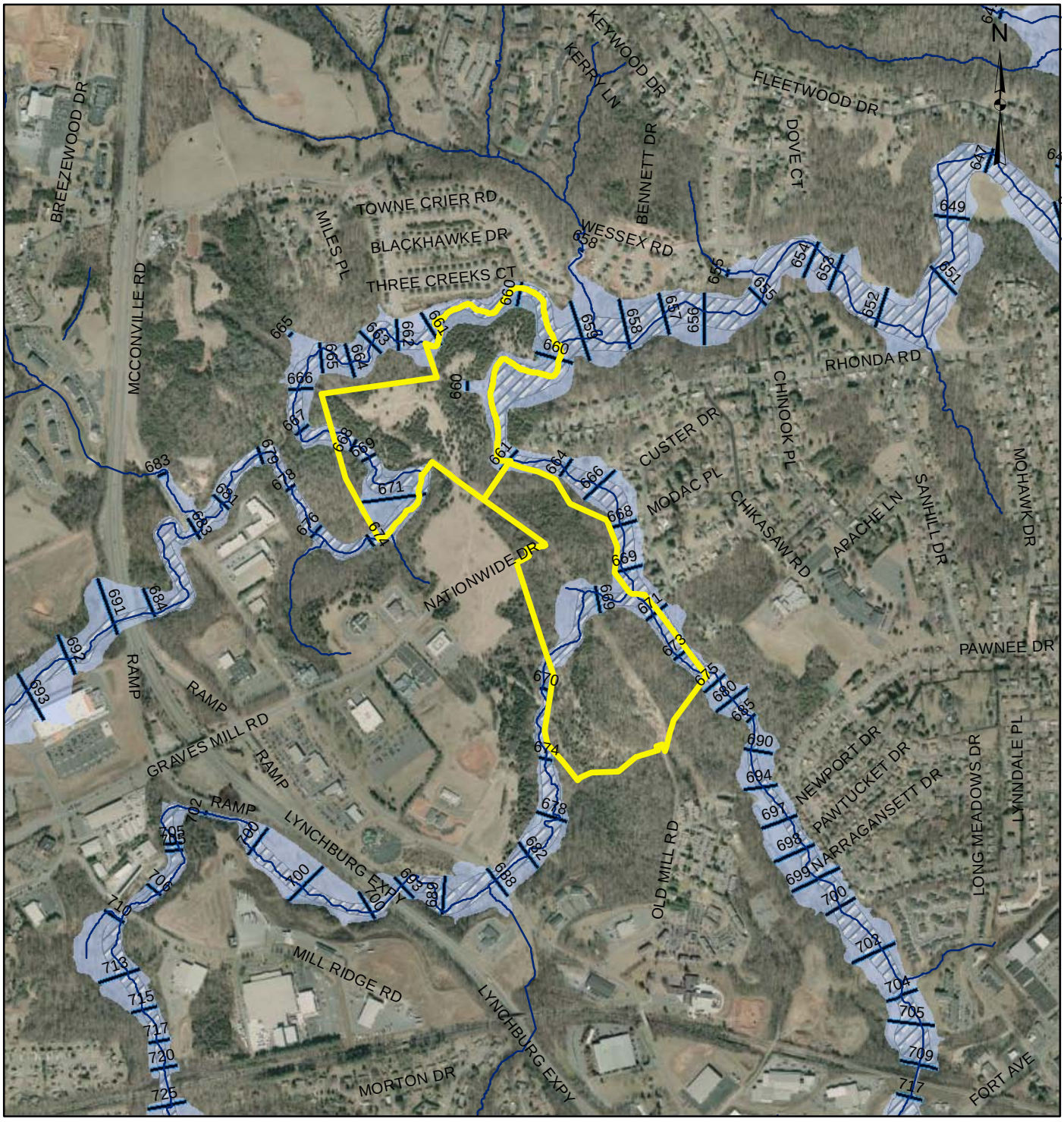
N

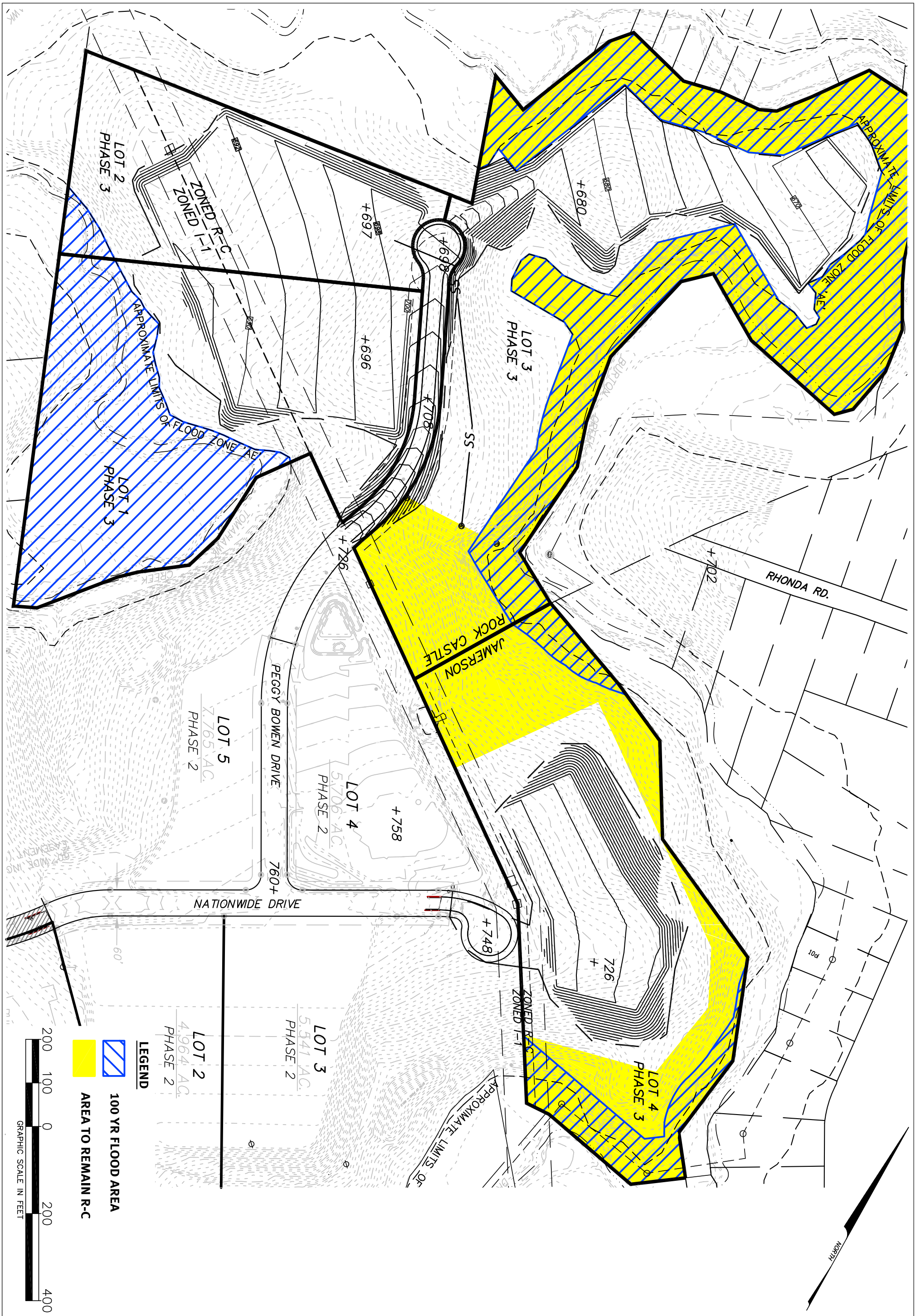
Rock Castle Park Phase 3

Watershed Location Map

- Project Site
- FloodzoneAE
- Floodway
- Base Flood Elevation
- Blackwater Creek
- Corporate Limit





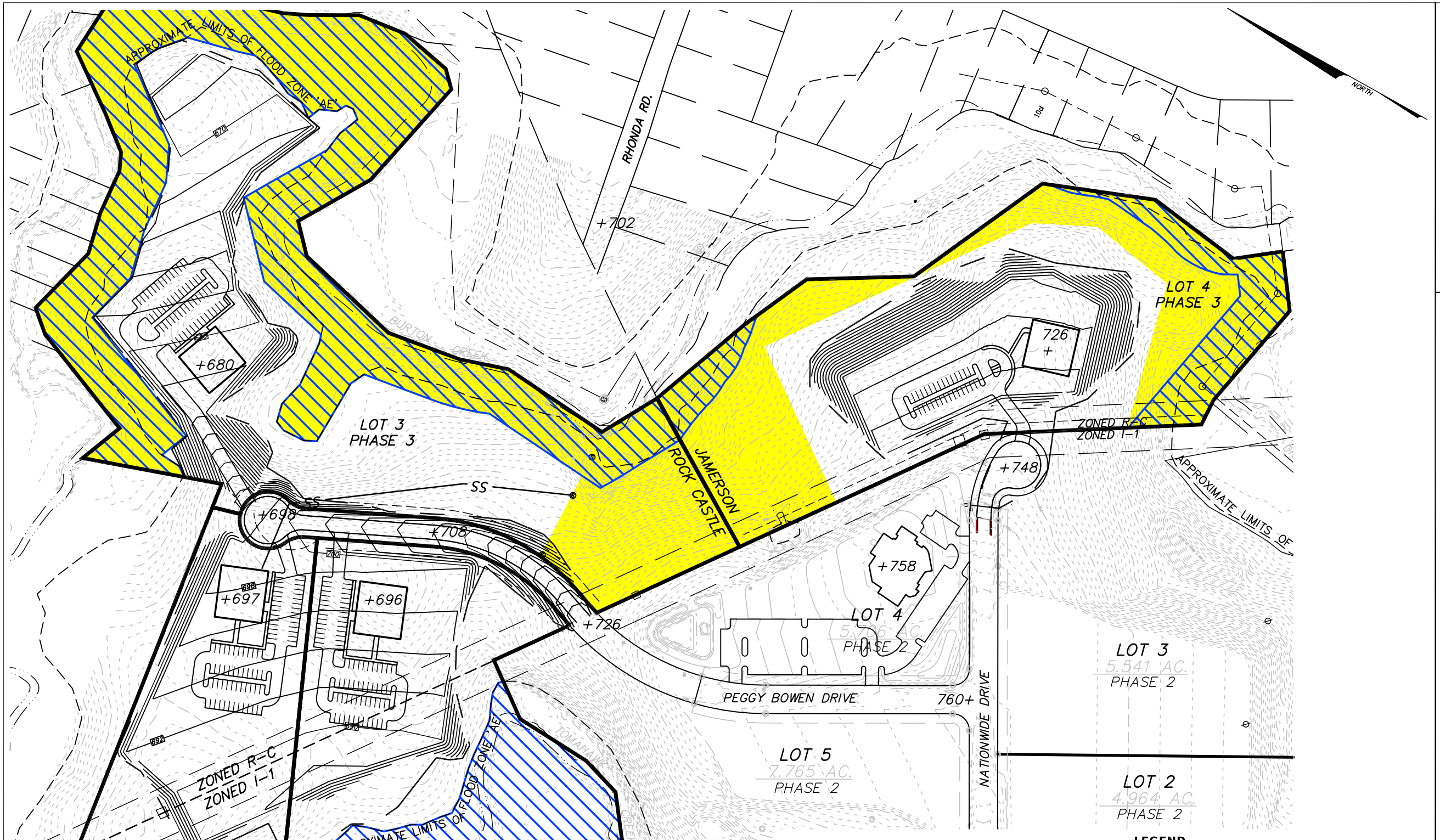


PRESENTATION DRAWING
FOR
ROCK CASTLE PHASE 3
CITY OF LYNCHBURG, VIRGINIA

PROJECT NO. 20080540
G.L. NO. 229-13-C5.7
FILE NO. G-12502
DATE: 2/8/2010
DRAWN BY: ASK
CHECKED BY: PSB

SHEET NO.
1 OF 1

HURT & PROFFITT INCORPORATED
* ENGINEERING ›› SURVEYING ›› PLANNING
2524 LANGHORNE ROAD
LYNCHBURG VA 24501
800.242.4906 TOLL FREE
434.847.7796 MAIN
434.847.0047 FAX



NOTE: BUILDINGS & PARKING SHOWN FOR ILLUSTRATION ONLY. SITE PLANS ARE NOT TO BE PROFFERED. SITE PLANS TO BE IN ACCORDANCE WITH B-1C ZONING RULES & REGULATIONS, SUBMITTED PROFFERS, AND DEED RESTRICTIONS.

LEGEND

- 100 YR FLOOD AREA
- AREA TO REMAIN R-C

200 100 0 200 400
GRAPHIC SCALE IN FEET

HURT & PROFFITT
INCORPORATED
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PRESENTATION DRAWING
FOR
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CITY OF LYNCHBURG, VIRGINIA

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DRAWN BY:	ASK
CHECKED BY:	PSB

SHEET NO.
1 OF 1

Rock Castle Park – Phase 3

Land Summary

Lot	Total Size (Acres)	Approx. Disturbed Area (Acres)	Flood Zone (Acres)	Area to Remain R-C (Acres)	Approx. Percent to be Developed (%)	Approx. Percent to be Undeveloped (%)
Bowen						
1	11.8	4.5	6.0	0	38	62
2	6.8	4.4	0.3	0	65	35
3	20.1	5.4	8.7	10.6	27	73
Subtotal	**38.7**	**14.3**	**15.0**	**10.6**	**37**	**63**
Jamerson						
4	12.3	4.6	1.8	5.4	37	63
Subtotal	**12.3**	**4.6**	**1.8**	**5.4**	**37**	**63**
Entire Development – Bowen/Jamerson						
1 – 4	51.0	18.9	16.8	16.0	37	63
Total	**51.0**	**18.9**	**16.8**	**16.0**	**37**	**63**

Rock Castle Park Phase 3

FLUM Amendment and Rezoning from RC to B-1C

February 10, 2010

PLEASE PRINT

NAME	ADDRESS	PHONE #	IN FAVOR	IN OPPOSITION	NEUTRAL
Gary Cass	307 Brookfield	847 6642	✓		
Mike Schmidt	610 West Wood Rd	410 627 9683	✓		
Tom Shanahan	2005 Oak Park	944-[illegible]		✓	
Des. Justis	Lynchburg Colley	5448361		✓	
Joe DiCelso	1501 Lakeside drive	202-352-8756			
Stuart Schwartz	6041 Rhonda	828 243-6774		✓	
Beth Lindsay	728 Custer Dr	238-2905		✓	
Shayanne Maxey-Evans	Nassau Bahamas	434-544-7708		✓	
George Dunn	5924 Rhonda	239-25-96		✓	
Amber Santoyo	LC			✓	
Susan White	715 Custer	237-5747		✓	
Alison Pethit	6009 Rhonda Rd	832-0325		✓	
Hannah Cameron	1501 Lakeside			✓	
Amanda D'Arcy	" "	(609 276 1696		✓	
Fred White	715 Custer Dr	2375747		✓	
Bev Jordan	6016 Custer Dr	237-8518		✓	
Chelsea Lindsay	719 Custer Dr	239-1907		✓	
Marie Colligan	723 Custer Dr	239-3204		✓	
Jim Whitaker	6012 Moda Ct	239-7502		✓	
Jim Gladdemans	723 Chinook Pl	237-2502		X	

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **June 8, 2010**			AGENDA ITEM NO.: 11
CONSENT:	REGULAR: **X**	WORK SESSION:	CLOSED SESSION: (Confidential)
ACTION: **X**		INFORMATION:	

ITEM TITLE: **Comprehensive Plan 2002-2020 Amendment – Chapter 14, Transportation**

RECOMMENDATION: Approval of Chapter 14, Transportation of the *Comprehensive Plan 2002-2020.*

SUMMARY: The City of Lynchburg *Comprehensive Plan 2002-2020* recommends continuous monitoring and updates of the *Plan* to insure it "has not simply been put on the shelf". **(page 17.8)** The *Plan* specifically identifies positive and negative effects that new development and redevelopment have on the City and recommends that policies be designed to maximize City-wide economic development strategies and determine if code changes will meet these objectives without negative impacts on environmental sensitivity, cultural resources and surrounding land uses. **(page 7.8)** The Transportation chapter of the *Plan* defines the critical relationship between transportation and land use planning and the need to update these policies was repeatedly referenced during the five (5) year review of the *Plan*. The Planning Commission, City staff, the Virginia Department of Transportation and the Region 2000 Local Government Council have worked collectively with input from the Citizens Steering Committee, the Greater Lynchburg Transit Company and the Lynchburg Regional Airport in preparation of the draft revisions to Chapter 14. The Planning Commission recommended approval of the amendments at its February 24, 2010 meeting because:

- The Transportation Chapter amendments would correct outdated terminology and incorporate changes regarding connectivity and infrastructure.
- The Transportation Chapter amendments would incorporate the importance of the preservation of local streets for safety, function and flow of the regional and local transportation system.
- The Transportation Chapter amendments would incorporate the importance of a multi-modal transportation system in reducing pollution, vehicle congestion while providing mobility for all.

PRIOR ACTION(S):

September 9, 2009:	Planning Commission conducted a public hearing and placed the proposed amendments on a future work session agenda.
October 28, 2009:	Planning Commission conducted a work session and recommended changes to the proposed Chapter 14 amendments.
January 27, 2010:	Planning Commission conducted a work session and recommended changes to the proposed Chapter 14 amendments.
February 24, 2010:	Planning Commission recommended approval (4-0, with three members absent, Hamilton, Hannon, Oglesby) of the proposed Chapter 14 amendments.
May 11, 2010:	City Council reviewed and made comments on the DRAFT Chapter 14 amendments and scheduled the item for the June 8, 2010 public hearing.

FISCAL IMPACT: N/A

CONTACTS:
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ATTACHMENTS:
- Ordinance
- Changes per City Council/City Manager Comments following May 11, 2010 meeting.
- Chapter 14, Transportation – Draft

REVIEWED BY: lkp

ORDINANCE

AN ORDINANCE AMENDING CHAPTER 14, TRANSPORTATION, OF THE CITY'S COMPREHENSIVE PLAN 2002-2020.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG that in order to promote the public necessity, convenience, general welfare, and good zoning practice Chapter 14, Transportation, of the City's Comprehensive Plan 2002-2020, be amended and reenacted as follows:

Introduction

The City of Lynchburg lies at a significant crossroads of major traffic corridors within the State of Virginia. Nevertheless, it is the largest metropolitan area in the Commonwealth without interstate access. Primary highways to the City include US Route 29, US Route 460 and US Route 501. Historically, these traffic corridors have been focused on routing traffic through the City of Lynchburg rather than around it. Such traffic patterns and trends can have profound impacts, both positive and negative, on neighborhoods, corridors, and the economic viability of the City and the region.

The City also has a long history of providing mass transit for its residents, beginning in the 1890s. Today, the Greater Lynchburg Transit Company (GLTC) provides bus service from a central hub at the Plaza Shopping Center.

During the development of this Plan, public input on transportation issues focused principally on certain specific aspects of the existing and projected transportation system: "gateway" issues related to the US Route 29 bypass and its effect on access to downtown and the City in general; isolated areas of congestion during high traffic periods; "cut-through" traffic at the neighborhood level; integration of various alternative transportation modes including rail, transit, bicycle, and pedestrian; access to the City's historic and cultural resources using the various transportation modes; and aesthetic design standards for street and other transportation improvements.

The City recognizes the critical relationship between transportation, and land use planning. The primary goal of this transportation element is to provide the citizens of Lynchburg with safe, efficient, effective, and well planned transportation systems and facilities that are sustainable, enhance economic development and redevelopment opportunities ~~while~~ and preserve~~ing~~ the integrity and character of the affected neighborhoods, historic districts, and natural areas.

Guiding principles have been established to provide a vision for the City of Lynchburg's transportation policies and support decision making.

Guiding Principles for Transportation Policy

The City of Lynchburg Transportation Policy shall be coordinated with and directed toward implementing the goals of the comprehensive plan, in particular its future land use element.

The City of Lynchburg Transportation Policy acknowledges the unique character of the City's many neighborhoods and the corresponding need to protect this character by ensuring transportation projects fit into and enhance each neighborhood.

