

**LYNCHBURG CITY COUNCIL
PHYSICAL DEVELOPMENT COMMITTEE**

Tuesday, May 14, 2019

~~8:00 a.m.~~ 7:45 a.m.

Information Items:

Recent/Pending Contract Awards:

Midtown & Clay Street Parking Deck Repairs: Lee Newland

Contractor: Eastern Waterproofing & Restoration of VA

Amount: \$903,072.00; Engineering Estimate: \$953,653.00

Priority Projects Update: Lee Newland

General Business:

- | | |
|-------------------------------------|------------------|
| 1) Fulton Street | Victoria Glasgow |
| 2) Stonehaven Development Agreement | Tom Martin |
| 3) Liberty Ramp Limited Access | Lee Newland |

Roll Call:

Pc: Bonnie Svrek, City Manager
Reid Wodicka, Deputy City Manager
John Hughes, Assistant City Manager
Council Members
Gaynell Hart, Director of Public Works
News & Advance

Next Meeting: June 11, 2019

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

May 14, 2019

Projects of Interest	Phase	Phase Completion	Sch	Bud	Notes
Timberlake / Logan's Lane Intersection	Construction	June 2019			Construction Underway - Leesville Turn Lanes Added
Wards Ferry Road Improvements @ Heritage	Construction	October 2018			Punchlist Work
Main Street Bridge	* Construction	January 2019			Construction Complete - Staining Concrete. Ramps Open
Fifth Street Phase 3	Construction	June 2019			Construction Underway
Liberty Mountain Drive - Phase 3	Construction	August 2019			Construction Underway - Projected Finish in September
Odd Fellows Road - Section B2	Construction	May 2019	V	V	Construction Underway - Bridge Closed
Downtown Watermain Replacement & Streetscape 2	Design	May 2019			Design @ 90%. Project Shelved
Main Street Renewal Project	Design	April 2019			Design @ 90% Review - Working w/AEP - Vaults Under Construction
Indian Hill Road Bridge	Design	August 2018			Bid Project Summer 2019 - Easements being Acquired
College Lake Dam	Preliminary	June 2019			Environmental Permitting Underway - R/W being Acquired
One Way Pairs @ 501/221	Preliminary	June 2019			NEPA Document Underway
Police Department Headquarters	* Preliminary	December 2018			Demolition Underway

LEGEND

Schedule -

Green		0-5% Behind
Yellow		5-10% Behind
Red		> 10% Behind
V	V	VDOT Managed

Budget -

Green		0-10% Over
Yellow		10-20% Over
Red		> 20% Over
V	V	VDOT Managed

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 14, 2019 – Physical Development Committee**

AGENDA ITEM #:

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

ACTION: **X**

INFORMATION:

(Confidential)

ITEM TITLE: Vacate a portion of Rainbow Circle as part of the Stonehaven Development Agreement

KEY ELEMENTS:

___ Economic Development ___ Excellent Government **X** Natural and Built Environment ___ Safe Community ___ Vibrant Community

RECOMMENDATION: Approval of the Rainbow Circle right-of-way vacation as part of the Stonehaven Development Agreement

SUMMARY: Long Meadows, Inc. is petitioning to vacate an undeveloped portion of the Rainbow Circle right-of-way located off of Fulton Street as part of the Stonehaven Development Agreement. The total area of the proposed vacation is approximately five hundred and four thousandths (0.504) of an acre. The improved portion of Rainbow Circle would remain open to the public and is not included in the area proposed for vacation.

The right-of-way vacation would not impact vehicle or pedestrian access along Fulton Street or the existing portion of Rainbow Circle.

PRIOR ACTION(S):

February 13, 2018: The Physical Development Committee reviewed changes to the right-of-way vacation application materials, specifically regarding the need for title research. The required materials have been submitted and approved by staff.

February 20, 2019: The Technical Review Committee (TRC) reviewed the petition. The TRC comments have been incorporated into the proposed ordinance.

FISCAL IMPACT: \$8,910 - \$9,040 (assessed value range based on the zoning of the adjacent lots and property frontage)

CONTACT(S): Victoria Glasgow, Neighborhood Planning Coordinator – 455-3900
Kent White, Community Development Director – 455-3900

ATTACHMENT(S):

- Ordinance
- Application
- Plat

REVIEWED BY: raw

APPLICATION FOR THE VACATION OF

An unimproved portion of Rainbow Circle

LOCATED

Between Fulton St and the improved end of Rainbow Circle

The undersigned applicant, Long Meadows, Inc., pursuant to the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, and Section 35-71 through Section 35-77 of the City Code 1981, as amended, respectfully makes application to the Lynchburg City Council for the vacation of that certain portion of Rainbow Circle and unnamed right-of-way described as follows:

Beginning at a point on the northeasterly right of way line of Rainbow Circle at the northwest corner of #3034 Fulton Street; thence N32°37'18"W a distance of 30.00'; thence N57°23'06"E a distance of 330.30'; thence N09°12'41"W a distance of 302.53'; thence with a curve turning to the left with an arc length of 62.57', with a radius of 30.00', with a chord bearing of N68°57'24"W, with a chord length of 51.83'; thence N51°18'18"E a distance of 85.89'; thence S09°12'41"E a distance of 390.62'; thence S57°23'06"W a distance of 350.00'; which is the point of beginning, having an area of 0.504 acres more or less.

The applicant further requests the Lynchburg City Council to hold a public hearing on this application at its meeting to be held in the Council Chamber, City Hall, 900 Church Street, Lynchburg, VA on April 9, 2019, at 7:30 p.m., or as soon thereafter as the matter may be heard, and at the conclusion of which hearing to consider whether or not to vacate the above described portion of Lucado Place and unnamed right-of-way.

Given under my hand this 21st day of January, 2019.

Long Meadows Inc
Applicant

102 TROLLEY CT LY 24503
Address

434 258 5300
Phone Number

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




THE PLATTING OR DEDICATION OF THE FOLLOWING DESCRIBED LAND IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNERS, PROPRIETORS AND TRUSTEES, IF ANY, THE STATEMENT SHALL BE SIGNED BY SUCH PERSONS AND DULY ACKNOWLEDGED BEFORE AN OFFICER AUTHORIZED TO TAKE ACKNOWLEDGEMENT OF DEEDS.

STATE OF _____
CITY/COUNTY OF _____
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ BY _____

NOTARY PUBLIC
REGISTRATION NO. _____
MY COMMISSION EXPIRES _____

STATE OF _____
CITY/COUNTY OF _____
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ BY _____

NOTARY PUBLIC
REGISTRATION NO. _____
MY COMMISSION EXPIRES _____

STATE OF _____
CITY/COUNTY OF _____
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ BY _____

NOTARY PUBLIC
REGISTRATION NO. _____
MY COMMISSION EXPIRES _____

SOURCE OF TITLE : PARCEL ID 16907001 & 16908003

CURRENT OWNER: LONG MEADOWS, INC.

INSTRUMENT NUMBER 090005504 RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF LYNCHBURG, VIRGINIA.

SOURCE OF TITLE : PARCEL ID 16907002

CURRENT OWNER: ROBERT M. STERN & GEORGIA M. STERN

INSTRUMENT NUMBER 050003781 RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF LYNCHBURG, VIRGINIA.

CITY PLANNER: _____

CITY ENGINEER: _____

CLERK OF COUNCIL: _____

1. THIS PLAT WAS PREPARED AT THE REQUEST OF LONG MEADOWS INC.
2. THIS SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT THEREFORE NECESSARILY INDICATE ALL ENCUMBRANCES OR IMPROVEMENTS ON THIS PROPERTY. ALL ADJOINING OWNERS ARE NOW OR FORMER OWNERS.
3. BY GRAPHIC SCALING ONLY THIS PROPERTY AS PLATTED FALLS WITHIN THE FLOOD ZONE "X" AS SHOWN ON THE FEMAS FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 5100930037D WHICH BEARS AN EFFECTIVE DATE OF JUNE 3, 2008.
4. THIS PLAT WAS PREPARED FROM AN ACTUAL AND CURRENT FIELD SURVEY MADE UNDER MY SUPERVISION AND COMPLIES WITH THE MINIMUM STANDARDS AND PROCEDURES ESTABLISHED BY THE VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS TO THE BEST OF MY KNOWLEDGE AND BELIEF.
5. THESE PARCELS ARE CURRENTLY SERVED BY CITY OF LYNCHBURG PUBLIC WATER AND PRIVATE SEWER.

BRENDA S. MEGGINSON
PARCEL ID# 16908009
INST# 040008870

REBECCA H. EUBANK
PARCEL ID# 16908008
INST# 060001362

CLYDE V. SHERMAN AND
GLORIA B. SHERMAN
PARCEL ID# 16908007
DB 635 PG 125

SUSAN L. BURFORD
PARCEL ID# 16908006
INST# 060008244

NANCY J. ROSENBERGER
LIFE ESTATE
PARCEL ID# 16908005
INST# 170001851

CHINTHAKA LIYANAGE
PARCEL ID# 16908004
INST# 090003950

STEVEN H. BEHNKE
PARCEL ID# 16902036
INST# 130005001

SR. GAY JR. & MARTHA M. GAY ET
PARCEL ID# 16909004
INST# 12000260

LYNCHBURG INVESTMENT CO INC
PARCEL ID# 16909002

DONALD L. CYRUS &
LILLIE D. CYRUS
PARCEL ID# 16908010

AREA TABULATION:
2.702 ACRES
4.095± ACRES
0.395 ACRES
7.192± ACRES

0.453 ACRES
VACATED PORTION OF
RAINBOW CIRCLE

2.702 ACRES
PARCEL ID 16907001

4.095± ACRES
PARCEL ID 16908003

0.052 ACRES
VACATED PORTION OF
RAINBOW CIRCLE

AREA TABULATION:
0.395 ACRES
0.052 ACRES
0.447 ACRES

CENTERLINE OF SPRING BRANCH

LINE	BEARING	DISTANCE
L1	S25°33'20"E	28.35'
L2	S11°16'56"W	19.84'
L3	S57°11'10"E	21.04'
L4	S30°21'10"E	29.58'
L5	S09°23'06"E	26.41'
L6	S23°34'17"E	46.90'
L7	S03°41'13"E	17.89'
L8	S24°31'27"E	10.74'
L9	S69°07'57"E	25.31'
L10	S35°18'33"E	69.90'
L11	S15°35'41"E	58.36'
L12	S31°18'30"E	36.36'
L13	S13°21'53"E	34.58'
L14	S33°47'28"E	18.07'
L15	S38°49'33"E	53.20'
L16	S28°22'57"E	47.27'
L17	S06°08'49"W	30.12'
L18	S28°32'38"W	12.80'
L19	S46°35'15"W	24.79'
L20	S25°00'49"W	18.56'
L21	S07°53'47"E	12.21'
L22	S41°15'05"W	31.11'
L23	S34°28'59"W	23.04'
L24	S68°44'58"W	41.63'
L25	S53°13'25"W	12.14'
L26	S21°43'57"W	21.95'
L27	S40°11'29"W	23.75'
L28	S10°18'43"W	13.79'
L29	S49°24'23"W	11.00'
L30	S86°30'01"W	13.14'
L31	S55°07'04"W	31.00'
L32	S17°37'13"W	29.73'
L33	S33°42'32"W	23.57'
L34	S24°33'28"W	17.44'
L35	S41°26'01"W	14.03'
L36	S08°44'13"W	35.25'
L37	S34°03'15"W	41.11'
L38	S02°14'41"W	13.47'

LINE	BEARING	DISTANCE
L39	N32°21'06"W	82.05'
L40	N32°37'43"W	15.00'
L41	N32°36'54"W	15.00'
L42	S32°36'56"E	15.00'
L43	N57°23'06"E	150.00'

CURVE ARC LENGTH RADIUS DELTA ANGLE CHORD BEARING CHORD LENGTH
C1 62.57' 130.00' 1119'29"58 158°57'15"E 151.83'

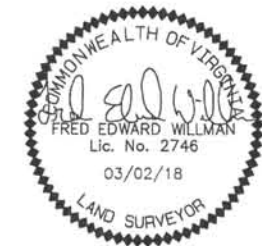


GRID NORTH

NAD 83 VIRGINIA SOUTH

RIGHT OF WAY VACATION PLAT
SHOWING VACATED PORTION OF RAINBOW
CIRCLE

CITY OF LYNCHBURG, VIRGINIA



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

SCALE: 1" = 60'
ASD JOB #: 2017-125
FILE #: 2017-125VACATE.DWG
DATE: MARCH 2, 2018
REV:

SHEET NUMBER: 1 OF 1

UNCODIFIED ORDINANCE:

AN ORDINANCE VACATING A PORTION OF RIGHT-OFF WAY KNOWN AS RAINBOW CIRCLE.

WHEREAS, Long Meadows, Inc., is petitioning to vacate a portion of right-of-way known as Rainbow Circle; and

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

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

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

BEGINNING AT A POINT ON THE NORTHEASTERLY RIGHT OF WAY LINE OF RAINBOW CIRCLE AT THE NORTHWEST CORNER OF #3034 FULTON STREET; THENCE N32°37'18"W A DISTANCE OF 30.00'; THENCE N57°23'06"E A DISTANCE OF 330.30'; THENCE N09°12'41"W A DISTANCE OF 302.53'; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 62.57', WITH A RADIUS OF 30.00', WITH A CHORD BEARING OF N68°57'24"W, WITH A CHORD LENGTH OF 51.83'; THENCE N51°18'18"E A DISTANCE OF 85.89'; THENCE S09°12'41"E A DISTANCE OF 390.62'; THENCE S57°23'06"W A DISTANCE OF 350.00'; WHICH IS THE POINT OF BEGINNING, HAVING AN AREA OF 0.504 ACRES MORE OR LESS.

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

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

Adopted:

Certified:

Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 14, 2019 Physical Development Committee**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Revised Development Agreement – 3104 Fulton Street, 3035 Fulton Street and 2600 Rainbow Circle

KEY ELEMENTS:

X Economic Development Excellent Government **X** Natural and Built Environment Safe Community **X** Vibrant Community

RECOMMENDATION: Approval of amending the development agreement for 3104 Fulton Street, 3035 Fulton Street and 2600 Rainbow Circle.

SUMMARY: On March 12, 2019, the Physical Development Committee (PDC) reviewed the request to amend the development agreement associated with the sale of City owned property, which was executed on July 1, 2009. As a result of the discussion at that meeting, the PDC requested a copy of the Request for Proposals (RFP) issued for the property sale and responses received. The PDC also requested information on how many units could be developed under the Residential Cluster Subdivision provision in the *Zoning Ordinance*. The Residential Cluster Subdivision provision was not in place when the property was sold.

The RFP was issued by the City on July 23, 2008 stated: “The City’s interest is to place the property into private hands and to facilitate its development in a reasonable manner in order to increase the assessed value of the property.”

A Residential Cluster would permit the same dwelling unit yield as the underlying R-3, Medium Density Residential District, while allowing up to a fifty percent (50%) reduction in lot size. A thirty (30)-foot minimum street frontage is required, which is the same as an R-3, Medium Density District. According to City Assessor records, the three (3) tracts total eight and four hundred fifty-seven thousandths (8.457) acres. The R-3, Medium Density Residential District permits up to ten and eighty-nine hundredths (10.89) units per acre. $8.457 \text{ acres} \times 10.89 \text{ units} = 92.1 \text{ maximum units}$.

The original development agreement indicated the development of thirty (30) lots with the construction of the unopened portion of Rainbow Circle. The development agreement indicated that the lots would be developed as duplexes, which would have yielded sixty (60) dwelling units (two (2) dwellings per lot). The current proposal indicates the development of thirty (30) lots with single-household dwellings and five (5) lots with duplexes, which would yield forty (40) total dwellings. This would be a reduction of twenty (20) dwelling units below what was originally approved. Under the current proposal, the unopened portion of Rainbow Circle would be vacated and approximately four and two (4.2) tenths acres dedicated as green space.

PRIOR ACTION(S):

April 24, 2007:	Physical Development Committee meeting
July 23, 2008:	Request for Proposals issued
December 9, 2008:	Physical Development Committee meeting
January 13, 2009:	City Council public hearing concerning property sale
March 24, 2009:	Physical Development Committee meeting
April 14, 2009:	City Council approved sale of property
July 1, 2009:	Development Agreement executed
July 30, 2009:	Property transfer to Long Meadows, Inc.
March 12, 2019:	Physical Development Committee meeting

FISCAL IMPACT: Increased real estate value to be determined upon construction completion.

CONTACT(S): Tom Martin, City Planner – 434-455-3900
Lee Newland, City Engineer – 434-455-3900

ATTACHMENT(S):

- Request for Proposal – July 23, 2008
- Long Meadows Inc. RFP Submittal
- Rush Homes RFP Submittal
- Council Minutes – January 13, 2009
- Council Agenda Summary – January 13, 2009
- PDC Agenda Summary – March 24, 2009
- Council Minutes – April 14, 2009
- Council Agenda Summary – April 14, 2009
- Joint Development Agreement – July 1, 2009
- PDC Agenda Summary – March 12, 2019
- Amended Development Agreement
- Concept Plan Showing Lots 1 through 35 (Proposed)

REVIEWED BY: raw



REQUEST FOR PROPOSALS TITLE PAGE
Include This Page as the First Page in Your Proposal Response

City of Lynchburg, Virginia
Procurement Division

Proposal Title: **Purchase and Development of City Property**

This is the City of Lynchburg's Request for Proposals No. 09-499, issued July 23, 2008. Direct inquiries for information to: Stephanie Suter, Procurement Manager, Phone: 434.455.3963; stephanie.suter@lynchburgva.gov or Steve Lawson, Real Estate Property Manager, Phone: 434.455.3945. All requests for clarification of or questions regarding this request for proposal must be made in writing and received by 2:00 p.m., August 20, 2008. Any alteration or changes to this Request for Proposals will be made only by written addendum issued by the City of Lynchburg, Procurement Division.

Sealed proposals will be publicly accepted prior to **5:00 p.m., Monday, September 1, 2008**. Proposals received after the stated due date and time shall not be considered. Submit proposals in a sealed, opaque envelope, and put the RFP number, title, due date and time on the lower left front. Offerors are responsible for having their proposal stamped by Procurement Division staff before the deadline indicated above and acknowledge all addenda issued in the space provided below. All Offerors are responsible for obtaining issued addenda from the City's Purchasing Division website: www.lynchburgva.gov/home/index.asp?page=981.

Acknowledge receipt of addenda here: No. _____ Date: _____
No. _____ Date: _____
No. _____ Date: _____

Submit Proposals:

BY MAIL, GROUND DELIVERY, OR HAND DELIVER TO:

Procurement Division
Third Floor City Hall
900 Church Street
Lynchburg, Virginia 24504

By my signature below, I certify that I am authorized to bind the Offeror in any and all negotiations and/or contractual matters relating to this Request for Proposals. Sign in ink and type or print requested information.

Full Legal Name of Offeror: _____

Fed ID OR SOC. SEC. NO.: _____ Date: _____

Address: _____ Phone: () _____

_____ Fax: () _____

Signature: _____

Typed or Printed Name, Title


City Procurement Manager's Signature

I. SUBMISSION OF PROPOSALS

- A. **An original (1), so marked, and (4) copies, so marked, for a total of (5)** of your proposal document are required. Telegraphic or facsimile submission of proposals is not acceptable and any such proposals will not be considered. Nothing herein is intended to exclude any responsible Offeror or in any way restrain or restrict competition. All responsible Offerors are encouraged to submit proposals.
- B. Proposals having any erasures or corrections must be initialed by the Offeror in ink.
- C. The City reserves the right to accept or reject any or all proposals, to waive informalities, and to reissue any request for proposals.
- D. By submitting a proposal response, the Offeror agrees that the proposal response will not be withdrawn for a period of 90 days following the due date for proposal responses.
- E. By submitting a proposal response, the Offeror certifies that it has not combined, conspired or agreed to intentionally rig, alter or otherwise manipulate, or to cause to be rigged, altered or otherwise manipulated its proposal response for the purpose of allocating purchases or sales to or among persons, raising or otherwise fixing the prices of the goods or services, or excluding other persons from dealing with the City.
- F. By submitting a proposal response, the Offeror certifies that its proposal is made without collusion or fraud and that it has not offered or received any kickbacks or inducements from any other Offeror, supplier, manufacturer or subcontracting firm in connection with its proposal; and that it has not conferred on any public employee having official responsibility for this procurement transaction any payment, loan, subscription, advance, deposit of money, services or anything of more than nominal value, present or promised.
- G. The City will not be responsible for any expense incurred by any Offeror in preparing and submitting a proposal response. All proposals submitted will become the property of the City.

II. GENERAL INFORMATION AND OBJECTIVE

- A. The City of Lynchburg is seeking proposals for the purchase and development of three parcels of City property located at 3104 Fulton Street, 3036 Fulton Street and 2600 Rainbow Court. The properties are all zoned Residential Three (R-3) and are 2.5 acres, 1.7 acres, and approximately 3 acres in size, respectively. Fulton Street is a quiet, secluded, centrally located area off Old Forest Road. The property lays well and approximately half is wooded. All parcels can be serviced with public water and sewer.

The City's interest is to place the property into private hands and to facilitate its development, in a reasonable manner, in order to increase the assessed value of the property. Toward that end the City is looking for proposals from interested parties to purchase and develop the property as a whole or in part.

The City of Lynchburg has developed, for illustrative purposes only, a potential subdivision plat encompassing the three parcels and showing as many as 29 building lots. A new roadway plus water and sewer lines would have to be built to accommodate the illustrative plan. The potential subdivision plat does not represent a guarantee of the development potential of the property. Prospective purchasers bear the responsibility of determining the most viable development plan. The City is open to any reasonable proposals for the purchase and development of the property. Purchasers must comply with all applicable City development regulations and standards and will be responsible for all development costs.

B. Attachments

To assist in the evaluation of the property, the following is provided:

- Aerial photograph
- Zoning map
- Assessment sheet of each parcel
- A potential subdivision plat, with topographical information, showing the property divided into 29 building lots. The plat shows where water and sanitary sewer lines would need to be built to accommodate the 29 building lots. It also shows a new road that would need to be built. Note that the road shown is within the existing thirty (30) foot right of way. The City would prefer a forty (40) foot right of way.

III. PROPOSAL PREPARATION

The proposal response must address the items and the Criteria for Proposal Evaluation. Proposals should be prepared simply, providing straightforward and concise responses to requests for information and descriptions of qualifications and capabilities. Each copy of the proposal must be bound with all documentation in a single volume where practical. Incomplete proposals may be determined nonresponsive.

Offerors should organize their proposals using the format described below:

- A. Title Sheet: Furnish the information requested on the REQUEST FOR PROPOSALS TITLE PAGE of this solicitation and include it as the first page of your proposal response. The name stated on the Title Sheet must be the full legal name of the Offeror and the address must be that of the office which will have the responsibility for the services provided.
- B. Price offered for each parcel, or for all three together
- C. A description of development plans with type of structures and the value of what will be built
- D. Timeline with dates for purchase closing and occupancy
- E. A description and explanation of any particular assistance requested of the City.

IV. CRITERIA FOR PROPOSAL EVALUATION AND ACCEPTANCE

The following criteria will be utilized in evaluating proposals:

- Price
- Estimated value of the proposed development
- Timeline
- Overall return to the City
- Compatibility with the Comprehensive Plan and the existing neighborhood

Method of Award

Proposals will be ranked according to the greatest perceived benefit to the City and negotiations will be conducted with the top ranked offerer for the purpose of finalizing a sales contract. Final approval of the sale will require a public hearing and City Council action. The City reserves the right to reject all proposals.

V. GENERAL TERMS AND CONDITIONS

A. Laws and Regulations

The Successful Offeror shall give notice and comply with all laws, ordinances, rules, regulations, and lawful orders of any public authority bearing on the performance of the work. Any legal proceedings arising out of or related to this agreement shall be filed by the parties in the City of Lynchburg General District Court or the Lynchburg Circuit Court.

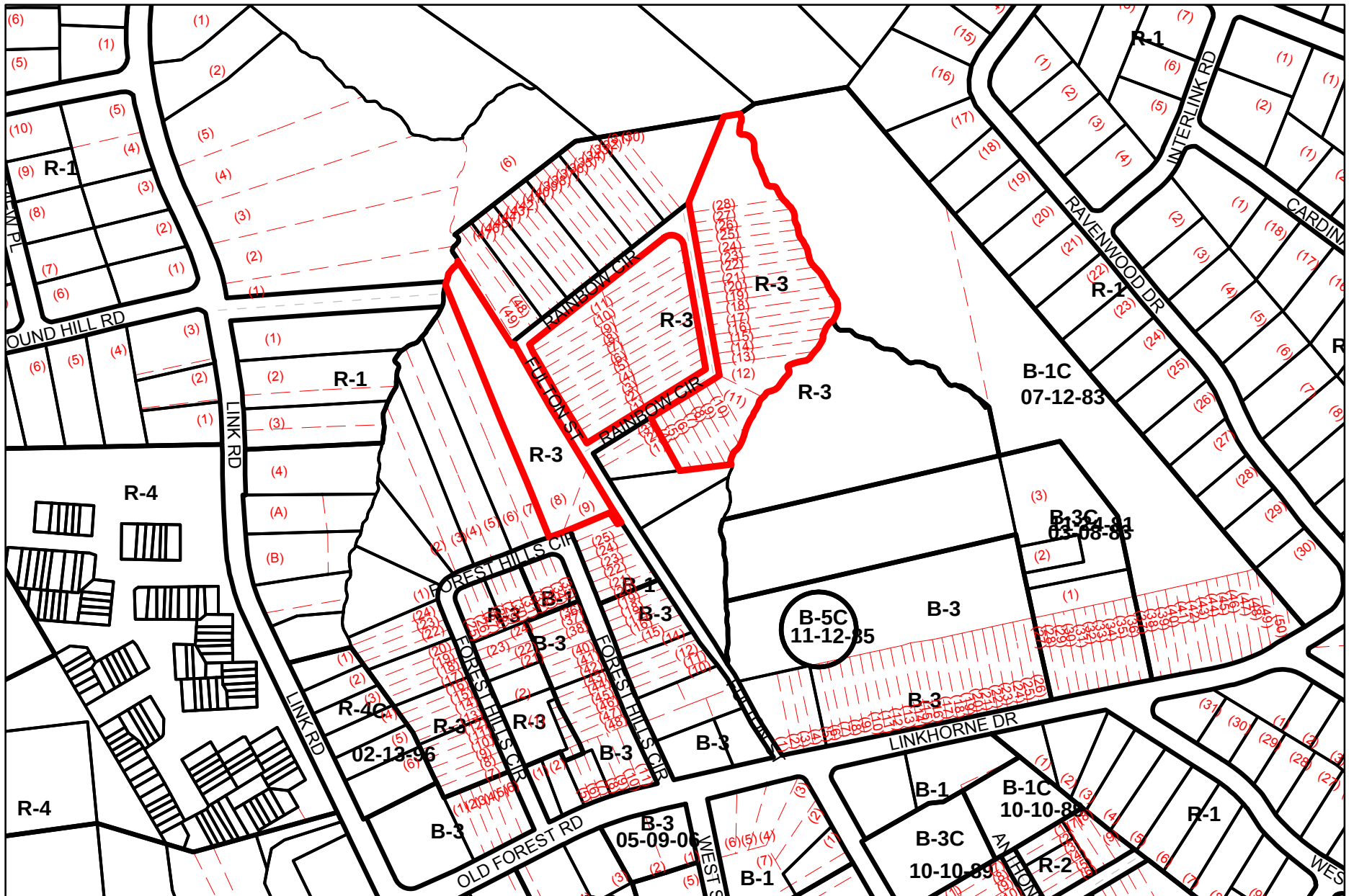
B. Licenses and Permits

The Successful Offeror shall secure and pay for all permits, governmental fees and licenses necessary for the proper execution and completion of the work which are legally required prior to and during the work.

C. Taxes

The Successful Offeror shall pay all City, State and Federal taxes required by law enacted at the time proposals are received and resulting from the work or traceable thereto, under whatever name levied. Said taxes shall not be in addition to the contract price as the taxes shall be an obligation of the Offeror and not of the City and the City shall be held harmless for same by the Successful Offeror.





Property Tax Values

View Sketch

View Photo

Recent Neighborhood Sales

View Property Card

Close

Print

Property Assessment Information - Lynchburg, Virginia

Parcel Identification

Parcel ID (Old) 16907001
 Parcel ID (New) 54623081
 Property Address 3104 FULTON ST
 Property Owner CITY OF LYNCHBURG
 SCHOOL-PT FOREST HILL
 SCHOOL GROUNDS
 Mailing Address 900 CHURCH ST
 LYNCHBURG, VA 24504-1620
 Legal Description WD FOSTER BLK 1-#1-23
 Property Class EXEMPT - CITY SCHOOLS
 Neighborhood 226 - FOREST HILLS CIR
 *New! Elementary School LINKHORNE ELEMENTARY
 *New! Middle School LINKHORNE MIDDLE
 *New! High School E C GLASS

Land

Legal Acreage 2.5000
 Square Footage 108900
 Frontage 0

Zoning Refer to Zoning Layer

Special Assessments

Participant in Land Use Prog NO
 Land Use Deferral Amount
 Participant in Rehabilitation Prog NO
 Exemption Amount
 Ending (June 30)

Sale/Assessment Information

Current Assessment
 Land Value \$43800
 Improvement Value \$0
 Total Value \$43800
 July 1, 2007
 Land Value \$43800
 Improvement Value \$0
 Total Value \$43800
 July 1, 2006
 Land Value \$25000
 Improvement Value \$0
 Total Value \$25000
 Sales History 1
 Recorded Sale Date 11/13/1958
 Sale Amount \$0
 Prior Owner CAMPBELL CO SCHOOL
 BOARD
 Prior Instrument Number
 Prior Deed Book/Page 0 0
 Sales History 2
 Recorded Sale Date
 Sale Amount \$
 Prior Owner
 Prior Instrument Number
 Prior Deed Book/Page
 Sales History 3
 Recorded Sale Date
 Sale Amount \$
 Prior Owner
 Prior Instrument Number
 Prior Deed Book/Page

Improvement Data

Building Type
 Type of Structure
 Number of Stories
 Year Built
 Finished Sq Ft
 Basement Sq Ft
 Finished Basement Sq Ft
 Finished Attic Sq Ft
 *New! Total Finished Sq Ft
 Foundation
 Frame
 Exterior Wall
 Roof Type
 Roof Material
 Heat Type
 Air Conditioned
 Fireplace
 Number of Rooms
 Number of Bedrooms
 Number of Full Baths
 Number of Half Baths
 Open Porch Sq Ft
 Enclosed Porch Sq Ft
 Patio/Deck Sq Ft
 Attached Garage Sq Ft
 Attached Carport Sq Ft
 Detached Garage Sq Ft
 Outbuildings

Property Tax Values

View Sketch

View Photo

Recent Neighborhood Sales

View Property Card

Close

Print

Property Assessment Information - Lynchburg, Virginia

Parcel Identification

Parcel ID (Old) 16906004
 Parcel ID (New) 54623085
 Property Address 3036 FOREST HILLS CIR
 Property Owner CITY OF LYNCHBURG
 CITY MANAGER'S OFFICE
 Mailing Address 900 CHURCH ST
 LYNCHBURG , VA 24504-1620
 Legal Description FOREST HILL-BLK 4-PT 8,9
 Property Class EXEMPT - CITY GOVERNMENT
 Neighborhood 226 - FOREST HILLS CIR
 *New! Elementary School LINKHORNE ELEMENTARY
 *New! Middle School LINKHORNE MIDDLE
 *New! High School E C GLASS

Land

Legal Acreage 1.7110
 Square Footage 74531
 Frontage 0

Zoning Refer to Zoning Layer

Special Assessments

Participant in Land Use Prog NO
 Land Use Deferral Amount
 Participant in Rehabilitation Prog NO
 Exemption Amount
 Ending (June 30)

Sale/Assessment Information

Current Assessment
 Land Value \$29900
 Improvement Value \$0
 Total Value \$29900
 July 1, 2007
 Land Value \$29900
 Improvement Value \$0
 Total Value \$29900
 July 1, 2006
 Land Value \$20000
 Improvement Value \$0
 Total Value \$20000
 Sales History 1
 Recorded Sale Date 11/13/1958
 Sale Amount \$0
 Prior Owner X
 Prior Instrument Number
 Prior Deed Book/Page 0 0
 Sales History 2
 Recorded Sale Date
 Sale Amount \$
 Prior Owner
 Prior Instrument Number
 Prior Deed Book/Page
 Sales History 3
 Recorded Sale Date
 Sale Amount \$
 Prior Owner
 Prior Instrument Number
 Prior Deed Book/Page

Improvement Data

Building Type
 Type of Structure
 Number of Stories
 Year Built
 Finished Sq Ft
 Basement Sq Ft
 Finished Basement Sq Ft
 Finished Attic Sq Ft
 *New! Total Finished Sq Ft
 Foundation
 Frame
 Exterior Wall
 Roof Type
 Roof Material
 Heat Type
 Air Conditioned
 Fireplace
 Number of Rooms
 Number of Bedrooms
 Number of Full Baths
 Number of Half Baths
 Open Porch Sq Ft
 Enclosed Porch Sq Ft
 Patio/Deck Sq Ft
 Attached Garage Sq Ft
 Attached Carport Sq Ft
 Detached Garage Sq Ft
 Outbuildings

[Property Tax Values](#)[View Sketch](#)[View Photo](#)[Recent Neighborhood Sales](#)[View Property Card](#)[Close](#)[Print](#)**Property Assessment Information - Lynchburg, Virginia****Parcel Identification**

Parcel ID (Old) 16908003
 Parcel ID (New) 54623068
 Property Address 2600 RAINBOW CIR
 Property Owner CITY OF LYNCHBURG
 SCHOOL-PT FOREST HILL
 SCHOOL GROUNDS
 Mailing Address 900 CHURCH ST
 LYNCHBURG, VA 24504-1620
 Legal Description W D FOSTER BLK 2-LOT 4-28
 Property Class EXEMPT - CITY SCHOOLS
 Neighborhood 226 - FOREST HILLS CIR
 *New! [Elementary School](#) LINKHORNE ELEMENTARY
 *New! [Middle School](#) LINKHORNE MIDDLE
 *New! [High School](#) E C GLASS

Land

Legal Acreage 0.0000
 Square Footage 0
 Frontage 0

Zoning Refer to Zoning Layer

Special Assessments

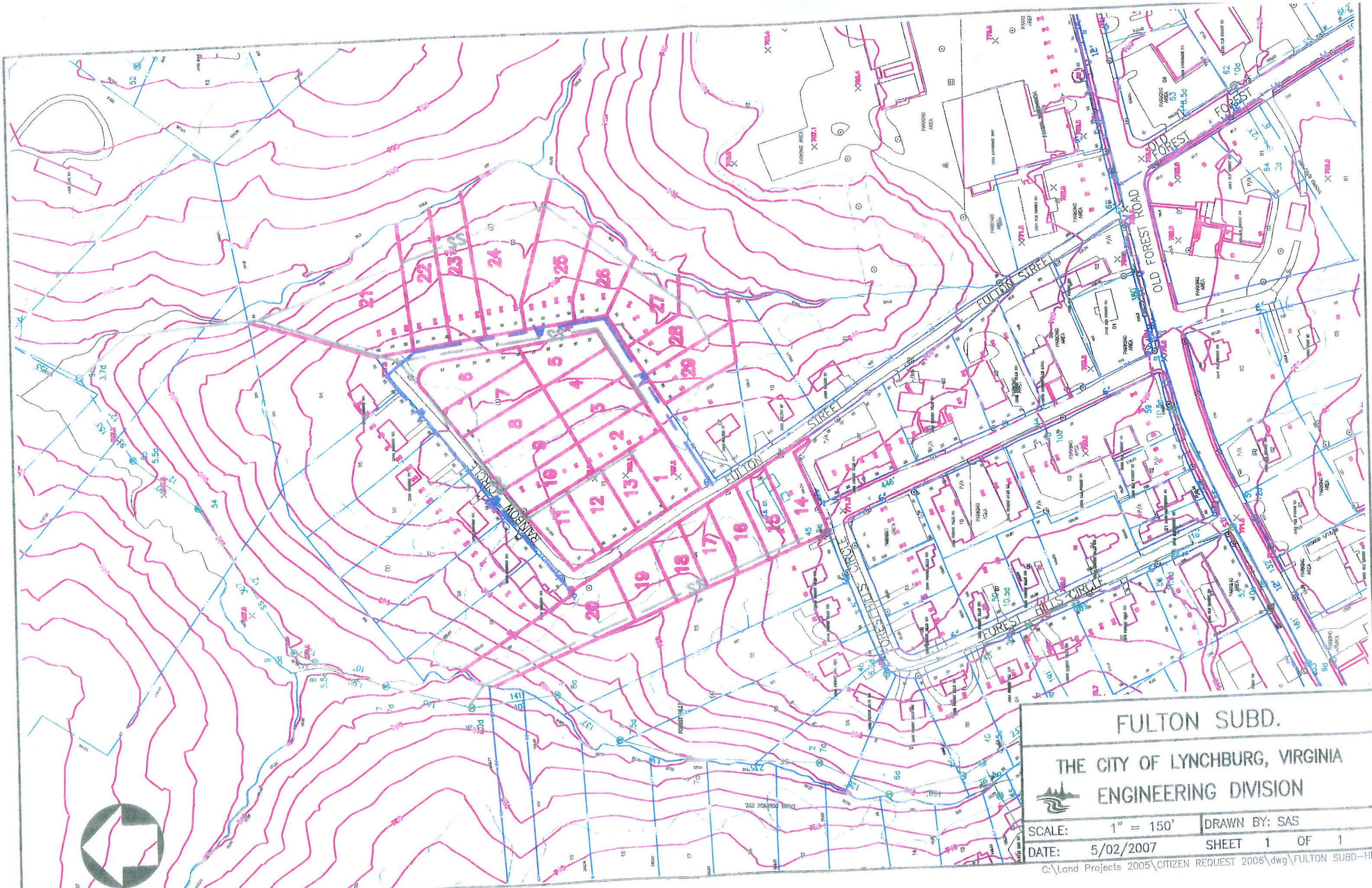
Participant in Land Use Prog NO
 Land Use Deferral Amount
 Participant in Rehabilitation Prog NO
 Exemption Amount
 Ending (June 30)

Sale/Assessment Information

Current Assessment
 Land Value \$70200
 Improvement Value \$0
 Total Value \$70200
July 1, 2007
 Land Value \$70200
 Improvement Value \$0
 Total Value \$70200
July 1, 2006
 Land Value \$10000
 Improvement Value \$0
 Total Value \$10000
Sales History 1
 Recorded Sale Date 11/13/1958
 Sale Amount \$0
 Prior Owner CAMPBELL COUNTY SCHOOL BOARD
 Prior Instrument Number
 Prior Deed Book/Page 0 0
Sales History 2
 Recorded Sale Date
 Sale Amount \$
 Prior Owner
 Prior Instrument Number
 Prior Deed Book/Page
Sales History 3
 Recorded Sale Date
 Sale Amount \$
 Prior Owner
 Prior Instrument Number
 Prior Deed Book/Page

Improvement Data

Building Type
 Type of Structure
 Number of Stories
 Year Built
 Finished Sq Ft
 Basement Sq Ft
 Finished Basement Sq Ft
 Finished Attic Sq Ft
 *New! Total Finished Sq Ft
 Foundation
 Frame
 Exterior Wall
 Roof Type
 Roof Material
 Heat Type
 Air Conditioned
 Fireplace
 Number of Rooms
 Number of Bedrooms
 Number of Full Baths
 Number of Half Baths
 Open Porch Sq Ft
 Enclosed Porch Sq Ft
 Patio/Deck Sq Ft
 Attached Garage Sq Ft
 Attached Carport Sq Ft
 Detached Garage Sq Ft
 Outbuildings



FULTON SUBD.

THE CITY OF LYNCHBURG, VIRGINIA
ENGINEERING DIVISION

SCALE: 1" = 150'	DRAWN BY: SAS
DATE: 5/02/2007	SHEET 1 OF 1

C:\Land Projects 2005\CITIZEN REQUEST 2006\dwg\FULTON SUBD-HR.c

City of Lynchburg
Procurement Division
900 Church Street
Lynchburg, Virginia 24504
Telephone No.: (434) 455-3970
Fax No.: (434) 845-0711

Addendum for Proposal
Purchase and Development of City Property
09-499

Date: August 25, 2008

From: Stephanie Suter, CPPB

RE: Addendum No. 1

1. The deadline for proposals has been extended. Sealed proposals will be publicly accepted prior to 5:00 p.m., Tuesday, September 2, 2008.

READ TERMS AND CONDITIONS AND SIGN

In compliance with the above BID, and subject to all the conditions hereof, the undersigned offers and agrees to comply with any or all of the terms and conditions contained herein, or as mutually agreed upon by subsequent negotiations. This form shall become part of the final file.

COMPANY NAME: _____ *ADDRESS:* _____ *DATE:* _____

AUTHORIZED SIGNATURE: _____ *TITLE:* _____

PRINT NAME: _____ *TELEPHONE NO.:* _____ *FAX NO.:* _____



REQUEST FOR PROPOSALS TITLE PAGE
Include This Page as the First Page in Your Proposal Response

City of Lynchburg, Virginia
Procurement Division

Proposal Title: **Purchase and Development of City Property**

Copy

This is the City of Lynchburg's Request for Proposals No. 09-499, issued July 23, 2008. Direct inquiries for information to: Stephanie Suter, Procurement Manager, Phone: 434.455.3963; stephanie.suter@lynchburgva.gov or Steve Lawson, Real Estate Property Manager, Phone: 434.455.3945. All requests for clarification of or questions regarding this request for proposal must be made in writing and received by 2:00 p.m., August 20, 2008. Any alteration or changes to this Request for Proposals will be made only by written addendum issued by the City of Lynchburg, Procurement Division.

Sealed proposals will be publicly accepted prior to 5:00 p.m., Monday, September 1, 2008. Proposals received after the stated due date and time shall not be considered. Submit proposals in a sealed, opaque envelope, and put the RFP number, title, due date and time on the lower left front. Offerors are responsible for having their proposal stamped by Procurement Division staff before the deadline indicated above and acknowledge all addenda issued in the space provided below. All Offerors are responsible for obtaining issued addenda from the City's Purchasing Division website: www.lynchburgva.gov/home/index.asp?page=981.

Acknowledge receipt of addenda here: No. 1 Date: 9-1-08
No. _____ Date: _____
No. _____ Date: _____

Submit Proposals:

BY MAIL, GROUND DELIVERY, OR HAND DELIVER TO:
Procurement Division
Third Floor City Hall
900 Church Street
Lynchburg, Virginia 24504

By my signature below, I certify that I am authorized to bind the Offeror in any and all negotiations and/or contractual matters relating to this Request for Proposals. Sign in ink and type or print requested information.

Full Legal Name of Offeror: Long Meadows, INC. By Chris Mowry, President

Fed ID OR SOC. SEC. NO.: 54-1025710 Date: 9-1-08

Address: P.O. Box 4338 Phone: (434) 821-2995 x 205

Lynchburg, VA 24502

Fax: (434) 821-2997

Signature:

[Signature]

Chris Mowry - President
Typed or Printed Name, Title

[Signature]
City Procurement Manager's Signature

Response to City of Lynchburg RFP # 09-499 issued July 23, 2008

From: Long Meadows, Inc. – Chris Mowry, President (chris@longmeadows.net)

Offer Price: \$70,000. For all three parcels: 3104 & 3036 Fulton Street and 2600 Rainbow Court. This price is based upon LMI's purchase of R-3 land bordering New Towne and Turtle Creek subdivisions as recently as 2006 at the rate of \$9,210 per acre (Fulton - $7.2 \times \$9,210 = \$66,312$). LMI's offer is slightly higher than this rate but obviously the market exuberance has diminished and 2006 pricing should be fair for the state and location of the land in question.

Development Plans: Long Meadows, Inc. wants to build energy efficient and environmentally green "E-Villas" for the eclectic mix of Lynchburg buyers. While LMI may opt to mix some single family homes next to the existing single family homes to maintain the neighborhood continuity - the majority of units would be single and two level craftsman-style, attached units constructed to the latest EarthcraftVA standards for efficiency and sustainability. These would be up to 58 market-rate products that appeal to buyers who want a new home with all of the technology, Energy Star efficiency and modern amenities but desire their home affordability to be within the City limits – not the county. The key to the City gaining revenue is to assist developers in holding the costs down on the end product to promote affordability even though City taxes are higher than in the surrounding counties.

Return To The City/Revenue: The sales price per unit would range from the \$120's to the \$150's and would produce approximately \$73,080 annual real estate tax revenue on the low end and \$91,350 annually on the higher end. Lot development would be phased in two sections – one with 11 lots and one with 18 lots. The total estimated project build-out would take approximately three years for market absorption assuming a rate of 20 units per year. The City could expect revenues from water and sewer service and the common good billing at an average of \$50.00 per month per household or \$600 annually per unit (\$34,800 for the entire community annually at build-out). Additionally, personal property tax on items such as vehicles would be greater with the villa concept as each unit would likely own two vehicles (which at build-out would total 116). The revenue from this tax would amount to \$760 (\$20,000 average assessed value per vehicle @ \$3.80 per \$100) $\times 116 = \$88,160.00$. Thus, the total annual revenue from this project at build out would be as follows:

R.E. Taxes: \$91,350.00 - P.P. Taxes: \$88,160.00 - Water/Sewer/CG: \$34,800.00

↓ \$150,000

↓ much higher
than RFP

Revenue Total: \$214,310.00

Timeline For Purchase & Closing: Closing upon mutual agreement of terms between the City of Lynchburg and LMI or upon all zoning, planning and other miscellaneous approvals of subdivision plans and the ability of LMI to begin land disturbance and street/building construction.

Assistance Desired From the City of Lynchburg: Engineering flexibility to accommodate EarthcraftVA standards, fast track of utility design - approvals and implementation and fast track of bond releases. LMI would request that the usual City of Lynchburg reimbursements for development – water, sewer & road etc. would be initiated expeditiously at the completion of the development work. It is paramount for the City of Lynchburg to assist LMI as the developer to keep development cost low in order for us to meet the market demand and in turn – allow the City to collect the proposed tax revenue. The goal is for the City's higher tax rate for the average Fulton Street resident needs to translate into a lower developed lot cost to the developer.

About Long Meadows, Inc.: Long Meadows, Inc. is a class A licensed Building/Grading/HVAC Contractor, a certified Energy Star Partner and is a certified EarthcraftVA builder (www.earthcraftva.org). EarthcraftVA is the "sister" organization to the United States Green Building Council's LEED for commercial and multifamily construction. LMI is one of Lynchburg's largest and longest operating development and building companies and has partnered with the City of Lynchburg for over three decades in developing fine communities such as New Towne Subdivision. Developments like this translate into millions of dollars in real estate tax revenue, personal property taxes and water/sewer income etc. for the City of Lynchburg.

City of Lynchburg
Procurement Division
900 Church Street
Lynchburg, Virginia 24504
Telephone No.: (434) 455-3970
Fax No.: (434) 845-0711

Addendum for Proposal
Purchase and Development of City Property
09-499

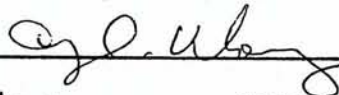
Date: August 25, 2008
From: Stephanie Suter, CPPB
RE: Addendum No. 1

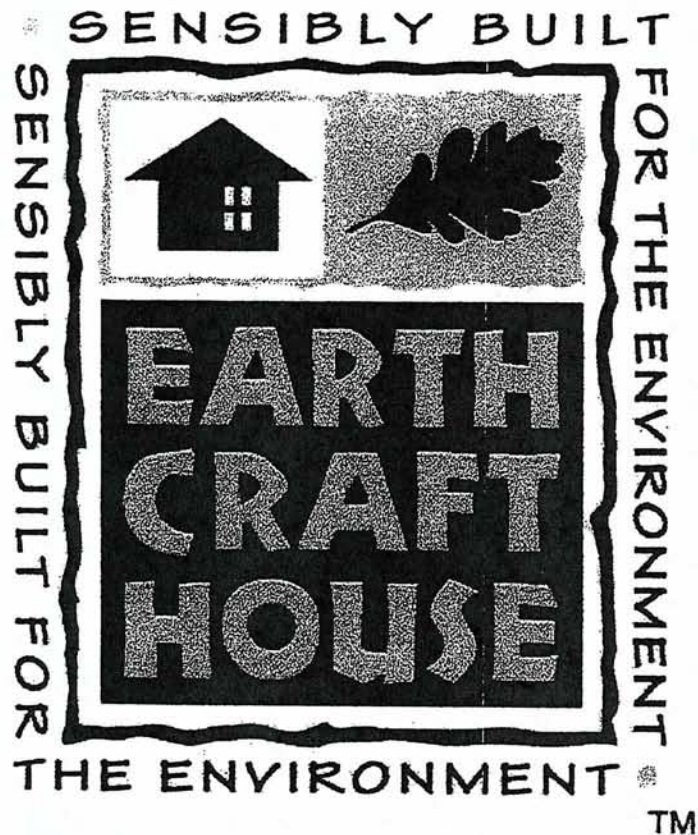
1. The deadline for proposals has been extended. Sealed proposals will be publicly accepted prior to 5:00 p.m., Tuesday, September 2, 2008.

READ TERMS AND CONDITIONS AND SIGN

In compliance with the above BID, and subject to all the conditions hereof, the undersigned offers and agrees to comply with any or all of the terms and conditions contained herein, or as mutually agreed upon by subsequent negotiations. This form shall become part of the final file.

P.O. Box 4338

COMPANY NAME: Long Meadows, Inc. ADDRESS: Lynchburg, VA 24502 DATE: 8-2-08
AUTHORIZED SIGNATURE:  TITLE: President
PRINT NAME: Chris Mowry TELEPHONE NO.: 434-821-2995 FAX NO.: 821-2997
Ext 205



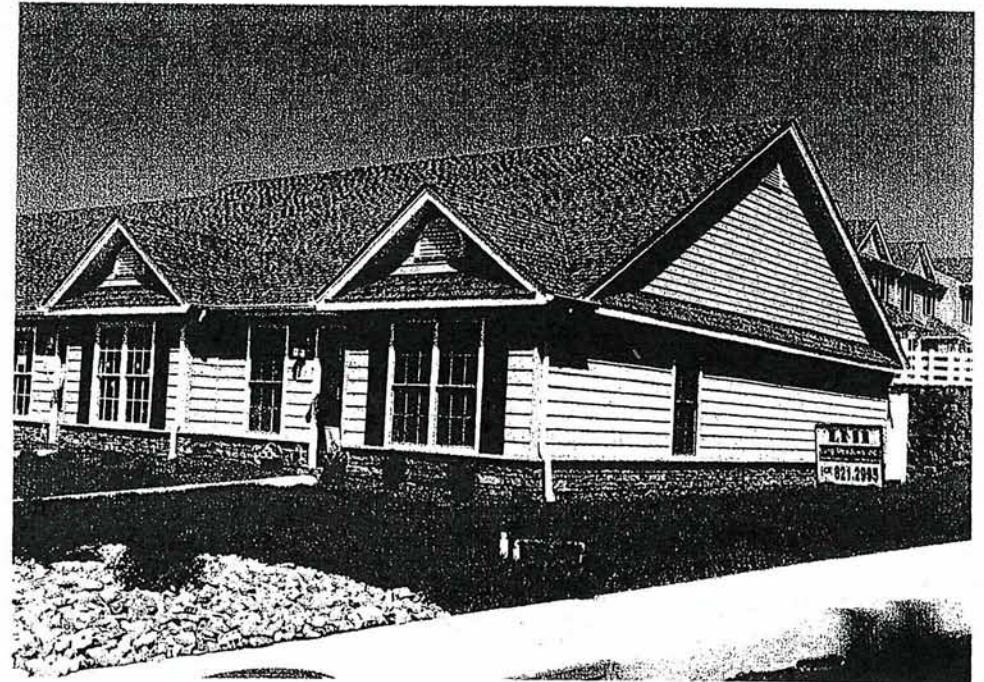
This certifies that

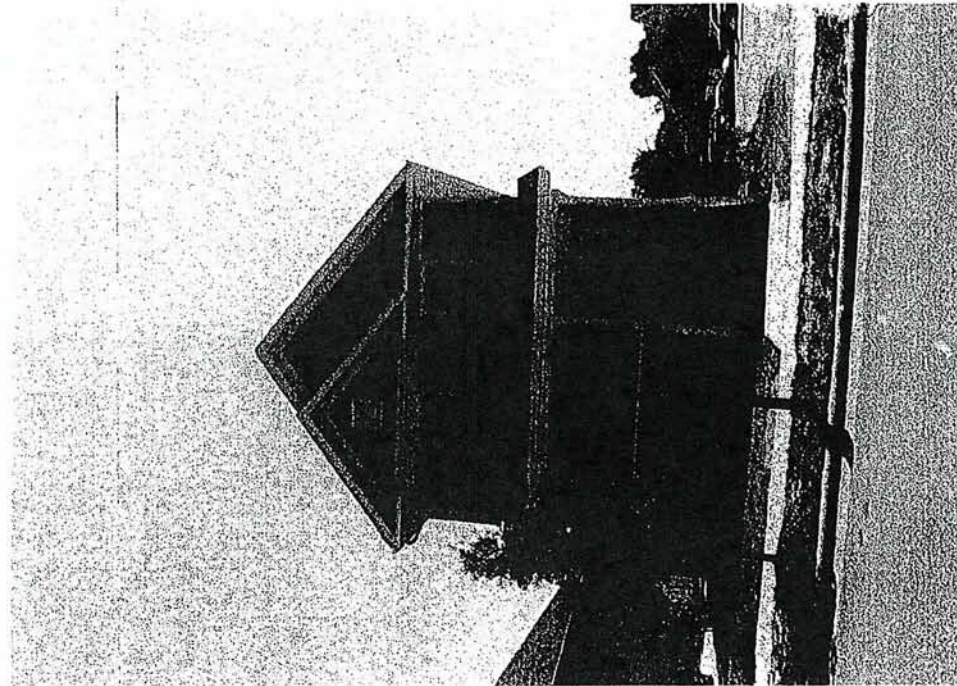
Long Meadows, Inc.

is a proud EarthCraft House Builder in good standing
with the Greater Atlanta Home Builders Association
and Southface Energy Institute

6/1/2008
Membership Initiation Date

6/1/2009
Membership Expiration Date







1022 Commerce St., Ste 3A Lynchburg, VA 24504 • P.O. Box 879 Lynchburg, VA 24505

Phone: (434) 455-2120 • Fax: (434) 455-2001

ORIGINAL

August 22, 2008

Procurement Division
Third Floor City Hall
900 Church Street
Lynchburg, VA 24504

To Whom It May Concern:

Rush Lifetime Homes (Rush Homes) is seeking to purchase parcels owned by the City of Lynchburg. Two purchase proposals are offered as follows:

- Proposal 1, offer to purchase three parcels located at 3104 Fulton Street, 3036 Forest Hills Circle, and 2600 Rainbow Court. This is Rush Homes' priority proposal.
- Proposal 2, offer to purchase two parcels located at 3104 Fulton Street and 3036 Forest Hills Circle. This is Rush Homes secondary proposal.

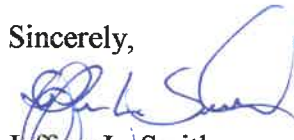
This is Proposal 2, Rush Homes' secondary proposal. I enclose Rush Homes' proposal for the purchase developed according the City of Lynchburg's Request for Proposals No. 09-499 issued on July 23, 2008.

Rush Homes is a 501(c)(3), non-profit provider of affordable housing for people with disabilities and low incomes. Our intention for the above noted lots is to construct a mixed income development known as Fulton Park featuring homeownership opportunities for people with disabilities, seniors, first time homebuyers, and other interested persons as well as affordable rental opportunities for people with disabilities and low incomes.

Please contact Allison Wingfield, Executive Director, or me at 455-2120 if you have any further questions.

Thank you.

Sincerely,



Jeffrey L. Smith
Development Director

cc/Allison Wingfield



REQUEST FOR PROPOSALS TITLE PAGE
Include This Page as the First Page in Your Proposal Response

City of Lynchburg, Virginia
Procurement Division

Proposal Title: **Purchase and Development of City Property**

This is the City of Lynchburg's Request for Proposals No. 09-499, issued July 23, 2008. Direct inquiries for information to: Stephanie Suter, Procurement Manager, Phone: 434.455.3963; stephanie.suter@lynchburgva.gov or Steve Lawson, Real Estate Property Manager, Phone: 434.455.3945. All requests for clarification of or questions regarding this request for proposal must be made in writing and received by 2:00 p.m., August 20, 2008. Any alteration or changes to this Request for Proposals will be made only by written addendum issued by the City of Lynchburg, Procurement Division.

Sealed proposals will be publicly accepted prior to 5:00 p.m., Monday, September 1, 2008. Proposals received after the stated due date and time shall not be considered. Submit proposals in a sealed, opaque envelope, and put the RFP number, title, due date and time on the lower left front. Offerors are responsible for having their proposal stamped by Procurement Division staff before the deadline indicated above and acknowledge all addenda issued in the space provided below. All Offerors are responsible for obtaining issued addenda from the City's Purchasing Division website: www.lynchburgva.gov/home/index.asp?page=981.

Acknowledge receipt of addenda here: No. _____ Date: _____
No. _____ Date: _____
No. _____ Date: _____

Submit Proposals:

BY MAIL, GROUND DELIVERY, OR HAND DELIVER TO:

Procurement Division
Third Floor City Hall
900 Church Street
Lynchburg, Virginia 24504

By my signature below, I certify that I am authorized to bind the Offeror in any and all negotiations and/or contractual matters relating to this Request for Proposals. Sign in ink and type or print requested information.

Full Legal Name of Offeror: RUSH LIFETIME HOMES, INC

Fed ID OR SOC. SEC. NO.: 31-1519694 Date: 8/22/2008

Address: P.O. Box 879 Phone: (434) 455-2120

LYNCHBURG, VA 24505 Fax: (434) 455-2001

Signature: [Signature] Allison Wingfield, Executive Director
Typed or Printed Name, Title

[Signature]
City Procurement Manager's Signature

August 22, 2008

Purchase Proposal: Fulton Street and Forest Hill Circle Parcels B and C

I. Offering Price and Terms

Offering Price

Rush Lifetime Homes (Rush Homes) offers \$75,000 for two lots including parcels located at 3104 Fulton Street (Parcel B, 2.5 acres) and 3036 Forest Hills Circle (Parcel C, 1.7 acres). *Please see attached appraisal by Hallmark Properties regarding the properties.*

Terms

Rush Homes requires a three month purchase option from the date of purchase agreement with the City of Lynchburg. This option may be extended for an additional three months with agreement by the City if circumstances warrant. This purchase option is necessary for Rush Homes to conduct a HUD Phase 1 environmental review, a property survey, and arrange property purchase and project development financing. The environmental review is a requirement of potential funding sources including low income housing tax credits.

II. Development Plans (General, Styles, and Value)

General

Rush Homes intends to construct a mixed income housing development tentatively known as Fulton Park on the two lots. The purpose of the development is to provide homeownership opportunities to first time homebuyers, seniors, and people with disabilities and affordable rental apartments for people with disabilities and low incomes. The housing development will consist of approximately 12 single family homes and approximately 8 duplexes, depending on the layout of lots upon design.

Style

Houses will consist of 1200-1600 ft² homes, each with two or three bedrooms and two baths. All houses will, at minimum, feature universal design. Full accessibility for people with mobility impairments is possible if requested by a buyer. The planned size and style homes will cater to a growing market seeking first time home buyer opportunities including those with special needs and will fit well with the current neighborhood housing stock.

Duplex apartments, mixed throughout the development to encourage community, will consist of both one and two bedroom units with full accessibility for persons who are mobility impaired. Apartment floor spaces are approximately 750 ft² for one bedroom units and 900 ft² for two bedroom units. Rush Homes will own and manage apartments, creating continuity and good management that will support a quality neighborhood. *Please see attachments for proposed duplex plans.*

Other Amenities and Transportation

The Fulton Park site is excellent for seniors, people with disabilities, and first time homebuyers. The site is within two blocks of Old Forest Road which is directly on the Greater Lynchburg Transit Company bus line, simplifying transportation options for

residents without personal transportation. Grocery shopping, retail shopping, pharmacies, restaurants, entertainment, City schools, and other amenities are all within walking distance.

Project Financing and Technical Support

Rush Homes will seek a number of sources for project financing and have already engaged Virginia Housing Development Authority (VHDA) for their technical support in developing a funding strategy. Financing sources will likely include Low Income Housing Tax Credits (LIHTC), VHDA REACH program low interest loans, possible CDBG and HOME funds at both local and state levels, Federal Home Loan Bank funds including predevelopment loans and grants, private grant funds, and Rush Homes' profit from the sale of planned houses within the development.

Rush Homes will form a development team and seek additional project technical assistance from organizations such as Local Initiatives Support Corporation (LISC).

Estimated As-Built Value and Return Value to Lynchburg

	Value	Notes
Single family homes	\$ 1,740,000.00	12 @ \$145,000 each average
Duplexes	\$ 2,000,000.00	8 @ \$250,000 each average
Land	\$ 300,000.00	20 @ \$15,000 each
Total	\$ 4,040,000.00	

The estimated return value of Fulton Park to Lynchburg City as-built at current property tax rates is \$42,420 per year. In addition to returns from property taxes, the Fulton Park project will inject approximately of \$1.125 million in LIHTC equity into Lynchburg as well as the potential for an additional \$1 million or more in foundation funds and construction loan dollars from Virginia community development finance institute sources including Virginia Community Capital.

Market

Currently, Rush Homes has 59 families with disabilities and low incomes on its waiting list. Further, 2000 US Census data for Lynchburg City renters who have mobility and self care limitations and low incomes indicates 960 non-seniors in need of better housing. Rush Homes will contract with a provider to perform market studies that will confirm this data and show the large need for accessible and affordable housing in Lynchburg for people with disabilities and to show market for first time homebuyers, people with special needs, and/or senior citizens.

Compatibility with Lynchburg Comprehensive Plan

Special needs housing and mixed use residential development are both cited specifically in the comprehensive plan. Fulton Park addresses both these elements. First, Fulton Park is about providing mixed use residential development with the mix of stores and other buildings being very nearby, some with two blocks and many more within walking distance of the proposed neighborhood. Second, special needs housing is Fulton Park. While the development anticipates mixed ownership and rental with some of the ownership by people without specific disabilities, provision of housing for

people with disabilities and low incomes is a the motivating factor for Fulton Park. Page 10.3 of the Comprehensive plan notes expressed concerns that “special needs tenants, such as those with physical disabilities and those with limited incomes, have a particularly hard time finding appropriate rental housing.

Fulton Park direction meets Comprehensive Plan Goals regarding Goal 2, Objective 2.A encouraging new, sensitively designed housing that blends into mature neighborhoods. The style of housing chosen by Rush Homes for Fulton Park will fit in with surrounding, smaller ranch style homes. Further, the proposed development also meets Objective 2.E., encouraging higher rates of homeownership among low- and middle-income residents. The style and size of house proposed sale in Fulton Park will specifically meet this market demand. Rush Homes is already in talks with VHDA about providing low interest loans to prospective buyers with incomes ranging from 80 percent of area median income to 150 percent. Finally, Object 2.F. is directly met by Fulton Park which provides housing for special needs populations in a neighborhood setting and with transportation and support services readily available nearby.

III. Proposed Project Timeline

<i>Predevelopment activities</i>	<i>Date/Status</i>
▶ Enter bid for purchase of lots	8/31/2008
▶ Initiate development team including technical support services	9/30/2008
▶ Update site design, update costs, and create financing strategy	11/15/2008
▶ Marketing studies performed	11/30/2008
▶ Gain site control	12/1/2008
▶ Finalize permanent financing strategy.	12/15/2008
▶ Complete Phase 1 environmental analysis and site survey.	1/15/2009
▶ Finalize design units/construction specifications/site engineering	2/1/2009
▶ Acquire permanent financing approval	2/15/2009
▶ Acquire acquisition/development/construction loan.	2/28/2009
▶ Purchase Fulton Street/Rainbow Court Properties	3/1/2009
<i>Construction</i>	
▶ Begin construction, infrastructure and vertical	5/1/2009
▶ Complete construction, all houses and duplexes	12/1/2010
<i>Sell houses/lease rental units</i>	
▶ Initiate marketing and advertise Fulton Park/houses	8/1/2009
▶ Target completion	2/1/2011

IV. Assistance Needed From the City of Lynchburg

At this time, Rush Homes does not anticipate needing assistance from the City with the exception of subdivision approvals and cooperation. Rush Homes reserves the right to request CDBG and HOME block grant funding for Fulton Park development.

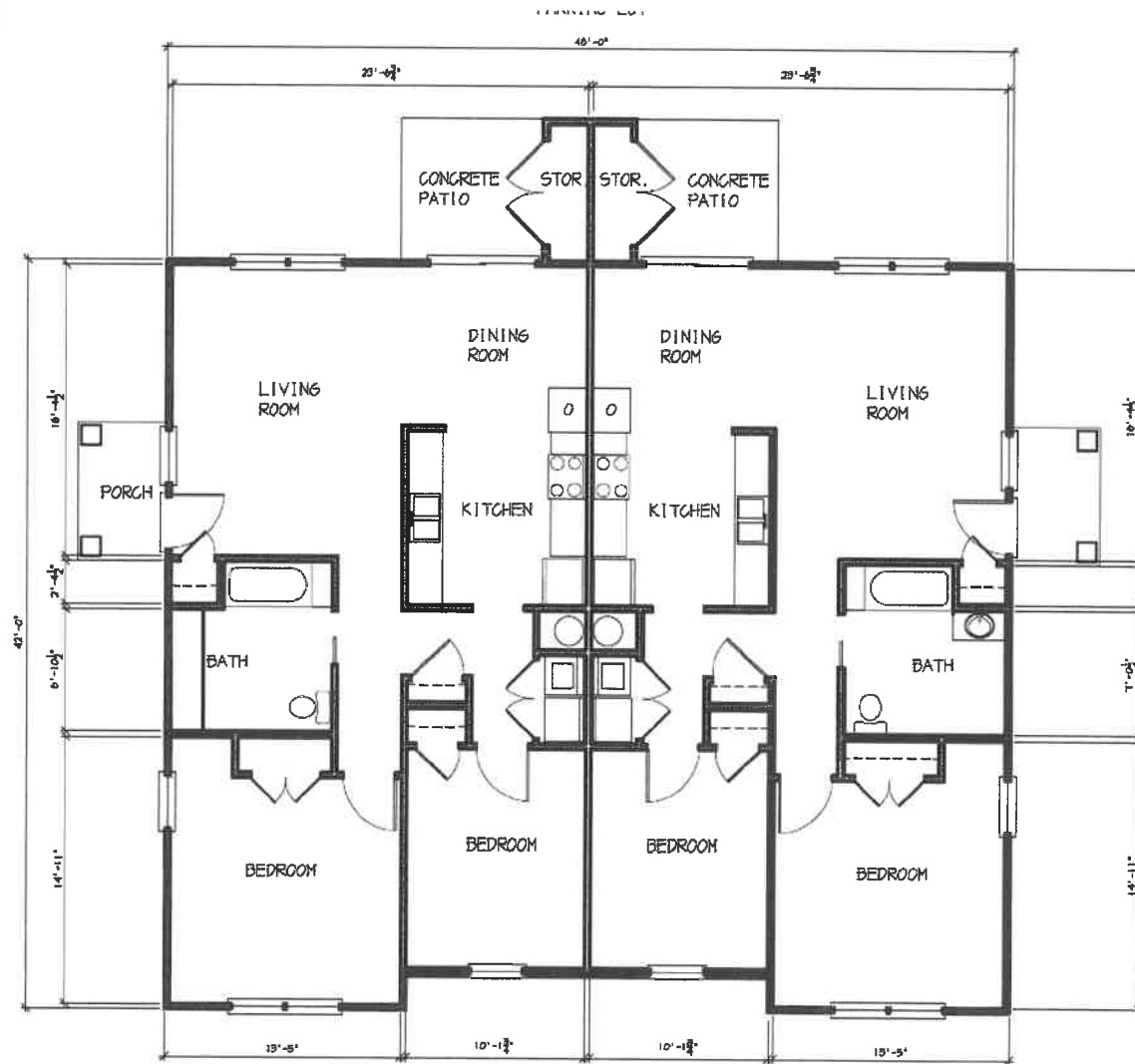


TWO-BEDROOM

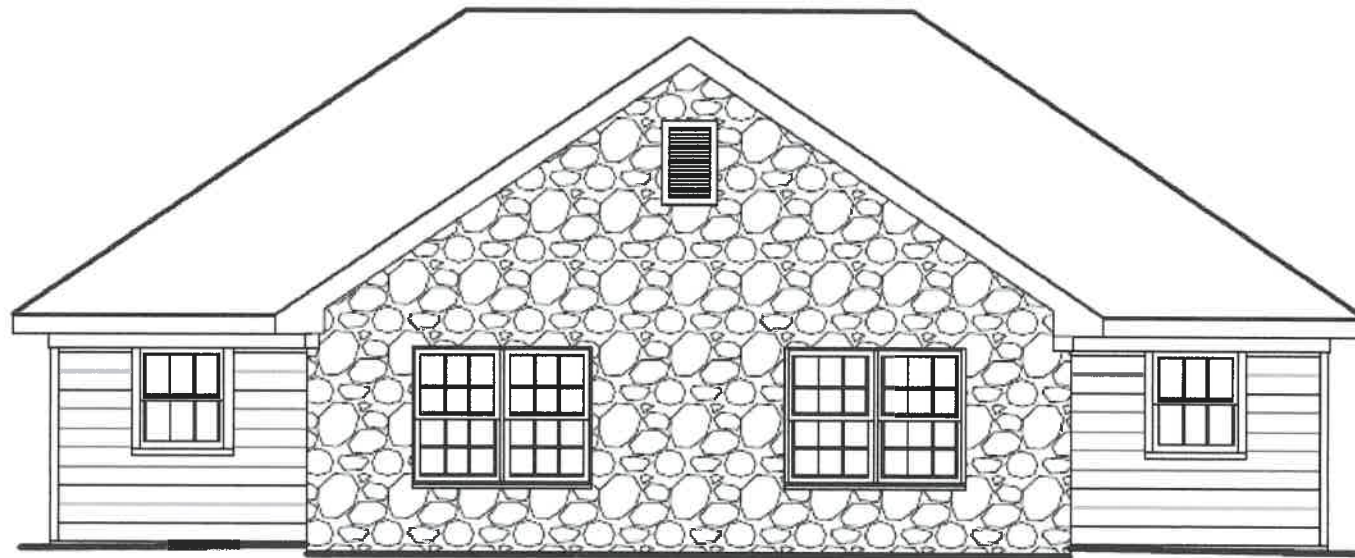
1/8" = 1'-0"

CCAP

11-3-05

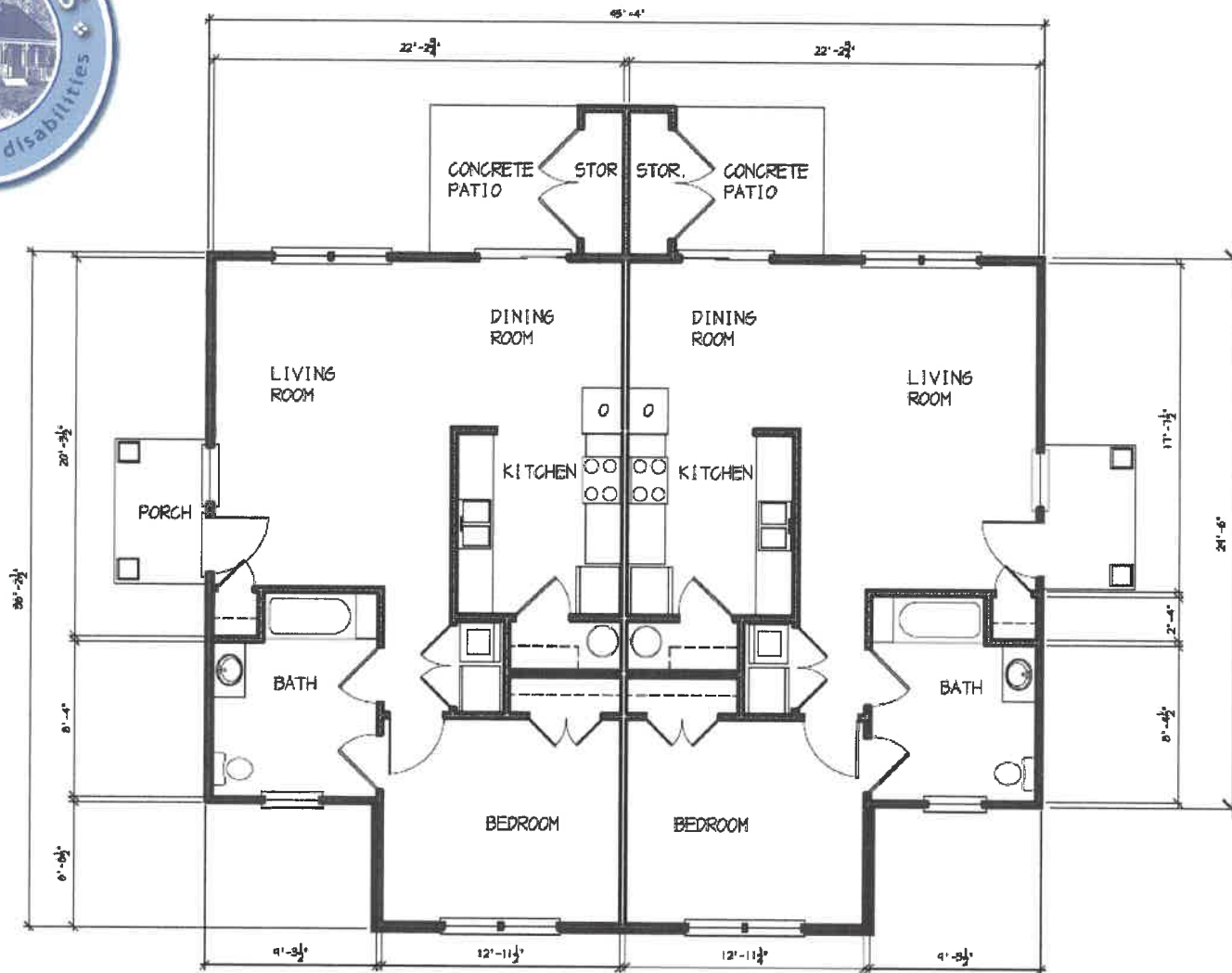


TWO-BEDROOM
 1/8" = 1'-0" CCAP 11-3-05



ONE-BEDROOM UNIT

$\frac{1}{8}'' = 1' - 0''$ CCAP
11-4-05



ONE-BEDROOM UNIT
 1/8" = 1'-0" CCAP
 11-4-05



3713 OLD FOREST ROAD, LYNCHBURG, VIRGINIA 24501 (434) 385-9610

August 14, 2008

Rush Homes
Attn: Jeff Smith
1022 Commerce Street, Suite 3A
Lynchburg, VA 24505

RE: 7.2 Acres +/-
Fulton Street and Rainbow Circle
Lynchburg, VA 24501

Dear Mr. Smith:

As you requested, I have appraised the market value of the above captioned property currently owned by the City of Lynchburg. The Campbell County School Board originally acquired the property in 1958 and was later annexed into the city. As we agreed upon, this is a restricted use report for your use only, and a summary of my data and analysis is presented. This report is intended to comply with the Uniform Standards of Professional Appraisal Practice, Virginia state licensing laws, and the Appraisal Institute.

I viewed the property on August 11, 2008, and this is the date of valuation. The purpose of the appraisal is to estimate market value, and the intended use of the appraisal is for your private use in possibly acquiring the property. Market value is defined by the Appraisal Institute as follows:

The most probable price in terms of money which a property should bring in a competitive and open market under all conditions requisite to a fair sale, with the buyer and seller each acting prudently, knowledgeably, and assuming the price is not affected by undue stimulus.

The property is assessed in the name of City of Lynchburg in three parcels. Parcel ID No. 16907001 is assessed for \$43,800. Parcel ID No. 16908003 is assessed for \$70,200. Parcel ID No. 16906004 is assessed for \$29,900. With a total tax assessment of \$143,900 and a tax rate of \$1.05 per \$100 of assessed value, the annual taxes are \$1,510.95; however, the property is currently tax exempt. Both the assessment and tax rate are subject to annual change.

Without the benefit of a recent survey, I rely on information provided by the City of Lynchburg for the property land area. This property consists of a 1.7 acre parcel, 2.5 acre parcel, and three acre parcel, for a total of approximately 7.2 acres. The 1.7 acre parcel (Parcel C) is on the southwestern side of Fulton Street, across from Rainbow Circle. It has about 470 feet of street frontage based on a scale of the city tax map, 223 feet along the northeastern boundary, 80 feet along the northwestern boundary, 112 feet along the southeastern boundary, 48 feet of street frontage on Forest Hills Circle, and 643 feet along the rear. Topographically, it is three feet below to three feet above road grade, rolling, partially cleared, and partially wooded with growing pine and hardwood trees. The 2.5 acre parcel (Parcel B) is at the eastern corner of Fulton Street and Rainbow Circle. It has about 275 feet of street frontage on Fulton Street and 450 feet of street frontage on Rainbow Circle. It has about 240 feet along the southeastern boundary which is formed by the Rainbow Circle right-of-way, and 350 feet along the northeastern boundary which is also formed by the Rainbow Circle right-of-way. The street was never constructed along the southeastern and northeastern boundaries of this parcel. Topographically, it is on grade to three feet above road grade, slightly rolling to rolling, cleared along Fulton Street, and wooded with growing pine and hardwood trees at the rear. The three acre parcel (Parcel A) has access at the end of Rainbow Circle. It has about 625 feet along the Rainbow Circle right-of-way, 245 feet along the northwestern boundary,

APPRAISERS

CONSULTANTS

150 feet along the southwestern boundary, and an irregular rear boundary. Topographically, it is two to four feet below grade at the terminus of Rainbow Circle, rolling, and wooded with growing and some mature pine and hardwood trees. Public utilities available include water, sewer, electricity, and telephone. The property is zoned Medium density residential district (R-3), Two Family. This zone permits single-family detached dwellings, two-family dwellings, and other compatible uses with a minimum lot size of 8,000 square feet. I did not observe any significant improvements on the property. The City of Lynchburg has done some preliminary engineering and indicates potentially a 29-lot subdivision if the asphalt paved road and utilities are extended along the undeveloped portion of Rainbow Circle.

Highest and best use is generally defined as the optimum or most profitable use for a property and is the first step in an appraisal. After considering the zoning, surrounding uses, and potential for the property, it is my opinion that the most profitable use is for single-family or two-family residential development with a minimum lot size of 8,000 square feet.

In appraising the subject property, the Sales Comparison Approach is developed by a comparison of the most comparable sales available to the subject and adjusting for dissimilarities to provide an indicated value. After comparing and analyzing the five sales, the adjusted sales range from \$12,768 to \$27,502 per acre. All five sales are in the city of Lynchburg and provide a reliable indication of value. Sale #1 is on Aaron Place, just off Wards Ferry Road. Sale #2 is on Broadway Street, off Old Forest Road. Sale #3 is on Old Forest Road. Sale #4 is on Milton Street, off Old Forest Road, and Sale #5 is on Belle Terre Drive off Forest Brook Road. All five sales have potential for residential development. After considering all five adjusted sales, the indicated value by Sales Comparison Approach is well supported at \$19,500 per acre.

7.2 Acres @ \$19,500 per Acre = \$140,400 or \$140,000 (R)

Final Estimate of Market Value:

ONE HUNDRED FORTY THOUSAND DOLLARS
(\$140,000)

The analysis is based on a per acre unit of comparison. If an actual survey indicates a different land area, the final estimate of market value should be adjusted for the actual land area. Thank you for this opportunity to be of service, and please call if you have questions or need further explanation.

I allocate the total estimate of market value as follows:

Parcel A	Tax ID No. 169-08-03	3 Acres +/-	\$30,000
Parcel B	Tax ID No. 169-07-01	2.5 Acres +/-	\$64,000
Parcel C	Tax ID No. 169-06-04	1.7 Acres +/-	\$46,000

Respectfully submitted,


Mark T. Shelton, MAI, MBA
Virginia License No. 4001 004256

City Council Minutes January 13, 2009

// In the matter of Community Development - General, a public hearing was held regarding the sale of City-owned property at 3104 Fulton Street, Tax Map No. 169-07-001, consisting of approximately 2.5 acres, 3036

Forest Hills Circle, Tax Map No. 169-06-04, consisting of approximately 1.7 acres, and 2600 Rainbow Circle, Tax Map No. 169-08-003, consisting of approximately 3.0 acres, to Long Meadows, Inc. for \$70,000. Real Estate Manager Steve Lawson provided a brief summary regarding the request. Mr. Lawson explained that a Request for Proposals (RFP) was solicited for potential residential development of these three City-owned lots and that the proposals were reviewed with a recommendation given to the Physical Development Committee (PDC) based on the highest overall return to the City. Mr. Lawson stated that the recommendation is to authorize the sale of these three City-owned parcels to Long Meadows contingent on the finalization of a satisfactory development agreement with the City and adoption of a final resolution. Mr. Chris Morey, President of Long Meadows, Inc., outlined the request and asked for approval. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Johnson, PDC Chair, stated that the Committee thought this was a good proposal for the property and asked that the item be forwarded to the full Council. In response to questioning, City Attorney Walter Erwin stated that the City Code requires that the sale of City-owned property come before City Council for two readings, and that the action requested at this meeting would be the first reading to authorize the sale of these three City-owned parcels to Long Meadows contingent on the finalization of a satisfactory development agreement with the City and adoption of a final resolution which would come to City Council at a later date and be the second reading.

Council Members posed questions regarding the proposed development of the property, including the impact to Fulton Street due to increased traffic from the development. Council Member Garrett questioned if a traffic study had been done to determine the impact of the increased traffic to Fulton Street and Old Forest Road.

City Traffic Engineer Gerry Harter stated that no traffic study had been done. City Manager Kimball Payne stated that since it would be in the City's best interest to place the property into private hands, that staff was asked to seek proposals for the purchase and development of these three parcels of City-owned property. Mr. Payne went on to say that staff was also asked to ensure that the development proposal would increase the assessed value of the property and thereby maximize its value to the City. In response to questioning, Mr. Payne noted that the property is currently zoned as R-3, which would permit duplexes, and that the development agreement would allow the City to have input regarding the development of the property. Council Member Helgeson stated that he was concerned that only two proposals were received and that he would need to review the final development agreement to see how the property would be developed before he could vote to support the request. Several other Council Members also indicated that they would like to see how the property would be developed before making a final decision regarding the sale and development of this property. Mr. Payne stated that tonight's vote was only the first reading of the item and that this item would need to come back to City Council for final approval. Mr. Payne went on to say that if City Council approves the first reading, then

the developer would work with the City to finalize a satisfactory development agreement for the development of this property. In response to questioning, Mr. Payne stated that a “yes” vote tonight would not mean that a Council Member would have to vote “yes” on the final Resolution to approve the development agreement. On motion of Council Member Perrow, seconded by Council Member Gillette,

Council by the following recorded vote agreed to the recommendation to authorize the sale of these three City- owned parcels to Long Meadows contingent on the finalization of a satisfactory development agreement with the City and adoption of a final resolution:

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

Noes: Helgeson 1

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **January 13, 2009**

AGENDA ITEM NO.: **4**

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: Public Hearing: Sale of Three Lots; 3104 Fulton Street, 3036 Forest Hills Circle, and 2600 Rainbow Circle.

RECOMMENDATION: After a public hearing, authorize the sale of three lots located at 3104 Fulton Street, Tax Map No. 169-07-001, 3036 Forest Hills Circle, Tax Map No. 169-06-004, and 2600 Rainbow Circle, Tax Map No. 169-08-003 to Long Meadows, Inc. contingent on the finalization of a satisfactory development agreement with the City and adoption of a final resolution.

SUMMARY: An RFP was solicited for potential development of the above 3 lots, totaling approximately 6 acres, owned by the City. Proposals were received and reviewed with a recommendation given to PDC based on the highest overall return to the City. This proposal would develop this vacant property as residential.

PRIOR ACTION(S): 4/24/07 Physical Development Committee – Verbal Update
12/09/08 Physical Development – Closed Session

FISCAL IMPACT: Sales Price - \$70,000

Estimated Taxes Over 5 Years

First Year –

Real Estate Taxes -	\$ 9,893.00
Personal Property Taxes	3,990.00

Second Year –

Real Estate Taxes -	\$32,723.00
Personal Property Taxes	12,540.00

Third Year –

Real Estate Taxes -	\$58,597.00
Personal Property Taxes	21,090.00

Fourth Year –

Real Estate Taxes -	\$71,534.00
Personal Property Taxes	26,790.00

Fifth Year –

Real Estate Taxes -	\$71,534.00
Personal Property Taxes	26,790.00

CONTACT(S): Steve Lawson – Real Estate Manager – 455-3945
Lee Newland, Director of Engineering – 455-3947

ATTACHMENT(S): Site Location Map, Aerial site location map, Preliminary Subdivision Plat

REVIEWED BY: lkp





LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **March 24, 2009 (PDC)**

AGENDA ITEM NO.:

CONSENT:

REGULAR: X

CLOSED SESSION:
(Confidential)

ACTION: X

INFORMATION:

ITEM TITLE: Sale of three lots 3104 Fulton Street, 3036 Forest Hills Circle, and 2600 Rainbow Circle.

RECOMMENDATION: For your review and recommendation to forward to Council for approval of the sale of the subject properties.

SUMMARY: An RFP was solicited for potential development of the above 3 lots owned by the City, totaling approximately 6 acres. Proposals were received and reviewed with a recommendation given to PDC based on the highest overall return to the City. This proposal would develop this vacant property as residential. The development agreement is now ready for your review.

PRIOR ACTION(S):

4/24/07 Physical Development Committee – Verbal Update

12/09/08 Physical Development – Closed Session

1/13/09 Public Hearing

FISCAL IMPACT:

Sales Price - \$70,000

Estimated Taxes Over 5 Years

First Year –

Real Estate Taxes -	\$ 9,893.00
Personal Property Taxes	3,990.00

Second Year –

Real Estate Taxes -	\$32,723.00
Personal Property Taxes	12,540.00

Third Year –

Real Estate Taxes -	\$58,597.00
Personal Property Taxes	21,090.00

Fourth Year –

Real Estate Taxes -	\$71,534.00
Personal Property Taxes	26,790.00

Fifth Year –

Real Estate Taxes -	\$71,534.00
Personal Property Taxes	26,790.00

CONTACT(S):

Steve Lawson – Real Estate Manager – 455-3945

Lee Newland, Director of Engineering – 455-3947

Charlene B. Montford, Director – Community Planning and Development – 455-3902

ATTACHMENT(S):

Preliminary Subdivision Plat
Letter of Understanding
Request for Proposal Agreement

REVIEWED BY:

DEVELOPMENT AGREEMENT

(LETTER OF UNDERSTANDING)

Long Meadows, Inc. agrees to purchase three properties that the City owns, being 3104 Fulton Street (Tax Map Number 169-07-001), 3036 Forest Hills Circle (Tax Map Number 169-06-004) and 2600 Rainbow Circle (Tax Map Number 169-08-003) for the purchase price of \$70,000. When this agreement is signed by Long Meadows, Inc. a \$500.00 deposit will be held by the City of Lynchburg to be applied towards the purchase price of the three properties at closing. Closing will take place within fourteen (14) days after a current zoning amendment being considered for R3 properties relating to resale of individual units of duplexes might be approved or at another mutually agreeable time by both parties.

These three lots at 3104 Fulton Street, 3036 Forest Hills Circle, and 2600 Rainbow Circle are being conveyed to Long Meadows, Inc. subject to the condition that the lots shall be developed in accordance with the Development Proposal dated September 1, 2008, that Long Meadows, Inc. submitted in response to the City's Request for Proposals, a copy of which is attached to this letter and by this reference made a part hereof.

Listed below are four concessions that Long Meadows, Inc. is accepting in order to provide the City with a better neighborhood that is both environmentally responsible and works within the Planning Department goals of promoting cohesive, quality new neighborhoods.

1. I will agree to purchase and install street lights from AEP like the ones used in New Towne with the City paying (as is custom) for the ongoing operating/maintenance costs.
2. In-lieu-of CG-6 (curb and gutter), I will agree to use face-down style sidewalks throughout the project unless there is a conflict with topography (such as lots 22-28) or other site issues in which case we would use a more feasible curb and gutter application. Face-down walks are not an ordinance requirement but I believe it is an upgrade that will better link the existing neighborhood with the new one. Per the City contract guidelines I will share 50% of the cost with the City on this item.
3. I will dedicate a portion of the phase II property to the City of Lynchburg for a potential future walking trail. We will create access via an easement to it along the western property line of Lot #28.
4. A new connector street will be built by Long Meadows, Inc. at its expense

according and to City standards as part of Phase II of the Preliminary Subdivision Plat entitled "Stonehaven", dated October 18, 2008" by Acres of Virginia, Inc.. A copy is attached to this agreement.

Listed below are other issues for clarification.

1. The City will install/upgrade the waterline for the existing lots fronting on Rainbow Circle from the existing 2" line to a 6 or 8 inch line. Additionally, The Phase I water services (laterals, yokes and boxes) will be installed at the time of the waterline upgrade/installation. The individual meters will be installed at the time of permit acquisition.
2. The City of Lynchburg will leave the existing Fulton Street water line where it currently exists (to avoid complications with widening the road). Furthermore, any upgrades or partial/complete replacement of that waterline will be at the City's expense. This would also need to be done before LMI could begin construction of the face-down sidewalks.
3. The City is requiring the widening of Fulton Street (Phase I) to accommodate the 40' right-of-way which includes the 25' typical street section. This is not full overlay but simply adding pavement to fill between existing pavement and the new face-down sidewalks. Per our discussions, Rainbow Circle will not have any curbing or walks added to the previously developed side of the street but only on the upper/new side (lots 10-13). We will widen the street to accommodate the right-of-way requirements as we will do on Fulton Street.
4. Regarding the landscape ordinance which requires street trees every forty feet but I would like to shift the trees out of the City right-of-way in order to better accommodate the face-down sidewalks and utility placement. We have done this successfully in New Towne long before the City even made street trees a requirement. The establishment of a property owners association will control any ongoing conflicts with the individual owners.
5. To facilitate LMI acquiring building permits as soon as possible, LMI will need quick approval of Tommy Brooks' subdivision of both Phases (I & II). This will require that the bulk of the improvements including the new street as well as the new connector street to be treated as part of Phase II (the 17 lot section) which will take more time to engineer and bring online. LMI would simply need subdivision approval by TRC and subsequent recordation for us to acquire building permits on the Phase I lots (13 section). LMI will agree to install the face down sidewalk on the lot before selling it to the end buyer.

Steve Lawson, Real Estate Manager

Date

LONG MEADOWS, INC.

By _____

Date

Its _____

City Council Minutes April 14, 2009

// In the matter of Community Planning - General, City Council Report #12 regarding the sale of three lots at 3104 Fulton Street, 3036 Forest Hills Circle, and 2600 Rainbow Circle to Long Meadows, Inc., was considered. Real Estate Manager Steve Lawson explained that a Request for Proposals (RFP) was solicited for potential development of the above City owned lots, totaling approximately six acres, and that proposals were received and reviewed with a recommendation given to the Physical Development Committee (PDC) based on the highest overall return to the City. Mr. Lawson stated that Long Meadows submitted a proposal to purchase the three lots for the sum of \$70,000 and to build a mixture of energy efficient and environmentally green single family homes and single and two level attached homes on the lots. Mr. Lawson went on to say that City Council authorized the conveyance of the three lots to Long Meadows following a public hearing at its January 13, 2009, meeting, contingent on the finalization of a satisfactory development agreement with the City and adoption of a final resolution. Mr. Lawson stated that PDC has reviewed the draft development agreement and has recommended approval to City Council.

In response to questioning, Mr. Lawson stated that the developer has agreed to build a new connector street, at its own cost and expense, and dedicate a portion of the property to the City for future walking trails. Mr. Lawson also noted that the developer has agreed to widen a portion of Fulton Street and Rainbow Circle to accommodate the City's right of way requirements. Some Council Members commended the building of "green" houses on this site and the revenue the City will receive from the property once it is developed. Council Member Helgeson expressed concern that the lots were being sold for less than the assessed value and indicated that he has not received answers to questions presented at the public hearing. Council Member Johnson, PDC Chair, stated that the Committee reviewed the matter and recommended that it move forward, and made a motion to authorize the sale of the three lots to Long Meadows, Inc. The motion did not require a second, and Council by the following recorded vote adopted Resolution #R-09-021, as presented, authorizing the sale of three lots at 3104 Fulton Street, 3036 Forest Hills Circle, and 2600 Rainbow Circle to Long Meadows, Inc., subject to the condition that the lots shall be developed in accordance with the Development Proposal dated September 1, 2008, and in accordance with the Joint Development Agreement between the City and Long Meadows:

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

Noes: Helgeson 1

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **April 14, 2009**

AGENDA ITEM NO.: 12

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Sale of three lots 3104 Fulton Street, 3036 Forest Hills Circle, and 2600 Rainbow Circle.**

RECOMMENDATION: Approval of sale of three lots located at 3104 Fulton Street, Tax Map No. 169-07-001, 3036 Forest Hills Circle, Tax Map No. 169-06-004, and 2600 Rainbow Circle, Tax Map No. 169-08-003 to Long Meadows, Inc. as long as satisfactory agreement has been finalized with the City for development.

SUMMARY: An RFP was solicited for potential development of the above 3 lots owned by the City, totaling approximately 6 acres. Proposals were received and reviewed with a recommendation given to the Physical Development Committee (PDC) based on the highest overall return to the City. After a public hearing, Council gave preliminary approval pending the drafting of a development agreement. PDC reviewed the development agreement on 3/24/09 and recommended approval to City Council. This proposal would develop this vacant property as residential.

PRIOR ACTION(S):

4/24/07 Physical Development Committee – Verbal Update

12/09/08 Physical Development – Closed Session

1/13/09 Public Hearing

3/24/09 Physical Development Committee

FISCAL IMPACT:

Sales Price - \$70,000

Estimated Taxes Over 5 Years

First Year –

Real Estate Taxes -	\$ 9,893.00
Personal Property Taxes	3,990.00

Second Year –

Real Estate Taxes -	\$32,723.00
Personal Property Taxes	12,540.00

Third Year –

Real Estate Taxes -	\$58,597.00
Personal Property Taxes	21,090.00

Fourth Year –

Real Estate Taxes -	\$71,534.00
Personal Property Taxes	26,790.00

Fifth Year –

Real Estate Taxes -	\$71,534.00
Personal Property Taxes	26,790.00

CONTACT(S):

Steve Lawson – Real Estate Manager – 455-3945

Lee Newland, Director of Engineering – 455-3947

Charlene B. Montford, Director – Community Planning and Development – 455-3902

ATTACHMENT(S):

Resolution

Site Location Map

Aerial site location map

Preliminary Subdivision Plat

Joint Development Agreement

REVIEWED BY: lkp

RESOLUTION

A RESOLUTION TO CONVEY THE THREE VACANT LOTS AT 3104 FULTON STREET, 3036 FOREST HILLS CIRCLE, AND 2600 RAINBOW CIRCLE TO LONG MEADOWS, INC.

WHEREAS, the City of Lynchburg owns three vacant lots located at 3104 Fulton Street (Tax Map Number 169-07-001), 3036 Forest Hill Circle (Tax Map Number 169-06-004) and 2600 Rainbow Circle (Tax Map Number 169-08-003) in the City of Lynchburg, Virginia; and

WHEREAS, the City is not using the lots in question and has no plans to use the lots in the future and in July of 2008 requested proposals for the purchase and development of such lots; and

WHEREAS, Long Meadows, Inc. submitted a proposal to purchase the three lots for the sum of \$70,000 and to build a mixture of energy efficient and environmentally green single family homes and single and two level attached homes on the lots; and

WHEREAS, a resolution authorizing the conveyance of the three lots to Long Meadows, Inc. was introduced to City Council at its January 13, 2009, Council meeting and was brought back to City Council for adoption at Council's April 14, 2009, Council meeting; and

WHEREAS, after careful review of the proposals it received, the City has determined that it is appropriate to convey the three lots to Long Meadows, Inc.; and

NOW, THEREFORE, BE IT RESOLVED that City Council hereby determines that the City has no need for the three lots located at 3104 Fulton Street, 3036 Forest Hill Circle and 2600 Rainbow Circle, and further finds the City's continued ownership of the lots is no longer necessary or required for the best interests of the City.

BE IT FURTHER RESOLVED that the City Council hereby approves the conveyance of the three lots at 3104 Fulton Street, 3036 Forest Hill Circle and 2600 Rainbow Circle to Long Meadows, Inc. and hereby authorizes the City Manager to execute a deed and any other documents that may be needed to convey said lots to Long Meadows, Inc. for the sum of \$70,000.

BE IT FURTHER RESOLVED that the three lots at 3104 Fulton Street, 3036 Forest Hill Circle and 2600 Rainbow Circle are being conveyed to Long Meadows, Inc. subject to the condition that the lots shall be developed in accordance with the Development Proposal dated September 1, 2008, that Long Meadows, Inc. submitted in response to the City's Request for Proposals and in accordance with the Joint Development Agreement between the City and Long Meadows, Inc., copies of which are attached to this Resolution and by this reference made a part hereof.

Adopted:

Certified:

Clerk of Council

031L

JOINT DEVELOPMENT AGREEMENT

THIS JOINT DEVELOPMENT AGREEMENT (this "Agreement") is made as of the _____ day of _____, 2009, by and between THE CITY OF LYNCHBURG, VIRGINIA, a political subdivision of the Commonwealth of Virginia, (the "City"); and LONG MEADOWS, INC., a Virginia Corporation, ("Long Meadows").

WITNESSETH

WHEREAS, the City is the owner of three parcels of property, to-wit: 3104 Fulton Street (Tax Map Number 169-07-001), 3036 Forest Hills Circle (Tax Map Number 169-06-004) and 2600 Rainbow Circle (Tax Map Number 169-08-003), which are hereinafter collectively referred to as the "Property."

WHEREAS, Long Meadows wishes to purchase the above described property from the City for the sum of \$70,000 and to develop the property as provided in this Joint Development Agreement. Upon the execution of this Agreement, Long Meadows will pay the City a \$500.00 deposit which will be held by the City and will be applied towards the purchase price of the property at closing. Closing will take place within fourteen (14) days after the Lynchburg City Council adopts a proposed zoning ordinance amendment that will allow lots in R-3 Medium Density Residential Districts to be subdivided into two lots with a zero foot setback for attached two family dwellings or at another at a date that is mutually agreeable to both parties. Appropriate restrictive covenants will be placed in the deed of conveyance to Long Meadows in order to ensure compliance with the provisions of this Joint Development Agreement.

AGREEMENT

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and Long Meadows hereby agree, as follows:

1. Subject to the Development Proposal.

The property will be developed in accordance with the Development Proposal dated September 1, 2008, that Long Meadows submitted to the City in response to the City's Request for Proposals, a copy of which is attached to this Joint Development Agreement as "Attachment 1" and by this reference made a part hereof.

2. Additional Development Conditions.

The property will be developed in accordance with the Subdivision Plat entitled "Stonehaven," dated October 18, 2008, and prepared by Acres of Virginia, Inc., a copy of which is attached to this Joint Development Agreement as "Attachment 2" and by this reference made a part hereof. In order to provide the City with a neighborhood that is both environmentally responsible and which furthers the City's goals of promoting cohesive, quality new neighborhoods, Long Meadows agrees as follows:

- (a) Long Meadows agrees to purchase and install street lights from AEP like the street

lights used in the New Towne development. The City agrees that it will be responsible for the ongoing operating costs of such street lights.

(b) In lieu of CG-6 (curb and gutter), Long Meadows agrees to construct face-down style sidewalks throughout the project unless the topography of the property (such as lots 22-28 in Phase II) or other site issues make the construction of face-down style sidewalks impractical. In the event the construction of face-down style sidewalks is impractical, Long Meadows would use a more feasible curb and gutter application. Face-down walks are not required by City ordinances, but Long Meadows believes such sidewalks are an upgrade that will better link the existing neighborhood with the new one. In accordance with the City's construction guidelines, the City and Long Meadows will share 50% of the cost of constructing face-down sidewalks or CG-6 curb and gutter, whichever is installed.

(c) Long Meadows will dedicate a portion of the Phase II property to the City of Lynchburg for a potential future walking trail. Long Meadows will create access via an easement to it along the western property line of Lot 28 as shown on the "Stonehaven" Subdivision Plat.

(d) Long Meadows will build a new connector street, at its own cost and expense according to City standards as part of Phase II of "Stonehaven."

3. Mutual Duties and Responsibilities.

(a) The City will install/upgrade the waterline for the existing lots fronting on Rainbow Circle from the existing 2" line to a 6 or 8 inch line. Additionally, The Phase I water services (laterals, yokes and boxes) will be installed at the time of the waterline upgrade/installation. The individual water meters will be installed at the time of permit acquisition.

(b) The City will leave the existing Fulton Street water line where it currently exists (to avoid complications with widening the road). Any upgrades or partial/complete replacement of the Fulton Street waterline will be at the City's expense. The upgrades or replacements to the waterline will need to be done before Long Meadows can begin construction of the face-down sidewalks.

(c) Long Meadows will be responsible for widening Fulton Street (Phase I of Stonehaven) to accommodate the 40 foot public right-of-way which includes the typical 25 feet of improved street. The widening of Fulton Street is not a full overlay, but simply adding pavement to fill between existing pavement and the new face-down sidewalks. Rainbow Circle will not have any curbing or walks added to the previously developed side of the street, but only on the upper/new side (lots 10-13 of Phase I). Long Meadows will also widen the Rainbow Circle to accommodate the City's right-of-way requirements in the same manner that Fulton Street will be widened.

(d) The City's landscaping ordinance requires street trees every 40 feet. Long Meadows will shift the trees out of the City's right-of-way in order to better accommodate the face-down sidewalks and the placement of utility lines. A property owners association will be established for "Stonehaven" to oversee the maintenance of the trees and to deal with any ongoing issues the

location of the trees on private property may cause the individual property owners.

(e) To assist Long Meadows obtain building permits in a timely manner, Long Meadows will need quick approval of Tommy Brooks' subdivision plat of both Phases I and II of "Stonehaven." This will require that the bulk of the improvements show on the subdivision plat, including the new street as well as the new connector street to be treated as part of Phase II (the 17 lot section) of "Stonehaven," which will take more time for Long Meadows to engineer and develop. Long Meadows will need subdivision approval by the City's Technical Review Committee and subsequent recordation of the subdivision plan in order for Long Meadows to obtain the building permits on the Phase I (the 13 lot section) of "Stonehaven." Long Meadows agrees that it will install the face down-sidewalks before selling the lots in Phase I to the ultimate buyers.

4. General Conditions.

(a) Except as modified by this Joint Development Agreement the property must be developed in accordance with the provisions of the City's subdivision ordinance and all other applicable City ordinances, policies and regulations.

(b) Prior to the commencement of any of the improvements required under this Joint Development Agreement by Long Meadows, Long Meadows agrees that it will provide to the City a performance bond in the amount of the cost to construct such improvements. All work by Long Meadows will be done in a good and workmanlike manner, in accordance with the site plans and in compliance with all applicable laws, statutes, codes, rules and regulations governing such construction. If the Long Meadows fails to construct any of the improvements or fails to construct such improvements to the applicable standards, the City will call the bond. Long Meadows understands and agrees that no occupancy permits will be issued for any of the dwelling units until the improvements required for each Phase of "Stonehaven" have been constructed. Once all of the Phase I improvements have been completed the City will issue occupancy permits for the Phase I dwelling units. Once all of the Phase II improvements have been completed the City will issue occupancy permits for the Phase II dwelling units. The water and sewer lines that must be installed by Long Meadows as part of "Stonehaven" must be installed as part of Phase 1.

(c) This Joint Development Agreement is binding upon the respective heirs, successors, administrators, executors, and assigns of the parties hereto.

(d) No modification of this Joint Development Agreement shall be valid or binding unless such modification is in writing, duly dated and signed by both parties.

(d) This Joint Development Agreement is conditioned upon the approval of the sale of the property described herein by the Lynchburg City Council as required by Section 15.2-1800 of the Code of Virginia.

IN WITNESS WHEREOF, the parties hereto have executed this Joint Development Agreement as of the day and year first above written.

CITY OF LYNCHBURG

By _____
L. Kimball Payne, City Manager

LONG MEADOWS, INC.

By _____
Chris Morey, President

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **March 12, 2019 Physical Development Committee**

CONSENT: REGU
ACTION: X

LAR: X WORK
INFORMATION:

SESSION: CLOSE

D SESSION:
(Confidential)

ITEM TITLE: Revised Development Agreement – 3104 / 3035 Fulton Street & 2600 Rainbow Circle (Note 3035 Fulton Street was previously known as 3036 Forest Hills Circle)

KEY ELEMENTS:

X Economic Development ___ Excellent Government X Natural and Built Environment ___ Safe Community X Vibrant Community

RECOMMENDATION: Approval of amending the development agreement for 3104 / 3035 Fulton Street and 2600 Rainbow Circle.

SUMMARY: After Request for Proposals were received, City Council approved the sale of the city owned property located at 3104 / 3035 Fulton Street and 2600 Rainbow Circle to Long Meadows, Inc. for the amount of \$70,000. The sale of the property was conditioned that the property be developed in accordance with a development agreement which was executed on July 1, 2009. The property was transferred from the City of Lynchburg to Long Meadows, Inc. on July 30, 2009.

The original development proposal indicated the development of thirty (30) lots with the construction of the unopened portion of Rainbow Circle. The amended development agreement proposes the development of thirty-five (35) lots as permitted by Zoning Ordinance Section 35.2-80, Residential Cluster Subdivisions. Four (4) to Five lots are proposed to be developed as duplexes, with the remainder being developed as single-household dwellings. Under this proposal the unopened portion of Rainbow Circle is proposed to be vacated and approximately four and two (4.2) tenths acres dedicated as green space.

PRIOR ACTION(S):

April 24, 2007:	Physical Development Committee Meeting
December 9, 2008:	Physical Development Committee Meeting
January 13, 2009:	City Council public hearing concerning property sale
March 24, 2009:	Physical Development Committee Meeting
April 14, 2009:	City Council approved sale of property
July 1, 2009:	Development Agreement Executed
July 30, 2009:	Property transfer to Long Meadows, Inc.

FISCAL IMPACT: N/A

CONTACT(S): Tom Martin, City Planner – 434-455-3900
Lee Newland, City Engineer - 434-455-3900

ATTACHMENT(S):

- Council Agenda Summary – April 14, 2009
- Joint Development Agreement – July 1, 2009
- Amended Development Agreement
- Concept Plan Showing Lots 1 Thru 35 (Proposed)

JOINT DEVELOPMENT AGREEMENT

THIS JOINT DEVELOPMENT AGREEMENT (this "Agreement") is made as of the 1 day of July, 2009, by and between **THE CITY OF LYNCHBURG, VIRGINIA**, a political subdivision of the Commonwealth of Virginia, (the "City"); and **LONG MEADOWS, INC.**, a Virginia Corporation, ("Long Meadows").

WITNESSETH

WHEREAS, the City is the owner of three parcels of property, to-wit: 3104 Fulton Street (Tax Map Number 169-07-001), 3036 Forest Hills Circle (Tax Map Number 169-06-004) and 2600 Rainbow Circle (Tax Map Number 169-08-003), which are hereinafter collectively referred to as the "Property."

WHEREAS, Long Meadows wishes to purchase the above described property from the City for the sum of \$70,000 and to develop the property as provided in this Joint Development Agreement. Upon the execution of this Agreement, Long Meadows will pay the City a \$500.00 deposit which will be held by the City and will be applied towards the purchase price of the property at closing. Closing will take place (i) within fourteen (14) days after the Lynchburg City Council adopts a proposed zoning ordinance amendment that will allow lots in R-3 Medium Density Residential Districts to be developed with a zero foot setback for attached two family dwellings or (ii) on another date that is mutually agreeable to both parties. Appropriate restrictive covenants will be placed in the deed of conveyance to Long Meadows in order to ensure compliance with the provisions of this Joint Development Agreement.

AGREEMENT

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and Long Meadows hereby agree, as follows:

1. Subject to the Development Proposal.

The property will be developed in accordance with the Development Proposal dated September 1, 2008, that Long Meadows submitted to the City in response to the City's Request for Proposals, a copy of which is attached to this Joint Development Agreement as "Attachment 1" and by this reference made a part hereof.

2. Additional Development Conditions.

The property will be developed in accordance with the Preliminary Subdivision Plat entitled "Stonehaven," dated October 18, 2008, and prepared by Acres of Virginia, Inc., a copy of which is attached to this Joint Development Agreement as "Attachment 2" and by this reference made a part hereof. In order to provide the City with a neighborhood that is both environmentally responsible and which furthers the City's goals of promoting cohesive, quality new neighborhoods, Long Meadows agrees as follows:

- (a) Long Meadows agrees to purchase and install street lights from American Electric

Power Company like the street lights used in the New Towne development. The City agrees that it will be responsible for the ongoing operating costs of such street lights.

(b) In lieu of CG-6 (curb and gutter), Long Meadows agrees to construct face-down style sidewalks throughout the project unless the topography of the property (such as lots 22-28 in Phase II) or other site issues make the construction of face-down style sidewalks impractical. In the event the construction of face-down style sidewalks is impractical, Long Meadows would use a more feasible curb and gutter application. Face-down walks are not required by City ordinances, but Long Meadows believes such sidewalks are an upgrade that will better link the existing neighborhood with the new one. In accordance with the City's construction guidelines, the City and Long Meadows will share 50% of the cost of constructing face-down sidewalks or CG-6 curb and gutter, whichever is installed.

(c) Long Meadows will grant the City an easement across a portion of the Phase II property for a potential future walking trail. Long Meadows will create access via an easement along the western property line of Lot 28 as shown on the "Stonehaven" Subdivision Plat.

(d) Long Meadows will build a new connector street, at its own cost and expense according and to City standards as part of Phase II of "Stonehaven." The connector street will be located in the City's existing right of way and will connect Forest Hill Circle and Fulton Street.

3. Mutual Duties and Responsibilities.

(a) The City will install/upgrade the waterline for the existing lots fronting on Rainbow Circle from the existing 2" line to a 6 or 8 inch line. Additionally, The Phase I water services (laterals, yolks and boxes) along Rainbow Drive will be installed at the time of the waterline upgrade/installation and the water services (laterals, yolks and boxes) along Fulton Street will be installed prior to the widening of Fulton Street. The individual water meters will be installed at the time of permit acquisition. The City's standard connection fees will be charged for future connections to the waterline.

(b) The City will leave the existing Fulton Street water line where it currently exists (to avoid complications with widening the road). Any upgrades or partial/complete replacement of the Fulton Street waterline will be at the City's expense. The upgrades or replacements to the waterline will need to be done before Long Meadows can begin construction of the face-down sidewalks.

(c) Long Meadows will be responsible for widening Fulton Street (Phase I of Stonehaven) to accommodate the 40 foot public right-of-way which includes the typical 24 feet of improved street. The widening of Fulton Street is not a full overlay, but simply adding pavement to fill between existing pavement and the new face-down sidewalks. Rainbow Circle will not have any curbing or walks added to the previously developed side of the street, but only on the upper/new side (lots 10-13 of Phase I and Phase II). Long Meadows will also widen the Rainbow Circle to accommodate the City's right-of-way requirements in the same manner that Fulton Street will be widened.

(d) The City's landscaping ordinance requires street trees every 40 feet. Long Meadows

will shift the trees out of the City's right-of-way in order to better accommodate the face-down sidewalks and the placement of utility lines. A property owners association will be established for "Stonehaven" to oversee the maintenance of the trees and to deal with any ongoing issues the location of the trees on private property may cause the individual property owners.

(e) To assist Long Meadows obtain building permits in a timely manner, Long Meadows will need quick approval of the Acres of Virginia, Inc. subdivision plat for both Phases I and II of "Stonehaven." This will require that the bulk of the improvements shown on the subdivision plat, including the new street as well as the new connector street to be treated as part of Phase II (the 17 lot section) of "Stonehaven," which will take more time for Long Meadows to engineer and develop. Long Meadows will need subdivision approval by the City's Technical Review Committee and subsequent recordation of the subdivision plan in order for Long Meadows to obtain the building permits on the Phase I (the 13 lot section) of "Stonehaven." Long Meadows agrees that it will install the face down-sidewalks before closing on the lots in Phase I to the ultimate buyers.

4. General Conditions.

(a) Except as modified by this Joint Development Agreement the property must be developed in accordance with the provisions of the City's subdivision ordinance and all other applicable City ordinances, policies and regulations.

(b) Prior to the commencement of any of the improvements required under this Joint Development Agreement by Long Meadows, Long Meadows agrees that it will provide to the City a performance bond in the amount of the cost to construct such improvements. All work by Long Meadows will be done in a good and workmanlike manner, in accordance with the site plans and in compliance with all applicable laws, statutes, codes, rules and regulations governing such construction. If Long Meadows fails to construct any of the improvements or fails to construct such improvements to the applicable standards, in the customary or reasonable timeframe and with weather or material delays excepted, the City will call the bond.

(c) This Joint Development Agreement is binding upon the respective heirs, successors, administrators, executors, and assigns of the parties hereto.

(d) No modification of this Joint Development Agreement shall be valid or binding unless such modification is in writing, duly dated and signed by both parties.

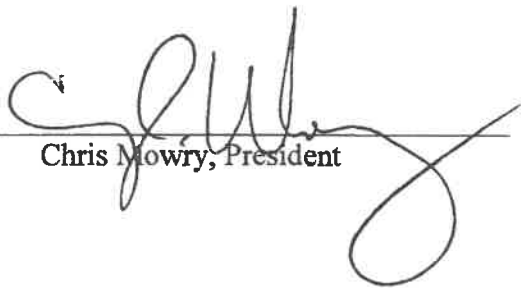
(d) This Joint Development Agreement is conditioned upon the approval of the sale of the property described herein by the Lynchburg City Council as required by Section 15.2-1800 of the Code of Virginia.

IN WITNESS WHEREOF, the parties hereto have executed this Joint Development Agreement as of the day and year first above written.

CITY OF LYNCHBURG

By 
L. Kimball Payne, City Manager

LONG MEADOWS, INC.

By 
Chris Mowry, President

JOINT DEVELOPMENT AGREEMENT

THIS JOINT DEVELOPMENT AGREEMENT (this "Agreement") is made as of the ____ day of _____, ~~2009~~2019, by and between **THE CITY OF LYNCHBURG, VIRGINIA** a political subdivision of the Commonwealth of Virginia, (the "City"), and **LONG MEADOWS, INC.**, a Virginia Corporation, ("Long Meadows").

WITNESSETH

WHEREAS, the City ~~is the owner previously owned of~~ three parcels of property, to-wit: 3104 Fulton Street (Tax Map Number 160-07-001), 3036 Forest Hills Circle (Tax Map Number 169-06-004) and 2600 Rainbow Circle (Tax Map Number 169-08-003), which are hereinafter collectively referred to as the "Property"

~~WHEREAS, Long Meadows wishes to purchase the above-described property from the City for the sum of \$70,000 and to develop the property as provided in this Joint Development Agreement. Upon the execution of this Agreement, Long Meadows will pay the City a \$500.00 deposit which will be held by the City and will be applied towards the purchase price of the property at closing. Closing will take place (i) within fourteen (14) days after the Lynchburg City Council adopts a proposed zoning ordinance amendment that will allow lots in R-3 Medium Density Residential Districts to be developed with a zero foot setback for attached two family dwellings or (ii) on another date that is mutually agreeable to both parties. Appropriate restrictive covenants will be placed in the deed of conveyance to Long Meadows in order to ensure compliance with the provisions of this Joint Development Agreement.~~

AGREEMENT

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledge, the City and Long Meadows hereby agree as follows:

1. Subject to the Developmental Proposal.

The property will be developed in accordance with the ~~Development Proposal dated September 1, 2008, that Long Meadows submitted to the City in response to the City's Request for Proposals, a copy of which is attached to this Joint Development Agreement as "Attachment 1"~~ new plat layout, included as modified "Attachment 2" and by this reference made a part hereof.

2. Additional Development Conditions.

The property will be developed in accordance with the Preliminary Subdivision Plat entitled "Stonehaven," dated ~~October 18, 2009~~ November 6, 2018, and Prepared by ~~Acres of Virginia, Inc., Accupoint Surveying & Design, LLC~~ a copy of which is attached to this Joint Development Agreement as modified "Attachment 2" and by this reference made a part hereof. In order to provide the City with a neighborhood that is both environmentally responsible and which furthers the City's goals of promoting cohesive, quality new neighborhoods, Long Meadows agrees as follows:

(a) Long Meadows agrees to purchase and install street lights from American Electric Power Company like the street lights used in New Towne development. The City agrees that it will be responsible for the ongoing operating costs of such street lights.

(b) In lieu of CG-6 (curb and gutter), Long Meadows agrees to construct face-down style sidewalks, throughout the project unless the topography of the property ~~(such as lots 22-28 in Phase II)~~ or other site issues make the construction of face-down style sidewalks impractical. In the event the construction of face-down style sidewalks is impractical, Long Meadows would use a more feasible curb and gutter application. Face-down walks are not required by City ordinances, but Long Meadows believes such sidewalks are an upgrade that will better link the existing neighborhood with the new one. In accordance with the City's construction guidelines, the City and Long Meadows will share 50% of the cost of constructing face-down sidewalks or CG-6 curb and gutter, whichever is installed.

(c) Long Meadows will be dedicating "open/green space" on the rear, undeveloped portion of the property. Long Meadows will grant the City an easement across ~~a portion of the Phase II property this green space~~ for a potential future walking trail. Long Meadows will create access via an easement ~~along the western property line of Lot 28 as shown on the "Stonehaven" Subdivision Plat~~ in a location agreed upon by the City of Lynchburg Planning staff and Long Meadows, Inc.

(d) Long Meadows will build a new connector street, at its own cost and expense according and to City standards ~~as part of Phase II of "Stonehaven".~~ Additional Right of Way will be dedicated by Long Meadows, Inc. to the City of ~~The connector street will be located in the City's existing right of way~~ and will connect Forest Hill Circle and Fulton Street. The connector street Right of Way is shown on the "StoneHaven" plat attached.

3. Mutual Duties and Responsibilities.

(a) The City will install/upgrade the waterline for the existing lots fronting on Rainbow Circle from the existing 2" line to an 6- or 8-inch line. Additionally, The Phase I water services (laterals, yolks and boxes) along Rainbow Drive will be installed at the time of the waterline upgrade/installation and the water services (laterals, yolks and boxes) along Fulton Street will be installed prior to the widening of Fulton Street. The individual water meters will be installed at the time of permit acquisition. The City's standard connection fees will be charged for future connections to the waterline.

(b) The City will ~~leave the existing Fulton Street waterline where it currently exists (to avoid complications with widening the road). Any~~ upgrades ~~or partial/complete replacement of the~~ Fulton Street waterline will be to an 8-inch line at the City's expense. The upgrades or replacements to the waterline will need to be done before Long Meadows can begin construction of the face-down sidewalks. In addition, the City of Lynchburg will pay the pay 100% for the sewer to be extended to the subdivision. This would be MH EX to MH 2 to MH 5 as shown on the RWS design plans. All other sewer collecting from the subdivision (MH 2 to MH 4, and MH 5 to terminal flushing CO LL) would be the responsibility of the developer.

(c) Long Meadows will be responsible for widening Fulton Street ~~(Phase I of Stonehaven)~~ to accommodate the 40 foot public right-of-way which includes the typical 24 feet of improved street. ~~The widening of Fulton Street is not a full overlay, but simply adding pavement to fill between existing pavement and the new face down sidewalks.~~ Rainbow Circle ~~will~~ will not have ~~any curbing or walks~~ added to the previously developed side of the street at the expense of the City, but only on the upper/new side (lots 10-13 of Phase I and Phase II). Long Meadows will also widen the Rainbow Circle to accommodate the City's right-of-way requirements in the same manner that Fulton Street will be widened. Long Meadows, Inc. and the City of Lynchburg will share a 50/50 pro rata share in the reconstruction of the roadway. This will include any

appurtenant subgrade installation, milling and repaving. Storm sewer structure(s) required in order to accommodate stormwater on the previously developed side of Rainbow Circle will be the responsibility of the City. All other storm sewer structures as a result of the development will be the responsibility of Long Meadows, Inc.

(d) The City's landscaping ordinance requires street trees every 40 feet. Long Meadows will shift the trees out of the City's right-of-way in order to better accommodate the face-down sidewalks and the placement of utility lines. A property owners association will be established for "Stonehaven" to oversee the maintenance of the trees and to deal with any ongoing issues the location of the trees on private property may cause the individual property owners.

(e) To assist Long Meadows obtain building permits in a timely manner, Long Meadows will need quick approval of the ~~Acrea of Virginia, Inc.~~ Accupoint Surveying & Design, LLC subdivision plat for ~~both Phase I and II of "Stonehaven."~~ ~~This will require that the bulk of the improvements show on the subdivision plat, include the new street as well as the new connector street to be treated as part of Phase II (the 17 lot section) of "Stonehaven," which will take more time for Long Meadows to engineer and develop. Long Meadows will need subdivision approval by the City's Technical Review Committee and subsequent recordation of the subdivision plan in order for Long Meadows to obtain the building permits on the Phase I (the 13 lot section) of "Stonehaven."~~ Long Meadows agrees that it will install the face down sidewalks before closing on the lots in Phase I to the ultimate buyers.

4. General Conditions.

(a) Except as modified by this Joint Development Agreement the property must be developed in accordance with the provisions of the City's subdivision ordinance and all other application City ordinances, policies and regulations.

(b) Prior to the commencement of any of the improvements required under this Joint Development Agreement by Long Meadows, Long Meadows agrees that it will provide to the City a performance bond in the amount of the cost to construct such improvements. All work by Long Meadows will be done in a good and workman like manner, in accordance with the site plans and in compliance with all applicable laws, statutes, codes, rules and regulations governing such construction. If Long Meadows fails to construct any of the improvements or fails to construction such improvements to the applicable standards, in the customary or reasonable timeframe and with weather or material delays excepted, the City will call the bond.

(c) This Joint Development Agreement is binding upon the respective heirs, successors, administrators, executors, and assigns of the parties hereto.

(d) No modifications of this Joint Development Agreement shall be valid or binding unless such modification is in writing, duly dated and signed by both parties.

~~(e) This Joint Development Agreement is conditioned upon the approval of the sale of the property described herein by the Lynchburg City Council as required by Section 15.2-1800 of the Code of Virginia.~~

IN WITNESS WHEREOF, the parties hereto have executed this Joint Development Agreement as of the day and year first above written.

CITY OF LYNCHBURG

By _____

Bonnie Svrcek, City Manager

Long Meadows, Inc.

By _____
Chris Mowry, President

**MODIFICATION TO THE
Joint Development Agreement**

Pursuant to and in keeping with Item 4.d. of the original JOINT DEVELOPMENT AGREEMENT (hereafter known as the “agreement”), between the City of Lynchburg and Long Meadows, Inc., (the original parties), dated and agreed to on July 1, 2009, this MODIFICATION is made as of the ____ day of January, 2019, to update and define development and construction responsibilities for the “StoneHaven” subdivisions

AGREEMENT MODIFICATIONS

Modifications referenced are in direct correlation with the original agreement and updated as follows:

1. The property will be developed in accordance with the NEW plat layout, included as modified “Attachment 2”.

2. The property will be developed in accordance with the Preliminary Subdivision Plat entitled “StoneHaven” dated November 6, 2018, and prepared by Accupoint Surveying & Design, LLC. A copy is attached as modified Attachment 2.

2a. No modification

2b. Lots 22-28 are now in Phase I as “StoneHaven” is no longer a phased development.

2c. Long Meadows will be dedicating “open/green space” on the rear, undeveloped portion of the of the property. Long Meadows will include access for a potential future walking trail as shown on the “StoneHaven” subdivision plat.

2d. A connector street will be built during the construction of “StoneHaven”. Additional Right of Way will be dedicated by Long Meadows, Inc. for construction of the road. The connector street ROW is shown on the “StoneHaven” plat.

MUTUAL DUTIES AND RESPONSIBILITIES MODIFICATIONS

Because of the complicated construction and pro rata share development/construction/payment process, the following table is used for modification references.

