

**LYNCHBURG CITY COUNCIL  
PHYSICAL DEVELOPMENT COMMITTEE**

**Tuesday, May 12, 2015  
11:00 a.m.**

**Information Items**

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

**Update on priority projects** – see attached report.

**General Business**

- |    |                                                                                                                       |             |
|----|-----------------------------------------------------------------------------------------------------------------------|-------------|
| 1. | License Agreement to Install Aerial Fiber Optic Cable on Holcomb Path Road, Richmond Highway and Pleasant Valley Road | Lee Newland |
| 2. | Reallocation of VDOT Revenue Sharing Project for Downtown Streetscapes                                                | Lee Newland |
| 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 9, 2015**

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

May 12, 2015

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

# LYNCHBURG CITY COUNCIL

## Agenda Item Summary

MEETING DATE: **May 12, 2015 (PDC)**

AGENDA ITEM NO.:

CONSENT:            REGULAR: **X**

WORK SESSION:

CLOSED SESSION:  
(Confidential)

ACTION: **X**

INFORMATION:

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

### RECOMMENDATION:

Forward to Council for a public hearing to grant Centurylink a License Agreement to place aerial fiber optic cable in city owned right-of-way along Holcomb Path Road, Richmond Highway, and Pleasant Valley Road as indicated on the attached route map.

### SUMMARY:

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

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

### PRIOR ACTION(S):

Technical Review Committee (TRC) – April, 2015

### FISCAL IMPACT:

None

### CONTACT(S):

Lee Newland, City Engineer – 455-3947

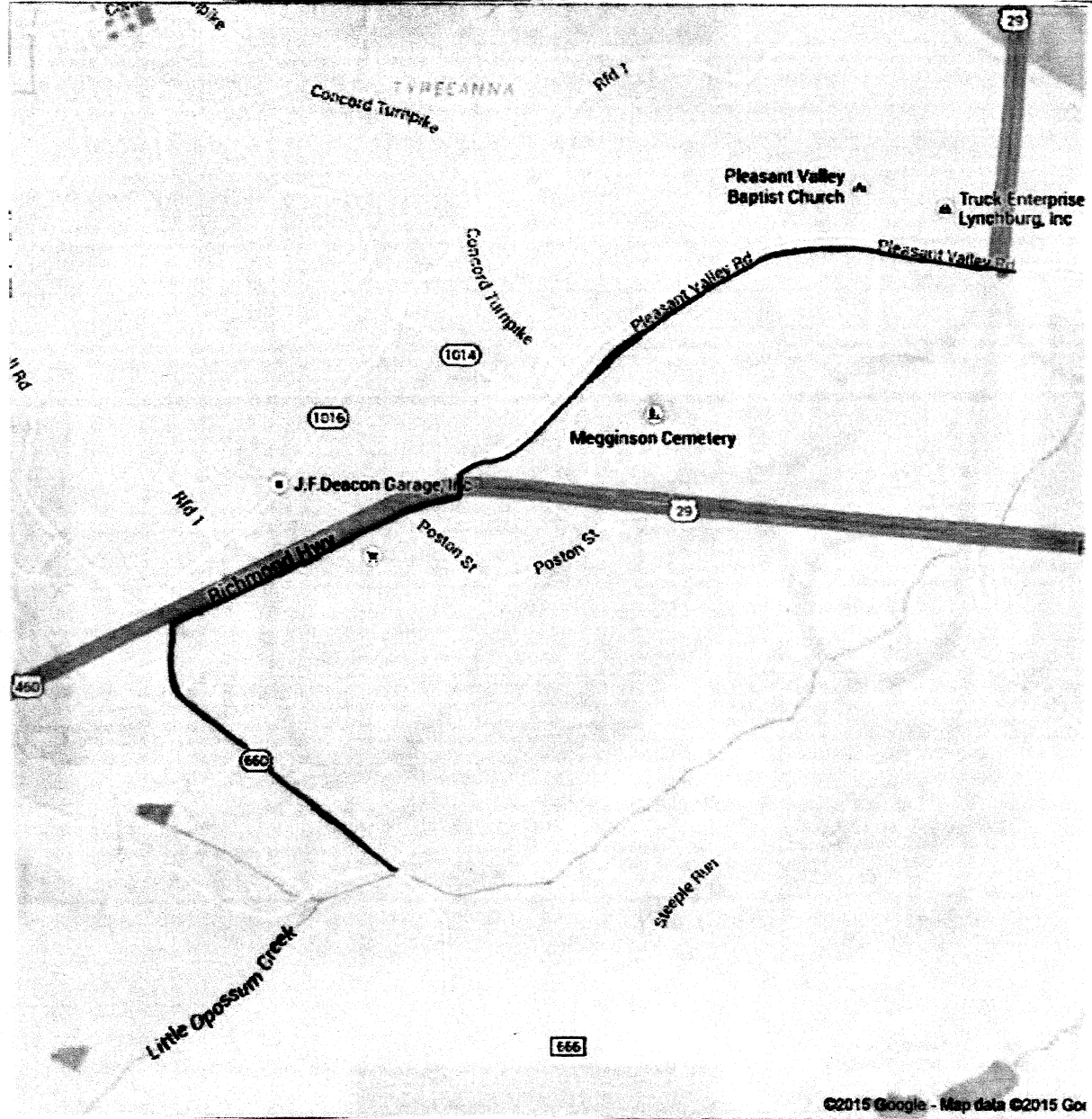
Gaynelle Hart, Director of Public Works – 455-4406

### ATTACHMENT(S):

Overview Map

### REVIEWED BY:

# LOCATION MAP



# LYNCHBURG CITY COUNCIL

## Agenda Item Summary

MEETING DATE: **May 12, 2015 (PDC)**

AGENDA ITEM NO.:

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Reallocation of VDOT Revenue Sharing Project for Downtown Streetscapes**

### RECOMMENDATION:

Approve resolution to the Virginia Department of Transportation (VDOT) to reallocate Revenue Sharing Program Funds to Downtown Streetscape Improvements.

### SUMMARY:

Since October when the 2016 Revenue Sharing Applications were due to VDOT, the downtown streetscape improvements to the areas of 7<sup>th</sup>, 8<sup>th</sup>, Church and Main streets have come into existence and increased in priority. This work is coordinated with the Downtown Waterline Replacement Program. To be able to use leftover Revenue Sharing funds or project funds that are nearing their expiration, a Resolution requesting the Commonwealth Transportation Board to create this new project as a Revenue Sharing Project is required. Currently there are over \$41,000 left in the Northwest Expressway Revenue Sharing project that can be transferred to this project.

### PRIOR ACTION(S):

None

### FISCAL IMPACT:

None – Allows for leftover Revenue Sharing Funds to be used for this project.

### CONTACT(S):

Lee Newland – City Engineer – 455-3947

Gaynelle Hart – Public Works Director – 455-4406

### ATTACHMENT(S):

Resolution

### REVIEWED BY:

## RESOLUTION

WHEREAS, the City established a construction project for the Downtown Streetscapes to improve the condition of the roadway, curbing, sidewalks, ADA accessibility, traffic flow, lighting and landscaping; and

WHEREAS, the City is performing preliminary engineering for the improvements for this project; and

WHEREAS, the City has successfully completed multiple Revenue Sharing projects; and

WHEREAS, the City wishes to add the available funds from the completed Northwest Expressway Drainage Improvement project, State Project 0501-118-213, UPC 98238 to the Downtown Improvements;

NOW, THEREFORE, BE IT RESOLVED That the Lynchburg City Council requests the Virginia Department of Transportation to establish the Downtown Streetscape Improvement Project as a Revenue Sharing Project and transfer all remaining funds from the completed Northwest Expressway Drainage Project (UPC 98238) to the new project; and

BE IT FURTHER RESOLVED That the Council hereby authorizes and directs the City Manager to execute any and all required contracts and agreements related thereto.

Adopted: \_\_\_\_\_

Certified: \_\_\_\_\_  
Clerk of Council

## Agenda Item #1

April 28, 2015

159

// A regular meeting of the Council of the City of Lynchburg was held on the 28th day of April, 2015, at 7:30 P.M. in the Council Chamber, City Hall, Michael Gillette, President, presiding. Council Member Tweedy gave the Invocation, followed by the Pledge of Allegiance. The following Members were present:

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

Absent: Johnson 1

// Mayor Gillette announced that the City of Lynchburg is conducting its biennial survey during the month of May. One thousand four hundred citizens throughout the City will be asked to complete the survey and give their opinion about city services, the Lynchburg community and other issues. Your opinion is important to us so please complete and return the survey.

// Mayor Gillette presented a Proclamation for Denim Day. YWCA Executive Director Caroline Hudson gave remarks on the purpose of Denim Day, stating that April is Sexual Assault Awareness Month and Child Abuse Prevention Month.

// Vice Mayor Johnson arrived at the meeting at 7:35 p.m.

// Mayor Gillette asked Council to add an item to this meeting under General Business regarding the Virginian Hotel. Council agreed to make adjustments to the agenda. This item will be the first item under General Business.

// Copies of the minutes of the April 14, 2015 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Foster, seconded by Council Member Nelson, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

// In the matter of Budget, City Council Report #2 was considered. Resolution #R-15-025 amending the FY 2015 Third Quarter Adopted Budget and appropriating or rescinding funds to adjust revenue, expenditure, and transfer adjustments, laid over from the April 14, 2015 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of Parks and Recreation – General, Resolution #R-15-026 amending the FY 2015 City Capital Fund budget and appropriating \$284,960 with resources from the Virginia Department of Historic Resources, State Rehabilitation Tax Credit Program, for improvements to the Miller Center, laid over from the April 14, 2015 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of Community Development – CDBG, a public hearing was held regarding City Council Report #4 on the FY 2016 Allocation of Community Development Block Grant (CDBG) and HOME

Program Funds. Grants Manager Melva Walker provided a summary of the Community Development Advisory Committee (CDAC) recommendations on the projects and allocations. 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 Vice Mayor Johnson, Council by the following recorded vote adopted Resolution #R-15-027, as presented, approving the Community Development Block Grant (CDBG) and HOME Program FY 2016 funding allocations for incorporation into the FY 2016 General Fund Operating Budget and Program Year 2015 Annual Action Plan:

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

7

Noes:

0

// Item Not On Agenda: Discussion of possible conflict of interest in connection with the Virginian Hotel.

