

**LYNCHBURG CITY COUNCIL
PHYSICAL DEVELOPMENT COMMITTEE
Tuesday, May 13, 2014
3:00 p.m.**

Information Items

Recent/Pending Contract Awards: –

<u>Project/Phase</u>	<u>Contractor/Consultant</u>	<u>Budgeted Amount</u>	<u>Contract Amount</u>
BWC Retaining Wall	Dorin Landscaping	\$175,000	\$134,884
Football Stadium Restoration (turf and track)	Sports Construction Management	\$1,500,000	\$1,358,857
Riverside Park Phase 1	Hancock-Fuqua-Roberston	\$675,513	\$788,000

Update on priority projects – see attached report.

General Business

1. Vacate a portion of right-of-way along Tomahawk Industrial Park at 733 Old Graves Mill Road and 128 Tomahawk Industrial Park Kevin Henry

2. College Lake Dam Improvements Tim Mitchell

3. Roll Call

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

Next Meeting: June 10, 2014

Lynchburg Capital Projects (General Fund)

May 13, 2014

Projects of Interest		Status		Notes
Timberlake / Logan's Lane Intersection		Design	July 2014	Preliminary Design - Public Meeting Held - Interchange Modification Report Submitted to VDOT - Addressing VDOT Comments
Wards Road Pedestrian X-ing 2B		Construction	May 2014	Trail Phase 2B - Notice to Proceed Given May 5, 2014 - 120 Day Project
Midtown Connector		Construction	May 2015	Under Construction - Fort / Park Avenue Open - Working on Langhorne & Kemper - Switched Traffic May 5th
Greenview Drive Phase 2		R/W	August 2014	Project to be Included in P3 RFP with VDOT - Revenue Sharing Funds Awarded
Kemper Street Bridge / Interchange		Design	August 2014	Working on Re-Design Hope to ReBid in Late August
Lower Bluffwalk Phase 2		Construction	October 2014	Underway
Memorial - Park - Lakeside Intersection		R/W	April 2013	Utility Relocations Underway - Project Discussion Underway with Engineer to ReBid
Miller Center Renovations		Construction	August 2014	Construction on Building Going Well and on Schedule.
Odd Fellows Road - P3		Advertising	May 2014	Proposal Being Considered By VDOT - Hope to Advertise in May -
Lakeside Drive Improvements @ L.C.		Design	September 2014	Design Underway - VDOT Performing SERP.
Harvard Road Improvements at Tunnel		Construction	June 2014	Adding Turn Lanes and Utilities
Fifth Street Phase 2 Utilities w/ Streetscapes		Construction	November 2013	Closeout in Progress.

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 13, 2014 (PDC)**

AGENDA ITEM NO.:

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION:

INFORMATION:

ITEM TITLE: **Vacate a portion of right-of-way along Tomahawk Industrial Park at 733 Old Graves Mill Road and 128 Tomahawk Industrial Park.**

RECOMMENDATION: Vacate the right-of-way.

SUMMARY: Pinnacle Properties is petitioning to vacate a portion of right-of-way along Tomahawk Industrial Park at 733 Old Graves Mill Road and 128 Tomahawk Industrial Park. The area is approximately two hundred seventy-four thousandths (.274) of an acre and runs six hundred nineteen and a half (619.5) feet along Tomahawk Industrial Park. This section of right-of-way includes a grassed and wooded area.

The petitioner is requesting the vacation in order to accommodate stormwater for a residential duplex development at 733 Old Graves Mill Road (12 units). The petition does not affect adjoining property owners. There is no planned expansion of this intersection and staff feels there would be minimal impact from the vacation of this portion of the right-of-way.

PRIOR ACTION(S):

April 25, 2014: The Technical Review Committee [TRC] reviewed the petition. The TRC comments have been incorporated into the proposed ordinance.

FISCAL IMPACT: None

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

ATTACHMENT(S):

- Ordinance
- Application
- Map
- Copy of Survey

REVIEWED BY:

AN ORDINANCE VACATING A PORTION OF RIGHT OF WAY ALONG TOMAHAWK INDUSTRIAL PARK AT 733 OLD GRAVES MILL ROAD AND 128 TOMAHAWK INDUSTRIAL PARK.

WHEREAS, Pinnacle Properties are petitioning to vacate a portion of right of way located along Tomahawk Industrial Park at 733 Old Graves Mill Road and 128 Tomahawk Industrial Park and, which is described as follows; and,

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

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 Section 35-71 through Section 36-77 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, which point is located on the new westerly right of way line of Old Graves Mill Road, which line is located twenty-five (25) feet west of and parallel to the centerline of said Old Graves Mill Road and which point is located on the present right of way line of Tomahawk Industrial Park and on the line of the property of Embra M. Tillotson;

Thence, with the present right of way line of said Tomahawk Industrial Park and the property of Tillotson, South 79 Degrees 10 Minutes 48 Seconds West for a distance of six hundred thirteen and seventy-seven hundredths (613.77) feet to a point, which point is a common corner with the property of Tillotson and the property of Service Trucking Co.;

Thence, with the line of said Service Trucking and the present right of way line of said Tomahawk Industrial Park, North 20 Degrees 22 Minutes 53 Seconds East for a distance of seventeen and four tenths (17.4) feet to an iron pin found;

Thence, leaving said Service Trucking and the present right of way line of said Tomahawk Industrial Park, along a new line thirty (30) feet south of and parallel to the centerline of said Tomahawk Industrial Park, being the new right of way line with Tomahawk Industrial Park, along a curve to the left having a radius of eight hundred eighty (880) feet and an arc length of two hundred twenty-five and forty-one hundredths (225.41) feet, being subtended by a chord of North 81 Degrees 09 Minutes 08 Seconds East for a distance of two hundred twenty-four and eight tenths (224.8) feet to a point;

Thence, further with said new line of Tomahawk Industrial Park, North 73 Degrees 05 Minutes 38 Seconds East for a distance three hundred sixty and thirty-three hundredths (360.33) feet to a point;

Thence, along a curve to the right having a radius of twenty-five (25) feet and an arc length of fifty and fifty-one hundredths (50.51) feet, being subtended by a chord of South 49 Degrees 01 Minute 50 Seconds East for a distance of forty-two and thirty-four hundredths (42.34) feet to a point, which point is located on the said new right of way line of Old Graves Mill Road;

Thence, further with said new westerly right of way line of Old Graves Mill Road along a curve to the right having a radius of one thousand two hundred three and seventy-two hundredths (1,203.72) feet and an arc length of twelve and eighty-five hundredths (12.85) feet, being subtended by a chord of South 09 Degrees 09 Minutes 04 Seconds West for a distance of twelve and eight-five hundredths (12.85) feet to the point of beginning;

Together with and subject to covenants, easements, and restrictions of record.

Said property contains two hundred seventy-four (0.274) acres more or less;

Said vacation is contingent upon the following: (1) that an 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 any building or structure or the use of the vacated property in any manner that could interfere with the City's right to locate, relocate, repair, replace,

maintain and perpetually operate utilities is prohibited without the prior written approval of the City Manager's Office, City Utilities Division and the City Engineering Division.

BE IT FURTHER ORDAINED that the Clerk of the 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.

Adopted:

Certified:

Clerk of Council

RECEIVED

APR 30 2014

COMMUNITY
DEVELOPMENT

APPLICATION FOR THE VACATION OF A
PORTION OF TOMAHAWK INDUSTRIAL PARK
LOCATED AT ITS INTERSECTION WITH
OLD GRAVES MILL ROAD

The undersigned applicant, Pinnacle Properties, Contract Purchaser of the "Tillotson" Property, pursuant to the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, and Section 35-71 through Section 35-77 of the City Code, 1981, as amended, respectfully makes application to the Lynchburg City Council for the vacation of that certain parcel described as follows:

ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATE AT THE SOUTHWESTERLY INTERSECTION OF TOMAHAWK INDUSTRIAL PARK AND OLD GRAVES MILL ROAD AND FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT, WHICH POINT IS LOCATED ON THE NEW WESTERLY RIGHT-OF-WAY LINE OF OLD GRAVES MILL ROAD, WHICH LINE IS LOCATED 25' WEST OF AND PARALLEL TO THE CENTERLINE OF SAID OLD GRAVES MILL ROAD AND WHICH POINT IS LOCATED ON THE PRESENT RIGHT-OF-WAY LINE OF TOMAHAWK INDUSTRIAL PARK AND ON THE LINE OF THE PROPERTY OF EMBRA M TILLOTSON,

THENCE, WITH THE PRESENT RIGHT-OF-WAY LINE OF SAID TOMAHAWK INDUSTRIAL PARK AND THE PROPERTY OF TILLOTSON, SOUTH 79 DEGREES 10 MINUTES 48 SECONDS WEST FOR A DISTANCE OF 613.77 FEET TO A POINT, WHICH POINT IS A COMMON CORNER WITH THE PROPERTY OF TILLOTSON AND THE PROPERTY OF SERVICE TRUCKING CO.;

THENCE, WITH THE LINE OF SAID SERVICE TRUCKING ALONG THE PRESENT RIGHT-OF-WAY LINE OF SAID TOMAHAWK INDUSTRIAL PARK, NORTH 20 DEGREES 22 MINUTES 53 SECONDS EAST FOR A DISTANCE OF 17.40 FEET TO AN IRON PIN FOUND (IPF);

THENCE, LEAVING SAID SERVICE TRUCKING AND THE PRESENT RIGHT-OF-WAY LINE OF SAID TOMAHAWK INDUSTRIAL PARK, ALONG A NEW LINE LOCATED 30' SOUTH OF AND PARALLEL TO THE CENTERLINE OF SAID TOMAHAWK INDUSTRIAL PARK, BEING THE NEW RIGHT-OF-WAY LINE OF TOMAHAWK INDUSTRIAL PARK, ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 880.00 FEET AND AN ARC LENGTH OF 225.41 FEET, BEING SUBTENDED BY A CHORD OF NORTH 81 DEGREES 09 MINUTES 08 SECONDS EAST FOR A DISTANCE OF 224.80 FEET TO A POINT;

THENCE, FURTHER WITH SAID NEW LINE OF TOMAHAWK INDUSTRIAL PARK, NORTH 73 DEGREES 05 MINUTES 38 SECONDS EAST FOR A DISTANCE OF 380.33 FEET TO A POINT;

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET AND AN ARC LENGTH OF 50.51 FEET, BEING SUBTENDED BY A CHORD OF SOUTH 49 DEGREES 01 MINUTES 50 SECONDS EAST FOR A DISTANCE OF 42.34 FEET TO A POINT, WHICH POINT IS LOCATED ON THE SAID NEW WESTERLY RIGHT-OF-WAY LINE OF OLD GRAVES MILL ROAD;

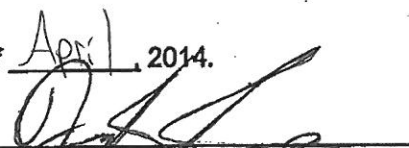
THENCE, FURTHER WITH SAID NEW WESTERLY RIGHT-OF-WAY LINE OF OLD GRAVES MILL ROAD ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1203.72 FEET AND AN ARC LENGTH OF 12.85 FEET, BEING SUBTENDED BY A CHORD OF SOUTH 09 DEGREES 09 MINUTES 04 SECONDS WEST FOR A DISTANCE OF 12.85 FEET TO THE POINT OF BEGINNING;

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

SAID PROPERTY CONTAINS 0.274 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 Chambers, City Hall, 900 Church Street, Lynchburg, Virginia, on June 10, 2014, 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 parcel.

Given under my hand this 9th day of April, 2014.


Pinnacle Properties
Applicant

P.O. Box 12279
Lynchburg, VA 24502

I, THE CURRENT PROPERTY OWNER, AM IN AGREEMENT TO THE VACATION OF THE ABOVE DESCRIBED PROPERTY.


Embra M Tillotson
Owner

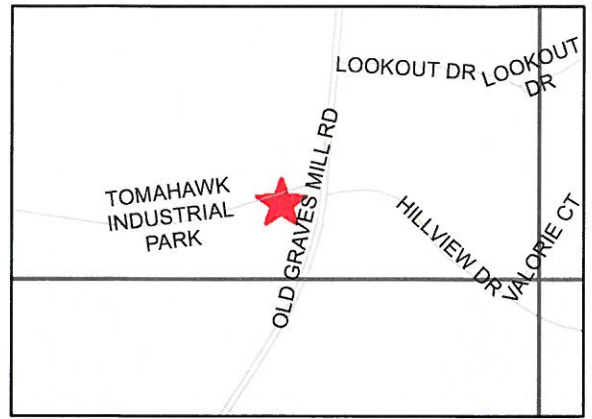
8868 Red House Road
Appomattox, VA 24522-5294

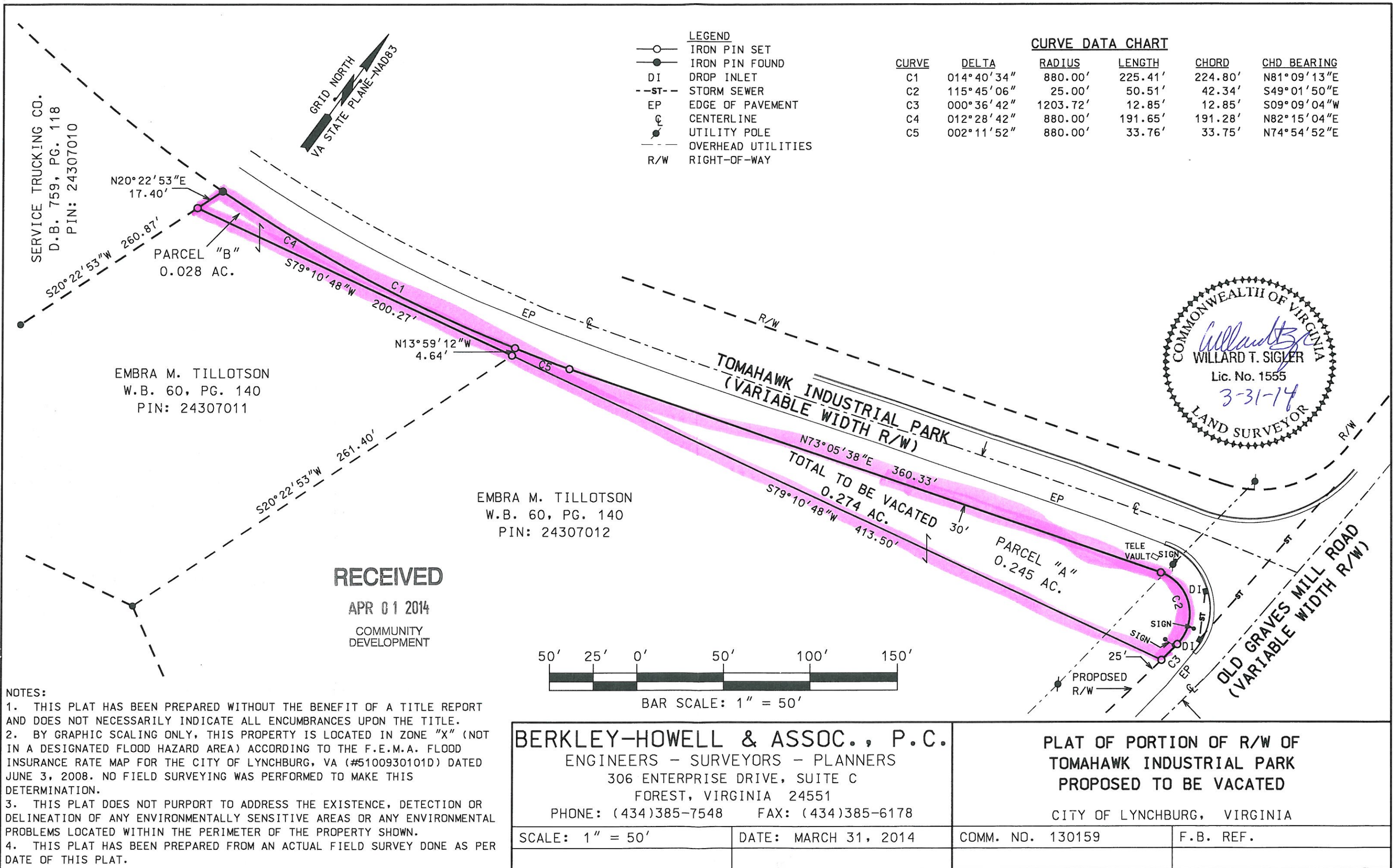
733 Old Graves Mill Road & 128 Tomahawk Industrial Park

Right-of-Way Vacation



Location





LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **May 13, 2014 PDC**

AGENDA ITEM NO:

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION:

INFORMATION: **X**

ITEM TITLE: **College Lake Dam Improvements**

RECOMMENDATION: For information purposes only.

SUMMARY: The College Lake Dam Conditional O&M Certificate expires March 31, 2015. The certificate requires final construction drawings to resolve the deficient spillway and inoperable outlet by December 1, 2014. A preliminary engineering study has begun and is expected to be completed by that date, but final design is expected to take another year. Alternatives include armoring the dam with concrete or replacing it with a bridge and restoring the lake bed and Blackwater Creek channel.

If an owner demonstrates timely progress, DCR has the authority to extend the conditional certificate for at least one year, until March 31, 2016, and reset the Alteration Permit Application submittal date. Construction must begin within two years of the date of issuance of the Alteration Permit. Otherwise DCR could issue an administrative order to breach the dam if the Director deems the dam an imminent threat or if an owner fails to demonstrate acceptable progress.

PRIOR ACTION(S): Dam Break Inundation Mapping, Hazard Classification Report, Emergency Action Plan \$200,740.

Preliminary Engineering Report \$1,000,000. (FY 15)

FISCAL IMPACT: \$8,500,000 from the General Fund for construction with projected start date in Q1 2018.

CONTACT(S): Tim Mitchell, Director of Water Resources, 455-4252
James Talian, Water Resources Engineering Manager, 455-3953
Steve Shenk, Water Resources Engineer, 444-2998

ATTACHMENT(S): Conditional Operation and Maintenance Certificate
CIP Sheet

REVIEWED BY: lkp



SERVICE AREA
Transportation

DEPARTMENT
Water Resources

LOCATION
College Lake/Lakeside Drive

PROJECT TITLE/PROJECT NUMBER
COLLEGE LAKE DAM IMPROVEMENTS / T0220

PROJECT TYPE
New

DEPARTMENT PRIORITY

Project has a legal or regulatory mandate

PROJECT DESCRIPTION



The City is responsible for the long-term management of the College Lake Dam and in meeting all applicable state dam safety requirements. To meet these regulations, the Dam must be modified.

RELATIONSHIP TO COMPREHENSIVE PLAN

The Comprehensive Plan recognizes the need for the City to "review and study dam break inundation zones and potential impacts to downstream properties (p. 12.3). As a result of these studies significant modifications are required to be made to the College Lake dam. The Plan also places importance on providing "citizens...with safe, efficient, effective and well-planned transportation systems...while preserving the integrity and character of natural areas (p. 14.1).

PROJECT MANAGER(S)

Steve Shenk P.E.- Water Resources Engineer

PROJECT START DATE

12/2013

PROJECT COMPLETION DATE

06/2017

COMPLETION SCHEDULE

Activity	Complete - Quarter
Consultant Engineering	Q2 FY 2015
Construction	Q4 FY 2018

OPERATING BUDGET IMPACT (OVERALL OPERATING EXPENSES & PROJECTED STAFFING REQUIREMENTS):

Slight increase in cost per year for inspections and routine maintenance. Current staffing levels are sufficient for these activities.

FIVE YEAR PROPOSED PROJECT APPROPRIATIONS BY SUB-PROJECT

Sub-Projects	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	Program Period Estimate
Construction	0	8,075,000	0	0	0	\$8,075,000
Contingency	0	425,000	0	0	0	\$425,000
TOTAL	\$0	\$8,500,000	\$0	\$0	\$0	\$8,500,000

TOTAL PROJECT COST

TOTAL PRIOR APPROPRIATIONS THROUGH 8/30/13	FY 2015-2019 APPROPRIATIONS	BEYOND FY 2019 APPROPRIATIONS	TOTAL PROJECT APPROPRIATIONS
\$500,000	\$8,500,000	\$0	\$9,000,000

FIVE YEAR PROPOSED PROJECT EXPENDITURE CASH FLOW PROJECTIONS BY SOURCE OF FUNDING

Funding Source	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	Program Period Total
Local: G.O. Bond	0	239,285	4,375,000	3,885,715	0	\$8,500,000
TOTAL	\$0	\$239,285	\$4,375,000	\$3,885,715	\$0	\$8,500,000

SOURCES OF PROJECT FUNDING FY 2015 - 2019 (%):

LOCAL = 100% STATE = 0% FEDERAL = 0% OTHER = 0%

Note: \$1,000,000 for consultant engineering is being proposed for funding in FY 2015 in the Transportation New Active section of this document.

Douglas W. Domenech
Secretary of Natural Resources



David A. Johnson
Director

COMMONWEALTH of VIRGINIA
DEPARTMENT OF CONSERVATION AND RECREATION

203 Governor Street
Richmond, Virginia 23219-2010
(804) 786-1712

Reply to: Division of Dam Safety & Floodplain Management
203 Governor Street, Suite 206
Richmond, VA 23219
(804) 786-3914; Fax: (804) 371-2630
E-mail: robert.bennett@dcv.virginia.gov

RECEIVED

MAR 29 2013

DEPT. OF WATER RESOURCES

March 25, 2013

Re: Conditional Operation and Maintenance Certificate

Dear Dam Owner:

Attached are the Conditional Operation and Maintenance (O & M) Certificate approved by the Virginia Soil and Water Conservation Board. The dates and required actions listed on the Certificate are the requirements that must be performed within the specified time frame to bring the dam into full compliance with the Impounding Structure Regulations. For general responsibilities regarding inspections, reporting requirements, maintenance, emergency action plan and exercises, please check the latest Dam Safety Act, Impounding Structure Regulations, and Guidance Documents available at www.dcr.virginia.gov.

If you have any questions, please contact your Regional Dam Safety Engineer, or me at my address above.

Sincerely,

A handwritten signature in cursive script that reads "Robert T. Bennett".

Robert T. Bennett, P.E., R.A.
Division Director
Division of Dam Safety & Floodplain Management

Enclosures: Conditional O & M Certificate



COMMONWEALTH of VIRGINIA
DEPARTMENT OF CONSERVATION AND RECREATION

203 Governor Street
Richmond, Virginia 23219-2010
(804) 786-1712

DAM SAFETY AND FLOODPLAIN MANAGEMENT

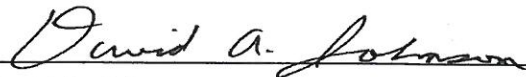
Dam Safety Conditional Operation and Maintenance Certificate
High Hazard Dam, Inventory Number 68002

City of Lynchburg, owner of College Lake Dam in City of Lynchburg, is entitled to operate and maintain this dam pursuant to the provisions of the Dam Safety Act (Section 10.1-604 et seq., Code of Virginia) and Virginia Soil and Water Conservation Board Regulations (Regulations) promulgated thereunder.

This Conditional Operation and Maintenance Certificate is issued because the dam does not satisfy the current Regulations. The conditions that must be corrected to qualify for a Regular Operation and Maintenance Certificate are:

- Obtain full approval of the submitted Inundation Mapping, Hazard Classification Report, and Emergency Action Plan by September 30, 2013
- Apply for an Alteration Permit for upgrades required to meet state standards by December 1, 2014
- Complete and provide the remaining recertification forms for a Regular O&M Certificate 90 days prior to the expiration of this Conditional Certificate

This certificate is for a term of two years, effective March 15, 2013 and expires March 31, 2015.


David A. Johnson
Director, Department of Conservation and Recreation

Agenda Item #1

April 8, 2014

031

// A regular meeting of the Council of the City of Lynchburg was held on the 8th day of April, 2014, at 2:00 P.M. in the Council Chamber, City Hall, Michael Gillette, President, presiding. The following Members were present:

Present: Cary, Helgeson, Johnson, Nelson, Perrow, Gillette 6

Absent: Foster 1

//Council Member Foster arrived at the meeting at 2:08 p.m.

// Dr. Scott Brabrand, School Superintendent gave an update on the Lynchburg City Schools 2014-2015 Budget. Dr. Brabrand highlighted what was new in Lynchburg Public Schools:

- Maintaining Financial Success
 - o Third straight year of clean audit
 - o No major findings
 - o Financial accountability and operations have strengthened
- What's New This Year?
 - o Requested city increase to school budget is only 1.89%
 - o Total request of \$723,000 is devoted solely to salary increase for employees
 - o No state funds for salary increases in 2014-2015 Budget.

Dr. Brabrand continued with last year's Mission-driven Budget which is "Serving Every Child, By Name and By Need, to Graduation". He also discussed the following success stories:

- o Alternative Education
- o Elementary Security and Truancy Attendant
- o Gifted Services
- o Special Education and ELL Services
- o Naviance Program
- o Career Guidance Counselor
- o Instructional Tools

In conclusion, Dr. Brabrand went on to say we are continuing to make progress in our Comprehensive Plan, we have initiatives in place for next year that support our plan and we are continuing on the path from Good to Great.

// Ben Copeland, Assistant Superintendent of Operations and Administration discussed the Lynchburg City Schools Capital Improvement Program needs. Mr. Copeland highlighted the items that the Schools are facing:

- 2015-2019 Bus Fleet Modernization
- 2015-2019 Paving, Fencing and Playground
- 2015-2019 Roof Funding
- 2015-2019 Athletics
- 2015-2019 Repair and Improvement

Mr. Copeland discussed the 2016-2019 Deferred Requests for:

- Sandusky Elementary School – Renovation
- Linkhorne Elementary School – Renovation
- Paul Munro Elementary School – Renovation
- 5 Elementary Schools – Gymnasium
- Numerous Roof Replacements

// Council Member Helgeson left the meeting at 4:45 p.m.

// City Manager Kimball Payne continued the General Fund discussion of the FY 2015 Budget ("The List").

After Council discussion there were still several items that would be discussed at the April 22 Council meeting which are: Lynch's Landing Executive Director salary support and Real Estate Tax.

Council Member Cary questioned the Lynch's Landing Board about the guidance of Lynch's Landing. On a motion made by Council Member Foster seconded by Council Member Nelson to discuss Lynch's Landing at a future work session:

Ayes: Cary, Foster, Johnson, Nelson, Perrow, Gillette	6
Noes:	0
Absent: Helgeson	1

// City Manager Kimball Payne gave an overview of the Capital Improvement Plan (CIP). Mr. Payne stated the principal benefit of the CIP is that it requires the City to plan its capital needs in concert with available financing over a five-year period. This process contributes to a responsible fiscal policy. Other benefits of the CIP include:

- Fostering a sound and stable financial program over a five-year period given a set of revenue and expenditure assumptions based on current economic trends;
- Coordinating various City improvements so that informed decisions can be made and joint programs initiated among City departments in an effort to avoid duplication;
- Enabling private businesses and citizens to have some assurance as to when certain public improvements will be undertaken so they can plan more efficiently and effectively;
- Focusing on the goals and needs of the community through the provision of new facilities and infrastructure improvements;
- Evaluating annually the infrastructure needs of the City to provide for the public health and safety of the citizens of the City; and,
- Provide a logical process for assigning priorities to the various projects based on their overall importance to the City.

During Council discussion of the CIP several items were asked to be discussed at future meetings:

Riverside Park, Airport T-Hangars, Water Resources and Stormwater Projects.

In conclusion, the CIP is a document dedicated to a process designed to identify both the capital improvement needs and priorities of the City over a five-year period in concert with projected funding levels and City Council's Vision and Principles. Mr. Payne went on to say that actual programming of projects is dependent upon the financial resources available.

// During roll call Council Member Cary reported that several street signs have been missing. He passed the information to the City Manager and expressed his appreciation for how quickly the missing signs were replaced.

// Council Member Foster thanked the person(s) responsible for coming up with the "Lynchburg Happy" video. Deputy City Manager Bonnie Svrcek stated that Jason Campbell came up with the idea after learning we were the 37th happy and healthy city. A premiere of the video will be shown at the April 22 Council meeting.

// Vice Mayor Johnson mentioned potholes in need of repair at Depot Grill. He thanked the Point of Honor for hosting the Easter Roll on Saturday, April 5, 2014 which was well attended by people in the region. He also mentioned the Symposium (Slavery in Central Virginia) that was held at Randolph College with Poplar Forest Museum and the Legacy Museum, which was well attended.

// City Council recessed the meeting at 5:30 p.m.

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

The following Members were present:

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

Absent: 0

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

// Copies of the minutes of the March 11, 2014 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Foster, seconded by Council Member Cary, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

// Copies of the minutes of the March 18, 2014 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Foster, seconded by Council Member Cary, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

// Copies of the minutes of the March 25, 2014 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Foster, seconded by Council Member Cary, Council by the following recorded vote approved the minutes as amended:

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

Noes: 0

// Copies of the minutes of the April 1, 2014 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Foster, seconded by Council Member Cary, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

// In the matter of Community Development - Zoning Amendments, a public hearing was held regarding City Council Report #9 outlining the petition of Rosedale Farm LLC and Bella Rose Plantation LLC to rezone approximately forty-three and two tenths (43.2) acres at 1220 and 1600 Graves Mill Road from R-1, Low Density, Single-Family Residential District, and B-5C, General Business District (Conditional) to B-3C, Community Business District (Conditional), and for a Conditional Use Permit (CUP) to allow the construction of a Cluster Commercial Development (CCD) and to allow for the existing historic property and buildings at 1220 Graves Mill Road to be used as art studios, shops, and an outdoor reception venue. City Council will consider approving the reception venue as a compatible use with B-3, Community Business District. The CCD includes 165,000 square feet of commercial space, 35 residential mixed use apartments, and a system of trails, parks and open space. Planner Anne Nygaard presented a summary of the petition and stated the Planning Commission recommended denial of the rezoning request; denial for the Conditional Use Permit and recommended approval of the petition to deem outdoor receptions compatible with B-3 uses. Bryant Hare with Hopkins Brothers Legacy Planning and Development and Vickie Runk representing the Bella Rose Plantation both gave a summary of the request and asked Council to approve the rezoning, CUP and the venue for outdoor receptions. One individual spoke in support of the petition and one individual spoke in opposition of the petition. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Helgeson, seconded by Council Member Cary, Council by the following recorded vote adopted Ordinance #0-14-023, as presented, granting the petition of Rosedale Farm LLC and Bella Rose Plantation LLC to rezone approximately forty-three and two tenths (43.2) acres at 1220 and 1600 Graves Mill Road from R-1, Low Density, Single-Family Residential District, and B-5C, General Business District (Conditional) to B-3C, Community Business District (Conditional):

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

Noes: 0

On motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote adopted Resolution #R-14-024, as amended, granting the Conditional Use Permit:

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

Noes: 0

On motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote adopted Resolution #R-14-025, as presented, granting the use of 1220 Graves Mill Road as a venue for outdoor receptions and events:

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

Noes: 0

// In the matter of Community Development - Zoning Amendments, a public hearing was held regarding City Council Report # 10 outlining the petition of Belleau Wood Development, LLC to rezone approximately three and seven hundred forty-one thousandths (3.741) acres at 7814, 7816, 7822, 7900, 7904 and 7908 Timberlake Road from R-1, Low Density, Single-Family Residential District and B-3, Community Business District to B-3C, Community Business District (Conditional) to allow the construction of a fuel/convenience center, bank, restaurant, and retail sales.

City Planner Tom Martin gave a summary of the request and stated the Planning Commission recommended approval of the rezoning petition. Scott Beasley with Hurt and Proffitt, Inc., representing the petitioner asked Council for approval of the rezoning. One individual spoke in favor of the rezoning. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote adopted Ordinance #0-14-026, as presented, granting the petition to rezone approximately three and seven hundred forty-one thousandths (3.741) acres at 7814, 7816, 7822, 7900, 7904 and 7908 Timberlake Road from R-1, Low Density, Single-Family Residential District and B-3, Community Business District to B-3C, Community Business District (Conditional) to allow the construction of a fuel/convenience center, bank, restaurant, and retail sales:

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

Noes: 0

// In the matter of Public Works – Street Vacation, a public hearing was held regarding City Council Report #11 on the petition of the Lynchburg Hotel Group, LLC to vacate a portion of right of way between 4021 and 4025 Wards Road. This portion of right of way currently serves as a “hammerhead” truck turnaround near the terminus of Delta Street. The area is approximately fifty-five thousandths (.055) of an acre and fifty-eight (58) feet in width at the frontage along Delta Street. Kevin Henry, Planner II, gave a summary of the request. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Perrow, Chair of the Physical Development Committee (PDC), stated that this item came before the PDC which recommended approval. This motion does not require a second, and Council by the following recorded vote adopted Ordinance #O-14-027, as presented:

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

Noes: 0

// In the matter of Public Works – Street Vacation, a public hearing was held regarding City Council Report #12 on the petition of Rivermont Evangelical Presbyterian Church and Mr. and Mrs. Allen Miller to vacate an alley between 107, 119 and 121 Quinlan Street and 2424 Memphis Avenue. The alley is approximately two hundred two (202) feet in length and sixteen (16) feet wide. Kevin Henry, Planner II, gave a summary of the request. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Perrow, Chair of the Physical Development Committee (PDC), stated that this item came before the PDC which recommended approval. This motion does not require a second, and Council by the following recorded vote adopted Ordinance #O-14-028, as presented:

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

Noes: 0

// In the matter of Public Works – General, a public hearing was held regarding City Council Report #13 on the License Agreement for installation of Fiber Optic Cable from 2600 Rivermont Avenue to 2717 Rivermont Avenue. City Engineer Lee Newland provided a summary of the request. A representative with

Randolph College asked Council to approve the request. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Perrow, Chair of the Physical Development Committee (PDC), stated that this item came before the PDC which recommended approval. This motion does not require a second, and Council by the following recorded vote adopted Ordinance #O-14-029, as presented:

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

Noes: 0

// In the matter of City Code/Water and Sewer, a public hearing was held regarding City Council Report #14 on the adoption of an Ordinance to amend the City Code relating to Water and Sewer Rates. Water Resources Director Tim Mitchell gave an overview of the changes in the City Code related to water and sewer rates effective July 1, 2014. There was no one else present who wished to speak to this item, and the public hearing was closed. Several Council Members were not in favor of raising the septic hauler fee at this time. On motion of Council Member Perrow, seconded by Council Member Cary, Council by the following recorded vote adopted Ordinance #O-14-023, as amended, amending the City Code relating to Water and Sewer Rates:

Ayes: Foster, Johnson, Nelson, Perrow, Gillette 5

Noes: Cary, Helgeson 2

// In the matter of Budget, a public hearing was held regarding City Council Report #15 regarding amending the FY 2014 Third Quarter Adopted Budget and appropriating funds to implement revenue, expenditure, and transfer adjustments. Financial Services Director Donna Witt gave a summary of the FY 2014 Third Quarter Budget Adjustments. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Cary, seconded by Council Member Nelson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-14-031, as presented, amending the FY 2014 Third Quarter Adopted Budget and appropriating funds to implement revenue, expenditure, and transfer adjustments:

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

Noes: 0

// In the matter of City Council, Consuela Mosley spoke before Council regarding a concern on Parental Alienation Awareness Day.

// In the matter of City Council, Christopher Oliver Williams spoke before Council regarding a concern with Barber Shop violations.

// In the matter of Community Development /CDBG, City Council Report #18 was considered.

On motion of Council Member Helgeson, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted Resolution #R-14-032, as presented, to incorporate Community Development Block Grant (CBDG) and HOME Program funding allocations into the FY 2015 Operating Budget and Annual Action Plan:

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

Noes: 0

// In the matter of Police – Emergency Services, City Council Report #19 was considered.

Council Member Cary, Chair of the Finance Committee (FC), stated that this item came before the FC which recommended approval. This motion does not require a second and Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-14-033, as presented, to amend the FY 2014 City/Federal/State Aid Fund budget and appropriating \$310,650, with resources of \$248,520 from the Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant and \$62,130 from the General Fund Reserve for Contingencies to fund the purchase of new communications equipment to be used by the Fire Department:

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

Noes: 0

// In the matter of Public Works – General, City Council Report #20 was considered. Council Member Perrow, Chair of the Physical Development Committee (PDC), stated that this item came before the PDC which recommended approval. This motion does not require a second and Council by the following recorded vote adopted Resolution #R-14-034, as presented, to create an urban highway project for Odd Fellows Road:

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

Noes: 0

Council Member Perrow, Chair of the Physical Development Committee (PDC), stated that this item came before the PDC which recommended approval. This motion does not require a second and Council by the following recorded vote adopted Resolution #R-14-035, as presented, to include Greenview Drive Phase 2 (widening Greenview Drive from 2 lanes to 4 lanes) in the Virginia Department of Transportation (VDOT) Public/Private Partnership project:

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

Noes: 0

// In the matter of Public Works – General, City Council Report #21 was considered. Council Member Perrow, Chair of the Physical Development Committee (PDC), stated that this item came before the PDC which recommended approval. This motion does not require a second and Council by the following recorded vote adopted Resolution #R-14-036, as presented, to change the status of the Main Street Bridge Project from a maintenance project to a construction project:

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

Noes: 0

// In the matter of Taxicabs, City Council Report #22 was considered. Council Member Foster made the statement that she would not participate in the discussion or voting in this matter because she is leasing a building from one of the applicants that is requesting a taxicab certificate. On motion of Vice Mayor Johnson, seconded by Council Member Perrow, Council by the following recorded vote adopted Resolution #R-14-037, as presented, approving the Issuance of Certificates of Public Convenience and

038

April 8, 2014

Necessity for nineteen (19) new taxicabs to operate in the City of Lynchburg:

Ayes: Cary, Helgeson, Johnson, Nelson, Perrow, Gillette 6

Noes: 0

Abstention: Foster 1

// In the matter of City Council, City Council Report #23 was considered. On motion of Council Member Cary, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-14-038, as presented, urging the Virginia General Assembly and the Governor to adopt a FY 2015 Budget for the Commonwealth:

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

Noes: 0

// The meeting was adjourned at 10:50 P.M.

Clerk of Council

Agenda Item #2

April 22, 2014

039

// A regular meeting of the Council of the City of Lynchburg was held on the 22nd day of April, 2014, at 7:30 P.M. in the Council Chamber, City Hall, Michael Gillette, President, presiding. Council Member Foster gave the Invocation, followed by the Pledge of Allegiance. The following Members were present:

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

7

Absent:

0

// Mayor Gillette made the following announcements:

Groundbreaking Ceremony for the new Heritage High School took place this morning (April 22, 2014).

Wal-Mart on Wards Road has been named the best store on the entire Eastern Seashore for the year 2013.

The premiere of "Lynchburg Happy" video.

// In the matter of Budget, Resolution #R-14-031 amending the FY 2014 Third Quarter Adopted Budget and appropriating funds to implement revenue, expenditure, and transfer adjustments, laid over from the April 8, 2014 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Council Member Cary, Council by the following recorded vote adopted the Resolution:

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

7

Noes:

0

// In the matter of Police – Emergency Services, Resolution #R-14-033 to amend the FY 2014 City/Federal/State Aid Fund budget and appropriating \$310,650, with resources of \$248,520 from the Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant and \$62,130 from the General Fund Reserve for Contingencies to fund the purchase of new communications equipment to be used by the Fire Department, laid over from the April 8, 2014 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Council Member Cary, Council by the following recorded vote adopted the Resolution:

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

7

Noes:

0

// In the matter of Public Works/Street Vacation, a public hearing was held regarding City Council Report #3 on the petition of Beacon Credit Union, Inc. and Mr. Morris E. McCrary, III to vacate a portion of right-of-way in front of 2134 and 2138 Langhorne Road which is approximately two hundred twenty-four thousandths (.224) of an acre. Planner II Kevin Henry gave a summary of the request to vacate the right-of-way in front of 2134 and 2138 Langhorne Road. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Perrow, Chair of the Physical Development Committee (PDC), stated that this item came before the PDC which recommended approval. This motion does not require a second and Council by the following recorded vote adopted Ordinance #O-14-039, as presented, on the petition of Beacon Credit Union, Inc. and Mr. Morris E. McCrary, III to vacate a portion of right-of-way in front of 2134 and 2138 Langhorne Road which is

approximately two hundred twenty-four thousandths (.224) of an acre:

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

7

Noes:

0

// In the matter of Balancing the FY 2015 Budget, City Council Report #4 was considered.

// Council Member Nelson stated that although his wife is an employee of the Lynchburg City Schools he would not have a conflict in discussing or voting on the proposed raise for school employees. Council Member Cary made a motion, seconded by Council Member Helgeson not to allow an additional 0.5% raise for city and school employees, this motion failed:

Ayes: Cary, Helgeson, Perrow

3

Noes: Foster, Johnson, Nelson, Gillette

4

Vice Mayor Johnson made a motion seconded by Council Member Foster to allow the additional 0.5% raise for city and school employees, this motion passed:

Ayes: Foster, Johnson, Nelson, Gillette

4

Noes: Cary, Helgeson, Perrow

3

On motion of Council Member Perrow, seconded by Council Member Helgeson, Council by the following recorded vote agreed to proceed with the preparation of 2015 Budget resolutions:

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

7

Noes:

0

// In the matter of the FY 2015 Bond Issue, to including a short presentation on the Group Home plans, City Manager Kimball Payne and Director of Financial Services Donna Witt provided information on the process of the issuing of the Bonds. It was the consensus of Council to support the City Manager to move forward with the selling of the Bonds.

// Tamara Rosser, Director of Human Services provided an update on the Group Home. First, background information was given. A Needs Assessment was completed in 2013 which demonstrated the need for a new, 28 bed co-ed, non-secure residential facility for youth ages 12-17. Ms. Rosser stated that the Cabell Street (Opportunity House) property is not sustainable due to the following:

- Ongoing and costly annual maintenance repairs;
- Significant capital improvements are needed (\$148,000);
- The trend in daily population exceeds the number of available beds;
- The Cabell Street property will never comply with State Department of Juvenile Justice licensing standards.

In conclusion, the Group Home timeline, site integration, base floor plan, project funding and funding for debt service were discussed.

// Council Member Cary asked for roll call since there was no work session during this meeting. He asked if he could make a public statement. He wanted to make a clarification to a Community Viewpoint column he wrote in December 2013 encouraging the Presbyterian Home and Westminster Canterbury to work together, if possible, to resolve the Presbyterian Home's sports complex proposal. In retrospect, the proposed sports complex is not in the best interests of Westminster Canterbury and the surrounding

neighbors due to the lighted athletic fields, noise, and traffic, which are not consistent with existing zoning in this area and the comprehensive plan. He stated he cannot support the proposed sports complex at this time.

// On motion of Council Member Cary, seconded by Vice Mayor Johnson, Council by the following recorded vote elected to hold a closed meeting for consultation with legal counsel and briefings by staff members about a specific legal matter, the terms and conditions of Virginia Aviation's lease and Freedom Aviation's franchise at the Lynchburg Regional Airport, pursuant to Section 2.2-3711(A.)(7) of the Code of Virginia, 1950, as amended:

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

7

Noes:

0

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

// Council Member Perrow made the following motion:

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

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

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

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

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

7

Noes:

0

// The meeting was adjourned at 10:00 P.M.

Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 13, 2014**

AGENDA ITEM NO.: 3

CONSENT: **X**

REGULAR:

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Reappointment of City Manager L. Kimball Payne, III, and Public Works Director, Gaynelle L. Hart to the Region 2000 Services Authority**

RECOMMENDATION: Approve the above re-appointment to the Region 2000 Services Authority.

SUMMARY: The current terms of City Manager Kimball Payne and Public Works Director Gaynelle L. Hart on the Region 2000 Services Authority expired on June 30, 2014. Both individuals are eligible for reappointment to the Board and City Council is being asked to reappoint Mr. Payne as a member of the Board and Ms. Hart as the alternate for such member, each for a term commencing July 1, 2014 and ending June 30, 2018.

PRIOR ACTION(S): Region 2000 Regional Solid Waste Service Authority was established 2007.

FISCAL IMPACT: None

CONTACT(S): Kimball Payne, 455-3990; Gaynelle Hart, 455-4406

ATTACHMENT(S): Resolution

REVIEWED BY: lkp

RESOLUTION

WHEREAS, the Region 2000 Services Authority was created by the Boards of Supervisors of Campbell County and Nelson County and the City Councils of Lynchburg and Bedford in 2007 to provide regional solid waste disposal services to the four jurisdictions; and

WHEREAS, Appomattox County subsequently became a member of the Authority; and

WHEREAS, the Articles of Incorporation creating the Authority indicated that the initial members of the Authority Board be appointed for a term ending June 30, 2014, and that thereafter members would be appointed for four year terms.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Lynchburg that City Manager L. Kimball Payne, III, is hereby appointed as the member of the board of the Region 2000 Services Authority for a term beginning July 1, 2014 and expiring June 30, 2018 and that Public Works Director Gaynelle L. Hart is appointed as an alternate for the same term.

Adopted:

Certified:

Clerk of Council

065K

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 13, 2014**

AGENDA ITEM NO.: 4

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

ACTION: **X**

INFORMATION:

(Confidential)

ITEM TITLE: **School Board Appointments, Public Hearing**

RECOMMENDATION:

Conduct a public hearing to receive input from citizens regarding appointments (or reappointments) to vacancies that will exist June 30 in each of the three (3) School Board representational districts.

SUMMARY:

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

Attached is a sheet indicating which current members are eligible for reappointment and who are willing to continue to serve. The names of the volunteers whose applications have been received to date are also included.

PRIOR ACTION(S): None

FISCAL IMPACT: None

CONTACT(S): Valeria P. Chambers 455-3995

ATTACHMENT(S): Names of volunteers

REVIEWED BY: lkp

064K

May 8, 2014

School Board Appointment List –

Current School Board Members to be Reappointed/Replaced.

Regina Dolan-Sewell, School District 1 (Willing to serve again)

Jennifer Poore, School District 2 (Willing to serve again)

Treney L. Tweedy, School District 3 (Not eligible to serve again)

CURRENT VOLUNTEERS

SCHOOL DISTRICT 1 -

Lewis Lee, Jr.