Responsible Party	Description	Pro-Rata Share	Technical Details	Comments
Long Meadows, Inc.	Connector Road: Including extra Right-of-way to be dedicated	100%	Construction 100% of roadway base, pavement, C&G, structures.	This construction has always been part of the agreement.
City of Lynchburg		0%	N/A	

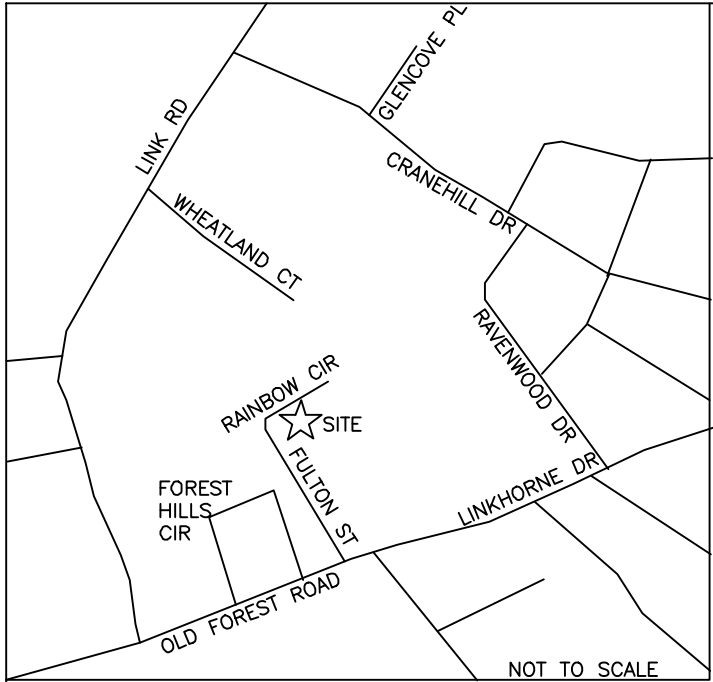
Responsible Party	Description	Pro-Rata Share	Technical Details	Comments
Long Meadows	Rainbow Circle	0%	N/A	City Funded Upgrades
City of Lynchburg		100%	- Waterline Upgrade - 2" to 6" - Addition of Curb & Gutter - Associated street patch & driveway repairs. Addition of drainage structures due to C&G (2) - Mill and overlay of street	

Responsible Party	Description	Pro-Rata Share	Technical Details	Comments
Long Meadows	Rainbow Circle	50 %	Sidewalk Installation for Residential Lots	Reimbursement per City Standard Code
City of Lynchburg		50 %		

Responsible Party	Description	Pro-Rata Share	Technical Details	Comments
Long Meadows	Fulton Street	50 %	Sidewalk Installation for Residential Lots	Reimbursement per City Standard Code
City of Lynchburg		50 %		

Responsible Party	Description	Pro-Rata Share	Technical Details	Comments
Long Meadows	Fulton Street Road Expansion & Crown Re-Alignment	50%	- Road Expansion 8' (new base & subgrade) - Original Fulton Street (new base, subgrade and paving)	*
City of Lynchburg		50%		

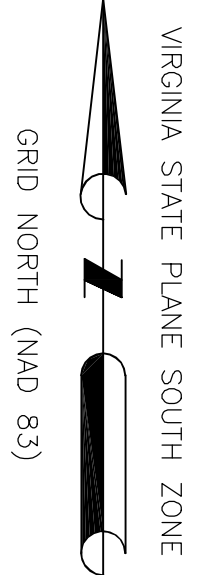
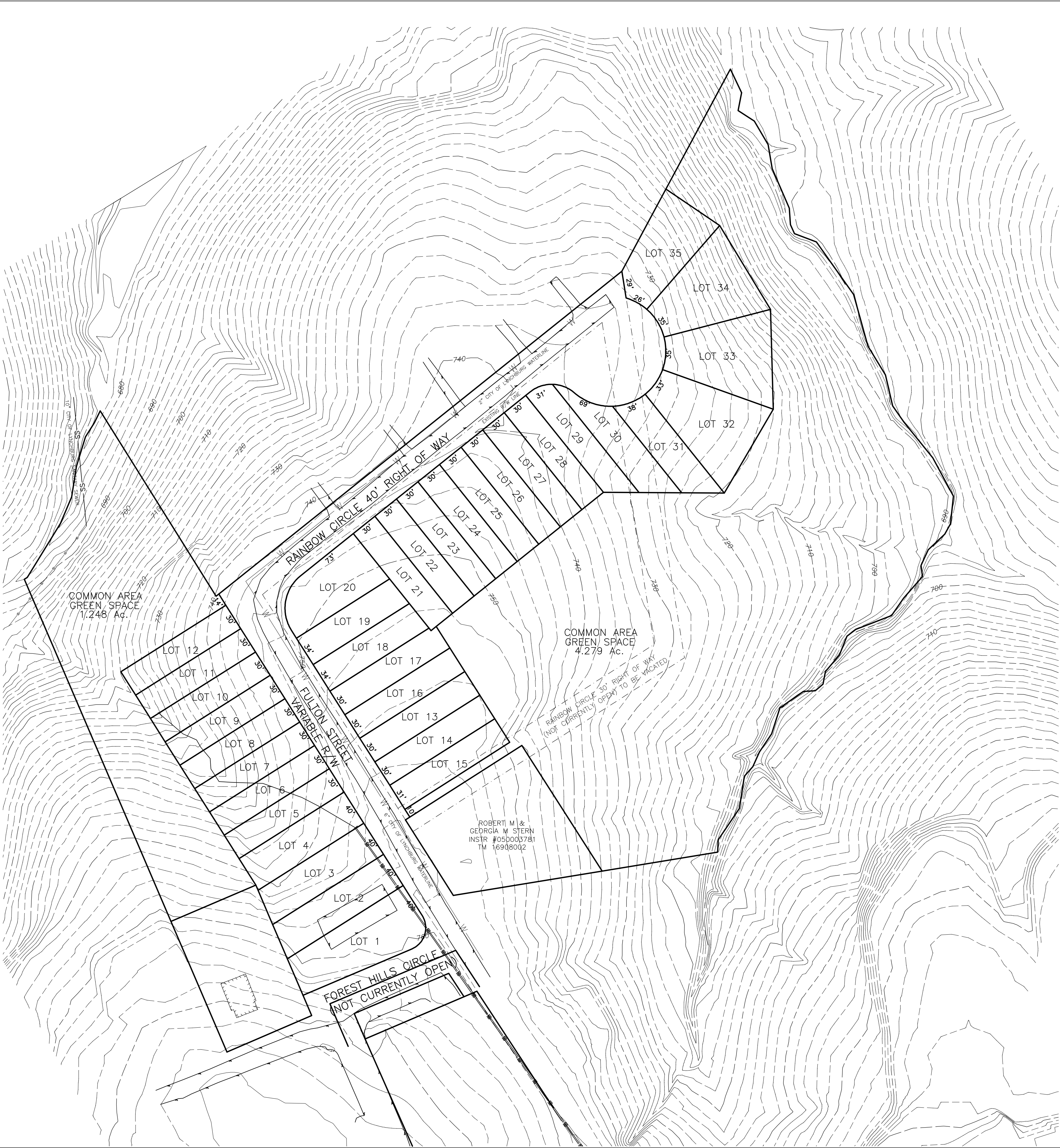
*While LMI is responsible for the pavement expansion 8' past the existing edge of pavement, the City has proposed to mill and pave overlay the entire length of both Fulton Street and Rainbow Circle. The milling would need to correct the crown of the road and the minor patches for water connections by the City for the new homes. In order to provide a more long-lasting product and avoid patches upon patches and in correct crown of Fulton Street, the redo of the street is estimated at 50% each.



VICINITY MAP

SOURCE OF TITLE:
CURRENT OWNER: LONG MEADOWS, INC.
INSTRUMENT NUMBER 090005504 RECORDED IN
THE CLERK’S OFFICE OF THE CIRCUIT COURT OF
LYNCHBURG, VIRGINIA.

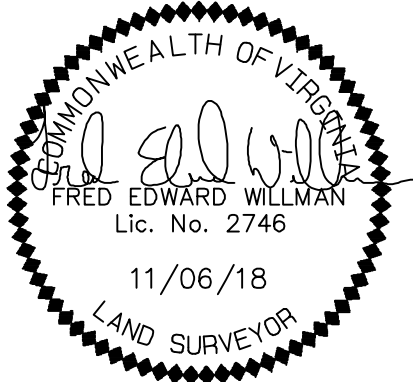
- NOTES:
1. THIS CONCEPT PLAN WAS PREPARED AT THE REQUEST OF LONG MEADOWS INC.
 2. THIS SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT THEREFORE NECESSARILY INDICATE ALL ENCUMBRANCES OR IMPROVEMENTS ON THIS PROPERTY. ALL ADJOINING OWNERS ARE NOW OR FORMER OWNERS.
 3. BY GRAPHIC SCALING ONLY THIS PROPERTY AS PLATTED FALLS WITHIN THE FLOOD ZONE "X" AS DETERMINED BY F.E.M.A. AND SHOWN ON THEIR MAP NUMBER 5100930037D DATED JUNE 3, 2008.
 4. THIS CONCEPT PLAN WAS COMPILED FROM PRIVATE AND PUBLIC RECORDS AND WAS MADE UNDER MY SUPERVISION AND COMPLIES WITH THE MINIMUM STANDARDS AND PROCEDURES ESTABLISHED BY THE VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS TO THE BEST OF MY KNOWLEDGE AND BELIEF.
 5. ALL LOTS WITHIN STONEHAVEN WILL BE SERVED BY UNDERGROUND UTILITIES.
 6. ALL LOTS WITHIN STONEHAVEN WILL BE SERVED BY CITY OF LYNCHBURG PUBLIC WATER AND SANITARY SEWER.
 7. CONTOURS SHOWN HEREON WERE TAKEN FROM THE CITY OF LYNCHBURG DATA PORTAL.
 8. THE SUBJECT PARCELS ARE ZONED R-3.
 9. BUILDING SETBACKS:
FRONT: 30'
SIDE: 5'
REAR: 30'



LOT #	SQ. FT.	ACRES
LOT 1	8248.65	0.189
LOT 2	5824.47	0.134
LOT 3	5567.23	0.128
LOT 4	5402.90	0.124
LOT 5	4050.00	0.093
LOT 6	4050.00	0.093
LOT 7	4050.00	0.093
LOT 8	4050.00	0.093
LOT 9	4050.00	0.093
LOT 10	4050.00	0.093
LOT 11	4050.00	0.093
LOT 12	4050.00	0.093
LOT 13	4090.49	0.094
LOT 14	4077.18	0.094
LOT 15	4135.54	0.095
LOT 16	4090.50	0.094
LOT 17	4068.51	0.093
LOT 18	4269.27	0.098
LOT 19	4141.48	0.095
LOT 20	6274.72	0.144
LOT 21	4050.00	0.093
LOT 22	4050.00	0.093
LOT 23	4050.00	0.093
LOT 24	4050.00	0.093
LOT 25	4050.00	0.093
LOT 26	4050.00	0.093
LOT 27	4050.00	0.093
LOT 28	4050.00	0.093
LOT 29	4347.85	0.100
LOT 30	4771.63	0.110
LOT 31	4556.09	0.105
LOT 32	8713.29	0.200
LOT 33	8410.49	0.193
LOT 34	8065.96	0.185
LOT 35	6697.50	0.154



CONCEPT PLAN
SHOWING LOTS 1 THRU 35
STONEHAVEN
CITY OF LYNCHBURG, VIRGINIA



950 Airport Road
Lynchburg, Virginia 24502
Ph: 434-610-4334
www.accupointsurveying.com

SCALE:	1" = 60'
ASD JOB #:	2017-125
FILE #:	2017-125 CONCEPT
PARCEL ID:	16906004, 16907001 16908003
DATE:	NOVEMBER 6, 2018

CONCEPT PLAN



REQUEST FOR PROPOSALS TITLE PAGE
Include This Page as the First Page in Your Proposal Response

City of Lynchburg, Virginia
Procurement Division

Proposal Title: **Purchase and Development of City Property**

This is the City of Lynchburg's Request for Proposals No. 09-499, issued July 23, 2008. Direct inquiries for information to: Stephanie Suter, Procurement Manager, Phone: 434.455.3963; stephanie.suter@lynchburgva.gov or Steve Lawson, Real Estate Property Manager, Phone: 434.455.3945. All requests for clarification of or questions regarding this request for proposal must be made in writing and received by 2:00 p.m., August 20, 2008. Any alteration or changes to this Request for Proposals will be made only by written addendum issued by the City of Lynchburg, Procurement Division.

Sealed proposals will be publicly accepted prior to **5:00 p.m., Monday, September 1, 2008**. Proposals received after the stated due date and time shall not be considered. Submit proposals in a sealed, opaque envelope, and put the RFP number, title, due date and time on the lower left front. Offerors are responsible for having their proposal stamped by Procurement Division staff before the deadline indicated above and acknowledge all addenda issued in the space provided below. All Offerors are responsible for obtaining issued addenda from the City's Purchasing Division website: www.lynchburgva.gov/home/index.asp?page=981.

Acknowledge receipt of addenda here: No. _____ Date: _____
No. _____ Date: _____
No. _____ Date: _____

Submit Proposals:

BY MAIL, GROUND DELIVERY, OR HAND DELIVER TO:

Procurement Division
Third Floor City Hall
900 Church Street
Lynchburg, Virginia 24504

By my signature below, I certify that I am authorized to bind the Offeror in any and all negotiations and/or contractual matters relating to this Request for Proposals. Sign in ink and type or print requested information.

Full Legal Name of Offeror: _____

Fed ID OR SOC. SEC. NO.: _____ Date: _____

Address: _____ Phone: () _____

_____ Fax: () _____

Signature: _____

Typed or Printed Name, Title


City Procurement Manager's Signature

I. SUBMISSION OF PROPOSALS

- A. **An original (1), so marked, and (4) copies, so marked, for a total of (5)** of your proposal document are required. Telegraphic or facsimile submission of proposals is not acceptable and any such proposals will not be considered. Nothing herein is intended to exclude any responsible Offeror or in any way restrain or restrict competition. All responsible Offerors are encouraged to submit proposals.
- B. Proposals having any erasures or corrections must be initialed by the Offeror in ink.
- C. The City reserves the right to accept or reject any or all proposals, to waive informalities, and to reissue any request for proposals.
- D. By submitting a proposal response, the Offeror agrees that the proposal response will not be withdrawn for a period of 90 days following the due date for proposal responses.
- E. By submitting a proposal response, the Offeror certifies that it has not combined, conspired or agreed to intentionally rig, alter or otherwise manipulate, or to cause to be rigged, altered or otherwise manipulated its proposal response for the purpose of allocating purchases or sales to or among persons, raising or otherwise fixing the prices of the goods or services, or excluding other persons from dealing with the City.
- F. By submitting a proposal response, the Offeror certifies that its proposal is made without collusion or fraud and that it has not offered or received any kickbacks or inducements from any other Offeror, supplier, manufacturer or subcontracting firm in connection with its proposal; and that it has not conferred on any public employee having official responsibility for this procurement transaction any payment, loan, subscription, advance, deposit of money, services or anything of more than nominal value, present or promised.
- G. The City will not be responsible for any expense incurred by any Offeror in preparing and submitting a proposal response. All proposals submitted will become the property of the City.

II. GENERAL INFORMATION AND OBJECTIVE

- A. The City of Lynchburg is seeking proposals for the purchase and development of three parcels of City property located at 3104 Fulton Street, 3036 Fulton Street and 2600 Rainbow Court. The properties are all zoned Residential Three (R-3) and are 2.5 acres, 1.7 acres, and approximately 3 acres in size, respectively. Fulton Street is a quiet, secluded, centrally located area off Old Forest Road. The property lays well and approximately half is wooded. All parcels can be serviced with public water and sewer.

The City's interest is to place the property into private hands and to facilitate its development, in a reasonable manner, in order to increase the assessed value of the property. Toward that end the City is looking for proposals from interested parties to purchase and develop the property as a whole or in part.

The City of Lynchburg has developed, for illustrative purposes only, a potential subdivision plat encompassing the three parcels and showing as many as 29 building lots. A new roadway plus water and sewer lines would have to be built to accommodate the illustrative plan. The potential subdivision plat does not represent a guarantee of the development potential of the property. Prospective purchasers bear the responsibility of determining the most viable development plan. The City is open to any reasonable proposals for the purchase and development of the property. Purchasers must comply with all applicable City development regulations and standards and will be responsible for all development costs.

B. Attachments

To assist in the evaluation of the property, the following is provided:

- Aerial photograph
- Zoning map
- Assessment sheet of each parcel
- A potential subdivision plat, with topographical information, showing the property divided into 29 building lots. The plat shows where water and sanitary sewer lines would need to be built to accommodate the 29 building lots. It also shows a new road that would need to be built. Note that the road shown is within the existing thirty (30) foot right of way. The City would prefer a forty (40) foot right of way.

III. PROPOSAL PREPARATION

The proposal response must address the items and the Criteria for Proposal Evaluation. Proposals should be prepared simply, providing straightforward and concise responses to requests for information and descriptions of qualifications and capabilities. Each copy of the proposal must be bound with all documentation in a single volume where practical. Incomplete proposals may be determined nonresponsive.

Offerors should organize their proposals using the format described below:

- A. Title Sheet: Furnish the information requested on the REQUEST FOR PROPOSALS TITLE PAGE of this solicitation and include it as the first page of your proposal response. The name stated on the Title Sheet must be the full legal name of the Offeror and the address must be that of the office which will have the responsibility for the services provided.
- B. Price offered for each parcel, or for all three together
- C. A description of development plans with type of structures and the value of what will be built
- D. Timeline with dates for purchase closing and occupancy
- E. A description and explanation of any particular assistance requested of the City.

IV. CRITERIA FOR PROPOSAL EVALUATION AND ACCEPTANCE

The following criteria will be utilized in evaluating proposals:

- Price
- Estimated value of the proposed development
- Timeline
- Overall return to the City
- Compatibility with the Comprehensive Plan and the existing neighborhood

Method of Award

Proposals will be ranked according to the greatest perceived benefit to the City and negotiations will be conducted with the top ranked offerer for the purpose of finalizing a sales contract. Final approval of the sale will require a public hearing and City Council action. The City reserves the right to reject all proposals.

V. GENERAL TERMS AND CONDITIONS

A. Laws and Regulations

The Successful Offeror shall give notice and comply with all laws, ordinances, rules, regulations, and lawful orders of any public authority bearing on the performance of the work. Any legal proceedings arising out of or related to this agreement shall be filed by the parties in the City of Lynchburg General District Court or the Lynchburg Circuit Court.

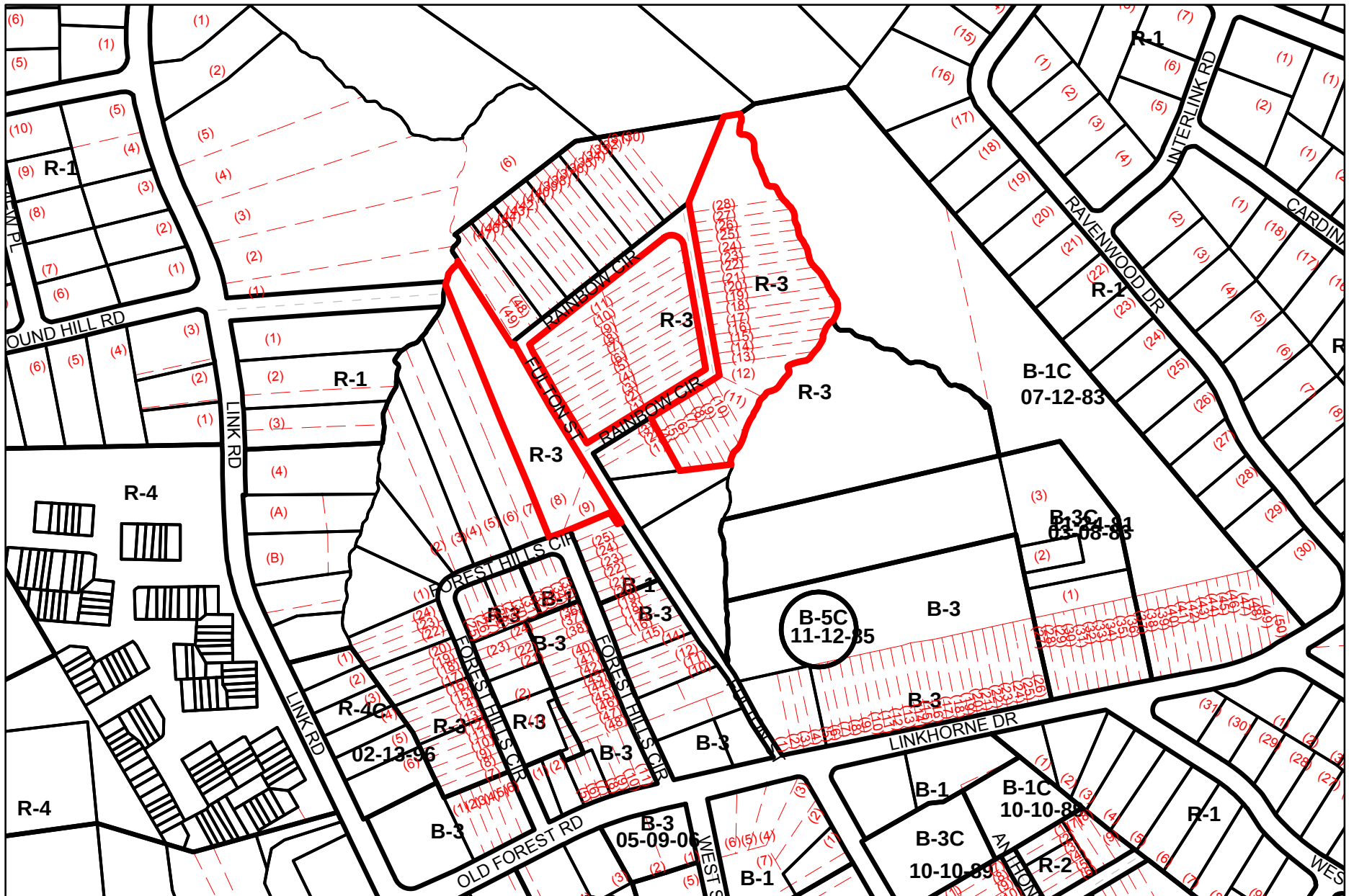
B. Licenses and Permits

The Successful Offeror shall secure and pay for all permits, governmental fees and licenses necessary for the proper execution and completion of the work which are legally required prior to and during the work.

C. Taxes

The Successful Offeror shall pay all City, State and Federal taxes required by law enacted at the time proposals are received and resulting from the work or traceable thereto, under whatever name levied. Said taxes shall not be in addition to the contract price as the taxes shall be an obligation of the Offeror and not of the City and the City shall be held harmless for same by the Successful Offeror.





[Property Tax Values](#)[View Sketch](#)[View Photo](#)[Recent Neighborhood Sales](#)[View Property Card](#)[Close](#)[Print](#)**Property Assessment Information - Lynchburg, Virginia****Parcel Identification**

Parcel ID (Old) 16907001
 Parcel ID (New) 54623081
 Property Address 3104 FULTON ST
 Property Owner CITY OF LYNCHBURG
 SCHOOL-PT FOREST HILL
 SCHOOL GROUNDS
 Mailing Address 900 CHURCH ST
 LYNCHBURG, VA 24504-1620
 Legal Description WD FOSTER BLK 1-#1-23
 Property Class EXEMPT - CITY SCHOOLS
 Neighborhood 226 - FOREST HILLS CIR
 *New! Elementary School LINKHORNE ELEMENTARY
 *New! Middle School LINKHORNE MIDDLE
 *New! High School E C GLASS

Land

Legal Acreage 2.5000
 Square Footage 108900
 Frontage 0

Zoning Refer to Zoning Layer

Special Assessments

Participant in Land Use Prog NO
 Land Use Deferral Amount
 Participant in Rehabilitation Prog NO
 Exemption Amount
 Ending (June 30)

Sale/Assessment Information

Current Assessment
 Land Value \$43800
 Improvement Value \$0
 Total Value \$43800
July 1, 2007
 Land Value \$43800
 Improvement Value \$0
 Total Value \$43800
July 1, 2006
 Land Value \$25000
 Improvement Value \$0
 Total Value \$25000
Sales History 1
 Recorded Sale Date 11/13/1958
 Sale Amount \$0
 Prior Owner CAMPBELL CO SCHOOL
 BOARD
 Prior Instrument Number
 Prior Deed Book/Page 0 0
Sales History 2
 Recorded Sale Date
 Sale Amount \$
 Prior Owner
 Prior Instrument Number
 Prior Deed Book/Page
Sales History 3
 Recorded Sale Date
 Sale Amount \$
 Prior Owner
 Prior Instrument Number
 Prior Deed Book/Page

Improvement Data

Building Type
 Type of Structure
 Number of Stories
 Year Built
 Finished Sq Ft
 Basement Sq Ft
 Finished Basement Sq Ft
 Finished Attic Sq Ft
 *New! Total Finished Sq Ft
 Foundation
 Frame
 Exterior Wall
 Roof Type
 Roof Material
 Heat Type
 Air Conditioned
 Fireplace
 Number of Rooms
 Number of Bedrooms
 Number of Full Baths
 Number of Half Baths
 Open Porch Sq Ft
 Enclosed Porch Sq Ft
 Patio/Deck Sq Ft
 Attached Garage Sq Ft
 Attached Carport Sq Ft
 Detached Garage Sq Ft
 Outbuildings

Property Tax Values

View Sketch

View Photo

Recent Neighborhood Sales

View Property Card

Close

Print

Property Assessment Information - Lynchburg, Virginia

Parcel Identification

Parcel ID (Old) 16906004
 Parcel ID (New) 54623085
 Property Address 3036 FOREST HILLS CIR
 Property Owner CITY OF LYNCHBURG
 CITY MANAGER'S OFFICE
 Mailing Address 900 CHURCH ST
 LYNCHBURG , VA 24504-1620
 Legal Description FOREST HILL-BLK 4-PT 8,9
 Property Class EXEMPT - CITY GOVERNMENT
 Neighborhood 226 - FOREST HILLS CIR
 *New! Elementary School LINKHORNE ELEMENTARY
 *New! Middle School LINKHORNE MIDDLE
 *New! High School E C GLASS

Land

Legal Acreage 1.7110
 Square Footage 74531
 Frontage 0

Zoning Refer to Zoning Layer

Special Assessments

Participant in Land Use Prog NO
 Land Use Deferral Amount
 Participant in Rehabilitation Prog NO
 Exemption Amount
 Ending (June 30)

Sale/Assessment Information

Current Assessment
 Land Value \$29900
 Improvement Value \$0
 Total Value \$29900
 July 1, 2007
 Land Value \$29900
 Improvement Value \$0
 Total Value \$29900
 July 1, 2006
 Land Value \$20000
 Improvement Value \$0
 Total Value \$20000
 Sales History 1
 Recorded Sale Date 11/13/1958
 Sale Amount \$0
 Prior Owner X
 Prior Instrument Number
 Prior Deed Book/Page 0 0
 Sales History 2
 Recorded Sale Date
 Sale Amount \$
 Prior Owner
 Prior Instrument Number
 Prior Deed Book/Page
 Sales History 3
 Recorded Sale Date
 Sale Amount \$
 Prior Owner
 Prior Instrument Number
 Prior Deed Book/Page

Improvement Data

Building Type
 Type of Structure
 Number of Stories
 Year Built
 Finished Sq Ft
 Basement Sq Ft
 Finished Basement Sq Ft
 Finished Attic Sq Ft
 *New! Total Finished Sq Ft
 Foundation
 Frame
 Exterior Wall
 Roof Type
 Roof Material
 Heat Type
 Air Conditioned
 Fireplace
 Number of Rooms
 Number of Bedrooms
 Number of Full Baths
 Number of Half Baths
 Open Porch Sq Ft
 Enclosed Porch Sq Ft
 Patio/Deck Sq Ft
 Attached Garage Sq Ft
 Attached Carport Sq Ft
 Detached Garage Sq Ft
 Outbuildings

Property Tax Values

View Sketch

View Photo

Recent Neighborhood Sales

View Property Card

Close

Print

Property Assessment Information - Lynchburg, Virginia

Parcel Identification

Parcel ID (Old) 16908003
 Parcel ID (New) 54623068
 Property Address 2600 RAINBOW CIR
 Property Owner CITY OF LYNCHBURG
 SCHOOL-PT FOREST HILL
 SCHOOL GROUNDS
 Mailing Address 900 CHURCH ST
 LYNCHBURG, VA 24504-1620
 Legal Description W D FOSTER BLK 2-LOT 4-28
 Property Class EXEMPT - CITY SCHOOLS
 Neighborhood 226 - FOREST HILLS CIR
 *New! Elementary School LINKHORNE ELEMENTARY
 *New! Middle School LINKHORNE MIDDLE
 *New! High School E C GLASS

Land

Legal Acreage 0.0000
 Square Footage 0
 Frontage 0

Zoning Refer to Zoning Layer

Special Assessments

Participant in Land Use Prog NO
 Land Use Deferral Amount
 Participant in Rehabilitation Prog NO
 Exemption Amount
 Ending (June 30)

Sale/Assessment Information

Current Assessment
 Land Value \$70200
 Improvement Value \$0
 Total Value \$70200
July 1, 2007
 Land Value \$70200
 Improvement Value \$0
 Total Value \$70200
July 1, 2006
 Land Value \$10000
 Improvement Value \$0
 Total Value \$10000
Sales History 1
 Recorded Sale Date 11/13/1958
 Sale Amount \$0
 Prior Owner CAMPBELL COUNTY SCHOOL
 BOARD
 Prior Instrument Number
 Prior Deed Book/Page 0 0
Sales History 2
 Recorded Sale Date
 Sale Amount \$
 Prior Owner
 Prior Instrument Number
 Prior Deed Book/Page
Sales History 3
 Recorded Sale Date
 Sale Amount \$
 Prior Owner
 Prior Instrument Number
 Prior Deed Book/Page

Improvement Data

Building Type
 Type of Structure
 Number of Stories
 Year Built
 Finished Sq Ft
 Basement Sq Ft
 Finished Basement Sq Ft
 Finished Attic Sq Ft
 *New! Total Finished Sq Ft
 Foundation
 Frame
 Exterior Wall
 Roof Type
 Roof Material
 Heat Type
 Air Conditioned
 Fireplace
 Number of Rooms
 Number of Bedrooms
 Number of Full Baths
 Number of Half Baths
 Open Porch Sq Ft
 Enclosed Porch Sq Ft
 Patio/Deck Sq Ft
 Attached Garage Sq Ft
 Attached Carport Sq Ft
 Detached Garage Sq Ft
 Outbuildings

City of Lynchburg
Procurement Division
900 Church Street
Lynchburg, Virginia 24504
Telephone No.: (434) 455-3970
Fax No.: (434) 845-0711

Addendum for Proposal
Purchase and Development of City Property
09-499

Date: August 25, 2008

From: Stephanie Suter, CPPB

RE: Addendum No. 1

1. The deadline for proposals has been extended. Sealed proposals will be publicly accepted prior to 5:00 p.m., Tuesday, September 2, 2008.

READ TERMS AND CONDITIONS AND SIGN

In compliance with the above BID, and subject to all the conditions hereof, the undersigned offers and agrees to comply with any or all of the terms and conditions contained herein, or as mutually agreed upon by subsequent negotiations. This form shall become part of the final file.

COMPANY NAME: _____ *ADDRESS:* _____ *DATE:* _____

AUTHORIZED SIGNATURE: _____ *TITLE:* _____

PRINT NAME: _____ *TELEPHONE NO.:* _____ *FAX NO.:* _____



REQUEST FOR PROPOSALS TITLE PAGE
Include This Page as the First Page in Your Proposal Response

City of Lynchburg, Virginia
Procurement Division

Proposal Title: Purchase and Development of City Property

Copy

This is the City of Lynchburg's Request for Proposals No. 09-499, issued July 23, 2008. Direct inquiries for information to: Stephanie Suter, Procurement Manager, Phone: 434.455.3963; stephanie.suter@lynchburgva.gov or Steve Lawson, Real Estate Property Manager, Phone: 434.455.3945. All requests for clarification of or questions regarding this request for proposal must be made in writing and received by 2:00 p.m., August 20, 2008. Any alteration or changes to this Request for Proposals will be made only by written addendum issued by the City of Lynchburg, Procurement Division.

Sealed proposals will be publicly accepted prior to 5:00 p.m., Monday, September 1, 2008. Proposals received after the stated due date and time shall not be considered. Submit proposals in a sealed, opaque envelope, and put the RFP number, title, due date and time on the lower left front. Offerors are responsible for having their proposal stamped by Procurement Division staff before the deadline indicated above and acknowledge all addenda issued in the space provided below. All Offerors are responsible for obtaining issued addenda from the City's Purchasing Division website: www.lynchburgva.gov/home/index.asp?page=981.

Acknowledge receipt of addenda here: No. 1 Date: 9-1-08
No. _____ Date: _____
No. _____ Date: _____

Submit Proposals:

BY MAIL, GROUND DELIVERY, OR HAND DELIVER TO:
Procurement Division
Third Floor City Hall
900 Church Street
Lynchburg, Virginia 24504

By my signature below, I certify that I am authorized to bind the Offeror in any and all negotiations and/or contractual matters relating to this Request for Proposals. Sign in ink and type or print requested information.

Full Legal Name of Offeror: Long Meadows, INC. By Chris Mowry, President

Fed ID OR SOC. SEC. NO.: 54-1025710 Date: 9-1-08

Address: P.O. Box 4338 Phone: (434) 821-2995 x 205

Lynchburg, VA 24502

Fax: (434) 821-2997

Signature:

C. Suter

Chris Mowry - President
Typed or Printed Name, Title

Stephanie Suter
City Procurement Manager's Signature

Response to City of Lynchburg RFP # 09-499 issued July 23, 2008

From: Long Meadows, Inc. – Chris Mowry, President (chris@longmeadows.net)

Offer Price: \$70,000. For all three parcels: 3104 & 3036 Fulton Street and 2600 Rainbow Court. This price is based upon LMI's purchase of R-3 land bordering New Towne and Turtle Creek subdivisions as recently as 2006 at the rate of \$9,210 per acre (Fulton - $7.2 \times \$9,210 = \$66,312$). LMI's offer is slightly higher than this rate but obviously the market exuberance has diminished and 2006 pricing should be fair for the state and location of the land in question.

Development Plans: Long Meadows, Inc. wants to build energy efficient and environmentally green "E-Villas" for the eclectic mix of Lynchburg buyers. While LMI may opt to mix some single family homes next to the existing single family homes to maintain the neighborhood continuity - the majority of units would be single and two level craftsman-style, attached units constructed to the latest EarthcraftVA standards for efficiency and sustainability. These would be up to 58 market-rate products that appeal to buyers who want a new home with all of the technology, Energy Star efficiency and modern amenities but desire their home affordability to be within the City limits – not the county. The key to the City gaining revenue is to assist developers in holding the costs down on the end product to promote affordability even though City taxes are higher than in the surrounding counties.

Return To The City/Revenue: The sales price per unit would range from the \$120's to the \$150's and would produce approximately \$73,080 annual real estate tax revenue on the low end and \$91,350 annually on the higher end. Lot development would be phased in two sections – one with 11 lots and one with 18 lots. The total estimated project build-out would take approximately three years for market absorption assuming a rate of 20 units per year. The City could expect revenues from water and sewer service and the common good billing at an average of \$50.00 per month per household or \$600 annually per unit (\$34,800 for the entire community annually at build-out). Additionally, personal property tax on items such as vehicles would be greater with the villa concept as each unit would likely own two vehicles (which at build-out would total 116). The revenue from this tax would amount to \$760 (\$20,000 average assessed value per vehicle @ \$3.80 per \$100) $\times 116 = \$88,160.00$. Thus, the total annual revenue from this project at build out would be as follows:

R.E. Taxes: \$91,350.00 - P.P. Taxes: \$88,160.00 - Water/Sewer/CG: \$34,800.00

↓ \$150,000

↓ much higher
than RFP

Revenue Total: \$214,310.00

Timeline For Purchase & Closing: Closing upon mutual agreement of terms between the City of Lynchburg and LMI or upon all zoning, planning and other miscellaneous approvals of subdivision plans and the ability of LMI to begin land disturbance and street/building construction.

Assistance Desired From the City of Lynchburg: Engineering flexibility to accommodate EarthcraftVA standards, fast track of utility design - approvals and implementation and fast track of bond releases. LMI would request that the usual City of Lynchburg reimbursements for development – water, sewer & road etc. would be initiated expeditiously at the completion of the development work. It is paramount for the City of Lynchburg to assist LMI as the developer to keep development cost low in order for us to meet the market demand and in turn – allow the City to collect the proposed tax revenue. The goal is for the City's higher tax rate for the average Fulton Street resident needs to translate into a lower developed lot cost to the developer.

About Long Meadows, Inc.: Long Meadows, Inc. is a class A licensed Building/Grading/HVAC Contractor, a certified Energy Star Partner and is a certified EarthcraftVA builder (www.earthcraftva.org). EarthcraftVA is the "sister" organization to the United States Green Building Council's LEED for commercial and multifamily construction. LMI is one of Lynchburg's largest and longest operating development and building companies and has partnered with the City of Lynchburg for over three decades in developing fine communities such as New Towne Subdivision. Developments like this translate into millions of dollars in real estate tax revenue, personal property taxes and water/sewer income etc. for the City of Lynchburg.

City of Lynchburg
Procurement Division
900 Church Street
Lynchburg, Virginia 24504
Telephone No.: (434) 455-3970
Fax No.: (434) 845-0711

Addendum for Proposal
Purchase and Development of City Property
09-499

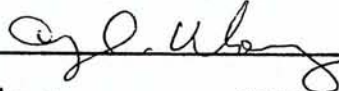
Date: August 25, 2008
From: Stephanie Suter, CPPB
RE: Addendum No. 1

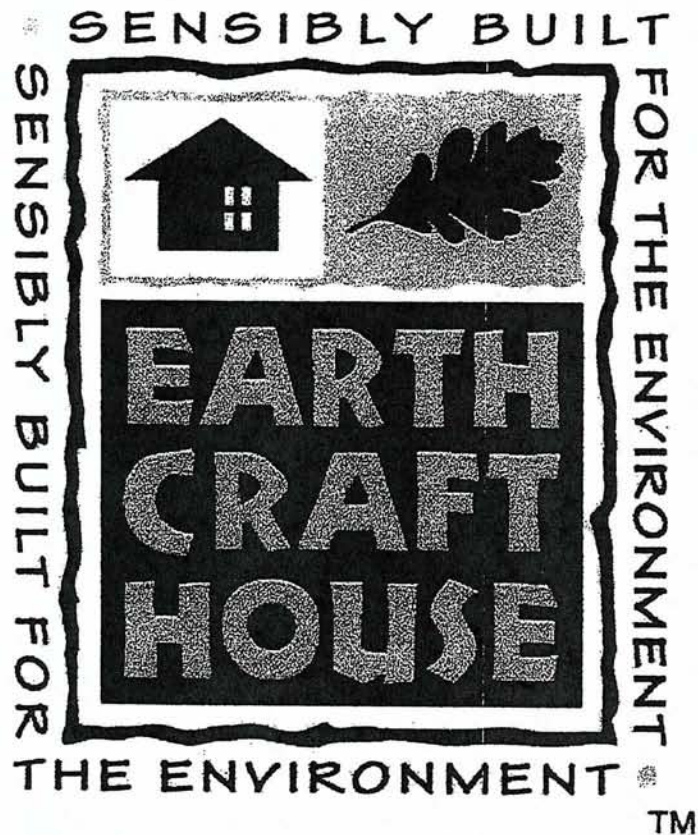
1. The deadline for proposals has been extended. Sealed proposals will be publicly accepted prior to 5:00 p.m., Tuesday, September 2, 2008.

READ TERMS AND CONDITIONS AND SIGN

In compliance with the above BID, and subject to all the conditions hereof, the undersigned offers and agrees to comply with any or all of the terms and conditions contained herein, or as mutually agreed upon by subsequent negotiations. This form shall become part of the final file.

P.O. Box 4338

COMPANY NAME: Long Meadows, Inc. ADDRESS: Lynchburg, VA 24502 DATE: 8-2-08
AUTHORIZED SIGNATURE:  TITLE: President
PRINT NAME: Chris Mowry TELEPHONE NO.: 434-821-2995 FAX NO.: 821-2997
Ext 205



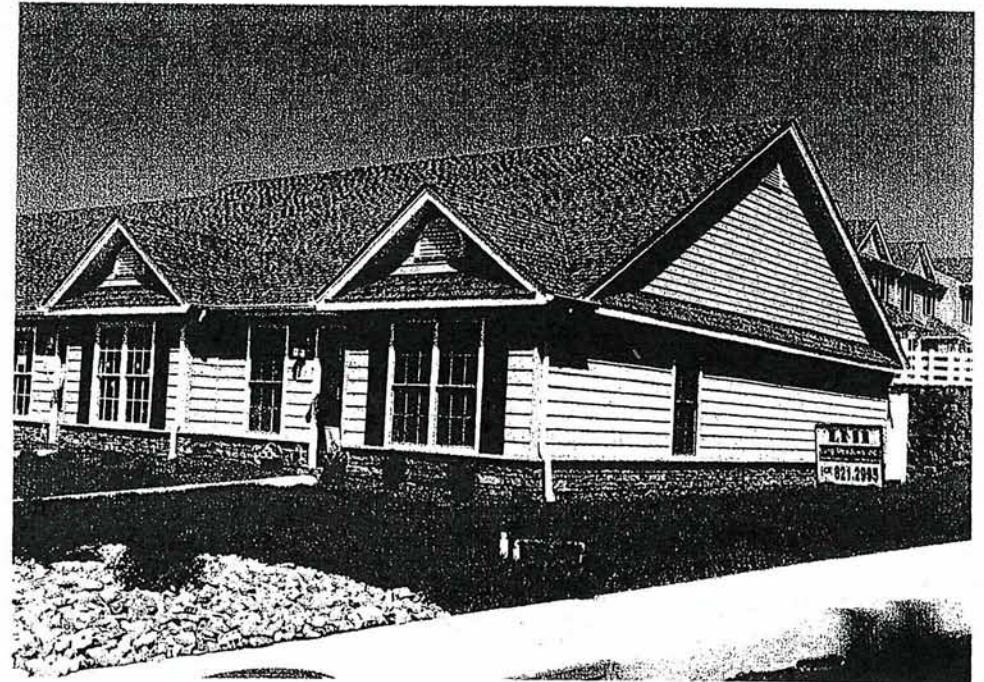
This certifies that

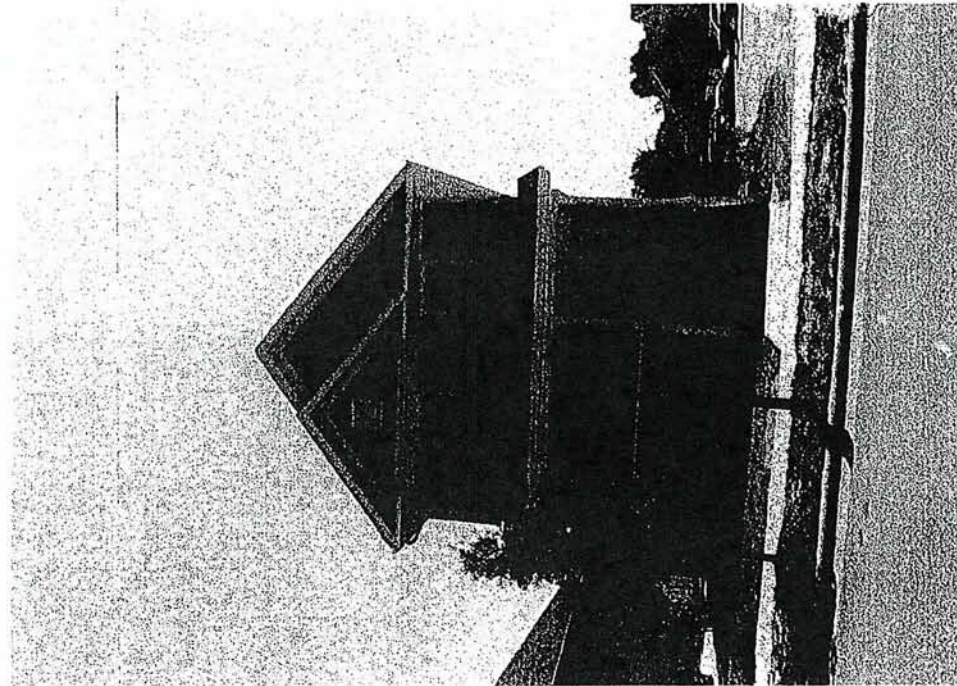
Long Meadows, Inc.

is a proud EarthCraft House Builder in good standing
with the Greater Atlanta Home Builders Association
and Southface Energy Institute

6/1/2008
Membership Initiation Date

6/1/2009
Membership Expiration Date







1022 Commerce St., Ste 3A Lynchburg, VA 24504 • P.O. Box 879 Lynchburg, VA 24505

Phone: (434) 455-2120 • Fax: (434) 455-2001

ORIGINAL

August 22, 2008

Procurement Division
Third Floor City Hall
900 Church Street
Lynchburg, VA 24504

To Whom It May Concern:

Rush Lifetime Homes (Rush Homes) is seeking to purchase parcels owned by the City of Lynchburg. Two purchase proposals are offered as follows:

- Proposal 1, offer to purchase three parcels located at 3104 Fulton Street, 3036 Forest Hills Circle, and 2600 Rainbow Court. This is Rush Homes' priority proposal.
- Proposal 2, offer to purchase two parcels located at 3104 Fulton Street and 3036 Forest Hills Circle. This is Rush Homes secondary proposal.

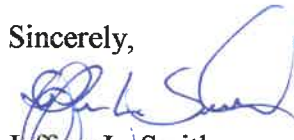
This is Proposal 2, Rush Homes' secondary proposal. I enclose Rush Homes' proposal for the purchase developed according the City of Lynchburg's Request for Proposals No. 09-499 issued on July 23, 2008.

Rush Homes is a 501(c)(3), non-profit provider of affordable housing for people with disabilities and low incomes. Our intention for the above noted lots is to construct a mixed income development known as Fulton Park featuring homeownership opportunities for people with disabilities, seniors, first time homebuyers, and other interested persons as well as affordable rental opportunities for people with disabilities and low incomes.

Please contact Allison Wingfield, Executive Director, or me at 455-2120 if you have any further questions.

Thank you.

Sincerely,



Jeffrey L. Smith
Development Director

cc/Allison Wingfield



REQUEST FOR PROPOSALS TITLE PAGE
Include This Page as the First Page in Your Proposal Response

City of Lynchburg, Virginia
Procurement Division

Proposal Title: **Purchase and Development of City Property**

This is the City of Lynchburg's Request for Proposals No. 09-499, issued July 23, 2008. Direct inquiries for information to: Stephanie Suter, Procurement Manager, Phone: 434.455.3963; stephanie.suter@lynchburgva.gov or Steve Lawson, Real Estate Property Manager, Phone: 434.455.3945. All requests for clarification of or questions regarding this request for proposal must be made in writing and received by 2:00 p.m., August 20, 2008. Any alteration or changes to this Request for Proposals will be made only by written addendum issued by the City of Lynchburg, Procurement Division.

Sealed proposals will be publicly accepted prior to 5:00 p.m., Monday, September 1, 2008. Proposals received after the stated due date and time shall not be considered. Submit proposals in a sealed, opaque envelope, and put the RFP number, title, due date and time on the lower left front. Offerors are responsible for having their proposal stamped by Procurement Division staff before the deadline indicated above and acknowledge all addenda issued in the space provided below. All Offerors are responsible for obtaining issued addenda from the City's Purchasing Division website: www.lynchburgva.gov/home/index.asp?page=981.

Acknowledge receipt of addenda here: No. _____ Date: _____
No. _____ Date: _____
No. _____ Date: _____

Submit Proposals:

BY MAIL, GROUND DELIVERY, OR HAND DELIVER TO:

Procurement Division
Third Floor City Hall
900 Church Street
Lynchburg, Virginia 24504

By my signature below, I certify that I am authorized to bind the Offeror in any and all negotiations and/or contractual matters relating to this Request for Proposals. Sign in ink and type or print requested information.

Full Legal Name of Offeror: RUSH LIFETIME HOMES, INC

Fed ID OR SOC. SEC. NO.: 31-1519694 Date: 8/22/2008

Address: P.O. Box 879 Phone: (434) 455-2120

LYNCHBURG, VA 24505 Fax: (434) 455-2001

Signature: [Signature] Allison Wingfield, Executive Director
Typed or Printed Name, Title

[Signature]
City Procurement Manager's Signature

August 22, 2008

Purchase Proposal: Fulton Street and Forest Hill Circle Parcels B and C

I. Offering Price and Terms

Offering Price

Rush Lifetime Homes (Rush Homes) offers \$75,000 for two lots including parcels located at 3104 Fulton Street (Parcel B, 2.5 acres) and 3036 Forest Hills Circle (Parcel C, 1.7 acres). *Please see attached appraisal by Hallmark Properties regarding the properties.*

Terms

Rush Homes requires a three month purchase option from the date of purchase agreement with the City of Lynchburg. This option may be extended for an additional three months with agreement by the City if circumstances warrant. This purchase option is necessary for Rush Homes to conduct a HUD Phase 1 environmental review, a property survey, and arrange property purchase and project development financing. The environmental review is a requirement of potential funding sources including low income housing tax credits.

II. Development Plans (General, Styles, and Value)

General

Rush Homes intends to construct a mixed income housing development tentatively known as Fulton Park on the two lots. The purpose of the development is to provide homeownership opportunities to first time homebuyers, seniors, and people with disabilities and affordable rental apartments for people with disabilities and low incomes. The housing development will consist of approximately 12 single family homes and approximately 8 duplexes, depending on the layout of lots upon design.

Style

Houses will consist of 1200-1600 ft² homes, each with two or three bedrooms and two baths. All houses will, at minimum, feature universal design. Full accessibility for people with mobility impairments is possible if requested by a buyer. The planned size and style homes will cater to a growing market seeking first time home buyer opportunities including those with special needs and will fit well with the current neighborhood housing stock.

Duplex apartments, mixed throughout the development to encourage community, will consist of both one and two bedroom units with full accessibility for persons who are mobility impaired. Apartment floor spaces are approximately 750 ft² for one bedroom units and 900 ft² for two bedroom units. Rush Homes will own and manage apartments, creating continuity and good management that will support a quality neighborhood. *Please see attachments for proposed duplex plans.*

Other Amenities and Transportation

The Fulton Park site is excellent for seniors, people with disabilities, and first time homebuyers. The site is within two blocks of Old Forest Road which is directly on the Greater Lynchburg Transit Company bus line, simplifying transportation options for

residents without personal transportation. Grocery shopping, retail shopping, pharmacies, restaurants, entertainment, City schools, and other amenities are all within walking distance.

Project Financing and Technical Support

Rush Homes will seek a number of sources for project financing and have already engaged Virginia Housing Development Authority (VHDA) for their technical support in developing a funding strategy. Financing sources will likely include Low Income Housing Tax Credits (LIHTC), VHDA REACH program low interest loans, possible CDBG and HOME funds at both local and state levels, Federal Home Loan Bank funds including predevelopment loans and grants, private grant funds, and Rush Homes' profit from the sale of planned houses within the development.

Rush Homes will form a development team and seek additional project technical assistance from organizations such as Local Initiatives Support Corporation (LISC).

Estimated As-Built Value and Return Value to Lynchburg

	Value	Notes
Single family homes	\$ 1,740,000.00	12 @ \$145,000 each average
Duplexes	\$ 2,000,000.00	8 @ \$250,000 each average
Land	\$ 300,000.00	20 @ \$15,000 each
Total	\$ 4,040,000.00	

The estimated return value of Fulton Park to Lynchburg City as-built at current property tax rates is \$42,420 per year. In addition to returns from property taxes, the Fulton Park project will inject approximately of \$1.125 million in LIHTC equity into Lynchburg as well as the potential for an additional \$1 million or more in foundation funds and construction loan dollars from Virginia community development finance institute sources including Virginia Community Capital.

Market

Currently, Rush Homes has 59 families with disabilities and low incomes on its waiting list. Further, 2000 US Census data for Lynchburg City renters who have mobility and self care limitations and low incomes indicates 960 non-seniors in need of better housing. Rush Homes will contract with a provider to perform market studies that will confirm this data and show the large need for accessible and affordable housing in Lynchburg for people with disabilities and to show market for first time homebuyers, people with special needs, and/or senior citizens.

Compatibility with Lynchburg Comprehensive Plan

Special needs housing and mixed use residential development are both cited specifically in the comprehensive plan. Fulton Park addresses both these elements. First, Fulton Park is about providing mixed use residential development with the mix of stores and other buildings being very nearby, some with two blocks and many more within walking distance of the proposed neighborhood. Second, special needs housing is Fulton Park. While the development anticipates mixed ownership and rental with some of the ownership by people without specific disabilities, provision of housing for

people with disabilities and low incomes is a the motivating factor for Fulton Park. Page 10.3 of the Comprehensive plan notes expressed concerns that “special needs tenants, such as those with physical disabilities and those with limited incomes, have a particularly hard time finding appropriate rental housing.

Fulton Park direction meets Comprehensive Plan Goals regarding Goal 2, Objective 2.A encouraging new, sensitively designed housing that blends into mature neighborhoods. The style of housing chosen by Rush Homes for Fulton Park will fit in with surrounding, smaller ranch style homes. Further, the proposed development also meets Objective 2.E., encouraging higher rates of homeownership among low- and middle-income residents. The style and size of house proposed sale in Fulton Park will specifically meet this market demand. Rush Homes is already in talks with VHDA about providing low interest loans to prospective buyers with incomes ranging from 80 percent of area median income to 150 percent. Finally, Object 2.F. is directly met by Fulton Park which provides housing for special needs populations in a neighborhood setting and with transportation and support services readily available nearby.

III. Proposed Project Timeline

<i>Predevelopment activities</i>	<i>Date/Status</i>
▶ Enter bid for purchase of lots	8/31/2008
▶ Initiate development team including technical support services	9/30/2008
▶ Update site design, update costs, and create financing strategy	11/15/2008
▶ Marketing studies performed	11/30/2008
▶ Gain site control	12/1/2008
▶ Finalize permanent financing strategy.	12/15/2008
▶ Complete Phase 1 environmental analysis and site survey.	1/15/2009
▶ Finalize design units/construction specifications/site engineering	2/1/2009
▶ Acquire permanent financing approval	2/15/2009
▶ Acquire acquisition/development/construction loan.	2/28/2009
▶ Purchase Fulton Street/Rainbow Court Properties	3/1/2009
<i>Construction</i>	
▶ Begin construction, infrastructure and vertical	5/1/2009
▶ Complete construction, all houses and duplexes	12/1/2010
<i>Sell houses/lease rental units</i>	
▶ Initiate marketing and advertise Fulton Park/houses	8/1/2009
▶ Target completion	2/1/2011

IV. Assistance Needed From the City of Lynchburg

At this time, Rush Homes does not anticipate needing assistance from the City with the exception of subdivision approvals and cooperation. Rush Homes reserves the right to request CDBG and HOME block grant funding for Fulton Park development.

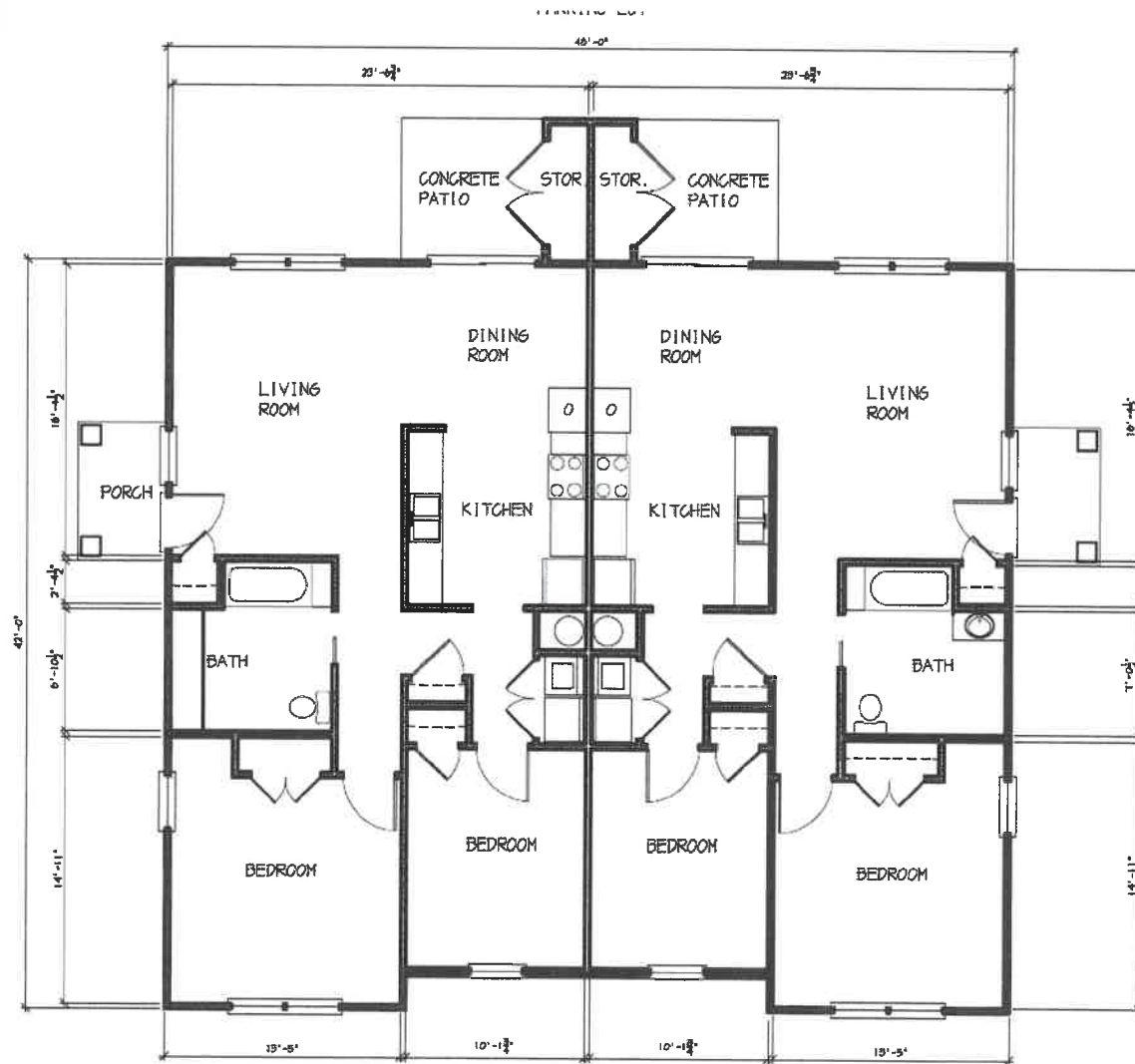


TWO-BEDROOM

1/8" = 1'-0"

CCAP

11-3-05

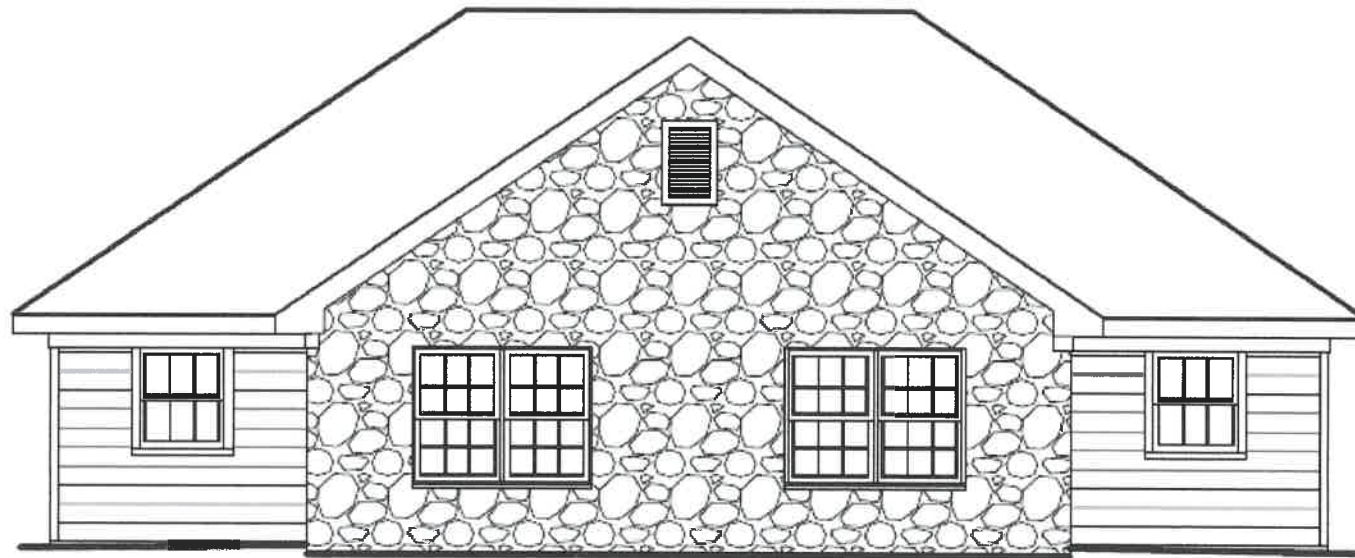


TWO-BEDROOM

1/8" = 1'-0"

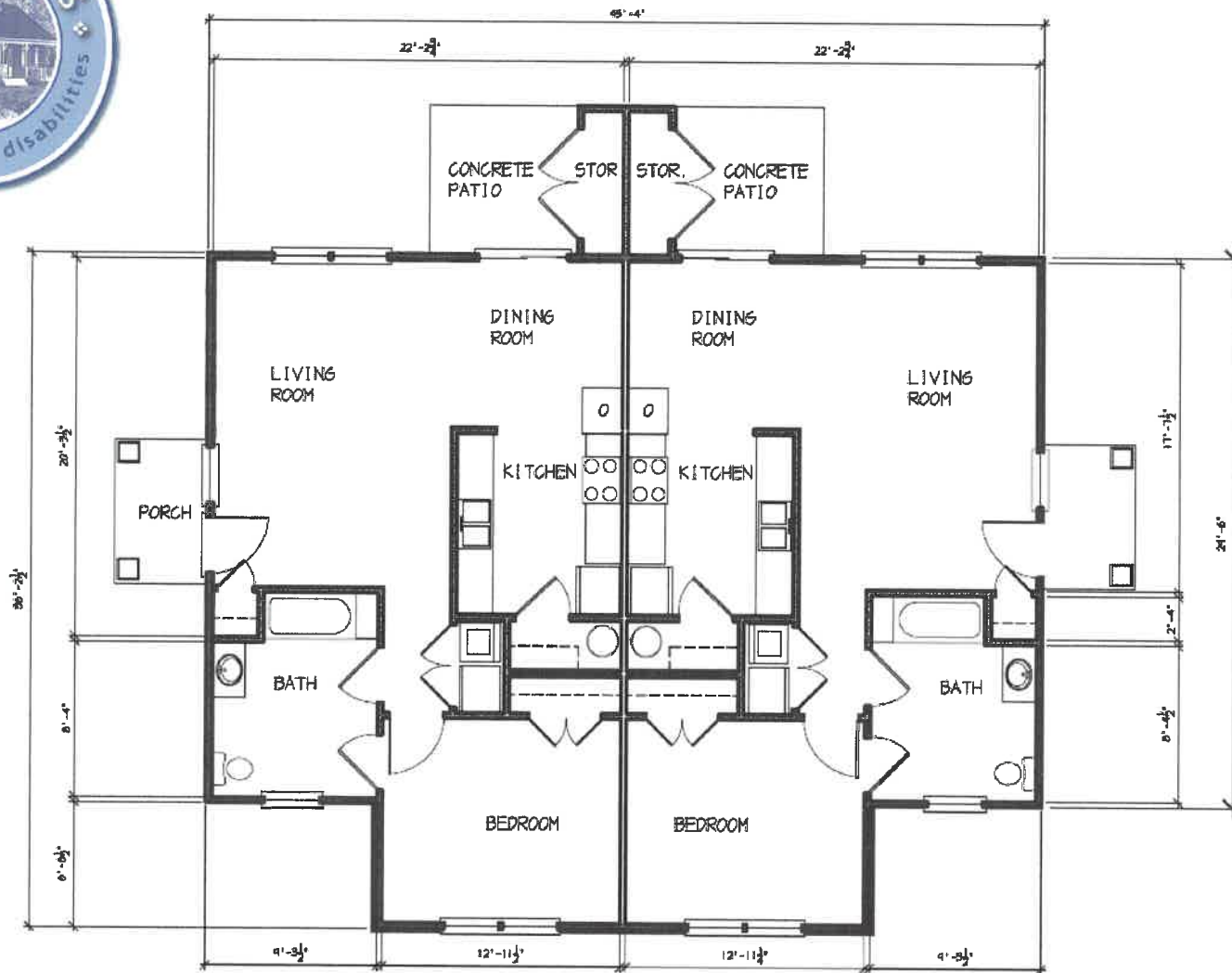
CCAP

11-3-05



ONE-BEDROOM UNIT

$\frac{1}{8}'' = 1' - 0''$ CCAP
11-4-05



ONE-BEDROOM UNIT
 1/8" = 1'-0" CCAP
 11-4-05



3713 OLD FOREST ROAD, LYNCHBURG, VIRGINIA 24501 (434) 385-9610

August 14, 2008

Rush Homes
Attn: Jeff Smith
1022 Commerce Street, Suite 3A
Lynchburg, VA 24505

RE: 7.2 Acres +/-
Fulton Street and Rainbow Circle
Lynchburg, VA 24501

Dear Mr. Smith:

As you requested, I have appraised the market value of the above captioned property currently owned by the City of Lynchburg. The Campbell County School Board originally acquired the property in 1958 and was later annexed into the city. As we agreed upon, this is a restricted use report for your use only, and a summary of my data and analysis is presented. This report is intended to comply with the Uniform Standards of Professional Appraisal Practice, Virginia state licensing laws, and the Appraisal Institute.

I viewed the property on August 11, 2008, and this is the date of valuation. The purpose of the appraisal is to estimate market value, and the intended use of the appraisal is for your private use in possibly acquiring the property. Market value is defined by the Appraisal Institute as follows:

The most probable price in terms of money which a property should bring in a competitive and open market under all conditions requisite to a fair sale, with the buyer and seller each acting prudently, knowledgeably, and assuming the price is not affected by undue stimulus.

The property is assessed in the name of City of Lynchburg in three parcels. Parcel ID No. 16907001 is assessed for \$43,800. Parcel ID No. 16908003 is assessed for \$70,200. Parcel ID No. 16906004 is assessed for \$29,900. With a total tax assessment of \$143,900 and a tax rate of \$1.05 per \$100 of assessed value, the annual taxes are \$1,510.95; however, the property is currently tax exempt. Both the assessment and tax rate are subject to annual change.

Without the benefit of a recent survey, I rely on information provided by the City of Lynchburg for the property land area. This property consists of a 1.7 acre parcel, 2.5 acre parcel, and three acre parcel, for a total of approximately 7.2 acres. The 1.7 acre parcel (Parcel C) is on the southwestern side of Fulton Street, across from Rainbow Circle. It has about 470 feet of street frontage based on a scale of the city tax map, 223 feet along the northeastern boundary, 80 feet along the northwestern boundary, 112 feet along the southeastern boundary, 48 feet of street frontage on Forest Hills Circle, and 643 feet along the rear. Topographically, it is three feet below to three feet above road grade, rolling, partially cleared, and partially wooded with growing pine and hardwood trees. The 2.5 acre parcel (Parcel B) is at the eastern corner of Fulton Street and Rainbow Circle. It has about 275 feet of street frontage on Fulton Street and 450 feet of street frontage on Rainbow Circle. It has about 240 feet along the southeastern boundary which is formed by the Rainbow Circle right-of-way, and 350 feet along the northeastern boundary which is also formed by the Rainbow Circle right-of-way. The street was never constructed along the southeastern and northeastern boundaries of this parcel. Topographically, it is on grade to three feet above road grade, slightly rolling to rolling, cleared along Fulton Street, and wooded with growing pine and hardwood trees at the rear. The three acre parcel (Parcel A) has access at the end of Rainbow Circle. It has about 625 feet along the Rainbow Circle right-of-way, 245 feet along the northwestern boundary,

APPRAISERS

CONSULTANTS

150 feet along the southwestern boundary, and an irregular rear boundary. Topographically, it is two to four feet below grade at the terminus of Rainbow Circle, rolling, and wooded with growing and some mature pine and hardwood trees. Public utilities available include water, sewer, electricity, and telephone. The property is zoned Medium density residential district (R-3), Two Family. This zone permits single-family detached dwellings, two-family dwellings, and other compatible uses with a minimum lot size of 8,000 square feet. I did not observe any significant improvements on the property. The City of Lynchburg has done some preliminary engineering and indicates potentially a 29-lot subdivision if the asphalt paved road and utilities are extended along the undeveloped portion of Rainbow Circle.

Highest and best use is generally defined as the optimum or most profitable use for a property and is the first step in an appraisal. After considering the zoning, surrounding uses, and potential for the property, it is my opinion that the most profitable use is for single-family or two-family residential development with a minimum lot size of 8,000 square feet.

In appraising the subject property, the Sales Comparison Approach is developed by a comparison of the most comparable sales available to the subject and adjusting for dissimilarities to provide an indicated value. After comparing and analyzing the five sales, the adjusted sales range from \$12,768 to \$27,502 per acre. All five sales are in the city of Lynchburg and provide a reliable indication of value. Sale #1 is on Aaron Place, just off Wards Ferry Road. Sale #2 is on Broadway Street, off Old Forest Road. Sale #3 is on Old Forest Road. Sale #4 is on Milton Street, off Old Forest Road, and Sale #5 is on Belle Terre Drive off Forest Brook Road. All five sales have potential for residential development. After considering all five adjusted sales, the indicated value by Sales Comparison Approach is well supported at \$19,500 per acre.

7.2 Acres @ \$19,500 per Acre = \$140,400 or \$140,000 (R)

Final Estimate of Market Value:

**ONE HUNDRED FORTY THOUSAND DOLLARS
(\$140,000)**

The analysis is based on a per acre unit of comparison. If an actual survey indicates a different land area, the final estimate of market value should be adjusted for the actual land area. Thank you for this opportunity to be of service, and please call if you have questions or need further explanation.

I allocate the total estimate of market value as follows:

Parcel A	Tax ID No. 169-08-03	3 Acres +/-	\$30,000
Parcel B	Tax ID No. 169-07-01	2.5 Acres +/-	\$64,000
Parcel C	Tax ID No. 169-06-04	1.7 Acres +/-	\$46,000

Respectfully submitted,


Mark T. Shelton, MAI, MBA
Virginia License No. 4001 004256

City Council Minutes January 13, 2009

// In the matter of Community Development - General, a public hearing was held regarding the sale of City-owned property at 3104 Fulton Street, Tax Map No. 169-07-001, consisting of approximately 2.5 acres, 3036

Forest Hills Circle, Tax Map No. 169-06-04, consisting of approximately 1.7 acres, and 2600 Rainbow Circle, Tax Map No. 169-08-003, consisting of approximately 3.0 acres, to Long Meadows, Inc. for \$70,000. Real Estate Manager Steve Lawson provided a brief summary regarding the request. Mr. Lawson explained that a Request for Proposals (RFP) was solicited for potential residential development of these three City-owned lots and that the proposals were reviewed with a recommendation given to the Physical Development Committee (PDC) based on the highest overall return to the City. Mr. Lawson stated that the recommendation is to authorize the sale of these three City-owned parcels to Long Meadows contingent on the finalization of a satisfactory development agreement with the City and adoption of a final resolution. Mr. Chris Morey, President of Long Meadows, Inc., outlined the request and asked for approval. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Johnson, PDC Chair, stated that the Committee thought this was a good proposal for the property and asked that the item be forwarded to the full Council. In response to questioning, City Attorney Walter Erwin stated that the City Code requires that the sale of City-owned property come before City Council for two readings, and that the action requested at this meeting would be the first reading to authorize the sale of these three City-owned parcels to Long Meadows contingent on the finalization of a satisfactory development agreement with the City and adoption of a final resolution which would come to City Council at a later date and be the second reading.

Council Members posed questions regarding the proposed development of the property, including the impact to Fulton Street due to increased traffic from the development. Council Member Garrett questioned if a traffic study had been done to determine the impact of the increased traffic to Fulton Street and Old Forest Road.

City Traffic Engineer Gerry Harter stated that no traffic study had been done. City Manager Kimball Payne stated that since it would be in the City's best interest to place the property into private hands, that staff was asked to seek proposals for the purchase and development of these three parcels of City-owned property. Mr. Payne went on to say that staff was also asked to ensure that the development proposal would increase the assessed value of the property and thereby maximize its value to the City. In response to questioning, Mr. Payne noted that the property is currently zoned as R-3, which would permit duplexes, and that the development agreement would allow the City to have input regarding the development of the property. Council Member Helgeson stated that he was concerned that only two proposals were received and that he would need to review the final development agreement to see how the property would be developed before he could vote to support the request. Several other Council Members also indicated that they would like to see how the property would be developed before making a final decision regarding the sale and development of this property. Mr. Payne stated that tonight's vote was only the first reading of the item and that this item would need to come back to City Council for final approval. Mr. Payne went on to say that if City Council approves the first reading, then

the developer would work with the City to finalize a satisfactory development agreement for the development of this property. In response to questioning, Mr. Payne stated that a “yes” vote tonight would not mean that a Council Member would have to vote “yes” on the final Resolution to approve the development agreement. On motion of Council Member Perrow, seconded by Council Member Gillette,

Council by the following recorded vote agreed to the recommendation to authorize the sale of these three City- owned parcels to Long Meadows contingent on the finalization of a satisfactory development agreement with the City and adoption of a final resolution:

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

Noes: Helgeson 1

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **January 13, 2009**

AGENDA ITEM NO.: **4**

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Public Hearing: Sale of Three Lots; 3104 Fulton Street, 3036 Forest Hills Circle, and 2600 Rainbow Circle.**

RECOMMENDATION: After a public hearing, authorize the sale of three lots located at 3104 Fulton Street, Tax Map No. 169-07-001, 3036 Forest Hills Circle, Tax Map No. 169-06-004, and 2600 Rainbow Circle, Tax Map No. 169-08-003 to Long Meadows, Inc. contingent on the finalization of a satisfactory development agreement with the City and adoption of a final resolution.

SUMMARY: An RFP was solicited for potential development of the above 3 lots, totaling approximately 6 acres, owned by the City. Proposals were received and reviewed with a recommendation given to PDC based on the highest overall return to the City. This proposal would develop this vacant property as residential.

PRIOR ACTION(S): 4/24/07 Physical Development Committee – Verbal Update
12/09/08 Physical Development – Closed Session

FISCAL IMPACT: Sales Price - \$70,000

Estimated Taxes Over 5 Years

First Year –

Real Estate Taxes -	\$ 9,893.00
Personal Property Taxes	3,990.00

Second Year –

Real Estate Taxes -	\$32,723.00
Personal Property Taxes	12,540.00

Third Year –

Real Estate Taxes -	\$58,597.00
Personal Property Taxes	21,090.00

Fourth Year –

Real Estate Taxes -	\$71,534.00
Personal Property Taxes	26,790.00

Fifth Year –

Real Estate Taxes -	\$71,534.00
Personal Property Taxes	26,790.00

CONTACT(S): Steve Lawson – Real Estate Manager – 455-3945
Lee Newland, Director of Engineering – 455-3947

ATTACHMENT(S): Site Location Map, Aerial site location map, Preliminary Subdivision Plat

REVIEWED BY: lkp





THE UNDERSIGNED ALSO ACKNOWLEDGE BY THEIR SIGNATURES THAT THEY HAVE READ, REVIEWED AND UNDERSTAND THE NOTES AND CONTENTS SHOWN ON THIS PLAN AND THAT IT IS IN COMPLIANCE WITH THE SERVICES AS REQUESTED AND THAT THIS PLAN IS NOT VALID UNLESS SIGNED.

TO WT. STATE OF _____ CITY / COUNTY OF _____

I, _____, A NOTARY PUBLIC IN AND FOR THE CITY / COUNTY OF _____, DO HEREBY CERTIFY THAT THE OWNERS WHOSE NAMES ARE SIGNED HERETO HAVE ACKNOWLEDGED THE SAME BEFORE ME THIS _____ DAY OF _____, 20____.

MY COMMISSION EXPIRES _____.

640 张 宇

- [illegible]

THIS PROPERTY WAS CONVEYED TO THE CITY OF LYNCHBURG, A MUNICIPAL CORPORATION OF THE COMMONWEALTH OF VIRGINIA, BY DEED DATED NOVEMBER 10, 1956 AND RECORDED IN 2012 BOOK 325 PAGE 128 IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF LYNCHBURG, VIRGINIA.

Jason C. Hinds
Instr. No. 060007999
(169-03-034)

Our Senior Lutheran
Church Trustees
DB 394 P. 435
(169-02-03)

11

Stanford
650-325-4444
650-325-4444
650-325-4444

10

1000

0.190A

OT9
1847

LOT 7
0.2081

50' E/W?

Branch of Jones
(Instr.) No. 2000
(169.05.007)

1

P.C. 241.50(a)(1)(B)
(Campbell County, Va.)



Vicinity Map

J.R. Gay, Jr &
H. Hammer Gay, Estate
Instr. No. 030015636
(189-09-004)

 = Phase I
 = Phase II
 = City Contours

THIS CONCEPT PLAN WAS PREPARED
(OCTOBER 18, 2008) FROM ACTUAL AND
CURRENT COURT HOUSE RESEARCH AND
WAS MADE UNDER MY SUPERVISION.



THOMAS C. BROOKS, SR., L.S. NO. 2048
(VIRGINIA ASSOCIATION OF SURVEYORS
CONTINUING EDUCATION PROFESSIONAL)

ACRES OF VIRGINIA, INC.
SURVEYORS-ENGINEERS-PLANNERS & SOIL CONSULTANTS

LYNCHBURG OFFICE
404 CLAY STREET
LYNCHBURG, VA. 24504
OFFICE: (804) 528-4414

COPYRIGHT PLAN DEPOSED
PATENTED REINFORCEMENT OF
FRONT OF LOTS 9 & 6, BLOCK 4, MAP OF TOWN OF
1278 - IN, BLOCK # 1278 - IN, BLOCK 4, NO. 1278A, BOSTON

Stonehaven

120000 100000 80000 60000 40000 20000 0

SCALE 17400 04/10 OCT08 14 0000

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **March 24, 2009 (PDC)**

AGENDA ITEM NO.:

CONSENT:

REGULAR: X

CLOSED SESSION:
(Confidential)

ACTION: X

INFORMATION:

ITEM TITLE: Sale of three lots 3104 Fulton Street, 3036 Forest Hills Circle, and 2600 Rainbow Circle.

RECOMMENDATION: For your review and recommendation to forward to Council for approval of the sale of the subject properties.

SUMMARY: An RFP was solicited for potential development of the above 3 lots owned by the City, totaling approximately 6 acres. Proposals were received and reviewed with a recommendation given to PDC based on the highest overall return to the City. This proposal would develop this vacant property as residential. The development agreement is now ready for your review.

PRIOR ACTION(S):

4/24/07 Physical Development Committee – Verbal Update

12/09/08 Physical Development – Closed Session

1/13/09 Public Hearing

FISCAL IMPACT:

Sales Price - \$70,000

Estimated Taxes Over 5 Years

First Year –

Real Estate Taxes -	\$ 9,893.00
Personal Property Taxes	3,990.00

Second Year –

Real Estate Taxes -	\$32,723.00
Personal Property Taxes	12,540.00

Third Year –

Real Estate Taxes -	\$58,597.00
Personal Property Taxes	21,090.00

Fourth Year –

Real Estate Taxes -	\$71,534.00
Personal Property Taxes	26,790.00

Fifth Year –

Real Estate Taxes -	\$71,534.00
Personal Property Taxes	26,790.00

CONTACT(S):

Steve Lawson – Real Estate Manager – 455-3945

Lee Newland, Director of Engineering – 455-3947

Charlene B. Montford, Director – Community Planning and Development – 455-3902

ATTACHMENT(S):

Preliminary Subdivision Plat
Letter of Understanding
Request for Proposal Agreement

REVIEWED BY:

DEVELOPMENT AGREEMENT

(LETTER OF UNDERSTANDING)

Long Meadows, Inc. agrees to purchase three properties that the City owns, being 3104 Fulton Street (Tax Map Number 169-07-001), 3036 Forest Hills Circle (Tax Map Number 169-06-004) and 2600 Rainbow Circle (Tax Map Number 169-08-003) for the purchase price of \$70,000. When this agreement is signed by Long Meadows, Inc. a \$500.00 deposit will be held by the City of Lynchburg to be applied towards the purchase price of the three properties at closing. Closing will take place within fourteen (14) days after a current zoning amendment being considered for R3 properties relating to resale of individual units of duplexes might be approved or at another mutually agreeable time by both parties.

These three lots at 3104 Fulton Street, 3036 Forest Hills Circle, and 2600 Rainbow Circle are being conveyed to Long Meadows, Inc. subject to the condition that the lots shall be developed in accordance with the Development Proposal dated September 1, 2008, that Long Meadows, Inc. submitted in response to the City's Request for Proposals, a copy of which is attached to this letter and by this reference made a part hereof.

Listed below are four concessions that Long Meadows, Inc. is accepting in order to provide the City with a better neighborhood that is both environmentally responsible and works within the Planning Department goals of promoting cohesive, quality new neighborhoods.

1. I will agree to purchase and install street lights from AEP like the ones used in New Towne with the City paying (as is custom) for the ongoing operating/maintenance costs.
2. In-lieu-of CG-6 (curb and gutter), I will agree to use face-down style sidewalks throughout the project unless there is a conflict with topography (such as lots 22-28) or other site issues in which case we would use a more feasible curb and gutter application. Face-down walks are not an ordinance requirement but I believe it is an upgrade that will better link the existing neighborhood with the new one. Per the City contract guidelines I will share 50% of the cost with the City on this item.
3. I will dedicate a portion of the phase II property to the City of Lynchburg for a potential future walking trail. We will create access via an easement to it along the western property line of Lot #28.
4. A new connector street will be built by Long Meadows, Inc. at its expense

according and to City standards as part of Phase II of the Preliminary Subdivision Plat entitled "Stonehaven", dated October 18, 2008" by Acres of Virginia, Inc.. A copy is attached to this agreement.

Listed below are other issues for clarification.

1. The City will install/upgrade the waterline for the existing lots fronting on Rainbow Circle from the existing 2" line to a 6 or 8 inch line. Additionally, The Phase I water services (laterals, yokes and boxes) will be installed at the time of the waterline upgrade/installation. The individual meters will be installed at the time of permit acquisition.
2. The City of Lynchburg will leave the existing Fulton Street water line where it currently exists (to avoid complications with widening the road). Furthermore, any upgrades or partial/complete replacement of that waterline will be at the City's expense. This would also need to be done before LMI could begin construction of the face-down sidewalks.
3. The City is requiring the widening of Fulton Street (Phase I) to accommodate the 40' right-of-way which includes the 25' typical street section. This is not full overlay but simply adding pavement to fill between existing pavement and the new face-down sidewalks. Per our discussions, Rainbow Circle will not have any curbing or walks added to the previously developed side of the street but only on the upper/new side (lots 10-13). We will widen the street to accommodate the right-of-way requirements as we will do on Fulton Street.
4. Regarding the landscape ordinance which requires street trees every forty feet but I would like to shift the trees out of the City right-of-way in order to better accommodate the face-down sidewalks and utility placement. We have done this successfully in New Towne long before the City even made street trees a requirement. The establishment of a property owners association will control any ongoing conflicts with the individual owners.
5. To facilitate LMI acquiring building permits as soon as possible, LMI will need quick approval of Tommy Brooks' subdivision of both Phases (I & II). This will require that the bulk of the improvements including the new street as well as the new connector street to be treated as part of Phase II (the 17 lot section) which will take more time to engineer and bring online. LMI would simply need subdivision approval by TRC and subsequent recordation for us to acquire building permits on the Phase I lots (13 section). LMI will agree to install the face down sidewalk on the lot before selling it to the end buyer.

Steve Lawson, Real Estate Manager

Date

LONG MEADOWS, INC.

By _____

Date

Its _____

City Council Minutes April 14, 2009

// In the matter of Community Planning - General, City Council Report #12 regarding the sale of three lots at 3104 Fulton Street, 3036 Forest Hills Circle, and 2600 Rainbow Circle to Long Meadows, Inc., was considered. Real Estate Manager Steve Lawson explained that a Request for Proposals (RFP) was solicited for potential development of the above City owned lots, totaling approximately six acres, and that proposals were received and reviewed with a recommendation given to the Physical Development Committee (PDC) based on the highest overall return to the City. Mr. Lawson stated that Long Meadows submitted a proposal to purchase the three lots for the sum of \$70,000 and to build a mixture of energy efficient and environmentally green single family homes and single and two level attached homes on the lots. Mr. Lawson went on to say that City Council authorized the conveyance of the three lots to Long Meadows following a public hearing at its January 13, 2009, meeting, contingent on the finalization of a satisfactory development agreement with the City and adoption of a final resolution. Mr. Lawson stated that PDC has reviewed the draft development agreement and has recommended approval to City Council.

In response to questioning, Mr. Lawson stated that the developer has agreed to build a new connector street, at its own cost and expense, and dedicate a portion of the property to the City for future walking trails. Mr. Lawson also noted that the developer has agreed to widen a portion of Fulton Street and Rainbow Circle to accommodate the City's right of way requirements. Some Council Members commended the building of "green" houses on this site and the revenue the City will receive from the property once it is developed. Council Member Helgeson expressed concern that the lots were being sold for less than the assessed value and indicated that he has not received answers to questions presented at the public hearing. Council Member Johnson, PDC Chair, stated that the Committee reviewed the matter and recommended that it move forward, and made a motion to authorize the sale of the three lots to Long Meadows, Inc. The motion did not require a second, and Council by the following recorded vote adopted Resolution #R-09-021, as presented, authorizing the sale of three lots at 3104 Fulton Street, 3036 Forest Hills Circle, and 2600 Rainbow Circle to Long Meadows, Inc., subject to the condition that the lots shall be developed in accordance with the Development Proposal dated September 1, 2008, and in accordance with the Joint Development Agreement between the City and Long Meadows:

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

Noes: Helgeson 1

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **April 14, 2009**

AGENDA ITEM NO.: 12

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Sale of three lots 3104 Fulton Street, 3036 Forest Hills Circle, and 2600 Rainbow Circle.**

RECOMMENDATION: Approval of sale of three lots located at 3104 Fulton Street, Tax Map No. 169-07-001, 3036 Forest Hills Circle, Tax Map No. 169-06-004, and 2600 Rainbow Circle, Tax Map No. 169-08-003 to Long Meadows, Inc. as long as satisfactory agreement has been finalized with the City for development.

SUMMARY: An RFP was solicited for potential development of the above 3 lots owned by the City, totaling approximately 6 acres. Proposals were received and reviewed with a recommendation given to the Physical Development Committee (PDC) based on the highest overall return to the City. After a public hearing, Council gave preliminary approval pending the drafting of a development agreement. PDC reviewed the development agreement on 3/24/09 and recommended approval to City Council. This proposal would develop this vacant property as residential.

PRIOR ACTION(S):

4/24/07 Physical Development Committee – Verbal Update

12/09/08 Physical Development – Closed Session

1/13/09 Public Hearing

3/24/09 Physical Development Committee

FISCAL IMPACT:

Sales Price - \$70,000

Estimated Taxes Over 5 Years

First Year –

Real Estate Taxes -	\$ 9,893.00
Personal Property Taxes	3,990.00

Second Year –

Real Estate Taxes -	\$32,723.00
Personal Property Taxes	12,540.00

Third Year –

Real Estate Taxes -	\$58,597.00
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Fourth Year –

Real Estate Taxes -	\$71,534.00
Personal Property Taxes	26,790.00

Fifth Year –

Real Estate Taxes -	\$71,534.00
Personal Property Taxes	26,790.00

CONTACT(S):

Steve Lawson – Real Estate Manager – 455-3945

Lee Newland, Director of Engineering – 455-3947

Charlene B. Montford, Director – Community Planning and Development – 455-3902

ATTACHMENT(S):

Resolution

Site Location Map

Aerial site location map

Preliminary Subdivision Plat

Joint Development Agreement

REVIEWED BY: lkp

RESOLUTION

A RESOLUTION TO CONVEY THE THREE VACANT LOTS AT 3104 FULTON STREET, 3036 FOREST HILLS CIRCLE, AND 2600 RAINBOW CIRCLE TO LONG MEADOWS, INC.

WHEREAS, the City of Lynchburg owns three vacant lots located at 3104 Fulton Street (Tax Map Number 169-07-001), 3036 Forest Hill Circle (Tax Map Number 169-06-004) and 2600 Rainbow Circle (Tax Map Number 169-08-003) in the City of Lynchburg, Virginia; and

WHEREAS, the City is not using the lots in question and has no plans to use the lots in the future and in July of 2008 requested proposals for the purchase and development of such lots; and

WHEREAS, Long Meadows, Inc. submitted a proposal to purchase the three lots for the sum of \$70,000 and to build a mixture of energy efficient and environmentally green single family homes and single and two level attached homes on the lots; and

WHEREAS, a resolution authorizing the conveyance of the three lots to Long Meadows, Inc. was introduced to City Council at its January 13, 2009, Council meeting and was brought back to City Council for adoption at Council's April 14, 2009, Council meeting; and

WHEREAS, after careful review of the proposals it received, the City has determined that it is appropriate to convey the three lots to Long Meadows, Inc.; and

NOW, THEREFORE, BE IT RESOLVED that City Council hereby determines that the City has no need for the three lots located at 3104 Fulton Street, 3036 Forest Hill Circle and 2600 Rainbow Circle, and further finds the City's continued ownership of the lots is no longer necessary or required for the best interests of the City.

BE IT FURTHER RESOLVED that the City Council hereby approves the conveyance of the three lots at 3104 Fulton Street, 3036 Forest Hill Circle and 2600 Rainbow Circle to Long Meadows, Inc. and hereby authorizes the City Manager to execute a deed and any other documents that may be needed to convey said lots to Long Meadows, Inc. for the sum of \$70,000.

BE IT FURTHER RESOLVED that the three lots at 3104 Fulton Street, 3036 Forest Hill Circle and 2600 Rainbow Circle are being conveyed to Long Meadows, Inc. subject to the condition that the lots shall be developed in accordance with the Development Proposal dated September 1, 2008, that Long Meadows, Inc. submitted in response to the City's Request for Proposals and in accordance with the Joint Development Agreement between the City and Long Meadows, Inc., copies of which are attached to this Resolution and by this reference made a part hereof.

Adopted:

Certified:

Clerk of Council

031L

JOINT DEVELOPMENT AGREEMENT

THIS JOINT DEVELOPMENT AGREEMENT (this "Agreement") is made as of the _____ day of _____, 2009, by and between THE CITY OF LYNCHBURG, VIRGINIA, a political subdivision of the Commonwealth of Virginia, (the "City"); and LONG MEADOWS, INC., a Virginia Corporation, ("Long Meadows").

WITNESSETH

WHEREAS, the City is the owner of three parcels of property, to-wit: 3104 Fulton Street (Tax Map Number 169-07-001), 3036 Forest Hills Circle (Tax Map Number 169-06-004) and 2600 Rainbow Circle (Tax Map Number 169-08-003), which are hereinafter collectively referred to as the "Property."

WHEREAS, Long Meadows wishes to purchase the above described property from the City for the sum of \$70,000 and to develop the property as provided in this Joint Development Agreement. Upon the execution of this Agreement, Long Meadows will pay the City a \$500.00 deposit which will be held by the City and will be applied towards the purchase price of the property at closing. Closing will take place within fourteen (14) days after the Lynchburg City Council adopts a proposed zoning ordinance amendment that will allow lots in R-3 Medium Density Residential Districts to be subdivided into two lots with a zero foot setback for attached two family dwellings or at another at a date that is mutually agreeable to both parties. Appropriate restrictive covenants will be placed in the deed of conveyance to Long Meadows in order to ensure compliance with the provisions of this Joint Development Agreement.

AGREEMENT

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and Long Meadows hereby agree, as follows:

1. Subject to the Development Proposal.

The property will be developed in accordance with the Development Proposal dated September 1, 2008, that Long Meadows submitted to the City in response to the City's Request for Proposals, a copy of which is attached to this Joint Development Agreement as "Attachment 1" and by this reference made a part hereof.

2. Additional Development Conditions.

The property will be developed in accordance with the Subdivision Plat entitled "Stonehaven," dated October 18, 2008, and prepared by Acres of Virginia, Inc., a copy of which is attached to this Joint Development Agreement as "Attachment 2" and by this reference made a part hereof. In order to provide the City with a neighborhood that is both environmentally responsible and which furthers the City's goals of promoting cohesive, quality new neighborhoods, Long Meadows agrees as follows:

- (a) Long Meadows agrees to purchase and install street lights from AEP like the street

lights used in the New Towne development. The City agrees that it will be responsible for the ongoing operating costs of such street lights.

(b) In lieu of CG-6 (curb and gutter), Long Meadows agrees to construct face-down style sidewalks throughout the project unless the topography of the property (such as lots 22-28 in Phase II) or other site issues make the construction of face-down style sidewalks impractical. In the event the construction of face-down style sidewalks is impractical, Long Meadows would use a more feasible curb and gutter application. Face-down walks are not required by City ordinances, but Long Meadows believes such sidewalks are an upgrade that will better link the existing neighborhood with the new one. In accordance with the City's construction guidelines, the City and Long Meadows will share 50% of the cost of constructing face-down sidewalks or CG-6 curb and gutter, whichever is installed.

(c) Long Meadows will dedicate a portion of the Phase II property to the City of Lynchburg for a potential future walking trail. Long Meadows will create access via an easement to it along the western property line of Lot 28 as shown on the "Stonehaven" Subdivision Plat.

(d) Long Meadows will build a new connector street, at its own cost and expense according to City standards as part of Phase II of "Stonehaven."

3. Mutual Duties and Responsibilities.

(a) The City will install/upgrade the waterline for the existing lots fronting on Rainbow Circle from the existing 2" line to a 6 or 8 inch line. Additionally, The Phase I water services (laterals, yokes and boxes) will be installed at the time of the waterline upgrade/installation. The individual water meters will be installed at the time of permit acquisition.

(b) The City will leave the existing Fulton Street water line where it currently exists (to avoid complications with widening the road). Any upgrades or partial/complete replacement of the Fulton Street waterline will be at the City's expense. The upgrades or replacements to the waterline will need to be done before Long Meadows can begin construction of the face-down sidewalks.

(c) Long Meadows will be responsible for widening Fulton Street (Phase I of Stonehaven) to accommodate the 40 foot public right-of-way which includes the typical 25 feet of improved street. The widening of Fulton Street is not a full overlay, but simply adding pavement to fill between existing pavement and the new face-down sidewalks. Rainbow Circle will not have any curbing or walks added to the previously developed side of the street, but only on the upper/new side (lots 10-13 of Phase I). Long Meadows will also widen the Rainbow Circle to accommodate the City's right-of-way requirements in the same manner that Fulton Street will be widened.

(d) The City's landscaping ordinance requires street trees every 40 feet. Long Meadows will shift the trees out of the City's right-of-way in order to better accommodate the face-down sidewalks and the placement of utility lines. A property owners association will be established for "Stonehaven" to oversee the maintenance of the trees and to deal with any ongoing issues the

location of the trees on private property may cause the individual property owners.

(e) To assist Long Meadows obtain building permits in a timely manner, Long Meadows will need quick approval of Tommy Brooks' subdivision plat of both Phases I and II of "Stonehaven." This will require that the bulk of the improvements show on the subdivision plat, including the new street as well as the new connector street to be treated as part of Phase II (the 17 lot section) of "Stonehaven," which will take more time for Long Meadows to engineer and develop. Long Meadows will need subdivision approval by the City's Technical Review Committee and subsequent recordation of the subdivision plan in order for Long Meadows to obtain the building permits on the Phase I (the 13 lot section) of "Stonehaven." Long Meadows agrees that it will install the face down-sidewalks before selling the lots in Phase I to the ultimate buyers.

4. General Conditions.

(a) Except as modified by this Joint Development Agreement the property must be developed in accordance with the provisions of the City's subdivision ordinance and all other applicable City ordinances, policies and regulations.

(b) Prior to the commencement of any of the improvements required under this Joint Development Agreement by Long Meadows, Long Meadows agrees that it will provide to the City a performance bond in the amount of the cost to construct such improvements. All work by Long Meadows will be done in a good and workmanlike manner, in accordance with the site plans and in compliance with all applicable laws, statutes, codes, rules and regulations governing such construction. If the Long Meadows fails to construct any of the improvements or fails to construct such improvements to the applicable standards, the City will call the bond. Long Meadows understands and agrees that no occupancy permits will be issued for any of the dwelling units until the improvements required for each Phase of "Stonehaven" have been constructed. Once all of the Phase I improvements have been completed the City will issue occupancy permits for the Phase I dwelling units. Once all of the Phase II improvements have been completed the City will issue occupancy permits for the Phase II dwelling units. The water and sewer lines that must be installed by Long Meadows as part of "Stonehaven" must be installed as part of Phase 1.

(c) This Joint Development Agreement is binding upon the respective heirs, successors, administrators, executors, and assigns of the parties hereto.

(d) No modification of this Joint Development Agreement shall be valid or binding unless such modification is in writing, duly dated and signed by both parties.

(d) This Joint Development Agreement is conditioned upon the approval of the sale of the property described herein by the Lynchburg City Council as required by Section 15.2-1800 of the Code of Virginia.

IN WITNESS WHEREOF, the parties hereto have executed this Joint Development Agreement as of the day and year first above written.

CITY OF LYNCHBURG

By _____
L. Kimball Payne, City Manager

LONG MEADOWS, INC.

By _____
Chris Morey, President

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **March 12, 2019 Physical Development Committee**

CONSENT: REGU
ACTION: X

LAR: X WORK
INFORMATION:

SESSION: CLOSE

D SESSION:
(Confidential)

ITEM TITLE: Revised Development Agreement – 3104 / 3035 Fulton Street & 2600 Rainbow Circle (Note 3035 Fulton Street was previously known as 3036 Forest Hills Circle)

KEY ELEMENTS:

X Economic Development __Excellent Government X Natural and Built Environment ___Safe Community X Vibrant Community

RECOMMENDATION: Approval of amending the development agreement for 3104 / 3035 Fulton Street and 2600 Rainbow Circle.

SUMMARY: After Request for Proposals were received, City Council approved the sale of the city owned property located at 3104 / 3035 Fulton Street and 2600 Rainbow Circle to Long Meadows, Inc. for the amount of \$70,000. The sale of the property was conditioned that the property be developed in accordance with a development agreement which was executed on July 1, 2009. The property was transferred from the City of Lynchburg to Long Meadows, Inc. on July 30, 2009.

The original development proposal indicated the development of thirty (30) lots with the construction of the unopened portion of Rainbow Circle. The amended development agreement proposes the development of thirty-five (35) lots as permitted by Zoning Ordinance Section 35.2-80, Residential Cluster Subdivisions. Four (4) to Five lots are proposed to be developed as duplexes, with the remainder being developed as single-household dwellings. Under this proposal the unopened portion of Rainbow Circle is proposed to be vacated and approximately four and two (4.2) tenths acres dedicated as green space.

PRIOR ACTION(S):

April 24, 2007:	Physical Development Committee Meeting
December 9, 2008:	Physical Development Committee Meeting
January 13, 2009:	City Council public hearing concerning property sale
March 24, 2009:	Physical Development Committee Meeting
April 14, 2009:	City Council approved sale of property
July 1, 2009:	Development Agreement Executed
July 30, 2009:	Property transfer to Long Meadows, Inc.

FISCAL IMPACT: N/A

CONTACT(S): Tom Martin, City Planner – 434-455-3900
Lee Newland, City Engineer - 434-455-3900

ATTACHMENT(S):

- Council Agenda Summary – April 14, 2009
- Joint Development Agreement – July 1, 2009
- Amended Development Agreement
- Concept Plan Showing Lots 1 Thru 35 (Proposed)

JOINT DEVELOPMENT AGREEMENT

THIS JOINT DEVELOPMENT AGREEMENT (this "Agreement") is made as of the 1 day of July, 2009, by and between **THE CITY OF LYNCHBURG, VIRGINIA**, a political subdivision of the Commonwealth of Virginia, (the "City"); and **LONG MEADOWS, INC.**, a Virginia Corporation, ("Long Meadows").

WITNESSETH

WHEREAS, the City is the owner of three parcels of property, to-wit: 3104 Fulton Street (Tax Map Number 169-07-001), 3036 Forest Hills Circle (Tax Map Number 169-06-004) and 2600 Rainbow Circle (Tax Map Number 169-08-003), which are hereinafter collectively referred to as the "Property."

WHEREAS, Long Meadows wishes to purchase the above described property from the City for the sum of \$70,000 and to develop the property as provided in this Joint Development Agreement. Upon the execution of this Agreement, Long Meadows will pay the City a \$500.00 deposit which will be held by the City and will be applied towards the purchase price of the property at closing. Closing will take place (i) within fourteen (14) days after the Lynchburg City Council adopts a proposed zoning ordinance amendment that will allow lots in R-3 Medium Density Residential Districts to be developed with a zero foot setback for attached two family dwellings or (ii) on another date that is mutually agreeable to both parties. Appropriate restrictive covenants will be placed in the deed of conveyance to Long Meadows in order to ensure compliance with the provisions of this Joint Development Agreement.

AGREEMENT

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and Long Meadows hereby agree, as follows:

1. Subject to the Development Proposal.

The property will be developed in accordance with the Development Proposal dated September 1, 2008, that Long Meadows submitted to the City in response to the City's Request for Proposals, a copy of which is attached to this Joint Development Agreement as "Attachment 1" and by this reference made a part hereof.

2. Additional Development Conditions.

The property will be developed in accordance with the Preliminary Subdivision Plat entitled "Stonehaven," dated October 18, 2008, and prepared by Acres of Virginia, Inc., a copy of which is attached to this Joint Development Agreement as "Attachment 2" and by this reference made a part hereof. In order to provide the City with a neighborhood that is both environmentally responsible and which furthers the City's goals of promoting cohesive, quality new neighborhoods, Long Meadows agrees as follows:

- (a) Long Meadows agrees to purchase and install street lights from American Electric

Power Company like the street lights used in the New Towne development. The City agrees that it will be responsible for the ongoing operating costs of such street lights.

(b) In lieu of CG-6 (curb and gutter), Long Meadows agrees to construct face-down style sidewalks throughout the project unless the topography of the property (such as lots 22-28 in Phase II) or other site issues make the construction of face-down style sidewalks impractical. In the event the construction of face-down style sidewalks is impractical, Long Meadows would use a more feasible curb and gutter application. Face-down walks are not required by City ordinances, but Long Meadows believes such sidewalks are an upgrade that will better link the existing neighborhood with the new one. In accordance with the City's construction guidelines, the City and Long Meadows will share 50% of the cost of constructing face-down sidewalks or CG-6 curb and gutter, whichever is installed.

(c) Long Meadows will grant the City an easement across a portion of the Phase II property for a potential future walking trail. Long Meadows will create access via an easement along the western property line of Lot 28 as shown on the "Stonehaven" Subdivision Plat.

(d) Long Meadows will build a new connector street, at its own cost and expense according and to City standards as part of Phase II of "Stonehaven." The connector street will be located in the City's existing right of way and will connect Forest Hill Circle and Fulton Street.

3. Mutual Duties and Responsibilities.

(a) The City will install/upgrade the waterline for the existing lots fronting on Rainbow Circle from the existing 2" line to a 6 or 8 inch line. Additionally, The Phase I water services (laterals, yolks and boxes) along Rainbow Drive will be installed at the time of the waterline upgrade/installation and the water services (laterals, yolks and boxes) along Fulton Street will be installed prior to the widening of Fulton Street. The individual water meters will be installed at the time of permit acquisition. The City's standard connection fees will be charged for future connections to the waterline.

(b) The City will leave the existing Fulton Street water line where it currently exists (to avoid complications with widening the road). Any upgrades or partial/complete replacement of the Fulton Street waterline will be at the City's expense. The upgrades or replacements to the waterline will need to be done before Long Meadows can begin construction of the face-down sidewalks.

(c) Long Meadows will be responsible for widening Fulton Street (Phase I of Stonehaven) to accommodate the 40 foot public right-of-way which includes the typical 24 feet of improved street. The widening of Fulton Street is not a full overlay, but simply adding pavement to fill between existing pavement and the new face-down sidewalks. Rainbow Circle will not have any curbing or walks added to the previously developed side of the street, but only on the upper/new side (lots 10-13 of Phase I and Phase II). Long Meadows will also widen the Rainbow Circle to accommodate the City's right-of-way requirements in the same manner that Fulton Street will be widened.

(d) The City's landscaping ordinance requires street trees every 40 feet. Long Meadows

will shift the trees out of the City's right-of-way in order to better accommodate the face-down sidewalks and the placement of utility lines. A property owners association will be established for "Stonehaven" to oversee the maintenance of the trees and to deal with any ongoing issues the location of the trees on private property may cause the individual property owners.

(e) To assist Long Meadows obtain building permits in a timely manner, Long Meadows will need quick approval of the Acres of Virginia, Inc. subdivision plat for both Phases I and II of "Stonehaven." This will require that the bulk of the improvements shown on the subdivision plat, including the new street as well as the new connector street to be treated as part of Phase II (the 17 lot section) of "Stonehaven," which will take more time for Long Meadows to engineer and develop. Long Meadows will need subdivision approval by the City's Technical Review Committee and subsequent recordation of the subdivision plan in order for Long Meadows to obtain the building permits on the Phase I (the 13 lot section) of "Stonehaven." Long Meadows agrees that it will install the face down-sidewalks before closing on the lots in Phase I to the ultimate buyers.

4. General Conditions.

(a) Except as modified by this Joint Development Agreement the property must be developed in accordance with the provisions of the City's subdivision ordinance and all other applicable City ordinances, policies and regulations.

(b) Prior to the commencement of any of the improvements required under this Joint Development Agreement by Long Meadows, Long Meadows agrees that it will provide to the City a performance bond in the amount of the cost to construct such improvements. All work by Long Meadows will be done in a good and workmanlike manner, in accordance with the site plans and in compliance with all applicable laws, statutes, codes, rules and regulations governing such construction. If Long Meadows fails to construct any of the improvements or fails to construct such improvements to the applicable standards, in the customary or reasonable timeframe and with weather or material delays excepted, the City will call the bond.

(c) This Joint Development Agreement is binding upon the respective heirs, successors, administrators, executors, and assigns of the parties hereto.

(d) No modification of this Joint Development Agreement shall be valid or binding unless such modification is in writing, duly dated and signed by both parties.

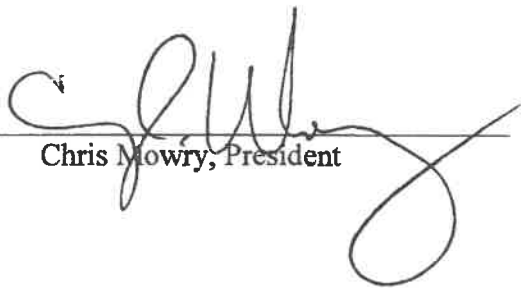
(d) This Joint Development Agreement is conditioned upon the approval of the sale of the property described herein by the Lynchburg City Council as required by Section 15.2-1800 of the Code of Virginia.

IN WITNESS WHEREOF, the parties hereto have executed this Joint Development Agreement as of the day and year first above written.

CITY OF LYNCHBURG

By 
L. Kimball Payne, City Manager

LONG MEADOWS, INC.

By 
Chris Mowry, President

JOINT DEVELOPMENT AGREEMENT

THIS JOINT DEVELOPMENT AGREEMENT (this "Agreement") is made as of the ____ day of _____, ~~2009~~2019, by and between **THE CITY OF LYNCHBURG, VIRGINIA** a political subdivision of the Commonwealth of Virginia, (the "City"), and **LONG MEADOWS, INC.**, a Virginia Corporation, ("Long Meadows").

WITNESSETH

WHEREAS, the City ~~is the owner previously owned of~~ three parcels of property, to-wit: 3104 Fulton Street (Tax Map Number 160-07-001), 3036 Forest Hills Circle (Tax Map Number 169-06-004) and 2600 Rainbow Circle (Tax Map Number 169-08-003), which are hereinafter collectively referred to as the "Property"

~~WHEREAS, Long Meadows wishes to purchase the above-described property from the City for the sum of \$70,000 and to develop the property as provided in this Joint Development Agreement. Upon the execution of this Agreement, Long Meadows will pay the City a \$500.00 deposit which will be held by the City and will be applied towards the purchase price of the property at closing. Closing will take place (i) within fourteen (14) days after the Lynchburg City Council adopts a proposed zoning ordinance amendment that will allow lots in R-3 Medium Density Residential Districts to be developed with a zero foot setback for attached two-family dwellings or (ii) on another date that is mutually agreeable to both parties. Appropriate restrictive covenants will be placed in the deed of conveyance to Long Meadows in order to ensure compliance with the provisions of this Joint Development Agreement.~~

AGREEMENT

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledge, the City and Long Meadows hereby agree as follows:

1. Subject to the Developmental Proposal.

The property will be developed in accordance with the ~~Development Proposal dated September 1, 2008, that Long Meadows submitted to the City in response to the City's Request for Proposals, a copy of which is attached to this Joint Development Agreement as "Attachment 1"~~ new plat layout, included as modified "Attachment 2" and by this reference made a part hereof.

2. Additional Development Conditions.

The property will be developed in accordance with the Preliminary Subdivision Plat entitled "Stonehaven," dated ~~October 18, 2009~~ November 6, 2018, and Prepared by ~~Acres of Virginia, Inc., Accupoint Surveying & Design, LLC~~ a copy of which is attached to this Joint Development Agreement as modified "Attachment 2" and by this reference made a part hereof. In order to provide the City with a neighborhood that is both environmentally responsible and which furthers the City's goals of promoting cohesive, quality new neighborhoods, Long Meadows agrees as follows:

(a) Long Meadows agrees to purchase and install street lights from American Electric Power Company like the street lights used in New Towne development. The City agrees that it will be responsible for the ongoing operating costs of such street lights.

(b) In lieu of CG-6 (curb and gutter), Long Meadows agrees to construct face-down style sidewalks, throughout the project unless the topography of the property ~~(such as lots 22-28 in Phase II)~~ or other site issues make the construction of face-down style sidewalks impractical. In the event the construction of face-down style sidewalks is impractical, Long Meadows would use a more feasible curb and gutter application. Face-down walks are not required by City ordinances, but Long Meadows believes such sidewalks are an upgrade that will better link the existing neighborhood with the new one. In accordance with the City's construction guidelines, the City and Long Meadows will share 50% of the cost of constructing face-down sidewalks or CG-6 curb and gutter, whichever is installed.

(c) Long Meadows will be dedicating "open/green space" on the rear, undeveloped portion of the property. Long Meadows will grant the City an easement across a portion of the Phase II property this green space for a potential future walking trail. Long Meadows will create access via an easement along the western property line of Lot 28 as shown on the "Stonehaven" Subdivision Plat in a location agreed upon by the City of Lynchburg Planning staff and Long Meadows, Inc.

(d) Long Meadows will build a new connector street, at its own cost and expense according and to City standards ~~as part of Phase II of "Stonehaven".~~ Additional Right of Way will be dedicated by Long Meadows, Inc. to the City of The connector street will be located in the City's existing right of way and will connect Forest Hill Circle and Fulton Street. The connector street Right of Way is shown on the "StoneHaven" plat attached.

3. Mutual Duties and Responsibilities.

(a) The City will install/upgrade the waterline for the existing lots fronting on Rainbow Circle from the existing 2" line to an 6- or 8-inch line. Additionally, The Phase I water services (laterals, yolks and boxes) along Rainbow Drive will be installed at the time of the waterline upgrade/installation and the water services (laterals, yolks and boxes) along Fulton Street will be installed prior to the widening of Fulton Street. The individual water meters will be installed at the time of permit acquisition. The City's standard connection fees will be charged for future connections to the waterline.

(b) The City will ~~leave the existing Fulton Street waterline where it currently exists (to avoid complications with widening the road). Any upgrades or partial/complete replacement of the Fulton Street waterline will be to an 8-inch line~~ at the City's expense. The upgrades or replacements to the waterline will need to be done before Long Meadows can begin construction of the face-down sidewalks. In addition, the City of Lynchburg will pay the pay 100% for the sewer to be extended to the subdivision. This would be MH EX to MH 2 to MH 5 as shown on the RWS design plans. All other sewer collecting from the subdivision (MH 2 to MH 4, and MH 5 to terminal flushing CO LL) would be the responsibility of the developer.

(c) Long Meadows will be responsible for widening Fulton Street ~~(Phase I of Stonehaven)~~ to accommodate the 40 foot public right-of-way which includes the typical 24 feet of improved street. ~~The widening of Fulton Street is not a full overlay, but simply adding pavement to fill between existing pavement and the new face down sidewalks.~~ Rainbow Circle will ~~will not~~ have ~~any curbing or walks~~ added to the previously developed side of the street at the expense of the City, but only on the upper/new side (lots 10-13 of Phase I and Phase II). Long Meadows will also widen the Rainbow Circle to accommodate the City's right-of-way requirements in the same manner that Fulton Street will be widened. Long Meadows, Inc. and the City of Lynchburg will share a 50/50 pro rata share in the reconstruction of the roadway. This will include any

appurtenant subgrade installation, milling and repaving. Storm sewer structure(s) required in order to accommodate stormwater on the previously developed side of Rainbow Circle will be the responsibility of the City. All other storm sewer structures as a result of the development will be the responsibility of Long Meadows, Inc.

(d) The City's landscaping ordinance requires street trees every 40 feet. Long Meadows will shift the trees out of the City's right-of-way in order to better accommodate the face-down sidewalks and the placement of utility lines. A property owners association will be established for "Stonehaven" to oversee the maintenance of the trees and to deal with any ongoing issues the location of the trees on private property may cause the individual property owners.

(e) To assist Long Meadows obtain building permits in a timely manner, Long Meadows will need quick approval of the ~~Acrea of Virginia, Inc.~~ Accupoint Surveying & Design, LLC subdivision plat for ~~both Phase I and II of "Stonehaven."~~ ~~This will require that the bulk of the improvements show on the subdivision plat, include the new street as well as the new connector street to be treated as part of Phase II (the 17 lot section) of "Stonehaven," which will take more time for Long Meadows to engineer and develop. Long Meadows will need subdivision approval by the City's Technical Review Committee and subsequent recordation of the subdivision plan in order for Long Meadows to obtain the building permits on the Phase I (the 13 lot section) of "Stonehaven."~~ Long Meadows agrees that it will install the face down sidewalks before closing on the lots in Phase I to the ultimate buyers.

4. General Conditions.

(a) Except as modified by this Joint Development Agreement the property must be developed in accordance with the provisions of the City's subdivision ordinance and all other application City ordinances, policies and regulations.

(b) Prior to the commencement of any of the improvements required under this Joint Development Agreement by Long Meadows, Long Meadows agrees that it will provide to the City a performance bond in the amount of the cost to construct such improvements. All work by Long Meadows will be done in a good and workman like manner, in accordance with the site plans and in compliance with all applicable laws, statutes, codes, rules and regulations governing such construction. If Long Meadows fails to construct any of the improvements or fails to construction such improvements to the applicable standards, in the customary or reasonable timeframe and with weather or material delays excepted, the City will call the bond.

(c) This Joint Development Agreement is binding upon the respective heirs, successors, administrators, executors, and assigns of the parties hereto.

(d) No modifications of this Joint Development Agreement shall be valid or binding unless such modification is in writing, duly dated and signed by both parties.

~~(e) This Joint Development Agreement is conditioned upon the approval of the sale of the property described herein by the Lynchburg City Council as required by Section 15.2-1800 of the Code of Virginia.~~

IN WITNESS WHEREOF, the parties hereto have executed this Joint Development Agreement as of the day and year first above written.

CITY OF LYNCHBURG

By _____

Bonnie Svrcek, City Manager

Long Meadows, Inc.

By _____
Chris Mowry, President

**MODIFICATION TO THE
Joint Development Agreement**

Pursuant to and in keeping with Item 4.d. of the original JOINT DEVELOPMENT AGREEMENT (hereafter known as the “agreement”), between the City of Lynchburg and Long Meadows, Inc., (the original parties), dated and agreed to on July 1, 2009, this MODIFICATION is made as of the ____ day of January, 2019, to update and define development and construction responsibilities for the “StoneHaven” subdivisions

AGREEMENT MODIFICATIONS

Modifications referenced are in direct correlation with the original agreement and updated as follows:

1. The property will be developed in accordance with the NEW plat layout, included as modified “Attachment 2”.

2. The property will be developed in accordance with the Preliminary Subdivision Plat entitled “StoneHaven” dated November 6, 2018, and prepared by Accupoint Surveying & Design, LLC. A copy is attached as modified Attachment 2.

2a. No modification

2b. Lots 22-28 are now in Phase I as “StoneHaven” is no longer a phased development.

2c. Long Meadows will be dedicating “open/green space” on the rear, undeveloped portion of the of the property. Long Meadows will include access for a potential future walking trail as shown on the “StoneHaven” subdivision plat.

2d. A connector street will be built during the construction of “StoneHaven”. Additional Right of Way will be dedicated by Long Meadows, Inc. for construction of the road. The connector street ROW is shown on the “StoneHaven” plat.

MUTUAL DUTIES AND RESPONSIBILITIES MODIFICATIONS

Because of the complicated construction and pro rata share development/construction/payment process, the following table is used for modification references.

Responsible Party	Description	Pro-Rata Share	Technical Details	Comments
Long Meadows, Inc.	Connector Road: Including extra Right-of-way to be dedicated	100%	Construction 100% of roadway base, pavement, C&G, structures.	This construction has always been part of the agreement.
City of Lynchburg		0%	N/A	

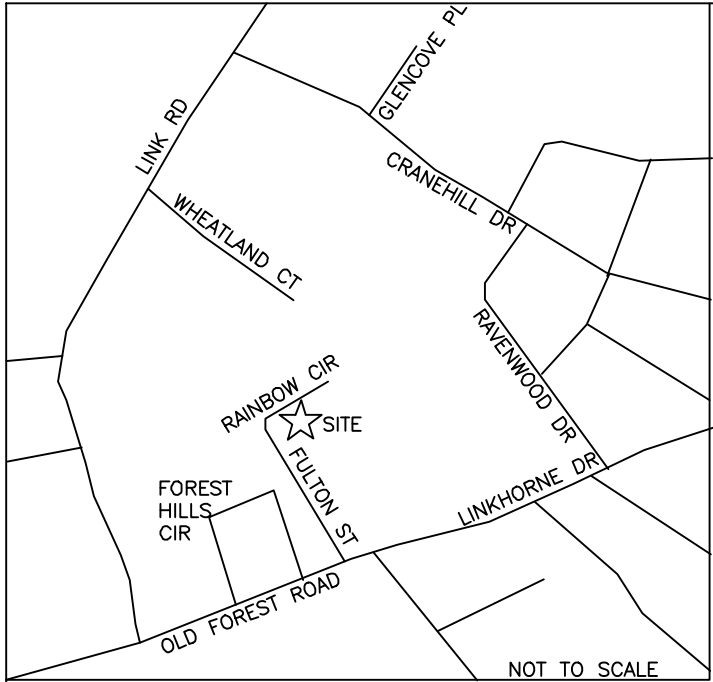
Responsible Party	Description	Pro-Rata Share	Technical Details	Comments
Long Meadows	Rainbow Circle	0%	N/A	City Funded Upgrades
City of Lynchburg		100%	- Waterline Upgrade - 2" to 6" - Addition of Curb & Gutter - Associated street patch & driveway repairs. Addition of drainage structures due to C&G (2) - Mill and overlay of street	

Responsible Party	Description	Pro-Rata Share	Technical Details	Comments
Long Meadows	Rainbow Circle	50 %	Sidewalk Installation for Residential Lots	Reimbursement per City Standard Code
City of Lynchburg		50 %		

Responsible Party	Description	Pro-Rata Share	Technical Details	Comments
Long Meadows	Fulton Street	50 %	Sidewalk Installation for Residential Lots	Reimbursement per City Standard Code
City of Lynchburg		50 %		

Responsible Party	Description	Pro-Rata Share	Technical Details	Comments
Long Meadows	Fulton Street Road Expansion & Crown Re-Alignment	50%	- Road Expansion 8' (new base & subgrade) - Original Fulton Street (new base, subgrade and paving)	*
City of Lynchburg		50%		

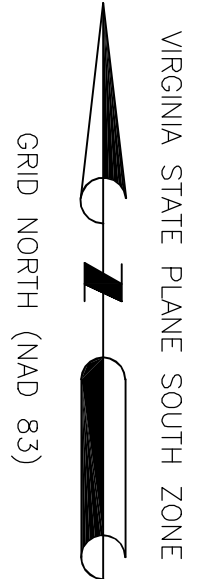
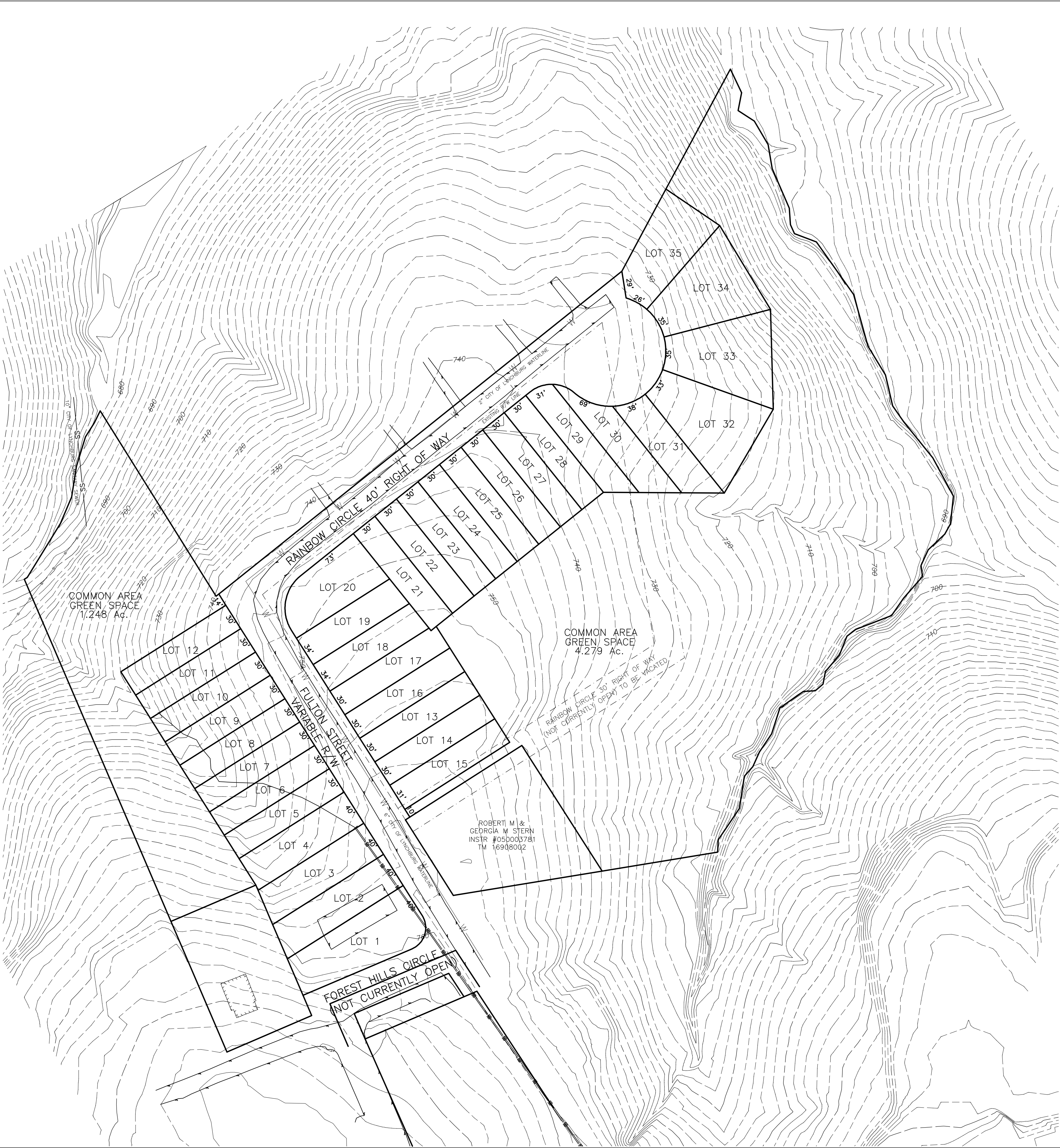
*While LMI is responsible for the pavement expansion 8' past the existing edge of pavement, the City has proposed to mill and pave overlay the entire length of both Fulton Street and Rainbow Circle. The milling would need to correct the crown of the road and the minor patches for water connections by the City for the new homes. In order to provide a more long-lasting product and avoid patches upon patches and in correct crown of Fulton Street, the redo of the street is estimated at 50% each.



VICINITY MAP

SOURCE OF TITLE:
CURRENT OWNER: LONG MEADOWS, INC.
INSTRUMENT NUMBER 090005504 RECORDED IN
THE CLERK’S OFFICE OF THE CIRCUIT COURT OF
LYNCHBURG, VIRGINIA.

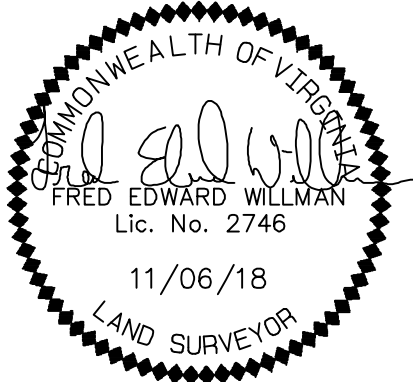
- NOTES:
1. THIS CONCEPT PLAN WAS PREPARED AT THE REQUEST OF LONG MEADOWS INC.
 2. THIS SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT THEREFORE NECESSARILY INDICATE ALL ENCUMBRANCES OR IMPROVEMENTS ON THIS PROPERTY. ALL ADJOINING OWNERS ARE NOW OR FORMER OWNERS.
 3. BY GRAPHIC SCALING ONLY THIS PROPERTY AS PLATTED FALLS WITHIN THE FLOOD ZONE "X" AS DETERMINED BY F.E.M.A. AND SHOWN ON THEIR MAP NUMBER 5100930037D DATED JUNE 3, 2008.
 4. THIS CONCEPT PLAN WAS COMPILED FROM PRIVATE AND PUBLIC RECORDS AND WAS MADE UNDER MY SUPERVISION AND COMPLIES WITH THE MINIMUM STANDARDS AND PROCEDURES ESTABLISHED BY THE VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS TO THE BEST OF MY KNOWLEDGE AND BELIEF.
 5. ALL LOTS WITHIN STONEHAVEN WILL BE SERVED BY UNDERGROUND UTILITIES.
 6. ALL LOTS WITHIN STONEHAVEN WILL BE SERVED BY CITY OF LYNCHBURG PUBLIC WATER AND SANITARY SEWER.
 7. CONTOURS SHOWN HEREON WERE TAKEN FROM THE CITY OF LYNCHBURG DATA PORTAL.
 8. THE SUBJECT PARCELS ARE ZONED R-3.
 9. BUILDING SETBACKS:
FRONT: 30'
SIDE: 5'
REAR: 30'



LOT #	SQ. FT.	ACRES
LOT 1	8248.65	0.189
LOT 2	5824.47	0.134
LOT 3	5567.23	0.128
LOT 4	5402.90	0.124
LOT 5	4050.00	0.093
LOT 6	4050.00	0.093
LOT 7	4050.00	0.093
LOT 8	4050.00	0.093
LOT 9	4050.00	0.093
LOT 10	4050.00	0.093
LOT 11	4050.00	0.093
LOT 12	4050.00	0.093
LOT 13	4090.49	0.094
LOT 14	4077.18	0.094
LOT 15	4135.54	0.095
LOT 16	4090.50	0.094
LOT 17	4068.51	0.093
LOT 18	4269.27	0.098
LOT 19	4141.48	0.095
LOT 20	6274.72	0.144
LOT 21	4050.00	0.093
LOT 22	4050.00	0.093
LOT 23	4050.00	0.093
LOT 24	4050.00	0.093
LOT 25	4050.00	0.093
LOT 26	4050.00	0.093
LOT 27	4050.00	0.093
LOT 28	4050.00	0.093
LOT 29	4347.85	0.100
LOT 30	4771.63	0.110
LOT 31	4556.09	0.105
LOT 32	8713.29	0.200
LOT 33	8410.49	0.193
LOT 34	8065.96	0.185
LOT 35	6697.50	0.154



CONCEPT PLAN
SHOWING LOTS 1 THRU 35
STONEHAVEN
CITY OF LYNCHBURG, VIRGINIA



950 Airport Road
Lynchburg, Virginia 24502
Ph: 434-610-4334
www.accupointsurveying.com

SCALE:	1" = 60'
ASD JOB #:	2017-125
FILE #:	2017-125 CONCEPT
PARCEL ID:	16906004, 16907001 16908003
DATE:	NOVEMBER 6, 2018

CONCEPT PLAN

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 14, 2019 Physical Development Committee**

AGENDA ITEM #:

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Limited Access Control Changes – Liberty University Access Ramps – U.S. Route 460 to Liberty Mountain Drive

KEY ELEMENTS:

X Economic Development Excellent Government **X** Natural and Built Environment **X** Safe Community Vibrant Community

RECOMMENDATION: Approval of a letter of support to the Virginia Department of Transportation (VDOT) concerning proposed limited access control changes for Liberty University Access Ramps from U.S. Route 460 to Liberty Mountain Drive.

SUMMARY: Ms. Sharon White, P.E., CCM, VDOT is requesting City Council consider a letter of support for proposed limited access changes related to the Liberty University Access Ramps. The proposed changes include removing approximately three hundred fifty (350) feet of limited access that parallels US 460 Eastbound, for a new entrance ramp, exit ramp and roundabout to Liberty Mountain Drive.

PRIOR ACTION(S):

May 14, 2019

The Physical Development Committee will review the letter of support.