The City of Lynchburg Transportation Policy acknowledges the multi-modal nature of the City's transportation system and the need to support and develop each element of the system and the intermodal connections between elements.

The City of Lynchburg Transportation Policy shall strive to prioritize efforts and projects, acknowledging the compelling need to preserve and maximize the current investment in the system while being fiscally responsible.

The City of Lynchburg Transportation Policy shall strive to clearly state the means by which the City would like transportation connections to be made for new development and redevelopment, recognizing the impact development can have on the transportation system, and more importantly, the impact development can have helping or hindering the City in its efforts to achieve the goals set forth in the Comprehensive Plan.

The City of Lynchburg shall strive to protect and encourage appropriate transportation connections between localities that do not compromise the purpose of the local street system to facilitate movement within the City.

The City of Lynchburg Transportation Policy shall endeavor to provide guidelines for decision making that are meant to create a safe, sustainable, connected and efficient transportation system that preserves the City's character and history.

Context and Recommendations

Transportation Planning Efforts

The primary mechanism for transportation planning in the region is the Long Range Transportation Plan (LRTP). Developed and updated by the Central Virginia Metropolitan Planning Organization (CVMPO), the LRTP includes the City of Lynchburg and the urbanized areas surrounding the City. Identified transportation needs for the metropolitan area that can be funded within the next 25 years, based on a needs assessment performed every five years, are outlined in the fiscally constrained portion of the LRTP (referred to as the "Constrained Long Range Plan"). Computer models of the metropolitan area's growth patterns, as well as traffic forecasts, serve as the foundation for the needs assessment. The LRTP includes projects for streets, transit, bicycle and pedestrian facilities, air transportation, passenger rail service and the movement of freight. Virginia's Region 2000 Local Government Council (Region 2000), the Virginia Department of Transportation (VDOT), the Virginia Commonwealth Transportation Board (CTB), the Virginia Department of Rail and Public Transportation (VDRPT), the Federal Highway Administration (FHWA) and the other Region 2000 communities are also heavily involved in the regional transportation planning process.

The LRTP is implemented through the City's Transportation Improvement Plan (TIP). This is a six-year plan that includes both priorities and funding for projects identified in the LRTP, the City of Lynchburg's Capital Improvement Program, the Central Virginia Transportation Improvement Program (CVTIP) and the Commonwealth's Six-year Improvement Program (SYIP). Once a project has been included in ~~the TIP~~ one or more of these documents, it is scheduled for implementation.

~~The Phase I Planning Context & Preliminary Inventory Report summarized the many mechanisms by which large transportation projects are developed and implemented.~~ A concern over the years has been the feeling that the City had very limited input into the development of major transportation initiatives in the region. One focus of this Transportation Element is to improve the level of communication between the City and transportation authorities and to influence transportation initiatives affecting the City. ~~The need for continued and improved communication~~

~~and coordination with VDOT and other transportation planning authorities was echoed by the public during the Plan development process.~~ Transportation projects of particular ~~public~~ interest to the public include the Midtown Connector, ~~the~~ US Route 460/US Route 29 corridor ~~bypass~~, access to redevelopment areas, historic districts, scenic corridors~~, the~~ Kemper Street Station, improvements to existing infrastructure, and various transportation projects with impacts on the Downtown area.

The City will continue to participate in regional transportation planning efforts, collaborating with the CVMPO, Region 2000 and the Region 2000 communities, VDOT, the GLTC and the Lynchburg Regional Airport Authority.

Transportation Master Plan

The City is developing ~~should develop and adopt~~ a Transportation Master Plan (TMP) that ~~would establish~~ establishes short- and long-term transportation priorities that promote multi-modalism and sustainability. The TMP will provide a mechanism for evaluating proposed transportation projects. In addition to street capacity, the evaluation will ~~include~~ assess ~~issues in addition to street capacity, including~~ impacts ~~on~~ to neighborhoods, economic development and, environmentally sensitive areas. The TMP will incorporate alternative transportation modes, ~~including~~ such as public transit, bicycle routes, and pedestrian routes and will provide the basis for consistency between City and VDOT transportation planning. ~~At the present time, VDOT is using the transportation portion of the City's 1984 General Plan. This document no longer reflects the City's transportation programs or needs. In order for VDOT to take the City's needs into account in planning for the region, the City needs to have an up-to-date TMP that incorporates those needs and is adopted by City Council. An adopted TMP~~ It ~~would~~ will serve as the basis for the LRTP, since the City is the center of the urbanized area covered by the LRTP, and provide the City with more input as to what projects are needed. ~~In other words, rather than have the City's transportation plans dictated by VDOT based on an outdated plan and ignorance of the City's wishes, preparing and adopting a TMP will provide useful information for VDOT.~~

The ~~Transportation aster Plan~~ TMP will also provide a mechanism for developing ~~roadway~~ streetscape and design standards to be used in evaluating VDOT and non-VDOT ~~transportation~~ funded improvements. The design standards will provide a technical and aesthetic basis for evaluating transportation improvements and will include provisions requiring such features as on-street parking, landscaping, medians, traffic calming mechanisms, appropriate levels of service, transit stops and system networking and continuity. ~~It~~ The TMP will also provide the City with tangible and measurable standards for evaluating development projects and their impacts on the local transportation network.

Streetscape ~~Roadway~~ Design

Although improvements to streets primarily address capacity, safety, or efficiency issues, they are also an opportunity to create streets that are of quality design. The ~~Transportation Master Plan~~ TMP should include design elements such as on-street parking, landscaping, medians, traffic-calming measures, narrower lanes, sidewalks, and other features as appropriate. ~~The TMP~~ It should also include design standards for trails and bikeways as well as strategies to improve safety conditions, such as developing a program to monitor high-accident intersections or streets and developing access management guidelines for development.

Transportation Improvements

The improvement of transportation corridors is an important focus ~~for this,~~ of the Comprehensive Plan that will also be highlighted within the TMP. ~~One focus of the Comprehensive Plan and the Transportation Master Plan will be~~

~~the improvement of transportation corridors.~~ Many of the corridors in the City ~~(e.g., 5th Street, 12th Street, Main Street, Memorial Avenue, and others)~~ are both functioning streets and contributors to the character of the City. These corridors help to define the character of the City and to shape neighborhoods.

When planning improvements to these ~~streets~~ corridors, it can be difficult to strike ~~the~~ an appropriate balance between sufficient traffic capacity and preservation of neighborhood character. Many residents have indicated that they want these corridors to continue looking as they do today; they are concerned that streets ~~can~~ will be widened to serve traffic that originates outside the City. The example cited most frequently is the widening of the section of Fort Avenue beginning at the intersection with Memorial Avenue and proceeding south.

Residents ~~of adjacent neighborhoods~~ are ~~very disappointed~~ frequently unhappy with the ~~design~~ appearance of ~~the newly~~ widened streets, including the loss of the tree canopy and installation of unattractive metal railings. They are also unhappy with the resulting "speedway" effect - the tendency for traffic to speed through the area. To help avoid this type of "improvement," this Comprehensive Plan delineates those streets that are part of the fabric of the City neighborhoods and recommends that they be widened only as a last resort. A series of alternative methods~~,~~ ~~known as transportation system management techniques,~~ will be offered to lessen or eliminate the need for widening. The TMP will contain a series of street profiles that feature more appropriate designs.

Access Management

Access management is the process of providing and managing access to development while preserving the regional flow of traffic in terms of safety, capacity and speed. It is implemented through policy, statutes, administrative rules, engineering standards, ordinances, permitting, the budget process, and other mechanisms.

Streets, however, do not exist in segments; they exist as part of a whole and every island that connects to a street lowers the speed at which vehicles can travel and increases the potential for accidents and delays. Access management is one technique the City can use to reclaim the functionality and safety of the street system.

The above diagram compares traffic conflict points associated with a driveway on a four-lane undivided roadway and a driveway on a four-lane roadway with a raised median and left turn lane. The installation of the raised median with a left turn lane eliminates five potential conflict points but also prevents left-turn egress to the driveway.

A conflict point is an area where intersecting traffic merges, diverges or crosses. They slow and sometimes stop traffic, increasing the likelihood of accidents and lower street capacity. A single driveway on a two-way street produces nine conflict points. The City should establish access management regulations and policies to increase the safety of the city street system and to preserve the capacity and efficiency by reducing existing and minimizing future conflict points.

Some of the basic principles that are used in access management are:

1. Maintain a hierarchy of streets by function;
2. Reduce and limit the total number of conflict points;
3. Separate access points;
4. Encourage circulation between properties;
5. Limit direct access on higher speed streets;
6. Locate traffic signals, or roundabouts to facilitate traffic movement.

Mass Transit

The Greater Lynchburg Transit Company (GLTC) is the region's public transportation provider. It serves the City of Lynchburg, portions of Amherst County and has specific routes to accommodate the transportation needs of Liberty University. GLTC provides fixed-route and paratransit services, and through the provision of these alternative transportation modes, contributes to a more sustainable region.

Public transit removes several hundred vehicles from the region's streets on a daily basis, lowering vehicle emissions, reducing traffic congestion and providing accessible mobility options for all citizens of the region. GLTC provides over 3 million passenger trips annually, with Liberty University students and faculty comprising close to 2 million of those trips. GLTC has embarked on an aggressive fleet replacement/upgrade program to acquire hybrid diesel-electric buses. At the end of 2010, GLTC will have equipped 57% of its fixed route fleet with hybrid diesel-electric buses. GLTC has also initiated a site study to build a new main transfer center and to consider a new maintenance-operations facility to accommodate its current and planned growth.

Public transit is an integral part of the transportation network and, much like roads, the City must strike a balance through the coordination of the GLTC route planning and the City's land use planning to provide for the successful growth and development of the City. In addition to transit stops, a variety of features including sidewalks, trails, pedestrian and vehicular tunnels, carpool and ride sharing areas may be incorporated into the design of new developments to increase accessibility. Private taxi and van services should be encouraged as a means to augment underserved routes, transportation hubs and specific destinations within the City.

Lynchburg City Schools also maintains a number of school buses to serve their student population. The City School system has implemented software to coordinate routes for the various elementary, middle and high school buses, as well as activity, special education and magnet school services. The use of this software, coupled with the elimination of the early morning class option for high school students, has provided for a reduction in fuel usage, time savings and an overall cost savings for the schools. Lynchburg City Schools continues to evaluate options to consolidate routes and improve the efficiency of their bus fleet.

Rail Service

Three rail lines provide passenger and freight service to the City. Norfolk Southern Railway provides freight service extending north/south and east/west from the City, while CSX Railway carries freight along the James River. Amtrak, operating on Norfolk Southern tracks, provides passenger service. Industrial development has benefited from and still relies on rail service to ship raw and finished products. The City should encourage the use of rail as a cost-effective means of transporting goods. Kemper Street Station serves as the City's main transfer point for Amtrak passenger rail service ~~and Greyhound Bus service~~. In October 2009, intercity passenger rail service, the first leg of the planned Northeastern Regional Service began from Lynchburg to Boston. Ultimately, the Trans-Dominion Express (TDX) will use existing rail lines to take passengers from Bristol throughout the Commonwealth with the goal of easing highway congestion and providing new travel options for residents and visitors. ~~Opportunities to expand the level of rail service provided by Amtrak should as should opportunities to support development of the TransDominion Express.~~

Kemper Street Station serves as a significant multi-modal transportation hub for the City. In addition to rail service, Kemper Street also serves as the City's Greyhound Lines© station for intercity bus service and GLTC has proposed plans to locate their passenger transfer facility on the site to add an intracity connection service. The site includes a connection point to the Blackwater Creek Trail System with sidewalk connections and bike rental stations located at the trail head.

Lynchburg Regional Airport

~~Accessible and affordable air service will improve the economic vitality of the City and region, encouraging~~

~~economic development and attracting employers to the City. The funding of the operating budget and the loss of scheduled airline service are concerns related to the airport.~~ Another key goal of the ~~Plan~~ TMP encourages greater utilization and ~~further~~ continued development of the Lynchburg Regional Airport as the primary commercial ~~provider of~~ air service to the region. The further development of adequate and affordable scheduled airline service will contribute to the economic vitality of the City and region, encouraging economic development and attracting employers to the City. Economic uncertainties faced by the airline industry and the continued challenges faced by smaller commercial service airports are concerns related to the airport.

The airport's master plan, which is currently being updated, includes a range of infrastructure and facility improvements designed to meet forecasted aeronautical demands throughout the planning horizon. Emphasis is being placed on attracting a diversity of aeronautical capabilities and services centered on the further development of passenger airline service, expanded freight services and continued growth in business and general aviation activities. The recent completion of a $14 million dollar extension of the airport's primary runway 7,100 feet in length should create additional opportunities in these areas. airport is also continuing to pursue becoming a regional, independent airport authority and exploring the potential for the creation of an industrial park adjoining the airport. ~~The airport's current master plan includes limited improvements to maintain the existing level of service to the region. The City should consider expanding the airport's ability to serve larger aircraft, regional commercial jet service, freight, and general aviation clients. Expanded access to the airport on public transit is also needed. There is also the potential for creation of an industrial park next to the airport.~~

Goals, Objectives & Strategies

Goal 1. Provide the citizens of Lynchburg with safe, efficient, effective, and well-planned transportation systems and facilities that enhance economic development and redevelopment opportunities while preserving the integrity and character of the affected neighborhoods, historic districts, downtown, and natural areas.

Objective 1.A. **Transportation Master Plan (TMP).** Establish short and long-term transportation priorities through the development of a comprehensive City Transportation Master Plan.

1) Include level-of-service standards, functional classifications and transit service for ~~roads~~ streets within the City.

2) Incorporate the Comprehensive Plan Future Land Use Map and elements. Ensure compatibility between development/preservation goals, current and future transit service and ~~roadway~~ street levels-of-service.

3) Assure consistency between Comprehensive Plan land use and population policies with the traffic model utilized for the Long-Range Transportation Plan (LRTP).

4) Monitor LRTP and Transportation Improvement Plan (TIP) impacts on neighborhoods, economic development and redevelopment areas, historic districts, and environmentally sensitive areas. Monitor the implementation of the TIP and evaluate any inconsistencies or conflicts with the Comprehensive Plan or TMP.

5) Identify corridors within the City where right-of-ways should be preserved for ~~roads~~ streets, bikeways, pedestrian ways and future transit operations, such as bus rapid transit (BRT) lines.

6) Incorporate ~~the Greater Lynchburg Transit Company's~~ GLTC's plans to encourage the coordination of ~~bus routes~~ transit service with other transportation modes.

7) Priorities for improvements to the transportation system should be based on safety considerations; existing deficiencies; multi-modal and environmental considerations; physical, economic, and policy constraints; contribution to quality urban design; required right-of-way needs; level-of-service; and appropriate system continuity.

8) Include alternative transportation modes in the TMP, including pedestrians, bikeways, trails, and transit.

9) Review the ~~Transportation Master Plan~~ TMP annually and complete updates at least every five years. Updates should be completed in time for the CVMPO to use them when developing the LRTP and the CVTIP.

Responsibility: Community Development and Public Works

Effective Date: Approval Date 2009

Objective 1.B. **Design of ~~Roadways~~ Streets.** Design new ~~roadways~~ streets and improve existing ~~roadways~~ streets in such a way that sufficient ~~capacity~~ mobility is provided while maintaining quality urban design. Prior to the issuance of a development or building permit, address and resolve any ~~roadway~~ issue that would create or exacerbate a significant safety hazard in the transportation system.

1) New ~~roadways~~ streets shall be designed to provide capacity efficiently~~,~~ while maintaining quality urban design. This shall include elements such as on-street parking, landscaping, medians, other green areas, traffic calming, narrower lanes, roundabouts, controlled or limited access, sidewalks, aesthetic accents, bus pull-out bays, and other design forms and materials, as appropriate to the function of the street.

2) ~~The~~ A developer may be required to prepare a traffic study, subject to the approval of the City's Transportation Engineer, to determine whether the proposed development will create or exacerbate a significant safety hazard. The developer may be required to mitigate ~~any~~ adverse impacts, as determined by the study, ~~and~~ to provide safe and adequate access.

3) Develop a program to identify and monitor high-accident intersections or ~~roadways~~ streets.

- **a)** Continue to use collected data to allocate Capital Improvement Program funds for individual projects to improve safety.
- **b)** In specific locations of need, implement minor adjustments to routing, signalization, lighting, signage, pavement marking, and so on that may improve safety conditions.
- **c)** Actively pursue grant funds to finance improvements at problem intersections.

4) Integrate utilities into the context-sensitive design process.

5) Develop Access Management Guidelines for new development, redevelopment, and ~~roadway~~ street projects.

- **a)** Promote ~~and require~~ shared and joint access between sites.
- **b)** Promote adequate driveway and median opening spacing to minimize vehicular conflicts.

c) Promote access points on side streets instead of major arterials to preserve capacity on major ~~roadways~~ streets and ~~require~~ encourage developers to align their driveways with existing adjacent streets/driveways.

6) Use urban interchanges and roundabouts to access arterials in lieu of traffic signals.

Responsibility: Community Development and Public Works

Effective Date: Approval Date 2009

Applicability: All new public and private streets built within the City.

Objective 1.C. **Preservation of Existing ~~Road~~ Transportation Corridors.** Preserve the City's ~~history and protect neighborhoods~~ cultural and neighborhood assets by maintaining the character of existing ~~road~~ transportation corridors.

1) The following ~~roadways~~ streets shall not be widened through the addition of through lanes or the removal of existing parking lanes to ~~permit increased traffic flow~~ create a through lane unless no other alternatives can be found and the City Council approves the widening:

a) Fifth Street, from the John Lynch Bridge to Memorial Avenue;

b) Twelfth Street, from Commerce Street to Fort Avenue;

c) Rivermont Avenue, from the ~~Blackwater Creek~~ Rivermont Avenue bridge to VES Road;

d) Boonsboro Road, from VES Road to US Route 501;

e) Boonsboro Road, from US Route 501 to the Western Corporate Boundary;

f) Langhorne Road, from Rivermont Avenue to ~~Memorial Avenue~~ Murrell Road;

g) Link Road, from Boonsboro Road to Old Forest Road;

h) Trent's Ferry Road, from Boonsboro Road to the Northern Corporate Boundary;

i) Memorial Avenue, from Fifth Street to Fort Avenue;

j) Fort Avenue, from Park Avenue/Kemper Street to Memorial Avenue.

2) Consider Transportation Systems Management (TSM) and Intelligent Transportation System (ITS) techniques to improve traffic flow on these ~~roads~~ streets before approving additional lanes or removal of parking lanes. Examples of TSM include: signal optimization, turn lanes at intersections, reversible lanes, and other measures.

Responsibility: Community Development and Public Works **Effective Date:** Approval Date 2009

Applicability: Applicable in any planning effort for these streets.

Objective 1.D. **Neighborhood Traffic.** Promote walkable neighborhoods and ensure that traffic conditions do not degrade neighborhood quality.

1) Consider neighborhood-level impacts of transportation projects during preparation of Neighborhood Conservation Plans (see Chapter 4, Plan Framework) and employ traffic calming techniques to control cut-through and speeding traffic.

2) Use the Neighborhood Traffic Management Plan (NTMP) during the development of transportation projects

Responsibility: Community Development and Public Works

Effective Date: Approval Date 2009

Applicability: Applicable on most streets

Objective 1.E. **Access to Downtown.** Improve access to Downtown areas from neighborhoods and gateways to the City, per the "Downtown and Riverfront Master Plan 2000" and the "Downtown Riverfront Implementation

Plan."

1) Provide clear direction for traffic flow into the Downtown, ~~especially upon ultimate construction of~~ from the US Route 29 bypass, and from US Route 501, Boonsboro/Rivermont.

2) Provide streetscape enhancements along boulevards into the Downtown area.

3) Encourage greater availability of transit and pedestrian access to the Downtown from adjacent neighborhoods, through the use of Transit-Oriented Development principles and other techniques.

4) Encourage a connection from the Downtown area to the City's greenway, blueway, trail, and bikeway networks.

5) Develop ~~additional~~ adequate parking spaces in the Downtown area, as recommended in the "Strategic Parking Plan" and the "Downtown and Riverfront Master Plan 2000," using on-street parking and structured parking, rather than surface lots.