Michael A. Bodnar

SCHOOL DISTRICT 2 –

Angela Goin Tyree

SCHOOL DISTRICT 3-

Stephen Burkett

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 13, 2014**

AGENDA ITEM NO.: 5

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Rezoning: B-5C, General Business District (Conditional) and I-2, Light Industrial District to B-5C, General Business District (Conditional) – 3801 & 3805 Wards Road**
Conditional Use Permit (CUP): Fill in the 100-year floodplain - 3801 & 3805 Wards Road

RECOMMENDATION: Approval of the rezoning and CUP petitions.

SUMMARY: B&H Holding, LLC is petitioning to rezone approximately ninety-four hundredths (0.94) of an acre at 3801 and 3805 Wards Road from B-5C, General Business District (Conditional) and I-2, Light Industrial District to B-5C, General Business District (Conditional) to allow the construction of a car wash and associated parking. The petitioner has also applied for a CUP to allow fill in the floodplain. The Planning Commission recommended approval of the petitions because:

- The *Future Land Use Map (FLUM)* recommends Community Commercial uses for the area.
- Voluntarily submitted proffers adequately address impacts associated with the proposed development.
- Although it has expired, a CUP was previously approved for this site in July 2001 for filling in the flood plain.

PRIOR ACTION(S):

April 9, 2014:

The Planning Division recommended approval of the rezoning petition.

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

The Planning Commission recommended approval (6-0) of the rezoning with proffers voluntarily submitted by the petitioner.

The Planning Commission recommended approval (6-0) of the conditional use permit request for filling in the floodplain.

FISCAL IMPACT: N/A

CONTACT(S):

Kevin Henry, Planner II – 455-3900

Tom Martin, City Planner - 455-3900

Kent White, Director of Community Development – 455-3900

ATTACHMENT(S):

- Ordinance
- Resolution
- Planning Commission Report and Minutes – April 9, 2014
- Vicinity Zoning Pattern Map
- Vicinity Proposed Land Use Map
- Watershed Location Map
- Planimetric and Topographic Map
- Rezoning Plan
- Property Photograph
- Signup Sheet

REVIEWED BY: lkp

UNCODIFIED ORDINANCE:

AN ORDINANCE CHANGING A CERTAIN AREA LOCATED AT 3801 AND 3805 WARDS ROAD FROM B-5C, GENERAL BUSINESS DISTRICT (CONDITONAL) AND I-2, LIGHT INDUSTRIAL DISTRICT TO B-5C, GENERAL BUSINESS DISTRICT (CONDITIONAL).

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

Section 35.1-76__. Change of a certain area located at 3801 and 3805 Wards Road from B-5C, General Business District (Conditional) and I-2, Light Industrial District to B-5C, General Business District (Conditional).

The area embraced within the following boundaries:

Beginning at the point of beginning an existing iron rebar a the eastern right of way of Wards Road, US Route 29 (Business) and the southwest corner of the Liberty University Inc. property as recorded in Deed Book 804 Page 253 in the Registrar's office of Lynchburg, Virginia; thence South 63 degrees 06 minutes 00 seconds East a distance of 97.82 feet to a point; thence North 79 degrees 02 minutes 08 seconds East a distance of 31.21 feet to a point; thence South 22 degrees 10 minutes 13 seconds West a distance of 90.69 feet to a point; thence South 22 degrees 10 minutes 06 seconds West a distance of 268.95 feet to a point; thence North 37 degrees 58 minutes 41 seconds West a distance of 38.93 feet to a point; thence North 30 degrees 27 minutes 31 seconds West a distance of 38.26 feet to a point; thence North 40 degrees 54 minutes 27 seconds West a distance of 21.48 feet to a point; thence North 48 degrees 35 minutes 19 seconds West a distance of 25.95 feet to a point; thence North 56 degrees 52 minutes 01 second West a distance of 13.77 feet to a point; thence North 59 degrees 03 minutes 43 seconds West a distance of 21.09 feet to a point; thence North 25 degrees 53 minutes 16 seconds East a distance of 211.96 feet to the point of beginning and containing 0.94 acres more or less.

...is hereby changed from B-5C, General Business District (Conditional) and I-2, Light Industrial District to B-5C, General Business District (Conditional), subject to the conditions set out herein below which were voluntarily proffered in writing by the petitioner, B&H Holding, LLC, to wit:

1. The site will be developed in substantial compliance with the concept plan submitted.
2. The developer agrees to construct curb and gutter on Wards Road along the entire length of his property.
3. The developer agrees to share the cost of construction of a sidewalk along Wards Road along the entire length of his property.
4. The architecture of the structures will be in substantial compliance with the elevations submitted.

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

Adopted:

Certified: _____
Clerk of Council

062K

RESOLUTION:

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO B&H HOLDING, LLC TO ALLOW FILL WITHIN THE FLOODPLAIN AT 3801 AND 3805 WARDS ROAD IN A B-5C, GENERAL BUSINESS DISTRICT (CONDITIONAL).

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of B&H Holding, LLC for a conditional use permit to allow fill within the floodplain at 3801 and 3805 Wards Road is hereby approved subject to the following conditions:

1. The developer shall not exceed the limitations for any detrimental effects caused by filling in the flood plain of Rock Castle Creek for the subject property.
2. An engineered site plan is required and shall provide for the determination of an "adequate conveyance and downstream receiving channel."
3. A Letter of Map Revision (LOMR) will be filed with the Federal Emergency Management Association (FEMA).

As provided by Section 35.1-15(i) of the zoning ordinance, if a building permit for any construction authorized by this conditional use permit is not applied for within six months of the granting of the conditional use permit, the conditional use permit shall become void, unless prior to the expiration of the six month period, the holder of the permit has applied for a six month extension of the conditional use permit from the City Manager's Office. Two six month extensions of the conditional use permit may be obtained from the City Manager's Office. A third and final twelve month extension of the conditional use permit may be requested from City Council prior to the expiration of the second six month extension that was issued by the City Manager's Office.

Adopted:

Certified: _____
Clerk of Council

063K

The Department of Community Development

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

To: Planning Commission

From: Planning Division

Date: April 9, 2014

**Re: Rezoning: B-5C, General Business District (Conditional) and I-2, Light Industrial District to B-5C, General Business District (Conditional) – 3801 & 3805 Wards Road
Conditional Use Permit: Fill-in the 100-year floodplain- 3801 & 3805 Wards Road**

I. PETITIONER

B & H Holding, LLC, 160 Sunny Cove Drive, Moneta, VA 24121

Representative: Mr. E. Rick Lee, 1713 Hourglass Pt., Hixson, TN 37343

II. LOCATION

The subject properties include two (2) tracts totaling approximately ninety-four hundredths (0.94) of an acre located at 3801 and 3805 Wards Road.

Property Owners:

B & H Holding, LLC, 160 Sunny Cove Drive, Moneta, VA 24121

III. PURPOSE

The purpose of the rezoning petition is to allow for the construction of a car wash. The purpose of the conditional use permit petition is to allow for the floodplain to be filled in appropriately developing the site. The concept plan indicates a car wash with associated parking areas. The petitioner has voluntarily submitted proffers which provide assurances related to the development of the site.

IV. SUMMARY

- The *Future Land Use Map (FLUM)* recommends a Community Commercial use for these properties. Limited retail and service uses may be established in these areas.
- If approved, both properties (3801 and 3805 Wards Road) will have one (1) zoning designation, B-5C, General Business District (Conditional). The split zoning of the properties between I-2, Light Industrial District and B-5C, General Business District (Conditional) will be removed.
- The concept plan indicates the removal of the Regents Parkway entrance to Wards Road. Since the tunnel accessing Liberty University's campus is near complete, Regents Parkway will no longer need to cross the subject properties for access to Wards Road.
- A CUP was previously approved during the development of the Sonic restaurant for this site in July 2001 for filling in the flood plain.

The Planning Division recommends approval of the rezoning and CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *FLUM* of the *Comprehensive Plan 2013-2030* recommends a Community Commercial use for the area. "Community Commercial areas contain retail, personal service, entertainment, and restaurant uses that draw customers from at least several neighborhoods, the entire City or the region. In particular, conversion of existing vacant retail space to these uses may be appropriate in areas where there is sufficient retail to serve the community and space for employment uses where needed." (*pg. 75-76*)

Comprehensive Plan 2013-2030 recommends through Goal AP-5: Wards Road; that pedestrian and vehicular safety should be improved (*pg. 21*). The petitioner has proffered to provide sidewalk along the frontage of the property as well as a newly designed driveway to the property improving the ingress/egress of the site.

2. **Zoning.** The subject property was annexed into the City in 1976. The existing B-5C, General Business District (Conditional) zoning was established in 1993 with the approval of the rezoning petition of Old Time Gospel Hour.
3. **Proffers.** The petitioner has voluntarily submitted the following proffers:
 - a. The site will be developed in substantial compliance with the concept plan submitted.
 - b. The developer agrees to construct curb and gutter on Wards Road along the entire length of his property.
 - c. The developer agrees to share the cost of construction of a sidewalk along Wards Road along the entire length of his property.
 - d. The architecture of the structures will be in substantial compliance with the elevations submitted.
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 February 10, 1981, Council approved the petition of Granville Graham to rezone the property at 3400 Wards Road from B-3, Community Business District to B-5C, General Business District (Conditional) to allow for the construction of a warehouse.
 - On June 14, 1988, Council approved the petition of Barry E. Dotson & Associates to rezone the property at 3900 Wards Road from I-2, Light Industrial District to B-3C, Community Business District (Conditional) and receive a CUP to fill-in the floodplain to allow for the construction of a shopping center.
 - On March 14, 1989, Council approved the petition of Vito DeMonte to rezone the property at 3725 Wards Road from I-2, Light Industrial District to B-5C, General Business District (Conditional) to allow for the expansion of an existing auto body.
 - On March 14, 1989, Council approved the CUP petition of Old Time Gospel Hour to construct a football stadium and basketball arena at 3765 Candler's Mountain Road.
 - On September 11, 1990, Council approved the petition of Vito DeMonte to rezone the property at 3717 Wards Road from I-2, Light Industrial District to B-5C, General Business District (Conditional) to allow for the construction of an automobile showroom and service shop.
 - On July 14, 1992, Council approved the petition of Sam's Club to rezone the property at 3900 Wards Road to B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional) to allow for a retail store and modification to the proffered site plan.
 - On April 8, 1997, Council approved the CUP petition of Wal-Mart Stores, Inc. to fill-in the floodplain in order to allow for a retail store at 3900 Wards Road.
 - On January 26, 1999, Council approved the rezoning petition of Faison/Trammel Crow Company to rezone the property at 100 Atlanta Avenue from R-3, Medium Density, Two-

Family Residential District, R-4, Medium-High Density, Multi-Family Residential District, R-5, High Density, Multi-Family Residential District and B-5, General Business District to B-5C, General Business District (Conditional) to allow for the construction of a shopping center.

- On July 13, 1999, Council approved the petition of Rocky Bottom Realty, LLC to rezone the property at 3700 Wards Road from I-2, Light Industrial District and R-C, Resource Conservation District to B-3C, Community Business District (Conditional) and receive a CUP to fill-in the floodplain to allow for the construction of retail and restaurant uses.
- On May 9, 2000, Council approved the CUP petition of Old Time Gospel Hour to fill-in the floodplain to facilitate the development of a restaurant at 3920 Wards Road.
- On July 10, 2001, Council approved the CUP petition of EHI Properties to fill-in the floodplain to facilitate the development of a restaurant at 3805 Wards Road.
- On November 13, 2001, Council approved the CUP petition of Liberty University to amend the Master Plan at 1971 University Boulevard.
- On December 16, 2003, Council approved the petition of Jerry Falwell Ministries to rezone the property at 100 Mountain View Road from I-2, Light Industrial District, B-5, General Business District, and B-3C, Community Business District (Conditional) to B-5C, General Business District (Conditional) and receive a CUP to allow for modifications to the vegetation disturbance on the property.
- On June 10, 2008, Council approved the CUP petition of Liberty University to allow for a consolidated sign plan at 100 Mountain View Road, 100 and 300 Liberty Mountain, and 3501 Wards Road.

6. Site Description. The subject property proposed for rezoning is comprised of two (2) tracts totaling approximately ninety-four hundredths (0.94) of an acre located at 3801 and 3805 Wards Road. The property located at 3801 Wards Road is vacant, but Regents Parkway traverses most of this property. A Sonic restaurant currently is located at 3805 Wards Road and will be demolished if the rezoning and CUP are approved. The two (2) properties proposed for development slope to the west towards Wards Road. A significant portion of the properties fall within the 100-year flood plain.

7. Proposed Use of Property. If the rezoning and CUP petition are approved, the property would be developed for a car wash with associated parking areas.

8. Traffic, Parking and Public Transit. The proposed development did not warrant a Traffic Impact Study (TIS). The petitioner did provide trip generation and a queue analysis which confirmed that the peak hour trips are below fifty (50) and the site will be able to allow for stacking of sixteen (16) vehicles awaiting entry into the car wash.

The development is proposed to be accessed by the construction of a new entrance on Wards Road using an existing right turn lane.

9. Stormwater Management. The proposed project is required to treat stormwater runoff for quantity and quality. The proposed site will reduce the stormwater flow rate from the existing use as a restaurant through the use of the underground detention structure, as well as a reduction in impervious surface. Water quality will also be handled through the underground structure.

10. Emergency Services. The City Fire Marshal provided comments regarding site design requirements of the City of Lynchburg and the Virginia Statewide Fire Prevention Code.

The City's Police Department provided general comments related to site safety and security. These comments have or will be addressed by the petitioner prior to final site plan approval.

- 11. Impact.** This particular area of Wards Road calls for Community Commercial uses on the FLUM. The car wash use is compatible with the adjoining land uses as well as the projected future land use of the property. A car wash business was previously located on the adjoining property to the south, so this area has experienced a car wash facility previously.

The preliminary site plan indicates that the Sonic Restaurant building and structures will be demolished. The submitted rezoning petition would allow the construction of a car wash facility (one building) and associated parking areas. The voluntarily submitted proffers adequately address potential impacts related to the development by the use of stormwater management, light trespass and architectural standards.

The CUP petition proposes filling in the floodplain to allow for the development of the property as a carwash. The building which is planned to be demolished, previously received approval to fill-in the floodplain in 2001. The proposed fill consists of the carwash structure located partially in the floodplain. The petitioner has submitted information documenting that the proposed fill would not result in a net-rise of the floodplain elevation. No impacts will occur to the floodway. Although caution should be taken when altering the floodplain, the impact from this proposal should be minimal.

- 12. Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary rezoning plan and CUP on March 18, 2014. Comments related to the proposed use have or will be addressed by the petitioner prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDATION

As provided in Section 35.1-43.1, Conditional Zone or Zone Approval, waive the twenty-one (21) day submittal requirement for voluntarily submitted proffers.

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of B & H Holding, LLC to:

Rezone approximately ninety-four hundredths (0.94) of an acre located at 3801 and 3805 Wards Road from B-5C, General Business District (Conditional) to B-5C, General Business District (Conditional) subject to the following voluntarily submitted proffers:

- a) The site will be developed in substantial compliance with the concept plan submitted.**
- b) The developer agrees to construct curb and gutter on Wards Road along the entire length of his property.**
- c) The developer agrees to share the cost of construction of a sidewalk along Wards Road along the entire length of his property.**

- d) The architecture of the structures will be in substantial compliance with the elevations submitted.**

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the conditional use permit petition of B & H Holding, LLC, to allow filling in the floodplain at 3801 and 3805 Wards Road in accordance with the following conditions:

- 1. The developer shall not exceed the limitations for any detrimental effects caused by filling in the flood plain of Rock Castle Creek for the subject property.**
- 2. An engineered site plan is required and shall provide for the determination of an “adequate conveyance and downstream receiving channel.”**
- 3. A Letter of Map Revision (LOMR) will be filed with the Federal Emergency Management Association (FEMA).**

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Ms. Bonnie M. Svrcek, Deputy City Manager
Mr. Walter C. Erwin, City Attorney
Mr. Kent L. White, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozerow, Lynchburg Police Department
Battalion Chief Greg Wormser, Fire Marshal
Mr. Don DeBerry, Transportation Engineer
Mr. Doug Saunders, Building Commissioner
Mr. Robert Fowler, Zoning Administrator
Mr. E. Rick Lee, Jet Express Car Wash
Mr. Bill Hinton, B & H Holdings

VII. ATTACHMENTS

- 1. Vicinity Zoning Pattern Map**
- 2. Vicinity Proposed Land Use Map**
- 3. Watershed Location Map**
- 4. Planimetric and Topographic Map**
- 5. Rezoning Plan**
- 6. Property Photograph**

MINUTES OF THE APRIL 9, 2014 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

Petition of B & H Holdings to rezone approximately nine hundred forty-four thousandths (0.944) of an acre located at 3801 and 3805 Wards Road from I-2, Light Industrial District and B-5C, General Business District (Conditional) to B-5C, General Business District (Conditional) to amend previously approved proffers and to allow the construction of a carwash.

Petition of B & H Holdings for a conditional use permit at 3801 and 3805 Wards Road to allow fill within the 100-Year Flood Plain to facilitate the development of the property as a carwash.

Mr. Kevin Henry explained that this site is the Sonic restaurant on Wards Road and has a connection to Regents Parkway. Mr. Henry mentioned that when the tunnel further down Wards Road is completed, this entrance to Regents Parkway will be closed. The *Future Land Use Map* calls for a Community Commercial use for these properties. Community Commercial areas contain retail, personal service, entertainment, and restaurant uses that draw customers from at least several neighborhoods, the entire City or the region. The current zoning of the properties is B-5C and I-2. If this rezoning is approved, both properties will be zoned B-5C.

This proposed use did not require a traffic study. The trip generations and queue analysis provided by the petitioner showed that the peak hour trips will not exceed 50 trips, which is the threshold for a traffic study. Stormwater flow rate will be reduced from the site through the use of an underground detention structure, as well as through a reduction in impervious area.

The petitioner has submitted proffers with this rezoning, which staff feels adequately address potential impacts. The car wash use would be compatible with adjacent land uses. Therefore, staff recommends approval of the rezoning petition.

With regard to the conditional use permit application, the Sonic restaurant received a conditional use permit for filling in the floodplain in 2001. The petitioner has submitted documentation that this proposed fill in the floodplain will not result in a net rise in the elevation. Staff feels that the impact of the fill in the floodplain with this proposal will be negligible and recommends approval of the conditional use permit petition.

Mr. Rick Lee, the architect for the project, was available to represent the petition. He said he has done approximately 28 of these car washes around the southeastern United States. Mr. Lee remarked that the facility is environmentally friendly because they reclaim approximately 80 percent of the water and reuse it. Mr. Lee said that unless they have any questions for him, he would leave it to them for discussion.

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

Commissioner Coleman made the following motion, which was seconded by Commissioner Light:

"That the Planning Commission, as provided in Section 35.1-43.1, Conditional Zone or Zone Approval, waives the twenty-one (21) day submittal requirement for voluntarily submitted proffers."

The motion passed by the following vote:

AYES:	Coleman, Johnston, Light, Marion, Swienton and Perault	6
NOES:		0
ABSTENTIONS:		0
ABSENT:		0
VACANCIES:		1

Commissioner Coleman asked Mr. Lee for an explanation of how the car wash functions. Mr. Lee said it is a 130-foot tunnel that pulls the car through in three minutes. It is a true and tested system that reclaims up to 80 percent of the water and reuses it.

Commissioner Marion made the following motion, which was seconded by Commissioner Johnston:

"That the Planning Commission recommends to City Council approval of the petition of B & H Holding, LLC to:

Rezone approximately ninety-four hundredths (0.94) of an acre located at 3801 and 3805 Wards Road from B-5C, General Business District (Conditional) to B-5C, General Business District (Conditional) subject to the following voluntarily submitted proffers:

- a) The site will be developed in substantial compliance with the concept plan submitted.**
- b) The developer agrees to construct curb and gutter on Wards Road along the entire length of his property.**
- c) The developer agrees to share the cost of construction of a sidewalk along Wards Road along the entire length of his property.**
- d) The architecture of the structures will be in substantial compliance with the elevations submitted."**

Commissioner Coleman thought it sounded like a wonderful project, would be of great service to the community and was an appropriate use for the land. Commissioner Swienton thought that they had a great place to capture traffic. Commissioner Perault asked if there were any thoughts that this project might revitalize the hand held car wash next door. Mr. Henry said he was not aware of any plans and noted that there is a sign advertising the property for sale at this time. Commissioner Johnston asked for an explanation of the landscaping planned for the property. Mr. Henry summarized the landscaping plans for the site and noted that it will have to go through site plan approval and the landscaping will be finalized at that time.

The motion passed by the following vote:

AYES:	Coleman, Johnston, Light, Marion, Swienton and Perault	6
NOES:		0
ABSTENTIONS:		0
ABSENT:		0
VACANCIES:		1

Commissioner Light made the following motion, which was seconded by Commissioner Coleman:

"That the Planning Commission recommends to City Council approval of the conditional use permit petition of B & H Holding, LLC, to allow filling in the floodplain at 3801 and 3805 Wards Road in accordance with the following conditions:

1. **The developer shall not exceed the limitations for any detrimental effects caused by filling in the flood plain of Rock Castle Creek for the subject property.**
2. **An engineered site plan is required and shall provide for the determination of an "adequate conveyance and downstream receiving channel."**
3. **A Letter of Map Revision (LOMR) will be filed with the Federal Emergency Management Association (FEMA)."**

Commissioner Swienton commented that normally requests to fill in the flood plain cause him to look at the proposal very closely. This site is not close to a creek bed and has previously been approved for filling in the flood plain. It seems to him that any effect from this use would be very minimal.

The motion passed by the following vote:

AYES:	Coleman, Johnston, Light, Marion, Swienton and Perault	6
NOES:		0
ABSTENTIONS:		0
ABSENT:		0
VACANCIES:		1

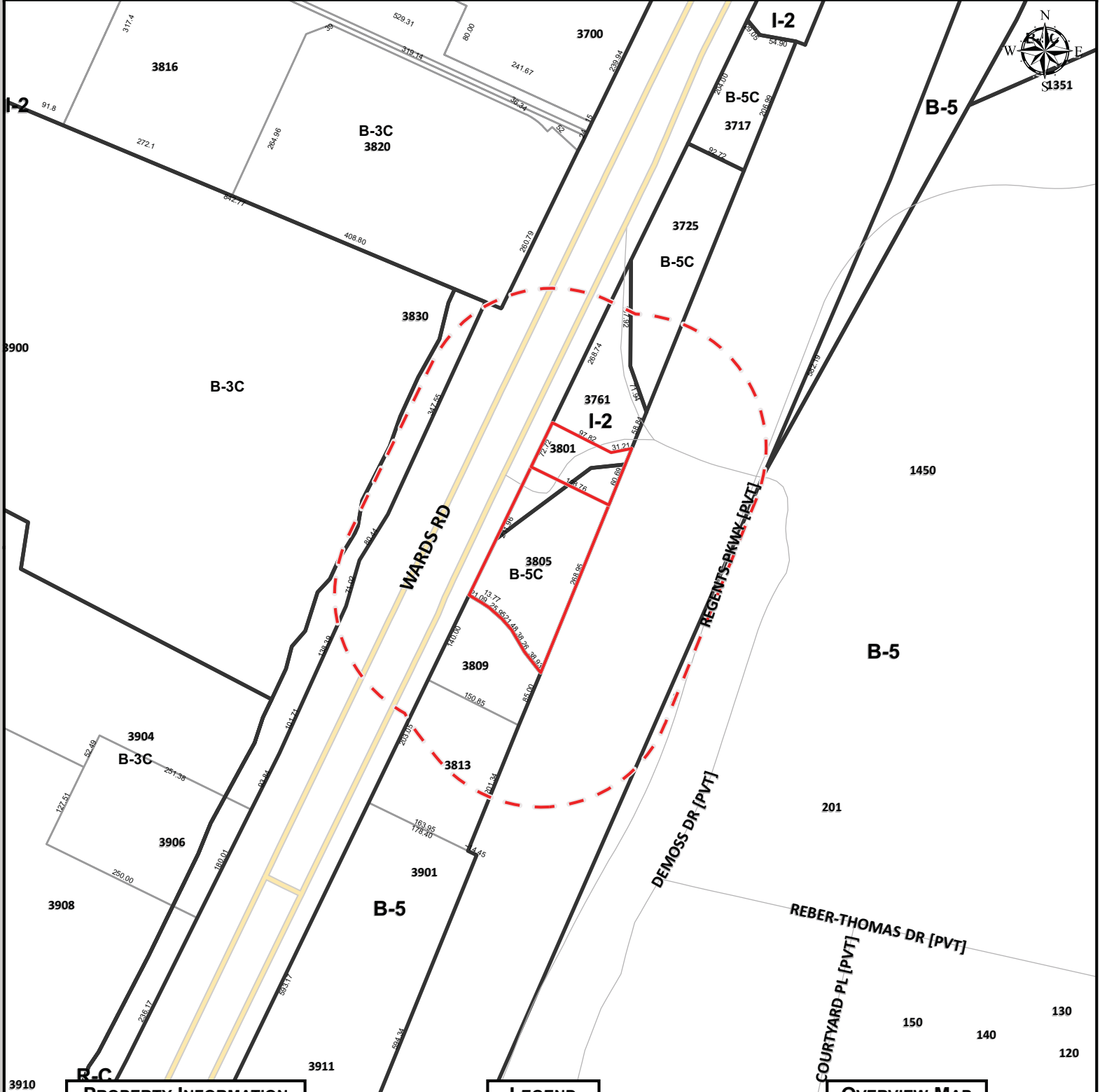
Mr. Lee wanted to let the Planning Commission know how wonderful the City staff has been to work with during this entire process. He goes to a lot of places and it is rare to find a staff like they have here in Lynchburg.

Zoning Map

EXPRESS CAR WASH

Zoning, & CUP Request

B & H Holdings



PROPERTY INFORMATION

PARCEL ID	ADDRESS
25702016	3805 WARDS RD
25702009	3801 WARDS RD

LEGEND

- Subject Property
- 200' Buffer
- Zoning Boundary

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 3/28/2014

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.

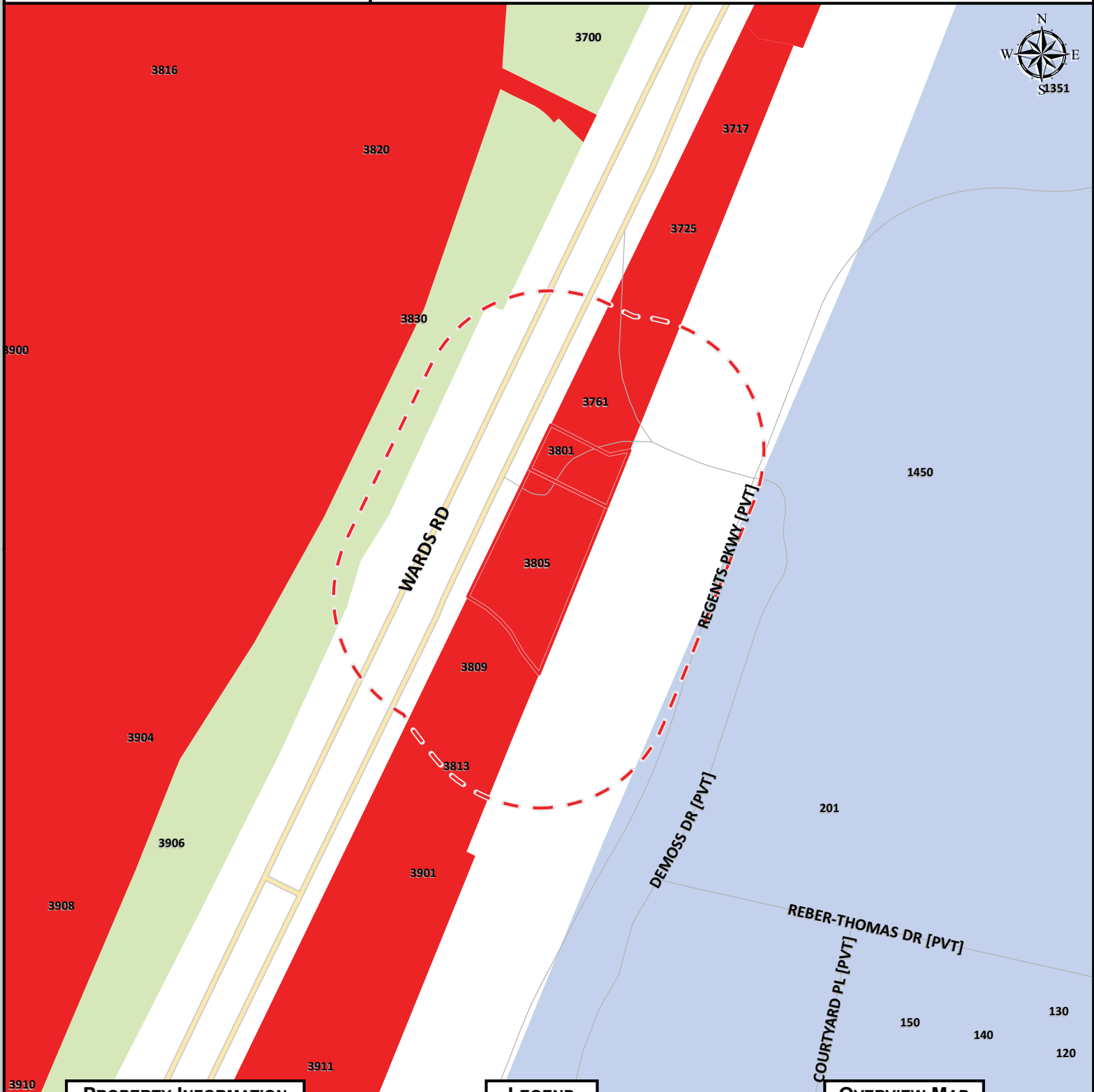
Parcel ID	Address	Owner
25703017	3820 WARDS RD	#463 CRACKER BARREL OLD COUNTRY
25702016	3805 WARDS RD	AOG INC
25702008	3813 WARDS RD	GACOMB LLC
25702009	3801 WARDS RD	LIBERTY UNIVERSITY INC
25702010	3761 WARDS RD	LIBERTY UNIVERSITY INC
25701001	1971 UNIVERSITY BLVD	LIBERTY UNIVERSITY INC
25702011	3725 WARDS RD	SANDROF, NIGEL P & TAMERA Y
16231003	3429 CANDLERS MOUNTAIN RD	SOUTHERN RAILWAY
25702013	3809 WARDS RD	VAN FIRST LLC
25703003	3900 WARDS RD	WAL-MART REAL ESTATE BUSINESS TRUST

FLUM Map

EXPRESS CAR WASH

Zoning, & CUP Request

B & H Holdings



PROPERTY INFORMATION

PARCEL ID	ADDRESS
25702016	3805 WARDS RD
25702009	3801 WARDS RD

LEGEND

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

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 3/28/2014

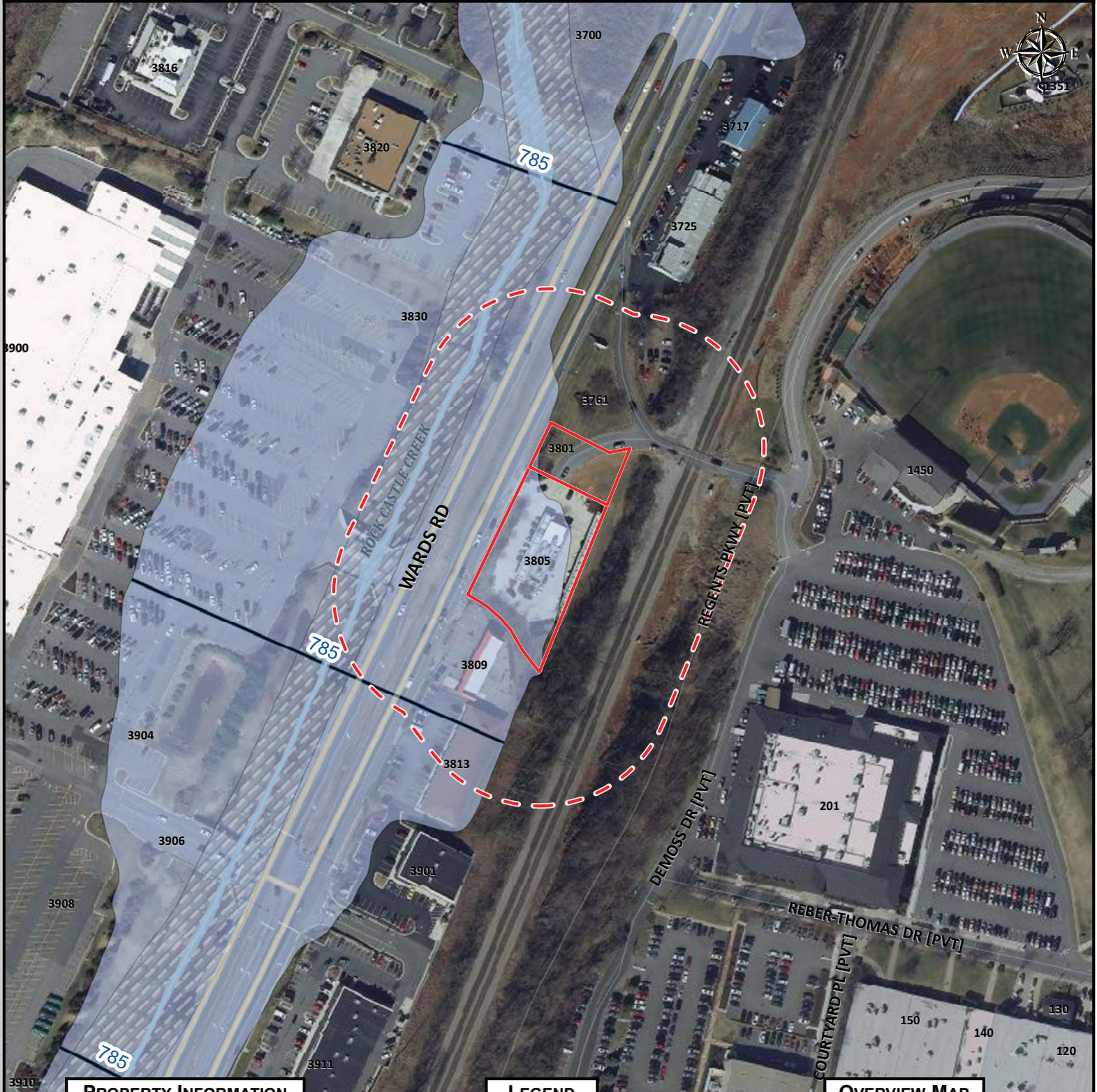
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Watershed Map

EXPRESS CAR WASH

Zoning, & CUP Request

B & H Holdings



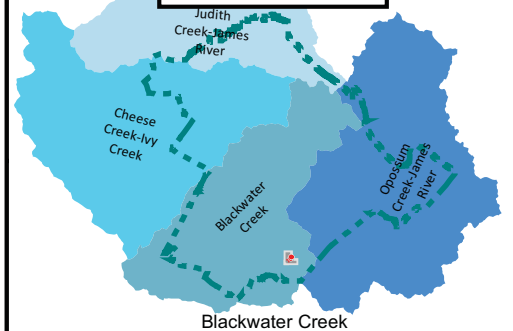
PROPERTY INFORMATION

PARCEL ID	ADDRESS
25702016	3805 WARDS RD
25702009	3801 WARDS RD

LEGEND

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

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 3/28/2014

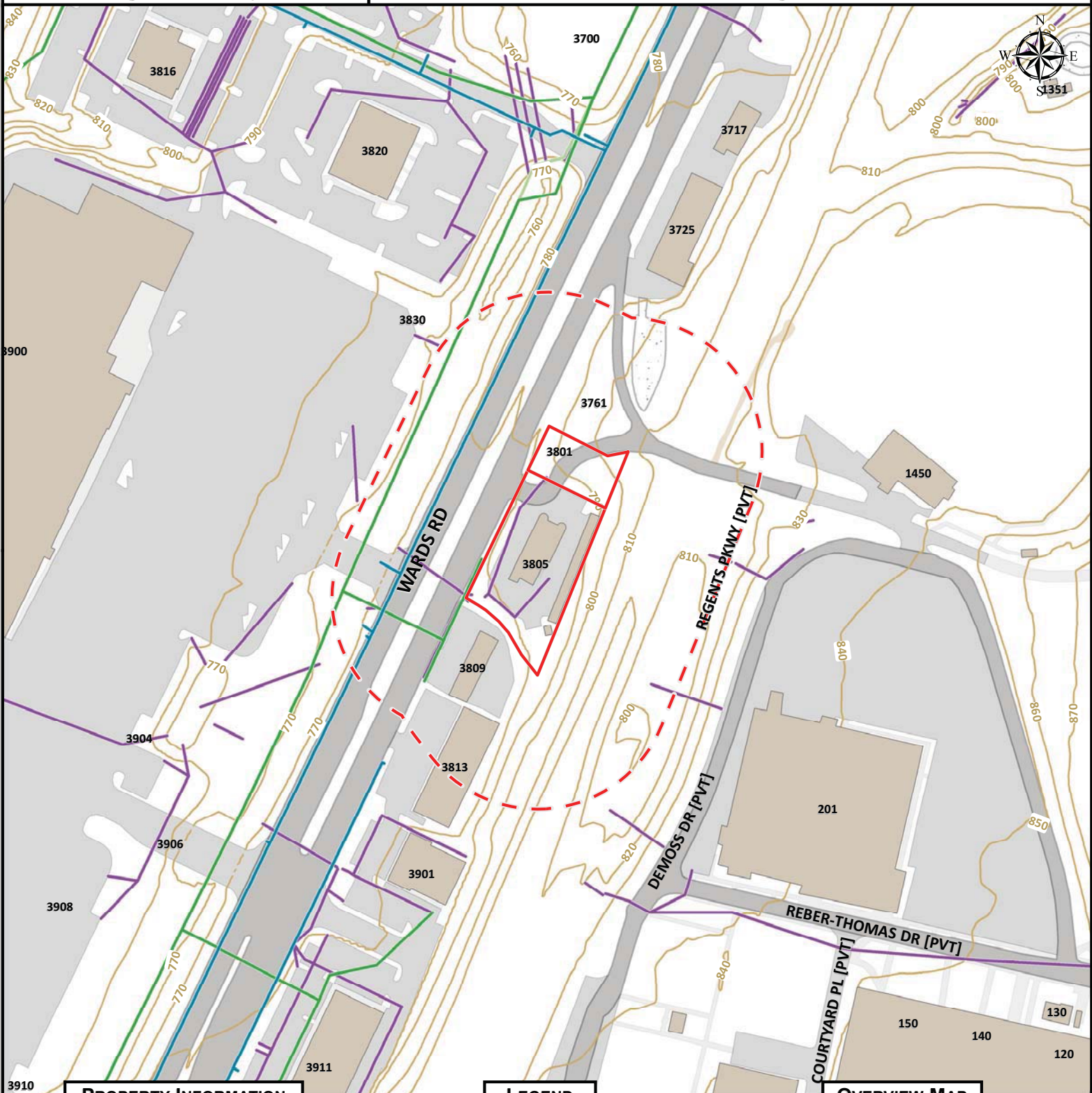
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Planimetric and Topographic Map

EXPRESS CAR WASH

Zoning, & CUP Request

B & H Holdings



PROPERTY INFORMATION

PARCEL ID	ADDRESS
25702016	3805 WARDS RD
25702009	3801 WARDS RD

LEGEND

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

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 3/28/2014

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Jet Express Car Wash

3805 Wards Road

Lynchburg, Virginia

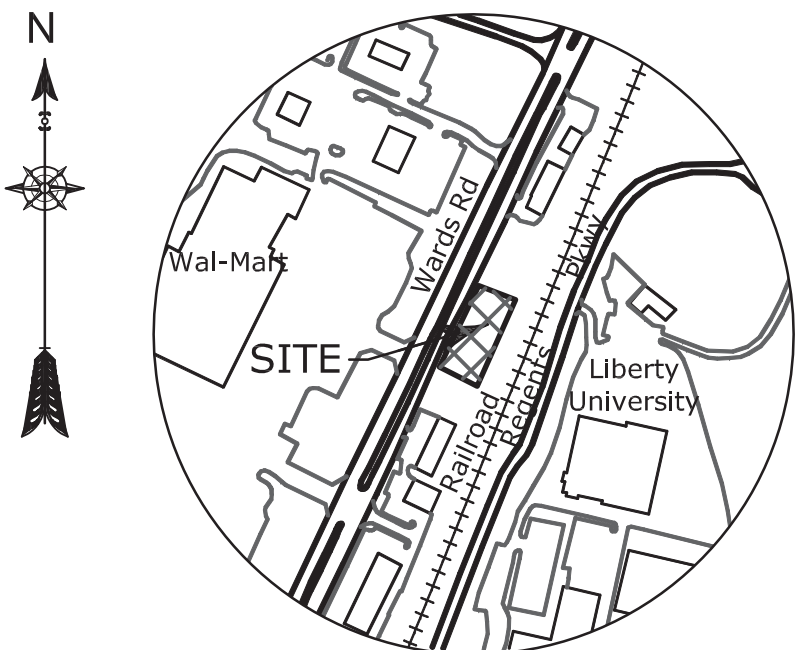
Concept Site Plan

Index of Sheets

- C101 Cover Sheet
- C201 Existing Conditions
- C301 Site & Grading Plan
- C401 Stormdrainage Plan
- C501 Utility Plan
- C601 Landscaping & Planting Plan
- C701 Details
- C801 Erosion Control Plan

Architectural Cover Sheet

- A1.1 Floor Plan, Section and Plan of Reclaim System and AC Accessible Toilet Elevations
- A2.1 Front Elevation with Notes About Finishes
- A3.1 Sections/Details Trench in Tunnel
- A3.2 Sections/Details Trench in Tunnel



Vicinity Map
Scale: 1" = 600'

Architect:

E. Rick Lee
1713 Hourglass Pointe
Hixson, TN 37343
(828) 400-4354
ericricklee@yahoo.com

Draftsman:

ROCKY CHAMBERS, MBA
Draftsman
PO Box 307 • Collegedale, TN 37315 • (423) 240-4176
rockychambers@gmail.com

Owner:

Bill Hinton
B&H Holdings
160 Sunny Cove Drive
Montea, VA 24121
(540) 520-6405
smflyboy@aol.com

Project Notes

Contact the City Environmental Reviewer, the City Construction Coordinator and Miss Utility 48 hours in advance of any construction activity.

Designer Certification

I hereby certify that, to the best of my ability, this plan has been prepared in accordance with the latest City of Lynchburg Manual of Specifications and Standard Details and City Code.

Signature: _____ Registration Number: _____

Printed Name and Title: _____ Date: _____

Owner Certification

I/We hereby certify that all site construction, drainage and grading will be done pursuant to this plan and that the applicable Stormwater Management conditions and requirements of the City of Lynchburg, the Commonwealth of Virginia and the Federal Government and its agencies are hereby made part of this plan.