FISCAL IMPACT:

N/A

CONTACT(S):

Lee Newland, City Engineer – 434-455-3900
Tom Martin, City Planner – 434-455-3900
Gaynelle Hart, Public Works Director – 434-455-3960
Kent White, Community Development Director – 434-455-3900

ATTACHMENT(S):

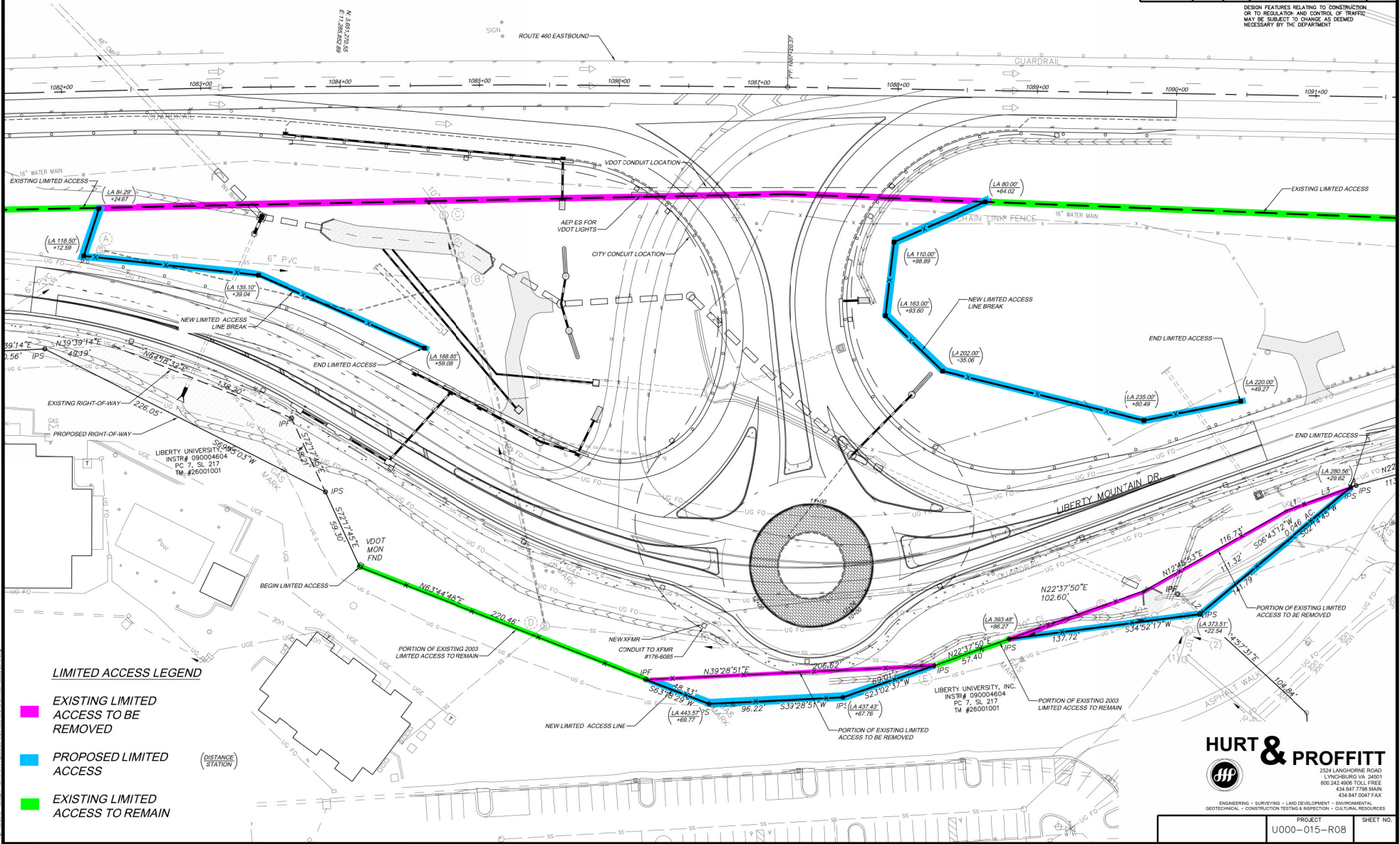
- Revised Limited Access Exhibit LU Ramp / Roundabout
- Draft Letter of Support

REVIEWED BY: raw

PROJECT MANAGER TROY D. WILLIAMS HURT & PROFFITT, INC. (434)847-7796
SURVEYED BY, DATE TROY D. WILLIAMS HURT & PROFFITT, INC. (434)847-7796, 9/20/2016
DESIGN BY MICHAEL D. BRYANT HURT & PROFFITT, INC. (434)847-7796
SUBSURFACE UTILITY BY, DATE

REVISED	STATE	ROUTE	STATE	PROJECT	SHEET NO.
	VA.	29/460		U000-015-R08, R201, C501	

DESIGN FEATURES RELATING TO CONSTRUCTION OR TO REGULATION AND CONTROL OF TRAFFIC MAY BE SUBJECT TO CHANGE AS DEEMED NECESSARY BY THE DEPARTMENT



HURT & PROFFITT
2024 LANCHORNE ROAD
LYNCHBURG, VA 24501
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434.847.0047 FAX

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GEOTECHNICAL • CONSTRUCTION TESTING & INSPECTION • CULTURAL RESOURCES

PROJECT	SHEET NO.
U000-015-R08	

April 30, 2019

Sharon S. White, P.E., CCM
Virginia Department of Transportation
4219 Campbell Avenue
Lynchburg, VA 24501

RE: Liberty University Ramp and Roundabout (UPC 108761) Proposed Limited Access
Control Changes

Dear Ms. White:

Please accept this letter as confirmation that the City Council of Lynchburg, Virginia has reviewed and supports the limited access revisions along the Route 460 off-ramp/on-ramp, as required for the Liberty University Ramp and Roundabout Project.

Please contact Mr. Tom Martin at (434)455-3900, if you have any questions or need additional information. Thank you for your assistance.

Sincerely,

Bonnie Svrcek
City Manager

Cc: Members, City Council
Tom Martin, City Planner
Gaynelle Hart, Public Works Director
Lee Newland, P.E., City Engineer

AGENDA

VICE MAYOR DOLAN WILL GIVE THE INVOCATION

A G E N D A

City Council Meeting of May 14, 2019

4:00 P.M. – Work Session

1. Consideration of approving of a letter of support to the Virginia Department of Transportation (VDOT) concerning proposed limited access control changes at the 501 Off Ramp, Timberlake Road and Logan's Lane.
2. Consideration of approving of a letter of support to the Virginia Department of Transportation (VDOT) concerning proposed limited access control changes for Liberty University Access Ramps from U.S. Route 460 to Liberty Mountain Drive.
3. Consideration of amendments to the City Code related to Taxicabs
4. Loading Zone Ordinance Amendments for the Central Business District
5. Roll Call

7:30 P.M.

City Council Agenda Items

GENERAL POLICY REGARDING PUBLIC PARTICIPATION AT CITY COUNCIL MEETINGS

Each speaker shall clearly state his or her name and locality of residence.

The City Council agenda is divided into three sections.

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

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

Procedure:

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

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

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

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

PUBLIC PRESENTATIONS: Public presentations shall be for the purpose of allowing members of the public to present any matter, which, in their opinion, deserves the attention of the Council. They shall not serve as a forum for debate with the Council. Individuals may speak up to 3 minutes; or group spokesperson up to 5 minutes. Once Council has heard a presentation from a citizen or organization on a particular subject, the citizen or organization may not make another presentation on the same subject within three (3) months of the first presentation, except by a majority vote of the members of Council present and voting.

GENERAL BUSINESS: This section includes items of a general nature to be considered by Council.

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

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

CITY COUNCIL 455-3995 MAYOR 455-3995 CITY MANAGER 455-3990

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

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

*** PREVIOUSLY DISCUSSED AND/OR CONSIDERED BY CITY COUNCIL**

Recognitions:

- Anthony Fonnesu: Randolph College and Sister City visit to Rueil-Malmaison

CONSENT AGENDA

- #6. Consideration of approving the minutes of the April 16, 2019 meeting.
#7. Consideration of approving the minutes of the April 23, 2019 meeting.

PUBLIC COMMENT

- #8. Hear from a citizen regarding a concern (Polly Taylor).

PUBLIC HEARING

- #9. Public hearing to receive input from citizens regarding appointments (or reappointments) to vacancies that will exist June 30, 2019, in School Districts I, II, and III.
- #10. Public hearing to receive input and adopt the proposed Fiscal Year (FY) 2020 CDBG and HOME Projects.
#R-19-____
- #11. Public hearing regarding the petition of "The Rebkee Company" to rezone approximately ninety-three hundredths (0.93) acres located at 1503 Grace Street from B-1, Limited Business District to B-4, Urban Commercial District to allow the use of the property as fifty (50) apartment units.
#O-19-____
- #12. Public hearing regarding the petition of First Church of Jesus for a conditional use permit at 219 Jackson Street to allow the construction of a fellowship hall and bring the existing church into conformity in an R-3, Medium Density Residential District.
#R-19-____
- #13. Public hearing regarding the request of Long Meadows, Inc. to amend the previously approved development proposal and joint development agreement for property located at 3104 and 3035 Fulton Street and 2600 Rainbow Circle, conveyed from the City of Lynchburg to Long Meadows, Inc.
- #14. Public hearing regarding the petition of Long Meadows, Inc., to vacate a portion of right-of-way known as Rainbow Circle, located off Fulton Street. The area proposed for vacation is vacant/unimproved, and contains five-hundred and four thousandths (0.504) of an acre.
#O-19-____
- #15. Public hearing to consider a request to grant a Licensee Agreement to Shentel Communications, LLC to install fiber optic cable and conduit in City-owned public rights-of-way throughout the City and to maintain and operate installations under the license agreement.
#R-19-____
- #16. Public hearing to consider amending Zoning Ordinance Section 35.2-113 Definitions by adding "Short Term Rental" defined as the accessory, primary or secondary use of a residential dwelling unit or a portion thereof by a host to provide room or space that is intended to be occupied for a period of fewer than thirty (30) days, adding Section 35.2-71.16 Short Term Rental which would set development standards for short term rentals by requiring an annual registration and fee of \$150, set a penalty of \$500 for failure to register a short term rental, limit the number of occupants in a short term rental to no more than four (4) unrelated individuals, require one (1) additional parking space per short term rental in all districts except the B-4, Urban Commercial District, require short term rentals to comply with requirements of the Uniform Statewide Building Code, require properties used as short term rental within the R-C, Conservation District, R-1, Low Density Residential District and R-2, Low-Medium Density Residential District to be owner occupied and retain the appearance of a single-house hold residence, provide that three (3) violations within a two-year period relating to the use of a property for short term rental shall result in the city revoking approval for a property to be used as a short term rental and to amend the authorized uses of Section 35.2-40, Conservation District (R-C), Section 35.2-41, Low Density Residential Districts (R-1), Section 35.2-42, Low-Medium Density Residential Districts (R-2), Section 35.2-43, Medium Density Residential Districts (R-3), Section 35.2-44, High Density Residential Districts (R-4), Section 35.2-45, Limited Business Districts (B-1), Section 35.2-46, Community Business Districts (B-3), Section 35.2-47, Urban Commercial Districts (B-4), Section 35.2-48, General Business Districts, Section 35.2-50, Institutional District 2 (IN-2) and Appendix A: Table of Authorized Land Uses to allow Short Term Rentals as a use permitted by right.

#O-19-____

GENERAL BUSINESS

- #17. Consideration of amending Section 35-2.1 of the City Code so it will apply to buildings that were constructed after September 13,1977.
- #18. First Reading on the Adoption of the FY 2020 Budget Resolutions.
- A: Consideration of introducing a Resolution adopting the FY 2020 General Fund Operating Budget (excluding External Service Providers and Component Units expenditures) and appropriating \$194,643,036 for this budget.
#R-19-____
- B: Consideration of introducing a Resolution adopting the FY 2020 Mandated and Contractual External Service Providers Budget and appropriating \$7,903,882 for this budget.
#R-19-____
- C: Consideration of introducing a Resolution adopting the FY 2020 Discretionary External Service Providers Budget and appropriating \$29,389 for this budget.
#R-19-____
- D: Consideration of introducing a Resolution adopting the FY 2020 School Operating Budget and appropriating \$110,491,668 for this budget.
#R-19-____
- E: Consideration of introducing a Resolution adopting the FY 2020 Greater Lynchburg Transit Company Budget and appropriating \$8,208,978 for this budget.
#R-19-____
- F: Consideration of introducing a Resolution adopting FY 2020 Operating Fund Budgets for other funds and appropriating the sums of each fund.
#R-19-____
- G: Consideration of adopting a Resolution amending the FY 2020 – 2024 Capital Improvement Program Budget.
#R-19-____
- H: Consideration of introducing a Resolution adopting the FY 2020 Capital Budget and appropriating \$60,814,082 for the City Capital Projects Fund, \$2,686,000 for the Schools Capital Projects Fund, \$3,825,000 for the Airport Capital Projects Fund, \$6,200,000 for the Water Capital Projects Fund, \$7,960,000 for the Sewer Capital Projects Fund, and \$2,750,000 for the Stormwater Capital Projects Fund.
#R-19-____
- I: Consideration of adopting a Resolution of the FY 2020 General Fund Non-Departmental Poverty Initiative funds may only be spent upon approval by a majority vote of City Council.
#R-19-____
- J: Consideration of introducing a Resolution appropriating \$50,000 of the FY 2020 Reserve for Contingencies funding for use by the City Manager for the fiscal year beginning July 1, 2019 through June 30, 2020.
#R-19-____
- K: Consideration of adopting a Resolution in accordance with Section 58.1-3524 of the Code of Virginia, 1950, as amended, to set the personal property tax relief rate for the fiscal year beginning July 1, 2019 through June 30, 2020 at 44.39%.
#R-19-____
- #19. *Tentative:* Consideration of a closed meeting to consider appointments and scheduling for Lynchburg City School Board interviews pursuant to Section 2.2-3711(A.) of the Code of Virginia.

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 14, 2019**

AGENDA ITEM #: **1**

CONSENT:
ACTION: **X**

REGULAR:
INFORMATION:

WORK SESSION: **X**

CLOSED SESSION:
(Confidential)

ITEM TITLE: Limited Access Control Changes – 501 Off Ramp, Timberlake Road & Logan's Lane

KEY ELEMENTS:

X Economic Development Excellent Government **X** Natural and Built Environment **X** Safe Community Vibrant Community

RECOMMENDATION: Approval of a letter of support to the Virginia Department of Transportation (VDOT) concerning proposed limited access control changes at the 501 Off Ramp, Timberlake Road and Logan's Lane.

SUMMARY: Ms. Sharon White, P.E., CCM, VDOT is requesting City Council consider a letter of support for proposed limited access changes related to the Logan's Lane project. The proposed changes are a result of the recent realignment project and include removing approximately five hundred eighty (580) feet of limited access that parallels the abandoned Route 501 Ramp and adding a new limited access line to the north in the vicinity of the cloverleaf from Timberlake Road to the Lynchburg Expressway.

The limited access changes could facilitate the future development of 7001 Timberlake Road and the abandoned Route 501 Ramp.

PRIOR ACTION(S): April 9, 2019: The Physical Development Committee recommended approving the letter of support.

FISCAL IMPACT: Increased real estate value to be determined upon property sale and development.

CONTACT(S): Lee Newland, City Engineer – 434-455-3950
Tom Martin, City Planner – 434-455-3900
Gaynelle Hart, Public Works Director – 434-455-3960
Kent White, Community Development Director – 434-455-3900

ATTACHMENT(S): Revised Limited Access Map
Draft Letter of Support

REVIEWED BY: raw

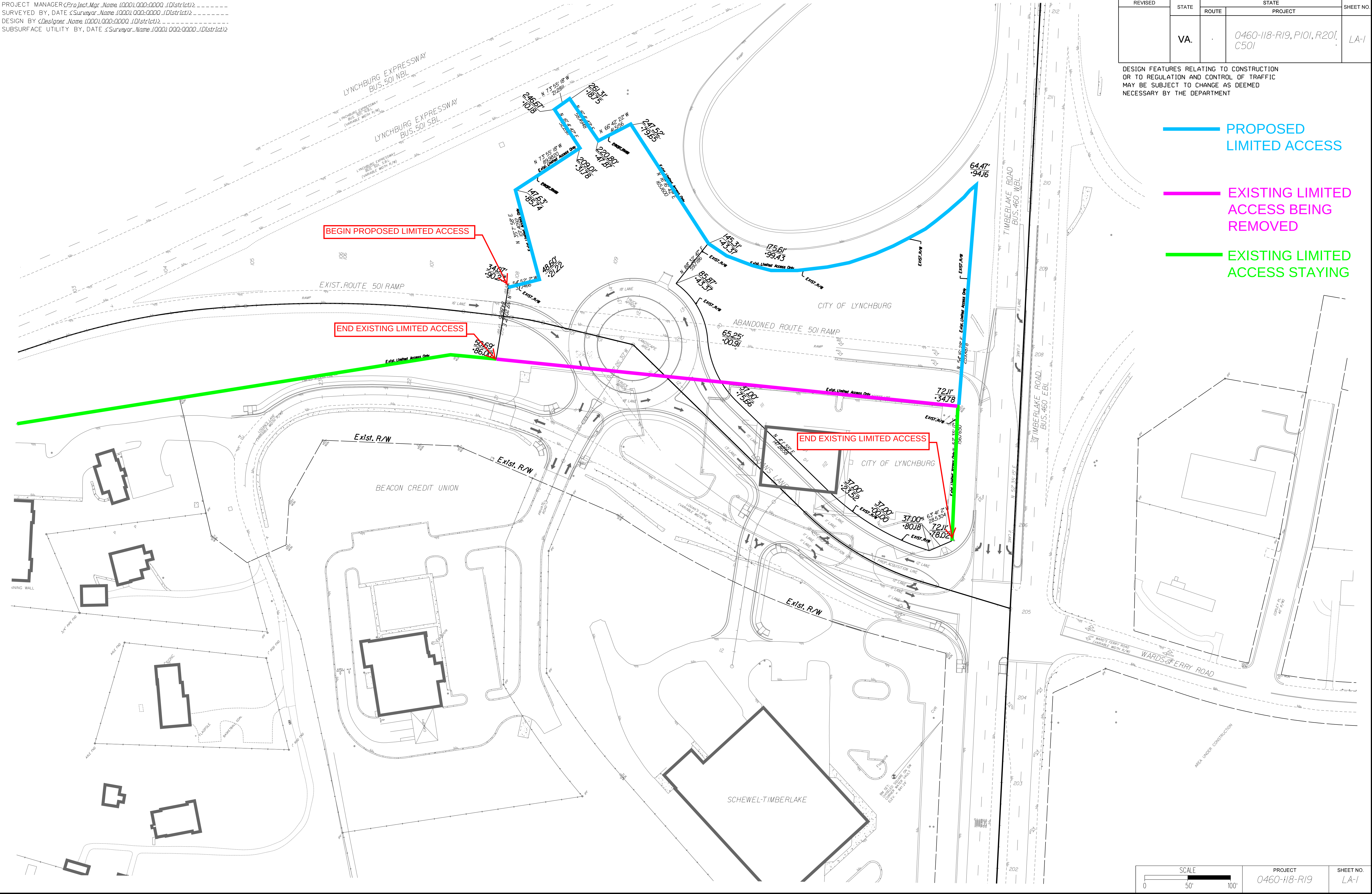
054A

PROJECT MANAGER <Project_Mgr_Name (000) 000-0000 (District)>
SURVEYED BY, DATE <Surveyor_Name (000) 000-0000 (District)>
DESIGN BY <Designer_Name (000) 000-0000 (District)>
SUBSURFACE UTILITY BY, DATE <Surveyor_Name (000) 000-0000 (District)>

REVISED	STATE	STATE		SHEET NO.
		ROUTE	PROJECT	
	VA.	.	0460-118-R19, P101, R201, C501	LA-1

DESIGN FEATURES RELATING TO CONSTRUCTION
OR TO REGULATION AND CONTROL OF TRAFFIC
MAY BE SUBJECT TO CHANGE AS DEEMED
NECESSARY BY THE DEPARTMENT

- PROPOSED LIMITED ACCESS
- EXISTING LIMITED ACCESS BEING REMOVED
- EXISTING LIMITED ACCESS STAYING



April 26, 2019

Sharon S. White, P.E., CCM
Virginia Department of Transportation
4219 Campbell Avenue
Lynchburg, VA 24501

RE: Realignment of Route 501 Business Off-Ramp (UPC 101211) Proposed Limited Access
Control Changes

Dear Ms. White:

Please accept this letter as confirmation that the City Council of Lynchburg, Virginia has reviewed and supports the limited access revisions along the Route 501 Business off-ramp, as required for the Logan's Lane Project.

Please contact Mr. Tom Martin at (434)455-3900, if you have any questions or need additional information. Thank you for your assistance.

Sincerely,

Bonnie Svrcek
City Manager

Cc: Members, City Council
Tom Martin, City Planner
Gaynelle Hart, Public Works Director
Lee Newland, P.E., City Engineer

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 14, 2019**

AGENDA ITEM #: **2**

CONSENT:
ACTION: **X**

REGULAR:
INFORMATION:

WORK SESSION: **X**

CLOSED SESSION:
(Confidential)

ITEM TITLE: Limited Access Control Changes – Liberty University Access Ramps – U.S. Route 460 to Liberty Mountain Drive

KEY ELEMENTS:

X Economic Development Excellent Government **X** Natural and Built Environment **X** Safe Community Vibrant Community

RECOMMENDATION: Approval of a letter of support to the Virginia Department of Transportation (VDOT) concerning proposed limited access control changes for Liberty University Access Ramps from U.S. Route 460 to Liberty Mountain Drive.

SUMMARY: Ms. Sharon White, P.E., CCM, VDOT is requesting City Council consider a letter of support for proposed limited access changes related to the Liberty University Access Ramps. The proposed changes include removing approximately three hundred fifty (350) feet of limited access that parallels US 460 Eastbound, for a new entrance ramp, exit ramp and roundabout to Liberty Mountain Drive.

PRIOR ACTION(S):

May 14, 2019

The Physical Development Committee will review the letter of support.

FISCAL IMPACT:

N/A

CONTACT(S):

Lee Newland, City Engineer – 434-455-3900
Tom Martin, City Planner – 434-455-3900
Gaynelle Hart, Public Works Director – 434-455-3960
Kent White, Community Development Director – 434-455-3900

ATTACHMENT(S):

Revised Limited Access Exhibit LU Ramp / Roundabout
Draft Letter of Support

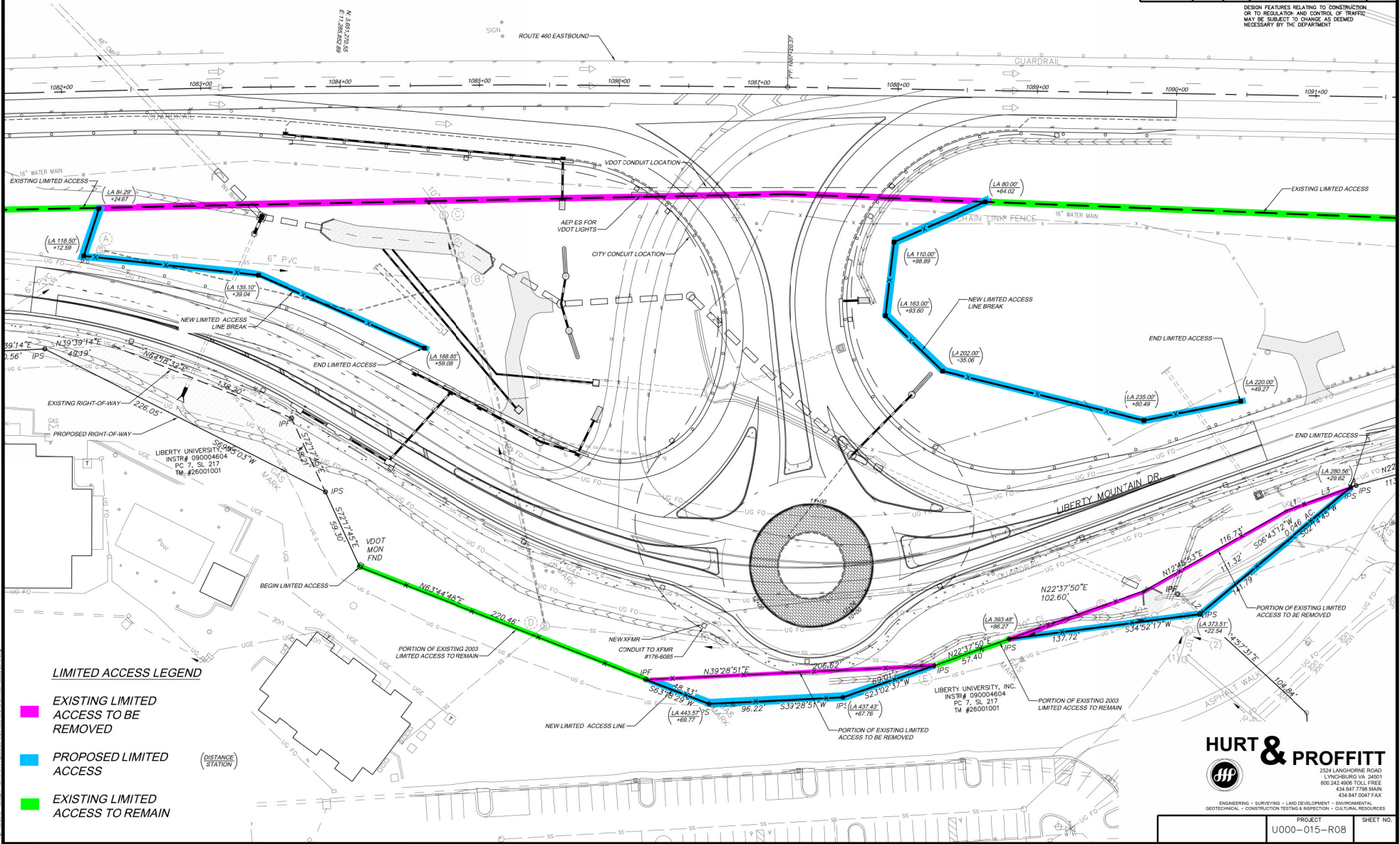
REVIEWED BY: raw

053A

PROJECT MANAGER TROY D. WILLIAMS HURT & PROFFITT, INC. (434)847-7796
 SURVEYED BY, DATE TROY D. WILLIAMS HURT & PROFFITT, INC. (434)847-7796, 9/20/2016
 DESIGN BY MICHAEL D. BRYANT HURT & PROFFITT, INC. (434)847-7796
 SUBSURFACE UTILITY BY, DATE

REVISED	STATE	ROUTE	STATE	PROJECT	SHEET NO.
	VA.	29/460		U000-015-R08, R201, C501	

DESIGN FEATURES RELATING TO CONSTRUCTION OR TO REGULATION AND CONTROL OF TRAFFIC MAY BE SUBJECT TO CHANGE AS DEEMED NECESSARY BY THE DEPARTMENT



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 GEOTECHNICAL • CONSTRUCTION TESTING & INSPECTION • CULTURAL RESOURCES

PROJECT	SHEET NO.
U000-015-R08	

April 30, 2019

Sharon S. White, P.E., CCM
Virginia Department of Transportation
4219 Campbell Avenue
Lynchburg, VA 24501

RE: Liberty University Ramp and Roundabout (UPC 108761) Proposed Limited Access
Control Changes

Dear Ms. White:

Please accept this letter as confirmation that the City Council of Lynchburg, Virginia has reviewed and supports the limited access revisions along the Route 460 off-ramp/on-ramp, as required for the Liberty University Ramp and Roundabout Project.

Please contact Mr. Tom Martin at (434)455-3900, if you have any questions or need additional information. Thank you for your assistance.

Sincerely,

Bonnie Svrcek
City Manager

Cc: Members, City Council
Tom Martin, City Planner
Gaynelle Hart, Public Works Director
Lee Newland, P.E., City Engineer

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **May 14, 2019**

AGENDA ITEM #: **3**

CONSENT:
ACTION:

REGULAR:
INFORMATION: **X**

WORK SESSION: **X**

CLOSED SESSION:
(Confidential)

ITEM TITLE: Consideration of amendments to the City Code related to Taxicabs

KEY ELEMENTS:

☒ Economic Development ___ Excellent Government ___ Natural and Built Environment ___ Safe Community ☒ Vibrant Community

RECOMMENDATION: Hear a presentation and discuss proposed amendments to an ordinance in City Code Chapter 37 related to regulation of Taxicabs.

SUMMARY: City Council held a Public Hearing to entertain comments from citizens on proposed amendments to the local Taxicab Ordinance on January 8, 2019. In tandem with the development of a transportation application named "MoveUp," City Council has entertained discussion on this matter in several meetings. With the development of the MoveUp app, there arose a need to address current taxicab ordinance language within City Code to allow taxi companies the ability to participate with MoveUp.

After the Public Hearing, City staff held follow-up meetings with taxicab drivers and owners surrounding the potential impact upon their businesses. At this juncture, the City Attorney has reviewed the communication and input of taxicab owners and the Lynchburg Police Department surrounding regulation of taxicabs and proposed amendments to Chapter 37 of the City Code.

Prior to Council considering adoption of the amendments, staff thought it was prudent to provide Council with background on the proposed amendments at a Work Session.

PRIOR ACTION(S):

June 26, 2018: Public Comment from citizen (Dr. John Salmon) concerning revision of taxicab code.
December 11, 2019: Informational presentation during Work Session on proposed taxicab ordinance changes
January 8, 2019: Public Hearing on proposed changes to taxicab ordinance

FISCAL IMPACT: None

CONTACT(S): John H. Hughes, IV, Assistant City Manager, 434-455-3990
Walter Erwin, City Attorney, 434-455-3980

ATTACHMENT(S): Proposed Ordinance

REVIEWED BY: bms

063A

AN ORDINANCE TO AMEND AND REENACT SECTIONS 37-17, 37-25, 37-28, 37-31, 37-44, 37-55, 37-84, 37-86, 37-88, 37-91, 37-92, 37-93, 37-94, 37-95, 37-97, AND 37-105, OF THE CODE OF THE CITY OF LYNCHBURG, 1981; AND TO AMEND AND REENACT THE CODE OF THE CITY OF LYNCHBURG, 1981, BY REPEALING SECTIONS 37-18, 37-21, 37-27, 37-30, 37-32, 37-34, 37-36, 37-47, 37-57, 37-107, AND 37-108; THE AMENDED AND REPEALED SECTIONS RELATING TO THE OPERATION AND REGULATION OF TAXICABS WITHIN THE CITY.

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

1. That the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted by amending Sections 37-17, 37-25, 37-28, 37-31, 37-44, 37-55, 37-84, 37-86, 37-88, 37-91, 37-92, 37-93, 37-94, 37-95, 37-97, and 37-105 as follows:

Sec. 37-17. - Authority of city manager generally.

The inspection of taxicabs, the sealing of taximeters and other activities related to the regulation of taxicabs, consistent with this article, shall be under the control and jurisdiction of the city manager or the city manager's designee.

Sec. 37-25. - Restriction on number of passengers.

No driver shall permit more than ~~five~~ six persons, ~~other than~~ excluding the driver, to be carried in a taxicab. A child in arms shall not be counted as an additional person.

Sec. 37-28. - Type of vehicle required.

Taxicabs operated within the city shall be vehicles that are designed to transport no more of a closed or sedan type with at least four doors and of not less than five six passengers capacity, including ~~excluding~~ the driver.

Sec. 37-31. - Drivers' manifests.

(a) Every taxicab driver shall maintain a daily manifest upon which is recorded all trips made each day, showing the time and place of origin and destination of each trip, and the amount of the fare, and the manner of payment (cash, bank card, electronic transfer, etc.). ~~All such completed manifests shall be returned to the owner by the driver at the conclusion of his hours of duty. The forms for each manifest shall be furnished to the driver by the owner and shall be of a character approved by the city manager.~~

(b) Every taxicab owner or operator shall retain and preserve all drivers' manifests in a safe place for at least one year and such manifests shall be subject to inspection by the city manager and by personnel of the division of the chief of police or the chief's designee.

Sec. 37-44. - Refusal to accept calls or passengers; failure or refusal to give overall service.

The owner or operator of a taxicab who shall refuse to accept a call anywhere within the city or refuse to accept a passenger for delivery to any place within the city or within one mile of the city when such owner or operator has available a taxicab or who shall fail or

refuse to give overall service shall be guilty of a misdemeanor and the registration granted to such owner or operator shall be suspended or revoked at the discretion of the chief or police or the chief's designee ~~city manager~~ ~~subject to the provisions of sections 37-74 through 37-77~~, unless driver can articulate a reasonable concern for his/her personal safety or unless repeated incidences of a taxi having been previously called to that address which calls turned out to be false calls for a fare.

Sec. 37-55. - Required information.

An application for registration shall be filed with the chief of police or the chief's designee and shall be verified under oath and shall furnish the following information:

- (a) The name and address of the applicant and shall state that the applicant is at least 21 years of age.
- (b) The trade name under which the applicant does or proposes to do business.
- (c) If the applicant is a corporation, the officers, directors and principal stockholders of the corporation.
- (d) The vehicle identification number (VIN), year, make and model for each vehicle that will be used in the taxicab business.
- (e) The color scheme or insignia to be used to designate the vehicle or vehicles of the taxicab business with which the vehicle or vehicles will be associated.
- (f) Such further information required by the chief of police and which may be relevant and pertinent to the matter of the issuance of the registration.

Sec. 37-84. - Required.

Every driver shall be registered by the chief of police or the chief's designee before driving any taxicab upon the streets of the city.

Sec. 37-86. - Fee.

A fee of \$50.00 shall be paid to the city for processing and investigating the applicant, which fee shall be nonrefundable, and which fee must be paid when the application is submitted.

Sec. 37-88. - Application.

Application for original and renewal registration shall be made to the chief of police or the chief's designee on forms prescribed ~~by the city manager~~ for that purpose. The fee for such registration shall accompany each application for registration. It shall be unlawful for any applicant to willfully omit any information called for on such application form or to give any false information thereon.

Sec. 37-89. - Fingerprinting of applicants.

~~The chief of police shall cause~~ Each applicant for registration shall ~~to~~ be fingerprinted for the purpose of clearing convictions, if any.

Sec. 37-91. - Authority to deny; appeal from denial.

The chief of police or the chief's designee, except in cases where denial of registration is mandatory, after due hearing and upon not less than days' notice in writing to the applicant, such notice to be sent by registered mail to the address given by the applicant in his application or by personal service upon the applicant, either of which shall constitute sufficient form of notice, may deny registration to any applicant, for good cause shown, including the conviction of the applicant for the violation of any of the provisions of this division or of any state law or municipal ordinance. Except in cases where denial of registration is mandatory, the applicant shall have the right, within 20 days from the day registration is denied, to appeal to the judge of the municipal court from the decision of the chief of police denying registration. The decision of the judge of the municipal court after hearing relevant evidence shall be final.

Sec. 37-92. - Registration cards.

Every taxicab driver registered by the chief of police or the chief's designee under the provisions of this division shall be furnished with a card signed by the chief of police or the chief's designee certifying to his registration, which card shall contain a photograph of the taxicab driver made by the police division. Such card shall be conspicuously displayed in a manner directed by the chief of police in the taxicab at all times that the same is in charge of such driver. No driver shall drive a taxicab upon the streets of the city until he shall have secured a registration card from the chief of police or the chief's designee.

Sec. 37-93. - Revocation or suspension—Mandatory revocation generally.

The chief of police or the chief's designee shall forthwith revoke and seize the registration of any taxicab driver upon ascertaining that such driver:

- (a) Has, within the preceding three years, been convicted of a felony or petit larceny under the laws of the United States or any state; or,
- (b) Has, within the preceding three years, been convicted of driving a motor vehicle while under the influence of intoxicants or any narcotic drug under the laws of any state or municipality; or,
- (c) Has, within the preceding year, been convicted of any of the provisions of Code of Virginia, Title 4.1, relating to the transportation or sale of alcoholic beverages, or has been convicted of violating any state law or municipal ordinance relating to the sale or transportation of intoxicating liquors or relating to the sale, transportation, possession or distribution of any other controlled substance; or,
- (d) Has, within the preceding year, been convicted of using or allowing the use of a vehicle to aid or promote prostitution or illicit sexual intercourse, or of violating any of the provisions of Code of Virginia, Section 18.2-349; or,

(e) Has, within the preceding year, been convicted of two offenses of reckless driving under the laws of any state or municipality; or,

(f) Has, within the preceding year, been convicted of one offense of reckless driving and two offenses of exceeding the speed limit under the laws of any state or municipality; or,

(g) Has, within the preceding year, been convicted of three offenses of exceeding the speed limit under the laws of any state or municipality.

(h) Does not have in force a valid operator's license issued by the Virginia Department of Motor Vehicles.

When any taxicab driver is charged with any criminal offense that would result in the mandatory revocation of the driver's registration, if convicted, the chief of police or the chief's designee shall suspend the driver's registration until such time as the criminal charges have been resolved.

Sec. 37-94. - Authority of chief of police; notice; appeal from action by chief of police.

The chief of police or the chief's designee, except in cases where revocation is mandatory under section 37-93, after due hearing and upon not less than five days' notice in writing to the taxicab driver, such notice to be sent by registered mail to the address given by the taxicab driver when applying for registration, or by personal service upon the taxicab driver, either of which shall constitute sufficient form of notice, may suspend or revoke the registration of any taxicab driver for good cause shown, including the conviction of the taxicab driver for the violation of any of the provisions of this division or any state law or municipal ordinance. Except in cases where revocation is mandatory under section 37-93, any taxicab driver shall have the right of appeal to the judge of the municipal court within 20 days from the date of suspension or revocation. The decision of the judge of the municipal court after due hearing of relevant evidence shall be final.

Sec. 37-95. - Term.

In the event of revocation or suspension of registration of a driver, other than mandatory revocation, such suspension or revocation shall be for a period fixed by the chief of police, or the chief's designee, or the judge of the municipal court upon appeal, but not exceeding one year.

Sec. 37-97. - Surrender and restoration of registration card.

In the event of any revocation or suspension of registration, the registration card of the driver shall forthwith be surrendered to the chief of police or the chief's designee. In case of suspension only, the registration card shall be restored to the driver at the expiration of the period of suspension.

Sec. 37-105. - Required.

~~All taxicabs operating under this article shall be equipped with taximeters fastened to the~~

~~taxicab in front of the passengers, visible to them at all times of the day and night; and, after sundown, the face of the taximeter shall be illuminated.~~

Taxicabs must operate using one of the following methods:

(a) Drivers may utilize a taximeter for determining the applied fare for the ride. If operating under this method, vehicles shall be equipped with taximeters fastened to the taxicab in front of the passengers, visible to them at all times of the day and night; and, after sundown, the face of the taximeter shall be illuminated. The device shall be verified and maintained according to the regulations of the Virginia Office of Weights and Measures. The applied fare shall be determined using rates as defined in Section 37-109 Rates.

(b) Drivers may utilize an alternate method for setting fares such as a smartphone, navigational computer, or like electronic device. However, the amount of the fare shall be determined using the trip rates, waiting time, and hourly rates set forth in Section 37-109 Rates. An estimate of the fare must be displayed to the passenger prior to engaging the driver for hire. If the actual fare exceeds the previously agreed upon estimated fare by more than 20% due to traffic or some other computational error and the driver does not correct the fare at the time of payment, the passenger will have thirty (30) days to request in writing a refund for this additional amount, to be paid by the driver within thirty (30) days from receipt of this request.

3. That the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted by repealing Sections 37-18, 37-21, 37-27, 37-30, 37-32, 37-34, 37-36, 37-47, 37-57, 37-107, and 37-108.

~~Sec. 37-18. -- Appointment of taxicab inspector.~~

~~The city manager may designate a person from the personnel of the department of police to act as taxicab inspector as may be necessary to carry out the provisions of this article.~~

~~Sec. 37-21. -- Application of traffic, etc., laws of city and state.~~

~~All the traffic and other laws of the city and the state applicable thereto shall apply to owners and drivers of taxicabs.~~

~~Sec. 37-27. -- Equipment and condition of vehicles.~~

~~Every taxicab operated within the city must meet all the requirements of the provisions of this Code and other ordinances of the city and the laws of the state as to lights, brakes, horn and inspection, and must be kept in a good, clean, neat and safe condition and appearance.~~

~~Sec. 37-30. -- Establishment and use of open stands on streets.~~

~~(a) The city manager may establish open stands in such places upon the streets of the city as he deems necessary for the use of taxicabs operated in the city. Such stands shall not be created without taking into consideration the need for such stands by the taxicab owners and the convenience of the general public. The city manager shall~~

~~prescribe the number of taxicabs that shall occupy such open stands and shall not create an open stand in front of any place of business where the abutting property owner objects to same or where such stand would tend to create a traffic hazard.~~

~~(b) Open stands shall be used by the different drivers on a first-come first-serve basis. The driver shall pull onto the open stand from the rear and shall advance forward as the taxicab ahead pulls off. Drivers shall stay within five feet of their taxicabs in such stands and shall not engage in loud or boisterous talk while occupying an open stand. Nothing in this section shall be construed as preventing a passenger from boarding a taxicab of his choice that is parked at any such open stand. No vehicle, other than taxicabs, shall at any time occupy a space in a taxicab stand.~~

~~Sec. 37-32. -- Records as to receipts, expenses, etc.~~

~~Every taxicab owner or operator shall keep accurate records of receipts and operating expenses, capital expenditures and such other operating information as may be required by the city manager. Every such owner or operator shall maintain the records containing such information and other data required by this section at a place readily accessible for examination by the city manager, or his designated representative.~~

~~Sec. 37-34. -- Accident reports.~~

~~All accidents arising from or in connection with the operation of taxicabs which result in death or injury to any person or in damage to any vehicle or to any property shall be reported within 24 hours from the date of occurrence to the police division on a form of report to be furnished or approved by the chief of police.~~

~~Sec. 37-36. -- Police to watch taxicab owners, operators and drivers; report, etc., of violations.~~

~~The members of the police department shall watch and observe the conduct of taxicab owners, operators and drivers operating under this article. Upon discovering a violation of the provisions of this article, a member of the police department shall report such violation to the city manager who will order or take appropriate action.~~

~~Sec. 37-47. -- Solicitation of passengers; cruising.~~

~~Taxicabs shall not be permitted to stand or cruise, seeking employment, nor shall any person solicit, by word, signal or otherwise, patronage for such vehicles on any street or public property, other than at taxicab stands so designated or assigned for the purpose.~~

~~Sec. 37-57. -- Insurance or bond -- required.~~

~~No registration shall be issued until the applicant therefor shall submit satisfactory evidence to the chief of police that he has filed with the state corporation commission such insurance policy, letter of credit or bond covering such liability or property damage as may be required by state law.~~

~~Sec. 37-107. -- Inspection generally; procedure in case of inaccuracy.~~

~~Taximeters shall be subject to inspection from time to time by the police department. Any inspector or other officer of such department or any officer designated by the city manager, may either on complaint of any person or without such complaint, inspect any such taximeter and, upon discovery of any inaccuracy therein, shall notify the person operating such taxicab to cease operation. Thereupon, such taxicab shall be kept off the streets until the taximeter is repaired and in the required working condition or until such taximeter has been replaced in the taxicab by a properly working taximeter.~~

~~Sec. 37-108. -- Rules and regulations as to inspection and sealing.~~

~~The city manager may promulgate additional rules and regulations regarding the inspection of taximeters and the sealing of such taximeters if he deems it in the public interest to do so.~~

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

Adopted:

Certified: _____
Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 14, 2019**

AGENDA ITEM #: **4**

CONSENT:
ACTION: **X**

REGULAR:
INFORMATION:

WORK SESSION: **X**

CLOSED SESSION:
(Confidential)

ITEM TITLE: Loading Zone Ordinance Amendments for the Central Business District

KEY ELEMENTS:

☐ Economic Development ☒ Excellent Government ☒ Natural and Built Environment ☒ Safe Community ☒ Vibrant Community

RECOMMENDATION: Adopt ordinance amendments in City Code Sections 25-1, 25-249, 25-250, 25-265, and 25-270 impacting Central Business District parking. This will update current language and change the manner of use of loading zones, make it illegal for vehicles to park on one-way streets, and increase the fine amounts for violations related to loading zones and parking on one-way streets.

SUMMARY On April 23, 2019 City Council received a recommendation for loading zone ordinance changes related to a proposed 120 day loading zone pilot program. At that meeting, staff was directed to make revisions to Section 25-250 *Stopping on highways – Generally*. Revised language in Section 25-250 now includes a statement that would allow persons needing to engage in loading and unloading activities to park in a regular on-street parking space when a designated loading zone is occupied.

Upon approval of the City Code amendments, City staff will begin the process of implementing a 120 day loading zone pilot program to determine the effectiveness of the newly designated and timed loading zones on Main and Commerce Streets. The pilot program will be re-evaluated in September of this year. Regardless of any proposals related to downtown policy questions, staff's recommendation for changes to loading zone management in the Central Business District are necessary to ensure a safer and more efficient flow of vehicular traffic and use of designated loading zones.

PRIOR ACTION(S):

November 13, 2018: City Council adopted Resolution R-18-094

February 26, 2019: Physical Development Committee reviewed recommended revisions

March 12, 2019: Physical Development Committee reviewed recommended revisions

April 9, 2019: Physical Development Committee recommended approved of ordinance amendments

April 23, 2019: City Council received recommendations

FISCAL IMPACT: Cost for new loading zone sign production and installation estimated at \$1,000. Cost for printing new parking tickets books estimated at \$2,100. Additional revenue generated from parking fines during pilot program estimated at \$ 7,500.

CONTACT(S):

Lee Newland, City Engineer, 455-3947

David Malewitz, Parking Manager, 455-4240

ATTACHMENT(S):

1. Proposed Ordinance Amendments Sections 25-1, 25-249, 25-250, 25-265, and 25-270 of the City Code.
2. April 23, 2019 City Council meeting loading zone agenda information

REVIEWED BY: raw

AN ORDINANCE TO AMEND AND REENACT SECTIONS 25-1, 25-249, 25-250, 25-265, AND 25-270 OF THE CODE OF THE CITY OF LYNCHBURG, 1981, THE AMENDED SECTION RELATING TO LOADING ZONINGS AND PARKING ON ONE-WAY STREETS.

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

1. That Sections 25-1, 25-249, 25-250, 25-265, and 270 of the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted as follows:

Sec. 25-1. - Definitions.

The following words and phrases, when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

Antique motor vehicle. Every motor vehicle which was actually manufactured or designated by the manufacturer as a model manufactured in a calendar year not less than 25 years prior to January first of each calendar year and is owned solely as a collector's item, ~~and is used for participation in club activities, exhibits, tours, parades and similar uses, but in no event used for general transportation, may be classified by the commissioner as an antique motor vehicle.~~

Bicycle. As defined in section 10-1 of this Code.

Business district. The territory contiguous to a highway where 75 percentum or more of the property contiguous to a highway, on either side of the highway, for a distance of 300 feet or more along the highway is occupied by land and buildings actually in use and operation for business purposes.

Central Business District The area of downtown from Fifth Street to the Rt. 29 Business Expressway and from Clay Street to the riverfront

Chauffeur. Every person employed for the principal purpose of operating a motor vehicle and every person who drives a motor vehicle while in use as a public or common carrier of persons or property.

Commission. The state corporation commission.

Commissioner. The commissioner of the division of motor vehicles of this state.

Crosswalk.

- (a) That portion of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway.
- (b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Dealer. Every person engaged in the business of buying, selling or exchanging motor vehicles, trailers and semitrailers in this city and who has an established place of business for such purpose in this city at which place of business the books and records of such dealer are kept and at which a substantial part of the business of such dealer is conducted.

Division. The division of motor vehicles of this state.

Essential parts. All integral parts and body parts, the removal, alteration or substitution of which will tend to conceal the identity of a vehicle.

Farm tractor. Every motor vehicle designed and used as a farm, agricultural or horticultural implement for drawing plows, mowing machines and other farm, agricultural or horticultural machinery and implements including self-propelled mowers designed and used for mowing lawns.

Highway. The entire width between the boundary lines of every way or place of whatsoever nature open to the use of the public for purposes of vehicular travel in this city, including the streets, alleys and publicly maintained parking lots in the city.

Intersection.

- (a) The area embraced within the prolongation or connection of the lateral curblines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.
- (b) Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

Metal tires. All tires the surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material.

Motorcycle. Every motor vehicle designed to travel on not more than three wheels in contact with the ground and any four wheeled vehicle weighing less than 500 pounds and equipped with an engine of less than six horsepower, except any such vehicle as may be included within the term "farm tractor," as defined in this section.

Motor vehicle. Every vehicle as herein defined which is self-propelled or designed for self-propulsion except as otherwise provided in Title 46.2 of the Code of Virginia. ~~that the definition contained in section 46.1-389(d) of the Code of Virginia shall apply for the purposes of section 46.1-388 et seq. of state law.~~ Any structure designed, used or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office or commercial space shall be considered a part of a motor vehicle. For the purposes of this chapter, any device herein defined as a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped shall be deemed not to be a motor vehicle.

Nonresident. Every person who is not domiciled in this state, except:

- (a) Any foreign corporation which is authorized to do business in this state by the state corporation commission shall be deemed a resident of this state for the purposes of this chapter; provided, however, that in the case of corporations incorporated in this state but doing business without the state, only such principal place of business or branches located within this state shall be dealt with as residents of this state.
- (b) A person who becomes engaged in a gainful occupation in this state for a period exceeding 60 days shall be deemed a resident for the purposes of this chapter.
- (c) A person, ~~other than a nonresident student, who has actually resided in this state for a period of six months, whether employed or not, or who has registered a motor vehicle, listing an address within this state in the application for registration, shall be deemed a resident for the purposes of this chapter~~ (a) a nonresident student as defined in Title 46.2 of the Code of Virginia or (b) a person who is serving a full-time church service or proselyting mission of not more than 36 months and who is not gainfully employed, who has actually resided in the state for a period of six months, whether employed or

not, or who has registered a motor vehicle, listing an address in the state in the application for registration, shall be deemed a resident for the purposes of this chapter, except for the purposes of the Virginia Commercial Driver's License Act.

Operator. Every person who drives or is in actual physical control of a motor vehicle upon a highway or who is exercising control over or steering a vehicle being towed by a motor vehicle.

Owner. A person who holds the legal title of a vehicle or, in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this chapter, except that in all such instances when the rent paid by the lessee includes charges for services of any nature or when the lease does not provide that title shall pass to the lessee upon payment of the rent stipulated, the lessor shall be regarded as the owner of such vehicle and the vehicle shall be subject to such requirements of this chapter as are applicable to vehicles operated for compensation; provided, however, that a "truck lessor" shall be regarded as the owner, and his vehicles shall be subject to such requirements of this chapter as are applicable to vehicles of private carriers.

Peace or police officer. Every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

Person. Every natural person, firm, partnership, association or corporation.

Pneumatic tires. All tires inflated with compressed air.

Private road or driveway. Every way in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

Reconstructed vehicle. Every vehicle of a type required to be registered hereunder materially altered from its original construction by the removal, addition or substitution of essential parts new or used.

Residential district. The territory contiguous to a highway, not comprising a business district, where ~~75 percent~~ percentum or more of the property contiguous to such highway, on either side of the highway, for a distance of 300 feet or more along the highway consists of land improved for dwelling purposes, or is occupied by dwellings, and land improved for dwelling purposes, or by dwellings, land improved for dwelling purposes and land or consists of land or buildings in use for business purposes, or consists of territory zoned residential or territory in residential subdivisions created under Section 15.2-2200 et seq. of the Code of Virginia.

Road tractor. Every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon independently or any part of the weight of a vehicle or load so drawn.

Roadway. That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the shoulder. A highway may include two or more roadways if divided by a physical barrier or unpaved area.

Safety zone. The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by plainly visible ~~adequate~~ signs ~~as to be plainly visible at all times while set apart as a safety zone.~~

Semitrailer. Every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle.

Shoulder. That part of a highway between the portion regularly traveled by vehicular traffic and the lateral curbline or ditch.

Solid rubber tire. Every tire made of rubber other than a pneumatic tire.

Specially constructed vehicle. Any vehicle which shall not have been originally constructed under a distinctive name, make, model or type by a generally recognized manufacturer of vehicles and not a reconstructed vehicle.

Superintendent. The superintendent of the department of state police of this state.

Tractor truck. Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the load and weight of the vehicle attached thereto.

Traffic lane or lane. That portion of a roadway designed or designated to accommodate the forward movement of a single line of vehicles.

Trailer. Every vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle.

Vehicle. Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except electric personal delivery devices and devices moved by human power or used exclusively upon stationary rails or tracks. ~~and except any vehicle as may be included within the term "bicycle."~~ For the purposes of this chapter, bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, and mopeds shall be vehicles while operated on a highway.

For the definition of other terms that are used in this chapter, see Section 46.2-100 of the Code of Virginia, 1950, as amended.

Sec. 25-249. - Penalty for violation of division.

~~Unless otherwise provided, any person violating the provisions of this division relating to overtime parking shall be punished by a fine of \$20.00 for each offense; and any person violating the provisions of this division relating to parking in prohibited areas and loading zones shall be punished by a fine of \$30.00 for each offense.~~ shall be punished as follows.

(a) Any person violating the provisions of this division relating to overtime parking shall be punished by a fine of \$20.00 for each offense.

(b) Any person violating the provisions of this division relating to parking in prohibited areas and loading zones shall be punished by a fine of \$30.00 for each offense.

(c) Any person violating the provisions of Section 25-250 relating to Stopping on the highways – Generally outside of the Central Business District shall be punished by a fine of \$30.00 for each offense.

(d) Any person violating the provisions of this division relating to parking in loading zones in the Central Business District shall be punished by a fine of \$50.00 for each offense.

(e) Any person violating the provisions of Section 25-250 relating to Stopping on the highways – Generally in the Central Business District shall be punished by a fine of \$100.00 for each offense.

Sec. 25-250. - Stopping on highways—Generally.

- (a) No vehicle shall be stopped in such a manner as to impede or render dangerous the use of the street, alleyway or highway by others, except in the case of an emergency as the result of an accident or mechanical breakdown, in which case the emergency flashing lights of such vehicle shall be turned on if the vehicle is equipped with such lights and such lights are operating, and a report shall be made to the nearest police officer as soon as practicable and the vehicle shall be removed from the roadway to the shoulder as soon as possible and removed from the shoulder without unnecessary delay; and if such vehicle is not promptly removed, such removal may also be ordered by a police officer at the expense of the owner if the disabled vehicle creates a traffic hazard.
- (b) Except upon one-way streets not located within the Central Business District boundaries, and when actually loading or unloading merchandise as provided in section 25-259, no vehicle shall be stopped except close to and parallel to the right-hand edge of the curb, close to and parallel to the left-hand edge of curb, or close to and parallel to the edge of the roadway on one-way streets. In no instance shall such vehicle be parked with the near wheels further than six inches from the curb.
- (c) Within the Central Business District, no vehicle shall be stopped in any portion of the roadway for the purposes of loading or unloading merchandise, except for in the designated loading zones or by issuance of a right-of way permit as provided in section 35-12; however, if a designated loading zone is not available, a vehicle may park in a designated parking space for the purpose of loading or unloading merchandise while complying with posted time limits.
- (de) No vehicle shall be stopped at or in the vicinity of a fire, vehicle or airplane accident or other area of emergency, in such a manner as to create a traffic hazard or interfere with the necessary procedures of police officers, fire fighters, rescue workers or others whose duty it is to deal with such emergencies. Any vehicle found unlawfully parked in the vicinity of such fire, accident or area of emergency may be removed by order of a police officer or in the absence of a police officer, by order of the uniformed fire or rescue officer in charge at the risk and expense, ~~not to exceed \$25.00~~, of the owner of the vehicle if such vehicle creates a traffic hazard or interferes with the necessary procedures of police officers, fire fighters, rescue workers or others whose assigned duty is to deal with such emergencies. Vehicles being used by accredited information services, such as press, radio and television, when being used for the gathering of news, shall be exempt from the provisions of this section, except when actually obstructing the police officers, fire fighters and rescue workers dealing with such emergencies.
- ~~(ed)~~ The provisions of this section shall not apply to any vehicle owned or controlled by the Commonwealth of Virginia Department of Highways and Transportation, or the city, while actually engaged in the construction, reconstruction or maintenance of highways.

Sec. 25-265. - Manner of using loading zones.

Where a loading and unloading zone has been set apart by the city manager or his designee in accordance with applicable provisions of this chapter, the following regulations shall apply with respect to the use of such areas so as not to unduly interfere with the use of public streets:

- (a) ~~No person shall stop, stand or park a vehicle for any purpose or length of time, other than for the expeditious unloading and delivery or pickup and loading of materials, in any place marked as a curb loading zone during hours when the provisions applicable to such zones are in effect.~~more than thirty (30) minutes for the purposes of actively unloading and loading of materials or passengers in any place marked as a loading zone during when the provisions applicable to such zones are in effect as stated on appropriate signage.
- (b) ~~The driver of a passenger vehicle may stop temporarily in a space marked as a curb loading zone for the purpose of, and while actually engaged in, loading or unloading passengers or bundles. If a person requires parking accommodations for the purposes of unloading and delivery or pickup and loading materials that will exceed the thirty (30) minute time length, then such person shall obtain a Temporary Parking Permit for the Central Business District as described in Section 25-270 of the City Code.~~

Sec. 25-270. - ~~Construction parking permits~~Temporary Parking Permits in the Central Business District.

~~Construction parking permits are issued by the inspections division of the community development department. Permits will be issued to vehicle owners who are actively engaged in the construction project (plumbing/electrical contractors, etc.). Construction parking permits shall only be issued for vehicles that are used to transport equipment, tools and supplies used by the owner at the work site.~~ Temporary parking permits are issued by the City Manager's designee for the use of on-street or off-street parking spaces for persons who are engaged in activities that require short-term parking accommodations within a reasonable proximity to a worksite, business, event, or residence for special need occasions.

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

Adopted:

Certified: _____

Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **April 23, 2019**

AGENDA ITEM #: **9**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Loading Zone Ordinance Amendments for the Central Business District

KEY ELEMENTS:

☐ Economic Development ☒ Excellent Government ☒ Natural and Built Environment ☒ Safe Community ☒ Vibrant Community

RECOMMENDATION: Adopt ordinance amendments in City Code Sections 25-1, 25-249, 25-250, 25-265, and 25-270 impacting Central Business District parking that would change the manner of use of loading zones, make it illegal for vehicles to park on one-way streets, and to increase the fine amounts for violations related to loading zones and parking on one-way streets.

SUMMARY: On November 13, 2018, City Council adopted Resolution R-18-094 stating, “in order to promote the public necessity, convenience and general welfare, the City Council does hereby direct City Staff to prepare amendments to Sections 25-249, 25-250, and Section 25-265 of the City Code to ensure the effective designation, use and enforcement of timed and permanent loading zones for the deliveries outside of travel lanes.” Over the last several months, a multi-departmental team has worked to conduct the necessary review of existing ordinances, as well as research leading practices associated with downtown loading zone management. In addition to the code sections City Council directed staff to review, staff also recognized that changes were needed to Section 25-1 and Section 25-270 pertaining to definitions and construction parking permits.

Regardless of any other proposals related to downtown policy questions, staff’s recommendations for changes to loading zone management in the Central Business District are necessary to ensure a safer and more efficient flow of vehicular traffic and use of designated loading zones.

The following is a summary of the recommended changes:

1. The Central Business District needs to be defined as the area of downtown from Fifth Street to the Route 29 Business Expressway and from Clay Street to the Riverfront (Section 25-1).
2. The penalties for violations need to be updated. Staff recommends that within the Central Business District, anyone violating the loading zone provisions is subject to a \$30.00 fine and anyone stopping in the roadway is subject to a \$100.00 fine (Section 25-249).
3. Clarification is needed related to rules governing stopped vehicles within the roadways on one-way streets and in loading zones, as well as required permits (Section 25-250).
4. A time limit of 30 minutes is needed such that loading zone provisions are enforceable. Should the time limit not be sufficient for a particular issue, it is necessary for Parking Management to have the authority to issue a temporary parking permit exceeding the standard time limit (Section 25-265).
5. Updates to the temporary parking permit provisions are needed so that there is more flexibility as to the reasons for which temporary permits are issued (Section 25-270).

Upon approval of the City Code amendments, City staff will begin the process of implementing a 120 day loading zone pilot program to determine the effectiveness of the newly designated loading zones. The following is a summary of the pilot program for loading zones changes:

1. The pilot program will operate from May 2019 to September 2019. Evaluation of the effectiveness of this program will be conducted at the end of this time period, which will consist of staff conducting outreach to downtown stakeholders, as well as evaluating the extent to which motorists are complying with the new provisions of the Code.
2. Defined loading zones will be established in multiple locations, primarily on Main Street, but also on Thirteenth Street and Commerce Street (see Attachment 7 – Loading Zone Communication Flyer)

3. There will be two types of loading zones, based on time of day in which they are active:
 - a. Active between 7:00 am and 11:00am Monday through Friday, reverting to one-hour parking after 11:00am, or
 - b. Active between 8:00am and 5:00pm Monday through Friday.

At the February 26, 2019 Physical Development Committee (PDC) meeting City and consultant staff introduced the proposed loading zone ordinance changes. After this meeting, an extensive outreach program was conducted with downtown businesses and delivery companies. Results of the outreach efforts were reported at the March 12 and April 9, 2019 PDC meetings. Twenty four fleet managers and seventy five property and business owners were contacted. Additionally, an e-blast was sent to a list of four hundred downtown stakeholders by the Downtown Lynchburg Association. Themes were delivery companies will adjust to the changes to the loading zones and concerns with timing with the Appalachian Power Company construction and the Main Street renewal project.

PRIOR ACTION(S): November 13, 2018: City Council adopted Resolution R-18-094
February 26, 2019: Physical Development Committee
March 12, 2019: Physical Development Committee
April 9, 2019: Physical Development Committee

FISCAL IMPACT: Cost for new loading zone sign production and installation estimated at \$1,000. Cost for printing new parking ticket books estimated at \$2,100. Additional revenue generated from parking fines during pilot program estimated at \$ 7,500.

CONTACT(S): Reid A. Wodicka, Deputy City Manager, 455-4406
Gaynelle Hart, Director of Public Works, 455-4406
Lee Newland, City Engineer, 455-3947
David Malewitz, Parking Manager, 455-4240

ATTACHMENT(S):

1. Power Point Presentation
2. Proposed Ordinance Amendments Sections 25-1, 25-249, 25-250, 25-265, and 25-270 of the City Code.
3. Proposed Loading Zone Signage
4. City Code Section 35-12 Protective Devices
5. Parking Management Temporary Parking Permit Policy
6. Comparison of Parking Fines in Other Localities
7. Loading Zone Communication Flyer

REVIEWED BY: raw

047A



Central Business District Loading Zones

*Recommended Ordinance Changes and Pilot
Implementation Program*

April 23, 2019

City Council Meeting



Overview

- Purpose: Provide City Council with a recommendation for updating the City Code to address concerns with loading zones in the Central Business District
- Overview of Presentation
 - Review of Recommendation Development Process
 - Recommended loading zone ordinance changes
 - Pilot Program
 - Discussion of Outreach Efforts and Feedback



Recommendation Development Process

- In December 2018, a multi-departmental team began research and creation of recommendations
- Presented recommendations and outreach plan to PDC on February 26, 2019
- Conducted outreach efforts from during March 2019
- Updates to PDC on March 12 and April 9



Loading Zones

- On November 13, 2018, City Council approved the Downtown 2040 Master Plan
 - Included direction to evaluate and provide recommendations for changes to loading zones in downtown
- Staff recommends updates to loading zone ordinances regardless of the result of any other policy discussion about downtown traffic



Ordinance Updates

- City Council directed staff to provide recommendations for revisions to three code sections:
 - Section 25-249 – Penalties for Violations
 - Section 25-250 – Stopping on highways
 - Section 25-265 – Use of Loading Zones
- During review, staff also recognized revisions are needed in two additional sections
 - Section 25-1 – Definitions
 - Section 25-270 – Temporarily issued permits



Section 25-1: Definitions

- Clarifies that the Central Business District is the area of downtown:
 - From Fifth Street to the Route 29 Business Expressway, and
 - From Clay Street to the Riverfront
- This is how we have traditionally defined the Central Business District in Lynchburg



Section 25-249: Penalties

- Increases the fine for violating the loading zone provisions from \$30.00 to \$50.00
- Establishes a fine of \$100.00 for unloading/loading in the middle of the road
- How did we get there:
 - Intended to dissuade deliveries from ignoring the loading zone rules
 - We are intentionally recommending higher fines than some other localities since this is a problem in Lynchburg



Comparison to Other Localities

Locality	Loading Zone	Double Parked
Charlottesville	\$15.00	\$30.00
Danville	10.00	10.00
Harrisonburg	15.00	20.00
Richmond	25.00	40.00
Roanoke	20.00	20.00
Staunton	15.00	10.00
Winchester	25.00	25.00



Section 25-250 – Stopping

- Requires that vehicles used for loading and unloading merchandise must
 - Be parked to the side of the street, and no further than six inches from the curb and
 - Use loading zones or receive a right-of-way permit
- Another small revision eliminating the limit of \$25.00 cost for vehicles that must be towed for emergency services operations



Section 25-265: Using Loading Zones

- Establishes a thirty minute time limit for actively loading and unloading any materials or passengers within a marked loading zone
- Provides a process for issuing temporary permits if there is a need for longer than a 30 minute loading time
 - City Council agenda packet attachment 5 to this item provides the details of this program



Loading Zone Signage





Section 25-270: Temporary Permits

- Amends this section to provide for a temporary process for a variety of reasons a person might need a temporary permit longer than 30 minutes. Previously was allowed for construction only.
- Will be within a reasonable proximity of
 - Worksite
 - Business
 - Event
 - Residence, etc.



Pilot Implementation

- Pilot implementation from May to September 2019; subsequent evaluation
- Establish multiple loading zones
 - Primarily on Main Street, but also on 13th Street and Commerce Street
- Two types of loading zones
 - 7:00 am 11:00 am, reverting to 1 hour parking after 11:00 am
 - 8:00 am to 5:00 pm



How will we evaluate?

- Consider:
 - Number of tickets written, with intentions of achieving compliance
 - Number of complaints received regarding loading zone violations
- Conduct a downtown stakeholder outreach effort similar to what we've recently done to determine how effective our approach has been



1300 Block Main Street





1300 Block Main Street*



* 7:00 am to 11:00 am Only; other times 1 hour parking



1100 Block Main Street





1000 Block Main Street





900 Block Main Street



* 7:00 am to 11:00 am Only; other times 1 hour parking



900 Block Main Street





800 Block Main Street





Commerce Street





13th Street





Overview of Outreach Efforts

- Directly contacted stakeholders to review ordinance changes and plan of action
 - 24 fleet managers for companies that do delivery services in the affected area
 - 75 business and property owners
- E-blast to 400 downtown stakeholders from our partners at the Downtown Lynchburg Association



Themes from Feedback

- Two major themes from feedback we received:
 - Delivery company fleet managers generally reported that they would be able to adjust their operations to meet the changes
 - There was a suggestion from one downtown business owner that we should wait until after the Main Street Renewal Project to implement changes



Conclusion

- Revisions to loading zone code sections were initiated by City Council on November 13, 2019; staff has provided recommendations to modernize this section
- Revisions to loading zone regulations are necessary regardless of any other downtown policy issue
- Staff suggests a pilot implementation of newly identified loading zones from May to September 2019
- Extensive outreach efforts has helped with communications to the community



Loading Zones

- Questions, comments, feedback?

AN ORDINANCE TO AMEND AND REENACT SECTIONS 25-1, 25-249, 25-250, 25-265, AND 25-270 OF THE CODE OF THE CITY OF LYNCHBURG, 1981, THE AMENDED SECTION RELATING TO LOADING ZONINGS AND PARKING ON ONE-WAY STREETS.

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

1. That Sections 25-1, 25-249, 25-250, 25-265, and 270 of the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted as follows:

Sec. 25-1. - Definitions.

The following words and phrases, when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

Antique motor vehicle. Every motor vehicle which was actually manufactured or designated by the manufacturer as a model manufactured in a calendar year not less than 25 years prior to January first of each calendar year and is owned solely as a collectors item, and is used for participation in club activities, exhibits, tours, parades and similar uses, but in no event used for general transportation, may be classified by the commissioner as an antique motor vehicle.

Bicycle. As defined in section 10-1 of this Code.

Business district. The territory contiguous to a highway where 75 percentum or more of the property contiguous to a highway, on either side of the highway, for a distance of 300 feet or more along the highway is occupied by land and buildings actually in use and operation for business purposes.

Central Business District The area of downtown from Fifth Street to the Rt. 29 *Business Expressway* and from Clay Street to the riverfront.

Chauffeur. Every person employed for the principal purpose of operating a motor vehicle and every person who drives a motor vehicle while in use as a public or common carrier of persons or property.

Commission. The state corporation commission.

Commissioner. The commissioner of the division of motor vehicles of this state.

Crosswalk.

(a) That portion of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway.

(b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Dealer. Every person engaged in the business of buying, selling or exchanging motor vehicles, trailers and semitrailers in this city and who has an established place of business for such purpose in this city at which place of business the books and records of such dealer are kept and at which a substantial part of the business of such dealer is conducted.

Division. The division of motor vehicles of this state.

Essential parts. All integral parts and body parts, the removal, alteration or substitution of which will tend to conceal the identity of a vehicle.

Farm tractor. Every motor vehicle designed and used as a farm, agricultural or horticultural implement for drawing plows, mowing machines and other farm, agricultural or horticultural machinery and implements including self-propelled mowers designed and used for mowing lawns.

Highway. The entire width between the boundary lines of every way or place of whatsoever nature open to the use of the public for purposes of vehicular travel in this city, including the streets, alleys and publicly maintained parking lots in the city.

Intersection.

- (a) The area embraced within the prolongation or connection of the lateral curblines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.
- (b) Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

Metal tires. All tires the surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material.

Motorcycle. Every motor vehicle designed to travel on not more than three wheels in contact with the ground and any four wheeled vehicle weighing less than 500 pounds and equipped with an engine of less than six horsepower, except any such vehicle as may be included within the term "farm tractor," as defined in this section.

Motor vehicle. Every vehicle as herein defined which is self-propelled or designed for self-propulsion except that the definition contained in section 46.1-389(d) of the Code of Virginia shall apply for the purposes of section 46.1-388 et seq. of state law. Any structure designed, used or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office or commercial space shall be considered a part of a motor vehicle. For the purposes of this chapter, any device herein defined as a bicycle shall be deemed not to be a motor vehicle.

Nonresident. Every person who is not domiciled in this state, except:

- (a) Any foreign corporation which is authorized to do business in this state by the state corporation commission shall be deemed a resident of this state for the purposes of this chapter; provided, however, that in the case of corporations incorporated in this state but doing business without the state, only such principal place of business or branches located within this state shall be dealt with as residents of this state.
- (b) A person who becomes engaged in a gainful occupation in this state for a period exceeding 60 days shall be deemed a resident for the purposes of this chapter.
- (c) A person, other than a nonresident student, who has actually resided in this state for a period of six months, whether employed or not, or who has registered a motor vehicle, listing an address within this state in the application for registration, shall be deemed a resident for the purposes of this chapter.

Operator. Every person who drives or is in actual physical control of a motor vehicle upon a highway or who is exercising control over or steering a vehicle being towed by a motor vehicle.

Owner. A person who holds the legal title of a vehicle or, in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this chapter, except that in all such instances when the rent paid by the lessee includes charges for services of any nature or when the lease does not provide that title shall pass to the lessee upon payment of the rent stipulated, the lessor shall be regarded as the owner of such vehicle and the vehicle shall be subject to such requirements of this chapter as are applicable to vehicles operated for compensation; provided, however, that a "truck lessor" shall be regarded as the owner, and his vehicles shall be subject to such requirements of this chapter as are applicable to vehicles of private carriers.

Peace or police officer. Every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

Person. Every natural person, firm, partnership, association or corporation.

Pneumatic tires. All tires inflated with compressed air.

Private road or driveway. Every way in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

Reconstructed vehicle. Every vehicle of a type required to be registered hereunder materially altered from its original construction by the removal, addition or substitution of essential parts new or used.

Residential district. The territory contiguous to a highway, not comprising a business district, where 75 percentum or more of the property contiguous to such highway, on either side of the highway, for a distance of 300 feet or more along the highway is occupied by dwellings and land improved for dwelling purposes, or by dwellings, land improved for dwelling purposes and land or buildings in use for business purposes.

Road tractor. Every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon independently or any part of the weight of a vehicle or load so drawn.

Roadway. That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the shoulder. A highway may include two or more roadways if divided by a physical barrier or unpaved area.

Safety zone. The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

Semitrailer. Every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle.

Shoulder. That part of a highway between the portion regularly traveled by vehicular traffic and the lateral curbline or ditch.

Solid rubber tire. Every tire made of rubber other than a pneumatic tire.

Specially constructed vehicle. Any vehicle which shall not have been originally constructed under a distinctive name, make, model or type by a generally recognized manufacturer of vehicles and not a reconstructed vehicle.

Superintendent. The superintendent of the department of state police of this state.

Tractor truck. Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the load and weight of the vehicle attached thereto.

Traffic lane or lane. That portion of a roadway designed or designated to accommodate the forward movement of a single line of vehicles.

Trailer. Every vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle.

Vehicle. Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks and except any vehicle as may be included within the term "bicycle."

Sec. 25-249. - Penalty for violation of division.

Unless otherwise provided, any person violating the provisions of this division ~~relating to overtime parking shall be punished by a fine of \$20.00 for each offense; and any person violating the provisions of this division relating to parking in prohibited areas and loading zones shall be punished by a fine of \$30.00 for each offense.~~ shall be punished as follows:

(a) Any person violating the provisions of this division relating to overtime parking shall be punished by a fine of \$20.00 for each offense.

(b) Any person violating the provisions of this division relating to parking in prohibited areas and loading zones shall be punished by a fine of \$30.00 for each offense.

(c) Any person violating the provisions of Section 25-250 relating to Stopping on the highways – Generally outside of the Central Business District shall be punished by a fine of \$30.00 for each offense.

(d) Any person violating the provisions of this division relating to parking in loading zones in the Central Business District shall be punished by a fine of \$50.00 for each offense.

(e) Any person violating the provisions of Section 25-250 relating to Stopping on the highways – Generally in the Central Business District shall be punished by a fine of \$100.00 for each offense.

Sec. 25-250. - Stopping on highways—Generally.

(a) No vehicle shall be stopped in such a manner as to impede or render dangerous the use of the street, alleyway or highway by others, except in the case of an emergency as the result of an accident or mechanical breakdown, in which case the emergency flashing lights of such vehicle shall be turned on if the vehicle is equipped with such lights and such lights are operating, and a report shall be made to the nearest police officer as soon as practicable and the vehicle shall be removed from the roadway to the shoulder as soon as possible and removed from the shoulder without unnecessary delay; and if such vehicle is

not promptly removed, such removal may also be ordered by a police officer at the expense of the owner if the disabled vehicle creates a traffic hazard.

- (b) Except upon one-way streets not located within the Central Business District boundaries, and when actually loading or unloading merchandise as provided in section 25-259, no vehicle shall be stopped except close to and parallel to the right-hand edge of the curb, close to and parallel to the left-hand edge of curb, or close to and parallel to the edge of the roadway on one-way streets. In no instance shall such vehicle be parked with the near wheels further than six inches from the curb.
- (c) Within the Central Business District, no vehicle shall be stopped in any portion of the roadway for the purposes of loading or unloading of merchandise, except for the designated loading zones or by issuance of a right-of way permit as provided in section 35-12.
- (de) No vehicle shall be stopped at or in the vicinity of a fire, vehicle or airplane accident or other area of emergency, in such a manner as to create a traffic hazard or interfere with the necessary procedures of police officers, fire fighters, rescue workers or others whose duty it is to deal with such emergencies. Any vehicle found unlawfully parked in the vicinity of such fire, accident or area of emergency may be removed by order of a police officer or in the absence of a police officer, by order of the uniformed fire or rescue officer in charge at the risk and expense, ~~not to exceed \$25.00~~, of the owner of the vehicle if such vehicle creates a traffic hazard or interferes with the necessary procedures of police officers, fire fighters, rescue workers or others whose assigned duty is to deal with such emergencies. Vehicles being used by accredited information services, such as press, radio and television, when being used for the gathering of news, shall be exempt from the provisions of this section, except when actually obstructing the police officers, fire fighters and rescue workers dealing with such emergencies.
- (ed) The provisions of this section shall not apply to any vehicle owned or controlled by the Commonwealth of Virginia Department of Highways and Transportation, or the city, while actually engaged in the construction, reconstruction or maintenance of highways.

Sec. 25-265. - Manner of using loading zones.

Where a loading and unloading zone has been set apart by the city manager or his designee in accordance with applicable provisions of this chapter, the following regulations shall apply with respect to the use of such areas so as not to unduly interfere with the use of public streets:

- (a) No person shall stop, stand or park a vehicle for ~~any purpose or length of time, other than for the expeditious unloading and delivery or pickup and loading of materials, in any place marked as a curb loading zone during hours when the provisions applicable to such zones are in effect.~~ more than thirty (30) minutes for the purposes of actively unloading and loading of materials or passengers in any place marked as a loading zone during when the provisions applicable to such zones are in effect as stated on appropriate signage.
- (b) ~~The driver of a passenger vehicle may stop temporarily in a space marked as a curb loading zone for the purpose of, and while actually engaged in, loading or unloading passengers or bundles. If a person requires parking accommodations for the purposes of unloading and delivery or pickup and loading materials that will exceed the thirty (30)~~

minute time length, then such person shall obtain a Temporary Parking Permit for the Central Business District as described in Section 25-270 of the City Code.

Sec. 25-270. - ~~Construction parking permits~~Temporary Parking Permits in the Central Business District.

~~Construction parking permits are issued by the inspections division of the community development department. Permits will be issued to vehicle owners who are actively engaged in the construction project (plumbing/electrical contractors, etc.). Construction parking permits shall only be issued for vehicles that are used to transport equipment, tools and supplies used by the owner at the work site.~~ Temporary parking permits are issued by the City Manager's designee for the use of on-street or off-street parking spaces for persons who are engaged in activities that require short-term parking accommodations within a reasonable proximity to a worksite, business, event, or residence for special need occasions.

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

Adopted:

Certified: _____
Acting Clerk of Council



Parking Management

900 Church Street • Lynchburg • Virginia • 24504

www.lyncburgva.gov • P 434-455-4045 • F 434-847-1536

Proposed New Loading Zone Signage



Sec. 35-12. - Protective devices.

When any work is being done on any street, alley, sidewalk or other public way or on structures abutting thereon, which may endanger persons passing thereon or thereby, barriers or other protective devices approved by the transportation engineer or the transportation engineer's designee, by application for and issuance of a right of way permit shall be erected and maintained to protect the public against any danger which may be presented to the public by reason of such work. Such barriers and devices shall be so constructed as to provide a light or other illumination during hours of darkness. Fees for right of way permits shall be set by the city manager. These fees are subject to annual review and revision by the city manager.

Traffic signs and traffic signals and markings placed or erected pursuant to this title shall conform in size, design, and color to those erected for the same purpose by the department of transportation.

The city transportation engineer may classify, designate, and mark highways and provide a uniform system of traffic control devices for such highways under the jurisdiction of the city. Such system of traffic control devices shall correlate with and, so far as possible, conform to the system adopted in other states.

All drivers of vehicles shall obey lawfully erected traffic control devices.

No provision of this section relating to the prohibition of disobeying traffic control devices or violating local traffic control devices shall be enforced against an alleged violator if, at the time and place of the alleged violation, any such traffic control device is not in proper position and sufficiently legible to be seen by an ordinarily observant person.

Any violation of this section shall constitute a class 4 misdemeanor.

(Code 1959, § 30-21; Ord. No. [O-18-013](#), 2-27-18)



Parking Management

900 Church Street • Lynchburg • Virginia • 24504

www.lynchburgva.gov • P 434-455-4045 • F 434-847-1536

Temporary Parking Permit Policy: **Central Business District**

Effective Date:

Purpose

To provide short-term parking accommodations for on-street and/or off-street parking spaces within the Central Business District that allow parking opportunities for vehicle drivers/owners who are actively engaged in, but not limited to, loading and unloading activities so as to have accommodating parking within a reasonable proximity to a worksite, business, event, or residence for special need occasions. Long-term parking may be accommodated by purchasing monthly parking permits within designated lots.

Permitted Uses

Permitted vehicles are allowed to park in designated City owned on-street and/or off-street parking spaces without having to adhere to posted time limit restrictions or hourly parking fees. Vehicles may also use privately owned parking facilities that are under a parking management agreement with the City. Uses of designated loading zones are exempt from this policy.

Issuance

The Parking Management department is responsible for all issuance and collection of fees.

Fees are established by the Parking Management department and approved by the City Manager. Fees are subject to review on an annual basis.

As of January 1, 2019 the fee is \$10.00 per day per parking space.

The Parking Management department reserves the right to limit the number of Temporary Parking Permits issued, or deny the request. Issuance will be based on the impact to businesses that will be affected by such parking accommodations. Individuals and/or businesses with outstanding balances owed on their parking account will be required to pay that debt amount prior to the issuance of a Temporary Parking Permit.

Designated Locations

Temporary Parking Permits will have the designated location displayed on the front of the permit where parking is permitted. Administrative discretion will be used to determine the appropriate location(s) for permitted use. A permitted vehicle(s) parked outside of the designated location will be subject to regular parking rules and is subject to the issuance of a parking citation(s) for related parking infractions.

Displaying Permits

Temporary Parking Permits must be clearly displayed with the location, expiration date, and permit number facing outward, toward the vehicle windshield, from the vehicle rear-view mirror or placed on the dashboard on the driver's side of the vehicle.

Failure to properly display a Temporary Parking Permit will result in a parking citation.

Lost/Stolen Permits

Lost or stolen parking permits must be reported to the Parking Management department. No refunds will be given for lost or stolen permits. A new Temporary Parking Permit will need to be purchased in place of a lost or stolen permit to be effective on the date of the new purchase.

Damaged Permits

Damaged parking permits can be replaced without a fee provided that the original parking permit is valid and returned to the Parking Management department. A new Temporary Parking Permit will be issued.

Refunds

No refunds will be issued for Temporary Parking Permits.

Transferring Permits

Temporary Parking Permits can be transferred from one vehicle to another; however, they may not be sold to other individuals. Permits that are sold to third parties will be voided.

Enforcement

Enforcement of Temporary Parking Permits in the Central Business District is administered between the hours of 8 a.m. and 5 p.m., Monday – Friday, excluding Saturday, Sundays and City of Lynchburg designated holidays.

Violations

All vehicles found in violation of parking ordinances within *Chapter 25 "Motor Vehicles & Traffic", Article VIII Stopping, Standing, and Parking* are subject to civil infractions as outlined within the chapter.

Temporary Parking Permits for Construction Projects

Contractors may purchase Temporary Parking Permits for the purpose of parking construction related vehicles or other materials within close proximity to the construction site. A valid right-of-way permit issued from the Public Works Department Engineering Division may be required prior to the issuance of a Temporary Parking Permit. Long-term construction projects that require parking are encouraged to purchase monthly parking permits within designated off-street public parking facilities.

In general, the following conditions apply for Construction Temporary Parking Permits:

- Permit issuance designed for industrial, institutional, commercial and residential construction projects.
- Parking Management will work with the contractor(s) to determine the best location for the use of the Temporary Parking Permit(s) in relationship to the work that is being conducted and location of the construction area.
- The Parking Management department will attempt to issue the permitted spaces closest to the worksite.
- Minimizing parking inconveniences to surrounding businesses will be a priority. Whenever possible, off-street parking spaces will be assigned to help preserve available on-street parking for businesses.
- Permit(s) are not required for parking on Saturdays and Sundays and during City of Lynchburg designated holidays.

All authorized construction Temporary Parking Permits will be issued for no more than 30 day increments at a time and must be renewed on or before the expiration date at the Parking Management department in order to avoid the issuance of a parking citation(s).

For larger projects impacting the right-of-way, please contact the Public Works Department's Engineering Division at 434-455-3950 for more information.



Parking Management

900 Church Street • Lynchburg • Virginia • 24504

www.lyncburgva.gov • P 434-455-4045 • F 434-847-1536

Parking Fine Amounts in Comparable Localities

Infractions for Illegal Parking in Loading Zones and Lane of Traffic (Double Parked)

	Loading Zone (Restricted Area)	Double Parked	Notes
Lynchburg	\$30	\$30	Current fine amounts
Charlottesville	\$15	\$30	Fines doubled if not paid in 96 hours (4 days)
Danville	\$10	\$10	Fine increased by \$5 if not paid in 5 days
Harrisonburg	\$15	\$20	
Richmond	\$25	\$40	\$60 if sign is labeled will tow
Roanoke	\$20	\$20	
Staunton	\$15	\$10	
Winchester	\$25	\$25	Fines doubled if not paid in 15 days

LOADING ZONE CHANGES TO DOWNTOWN LYNCHBURG



BACKGROUND

In 2018, Lynchburg City Council instructed staff to review current ordinances regarding loading zones in the Central Business District and to make recommendations that would help ensure the effective designation, use and enforcement of timed and permanent loading zones for the deliveries outside of travel lanes. Staff has completed the initial recommendations as follows and has asked that Council consider the changes to loading zone management practices in the Central Business District to ensure a safer and more efficient flow of vehicular traffic. City Council's Physical Development Committee (PDC) has further instructed staff to conduct outreach and a "pilot" period to assess the viability of the recommended changes.

-  30-minute loading zone 7:00 a.m. - 11:00 a.m. / One-hour public parking after 11:00 a.m., Monday - Friday
-  30-minute loading zone 8:00 a.m. - 5:00 p.m., Monday - Friday

ORDINANCE CHANGES

- Create a consistent 30-minute time limit to all loading zones.
 - Fine for a loading zone violation will increase from \$30 to \$50. The purpose of the increase is to encourage drivers to respect the time limits and to use the area for loading or unloading only.
 - Fine for parking illegally in the travel lane of traffic will result in a \$100 fine. The purpose of the fine is to dissuade drivers from parking in the travel lane and to promote a safe environment for vehicular travel.
 - When it is necessary to provide parking accommodations for longer deliveries or to facilitate special requests for all day parking related to construction, moving or other special needs from businesses, a right-of-way permit may be obtained through the Public Works Engineering Division or a temporary parking permit may be issued.
- Staff will make a report to PDC and the proposed ordinance changes will go to City Council on April 23, 2019.
 - Pending City Council's approval, a pilot period is expected to commence May 2019 to test the viability of the changes.
 - A final report regarding the loading zones ordinance changes will be made to City Council at its September 2019 meeting.

IMPLEMENTATION

- An outreach period will be conducted beginning Monday, March 4 to provide information regarding the proposed ordinance changes to businesses located in the pilot area and to the fleet managers of effected delivery companies.



ADDITIONAL INFORMATION

For more information, visit
www.lynchburgva.gov/cbdloadingzones

CONTACTS

Lee Newland – Public Works Department
(434) 455-3947
lee.newland@lynchburgva.gov

Heather Kennedy – Cella Molnar & Associates
(434) 528-3041
hkennedy@cella.cc

// A Special Meeting of the Council of the City of Lynchburg was held on the 16th day of April, 2019 at 4:00 P.M. in the Council Chamber, City Hall, Treney Tweedy, President, presiding. The following Members were present:

Present: MaryJane Dolan, J. Randy Nelson, E. J. Turner Perrow,

Sterling A. Wilder, Beau Wright, Treney Tweedy

6

Absent: Jeff Helgeson

1

// Councilmember Helgeson arrived to the meeting at 4:01PM.

// In the matter of Finance – Budget, Council Report #1 was considered regarding an update on results from the “Balancing Act” Citizen Engagement Tool. Chief Financial Officer (CFO) Donna Witt provided an overview of “Balancing Act” through her verbal update and PowerPoint presentation. To date the “Balancing Act” application has received 49 total submissions of budget suggestions, and 461 total page views from 203 residents of the City. Those visiting the site are spending an average of 11 minutes reviewing budget information. Mrs. Witt provided a sampling of citizen comments online, and informed Council on how the application has been promoted to the public. Councilmember Perrow stated that some suggestions from citizens seemed to be “almost completely divergent” while Vice Mayor Dolan noted that the sampling from 49 residents may not be enough information to discern anything meaningful. As a side note, Councilmember Perrow offered thanks to staff for having a working projector in the Chamber. [Chamber projector was out of service during the previous session] City Manager Svrcek acknowledged the efforts of Communications and Marketing to temporarily install one of their own projectors for use in Council Chamber.

// In the matter of Finance – Budget, Council Report #2 was considered to review answers to Council questions posed during the previous budget sessions. City Manager Bonnie Svrcek provided this update.

Questions and dialogue from Councilmembers on this report:

1. Provide five years of Schools budget to actual by line item. (Wright)

Three years (Actual FY 2016, FY 2017, and FY 2018) were provided by Lynchburg City Schools (LCS) Chief Financial Officer, Anthony Beckles for Council review. A fourth year is in the budget packet, per Ms. Svrcek. Councilmember Perrow asked how carryover balances are affected in the budgets. CFO Donna Witt advised that the City would show this in an amended budget; however she is uncertain how LCS handles this type of information.

2. Provide additional information on Creekside Trail flood damage. (Wright)

On August 2, 2018, a flash flood through the Blackwater Creek Watershed caused \$5.3 million dollars of damage to parks and trails in Lynchburg. Though several parks were damaged, the majority of the damage (\$4.8 million) happened to Creekside Trail located along the banks of Blackwater Creek. In total there were 324 downed trees, 44 sandbars, 53 stream bank collapses/severe erosion and 7 lost or damaged bridges of varying types. Two of the suspension/swinging bridges are essential to re-opening the trail system. One of the suspension bridges that survived is the U.S. Forest Service designed bridge which was built higher above the Creek water than the other bridges. Because of the longevity of the U.S. Forest Service Bridge, the City wants to use this design when the others are replaced; the cost is \$375,000 per bridge. The two bridges will assist in getting the last 3 miles of closed trail reopened within a year due to all of the volunteer efforts; trail reroutes, and work done by Public Works, Water Resources, and Parks and Recreation. Councilmember Wright questioned the inclusion of one bridge in the Capital Improvement Program (CIP), when there is a need to repair two bridges. Jennifer Jones, Director of Parks and Recreation explained that there was a request for funding of both bridges in the CIP, however budget constraints allow for only one possible repair at this time. Ms. Jones also noted that some bridges are only pedestrian bridges and without use of both bridges, they are unable to open that part of the trail. This 2.7 mile section of the trail would remain closed until 2023 when the CIP allocates funding. The City is working with property owners in consideration of a reroute, but this takes time. CFO Witt advised that the City is also awaiting a decision by the Virginia Department of Emergency Management (VDEM) in regard to reimbursements for the damage. Councilmember Perrow asked if a visual could be prepared through our Geographic Information System (GIS) that identified the trails and projects as well as the minimum [dollar amount and work] required to open our trail system. Councilmember Perrow asked if the structures were insured, CFO Witt commented that she believed they did not qualify for insurance due to being located in a flood zone. Ms. Jones replied that a map has been created by GIS and she would be happy to share this information with Council via a presentation.

3. Clarify whether the Hollins Mill Road Bridge Improvements project is a Transportation or Parks and Recreation project. (Perrow)

This project seeks to solve the issue of the low water crossing area at Hollins Mill. With regularity, the low water crossing is impassable due to heavy rainfall. This low water crossing

connects the Point of Honor Trail to the Blackwater Bikeway paved trail system. The project funds include architect and engineering services that will determine whether a higher low water crossing should be built or an elevated bridge attached to the current roadway bridge instead. This project could change to a Transportation project if the best solution deems that a structure should be attached to the current bridge to cross Blackwater Creek at Hollins Mill Dam. Councilmember Perrow stated that he thought funding would be best used to open the trails as opposed to improving existing conditions.

4. Provide additional information regarding Schools athletic field projects for turf replacement/refurbishment. (Perrow)

Lynchburg City Schools (LCS) Deputy Superintendent, Dr. Benjamin Copeland provided a written response [edited] that indicated the current plan is to replace the turf, due to the year round use of the fields by all sports at both high schools. The Baseball field at Heritage High School (HHS) is one that LCS will consider replacement in the high use areas only if some areas of the field are in good condition. The example for the situation would be only the infield.

	<u>Date Installed</u>	<u>Warranty</u>	<u>CIP Funding Requested</u>
HHS Baseball Field 1	2/03/2014	12/03/2022	FY 2022
E.C. Glass High School Football/Soccer	07/24/2015	07/24/2023	FY 2023
HHS Football/Soccer Field (Note 1)	11/22/2017	11/22/2025	FY 2024

Comment: All fields will be inspected and evaluated in the final year of the warranty to determine wear on the surface and possible extension of the CIP funding to the following year. All funding is currently matched to the warranty expiration.

Note 1: HHS Football/Soccer Field will be shifted to FY 2025 in the next CIP preparation cycle.

5. Please provide information in regards to the cost to update the City's website and the cost of a Social Media Manager position. (Wright)

The cost of adding this position ranges from \$64,000 to \$102,000 with salary and benefits and the estimated cost to update the City's website is about \$60,000. Councilmember Wright noted that while the City needs to update the website at some point, he is not in favor of funding these costs currently. Mayor Tweedy asked that the Communications and Marketing Department bring a plan of internship or collaboration with local colleges and universities to support social media and website development. City Manager Svrcek stated that managing an internship with the needs of Communications and Marketing may be more cumbersome to staff than value added.

Councilmember Wilder asked how these needs are fulfilled currently. Ms. Svrcek advised that departments are using existing staff to manage this as needed.

6. How was the code changed regarding funding for Standards of Quality (SOQ) positions in regard to the 5%? How much State funding will be lost for each % not given by the Schools? (Helgeson)

Lynchburg City Schools (LCS) Chief Financial Officer, Anthony Beckles provided a written response [edited] with an excerpt from the Summary of Budget Amendments Adopted by the 2019 General Assembly to the 2018-2020 Biennial Budget as Amended by Governor Northam (HB 1700/SB 1100) affecting the Direct Aid to Public Education and Department of Education Central Office Budgets. Final General Assembly Action – Returns to the original Compensation Supplement in Chapter 2, which includes a July 1, 2019, effective date for a 3.0 percent Compensation Supplement. The General Assembly also funds an additional 2.0 percent Compensation Supplement for SOQ funded instructional and support positions effective September 1, 2019. Only a maximum 3.0 percent salary increase provided by local school divisions in fiscal year 2019 will be credited towards eligibility to receive the 3.0 percent Compensation Supplement in fiscal year 2020. Additionally, only salary increases provided in fiscal year 2020 up to 2.0 percent by September 1, 2019, can be credited towards eligibility to receive the additional 2.0 percent Compensation Supplement effective September 1, 2019.

School divisions providing less than a 2.0 percent local salary increase by September 1, 2019, would be eligible for partial state funding from the 2.0 percent portion of the Compensation Supplement in fiscal year 2020. This action reduces state payments for the Compensation Supplement by \$14.4 million in fiscal year 2020. If LCS does not give the additional 2% increase in salary by September 1, 2019; they will lose \$524,129 or \$262,064 for each 1%. LCS plans to give the 3% salary increase to all employees effective July 1, 2019. The additional 2% salary increase is the \$1,035,425 requested from City Council. If LCS receives this request, they will be able to give all employees a 5% salary increase effective July 1, 2019. LCS will lose the additional 2% salary increase funding if they do not give a 5% salary increase by September 1, 2019. LCS will not lose additional 2% salary increase funding if City Council approves the request for the \$1,035,425 and LCS gives a 5% salary increase by September 1, 2019.

Councilmember Helgeson noted that Lynchburg's composite index is around 36%, which means the State of VA pays around 64% [of educational costs]. Councilmember Helgeson stated the

scenario presented is “completely flipped” as the State is paying \$524,000 for the 2% raise and the City is contributing “a million” in local money and this should be the opposite.

// In the matter of Finance – Budget, Council Report #3 was considered regarding an overview of the Updated FY 2020 Revenue Projections. Chief Financial Officer Donna Witt provided a brief overview of these five (5) revenue projections with staff adjustments to revenue totaling \$716,322 and total revised revenues projected to be \$194,274,699. Councilmember Perrow noted his discomfort with item number five (5) to use half of the funding above the 10% fund balance policy as this funding is customarily used as a last resort. Councilmember Helgeson voiced objection to using the half of the funding above the 10% fund balance as well. City Manager Svrcek responded that the City’s policy is to have a 10% fund balance, and the current fund balance is at 10.4%, therefore the suggested amount of \$394,128 is one half of the amount above the 10% fund balance. Councilmember Helgeson asked if this calculation would result in having a 10.2% fund balance as opposed to 10.4%, to which Ms. Svrcek replied “yes, that’s correct.” Councilmember Wilder requested clarification on this item and Ms. Svrcek restated that the result would be that of a 10.2% fund balance. Councilmember Wright asked Ms. Svrcek if she is proposing that Council support this proposal and stated that he would not be in favor of moving the item to “The List.” Councilmember Helgeson commented that one Councilmember has the ability to move items to the list. Councilmember Helgeson also stated that if the City went to the 10% fund balance, the funds could be used to lower tax rates and questioned the status of real estate property tax appeals. Ms. Svrcek relayed that City Assessor Jeff Bandy was comfortable with the numbers presented in the proposed revenue adjustments.

// In the matter of Finance – Budget, Council Report #4 was considered regarding proposed staff adjustments to expenditures. City Manager Bonnie Svrcek provided an overview of these five (5) proposed adjustments. Councilmember Helgeson questioned if the Census 2020 item (#2) was already in the proposed FY 2020 budget. Ms. Svrcek advised that funding is not currently in the budget for outreach associated with Census 2020. Councilmember Helgeson asked what the benefit of more people completing the Census would be. Mayor Tweedy responded that per the prior presentation to Council by US Census staff, varied funding is tied to Census counts including education, economic development, etc. Councilmember Helgeson mentioned that he assumed any funding received would be more than the \$10,000 proposed in the FY 2020 expenditure adjustments related to Census 2020. Councilmember Perrow voiced his favor toward

advertising for Census 2020 via the Greater Lynchburg Transit Company buses and suggested that funding be pushed to that type of outreach. Councilmember Nelson commented on item number five (5) on the proposed FY 2020 Expenditure Adjustments concerning Temporary Detention Orders (TDO) and Emergency Custody Orders (ECO) provided by the Lynchburg Sheriff's Office and asked how this item related to item #3 on "The List" for additional staff hours needed by the Sheriff's Office. Lynchburg Sheriff Don Sloan advised that these were two separate circumstances. Sheriff Sloan clarified that TDO and ECO transports are the primary responsibility of the Lynchburg Police Department (LPD). However, Sheriff Sloan explained, the Sheriff's Office provides transports as assistance to LPD after mandated work hours and on weekends. One hundred and four (104) such transports were completed last fiscal year. The cost of these transports are absorbed by the Sheriff's Office, therefore Sheriff Sloan feels there should be a reimbursement for expenses incurred. Sheriff Sloan also explained that item #3 on "The List" was related to part-time wage positions that cover courthouse security and the need to cover additional court time due to increased cases on the court dockets. Councilmember Perrow asked for clarification on the budget request and summarized the request [with input from Sheriff Sloan] that two positions were vacated due to retirement and funding these positions through the City is necessary as the State determined the Lynchburg Sheriff's Office is overstaffed by two positions. Councilmember Nelson provided background on the need for additional Sheriff Office staff in Lynchburg's court system located in three (3) different locations.

// In the matter of Finance – Budget, Council Report #5 was considered for Council discussion on "The List." Mayor Tweedy started conversation on these items beginning with #1 regarding the Deputy Clerk of Council position within the Council/Manager office (CMO).

Councilmember Helgeson suggested cutting this item since it will likely not be filled, but could be brought back into the budget later if needed. Vice Mayor Dolan stated that it was unknown whether or not this position would be filled. City Manager Svrcek proposed that the funding for this position be approved until the new Clerk of Council is stabilized. Ms. Svrcek also noted that administrative staff within the CMO and the Acting Clerk of Council are being compensated for performing additional duties while the Clerk and Deputy Clerk of Council positions have been vacant. Councilmember Wilder noted that there will be a learning curve and agrees with Ms. Svrcek's suggestion. Councilmember Helgeson asked about use of the City Manager's discretionary fund. Ms. Svrcek advised that operating expenses typically are not funded through

the discretionary fund. Councilmember Perrow asked if the adjustments to staff salaries have been accounted for in the CMO budget for FY 2020 and noted that if Council struck the item off of "The List," adjustments to the FY 2020 CMO budget would be necessary. Mayor Tweedy recognized that there was a consensus by Council to leave this item in the budget with the understanding that the City Manager would return to Council with recommendations to hire or not hire a Deputy Clerk of Council. Item #2 and item #3 on "The List," concerning positions in the Sheriff's Office were considered and Councilmember Wright spoke in favor of supporting this item. Councilmember Nelson noted the importance to have security staff in place within the City's courthouses and moved to approve the increases by consensus. Councilmember Wilder voiced his support of the Sheriff's Office as did Vice Mayor Dolan. Item #4 on "The List" was considered regarding the Lynchburg Police Department's need for additional sworn police officers. Councilmember Wright noted his support and asked if the Community Emergency Response Team (CERT) would be active this summer. Chief of Police, Ryan Zuidema stated that due to staffing shortages, it will be a challenge to operate this team over the summer. Councilmember Wright suggested that funds be located to assist with operation of the CERT and asked Chief Zuidema if a local departmental academy [cadet program] would be beneficial. Chief Zuidema mentioned that cadet programs are beneficial for recruitment and retention within local police departments. Councilmember Perrow paraphrased statements from Chief Zuidema given during previous presentations surrounding filling current open positions before hiring for completely new positions. Chief Zuidema agreed with this contention and advised that he has never seen the department at "full staffing" over his 22 year career with LPD due to regular turnover. Councilmember Perrow encouraged Chief Zuidema to advise Council when the need for additional positions arises. Vice Mayor Dolan indicated that she would like to see the cadet program reinstated and that she supports the work of the Community Action Team (CAT). Councilmember Helgeson noted that he would like to see funds used to support Lynchburg Fire Department (LFD) and LPD retention needs as opposed to an across the board pay raise for all employees. Both LPD Chief Zuidema and LFD Chief Greg Wormser commented on the need for a focus on retention of experienced employees. Councilmember Wilder asked if the recent salary study and Phase 1 pay adjustments addressed some pay issues within LFD and LPD. Ms. Svrcek responded that the Phase 1 implementation did increase pay for some LPD and LFD employees and that this would be a three-year implementation process. Councilmember Helgeson remarked

that his suggestion to use the funding for specific needs in LFD and LPD would be a better option. Councilmember Perrow would be potentially supportive of the .2% reduction in the fund balance to go to public safety possibly. Councilmember Nelson mentioned that he deemed it premature to strike such large items from “the proposed revised budget” at this time. Item #5 on “The List” was considered regarding reserving \$300,000 for the proposed two-way traffic project. Councilmember Helgeson commented that this item should be removed from the FY 2020 budget and the Capital Improvement Plan (CIP). Councilmember Helgeson stated that it would be wise to pull out the \$300,000 for this item due to the high cost, loss of parking spaces, and the opposition of downtown business owners. Councilmember Wilder asked if this item was related to the entire improvement project. Deputy City Manager Dr. Reid Wodicka replied that this item was related to Church Street only. Councilmember Wilder also asked about the Downtown 2040 plan approval, to which City Manager Svrcek responded that 2-way traffic was included as a recommendation within the Downtown 2040 plan. Dr. Wodicka mentioned that the loading zone conversation and two-way traffic are considered to be separate issues. Councilmember Helgeson stated that the loading zones would cause a loss of parking spaces, would incur a cost of \$1,000 signs and seems to lead into the support of two-way traffic. Dr. Wodicka clarified that the cost for signs was \$1,000 for all of the signs, not the cost per sign as inferred and the conversation about loading zones downtown must be held. Councilmember Wilder noted that the Physical Development Committee has been discussing loading zones and that the entire community is not against this discussion [2-way traffic and loading zones]. Councilmember Wright voiced his support of Councilmember Wilder’s comments and gave his opinion that two-way traffic is beneficial strategy in downtowns because it is good for business. Councilmember Nelson provided comment that Council is not ready to fund two-way traffic at this time because loading zone issues have not been resolved with one-way traffic. Mr. Nelson stated that this item (#5) was not a priority in his opinion. Councilmember Perrow asked where the \$300K was derived from, to which Dr. Wodicka advised the detail would be on page 50 in the CIP. Mayor Tweedy commented on item number 8 on “The List” concerning the Virginia Cooperative Extension Office. Mayor Tweedy advised that the local Extension Office Director would provide a presentation next week [April 23, 2019] related to this matter. Councilmember Helgeson reiterated that when Council did not allocate funds related to two-way traffic in FY 2018, this money was spent on a new Fire Truck. Fire Chief Greg Wormser rose to affirm

Councilmember Helgeson's statement. On item number 9, related to Elizabeth's Early Learning Center (EELC), Councilmember Perrow spoke to his opposition to providing funding to this external service provider and his opinion that the funding should be capped at \$15,000. Ms. Svrcek mentioned that the City's agreement with EELC called for payment to equal the assessed value of the property. Vice Mayor Dolan advised the City signed an agreement with EELC for three years, therefore it wouldn't be prudent to revoke this agreement. Ms. Dolan further commented on the ways EELC provided scholarships to program participants over the previous year. Councilmember Nelson observed that there was no reason to debate this issue as it would be addressed later. Item #9 was removed from "The List" with plans to discuss later in the budget balancing process. Item number 10 related to non-departmental poverty initiative funding. Councilmember Wright remarked that it would be a mistake to defund the poverty initiative this year as it has the potential to do much good in our community. Councilmember Wright professed his support for incentivizing innovation and stated that a conversation on the current approach to combating poverty should be held. Councilmember Wright further posited that eliminating this funding would suggest that City Council has lost interest in reducing poverty. Councilmember Wilder suggested that the City consider partnering with the Greater Lynchburg Community Foundation in terms of obtaining funding through this philanthropic organization's \$100,000 award. Councilmember Nelson stated that this [poverty initiative] should be a community-based initiative, with City support, but not a government program. Councilmember Nelson is in favor of Bridges to Progress, but not in favor of allocating the same amount of funding (\$50,000) in this fiscal year. He (Nelson) advised that he does not see the prudence in allocating an additional \$50,000 toward poverty reduction when there is funding remaining in the current line item; and furthermore does not equate pulling this funding from FY 2020 with stopping the momentum of the poverty initiative. Councilmember Perrow stated that he would not be in favor of putting any additional funding into this "kitty" until current funds are spent down. City Manager Svrcek mentioned that funding through the Temporary Assistance for Needy Families (TANF) Community Wealth Building (CWB) grant has been the main reason less local funds have been spent from this line item. Mayor Tweedy acknowledged the work of poverty reduction groups over the past two years and advocated for less than the \$50,000 and recommended \$25,000 as an appropriate amount in the FY 2020 budget. Councilmember Nelson stated that his vision was to not have this matter as a government program, but a community-

based initiative reliant upon financing from many entities within the community of Lynchburg to be sustainable. Councilmember Helgeson agreed with Councilmember Nelson's comments and stated that not allocating additional funding for FY 2020 does not mean that Council doesn't care about it [poverty reduction]. Councilmember Wilder mentioned that poverty is one of Council's initiatives and therefore support is crucial. On motion of Councilmember Wilder, seconded by Councilmember Wright, Council considered allocating \$25,000 to the poverty initiative in the FY 2020 budget. Discussion ensued as Councilmember Wright voiced his support for this motion and for the City making a concerted effort to be a coordinator and administrative body in the matter of poverty reduction with community involvement and leadership. Councilmember Perrow mentioned that there was still a large portion remaining and that Council's intent with granting funds (\$5K/group) for specific poverty reduction initiatives required a reoccurring allocation and Council did not want to over commit City funding on this matter. Councilmember Perrow also advised that the poverty initiative allocations had to be sustainable; therefore \$5,000 was a reasonable amount and suggested that \$25,000 be allocated toward another fund such as the Greater Lynchburg Transit Company (GLTC). Mayor Tweedy noted that the effort to reduce poverty is larger than City Council's allocation and spoke to the impact Council's actions have had in leveraging the TANF/CWB grants that are currently funding the TechHire and Getting Ahead programs with the City. Mayor Tweedy states that the efforts have raised awareness about the issue of poverty in Lynchburg and have contributed to a downward trend in the City's poverty rate. Councilmember Nelson stated that the type of leverage mentioned by Mayor Tweedy is exactly what the City needs to do in terms of obtaining available resources and spoke in favor of allocating \$25,000 toward this line item. Mayor Tweedy called for the vote. Councilmember Helgeson voiced his opposition to the motion and his disagreement with Councilmember Wilder. He (Helgeson) stated that giving more money does not mean that Council cares more. Council by the following recorded vote moved to leave \$25,000 in the non-departmental fund category for poverty reduction in the FY 2020 budget.

Ayes: Dolan, Nelson, Wilder, Wright, Tweedy 5

Noes: Helgeson, Perrow 2

// Mayor Tweedy mentioned Capital Improvement Plan (CIP) list item number one regarding the Florida Avenue Sidewalk project to advise Council that a petition from citizens in support of the

project was received. The original petition was circulated among Council for information and the original document will be filed for reference.

// City Manager Bonnie Svrcek reviewed items discussed in the work session and addressed from “The List” and Councilmember Wright asked to move Museum funding to “The List.”

Councilmember Helgeson asked to have funding for the Housing Study placed on “The List” and City Manager Svrcek noted that this item is not included in any appropriation in the FY 2020 budget.

// In the matter of Roll Call, Council Report #6 was considered. Councilmember Wilder gave accolades to the events related to beautifying our community over the previous weekend. He (Wilder) participated at Diamond Hill Recreation Center and thanks the Parks and Recreation staff for helping to make this event a success. Vice Mayor Dolan participated with the trash pick-up organized on Florida Avenue on April 11, 2019. Thanks to Secretary of Transportation, Shannon Valentine for being involved with this effort. Mayor Tweedy praised the Love Lynchburg events, Community Care Collaborative at Salvation Army partnership on Saturday, April 13, 2019. Also, the Hill City Pride event was a success with over 1600 people in attendance. Thanks to everyone in the City for working together in partnership with events over the weekend.

// The meeting was adjourned at 6:18 P.M.

Acting Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 23rd day of April, 2019, at 4:00 P.M. in the Council Chamber, City Hall, Treney Tweedy, President, presiding.

The following Members were present:

Present: MaryJane Dolan, J. Randy Nelson, E. J. Turner Perrow, Sterling A. Wilder, Beau Wright, Treney Tweedy 6

Absent: Jeff Helgeson 1

// In the matter of Finance- Budget, Council Report #1 was considered to continue discussion of the FY 2020 Budget. City Manager Bonnie Svrcek provided an answer to the question posed by Councilmember Perrow during the April 16, 2019 session regarding the minimum amount of funding needed to reopen trails. Per Ms. Svrcek, the total minimum needed to reopen Creekside Trail would be \$533,000 and to reopen Point of Honor Trail at Hollins Mill Park would be \$500,000.

// Ms. Svrcek moved on with further discussion on remaining items from “The List” and recommended that review start with item #4 on “The List” concerning additional sworn police officers placed on “The List” by Councilmember Wright. Councilmember Wright had no additional comment. Councilmember Perrow suggested that retention of current officers and hiring of qualified personnel are important factors. Councilmember Perrow also stated that once new slots are needed, Council should consider raising the number of officers allowed and look to do whatever they can to fill positions with competent candidates.

**Councilmember Helgeson entered the meeting at 4:04P.M.

Councilmember Wilder asked about the allowable positions in the Lynchburg Police Department (LPD) and how many officers were on staff. LPD Chief Ryan Zuidema rose to respond and stated that the LPD is authorized 174 sworn officers and currently have 10 hard vacancies. Chief Zuidema advised that the LPD is operating at about 35 sworn officer positions down at this time and that the turnaround time for hiring, training and becoming operational is about a year. Councilmember Wilder asked if over hiring was a possibility and Chief Zuidema responded that over hiring is a strategy used by the LPD. Councilmember Perrow mentioned that it was important to grow police force with the growing needs of the City and he is open to hearing discussion on additional allowable positions. Councilmember Helgeson asked how much the cost was to hire a new officer. Chief Zuidema replied that this cost was “around 55” [\$55,000] with salary and benefits and equipment. Councilmember Helgeson noted the City’s population

growth, the increased demand on officers, and declining school enrollment as factors in making decisions in this budget cycle. He (Helgeson) provided a synopsis of why increasing the amount of allowable officers over time should begin now including the turnover, time out of work, and overtime issues. Councilmember Helgeson suggested a 5-10 personnel increase in allowable officers. Concerning retention, Chief Zuidema informed Council that from 2014-2018, LPD lost 107 officers over that 5-year period for a number of reasons. City Manager Svrcek stated that Chief Zuidema and his team are working on strategies for retention and recruitment of qualified officers. Councilmember Helgeson suggested that Council keep the .2% over fund balance [\$394,128] amount in the fund balance to allocate throughout the year for necessary expenditures such as seven (7) officers. Ms. Svrcek stated that CFO Donna Witt advised use of managed vacancy funds would be the best way to address this issue. Councilmember Helgeson asked what the managed vacancy amount was currently, and Ms. Svrcek estimated that it could be around \$500,000 if there are 10 hard vacancies. On motion by Councilmember Perrow, Seconded by Councilmember Wilder, Council by the following recorded vote moved that Item#4 be struck from “The List” and that the City Manager develop a plan to fund additional LPD positions if needed.

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

7

Noes:

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// Mayor Tweedy introduced discussion regarding item number five (5) on “The List” concerning \$300,000 budgeted within the Capital Improvement Program (CIP) for FY 2020 Two-way traffic –included in Downtown Projects. Councilmember Helgeson voiced opposition to this project and noted that when Council did not spend funds on two-way traffic in the previous fiscal year, a new fire truck was purchased. Councilmember Wright spoke in favor of the project. On motion of Councilmember Wright, Seconded by Councilmember Wilder, Council considered moving \$300,000 back into the proposed FY 2020 Budget for a two-way traffic project. Discussion ensued with Councilmember Perrow questioning the timing of this project and clarifying previous action taken by Council that determined two-way traffic would not be implemented until the issue of loading zones was finalized and shown to work downtown. Deputy City Manager Dr. Reid Wodicka noted that the time frame of implementation will not be determined until Council was satisfied with the effectiveness of loading zones downtown. Councilmember Nelson clarified that because an item is within the [2040] Master Plan doesn’t mean that Council

is required to fund it. He (Nelson) also mentioned that loading zone modifications should be reviewed post-construction and there would be a period of six months to assess if loading zones are working with the current one-way traffic pattern. Councilmember Nelson did not think putting \$300,000 into the current budget for this item would be appropriate and spoke in opposition to the motion since review and assessment would not be done until later fiscal years. Dr. Wodicka posited that this portion of the two-way project was for the conversion of Church Street and that staff would like a decision as the design of Main Street renewal is underway. In addition, Dr. Wodicka explained that it would be beneficial to have two-way traffic on Church Street while Main Street is under construction. Vice Mayor Dolan asked how many loading zones were on Church Street and why can't we figure our zoning in Lynchburg when other cities have made this transition. Dr. Wodicka advised the number of loading zones is unknown at this time. Councilmember Perrow asked why the project isn't under a construction budget. Dr. Wodicka acknowledged that the Master Plan intention assumed permanent changes; however staff could definitely consider revision to one-way traffic if loading zones don't work which would allow for maybe a 4-month review time. Councilmember Nelson stated that he did not want to piecemeal the process of two-way traffic and then find out that this method is not effective while there were other more immediate financial needs. Dr. Wodicka contended that the plan to fund in the current year appears to be in agreement with Councilmember Nelson's desire not to piecemeal a project. Councilmember Helgeson proposed that the project is not in line with Councilmember Nelson's assertion and seems to put the "cart before the horse" with loss of parking, banks moving and closing of 5th Street when the City could use funds for other citizen needs. Council, by the following recorded vote, moved \$300,000 back into the proposed FY 2020 Budget for the two-way traffic project.

Ayes: Dolan, Wilder, Wright, Tweedy 4

Noes: Helgeson, Nelson, Perrow 3

// Mayor Tweedy referred to item number 8 on "The List" concerning the Virginia Cooperative Extension Service (VCES) and an increase of \$795 over the proposed amount of \$39,890 to support additional services to the City. Mayor Tweedy informed Council that Mr. Kevin Camm, Director of the local VCES office, sent correspondence to Council requesting the additional funding, therefore she (Tweedy) requested Mr. Camm address Council on this matter. Mayor Tweedy also mentioned an additional \$16,000 discussed with Mr. Camm to potentially cover the

cost of another employee within the Extension Office. Mr. Camm provided remarks on the benefits and operation of the VCES in the Lynchburg community and distributed an itemized budget to Council members for reference. Mr. Camm advised that he has requested additional funding every year since 2013 to add another Extension agent to his office since he is one agent in a population of 80,000 residents. Currently Mr. Camm works as a dual agent performing duties associated with both 4-H youth development and Agricultural/Natural Resources. With an additional agent, the Extension Office will be able to expand services to the Lynchburg area focused on whatever areas the City deems necessary. City Manager Svrcek clarified that the only item on "The List" is \$795 to facilitate Mr. Camm's promotion from the Cooperative Extension Office. Mayor Tweedy noted that she asked Ms. Camm to address Council for information on the available programs, certifications, partnership with Virginia State University, and opportunities for workforce development. Mayor Tweedy mentioned that Assistant City Manager John Hughes, IV will be asked to bring information to Council pertaining to the additional \$16,000 amount after further discussion. Mayor Tweedy further commented that conversations have taken place between VCES, Virginia Career Works and the City in regard to workforce, Bridges to Progress, and available training that braids funding and resources. Councilmember Perrow asked if Council was asking Mr. Hughes to bring forth a budget request and/or provide a presentation to Council. Mayor Tweedy acknowledged the intent to have such a presentation upon further discussion with Virginia Career Works and the VCES in a quarterly report. Councilmember Perrow asked if this was an individual request or a request from Council, to which Mayor Tweedy indicated it was her request. Councilmember Perrow indicated that Council could not direct staff individually as a point of order.

// On motion of Mayor Tweedy, Seconded by Councilmember Wilder, Council considered the action of directing the City Manager to further explore the opportunity for programming with the Virginia Cooperative Extension Office through Assistant City Manager John Hughes and Bridges to Progress with the braiding of funds possibly including Virginia Career Works. Councilmember Helgeson noted that he would like to hear what the motion is about as the item up for discussion is concerning only \$795. Mayor Tweedy advised that the motion is about the Virginia Cooperative Extension office potentially providing additional services to the City at a cost of approximately \$16,000 and she (Tweedy) wanted to discuss the matter while Mr. Camm was present. City Manager Svrcek interjected that the Mayor wanted to seize the moment during

discussion of the Virginia Cooperative Extension Service report to bring forth information on a potential opportunity for the City in collaboration with Virginia Career Works and that staff will bring back further results of the exploration at a later date if directed by Council to do so.

Councilmember Nelson asked if a motion was necessary given the work of staff and other groups in regard to poverty reduction to investigate methods to connect resources. Councilmember Perrow clarified that the purpose of requesting this motion was to note that no single Councilmember can direct staff and he wanted it on record that Council directed staff, not a single Councilmember. Council, by the following recorded vote, directed the City Manager to further explore the opportunity for programming with the Virginia Cooperative Extension Office through Assistant City Manager John Hughes and Bridges to Progress with the braiding of funds possibly including Virginia Career Works.

Ayes: Dolan, Nelson, Perrow, Wilder, Wright, Tweedy 6

Noes: Helgeson 1

// In the matter of “The List” Council again considered Item #8, and on motion of Councilmember Wright, seconded by Councilmember Wilder, Council by the following recorded vote concerning the Virginia Cooperative Extension Service (VCES), struck item #8 from “The List” regarding approval of a \$795 increase over the proposed amount of \$39,890 to support additional services to the City through the VCES.

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

Noes: 0

// Mayor Tweedy referenced item number 11 on “The List” to consider a 2% general wage increase at the cost of \$1.3 million. Councilmember Helgeson stated that the compensation study was completed to bring employees up to minimum pay; however Council should not “further exacerbate the gap.” He (Helgeson) suggested that Council should make sure that the “folks that are doing the work are the ones that are receiving the funds” and most of the increase would go to higher paid staff. Councilmember Helgeson offered that funds should go to areas of need such as the police department, fire department and those “in the trenches” and “needed by our citizens” rather than an across the board increase. Councilmember Wright asked for clarification on the justification for a 2% general wage increase. City Manager Bonnie Svrcek stated that the proposed increase was meant to be a general wage adjustment for employees who meet or exceed expectations and to keep the City competitive with the market. Councilmember Wright

mentioned that inflation during the previous year was “something like 2 percent.” On motion of Councilmember Wright, seconded by Vice Mayor Dolan, Council considered the question of including \$1.3 million for a general wage increase in the FY 2020 Budget and striking it from “The List.” Discussion ensued with Council on the matter. Councilmember Wright noted that hard working City employees deserve a raise that keeps up with inflation. Vice Mayor Dolan voiced her support for the motion. Councilmember Perrow clarified that this motion is to strike the item from “The List.” Councilmember Wilder mentioned that he agreed with the motion to support staff. Council, by the following recorded vote included \$1.3 million for a general wage increase in the proposed FY 2020 Budget and struck this item from “The List.”

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

6

Noes: Helgeson

1

// Mayor Tweedy opened discussion concerning item number 12 on the “List” regarding \$42,028,498 proposed for Lynchburg City Schools (LCS) funding. Councilmember Wright asked clarifying questions of Dr. Crystal Edwards related to LCS positions and funding available from the State Department of Education (DOE) under Standards of Quality (SOQ). Dr. Edwards noted that the LCS approach to staffing is different than in previous years with use of swaps, trades and repurposing full time equivalent positions, and working within the boundaries of grants, but is not designed to increase staff. LCS absorbed a 3% pay increase within level funding; however an additional 2% was requested to meet a 5% total pay increase request. Councilmember Wright spoke to the concern that less funding should be required of the LCS when there are less students attending. He (Wright) commented that a staff pay raise, growing needs within the schools and 2% rise in inflation require level funding plus an additional amount to cover the 2% cost of living which is around \$862,000. Councilmember Helgeson stated that the numbers presented are for Lynchburg schools and the required local effort in the City budget on page 10 should be going down \$795,000 partly due to a decline in enrollment. Level funding, per Councilmember Helgeson is “actually an increase of \$795,000 of what we should be giving.” Councilmember Helgeson further exclaimed that the City should not pay “a million dollars to get a half a million from the state” and stated that with the composite index of .37 means the City should fund 37% of education with the state funding. Councilmember Helgeson commented that the City should be paying around \$185,000, but the request is to fund over \$1 million to access the state \$500,000 amount and anything over the “required declining local effort” from the

previous year is an increase. He (Helgeson) noted that LCS did not present a reduced budget like every other department did, more money is coming from the State, local taxpayers have funded the increases, he has visited schools, home school co-ops, and Christian schools. Councilmember Helgeson suggested that citizens are telling him they will take their children elsewhere to private schools or home schools due to the increased funding through taxes given to LCS. He (Helgeson) recommended leaving the budget to LCS equal to that in FY 2019 based on the required local effort so that the City can fund other necessary projects such as dams, bridges, and police/fire (staffing). Vice Mayor Dolan voiced support for LCS (as well as the budget presented for LCS) and suggested a thorough assessment of the school's needs in the immediate and long-term as proposed with the formation of a Schools Task Force. Councilmember Perrow restated that the required local effort goes up by 4.1% as compared to FY 2019, therefore LCS should be able to absorb this difference and the amount for teacher pay increases within their budget. On motion of Councilmember Perrow, seconded by Councilmember Nelson, Council considered the question of striking item #12 from "The "List." Councilmember Nelson disclosed that his wife is a principal with LCS, but he can be unbiased and has no conflict on the matter. Councilmember Nelson stated that he has confidence in the City Manager's proposed budget and feels that the additional 2% funding requested by LCS could be found within their operational budget. He (Nelson) stated that he did not want to see a reduction in the amount proposed, however he was not in favor of an increase. Councilmember Helgeson mentioned his surprise when a teacher advised him only one raise was received over a 7 year period and Council allocated \$12 million more to the School system during that time. Dr. Crystal Edwards clarified this comment by explaining the difference between pay schedules versus percentage of salary raises. Some teachers did not receive a pay schedule change, but did receive a percentage of salary increase. Dr. Edwards has communicated with the School Board, and Teacher's Union on this matter and the Board recently decided to go with the pay schedules. Councilmember Helgeson asked if the additional funding over the years went to teachers, to which Dr. Edwards replied the funds have gone to staff as there are others employed by LCS as well as teachers. Dr. Edwards indicated that previous pay schedules have not kept up with their proposed increases over time as written and this is a concern of employees although no one is making less money than they were ten years ago. Councilmember Helgeson stated that he wanted to be certain that increased funding actually goes to teachers. Councilmember Wright offered a substitute motion to add \$862,000 to the

Lynchburg City Schools budget and Vice Mayor Dolan provided a second to that substitute motion. Councilmember Perrow noted that he would not be in support of the substitute motion for the reasons stated previously that the LCS budget can absorb the requested increase.

Councilmember Wright stated that he was supporting this action with the thought of LCS not adding positions and asked Superintendent Edwards to elaborate on addressing LCS employees who were included in the City's Salary Study, but did not receive additional compensation. Dr. Edwards noted that the School Board discussed a living wage for employees and the School administration will plan for the future with use of the fund balance reserve and other new fiscal policies. Councilmember Wright asked if six months would be an appropriate time frame for a plan, and Dr. Edwards said she thought it could be done. Councilmember Wright pointed out that Dr. Edwards and LCS have made effort to cut and economize, but are scraping the bottom of the barrel for funding at this point and latitude is needed to achieve the results desired.

Councilmember Nelson reiterated that data shows a reduction in students, but a practical analysis is required and students could come from several classrooms, not one specific school.