City Manager Kimball Payne stated that he was not aware of a concern with the Virginian Hotel and was not aware that the Economic Development Director's spouse worked for the developers of the Virginian Hotel project. Mr. Payne went on to say that as soon as he was made aware of this situation, he consulted with the City Attorney on this matter. Mr. Payne did state that the Director of Economic Development did not participate in the process, only Council, the City Manager and Economic Development Authority. During Council discussion there were concerns raised as to whether a conflict of interest arose that was not disclosed on this project, since the Economic Development Director's spouse was an employee of the developers of the Virginian Hotel project. In response City Attorney Walter Erwin stated that there are three parts to the Conflict of Interest Act. 1) Basically do not do bad things; 2) A public employee cannot contract with their own government agency and; 3) Public officials and employees cannot have a personal interest in a project. Mr. Erwin went on say that this Act is very confusing and he could not find a conflict of interest with this project. In conclusion, no action was taken by Council regarding the Virginian Hotel.

// In the matter of Community Development - General, City Council Report #5 was considered. Council Member Helgeson, Chair of the Finance Committee (FC) stated this matter 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-15-028, as presented, amending the FY 2015 City/Federal/State Aid Fund budget and appropriating \$98,618 from the U.S. Department of Housing and Urban Development (HUD) to provide at least 10 units of tenant-based rental assistance and associated case management services:

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

7

Noes:

0

// In the matter of Budget/Community Development – General, City Council Report #6 was considered. Several Council Members stated they would not support this item because they were philosophically opposed to the original terms the guarantor (City) made in 2002. Council Member Helgeson mentioned concerns that the savings will be passed on to the Bluffwalk Center. He further stated it would be nice to renegotiate the terms to pay off the loan faster. Council Member Perrow is also opposed to the City guaranteeing the loan (assuming responsibility if the debtor does not pay the loan). He further stated if the

City could have negotiated more he would be in favor of supporting this item. City Manager Kimball Payne stated that Department of Housing and Urban Development (HUD) has this role, not the Bluffwalk Center.

The proposition does not require the City to assume any new debt, it does not change the terms of the loan, and it does not remove any legal responsibilities the City has as a guarantor of the loan. Mr. Payne further stated what the proposition does is to lower the interest rate of the loan.

On motion of Council Member Nelson, seconded by Council Member Foster, Council by the following recorded vote adopted Resolution #R-15-029, as presented, authorizing the City to contract a debt in the principal amount not to exceed \$1,580,000 in connection with the refunding of the Outstanding Principal amount of a Promissory Note issued by the City to the U.S. Department of Housing and Urban Development to finance costs related to the Bluffwalk Center Riverfront Development Project in the City:

Ayes: Foster, Johnson, Nelson, Tweedy, Gillette

5

Noes: Helgeson, Perrow

2

On motion of Vice Mayor Johnson, seconded by Council Member Tweedy, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-15-030, as presented, amending the FY 2015 Community Development Block Grant budget and appropriating \$7,900 with resources from the Community Development Block Grant Restricted Fund Balance funds to the refunding of the Series 2004-A Note:

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

6

Noes: Perrow

1

// In the matter of FY2016 Budget/CIP, City Council Report #7 adopting the FY 2016 General Fund Operating Budget (excluding External Service Providers and Component Units expenditures) and appropriating \$202,340,575 for this budget was considered. Council Members decided to vote on each Budget resolution separately. Council Member Helgeson stated he would not support the FY 2016 General Fund Operating Budget because the budget continues to grow each year and he would like to have a discussion on lowering the City's taxes. On motion of Council Member Foster, seconded by Council Member Nelson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-15-031, as presented, adopting the FY 2016 General Fund Operating Budget (excluding External Service Providers and Component Units expenditures) and appropriating \$202,340,575 for this budget:

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

6

Noes: Helgeson

1

// On motion of Vice Mayor Johnson, seconded by Council Member Nelson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-15-032, as presented, adopting the FY 2016 Mandated and Contractual External Service Providers Budget and appropriating \$8,086,819 for this budget:

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

7

Noes:

0

// On motion of Vice Mayor Johnson, seconded by Council Member Nelson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-15-033, as presented, adopting the FY 2016 Central Virginia Alliance for Community Living (formerly Central Virginia Area Agency) Budget and appropriating \$15,000 for this budget:

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

Noes: 0

// On motion of Vice Mayor Johnson, seconded by Council Member Nelson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-15-034, as presented, adopting the FY 2016 Central Virginia Community College Board and Related Operations Budget and appropriating \$1,900 for this budget:

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

Noes: 0

// On motion of Vice Mayor Johnson, seconded by Council Member Nelson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-15-035, as presented, adopting the FY 2016 Robert E. Lee Soil & Water Conservation District Budget and appropriating \$10,000 for this budget:

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

Noes: 0

// On motion of Vice Mayor Johnson, seconded by Council Member Foster, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-15-036, as presented, adopting the FY 2016 Virginia Legal Aid Society Budget and appropriating \$10,816 for this budget:

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

Noes: 0

// On motion of Council Member Foster, seconded by Council Member Tweedy, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-15-037, as presented, adopting the FY 2016 Amazement Square Real Estate Tax Refund Budget and appropriating \$5,604 for this budget:

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

Noes: 0

// Mayor Gillette read the motion regarding the FY 2016 Region 2000 Local Government Council Budget and appropriating \$44,491 for this budget. Council Member Perrow stated he recently entered into a contract with the Region 2000 Local Government Council to provide engineering services, so he has a personal interest on the Region 2000 Local Government Council and under the Virginia Conflict of Interest Act, he must abstain from discussion and voting on this item. On motion of Council Member Foster, seconded by Council Member Nelson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-15-038, as presented, adopting the FY 2016 Region 2000

Local Government Council Budget and appropriating \$44,491 for this budget:

|                                                           |   |
|-----------------------------------------------------------|---|
| Ayes: Foster, Helgeson, Johnson, Nelson, Tweedy, Gillette | 6 |
| Noes:                                                     | 0 |
| Abstention: Perrow                                        | 1 |

// Mayor Gillette read the motion regarding the FY 2016 School Operating Budget and appropriating \$100,569,860 for this budget. Council Member Nelson stated that his wife is a School Division employee but that fact would not impair his unbiased judgment in consideration of this item. Vice Mayor Johnson stated he is a part time employee of the School Division but he does not have a conflict of interest and his statement is filed with the Clerk of Council. Council Member Helgeson stated he would not support the school budget because it fails to reduce the increase given to the Schools. He further stated that each year more money is allocated to the Schools and this year they are adding 60 new positions, which means more burden on our taxpayers. For these reasons he will be voting against this item. On motion of Council Member Foster, seconded by Vice Mayor Johnson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-15-039, as presented, adopting the FY 2016 School Operating Budget and appropriating \$100,569,860 for this budget:

|                                                         |   |
|---------------------------------------------------------|---|
| Ayes: Foster, Johnson, Nelson, Perrow, Tweedy, Gillette | 6 |
| Noes: Helgeson                                          | 1 |

// On motion of Vice Mayor Johnson, seconded by Council Member Tweedy, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-15-040 as presented, adopting the FY 2016 Greater Lynchburg Transit Company Budget and appropriating \$7,747,809 for this budget:

|                                                                   |   |
|-------------------------------------------------------------------|---|
| Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette | 7 |
| Noes:                                                             | 0 |

// On motion of Vice Mayor Johnson, seconded by Council Member Tweedy, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-15-041, as presented, adopting the FY 2016 Operating Fund Budgets for other funds and appropriating the sums of each fund:

|                                                                   |   |
|-------------------------------------------------------------------|---|
| Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette | 7 |
| Noes:                                                             | 0 |

// On motion of Vice Mayor Johnson, seconded by Council Member Perrow, Council by the following recorded vote adopted Resolution #R-15-042, as presented, amending the FY 2016 – 2020 Capital Improvement Program Budget:

|                                                                   |   |
|-------------------------------------------------------------------|---|
| Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette | 7 |
| Noes:                                                             | 0 |

// On motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-15-043, as presented, adopting the FY 2016 Capital Budget and appropriating \$20,229,637 for the City Capital

Projects Fund; \$1,400,000 for the Airport Capital Projects Fund; \$3,950,000 for the Water Capital Projects Fund, \$2,320,000 for the Sewer Capital Projects Fund, and \$2,855,275 for the Stormwater Capital Projects Fund:

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

Noes: 0

// On motion of Vice Mayor Johnson, seconded by Council Member Tweedy, Council by the following recorded vote adopted Resolution #R-15-044, as presented, approving the payment of monetary incentives, awards, and bonuses not to exceed \$5,000 per employee. The total amount paid shall not exceed \$60,000 annually:

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

Noes: 0

// On motion of Council Member Nelson, seconded by Council Member Tweedy, Council by the following recorded vote adopted Resolution #R-15-045, as presented, stating the FY 2016 General Fund Non-Departmental Poverty Initiative funds of \$50,000 may only be spent upon approval by a majority vote of City Council:

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

Noes: 0

// On motion of Vice Mayor Johnson, seconded by Council Member Perrow, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-15-046, as presented, appropriating \$50,000 of the FY 2016 Reserve for Contingencies funding for use by the City Manager for the fiscal year beginning July 1, 2015 through June 30, 2016:

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

Noes: 0

// On motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-15-047, as presented, to set the personal property tax relief rate for the fiscal year beginning July 1, 2015 through June 30, 2016 at 48.51%:

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

Noes: 0

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

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

Noes: 0

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

// Council Member Helgeson made the following motion:

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

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

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

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

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

7

Noes:

0

// The meeting was adjourned at 9:52 P.M.

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Clerk of Council

# LYNCHBURG CITY COUNCIL

## Agenda Item Summary

MEETING DATE: **May 12, 2015**

AGENDA ITEM NO.: 3

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

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

040K

**May 7, 2015**

**School Board Appointment List –**

**Current School Board Members to be Reappointed/Replaced.**

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

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

**Katie Snyder, School District 3 (Willing to serve again)**

**CURRENT VOLUNTEERS**

**SCHOOL DISTRICT 1 -**

**Charleta F. Mason**

**Tom Prest**

**SCHOOL DISTRICT 2 –**

**Lewis Lee, Jr.**

**SCHOOL DISTRICT 3-**

**Gregory J. Belisle**

**Leslie D. King**

# LYNCHBURG CITY COUNCIL

## Agenda Item Summary

MEETING DATE: **May 12, 2015**

AGENDA ITEM NO.: 4

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:  
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Adaptive Reuse of an Existing Building for Apartments – 314 and 320 12<sup>th</sup> Street**

RECOMMENDATION: Approval of the rezoning petition.

SUMMARY: 320 12th Street, LLC is petitioning to rezone approximately three hundred forty-seven thousandths (0.347) of an acre at 314 and 320 12<sup>th</sup> Street to allow the conversion of an existing commercial building at 320 12<sup>th</sup> Street to a twenty-three (23) unit multi-family residential structure. The property at 314 12<sup>th</sup> Street would be used as a twenty (20)-space parking lot for the residential structure. The Planning Commission recommended approval of the petition because the *Future Land Use Map* (FLUM) has a Downtown designation which aligns better with the proposed zoning. The rezoning also facilitates the adaptive reuse of an historic structure.