Signature: _____ Title: _____

Printed Name _____ Date: _____

City Approval

City Engineer: _____ Date: _____

TRC: _____ Date: _____

E&S: _____ Date: _____

Jet Express
Car Wash
Bill Hinton
3805 Wards Road, Lynchburg, Virginia 24502
Parcel ID: 25702009 & 25702016

C101

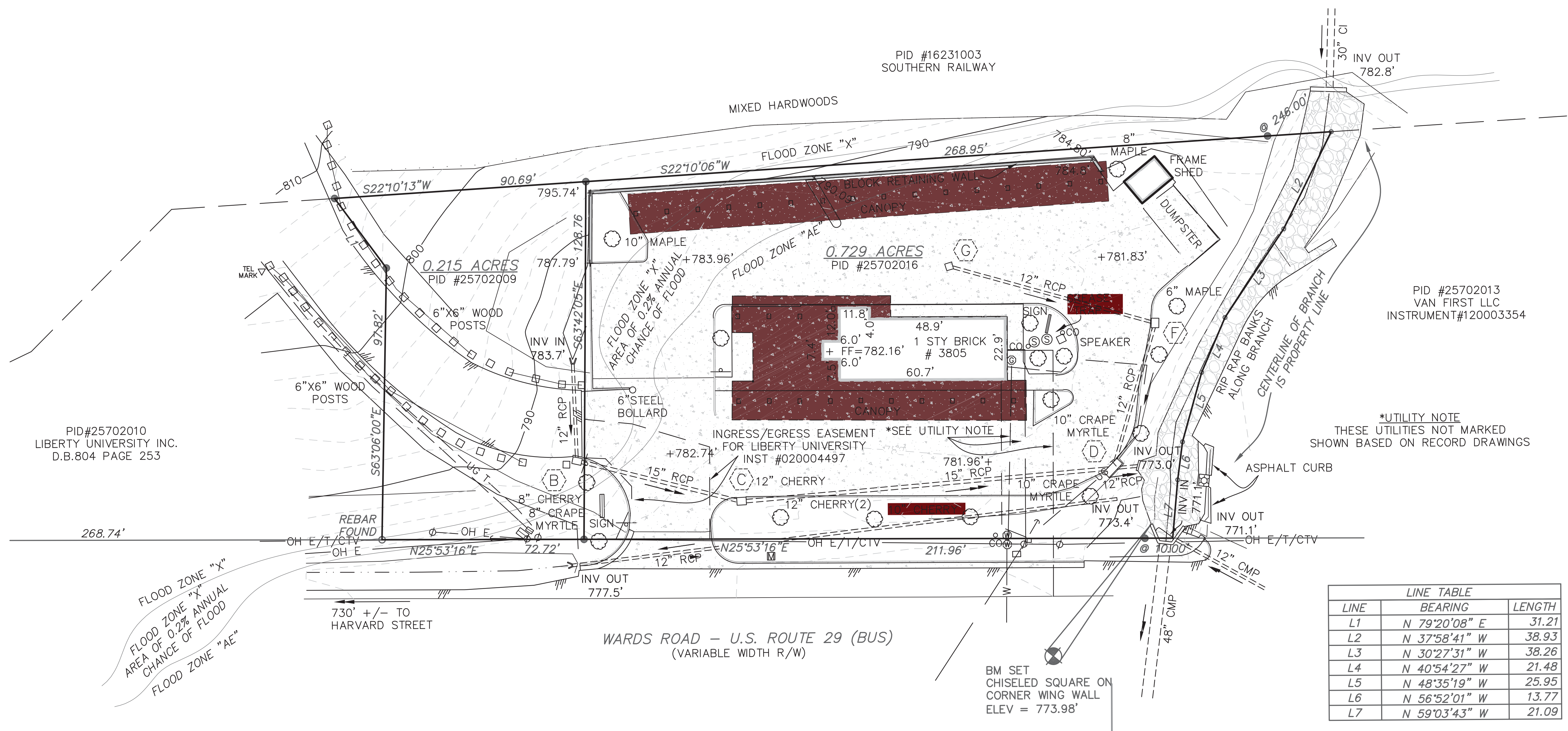
Cover Sheet

Preliminary
Not For
Construction

Sheet Information
Project Number: 0014094
Date Issued: March 2, 2014
Designed By: RAC
Drawn By: RAC
Checked By: KYC

Sheet:

ROCKY CHAMBERS, MBA
Draftsman
PO Box 307 • Collegedale, TN 37315 • (423) 240-4176
rockychambers@gmail.com



Jet Express Car Wash

Bill Hinton
3805 Wards Road, Lynchburg, Virginia 24502
Parcel ID: 25702009 & 25702016

ROCKY CHAMBERS, MBA

Draftsman
PO Box 307 • Collegedale, TN 37315 • (423) 240-4176
rockychambers@gmail.com

Preliminary
Not For
Construction

Sheet Information

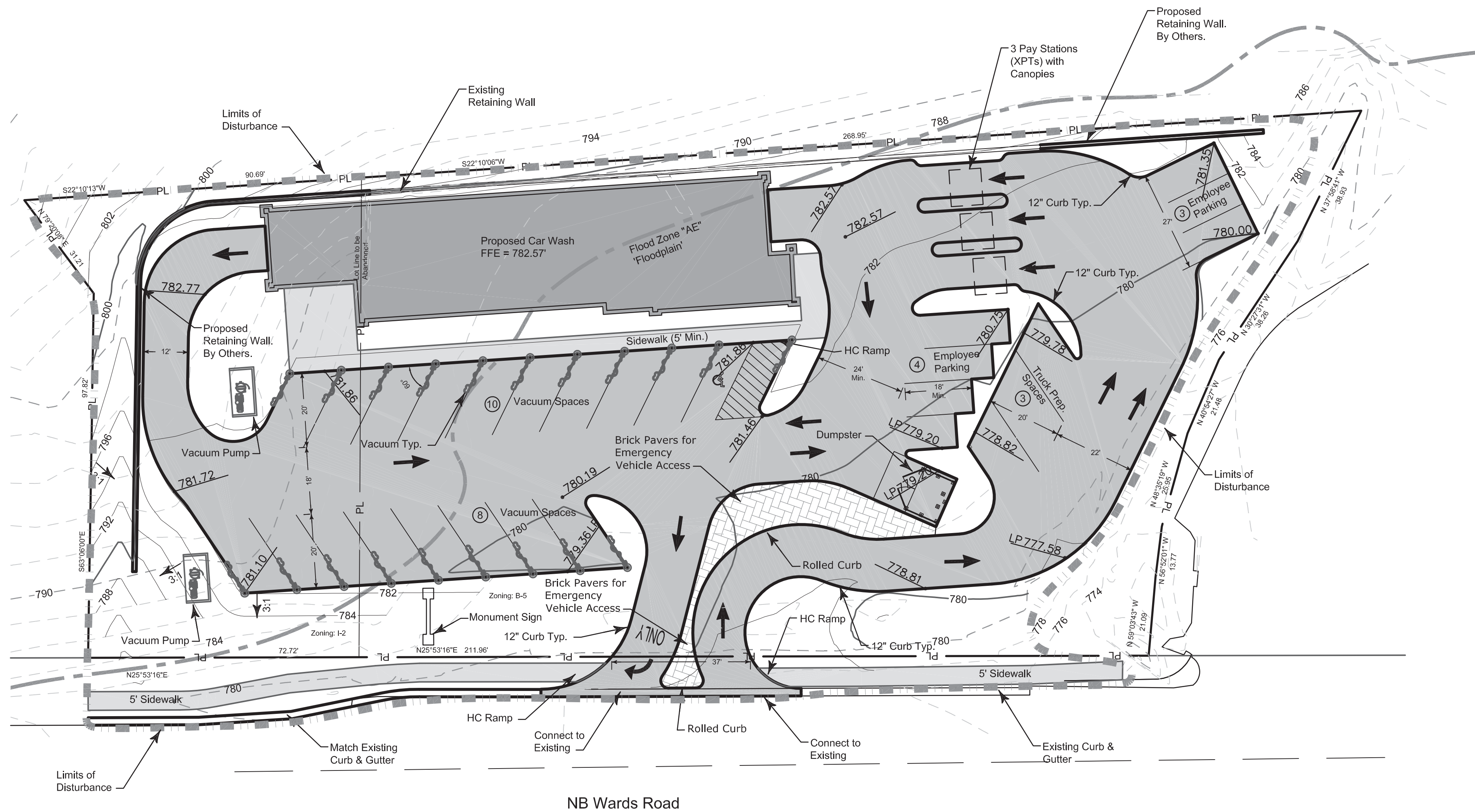
Project Number: 0014094
Date Issued: March 2, 2014
Designed By: RAC
Drawn By: RAC
Checked By: KYC
Sheet Number:

Sheet:

Revisions

No. Description By Date

1 Revised Per TNC Site Plan Review RAC 3/21/14



1 inch = 20 ft.

1. Site acreage = 0.94 acres
2. Disturbed acreage = 0.97 acres
3. Project area pre-construction impervious area = 25,200 square feet
4. Project area post-construction impervious area = 26,250 square feet
5. All areas to remain bare greater than 15 days must be temporarily stabilized.
6. Source of topography, boundary, easements and existing utility structures is a field survey by Hurt & Proffitt Incorporated.
9. Existing utility locations must be field verified. Existing utilities are in their approximate locations and not all utilities are shown.
10. All materials are to be installed per manufacturer's recommendations.
11. The FEMA established 100 year flood elevation in the vicinity of this site at both the upstream and downstream property boundary is 785.
12. Project is above the 100 year flood elevation as determined by FEMA flood map 5100930106D dated June 3, 2008.
14. All slopes 3:1 or greater must have Propoex® Landlock S1 erosion control matting installed for stabilization.
15. Note on plan that all lighting will be glare shielded and non directional, and no direct illumination will occur beyond the property line.

Building Setbacks		
	Required	Provided
Front Yard	0'	89'
Side Yard	0'	46'
Rear Yard	0'	5.5'

Car Wash
 All other uses: 1 space per each 4 persons of the rated capacity of the building.
 Rated capacity of the proposed building: 17 people
Calculation
 Required Spaces: $(17)/(4) = 5$
 Provided Off-Site Spaces: 8
 Required Accessible Spaces: 1 Total
 Required Van Accessible Spaces: 1
 Provided Accessible Spaces: 1 Total
 Provided Van Accessible Spaces: 1

Jet Express Car Wash

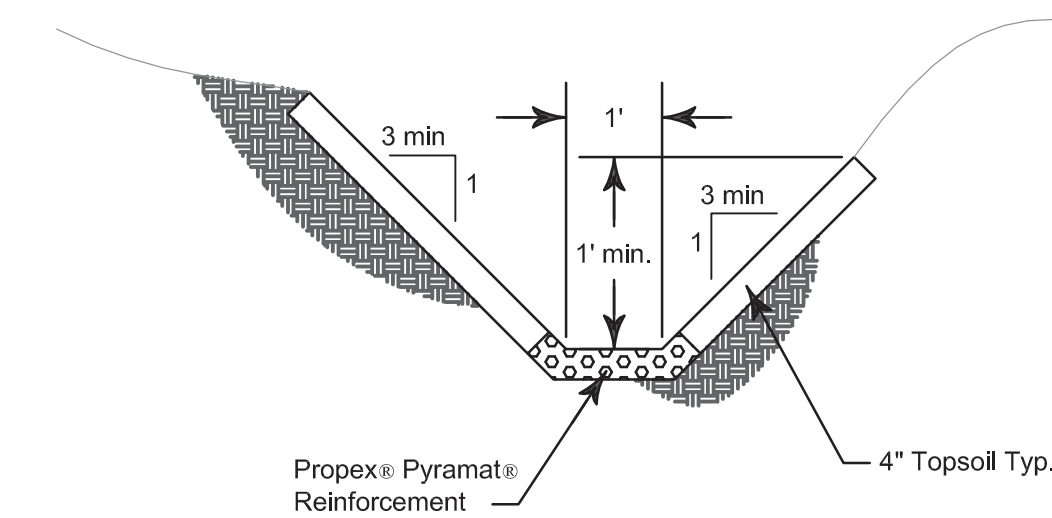
Bill Hinton
3805 Wards Road, Lynchburg, Virginia 24502
Parcel ID: 25702009 & 25702016

ROCKY CHAMBERS, MBA
Draftsman
PO Box 307 • Collegedale, TN 37315 • (423) 240-4141
rockychambers@gmail.com

Preliminary
Not For
Construction

Sheet Information	
Project Number:	0014094
Date Issued:	March 2, 2014
Designed By:	RAC
Drawn By:	RAC
Checked By:	KYC
Sheet Number:	
C301	
Sheet:	
Site & Grading Plan	

[illegible]



Flat Bottom Swale

PIPE							
STRUCTURE	SIZE (IN)	THROAT	DESCRIPTION	INVERT IN	INVERT OUT	LENGTH (FT)	SLOPE (%)
1		779.36	CURB INLET		777.00		
1-E1	12		HDPE	777.00	776.90	5.00	2.00
E1			JUNCTION BOX	776.90			
2		779.20	DOUBLE CURB INLET		775.96		
2-E2	12		HDPE	775.96	774.70	42.00	3.00
E2			EXISTING CURB INLET	774.70			

Stormdrainage Summary

ROCKY CHAMBERS, MBA
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PO Box 307 • Collegedale, TN 37315 • (423) 240-4-
rockychambers@gmail.com

Preliminary
Not For
Construction

Sheet Information	
Project Number:	0014094
Date Issued:	March 2, 2014
Designed By:	RAC
Drawn By:	RAC
Checked By:	KYC

Sheet Number:

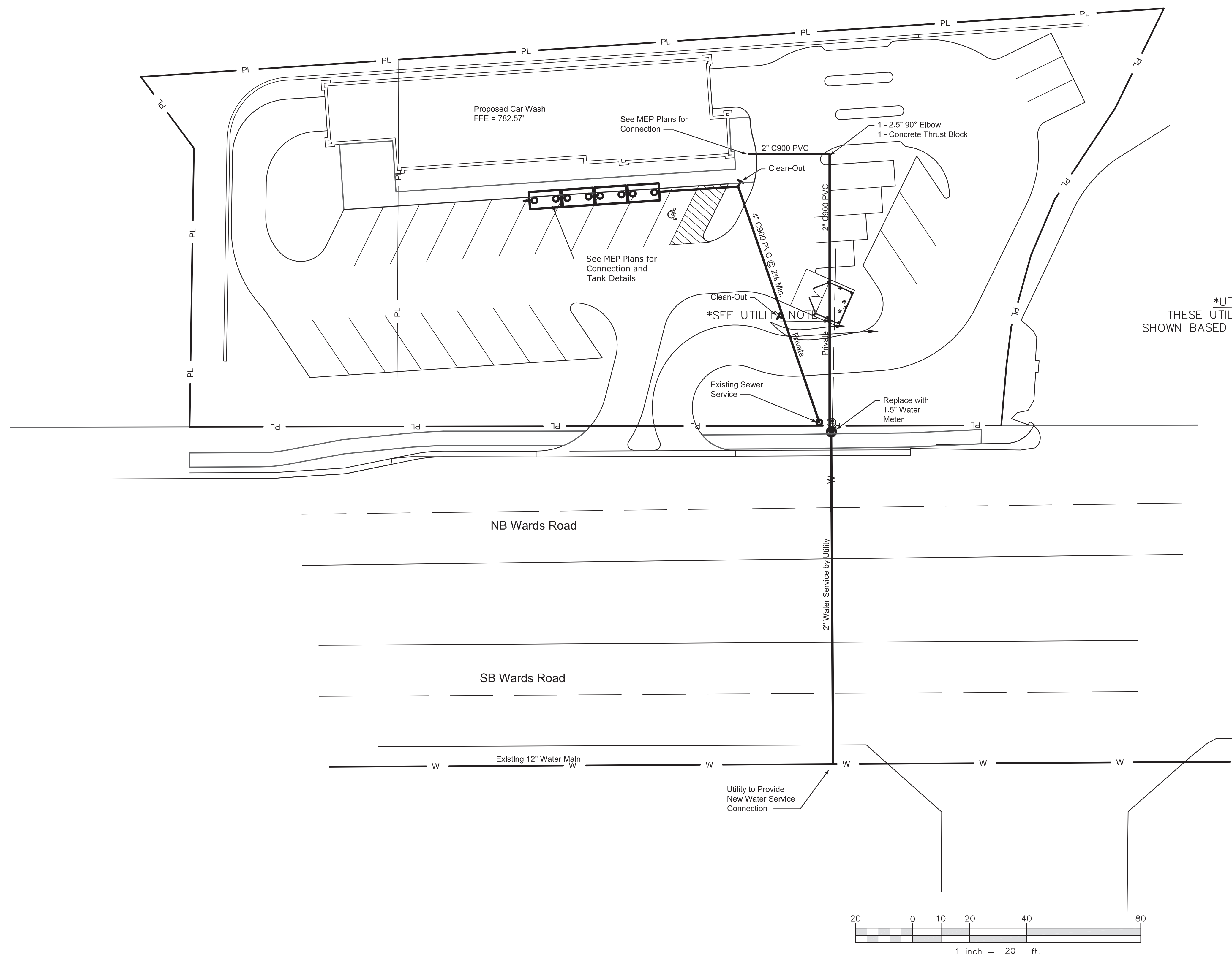
C401

Utility Plan

Jet Express Car Wash

Bill Hinton
3805 Wards Road, Lynchburg, Virginia 24502
Parcel ID: 25702009 & 25702016

[illegible]



1. All Public Infrastructure Shall be Constructed in Accordance with City of Lynchburg Manual of Specifications and Standard Details.
2. All lighting shall be glare shielded and no direct illumination will occur beyond the property line

Sheet Information	
Project Number:	001409
Date Issued:	March 2, 2014
Designed By:	RAO
Drawn By:	RAO
Checked By:	KYO

Sheet Number:

C501

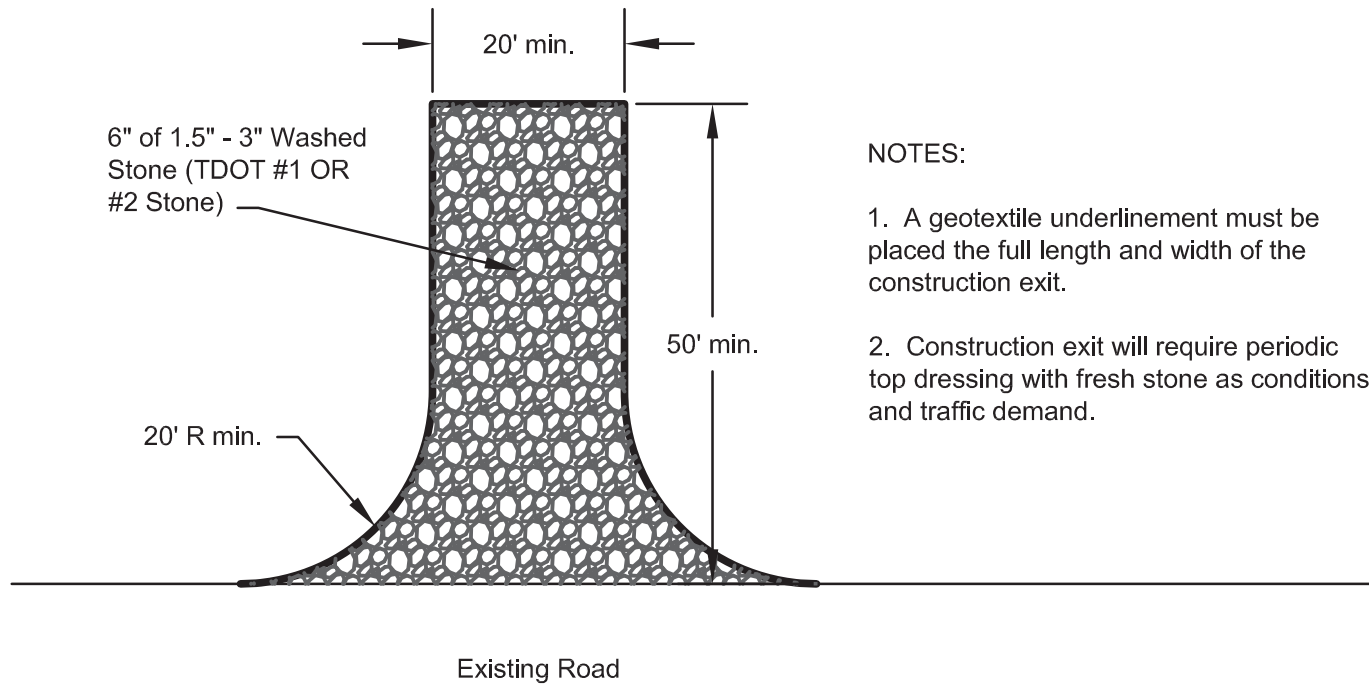
Sheet:

Utility Plan

Jet Express
Car Wash
Bill Hinton
33805 Wards Road, Lynchburg, Virginia 24502
Parcel ID: 25702009 & 25702016

[illegible]

ROCKY CHAMBERS, MBA
Draftsman
PO Box 307 • Collegedale, TN 37315 • (423) 240-4141
rockychambers@gmail.com



TEMPORARY CONSTRUCTION EXIT
Not to Scale (CE) VESCH #3.02

Seeding Dates	Grass Seed	Application Rate (lb/ac)
January 1 to May 1	Italian Rye	25
	Korean Lespedeza	25
	Summer Oats	25
May 1 to July 15	Sudan - Sorghum	38
	Starr Millet	38
	Balboa Rye	50
July 15 to January 1	Italian Rye	25

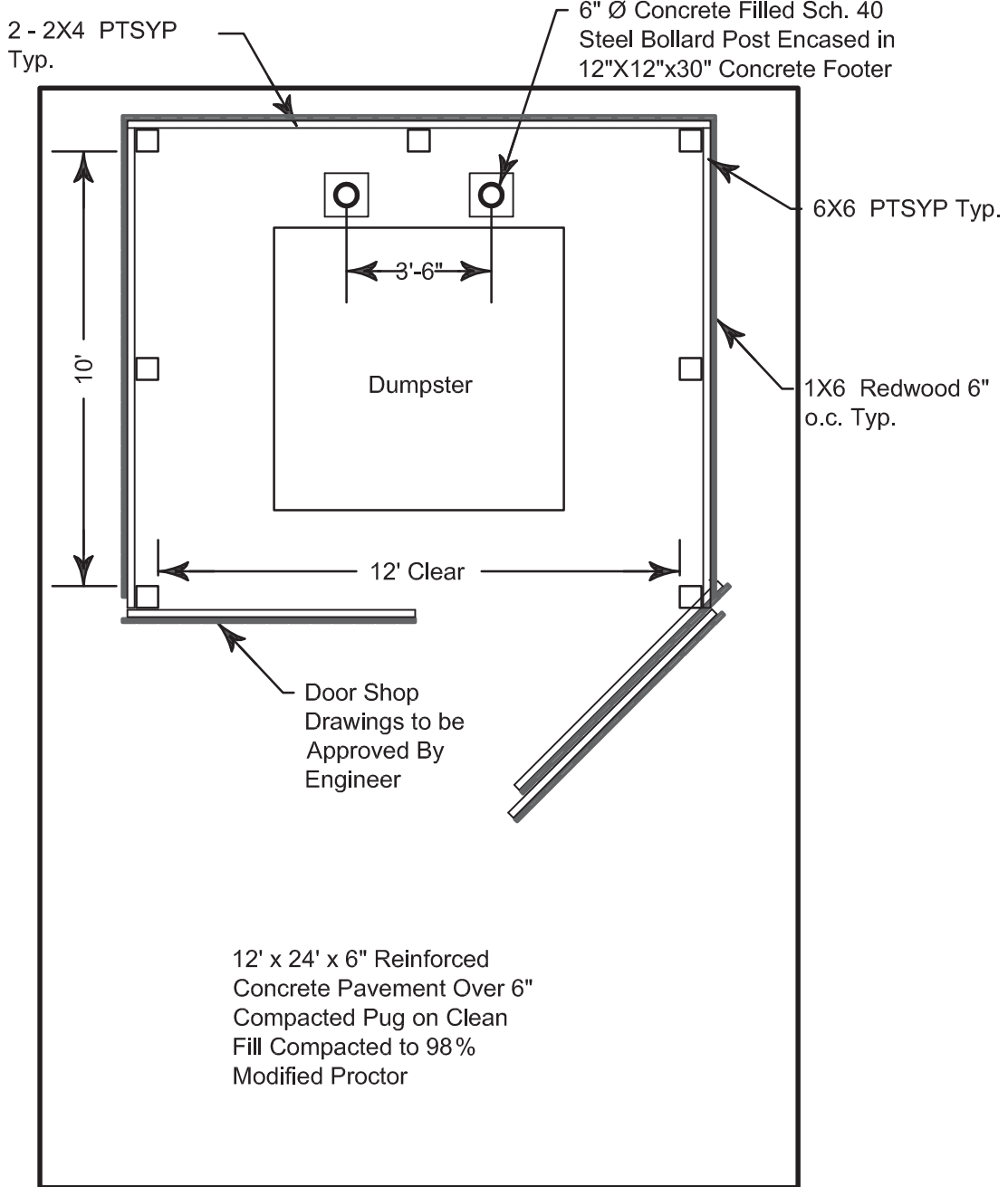
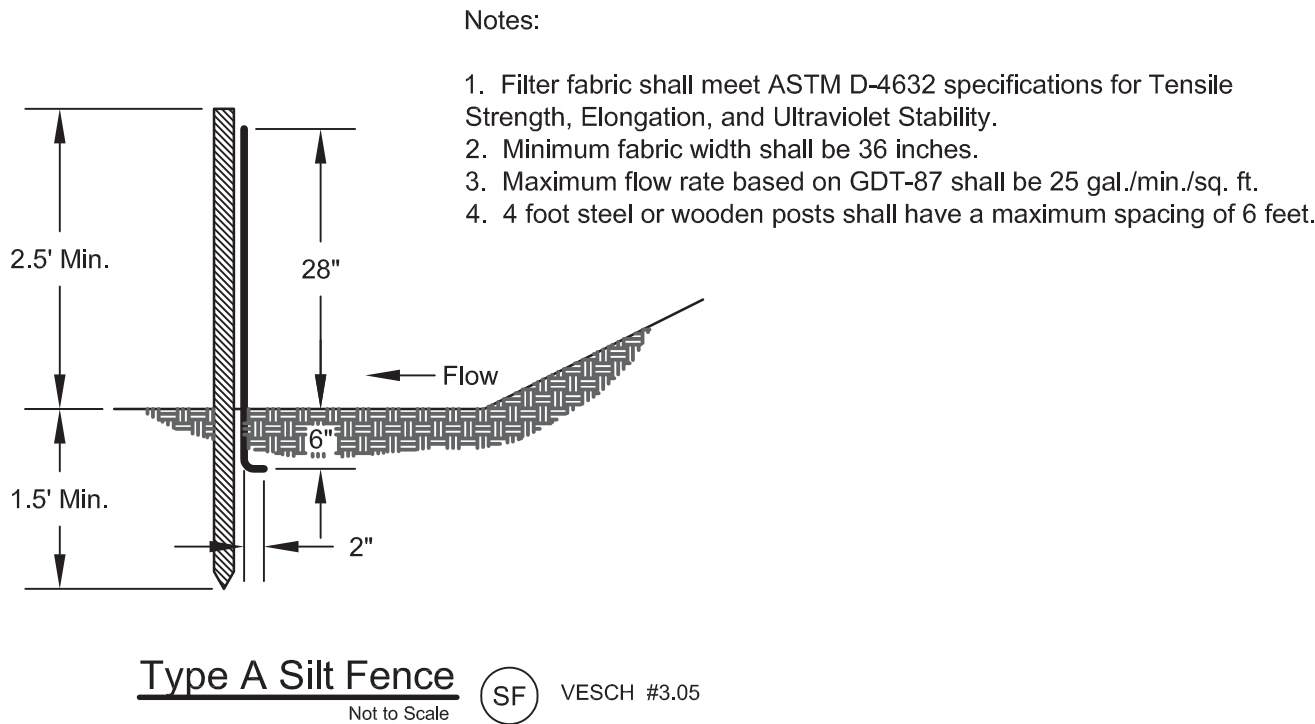
Temporary Cover Seeding Mixtures
(TS) VESCH #3.31

Seeding Dates	Grass Seed	Application Rate (lb/ac)
January 1 to June 1	Kentucky 31 Fescue	64
	Korean Lespedeza	12
	English Rye	4
June 1 to August 1	Kentucky 31 Fescue	44
	English Rye	16
	Korean Lespedeza	12
August 1 to January 1	German Millet	8
	Kentucky 31 Fescue	56
	Crown Vetch	20
	English Rye	4

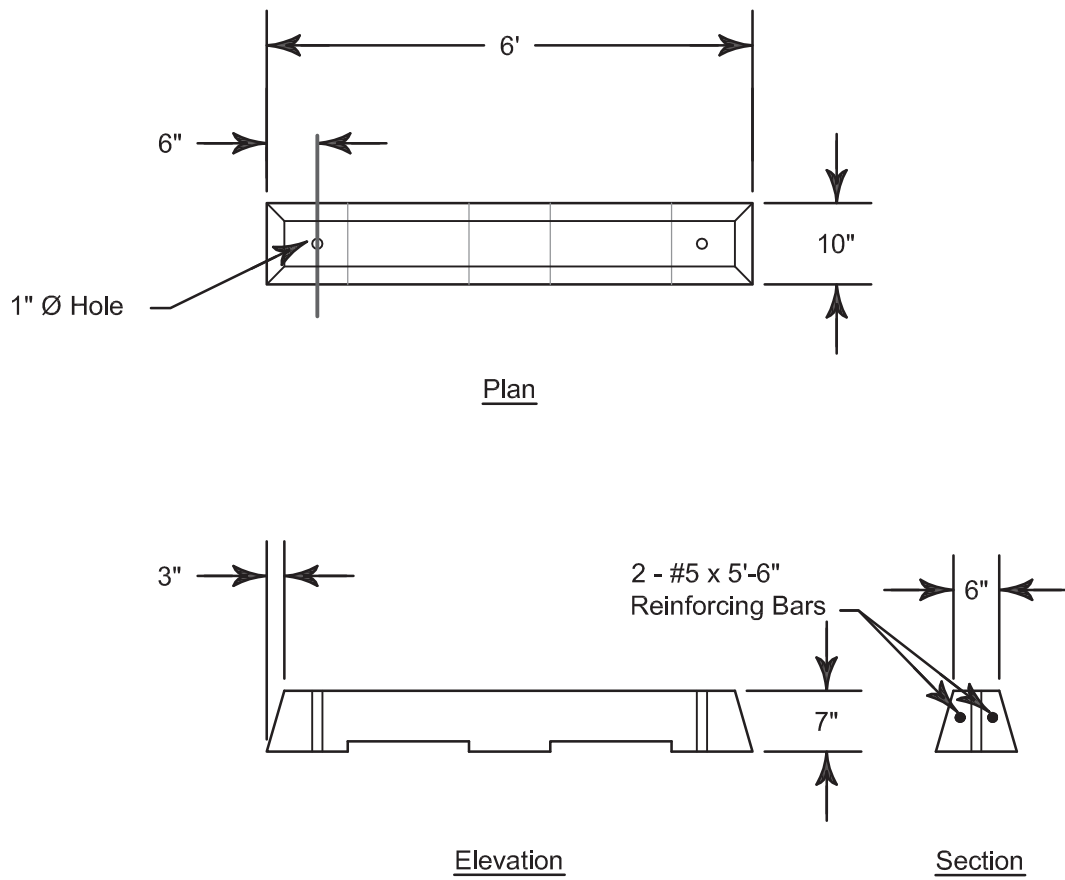
Permanent Stabilization Process:

1. Compact subgrade to required density.
2. Immediately prior to dumping and spreading the topsoil the surface shall be loosened by discs or harrows to a minimum depth of 2 inches to facilitate bonding of the topsoil to the covered subgrade soil.
3. The topsoil shall be evenly spread on the prepared areas to a uniform depth of 2 inches after compaction. After spreading is completed, the topsoil shall be satisfactorily compacted by rolling with a cultipacker.
4. Grass seed shall be sown at the rate specified above.
5. If a Geotextile is used, install as per the manufacturer's requirements. Otherwise, straw or hay shall be spread over the surface to a uniform thickness at the rate of 2 to 3 tons per acre to provide a loose depth of not less than 1-1/2 inches nor more than 3 inches.
6. After the seed has been properly covered, the seedbed shall be immediately compacted by means of an approved lawnmower, weighing 40 to 65 pounds per foot.

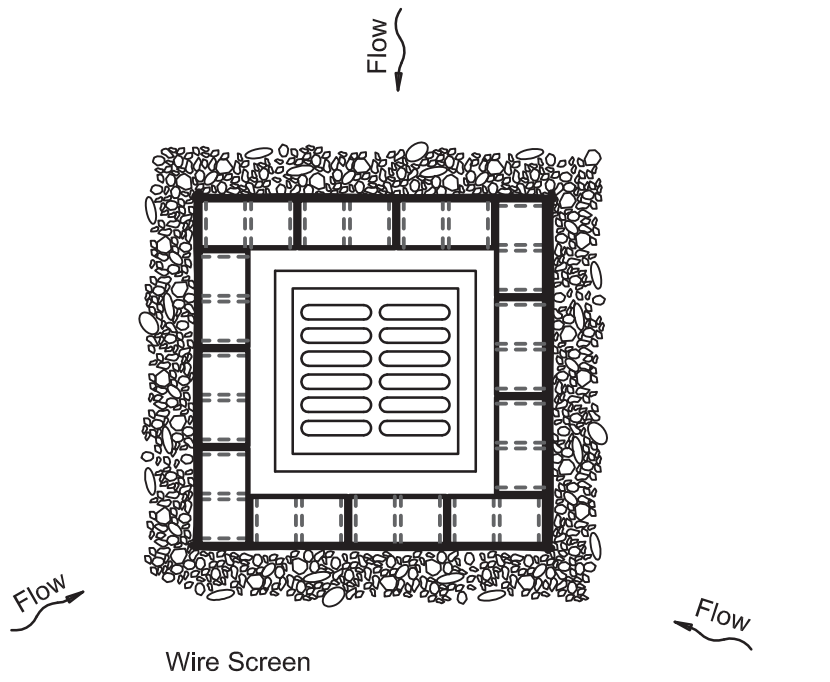
Permanent Cover Seeding Mixtures
(PS) VESCH #3.32



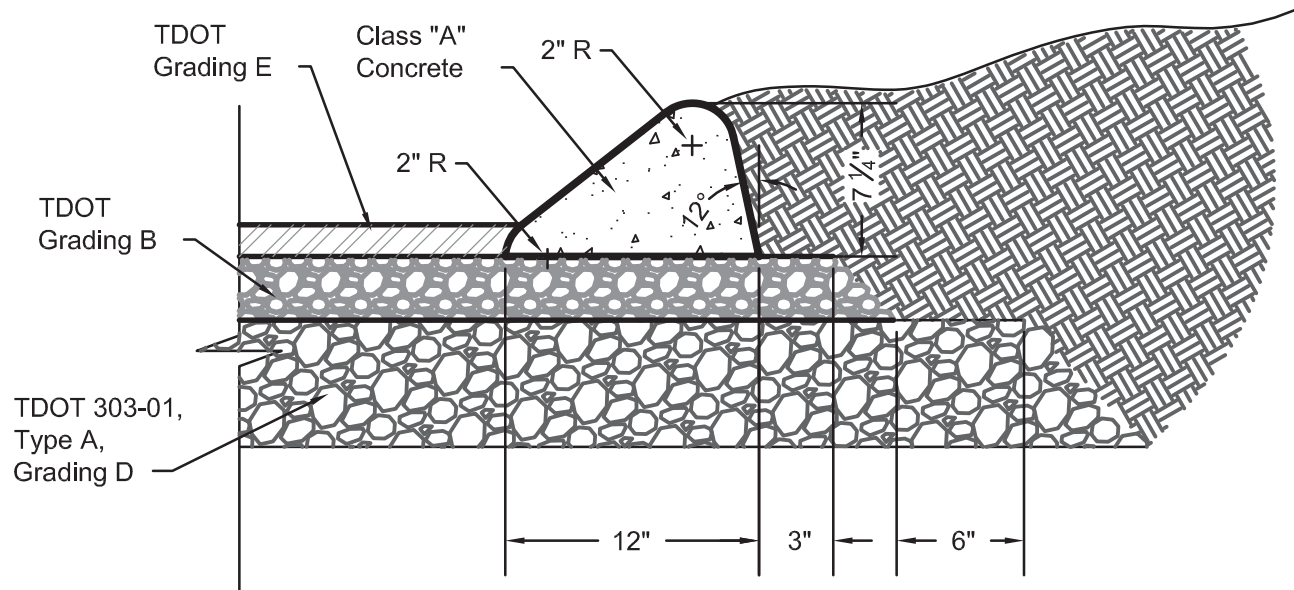
Dumpster Screening
Not to Scale



Concrete Wheel Stop
Not to Scale

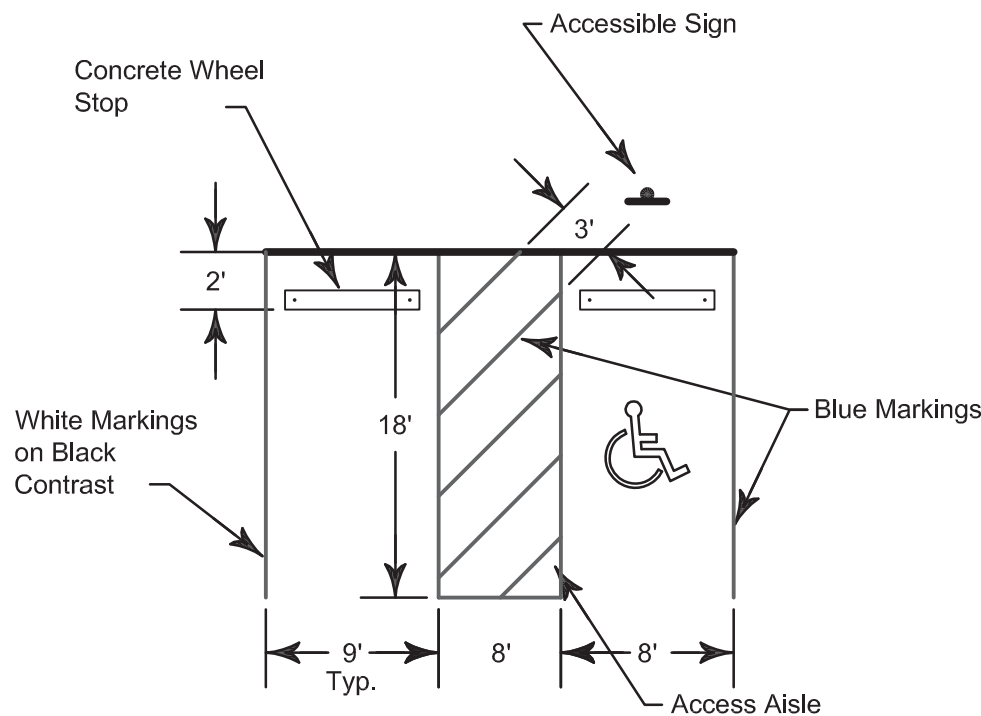


Rip Rap Inlet Protection
Not to Scale (IP) VESCH #3.07



- Notes
1. Curb materials and workmanship shall comply with Section 702 of the Tennessee Department of Transportation's *Standard Specifications for Road and Bridge Construction*.
 2. Expansion joint material shall be 3/4" premolded fiber in accordance with section 905 - Joint Materials of the above specifications.
 3. Expansion joints shall be placed at all tangent points of circular curbs, between curbs and abutting rigid objects, all other spaces where stresses may develop and at a maximum spacing of 10 feet.
 4. Contraction joints shall be on a maximum of 10 foot spacing but not less than 6 feet.
 5. Edges of joints shall be finished on one-quarter inch radii.

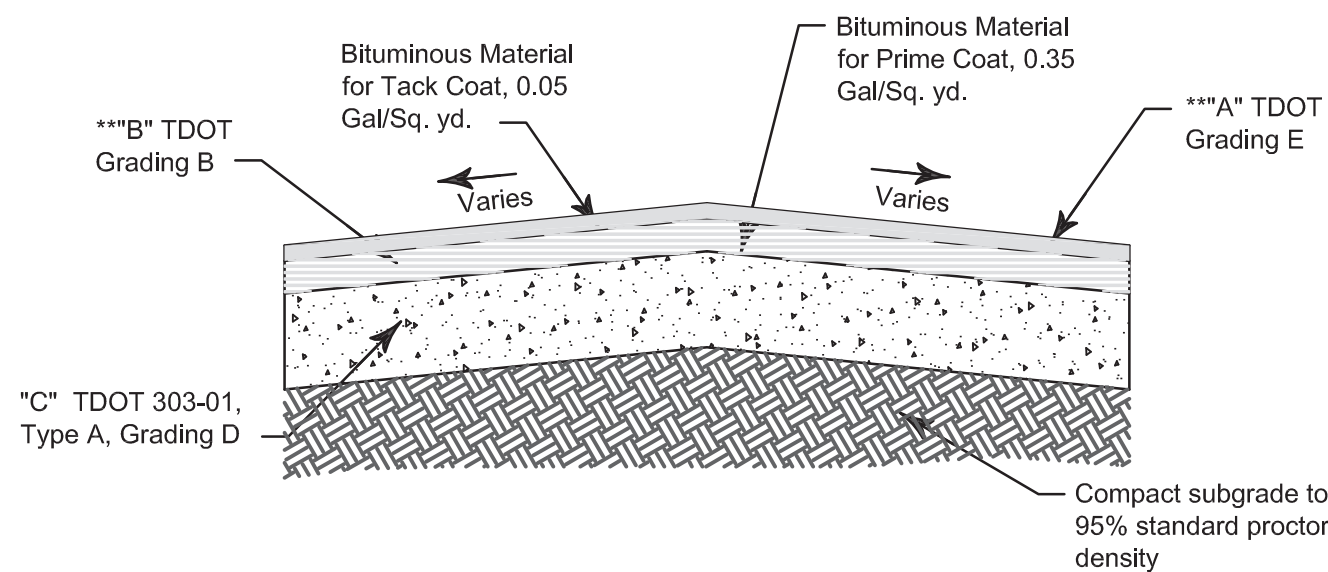
12" Extruded Concrete Curb
Not to Scale



- Notes:
1. Maximum slope in any direction for accessible parking spaces and access aisles shall be 2 %.
 2. All pavement markings for accessible spaces shall be blue with a minimum width of 4".
 3. All white pavement marking for parking spaces on concrete shall be white with a minimum width of 4" on a black contrast background with a minimum width of 8".
 4. All pavement markings for parking spaces to comply with TDOT Standard Specifications for Road and Bridge Construction Section 716.07 - Paint.

Accessible Spaces
Not to Scale

All Public Infrastructure Shall be Constructed in Accordance with City of Lynchburg Manual of Specifications and Standard Details.



	***A" Asphaltic Concrete Surface	***B" Asphaltic Concrete Binder	"C" Mineral Aggregate Base
Pavement Type	Concrete Surface	Concrete Binder	Mineral Aggregate Base
Heavy Duty	1.5"	3"	8"
Standard Duty	1.5"	1.5"	6"

**Contractor may submit to the engineer a concrete pavement section for approval.

Typical Roadway Section
Not to Scale

Jet Express
Car Wash
Bill Hinton
3805 Wards Road, Lynchburg, Virginia 24502
Parcel ID: 25702009 & 25702016

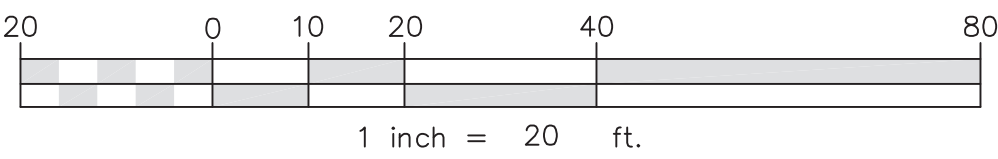
ROCKY CHAMBERS, MBA
Draftsman
PO Box 307 • Collegedale, TN 37315 • (423) 240-4176
rockychambers@gmail.com

Preliminary
Not For
Construction

Sheet Information
Project Number: 0014094
Date Issued: March 2, 2014
Designed By: RAC
Drawn By: RAC
Checked By: KYC

Sheet Number:
C701

Sheet:
**Initial Erosion
Control Plan**



Code	Practice	Map Symbol	Code
(CD)	Checkdam		Small temporary barrier, grade control structure, or dam constructed across a swale, drainage ditch, or area of concentrated flow.
(CE)	Construction Exit		A stone-stabilized pad located at any point where traffic will be leaving a construction site to a public roadway.
(IP)	Inlet Sediment Trap		A temporary protective device formed around a storm drain drop inlet to trap sediment.
(SF)	Silt Fence		A silt fence is a temporary sediment barrier made of woven, synthetic filtration fabric supported by steel or wood posts.
(TS)	Disturbed area Stabilization (with temp seeding)		The establishment of temporary vegetative cover with fast growing species for seasonal protection on disturbed or denuded areas.
(PS)	Disturbed area Stabilization (with perm seeding)		The planting of perennial vegetation such as trees, shrubs, vines, grasses, or legumes on exposed areas for final permanent stabilization. Permanent perennial vegetation shall be used to achieve final stabilization.

Phase I Erosion & Sediment Control Approval

TRC: _____ Date: _____

E&S: _____ Date: _____

Jet Express
Car Wash
Bill Hinton
3805 Wards Road, Lynchburg, Virginia 24502
Parcel ID: 25702009 & 25702016

Preliminary
Not For
Construction

Sheet Information

Project Number:	0014094
Date Issued:	March 2, 2014
Designed By:	RAO
Drawn By:	RAO
Checked By:	KYO

Sheet Number:

C801

Final Erosion Control Plan

Jet Express Car Wash

Bill Hinton
3805 Wards Road, Lynchburg, Virginia 24502
Parcel ID: 25702009 & 25702016

ROCKY CHAMBERS, MBA
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PO Box 307 • Collegedale, TN 37315 • (423) 240-4176
rockychambers@gmail.com

jet express carwash

OWNER + MR. BILL HINTON + B&H HOLDINGS, LLC + 160 SUNNY COVE DRIVE + MONETA, VA 24121 + 540 -520-6405

NOTE: THIS COVER SHEET AND THE FOLLOWING ARCHITECTURAL SHEETS ARE INCLUDED IN THIS SUBMITTAL TO PROVIDE INFORMATION ABOUT THE BUILDING THAT MAY ASSIST THE AHJ IN THE TECHNICAL REVIEW OF THE PROJECT.

DESIGN TEAM & CONTACT INFORMATION

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1713 HOURGLASS POINTE:
HIXSON, TN 37343
(828) +400+4354
ericricklee@yahoo.com

PROPOSED STRUCTURAL ENGINEERING CONSULTANT
SBI (SOLAR BEAR INC.) ENGINEERS, INC., ENGINEERING CONSULTANTS.
JASON MCGLOTHLIN
325 Cherokee Blvd.
Chattanooga, TN 37405
423-265-1902

CIVIL DRAWINGS:
CHATTANOOGA DESIGN GROUP
ROCKY CHAMBERS, MBA
PO Box 307 , Collegedale, TN 37315 ☐ (423) 600-9110
www.RockyChambers.com

PROPOSED PLUMBING, MECHANICAL AND ELECTRICAL ENGINEERING CONSULTANTS
AEED (ADVANCED ENERGY ENGINEERING AND DESIGN), INC
WAYNE KING
408 McCallie Ave, Chattanooga, TN 37405
423-752-3438



PROJECT DATA:

LOCATION, ZONING, TAX MAP INFO, AREAS AND AREA INCREASE
ZONING: B-5C & I-2 CHANGED TO B-5C, CONDITIONAL USE PERMIT
LOCATION: 3801 & 3805 Wards Rd., Lynchburg, VA 24502
BUILDING: TOTAL AREA 4,200 SQUARE FEET. Refer to Table 503; 9,000sf allowed. Area Increase calculation not required.
Construction: Type V-B not sprinklered.

The project is the construction of a single story express carwash. The building consists of three basic areas:
1. The tunnel which has a 130'-0" conveyor that pulls cars thru the tunnel while the driver remains inside the car.
2. The mechanical or equipment room which in the case of an express carwash is approximately 35% of the facility. There are no hazardous or combustible materials used in the project.
3. The control room/office area which has a HC Accessible Toilet Room.

Outside the carwash are Vacuum Bays which are included in the cost of the wash. The parking spaces are oversized to make cleaning out the car easier.
The facility has a water reclaim system which allows the wash system to recycle 80% of its daily water consumption.

Construction is slab on grade. exterior walls are load bearing masonry using either cmu or split face. All 3 spaces are separated by 8" cmu. The rest of the walls are wood studs. The foundation is a simple spread footer; 12" x 24" with 3 -#4 bars; generally vertical reinforcement is at 48" oc., doors, windows and corners. The roof system is glue down TPO over a plywood deck supported by prefabricated wood trusses with a sloped top chord. Water is removed by the roof using roof scuppers located at the low side of the building. The building has a tower which is used for exposure. The top of the tower is 15'-0" above the lowest point of the roof.