Councilmember Nelson said that funding presented by the City Manager in the proposed budget is satisfactory as it relates to LCS. Councilmember Helgeson stated that the motion for additional funding doesn't seem to make sense when the schools have less students enrolled. He (Helgeson) believed the money is within the LCS budget to accommodate raises, and disagreed with the premise to add to this allocation in FY 2020 and stated that he never heard where the additional funding would come from. Councilmember Wright suggested the funding would come from City Manager's budget in the form of a portion of the vacant deputy Clerk position, withdraw CIP aviary improvement amount and use remaining .2% over the fund balance to fund the difference to add a total of \$496,496. Councilmember Perrow noted that the conversation was not germane to the substitute motion on the table. Councilmember Wilder voiced his support of the substitute motion because the school system is in need of assistance and he would not like to lose teachers to other school systems. Mayor Tweedy noted her support of the motion and acknowledged Dr. Edwards' work, as well as the Education Task Force to move education forward in Lynchburg. Council, by the following recorded vote, determined that the substitute motion offered by Councilmember Wright would become the main motion:

Ayes: Dolan, Wilder, Wright, Tweedy	4
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Noes: Helgeson, Nelson, Perrow	3
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// Councilmember Wright again shared his plan for allocating additional funding to the schools from \$52,368 for the deputy clerk, \$50,000 from Aviary improvements, and .2% from fund balance over 10%. Councilmember Helgeson asked if the \$50K for the aviary was a one-time expense. City Manager Bonnie Svrcek advised this was funding by pay-as-you-go funding. Councilmember Nelson stated that it was unfortunate that the City decided to spend \$300,000 on marking streets and signs instead of allocating the money to City Schools. Councilmember Perrow clarified that the original motion was not a cut, but to support the amount in the City Manager's proposed budget and suggested Council consider a guide for funding based on required local effort. Also, Councilmember Perrow advised Dr. Edwards that he would like to discuss a plan to increase average daily membership within the schools. Councilmember Helgeson stated the public school results are appalling over the years and this has led to more residents putting children into private schools as alluded to previously, and throwing more money to the situation does not equal results. He (Helgeson) reiterated funding issues with the police department, fire department and mentioned the tragedy in Sri Lanka, Creekside trails and College Lake dam as worthy issues. Councilmember Wilder spoke to his support of the motion, appreciation for teachers, staff members, and the need to support public education for those who choose to utilize the public school system. Councilmember Wilder also stated that more special needs children have more issues in schools, which costs more to fund, however the school system should be held accountable. Mayor Tweedy voiced her support for the motion and stated that she loves to meet parents who have transitioned children into the public schools from private or home school programs. Vice Mayor Dolan noted that the average cost to educate students per her research is over \$17,000. Councilmember Nelson asked if by supporting this motion other allocations discussed by Councilmember Wright would be terminated or suspended or is this rather a general amount as suggested. Councilmember Wright replied that his intent was not to designate a source of funding. Council by the following recorded vote agreed to add \$862,000 to the Lynchburg City Schools budget in FY 2020:

Ayes: Dolan, Wilder, Wright, Tweedy	4
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Noes: Helgeson, Nelson, Perrow	3
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// In the matter of Roll Call, Council Report #2 was considered. Councilmember Helgeson requested that staff bring back information on what transpired with the Grassroots Market

funding in regard to Economic Development and the process used to provide the loan on this project as there is \$250,000 in the proposed FY 2020 budget for Economic Development. City Manager Svrcek asked for clarification on what is needed from staff in regard to the Grassroots Market. Mayor Tweedy interjected that there was a letter sent to Council with detailed information on this matter and also suggested the Council stay late to review any necessary items related to the budget, thereby not requiring Council to meet on April 30, 2019. Ms., Svrcek mentioned that the first reading of the budget must be held on May 14, 2019. Councilmember Helgeson noted that he would be out of town next week and asked what steps were in place to avoid the same issues again with funding to Economic Development. Ms. Svrcek indicated that the finance committee of the Economic Development Authority (EDA) did their due diligence on the Grass Roots project but it didn't work out. Councilmember Helgeson disagreed with this statement and cited that two banks had turned down loans for the project prior to the funding from the EDA. Mayor Tweedy asked if Council desired to remain in session until 7PM. Councilmember Helgeson stated that the situation concerning Grass Roots was troubling. Councilmember Nelson noted staying until 7pm would not accomplish much of Council desired to balance the budget, as that would be impossible. Councilmember Perrow mentioned receipt of the Pacific Life Foundation Annual Report and wanted Council to recognize Pacific Life in regard to their Arts and Cultural Center Awards in amount of \$25,000 plus other philanthropic contributions from Pacific Life to organizations within the City. Mayor Tweedy mentioned the Bridges to Progress community-wide meeting at Gospel Community Church for the 90-day update meeting on April 25, 2019 from 6pm-8pm. Also the State of the City address will be held on Monday April 29, 2019 at the Academy Center of the Arts. Doors open at 6pm, program begins at 6:30pm.

// City Council recessed the meeting at 6:14 p.m.

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

The following Members were present:

Present: Dolan, Helgeson, Nelson, Perrow, Wilder, Wright, Tweedy	7
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Absent:	0
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Council Member Wilder gave the Invocation, followed by the Pledge of Allegiance.

// In the matter of Consent Agenda, Copies of the minutes of the March 26, 2019 (Report #3) and April 9, 2019 (Report #4) meetings as revised, having been previously furnished Council,

reading was dispensed with, and on motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote approved the minutes as presented and Council Report #5 to adopting resolution #R-19-027 amending the Fiscal Year 2019 Budget and Appropriate Supplemental Funds and Rescind Appropriations for the City of Lynchburg for the Twelve Month Period Beginning July 1, 2018 and ending June 30, 2019:

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

// In the matter of Public Comment, Council Report #6 was considered to hear from a citizen regarding a concern. Beth White spoke regarding traffic on Oakridge Blvd and the need to enforce speeding violations witnessed. Mayor Tweedy stated that Police Chief Ryan Zuidema and the LPD would be willing to work with Ms. White on this issue.

// In the matter of General Business – Council Report #7. Consideration of adopting a Resolution to dedicate \$10 million to the College Lake Lakebed Improvements/Dam Removal Project in order to accept the \$5 million matching grant from the Commonwealth of Virginia Dam Safety, Flood Prevention and Protection Assistance Fund. Tim Mitchell, Director of Water Resources provided a brief presentation via PowerPoint that detailed this matter summed up as:

College Lake Dam does not meet current dam safety regulations. The risks associated with the dam were made clear as a result of the August 2nd, 2018 flood event that resulted in the overtopping and near failure of the dam. Interim analysis and actions have been taken to repair the dam, better understand the risk and complexities associated with the dam and College Lake, and enhance the City’s Emergency Action Plan to better respond to future flood events. The ultimate solution is to build a new bridge, remove all or a portion of the dam to the point where it is no longer a regulated high hazard dam, and stabilize the lake bed to minimize environmental impacts. The City has been awarded a \$5 million matching grant from the Commonwealth for the project associated with the dam removal and lakebed stabilization. The funds will be deposited into the Dam Safety, Flood Prevention and Protection Assistance Fund. The grant will be administered through the Virginia Resource Authority. Funds will be disbursed after July 1, 2019 covering 50% of costs as the City incurs expenses. Project costs eligible for these funds include both engineering and construction costs. In order to be eligible to receive the grant, City Council must approve the project and appropriate a minimum of \$10 million, with resources from the State grant and local match, for the project in Fiscal Year 2020. Due to the

administrative schedule of the supervising agency, the Virginia Department of Conservation and Recreation, it is necessary for City Council to endorse dedication of these funds before the approval of the City's Fiscal Year 2020 budget. Actions taken include: 1) Completed update of Emergency Action Plan including a predictive monitoring tool and enhanced evacuation plan, installed remote monitoring technology including: 3 rain gages in watershed, 2 level sensors at the lake, a dam camera, development of technology and graphics to monitor all instruments remotely. Completed an updated "Hydraulics and Hydrology" study and report (Black & Veatch). 2) Completed "Risk of Failure and Interim Recommendations" Study (Black & Veatch). 3) Performed a comprehensive inspection of dam during the winter when vegetation was down, additional deficiencies noted included: a number of large holes in both the upstream and downstream face possibly due to rodents, voids under repaired areas, minor seeps. Greg Zamensky, Americas Practice Leader for dam and flood reduction with the Black and Veatch engineering firm, spoke regarding the condition of the dam and what has happened since then and what else needs to be considered going forward. Mr. Zamensky noted that the dam is an embankment dam that would have likely failed if it had overtopped for a longer period of time. Mr. Zamensky also noted that the efficiency of evacuations downstream during the flood event were commendable and due to several factors, the dam was not able to work as a high hazard dam during this flood event. After the event, per Mr. Zamensky, emergency repairs were needed to make the roadway passable and to stabilize the downstream embankment on a temporary basis. Councilmember Helgeson noted that sediment buildup and the reduced reservoir storage have increased the chance of the dam overtopping when the lake should have been dredged. Councilmember Helgeson asked if the engineers looked at silt of just the dam. Mr. Zamensky noted that the impacted material was of great concern. Councilmember Helgeson stated that he suggested dredging the lake 12 years ago. Councilmember Perrow asked if the bridge was sitting on a rock. Mr. Zamensky said yes, however controlled blasting may be a solution to the engineering hurdles associated with the bridge. Councilmember Perrow asked if Mr. Zamensky had any historic photos, of which he advised he had not seen any. Tim Mitchell returned to the podium and clarified that plans to lower the spillway emphasized how critical of an issued they are facing. Making the area safe for residents and first responders is paramount; therefore the enhanced emergency activation plan was developed. Mr. Mitchell's presentation is online in the electronic record for reference. The \$5 million grant from the State General Fund will be

deposited into the Dam Safety Flood Prevention and Protection Assistance Fund. Council must appropriate \$10 million to obtain the \$5 million in State funds. On motion of Councilmember Perrow seconded by Councilmember Wright, Council considered a Resolution to dedicate \$10 million to the College Lake Lakebed Improvements/Dam Removal Project in order to accept the \$5 million matching grant from the Commonwealth of Virginia Dam Safety, Flood Prevention and Protection Assistance Fund. Councilmember Perrow acknowledged his dislike of this project given the history of the dam and the impact to the City's Capital Improvement Program CIP). Councilmember Perrow stated that the City of Chesterfield should be shown appreciation because they had \$5 million allocated, but did not use it. Councilmember Wright stated that he was in favor of the motion. Councilmember Helgeson stated that moving forward, definitive plans have not been set. Council, by the following recorded vote adopted Resolution #R-19-028.

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

// In the matter of Public Works – Engineering, Council Report #8 was heard to Consider adopting a Resolution authorizing the City Manager to execute the Virginia Department of Transportation (VDOT) Programmatic Administration Agreement for three years, through June 30, 2022. Lee Newland, City Engineer, provided a brief summary of this request. Councilmember Perrow noted the Physical Development Committee (PDC) recommended this agreement and moved the motion. There was no second necessary and Council, by the following recorded vote adopted Resolution R-19-029

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

// In the matter of Public Works –Engineering, Council Report #9 was considered to adopt amendments to an ordinance in City Code Sections 25-1, 25-249, 25-250, 25-265, and 25-270 impacting Central Business District parking that would change the manner of use of loading zones, make it illegal for vehicles to park on one-way streets, and to increase the fine amounts for violations related to loading zones and parking on one-way streets. Deputy City Manager, Dr. Reid Wodicka provided a brief summary of this request through a PowerPoint presentation that is available online and in the electronic record. Dr. Wodicka noted in the agenda summary recommended changes to the Ordinance: 1. The Central Business District needs to be defined as the area of downtown from Fifth Street to the Route 29 Business Expressway and from Clay

Street to the Riverfront (Section 25-1). 2. The penalties for violations need to be updated. Staff recommends that within the Central Business District, anyone violating the loading zone provisions is subject to a \$30.00 fine and anyone stopping in the roadway is subject to a \$100.00 fine (Section 25-249). 3. Clarification is needed related to rules governing stopped vehicles within the roadways on one-way streets and in loading zones, as well as required permits (Section 25-250). 4. A time limit of 30 minutes is needed such that loading zone provisions are enforceable. Should the time limit not be sufficient for a particular issue, it is necessary for Parking Management to have the authority to issue a temporary parking permit exceeding the standard time limit (Section 25-265). 5. Updates to the temporary parking permit provisions are needed so that there is more flexibility as to the reasons for which temporary permits are issued (Section 25-270). Upon approval of the City Code amendments, City staff will begin the process of implementing a 120 day loading zone pilot program to determine the effectiveness of the newly designated loading zones. A summary of the pilot program for loading zones changes includes:

1. The pilot program will operate from May 2019 to September 2019. Evaluation of the effectiveness of this program will be conducted at the end of this time period, which will consist of staff conducting outreach to downtown stakeholders, as well as evaluating the extent to which motorists are complying with the new provisions of the Code.
2. Defined loading zones will be established in multiple locations, primarily on Main Street, but also on Thirteenth Street and Commerce Street (see Attachment 7 – Loading Zone Communication Flyer)
3. There will be two types of loading zones, based on time of day in which they are active:
 - a. Active between 7:00 am and 11:00am Monday through Friday, reverting to one-hour parking after 11:00am, or
 - b. Active between 8:00am and 5:00pm Monday through Friday.

Vice Mayor Dolan asked about when is it illegal to park on one-way streets in the proposal. Dr. Wodicka replied that it would be anytime on one-way streets. City Attorney Walter Erwin stated that parking in the Central Business District would be prohibited on one-way streets, not in the entire City. Councilmember Nelson asked Dr. Wodicka if proposed Section 25-250; Subsection C could lead to violations if a patron parked in a non-loading zone area to pick up pizzas or other items from businesses downtown. City Attorney, Walter Erwin responded that it could be interpreted as a violation if unloading and loading of merchandise is taking place. Councilmember Nelson stated that the Ordinance should be written to read as Council wants the rules to be enforced and advised that he has a problem with an ordinary citizen being subjected to violations when conducting such business from an

ordinary parking space. Councilmember Perrow spoke to the possible instance of a UPS or FEDEX or other delivery driver parked in a regular parking space, then that would be an offense, so he (Perrow) questioned if adding the word “commercial” to the Ordinance would help. Councilmember Nelson asked what the undesired effect of having vehicles use a regular parking space that is available to load and unload. Dr. Wodicka responded that something like picking up pizza was not intended to be the thrust of the violations associated with this proposed ordinance revision. Councilmember Helgeson suggested that patrons would decide to conduct business in other areas of town due to the parking restrictions downtown, additional signs and the potential problems with current language in the proposed Ordinance revision. Councilmember Helgeson advised he doesn’t like the proposal and feels it is too restrictive and seems to be a “solution in search of a problem” and a push toward two-way traffic. Mayor Tweedy noted that this matter did go through the Physical Development Committee (PDC). Councilmember Wilder mentioned that the intent of this revision was to remedy the issue of loading zones for businesses downtown and said that he was in the PDC meeting. Dr. Wodicka continued his presentation and discussed the pilot implementation of the program, assessment and outreach to stakeholders. Dr. Wodicka summarized that the issues of loading zones must be addressed due to safety and traffic flow concerns. This matter has been articulated to the PDC as well, per Dr. Wodicka. Councilmember Helgeson asked how many parking spaces would be lost with this proposed change. Dr. Wodicka answered 4-6 spaces during the proposed times of loading. Councilmember Perrow noted that PDC reviewed this plan and he remains skeptical of the loading zone issue in regard to two-way traffic downtown; however he realized there must be a prototype for assessment. Councilmember Perrow stated that a pilot is meant to work out the issues and if it isn’t successful, Council and staff can revise as needed. Councilmember Perrow voiced concerns over inefficient loading zones, hindrance to residence in the area, and tractor-trailer sized loading zones. He (Perrow) also stated that the new signs would be double-marked to reflect loading zone times and regular parking times clearly. As chair of the Physical Development Committee (PDC), Councilmember Perrow noted that PDC recommended this agreement and moved the motion. There was no second necessary. Councilmember Nelson reiterated his concern with the language that could have an adverse effect on citizens. City Attorney Walter Erwin suggested adding “commercial vehicle” to the language. Councilmember Nelson voiced his desire to table this motion. Dr. Wodicka advised that timeline changes were a crucial factor during construction ongoing in

downtown. Councilmember Helgeson mentioned tractor-trailer parking in the loading zone and questioned how these vehicles would park and if the space would be large enough. City Engineer Lee Newland responded that the space would be large enough to allow parking of a tractor-trailer by pulling in as opposed to parallel-parking. Dr. Wodicka clarified spaces available for tractor-trailer parking. Councilmember Wilder thanked staff for working on this and voiced appreciation for workers who deliver downtown. He (Wilder) noted the discussions held in PDC on this matter and his support for the pilot program to address any issues with this proposed ordinance. Mayor Tweedy asked for clarification on the direction Council was taking on this in terms of postponing action. Councilmember Wilder suggested shortening the pilot program period. Councilmember Nelson thought it was in order to move ahead with signs, but the language must be reviewed. Councilmember Nelson called for a Substitute motion to postpone decision on this matter until the language in the Ordinance is revised in compliance with discussions to be reviewed at the next regular meeting. Councilmember Wright provided a second to the motion and Council, by the following recorded vote, postponed further discussion on the matter of considering amendments to an ordinance in City Code Sections 25-1, 25-249, 25-250, 25-265, and 25-270 impacting Central Business District parking that would change the manner of use of loading zones, make it illegal for vehicles to park on one-way streets, and to increase the fine amounts for violations related to loading zones and parking on one-way streets.

Ayes: Dolan, Helgeson, Nelson, Perrow, Wilder, Wright, Tweedy	7
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Noes:	0
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// In the matter of Thriving City, Council Report #10 was considered to hear a report for information on the City's Thriving City initiatives, including Bridges to Progress, (with a brief presentation regarding Lynchburg Feeds) Reimagining Neighborhood Centers, the Economic Development Master Plan and the Downtown 2040 Master Plan. Presenters included John Hughes, IV, Assistant City Manager, Michael McKee, CEO of the Blue Ridge Area Food Bank, Charlotte Lester, Supervisor of Neighborhood Centers, Marjette Upshur, Director of Economic Development, Tourism and Museums, and Kent White, Director of Community Development. The presentation is available online and in the electronic record. Mr. Hughes provided an update on the ongoing poverty reduction effort in Lynchburg with information on the Bridges to Progress movement and mini-grants allocated to work groups. Councilmember Helgeson asked if the transportation piece could be utilized instead of building a "\$10 million dollar sidewalk" and

inquired how application for such a grant would be done. Mr. Hughes advised that the Transportation Task Force would have to address Council for such a request. Mayor Tweedy asked if the City buses from the Greater Lynchburg Transit Company (GLTC) could navigate under the train trellis. Staff indicated this area was not accessible by a regular GLTC bus. Councilmember Perrow voiced concern over the limited amount of spending associated with approved grants as presented and also requested data regarding trends in poverty reduction and unemployment rate. Concerning the question of spending of grant funds, Mr. Hughes advised that groups have supplemented funding in some cases with personal and donated funds, as well as requested the ability to reallocate funds for specific projects. Councilmember Wilder mentioned his attendance at the Oasis meeting that was productive as well as the Faith and Schools meeting that were looking at collaboration between these entities. Councilmember Wilder suggested looking into the Community Foundation for grants and requested information on the benchmarks for measuring success. Mr. Michael McKee, CEO of the Blue Ridge Area Food Bank shared information on the public awareness campaign entitled Lynchburg Feeds. Per Mr. McKee, 18,000 people are being assisted in the greater Lynchburg area. Councilmember Helgeson asked what needy people did before the program was available. Mr. McKee stated people went without food, reduced intake or reduced quality of nutrition. Councilmember Perrow reflected on taking a young man to get pizza who was asking for money one evening and asked how to discern between a real need and being taken advantage of. Mr. McKee stated that when someone waits in line to receive a bag of groceries for two hours, that is a good indication of true need. Mayor Tweedy offered her appreciation for the information Lynchburg Feeds provides to residents. Councilmember Wilder noted the benefit of coming together with information on food sources compiled through Lynchburg Feeds. Jenny Jones, Director of Parks and Recreation introduced Charlotte Lester, Supervisor of Neighborhood Centers for the presentation on reimagining Neighborhood Centers. Ms. Lester provided status updates on improvement projects to Neighborhood Centers, partnerships with other organizations, as well as featured programs and services offered at the Centers. Councilmember Wilder commented positive impact of the Black Minds Matter series offered to the community. Mayor Tweedy commended Parks and Recreation staff for working within the community. Economic Development, Tourism and Museums Director, Marjette Upshur presented the Blueprint for Opportunity update associated

with the Economic Development Master Plan. Ms. Upshur reviewed updates, goals, recent accomplishments, and collaborative efforts with various stakeholders investing in Lynchburg.

//Councilmember Helgeson left the meeting.

Councilmember Wilder asked about the VEDP site selector group. Ms. Upshur advised that this was the Virginia Economic Development Partnership, which is Virginia's Economic development Group and they work to locate appropriate sites in Virginia for businesses.

Councilmember Perrow noted that jobs are the main point of growing Economic Development in the City and referenced Pacific Life's contributions to the City as well as the work Economic Development did to get Pacific Life in Lynchburg. Councilmember Perrow suggested a letter be sent to Pacific Life in appreciation of their beneficial presence in the City. Mayor Tweedy noted the work with TechHire and the City Schools to develop a trained skilled workforce in Lynchburg. Kent White, Director of Community Development presented an update on the Downtown 2040 Master Plan to Council. Mr. White gave information on 2018-2019 Downtown Lynchburg Association programs, discussed the upcoming 2019 projects (Loading Zone pilot, Compactor Interest Meeting, Main Street Renewal), and summarized the intersections of Thriving City Elements in his presentation.

// City Manager Bonnie Svrcek advised Council that she spoke with Councilmember Helgeson between sessions and he suggested the Council meet on May 7, 2019 since he would not be available on April 30, 2019 due to a planned vacation. Council agreed to meet on May 7, 2019 at 4pm to finalize budget balancing.

// The meeting was adjourned at 10:02 P.M.

Acting Clerk of Council

Polly Taylor

Citizen Taylor would like to speak to Council about University of Lynchburg properties in the area near 207 Amelia Street. The citizen expressed concern about University of Lynchburg not maintaining lawns.

060A

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 14, 2019**

AGENDA ITEM #: **9**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Public Hearing - School Board Appointments

KEY ELEMENTS:

X Economic Development **X** Excellent Government ___ Natural and Built Environment ___ Safe Community ___ Vibrant Community

RECOMMENDATION: Conduct a public hearing to receive citizen input regarding appointments (or reappointments) to vacancies that will exist June 30, 2019, in School Board districts I, II and III.

SUMMARY: The Code of Virginia stipulates that Council may appoint only those nominees or applicants whose names have been considered at a public hearing. Following the public hearing City Council may either conclude the public hearing or continue to the next meeting to allow more time for citizen input. The City Code requires that these appointments be made during the month of June; therefore, no action may be taken on this matter except at the June 13 or June 27 meetings.

Attached is a list indicating which current members are eligible for reappointment and who is willing to continue to serve. The names of the volunteers whose applications have been received to date are also included.

PRIOR ACTION(S): Advertisement of the Public Hearing in *The News and Advance* on April 30 and May 7, 2019

FISCAL IMPACT: None

CONTACT(S): Robin Craig, Clerk of Council – 455-3995

ATTACHMENT(S): School Board Appointment List

REVIEWED BY: bms

057A

School Board Appointment List
May 14, 2019

Current School Board Members to be Reappointed/Replaced

School District 1, Mrs. Susan D. Morrison (Willing to serve again)
School District 2, Ms. Charleta F. Mason (Willing to serve again)
School District 3, Dr. Michael Nilles (Willing to serve again)

Current Volunteers

School District 1

Ms. Cameron C. Howe
Mr. Michael Staton

School District 2

Mr. Gary E. Harvey
Mr. Jeffrey W. Horsley
Mr. Rory P. Lee-Washington
Ms. Nakesha R. Moore
Ms. Consuela M. Mosley
Mr. Joseph D. Tucker
Ms. Bethany L. White
Ms. Christina M. Wilson

School District 3

No current volunteers

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 14, 2019**

AGENDA ITEM #: **10**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Public Hearing Regarding the Fiscal Year (FY) 2020 Allocation of Community Development Block Grant (CDBG) and HOME Program Funds

KEY ELEMENTS:

☐ Economic Development ☐ Excellent Government ☒ Natural and Built Environment ☐ Safe Community ☒ Vibrant Community

RECOMMENDATION: Hold a public hearing and adopt a resolution approving the allocation of the Fiscal Year (FY) 2020 Community Development Block Grant (CDBG) and HOME Program funds and incorporating the allocation into the FY 2020 General Fund Operating Budget and Program Year (PY) 2019 Annual Action Plan.

SUMMARY: The U.S. Department of Housing and Urban Development (HUD) funds the CDBG and HOME Programs. City staff has received from HUD the final allocations for these FY 2020 entitlement programs. The City received \$733,512 in CDBG and \$392,864 in HOME Program funds. This was a reduction of \$401 in CDBG funds and \$45,908 in HOME Program funds from the FY 2019 entitlement amounts. This represents a very small percentage reduction in CDBG and 10.5% reduction in HOME Program funds. The City has the following available entitlement, reprogrammed, and program income funds to use for eligible CDBG and HOME activities during FY 2020.

<u>CDBG AVAILABLE FUNDING/SOURCE</u>	<u>AMOUNT</u>
HUD Allocation	\$733,512.00
Reprogrammable Funds	60,729.80
Program Income	<u>2,100.00</u>
Total CDBG Funding Available	\$796,341.80

<u>HOME AVAILABLE FUNDING/SOURCE</u>	<u>AMOUNT</u>
HUD Allocation	\$392,864.00
Total HOME Funding Available	\$392,864.00

The Community Development Advisory Committee (CDAC) met on March 20 and reviewed the applications that were submitted. CDAC met prior to the City receiving the final HUD entitlement allocations.

After the meeting of CDAC on March 20, City staff contacted the Richmond HUD Field Office regarding the planned scope of work for the CDBG Main Street Renewal project in the amount of \$52,912.94. City staff was advised that the planned expenditures for the purchase of construction materials to be used in conjunction with this project were ineligible. City staff has reduced the amount of available reprogrammable funds to eliminate the proposed CDBG FY 2020 Main Street Renewal project that was recommended for funding by CDAC. These funds have been approved by HUD to cover construction shortfall costs in the Diamond Hill and Jefferson Park Neighborhood Centers. In addition the CDAC recommended amounts for the projects have been reduced to the HUD final entitlement awards.

Below are the CDAC recommendations, incorporating the HUD final allocations, and the deletion of the CDBG Main Street Renewal project.

CDBG PROJECTS RECOMMENDED FOR FUNDING*:

CDBG Project	CDAC RECOMMENDATION FY 2020 (3/20/19)	CDAC ADJUSTMENTS FOR FINAL HUD ENTITLEMENT & REPROGRAMMED FUNDS FY 2020 (4/15/19)
City Administration	\$98,000.00	\$98,000.00
City Administration- Analysis of Impediments to Fair Housing	\$25,000.00	\$25,000.00
Dearington Neighborhood Plan	\$23,000.00	\$23,000.00
Dearington Neighborhood Improvements	\$100,000.00	\$100,000.00
Fairview Heights Neighborhood Center Rehabilitation	\$240,000.00	\$240,000.00
Yoder Neighborhood Center Rehabilitation	\$200,000.00	\$200,000.00
Main Street Renewal	\$52,912.94	\$-0-
Lynchburg Redevelopment and Housing Authority (LRHA) Centralized Homeless Intake Coordinator	\$65,000.00	\$65,000.00
LRHA Affordable Housing Resource Center	\$45,401.95	\$45,341.80
Total CDBG	\$849,314.89	\$796,341.80

*NOTE: IN ACCORDANCE WITH HUD NOTICE CPD-19-01 "GUIDANCE ON SUBMITTING CONSOLIDATED PLANS AND ANNUAL ACTION PLANS FOR FEDERAL FISCAL YEAR (FY) 2019" IT WAS THE RECOMMENDATION OF CDAC THAT ANY INCREASE IN THE ACTUAL FY 2020 CDBG ENTITLEMENT AMOUNT WOULD BE APPLIED TO THE LRHA AFFORDABLE HOUSING RESOURCE CENTER PROJECT AND ANY DECREASE IN THE ACTUAL FY 2020 CDBG ENTITLEMENT AMOUNT WOULD BE APPLIED TO MAIN STREET RENEWAL PROJECT.

HOME PROJECTS RECOMMENDED FOR FUNDING:**

Home Project	CDAC RECOMMENDATION FY 2020 (3/20/19)	CDAC ADJUSTMENTS FOR FINAL HUD ENTITLEMENT & REPROGRAMMED FUNDS FY 2020 (4/15/19)
City Administration	\$24,000.00	\$24,000.00
Rush Lifetime Homes-James River Housing-Rehabilitation Program (CHDO)	\$70,000.00	\$70,000.00
Greater Lynchburg Habitat for Humanity Homeownership Program (Habitat for Humanity)	\$60,000.00	\$60,000.00
Lynchburg Community Action Group (Lyn-CAG)- Homeownership Substantial Rehabilitation	\$200,000.00	\$200,000.00
Lynchburg Redevelopment and Housing Authority (LRHA)- Vacant Housing Revitalization and Rehabilitation	\$84,772.00	\$38,864.00
Total HOME	\$438,772.00	\$392,864.00

**NOTE: IN ACCORDANCE WITH HUD NOTICE CPD-19-01 "GUIDANCE ON SUBMITTING CONSOLIDATED PLANS AND ANNUAL ACTION PLANS FOR FEDERAL FISCAL YEAR (FY) 2019" IT WAS THE RECOMMENDATION OF CDAC THAT ANY INCREASE IN THE ACTUAL FY 2020 HOME PROGRAM ENTITLEMENT AMOUNT WOULD BE APPLIED TO THE LRHA VACANT HOUSING REVITALIZATION & REHABILITATION PROJECT AND ANY DECREASE IN THE ACTUAL FY 2020 HOME PROGRAM ENTITLEMENT AMOUNT WOULD BE APPLIED TO THE LRHA VACANT HOUSING REVITALIZATION & REHABILITATION PROJECT.

The public was notified of the public hearing through a public notice advertisement published in The News and Advance on April 27 and through various sources of social media.

PRIOR ACTION(S): Community Development Advisory Committee Meeting – March 20, 2019

FISCAL IMPACT: FY 2019 Final Entitlements: CDBG Reduction-\$401;
HOME Program Reduction-\$45,908

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

ATTACHMENT(S): Resolution
CDAC Meeting Notes – March 20, 2019 – Attachment A
CDBG & HOME Funding Recommendations Worksheet – Attachment B
Summary of CDBG and HOME Applications – Attachment C

REVIEWED BY: bms

RESOLUTION:

BE IT RESOLVED that the final HUD Entitlement Community Development Block Grant (CDBG) and HOME Program FY 2020 funding allocations are hereby approved for incorporation into the FY 2020 General Fund Operating Budget and Program Year 2019 Annual Action Plan.

Adopted:

Certified: _____
Clerk of Council

055A

**Community Development Advisory Committee (CDAC) Meeting
March 20, 2019
City Hall, Second Floor Training Room
10:00 a.m.**

Meeting Notes

***Note: CDAC members have reviewed and approved these notes**

Attendance included:

CDAC Members: Council Member Randy Nelson, Chair; Council Member, Beau Wright, Vice Chair; Ms. Valerie Harris (Tinbridge Hill Representative); Ms. Kimberly Dyke-Harsley (Daniel's Hill Representative); Mr. John H. Hughes, III (College Hill Representative); Ms. Susan E. Murray (Garland Hill Representative); Mr. Dennis G. Newton (Diamond Hill-Historic District Representative)

City Staff: Melva Walker (Grants Manager); Angie Shepard (Community Development Program Coordinator); Rhonda Allbeck (Assistant Director of Financial Services); Samantha Morton, Financial Professional III, Financial Services); Jenny Jones (Parks & Recreation Director); Charlotte Lester (Neighborhood Center Coordinator, Parks & Recreation); Kent White, (Community Development Director); James Talian (Water Resources); Anne Nygaard (Community Development)

Guests/Applicants: Dawn Fagan, Lynchburg Redevelopment and Housing Authority (LRHA); Denise Crews, (Lynchburg Community Action Group -Lyn-CAG); Greg Tyree (Habitat for Humanity); Jeff Smith (Rush Lifetime Homes); Jessica Taylor (Rush Lifetime Homes); Carrie Dungan (The News and Advance)

The Committee Chair, Council Member Randy Nelson, called the meeting to order at 10:07 a.m. Mr. Nelson welcomed everyone attending the meeting. He thanked the members and audience for being present. Council Member Nelson asked members to introduce themselves. Each member introduced themselves and the neighborhood they represented. Council Member Nelson turned the meeting over to City staff member, Melva Walker, Grants Manager. Ms. Walker welcomed everyone and introduced the City staff who were present.

Ms. Walker thanked everyone for being present and presented an overview of the Consolidated Annual Performance and Evaluation Report (CAPER) for Program Year 2017 (7/1/2017-6/30/18)

that was submitted to the U.S. Department of Housing and Urban Development (HUD). This Report provides HUD with the accomplishments and activities that were completed with the use of the Community Development Block Grant (CDBG) and HOME Program funds. She summarized the programs and accomplishments in the following areas:

- Housing Ownership, Rehabilitation and Rental
Greater Lynchburg Habitat for Humanity (GLHFH) and Lynchburg Community Action Group (Lyn-CAG) provided down payment assistance and gap financing for seven (7) households. Habitat provides the HOME match. Lyn-CAG used the Homeowner Rehabilitation HOME Program funds and completed three (3) homeowner units. LRHA used CDBG funds to complete the rehabilitation of one (1) public housing unit to make it ADA accessible. Lyn-CAG is a Community Housing Development Organization (CHDO) and just purchased a property as of yesterday. The Dearington Window/Door Replacement project finished in early Program Year 2018
- Promote Public Service Activities: Continuum of Care- Homeless Assistance: Coordinated Homeless Intake and Access (CHIA) Homeless Response System. This is a public service activity that is a point of contact to streamline the process and diverts households from homelessness. CHIA served 1,384 persons (348 families and 293 children). LRHA oversees the CHIA and operations of the program. The Affordable Housing Resource Center (AHRC) is operational and staffed with a Housing Navigator. The Center has served 70 persons in the current quarter. Lyn-CAG's Housing Counseling assistance provides housing counseling guidance. The Housing Counseling office assisted 206 persons. There are some ongoing projects that have been funded, but had not been completed in Program Year 2017.: College Hill Neighborhood Center Rehabilitation (completed in September 2018); Daniel's Hill Neighborhood Center Rehabilitation (completed in November 2018); Old Forest Village with 28 rental housing units (Rush Homes- leased in December 2018); and Coordinated Infrastructure Improvements- Fifth Street- Phase II- underway (construction completion scheduled for July 2019).

The CAPER is a comprehensive document and Ms. Walker stated that she was providing highlights of some of the main accomplishments. Ms. Walker stated that the complete report was available in the Grants Administration Office for anyone who would like to review the document in its entirety.

Ms. Walker reviewed the role of CDAC as it pertains to the Citizen Participation Plan for CDBG and HOME Programs. She stated that CDAC's role is to:

- Review CDBG and HOME applications received by City staff;
- Make project recommendations to City Council;
- City Council will conduct a public hearing, review the recommendations of CDAC, and give final approval for projects to be funded; and
- Public Notices are published for all public meetings.

Ms. Walker noted City Council's direction for Fiscal Year (FY) 2020 application funding is as follows:

- Maximize the use of CDBG funds for Capital Improvements Projects (CIP);
- Partnership with the Lynchburg Redevelopment and Housing Authority (LRHA) for projects such as: Vacant Housing Revitalization & Rehabilitation (formerly Spot Blight Program), Rental Rehabilitation, and other housing related projects; and
- Focus resources on targeted neighborhood(s) through partnerships with City departments and/or LRHA.

Ms. Walker provided a brief overview of the 2015-2020 Consolidated Plan Goals for the Fiscal Year 2020 Annual Action Plan. She noted these goals were adopted by City Council on February 24, 2015 and reviewed/adopted by City Council at a public hearing on January 8, 2019.

Council Member Nelson asked applicants for CDBG funding to come forward to give an overview of their funding requests.

Ms. Anne Nygaard with Planning came forth to present the request for the Dearington Neighborhood Plan for a request of \$23,000 and Dearington Neighborhood Improvements for \$100,000. Ms. Nygaard explained that the Dearington plan request was not able to be in the CIP which would have been an additional \$30,000. This means a lot of work will be done in house and a contract will need to be issued for portions of the scope of work. They will work with the neighborhood, do a neighborhood assessment, make recommendations as they go through the process and have a neighborhood group to assist with the development of the plan. They want to regrade the area and create a slate to make it usable. Ms. Nygaard explained that the Dearington Neighborhood was chosen because of the opportunities it presents, it is centrally located, has many vacant lots and housing and has partnership opportunities. They want to have good planning with a thoughtful investment.

Ms. Dyke-Harsley expressed she was excited to see this. She noted that the survey data used was American Community Survey (ACS) and wanted to know about the accuracy. Ms. Nygaard explained that the information was accurate based on data she had reviewed. Ms. Harsley inquired as to how involved will the neighborhood be in the planning. Ms. Nygaard explained that they plan for the neighborhood to be very involved, will hold community meetings and they are looking for contacts within the neighborhood.

Ms. Murray questioned about the percentage of the participation of the neighborhood. Ms. Nygaard explained they have not yet contacted the neighborhood. The park is currently underused and the hope is the community as a whole will use it. Jenny Jones, Director for Parks and Recreation, noted that they have a Park Master Plan for Dearington. It is ready to be developed. The plan was deferred in the CIP. The neighborhood center has been renewed using CDBG funds.

Ms. Harris noted that she remembers that the Boys and Girls Club had previously used the center, but that no longer being the case.

Mr. Newton expressed that the park is lumpy and the area looks like a drainage basin. It is close to Blackwater Creek. Ms. Nygaard stated that the trail connects now, there have been storm water improvements and some storm water facilities may be necessary.

Mr. Hughes expressed he was wondering about the neighborhood center being vacant but now understands why (Jefferson Park Neighborhood Center is under renovation).

Council Member Nelson stated there is a finite amount of funding. What would be the obstacles to funding being spent in the next twelve months (\$100,000 request)? Ms. Nygaard explained she does not foresee many obstacles except possibly getting a contractor on board.

Ms. Dyke-Harsley noted the \$92,000 for the neighborhood park. Ms. Nygaard explained \$8,000 is for material and \$92,000 for filling. They hope to do some work in Jefferson Park. They want to talk to the neighborhood and work possibly in Jefferson Park or Dearington Elementary School. They want to get Jefferson Park usable.

Mr. Newton inquired if Jefferson Park could be done in phases. Ms. Nygaard expressed that it could, but the mobilization costs each time.

Council Member Wright inquired about the amount for administration. Ms. Nygaard explained there is only a certain amount of funding that can be used for program administration. Ms. Walker stated that the discussion had been had that there would be \$23,000 left in Program Administration that could be used for a plan. Ms. Walker explained that neighborhood plan projects are only eligible as an administrative cost.

Council Member Nelson questioned if expediting the completion of Jefferson Park, if that would provide relief from other parks and spaces that are overloaded? Ms. Jones with Parks and Recreation said that a feasibility study was done but it has been recommended the park should not be used for league athletics. It used to be a dump.

Mr. Hughes questioned about the portion of Jefferson Park that is too lumpy to be used. Council Member Nelson eluded the area being considered is where the community center and parking lot are. Council Member Nelson asked what it would be used for (if not athletic fields), followed by the same question from Ms. Harris. Ms. Jones indicated it depends on what comes out of the study. There is a possibility of a waterpark as an idea. Ms. Nygaard indicated they will look at the different possibilities. Mr. White, Director of Community Development, explained the possibilities may be walking trails, places to play frisbee, etc. They want to identify opportunities and the study only talks about one part.

Jenny Jones, Director of Parks and Recreation, and Ms. Charlotte Lester, Neighborhood Center Coordinator with Parks and Recreation, came forward to present the applications for the rehabilitation of the Yoder and Fairview Heights Centers. Ms. Lester explained that the centers provide a number of services and is an anchor in the community. The program at the centers are for the residents of the neighborhood. Yoder center was built in 1964. They are requesting funding for basic improvements as flooring, walls, doors, trim, bathroom and kitchen. They need to have flexibility with the space. The Fairview Heights Center was built in 1980. They collaborate with Bass Elementary to host the 21st Century after school program there. It has undergone general wear and tear and needs basic improvements to the finishes. Ms. Jones explained that normally the Neighborhood Centers would be a part of the City's Capital Improvements Project (CIP). The Center has been deferred for the last several years in the CIP. The cost was at \$175,000 for years, but the request this year for \$200,000 and \$240,000 reflect the increase over time in cost for such a project. Fairview Heights is a larger facility.

Mr. Hughes noted he is aware of the overuse of the centers.

Mr. Newton expressed that he went to Daniel's Hill and College Hill Centers and was impressed. They were very warm and inviting. He then visited Fairview and Yoder and these centers are worn and tattered. Ms. Lester expressed there has been a learning curve with renovations to the neighborhood centers and they have learned from the previous centers that the cost is more in order to complete the renovations that are needed for the centers.

Ms. Harris expressed that Yoder Center is home to her. She goes there as a senior on Fridays. The building is perfect for this. The facilities are longing for much needed care.

Ms. Murray questioned if these amounts were based on the other projects. Ms. Lester indicated the requests are based on the need and the learning curve from the renovation of the other centers. Ms. Murray questioned if everything needed painting. Ms. Lester expressed they are trying to invest resources as much as they can at one time that will make for the least amount of disruption. Ms. Murray expressed that she thinks it is great to update.

Ms. Dyke- Harsley expressed she supports the centers.

Council Member Wright agreed with Mr. Newton's statements about Daniel's Hill and College Hill. They are attractive, warm places. It shows the investment, how we care and the value we place.

Council Member Nelson explained that he was surprised at first at the amount of the requests for the two centers, knowing that Yoder receives support from the churches, etc. and Fairview Heights is the newest. Ms. Lester responded that they discovered in the first round, the funding couldn't cover

all the areas they wanted. They have learned from this. The Fairview Heights request accounts for the difference in square footage. They are in the process of the Diamond Hill Center renewal now. Ms. Jones gave a specific example of how at Diamond Hill, they need to renovate the entire bathroom, but with the funding available they have to cut back.

Council Member Nelson noted that some items look more cosmetic and some more functional. If looking with a critical eye, what is essential, what would make a difference? Ms. Lester expressed they are trying to make it one in the same. They are trying to combine function with durability and maintenance. Combining aesthetics and function. The kitchen, floors and bathrooms are essential.

Council Member Nelson invited Mr. White with Community Development to present the Main Street Renewal project request. Mr. White explained this was the next phase of the Infrastructure project. The request is for \$290,000. This is to supplement materials cost. This can be spent within a program year. This phase is being coordinated with AEP and includes streetscape elements. This offsets the City's Infrastructure dollars.

Council Member Nelson inquired if it was probable for the funds to be used in the next twelve months. Mr. White expressed he believed so and it is typically design funding, but this time it is actual purchase of materials. This is for the purchase of the materials and not for the actual construction costs. Mr. Talian with Water Resources added this is what they can do within the time frame. He is pretty confident the project will start on time and the materials have to be bought beforehand.

Ms. Murray inquired if this included Court, Church, Main and Commerce Streets. Mr. White explained this would be Main Street, running from Eight Street to Twelfth Street. This is for the underground materials.

Ms. Dyke-Harsley questioned about the data for the disabled and elderly in that area. Mr. White explained they are using census tract information.

Ms. Fagan, Director for the Lynchburg Redevelopment and Housing Authority (LRHA), came forward to present LRHA's funding request. Ms. Fagan explained she was requesting funds for the Coordinated Homeless Intake and Access (CHIA), the Affordable Housing Resource Center (AHRC) and the Vacant Housing Revitalization and Rehabilitation (VHRR) programs.

CHIA is the core of the homeless response system and a requirement of the system as the first point of contact. The CHIA staff member has a background working with shelters, the homeless and evictions. The staff person works closely with the Housing Navigator for the AHRC. The CHIA position is a required position by the U.S. Department of Housing and Urban Development (HUD). The AHRC has been staffed with a Housing Navigator. This person reaches out to the landlords and works closely with CHIA. The position helps people locate available housing resources. The

AHRC provides this service and opens doors for those looking for housing. The center also provides renter education.

The VHRR does have funding and they have the funds targeted. LRHA is working with the Housing Collaborative in this effort. A housing study was just completed last fall. Ms. Fagan showed the Committee a map of targeted vacant housing in the CDBG area. The housing study showed the gaps and has gotten the momentum going.

Council Member Nelson inquired about funds from previous years not having been spent. Ms. Fagan explained LRHA had a house targeted. The City was going to demolish it, but the owner demolished it and became in compliance again. They are now targeting the Dearington area and this is the area where the City is targeting.

Council Member Wright inquired about the VHRR being in the CDBG program but noticed in a previous year it qualified for the HOME program as well. Ms. Walker indicated this is correct. She stated that the project is eligible in both programs; and due to a lack of available funds in the CDBG program, the project was moved to the HOME program.

Ms. Dyke-Harsley noted that Collison (Housing Navigator) is working very hard in the AHRC. She is please that the phone is answered more in the CHIA program. Those in these positions have more momentum. She inquired that a property for the VHRR is in a cul de sac and how will that affect property values and taxes. Ms. Fagan stated that one property was blighted and she is unsure about the other properties yet. They would build new homes. Three homes that have been built in the last three years (70 Federal Street, 312 Polk Street and 219 Wadsworth Street) are valued at \$130,000 to \$140,000. They want to turn attention to the rental side.

Ms. Murry expressed that from a real estate perspective, a lot of rehabilitation has been happening in the City and rent rates have increased. In some cases 80% of income. Landlords are paying a Rental Program fee and it feels harassing. Ms. Murray questioned if LRHA had thought about doing the \$1 program (a previous program of LRHA). Ms. Fagan indicated they had not. It is very difficult for low-income persons to do all of that rehabilitation and the focus is to provide for low-income persons.

Mr. Newton asked if between CHIA and AHRC, if one was more of a need than the other. Ms. Fagan stated that the AHRC is not fully up yet and of course, the more funds you receive the more you can do.

Ms. Murray was curious as to where it is advertised for how citizens can contact the CHIA and AHRC. Ms. Fagan explained that LRHA and the Central Virginia Continuum of Care (CVCoc) advertise the information. Ms. Crews (Lyn-CAG and CVCoc) expressed that the nonprofits in the area have the contact information and that CHIA cards with the contact information were given out. Ms. Fagan noted that the AHRC is for everyone, not just homeless persons or low-income.

Ms. Dyke-Harsley asked if the number could be made more public. Ms. Fagan stated that the LRHA Board members and the Police Department, etc. have the CHIA number and help to get the information shared with the public. .

Council Member Nelson asked HOME funding applicants to come forward, starting with Greg Tyree of Greater Lynchburg Habitat for Humanity (GLHFH). Mr. Tyree explained their request is for \$60,000 for the Homeownership program. There is a need for down payment assistance due to cost burden, crowdedness, unsafe and unhealthy living environments. There is a willingness to partner and those receiving assistance put in sweat equity and do financial training. The \$60,000 request would be for assistance on three homes. Council Member Nelson stated that it looks like there is more funding available than actual requests for HOME funds. Ms. Walker indicated this is correct. Mr. Tyree explained that any excess funds would allow them to go after other opportunities that they currently cannot.

Ms. Crews, Director of Housing and Community Development for Lyn-CAG, summarized the funding request for the Homeownership Substantial Rehabilitation program. They are requesting \$200,000. Lyn-CAG is the only agency that does Substantial Rehabilitation in the community. There are currently fifteen (15) people on the waiting list. They have a Rehab Specialist they contract with. They started to set a different criteria for the homes considered for rehab. The program allows them to keep homeowners in their home. Natural disasters have slowed down the projects this last year (tornado in April, flood in August).

Jessica Taylor, Property Manager with Rush Homes, presented the application for James River Housing. Rush Homes received \$95,000 last year for this project. They are requesting an additional \$70,000. It is costly and they have figured out that they can put a duplex and three (3) other houses with the combined funding. They are holding on to the funding until they can secure the sites they have identified.

Ms. Walker explained the CDBG and HOME Allocations Worksheet that CDAC had before them and was displayed on the screen. Ms. Walker emphasized to CDAC again that HUD allocations have not been received at this point and City staff is working from funding amounts received last year. The CDBG amount is \$849,314.89 (with reprogrammed funds). She explained the Public Service Activities have a Cap of 15% of the CDBG Allocation, which puts the total that can be allocated at \$110,341.80. The amounts are estimates. The VHRR project can be switched from CDBG to HOME which would provide for more funds in CDBG that are available.

By consensus, CDAC agreed to move the VHRR program to the HOME program. The \$100,000 request was transferred on the allocation worksheet.

Council Member Wright inquired about the \$25,000 request from CDBG for the Analysis of Impediments to Fair Housing, if this could piggy-back on the housing study done by the Housing Collaborative. Ms. Walker explained that HUD requires there be an Analysis completed for the entitlement programs.

Council Member Nelson asked the Committee members how they wanted to balance the requests with what is available for CDBG. Mr. Newton expressed he wanted the full amounts to support the Neighborhood Centers. He is aware the requests are higher than previous years, but he understands the explanation. Mr. Hughes stated his agreement with this recommendation.

Mr. White stated that City Council will consider the CIP funding individually. The grant funds do help offset the 8 million dollar project (Main Street Renewal).

Council Member Wright was in agreement with full funding of the Neighborhood Centers.

Council Member Nelson stated the other projects that needed considerations were the Dearington requests and Main Street renewal.

Mr. Newton questioned if the Main Street Renewal project could be put off until next year.

Ms. Walker stated that the Committee may want to look at the Public Service Activities first and then determine the funding for the other activities.

Council Member Nelson expressed that the CHIA position is critical. Ms. Murray questioned Ms. Fagan if the funding was just salary. Ms. Fagan responded that is covered salary and benefits.

Ms. Dyke-Harsley stated she was not confident and clear on the Dearington Neighborhood Improvements. Mr. White and Ms. Nygaard explained they are not 100% sure with this project right now. It is for the better of the neighborhood but they will need to partner with the neighborhood. It will probably be about \$50,000 spent on the school park. Mr. White they are dealing with a lot of estimates.

Mr. Hughes felt a bit of research may need to be done on the project, with some funds possibly being deferred until next year.

Ms. Nygaard expressed that for the school park, it would be about \$50,000. They are looking for gateway improvements, handrails, etc. Maybe \$75,000.

Council Member Wright questioned if the project was not funded, then where would the funding come from. Mr. White noted it would be for future years in the CIP. He expressed that Dearington may not happen if CDBG does not fund it. Council Member Wright made a motion to fund the Dearington Neighborhood Improvements for \$100,000 with a second motion from Mr. Hughes.

For CDBG funding, CDAC was in consensus to allocate the full \$98,000 for City Administration; \$25,000 for City Administration- Analysis of Impediments to Fair Housing; \$240,000 for the Fairview Heights Neighborhood Center Rehabilitation; \$200,000 for the Yoder Neighborhood Center Rehabilitation; \$23,000 for the Dearington Neighborhood Plan; \$100,000 for Dearington Neighborhood Improvements and \$52,572 for the Main Street Renewal.

For HOME funding, CDAC was in consensus to allocate \$24,000 to City Administration; \$70,000 to Rush Home for the James River Housing project (CHDO); \$60,000 to GLHFH's Homeownership program to provide down-payment assistance; \$200,000 for Lyn-CAG's Homeownership Substantial Rehabilitation program and \$38,864 to LRHA's Vacant Housing Revitalization and Rehabilitation (VHRR) program.

Ms. Walker emphasized that the committee is working off of estimated amounts from last year's funding because HUD allocations have not been received at this point. If allocations were to be increased, members agreed that in the CDBG program, funds should be allocated to LRHA's Affordable Housing Resource Center (AHRC) . As well, if funds were reduced, members were in agreement that reductions should come from the Main Street Renewal project. If allocations were increased in the HOME program, members agreed those funds should go toward LRHA's Vacant Housing Revitalization and Rehabilitation (VHRR) program and any reduction in funds should be also taken from the Vacant Housing Revitalization and Rehabilitation (VHRR) program.

Ms. Walker reviewed the tentative schedule for the City Council public hearing on recommendations, Annual Action Plan draft and Annual Action Plan submission.

-City Council Public Hearing (CDAC Recommendations) & City Council Allocations- Tentative Date-May 14th @ 7:30 p.m.

-City Council Public Hearing (FY 2020 Annual Action Plan) – Tentative Date*- June 25th @ 7:30 p.m.

-2015-2020 Consolidated Plan and FY 2020 Annual Action Plan Submittal to HUD- Tentative Date*- June 26th

Council Member Nelson closed the meeting at 12:35 p.m.

*City staff must receive final entitlement allocation from the U.S. Department of Housing and Urban Development (HUD) prior to finalizing the schedule for the remaining public hearings and application submittal for the FY 2020 Annual Action Plan

[illegible]

Summary of Community Development Block Grant (CDBG) and HOME Program Funding Requests Fiscal Year (FY) 2020

Following is a brief summary of each of the applications received for consideration of CDBG and HOME Program funding. Entire applications are available and can be reviewed in the Grants Administration Office.

Community Development Block Grant (CDBG) Applicants

City Administration (Grants Administration)

FY 2020 Request	CDAC Recommendation
\$98,000	\$98,000

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

FY 2020 Request	CDAC Recommendation
\$25,000	\$25,000

Funding is requested to complete the Analysis of Impediments to Fair Housing. As a recipient of CDBG and HOME Program funds, the City is required to update its Analysis of Impediments to Fair Housing every five (5) years and prior to submittal of its 2020-2025 Five-year Consolidated Plan. The current Analysis was completed in Program Year 2013.

The Analysis provides a review of the City's laws, regulations and administrative policies, procedures and practices affecting the location, availability and accessibility of housing, as well as an assessment of conditions, both public and private, affecting fair housing choice.

Dearington Neighborhood Plan (City-Department of Community Development)

FY 2020 Request	CDAC Recommendation
\$23,000	\$23,000

NOTE: CDBG funds may be used to develop neighborhood plans; however, this is considered a "Planning and Capacity Building" project and is subject to the statutory limitation on planning and administrative costs, which is 20% of the entitlement amount. This is the amount remaining within the "Administration" category.

This funding will provide City staff the opportunity to develop a neighborhood plan to address vacant housing and vacant lots, historic landfills, park programming and development, infrastructure needs, and other neighborhood needs as identified in the planning process. This funding would be leveraged with other City funding and grants to complete a comprehensive neighborhood plan.

City staff would work to complete this Plan by:

- working with the neighborhood to gather input throughout the planning process;
- performing a neighborhood assessment with available data and field observations to inform the plan;
- completing environmental assessments for the neighborhood as needed;

- designing a reimagined Jefferson Park, a major underutilized asset in the community;
- developing programming desired by the neighborhood for the currently vacant neighborhood center;
- projecting and prioritizing infrastructure needs to address safety, capacity, and livability;
- tackling environmental justice issues of historic landfills;
- addressing other concerns discovered in the planning process; and
- establishing a neighborhood group to help carry the plan forward.

Dearington Neighborhood Improvements (City-Department of Community Development)

FY 2020 Request	CDAC Recommendation
\$100,000	\$100,000

This project is for neighborhood improvements in conjunction with the Dearington Neighborhood Plan. Proposed improvements would level recreation areas to address subsidence and may also include betterments such as safety handrails, gateway improvements and other basic facility renovations. This project would help build on the momentum from the current Dearington Neighborhood Center renewal effort and provide a foundation for future improvements in conjunction with the planning efforts

Fairview Heights Neighborhood Center Rehabilitation (City-Department of Parks and Recreation)

FY 2020 Request	CDAC Recommendation
\$240,000	\$240,000

The Fairview Heights Neighborhood Center is located at 3621 Campbell Avenue. The facility was constructed in 1980 with the use of CDBG funds. The 4,870 square foot Center has played a vital role in the life of the surrounding community for generations.

After decades of constant use, the facility is in desperate need of basic infrastructure reinvestments. Renovations have been scheduled but repeatedly deferred, due to lack of capital improvement fund availability.

While some improvements have been made over time, the facility is in great need of basic improvements. Current plans include kitchen and bathroom renovations and general facility upgrades to flooring, ceiling, walls, and window treatments. Durable natural finishes and functional use improvements will be easy to maintain and bring the valuable public facility into the twenty-first century.

Reinvestment in the Fairview Heights Center will not only rejuvenate the facility itself, but provide an economic spillover effect to the surrounding neighborhood where it serves as a much needed socio- economic anchor to the neighborhood. Urban blight can only be bested one property at a time and the City can provide exemplary facilities, with these much-needed upgrades, that will improve the quality of public space for low- to moderate-income Fairview Heights residents, and maintain the social equity investment recognized decades ago, when this facility was originally established.

Yoder Neighborhood Center Rehabilitation (City-Department of Parks and Recreation)

FY 2020 Request	CDAC Recommendation
\$200,000	\$200,000

The Yoder Neighborhood Center is located at 109 Jackson Street, in the Tinbridge Hill Community. The Center was constructed in 1964 and contains approximately 4,044 square feet. The Center has played a vital role in the life of the surrounding community for generations.

The facility is in desperate need of basic infrastructure reinvestments. Renovations have been scheduled but repeatedly deferred, due to lack of capital improvement fund availability.

While some key improvements have been made over the last decade, such as an addition, funded through the generous support of community partners, including St. John's Episcopal Church; the core facility is in great need of basic improvements. Current plans include kitchen and bathroom renovations and general facility upgrades to flooring, ceiling, walls, and window treatments. Durable natural finishes and functional use improvements will be easy to maintain and bring the valuable public facility into the twenty-first century.

Reinvestment in the Yoder Neighborhood Center will not only rejuvenate the facility itself, but provide an economic spillover effect to the surrounding neighborhood where it serves as a much needed socio- economic anchor to the neighborhood. Urban blight can only be bested one property at a time and the City can provide exemplary facilities, with these much-needed upgrades, that will improve the quality of public space for low- to moderate-income Tinbridge Hill residents, and maintain the social equity investment recognized decades ago, when this facility was originally established.

Centralized Homeless intake Coordinator - Lynchburg Redevelopment and Housing Authority (LRHA) and Central Virginia Continuum of Care (CVCoC)

FY 2020 Request	CDAC Recommendation
\$65,000	\$65,000

The Central Virginia Continuum of Care (CVaCoC), in partnership with Lynchburg Redevelopment and Housing Authority (LRHA), is requesting continued funding for the position of Homeless Intake Coordinator. This position was created in early 2014 as a part-time position and was housed at the City's Department of Human Services.

HUD's Continuum of Care program regulations require a coordinated intake process in order for a community to be eligible for federal grants to assist with homeless response programs. The inaugural year was used to increase community awareness, develop policy and procedure, and gain community partner participation. In July 2015 the position was made full-time and moved to LRHA. This enhancement created additional hours of availability as well as married the "front-door" of the homeless response system to the City's Housing Authority and its programs. This allows the Coordinator to have access to information about programs and resources that will provide long term stability to households most vulnerable. The Coordinator assesses a household's needs to determine if they can be diverted from homelessness or, if necessary, placed in shelter. Development of a housing plan, assessment of barriers and referral to the most appropriate homeless response program, put households on a path to housing stability.

The Central Virginia Continuum of Care oversees the following programs:

- Homeless Management and Information System (HMIS);
- Miriam’s House: Community First (Rapid Re-housing);
- Miriam’s House: Permanent Supportive Housing;
- LRHA: Housing First Lynchburg (Permanent Supportive Housing);
- Lynchburg Community Action Group: Hand-Up-Lodge (Shelter);
- Lynchburg Community Action Group: Rapid-Re Housing Program;
- Lynchburg Community Action Group: Homeless Prevention Program (Virginia Homeless Solutions Program (VHSP)); and
- YWCA’s Domestic Violence Prevention Center.

Affordable Housing Resource Center – Lynchburg Redevelopment and Housing Authority (LRHA)

FY 2020 Request	CDAC Recommendation
\$67,000	\$45,341.80

This project will continue providing funding for the support of the Affordable Housing Resource Center (AHRC) which has been created and is managed by LRHA. The ARHC is led by a full-time Housing Navigator and provides a centralized access point to all affordable housing resources and supportive services available in the City. This project is a collaboration of LRHA, the City of Lynchburg, the Lynchburg Regional Housing Collaborative and the Central Virginia Continuum of Care.

LRHA plans to finalize several goals previously set for the Resource Center. These goals include: (1) development of a website that will allow private landlords, local rental agencies and apartment complexes to post their vacancies as they happen; (2) streamlining access to LRHA housing programs to reduce barriers to LRHA services making it easier for landlords and participants understand the process; (3) installing kiosk/tablets in the lobby as well as other key locations to provide an electronic option for accessing housing and other resources; (4) continue to gather and maintain a database of resources available in the City; and (4) hosting Housing Education meetings. The Resource Center is setting up a computer lab that the public may access during normal business hours to assist in their search for housing and resources. Applying for housing, finding other resources and educational opportunities related to housing issues will also be available. The Resource Center will be the premier housing resource for the City of Lynchburg.

HOME Program Applicants**City Administration**

FY 2020 Request	CDAC Recommendation
\$24,000	\$24,000

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

James River Housing – Rush Lifetime Homes, Inc. (Rush Homes) – Certified Community Housing Development Organization (CHDO)

FY 2020 Request	CDAC Recommendation
\$70,000	\$70,000

NOTE: The City is required to commit 15 percent of its HOME Program entitlement funds to a CHDO. Rush Homes is the only CHDO application submitted for FY 2020. This application is a continuation of the FY 2019 HOME Program allocation of \$95,000 to Rush Homes for the development of this project.

James River Housing is a three (3) house rehabilitation and one (1) new construction duplex project that will provide cost effective, affordable homes for tenant families with disabilities and low incomes. Rush Lifetime Homes, Inc. (Rush Homes) will engage primarily with Lynchburg Redevelopment and Housing Authority (LRHA) and local realtors to identify appropriate houses in Lynchburg that require rehabilitation and we will rehabilitate those houses. The focus will be on adding accessibility/universal design features when possible in order to provide access to people with mobility and/or physical impairments. Rush Homes estimates that approximately 40 percent of the current tenants have mobility related disabilities; thus, many people with disabilities do not require mobility accessibility features.

By identifying housing in need of rehabilitation and turning as well as providing new construction on sites with current dilapidated housing, Rush Homes also is supporting community development and stable communities. Rush Homes' waiting list of families with disabilities needing and wanting affordable housing that meets their needs stands at 491. This is significant evidence of the housing need that is further noted in market studies and the last four year loss of 121 affordable apartments in the City, and the recent Enterprise Community Partners housing study of Lynchburg.

Greater Lynchburg Habitat for Humanity (GLHFH) – Homeownership Program

FY 2020 Request	CDAC Recommendation
\$60,000	\$60,000

Greater Lynchburg Habitat for Humanity (GLHFH) develops homeownership opportunities for low-income families that would not qualify or be able to afford homeownership through conventional bank mortgages. GLHFH builds good quality, moderately appointed homes and sells them to qualified applicants. The target population for the program is families whose

ATTACHMENT C

income falls in the range of 40% to 70% of HUD's median family income, adjusted for size of family. To qualify, families must demonstrate need (residing in poor, unsafe, unhealthy, and/or unaffordable housing); they must have the ability to pay a no-interest mortgage (must have a steady income and low debt to income ratio); and must be willing to partner with GLHFH (provide sweat equity, participate in training, and prepare for the responsibilities of homeownership).

GLHFH solicits funding, materials, and volunteer labor from the community and is thereby allowing the organization the ability to maintain low construction costs. GLHFH is therefore able to sell the home to the qualified family with a no-interest mortgage loan. Families have to provide 200 (single applicant) to 300 (multiple applicants) hours of labor, referred to as "sweat equity," to the project. The mortgagees must attend GLHFH's course designed to prepare them for homeownership. The series of classes provide education about financial literacy, budgeting, home maintenance, taxes and insurance, predatory lending, and loss mitigation options.

GLHFH will use HOME funds to pay for down-payment assistance which will reduce the principal balance so that the family can afford the monthly mortgage payments. GLHFH defines "payment affordability" as not more than 30% of monthly income, though we strive for 25% when possible as to make our homes affordable for families in the lower tiers of HUD AMI income. GLHFH estimates that there will be three (3) households assisted with the HOME Program funds requested in this application.

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

FY 2020 Request	CDAC Recommendation
\$200,000	\$200,000

Lyn-CAG's Homeowner Rehabilitation program activities provide selective rehabilitation services designed to remove health and safety hazards and code violations from the homes of low- to moderate- income homeowners who live in the City and meet U. S. Department of Housing and Urban Development (HUD) income guidelines for HOME programs. Typical requests for services include electrical, plumbing, structural and roof repair/replacement. All local contractors who provide the services are licensed and insured. Building materials are purchased from local businesses. The scope of work is developed by a rehabilitation specialist; the work is bid contracted through a bid process; and the rehabilitation specialist and City Inspectors perform progress and final inspections.

Property Standards are the housing quality standards used to determine whether a housing unit is decent, safe and sanitary. They are the standards against which the actual physical condition of a property which are judged in the inspection process. Using the property standard as a baseline, our rehabilitation specialist determines the scope of rehabilitation necessary to address the physical deficiencies of a unit.

The Home Rehabilitation Program anticipates providing services to 6 low- to moderate- income households during the FY 2020 at an average cost of \$28,750 per unit plus soft costs. In addition, clients agreed to contribute \$500 at the time of completion or within 12 months to go into a rollover account. This account is to further assist residents within the community with minor repairs such as water heaters, minor plumbing and general repairs that would be less than \$1,000.00. HUD requires that a project spend a minimum of \$1,000.00 in a unit. Each

case is assessed for hardship and ability to pay. Lyn-CAG staff has the discretion to wave the fee based on circumstances.

Vacant Housing Revitalization and Rehabilitation – Lynchburg Redevelopment and Housing Authority (LRHA)

FY 2020 Request	CDAC Recommendation
\$100,000	\$38,864

For many years Lynchburg Redevelopment & Housing Authority (LRHA) has partnered with the City to address blighted properties in the City. The program was formerly known as the Spot Blight Abatement program. LRHA would acquire properties without plans for properties after acquisition. This left LRHA with a long list of properties and no benefit to the neighborhoods, other than removing the dilapidated buildings.

LRHA's staff and Board of Commissioners believe, in order to truly address the blighted properties, there needs to be determination of what those properties will become after acquisition. It is the intent of LRHA to acquire and use some of the properties to rehabilitate the existing structures and then rent the properties as affordable housing. Other properties acquired will be identified for demolition and new construction building. LRHA will partner with other housing providers (Rush Homes, Habitat for Humanity) to determine the best locations and end use of blighted properties. As the City moves forward with developing a Plan for redevelopment of the Dearington neighborhood, the focus of properties to be acquired in this project will be within the Dearington Neighborhood.

Keeping Fair Housing requirements in mind and in conjunction with the City's Analysis of Impediments to Fair Housing Choice (AI), LRHA will work to provide opportunities outside of areas of concentrated poverty while also addressing the blighted properties in the concentrated areas with the intent of bringing mixed income opportunities to those areas.

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 14, 2019**

AGENDA ITEM #: **11**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Rezoning – B-1, Limited Business District to B-4, Urban Commercial District

KEY ELEMENTS:

☐ Economic Development ☐ Excellent Government ☒ Natural and Built Environment ☐ Safe Community ☒ Vibrant Community

RECOMMENDATION: Approval of the rezoning petition from B-1, Limited Business District to B-4, Urban Commercial District to allow the conversion of the existing buildings into fifty (50) apartments.

SUMMARY: The Rebkee Company is petitioning to rezone approximately nine tenths (.9) acres located at 1503 Grace Street from B-1, Limited Business District to B-4, Urban Commercial District to allow the redevelopment of the property into fifty (50) apartment units.

This property was formerly known as the Grace Street Lodge which closed in 2013. The Zoning Administrator issued a Zoning Notice of Violation on March 26, 2018 after determining the property was being used as apartments instead of a group home for persons with disabilities. On October 13, 2018, it was determined the building was vacant.

PRIOR ACTION(S):

April 10, 2019:

The Planning Division recommended approval of the rezoning petition.

The Planning Commission recommended approval (6-0, with 1 member absent, Lowe)

FISCAL IMPACT:

Exact increase in revenue to be determined upon rehabilitation. This property is eligible for the Real Estate Rehabilitation and Renovation Program.

CONTACT(S):

Tom Martin, City Planner – 455-3900

Kent White, Community Development Director – 455-3900

ATTACHMENT(S):

- Ordinance
- Planning Commission Minutes – April 10, 2019
- Planning Commission Packet – April 10, 2019
 - Planning Commission Report
 - Zoning Map with Adjoining Owners
 - Future Land Use Map
 - Watershed Map
 - Planimetric and Topographic Map
 - Concept Plan
 - Narrative
 - Property Photograph
 - Speaker Signup Sheet

REVIEWED BY: raw

UNCODIFIED ORDINANCE:

AN ORDINANCE CHANGING A CERTAIN AREA LOCATED AT 1503 GRACE STREET FROM B-1, LIMITED BUSINESS DISTRICT TO B-4, URBAN COMMERCIAL DISTRICT.

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

Section 35.2-54. __. Change of a certain area located at 1503 Grace Street from B-1, Limited Business District to B-4, Urban Commercial District.

The area embraced within the following boundaries:

Beginning at the point of beginning, a iron found at the intersection the southerly right-of-way line of 15th Street and the northerly right-of-way line of Grace Street; thence S 02°34'50" W a distance of 397.72' to a point; thence S 53°15'35" W a distance of 3.27' to a point; thence N 36°00'00" W a distance of 307.70' to a point; thence N 53°15'35" E a distance of 251.31' to an iron found; which is the point of beginning, said parcel contains 0.899 acres, more or less

...is hereby changed from B-1, Limited Business District to B-4, Urban Commercial District

And the City Planner shall forthwith cause the "Official Zoning Map of the City of Lynchburg, Virginia" referred to in Section 35.2-32 of this chapter to be amended in accordance therewith.

Adopted:

Certified: _____

Clerk of Council

052A

MINUTES OF THE APRIL 10, 2019 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

Petition of "The Rebkee Company" to rezone approximately ninety-three hundredths (0.93) acres located at 1503 Grace Street from B-1, Limited Business District to B-4, Urban Commercial District to allow the use of the property as fifty (50) apartment units.

Mr. Tom Martin had the following summary for the commissioners. The property contains a 47,000 square foot building and a 2,200 square foot building. The property is currently zoned B-1, Limited Business District. Residential uses are only permitted by conditional use permit. The district standards for B-1 residential uses are a minimum of a 6,000 square feet lot size and 2,000 square feet per residential unit. That would limit this property to no more than 16 units. Obviously that does not make sense for a building of this size. The proposal is to rezone it to B-4, Urban Commercial District, which would allow for the fifty units that are being requested.

Planning staff is excited that this developer has chosen to do this project. They have done many other successful projects within the City, so we know that it will be done in a very reputable fashion. It is supported by the City's *Comprehensive Plan*, which recommends a Traditional Neighborhood residential use for the property. There is parking on site. Although B-4 districts do not have a parking minimum, there would be 46 spaces available on site. Planning staff recommends approval of the rezoning petition.

Mr. Justin Fournier of Balzer & Associates was present to represent the petition. He commented that the developer is looking to preserve the historic character of the building and will be using tax credits for the project. They think they will be able to get 50 parking spaces on site. The current zoning of the property would not utilize the full potential of the building nor would it be economically feasible without being allowed to do more units than what is allowed in the B-1 district. The petitioner believes the site will be improved, as well as the exterior of the building.

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

Commissioner Light noted that he drives by this building often and has been concerned about it for a long time. He is absolutely ecstatic that the building will be repurposed. Rebkee has a good reputation and this will be a nice stabilization upgrade to this area.

Commissioner Marion asked if the parking spaces will be assigned. Mr. Fournier said he did not know that answer definitively but he would imagine it will be first come, first serve. She asked about the size of the apartments and Mr. Fournier said it will be a mix and will be based on what the market will support. Commissioner Marion said there is the potential for a hundred cars and she is concerned about the parking situation. Mr. Fournier acknowledged you cannot park on Grace Street but you can park on Jackson and 15th Streets. Mr. Martin commented he understands her concern but if you look at where the City has been going historically, they have been reducing the amount of required parking spaces. The requirement used to be two and a half spaces per unit. It has been reduced to one space per unit. The City has been trying to move toward more of a market demand. In this case, if they are not able to park the units adequately, they are not going to be able to rent them. Mr. Martin thinks the petitioner has been looking at other parking options on other sites in the area. In these urban environments with these very large buildings, if we start putting some very strict requirements or pushing for more than what the market dictates, the buildings will not be rehabilitated.

Commissioner Marion acknowledged it will be market driven and she would love to see less people using cars to get around downtown. Commissioner Light pointed out the bus line goes right in front of the building. Commissioner Bowden noted that any overflow of cars is going to be disruptive to the

neighborhood, so anything they can squeeze out of the lot for parking spaces would make sense. Commissioner Light acknowledged that parking is a valid concern but he compares it with the downside of this vacant building and its continued deterioration and its effect on the neighborhood.

Commissioner Marion made the following motion, which was seconded by Commissioner Light:

"That the Planning Commission recommends to City Council approval of the petition of The Rebkee Company to rezone approximately nine-tenths (0.9) of an acre located at 1503 Grace Street from B-1, Limited Business District to B-4, Urban Commercial District."

AYES:	Bowden, Johnson, Light, Marion, Perault and Rogers	6
NOES:		0
ABSTENTIONS:		0
ABSENT:	Lowe	1

There were some citizens in attendance that did not hear Chair Rogers when he called for persons that wished to speak. Chair Rogers encouraged them to attend the City Council meeting. One of the men said they have some ideas and some positive input to give regarding the project. The parking is definitely an issue. They noted that there are two big empty parking lots across the street that would make sense to him for the petitioner to utilize. He would also like to see some crosswalks and speed bumps in the area. Commissioner Perault indicated that he did not think their vote would have changed and they are indirectly getting their input on record. He suggested they address City Council and also put any ideas they have in writing and submit them to City Council ahead of its public hearing. Commissioner Light also encouraged them to speak directly with the developer and try to work out some of their concerns before the City Council public hearing.

The Department of Community Development

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

To: Planning Commission

From: Planning Division

Date: April 10, 2019

Re: Rezoning: B-1, Limited Business District to B-4, Urban Commercial District

I. PETITIONER

The Rebkee Company, 2800 Patterson Avenue, Suite 200, Richmond, Virginia 23221

Representative: Justin Fournier, Balzer and Associates, 901 Jefferson Street, Suite 208, Lynchburg, Virginia 24504

II. LOCATION

The subject property is approximately nine tenths (0.9) of an acre located at 1503 Grace Street.

Property Owners: Aegis Asset Backed Securities, LLC. 2100 Main Street, Suite 265, Huntington Beach, California 92648

III. PURPOSE

The purpose of the petition is to rezone the properties to facilitate the conversion of the existing buildings into fifty (50) apartments.

IV. SUMMARY

- The *Future Land Use Map (FLUM)* recommends a Traditional Residential use for the subject property.
- The developer plans to utilize state and federal historic tax preservation credits and will comply with US Department of the Interior's Standards for Rehabilitation of historic buildings.
- The petition would provide for the restoration and adaptive reuse of a historic building.

The Planning Division recommends approval of the rezoning petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *FLUM* of the *Comprehensive Plan 2013-2030* recommends a Traditional Residential use for this property. Traditional Residential areas are typically older neighborhoods, generally built prior to World War II. The City's historic districts are located in the traditional residential areas. Consequently, for many of the houses here, lot sizes, setbacks, and/or building heights do not conform to the standards of the City's residential zoning districts. Most of these neighborhoods are identified as Neighborhood Conservation Areas on the Plan Framework Map and are planned for further study for appropriate zoning changes, public investment, and community building efforts. Infill residential development in these neighborhoods should be designed to complement the style and type of housing there and to utilize comparable setbacks, yards, and building heights. Large new or expanded public and institutional uses are not appropriate for these areas unless they can be designed to blend into the existing urban fabric through landscaping or architectural treatments. Within Traditional Residential neighborhoods, small retail, personal service, office, and restaurant uses are often found. These uses may continue, although expansion is not recommended, unless supported by a recommendation in a Neighborhood Conservation Area Plan. (*p. 75*)
2. **Zoning.** The subject property was annexed into the city in 1870. The existing B-1, Limited Business District was established in 1978.

3. **Proffers.** N/A
4. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances would be needed for the development of the property as proposed.
5. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - On March 14, 1989, City Council approved the conditional use permit (CUP) petition of David & Martha Henley for an adult care home at 1616 Grace Street.
 - On July 14, 1992, City Council approved the CUP petition of Diamond Hill Baptist Church to allow the construction of building and parking lot additions at 1415 Grace Street.
 - On February 10, 2004, City Council approved the CUP petition of Elizabeth T. Diggs for a group home at 1616 and 1620 Grace Street.
 - On November 13, 2018, City Council adopted the *Downtown 2040 Master Plan*.
6. **Site Description.** The subject property is approximately nine tenths (0.9) of an acre located at 1503 Grace Street. The property contains a three-story brick structure constructed in 1860 with approximately forty-seven thousand (47,000) finished square feet. The property also contains a smaller building, consisting of approximately twenty-two hundred (2,200) square feet.

The property is surrounded by residential uses.



1503 Grace Street

7. **Proposed Use of Property.** If the rezoning petition is approved, the property would be redeveloped into fifty (50) apartment units. Forty-six (46) units would be located in the main building and four units would be located in the smaller secondary building.

8. **Traffic, Parking and Public Transit.** The City's Engineering Division did not require a transportation analysis for the proposed use.

Parking is not required in the B-4, Urban Commercial District, however, the submitted concept plan shows forty-six (46) parking spaces being provided in the existing on-site lot.

The property is in close proximity to Greater Lynchburg Transit Company Routes 1A and 1B, with a bus stop located at 1601 Grace Street.

9. **Stormwater Management.** An Erosion & Sediment Control/Stormwater Management Plan would not be required for the conversion of the existing building into apartment units.

10. **Emergency Services.** The City Fire Marshal and Police Department had no concerns with the petition as proposed.

11. **Impact.** The petition would allow the rehabilitation and adaptive reuse of a historic structure as an apartment building with a total of fifty (50) units on the site. Adaptive reuse saves historic structures that give urban areas their character. The use will blend well into the surrounding neighborhood and bring life to an otherwise vacant building.

The property is within the State & National Diamond Hill Historic District. The petitioner proposes to preserve the building in accordance with state and federal historic preservation standards through the use of tax credits.

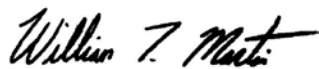
The preservation and rehabilitation of the existing building as apartment units should have little to no negative impact on the area and is an appropriate use for a Traditional Residential area, located in close proximity to Downtown.

12. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary rezoning plan. Comments related to the petition have or will be addressed prior to final approval of the site plan.

VI. PLANNING DIVISION RECOMMENDED MOTION:

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of The Rebkee Company to rezone approximately nine-tenths (0.9) of an acre located at 1503 Grace Street from B-1, Limited Business District to B-4, Urban Commercial District.

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Ms. Bonnie M. Svrcek, City Manager
Mr. Reid Wodicka, Deputy City Manager
Mr. Walter C. Erwin, City Attorney
Mr. Kent L. White, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozerow, Lynchburg Police Department
Battalion Chief Thomas Goode, Fire Marshal

Mr. Doug Saunders, Building Commissioner
Mr. Kevin Henry, Zoning Administrator
The Rebkee Company, Petitioner
Aegis Asset Backed Securities, LLC, Property Owner

VII. ATTACHMENTS

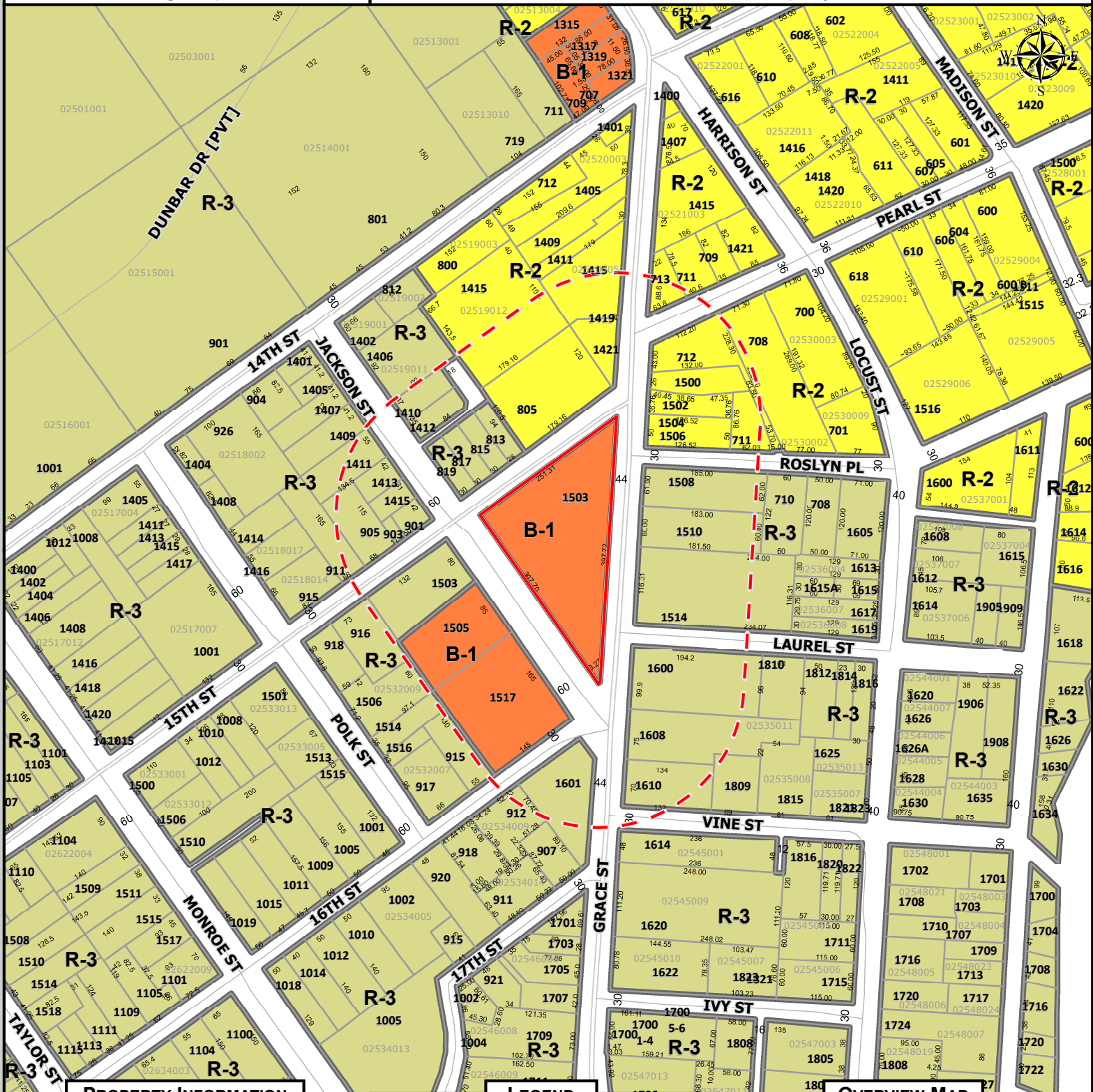
- 1. Zoning Map with Adjoining Owners**
- 2. Future Land Use Map**
- 3. Watershed Map**
- 4. Planimetric and Topographic Map**
- 5. Concept Plan**
- 6. Narrative**
- 7. Property Photograph**

Zoning Map

Zoning Request

REZONING FROM B-1 TO B-4 TO ALLOW APARTMENTS

The Rebkee Company



PROPERTY INFORMATION

PARCEL ID	ADDRESS
02531001	1503 GRACE ST

LEGEND

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

MAP SCALE: 1" to 200' DATE PRINTED: 4/5/2019

OVERVIEW MAP



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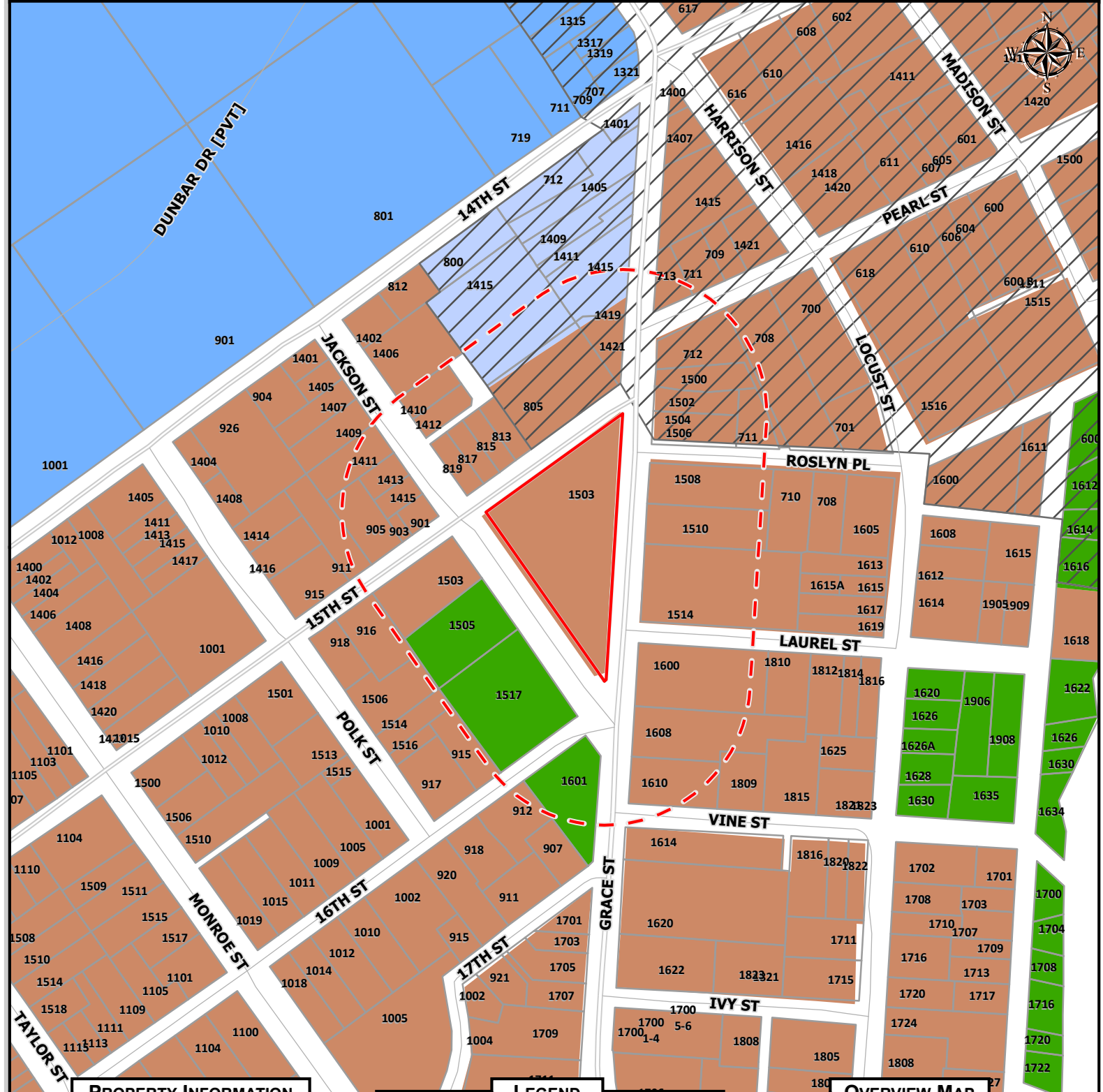
Parcel ID	Address	Owner
02531001	1503 GRACE ST	AEGIS ASSET BACKED SECURITIES LLC
02534009	912 16TH ST	ANDERSON, FLORA T
02519005	813 15TH ST	BORN AGAIN CHRISTIAN CONST CO
02536001	1508 GRACE ST	BORN AGAIN CHRISTIAN CONST CO
02518011	901 15TH ST	CARDINAL INVESTMENTS
02535001	1600 GRACE ST	CARDWELL, AUDREY M
02534010	1601 GRACE ST	CITY OF LYNCHBURG
02532004	1505 JACKSON ST	CITY OF LYNCHBURG
02532005	1517 JACKSON ST	CITY OF LYNCHBURG
02532006	915 16TH ST	COLLEGE HILL HOMES LP
02519012	1415 FEDERAL ST	DIAMOND HILL BAPTIST CHURCH
02520005	1415 GRACE ST	DIAMOND HILL BAPTIST CHURCH
02520007	1421 GRACE ST	DIAMOND HILL BAPTIST CHURCH TRS
02519004	805 15TH ST	DIAMOND HILL BAPTIST CHURCH TRS
02519007	817 15TH ST	FORBES, LAURA
02530005	1504 GRACE ST	GLEN, JASON T & ASHLEE
02530006	1502 GRACE ST	GLEN, JASON T & ASHLEE
02518012	905 15TH ST	GUNDERSEN, AARON J
02530001	712 PEARL ST	HANNON, THEODORE B & JEAN L
02530002	708 PEARL ST	HANNON, THEODORE B & JEAN L
02518013	911 15TH ST	HULL, CECILIA O
02535009	1809 VINE ST	JAECKELS, PETER D
02532002	916 15TH ST	JONES, EDWARD D & CLARA M
02518007	1409 JACKSON ST	LEWIS, W T
02535011	1608 GRACE ST	MAGLATHLIN, CLARK C & PATRICIA S
02535010	1610 GRACE ST	MCCABE, DAVID J & MCCABE, SANDRA L
02518009	1413 JACKSON ST	NE HOLDINGS LLC
02519009	1412 JACKSON ST	PAGE, ADUNNI
02530004	711 ROSLYN PL	PAULSON, DANIEL M
02518010	1415 JACKSON ST	PELOSO, THOMAS P
02519010	1410 JACKSON ST	PELOSO, THOMAS P
02519006	815 15TH ST	PELOSO, THOMAS P
02518016	903 15TH ST	PELOSO, THOMAS P
02532009	1506 POLK ST	PETTY, MARY A
02521007	713 PEARL ST	REDD, HENRY THOMAS & FANNIE
02519008	819 15TH ST	RUGGIO, DAVID & CAROL
02521006	711 PEARL ST	SAENZ, AMY K & FELIPE L
02519011	1406 JACKSON ST	STEVENS, ROSANNA M
02536010	1510 GRACE ST	TUCKER, TELLY DESHAWN
02536009	1514 GRACE ST	TUCKER, TELLY DESHAWN
02530007	1500 GRACE ST	WARRICK, PHILLIP E & SANDRA J
02532003	1503 JACKSON ST	WESBROOK, DANIEL R
02518008	1411 JACKSON ST	WEST, SCOLIVER A
02532008	1514 POLK ST	WOODS, ELIZABETH ANN

FLUM Map

REZONING FROM B-1 TO B-4 TO ALLOW APARTMENTS

Zoning Request

The Rebkee Company



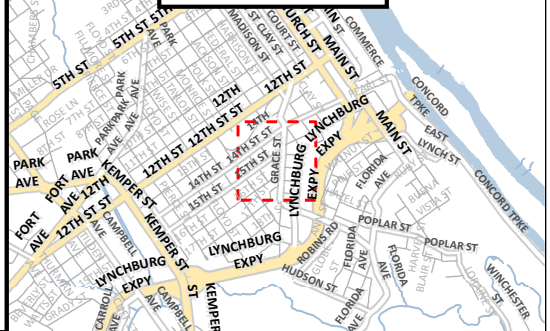
PROPERTY INFORMATION

PARCEL ID	ADDRESS
02531001	1503 GRACE ST

LEGEND

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

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 4/5/2019

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Watershed Map

REZONING FROM B-1 TO B-4 TO ALLOW APARTMENTS

Zoning Request

The Rebkee Company



PROPERTY INFORMATION

PARCEL ID	ADDRESS
02531001	1503 GRACE ST

LEGEND

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

OVERVIEW MAP

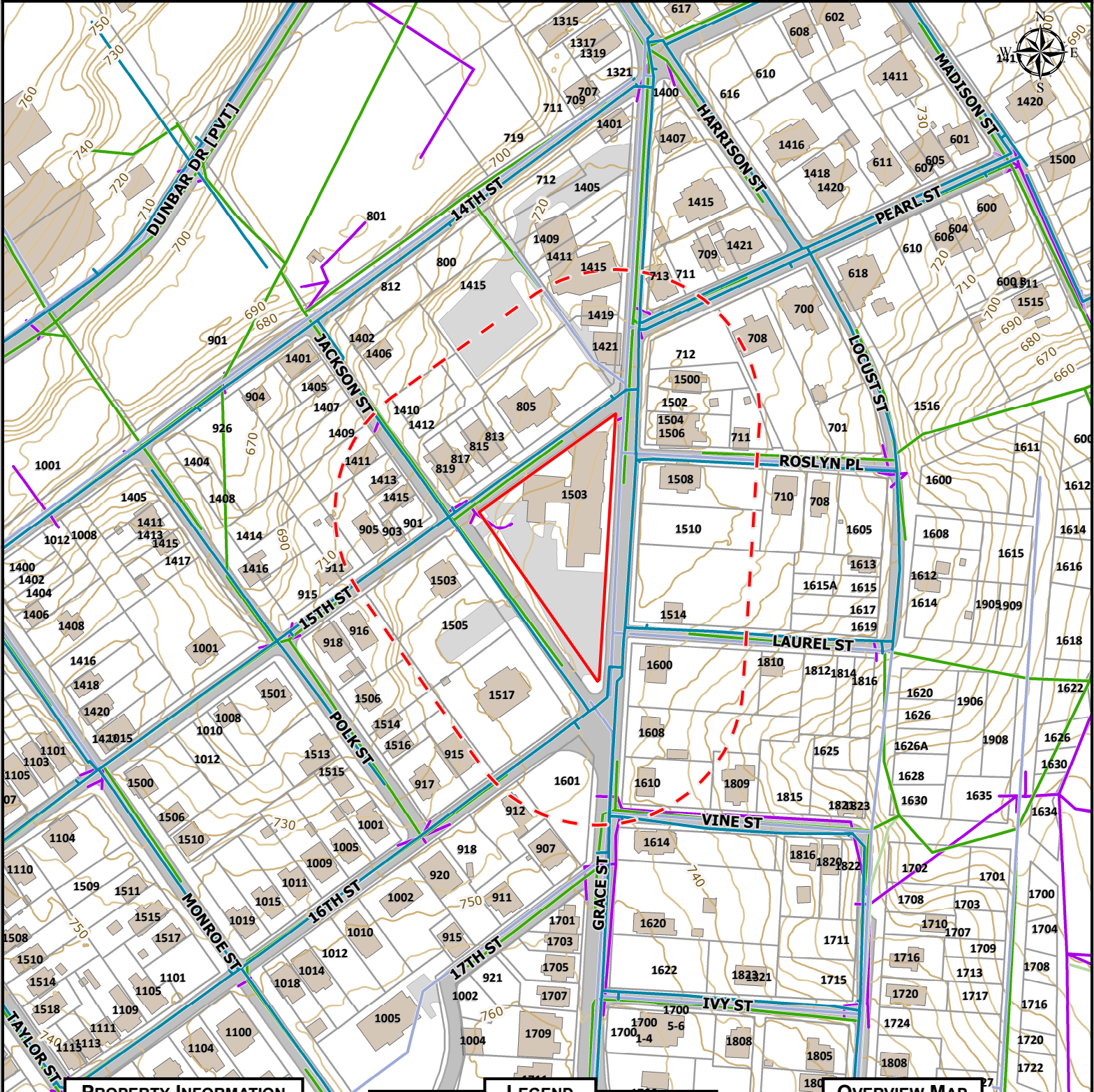


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Zoning Request

The Rebekke Company



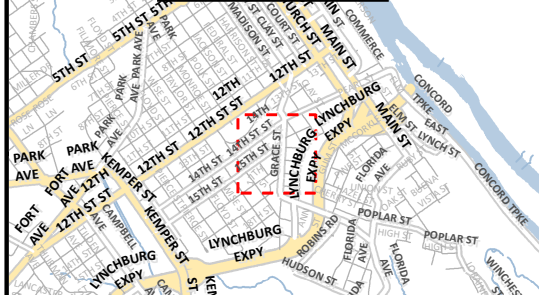
PROPERTY INFORMATION

PARCEL ID	ADDRESS
02531001	1503 GRACE ST

LEGEND

	Active	Proposed	Abandoned
Utilities			
Water			
Sanitary			
Storm			
	Paved	Unpaved	Other
Planimetrics			
Structure			
Roadway			
Parking			
Sidewalk			
Driveway			
Topography			
Contour			
	100'	20'	5'
	50'	10'	1'

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 4/5/2019

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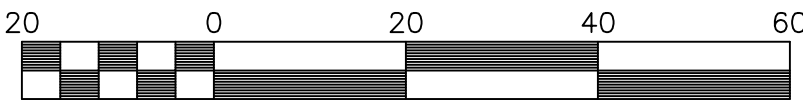


VICINITY MAP

GENERAL NOTES:

- SITE ADDRESS: 1503 GRACE STREET
LYNCHBURG, VA 24501
1. OWNER: AEGIS ASSET BACKED SECURITIES, LLC
2100 MAIN ST., STE 265
HUNTINGTON BEACH, CA 92648-2478
PHONE: (714)465-4611 EXT 206
CONTACT NAME: JASON MOORE
JASON@AEGISFUNDING.COM
- AGENT: BALZER AND ASSOCIATES, INC.
901 JEFFERSON ST, SUITE 208
LYNCHBURG, VA 24504
(434)-528-5184
CONTACT: JUSTIN FOURNIER
JFOURNIER@BALZER.CC
- PETITIONER: THE REBKEE COMPANY
2800 PATTERSON AVE STE 200
PHONE: (804)419-031
CONTACT NAME: TAYLOR BENSON
TBENSON@REBKEE.COM
2. TM#: 02531001
3. EXISTING USE: VACANT
4. PROPOSED USE: APARTMENTS
5. EXISTING ZONING: B-1
6. PROPOSED ZONING: B-4
7. SITE AREA: 0.93 AC
8. DISTURBED AREA: 0.02 AC
9. WATER: CITY (EXISTING)
10. SEWER: CITY (EXISTING)
11. BUILDING AREA TOTAL (EXISTING)= 50,140 SF±
PROPOSED NUMBER OF UNITS: MAIN BUILDING 46, SECONDARY BUILDING 4
12. BUILDING HT= MAIN BUILDING 48'±, SECONDARY BUILDING 24'±
13. NUMBER OF FLOORS= MAIN BUILDING 4, SECONDARY BUILDING 2
14. PARKING REQUIRED: N/A
15. PARKING PROVIDED: 50 SPACES
16. SOURCE OF TITLE: GRACE STREET ASSOCIATES: DB 752 PG 313

L1 LIGHT POLE (TYP.)

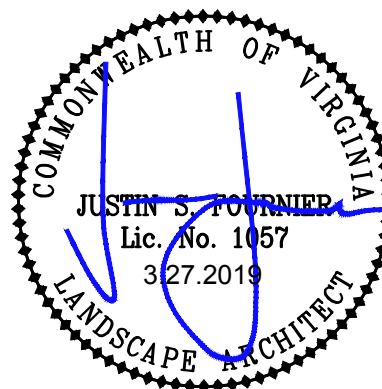


SCALE: 1" = 20'



BALZER & ASSOCIATES
PLANNERS / ARCHITECTS
ENGINEERS / SURVEYORS

Roanoke / Richmond
New River Valley / Staunton
Harrisonburg / Lynchburg
www.balzer.cc
901 Jefferson Street
Suite 208
Lynchburg, VA 24504
434.528.5184



1503 GRACE STREET - REBKEE

SITE PLAN

LYNCHBURG, VIRGINIA

DRAWN BY SKM
DESIGNED BY JSF
CHECKED BY JSF
DATE 3.05.2019
SCALE 1"=20'
REVISIONS
3.27.2019

C01
PROJECT NO 84190001.00



901 Jefferson Street
Suite 208
Lynchburg, VA 24504
434.528.5184
www.balzer.cc

Roanoke
Richmond
New River Valley
Staunton
Harrisonburg
Lynchburg

March 5, 2019
City of Lynchburg
Department of Community Development
900 Church Street
Lynchburg, VA 24504
RE: 301 Rivermont Avenue Rezoning

1503 Grace Street – Rezoning Narrative

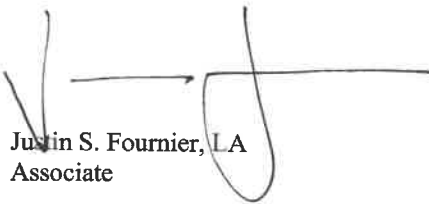
On behalf of petitioner, The Rebkee Group, we request that 1503 Grace Street be rezoned from B-1 to B-4 to allow for a higher density of units within the existing buildings.

Located on 1503 Grace Street (Parcel# 02531001) is an existing main building that has been used as a hospital and elderly housing in the past. This building is to remain and be renovated to allow for up to 46 Apartment units. There is also a smaller secondary building that was a garage that has potential to be renovated to allow for up to 4 Apartment units.

There is an existing parking lot that has approximately 41 parking spaces. Currently as the parking lot is configured, some of the spaces are located within the City of Lynchburg's Right of Way. The petitioner will request that a portion of that Right of Way be vacated under a separate process. This will allow the petitioner to reconfigure the parking lot to allow for a total of 50 onsite parking spaces.

The City of Lynchburg 2013-2030 Comprehensive Plan designates this property as Traditional Residential. The Comprehensive Plan states that "Infill residential development in these neighborhoods should be designed to complement the style and type of housing there and to utilize comparable setbacks, yards, and building heights." The renovation of the existing historic building will ensure that re-development of the parcel will continue to blend into the existing urban fabric and meets the intent of the Comprehensive Plan.

Thank you for the consideration of this request.



Justin S. Fournier, L.A.
Associate



**1503 Grace Street Apartments
Rezoning from B-1 to B-4
April 10, 2019**

PLEASE PRINT

[illegible]

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 14, 2019**

AGENDA ITEM #: **12**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Conditional Use Permit (CUP): First Church of Jesus of the Apostolic Faith Fellowship Hall – 219 Jackson Street

KEY ELEMENTS:

___ Economic Development ___ Excellent Government **X** Natural and Built Environment ___ Safe Community **X** Vibrant Community

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

SUMMARY: First Church of Jesus of the Apostolic Faith is petitioning for a conditional use permit at 219 Jackson Street to allow the construction of a fellowship hall in an R-3, Medium Density Residential District. The fellowship hall would provide the church with additional space for classrooms and events.

PRIOR ACTION(S):

April 10, 2019: The Planning Division recommended approval of the CUP petition.
The Planning Commission recommended approval (6-0, with 1 member absent, Lowe)

FISCAL IMPACT:

Increased value of the improvements to be determined upon construction completion. However, the use makes this property exempt from taxation.

CONTACT(S):

Tom Martin, City Planner – 455-3900
Kent White, Community Development Director – 455-3900

ATTACHMENT(S):

- Resolution
- Planning Commission Minutes – April 10, 2019
- Planning Commission Packet – April 10, 2019
 - Planning Commission Report
 - Zoning Map with Adjoining Owners
 - Future Land Use Map
 - Watershed Map
 - Planimetric and Topographic Map
 - Concept Plan
 - Property Photograph
 - Speaker Signup Sheet

REVIEWED BY: raw

RESOLUTION:

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO FIRST CHURCH OF JESUS OF THE APOSTOLIC FAITH IN AN R-3, MEDIUM DENSITY RESIDENTIAL DISTRICT AT 219 JACKSON STREET TO ALLOW THE CONSTRUCTION OF A FELLOWSHIP HALL.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of First Church of Jesus of the Apostolic Faith for a conditional use permit at 219 Jackson Street to allow the construction of a fellowship hall in an R-3, Medium Density Residential District is hereby approved subject to the following condition:

1. The property shall be developed in substantial compliance with the site plan as prepared by Hurt & Proffitt, Inc. dated March 1, 2019 and received March 29, 2019.

Adopted:

Certified: _____

Clerk of Council

059A

MINUTES OF THE APRIL 10, 2019 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

Petition of First Church of Jesus for a conditional use permit at 219 Jackson Street to allow the construction of a fellowship hall and to bring the existing church into conformity in an R-3, Medium Density Residential District.

Mr. Tom Martin had the following summary for the commissioners. He explained that this is a conditional use permit request to allow the construction of a fellowship hall. The existing church building was built in 1930. The church is well established in the Tinbridge Hill neighborhood. It is covered by the growing Tinbridge Hill Neighborhood Plan. The fellowship hall is proposed to be used mainly for gatherings and classrooms. Staff feels this is a good addition to the church. The only concern and recommendation staff has is that it blends with the existing church building. That was so noted in the report; staff does recommend approval of the conditional use permit.

Mr. Trent Warner of Hurt & Proffitt was present to represent the petition. Mr. Warner noted this is not an expansion of the church's current uses. The expansion is necessary due to a lack of space.

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

Commissioner Marion noted that she is glad the church is doing so well that they need more space. It is in a great little neighborhood. Commissioner Perault noted that he has been seeing a lot of revitalization in the area that goes back to the plan. He strongly supports the project.

Commissioner Perault asked Mr. Martin if there has been anything explicitly stated that the church agrees the addition will match the existing building. Mr. Martin is not sure the church knows what the addition will look like at this point. It is just a staff recommendation. Mr. Warner assumes it will be brick façade but he does not have that fact confirmed at this point. Mr. Patrick Proffitt is the one working on this project and he is on vacation. He asked Mr. Warner to step in for this meeting. If there is any issue, he can have Mr. Proffitt work with staff between now and the City Council meeting.

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

"That the Planning Commission recommends to City Council approval of the petition of First Church of Jesus of the Apostolic Faith for a conditional use permit at 219 Jackson Street to allow the construction of a fellowship hall subject to the following condition.

- 1. The property shall be developed in substantial compliance with the concept plan, as prepared by Hurt & Proffitt, Inc., dated March 1, 2019 and received March 29, 2019."**

AYES:	Bowden, Johnson, Light, Marion, Perault and Rogers	6
NOES:		0
ABSTENTIONS:		0
ABSENT:	Lowe	1

The Department of Community Development

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

To: Planning Commission
From: Planning Division
Date: April 10, 2019
Re: **Conditional Use Permit (CUP) – First Church of Jesus of the Apostolic Faith – Fellowship Hall – 219 Jackson Street**

I. PETITIONER

First Church of Jesus of the Apostolic Faith, c/o William Frey, 219 Jackson Street, Lynchburg, Virginia 24504

Representative: Patrick Proffitt, P.E., Hurt & Proffitt, Inc., 2524 Langhorne Road, Lynchburg, Virginia 24501

II. LOCATION

The subject property is approximately one (1) acre and is located at 219 Jackson Street.

III. PURPOSE

The purpose of the petition is to allow the construction of a fellowship hall.

IV. SUMMARY

- The petition agrees with the *Zoning Ordinance* in that churches and their associated uses are permitted upon approval of a conditional use permit (CUP) within residential districts.
- The *Comprehensive Plan 2013-2030* recommends a “Traditional Residential” use for the subject property.
- The church building was constructed in 1930 and is located within Tinbridge Hill. The proposed fellowship hall would be in keeping with the *Growing Tinbridge Hill Neighborhood Plan*.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Comprehensive Plan 2013-2030* recommends a Traditional Residential use for the area. This land use category (shown in light brown) has been applied to the City’s older neighborhoods, generally built before World War II and before the City was zoned. The City’s historic districts are located in the traditional residential areas. Consequently, for many of the houses here, lot sizes, setbacks, and/or building heights do not conform to the standards of the City’s residential zoning districts. Most of these neighborhoods are identified as Neighborhood Conservation Areas on the Plan Framework Map and are planned for further study for appropriate zoning changes, public investment, and community building efforts. Infill residential development in these neighborhoods should be designed to complement the style and type of housing there and to utilize comparable setbacks, yards, and building heights. Large new or expanded public and institutional uses are not appropriate for these areas unless they can be designed to blend into the existing urban fabric through landscaping or architectural treatments. Within Traditional Residential neighborhoods, small retail, personal service, office, and restaurant uses are often found. These uses may continue, although expansion is not

recommended, unless supported by a recommendation in a Neighborhood Conservation Area Plan. (p. 75)

The *Growing Tinbridge Hill Neighborhood Plan* was adopted by Council March 11, 2014. The resulting plan was a way to sustain ongoing neighborhood development efforts and foster neighborhood leadership. In 2016, the City completed the construction of new and the repair of existing sidewalks and installed additional crosswalks within the neighborhood. Improvements to the trail connection have also been completed.

2. **Zoning.** The subject property was annexed into the City in 1870. The church building was constructed in 1930. The existing R-3, Medium-Density Residential District was established in 1978.

Churches and their associated uses require approval of a CUP when located within residential districts. Since the church was constructed in 1930, there has been no Council review and/or approval of the existing church use.

3. **Board of Zoning Appeals (BZA).** The Zoning Administrator has determined that no variances are needed for the development of the property as proposed.
4. **Surrounding Area.** There have been a several items requiring City Council approval in the immediate area:
 - On October 12, 1993, City Council approved the CUP request of the Yoder Recreational Center to allow the expansion of a playground area at 109 Jackson Street.
 - On December 14, 1999, City Council approved the CUP request of New Jerusalem United Holiness Church to allow the construction of a fellowship hall and parking at 84 Monroe Street.
 - On May 23, 2006, City Council approved the *Fifth Street Corridor Master Plan*.
 - On March 11, 2014, City Council approved the *Growing Tinbridge Hill Neighborhood Plan*.
5. **Site Description.** The subject property is one (1) acre and contains a one (1)-story brick structure with basement constructed in 1930. The area proposed for the fellowship hall is grass with a few mature hardwood trees. The property slopes in a southerly direction towards 3rd Street.



219 Jackson Street

6. **Proposed Use of Property.** If the petition is approved, a two thousand, two-hundred seventy-five (2,275) square foot fellowship hall would be constructed to the north of the existing church building.
7. **Traffic, Parking and Public Transit.** A traffic study was not required by the City Engineer. A sidewalk extends along the Jackson Street frontage. The submitted concept plan indicates a connection to the public sidewalk, which would connect to the proposed fellowship hall and the existing church building.

The Greater Lynchburg Transit Company Bus Route 1A serves the area with a bus stop located in front of the subject property.

Parking requirements for churches are related to the seating capacity of the sanctuary. Since the proposal does not include additional seats in the sanctuary no additional parking is required.

8. **Stormwater Management.** An Erosion and Sediment Control Plan will be required prior to final site plan approval. The property is located within a Combined Sewer Overflow (CSO) area, which requires the site to meet provisions for adequate channel as part of its stormwater management requirements.
9. **Emergency Services:** The City's Fire Marshal and Police Department had no comments regarding the proposal.
10. **Impact.** The proposal for a church fellowship hall would not increase the seating capacity of the existing sanctuary. The fellowship hall would allow the church additional space for classrooms and events related to the church.

The property is located in an area recommended for a Traditional Residential use and is within the boundaries of the *Growing Tinbridge Hill Neighborhood Plan*. Large public or institutional uses are not appropriate in these areas unless designed to blend with the existing neighborhood through architectural treatments or landscaping. While the footprint of the proposed building is relatively small and should be in keeping with the neighborhood, no information on building design has been submitted. It is recommended that the proposed building be designed to complement the existing church building.

11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the conditional use permit on March 19, 2019. Comments related to the proposed use have or will be addressed at the final site plan stage.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of First Church of Jesus of the Apostolic Faith for a conditional use permit at 219 Jackson Street to allow the construction of a fellowship hall subject to the following condition.

1. The property shall be developed in substantial compliance with the concept plan, as prepared by Hurt & Proffitt, Inc., dated March 1, 2019 and received March 29, 2019.

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

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

VII. ATTACHMENTS

- 1. Zoning Map with Adjoining Property Owners**
- 2. Future Land Use Map**
- 3. Watershed Map**
- 4. Planimetric and Topographic Map**
- 5. Concept Plan**
- 6. Narrative**
- 7. Property Photograph**

Zoning Map

CONDITIONAL USE PERMIT FOR BUILDING EXPANSION

Conditional Use Permit Request

First Church of Jesus



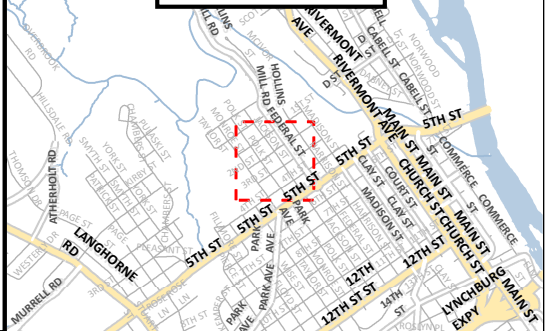
PROPERTY INFORMATION

PARCEL ID	ADDRESS
00917012	219 JACKSON ST

LEGEND

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

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 3/29/2019

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

Parcel ID	Address	Owner
00913011	821 2ND ST	ADAMS, LULA BEATRICE
00917015	222 POLK ST	ANTHONY, SALLIE V & ANTHONY, JOHN R
00915008	121 POLK ST	BARBOUR, VINCENT L & CONSUELLA O
00915009	1001 2ND ST	BARBOUR, VINCENT L & CONSUELLA O
02408024	304 JACKSON ST	BLANKS, JAMES L
02408030	811 4TH ST	BLANKS, JAMES L
00917002	918 2ND ST	BORN AGAIN CHRISTIAN CONST CO INC
00914004	109 JACKSON ST	CITY OF LYNCHBURG
00913005	109 FEDERAL ST	CORBETT, MARCUS L & AMY B
00913009	123 FEDERAL ST	DILLARD, MICHAEL L
00918006	305 JACKSON ST	EDWARDS, KERRY W
00916009	219 POLK ST	FARRINGTON, BRUNO
00917017	214 POLK ST	FIRST CHURCH OF JESUS
02408023	308 JACKSON ST	FIRST CHURCH OF JESUS APOSTOLIC
02408009	311 FEDERAL ST	FIRST CHURCH OF JESUS APOSTOLIC
00917006	910 2ND ST	FIRST CHURCH OF JESUS APOSTOLIC
02408022	316 JACKSON ST	FIRST CHURCH OF JESUS APOSTOLIC
00918005	301 JACKSON ST	FIRST CHURCH OF JESUS OF THE
00918002	912 3RD ST	FIRST CHURCH OF JESUS OF THE
00917012	219 JACKSON ST	FIRST CHURCH OF JESUS OF THE
00917005	912 2ND ST	FIRST CHURCH OF JESUS OF THE
00917018	210 POLK ST	FIRST CHURCH OF JESUS OF THE
00917019	206 POLK ST	FIRST CHURCH OF JESUS OF THE
00918003	908 3RD ST	FIRST CHURCH OF JESUS TRS
00917014	919 3RD ST	FIRST CHURCH OF JESUS TRS
02408002	818 3RD ST	FIRST CHURCH OF JESUS TRS
00918004	904 3RD ST	FIRST CHURCH OF JESUS TRS
02408001	822 3RD ST	GRAY, JONCY M
02408003	814 3RD ST	GRAZIANO, KRISTIN R
00914009	116 POLK ST	HEWITT, ALBERT
00916010	1001 3RD ST	HORSLEY, QUENTIN
00916007	209 POLK ST	HORSLEY, RONNIE
00916006	1000 2ND ST	JACKSON PROPERTY NETWORK INC
00918007	311 JACKSON ST	JACKSON, TERESA A & JACKSON, GREGORY
00917003	916 2ND ST	JENNINGS, ALBERT & VIOLA
00914011	108 POLK ST	JOHNSON, LLOYD H
00918016	312 POLK ST	JOHNSON, ROBERT L SR & SHARON D
00914006	913 2ND ST	LYNCHBURG REDEVELOPMENT & HOUSING
00914007	915 2ND ST	LYNCHBURG REDEVELOPMENT & HOUSING
00916008	213 POLK ST	LYNN, TYRONE V
00914008	917 2ND ST	MANGUS, WOODROW M
00918017	310 POLK ST	MULLEN, GLADYS L ET AL
00918001	300 POLK ST	MULLEN, JOHN T ESTATE
00914010	114 POLK ST	PARSLOW, KEVIN M & REBECCA L
00913010	815 2ND ST	PAYNE, JULIUS ET AL

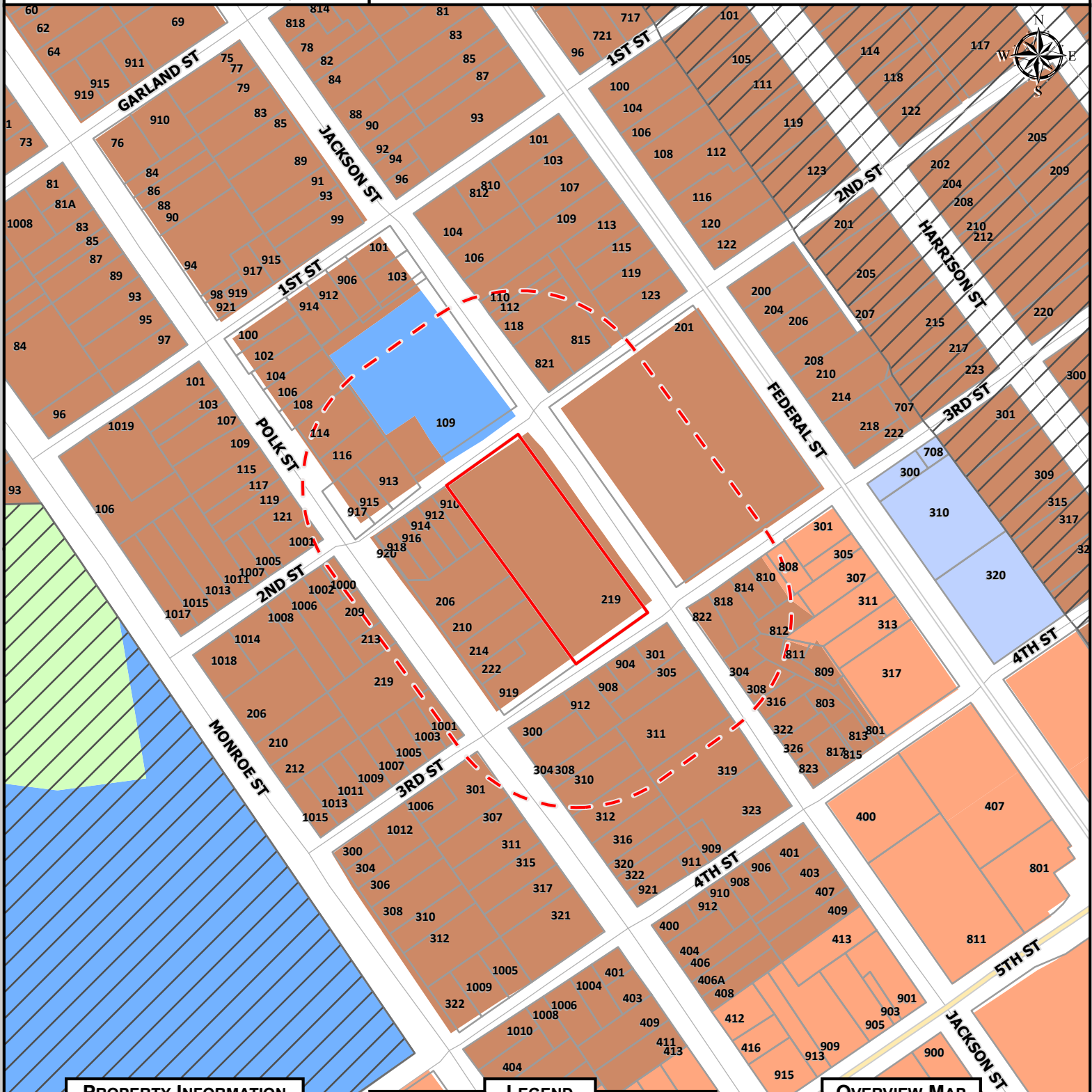
02401001	201 FEDERAL ST	REALTY INTEGRATION LLC
00919003	301 POLK ST	ROBINSON, JANET L
00918019	308 POLK ST	ROSE, CAROLYN J
00918018	304 POLK ST	ROSE, ELIZAH K LIFE ESTATE
02408005	808 3RD ST	RUTH, IDA C
02408004	810 3RD ST	RUTH, IDA C
02408025	812 3RD ST	RUTH, IDA CREQUE
00913012	118 JACKSON ST	SLAUGHTER, MICHAEL
00917001	920 2ND ST	SMITH, ESSIE C
00913014	110 JACKSON ST	STEVENS, MICHELLE R
00917004	914 2ND ST	THURMAN, J W & A
00918008	319 JACKSON ST	TURNER, PERCY ANN
00913013	112 JACKSON ST	XRT ENTERPRISES INC

FLUM Map

CONDITIONAL USE PERMIT FOR BUILDING EXPANSION

Conditional Use Permit Request

First Church of Jesus



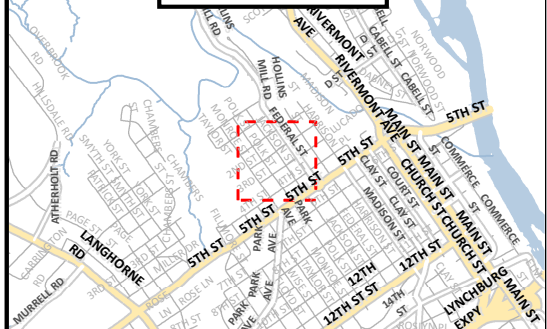
PROPERTY INFORMATION

PARCEL ID	ADDRESS
00917012	219 JACKSON ST

LEGEND

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

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 3/29/2019

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Watershed Map

CONDITIONAL USE PERMIT FOR BUILDING EXPANSION

Conditional Use Permit Request

First Church of Jesus



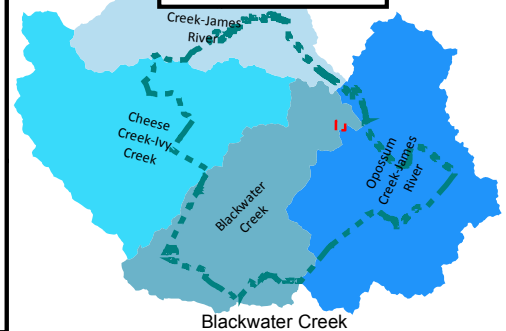
PROPERTY INFORMATION

PARCEL ID	ADDRESS
00917012	219 JACKSON ST

LEGEND

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

OVERVIEW MAP



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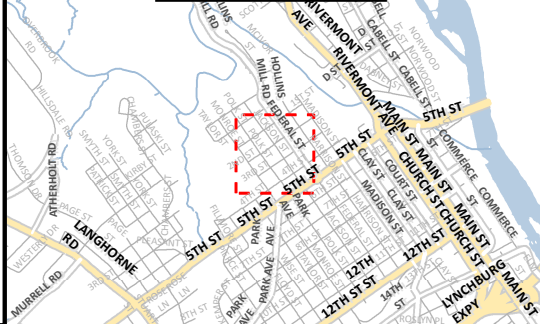
PROPERTY INFORMATION

PARCEL ID	ADDRESS
00917012	219 JACKSON ST

LEGEND

	Active	Proposed	Abandoned
Utilities			
Water			
Sanitary			
Storm			
	Paved	Unpaved	Other
Structure			
Roadway			
Parking			
Sidewalk			
Driveway			
Topography	Contour		
	100'	20'	5'
	50'	10'	1'

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 3/29/2019

STORMWATER MANAGEMENT

TOTAL DISTURBED AREA OF THE PROJECT WILL BE LESS THAN 1.0 ACRE THEREFORE A VSMP/SWPPP WILL NOT BE REQUIRED FOR THE PROJECT. ALSO, THIS PROPERTY IS LOCATED IN THE CITY OF LYNCHBURG'S CSO AREA SO IS EXEMPT FOR THE CITY'S STORMWATER MANAGEMENT REQUIREMENTS

SIDEWALK REQUIREMENTS

THE PROPERTY HAS 329.90 LINEAR FEET OF STREET FRONTAGE ALONG JACKSON STREET. PER SECTION 35.2-67.1 OF THE CITY OF LYNCHBURG ZONING ORDINANCE THE PROPERTY CAN CONSTRUCT UP TO 49,485 SQUARE FEET OF DEVELOPED SPACE BEFORE ANY ADDITIONAL SIDEWALK WOULD BE REQUIRED. THE TOTAL DEVELOPED SPACE INCLUDING THE NEW FELLOWSHIP HALL WILL TOTAL 10,610.

LEGAL DESCRIPTION - CITY OF LYNCHBURG PID #00917012

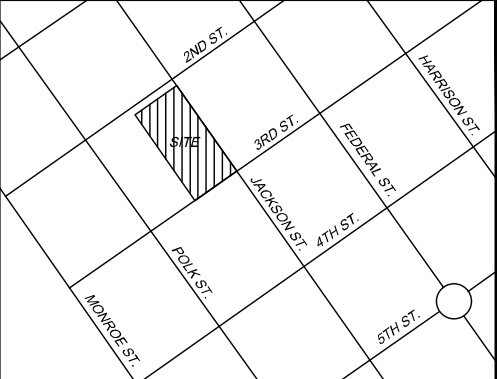
BEGINNING AT THE INTERSECTION OF THE NORTHWESTERN RIGHT-OF-WAY OF 3RD STREET AND THE SOUTHWESTERN RIGHT-OF-WAY OF JACKSON STREET, THENCE ALONG SAID RIGHT-OF-WAY OF JACKSON STREET NORTH 35 DEGREES 03 MINUTES 51 SECONDS WEST 329.90 FEET TO THE SOUTHEASTERN RIGHT-OF-WAY OF 2ND STREET; THENCE ALONG SAID RIGHT-OF-WAY OF 2ND STREET SOUTH 55 DEGREES 21 MINUTES 01 SECONDS WEST 132.00 FEET TO A POINT; THENCE LEAVING SAID RIGHT-OF-WAY SOUTH 35 DEGREES 03 MINUTES 51 SECONDS EAST 329.90 FEET TO A POINT ON THE AFOREMENTIONED RIGHT-OF-WAY OF 3RD STREET; THENCE ALONG SAID RIGHT-OF-WAY NORTH 55 DEGREES 21 MINUTES 01 SECONDS EAST 132.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.00 ACRE.