PRIOR ACTION(S):

April 8, 2015:

The Planning Division recommended approval of the rezoning petition.

The Planning Commission recommended approval of the rezoning petition (4-0, with two absences, Light and Mays and one vacancy)

FISCAL IMPACT:

N/A

CONTACT(S):

Anne Nygaard, Planner II – 455-3900

Tom Martin, City Planner - 455-3900

Kent White, Director of Community Development – 455-3900

ATTACHMENT(S):

- Ordinance
- Planning Commission Report and Minutes – April 8, 2015
- Zoning Map
- FLUM Map
- Watershed Map
- Planimetric and Topographic Map
- Rezoning Plan, Building Renderings and Narrative
- Property Photographs
- Speaker Signup Sheet

REVIEWED BY: lkp

UNCODIFIED ORDINANCE:

AN ORDINANCE CHANGING A CERTAIN AREA LOCATED AT 314 AND 320 12<sup>th</sup> STREET FROM B-5, GENERAL BUSINESS DISTRICT TO B-6, RIVERFRONT BUSINESS DISTRICT.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG that in order to promote the public necessity, convenience, welfare and good zoning practice that Chapter 35.1 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 314 and 320 12<sup>th</sup> Street from B-5, General Business District to B-6, Riverfront Business District.

The area embraced within the following boundaries:

LEGAL DESCRIPTION: TM# 02508001 NO. 320 12TH STREET  
BEGINNING AT THE NORTHWEST CORNER AT THE INTERSECTION OF COURT STREET AND 12TH STREET; THENCE ALONG THE RIGHT OF WAY OF 12TH STREET N55°20'17"E 67.50' TO A P.K. NAIL SET; THENCE LEAVING THE RIGHT OF WAY S35°03'43"E 115.55'; THENCE N55°23'17"E 8.00' TO A CORNER; THENCE N35°03'43"E 10.00' TO A CORNER; THENCE N55°23'17"E 77.84' TO A P.K. NAIL SET AT THE NEW RIGHT OF WAY OF COURT STREET; THENCE ALONG THE NEW COURT STREET RIGHT OF WAY N35°09'48"E 89.78' TO A P.K. NAIL SET; THENCE ALONG THE RIGHT OF WAY OF 12TH STREET N55°54'04"E 18.50' TO A PROPERTY CORNER ALONG THE BUILDING; THENCE N35°03'43"E 11.88' TO THE POINT OF BEGINNING; BEING NO. 320 12TH STREET AND CONTAINING 0.197 ACRES.

LEGAL DESCRIPTION: TM# 02508002 NO. 314 12TH STREET  
BEGINNING AT A P.K. NAIL SET AT THE NORTHWEST CORNER 67.50' NORTHEAST OF THE INTERSECTION OF 12TH STREET AND COURT STREET; THENCE ALONG THE RIGHT OF WAY N55°20'17"E 59.00' TO A P.K. NAIL SET; THENCE S35°03'43"E 101.60' TO AN IRON REBAR SET; THENCE S09°22'17"W 18.68' TO AN IRON REBAR FOUND; THENCE ALONG A CURVE CB = S77°32'57"E, LENGTH = 9.12', RADIUS = 12.10' TO AN IRON REBAR FOUND; THENCE S55°23'17"W 37.50' TO A CORNER; THENCE N35°03'43"E 115.55' TO THE POINT OF BEGINNING. BEING NO. 314 12TH STREET AND CONTAINING 0.150 ACRES.

...is hereby changed from B-5, General Business District to B-6, Riverfront Business District.

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

041K

# The Department of Community Development

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

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**To:** Planning Commission  
**From:** Planning Division  
**Date:** April 8, 2015  
**Re: Rezoning: B-5, General Business District to B-6, Riverfront Business District – 314 & 320 12<sup>th</sup> Street**

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## I. PETITIONER

320 12<sup>th</sup> Street, LLC, 1208 Arlington Road, Roanoke, VA 24015

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

## II. LOCATION

The subject property includes two (2) tracts totaling approximately three hundred and nine thousandths (0.309) of an acre located 314 and 320 12<sup>th</sup> Street. If the right-of-way vacations are approved, the property will total approximately three hundred and forty-seven thousandths (0.347) of an acre.

**Property Owners:**

320 12<sup>th</sup> Street, LLC, 1208 Arlington Road, Roanoke, VA 24015

## III. PURPOSE

The purpose of the petition is to rezone the property from B-5, General Business District to B-6, Riverfront Business District to allow the conversion of an existing building to twenty-three (23) apartments and the construction of an associated parking lot.

## IV. SUMMARY

- The *Future Land Use Map (FLUM)* recommends a Downtown use for the subject property.
- The petition would rezone the property from B-5, General Business District to B-6, Riverfront Business District, which would allow the proposed use on the property.
- Parking is not required in the B-6 district; however, the developer is proposing twenty (20) spaces on 314 12<sup>th</sup> Street.
- The developer has applied for the property to be included in the Lynchburg Courthouse Hill/Downtown Historic District to use rehabilitation tax credits to aid the redevelopment. This will ensure preservation of historic features on the building.
- The petition would provide for the restoration and adaptive reuse of a historic building.

**The Planning Division recommends approval of the rezoning petition.**

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## V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *FLUM* of the *Comprehensive Plan 2013-2030* recommends a Downtown Use for the property.

Downtown is the central commercial core of the City and appropriately contains a mix of retail, entertainment, restaurant, office, employment, residential, public, park, and institutional uses. The area should retain its urban character. Demolition of historic buildings and erection of suburban style, low-density/intensity development is inappropriate. (*pg. 76*)

2. **Zoning.** The subject property was annexed into the City in 1852. The existing B-5, General Business District zoning was established in 1978 with the adoption of the current *Zoning*

*Ordinance.* The current B-5 District does not allow for residential use, but the proposed B-6, would allow for a variety of uses, including the proposed multi-family residential development and potential future business uses.

3. **Proffers.** No proffers were submitted with this application.
4. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances would be needed for the development of the property as proposed.
5. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
  - On September 10, 1991, Council approved the petition of Craddock-Terry, Inc. for a conditional use permit (CUP) at 1118-1120 Harrison Street and 1001-1017 Madison Street to allow the construction of parking areas.
  - On June 23, 1992, Council approved the petition of Thomas Hughes for a CUP at 1102 Harrison Street to allow the use of an existing residence as a bed and breakfast.
  - On April 12, 1994, Council approved the rezoning of portions of downtown from B-5, General Business District to B-6, Riverfront Business District.
  - On November 8, 1994, Council approved the petition of Philip and Ann Reipley for a CUP at 1101 Federal Street to allow the use of an existing residence as a bed and breakfast.
  - On August 12, 1997, Council approved the petition of Order of Sons of Italy for a CUP at 1201 Jefferson Street to allow a temporary circus.
  - On November 11, 1997, Council approved the petition of Jenny West for a CUP at 1020 Federal Street to allow the use of an existing residence as a bed and breakfast.
  - On February 13, 2001, Council approved the petition of Trudi and Dennis Malik for a CUP at 1115 Federal Street to allow the use of an existing residence as a bed and breakfast.
  - On July 11, 2006, Council approved the rezoning of the Federal Hill Historic District from R-3, Medium-Density, Two-Family Residential District, R-4, Medium-High Density, Multi-Family Residential District and B-5, General Business District to R-2, Low-Medium Density, Single-Family Residential.
  - On May 8, 2012, Council approved the petition of Invest Lynchburg, LLC for a CUP at 1215 and 1221 Jefferson Street to allow fill within the 100-year Flood Plain.
6. **Site Description.** The subject property includes two (2) tracts totaling approximately three hundred and nine thousandths (0.309) of an acre located at 314 and 320 12<sup>th</sup> Street. 314 12<sup>th</sup> Street is largely vacant and will serve as parking for the building at 320 12<sup>th</sup> Street. The site is across 12<sup>th</sup> Street from the Lynchburg Historical Foundation and directly in front of Babcock's Auto Service.
7. **Proposed Use of Property.** If the rezoning petition is approved, the property would be restored and adapted for a multi-family residential use and associated parking.
8. **Traffic, Parking and Public Transit.** The City's Traffic Engineer had no comments of concern regarding this development.

The Zoning Ordinance states that in B-6 districts "the minimum off-street parking requirements shall not apply because of the impracticability of providing such parking on the

basis of individual uses in highly congested areas. However, developers will be strongly encouraged to provide parking up to the minimum requirements.” The developer is providing a total of thirty (20) off-street parking spaces, which will be supplemented by on-street spaces available in the surrounding area.

The development would be served by Greater Lynchburg Transit Company (GLTC) Route 3.

9. **Stormwater Management.** The site falls within the City’s CSO area and is therefore exempt from stormwater quality and quantity requirements. The site will discharge to an adequate channel and an E & S plan will be required at the time of final site plan review.
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. These comments have or will be addressed by the petitioner prior to final site plan approval.
11. **Impact.** The petition would allow the rehabilitation and adaptive reuse of an historic commercial structure as an apartment building with twenty-three (23) units. Adaptive reuse is often a difficult feat but saves historic structures that give urban areas their character. The current zoning impedes the reuse of this structure because it does not allow residential use. The proposed B-6 zoning will allow for both the proposed residential use and a variety of appropriate commercial uses for downtown should demand for commercial space rise. The property sits directly adjacent to the current B-6 district and is designated as Downtown on the *Future Land Use Map*.  
  
The applicant has applied for the building to be included in the area’s state and national historic district in order to take advantage of rehabilitation tax credits, without which, the rehabilitation is not financially viable. The use of tax credits will ensure that significant features of the building will be preserved and that the building will continue to have a commercial storefront with its historic entrance. In addition, improvements to the building will go before the Design Review Board (DRB) for comment prior to any construction occurring.
12. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary rezoning plan on March 3, 2015. Comments related to the proposed use have or will be addressed by the petitioner prior to final site plan approval.

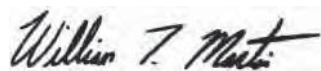
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## VI. PLANNING DIVISION RECOMMENDATION

**Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of 320 12<sup>th</sup> Street LLC to:**

**Rezone approximately three hundred and forty-seven thousandths (0.347) of an acre (or 0.309 of an acre if the right-of-way vacations are not approved) located at 314 and 320 12<sup>th</sup> Street from B-5, General Business District to B-6, Riverfront Business District.**

This matter is respectfully offered for your consideration.

A handwritten signature in black ink that reads "William T. Martin". The signature is written in a cursive, flowing style.