ALLOWABLE HEIGHT AND BUILDING AREAS: TABLE 503

TABLE 503 ALLOWABLE BUILDING HEIGHTS AND AREAS ^{a,b} Building height limitations shown in feet above grade plane. Story limitations shown as stories above grade plane. Building area limitations shown in square feet, as determined by the definition of "Area, building," per story											
GROUP	HEIGHT (feet)	TYPE OF CONSTRUCTION									
		TYPE I		TYPE II		TYPE III		TYPE IV		TYPE V	
		A	B	A	B	A	B	A	B	A	B
		UL	100	65	65	65	65	65	65	40	40
STORIES(S) AREA (A)											
A-1	S	UL	5	3	2	3	2	3	2	1	
	A	UL	UL	15,500	8,500	14,000	8,500	15,000	11,500	5,500	
A-2	S	UL	11	3	2	3	2	3	2	1	
	A	UL	UL	15,500	9,500	14,000	9,500	15,000	11,500	6,000	
A-3	S	UL	11	3	2	3	2	3	2	1	
	A	UL	UL	15,500	9,500	14,000	9,500	15,000	11,500	6,000	
A-4	S	UL	11	3	2	3	2	3	2	1	
	A	UL	UL	15,500	9,500	14,000	9,500	15,000	11,500		
A-5	S	UL	UL	UL	UL	UL	UL	UL	UL	UL	
	A	UL	UL	UL	UL	UL	UL	UL	UL	UL	
B	S	UL	11	5	3	5	3	5	3	2	
	A	UL	UL	37,500	23,000	28,500	19,000	36,000	18,000	9,000	
E	S	UL	UL	UL	26,500	14,500	23,500	14,500	25,500	18,500	9,500
	A	UL	UL	UL	11	4	15,500	19,000	12,000	33,500	14,000
F-1	S	UL	UL	UL	25,000	12,000	19,000	12,000	33,500	14,000	8,500
	A	UL	UL	UL	11	5	4	3	5	3	2
F-2	S	UL	UL	UL	37,500	23,000	28,500	18,000	50,500	21,000	13,000
	A	UL	UL	UL	UL	UL	UL	UL	UL	UL	UL
H-1	S	UL	1	1	1	1	1	1	1	NP	NP
	A	UL	21,000	16,500	11,000	7,000	9,500	7,000	10,500	7,500	NP
H-2	S	UL	3	2	1	2	1	2	1	1	1
	A	UL	21,000	16,500	11,000	7,000	9,500	7,000	10,500	7,500	3,000
H-3	S	UL	6	4	2	4	2	4	2	1	1
	A	UL	60,000	26,500	14,000	17,500	13,000	25,500	10,000	5,000	
H-4	S	UL	7	5	3	5	3	5	3	2	2
	A	UL	UL	UL	37,500	17,500	28,500	17,500	36,000	18,000	6,500
H-5	S	UL	4	3	3	3	3	3	3	2	2
	A	UL	UL	UL	37,500	23,000	28,500	19,000	36,000	18,000	9,000
I-1	S	UL	9	4	3	4	3	4	3	2	2
	A	UL	55,000	19,000	10,000	16,500	10,000	18,000	10,500	4,500	
I-2	S	UL	4	2	1	1	NP	1	1	NP	NP
	A	UL	UL	UL	15,000	11,000	12,000	NP	12,000	9,500	NP
I-3	S	UL	4	2	1	2	1	2	2	1	1
	A	UL	UL	UL	15,000	10,000	10,500	7,500	12,000	7,500	5,000
I-4	S	UL	5	3	2	3	2	3	1	1	1
	A	UL	60,500	26,500	13,000	23,500	13,000	25,500	18,500	9,000	

APPLICABLE BUILDING CODES:

International Building Code, 2009 edition;
International Residential Code, 2009 edition;
National Electrical Code, 2009 edition;
International Fire Code, 2009 edition;
International Mechanical Code, 2009 edition;
International Fuel Gas Code, 2009 edition;
International Plumbing Code, 2009 edition;
International Energy Conservation Code, 2009 edition;
Accessible and Usable Buildings and Facilities (ANSI/ICC A117.1), 2003 edition;

NOTE: THE COMMONWEALTH OF VA HAS AMENDMENTS TO THE ABOVE CODES.
It is the responsibility of the GC to become familiar with these amendments.

EGRESS

REQUIRED EXITS:
EACH TENANT ON THE GROUND FLOOR REQUIRES A MINIMUM OF TWO EXITS.
TWO PER TENANT ARE PROVIDED AND ARE REMOTE.
REFER TO SHEETS A1.1, A1.4 AND A1.7 FOR TRAVEL DISTANCES/SAFETY FLOOR PLAN.
THE MAXIMUM TRAVEL DISTANCE FOR ANY TENANT DOES NOT EXCEED 170'-0".
REFER TO SHEET A1.10, A1.11 AND A1.12 FOR EXIT ACCESS TRAVEL DISTANCES.

OCCUPANCY

CLASSIFICATION: Business
Business Group B. Business Group B occupancy includes, among others, the use of a building or structure, or a portion thereof, for office, professional or service-type transactions, including storage of records and accounts. Business occupancies shall include, but not be limited to, the following: Car wash

100 sq/person is used in the control room office area and 300sq/person is used in the tunnel and equipment room.
Calculation: 4,200 sf total 515 sq in control room office area = 5 occupants + 12 occupants equals 17 occupants. However, the reality of this project is that there is a maximum of 4 employees used at any single time. Beyond that only users sitting in cars while they are pulled through the tunnel are in the building.

TYPE OF CONSTRUCTION: TYPE III - B

Type V. Type V construction is that type of construction in which the structural elements, exterior walls and interior walls are of any materials permitted by this code.

FIRE-RESISTANCE RATING REQUIREMENTS

TABLE 601: refer to the table

TABLE 601
FIRE-RESISTANCE RATING REQUIREMENTS FOR BUILDING ELEMENTS (hours)

BUILDING ELEMENT	TYPE I		TYPE II		TYPE III		TYPE IV	TYPE V
	A	B	A	B	A	B		
Structural frame ^a	3 b	2 b	1	0	1	0	HT	1 b
Bearing walls								
Exterior ^c	3	2	1	0	2	2	2	0
Interior	3 b	2 b	1	0	1	0	1/HT	
Nonbearing walls and partitions	See Table 602							
Exterior								
Nonbearing walls and partitions	0	0	0	0	0	0	See Section 602.4.8	0
Interior ^f								
Floor construction including supporting beams and joists	2	2	1	0	1	0	HT	0
Roof construction including supporting beams and joists	1 1/2 c	1 c, d	1 c, d	0 c, d	1 c, d	0 c, d	HT	1 c, d

For SI: 1 foot = 304.8 mm.
a. The structural frame shall be considered to be the columns and the girders, beams, trusses and spandrels having direct connections to the columns and bracing members designed to carry gravity loads. The members of floor or roof panels which have no connection to the columns shall be considered secondary members and not a part of the structural frame.
b. Roof supports: Fire-resistance ratings of structural frame and bearing walls are permitted to be reduced by 1 hour where supporting a roof only.
c. Except in Group F-1, H, M and S-1 occupancies, fire protection of structural members shall not be required, including protection of roof framing and decking where every part of the roof construction is 20 feet or more above any floor immediately below. Fire-retardant-treated wood members shall be allowed to be used for such unprotected members.
d. In all occupancies, heavy timber shall be allowed where a 1-hour or less fire-resistance rating is required.
e. An approved automatic sprinkler system in accordance with Section 903.3.1.1 shall be allowed to be substituted for 1-hour fire-resistance-rated construction, provided such system is not otherwise required by other provisions of the code or used for an allowable area increase in accordance with Section 508.3 or an allowable height increase in accordance with Section 502.2. The 1-hour substitution for the fire resistance of exterior walls shall not be permitted.
f. Not less than the fire-resistance rating required by other sections of this code.
g. Not less than the fire-resistance rating based on fire separation distance (see Table 602).

FIRE DISTRICT, SPRINKLER SYSTEM, FIRE RATINGS,

FIRE DISTRICT: NO
SPRINKLERED: NO

REQUIRED DESIGN CRITERIA

Ground Snow Load : 25 lbs
Wind Speed: 90 mph
Seismic Design Region: 'C'
Weathering: Severe
Frost Line Depth: 18"
Termite: Moderate/Heavy
Decay: Slight/Moderate
Winter Design Temperature: 16 degrees Fahrenheit

EGRESS:

OCCUPANCY FOR CONTROL ROOM/OFFICE = 5. ONE EXIT REQUIRED, ONE EXIT PROVIDED.
EQUIPMENT ROOM: 850 SF = 3, ONE EXIT TO THE OUTSIDE PROVIDED AND ONE TO EXIT CORRIDOR.
THERE ARE TWO EXIT DOORS LEADING FROM THE TUNNEL INTO THE EQUIPMENT ROOM AND CONTROL ROOM.
ALL DOORS ARE OPEN DURING OPERATIONAL HOURS.

INDEX OF DRAWINGS

THIS TITLE SHEET IS PART OF THE CONSTRUCTION DOCUMENT SUBMITTAL REQUIRED FOR A BUILDING PERMIT. THE SHEET IS INCLUDED IN THE TECHNICAL REVIEW SUBMITTAL TO PROVIDE INFORMATION ABOUT THE BUILDING AND ITS CONSTRUCTION. WHEN THE PROJECT IS READY FOR THE BUILDING PERMIT THIS TITLE SHEET AND ITS INDEX WILL BE COMPLETED. REFER TO THE CIVIL DRAWINGS FOR THE INDEX AND SITE LOCATION MAP.

CIVIL DRAWINGS

ARCHITECTURAL DRAWINGS

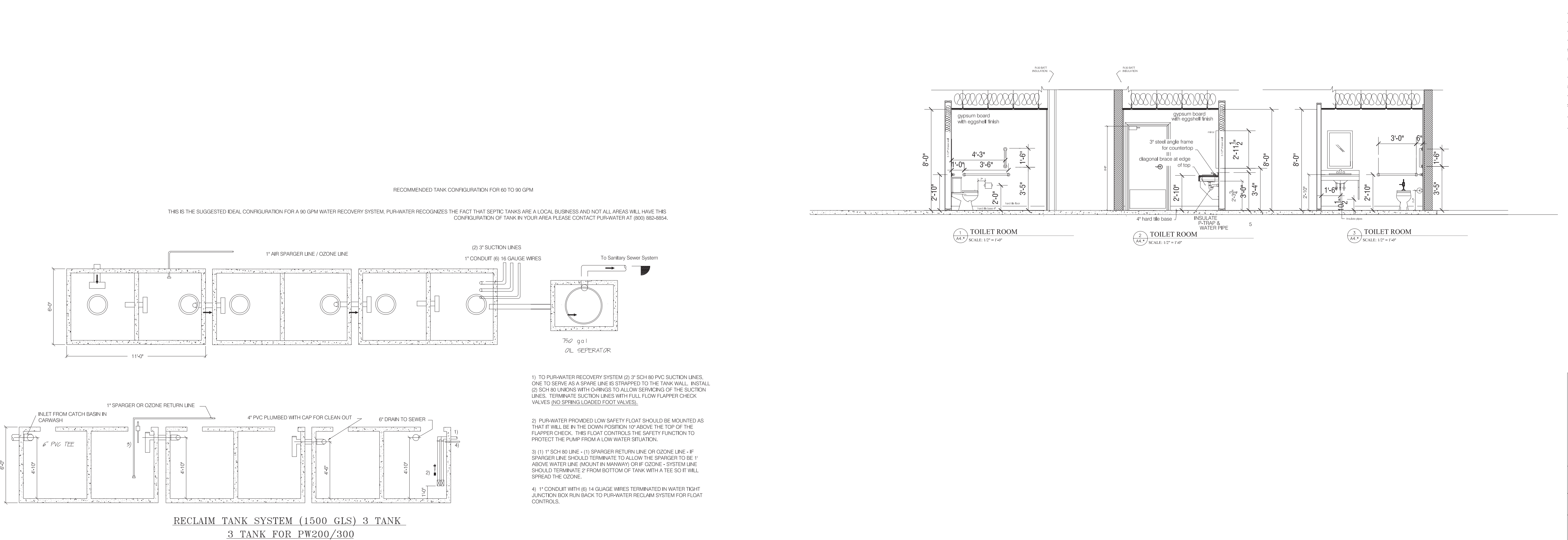
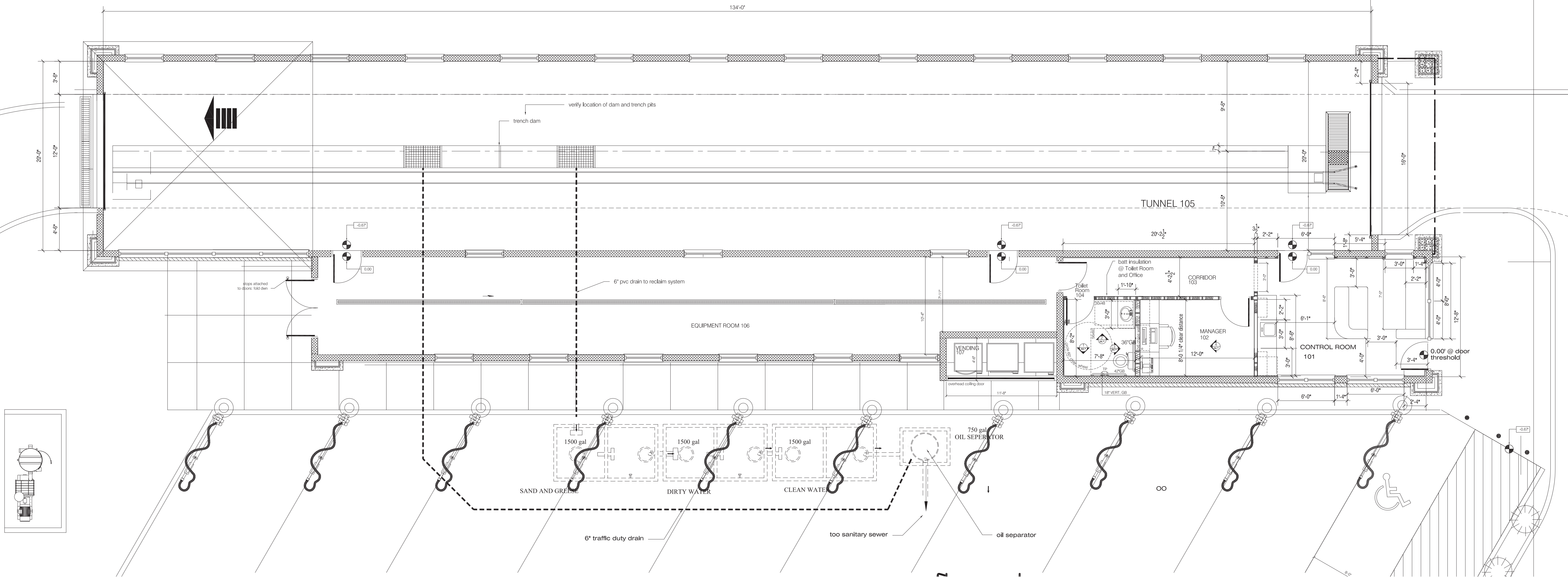
A1.1 FLOOR PLAN, SECTION AND PLAN OF RECLAIM SYSTEM AND HC ACCESSIBLE TOILET ELEVATIONS.
A2.1 FRONT ELEVATION WITH NOTES ABOUT FINISHES.
A3.1 SECTIONS/DETAILS TRENCH IN TUNNEL
A3.2 SECTIONS/DETAILS TRENCH IN TUNNEL

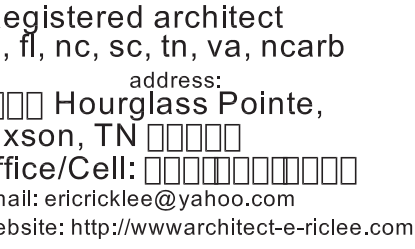
STRUCTURAL DRAWINGS

PLUMBING

HVAC

LOCATION MAP FOR PROJECT
REFER TO CIVIL COVER SHEET FOR LOCATION





express jet car wash

an express carwash development for Mr. Bill Hinton
Lynchburg, VA

bill hinton

BOH Holdings, LLC, 1000 sunny cove drive, moneta, va 22865

Addendum: Description + Date

CONSULTANT
Architect of Record
[Rick] W. Lee-Architect, PLLC
[REDACTED] hourgalls pt, hlxson, tn [REDACTED]
DRAWN BY:
[Rick] W. Lee
CHECKED BY:
[Rick] W. Lee

12001111 12001116

A2.1 of 1

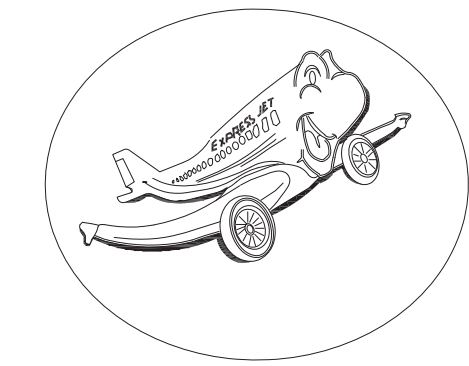
the absence of a professional's seal, these documents are not for construction.



RELEASE DATE:

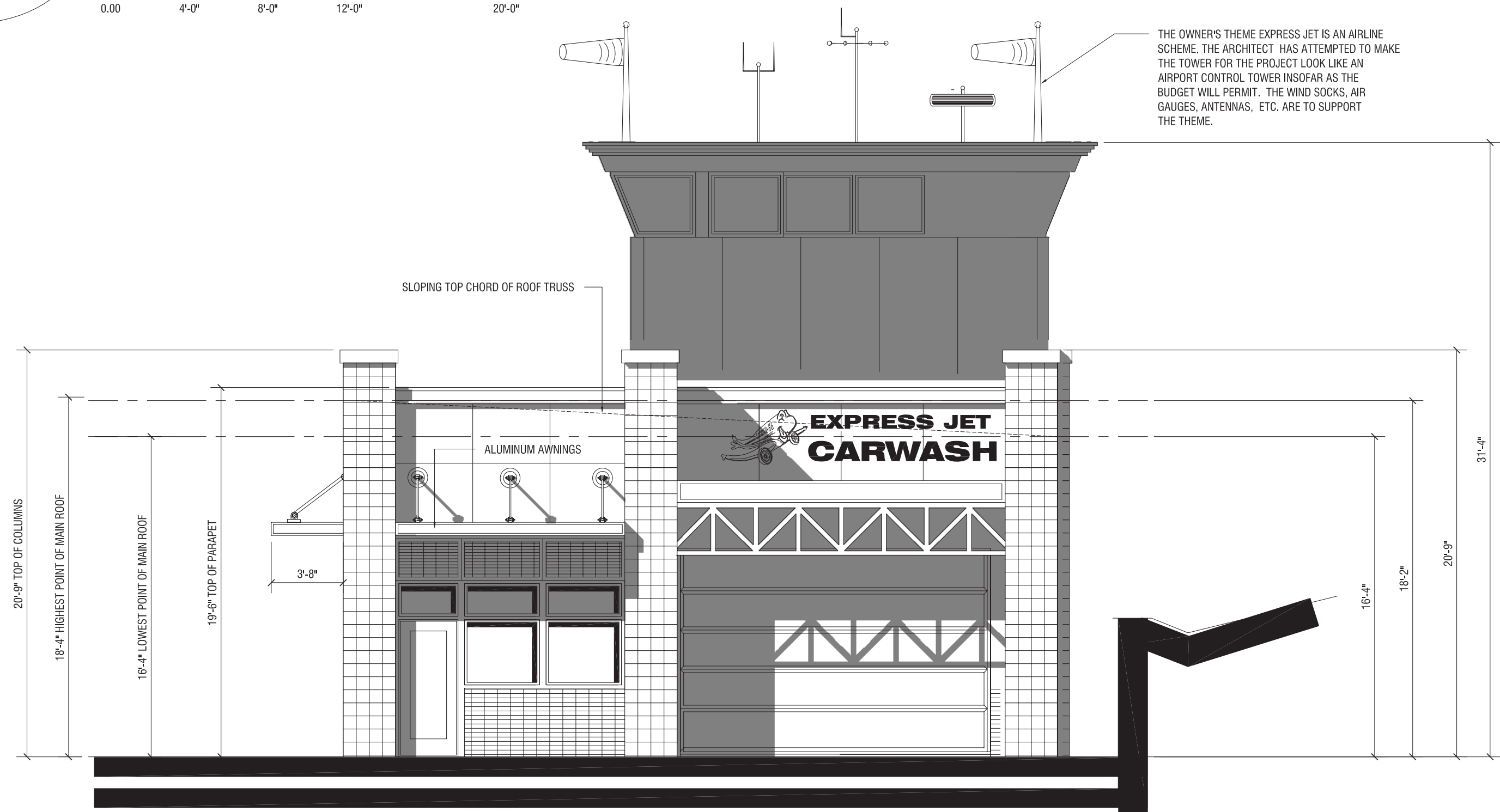
CONTRACT DATE:
DEC 2, 2013

OWNERSHIP: These documents are protected under the copyright laws of the United States. The documents herein are the property of the architect and cannot be used without written permission.

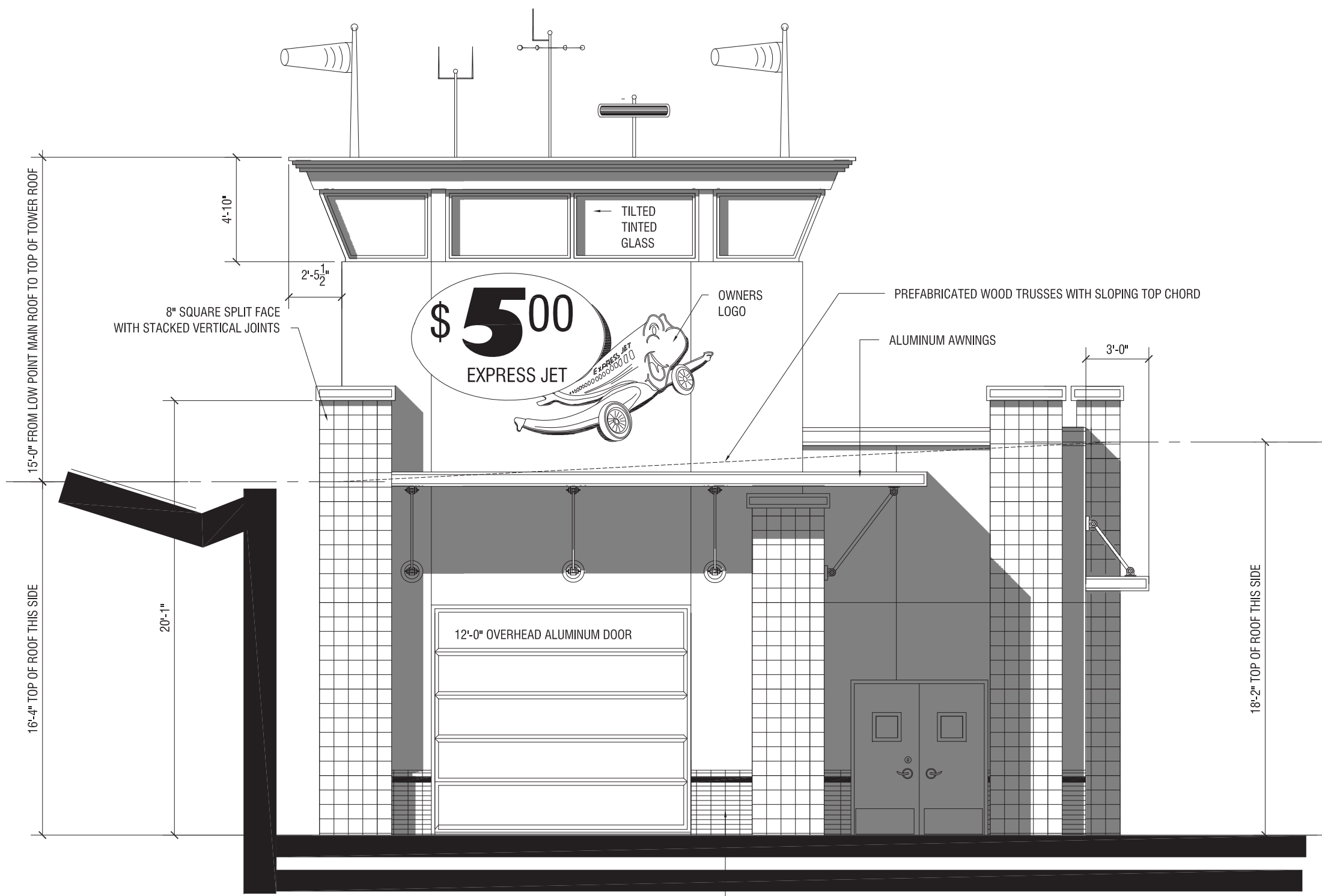
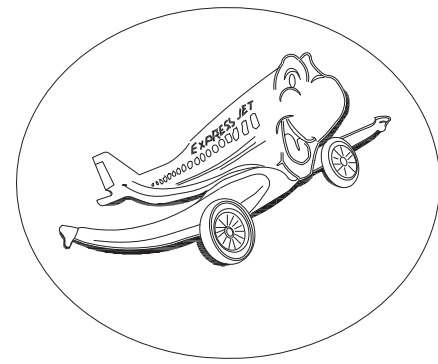


WARD'S ROAD ELEVATION

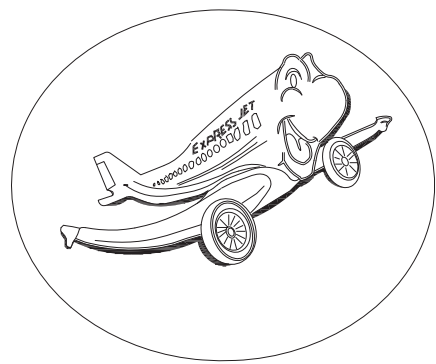
IMPORTANT NOTE: IT IS ACKNOWLEDGED THAT THE SIGNAGE INDICATED ON THESE DRAWINGS ARE PRELIMINARY AND ARE PROPOSED LOCATIONS ONLY. OWNER RECOGNIZES THAT HE MUST SUBMIT A SIGN PACKAGE TO THE CITY FOR REVIEW AND APPROVAL.

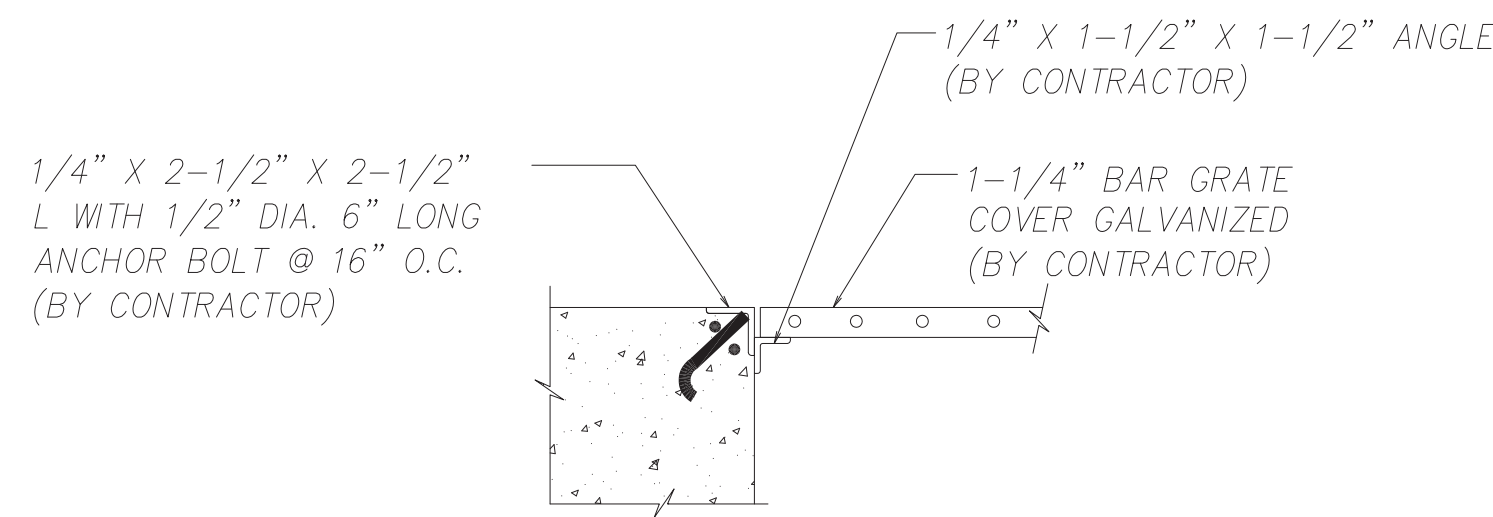
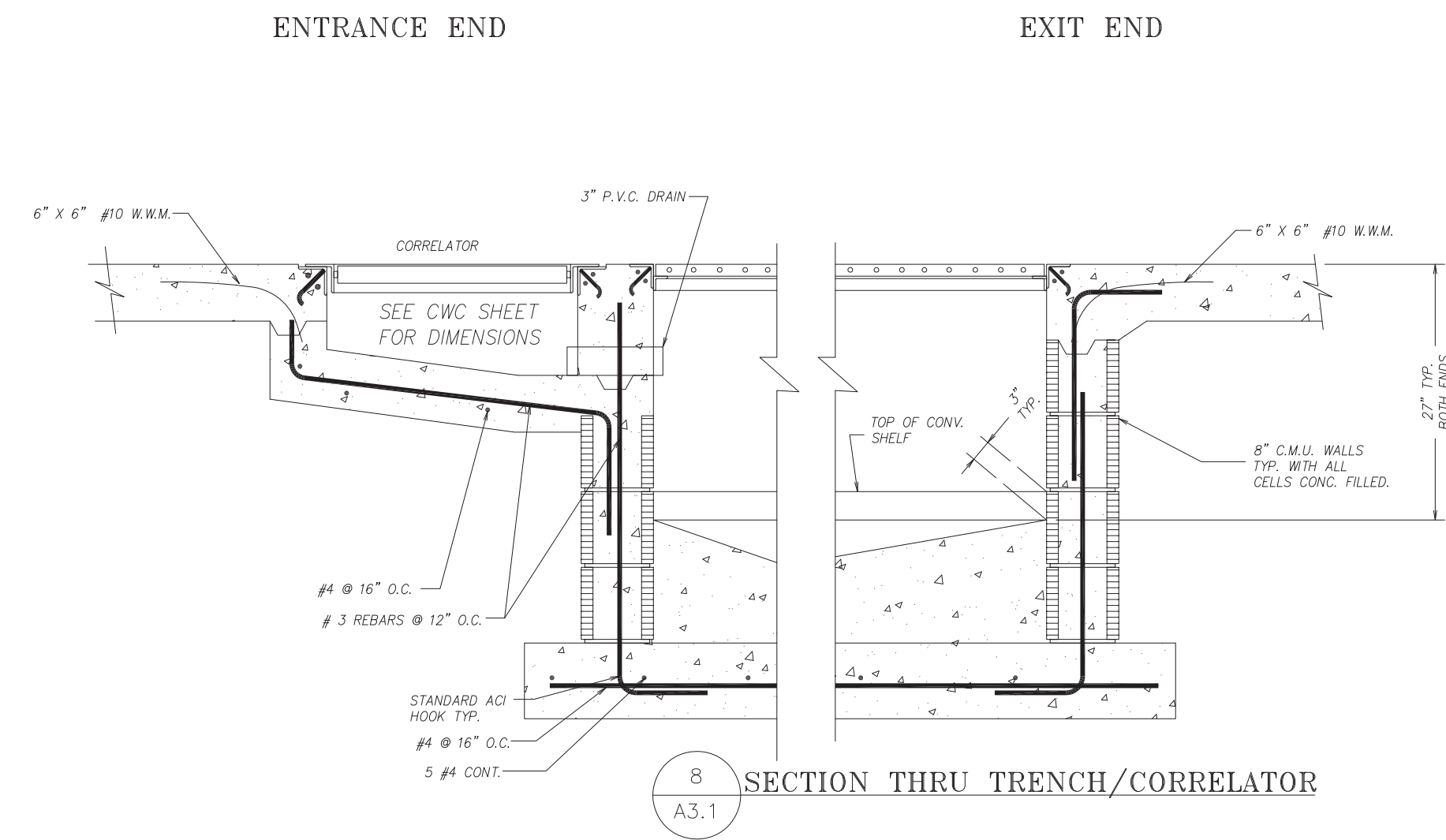