LOT COVERAGE

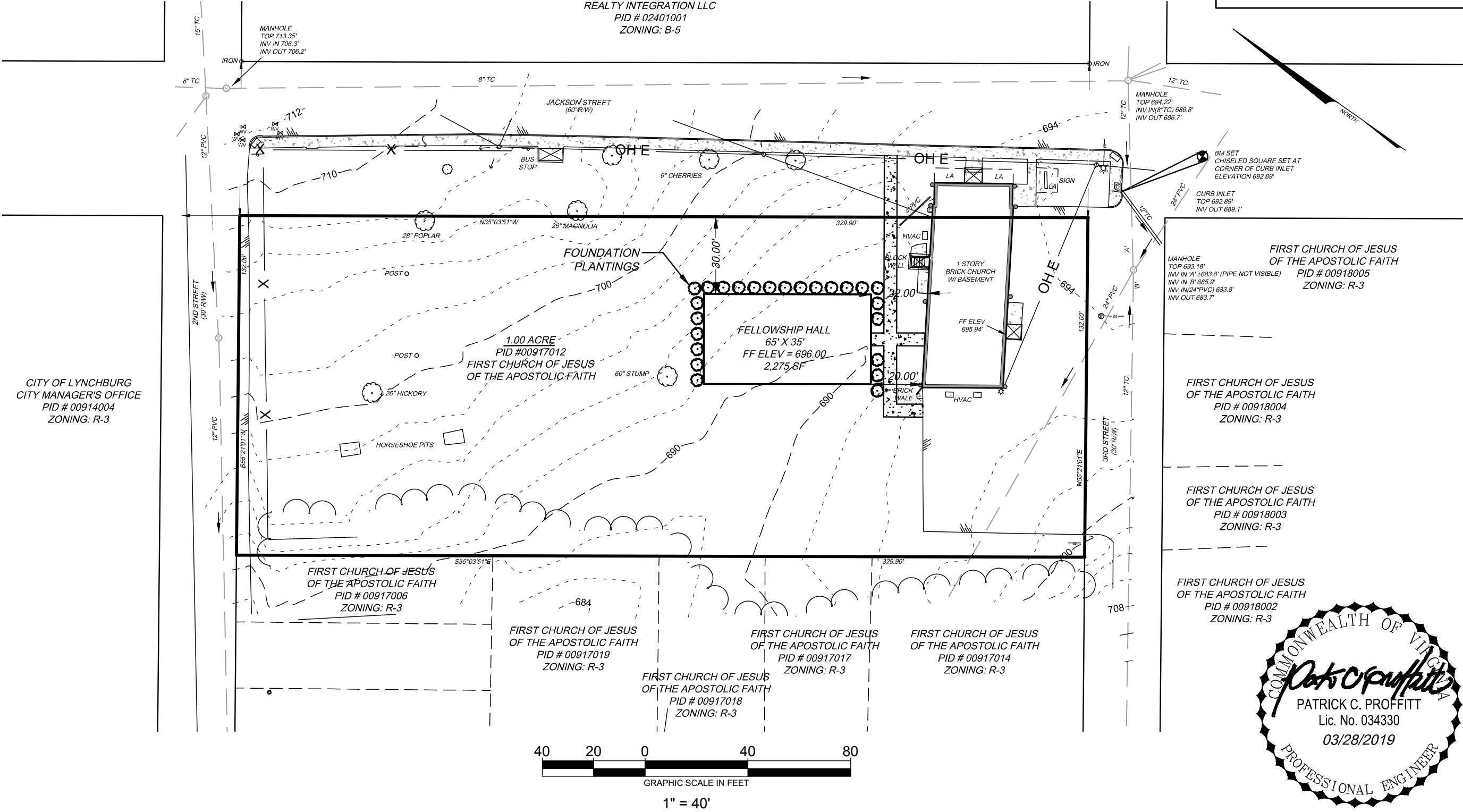
2,085 SF EXISTING BUILDING
5,610 SF EXISTING PARKING
2,275 SF PROPOSED BUILDING
640 SF PROPOSED SIDEWALK
10,610 SF/43,560 SF = 24%

PROPOSED USE: FAITH BASED ORGANIZATION
EXISTING OCCUPANCY: 200

REALTY INTEGRATION LLC
PID # 02401001
ZONING: B-5



VICINITY MAP
SCALE: 1" = 600'

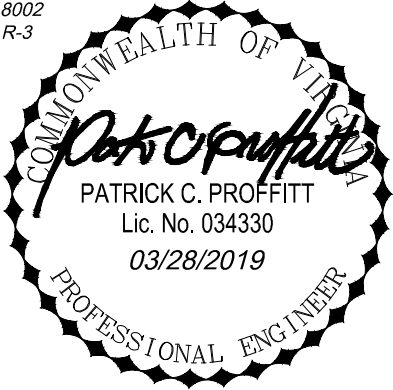


CONDITIONAL USE PERMIT

FOR

FIRST CHURCH OF JESUS OF THE APOSTOLIC FAITH
CITY OF LYNCHBURG, VIRGINIA

PROJECT NO.	20190029
LAT.	37.41639°
LONG.	-79.15361°
DATE:	3/1/19
DRAWN BY:	WCH
CHECKED BY:	PCP



Mar-28-2019 2:17pm, J:\Data\Projects\2019\20190029\Engineering\CAD\Conditional Use Permit.dwg, 2/28/2019 2:17:17 PM



CONDITIONAL USE PERMIT NARRATIVE

First Church of Jesus of the Apostolic Faith
219 Jackson Street
TM# 00917012
Lynchburg, Virginia

PROJECT DESCRIPTION

This petition consists of a request to obtain a Conditional Use permit to allow the First Church of Jesus to construct a Fellowship Hall to allow them to move some of their existing church programs into a less cramped and more modern space. Currently improvements on the property consist of a one story church building with basement having a footprint of approximately 2400 square feet. It is not anticipated that the construction of the fellowship hall will increase the membership but it will allow them to move out of cramped basement spaces so that they can conduct classes, repasts, holiday events, youth activities and community events. The new fellowship hall will have footprint of approximately 2,275 square feet and may be one or two stories. The subject property is 1.0 acre in area and after the proposed construction the total lot coverage will be 8570 square feet. The total lot coverage will therefore be 24% which is under the 30% requirement as required in Section 35.2-61.4 of the City of Lynchburg Zoning Ordinance. Please also note that the property has 329.90 linear feet of street frontage along Jackson Street. Per Section 35.2-67.1 of the City of Lynchburg Zoning Ordinance the property can construct up to 49,485 square feet of developed space before any additional sidewalk would be required. The 10,610 square feet total including this project is well under that threshold.

STORMWATER MANAGEMENT

Total disturbed area of the project will be less than 1.0 acre therefore a VSMP/SWPPP will not be required for the project. Also, this property is located in the City of Lynchburg's CSO area so is exempt from the City's stormwater management requirements.

COMPREHENSIVE PLAN

The property is currently being used as a neighborhood church and will continue to be used in that capacity after the construction of the Fellowship Hall. The church was established in 1927 and the continued use of the property as a "faith based organization" community partner is compatible with the Growing Tinbridge Hill Neighborhood plan adapted March 2014.



April 10, 2019

PLEASE PRINT

[illegible]

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 14, 2019**

AGENDA ITEM #: **13**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Revised Development Agreement – 3104 Fulton Street, 3035 Fulton Street and 2600 Rainbow Circle

KEY ELEMENTS:

X Economic Development Excellent Government **X** Natural and Built Environment Safe Community **X** Vibrant Community

RECOMMENDATION: Approval of amending the development agreement for 3104 Fulton Street, 3035 Fulton Street and 2600 Rainbow Circle.

SUMMARY: On March 12, 2019, the Physical Development Committee (PDC) reviewed the request to amend the development agreement associated with the sale of City owned property, which was executed on July 1, 2009. As a result of the discussion at that meeting, the PDC requested a copy of the Request for Proposals (RFP) issued for the property sale and responses received. The PDC also requested information on how many units could be developed under the Residential Cluster Subdivision provision in the *Zoning Ordinance*. The Residential Cluster Subdivision provision was not in place when the property was sold.

The RFP was issued by the City on July 23, 2008 stated: “The City’s interest is to place the property into private hands and to facilitate its development in a reasonable manner in order to increase the assessed value of the property.”

A Residential Cluster would permit the same dwelling unit yield as the underlying R-3, Medium Density Residential District, while allowing up to a fifty percent (50%) reduction in lot size. A thirty (30)-foot minimum street frontage is required, which is the same as an R-3, Medium Density District. According to City Assessor records, the three (3) tracts total eight and four hundred fifty-seven thousandths (8.457) acres. The R-3, Medium Density Residential District permits up to ten and eighty-nine hundredths (10.89) units per acre. 8.457 acres x 10.89 units = 92.1 maximum units.

The original development agreement indicated the development of thirty (30) lots with the construction of the unopened portion of Rainbow Circle. The development agreement indicated that the lots would be developed as duplexes, which would have yielded sixty (60) dwelling units (two (2) dwellings per lot). The current proposal indicates the development of thirty (30) lots with single-household dwellings and five (5) lots with duplexes, which would yield forty (40) total dwellings. This would be a reduction of twenty (20) dwelling units below what was originally approved. Under the current proposal, the unopened portion of Rainbow Circle would be vacated and approximately four and two (4.2) tenths acres dedicated as green space.

PRIOR ACTION(S):

April 24, 2007:	Physical Development Committee meeting
July 23, 2008:	Request for Proposals issued
December 9, 2008:	Physical Development Committee meeting
January 13, 2009:	City Council public hearing concerning property sale
March 24, 2009:	Physical Development Committee meeting
April 14, 2009:	City Council approved sale of property
July 1, 2009:	Development Agreement executed
July 30, 2009:	Property transfer to Long Meadows, Inc.
March 12, 2019:	Physical Development Committee meeting

FISCAL IMPACT: Increased real estate value to be determined upon construction completion.

CONTACT(S): Tom Martin, City Planner – 434-455-3900
Lee Newland, City Engineer – 434-455-3900

ATTACHMENT(S):

- Request for Proposal – July 23, 2008
- Long Meadows Inc. RFP Submittal
- Rush Homes RFP Submittal
- Council Minutes – January 13, 2009
- Council Agenda Summary – January 13, 2009
- PDC Agenda Summary – March 24, 2009
- Council Minutes – April 14, 2009
- Council Agenda Summary – April 14, 2009
- Joint Development Agreement – July 1, 2009
- PDC Agenda Summary – March 12, 2019
- Amended Development Agreement
- Concept Plan Showing Lots 1 through 35 (Proposed)

REVIEWED BY: raw

051A



REQUEST FOR PROPOSALS TITLE PAGE
Include This Page as the First Page in Your Proposal Response

City of Lynchburg, Virginia
Procurement Division

Proposal Title: **Purchase and Development of City Property**

This is the City of Lynchburg's Request for Proposals No. 09-499, issued July 23, 2008. Direct inquiries for information to: Stephanie Suter, Procurement Manager, Phone: 434.455.3963; stephanie.suter@lynchburgva.gov or Steve Lawson, Real Estate Property Manager, Phone: 434.455.3945. All requests for clarification of or questions regarding this request for proposal must be made in writing and received by 2:00 p.m., August 20, 2008. Any alteration or changes to this Request for Proposals will be made only by written addendum issued by the City of Lynchburg, Procurement Division.

Sealed proposals will be publicly accepted prior to **5:00 p.m., Monday, September 1, 2008**. Proposals received after the stated due date and time shall not be considered. Submit proposals in a sealed, opaque envelope, and put the RFP number, title, due date and time on the lower left front. Offerors are responsible for having their proposal stamped by Procurement Division staff before the deadline indicated above and acknowledge all addenda issued in the space provided below. All Offerors are responsible for obtaining issued addenda from the City's Purchasing Division website: www.lynchburgva.gov/home/index.asp?page=981.

Acknowledge receipt of addenda here: No. _____ Date: _____
No. _____ Date: _____
No. _____ Date: _____

Submit Proposals:

BY MAIL, GROUND DELIVERY, OR HAND DELIVER TO:

Procurement Division
Third Floor City Hall
900 Church Street
Lynchburg, Virginia 24504

By my signature below, I certify that I am authorized to bind the Offeror in any and all negotiations and/or contractual matters relating to this Request for Proposals. Sign in ink and type or print requested information.

Full Legal Name of Offeror: _____

Fed ID OR SOC. SEC. NO.: _____ Date: _____

Address: _____ Phone: () _____

_____ Fax: () _____

Signature: _____

Typed or Printed Name, Title


City Procurement Manager's Signature

I. SUBMISSION OF PROPOSALS

- A. **An original (1), so marked, and (4) copies, so marked, for a total of (5)** of your proposal document are required. Telegraphic or facsimile submission of proposals is not acceptable and any such proposals will not be considered. Nothing herein is intended to exclude any responsible Offeror or in any way restrain or restrict competition. All responsible Offerors are encouraged to submit proposals.
- B. Proposals having any erasures or corrections must be initialed by the Offeror in ink.
- C. The City reserves the right to accept or reject any or all proposals, to waive informalities, and to reissue any request for proposals.
- D. By submitting a proposal response, the Offeror agrees that the proposal response will not be withdrawn for a period of 90 days following the due date for proposal responses.
- E. By submitting a proposal response, the Offeror certifies that it has not combined, conspired or agreed to intentionally rig, alter or otherwise manipulate, or to cause to be rigged, altered or otherwise manipulated its proposal response for the purpose of allocating purchases or sales to or among persons, raising or otherwise fixing the prices of the goods or services, or excluding other persons from dealing with the City.
- F. By submitting a proposal response, the Offeror certifies that its proposal is made without collusion or fraud and that it has not offered or received any kickbacks or inducements from any other Offeror, supplier, manufacturer or subcontracting firm in connection with its proposal; and that it has not conferred on any public employee having official responsibility for this procurement transaction any payment, loan, subscription, advance, deposit of money, services or anything of more than nominal value, present or promised.
- G. The City will not be responsible for any expense incurred by any Offeror in preparing and submitting a proposal response. All proposals submitted will become the property of the City.

II. GENERAL INFORMATION AND OBJECTIVE

- A. The City of Lynchburg is seeking proposals for the purchase and development of three parcels of City property located at 3104 Fulton Street, 3036 Fulton Street and 2600 Rainbow Court. The properties are all zoned Residential Three (R-3) and are 2.5 acres, 1.7 acres, and approximately 3 acres in size, respectively. Fulton Street is a quiet, secluded, centrally located area off Old Forest Road. The property lays well and approximately half is wooded. All parcels can be serviced with public water and sewer.

The City's interest is to place the property into private hands and to facilitate its development, in a reasonable manner, in order to increase the assessed value of the property. Toward that end the City is looking for proposals from interested parties to purchase and develop the property as a whole or in part.

The City of Lynchburg has developed, for illustrative purposes only, a potential subdivision plat encompassing the three parcels and showing as many as 29 building lots. A new roadway plus water and sewer lines would have to be built to accommodate the illustrative plan. The potential subdivision plat does not represent a guarantee of the development potential of the property. Prospective purchasers bear the responsibility of determining the most viable development plan. The City is open to any reasonable proposals for the purchase and development of the property. Purchasers must comply with all applicable City development regulations and standards and will be responsible for all development costs.

B. Attachments

To assist in the evaluation of the property, the following is provided:

- Aerial photograph
- Zoning map
- Assessment sheet of each parcel
- A potential subdivision plat, with topographical information, showing the property divided into 29 building lots. The plat shows where water and sanitary sewer lines would need to be built to accommodate the 29 building lots. It also shows a new road that would need to be built. Note that the road shown is within the existing thirty (30) foot right of way. The City would prefer a forty (40) foot right of way.

III. PROPOSAL PREPARATION

The proposal response must address the items and the Criteria for Proposal Evaluation. Proposals should be prepared simply, providing straightforward and concise responses to requests for information and descriptions of qualifications and capabilities. Each copy of the proposal must be bound with all documentation in a single volume where practical. Incomplete proposals may be determined nonresponsive.

Offerors should organize their proposals using the format described below:

- A. Title Sheet: Furnish the information requested on the REQUEST FOR PROPOSALS TITLE PAGE of this solicitation and include it as the first page of your proposal response. The name stated on the Title Sheet must be the full legal name of the Offeror and the address must be that of the office which will have the responsibility for the services provided.
- B. Price offered for each parcel, or for all three together
- C. A description of development plans with type of structures and the value of what will be built
- D. Timeline with dates for purchase closing and occupancy
- E. A description and explanation of any particular assistance requested of the City.

IV. CRITERIA FOR PROPOSAL EVALUATION AND ACCEPTANCE

The following criteria will be utilized in evaluating proposals:

- Price
- Estimated value of the proposed development
- Timeline
- Overall return to the City
- Compatibility with the Comprehensive Plan and the existing neighborhood

Method of Award

Proposals will be ranked according to the greatest perceived benefit to the City and negotiations will be conducted with the top ranked offerer for the purpose of finalizing a sales contract. Final approval of the sale will require a public hearing and City Council action. The City reserves the right to reject all proposals.

V. GENERAL TERMS AND CONDITIONS

A. Laws and Regulations

The Successful Offeror shall give notice and comply with all laws, ordinances, rules, regulations, and lawful orders of any public authority bearing on the performance of the work. Any legal proceedings arising out of or related to this agreement shall be filed by the parties in the City of Lynchburg General District Court or the Lynchburg Circuit Court.

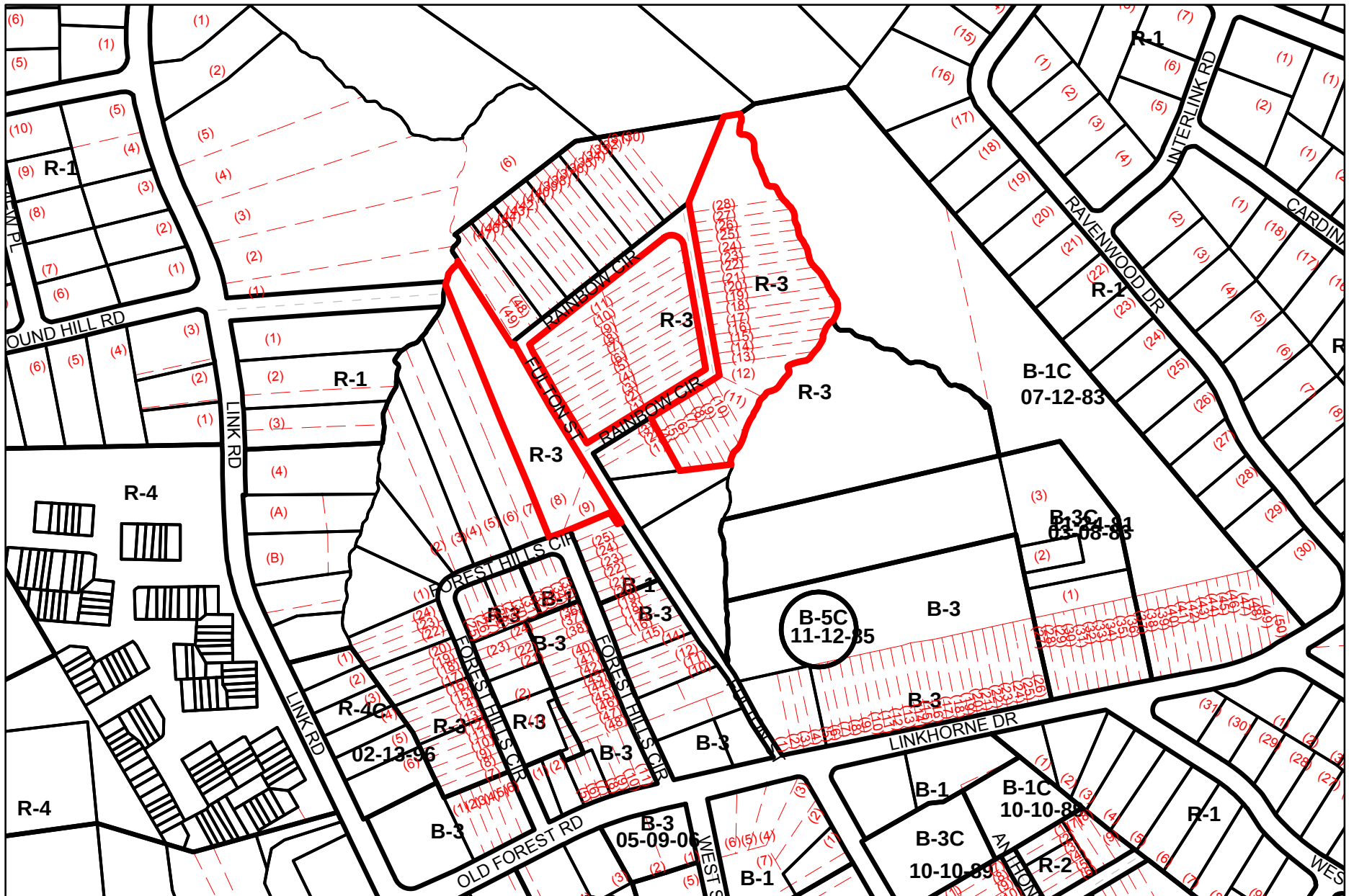
B. Licenses and Permits

The Successful Offeror shall secure and pay for all permits, governmental fees and licenses necessary for the proper execution and completion of the work which are legally required prior to and during the work.

C. Taxes

The Successful Offeror shall pay all City, State and Federal taxes required by law enacted at the time proposals are received and resulting from the work or traceable thereto, under whatever name levied. Said taxes shall not be in addition to the contract price as the taxes shall be an obligation of the Offeror and not of the City and the City shall be held harmless for same by the Successful Offeror.





[Property Tax Values](#)[View Sketch](#)[View Photo](#)[Recent Neighborhood Sales](#)[View Property Card](#)[Close](#)[Print](#)**Property Assessment Information - Lynchburg, Virginia****Parcel Identification**

Parcel ID (Old) 16907001
 Parcel ID (New) 54623081
 Property Address 3104 FULTON ST
 Property Owner CITY OF LYNCHBURG
 SCHOOL-PT FOREST HILL
 SCHOOL GROUNDS
 Mailing Address 900 CHURCH ST
 LYNCHBURG, VA 24504-1620
 Legal Description WD FOSTER BLK 1-#1-23
 Property Class EXEMPT - CITY SCHOOLS
 Neighborhood 226 - FOREST HILLS CIR
 *New! Elementary School LINKHORNE ELEMENTARY
 *New! Middle School LINKHORNE MIDDLE
 *New! High School E C GLASS

Land

Legal Acreage 2.5000
 Square Footage 108900
 Frontage 0

Zoning Refer to Zoning Layer

Special Assessments

Participant in Land Use Prog NO
 Land Use Deferral Amount
 Participant in Rehabilitation Prog NO
 Exemption Amount
 Ending (June 30)

Sale/Assessment Information

Current Assessment
 Land Value \$43800
 Improvement Value \$0
 Total Value \$43800
July 1, 2007
 Land Value \$43800
 Improvement Value \$0
 Total Value \$43800
July 1, 2006
 Land Value \$25000
 Improvement Value \$0
 Total Value \$25000
Sales History 1
 Recorded Sale Date 11/13/1958
 Sale Amount \$0
 Prior Owner CAMPBELL CO SCHOOL BOARD
 Prior Instrument Number
 Prior Deed Book/Page 0 0
Sales History 2
 Recorded Sale Date
 Sale Amount \$
 Prior Owner
 Prior Instrument Number
 Prior Deed Book/Page
Sales History 3
 Recorded Sale Date
 Sale Amount \$
 Prior Owner
 Prior Instrument Number
 Prior Deed Book/Page

Improvement Data

Building Type
 Type of Structure
 Number of Stories
 Year Built
 Finished Sq Ft
 Basement Sq Ft
 Finished Basement Sq Ft
 Finished Attic Sq Ft
 *New! Total Finished Sq Ft
 Foundation
 Frame
 Exterior Wall
 Roof Type
 Roof Material
 Heat Type
 Air Conditioned
 Fireplace
 Number of Rooms
 Number of Bedrooms
 Number of Full Baths
 Number of Half Baths
 Open Porch Sq Ft
 Enclosed Porch Sq Ft
 Patio/Deck Sq Ft
 Attached Garage Sq Ft
 Attached Carport Sq Ft
 Detached Garage Sq Ft
 Outbuildings

Property Tax Values

View Sketch

View Photo

Recent Neighborhood Sales

View Property Card

Close

Print

Property Assessment Information - Lynchburg, Virginia

Parcel Identification

Parcel ID (Old) 16906004
 Parcel ID (New) 54623085
 Property Address 3036 FOREST HILLS CIR
 Property Owner CITY OF LYNCHBURG
 CITY MANAGER'S OFFICE
 Mailing Address 900 CHURCH ST
 LYNCHBURG , VA 24504-1620
 Legal Description FOREST HILL-BLK 4-PT 8,9
 Property Class EXEMPT - CITY GOVERNMENT
 Neighborhood 226 - FOREST HILLS CIR
 *New! Elementary School LINKHORNE ELEMENTARY
 *New! Middle School LINKHORNE MIDDLE
 *New! High School E C GLASS

Land

Legal Acreage 1.7110
 Square Footage 74531
 Frontage 0

Zoning Refer to Zoning Layer

Special Assessments

Participant in Land Use Prog NO
 Land Use Deferral Amount
 Participant in Rehabilitation Prog NO
 Exemption Amount
 Ending (June 30)

Sale/Assessment Information

Current Assessment
 Land Value \$29900
 Improvement Value \$0
 Total Value \$29900
 July 1, 2007
 Land Value \$29900
 Improvement Value \$0
 Total Value \$29900
 July 1, 2006
 Land Value \$20000
 Improvement Value \$0
 Total Value \$20000
 Sales History 1
 Recorded Sale Date 11/13/1958
 Sale Amount \$0
 Prior Owner X
 Prior Instrument Number
 Prior Deed Book/Page 0 0
 Sales History 2
 Recorded Sale Date
 Sale Amount \$
 Prior Owner
 Prior Instrument Number
 Prior Deed Book/Page
 Sales History 3
 Recorded Sale Date
 Sale Amount \$
 Prior Owner
 Prior Instrument Number
 Prior Deed Book/Page

Improvement Data

Building Type
 Type of Structure
 Number of Stories
 Year Built
 Finished Sq Ft
 Basement Sq Ft
 Finished Basement Sq Ft
 Finished Attic Sq Ft
 *New! Total Finished Sq Ft
 Foundation
 Frame
 Exterior Wall
 Roof Type
 Roof Material
 Heat Type
 Air Conditioned
 Fireplace
 Number of Rooms
 Number of Bedrooms
 Number of Full Baths
 Number of Half Baths
 Open Porch Sq Ft
 Enclosed Porch Sq Ft
 Patio/Deck Sq Ft
 Attached Garage Sq Ft
 Attached Carport Sq Ft
 Detached Garage Sq Ft
 Outbuildings

Property Tax Values

View Sketch

View Photo

Recent Neighborhood Sales

View Property Card

Close

Print

Property Assessment Information - Lynchburg, Virginia

Parcel Identification

Parcel ID (Old) 16908003
 Parcel ID (New) 54623068
 Property Address 2600 RAINBOW CIR
 Property Owner CITY OF LYNCHBURG
 SCHOOL-PT FOREST HILL
 SCHOOL GROUNDS
 Mailing Address 900 CHURCH ST
 LYNCHBURG, VA 24504-1620
 Legal Description W D FOSTER BLK 2-LOT 4-28
 Property Class EXEMPT - CITY SCHOOLS
 Neighborhood 226 - FOREST HILLS CIR
 *New! Elementary School LINKHORNE ELEMENTARY
 *New! Middle School LINKHORNE MIDDLE
 *New! High School E C GLASS

Land

Legal Acreage 0.0000
 Square Footage 0
 Frontage 0

Zoning Refer to Zoning Layer

Special Assessments

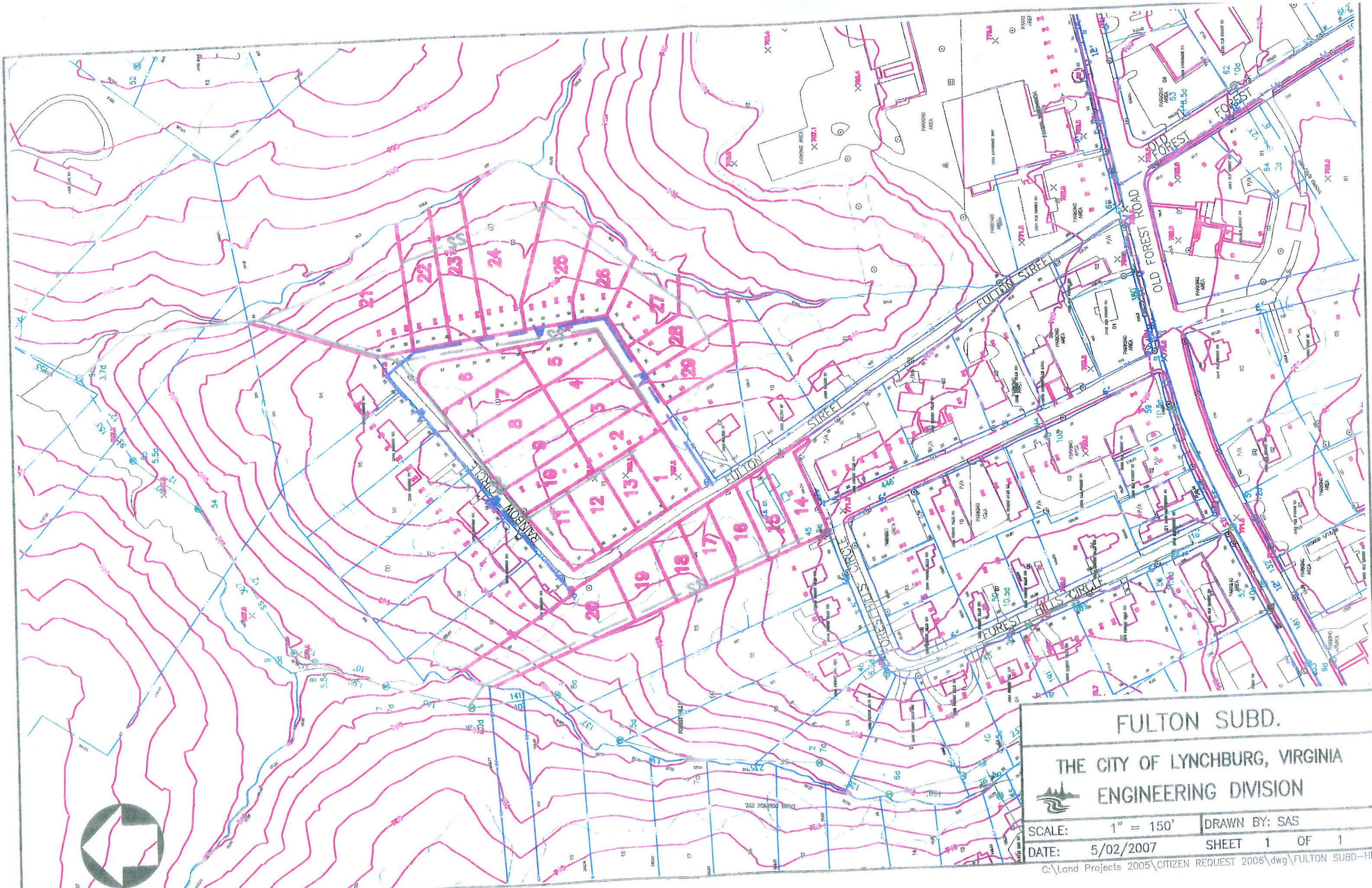
Participant in Land Use Prog NO
 Land Use Deferral Amount
 Participant in Rehabilitation Prog NO
 Exemption Amount
 Ending (June 30)

Sale/Assessment Information

Current Assessment
 Land Value \$70200
 Improvement Value \$0
 Total Value \$70200
July 1, 2007
 Land Value \$70200
 Improvement Value \$0
 Total Value \$70200
July 1, 2006
 Land Value \$10000
 Improvement Value \$0
 Total Value \$10000
Sales History 1
 Recorded Sale Date 11/13/1958
 Sale Amount \$0
 Prior Owner CAMPBELL COUNTY SCHOOL BOARD
 Prior Instrument Number
 Prior Deed Book/Page 0 0
Sales History 2
 Recorded Sale Date
 Sale Amount \$
 Prior Owner
 Prior Instrument Number
 Prior Deed Book/Page
Sales History 3
 Recorded Sale Date
 Sale Amount \$
 Prior Owner
 Prior Instrument Number
 Prior Deed Book/Page

Improvement Data

Building Type
 Type of Structure
 Number of Stories
 Year Built
 Finished Sq Ft
 Basement Sq Ft
 Finished Basement Sq Ft
 Finished Attic Sq Ft
 *New! Total Finished Sq Ft
 Foundation
 Frame
 Exterior Wall
 Roof Type
 Roof Material
 Heat Type
 Air Conditioned
 Fireplace
 Number of Rooms
 Number of Bedrooms
 Number of Full Baths
 Number of Half Baths
 Open Porch Sq Ft
 Enclosed Porch Sq Ft
 Patio/Deck Sq Ft
 Attached Garage Sq Ft
 Attached Carport Sq Ft
 Detached Garage Sq Ft
 Outbuildings



FULTON SUBD.

THE CITY OF LYNCHBURG, VIRGINIA
ENGINEERING DIVISION

SCALE: 1" = 150'
DATE: 5/02/2007
DRAWN BY: SAS
SHEET 1 OF 1
C:\Land Projects 2005\CITIZEN REQUEST 2006\dwg\FULTON SUBD-HR.c

City of Lynchburg
Procurement Division
900 Church Street
Lynchburg, Virginia 24504
Telephone No.: (434) 455-3970
Fax No.: (434) 845-0711

Addendum for Proposal
Purchase and Development of City Property
09-499

Date: August 25, 2008

From: Stephanie Suter, CPPB

RE: Addendum No. 1

1. The deadline for proposals has been extended. Sealed proposals will be publicly accepted prior to 5:00 p.m., Tuesday, September 2, 2008.

READ TERMS AND CONDITIONS AND SIGN

In compliance with the above BID, and subject to all the conditions hereof, the undersigned offers and agrees to comply with any or all of the terms and conditions contained herein, or as mutually agreed upon by subsequent negotiations. This form shall become part of the final file.

COMPANY NAME: _____ *ADDRESS:* _____ *DATE:* _____

AUTHORIZED SIGNATURE: _____ *TITLE:* _____

PRINT NAME: _____ *TELEPHONE NO.:* _____ *FAX NO.:* _____



REQUEST FOR PROPOSALS TITLE PAGE
Include This Page as the First Page in Your Proposal Response

City of Lynchburg, Virginia
Procurement Division

Proposal Title: Purchase and Development of City Property

Copy

This is the City of Lynchburg's Request for Proposals No. 09-499, issued July 23, 2008. Direct inquiries for information to: Stephanie Suter, Procurement Manager, Phone: 434.455.3963; stephanie.suter@lynchburgva.gov or Steve Lawson, Real Estate Property Manager, Phone: 434.455.3945. All requests for clarification of or questions regarding this request for proposal must be made in writing and received by 2:00 p.m., August 20, 2008. Any alteration or changes to this Request for Proposals will be made only by written addendum issued by the City of Lynchburg, Procurement Division.

Sealed proposals will be publicly accepted prior to 5:00 p.m., Monday, September 1, 2008. Proposals received after the stated due date and time shall not be considered. Submit proposals in a sealed, opaque envelope, and put the RFP number, title, due date and time on the lower left front. Offerors are responsible for having their proposal stamped by Procurement Division staff before the deadline indicated above and acknowledge all addenda issued in the space provided below. All Offerors are responsible for obtaining issued addenda from the City's Purchasing Division website: www.lynchburgva.gov/home/index.asp?page=981.

Acknowledge receipt of addenda here: No. 1 Date: 9-1-08
No. _____ Date: _____
No. _____ Date: _____

Submit Proposals:

BY MAIL, GROUND DELIVERY, OR HAND DELIVER TO:
Procurement Division
Third Floor City Hall
900 Church Street
Lynchburg, Virginia 24504

By my signature below, I certify that I am authorized to bind the Offeror in any and all negotiations and/or contractual matters relating to this Request for Proposals. Sign in ink and type or print requested information.

Full Legal Name of Offeror: Long Meadows, INC. By Chris Mowry, President

Fed ID OR SOC. SEC. NO.: 54-1025710 Date: 9-1-08

Address: P.O. Box 4338 Phone: (434) 821-2995 x 205

Lynchburg, VA 24502

Fax: (434) 821-2997

Signature:

Chris Mowry - President
Typed or Printed Name, Title

City Procurement Manager's Signature

Response to City of Lynchburg RFP # 09-499 issued July 23, 2008

From: Long Meadows, Inc. – Chris Mowry, President (chris@longmeadows.net)

Offer Price: \$70,000. For all three parcels: 3104 & 3036 Fulton Street and 2600 Rainbow Court. This price is based upon LMI's purchase of R-3 land bordering New Towne and Turtle Creek subdivisions as recently as 2006 at the rate of \$9,210 per acre (Fulton - $7.2 \times \$9,210 = \$66,312$). LMI's offer is slightly higher than this rate but obviously the market exuberance has diminished and 2006 pricing should be fair for the state and location of the land in question.

Development Plans: Long Meadows, Inc. wants to build energy efficient and environmentally green "E-Villas" for the eclectic mix of Lynchburg buyers. While LMI may opt to mix some single family homes next to the existing single family homes to maintain the neighborhood continuity - the majority of units would be single and two level craftsman-style, attached units constructed to the latest EarthcraftVA standards for efficiency and sustainability. These would be up to 58 market-rate products that appeal to buyers who want a new home with all of the technology, Energy Star efficiency and modern amenities but desire their home affordability to be within the City limits – not the county. The key to the City gaining revenue is to assist developers in holding the costs down on the end product to promote affordability even though City taxes are higher than in the surrounding counties.

Return To The City/Revenue: The sales price per unit would range from the \$120's to the \$150's and would produce approximately \$73,080 annual real estate tax revenue on the low end and \$91,350 annually on the higher end. Lot development would be phased in two sections – one with 11 lots and one with 18 lots. The total estimated project build-out would take approximately three years for market absorption assuming a rate of 20 units per year. The City could expect revenues from water and sewer service and the common good billing at an average of \$50.00 per month per household or \$600 annually per unit (\$34,800 for the entire community annually at build-out). Additionally, personal property tax on items such as vehicles would be greater with the villa concept as each unit would likely own two vehicles (which at build-out would total 116). The revenue from this tax would amount to \$760 (\$20,000 average assessed value per vehicle @ \$3.80 per \$100) $\times 116 = \$88,160.00$. Thus, the total annual revenue from this project at build out would be as follows:

R.E. Taxes: \$91,350.00 - P.P. Taxes: \$88,160.00 - Water/Sewer/CG: \$34,800.00

↓ \$150,000

↓ much higher
than RFP

Revenue Total: \$214,310.00

Timeline For Purchase & Closing: Closing upon mutual agreement of terms between the City of Lynchburg and LMI or upon all zoning, planning and other miscellaneous approvals of subdivision plans and the ability of LMI to begin land disturbance and street/building construction.

Assistance Desired From the City of Lynchburg: Engineering flexibility to accommodate EarthcraftVA standards, fast track of utility design - approvals and implementation and fast track of bond releases. LMI would request that the usual City of Lynchburg reimbursements for development – water, sewer & road etc. would be initiated expeditiously at the completion of the development work. It is paramount for the City of Lynchburg to assist LMI as the developer to keep development cost low in order for us to meet the market demand and in turn – allow the City to collect the proposed tax revenue. The goal is for the City's higher tax rate for the average Fulton Street resident needs to translate into a lower developed lot cost to the developer.

About Long Meadows, Inc.: Long Meadows, Inc. is a class A licensed Building/Grading/HVAC Contractor, a certified Energy Star Partner and is a certified EarthcraftVA builder (www.earthcraftva.org). EarthcraftVA is the "sister" organization to the United States Green Building Council's LEED for commercial and multifamily construction. LMI is one of Lynchburg's largest and longest operating development and building companies and has partnered with the City of Lynchburg for over three decades in developing fine communities such as New Towne Subdivision. Developments like this translate into millions of dollars in real estate tax revenue, personal property taxes and water/sewer income etc. for the City of Lynchburg.

City of Lynchburg
Procurement Division
900 Church Street
Lynchburg, Virginia 24504
Telephone No.: (434) 455-3970
Fax No.: (434) 845-0711

Addendum for Proposal
Purchase and Development of City Property
09-499

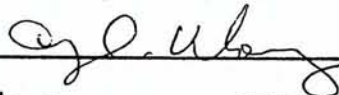
Date: August 25, 2008
From: Stephanie Suter, CPPB
RE: Addendum No. 1

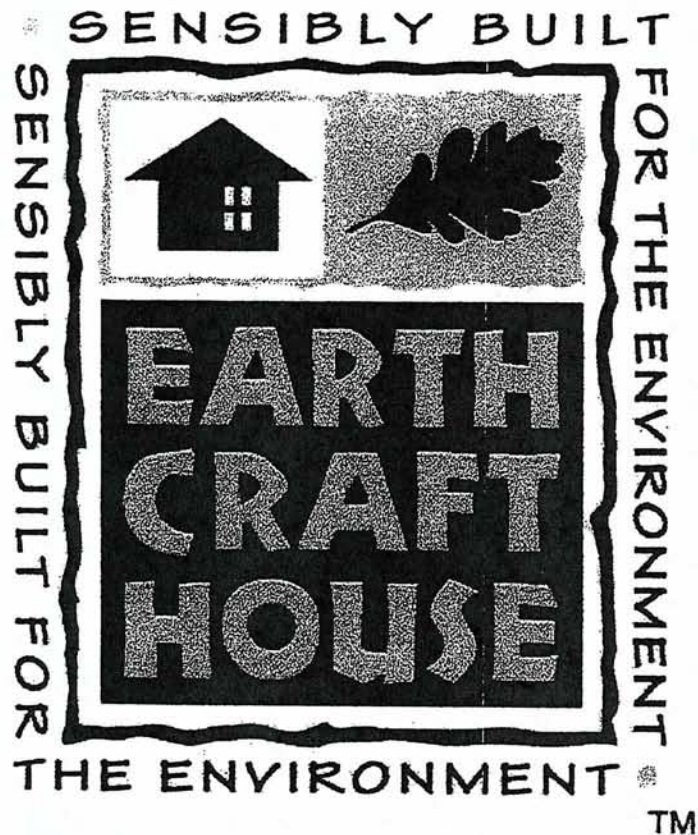
1. The deadline for proposals has been extended. Sealed proposals will be publicly accepted prior to 5:00 p.m., Tuesday, September 2, 2008.

READ TERMS AND CONDITIONS AND SIGN

In compliance with the above BID, and subject to all the conditions hereof, the undersigned offers and agrees to comply with any or all of the terms and conditions contained herein, or as mutually agreed upon by subsequent negotiations. This form shall become part of the final file.

P.O. Box 4338

COMPANY NAME: Long Meadows, Inc. ADDRESS: Lynchburg, VA 24502 DATE: 8-2-08
AUTHORIZED SIGNATURE:  TITLE: President
PRINT NAME: Chris Mowry TELEPHONE NO.: 434-821-2995 FAX NO.: 821-2997
Ext 205



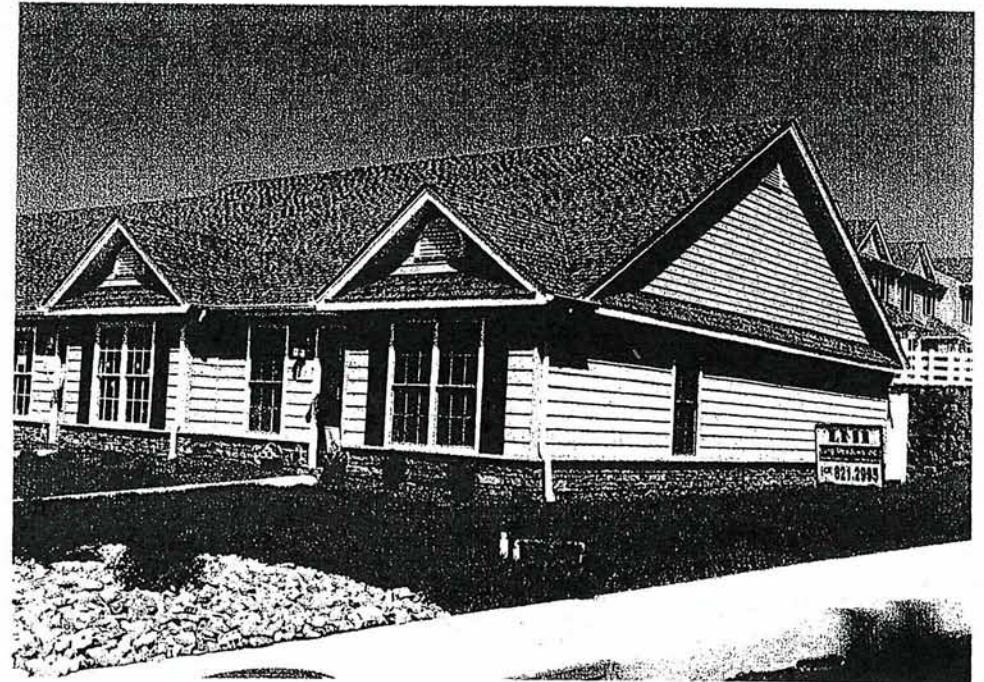
This certifies that

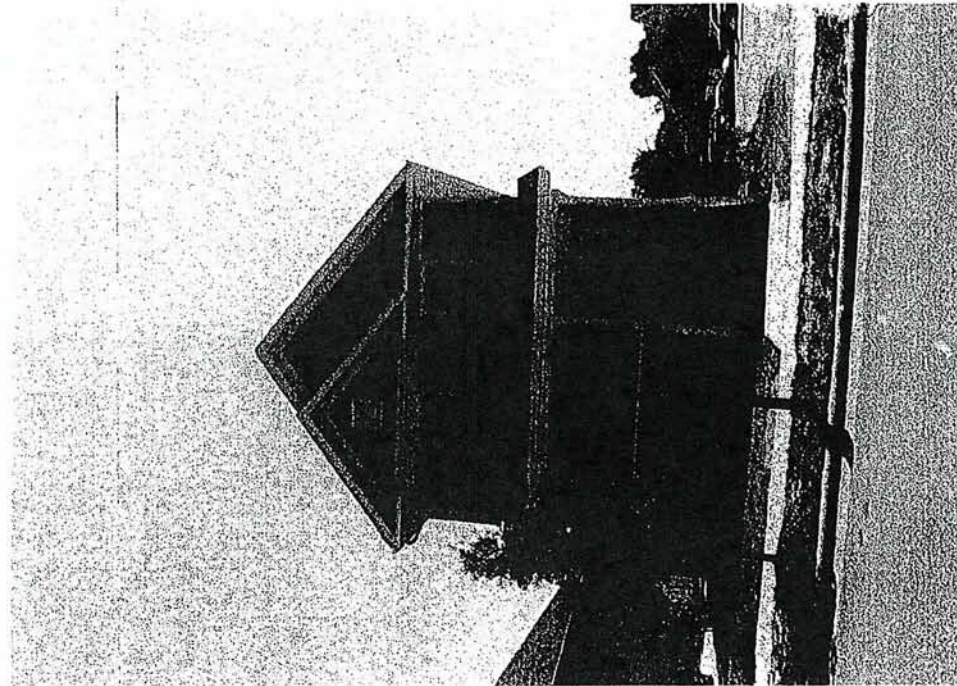
Long Meadows, Inc.

is a proud EarthCraft House Builder in good standing
with the Greater Atlanta Home Builders Association
and Southface Energy Institute

6/1/2008
Membership Initiation Date

6/1/2009
Membership Expiration Date







1022 Commerce St., Ste 3A Lynchburg, VA 24504 • P.O. Box 879 Lynchburg, VA 24505

Phone: (434) 455-2120 • Fax: (434) 455-2001

ORIGINAL

August 22, 2008

Procurement Division
Third Floor City Hall
900 Church Street
Lynchburg, VA 24504

To Whom It May Concern:

Rush Lifetime Homes (Rush Homes) is seeking to purchase parcels owned by the City of Lynchburg. Two purchase proposals are offered as follows:

- Proposal 1, offer to purchase three parcels located at 3104 Fulton Street, 3036 Forest Hills Circle, and 2600 Rainbow Court. This is Rush Homes' priority proposal.
- Proposal 2, offer to purchase two parcels located at 3104 Fulton Street and 3036 Forest Hills Circle. This is Rush Homes secondary proposal.

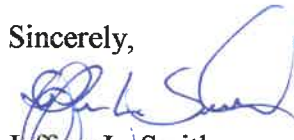
This is Proposal 2, Rush Homes' secondary proposal. I enclose Rush Homes' proposal for the purchase developed according the City of Lynchburg's Request for Proposals No. 09-499 issued on July 23, 2008.

Rush Homes is a 501(c)(3), non-profit provider of affordable housing for people with disabilities and low incomes. Our intention for the above noted lots is to construct a mixed income development known as Fulton Park featuring homeownership opportunities for people with disabilities, seniors, first time homebuyers, and other interested persons as well as affordable rental opportunities for people with disabilities and low incomes.

Please contact Allison Wingfield, Executive Director, or me at 455-2120 if you have any further questions.

Thank you.

Sincerely,



Jeffrey L. Smith
Development Director

cc/Allison Wingfield



REQUEST FOR PROPOSALS TITLE PAGE
Include This Page as the First Page in Your Proposal Response

City of Lynchburg, Virginia
Procurement Division

Proposal Title: **Purchase and Development of City Property**

This is the City of Lynchburg's Request for Proposals No. 09-499, issued July 23, 2008. Direct inquiries for information to: Stephanie Suter, Procurement Manager, Phone: 434.455.3963; stephanie.suter@lynchburgva.gov or Steve Lawson, Real Estate Property Manager, Phone: 434.455.3945. All requests for clarification of or questions regarding this request for proposal must be made in writing and received by 2:00 p.m., August 20, 2008. Any alteration or changes to this Request for Proposals will be made only by written addendum issued by the City of Lynchburg, Procurement Division.

Sealed proposals will be publicly accepted prior to 5:00 p.m., Monday, September 1, 2008. Proposals received after the stated due date and time shall not be considered. Submit proposals in a sealed, opaque envelope, and put the RFP number, title, due date and time on the lower left front. Offerors are responsible for having their proposal stamped by Procurement Division staff before the deadline indicated above and acknowledge all addenda issued in the space provided below. All Offerors are responsible for obtaining issued addenda from the City's Purchasing Division website: www.lynchburgva.gov/home/index.asp?page=981.

Acknowledge receipt of addenda here: No. _____ Date: _____
No. _____ Date: _____
No. _____ Date: _____

Submit Proposals:

BY MAIL, GROUND DELIVERY, OR HAND DELIVER TO:

Procurement Division
Third Floor City Hall
900 Church Street
Lynchburg, Virginia 24504

By my signature below, I certify that I am authorized to bind the Offeror in any and all negotiations and/or contractual matters relating to this Request for Proposals. Sign in ink and type or print requested information.

Full Legal Name of Offeror: RUSH LIFETIME HOMES, INC

Fed ID OR SOC. SEC. NO.: 31-1519694 Date: 8/22/2008

Address: P.O. Box 879 Phone: (434) 455-2120

LYNCHBURG, VA 24505 Fax: (434) 455-2001

Signature: [Signature] Allison Wingfield, Executive Director
Typed or Printed Name, Title

[Signature]
City Procurement Manager's Signature

August 22, 2008

Purchase Proposal: Fulton Street and Forest Hill Circle Parcels B and C

I. Offering Price and Terms

Offering Price

Rush Lifetime Homes (Rush Homes) offers \$75,000 for two lots including parcels located at 3104 Fulton Street (Parcel B, 2.5 acres) and 3036 Forest Hills Circle (Parcel C, 1.7 acres). *Please see attached appraisal by Hallmark Properties regarding the properties.*

Terms

Rush Homes requires a three month purchase option from the date of purchase agreement with the City of Lynchburg. This option may be extended for an additional three months with agreement by the City if circumstances warrant. This purchase option is necessary for Rush Homes to conduct a HUD Phase 1 environmental review, a property survey, and arrange property purchase and project development financing. The environmental review is a requirement of potential funding sources including low income housing tax credits.

II. Development Plans (General, Styles, and Value)

General

Rush Homes intends to construct a mixed income housing development tentatively known as Fulton Park on the two lots. The purpose of the development is to provide homeownership opportunities to first time homebuyers, seniors, and people with disabilities and affordable rental apartments for people with disabilities and low incomes. The housing development will consist of approximately 12 single family homes and approximately 8 duplexes, depending on the layout of lots upon design.

Style

Houses will consist of 1200-1600 ft² homes, each with two or three bedrooms and two baths. All houses will, at minimum, feature universal design. Full accessibility for people with mobility impairments is possible if requested by a buyer. The planned size and style homes will cater to a growing market seeking first time home buyer opportunities including those with special needs and will fit well with the current neighborhood housing stock.

Duplex apartments, mixed throughout the development to encourage community, will consist of both one and two bedroom units with full accessibility for persons who are mobility impaired. Apartment floor spaces are approximately 750 ft² for one bedroom units and 900 ft² for two bedroom units. Rush Homes will own and manage apartments, creating continuity and good management that will support a quality neighborhood. *Please see attachments for proposed duplex plans.*

Other Amenities and Transportation

The Fulton Park site is excellent for seniors, people with disabilities, and first time homebuyers. The site is within two blocks of Old Forest Road which is directly on the Greater Lynchburg Transit Company bus line, simplifying transportation options for

residents without personal transportation. Grocery shopping, retail shopping, pharmacies, restaurants, entertainment, City schools, and other amenities are all within walking distance.

Project Financing and Technical Support

Rush Homes will seek a number of sources for project financing and have already engaged Virginia Housing Development Authority (VHDA) for their technical support in developing a funding strategy. Financing sources will likely include Low Income Housing Tax Credits (LIHTC), VHDA REACH program low interest loans, possible CDBG and HOME funds at both local and state levels, Federal Home Loan Bank funds including predevelopment loans and grants, private grant funds, and Rush Homes' profit from the sale of planned houses within the development.

Rush Homes will form a development team and seek additional project technical assistance from organizations such as Local Initiatives Support Corporation (LISC).

Estimated As-Built Value and Return Value to Lynchburg

	Value	Notes
Single family homes	\$ 1,740,000.00	12 @ \$145,000 each average
Duplexes	\$ 2,000,000.00	8 @ \$250,000 each average
Land	\$ 300,000.00	20 @ \$15,000 each
Total	\$ 4,040,000.00	

The estimated return value of Fulton Park to Lynchburg City as-built at current property tax rates is \$42,420 per year. In addition to returns from property taxes, the Fulton Park project will inject approximately of \$1.125 million in LIHTC equity into Lynchburg as well as the potential for an additional \$1 million or more in foundation funds and construction loan dollars from Virginia community development finance institute sources including Virginia Community Capital.

Market

Currently, Rush Homes has 59 families with disabilities and low incomes on its waiting list. Further, 2000 US Census data for Lynchburg City renters who have mobility and self care limitations and low incomes indicates 960 non-seniors in need of better housing. Rush Homes will contract with a provider to perform market studies that will confirm this data and show the large need for accessible and affordable housing in Lynchburg for people with disabilities and to show market for first time homebuyers, people with special needs, and/or senior citizens.

Compatibility with Lynchburg Comprehensive Plan

Special needs housing and mixed use residential development are both cited specifically in the comprehensive plan. Fulton Park addresses both these elements. First, Fulton Park is about providing mixed use residential development with the mix of stores and other buildings being very nearby, some with two blocks and many more within walking distance of the proposed neighborhood. Second, special needs housing is Fulton Park. While the development anticipates mixed ownership and rental with some of the ownership by people without specific disabilities, provision of housing for

people with disabilities and low incomes is a the motivating factor for Fulton Park. Page 10.3 of the Comprehensive plan notes expressed concerns that “special needs tenants, such as those with physical disabilities and those with limited incomes, have a particularly hard time finding appropriate rental housing.

Fulton Park direction meets Comprehensive Plan Goals regarding Goal 2, Objective 2.A encouraging new, sensitively designed housing that blends into mature neighborhoods. The style of housing chosen by Rush Homes for Fulton Park will fit in with surrounding, smaller ranch style homes. Further, the proposed development also meets Objective 2.E., encouraging higher rates of homeownership among low- and middle-income residents. The style and size of house proposed sale in Fulton Park will specifically meet this market demand. Rush Homes is already in talks with VHDA about providing low interest loans to prospective buyers with incomes ranging from 80 percent of area median income to 150 percent. Finally, Object 2.F. is directly met by Fulton Park which provides housing for special needs populations in a neighborhood setting and with transportation and support services readily available nearby.

III. Proposed Project Timeline

<i>Predevelopment activities</i>	<i>Date/Status</i>
▶ Enter bid for purchase of lots	8/31/2008
▶ Initiate development team including technical support services	9/30/2008
▶ Update site design, update costs, and create financing strategy	11/15/2008
▶ Marketing studies performed	11/30/2008
▶ Gain site control	12/1/2008
▶ Finalize permanent financing strategy.	12/15/2008
▶ Complete Phase 1 environmental analysis and site survey.	1/15/2009
▶ Finalize design units/construction specifications/site engineering	2/1/2009
▶ Acquire permanent financing approval	2/15/2009
▶ Acquire acquisition/development/construction loan.	2/28/2009
▶ Purchase Fulton Street/Rainbow Court Properties	3/1/2009
<i>Construction</i>	
▶ Begin construction, infrastructure and vertical	5/1/2009
▶ Complete construction, all houses and duplexes	12/1/2010
<i>Sell houses/lease rental units</i>	
▶ Initiate marketing and advertise Fulton Park/houses	8/1/2009
▶ Target completion	2/1/2011

IV. Assistance Needed From the City of Lynchburg

At this time, Rush Homes does not anticipate needing assistance from the City with the exception of subdivision approvals and cooperation. Rush Homes reserves the right to request CDBG and HOME block grant funding for Fulton Park development.

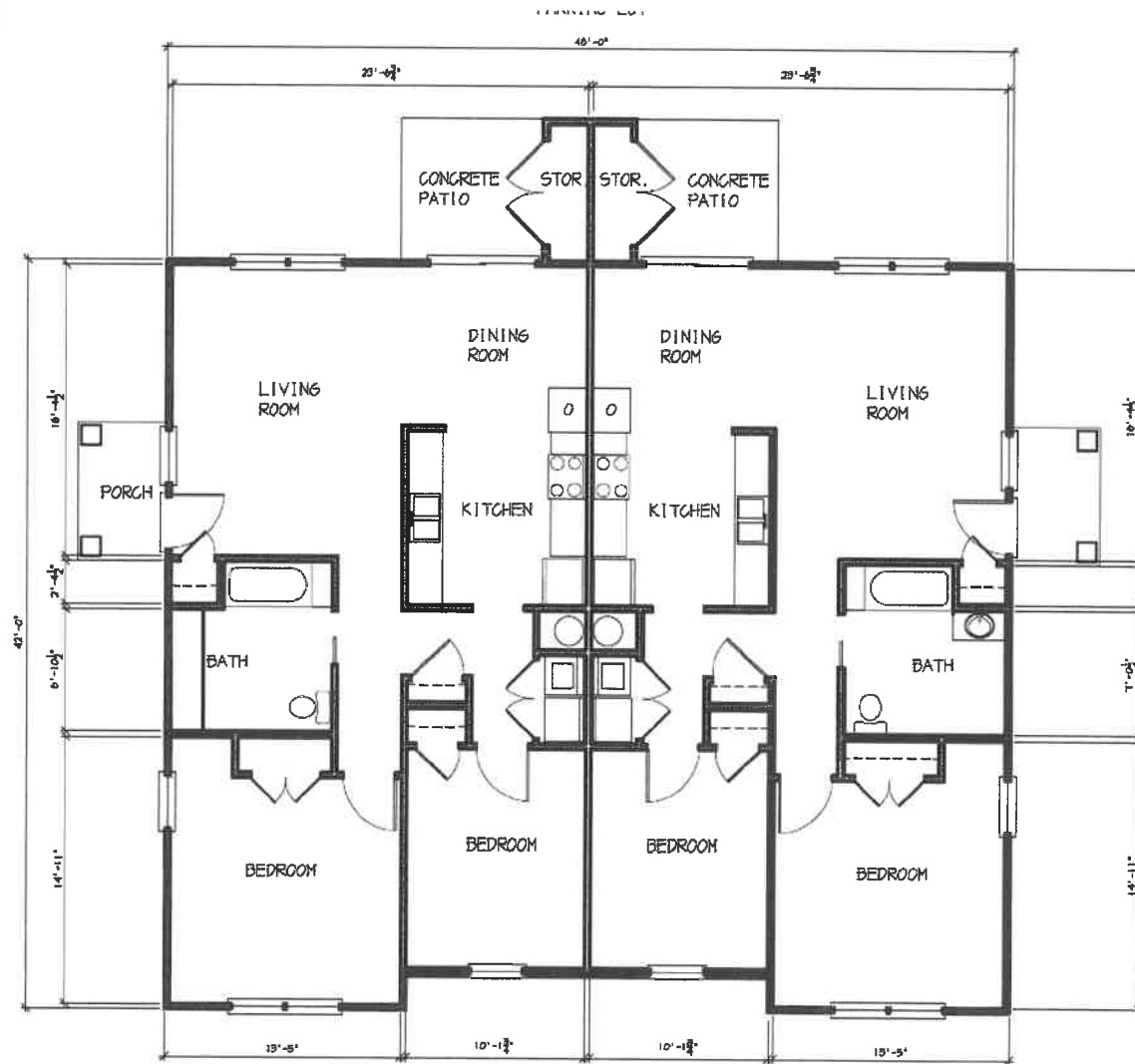


TWO-BEDROOM

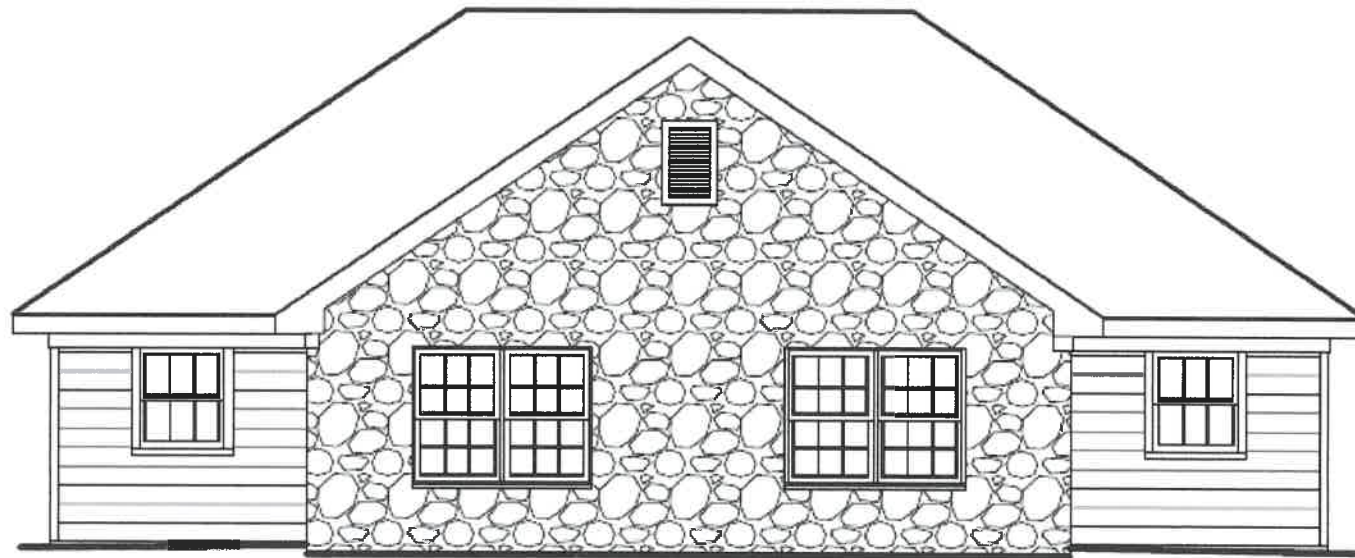
1/8" = 1'-0"

CCAP

11-3-05

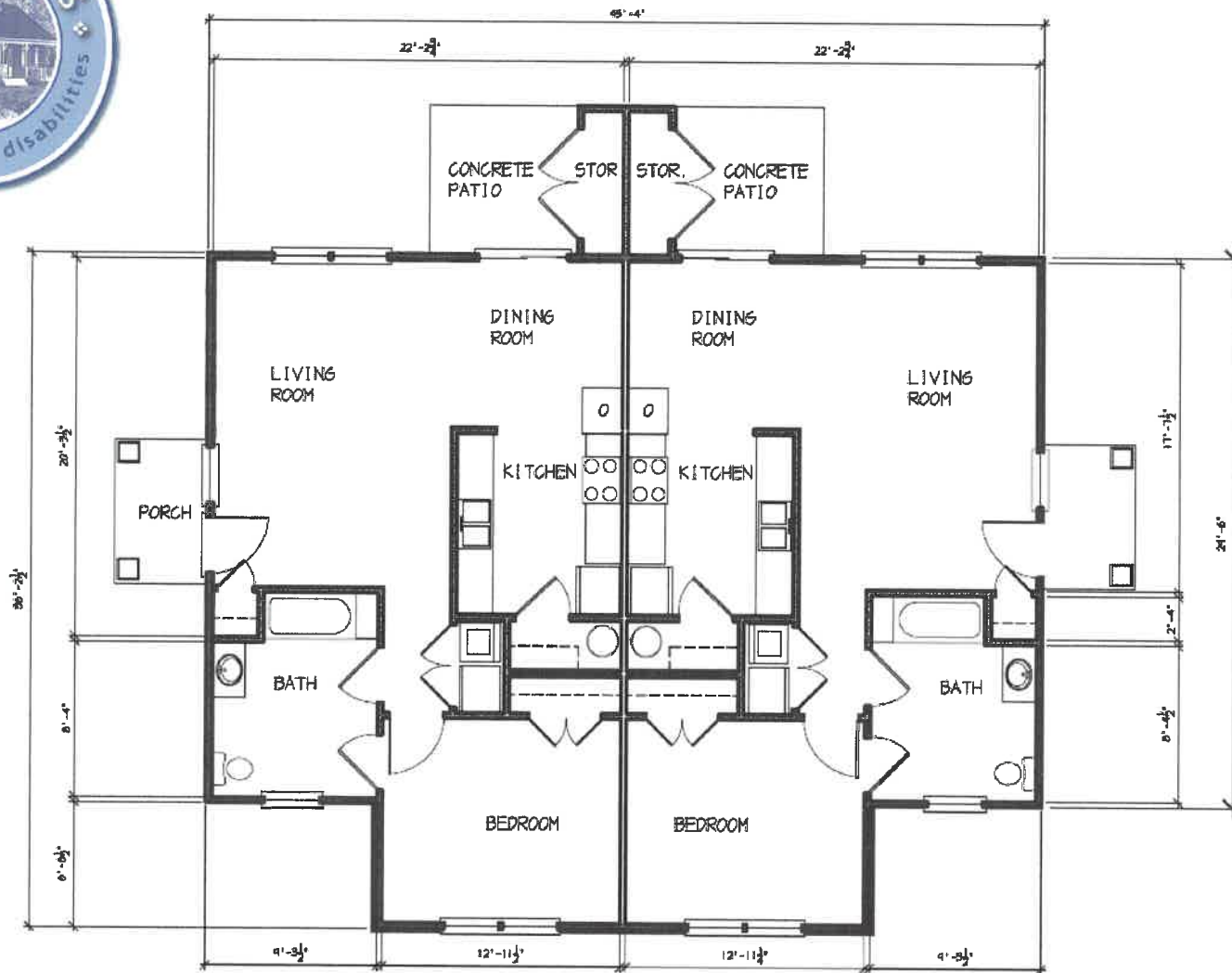


TWO-BEDROOM
 1/8" = 1'-0" CCAP 11-3-05



ONE-BEDROOM UNIT

$\frac{1}{8}'' = 1' - 0''$ CCAP
11-4-05



ONE-BEDROOM UNIT
 1/8" = 1'-0" CCAP
 11-4-05



3713 OLD FOREST ROAD, LYNCHBURG, VIRGINIA 24501 (434) 385-9610

August 14, 2008

Rush Homes
Attn: Jeff Smith
1022 Commerce Street, Suite 3A
Lynchburg, VA 24505

RE: 7.2 Acres +/-
Fulton Street and Rainbow Circle
Lynchburg, VA 24501

Dear Mr. Smith:

As you requested, I have appraised the market value of the above captioned property currently owned by the City of Lynchburg. The Campbell County School Board originally acquired the property in 1958 and was later annexed into the city. As we agreed upon, this is a restricted use report for your use only, and a summary of my data and analysis is presented. This report is intended to comply with the Uniform Standards of Professional Appraisal Practice, Virginia state licensing laws, and the Appraisal Institute.

I viewed the property on August 11, 2008, and this is the date of valuation. The purpose of the appraisal is to estimate market value, and the intended use of the appraisal is for your private use in possibly acquiring the property. Market value is defined by the Appraisal Institute as follows:

The most probable price in terms of money which a property should bring in a competitive and open market under all conditions requisite to a fair sale, with the buyer and seller each acting prudently, knowledgeably, and assuming the price is not affected by undue stimulus.

The property is assessed in the name of City of Lynchburg in three parcels. Parcel ID No. 16907001 is assessed for \$43,800. Parcel ID No. 16908003 is assessed for \$70,200. Parcel ID No. 16906004 is assessed for \$29,900. With a total tax assessment of \$143,900 and a tax rate of \$1.05 per \$100 of assessed value, the annual taxes are \$1,510.95; however, the property is currently tax exempt. Both the assessment and tax rate are subject to annual change.

Without the benefit of a recent survey, I rely on information provided by the City of Lynchburg for the property land area. This property consists of a 1.7 acre parcel, 2.5 acre parcel, and three acre parcel, for a total of approximately 7.2 acres. The 1.7 acre parcel (Parcel C) is on the southwestern side of Fulton Street, across from Rainbow Circle. It has about 470 feet of street frontage based on a scale of the city tax map, 223 feet along the northeastern boundary, 80 feet along the northwestern boundary, 112 feet along the southeastern boundary, 48 feet of street frontage on Forest Hills Circle, and 643 feet along the rear. Topographically, it is three feet below to three feet above road grade, rolling, partially cleared, and partially wooded with growing pine and hardwood trees. The 2.5 acre parcel (Parcel B) is at the eastern corner of Fulton Street and Rainbow Circle. It has about 275 feet of street frontage on Fulton Street and 450 feet of street frontage on Rainbow Circle. It has about 240 feet along the southeastern boundary which is formed by the Rainbow Circle right-of-way, and 350 feet along the northeastern boundary which is also formed by the Rainbow Circle right-of-way. The street was never constructed along the southeastern and northeastern boundaries of this parcel. Topographically, it is on grade to three feet above road grade, slightly rolling to rolling, cleared along Fulton Street, and wooded with growing pine and hardwood trees at the rear. The three acre parcel (Parcel A) has access at the end of Rainbow Circle. It has about 625 feet along the Rainbow Circle right-of-way, 245 feet along the northwestern boundary,

APPRAISERS

CONSULTANTS

150 feet along the southwestern boundary, and an irregular rear boundary. Topographically, it is two to four feet below grade at the terminus of Rainbow Circle, rolling, and wooded with growing and some mature pine and hardwood trees. Public utilities available include water, sewer, electricity, and telephone. The property is zoned Medium density residential district (R-3), Two Family. This zone permits single-family detached dwellings, two-family dwellings, and other compatible uses with a minimum lot size of 8,000 square feet. I did not observe any significant improvements on the property. The City of Lynchburg has done some preliminary engineering and indicates potentially a 29-lot subdivision if the asphalt paved road and utilities are extended along the undeveloped portion of Rainbow Circle.

Highest and best use is generally defined as the optimum or most profitable use for a property and is the first step in an appraisal. After considering the zoning, surrounding uses, and potential for the property, it is my opinion that the most profitable use is for single-family or two-family residential development with a minimum lot size of 8,000 square feet.

In appraising the subject property, the Sales Comparison Approach is developed by a comparison of the most comparable sales available to the subject and adjusting for dissimilarities to provide an indicated value. After comparing and analyzing the five sales, the adjusted sales range from \$12,768 to \$27,502 per acre. All five sales are in the city of Lynchburg and provide a reliable indication of value. Sale #1 is on Aaron Place, just off Wards Ferry Road. Sale #2 is on Broadway Street, off Old Forest Road. Sale #3 is on Old Forest Road. Sale #4 is on Milton Street, off Old Forest Road, and Sale #5 is on Belle Terre Drive off Forest Brook Road. All five sales have potential for residential development. After considering all five adjusted sales, the indicated value by Sales Comparison Approach is well supported at \$19,500 per acre.

7.2 Acres @ \$19,500 per Acre = \$140,400 or \$140,000 (R)

Final Estimate of Market Value:

ONE HUNDRED FORTY THOUSAND DOLLARS
(\$140,000)

The analysis is based on a per acre unit of comparison. If an actual survey indicates a different land area, the final estimate of market value should be adjusted for the actual land area. Thank you for this opportunity to be of service, and please call if you have questions or need further explanation.

I allocate the total estimate of market value as follows:

Parcel A	Tax ID No. 169-08-03	3 Acres +/-	\$30,000
Parcel B	Tax ID No. 169-07-01	2.5 Acres +/-	\$64,000
Parcel C	Tax ID No. 169-06-04	1.7 Acres +/-	\$46,000

Respectfully submitted,


Mark T. Shelton, MAI, MBA
Virginia License No. 4001 004256

City Council Minutes January 13, 2009

// In the matter of Community Development - General, a public hearing was held regarding the sale of City-owned property at 3104 Fulton Street, Tax Map No. 169-07-001, consisting of approximately 2.5 acres, 3036

Forest Hills Circle, Tax Map No. 169-06-04, consisting of approximately 1.7 acres, and 2600 Rainbow Circle, Tax Map No. 169-08-003, consisting of approximately 3.0 acres, to Long Meadows, Inc. for \$70,000. Real Estate Manager Steve Lawson provided a brief summary regarding the request. Mr. Lawson explained that a Request for Proposals (RFP) was solicited for potential residential development of these three City-owned lots and that the proposals were reviewed with a recommendation given to the Physical Development Committee (PDC) based on the highest overall return to the City. Mr. Lawson stated that the recommendation is to authorize the sale of these three City-owned parcels to Long Meadows contingent on the finalization of a satisfactory development agreement with the City and adoption of a final resolution. Mr. Chris Morey, President of Long Meadows, Inc., outlined the request and asked for approval. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Johnson, PDC Chair, stated that the Committee thought this was a good proposal for the property and asked that the item be forwarded to the full Council. In response to questioning, City Attorney Walter Erwin stated that the City Code requires that the sale of City-owned property come before City Council for two readings, and that the action requested at this meeting would be the first reading to authorize the sale of these three City-owned parcels to Long Meadows contingent on the finalization of a satisfactory development agreement with the City and adoption of a final resolution which would come to City Council at a later date and be the second reading.

Council Members posed questions regarding the proposed development of the property, including the impact to Fulton Street due to increased traffic from the development. Council Member Garrett questioned if a traffic study had been done to determine the impact of the increased traffic to Fulton Street and Old Forest Road.

City Traffic Engineer Gerry Harter stated that no traffic study had been done. City Manager Kimball Payne stated that since it would be in the City's best interest to place the property into private hands, that staff was asked to seek proposals for the purchase and development of these three parcels of City-owned property. Mr. Payne went on to say that staff was also asked to ensure that the development proposal would increase the assessed value of the property and thereby maximize its value to the City. In response to questioning, Mr. Payne noted that the property is currently zoned as R-3, which would permit duplexes, and that the development agreement would allow the City to have input regarding the development of the property. Council Member Helgeson stated that he was concerned that only two proposals were received and that he would need to review the final development agreement to see how the property would be developed before he could vote to support the request. Several other Council Members also indicated that they would like to see how the property would be developed before making a final decision regarding the sale and development of this property. Mr. Payne stated that tonight's vote was only the first reading of the item and that this item would need to come back to City Council for final approval. Mr. Payne went on to say that if City Council approves the first reading, then

the developer would work with the City to finalize a satisfactory development agreement for the development of this property. In response to questioning, Mr. Payne stated that a “yes” vote tonight would not mean that a Council Member would have to vote “yes” on the final Resolution to approve the development agreement. On motion of Council Member Perrow, seconded by Council Member Gillette,

Council by the following recorded vote agreed to the recommendation to authorize the sale of these three City- owned parcels to Long Meadows contingent on the finalization of a satisfactory development agreement with the City and adoption of a final resolution:

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

Noes: Helgeson 1

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **January 13, 2009**

AGENDA ITEM NO.: **4**

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Public Hearing: Sale of Three Lots; 3104 Fulton Street, 3036 Forest Hills Circle, and 2600 Rainbow Circle.**

RECOMMENDATION: After a public hearing, authorize the sale of three lots located at 3104 Fulton Street, Tax Map No. 169-07-001, 3036 Forest Hills Circle, Tax Map No. 169-06-004, and 2600 Rainbow Circle, Tax Map No. 169-08-003 to Long Meadows, Inc. contingent on the finalization of a satisfactory development agreement with the City and adoption of a final resolution.

SUMMARY: An RFP was solicited for potential development of the above 3 lots, totaling approximately 6 acres, owned by the City. Proposals were received and reviewed with a recommendation given to PDC based on the highest overall return to the City. This proposal would develop this vacant property as residential.

PRIOR ACTION(S): 4/24/07 Physical Development Committee – Verbal Update
12/09/08 Physical Development – Closed Session

FISCAL IMPACT: Sales Price - \$70,000

Estimated Taxes Over 5 Years

First Year –

Real Estate Taxes -	\$ 9,893.00
Personal Property Taxes	3,990.00

Second Year –

Real Estate Taxes -	\$32,723.00
Personal Property Taxes	12,540.00

Third Year –

Real Estate Taxes -	\$58,597.00
Personal Property Taxes	21,090.00

Fourth Year –

Real Estate Taxes -	\$71,534.00
Personal Property Taxes	26,790.00

Fifth Year –

Real Estate Taxes -	\$71,534.00
Personal Property Taxes	26,790.00

CONTACT(S): Steve Lawson – Real Estate Manager – 455-3945
Lee Newland, Director of Engineering – 455-3947

ATTACHMENT(S): Site Location Map, Aerial site location map, Preliminary Subdivision Plat

REVIEWED BY: lkp





LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **March 24, 2009 (PDC)**

AGENDA ITEM NO.:

CONSENT:

REGULAR: X

CLOSED SESSION:
(Confidential)

ACTION: X

INFORMATION:

ITEM TITLE: Sale of three lots 3104 Fulton Street, 3036 Forest Hills Circle, and 2600 Rainbow Circle.

RECOMMENDATION: For your review and recommendation to forward to Council for approval of the sale of the subject properties.

SUMMARY: An RFP was solicited for potential development of the above 3 lots owned by the City, totaling approximately 6 acres. Proposals were received and reviewed with a recommendation given to PDC based on the highest overall return to the City. This proposal would develop this vacant property as residential. The development agreement is now ready for your review.

PRIOR ACTION(S):

4/24/07 Physical Development Committee – Verbal Update

12/09/08 Physical Development – Closed Session

1/13/09 Public Hearing

FISCAL IMPACT:

Sales Price - \$70,000

Estimated Taxes Over 5 Years

First Year –

Real Estate Taxes -	\$ 9,893.00
Personal Property Taxes	3,990.00

Second Year –

Real Estate Taxes -	\$32,723.00
Personal Property Taxes	12,540.00

Third Year –

Real Estate Taxes -	\$58,597.00
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Fourth Year –

Real Estate Taxes -	\$71,534.00
Personal Property Taxes	26,790.00

Fifth Year –

Real Estate Taxes -	\$71,534.00
Personal Property Taxes	26,790.00

CONTACT(S):

Steve Lawson – Real Estate Manager – 455-3945

Lee Newland, Director of Engineering – 455-3947

Charlene B. Montford, Director – Community Planning and Development – 455-3902

ATTACHMENT(S):

Preliminary Subdivision Plat
Letter of Understanding
Request for Proposal Agreement

REVIEWED BY:

DEVELOPMENT AGREEMENT

(LETTER OF UNDERSTANDING)

Long Meadows, Inc. agrees to purchase three properties that the City owns, being 3104 Fulton Street (Tax Map Number 169-07-001), 3036 Forest Hills Circle (Tax Map Number 169-06-004) and 2600 Rainbow Circle (Tax Map Number 169-08-003) for the purchase price of \$70,000. When this agreement is signed by Long Meadows, Inc. a \$500.00 deposit will be held by the City of Lynchburg to be applied towards the purchase price of the three properties at closing. Closing will take place within fourteen (14) days after a current zoning amendment being considered for R3 properties relating to resale of individual units of duplexes might be approved or at another mutually agreeable time by both parties.

These three lots at 3104 Fulton Street, 3036 Forest Hills Circle, and 2600 Rainbow Circle are being conveyed to Long Meadows, Inc. subject to the condition that the lots shall be developed in accordance with the Development Proposal dated September 1, 2008, that Long Meadows, Inc. submitted in response to the City's Request for Proposals, a copy of which is attached to this letter and by this reference made a part hereof.

Listed below are four concessions that Long Meadows, Inc. is accepting in order to provide the City with a better neighborhood that is both environmentally responsible and works within the Planning Department goals of promoting cohesive, quality new neighborhoods.

1. I will agree to purchase and install street lights from AEP like the ones used in New Towne with the City paying (as is custom) for the ongoing operating/maintenance costs.
2. In-lieu-of CG-6 (curb and gutter), I will agree to use face-down style sidewalks throughout the project unless there is a conflict with topography (such as lots 22-28) or other site issues in which case we would use a more feasible curb and gutter application. Face-down walks are not an ordinance requirement but I believe it is an upgrade that will better link the existing neighborhood with the new one. Per the City contract guidelines I will share 50% of the cost with the City on this item.
3. I will dedicate a portion of the phase II property to the City of Lynchburg for a potential future walking trail. We will create access via an easement to it along the western property line of Lot #28.
4. A new connector street will be built by Long Meadows, Inc. at its expense

according and to City standards as part of Phase II of the Preliminary Subdivision Plat entitled "Stonehaven", dated October 18, 2008" by Acres of Virginia, Inc.. A copy is attached to this agreement.

Listed below are other issues for clarification.

1. The City will install/upgrade the waterline for the existing lots fronting on Rainbow Circle from the existing 2" line to a 6 or 8 inch line. Additionally, The Phase I water services (laterals, yokes and boxes) will be installed at the time of the waterline upgrade/installation. The individual meters will be installed at the time of permit acquisition.
2. The City of Lynchburg will leave the existing Fulton Street water line where it currently exists (to avoid complications with widening the road). Furthermore, any upgrades or partial/complete replacement of that waterline will be at the City's expense. This would also need to be done before LMI could begin construction of the face-down sidewalks.
3. The City is requiring the widening of Fulton Street (Phase I) to accommodate the 40' right-of-way which includes the 25' typical street section. This is not full overlay but simply adding pavement to fill between existing pavement and the new face-down sidewalks. Per our discussions, Rainbow Circle will not have any curbing or walks added to the previously developed side of the street but only on the upper/new side (lots 10-13). We will widen the street to accommodate the right-of-way requirements as we will do on Fulton Street.
4. Regarding the landscape ordinance which requires street trees every forty feet but I would like to shift the trees out of the City right-of-way in order to better accommodate the face-down sidewalks and utility placement. We have done this successfully in New Towne long before the City even made street trees a requirement. The establishment of a property owners association will control any ongoing conflicts with the individual owners.
5. To facilitate LMI acquiring building permits as soon as possible, LMI will need quick approval of Tommy Brooks' subdivision of both Phases (I & II). This will require that the bulk of the improvements including the new street as well as the new connector street to be treated as part of Phase II (the 17 lot section) which will take more time to engineer and bring online. LMI would simply need subdivision approval by TRC and subsequent recordation for us to acquire building permits on the Phase I lots (13 section). LMI will agree to install the face down sidewalk on the lot before selling it to the end buyer.

Steve Lawson, Real Estate Manager

Date

LONG MEADOWS, INC.

By _____

Date

Its _____

City Council Minutes April 14, 2009

// In the matter of Community Planning - General, City Council Report #12 regarding the sale of three lots at 3104 Fulton Street, 3036 Forest Hills Circle, and 2600 Rainbow Circle to Long Meadows, Inc., was considered. Real Estate Manager Steve Lawson explained that a Request for Proposals (RFP) was solicited for potential development of the above City owned lots, totaling approximately six acres, and that proposals were received and reviewed with a recommendation given to the Physical Development Committee (PDC) based on the highest overall return to the City. Mr. Lawson stated that Long Meadows submitted a proposal to purchase the three lots for the sum of \$70,000 and to build a mixture of energy efficient and environmentally green single family homes and single and two level attached homes on the lots. Mr. Lawson went on to say that City Council authorized the conveyance of the three lots to Long Meadows following a public hearing at its January 13, 2009, meeting, contingent on the finalization of a satisfactory development agreement with the City and adoption of a final resolution. Mr. Lawson stated that PDC has reviewed the draft development agreement and has recommended approval to City Council.

In response to questioning, Mr. Lawson stated that the developer has agreed to build a new connector street, at its own cost and expense, and dedicate a portion of the property to the City for future walking trails. Mr. Lawson also noted that the developer has agreed to widen a portion of Fulton Street and Rainbow Circle to accommodate the City's right of way requirements. Some Council Members commended the building of "green" houses on this site and the revenue the City will receive from the property once it is developed. Council Member Helgeson expressed concern that the lots were being sold for less than the assessed value and indicated that he has not received answers to questions presented at the public hearing. Council Member Johnson, PDC Chair, stated that the Committee reviewed the matter and recommended that it move forward, and made a motion to authorize the sale of the three lots to Long Meadows, Inc. The motion did not require a second, and Council by the following recorded vote adopted Resolution #R-09-021, as presented, authorizing the sale of three lots at 3104 Fulton Street, 3036 Forest Hills Circle, and 2600 Rainbow Circle to Long Meadows, Inc., subject to the condition that the lots shall be developed in accordance with the Development Proposal dated September 1, 2008, and in accordance with the Joint Development Agreement between the City and Long Meadows:

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

Noes: Helgeson 1

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **April 14, 2009**

AGENDA ITEM NO.: 12

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Sale of three lots 3104 Fulton Street, 3036 Forest Hills Circle, and 2600 Rainbow Circle.**

RECOMMENDATION: Approval of sale of three lots located at 3104 Fulton Street, Tax Map No. 169-07-001, 3036 Forest Hills Circle, Tax Map No. 169-06-004, and 2600 Rainbow Circle, Tax Map No. 169-08-003 to Long Meadows, Inc. as long as satisfactory agreement has been finalized with the City for development.

SUMMARY: An RFP was solicited for potential development of the above 3 lots owned by the City, totaling approximately 6 acres. Proposals were received and reviewed with a recommendation given to the Physical Development Committee (PDC) based on the highest overall return to the City. After a public hearing, Council gave preliminary approval pending the drafting of a development agreement. PDC reviewed the development agreement on 3/24/09 and recommended approval to City Council. This proposal would develop this vacant property as residential.

PRIOR ACTION(S):

4/24/07 Physical Development Committee – Verbal Update

12/09/08 Physical Development – Closed Session

1/13/09 Public Hearing

3/24/09 Physical Development Committee

FISCAL IMPACT:

Sales Price - \$70,000

Estimated Taxes Over 5 Years

First Year –

Real Estate Taxes -	\$ 9,893.00
Personal Property Taxes	3,990.00

Second Year –

Real Estate Taxes -	\$32,723.00
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Third Year –

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Fourth Year –

Real Estate Taxes -	\$71,534.00
Personal Property Taxes	26,790.00

Fifth Year –

Real Estate Taxes -	\$71,534.00
Personal Property Taxes	26,790.00

CONTACT(S):

Steve Lawson – Real Estate Manager – 455-3945

Lee Newland, Director of Engineering – 455-3947

Charlene B. Montford, Director – Community Planning and Development – 455-3902

ATTACHMENT(S):

Resolution

Site Location Map

Aerial site location map

Preliminary Subdivision Plat

Joint Development Agreement

REVIEWED BY: lkp

RESOLUTION

A RESOLUTION TO CONVEY THE THREE VACANT LOTS AT 3104 FULTON STREET, 3036 FOREST HILLS CIRCLE, AND 2600 RAINBOW CIRCLE TO LONG MEADOWS, INC.

WHEREAS, the City of Lynchburg owns three vacant lots located at 3104 Fulton Street (Tax Map Number 169-07-001), 3036 Forest Hill Circle (Tax Map Number 169-06-004) and 2600 Rainbow Circle (Tax Map Number 169-08-003) in the City of Lynchburg, Virginia; and

WHEREAS, the City is not using the lots in question and has no plans to use the lots in the future and in July of 2008 requested proposals for the purchase and development of such lots; and

WHEREAS, Long Meadows, Inc. submitted a proposal to purchase the three lots for the sum of \$70,000 and to build a mixture of energy efficient and environmentally green single family homes and single and two level attached homes on the lots; and

WHEREAS, a resolution authorizing the conveyance of the three lots to Long Meadows, Inc. was introduced to City Council at its January 13, 2009, Council meeting and was brought back to City Council for adoption at Council's April 14, 2009, Council meeting; and

WHEREAS, after careful review of the proposals it received, the City has determined that it is appropriate to convey the three lots to Long Meadows, Inc.; and

NOW, THEREFORE, BE IT RESOLVED that City Council hereby determines that the City has no need for the three lots located at 3104 Fulton Street, 3036 Forest Hill Circle and 2600 Rainbow Circle, and further finds the City's continued ownership of the lots is no longer necessary or required for the best interests of the City.

BE IT FURTHER RESOLVED that the City Council hereby approves the conveyance of the three lots at 3104 Fulton Street, 3036 Forest Hill Circle and 2600 Rainbow Circle to Long Meadows, Inc. and hereby authorizes the City Manager to execute a deed and any other documents that may be needed to convey said lots to Long Meadows, Inc. for the sum of \$70,000.

BE IT FURTHER RESOLVED that the three lots at 3104 Fulton Street, 3036 Forest Hill Circle and 2600 Rainbow Circle are being conveyed to Long Meadows, Inc. subject to the condition that the lots shall be developed in accordance with the Development Proposal dated September 1, 2008, that Long Meadows, Inc. submitted in response to the City's Request for Proposals and in accordance with the Joint Development Agreement between the City and Long Meadows, Inc., copies of which are attached to this Resolution and by this reference made a part hereof.

Adopted:

Certified:

Clerk of Council

031L

JOINT DEVELOPMENT AGREEMENT

THIS JOINT DEVELOPMENT AGREEMENT (this "Agreement") is made as of the _____ day of _____, 2009, by and between THE CITY OF LYNCHBURG, VIRGINIA, a political subdivision of the Commonwealth of Virginia, (the "City"); and LONG MEADOWS, INC., a Virginia Corporation, ("Long Meadows").

WITNESSETH

WHEREAS, the City is the owner of three parcels of property, to-wit: 3104 Fulton Street (Tax Map Number 169-07-001), 3036 Forest Hills Circle (Tax Map Number 169-06-004) and 2600 Rainbow Circle (Tax Map Number 169-08-003), which are hereinafter collectively referred to as the "Property."

WHEREAS, Long Meadows wishes to purchase the above described property from the City for the sum of \$70,000 and to develop the property as provided in this Joint Development Agreement. Upon the execution of this Agreement, Long Meadows will pay the City a \$500.00 deposit which will be held by the City and will be applied towards the purchase price of the property at closing. Closing will take place within fourteen (14) days after the Lynchburg City Council adopts a proposed zoning ordinance amendment that will allow lots in R-3 Medium Density Residential Districts to be subdivided into two lots with a zero foot setback for attached two family dwellings or at another at a date that is mutually agreeable to both parties. Appropriate restrictive covenants will be placed in the deed of conveyance to Long Meadows in order to ensure compliance with the provisions of this Joint Development Agreement.

AGREEMENT

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and Long Meadows hereby agree, as follows:

1. Subject to the Development Proposal.

The property will be developed in accordance with the Development Proposal dated September 1, 2008, that Long Meadows submitted to the City in response to the City's Request for Proposals, a copy of which is attached to this Joint Development Agreement as "Attachment 1" and by this reference made a part hereof.

2. Additional Development Conditions.

The property will be developed in accordance with the Subdivision Plat entitled "Stonehaven," dated October 18, 2008, and prepared by Acres of Virginia, Inc., a copy of which is attached to this Joint Development Agreement as "Attachment 2" and by this reference made a part hereof. In order to provide the City with a neighborhood that is both environmentally responsible and which furthers the City's goals of promoting cohesive, quality new neighborhoods, Long Meadows agrees as follows:

- (a) Long Meadows agrees to purchase and install street lights from AEP like the street

lights used in the New Towne development. The City agrees that it will be responsible for the ongoing operating costs of such street lights.

(b) In lieu of CG-6 (curb and gutter), Long Meadows agrees to construct face-down style sidewalks throughout the project unless the topography of the property (such as lots 22-28 in Phase II) or other site issues make the construction of face-down style sidewalks impractical. In the event the construction of face-down style sidewalks is impractical, Long Meadows would use a more feasible curb and gutter application. Face-down walks are not required by City ordinances, but Long Meadows believes such sidewalks are an upgrade that will better link the existing neighborhood with the new one. In accordance with the City's construction guidelines, the City and Long Meadows will share 50% of the cost of constructing face-down sidewalks or CG-6 curb and gutter, whichever is installed.

(c) Long Meadows will dedicate a portion of the Phase II property to the City of Lynchburg for a potential future walking trail. Long Meadows will create access via an easement to it along the western property line of Lot 28 as shown on the "Stonehaven" Subdivision Plat.

(d) Long Meadows will build a new connector street, at its own cost and expense according to City standards as part of Phase II of "Stonehaven."

3. Mutual Duties and Responsibilities.

(a) The City will install/upgrade the waterline for the existing lots fronting on Rainbow Circle from the existing 2" line to a 6 or 8 inch line. Additionally, The Phase I water services (laterals, yokes and boxes) will be installed at the time of the waterline upgrade/installation. The individual water meters will be installed at the time of permit acquisition.

(b) The City will leave the existing Fulton Street water line where it currently exists (to avoid complications with widening the road). Any upgrades or partial/complete replacement of the Fulton Street waterline will be at the City's expense. The upgrades or replacements to the waterline will need to be done before Long Meadows can begin construction of the face-down sidewalks.

(c) Long Meadows will be responsible for widening Fulton Street (Phase I of Stonehaven) to accommodate the 40 foot public right-of-way which includes the typical 25 feet of improved street. The widening of Fulton Street is not a full overlay, but simply adding pavement to fill between existing pavement and the new face-down sidewalks. Rainbow Circle will not have any curbing or walks added to the previously developed side of the street, but only on the upper/new side (lots 10-13 of Phase I). Long Meadows will also widen the Rainbow Circle to accommodate the City's right-of-way requirements in the same manner that Fulton Street will be widened.

(d) The City's landscaping ordinance requires street trees every 40 feet. Long Meadows will shift the trees out of the City's right-of-way in order to better accommodate the face-down sidewalks and the placement of utility lines. A property owners association will be established for "Stonehaven" to oversee the maintenance of the trees and to deal with any ongoing issues the

location of the trees on private property may cause the individual property owners.

(e) To assist Long Meadows obtain building permits in a timely manner, Long Meadows will need quick approval of Tommy Brooks' subdivision plat of both Phases I and II of "Stonehaven." This will require that the bulk of the improvements show on the subdivision plat, including the new street as well as the new connector street to be treated as part of Phase II (the 17 lot section) of "Stonehaven," which will take more time for Long Meadows to engineer and develop. Long Meadows will need subdivision approval by the City's Technical Review Committee and subsequent recordation of the subdivision plan in order for Long Meadows to obtain the building permits on the Phase I (the 13 lot section) of "Stonehaven." Long Meadows agrees that it will install the face down-sidewalks before selling the lots in Phase I to the ultimate buyers.

4. General Conditions.

(a) Except as modified by this Joint Development Agreement the property must be developed in accordance with the provisions of the City's subdivision ordinance and all other applicable City ordinances, policies and regulations.

(b) Prior to the commencement of any of the improvements required under this Joint Development Agreement by Long Meadows, Long Meadows agrees that it will provide to the City a performance bond in the amount of the cost to construct such improvements. All work by Long Meadows will be done in a good and workmanlike manner, in accordance with the site plans and in compliance with all applicable laws, statutes, codes, rules and regulations governing such construction. If the Long Meadows fails to construct any of the improvements or fails to construct such improvements to the applicable standards, the City will call the bond. Long Meadows understands and agrees that no occupancy permits will be issued for any of the dwelling units until the improvements required for each Phase of "Stonehaven" have been constructed. Once all of the Phase I improvements have been completed the City will issue occupancy permits for the Phase I dwelling units. Once all of the Phase II improvements have been completed the City will issue occupancy permits for the Phase II dwelling units. The water and sewer lines that must be installed by Long Meadows as part of "Stonehaven" must be installed as part of Phase 1.

(c) This Joint Development Agreement is binding upon the respective heirs, successors, administrators, executors, and assigns of the parties hereto.

(d) No modification of this Joint Development Agreement shall be valid or binding unless such modification is in writing, duly dated and signed by both parties.

(d) This Joint Development Agreement is conditioned upon the approval of the sale of the property described herein by the Lynchburg City Council as required by Section 15.2-1800 of the Code of Virginia.

IN WITNESS WHEREOF, the parties hereto have executed this Joint Development Agreement as of the day and year first above written.

CITY OF LYNCHBURG

By _____
L. Kimball Payne, City Manager

LONG MEADOWS, INC.

By _____
Chris Morey, President

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **March 12, 2019 Physical Development Committee**

CONSENT: REGU
ACTION: X

LAR: X WORK
INFORMATION:

SESSION: CLOSE

D SESSION:
(Confidential)

ITEM TITLE: Revised Development Agreement – 3104 / 3035 Fulton Street & 2600 Rainbow Circle (Note 3035 Fulton Street was previously known as 3036 Forest Hills Circle)

KEY ELEMENTS:

X Economic Development ___ Excellent Government X Natural and Built Environment ___ Safe Community X Vibrant Community

RECOMMENDATION: Approval of amending the development agreement for 3104 / 3035 Fulton Street and 2600 Rainbow Circle.

SUMMARY: After Request for Proposals were received, City Council approved the sale of the city owned property located at 3104 / 3035 Fulton Street and 2600 Rainbow Circle to Long Meadows, Inc. for the amount of \$70,000. The sale of the property was conditioned that the property be developed in accordance with a development agreement which was executed on July 1, 2009. The property was transferred from the City of Lynchburg to Long Meadows, Inc. on July 30, 2009.

The original development proposal indicated the development of thirty (30) lots with the construction of the unopened portion of Rainbow Circle. The amended development agreement proposes the development of thirty-five (35) lots as permitted by Zoning Ordinance Section 35.2-80, Residential Cluster Subdivisions. Four (4) to Five lots are proposed to be developed as duplexes, with the remainder being developed as single-household dwellings. Under this proposal the unopened portion of Rainbow Circle is proposed to be vacated and approximately four and two (4.2) tenths acres dedicated as green space.

PRIOR ACTION(S):

April 24, 2007:	Physical Development Committee Meeting
December 9, 2008:	Physical Development Committee Meeting
January 13, 2009:	City Council public hearing concerning property sale
March 24, 2009:	Physical Development Committee Meeting
April 14, 2009:	City Council approved sale of property
July 1, 2009:	Development Agreement Executed
July 30, 2009:	Property transfer to Long Meadows, Inc.

FISCAL IMPACT: N/A

CONTACT(S): Tom Martin, City Planner – 434-455-3900
Lee Newland, City Engineer - 434-455-3900

ATTACHMENT(S):

- Council Agenda Summary – April 14, 2009
- Joint Development Agreement – July 1, 2009
- Amended Development Agreement
- Concept Plan Showing Lots 1 Thru 35 (Proposed)

JOINT DEVELOPMENT AGREEMENT

THIS JOINT DEVELOPMENT AGREEMENT (this "Agreement") is made as of the 1 day of July, 2009, by and between **THE CITY OF LYNCHBURG, VIRGINIA**, a political subdivision of the Commonwealth of Virginia, (the "City"); and **LONG MEADOWS, INC.**, a Virginia Corporation, ("Long Meadows").

WITNESSETH

WHEREAS, the City is the owner of three parcels of property, to-wit: 3104 Fulton Street (Tax Map Number 169-07-001), 3036 Forest Hills Circle (Tax Map Number 169-06-004) and 2600 Rainbow Circle (Tax Map Number 169-08-003), which are hereinafter collectively referred to as the "Property."

WHEREAS, Long Meadows wishes to purchase the above described property from the City for the sum of \$70,000 and to develop the property as provided in this Joint Development Agreement. Upon the execution of this Agreement, Long Meadows will pay the City a \$500.00 deposit which will be held by the City and will be applied towards the purchase price of the property at closing. Closing will take place (i) within fourteen (14) days after the Lynchburg City Council adopts a proposed zoning ordinance amendment that will allow lots in R-3 Medium Density Residential Districts to be developed with a zero foot setback for attached two family dwellings or (ii) on another date that is mutually agreeable to both parties. Appropriate restrictive covenants will be placed in the deed of conveyance to Long Meadows in order to ensure compliance with the provisions of this Joint Development Agreement.

AGREEMENT

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and Long Meadows hereby agree, as follows:

1. Subject to the Development Proposal.

The property will be developed in accordance with the Development Proposal dated September 1, 2008, that Long Meadows submitted to the City in response to the City's Request for Proposals, a copy of which is attached to this Joint Development Agreement as "Attachment 1" and by this reference made a part hereof.

2. Additional Development Conditions.

The property will be developed in accordance with the Preliminary Subdivision Plat entitled "Stonehaven," dated October 18, 2008, and prepared by Acres of Virginia, Inc., a copy of which is attached to this Joint Development Agreement as "Attachment 2" and by this reference made a part hereof. In order to provide the City with a neighborhood that is both environmentally responsible and which furthers the City's goals of promoting cohesive, quality new neighborhoods, Long Meadows agrees as follows:

- (a) Long Meadows agrees to purchase and install street lights from American Electric

Power Company like the street lights used in the New Towne development. The City agrees that it will be responsible for the ongoing operating costs of such street lights.

(b) In lieu of CG-6 (curb and gutter), Long Meadows agrees to construct face-down style sidewalks throughout the project unless the topography of the property (such as lots 22-28 in Phase II) or other site issues make the construction of face-down style sidewalks impractical. In the event the construction of face-down style sidewalks is impractical, Long Meadows would use a more feasible curb and gutter application. Face-down walks are not required by City ordinances, but Long Meadows believes such sidewalks are an upgrade that will better link the existing neighborhood with the new one. In accordance with the City's construction guidelines, the City and Long Meadows will share 50% of the cost of constructing face-down sidewalks or CG-6 curb and gutter, whichever is installed.

(c) Long Meadows will grant the City an easement across a portion of the Phase II property for a potential future walking trail. Long Meadows will create access via an easement along the western property line of Lot 28 as shown on the "Stonehaven" Subdivision Plat.

(d) Long Meadows will build a new connector street, at its own cost and expense according and to City standards as part of Phase II of "Stonehaven." The connector street will be located in the City's existing right of way and will connect Forest Hill Circle and Fulton Street.

3. Mutual Duties and Responsibilities.

(a) The City will install/upgrade the waterline for the existing lots fronting on Rainbow Circle from the existing 2" line to a 6 or 8 inch line. Additionally, The Phase I water services (laterals, yolks and boxes) along Rainbow Drive will be installed at the time of the waterline upgrade/installation and the water services (laterals, yolks and boxes) along Fulton Street will be installed prior to the widening of Fulton Street. The individual water meters will be installed at the time of permit acquisition. The City's standard connection fees will be charged for future connections to the waterline.

(b) The City will leave the existing Fulton Street water line where it currently exists (to avoid complications with widening the road). Any upgrades or partial/complete replacement of the Fulton Street waterline will be at the City's expense. The upgrades or replacements to the waterline will need to be done before Long Meadows can begin construction of the face-down sidewalks.

(c) Long Meadows will be responsible for widening Fulton Street (Phase I of Stonehaven) to accommodate the 40 foot public right-of-way which includes the typical 24 feet of improved street. The widening of Fulton Street is not a full overlay, but simply adding pavement to fill between existing pavement and the new face-down sidewalks. Rainbow Circle will not have any curbing or walks added to the previously developed side of the street, but only on the upper/new side (lots 10-13 of Phase I and Phase II). Long Meadows will also widen the Rainbow Circle to accommodate the City's right-of-way requirements in the same manner that Fulton Street will be widened.

(d) The City's landscaping ordinance requires street trees every 40 feet. Long Meadows

will shift the trees out of the City's right-of-way in order to better accommodate the face-down sidewalks and the placement of utility lines. A property owners association will be established for "Stonehaven" to oversee the maintenance of the trees and to deal with any ongoing issues the location of the trees on private property may cause the individual property owners.

(e) To assist Long Meadows obtain building permits in a timely manner, Long Meadows will need quick approval of the Acres of Virginia, Inc. subdivision plat for both Phases I and II of "Stonehaven." This will require that the bulk of the improvements shown on the subdivision plat, including the new street as well as the new connector street to be treated as part of Phase II (the 17 lot section) of "Stonehaven," which will take more time for Long Meadows to engineer and develop. Long Meadows will need subdivision approval by the City's Technical Review Committee and subsequent recordation of the subdivision plan in order for Long Meadows to obtain the building permits on the Phase I (the 13 lot section) of "Stonehaven." Long Meadows agrees that it will install the face down-sidewalks before closing on the lots in Phase I to the ultimate buyers.

4. General Conditions.

(a) Except as modified by this Joint Development Agreement the property must be developed in accordance with the provisions of the City's subdivision ordinance and all other applicable City ordinances, policies and regulations.

(b) Prior to the commencement of any of the improvements required under this Joint Development Agreement by Long Meadows, Long Meadows agrees that it will provide to the City a performance bond in the amount of the cost to construct such improvements. All work by Long Meadows will be done in a good and workmanlike manner, in accordance with the site plans and in compliance with all applicable laws, statutes, codes, rules and regulations governing such construction. If Long Meadows fails to construct any of the improvements or fails to construct such improvements to the applicable standards, in the customary or reasonable timeframe and with weather or material delays excepted, the City will call the bond.

(c) This Joint Development Agreement is binding upon the respective heirs, successors, administrators, executors, and assigns of the parties hereto.

(d) No modification of this Joint Development Agreement shall be valid or binding unless such modification is in writing, duly dated and signed by both parties.

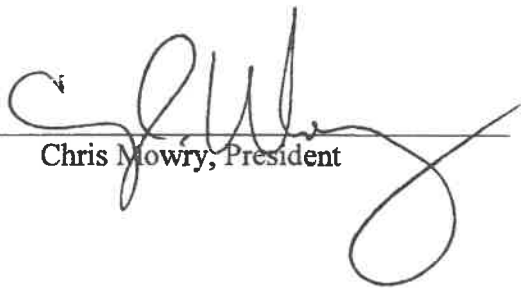
(d) This Joint Development Agreement is conditioned upon the approval of the sale of the property described herein by the Lynchburg City Council as required by Section 15.2-1800 of the Code of Virginia.

IN WITNESS WHEREOF, the parties hereto have executed this Joint Development Agreement as of the day and year first above written.

CITY OF LYNCHBURG

By 
L. Kimball Payne, City Manager

LONG MEADOWS, INC.

By 
Chris Mowry, President

JOINT DEVELOPMENT AGREEMENT

THIS JOINT DEVELOPMENT AGREEMENT (this “Agreement”) is made as of the ____ day of _____, ~~2009~~2019, by and between **THE CITY OF LYNCHBURG, VIRGINIA** a political subdivision of the Commonwealth of Virginia, (the “City”), and **LONG MEADOWS, INC.**, a Virginia Corporation, (“Long Meadows”).

WITNESSETH

WHEREAS, the City ~~is the owner previously owned of~~ three parcels of property, to-wit: 3104 Fulton Street (Tax Map Number 160-07-001), 3036 Forest Hills Circle (Tax Map Number 169-06-004) and 2600 Rainbow Circle (Tax Map Number 169-08-003), which are hereinafter collectively referred to as the “Property”

~~WHEREAS, Long Meadows wishes to purchase the above described property from the City for the sum of \$70,000 and to develop the property as provided in this Joint Development Agreement. Upon the execution of this Agreement, Long Meadows will pay the City a \$500.00 deposit which will be held by the City and will be applied towards the purchase price of the property at closing. Closing will take place (i) within fourteen (14) days after the Lynchburg City Council adopts a proposed zoning ordinance amendment that will allow lots in R-3 Medium Density Residential Districts to be developed with a zero foot setback for attached two family dwellings or (ii) on another date that is mutually agreeable to both parties. Appropriate restrictive covenants will be placed in the deed of conveyance to Long Meadows in order to ensure compliance with the provisions of this Joint Development Agreement.~~

AGREEMENT

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledge, the City and Long Meadows hereby agree as follows:

1. Subject to the Developmental Proposal.

The property will be developed in accordance with the ~~Development Proposal dated September 1, 2008, that Long Meadows submitted to the City in response to the City’s Request for Proposals, a copy of which is attached to this Joint Development Agreement as “Attachment 1”~~ new plat layout, included as modified “Attachment 2” and by this reference made a part hereof.

2. Additional Development Conditions.

The property will be developed in accordance with the Preliminary Subdivision Plat entitled “Stonehaven,” dated ~~October 18, 2009~~ November 6, 2018, and Prepared by ~~Acres of Virginia, Inc., Accupoint Surveying & Design, LLC~~ a copy of which is attached to this Joint Development Agreement as modified “Attachment 2” and by this reference made a part hereof. In order to provide the City with a neighborhood that is both environmentally responsible and which furthers the City’s goals of promoting cohesive, quality new neighborhoods, Long Meadows agrees as follows:

(a) Long Meadows agrees to purchase and install street lights from American Electric Power Company like the street lights used in New Towne development. The City agrees that it will be responsible for the ongoing operating costs of such street lights.

(b) In lieu of CG-6 (curb and gutter), Long Meadows agrees to construct face-down style sidewalks, throughout the project unless the topography of the property ~~(such as lots 22-28 in Phase II)~~ or other site issues make the construction of face-down style sidewalks impractical. In the event the construction of face-down style sidewalks is impractical, Long Meadows would use a more feasible curb and gutter application. Face-down walks are not required by City ordinances, but Long Meadows believes such sidewalks are an upgrade that will better link the existing neighborhood with the new one. In accordance with the City's construction guidelines, the City and Long Meadows will share 50% of the cost of constructing face-down sidewalks or CG-6 curb and gutter, whichever is installed.

(c) Long Meadows will be dedicating "open/green space" on the rear, undeveloped portion of the property. Long Meadows will grant the City an easement across a portion of the Phase II property this green space for a potential future walking trail. Long Meadows will create access via an easement along the western property line of Lot 28 as shown on the "Stonehaven" Subdivision Plat in a location agreed upon by the City of Lynchburg Planning staff and Long Meadows, Inc.

(d) Long Meadows will build a new connector street, at its own cost and expense according and to City standards ~~as part of Phase II of "Stonehaven".~~ Additional Right of Way will be dedicated by Long Meadows, Inc. to the City of The connector street will be located in the City's existing right of way and will connect Forest Hill Circle and Fulton Street. The connector street Right of Way is shown on the "StoneHaven" plat attached.

3. Mutual Duties and Responsibilities.

(a) The City will install/upgrade the waterline for the existing lots fronting on Rainbow Circle from the existing 2" line to an 6- or 8-inch line. Additionally, The Phase I water services (laterals, yolks and boxes) along Rainbow Drive will be installed at the time of the waterline upgrade/installation and the water services (laterals, yolks and boxes) along Fulton Street will be installed prior to the widening of Fulton Street. The individual water meters will be installed at the time of permit acquisition. The City's standard connection fees will be charged for future connections to the waterline.

(b) The City will ~~leave the existing Fulton Street waterline where it currently exists (to avoid complications with widening the road). Any upgrades or partial/complete replacement of the Fulton Street waterline will be to an 8-inch line~~ at the City's expense. The upgrades or replacements to the waterline will need to be done before Long Meadows can begin construction of the face-down sidewalks. In addition, the City of Lynchburg will pay the pay 100% for the sewer to be extended to the subdivision. This would be MH EX to MH 2 to MH 5 as shown on the RWS design plans. All other sewer collecting from the subdivision (MH 2 to MH 4, and MH 5 to terminal flushing CO LL) would be the responsibility of the developer.

(c) Long Meadows will be responsible for widening Fulton Street ~~(Phase I of Stonehaven)~~ to accommodate the 40 foot public right-of-way which includes the typical 24 feet of improved street. ~~The widening of Fulton Street is not a full overlay, but simply adding pavement to fill between existing pavement and the new face down sidewalks.~~ Rainbow Circle will ~~will not~~ have ~~any curbing or walks~~ added to the previously developed side of the street at the expense of the City, but only on the upper/new side (lots 10-13 of Phase I and Phase II). Long Meadows will also widen the Rainbow Circle to accommodate the City's right-of-way requirements in the same manner that Fulton Street will be widened. Long Meadows, Inc. and the City of Lynchburg will share a 50/50 pro rata share in the reconstruction of the roadway. This will include any

appurtenant subgrade installation, milling and repaving. Storm sewer structure(s) required in order to accommodate stormwater on the previously developed side of Rainbow Circle will be the responsibility of the City. All other storm sewer structures as a result of the development will be the responsibility of Long Meadows, Inc.

(d) The City's landscaping ordinance requires street trees every 40 feet. Long Meadows will shift the trees out of the City's right-of-way in order to better accommodate the face-down sidewalks and the placement of utility lines. A property owners association will be established for "Stonehaven" to oversee the maintenance of the trees and to deal with any ongoing issues the location of the trees on private property may cause the individual property owners.

(e) To assist Long Meadows obtain building permits in a timely manner, Long Meadows will need quick approval of the ~~Acre of Virginia, Inc.~~ Accupoint Surveying & Design, LLC subdivision plat for ~~both Phase I and II of "Stonehaven."~~ ~~This will require that the bulk of the improvements show on the subdivision plat, include the new street as well as the new connector street to be treated as part of Phase II (the 17 lot section) of "Stonehaven," which will take more time for Long Meadows to engineer and develop. Long Meadows will need subdivision approval by the City's Technical Review Committee and subsequent recordation of the subdivision plan in order for Long Meadows to obtain the building permits on the Phase I (the 13 lot section) of "Stonehaven."~~ Long Meadows agrees that it will install the face down sidewalks before closing on the lots in Phase I to the ultimate buyers.

4. General Conditions.

(a) Except as modified by this Joint Development Agreement the property must be developed in accordance with the provisions of the City's subdivision ordinance and all other application City ordinances, policies and regulations.

(b) Prior to the commencement of any of the improvements required under this Joint Development Agreement by Long Meadows, Long Meadows agrees that it will provide to the City a performance bond in the amount of the cost to construct such improvements. All work by Long Meadows will be done in a good and workman like manner, in accordance with the site plans and in compliance with all applicable laws, statutes, codes, rules and regulations governing such construction. If Long Meadows fails to construct any of the improvements or fails to construction such improvements to the applicable standards, in the customary or reasonable timeframe and with weather or material delays excepted, the City will call the bond.

(c) This Joint Development Agreement is binding upon the respective heirs, successors, administrators, executors, and assigns of the parties hereto.

(d) No modifications of this Joint Development Agreement shall be valid or binding unless such modification is in writing, duly dated and signed by both parties.

~~(e) This Joint Development Agreement is conditioned upon the approval of the sale of the property described herein by the Lynchburg City Council as required by Section 15.2-1800 of the Code of Virginia.~~

IN WITNESS WHEREOF, the parties hereto have executed this Joint Development Agreement as of the day and year first above written.

CITY OF LYNCHBURG

By _____

Bonnie Svrcek, City Manager

Long Meadows, Inc.

By _____
Chris Mowry, President

**MODIFICATION TO THE
Joint Development Agreement**

Pursuant to and in keeping with Item 4.d. of the original JOINT DEVELOPMENT AGREEMENT (hereafter known as the “agreement”), between the City of Lynchburg and Long Meadows, Inc., (the original parties), dated and agreed to on July 1, 2009, this MODIFICATION is made as of the ____ day of January, 2019, to update and define development and construction responsibilities for the “StoneHaven” subdivisions

AGREEMENT MODIFICATIONS

Modifications referenced are in direct correlation with the original agreement and updated as follows:

1. The property will be developed in accordance with the NEW plat layout, included as modified “Attachment 2”.

2. The property will be developed in accordance with the Preliminary Subdivision Plat entitled “StoneHaven” dated November 6, 2018, and prepared by Accupoint Surveying & Design, LLC. A copy is attached as modified Attachment 2.

2a. No modification

2b. Lots 22-28 are now in Phase I as “StoneHaven” is no longer a phased development.

2c. Long Meadows will be dedicating “open/green space” on the rear, undeveloped portion of the of the property. Long Meadows will include access for a potential future walking trail as shown on the “StoneHaven” subdivision plat.

2d. A connector street will be built during the construction of “StoneHaven”. Additional Right of Way will be dedicated by Long Meadows, Inc. for construction of the road. The connector street ROW is shown on the “StoneHaven” plat.

MUTUAL DUTIES AND RESPONSIBILITIES MODIFICATIONS

Because of the complicated construction and pro rata share development/construction/payment process, the following table is used for modification references.

Responsible Party	Description	Pro-Rata Share	Technical Details	Comments
Long Meadows, Inc.	Connector Road: Including extra Right-of-way to be dedicated	100%	Construction 100% of roadway base, pavement, C&G, structures.	This construction has always been part of the agreement.
City of Lynchburg		0%	N/A	

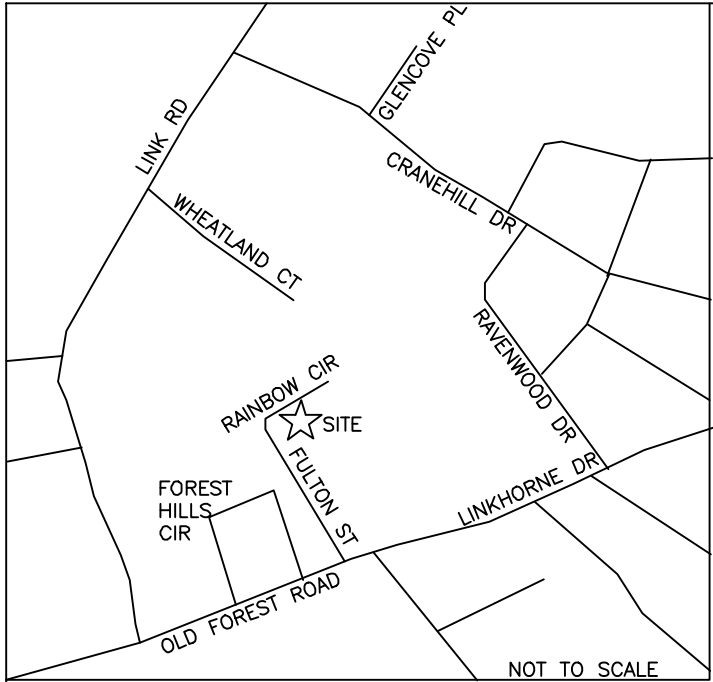
Responsible Party	Description	Pro-Rata Share	Technical Details	Comments
Long Meadows	Rainbow Circle	0%	N/A	City Funded Upgrades
City of Lynchburg		100%	- Waterline Upgrade - 2" to 6" - Addition of Curb & Gutter - Associated street patch & driveway repairs. Addition of drainage structures due to C&G (2) - Mill and overlay of street	

Responsible Party	Description	Pro-Rata Share	Technical Details	Comments
Long Meadows	Rainbow Circle	50 %	Sidewalk Installation for Residential Lots	Reimbursement per City Standard Code
City of Lynchburg		50 %		

Responsible Party	Description	Pro-Rata Share	Technical Details	Comments
Long Meadows	Fulton Street	50 %	Sidewalk Installation for Residential Lots	Reimbursement per City Standard Code
City of Lynchburg		50 %		

Responsible Party	Description	Pro-Rata Share	Technical Details	Comments
Long Meadows	Fulton Street Road Expansion & Crown Re-Alignment	50%	- Road Expansion 8' (new base & subgrade) - Original Fulton Street (new base, subgrade and paving)	*
City of Lynchburg		50%		

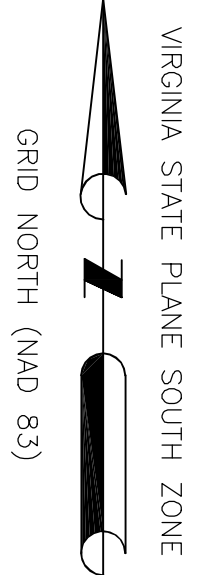
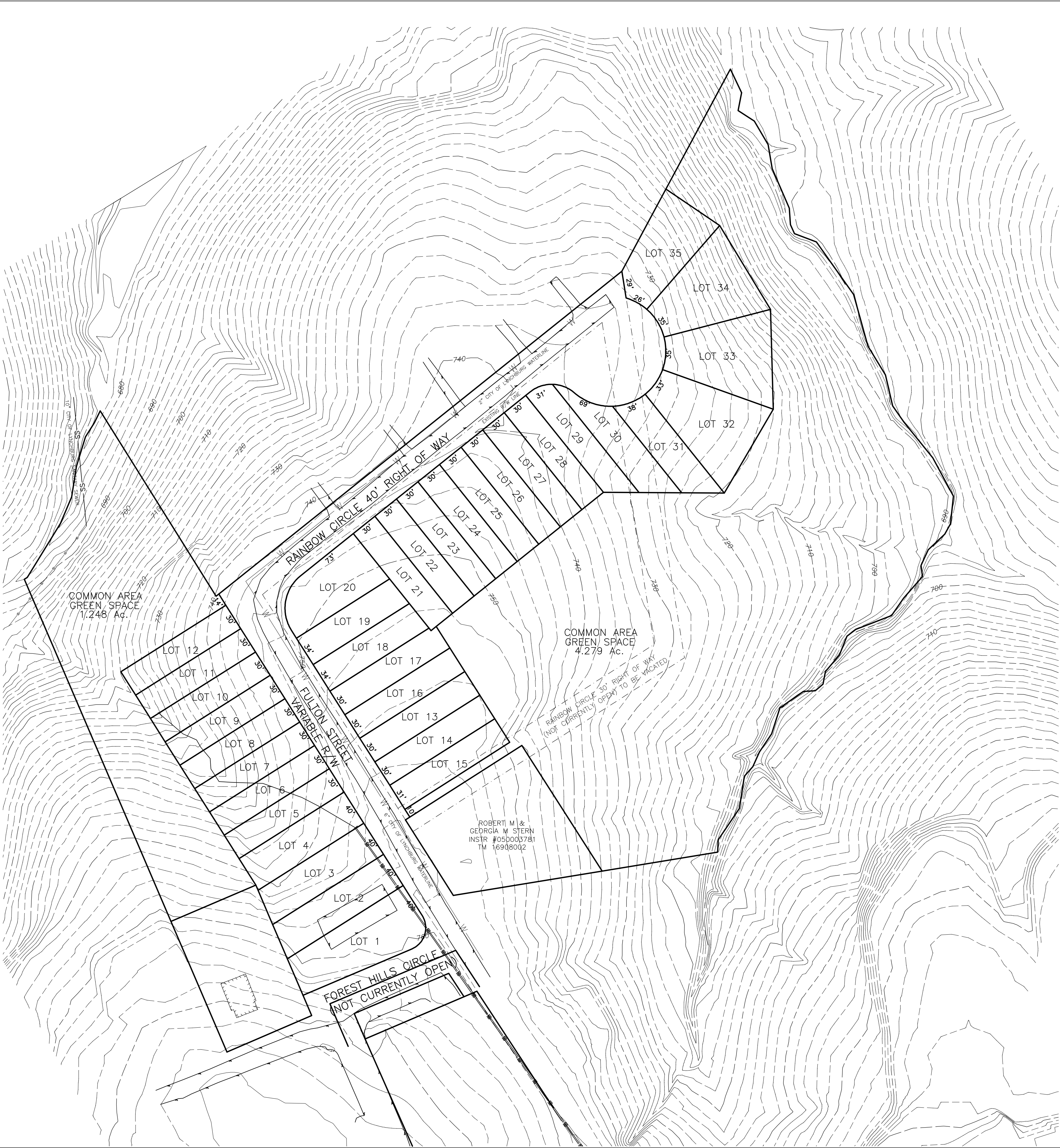
*While LMI is responsible for the pavement expansion 8' past the existing edge of pavement, the City has proposed to mill and pave overlay the entire length of both Fulton Street and Rainbow Circle. The milling would need to correct the crown of the road and the minor patches for water connections by the City for the new homes. In order to provide a more long-lasting product and avoid patches upon patches and in correct crown of Fulton Street, the redo of the street is estimated at 50% each.



VICINITY MAP

SOURCE OF TITLE:
CURRENT OWNER: LONG MEADOWS, INC.
INSTRUMENT NUMBER 090005504 RECORDED IN
THE CLERK’S OFFICE OF THE CIRCUIT COURT OF
LYNCHBURG, VIRGINIA.

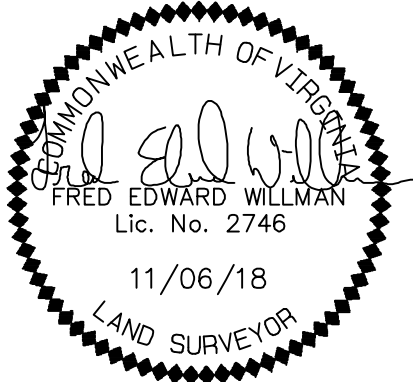
- NOTES:
1. THIS CONCEPT PLAN WAS PREPARED AT THE REQUEST OF LONG MEADOWS INC.
 2. THIS SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT THEREFORE NECESSARILY INDICATE ALL ENCUMBRANCES OR IMPROVEMENTS ON THIS PROPERTY. ALL ADJOINING OWNERS ARE NOW OR FORMER OWNERS.
 3. BY GRAPHIC SCALING ONLY THIS PROPERTY AS PLATTED FALLS WITHIN THE FLOOD ZONE "X" AS DETERMINED BY F.E.M.A. AND SHOWN ON THEIR MAP NUMBER 5100930037D DATED JUNE 3, 2008.
 4. THIS CONCEPT PLAN WAS COMPILED FROM PRIVATE AND PUBLIC RECORDS AND WAS MADE UNDER MY SUPERVISION AND COMPLIES WITH THE MINIMUM STANDARDS AND PROCEDURES ESTABLISHED BY THE VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS TO THE BEST OF MY KNOWLEDGE AND BELIEF.
 5. ALL LOTS WITHIN STONEHAVEN WILL BE SERVED BY UNDERGROUND UTILITIES.
 6. ALL LOTS WITHIN STONEHAVEN WILL BE SERVED BY CITY OF LYNCHBURG PUBLIC WATER AND SANITARY SEWER.
 7. CONTOURS SHOWN HEREON WERE TAKEN FROM THE CITY OF LYNCHBURG DATA PORTAL.
 8. THE SUBJECT PARCELS ARE ZONED R-3.
 9. BUILDING SETBACKS:
FRONT: 30'
SIDE: 5'
REAR: 30'



LOT #	SQ. FT.	ACRES
LOT 1	8248.65	0.189
LOT 2	5824.47	0.134
LOT 3	5567.23	0.128
LOT 4	5402.90	0.124
LOT 5	4050.00	0.093
LOT 6	4050.00	0.093
LOT 7	4050.00	0.093
LOT 8	4050.00	0.093
LOT 9	4050.00	0.093
LOT 10	4050.00	0.093
LOT 11	4050.00	0.093
LOT 12	4050.00	0.093
LOT 13	4090.49	0.094
LOT 14	4077.18	0.094
LOT 15	4135.54	0.095
LOT 16	4090.50	0.094
LOT 17	4068.51	0.093
LOT 18	4269.27	0.098
LOT 19	4141.48	0.095
LOT 20	6274.72	0.144
LOT 21	4050.00	0.093
LOT 22	4050.00	0.093
LOT 23	4050.00	0.093
LOT 24	4050.00	0.093
LOT 25	4050.00	0.093
LOT 26	4050.00	0.093
LOT 27	4050.00	0.093
LOT 28	4050.00	0.093
LOT 29	4347.85	0.100
LOT 30	4771.63	0.110
LOT 31	4556.09	0.105
LOT 32	8713.29	0.200
LOT 33	8410.49	0.193
LOT 34	8065.96	0.185
LOT 35	6697.50	0.154



CONCEPT PLAN
SHOWING LOTS 1 THRU 35
STONEHAVEN
CITY OF LYNCHBURG, VIRGINIA



950 Airport Road
Lynchburg, Virginia 24502
Ph: 434-610-4334
www.accupointsurveying.com

SCALE:	1" = 60'
ASD JOB #:	2017-125
FILE #:	2017-125 CONCEPT
PARCEL ID:	16906004, 16907001 16908003
DATE:	NOVEMBER 6, 2018

CONCEPT PLAN

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 14, 2019**

AGENDA ITEM #: **14**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Vacate a portion of Rainbow Circle as part of the Stonehaven Development Agreement

KEY ELEMENTS:

___ Economic Development ___ Excellent Government **X** Natural and Built Environment ___ Safe Community ___ Vibrant Community

RECOMMENDATION: Approval of the Rainbow Circle right-of-way vacation as part of the Stonehaven Development Agreement

SUMMARY: Long Meadows, Inc. is petitioning to vacate an undeveloped portion of the Rainbow Circle right-of-way located off of Fulton Street as part of the Stonehaven Development Agreement. The total area of the proposed vacation is approximately five hundred and four thousandths (0.504) of an acre. The improved portion of Rainbow Circle would remain open to the public and is not included in the area proposed for vacation.