Responsibility: Community Development and Public Works

Effective Date: Approval Date 2009 **Applicability:** Applicable on most streets

***Objective 1.F*. Participation & Coordination.** Maximize opportunities for participation by City staff and the public in City and regional transportation planning initiatives.

1) Improve coordination of transportation planning efforts with ~~the Virginia Department of Transportation~~ VDOT, ~~the Region 2000 Regional Commission~~ Region 2000, ~~the Greater Lynchburg Transit Company~~ GLTC, Amherst County, Bedford County, Campbell County, and the Lynchburg Regional Airport, as applicable.

2) Encourage and solicit citizen and neighborhood-level input, including:

a) Emphasis on early involvement - prior to the public notice/right-of-way stage of project development.

b) Neighborhood outreach through community groups and associations.

Responsibility: Community Development, Public Works, Region 2000 Local Government Council (Region 2000), the Virginia Department of Transportation (VDOT)

Effective Date: Approval Date 2009

Applicability: Any plan and or project that is adopted or implemented

***Objective 1.G.* Special Consideration for Non-drivers.** Consider, during all transportation planning efforts, the needs of non-drivers, including the young, the elderly, and the disabled, among others.

1) This consideration should include installation of amenities such as, but not limited to, audible signals, textured surfaces, crosswalks, pedestrian signals, transit stops, and the examination of the connectivity of the sidewalk network.

2) Promote the opportunity for alternative transportation connections, and to provide future bus stop locations by requiring space within new development and redevelopment to be reserved for future transit stops.

Responsibility: Community Development, Public Works and the Greater Lynchburg Transit Company (GLTC), the Virginia Department of Transportation (VDOT)

Effective Date: Approval Date 2009

Applicability: During all planning efforts.

Goal 2. Develop and encourage opportunities for the integration of alternative transportation modes, including public transit, bicycle, and pedestrian corridors.

Objective 2.A. **Intermodal Integration.** In evaluating planned transportation improvements, consider impacts to and opportunities for intermodal integration.

1) Compare the Central Virginia Metropolitan Planning Organization's Comprehensive Bicycle and Pedestrian Plan and Chapter 5, Citywide Land Use & Development, with development patterns at least every five years to determine if changes are needed.

2) Require new development or redevelopment to be coordinated with public transit, bicycle, and pedestrian systems, where applicable.

Responsibility: Community Development, Public Works and the Greater Lynchburg Transit Company (GLTC)

Effective Date: Approval Date 2009

Applicability: Applied during the planning stage of the transportation improvement process.

Objective 2.B. **Enhancement.** Develop opportunities to enhance alternative transportation facilities.

1) Create opportunities for improving pedestrian access to the historic districts and the Downtown.

2) Create opportunities for improving pedestrian access to greenways and blueways ~~stream corridors~~.

3) Encourage improvement of public transit access to the historic districts and the Downtown.

4) Develop strategies, such as provision of parking lots, to promote the use of public transit.

5) Coordinate with the ~~Greater Lynchburg Transit Company (~~GLTC~~)~~ as necessary for updates to the Greater Lynchburg Transit Development Plan.

6) Prepare a citywide pedestrian-improvement plan that addresses the need for sidewalks throughout the City and incorporates existing policies on sidewalk maintenance and the provision of new sidewalks and related facilities such as crosswalks and pedestrian signals. During preparation of this plan, evaluate whether existing policies need to be revised. During pedestrian improvement planning, incorporate the Americans with Disabilities Act (ADA) requirements.

7) Prepare a citywide bicycle plan, in cooperation with ~~the MPO~~ Region 2000.

8) Promote taxi, car-sharing and carpooling programs to increase accessibility, as well as augment underserved routes, transportation hubs and specific destinations within the City.

Responsibility: Community Development, Public Works and Parks and Recreation

Effective Date: Approval Date 2009

Applicability: Applied on demand basis; Comply with ADA requirements

Objective 2.C. **Compatibility.** Ensure the compatibility of ~~the Future Land Use Map~~ public transportation service

with ~~existing rail and public transportation service~~ the Future Land Use Map.

Responsibility: Community Development, Public Works and the Greater Lynchburg Transit Company (GLTC)

Effective Date: Approval Date 2009

Applicability: Apply when changes to either public transit routes or the future land use map occur.

Objective 2.D. **Regional Transit Authority.** ~~Explore the feasibility of developing a regional transit authority in cooperation with the surrounding counties~~ Continue to expand formal partnerships (such as the existing partnerships with Amherst County and Liberty University) and be receptive to the creation of a regional transit authority.

Responsibility: Community Development, Public Works, the Greater Lynchburg Transit Company (GLTC), Region 2000 Local Government Council (Region 2000)

Effective Date: Approval Date 2009

Applicability: Apply when the opportunity arises

Goal 3. Commit adequate resources to the operation and maintenance of existing and future transportation facilities.

Objective 3.A. **System Needs.** As part of the development and update process for the City Transportation Master Plan (TMP), evaluate the condition of the existing transportation facilities and make appropriate recommendations for addressing needs.

1) Include recommendations for funding the operation and maintenance of transportation facilities in the ~~Transportation Master Plan~~ TMP and subsequent updates.

2) Allocate funding ~~to the maximum extent feasible~~ that is fiscally responsible to meet the operation and maintenance needs identified in the ~~Transportation Master Plan~~ TMP .

3) Explore the feasibility of developing a regional intelligent transportation system in conjunction with the CVMPO and VDOT.

Responsibility: Community Development, the Greater Lynchburg Transit Company (GLTC), Public Works, Region 2000Local Government Council (Region 2000) and the Virginia Department of transportation (VDOT)

Effective Date: Approval Date 2009

Applicability: Underway

Goal 4. Provide increased regional passenger and freight rail~~road~~ transportation.

~~***Objective 4.A.*** **Amtrak Passenger Rail Service.** Work with Amtrak to continue and expand, if possible, passenger rail service through Lynchburg.~~

Objective 4.A. **Bus Service**. Continue to work with intercity bus transit providers to extend the service area for bus

transportation.

Responsibility: Greater Lynchburg Transit Company (GLTC)

Effective Date: Approval Date 2009

Applicability: Whenever the opportunity arises

Objective 4.B. **TransDominion Express (TXD), including Northeastern Regional Service.** Support ~~the effort to initiate~~ regional rail service, using Lynchburg as a hub for service from Bristol, Virginia to Boston, Massachusetts.

Responsibility: City Manager's Office and Chamber of Commerce

Effective Date: Approval Date 2009

Applicability: Whenever the opportunity arises

Objective 4.C. **Rail Freight.** Encourage use of rail freight as a cost-effective means of transporting freight.

Responsibility: City Manager's Office, Chamber of Commerce, Department of Rail and Public Transportation (DRPT)

Effective Date: Approval Date 2009

Applicability: Whenever the opportunity arises

Goal 5. Support efforts to make the Lynchburg Regional Airport more attractive to passenger and freight clients.

Objective 5.A. **Independent Airport Authority.** Explore the feasibility of establishing an independent airport authority. Continue to pursue recent efforts to establish an independent airport authority.

1) Develop a cost and revenue-sharing agreement with Campbell County to facilitate creation of the authority. Develop a cost-sharing methodology and draft agreement that conforms to recently passed Virginia General Assembly legislation to present to surrounding counties for the creation of the authority.

2) Develop existing property adjacent to the airport into an industrial park. Develop existing property adjacent to the airport into an industrial park under the auspices of the authority.

Responsibility: City Airport Staff

Effective Date: Approval Date 2009

Applicability: Underway

~~***Objective 5.B.*** **City/Campbell County Boundary Adjustment.** Explore the feasibility of entering into an agreement with Campbell County for a voluntary boundary line adjustment to bring the airport into the City.~~

~~***Objective 5.B.***~~ ***Objective 5.B.*** **Airport Use.** Continue to expand and improve airport infrastructure and facilities ~~and to offer competitive rates and~~ in order to diversify airport services.

1) With the recent completion of a 1,301-foot main runway extension, explore opportunities to attract additional air freight services and activities.

~~1) Explore opportunities to attract general aviation clients by providing, for example, more hangar space and~~

~~additional amenities for corporate and private jets.~~

2) Continue to pursue opportunities to attract general aviation tenants and customers through the addition of more aircraft parking ramp areas, conventional hangar facilities and T-hangars.

~~2) Pursue opportunities to attract a low-fare passenger airline or a commuter feeder.~~

3) Continue to pursue opportunities to attract additional scheduled air carriers, with an emphasis on the return of service to a northeastern connecting airport, including Washington D.C., Cincinnati, OH and Philadelphia, PA.

~~3) Continue efforts to keep passenger fares competitive while providing the services demanded by the traveling public.~~

4) Continue efforts to keep passenger fares competitive while providing adequate flight frequency and seat capacity to meet regional demand.

~~4) Work with the Greater Lynchburg Transit Company to provide expanded bus service to/from the airport and the Downtown, hotels, and other appropriate locations.~~

5) Explore opportunities to develop non-aeronautical airport land in order to attract non-traditional sources of revenue.

Responsibility: City Airport Staff

Effective Date: Approval Date 2009

Applicability: Ongoing

~~***Objective 5.D.*** **Regional Airport.** Explore the feasibility of a regional airport to serve Lynchburg and neighboring communities.~~ **Goal 6. Improve capacity to assess the impacts of development and to monitor, analyze, and report on conditions in the city's natural environment, neighborhoods, and commercial and employment districts.**

Objective 6.A. **Impact Assessments.** ~~Ensure that~~ Encourage public and private developments to avoid~~s~~, minimize, or mitigate negative environmental, community and fiscal impacts.

1) Require ~~fiscal,~~ traffic~~, and utility~~ impact analyses for large-scale retail development projects. ~~Identify a threshold to define "large-scale development."~~

2) Recommend that new development projects apply environmental checklists and impact analyses to ~~all~~ development projects ~~as recommended in Chapter 12, Natural Systems~~.

3) Incorporate land use, environmental, ~~and~~ transportation, and community impact assessments in plans for transportation, public facility, and utility improvements. ~~Community impacts include impacts on the visual quality and cohesiveness of the community and additional factors that otherwise define its character.~~

This goal is also identified in Chapter 5 as Goal 2

Responsibility: Community Development and Public Works

Effective Date: Approval Date 2009

Applicability: This applies to all large scale developments.

Goal 7. Encourage the improvement of conditions and quality of life along travel corridors and in revitalization areas identified on the Plan Framework Map.

Objective 7.A. **Corridor Study Areas.** Prepare detailed plans and studies to improve conditions along primary travel corridors, including the ~~Crosstown~~ Midtown Connector route ~~(Kemper Street, Park Avenue and Lakeside Drive)~~, Lakeside Drive, Wards Ferry Road, Greenview Drive, Wiggington Road, Wards Road/Candlers Mountain Road, Timberlake Road, Fort Avenue, Old Forest Road, Campbell Avenue, the Lynchburg Expressway and Boonsboro Road.

1) Prepare a priority list and schedule for completing corridor study area plans.

2) Use the policies outlined in Chapter 4, Plan Framework, for interim decisions on land use and development in these areas.

3) Amend the Comprehensive Plan, including the Future Land Use Map, as appropriate, after completing each corridor study area plan.

4) Encourage infill development/redevelopment.

5) Encourage on street parking where appropriate.

This goal is also identified in Chapter 5 as Goal 4

Responsibility: Community Development and Public Works

Effective Date: Approval Date 2009

Applicability: This policy applies to all primary travel routes designated as study areas by the City of Lynchburg Department of Community Development.

Goal 8. Ensure that development and redevelopment reinforce the City's unique character and sense of place.

Objective 8.A. **Pedestrian Circulation.** Encourage site and building designs that accommodate the needs of pedestrians, disabled persons, and transit-dependent people.

1) To create active pedestrian environments, encourage commercial development with sidewalk frontage, non-reflective windows, street entries, canopies and awnings, and pedestrian-scale lighting and signs; and residential development with shallow front yard setbacks, porches, and rear yard parking.

2) Require all new development along traditional commercial streets to match the setbacks of adjacent buildings and to locate primary building entries on a sidewalk.

3) Require ~~that~~ site and building designs that support the safe and convenient circulation of pedestrians and persons with disabilities.

a) Through the site plan review process, ensure the adequacy of facilities for pedestrians and persons with disabilities.

b) Encourage the provision of cross-parcel pedestrian connections in commercial areas and between commercial areas and adjacent neighborhoods. **c)** Ensure that transit stops on private properties have adequate pedestrian connections and are located in close proximity to destinations.

4) Include the GLTC in plan review so that existing and proposed bus routes are considered during planning for new developments.

This goal is also identified in Chapter 6 as Goal 1.

Responsibility: Community Development and Public Works

Effective Date: Approval Date 2009

Applicability: This policy applies to all public and private development being rezoned or for a conditional use permit application. The City staff would like this to be applied to all developments.

Goal 9. Ensure that the design of streets and public facilities reinforces the City's unique character and sense of place.

Objective 9.A. **Design of Public Facilities.** Build on existing City efforts to ensure design quality, ~~and~~ sensitivity and sustainability in new and renovated public facilities.

1) Establish design guidelines for public facilities.

2) Ensure that new or renovated public facilities are compatible with their surroundings and, to the extent possible, serve neighborhood needs.

3) Provide opportunities for public comment on building and site design for new or renovated public facilities.

4) Work with state and federal agencies to ensure compatibility and design sensitivity in new and renovated facilities.

5) Ensure that sufficient funding is allocated to capital improvement projects for detailed planning and quality design work.

6) Ensure that all public facility projects are reviewed by the Technical Review Committee.

7) *Incorporate multi-modal accommodations into facility plans.* This goal is also identified in Chapter 6 as Goal 3.

Responsibility: All City departments are responsible for making sure their project is reviewed by the Technical Review Committee. The Technical Review Committee is responsible for ensuring the project's compatibility with the requirements within these goals and objectives.

Effective Date: Approval Date 2009

Goal 10. To increase the safety of the City street system, to preserve capacity and efficiency by reducing existing and minimizing future conflict points.

Objective 10.A. **Current and Up-to-Date Ordinances.** To have the City of Lynchburg Ordinances regularly updated to reflect changes to street classifications, transit, bicycle and pedestrian facility requirements, and access management regulations.

1) The City shall review the Ordinances on a regular basis to determine the need for amendments in order to keep the regulations up to date and current.

2) The City shall classify public streets according to function. Streets shall be planned, designed and managed to

preserve their functional integrity.

3) The City shall add a "Cultural and Neighborhood Asset" classification to the functional classification of streets. This classification shall apply to streets specified in the Comprehensive Plan where neighborhood character, including streetscapes, is given priority over vehicular movement. Access management regulations and policies may be modified for these streets.

4) The City shall update ordinances to effect goals and objectives relating to access management as found in this chapter.

Responsibility: Community Development and Public Works

Effective Date: Approval Date 2009

Applicability: This should be applied on a regular basis with the frequency dependant on the activity. For example, ensuring that developments and redevelopments have appropriate connections will occur when site plans are submitted, but a review of the City Ordinances may need to take place only once every year or two.

Objective 10.B. **Preservation of the Integrity of the Local Streets.** To preserve the safety, function and flow of the regional and local transportation system.

1) The City will preserve the movement and function of the major thoroughfare system by facilitating the development of service streets, entrance consolidation, cross access easements and joint entrances to connect parcels as developments are permitted along major streets.

2) The City will not permit driveway connections to be located in the physical or functional area of an intersection. If corner clearances cannot be met though joint access, cross access, or the use of service streets, the Technical Review Committee, through the site plan approval process, may allow construction of an access connection along the property line farthest from the intersection. In such cases, directional connections (i.e. right in/out, right in only, or right out only) may be required.

3) The City may identify specific access management areas and thereby limit private direct access to major streets (expressways, arterials and minor arterials).

4) The City will discourage the connection of low density residential driveways directly to the major streets.

5) Maintain the grid pattern of the City's streets to provide alternate routes of travel.

Responsibility: Community Development as well as the Technical Review Committee when applicable

Effective Date: Approval Date 2009

Applicability: When site plans are reviewed

Objective 10.C. **Access to the Street System.** To continually implement policies and regulations which promote safe and efficient access to adjacent parcels, nearby uses and city streets.

1) Commercial properties should establish direct and convenient connections (vehicular, pedestrian and other alternative transportation) to adjacent commercial properties. Encourage a system of shared use driveways, service streets and cross access easements wherever feasible.

2) All access to outparcels should be internalized using the shared circulation system of the principal development.

3) New city streets (including extensions of existing streets) will connect to existing city streets and be extended to serve undeveloped land.

Responsibility: Community Development as well as the Technical Review Committee when applicable

Effective Date: Approval Date 2009

Applicability: When site plans for development, redevelopment and public projects are reviewed

Goal 11: Create a sustainable, multi-modal transportation system that minimizes and, where possible, reduces pollution and motor vehicle congestion while ensuring safe mobility and access for all. This multi-modal transportation system shall support a vital and growing local economy. Furthermore, financial responsibility, environmental stewardship, economic development and equal access are integral elements of a multi-modal transportation system.

Objective 11.A: Encourage multiple transportation modes, which decrease trips by single-occupant vehicles (SOV) and increase trips by alternative transportation modes.

Responsibility: Community Development and Public Works

Effective Date: Approval Date 2009

Applicability: Whenever the opportunity arises

Objective 11.B: Adopt a design perspective in planning transportation infrastructure which incorporates a multi-modal focus and includes issues of walk-ability and neighborhood concerns.

Responsibility: Community Development and Public Works

Effective Date: Approval Date 2009

Applicability: Whenever the opportunity arises

Objective 11.C: Adopt "green" technologies (i.e. LED stoplights, etc.) in the construction of transportation infrastructure.

Responsibility: Community Development, Public Works and GLTC

Effective Date: Approval Date 2009 **Applicability:** Whenever the opportunity arises

Objective 11.D: Adopt land use design/development policies that encourage use of alternative transportation modes.

Responsibility: Community Development and Public Works

Effective Date: Approval Date 2009

Applicability: Whenever the opportunity arises

Objective 11.E: Work with transportation stakeholders to increase awareness of the benefits of a multi-modal transportation system.

Responsibility: Community Development and Public Works

Effective Date: Approval Date 2009

Applicability: Whenever the opportunity arises.

Definitions

Arterial: A major street intended primarily to serve through traffic, where access is carefully controlled. These are streets of regional importance, intended to serve moderate to high volumes of traffic traveling relatively long distances and at higher speeds.

Blueway: Rivers, streams and other waterways.

Bus Rapid Transit (BRT): bus routes specifically designed to minimize travel time and maximize convenience for passengers. The use of dedicated traffic lanes, automated off vehicle fare collections, level boarding platforms and detailed real-time (minute to minute information) schedule/route information available at the stop are some of the ways in which these routes are created.

City Street: A street with the primary function of providing access to adjacent properties and to streets of a higher functional classification.

Cross Access: An easement or service drive providing vehicular access between two or more contiguous sites so that the driver does not need to reenter the public street system.

Connection: Any driveway, street, turnout, or other means of providing for the movement of vehicles to or from the public street system.

Corridor: A broad geographical band that follows a general directional flow connecting major sources of trips that may contain a number of streets, highways, and transit route alignments.

Corridor, Transportation: A combination of principal transportation routes involving a linear network of one or more highways, rail lines, or other primary and secondary access facilities which support a development corridor.

Cut-through: A path that is taken in order to avoid perceived or real traffic congestion; an alternative route to a destination that usually involves the usage of minor streets (such as residential streets or alleys) in order to avoid traffic on major streets.

Context-Sensitive Design: Designing transportation facilities that fit the applicable setting and preserve scenic, aesthetic, historic and environmental resources while maintaining safety and mobility.

Expressway: A principal arterial street designed for relatively uninterrupted, high-volume mobility between areas, access to which is limited and may include a mixture of intersections (at grade) and interchanges (grade separated).

Functional Area: That area beyond the physical intersection of two controlled access facilities that comprises decision and maneuver distance, plus any required vehicle storage length, and is protected through corner clearance standards and connection spacing standards. These standards are available for review in the Engineering Division located in City Hall.

Greenway: A linear park, alternative transportation route, or open space conservation area that provides passive recreational opportunities, pedestrian and / or bicycle paths, and / or the conservation of open spaces or natural areas.