ENTRANCE ELEVATION

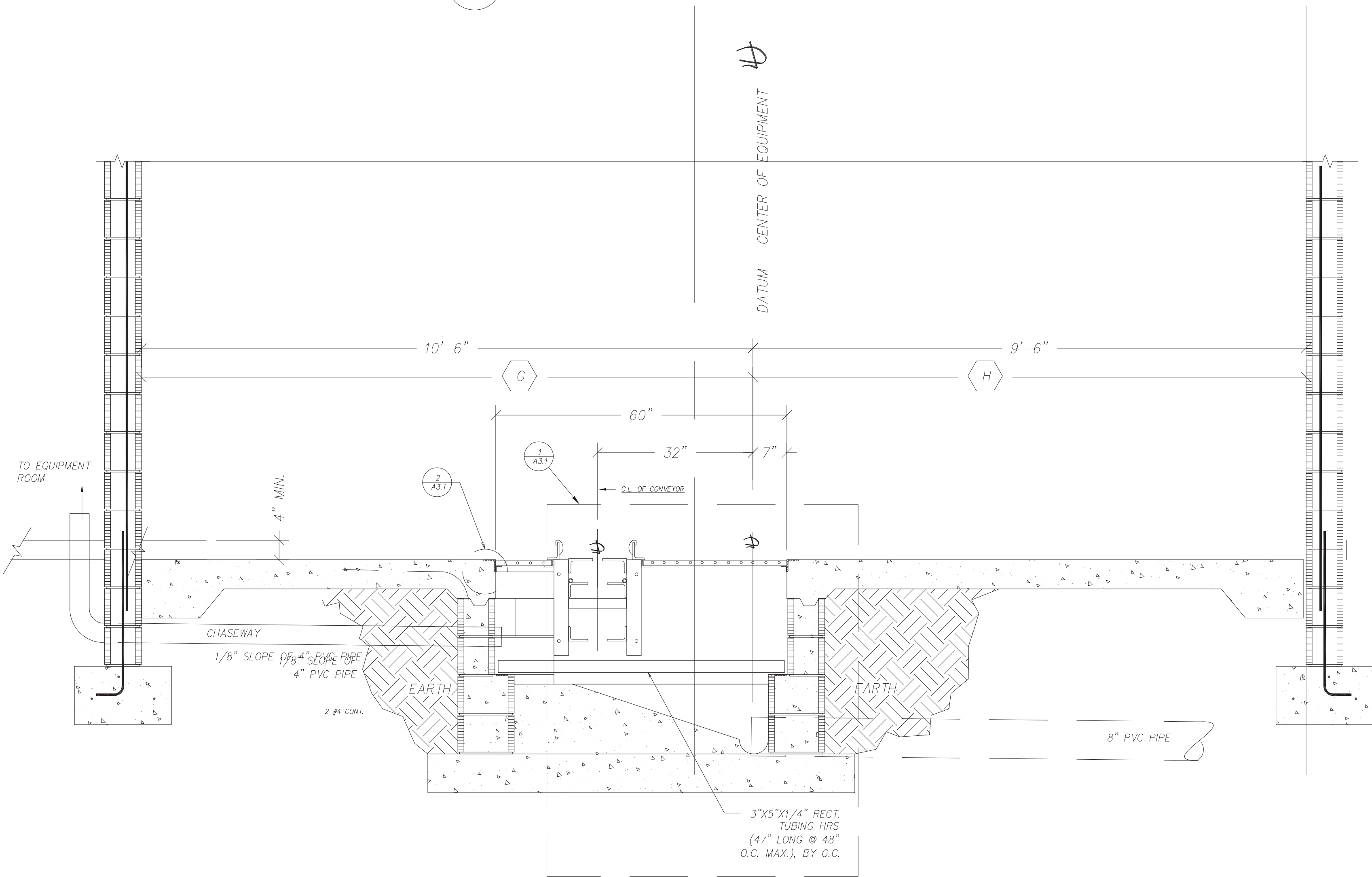


EXIT ELEVATION

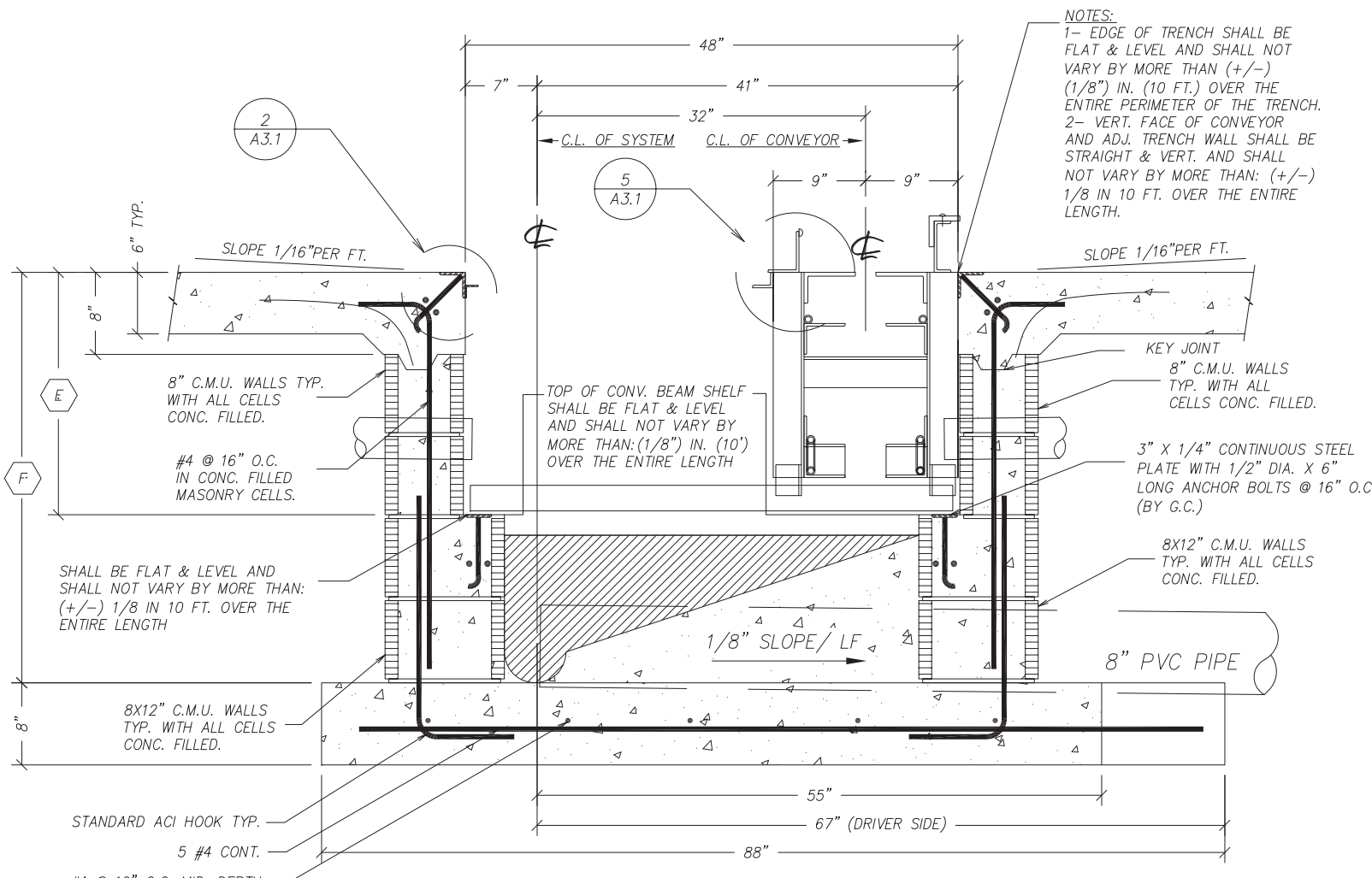




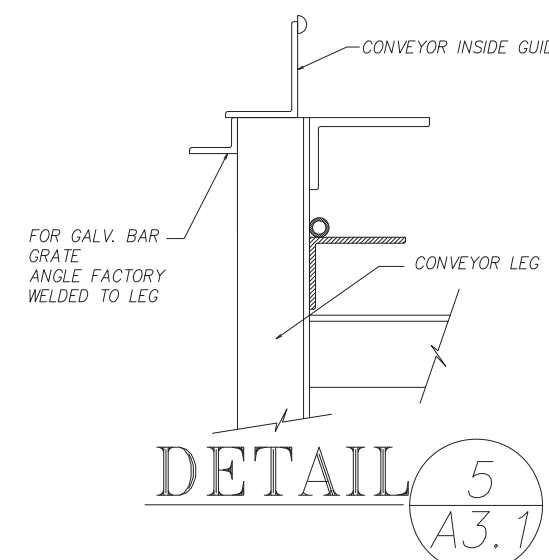
BAR GRATE DETAIL 2
A3.1



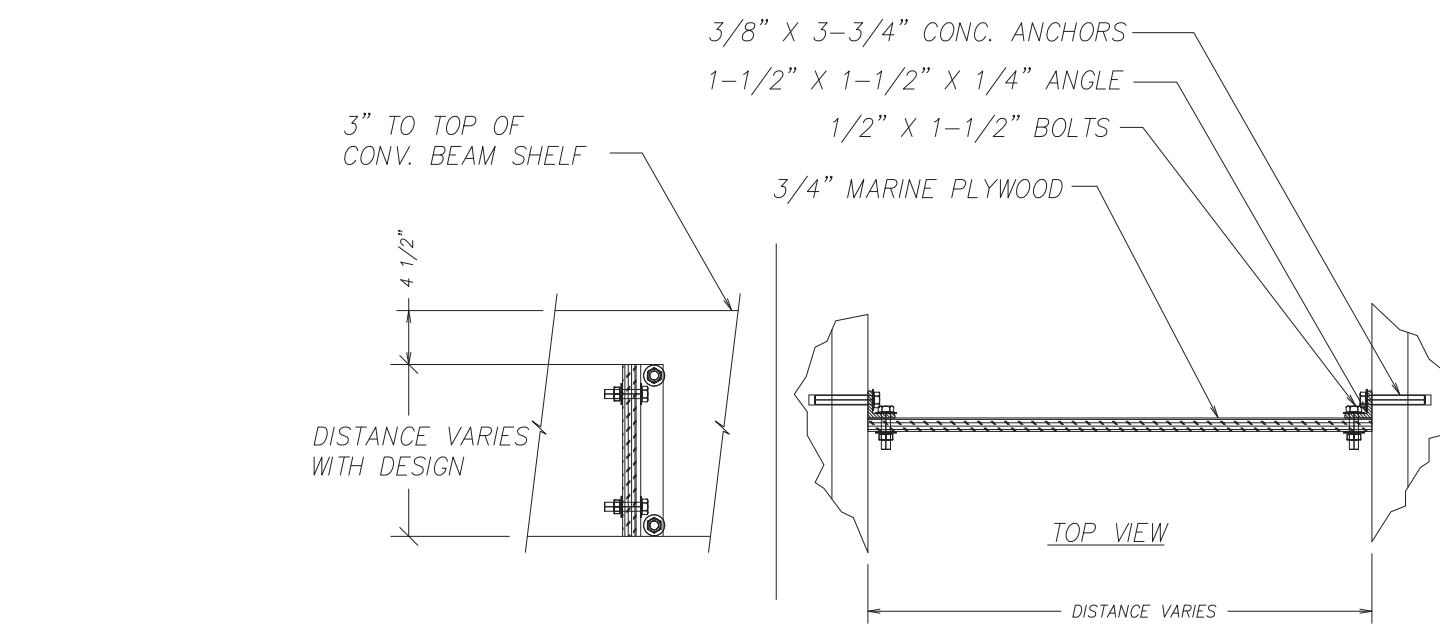
SECTION THRU TUNNEL 7
A3.1



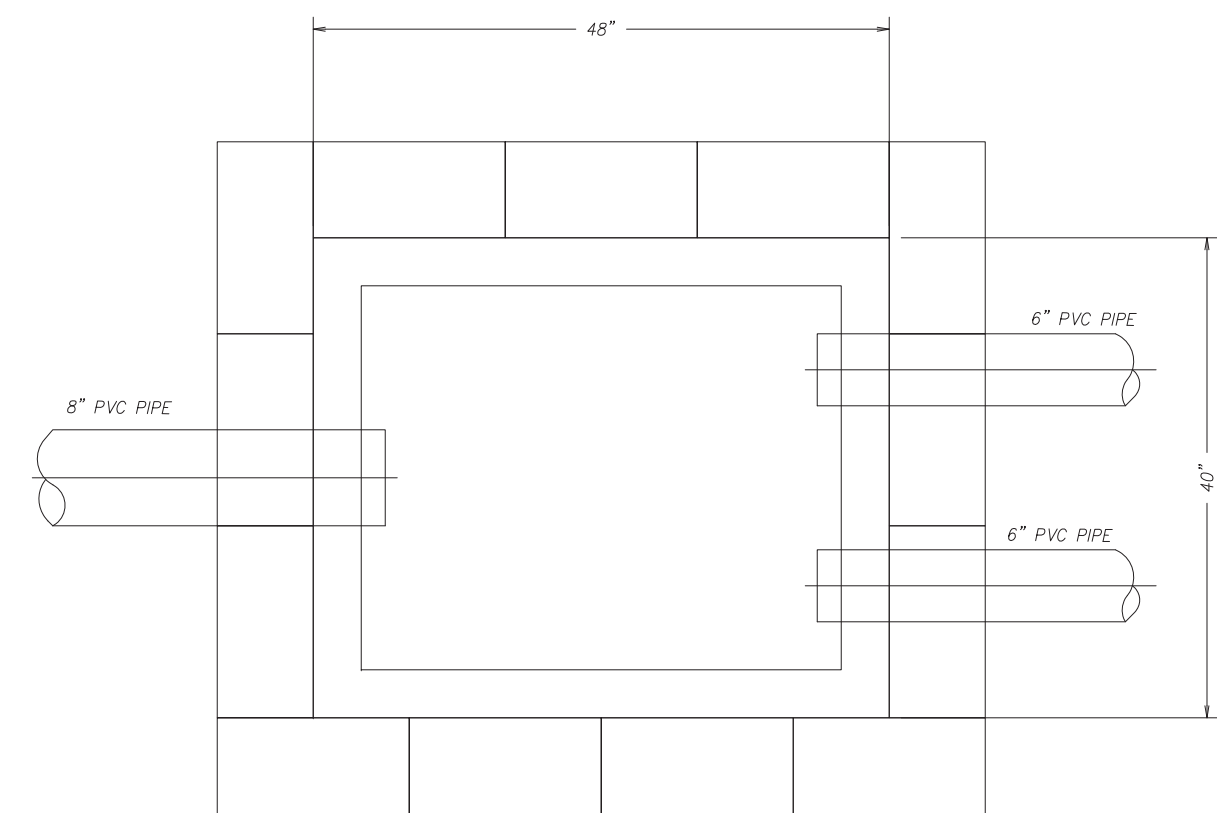
SECTION THRU TRENCH 1
A3.1



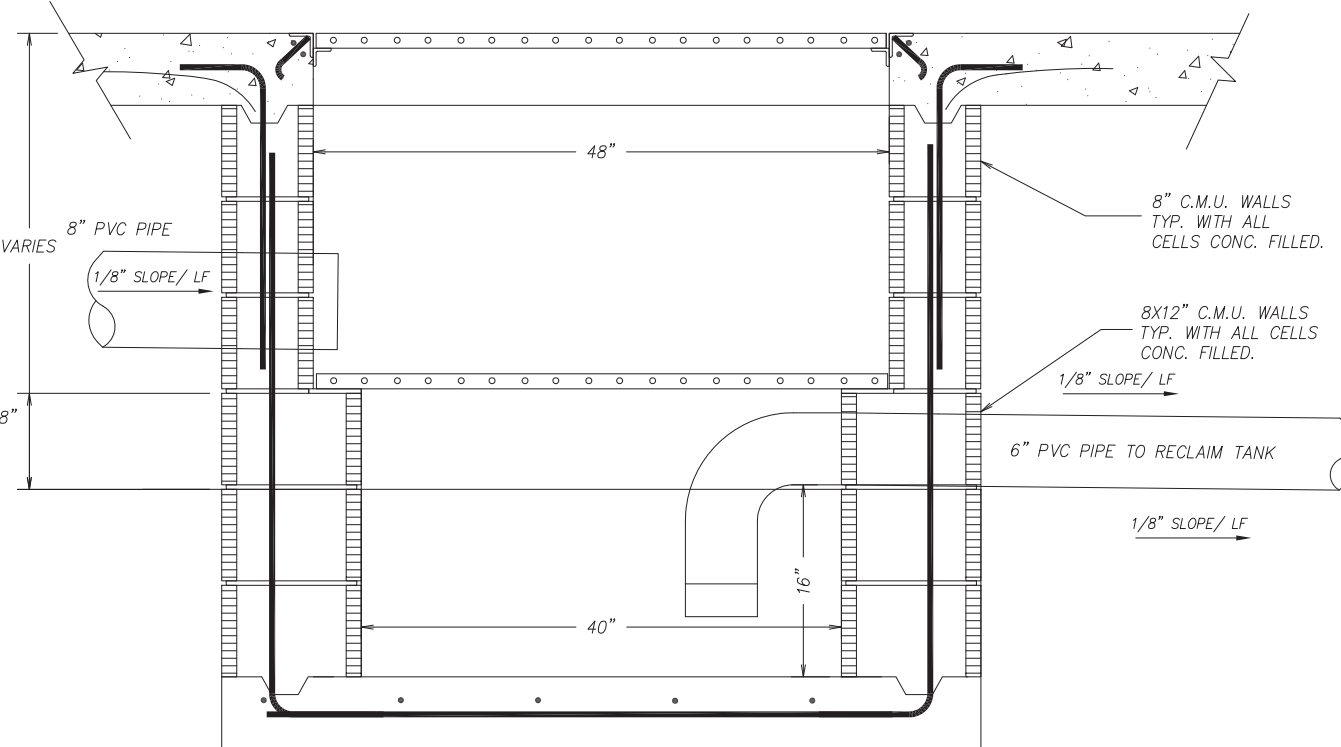
DETAIL 5
A3.1



TRENCH DAM SECTION 6
A3.1

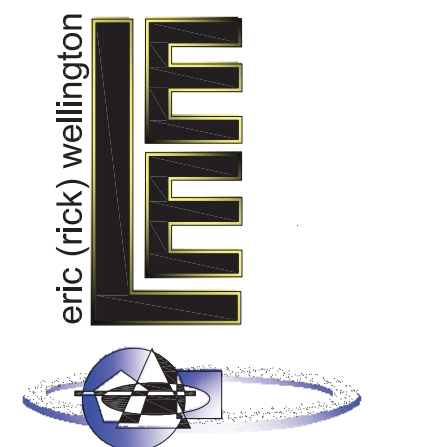


SECTION I-I



STRUCTURAL NOTES

1. N/A
2. SOIL: Design shown assumes that the soil conditions at the site are satisfactory and have adequate bearing capacity for the loads to be imposed, with minimal differential settlement of the trench, slab, and car wash structures. If it is found that the soil on the site contains organics, and can not be sufficiently compacted or has other deleterious properties, the trench shall be redesigned for support on a piling foundation. The Architect and/or Engineer of record shall verify the soil conditions at the site.
3. CONVEYOR TRENCH CONSTRUCTION: Excavate trench to a point at or just below the bottom of trench slab shown. Slope excavation to match slope of trench. Compact soil under trench in accordance with soil Engineer's recommendation. Form and pour trench bottom slab coordinating placement of vert. reinf. with placement of block so that vert. reinf. is centered in the block cells. Lay block and fill cells and tie columns with concrete to a point just below the slab over pour shown. After adequate curing time, back fill and compact clean soil behind trench walls in accordance with soils Engineer's direction. Complete trench by forming and pouring conveyor shelf, correlator pit bottom, and surrounding slab.
4. SLAB FINISHES: All car wash vehicular slabs shall be finished with rough non-skid surface (Broom Finish). Brush lines in the finish shall be parallel to the direction of slope.
5. APPROACH & EXIT SLABS: Concrete approach and exit slabs extending a minimum of 20 feet from either end of the trench are required. These slabs shall be aligned with and level along the direction of travel through the car wash. Slight sloping of the slabs perpendicular to the direction of travel to allow drainage is acceptable.
6. CONCRETE STRENGTH: All concrete shall be normal weight unless noted otherwise and shall attain a 28 day compressive strength of $f'_c = 3000$ psi.
7. MIXES: All concrete mixes shall be designed by the supplier to meet the requirements set forth herein.
8. SLUMP: Unless noted or approved otherwise, the maximum slump allowable for concrete shall be four (4) inches. If higher slump is desired to increase workability, the Contractor should consult with the concrete supplier about using a concrete additive that will increase slump without increasing the water cement ratio of the concrete. The Contractor shall verify that any concrete additives shall not have any detrimental effects on embedded items, finishes indicated on the plans or likely future finishes.
9. VIBRATION: All cast in place concrete shall be consolidated by means of mechanical vibrators. The Contractor shall use properly trained personnel to assure that the concrete is not over or under vibrated, resulting in over or under consolidation of the concrete.
10. FINISHING: Finishing of concrete shall be in accordance with ACI 35.1 (Latest Edition).
11. CURING: Beginning immediately after placement, concrete shall be protected from premature drying, excessively hot or cold temperatures, and mechanical injury, and shall be maintained with minimal moisture loss at a relatively constant temperature for the period necessary for hydration of the cement and hardening of the concrete. The materials and methods of curing shall conform to ACI 35.1.
12. REINFORCING STEEL STRENGTH: All conventional reinforcing steel shall have a minimum yield strength of 60,000 psi and shall conform to ASTM designation A-615 Grade 60.
13. STRENGTH OF MASONRY UNITS: All hollow concrete masonry units shall be grade N-1 normal weight units that conform to the "Standard Specifications for Hollow Load Bearing Concrete Masonry Units" ASTM C-90 (Latest Edition). The minimum compressive strength of the hollow concrete masonry units at 28 days shall be 2500 psi (net area) with a minimum compressive strength of the masonry assembly $f_m = 1500$ psi.
14. MORTAR: All masonry shall be laid with full mortar coverage of the face shells and webs and full end joints using type M or S mortar. All mortar used in the hollow concrete masonry unit walls shall conform to ASTM 270 (Latest Edition).
15. CONCRETE GROUT: All filled cells of masonry units shall be filled with concrete grout having a minimum compressive strength of 2000 psi and a maximum slump of 9".
16. BLOCK PLACEMENT: All cells to be filled with concrete shall be as straight as possible. The block should not be staggered so as to constrict the flow of concrete in any way. This shall be done by strategically placing pieces of block vertically between filled cells in non modular sections of wall and above and below non modular masonry openings.
17. STRUCTURAL STEEL SHAPES: All structural steel hot rolled shapes and plates shall be ASTM A36 with a minimum yield stress of 36 ksi. All steel shall conform to AISC Standards and Specifications for the Design, Fabrication, and Erection of Structural Steel.
18. BOLTS: All bolts shall conform to "Specifications for Low Carbon Steel Externally and Internally Threaded Standard Fasteners" ASTM A307 or "High Strength Bolts for Structural Steel Joints, Including Suitable Nuts and Plain Hardened Washers" ASTM A325.



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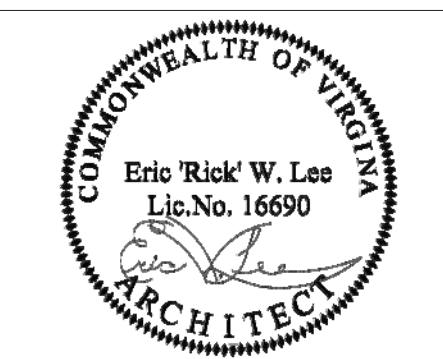
Project & Owner Information
express jet car wash
an express carwash development for Mr. Bill Hinton
bill hinton
BWH Holdings, llc, 1111 sunny cove drive, moneta, va 22854
Lynchburg, VA

Addendum: Description + Date

CONSULTANT
Architect of Record
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DRAWN BY:
E. (Rick) W. Lee
CHECKED BY:
E. (Rick) W. Lee

sheet number

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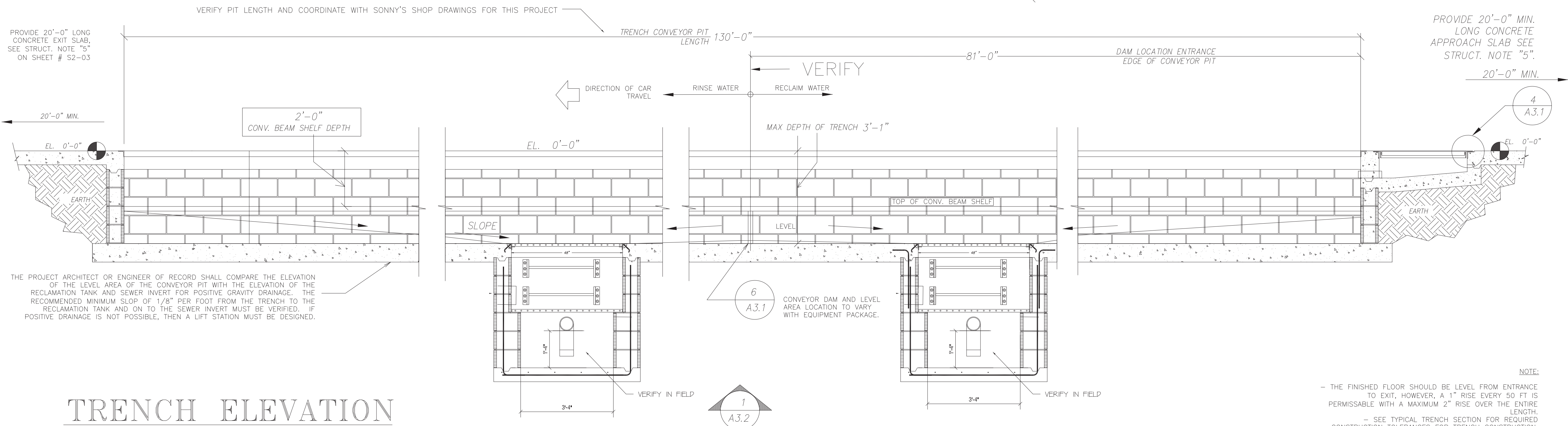
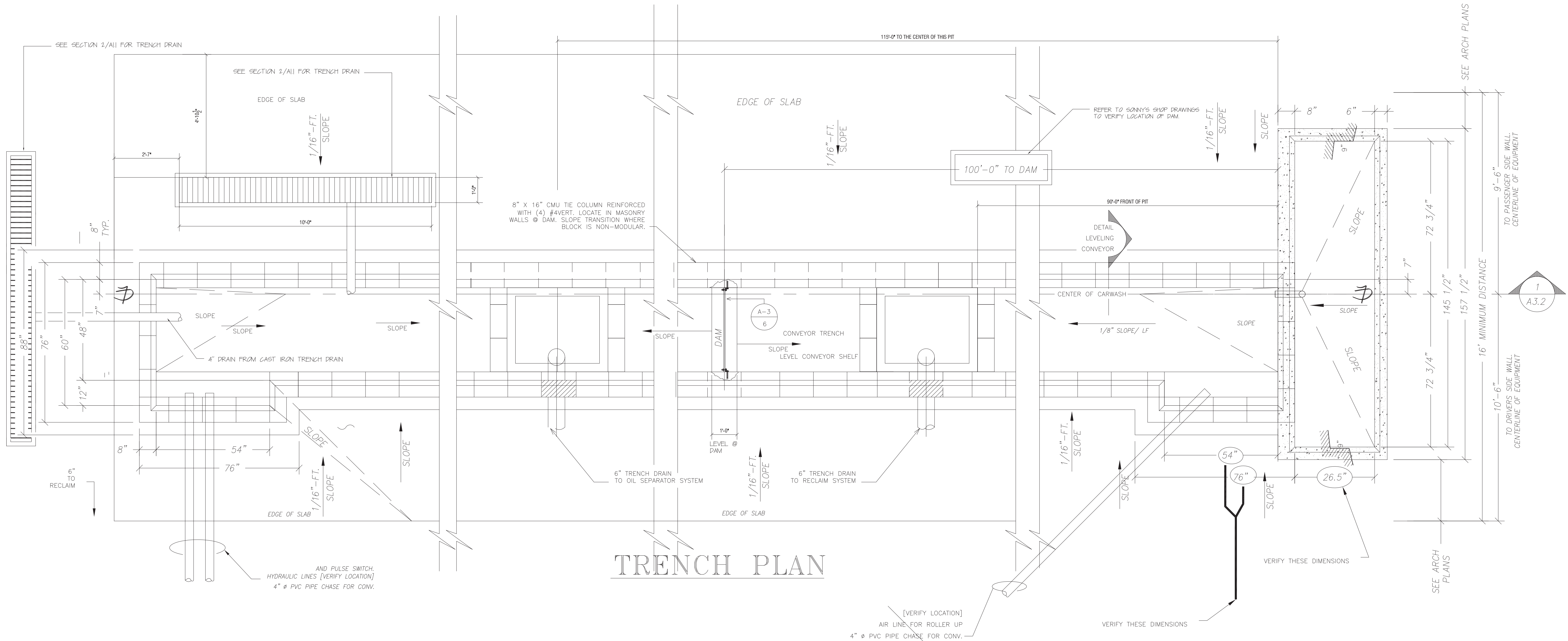


RELEASE DATE:

CONTRACT DATE:
DEC 2, 2013

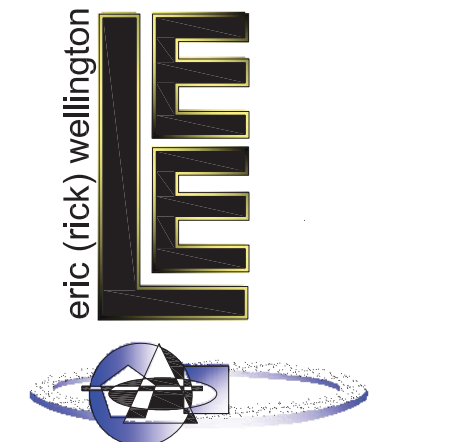
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TRENCH ELEVATION

ALTERNATIVE DESIGN NOTE: WHERE REQUIRED BY CODE OR LOCAL OFFICIAL, FORMED AND POURED CONCRETE WALLS CAN BY SUBSTITUTED FOR THE MASONRY WALLS SHOWN USING THE SAME REINFORCING.



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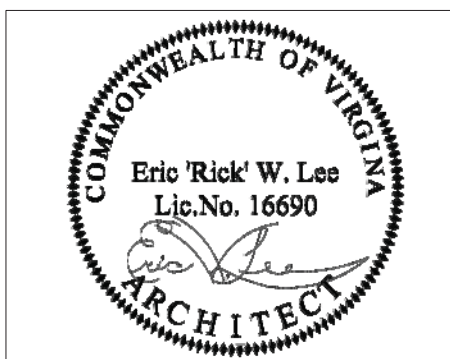
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Consultant
Architect of Record
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CHECKED BY:
E. (Rick) W. Lee

sheet number

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In the absence of a professional's seal, these documents are not for construction.



RELEASE DATE:

CONTRACT DATE:
DEC 2, 2013

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NOTE:
- THE FINISHED FLOOR SHOULD BE LEVEL FROM ENTRANCE TO EXIT, HOWEVER, A 1" RISE EVERY 50 FT IS PERMISSIBLE WITH A MAXIMUM 2" RISE OVER THE ENTIRE LENGTH.
- SEE TYPICAL TRENCH SECTION FOR REQUIRED CONSTRUCTION TOLERANCES FOR TRENCH CONSTRUCTION.



April 9, 2014

PLEASE PRINT

[illegible]

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 13, 2014**

AGENDA ITEM NO.: 6

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: Conditional Use Permit (CUP): Kirkley Apartment Community – 5212 Woodall Road and 2900 Candler Mountain Road

RECOMMENDATION: Approval of the CUP petition.

SUMMARY: GDG Lynchburg Hotel, LLC, is petitioning for a CUP at 5212 Woodall Road and 2900 Candler Mountain Road. The CUP would allow the construction of a one hundred fifty-six (156) unit apartment complex with associated clubhouse, pool and parking. On April 9, 2013, Council approved the petitions of GDG Lynchburg LLC to amend the *Future Land Use Map (FLUM)* to High Density Residential, to rezone the property to B-3C, Community Business District (Conditional) and a CUP to allow the construction of the apartment complex. While the FLUM and zoning for the property are still valid, the CUP became void due to time limitations for CUP's listed in Section 35.1-15(1) of the *Zoning Ordinance*. The Planning Commission recommended approval of the petition because:

- The petition is identical to that approved by Council on April 9, 2013.
- The petition is in compliance with the *FLUM* which recommends a High Density Residential use for the property.
- Proffers associated with the property adequately address off site impacts.

PRIOR ACTION(S):

March 26, 2014: The Planning Division recommended approval of the CUP petition.

The Planning Commission recommended approval of the CUP petition (7-0).

October 9, 2013: CUP approval became void.

April 9, 2013: Council approved the *FLUM* amendment, rezoning and CUP petitions for 5212 Woodall Road and 2900 Candler Mountain Road.

March 26, 2013: The Planning Commission recommended approval of the *FLUM* amendment, rezoning and CUP petitions for 5212 Woodall Road and 2900 Candler Mountain Road.

FISCAL IMPACT: N/A

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

ATTACHMENT(S):

- Resolution
- Planning Commission Memorandum and Minutes – March 26, 2014
- Site Plan – March 19, 2014
- Signup Sheets (March 26, 2014 and March 27, 2013 Planning Commission meetings)
- Ordinance #O-13-041 (*FLUM* Amendment)
- Ordinance #O-13-042 (Rezoning)
- Resolution #R-13-043 (Void CUP)
- April 9, 2013 Agenda Summary
- April 9, 2013 Council Attachments

REVIEWED BY: lkp

RESOLUTION:

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO GDG LYNCHBURG HOTEL, LLC TO ALLOW THE CONSTRUCTION OF A ONE HUNDRED FIFTY-SIX (156) APARTMENT UNIT COMPLEX WITHIN THREE (3) FOUR (4) STORY BUILDINGS WITH ASSOCIATED POOL, CLUB HOUSE AND PARKING AT 5212 WOODALL ROAD AND 2900 CANDLERS MOUNTAIN ROAD IN A B-3C, COMMUNITY BUSINESS DISTRICT (CONDITIONAL).

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of GDG Lynchburg Hotel, LLC for a conditional use permit to allow the construction of a one hundred fifty-six (156) unit apartment unit complex within three (3) four (4) story buildings with associated pool, club house and parking at 5212 Woodall Road and 2900 Candlers Mountain Road is hereby approved subject to the following conditions:

1. The property shall be developed in substantial compliance with the site plan titled "CUP Plan for Kirkley Apartment Community" as prepared by Hurt & Proffitt, Inc. dated March 19, 2014.
2. A sidewalk shall be installed on Woodall Road as indicated on the submitted site plan.
3. The petitioner shall relocated the bus shelter to the western side of the intersection of Woodall Road and Candlers Mountain Road as shown on the submitted site plan.
4. All lighting shall be glare shielded and non-directional to prevent direct illumination beyond the property line.
5. Building elevations and materials shall be as indicated in the building elevations submitted by the petitioner and received by Community Development on October 9, 2012.

As provided by Section 35.1-15(i) of the zoning ordinance, if a building permit for any construction authorized by this conditional use permit is not applied for within six months of the granting of the conditional use permit, the conditional use permit shall become void, unless prior to the expiration of the six month period, the holder of the permit has applied for a six month extension of the conditional use permit from the City Manager's Office. Two six month extensions of the conditional use permit may be obtained from the City Manager's Office. A third and final twelve month extension of the conditional use permit may be requested from City Council prior to the expiration of the second six month extension that was issued by the City Manager's Office.

Adopted:

Certified: _____

Clerk of Council

061K



MEMORANDUM

The Department of Community Development

Planning

455-3900

To: Planning Commission
From: Tom Martin, AICP, City Planner
Subj: Conditional Use Permit (CUP): Kirkley Apartment Community – 5212 Woodall Road
& 2900 Candler's Mountain Road
Date: March 26, 2014

On April 9, 2013, Council approved the petitions of GDG Lynchburg Hotel, LLC to amend the *Future Land Use Map (FLUM)* from Employment 2 to High Density Residential, to rezone the subject property from I-2, Light Industrial District to B-3C, Community Business District (Conditional) and for a CUP to allow the construction of a one hundred fifty-six (156) unit apartment complex with clubhouse, pool and associated parking.

While the *FLUM* and zoning for the property are still valid, the CUP for the construction of the apartment complex was allowed to lapse. *Zoning Ordinance* Section 35.1-15. Conditional Use Permits Issued by City Council, (i) Time limitations on the validity of a conditional user permit (1) states: "If a building permit for construction authorized by a conditional use permit granted under these regulations shall not have been applied for within six (6) months of the granting of such conditional use permit, the conditional use permit so granted shall become void, unless the following appeal procedures are applied for and secured. Prior to the aforesaid six (6) month expiration, a six (6) month extension may be applied for through the city manager's office". A building permit nor a six (6) month extension were applied for which resulted in the CUP becoming void on October 9, 2013. The expiration has resulted in the need for the petitioner to request approval from the Planning Commission and Council for a new CUP.

There have been no changes to the petition from that which was approved by Council on April 9, 2013. The City's Technical Review Committee (TRC) reviewed the petition at its March 4, 2014 meeting. Comments were minor in nature and have or will be addressed by the petitioner prior to final site plan approval.

Planning Division Recommendation

Based on the preceeding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of GDG Lynchburg Hotel, LLC, for:

A Conditional Use Permit to allow the construction of a one hundred fifty-six (156) unit apartment complex within three (3), four (4) story buildings, with associated pool, club house, and parking subject to the following conditions:

- 1. The property shall be developed in substantial compliance with the site plan titled “CUP Plan for Kirkley Apartment Community” as prepared by Hurt & Proffitt, Inc. dated March 19, 2014.**
- 2. A sidewalk shall be installed on Woodall Road as indicated on the submitted site plan.**
- 3. The petitioner shall relocate the bus shelter to the western side of the intersection of Woodall Road and Candler's Mountain Road as shown on the submitted site plan.**
- 4. All lighting shall be glare shielded and non-directional to prevent direct illumination beyond the property line.**
- 5. Building elevations and materials shall be as indicated in the building elevations submitted by the petitioner and received by Community Development on October 9, 2012.**

Attachments:

Site Plan – 3/19/14

Ordinance #O-13-041 (*FLUM* Amendment)

Ordinance #O-13-042 (Rezoning)

Resolution #R-13-043 (Void CUP)

Council Packet – April 9, 2013

MINUTES OF THE MARCH 26, 2014 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

Petition of GDG Lynchburg Hotel, LLC for a conditional use permit to allow the construction of one hundred fifty-six (156) apartment units within three (3), four (4) story buildings with associated pool, club house and parking at 5212 Woodall Road and 2900 Candler's Mountain Road in a B-3C District, Community Business District (Conditional).

Mr. Tom Martin explained that this petition has come before them previously in 2013 as part of a *Future Land Use Map* amendment, rezoning and conditional use permit application. On April 9, 2013, all the petitions were approved by City Council. The *FLUM* amendment and rezoning are still valid but the conditional use permit has expired. The ordinance states that a building permit must be applied for within six months or an extension requested or the conditional use permit lapses. The petitioner is coming back to have the conditional use permit reinstated and nothing with the proposal has changed. Staff recommends approval.

Mr. Jason Vickers-Smith was available to represent the petition. He stated that it was an unfortunate oversight that the conditional use permit was allowed to expire. They are still very committed to the project and hope to start it this summer.

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

Commissioner Coleman asked Mr. Martin to clarify condition three about relocating the bus shelter to the western side of Woodall Road. Mr. Martin said the petitioner will work with GLTC to make this happen and also clarified for Commissioner Johnston that this site will be on a GLTC route.

Commissioner Coleman made the following motion, which was seconded by Commissioner Light. Commissioner Swienton noted that since this petition had been previously approved by City Council and there have been no changes, it is appropriate to recommend approval to City Council.

"That the Planning Commission recommend to City Council approval of the Conditional Use Permit to allow the construction of a one hundred fifty-six unit apartment complex within three (3) four (4) story buildings with associated pool, club house and parking, subject to the following conditions:

- 1. The property shall be developed in substantial compliance with the site plan titled "Rezoning Plan for Kirkley Apartment Community" as prepared by Hurt & Proffitt, Inc., dated March 8, 2012.**
- 2. A sidewalk will be installed on Woodall Road as indicated on the submitted site plan.**
- 3. The petitioner will relocate the bus shelter to the western side of the intersection of Woodall Road and Candler's Mountain Road as shown on the submitted site plan.**
- 4. All lighting shall be glare shielded and non-directional to prevent direct illumination beyond the property line.**
- 5. Building elevations and materials shall be as indicated in building elevations submitted by the petitioner and received by Community Development on October 9, 2012."**

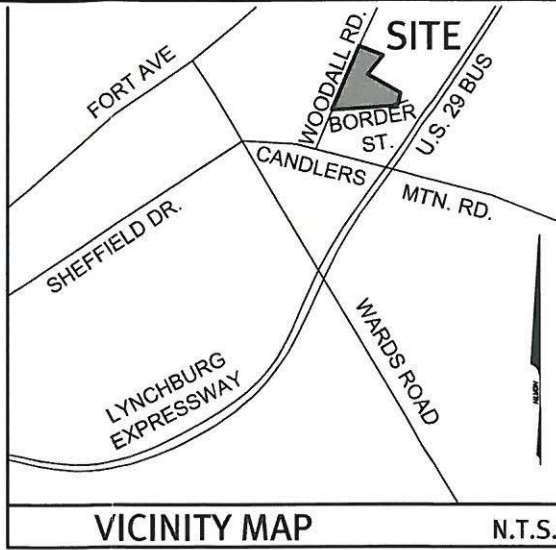
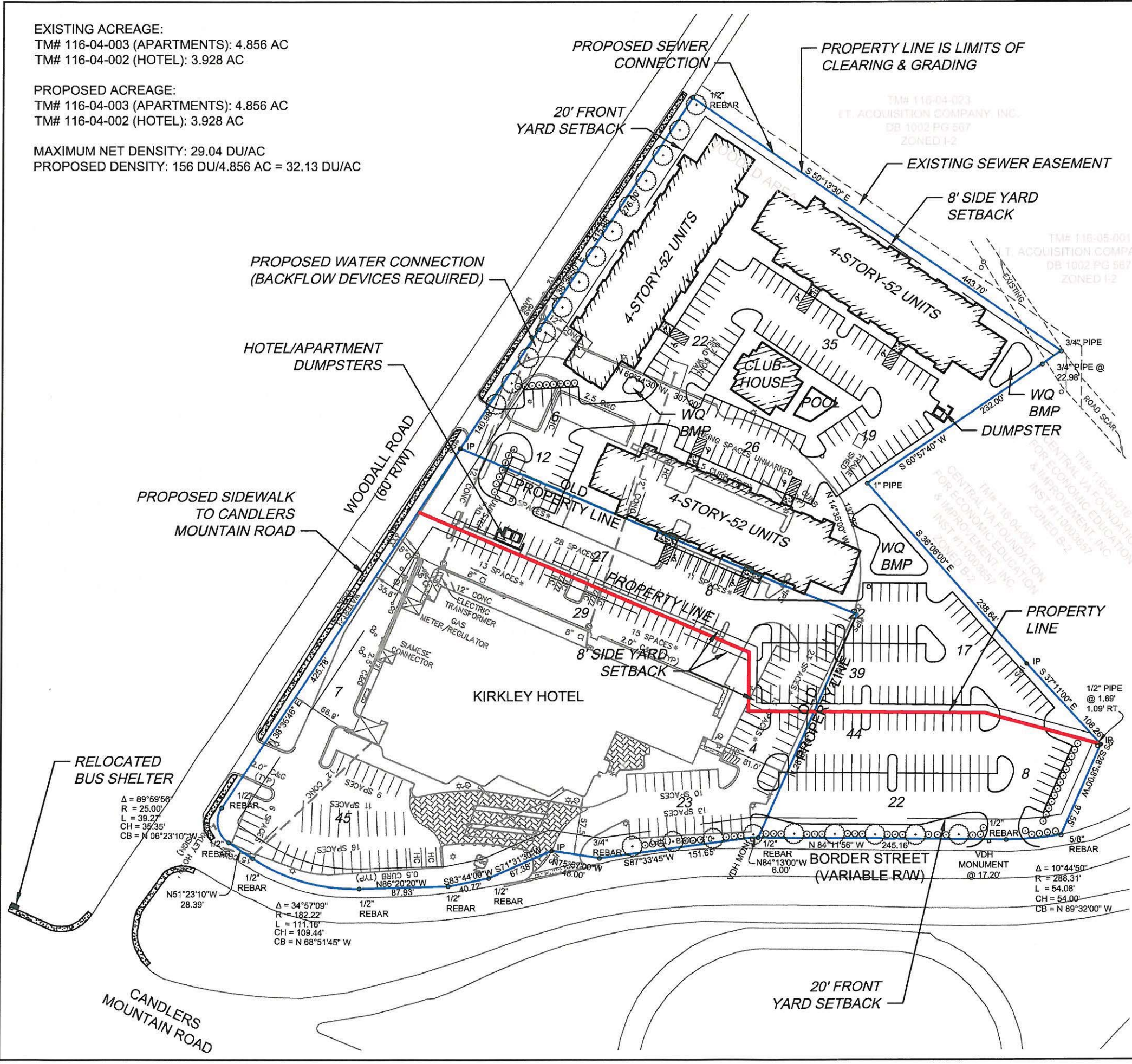
The motion passed by the following vote:

AYES:	Coleman, Hooper, Johnston, Light, Marion, Swienton and Perault	7
NOES:		0
ABSTENTIONS:		0
ABSENT:		0

EXISTING ACREAGE:
TM# 116-04-003 (APARTMENTS): 4.856 AC
TM# 116-04-002 (HOTEL): 3.928 AC

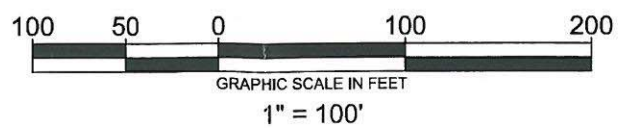
PROPOSED ACREAGE:
TM# 116-04-003 (APARTMENTS): 4.856 AC
TM# 116-04-002 (HOTEL): 3.928 AC

MAXIMUM NET DENSITY: 29.04 DU/AC
PROPOSED DENSITY: 156 DU/4.856 AC = 32.13 DU/AC



- NOTES:
1. SITE TM#: 116-04-003
HOTEL TM#: 116-04-002
 2. SITE OWNER: GDG LYNCHBURG HOTEL, LLC
HOTEL OWNER: GDG LYNCHBURG HOTEL, LLC
ADDRESS: 5212 WOODALL ROAD, LYNCHBURG, VA 24502
SITE PROPOSED USE: MULTI-FAMILY APARTMENT COMMUNITY
 3. EXISTING ZONING: B-3C
PROPOSED ZONING: B-3C
 4. REQUIRED PARKING:
APARTMENTS: 156 SPACES
HOTEL: 176 SPACES
TOTAL: 332 SPACES REQUIRED
PROPOSED PARKING:
APARTMENTS: 233 SPACES
HOTEL: 182 SPACES
TOTAL: 415
 5. REQUIRED ADA-ACCESSIBLE SPACES:
APARTMENTS: 7 SPACES
HOTEL: 6 SPACES
 6. FOUNDATION PLANTINGS REQUIRED: 1 ORNAMENTAL TREE PER 50' AND 1 LARGE SHRUB PER 10':
640'/50' = 13 ORNAMENTAL TREES
640'/10' = 64 LARGE SHRUBS
 7. PARKING LOT LANDSCAPING REQUIRED: 1 SHADE TREE PER 8 SPACES AND 1 MEDIUM SHRUB PER SPACE:
APARTMENTS: 233/8 = 30 SHADE TREES; 233 MEDIUM SHRUBS
HOTEL: NONE (PROPOSED PLAN REDUCES THE NUMBER OF SPACES ON THE HOTEL PROPERTY)
 8. STREET TREES REQUIRED: 1 SHADE TREE PER 40' ROAD FRONTAGE:
APARTMENTS: 490'/40' = 13 SHADE TREES
HOTEL: 340'/40' = 9 SHADE TREES
 9. EXTERIOR LIGHTING SHALL BE CONTROLLED SO THAT NO DIRECT ILLUMINATION WILL OCCUR BEYOND ANY PROPERTY LINE SHARED WITH A RESIDENTIAL DISTRICT. THE AREA SHOWN HEREON IS LOCATED IN FLOOD ZONE 'X' AND IS NOT LOCATED WITHIN FLOOD HAZARD ZONE 'A' FOR A 100 YEAR FLOOD AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY AS SHOWN ON COMMUNITY-PANEL MAP #5100930106D DATED JUNE 3, 2008.

RECEIVED
MAR 19 2014
COMMUNITY DEVELOPMENT



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

CUP PLAN FOR KIRKLEY APARTMENT COMMUNITY CITY OF LYNCHBURG, VIRGINIA

PROJECT NO.	20120506
G.L. NO.	264-02-A1.6
FILE NO.	
DATE:	3/19/2014
DRAWN BY:	PSB/ASK
CHECKED BY:	PSB

SHEET NO.
1 OF 1

**Conditional Use Permit
Kirkley Apartments
March 26, 2014**

PLEASE PRINT

[illegible]

**Rezoning and Future Land Use Map (FLUM) Amendment
Kirkley Apartments
March 27, 2013**

PLEASE PRINT

[illegible]

ORDINANCE:

#O-13-041

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP TO CHANGE THE PROPERTIES LOCATED AT 5212 WOODALL ROAD AND 2900 CANDLERS MOUNTAIN ROAD FROM EMPLOYMENT 2 TO HIGH DENSITY RESIDENTIAL.

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

Section 35.1-76.____. Amend the Future Land Use Map for subject properties located at 5212 Woodall Road and 2900 Candler's Mountain Road from Employment 2 to High Density Residential.

The area embraced within the following boundaries ...

BEGINNING AT A 1/2" REBAR FOUND IN THE SOUTHEAST RIGHT-OF-WAY LINE OF WOODALL ROAD 566.76 FEET FROM THE END OF THE RADIUS OF THE RIGHT-OF-WAY OF WOODALL ROAD AT ITS INTERSECTION WITH BORDER STREET TO THE TRUE POINT OF BEGINNING, THENCE ALONG THE RIGHT-OF-WAY OF WOODALL ROAD NORTH 38 DEGREES 36 MINUTES 50 SECONDS EAST 275.00 FEET TO A 1/2" REBAR FOUND; THENCE LEAVING RIGHT-OF-WAY OF WOODALL ROAD AND ALONG A LINE ADJOINING THE LANDS OF LIMITORQUE CORPORATION AND LT. ACQUISITION COMPANY, INC. SOUTH 50 DEGREES 13 MINUTES 30 SECONDS EAST 443.70 FEET TO A 3/4" PIPE FOUND; THENCE ALONG A LINE ADJOINING THE LANDS OF WAYNE R. BOOTH SOUTH 60 DEGREES 57 MINUTES 40 SECONDS WEST 232.00 FEET TO A 1" PIPE FOUND PASSING A 3/4" PIPE FOUND AT 22.98 FEET; THENCE ALONG SAID BOOTH LINE SOUTH 36 DEGREES 06 MINUTES 00 SECONDS EAST 238.64 FEET TO A 1/2" REBAR SET; THENCE ALONG SAID BOOTH LINE SOUTH 37 DEGREES 11 MINUTES 00 SECONDS EAST 108.26 FEET TO A 1/2" REDAR SET; THENCE ALONG SAID BOOTH LINE SOUTH 28 DEGREES 58 MINUTES 00 SECONDS WEST 97.55 FEET TO A 5/8" REBAR FOUND IN THE NORTHERLY RIGHT-OF-WAY LINE OF BORDER STREET PASSING A 1/2" PIPE AT 1.69 FEET 1.09 FEET RIGHT OF LINE; THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING COURSES, A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE 10 DEGREES 44 MINUTES 50 SECONDS, A RADIUS OF 288.31 FEET, A LENGTH OF 54.08 FEET, A CHORD OF 54.00 FEET AND A CHORD BEARING OF NORTH 89 DEGREES 32 MINUTES 00 SECONDS WEST TO A 1/2" REBAR FOUND, NORTH 84 DEGREES 11 MINUTES 56 SECONDS WEST 245.16 FEET TO A 1/2" REBAR FOUND PASSING A VIRGINIA DEPARTMENT OF HIGHWAYS CONCRETE MONUMENT AT 17.20 FEET; THENCE LEAVING THE RIGHT-OF-WAY OF WOODALL ROAD NORTH 28 DEGREES 58 MINUTES 40 SECONDS EAST 271.00 FEET TO A 1/2" REBAR FOUND; THENCE NORTH 14 DEGREES 35 MINUTES 00 SECONDS WEST 137.33 FEET TO A 1/2" REBAR FOUND; THENCE NORTH 60 DEGREES 34 MINUTES 30 SECONDS WEST 307.00 FEET TO THE POINT OF BEGINNING IN THE SOUTHEASTERLY RIGHT-OF-WAY OF WOODALL ROAD.

... is hereby amended on the Future Land Use Map from Employment 2 to High Density Residential and the Director of Community Development shall forthwith cause the Future Land Use Map referred to in Section 35.1-4 of this chapter to be amended in accordance therewith.

Adopted: April 9, 2013

Certified: Valerie P. Chamber
Clerk of Council

054K

AN ORDINANCE CHANGING A CERTAIN AREA LOCATED AT 5212 WOODALL ROAD AND 2900 CANDLERS MOUNTAIN ROAD FROM I-2, LIGHT INDUSTRIAL DISTRICT TO B-3, COMMUNITY BUSINESS DISTRICT (CONDITIONAL).

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

Section 35.1-76.____. Change of a certain area located at 5200 Woodall Road and 2900 Clanders Mountain Road from I-2, Light Industrial District to B-3, Community Business District (Conditional)

The area embraced within the following boundaries ...

Beginning at a ½" rebar at the end of the radius in the southeasterly right-of-way line of Woodall Road at its intersection with Border Street, thence along said right-of-way N 38°36'46" E 425.78 feet to an iron pin at the corner of TM #116-04-002 and TM #116- 04-003; thence N 38°36'50" E 415.98 feet to a ½" rebar in the right-of-way of Woodall Road; thence leaving right-of-way of Woodall Road and along a line adjoining the lands of LT Acquisition Company Inc S 50°13'30" E 443.70 feet to a ¾" pipe; thence along a line adjoining the lands of Central Virginia Foundation For Economic Education & Improvement Inc S 60°57'40" W 232.00 feet to a 1" pipe, passing a ¾" pipe at 22.98 feet; thence along said Foundation line S 36°06'00" E 238.64 feet to an iron pin; thence along said Foundation line S 37°11'00" E 108.26 feet to an iron pin; thence along said Foundation line S 28°58'00" W 97.55 feet to a 5/8" rebar in the northerly right-of-way line of Border Street passing a ½" pipe at 1.69 feet 1.09 feet right of line; thence along said right-of-way the following courses, a curve to the right having a central angle of 10°44'50" , a radius of 288.31 feet, a length of 54.08 feet, a chord of 54.00 feet and a chord bearing of N 89°32'00" W to a ½" rebar, N 84°11'56" W 245.16 feet to a ½" rebar passing a Virginia Department of Highways monument at 17.20 feet, N 84°13'00" W 6.00 feet to a Virginia Department of Highways concrete monument, S 87°33'45" W 151.65 feet to a ¾" rebar, N 75°57'00" W 48.00 feet to and iron pin at the edge of concrete pavers, S 71°31'30" W 67.38 feet to a ½" rebar, S 83°44'00" W 40.72 feet to a ½" rebar, N 86°20'20" W 87.93 feet to a ½" rebar, along a curve to the right having a central angle of 34°57'09", a radius of 182.22 feet, a length of 111.16 feet, a chord of 109.44 feet, and a chord bearing of N 68°51'45" W to a ½" rebar, N 51°23'10" W 28.39 feet to a ½" rebar, along a curve to the right with a central angle of 89°59'56", a radius of 25.00 feet, a length of 39.27 feet, a chord of 35.35 feet, and a chord bearing of N 06°23'10" W to the point of beginning and containing 8.784 acres, more or less

... is hereby changed from I-2, Light Industrial District to B-3, Community Business District (Conditional), subject to the conditions setout herein below which were voluntarily proffered in writing by the petitioner, namely, GDG Lynchburg Hotel, LLC, to wit:

1. Project will contribute funds or complete work for "ped heads," signal timing changes, painting for crosswalks and required ADA ramps.
2. A GLTC bus shelter will be provided at the site (location to be determined).
3. The project shall be constructed in substantial compliance with architectural renderings showing the appearance of the proposed buildings with list of proposed building materials.

4. The following uses, which are allowed in B-3, are not permitted within the area to be rezoned:

- Virginia ABC package stores
- Boardinghouses or lodging houses
- Care centers
- Convalescent and nursing homes
- Funeral homes and undertaking establishments
- Group homes
- Rooming houses
- Pawn shops

5. The site shall be developed in substantial compliance with submitted Rezoning Plan.

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

Adopted: April 9, 2013

Certified: Valerie P. Chambers
Clerk of Council

RESOLUTION:

#R-13-043

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO GDG LYNCHBURG HOTEL, LLC TO ALLOW THE CONSTRUCTION OF A ONE HUNDRED FIFTY-SIX (156) APARTMENT UNIT COMPLEX WITHIN THREE (3) FOUR (4) STORY BUILDINGS WITH ASSOCIATED POOL, CLUB HOUSE AND PARKING AT 5212 WOODALL ROAD AND 2900 CANDLERS MOUNTAIN ROAD IN A B-3, COMMUNITY BUSINESS DISTRICT (CONDITIONAL).

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of GDG Lynchburg Hotel, LLC for a conditional use permit to allow the construction of a one hundred fifty-six (156) unit apartment unit complex within three (3) four (4) story buildings with associated pool, club house and parking at 5212 Woodall Road and 2900 Candler's Mountain Road is hereby approved subject to the following conditions:

1. The property shall be developed in substantial compliance with the site plan titled "Rezoning Plan for Kirkley Apartment Community" as prepared by Hurt & Proffitt, Inc., dated March 8, 2012.
2. A sidewalk will be installed on Woodall Road as indicated on the submitted site plan.
3. The petitioner will relocate the bus shelter to the western side of the intersection of Woodall Road and Candler's Mountain Road as shown on the submitted site plan.
4. All lighting shall be glare shielded and non-directional to prevent direct illumination beyond the property line.
5. Building elevations and materials shall be as indicated in building elevations submitted by the petitioner and received by Community Development on October 9, 2012.

Adopted: April 9, 2013

Certified: Valerie P. Chamber
Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **April 9, 2013**

AGENDA ITEM NO.: **10**

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **5212 Woodall Road and 2900 Candler Mountain Road**

***Future Land Use Map (FLUM) Amendment: Employment 2 to High Density Residential
Rezoning: I-2, Light Industrial District to B-3, Community Business District (Conditional)
Conditional Use Permit (CUP) – Apartment Complex***

RECOMMENDATION: Approval of the *FLUM*, Rezoning and CUP petitions.

SUMMARY: GDG Lynchburg Hotel, LLC is petitioning to amend the *FLUM* from Employment 2 to High Density Residential, to amend the zoning from I-2, Light Industrial District to B-3C, Community Business District (Conditional) and for a CUP on approximately eight and seven hundred eighty-four thousandths (8.784) acres located at 5212 Woodall Road and 2900 Candler Mountain Road. The petitions would allow the existing hotel to become a “conforming” use and facilitate the construction of a one hundred fifty-six (156) unit apartment complex with associated pool, clubhouse and parking. The Planning Commission recommended approval of the petitions because:

- The existing hotel, originally constructed in 1980, would become a conforming use.
- Residential uses are permitted within B-3, Community Business Districts upon approval of a CUP.
- The majority of the property is currently designated for Community Commercial uses on the *FLUM*. The proposed *FLUM* amendment from Employment 2 to High Density Residential is reasonable given the close proximity of the property to commercial uses and Liberty University.

PRIOR ACTION(S):

March 27, 2013: The Planning Division recommended approval of the *FLUM*, Rezoning and CUP petitions.