The right-of-way vacation would not impact vehicle or pedestrian access along Fulton Street or the existing portion of Rainbow Circle.

PRIOR ACTION(S):

February 13, 2018: The Physical Development Committee reviewed changes to the right-of-way vacation application materials, specifically regarding the need for title research. The required materials have been submitted and approved by staff.

February 20, 2019: The Technical Review Committee (TRC) reviewed the petition. The TRC comments have been incorporated into the proposed ordinance.

FISCAL IMPACT: \$8,910 - \$9,040 (assessed value range based on the zoning of the adjacent lots and property frontage)

CONTACT(S): Victoria Glasgow, Neighborhood Planning Coordinator – 455-3900
Kent White, Community Development Director – 455-3900

ATTACHMENT(S):

- Ordinance
- Application
- Plat

REVIEWED BY: raw

UNCODIFIED ORDINANCE:

AN ORDINANCE VACATING A PORTION OF RIGHT-OFF WAY KNOWN AS RAINBOW CIRCLE.

WHEREAS, Long Meadows, Inc., is petitioning to vacate a portion of right-of-way known as Rainbow Circle; and

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

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

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

BEGINNING AT A POINT ON THE NORTHEASTERLY RIGHT OF WAY LINE OF RAINBOW CIRCLE AT THE NORTHWEST CORNER OF #3034 FULTON STREET; THENCE N32°37'18"W A DISTANCE OF 30.00'; THENCE N57°23'06"E A DISTANCE OF 330.30'; THENCE N09°12'41"W A DISTANCE OF 302.53'; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 62.57', WITH A RADIUS OF 30.00', WITH A CHORD BEARING OF N68°57'24"W, WITH A CHORD LENGTH OF 51.83'; THENCE N51°18'18"E A DISTANCE OF 85.89'; THENCE S09°12'41"E A DISTANCE OF 390.62'; THENCE S57°23'06"W A DISTANCE OF 350.00'; WHICH IS THE POINT OF BEGINNING, HAVING AN AREA OF 0.504 ACRES MORE OR LESS.

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

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

Adopted:

Certified:

Clerk of Council

050A

APPLICATION FOR THE VACATION OF

An unimproved portion of Rainbow Circle

LOCATED

Between Fulton St and the improved end of Rainbow Circle

The undersigned applicant, Long Meadows, Inc., pursuant to the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, and Section 35-71 through Section 35-77 of the City Code 1981, as amended, respectfully makes application to the Lynchburg City Council for the vacation of that certain portion of Rainbow Circle and unnamed right-of-way described as follows:

Beginning at a point on the northeasterly right of way line of Rainbow Circle at the northwest corner of #3034 Fulton Street; thence N32°37'18"W a distance of 30.00'; thence N57°23'06"E a distance of 330.30'; thence N09°12'41"W a distance of 302.53'; thence with a curve turning to the left with an arc length of 62.57', with a radius of 30.00', with a chord bearing of N68°57'24"W, with a chord length of 51.83'; thence N51°18'18"E a distance of 85.89'; thence S09°12'41"E a distance of 390.62'; thence S57°23'06"W a distance of 350.00'; which is the point of beginning, having an area of 0.504 acres more or less.

The applicant further requests the Lynchburg City Council to hold a public hearing on this application at its meeting to be held in the Council Chamber, City Hall, 900 Church Street, Lynchburg, VA on April 9, 2019, at 7:30 p.m., or as soon thereafter as the matter may be heard, and at the conclusion of which hearing to consider whether or not to vacate the above described portion of Lucado Place and unnamed right-of-way.

Given under my hand this 21st day of January, 2019.

Long Meadows Inc
Applicant

102 TROLLEY CT LY 24503
Address

434 258 5300
Phone Number

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




THE PLATTING OR DEDICATION OF THE FOLLOWING DESCRIBED LAND IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNERS, PROPRIETORS AND TRUSTEES, IF ANY, THE STATEMENT SHALL BE SIGNED BY SUCH PERSONS AND DULY ACKNOWLEDGED BEFORE AN OFFICER AUTHORIZED TO TAKE ACKNOWLEDGEMENT OF DEEDS.

STATE OF _____
CITY/COUNTY OF _____
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ BY _____

NOTARY PUBLIC
REGISTRATION NO. _____
MY COMMISSION EXPIRES _____

STATE OF _____
CITY/COUNTY OF _____
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ BY _____

NOTARY PUBLIC
REGISTRATION NO. _____
MY COMMISSION EXPIRES _____

STATE OF _____
CITY/COUNTY OF _____
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ BY _____

NOTARY PUBLIC
REGISTRATION NO. _____
MY COMMISSION EXPIRES _____

SOURCE OF TITLE : PARCEL ID 16907001 & 16908003

CURRENT OWNER: LONG MEADOWS, INC.

INSTRUMENT NUMBER 090005504 RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF LYNCHBURG, VIRGINIA.

SOURCE OF TITLE : PARCEL ID 16907002

CURRENT OWNER: ROBERT M. STERN & GEORGIA M. STERN

INSTRUMENT NUMBER 050003781 RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF LYNCHBURG, VIRGINIA.

CITY PLANNER: _____

CITY ENGINEER: _____

CLERK OF COUNCIL: _____

1. THIS PLAT WAS PREPARED AT THE REQUEST OF LONG MEADOWS INC.
2. THIS SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT THEREFORE NECESSARILY INDICATE ALL ENCUMBRANCES OR IMPROVEMENTS ON THIS PROPERTY. ALL ADJOINING OWNERS ARE NOW OR FORMER OWNERS.
3. BY GRAPHIC SCALING ONLY THIS PROPERTY AS PLATTED FALLS WITHIN THE FLOOD ZONE "X" AS SHOWN ON THE FEMAS FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 5100930037D WHICH BEARS AN EFFECTIVE DATE OF JUNE 3, 2008.
4. THIS PLAT WAS PREPARED FROM AN ACTUAL AND CURRENT FIELD SURVEY MADE UNDER MY SUPERVISION AND COMPLIES WITH THE MINIMUM STANDARDS AND PROCEDURES ESTABLISHED BY THE VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS TO THE BEST OF MY KNOWLEDGE AND BELIEF.
5. THESE PARCELS ARE CURRENTLY SERVED BY CITY OF LYNCHBURG PUBLIC WATER AND PRIVATE SEWER.

BRENDA S. MEGGINSON
PARCEL ID# 16908009
INST# 040008870

REBECCA H. EUBANK
PARCEL ID# 16908008
INST# 060001362

CLYDE V. SHERMAN AND
GLORIA B. SHERMAN
PARCEL ID# 16908007
DB 635 PG 125

SUSAN L. BURFORD
PARCEL ID# 16908006
INST# 060008244

NANCY J. ROSENBERGER
LIFE ESTATE
PARCEL ID# 16908005
INST# 170001851

CHINTHAKA LIYANAGE
PARCEL ID# 16908004
INST# 090003950

STEVEN H. BEHNKE
PARCEL ID# 16902036
INST# 130005001

SR. GAY JR. & MARTHA M. GAY ET
PARCEL ID# 16909004
INST# 12000260

DONALD L. CYRUS &
LILLIE D. CYRUS
PARCEL ID# 16908010

AREA TABULATION:
2.702 ACRES
4.095± ACRES
0.395 ACRES
7.192± ACRES

0.453 ACRES
VACATED PORTION OF
RAINBOW CIRCLE

2.702 ACRES
PARCEL ID 16907001

4.095± ACRES
PARCEL ID 16908003

0.052 ACRES
VACATED PORTION OF
RAINBOW CIRCLE

0.395 ACRES
PARCEL ID 16908002
0.052 ACRES
0.447 ACRES

CENTERLINE OF
SPRING BRANCH

LINE	BEARING	DISTANCE
L1	S25°33'20"E	28.35'
L2	S11°16'56"W	19.84'
L3	S57°11'10"E	21.04'
L4	S30°21'10"E	29.58'
L5	S09°23'06"E	26.41'
L6	S23°34'17"E	46.90'
L7	S03°41'13"E	17.89'
L8	S24°31'27"E	10.74'
L9	S69°07'57"E	25.31'
L10	S35°18'33"E	69.90'
L11	S15°35'41"E	58.36'
L12	S31°18'30"E	36.36'
L13	S13°21'53"E	34.58'
L14	S33°47'28"E	18.07'
L15	S38°49'33"E	53.20'
L16	S28°22'57"E	47.27'
L17	S06°08'49"W	30.12'
L18	S28°32'38"W	12.80'
L19	S46°35'15"W	24.79'
L20	S25°00'49"W	18.56'
L21	S07°53'47"E	12.21'
L22	S41°15'05"W	31.11'
L23	S34°28'59"W	23.04'
L24	S68°44'58"W	41.63'
L25	S53°13'25"W	12.14'
L26	S21°43'57"W	21.95'
L27	S40°11'29"W	23.75'
L28	S10°18'43"W	13.79'
L29	S49°24'23"W	11.00'
L30	S86°30'01"W	13.14'
L31	S55°07'04"W	31.00'
L32	S17°37'13"W	29.73'
L33	S33°42'32"W	23.57'
L34	S24°33'28"W	17.44'
L35	S41°26'01"W	14.03'
L36	S08°44'13"W	35.25'
L37	S34°03'15"W	41.11'
L38	S02°14'41"W	13.47'

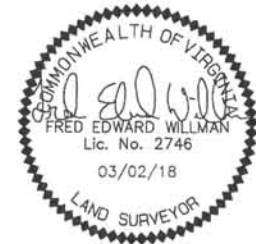
LINE	BEARING	DISTANCE
L39	N32°21'06"W	82.05'
L40	N32°37'43"W	15.00'
L41	N32°36'54"W	15.00'
L42	S32°36'56"E	15.00'
L43	N57°23'06"E	150.00'

CURVE ARC LENGTH RADIUS DELTA ANGLE CHORD BEARING CHORD LENGTH
C1 162.57' 130.00' 1119.29' 58' 158°57'15"E 151.83'



RIGHT OF WAY VACATION PLAT
SHOWING VACATED PORTION OF RAINBOW
CIRCLE

CITY OF LYNCHBURG, VIRGINIA



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

SCALE: 1" = 60'
ASD JOB #: 2017-125
FILE #: 2017-125VACATE.DWG
DATE: MARCH 2, 2018
REV:

SHEET NUMBER: 1 OF 1

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 14, 2019**

AGENDA ITEM #: **15**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Shentel Communications, LLC License Agreement

KEY ELEMENTS:

☒ Economic Development ☒ Excellent Government ☒ Natural and Built Environment ☐ Safe Community ☐ Vibrant Community

RECOMMENDATION: Hold a public hearing and adopt a resolution granting Shentel Communications, LLC a license agreement to install new fiber optic cable and conduit in City-owned rights-of-way and maintain and operate existing lines under this new agreement.

SUMMARY: Shentel Communications, LLC has requested that the City grant a license agreement for the installation of fiber optic lines throughout the City. In addition, Shentel previously submitted a request to install fiber optic lines in the City's right-of-way to serve the University of Lynchburg's Schewel Hall. For that request, Shentel was granted a Letter of Permission to Begin Work while Shentel applied for the new "blanket" license agreement presently before City Council. The Schewel Hall line is now completed.

Under the new agreement, Shentel will maintain and operate the Schewel Hall fiber optic line and other previously installed lines. In addition, they will now be able to install other lines in an expedited manner after review by the City's Technical Review Committee.

PRIOR ACTION: April 9, 2019: Verbal Report given to Physical Development Committee

FISCAL IMPACT: None

CONTACT(S): Lee Newland, City Engineer - 455-3947
Gaynelle Hart, Director of Public Works - 455-4406

ATTACHMENT(S): Resolution
Route Map

REVIEWED BY: raw

RESOLUTION:

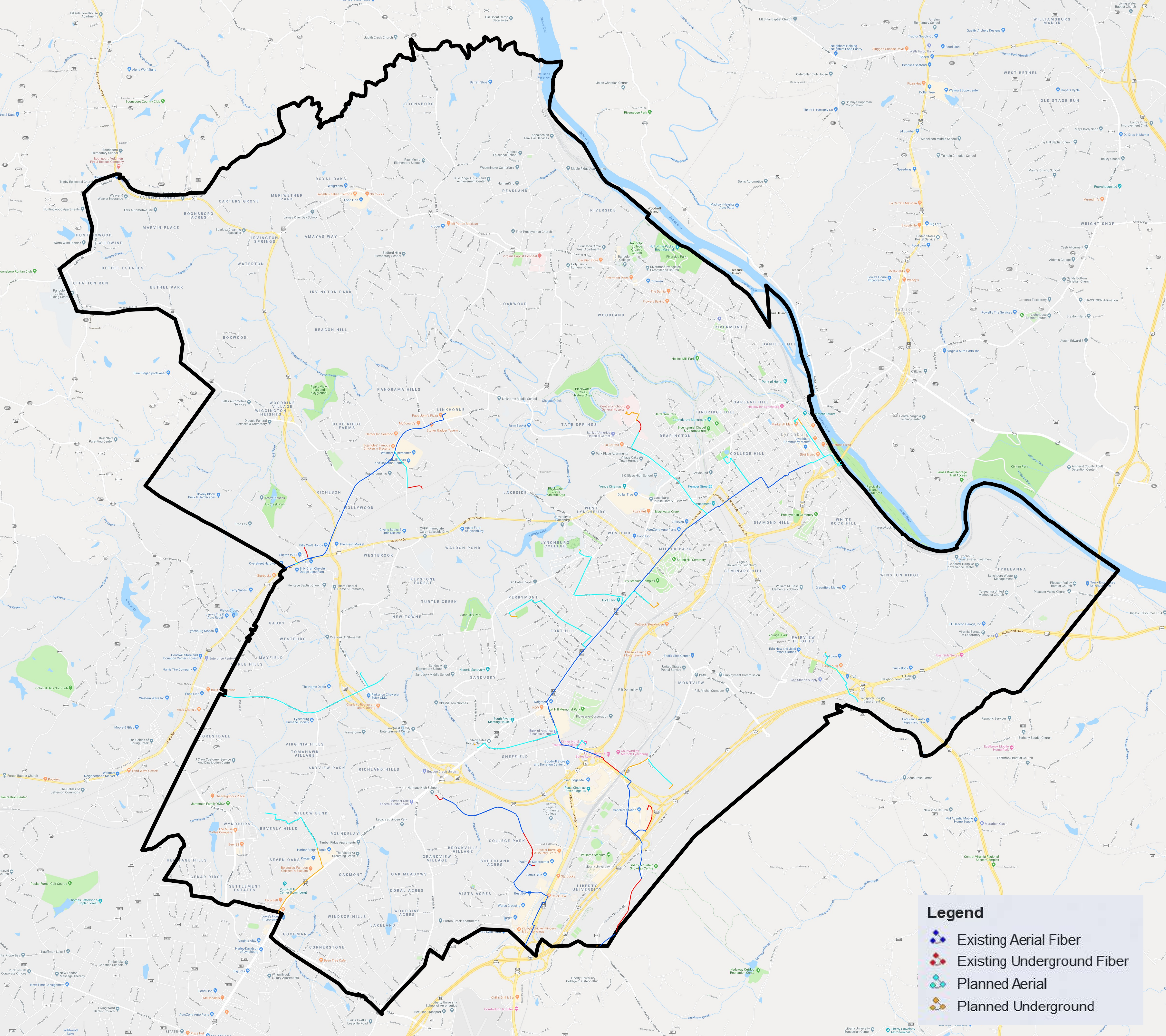
BE IT RESOLVED That the City Manager is hereby authorized to execute a nonexclusive license agreement with Shentel Communications, LLC, for the installation, maintenance, and operation of fiber optic cable in the public rights-of-way throughout the City. Shentel Communication, LLC's authority to install, maintain, and operate fiber optic cable in the City's pubic rights-of-way is subject to applicable law.

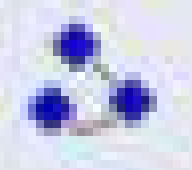
Adopted:

Certified:

Clerk of Council

058A





Existing Aerial Fiber

Existing Underground Fiber

Planned Aerial

Planned Underground

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 14, 2019**

AGENDA ITEM #: **16**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Ordinance Amendments for Short-term Rental

KEY ELEMENTS:

☒ Economic Development ☐ Excellent Government ☒ Natural and Built Environment ☒ Safe Community ☐ Vibrant Community

RECOMMENDATION: Adopt the *Zoning Ordinance* amendments for short-term rental uses.

SUMMARY: A short-term rental is defined by State Code as “the provision of a room or space for dwelling or lodging purposes for a period of fewer than 30 consecutive days, in exchange for a charge.” Popular online platforms for this service include Airbnb, VRBO and Flipkey, among many others. Like many cities, there has been a significant expansion of the availability and use of short-term rentals in the City. At the direction of City Council, Planning Commission and staff have been working for several months to provide recommendations on ordinance changes that seek to address concerns raised about short-term rentals in the City.

Staff recommends that Council adopt ordinance amendments to clarify the rules under which short-term rentals may operate and require that operators register their short-term rental units. The recommended changes have the following effects:

1. Allow short-term rentals as a “by right” use in residential and commercially zoned districts and provide additional occupancy and appearance requirements in lower density residential areas
2. Require owner occupancy, but not necessarily presence, in short-term rental units in lower density residential areas
3. Require an additional parking space for a dwelling used for short-term rentals in all zoning districts except for B-4, Urban Commercial District
4. Require short term rentals to meet the statewide building code
5. Establish the maximum number of unrelated people to occupy a short-term rental
6. Establish registration fees, timelines, and penalties for violations

These amendments would provide clear expectations to hosts, guests, and neighborhood residents, assist staff with the enforcement of rentals that fail to operate within the required parameters, and generate revenue to help offset program costs.

Because this is such a lengthy agenda item, the attached code section changes that have been included are out of order in this document. This is so that the actual policy changes are easier for City Council to locate. The remainder of the ordinance attachment adds short term rentals to permitted uses in various zoning districts, adds a short term rental definition into the list of definitions, and makes an addition to the Table of Authorized Land Uses.

PRIOR ACTION(S):

January 9, 2018: Staff presented an overview of local government’s authority to regulate short-term rental uses to City Council.

October 23, 2018: City Council discussed proposals to regulate short-term rental uses and concurred with staff’s recommendation to bring *Zoning Ordinance* amendments, including a registration fee proposal, for short-term rental uses before the Planning Commission.

- January 23, 2019: Planning Commission conducted a public hearing concerning the *Zoning Ordinance* amendments for short-term rental uses.
- February 13, 2019: Planning Commission conducted a work session concerning the *Zoning Ordinance* amendments for short-term rental uses.
- February 27, 2019: Planning Commission conducted a work session concerning the *Zoning Ordinance* amendments for short-term rental uses and directed staff to advertise the draft ordinance for an additional public hearing.
- March 27, 2019: Planning Commission conducted a public hearing concerning the *Zoning Ordinance* amendments for short-term rental uses and recommended approval (5-2) of the proposed changes.
- FISCAL IMPACT: The proposed \$150 registration fee is projected to generate \$36,000 in annual revenue. The fee would allow the City to contract with a vendor to identify short-term rental locations and help offset staff costs to assist staff with billing, collection, and enforcement.
- CONTACT(S): Reid Wodicka, Deputy City Manager – 455-3990; Tom Martin, City Planner – 455-3900; Kent White, Director of Community Development – 455-3900; Walter Erwin, City Attorney – 455-3980; Mitch Nuckles, Commissioner of the Revenue – 455-3870; Donna Witt, Director of Financial Services – 455-4220; Starlette Early, Budget Analyst – 455-4220; Anna Bentson, Assistant Director of Economic Development and Tourism – 455-4490; Kevin Henry, Zoning Administrator – 455-3900; Denise Musgrove, Business Auditor – 455-3870

ATTACHMENTS:

- Ordinance
- Presentation Slides – May 14, 2019
- Planning Commission Minutes – March 27, 2019
- Speaker Signup Sheet – March 27, 2019
- Planning Commission Memorandum – March 27, 2019
- Planning Commission Minutes – February 27, 2019
- Planning Commission Memorandum – February 27, 2019
- Planning Commission Minutes – February 13, 2019
- Planning Commission Memorandum – February 13, 2019
- Planning Commission Minutes – January 23, 2019
- Planning Commission Report – January 23, 2019
- Speaker Signup Sheet – January 23, 2019

REVIEWED BY: raw

062A

ORDINANCE:

AN ORDINANCE TO AMEND AND REENACT THE CODE OF THE CITY OF LYNCHBURG, 1981, BY AMENDING SECTIONS 35.2-40, CONSERVATION DISTRICT (R-C), SECTION 35.2-41, LOW DENSITY RESIDENTIAL DISTRICT (R-1), SECTION 35.2-42, LOW-MEDIUM DENSITY RESIDENTIAL DISTRICT (R-2), SECTION 35.2-43, MEDIUM DENSITY RESIDENTIAL DISTRICT (R-3), SECTION 35.2-44, HIGH DENSITY RESIDENTIAL DISTRICT (R-4), SECTION 35.2-45, LIMITED BUSINESS DISTRICT (B-1), SECTION 35.2-46, COMMUNITY BUSINESS DISTRICT (B-3), 35.2-47, URBAN COMMERCIAL DISTRICT, (B-4), SECTION 35.2-48, GENERAL BUSINESS DISTRICT (B-5), SECTION 35.2-50, INSTITUTIONAL DISTRICT 2, (IN-2), SECTION 35.2-113, DEFINITIONS, APPENDIX A: TABLE OF AUTHORIZED LAND USES OF THE CODE OF THE CITY OF LYNCHBURG, 1981 AND BY ADDING THERETO A NEW SECTION NUMBERED SECTION 35.2-71.16, SHORT-TERM RENTAL.

WHEREAS, the City Council directed City staff to prepare Ordinance Amendments related to short-term rental uses on October 23, 2018.

WHEREAS, the Planning Commission held a public hearing to consider and address the proposed Ordinance Amendments and to receive public comment on January 23, 2019, and an additional public hearing on March 27, 2019.

WHEREAS, the City Council held a public hearing to consider and address the proposed Ordinance Amendments and to receive public comment on May 14, 2019.

WHEREAS, the City Council finds that this Ordinance should be adopted in order to promote the public necessity, convenience, welfare and good zoning practice.

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

1. That Section 35.2-40, Conservation District (R-C), Section 35.2-41, Low Density Residential District (R-1), Section 35.2-42, Low-Medium Density Residential District (R-2), Section 35.2-43, Medium Density Residential District (R-3), Section 35.2-44, High Density Residential District (R-4), Section 35.2-45, Limited Business District (B-1), Section 35.2-46, Community Business District (B-3), 35.2-47, Urban Commercial District, (B-4), Section 35.2-48, General Business District (B-5), Section 35.2-50, Institutional District 2, (IN-2), Section 35.2-113, Definitions, Appendix A: Table of Authorized Land Uses of the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted as follows and the and the Code of the City of Lynchburg, 1981, is further amended and reenacted by adding thereto a new section, numbered Section 35.2-71.16, Short-term Rental as follows:

35.2-71.16 Short-term Rental

Short-term Rentals as defined in Section 35.2-113 of this Ordinance shall be an accessory use to a use permitted by right in the R-C, R-1, R-2, R-3, R-4, B-1, B-3, B-4, B-5 & IN-2 Districts subject to the following provisions:

- (a) On or before July 1 of each year, the owner or managing agent, or a duly authorized representative acting on behalf of the owner or managing agent, shall register the address of any dwelling unit to be used for short-term rental. Every person filing registration forms with the Zoning Administrator shall pay an annual registration fee of one hundred and fifty dollars (\$150) to defray the cost of processing the registration.
- (b) Any person who fails to register a building to be used as a short-term rental by the July 1 deadline shall be subject to a penalty of five hundred dollars (\$500).
- (c) The maximum number of occupants in a dwelling unit offered for short-term rental shall not exceed four (4) unrelated individuals. The number of dwelling units shall not exceed that which is permitted in the underlying zoning district.
- (d) In addition to all parking requirements of Section 35.2-62, Parking and Loading of the Zoning Ordinance, one (1) parking space shall be provided per short-term rental. This requirement shall not apply to short-term rentals located within the B-4, Urban Commercial District.
- (e) All buildings offered for use as a short-term rental shall meet the requirements of the Uniform Statewide Building Code.
- (f) Short-term rentals in an R-C, R-1, & R-2, Districts shall meet the following additional requirements:
 - 1. Properties shall be owner-occupied; however, the property owner does not have to be present while a property is used as a short-term rental.
 - 2. Short-term rentals located within the principal structure shall use a common entrance so that the principal structure retains the appearance of a single-household residence

(g) Three (3) violations of state or local laws, ordinances, or regulations as relating to the property offered for short-term rental within a three (3) year period, shall result in the City revoking approval for the subject property to be used or offered as a short-term rental.

1. Prior to revoking approval for a property to be used or offered as a short-term rental, the Zoning Administrator shall give written notice to the host describing the violations constituting the basis of the revocation.

2. Notice shall be given to the host by:

- a. Posting a copy of the notice in a conspicuous place on the premises.
- b. First Class mail or e-mail to the addresses listed in the registration form.

Base Zoning Districts

35.2-40 Conservation District (R-C)

35.2-40.2 Authorized Uses

- (a) The uses authorized by Exhibit IV-1 may be established in accordance with the procedures established in Article II, the district standards in this article, the site development standards established in Article VI and specific use standards established in Article VII as well as other applicable rules and regulations.
- (b) Uses may also be limited by overlay standards established in Article V of this Zoning Ordinance.
- (c) See Article III for the rules of interpreting authorized uses and Appendix A for a complete listing of land uses allowed in every zoning district.
- (d) Uses designated “P” are permitted by right and uses designated “C” require issuance of a conditional use permit.

Exhibit IV-1: Authorized Uses in RC District

Land Use	LBCS #	Description	Approval Type
single-household detached	1111S	Typical single-household dwelling	P
modular home	1114S	A prefabricated home without axles or frames (see definitions)	P
manufactured home	1115S	A structure, transportable in one (1) or more sections, built after 1978 on a permanent chassis, and designed for use with or without a permanent foundation when connected to the required utilities (see definitions)	C
Bed & Breakfast and Tourist Homes	1310	Guest rooms in a private home or accessory building to a private home	C
<u>Short-term Rental</u>	<u>1350</u>	<u>Provision of lodging for fewer than thirty (30) consecutive days. (See Section 35.2-71.16)</u>	<u>P</u>
Markets for farm produce or crafts	2199	Markets and truck gardens. Note that limited to goods produced on site in the RC district.	P
wireless telecommunications transmission	4233	Operate, maintain or provide access to facilities for the transmission of voice, data, text, sound or video, see section 35.2-73 for telecommunications towers	C
telephone and other wired telecommunications	4234	Operate telephone networks – excludes switching stations	P
Telecommunications switching stations/exchanges	4239	Telecommunications switching stations and exchanges with no on-site employees	C

Land Use	LBCS #	Description	Approval Type
Public Utilities Services, Major	4315, 4329, 4339, 4349	Includes transmission lines for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission of a regional nature and normally entail the construction of new buildings or structures such as electrical switching facilities and stations or substations, electric, gas, and other utility transmission lines of a regional nature which are not otherwise reviewed and approved by the Virginia State Corporation Commission. All overhead transmission lines are included in this definition.	C
Public Utilities Service Minor	4315, 4329, 4339, 4349	Includes distribution or collection lines and appurtenances for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission that are necessary to support development within the immediate vicinity and involve only minor structures. Included in this use type are small facilities such as transformers, relay and booster devices, and well, water and sewer pump stations, and wireless communication antennas attached to existing buildings or structures.	P
electric substations	4316		C
Water treatment plants and utility facilities	4331 – 4333,	Water treatment plants, pumping stations and lift stations	C
Wastewater treatment plants	4348		C
Museums and Other Special Purpose Recreational Institutions	5200	Public and private museums, historical sites, and similar establishments	C
shooting ranges, outdoor	5376		C
Camps, Camping, and Related Establishments	5400	Operate sites to accommodate campers and their equipment, provide overnight recreational camps, may provide cabins, food services, washrooms, spaces for overnight parking or recreational vehicles	C
Natural and other Recreational Parks	5500	All parks without special economic functions, other than limited concessions	P
Public Safety	6400	Government-owned establishments providing fire and rescue, police, and emergency response services	P
group home small	6522	Fewer than five (5) aged or infirm individuals or fewer than nine (9) individuals with mental, intellectual or developmental disabilities	P
group home large	6523	Five or more aged or infirm individuals, or nine (9) or more individuals with mental, intellectual or developmental disabilities	C

Land Use	LBCS #	Description	Approval Type
home	6562a	Day care for fewer than six (6) individuals in a residence	P
Vegetable farming or growing	9120	Includes private fields and community gardens	P
Commercial orchards	9130	Includes fruit and nut trees for commercial production	P
Greenhouse – no on-premises sales	9141	Commercial greenhouse production	P
Greenhouse – sales of products grown on premises	9142		P
Animal Production	9300	Keep, graze, breed or feed animals (see R-C Use Standards in section 35.2-40.3)	P

35.2-41 Low Density Residential Districts (R-1)

35.2-41.2 Authorized Uses

- (a) The uses authorized by Exhibit IV-3 may be established in accordance with the procedures established in Article II, the district standards in this article, the site development standards established in Article VI and specific use standards established in Article VII as well as other applicable rules and regulations.
- (b) Uses may also be limited by overlay standards established in Article V of this Zoning Ordinance.
- (c) See Article III for the rules of interpreting authorized uses and Appendix A for a complete listing of land uses allowed in every zoning district.
- (d) Uses designated “P” are permitted by right and uses designated “C” require issuance of a conditional use permit.

Exhibit IV-3: Authorized Uses in R-1 District

Land Use	LBCS #	Description	Approval Type
single-household detached	1111S	Typical single-household dwelling	P
modular home	1114S	A prefabricated home without axles or frames (see definitions)	P
manufactured home community	1116S	Includes manufactured home subdivision and manufactured home parks with 5 or more lots or sites (see definitions)	C
Housing Services	1200	Housing and custodial services for those who cannot care for themselves. Includes nursing and retirement homes, congregate living, assisted and continuing care living, but excludes rehab uses in LBCS #6520)	C
Bed & Breakfast and Tourist Homes	1310	Guest rooms in a private home or accessory building to a private home	C
boarding house	1321	Non-transient lodging that may include meals that may include meals and is owner-occupied	C
dormitory, sorority or fraternity house	1323	Allowed only as accessory uses to and owned by a college or university	C
<u>Short-term Rental</u>	<u>1350</u>	<u>Provision of lodging for fewer than thirty (30) consecutive days. (See Section 35.2-71.16)</u>	<u>P</u>
art galleries	2142b	Excludes art supply sales and retail framing services	C
pet cemetery	2723		C
wireless telecommunications transmission	4233	Operate, maintain or provide access to facilities for the transmission of voice, data, text, sound or video, see section 35.2-73 for telecommunications towers	C
telephone and other wired telecommunications	4234	Operate telephone networks – excludes switching stations	P

Land Use	LBCS #	Description	Approval Type
Telecommunications switching stations/exchanges	4239	Telecommunications switching stations and exchanges with no on-site employees	C
library or archive	4242	Provide library or archive services	C
Public Utilities Services, Major	4315, 4329, 4339, 4349	Includes transmission lines for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission of a regional nature and normally entail the construction of new buildings or structures such as electrical switching facilities and stations or substations, electric, gas, and other utility transmission lines of a regional nature which are not otherwise reviewed and approved by the Virginia State Corporation Commission. All overhead transmission lines are included in this definition.	C
Public Utilities Service Minor	4315, 4329, 4339, 4349	Includes distribution or collection lines and appurtenances for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission that are necessary to support development within the immediate vicinity and involve only minor structures. Included in this use type are small facilities such as transformers, relay and booster devices, and well, water and sewer pump stations, and wireless communication antennas attached to existing buildings or structures.	P
electric substations	4316		C
Water treatment plants and utility facilities	4331 – 4333,	Water treatment plants, pumping stations and lift stations	C
Museums and Other Special Purpose Recreational Institutions	5200	Public and private museums, historical sites, and similar establishments	C
Country Club	5340 & 6830	Operate private country clubs, with tennis courts and golf courses along with dining facilities and other recreational facilities; includes civic, social and fraternal organizations without dwellings	C
outdoor recreation	5372, 5373 & 5374	Includes for profit golf courses, archery ranges, outdoor volleyball, tennis, or swimming facilities, recreational courts, recreational day camp and horseback riding	C
Natural and other Recreational Parks	5500	All parks without special economic functions, other than limited concessions	P
Nursery or preschool	6110		C
Grade school	6120	Comprises all public, private, and specialty schools between the preschool and university level; includes adult education services not addressed elsewhere	C

Land Use	LBCS #	Description	Approval Type
College or university	6130		C
Public Safety	6400	Government-owned establishments providing fire and rescue, police, and emergency response services	P
group home small	6522	Fewer than five (5) aged or infirm individuals or fewer than nine (9) individuals with mental, intellectual or developmental disabilities	P
group home large	6523	Five or more aged or infirm individuals, or nine (9) or more individuals with mental, intellectual or developmental disabilities	C
Hospital	6530		C
home day care	6562a	Day care for fewer than six (6) children or adults in a residence	P
small	6562b	Day care for six (6) to twelve (12) individuals in a residence	C
large	6562c	Provide care for more than 12 individuals	C
Religious institutions	6600		C
free-standing cemetery	6722		C
columbarium	6724		C
Vegetable farming or growing	9120	Includes private fields and community gardens	P
Commercial orchards	9130	Includes fruit and nut trees for commercial production	P
Greenhouse – no on-premises sales	9141	Commercial greenhouse production	P
Animal Production	9300	Keep, graze, breed or feed animals (see district standards)	P
tent revival meetings/ transient amusements	9921	Includes temporary carnivals and circuses sponsored by non-profit organizations (see section 35.2-72.23)	P
residential cluster development	9951	See section 35.2-80	P
traditional neighborhood development	9952	See section 35.2-82	C
planned unit development	9953	See section 35.2-83	C

35.2-42 Low-Medium Density Residential Districts (R-2)

35.2-42.2 Authorized Uses

- (a) Exhibit IV-5 may be established in accordance with the procedures established in Article II, the district standards in this article, the site development standards established in Article VI and specific use standards established in Article VII, as well as other applicable rules and regulations.
- (b) Uses may also be limited by overlay standards established in Article V of this Zoning Ordinance.
- (c) See Article III for the rules of interpreting authorized uses and Appendix A for a complete listing of land uses allowed in every zoning district.
- (d) Uses designated “P” are permitted by right and uses designated “C” require issuance of a conditional use permit.

Exhibit IV-5 Authorized Uses in R-2 District

Land Use	LBCS #	Description	Approval Type
single-household detached	1111S	Typical single-household dwelling	P
modular home	1114S	A prefabricated home without axles or frames (see definitions)	P
manufactured home community	1116S	Includes manufactured home subdivision and manufactured home parks with 5 or more lots or sites (see definitions)	C
Housing Services	1200	Housing and custodial services for those who cannot care for themselves. Includes nursing and retirement homes, congregate living, assisted and continuing care living, but excludes rehab uses in LBCS #6520)	C
Bed & Breakfast and Tourist Homes	1310	Guest rooms in a private home or accessory building to a private home	C
boarding house	1321	Non-transient lodging that may include meals and is owner-occupied	C
dormitory, sorority or fraternity house	1323	Allowed only as accessory uses to and owned by a college or university	C
<u>Short-term Rental</u>	<u>1350</u>	<u>Provision of lodging for fewer than thirty (30) consecutive days. (See Section 35.2-71.16)</u>	<u>P</u>
art galleries	2142b	Excludes art supply sales and retail framing services	C
pet cemetery	2723		C
wireless telecommunications transmission	4233	Operate, maintain or provide access to facilities for the transmission of voice, data, text, sound, or video, cell towers	C

Land Use	LBCS #	Description	Approval Type
telephone and other wired telecommunications	4234	Operate telephone networks – excludes switching stations	P
Telecommunications switching stations/exchanges	4239	Telecommunications switching stations and exchanges with no on-site employees	C
library or archive	4242	Provide library or archive services	C
Public Utilities Services, Major	4315, 4329, 4339, 4349	Includes transmission lines for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission of a regional nature and normally entail the construction of new buildings or structures such as electrical switching facilities and stations or substations, electric, gas, and other utility transmission lines of a regional nature which are not otherwise reviewed and approved by the Virginia State Corporation Commission. All overhead transmission lines are included in this definition.	C
Public Utilities Service Minor	4315, 4329, 4339, 4349	Includes distribution or collection lines and appurtenances for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission that are necessary to support development within the immediate vicinity and involve only minor structures. Included in this use type are small facilities such as transformers, relay and booster devices, and well, water and sewer pump stations, and wireless communication antennas attached to existing buildings or structures.	P
electric substations	4316		C
Water treatment plants and utility facilities	4331 – 4333,	Water treatment plants, pumping stations and lift stations	C
Museums and Other Special Purpose Recreational Institutions	5200	Public and private museums, historical sites, and similar establishments	C
Country Club	5340 & 6830	Operate private country clubs, with tennis courts and golf courses along with dining facilities and other recreational facilities; includes civic, social and fraternal organizations without dwellings	C
outdoor recreation	5372, 5373 & 5374	Includes for profit golf courses, archery ranges, outdoor volleyball, tennis, or swimming facilities, recreational courts, recreational day camp and horseback riding	C
Natural and other Recreational Parks	5500	All parks without special economic functions, other than limited concessions	P
Nursery or preschool	6110		C

Land Use	LBCS #	Description	Approval Type
Grade school	6120	Comprises all public, private, and specialty schools between the preschool and university level; includes adult education services not addressed elsewhere	C
College or university	6130		C
Public Safety	6400	Government-owned establishments providing fire and rescue, police, and emergency response services	C
group home small	6522	Fewer than five (5) aged or infirm individuals or fewer than nine (9) individuals with mental, intellectual or developmental disabilities	P
group home large	6523	Five or more aged or infirm individuals, or nine (9) or more individuals with mental, intellectual or developmental disabilities	C
Hospital	6530		C
home day care	6562a	Day care for fewer than six (6) children or adults in a residence	P
small	6562b	Day care for six (6) to twelve (12) individuals in a residence	C
large	6562c	Provide care for more than 12 individuals	C
Religious Institutions	6600	Churches, temples, synagogues, mosques, convents and monasteries	C
free-standing cemetery	6722		C
columbarium	6724		C
Vegetable farming or growing	9120	Includes private fields and community gardens	P
Commercial orchards	9130	Includes fruit and nut trees for commercial production	P
Greenhouse – no on-premises sales	9141	Commercial greenhouse production	P
Animal Production	9300	Keep, graze, breed or feed animals (see district standards)	P
tent revival meetings/ transient amusements	9921	Includes temporary carnivals and circuses sponsored by non-profit organizations (see section 35.2-72.23)	P
residential cluster development	9951	See section 35.2-80	P
traditional neighborhood development	9952	See section 35.2-82	C
planned unit development	9953	See section 35.2-83	C

35.2-43 Medium Density Residential Districts (R-3)

35.2-43.2 Authorized Uses

- (a) The uses authorized by Exhibit IV-7 may be established in accordance with the procedures established in Article II, the district standards in this article, the site development standards established in Article VI and specific use standards established in Article VII as well as other applicable rules and regulations.
- (b) Uses may also be limited by overlay standards established in Article V of this Zoning Ordinance.
- (c) See Article III for the rules of interpreting authorized uses and Appendix A for a complete listing of land uses allowed in every zoning district.
- (d) Uses designated “P” are permitted by right and uses designated “C” require issuance of a conditional use permit.

Exhibit IV-7 Authorized Uses in R-3 District

Land Use	LBCS #	Description	Approval Type
single-household detached	1111S	Typical single-household dwelling	P
modular home	1114S	A prefabricated home without axles or frames (see definitions)	P
manufactured home community	1116S	Includes manufactured home subdivision and manufactured home parks with 5 or more lots or sites (see definitions)	C
Two-household (duplex)	1121S	A building located on one (1) zoning lot containing not more than two (2) dwelling units	P
single-household semi-detached	1122S	One of two dwelling units separated by a party wall, on abutting lots	P
single-household attached (townhouse)	1140S	Each unit on a separate lot; fire wall may protrude from roof or roofs may be staggered	C
Housing Services	1200	Housing and custodial services for those who cannot care for themselves. Includes nursing and retirement homes, congregate living, assisted and continuing care living, but excludes rehab uses in LBCS #6520)	C
Bed & Breakfast and Tourist Homes	1310	Guest rooms in a private home or accessory building to a private home	C
boarding house	1321	Non-transient lodging that may include meals and is owner-occupied	C
rooming house	1322	Transient or non-transient lodging that may include meals	C
dormitory, sorority or fraternity house	1323	Allowed only as accessory uses to and owned by a college or university	C
<u>Short-term Rental</u>	<u>1350</u>	<u>Provision of lodging for fewer than thirty (30) consecutive days. (See Section 35.2-71.16)</u>	<u>P</u>

Land Use	LBCS #	Description	Approval Type
art galleries	2142b	Excludes art supply sales and retail framing services	P
Parking lot and parking garage	2640	See district standards	C
pet cemetery	2723		C
wireless telecommunications transmission	4233	Operate, maintain or provide access to facilities for the transmission of voice, data, text, sound or video, see section 35.2-73 for telecommunications towers	C
telephone and other wired telecommunications	4234	Operate telephone networks – excludes switching stations	P
Telecommunications switching stations/exchanges	4239	Telecommunications switching stations and exchanges with no on-site employees	C
library or archive	4242	Provide library or archive services	P
Public Utilities Services, Major	4315, 4329, 4339, 4349	Includes transmission lines for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission of a regional nature and normally entail the construction of new buildings or structures such as electrical switching facilities and stations or substations, electric, gas, and other utility transmission lines of a regional nature which are not otherwise reviewed and approved by the Virginia State Corporation Commission. All overhead transmission lines are included in this definition.	C
Public Utilities Service Minor	4315, 4329, 4339, 4349	Includes distribution or collection lines and appurtenances for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission that are necessary to support development within the immediate vicinity and involve only minor structures. Included in this use type are small facilities such as transformers, relay and booster devices, and well, water and sewer pump stations, and wireless communication antennas attached to existing buildings or structures.	P
electric substations	4316		C
Water treatment plants and utility facilities	4331 – 4333,	Water treatment plants, pumping stations and lift stations	C
Museums and Other Special Purpose Recreational Institutions	5200	Public and private museums, historical sites, and similar establishments	P
Country Club	5340 & 6830	Operate private country clubs, with tennis courts and golf courses along with dining facilities and other recreational facilities; includes civic, social and fraternal organizations without dwellings	C

Land Use	LBCS #	Description	Approval Type
fitness and recreational sports center	5371	Aerobic dance or exercise center, gymnasium, physical fitness center, health and athletic club, indoor handball, racquetball, volleyball, tennis, or swimming facilities conducted inside a building	C
outdoor recreation	5372, 5373 & 5374	Includes for profit golf courses, archery ranges, outdoor volleyball, tennis, or swimming facilities, recreational courts, recreational day camp and horseback riding	C
Natural and other Recreational Parks	5500	All parks without special economic functions, other than limited concessions	P
Nursery or preschool	6110		C
Grade school	6120	Comprises all public, private, and specialty schools between the preschool and university level; includes adult education services not addressed elsewhere	C
College or university	6130		C
general technical schools	6141-6143, 6145, 6147	Offer courses in office procedures, administrative skills, and basic office skills; dance, art, drama, and music; athletic activities	C
Public Safety	6400	Government-owned establishments providing fire and rescue, police, and emergency response services	P
group home small	6522	Fewer than five (5) aged or infirm individuals or fewer than nine (9) individuals with mental, intellectual or developmental disabilities	P
group home large	6523	Five or more aged or infirm individuals, or nine (9) or more individuals with mental, intellectual or developmental disabilities	C
Hospital	6530		C
child and adult day care	6562	Provide day care for children and adults	
Home day care	6562a	Day care for fewer than six (6) individuals in a residence	P
small	6562b	Day care for six (6) to twelve (12) individuals in a residence	C
large	6562c	Provide care for more than 12 individuals	C
Religious Institutions	6600	Churches, temples, synagogues, mosques, convents and monasteries	C
free-standing cemetery	6722		C
columbarium	6724		C
Vegetable farming or growing	9120	Includes private fields and community gardens	P
Commercial orchards	9130	Includes fruit and nut trees for commercial production	P

Land Use	LBCS #	Description	Approval Type
Greenhouse – no on-premises sales	9141	Commercial greenhouse production	P
Animal Production	9300	Keep, graze, breed or feed animals (see district standards)	P
tent revival meetings/ transient amusements	9921	Includes temporary carnivals and circuses sponsored by non-profit organizations (see section 35.2-72.23)	P
residential cluster development	9951	See section 35.2-80	P
traditional neighborhood development	9952	See section 35.2-82	C
planned unit development	9953	See section 35.2-83	C

35.2-44 High Density Residential District (R-4)

35.2-44.2 Authorized Uses

- (a) The uses authorized by Exhibit IV-9 may be established in accordance with the procedures established in Article II, the district standards in this article, the site development standards established in Article VI and specific use standards established in Article VII, as well as other applicable rules and regulations.
- (b) Uses may also be limited by overlay standards established in Article V of this Zoning Ordinance.
- (c) See Article III for the rules of interpreting authorized uses and Appendix A for a complete listing of land uses allowed in every zoning district.
- (d) Uses designated “P” are permitted by right and uses designated “C” require issuance of a conditional use permit.

Exhibit IV-9: Authorized Uses in R-4 District

Land Use	LBCS #	Description	Approval Type
single-household detached	1111S	Typical single-household dwelling	P
modular home	1114S	A prefabricated home without axles or frames (see definitions)	P
manufactured home community	1116S	Includes manufactured home subdivisions and manufactured home parks with 5 or more lots (see definitions)	C
Two-household (duplex)	1121S	A building located on one (1) zoning lot containing not more than two (2) dwelling units	P
single-household semi-detached	1122S	One of two dwelling units separated by a party wall, on abutting lots	P
single-household attached (townhouse)	1140S	Each unit on a separate lot; fire wall may protrude from roof or roofs may be staggered	P
Multi-household structures	1200S	Includes triplexes, four-plexes, and other multi-household dwellings	P
Mixed-use residential structures (see District Use Standards for limitations)	1201S	Typically commercial uses on lower floors and residential uses on upper floors	P
Housing Services	1200	Housing and custodial services for those who cannot care for themselves. Includes nursing and retirement homes, congregate living, assisted and continuing care living, but excludes rehab uses in LBCS #6520)	C
Bed & Breakfast and Tourist Homes	1310	Guest rooms in a private home or accessory building to a private home	C
boarding house	1321	Non-transient lodging that may include meals and is owner-occupied	C
rooming house	1322	Transient or non-transient lodging that may include meals	C

Land Use	LBCS #	Description	Approval Type
dormitory, sorority or fraternity house	1323	Allowed only as accessory uses to and owned by a college or university	C
<u>Short-term Rental</u>	1350	Provision of lodging for fewer than thirty (30) consecutive days. (See Section 35.2-71.16)	<u>P</u>
art galleries	2142b	Excludes art supply sales and retail framing services	P
Parking lot and parking garage	2640	See district standards	C
pet cemetery	2723		C
wireless telecommunications transmission	4233	Operate, maintain or provide access to facilities for the transmission of voice, data, text, sound or video, see section 35.2-73 for telecommunications towers	C
telephone and other wired telecommunications	4234	Operate telephone networks – excludes switching stations	P
Telecommunications switching stations/exchanges	4239	Telecommunications switching stations and exchanges with no on-site employees	C
library or archive	4242	Provide library or archive services	P
Public Utilities Services, Major	4315, 4329, 4339, 4349	Includes transmission lines for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission of a regional nature and normally entail the construction of new buildings or structures such as electrical switching facilities and stations or substations, electric, gas, and other utility transmission lines of a regional nature which are not otherwise reviewed and approved by the Virginia State Corporation Commission. All overhead transmission lines are included in this definition.	C
Public Utilities Service Minor	4315, 4329, 4339, 4349	Includes distribution or collection lines and appurtenances for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission that are necessary to support development within the immediate vicinity and involve only minor structures. Included in this use type are small facilities such as transformers, relay and booster devices, and well, water and sewer pump stations, and wireless communication antennas attached to existing buildings or structures.	P
electric substations	4316		C
Water treatment plants and utility facilities	4331 – 4333,	Water treatment plants, pumping stations and lift stations	C
Museums and Other Special Purpose Recreational Institutions	5200	Public and private museums, historical sites, and similar establishments	P

Land Use	LBCS #	Description	Approval Type
Country Club	5340 & 6830	Operate private country clubs, with tennis courts and golf courses along with dining facilities and other recreational facilities; includes civic, social and fraternal organizations without dwellings	C
fitness and recreational sports center	5371	Aerobic dance or exercise center, gymnasium, physical fitness center, health and athletic club, indoor handball, racquetball, volleyball, tennis, or swimming facilities conducted inside a building	C
outdoor recreation	5372, 5373 & 5374	Includes for profit golf courses, archery ranges, outdoor volleyball, tennis, or swimming facilities, recreational courts, recreational day camp and horseback riding	C
Natural and other Recreational Parks	5500	All parks without special economic functions, other than limited concessions	P
Nursery or preschool	6110		C
Grade school	6120	Comprises all public, private, and specialty schools between the preschool and university level; includes adult education services not addressed elsewhere	C
College or university	6130		C
general technical schools	6141-6143, 6145, 6147	Offer courses in office procedures, administrative skills, and basic office skills; dance, art, drama, and music; athletic activities	C
Public Safety	6400	Government-owned establishments providing fire and rescue, police, and emergency response services	P
group home small	6522	Fewer than five (5) aged or infirm individuals or fewer than nine (9) individuals with mental, intellectual or developmental disabilities	P
group home large	6523	Five or more aged or infirm individuals, or nine (9) or more individuals with mental, intellectual or developmental disabilities	C
Hospital	6530		C
child and adult day care	6562	Provide day care for children and adults	
home	6562a	Day care for fewer than six (6) individuals in a residence	P
small	6562b	Day care for six (6) to twelve (12) individuals in a residence	C
large	6562c	Provide care for more than 12 individuals	C
Religious Institutions	6600	Churches, temples, synagogues, mosques, convents and monasteries	C
free-standing cemetery	6722		C
columbarium	6724		C

Land Use	LBCS #	Description	Approval Type
Vegetable farming or growing	9120	Includes private fields and community gardens	P
Commercial orchards	9130	Includes fruit and nut trees for commercial production	P
Greenhouse – no on-premises sales	9141	Commercial greenhouse production	P
Animal Production	9300	Keep, graze, breed or feed animals (see district standards)	P
tent revival meetings/ transient amusements	9921	Includes temporary carnivals and circuses sponsored by non-profit organizations (see section 35.2-72.73	P
residential cluster development	9951	See section 35.2-80	P
traditional neighborhood development	9952	See section Error! Reference source not found.	C
planned unit development	9953	See section 35.2-83	C

35.2-45 Limited Business Districts (B-1)

35.2-45.2 Authorized Uses

- (a) The uses authorized by IV-12 may be established in accordance with the procedures in Article II, the district standards in this article, the site development standards established in Article II and specific use standards established in Article VI, as well as other applicable rules and regulations.
- (b) Uses may also be limited by overlay standards established in Article V of this Zoning Ordinance.
- (c) See Article III for the rules of interpreting authorized uses and Appendix A for a complete listing of land uses allowed in every zoning district.
- (d) Uses designated “P” are permitted by right and uses designated “C” require issuance of a conditional use permit.

Exhibit IV-12: Authorized Uses in B-1 District

Land Use	LBCS #	Description	Approval Type
single-household detached	1111S	Typical single-household dwelling	P
modular home	1114S	A prefabricated home without axles or frames (see definitions)	P
Two-household (duplex)	1121S	A building located on one (1) zoning lot containing not more than two (2) dwelling units	C
single-household attached (townhouse)	1140S	Each unit on a separate lot; fire wall may protrude from roof or roofs may be staggered	C
Multi-household structures	1200S	Includes triplexes, four-plexes, and other multi-household dwellings	C
Mixed-use residential structures (see district regulations for limitations)	1201S	Typically commercial uses on lower floors and residential uses on upper floors	P
Housing Services	1200	Housing and custodial services for those who cannot care for themselves. Includes nursing and retirement homes, congregate living, assisted and continuing care living, but excludes rehab uses in LBCS #6520)	P
Bed & Breakfast and Tourist Homes	1310	Guest rooms in a private home or accessory building to a private home	P
boarding house	1321	Non-transient lodging that may include meals and is owner-occupied	P
rooming house	1322	Transient or non-transient lodging that may include meals	P
dormitory, sorority or fraternity house	1323	Allowed only as accessory uses to and owned by a college or university	C
<u>Short-term Rental</u>	<u>1350</u>	<u>Provision of lodging for fewer than thirty (30) consecutive days. (See Section 35.2-71.16)</u>	<u>P</u>
Bicycles	2113b	New or used bicycle sales, rental and repair	P

Land Use	LBCS #	Description	Approval Type
camera and photographic supplies; clothing, jewelry, luggage, shoes, clocks, sewing; sporting goods, toy and hobby, and musical instruments; mixed media, school and office supplies	2132-2135	Primarily retail cameras and photographic supplies or retail with repair and film developing; clothing (including shoe repair and tailoring, sporting goods, toys, musical instruments, kitchen goods, books, magazines, music, videos, stationary, greeting cards, seasonal decorations, office and school supplies.	P
florist, art supplies, tobacco products	2141-2143	Florists, art supplies and art dealers, frame shops, tobacco products	P
art galleries	2142b	Excludes art supply sales and retail framing services	P
antique shop	2145	Antique shops, (excludes flea markets, thrift stores and pawn shops)	P
grocery store, supermarket, or bakery, convenience store, specialty food stores	2151-2154	Included are grocery stores, convenience stores, meat, seafood and produce markets, coffee, confections, variety goods and general stores, and delicatessens. Excludes stores with fuel pumps (see 2116 for fuel sales).	P
beer, wine, and liquor store	2155		P
Health and personal care	2160	Retail prescription or nonprescription drugs; retail cosmetics, perfumes, toiletries; prescription or nonprescription eyeglasses; prescription or nonprescription health and convalescent aids; medical devices, retail food supplement products such as vitamins, nutrition supplements, and body enhancing supplements.	P
Bank, credit union, or savings institution	2210	Central banking functions	P
credit card and other financing	2221	Credit card, sales financing, unsecured consumer lending, real estate credit, mortgages, international trade financing	P
Investment banking, securities, and brokerages; insurance; fund, trust, or other financial establishment	2230-2250	Securities underwriting, brokering, exchange services, managing portfolios; Insurance underwriting, selling insurance; manage assets on behalf of shareholders or beneficiaries	P
Real estate services	2310	Sell or lease real estate such as buildings, manufactured home sites and vacant lots; includes real estate appraisers and realtor offices	P
professional offices	2411-2014	Title abstract, lawyers, notaries, accountants, bookkeeping, payroll services, architects, engineers, surveyors, graphic design, interior design and industrial design	P
consulting services (management, environmental technical)	2415	Advise and assist businesses on management, scientific, and technological issues	P
scientific research and development services	2416	Conduct research or analyze in the physical, engineering, cognitive, or life sciences in offices.	P

Land Use	LBCS #	Description	Approval Type
other professional offices	2419, 6810, 6820	Includes advertising and media services intellectual property rights, franchising, labor, political or business organizations, and uses with similar impacts	P
office administrative services	2421	Office administration such as billing, record keeping, personnel, organizational planning	P
facilities support services	2422	Provide operating staff for support services within a client's facilities, including janitorial, security, laundry services, etc.	P
employment agency	2423a	Provide employee placement, temporary help	P
copy center, private mail center, other business support services	2424	Provide document preparation, telephone answering, telemarketing, court reporting, steno typing, FAX, internet access, small signs and banners	P
collection agency	2425	Collect payments, compile credit information, repossess tangible assets	P
Travel arrangement and reservation services	2430	Promote or sell travel, includes convention and visitors' bureaus	P
Restaurants, cafeterias, snack bars & catering	2510-2530 & 2560	Provide food and drinks to patrons – see district specific use regulations for limitations. Includes banquet, assembly and reception halls. See district standards.	P
Personal care	2610	Hair, nail, and skin care and related personal care, barbers, beauty shops, dieting and weight loss, tanning, hair removal, hair weaving, ear piercing and similar services	P
laundromat and dry cleaning	2621 & 2622	Includes Laundromats, dry cleaners, diaper services as well as other commercial laundry services	P
Photofinishing	2630	Primarily engaged in developing film or making slides, etc.	P
Parking lot and parking garage	2640	See district standards	P
licensed massage therapist	2651		P
pet cemetery	2723		C
national post office	4181		P
retail courier and package delivery	4182	Retail courier, package drop-off and mail services	P
wireless telecommunications transmission	4233	Operate, maintain or provide access to facilities for the transmission of voice, data, text, sound or video, see section 35.2-73 for telecommunications towers	P
telephone and other wired telecommunications	4234	Operate telephone networks – excludes switching stations	P
Telecommunications switching stations/exchanges	4239	Telecommunications switching stations and exchanges with no on-site employees	C
library or archive	4242	Provide library or archive services	P
data processing and management, hosting and related services	4244	Web hosting, computer data storage, optical scanning, computer input preparation, microfilm imaging	P

Land Use	LBCS #	Description	Approval Type
Public Utilities Services, Major	4315, 4329, 4339, 4349	Includes transmission lines for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission of a regional nature and normally entail the construction of new buildings or structures such as electrical switching facilities and stations or substations, electric, gas, and other utility transmission lines of a regional nature which are not otherwise reviewed and approved by the Virginia State Corporation Commission. All overhead transmission lines are included in this definition.	C
Public Utilities Service Minor	4315, 4329, 4339, 4349	Includes distribution or collection lines and appurtenances for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission that are necessary to support development within the immediate vicinity and involve only minor structures. Included in this use type are small facilities such as transformers, relay and booster devices, and well, water and sewer pump stations, and wireless communication antennas attached to existing buildings or structures.	P
electric substations	4316		C
Water treatment plants and utility facilities	4331 – 4333,	Water treatment plants, pumping stations and lift stations	C
Theater, dance or music establishment	5110 & 5160	Companies, groups, or theaters that produce theatrical presentations, dance, dinner theaters, and live musical entertainment; includes facilities for independent artists and performers	P
Promoter of sports, performing arts, similar events and management services	5140 - 5150	Organize, promote, and manage performances and events; agents representing artists, athletes and entertainers	P
Museums and Other Special Purpose Recreational Institutions	5200	Public and private museums, historical sites, and similar establishments	P
Country Club	5340 & 6830	Operate private country clubs, with tennis courts and golf courses along with dining facilities and other recreational facilities; includes civic, social and fraternal organizations without dwellings	P
fitness and recreational sports center	5371	Aerobic dance or exercise center, gymnasium, physical fitness center, health and athletic club, indoor handball, racquetball, volleyball, tennis, or swimming facilities conducted inside a building	P
outdoor recreation	5372, 5373 & 5374	Includes for profit golf courses, archery ranges, outdoor volleyball, tennis, or swimming facilities, recreational courts, recreational day camp and horseback riding	C

Land Use	LBCS #	Description	Approval Type
Natural and other Recreational Parks	5500	All parks without special economic functions, other than limited concessions	P
Nursery or preschool	6110		P
Grade school	6120	Comprises all public, private, and specialty schools between the preschool and university level; includes adult education services not addressed elsewhere. See district use standards	P
College or university	6130	See district use standards	P
Public Safety	6400	Government-owned establishments providing fire and rescue, police, and emergency response services	P
Clinic	6511 & 6567	Include physician offices, dentists, chiropractors, optometrists, licensed massage therapists, and veterans affairs services	P
outpatient care clinic	6512	Provide outpatient family planning services and outpatient care	P
group home small	6522	Fewer than five (5) aged or infirm individuals or fewer than nine (9) individuals with mental, intellectual or developmental disabilities	P
group home large	6523	Five or more aged or infirm individuals, or nine (9) or more individuals with mental, intellectual or developmental disabilities	P
Hospital	6530		C
child and adult day care	6562	Provide day care for children and adults	
Home	6562a	Day care for fewer than six (6) individuals in a residence	P
Small	6562b	Day care for six (6) to twelve (12) individuals in a residence	P
Large	6562c	Provide care for more than 12 individuals	P
Religious Institutions	6600	Churches, temples, synagogues, mosques, convents and monasteries	P
Funeral home and services	6710	Includes funeral homes combined with crematories	P
free-standing cemetery	6722		P
Columbarium	6724		C
Vegetable farming or growing	9120	Includes private fields and community gardens with production limited to retail sales	P
Commercial orchards	9130	Includes fruit and nut trees with production limited to retail sales	P
Animal Production	9300	Keep, graze, breed or feed animals (see district standards)	P
tent revival meetings/transient amusements	9921	Includes temporary carnivals and circuses sponsored by non-profit organizations (see section 35.2-72.23)	P
cluster commercial development	9955	See section 35.2-85	C

35.2-46 Community Business Districts (B-3)

35.2-46.2 Authorized Uses

- (a) The uses authorized by IV-15 may be established in accordance with the procedures established in Article II, the district standards in this article, the site development standards established in Article VI and specific use standards established in Article VII as well as other applicable rules and regulations.
- (b) Uses may also be limited by overlay standards established in Article V of this Zoning Ordinance.
- (c) See Article III for the rules of interpreting authorized uses and Appendix A for a complete listing of land uses allowed in every zoning district.
- (d) Uses designated “P” are permitted by right and uses designated “C” require issuance of a conditional use permit.

Exhibit IV-15 Authorized Uses in B-3 District

Land Use	LBCS #	Description	Approval Type
single-household detached	1111S	Typical single-household dwelling	P
modular home	1114S	A prefabricated home without axles or frames (see definitions)	P
Two-household (duplex)	1121S	A building located on one (1) zoning lot containing not more than two (2) dwelling units	C
single-household attached (townhouse)	1140S	Each unit on a separate lot; fire wall may protrude from roof or roofs may be staggered	C
Multi-household structures	1200S	Includes triplexes, four-plexes, and other multi-household dwellings	C
Mixed-use residential structures (see district regulations for limitations)	1201S	Typically commercial uses on lower floors and residential uses on upper floors	P
Housing Services	1200	Housing and custodial services for those who cannot care for themselves. Includes nursing and retirement homes, congregate living, assisted and continuing care living, but excludes rehab uses in LBCS #6520)	P
Bed & Breakfast and Tourist Homes	1310	Guest rooms in a private home or accessory building to a private home	P
boarding house	1321	Non-transient lodging that may include meals and is owner-occupied	P
rooming house	1322	Transient or non-transient lodging that may include meals	P
dormitory, sorority or fraternity house	1323	Allowed only as accessory uses to and owned by a college or university	C
Hotel, motel, or tourist court	1330	Hotels that do not have gambling services; includes extended-stay hotels	P
<u>Short-term Rental</u>	<u>1350</u>	<u>Provision of lodging for fewer than thirty (30) consecutive days. (See Section 35.2-71.16)</u>	<u>P</u>

Land Use	LBCS #	Description	Approval Type
bicycles	2113b	New or used bicycle sales, rental and repair	P
parts, accessories, or tires	2115	Automotive parts and supply stores, automotive stereo stores.	P
gasoline service	2116	Gas stations with or without convenience stores or food marts, excludes truck stops, light auto repair and heavy auto repair	P
light auto repair	2117a	Oil change, light auto repair and car wash. May include gasoline and other retail sales.	C
heavy auto repair	2117b	Auto repair, paint and body shops. May include gasoline and other retail sales.	C
furniture or home furnishings, hardware, home center, lawn and garden supplies, department store, warehouse club or superstore, electronics and appliances	2121-2125	Furniture, flooring, bedding stores; home building and repair supplies, painting supplies, farm goods, lighting supply, window treatment; nursery and garden products predominantly grown elsewhere, power equipment sales or services; large variety stores; household-type appliances, television, stereos, including repair shops and cell phone stores.	P
computer and software	2131	Computers and prepackaged software including repair, support, and training	P
camera and photographic supplies; clothing, jewelry, luggage, shoes, clocks, sewing; sporting goods, toy and hobby, and musical instruments; mixed media, school and office supplies	2132-2135	Primarily retail cameras and photographic supplies or retail with repair and film developing; clothing (including shoe repair and tailoring, sporting goods, toys, musical instruments, kitchen goods, books, magazines, music, videos, stationary, greeting cards, seasonal decorations, office and school supplies.	P
florist, art supplies, tobacco products	2141-2143	Florists, art supplies and art dealers, frame shops, tobacco products	P
art galleries	2142b	Excludes art supply sales and retail framing services	P
antique shop	2145	Antique shops, (excludes flea markets, thrift stores and pawn shops)	P
flea markets and thrift stores	2145b	Flea markets and thrift stores	P
grocery store, supermarket, or bakery, convenience store, specialty food stores	2151-2154	Included are grocery stores, convenience stores, meat, seafood and produce markets, coffee, confections, variety goods and general stores, and delicatessens. Excludes stores with fuel pumps (see 2116 for fuel sales).	P
beer, wine, and liquor store	2155		P
Health and personal care	2160	Retail prescription or nonprescription drugs; retail cosmetics, perfumes, toiletries; prescription or nonprescription eyeglasses; prescription or nonprescription health and convalescent aids; medical devices, retail food supplement products such as vitamins, nutrition supplements, and body enhancing supplements.	P
Markets for farm produce or crafts	2199	Markets and truck gardens.	C

Land Use	LBCS #	Description	Approval Type
Bank, credit union, or savings institution	2210	Central banking functions	P
credit card and other financing	2221	Credit card, sales financing, unsecured consumer lending, real estate credit, mortgages, international trade financing	P
pawn shops	2222		P
short-term loans	2223	Pay-day lenders and other businesses providing loans with terms of 45 days or less	P
precious metal buyers	2224	Businesses providing cash for gold and other precious metals or gems (excludes retail jewelers)	P
Investment banking, securities, and brokerages; insurance; fund, trust, or other financial establishment	2230-2250	Securities underwriting, brokering, exchange services, managing portfolios; Insurance underwriting, selling insurance; manage assets on behalf of shareholders or beneficiaries	P
Real estate services	2310	Sell or lease real estate such as buildings, manufactured home sites and vacant lots; includes real estate appraisers and realtor offices	P
Property management services	2320	Manage real property for others	P
vehicles	2331 & 2332	Lease passenger cars, trucks, trailers, RVs, buses and aircraft; drivers not provided	C
Professional offices	2411-2014	Title abstract, lawyers, notaries, accountants, bookkeeping, payroll services, architects, engineers, surveyors, graphic design, interior design and industrial design	P
consulting services (management, environmental technical)	2415	Advise and assist businesses on management, scientific, and technological issues	P
scientific research and development services	2416	Conduct research or analyze in the physical, engineering, cognitive, or life sciences in laboratories or offices.	P
advertising, media and photography services	2417	Includes advertising, marketing and public relations agencies, photographic studios and photographic services.	P
veterinary services	2418	Veterinary medicine, testing services for veterinary practitioners	C
other professional offices	2419, 6810, 6820	Includes advertising and media services intellectual property rights, franchising, labor, political or business organizations, and uses with similar impacts	P
office administrative services	2421	Office administration such as billing, record keeping, personnel, organizational planning	P
facilities support services	2422	Provide operating staff for support services within a client's facilities, including janitorial, security, laundry services, etc.	P
employment agency	2423a	Provide employee placement, temporary help	P

Land Use	LBCS #	Description	Approval Type
copy center, private mail center, other business support services	2424	Provide document preparation, telephone answering, telemarketing, court reporting, steno typing, FAX, internet access, small signs and banners	P
collection agency	2425	Collect payments, compile credit information, repossess tangible assets	P
Travel arrangement and reservation services	2430	Promote or sell travel, includes convention and visitors' bureaus	P
Investigation and security services	2440	Provide detective, guard and patrol services, picking up and delivery of money, selling of security systems, remote monitoring of security systems, locksmiths	P
Restaurants, cafeterias, snack bars & catering	2510-2530 & 2560	Provide food and drinks to patrons – see district specific use regulations for limitations. Includes banquet, assembly and reception halls. See district standards.	P
Mobile food services	2550	Prepare and serve meals and snacks for immediate consumption from motorized vehicles	P
Personal care	2610	Hair, nail, and skin care and related personal care, barbers, beauty shops, dieting and weight loss, tanning, hair removal, hair weaving, ear piercing and similar services	P
laundromat and dry cleaning	2621 & 2622	Includes Laundromats, dry cleaners, diaper services as well as other commercial laundry services	P
Photofinishing	2630	Primarily engaged in developing film or making slides, etc.	P
Parking lot and parking garage	2640	See district standards	P
licensed massage therapist	2651		P
Tattoo Parlor	2652	Tattoos by a licensed professional	P
adult retail establishment	2653	Stores primarily selling adult oriented products, including books, videos, magazines, toys, lingerie and other sexually-oriented goods	P
Pet or pet supply store	2710	Retail pets, pet foods, pet supplies	P
animal services	2721	grooming and training	P
animal boarding	2722	sitting and boarding	C
pet cemetery	2723		P
national post office	4181		P
retail courier and package delivery	4182	Retail courier, package drop-off and mail services	P
radio and television broadcasting	4231, 4232 & 4241	Operate broadcasting studios and facilities for over the air, cable or satellite delivery of radio and television programs	P
wireless telecommunications transmission	4233	Operate, maintain or provide access to facilities for the transmission of voice, data, text, sound or video, see section 35.2-73 for telecommunications towers	P

Land Use	LBCS #	Description	Approval Type
telephone and other wired telecommunications	4234	Operate telephone networks – excludes switching stations	P
Telecommunications switching stations/exchanges	4239	Telecommunications switching stations and exchanges with no on-site employees	C
library or archive	4242	Provide library or archive services	P
data processing and management, hosting and related services	4244	Web hosting, computer data storage, optical scanning, computer input preparation, microfilm imaging	P
Public Utilities Services, Major	4315, 4329, 4339, 4349	Includes transmission lines for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission of a regional nature and normally entail the construction of new buildings or structures such as electrical switching facilities and stations or substations, electric, gas, and other utility transmission lines of a regional nature which are not otherwise reviewed and approved by the Virginia State Corporation Commission. All overhead transmission lines are included in this definition.	C
Public Utilities Service Minor	4315, 4329, 4339, 4349	Includes distribution or collection lines and appurtenances for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission that are necessary to support development within the immediate vicinity and involve only minor structures. Included in this use type are small facilities such as transformers, relay and booster devices, and well, water and sewer pump stations, and wireless communication antennas attached to existing buildings or structures.	P
electric substations	4316		C
Water treatment plants and utility facilities	4331 – 4333,	Water treatment plants, pumping stations and lift stations	C
Theater, dance or music establishment	5110 & 5160	Companies, groups, or theaters that produce theatrical presentations, dance, dinner theaters, and live musical entertainment; includes facilities for independent artists and performers	P
Motion picture viewing and exhibition services	5111	Operate movie theaters (excluding drive-ins), film festival exhibitions	P
Promoter of sports, performing arts, similar events and management services	5140 - 5150	Organize, promote, and manage performances and events; agents representing artists, athletes and entertainers	P
Indoor auditorium or arena	5170	Indoor auditoriums, arenas, conference centers, or multipurpose facilities	P
Museums and Other Special Purpose Recreational Institutions	5200	Public and private museums, historical sites, and similar establishments	P

Land Use	LBCS #	Description	Approval Type
Amusement or theme park establishment	5310	Operate a variety of attractions such as mechanical rides, water rides, games	C
Commercial Amusements	5320, 5380, 5390	Operate arcades and other commercial amusements as defined herein	P
Country Club	5340 & 6830	Operate private country clubs, with tennis courts and golf courses along with dining facilities and other recreational facilities; includes civic, social and fraternal organizations without dwellings	P
fitness and recreational sports center	5371	Aerobic dance or exercise center, gymnasium, physical fitness center, health and athletic club, indoor handball, racquetball, volleyball, tennis, or swimming facilities conducted inside a building	P
outdoor recreation	5372, 5373 & 5374	Includes golf courses, archery ranges, outdoor volleyball, tennis, or swimming facilities, recreational courts, recreational day camp and horseback riding (excludes automobile, dog and horse racing)	C
shooting ranges, indoor	5375		C
Natural and other Recreational Parks	5500	All parks without special economic functions, other than limited concessions	P
Nursery or preschool	6110		P
Grade school	6120	Comprises all public, private, and specialty schools between the preschool and university level; includes adult education services not addressed elsewhere. See district use standards.	P
College or university	6130	See district use standards.	P
general technical schools	6141-6143, 6145, 6147	Offer courses in office procedures, administrative skills, and basic office skills; dance, art, drama, and music; athletic activities. See district use standards.	P
driving education	6144		P
Public Safety	6400	Government-owned establishments providing fire and rescue, police, and emergency response services	P
clinic	6511 & 6567	Include physician offices, dentists, chiropractors, optometrists, licensed massage therapists, and veterans affairs services	P
outpatient care clinic	6512	Provide outpatient family planning services and outpatient care	P
medical or diagnostic laboratory; blood/organ bank	6513 - 6514	Provide analytic or diagnostic services including medical imaging	P
group home small	6522	Fewer than five (5) aged or infirm individuals or fewer than nine (9) individuals with mental, intellectual or developmental disabilities	P

Land Use	LBCS #	Description	Approval Type
group home large	6523	Five or more aged or infirm individuals, or nine (9) or more individuals with mental, intellectual or developmental disabilities	P
Hospital	6530		C
child and adult day care	6562	Provide day care for children and adults	
home	6562a	Day care for fewer than six (6) individuals in a residence	P
small	6562b	Day care for six (6) to twelve (12) individuals in a residence	P
large	6562c	Provide care for more than 12 individuals	P
Religious Institutions	6600	Churches, temples, synagogues, mosques, convents and monasteries	P
Death Care Services	6700	Funeral homes, crematories, cemeteries	
Funeral home and services	6710	Includes funeral homes combined with crematories	P
free-standing cemetery	6722		P
columbarium	6724		C
CONSTRUCTION-RELATED BUSINESSES	7000	Contractors who can build or demolish buildings, leveling, earthmoving, excavating, land drainage; should reflect the location of the establishment and not where it is performing its services. This category also includes the manufacture of industrial buildings, manufactured homes, modular homes, storage buildings and similar structures. Note that district standards may limit or preclude manufacturing, outdoor operations, outdoor storage of commercial vehicles and materials.	P
Vegetable farming or growing	9120	Includes private fields and community gardens with production limited to retail sales	P
Commercial orchards	9130	Includes fruit and nut trees with production limited to retail sales	P
Greenhouse – no on-premises sales	9141	Commercial greenhouse production	P
Greenhouse – sales of products grown on premises	9142		P
Greenhouse – sales of products and related accessory products	9143		P
Animal Production	9300	Keep, graze, breed or feed animals (see standards in section 35.2-71.7)	P
tent revival meetings/transient amusements	9921	Includes temporary carnivals and circuses sponsored by non-profit organizations (see section 35.2-72.23)	P
temporary outdoor promotional attractions	9922	Includes car shows, boat shows and similar short-term events intended to promote commercial sales or services (see section 35.2-72.23)	P

Land Use	LBCS #	Description	Approval Type
traditional neighborhood development	9952	See section 35.2-82)	C
large scale retail establishments	9954	See section 35.2-84	P
cluster commercial development	9955	See section 35.2-85	C

35.2-47 Urban Commercial District (B-4)

35.2-47.2 Authorized Uses

- (a) The uses authorized by Exhibit IV-17 may be established in accordance with the procedures established in Article II, the district standards in this article, the site development standards established in Article VI and specific use standards established in Article VII as well as other applicable rules and regulations.
- (b) Uses may also be limited by overlay standards established in Article V of this Zoning Ordinance.
- (c) See Article III for the rules of interpreting authorized uses and Appendix A for a complete listing of land uses allowed in every zoning district.
- (d) Uses designated “P” are permitted by right and uses designated “C” require issuance of a conditional use permit.

Exhibit IV-17: Authorized Uses in B-4 District

Land Use	LBCS #	Description	Approval Type
single-household attached (townhouse)	1140S	Each unit on a separate lot; fire wall may protrude from roof or roofs may be staggered	P
Multi-household structures	1200S	Includes triplexes, four-plexes, and other multi-household dwellings	P
Mixed-use residential structures (see district regulations for limitations)	1201S	Typically commercial uses on lower floors and residential uses on upper floors	P
Housing Services	1200	Housing and custodial services for those who cannot care for themselves. Includes nursing and retirement homes, congregate living, assisted and continuing care living, but excludes rehab uses in LBCS #6520)	P
Bed & Breakfast and Tourist Homes	1310	Guest rooms in a private home or accessory building to a private home	P
boarding house	1321	Non-transient lodging that may include meals and is owner-occupied	P
rooming house	1322	Transient or non-transient lodging that may include meals	P
dormitory, sorority or fraternity house	1323	Allowed only as accessory uses to and owned by a college or university	C
Hotel, motel, or tourist court	1330	Hotels that do not have gambling services; includes extended-stay hotels	P
<u>Short-term Rental</u>	<u>1350</u>	<u>Provision of lodging for fewer than thirty (30) consecutive days. (See Section 35.2-71.16)</u>	<u>P</u>
bicycles	2113b	New or used bicycle sales, rental and repair	P
boat or marine craft dealer	2114	New or used boats sales, rental and related repair services	P

Land Use	LBCS #	Description	Approval Type
parts, accessories, or tires	2115	Automotive parts and supply stores, automotive stereo stores.	P
gasoline service	2116	Gas stations with or without convenience stores or food marts, excludes truck stops, light auto repair and heavy auto repair	C
light auto repair	2117a	Oil change, light auto repair and car wash. May include gasoline and other related sales.	C
heavy auto repair	2117b	Auto repair, paint and body shops. May include gasoline and other retail sales.	C
furniture or home furnishings, hardware, home center, lawn and garden supplies, department store, warehouse club or superstore, electronics and appliances	2121-2125	Furniture, flooring, bedding stores; home building and repair supplies, painting supplies, farm goods, lighting supply, window treatment; nursery and garden products predominantly grown elsewhere, power equipment sales or services; large variety stores; household-type appliances, television, stereos, including repair shops and cell phone stores.	P
computer and software	2131	Computers and prepackaged software including repair, support, and training	P
camera and photographic supplies; clothing, jewelry, luggage, shoes, clocks, sewing; sporting goods, toy and hobby, and musical instruments; mixed media, school and office supplies	2132-2135	Primarily retail cameras and photographic supplies or retail with repair and film developing; clothing (including shoe repair and tailoring, sporting goods, toys, musical instruments, kitchen goods, books, magazines, music, videos, stationary, greeting cards, seasonal decorations, office and school supplies.	P
florist, art supplies, tobacco products	2141-2143	Florists, art supplies and art dealers, frame shops, tobacco products	P
art galleries	2142b	Excludes art supply sales and retail framing services	P
mail order or direct selling establishment	2144	Retailing other than through locations where shoppers physically visit	P
antique shop	2145	Antique shops, (excludes flea markets, thrift stores and pawn shops)	P
flea markets and thrift stores	2145b	Flea markets and thrift stores	P
grocery store, supermarket, or bakery, convenience store, specialty food stores	2151-2154	Included are grocery stores, convenience stores, meat, seafood and produce markets, coffee, confections, variety goods and general stores, and delicatessens. Excludes stores with fuel pumps (see 2116 for fuel sales).	P
beer, wine, and liquor store	2155		P

Land Use	LBCS #	Description	Approval Type
Health and personal care	2160	Retail prescription or nonprescription drugs; retail cosmetics, perfumes, toiletries; prescription or nonprescription eyeglasses; prescription or nonprescription health and convalescent aids; medical devices, retail food supplement products such as vitamins, nutrition supplements, and body enhancing supplements.	P
Markets for farm produce or crafts	2199	Markets and truck gardens.	C
Bank, credit union, or savings institution	2210	Central banking functions	P
credit card and other financing	2221	Credit card, sales financing, unsecured consumer lending, real estate credit, mortgages, international trade financing	P
pawn shops	2222		P
short-term loans	2223	Pay-day lenders and other businesses providing loans with terms of 45 days or less	P
precious metal buyers	2224	Businesses providing cash for gold and other precious metals or gems (excludes retail jewelers)	P
Investment banking, securities, and brokerages; insurance; fund, trust, or other financial establishment	2230-2250	Securities underwriting, brokering, exchange services, managing portfolios; Insurance underwriting, selling insurance; manage assets on behalf of shareholders or beneficiaries	P
Real estate services	2310	Sell or lease real estate such as buildings, manufactured home sites and vacant lots; includes real estate appraisers and realtor offices	P
Property management services	2320	Manage real property for others	P
recreational goods rental	2333	Rent skis, canoes, bicycles, sailboats, motorcycles	P
Professional offices	2411-2014	Title abstract, lawyers, notaries, accountants, bookkeeping, payroll services, architects, engineers, surveyors, graphic design, interior design and industrial design	P
consulting services (management, environmental technical)	2415	Advise and assist businesses on management, scientific, and technological issues	P
scientific research and development services	2416	Conduct research or analyze in the physical, engineering, cognitive, or life sciences in laboratories or offices.	P
advertising, media and photography services	2417	Includes advertising, marketing and public relations agencies, photographic studios and photographic services.	P
veterinary services	2418	Veterinary medicine, testing services for veterinary practitioners	P
other professional offices	2419, 6810, 6820	Includes advertising and media services intellectual property rights, franchising, labor, political or business organizations, and uses with similar impacts	P

Land Use	LBCS #	Description	Approval Type
office administrative services	2421	Office administration such as billing, record keeping, personnel, organizational planning	P
facilities support services	2422	Provide operating staff for support services within a client's facilities, including janitorial, security, laundry services, etc.	P
employment agency	2423a	Provide employee placement, temporary help	P
copy center, private mail center, other business support services	2424	Provide document preparation, telephone answering, telemarketing, court reporting, steno typing, FAX, internet access, small signs and banners	P
collection agency	2425	Collect payments, compile credit information, repossess tangible assets	P
Travel arrangement and reservation services	2430	Promote or sell travel, includes convention and visitors' bureaus	P
Investigation and security services	2440	Provide detective, guard and patrol services, picking up and delivery of money, selling of security systems, remote monitoring of security systems, locksmiths	P
Restaurants, cafeterias, snack bars & catering	2510-2530 & 2560	Provide food and drinks to patrons – see district specific use regulations for limitations. Includes banquet, assembly and reception halls. See district standards.	P
Mobile food services	2550	Prepare and serve meals and snacks for immediate consumption from motorized vehicles	P
Food service contractor and vending machine operators	2570 & 2580	Provide food services at institutional, governmental, commercial, or industrial locations based on contracts. Retail merchandise through vending machines that they service	P
Personal care	2610	Hair, nail, and skin care and related personal care, barbers, beauty shops, dieting and weight loss, tanning, hair removal, hair weaving, ear piercing and similar services	P
laundromat and dry cleaning	2621 & 2622	Includes Laundromats, dry cleaners, diaper services as well as other commercial laundry services	P
Photofinishing	2630	Primarily engaged in developing film or making slides, etc.	P
Parking lot and parking garage	2640	See district standards	P
licensed massage therapist	2651		P
tattoo parlor	2652	Tattoos by a licensed professional	P
adult retail establishment	2653	Stores primarily selling adult oriented products, including books, videos, magazines, toys, lingerie and other sexually-oriented goods	P
Pet or pet supply store	2710	Retail pets, pet foods, pet supplies	P
animal services	2721	grooming and training	P

Land Use	LBCS #	Description	Approval Type
Food and beverages	3110	Includes bakery and candy establishments that produce for later consumption; ice manufacturing; dairies; bottling plants; and peanut and coffee roasting	P
Furniture and related products	3230	Includes manufacture and repair of furniture, upholstery, mattresses, window blinds, window shades, awnings cabinets, fixtures	P
Office and warehousing	3610	Storage of goods related to on-site office or retail use	P
rail passenger transportation	4121	Passenger stations only	P
local transit systems--bus, special needs, sightseeing, taxi and limousine services	4133 – 4134 & 4136 - 4137	Single-mode local and non-local transit systems other than rail; excludes transit stops, which are allowed in all districts. Includes sightseeing, taxi and limousine services	P
marine and sightseeing transportation	4151	Provide water transportation, including scenic and sightseeing, for passengers	P
national post office	4181		P
retail courier and package delivery	4182	Retail courier, package drop-off and mail services	P
Motion pictures and sound recording	4220	Produce and distribute motion pictures and sound recordings	P
radio and television broadcasting	4231, 4232 & 4241	Operate broadcasting studios and facilities for over the air, cable or satellite delivery of radio and television programs	P
wireless telecommunications transmission	4233	Operate, maintain or provide access to facilities for the transmission of voice, data, text, sound or video, see section 35.2-73 for telecommunications towers	P
telephone and other wired telecommunications	4234	Operate telephone networks – excludes switching stations	P
Telecommunications switching stations/exchanges	4239	Telecommunications switching stations and exchanges with no on-site employees	C
library or archive	4242	Provide library or archive services	P
news syndicate	4243	Supply information such as news reports, articles, pictures and features to the news media	P
data processing and management, hosting and related services	4244	Web hosting, computer data storage, optical scanning, computer input preparation, microfilm imaging	P

Land Use	LBCS #	Description	Approval Type
Public Utilities Services, Major	4315, 4329, 4339, 4349	Includes transmission lines for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission of a regional nature and normally entail the construction of new buildings or structures such as electrical switching facilities and stations or substations, electric, gas, and other utility transmission lines of a regional nature which are not otherwise reviewed and approved by the Virginia State Corporation Commission. All overhead transmission lines are included in this definition.	C
Public Utilities Service Minor	4315, 4329, 4339, 4349	Includes distribution or collection lines and appurtenances for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission that are necessary to support development within the immediate vicinity and involve only minor structures. Included in this use type are small facilities such as transformers, relay and booster devices, and well, water and sewer pump stations, and wireless communication antennas attached to existing buildings or structures.	P
electric substations	4316		C
Water treatment plants and utility facilities	4331 – 4333,	Water treatment plants, pumping stations and lift stations	C
Theater, dance or music establishment	5110 & 5160	Companies, groups, or theaters that produce theatrical presentations, dance, dinner theaters, and live musical entertainment; includes facilities for independent artists and performers	P
Motion picture viewing and exhibition services	5111	Operate movie theaters (excluding drive-ins), film festival exhibitions	P
Promoter of sports, performing arts, similar events and management services	5140 - 5150	Organize, promote, and manage performances and events; agents representing artists, athletes and entertainers	P
Indoor auditorium or arena	5170	Indoor auditoriums, arenas, conference centers, or multipurpose facilities	C
Outdoor auditorium/arenas	5180	Outdoor arenas, theaters and stadiums	C
Museums and Other Special Purpose Recreational Institutions	5200	Public and private museums, historical sites, and similar establishments	P
Amusement or theme park establishment	5310	Operate a variety of attractions such as mechanical rides, water rides, games	C
Commercial Amusements	5320, 5380, 5390	Operate arcades and other commercial amusements as defined herein	C

Land Use	LBCS #	Description	Approval Type
Country Club	5340 & 6830	Operate private country clubs, with tennis courts and golf courses along with dining facilities and other recreational facilities; includes civic, social and fraternal organizations without dwellings	P
fitness and recreational sports center	5371	Aerobic dance or exercise center, gymnasium, physical fitness center, health and athletic club, indoor handball, racquetball, volleyball, tennis, or swimming facilities conducted inside a building	P
outdoor recreation	5372, 5373 & 5374	Includes for profit golf courses, archery ranges, outdoor volleyball, tennis, or swimming facilities, recreational courts, recreational day camp and horseback riding	C
shooting ranges, indoor	5375		C
Natural and other Recreational Parks	5500	All parks without special economic functions, other than limited concessions	P
Nursery or preschool	6110		P
Grade school	6120	Comprises all public, private, and specialty schools between the preschool and university level; includes adult education services not addressed elsewhere. See district use standards.	P
College or university	6130	See district use standards.	P
general technical schools	6141-6143, 6145, 6147	Offer courses in office procedures, administrative skills, and basic office skills; dance, art, drama, and music; athletic activities. See district use standards.	C
Other Government Functions	6300	Other government owned establishments not classified elsewhere such as defense and national guard establishments	C
Public Safety	6400	Government-owned establishments providing fire and rescue, police, and emergency response services	P
clinic	6511 & 6567	Include physician offices, dentists, chiropractors, optometrists, licensed massage therapists, and veterans' affairs services	P
outpatient care clinic	6512	Provide outpatient family planning services and outpatient care	P
medical or diagnostic laboratory; blood/organ bank	6513 - 6514	Provide analytic or diagnostic services including medical imaging	P
group home small	6522	Fewer than five (5) aged or infirm individuals or fewer than nine (9) individuals with mental, intellectual or developmental disabilities	P
group home large	6523	Five or more aged or infirm individuals, or nine (9) or more individuals with mental, intellectual or developmental disabilities	P
Hospital	6530		C

Land Use	LBCS #	Description	Approval Type
child and adult day care	6562	Provide day care for children and adults	
home	6562a	Day care for fewer than six (6) individuals in a residence	P
small	6562b	Day care for six (6) to twelve (12) individuals in a residence	P
large	6562c	Provide care for more than 12 individuals	P
Religious Institutions	6600	Churches, temples, synagogues, mosques, convents and monasteries	P
Death Care Services	6700	Funeral homes, crematories, cemeteries	
Funeral home and services	6710	Includes funeral homes combined with crematories	P
columbarium	6724		P
CONSTRUCTION-RELATED BUSINESSES	7000	Contractors who can build or demolish buildings, leveling, earthmoving, excavating, land drainage; should reflect the location of the establishment and not where it is performing its services. This category also includes the manufacture of industrial buildings, manufactured homes, modular homes, storage buildings and similar structures. Note that district standards may limit or preclude manufacturing, outdoor operations, outdoor storage of commercial vehicles and materials.	P
Vegetable farming or growing	9120	Includes private fields and community gardens with production limited to retail sales	P
Greenhouse – no on-premises sales	9141	Includes fruit and nut trees with production limited to retail sales	P
Greenhouse – sales of products grown on premises	9142		P
Greenhouse – sales of products and related accessory products	9143		P
Animal Production	9300	Keep, graze, breed or feed animals (see standards in section 35.2-71.7)	P
tent revival meetings/ transient amusements	9921	Includes temporary carnivals and circuses sponsored by non-profit organizations (see section 35.2-72.23)	P
temporary outdoor promotional attractions	9922	Includes car shows, boat shows and similar short-term events intended to promote commercial sales or services (see section 35.2-72.23)	P
traditional neighborhood development	9952	See section 35.2-82	C
large scale retail establishments	9954	See section 35.2-84	P
cluster commercial development	9955	See section 35.2-85	C

35.2-48 General Business District (B-5)

35.2-48.2 Authorized Uses

- (a) The uses authorized by Exhibit IV-19 may be established in accordance with the procedures established in Article II, the district standards in this article, the site development standards established in Article VI and specific use standards established in Article VII as well as other applicable rules and regulations.
- (b) Uses may also be limited by overlay standards established in Article V of this Zoning Ordinance.
- (c) See Article III for the rules of interpreting authorized uses and Appendix A for a complete listing of land uses allowed in every zoning district.
- (d) Uses designated “P” are permitted by right and uses designated “C” require issuance of a conditional use permit.

Exhibit IV-19: Authorized Uses in B-5 District

Land Use	LBCS #	Description	Approval Type
single-household detached	1111S	Typical single-household dwelling	C
modular home	1114S	A prefabricated home without axles or frames (see definitions)	C
manufactured home	1115S	A structure, transportable in one (1) or more sections, built after 1978 on a permanent chassis, and designed for use with or without a permanent foundation when connected to the required utilities (see definitions)	C
Two-household (duplex)	1121S	A building located on one (1) zoning lot containing not more than two (2) dwelling units	C
single-household semi-detached	1122S	One of two dwellings separated by a party wall, on abutting lots	C
single-household attached (townhouse)	1140S	Each unit on a separate lot; fire wall may protrude from roof or roofs may be staggered	C
Multi-household structures	1200S	Includes triplexes, four-plexes, and other multi-household dwellings	C
Mixed-use residential structures (see district regulations for limitations)	1201S	Typically commercial uses on lower floors and residential uses on upper floors	P
Housing Services	1200	Housing and custodial services for those who cannot care for themselves. Includes nursing and retirement homes, congregate living, assisted and continuing care living, but excludes rehab uses in LBCS #6520)	P
Bed & Breakfast and Tourist Homes	1310	Guest rooms in a private home or accessory building to a private home	P
boarding house	1321	Non-transient lodging that may include meals and is owner-occupied	P

Land Use	LBCS #	Description	Approval Type
rooming house	1322	Transient or non-transient lodging that may include meals	P
dormitory, sorority or fraternity house	1323	Allowed only as accessory uses to and owned by a college or university	C
Hotel, motel, or tourist court	1330	Hotels that do not have gambling services; includes extended-stay hotels	P
<u>Short-term Rental</u>	<u>1350</u>	<u>Provision of lodging for fewer than thirty (30) consecutive days. (See Section 35.2-71.16)</u>	<u>P</u>
car, motorcycle, manufactured homes or RV dealer	2111-2113	New or used automobiles, light trucks, motorcycles, RV's, manufactured homes, and buses	P
bicycles	2113b	New or used bicycle sales, rental and repair	P
boat or marine craft dealer	2114	New or used boats sales, rental and related repair services	P
parts, accessories, or tires	2115	Automotive parts and supply stores, automotive stereo stores.	P
gasoline service	2116	Gas stations with or without convenience stores or food marts, excludes truck stops, light auto repair and heavy auto repair	P
light auto repair	2117a	Oil change, light auto repair and car wash. May include gasoline and other related sales.	P
heavy auto repair	2117b	Auto repair, paint and body shops. May include gasoline and other retail sales.	P
furniture or home furnishings, hardware, home center, lawn and garden supplies, department store, warehouse club or superstore, electronics and appliances	2121-2125	Furniture, flooring, bedding stores; home building and repair supplies, painting supplies, farm goods, lighting supply, window treatment; nursery and garden products predominantly grown elsewhere, power equipment sales or services; large variety stores; household-type appliances, television, stereos, including repair shops and cell phone stores.	P
lumber yard and building materials; heating and plumbing equipment; heavy equipment	2126-2128	Lumber yards and heavy building materials; heating and plumbing equipment retailers; for heating and plumbing contractors who install or service, use the appropriate construction category; construction equipment and vehicles; includes authorized storage (3650)	P
computer and software	2131	Computers and prepackaged software including repair, support, and training	P
camera and photographic supplies; clothing, jewelry, luggage, shoes, clocks, sewing; sporting goods, toy and hobby, and musical instruments; mixed media, school and office supplies	2132-2135	Primarily retail cameras and photographic supplies or retail with repair and film developing; clothing (including shoe repair and tailoring, sporting goods, toys, musical instruments, kitchen goods, books, magazines, music, videos, stationary, greeting cards, seasonal decorations, office and school supplies.	P
florist, art supplies, tobacco products	2141-2143	Florists, art supplies and art dealers, frame shops, tobacco products	P

Land Use	LBCS #	Description	Approval Type
art galleries	2142b	Excludes art supply sales and retail framing services	P
mail order or direct selling establishment	2144	Retailing other than through locations where shoppers physically visit	P
antique shop	2145	Antique shops, (excludes flea markets, thrift stores and pawn shops)	P
flea markets and thrift stores	2145b	Flea markets and thrift stores	P
grocery store, supermarket, or bakery, convenience store, specialty food stores	2151-2154	Included are grocery stores, convenience stores, meat, seafood and produce markets, coffee, confections, variety goods and general stores, and delicatessens. Excludes stores with fuel pumps (see 2116 for fuel sales).	P
beer, wine, and liquor store	2155		P
Health and personal care	2160	Retail prescription or nonprescription drugs; retail cosmetics, perfumes, toiletries; prescription or nonprescription eyeglasses; prescription or nonprescription health and convalescent aids; medical devices, retail food supplement products such as vitamins, nutrition supplements, and body enhancing supplements.	P
Markets for farm produce or crafts	2199	Markets and truck gardens.	P
Bank, credit union, or savings institution	2210	Central banking functions	P
credit card and other financing	2221	Credit card, sales financing, unsecured consumer lending, real estate credit, mortgages, international trade financing	P
pawn shops	2222		P
short-term loans	2223	Pay-day lenders and other businesses providing loans with terms of 45 days or less	P
precious metal buyers	2224	Businesses providing cash for gold and other precious metals or gems (excludes retail jewelers)	P
Investment banking, securities, and brokerages; insurance; fund, trust, or other financial establishment	2230-2250	Securities underwriting, brokering, exchange services, managing portfolios; Insurance underwriting, selling insurance; manage assets on behalf of shareholders or beneficiaries	P
Real estate services	2310	Sell or lease real estate such as buildings, manufactured home sites and vacant lots; includes real estate appraisers and realtor offices	P
Property management services	2320	Manage real property for others	P
vehicles	2331 & 2332	Lease passenger cars, trucks, trailers, RVs, buses and aircraft; drivers not provided	P
recreational goods rental	2333	Rent skis, canoes, bicycles, sailboats, motorcycles	P

Land Use	LBCS #	Description	Approval Type
commercial, industrial or consumer machinery and equipment rental	2334 - 2335	Rent or lease: b) office machinery and equipment; heavy equipment without operators used for construction, well-drilling; other machinery and equipment for uses such as manufacturing or telecommunications; operators not included (note: see 2337 for heavy equipment leasing) personal and household-type goods and a range of equipment geared toward consumers	P
Professional offices	2411- 2014	Title abstract, lawyers, notaries, accountants, bookkeeping, payroll services, architects, engineers, surveyors, graphic design, interior design and industrial design	P
consulting services (management, environmental technical)	2415	Advise and assist businesses on management, scientific, and technological issues	P
scientific research and development services	2416	c) Conduct research or analyze in the physical, engineering, cognitive, or life sciences in laboratories or offices.	P
advertising, media and photography services	2417	Includes advertising, marketing and public relations agencies, photographic studios and photographic services.	P
veterinary services	2418	Veterinary medicine, testing services for veterinary practitioners	P
other professional offices	2419, 6810, 6820	Includes advertising and media services intellectual property rights, franchising, labor, political or business organizations, and uses with similar impacts	P
office administrative services	2421	Office administration such as billing, record keeping, personnel, organizational planning	P
facilities support services	2422	Provide operating staff for support services within a client's facilities, including janitorial, security, laundry services, etc.	P
employment agency	2423a	Provide employee placement, temporary help	P
hiring hall	2423b	Place of assembly for the registration or assignment of employment	P
copy center, private mail center, other business support services	2424	Provide document preparation, telephone answering, telemarketing, court reporting, steno typing, FAX, internet access, small signs and banners	P
collection agency	2425	Collect payments, compile credit information, repossess tangible assets	P
Travel arrangement and reservation services	2430	Promote or sell travel, includes convention and visitors' bureaus	P
Investigation and security services	2440	Provide detective, guard and patrol services, picking up and delivery of money, selling of security systems, remote monitoring of security systems, locksmiths	P

Land Use	LBCS #	Description	Approval Type
Services to buildings and dwellings	2450	Provide pest control, janitorial services, landscaping, carpet cleaning, etc. (2451-2454)	P
packing, crating	2455		P
Restaurants, cafeterias, snack bars & catering	2510-2530 & 2560	Provide food and drinks to patrons – see district specific use regulations for limitations. Includes banquet, assembly and reception halls. See district standards.	P
Mobile food services	2550	Prepare and serve meals and snacks for immediate consumption from motorized vehicles	P
Food service contractor and vending machine operators	2570 & 2580	Provide food services at institutional, governmental, commercial, or industrial locations based on contracts. Retail merchandise through vending machines that they service	P
Personal care	2610	Hair, nail, and skin care and related personal care, barbers, beauty shops, dieting and weight loss, tanning, hair removal, hair weaving, ear piercing and similar services	P
laundromat and dry cleaning	2621 & 2622	Includes Laundromats, dry cleaners, diaper services as well as other commercial laundry services	P
linen and uniform supply	2623		P
Photofinishing	2630	Primarily engaged in developing film or making slides, etc.	P
Parking lot and parking garage	2640	See district standards	P
licensed massage therapist	2651		P
tattoo parlor	2652	Tattoos by a licensed professional	P
adult retail establishment	2653	Stores primarily selling adult oriented products, including books, videos, magazines, toys, lingerie and other sexually-oriented goods	P
Pet or pet supply store	2710	Retail pets, pet foods, pet supplies	P
animal services	2721	grooming and training	P
animal boarding	2722	sitting and boarding	P
pet cemetery	2723		P
Food and beverages	3110	Includes bakery and candy establishments that produce for later consumption; ice manufacturing; dairies; bottling plants; and peanut and coffee roasting	P
Textiles, leather and leather substitute products	3130 & 3140	Textile mills, apparel manufacturers and canvas making; dying plants and dry cleaning plants; leather and leather substitutes such as rubber footwear (excluding leather tanning)	P
Furniture and related products	3230	Includes manufacture and repair of furniture, upholstery, mattresses, window blinds, window shades, awnings cabinets, fixtures	P

Land Use	LBCS #	Description	Approval Type
Signs	3440	Manufacturing of signs to be erected or installed (excludes banner printing)	P
Blacksmith		Creation of objects from wrought iron steel, such as gates, railings, furniture, and other functional and decorative items	P
Wholesale Trade Establishment	3500	Normally operate from a warehouse or office, selling or arranging the purchase of goods to other businesses	P
Office and warehousing	3610	Storage of goods related to on-site office or retail use	P
Warehousing	3620	Storage of goods as the principal use; includes mini-warehouses, self-storage facilities and moving companies	P
rail passenger transportation	4121	Passenger stations only	P
local transit systems--bus, special needs, sightseeing, taxi and limousine services	4133 – 4134 & 4136 - 4137	Single-mode local and non-local transit systems other than rail; excludes transit stops, which are allowed in all districts. Includes sightseeing, taxi and limousine services	P
towing and other road and ground services	4138	Tow vehicles	P
Truck and freight transportation services	4140	Provide over-the-road transportation of cargo using motor vehicles and temporary storage	C
national post office	4181		P
retail courier and package delivery	4182	Retail courier, package drop-off and mail services	P
Courier and messenger services	4190	Provide air, surface, or combined courier delivery services of Parcels and messages (excludes retail package drop-off and local courier services)	P
Publishing	4210 & 4221	Issue copies of works for which they usually possess copyright, including printing plants, motion picture and audio publishing. Includes newspaper publishing, greeting card printing and lithography	P
Motion pictures and sound recording	4220	Produce and distribute motion pictures and sound recordings	P
radio and television broadcasting	4231, 4232 & 4241	Operate broadcasting studios and facilities for over the air, cable or satellite delivery of radio and television programs	P
wireless telecommunications transmission	4233	Operate, maintain or provide access to facilities for the transmission of voice, data, text, sound or video, see section 35.2-73 for telecommunications towers	P
telephone and other wired telecommunications	4234	Operate telephone networks – excludes switching stations	P
Telecommunications switching stations/exchanges	4239	Telecommunications switching stations and exchanges with no on-site employees	C

Land Use	LBCS #	Description	Approval Type
library or archive	4242	Provide library or archive services	P
news syndicate	4243	Supply information such as news reports, articles, pictures and features to the news media	P
data processing and management, hosting and related services	4244	Web hosting, computer data storage, optical scanning, computer input preparation, microfilm imaging	P
Public Utilities Services, Major	4315, 4329, 4339, 4349	Includes transmission lines for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission of a regional nature and normally entail the construction of new buildings or structures such as electrical switching facilities and stations or substations, electric, gas, and other utility transmission lines of a regional nature which are not otherwise reviewed and approved by the Virginia State Corporation Commission. All overhead transmission lines are included in this definition.	C
Public Utilities Service Minor	4315, 4329, 4339, 4349	Includes distribution or collection lines and appurtenances for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission that are necessary to support development within the immediate vicinity and involve only minor structures. Included in this use type are small facilities such as transformers, relay and booster devices, and well, water and sewer pump stations, and wireless communication antennas attached to existing buildings or structures.	P
electric substations	4316		C
Water treatment plants and utility facilities	4331 – 4333,	Water treatment plants, pumping stations and lift stations	C
recycling collection centers	4349	Drop-off facilities for the collection of recycled goods	P
Theater, dance or music establishment	5110 & 5160	Companies, groups, or theaters that produce theatrical presentations, dance, dinner theaters, and live musical entertainment; includes facilities for independent artists and performers	P
Motion picture viewing and exhibition services	5111	Operate movie theaters (excludes drive-ins), film festival exhibitions	P
Promoter of sports, performing arts, similar events and management services	5140 - 5150	Organize, promote, and manage performances and events; agents representing artists, athletes and entertainers	P
Indoor auditorium or arena	5170	Indoor auditoriums, arenas, conference centers, or multipurpose facilities	C
Outdoor auditorium/arenas	5180	Outdoor arenas, stadiums and theaters	C
Museums and Other Special Purpose Recreational Institutions	5200	Public and private museums, historical sites, and similar establishments	P

Land Use	LBCS #	Description	Approval Type
Amusement or theme park establishment	5310	Operate a variety of attractions such as mechanical rides, water rides, games	C
Commercial Amusements	5320, 5380, 5390	Operate arcades and other commercial amusements as defined herein	P
Country Club	5340 & 6830	Operate private country clubs, with tennis courts and golf courses along with dining facilities and other recreational facilities; includes civic, social and fraternal organizations without dwellings	P
fitness and recreational sports center	5371	Aerobic dance or exercise center, gymnasium, physical fitness center, health and athletic club, indoor handball, racquetball, volleyball, tennis, or swimming facilities conducted inside a building	P
outdoor recreation	5372, 5373 & 5374	Includes for profit golf courses, archery ranges, outdoor volleyball, tennis, or swimming facilities, recreational courts, recreational day camp and horseback riding	P
shooting ranges, indoor	5375		C
Camps, Camping, and Related Establishments	5400	Operate sites to accommodate campers and their equipment, provide overnight recreational camps, may provide cabins, food services, washrooms, spaces for overnight parking or recreational vehicles	C
Natural and other Recreational Parks	5500	All parks without special economic functions, other than limited concessions	P
Nursery or preschool	6110		P
Grade school	6120	Comprises all public, private, and specialty schools between the preschool and university level; includes adult education services not addressed elsewhere. See district use standards.	P
College or university	6130	See district use standards.	P
general technical schools	6141-6143, 6145, 6147	Offer courses in office procedures, administrative skills, and basic office skills; dance, art, drama, and music; athletic activities	P
driving education	6144		P
Other Government Functions	6300	Other government owned establishments not classified elsewhere such as defense and national guard establishments	P
Public Safety	6400	Government-owned establishments providing fire and rescue, police, and emergency response services	P
clinic	6511 & 6567	Include physician offices, dentists, chiropractors, optometrists, licensed massage therapists, and veterans' affairs services	P
outpatient care clinic	6512	Provide outpatient family planning services and outpatient care	P

Land Use	LBCS #	Description	Approval Type
medical or diagnostic laboratory; blood/organ bank	6513 - 6514	Provide analytic or diagnostic services including medical imaging	P
group home small	6522	Fewer than five (5) aged or infirm individuals or fewer than nine (9) individuals with mental, intellectual or developmental disabilities	P
group home large	6523	Five or more aged or infirm individuals, or nine (9) or more individuals with mental, intellectual or developmental disabilities	P
Hospital	6530		P
child and adult day care	6562	Provide day care for children and adults	
home	6562a	Day care for fewer than six (6) individuals in a residence	P
small	6562b	Day care for six (6) to twelve (12) individuals in a residence	P
large	6562c	Provide care for more than 12 individuals	P
Religious Institutions	6600	Churches, temples, synagogues, mosques, convents and monasteries	P
Death Care Services	6700	Funeral homes, crematories, cemeteries	
Funeral home and services	6710	Includes funeral homes combined with crematories	P
free-standing cemetery	6722		P
columbarium	6724		P
CONSTRUCTION-RELATED BUSINESSES	7000	Contractors who can build or demolish buildings, leveling, earthmoving, excavating, land drainage; should reflect the location of the establishment and not where it is performing its services. This category also includes the manufacture of industrial buildings, manufactured homes, modular homes, storage buildings and similar structures. Note that district standards may limit or preclude manufacturing, outdoor operations, outdoor storage of commercial vehicles and materials.	P
Vegetable farming or growing	9120	Includes private fields and community gardens with production limited to retail sales	P
Commercial orchards	9130	Includes fruit and nut trees with production limited to retail sales	P
Greenhouse – no on-premises sales	9141	Commercial greenhouse production	P
Greenhouse – sales of products grown on premises	9142		P
Greenhouse – sales of products and related accessory products	9143		P
Animal Production	9300	Keep, graze, breed or feed animals (see standards in section 35.2-71.7)	P
tent revival meetings/transient amusements	9921	Includes temporary carnivals and circuses sponsored by non-profit organizations (see section 35.2-72.23)	P

Land Use	LBCS #	Description	Approval Type
temporary outdoor promotional attractions	9922	Includes car shows, boat shows and similar short-term events intended to promote commercial sales or services (see section 35.2-72.23)	P
traditional neighborhood development	9952	See section 35.2-82	C
large scale retail establishments	9954	See section 35.2-84	P
cluster commercial development	9955	See section 35.2-85	C
flex space development	9956	See section 35.2-86	C
corporate campus	9957	See section 35.2-87	C
Billboards – only existing billboards allowed per section 35.2-64.16	9990	Billboards and other signs advertising goods and services not available on the site where the sign is located	P

35.2-50 Institutional District 2 (IN-2)

35.2-50.2 Authorized Uses

- (a) The uses authorized by Exhibit IV-23 may be established in accordance with the procedures established in Article II, the district standards in this article, the site development standards established in Article VI and specific use standards established in VII as well as other applicable rules and regulations.
- (b) Uses may also be limited by overlay standards established in Article V of this Zoning Ordinance.
- (c) See Article III for the rules of interpreting authorized uses and Appendix A for a complete listing of land uses allowed in every zoning district.
- (d) Uses designated “P” are permitted by right and uses designated “C” require issuance of a conditional use permit.

Exhibit IV-23: Authorized Uses in IN-2 District

Land Use	LBCS #	Description	Approval Type
single-household detached	1111S	Typical single-household dwelling	P
modular home	1114S	A prefabricated home without axles or frames (see definitions)	P
manufactured home	1115S	A structure, transportable in one (1) or more sections, built after 1978 on a permanent chassis, and designed for use with or without a permanent foundation when connected to the required utilities (see definitions)	C
manufactured home community	1116S	Includes manufactured home subdivision and manufactured home parks with 5 or more lots or sites (see definitions)	C
Two-household (duplex)	1121S	A building located on one (1) zoning lot containing not more than two (2) dwelling units	P
single-household semi-detached	1122S	One of two dwellings separated by a party wall, on abutting lots	P
single-household attached (townhouse)	1140S	Each unit on a separate lot; fire wall may protrude from roof or roofs may be staggered	P
Multi-household structures	1200S	Includes triplexes, four-plexes, and other multi-household dwellings	P
Mixed-use residential structures	1201S	Typically commercial uses on lower floors and residential uses on upper floors	P
Housing Services	1200	Housing and custodial services for those who cannot care for themselves. Includes nursing and retirement homes, congregate living, assisted and continuing care living, but excludes rehab uses in LBCS #6520)	P
Bed & Breakfast and Tourist Homes	1310	Guest rooms in a private home or accessory building to a private home	P

Land Use	LBCS #	Description	Approval Type
boarding house	1321	Non-transient lodging that may include meals and is owner-occupied	P
rooming house	1322	Transient or non-transient lodging that may include meals	P
dormitory, sorority or fraternity house	1323	Allowed only as accessory uses to and owned by a college or university	P
Hotel, motel, or tourist court	1330	Hotels that do not have gambling services; includes extended-stay hotels	P
<u>Short-term Rental</u>	<u>1350</u>	<u>Provision of lodging for fewer than thirty (30) consecutive days. (See Section 35.2-71.16)</u>	<u>P</u>
car, motorcycle, manufactured homes or RV dealer	2111-2113	New or used automobiles, light trucks, motorcycles, RV's, manufactured homes, and buses	P
bicycles	2113b	New or used bicycle sales, rental and repair	P
boat or marine craft dealer	2114	New or used boats sales, rental and related repair services	P
parts, accessories, or tires	2115	Automotive parts and supply stores, automotive stereo stores.	P
gasoline service	2116	Gas stations with or without convenience stores or food marts, excludes truck stops, light auto repair and heavy auto repair	P
light auto repair	2117a	Oil change, light auto repair and car wash. May include gasoline and other retail sales	P
heavy auto repair	2117b	Auto repair, paint and body shops. May include gasoline and other retail sales.	P
furniture or home furnishings, hardware, home center, lawn and garden supplies, department store, warehouse club or superstore, electronics and appliances	2121-2125	Furniture, flooring, bedding stores; home building and repair supplies, painting supplies, farm goods, lighting supply, window treatment; nursery and garden products predominantly grown elsewhere, power equipment sales or services; large variety stores; household-type appliances, television, stereos, including repair shops and cell phone stores.	P
lumber yard and building materials; heating and plumbing equipment; heavy equipment	2126-2128	Lumber yards and heavy building materials; heating and plumbing equipment retailers; for heating and plumbing contractors who install or service, use the appropriate construction category; construction equipment and vehicles; includes authorized storage (3650)	P
computer and software	2131	Computers and prepackaged software including repair, support, and training	P
camera and photographic supplies; clothing, jewelry, luggage, shoes, clocks, sewing; sporting goods, toy and hobby, and musical instruments; mixed media, school and office supplies	2132-2135	Primarily retail cameras and photographic supplies or retail with repair and film developing; clothing (including shoe repair and tailoring, sporting goods, toys, musical instruments, kitchen goods, books, magazines, music, videos, stationary, greeting cards, seasonal decorations, office and school supplies.	P

Land Use	LBCS #	Description	Approval Type
florist, art supplies, tobacco products	2141-2143	Florists, art supplies and art dealers, frame shops, tobacco products	P
art galleries	2142b	Excludes art supply sales and retail framing services	P
mail order or direct selling establishment	2144	Retailing other than through locations where shoppers physically visit	P
antique shop	2145	Antique shops, (excludes flea markets, thrift stores and pawn shops)	P
flea markets and thrift stores	2145b	Flea markets, consignment shops and thrift stores	P
grocery store, supermarket, or bakery, convenience store, specialty food stores	2151-2154	Included are grocery stores, convenience stores, meat, seafood and produce markets, coffee, confections, variety goods and general stores, and delicatessens. Excludes stores with fuel pumps (see 2116 for fuel sales).	P
beer, wine, and liquor store	2155		P
Health and personal care	2160	Retail prescription or nonprescription drugs; retail cosmetics, perfumes, toiletries; prescription or nonprescription eyeglasses; prescription or nonprescription health and convalescent aids; medical devices, retail food supplement products such as vitamins, nutrition supplements, and body enhancing supplements.	P
Markets for farm produce or crafts	2199	Markets and truck gardens.	P
Bank, credit union, or savings institution	2210	Central banking functions	P
credit card and other financing	2221	Credit card, sales financing, unsecured consumer lending, real estate credit, mortgages, international trade financing	P
pawn shops	2222		P
short-term loans	2223	Pay-day lenders and other businesses providing loans with terms of 45 days or less	P
precious metal buyers	2224	Businesses providing cash for gold and other precious metals or gems (excludes retail jewelers)	P
Investment banking, securities, and brokerages; insurance; fund, trust, or other financial establishment	2230-2250	Securities underwriting, brokering, exchange services, managing portfolios; Insurance underwriting, selling insurance; manage assets on behalf of shareholders or beneficiaries	P
Real estate services	2310	Sell or lease real estate such as buildings, manufactured home sites and vacant lots; includes real estate appraisers and realtor offices	P
Property management services	2320	Manage real property for others	P
vehicles	2331 & 2332	Lease passenger cars, trucks, trailers, RVs, buses and aircraft; drivers not provided	P
recreational goods rental	2333	Rent skis, canoes, bicycles, sailboats, motorcycles	P

Land Use	LBCS #	Description	Approval Type
commercial, industrial or consumer machinery and equipment rental	2334 - 2335	Rent or lease: a) office machinery and equipment; heavy equipment without operators used for construction, well-drilling; other machinery and equipment for uses such as manufacturing or telecommunications; operators not included (note: see 2337 for heavy equipment leasing) b) personal and household-type goods and a range of equipment geared toward consumers	P
Professional offices	2411-2014	Title abstract, lawyers, notaries, accountants, bookkeeping, payroll services, architects, engineers, surveyors, graphic design, interior design and industrial design	P
consulting services (management, environmental technical)	2415	Advise and assist businesses on management, scientific, and technological issues	P
scientific research and development services	2416	Conduct research or analyze in the physical, engineering, cognitive, or life sciences in laboratories or offices.	P
advertising, media and photography services	2417	Includes advertising, marketing and public relations agencies, photographic studios and photographic services.	P
veterinary services	2418	Veterinary medicine, testing services for veterinary practitioners	P
other professional offices	2419, 6810, 6820	Includes advertising and media services intellectual property rights, franchising, labor, political or business organizations, and uses with similar impacts	P
office administrative services	2421	Office administration such as billing, record keeping, personnel, organizational planning	P
facilities support services	2422	Provide operating staff for support services within a client's facilities, including janitorial, security, laundry services, etc.	P
employment agency	2423a	Provide employee placement, temporary help	P
hiring hall	2423b	Place of assembly for the registration or assignment of employment	P
copy center, private mail center, other business support services	2424	Provide document preparation, telephone answering, telemarketing, court reporting, steno typing, FAX, internet access, small signs and banners.	P
collection agency	2425	Collect payments, compile credit information, repossess tangible assets	P
Travel arrangement and reservation services	2430	Promote or sell travel, includes convention and visitors' bureaus	P

Land Use	LBCS #	Description	Approval Type
Investigation and security services	2440	Provide detective, guard and patrol services, picking up and delivery of money, selling of security systems, remote monitoring of security systems, locksmiths	P
Services to buildings and dwellings	2450	Provide pest control, janitorial services, landscaping, carpet cleaning, etc. (2451-2454)	P
packing, crating	2455		P
Restaurants, cafeterias, snack bars & catering	2510-2530 & 2560	Provide food and drinks to patrons – see district specific use regulations for limitations. Includes banquet, assembly and reception halls. See district standards.	P
Mobile food services	2550	Prepare and serve meals and snacks for immediate consumption from motorized vehicles	P
Food service contractor and vending machine operators	2570 & 2580	Provide food services at institutional, governmental, commercial, or industrial locations based on contracts. Retail merchandise through vending machines that they service	P
Personal care	2610	Hair, nail, and skin care and related personal care, barbers, beauty shops, dieting and weight loss, tanning, hair removal, hair weaving, ear piercing and similar services	P
laundromat and dry cleaning	2621 & 2622	Includes Laundromats, dry cleaners, diaper services as well as other commercial laundry services	P
linen and uniform supply	2623		P
Photofinishing	2630	Primarily engaged in developing film or making slides, etc.	P
Parking lot and parking garage	2640	See district standards	P
licensed massage therapist	2651		P
tattoo parlor	2652	Tattoos by a licensed professional	P
adult establishment, retail sales	2653	Stores primarily selling adult oriented products, including books, videos, magazines, toys, lingerie and other sexually-oriented goods	P
Pet or pet supply store	2710	Retail pets, pet foods, pet supplies	P
animal services	2721	grooming and training	P
animal boarding	2722	sitting and boarding	P
pet cemetery	2723		P
Food and beverages	3110	Includes bakery and candy establishments that produce for later consumption; ice manufacturing; dairies; bottling plants; and peanut and coffee roasting	P
Textiles, leather and leather substitute products	3130 & 3140	Textile mills, apparel manufacturers and canvas making; dying plants and dry cleaning plants; leather and leather substitutes such as rubber footwear (excluding leather tanning)	P

Land Use	LBCS #	Description	Approval Type
Furniture and related products	3230	Includes manufacture and repair of furniture, upholstery, mattresses, window blinds, window shades, awnings cabinets, fixtures	P
Signs	3440	Manufacturing of signs to be erected or installed (excludes banner printing)	P
Blacksmith		Creation of objects from wrought iron steel, such as gates, railings, furniture, and other functional and decorative items	P
Wholesale Trade Establishment	3500	Normally operate from a warehouse or office, selling or arranging the purchase of goods to other businesses	P
Warehousing and Storage Services	3600	Operate warehouse and storage facilities for general merchandise, refrigerated goods	
Office and warehousing	3610	Storage of goods related to on-site office or retail use	P
Warehousing	3620	Storage of goods as the principal use; includes mini-warehouses, self-storage facilities and moving companies	P
rail passenger transportation	4121	Passenger stations only	P
local transit systems--bus, special needs, sightseeing, taxi and limousine services	4133 – 4134 & 4136 - 4137	Single-mode local and non-local transit systems other than rail; excludes transit stops, which are allowed in all districts. Includes sightseeing, taxi and limousine services	P
school and employee bus transportation	4135	Maintain and dispatch buses and other motor vehicles to transport pupils or employees	P
towing and other road and ground services	4138	Tow vehicles	P
Truck and freight transportation services	4140	Provide over-the-road transportation of cargo using motor vehicles and temporary storage	C
national post office	4181		P
retail courier and package delivery	4182	Retail courier, package drop-off and mail services	P
Courier and messenger services	4190	Provide air, surface, or combined courier delivery services of Parcels and messages (excludes retail package drop-off and local courier services)	P
Publishing	4210 & 4221	Issue copies of works for which they usually possess copyright, including printing plants, motion picture and audio publishing. Includes newspaper publishing, greeting card printing and lithography	P
Motion pictures and sound recording	4220	Produce and distribute motion pictures and sound recordings	P

Land Use	LBCS #	Description	Approval Type
radio and television broadcasting	4231, 4232 & 4241	Operate broadcasting studios and facilities for over the air, cable or satellite delivery of radio and television programs	P
wireless telecommunications transmission	4233	Operate, maintain or provide access to facilities for the transmission of voice, data, text, sound or video, see section 35.2-73 for telecommunications towers	P
telephone and other wired telecommunications	4234	Operate telephone networks – excludes switching stations	P
Telecommunications switching stations/exchanges	4239	Telecommunications switching stations and exchanges with no on-site employees	C
library or archive	4242	Provide library or archive services	P
news syndicate	4243	Supply information such as news reports, articles, pictures and features to the news media	P
data processing and management, hosting and related services	4244	Web hosting, computer data storage, optical scanning, computer input preparation, microfilm imaging	P
Public Utilities Services, Major	4315, 4329, 4339, 4349	Includes transmission lines for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission of a regional nature and normally entail the construction of new buildings or structures such as electrical switching facilities and stations or substations, electric, gas, and other utility transmission lines of a regional nature which are not otherwise reviewed and approved by the Virginia State Corporation Commission. All overhead transmission lines are included in this definition.	C
Public Utilities Service Minor	4315, 4329, 4339, 4349	Includes distribution or collection lines and appurtenances for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission that are necessary to support development within the immediate vicinity and involve only minor structures. Included in this use type are small facilities such as transformers, relay and booster devices, and well, water and sewer pump stations, and wireless communication antennas attached to existing buildings or structures.	P
power generation	4315		C
electric substations	4316		P
Water treatment plants and utility facilities	4331 – 4333,	Water treatment plants, pumping stations and lift stations	P
recycling collection centers	4349	Drop-off facilities for the collection of recycled goods	P

Land Use	LBCS #	Description	Approval Type
Theater, dance or music establishment	5110 & 5160	Companies, groups, or theaters that produce theatrical presentations, dance, dinner theaters, and live musical entertainment; includes facilities for independent artists and performers	P
Motion picture viewing and exhibition services	5111	Operate movie theaters, drive-ins, film festival exhibitions (Note: drive-in theaters limited to B-5 district)	P
Promoter of sports, performing arts, similar events and management services	5140 - 5150	Organize, promote, and manage performances and events; agents representing artists, athletes and entertainers	P
Indoor auditorium or arena	5170	Indoor auditoriums, arenas, conference centers, or multipurpose facilities	C
Outdoor auditorium/arenas	5180	Outdoor arenas, stadiums and theaters	C
Museums and Other Special Purpose Recreational Institutions	5200	Public and private museums, historical sites, and similar establishments	P
Amusement or theme park establishment	5310	Operate a variety of attractions such as mechanical rides, water rides, games	C
Commercial Amusements	5320, 5380, 5390	Operate arcades and other commercial amusements as defined herein	P
Country Club	5340 & 6830	Operate private country clubs, with tennis courts and golf courses along with dining facilities and other recreational facilities; includes civic, social and fraternal organizations without dwellings	P
fitness and recreational sports center	5371	Aerobic dance or exercise center, gymnasium, physical fitness center, health and athletic club, indoor handball, racquetball, volleyball, tennis, or swimming facilities conducted inside a building	P
outdoor recreation	5372, 5373 & 5374	Includes for profit golf courses, archery ranges, outdoor volleyball, tennis, or swimming facilities, recreational courts, recreational day camp and horseback riding	P
shooting ranges, indoor	5375		C
Camps, Camping, and Related Establishments	5400	Operate sites to accommodate campers and their equipment, provide overnight recreational camps, may provide cabins, food services, washrooms, spaces for overnight parking or recreational vehicles	C
Natural and other Recreational Parks	5500	All parks without special economic functions, other than limited concessions	P
Nursery or preschool	6110		P
Grade school	6120	Comprises all public, private, and specialty schools between the preschool and university level; includes adult education services not addressed elsewhere	P
College or university	6130		P

Land Use	LBCS #	Description	Approval Type
general technical schools	6141-6143, 6145, 6147	Offer courses in office procedures, administrative skills, and basic office skills; dance, art, drama, and music; athletic activities	P
driving education	6144		P
flight training	6146	Offer aviation and flight training	P
Other Government Functions	6300	Other government owned establishments not classified elsewhere such as defense and national guard establishments	P
Public Safety	6400	Government-owned establishments providing fire and rescue, police, and emergency response services	P
clinic	6511 & 6567	Include physician offices, dentists, chiropractors, optometrists, licensed massage therapists, and veterans affairs services	P
outpatient care clinic	6512	Provide outpatient family planning services and outpatient care	P
medical or diagnostic laboratory; blood/organ bank	6513 - 6514	Provide analytic or diagnostic services including medical imaging	P
group home small	6522	Fewer than five (5) aged or infirm individuals or fewer than nine (9) individuals with mental, intellectual or developmental disabilities	P
group home large	6523	Five or more aged or infirm individuals, or nine (9) or more individuals with mental, intellectual or developmental disabilities	P
Hospital	6530		P
child and youth services	6561	Offer services such as adoption, foster care, drug prevention services	P
child and adult day care	6562	Provide day care for children and adults	
home	6562a	Day care for fewer than six (6) individuals in a residence	P
small	6562b	Day care for six (6) to twelve (12) individuals in a residence	P
large	6562c	Provide care for more than 12 individuals	P
care services community food services	6563 - 6566	Includes community food services, emergency and relief services, services for the elderly and disabled other family services; does not on-site provision of housing	P
Religious Institutions	6600	Churches, temples, synagogues, mosques, convents and monasteries	P
Funeral home and services	6710	Includes funeral homes combined with crematories	P
free-standing cemetery	6722		P
columbarium	6724		P

Land Use	LBCS #	Description	Approval Type
CONSTRUCTION-RELATED BUSINESSES	7000	Contractors who can build or demolish buildings, leveling, earthmoving, excavating, land drainage; should reflect the location of the establishment and not where it is performing its services. This category also includes the manufacture of industrial buildings, manufactured homes, modular homes, storage buildings and similar structures. Note that district standards may limit or preclude manufacturing, outdoor operations, outdoor storage of commercial vehicles and materials.	P
Vegetable farming or growing	9120	Includes private fields and community gardens	P
Commercial orchards	9130	Includes fruit and nut trees for commercial production	P
Greenhouse – no on-premises sales	9141	Commercial greenhouse production	P
Greenhouse – sales of products grown on premises	9142		P
Greenhouse – sales of products and related accessory products	9143		P
Animal Production	9300	Keep, graze, breed or feed animals (see standards in section 35.2-71.7	P
tent revival meetings/transient amusements	9921	Includes temporary carnivals and circuses sponsored by non-profit organizations (see section 35.2-72.23)	P
temporary outdoor promotional attractions	9922	Includes car shows, boat shows and similar short-term events intended to promote commercial sales or services (see section 35.2-72.23)	P
traditional neighborhood development	9952	See section 35.2-82	C
large scale retail establishments	9954	See section 35.2-84	P
cluster commercial development	9955	See section 35.2-85	C
flex space development	9956	See section 35.2-86	C
corporate campus	9957	See section 35.2-87	C
Billboards	9990	Billboards and other signs advertising goods and services not available on the site where the sign is located	P

35.2-113 Definitions

The following terms shall have the meanings established in this section unless specifically modified by provisions of the applicable section of the Zoning Ordinance.