William T. Martin, AICP  
City Planner

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

## **VII. ATTACHMENTS**

- 1. Zoning Map**
- 2. FLUM Map**
- 3. Watershed Map**
- 4. Planimetric and Topographic Map**
- 5. Concept Plan and Narrative**
- 6. Property Photograph**

**MINUTES OF THE APRIL 8, 2015 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):**

**Petition of 320 12<sup>th</sup> Street, LLC to rezone approximately three hundred and forty-seven thousandths (0.347) of an acre at 314 and 320 12<sup>th</sup> Street from B-5, General Business District to B-6, Riverfront Business District to allow the conversion on an existing building to a multi-family residential use.**

Ms. Anne Nygaard explained that there is also an alley vacation petition that will be heard by City Council. The total area, including that vacation, has been included in the acreage for the rezoning petition. The rezoning is being proposed because residential uses are currently not allowed in the B-5 district without a conditional use permit. These two properties are in the current B-6 district and are within the Downtown land use area as designated on the *Future Land Use Map*. The rezoning would make the properties align with the *FLUM* designation. The option of petitioning for a conditional use permit would have kept the property with its underlying zoning of B-5. The rezoning will also provide for more flexibility as to the use of the building in the future.

The petitioner is also applying to have the property included in the Courthouse Hill and Downtown State and National Historic Districts in order to take advantage of rehabilitation tax credits. The building will have to be restored according to the Secretary of the Interior's Standards for Rehabilitation, which will ensure that any significant exterior historic features will be restored and that a commercial storefront will be maintained. In addition, a review by the Design Review Board will occur before any construction.

Parking is not required within the B-6 district; however, the petitioner is proposing twenty parking spaces on the parcel adjacent to the building. That is three fewer spaces than what would be required in any other district in the city. The Technical Review Committee reviewed the petition and had no comments of major concern. The minor comments from the committee will be addressed during the site plan approval. As the petition facilitates the restoration and adaptive reuse of an historic downtown building, Planning Division recommends approval of the rezoning petition.

Ms. Valerie Brooks of Nixon Land Surveying and Mr. Danny George, the owner of the property, were present to represent the petition. They had nothing to add to staff's report and indicated that they were available to answer any questions from the commission. Chair Swienton asked if there was anyone else who wished to speak in favor of the petition. No one came forward. He asked if there was anyone to speak in opposition to the petition. No one came forward. He closed the public hearing portion of the petition.

Commissioner Lowe commented that he welcomes this renovation and thinks it will help immensely in making downtown look more beautiful and welcoming. He realizes that parking is not required but likes the fact that the petitioner has taken parking into consideration.

Commissioner Marion is excited about this project. It has been an eyesore for some time and she is delighted to see the project. She asked if he knew that Horseford Creek runs behind the building. Mr. George said that if you pull the manhole on Court Street, it is 41 feet deep and the creek is right there. She said it is an historic creek and encouraged him to take care of it.

Commissioner Perault remarked that he and most residents are happy to see renovations of existing building. Commissioner Perault asked about the project being exempt from stormwater management because it falls within the City's CSO. Ms. Nygaard commented that this regulation came into effect last July. If the site discharges to a combined sewer system, then the water is going to the wastewater treatment plant. Therefore, there is no reason to also treat the water on site. Commissioner Perault noted that the explanation makes sense.

Chair Swienton thought that this is a very appropriate use of an existing structure.

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

**"That the Planning Commission recommends to City Council approval of the petition of 320 12<sup>th</sup> Street LLC to:**

**Rezone approximately three hundred and forty-seven thousandths (0.347) of an acre (or 0.309 of an acre if the right-of-way vacations are not approved) located at 314 and 320 12<sup>th</sup> Street from B-5, General Business District to B-6, Riverfront Business District.**

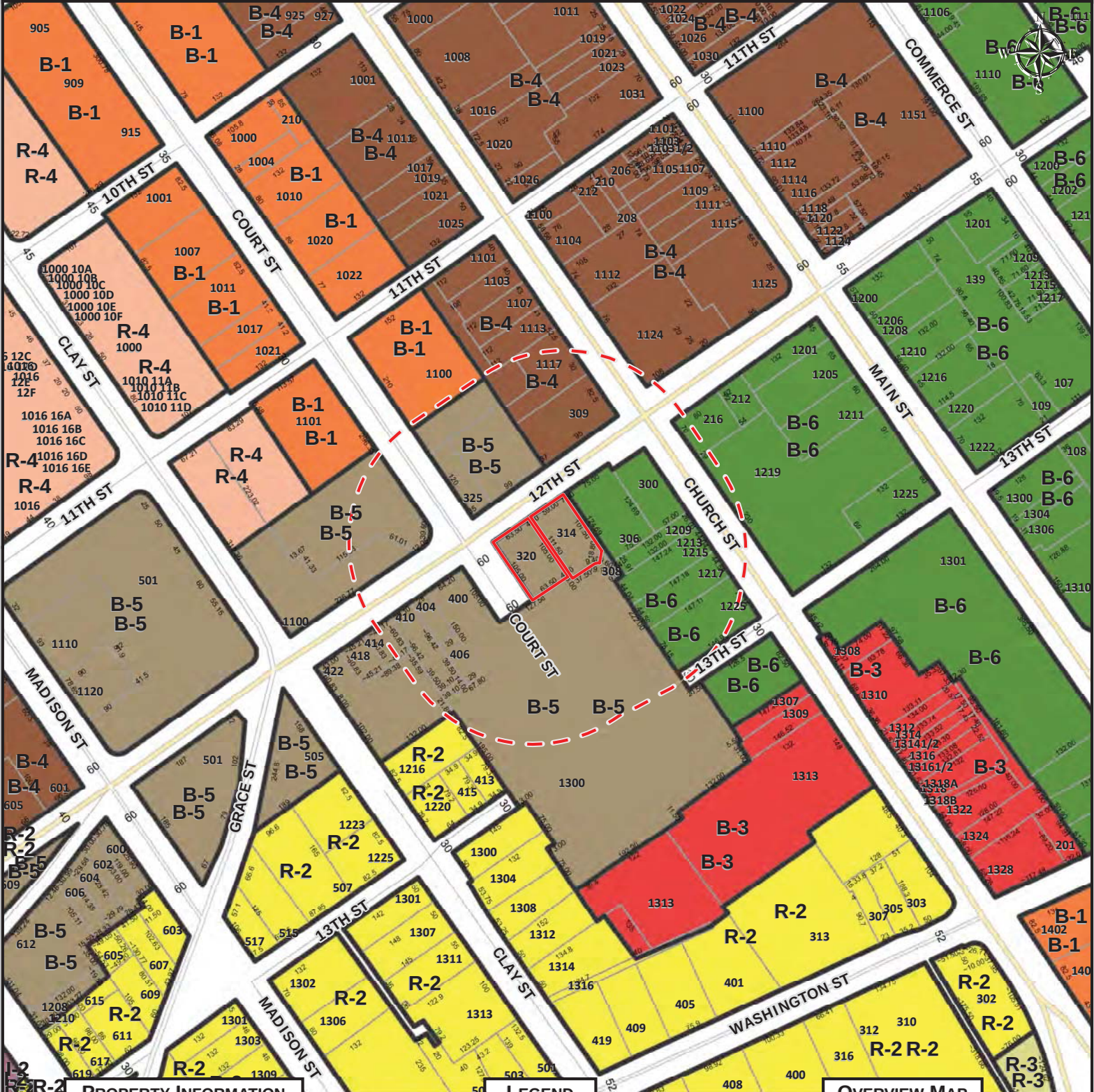
|              |                                    |   |
|--------------|------------------------------------|---|
| AYES:        | Lowe, Marion, Perault and Swienton | 4 |
| NOES:        |                                    | 0 |
| ABSTENTIONS: |                                    | 0 |
| ABSENT:      | Light and Mays                     | 2 |
| VACANCIES:   |                                    | 1 |