The Planning Commission recommended approval (5-0, with 2 members absent, Hannon, Kennedy) of the *FLUM* amendment.

The Planning Commission waived the twenty-one (21) day submittal requirement for proffers (5-0, with 2 members absent, Hannon, Kennedy).

The Planning Commission recommended approval (5-0, with 2 members absent, Hannon, Kennedy) of the Rezoning petition

The Planning Commission recommended approval (5-0, with 2 members absent, Hannon, Kennedy) of the CUP petition.

FISCAL IMPACT: N/A

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

ATTACHMENT(S):

- Ordinance Amending *FLUM*

- Ordinance for Rezoning
- Resolution for CUP
- Planning Commission Report – March 27, 2013
- Planning Commission Minutes – March 27, 2013
- Vicinity Zoning Pattern Map
- Vicinity Proposed Land Use Map
- Watershed Location Map
- Planimetric and Topographic Map
- Rezoning Plan
- Building Elevations
- MAB Traffic Study
- Narrative
- Property Photograph
- Speaker Signup Sheet

REVIEWED BY: lkp

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

To: Planning Commission
From: Planning Division
Date: March 27, 2013
Re: 5212 Woodall Road and 2900 Candler's Mountain Road

Future Land Use Map (FLUM) Amendment – Employment 2 to High Density Residential

Rezoning: I-2, Light Industrial District to B-3, Community Business District (Conditional)

Conditional Use Permit (CUP) – Apartment Complex

I. PETITIONER

Peter Greenberg, GDG Lynchburg Hotel, LLC, 2900 Candler's Mountain Road, Lynchburg, VA 24502

Representative: Jason Vickers-Smith, The WVS Companies, LLC, 5000 Old Osborne Turnpike, Richmond, VA 23223

II. LOCATION

The subject property includes two (2) tracts totaling approximately eight and seven hundred eighty-four thousandths (8.784) acres located at 5212 Woodall Road and 2900 Candler's Mountain Road

Property Owner: GDG, Lynchburg, Hotel, LLC, 2900 Candler's Mountain Road, Lynchburg, VA 24502

III. PURPOSE

The following are the purposes of the petitions:

- Amend the *FLUM* from Employment 2 to High Density Residential
- Rezone the properties from I-2, Light Industrial District to B-3, Community Business District (Conditional). The rezoning would allow the existing hotel to become a conforming use and allow the vacant portion to be developed for residential uses upon approval of a conditional use permit.
- CUP to allow the development of the vacant portion of the properties as a one hundred fifty-six unit apartment complex within three (3) four (4)-story buildings with associated pool, club house and parking.

IV. SUMMARY

- Petition would make the existing hotel, which was constructed in 1980, a conforming use.
- Residential uses are permitted in B-3, Community Business Districts upon approval of a CUP by Planning Commission and Council.
- The majority of the property is designated for Community Commercial uses on the *FLUM*. The proposed *FLUM* amendment from Employment 2 to High Density Residential is reasonable given the close proximity of the property to commercial uses and Liberty University.

The Planning Division recommends approval of the *FLUM* amendment, rezoning petition and CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Comprehensive Plan 2002-2020* recommends Community Commercial and Employment 2 uses in this area:

Community Commercial (**pg. 5.5**) areas “contain retail, personal service, entertainment, and restaurant uses that draw customers from at least several neighborhoods up to the entire City. Community Commercial areas contain clusters of businesses, often at major intersections, and shopping centers. Most community shopping centers range from 100,000 to 200,000 square feet and serve 40,000 to 70,000 people. Office, research and development, and technology development uses may be permitted in Community Commercial areas as long as traffic and other impacts to the community are mitigated. In particular, conversion of existing vacant retail space to these uses may be appropriate in areas where there is sufficient retail to serve the community and space for employment uses is needed.”

Employment 2 (**pg. 5.4**) areas “are to include light and heavy manufacturing, research and development, flex space and large-scale office uses. Restaurant, hotel and business service uses are also appropriate, if sized and designed to serve the employment area. Employment 2 differs primarily from Employment 1 in that it permits heavy industrial uses.”

The petition proposes to amend the *FLUM* for the portion of the property designated for an Employment 2 use to a High Density Residential Use. High Density Residential (**pg. 5.6**) are “areas to be developed into high density townhouse or multi-family housing. Densities can range up to thirty (30) units per acre. They may include public, institutional, private, recreation and private open space uses.”

The City is currently in the process of updating the *Comprehensive Plan* and re-writing the *Zoning Ordinance*. The City has seen a significant growth (fifteen percent (15%)) in its population over the past ten (10) years. To accommodate this and future growth the City must have a conversation on where density is appropriate. Given the close proximity of the subject property to commercial and employment areas, Liberty University and access to mass transit, development as apartments would be appropriate.

2. **Zoning.** The subject property was annexed into the City in 1958. The existing I-2, Light Industrial District Zoning was established in 1978 with the adoption of the *Official Zoning Map*.
3. **Proffers.** The petitioner has voluntarily submitted the following proffers:
 1. Signal timing improvements shall be made and pedestrian actuated signals installed at the intersection of Candler Mountain Road and Woodall Road if required, based on a traffic engineering study to be conducted.
 2. A GLTC bus shelter will be provided at the site (location to be determined).
 3. The project shall be constructed in substantial compliance with architectural renderings showing the appearance of the proposed buildings with list of proposed building materials.
 4. The following uses, which are allowed in B-3, are not permitted within the area to be rezoned:

- Virginia ABC package stores
- Boardinghouses or lodging houses
- Care centers
- Convalescent and nursing homes
- Funeral homes and undertaking establishments
- Group homes
- Rooming houses
- Pawn shops

5. The site shall be developed in substantial compliance with submitted Rezoning Plan.

4. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances would be needed for the development of the property as proposed.
5. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - On February 22, 1979, Council approved the CUP petition of J.B. Forehand to allow a tire store at 1005 Sheffield Drive.
 - On July 13, 1982, Council approved the CUP petition of Video Voyage, Inc. to operate a game room at 2110 Wards Road.
 - On November 11, 1986, Council approved the CUP of Autolease, Inc. to allow the use of an existing building and parking lot for automobile leasing at 2120 Wards Road.
 - On September 8, 1987, Council approved the rezoning petition of MLB Corporation to rezone 4637-4641 Murray Place from I-3, Heavy Industrial District to B-5, General Business District (Conditional) to allow the construction of a Bowling Center.
 - On January 15, 2002, Council approved the rezoning petition of Carl and Ellen Sanders to rezone 310 and 312 Border Street from I-2, Light Industrial District to B-3, Community Business District (Conditional) to allow the operation of an ice cream parlor/restaurant.
 - On April 9, 2002, Council approved the CUP petition of Watts Petroleum Corporation to allow a car wash at 2209 Wards Road.
 - On April 8, 2008, Council approved the rezoning petition of the Lynchburg Chamber of Commerce to rezone 310 and 312 Border Street from B-3, Community Business District (Conditional) to B-3, Community Business District (Conditional) to allow the use of an existing building as an office.
6. **Site Description.** The subject property is two (2) tracts containing a hotel and vacant land. The property is bordered to the north by an industrial use, to the east by the future home of the Lynchburg Chamber of Commerce (office use) to the south by Border Street and the exit ramp from the Lynchburg Expressway and to the west by office and industrial uses.
7. **Proposed Use of Property.** If the FLUM amendment, rezoning and CUP petitions are approved, the Kirkley Hotel would become a “conforming” use. The remaining vacant portions of the property would be developed as a one hundred fifty-six unit apartment complex within three (3) four (4) story buildings with associated pool, club house and parking.

8. **Traffic, Parking and Public Transit.** The vehicle trip threshold for the existing and proposed uses resulted in the need for a traffic study.

Parking requirements are established by the City's *Zoning Ordinance* and include one (1) parking space for each residential unit for the apartments (156 spaces) and one (1) per guest room plus one (1) per three (3) employees on duty at any one time for the hotel (176 spaces). A total of three hundred thirty-two (332) parking spaces are required and four hundred fifteen (415) are provided as indicated on the submitted site plan.

The development, as proposed, would be accessed by one (1) entrance/exit located on Woodall Road and two (2) access points shared with the Kirkley Hotel located on Border Street. The petitioner has voluntarily proffered to make improvements as recommended by the traffic study. A traffic study analyzing traffic impacts from the proposed development was prepared by Martin Alexiou Bryson (MAB) and reviewed by the City's Transportation Engineer. The study accounts for a "No-Build (2015) Scenario and "Build" (Scenario). The MAB study indicates that under the build scenario, all intersections are projected to operate at acceptable levels of service.

The MAB study does provide recommendations based upon potential pedestrian demand in the area:

- Provide a sidewalk along the east side of Woodall Road between Candler Mountain Road and the northern end of the site's frontage. Install appropriate wheelchair ramps at all appropriate curb cuts.
- Add hi-visibility crosswalks to the southbound approach of Woodall Road and the eastbound approach of Candler Mountain Road at Woodall Road.
- Add actuated pedestrian phases to phases 2, 4 and 6 at the Candler Mountain Road at Woodall intersection.
- Add pedestrian signal heads, push buttons, signs and other appropriate measures.

The site plan submitted by the petitioner indicates the sidewalk as recommended by the MAB study. The traffic signals in the area are owned and maintained by the Virginia Department of Transportation (VDOT). VDOT has informed the petitioner that prior to approving changes in signal timing or pedestrian improvements, actual pedestrian demand would need to be evaluated.

The development would be served by the Greater Lynchburg Transit Company (GLTC) via a relocated bus shelter at the intersection of Candler Mountain Road and Woodall Road.

9. **Stormwater Management.** The construction of the proposed apartment complex will require a stormwater management plan addressing both quality and quantity of runoff from the site. Preliminary information submitted by the petitioner's engineer indicates that stormwater quantity will be addressed by a combination of small bioretention ponds (rain gardens) and underground storage. Low Impact Design (LID) strategies such as porous concrete may also be utilized to reduce runoff. Water quality will be addressed by the use of rain gardens and mechanical devices such as inlet filters. Run off from the site would be conveyed to one (1) of two (2) available channels at the northeast or northwest corner of the property. Final stormwater management strategies are subject to the approval of the City's Environmental Reviewer.

10. **Emergency Services.** The City's Fire Marshal provided comments related to fire hydrant locations, fire department connections and fire department access roads. These comments will be addressed during final site plan approvals.

The City Police Department had no comments of concern related to the proposed petition.

11. **Impact.** The submitted FLUM amendment, rezoning and conditional use permit petitions would allow the existing hotel to become a conforming use and facilitate the construction of a one hundred fifty-six (156) unit apartment complex. The property is currently zoned I-2, Light Industrial District, which does not permit hotels or apartments.

The location of the subject property makes it ideal for the development of multi-family housing. It is accessible to mass transit, is located near a major road network, has access to a signal and is in close proximity to one of the City's largest commercial areas and Liberty University.

The traffic study submitted by the petitioner indicates that intersections will function appropriately if the apartment complex is constructed. The study did make several recommendations for pedestrian improvements to the existing signals and intersections due to the potential for increased pedestrian demand. While the petitioner is agreeable to make these recommended improvements to the VDOT controlled signals, VDOT has requested to determine actual demand prior to approving changes. This is due to the close proximity of the traffic signal to the exit ramps from the Lynchburg Expressway.

The petitioner has indicated that if the petitions are approved, a 2015 completion date is anticipated. As the City moves forward with updates to the *Comprehensive Plan*, in particular the Transportation Element it is vital that attention is given to ensuring that City streets are accessible to all users. While there is no definitive data available to indicate pedestrians will be crossing Candler Mountain Road, it is reasonable that residents of the apartments will desire to access retail and restaurants in the area. If the petitions are approved, it is recommended that City staff continue to work with the petitioner and VDOT to determine appropriate improvements prior to the opening of the development.

12. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on October 23, 2012. Comments related to the proposed use have or will be addressed by the petitioner prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of GDG Lynchburg Hotel, LLC, to/for:

Amend the *Future Land Use Map (FLUM)* from Employment 2 to High Density Residential for a portion of the property at 5212 Woodall Road.

Rezone approximately eight and seven hundred eighty-four thousandths (8.784) acres located at 5212 Woodall Road and 2900 Candler Mountain Road from I-2, Light Industrial District to B-3, Community Business District (Conditional)

Conditional Use Permit to allow the construction of a one hundred fifty-six unit apartment complex within three (3) four (4) story buildings with associated pool, club house and parking, subject to the following conditions:

- 1. The property shall be developed in substantial compliance with the site plan titled "Rezoning Plan for Kirkley Apartment Community" as prepared by Hurt & Proffitt, Inc., dated March 8, 2012.**
- 2. A sidewalk will be installed on Woodall Road as indicated on the submitted site plan.**
- 3. The petitioner will relocate the bus shelter to the western side of the intersection of Woodall Road and Candler Mountain Road as shown on the submitted site plan.**
- 4. All lighting shall be glare shielded and non-directional to prevent direct illumination beyond the property line.**
- 5. Building elevations and materials shall be as indicated in building elevations submitted by the petitioner and received by Community Development on October 9, 2012.**

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Ms. Bonnie M. Svrcek, Deputy City Manager
Mr. Walter C. Erwin, City Attorney
Mr. Kent L. White, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozarow, Lynchburg Police Department
Battalion Chief Greg Wormser, Fire Marshal
Mr. Don DeBerry, Transportation Engineer
Mr. Doug Saunders, Building Commissioner
Mr. Robert Fowler, Zoning Administrator
Mr. Jacob Dorman, Environmental Reviewer
Mr. Peter Greenberg, GDG Lynchburg Hotel, LLC
Mr. Jason Vickers-Smith, The WVS Companies, LLC
Mr. Scott Beasley, Hurt & Proffitt, Inc.

VII. ATTACHMENTS

- 1. Vicinity Zoning Pattern Map**
- 2. Vicinity Proposed Land Use Map**
- 3. Watershed Location Map**
- 4. Planimetric and Topographic Map**
- 5. Rezoning Plan**
- 6. Building Elevations**
- 7. MAB Traffic Study**
- 8. Narrative**
- 9. Property Photograph**

MINUTES OF THE MARCH 27, 2013 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

- b. Petition of GDG Lynchburg Hotel, LLC to amend the Future Land Use Map (FLUM) from Employment 2 to High Density Residential; to rezone approximately eight and seven hundred eighty-four thousandths (8.784) acres from I-2, Light Industrial District to B-3, Community Business District (Conditional) and for a conditional use permit to allow the existing hotel to become a conforming use and to allow the construction of one hundred fifty-six (156) apartment units within three (3), four (4)-story buildings with associated pool, club house and parking at 5212 Woodall Road and 2900 Candler's Mountain Road.**

Mr. Martin commented that this request, if approved, would allow for the hotel on this property to become a conforming use and to allow the construction of 156 apartment units. The hotel was built in the early 1980's when hotels were allowed in industrial districts. If the rezoning and FLUM amendments are approved, a conditional use permit is needed to allow the construction of the apartments. The FLUM amendment to High Density Residential is needed for the portion of the property in the rear that will be developed as apartments. The rest of the property is designated Community Commercial.

Mr. Martin explained that the apartments will have entrances from Border Street and Candler's Mountain Road. The petitioner will construct a sidewalk all along Woodall Road and relocate a bus shelter to the western side of Woodall Road. Mr. Martin remarked that the petitioner's initial proffer number one had stated that "Signal timing improvements shall be made and pedestrian actuated signals installed at the intersection of Candler's Mountain Road and Woodall Road if required, based on a traffic engineering study to be conducted." The petitioner submitted amended proffers on May 25, 2013 and proffer number one now states "Project will contribute up to \$15,000 to the City for the construction of four (4) new countdown "ped heads" at the intersection of Candler's Mountain Road and Woodall Road. Contribution will be made following construction of apartments and after official determination by City or VDOT that pedestrian activity warrants the construction of the signals." Mr. Martin pointed out that although VDOT would like to take a "wait and see" approach, City staff feels the pedestrian improvements should be done at the time of the construction of the apartments.

Mr. Martin remarked that the upcoming *Comprehensive Plan* and *Zoning Ordinance* rewrites will need to deal with the issue of higher density and where it is appropriate. Staff believes that this location lends itself very well to higher density because of its convenient access to mass transit and its proximity to Liberty University and adjoining commercial uses. Staff recommends approval of the petitions but does take exception with the revised proffer number one and would suggest that the Planning Commission discuss this item.

Mr. Jason Vickers-Smith of WVS Companies was present to represent the petitioner. He outlined the reasons they feel this project is appropriate for this site. They feel that the site uses the vacant land well and the layout will fit nicely on the irregularly shaped parcel. There are also good financing options available at the present time for this type of development. The demand for multi-family housing is high right now, especially near Liberty. All the major employment centers of the City are also close and the public transit loop is convenient and easy to navigate. In addition, the hotel essentially eliminates the possibility of putting an industrial use on this property.

Mr. Vickers-Smith pointed out that the irregular shape of the property makes it difficult to develop this property, especially since the hotel takes up most of the road frontage. The layout of the apartments will fit nicely on the property. They will have a more contemporary look to them than what is generally in the Lynchburg area. They will have nice amenities such as washers and dryers in each unit, ample parking, a pool and a club house.

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

Commissioner Hooper asked for a general summary of the traffic study. Mr. Martin said that it found that the difference between the build and no build scenarios were negligible. It recommended specific pedestrian improvements. The signal timings would need to change due to pedestrian traffic but no changes were needed due to vehicular traffic. Mr. Don DeBerry, the Transportation Engineer, was present and agreed with that summary.

Commissioner Swienton asked how many average daily trips this would add to Candler's Mountain Road. Mr. Martin stated that the proposed development is projected to generate 1,069 new daily trips, with 80 trips (16 entering, 64 exiting) occurring in the AM peak hour and 103 trips (67 entering, 36 exiting) in the PM peak hour. Commissioner Swienton asked how much traffic exists there already. Mr. Scott Beasley of Hurt and Proffitt was available to answer questions. However, he said that the traffic study engineers did not do 24-hour counts. Mr. Beasley or Mr. DeBerry could get that information for the City Council meeting. However, Mr. Beasley pointed out that the traffic study showed that delays would only be increased by a second or two and that the level of service will not decrease. Commissioner Swienton pointed out that UPS, which is located nearby, could expand its business by right and that could certainly add a significant amount of daily traffic.

Commissioner Barnes agreed that this is a good location for high density development. He wondered if Liberty runs a shuttle that goes by this site. Mr. Martin answered that GLTC had suggested the location for the bus shelter but would have to adjust its route to serve it. Since the apartments are not due to be constructed until 2015, there is ample time for GLTC to make this adjustment. Mr. Martin pointed out that changes in the area, such as the vehicular tunnels being constructed by Liberty are working to strengthen the transportation grid in the area.

Commissioner Coleman stated that he is pleased to see this development and it appears to be a well thought out project.

Chair Sale wanted to resolve the issue of proffer number one. Mr. Vickers-Smith stated that the petitioner is willing to make the improvements. Mr. Martin stated that City staff will need to communicate with VDOT and encourage them to have the petitioner do the improvements at the time of construction. The items that need to be covered in the proffer are the four "ped heads" that will be needed, redoing the signal timings, striping for the crossings and an ADA ramp. If those items could be specifically mentioned in the proffer and be designated as the responsibility of the petitioner, a dollar amount does not to be assigned to them. Mr. Vickers-Smith stated that the petitioner agrees with these suggestions and the timing for them to be done during construction. He will advocate for these improvements with VDOT but was not sure how strong his voice would be with VDOT. Mr. Martin stated that City staff will need to speak with VDOT and the commissioners were in consensus that City staff should proceed in that direction.

Mr. Vickers-Smith amended proffer number one to read: "Project will contribute funds or complete work for "ped heads," signal timing changes, painting for crosswalk and required ADA ramps." Chair Sale asked if the proffer should state that the improvements need to be done at the time of construction. Mr. Martin said they could not put that requirement in because VDOT needs to agree to that request. Mr. Martin believes this proffer will be sufficient and Mr. DeBerry agreed.

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

"That the Planning Commission recommends to City Council approval of the petition of GDG Lynchburg Hotel, LLC, to amend the *Future Land Use Map (FLUM)* from Employment 2 to High Density Residential for a portion of the property at 5212 Woodall Road."

The motion passed by the following vote:

AYES:	Barnes, Coleman, Hooper, Sale and Swienton	5
NOES:		0
ABSTENTIONS:		0
ABSENT:	Hannon and Kennedy	2

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

"That the Planning Commission waives the 21-day submittal requirement for proffers."

The motion passed by the following vote:

AYES:	Barnes, Coleman, Hooper, Sale and Swienton	5
NOES:		0
ABSTENTIONS:		0
ABSENT:	Hannon and Kennedy	2

Commissioner Coleman made the following motion, which was seconded by Commissioner Hooper:

"That the Planning Commission recommends approval of the petition of GDG Lynchburg Hotel, LLC, to rezone approximately eight and seven hundred eighty-four thousandths (8.784) acres located at 5212 Woodall Road and 2900 Candler's Mountain Road from I-2, Light Industrial District to B-3, Community Business District (Conditional) with amended proffers."

The motion passed by the following vote:

AYES:	Barnes, Coleman, Hooper, Sale and Swienton	5
NOES:		0
ABSTENTIONS:		0
ABSENT:	Hannon and Kennedy	2

Commissioner Coleman made the following motion, which was seconded by Commissioner Hooper:

"That the Planning Commission recommends approval of the petition of GDG Lynchburg Hotel, LLC, for a Conditional Use Permit to allow the construction of a one hundred fifty-six unit apartment complex within three (3) four (4) story buildings with associated pool, club house and parking, subject to the following conditions:

- 1. The property shall be developed in substantial compliance with the site plan titled "Rezoning Plan for Kirkley Apartment Community" as prepared by Hurt & Proffitt, Inc., dated March 8, 2012.**
- 2. A sidewalk will be installed on Woodall Road as indicated on the submitted site plan.**
- 3. The petitioner will relocate the bus shelter to the western side of the intersection of Woodall Road and Candler's Mountain Road as shown on the submitted site plan.**

- 4. All lighting shall be glare shielded and non-directional to prevent direct illumination beyond the property line.**
- 5. Building elevations and materials shall be as indicated in building elevations submitted by the petitioner and received by Community Development on October 9, 2012.**

The motion passed by the following vote:

AYES:	Barnes, Coleman, Hooper, Sale and Swienton	5
NOES:		0
ABSTENTIONS:		0
ABSENT:	Hannon and Kennedy	2

Chair Sale commented that the Planning Commission and City Council are looking at appropriate locations for higher density and this does seem to be an ideal location. The apartments will be in kind of a "cubbyhole" and not really visible from the road and will have nice tree coverage as well. They have looked at the safety of potential clients and how they can safely access the nearby commercial uses by foot. This is a wonderful location because of nearby transportation corridors. He thinks this will be a good contribution to Lynchburg and to this particular place in the City.

Zoning Map

KIRKLEY APARTMENT COMMUNITY

Rezoning

GDG Lynchburg Hotel LLC



B-3

11603001

R-2

11603003

5207

11602012

5208

I-2

11604023

11605001

I-2

WOODALL RD

5212

11604003

B-5

2828

11602004

2832

11602016

11604002

2900

BORDER ST

B-3C

312

11604016

310

CANDLERS MOUNTAIN RD

LYNCHBURG EXPY

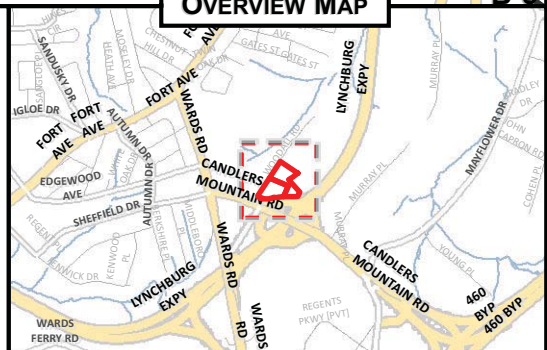
PROPERTY INFORMATION

PARCEL ID	ADDRESS
11604002	2900 CANDLERS MOUNTAIN RD
11604003	5212 WOODALL RD

LEGEND

- Subject Property
- 200' Buffer
- Zoning Boundary

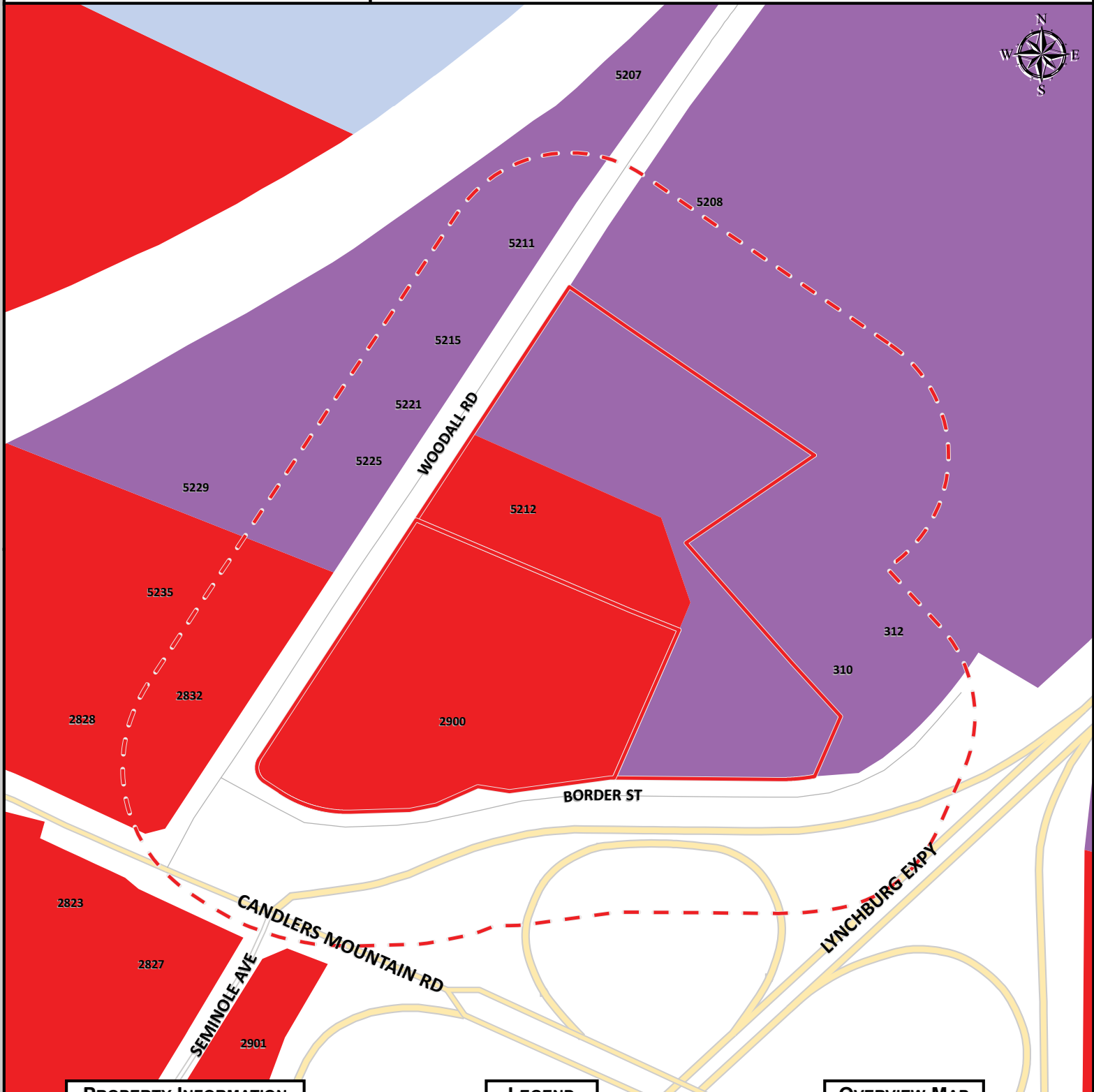
OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 03/15/2013

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.

PIN	Local Address	Owner
11602007 5229	WOODALL RD	COVA CORPORATION
11602008 5225	WOODALL RD	COVA CORPORATION
11602005 5235	WOODALL RD	EDISON CORPORATION
11604003 5212	WOODALL RD	GDG LYNCHBURG HOTEL LLC
11604002 2900	CANDLERS MOUNTAIN RD	GDG LYNCHBURG HOTEL LLC
11602011 5211	WOODALL RD	LT ACQUISITION COMPANY INC
11602009 5221	WOODALL RD	LT ACQUISITION COMPANY INC
11604023 5208	WOODALL RD	LT ACQUISITION COMPANY INC
11605001 5114	WOODALL RD	LT ACQUISITION COMPANY INC
11602010 5215	WOODALL RD	LT ACQUISITION COMPANY INC
11604001 310	BORDER ST	LYNCHBURG REGIONAL CHAMBER OF COMMERCE
11604016 312	BORDER ST	LYNCHBURG REGIONAL CHAMBER OF COMMERCE
11602012 5207	WOODALL RD	NORFOLK & WESTERN RAILWAY
11602016 2832	CANDLERS MOUNTAIN RD	PTC REAL ESTATE LLC



PROPERTY INFORMATION

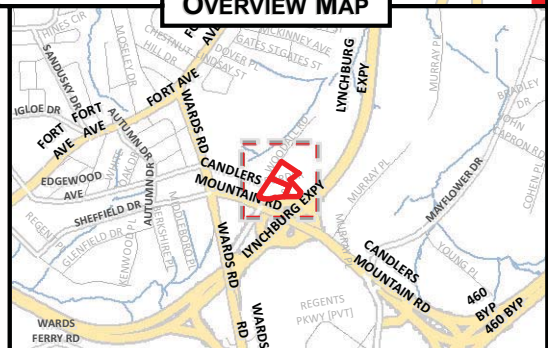
PARCEL ID	ADDRESS
11604002	2900 CANDLER'S MOUNTAIN RD
11604003	5212 WOODALL RD

LEGEND

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

MAP SCALE: 1" to 200' DATE PRINTED: 03/15/2013

OVERVIEW MAP



Watershed Map

Rezoning

KIRKLEY APARTMENT COMMUNITY

GDG Lynchburg Hotel LLC



PROPERTY INFORMATION

PARCEL ID	ADDRESS
11604002	2900 CANDLERS MOUNTAIN RD
11604003	5212 WOODALL RD

LEGEND

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

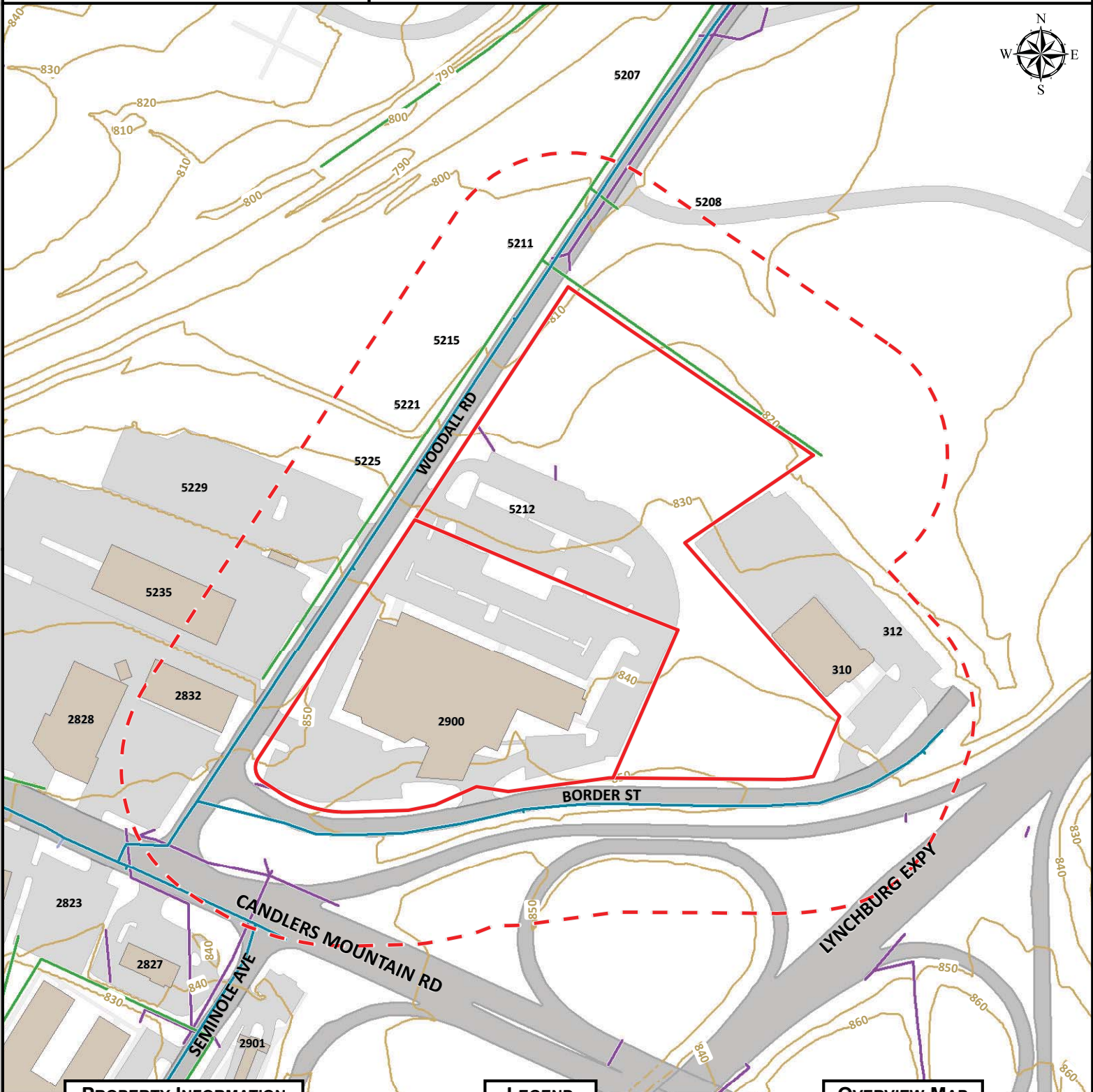
OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 03/15/2013

Opossum Creek-James River

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



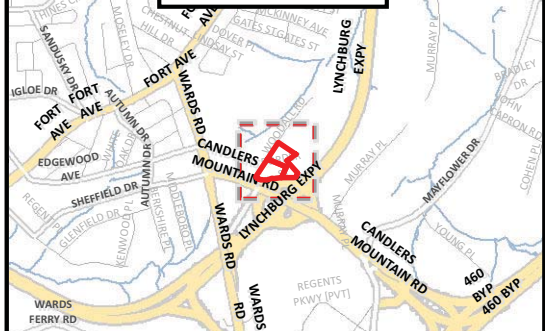
PROPERTY INFORMATION

PARCEL ID	ADDRESS
11604002	2900 CANDLERS MOUNTAIN RD
11604003	5212 WOODALL RD

LEGEND

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

OVERVIEW MAP

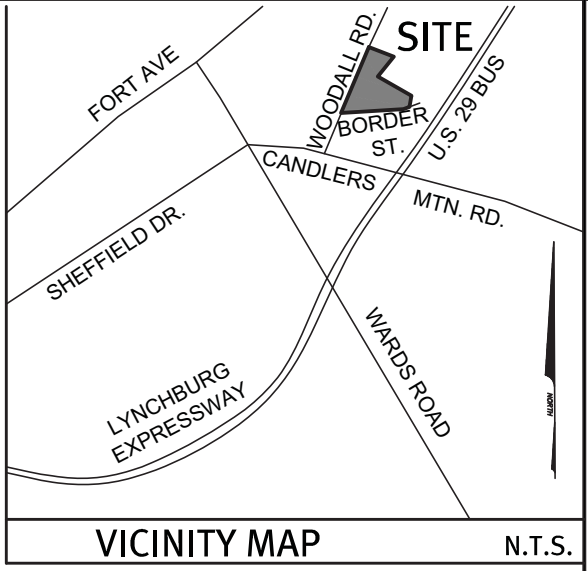
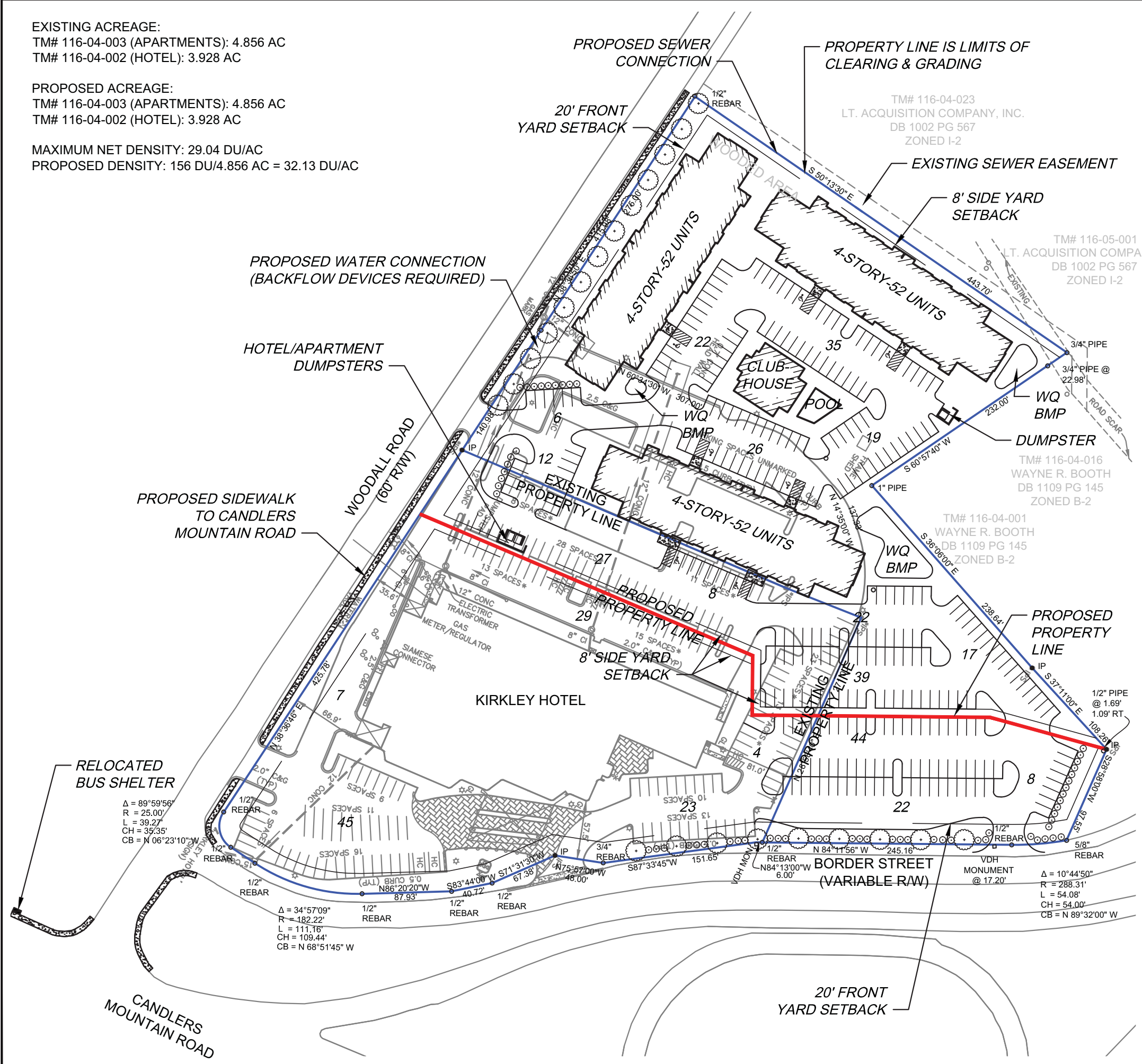


MAP SCALE: 1" to 200' DATE PRINTED: 03/15/2013

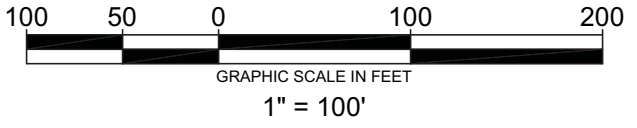
EXISTING ACREAGE:
TM# 116-04-003 (APARTMENTS): 4.856 AC
TM# 116-04-002 (HOTEL): 3.928 AC

PROPOSED ACREAGE:
TM# 116-04-003 (APARTMENTS): 4.856 AC
TM# 116-04-002 (HOTEL): 3.928 AC

MAXIMUM NET DENSITY: 29.04 DU/AC
PROPOSED DENSITY: 156 DU/4.856 AC = 32.13 DU/AC



- NOTES:
1. SITE TM#: 116-04-003
HOTEL TM#: 116-04-002
 2. SITE OWNER: GDG LYNCHBURG HOTEL, LLC
HOTEL OWNER: GDG LYNCHBURG HOTEL, LLC
ADDRESS: 5212 WOODALL ROAD, LYNCHBURG, VA 24502
 3. SITE PROPOSED USE: MULTI-FAMILY APARTMENT COMMUNITY
 4. SITE ZONED: I-2
 5. SITE PROPOSED ZONE: B-3C
 6. REQUIRED PARKING:
APARTMENTS: 156 SPACES
HOTEL: 176 SPACES
TOTAL: 332 SPACES REQUIRED
PROPOSED PARKING:
APARTMENTS: 233 SPACES
HOTEL: 182 SPACES
TOTAL: 415
REQUIRED ADA-ACCESSIBLE SPACES:
APARTMENTS: 7 SPACES
HOTEL: 6 SPACES
 7. FOUNDATION PLANTINGS REQUIRED: 1 ORNAMENTAL TREE PER 50' AND 1 LARGE SHRUB PER 10':
640'/50' = 13 ORNAMENTAL TREES
640'/10' = 64 LARGE SHRUBS
 8. PARKING LOT LANDSCAPING REQUIRED: 1 SHADE TREE PER 8 SPACES AND 1 MEDIUM SHRUB PER SPACE:
APARTMENTS: 233/8 = 30 SHADE TREES; 233 MEDIUM SHRUBS
HOTEL: NONE (PROPOSED PLAN REDUCES THE NUMBER OF SPACES ON THE HOTEL PROPERTY)
 9. STREET TREES REQUIRED: 1 SHADE TREE PER 40' ROAD FRONTAGE:
APARTMENTS: 490'/40' = 13 SHADE TREES
HOTEL: 340'/40' = 9 SHADE TREES
 10. EXTERIOR LIGHTING SHALL BE CONTROLLED SO THAT NO DIRECT ILLUMINATION WILL OCCUR BEYOND ANY PROPERTY LINE SHARED WITH A RESIDENTIAL DISTRICT.
 11. THE AREA SHOWN HEREON IS LOCATED IN FLOOD ZONE 'X' AND IS NOT LOCATED WITHIN FLOOD HAZARD ZONE 'A' FOR A 100 YEAR FLOOD AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY AS SHOWN ON COMMUNITY-PANEL MAP #5100930106D DATED JUNE 3, 2008.