Gateway: An entrance corridor that heralds the approach of a new landscape and defines the arrival point as a destination. (American Planning Association)

Intelligent Transportation Systems (ITS): The application of advanced electronics, computers, communications, and sensor technologies—in an integrated manner—to increase the efficiency and safety of the surface transportation network.

Joint Access: A single access point connecting two or more contiguous sites to a public street that serves more than one property or development, including those in different ownership or in which access rights are provided in legal descriptions.

Major Streets: Streets that have been designated as Collector, Principle Arterial or Arterial by VDOT or the City of Lynchburg.

Median: That portion of a highway separating opposing traffic flows, not including center two-way left-turn lanes. Medians can be traversable or non-traversable.

Multi-modal Transportation System: An interconnected system that includes multiple forms of transportation, such as vehicular, pedestrian, bus, bike lanes, trains and airport facilities and traversable waterways.

Neighborhood Traffic Management Plan (NTMP): A community based planning effort for traffic issues involving speeding, cut-through traffic, traffic safety on neighborhood and local streets.

Outparcel: A lot, adjacent to a street, which interrupts the frontage of another lot.

Paratransit (Transit Service): The use of small buses or vans to provide transit services for transportation-disadvantaged groups, such as people with significant physical disabilities, and non-drivers who require medical or social services. Paratransit may also include flexible route, door-to-door transit service to the general public.

Pedestrian System: The system of sidewalks, trails and greenways that are designed for pedestrian use.
Plan Framework Map: A map that provides an overview of the main ideas and themes addressed in the *Comprehensive Plan 2002-2020*. The map illustrates the City's general pattern of development and highlights areas where some degree of change is encouraged or anticipated. A copy of the Plan Framework Map is located at the end of *Chapter 4*: *Plan Framework*.

Service Street: A public or private street, auxiliary to an arterial street, that provides access to parcels surrounding an arterial street and that typically serves nonresidential development.

Sustainability: An approach to progress in which the needs of the present are met without sacrificing those of future generations. The vision for the City of Lynchburg is a diverse community working together to promote a healthy and sustainable City with social, cultural, economic and environmental vitality, now and for future generations.

Transportation Systems Management (TSM): An integrated program to optimize the performance of existing infrastructure through the implementation of systems, services, and projects designed to preserve capacity and improve security, safety, and reliability
of the transportation system.

Acronyms

BRT – Bus Rapid Transit: See definition for Bus Rapid Transit.

CTB – Commonwealth Transportation Board: A seventeen (17)-member board appointed by the Governor of Virginia that establishes the administrative policies for Virginia's transportation system. The CTB allocates

highway funding to specific projects, locates routes and provides funding for airports, seaports and public transportation.

CVMPO – Central Virginia Metropolitan Planning Organization: The federally designated transportation planning agency for the Lynchburg urbanized area. Also known as the Region 2000 Regional Commission, this organization is responsible for planning, programming and coordination of federal highway and transit investments in urbanized areas.

CVTIP – Central Virginia Transportation Improvement Program: A three (3)-year schedule of all federally funded and regionally significant transportation projects to be implemented in the urbanized area. To receive federal funding, transportation projects typically originate in the LRTP and must be approved by the CVMPO.

FHWA – Federal Highway Administration: A division of the United States Department of Transporation that specializes in highway transportation. Although State, local, and tribal governments own most of the Nation's highways, FHWA provides financial and technical support to them for constructing, improving, and preserving America's highway system. **GLTC – Greater Lynchburg Transit Company:** A non-profit publicly owned company responsible for providing regional bus service for the City. Its mission is to o provide safe, dependable, affordable, accessible and high quality public transportation to the Central Virginia community.

ITS – Intelligent Transportation Systems: See definition for Intelligent Transportation System.

LRTP – Long Range Transportation Plan or Constrained Long Range Transportation Plan: A document maintained and updated by the Central Virginia Metropolitan Planning Organization that is intended to guide the Central Virginia area in creating a more efficient, responsive and environmentally-sensitive transportation system over the next twenty-five (25) years. The plan examines transportation issues and trends and offers a list of specific projects for addressing the area's mobility needs.

NTMP – Neighborhood Traffic Management Plan: See definition for Neighborhood Traffic Management Plan.

Region 2000 – Region 2000 Regional Commission: See CVMPO – Central Virginia Metropolitan Planning Organization.

SYIP –Six-Year Improvement Program: Allocated by the CTB, the SYIP provides funds for the Commonwealth's transportation projects that are proposed for construction, development or study in the next six (6) fiscal years. The program is updated annually.

TDX – Trans-Dominion Express: a proposed passenger rail service, crossing the Commonwealth of Virginia on existing tracks—using modern "European-style" rail cars for maximum safety and comfort.

TIP –Transportation Improvement Program: A six (6)-year plan that includes both priorities and funding for projects identified in the LRTP, the City of Lynchburg's Capital Improvement Program, CVTIP and the SYIP.

TMP – Transportation Master Plan: A planning tool to aid the City in its evaluation of proposed transportation projects. The plan establishes short and long-term transportation priorities that promote multi-modalism and sustainability.

TSM – Transportation Systems Management: See definition for Transportation Systems Management.

VDOT – Virginia Department of Transportation: State agency that is responsible for building, maintaining and operating the state's roads, bridges and tunnels. Virginia has the third-largest state-maintained highway system in the country, behind Texas and North Carolina.

VDRPT – Virginia Department of Rail and Public Transportation: Agency of the Commonwealth whose mission is to improve the mobility of people and goods while expanding transportation choices in the

Commonwealth. VDRPT has three primary areas of activity — Rail, Public Transportation and Commuter Services.

References

The definitions presented here are from or based on the following sources:

- The Transportation Research Board, National Cooperative Highway Research Program Report 548: A Guidebook for Including Access Management in Transportation Planning, © 2005;
- A Planners Dictionary by Moskowitz, Harvey S. and Carl G. Lindbloom, 2007;
- Context Sensitive Solutions in Designing Major Urban Thoroughfares for Walkable Communities, © 2006 Institute of Transportation Engineers. ISBN No: 1-933452-11-0
- National Cooperative Highway Research Program Report (NCHRP RPT) 456: Guidebook for assessing social Impacts Part B; ISBN 0-309-06703-0 © 2001 Transportation Research Board Sustainable City Initiative, Adopted by City Council, August 2008

Adopted:

Certified: _____
Interim Clerk of Council

067L

Changes per City Council/Manager Comments following May 11, 2010 meeting

The following includes a list of changes that have been suggested by members of City Council and the City Manager as of the May 11, 2010 work session. These changes are denoted in "red type" within the DRAFT Chapter 14 document for easy reference.

- Added "Nevertheless" to the second sentence of the first paragraph on page 14.1.
- Revised the last sentence of the first paragraph on page 14.1 to reference "both positive and negative" with the profound impacts of the traffic patterns.
- Removed "sustainability" from first sentence and incorporated concept into the second sentence of the first paragraph on page 14.2.
- Changed last word of the fourth guiding principle from realistic to responsible on page 14.2.
- Moved parenthetical reference "(referred to as the Constrained Long Range Plan)" to the end of the third sentence in the first paragraph under "Transportation Planning Effects" on page 14.3. Reference was originally located after the word "constrained" in the same sentence.
- Replaced "goods movement" with "movement of freight" in the fourth sentence in the first paragraph under "Transportation Planning Effects" on page 14.3.
- Added "Route 460" to list of highway projects in the third sentence of the first paragraph on page 14.4.
- Deleted "while considering environmental impact" in first sentence of last paragraph on page 14.4; noted as redundant. Sentence previously read as "The City is developing s a Transportation Master Plan (TMP) that establishes short- and long-term transportation priorities that promote multi-modalism and sustainability while considering environmental impact".
- Revised the first sentence in the first paragraph on page 14.5. "In addition to street capacity, the evaluation will assess impacts to neighborhoods, economic development and, environmentally sensitive areas." Sentence previously read as "The evaluation will involve issues in addition to street capacity, including impacts on neighborhoods, economic development and, environmentally sensitive areas."
- Changed "would" to will in second sentence of first paragraph on page 14.5.
- Added "and proceeding south" to end of last sentence of the second paragraph on page 14.6.
- Deleted "known as transportation management techniques," in the third sentence of the third paragraph on page 14.6.
- Re-ordered the basic principles used in access management on page 14.7 to prioritize "Maintain a hierarchy of streets by function". This principle was originally third on the list.
- Added "or roundabouts" to the sixth basic principle used in access management on page 14.7.
- Referenced Liberty University's component of GLTC's 3 million passenger trips, noting that "with Liberty University students and faculty comprising close to 2 million of those trips." in the third sentence of the first paragraph on page 14.8,

- Deleted the reference to the percentage of hybrid diesel-electric buses in GLTC's fleet in the third sentence of the first paragraph on page 14.8, since this will lose relevance over time. Sentence previously noted that GLTC "has embarked on an aggressive fleet replacement/upgrade program to acquire hybrid diesel-electric buses, which equip 37% of its fleet."
- Revised the first sentence in second paragraph on page 14.8 to emphasize the need to balance coordination of GLTC route planning and the City's land use planning – Public transit is an integral part of the transportation network and, much like roads, the City must strike a balance through the coordination of the GLTC route planning and the City's land use planning to provide for the successful growth and development of the City. Sentence previously read "Public transit is an integral part of the transportation network and, much like roads, coordination of the GLTC route planning and the City's land use planning is integral to the successful growth and development of the City."
- Reference the coordination of public school bus routes within the last paragraph of the "Mass Transit" section on page 14.8 – Lynchburg City Schools also maintains a number of school buses to serve their student population. The City School system has implemented software to coordinate routes for the various elementary, middle and high school buses, as well as activity, special education and magnet school services. The use of this software, coupled with the elimination of the early morning class option for high school students, has provided for a reduction in fuel usage, time savings and an overall cost savings for the schools. Lynchburg City Schools continues to evaluate options to consolidate routes and improve the efficiency of their bus fleet.
- Corrected reference to Trans-Dominion Express in the first sentence of paragraph one on page 14.9; the rail line is now referenced as the Northeastern Regional Service.
- Corrected destination of Northeastern Rail Service from Washington, D.C. to Boston in the first sentence of paragraph one on page 14.9.
- Added reference to the ultimate expansion of the Trans-Dominion Express to serve Southwest Virginia in the second sentence of paragraph one on page 14.9 – Ultimately, the Trans-Dominion Express (TDX) will use existing rail lines to take passengers from Bristol throughout the Commonwealth with the goal of easing highway congestion and providing new travel options for residents and visitors.
- Deleted "and Greyhound Bus Service" from the end of the fifth sentence n the first paragraph on page 14.9. Referenced the various multi-modal transportation opportunities available at Kemper Street station within the second paragraph of the "Rail Service" Section on page 14.9 – Kemper Street Station serves as a significant multi-modal transportation hub for the City. In addition to rail service, Kemper Street also serves as the City's Greyhound Lines© station for intercity bus service and GLTC plans to locate their passenger transfer facility on the site to add an intracity connection service. The site includes a connection point to the Blackwater Creek Trail System with sidewalk connections and bike rental stations located at the trail head.
- Added "to the function of the street" to the end of Objective 1.B.1) on page 14.12.
- Confirmed that Technical Review Committee's site plan checklist, as well as the City of Lynchburg's Manual of Specifications and Design , defines standards for traffic studies, per the reference to "approval of the City's Transportation Engineer" in Objective 1.B.2) on page 14.12.
- Added "and roundabouts" to Objective 1.B.6) on page 14.13.

- Added reference to "through lanes" in Objective 1.C.1) on page 14.12.
- Changed Objective 3.A.2) regarding the allocation of funding from "to the maximum extent feasible" to "that is fiscally responsible" on page 14.18.
- Deleted "Objective 4.A. **Amtrak Passenger Rail Service.** Work with Amtrak to continue and expand, if possible, passenger rail service through Lynchburg." on page 14.18; noted as redundant when compared to "Objective 4.B. **TransDominion Express (TXD), including Northeastern Regional Service.** Support ~~the effort to initiate~~ regional rail service, using Lynchburg as a hub for service from Bristol, Virginia to Boston, Massachusetts."
- Added reference to the Trans-Dominion Express service of Southwest Virginia in Objective 4.B. on page 14.18 – "for service from Bristol, Virginia to Boston, Massachusetts."
- Deleted Objective 5.B. on page 14.19 – "***Objective 5.B.*** **City/Campbell County Boundary Adjustment.** Explore the feasibility of entering into an agreement with Campbell County for a voluntary boundary line adjustment to bring the airport into the City."
- Added reference to "northeastern connecting airport, including Washington, D.C. and Philadelphia" in Objective 5.C.3) on page 14.20.
- Added definition for Plan Framework Map on page 14.29, per the reference in Goal 7 on page 14.21.
- Deleted proposed "Objective 8.A.1) Require all developments to have sidewalks, pedestrian connections to adjacent properties, and pedestrian connections to buildings." on page 14.22.; noted as redundant when compared to "Objective 8.A.3)b) Require ~~that~~ site and building designs that support the safe and convenient circulation of pedestrians and persons with disabilities. **a)** Through the site plan review process, ensure the adequacy of facilities for pedestrians and persons with disabilities. **b)** Encourage the provision of cross-parcel pedestrian connections in commercial areas and between commercial areas and adjacent neighborhoods."
- Revised Objective 9.A.6) on page 14.23 to "Ensure that public facility projects are reviewed by the Technical Review Committee." Objective previously read "Require project managers for all public facility projects to notify the Technical Review Committee (TRC) before the bid process begins to determine whether or not a review is needed."
- Included examples of "green technology" in Objective 10.C. on page 14.26.
- Added definition for Neighborhood Traffic Management Plan on page 14.29.
- Added an Acronym list and brief description of each acronym on pages 14.30-14.31.

Prepared by: Kent White, Senior Planner
May 28, 2010

CHAPTER 14

DRAFT

Transportation

Introduction

The City of Lynchburg lies at a significant crossroads of major traffic corridors within the State of Virginia. Nevertheless, it is the largest metropolitan area in the Commonwealth without interstate access. Primary highways to the City include US Route 29, US Route 460 and US Route 501. Historically, these traffic corridors have been focused on routing traffic through the City of Lynchburg rather than around it. Such traffic patterns and trends can have profound impacts, both positive and negative, on neighborhoods, corridors, and the economic viability of the City and the region.

The City also has a long history of providing mass transit for its residents, beginning in the 1890s. Today, the Greater Lynchburg Transit Company (GLTC) provides bus service from a central hub at the Plaza Shopping Center.

During the development of this Plan, public input on transportation issues focused principally on certain specific aspects of the existing and projected transportation system: "gateway" issues related to the US Route 29 bypass and its effect on access to downtown and the City in general; isolated areas of congestion during high traffic periods; "cut-through" traffic at the neighborhood level; integration of various alternative transportation modes including rail, transit, bicycle, and pedestrian; access to the City's historic and cultural resources using the various transportation modes; and aesthetic design standards for street and other transportation improvements.

The City recognizes the critical relationship between transportation, and land use planning. The primary goal of this transportation element is to provide the citizens of Lynchburg with safe, efficient, effective, and well planned transportation systems and facilities that are sustainable, enhance economic development and redevelopment opportunities ~~while~~ and preserve~~ing~~ the integrity and character of the affected neighborhoods, historic districts, and natural areas.

Guiding principles have been established to provide a vision for the City of Lynchburg's transportation policies and support decision making.

Guiding Principles for Transportation Policy

The City of Lynchburg Transportation Policy shall be coordinated with and directed toward implementing the goals of the comprehensive plan, in particular its future land use element.

The City of Lynchburg Transportation Policy acknowledges the unique character of the City's many neighborhoods and the corresponding need to protect this character by ensuring transportation projects fit into and enhance each neighborhood.

The City of Lynchburg Transportation Policy acknowledges the multi-modal nature of the City's transportation system and the need to support and develop each element of the system and the intermodal connections between elements.

The City of Lynchburg Transportation Policy shall strive to prioritize efforts and projects, acknowledging the compelling need to preserve and maximize the current investment in the system while being fiscally responsible.

The City of Lynchburg Transportation Policy shall strive to clearly state the means by which the City would like transportation connections to be made for new development and redevelopment, recognizing the impact development can have on the transportation system, and more importantly, the impact development can have helping or hindering the City in its efforts to achieve the goals set forth in the Comprehensive Plan.

The City of Lynchburg shall strive to protect and encourage appropriate transportation connections between localities that do not compromise the purpose of the local street system to facilitate movement within the City.

The City of Lynchburg Transportation Policy shall endeavor to provide guidelines for decision making that are meant to create a safe, sustainable, connected and efficient transportation system that preserves the City's character and history.

Context and Recommendations

Transportation Planning Efforts

The primary mechanism for transportation planning in the region is the Long Range Transportation Plan (LRTP). Developed and updated by the Central Virginia Metropolitan Planning Organization (CVMPO), the LRTP includes the City of Lynchburg and the urbanized areas surrounding the City. Identified transportation needs for the metropolitan area that can be funded within the next 25 years, based on a needs assessment performed every five years, are outlined in the fiscally constrained portion of the LRTP (referred to as the "Constrained Long Range Plan"). Computer models of the metropolitan area's growth patterns, as well as traffic forecasts, serve as the foundation for the needs assessment. The LRTP includes projects for streets, transit, bicycle and pedestrian facilities, air transportation, passenger rail service and the movement of freight. Virginia's Region 2000 Local Government Council (Region 2000), the Virginia Department of Transportation (VDOT), the Virginia Commonwealth Transportation Board (CTB), the Virginia Department of Rail and Public Transportation (VDRPT), the Federal Highway Administration (FHWA) and the other Region 2000 communities are also heavily involved in the regional transportation planning process.

The LRTP is implemented through the City's Transportation Improvement Plan (TIP). This is a six-year plan that includes both priorities and funding for projects identified in the LRTP, the City of Lynchburg's Capital Improvement Program, the Central Virginia Transportation Improvement Program (CVTIP) and the Commonwealth's Six-year Improvement Program (SYIP). Once a project has been included in ~~the TIP~~ one or more of these documents, it is scheduled for implementation.

~~The Phase I Planning Context & Preliminary Inventory Report summarized the many mechanisms by which large transportation projects are developed and implemented.~~ A concern over the years has been the feeling that the

City had very limited input into the development of major transportation initiatives in the region. One focus of this Transportation Element is to improve the level of communication between the City and transportation authorities and to influence transportation initiatives affecting the City. ~~The need for continued and improved communication and coordination with VDOT and other transportation planning authorities was echoed by the public during the Plan development process.~~ Transportation projects of particular ~~public~~ interest to the public include the Midtown Connector, ~~the~~ US Route 460/US Route 29 corridor ~~bypass~~, access to redevelopment areas, historic districts, scenic corridors, ~~the~~ Kemper Street Station, improvements to existing infrastructure, and various transportation projects with impacts on the Downtown area.

The City will continue to participate in regional transportation planning efforts, collaborating with the CVMPO, Region 2000 and the Region 2000 communities, VDOT, the GLTC and the Lynchburg Regional Airport Authority.

Transportation Master Plan

The City is developing ~~should develop and adopt~~ a Transportation Master Plan (TMP) that ~~would establish~~ establishes short- and long-term transportation priorities that promote multi-modalism and sustainability. The TMP will provide a mechanism for evaluating proposed

Pedestrian-friendly sidewalk.

transportation projects. In addition to street capacity, the evaluation will ~~include~~ assess ~~issues in addition to street capacity, including~~ impacts ~~on~~ to neighborhoods, economic development and, environmentally sensitive areas. The TMP will incorporate alternative transportation modes, ~~including~~ such as public transit, bicycle routes, and pedestrian routes and will provide the basis for consistency between City and VDOT transportation planning. ~~At the present time, VDOT is using the transportation portion of the City's 1984 General Plan. This document no longer reflects the City's transportation programs or needs. In order for VDOT to take the City's needs into account in planning for the region, the City needs to have an up-to-date TMP that incorporates those needs and is adopted by City Council. An adopted TMP~~ It ~~would~~ will serve as the basis for the LRTP, since the City is the center of the urbanized area covered by the LRTP, and provide the City with more input as to what projects are needed. ~~In other words, rather than have the City's transportation plans dictated by VDOT based on an outdated plan and ignorance of the City's wishes, preparing and adopting a TMP will provide useful information for VDOT.~~

The ~~Transportation aster Plan~~ TMP will also provide a mechanism for developing ~~roadway~~ streetscape and design standards to be used in evaluating VDOT and non-VDOT ~~transportation~~ funded improvements. The design standards will provide a technical and aesthetic basis for evaluating transportation improvements and will include provisions requiring such features as on-street parking, landscaping, medians, traffic calming mechanisms, appropriate levels of service, transit stops and system networking and continuity. ~~It~~ The TMP will also provide the City with tangible and measurable standards for evaluating development projects and their impacts on the local transportation network.