# Zoning Map

# REZONING FOR APARTMENTS

Zoning Request

320 12th Street, LLC



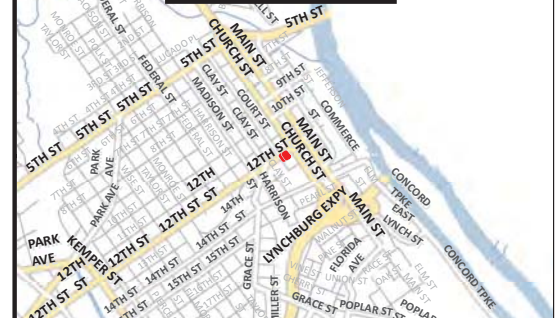
## PROPERTY INFORMATION

| PARCEL ID | ADDRESS     |
|-----------|-------------|
| 02508001  | 320 12TH ST |
| 02508002  | 314 12TH ST |

## LEGEND

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

## OVERVIEW MAP



MAP SCALE: 1" to 4,000' DATE PRINTED: 4/1/2015

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

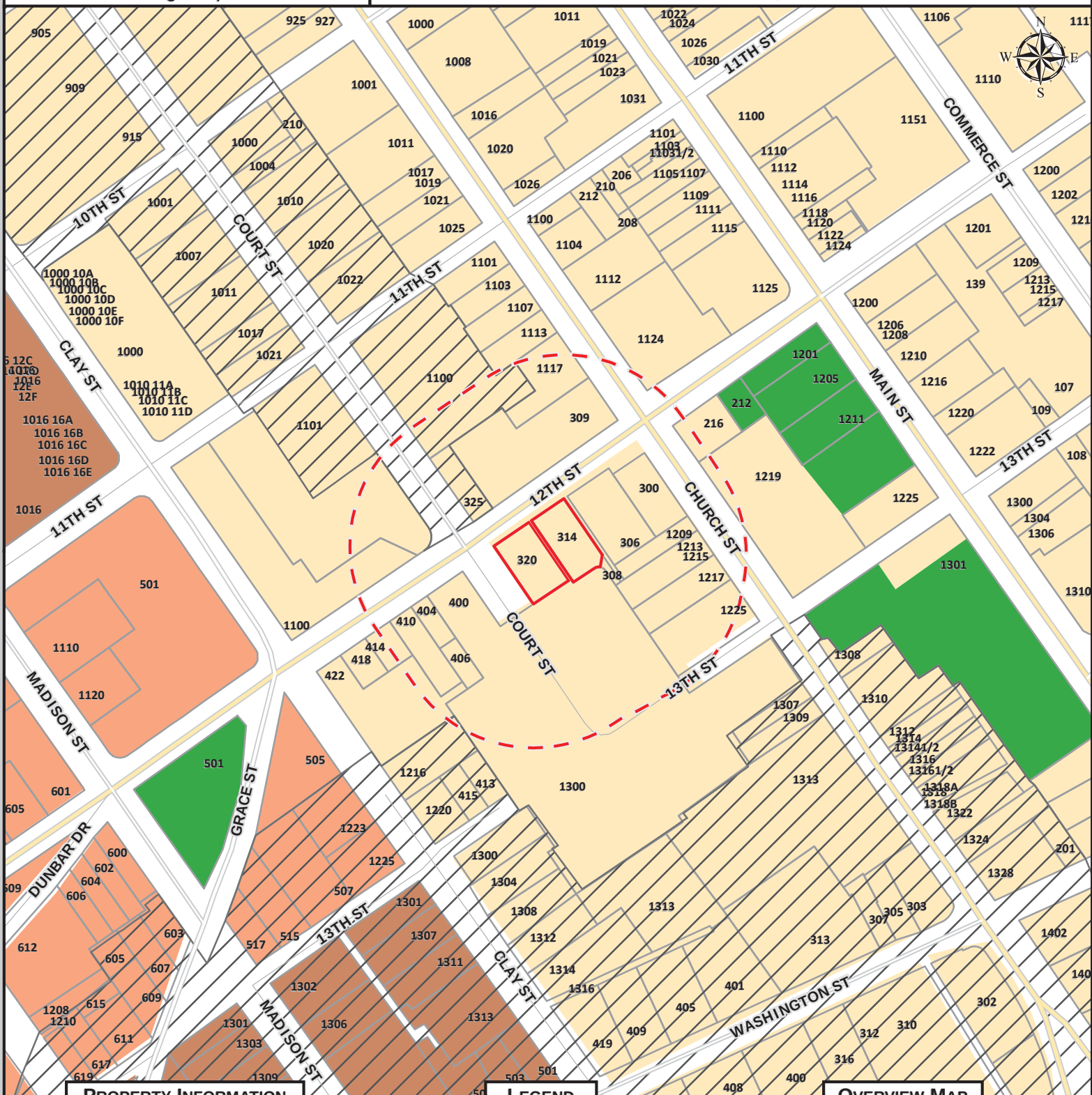
| Parcel ID | Address        | Owner                               |
|-----------|----------------|-------------------------------------|
| 04601009  | 216 12TH ST    | CITY OF LYNCHBURG                   |
| 02508002  | 314 12TH ST    | 320 12TH STREET LLC                 |
| 02468002  | 1101 COURT ST  | UNITED STATES POSTAL SERVICE        |
| 02508001  | 320 12TH ST    | 320 12TH STREET LLC                 |
| 02508004  | 300 12TH ST    | NEW LAND SAMARITAN INNS INC         |
| 02467008  | 309 12TH ST    | COMMONWEALTH OF VIRGINIA            |
| 02507006  | 1300 COURT ST  | BABCOCK, ROBERT D                   |
| 02507011  | 414 12TH ST    | WADE, DANIEL D                      |
| 02467011  | 325 12TH ST    | LYNCHBURG HISTORICAL FOUNDATION INC |
| 04601001  | 1219 MAIN ST   | CITY OF LYNCHBURG                   |
| 02507004  | 404 12TH ST    | BABCOCK, ROBERT D                   |
| 02508008  | 1217 CHURCH ST | RISE UP PROPERTIES LLC              |
| 02467001  | 1100 COURT ST  | FIRST BAPTIST CHURCH OF VA TRS      |
| 02507005  | 406 12TH ST    | BABCOCK, ROBERT D                   |
| 02508006  | 1213 CHURCH ST | RISE UP PROPERTIES LLC              |
| 02507003  | 410 12TH ST    | WADE, DANIEL D                      |
| 02466015  | 1124 CHURCH ST | GREEN, ROGERS H SR & WINSTON C      |
| 02507009  | 1216 CLAY ST   | YOUNG, WILLIAM C & REBECCA B        |
| 02467005  | 1113 CHURCH ST | 1107-1113 CHURCH ST LLC             |
| 02508005  | 1209 CHURCH ST | RISE UP PROPERTIES LLC              |
| 02468001  | 1100 CLAY ST   | UNITED STATES POSTAL SERVICE        |
| 02508007  | 1225 CHURCH ST | RISE UP PROPERTIES LLC              |
| 02508003  | 306 12TH ST    | RISE UP PROPERTIES LLC              |
| 02467006  | 1117 CHURCH ST | THORNHILL, J T III                  |
| 02508009  | 308 12TH ST    | RISE UP PROPERTIES LLC              |
| 02507001  | 422 12TH ST    | OLD STEAM BAKERY COMPANY            |

# FLUM Map

# REZONING FOR APARTMENTS

Zoning Request

320 12th Street, LLC



## PROPERTY INFORMATION

| PARCEL ID | ADDRESS     |
|-----------|-------------|
| 02508001  | 320 12TH ST |
| 02508002  | 314 12TH ST |

## LEGEND

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

## OVERVIEW MAP



MAP SCALE: 1" to 4,000' DATE PRINTED: 4/1/2015

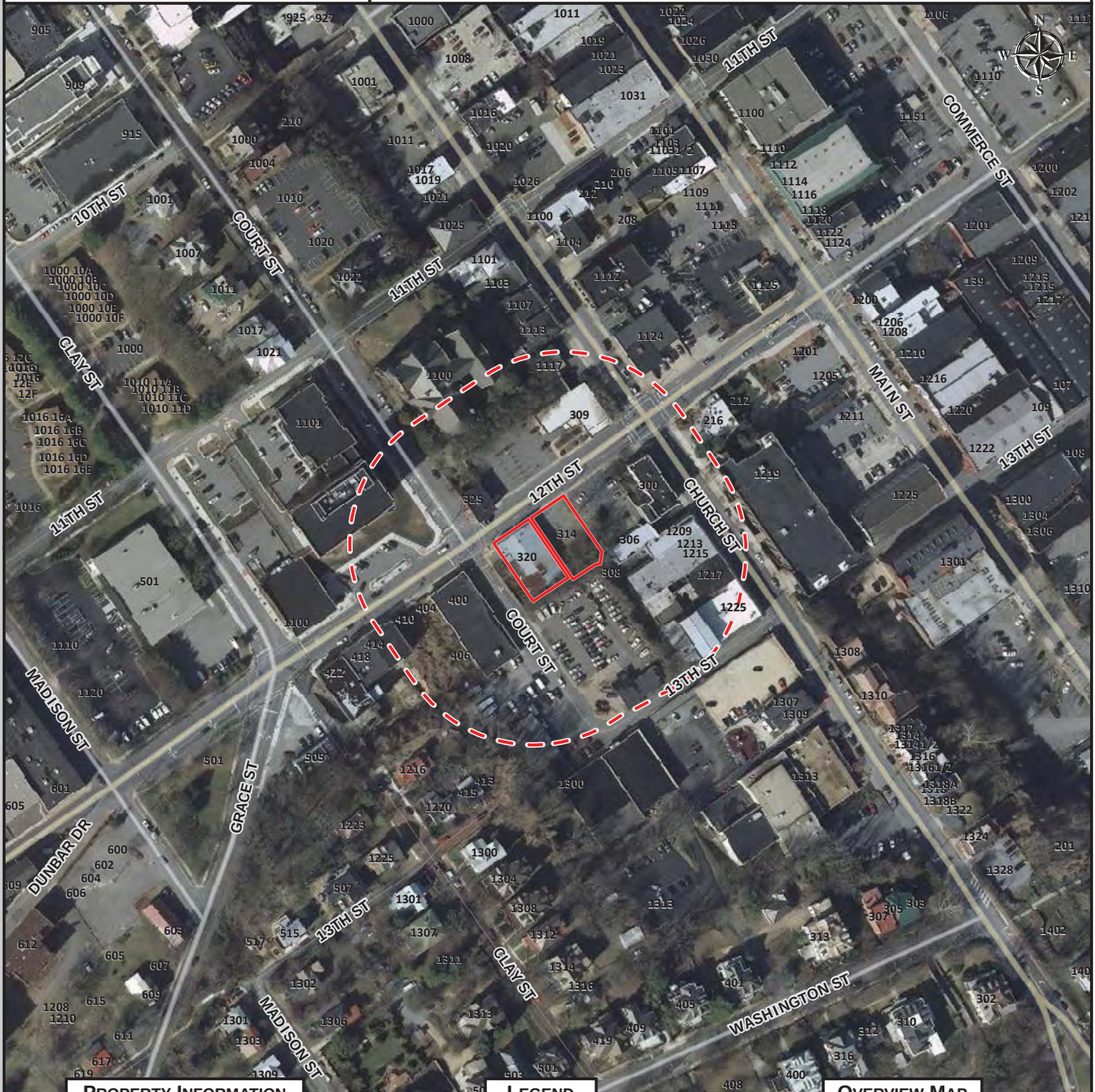
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# Watershed Map