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REZONING PLAN
FOR
KIRKLEY APARTMENT COMMUNITY
CITY OF LYNCHBURG, VIRGINIA

PROJECT NO. 20120506
G.L. NO. 264-02-A1.6
FILE NO.
DATE: 3/8/2012
DRAWN BY: PSB/ASK
CHECKED BY: PSB

SHEET NO.
1 OF 2

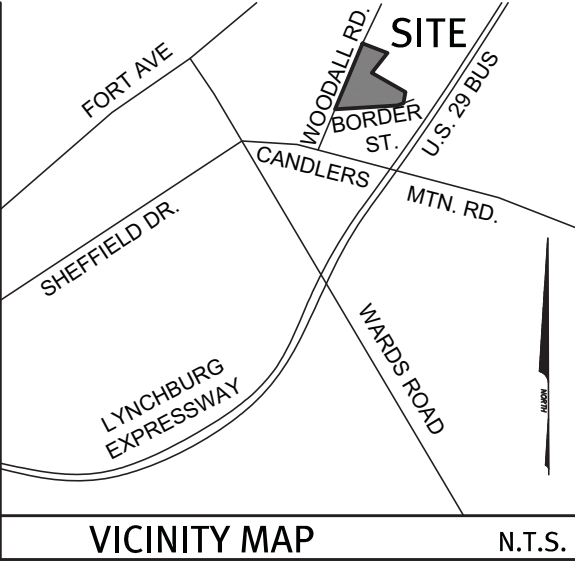
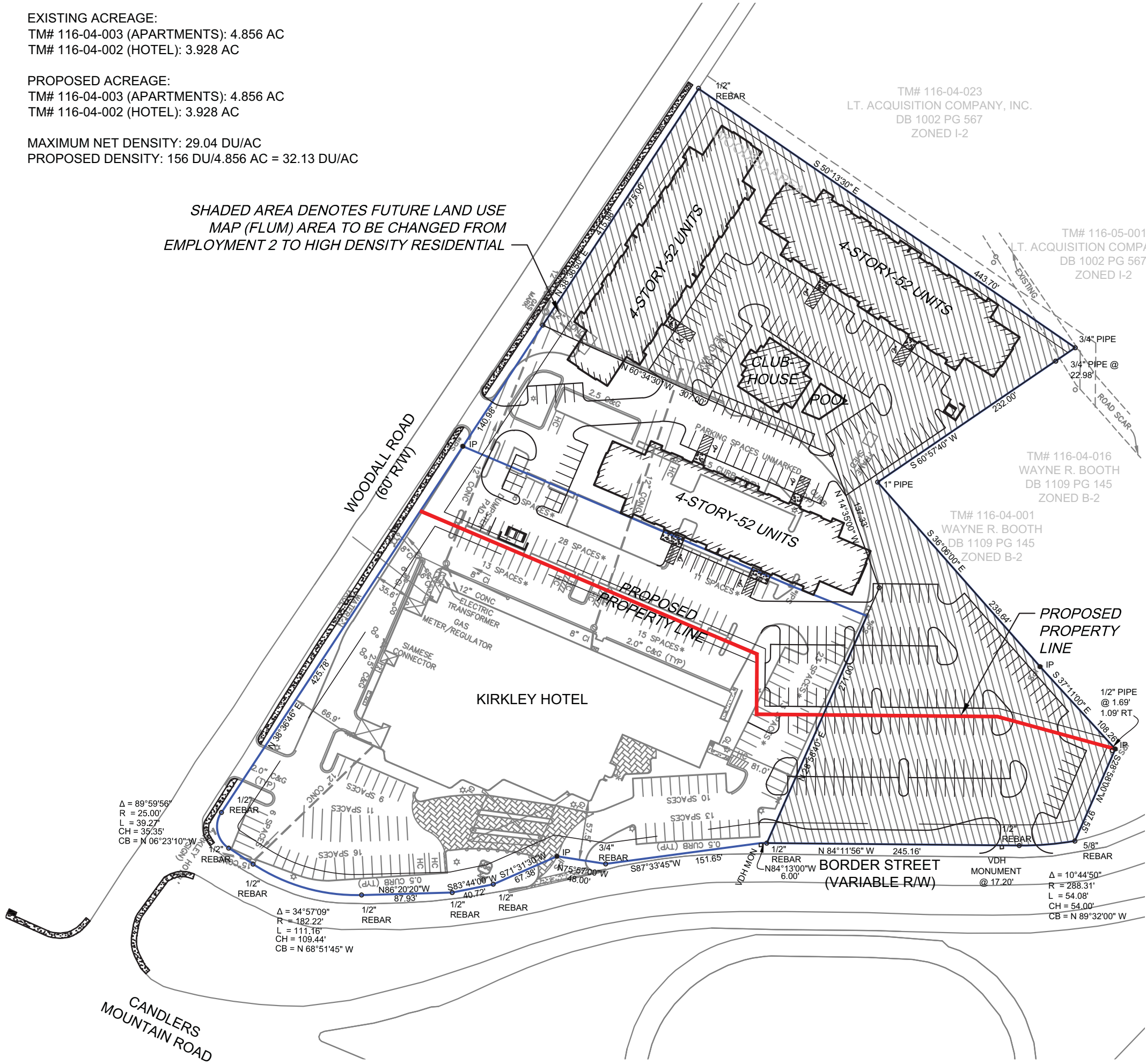
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EXISTING ACREAGE:
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SHADED AREA DENOTES FUTURE LAND USE
MAP (FLUM) AREA TO BE CHANGED FROM
EMPLOYMENT 2 TO HIGH DENSITY RESIDENTIAL



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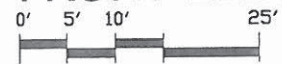
**REZONING PLAN
FOR
KIRKLEY APARTMENT COMMUNITY
CITY OF LYNCHBURG, VIRGINIA**

PROJECT NO.	20120506
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DRAWN BY:	PSB/ASK
CHECKED BY:	PSB

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FRONT ELEVATION



RECEIVED

OCT 09 2012

COMMUNITY
DEVELOPMENT

Kirkley Apartment Community

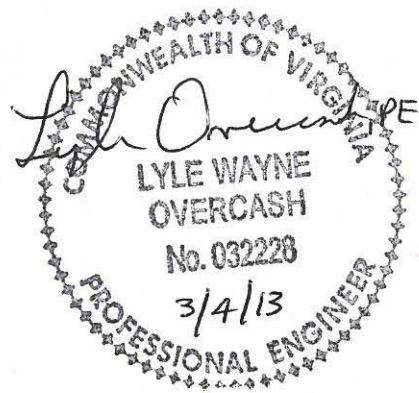
Lynchburg, Virginia

TRAFFIC IMPACT ANALYSIS

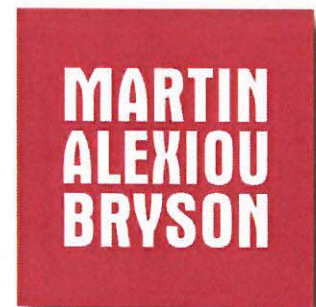
Prepared for

Hurt & Proffitt

c/o Scott Beasley, PE, LEED AP
Senoir Project Manager
Hurt & Proffitt
2524 Langhorne Road
Lynchburg, VA 24501



Prepared by



March 4, 2013

EXECUTIVE SUMMARY

Project Background

The proposed Kirkley Apartment Community is to be located along Woodall Road, north of Virginia Route 128 (Candlers Mountain Road) in Lynchburg, Virginia as shown in Figure 1. The development will consist of 156 apartment units with an expected completion date of 2015. The development is expected to have one access point along Woodall Road and two shared access points along Border Street and (Figure 2).

Based on the discussions with Virginia Department of Transportation (VDOT) and City of Lynchburg staff, the following intersections were included in the study area and were analyzed for existing and future conditions:

- Route 128 (Candlers Mountain Road) and Woodall Road (signalized)
- Route 128 (Candlers Mountain Road) and US 29 Southbound Off-Ramp (Lynchburg Expressway)/Seminole Avenue (signalized)

The traffic analysis for the proposed development was performed under four scenarios: Existing (2013), No-Build (2015), Build (2015), and Build (2015) with improvements. Typical weekday AM and PM peak hour conditions were analyzed for each scenario. The Existing (2013) scenario includes peak hour volumes based on turning movement count data collected in February 2013. The No-Build (2015) scenario includes existing traffic with projected annual growth between the existing and future years. The Build (2015) scenario includes No-Build (2015) scenario volumes with the addition of site trips generated by the proposed development. The Build (2015) with improvements scenario includes Build (2015) scenario volumes with any recommended improvements in place.

Existing (2013) Conditions

Existing analyses were conducted based on current roadway geometrics and intersection turning movement counts. As reported in the Summary Level of Service table on page iv, the study area intersections operate at acceptable levels (LOS D or better) in both the AM and PM peak periods.

No-Build (2015) Conditions

Typical growth rates range between one and three percent (1% - 3%), however to be conservative, a growth rate of three percent (3%) was applied to the existing traffic volumes to account for normal traffic growth between the base year (2013) and the build year (2015).

Based on the No-Build (2015) analysis, the intersections in the study area are projected to experience increases in delay ranging from 0.2 to 0.5 seconds per vehicle during the peak hour periods. As a result, all intersections continue to operate at acceptable levels.

Trip Generation and Assignment

The proposed development is to consist of up to 156 apartment units. Trip generation was conducted for the proposed land use based on the most appropriate corresponding trip generation codes included in the *ITE Trip Generation, 9th Edition*. As a result, the proposed development is projected to generate 1,069 new daily trips, with 80 trips (16 entering, 64 exiting) occurring in the

AM peak hour and 103 trips (67 entering, 36 exiting) in the PM peak hour. The generated site trips were distributed in accordance with the existing turning movement counts.

Build (2015) Conditions

The Build (2015) conditions account for both the No-Build (2015) traffic and the site traffic generated by the proposed development. As shown in the Summary Level of Service table, the addition of the site trips has only a minor effect on the operations of the two intersections adding between 0.6 and 2.1 seconds per vehicle of delay. All intersections are projected to continue to operate at acceptable levels of service.

Roadway Improvement Recommendations

As indicated in the traffic operations analyses, the proposed Kirkley Apartment Community will have a very slight impact on intersections within the study area. The development is however, expected to result in some increased pedestrian demand in the area as residents walk to restaurants and other destinations across Candler's Mountain Road. In order to safely accommodate this new pedestrian demand, the following roadway improvements are recommended:

- Provide a sidewalk along the east side of Woodall Road between Candler's Mountain Road and the northern end of the site's frontage. Install appropriate wheelchair ramps at all appropriate curb cuts.
- Add hi-visibility crosswalks to the southbound approach of Woodall Road and the eastbound approach of Candler's Mountain Road at Woodall Road.
- Add actuated pedestrian phases to phases 2, 4, and 6 at the Candler's Mountain Road at Woodall intersection.
- Add pedestrian signal heads, push buttons, signs, and other appropriate measures.

One signal controller controls the signals at the intersections of Candler's Mountain Road/Woodall Road and Candler's Mountain Road/US 29 Southbound Off-Ramp/Seminole Avenue. As shown in the Summary LOS table, even with pedestrian accommodations to the signals, the intersection is projected to continue to operate at an acceptable level of service in both the AM and PM peak periods with a maximum delay increase of 0.3 seconds in the AM peak hour at the Candler's Mountain Road and Woodall Road intersection and 1.2 seconds in the PM peak hour at the Candler's Mountain Road and US 29 Ramp/Seminole Avenue intersection.

Level of Service Results Summary

Intersection and Approach	Existing (2013)		No-Build (2015)		Build (2015)		Build Improved (2015)	
	AM	PM	AM	PM	AM	PM	AM	PM
Candlers Mountain Road and Woodall Road	B (12.7 sec)	C (20.3 sec)	B (12.9 sec)	C (20.8 sec)	B (15.0 sec)	C (21.4 sec)	B (15.3 sec)	C (21.6 sec)
Eastbound	C	C	C	C	C	C	C	D
Westbound	A	A	A	A	A	A	A	A
Northbound	C	D	C	D	C	D	C	C
Southbound	D	D	D	D	D	D	D	D
Candlers Mountain Road and US 29 Southbound Ramp/Seminole Avenue	B (11.8 sec)	B (16.4 sec)	B (12.3 sec)	B (16.9 sec)	B (13.2 sec)	B (18.5 sec)	B (13.4 sec)	B (19.7 sec)
Eastbound	A	A	A	A	A	A	A	A
Westbound	B	C	B	C	B	C	B	C
Northbound	C	C	C	C	C	C	C	C
Southbound	C	D	C	C	D	D	D	D

LEGEND: **X** = Overall signalized intersection LOS;
(XX sec) = Overall signalized intersection control delay in seconds; **X** = approach LOS

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APPENDICES

Appendix A	Existing (2013) Turning Movement Counts
Appendix B	Intersection Capacity Analysis
Appendix C	Signal Plans and Timings

1.0 INTRODUCTION

The proposed Kirkley Apartment Community is to be located along Woodall Road, north of Virginia Route 128 (Candlers Mountain Road) in Lynchburg, Virginia as shown in Figure 1. The development will consist of 108 apartment units with an expected completion date of 2015. The development is expected to have two access points along Borders Street and one along Woodall Road (Figure 2).

Based on the discussions with Virginia Department of Transportation (VDOT) and City of Lynchburg staff, the following intersections were included in the study area and were analyzed for existing and future conditions:

- Route 128 (Candlers Mountain Road) and Woodall Road (signalized)
- Route 128 (Candlers Mountain Road) and US 29 Southbound Off-Ramp (Lynchburg Expressway)/Seminole Avenue (signalized).

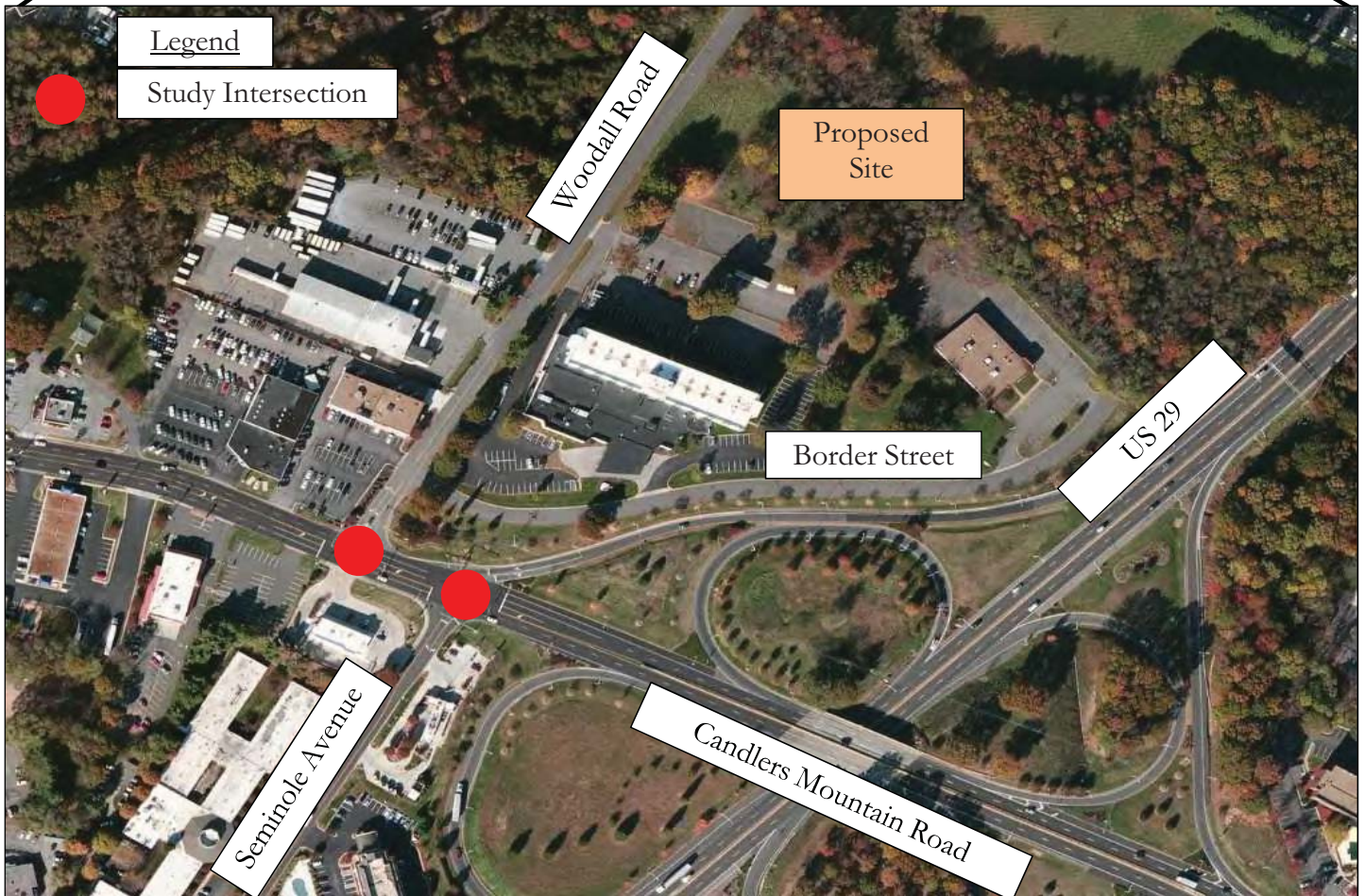
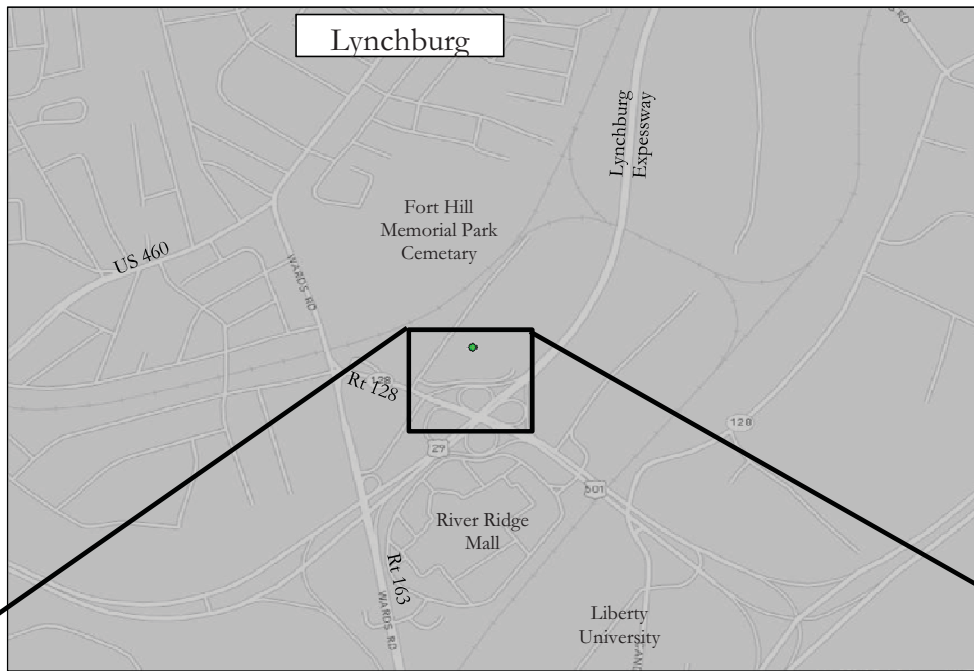


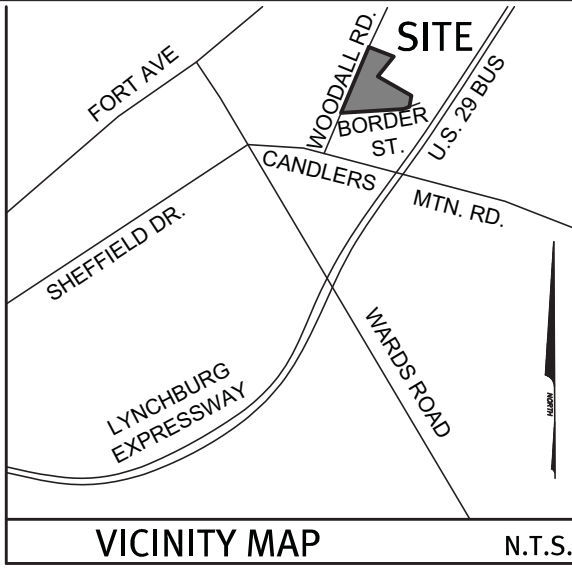
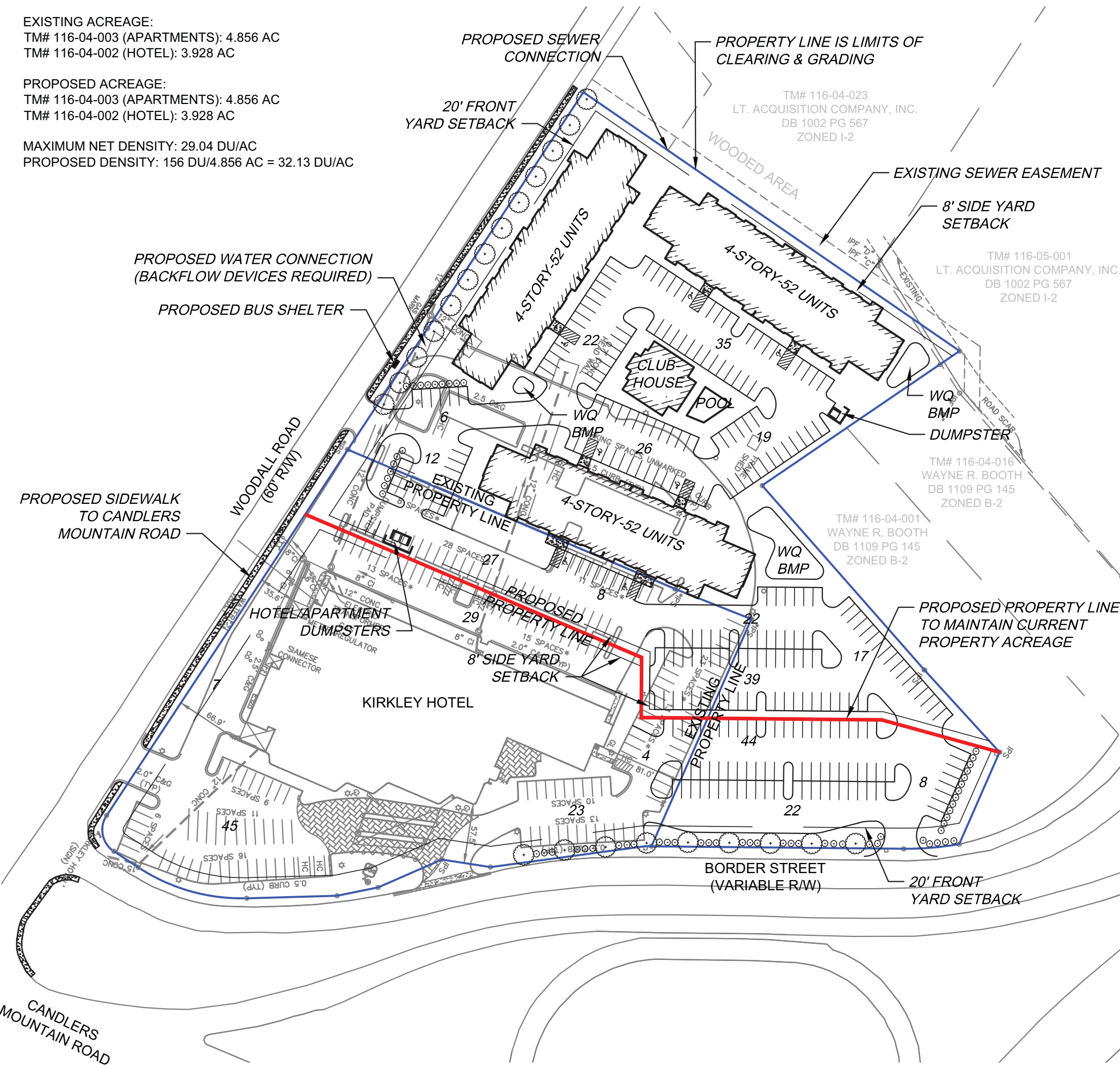
Figure 1
Vicinity Map

Kirkley Apartment Community
Traffic Impact Analysis
Lynchburg, Virginia

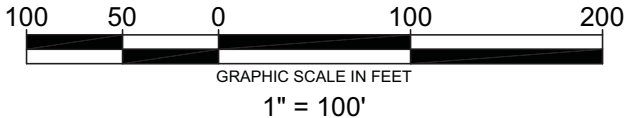
EXISTING ACREAGE:
TM# 116-04-003 (APARTMENTS): 4.856 AC
TM# 116-04-002 (HOTEL): 3.928 AC

PROPOSED ACREAGE:
TM# 116-04-003 (APARTMENTS): 4.856 AC
TM# 116-04-002 (HOTEL): 3.928 AC

MAXIMUM NET DENSITY: 29.04 DU/AC
PROPOSED DENSITY: 156 DU/4.856 AC = 32.13 DU/AC



- NOTES:
1. SITE TM#: 116-04-003
HOTEL TM#: 116-04-002
 2. SITE OWNER: GDG LYNCHBURG HOTEL, LLC
HOTEL OWNER: GDG LYNCHBURG HOTEL, LLC
ADDRESS: 5212 WOODALL ROAD, LYNCHBURG, VA 24502
 3. SITE PROPOSED USE: MULTI-FAMILY APARTMENT COMMUNITY
 4. SITE ZONED: I-2
 5. SITE PROPOSED ZONE: B-3C
 6. REQUIRED PARKING:
APARTMENTS: 156 SPACES
HOTEL: 176 SPACES
TOTAL: 332 SPACES REQUIRED
PROPOSED PARKING:
APARTMENTS: 233 SPACES
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TOTAL: 415
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APARTMENTS: 7 SPACES
HOTEL: 6 SPACES
 7. FOUNDATION PLANTINGS REQUIRED: 1 ORNAMENTAL TREE PER 50' AND 1 LARGE SHRUB PER 10':
640'/50'=13 ORNAMENTAL TREES
640'/10'=64 LARGE SHRUBS
 8. PARKING LOT LANDSCAPING REQUIRED: 1 SHADE TREE PER 8 SPACES AND 1 MEDIUM SHRUB PER SPACE:
APARTMENTS: 233/8 = 30 SHADE TREES; 233 MEDIUM SHRUBS
HOTEL: NONE (PROPOSED PLAN REDUCES THE NUMBER OF SPACES ON THE HOTEL PROPERTY)
STREET TREES REQUIRED: 1 SHADE TREE PER 40' ROAD FRONTAGE:
APARTMENTS: 490'/40' = 13 SHADE TREES
HOTEL: 340'/40' = 9 SHADE TREES
 9. EXTERIOR LIGHTING SHALL BE CONTROLLED SO THAT NO DIRECT ILLUMINATION WILL OCCUR BEYOND ANY PROPERTY LINE SHARED WITH A RESIDENTIAL DISTRICT.
 10. THE AREA SHOWN HEREON IS LOCATED IN FLOOD ZONE 'X' AND IS NOT LOCATED WITHIN FLOOD HAZARD ZONE 'A' FOR A 100 YEAR FLOOD AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY AS SHOWN ON COMMUNITY-PANEL MAP #5100930106D DATED JUNE 3, 2008.



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REZONING PLAN
FOR
KIRKLEY APARTMENT COMMUNITY
CITY OF LYNCHBURG, VIRGINIA

PROJECT NO.	20120506
G.L. NO.	264-02-A1.6
FILE NO.	
DATE:	12/5/2012
DRAWN BY:	PSB/ASK
CHECKED BY:	PSB

SHEET NO.
1 OF 1

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LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 13, 2014**

AGENDA ITEM NO.: **7**

CONSENT:

REGULAR: **X**

WORKSESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: Issuance of and not to exceed \$105,120,000 New General Obligation Public Improvement Bonds for City, Schools, Water and Sewer Capital Projects; and, Issuance of and not to exceed \$40,000,000 General Obligation Public Improvement Refunding Bonds, Series 2014

RECOMMENDATION: After a public hearing, authorize the issuance of up to \$105,120,000 of General Obligation Public Improvement Bonds and authorize the issuance of up to \$40,000,000 of General Obligation Public Improvement Refunding Bonds for City, Schools, Water and Sewer capital projects by taking the following actions:

1. Adopt a resolution authorizing the issuance of General Obligation Public Improvement Bonds not to exceed \$105,120,000 in principal to finance the costs of various public improvement projects in the amounts set forth below; and, authorizing the issuance of General Obligation Public Improvement Refunding Bonds not to exceed \$40,000,000 in principal, Series 2014. Total project costs of \$102,968,800 are outlined in the table below. The resolution authorizes the City Manager to make the final decision to either a negotiated bond sale with a group of investment banking firms or to hold a competitive sale where all investment banking firms are allowed to bid on the City's bonds. At this time the municipal bond market is very stable and as a result, the City's Financial Advisor, Davenport & Company LLC, is recommending a competitive sale. With this method of sale the investment banking firm's fee (underwriter's discount) to sell the bonds is built into their bid. Thus, a conservative estimate of 1% for this fee has been used when estimating the maximum bond size amount for the authorizing resolution. With this fee estimate of \$1,451,200 and the remaining costs of issuance estimated to be \$700,000, which are outlined in the table below, are added to the total project costs of \$102,968,800, the recommended not to exceed amount for the authorizing resolution is \$105,120,000. The resolution also sets the maximum interest rate that the City Manager can accept as five percent (5%).

In addition, refunding opportunities for previous bond issues may exist at the time of the bond sale due to the low interest rates. An estimate for a refunding is approximately \$30,000,000 across numerous Funds, including the General Fund. The remaining \$10,000,000 of the refunding bond authorizing resolution is related to the payoff of the Line of Credit Bank Bond Anticipation Note (BAN) with Carter Bank & Trust for water capital projects. This amount is not included in the advertised public hearing notice amount because for any refunding bond issue(s) that may occur with this bond sale, City Council previously provided authorization for the refunding simultaneously with the authorization for the original debt issue(s). Other than the payoff of the Line of Credit BAN, the refunding bonds will be issued only if the Present Value Savings net of costs of issuance are at least 3% of the par amount being refunded. This refunding bond issue could result in a blend of taxable and tax exempt bonds. With the bond sale scheduled for June 10, 2014, this resolution provides options for the City to consider for a total financing approach.

2. Adopt a resolution amending the FY 2014 General, Water, and Sewer Funds' Operating Budgets to provide appropriations totaling \$700,000 with resources from the General Obligation Public Improvement Bonds, Series 2014 for costs associated with the issuance of \$105,120,000 General Obligation Public Improvement Bonds and bond refundings currently estimated at \$40,000,000.

SUMMARY: In accordance with Section 15.2-2606.A of the *Code of Virginia, 1950*, to authorize the issuance of a \$105,120,000 General Obligation Public Improvement Bond of the City, a public hearing is required.

Based on projected cash needs, the following summarizes the capital project costs (excluding the underwriter's fee) for the proposed total \$102,968,800 of the FY 2014 Bond issue.

Project Categories	FY 2014 Estimates
Schools Projects	\$67,156,191
Group Home Facility	4,100,000
Transportation Projects	6,917,518
City Stadium	8,000,000
Potential Other Governmental Projects	4,002,529
Water Improvement Projects	7,042,562
Sewer Improvement Projects	5,750,000
Total Project Cost Estimates	\$102,968,800

The following is a summary of the proposed costs of issuance for both the new bonds and the refunding bonds:

Issue Cost Components	FY 2014 Estimates
Bond Counsel	\$85,000
Bond Ratings	182,438
Financial Advisor	382,312
Official Statement Preparation & Printing	5,000
Escrow Agent	10,000
Verification	5,000
Copying, Postage, & Overnight Mailings, etc.	6,000
Miscellaneous	24,250
Total	\$700,000

PRIOR ACTION(S): Adopted FY 2014 Operating Budget and Appropriated FY 2014 Capital Improvement Program; Finance Committee Meeting March 25, 2014; City Council will consider the FY 2015 – 2019 Capital Improvement Program on May 13, 2014

FISCAL IMPACT: New long-term debt issued and issuance costs funded by bond proceeds. Potential long-term debt service savings based on the outcome of any refunding. The FY 2015 Adopted Budget for debt service across all funds includes an estimate for this new bond issue. Additionally, a Debt Service Reserve exists in the General Fund. All funds will be amended to reflect the actual debt service costs to include the new bonds and any bond refunding that may occur.

CONTACT(S): Donna Witt, Director of Financial Services, 455-3968

ATTACHMENT(S): Resolutions (2)

REVIEWED BY: lkp

A RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED ONE HUNDRED FIVE MILLION ONE HUNDRED TWENTY THOUSAND DOLLARS (\$105,120,000) PRINCIPAL AMOUNT OF GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS OF THE CITY OF LYNCHBURG, VIRGINIA, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF THE ACQUISITION, CONSTRUCTION, RECONSTRUCTION, IMPROVEMENT, EXTENSION, ENLARGEMENT AND EQUIPPING OF VARIOUS PUBLIC IMPROVEMENT PROJECTS OF AND FOR THE CITY AND NOT TO EXCEED FORTY MILLION DOLLARS (\$40,000,000) PRINCIPAL AMOUNT OF GENERAL OBLIGATION PUBLIC IMPROVEMENT REFUNDING BONDS OF THE CITY OF LYNCHBURG, VIRGINIA, FOR THE PURPOSE OF PROVIDING FUNDS TO REFUND AND DEFEASE OR PREPAY CERTAIN OUTSTANDING GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS AND A GENERAL OBLIGATION PUBLIC IMPROVEMENT BOND ANTICIPATION NOTE OF SUCH CITY; AUTHORIZING THE SALE OF SUCH BONDS; FIXING THE FORM, DENOMINATION AND CERTAIN OTHER DETAILS OF SUCH BONDS; PROVIDING FOR THE SALE OF SUCH BONDS AND DELEGATING TO THE CITY MANAGER CERTAIN POWERS WITH RESPECT THERETO; AUTHORIZING THE PREPARATION AND DELIVERY OF THE PRELIMINARY OFFICIAL STATEMENT AND FINAL OFFICIAL STATEMENT RELATING TO SUCH BONDS; AUTHORIZING THE CITY MANAGER TO EXECUTE AND DELIVER A CONTINUING DISCLOSURE CERTIFICATE OR A CONTINUING DISCLOSURE AGREEMENT RELATING TO SUCH BONDS; AUTHORIZING THE APPOINTMENT OF AN ESCROW AGENT; AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW DEPOSIT AGREEMENT BY AND BETWEEN THE CITY AND SUCH ESCROW AGENT AND THE PURCHASE OF THE SECURITIES TO BE HELD THEREUNDER; AUTHORIZING THE APPOINTMENT OF A VERIFICATION AGENT; AND AUTHORIZING THE DESIGNATION OF THE REFUNDED OBLIGATIONS FOR REDEMPTION OR PREPAYMENT

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG, VIRGINIA, AS FOLLOWS:

SECTION 1. The Council of the City of Lynchburg, Virginia (the "City"), hereby finds and determines as follows:

(a) Pursuant to Chapter 26 of Title 15.2 of the Code of Virginia, 1950, the same being the Public Finance Act of 1991 (the "Public Finance Act of 1991"), and a resolution duly adopted by the Council (the "Council" or this "Council") of the City, there were authorized to be issued, sold and delivered the City's Thirty-Three Million One Hundred Five Thousand Dollars (\$33,105,000) principal amount of General Obligation Public Improvement Refunding Bonds, Series 2005A, dated March 16, 2005 and maturing in varying amounts on June 1 in each of the years 2007 through 2025 and on June 1, 2030 (the "Series 2005A Bonds").

(b) Pursuant to the Public Finance Act of 1991 and a resolution duly adopted by this Council, there were authorized to be issued, sold and delivered the City's Twenty-Three Million Eight Hundred Forty Thousand Dollars (\$23,840,000) principal amount of General Obligation Public Improvement Bonds, Series 2006, dated May 9, 2006 and maturing in varying amounts on January 15 in each of the years 2007 through 2026 (the "Series 2006 Bonds").

(c) Pursuant to the Public Finance Act of 1991 and a resolution duly adopted by this Council, there was authorized to be issued, sold and delivered the City's General Obligation Public Improvement Bond Anticipation Note, Series 2011, dated November 8, 2011 and maturing on November 1, 2016 (the "Series 2011 Bond Anticipation Note").

(d) The City has been advised by the City's Financial Advisor that the refunding and defeasing of all or a portion of the Series 2005A Bonds and the Series 2006 Bonds and certain maturities of certain other currently outstanding issues of general obligation public improvement bonds of the City would result in annual debt service cost savings to the City.

(e) The Council desires to authorize the issuance and sale of General Obligation Public Improvement Bonds and General Obligation Public Improvement Refunding Bonds to provide funds (i) to pay the costs of the acquisition, construction, reconstruction, improvement, extension, enlargement and equipping of various public improvement projects of and for the City set forth in Section 8 hereof, (ii) to refund and defease all or a portion of the outstanding Series 2005A Bonds, and the outstanding Series 2006 Bonds and certain maturities such other outstanding general obligation public improvement bonds, the refunding of which shall be recommended by the City's Financial Advisor, and (iii) to prepay the outstanding Series 2011 Bond Anticipation Note and the refinancing of the Series 2011 Bond Anticipation Note through the issuance of General Obligation Public Improvement Bonds (such obligations to be refunded and defeased or prepaid being referred to hereinafter as the "Refunded Obligations").

(f) Pursuant to the Public Finance Act of 1991), the City is authorized to issue refunding bonds to refund and defease or prepay the Refunded Obligations.

(g) In the judgment of this Council, it is necessary and expedient to authorize the issuance and sale of not to exceed One Hundred Five Million One Hundred Twenty Thousand Dollars (\$105,120,000) principal amount of General Obligation Public Improvement Bonds of the City for the purpose of providing funds to pay the costs of the acquisition, construction, reconstruction, improvement, extension, enlargement and equipping of various public improvement projects of and for the City set forth in Section 8 hereof and not to exceed Forty Million Dollars (\$40,000,0000) principal amount of General Obligation Public Improvement Refunding Bonds of the City for the purpose of providing funds to refund and defease or prepay certain outstanding general obligation public improvement bonds and a general obligation public improvement bond anticipation note of the City, and paying certain costs related to the issuance of such bonds.

SECTION 2. Pursuant to the Public Finance Act of 1991, there are authorized to be issued not to exceed One Hundred Five Million One Hundred Twenty Thousand Dollars (\$105,120,000) principal amount of General Obligation Public Improvement Bonds of

the City for the purpose of providing funds to pay the costs of the acquisition, construction, reconstruction, improvement, extension, enlargement and equipping of various public improvement projects of and for the City set forth in Section 8 hereof and not to exceed Forty Million Dollars (\$40,000,000) principal amount of General Obligation Public Improvement Refunding Bonds of the City for the purpose of providing funds to refund and defease or prepay certain outstanding general obligation public improvement bonds and a general obligation public improvement bond anticipation note of the City, and paying certain costs related to the issuance of such Bonds.

(a) The Bonds shall be issued and sold in their entirety at one time, or from time to time in part in series, as shall be determined by the Director of Financial Services. The Bonds may be sold at the same time as other general obligation bonds are sold by the City. The Bonds shall be issued in fully registered form and shall be in the denomination of \$5,000 or any integral multiple thereof. The Bonds of each series shall be numbered from R-1 upwards in order of issuance and shall have such other series designation as shall be determined by the Director of Financial Services; shall mature annually, commencing in such year and on such date in each year and in such amount in each year as shall be determined by the Director of Financial Services; and shall bear interest at such rate or rates per annum as shall be determined by the City Manager pursuant to the provisions of Section 9 hereof, such interest being payable on the day which is not more than one (1) year from the date of the Bonds of such series and semiannually thereafter and, unless otherwise provided in the proceedings authorizing the issuance of the Bonds of any such series, such interest shall be computed on the basis of a three hundred and sixty (360) day year comprised of twelve (12) thirty (30) day months. The Director of Financial Services is authorized to determine, in accordance with and subject to the provisions of this Resolution: the date or dates of the Bonds; the interest payment dates thereof; the maturity dates thereof (*provided* that the final maturity of the Bonds of any series shall be not later than forty (40) years from the date the first Bonds of such series are issued under this Resolution); the amount of principal maturing on each maturity date; the place or places of payment thereof and the paying agent or paying agents therefor; the place or places of registration, exchange or transfer thereof and the registrar therefor; and whether or not the Bonds shall be subject to redemption prior to their stated maturity or maturities and if subject to such redemption, the premiums, if any, payable upon such redemption and the respective periods in which such premiums are payable.

(b) In the event the Bonds of any series shall be dated as of a date other than the first day of a calendar month or the dates on which interest is payable on such series are other than the first days of calendar months, the provisions of Section 3 hereof with regard to the authentication of such Bonds and of Section 11 with regard to the forms of such Bonds shall be modified as the Director of Financial Services shall determine to be necessary or appropriate.

(c) If the Bonds of a given series are subject to redemption and if any Bonds of such series (or portions thereof in installments of \$5,000 or any integral multiple thereof) are to be redeemed, notice of such redemption specifying the date, numbers and maturity or maturities of the Bond or Bonds to be redeemed, the date and place or places fixed for their redemption, and if less than the entire principal amount of a Bond called for redemption is to be redeemed, that such Bond must be surrendered in exchange for payment of the principal amount thereof to be redeemed and the issuance of a new Bond or Bonds equalling in principal amount

that portion of the principal amount of such Bond not to be redeemed, shall be mailed not less than thirty (30) days prior to the date fixed for redemption, by first class mail, postage prepaid, to the registered owner of each such Bond at the address of such registered owner as it appears on the books of registry kept by Director of Financial Services of the City, who is hereby appointed as the Registrar and Paying Agent for the Bonds (the “Registrar and Paying Agent” or the “Registrar” or the “Paying Agent”), as of the close of business on the forty-fifth (45th) day next preceding the date fixed for redemption. If any Bonds shall have been called for redemption and notice thereof shall have been given as hereinabove set forth, and payment of the principal amount of such Bonds (or of the principal amount thereof to be redeemed) and of the accrued interest payable upon such redemption shall have been duly made or provided for, interest on such Bonds shall cease to accrue from and after the date so specified for their redemption.

(i) Any notice of the optional redemption of the Bonds may state that it is conditioned upon there being on deposit with the City, or with the Registrar and Paying Agent for the Bonds or other agent designated by the City, on the date fixed for the redemption thereof an amount of money sufficient to pay the redemption price of such Bonds, together with the interest accrued thereon to the date fixed for the redemption thereof, and any conditional notice so given may be rescinded at any time before the payment of the redemption price of such Bonds, together with the interest accrued thereon, is due and payable if any such condition so specified is not satisfied. If a redemption of any Bonds does not occur after a conditional notice is given due to there not being on deposit with the City, or with the Registrar and Paying Agent for the Bonds or other agent designated by the City, a sufficient amount of money to pay the redemption price of such Bonds, together with the interest accrued thereon to the date fixed for the redemption thereof, the corresponding notice of redemption shall be deemed to be revoked.

(ii) So long as the Bonds are in book-entry only form, any notice of redemption shall be given only to The Depository Trust Company, New York, New York (“DTC”), or to its nominee, Cede & Co., or to such other nominee of DTC as may be requested by an authorized representative of DTC, and any notice of redemption otherwise required by this resolution to be given by first class mail, postage prepaid, may be given electronically in lieu of being given by first class mail, postage prepaid, if and to the extent delivery of notices of redemption electronically is acceptable to DTC. The City shall not be responsible for providing any beneficial owner of the Bonds any notice of redemption.

(d) The Bonds of each series shall be issued only in book-entry only form. One Bond representing each maturity of the Bonds of each series will be issued to and registered in the name of Cede & Co., as nominee of DTC, or in the name of such other nominee of DTC as may be requested by an authorized representative of DTC, as registered owner of the Bonds, and each such Bond shall be immobilized in the custody of DTC. DTC will act as securities depository for the Bonds. Individual purchases will be made in book-entry form only, in the principal amount of \$5,000 or any integral multiple thereof. Purchasers will not receive physical delivery of certificates representing their interest in the Bonds purchased.

(i) Principal and interest payments on the Bonds will be made by the Registrar and Paying Agent for the Bonds to DTC or its nominee, Cede & Co., or to such other nominee of DTC as may be requested by an authorized representative of DTC, as registered owner of the Bonds, which will in turn remit such payments to the DTC participants for

subsequent disbursement to the beneficial owners of the Bonds. Transfers of principal and interest payments to DTC participants will be the responsibility of DTC. Transfers of such payments to beneficial owners of the Bonds by DTC participants will be the responsibility of such participants and other nominees of such beneficial owners. Transfers of ownership interests in the Bonds will be accomplished by book entries made by DTC and, in turn, by the DTC participants who act on behalf of the indirect participants of DTC and the beneficial owners of the Bonds.

(ii) The City will not be responsible or liable for sending transaction statements or for maintaining, supervising or reviewing records maintained by DTC, its participants or persons acting through such participants or for transmitting payments to, communicating with, notifying or otherwise dealing with any beneficial owner of the Bonds. So long as the Bonds are in book-entry only form, the Director of Financial Services will serve as Registrar and Paying Agent for the Bonds. The City reserves the right to designate a successor Registrar and Paying Agent for the Bonds if the Bonds at any time cease to be in book-entry only form.

SECTION 3. The Bonds shall be executed, for and on behalf of the City, by the manual or facsimile signature of the Mayor of the City and shall have an impression of the corporate seal of the City or a facsimile thereof embossed or imprinted thereon, attested by the manual or facsimile signature of the Clerk of Council of the City.

(a) The Director of Financial Services shall direct the Registrar and Paying Agent for the Bonds of a given series to authenticate such Bonds and no such Bond shall be valid or obligatory for any purpose unless and until the certificate of authentication endorsed on each Bond shall have been manually executed by an authorized signator of the Registrar and Paying Agent. Upon the authentication of any Bonds, the Registrar and Paying Agent shall insert in the certificate of authentication the date as of which such Bonds are authenticated as follows: (i) if the Bond is authenticated prior to the first interest payment date, the certificate shall be dated as of the date of the initial issuance and delivery of the Bonds of the issue of which such Bond is one, (ii) if the Bond is authenticated upon an interest payment date, the certificate shall be dated as of such interest payment date, (iii) if the Bond is authenticated after the fifteenth (15th) day of the calendar month next preceding an interest payment date and prior to such following interest payment date, the certificate shall be dated as of such following interest payment date, and (iv) in all other instances the certificate shall be dated as of the actual date upon which the Bond is authenticated by the Registrar and Paying Agent.

(b) The execution of the Bonds in the manner above set forth is adopted as a due and sufficient authentication of the Bonds.

SECTION 4. The principal of and interest on the Bonds shall be payable in such coin or currency of the United States of America as at the respective dates of payment thereof is legal tender for public and private debts.

(a) Principal of the Bonds of a given series shall be payable upon presentation and surrender thereof at the office of the Registrar and Paying Agent.

(b) Interest on the Bonds shall be payable by check mailed by the Registrar and Paying Agent to the registered owners of such Bonds at their respective addresses as such addresses appear on the books of registry kept pursuant to the provisions of this Section 4; provided, however, that so long as the Bonds are in book-entry form and registered in the name of Cede & Co., as nominee of DTC, or in the name of such other nominee of DTC as may be requested by an authorized representative of DTC, interest on the Bonds shall be paid directly to Cede & Co. or such other nominee of DTC by wire transfer.

(c) At all times during which any Bond of any series remains outstanding and unpaid, the Registrar and Paying Agent shall keep or cause to be kept, at its office, books of registry for the registration, exchange and transfer of Bonds of such series. Upon presentation of a Bond or Bonds at the office of the Registrar and Paying Agent, the Registrar and Paying Agent, under such reasonable regulations as the Registrar and Paying Agent may prescribe, shall register, exchange or transfer, or cause to be registered, exchanged or transferred, such Bond or Bonds on the books of registry as hereinbefore set forth.

(d) The books of registry shall at all times be open for inspection by the City or any duly authorized officer thereof.

(e) Any Bond may be exchanged at the office of the Registrar and Paying Agent for a like aggregate principal amount of such Bonds in other authorized principal sums and of the same series, interest rate and maturity.

(f) Any Bond of any series may, in accordance with its terms, be transferred upon the books of registry by the registered owner in whose name it is registered, in person or by the duly authorized agent of such registered owner, upon surrender of such Bond to the Registrar and Paying Agent for cancellation, accompanied by a written instrument of transfer duly executed by the registered owner or the duly authorized agent of such registered owner, in form satisfactory to the Registrar and Paying Agent.

(g) All transfers or exchanges pursuant to this Section 4 shall be made without expense to the registered owner of such Bond or Bonds, except as otherwise herein provided, and except that the Registrar and Paying Agent shall require the payment by the registered owner of such Bond or Bonds requesting such transfer or exchange of any tax or other governmental charges required to be paid with respect to such transfer or exchange. All Bonds surrendered for transfer or exchange pursuant to this Section 4 shall be cancelled.

SECTION 5. The full faith and credit of the City are irrevocably pledged to the punctual payment of the principal of and interest on the Bonds as the same become due. In each year while the Bonds, or any of them, are outstanding and unpaid, the Council shall be authorized and required to levy and collect annually, at the same time and in the same manner as other taxes of the City are assessed, levied and collected, a tax upon all taxable property within the City, over and above all other taxes, authorized or limited by law and without limitation as to rate or amount, sufficient to pay when due the principal of and interest on the Bonds to the extent other funds of the City are not lawfully available and appropriated for such purpose.