1.		Abut: To adjoin or touch at one or more points along a common boundary.
2.		Accessible: Dwellings that meet prescribed requirements for accessible housing. Mandatory requirements for accessible housing in the Department of Housing and Urban Development's program 202 and 811, section 504, and the Fair Housing Amendments Act requirements. Accessible features in dwellings include items such as wide doors, sufficient clear floor space for wheelchairs, lower countertop segments, lever and loop type handles on hardware, seats at bathing fixtures, grab bars in bathrooms, knee spaces under sinks and counters, audible and visual signals, switches and controls in easily reached locations, entrances free of steps and stairs, and an accessible route through the house. Most "accessible" features are permanently fixed in place and very apparent.
3.		Accessory use or accessory: A use conducted on the same zoning lot as the principal use to which it is related (whether located within the same or an accessory building or other structure, or on an accessory use of land), except that, where specifically provided in the applicable regulations, accessory off-street parking or loading need not be located on the same zoning lot. A use that is clearly incidental to, and customarily found in connection with, such principal use. A use subordinate in area, floor area, intensity, extent and purpose to the principal use. A use either in the same ownership as such principal use, or operated and maintained on the same zoning lot substantially for the benefit or convenience of the owners, occupants, employees, customers or visitors of the principal use. When "accessory" is used in the text, it shall have the same meaning as "accessory use"
4.		Accessory structure: A structure subordinate to, and located on, the same zoning lot with a main building, the use of which is clearly incidental to that of the main building or to the principal use of the land, and which is not attached by any part of a common wall or a common roof to the main building.
5.		Address sign: A sign displaying only the assigned address of a property or building that is attached to a building or sign structure or part thereof. An address sign shall not be included in the maximum permissible sign area of the district in which it is located.
6.		Adjacent: To abut or be located on the opposite side of a right-of-way or easement.
7.		Administrator or Zoning Administrator: the official charged with the enforcement of this zoning ordinance except where responsibility is specifically delegated.
8.		Agriculture: Any use of land which involves the tilling of soil, the growing of crops or plant growth of any kind, or the raising of livestock or poultry for profit. "For profit" means in excess of what a household would normally grow or raise for its own use or consumption, and shall include the processing and retail sale, in a farm produce stand, or otherwise on the premises, of the products of only the farm on which such processing is conducted.
9.		Airport elevation: The highest point on any usable landing surface expressed in feet above mean sea level.
10.		Airport or air landing field: Any area of land or water designated and set aside for the landing or taking-off of aircraft, the discharge or receiving of cargoes and/or passengers, or the repair, fueling or storage of aircraft.

11.	Airport: Lynchburg Regional Airport and/or Falwell Airport.
12.	Alteration: Any change, modification or addition to a part of or all of the exterior of any building or structure.
13.	Amend or amendment: Any repeal, modification or addition to a regulation; any new regulation; any change in the numbers, shape, boundary, or area of a district or any repeal or abolition of any map, part thereof, or addition thereto.
14.	Antenna support structure: Any building or other structure thirty (30) feet in height or taller other than a tower which can be used for location of telecommunications facilities.
15.	Apartment house: See dwelling, multi-household.
16.	Apartment: A room or suite of two (2) or more rooms, which is designed or intended for residential occupancy by, or which is occupied by, one (1) household doing its cooking therein.
17.	Applicant: Any person who applies for any development approval.
18.	Application or development application: Means the process by which the owner, or the owner's legal representative, of a plot of land within the City submits a request to develop approval. Application includes all written documentation, verbal statements, and representations, in whatever form or forum, made by an applicant to the City concerning such a request.
19.	Approach surface: A surface, whose design standards are referenced in section 35.2-57.3, longitudinally centered on the extended runway centerline, extending outward and upward from end of the primary surface, and at the same slope as the approach zone height limitation slope set forth in section 35.2-57.4 In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.
20.	Approach, transitional, horizontal, and conical zones: the airspace zones as set forth in section 35.2-57.4.
21.	Arcade: A public or private pedestrian walkway that is open to the street and covered by the upper floors of a building front.
22.	Arterial or arterial street: A public street currently classified in the comprehensive plan functional classification map as an arterial.
23.	Automobile graveyard: Any lot or place which is exposed to the weather and upon which more than five motor vehicles of any kind that are incapable of being operated and which it would not be economically practical to make operative, are placed, located or found. The movement or rearrangement of vehicles within an existing lot or facility does not render this definition inapplicable. The provisions established by this definition shall begin with the first day that the vehicle is placed on the subject property.

24.	Automobile service station: A location providing light automobile repairs as listed in LBCS functional use code 2117a. A building, lot, or both, in or upon which gasoline, oil, grease, batteries, tires and automobile accessories may be supplied and dispensed at retail, and where, in addition, the following services may be rendered and sales made, and no other: 1. Sales and servicing of spark plugs, batteries, and distributors and distributor parts. 2. Tire servicing and repair, but not recapping or regrooving. 3. Replacement of mufflers and tail pipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors and the like. 4. Radiator cleaning and flushing. 5. Washing and polishing, and sale of automotive washing and polishing materials. 6. Greasing and lubrication. 7. Providing and repairing fuel pumps, oil pumps and lines. 8. Electrical system repairs 9. Adjusting and repairing brakes. 10. Minor motor adjustments not involving racing the motor. 11. Retail sales of convenience goods. 12. Virginia state inspection station. Uses permissible at an automobile service station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in service stations.
25.	Awning: A permanent roof like structure that projects from the wall of a building, covered with any material designed and intended for protection from the weather or as a decorative embellishment including those types which can be retracted, folded, or collapsed against the face of the supporting building.
26.	Banner: A sign consisting of a piece of fabric or any other material, other than a flag or pennant, used to advertise a business, service, product, goods, special promotion, activity or event.
27.	Base flood: The flood having a one percent (1%) chance of being equaled or exceeded in any given year.
28.	Base flood elevation: The Federal Emergency Management Agency designated one hundred (100) year water surface elevation.
29.	Basement: Any area of the building having its floor sub-grade (below ground level) on all sides.
30.	Bed and breakfast or tourist home: A dwelling, occupied as such, in which sleeping accommodations in less than six (6) rooms with not more than four (4) persons per room are provided or offered for transient guests for compensation, under the management of the occupants of that dwelling for dwelling purposes. A tourist home or bed and breakfast shall not be deemed a home occupation.

31.	Billboard or poster panel: Any exterior sign or advertising structure or portion thereof, including any sign painted directly on any exterior wall, roof, or part of a building or other object, displaying any information other than the name and occupation of the user of the premises or the nature of the business conducted thereon or the products sold, manufactured, processed or available thereon.
32.	Block face: The edge of a block fronting on a street.
33.	Block: An area of land bounded by streets providing access to such area.
34.	Board of Zoning Appeals: The board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this ordinance as described in this ordinance and regulated by the Code of Virginia.
35.	Boardinghouse or lodging house: A residence where the owner resides in which, for compensation, lodging, or meals, or both, are furnished to transient or non-transient guests. A boardinghouse shall not be deemed a home occupation.
36.	Boarding unit or lodging unit: Any building or part thereof constituting a separate, independent transient accommodation that is physically separated from other such units so as to provide secure and private temporary accommodations.
37.	Buffer: An area of land, including landscaping, or combination of landscaping berms, solid fences and/or walls that is located between land uses of different character and is intended to mitigate negative impacts of the more intense use.
38.	Building, accessory: A building subordinate to, and located on, the same zoning lot with a main building, the use of which is clearly incidental to that of the main building or to the principal use of the land, and which is not attached by any part of a common wall or a common roof to the main building.
39.	Building envelope: The area in which a building may be constructed, which is bounded by the minimum front, side and rear setbacks and the maximum building height.
40.	Building group: A group of two (2) or more main buildings and any buildings accessory thereto occupying a single zoning lot.
41.	Building line or setback: A line drawn parallel to a lot line at a distance therefrom equal to the depth of a required setback.
42.	Building mounted sign: A permanently attached sign, erected or painted on the outside wall, window, or door of a building.
43.	Building permit: A document issued by the City of Lynchburg to permit the construction, erection or alteration of any structure.
44.	Building, height of: The vertical distance measured from the level of approved street grade opposite the middle of the front of the building to the highest point of roof surface of a flat roof; to the deck line of a mansard floor; and to the mean height level between eaves and ridge of a gable, hip or gambrel roof; except as otherwise provided in section 35.2-61.2.
45.	Building, main: The building in which is conducted the principal use of the zoning lot on which it is situated in any residential zone; any dwelling shall be deemed to be a main building on the zoning lot on which the same is located if the lot is used primarily for residential purposes.
46.	Building, temporary: Any structure which is intended to be used or occupied for only a limited time or which is not permanently supported by a foundation.
47.	Building: Any structure designed or intended for support, shelter, enclosure or protection of persons, animals, chattels or property.
48.	Business district: A zoning district whose designation begins with the letter "B".

49.	Business incubator: A facility that provides start-up or emerging businesses with space and shared office equipment, support and business development services, such as management and marketing assistance, for a limited period of time. A business incubator shall meet the following criteria: (1) It shall contain uses authorized in the applicable zoning district under one roof with a minimum of six (6) tenant spaces. (2) Companies housed in a business incubator shall either provide services or support to existing basic industries, or shall conduct light manufacturing or distribution businesses. (3) Display rooms for retail sales shall not exceed ten percent (10%) of the gross floor area of the tenant space. (4) A tenant shall not be allowed to occupy the facility for more than forty-eight (48) months.
50.	Caliper: Trunk diameter of a tree measured six (6) inches from the ground. If the caliper is greater than four (4) inches, the measurement is taken twelve (12) inches from the ground.
51.	Campus – A designated area of land including the buildings and grounds of institutional uses such as schools, colleges, universities, senior living facilities, medical facilities and churches. A campus may be divided by public or private rights-of-way.
52.	Care center: A day nursery, nursery school, day camp, summer camp or other place where reception or care is provided with or without compensation, of persons of any age and the primary use of the facility where said reception or care is provided is not a residence.
53.	Cemetery: A place used for the permanent commercial interment of dead bodies or the cremated remains thereof. It may be either a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments or a combination thereof.
54.	Certificate of appropriateness (COA): The approval statement signed by the historic preservation commission chair and/or the secretary that certifies the appropriateness of a particular request for the construction, alteration, reconstruction, repair, restoration, or demolition of all or a part of any building or structure within a historic district, subject to the issuance of all other permits needed for the matter sought to be accomplished.
55.	Certificate of Occupancy: Authorization granted by the City for use of a lot or structure.
56.	Changeable copy sign: A sign, or part of a sign, with copy that can be changed by manual, mechanical, or electronic means. Copy may not change more than once every six (6) seconds. Changeable copy signs include electronic message centers.
57.	Channel enclosure: Continuous c-shaped metal, or similar opaque material, surrounding three-quarters of the circumference of neon tubing of a sign.
58.	Channel: A natural or artificial depression of perceptible extent with a definite bed and banks to confine and conduct flowing water.
59.	Civic uses: Public or quasi-public uses serving the needs of the community that promote human interaction, such as: care centers, religious institutions, civic clubs and fraternal organizations, community swimming pools, libraries, museums, art galleries, public buildings, meeting halls, public or community recreational facilities, parks, schools and colleges.
60.	Collector street: A public street currently classified as a collector street in the functional classification map of the Comprehensive Plan.
61.	Commercial amusement (temporary): A temporary outdoor amusement center, bazaar, circus, carnival, or fair, either involving use of special purpose equipment or conducted by professional operators, or both, and where activities include such things as rides, exhibitions, food service, sales or small-scale games.

62.	Commercial amusement: The provision of entertainment or games of skill to the general public for a fee, including but not limited to a bowling alley, video arcade, dance hall, billiard parlor, golf driving range, skating rinks, swimming pools or miniature golf course. This use does not include circuses, carnivals, race tracks, or shooting ranges.
63.	Commercial building: A building used only for a commercial use.
64.	Commercial recreation: The provision of entertainment or games of skill to the general public for a fee, with higher noise and safety restrictions than a commercial amusement. A facility designed or used for shooting at targets with firearms and/or archery and which is completely enclosed within a building or structure. Does not include outdoor shooting or archery ranges.
65.	Commercial use: Any use involving in part or in whole the storage of merchandise, sale of merchandise, materials or services, but not including home occupations.
66.	Community facility use: A public use in private or public ownership run on a nonprofit basis. Examples are: churches, welfare centers, voluntary hospitals, or privately-endowed museums or libraries. Facilities of private, nonprofit membership organizations for use only by members thereof are also community facilities. Examples may be country clubs, golf courses or community swimming pools.
67.	Comprehensive Zoning Map amendment: An amendment to the official Zoning Map where any of the following conditions exist: (1) The area to be rezoned constitutes an entire neighborhood as defined in the Comprehensive Plan, or a group of such neighborhoods. (2) The area to be rezoned includes at least four hundred (400) acres of ground. (3) The area to be rezoned includes at least five (5) lots, except where all of the said lots are included in a subdivision to be developed as a whole by one developer.
68.	Community owned: Facilities owned and operated by a public, non-profit or not-for-profit entity and open to the general public.
69.	Concept Plan – (1) A plan that establishes the general layout and intensity of proposed development in enough detail to demonstrate compliance with the applicable development approval criteria for discretionary approvals by the City Council. (2) A generalized, illustrative plan for the IN-1 and IN-2 districts, indicating how off site impacts such as traffic, water and sanitary sewer availability/capacity, stormwater management, lighting and noise are mitigated and providing an assessment of existing and future development of the institution's campus, including buildings, parking areas, recreational facilities, open space and access points to City streets.
70.	Conditional use: A permit to grant restricted use of property for uses other than those permitted by right.
71.	Conditional zoning or zone: A zoning district or portion thereof, which has been established pursuant to provisions this Zoning Ordinance and which is subject to reasonable conditions proffered in writing by the owner of the subject property and agreed to by the City Council in a zoning map amendment to which such conditions are applicable in addition to those regulations provided for that particular zoning district, or portion thereof, by the overall Zoning Ordinance.
72.	Conical surface: An imaginary surface, whose design standards are referenced in extending and sloping horizontally and vertically from the periphery of the horizontal surface of an airport flight path.

73.	Conservation: Any action designed to keep a structure, area containing structures, or places from being damaged, lost or wasted.
74.	Construction sign: A temporary sign that notifies the public of a specific building or development under construction or reconstruction or to be constructed or reconstructed within the next three (3) months. The sign may also identify the architect, contractor, subcontractor and/or material supplier participating in construction on the property on which the sign is located.
75.	Construction, start of: The date the building permit was issued for new construction or substantial improvements, meaning the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit date.
76.	Contributing property: Those properties which by reason of form, materials, architectural details and relation to surrounding properties contribute favorably to the general character of the historic district in which they are located.
77.	Coverage, lot: The proportion of a lot covered by the maximum horizontal projected area of a building and its accessory buildings, including overhangs and projections.
78.	Decorative landscape stone: Stone that has natural or manmade distinguishing characteristics such as color and shape. Decorative landscape stone may be used as mulch.
79.	Delineated wetland: An area delineated by the U.S. Army Corps of Engineers as a wetland.
80.	Demolition: The dismantling or tearing down of all or part of any building or structure and all operations incidental thereto.
81.	Depth of lot: The mean horizontal distance between the front lot line and rear lot line of a lot.
82.	Detached building: A building surrounded by yards or other open area on the same zoning lot.
83.	Development – Any man-made change to improved or unimproved real estate, including, but not limited to, the erection, placement or modification of buildings or other structures; mining, dredging, filling, grading, paving, excavation or drilling operations; storage of equipment or materials; or the establishment or expansion of a use on a site.
84.	Development approval: Any City approval required for development.
85.	Development area / disturbed area: All areas shown within the limits of clearing and grading on a concept plan or final site plan.
86.	Development pattern: See land use development pattern
87.	Digital sign or electronic message center: An electrically activated changeable copy sign with a variable message and/or graphic presentation capability that can be electronically programmed by computer from a remote location or at the sign. These signs typically use arrays of LED lights to create an illuminated message.
88.	Directional sign: An on-premises sign whose message is exclusively limited to guiding the circulation of pedestrian or vehicular traffic, such as enter, exit, or one-way.
89.	Dwelling: A building containing one (1) or more dwelling units. The term "dwelling" or any combination thereof shall not be deemed to include hotel, rooming house, motel, clubhouse, hospital or other accommodations used for more or less transient occupancy.
90.	Dwelling unit: One (1) or more rooms in a residential building or in a mixed building which are arranged, designed, used or intended for use by one (1) or more persons living together and which include lawful cooking space and lawful sanitary facilities reserved for the occupants thereof.

91.		Dwelling, cluster or cluster development: A development pattern defined in Article VIII of this Zoning Ordinance characterized by small lots and the retention of common open space.
92.		Dwelling, detached: A building containing only dwelling units surrounded by yards or other open area on the same zoning lot.
93.		Dwelling, group: A building group consisting only of dwellings occupying a parcel of land in one (1) ownership and having any yard or service area in common.
94.		Dwelling, multi-household for the elderly: A building or portion thereof designed for or occupied by more than two (2) families, and all living units of which are to be maintained under single ownership or management. This shall be interpreted to include a cooperative apartment house. Provided further, that all occupants of said residential units must be (a) persons sixty-two (62) years of age or older; (b) married couples either of which is sixty-two (62) years of age or older; or (c) handicapped persons under sixty-two (62) years of age who have physical impairments which are expected to be of long-continued or indefinite duration, and which substantially impede the ability of such person to live independently.
95.		Dwelling, multi-household: A building or portion thereof designed for or occupied by more than two (2) families, and all living units of which are to be maintained under single ownership or management. This shall be interpreted to include cooperative apartment houses.
96.		Dwelling, semi-detached: One (1) of two (2) buildings, arranged or designed as dwellings located on abutting lots, separated from each other by a party wall, without openings, extending from the cellar floor to the highest point of the roof along the dividing lot line, and separated from any other building or structures by space on all sides.
97.		Dwelling, single-household: A building containing not more than one (1) dwelling unit and occupied by not more than one (1) household.
98.		Dwelling, townhouse, or row house: One (1) of a series of three (3) or more attached dwelling units separated from one another by continuous vertical party walls without openings from basement floor to roof.
99.		Dwelling, two-household (duplex): A building located on one (1) zoning lot containing not more than two (2) dwelling units, arranged one above the other, front to back, or side by side, and occupied by not more than two (2) households.
100.		Easement: A grant by a property owner of the use of a designated part of his land by another party for a specified purpose and for a specified time, which shall be included in the conveyance of land by such easement.
101.		Eave: The underside of the projection of a roof beyond the outer wall of a building.
102.		Electrical engineer: An electrical engineer licensed by the Commonwealth of Virginia.
103.		Electronic message center (EMC): see digital sign
104.		Elevated building: A non-basement building built to have the lowest floor elevated about the ground level by means of fill, solid foundation perimeter walls, pilings or columns (posts and piers).
105.		Encroachment , floodplain: The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

106.	Encroachment lines: The lateral limits or line drawn along each side of and generally parallel to a watercourse or body of water, to preserve the flood carrying capacity of the stream or other body of water and its floodplain, and to assure attainment of the basic objective of improvement plans that may be considered or proposed. Their location along a stream should be such that the floodways between them will effectively carry and discharge a flood not less than the magnitude of the one hundred (100) year flood.
107.	Enlargement, or to enlarge: An addition to the floor area of an existing building, an increase in the size of any other structure, or an increase in that portion of a tract of land occupied by an existing use. To "enlarge" is to make an enlargement.
108.	Equal degree of encroachment: A standard applied in determining the location of encroachment lines so that the hydraulic capacity of flood plain lands on each side of a channel are reduced by an equal amount when calculating the increases in flood stages due to flood plain encroachments.
109.	Evergreen tree: A tree or shrub that has foliage that persists and stays green throughout the year.
110.	Existing tower: A telecommunications tower that is in existence or is being constructed on December 9, 1997
111.	Extension, or to extend: An increase in the amount of existing floor area used for an existing use within an existing building. To "extend" is to make an extension.
112.	Exterior architectural features: The architectural style, general design and general arrangement of the exterior of a building, structure or object, including but not limited to the kind or texture of the building material and the type and style of all windows, doors, signs and other appurtenant architectural fixtures, details, features or elements.
113.	Façade: The outer surface of a building.
114.	Fall zone: That area within a prescribed radius (equal to the height of the tower) as measured from the base of a tower. A fall zone is based on physical phenomena that can result in a hazard beneath a tall structure and is the area within which there is a potential hazard from falling debris or collapsing material. A fall zone is distinct from a setback.
115.	Family day home: A child day program offered in the residence of the provider or the home of any of the children in care for one (1) through twelve (12) children under the age of thirteen (13), exclusive of the provider's own children and any children who reside in the home, when at least one (1) child receives care for compensation and meets the requirements of Article 63.2-100 of the Code of Virginia. The term shall not include any family-type facility which provides child care to not more than five (5) children placed by order of any court of competent jurisdiction, or by any public welfare department or other government agency having responsibility of placing children for care.
116.	Final site plan: A site plan that when approved in accordance with this ordinance enables an applicant to apply for a building permit.
117.	Fire district: The territory defined and limited by the provisions of the BOCA Basic Building Code for the restriction of types of construction to ensure adequate fire protection.
118.	Flag pole: A freestanding structure or a structure attached to a building or the roof of a building for the sole purpose of displaying flags.
119.	Flag: Any fabric or any other flexible material attached to or designed to be flown from a flagpole or similar device.

120.		Flashing sign: A sign that involves motion or rotation of any part of the structure, moving reflective disks, running animation or video, or displays an intermittent light or lights. Signs that display an on-premise message changed by electronic means or remote control, programmed or sequenced to change no more than once every six (6) seconds shall not be considered a flashing sign.
121.		Flea market: A market, whether held indoors or outdoors, where antiques, used household goods, curios and similar items are sold or traded by or on behalf of multiple vendors.
122.		Flood hazard area: The maximum area of the one hundred (100) year flood plain (as defined in regulations for the national flood insurance program) which is likely to be flooded, or for which mudslides can be reasonably anticipated.
123.		Flood or flooding: 1. A general or temporary condition or partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters; or, the unusual and rapid accumulation or runoff of surface waters from any source. 2. The collapse or subsistence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual an unforeseeable event which results in flooding as defined in paragraph (1)a. of this definition.
124.		Floodplains: The areas of land adjoining a watercourse that have in the past, or can be reasonably expected in the future, to be covered temporarily by flood waters.
125.		Flood-prone area: Any land area susceptible to being inundated by water from any source.
126.		Floodproofing: Combinations of structural provisions, changes or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures and contents of buildings in the regulatory flood plain.
127.		Floodway fringe: That portion of the one hundred (100) year flood plain outside of the floodway.
128.		Floodway: The channel of a river or other watercourse and those portions of the adjoining flood plains which are reasonably required to discharge the water of the one hundred (100) year flood (base flood), without causing a more than one (1) foot rise at any point in the City as shown in the City's flood insurance study published by the Federal Emergency Management Agency.

129.	Floor area: The sum of the gross areas of the several floors of a building or buildings, measured from the exterior faces of exterior walls or from the centerlines of walls separating two (2) buildings. In particular, floor area includes: 1. Basement space, except such space in a basement which has at least one-third (1/3) of its height below curb level, and which is located in a residential building with not more than two (2) stories entirely above curb level. 2. Elevator shafts or stairwells at each floor. 3. Floor space in penthouses. 4. Attic space (whether or not a floor has been laid) providing structural headroom of eight (8) feet or more. 5. Floor space in interior balconies or mezzanines. 6. Floor space in open or roofed terraces, exterior balconies, breezeways, or porches, if more than fifty (50) per cent of the perimeter of such terrace, balcony, breezeway or porch is enclosed. 7. Any other floor space used for dwelling purposes, no matter where located within a building, when not specifically excluded. 8. Floor space in accessory buildings except for floor space used for accessory off-street parking. Floor area of a building shall not include: 1. Cellar space, except that cellar space used for retailing shall be included for the purpose of calculating requirements for accessory off-street parking spaces and accessory off-street loading berths. 2. Elevator or stair bulkheads, accessory water tanks or cooling towers. 3. Uncovered steps. 4. Attic space, whether or not a floor actually has been laid, providing structural headroom of less than eight (8) feet. 5. Floor space in open or roofed terraces, exterior balconies, breezeways or porches, provided that not more than fifty (50) per cent of the perimeter of such terrace, balcony, breezeway or porch is enclosed. 6. Unenclosed floor space used for permitted or required accessory off-street parking spaces. 7. Floor space used for accessory off-street loading berths. 8. Floor space used for mechanical equipment.
130.	Floor area ratio: The total floor area on a zoning lot, divided by the lot area of that zoning lot. (For example, a building containing twenty thousand (20,000) square feet of floor area on a zoning lot of ten thousand (10,000) square feet has a floor area ratio of 2.0.)
131.	Floor plate: The floor area of the ground floor or footprint of a building.
132.	Food Establishment: A business operation that stores, prepares, packages, serves, vends or otherwise provides food for human consumption.
133.	Foundation planting: Trees and shrubs planted along and adjacent to the perimeter of a building.
134.	Freeboard – A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed.

135.		Freestanding sign: A non-movable sign supported by structures or supports in or upon the ground and not attached to a building.
136.		Frontage: The horizontal length of the front lot line of a zoning lot abutting a public street, road, or highway, or rural right-of-way.
137.		Gambrel roof: A roof gable roof, each sloping side of which has two sloping planes, with the lower plane being steeper than the upper plane (e.g., barn roof)
138.		Garden apartment units: Group multiple dwellings consisting of more than one (1) main building containing more than one (1) unit per building for single-household occupancy.
139.		Gasoline station: See Automobile service station.
140.		Graphic: Any logo, emblem, insignia, or text, formed by writing, drawing, painting or engraving.
141.		Ground cover: Any evergreen or broadleaf plant that does not generally attain a mature height of more than one (1) foot, characterized by a growth habit in which the plant spreads across the ground to connect with other similar plants forming a continuous vegetative cover on the ground. Sod and seeding shall be considered an appropriate ground cover.
142.		Group Home: A residential facility wherein (a) the operator is not legally related to the individuals supervised and may be licensed by the state, and wherein (b) four (4) or more individuals are provided with room, board, specialized and distinctive care, and daily supervision. For the purpose of the Zoning Ordinance, a facility providing care to less than four (4) persons shall not be considered a group home. The term "Group Home" would include but not be limited to such groups as: foster family homes, homes for adults, abused women, individuals with mental illness, intellectual disability, or developmental disabilities, or physically handicapped. This definition does not include pre-release or post-release individuals who have been incarcerated. 1. A residential facility in which no more than eight (8) individuals with mental illness, intellectual disability, or developmental disabilities reside, with one or more resident counselors or other staff persons, shall be considered for all purposes residential occupancy by a single-household. For the purposes of this section, mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in Section 54.1-3401 of the code of Virginia. No conditions more restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption shall be imposed on such facility. This type of residential facility shall be deemed to be any group home or other residential facility for which the department of behavioral health and developmental services is the licensing authority pursuant to this code. 2. A residential facility, in which no more than four (4) aged, infirm or physically disabled persons reside, with one or more resident counselors or other staff persons, shall be considered for all purposes residential occupancy by a single-household. No conditions, more restrictive than those imposed on residences occupied by persons related by blood, marriage or adoption shall be imposed on such a facility. For purposes of the Zoning Ordinance, "residential facility" means any group home or residential facility in which aged, infirm or disabled persons reside with one or more resident counselors or other staff persons and for which the Virginia department of social services is the licensing authority pursuant to the Code of Virginia.
143.		Guest: Any person hiring and occupying a room for sleeping purposes.

144.	Hazard to air navigation: An obstruction determined by the Virginia Department of Aviation or the Federal Aviation Administration to have a substantial adverse effect on the safe and efficient utilization of navigable airspace in the Commonwealth.
145.	Hazardous materials: Includes any substance or material could adversely affect the safety of the public, handlers or carriers during transportation, including, but not limited to materials that require a Hazardous Materials Endorsement by the United States Patriot Act and the Virginia Department of Motor Vehicles.
146.	Heat island effect: An elevated temperature over an urban area caused by pavement, buildings, other infrastructure and pollutant emissions
147.	Height of building: See Building, height of.
148.	Height of sign: The distance to the topmost extent of the sign structure when measured from and perpendicular to the elevation of the edge of pavement of the closest adjacent roadway on which the sign is located. In no instance shall the sign structure be required to be less than ten (10) feet in height, except as otherwise specifically required by the Zoning Ordinance.
149.	Height: for the purpose of determining the height limits affected by airport operations in all zones set forth in section 35.2-57.4 and shown on the Zoning Map, the datum shall be mean sea level (M.S.L.) elevation unless otherwise specified.
150.	Helipad: Landing facility for up to two (2) helicopters that may be lit, but does not include facilities for storage, fueling or servicing of helicopters.
151.	Heliport: Facilities for the landing helicopters that may include facilities for storage, servicing and/or fueling one or more helicopters at a time.
152.	Historic area, historic place, or historic structure: 1. Any structure, area containing structures, or place in which historic events occurred; or having special public value because of notable architectural or other features, relating to the cultural or artistic heritage of the community of such significance as to warrant conservation and preservation. 2. Any structure that is: a. listed individually in the national register of historic places (a listing maintained by the department of the interior) as meeting the requirements for individual listing on the national register; b. certified or preliminarily determined by the secretary of the interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district; c. individually listed on a state inventory or historic places in states with historic preservation programs which have been approved by the secretary of the interior; or d. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: i. by an approved state program as determined by the secretary of the interior or ii. directly by the secretary of the interior in states without approved programs.
153.	Historic building map: The map of Lynchburg indicating certain structures as historic buildings.

154.	Historic district: A geographically defined area consisting of public and/or private property within the City, possessing a significant concentration, linkage, or continuity of sites, buildings or structures, areas of unique architectural value, landmarks or encompassing parcels of contiguous land united by past events or aesthetically by plan or physical development. A district may also comprise individual buildings or structures separated geographically but linked by association or history. A historic district shall further mean an area designated by City Council as a historic district pursuant to the criteria established in (d)(1) of this ordinance. The historic district overlay zone defines the area in which the requirements of the historic districts ordinance shall apply. The historic district overlay zone shall be in addition to and shall overlay all other zoning districts where it is applied so that any parcel of land lying in the historic district overlay zone shall also lie within one or more of the other zoning districts provided by this ordinance.
155.	Home occupation: An accessory use which: 1. Is clearly incidental to or secondary to the residential use of a dwelling unit. 2. Is customarily and traditionally carried on within a dwelling unit by one (1) or more occupants of such dwelling unit, except that, in connection with the practice of a profession, one (1) person not residing in such dwelling unit may be employed. 3. Occupies not more than twenty-five (25) per cent of the total floor area of such dwelling unit, and in no event more than five hundred (500) square feet of floor area.
156.	Home owners' or property owners' association: An incorporated, nonprofit organization operating under recorded land agreements through which (a) each lot and/or property owner in a planned unit or other described land area is automatically a member; and (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the home association's activities, such as common property maintenance.
157.	Horizontal surface: An imaginary horizontal plane, whose design standards are referenced in section 35.2-57.3 above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.
158.	Hospitals: An institution receiving in-patients and rendering medical, surgical, and/or obstetrical care to private and charity patients, and usually including research and training activities. This shall include general hospitals and institutions in which service is limited to special fields, such as cardiac, eye, ear, nose and throat, pediatric, orthopedic, skin and cancer, tuberculosis, chronic disease and obstetrics. Hospital patients generally require intensive care for periods generally not exceeding several months.
159.	Hotel: A building or part thereof containing five (5) or more guest rooms, without kitchens, where lodging is provided for compensation, excluding a fraternity or sorority house, a school or college dormitory, or a tourist home.
160.	Household: The occupants of a single dwelling unit, which shall not exceed three (3) unrelated individuals unless otherwise permitted by this Zoning Ordinance.
161.	Identification sign: A sign that is permanently attached to or painted on a building and contains only the building name. (Example, the "Allied Arts" Building.) Identification signs shall not be included in the maximum permissible sign area of the district in which it is located.
162.	Illegal use: Any use, whether of a building or other structure or of a tract of land, in which a violation of any provision of the Zoning Ordinance has been committed or shall exist.
163.	Illuminated sign: A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.
164.	Industrial district: Includes the I-1, I-2 and I-3 zoning districts.

165.		Institutional district: Any district whose designation begins with the letters IN”.
166.		Inflatable item: Any item that is capable of being expanded by air, water or other means that exceeds twenty-four (24) inches in diameter, used to advertise a business, service, product, goods, special promotion, activity or event.
167.		Inventory, historic: The inventory of historic landmarks, buildings and structures as prepared by the board of historic and architectural review.
168.		Junk yard: The use of any space, whether inside or outside a building, for the abandonment, storage, keeping, collection, disassembling or bailing of paper, rags, scrap metal, or other scrap or discarded materials, or for the abandonment, demolition, dismantling, or salvaging of automobiles or other vehicles or machinery or parts thereof; provided, that this definition shall not apply to any such use conducted solely as an accessory use and occupying not more than one hundred (100) square feet of the area of any lot other than any portion of that half thereof that adjoins any street.
169.		 kennel: Any building, enclosure, structure, establishment and/or land where dogs, cats, household pets or any other domestic animals are sheltered, fed or watered, groomed, shown, trained, bred, boarded and exercised, cared for or sold for either commercial gain or in exchange for a fee.
170.		Land Use Development Pattern or Development Pattern: One or more uses arranged to create a specific type of development that are defined in Article VIII of this ordinance and that may be allowed by right or conditional use permit pursuant to LBCS classifications 9950 et. seq.
171.		Land with minor improvements: For purposes of the City’s floodplain regulations, a tract of land which: 1. Does not include any building or other structure. 2. Includes a building or other structure with a floor area of less than four hundred (400) square feet.
172.		Landscape island: An area containing a shade tree and other required landscaping not less than one hundred eight (108) square feet for a parking row or two hundred sixteen (216) square feet for a parking bay.
173.		Large deciduous tree. A large deciduous tree shall be of a species having an average minimum mature crown spread of greater than thirty (30) feet. A minimum caliper of at least two and one-half (2-1/2) inches at the time of planting shall be required.
174.		Large farm animal. An animal with an adult weight of 50 pounds or more that may be kept for agricultural purposes, including, but not limited to horses, cattle, goats, llamas, alpacas, ostriches, emus, ponies and bison, but not including dogs.
175.		Large scale retail establishment: retail establishments having a cumulative gross floor area of seventy-five thousand (75,000) square feet or greater in floor area, whether such gross floor area is contained entirely within a freestanding building or is within two (2) or more buildings, whether located on a single lot or contiguous lots owned or operated as associated, integrated or cooperative business enterprises.
176.		Level of Service (LOS) – A scale that measures the amount of traffic that a roadway or intersection can effectively and efficiently accommodate, based on such factors as volume, capacity, queues and delay. LOS is graded on a scale of A through F, where LOS-A is free-flowing traffic and LOS-F is a condition where traffic flow is unstable and excessive delay and queuing is expected.

177.		Limited Access Highway or Freeway: A public highway to which access is forbidden except at interchanges with other public highways and, in some cases, at specially designed facilities providing automobile, restaurant and other similar services to motorists using the highway.
178.		Limited time: A period of time assumed to be not more than one year unless otherwise specified by the Zoning Ordinance or development approval.
179.		Loading berth: A space measuring at least ten (10) feet wide by thirty-five (35) feet long that is used for the loading or unloading of vehicles.
180.		Local street: A public street not classified as a freeway, arterial or collector street under the definitions in this section.
181.		Lodging house: See Boardinghouse.
182.		Logo: Any emblem used as the symbol of an organization, or residential or nonresidential community. A logo may include a graphic, text, or both.
183.		Lot: 1. A lot of record existing on the effective date of the Zoning Ordinance or any applicable subsequent amendment thereto. 2. A tract of land, either unsubdivided or consisting of two (2) or more contiguous lots of record, located within a single block which on the effective date of the Zoning Ordinance or any applicable amendment thereto was in single ownership or control. 3. A tract of land located within a single block, which at the time of filing for a Building Permit (or, if no Building Permit is required, at the time of filing for a Certificate of Occupancy), is designated by its owner or developers as a tract all of which is to be used, developed or built upon as a unit under single ownership or control.
184.		Lot area per dwelling unit: That portion of the lot area required for each dwelling unit located on a zoning lot.
185.		Lot area: The area of a lot; provided, that if that lot includes any part of the area of a street closed subsequent to the effective date of the Zoning Ordinance, not more than one-half (1/2) the area of such closed street shall be counted as lot area for purposes of determining the maximum floor area ratio or the required lot area per dwelling unit or lot area per room for such zoning lot.
186.		Lot, corner: Either a lot bounded by streets on two or more sides or a lot in which the interior angle formed by the extensions of the street lines in the directions which they take at their intersections with lot lines other than street lines forms an angle of one hundred thirty-five (135) degrees or less.
187.		Lot coverage: See Coverage, lot.
188.		Lot depth: See Depth of lot.
189.		Lot, interior: Any lot neither a corner lot nor a through lot.
190.		Lot line, front: A street line determined by the Zoning Administrator to be the front of the lot based on prevailing lot patterns and lot dimensions.
191.		Lot line, rear: The lot line, opposite or furthest from the front lot line. For triangular lots, the rear lot line shall be the lot line that does not follow a street right-of-way.
192.		Lot line, side: Any lot line that is not a front lot line or a rear lot line.
193.		Lot line: A boundary of a lot.
194.		Lot of record: A lot which is part of a subdivision recorded in the office of the City clerk, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
195.		Lot width: The horizontal distance between the side lot lines of a zoning lot at the building line.

196.		Lot, through: Any lot, not a corner lot, which adjoins two (2) streets that are parallel or within forty-five (45) degrees of being parallel to each other.
197.		Low explosives: Substances that deflagrate (burn) rather than detonate (explode). These are primarily used as propellants. The cut-off speed between high and low explosives is 3,300 fps (feet per second). An example of a low explosive is black powder. High explosives are designed to shatter (brisance) rather than push. Detonation velocities for high explosives range from 3,300 fps to 29,900 fps. Blasting caps, dynamite, TNT, plastic explosives, binaries and blasting agents are examples of high explosives.
198.		Lowest floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44CFR §60.3.
199.		Lumen per Square Foot: a measure of illuminance equal to one foot-candle
200.		Lynchburg commercial historic districts design review guidelines: A publication adopted by City Council, that gives detailed guidance to property owners of the commercial historic districts who are contemplating changes or additions to their building or property; and assists the historic preservation commission by providing them with minimum standards to guide their decision making. All future editions of the commercial guidelines document and all amendments thereto are automatically adopted and incorporated into the City code.
201.		Lynchburg residential historic districts design review guidelines: A publication adopted by City Council, that gives detailed guidance to property owners of the residential historic districts who are contemplating changes or additions to their building or property; and assists the historic preservation commission by providing them with minimum standards to guide their decision making. All future editions of the residential guidelines document and all amendments thereto are automatically adopted and incorporated into the City code.
202.		Mansard roof: A roof having two slopes on all sides with the lower slope steeper than the upper one
203.		Manufactured home: 1. A structure, transportable in one (1) or more sections that is certified as complying with HUD's "Manufactured Home Construction and Safety Standards," which is built after 1978 on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. 2. For flood plain management purposes the term "manufactured home" also includes mobile homes, park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.
204.		Manufactured home park or subdivision: A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home spaces or lots for rent or sale.
205.		Market for agricultural products: A market selling produce, or other edible products made from and entirely processed on the site of an agricultural operation.
206.		Medical or dental clinics: Any building or group of buildings occupied by two (2) or more medical or dental practitioners for the purpose of providing health services to people on an out-patient basis.
207.		Medical practitioner: A licensed physician, dentist, osteopath, chiropractor, chiroprapist (podiatrist), psychologist or optometrist (but not optician).

208.		Medium shrubs. Shrubs and hedge forms having a minimum height of at least two (2) feet at the time of planting.
209.		Metes and bounds: The specific boundaries of an area as measured between geographical points.
210.		Minor map amendment: A change in the official Zoning Map that is not included in the definition of comprehensive Zoning Map amendment.
211.		Mobile food cart: A mobile food establishment that is up to ten (10) feet long and five (5) feet wide and is designed to be pushed by hand or pedaled.
212.		Mobile food trailer: A mobile food establishment that is less than twenty (20) feet long by eight (8) feet wide and is designed to be towed behind a vehicle and capable of vending foods without being connected to another vehicle.
213.		Mobile food truck: A self-propelled food establishment that is up to twenty-six (26) feet long and eight (8) feet wide.
214.		Mobile Food Vehicle: A Food Establishment that is located upon a vehicle including cars, trucks, carts, motorcycles and bicycles, or which is pulled by a vehicle, where food or beverage is cooked, prepared, or served for individual portion service. This definition includes but is not limited to: mobile food kitchens, pushcart vendors, bicycle cart vendors, mobile food trucks, canteen trucks, and coffee trucks.
215.		Mobile Home: A structure built on a permanent chassis that is designed for use with or without a permanent foundation that does not comply with the HUD's Manufactured Home Construction standards or that was built prior to 1978.
216.		Modified sign: A sign that is allowed to deviate from the standards set forth in the Zoning Ordinance pursuant to a certificate of appropriateness issued by the historic preservation commission.
217.		Modular home or industrialized building: A prefabricated homes or industrialized buildings that consist of one or more sections that do not have axles or frames and typically are transported to their site by means of flat-bed trucks.
218.		Monument sign: A permanent structure built on-grade in which the sign and the structure are an integral part of one another, not a pole(s) mounted sign.
219.		Motel or tourist cabin: A building or group of buildings containing ten (10) or more guest rooms or suites designed or intended to be used, let or hired out which: 1. Contain living or sleeping accommodations used primarily for transient occupancy. 2. Have individual entrances from outside the building to serve each such living or sleeping unit.
220.		Mulch: A protective covering, usually of organic matter placed around plants to prevent evaporation, root freezing and weed growth.
221.		Mural: A painting, fresco, or mosaic applied to a wall for the sole purposes of decoration or artistic expression. A mural is not considered a sign unless it includes words or graphics that advertise the products or service of any entity.
222.		Naturalized planting area: Any area planted for bio-retention containing native or indigenous species that mimics local natural surroundings and is allowed to grow undisturbed. Naturalized planting areas require minimal maintenance.
223.		Neighborhood norm: A measure of the average or typical setbacks along two opposing block faces or for three abutting lots (see Sec. 35.2-61.3(f))
224.		Neon tubing: A vacuum tight transparent tube not exceeding one inch (1") in diameter containing, but not limited to neon, argon, helium, xenon, or krypton that produces light when connected to an electrical current.

225.		New construction: 1. Any construction within a historic district that is independent and exclusive of an existing building or structure or part thereof in the historic district. 2. For flood plain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a flood plain management regulation adopted by the City.
226.		Non-conforming use: any preexisting structure or object of natural growth that is inconsistent with the provisions of this section or any amendment to this section.
227.		Non-contributing property: A property so designated on the inventory map of historic districts and properties which are adopted as a part of this ordinance, being generally those properties which by reason of age, condition, amount of alterations, form, materials, architectural details and relation to surrounding properties do not contribute favorably to the general character of the part of the historic district in which they are located.
228.		Nonconforming: Any lawful use, whether of a building or other structure or of a tract of land, which does not conform to the applicable use regulations of the district in which it is located, either on the effective date of the Zoning Ordinance, or as a result of any subsequent amendment thereto. A nonconforming use shall result from failure to conform to the applicable district regulations on either permitted uses or performance standards. However, no existing use shall be deemed nonconforming solely because of any of the following: 1. The existence of less than the required accessory off-street parking spaces or loading berths. 2. The existence of nonconforming accessory signs.
229.		Normal business hours: means those hours during which most businesses in the community are open to serve customers, which shall be considered from 8:00am to 6:00pm unless otherwise specified herein.
230.		Nursing homes: Rest homes and convalescent homes devoted primarily to the maintenance and operation of residential facilities for the treatment and care of any persons suffering from illnesses, diseases, deformities or injuries not requiring the intensive care that is normally provided by hospitals, but do require care in excess of room and board and who need medical, nursing, convalescent or chronic care. Institutions primarily for the treatment and care of mental patients, alcoholics or drug addicts, and facilities serving less than four (4) persons shall not, for the purpose of the Zoning Ordinance, be considered to be a nursing home. (See also Medical clinics, Hospitals and Sanatorium).
231.		Obstruction: 1. For purposes of floodplain regulations, any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across or projecting into any channel, watercourse or flood hazard area which may impede, retard or change the direction of flow of water, either in itself or by catching or collecting debris carried by such water or that is placed where the flow of water might carry the same downstream to the damage of life or property. 2. For purposes of airport overlay zoning, any structure, or other object, including a mobile object, which exceeds a limiting height, or penetrates any surface or zone floor, set forth in section 35.2-57.4.
232.		Off-site directional sign: A sign that directs traffic to a site other than the site on which the sign is located.

233.	Off-street loading berth – A space for temporarily parking vehicles for loading or unloading that measures at least 30 feet in length by 12 feet wide and having at least 14 feet of clearance.
234.	Official Zoning Map: That map dividing the City into specific zones or districts.
235.	One hundred (100) year flood (base flood): A flood that has one (1) chance in one hundred (100) or a one (1) per cent chance of being equaled or exceeded in any given year.
236.	Open Space: Any land or area, the preservation of which would: conserve and enhance scenic resources, protect streams, promote conservation of soils or provide for passive or active recreational space. Open spaces may include plaza areas, provided they contain a landscaped component. Required setback areas may be included in the computation of required open space.
237.	Opinion sign: A sign which does not advertise products, goods, businesses, or services, and which expresses an opinion or other point of view.
238.	Ornamental tree: Deciduous tree that grows to a mature height of less than thirty (30) feet with flowering or other distinguishing characteristics.
239.	Outdoor storage: 1. For residential properties, anything that is not normally found in residential yards and on porches, including, but not limited to indoor furniture, construction materials, auto parts, appliances and the clutter of various personal items, inoperable vehicles or stacks of containers in plain view. Equipment regularly used for lawn maintenance, outdoor furniture, children's toys, bicycles and neatly stacked firewood are not generally considered to be outdoor storage, however an excess of those items, or equipment in disrepair may be considered illegal outdoor storage. 2. For non-residential and mixed-use properties, the outdoor storage includes the storage of goods, materials, inoperable vehicles, appliances or other materials that are not a specifically authorized outdoor display.
240.	Outparcel: A parcel located on the outside perimeter of a commercial development fronting a right of way.
241.	Owner: means any person with fee simple title to any plot of land within the City who desires to develop, construct, build, modify, or erect a tower upon such land.
242.	Parapet wall: A wall that extends above the top of a flat roof or flat portion of a roof.
243.	Parcel: is considered to be that plot of land described by property lines. When multiple parcels are owned and used by the same party, the grouping may be considered to constitute the parcel.
244.	Parking area, off-street: An off-street area containing one (1) or more parking spaces, with passageways and driveways appurtenant thereto. In general, there shall be an average of at least three hundred (300) square feet of parking area per parking space and the required number of usable parking spaces.
245.	Parking bay: Two (2) parking rows abutting one another or separated by ten (10) feet or less.
246.	Parking garages: A building occupied by a public, community, commercial or private establishment providing space for the temporary storage of six (6) or more automobiles and other vehicles, where service or repair facilities are not permitted. A parking garage shall not be considered an accessory use, nor shall it be used for the storage of dismantled or wrecked motor vehicles, parts thereof, or junk, nor shall the sale of automobiles or trailers take place within it unless otherwise permitted by the Zoning Ordinance.
247.	Parking lot: An open lot serving the functions defined above for a parking garage.

248.		Parking row: One (1) single line of parking spaces.
249.		Parking space: 1. An off-street space available for the parking of one (1) motor vehicle on a transient basis and having a minimum width of nine (9) feet and an area of not less than one hundred sixty-two (162) square feet, exclusive of passageways and driveways appurtenant thereto and having direct usable access to the street. 2. An on-street space available for the parking of one motor vehicle on a transient basis, having a minimum width of nine (9) feet and an area of not less than one hundred sixty-two (162) square feet.
250.		Pedestrian facility: A sidewalk, walking path, bike path or transit / shuttle stop.
251.		Pennant: Any lightweight plastic, fabric or other similar material, whether or not containing copy suspended from a rope, wire, or string, usually in series, designed to move in the wind.
252.		Permanent sign: Any sign attached to the ground or any structure, intended to exist for the life of the structure or use, and which cannot be removed without involving any structural or support changes.
253.		Permeable or Porous: Capable of allowing water to be conducted through a material, as in permeable surfaces such as grass or soils and porous pavement.
254.		Person: Except as provided in section 35.2-60.2(e) a person is any natural person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit.
255.		Phasing Plan: A plan for the development in more than one stage or phase in accordance with section 35.2-11.4.
256.		Planned unit development or PUD: A multiple-unit residential development of at least five (5) acres arranged in harmony with purposes, provisions and procedures for the planned unit development.
257.		Pole mounted sign: A sign that is mounted on one or more freestanding poles or similar supports.
258.		Political sign: A temporary sign promoting the candidacy of a person running for a governmental office or promoting a position on an issue to be voted on at a government election.
259.		Porch: an area elevated above grade that adjoins an entry to a building that may be covered or open.
260.		Portable sign: A sign which is movable without involving any structural or support changes, not permanently attached to the ground, a structure or any other sign not an integral part of a building to which it is accessory. This category includes, but is not limited to, an A-frame sign, a sign attached to or placed on a vehicle, which is used primarily for the purpose of display, and similar devices used to attract attention. This shall not include bumper stickers or identification signs directly applied to or painted on vehicles identifying the owner of the vehicle, a business name, logo or emblem.
261.		Preservation: Any activity designed to prevent deterioration or destruction of a structure, a group of structures, or an area or a district.
262.		Primary surface: An imaginary surface, whose design standards are referenced in section 35.2-57.3 longitudinally centered on an airport runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

263.	Private recreational facilities: A facility such as a swimming pool, tennis court or basketball court which is an accessory use located on a residential lot, the use of which is restricted to the occupants of the principal use and guests for whom no admission or membership fees are charged.
264.	Programmed: For the purposes of the Zoning Ordinance, the word "programmed" shall refer to a public facility which has been formally scheduled for construction within the following ten (10) years. Such formal scheduling may be in terms of an approved capital improvements program, an officially adopted thoroughfare, public utilities or community facilities plan specifying the approximate date of construction of the facility, or a similar official plan or program.
265.	Projecting sign: A sign that is attached to and projects at an angle and extends more than fifteen (15) inches from the face of the wall of a building.
266.	Property ownership: For purposes of the occupancy requirements of this ordinance, the owner who resides on the lot shall be: a. An individual who owns at least a 50% interest in the lot by deeded title and who resides on the lot as his or her primary residence; or b. An individual who owns at least a 50% interest in a corporation, a limited liability company, or a similar legal entity that owns a 100% interest in the lot by deeded title and who resides on the lot as his or her primary residence; or c. An individual who is a beneficiary of a trust that owns a 100% interest in the lot by deeded title and who resides on the lot as his or her primary residence.
267.	Public utility: A public utility is an activity, or a building housing such an activity, which operates to serve the community as a whole, or a portion of the community, which is publicly run or subject to special government controls and which is overseen by the State Corporation Commission.
268.	Public: Any land, structure or building owned, used or maintained by the City government, or a regional authority of which the City is a member, or their agencies.
269.	Radio frequency engineer: means a professional engineer licensed by the Commonwealth of Virginia with appropriate documented expertise in radio frequency engineering.
270.	Raising: Providing vertical clearance under tree canopy by using appropriate pruning techniques.
271.	Re-facing: The replacement of a sign face, regardless of change in copy, of equal size to the original, without altering the sign box, sign frame or sign structure.
272.	Reach: Longitudinal segments of a river or stream, which will be affected by the placement of an obstruction in a floodway or floodway fringe.
273.	Real estate sign: A temporary sign used to offer property for sale, lease, rent and/or development or to advertise an open house.
274.	Reconstruction: Any activity designed to rebuild entirely, or partially, a structure.
275.	Recreation facility, active: A field, court building or other structure designed for a specific range of sports or other physical activities, including but not limited to ball fields, tennis courts, swimming pools, gyms and other indoor athletic facilities and playground equipment.

276.		Recreation facility, passive: An open field, woods, trail or other public open space that may be used for a wide range of activities, including, but not limited to hiking, biking, picnicking or playing a variety of different sports. Passive recreation facilities may include picnic tables, water fountains and surfaced trails, but do not include buildings or structures devoted to limited ranges of sports activities.
277.		Recreational vehicle – A vehicle which is: 1. built on a single chassis; 2. four hundred (400) square feet or less when measured at the largest horizontal projection; 3. designed to be self-propelled or permanently towable by a light duty truck; and, 4. designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational camping, travel or seasonal use.
278.		Regulatory flood protection level: That level delineated by the one hundred (100) year flood.
279.		Rehabilitation: Any activity designed to place a structure into a usable condition with or without architectural change.
280.		Religious Institution: A church, synagogue, temple, mosque, convent, monastery or other place of worship
281.		Related People: Related individuals include people who are related by blood, are married to each other or are in a substantially similar relationship, and children under their care.
282.		Renovation: Any activity relating to the updating and/or the modernization of an older structure involving architectural change.
283.		Repairs in like material and like design: Any work or all work involving the replacement of existing material with equivalent material for the purpose of maintenance, but not including any addition, change or modification in construction design.
284.		Residence: 1. A building or part of a building containing dwelling units or rooming units, including single-household or two-household houses, multiple dwellings, boarding or rooming houses or apartment hotels. Residences do not include the following: a. Such transient accommodations as transient hotels, motels, tourist cabins or trailer courts. b. Dormitories, fraternity or sorority houses, monasteries or convents. c. In a mixed building, that part of the building used for any nonresidential uses, except accessory to residential uses. 2. For the purposes of determining setback and/or height requirements for IN-1 District, a residence shall not include any properties owned, leased, or used by the institution regardless of zoning or land use.
285.		Residence, single-household: A building containing only one (1) dwelling unit.
286.		Residential: Pertaining to one or more residences.
287.		Residential district: Any district whose designation begins with the letter "R".
288.		Residential Street – any local City street where the majority of land use on one or both sides of the street within the block is residential.
289.		Restoration: Any or all work connected with the returning to or restoring of a building, or part of any building, to its original condition through the use of original or nearly original materials.

290.	Retail establishment: A commercial enterprise that provides a combination of goods and / or services directly to the consumer, where the principal use is providing goods that are available for immediate small quantity purchase and removal from the premises by the purchaser.
291.	Riding stable: Any zoning lot used or designed for the boarding, breeding or care of horses or ponies, other than for farming or agricultural purposes, either with or without instruction in riding.
292.	Riprap: A permanent, large, loose angular stone generally used for erosion and sediment control in concentrated high velocity flow areas.
293.	Roof sign: A sign installed or constructed upon or above a roof.
294.	Rooming house: A dwelling consisting of one (1) single building in which, for compensation, lodging or meals, or both, are furnished to transient or non-transient guests. A rooming house shall not be deemed a home occupation.
295.	Runway: a specified area on an airport prepared for landing and takeoff of aircraft.
296.	Sanitary or solid waste management facility, private: A sanitary or solid waste management facility that is not a public sanitary or solid waste management facility, and which is owned and operated by a private entity for the purpose of handling sanitary or solid waste generated only by such private entity.
297.	Sanitary or solid waste management facility, public: A sanitary or solid waste management facility owned or operated by or on behalf of the City of Lynchburg or a regional solid waste management authority of which the City of Lynchburg is a member.
298.	Sanitary or solid waste management facility: Any facility or zoning lot used for: (i) the disposal of solid waste materials by abandonment, discarding, dumping, reduction, burial, incineration or any other means, including accessory uses such as recycling, cogeneration, and methane recovery, or (ii) a transfer station for solid waste storage or collection at which solid waste is transferred from collection vehicles to haulage vehicles, including but not limited to trucks, trains, and tandem trailers, for transportation to a central solid waste management facility for disposal or resource recovery. This definition does not include transportable waste receptacles of commercial solid waste generated by establishments engaged in business operations other than manufacturing. This category includes, but is not limited to, solid waste resulting from the operation of stores, markets, office buildings, restaurants, shopping centers, motels, hotels, multiple residences, picnic grounds and day-use recreation areas. This definition also does not include recycling bins.
299.	School: An institution, including kindergartens providing full-time day instruction and a course of study that meets the requirements of the laws of the State of Virginia.
300.	Screening: A method of visually shielding or obscuring items such as a structure, receptacle, parking area, equipment, or stormwater management pond by densely planted landscaping, or a combination of landscaping, berms, solid fences and/or walls.
301.	Service station: See Automobile service station.
302.	Setback: See building line.
303.	Shade tree: Deciduous tree that grows to be more than thirty (30) feet at maturity and planted chiefly to provide shade from sunlight.
304.	Shallow flooding area – A special flood hazard area with the base flood depths from one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

305.		Short Term Rental: The primary, accessory, or secondary use of a residential dwelling unit or a portion thereof by a host to provide room or space that is intended to be occupied for a period of fewer than thirty (30) consecutive days.
<u>306.</u>	305.	Shrub, large: A shrub with a minimum height of three (3) feet at planting.
<u>307.</u>	306.	Shrub medium: A shrub with a minimum height of two (2) feet at planting.
<u>308.</u>	307.	Shrub small: A shrub with a minimum height of one (1) foot at planting.
<u>309.</u>	308.	Shrub: A woody plant deciduous or evergreen that generally exhibits several erect, spreading stems with a bushy appearance growing to a height of no more than fifteen (15) feet.
<u>310.</u>	309.	Sign base: The area below any writing, pictorial representation, emblem or any other figure of similar character on a sign face. This shall include solid bases, poles, supports, uprights, skirts and/or enclosures.
<u>311.</u>	310.	Sign box: A structure that encloses the sign face(s) and any internal illumination.
<u>312.</u>	311.	Sign face: The area or display surface used for the message, not including the sign frame or sign structure.
<u>313.</u>	312.	Sign frame: The enclosure and/or embellishment that surround the sign face.
<u>314.</u>	313.	Sign structure: An assembly of material used to support a sign face and/or sign frame.
<u>315.</u>	314.	Sign: Any writing (including letter, word or numeral), pictorial representation (including illustration or decoration), emblem (including device, symbol, logo, or trademark) or any other figure or graphic of similar character for the purpose of communicating information to the public which is: 1. Attached to or painted on a structure, or in any other manner represented on a building, other structure or motor vehicle; 2. Used to announce, direct attention to, or advertise; 3. Visible from the outside of a building. A sign shall include writing, pictorial representation, emblem or any other figure of similar character within a building when located less than twelve (12) inches away from the inside face of an exterior window pane; and 4. Accessory to the permitted uses in the zoning district.
<u>316.</u>	315.	Slope: The deviation of a surface from the horizontal.
<u>317.</u>	316.	Solid waste: Any discarded material, including, but not limited to, garbage, trash, refuse, junk, debris, leaves, brush, land clearing debris, demolition materials, ash, sludge, spoil, used or waste oil, and machinery or vehicles or parts thereof.
<u>318.</u>	317.	Stable, riding: See Riding stable.
<u>319.</u>	318.	Standard project flood limit (SPFL): That portion of land inside the floodplain that would be required to carry forty (40) per cent to sixty (60) per cent of the maximum probable flood, and normally could be expected to occur at a five hundred (500) year frequency.

<u>320.</u>	319.	Start of construction: The date the Building Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within one hundred and eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of the property accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
<u>321.</u>	320.	State: means the Commonwealth of Virginia.
<u>322.</u>	321.	Stealth: means any tower or telecommunications facility that is designed to blend into the surrounding environment through the use of camouflage or other appropriate landscaping or construction techniques.
<u>323.</u>	322.	Story: That part of a building between the surface of a floor (whether or not counted for purposes of computing floor area ratio) and the ceiling immediately above. However, a cellar is not a story.
<u>324.</u>	323.	Streamer: Any long narrow strip of cloth, paper, plastic or other material.
<u>325.</u>	324.	Street line: A line defining the edge of a street right-of-way and separating the street from abutting property or lots. If, on the master plan of streets and highways duly adopted by the City, a street is scheduled for future widening, the proposed right-of-way line shown on the master plan shall be the street line.
<u>326.</u>	325.	Street width: The distance between street lines, measured at right angles to the center line of the street.
<u>327.</u>	326.	Street, center line of: A line established as a center line of a street by any state, City or other official agency or governing body having jurisdiction thereof and shown as such on an officially adopted or legally recorded map. If there is no official center line of a street, the center line shall be a line lying midway between the street or right-of-way lines thereof. Where street lines are indeterminate and a pavement or a traveled way exists, the center line shall be established by the City Engineer or, in the absence of a determination by the department of public works, shall be assumed to be a line midway between the edges of such pavement or traveled way.
<u>328.</u>	327.	Street: A street, highway, avenue, lane, marginal access street, service drive, alley, bridge, viaduct, or any segment thereof, lying within a public right-of-way at least twenty (20) feet in width.
<u>329.</u>	328.	Structural engineer: means a structural engineer licensed by the Commonwealth of Virginia.
<u>330.</u>	329.	Structure: - Any object, including a mobile object, constructed or installed by any person, including but not limited to buildings, towers, cranes, smokestacks, earth formations, poles and electric lines of overhead transmission routes, and flag poles. - For purposes of floodplain regulation, anything constructed, set, placed or erected on the ground or attached to the ground including, but not limited to, buildings, factories, sheds, cabins, manufactured homes and other similar items which shall be anchored and floodproofed within the flood plain.

331.	330.	Subdivision: The division of any tract or parcel of land, including frontage along an existing street or highway, into two (2) or more zoning lots; or any improvement of land by two (2) or more principal buildings for the purpose, whether immediate or future, of building development for rental, lease or sale, which may include changes in street or lot lines; provided, however, that this definition of a subdivision shall not include the divisions of land into ten (10) acres or more for agricultural uses.
332.	331.	Substantial damage – Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damaged occurred.
333.	332.	Substantial improvement: 1. For purposes of the historic district, any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the <i>start of construction</i> of the improvement. The term includes structures which have incurred <i>substantial damage</i> regardless of the actual repair work performed. The term does not, however, include either: a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or b. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a <i>historic structure</i>. 2. For purposes of floodplain regulation, a. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) per cent of the market value of the structure either: i. before the improvement or repair is started; or ii. if the structure has been damaged, and is being restored, before the damage occurred. b. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either: i. any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or ii. any alteration of a structure listed on the national register of historic places or a state inventory of historic places. c. The repair, reconstruction or improvement of the streets, utilities and pads in a manufactured home park or manufactured home subdivision which equals or exceeds fifty (50) per cent of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced.

<u>334.</u>	333.	Surface area of sign: The entire area of the sign within a single continuous perimeter including the extreme limits of writing, pictorial representation, emblem, figure, graphic, or any figure of similar character. The sign base, box, frame, and/or structure shall not be considered the surface area of a sign unless there is writing or internal illumination on such sign components. For the purpose of computing, the surface area of a double-faced sign or a V-type sign shall be considered a single structure; provided, that the interior angle of the V-type sign does not exceed forty-five (45) degrees.
<u>335.</u>	334.	Swimming pool, commercial: A swimming pool and/or wading pool, including buildings necessary or incidental thereto, open to the general public and operated for profit.
<u>336.</u>	335.	Swimming pool, community: A swimming pool and/or wading pool, including buildings necessary or incidental thereto, operated by members of more than two (2) families for the benefit of such group and not open to the general public, whether incorporated or unincorporated, whether organized as a club or cooperative or association, providing that it is not organized for profit and that the right to use said pool is restricted to such families and their guests. A swimming pool and/or wading pool operated as part of a multiple dwelling is also a community swimming pool, providing that it is not operated for profit, and that the right to use said pool is restricted to tenants of the multiple dwelling and their guests.
<u>337.</u>	336.	Swimming pool, private: See private recreational facilities.
<u>338.</u>	337.	Telecommunications facilities: means any cables, wires, lines, wave guides, antennas, and any other equipment associated with the transmission or reception of communications (other than radio or television broadcast communications) which a person seeks to locate or has installed upon or near a tower or antenna support structure. The term telecommunications facilities shall not include: 1. Any satellite earth station antenna two meters in diameter or less which is located in an area zoned industrial or commercial; or 2. Any satellite earth station antenna one meter or less in diameter, regardless of zoning category; or 3. Any federally-licensed amateur radio station operators.
<u>339.</u>	338.	Temporary sign: A sign designed or intended to be displayed for a limited period of time as indicated in the Zoning Ordinance.
<u>340.</u>	339.	Thrift store: A store selling used items, particularly clothing for the benefit of a charitable organization.
<u>341.</u>	340.	Topping: An inappropriate practice of making heading cuts to plants through a stem more than two (2) years old that drastically reduces tree height, destroys tree architecture and results in discoloration, decay of the cut stem, or death of the tree.
<u>342.</u>	341.	Tourist home or bed and breakfast: A dwelling, occupied as such, in which sleeping accommodations in less than six (6) rooms with not more than four (4) persons per room are provided or offered for transient guests for compensation, under the management of the occupants of that dwelling for dwelling purposes. A tourist home or bed and breakfast shall not be deemed a home occupation.
<u>343.</u>	342.	Tower owner: means the person that owns or controls a telecommunications tower.
<u>344.</u>	343.	Tower: means a self-supporting lattice, guyed, or monopole structure constructed from grade that supports telecommunications facilities. The term tower shall not include amateur radio operators' equipment, as licensed by the FCC.
<u>345.</u>	344.	Townhouse: One of a series of from three (3) to nine (9) attached dwelling units separated from one another by common vertical walls with no openings; provided, that the maximum density permitted hereunder shall not be exceeded.

<u>346.</u>	345.	Trailer: A residence, house car, camp car or any portable or mobile vehicle on wheels, skids or rollers, not structurally anchored to a foundation, either self-propelled or propelled by an attached vehicle, animal, person or other propelling apparatus, which is used or may be used for residential, commercial, recreational, hauling or storage purposes.
<u>347.</u>	346.	Transitional surfaces: Imaginary surfaces for airport operations, whose design standards are referenced in section 35.2-57.3 which extend outward perpendicular to the runway centerline sloping from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.
<u>348.</u>	347.	Tree, small deciduous. A small deciduous tree shall be of a species having an average minimum mature crown spread of greater than twelve (12) feet. A minimum caliper of at least one and three-fourths (1-3/4) inches at the time of planting shall be required.
<u>349.</u>	348.	Unified and coordinated building mounted signs: Signs that are similar in construction technique, but not including font, or color.
<u>350.</u>	349.	Unified Ownership or Control - The interest in title to a unit of land legally or beneficially held or controlled by one or more individual persons or entities related by a common business organization or other type of organization, as indicated by the fact that all land abutting such unit is owned or controlled by persons or entities who do not differ to any extent in identity or interest held.
<u>351.</u>	350.	Use, accessory: See accessory use.
<u>352.</u>	351.	Use: 1. Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained or occupied. 2. Any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land. 3. The term "permitted use," or its equivalent, shall not be deemed to include any nonconforming use.
<u>353.</u>	352.	Utility line, distribution – A utility line that has the primary purpose of distributing services within easements or rights of way and connecting to service utility lines.
<u>354.</u>	353.	Utility line, service – A utility line providing a connection between a utility distribution line and the end user.
<u>355.</u>	354.	Utility line, transmission – A utility line intended to convey high capacities of services through the community and between communities from the source of the services (treatment or generation plant) to a substation connecting to the distribution system.
<u>356.</u>	355.	Wall plane projections: An architectural feature or wall jutting out at least three (3) feet from the primary plane of a building wall.
<u>357.</u>	356.	Water feature: A stormwater management structural measure such as a stormwater retention pond, bio-retention, forebay, or landscape garden pond that is wet permanently or intermittently during rain events and contains landscaping that is hydric or water tolerant.
<u>358.</u>	357.	Water surface profiles: The elevations in relation to the mean sea level expected to be reached by floods of various magnitudes and frequencies at pertinent points along a stream.
<u>359.</u>	358.	Watercourse: A lake, river, creek, stream, wash, channel or other topographic feature on or over which water flows at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.
<u>360.</u>	359.	Window sign: A sign attached to, applied directly to, or located within twelve (12) inches from a door or window.

<u>361.</u>	360.	Yard Sale: Permitted in Zoning Districts used for residential purposes provided the following is adhered to: 1. A total of two (2) sales permitted per calendar year per street address. 2. A sale shall not exceed two (2) consecutive days. 3. Sale shall consist primarily of those personal items accumulated and used by the occupant of the premises. 4. There shall be a minimum interval of four (4) months between sales. 5. One sign not exceeding three (3) square feet in area will be permitted on premises the day of the sale and shall be promptly removed at end of each sale day. 6. Signs advertising a sale are prohibited on street right-of-ways. 7. Permitted sale shall not create adverse conditions such as noise, nor impede pedestrian or vehicular traffic.
<u>362.</u>	361.	Yard, front: The area between the front lot line and the front of the building and extending from the front corners of the building to the side property lines.
<u>363.</u>	362.	Yard, rear: An area between the rear of the building and the rear property line and extending from the rear corners of the building to the side property lines.
<u>364.</u>	363.	Yard, side: The area between the side of a building and the side property lines
<u>365.</u>	364.	Zone, airport: For purposes of the airport overlay district, all areas, generally described in three dimensions by reference to ground elevation, vertical distances from the ground elevation, horizontal distances from the runway centerline and the primary and horizontal surfaces, with the zone floor set at specific vertical limits by the surfaces.
<u>366.</u>	365.	Zoning district: The base or overlay zoning designation assigned to each parcel of land within the City of Lynchburg.
<u>367.</u>	366.	Zoning maps: Maps designating the adopted base and overlay zoning district designations for each parcel of land within the City of Lynchburg.

Appendix A: Table of Authorized Land Uses

Green highlight indicates use was allowed in one of two consolidated districts. Blue highlight indicates a new use in a district.

Land Use	LBCS #	Description	RC	R-1	R-2	R-3	R-4	B-1	B-3	B-4	B-5	IN-1	IN-2	I-1	I-2	I-3
RESIDENCE OR ACCOMMODATION FUNCTIONS	1000	Homes, apartments, housing for the elderly, and hotels														
Detached Units	1110S															
single-household detached	1111S	Typical single-household dwelling	P	P	P	P	P	P	P		C		P			
modular home	1114S	A prefabricated home without axles or frames (see definitions)	P	P	P	P	P	P	P		C		P			
manufactured home	1115S	A structure, transportable in one (1) or more sections, built after 1978 on a permanent chassis, and designed for use with or without a permanent foundation when connected to the required utilities (see definitions)	C								C		C			
manufactured home community	1116S	Includes manufactured home subdivision and manufactured home parks with 5 or more lots or sites (see definitions)		C	C	C	C						C			
Attached Units	1120S															
Two-household (duplex)	1121S	A building located on one (1) zoning lot containing not more than two (2) dwelling units				P	P	C	C		C		P			
single-household semi-detached	1122S	One of two dwellings separated by a party wall, on abutting lots				P	P				C		P			
single-household attached (townhouse)	1140S	Each unit on a separate lot; fire wall may protrude from roof or roofs may be staggered				C	P	C	C	P	C		P			

Land Use	LBCS #	Description	RC	R-1	R-2	R-3	R-4	B-1	B-3	B-4	B-5	IN-1	IN-2	I-1	I-2	I-3
Multi-household structures (see district regulations for limitations)	1200S	Includes triplexes, four-plexes, and other multi-household dwellings					P	C	C	P	C		P			
Mixed-use residential structures (see district regulations for limitations)	1201S	Typically commercial uses on lower floors and residential uses on upper floors					P	P	P	P	P		P			
Housing Services	1200	Housing and custodial services for those who cannot care for themselves. Includes nursing and retirement homes, congregate living, assisted and continuing care living, but excludes rehab uses in LBCS #6520)		C	C	C	C	P	P	P	P	P	P			
Hotels, Motels, or Other Accommodation Services	1300	Lodging and short-term accommodation for travelers														
Bed and Breakfast and Tourist Homes	1310	Guest rooms in a private home or accessory building to a private home	C	C	C	C	C	P	P	P	P		P			
Rooming and boarding	1320	Dormitory, fraternity or sorority house or other specific group of members														
boarding house	1321	Transient or non-transient lodging that may include meals and is owner-occupied		C	C	C	C	P	P	P	P		P			
rooming house	1322	Transient or non-transient lodging that may include meals				C	C	P	P	P	P		P			
dormitory, sorority or fraternity house	1323	Allowed only as accessory uses to and owned by a college or university		C	C	C	C	C	C	C	C	P	P			
Hotel, motel, or tourist court	1330	Hotels that do not have gambling services; includes extended-stay hotels							P	P	P		P	C		
Other traveler accommodations	1350	Youth hostels and similar short-term lodging	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>			

Land Use	LBCS #	Description	RC	R-1	R-2	R-3	R-4	B-1	B-3	B-4	B-5	IN-1	IN-2	I-1	I-2	I-3
GENERAL SALES OR SERVICES	2000	Comprises the vast majority of establishments associated with commercial land use														
Retail Sales or Service and Repair	2100	Establishments with displays of merchandise sold to the general public and other businesses, or after-sales services such as repair. Auctions are allowed where sales of items to be auctioned are allowed pursuant to applicable district regulations.														
Automobile sales or service establishment	2110	Motor vehicle and parts dealers including repair and maintenance														
car, motorcycle, manufactured homes or RV dealer	2111-2113	New or used automobiles, light trucks, motorcycles, RV's, manufactured homes, and buses									P		P			
bicycles	2113b	New or used bicycle sales, rental and repair						P	P	P	P		P			
boat or marine craft dealer	2114	New or used boats sales, rental and related repair services								P	P		P			
parts, accessories, or tires	2115	Automotive parts and supply stores, automotive stereo stores.							P	P	P		P			
gasoline service	2116	Gas stations with or without convenience stores or food marts, excludes truck stops, light auto repair, and heavy auto repair							P	C	P		P			C
automotive repair and maintenance	2117	Repair garages, body and paint shops, oil change, car wash														
light auto repair (automobile service station)	2117a	Oil change, light auto repair and car wash. May include gasoline and other retail sales.							C	C	P		P		P	P
heavy auto repair	2117b	Auto repair, paint and body shops. May include gasoline and other retail sales.								C	P		P		P	P

Land Use	LBCS #	Description	RC	R-1	R-2	R-3	R-4	B-1	B-3	B-4	B-5	IN-1	IN-2	I-1	I-2	I-3
truck stop	2118	Retailing fuels primarily to trucks or in combination with activities such as providing repair or food services														
Heavy consumer goods sales or service	2120	Heavy or durable goods sales or services														
furniture or home furnishings, hardware, home center, lawn and garden supplies, department store, warehouse club or superstore, electronics and appliances	2121-2125	Furniture, flooring, bedding stores; home building and repair supplies, painting supplies, farm goods, lighting supply, window treatment; nursery and garden products predominantly grown elsewhere, power equipment sales or services; large variety stores; household-type appliances, television, stereos, including repair shops and cell phone stores.							P	P	P		P			
lumber yard and building materials; heating and plumbing equipment; heavy equipment	2126-2128	Lumber yards and heavy building materials; heating and plumbing equipment retailers; for heating and plumbing contractors who install or service, use the appropriate construction category; construction equipment and vehicles; includes authorized storage (3650)									P		P		P	P
Durable consumer goods sales and service	2130	Wide range of product lines such as apparel, appliances, hardware, jewelry, etc.														
computer and software	2131	Computers and prepackaged software including repair, support, and training							P	P	P		P			

Land Use	LBCS #	Description	RC	R-1	R-2	R-3	R-4	B-1	B-3	B-4	B-5	IN-1	IN-2	I-1	I-2	I-3
beer, wine, and liquor store	2155							P	P	P	P		P			
Health and personal care	2160	Retail prescription or nonprescription drugs; retail cosmetics, perfumes, toiletries; prescription or nonprescription eyeglasses; prescription or nonprescription health and convalescent aids; medical devices, retail food supplement products such as vitamins, nutrition supplements, and body enhancing supplements						P	P	P	P		P			
Markets for farm produce or crafts	2199	Markets and truck gardens. Note that limited to goods produced on site in the RC district.	P						C	C	P		P			
Finance and Insurance	2200															
Bank, credit union, or savings institution	2210	Central banking functions						P	P	P	P		P			
Credit and finance businesses	2220															
credit card and other financing	2221	Credit card, sales financing, unsecured consumer lending, real estate credit, mortgages, international trade financing						P	P	P	P		P			
pawn shops	2222								P	P	P		P			
short-term loans	2223	Pay-day lenders and other businesses providing loans with terms of 45 days or less							P	P	P		P			
precious metal buyers	2224	Businesses providing cash for gold and other precious metals or gems (excludes retail jewelers)							P	P	P		P			

Land Use	LBCS #	Description	RC	R-1	R-2	R-3	R-4	B-1	B-3	B-4	B-5	IN-1	IN-2	I-1	I-2	I-3
Investment banking, securities, and brokerages; insurance; fund, trust, or other financial establishment	2230-2250	Securities underwriting, brokering, exchange services, managing portfolios; Insurance underwriting, selling insurance; manage assets on behalf of shareholders or beneficiaries						P	P	P	P		P			
Real Estate, Rental and Leasing	2300	Rent, lease or occasionally sell assets														
Real estate services	2310	Sell or lease real estate such as buildings, manufactured home sites and vacant lots; includes real estate appraisers and realtor offices						P	P	P	P		P			
Property management services	2320	Manage real property for others									P		P			
Rental and leasing	2330	Rent tangible goods such as consumer goods and mechanical equipment to customers; excludes establishment primarily renting equipment with operators														
vehicles	2331 & 2332	Lease passenger cars, trucks, trailers, RVs, buses and aircraft; drivers not provided							C		P		P			
recreational goods rental	2333	Rent skis, canoes, bicycles, sailboats, motorcycles								P	P		P			

Land Use	LBCS #	Description	RC	R-1	R-2	R-3	R-4	B-1	B-3	B-4	B-5	IN-1	IN-2	I-1	I-2	I-3
commercial, industrial or consumer machinery and equipment rental	2334 - 2335	Rent or lease: c) office machinery and equipment; heavy equipment without operators used for construction, well-drilling; other machinery and equipment for uses such as manufacturing or telecommunications; operators not included (note: see 2337 for heavy equipment leasing) personal and household-type goods and a range of equipment geared toward consumers									P		P		P	P
heavy equipment rental	2337	Includes construction vehicles with gross weights exceeding 26,000 pounds and agricultural vehicles													P	P
Business, Professional, Scientific, and Technical	2400	Perform professional, scientific, and technical services														
Professional services	2410	d) Services provided depend on worker skills and knowledge rather than equipment														
Professional offices	2411- 2414	Title abstract, lawyers, notaries, accountants, bookkeeping, payroll services, architects, engineers, surveyors, graphic design, interior design and industrial design						P	P	P	P		P			
consulting services (management, environmental technical)	2415	Advise and assist businesses on management, scientific, and technological issues						P	P	P	P		P	P		
scientific research and development services	2416	Conduct research or analyze in the physical, engineering, cognitive, or life sciences in laboratories or offices.						P	P	P	P		P	P		

Land Use	LBCS #	Description	RC	R-1	R-2	R-3	R-4	B-1	B-3	B-4	B-5	IN-1	IN-2	I-1	I-2	I-3
Advertising, media and photography services	2417	Includes advertising, marketing and public relations agencies, photographic studios and photographic services.							P	P	P		P	P		
veterinary services	2418	Veterinary medicine, testing services for veterinary practitioners							C	P	P		P			
other professional offices	2419, 6810, 6820	Includes advertising and media services intellectual property rights, franchising, labor, political or business organizations, and uses with similar impacts						P	P	P	P		P			
Administrative services	2420	Typical office establishments in any business area. Use as a default category for most office buildings (nursing staffing)														
office administrative services	2421	Office administration such as billing, record keeping, personnel, organizational planning						P	P	P	P		P	P		
facilities support services	2422	Provide operating staff for support services within a client's facilities, including janitorial, security, laundry services, etc.						P	P	P	P		P	P		
employment agency	2423a	Provide employee placement, temporary help						P	P	P	P		P			
hiring hall	2423b	Place of assembly for the registration or assignment of employment									P		P			
copy center, private mail center, other business support services	2424	Provide document preparation, telephone answering, telemarketing, court reporting, steno typing, FAX, internet access, small signs and banners						P	P	P	P		P	P		
collection agency	2425	Collect payments, compile credit information, repossess tangible assets						P	P	P	P		P			

Land Use	LBCS #	Description	RC	R-1	R-2	R-3	R-4	B-1	B-3	B-4	B-5	IN-1	IN-2	I-1	I-2	I-3
Personal care	2610	Hair, nail, and skin care and related personal care, barbers, beauty shops, dieting and weight loss, tanning, hair removal, hair weaving, ear piercing and similar services						P	P	P	P		P			
Dry cleaning and laundry	2620															
laundromat and dry cleaning	2621 & 2622	Includes Laundromats, dry cleaners, diaper services as well as other commercial laundry services						P	P	P	P		P			
linen and uniform supply	2623							P	P	P	P		P		P	P
Photofinishing	2630	Primarily engaged in developing film or making slides, etc.						P	P	P	P		P			
Parking lot and parking garage	2640	See district standards				C	C	P	P	P	P		P	P	P	P
Special Services	2650															
licensed massage therapist	2651							P	P	P	P		P			
tattoo parlor	2652	Tattoos by a licensed professional							P	P	P		P			
adult retail establishment	2653	Stores primarily selling adult oriented products, including books, videos, magazines, toys, lingerie and other sexually-oriented goods							P	P	P		P			
Pet and Animal Sales or Service (except Veterinary)	2700	Retails pets and other animals (except for farming purposes) and pet supplies, grooming, training, and care taking														
Pet or pet supply store	2710	Retail pets, pet foods, pet supplies							P	P	P		P			
Animal and pet services and kennels	2720	Boarding, grooming, sitting, and training (except veterinary and horse boarding)														
animal services	2721	grooming and training							P	P	P		P			
animal boarding	2722	sitting and boarding							C		P		P			

[illegible]

[illegible]

Land Use	LBCS #	Description	RC	R-1	R-2	R-3	R-4	B-1	B-3	B-4	B-5	IN-1	IN-2	I-1	I-2	I-3
Transportation Services	4100	Serve passengers and cargo movements														
Air transportation	4110	Provide transportation for passengers or cargo using aircraft (see section 35.2-72.10 for rules related to heliports and helipads)												C	P	P
Rail transportation	4120	Provide passenger and freight transportation and rail transportation support; use this category for establishments providing both transportation and support services, otherwise use the more specific subcategory														
rail passenger transportation	4121	Passenger stations only								P	P		P	P	P	P
rail freight transportation	4122	Rail yards for freight systems; excludes accessory sidings allowed within the I-2 and I-3 districts														
rail transportation support establishment	4123	Provide specialized services such as repair, maintenance, loading and unloading														
Road, ground passenger, and transit transportation	4130	Urban transit systems, charter and school bus transportation, taxis														
local transit systems-- bus, special needs, sightseeing, taxi and limousine services	4133 - 4136 & 4137	Single-mode local and non-local transit systems other than rail; excludes transit stops, which are allowed in all districts. Includes sightseeing, taxi and limousine services								P	P		P		P	P
school and employee bus transportation	4135	Maintain and dispatch buses and other motor vehicles to transport pupils or employees											P		P	P
towing and other road and ground services	4138	Tow vehicles									P		P		P	P

Land Use	LBCS #	Description	RC	R-1	R-2	R-3	R-4	B-1	B-3	B-4	B-5	IN-1	IN-2	I-1	I-2	I-3
Truck and freight transportation services	4140	Provide over-the-road transportation of cargo using motor vehicles and temporary storage									C		C		P	P
Marine and water transportation	4150	Provide transportation of passengers and cargo using watercraft														
marine and sightseeing transportation	4151	Provide water transportation, including scenic and sightseeing, for passengers								P						
Pipeline transportation	4170	Use transmission lines to transport products, such as crude oil or natural gas														
Postal services	4180	Operate the national postal service, including establishments that sort, route, and deliver on a contract basis														
national post office	4181							P	P	P	P		P			
retail courier and package delivery	4182	Retail courier, package drop-off and mail services						P	P	P	P		P		P	P
Courier and messenger services	4190	Provide air, surface, or combined courier delivery services of Parcels and messages (excludes retail package drop-off and local courier services)									P		P		P	P
Publishing	4210 & 4221	Issue copies of works for which they usually possess copyright, including printing plants, motion picture and audio publishing. Includes newspaper publishing, greeting card printing and lithography									P		P	P	P	P

Land Use	LBCS #	Description	RC	R-1	R-2	R-3	R-4	B-1	B-3	B-4	B-5	IN-1	IN-2	I-1	I-2	I-3
Motion pictures and sound recording	4220	Produce and distribute motion pictures and sound recordings (includes indoor movie but excludes drive-in movie theaters)							P	P	P		P	P	P	P
Telecommunications and broadcasting	4230	Provide point-to-point communications; if multiple services are shared between the same facilities,														
radio and television broadcasting	4231, 4232 & 4241	Operate broadcasting studios and facilities for over the air, cable or satellite delivery of radio and television programs							P	P	P		P	P	P	P
wireless telecommunications transmission	4233	Operate, maintain or provide access to facilities for the transmission of voice, data, text, sound or video, see section 35.2-73 for telecommunications towers	C	C	C	C	C	P	P	P	P		P	P	P	P
telephone and other wired telecommunications	4234	Operate telephone networks – excludes switching stations	P	P	P	P	P	P	P	P	P		P	P	P	P
Telecommunications switching stations/exchanges	4239	Telecommunications switching stations and exchanges with no on-site employees	C	C	C	C	C	C	C	C	C	C	P	C	P	P
Information services and data processing and management industries	4240	News syndicates and information data processing and management services														
library or archive	4242	Provide library or archive services		C	C	P	P	P	P	P	P		P	P	P	P
news syndicate	4243	Supply information such as news reports, articles, pictures and features to the news media								P	P		P	P	P	P
data processing and management, hosting and related services	4244	Web hosting, computer data storage, optical scanning, computer input preparation, microfilm imaging						P	P	P	P		P	P	P	P

Land Use	LBCS #	Description	RC	R-1	R-2	R-3	R-4	B-1	B-3	B-4	B-5	IN-1	IN-2	I-1	I-2	I-3
solid waste collection, combustion, landfills or separation/sorting of recyclable materials from non-hazardous waste streams	4343 - 4347	Collect or haul hazardous waste, non-hazardous waste, or recyclable materials; operate waste transfer stations; landfill, incineration or composting of non-hazardous solid waste, recycling facilities; septic tank installation and maintenance														C
Wastewater treatment plants	4348		C													C
recycling collection centers	4349	Drop-off facilities for the collection of recycled goods									P		P	P	P	P
ARTS, ENTERTAINMENT, AND RECREATION	5000															
Performing Arts or Supporting Establishments	5100	Produce or organize and promote live presentations, excludes nightclubs														
Theater, dance or music establishment	5110 & 5160	Companies, groups, or theaters that produce theatrical presentations, dance, dinner theaters, and live musical entertainment; includes facilities for independent artists and performers						P	P	P	P		P			
Motion picture viewing and exhibition services	5111	Operate movie theaters (excluding drive-ins), film festival exhibitions						P	P	P	P		P			
Promoter of sports, performing arts, similar events and management services	5140 - 5150	Organize, promote, and manage performances and events; agents representing artists, athletes and entertainers						P	P	P	P		P	P	P	
Indoor auditorium or arena	5170	Indoor auditoriums, arenas, conference centers, or multipurpose facilities							C	C	C		C	C	C	C
Outdoor auditorium/arenas	5180	Outdoor arenas and theaters								C	C		C	C	C	C
Museums and Other Special Purpose Recreational Institutions	5200	Public and private museums, historical sites, and similar establishments	C	C	C	P	P	P	P	P	P		P			

Land Use	LBCS #	Description	RC	R-1	R-2	R-3	R-4	B-1	B-3	B-4	B-5	IN-1	IN-2	I-1	I-2	I-3
Camps, Camping, and Related Establishments	5400	Operate sites to accommodate campers and their equipment, provide overnight recreational camps, may provide cabins, food services, washrooms, spaces for overnight parking or recreational vehicles									C		C			
Natural and other Recreational Parks	5500	All parks without special economic functions, other than limited concessions	P	P	P	P	P	P	P	P	P	P	P	P	P	P
EDUCATION, PUBLIC ADMINISTRATION, HEALTH CARE, AND OTHER INSTITUTIONS	6000	Note that City-owned facilities are not subject to zoning district use standards														
Educational Services	6100	Offer teaching and learning														
Nursery or preschool	6110	See district standards		P	P	P	P	P	P	P	P	P	P			
Grade school	6120	Comprises all public, private, and specialty schools between the preschool and university level; includes adult education services not addressed elsewhere. See district standards		P	P	P	P	P	P	P	P	P	P			
College or university	6130	See district standards		P	P	P	P	P	P	P	P	P	P			
Technical, trade, or other specialty school	6140 & 6568	Offer vocational and technical training as well as vocational rehabilitation services														
general technical schools	6141-6143, 6145, 6147	Offer courses in office procedures, administrative skills, and basic office skills; dance, art, drama, and music; athletic activities				C	C		P	C	P	P	P			
driving education	6144								P		P		P			
flight training	6146	Offer aviation and flight training											P			

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Land Use	LBCS #	Description	RC	R-1	R-2	R-3	R-4	B-1	B-3	B-4	B-5	IN-1	IN-2	I-1	I-2	I-3
Funeral home and services	6710	Includes funeral homes combined with crematories						P	P	P	P		P			
Cemetery or cremation services	6720															
free-standing cemetery	6722			C	C	C	C	C	P		P		P			
columbarium	6724			C	C	C	C	C	C	P	P		P			
CONSTRUCTION-RELATED BUSINESSES	7000	Contractors who can build or demolish buildings, leveling, earthmoving, excavating, land drainage; should reflect the location of the establishment and not where it is performing its services. This category also includes the manufacture of industrial buildings, manufactured homes, modular homes, storage buildings and similar structures. Note that district standards may limit or preclude manufacturing, outdoor operations, outdoor storage of commercial vehicles and materials.							P	P	P		P		P	P
AGRICULTURE, FORESTRY, FISHING, AND HUNTING	9000	Grow crops, raise animals, harvest timber, and harvest fish and other animals, may be described as farms, greenhouses, nurseries, or hatcheries														
Crop Production	9100															
Vegetable farming or growing	9120	Includes private fields and community gardens	P	P	P	P	P	P	P	P	P	P	P			
Commercial orchards	9130	Includes fruit and nut trees for commercial production	P	P	P	P	P	P	P		P	P	P			
Greenhouse Production	9140															
Greenhouse – no on-premises sales	9141	Commercial greenhouse production	P	P	P	P	P		P	P	P		P		P	P

Land Use	LBCS #	Description	RC	R-1	R-2	R-3	R-4	B-1	B-3	B-4	B-5	IN-1	IN-2	I-1	I-2	I-3
Greenhouse – sales of products grown on premises	9142		P						P	P	P		P		P	P
Greenhouse – sales of products and related accessory products	9143								P	P	P		P		P	P
Animal Production	9300	Keep, graze, breed or feed animals (see district standards)	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Unclassifiable or No Function	9900	Temporary placeholder until a code can be assigned														
Temporary uses	9920															
tent revival meetings/transient amusements	9921	Includes temporary carnivals and circuses (see section 35.2-72.23)		P	P	P	P	P	P	P	P		P	P	P	P
temporary outdoor promotional attractions	9922	Includes car shows, boat shows and similar short-term events intended to promote commercial sales or services (see section 35.2-72.23)							P	P	P		P			
Land Use Development Patterns	9950															
residential cluster development	9951	See section 35.2-80		P	P	P	P									
traditional neighborhood development	9952	See section 35.2-82		C	C	C	C	C	C	C	C		C			
planned unit development	9953	See section 35.2-83		C	C	C	C									
large scale retail establishments	9954	See section 35.2-84							P	P	P		P			
cluster commercial development	9955	See section 35.2-85						C	C	C	C		C			
flex space development	9956	See section 35.2-86									C		C	P	P	
corporate campus	9957	See section 35.2-87									C		C	P	P	

[illegible]

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

Adopted:

Certified: _____
Clerk of Council



Short-Term Rental Ordinance

City Manager's Office

Commissioner of the Revenue

City Attorney's Office

Department of Community Development

Department of Financial Services

Office of Economic Development & Tourism

May 14, 2019



Outline

- Purpose: Review Planning Commission's recommended ordinance amendments related to Short Term Rentals
- Outline
 - Background, Definitions, and Data
 - Current Policy and Challenges
 - Proposed Policy Changes



Background

- January 9, 2018: City Council heard a staff presentation on short-term rentals.
 - Following the presentation, Council requested an update on this topic following the Virginia General Assembly's legislative session.
- October 23, 2018: City Council received an update on short-term rentals
 - Directed staff to prepare code updates that allow for the use while balancing equity with the lodging industry and neighborhood protections.



Background

- January 23, 2019: Planning Commission conducted a public hearing on proposed amendments to the City's Zoning Ordinance to define the rules under which short-term rentals can operate.
- Following two additional work session meetings Planning Commission held an additional public hearing on March 27th.
- Planning Commission sought to balance the issues Council previously defined. Their recommendation was not unanimous, but they reached consensus on the majority of the ordinance provisions.



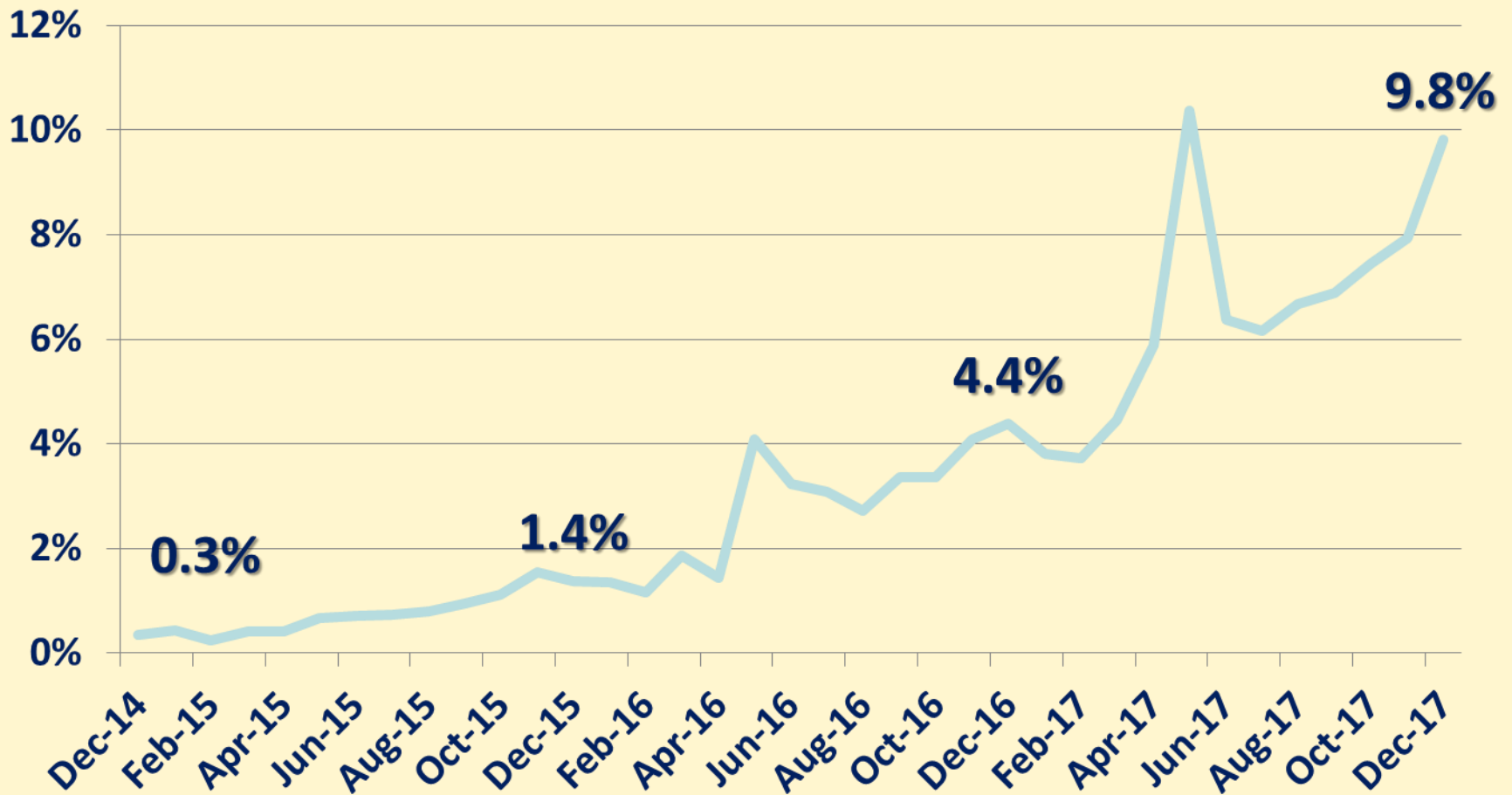
Definition

"Short-term rental" means the provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy.

Code of Virginia Chapter 9, Article V, § 15.2-983. A.



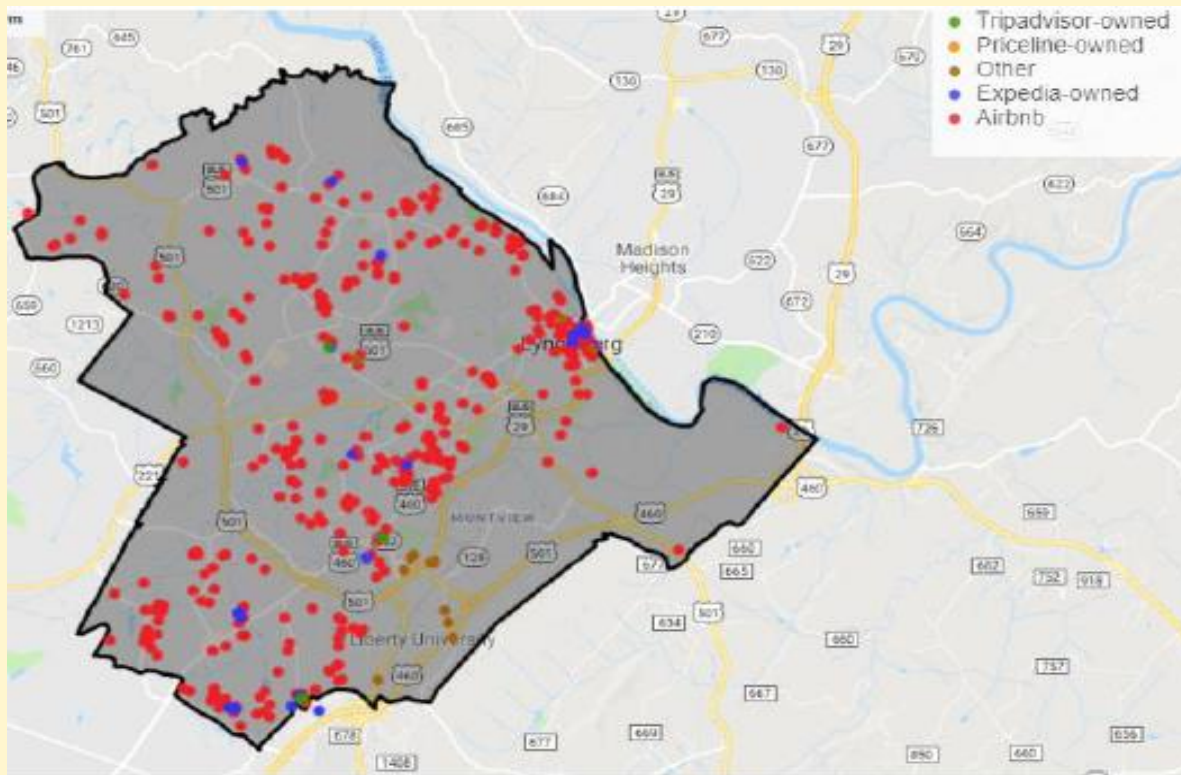
Short-Term Rentals - Growth



Source: Commissioner of Revenue, City of Lynchburg and AirDNA data received in January 2018, excluding shared rooms



August 2018 Summary Data

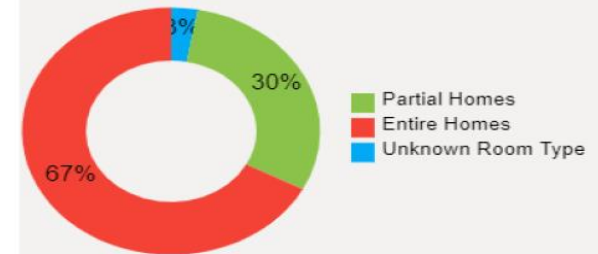


- 403 listings, representing 365 unique rental units
- \$75 estimated median nightly
- 2/3rds of the units were single family homes.
- 2/3rds of the hosts rented the entire home

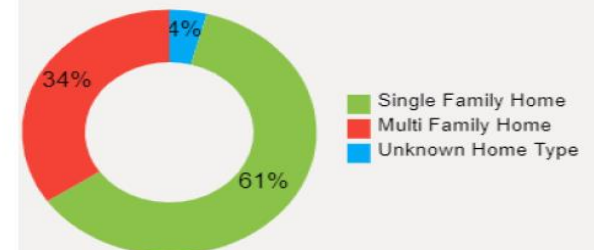


Median Nightly Rate
(USD)
\$75

Unit Types



Listing Types





Current Policy

- Short-term rentals are permitted in business zoned districts “by right.”
- Occupancy standards for residential zoning apply for short-term rental uses. Occupancy is limited to 3 unrelated people per dwelling unit or, when two or more related people reside there, only one unrelated guest.
- In residentially zoned districts, the owner must also be present during the guests’ stay.
- Owners that wish to operate short-term rentals with higher occupancy or when they are not present must have a conditional use permit from Council.



Current Challenges

- Community Development staff investigates unpermitted short-term rentals on a complaint basis.
- Occupancy cases are difficult and often take significant time to research, prove and meet notification requirements.
- The various online platforms are making it increasingly difficult to verify short-term rental locations.
- If there is sufficient evidence that a short-term rental is operating illegally, staff pursues resolution through the zoning process and, if necessary, the court system.

Balancing the Growth

Opportunities

- Tourism /Lodging Options
- Supplemental Income



Issues

- Fairness to Lodging Businesses
- Neighborhood Concerns



<u>Options</u>	<u>Pros</u>	<u>Cons</u> 11
Registration program	- Improved operator information - User fee creates modest equity - Stronger enforcement for hosts that repeatedly violate code	- Would require additional vendor monitoring - Difficult to identify condos and apartment short-term rentals
Voluntary collection agreement with airbnb	- Airbnb charges tax when guest registers; voluntarily remits - Airbnb platform has majority of Lynchburg market share - No additional staff/monitoring	- Not equitable; does not include other platforms - Airbnb does not provide host info for enforcement - Taxes cannot be audited
Hosts required to remit lodging tax	- Equitable to lodging industry and other platforms - Improved operator information for enforcement	- Would require additional staff and vendor monitoring - Hosts submit taxes monthly - Difficult to verify lodging tax remitted by hosts
Additional land use or inspection requirements (i.e. prohibit, require public hearing, rental unit inspection)	- Use is clearly defined - Additional measure of safety for guests and residents (smoke detectors, extinguishers, etc.)	May require additional staff and vendor monitoring - Difficult to enforce - Loss of revenue and tourism - General Assembly action (?)
No action	- No additional staff/monitoring - Limited number of complaints	- Difficult to identify/enforce - Equity to lodging industry



Proposed Short- Term Rental Ordinance

- The ordinance would define a short-term rental as: “The accessory or secondary use of a residential dwelling unit or a portion thereof by a host to provide room or space that is intended to be occupied for a period of fewer than thirty (30) consecutive days.”
- Short-term rental uses would be permitted “by right” in the following districts:

R-C, Conservation

R-1, Low Density Residential

R-2, Low-Medium Density Residential

R-3, Medium Density Residential

R-4, High Density Residential

B-1, Limited Business District

B-3, Community Business District

B-4, Urban Commercial District

B-5, General Business District

IN-2, Institutional District



Proposed Short- Term Rental Ordinance

- Owner occupancy would be required in the R-C, R-1, & R-2 Districts to allow a short-term rental.
- The owner would not have to be present while the property was in use as a short-term rental.
- Short-term rentals would be limited to no more than four (4) unrelated individuals. **Currently no more than three (3) unrelated individuals may occupy a dwelling unit.**
- The number of dwelling units shall not exceed that of the underlying zoning district.



Proposed Short- Term Rental Ordinance

- Structures offered as short-term rental in the R-C, R-1 & R-2 Districts would be required to retain the appearance of a single-household dwelling.
- One (1) additional parking space would be required per short-term rental. The B-4, Urban Commercial District would be exempt from this requirement.
- All buildings offered for short-term rental would be required to meet the Uniform Statewide Building Code.



Proposed Short- Term Rental Ordinance

- A \$150 registration fee would be required for all units used as a short-term rental.
- Failure to register a property as a short-term rental would result in a penalty of \$500.
- Three (3) violations of state, or local laws, ordinances or regulations related to the short-term rental within a three (3)-year period would result in revocation of approval for a short-term rental.



Evolution of Ordinance Recommendations

Staff Initial Recommendation	Final Commission Recommendation
Require that owner be present during guest's stay in RC, R1, R2 & R3	Remove requirement for owner to be present during guest's stay (all districts)
Owner occupancy required in RC, R1, R2 & R3	Remove owner occupancy requirement from R3
Buildings used for short-term rentals must maintain appearance of single-household home in RC, R1, R2 & R3	Remove requirement for short-term rental to appear as single-household home in R3
Allow a maximum of 3 individuals to stay in a short-term rental unit	Increase occupancy to 4 unrelated individuals in a short term rental unit
3 violations of local or state code may prohibit short-term rental use	3 violations of local or state code in 3 years may prohibit short-term rental use

*** Planning Commission also clarified that the number of dwelling units matches the underlying zoning district, removed parking requirement from B4 and removed their original limitation of 120-days per year that a host can operate a short-term rental. ***



Questions?
Comments?
Observations?



MINUTES OF THE MARCH 27, 2019 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

Continuation of the consideration of amending Zoning Ordinance Section 35.2-113 Definitions by adding "short-term rental" defined as "the accessory or secondary use of a residential dwelling unit or a portion thereof by a host to provide room or space that is intended to be occupied for a period of fewer than thirty (30) days":

Mr. Tom Martin had the following summary for the commissioners. He explained that currently the Zoning Ordinance does not define short-term rental (STR). At this time, the Zoning Administrator has interpreted that STRs are permitted by right in business districts and in owner-occupied residential district properties subject to occupancy standards, which is no more than 3 unrelated individuals. There are approximately 365 STR listings currently identified within the City. It is estimated that STRs have increased by 37% in the City between 2016 and 2017.

On October 23, 2018, City Council directed staff to prepare amendments to allow STRs in the City. On January 23, 2019, Planning Commission conducted a public hearing and requested a work session to discuss each aspect of the draft ordinance in greater detail. On February 13, 2019, Planning Commission conducted a work session and developed consensus on amendments to the draft ordinance. On February 27, 2019, Planning Commission conducted a work session, further revised the draft and directed staff to advertise the draft ordinance for a second public hearing.

Mr. Martin explained that the draft ordinance proposes to define a STR as: "The accessory or secondary use of a residential dwelling unit or a portion thereof by a host to provide room or space that is intended to be occupied for a period of fewer than thirty (30) consecutive days." STR uses would be permitted in the R-C, R-1, R-2, R-3, R-4, B-1, B-3, B-4, B-5 and IN-2 zoning districts.

The draft ordinance proposes that owner occupancy would be required in the R-C, R-1, and R-2 districts in order to do STR. The owner would not have to be present while the property was in use as a STR. Structures offered as STRs in the R-C, R-1, and R-2 districts would be required to retain the appearance of a single-house dwelling.

Mr. Martin explained that the Zoning Ordinance defines "related people" as "Related individuals" which "include(s) people who are related by blood, are married to each other or are in a substantially similar relationship and children under their care." No more than three unrelated individuals may occupy a dwelling unit. The commission had directed staff to state that no more than four individuals may occupy a STR. In addition, the number of dwelling units shall not exceed that of the underlying zoning district.

One parking space would be required in addition to what is normally required, which is 1 space per unit. The Planning Commission decided to exempt the B-4, Urban Commercial District, from this requirement because that district is exempt from parking requirements.

The draft ordinance proposes a \$150 registration fee for all units used as a STR. Failure to register a property as a STR would result in a penalty of \$500.

All buildings offered for STR would be required to meet the requirements of the Uniform Statewide Building Code for residential dwellings. Three violations of state, or local laws, ordinances or regulations related to the STR would result in revocation of approval for a STR.

Chair Rogers asked for anyone who wished to speak in favor of the ordinance. No one came forward. He asked for anyone who wished to speak in opposition of the ordinance.

Mr. Chris Feraldi representing the Lynchburg Regional Business Alliance came forward to speak. The Alliance is dedicated to advocating for pro-business and economic development friendly policies that would better our community. Based on analysis by the Alliance's Government Relations Committee, it seems that the policies being discussed would hinder STR almost to the point of making the City a "no go" zone for entrepreneurs. While removing the 120-day operational limit is recommended and applauded, there are still some policies to which the Alliance would suggest some amendments or revisions. The committee raised concerns regarding the policy that the owner must be present in some of the zoning districts. (Note: This is not the way the draft was worded for the public hearing; this reference was likely to an earlier draft of the ordinance.) The owner occupancy policy would also stamp out any possibility of an entrepreneur to purchase, develop and maintain multiple properties within the City.

The committee would like to keep the policies as consistent as possible across the City, as this would alleviate any confusion and assist the City in the potential policing of these properties. Members of the committee recommended striking the policy of no more than 4 unrelated individuals occupying a unit. The policy does not take into consideration the size or the dwelling unit. The Alliance would suggest a policy of allowing 2 persons per bedroom.

The committee concluded that the Airbnb platform is very apt to self-regulate due to their strict policies and very public rating systems for the hosts and the guests. This is evident because there have only been 17 complaints out of 365 STR units in the last 2 years. They would suggest that the 3 violations be collected on an annual basis and not just 3 violations in total.

Commissioner Light asked Mr. Feraldi to explain the makeup of the committee that reviewed the ordinance and how the review came about. Mr. Feraldi explained that the Government Relations Commission is the legislative arm of the Chamber of Commerce and Economic Development Office, which we call the Alliance. It is comprised of approximately 10 to 12 business people with various backgrounds. The committee meets on a monthly basis and discusses local, state and federal legislative issues. The Chamber felt the STR ordinance should be discussed and it reviewed all the documents it could find to date.

Ms. Amy Corbett came forward to speak. She mentioned that one of her guests from Williamsburg has decided to relocate to Lynchburg. She has hosted people displaced by flooding and Christian weekend retreats, as well a group of 8 ladies who have an annual knitting retreat. This was in a 5-bedroom home that was not owner-occupied, so it would be illegal under the current draft ordinance. She mentioned that the home she purchased on Norwood Street had many more than 17 complaints on it before they purchased and renovated it. It had been vacant for 40 years and it currently assesses at 10 times its purchase price. They keep the property impeccably maintained so they do not receive bad reviews from guests.

She would suggest that neighborhoods that are concerned about STR form homeowners associations to regulate their neighborhoods and not legislate an entire City. She would be willing to serve on a subcommittee or task force to continue the collaboration on STR.

Mr. Jason Phelps came forward to speak. He would like to see all STRs treated equally and feels there should not be a requirement for owner-occupancy only in certain districts. He pointed out that the number of complaints on long-term rentals far exceeds those against STRs. An example of this is the number of trash complaints due to a tenant from a long-term rental. The trash blocks the right-of-way for days or weeks. The complaints from STRs are fewer and have less impact on other City residents and staff.

Mr. Phelps is not aware of any STR owners approaching the City for money for startup capital loans, loan payments or tax incentives that some hotels across the City have enjoyed at taxpayer expense. To be treated equally, the STR owners should have the same access to money. This ordinance places STR

in the same box as long-term rentals or hotels, and it just does not fit. He would suggest they do what some other localities are doing, which is defining STR as home sharing. He would also be willing to serve on a community task force to fully develop a proposal that solves actual problems. That would allow the City to shine as an example of citizens and government coming together and continue to make Lynchburg a great place to live, work, and play.

Ms. Andrea Garbee came forward to speak. She and her husband are Airbnb hosts. They plan to use rental properties they have acquired as STR to supplement their income. They have a 5-star rating and she reiterated that the STR rental business is self-regulating. They are asking the Planning Commission to recommend to City Council that the STR hosts be allowed to continue to use their property as an income stream without additional restrictions. They pay real estate taxes and taxes on the income. Additional restrictions put an unnecessary burden on the owner and deny visitors to the City the opportunity to make a personal connection with the people that live here.

Mr. John Mettle came forward to speak. He lives in Amherst. He stayed in a downtown Airbnb while visiting family here and fell in love with Lynchburg. He feels that STRs are clean and the people that run them are professional and highly attentive to the client's needs. Their stay could not have been more positive in terms of exposing them to what Lynchburg has to offer. He would like them to take a second look at being positive toward Airbnbs.

Ms. Hannah Richardson came forward to speak. Being an Airbnb host has allowed her to earn some income while being a stay-at-home mother. The reason Airbnb is so popular is because it benefits endless communities. They have made home improvements and used local contractors. They recommend local business and restaurants to the guests, which boosts the economy. Guests get a personal hospitality experience from a host that wants to serve them.

Mr. Clifton Eaten came forward to speak. He agrees with all the comments that have been made by the other Airbnb hosts here today. They moved here from Baltimore, Maryland 2.5 years ago. They have other long-term rentals but find that Airbnb is their most dependable source of income and the least hassle. They put most of their attention into it because they live in the home. They make recommendations for restaurants and find it gratifying when the guests report back favorably on their experience. Travelers want Airbnb and it has become as commonplace as Uber.

Ms. Lori Ruff came forward to speak. She mentioned that when the flooding happened last year in North Carolina, she hosted guests for free as an Airbnb disaster relief host. She has hosted guests that are here to see where their college students will be living. She recently hosted a widow until she was financially stable. STR is an important service and does need to have regulations around it. It affects people's lives in many ways. Every choice the commission makes is going to have a ripple effect and unintended consequences.

Chair Rogers wanted to clarify the scope of the discussion. At the risk of everyone coming up and sharing the Airbnb story, it is a great business model. The commission is really looking at the R-C, R-1 and R-2 areas because they are very different from the B-4 district. He would like their discussion to focus on the differences so they can use their time wisely.

Mr. Phil Albin came forward to speak. He and his wife are young and the reason they were able to buy their home was the knowledge that they could make income through Airbnb. He knows others his age are looking to buy homes, which means they plan to stay long term. He would like to see STR be treated equally across the board. He would like to see it be easier across the board for younger people to enter a market that they may not understand.

Mr. Demetrius Alexander came forward to speak. He did about \$15,000 in renovations in order to rent it as a STR. It made his property value go up as well as his neighbor's. His neighbor was able to list his home for more money as a result of Mr. Alexander's improvements. His father managed his STR

while Mr. Alexander was deployed in the military, which helped him supplement his income. His math of 365 rentals times 100 stays a year means 36,500 stays per year. The total number of complaints does not justify what he sees proposed here today.

Mr. Alexander believes that private property refers to the right of ownership and their possessions. We can speak of a person owning a land and using it but what the owner in fact possesses is the right to perform certain actions with what he owns. These rights to perform physical actions called private property constitute the real factors of production and the real articles of trade.

Mr. Derek Hart came forward to speak. He and his wife operate an Airbnb as well as managing some for other people. They also own a cleaning business. The majority of their business comes from Airbnb turnover cleanings, most of which are not owner-occupied. They have hired people and are looking to hire someone to manage Airbnb rentals, which will be restricted if this proposal is adopted. If adopted, he would have to lay off personnel and he knows there are other cleaning businesses that would be affected as well. Mr. Hart has found that the STR guests are far more respectful of their properties, the neighbors, keeping down the noise and keeping the properties clean than long-term renters. They have cameras installed and the neighbors have his phone number to contact in case there are any problems.

He would recommend the owner-occupied restriction be removed and to allow the property owner the right to rent their homes to long-term or short-term guests. If there are multiple complaints, those issues can be worked out on a case-by-case basis.

Ms. Patti McCue came forward to speak. She is not an Airbnb host and has some concerns as a resident. Their role as a Planning Commission is to serve in an advisory capacity to City Council. She thinks they have heard largely from those in favor of STR. 13 years ago she bought a home in a small neighborhood. There are only 42 homes. They enjoy a close knit neighborhood without a lot of turnover. They know each other, look out for each other and genuinely care about each other. Someone moved in recently and starting operating an Airbnb in their basement. They began to experience some problems with noise and trash. The owners were out of town. The next door neighbors were approached by the renters to ask if they knew the access code to get into the STR. They reported their concerns to the City and had a couple of meetings with the Zoning Administrator. She would agree that STR may be a benefit for the community at large but it does not benefit her as a homeowner. She would ask the commission to rethink the proposal for R-1, single-family neighborhoods.

Ms. Melissa Phelps came forward to speak. While the Virginia General Assembly did provide a framework by which local governments may now regulate STR, they are asking them to please not impose any new regulations at this time. Doing so will hinder the strategic goals of the City as laid out in the Blueprint for Opportunity by hindering entrepreneurship and limiting safe and affordable housing options for our visitors. Developing regulations just for the sake of having regulations is simply unnecessary. She would like them to develop regulations that solve both a clearly defined problem and that are enforceable. She agrees that residents should be able to enjoy their community free from disruptions or harmful behavior of others. That is why noise, trash and parking ordinances were put in place and that is why we have law enforcement. Are the problems created by STRs merely preferences that could be defined by a homeowners association?

Ms. April Tucker came forward to speak. She is not an Airbnb host and has firsthand knowledge of the impact an Airbnb can have on an R-1 single-family neighborhood. She thinks there is a place for STR and a place where it does not belong. She lives next door to an Airbnb and would estimate it was rented approximately 200 nights last year. Her main concern is with safety. She has had people come to her when she was home alone and ask her how to get into the rental. Her children have told her they do not feel safe walking to their friend's house because they do not recognize the people coming and going next door.

She notes that the *Comprehensive Plan* has a goal to preserve the City's single-family neighborhoods. In her opinion, that should be of the utmost importance. She bought her home 12 years ago and it never occurred to her that there would be a nightly hotel being run in her neighborhood. She feels the commission is being lobbied by a very small, well-organized, vocal minority who are very good at making their voices heard. They have mentioned the impact to their businesses. She would point out that they are running businesses in residential neighborhoods without business licenses.

In her estimation of the 30,000 taxable parcels in the City, the approximately 400 STR account for 1.33% of them. About 16,000 of those taxable parcels are located in R-1 and R-2 districts. That would leave almost half of the taxable parcels in the City that would be eligible to run Airbnbs. She feels they can reach a compromise and she encourages them to consider all the taxpaying homeowners that live in the single-family districts above tourism and above business and above economic growth. We are the people that live here and we are the community. She would encourage them to go back to some form of restricting the number of nights a person can rent out a STR in single-family neighborhoods. That will not inhibit tourism or people visiting Lynchburg at all because it leaves plenty of areas of the City to be available for STR.

Ms. Jennifer Redmond came forward to speak. She and her husband own a STR but it is not owner-occupied. They put their money into fixing it up and previously it had been the neighborhood eyesore. They used local contractors to do the work. The data from the number of complaints versus the estimated number of visitors using Airbnb shows you that this is a nonexistent problem. Why would you overregulate a system that is bringing positive visitors and money to our City? The situations brought up by the ladies in the single-family neighborhood are an example of a poorly-run Airbnb. They are unfortunate but they are not the norm.

Mr. Jim Rufus came forward to speak. He is a real estate broker as well as a property owner association president at 51 11th Street. That project probably never would have happened if it had not been for the possibility of STR. If this is over-restricted, it would affect the property values across the board in several of the downtown areas. Let's not stop the economic development that is going on downtown.

Ms. Johanna Culfee came forward to speak. She and her husband have been renovating parts of Lynchburg for the last 15 years. She pointed out that the two ladies who spoke against Airbnb live in the same neighborhood. She would like the commissioners to not let a few voices in the same neighborhood disqualify the many across the City. Those that have had challenges are really dealing with a neighbor to neighbor issue. She also pointed out that the neighborhoods that do not want STR could develop a neighborhood ordinance to exclude them. Lynchburg has prided itself on progress, insight, growth and on welcoming those from the outside. She thinks they would be doing a disservice to not try and seek solutions in all neighborhoods across the board to allow Airbnb to flourish throughout the City.

Ms. Dominique Gendrin came forward to speak. She would like to address the comments that have been made about some of the challenges that are posed by Airbnb. As Airbnb hosts, they should feel extremely responsible for what they are doing and how their actions are impacting the neighborhood. She would say that 99% of them are really great hosts and are impacting the neighborhoods in a positive way.

Ms. Ginger Christmas came forward to speak. She loved Lynchburg enough to move here from Maine. She does have an Airbnb and she has some concerns as a business woman after reading the proposed STR ordinance. She thinks they may be a little shortsighted and she does not want the commission or City Council to act quickly. It would be her recommendation that they would consider a task force or a steering committee that would look at how STR can benefit Lynchburg. She gave them the example of Louisville, Kentucky. It partnered with Airbnb to collect lodging taxes. The city expected to collect \$500,000 in the first year; it collected over \$1.1 million. She would like them to consider the economic impact that Airbnb could have on Lynchburg. She has done hours of research and would be

happy to share that information with the committee. She thinks that Lynchburg could really set the bar for the whole state of Virginia.

Mr. Joe Payne came forward to speak. He and his wife are in support of the R-1 regulation as proposed for annual registration and for owner occupancy. A house in their neighborhood with a pool sold and he noticed it was placed on Airbnb. The second occupant resulted in a police raid at 1:00 a.m. for a pool party gone wild. That is the first time in his 27 years living there that there has been a police raid of any sort. They had problems with other large pool parties as well as trash cans being put out too soon. The trash cans were not returned to the house and he had to wheel them back up to the house. The yard was not maintained as the others were; the property simply was not maintained as an owner-occupied home. He thinks STR needs to be regulated because it does not self-regulate itself.

Ms. Emily Rymer came forward to speak. She is an Airbnb host with 5 properties. She feels Airbnb is set up to self-regulate and does so very effectively. She feels there are already systems in place to address the complaints expressed here today. They do not want a few hosts to reflect badly on the City or the rest of the Airbnb hosts but this proposal is not specifically the answer. The violations section is vague. There is no opportunity to rectify them and no statute of limitations. She would suggest they create a task force and have City officials and Airbnb hosts work together to determine what is best for the City.

Ms. Sarah Blanchette came forward to speak. She is entering her fourth year of hosting an owner-occupied STR. The home was vacant for 12 years and was involved in a very lengthy lawsuit with the City. They have had to do a great deal of improvements to the property and people in the neighborhood have thanked them for fixing it up. They also used local contractors for all the work. She has a long-term rental in the neighborhood and has a lot more issues that require her attention than the STR. It has been nothing but a positive experience for her and her family and for the neighborhood as well.

Mr. Karl Miller came forward to speak. He has 2 non-owner-occupied STRs in residential districts. As a real estate agent, he represents buyers who are investing in homes in the City both as owner occupants and as investors. He thinks it is important to remember that in R-1 and R-2 districts, it is legal to operate long-term rentals. He has never had any complaints on his STRs but has had multiple complaints on his long-term rentals. He has dealt with costly evictions and costly repairs from long-term renters.

Mr. Miller feels that STR hosts spend thousands of dollars on their properties and maintain them very nicely. The people that have had bad experiences with STRs are probably an anomaly. He would suggest they put together a task force to study this issue. The proposal they are presenting would have some long-term negative effects. He thinks there is a way to make this a win-win for the City instead of just squashing the opportunity for hosts to have non-owner-occupied units. He would also suggest that they look into collecting lodging tax. It could easily bring in \$150,000 and there is a way to do it wisely and smartly.

Ms. Dawn Decker came forward to speak. She is a teacher for the City of Lynchburg. She had to look for another way to supplement her income because her teacher's salary has been frozen for a number of years. She had bad experiences with long-term rentals. Doing STR has given her the opportunity to fix up several properties. Her properties are in R-1 neighborhoods and those are the neighborhoods where we need to bring up property values. Ms. Decker mentioned that Airbnb also offers a huge insurance policy. It offers property damage coverage as well as liability coverage.

Ms. Tiffany Cummings came forward to speak. She is not a resident of Lynchburg. She was a part of the debacle in Lexington when the City went back and forth with their STR rules. They started scaling it down because they were concerned about parking. The City required the STR hosts to get business licenses and have their units inspected by the building official. She does not think it is fair that people can rent out their homes as long-term rentals and not live in them. She does not think that Airbnb brings

in people that will commit crimes. If people have to turn to Craigslist to rent out their units, there is a lot less scrutiny on that site and that will be more likely to bring in criminal activity.

Mr. James Mashburn came forward to speak. He and his wife took properties that were eyesores and rehabbed them and are renting them as STRs. One of his units is in a townhouse complex next to the homeowner association president. She was skeptical of it being used for STR but there have been no problems. One of his units has 4 bedrooms. They host families that could not afford to come to Lynchburg otherwise because they could not afford multiple hotel rooms.

Mr. Peter Alexander came forward to speak. He has experience rehabbing homes as well as experience as the president of a homeowner's association. He agrees with the recommendation that the owner does not have to be present while the unit is being rented. He also agrees with no maximum number of related individuals being allowed to rent a unit. He disagrees with limiting it to 4 unrelated individuals and thinks that should depend on the number of bedrooms in a property. He thinks the \$150 registration fee is reasonable.

Mr. Alexander remarked that the STR owners have an entrepreneur spirit. They have vision and motivation. They are dedicated and willing to do what it takes to get this done. He reiterated that the STR owners invest in their properties and maintain them. The guests spend their money in local businesses. He pointed out that it brings in an element of cultural exchange as well.