# REZONING FOR APARTMENTS

Zoning Request

320 12th Street, LLC



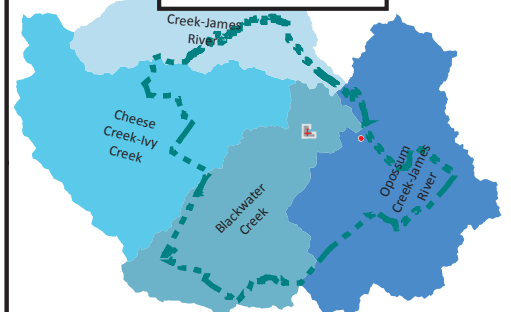
## PROPERTY INFORMATION

| PARCEL ID | ADDRESS     |
|-----------|-------------|
| 02508001  | 320 12TH ST |
| 02508002  | 314 12TH ST |

## LEGEND

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

## OVERVIEW MAP



MAP SCALE: 1" = 33,333' DATE PRINTED: 4/1/2015

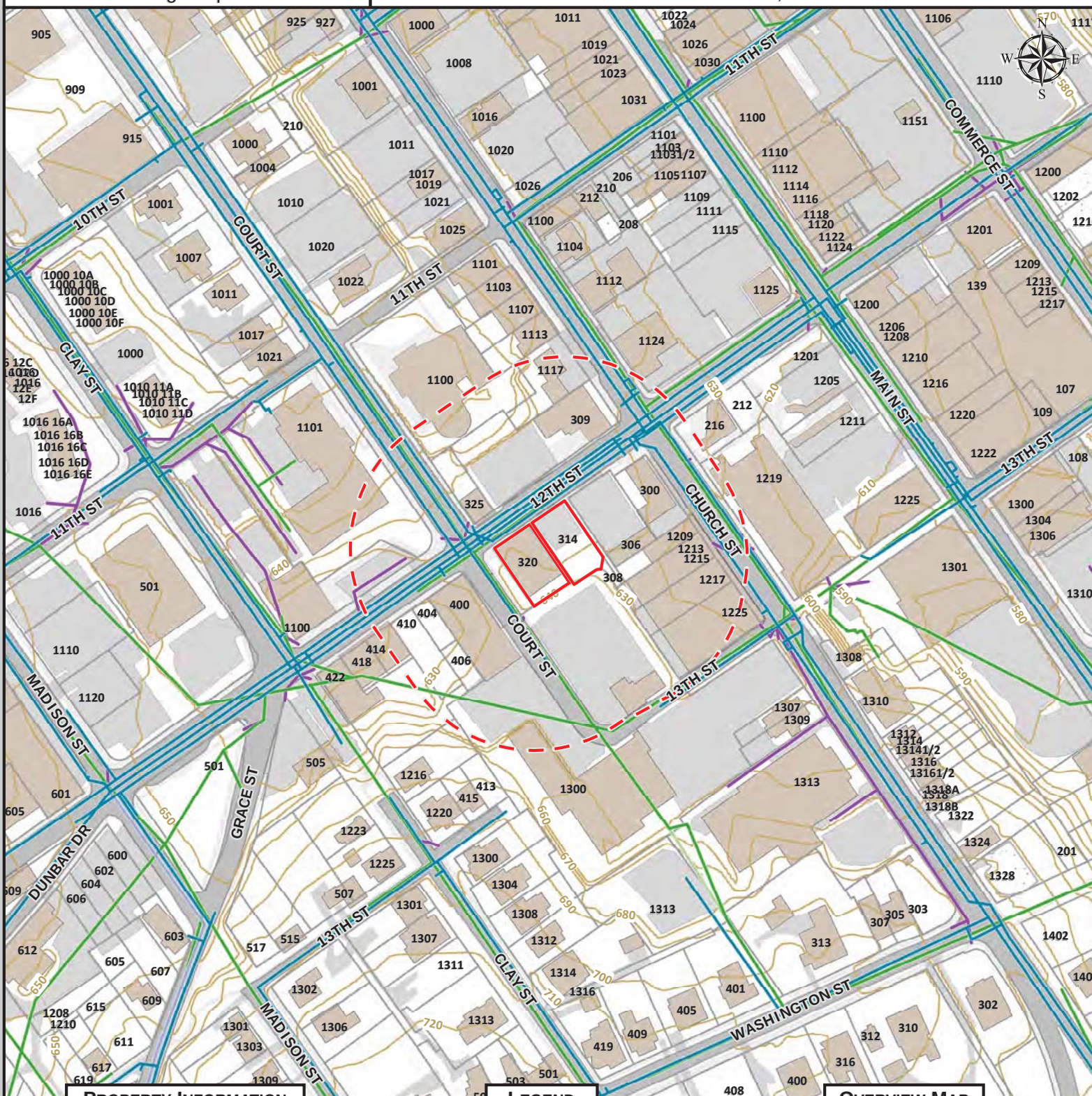
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## Planimetric and Topographic Map

## REZONING FOR APARTMENTS

## Zoning Request

320 12th Street, LLC



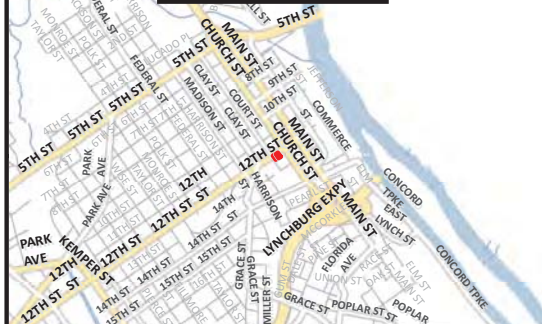
## PROPERTY INFORMATION

| PARCEL ID | ADDRESS     |
|-----------|-------------|
| 02508001  | 320 12TH ST |
| 02508002  | 314 12TH ST |

## LEGEND

|              |           | Active | Proposed | Abandoned |
|--------------|-----------|--------|----------|-----------|
| Utilities    | Water     |        |          |           |
|              | Sanitary  |        |          |           |
|              | Storm     |        |          |           |
| Planimetrics | Structure | -      | -        |           |
|              | Roadway   |        |          | -         |
|              | Parking   |        |          | -         |
|              | Sidewalk  |        | -        | -         |
|              | Driveway  | -      | -        |           |
|              |           | 10'    | 10' Obs  |           |
| Topography   | Contour   |        |          |           |

## OVERVIEW MAP



**MAP SCALE: 1 " to 4,000 ' DATE PRINTED: 4/1/2015**

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**Legal Description: Tract 02588001 No. 320 12th Street**

Beginning at the northwest corner at the intersection of Court Street and 12th Street; Thence along the right of way of 12th Street N55°20'17"E 67.50' to a p.k. nail set; Thence leaving the right of way S35°03'43"E 115.55'; Thence N55°23'17"E 8.00' to a corner; Thence N35°03'43"E 10.00' to a corner; Thence N55°23'17"E 59.50' to a corner; Thence N35°03'43"E 80.61' to the point of beginning; Being No. 320 12th Street and containing 0.159 acres.

**Legal Description: Tract 02588002 No. 314 12th Street**

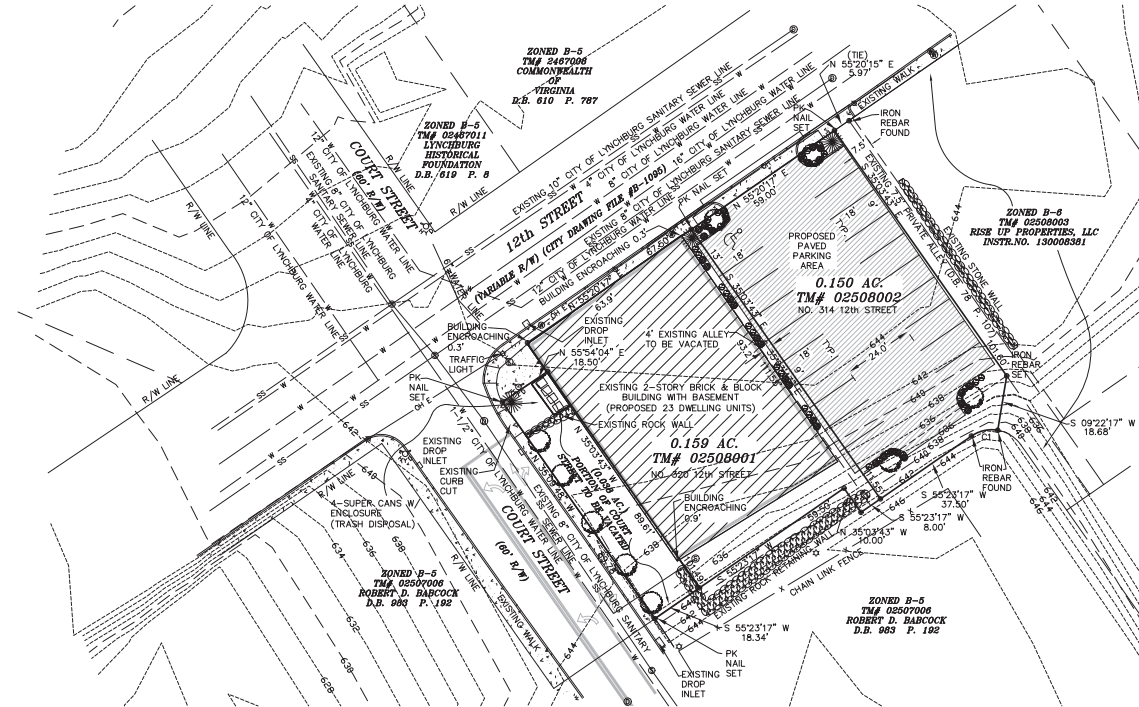
Beginning at a p.k. nail set at the northwest corner 67.50' northeast of the intersection of 12th Street and Court Street; Thence along the right of way N55°20'17"E 59.00' to a p.k. nail set; Thence S35°03'43"E 101.60' to an iron rebar set; Thence S09°22'17"W 18.68' to an iron rebar found; Thence along a curve (C 18 8 577'3257"E, Length 9.12', Radius 12.10' to the point of beginning; Thence S55°23'17"W 37.50' to a corner; Thence N55°03'43"E 115.55' to the point of beginning; Being No. 314 12th Street and containing 0.150 acres.

**Legal Description: Proposed vacation of a portion of Court Street**

Beginning at a p.k. nail set at the northeast corner of the intersection of 12th Street and Court Street; Thence along the right of way of 12th Street N55°54'04"E 18.50' to a corner; Thence leaving the right of way S35°03'43"E 80.61' to a corner; Thence S55°23'17"W 18.34' to a p.k. nail set; Thence along the right of way of Court Street N35°09'48"E 89.78' to the point of beginning; Being a proposed vacation of a portion of Court Street and containing 0.038 acres.

**Legal Description: Proposed vacation of 4' Alley**

Beginning at a p.k. nail set at the northeast property corner between No. 314 and No. 320 12th Street 63.9' northeast of the intersection of Court Street and 12th Street; Thence S35°03'43"E 111.55' to a property corner at end of 4' alley; Thence S55°23'17"W 4.00' along end of 4' alley; Thence N35°03'43"W 111.55' to the right of way of 12th Street; Thence along the right of way of 12th Street S55°20'17"E 111.55' to the point of beginning; Being existing 4' Alley and containing 0.010 acres.