SECTION 6. CUSIP identification numbers may be printed on the Bonds, but no such number shall constitute a part of the contract evidenced by the particular Bond upon which it is printed and no liability shall attach to the City or any officer or agent thereof (including any paying agent for the Bonds) by reason of such numbers or any use made thereof (including any use thereof made by the City, any such officer or any such agent) or by reason of any inaccuracy, error or omission with respect thereto or in such use. All expenses in relation to the printing of such numbers on the Bonds shall be paid by the City; *provided, however*, that the CUSIP Service Bureau charge for the assignment of such numbers shall be the responsibility of and shall be paid for by the purchasers of the Bonds.

SECTION 7. To the extent it shall be contemplated at the time of their issuance that the interest on any Bonds issued hereunder shall be excludable from gross income for purposes of federal income taxation, the City covenants and agrees that it shall comply with the provisions of Sections 103 and 141-150 of the Internal Revenue Code of 1986 (the "1986 Code") and the applicable Treasury Regulations promulgated under such Sections 103 and 141-150 so long as any such Bonds are outstanding.

SECTION 8. The proceeds of the sale of the General Obligation Public Improvement Bonds shall be applied to the payment of the cost of the following public improvement projects of and for the City in substantially the following respective amounts:

<u>Purpose</u>	<u>Amount</u>
Public Schools	\$68,435,100
City Stadium Improvement Projects	8,152,500
Transportation (Streets and Bridges)	7,049,300
Juvenile Group Home	4,178,100
General Governmental Improvement Projects	4,116,500
Water Improvement Projects	7,329,000
Sewer Improvement Projects	<u>5,859,500</u>
	\$105,120,000

If any project set forth above shall require less than the entire respective amount so set forth, the difference may be applied to any of the other projects so set forth.

SECTION 9. The Bonds shall be sold in one or more series in accordance with the provisions of Section 2 at competitive or negotiated sale at not less than ninety-eight percent (98%) of the principal amount thereof (less any original issue discount) and on such other terms and conditions as are provided in the Official Notice of Sale thereof or in the Purchase Contract or Bond Purchase Agreement relating thereto.

(a) If the Bonds are sold at competitive sale, they may be sold contemporaneously with other bonds of the City under a combined Official Notice of Sale. If the Bonds are sold at competitive sale, the Director of Financial Services is hereby authorized to cause to be prepared and distributed (via electronic dissemination or otherwise) an Official Notice of Sale of the Bonds in such form and containing such terms and conditions as the may deem advisable, subject to the provisions hereof.

(b) Upon the determination by the Director of Financial Services to sell the Bonds at competitive or negotiated sale, the City Manager is hereby authorized, without further notice to or action by the Council, to determine the rates of interest the Bonds shall bear; *provided that*:

(i) in no event shall the true interest cost for the Bonds exceed five percent (5%);

(ii) in no event shall the premium payable by the City upon the redemption of the Bonds exceed two percent (2%) of the principal amount thereof; and

(iii) the Bonds of any series issued to refund the Refunded Obligations (other than the Series 2011 Bond Anticipation Note) may be issued and sold only if the refunding of the Refunded Obligations (other than the Series 2011 Bond Anticipation Note) refunded thereby will result in net present value savings of not less than three percent (3%) to the City, calculated by using the amount of such net present value savings as the numerator and the Refunded Obligations (other than the Series 2011 Bond Anticipation Note) refunded thereby which are subject to optional redemption as the denominator.

(c) If the Bonds are sold at negotiated sale, the City Manager is hereby authorized to, without further notice to or action by the Council, to select the underwriters for the Bonds (the "Underwriters") and to execute and deliver to the Underwriters a Purchase Contract or Bond Purchase Agreement relating to the Bonds.

(d) The Director of Financial Services is hereby authorized to cause to be prepared and distributed (via electronic dissemination or otherwise) a Preliminary Official Statement and a final Official Statement relating to the Bonds. Either or both of the City Manager and the Director of Financial Services is hereby further authorized to certify that the Preliminary Official Statement for the Bonds of each series authorized hereunder is "deemed final" for purposes of Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934 ("Rule 15c2-12"). The Mayor is hereby authorized to execute and deliver the final Official Statement for the Bonds of each series authorized hereunder, and the City Manager, the Director of Financial Services and the City Attorney are hereby authorized to execute and deliver to the purchasers of the Bonds of each series certificates in the forms provided for in the Official Statement for the Bonds of such series.

SECTION 10. The City Manager is hereby authorized to execute and deliver to the purchasers of the Bonds of each series authorized hereunder a Continuing Disclosure Certificate or a Continuing Disclosure Agreement evidencing the City's undertaking to comply with the continuing disclosure requirements of Paragraph (b)(5) of such Rule 15c2-12 to the extent applicable to the Bonds, such Continuing Disclosure Certificate or Continuing Disclosure Agreement to be in such form as shall be approved by the City Manager upon the advice of counsel (including the City Attorney or Bond Counsel to the City), such approval to be conclusively evidenced by the execution of such Continuing Disclosure Certificate or Continuing Disclosure Agreement by the City Manager.

SECTION 11. The Bonds, the certificate of authentication of the Registrar and Paying Agent and the assignment endorsed on the Bonds, shall be in substantially the forms set forth in Exhibit A together with such changes in format as may be appropriate to conform with customs and practices applicable to comparable securities.

SECTION 12. Subject to the issuance, sale and delivery of the Bonds pursuant to this Resolution for the purpose of refunding the Refunded Obligations and paying certain costs related to the issuance of such Bonds, this Council hereby designates for redemption or prepayment on such dates as shall be determined by the City Manager or the Deputy City Manager the Refunded Obligations selected for refunding or prepayment by the City Manager or the Deputy City Manager. The City Manager or the Deputy City Manager is hereby authorized and directed to appoint a bank or trust company to serve, or the City may itself serve, as Escrow Agent, if necessary, and to deliver to such Escrow Agent or applicable City officials irrevocable written instructions to give notices, or to cause such notices to be given, in the name and on behalf of the City, to the holders of the Refunded Obligations of the redemption or prepayment of such Refunded Obligations on the date fixed for the redemption or prepayment thereof, such notices to be given in the manner and at the time or times provided in proceedings authorizing the issuance of the Refunded Obligations. The City Manager or the Deputy City Manager is hereby further authorized and directed to appoint a verification agent, if necessary, in connection with effecting the redemption or prepayment of the Refunded Obligations. The City Manager and the Deputy City Manager are hereby authorized to take all such actions as they shall deem to be necessary or desirable to effect the redemption or prepayment of the Refunded Obligations.

(a) The City Manager or the Deputy City Manager is hereby authorized and directed to execute and deliver an Escrow Deposit Agreement by and between the City and the Escrow Agent in such form as shall be approved by the City Manager or the Deputy City Manager upon the advice of counsel (including the City Attorney or Bond Counsel), such approval to be conclusively evidenced by the execution of the Escrow Deposit Agreement by the City Manager or the Deputy City Manager.

(b) The City Manager and the Deputy City Manager, or either of them, are hereby authorized to execute, on behalf of the City, subscriptions for United States Treasury Obligations - State and Local Government Series, if any, to be purchased by the Escrow Agent from moneys deposited in the Escrow Deposit Fund created and established under any Escrow Deposit Agreement. Such United States Treasury Obligations - State and Local Government Series, if any, so purchased shall be held by the Escrow Agent under and in accordance with the provisions of the related Escrow Deposit Agreement. The City Manager and Deputy City Manager, or either of them, are hereby authorized to enter into such purchase agreements, including forward supply agreements, if any, as shall be required in connection with the purchase by the Escrow Agent, from moneys deposited in the Escrow Deposit Fund created and established under any Escrow Deposit Agreement, of Government Securities (as defined in the Escrow Deposit Agreement) other than United States Treasury Obligations - State and Local Government Series.

SECTION 13. The Council hereby authorizes the City to make expenditures for the purpose for which the General Obligation Public Improvement Bonds are to be issued in

advance of the issuance and receipt of the proceeds of the General Obligation Public Improvement Bonds and to reimburse such expenditures from the proceeds of the General Obligation Public Improvement Bonds. The adoption of this resolution shall be considered as an “official intent” within the meaning of Treasury Regulation Section 1.150-2 promulgated under the Internal Revenue Code of 1986.

SECTION 14. All actions and proceedings heretofore taken by this Council, the City Manager, the Deputy City Manager, the Director of Financial Services and the other officers, employees, agents and attorneys of the City in connection with the authorization, issuance and sale of the Bonds are hereby ratified, confirmed and approved.

SECTION 15. The City Attorney of the City is directed to file a copy of this Resolution, certified by the Clerk of Council of the City to be a true and correct copy hereof, with the Circuit Court of the City in accordance with Section 15.2-2607 of the Code of Virginia, 1950.

SECTION 16. All ordinances, resolutions and other proceedings in conflict herewith are, to the extent of such conflict, repealed.

SECTION 17. This Resolution shall take effect upon its adoption.

Adopted:

Certified:

Clerk of Council

060K

EXHIBIT A

**UNITED STATES OF AMERICA
COMMONWEALTH OF VIRGINIA
CITY OF LYNCHBURG
GENERAL OBLIGATION PUBLIC IMPROVEMENT
[REFUNDING] BOND, SERIES 2014[A][B][C]**

REGISTERED

REGISTERED

NO. R-2014[A][B][C]-__

\$_____

**INTEREST
RATE:**

**MATURITY
DATE:**

DATE OF BOND:

CUSIP NO.:

REGISTERED OWNER: CEDE & CO.

PRINCIPAL SUM:

DOLLARS

The City of Lynchburg, a municipal corporation of the Commonwealth of Virginia (the "City"), for value received, acknowledges itself indebted and hereby promises to pay to the Registered Owner (named above), or registered assigns, on the Maturity Date (specified above), unless this Bond shall have been duly called for previous redemption and payment of the redemption price duly made or provided for, the Principal Sum (specified above) and to pay interest on such Principal Sum until the payment of such Principal Sum in full, at the Interest Rate (specified above) per annum, on _____, ____ and semiannually on each _____ and _____ thereafter (each such date is hereinafter referred to as an "interest payment date"), from the date hereof or from the interest payment date next preceding the date of authentication hereof to which interest shall have been paid, unless such date of authentication is an interest payment date if interest shall have been paid to that date, in which case from such interest payment date, or unless such date of authentication is within the period from the sixteenth (16th) day to the last day of the calendar month next preceding the following interest payment date, in which case from such following interest payment date. *[To be substituted if the interest payment date is the 15th day of the month: or unless such date of authentication is within the period from the first (1st) day to the fourteenth (14th) day of the calendar month in which the following interest payment date shall occur, in which event from such following interest payment date].* Such interest shall be computed on the basis of a three hundred and sixty (360) day year comprised of twelve (12) thirty (30) day months. Such interest is payable on each interest payment date by check mailed by the Registrar and Paying Agent hereinafter mentioned to the Registered Owner hereof at his address as it appears on such books of registry kept by the Registrar and Paying Agent, as of the close of business on the fifteenth

(15th) day (whether or not a business day) of the calendar month next preceding each interest payment date *[To be substituted if the interest payment date is the 15th day of the month: Such interest is payable on each interest payment date by check mailed by the Registrar and Paying Agent hereinafter mentioned to the Registered Owner hereof at his address as it appears on the books of registry kept by the Registrar, as of the close of business on the last day (whether or not a business day) of the calendar month next preceding each interest payment date]; provided, however, that so long as this Bond is in book-entry only form and registered in the name of Cede & Co., as nominee of The Depository Trust Company (“DTC”), or in the name of such other nominee of DTC as may be requested by an authorized representative of DTC, interest on this Bond shall be paid directly to Cede & Co. or such other nominee of DTC by wire transfer.*

The principal of this Bond is payable on presentation and surrender hereof at the office of the **Director of Financial Services of the City**, as Registrar and Paying Agent, in the City of Lynchburg, Virginia. The principal of and interest on this Bond are payable in such coin or currency of the United States of America as at the respective dates of payment thereof is legal tender for public and private debts.

This Bond is one of an issue of Bonds aggregating _____ Dollars (\$_____) in principal amount issued for the purpose of providing funds [to finance the costs of the acquisition, construction, reconstruction, improvement, extension, enlargement and equipping of various public improvement projects of and for the City and to pay the outstanding principal amount of a general obligation public improvement bond anticipation note issued for the purpose of providing funds to finance the costs of the acquisition, construction, reconstruction, improvement, extension, enlargement and equipping of various public improvement projects of and for the City, together with the interest accrued thereon] [to refund and defease certain outstanding general obligation bonds of the City], under and pursuant to and in full compliance with the Constitution and statutes of the Commonwealth of Virginia, including Chapter 15.2 of the Code of Virginia, 1950 (the same being the Public Finance Act of 1991) and resolutions and other proceedings of the Council of the City duly adopted and taken under the Public Finance Act of 1991.

The Bonds of the issue of which this Bond is one (or portions of the principal amount thereof in installments of \$5,000 or any integral multiple thereof) maturing on and after _____, _____ are subject to redemption at the option of the City prior to their stated maturities, on or after _____, _____, in whole or in part on any date, in such order as may be determined by the City (except that if at any time less than all of the Bonds of a given maturity are called for redemption, the particular Bonds of such maturity or portions thereof in installments of \$5,000 to be redeemed shall be selected by lot), upon payment of a redemption price equal to 100% of the principal amount of the Bonds to be redeemed, together with the interest accrued thereon to the date fixed for the redemption thereof.

If this Bond is redeemable and this Bond (or any portion of the principal amount hereof) shall be called for redemption, notice of the redemption hereof, specifying the date, number and maturity of this Bond, the date and place or places fixed for its redemption, and if less than the entire principal amount of this Bond is to be redeemed, that this Bond must be surrendered in exchange for the principal amount hereof to be redeemed and a new Bond or Bonds issued equalling in principal amount that portion of the principal amount hereof not to be

redeemed, shall be mailed not less than thirty (30) days prior to the date fixed for redemption, by first class mail, postage prepaid, to the Registered Owner hereof at his address as it appears on the books of registry kept by the Registrar and Paying Agent as of the close of business on the forty-fifth (45th) day next preceding the date fixed for redemption. If notice of the redemption of this Bond shall have been given as aforesaid, and payment of the principal amount of this Bond (or of the portion of the principal amount hereof to be redeemed) and of the accrued interest payable upon such redemption shall have been duly made or provided for, interest hereon shall cease to accrue from and after the date so specified for the redemption hereof.

Any notice of the optional redemption of this Bond may state that it is conditioned upon there being on deposit with the City, or with the Registrar and Paying Agent for the Bonds or other agent designated by the City, on the date fixed for the redemption hereof an amount of money sufficient to pay the redemption price of this Bond, together with the interest accrued thereon to the date fixed for the redemption hereof, and any conditional notice so given may be rescinded at any time before the payment of the redemption price of this Bond, together with the interest accrued thereon, is due and payable if any such condition so specified is not satisfied. If a redemption of this Bond does not occur after a conditional notice is given due to there not being on deposit with the City, or with the Registrar and Paying Agent for the Bonds or other agent designated by the City, a sufficient amount of money to pay the redemption price of this Bond, together with the interest accrued thereon to the date fixed for the redemption hereof, the corresponding notice of redemption shall be deemed to be revoked.

So long as the Bonds of the series of which this Bond is one are in book-entry only form, any notice of redemption of this Bond shall be given only to Cede & Co., as nominee of The Depository Trust Company ("DTC"), and any notice of redemption otherwise required by the resolution pursuant to which this Bond and the Bonds of the series of which this Bond are issued to be given by first class mail, postage prepaid, may be given electronically in lieu of being given by first class mail, postage prepaid, if and to the extent delivery of notices of redemption electronically is acceptable to DTC.

Subject to the limitations and upon payment of the charges, if any, provided in the proceedings authorizing the Bonds of the issue of which this Bond is one, this Bond may be exchanged at the office of the Registrar and Paying Agent for a like aggregate principal amount of Bonds of other authorized principal amounts and of the same issue, interest rate and maturity. This Bond is transferable by the Registered Owner hereof, in person or by his attorney duly authorized in writing, on the books of registry kept by the Registrar and Paying Agent for such purpose at the office of the Registrar and Paying Agent, but only in the manner, subject to the limitations and upon payment of the charges, if any, provided in the proceedings authorizing the Bonds of the issue of which this Bond is one, and upon the surrender hereof for cancellation. Upon such transfer a new Bond or Bonds of authorized denominations and of the same aggregate principal amount, issue, interest rate and maturity as the Bond surrendered will be issued to the transferee in exchange herefor.

The full faith and credit of the City are irrevocably pledged to the punctual payment of the principal of and interest on this Bond as the same become due. In each year while this Bond is outstanding and unpaid, the Council of the City is authorized and required to levy and collect annually, at the same time and in the same manner as other taxes of the City are

assessed, levied and collected, a tax upon all taxable property within the City, over and above all other taxes, authorized or limited by law and without limitation as to rate or amount, sufficient to pay when due the principal of and interest on this Bond to the extent other funds of the City are not lawfully available and appropriated for such purpose.

This Bond shall not be valid or obligatory unless the certificate of authentication hereon shall have been manually signed by or on behalf of the Registrar and Paying Agent.

It is certified, recited and declared that all acts, conditions and things required to exist, happen or be performed precedent to and in the issuance of this Bond do exist, have happened and have been performed in due time, form and manner as required by law, and that the amount of this Bond, together with all other indebtedness of the City, does not exceed any limitation of indebtedness prescribed by the Constitution or statutes of the Commonwealth of Virginia.

IN WITNESS WHEREOF, the City has caused this Bond to be executed by the manual or facsimile signature of its Mayor; a facsimile of the corporate seal of the City to be imprinted hereon, attested by the manual or facsimile signature of the Clerk of Council of the City, and this Bond to be dated the date first above written.

CITY OF LYNCHBURG, VIRGINIA

[SEAL]

Mayor

Attest:

Clerk of Council

CERTIFICATE OF AUTHENTICATION

This Bond is one of the Bonds delivered pursuant to the within-mentioned proceedings.

By: _____
Director of Financial Services,
as Registrar and Paying Agent

Date of Authentication: _____

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sell(s), assign(s) and transfer(s) unto _____

(Please print or typewrite name and address, including zip code, of Assignee)

PLEASE INSERT SOCIAL SECURITY OR
OTHER TAX IDENTIFYING NUMBER OF ASSIGNEE

the within-mentioned Bond and hereby irrevocably constitutes and appoints _____, agent, to transfer the same on the books of registry in the office of registrar with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed by a member firm of The New York Stock Exchange Inc. or a commercial bank or trust company.

(Signature of Registered Owner)
NOTICE: The signature to this assignment must correspond with the name as written on the face of the within Bond in every particular, without alteration, enlargement or any change whatsoever.

RESOLUTION:

BE IT RESOLVED THAT the FY 2014 General, Water, and Sewer Funds' Operating Budgets are amended for funding of \$568,839, \$94,890, and \$36,271 respectively, with resources from the General Obligation Public Improvement Bonds, Series 2014 for costs associated with the issuance. City Administration is authorized to realign appropriations for issuance costs among the Funds as necessary because of any bond refundings that occur. City Administration also is authorized to record appropriations associated with underwriter's discounts and expenses as determined with the bond sale and funded with bond proceeds. Any unexpended funds from this appropriation at the end of FY 2014 are authorized to be carried forward to amend the FY 2015 operating budgets of these Funds.

Introduced:

Adopted:

Certified:

Clerk of Council

060K-1

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 13, 2014**

AGENDA ITEM NO.: 8

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Adoption of a Resolution Confirming the City Manager's Declaration of Emergency on April 30, 2014**

RECOMMENDATION: Adopt the attached resolution confirming the City Manager's declaration of emergency related to the train derailment and subsequent fire that occurred on April, 30, 2014. The resolution will also declare the emergency to be ended.

SUMMARY: At 2:25 pm on April 30, 2014, an emergency was declared in response to the derailment of a CSX train at the foot of Ninth Street and subsequent fire. The Code of Virginia provides the following:

§ 44-146.21. Declaration of local emergency.

(a) A local emergency may be declared by the local director of emergency management with the consent of the governing body of the political subdivision. In the event the governing body cannot convene due to the disaster or other exigent circumstances, the director, or in his absence, the deputy director, or in the absence of both the director and deputy director, any member of the governing body may declare the existence of a local emergency, subject to confirmation by the governing body at its next regularly scheduled meeting or at a special meeting within fourteen days of the declaration, whichever occurs first. The governing body, when in its judgment all emergency actions have been taken, shall take appropriate action to end the declared emergency.

Council is asked to adopt the attached resolution confirming the declaration of emergency and also declaring that the emergency has ended.

PRIOR ACTION(S): None

FISCAL IMPACT: Costs related to the incident are being compiled and will be reported to CSX for reimbursement. There is no estimate at this time.

CONTACT(S): Kimball Payne, 4555-3990

ATTACHMENT(S): Proposed Resolution

REVIEWED BY: lkp

CONFIRMATION OF CITY MANAGER'S
DECLARATION OF EMERGENCY

WHEREAS, the City Council of City of Lynchburg, Virginia does hereby find:

1. That due to the derailment of a CSX train on April 30, 2014, the City of Lynchburg was facing dangerous conditions;
2. That as a result of the train's derailment, three tanker cars containing crude oil slid into the James River, where leaking oil from the tanker cars ignited, and the flames and smoke from the burning oil created conditions of extreme peril to life and property which necessitated the proclamation of the existence of an emergency;
3. That pursuant to the authority of Section 44-146.21 of the Code of Virginia the City Manager declared a local emergency;

NOW THEREFORE, IT IS HEREBY PROCLAIMED that the Lynchburg City Council consents to the declaration of emergency by the City Manager, does confirm all emergency actions taken by the City Manager and City officials, employees and agents pursuant to the declaration of emergency by the City Manager; and

BE IT FURTHER RESOLVED That the Lynchburg City Council finds that the conditions which caused the City Manager to declare the existence of a local emergency on April 30, 2014, have abated and pursuant to Section 44-146.21 of the Code of Virginia the declares the emergency ended.

Adopted:

Certified:

Clerk of Council

057K

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 13, 2014**

AGENDA ITEM NO.: 9

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Appropriation for Heritage High School Construction**

RECOMMENDATION: Adopt a resolution to amend the FY 2014 Schools Capital Projects Fund budget and appropriate \$2,800,000 with resources from the 2014 Bond Issue for construction to begin on Heritage High School.

SUMMARY: The ground breaking for Heritage High School was conducted April 22, 2014. The contract with Barton Malow allows for the first invoice to be issued in May 2014 for start-up costs. Construction invoices are also anticipated for May and June. The appropriation for Heritage High School is included in the FY 2015 Proposed Budget for \$75,114,191. This appropriation was reduced by \$2,800,000 in the budget adoption resolution.

PRIOR ACTION(S):

December 10, 2013 Appropriation for Architectural Services

November 26, 2013 Finance Committee

August 23, 2013 Appropriation for Land Acquisition, Surveys and Contract Administration (\$1,185,000)

October 9, 2012 Appropriation for Architecture and Engineering Services (\$3,480,000)

FISCAL IMPACT: Any payments will be made from cash reserves which will be reimbursed from 2014 Bond Proceeds

CONTACT(S):

Dr. Scott Brabrand, Superintendent, Lynchburg City Schools, 515-5070

Ben Copeland, Assistant Superintendent of Operations and Administration, Lynchburg City Schools, 515-5070

Donna Witt, Director of Financial Services, 455-3968

ATTACHMENT(S): Resolution

REVIEWED BY: lkp

RESOLUTION

BE IT RESOLVED that the FY 2014 Schools Capital Project Fund budget is amended and \$2,800,000 is appropriated with resources from the 2014 Bond Issue to pay for construction to begin on Heritage High School.

Introduced:

Adopted:

Certified:

Clerk of Council

059K

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 13, 2014**

AGENDA ITEM NO.: 10

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: 1) Adopt and appropriate the FY 2015 Operating Budget; 2) Adopt the FY 2015-2019 Capital Improvement Program; 3) Adopt and appropriate the FY 2015 Capital Budget; 4) Adopt a Resolution Authorizing the City Manager to Award Monetary Incentives, Awards, and Bonuses to Employees for Exceptional Services; and 5) Adopt a resolution to set the personal property tax relief rate.

RECOMMENDATION: Adopt and appropriate the FY 2015 Operating Budget; adopt the FY 2015-2019 Capital Improvement Program; adopt and appropriate the FY 2015 Capital Budget; adopt a resolution authorizing the City Manager to award monetary incentives, awards, and bonuses to employees for exceptional services; and adopt a resolution to set the personal property tax relief rate.

SUMMARY: Following the April 1, 2014 Public Hearing for the FY 2015 Budget, Council and staff adjusted the Proposed FY 2015 General Fund Budget as follows:

General Fund

<u>Revenues and Use of Fund Balance</u>	<u>Proposed Operating Budget</u>	<u>Adjustments</u>	<u>Revised Budget</u>
Revenues	\$168,450,298	\$70,953	\$168,521,251
Use of Fund Balance	7,805,854		7,805,854
Total Revenues and Use of Fund Balance	\$176,256,152	\$70,953	\$176,327,105
 <u>Expenditures</u>			
Operations	\$108,626,238	\$42,307	\$108,668,545
Debt Service	16,562,581	344,721	16,907,302
Schools-Operations	38,562,647	361,500	38,924,147
Greater Lynchburg Transit Company	1,394,038		1,394,038
Transfers to Other Funds	998,909	(46,075)	952,834
Reserves	2,772,063	(631,500)	2,140,563
Capital Improvements - City and Schools	6,299,676		6,299,676
Capital Improvements - School buses	1,040,000		1,040,000
Total Expenditures, Reserves, and Transfers	\$176,256,152	\$70,953	\$176,327,105

Based on City Council's Work Session discussions regarding the FY 2015 budget, staff made the following adjustments:

To Revenues and Use of Fund Balance:

1. Added \$42,065 in indirect cost revenue received from Water Resources.
2. Added \$28,888 in Local Law Enforcement (HB 599) revenue to reflect the latest level of funding proposed by the General Assembly.

To Expenditures:

1. Added \$23,823 to the Parks and Recreation budget for operational costs not included in the City Manager's Proposed Budget.
2. Reduced the Airport subsidy by \$46,075 by utilizing a reserve for debt service in the Airport Fund.
3. Added \$139,985 to fund an increase in Virginia Retirement System costs.

4. Reduced non-departmental costs by \$53,380 to reflect moving College Lake Dam project oversight into the indirect cost program.
5. Added \$6,600 to the Council/Manager Offices budget for outsourcing City Code updates, maintenance, and hosting.
6. Moved \$270,000 from the debt service reserve to compensation adjustments for an additional 0.5% salary increase for City employees.
7. Moved \$361,500 from the debt service reserve to Schools Operating for an additional 0.5% salary increase for Schools employees.
8. Reduced the Juvenile Services Detention Fund per diem budget by \$300,000 and moved to debt service.
9. Eliminated a Juvenile Services caseworker position and moved \$44,721 to debt service.

Details of all City Council and staff adjustments can be found in Attachment A.

Also, State code requires the personal property tax relief rate be set at the time the budget is adopted.

Adopting Resolutions A, B, E, F, I, J, K, L, M, N, O, P, and Q require a majority vote of all of the members of City Council in attendance, said vote to be taken by ayes and noes.

Adopting Resolutions C, D, G, and H require 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.

Fleet Services Fund

The Fleet Services Fund is adjusted by \$3,135 to include the compensation adjustment for employees.

Regional Airport Fund

The Regional Airport Fund is adjusted by \$46,075 to reflect a reduction in the transfer from the General Fund due to using a debt service reserve to make the debt payment.

Sewer Operating Fund

The Sewer Operating Fund is adjusted by \$24,100 to eliminate the proposed increase to septic hauler charges.

HOME Fund

The HOME Fund is adjusted by \$29,130 to reflect an increase based on the actual federal entitlement award.

Community Development Block Grant Fund

The Community Development Block Grant Fund is adjusted by a net amount of \$13,642 to reflect a \$16,042 decrease in the actual federal entitlement award offset by a \$2,400 increase in programmed expenditures.

City Capital Projects Fund

The City Capital Projects Fund is adjusted by \$4,859,815 to include the Juvenile Services Group Home project.

Schools Capital Projects Fund

The Schools Capital Projects Fund is reduced by \$2,800,000 based on the need to appropriate funds related to start up and early construction for Heritage High School in FY 2014.

Fund Balance

With the adjustments noted above, the General Fund undesignated fund balance as of June 30, 2015 is projected to be \$17,100,146 or 10.1% of revenues. Council's target for undesignated fund balance is 10% of revenues.

PRIOR ACTION(S):

March 11, 18, 25, April 8, 22, 2014 – City Council Work Sessions

April 1, 2014 – Public Hearing on the Proposed FY 2015 Budgets for General Government, Schools, Water, Sewer, Stormwater, Airport, and Other Funds, and the FY 2015 - 2019 Capital Improvement Program

FISCAL IMPACT:

See attached budget resolution.

CONTACT(S):

L. Kimball Payne, III, City Manager, 455-3990

Bonnie Svrcek, Deputy City Manager, 455-3990

Donna Witt, Director of Financial Services, 455-3968

ATTACHMENT(S):

Attachment A: Balancing the FY 2015 General Fund Budget, and Resolutions to 1) adopt and appropriate the FY 2015 Operating Budget; 2) adopt the FY 2015-2019 Capital Improvement Program; 3) adopt and appropriate the FY 2015 Capital Budget; 4) adopt a resolution authorizing the City Manager to award monetary incentives, awards, and bonuses to employees for exceptional services; and 5) adopt a resolution to set the personal property tax relief rate.

REVIEWED BY: lkp

058K

ATTACHMENT A

BALANCING THE FY 2015 GENERAL FUND BUDGET

Revenues and Use of Fund Balance

Proposed Revenues (from the FY 2015 Proposed Operating Budget)	\$168,450,298
Use of Fund Balance	7,805,854
Total Proposed Revenues and Use of Fund Balance	\$176,256,152

Adjustments: Revenue Summary

Dedicated Revenue Adjustments

Indirect Cost	\$42,065
Local Law Enforcement (HB599)	28,888

Revised Revenues and Use of Fund Balance	\$176,327,105
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Expenditures, Reserves, and Transfers

Proposed Expenditures, Reserves, and Transfers (from the FY 2015 Proposed Operating Budget)	\$176,256,152
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Adjustments: Expenditures, Reserves, and Transfers

Additional operating costs for the Parks and Recreation department	\$23,823
Reduce Airport subsidy	(46,075)
Additional funding for an increase in Virginia Retirement System costs	139,985
Move College Lake Dam project oversight into the indirect cost program	(53,380)
Additional funding to outsource City Code updates, maintenance, and hosting	6,600
Reduce debt service reserve	(631,500)
Additional funding for 0.5% salary increase for City and Schools employees	631,500
Reduce Juvenile Services Detention Fund per diem	(300,000)
Eliminate Juvenile Services caseworker position	(44,721)
Increase debt service	344,721
Revised Expenditures	\$176,327,105

A. BE IT RESOLVED that by majority vote the FY 2015 General Fund Operating Budget (excluding External Service Providers and Component Units expenditures) including the revenues and expenditures proposed by the City Manager and amended by City Council be adopted as the annual operating budget of the City of Lynchburg for the fiscal year beginning July 1, 2014 and ending June 30, 2015 and said funds be appropriated:

GENERAL FUND INCOME		GENERAL FUND EXPENDITURES	
Beginning Balance	\$24,439,822	General Government	\$12,275,209
<u>Non-Dedicated Revenues</u>		Judicial Administration	4,778,402
General Property Taxes	74,766,839	Public Safety	33,859,278
Other Local Taxes	47,778,667	Public Works	16,053,538
Permits, Privilege Fees and Licenses	717,150	Health and Welfare	17,800,037
Fines & Forfeitures	476,000	Parks, Recreation and Cultural	6,196,856
Use of Money & Property	433,064	Community Development	2,320,360
Charges for Services	4,056,967	Non-Departmental	7,134,331
Miscellaneous	228,500	Transfer to Other Funds	952,834
Revenue from the Commonwealth	6,147,584	General Fund - Debt Service	8,101,419
<u>Dedicated Revenues</u>		Schools - Debt Service	8,805,883
Revenue from Use of Money & Property		Reserves	2,140,563
Charges for Services	2,814,266	Transfer to Capital - City	4,914,676
Recreation Revenue	377,100	Transfer to Capital - Schools	1,385,000
Parking	431,800	Transfer to Capital - School buses	1,040,000
Miscellaneous	2,797,338	Ending Balance	17,100,146
Revenue from the Commonwealth		Subtotal	\$144,858,532
Categorical Aid - State Shared Expenditures	3,047,794		
Categorical Aid	17,802,722	External Service Providers ¹	\$8,250,534
Revenue from the Federal Government	6,645,460		
Use of Reserves and Committed/Assigned Fund Balance	466,178	Component Units ¹	\$40,318,185
Total	<u>\$193,427,251</u>	Total	<u>\$193,427,251</u>

¹ To be considered separately

Introduced: May 13, 2014

Adopted:

Certified: _____
Clerk of Council

B. BE IT RESOLVED that by majority vote the FY 2015 Mandated and Contractual External Service Providers Budget of \$8,081,521 proposed by the City Manager and amended by City Council be adopted as part of the operating budget of the City of Lynchburg for the fiscal year beginning July 1, 2014 and ending June 30, 2015 and said funds be appropriated:

MANDATED

Blue Ridge Regional Jail Authority	\$5,586,635
Horizon Behavioral Health	457,323
Health Department	830,977
TOTAL MANDATED	<u>\$6,874,935</u>

CONTRACTUAL

Central Virginia Regional Radio Board.....	\$688,369
Lynchburg Humane Society - Operating	351,697
Southern Memorial Association (Old City Cemetery)	132,438
Virginia Cooperative Extension Service	34,082
TOTAL CONTRACTUAL	<u>\$1,206,586</u>

Introduced: May 13, 2014

Adopted:

Certified:

Clerk of Council

C. BE IT RESOLVED that by two – thirds majority vote (five of seven) the FY 2015 Central Virginia Area Agency on Aging Budget of \$15,000 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, 2014 and ending June 30, 2015 and said funds be appropriated.

Introduced: May 13, 2014

Adopted:

Certified:

Clerk of Council

D. BE IT RESOLVED that by two – thirds majority vote (five of seven) the FY 2015 Central Virginia Community College Board and Related Operations Budget of \$1,917 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, 2014 and ending June 30, 2015 and said funds be appropriated.

Introduced: May 13, 2014

Adopted:

Certified:

Clerk of Council

E. BE IT RESOLVED that by majority vote the FY 2015 Region 2000 Economic Development Partnership Budget of \$81,586 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, 2014 and ending June 30, 2015 and said funds be appropriated.

Introduced: May 13, 2014

Adopted:

Certified:

Clerk of Council

F. BE IT RESOLVED that by majority vote the FY 2015 Robert E. Lee Soil & Water Conservation District Budget of \$10,000 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, 2014 and ending June 30, 2015 and said funds be appropriated.

Introduced: May 13, 2014

Adopted:

Certified:

Clerk of Council

G. BE IT RESOLVED that by two – thirds majority vote (five of seven) the FY 2015 Virginia Legal Aid Society Budget of \$10,816 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, 2014 and ending June 30, 2015 and said funds be appropriated.

Introduced: May 13, 2014

Adopted:

Certified:

Clerk of Council

H. BE IT RESOLVED that by two – thirds majority vote (five of seven) the FY 2015 Amazement Square Real Estate Tax Refund Budget of \$5,302 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, 2014 and ending June 30, 2015 and said funds be appropriated.

Introduced: May 13, 2014

Adopted:

Certified:

Clerk of Council

- I. BE IT RESOLVED that by majority vote the FY 2015 Region 2000 Local Government Council Budget of \$44,392 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, 2014 and ending June 30, 2015 and said funds be appropriated.

Introduced: May 13, 2014

Adopted:

Certified: _____
Clerk of Council

- J. BE IT RESOLVED that by majority vote the FY 2015 School Operating Budget, including the revenues and expenditures proposed by the City Manager, be adopted for the fiscal year beginning July 1, 2014 and ending June 30, 2015 and said funds be appropriated:

SCHOOL INCOME		SCHOOL EXPENDITURES	
Beginning Balance	\$0	Operations	\$88,219,340
State	47,036,973	Grant Funded Expenditures	8,516,356
Federal	426,000	Ending Balance	0
Grants	8,516,356	Total	<u>\$96,735,696</u>
Local – Operating ¹	38,924,147		
Miscellaneous	1,832,220		
Total	<u>\$96,735,696</u>		

¹ An additional \$1,040,000 is included in the FY 2015 Schools Capital Project Fund for school buses.

Introduced: May 13, 2014

Adopted:

Certified: _____
Clerk of Council

- K. BE IT RESOLVED that by majority vote the FY 2015 Greater Lynchburg Transit Company Budget including the revenues and expenditures proposed by the City Manager be adopted for the fiscal year beginning July 1, 2014 and ending June 30, 2015 and said funds be appropriated:

GREATER LYNCHBURG TRANSIT COMPANY INCOME		GREATER LYNCHBURG TRANSIT COMPANY EXPENDITURES	
Beginning Balance	\$0	Operations	\$7,091,143
Fares	1,114,671	Ending Balance	0
Contracts	49,520	Total	<u>\$7,091,143</u>
Federal	1,979,720		
State	1,390,000		
Local - Operating	1,394,038		
Partners	1,030,702		
Miscellaneous	132,492		
Total	<u>\$7,091,143</u>		

Introduced: May 13, 2014

Adopted:

Certified: _____
Clerk of Council

L. BE IT RESOLVED that by majority vote the FY 2015 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, 2014 and ending June 30, 2015:

FLEET SERVICES FUND INCOME

Beginning Balance	\$2,272,478
Revenues	6,568,898
Total	<u>\$8,841,376</u>

AIRPORT FUND INCOME

Beginning Balance	\$200,000
Revenue from Cost Centers	2,012,727
Transfer from General Fund	152,443
Interest and Other	222,000
Use of Reserves	46,075
Total	<u>\$2,633,245</u>

WATER FUND INCOME

Beginning Balance	\$6,481,847
Charges for Service	11,650,558
Water Contracts (Amherst/Bedford/Campbell/Industrial)	2,654,950
Interest and Other	294,482
Total	<u>\$21,081,837</u>

SEWER FUND INCOME

Beginning Balance	\$10,383,492
Charges for Services	17,183,336
Sewer Contracts (Amherst/Bedford/Campbell/Industrial)	3,252,820
Interest and Other	137,454
Total	<u>\$30,957,102</u>

STORMWATER FUND INCOME

Beginning Balance	\$1,413,154
Charges for Services	3,149,400
State Categorical Aid	275,000
Miscellaneous	74,450
Total	<u>\$4,912,004</u>

ASSET FORFEITURE FUND INCOME

Beginning Balance	\$139,468
Revenue	0
Total	<u>\$139,468</u>

COMPREHENSIVE SERVICES ACT FUND INCOME

Beginning Balance	\$466,552
Miscellaneous	110,000
Transfer from General Fund	1,238,852
Lynchburg City School Transfer	196,541
Revenue from the Commonwealth	3,517,404
Total	<u>\$5,529,349</u>

HOME FUND INCOME

Beginning Balance	\$0
Federal Entitlement	340,925
Total	<u>\$340,925</u>

LYNCHBURG BUSINESS DEVELOPMENT CENTRE INCOME

Beginning Balance	\$125,385
Revenue	0
Total	<u>\$125,385</u>

FLEET SERVICES FUND EXPENDITURES

Operations	\$5,795,363
Debt Service	484,353
Ending Balance	2,561,660
Total	<u>\$8,841,376</u>

AIRPORT FUND EXPENDITURES

Operations	\$2,253,816
Debt Service	179,429
Ending Balance	200,000
Total	<u>\$2,633,245</u>

WATER FUND EXPENDITURES

Operations	\$9,653,810
Debt Service	3,839,779
Transfer to Water Capital Fund	800,000
Ending Balance	6,788,248
Total	<u>\$21,081,837</u>

SEWER FUND EXPENDITURES

Operations	\$10,350,883
Debt Service	8,961,298
Transfer to Sewer Capital Fund	2,000,000
Ending Balance	9,644,921
Total	<u>\$30,957,102</u>

STORMWATER FUND EXPENDITURES

Operations	\$2,701,030
Transfer to Capital Fund	1,050,000
Ending Balance	1,160,974
Total	<u>\$4,912,004</u>

ASSET FORFEITURE FUND EXPENDITURES

Operations	\$0
Ending Balance	139,468
Total	<u>\$139,468</u>

COMPREHENSIVE SERVICES ACT FUND EXPENDITURES

Operations	\$5,062,797
Ending Balance	466,552
Total	<u>\$5,529,349</u>

HOME FUND EXPENDITURES

Operations	\$340,925
Ending Balance	0
Total	<u>\$340,925</u>

LYNCHBURG BUSINESS DEVELOPMENT CENTRE EXPENDITURES

Operations	\$0
Ending Balance	125,385
Total	<u>\$125,385</u>

LEAF FUND INCOME

Beginning Balance	\$182,836
Pledges/Donations	0
Total	<u>\$182,836</u>

REGIONAL JUVENILE DETENTION CENTER FUND INCOME

Beginning Balance	\$99,158
Charges for Services	1,698,058
Intergovernmental	1,140,120
Total	<u>\$2,937,336</u>

RISK MANAGEMENT FUND INCOME

Beginning Balance	\$2,351,543
Charges for Services	914,034
Interest	35,000
Subrogation	25,000
Total	<u>\$3,325,577</u>

SPECIAL WELFARE FUND INCOME

Beginning Balance	\$68,334
Donations and Restitutions	68,450
Interest	2,000
Revenue from the Commonwealth	8,500
Total	<u>\$147,284</u>

TECHNOLOGY FUND INCOME

Beginning Balance	\$1,604,166
Use of Money & Property	10,000
Transfer from General Fund	622,294
Total	<u>\$2,236,460</u>

CITY/FEDERAL/STATE AID FUND INCOME

Beginning Balance	\$0
Revenue from the Federal Government	1,616,073
Revenue from the Commonwealth	937,090
Other	82,431
In-Kind	23,706
Transfer from General Fund	12,358
Total	<u>\$2,671,658</u>

COMMUNITY DEVELOPMENT BLOCK GRANT INCOME

Beginning Balance	\$0
Federal Entitlement	671,454
Program Income	1,432,764
Total	<u>\$2,104,218</u>

LEAF FUND EXPENDITURES

Operations	\$0
Ending Balance	182,836
Total	<u>\$182,836</u>

REGIONAL JUVENILE DETENTION CENTER FUND EXPENDITURES

Operations	\$2,658,929
Debt Service	178,407
Ending Balance	100,000
Total	<u>\$2,937,336</u>

RISK MANAGEMENT FUND EXPENDITURES

Operations	\$282,247
Insurance and Claims	683,300
Ending Balance	2,360,030
Total	<u>\$3,325,577</u>

SPECIAL WELFARE FUND EXPENDITURES

Operations	\$104,700
Ending Balance	42,584
Total	<u>\$147,284</u>

TECHNOLOGY FUND EXPENDITURES

Operations	\$688,369
Capital Outlay	85,000
Ending Balance	1,463,091
Total	<u>\$2,236,460</u>

CITY/FEDERAL/STATE AID FUND EXPENDITURES

Operations	\$2,671,658
Ending Balance	0
Total	<u>\$2,671,658</u>

COMMUNITY DEVELOPMENT BLOCK GRANT EXPENDITURES

Operations	\$853,330
Ending Balance	1,250,888
Total	<u>\$2,104,218</u>

Introduced: May 13, 2014

Adopted:

Certified: _____
Clerk of Council

M. BE IT RESOLVED that by majority vote the amended FY 2015 - 2019 Capital Improvement Program Budget is hereby adopted.

Adopted: May 13, 2014

Certified: _____
Clerk of Council

N. BE IT RESOLVED that by majority vote the FY 2015 Capital Budget 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, 2014 and ending June 30, 2015 in the total amount of \$22,362,661 for the City Capital Projects Fund, \$75,389,191 (including \$1,040,000 for school buses) for the School Capital Projects Fund, \$1,550,000 for the Airport Capital Projects Fund, \$3,250,000 for the Water Capital Projects Fund, \$3,070,000 for the Sewer Capital Projects Fund, and \$1,480,000 for the Stormwater Capital Projects Fund.

Introduced: May 13, 2014

Adopted:

Certified:

Clerk of Council

O. BE IT RESOLVED that by majority vote in accordance with Section 15.2-1508 of the Code of Virginia, 1950, as amended, City Council authorizes, and subject to the availability of appropriated funds, the payment of monetary incentives, awards, and bonuses to City employees for exceptional services rendered by those employees. Such monetary incentives, awards, or bonuses may not exceed \$5,000 or five percent of the employee's annual salary, whichever is greater. Such incentives, awards, and bonuses may be offered and paid for such exceptional services as defined in the procedural directives issued by the City Manager or his/her designee, including, but not necessarily limited to, any or all of the following purposes:

- (1) Individual incentive awards,
- (2) Special recognition awards,
- (3) Outstanding performance awards, and
- (4) Cost savings or revenue generating suggestion awards.

The Director of Human Resources shall administer the incentive award and bonus program. The types of incentives, awards, and bonuses and the types of exceptional services for which they may be granted; the amount of particular incentives, awards, and bonuses; and the selection criteria and process for particular incentives, awards, and bonuses shall be set forth in the procedural directives issued by the City Manager. The total amount paid in monetary incentives, awards, and bonuses shall not exceed \$60,000 annually.

Adopted: May 13, 2014

Certified:

Clerk of Council

P. BE IT RESOLVED that by majority vote \$50,000 of the FY 2015 Reserve for Contingencies funding is appropriated for use by the City Manager for the fiscal year beginning July 1, 2014 through June 30, 2015.

Introduced: May 13, 2014

Adopted:

Certified:

Clerk of Council

Q. BE IT RESOLVED that by majority vote in accordance with Section 14.2 (b) 2 of the Code of Virginia, 1950, as amended, the personal property tax relief rate for the fiscal year beginning July 1, 2014 through June 30, 2015 shall be set at 49.28%.

Adopted: May 13, 2014

Certified: _____
Clerk of Council