Streetscape ~~Roadway~~ Design

Although improvements to streets primarily address capacity, safety, or efficiency issues, they are also an opportunity to create streets that are of quality design. The ~~Transportation Master Plan~~ TMP should include design elements such as on-street parking, landscaping, medians, traffic-calming measures, narrower lanes, sidewalks, and other features as appropriate. ~~The TMP~~ It should also include design standards for trails and bikeways as well as strategies to improve safety conditions, such as developing a program to monitor high-accident intersections or streets and developing access management guidelines for development.

Transportation Improvements

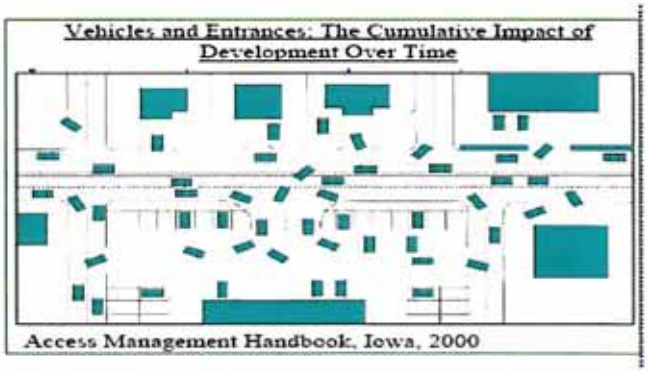
The improvement of transportation corridors is an important focus ~~for this,~~ of the Comprehensive Plan that will also be highlighted within the TMP. ~~One focus of the Comprehensive Plan and the Transportation Master Plan will be the improvement of transportation corridors.~~ Many of the corridors in the City ~~(e.g., 5th Street, 12th Street, Main Street, Memorial Avenue, and others)~~ are both functioning streets and contributors to the character of the City. These corridors help to define the character of the City and to shape neighborhoods.

When planning improvements to these ~~streets~~ corridors, it can be difficult to strike ~~the~~ an appropriate balance between sufficient traffic capacity and preservation of neighborhood character. Many residents have indicated that they want these corridors to continue looking as they do today; they are concerned that streets ~~can~~ will be widened to serve traffic that originates outside the City. The example cited most frequently is the widening of the section of Fort Avenue beginning at the intersection with Memorial Avenue and proceeding south.

Residents ~~of adjacent neighborhoods~~ are ~~very disappointed~~ frequently unhappy with the ~~design~~ appearance of ~~the newly~~ widened streets, including the loss of the tree canopy and installation of unattractive metal railings. They are also unhappy with the resulting "speedway" effect - the tendency for traffic to speed through the area. To help avoid this type of "improvement," this Comprehensive Plan delineates those streets that are part of the fabric of the City neighborhoods and recommends that they be widened only as a last resort. A series of alternative methods~~, known as transportation system management techniques,~~ will be offered to lessen or eliminate the need for widening. The TMP will contain a series of street profiles that feature more appropriate designs.

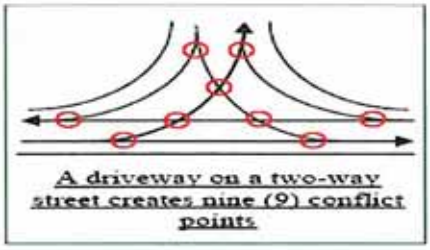
Access Management

Access management is the process of providing and managing access to development while preserving the regional flow of traffic in terms of safety, capacity and speed. It is implemented through policy, statutes, administrative rules, engineering standards, ordinances, permitting, the budget process, and other mechanisms.

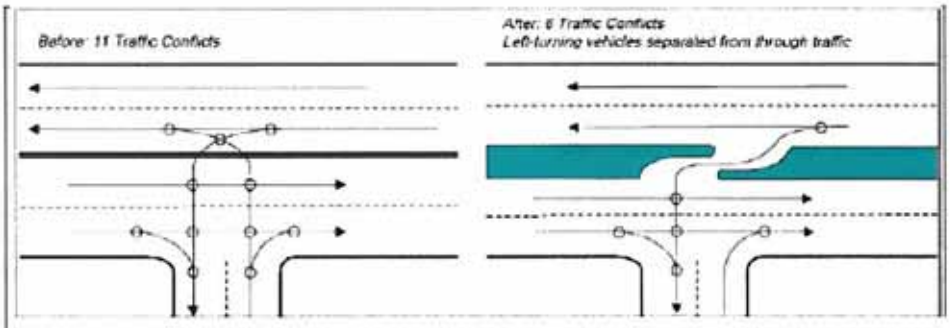


Access Management Handbook, Iowa, 2000

Streets, however, do not exist in segments; they exist as part of a whole and every island that connects to a street lowers the speed at which vehicles can travel and increases the potential for accidents and delays. Access management is one technique the City can use to reclaim the functionality and safety of the street system.



A driveway on a two-way street creates nine (9) conflict points



The above diagram compares traffic conflict points associated with a driveway on a four-lane undivided roadway and a driveway on a four-lane roadway with a raised median and left turn lane. The installation of the raised median with a left turn lane eliminates five potential conflict points but also prevents left-turn egress to the driveway.

Source: Iowa, Access Management Frequently Asked Questions

A conflict point is an area where intersecting traffic merges, diverges or crosses. They slow and sometimes stop traffic, increasing the likelihood of accidents and lower street capacity. A single driveway on a two-way street produces nine conflict points. The City should establish access management regulations and policies to increase the safety of the city street system and to preserve the capacity and efficiency by reducing existing and minimizing future conflict points.

Some of the basic principles that are used in access management are:

1. Maintain a hierarchy of streets by function;
2. Reduce and limit the total number of conflict points;
3. Separate access points;
4. Encourage circulation between properties;
5. Limit direct access on higher speed streets;
6. Locate traffic signals, or roundabouts to facilitate traffic movement.

Mass Transit

GLTC Trolley at Kemper Street Station.

The Greater Lynchburg Transit Company (GLTC) is the region's public transportation provider. It serves the City of Lynchburg, portions of Amherst County and has specific routes to accommodate the transportation needs of Liberty University. GLTC provides fixed-route and paratransit services, and through the provision of these alternative transportation modes, contributes to a more sustainable region. Public transit removes several hundred vehicles from the region's streets on a daily basis, lowering vehicle emissions, reducing traffic congestion and providing accessible mobility options for all citizens of the region. GLTC provides over 3 million passenger trips annually, with Liberty University students and faculty comprising close to 2 million of those trips. GLTC has embarked on an aggressive fleet replacement/upgrade program to acquire hybrid diesel-electric buses. At the end of 2010, GLTC will have equipped 57% of its fixed route fleet with hybrid diesel-electric buses. GLTC has also initiated a site study to build a new main transfer center and to consider a new maintenance-operations facility to accommodate its current and planned growth.

Public transit is an integral part of the transportation network and, much like roads, the City must strike a balance through the coordination of the GLTC route planning and the City's land use planning to provide for the successful growth and development of the City. In addition to transit stops, a variety of features including sidewalks, trails, pedestrian and vehicular tunnels, carpool and ride sharing areas may be incorporated into the design of new developments to increase accessibility. Private taxi and van services should be encouraged as a means to augment underserved routes, transportation hubs and specific destinations within the City.

Lynchburg City Schools also maintains a number of school buses to serve their student population. The City School system has implemented software to coordinate routes for the various elementary, middle and high school buses, as well as activity, special education and magnet school services. The use of this software, coupled with the elimination of the early morning class option for high school students, has provided for a reduction in fuel usage, time savings and an overall cost savings for the schools. Lynchburg City Schools continues to evaluate options to consolidate routes and improve the efficiency of their bus fleet.

Rail Service

Three rail lines provide passenger and freight service to the City. Norfolk Southern Railway provides freight service extending north/south and east/west from the City, while CSX Railway carries freight along the James River. Amtrak, operating on Norfolk Southern tracks, provides passenger service. Industrial development has benefited from and still relies on rail service to ship raw and finished products. The City should encourage the use of rail as a cost-effective means of transporting goods. Kemper Street Station serves as the City's main transfer point for Amtrak passenger rail service ~~and Greyhound Bus service~~. In October 2009, intercity passenger rail service, the first leg of the planned Northeastern Regional Service began from Lynchburg to Boston. Ultimately, the Trans-Dominion Express (TDX) will use existing rail lines to take passengers from Bristol throughout the Commonwealth with the goal of easing highway congestion and providing new travel options for residents and visitors. ~~Opportunities to expand the level of rail service provided by Amtrak should as should opportunities to support development of the TransDominion Express.~~

Kemper Street Station serves as a significant multi-modal transportation hub for the City. In addition to rail service, Kemper Street also serves as the City's Greyhound Lines© station for intercity bus service and GLTC has proposed plans to locate their passenger transfer facility on the site to add an intracity connection service. The site includes a connection point to the Blackwater Creek Trail System with sidewalk connections and bike rental stations located at the trail head.

Lynchburg Regional Airport

~~Accessible and affordable air service will improve the economic vitality of the City and region, encouraging economic development and attracting employers to the City. The funding of the operating budget and the loss of scheduled airline service are concerns related to the airport.~~ Another key goal of the ~~Plan~~ TMP encourages greater utilization and ~~further~~ continued development of the Lynchburg Regional Airport as the primary commercial ~~provider of~~ air service to the region. The further development of adequate and affordable scheduled airline service will contribute to the economic vitality of the City and region, encouraging economic development and attracting employers to the City. Economic uncertainties faced by the airline industry and the continued challenges faced by smaller commercial service airports are concerns related to the airport.

The airport's master plan, which is currently being updated, includes a range of infrastructure and facility improvements designed to meet forecasted aeronautical demands throughout the planning horizon. Emphasis is

being placed on attracting a diversity of aeronautical capabilities and services centered on the further development of passenger airline service, expanded freight services and continued growth in business and general aviation activities. The recent completion of a $14 million dollar extension of the airport's primary runway 7,100 feet in length should create additional opportunities in these areas. airport is also continuing to pursue becoming a regional, independent airport authority and exploring the potential for the creation of an industrial park adjoining the airport. ~~The airport's current master plan includes limited improvements to maintain the existing level of ser vice to the region. The City should consider expanding the airport's ability to serve larger aircraft, regional commercial jet service, freight, and general aviation clients. Expanded access to the airport on public transit is also needed. There is also the potential for creation of an industrial park next to the airport.~~

Lynchburg Regional Airport.

Goals, Objectives & Strategies

Goal 1. Provide the citizens of Lynchburg with safe, efficient, effective, and well-planned transportation systems and facilities that enhance economic development and redevelopment opportunities while preserving the integrity and character of the affected neighborhoods, historic districts, downtown, and natural areas.

Objective 1.A. **Transportation Master Plan (TMP).** Establish short and long-term transportation priorities through the development of a comprehensive City Transportation Master Plan.

1) Include level-of-service standards, functional classifications and transit service for ~~roads~~ streets within the City.

2) Incorporate the Comprehensive Plan Future Land Use Map and elements. Ensure compatibility between development/preservation goals, current and future transit service and ~~roadway~~ street levels-of-service.

3) Assure consistency between Comprehensive Plan land use and population policies with the traffic model utilized for the Long-Range Transportation Plan (LRTP).

4) Monitor LRTP and Transportation Improvement Plan (TIP) impacts on neighborhoods, economic development and redevelopment areas, historic districts, and environmentally sensitive areas. Monitor the implementation of the TIP and evaluate any inconsistencies or conflicts with the Comprehensive Plan or TMP.

5) Identify corridors within the City where right-of-ways should be preserved for ~~roads~~ streets, bikeways, pedestrian ways and future transit operations, such as bus rapid transit (BRT) lines.

6) Incorporate ~~the Greater Lynchburg Transit Company's~~ GLTC's plans to encourage the coordination of ~~bus routes~~ transit service with other transportation modes.

7) Priorities for improvements to the transportation system should be based on safety considerations; existing deficiencies; multi-modal and environmental considerations; physical, economic, and policy constraints; contribution to quality urban design; required right-of-way needs; level-of-service; and appropriate system continuity.

8) Include alternative transportation modes in the TMP, including pedestrians, bikeways, trails, and transit.

9) Review the ~~Transportation Master Plan~~ TMP annually and complete updates at least every five years. Updates should be completed in time for the CVMPO to use them when developing the LRTP and the CVTIP.

Responsibility: Community Development and Public Works

Effective Date: Approval Date 2009

Objective 1.B. **Design of ~~Roadways~~ Streets.** Design new ~~roadways~~ streets and improve existing ~~roadways~~ streets in such a way that sufficient ~~capacity~~ mobility is provided while maintaining quality urban design. Prior to the issuance of a development or building permit, address and resolve any ~~roadway~~ issue that would create or exacerbate a significant safety hazard in the transportation system.

1) New ~~roadways~~ streets shall be designed to provide capacity efficiently~~,~~ while maintaining quality urban design. This shall include elements such as on-street parking, landscaping, medians, other green areas, traffic calming, narrower lanes, roundabouts, controlled or limited access, sidewalks, aesthetic accents, bus pull-out bays, and other design forms and materials, as appropriate to the function of the street.

2) ~~The~~ A developer may be required to prepare a traffic study, subject to the approval of the City's Transportation Engineer, to determine whether the proposed development will create or exacerbate a significant safety hazard. The developer may be required to mitigate ~~any~~ adverse impacts, as determined by the study, ~~and~~ to provide safe and adequate access.

3) Develop a program to identify and monitor high-accident intersections or ~~roadways~~ streets.

   a) Continue to use collected data to allocate Capital Improvement Program funds for individual projects to improve safety.

   b) In specific locations of need, implement minor adjustments to routing, signalization, lighting, signage, pavement marking, and so on that may improve safety conditions.

   c) Actively pursue grant funds to finance improvements at problem intersections.

4) Integrate utilities into the context-sensitive design process.

5) Develop Access Management Guidelines for new development, redevelopment, and ~~roadway~~ street projects.

   a) Promote ~~and require~~ shared and joint access between sites.

   b) Promote adequate driveway and median opening spacing to minimize vehicular conflicts.

c) Promote access points on side streets instead of major arterials to preserve capacity on major ~~roadways~~

streets and ~~require~~ encourage developers to align their driveways with existing adjacent streets/driveways.

6) Use urban interchanges and roundabouts to access arterials in lieu of traffic signals.

Responsibility: Community Development and Public Works

Effective Date: Approval Date 2009

Current Applicability: All new public and private streets built within the City.

Objective 1.C. **Preservation of Existing ~~Road~~ Transportation Corridors.** Preserve the City's ~~history and protect neighborhoods~~ cultural and neighborhood assets by maintaining the character of existing ~~road~~ transportation corridors.

1) The following ~~roadways~~ streets shall not be widened through the addition of through lanes or the removal of existing parking lanes to ~~permit increased traffic flow~~ create a through lane unless no other alternatives can be found and the City Council approves the widening:

   a) Fifth Street, from the John Lynch Bridge to Memorial Avenue;

   b) Twelfth Street, from Commerce Street to Fort Avenue;

   c) Rivermont Avenue, from the ~~Blackwater Creek~~ Rivermont Avenue bridge to VES Road;

   d) Boonsboro Road, from VES Road to US Route 501;

   e) Boonsboro Road, from US Route 501 to the Western Corporate Boundary;

   f) Langhorne Road, from Rivermont Avenue to ~~Memorial Avenue~~ Murrell Road;

   g) Link Road, from Boonsboro Road to Old Forest Road;

   h) Trent's Ferry Road, from Boonsboro Road to the Northern Corporate Boundary;

   i) Memorial Avenue, from Fifth Street to Fort Avenue;

   j) Fort Avenue, from Park Avenue/Kemper Street to Memorial Avenue.

2) Consider Transportation Systems Management (TSM) and Intelligent Transportation System (ITS) techniques to improve traffic flow on these ~~roads~~ streets before approving additional lanes or removal of parking lanes. Examples of TSM include: signal optimization, turn lanes at intersections, reversible lanes, and other measures.

Responsibility: Community Development and Public Works

Effective Date: Approval Date 2009

Applicability: Applicable in any planning effort for these streets.

Objective 1.D. **Neighborhood Traffic.** Promote walkable neighborhoods and ensure that traffic conditions do not degrade neighborhood quality.

1) Consider neighborhood-level impacts of transportation projects during preparation of Neighborhood Conservation Plans (see Chapter 4, Plan Framework) and employ traffic calming techniques to control cut-through and speeding traffic.

2) Use the Neighborhood Traffic Management Plan (NTMP) during the development of transportation projects

Responsibility: Community Development and Public Works

Effective Date: Approval Date 2009

Applicability: Applicable on most streets

Objective 1.E. **Access to Downtown.** Improve access to Downtown areas from neighborhoods and gateways to the City, per the "Downtown and Riverfront Master Plan 2000" and the "Downtown Riverfront Implementation Plan."

1) Provide clear direction for traffic flow into the Downtown, ~~especially upon ultimate construction of~~ from the US Route 29 bypass, and from US Route 501, Boonsboro/Rivermont.

2) Provide streetscape enhancements along boulevards into the Downtown area.

3) Encourage greater availability of transit and pedestrian access to the Downtown from adjacent neighborhoods, through the use of Transit-Oriented Development principles and other techniques.

4) Encourage a connection from the Downtown area to the City's greenway, blueway, trail, and bikeway networks.

5) Develop ~~additional~~ adequate parking spaces in the Downtown area, as recommended in the "Strategic Parking Plan" and the "Downtown and Riverfront Master Plan 2000," using on-street parking and structured parking, rather than surface lots.

Responsibility: Community Development and Public Works

Effective Date: Approval Date 2009

Applicability: Applicable on most streets

Objective 1.F. **Participation & Coordination.** Maximize opportunities for participation by City staff and the public in City and regional transportation planning initiatives.

1) Improve coordination of transportation planning efforts with ~~the Virginia Department of Transportation~~ VDOT, ~~the Region 2000 Regional Commission~~ Region 2000, ~~the Greater Lynchburg Transit Company~~ GLTC, Amherst County, Bedford County, Campbell County, and the Lynchburg Regional Airport, as applicable.

2) Encourage and solicit citizen and neighborhood-level input, including:

   a) Emphasis on early involvement - prior to the public notice/right-of-way stage of project development.

   b) Neighborhood outreach through community groups and associations.

Responsibility: Community Development, Public Works, Region 2000 Local Government Council (Region 2000), the Virginia Department of Transportation (VDOT)

Effective Date: Approval Date 2009

Applicability: Any plan and or project that is adopted or implemented

Objective 1.G. **Special Consideration for Non-drivers.** Consider, during all transportation planning efforts, the needs of non-drivers, including the young, the elderly, and the disabled, among others.

1) This consideration should include installation of amenities such as, but not limited to, audible signals, textured surfaces, crosswalks, pedestrian signals, transit stops, and the examination of the connectivity of the sidewalk network.

2) Promote the opportunity for alternative transportation connections, and to provide future bus stop locations by requiring space within new development and redevelopment to be reserved for future transit stops.

Responsibility: Community Development, Public Works and the Greater Lynchburg Transit Company (GLTC), the Virginia Department of Transportation (VDOT)

Effective Date: Approval Date 2009

Applicability: During all planning efforts.

Goal 2. Develop and encourage opportunities for the integration of alternative transportation modes, including public transit, bicycle, and pedestrian corridors.

Objective 2.A. **Intermodal Integration.** In evaluating planned transportation improvements, consider impacts to and opportunities for intermodal integration.

1) Compare the Central Virginia Metropolitan Planning Organization's Comprehensive Bicycle and Pedestrian Plan and Chapter 5, Citywide Land Use & Development, with development patterns at least every five years to determine if changes are needed.