SEC. 35.1-25.1.7  
PARKING SCREENING  
59' FRONTAGE / 3 SHRUBS = 20 REQ'D  
20 LARGE SHRUBS REQUIRED  
20 LARGE SHRUBS PROVIDED

SEC. 35.1-25.1.8  
STREET STREET  
228' FRONTAGE / 40' = 7 REQ'D  
7 SHADE TREES REQUIRED  
7 SHADE TREES PROVIDED

SEC. 35.1-25.1.8  
FOUNDATION PLANTINGS  
157' FOUNDATION / 50' = 3 TREES REQ'D  
157' FOUNDATION / 10 SHRUBS = 16 REQ'D

3 ORNAMENTAL TREE REQUIRED  
3 ORNAMENTAL TREE PROVIDED  
16 LARGE SHRUBS REQUIRED  
20 LARGE SHRUBS PROVIDED

SEC. 35.1-25.1.10  
UTILITY SCREENING  
AROUND ANY EXISTING AND  
PROPOSED LOCATION OF  
HVAC UNITS & ABOVE GROUND  
UTILITIES

SEC. 35.1-25.1.7  
PARKING AREA LANDSCAPING  
20 SPACES / 8 TREES = 3 REQ'D  
20 SPACES / 1 SHRUB = 20 REQ'D

3 SHADE TREES REQUIRED  
4 SHADE TREES PROVIDED  
20 MEDIUM SHRUBS REQUIRED  
20 MEDIUM SHRUBS PROVIDED

**PLANT LIST**

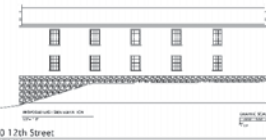
| KEY | QTY | COMMON NAME         | BOTANICAL NAME               | SIZE       | HEIGHT<br>AT PLANTING | REMARKS       |
|-----|-----|---------------------|------------------------------|------------|-----------------------|---------------|
|     | 16  | RED MAPLE           | ACER RUBRUM                  | 1-1/2" CAL | 4'                    | WELL BRANCHED |
|     | 16  | FLOWERING<br>CHERRY | PRUNUS SERRULATA<br>"SHIRAZ" | 1-1/2" CAL | 4'                    | WELL BRANCHED |
|     | 76  | JAPANESE HOLLY      | ILEX CRENATA                 | N/A        | 3'                    | FULL PLANT    |
|     | 30  | WINTER RED<br>HOLLY | ILEX VERTICILLATA            | N/A        | 3'                    | FULL PLANT    |

| CURVE TABLE |           |        |        |       |               |
|-------------|-----------|--------|--------|-------|---------------|
| CURVE       | DELTA     | LENGTH | RADIUS | CHORD | CHORD BEARING |
| C1          | 44°17'40" | 9.35   | 12.10  | 9.12  | S 77°32'57" W |



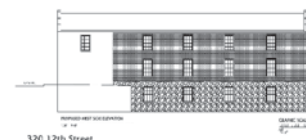
320 12th Street

A.8



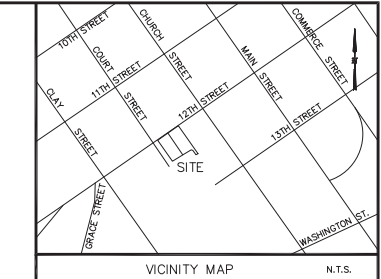
320 12th Street

A.9



320 12th Street

A.10



VICINITY MAP

N.T.S.

**NARRATIVE:**  
THE PURPOSE OF THIS SITE PLAN FOR REZONING IS TO REQUEST A ZONE CHANGE FROM THE CURRENT BUSINESS ZONE OF B-5 TO B-6 (RIVERFRONT BUSINESS DISTRICT). THE ZONE CHANGE WILL ALLOW THE PROPOSED RESIDENTIAL USE (23 UNITS) AND PROPOSED PARKING AREA AS SHOWN ON THE PROPOSED PLAN. THIS PROPERTY IS CURRENTLY SERVED BY CITY OF LYNCHBURG WATER AND SEWER. THIS PROPERTY IS IN THE COMBINED SEWER OVERFLOW DISTRICT AND THEREFORE EXEMPT FROM STORMWATER QUALITY AND QUANTITY. HOWEVER, THE DESIGN FOR THE EROSION CONTROL MINIMUM STANDARD 19 WILL BE ADOPTED UPON APPROVAL OF REZONING ON THE COMPLETED CONSTRUCTION PLAN SET.

**GENERAL NOTES:**

- 1.) THIS PLAN HAS BEEN PREPARED FROM AN ACTUAL FIELD SURVEY AND THERE ARE NO VISIBLE EASEMENTS OR ENCROACHMENTS EXCEPT AS SHOWN HEREON.
- 2.) THIS PLAN HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT, THEREFORE, NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.
- 3.) THE AREA SHOWN IS LOCATED IN ZONE "C" AND DOES NOT FALL WITHIN FLOOD HAZARD ZONE FOR A 100 YEAR FLOOD AS SHOWN ON A MAP PANEL NO. 5100930042D DATED JUNE 3, 2008 BY F.E.M.A.
- 4.) THIS PROPERTY IS ZONED B-5 BUSINESS. PROPOSED ZONE CHANGE TO B-6 RIVERFRONT BUSINESS DISTRICT.
- 5.) ALL LIGHTING WILL BE GLARE SHIELDED AND NON-DIRECTIONAL TO PREVENT ILLUMINATION ACROSS THE PROPERTY LINES.
- 6.) LANDSCAPING SHALL BE IN COMPLIANCE WITH CITY OF LYNCHBURG LANDSCAPE ORDINANCE. ALL ABOVE GROUND UTILITIES SUCH AS HVAC UNITS AND RPZ'S SHALL HAVE LANDSCAPE SCREENING.
- 7.) THIS PROPERTY WILL UTILIZE CITY OF LYNCHBURG WATER AND SEWER.
- 8.) CONTRACTOR SHALL CONTACT "MISS UTILITY" A MINIMUM OF 48 HOURS PRIOR TO EXCAVATION.
- 9.) OWNER/CONTRACTOR WILL PRIOR TO FINAL SITE STABILIZATION, TO DETERMINE FERTILIZER APPLICATION RATES FOR THE ESTABLISHMENT OF GRASS ON SITE. THE VIRGINIA COOPERATIVE EXTENSION OR A GEOTECHNICAL FIRM (WITH SOIL TESTING FACILITIES) WILL BE CONTACTED TO OBTAIN A SOLS REPORT FOR NUTRIENT APPLICATION.
- 10.) THE PROPOSED USE OF THE BUILDING WILL BE FOR 23 RESIDENTIAL UNITS.
- 11.) PARKING REQUIRED:  
THIS PROPERTY WILL HAVE 23 RESIDENTIAL UNITS. HOWEVER, THE PROPOSED ZONE CHANGE TO B-6 DOES NOT REQUIRE THIS PROPERTY TO MEET THE MINIMUM PARKING REQUIREMENTS.  
  
PARKING PROVIDED:  
19 TYPICAL 9'x18' SPACES  
+1 ADA HANDICAP SPACES  
20 TOTAL SPACES PROVIDED
- 12.) B-6 SETBACKS  
FRONT YARD = 0'  
SIDE YARD = 0'  
REAR YARD = 0'



OWNER INFORMATION:  
320 12th STREET, LLC  
1708 ARLINGTON ROAD, SW  
ROANOKE, VA 24015

SOURCE OF TITLE:  
TAX MAP 02588001  
320 12th STREET, LLC  
INSTR.NO. 150005715



**Nixon Land Surveying, L.L.C.**  
10800 Airport Road  
Lynchburg, VA 24502  
Phone: (434) 297-3600  
Fax: (434) 297-0899  
Email: nls@nixonland.com  
www.nixonland.com

**SURVEYED FOR:**

**320 12th STREET, LLC**

**SITE PLAN FOR REZONING**  
**PROPOSED CONDOMINIUM PROPERTY OF**  
**320 12th STREET, LLC**  
**NO. 314 & 320 12th STREET**  
**CITY OF LYNCHBURG, VIRGINIA**

COMM. NO.: 2015040 | REVISION: 03/23/15  
SCALE: 1"=20' | DR. BY: YPB | DATE: 03/09/15  
SHEET: 1 OF 1 | CHK. BY: BEN DNR, NRE, SITE





## Public Hearing - April 8, 2015

[illegible]

# LYNCHBURG CITY COUNCIL

## Agenda Item Summary

MEETING DATE: **May 12, 2015**

AGENDA ITEM NO.: 5

CONSENT: REGULAR: X

WORK SESSION:

CLOSED SESSION:  
(Confidential)

ACTION: X

INFORMATION:

ITEM TITLE: **Vacate a portion of Court Street and an unnamed alley**

RECOMMENDATION: Vacate both right-of-ways.

SUMMARY: 320 12<sup>th</sup> Street, LLC, the owner of 314 and 320 12<sup>th</sup> Street, is petitioning to vacate two separate right-of-ways: 1) a portion of right-of-way along the eastern side of Court Street that adjoins to 320 12<sup>th</sup> Street and 2) an unnamed alley between 314 and 320 12<sup>th</sup> Street. The total area of the proposed Court Street vacation is approximately thirty-eight thousandths (0.038) of an acre. The area of the unnamed alley that would be vacated is approximately ten thousandths (0.010) of an acre.

Both of these right-of-way vacations are associated with a rezoning petition also on this evening's agenda. The petition would allow for adaptive reuse of an existing building as multi-family housing units and associated parking.

The alley does not serve as access to any adjoining properties and the existing sidewalk on Court Street will remain within the right-of-way. The impact of these vacations to the immediate area is negligible.

PRIOR ACTION(S):

April 6, 2015: The Technical Review Committee [TRC] reviewed the petition. TRC comments have been incorporated into the proposed ordinance.

April 14, 2015: The Physical Development Committee [PDC] reviewed the petition and recommended it be considered by City Council.

FISCAL IMPACT: None

CONTACT(S): Anne Nygaard, Planner II – 455-3900  
Kevin Henry, Zoning Administrator – 455-3900  
Kent White, Director of Community Development – 455-3900

ATTACHMENT(S):

- Ordinance
- Application
- Plan and Aerial Photo

REVIEWED BY: lkp

UNCODIFIED ORDINANCE:

AN ORDINANCE VACATING A PORTION OF THE COURT STREET RIGHT-OF-WAY, WHICH ADJOINS A PROPERTY AT 320 12<sup>TH</sup> STREET, WHICH IS APPROXIMATELY THIRTY-EIGHT THOUSANDTHS (.038) OF AN ACRE. ALSO BEING VACATED IS AN ALLEY LOCATED BETWEEN 314 AND 320 12<sup>TH</sup> STREET, WHICH IS FOUR (4) FEET WIDE AND EXTENDS APPROXIMATELY ONE HUNDRED FIVE (105) FEET.

WHEREAS, 320 12<sup>th</sup> Street, LLC is petitioning to vacate a portion of the Court Street right-of-way, which adjoins a property at 320 12<sup>th</sup> Street, which is approximately thirty-eight thousandths (.038) of an acre. Also being vacated is an alley located between 314 and 320 12<sup>th</sup> Street, which is four (4) feet wide and extends approximately one hundred five (105) feet.; and

WHEREAS, City Council finds that no public inconvenience will result from vacating the 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 Sections 35-71 through 35-77 of the City Code, 1981, as amended, the following described right-of-way be, and the same hereby is, discontinued and vacated, namely:

A portion of right-of-way beginning at a nail set at the northwest corner of the intersection of 12th Street and Court Street; Thence along the right-of-way of 12th Street N55°54'04"E 18.50' to a corner; Thence leaving the right-of-way S35°03'43"E 89.61' to a corner; Thence S55°23'17"W 18.34' to a p.k. nail set; Thence along the right-of-way of Court Street N35°09'48"E 89.78' to the point of beginning. Being a proposed vacation of a portion of Court Street and containing 0.038 acres.