Chair Rogers asked if there was anyone else who wished to speak. No one came forward and he closed the public hearing portion of the petition.

Commissioner Light asked Mr. Martin if they know how many of the STRs in the City are in R-C, R-1 and R-2 neighborhoods. Mr. Martin said they were not able to get actual addresses so it would just be speculation based on dots on a map.

Commissioner Light suggested they go down the list of items in Mr. Martin's memorandum. The first item deals with defining a STR as being for a period of fewer than 30 days. Commission Marion thinks that some people will use them longer than 30 days. She also pointed that Airbnbs do not fit in a little box very well. They are not hotels or single-family homes or long-term rentals. Chair Rogers pointed out that anything over 30 days would be a long-term rental. Commissioner Marion commented that the number of unrelated people is different for a STR versus a long-term rental and that is one of the reasons she is not sure why they have to define it as fewer than 30 days.

Commissioner Bowden remarked that there is currently no structure for STRs. The issues that have been complained about today have happened without any recourse for enforcement. One of the things the commission is tasked with doing is preserving neighborhoods. Private property rights are a big deal and how one uses their assets. How do we preserve the neighborhoods while allowing people the STR opportunity? This proposal is not perfect but it does provide a beginning point for some structure.

Chair Rogers asked Mr. Martin to explain the reasoning behind the 30-day STR definition. Mr. Martin said it came from state code. Mr. Martin thinks it is reasonable to go through each item on the memorandum. He would suggest they start their discussion on what constitutes a business. He thinks they should hear from the Commissioner of Revenue on what that means in terms of taxes that are not being collected. Some people have admitted to renting out their homes for 90% of the year. That means thousands of dollars in income for which no tax is being collected. Mr. Mitch Nuckles pointed out they would have to pay a \$30 business license fee if they make over \$10,000 a year. Mr. Martin asked them to consider if they are going to open up their residential neighborhoods for this type of business what might be next. What other types of businesses do they want to open up their residential neighborhoods for?

Mr. Martin also asked them to consider the number of unrelated people that can occupy a STR. If they are going to make that number 4, why would they not change it for every other dwelling unit in the City? Where is the equity in that?

The commissioners reached a consensus on the definition of a STR. They were also in agreement on the districts where STRs would be a permitted use.

Mr. Nuckles explained that the 30 days is coming from copying the lodging tax. The lodging tax is restricted to 30 consecutive days or fewer.

Chair Rogers asked Mr. Feraldi if the hotels were consulted as to how they weigh in on this conversation. Mr. Feraldi indicated they were not consulted for any opinions.

Collecting lodging tax from Airbnb was brought up for discussion again. Mr. Martin reminded them there is no way for the Commissioner of the Revenue to audit Airbnb. If the Commissioner of Revenue has to collect the lodging tax, you are talking about a tremendous amount of staff time. Commissioner Light would prefer to collect lodging tax as opposed to the \$150.00 registration fee. He thinks the City could reap the benefit that other cities have seen and it would level the playing field with the hotels. He has gotten an earful from the hotel owners about the inequality of the STRs not collecting lodging tax. Mr. Nuckles reminded them that they can enter into an agreement with Airbnb to collect lodging tax. There are some horror stories out there about doing so but it is possible. Other platforms do not offer such an agreement.

Chair Rogers feels strongly about the owner occupancy rule in the R-C, R-1 and R-2 districts. Their role as a commission is not to develop business in the City but rather to look at the way the land is used. He feels strongly about protecting the single-family neighborhoods. If we are going to say this about property owner rights, then that argument would say that we should allow anybody to do whatever they want with their house and no one in here would say that is right. It is not a true argument because we do restrict uses and zoning is constitutional.

Commissioner Bowden said he cannot think of a better way to control a bad experience than to require that STRs in R-C, R-1 and R-2 districts be owner-occupied.

Commissioner Marion noted there are 2 Airbnbs in her neighborhood. One is owner-occupied; the other is not owner-occupied. She has not had any problems with either of them. However, she acknowledged that if someone wanted to buy multiple properties in her neighborhood and turn them into STRs, the single-family feeling of her neighborhood would go away. On the other hand, she does not want to restrict anyone from owning multiple properties in single-family neighborhoods.

Commissioner Marion would suggest they set up a separate category for non-owner-occupied STRs and have some restrictions such as how many there can be in a neighborhood and their proximity to each other. That would prevent all the houses on the street from being turned into STRs. She thinks non-owner-occupied and owner-occupied STRs should be treated differently.

Commissioner Johnson did not agree previously with the owner occupancy requirement in R-C, R-1 and R-2. She thinks this restricts an owner's property rights. That owner can rent his property for 6 months but not for fewer than 30 days. Requiring them to be registered will allow the City to handle any violations that may happen. The 3 violation rule will weed out the problem STRs. Commissioner Light agrees with everything she said and he is not in favor of the owner occupancy provision either.

Commissioner Perault commented that one of the things he looks at when they get a petition is if it will change the character of a neighborhood. If it does so dramatically, he typically does not support the petition even though that means that someone is not going to make money. He feels that allowing non-owner-occupied STRs in the single-family neighborhoods will change the character of the neighborhoods.

He is not saying the change would be good or bad. It would just be different. When people buy into a neighborhood, they have a right to maintain that character. If you buy in a neighborhood that already has a number of long-term rentals or STRS, you know what you are getting, but to change things after the fact does not respect the property rights of the other owners.

Commissioner Johnson pointed out that homes can become long-term rentals at any time. Commissioner Perault said they are not discussing long-term rentals today. Commissioner Marion pointed out that long-term renters in her neighborhood are part of the neighborhood. You will not have that same feeling from someone that is only staying a couple of weeks. Commissioner Perault does not think it is their job to try and change each other's minds. The commission does not send every petition to Council with a unanimous vote. There will be parts of this ordinance that will not have a unanimous vote. He thinks that will identify the important issues that Council has to explore in more depth.

Mr. Martin noted that when they send their recommendation to Council, it will be on the entire ordinance. If it is not a unanimous vote, that is fine. Are the commissioners opposed to certain sections so opposed that they will vote against the entire ordinance? The Council members will be able to read the minutes but staff was not planning on sending a separate vote on each section to Council.

Commissioner Marion would like to see the non-owner-occupied STRs in the single-family neighborhoods be required to go through the conditional use permit process. That would allow their neighbors to be a part of the process. If the owner has a good reputation for maintaining his or her properties, there will probably be no pushback from the neighbors. If there begins to be too many STRs in one neighborhood, there would likely be pushback at that time. These owners are buying the properties to run them as a business and she thinks they can go to the expense of getting a conditional use permit. Chair Rogers pointed out that the owners would then not be restricted as to the number of occupants except by the limitation of the number of bedrooms. The neighbors would also get to voice their opinion at a public hearing.

Mr. Martin noted that a bed and breakfast or tour home is defined as "a dwelling, occupied as such, in which sleeping accommodations in fewer than six (6) rooms with not more than four (4) persons per room are provided or offered for transient guests for compensation, under the management of the occupants of that dwelling for dwelling purposes. A tourist home or bed and breakfast shall not be deemed a home occupation." The occupancy standards vary according to the zoning district but it always has to have an occupant that is managing it.

Commissioner Bowden pointed out that you may like the owner of a bed and breakfast but the property is sold and the new owner does not manage it as well. Commissioner Marion thought there could be a different process then because she would not want the conditional use permit to transfer with the property. Mr. Martin asked if they would want to hear 365 conditional use permit petitions. Commissioner Marion suggested it could be streamlined. It would still have to be advertised to the neighbors and perhaps there could be a limit on the number of them in a particular neighborhood.

Commissioner Light remarked that this is an evolving process for them. He would not like to see Airbnb deserts like they have in places like Paris. Paris recently passed an ordinance that an owner could not rent out an Airbnb for more than 25% of the year because the neighborhoods had changed so drastically.

Commissioner Johnson asked what will happen to the people that already own multiple STRs in the single-family neighborhoods. Will they be grandfathered in? Should they be grandfathered in? It could be financially devastating depending on how many they own. Commissioner Perault noted that it can make or break a developer if they can put in an apartment complex or not and the commission does not consider that factor.

Mr. Martin noted that the Zoning Administrator has issued the opinion that STRs are permitted by right in business districts and in owner-occupied residential district properties subject to occupancy standards. If people have bought properties in the single-family districts and are operating them as STRs, they are not in compliance with the Zoning Administrator's opinion. Mr. Martin acknowledged for Commission Johnson that it is not an actual ordinance but it is the Zoning Administrator's interpretation of the existing language in the Zoning Ordinance.

Mr. Kevin Henry commented that he has been using this opinion for approximately 3 years. There is a grace period for the owners to register their properties once the ordinance goes into effect. Commissioner Johnson asked for clarification that they would have to cease using multiple properties for STRs and begin renting them out long-term. Mr. Henry indicated that would be correct or they can sell the properties. Commissioner Light remarked that they may also choose to sue the City.

There was some discussion about possibly stating that if a STR in an R-1, R-2 or R-C district is not owner-occupied, there can only be 3 unrelated individuals in it. If it is owner-occupied, the number can go up to 4 unrelated individuals. That will not make everyone happy but nothing will.

Commissioner Lowe acknowledged the constitutional right to own property and we should be able to do what we want on our property. Likewise, his next door neighbor has the right to expect privacy on their property. We have people that have bought homes in R-1 neighborhoods and they expected them to remain as single-family neighborhoods. He does not think they should be subjected to a constantly changing neighborhood makeup. He can compromise though and say that a STR in a single-family neighborhood is fine if it is owner-occupied because the owner will be maintaining its single-family feeling.

Even though he thinks this ordinance is not enforceable, he understands the reason they have to do it. If we do not have something established to set parameters, everything will run amuck. He thinks people will be renting to 4 college students. Each one will say they are renting it for 30 days. Commissioner Marion pointed out that would be very expensive. Commissioner Lowe thought it might be no more expensive than dormitory housing.

Commissioner Rogers would like the language to say that it is 4 unrelated individuals and not just 4 individuals. That would allow families that are larger than 4 to stay in a home. He also wanted to note that they have backed down on some items since they started this process. Originally, they had said that the owner had to be present while the unit was being rented. They changed it to it just needs to be the owner's primary residence. The other commissioners had thought it was supposed to say 4 unrelated individuals as well because that had been the consensus at the last meeting.

Mr. Martin reminded them that when the Zoning Ordinance was being rewritten, the majority of the discussion centered on the number of unrelated individuals in a unit. Mr. Martin also indicated that although there may not be a lot of complaints on STRs, the majority of the zoning complaints are about the number of unrelated people in a unit. Mr. Henry indicated that most of his zoning complaints have to do with rooming houses, too many unrelated people in a long-term rental and complaints dealing with STRs. He groups them into a general category of occupancy complaints. Those types of complaints account for 45% of his zoning complaints. The next closest category is 20% and it deals with illegal businesses.

Commissioner Marion pointed out that STRs are so different from long-term rentals. A STR host can control the number of guests that are allowed to stay. Mr. Henry indicated the occupancy complaints are a result of the same things people are complaining about regarding STRs. They have to do with parking, noise, and trash.

At this point, Mr. Martin clarified for the commission that the bullet point on the slide and his memorandum was incorrect. The draft ordinance and the legal notice both say occupancy is limited to 4

unrelated individuals. Mr. Martin also noted that Mr. Henry will likely not have enough time to build a case on the occupancy standards of a STR. The occupants will likely have left; it takes Mr. Henry at least 45 days to build a case to take to court for occupancy standards. Commissioner Rogers noted that that there are many issues in the City that do not have good enforcement bodies that can manage them so having the framework is really important. It is not a good argument, in his opinion, to not have something in place because it is not enforceable.

Commissioner Marion would like to suggest that there could be an administrative approval process. A person signs up and pays their \$150 registration fee. They indicate they have 5 bedrooms so they better have 5 available parking spaces. The Zoning Administrator would have the ability to disapprove the application until the owner can provide enough parking spaces. If there is no impact on the neighbors from a STR, she does not understand why they are making it illegal for them to do it.

Commissioner Light suggested the number could be based on the number of bedrooms with no more than 2 persons per bedroom and not to exceed 10 people in total. The requirement for them to be unrelated would be removed. This would allow something like the knitting group or a retreat to take place in a single-family district. Mr. Martin asked why a person would petition for a conditional use permit for a bed and breakfast then because if they had a 5-bedroom house in an R-1 neighborhood, they would be restricted to 6 people. They would be required to get a business license as well. Commissioner Marion suggested a person getting a license to do an Airbnb for 10 people should have to pay more than the \$150 registration fee.

Mr. Martin commented that the problem is the transient occupancy coming in and out of the neighborhoods that your *Comprehensive Plan* says that you are going to protect. It should be a progression of what you allow by right and what requires a conditional use permit. Right now the ordinance says a bed and breakfast in an R-1 neighborhood can have no more 6 guests and it must be under management. If you are going to suggest doing something different for STRs, the bed and breakfast part of the ordinance should be changed as well. The STR regulations should fall somewhere between what is allowed by right and what requires a conditional use permit; otherwise, the whole ordinance gets out of balance.

Commissioner Marion finds STRs to be different than long-term rentals. Mr. Martin asked her how they are different from a bed and breakfast. She does not see them as being much different than a bed and breakfast except in terms of their numbers. We do not have 365 bed and breakfasts in the City. We have owners that only want to rent their home a few times a year. Not everyone wants to do STR as a business. She does not think we should try to lump everything into one box. In Mr. Martin's opinion, they should not be recommending something by right that goes beyond what requires a conditional use permit. Commissioner Marion stated she would fine with a person wanting to do a five-bedroom STR to have to get a conditional use permit.

The discussion moved to three violation rule. Commissioner Light would like to say that it is within a 1-year period or some such time frame rather than three violations in any given time frame and you are no longer allowed to have a STR. Commissioner Light thinks the current wording is too vague and therefore is not enforceable. Mr. Henry pointed out that the person being cited with the violation has the opportunity to appeal it to the Board of Zoning Appeals. After further discussion, there was consensus for three violations within a three-year period.

The commissioners decided they wanted to vote on each item individually so that City Council could see the outcome for each item. They would then take a vote on their recommendation for the entire ordinance.

Mr. Martin called for a vote on No. 1 in the memorandum: Short-term Rental would be defined as the following: "The accessory or secondary use of a residential dwelling unit or a portion thereof by a host

to provide room or space that is intended to be occupied for a period of fewer than thirty (30) consecutive days.”

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

Mr. Martin called for a vote on No. 2 in the memorandum: Short-term Rental uses would be a permitted use in the following zoning districts: R-C, Conservation; R-1, Low Density Residential; R-2, Low-Medium Density Residential; R-3, Medium Density Residential; R-4, High Density Residential; B-1, Limited Business District; B-3, Community Business District; B-4, Urban Commercial District; B-5, General Business District; IN-2, Institutional 2 District

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

Mr. Martin called for a vote on the following: A short-term rental would require owner occupancy in the R-C, R-1, & R-2 Districts.

AYES:	Bowden, Lowe, Perault, and Rogers	4
NOES:	Johnson, Light, and Marion	3
ABSTENTIONS:		0
ABSENT:		0

Mr. Martin called for a vote on the following: The owner would not have to be present while the property is in use as a short-term rental.

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

Mr. Martin called for a vote on No. 4 in the memorandum: Structures offered as short-term rentals in the R-c, R-1 and R-2 districts would be require to retain the appearance of a single-household residence.

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

Mr. Martin called for a vote on the following: The maximum number of occupants in a short-term rental would not exceed four (4) unrelated individuals.

AYES:	Bowden, Lowe, Perault, and Rogers	4
NOES:	Johnson, Light, and Marion	3
ABSTENTIONS:		0
ABSENT:		0

Mr. Martin called for a vote on the following: The number of dwelling units shall not exceed that of the underlying zoning district:

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

Mr. Martin called for a vote on No. 6 in the memorandum: One (1) additional parking space per short-term rental would be required. This parking space would be in addition to any other required parking spaces. The B-4, Urban Commercial District would be exempt from the parking requirement.

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

Mr. Martin called for a vote on No. 7 in the memorandum: An annual registration would be required of all units to be used as a short-term rental. A \$150 registration fee would be required.

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

Mr. Martin called for a vote on No. 8 in the memorandum: Failure to register a building as a short-term rental would result in a penalty of \$500:

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

Mr. Martin called for a vote on No. 9 in the memorandum: All buildings offered for short-term rental must meet requirements of the Uniform Statewide Building Code.

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

Mr. Martin called for a vote on No. 10 in the memorandum: Three (3) violations within a three (3)-year period of state or local laws, ordinances or regulations would result in revocation of approval for a short-term rental.

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

Commissioner Bowden made a motion to recommend to City Council approval of the entire draft short-term rental ordinance. The motion was seconded by Commissioner Lowe and passed by the following vote:

AYES:	Bowden, Lowe, Marion, Perault, and Rogers	5
NOES:	Johnson and Light	2
ABSTENTIONS:		0

ABSENT:

0

Chair Rogers encouraged the citizens to come to the City Council public hearing. He also asked them to remember this is not about limiting business. There are actually a lot of areas in the City where this is allowed. It may seem that the commission undervalues the business aspect. He pointed out that there are several business people on the commission and it is highly valued. The members of the commission understand the importance of having visitors come to the City.



Memorandum

Planning Division • Community Development

900 Church Street
Lynchburg, Virginia 24504
P 434-455-3900

To: Planning Commission

From: Tom Martin, AICP, City Planner

CC: Bonnie Svrcek, City Manager, Reid Wodicka, Deputy City Manager, Walter Erwin, City Attorney, Kent White, Director Community Development, Kevin Henry, Zoning Administrator, Mitch Nuckles, Commissioner of the Revenue

Date: March 27, 2019

Re: Draft Short Term Rental Ordinance

On October 23, 2018, City Council directed staff to prepare *Zoning Ordinance* amendments that would allow Short Term Rental (STR) uses in the City. The Planning Commission has discussed the draft ordinance on the following dates:

- January 23, 2019 – Public Hearing
- February 13, 2019 – Work Session
- February 27, 2019 – Work Session

On February 27, 2019, the Planning Commission directed staff to advertise the draft ordinance for another public hearing to give interested parties a further opportunity to comment. The Planning Commission also directed staff to make further amendments to the draft ordinance.

The following is a synopsis of the ordinance as currently drafted with the most recent direction by the Planning Commission:

1. Short Term Rental would be defined as the following: “The accessory or secondary use of a residential dwelling unit or a portion thereof by a host to provide room or space that is intended to be occupied for a period of fewer than thirty (30) consecutive days.”
2. Short Term Rental uses would be a permitted use in the following zoning districts:
 - R-C, Conservation
 - R-1, Low Density Residential
 - R-2, Low-Medium Density Residential
 - R-3, Medium Density Residential
 - R-4, High Density Residential
 - B-1, Limited Business District
 - B-3, Community Business District

- B-4, Urban Commercial District
 - B-5, General Business District
 - IN-2, Institutional 2 District
3. A short term rental would require owner occupancy in the R-C, R-1, & R-2 Districts. The owner would not have to be present while the property is in use as a short term rental.
 4. Structures offered as short term rentals in the R-C, R-1, & R-2 Districts would be required to retain the appearance of a single-household residence.
 5. The maximum number of occupants in a short term rental would not exceed four (4) unrelated individuals. The number of dwelling units shall not exceed that of the underlying zoning district.
 6. One (1) additional parking space per short term rental would be required. This parking space would be in addition to any other required parking spaces. The B-4, Urban Commercial District would be exempt from the parking requirement.
 7. An annual registration would be required of all units to be used as a short term rental. A \$150 registration fee would be required.
 8. Failure to register a building as a short term rental would result in a penalty of \$500.
 9. All buildings offered for short term rental must meet requirements of the Uniform Statewide Building Code.
 10. Three (3) violations of state or local laws, ordinances or regulations would result in revocation of approval for a short term rental.

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

**Zoning Amendment
Short Term Rentals
March 27, 2019**

PLEASE PRINT

NAME	ADDRESS	PHONE	IN FAVOR	IN OPPOSITION	NEUTRAL
Chris Tarnidis	Lundo Place			X	
Amy Corbett	Norwood St			X	
Jason Phelps	17 Wedgewood			X	
Alphonse Baker					
John Mottola	2 Izady Wofke			X	
Harriet Dickinson	Woodruff Cir.			X	
GEORGE EATON	8 Whistlewood Ct			X	
Lori Rupp	12 Timberlake Rd				I support X your consideration of this amendment
Phil Albini	Man Sotell Dr			X	
Demetrius Alexander	5 Denver Ave			X	
Perrek Hart	1 Old Bonstone			X	
Patricia Melrose	6 Bethel Park Dr		4X	X	
Melissa Phelps	7 Wedgewood R			X	
April Tucker	Bethel Park Dr		X		
Jen Redmond	Dumas			X	
Jim Ruff	1 Fort Ave 21			X	
Johanna Culfee	Church St.			X	
D. Gendrin					
Ginger Christinas	1 Radcliffe				
Emily Zymer	Carsing Ave			X	
Sarah Blanchette	0 Meadowbrook Rd			X	
Karl Miller	Manning Rd 2-7009				
Dawn Decker	E Brandt			X	

March 27, 2019

PLEASE PRINT

[illegible]

MINUTES OF THE FEBRUARY 27, 2019 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

Continuation of the discussion regarding short-term rentals (STR): Chair Rogers indicated that this is not a public hearing. This is a continuation of the discussion and an opportunity to make their recommendation to City Council, if they are ready to do so.

Commissioner Light would not vote in favor of the proposal as it is written today. He has concerns with some of the provisions in it. He acknowledged he was not at the February 13, 2019 meeting and does not have the full benefit of that discussion. He has had some City Council members reach out to him and express that they would like to see a more refined document be presented to them. They expressed concern with what they have heard so far and would like to see some of the issues resolved before the ordinance is sent to them. Commissioner Light made a motion to hold another public hearing that would allow for public input. Commissioner Johnson seconded the motion. Mr. Martin indicated the public hearing could not occur until March 27, 2019.

Commissioner Johnson said she could not agree with the owner occupancy requirement in R-1 and R-2 districts. She also has concerns with the 120-day limit on the number of days that a host can rent out their property. They have received a lot of feedback since that meeting from hosts that would be severely impacted financially by that limitation. Since the General Assembly has not mandated them to set a requirement, she would like them to consider removing that provision. Mr. Martin indicated that the law they are referring to was going to set a limit on the number of days for Fairfax County only.

Mr. Martin presented to them the background on where they are with the STR ordinance and the recommendations they have reached a consensus on at this point. Mr. Martin indicated the commission can continue their discussion knowing the issues on which they have not received consensus, they can forward the ordinance to Council as it is today, or there is a motion on the floor to hold another public hearing.

The motion to hold another public hearing on March 27, 2019 passed by the following vote:

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

After extensive discussion, the commissioners were in consensus to remove the 120-day limit on the number of days a STR could be rented in a year. The commissioners felt that there were enough ordinances in place that deal with noise and trash and other impacts to take care of the impacts from them. They also felt that it was an item that could not really be enforced as it would be very difficult to determine how many days a STR is rented each year. There is also the rule that states owners will no longer allowed to have the STR if they reach three violations, which will protect the neighbors as well.

The commissioners also reviewed the requirement for one additional parking space per short-term rental that is required in addition to other required parking spaces. Following discussion, the commissioners agreed the B-4, Urban Commercial District should be exempt from the short-term rental parking requirement since there are no other parking requirements in that zoning district.

The other sections of the draft ordinance will be advertised as they exist today and further discussion will be held at the public hearing on March 27, 2019.



Memorandum

Planning Division • Community Development

900 Church Street
Lynchburg, Virginia 24504
P 434-455-3900

To: Planning Commission

From: Tom Martin, AICP, City Planner

CC: Bonnie Svrcek, City Manager; Reid Wodicka, Deputy City Manager; Walter Erwin, City Attorney; Kent White, Director Community Development; Kevin Henry, Zoning Administrator; Mitch Nuckles, Commissioner of the Revenue

Date: February 27, 2019

Re: Short-term Rental Discussion

On October 23, 2018, City Council directed staff to prepare *Zoning Ordinance* amendments that would allow Short-term rental (STR) uses in the City. The Planning Commission conducted a public hearing on January 23, 2019 and directed staff to place the amendments on a future agenda for further discussion. The Planning Commission conducted a work session on February 13, 2018 and developed consensus on a draft ordinance; however, a motion to recommend the ordinance to City Council was not considered. The Planning Commission directed staff to make the following amendments (denoted in **bold**) to the draft ordinance:

1. Short-term rental would be defined as the following: "The accessory or secondary use of a residential dwelling unit or a portion thereof by a host to provide room or space that is intended to be occupied for a period of fewer than thirty (30) consecutive days."

THE PLANNING COMMISSION DIRECTED THAT LANGUAGE BE ADDED INDICATING A SHORT-TERM RENTAL COULD BE OPERATED NO MORE THAN ONE HUNDRED TWENTY (120) DAYS PER CALENDAR YEAR.

2. Short-term Rental uses would be a permitted use in the following zoning districts:

- R-C, Conservation
- R-1, Low Density Residential
- R-2, Low-Medium Density Residential
- R-3, Medium Density Residential
- R-4, High Density Residential
- B-1, Limited Business District
- B-3, Community Business District
- B-4, Urban Commercial District
- B-5, General Business District
- IN-2, Institutional 2 District

NO CHANGE

3. A short-term rental would require owner-occupancy and the owner to be present while the unit is offered for rental in the R-C, R-1, R-2 & R-3 Districts

THE PLANNING COMMISSION DIRECTED THAT THE R-3 DISTRICT BE REMOVED FROM THE OWNER OCCUPANCY REQUIREMENT. THE PLANNING COMMISSION DIRECTED THAT THE REQUIREMENT FOR THE OWNER TO BE PRESENT BE REMOVED.

4. Short-term Rentals offered in the R-C, R-1, R-2 & R-3 Districts would require owner-occupancy while the unit is offered for short-term rental and the building would be required to retain the appearance of a single-household residence.

THE PLANNING COMMISSION DIRECTED THAT THE R-3 DISTRICT BE REMOVED FROM THE REQUIREMENT FOR MAINTAINING THE APPEARANCE OF A SINGLE-HOUSEHOLD RESIDENCE.

5. The maximum number of occupants in a short-term rental would not exceed three (3) individuals.

THE PLANNING COMMISSION DIRECTED THAT THE OCCUPANCY BE INCREASED TO NOT EXCEED FOUR (4) UNRELATED INDIVIDUALS. THE PLANNING COMMISSION DIRECTED THAT THE NUMBER OF DWELLING UNITS SHALL NOT EXCEED THE UNDERLYING ZONING DISTRICT.

6. One (1) additional parking space per short-term rental would be required. This parking space would be in addition to any other required parking spaces.

NO CHANGE

7. An annual registration would be required of all units to be used as a short-term rental. A \$150 registration fee would be required.

NO CHANGE

8. Failure to register a building as a short-term rental would result in a penalty of \$500.

NO CHANGE

9. All buildings offered for short-term rental must meet requirements of the Uniform Statewide Building Code.

NO CHANGE

10. Three (3) violations of state or local laws, ordinances, or regulations would result in revocation of approval for a short-term rental.

NO CHANGE

MINUTES OF THE FEBRUARY 13, 2019 PLANNING COMMISSION MEETING (MINUTES HAVE BEEN APPROVED):

Continuation of the consideration of amending Zoning Ordinance Section 35.2-113 Definitions by adding "Short-term rental" defined as the accessory or secondary use of a residential dwelling unit or a portion thereof by a host to provide room or space that is intended to be occupied for a period of fewer than thirty (30) days:

Mr. Tom Martin had the following summary for the commissioners. He explained that currently the Zoning Ordinance does not define short-term rental (STR). At this time, the Zoning Administrator has interpreted that STRs are permitted by right in business districts and in owner-occupied residential district properties subject to occupancy standards, which is no more than three unrelated individuals.

There are approximately 365 STR listings identified within the City. It is estimated that STRs have increased by 37% in the City between 2016 and 2017. If the national trend of STR has increased by 800% since 2011, they will continue to increase in the coming years.

On October 13, 2018, City Council directed staff to prepare amendments to allow STR in the City. On January 23, 2019, Planning Commission conducted a public hearing and requested a work session to discuss each aspect of the draft ordinance in greater detail.

Mr. Martin explained that the purpose of the ordinance is to clarify that STR is a permitted use subject to development standards. The ordinance would require owner occupancy in the R-C, R-1, R-2 and R-3 districts. Owner occupancy would not be required in R-4, B-1, B-3, B-4, B-5 and IN-2. The building would be required to retain the appearance of single-household in R-C, R-1, R-2 and R-3 districts. The maximum number of occupants would not exceed three individuals and one parking space per STR would be required.

The ordinance also proposes an annual registration fee of \$150 and a penalty of \$500 for failure to register. The STR must meet the requirements of the Uniform Statewide Building Code. Three violations related to an STR could result in the revocation of approval.

Mr. Martin commented that they have heard quite a bit from people that support STR and the commission has received a lot of emails from people that do not support them.

The first question he would suggest they discuss is if STR should be allowed by the City. He reminded them that a primary goal of the City's *Comprehensive Plan* is to improve the livability of the City's neighborhoods through conservation, stabilization, and revitalization. Mr. Martin indicated his role will be to act as a facilitator or moderator between the commission, the Director of Community Development (Mr. Kent White), the Zoning Administrator (Mr. Kevin Henry), and the Commissioner of the Revenue (Mr. Mitch Nuckles).

Mr. White explained that the state code definition for a short-term rental means the provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes for a period of fewer than 30 consecutive days in exchange for a charge for the occupancy. Short-term rentals continue to be an extremely popular lodging and tourism option. Since 2011, this market has grown 800% nationwide. Although Airbnb is projected to have 62% of the current short-term rental market nationally, a number of new platforms are appearing as a result of Airbnb's success.

Commissioner Marion indicated she thinks they should be allowed. Commissioner Johnson said she thinks so as well. She has done a lot of reading and could find only 1 locality that was not allowing them. She thinks that the trend of Airbnb and other STR platforms are such that we have to allow them with some restrictions. Commissioner Perault does not have a problem. He thinks that if the City did not want them that the negative publicity would be really big. He is not even sure about the legality of not

allowing them. Commissioner Rogers commented that STRs are nice to have as an option, especially during large events when there are no available hotel rooms available. People that attend graduations, for example, spend a lot of their money outside of the City. We can capture some of that revenue by having people stay in town. It can be a good competitive advantage if a locality has a nice stock of STRs. He noted that there could end up being too many of them. One of the concerns is people buying several properties and making them exclusively STR. The regulation of them is very important. Commissioner Lowe thinks that a homeowner has an inherent right to use their property as an STR. He is in support of allowing them with some restrictions.

Mr. Martin clarified that the commission is saying that it is a use that should be allowed in the City. The next point of discussion will be to define an STR. The draft ordinance defines it as the accessory or secondary use of a residential dwelling unit or portion thereof by a host to provide room or space that is intended to be occupied for a period of fewer than thirty (30) consecutive days. The commission should discuss whether or not the 30-day window is appropriate and whether or not there should be a limit on the number of days a year a STR can be rented.

Commissioner Rogers asked if someone needs to stay longer than 30 days if it reverts to a regular rental. Mr. Henry said that is correct. Commissioner Marion asked if the unit would then need to be inspected by the City since it is a long-term rental. Mr. Henry indicated the City does have a rental inspection program for certain areas of the City. Mr. White commented that it includes areas where our oldest housing and greatest concentrations of converted single-family homes are located. The program is specifically enabled by state code.

Commissioner Perault indicated he did not consider 30 days as being short-term. Commissioner Johnson noted that in her reading she found that most localities use 30 days as their definition. Mr. Henry noted that this is not typically an issue for the citizens in terms of zoning complaints. If someone stayed longer than 30 days, he thinks neighbors would welcome it. Mr. Nuckles commented that the Virginia tax code defines transient as 30 days or fewer. Mr. Martin clarified that there is a consensus from the commission that 30 days or fewer is how they would like to define STR.

Mr. Martin asked them if they would like to put a limit on the number of days a unit can be rented as an STR. Currently, there is no limit. The commissioners noted that the General Assembly is discussing passing a code that put a limit of 180 days. Commissioner Marion thought that 180 days is a lot. Commissioner Rogers noted that the people he has been talking to are not renting their STR nearly that many days. After further discussion, the commissioners felt that 120 days was a good number. Mr. White noted that if the General Assembly passes amendments, they will just have to modify the ordinance. Mr. White also commented that staff feels they are well equipped to figure out where these are located but it will be much harder to know how many times guests are staying or the rate guests are paying. Mr. Martin clarified with the commission that they would like the limit to be 120 days.

Mr. Martin wanted to talk about the different zoning districts in the City. RC, Conservation District is very low intensity development. They are on large lots and typically without water or sewer availability. R-1 is the typical single-family neighborhoods with single-family household dwellings on 15,000 square foot lots. In the R-1 district, if it is owner-occupied, you can have an accessory unit. The R-2 district is also single-family and you can have an owner-occupied accessory unit. The main difference is the lot size, which is 10,000 square feet in the R-2 district. In the R-3 district, duplexes are allowed on 4,000 square foot lots. Townhomes are permitted by conditional use permit. In the R-4 district, apartments are permitted on 2,000 square foot lots.

Mr. Martin summarized the business districts. B-1, Limited Business District allows office, retail, restaurant and service uses. Residential is allowed as part of mixed-use by right. B-3, Community Business District allows offices, retail, restaurant and a wider range of commercial uses. Single-household and residential is allowed as part of mixed use by right. B-4, Urban Commercial allows a wide range of commercial and residential uses permitted by right. B-5, General Business allows a wide variety

of commercial uses. It is the most intense business district. Residential uses are permitted as part of mixed-use by right. IN-2, Institutional District is for institutions such as schools, colleges, universities, senior living facilities and medical facilities. Residential uses operated by the institution are permitted by right.

Mr. Martin would like the commissioner to consider the districts in which STR should be allowed. Commissioner Rogers said he would lean toward allowing them in all districts because the idea behind STR is that they are in all types of neighborhoods not just in neighborhoods with apartments or mixed use areas. Commissioner Rogers pointed out that long-term rentals are already allowed in all the zoning districts. Some people have told him that they prefer to rent out their home as an STR as opposed to a long-term rental because the STR guests take good care of the unit. The other commissioners were in consensus that they should be allowed in all districts.

Commissioner Perault asked staff if they have any idea of the breakdown of the 365 units. Mr. White said they do not at this point and will not know until they hire a third party assessment service. Commissioner Perault asked Mr. Martin if long-term rentals are allowed in all of these districts currently. Mr. Martin indicated that they are and clarified with the commission that they would like to allow STR in all zoning districts.

Mr. Martin explained that currently an accessory unit can be rented in the R-1 and R-2 district if the main dwelling is owner-occupied. It also needs to maintain the appearance of a single-family dwelling. An owner can rent the whole house but if they want to rent a second accessory unit, it must be owner-occupied. He would like the commission to discuss whether or not the owner needs to be present in the R-C, R-1, R-2 and R-3 districts in order to rent an STR. Commissioner Rogers thinks that if you make that rule, then you are naturally cutting people out of this opportunity and he thinks that is a shame. In the last meeting, Commissioner Light had mentioned that a guest typically does not want the owner to be present. Typically, the owner leaves and rents out his house for a weekend or longer.

Commissioner Johnson thinks that is limiting a property owner's rights by telling them they must be present in order to rent it as STR. She is inclined to say that it should not be a requirement. She acknowledged that we would not want them renting out more than one unit if they did happen to have a basement apartment, guest house or apartment over the garage. The owner should not be allowed to leave and rent out more than one unit. Mr. Henry said that a person is already limited in how many units they may rent out long-term in the R-1 and R-2 districts. If they choose not to live there, they may only rent out the main house, not the main house and a guest cottage, for example. R-3 does not require owner occupancy in order to rent out more than 1 unit.

Mr. Martin suggested they talk about the number of people that are allowed in a unit because that might help them answer this question. He reminded them that related people is defined as related individuals, including people that are related by blood, are married to each other or are in a substantially similar relationship and children under their care. Mr. Martin explained that if a dwelling is owner-occupied, the main unit can be occupied by your family plus one unrelated individual. The other unit can be occupied by a family or no more than three unrelated individuals. The dwelling needs to maintain the appearance of a single-family structure. If you move out, you can rent out the whole house to a family or no more than three unrelated individuals.

Commissioner Lowe noted that if they do not require owner occupancy, the City could run the risk of having Airbnb "deserts" where the properties are being bought just for the purpose of renting them as STR. Commissioner Rogers noted that if there is a restriction around time, there is not enough of a value for it. Mr. Martin said this requirement would mean that people that want to buy multiple houses in a single-family district and convert them to be used solely as STR would not be able to do it.

Commissioner Perault asked staff about the logic behind not being consistent with the long-term rental policy in the R-3 district. Mr. Martin noted that staff had an analysis done by GIS and the majority

of the structures in the R-3 district were actually single-family dwellings and not duplexes. Mr. Henry thought it was close to 80% of them were actually single-family dwellings.

Commissioner Rogers thinks requiring the owner to be present in R-1 and R-2 districts while renting as an STR will mean that people will just break the law. People want to rent out their homes for graduation week, for example, and they cannot be present while it is being rented to a family. Mr. Martin thought they might want to discuss what owner occupancy does in the R-1 and R-2 districts. The majority of the people that are opposed to STR are opposed to it because of noise, trash, traffic, parking and safety issues. The commission has talked about Airbnb "deserts." You could potentially create neighborhoods that are nothing but houses that are purchased and used for STR periodically. If owner occupancy is required, someone will be there to clean up and control the noise and make the neighbors feel safer.

Commissioner Marion said it is a big hurdle for her to distinguish between owner occupancy and owner presence while the unit is rented. In her opinion, it is different for her to rent out her house for graduation week and going away for the week versus not living in the house at all and renting it out as much as she can. She will be back to take care of any issues and will have to see her neighbors when she gets back and listen to any complaints. Mr. Martin said they could do this for 29 days at a time; Commissioner Rogers pointed out they could only do that four times a year and they would reach the maximum number of 120 days. Commissioner Rogers suggested they say it has to be the owner's primary residence in the R-1 and R-2 districts.

Commissioner Perault asked for clarification that an owner would be in violation if he left his house overnight. Mr. Henry said the owner would be if they pass the ordinance saying the owner needs to be present. Commissioner Perault noted an owner can leave his house if he is renting out an accessory unit long-term. Mr. Henry said that is correct but you might not have the transient nature that you might have with STR where there are multiple people coming and going at different times during the month.

Commissioner Johnson said she understands the logic behind requiring the owner to be present but she still struggles with limiting a property owner's rights to be able to rent out his home. She is concerned that there are investors that have bought more than one property and are renting them out for STR. The owner cannot live in all of them and now we are going to tell him he can no longer do this unless he rents them out for longer than 30 days at a time. Commissioner Marion noted they can still buy houses in other districts and use them for STR. Commissioner Marion thinks that in R-1, and R-2 neighborhoods people have an expectation that they are going to know their neighbors for more than 30 days. In R-3, it is a little different.

Commissioner Rogers asked if those that already own properties and rent them out as STR (not owner-occupied) will be grandfathered in as nonconforming uses. Mr. Henry said that is a good question but he does not think so. He thinks that with the adoption of this ordinance, they are going to have to meet the code. Mr. White reminded them staff is working from an interpretation right now. There is currently no ordinance governing STR. Commissioner Johnson wondered why they are supposed to say to people that purchased homes strictly for STR. Commissioner Perault pointed out that the profit side is probably better on the long-term rental side than the STR side. Commissioner Johnson and Marion acknowledged that they have both stayed in Airbnbs but they were not in neighborhoods.

Mr. Henry indicated that there would be a grace period after the ordinance is adopted. Notices will be sent to owners after staff has received a list from the monitoring service. The notice will probably give about three months to come into compliance with the ordinance. City Council will set that grace period. The commissioners acknowledged the owners could convert them to long-term rentals or go through the conditional use permit process to allow them to be used as bed and breakfasts.

Commissioner Perault asked if all these recommendations are being made because they are supported by staff. Mr. White indicated that Council has directed them to come to the Planning

Commission and hold a public hearing and receive the commission's recommendations. They will take staff's recommendations to City Council, along with the commission's recommendations for any changes and let Council consider them.

Commissioner Marion noted that in her neighborhood there is a STR that is owner-occupied and one that is not owner-occupied. She has not seen any problems with either one of them. However, she acknowledged that if there was a large group making a lot of noise in an STR next to her in her R-2 neighborhood, she would not be happy.

Commissioner Johnson said that if they make this recommendation and Council passes it, it is essentially taking single-family homes off the STR market. Commissioner Perault asked if removing the R-3 district from having this requirement would make it more palatable. It is hard for him to move away from what exists in the ordinance currently for long-term rentals in the R-3 district.

Commissioner Rogers said he would be more comfortable saying that primary residency is required in R-1 and R-2 but not that the owner has to be there all the time. Mr. Martin said that currently the ordinance is written: "The property shall be owner-occupied and the owner shall be present while a property is used as a short-term rental." Mr. Martin asked them about the R-3 district. There was consensus to drop that requirement from the R-3 district to make this ordinance consistent with current long-term rental standards. Commissioner Lowe indicated he is fine with that but would like the owner to be present in the R-C, R-1, and R-2 districts. Mr. Martin received consensus that the commission would like the requirement removed from the R-3 district.

Mr. Martin asked the commissioners if the STR has to be owner-occupied in R-C, R-1, and R-2. All commissioners agreed with that except Commissioner Johnson. Commissioner Perault asked if it is a problem to send it to Council without consensus. Mr. Martin said that what is going to Council is coming as a commission. They can take a vote on each aspect but he was trying to get them to be in consensus where a commissioner might not like it but he or she could live with it.

Mr. Martin asked them if the owner has to be present while it is being rented as an STR. Commissioner Lowe thought that was the spirit of this when it started so he says yes. Commissioners Perault, Rogers, Johnson and Marion said no.

The commissioners were in consensus that the principal structure should use a common entrance so that it retains the appearance of a single-household residence in the R-C, R-1, and R-2 districts.

Mr. Martin asked them to discuss the number of individuals that can occupy a STR. Commissioner Johnson noted that the trend is to use an STR for a girls' weekend or wedding parties, so she has a problem with limiting it to three individuals. Commissioner Rogers suggested that Blacksburg has set it as six. It's not ten as Commission Light had suggested at the January 23rd meeting but it's not 3. Mr. Martin asked them to consider why they would allow the occupancy standards for STR to be different than the occupancy standard everywhere in the City for long-term rentals. There was extensive discussion about allowing the number to be higher to allow couples or families to use STR. The reason people are coming to Lynchburg is for events and they will not be here for longer than a weekend or maybe a week.

Commissioner Rogers suggested they say two guests per bedroom and have a cap of a certain number like six. He pointed out these rentals are competing with hotels and you can have four people in a hotel room. Mr. Martin said staff had considered the number of four individuals. Mr. Martin pointed out it will be difficult for the Zoning Administrator to justify to a long-term rental landlord why he is not allowed to have six unrelated individuals in his unit but someone doing STR may do so. The commission would be going against every occupancy standard in the City of Lynchburg. They are essentially turning the single-family districts into hotels. If they are comfortable with that, that is fine, but that is not what the *Comprehensive Plan* says that the City wants to do. Commissioner Marion said they have already

agreed they are allowed to be turned into hotels by allowing STR. Mr. Martin said that have said STR should be allowed but they have not recommended an increase in the occupancy above what would normally be allowed yet.

Commissioner Perault noted that this was the biggest issue by far from the public when the Zoning Ordinance was rewritten. He is still arguing for consistency and the number of unrelated people allowed in any district in the City is currently three. Commissioner Rogers suggested that if the guests are all related, that would be fine for the number to be higher because that is what is currently in the ordinance for long-term rentals.

Commissioner Marion commented that when a long-term rental is rented to three unrelated people, it is never just three people living there because they have girlfriends or boyfriends spending the night. No one really knows how many people are living there. In her opinion, it is different to rent a unit long-term to three people and renting an STR with three bedrooms to three couples. Mr. Henry said it goes back to the illustration Mr. Martin gave earlier. A group that is related can have plus one unrelated individual living with them. Two couples would be over that occupancy standard.

Chair Perault indicated that if he is in an R-1 neighborhood, he does not want a unit to be allowed to have eight guests just because it has four bedrooms. The owner can petition to turn it into a bed and breakfast.

Commissioner Lowe would like to stick with three individuals because they have already created enough turmoil in our R-1 districts. He would like to see them keep it consistent across the board with our current occupancy standards. It was pointed out that our current occupancy standards allow for larger numbers if they are all related. Commissioner Lowe thinks they are making it too difficult. He would prefer it to be three individuals per STR unit.

There was further discussion in order to try and reach a consensus. Commissioner Lowe changed his mind to three unrelated individuals or a family. Commissioner Johnson and Marion would like to see it by at least four unrelated individuals so two couples could travel together. Commissioner Johnson said she was very conflicted because that is not the trend. Mr. Martin said just because it is a trend does not mean that it is correct for Lynchburg.

Commissioner Rogers changed his mind to allow up to four unrelated individuals because he tends to like less restriction. In his opinion, there is a difference between STR and long-term rental. Commissioner Rogers asked Mr. Henry how many complaints he has received regarding long-term rentals. Mr. Henry commented that 45% of all our zoning violation complaints are occupancy related. That is probably approximately 60 or so of our cases in a year. He received 11 complaints last year regarding STR, so maybe that is 20 to 25% of the zoning complaints. That is a rough number.

Commissioner Perault noted that he often votes against petitions because it changes the character of a neighborhood. That is why he is fine with leaving it at three unrelated individuals. Commissioner Lowe agreed with him. Mr. Martin clarified that there are three votes for four unrelated individuals and two votes for three unrelated individuals. All commissioners were in agreement that the number can be higher if they are all related. That mirrors the current occupancy standards of the City for long-term rentals.

Mr. Martin asked them to discuss if the STR occupancy be part of existing occupancy standards or in addition. For example, if an owner is living in the house and also rents out an accessory unit long-term, is an owner also allowed to have a STR unit? Staff would like an owner to not be allowed to have both. An owner does not get to do both long-term and short-term. It is an either/or situation. Because if it is not limited, an owner could have three unrelated people that are renting long-term and four unrelated people renting short-term in the same accessory unit. Commissioner Marion thought it could be okay to do so if your home is very large. She has a very large house with an apartment and thinks it could also

be okay to do STR. She is in an R-2 neighborhood. Her neighborhood has huge houses. Mr. Martin reminded her that Garland Hill came in and asked to be downzoned so the houses could not be converted into multi-family units.

Mr. Martin wanted to be clear that the commission is not saying that a person can have their main dwelling plus rent out an accessory unit long-term, and also be allowed to rent out another unit like a guest house or garage apartment for STR as well. Or, a person could leave for the weekend and rent the upstairs as an Airbnb while the accessory unit is being rented out long-term.

Commissioner Marion thought that if she lives in her home and rents out her apartment, it should be okay for her to rent out some rooms in her home as STR while she is present in the home. Mr. Martin said that would be basically be taking a single-family home and turning it into a triplex. That is fine if the commission would like to recommend that but he does not think that is right for the low density areas of the City.

Commissioner Lowe agreed with Mr. Martin and felt that is in conflict with the spirit of the STR ordinance. Commissioner Rogers, Perault and Johnson agreed with staff. Commissioner Marion said it is right in 99% of the cases but she does think there are exceptions.

Mr. Martin began the discussion about parking. Currently, you have to have one parking space per dwelling unit and one per accessory unit. Staff would like to know if they feel that there should be a parking space dedicated for the STR use. On-street parking may count for that space if it is within 1,000 feet and connected by sidewalk. The commissioners were in consensus that what Mr. Martin just described should apply to STR.

The next questions Mr. Martin would like them to consider is whether or not a registration be required and should a registration fee be charged for STR. Registration would allow the City to identify and monitor the locations of the STR. The registration fee of \$150 would offset vendor and staff costs. The registration fee is based on the equivalent of a 30-day stay times a typical \$75 night rate times 6.5% lodging tax.

Commissioner Rogers thinks it is harder to pass the registration fee along to the renter. If the City enters into an agreement with Airbnb, that cost can be paid directly by the renter. Mr. Martin suggested if they are so concerned about the \$150 registration fee, the host can charge \$78 a night instead of \$75 a night. Mr. Martin explained why staff did not suggest lodging tax, even though approximately 17 of the localities they looked at charge lodging tax. There is no accurate way of determining number of nights or the price. Even if the City gets the monitoring service, there is no accurate way to know these two items. In addition, not all the platforms will remit lodging tax. Additionally, collecting lodging tax would result in increased staff being required in the Commissioner of Revenue's office.

Commissioner Nuckles explained that a lot of individuals doing STR are not looking at the money they make as income. The income is not typically reported because the owners are just trying to make some supplemental income. If they were able to conduct an audit, there is just no way for them to get a legitimate number for what is occurring at these establishments. When people are faced with paying the registration fee, they might stop but then they might start doing it without following the rules. Commissioner Nuckles said these are some of the things that we are going to be faced with if we start to charge the lodging tax.

Commissioner Nuckles said they currently have about 400 businesses that remit meals, lodging and amusement tax. They have difficulties with about 20 businesses every single month. Sometimes, they have to levy an assessment, which they really do not like doing. If we impose a lodging tax on approximately 350 STR operators, the Commissioner of Revenue will have to rely on them to remit to them monthly the lodging tax they collect. If they have trouble collecting the tax from 400 businesses

that know they are a business, he would estimate that they will have trouble collecting from about 50% of the hosts.

Commissioner Nuckles said he has contacted the 17 localities that collect lodging tax. Five localities say they have fewer than five STR. One of those is Norfolk, so Commissioner Nuckles does not think they have a handle of how many they actually have in their locality. The localities do not have the staff to enforce the collection of the tax. In talking with other localities, he has been told that the City would need at least 1 full-time person just to monitor the STR activity.

The commissioners were in consensus that there should be a registration program. Commissioner Johnson thought the fee might be comparatively higher than some of the other localities. Mr. Martin commented that other localities are charging a registration fee and also collecting lodging tax. Commissioner Johnson asked if they are willing to enter into an agreement with Airbnb just to see what we can collect. Mr. White said they will take that recommendation to City Council if that is the commissioner's recommendation. The \$150 registration fee will cover our existing staff costs. Commissioner Nuckles said it would not be any additional work for them to collect from Airbnb and it would be "pennies from heaven." However, Airbnb is the only one willing to do this and there are several others out there that do not remit the tax. The Commissioner of the Revenue's office would like to treat everyone the same. He also reminded them that Airbnb will not give them any information about where the money is coming from and there will be no way to audit them.

Commissioner Rogers thought the fee might be too high for those that are only doing STR three or four times a year. Mr. Martin said it might be but they have the opportunity to do it more often. Staff believes that the \$150 registration fee is the fairest way. Commissioner Perault said with a number like \$150, it will be people that are serious about doing STR. It will make some people think twice about whether or not they want to do a STR, and he thinks that is a good thing. Commissioner Perault also pointed out that if they rent out their home on popular weekends, they can definitely recoup that \$150.

Commissioner Rogers asked how quickly a host could get registered to rent out an STR. Mr. White said it should be an online process that a person should be able to very quickly. For example, if you registered on July 15, you should definitely be able to rent out an STR by July 30. Commissioner Marion thinks collecting the lodging tax is too cumbersome for staff. She wishes all the platforms would collect the tax for the localities. She would presume that there will be some people that only rent out their STR a couple of times a year that are not going to register and just hope they do not get caught. However, those that will be doing it a lot will not run that risk for fear that they will be turned in by their neighbors. The \$150 number is as good as any and she is okay with the fee.

Mr. Martin noted that local governments have to and are expected to provide the same levels of service without the same levels of revenue. The environment that is being created puts localities at a severe disadvantage both by these platforms and the General Assembly. The General Assembly is saying that localities have to do STR and now they are going to dictate how many days you can do it, etc. Commissioner Lowe was not sure the \$150 fee was enough because there will be a full-time employee necessary to monitor STR. Commissioner Nuckles said that is not the case if they do the fee rather than collecting lodging tax. The commissioners were in consensus that the \$150 registration fee is an acceptable amount. The commissioners were also in consensus that there should not be any lodging tax collected on top of the registration fee.

Mr. White clarified for the commission that Council has directed staff to implement a program without any additional staff. For that reason, they will not proactively be going into the units to inspect them. The units can be inspected on a complaint basis. Mr. White also wished to clarify that the City has not officially selected Host Compliance as its monitoring service. There are multiple vendors out there and it is their intent to shop around for the one they want to use.

Another point of discussion was whether or not there should be a \$500 penalty for not registering their STR. Commissioner Perault suggested that a person should have a grace period like seven days, for instance, to register their STR after they are notified before the fine is assessed. Commissioner Lowe did not think a person should get a grace period because they have been running a business illegally and they should have registered it. Commissioner Lowe noted that this will be on the news and they will also be notified by letter by the Commissioner of the Revenue that they need to register their STR. There should be no grace period. Other commissioners thought there should be a penalty but \$500 might be too steep. After further discussion, the commissioners were in consensus that \$500 is an acceptable amount to charge for the penalty.

The commissioners were in consensus that the STR needs to be in compliance with the applicable building code.

Mr. Martin asked if the ordinance should provide for revoking approving of STR if three violations are received related to the STR. The commissioners were in agreement to placing this provision in the ordinance.

Commissioner Johnson had a suggestion that she would like to see implemented. In some of her reading she saw that there are some localities that require hosts to have items such as smoke detectors, carbon monoxide detectors and fire extinguishers, for example. She wondered if there could be a list of requirements given to the host at the time of registration that he or she agrees to provide and acknowledgements he or she is made aware of such as the noise ordinance and the need to provide a parking space. Mr. Martin said that was a very good point. It probably does not have to be put in the ordinance but it could be made a part of the registration process.

Commissioner Rogers acknowledged the members of the public in attendance at today's meeting. He reminded them they have a chance to speak at City Council's public hearing. There is no perfect framework but there are definitely some necessary measures the City has to take to make STR a legal use. He thinks it is important that we are doing it. He would encourage them to continue sending their letters and to attend the City Council meeting.



Memorandum

Planning Division • Community Development

900 Church Street
Lynchburg, Virginia 24504
P 434-455-3900

To: Planning Commission

From: Tom Martin, AICP, City Planner

CC: Bonnie Svrcek, City Manager; Reid Wodicka, Deputy City Manager; Walter Erwin, City Attorney; Kent White, Director Community Development; Kevin Henry, Zoning Administrator; Mitch Nuckles, Commissioner of the Revenue

Date: February 13, 2019

Re: Short-term Rental Discussion

BACKGROUND:

- Three hundred sixty-five (365) short-term rental listings have been identified by a short-term rental monitoring service within the City of Lynchburg.
- It is estimated that short-term rentals have increased thirty-seven percent (37%) between 2016 and 2017. There has been an eight hundred percent (800%) growth in short-term rentals nationwide since 2011.
- The *Zoning Ordinance* does not currently define "short-term rental." The Zoning Administrator has interpreted short-term rental as a permitted use in the City's Business Districts and in owner-occupied residential district properties subject to occupancy standards.
- On October 23, 2018, City Council directed staff to prepare *Zoning Ordinance* amendments that would allow short-term rental uses in the City.
- The Planning Commission conducted a public hearing on January 23, 2019. After closing the public hearing, the Planning Commission directed staff to place the amendments on a future agenda for further discussion. The Planning Commission requested that each aspect of the proposed amendments be discussed.

The proposed *Zoning Ordinance* amendments would clarify that short-term rental is a permitted use in the City's residential and commercial districts subject to specific development standards:

1. A short term rental would require owner-occupancy in the R-C, R-1, R-2 & R-3 Districts.
2. A short-term rental would not require owner-occupancy in the R-4, B-1, B-3, B-4, B-5 & IN-2 Districts.

3. Short-term Rentals offered in the R-C, R-1, R-2 & R-3 Districts would require owner occupancy while the unit is offered for short-term rental and the building would be required to retain the appearance of a single-household residence.
4. The maximum number of occupants in a short-term rental would not exceed three (3) individuals.
5. One (1) additional parking space per short-term rental would be required. This parking space would be in addition to any other required parking spaces.
6. An annual registration would be required of all units to be used as a short-term rental. A \$150 registration fee would be required.
7. Failure to register a building as a short-term rental would result in a penalty of \$500.
8. All buildings offered for short-term rental must meet requirements of the Uniform Statewide Building Code.
9. Three (3) violations of state or local laws, ordinances or regulations would result in revocation of approval for a short-term rental.

Draft Ordinance:

A primary goal of the City's Comprehensive Plan is to improve the livability of the City's neighborhoods through conservation, stabilization, and revitalization. The Planning Commission has heard from supporters of short-term rentals who feel that they are a method of supplementing income, increase tourism in the City, and provide alternatives to typical short-term lodging such as hotels. The Planning Commission has also heard from opposition to short-term rentals, citing property value, safety, noise, and trash concerns.

Discussion: Should the City allow short-term rentals?

The *Zoning Ordinance* amendment would define a short-term rental as the following: "The accessory or secondary use of a residential dwelling unit or a portion thereof by a host to provide room or space that is intended to be occupied for a period of fewer than thirty (30) consecutive days."

Discussion: Is the requirement for occupancy fewer than thirty (30) days appropriate?

The proposed Zoning Ordinance amendment would permit short-term rentals by right subject to development standards in the following districts:

R-C, Conservation District. This district is intended to provide for very low intensity development in areas not served by City sewer and water supply systems and areas with special natural characteristics

that limit land uses and development to protect the City's environmental health. The R-C District permits single-family homes on ten (10) acre lots.

R-1, Low Density Residential District. The R-1 District is intended to provide for residential development at low densities, together with public uses, institutional uses, and private recreational facilities that are in scale with single-household residences. The R-1 District permits single-household dwellings on fifteen thousand (15,000) square foot lots. Densities of up to two and nine tenths (2.9) dwellings per acre are permitted by right.

R-2, Low-Medium Density Residential District. The R-2 district is intended to provide for residential development at low densities, together with public uses, institutional uses, and private recreational facilities that are in scale with single-household residences. This district is intended to allow higher densities than the R-1 district where supported by adequate infrastructure and compatible with site conditions. The R-2 District permits single-household dwellings on ten thousand (10,000) square foot lots. Densities of up to four and thirty-five hundredths (4.35) dwellings per acre are permitted by right.

R-3, Medium Density Residential District. The R-3 district is intended to provide for residential development and other compatible uses at medium densities in areas with adequate infrastructure and access to public and commercial services. In addition to small-lot single-household development, duplexes and other compatible housing types may be allowed, as are public and institutional uses that are in scale with neighborhood uses. The R-3 District permits single-household dwellings and duplexes with four thousand (4,000) square feet per dwelling unit. Townhomes are permitted in the R-3 District upon approval of a conditional use permit. Densities of up to ten and eighty-nine hundredths (10.89) units per acre are permitted by right.

R-4, High Density Residential District. The R-4 district is intended to provide for residential and other compatible uses at high densities in locations with adequate infrastructure and proximity to necessary services and employment. R-4 districts may include any type of housing, as well as public uses, institutional uses, private recreation and limited retail and service uses, when accessory to a multi-household development. The R-4 District permits single-household dwellings, duplexes, townhomes and apartments with two thousand (2,000) square feet per dwelling unit. Minimum lot size is four thousand (4,000) square feet. Densities of up to twenty-one and seventy-eight hundredths (21.78) units per acre are permitted by right.

B-1, Limited Business District. The B-1 district is intended to provide for office, retail, restaurant and service uses that are compatible with nearby residential areas because they are in scale with adjacent neighborhood development and have pedestrian-oriented designs. While they generate a moderate level of traffic, they do not involve the constant traffic flows characteristic of community-scaled retail activities. These districts can provide a transition from retail districts and heavily traveled thoroughfares

to residential areas. Single-household dwellings and residential as part of a mixed-use development are permitted by right. All other residential uses require approval of a conditional use permit. A minimum lot size of six thousand (6,000) square feet is required. In addition to the minimum lot size, one thousand (1,000) square feet of additional lot area is required per dwelling unit.

B-3, Community Business District. The B-3 district is intended to provide for office, retail, and service uses meeting the needs of the community as a whole. Residential uses are limited to upper floors of mixed-use buildings or in transitional buildings between commercial and residential uses in mixed-use developments. They will include a wide range of business uses and other uses compatible with a moderate-sized business area, at densities lower than those permitted in the central business area. New districts of this type will be strongly encouraged to develop as fully planned entities. Single-household dwellings and residential as part of a mixed use development are permitted by right. All other residential uses require approval of a conditional use permit. One thousand (1,000) square feet of lot area is required per dwelling unit.

B-4, Urban Commercial District. The B-4 district is intended to: (a) Provide for a wide range of residential, commercial, and other sales and service operations, serving the entire metropolitan area in Downtown Lynchburg and other mixed use centers throughout the City; (b) Encourage a compatible mix of multi-household residences, business, and related activities of relatively high densities and with adequate services where appropriate; and (c) Assure public access to the James River for recreational purposes and to protect the aesthetic qualities of the riverfront. All types of residential uses are permitted by right with no minimum requirements for lot sizes.

B-5, General Business District. The B-5 district is intended to provide for a variety of commercial and similar uses that require large sites and which often produce substantial nuisance effects. The location of these districts should provide for a high level of access, relatively large amounts of level land, and opportunities to shield adjacent residential districts from nuisance effects. Residential uses as part of a mixed-use development are permitted by right. All other residential uses require approval of a conditional use permit. A minimum lot size of six thousand (6,000) square feet is required. In addition to the minimum lot size, one thousand (1,000) square feet of additional lot area is required per dwelling unit.

IN-2, Institutional 2 District. The IN-2 district is intended to provide for institutional uses such as schools, colleges, universities, senior living facilities, medical facilities and churches with multiple buildings contained in a campus setting. This district provides flexibility for institutions while identifying areas intended for future development. IN-2 districts are for larger institutional campuses located primarily adjacent to districts other than residential districts. All types of residential uses are permitted by right if operated by the institution. Residential uses not operated by the institution require approval of a conditional use permit. There are no minimum lot size requirements.

Discussion: Should short-term rentals be allowed in the districts indicated?

R-C, R-1, R-2, R-3, R-4, B-1, B-3, B-4, B-5 & IN-2.

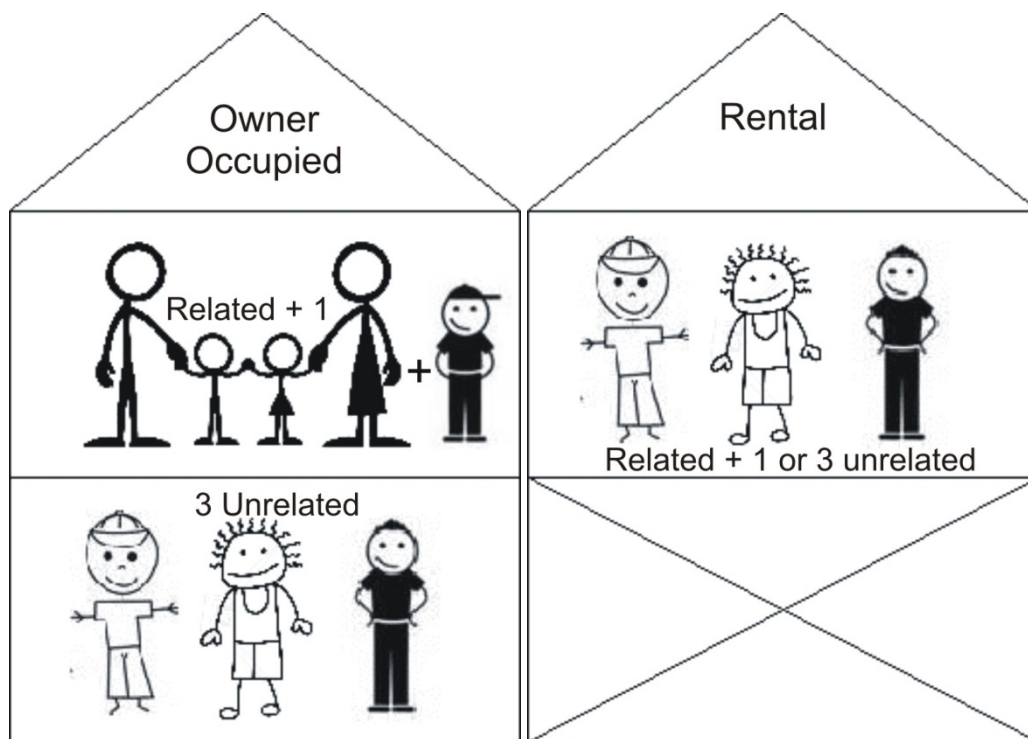
The *Zoning Ordinance* requires owner occupancy in the R-1 & R-2 Districts to allow the use of an accessory dwelling unit. The accessory dwelling may be established in the principal dwelling unit, provided there is one (1) main entrance located in the front of the building and the building has no outside characteristics, such as stairs, other than those common to a single-household dwelling. The accessory dwelling may also be established in an accessory building provided it is no more than nine hundred (900) square feet and has no more than one (1) bedroom.

Discussion: Should owner occupancy be a required in the R-C, R-1, R-2 & R-3 Districts in order to allow short-term rental uses?

Discussion: Should the principle structure use a common entrance so that it retains the appearance of a single-household residence?

The *Zoning Ordinance* defines “Related People” as: “Related individuals include people who are related by blood, are married to each other or are in a substantially similar relationship, and children under their care.”

The *Zoning Ordinance* sets occupancy standards of no more than three (3) unrelated individuals per dwelling unit unless authorized by a conditional use permit.



Discussion: Should short-term rentals be limited to no more than three (3) individuals?

Discussion: Should short-term rental occupancy be part of existing occupancy standards or in addition to existing occupancy standards?

The *Zoning Ordinance* requires one (1) parking space per dwelling unit. An accessory dwelling unit would require one (1) additional parking space. Off-street parking spaces are required to be located on the same lot with the structure. On-street parking located within one thousand (1,000) feet and connected by pedestrian facilities may be used to satisfy parking requirements.

Discussion: Should an additional parking space be required per short-term rental unit?

The draft ordinance would require an annual registration of properties used as a short-term rental. An assessment provided by “Host Compliance” (a short-term rental monitoring service) identified three hundred sixty-five (365) individual short-term rental listings in the City during August 2018. City staff has no method of identifying where short-term rental listings are occurring without the use of a host compliance service. Currently city staff can only identify properties being used for short-term rental after a complaint has been received.

The registration requirement would allow city staff to identify properties being used as short-term rental and provide for monitoring. The proposed \$150 registration fee would be used to help offset the City’s cost to contract with a vendor to identify short-term rental locations along with staff costs for billing, collection, and enforcement. The fee is the equivalent of collecting the City’s six and five tenths percent (6.5%) lodging tax if the property is being used for short-term rental for thirty (30) days per year at an estimated \$75 per night.

$$\text{\$75 per night} \times 30 \text{ days} \times 6.5\% = \text{\$146.25}$$

The collected registration fees would offset host compliance fees and costs associated with monitoring the registrations.

Out of seventeen (17) Virginia localities surveyed where short-term rentals are permitted by right, all localities require a registration fee. Fees range from \$25 to \$100 annually. In addition to the registration fee, all localities surveyed charge a two percent (2%) to eight and five tenths percent (8.5%) lodging tax.

The current proposal does not recommend charging a lodging tax as the City has no accurate way of determining the number of nights or price charged per night for a short-term rental. One listing platform (Airbnb) would collect lodging tax and remit to the city; however, other platforms such as VRBO will not. Collecting lodging tax would also result in an increased amount of staff time for the Commissioner of Revenue’s Office.

Discussion: Should registration for short-term rentals be required and should a registration fee be charged?

In addition to or in lieu of a registration fee, should a lodging tax be charged for short-term rentals?

Should failure to register a short-term rental result in a \$500 penalty?

The proposed ordinance would require that all units listed as short-term rental comply with the requirements of the Uniform Statewide Building Code. One of the most important aspects of any *Zoning Ordinance* is to ensure the general, health, safety, and welfare of the locality's residents and visitors. While the requirement would not result in annual inspections of the short-term rental units, the requirement could result in ceasing a short-term rentals use in case of violations.

Discussion: Should short-term rental units comply with applicable building codes?

The draft ordinance proposes a “three strikes” provision. If a property used as a short-term rental is documented with three violations of any local or state ordinance related to the short-term rental use, such as noise, trash, parking issues, etc., this provision would allow the city to revoke approval for the short-term rental. This provision would aid in protecting the city’s neighborhoods beyond typical zoning enforcement.

Discussion: Should the ordinance provide for revoking approval for short-term rentals if three (3) violations are documented?

MINUTES OF THE JANUARY 23, 2019 PLANNING COMMISSION MEETING (MINUTES HAVE BEEN APPROVED):

a. Consideration of amending Zoning Ordinance Section 35.2-113 Definitions by adding "Short-Term Rental" defined as the accessory or secondary use of a residential dwelling unit or a portion thereof by a host to provide room or space that is intended to be occupied for a period of fewer than thirty (30) days, adding Section 35.2-71.16 Short-Term Rental which would set development standards for and require registration of Short-Term Rentals, and amending the authorized uses of Section 35.2-40, Conservation District (R-C), Section 35.2-41, Low Density Residential Districts (R-1), Section 35.2-42, Low-Medium Density Residential Districts (R-2), Section 35.2-43, Medium Density Residential Districts (R-3), Section 35.2-44, High Density Residential Districts (R-4), Section 35.2-45, Limited Business Districts (B-1), Section 35.2-46, Community Business Districts (B-3), Section 35.2-47, Urban Commercial District (B-4), Section 35.2-48, General Business District, Section 35.2-50, Institutional District 2 (IN-2) and Appendix A: Table of Authorized Land Uses to allow Short-Term Rentals as a use permitted by right.

Mr. Kent White had the following summary for the commissioners. Last year, City Council requested information on local government's authority to regulate short-term rentals. This was a collaborative effort between the City Manager's office, the Commissioner of the Revenue, the City Attorney's Office, the Department of Finance and Financial Services, the Office of Economic Development and Tourism, and the Department of Community Development. At the conclusion of their October 23, 2018 meeting, Council concurred with staff's recommendation to bring a proposed use requirement and registration fee for short-term rentals before the Planning Commission. The Planning Commission is being asked to consider the Zoning Ordinance amendments that provide for that use and an owner registration program.

Mr. White explained that the state code definition for a short-term rental means the provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping or lodging purposes for a period of fewer than 30 consecutive days in exchange for a charge for the occupancy. Short-term rentals continue to be an extremely popular lodging and tourism option. Since 2011, this market has grown 800 percent nationwide. Although Airbnb is projected to have 62% of the current short-term rental market nationally, a number of new platforms are appearing as a result of Airbnb's success.

Lynchburg has witnessed similar growth in this industry. One assessment suggests that the number of short-term rentals in Lynchburg increased by 37% in just a year between 2016 and 2017. Mr. White presented a chart showing that short-term rentals represent about 10% of Lynchburg's total lodging revenue. The Commissioner of the Revenue Association of Virginia and the Virginia Municipal League, among others, are encouraging local governments to plan for an industry that has demonstrated both growth and staying power.

Short-term rentals in Lynchburg have increased lodging options and created opportunities for individuals to generate additional income. They also provide an opportunity to showcase distinct areas of the City. Conversely, short-term rentals have raised questions of fairness. Our 22 hotels and 4 bed and breakfast establishments permitted to operate in the City must obtain a business license and remit lodging taxes. Neighborhood impacts are also a concern. Staff observed an increased number of complaints last year, albeit the total is still low in comparison to other zoning issues. For context, in 2017 six complaints were received on short-term rentals. Last year, 11 complaints were received for short-term rentals.

Mr. White explained that the City's Zoning Ordinance currently does not define short-term rental uses. It defaults to the Zoning Administrator for interpretation. In business zoned districts, the use is permitted by right. In residentially zoned districts, the Zoning Administrator's interpretation is that it defaults to the City's occupancy standards. Those standards say that one can have no more three unrelated people per dwelling unit or when two or more related people reside in a dwelling unit, only one

additional unrelated person is permitted. This has created a gray area. You can imagine a situation where we have an owner-occupied duplex versus a bed and breakfast establishment where you have a host with guests coming and going. Our interpretation is based on whether the operator is present during the guest's stay.

The City's zoning cases are handled on a complaint basis. Occupancy complaints continue to be challenging to prove and often require significant staff research and court proceedings to resolve. No matter the outcome of the investigation, it is staff-intensive and a time-consuming process. In addition to just the time it takes to gather evidence, get approval from the magistrate, talk to the residents and neighbors about a complaint, it typically takes between 45 and 60 days to provide the proper legal notifications to bring a new case to court.

Consistent proactive enforcement of short-term rentals has proven to be difficult in other localities. Mr. White provided a slide that illustrates one of the challenges. It shows a screenshot of a short-term rental location and was pulled from one of the more popular platforms. One can see how it does not show an address or the owner-operator information. The majority of the platforms do not even show this level of detail in the early stages when a person is searching for a short-term rental. Further complicating it, the search criteria is based on availability. Neighbors often call wondering why staff cannot locate the same unit they just saw the day before.

Many sites do not provide the key identifier, so one cannot see exterior photos. There is no address, owner information or directions given until you have actually booked. The Commissioner of the Revenue experimented by booking reservations and canceling and was blocked as a result. These platforms are very adept at hiding the operator information. As a result, many localities have turned to a monitoring service to help identify the location and the number of short-term rental units operating in their locality. An assessment completed by a monitoring service called Host Compliance identified 365 individual units operating in Lynchburg during the month of August 2018. Some owners will list on multiple platforms, so that takes our total to just over 400 when that is taken into account.

The spot data assessment estimated the median nightly rate was \$75 and approximately two thirds of the units were single-family homes. The majority of those homeowners rented the entire house. Mr. White wanted to make an important distinction. These monitoring services are very good at identifying location information. For estimates on rates, number of nights and types of units, they are using algorithms. They are pulling together like-sized communities, similar features, and are interpolating the data. That creates variability. It makes the task of proving the number of times the unit is rented and the amount charged extremely difficult to determine.

Mr. White showed the commission a table that provides à la carte options that were presented to City Council as decisions that other localities have used to manage short-term rentals. Staff has evaluated over 25 different Virginia localities to get a picture of what they are doing to regulate short-term rentals. There are a variety of options and a variety of pros and cons. One of the most common ones is a voluntary collection agreement, specifically with the provider Airbnb. Airbnb offers to collect lodging tax when the guest registers. Obviously, that provides the highest collection potential and the least staff impact. However, there are issues. This is a collection agreement with just this platform and they consider their information proprietary. They do not release any host information or addresses nor even the actual tax information, so it cannot be audited.

Collecting lodging tax is an option and a lot of localities attempt to do so. Some are more successful than others. Mr. Mitch Nuckles, the City's Commissioner of the Revenue is available today if they have any questions for him. Communities that have vacation rentals and property management associations are much more successful at collecting lodging taxes than an average locality. Staff's thinking is that it is too time-consuming and staff-intensive to collect lodging tax. At the same time, they have seen a lot of localities add land use requirements or prohibit them. Of course, the zoning and building codes have a lot of prohibitions. Some require annual inspections. Some just try to eliminate them completely. The

sense that staff got from City Council is to try and find a way to make short-term rentals work because there are thoughts on them across the spectrum.

Ultimately, staff's recommendation is to require a registration fee. City Council concurred with staff's recommendation to bring that idea to the Planning Commission. This option provides the City with information about the number and location of units. Staff thinks this gives us some measure of neighborhood protection and some standard of equity. Before bringing recommendations to the commission, Council also specifically asked that staff research several items including safety and parking requirements.

The proposed ordinance recommends that we continue to allow short-term rentals as a by-right use with specific stipulations. They include an age requirement of at least 18 years of age, an additional parking space for the short-term rental and that the short-term rental meets building code. In R-1, R-2 and R-3 zoning districts (the lower density residential districts), there would be a requirement that the owner be present while the building is used as a short-term rental, a maximum of three individuals in the short-term rental unit in residentially zoned districts and prohibiting any major alterations of houses in lower density residential districts that would alter the appearance of it from a single-household unit.

The ordinance also proposes to require that all operators register and pay the \$150 registration fee by July 1 of each year; no lodging tax collection is proposed. It proposes a \$500 penalty for failing to register. It proposes to allow the City to revoke approval for a short-term rental following three violations of state or local laws relating to the short-term rental use. The fees from the registration fee would be used to support third party identification and staff the program.

Chair Rogers asked if there was anyone who wished to speak in favor of the ordinance. Ms. Dawn Decker of 1100 East Grand Avenue came forward to speak. She is a teacher for the Lynchburg City Schools system. Their pay has been frozen for 15 years and she began to look for other sources of income to prepare for retirement. She has been refurbishing homes and renting them. She had a lot of problems with long term renters such as non-payment of rent and destruction of property. She began using Airbnb and likes the fact that it uses a scoring system to rate renters and operators. There is also an option to purchase additional insurance. The renters take very good care of the property in order to get good ratings. It also made it necessary for her to keep her units in very good condition in order to get good ratings. She does not rent out her units all the time for short-term rentals. There are others that she rents to such as the Hillcats coaches and sometimes she allows family to use them. She is concerned with the requirement to have her home up to building code because she is not familiar with the code and because one of her units is an older home that might not be up to current building code.

Chair Rogers asked if there was anyone else that wished to speak in favor of the ordinance. He mentioned that Ms. Decker's remarks were really more in opposition. Ms. Decker noted that she was looking at it as being in favor of short-term rentals and not as in being in favor of the City's proposal. No one else came forward to speak in favor. He asked for anyone who wished to speak in opposition to the ordinance.

Ms. Jennifer Woofert of 1919 Rivermont Avenue came forward to speak. She has been an Airbnb host since 2014. She thinks there is a real positive economic impact from short-term rentals on the overall hospitality and lodging in the City. She does not think the ordinance is making a distinction between those people that are renting out short-term rentals almost all the time and those that are doing it very infrequently. For instance, since 2014, they have rented out their unit for a total of 41 nights for a total of \$5,540. If she had to pay a \$150 registration form, that is a tax of 10.8 percent close to double the Lynchburg hotel tax of 6.5 percent.

She is also concerned with the occupancy standard and the provision that the owner must be present when the unit is rented. She thinks the provision that the owner must be present seems unreasonable. If they have to be home, then there can only be one other unrelated person in the short-term rental

according to the City's current occupancy standard. She thinks there needs to be a distinction between those that are renting out their entire home on a regular basis intended for short-term rentals and those that have a spare room or guest suite and rent it out infrequently.

Ms. Amy Corbett came forward to speak. It is her livelihood to rent out short-term rental units. One is owner-occupied and one is in the county. She has five clients in other cities and counties. It is her goal to expand her business by managing people's properties. She laughed at the 11 complaints last year for short-term rentals. She wonders how many complaints the City got for long-term rentals last year. She is sure it was a lot more than 11. She thinks short-term rentals are self-regulated because of the review system.

She is located downtown and sees her business as being an ambassador for the City. She thinks we want to show off our City. They provide dining recommendations. It is part of her mission to help them see the beauty and experience a connection with the City. She thinks the taxing is understandable because this is such a growing business and understands why cities want to regulate them. She does not agree that the best way to do it is to penalize the hosts. It would make sense to her to have it collected per reservation and have the guest pay the tax. It is very complex for the hosts so she would like the City to work directly with Airbnb to have the guest pay the tax and the City collects from Airbnb.

She also does not agree with allowing only three individuals in a unit. She often has families coming in and that number would easily be exceeded.

Mr. Jason Phelps came forward to speak. He does have an owner-occupied short-term rental unit. When they chose their home, it was important to them that have space to host family and friends that come from out of town. However, since they provide hospitality to paying guests, he finds himself in front of the commission today.

He computes the number of short-term rental complaints to be 2.5 percent. It seems then that zoning complaints should not be a valid reason for adding restrictions and fees. He reiterated that Airbnb has a two-way rating system to rate both renters and hosts. A host can recommend a guest and other hosts use that as a screening tool. If a guest has not been recommended by other hosts, then they will not rent to them. The main reason he would see for the proposed changes would be revenue generation. They are essentially proposing a tax in the form of a fee to people that are mainly offering rentals in May and June for graduations. If a family rents out a part of their home for \$500, for instance, for one weekend and has to pay the \$150 fee, they are paying the equivalent of a 30 percent tax for the privilege of renting out their own home. He pointed out there is no ordinance designed to regulate for children's sleepovers, Super Bowl parties, or yard sales. Those activities generate noise and traffic and we already have ordinances to deal with those issues. It seems that respects homeowner's property rights. He feels the same should be true with short-term rentals as well.

Mr. Jerry Sutton came forward to speak. For purposes of full disclosure, he acknowledged that four of the complaints last year were regarding his house. He suspects--and forgive him for being pejorative on this--it was because they were African American. He has some questions on the ordinance as it is proposed. Most families have more than one child and that would put them over the limit of three individuals per unit. He also thinks it would be more judicious to say that the unit needs to be the owner's primary residence as opposed to requiring the owner to be present during the rental. It is almost impossible to verify if the owner is present or not during the rental.

Mr. Sutton also wanted to know who is going to enforce the violations. The City is already understaffed and it will be very difficult to verify some of these requirements. If a complaint is filed, what will be the recourse is the complaint is built on inaccurate or false data? Mr. Sutton indicated that when complaints were filed against them, they did not know about them until they received the notice. The complaint was not because they had a student stay for four days, which is typically what they do. It was because they had a family that stayed over the weekend. They did not know about the complaint

until they received the notice that said they needed to cease and desist or there might be criminal consequences. He did not take that very kindly. He thinks they need to rethink the proposal as it is written and thinks they are better off to ask Airbnb to collect the tax on their behalf. The City would have less involvement and more money.

Chair Rogers closed the public hearing portion of the petition. He requested Mr. White return to discuss the comments made by the public. Regarding the question of owner occupancy, he explained that there is a provision in the Zoning Ordinance to request a conditional use permit for a bed and breakfast where one can operate a lodging location and not have to be present. Those entities have a business license and remit lodging tax.

Commissioner Johnson noted that if you live in a single-family neighborhood and rent out your basement, an owner does not have to always be present. Mr. White explained that the proposed short-term rental ordinance requires the owner to be present. It is certainly the commission's prerogative to say that it just needs to be the owner-occupied housing. However, there have been a lot of questions and emails from citizens that are concerned about people residing in a home when the owner is not present. As recently as last week, Virginia Beach initiated an ordinance that is requiring the operator host to be there while the unit is being rented. Mr. White clarified that staff is not talking about instances where the owner went to the store and came back, for example, but the owner needs to be in the area while the unit is being rented.

Commissioner Lowe noted that if an owner has three Airbnb properties, he or she would need to be present at all three of the houses at the same time. Mr. White said that is correct. He pointed out that some localities are saying the owner must be present. Some localities are saying the owner may only have one short-term rental in the lowest density residential districts. Mr. White also wanted to emphasize that this requirement is only being proposed for the R-1, R-2 and R-3 districts. Mr. White said it is the intent that when an owner is hosting guests that they are present; they did not go away on vacation.

Chair Rogers thought that the number of individuals being capped at three has been a sticking point. Mr. White said the ordinance has been patterned off of conversations with City Council and the current occupancy standard. Mr. White noted that Roanoke's ordinance allows as high as ten or five per bedroom. Some localities manage it as a certain number of individuals per bedroom. Six to eight individuals is probably a common number. He reminded them that City Council and Planning Commission wrestled a lot with occupancy requirements when they evaluated the Zoning Ordinance changes a few years ago. Staff needs to be sure the number they choose is enforceable.

Commissioner Marion asked for clarification that if your own family consists of five people, you can still rent your short-term rental to up to three individuals. Mr. White said that is correct. This question was to clarify that an interpretation earlier by a citizen that her family could only have one additional guest. The short-term rental will be treated the same as an owner-occupied duplex. Currently, the owners may have up to three unrelated individuals in the accessory unit. Commissioner Johnson asked if there was any distinction if the guests were related. Mr. White said as it is written, it is talking about three individuals and does not differentiate if they are related or not.

Commissioner Johnson asked Mr. White to explain what type of tax the City is proposing to collect besides what Airbnb might collect. Mr. White called on Mr. Nuckles to answer this question. Mr. Nuckles indicated they have no plans to collect any lodging tax. Commissioner Johnson asked what the people are referring to then in terms of a tax. Mr. Nuckles said they must be referring to the \$150 registration fee. Commissioner Johnson asked for clarification that this is an annual fee and Mr. Nuckles said that is correct. The citizens that have spoken are characterizing it as a tax. Chair Rogers asked if Airbnb is collecting the state tax and Mr. Nuckles said it is not. Mr. Nuckles clarified that some localities, for instance, the City of Alexandria, have entered into agreements with Airbnb to collect lodging tax from guests and remitting it to them in a periodic lump sum.

Commissioner Light mentioned that he has stayed in Airbnbs in the United States and other countries and has always seen a specific line item for lodging tax. Sometimes there is even a tourist tax on top of the actual lodging tax. He is not sure about registration fees in those localities. That to him was a lot more transparent. Commissioner Light acknowledged that he is certain that Commissioner Nuckles has thought through many questions that have not even come to their minds. Commissioner Nuckles said a lot of larger metropolitan cities, for example, Virginia Beach, have a huge presence with the management companies. Those companies were already collecting and remitting even though they were providing Airbnb service. So it makes sense in the larger metropolitan areas for them to enter into an agreement with Airbnb to collect the lodging tax.

Commissioner Johnson asked Commissioner Nuckles if the City plans to enter into an agreement with Airbnb. Commissioner Nuckles indicated that is part of what the commission needs to discuss today. Commissioner Nuckles wanted to address the issue of those that are only doing short-term rentals very infrequently. If a person does not have gross receipts of over \$10,000, there is no business license required. At \$75 a night, a person would have to rent out a unit over 133 times before they went over \$10,000. There is nothing in their system that would trigger them to notice that a person is not doing over \$10,000 a year but they need to remit lodging tax. If a person is required to apply for a license for a lodging business, it automatically triggers the lodging tax element.

Chair Rogers asked about the cost of a business license. Commissioner Nuckles indicated that if a business exceeds \$10,000 but less than \$50,000, it is a \$30 fee. From \$50,000 to \$100,000 gross receipts, it is a \$50 fee. Gross receipts from \$100,000 to \$150,000, it is a \$160 fee. The rate schedule comes into play after gross receipts exceed \$150,000. Commissioner Nuckles explained that the \$150 registration fee was arrived at by computing an average nightly fee of \$75 multiplied by 30 night stays multiplied by 6.5 percent lodging tax.

Commissioner Marion noted that Blacksburg recently entered into an agreement with Airbnb. In 2017, they collected \$13,400 on all short-term rentals including Airbnb. In 2018, they collected \$32,800. She is not sure how they collected the lodging tax prior to entering into an agreement with Airbnb but that number is well over double after entering into the agreement.

Commissioner Marion noted that entering into an agreement with Airbnb would help the owner that is only renting his unit occasionally for graduations and similar events. She acknowledged that unless there is a complaint, there is currently no way to know the identity of the short-term rentals. Mr. White indicated enforcement is handled on a complaint basis. However, staff has been asked by City Council to bring the commission a proposal that starts to look at this issue in a more proactive way.

Commissioner Lowe asked if the registration fee will go toward staffing costs. Mr. White explained that the monitoring service will cost between \$10,000 and \$13,000 a year. Staff does not expect to receive full collection and has estimated possible collections to be \$36,000 a year. The fees would cover the monitoring service and part-time assistance to manage the registry.

Commissioner Bowden commented that it seems like staff is interested in enforcement first and foremost. Mr. White indicated that their objective currently is to try and figure out where the short-term rentals are located. The really good hosts can continue to operate. Where there are issues, there is a provision in the proposed code that talks specifically about repeat occurrences of complaints.

Commissioner Bowden thinks there is a difference between an owner renting out his basement and a person buying houses specifically for short-term rentals. He thinks there needs to be a distinction between these two types of uses. Mr. White said if they can figure out what they want for the smaller operator, there is already a provision in the ordinance for the larger operator, which is the bed and breakfast provision. That treats it more like an enterprise and does not require the owner to be present. There are a set number of guests allowed by the conditional use permit and you are remitting your lodging tax and paying a business license fee because you are operating as a business. This proposed

ordinance is trying to manage those that are not operating directly as a business that give them the ability to operate by right and also provides them a way to know the location of the rentals.

Commissioner Bowden appreciated that clarification. In his opinion, when you get into a commercial operation, there are building codes to consider that might not apply to a residence. Commissioner Marion noted that this ordinance is proposing that the rentals have to comply with building codes. Mr. White said they are not proposing that the units will be inspected by City staff. They are putting that responsibility on the owner. Mr. White pointed out that some of Commissioner Bowden's concerns about the safety of guests would likely be addressed by limiting the number of guests as they are proposing. One does not have to be concerned about whether a deck can handle ten guests if the number of guests is limited to three individuals, for example. Commissioner Marion asked about the operating fees for a bed and breakfast. Commissioner Nuckles said the business license fee depends on the gross receipts and the business owner is responsible for remitting lodging tax.

Commissioner Marion noted that it may seem that the logical thing to do is to enter into an agreement with Airbnb to collect lodging tax. However, there are many other platforms out there that hosts are using that do not offer the same service. Mr. White said that some localities collect both lodging tax and a registration fee and enter into an agreement with Airbnb. Localities are looking at this with a number of different lenses. Staff has given them the proposal based on the research they have done of other localities, what staff has heard and the standards that we currently enforce.

Commissioner Marion said she would like to see a lower fee and the Airbnb tax being collected. She asked if a person does not have off-street parking, does that preclude them from doing a short-term rental. Mr. White said there are provisions for reducing parking based on proximity to transit in certain districts. However, in the lower density residential districts, the parking space should match the residential use. Mr. Martin said that was accurate; in this case it would be either off-site or on-street. Commissioner Marion clarified on-street parking could count and Mr. Martin said the Zoning Ordinance allows one to count on-street parking.

Mr. Martin reminded the Commission that when they created the *Comprehensive Plan*, it put a strong value on protecting the City's single-family neighborhoods. That is a theme that is carried throughout the entire document. When the Zoning Ordinance update was done in 2016, the majority of the discussion centered on the number of unrelated individuals in a unit. The reason for that was the impact on single-family neighborhoods. When this ordinance was drafted, staff tried to strike a balance between protecting the neighborhoods and what the commission and Council had said in the past in terms of occupancy standards.

They have heard from people today that is a self-regulated industry. They need to consider whether or not they are comfortable with the industry self-regulating the City's neighborhoods. Staff could forward them a synopsis of other localities' short-term rental ordinances. All of them but one requires a registration; the majority of them require registration and a fee. All of them but one requires a lodging tax.

Mr. Martin pointed out that the difference between this and someone having a sleepover or Super Bowl party is that a person is not charging for those activities. A person is running a type of business out of your home and that has an impact on your neighbors.

Commissioner Light commended staff for the starting point and said it is obvious they have put a lot of time and careful thought into the ordinance. He wanted to share his experience staying in a number of Airbnbs in the United States and abroad because it is different in a number of ways from the draft ordinance and more consistent with the comments from the public today. The registration fee seems disproportionate for most people versus the fees they are collecting. He does think it is in everyone's best interest to have a registration process. He would suggest something like \$25 to \$30 to cover the cost of the paperwork. Commissioner Light noted that all the locations where he has booked Airbnbs

have all had some type of lodging tax. It was a very transparent process. He assumes it has been properly remitted back to the locality. It is appropriate to have a user fee for the use of the City's amenities.

Commissioner Light also mentioned that he knows some of the hotel owners in the area and it is a very touchy subject. They complain to him about it or he hears it in casual conversations all the time that they have to pay a lodging tax but the short-term rentals in the City do not have to pay it. He thinks there is an issue of equity that could be addressed by having Airbnb collecting the lodging tax.

With regard to the number of individuals being allowed in a unit, he thinks three is too low. They often stay with other couples in an Airbnb unit. He thinks that, realistically, they have to allow more than three individuals. He would think six to maybe as many as eight individuals. If there were an Airbnb on his street and someone occasionally had six to eight people in the house on a rental basis, he thinks he would feel relatively comfortable with it. Mr. Martin commented that the ordinance defines short-term rental as up to 30 days, so six to ten people could be next door to him for 30 days. Commissioner Light thinks that short-term rentals are usually a week or less, maybe two weeks at the most. Commissioner Light said he would like to see a little bit more data on the length of stays, if it is available. Mr. Martin commented that there could be more individuals in a short-term rental if it is a district zoned R-4 or commercial.

Commissioner Light noted that there are a lot of controls within the Airbnb industry. In his experience, the hosts are more attentive than a number of the hotels where he has stayed. He has had owners pick him up from the train station and take him to the airport, all completely unsolicited. He is not overly concerned that the owner would not be present in the house while it is being rented. He would not be inclined to require that the property be owner-occupied.

Commissioner Light did not see it in the ordinance but noted that in many of the places where he has stayed, there has been a limit on the number of nights in a year that you can rent out your unit. Paris, for example, has adopted a 25% percent rule. You cannot rent your units for more than 25% percent of the years. This is due to the fact that some of their neighborhoods have turned into Airbnb "deserts." He is not sure that would be an issue in Lynchburg. He has stayed in some of these neighborhoods and they have been eviscerated. He could see that possibly happening in some of the City's neighborhoods and they might want to consider setting a cap on the number of days a person can rent out their unit.

Commissioner Light does think that short-term rentals are a great thing for a City to have for the reasons pointed out by the members of the public that spoke today. This ordinance is a nice start for a dialogue with some of the refinements that have been discussed. He acknowledged that we do need to get some kind of handle on the number and how they are operating so we make certain that it is not being abused.

Mr. White explained that Airbnb will enter into an agreement with a locality to collect the lodging tax. They will then send the locality an amount at whatever time under the terms of your agreement. However, there is no provision to audit it. That is why you are only seeing this being done by 2 localities of the 25 they researched. If they would like to make that part of their recommendation, staff will certainly take that forward to City Council. They see the benefit of it but their lack of transparency has created a number of issues in other localities. Commissioner Nuckles acknowledged the Commissioner of the Revenue Association has said something similar but we are in a new economy. He thinks they may start seeing more localities entering into an agreement with Airbnb. With regard to Virginia Beach, the City receives the lodging tax directly from the property management companies that manage its short-term rentals.

Commissioner Bowden commented that if they can try to come up with something that manages the short-term rentals, it is not like they have to live with it forever. It can be tweaked and changed as needed. He thinks they need to find something that manages and maintains the integrity of our

neighborhoods. We should do something that allows people to use their property by right without being too restrictive. He would like to see two separate distinctions, one for owner operators and one for business operators. Chair Rogers thinks they are trying to apply one ordinance to both situations and make it cover both situations, which is really difficult. He heard from someone that wants to buy properties for short-term rentals but because of this ordinance, they said they will never buy property in Lynchburg again. If you take it to the extreme, someone could buy up one side of the street for short-term rentals and the other side of the street has no one renting them out. No one would want to live in that situation. But then you have people only doing it infrequently and that's the difficult thing for them to balance.

There was some discussion about how the hosts could collect the lodging tax. If they used Airbnb, they could ask Airbnb to collect the tax. If the guest used a different platform, the host could add the tax directly to the reservation and remit it to the City. Commissioner Nuckles said what they are proposing creates a labor issue for his department. If they wanted to allow people to remit the tax quarterly instead of monthly, the City code would have to be amended.

Commissioner Marion said this is too big to vote on today and she would like to continue the discussion at another meeting. She commented on the number of people that should be allowed to occupy a unit. There are a couple of houses in her neighborhood where the owner has moved out and is renting them out as short-term rentals. She is kind of in favor of the occupied house in R-1, R-2 and R-3 neighborhoods because if you have too many owners moving out of their homes and renting them out as short-term rentals, it is going to be a problem for a neighborhood. In the R-4 district and commercial districts, she thinks it should be different because those are more of rental situations as opposed to family neighborhoods. She thinks the number may be too small. You might have two couples or a family renting a very large house, it would be nice to allow more than three individuals in a unit.

Commissioner Johnson struggles with someone in any residential district being able to rent out the entire house to long-term renters. You are telling someone who they can and cannot allow to rent their property. There are plenty of investors that buy properties to rent and we are telling them they can only to people for longer than 30 days. She is hearing from people that the short-term renters take better care of the properties than long-term renters. Someone can rent out their property long-term to a family with ten children and the City cannot control it. She does not have a problem with the \$150 registration fee so the City has some accountability for the owners that are doing short-term rentals.

Commissioner Light suggested that when the commission meets again, they might have to vote on each issue separately as opposed to reaching a consensus.

Mr. Martin agreed they should break it down into manageable pieces. He suggested they start with whether or not short-term rentals should be allowed, period. The commission has received emails from citizens not here today with petitions that they plan on presenting to City Council asking that they not be allowed in their neighborhood. Commissioner Bowden noted that some citizens may have a homeowners association and he is not sure how that contract can be changed or enforced. It may invalidate an existing contract to do short-term rentals. He is fearful of entering another variable at this juncture. Mr. White noted they will be talking about it in terms of zoning districts. Obviously, neighborhood covenants and associations can supersede the ordinance.

Commissioner Lowe said they all have great ideas and he is fully in favor of tabling this because we have a lot more to discuss, especially enforcement. Staff has already acknowledged it cannot be enforced. He is not sure why they are going to put together an ordinance that no one is going to enforce. He is not sure why they are doing this if the industry is already self-regulating and the City is not going to enforce it. Commissioner Marion pointed out it is handled on a complaint basis. Commissioner Lowe said if the hosts are doing such a great job, there will not be any complaints. Commissioner Bowden noted that if there is an ordinance in place, then you have something to discuss as opposed to there is nothing in the code about it.

Commissioner Lowe also wondered if all the short-term rentals are going to meet the ADA code and is the City going to enforce it. Mr. White wanted to clarify that staff will enforce the Zoning Ordinance. What they define in this ordinance needs to be enforceable. For example, the number of times a unit can be rented is going to be difficult to prove. Commissioner Lowe commented that the fee they are proposing is not even going to be enough to pay a person to enforce it. Chair Rogers asked if non-enforcement is a reason not to have structure though. Mr. Martin noted that Mr. White did not say we were not going to enforce it. What he said is that upon a complaint it took 45 to 60 days to formulate the legal basis to actually be able to do something about it.

Mr. Martin asked how it is even possible to understand if they are meeting requirements if the City does not even know where the short-term rentals are located. Mr. Martin would suggest that they consider how to make this ordinance fair and equitable. The hotel industry has been very vocal about the fact that it is not equitable at this point to everyone. Mr. Martin pointed out that if this ordinance is passed, the third party agency will tell us where the short-term rentals are located. Mr. White commented that the third party agency is very good at giving locations down to an address point. Mr. White noted that the General Assembly has stated that if a short-term rental owner violates the standards that a locality has set on three occasions, they can be prohibited from operating. That is a different case than taking someone to court for violating the City's occupancy standards.

Commissioner Johnson asked if the short-term rentals should be under the Virginia Landlord and Tenant Act. Mr. White said that right now that is not what the General Assembly has designated. They are categorizing it as a business use and, in some cases, a home occupation.

Commissioner Bowden made a motion to table this item until the next meeting. The motion was seconded by Commissioner Marion. The motion passed by the following vote:

AYES:	Bowden, Johnson, Light, Lowe, Marion, and Rogers	6
NOES:		0
ABSTENTIONS:		0
ABSENT:	Perault	1

Commissioner Light commented to the owners that had taken the time to come to the meeting that the commission is trying to make certain that they are responsive in a responsible way to the concerns that they have made today. In his years on the commission and interactions with staff, staff has tried to be responsive in a common sense way to legitimate concerns. There is a need to know and understand the environment in a more comprehensive fashion. They now have an understanding of the basic problems and they will try to come up with a solution that is practical and user friendly from the short-term rental hosts perspective but also addresses legitimate regulatory concerns.

The Department of Community Development

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

To: Planning Commission

From: Planning Division

Date: January 23, 2019

Re: *Zoning Ordinance* Amendments – Short-term Rental:

Section 35.2-40, Conservation District (R-C), Section 35.2-41, Low Density Residential District (R-1), Section 35.2-42, Low-Medium Density Residential District (R-2), Section 35.2-43, Medium Density Residential District (R-3), Section 35.2-44, High Density Residential District (R-4), Section 35.2-45, Limited Business District (B-1), Section 35.2-46, Community Business District (B-3), 35.2-47, Urban Commercial District, (B-4), Section 35.2-48, General Business District (B-5), Section 35.2-50, Institutional District 2, (IN-2), New Section 35.2-71.16, Short-term Rental, Section 35.2-113, Definitions, Appendix A: Table of Authorized Land Uses

I. PETITIONER

City of Lynchburg, 900 Church Street, Lynchburg, Virginia 24504

Representative(s): Mr. Kent White, Director of Community Development, Mr. Tom Martin, AICP, City Planner

II. LOCATION

The *Zoning Ordinance* Amendments would allow short-term rentals in the City's Residential and Business Districts subject to specific development standards.

Property Owner: N/A

III. PURPOSE

The Zoning Ordinance Amendment would define a "short-term rental" as "The accessory or secondary use of a residential dwelling unit or a portion thereof by a host to provide room or space that is intended to be occupied for a period of fewer than thirty (30) consecutive days." Short-term Rentals would be a use permitted by right in the R-C, R-1, R-2, R-3, R-4, B-1, B-3, B-4, B-5 & IN-2 Districts, subject to the proposed Development Standards.

IV. SUMMARY

- Short-term rentals are a popular lodging and tourism option and have seen an eight hundred percent (800%) growth nationwide since 2011.
- It is estimated that short-term rentals in the City of Lynchburg increased thirty-seven percent (37%) between 2016 and 2017. Short-term Rentals represent nine and eight tenths percent (9.8%) of the City of Lynchburg lodging revenue.
- The Zoning Ordinance does not currently define short-term rental. The Zoning Administrator has interpreted short-term rental is permitted in the City's Business Districts and in owner-occupied residential district properties subject to occupancy standards.
- The proposed amendments would define short-term rental, set development standards, and require an annual registration.
- On October 23, 2018, City Council directed staff to prepare *Zoning Ordinance* Amendments that would allow short-term rental uses.

The Planning Division recommends approval of the *Zoning Ordinance Amendments*.**V. FINDINGS OF FACT**

1. **Comprehensive Plan.** A primary goal of the *Comprehensive Plan* is to improve the livability of the City's neighborhoods through conservation, stabilization, and revitalization. The proposed *Zoning Ordinance* amendments attempt to balance this goal with opportunities for increased lodging choice and opportunities for individuals to generate additional income.
2. **Zoning.** The *Zoning Ordinance* does not currently define a "short-term rental." The Zoning Administrator has interpreted that the use is permitted by right in the City's Business Districts and normal occupancy standards apply in the City's Residential Districts. Occupancy in the City's Residential Districts is limited to no more than three (3) unrelated individuals per dwelling unit or where two (2) or more related people reside, no more than one (1) unrelated individual. An assessment completed by "Host Compliance" (a short-term rental monitoring service) identified three hundred sixty-five (365) individual short-term rental listings in the City during August 2018. Despite the large number of unit listings, complaints associated with the use are relatively low compared to other zoning issues: Six (6) complaints in 2017; eleven (11) complaints in 2018.

The proposed *Zoning Ordinance* amendments would clarify that short-term rental is a permitted use in the City's residential and commercial districts subject to specific development standards:

1. An annual registration would be required of all units to be used as a short-term rental. A \$150 registration fee would be required.
2. Failure to register a building as a short-term rental would result in a penalty of \$500.
3. The maximum number of occupants in a short-term rental would not exceed three (3) individuals.
4. One (1) additional parking space per short-term rental would be required. This parking space would be in addition to any other required parking spaces.
5. All buildings offered for short-term rental must meet requirements of the Uniform Statewide Building Code.
6. Short-term Rentals offered in the R-C, R-1, R-2 & R-3 Districts would require owner occupancy while the unit is offered for short-term rental and the building would be required to retain the appearance of a single-household residence.
7. Three (3) violations of state or local laws, ordinances or regulations would result in revocation of approval for a short-term rental.

The proposed short-term rental use should not be confused with a bed and breakfast use. A conditional use permit approved by City Council is required for a bed and breakfast in the City's residential districts. There is no requirement for owner occupancy and the number of rooms and guests are higher than what is proposed for short-term rental. R-1 & R-2 Districts allow up to three (3) rooms with two guests per room and R-3 & R-4 Districts permit up to five (5) rooms with up to four (4) people per room.

3. **Board of Zoning Appeals (BZA).** N/A
4. **Surrounding Area.** N/A
5. **Site Description.** N/A

6. **Proposed Use of Property** N/A
 7. **Traffic, Parking and Public Transit.** The proposed amendment would require the provision of one (1) parking space per short-term rental.
 8. **Stormwater Management.** N/A
 9. **Emergency Services:** N/A
 10. **Impact.** The proposed amendment would allow the City to track short-term rental uses by providing for a registration program and set development standards for the use. Owner occupancy requirements in the R-C, R-1, R-2 & R-3 Districts should reduce any negative impacts from the use.
 11. **Technical Review Committee.** N/A
-

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of amending Section 35.2-40, Conservation District (R-C), Section 35.2-41, Low Density Residential District (R-1), Section 35.2-42, Low-Medium Density Residential District (R-2), Section 35.2-43, Medium Density Residential District (R-3), Section 35.2-44, High Density Residential District (R-4), Section 35.2-45, Limited Business District (B-1), Section 35.2-46, Community Business District (B-3), 35.2-47, Urban Commercial District, (B-4), Section 35.2-48, General Business District (B-5), Section 35.2-50, Institutional District 2, (IN-2), New Section 35.2-71.16, Short-term Rental, Section 35.2-113, Definitions, Appendix A: Table of Authorized Land Uses.

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

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

VII. ATTACHMENTS

1. *Zoning Ordinance Amendments*

Zoning Ordinance Amendment

Short Term Rentals

January 23, 2019

PLEASE PRINT

[illegible]

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 14, 2019**

AGENDA ITEM #: **17**

CONSENT:
ACTION: **X**

REGULAR:
INFORMATION:

WORK SESSION: **X**

CLOSED SESSION:
(Confidential)

ITEM TITLE: Amend Section 35-2.1 of City Code regarding Encroachments of Structures in the Public Right-of-Way

KEY ELEMENTS:

☒ Economic Development ☐ Excellent Government ☐ Natural and Built Environment ☐ Safe Community ☐ Vibrant Community

RECOMMENDATION: Amend Section 35-2.1 of the City Code so it will apply to buildings that were constructed after September 13, 1977.

SUMMARY: The state code allows localities to adopt ordinances permitting the owners of buildings or structures that encroach under, upon and over the public rights-of-way to maintain such encroachments as long as such encroachments do not obstruct the use of the rights-of-way for public travel or constitute a safety hazard. Lynchburg adopted such an ordinance on September 13, 1977 (Section 35-2.1 of the City Code) in response to a request from a citizen who had discovered that a portion of his building encroached into the public right-of-way in order to make the title to the building marketable so the building could be sold. However, Section 35-2.1 only applies to buildings that existed "at the date of the enactment" of the ordinance, and does not apply to buildings that were constructed after the adoption of the ordinance.

A property owner in the Wyndhurst area who wishes to sell his building recently discovered that as a result of an accidental error a portion of his building encroaches approximately 4 inches into the City's right-of-way. The discovery that the building encroaches into the City's right-of-way has stopped the sale of the building until the encroachment can be resolved. The City has been asked to amend Section 35-2.1 of the City Code so it will also apply to buildings that were constructed after September 13, 1977, in order that the title to such buildings will be marketable and can be sold. The Public Works Department has considered the request to amend Section 35-2.1 and does believe amending the Section will have any adverse consequences for the City.

PRIOR ACTION(S): Section 35-2.1 was adopted on September 13, 1977 and amended on July 10, 1979.
April 9, 2019 Physical Development Committee

FISCAL IMPACT: None

CONTACT(S): Walter C. Erwin, 455-3973.

ATTACHMENT(S): An ordinance amending Section 35-2.1 of the City Code.

REVIEWED BY: bms

AN ORDINANCE TO AMEND AND REENACT SECTION 35-2.1 OF THE CODE OF THE CITY OF LYNCHBURG, 1981, THE AMENDED SECTION RELATING TO ENCROACHMENTS IN THE PUBLIC RIGHTS OF WAY.

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

1. That Section 35-2.1 of the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted as follows:

Sec. 35-2.1. - Allowing certain encroachments to continue other than fences and billboards.

Owners of buildings or structures other than fences and billboards encroaching in, upon and over any public rights-of-way ~~streets or public alleys~~ therein may maintain such encroachments as they exist ~~at the date of enactment of this ordinance~~ until such buildings or structures are destroyed or removed; provided, however, that such encroachment does not interfere with the city's use of such rights-of-way ~~nor~~ obstruct the use of such rights-of-way ~~street or alley~~ by the public for travel nor constitute a public hazard and that the permitting of such encroachments to continue shall not relieve said owners of any negligence on their part on account of such encroachment.

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

Adopted:

Certified: _____
Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 14, 2019**

AGENDA ITEM #: **18**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: 1) Adopt and Appropriate the FY 2020 Operating Budget; 2) Adopt the FY 2020-2024 Capital Improvement Program; 3) Adopt and Appropriate the FY 2020 Capital Budget; 4) Adopt a Resolution requiring City Council approval to spend Poverty Initiative funds; 5) Adopt and Appropriate \$50,000 of the FY 2020 Reserve for Contingencies for use by the City Manager; and 6) Adopt a Resolution to set the Personal Property Tax Relief Rate.

KEY ELEMENTS:

X Economic Development X Excellent Government X Natural and Built Environment X Safe Community X Vibrant Community

RECOMMENDATION: Adopt and appropriate the FY 2020 Operating Budget; adopt the FY 2020-2024 Capital Improvement Program; adopt and appropriate the FY 2020 Capital Budget; adopt a resolution requiring City Council approval to spend Poverty Initiative funds; adopt and appropriate \$50,000 of the FY 2020 Reserve for Contingencies for use by the City Manager; and adopt a resolution to set the Personal Property Tax Relief Rate.

SUMMARY: Following the April 2, 2019 Public Hearing and further discussion and deliberation on the FY 2020 Budget, Council adjusted the Proposed FY 2020 General Fund Budget as follows:

General Fund

	Proposed Operating Budget	Adjustments	Revised Budget
Revenues and Use of Fund Balance			
Revenues	\$190,383,914	\$322,194	\$190,706,108
Use of (Additions to) Committed/Assigned Fund Balance	839,555		839,555
Use of Fund Balance	2,334,908	762,465	3,097,373
Total Revenues and Use of Fund Balance	\$193,558,377	\$1,084,659	\$194,643,036
Expenditures			
Operations	\$124,751,159	\$272,659	\$125,023,818
Debt Service	17,658,473		17,658,473
Schools Operations	42,028,498	862,000	42,890,498
Greater Lynchburg Transit Company (GLTC)	1,728,785		1,728,785
Transfers to Other Funds	1,149,754		1,149,754
Reserves	1,206,800		1,206,800
Capital Improvements	5,034,908	(50,000)	4,984,908
Total Expenditures, Reserves, and Transfers	\$193,558,377	\$1,084,659	\$194,643,036

Based on City Council's Work Session discussions and decisions regarding the FY 2020 budget, as well as staff adjustments, the following changes have been made to the Proposed FY 2020 Budget:

BALANCING THE FY 2020 GENERAL FUND BUDGET

Revenues and Use of Fund Balance

<i>Proposed Revenues (from the FY 2020 Proposed Operating Budget)</i>	\$190,383,914
Use of Fund Balance, Committed/Assigned Fund Balance, and Other	3,174,463
Total Proposed Revenues and Use of Fund Balance	\$193,558,377

Adjustments: Revenue Summary

<i>Non-dedicated Revenue Adjustments</i>	<u>Increase/(Decrease)</u>
Reduced Net Real Property Tax	(\$240,906)
Increased Landlord Set Out program for new revenue estimate	4,450
Increased Net Personal Property Tax	264,431
Reduced Amusement Tax	(50,000)
Reduced Communications Sales and Use Tax	(108,916)
Increased Lodging Tax	33,666
Increased Meals Tax	338,492
<i>Dedicated Revenue Adjustments</i>	
Revenue from the State to offset State 3% salary increases for Constitutional Officers and staff	93,802
Reduced Police Report Sales revenue for copies to be compliant with State Code	(12,825)
Use of Fund Balance	762,465
Revenues and Use of Fund Balance	\$194,643,036

Expenditures, Reserves, and Transfers

<i>Proposed Expenditures, Reserves, and Transfers (from the FY 2020 Proposed Operating Budget)</i>	\$193,558,377
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Adjustments: Expenditures, Reserves, and Transfers

	<u>Increase/(Decrease)</u>
Added funds for State 3% salary increases for Constitutional Officers and staff	\$93,802
Added funds for Census 2020 - Marketing and Outreach	10,000
Promotion includes newspaper and radio ads, bus ads, printed pieces, water bill inserts, pop-ups, and social media advertising	
Added funds for Korn Ferry - Job Evaluation Manager (JEM) Services software to keep job classification system current (recurring cost of \$6,000 annually)	6,000
Added funds to purchase 2 roll-off containers (one 30 yard and one 40 yard) for use with the new Landlord Set Out program; this equipment is fundamental to providing this service	10,000
Added funds for Sheriff's Office - Temporary Detention Orders (TDO) and Emergency Custody Orders (ECO) due to increased volume and to provide relief to Police Officers	35,000
Added funds for 2 City funded Full-Time Sheriff Deputies (Salary \$80,000 and Benefits \$36,506)	116,506
Added funds for Sheriff's Office additional hours for hourly staff (Hourly \$15,000 and Benefits \$1,148)	16,148
Added funds for the Virginia Cooperative Extension Office	795
Added funds for Poverty Initiative	25,000
Added funds for City Schools - Operating for State 3%	862,000
Added funds to continue to keep both museums open seven days a week	11,776
Reduced funds for Deputy Clerk of Council full-time position	(52,368)
Reduced funds for Transfer to Capital for the Miller Park Aviary Site Improvements	(50,000)
Expenditures	\$194,643,036

Balance of Revised Revenues, Use of Fund Balance, and Expenditures	\$0
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Also, State code requires the Personal Property Tax Relief Rate be set at the time the budget is adopted.

Adopting all Resolutions except Resolution C, Discretionary External Service Providers, require a majority vote of all of the members of City Council in attendance, said vote to be taken by ayes and noes.

Adopting Resolution C requires a two – thirds majority vote (i.e. five of seven) among the members elected to City Council, said vote to be taken by ayes and noes.

Fund Balance

With the adjustments noted above, the General Fund undesignated fund balance as of June 30, 2020 is projected to be \$19,064,183 or 10.0% of revenues. Council's target for undesignated fund balance is 10% of revenues.

PRIOR ACTION(S): March 12, 19, 26, April 9, 16, 23, and May 7, 2019 – City Council Work Sessions
April 2, 2019 – Public Hearing on the Proposed FY 2020 Budgets for General, Schools, Water, Sewer, Stormwater, Airport, Fleet, and Other Funds, and the FY 2020 - 2024 Capital Improvement Program
April 9, 2019 – Public Hearing on the Proposed Real Property Tax Increase

FISCAL IMPACT: See attached budget resolutions

CONTACT(S): Bonnie Svrcek, City Manager, 455-3990
Donna Witt, Chief Financial Officer, 455-3968

ATTACHMENT(S): Resolutions to:
Adopt and Appropriately the FY 2020 Operating Budget (A-F)
Adopt the FY 2020-2024 Capital Improvement Program (G)
Adopt and Appropriately the FY 2020 Capital Budget (H)
Adopt a Resolution requiring City Council approval to spend Poverty Initiative funds (I)
Adopt and Appropriately \$50,000 of the FY 2020 Reserve for Contingencies for use by the City Manager (J)
Adopt a Resolution to set the Personal Property Tax Relief Rate (K)

REVIEWED BY: bms

064A

- A. BE IT RESOLVED that by majority vote the FY 2020 General Fund Operating Budget (excluding External Service Providers and Component Units expenditures) including the revenues and expenditures proposed by the City Manager and revised by City Council be adopted as the annual operating budget of the City of Lynchburg for the fiscal year beginning July 1, 2019 and ending June 30, 2020 and said funds be appropriated:

GENERAL FUND INCOME		GENERAL FUND EXPENDITURES	
<u>Non-Dedicated Revenues</u>			
General Property Taxes	\$83,324,412	General Government	\$12,183,016
Other Local Taxes	55,093,840	Judicial Administration	5,076,774
Permits, Fees, and Regulatory Licenses	835,200	Public Safety	37,341,613
Fines and Forfeitures	252,500	Public Works	19,182,127
Use of Money and Property	906,134	Health and Welfare	21,395,510
Charges for Services	3,184,871	Parks, Recreation and Cultural	5,265,445
Miscellaneous	345,147	Community Development	5,214,126
Revenue from the Commonwealth	6,270,984	Non-Departmental	11,431,936
<u>Dedicated Revenues</u>		Transfer to Other Funds	1,149,754
Revenue from Use of Money & Property		General Fund - Debt Service	8,149,350
Charges for Services	4,934,116	Schools - Debt Service	9,509,123
Recreation Revenue	486,000	Reserves	1,206,800
Parking	529,635	Transfer to Capital - City	4,984,908
Miscellaneous	2,879,144	Transfer to Capital - Schools	0
Revenue from the Commonwealth		Subtotal	\$142,090,482
Categorical Aid - State Shared Expenditures	3,131,823	External Service Providers ¹	\$7,933,271
Categorical Aid	20,082,518	Component Units ¹	\$44,619,283
Revenue from the Federal Government	8,449,784		
Use of Committed/Assigned Fund Balance and Other	839,555		
Use of (Additions to) Unassigned Fund Balance	3,097,373		
Total	<u>\$194,643,036</u>	Total	<u>\$194,643,036</u>

¹To be considered separately

Introduced: May 14, 2019

Adopted: May 28, 2019

Certified: _____

Clerk of Council

- B. BE IT RESOLVED that by majority vote the FY 2020 Mandated and Contractual External Service Providers Budget of \$7,903,882 proposed by the City Manager be adopted as part of the operating budget of the City of Lynchburg for the fiscal year beginning July 1, 2019 and ending June 30, 2020 and said funds be appropriated:

MANDATED

Blue Ridge Regional Jail Authority	\$5,263,707
Central Virginia Planning District Commission (CVPDC)	46,219
Horizon Behavioral Health	567,000
Lynchburg Health Department	747,685
TOTAL MANDATED	<u>\$6,624,611</u>

CONTRACTUAL

Central Virginia Regional Radio Board (CVRRB)	\$684,854
Elizabeth's Early Learning Center	15,854
Lynchburg Humane Society	405,440
Southern Memorial Association (Old City Cemetery)	132,438
Virginia Cooperative Extension Service	40,685
TOTAL CONTRACTUAL	<u>\$1,279,271</u>

Introduced: May 14, 2019

Adopted: May 28, 2019

Certified: _____

Clerk of Council

- C. BE IT RESOLVED that by two – thirds majority vote (five of seven) the FY 2020 Discretionary External Service Providers Budget of \$29,389 proposed by the City Manager be adopted as part of the operating budget of the City of Lynchburg for the fiscal year beginning July 1, 2019 and ending June 30, 2020 and said funds be appropriated:

DISCRETIONARY

Amazement Square - Signal and Rail Car	\$267
Central Virginia Alliance for Community Living	15,000
Central Virginia Community College Board (CVCC)	1,955
Virginia Legal Aid Society	12,167
TOTAL DISCRETIONARY	<u>\$29,389</u>

Introduced: May 14, 2019

Adopted: May 28, 2019

Certified: _____

Clerk of Council

- D. BE IT RESOLVED that by majority vote the FY 2020 Schools Operating Budget, including the revenues and expenditures proposed by the City Manager, be adopted for the fiscal year beginning July 1, 2019 and ending June 30, 2020 and said funds be appropriated:

SCHOOLS INCOME

State	\$53,670,715
Federal	488,500
Grants	11,249,561
Local – Operating	42,890,498
Miscellaneous	2,192,394
Total	<u>\$110,491,668</u>

SCHOOLS EXPENDITURES

Operations	\$99,242,107
Grant Funded Expenditures	11,249,561
Total	<u>\$110,491,668</u>

Introduced: May 14, 2019

Adopted: May 28, 2019

Certified: _____

Clerk of Council

- E. BE IT RESOLVED that by majority vote the FY 2020 Greater Lynchburg Transit Company Budget including the revenues and expenditures proposed by the City Manager be adopted for the fiscal year beginning July 1, 2019 and ending June 30, 2020 and said funds be appropriated:

GREATER LYNCHBURG TRANSIT COMPANY INCOME

Fares	\$643,111
Contracts	81,837
Federal	1,976,112
State	2,029,762
Local - Operating	1,728,785
Partners	1,504,010
Miscellaneous	245,361
Total	<u>\$8,208,978</u>

GREATER LYNCHBURG TRANSIT COMPANY EXPENDITURES

Operations	\$8,208,978
Total	<u>\$8,208,978</u>

Introduced: May 14, 2019

Adopted: May 28, 2019

Certified: _____

Clerk of Council

F. BE IT RESOLVED that by majority vote the FY 2020 budgets of the funds mentioned herein be adopted for the purposes herein mentioned and said funds be appropriated from the funds and resources of the City of Lynchburg for the fiscal year beginning July 1, 2019 and ending June 30, 2020:

FLEET SERVICES FUND INCOME

Revenues	\$6,819,467
Use of (Additions to) Unassigned Fund Balance	(123,109)
Total	<u>\$6,696,358</u>

AIRPORT FUND INCOME

Revenue from Cost Centers	\$2,779,183
Interest and Other	36,000
Use of (Additions to) Unassigned Fund Balance	(157,092)
Total	<u>\$2,658,091</u>

WATER FUND INCOME

Charges for Service	\$13,204,040
Water Contracts (Amherst/Bedford/Campbell/Industrial)	2,067,484
Interest and Other	332,496
Use of (Additions to) Unassigned Fund Balance	3,167,330
Total	<u>\$18,771,350</u>

SEWER FUND INCOME

Charges for Services	\$18,597,064
Sewer Contracts (Amherst/Bedford/Campbell/Industrial)	4,374,980
Interest and Other	223,150
Use of (Additions to) Unassigned Fund Balance	833,389
Total	<u>\$24,028,583</u>

STORMWATER FUND INCOME

Charges for Services	\$3,171,536
State Categorical Aid	275,000
Interest and Other	53,000
Use of (Additions to) Unassigned Fund Balance	46,513
Total	<u>\$3,546,049</u>

CITY/FEDERAL/STATE AID FUND INCOME

Revenue from the Federal Government	\$2,153,555
Revenue from the Commonwealth	985,778
Other	654,049
In-Kind	59,248
Transfer from General Fund	109,431
Total	<u>\$3,962,061</u>

COMMUNITY DEVELOPMENT BLOCK GRANT INCOME

Federal Entitlement	\$733,913
Program Income	2,100
Total	<u>\$736,013</u>

CHILDREN'S SERVICES ACT FUND INCOME

Miscellaneous	\$48,600
Transfer from General Fund	1,843,647
Lynchburg City School Transfer	196,541
Revenue from the Commonwealth	3,910,234
Total	<u>\$5,999,022</u>

HOME INVESTMENT TRUST FUND INCOME

Federal Entitlement	\$438,772
Total	<u>\$438,772</u>

FLEET SERVICES FUND EXPENDITURES

Operations	\$6,222,737
Debt Service	473,621
Total	<u>\$6,696,358</u>

AIRPORT FUND EXPENDITURES

Operations	\$2,554,886
Debt Service	103,205
Total	<u>\$2,658,091</u>

WATER FUND EXPENDITURES

Operations	\$11,101,110
Debt Service	3,870,240
Transfer to Water Capital Fund	3,800,000
Total	<u>\$18,771,350</u>

SEWER FUND EXPENDITURES

Operations	\$13,173,495
Debt Service	8,355,088
Transfer to Sewer Capital Fund	2,500,000
Total	<u>\$24,028,583</u>

STORMWATER FUND EXPENDITURES

Operations	\$3,138,374
Debt Service	107,675
Transfer to Stormwater Capital Fund	300,000
Total	<u>\$3,546,049</u>

CITY/FEDERAL/STATE AID FUND EXPENDITURES

Operations	\$3,962,061
Total	<u>\$3,962,061</u>

COMMUNITY DEVELOPMENT BLOCK GRANT EXPENDITURES

Operations	\$736,013
Total	<u>\$736,013</u>

CHILDREN'S SERVICES ACT FUND EXPENDITURES

Operations	\$5,999,022
Total	<u>\$5,999,022</u>

HOME INVESTMENT TRUST FUND EXPENDITURES

Operations	\$438,772
Total	<u>\$438,772</u>

LYNCHBURG EXPRESSWAY APPEARANCE FUND (LEAF) INCOME

Pledges/Donations	\$0
Use of (Additions to) Unassigned Fund Balance	75,000
Total	<u>\$75,000</u>

REGIONAL JUVENILE DETENTION CENTER FUND INCOME

Charges for Services	\$1,067,476
Intergovernmental	1,816,136
Total	<u>\$2,883,612</u>

RISK MANAGEMENT FUND INCOME

Charges for Services	\$964,880
Use of (Additions to) Unassigned Fund Balance	(49,904)
Total	<u>\$914,976</u>

SPECIAL WELFARE FUND INCOME

Donations and Restitutions	\$130,788
Interest	1,200
Revenue from the Commonwealth	5,000
Use of (Additions to) Unassigned Fund Balance	(7,488)
Total	<u>\$129,500</u>

TECHNOLOGY FUND INCOME

Use of Money & Property	\$30,000
Transfer from General Fund	566,702
Use of (Additions to) Unassigned Fund Balance	870,463
Total	<u>\$1,467,165</u>

LYNCHBURG EXPRESSWAY APPEARANCE FUND (LEAF) EXPENDITURES

Operations	\$75,000
Total	<u>\$75,000</u>

REGIONAL JUVENILE DETENTION CENTER FUND EXPENDITURES

Operations	\$2,850,286
Debt Service	33,326
Total	<u>\$2,883,612</u>

RISK MANAGEMENT FUND EXPENDITURES

Operations	\$300,550
Insurance and Claims	614,426
Total	<u>\$914,976</u>

SPECIAL WELFARE FUND EXPENDITURES

Operations	\$129,500
Total	<u>\$129,500</u>

TECHNOLOGY FUND EXPENDITURES

Operations	\$899,165
Capital Outlay	568,000
Total	<u>\$1,467,165</u>

Introduced: May 14, 2019

Adopted: May 28, 2019

Certified:

Clerk of Council

G. BE IT RESOLVED that by majority vote the FY 2020 - 2024 Capital Improvement Program is hereby adopted.

Adopted: May 14, 2019

Certified:

Clerk of Council

H. BE IT RESOLVED that by majority vote the FY 2020 Capital Budget proposed by the City Manager is hereby adopted and said funds be appropriated from the funds and resources of the City of Lynchburg for the fiscal year beginning July 1, 2019 and ending June 30, 2020 in the total amount of \$60,814,082 for the City Capital Projects Fund, \$2,686,000 for the Schools Capital Projects Fund, \$3,825,000 for the Airport Capital Projects Fund, \$6,200,000 for the Water Capital Projects Fund, \$7,960,000 for the Sewer Capital Projects Fund, and \$2,750,000 for the Stormwater Capital Projects Fund.

Introduced: May 14, 2019

Adopted: May 28, 2019

Certified:

Clerk of Council

Certified: _____
Clerk of Council