2) Require new development or redevelopment to be coordinated with public transit, bicycle, and pedestrian systems, where applicable.

Responsibility: Community Development, Public Works and the Greater Lynchburg Transit Company (GLTC)

Effective Date: Approval Date 2009

Applicability: Applied during the planning stage of the transportation improvement process.

Objective 2.B. **Enhancement.** Develop opportunities to enhance alternative transportation facilities.

1) Create opportunities for improving pedestrian access to the historic districts and the Downtown.

2) Create opportunities for improving pedestrian access to greenways and blueways ~~stream corridors~~.

3) Encourage improvement of public transit access to the historic districts and the Downtown.

4) Develop strategies, such as provision of parking lots, to promote the use of public transit.

5) Coordinate with the ~~Greater Lynchburg Transit Company (~~GLTC~~)~~ as necessary for updates to the Greater Lynchburg Transit Development Plan.

6) Prepare a citywide pedestrian improvement plan that addresses the need for sidewalks throughout the City and incorporates existing policies on sidewalk maintenance and the provision of new sidewalks and related facilities such as crosswalks and pedestrian signals. During preparation of this plan, evaluate whether existing policies need to be revised. During pedestrian improvement planning, incorporate the Americans with Disabilities Act (ADA) requirements.

7) Prepare a citywide bicycle plan, in cooperation with ~~the MPO~~ Region 2000.

8) Promote taxi, car-sharing and carpooling programs to increase accessibility, as well as augment underserved

routes, transportation hubs and specific destinations within the City.

Responsibility: Community Development, Public Works and Parks and Recreation

Effective Date: Approval Date 2009

Applicability: Applied on demand basis; Comply with ADA requirements

Objective 2.C. **Compatibility.** Ensure the compatibility of ~~the Future Land Use Map~~ public transportation service with ~~existing rail and public transportation service~~ the Future Land Use Map.

Responsibility: Community Development, Public Works and the Greater Lynchburg Transit Company (GLTC)

Effective Date: Approval Date 2009

Applicability: Apply when changes to either public transit routes or the future land use map occur.

Objective 2.D. **Regional Transit Authority.** ~~Explore the feasibility of developing a regional transit authority in cooperation with the surrounding counties~~ Continue to expand formal partnerships (such as the existing partnerships with Amherst County and Liberty University) and be receptive to the creation of a regional transit authority.

Responsibility: Community Development, Public Works, the Greater Lynchburg Transit Company (GLTC), Region 2000 Local Government Council (Region 2000)

Effective Date: Approval Date 2009

Applicability: Apply when the opportunity arises

Goal 3. Commit adequate resources to the operation and maintenance of existing and future transportation facilities.

Objective 3.A. **System Needs.** As part of the development and update process for the City Transportation Master Plan (TMP), evaluate the condition of the existing transportation facilities and make appropriate recommendations for addressing needs.

1) Include recommendations for funding the operation and maintenance of transportation facilities in the

~~Transportation Master Plan~~ TMP and subsequent updates.

2) Allocate funding ~~to the maximum extent feasible~~ that is fiscally responsible to meet the operation and maintenance needs identified in the ~~Transportation Master Plan~~ TMP .

3) Explore the feasibility of developing a regional intelligent transportation system in conjunction with the CVMPO and VDOT.

Responsibility: Community Development, the Greater Lynchburg Transit Company (GLTC), Public Works, Region 2000Local Government Council (Region 2000) and the Virginia Department of transportation (VDOT)

Effective Date: Approval Date 2009

Applicability: Underway

Goal 4. Provide increased regional passenger and freight rail~~road~~ transportation.

~~***Objective 4.A.* Amtrak Passenger Rail Service.** Work with Amtrak to continue and expand, if possible, passenger rail service through Lynchburg.~~

***Objective 4.A.* Bus Service.** Continue to work with intercity bus transit providers to extend the service area for bus transportation.

Responsibility: Greater Lynchburg Transit Company (GLTC)

Effective Date: Approval Date 2009

Applicability: Whenever the opportunity arises

***Objective 4.B.* TransDominion Express (TXD), including Northeastern Regional Service.** Support ~~the effort to initiate~~ regional rail service, using Lynchburg as a hub for service from Bristol, Virginia to Boston, Massachusetts.

Responsibility: City Manager's Office and Chamber of Commerce

Effective Date: Approval Date 2009

Applicability: Whenever the opportunity arises

Objective 4.C. **Rail Freight.** Encourage use of rail freight as a cost-effective means of transporting freight.

Responsibility: City Manager's Office, Chamber of Commerce, Department of Rail and Public Transportation (DRPT)

Effective Date: Approval Date 2009

Applicability: Whenever the opportunity arises

Goal 5. Support efforts to make the Lynchburg Regional Airport more attractive to passenger and freight clients.

Objective 5.A. **Independent Airport Authority.** Explore the feasibility of establishing an independent airport authority. Continue to pursue recent efforts to establish an independent airport authority.

1) Develop a cost and revenue-sharing agreement with Campbell County to facilitate creation of the authority. Develop a cost-sharing methodology and draft agreement that conforms to recently passed Virginia General Assembly legislation to present to surrounding counties for the creation of the authority.
2) Develop existing property adjacent to the airport into an industrial park. Develop existing property adjacent to the airport into an industrial park under the auspices of the authority.

Responsibility: City Airport Staff

Effective Date: Approval Date 2009

Applicability: Underway

~~*Objective 5.B.* **City/Campbell County Boundary Adjustment.** Explore the feasibility of entering into an agreement with Campbell County for a voluntary boundary line adjustment to bring the airport into the City.~~

~~*Objective 5.B.*~~ *Objective 5.B.* **Airport Use.** Continue to expand and improve airport infrastructure and facilities ~~and to offer competitive rates and~~ in order to diversify airport services.

1) With the recent completion of a 1,301-foot main runway extension, explore opportunities to attract additional air freight services and activities.

~~1) Explore opportunities to attract general aviation clients by providing, for example, more hangar space and additional amenities for corporate and private jets.~~

2) Continue to pursue opportunities to attract general aviation tenants and customers through the addition of more aircraft parking ramp areas, conventional hangar facilities and T-hangars.

~~2) Pursue opportunities to attract a low-fare passenger airline or a commuter feeder.~~

3) Continue to pursue opportunities to attract additional scheduled air carriers, with an emphasis on the return of service to a northeastern connecting airport, including Washington D.C., Cincinnati, OH and Philadelphia, PA.

~~3) Continue efforts to keep passenger fares competitive while providing the services demanded by the traveling public.~~

4) Continue efforts to keep passenger fares competitive while providing adequate flight frequency and seat capacity to meet regional demand.

~~4) Work with the Greater Lynchburg Transit Company to provide expanded bus service to/from the airport and the Downtown, hotels, and other appropriate locations.~~

5) Explore opportunities to develop non-aeronautical airport land in order to attract non-traditional sources of revenue.

Responsibility: City Airport Staff

Effective Date: Approval Date 2009

Applicability: Ongoing

~~**Objective 5.D.** ***Regional Airport.*** *Explore the feasibility of a regional airport to serve Lynchburg and neighboring communities*~~

Goal 6. Improve capacity to assess the impacts of development and to monitor, analyze, and report on conditions in the city's natural environment, neighborhoods, and commercial and employment districts.

Objective 6.A. **Impact Assessments.** ~~Ensure that~~ Encourage public and private developments to avoids, minimize, or mitigate negative environmental, community and fiscal impacts.

1) Require ~~fiscal,~~ traffic~~, and utility~~ impact analyses for large-scale retail development projects. ~~Identify a threshold to define "large-scale development."~~

2) Recommend that new development projects apply environmental checklists and impact analyses to ~~all~~ development projects ~~as recommended in Chapter 12, Natural Systems~~.

3) Incorporate land use, environmental, ~~and~~ transportation, and community impact assessments in plans for transportation, public facility, and utility improvements. ~~Community impacts include impacts on the visual quality and cohesiveness of the community and additional factors that otherwise define its character.~~

This goal is also identified in Chapter 5 as Goal 2

Responsibility: Community Development and Public Works

Effective Date: Approval Date 2009

Applicability: This applies to all large scale developments.

Goal 7. Encourage the improvement of conditions and quality of life along travel corridors and in revitalization areas identified on the Plan Framework Map.

Objective 7.A. **Corridor Study Areas.** Prepare detailed plans and studies to improve conditions along primary travel corridors, including the ~~Crosstown~~ Midtown Connector route ~~(Kemper Street, Park Avenue and Lakeside Drive)~~, Lakeside Drive, Wards Ferry Road, Greenview Drive, Wiggington Road, Wards Road/Candlers Mountain Road, Timberlake Road, Fort Avenue, Old Forest Road, Campbell Avenue, the Lynchburg Expressway and Boonsboro Road.

1) Prepare a priority list and schedule for completing corridor study area plans.

2) Use the policies outlined in Chapter 4, Plan Framework, for interim decisions on land use and development in these areas.

3) Amend the Comprehensive Plan, including the Future Land Use Map, as appropriate, after completing

each corridor study area plan.

4) Encourage infill development/redevelopment.

5) Encourage on street parking where appropriate.

This goal is also identified in Chapter 5 as Goal 4

Responsibility: Community Development and Public Works

Effective Date: Approval Date 2009

Applicability: This policy applies to all primary travel routes designated as study areas by the City of Lynchburg Department of Community Development.

Goal 8. Ensure that development and redevelopment reinforce the City's unique character and sense of place.

Objective 8.A. **Pedestrian Circulation.** Encourage site and building designs that accommodate the needs of pedestrians, disabled persons, and transit-dependent people.

1) To create active pedestrian environments, encourage commercial development with sidewalk frontage, non-reflective windows, street entries, canopies and awnings, and pedestrian-scale lighting and signs; and residential development with shallow front yard setbacks, porches, and rear yard parking.

2) Require all new development along traditional commercial streets to match the setbacks of adjacent buildings and to locate primary building entries on a sidewalk.

3) Require ~~that~~ site and building designs that support the safe and convenient circulation of pedestrians and persons with disabilities.

   a) Through the site plan review process, ensure the adequacy of facilities for pedestrians and persons with disabilities.

   b) Encourage the provision of cross-parcel pedestrian connections in commercial areas and between commercial areas and adjacent neighborhoods.

c) Ensure that transit stops on private properties have adequate pedestrian connections and are located in close proximity to destinations.

4) Include the GLTC in plan review so that existing and proposed bus routes are considered during planning for new developments.

This goal is also identified in Chapter 6 as Goal 1.

Responsibility: Community Development and Public Works

Effective Date: Approval Date 2009

Applicability: This policy applies to all public and private development being rezoned or for a conditional use permit application. The City staff would like this to be applied to all developments.

Goal 9. Ensure that the design of streets and public facilities reinforces the City's unique character and sense of place.

Objective 9.A. **Design of Public Facilities.** Build on existing City efforts to ensure design quality, ~~and~~ sensitivity and sustainability in new and renovated public facilities.

1) Establish design guidelines for public facilities.

2) Ensure that new or renovated public facilities are compatible with their surroundings and, to the extent possible, serve neighborhood needs.

3) Provide opportunities for public comment on building and site design for new or renovated public facilities.

4) Work with state and federal agencies to ensure compatibility and design sensitivity in new and renovated facilities.

5) Ensure that sufficient funding is allocated to capital improvement projects for detailed planning and quality design work.

6) Ensure that all public facility projects are reviewed by the Technical Review Committee.

7) Incorporate multi-modal accommodations into facility plans.

This goal is also identified in Chapter 6 as Goal 3.

Responsibility: All City departments are responsible for making sure their project is reviewed by the Technical Review Committee. The Technical Review Committee is responsible for ensuring the project's compatibility with the requirements within these goals and objectives.

Effective Date: Approval Date 2009

Goal 10. To increase the safety of the City street system, to preserve capacity and efficiency by reducing existing and minimizing future conflict points.

Objective 10.A. **Current and Up-to-Date Ordinances.** To have the City of Lynchburg Ordinances regularly updated to reflect changes to street classifications, transit, bicycle and pedestrian facility requirements, and access management regulations.

1) The City shall review the Ordinances on a regular basis to determine the need for amendments in order to keep the regulations up to date and current.

2) The City shall classify public streets according to function. Streets shall be planned, designed and managed to preserve their functional integrity.

3) The City shall add a "Cultural and Neighborhood Asset" classification to the functional classification of streets. This classification shall apply to streets specified in the Comprehensive Plan where neighborhood character, including streetscapes, is given priority over vehicular movement. Access management regulations and policies may be modified for these streets.

4) The City shall update ordinances to effect goals and objectives relating to access management as found in this chapter.

Responsibility: Community Development and Public Works

Effective Date: Approval Date 2009

Applicability: This should be applied on a regular basis with the frequency dependant on the activity. For example, ensuring that developments and redevelopments have appropriate connections will occur when site plans are submitted, but a review of the City Ordinances may need to take place only once every year or two.

Objective 10.B. **Preservation of the Integrity of the Local Streets.** To preserve the safety, function and flow of the regional and local transportation system.

1) The City will preserve the movement and function of the major thoroughfare system by facilitating the development of service streets, entrance consolidation, cross access easements and joint entrances to connect parcels as developments are permitted along major streets.

2) The City will not permit driveway connections to be located in the physical or functional area of an intersection. If corner clearances cannot be met though joint access, cross access, or the use of service streets, the Technical Review Committee, through the site plan approval process, may allow construction of an access connection along the property line farthest from the intersection. In such cases, directional connections (i.e. right in/out, right in only, or right out only) may be required.

3) The City may identify specific access management areas and thereby limit private direct access to major streets (expressways, arterials and minor arterials).

4) The City will discourage the connection of low density residential driveways directly to the major streets.

5) Maintain the grid pattern of the City's streets to provide alternate routes of travel.

Responsibility: Community Development as well as the Technical Review Committee when applicable

Effective Date: Approval Date 2009

Applicability: When site plans are reviewed

Objective 10.C. **Access to the Street System.** To continually implement policies and regulations which promote safe and efficient access to adjacent parcels, nearby uses and city streets.

1) Commercial properties should establish direct and convenient connections (vehicular, pedestrian and other alternative transportation) to adjacent commercial properties. Encourage a system of shared use driveways, service streets and cross access easements wherever feasible.

2) All access to outparcels should be internalized using the shared circulation system of the principal development.

3) New city streets (including extensions of existing streets) will connect to existing city streets and be extended to serve undeveloped land.

Responsibility: Community Development as well as the Technical Review Committee when applicable

Effective Date: Approval Date 2009

Applicability: When site plans for development, redevelopment and public projects are reviewed

Goal 11: Create a sustainable, multi-modal transportation system that minimizes and, where possible, reduces pollution and motor vehicle congestion while ensuring safe mobility and access for all. This multi-modal transportation system shall support a vital and growing local economy. Furthermore, financial responsibility, environmental stewardship, economic development and equal access are integral elements of a multi-modal transportation system.

Objective 11.A: Encourage multiple transportation modes, which decrease trips by single-occupant vehicles (SOV) and increase trips by alternative transportation modes.

Responsibility: Community Development and Public Works

Effective Date: Approval Date 2009

Applicability: Whenever the opportunity arises

Objective 11.B: Adopt a design perspective in planning transportation infrastructure which incorporates a multi-modal focus and includes issues of walk-ability and neighborhood concerns.

Responsibility: Community Development and Public Works

Effective Date: Approval Date 2009

Applicability: Whenever the opportunity arises

Objective 11.C: Adopt "green" technologies (i.e. LED stoplights, etc.) in the construction of transportation infrastructure.

Responsibility: Community Development, Public Works and GLTC

Effective Date: Approval Date 2009

Applicability: Whenever the opportunity arises

Objective 11.D: Adopt land use design/development policies that encourage use of alternative transportation modes.

Responsibility: Community Development and Public Works

Effective Date: Approval Date 2009

Applicability: Whenever the opportunity arises

Objective 11.E: Work with transportation stakeholders to increase awareness of the benefits of a multi-modal transportation system.

Responsibility: Community Development and Public Works

Effective Date: Approval Date 2009

Applicability: Whenever the opportunity arises.

Definitions

Arterial: A major street intended primarily to serve through traffic, where access is carefully controlled. These are streets of regional importance, intended to serve moderate to high volumes of traffic traveling relatively long distances and at higher speeds.

Blueway: Rivers, streams and other waterways.

Bus Rapid Transit (BRT): bus routes specifically designed to minimize travel time and maximize convenience for passengers. The use of dedicated traffic lanes, automated off vehicle fare collections, level boarding platforms and detailed real-time (minute to minute information) schedule/route information available at the stop are some of the ways in which these routes are created.

City Street: A street with the primary function of providing access to adjacent properties and to streets of a higher functional classification.

Cross Access: An easement or service drive providing vehicular access between two or more contiguous sites so that the driver does not need to reenter the public street system.

Connection: Any driveway, street, turnout, or other means of providing for the movement of vehicles to or from the public street system.

Corridor: A broad geographical band that follows a general directional flow connecting major sources of trips that may contain a number of streets, highways, and transit route alignments.

Corridor, Transportation: A combination of principal transportation routes involving a linear network of one or more highways, rail lines, or other primary and secondary access facilities which support a development corridor.

Cut-through: A path that is taken in order to avoid perceived or real traffic congestion; an alternative route to a destination that usually involves the usage of minor streets (such as residential streets or alleys) in order to avoid traffic on major streets.

Context-Sensitive Design: Designing transportation facilities that fit the applicable setting and preserve scenic, aesthetic, historic and environmental resources while maintaining safety and mobility.

Expressway: A principal arterial street designed for relatively uninterrupted, high-volume mobility between areas, access to which is limited and may include a mixture of intersections (at grade) and interchanges (grade separated)

Functional Area: That area beyond the physical intersection of two controlled access facilities that comprises decision and maneuver distance, plus any required vehicle storage length, and is protected through corner clearance standards and connection spacing standards. These standards are available for review in the Engineering Division located in City Hall.

Greenway: A linear park, alternative transportation route, or open space conservation area that provides passive recreational opportunities, pedestrian and / or bicycle paths, and / or the conservation of open spaces or natural areas.

Gateway: An entrance corridor that heralds the approach of a new landscape and defines the arrival point as a destination. (American Planning Association)

Intelligent Transportation Systems (ITS): The application of advanced electronics, computers, communications, and sensor technologies—in an integrated manner—to increase the efficiency and safety of the surface transportation network.

Joint Access: A single access point connecting two or more contiguous sites to a public street that serves more than one property or development, including those in different ownership or in which access rights are provided in legal descriptions.

Major Streets: Streets that have been designated as Collector, Principle Arterial or Arterial by VDOT or the City of Lynchburg.

Median: That portion of a highway separating opposing traffic flows, not including center two-way left-turn lanes. Medians can be traversable or non-traversable.

Multi-modal Transportation System: An interconnected system that includes multiple forms of transportation, such as vehicular, pedestrian, bus, bike lanes, trains and airport facilities and traversable waterways.

Neighborhood Traffic Management Plan (NTMP): A community based planning effort for traffic issues involving speeding, cut-through traffic, traffic safety on neighborhood and local streets.

Outparcel: A lot, adjacent to a street, which interrupts the frontage of another lot.

Paratransit (Transit Service): The use of small buses or vans to provide transit services for transportation-disadvantaged groups, such as people with significant physical disabilities, and non-drivers who require medical or social services. Paratransit may also include flexible route, door-to-door transit service to the general public.

Pedestrian System: The system of sidewalks, trails and greenways that are designed for pedestrian use.

Plan Framework Map: A map that provides an overview of the main ideas and themes addressed in the *Comprehensive Plan 2002-2020*. The map illustrates the City's general pattern of development and highlights areas where some degree of change is encouraged or anticipated. A copy of the Plan Framework Map is located at the end of *Chapter 4: Plan Framework*.

Service Street: A public or private street, auxiliary to an arterial street, that provides access to parcels surrounding an arterial street and that typically serves nonresidential development.

Sustainability: An approach to progress in which the needs of the present are met without sacrificing those of future generations. The vision for the City of Lynchburg is a diverse community working together to promote a healthy and sustainable City with social, cultural, economic and environmental vitality, now and for future generations.