Secondly, a right-of-way beginning at a nail set at the northeast property corner between No. 314 and No. 320 12<sup>th</sup> Street 63.9' northeast of the intersection of Court Street and 12<sup>th</sup> Street; Thence S35°03'43"E 111.55' to a property corner at end of 4' alley; Thence S55°23'17"W 4.00' along end 4' alley; Thence N35°03'43"W 111.55' to the right-of-way of 12<sup>th</sup> Street; Thence along the right-of-way of 12<sup>th</sup> Street N55°20'17"E 111.55' to the point of beginning. Being existing 4' Alley and containing 0.010 acres.

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 (2) 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

042K

APPLICATION FOR THE VACATION OF A

PART OF COURT STREET  
(Street/Alley)

LOCATED BETWEEN

Court Street & Church Street

**RECEIVED**

**MAR 26 2015**

COMMUNITY  
DEVELOPMENT

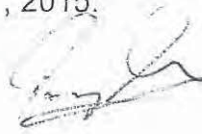
The undersigned applicant, 320 12<sup>TH</sup> STREET, LLC, pursuant to the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, and Section 35-71 through Section 35-77 of the City Code, 1981, as amended, respectfully makes application to the Lynchburg City Council for the vacation of that certain street described as follows:

Proposed vacation of a portion of Court Street

Beginning at a p.k. nail set at the northwest corner of the intersection of 12th Street and Court Street; Thence along the right of way of 12th Street N55°54'04"E 18.50' to a corner; Thence leaving the right of way S35°03'43"E 89.61' to a corner; Thence S55°23'17"W 18.34' to a p.k. nail set; Thence along the right of way of Court Street N35°09'48"E 89.78' to the point of beginning. Being a proposed vacation of a portion of Court Street and containing 0.038 acres.

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 May 12, 2015, 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 street.

Given under my hand this 23 day of March , 2015.



Applicant

1708 Arlington Street, Roanoke, Va. 24015

Address

434-515-2411

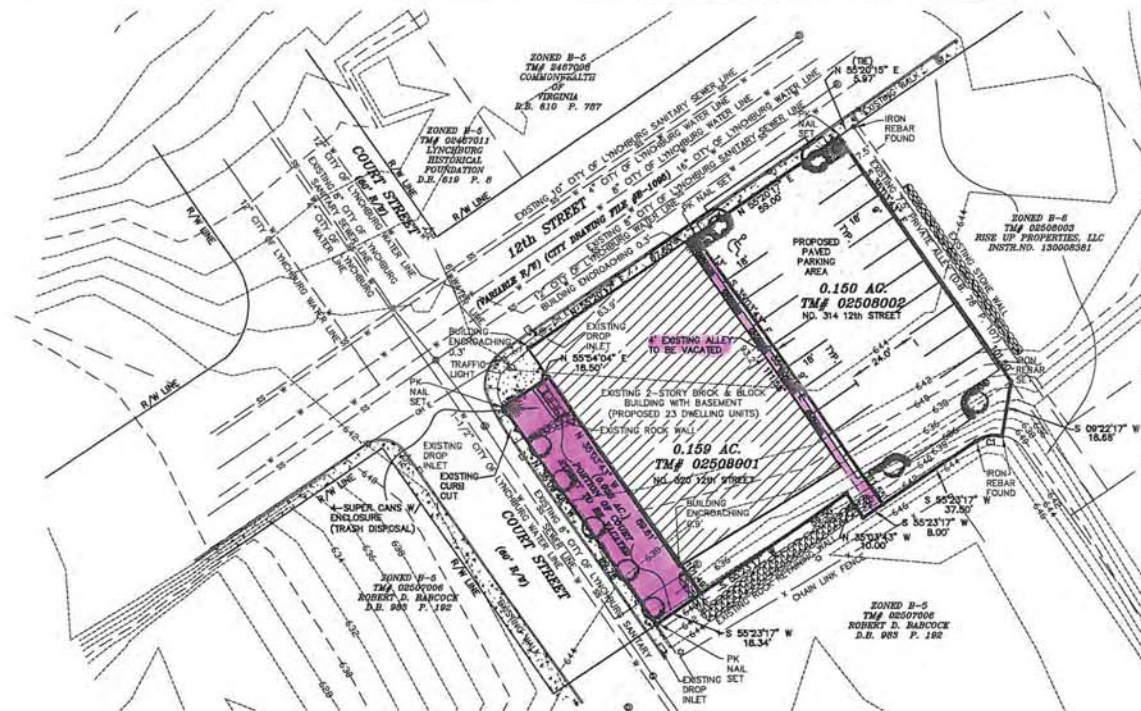
Telephone Number

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

**Legal Description:** Tract 02188801 No. 320 12th Street  
Beginning at the northwest corner of the intersection of Court Street and 12th Street; Thence along the right of way of 12th Street N57°20'17"E 67.50' to a p.k. nail set; Thence leaving the right of way S57°03'43"E 115.55' to a corner; Thence N57°23'17"E 8.00' to a corner; Thence N57°03'43"E 10.03' to a corner; Thence N57°23'17"E 59.50' to a corner; Thence N57°03'43"E 89.61' to the point of beginning. Being No. 320 12th Street containing 0.159 acres.

**Legal Description:** Tract 02188802 No. 314 12th Street  
Beginning in a p.k. nail set at the northwest corner 61.50' southeast of the intersection of 12th Street and Court Street; Thence along the right of way N57°20'17"E 59.00' to a p.k. nail set; Thence S57°03'43"E 101.67' to an iron rebar set; Thence S57°23'17"E 18.48' to an iron rebar found; Thence along a curve CR = 377'42.57'E, Length = 9.12, Radius = 12.10' to an iron rebar found; Thence S57°23'17"W 37.50' to a corner; Thence N57°03'43"E 115.55' to the point of beginning. Being No. 314 12th Street containing 0.150 acres.

**Legal Description:** Proposed vacation of a portion of Court Street  
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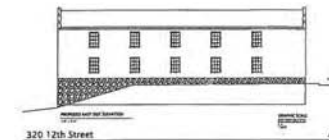


| PLANT LIST                                                                          |     |                      |                            |            |                    |               |
|-------------------------------------------------------------------------------------|-----|----------------------|----------------------------|------------|--------------------|---------------|
| KEY                                                                                 | QTY | COMMON NAME          | BOTANICAL NAME             | SIZE       | HEIGHT AT PLANTING | REMARKS       |
|  | 16  | RED MAPLE            | ACER RUBRUM                | 1-1/2" CAL | 4'                 | WELL BRANCHED |
|  | 16  | FLOWERING CHERRY     | PRUNUS SERRULATA "SHIRAZU" | 1-1/2" CAL | 4'                 | WELL BRANCHED |
|  | 76  | DWARF JAPANESE HOLLY | ILEX ORNATA                | N/A        | 3'                 | FULL PLANT    |
|  | 30  | WINTER RED HOLLY     | ILEX VERTICILLATA          | N/A        | 3'                 | FULL PLANT    |

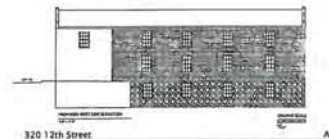
| CURVE TABLE |           |        |        |               |
|-------------|-----------|--------|--------|---------------|
| CURVE       | DELTA     | LENGTH | RADIUS | CHORD         |
| C1          | 44°17'40" | 9.35   | 12.10  | 8.12          |
|             |           |        |        | S 77°32'57" W |



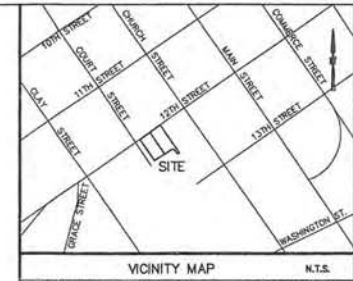
320 12th Street A.8



320 12th Street A.9



320 12th Street A.10



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- PARKING PROVIDED:**
- 16 TYPICAL 8'x18' SPACES
  - 41 ADA HANDICAP SPACES
  - 20 TOTAL SPACES PROVIDED
- 12.) B-8 SETBACKS: FRONT YARD = 0' SIDE YARD = 0' REAR YARD = 0'



**RECEIVED**  
**MAR 26 2015**  
**COMMUNITY DEVELOPMENT**

OWNER INFORMATION:  
320 12th Street, LLC  
1700 ARLINGTON ROAD, SW  
ROANOKE, VA 24015

SOURCE OF TITLE:  
TAX MAP 02508001  
320 12th Street, LLC  
INSTR. NO. 150000715



**SURVEYED FOR:**  
Nixon Land Surveying, L.L.C.  
1600 Airport Road  
Lynchburg, VA 24002  
Phone: (404) 257-3600  
Fax: (404) 257-0699  
www.nixonland.com

**320 12th Street, LLC**  
SITE PLAN FOR REZONING  
PROPOSED CONDOMINIUM PROPERTY OF  
320 12th Street, LLC  
NO. 314 & 320 12th STREET  
CITY OF LYNCHBURG, VIRGINIA

CONC. NO. 2015-040 REVISED: 03/25/15  
SCALE: 1"=20' (DR. BY) VPE DATE: 03/25/15  
DESIGNED: J. J. J. (DR. BY) VPE DATE: 03/25/15

|                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SEC. 35.1-25.1.7<br>PARKING SCREENING<br>50' FRONTAGE / 3 SHRUBS = 20 REQ'D<br>20 LARGE SHRUBS REQUIRED<br>20 LARGE SHRUBS PROVIDED                                                                                                               | SEC. 35.1-25.1.8<br>STREET STREET<br>220' FRONTAGE / 40' = 7 REQ'D<br>7 SHADE TREES REQUIRED<br>7 SHADE TREES PROVIDED                                                                                                                                                                                                                                      |
| SEC. 35.1-25.1.8<br>FOUNDATION PLANTINGS<br>157' FOUNDATION / 50' = 3 TREES REQ'D<br>157' FOUNDATION / 10 SHRUBS = 16 REQ'D<br>3 ORNAMENTAL TREES REQUIRED<br>3 ORNAMENTAL TREES PROVIDED<br>16 LARGE SHRUBS REQUIRED<br>20 LARGE SHRUBS PROVIDED | SEC. 35.1-25.1.10<br>UTILITY SCREENING<br>AROUND ANY EXISTING AND PROPOSED LOCATION OF HVAC UNITS & ABOVE GROUND UTILITIES<br>SEC. 35.1-25.1.7<br>PARKING AREA LANDSCAPING<br>20 SPACES / 8 TREES = 3 REQ'D<br>20 SPACES / 1 SHRUB = 20 REQ'D<br>3 SHADE TREES REQUIRED<br>4 SHADE TREES PROVIDED<br>20 MEDIUM SHRUBS REQUIRED<br>20 MEDIUM SHRUBS PROVIDED |

# 314-320 12th Street

Right-of-Way Vacation



Location