Transportation Systems Management (TSM): An integrated program to optimize the performance of existing infrastructure through the implementation of systems, services, and projects designed to preserve capacity and improve security, safety, and reliability
of the transportation system.

Acronyms

BRT – Bus Rapid Transit: See definition for Bus Rapid Transit.

CTB – Commonwealth Transportation Board: A seventeen (17)-member board appointed by the Governor of Virginia that establishes the administrative policies for Virginia's transportation system. The CTB allocates highway funding to specific projects, locates routes and provides funding for airports, seaports and public transportation.

CVMPO – Central Virginia Metropolitan Planning Organization: The federally designated transportation planning agency for the Lynchburg urbanized area. Also known as the Region 2000 Regional Commission, this organization is responsible for planning, programming and coordination of federal highway and transit investments in urbanized areas.

CVTIP – Central Virginia Transportation Improvement Program: A three (3)-year schedule of all federally funded and regionally significant transportation projects to be implemented in the urbanized area. To receive federal funding, transportation projects typically originate in the LRTP and must be approved by the CVMPO.

FHWA – Federal Highway Administration: A division of the United States Department of Transporation that specializes in highway transportation. Although State, local, and tribal governments own most of the Nation's highways, FHWA provides financial and technical support to them for constructing, improving, and preserving America's highway system.

GLTC – Greater Lynchburg Transit Company: A non-profit publicly owned company responsible for providing regional bus service for the City. Its mission is to o provide safe, dependable, affordable, accessible and high quality public transportation to the Central Virginia community.

ITS – Intelligent Transportation Systems: See definition for Intelligent Transportation System.

LRTP – Long Range Transportation Plan or Constrained Long Range Transportation Plan: A document maintained and updated by the Central Virginia Metropolitan Planning Organization that is intended to guide the Central Virginia area in creating a more efficient, responsive and environmentally-sensitive transportation system over the next twenty-five (25) years. The plan examines transportation issues and trends and offers a list of specific projects for addressing the area's mobility needs.

NTMP – Neighborhood Traffic Management Plan: See definition for Neighborhood Traffic Management Plan.

Region 2000 – Region 2000 Regional Commission: See CVMPO – Central Virginia Metropolitan Planning Organization.

SYIP –Six-Year Improvement Program: Allocated by the CTB, the SYIP provides funds for the Commonwealth's transportation projects that are proposed for construction, development or study in the next six (6) fiscal years. The program is updated annually.

TDX – Trans-Dominion Express: a proposed passenger rail service, crossing the Commonwealth of Virginia on existing tracks—using modern "European-style" rail cars for maximum safety and comfort.

TIP –Transportation Improvement Program: A six (6)-year plan that includes both priorities and funding for projects identified in the LRTP, the City of Lynchburg's Capital Improvement Program, CVTIP and the SYIP.

TMP – Transportation Master Plan: A planning tool to aid the City in its evaluation of proposed transportation projects. The plan establishes short and long-term transportation priorities that promote multi-modalism and sustainability.

TSM – Transportation Systems Management: See definition for Transportation Systems Management.

VDOT – Virginia Department of Transportation: State agency that is responsible for building, maintaining and operating the state's roads, bridges and tunnels. Virginia has the third-largest state-maintained highway system in the country, behind Texas and North Carolina.

VDRPT – Virginia Department of Rail and Public Transportation: Agency of the Commonwealth whose mission is to improve the mobility of people and goods while expanding transportation choices in the Commonwealth. VDRPT has three primary areas of activity — Rail, Public Transportation and Commuter Services.

References

The definitions presented here are from or based on the following sources:

- The Transportation Research Board, National Cooperative Highway Research Program Report 548: A Guidebook for Including Access Management in Transportation Planning, © 2005;
- A Planners Dictionary by Moskowitz, Harvey S. and Carl G. Lindbloom, 2007;
- Context Sensitive Solutions in Designing Major Urban Thoroughfares for Walkable Communities, © 2006 Institute of Transportation Engineers. ISBN No: 1-933452-11-0
- National Cooperative Highway Research Program Report (NCHRP RPT) 456: Guidebook for assessing social Impacts Part B; ISBN 0-309-06703-0 © 2001 Transportation Research BoardSustainable City Initiative, Adopted by City Council, August 2008

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **June 8, 2010** AGENDA ITEM NO.: 12

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

ACTION: **X** INFORMATION:

ITEM TITLE: **Private Street Renaming: "Ericsson Drive" to "Evans Boulevard"**

RECOMMENDATION: Approval of the street renaming.

SUMMARY: Liberty University is requesting to change the street name of the private street Ericsson Drive to Evans Boulevard. The new street name recognizes donor Gerald Evans, who has requested the suffix "Boulevard." The street currently serves properties owned by Liberty University and Thomas Road Baptist Church.

The City's Transportation Engineer suggested that a suffix such as "Court, Place, Square, Drive or Street" would be consistent with Section 35-104, Suffix definitions of the City Code. The suffix "Boulevard" as defined by City Code is "a divided or undivided arterial street with controlled access". Currently, the existing private street Ericsson Drive is 700 feet in length and is not an arterial through street.

The Planning Commission recommended approval of the street name "Evans" with the suffix "Boulevard" because future plans of Liberty University may extend or connect the street to Wards Road via vehicular tunnels constructed underneath the Norfolk Southern Railroad. In the event that these tunnels are constructed and a connection to Wards Road is made, the road would become a "through" street and the suffix "Boulevard" would be appropriate.

PRIOR ACTION(S):

April 28, 2010: The Planning Division originally recommended approval of the street renaming with consideration made to applying a suffix consistent with City Code. After consideration of a possible future connection being made to Wards Road, the Planning Division supports the street name "Evans Boulevard".

Planning Commission recommended approval of the street renaming (4-0, with three members absent, Hooper, Oglesby and Sale) to "Evans Boulevard".

FISCAL IMPACT: Minimal cost associated with replacing street sign at public right of way.

CONTACT(S): Tom Martin, City Planner - 455-3900; Bonnie Svrcek, Deputy City Manager/Acting Director of Community Development - 455-3900

ATTACHMENT(S):

- Resolution
- Planning Commission Report
- Planning Commission Minutes
- Vicinity Map

REVIEWED BY: lkp

RESOLUTION

A RESOLUTION APPROVING THE RENAMING OF AN EXISTING PRIVATE STREET.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the name of an existing private street called Ericsson Drive be changed to “Evans Boulevard.”

Adopted:

Certified: _____
Interim Clerk of Council

065L

The Department of Community Development

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

To: Planning Commission
From: Planning Division
Date: April 28, 2010
Re: **PRIVATE STREET RENAMING REQUEST: From "Ericsson Drive" to "Evans Boulevard" at Liberty University**

I. PETITIONER

Liberty University, Inc., 1971 University Boulevard, Lynchburg, VA 24502
Representatives: Jerry L. Falwell, Jr., Liberty University, Inc., 1971 University Boulevard, Lynchburg, VA 24502
Norm Walton, Perkins & Orrison, 20436 Lynchburg Highway, Unit I, Lynchburg, VA 24502

II. LOCATION

Ericsson Drive is located between Union Drive, a private street, and extending in a southeasterly direction approximately seven hundred (700) feet to University Boulevard.
Property Owner: Liberty University, Inc., 1971 University Boulevard, Lynchburg, VA 24502

III. PURPOSE

The purpose of this petition is to rename the private street known as Ericsson Drive to Evans Boulevard.

IV. SUMMARY

- Request complies with the City Code Section 35.105 requirements that "…all streets …may be assigned a name provided that a name assignment has been requested by the property owner on said street, and provided further that the Planning Commission deems the petitioned street of sufficient significance to warrant naming."
- Request complies with the City Code Section 35.111 requirement that states the "proposed street name will be reviewed by the Technical Review Committee, Planning Commission and City Council, with the final decision resting with Council."
- Request does not comply with the City Code Section 35-104 requirements that "The following street name suffix definitions shall be applied to all new street names… Boulevard: A divided or undivided arterial street with controlled access.
- A suffix consistent with City Code Section 35.105 would be Drive or Street: A collector or local street usually several blocks in length and intersecting with other streets."

The Planning Division recommends approval of the private street renaming request with consideration made to applying a suffix consistent with City Code.

V. FINDINGS OF FACT

1. **Background.** Liberty University is requesting to change the street name of Ericsson Drive to Evans Boulevard. The new street name recognizes donor Gerald Evans, who has requested the suffix "Boulevard."
2. **Zoning.** N/A

3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances would be needed for the street renaming request.

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

   - On June 10, 2010, City Council approved Liberty University's petition to amend the *Future Land Use Map* from Low Density Residential to an Institutional Use at 3794, 3778, 3786, 3802 and 4000 Candlers Mountain Road; a petition to rezone from B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional) at 3778, 3786, 3794, 3802 and 4000 Candlers Mountain Road; a petition for a Conditional Use Permit (CUP) for Liberty University's Master Plan at 3778, 3786, 3794, 3802, 4000, 4250, 4300, 5000, 5001 Candlers Mountain Road, 1000, 1001, 1005 Ericsson Drive, 100 Mountain View Road, 100, 112, 200, 212, 300 Liberty Mountain Drive, 1971, 1973, 1975, 1977 University Boulevard and 4013 Wards Road and a petition for a CUP for the Liberty University Consolidated Sign Plan.
   - On March 25, 2008, City Council approved Liberty University's petition to name two existing private streets on the Liberty University campus off Candlers Mountain Road "Regents Parkway" and "Research Lab Road."
   - On November 13, 2007, City Council approved Liberty University's petition to amend the ***Future Land Use Map*** from Institution to Community Commercial and a petition to rezone from R-C, Conservation District to B-3C, Community Business District (Conditional) and a petition for a CUP to allow the construction of a building across the City of Lynchburg and Campbell County corporate limit at 500 Liberty Mountain Drive.
   - On November 9, 2004, City Council approved Liberty University's petition to amend a condition of the conditional use permit approved on December 16, 2003 related to vehicular access points to the property located at 100 Mountain View Road.
   - On December 16, 2003, City Council approved Liberty University's petition to rezone a tract of approximately one hundred and twenty-three (123) acres on Liberty Mountain Drive from B-3, Community Business District, to B-5C, General Business District (Conditional) and a tract of eighty-three (83) acres from I-2, Light Industrial District, to B-5C, General Business District (Conditional), to allow university, church and K-12 uses at 100 Mountain View Road.
   - On December 16, 2003, City Council approved Liberty University's petition for a CUP to allow university and K-12 uses at Liberty Mountain Drive and 100 Mountain View Road.
   - On October 14, 2003, City Council approved Liberty University, TRBC, and GDT, CG1, LLC's petition for a CUP to allow a community recreation facility at 100 Mountain View Road.
   - On November 13, 2001, City Council approved Liberty University's petition for a CUP to allow the construction of a student center and associated parking at 1971 University Boulevard.
   - On April 10, 2001, City Council approved Wards Road Properties, LLC's petition for a CUP to allow fill within the one hundred (100) year floodplain to allow the construction of storage inns at 2601 Old Wards Road.
   - On September 12, 2000, City Council approved Back Yard Real Estate, LLC's petition to rezone approximately one and a half (1.5) acres from I-2, Light Industrial District to B-3C, Community Business District (Conditional) and a petition for a CUP to fill in the floodplain to make the property compatible with existing commercial land uses and to allow the expansion an existing parking lot for a restaurant use at 2731 Wards Road.

- On April 14, 1998, City Council approved Liberty University's petition for a CUP to allow the construction of four (4) new dormitories, a visitor's center, additions to the DeMoss building and associated parking areas at 1971 University Boulevard.
- On September 9, 1997, City Council approved The Inn Group, Inc.'s petition to rezone approximately four and three tenths (4.3) acres from R-C, Conservation District and I-2 Light Industrial District to B-3C, Community Business District (Conditional) to allow construction of commercial buildings on University Boulevard.
- On March 14, 1989, City Council approved Old Time Gospel Hour/Liberty University's petition for a CUP for the construction of a twelve thousand (12,000) seat football stadium and a nine thousand (9,000) seat basketball arena (the Vine Center). A condition of this CUP was the construction of a secondary permanent access, subject to approval by the City, on the Liberty University main campus.
- On April 12, 1988, City Council approved the Old Time Gospel Hour's petition to rezone the remaining thirty (30) acres of the Liberty University main campus from I-2, Light Industrial District to B-5, General Business District (Conditional) to allow the construction of dormitories and the expansion of other university related uses on the Liberty University main campus.
- On June 12, 1984, City Council approved Erwin P. Baer's petition for a CUP to allow the construction of an outlet mall in a floodway fringe area at 3000 Wards Road.
- On April 10, 1984, City Council approved Wayne E. Newcomb's petition for a CUP to allow the construction of a car wash and the sale of gasoline in a floodway fringe area at the corner of Glass Avenue and Wards Road.
- On January 10, 1984, City Council approved James A. Agnew's petition for a CUP to allow the construction of a building and parking area in a floodway fringe area at 2735 Wards Road.
- On November 11, 1983, City Council approved Old Time Gospel Hour's petition to rezone one hundred thirty-three (133) acres from R-C, Conservation District to R-4, Multi-Family Residential District (Conditional) to allow the construction of four (4) four hundred (400)-unit apartment buildings and a two hundred fifty (250)-bed health care facility on Liberty Mountain Drive.
- On October 12, 1982, City Council approved A.T. Williams Oil Company's petition for a CUP to allow the construction of an automobile service station at 3001 Wards Road.
- On December 12, 1978 City Council adopted the "Official Zoning Map". With this adoption, one hundred forty-two (142) acres was rezoned from M, Manufacturing to B-5, General Business District on the Liberty University main campus.

5. **Site Description**. Ericsson Drive is bound to the north by the Liberty University Campus North, Thomas Road Baptist Church and LaHaye Ice Center, to the east by U.S. 460, forestal lands and Candlers Mountain, to the south by Williams Stadium and to the west by Wards Road and commercial properties.
6. **Proposed Use of Property.** The street currently serves properties owned by Liberty University and Thomas Road Baptist Church.
7. **Traffic, Parking and Public Transit.** The Technical Review Committee reviewed the private street naming request on April 7, 2010. There was no conflict with any existing street names.

   The City Transportation Engineer suggested that, to be consistent with the City's naming convention, Court, Place, Square, Drive or Street may be more appropriate than Boulevard. The suffix Boulevard is usually reserved for arterial through streets. This road spans approximately 700 feet in length and is not an arterial through street. The following is City Code regarding suffix definitions:

Sec. 35-104. Suffix definitions.

The following street name suffix definitions shall be applied to all new street names after the twenty-sixth day of July, 1977. The city traffic engineer will resolve all cases of interpretation of the following definitions:

Alley or lane: A local street, usually short in length.

Avenue, boulevard or road: A divided or undivided arterial street with controlled access.

Circle: A local curved street forming all or part of a circle and having an intersection at each end.

Court, square or place: A local street, usually a short cul-de-sac.

Drive or street: A collector or local street usually several blocks in length and intersecting with other streets.

Expressway: A high-speed, divided highway with access fully or partially controlled and grade separations at major intersections.

Parkway or highway: A landscaped through street which may serve as an arterial, collector or scenic route.

Terrace: A local street usually short in length and with or without a terrace in the center.

City Code Sec. 35-104., which applies to the naming of both public and private streets, was developed to create a level of consistency so that drivers can reasonably expect what type of road it will be just by reading the name (dead end, through major or minor road, limited access, circular road, etc.). This road was originally named with the Drive designation which aligns with the code.

8. **Stormwater Management.** N/A
9. **Emergency Services.** The City Emergency Communications Administrator and the City Fire Marshall reviewed the private street naming request on April 7, 2010. There were no concerns with the proposed street name and no conflict with any existing street names.
10. **Impact.** The street will continue to serve properties owned by Liberty University and Thomas Road Baptist Church. The majority of City staff concerns have been addressed and the proposed name will fit well with the surrounding area.
11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary subdivision plat on April 7, 2010. Comments related to the proposed use were minor in nature.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends City Council not approve Liberty University's petition for the street naming request for "Evans Boulevard" located on the Liberty University Campus off of University Boulevard.

The Planning Commission recommends that the street name "Evans" be approved and that the street suffix comply with City Code Section 35-104, suffix definitions.

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/Acting Director of Community Development
Mr. Walter C. Erwin, City Attorney
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozerow, Lynchburg Police Department
Battalion Chief Greg Wormser, Fire Marshal
Mr. Gerry Harter, Transporation Engineer
Mr. Robert Drane, Building Commissioner
Mr. Robert Fowler, Zoning Administrator
Mr. Kent White, Senior Planner
Ms. Rebecca McCharen, Planner II
Mr. Jerry Falwell, Jr., Representative, Liberty University
Mr. Norm Walton, Perkins & Orrison, Inc., Representative

VII. ATTACHMENTS

1. **Vicinity Map**
2. **Map Showing Street Proposed for Renaming**

MINUTES FROM THE APRIL 28, 2010 PLANNING COMMISSION MEETING (MINUTES HAVE BEEN APPROVED):

a. Petition to rename the private street named "Ericsson Drive" to "Evans Boulevard."

Mr. Martin explained that Ericsson Drive was vacated by City Council sometime last year. When it was vacated, it became a private street. It serves the campus of Liberty University and Thomas Road Baptist Church. The street naming request is being done to recognize a donor named Gerald Evans. The Technical Review Committee (TRC) has reviewed the request. City staff has no concerns with the proposed name "Evans"; it is not in conflict with any other street names. However, staff suggests that the Planning Commission consider another suffix that is consistent with City Code instead of Boulevard. The City Code outlining suffix definitions was included in the report.

Mr. Norm Walton of Perkins and Orrison was present to represent the petitioner. Mr. Walton explained that the benefactor has requested the name "Evans Boulevard." He did not have any knowledge of the definition of "boulevard" in terms of the City Code. Mr. Walton pointed out that the street is on the campus of a private university and the term "boulevard" should not create confusion for the traveling public that might think it is a thoroughfare. Liberty hopes that the tunnels will be complete at some point in the future and those would allow a connection at the end of the ramps to Wards Road. It could very possibly cover the intent of the definition in that event.

Commissioner Swienton asked when this street is connected to the tunnels if the whole road will be a private road. Mr. Walton said it would be and Mr. Walton would assume the contiguous part would also be named "Evans Boulevard."

Commissioner Barnes did not have a problem with naming it "Boulevard", particularly since if the tunnels are built at some point in the future, it could become an arterial street. Commissioner Swienton commented that when the ordinance was originally drafted he did not think the intent was to limit private streets. Had this been a publicly owned street, he would evaluate this issue a lot closer. He feels that Liberty officials should be allowed to choose a name that they feel is appropriate for recognition of a donor or any other purpose.

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

"That the Planning Commission recommends City Council approve Liberty University's petition for the street naming request for "Evans Boulevard" located on the Liberty University Campus off of University Boulevard."

The motion passed by the following vote:

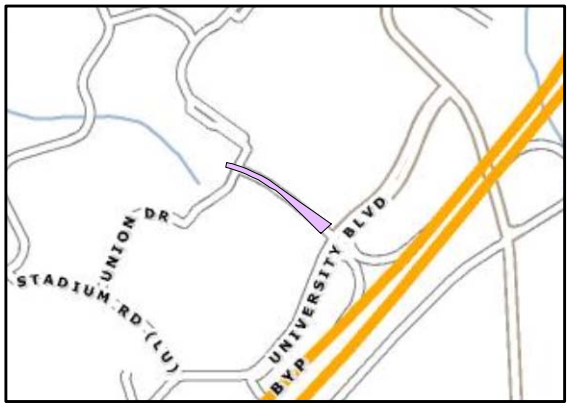
AYES:	Barnes, Hamilton, Hannon and Swienton	4
NOES:		0
ABSTENTIONS:		0
ABSENT:	Hooper, Oglesby and Sale	3

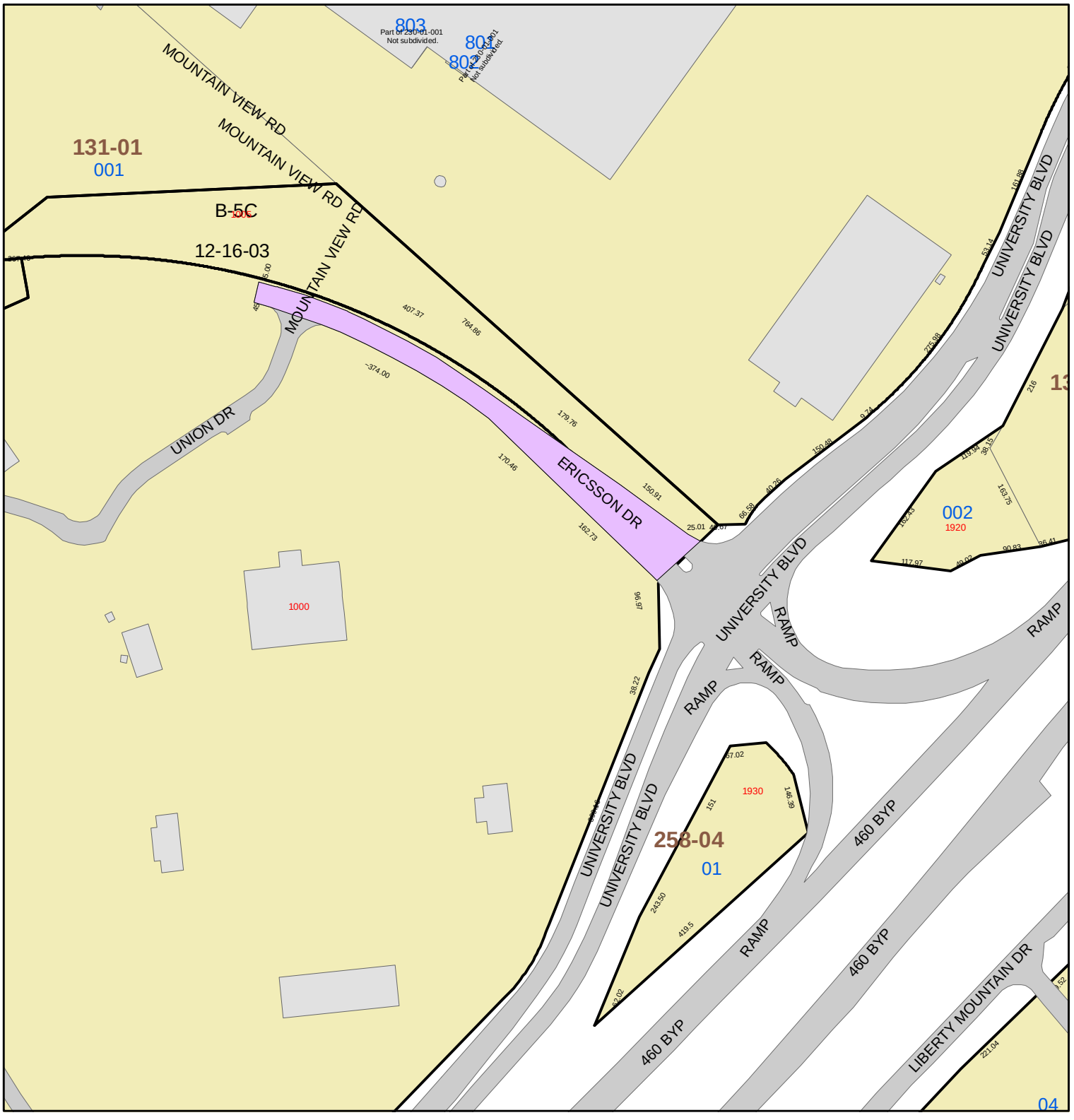
EVANS BOULEVARD STREET NAMING

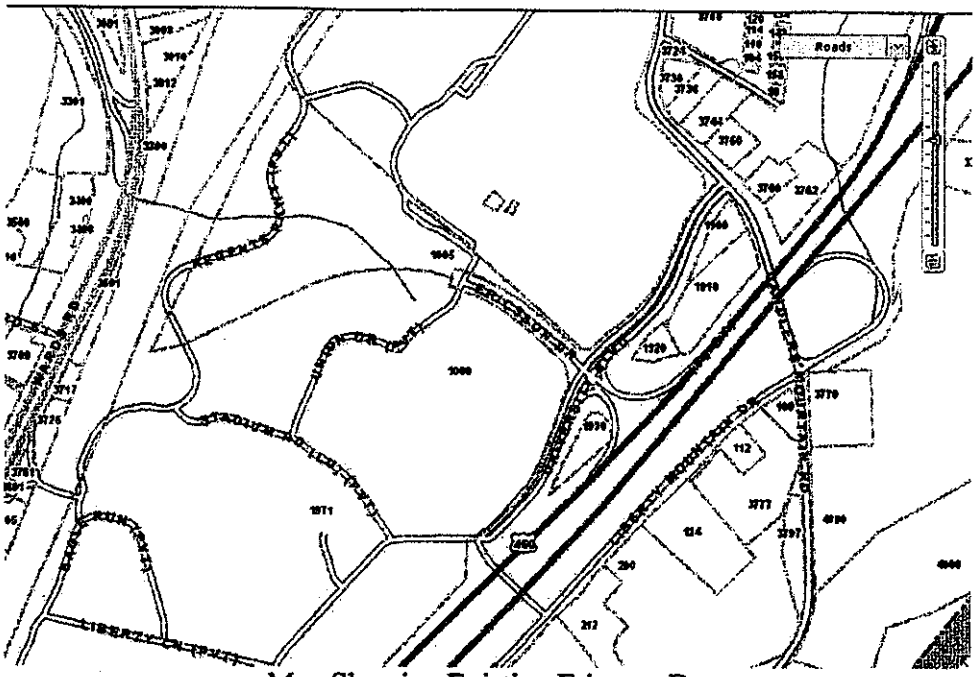
MAP PREPARED BY
THE DEPARTMENT OF COMMUNITY DEVELOPMENT

N
W E
S

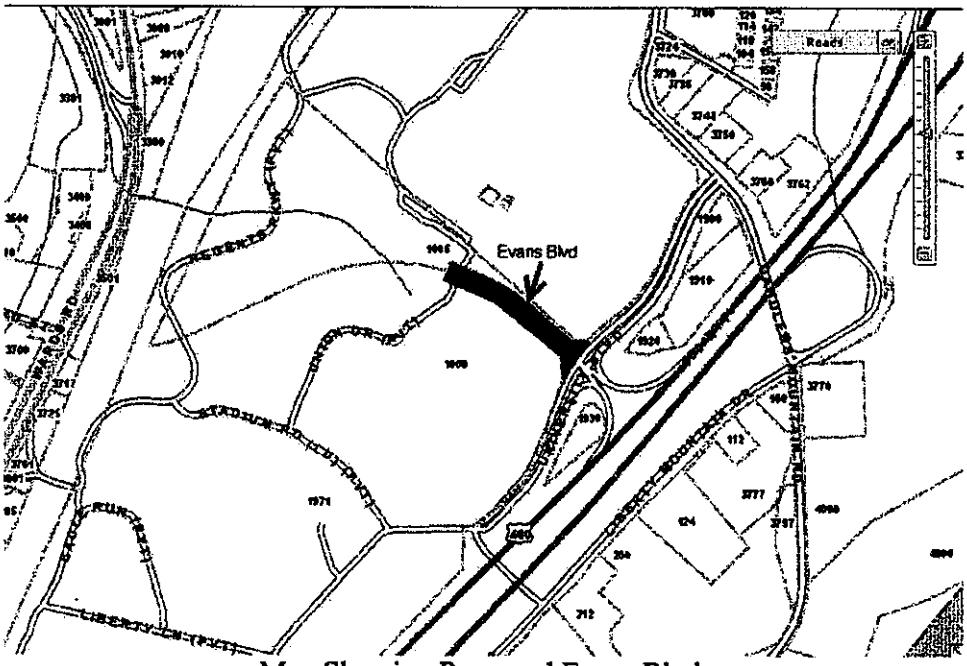
Street To Be Renamed







Map Showing Existing Ericsson Dr.



Map Showing Proposed Evans Blvd.

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **June 8, 2010** AGENDA ITEM NO.: 13

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

ACTION: **X** INFORMATION:

ITEM TITLE: **Resolution to Participate in the Virginia Department of Transportation (VDOT) Revenue Sharing Grant Program**

RECOMMENDATION: Adopt a resolution to support a $1.0 million grant application to VDOT to compete in the Revenue Sharing Grant Program. If successful, these funds will be used for transportation improvements in the City.

SUMMARY: VDOT is accepting applications for their Revenue Sharing Grant Program. A resolution adopted by City Council is needed to support the City's $1.0 million application to be used for transportation improvements. The City must provide $1.0 million in local matching funds. The total State budget for the grant program is $15 million.

Potential projects consist of several safety and improvement projects across the City of Lynchburg including drainage along the Northwest Expressway, sidewalks along Langhorne Road at the Cancer Center, and turn-lane improvements at several intersections, or alternatively, this funding could be used to accelerate repairs and improvements to Odd Fellows Road, Main Street and Wards Road bridges, as shown in the outer years of the CIP. Should the grant be approved, City Council will have the opportunity to designate the specific project(s) for the use of the funds through the CIP process.

The State will make its award determination in September 2010 and award funding in June 2011. If awarded, City projects associated with this grant will begin after July 2011 (FY 2012). Specific projects to be funded with the total $2.0 million ($1.0 million State revenue sharing/$1.0 million City General Fund) will be identified in the FY 2012 – 2016 Capital Improvement Program.

PRIOR ACTION(S): Finance Committee, May 25, 2010

FISCAL IMPACT: To meet the State matching fund requirement, a $1.0 million allocation will need to be programmed in to the FY 2012 Capital Improvement Program for transportation improvement projects.

CONTACT(S):
Lee Newland, PE, City Engineer, 455-3947
Bonnie Svrcek, Deputy City Manager and Acting Director of Community Development, 455-3913
Dave Owen, Director of Public Works, 455-4469

ATTACHMENT(S): Resolution

REVIEWED BY: lkp

RESOLUTION TO PARTICIPATE IN THE REVENUE SHARING GRANT PROGRAM

WHEREAS, the Council of the City of Lynchburg desires to submit an application for an allocation of funds of up to $1,000,000 through the Virginia Department of Transportation Fiscal Year 2010-2011, Revenue Sharing Program; and,

WHEREAS, $1,000,000 of these funds are requested to support the rehabilitation, repair, and maintenance needed for the continued safe operation at different locations within the City of Lynchburg; and,

NOW, THEREFORE, BE IT RESOLVED THAT the Council of the City of Lynchburg does hereby support this application for an allocation of $1,000,000 through the Virginia Department of Transportation Revenue Sharing Program.

BE IT FURTHER RESOLVED THAT L. Kimball Payne, III, City Manager, is authorized to execute the City State Agreements for this project.

Adopted:

Certified: _____
Interim Clerk of Council

063L

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **June 8, 2010** AGENDA ITEM NO.: 14

CONSENT: REGULAR: **X** CLOSED SESSION: (Confidential)

ACTION: **X** INFORMATION:

ITEM TITLE: **Resolution Regarding Employee Contributions to VRS**

RECOMMENDATION: The 2010 General Assembly passed legislation that gives Virginia Retirement System (VRS) member organizations the option to deduct from 1 – 5% of the pay of an employee hired on or after July 1, 2010 to pay the employee contribution to VRS **or** to "pick-up" the contribution. Staff recommends "picking-up" the 5% employee contribution to VRS for employees hired on or after July 1, 2010, and covered by VRS, including approval of the attached form and resolution.

SUMMARY: The Virginia General Assembly, in its 2010 session, passed legislation implementing new plan provisions for employees hired or rehired on or after July 1, 2010 with no prior Virginia Retirement System (VRS) service. The new plan is called the VRS Plan 2. The legislation stipulates that Plan 2 employees will pay the 5 percent member contribution through salary reduction on a pre-tax basis according to Internal Revenue Code §414(h). However, individual localities may elect to pay some or all of the five (5) percent member contribution on behalf of their Plan 2 employees. To do so, localities must submit a resolution to VRS.

The decision made regarding member contributions remains in effect for fiscal year 2011 (July 1, 2010 – June 30, 2011). The election remains in effect until another resolution is submitted. Any change becomes effective the beginning of the next fiscal year. Payment decisions affect all Plan 2 members hired on or after July 1, 2010.

Requiring that employees hired on or after July 1, 2010 pay the member contribution effectively reduces the pay of new hires by the percentage of the contribution. According to the most recent salary study, the City's pay range minimums already lag the market average by over 8%. Reducing the starting pay by as much as 5% will seriously impact the ability to recruit and hire qualified employees; especially in the fairly competitive public safety labor market. A review of other Virginia localities indicates that the majority of them plan to "pick-up" the member contribution for employees hired on or after July 1, 2010. The City's FY2011 budget includes resources to pay the full 5% member contribution for funded positions.

PRIOR ACTION(S):
Resolution passed on May 25, 1982 initially approved City funding of the 5% employee contribution to VRS. Resolution passed August 12, 2008 reaffirming the City's intent to fund the 5% employee contribution to VRS. Discussed with the Finance Committee May 25, 2010 as an informational item.

FISCAL IMPACT: Funds to continue paying the 5% were included in the FY 2011 Budget. The only impact would be with new employees hired after July 1, 2010 and would depend on the salary. The estimated average impact would be between $1500 and $2000 per employee.

CONTACT(S): Margaret Schmitt – 455-4208

ATTACHMENT(S): Memo from VRS; VRS Plan 2 Pick-Up Resolution and Form

REVIEWED BY: lkp

Virginia Retirement System

P.O. Box 2500, Richmond, Virginia 23218-2500
Toll free: 1-888-VARETIR (827-3847)
Web site: www.varetire.org
E-mail: vrs@varetire.org

Memorandum

TO: Administrative Heads and Fiscal Officers

FROM: Robert P. Schultze, Director, Virginia Retirement System

DATE: May 24, 2010

SUBJ: Member Contribution Pick-Up Guide Resolution

The Virginia General Assembly, in its 2010 session, passed legislation implementing new plan provisions for employees hired or rehired on or after July 1, 2010 with no prior Virginia Retirement System (VRS) service. The new plan is called the VRS Plan 2. The legislation stipulates that Plan 2 employees will pay the 5 percent member contribution through salary reduction on a pre-tax basis according to Internal Revenue Code §414(h). However, you may elect to pay some or all of the 5 percent member contribution on behalf of your Plan 2 employees. To do so, you must submit a resolution to VRS.

Attached is a guide resolution. Here are your options regarding payment of the member contribution:

- Your employees pay the 5 percent member contribution. This option does not require action by your governing body. Check the first box in the attachment, fill in the blank with the name of your political subdivision and sign by **June 30, 2010**. The resolution is due to VRS **by no later than August 1, 2010**.
- You elect to pick up between 1 percent and 5 percent of the member contribution with the balance paid by your employee. Check the second box in the attachment and have your governing body complete and duly authorize the rest of the resolution by **June 30, 2010**. The resolution is due to VRS **by no later than August 1, 2010.**
- You elect to pick up the full 5 percent member contribution on a six-year, phase-in schedule. To implement this option, contact one of the individuals listed below for a separate guide resolution (not attached). Your governing body must complete and duly authorize this resolution by **June 30, 2010**. The resolution is due to VRS **by no later than August 1, 2010.**

Once you elect a payment option for member contributions, send the resolution to the attention of the VRS Employer Representatives listed below **by no later than August 1, 2010**. If we do not receive your resolution by August 1, VRS will hold your payroll and contact you to see if you have elected an option. If your governing body does not approve a pick up of member contributions before June 30, your employees will pay the 5 percent member contribution on a pre-tax salary reduction basis. Your payroll system will need to accommodate this. Once your governing body sends a resolution to VRS electing one of the above options, VRS will process the payroll to reflect your governing body's decision regarding member contributions.

The decision you make regarding member contributions remains in effect for fiscal year 2011 (July 1, 2010 – June 30, 2011). Your election remains in effect until you submit another resolution. Any change becomes effective the beginning of the next fiscal year. Payment decisions affect all Plan 2 members hired on or after July 1, 2010.

Resources:
Contact VRS Employer Representatives:

- Rohn Brown at *rbrown@varetire.org* or (804) 775-3228
- Marie Daniels at *mdaniels@varetire.org* or (804) 344-3197

View more information about the new plan design provisions in the June issue of *Employer Update,* available on the VRS Web site at *www.varetire.org*. Select the Employer tab.

Enclosure

MSLETT

RESOLUTION

Authorization to Pick-up the Employee's Contribution to VRS Under § 414(h) of the Internal Revenue Code For Plan 2 Employees

WHEREAS, the Virginia General Assembly, in its 2010 session passed legislation creating a separate retirement plan for employees hired on or after July 1, 2010 (hereafter referred to as "Plan 2 Employees"). The legislation stipulates that Plan 2 Employees will pay their 5 percent member contribution and that, absent other action by the employer, such contribution will be paid through salary reduction according to Internal Revenue Code § 414 (h) on a pre-tax basis; and

WHEREAS, the legislation allows certain employers, including City of Lynchburg, to pick-up and pay all or a portion of the member contributions on behalf of its Plan 2 Employees as an additional benefit not paid as salary; and

WHEREAS, the election to pick-up and pay all or a portion of the member contributions on behalf of its Plan 2 Employees as an additional benefit not paid as salary shall, once made, remain in effect for the applicable fiscal year (July 1 - June 30) and shall continue in effect beyond the end of such fiscal year absent a subsequent resolution changing the way the 5 percent member contribution is paid; and

WHEREAS, employee contributions that are picked-up as an additional benefit not paid as salary are not considered wages for purposes of VA Code § 51.1-700 et seq. nor shall they be considered salary for purposes of VA Code § 51.1-100 et seq.; and

WHEREAS, City of Lynchburg desires to pick-up and pay its Plan 2 Employees' member contributions to VRS as an additional benefit not paid as salary in an amount equal to five (5) percent of creditable compensation; and

WHEREAS, VRS tracks such picked-up member contributions and is prepared to treat such contributions as employee contributions for all purposes of VRS.

NOW, THEREFORE, IT IS HEREBY RESOLVED that effective the first day of July, 2010, the City of Lynchburg shall pick-up member contributions of its Plan 2 Employees to VRS as an additional benefit not paid as salary in an amount equal to five (5) percent of creditable compensation subject to the terms and conditions described above; and it is further

RESOLVED that such contributions, although designated as member contributions, are to be made by the City of Lynchburg in lieu of member contributions; and it is further

RESOLVED that nothing herein shall be construed so as to permit or extend an option to VRS members to receive the picked-up contributions made by the City of Lynchburg directly instead of having them paid to VRS.

Adopted in _____, Virginia this _____ day of _____, _____.

_____

Authorized Signature Title

The Virginia General Assembly, in its 2010 session passed legislation creating a separate retirement plan for employees hired on or after July 1, 2010 (hereafter referred to as "Plan 2" employees). The legislation amended VA Code § 51.1-144 to provide that Plan 2 employees will pay their 5 percent member contribution and that, absent other action by the employer, such contribution will be paid through salary reduction according to Internal Revenue Code § 414 (h). Internal Revenue Code § 414 (h) provides that a governmental employer may "pick-up" mandatory employee contributions and thereby cause the contributions to be made on a pre-tax basis. The formal written action required by Internal Revenue Code § 414 (h) to effect the pick-up has been taken by the General Assembly with the Governor's signature.

The legislation also permits each county, city, town, local public school board or other local employer to pick-up, in whole or in part (in 1 percent increments), the 5 percent member contribution as an additional benefit not paid as salary. The employer's optional payment of the 5 percent member contribution may be phased in over a period approved by the VRS Board not to exceed 6 years and may only be made on a uniform basis for all its Plan 2 employees. The formal written action required by Internal Revenue Code § 414 (h) to effect the pick-up using the alternatives permitted by the legislation must be taken by the governing body of the specific employing entity and must be effective only on a prospective basis.

Please indicate, by selecting one option below, how member contributions will be paid:

☐ This is to acknowledge that_____ (Employer Name) will have the employees pay the 5 percent member contribution according to the terms of the legislation. This action does not require action by your governing body. _____(Authorized Signature)_____(Date)

☑ This is to acknowledge that the City of Lynchburg elects to pick-up some or all of the 5 percent member contributions as detailed in the following duly approved resolution.